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# INDEX

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## THE FEDERAL REGISTER INDEX

The Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

A cumulative codification guide, keyed to the *Code of Federal Regulations*, is also published monthly. The guide lists titles, parts, and sections, and indicates the nature of changes effected by *Federal Register* documents published to date in the calendar year. Proposed rules are listed at the end of pertinent titles.




Page

**Additives, Color and Food:**
*See* Food and Drug Administration.

**Agency for International Development:**
AUTHORITY DELEGATIONS by Administrator to Assistant Administrator, Latin America:
Agreements, projects, and programs financed by A.I.D. 18392
Personnel; assignment, grades, etc. 18392
COMMODITY TRANSACTIONS financed by A.I.D., rules and procedures applicable to; continuation in effect of certain prior issuances 18288
VOLUNTARY FOREIGN AID AGENCY, certificate of registration; Christian Reformed World Relief Committee, Inc. 18392

**Agricultural Conservation Programs:**
*See* Agriculture Department.

**Agriculture Department:**
ANIMALS:
*See also* Cats, dogs; Meat and meat products; Packers and Stockyards Division.
Diseases:
Foot-and-mouth 16907
Rinderpest 16807
Scabies in sheep 15943
Imports:
Animal semen 18274
Overtime services, travel time 16316
Overtime services, imports and exports; travel time 16316
AVOCADOS, marketing; Florida 16258, 19259
BARLEY; price-support program, 1964 crop 18212
BEANS, dry edible; price-support program, 1964 crop 18212
BLUEBERRIES, standards; proposed rule, extension of time 19109
CATS, DOGS, and other carnivora, products for; inspection and certification:
Composition 18418
Definitions, "poultry" and "poultry products" 18418
COMMODITY CREDIT CORPORATION. *See main heading* Commodity Credit Corporation.
COMMODITY EXCHANGE AUTHORITY. *See main heading* Commodity Exchange Authority.
CONSERVATION PROGRAMS, agricultural, national, 1964 18149
CORN; price-support program, 1964 crop 18212
COTTON:
Marketing quotas, farm acreage allotments, etc., 1965 crops:
Extra long staple 16184, 16248, 18003
Upland 16184, 16775, 18004
Price-support program; 1964 crop 18213
CRANBERRIES, marketing; certain States 16078
DAIRY PRODUCTS:
*See also* Milk and milk products.
Exports; nonfat dry milk, payment rates-by-contracts 17032
DISASTER AREAS; need for agricultural credit:
Arkansas, 16872.
Kansas, 16872, 17002.
Louisiana, 18182.
Michigan, 18514.
Montana, 19114
North Carolina, 15962.
North Dakota, 16210, 19114
Pennsylvania, 19265.
Texas, 15962, 18394.
West Virginia, 18514.
Wisconsin, 17002.
DOGS, CATS, and other carnivora, products for; inspection and certification:
Composition 18418
Definitions, "poultry" and "poultry products" 18418
EXPORTS; dairy products, payment rates by contract 17032
FARMERS HOME ADMINISTRATION, organization; assignment and reservations of functions 16214, 16840
FEDERAL CROP INSURANCE CORPORATION. *See main heading* Federal Crop Insurance Corporation.
FLAXSEED; price-support program, 1964 crop 18212
FOOD STAMP PROGRAM:
Definitions, general information 16784
State agencies and eligible households, participation 16786

Page

**Agriculture Department—Continued**
FOREST SERVICE; organization, assignment and reservations of functions 16216
GRAIN SORGHUM; price-support program; 1964 crop 18212
GRAINS:
*See also specific grains.*
Price-support program, 1964 crop 18212
GRAPEFRUIT, marketing:
Arizona, 17030.
California, 17030
Florida, 16314, 16993.
HONEY; price-support program, 1964 crop 18212
HUMANE SLAUGHTER; identification of carcasses 16210
IMPORTS:
Animal semen 18274
Meat limitations 19114
Restrictions, onions 19260
LAND USE ADJUSTMENT PROGRAM; 1964–65 cropland conversion program 18007
LEMONS, marketing; Arizona and California 16078, 16316, 17031, 18045, 18415
LETTUCE, marketing; Texas 16833, 19094
LIMES, marketing; Florida 16258, 19259
LIVESTOCK:
*See also* Meat and meat products; Packers and Stockyards Division.
Humane slaughter; identification of carcasses 16210
MARKETING QUOTAS, farm acreage allotments, etc.:
*See also specific commodities.*
Reconstitution of farms 16184
Referenda 16184
MEAT AND MEAT PRODUCTS:
*See also* Packers and Stockyards Division.
Humane slaughter of livestock; identification of carcasses 16210
Import limitations 19114
MILK AND MILK PRODUCTS:
Export payment rates by contracts, nonfat dry milk 17032
Marketing in various areas, orders proposed or adopted:
Arizona:
Central, 16866, 17822.
Arkansas:
Ozarks, 18052.
Colorado:
Colorado Springs-Pueblo, 18380.
Eastern, 18381.
Delaware:
Delaware Valley, 16966, 16994, 18429.
District of Columbia:
Washington, D.C., 18014
Illinois:
Central, 17822.
Chicago, 16408, 16417, 18091.
Quad cities-Dubuque, 18007, 18051.
St. Louis, 18049, 19235.
St. Louis, suburban, 18046.
Indiana:
Fort Wayne, 17041, 17816, 18475.
Indianapolis, 17816, 18476.
Louisville-Lexington-Evansville, 17908, 18416.
South Bend-Laporte-Elkhart, 16421.
Iowa:
Cedar Rapids-Iowa City, 18008.
Des Moines, 18010.
Nebraska-Western, 16926.
North Central, 18009.
Quad cities-Dubuque, 18007, 18051.
Kentucky:
Louisville-Lexington-Evansville, 17908, 18416.
Tri-state, 16259, 16855.
Maryland:
Washington, D.C., 18014.
Michigan:
Upper Peninsula, 16200.
Missouri:
Ozarks, 18052.
St. Joseph, 18152.
St. Louis, 18049, 19235.
Nebraska:
Nebraska-Western, 16926.

**Agriculture Department—Continued** Page

MILK AND MILK PRODUCTS—Continued
Marketing in various areas, orders proposed or adopted—Continued
Nevada:
Great Basin, 17815
New Jersey:
Delaware Valley, 16966, 16994, 18429
Ohio:
Northeastern, 16197, 18091, 18415
Tri-state, 16259, 16855
Pennsylvania:
Delaware Valley, 16966, 16994, 18429
Tennessee:
Nashville, 18429
Texas:
North, 16198, 18434, 19235
Utah:
Great Basin, 17815
Virginia:
Washington, D.C., 18014
West Virginia:
Tri-state, 16259, 16855
Wyoming:
Great Basin, 17815
Standards, nonfat dry milk ... 19091
MOHAIR, payment program ... 18153
NECTARINES, marketing; California ... 16966, 18514
NONDISCRIMINATION:
Direct USDA programs and activities ... 16966
Federally-assisted programs under Civil Rights Act of 1964 ... 16274, 16966
OATS; price-support program, 1964 crops ... 18212
ONIONS:
Import restrictions, proposed rule ... 19260
Marketing; Texas ... 19234
ORANGES, marketing:
Arizona and California, naval oranges, 16315, 16907, 17030, 17814, 18045, 18415
Florida, 16313, 16314, 16315
ORGANIZATION AND FUNCTIONS:
Agricultural Marketing Service ... 16212
Agricultural Research Service ... 16212
Agricultural Stabilization and Conservation Service ... 16213
Agriculture Department ... 16210
Commodity Exchange Authority ... 16214
Cooperative State Research Service ... 16214
Economic Research Service ... 16214
Farmer Cooperative Service ... 16214
Farmers Home Administration ... 16214
Federal Crop Insurance Corporation ... 16215
Federal Extension Service ... 16215
Foreign Agricultural Service ... 16215
Forest Service ... 16216
International Agricultural Development Service ... 16218
National Agricultural Library ... 16218
Rural Areas Development Office ... 16218
Rural Electrification Administration ... 16217
Soil Conservation Service ... 16217
Statistical Reporting Service ... 16218
OVERTIME SERVICES; imports and exports, animals and animal products, travel time ... 16316
PACKERS AND STOCKYARDS DIVISION:
Bonding provisions, general; proposed rules ... 19261
Posted stockyards, designation or removal ... 16210, 16434, 16871, 18238, 19113
PEACHES, marketing:
California, Elberta, 16854, 18514
Georgia, fresh, 16938
PEANUTS:
Marketing quotas, acreage allotments, etc.; 1963 and subsequent crops ... 16185
Price support program, 1964 crop ... 18212
PEARS, fresh Bartlett, marketing; California ... 16854, 18514
PLANT QUARANTINE, domestic; Mexican fruit fly, proposed rule ... 18509
PLUMS, marketing; California ... 16854, 16993, 18514, 19094
POULTRY PRODUCTS, inspection, poultry soup; effective date ... 18474
PRICE-SUPPORT PROGRAMS. *See under main heading* Commodity Credit Corporation.

**Agriculture Department—Continued** Page

PROCUREMENT REGULATIONS; debarred, suspended and ineligible bidders ... 17040
PRUNES, canned, dried; purchase program FMP 26a ... 17123
RICE:
Marketing quotas, acreage allotments, etc.:
1958 and subsequent crops ... 17086
1964 and subsequent crops ... 17086, 19233
1965 crop ... 19232, 19265
Price-support program, 1964 crop ... 18212
RURAL ELECTRIFICATION ADMINISTRATION; organization and functions ... 16217
RYE; price-support program, 1964 crop ... 18212
SOIL CONSERVATION SERVICE; organization, assignment and reservations of functions ... 16217
SOYBEANS; price-support program, 1964 crop ... 18212
SUGAR:
Allotment of quotas:
Local consumption, 1965 crop:
Hawaii ... 17122, 19233
Puerto Rico ... 17122, 19233
Mainland cane area; 1964 crop ... 19092
Continental requirements and area quotas, 1965 crop ... 18149
Importing sugar or liquid sugar ... 18151
Proportionate shares; 1965 crops:
Beet sugar area, domestic ... 17029
Cane sugar area, mainland ... 17029
TANGELOS, marketing; Florida ... 16315
TANGERINES, marketing; Florida ... 16314
TOBACCO:
Inspection; standards, Pennsylvania seedleaf ... 16854
Marketing quotas, farm acreage allotments, etc., 1965–68 marketing years, flue-cured tobacco ... 16077, 16097
TUNG OIL; price-support program, 1964 crop ... 18212
WHEAT:
Loan and purchase program, 1964 ... 15943
Marketing certificate program, processor, 1964 ... 17086
Marketing quotas, acreage allotments, etc.; 1965 crop ... 19092
Price-support program, 1964 crop ... 18212
Standards; proposed rule ... 17816
WOOL; payment program ... 18153

**Air Carriers:**
*See* Aircraft and air carriers.

**Air Force Department:**
*See also* Defense Department.
MORTUARY BENEFITS ... 16323
PROCUREMENT:
Advertising, formal ... 17038
Contracts:
Clauses ... 17038
Financing, appendix E ... 17040
General provisions ... 17037
Negotiation; letter contract ... 17038
Reports, financial management ... 17039

**Aircraft and Air Carriers:**
FEDERAL AIRWAYS, control areas, etc. *See* Federal Aviation Agency.
RADIO SERVICES. *See* Federal Communications Commission.
REGULATIONS. *See* Civil Aeronautics Board; Federal Aviation Agency.

**Airports:**
FEDERAL AID, fringe benefit requirements ... 18000
INTERNATIONAL AIRPORT, proposed revocation of designation as; Malone-Dufort Airport, New York ... 17042

**Alcoholic Beverages:**
EXCISE TAXES. *See* Internal Revenue Service.

**Alien Property Office:**
RETURN OF VESTED PROPERTY:
Chwala, August, 18182.
Geyer, Anna Maria, 16261.
Ofner, Rosa, et al., 16839.

**Aliens:**
IMMIGRATION REGULATIONS. *See* Immigration and Naturalization Service.
INCOME TAX REGULATIONS ... 17810, 18355
VESTED PROPERTY, return of. *See* Alien Property Office.
VISAS. *See* State Department.





**Anchorage Regulations:** Page
*See* Engineers Corps.

**Animals:**
*See also* Livestock; Wildlife refuges.
DOGS, CATS, products for; inspection and certification ... 18418

**Antidumping Act of 1921:**
DETERMINATIONS. *See* Customs Bureau; Treasury Department.
INVESTIGATIONS. *See* Tariff Commission.

**Armed Services:**
*See also* Defense Department *and specific services.*
PROCUREMENT. *See* Air Force Department.
READY RESERVE, screening of (Executive Order 11190) ... 19183

**Army Department:**
*See also* Defense Department.
CANAL ZONE regulations. *See main heading* Canal Zone Government.
CIVILIAN CEREMONIES, troop participation in; nondiscrimination ... 15949
CLAIMS against United States; burial expenses ... 16985
ENGINEERS CORPS regulations. *See main heading* Engineers Corps.
MEDICAL AND DENTAL ATTENDANCE, purpose and scope; correction ... 16251
NONDISCRIMINATION, troop participation in civilian ceremonies ... 15949
ORGANIZATION AND FUNCTIONS, central and field agencies ... 15960

**Atomic Energy Commission:**
BYPRODUCT MATERIAL:
Licensing; proposed rules:
Exempt concentrations, transfers ... 17933
Recodification:
Applicability, general ... 17916
Export and import ... 17932
General licenses ... 17920
Human uses ... 17931
Radiography and radiation safety requirements for radiographic operations ... 17929
Specific licenses:
Broad scope ... 17928
Manufacture, distribute, or import exempted and generally licensed items ... 17922
Terms and conditions of licenses ... 17933
Waste disposal, radioactive material, licenses to listed companies:
Nuclear Engineering Co., Inc., 18239.
Walker Trucking Co., 16435.
NEW YORK; discontinuance of certain AEC regulatory authority, proposed memorandum of understanding ... 18512
NONDISCRIMINATION in federally assisted programs, effectuation of Title VI of Civil Rights Act of 1964 ... 19277
PRACTICE, RULES OF:
Export licenses for facilities; notice requirements, proposed rule ... 16934
Initial decisions in facility licensing cases ... 16831
PROCUREMENT REGULATIONS; patents and copyrights ... 17113
RADIATION SAFETY REQUIREMENTS for radiographic operations; recodification, proposed rules ... 17915
REACTORS AND CRITICAL EXPERIMENT FACILITIES:
Construction and/or operation; licenses or permits to listed companies, etc.:
Connecticut Yankee Atomic Power Co., 18512.
General Dynamics Corps., 16939.
General Electric Co., 17003.
Georgia Institute of Technology, 17050.
Jersey Central Power and Light Co., 18240.
Niagara Mohawk Power Corp., 16266, 18098.
Northrop Corp., 17048, 17049.
Pacific Gas and Electric Co., 17049.
Walter Reed Army Medical Center, 17049.
Washington State University, 16841.
Light water reactors, certain, findings of practical value; proposed rule, scheduling of conference and hearing ... 15957

**Atomic Energy Commission—Continued** Page
REGULATORY AUTHORITY OF AEC, assumption of; agreement with States:
New York, proposed memorandum of understanding ... 18512
Recognition of State licenses, proposed rule ... 17933

**Automobile Tires:**
MARKETING, price advertising and guarantees, etc.; hearing ... 15962

**Automobiles:**
*See* Motor vehicles.

**Avocados:**
MARKETING, Florida ... 16258, 19259

**B**

**Banks:**
INCOME TAX REGULATIONS ... 15957, 17808
INSURED BANKS. *See* Federal Deposit Insurance Corporation.
MERGERS. *See* Federal Reserve System.
NATIONAL BANKS. *See* Comptroller of Currency; Federal Reserve System.

**Barley:**
PRICE SUPPORT PROGRAM, 1964 crop ... 18212

**Beans, Dry Edible:**
PRICE SUPPORT PROGRAM, 1964 crop ... 18212

**Bill of Rights Day:**
PROCLAMATION 3631 ... 16243

**Blueberries:**
STANDARDS for grades; proposed rule, extension of time ... 19109

**Boating:**
NATIONAL PARKS. *See* National Park Service.

**Boats:**
*See* Vessels.

**Bonds:**
REGULATIONS of various agencies. *See specific agencies.*
SAVINGS BONDS. *See* Treasury Department.

**Bridge Regulations:**
*See* Engineers Corps.

**Budget Bureau:**
STANDING INTERAGENCY COMMITTEES chaired by Bureau, establishment or extension of; fiscal year 1964 ... 19117

**Bureau of Standards:**
*See* National Bureau of Standards.

**C**

**Canada:**
BEEF STEAKS from, fair value determination ... 16868

**Canal Zone Government:**
AIR NAVIGATION (CZO 70):
Airworthiness, certification, airman, air traffic, operating, and administrative regulations ... 16328
Military airspace restricted area, Canal Zone set apart as ... 16328
OPERATION AND NAVIGATION of canal and adjacent waters; arriving and departing vessels (CZO 71) ... 17903

**Cats:**
PRODUCTS FOR, certification ... 18418

**Census Bureau:**
FEES for age search and citizenship information ... 17089

**Cheese:**
STANDARDS OF IDENTITY ... 18121

**Child Labor:**
FAIR LABOR STANDARDS ACT, 1938; retailers of goods or services; fourteen-year minimum employment age ... 19104

**Churchill (Sir Winston) Day:** Page
PROCLAMATION 3630 ... 15941

**Civil Aeronautics Board:**
AGREEMENTS. *See under* Economic regulations.
ECONOMIC PROCEEDINGS; petitions for rulemaking ... 16972
ECONOMIC REGULATIONS:
Agreements, filing:
Air Traffic Conference of America:
Free baggage allowance and excess baggage charges ... 17004
"Standard Agent's Ticket and Area Settlement Plan" ... 16219
International Air Transport Association:
Cargo rates ... 18018
Passenger fares ... 18240
Specific commodity rates ... 18019
Charter trips; advertising of charter in mass media, proposed rules:
Special services ... 18509
Transatlantic supplemental air transportation ... 18509
Tariffs of air carriers; publication, filing, posting, etc., proposed rule, time extension ... 16867
FEES AND CHARGES for special services, policy and scope, etc ... 16907
HEARINGS, etc. *See list at end of this agency.*
NONDISCRIMINATION in federally assisted programs, effectuation of Title VI of Civil Rights Act of 1964 ... 19287
ORGANIZATION, fees and charges for special services ... 16907
POLICY STATEMENTS; foreign air carriers, wet leases to; proposed rule ... 17042, 18230
PROCEDURAL REGULATIONS. *See* Economic proceedings.

HEARINGS, INVESTIGATIONS, ETC.:
Adia Airways, 16099.
Aerolineas Argentinas, 18240.
All Nippon Airways Co., Ltd., 18099.
Baggage charges, excess, 17852.
Blocked space air freight tariffs, 18099, 19117.
Bonanza Air Lines, Inc., 16871, 18099.
California Floral Traffic Conference, et al., 18099.
Domestic trunkline and local-service carrier, 18241.
Eastern Air Lines, Inc., 16869.
Falcon Air Freight, Inc., 16870.
Flying Tiger Line, Inc., 17125.
Interim operating certificates, 18519.
Korean Airlines, Inc., 16099.
Las Vegas-Grand Canyon non-stop service, 18020.
Linea Aerea Nacional de Chile (Lan), 16220.
Massachusetts, Fall River, 17005.
Pacific Northwest-Southwest service investigation, 18517, 18520.
Pan American World Airways, Inc., 16870.
Pan Continental Tours, Inc. et al., 18099.
RKO General, Inc. et al., 16099.
Southern Airways, Inc., 16841.
Spokane case, 18020.
Trans-Texas Airways, Inc., 16841.
Trans World Airlines, Inc., 17125, 18438.
Transatlantic charter investigation, 18099.
United Air Lines, 17852.
Western Alaska Airlines, Inc., 18398.
Wings and Wheels Express, Inc., 17853.

**Civil Rights Act of 1964:**
NONDISCRIMINATION in Federally-assisted programs. *See under* Nondiscrimination.

**Civil Rights Commission:**
COMMUNICATIONS and confidential information ... 17953
HEARINGS ... 17950
ORGANIZATION AND FUNCTIONS ... 17949
STATE ADVISORY COMMITTEES ... 17952

**Civil Service Commission:**
EXCEPTED SERVICE ... 17065
Definitions, general regulations, etc ... 17065
Schedule A ... 17065
Agencies with positions added, amended, or revoked:
Civil Rights Commission, 17085.
Health, Education, and Welfare Department; Cuban refugees, 17084.
Housing and Home Finance Agency, 17084.
Interior Department, 17084.

**Civil Service Commission—Continued** Page
EXCEPTED SERVICE—Continued
Schedule A—Continued
Temporary employment, restrictions against nepotism; revoked ... 18288
Schedule B ... 17065
Schedule C ... 17065
Agencies with positions added, amended, or revoked:
Army Department, 18288.
Defense Department, 18003.
Farm Credit Administration, 18153.
Interior Department, 17085.
Labor Department, 17085, 18288.
Neighborhood Youth Corps, Director, 18288.
National Aeronautics and Space Administration, 17893.
State Department, 17085, 18153.
HEALTH BENEFITS PROGRAM, Federal employees, withdrawal of approval of health benefit plans; revoked ... 18045
MANPOWER SHORTAGES; appointees to certain positions, payment of travel and transportation expenses ... 16842, 17936, 19118
Cancellation of certain listings ... 18242
PAY REGULATIONS, special rates, cancelled, certain specializations in technology series ... 16875
TRAVEL AND TRANSPORATION EXPENSES; appointees to certain positions where there is manpower shortage ... 16842, 17936, 19118
Cancellation of certain listings ... 18242

**Coast Guard:**
AUTHORITY DELEGATION from Assistant Secretary of Treasury; exemptions of specially constructed vessels from certain lighting requirements ... 17123
CLAIMS:
Arising outside United States ... 18161
Incident to use of Government vehicles or other property of United States not cognizable under other law ... 18161
DANGEROUS CARGOES, transportation or storage of explosives and use of dangerous articles as ships' stores and supplies ... 18163
EXPLOSIVES, transportation or storage, etc ... 18163
LAUNCHING VESSEL, harbor closing; New London Harbor, U.S.S. *Benjamin Franklin* ... 16261
NAVIGABLE WATERS, determinations respecting various States ... 18162
NAVIGATION REQUIREMENTS, inland waters, pilot rules; day signals and lights for dredges ... 18011
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 ... 19297
NONNAVIGABLE WATERS, determinations respecting certain waters in New York and South Carolina ... 18162
PROCUREMENT:
Advertising, formal ... 16253, 16255
Contract dispute appeals ... 18368, 19091
General:
Labor surplus area concerns, preference procurement ... 16255
Military and departmental specifications ... 16252
Inspection and acceptance ... 16255
Special procurement, contracts for care of remains ... 16253

**Collisions at Sea:**
PREVENTION OF, regulations (Proclamation 3632) ... 19167

**Color Additives:**
*See* Food and Drug Administration.

**Commerce Department:**
*See Census Bureau.*
*International Commerce Bureau.*
*Maritime Administration.*
*National Bureau of Standards.*
*Patent Office.*
*Weather Bureau.*
APPOINTMENTS WITHOUT COMPENSATION and statements of business interests under Defense Production Act of 1950 ... 16435, 17936
CONTRACT APPEALS, procedure for handling ... 19095
SEAT BELTS for use in motor vehicles, standards ... 16973, 18507





**Commerce Department—Continued** Page
TRADE EXPANSION ACT of 1962, adjustment assistance for firms ... 18059

**Committees and Boards:**
BUDGET BUREAU, committees chaired by; fiscal year 1964 ... 19117
CHRISTIAN REFORMED WORLD RELIEF COMMITTEE, INC., voluntary foreign aid agency ... 18392
CIVIL AERONAUTICS BOARD. *See main heading* Civil Aeronautics Board.
INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE. *See main heading* Interagency Textile Administrative Committee.
NATIONAL POWER SURVEY ADVISORY COMMITTEES, continuance of Legal Advisory Committee ... 16225
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE. *See main heading* President's Cabinet Textile Advisory Committee.

**Commodity Credit Corporation:**
EXPORTS; dairy products, payment rates by contract ... 17032
LOAN AND PURCHASE PROGRAMS; 1964 crop, wheat ... 15943
PAYMENT PROGRAMS:
Mohair ... 18153
Wool ... 18153
PRICE-SUPPORT PROGRAMS:
Commercial banks, participation in pools of CCC price-support loans ... 18212, 18213
Sales of certain commodities acquired through price-support operations, monthly sales list for December, 1964 ... 16998
Various commodities:
Barley, 18212.
Beans, dry edible, 18212.
Corn, 18212.
Cotton, 18212.
Flaxseed, 18212.
Grain sorghum, 18212.
Grains, 18212.
Honey, 18212.
Oats, 18212.
Peanuts, 18212.
Rice, 18212.
Rye, 18212.
Soybeans, 18212.
Tung oil, 18212.
Wheat, 18212.

**Commodity Exchange Authority:**
ORGANIZATION; assignment and reservation of functions ... 16214
REPORTS by merchants, processors, and dealers; general provisions, potatoes and potato products, proposed rule ... 15957

**Comptroller of Currency:**
INVESTMENT SECURITIES; eligibility of specific bond issues for purchase by national banks:
Anaheim (California), city of, Stadium, Inc., Lease-Rental bonds, 17087.
Massachusetts Port Authority Revenue Refunding and Improvement bonds, 18053.

**Conduct Standards:**
NAVY DEPARTMENT ... 17812
SMALL BUSINESS INVESTMENT COMPANIES ... 16957
Proposed rules ... 16095
WITHOUT COMPENSATION APPOINTMENTS, statements of financial interests. *See* Commerce Department; Interior Department.

**Conference, International, on Safety of Life at Sea, 1960:**
REGULATIONS (Proclamation 3632) ... 19167

**Conflict of Interest:**
*See* Conduct standards.

**Conservation Programs, Agricultural:**
*See* Agriculture Department.

**Corn:**
PRICE SUPPORT PROGRAM, 1964 crop ... 18212

**Cotton:** Page
MARKETING QUOTAS, acreage allotments:
Extra long staple ... 16184, 16248, 18003
Upland ... 16184, 16775, 18004
PRICE SUPPORT PROGRAM, 1964 crop ... 18213

**Cotton Textiles:**
IMPORT RESTRICTIONS:
Brazil, 16269.
Italy, 17056.
Japan, 17056.
Pakistan, 16269.
Philippines, 18400.
Poland, 16444.
Spain, 16269.
Yugoslavia, 18536.

**Cranberries:**
MARKETING, various States ... 16078

**Crop Insurance:**
*See* Federal Crop Insurance Corporation.

**Cuba:**
CIVIL AIRCRAFT OF, operation ... 19096
VESSELS, free world and Polish flag, arriving since January 1, 1963; list ... 16873, 18515

**Customs Bureau:**
AIR COMMERCE REGULATIONS, Malone, N.Y., Malone-Dufort Airport; revocation of designation as international airport, proposed rule ... 17042
ANTIDUMPING ACT, procedure under ... 16320
TARIFF CLASSIFICATION, standard newsprint paper ... 16097
VESSELS:
Documentation; qualification of Nelbro Packing Co. as U.S. citizen ... 18439
In foreign and domestic trade; tonnage tax and light money, exemptions from special taxes, Cyprus added ... 15949

**D**

**Dairy Products:**
EXPORT PAYMENT rates-by-contract program, nonfat dry milk ... 17032
MILK MARKETING. *See* Agriculture Department.

**Deaf:**
CAPTIONED FILMS, production and distribution ... 15955

**Defense Department:**
*See Air Force Department.*
*Army Department.*
*Navy Department.*
AUTHORITY DELEGATION from General Services Administrator; representation of executive agencies before FCC ... 16941
NONDISCRIMINATION in Federally assisted programs, effectuation of Title VI of Civil Rights Act of 1964 ... 19291
RESERVE FORCES:
Active duty for training for basic training ... 17885
Ready reserve, screening of, functions of Secretary (Executive Order 11190) ... 19183

**Delaware River Basin Commission:**
CAPITAL BUDGET, 1966; hearing ... 18099

**Dental Care:**
*See* Medical and dental care.

**Disaster Areas:**
FEDERAL ASSISTANCE. *See* Agriculture Department; Emergency Planning Office; Small Business Administration.
REDUCED RATES for transportation of hay to Montana ... 19269

**Discrimination:**
*See also* Nondiscrimination.
FOREIGN DISCRIMINATION affecting U.S. ships in U.S.-Uruguayan trade ... 16195, 17121

**Dogs:**
PRODUCTS FOR, certification ... 18418

**Drugs:**
CERTIFICATION AND TESTS, etc. *See* Food and Drug Administration.
OPIATES ... 19241

E

**Eagles:** Page
BALD AND GOLDEN, protection; jurisdiction and addresses of regional offices 17905
DEPREDATING GOLDEN, taking to protect livestock in Texas 17123

**Economic Opportunity Office:**
NEIGHBORHOOD YOUTH CORPS PROJECTS for unemployed youths 18419

**Education and Educational Facilities:**
*See also* Education Office.
GRANTS for teaching facilities for medical, dental and other health personnel 15952
LOANS by Federal savings and loan associations 16856

**Education Office:**
DEAF, captioned films for; production and distribution 15955
VOCATIONAL EDUCATION ACT of 1963, allotment ratios 16435

**Eggs and Egg Products:**
DRIED WHOLE EGGS and yolks, identity standard, optional ingredients 16983

**Emergency Planning Office:**
DISASTER AREA, Federal assistance:
Trust Territory of Pacific Islands, 18025.
MOBILIZATION BASE, agency responsibilities; revocation 16251
REGIONAL COORDINATION, DMO I–1 revoked 18368
TELECOMMUNICATION POLICY for Government use of radio frequencies below 30 Mc/s for domestic fixed service, revoked 19249

**Employment Security Bureau:**
FOREIGN AGRICULTURAL LABOR, certification and use of 19101

**Engineers Corps, Army Department:**
ANCHORAGE REGULATIONS:
Florida, Key West, 17040.
Puerto Rico, San Juan Harbor, correction, 16859.
BRIDGE REGULATIONS:
Michigan, Detroit River, 16251.
Ohio, Portage River, 17040.
Washington, Snohomish River, 18422.
FISHING REGULATIONS:
Maryland and Virginia, Chesapeake Bay, 15949.
NAVIGATION REGULATIONS:
Virginia, Hampton Roads and Willoughby Bay (seaplane restricted areas), 18422.

**Executive Office of the President:**
*See Budget Bureau.*
*Emergency Planning Office.*

**Executive Orders:**
*See* Presidential documents.

**Explosives:**
TRANSPORTATION and storage. *See* Coast Guard; Interstate Commerce Commission.

**Export Control:**
*See* International Commerce Bureau.

**Exports:**
*See* Imports and exports.

F

**Family Services Bureau:**
ASSISTANCE FOR CITIZENS returned from foreign countries 19254
ASSISTANCE TO STATES 19250
MEDICAL ASSISTANCE FOR AGED to State residents 19252
MENTALLY ILL NATIONALS returned from foreign countries, care and treatment 19252

**Farm Labor:**
CONTRACTOR REGISTRATION 18156
FOREIGN AGRICULTURAL LABOR, certification and use 19101

**Farm Units:** Page
SALE, Columbia Basin Project, Washington 16262

**Farmers Home Administration:**
ORGANIZATION; assignment and reservations of functions 16214, 16840

**Federal Aviation Agency:**
AIR CARRIERS AND COMMERCIAL OPERATORS, large aircraft [new] 19186
Flight time limitations, supplemental air carriers and commercial operators; rest periods for crews and use of additional airmen 16968
AIR TAXI AND COMMERCIAL OPERATORS, small aircraft [new]:
Equipment requirements; carrying passengers under IFR, extension of compliance date for alternate source of static pressure 18478
Star route mail carrying operations, applicability; proposed rule 16836
Weapons, prohibition against carriage of 19096
AIR TRAFFIC AND GENERAL OPERATING RULES [new]:
Airport traffic patterns, special [new]; Alaska, Anchorage, terminal area rules, Merrill segment 15948
General operating and flight rules [new]:
Applicability 19096
Crewmembers, prohibition against interference with 19096
Cuban registry, operation of civil aircraft of 19096
Emergency exits for airplanes carrying passengers for hire 19096
Flight tests; proposed rule, time extension 15959
Foreign civil aircraft, special rules; distance measuring equipment, proposed rule 18232
Persons other than crewmembers in aircraft after repairs; proposed rule, time extension 15959
Transport category civil airplane weight limitations 18289
AIRPORTS:
Federal aid [new]:
Construction work, contracts 18000
Equal employment opportunity requirements 18000
Traffic patterns, special [new]; Alaska, Anchorage, terminal area rules, Merrill segment 15948
AIRSPACE:
*See also* Federal airways, etc.; Jet routes.
Construction, proposed; notices, hearings, etc.:
Buildings, 18524, 19118
Radio and television antennas and towers, 16436, 17051, 17937, 18100, 18183, 18520, 18521, 18525, 19118.
Restricted areas. *See* Restricted areas, *below.*
AIRWORTHINESS DIRECTIVES:
Beech, 15945.
Boeing, 17035, 18093, 18353.
Douglas, 16317, 17044.
Hartzell, 17797.
Hughes, 16967.
Lockheed, 18477.
Marvel-Schebler, 16217.
Mooney, 16430.
Piper, 18353.
Schleicher, 16066.
Sud Aviation, 16065.
United Data Control, Inc., 16430.
Vertol, 16318.
AIRWORTHINESS REQUIREMENTS:
Airplane; recodification [new]:
Normal utility, and acrobatic aircraft 17955
Transport categories; standards 18289
Rotorcraft; standards, recodification [new]:
Normal category, corrections 16065, 17885
Transport category 16149
CERTIFICATION AND OPERATIONS. *See* Air carriers; Helicopters.
CERTIFICATION PROCEDURES, recodification 19099
DEFINITIONS [NEW]:
"Accelerate-stop distance", etc 18289
"Air carrier", "commercial operator", and "show" 19188
FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW] 17503
Colored Federal airways 17506
Alterations 17036, 18015, 18478
Designation 17506





**Federal Aviation Agency—Continued** Page
FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]—Continued
Continental control area, restricted areas included 17550
Alterations 15958, 18354, 19185
Control areas and control area extensions 17552
Additional control areas 17552
Alterations 15946, 16184
Control areas associated with jet routes outside continental control area 17552
Alteration 19185
Extension of control areas 17557
Alterations 15945, 15946, 15947, 15948, 16202, 16833, 16834, 16835, 16970, 16994, 16995, 17045, 17797, 18014, 18053, 18054, 18055; 18093, 18096, 18231, 18382, 18383
Control zones 17581
Alterations 15945, 15946, 15947, 15948, 15958, 16183, 16202, 16203, 16204, 16245, 16260, 16318, 16431, 16833, 16834, 16835, 16969, 16970, 16995, 17036, 17037, 17044, 17045, 17046, 17088, 17797, 17823, 18014, 18053, 18054, 18055, 18093, 18095, 18096, 18180, 18213, 18231, 18354, 18382, 18383, 19096.
General 17504, 19185
Positive control areas 17707
Reporting points 17711
Alaska 17723
High altitude 17725
Alterations 16970, 19185
Low altitude 17723
Alterations 16970, 19185
Designation 17711
Domestic 17711
All altitudes 17721
Alterations 16788
High altitude 17718
Alterations 16788, 18230
Low altitude 17711
Alterations 17036, 17044, 18478
Hawaii 17726
Transition areas 17643
Alterations 15945, 15946, 15947, 15948, 15958, 16066, 16183, 16184, 16202, 16203, 16204, 16245, 16260, 16431, 16433, 16434, 16435, 16969, 16970, 16971, 16994, 16995, 16997, 17036, 17037, 17088, 17797, 18014, 18053, 18054, 18055, 18093, 18094, 18095, 18096, 18097, 18156, 18180, 18213, 18231, 18354, 18382, 18383, 18510, 19111, 19186.
VOR Federal airways 17509
Alaska 17546
Alterations 16970
Designation 17509
Domestic 17509
Alterations 16093, 16245, 16318, 16788, 16971, 16972, 17036, 18015, 18156, 18230, 18478.
Hawaii 17548
FOREIGN AIR CARRIERS, operations [new]:
Radio equipment; distance measuring equipment, proposed rule 18232
Transport category cargo service airplanes; increased zero fuel and landing weights 19096
HELICOPTERS:
Airworthiness requirements, standards:
Normal category, corrections 16065, 17885
Transport category 16149
Certification and operation:
Certificate requirement 19096
Weapons, carriage of; prohibition against 19096
INSTRUMENT FLIGHT RULES; approach procedures, takeoff and landing, alterations:
Landing system 16074, 16794, 17804, 17890, 18485, 18492
Radar 16076, 16796, 17806, 18487, 18494
Radio 16067, 16789, 17798, 17886, 18479, 18488
JET ROUTES, establishment [new] 17775
General, applicability, etc 17775
Jet advisory areas 17790
En route 17790
Terminal 17793
Jet routes 17776
Alterations 16066, 16319, 16432, 16836, 18230, 19185
NAVIGATION FACILITIES, NON-FEDERAL; recodification, true lights 19096

**Federal Aviation Agency—Continued** Page
NONDISCRIMINATION in federally assisted programs:
Airport construction 18000
Effectuation of Title VI of Civil Rights Act of 1964 19283
OPERATING RULES. *See* Air traffic and general operating rules.
PROCUREMENT REGULATIONS:
Advertising, formal 17095
Bonds and insurance 17111
Contracts:
Appeals 17111
Clauses 17097
General 17092
Negotiation 17097
Patents, data, and copyrights 17110
PUBLICATIONS, FLIGHT INFORMATION; statement of general policy 16939
RESTRICTED AREAS over military installations, etc 17727
Applicability, restrictions, reports, etc 17728
General 17728
Various states, Guam, and Puerto Rico 17729
Alterations:
Alabama, 16972.
Delaware, 15948.
Florida, 17037.
Kansas, 18156.
Maine, 16184.
New York, 16184.
Tennessee, 16836.
Texas, 16972, 18354.
Utah, 15958.
Virginia, 18510.
ROTORCRAFT. *See* Helicopters.
SCHEDULED AIR CARRIERS. *See* Air carriers.
SCHOOLS AND OTHER CERTIFICATED AGENCIES [NEW]; recodification, pilot schools; special flight instruction for military personnel of foreign government 19096
SUPPLEMENTAL AIR CARRIERS, etc. *See* Air carriers.
TECHNICAL STANDARD ORDER, C Series, minimum performance standards; airborne distance measuring equipment (C66a), proposed rule 18511

**Federal Communications Commission:**
AVIATION SERVICES:
Aeronautical en route stations, frequencies available 18377
Transmitters, non-type accepted, authorization of:
Aircraft survival stations 16865
International gateway stations 19256
DOMESTIC PUBLIC RADIO SERVICES; proposed rules:
Definitions 17840
Technical standards and operation 17840
Various services:
Land mobile service, rural subscriber and dispatch stations; not adopted 16204
Local TV transmission service 17841
Point-to-point microwave service 17841
FREQUENCY ALLOCATIONS:
Allocation, assignment and use of radio frequencies; proposed rules 17826
International regulations in force, proposed rules 17826
Table of frequency allocations; proposed rules 17826
3700–4200 Mc/s, 17840.
5925–6425 Mc/s, 17840.
7250–7750 Mc/s, 17840.
7900–8400 Mc/s, 17840.
Definitions, proposed rules 17825
Treaties and other international agreements relating to radio 19090
HEARINGS, ORDERS, etc.; companies and stations. *See list at end of this agency.*
INDUSTRIAL RADIO SERVICES:
Frequencies assignable, policy 18220
Technical standards 18221
Various services; frequencies available, etc 18222
MARITIME RADIO SERVICES:
Land stations:
Antenna structures 16196
Public coast stations, use of telephony; Astoria, Oregon, 2442 kc/s—2009 kc/s 19258
Shipboard stations, radiotelephony; Astoria, Oregon, 2442 kc/s—2009 kc/s 19256


36-000—65—2

## Federal Communications Commission—Con.

ORGANIZATION AND FUNCTIONS; Safety and Special Radio Services Bureau Chief, waiver of type acceptance requirements — 18373, 16220
PAYOLA, PLUGOLA, inquiry
PRACTICE AND PROCEDURE; broadcast applications:
New station license, application for; proposed rule, proceeding terminated — 17823
Special service authorization or extension, abolition of form 317 — 19255
PUBLIC SAFETY RADIO SERVICES, technical standards — 18057, 18425
RADIO BROADCAST SERVICES:
FM stations:
Multiple ownership — 18376
VHF stations in major markets — 18399
Newswire services, contracts with; inquiry — 16837
Payola, plugola; inquiry — 16220
Table of assignments, changes in listed States; proposed or adopted:
Alabama, 16916.
California, 16916, 16988.
Colorado, 16916.
Florida, 16916, 16988.
Georgia, 16205, 16916.
Idaho, 16916.
Illinois, 16196, 16207, 16988, 19261.
Indiana, 16205.
Iowa, 16205, 16916, 16988.
Kansas, 16205.
Kentucky, 16988.
Maine, 17850.
Maryland, 16916.
Massachusetts, 16916.
Michigan, 16988.
Minnesota, 16916.
Mississippi, 16205, 16916, 16988.
Montana, 16916.
New Jersey, 16916.
New Mexico, 16988.
New York, 16205, 16916, 16988.
North Carolina, 16205, 16988.
Ohio, 16988.
Pennsylvania, 16205, 16988.
South Carolina, 16916.
South Dakota, 16205.
Tennessee, 16205.
Texas, 16205, 16207, 16988.
Virginia, 16916.
West Virginia, 16916, 16988.
Wisconsin, 16205, 16916.
Standard broadcast stations:
Multiple ownership — 18376
VHF stations in major markets — 18399
Newswire services, contracts with; inquiry — 16837
Payola, plugola; inquiry — 16220
Television stations:
Channel assignments, changes in listed States:
Arizona, 18423.
California, 18172, 18423.
Iowa, 18423.
Michigan, 18373.
Tennessee, 18423.
Virginia, 18384.
Wisconsin, 18373.
Wyoming, 19262.
Multiple ownership — 18376
VHF stations in major markets — 18399
Newswire services, contracts with; inquiry — 16837
Payola, plugola; inquiry — 16220
SATELLITE COMMUNICATIONS, proposed rules:
Earth station ownership and operation — 17848
Technical standards — 17841
SPACE COMMUNICATIONS SYSTEMS, commercially operable; inquiry terminated — 16220, 16266

HEARINGS, ORDERS, ETC.:
American Telephone and Telegraph Co., 16266.
Camellia City Telecasters, 16940.
Cape Canaveral Broadcasters, Inc., 16437.
Central Broadcasting Corp., 16436.
Cleveland Telecasting Corp., 16437, 18100.
Dawson County Broadcasting Corp., 16223.
Dirigo Broadcasting, Inc., 16940.
Dover Broadcasting Co., Inc., 16220, 16224.
Downeast Television, Inc., 16940.
Dubuque Broadcasting Co., 18101, 18398.
Eagle Wharf and Towing Co., 16222.
Estacada Telephone & Telegraph Co., 19266.
Farragut Television Corp., 18100.
Hamilton, Charles L., Sr. et al., 16222.
International Panorama TV, Inc., 17006, 18100, 18398.
Kaiser Industries Corp. et al., 16224, 16875, 18100.
Kingston Broadcasters, Inc., 18184.
La Fiesta Broadcasting Co., 19266.
Lompoc Valley Cable TV, Inc., 19266.
Marshall Broadcasting Co., 16222, 16875, 19119.
Martin, Robert J., 18184, 18399.
Mid-Cities Broadcasting Corp., 19266.
Midwest Television, Inc. (WMBD–FM), 18398, 19119.
Naugatuck Valley Service, Inc. (WOWW), 18101, 18398.
Nelson Broadcasting Co., 17005, 17853.
Northern Indiana Broadcasters, Inc., 19266.
Ohio Radio, Inc., 17008.
Pacific Northwest Bell Telephone Co., 19266.
Pacific Telephone and Telegraph Co., 18184.
Peoples Broadcasting Corp., 18100.
Peoria Journal Star, Inc., 18398, 19119.
Prattville Broadcasting Co., 17005.
Progress Broadcasting Corp. (WHOM), 16437, 19266.
Radio Hot Springs Co., 17006, 18399.
Radio Station KVOL, Inc., 16940, 17051.
Radio 13, Inc., 16222.
Skylark Corp., 18184.
Southern Newspapers, Inc., 17006, 18399.
Superior Broadcasting Corp., 16437, 18100.
TVUE Associates, Inc. et al., 16223.
Talton Broadcasting Co., 18184, 18399.
Telegraph-Herald, 18101, 18398.
Tree Broadcasting Co., 16266, 16437, 19119.
Triad Stations, Inc., 18222, 16875, 19119.
Tri-Cities Broadcasting Co., 16223.
Trinity Broadcasting Co., 16267, 16437, 16842, 18101.
Tuscarawas Broadcasting Co., 16220, 16224.
Ubiquitous Frequency Modulation, Inc., 17005, 17853.
United Artists Broadcasting, Inc., 17008.
Vanda, Charles, et al., 18525.
Vaughn-Hanssen Co., 16437.
WCRB, Inc., 16436.
WEZY, Inc., 18399.
WKKO Radio, Inc., 18399.
Walker, Billy, 17005.
Warner Bros. Pictures, Inc., 16267, 16437, 16842, 18101.
Welch, Melvin S., 16437, 18101.
Western California Telephone Co., 18184.

## Federal Crop Insurance Corporation:

FEDERAL CROP INSURANCE; various commodities, 1965 crop:
Combined crop — 17085
Tobacco — 17029
ORGANIZATION; assignment and reservations of functions — 16215

## Federal Deposit Insurance Corporation:

INTEREST RATES, maximum, payable on deposits by insured nonmember banks — 15944

## Federal Employees:

*See* Government employees.

## Federal Home Loan Bank Board:

FEDERAL HOME LOAN BANK SYSTEM, advances, short term — 18154
FEDERAL SAVINGS AND LOAN ASSOCIATIONS members, annual meetings on Inauguration Day — 18102
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION:
Definitions:
Slow loans; proposed rule — 18233
Specified assets — 19236
Operations:
Fidelity bonds for directors, officers, employees, and agents; form of and amount — 17088, 18181
Limitation upon borrowing; proposed rule — 19236
Participation loans — 19236





## Federal Home Loan Bank Board—Continued

FEDERAL SAVINGS AND LOAN SYSTEM, operations:
Branch office — 18154, 18213
Loans:
Educational — 16858
Unsecured — 18156
INAUGURATION DAY, members of Federal Savings and Loan Associations, annual meetings — 18102

## Federal Housing Administration:

ARMED SERVICES HOUSING mortgage insurance, civilian employees; eligibility requirements, maximum mortgage amount, dollar limitation — 17899
CONDOMINIUM OWNERSHIP; eligibility requirements, projects — 17899
COOPERATIVE HOUSING mortgage insurance; eligibility requirements, projects, certificates of actual cost — 17894
ELDERLY PERSONS, housing mortgage insurance; eligibility requirements — 17897
MODERATE INCOME mortgage insurance; eligibility requirements, projects — 17895
MULTIFAMILY HOUSING mortgage insurance. *See* Condominium ownership; Cooperative housing; Rental housing; War housing.
MUTUAL MORTGAGE INSURANCE and insured home improvement loans; contract rights and obligations, recasting of mortgage — 17893
NATIONAL DEFENSE HOUSING mortgage insurance, individual residences; contract rights and obligations, forbearance of foreclosure — 17899
NURSING HOMES mortgage insurance; eligibility requirements — 17898
PROPERTY IMPROVEMENT LOANS, class 1 and 2:
Dealer investigation, approval and control — 17893
Eligible loans — 17893
RENTAL HOUSING, multifamily housing mortgage insurance; eligibility requirements, form of contract — 17893
URBAN RENEWAL mortgage insurance and insured improvement loans; eligibility requirements:
Homes, incorporation by reference — 17894
Projects — 17894
WAR HOUSING mortgage insurance, individual homes; contract rights and obligations, forbearance of foreclosure — 17899

## Federal Maritime Commission:

FREIGHT FORWARDERS, independent, ocean:
Agreement under section 15 of Act:
United Forwarders Service, et al., 18185.
Applications for licenses:
Balfour, Williamson Inc.; withdrawn, 19267.
Barrus, Phillip A.; revoked, 17010.
Buchholz & Kuttruff, Inc., 19267.
Cuban American Forwarders Co., Inc., 19267.
Davis Van & Storage, et al., 17010.
Dunlap, Philip A. et al., 19267.
Hilann Forwarding; revoked, 19267.
Hoffman, Allen R., & Co.; withdrawn, 19267.
Korinth Container-Pak, Inc.; revoked, 19267.
Thibodeaux & Co., C. J.; withdrawn, 17010.
Velox Company; withdrawn, 19267.
West Coast Freight Tariff Bureau, Inc.:
Proceeding discontinued, 16876.
Revoked, 17010.
MARITIME CARRIERS:
*See also* Freight forwarders, *above*.
Bills of lading, predated; proposed rule discontinued — 16433
Foreign discrimination affecting U.S. ships; discriminations in U.S.-Uruguayan trade — 16195, 17121
PRACTICE AND PROCEDURE, fees and charges for special services — 18171
RATES, schedules, tariffs, etc.; investigations and hearings:
Alaska Lower Yukon River Area, 16875.
Containerships, Inc., 18020.
Mediterranean Pools, 18020.
San Diego, port of, 18185.
Transcarloading Corp., South Atlantic/Puerto Rico trade, 16876.
TRANSPORTATION AGREEMENTS, terminal agreements, etc.:
Exclusive patronage (dual rate) contract under Public Law 87–346:
North Atlantic Westbound Freight Association, 17127.

## Federal Maritime Commission—Continued

TRANSPORTATION AGREEMENTS, terminal agreements, etc.—Continued
Section 15 agreements:
A/S Det Østasiatiske Kompagni; request for cancellation, 17013.
African Coasters Ltd., 18102.
American Mail Line Ltd., 16269, 17010.
Barber-Fern Line joint service, 19120.
Barber-West African Line joint service, 19266.
Barber-Wilhelmsen Line joint service, 19119, 19120.
Blue Funnel Line, 19120.
Central Gulf Steamship Corp. et al.; request for cancellation, 17012.
Chilean Line, Inc.; terminal agreement, 16438.
Connecticut, State of; terminal agreement, 16875.
Connecticut Terminal Co., Inc.; terminal agreement, 16875.
Continental-Atlantic Corp., 18243.
Dampfschifffahrts-Gesellschaft "Neptun", 17011.
Farrell Lines Inc., 19266.
Holland Afrika Lijn, 17010.
India, Pakistan, Burma & Ceylon/West Coast United States Rate Agreement, 16269.
International Houshold Goods Rate Agreement, 18243.
Kawasaki Kisen Kaisha, Ltd., 17010, 17011.
Klaveness Line joint service, 17011.
Lavino Shipping Co.; terminal agreements, 18102.
Lykes Bros. Steamship Co., Inc. et al., 17010, 17011, 18102, 18438.
M.A.N.Z. Line Joint Service, 18438.
Maryland Port Authority, et al.; terminal agreement, 17051.
Matson Terminals, Inc., 16438.
McCarthy, J.A., Inc.; terminal agreement, 18102.
Mediterranean Transport Corp., 18243.
Mitsui O.S.K. Lines, Ltd., 17011.
Nedlloyd & Hoegh Lines, 16269.
New Zealand North American Line, 18243.
North Atlantic Mediteranean Freight Conference, 19121.
Norwegian Asia Line, 19119.
Pacific Steam Navigation Co.; request for cancellation, 17013.
Philadelphia, city of, et al.; terminal agreements, 18102, 18103.
Pittston Stevedoring Corp.; terminal agreement, 16438.
Quaker Line; request for cancellation, 17013.
Scandinavia Baltic Great Lakes Westbound Freight Conference, 18244.
Sea-Land Service, Inc., 17011.
Terminal agreement, 18244.
Seattle, port of, 16438.
Terminal agreement, 18244.
Skibsaktieselskapet Nordheim, et al., request for cancellation, 17012.
South African Marine Corp., Ltd., 17011.
Spanish/United States North Atlantic Ports Olive Conference, 19120.
Swedish American Line, 17012.
Trans-Atlantic Passenger Steamship Conference, 17012.
United Fruit Co., 19120.
United Kingdom United States Pacific Freight Association; request for cancellation, 17013.
U.S. Atlantic and Gulf of Mexico and Red Sea and Gulf of Aden Rate Agreement, 17052.
United States Atlantic and Gulf-Santo Domingo Conference, 18103.
United States-Guam Trade Rate Agreement, 18244.
West Coast U.S. & Canada/India, Pakistan, Ceylon and Burma Rate Agreement, 18244.
Wilh. Wilhelmsen Line joint service, 17012.

## Federal Power Commission:

FEDERAL POWER ACT, regulations:
Accounts, uniform system of; class A, B, and C companies, investment tax credits — 18215
Forms:
Form No. 1, annual report for class A and B companies — 18215
Form No. 1–F, annual report for class C and D companies — 18215
Stockholders and others, annual reports to, general requirements — 18215
Hydroelectric projects and licenses, inspection of project works, safety of structures and operation; proposed rules, extension of time — 16997
HEARINGS. *See list at end of this agency.*
LANDS; withdrawals, etc., for listed projects in Michigan:
No. 2449, 16441.
No. 2450, 16441.

## Federal Power Commission—Continued

Page

NATIONAL POWER SURVEY ADVISORY COMMITTEES, continuance of Legal Advisory Committee-- 16225
NATURAL GAS ACT, regulations:
Accounts, uniform system of, class A and B companies; investment tax credit---------- 18216
Form No. 11, natural gas pipeline company monthly statement ---------- 19237
Rate schedules and tariffs:
Area rate proceedings---------- 16438
Composition of rate schedules, unauthorized overrun penalty provisions; proposed rule terminated ---------- 18233

HEARINGS, ETC.:
Alabama Power Co., 16876, 17017.
Algonquin Gas Transmission Co., 18022.
Amerada Petroleum Corp. et al., 16842, 16843.
American Petrofina Company of Texas, et al., 16103.
American Writing Paper Division, Brown Co., 18534.
Arkansas Louisiana Gas Co., 16225, 16440.
Ashland Oil & Refining Co. et al., 18186.
Atlantic Refining Co., 16444, 18530.
Atlantic Seaboard Corp., 17853.
Baca Gas Gathering System, Inc., 18526.
Bainbridge, Ga., city of, 17013.
Bowers Drilling Co., Inc. et al., 18530.
Brown, Herman, et al., estate of, 16226.
Burlingame, Kans., city of, 17015.
Carolina Power & Light Co., 16877.
Central Natural Gas Co., 16226.
Central Vermont Public Service Corp., 18190, 18246, 18527, 18531.
Cities Service Gas Co. et al., 16226, 16227, 16440, 17854, 18103, 18104, 18532.
Cities Service Oil Co. et al., 18526.
Colorado Interstate Gas Co., 16227, 19267.
Columbia Gulf Transmission Co., 16228, 17855.
Community Natural Gas Co., Inc., 18189.
Consumer Power Co., 16228.
Continental Oil Co. et al., 16224.
Dale, Cloris, et al., 17018.
Detroit Edison Co., 16228.
Duke Power Co., 16877.
Elliot Oil, Inc. et al., 17937.
El Paso Natural Gas Co., 16441, 16442, 16877, 16940, 17853, 17855, 18527.
Florida Gas Transmission Co., 16878, 18527.
Franco Western Oil Co., 16099.
Georgia Power Co., 16228.
Grand Tower, Ill., city of, 18533.
Hamon, Jake L. et al., 16100.
Helmerich & Payne, Inc., 16941.
Hope, Alvin C. et al., 17052.
Huber, Anna, 17856.
Idaho Power Co., 18439, 19267.
Iowa Southern Utilities Co., 16230, 16941.
Jocelyn-Varn Oil Co. et al., 16102.
Karnak, Ill., village of, 18025.
Knoxville Utilities Board, Inc. et al., 18104.
Lawrenceville, Ga., city of, 17855.
Manufacturers Light and Heat Co., 16878, 18104.
Marathon Oil Co., 16230, 17053.
Michigan Gas Storage Co., 18105.
Miller and Fox Minerals Corp. et al., 17016.
Mississippi River Transmission Corp., 19268.
Montana-Dakota Utilities Co., 17016, 18023.
Morenci National Gas Co., 18023.
Mosser, H. J. et al., 16231, 18105.
Natural Gas Pipeline Company of America, 17054, 17854, 18246, 18533.
Neuner, Alice A. et al., 19121.
Niagara Mohawk Power Corp., 18528.
North Star Natural Gas Co., 17857.
North Star Natural Gas Company of Wisconsin Inc., 17854.
Northern Natural Gas Co., 16231, 16442, 16877, 17017, 17856, 18106, 18532.
Northern States Power Co., 19268.
Okanogan County, Wash., 16232, 17017, 18023.
Ohio Fuel Gas Co., 17857.
Pacific Gas and Electric Co., 16232.
Pacific Gas Transmission Co., 18533.
Pacific Power & Light Co., 18191.
Panhandle Eastern Pipe Line Co., 17857, 18528.
Permian Oil and Gas Co., 16232.
Phillips Petroleum Co. et al., 17017.

## Federal Power Commission—Continued

Page

HEARINGS, ETC.—Continued
Plains Gas Farmers' Co-operative Society of Hereford, Tex., 18106.
Public Utility District No. 1 of Pend Oreille County, Washington, 18246.
Pure Oil Co., 16100.
Raton Natural Gas Co., 16443.
Reserve Oil and Gas Co., 16232.
Sharples and Company Properties, et al., 18245.
Sierra Pacific Power Co., 17055.
Sinclair Oil & Gas Co., 18190.
Skelly Oil Co., 17017.
South Georgia Natural Gas Co., 17858.
Southern Natural Gas Co., 18023.
Southwest Gas Corp., 18024.
Sun Oil Co., 17858, 18191.
Superior Oil Co., 16102.
Tenneco Oil Co. et al., 17941.
Tennessee Gas Transmission Co., 16100, 17055, 17127, 18024, 18528.
Texas Eastern Transmission Corp., 16233, 16878, 18104, 18529.
Texas Gas Transmission Corp., 17055.
Texas Gulf Producing Co., 18190.
Transwestern Pipeline Co., 16101, 16443, 16940, 18529, 18532.
Trunkline Gas Co., 18529.
Union Producing Co. et al., 18534.
United Gas Pipe Line Co., 16233, 16443, 18024, 18106, 18107.
Valley Gas Transmission, Inc., 17854.
Vermont Gas Systems, Inc., 17056.
Wayland, Iowa, town of, 18533.
Webb, William G. et al., 17014.
Wisconsin Michigan Power Co., 16234.

## Federal Property Management:

REGULATIONS. *See* General Services Administration.

## Federal Register:

CFR CHECKLIST---------- 15943

## Federal Reserve System, Board of Governors:

BANK HOLDING COMPANIES; applications, requests for determinations, etc.:
First Virginia Corp., 18025.
Valley Bancorporation; approved, 18535.
DISCOUNT RATES, advances and discounts; changes in rates---------- 16855
INTEREST ON DEPOSITS; maximum rates:
Explanatory statement---------- 16317
Payable on time and savings deposits by member banks ---------- 15944
MERGERS OF BANKS, consolidations, etc., applications by listed banks; approvals:
Summit Trust Co., 18400.
Wells Fargo Bank, 18246.
Wheeling Dollar Savings & Trust Co., 16236.
Worthen Bank & Trust Co., 17056.
SECURITIES DEALERS, short-term negotiable notes of banks---------- 16065

## Federal Trade Commission:

AUTOMOBILE TIRES, marketing; hearing---------- 15962
GASOLINE, marketing; inquiry into problems of competition ---------- 19124

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS:
American Education Society, Inc., 16826.
Asselin, Albert, 16856.
Marder, Noel N., 16826.
Siegal, Saul S., Leon, and Morris, 16186.
Siegal, Saul S., Co., 16186.
Wayne Golf Ball Co., 16856.
Zack, Raymond S., 16856.

## Fellowships:

GRANTS, income tax regulations---------- 18355

## Fiscal Service:

*See* Treasury Department.

## Fish:

SHRIMP, frozen raw breaded; standards of identity, proposed rule---------- 18175, 18436

## Fish and Wildlife Service:

COMMERCIAL FISHERIES; fishing vessel construction differential subsidies:
Hearing procedures---------- 16990





## Fish and Wildlife Service—Continued

Page

COMMERCIAL FISHERIES; fishing vessel construction differential subsidies—Continued
Hearings:
Boat Pat-San-Marie, Inc---------- 18017
Boat Quingondy, Inc---------- 19265
Payment rules and regulations---------- 16088
EAGLES. *See* Hunting and possession of wildlife.
HUNTING AND POSSESSION OF WILDLIFE:
Areas open to hunting and sport fishing. *See under* Wildlife refuges.
Eagles:
Bald and golden, protection; jurisdictions and addresses of regional offices---------- 17905
Golden eagles, depredating; taking to protect livestock in certain counties in Texas---------- 17123
Migratory birds; permits, jurisdiction and addresses of regional offices---------- 17905
MIGRATORY BIRDS. *See* Hunting and possession of wildlife.
ORGANIZATION; Sport Fisheries and Wildlife Bureau, field organization, jurisdictions and addresses of regional offices---------- 17905
WILDLIFE REFUGES, national; hunting or sport fishing:
Arizona; sport fishing:
Imperial, 16917.
California; sport fishing:
Imperial, 16917.
Idaho:
Hunting:
Snake River, deletion, 17906.
Sport fishing:
Deer Flat, 19257.
Illinois; sport fishing:
Chautauqua, 17906.
Crab Orchard, 17906.
Mark Twain, 17907.
Upper Mississippi, 18229.
Iowa; sport fishing:
Mark Twain, 17907.
Union Slough, 17814.
Upper Mississippi, 18229.
Massachusetts; hunting:
Parker River, 17906, 18378.
Minnesota; sport fishing:
Rice Lake, 17814.
Tamarac, 17814.
Upper Mississippi, 18228.
Missouri; sport fishing:
Mark Twain, 17907.
Montana:
Hunting:
Charles M. Russell, 17906.
Fort Peck Game Range, 17906.
Sport fishing:
Charles M. Russell, 17906.
Fort Peck Game Range, 17906.
Nevada; sport fishing:
Stillwater, 19258.
New Mexico; sport fishing:
Bitter Lake, 16917.
North Dakota; sport fishing:
Arrowwood, 16918.
Lake Ilo, 16918.
Long Lake, 16918.
Lower Souris, 16918.
Tewaukon, 16918.
Upper Souris, 16919.
Oklahoma; sport fishing:
Salt Plains, 16917.
Texas; sport fishing:
Buffalo Lake, 17906.
Hagerman, 16918.
Muleshoe, 16918.

## Fish and Wildlife Service—Continued

Page

WILDLIFE REFUGES, national; hunting or sport fishing—Continued
Wisconsin; sport fishing:
Horicon, 17814.
Necedah, 17814.
Upper Mississippi, 18229.
Wyoming; sport fishing:
Pathfinder, 16918.

## Fishing:

CHESAPEAKE BAY, Maryland and Virginia---------- 15949
SPORT FISHING in certain wildlife refuge areas. *See* Fish and Wildlife Service.
VESSELS; construction differential subsidies---------- 16088, 16990, 18017, 19265

## Flaxseed:

PRICE SUPPORT PROGRAM, 1964 crop---------- 18212

## Food Additives:

*See* Food and Drug Administration.

## Food and Drug Administration:

ADDITIVES. *See* Color additives; Food additives.
ANTIBIOTIC DRUGS:
*See also* Drugs.
Definitions and interpretative regulations---------- 16911
Exemptions from labeling and certification requirements:
Animal feed containing certifiable antibiotic drugs, correction ---------- 16984
Conditions on effectiveness of exemptions; proposed rule ---------- 19110
Procedure for obtaining exemption from certification; proposed rule---------- 19110
Specific antibiotics:
Chloramphenicol and chloramphenicol-containing drugs:
Certification, 19109.
Tests and methods of assay, 19109.
Colistin sulfate-neomycin sulfate-thonzonium bromide-hydrocortisone acetate otic suspension; correction, 16984.
Dactinomycin, 16911.
Lincomycin; corrections, 16251.
Penicillin and penicillin-containing drugs, certification, 18012.
Tests and methods of assay, definitions and interpretations applicable---------- 18013
BEVERAGES, fruit juice, definitions and standards of identity; proposed rules:
Diluted fruit juice; extension of time---------- 16866
Frozen concentrated---------- 19109
Fruit-flavored, noncarbonated; extension of time---------- 16866
Fruit nectars, canned; extension of time---------- 16866
Pineapple-grapefruit juice drink, canned; extension of time ---------- 16866
CATSUP, KETCHUP, catchup, identity standards, optional ingredients; deletion of restriction on use of corn syrup and glucose syrup as sweetening ingredients, proposed rule---------- 16934
CHEESES, cheese foods, etc., definitions and standards of identity; mozzarella and scamorza cheese, and part-skim, low moisture cheeses---------- 18122, 18123
COLOR ADDITIVES:
Cancellation of certificates, FD&C Red No. 4---------- 16983
Cosmetic use, diluents, exemption from certification; postponement of effective date---------- 18495
Drug use, diluents; exemption from certification---------- 15949
Externally applied drugs and cosmetics, use in:
External D&C Red No. 24---------- 16983
Pyrophyllite ---------- 18239
Food use, diluents; exemption from certification---------- 15949
Provisional lists:
Ext. D&C Red No. 24, added---------- 16983
FD&C Red No. 4, deleted---------- 16983
Postponement and termination of closing date of certain items---------- 17089
Termination of provisional listings; FD&C Red No. 4---------- 16983
DRUGS:
*See also* Antibiotic drugs.
Enforcement regulations, drugs and devices, directions for use---------- 18055

## Food and Drug Administration—Continued

DRUGS—Continued
New drugs:
Approvals for distribution, list 17002
Exemption for certain drugs limited by new-drug applications to prescription sale 18055
EDITORIAL CHANGES 16194
EGGS, dried, whole and yolks, definitions and identity standards; glucose removal 16983
ENFORCEMENT REGULATIONS; drugs and devices, directions for use 18055
FISH, shrimp, frozen raw breaded and lightly breaded; definitions and identity standards, proposed rules 18175, 18436

FOOD ADDITIVES in animal feed, food for human consumption, packaging materials, etc.:
Definitions, interpretations, etc.; further extension of effective date of statute for certain specified food additives, direct and indirect 18496
Exemption from requirement of tolerance, substances that are generally recognized as safe; mono- and diglycerides added 16079
Specific additives, proposed or adopted:
Acrylic and modified acrylic plastics, 16249.
Adhesives, 16939, 18497.
Pressure-sensitive, 18218, 18497.
Amprolium, 16098.
Animal glue, 18217.
Antioxidants and/or stabilizers for polymers, 17090.
Cellophane, 16910, 18018, 18055, 18217, 18239.
Chewing gum base, 18868, 16909.
Chlortetracycline; petition withdrawn, 19115.
Closures with sealing gaskets for food containers, 16910, 18217.
Defoaming agents, 16080, 17048, 18217, 18218.
Diammonium phosphate, 16909.
Emulsifiers and/or surface-active agents, 16911.
Erythromycin thiocyanate, 16938.
Ethylene-alkene-1 copolymers, 17048.
Fatty acids, 17048.
Flavoring substances, synthetic, and adjuvents, 18012.
Hot-melt strippable food coatings, 16080.
Hygromycin B; petition withdrawn, 18239.
Ion-exchange resins, 18497.
Isobutylene polymers, 16910.
Lactones, 16994.
Lubricants with incidental food contact, 17090, 17893.
Menadione dimethylpyrimidinol bisulfite, 18239.
Milk-producing animals, additives for use in, 16869, 18397.
Mineral oil, 16079, 19115.
Nylon resins, 16078, 19114.
Paper and paperboard, 18217, 18218, 18497, 19117.
Plasticizers in polymeric substances, 16080, 16910.
Polyester resins, cross-linked, 16935.
Polyethylene, 17048.
Polyethylene terephthalate film, 16858.
Preservatives for wood, 18218.
Radiation, 18056.
Resinous and polymeric coatings, 18217, 19117.
Polyolefin films, 18017.
Rosins and rosin derivatives, 18216.
Rubber articles intended for repeated use, 16911, 18218, 19240.
Sodium methyl sulfate, 18012.
Sodium sulfachloropyrazine, 18239.
Sulfachloropyrazine, 18239.
Surface lubricants used in manufacture of metallic articles, 16910.
Textiles and textile fibers, 16080.
Thiabendazole, 16939.
Tylosin, 18018, 18398, 19265.
Wax, reinforced, 18217.

FROZEN DESSERTS. *See* Ice cream.
FRUIT JUICE BEVERAGES. *See* Beverages.
HAZARDOUS SUBSTANCES, exemption from labeling requirements:
Fire extinguishers 18498
Paste waxes 18056
ICE CREAM, etc.; identity standards, carrageenan or its salts, cheese whey, concentrated and dried, etc. as optional ingredients 18123
MACARONI AND NOODLE PRODUCTS, identity standards, concentrated glyceryl monostearate as optional ingredient; effective date 16858

## Food and Drug Administration—Continued

MARGARINE, oleomargarine, artificially flavored, identity standards, optional ingredients:
Delta-deca lactone and delta-dodecalatone:
Extension of temporary permit for market testing 16868
Proposed rule, extension of time 16944
Milk, cream, and ground soybeans not contained, temporary permit for market testing 16869
ORANGE JUICE, standard of identity, proposed rules:
Frozen concentrated 19109
Fruit juice beverages, extension of time 16866
PEANUT BUTTER, identity standards, optional ingredients; proposed rule, extension of time 16429
PESTICIDE CHEMICALS in or on raw agricultural commodities, specific tolerances; rules proposed or adopted:
Endrin, 17048.
Inorganic bromides, 16868, 16935.
RADIATION for processing of food, canned bacon 18056
SHELLFISH, shrimp, frozen raw breaded and lightly breaded, definitions and identity standards; proposed rules 18175, 18436
TOMATO PRODUCTS. *See* Catsup.
VEGETABLES, canned, identity standards, black-eye peas and potatoes, disodium EDTA and calcium disodium EDTA as optional ingredients; effective date 19240

## Food Stamps:

GENERAL INFORMATION and definitions, etc 16784

## Foreign Aid:

*See* Agency for International Development.

## Foreign-Trade Zones Board:

NEW ORLEANS, La.; expansion of foreign-trade zone 18108

## Forest Service:

ORGANIZATION; assignment and reservations of functions 16216

## Fruit Juice Beverages:

STANDARDS OF IDENTITY, proposed rules 16866, 19109

G

## Gas Companies:

REGULATIONS, hearings, etc. *See* Federal Power Commission.

## Gasoline:

MARKETING, inquiry into problems of competition 19124

## General Accounting Office:

TRANSPORTATION SERVICES, passenger and freight, for account of United States 16313

## General Services Administration:

*See Federal Register.*
*Utilization and Disposal Service.*
AUTHORITY DELEGATION by Acting Administrator to certain officials:
Defense Department Secretary; representation of executive agencies before FCC 16941
GSA officials 19124
Prior delegations revoked 19107, 19108
FEDERAL PROPERTY MANAGEMENT REGULATIONS:
Archives and records 16797
Prior regulations deleted 16832
War contractor records, preservation of; regulations transferred and redesignated 19091, 19107
Household goods transportation, commuted rate schedule 15972
Nondiscrimination in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 16287
Public buildings and space 15973
Prior regulations revoked 15954, 19107
Real property acquisition by lease, contingent fees 19091
Prior regulations revoked 19107
Supply and procurement 15990
Transportation and traffic management 16008
Utilization and disposal:
Personal property; utilization, donation, sale, abandonment, or destruction 16012
Prior regulations deleted 15954





## General Services Administration—Con.

FEDERAL PROPERTY MANAGEMENT REGULATIONS—Continued
Utilization and disposal—Continued
Real property disposal 16126
Prior regulations deleted 16195
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 16287
PROCUREMENT, Federal procurement regulations:
Advertising, bidders mailing lists 18477
Forms, standard 18057

## Geological Survey:

AUTHORITY DELEGATIONS by Director to certain officials and employees; contracts 15961

## Government Employees:

CIVIL SERVICE regulations. *See* Civil Service Commission.
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department; Interior Department.

## Grain Sorghums:

PRICE SUPPORT PROGRAM, 1964 crop 18212

## Grains:

*See also specific grains.*
PRICE-SUPPORT PROGRAM, 1964 crop 18212

## Grants:

COOPERATING AGENCIES 16915
DENTAL HEALTH SERVICES 17954
HOSPITAL AND MEDICAL FACILITIES, construction and modernization 18447
SCHOLARSHIPS AND FELLOWSHIPS, income tax regulations 18355
STATES, ASSISTANCE TO, regulations of Family Services Bureau 19250
TEACHING FACILITIES for medical, dental and other health personnel, construction 15952
WATER POLLUTION 16915

## Grapefruit:

MARKETING. *See* Agriculture Department.

H

## Handicapped Persons:

DEAF, captioned films for; production and distribution 15955

## Hawaii:

SUGAR QUOTA, 1965 19233

## Hazardous Substances:

EXPLOSIVES; transportation, storage. *See* Coast Guard; Interstate Commerce Commission.
FIRE EXTINGUISHERS, exemption from labeling requirements 18498
PASTE WAXES, exemption from labeling requirements 18056

## Health Benefits Program:

FEDERAL EMPLOYEES. *See* Civil Service Commission.

## Health, Education, and Welfare Department:

*See Education Office.*
*Family Services Bureau.*
*Food and Drug Administration.*
*Public Health Service.*
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 16298, 16988
ORGANIZATION AND FUNCTIONS, Public Health Service; Surgeon General, student loans, nurse training, etc 18182

## Honey:

PRICE SUPPORT PROGRAM, 1964 crop 18212

## Hospitals:

GRANTS for construction and modernization 18447

## Housing and Home Finance Agency:

*See Federal Housing Administration.*
AUTHORITY DELEGATIONS:
By Administrator to listed officials:
Acting Regional Director, Administration, Region II (Philadelphia); designation 16878

## Housing and Home Finance Agency—Con.

AUTHORITY DELEGATIONS—Continued
By Administrator to listed officials—Continued
Assistant Administrator, Transportation; urban mass transportation 16879
By Commissioner, Urban Renewal, to Acting Assistant Commissioner, Urban Planning and Community Development, Urban Renewal Administration; designations 18192
By Regional Administrator, Region VI (San Francisco), to Acting Regional Administrator; designation 17858
NONDISCRIMINATION in Federally-assisted programs; effectuation of Title VI, Civil Rights Act of 1964 16280, 16832

## Human Rights Day:

PROCLAMATION 3631 16243

## Human Rights Week:

PROCLAMATION 3631 16243

## Humane Slaughter:

LIVESTOCK CARCASSES, identification of 16210

## Hunting:

WILDLIFE REFUGES. *See* Fish and Wildlife Service.

I

## Ice Cream:

STANDARD OF IDENTITY, optional ingredients 18123

## Immigration and Naturalization Service:

IMMIGRATION REGULATIONS, service officers, powers and duties; denials, appeals and precedent decisions 18010
ORGANIZATION, field service, suboffices, ports of entry for aliens arriving by vessel or by land transportation, District 7, Buffalo, N.Y.; Chaumont and Heart Island, N.Y., deleted 17935

## Imports and Exports:

AGRICULTURAL COMMODITIES. *See* Agriculture Department.
ANTIDUMPING ACT of 1921, investigations and determinations. *See* Customs Bureau; Tariff Commission; Treasury Department.
ATOMIC REACTORS, export licenses. *See main heading* Atomic Energy Commission.
COTTON TEXTILES, import restrictions. *See main heading* Cotton textiles.
EXPORT CONTROL. *See* International Commerce Bureau.
INVESTIGATION OF CERTAIN IMPORTS. *See* Tariff Commission.
OVERTIME SERVICES, commuted travel time allowances 16316

## Income Tax Regulations:

*See* Internal Revenue Service.

## Indian Affairs Bureau:

AUTHORITY DELEGATIONS:
By Deputy Commissioner to Area Directors; contracts relating to trust or restricted lands on Agua Caliente (Palm Springs) Reservation 19264
From Secretary of Interior; Papago Tribe, Sil Murk village relocation 17936
COLVILLE INDIAN IRRIGATION PROJECT, Monse Unit, Washington; establishment of construction cost 16937
ENROLLMENT; former Malheur Reservation, Oregon, Snake or Paiute Indians, preparation of roll for distribution of judgment awarded 16080

## Insecticides:

TOLERANCES for residues on various agricultural commodities. *See* Food and Drug Administration.

## Insurance:

BANKS, insured deposits. *See* Federal Deposit Insurance Corporation.
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
HOUSING mortgage insurance. *See* Federal Housing Administration.

**Insurance—Continued** Page

OLD-AGE INSURANCE. *See* Social Security Administration.
VESSELS, war risk insurance ---- 19085

**Interagency Textile Administrative Committee:**

COTTON TEXTILES AND PRODUCTS, import restrictions:
Brazil, 16269.
Italy, 17056.
Japan, 17056.
Pakistan, 18269.
Philippines, 18400.
Poland, 16444.
Spain, 16269.
Yugoslavia, 18536.

**Interior Department:**

*See Fish and Wildlife Service.*
*Geological Survey.*
*Indian Affairs Bureau.*
*Land Management Bureau.*
*Mines Bureau.*
*National Park Service.*
*Reclamation Bureau.*
APPOINTMENTS WITHOUT COMPENSATION and statements of business interests under Defense Production Act of 1950 ---- 15962, 16871
AUTHORITY DELEGATIONS by Secretary to various officials:
Indian Affairs Commissioner; Papago Tribe, Sil Murk village relocation ---- 17936
Southwestern Power Administrator; designation as marketing agency for surplus electric power and energy ---- 18017
Territories Office; Director, territorial submerged lands, administration ---- 16209
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 ---- 16293
OIL IMPORT ADMINISTRATION, allocations of crude and unfinished oils:
Districts I–IV ---- 16986
District V ---- 16986
OIL IMPORTS:
*See also* Oil Import Administration.
Puerto Rico, adjustments in maximum levels ---- 16998
WATER RESOURCES RESEARCH OFFICE; grants, allotments, reports, etc ---- 16187

**Internal Revenue Service:**

AUTHORITY DELEGATION by Acting Commissioner to District Directors and Director of International Operations; extend time for filing returns, etc ---- 16209
EMPLOYMENT TAXES, nondeductibility of, in computing taxable income ---- 18148
EXCISE TAXES:
Automotive parts or accessories, rebuilt, tax-exempt sales of ---- 19102
Liquor, bonds and consents on behalf of corporate sureties; proposed rules ---- 18379
Manufacturers and retailers taxes, rebuilt television picture tubes; proposed rules ---- 16993
Stamp taxes, coin-operated gambling devices; time for filing returns ---- 16083
Tobacco materials, products, and cigarette papers and tubes; bonds and consents on behalf of corporate sureties, proposed rules ---- 18379
INCOME TAXES:
Abatements, credits, refunds; tentative carryback adjustments, proposed rule ---- 16093
Accounting:
Methods, installment, treatment of carrying charges; proposed rule ---- 18173
Periods, returns for less than 12 months ---- 17808
Additions to tax:
Failure to file certain information returns, proposed rules ---- 18090
Failure to pay estimated tax; exceptions ---- 17811
Aliens:
Nonresident:
Corporate distributions, withholding tax on ---- 17810
Participants in certain exchange or training programs ---- 18355
Residents of Puerto Rico, credits against tax ---- 17810

**Internal Revenue Service—Continued** Page

INCOME TAXES—Continued
Banking institutions:
Common trust funds, dividends and partially tax exempt interest ---- 17808
Foreclosure of property securing loans, proposed rules, hearing ---- 15957
Capital gains:
From sales or exchanges of stock in certain foreign corporations ---- 18128
Treatment, alternative tax ---- 17810
Corporations:
*See also* Foreign corporations.
Used to avoid income tax on shareholders:
Accumulated taxable income ---- 18148
Deduction for dividends paid, consent dividends ---- 17808
Credits against tax:
Dividends received by individuals ---- 17806
Partially tax-exempt interest received by individuals ---- 17807
Decedents, recipients of income in respect of; estate tax deduction, proposed rules ---- 18087
Deductions:
Charitable contributions and gifts, substantiation ---- 18498
Expenses for care of certain dependents ---- 17899
Losses, casualty, theft, confiscation of property by Cuban government, etc ---- 18500
Net operating loss deduction, proposed rules ---- 16090
Taxes ---- 18144
Deductions not permitted, certain taxes ---- 18148
Deferred compensation:
Employee stock options and purchase plans, treatment of; proposed rules ---- 18063
Pension, profit sharing, etc:
Deductions for contributions of employer to trust or annuity plan ---- 18366
Employee annuity ---- 18359
Employees' trust beneficiary ---- 18359
Estates and trusts, dividends received ---- 17808
Exempt organizations or public schools, annuity contracts purchased by ---- 18356
Foreign corporations:
Capital gain from sales or exchanges of stock in ---- 18128
Controlled:
Definition, United States person ---- 16081
Earnings and profits; accounting adjustments, exchange gain or loss ---- 18502
Foreign base company, foreign personal holding company income:
Insurance companies ---- 18212
Rents or royalties derived in active conduct of trade or business ---- 18366
Income from insurance of United States risks ---- 18201
Foreign tax credit. *See* Income from without United States.
Gross income:
Annuities, employees of exempt organizations ---- 18356
Dividends defined ---- 17807
Exclusions:
Death payments, benefits, etc., exempt organizations ---- 18356
Dividends received by individuals, partial exclusion ---- 17807
Scholarships and fellowship grants ---- 18355
Income from without United States, foreign tax credit:
Carryback and carryover of, and overall limitation on ---- 19241
Taxes of foreign countries and possessions of United States, paid by domestic corporation ---- 18148
Taxes in lieu of income, etc ---- 18148
Investment companies and real estate investment trusts, taxation of; dividends received ---- 17809
Partner, income and credits; dividends received ---- 17809
Property disposition, gain or loss on, basis rules; proposed rules ---- 18088
Returns:
Estimated tax ---- 17810
Extension of time for paying tax returns, reduction attributable to expected carryback; proposed rule ---- 16093
Income tax returns ---- 17810
Stock options, in connection with; proposed rules ---- 18088
Time and place for filing, proposed rules ---- 18088
Small business corporations, election as to taxable status; dividends received exclusion ---- 17810





**Internal Revenue Service—Continued** Page

PROCEDURE AND ADMINISTRATION, additions to tax for failure to file certain information returns; proposed rules ---- 18090
WINE containing volatile fruit-flavor concentrates, labeling ---- 16984

**International Commerce Bureau:**

MOBILE TRADE FAIRS, requests for assistance by operators ---- 16186
SUSPENSION OF EXPORT PRIVILEGES:
Bakkeren, A., Firma A., and P. A. G., 15962.
Brentgreg Ltd., 16434.
Fellgower Ltd., 16434.
Jilcliffe Ltd., 16434.
Kastner, George and Ludwig, 17123.
Kourl, Yamil, 18394.
Kourl y Perez, Yamil Amado Haron, 18394.
Moens, Marcel, 16872.
Moens & Co., 16872.
Morvan, Jean, 16098.
Murphy, P. J., 18396.
Murphy Brothers, Ltd., 18396.
Mussot, Jose Luis, 18394.
Newman, F. R. and S. E., 16434.
Newman & Newman, 16434.
Ryelodge Ltd., 16434.
Shepherd, D. H., 18396.
Shepherd, Denis H., 18396.
Shepherd Export & Trading Co., 18396.

**International Conference on Safety of Life at Sea, 1960:**

REGULATIONS (Proclamation 3632) ---- 19167

**International Development Agency:**

*See* Agency for International Development.

**Interstate Commerce Commission:**

AGREEMENT under section 5a, application for approval. *See under* Motor carriers.
CONSOLIDATION, FINANCE, AND REORGANIZATION; finance applications, lists ---- 15965, 16847, 17060, 18113
EXPLOSIVES and other dangerous articles, packing and transportation ---- 18652
Baggage service, rail carriers in ---- 18794
Commodity list ---- 18653
General information and regulations ---- 18652
Motor carriers ---- 18795
Private carriers; proposed rules ---- 18511
Rail express carriers ---- 18793
Rail freight carriers ---- 18774
Shippers ---- 18668
Shipping container specifications ---- 18812
Tank car specifications ---- 18995
FINANCE APPLICATIONS, lists ---- 15965, 16847, 17060, 18113
FREIGHT FORWARDERS; applications for certificates, permits, and licenses ---- 16118, 16899
MOTOR CARRIERS:
Accounts:
Chart of, Class II property carriers; cancelled ---- 19107
Uniform system of, Class II common and contract property carriers; condensed classification of accounts ---- 19104
Agreement under section 5a, application for approval by Movers' and Warehousemen's Association of America, Inc ---- 16882
Applications for certificates, permits, and licenses:
Brokers; lists of applicants:
Passenger ---- 16118, 16899, 17877, 18263
Property ---- 16118
"Grandfather" certificates ---- 17865, 18403
Operating authority, lists of applicants:
Intrastate carriers ---- 16900, 18405
Passenger carriers ---- 16117, 16898, 16900, 17862, 17865, 17876, 18247, 18249, 18262, 18263, 18264, 19146, 19147, 19156, 19157
Property carriers ---- 16106, 16108, 16109, 16119, 16886, 16887, 16890, 16899, 17861, 17862, 17863, 17866, 17877, 18247, 18250, 18263, 19145, 19146, 19147, 19157.

**Interstate Commerce Commission—Con.** Page

MOTOR CARRIERS—Continued
Applications for certificates, permits, and licenses—Continued
Transfer proceedings ---- 16119, 16237, 16270, 16271, 16447, 16847, 16900, 16901, 16942, 17021, 17059, 17129, 17130, 17878, 17879, 17943, 18113, 18194, 18265, 18407, 18408, 18541, 19158, 19270.
Commercial zone, Warren, Ohio, definition; proposed rule ---- 17850
Explosives. *See* Explosives, *above.*
Guide lines in arriving at decisions in hearings, establishment for Commission Examiners; petition for rulemaking ---- 16105
Household goods, transportation in interstate or foreign commerce; definitions, postponement of effective date ---- 16125, 19107
Routes, alternate; deviation notices ---- 16882, 17859, 18404
Safety regulations, driving of vehicles; railroad grade crossings:
Slowing down required ---- 16256
Stopping required ---- 16256
Temporary authorities, applications for; proposed rules, extension of filing date ---- 19262
ORGANIZATION AND FUNCTIONS, assignment of work, business, and functions:
Chairman, Vice Chairman, and Senior Commissioner ---- 17020
Divisions of Commission ---- 18403
Individual commissioners ---- 16846
PRACTICE, general rules; credentials required by special agents, accountants, and examiners ---- 16087, 19107
RAILROADS:
Accounts, uniform system of; railway operating:
Expense accounts, retirements:
Equipment ---- 18426
Road property ---- 18426
Revenue accounts, transportation, other passenger-train; proposed rule ---- 18437
Car service:
Appointment of embargo agent ---- 18377
Authorization to use certain trackage:
Atchison, Topeka and Santa Fe Railway Company, 18427.
Chicago, Burlington & Quincy Railroad Company, 18427.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 18377.
Chicago and North Western Railway Company, 18378.
Chicago, Rock Island and Pacific Railroad Company, 18426.
Denver and Rio Grande Western Railroad, 18427.
Feather River Railway Company, 18378.
St. Louis-San Francisco Railway Company, 18426.
Union Pacific Railroad, 18427.
Box cars, free time on unloading at ports ---- 18506
Freight car movement, railroad operating regulations for ---- 18506
Freight car shortage, distribution orders for various companies ---- 15965, 15966, 15967, 15968, 15969, 16448, 16942, 17021, 17022, 17023, 17024, 18405, 18406, 19270.
Substitute switching service:
Missouri-Kansas-Texas Railroad Company; service at Mangum and Frederick, Oklahoma, 18062.
Disaster area; transportation of hay at reduced rates to Montana ---- 19269
Explosives. *See* Explosives, *above.*
Routing of traffic, rerouting; authority to divert certain traffic:
Georgia & Florida Railway, 18026.
Midland Valley Railroad Co., 18026.
Missouri-Kansas-Texas Railroad Co., 16238, 16448, 18062.
Order vacated, 18194.
Rutland Railroad Corp., 18113.
Southern Pacific Co., 19270.
Spokane, Portland and Seattle Railway System, 19271.
Western Pacific Railroad Co., 19271.
SAFETY REGULATIONS. *See under* Motor carriers.
TARIFFS AND SCHEDULES, long-and-short haul charges; fourth section applications for relief ---- 15964, 16237, 16270, 16901, 17024, 17058, 17879, 18026, 18112, 18194, 18407, 18541, 19269.
WATER CARRIER of passengers; application by Tolchester Lines, Inc ---- 16899


36-000—65——3

J

**Justice Department:** Page
*See Alien Property Office.*
*Immigration and Naturalization Service.*

L

**Labor Department:**
*See Employment Security Bureau.*
*Wage and Hour Division.*
FARM LABOR CONTRACTOR REGISTRATION ..... 18156
NEIGHBORHOOD YOUTH CORPS PROJECTS for unemployed youths ..... 18419
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 .. 16284

**Land Management Bureau:**
ALASKA:
Grazing leases ..... 19249
Homesteads, lands opened to entry for. *See* Homesteads, *below.*
Mental health program, lands reserved for:
Chevak ..... 16863
Fairbanks ..... 16830
Small tracts, lease or sale. *See* Small tracts, *below.*
Survey plat, Larsen and Uyak Bays ..... 17935
Withdrawals of lands for use of Federal agencies, etc. *See* Withdrawals, *below.*
AUTHORITY DELEGATIONS:
By Associate Director to certain officials, respecting patents:
Land Office Managers ..... 18394
State Directors ..... 18393
By Oregon State Director to District Managers, et al.; contracts and leases ..... 17852
DISPOSITION, special uses, leases; editorial changes .. 19248
GRAZING:
Alaska, leases; editorial changes ..... 19249
Nevada, districts No. 5 and 6, lands added (PLO 3464) . 16084
HOMESTEADS, lands opened to entry:
Alaska, 16830, 16863, 17935.
California, 16829, 16830, 16860.
Idaho, 16827, 16830, 17905.
Nevada, 16864, 17935.
New Mexico, 16864, 18392.
Oregon, 16261, 16863, 16864.
Washington, 16859.
Wyoming, 16086, 16087, 16829.
INDIAN LANDS, restoration to tribal ownership; Confederated Salish and Kootenai Tribes of Flathead Indian Reservation, Montana (PLO 3475) ..... 16827
MINERAL LANDS:
*See also* Oil and gas leases.
Acquired lands leasing act, editorial changes ..... 19248
Areas subject to special mining laws, Papago Indian Reservation; editorial changes ..... 19249
Coal leases, editorial changes ..... 19248
Leasing under Reorganization Act, editorial changes .. 19249
Various States, lands opened to mineral entry:
California:
Mount Diablo Meridian, 16830.
Shasta National Forest, 16256.
Colorado, Sixth Principal Meridian, 16827.
Idaho:
Boise Meridian, 16827, 16830.
Boise National Forest, 16087, 19089.
Montana, Gallatin National Forest, 17905.
Nevada, Reno, 16864.
Oregon, Willamette Meridian, 16863.
Wyoming, Sixth Principal Meridian, 17905.
NATIONAL FOREST LANDS; additions, deletions, etc.:
*See also under* Withdrawals, *for campsites, recreation areas, etc.*
Arizona, Sitgreaves National Forest; proposed addition ..... 16937
California:
Eldorado National Forest, powersite restoration (PLO 3487) ..... 16929
Shasta National Forest, mineral entry (PLO 3474) .. 16256
Idaho, Boise National Forest:
Mineral entry (PLO 3473, 3517) ..... 16087, 19089
Reclamation withdrawal revoked in part (PLO 3514) ..... 17905

**Land Management Bureau—Continued** Page
NATIONAL FOREST LANDS; additions, deletions, etc.—Continued
Montana, Gallatin National Forest, mineral entry (PLO 3513) ..... 17905
Nevada:
Humboldt National Forest, lands added (PLO 3466) .. 16084
Toiyabe National Forest, survey plat ..... 17935
New Mexico, Carson National Forest, power site restorations (PLO 3508) ..... 16864
Utah, additions:
Uinta National Forest (PLO 3499) ..... 16861
Wasatch National Forest (PLO 3499) ..... 16861
OIL AND GAS LEASES, protraction diagrams filed:
Colorado:
New Mexico Principal Meridian, 16839, 18238, 18393.
Sixth Principal Meridian, 16839, 18393.
Idaho, Boise Meridian, 19264.
Montana, Principal Meridian, 16938.
Nevada, Mount Diablo Meridian, 18392.
POWER PROJECTS, restoration of lands:
California:
Power site classification No. 295 ..... 16829
Power site reserve No. 329, Executive order of December 31, 1912, revoked in part (PLO 3487) ... 16829
New Mexico:
Power site reserves:
No. 548, Executive order of September 30, 1916, revoked in part (PLO 3508) ..... 16864
No. 740, Executive order of May 21, 1920, revoked in part (PLO 3508) ..... 16864
Water power designation No. 1 (PLO 3508) ..... 16864
Washington:
Power site classifications:
No. 149 (PLO 3493) ..... 16859
No. 407 (PLO 3493) ..... 16859
Power site reserve No. 179, Executive order of March 31, 1911 revoked in part (PLO 3493) ..... 16859
RIGHTS-OF-WAY, highway purposes:
Arizona, 16863.
Washington, 16859.
SCHOOL PURPOSES:
California, 16830.
Idaho, 16827, 16830.
New Mexico, 16864.
Washington, 16859.
Wyoming, 16086, 16829.
SMALL TRACTS, Alaska:
Classification, No. 27 canceled ..... 15961
Lands opened to lease or purchase under Small Tract Act ..... 17935
SURVEY PLATS:
Alabama, islands in Tallapoosa River, 16261.
Alaska, Larsen and Uyak Bays, 17935.
Minnesota, island, Fourth Principal Meridian, 18393.
Nevada, Mount Diablo Meridian, 17935.
Oregon, Salem, 16261.
Utah, Salt Lake Meridian; correction, 16871.
WILDLIFE REFUGES; proposed withdrawals:
Colorado, Alamosa National Wildlife Refuge, reclamation purposes in connection with ..... 19264
Wyoming, Pathfinder National Wildlife Refuge ..... 16434
WITHDRAWAL REGULATIONS, editorial change ..... 19248
WITHDRAWALS of lands for specified uses of Federal agencies, etc.:
Alaska:
Chevak, school purposes (PLO 3503) ..... 16863
Prior order revoked (PLO 3503) ..... 16863
Fairbanks, educational purposes, Executive Order 5289 revoked in part (PLO 3486) ..... 16830
Kenai Peninsula, administrative site, Fish and Wildlife Service; proposed withdrawal ..... 18017
Kodiak Island, administrative site for Kodiak National Wildlife Refuge, Fish and Wildlife Service; proposed withdrawal ..... 18182
Kotzebue, air navigation facility, Federal Aviation Agency; proposed withdrawal ..... 18238
St. Lawrence Island, reindeer station, Executive order of January 7, 1903, revoked in part (PLO 3516) ..... 18423
Seward Meridian, air navigation site and townsite purposes, departmental orders and PLO 751 revoked in part (PLO 3516) ..... 18423





**Land Management Bureau—Continued** Page
WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
Alaska—Continued
Yukon Delta and Baird Inlet areas, school purposes, Indian Affairs Bureau (PLO 3492) ..... 16831
Arizona:
Gila and Salt River Meridian, air navigation facility, Federal Aviation Agency (PLO 3468) ..... 16085
Sitgreaves National Forest, addition, Forest Service; proposed withdrawal ..... 16937
Yavapai County, stock driveway No. 56, Arizona No. 2 modified for right-of-way (PLO 3505) ..... 16863
Arkansas, Ouachita National Forest, scenic and recreation areas, Agriculture Department (PLO 3482) . 16828
California:
Kern County, additional area for electric power transmission, Engineers Corps; proposed withdrawal ..... 16937
Modoc National Forest, roadside zone, Agriculture Department (PLO 3481) ..... 16828
Mount Diablo Meridian, American River investigations, prior order revoked in part (PLO 3488) .. 16830
Rogue River National Forest:
Administrative site, Forest Service; prior order revoked (PLO 3495) ..... 16860
Campgrounds, Agriculture Department (PLO 3490) ..... 16830
Tahoe National Forest, roadside zone, Agriculture Department (PLO 3484) ..... 16829
Toiyabe National Forest, recreation areas, Agriculture Department (PLO 3477) ..... 16827
Colorado:
New Mexico Principal Meridian:
Alamosa National Wildlife Refuge, Fish and Wildlife Service; proposed withdrawal ..... 19264
Fruitland Mesa Project (PLO 3467) ..... 16085
San Isabel and White River National Forests, Frying Pan-Arkansas Project (PLO 3500) ..... 16861
Sixth Principal Meridian:
Colorado-Big Thompson Project, Reclamation Bureau (PLO 3478) ..... 16827
PLO 3359 revoked in part (PLO 3478) ..... 16827
Fort Carson Military Reservation, expansion, Army Department; proposed withdrawal ..... 19264
Fruitland Mesa Project (PLO 3467) ..... 16085
Idaho:
Boise Meridian:
Air navigation sites No. 106 and 214 revoked (PLO 3489) ..... 16830
Reclamation purposes, Boise Project; prior orders revoked in part (PLO 3476, 3514) ..... 16827, 17905
Caribou National Forest, recreation site, Agriculture Department (PLO 3510) ..... 16987
Challis National Forest, campgrounds, Agriculture Department (PLO 3510) ..... 16987
Montana, Principal Meridian, reclamation purposes, Sun River Project; prior order revoked in part (PLO 3465) ..... 16084
Nevada:
Mount Diablo Meridian:
Air navigation facility, Federal Aviation Agency; PLO 3447 corrected (PLO 3485) ..... 16829
Moapa Valley Pumping Project (PLO 3501) .. 16862, 18219
Southern Nevada Water Supply Project (PLO 3512) ..... 16987
Reno, reclamation purposes. Newlands Project; prior order revoked in part (PLO 3509) ..... 16864
Toiyabe National Forest, campground, Agriculture Department (PLO 3507) ..... 16864
New Mexico, Cibola National Forest; scenic area, recreation areas, etc., Agriculture Department (PLO 3494, 3498) ..... 16859, 16860
North Dakota, Fifth Principal Meridian; reclamation purposes, Lower Yellowstone Project (PLO 3479) . 16828
Oregon:
Deschutes National Forest, administrative site and cave area, Agriculture Department (PLO 3502) . 16862
Malheur National Forest, recreation area, Agriculture Department (PLO 3496) ..... 16860
Mount Hood National Forest:
Campground and administrative site, proposed withdrawal terminated ..... 19265
Lookout station, prior order revoked in part (PLO 3508) ..... 16863

**Land Management Bureau—Continued** Page
WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
Oregon—Continued
Rogue River National Forest, campgrounds, Agriculture Department (PLO 3497) ..... 16860
Siskiyou National Forest, geological area, etc., Forest Service; proposed withdrawal terminated ..... 16938
Umpqua National Forest:
Experimental forest, Agriculture Department (PLO 3502) ..... 16862
Geological area, Forest Service; proposed withdrawal terminated in part ..... 18438
Willamette Meridian, reclamation purposes, prior order revoked in part (PLO 3504) ..... 16863
Willamette National Forest, road zone, Agriculture Department (PLO 3502) ..... 16862
Utah:
Ashley National Forest:
Campgrounds, Forest Service (PLO 3491) ..... 16831
Recreation area, Agriculture Department (PLO 3480) ..... 16828
Salt Lake Meridian:
Deseret Chemical Depot, Engineers Corps; proposed withdrawal ..... 16262
Marble Canyon Project (PLO 3469) ..... 16085
Uintah National Forest, administrative sites and campgrounds, Agriculture Department (PLO 3480) ..... 16828
Washington, Snake River, Lower Monumental Lock and Dam Project, Engineers Corps; proposed withdrawal ..... 16262
Wyoming, Sixth Principal Meridian:
Meeks Cabin Dam and Reservoir (PLO 3511) ..... 16987
Pathfinder National Wildlife, Fish and Wildlife Service; proposed withdrawal ..... 16434
Reclamation withdrawals, prior orders withdrawn in part:
Kendrick Project (PLO 3472) ..... 16087
Lyman Project (PLO 3515) ..... 17905
Stock driveway purposes, prior orders revoked in part (PLO 3470, 3471, 3483) ..... 16086, 16829

**Lemons:**
MARKETING, Arizona and California ..... 16078, 16316, 17031, 18045, 18415

**Lettuce:**
MARKETING, Texas ..... 16833, 19094

**Limes:**
MARKETING, Florida ..... 16258, 19259

**Liquor:**
EXCISE TAXES. *See* Internal Revenue Service.

**Livestock:**
*See also* Meat and meat products.
DISEASES, control, etc. *See* Agriculture Department.
HUMANE SLAUGHTER, identification of carcasses .... 16210
STOCKYARDS, posting, deposting. *See* Agriculture Department.

**Loans:**
DISASTER AREAS, emergency loans. *See* Agriculture Department; Emergency Planning Office; Small Business Administration.
EDUCATIONAL LOANS by Federal savings and loan associations ..... 16856
HOUSING LOANS. *See* Federal Housing Administration.
SMALL BUSINESS LOANS. *See* Small Business Administration.

M

**Macaroni:**
STANDARDS OF IDENTITY, optional ingredient ..... 16858

**Margarine:**
STANDARD OF IDENTITY:
Proposed rule, extension of time ..... 16994
Temporary permit ..... 16868, 16869

**Maritime Administration:**
CUBA, free world and Polish-flag vessels arriving in, since January 1, 1963; list ..... 16873, 18515

**Maritime Administration—Continued** Page
SUBSIDIZED VESSELS AND OPERATORS, operating-differential subsidies; applications under Merchant Marine Act, 1936:
Central Gulf Steamship Corp., 16219.
Oceanic Steamship Co., 19114.
WAR RISK INSURANCE, values for 19085

**Meat and Meat Products:**
*See also* Livestock.
FOOD ADDITIVES. *See* Food and Drug Administration.
IMPORT LIMITATIONS 19114

**Medical and Dental Care:**
ARMY DEPARTMENT regulations 16251
DENTAL HEALTH SERVICES, grants for 17954
HOSPITALS, grants for construction and modernization 18447
NAVY DEPARTMENT, disclosure of medical information 18275
TEACHING FACILITIES, grants for construction 15952
VETERANS. *See* Veterans Administration.

**Medicines:**
DRUGS. *See* Food and Drug Administration.

**Mental Illness:**
CARE AND TREATMENT of mentally ill nationals returned from foreign countries 19252

**Migratory Birds:**
HUNTING POSSESSION, etc. *See* Fish and Wildlife Service.
TRANSFER OF PROPERTY in Delaware County, Pa., to Interior Department for management program 18191

**Migratory Workers:**
CONTRACTOR REGISTRATION 18156
FOREIGN AGRICULTURAL LABOR, certification and use 19101

**Milk and Milk Products:**
EXPORT PAYMENT rates-by-contract program, nonfat dry milk 17032
MARKETING ORDERS, etc. *See* Agriculture Department.
STANDARDS, nonfat dry milk 19091

**Mineral Lands and Minerals:**
PUBLIC LANDS, mineral entry. *See* Land Management Bureau.

**Mines Bureau:**
AUTHORITY DELEGATION by Acting Assistant Director, Minerals Research to certain officials; procurement and contracts 16209

**Mohair:**
PAYMENT PROGRAM 18153

**Motor Carrier Regulations:**
*See* Interstate Commerce Commission.

**Motor Vehicles:**
REBUILT PARTS and accessories, tax-exempt sale of 19102
SEAT BELTS, standards 16973, 18507
TIRES, MARKETING; price advertising and guarantees, etc., hearing 15962

N

**Narcotics Bureau:**
OPIATES, addition of (piritramid) (R. 3365) 1-(3-cyano-3, 3-diphenylpropyl)-4-(1-piperidino) piperidine-4-carboxylic acid amide to chronological list 19241

**National Aeronautics and Space Administration:**
EASEMENTS, granting of 17892
PROCUREMENT REGULATIONS 16502

**National Aeronautics and Space Council:**
EXECUTIVE SECRETARY, basic compensation 18025

**National Bureau of Standards:**
RADIO STATIONS:
NBS:
Standard frequency and time broadcasts, changes 18098

**National Bureau of Standards—Continued** Page
RADIO STATIONS—Continued
NBS—Continued
Time signals broadcast by WWVB, Fort Collins, Colo.; adjustment in phase 18098
NBS and Navy; universal time signals; adjustment in phase 18098
TEST FEE SCHEDULES:
Electricity 16319
Heat, temperature physics 18507
Metrology 18032

**National Forests, Parks, etc.:**
REGULATIONS. *See* National Park Service.
WITHDRAWALS for specific use of Federal Agencies, etc. *See* Land Management Bureau.

**National Labor Relations Board:**
ORGANIZATION, public information places 16103

**National Park Service:**
AUTHORITY DELEGATIONS by Superintendents of certain Parks to various officials; contracts:
Big Bend National Park, Procurement and Property Management Assistant 18238
Glacier National Park, Assistant Superintendent, et al 16840
NATIONAL PARKS, monuments, historic sites, etc.:
Blue Ridge Parkway; boating 18218
Buck Island Reef National Monument; submerged features, marine operations, wrecks, boats and fishing 17091
Everglades National Park; boating 18218
Fort Sumter National Monument; boating 18218
Glacier National Park; boating 18218
Grand Canyon National Monument; boating 18218
Grand Canyon National Park; boating 18218
Grand Teton National Park; boating 18218
Isle Royale National Park; boating 18218
Mammoth Cave National Park; boating 18218
Virgin Islands National Park; submerged features, marine operations, wrecks, boats and fishing 17091
Yellowstone National Park; boating 18218

**National Science Foundation:**
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 16305

**Navigation Regulations:**
AIRWAYS. *See* Federal Aviation Agency.
WATERWAYS. *See* Coast Guard; Engineers Corps.

**Navy Department:**
*See also* Defense Department.
CONDUCT STANDARDS 17812
COURTS, nonjudicial punishment; general provisions 16194
DISCHARGES AND SEPARATIONS from Naval service, various reasons, etc. 18280
NAVAL ACADEMY, admission of candidates as midshipmen 16055
PUNISHMENT, NONJUDICIAL; general provisions 16194
RECORDS:
Official, availability of:
Civil court, records in 18275
Production in absence of court order 16194
Reserves, naval; records and reports 18276
RESERVES, NAVAL:
Administrative regulations and procedures 18276
Control, plans, and organization 18276
Records and reports 18276
Training provided, appropriate duty (including air) 18279

**Nectarines:**
MARKETING, California 16966, 18514

**Nondiscrimination:**
AIRPORT CONSTRUCTION 18000
CIVILIAN CEREMONIES, Army unit participation 15949
FEDERALLY-ASSISTED PROGRAMS, effectuation of Title VI of Civil Rights Act of 1964:
Agriculture Department, 16274, 16966.
Atomic Energy Commission, 19277.
Civil Aeronautics Board, 19287.
Coast Guard, 19297.
Defense Department, 19291.
Federal Aviation Agency, 19283.
General Services Administration, 16287.
Health, Education and Welfare Department, 16298, 16988.





**Nondiscrimination—Continued** Page
FEDERALLY-ASSISTED PROGRAMS, effectuation of Title VI of Civil Rights Act of 1964—Continued
Housing and Home Finance Agency, 16280, 16832.
Interior Department, 16293.
Labor Department, 16284.
National Science Foundation, 16305.
Veterans Administration, 19301.

**Noodles:**
STANDARDS OF IDENTITY, optional ingredient 16858

**Nuts:**
*See* Peanuts.

O

**Oats:**
PRICE SUPPORT PROGRAM, 1964 crop 18212

**Oil:**
*See* Tung oil.

**Oil and Gas:**
GASOLINE MARKETING, inquiry into problems of competition 19124
IMPORTS. *See* Interior Department.
LEASES on public lands. *See* Interior Department; Land Management Bureau.

**Oil Import Administration:**
*See* Interior Department.

**Oleomargarine:**
STANDARD OF IDENTITY:
Proposed rule, extension of time 16994
Temporary permit 16868, 16869

**Onions:**
IMPORT RESTRICTIONS, proposed rule 19260
MARKETING, Texas 19234

**Orange Juice:**
STANDARD OF IDENTITY:
Beverages; proposed rules, extension of time 16866
Frozen concentrated juice; proposed rule 19109

**Oranges:**
MARKETING. *See* Agriculture Department.

P

**Panama Canal:**
*See* Canal Zone Government.

**Passports:**
*See* State Department.

**Patent Office:**
FORMS, declaration to accompany application for patent 18502
RULES OF PRACTICE; statement of applicant, oath or declaration 18502

**Pay, Compensation, Etc.:**
CIVIL SERVICE, certain specialization in technology series, cancellation of special rates 16875
EXECUTIVES, basic compensation; Executive Secretary, National Aeronautics and Space Council 18025
LEARNERS, employment at subminimum wages. *See* Wage and Hour Division.
MINIMUM WAGES, interstate commerce, goods produced for. *See* Wage and Hour Division.
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department; Interior Department.

**Peaches:**
MARKETING:
California 16994, 18514
Georgia 16938

**Peanut Butter:**
STANDARD OF IDENTITY; proposed rule, extension of time 16429

**Peanuts:**
MARKETING QUOTAS, acreage allotments 16185
PRICE SUPPORT PROGRAM, 1964 crop 18212

**Pears:** Page
MARKETING, California; Bartlett pears 16854, 18514

**Peas:**
STANDARD OF IDENTITY, canned black-eye peas 19240

**Pesticides:**
TOLERANCES for residues. *See* Food and Drug Administration.

**Plant Quarantine:**
*See* Agriculture Department.

**Plums:**
MARKETING, California 16854, 16993, 18514, 19094

**Pollution:**
WATER POLLUTION, grants 16915

**Post Office Department:**
AUTHORITY DELEGATION by Assistant Postmaster General, Bureau of Facilities, to Assistant Chief, Real Estate Branch; real property management 17852
DOMESTIC SERVICES:
Classification and rates:
First class; classification 16252
Fourth class:
Classification 16252
Rates 16252
Second class:
Matter mailable 16252
Qualifications for privileges 16125
Proposed rule revoked 18093
Third class, preparation—payment of postage 16125
Money orders, international issuance of 16125
Special mail services; special handling, fees 16858
Transportation of mail, air, international; authority, proposed rule 18380
Wrapping and mailing; second class, bulk mailings:
Mailing 16125
Newspaper treatment 16125
INTERNATIONAL MAIL:
Directory of, individual country regulations 16859, 18506
Importations, customs; examination 18506
Military mail, inquiries and claims 18513
Postal Union mail, rates and conditions for specific classes; printed matter 16859, 19089
Zip code numbers, overseas military post offices 18513
MILITARY MAIL, inquiries and claims 18513
UNIFORM QUALITY CONTROL PROGRAM, issuance of specifications for postal employee uniform apparel; maroon neckties 18238
ZIP CODE NUMBERS, overseas military post offices 18513

**Potatoes, Irish:**
REPORTS by merchants, processors, and dealers in potatoes and potato products; proposed rules 15957
STANDARD OF IDENTITY, canned potatoes; optional ingredients 19240

**Poultry Products:**
POULTRY SOUP, minimum meat content; postponement of effective date 18474

**Power Commission:**
*See* Federal Power Commission.

**President, The:**
EXECUTIVE ORDERS, proclamations, etc. *See* Presidential documents.
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964; approval of Agency programs:
Agriculture Department, 16274, 16966.
Atomic Energy Commission, 19277.
Civil Aeronautics Board, 19287.
Coast Guard, 19297.
Defense Department, 19291.
Federal Aviation Agency, 19283.
General Services Administration, 16287.
Health, Education and Welfare Department, 16296, 16988.
Housing and Home Finance Agency, 16280, 16832.
Interior Department, 16293.
Labor Department, 16284.
National Science Foundation, 16305.
Veterans Administration, 19301.
TARIFF COMMISSION, report to President on petition by ceramic floor and wall tile producer 19134

**Presidential Documents:** Page
BILL OF RIGHTS DAY (Proc. 3631) 16243
COLLISIONS AT SEA, prevention of, regulations (Proc. 3632) 19167
HUMAN RIGHTS DAY (Proc. 3631) 16243
HUMAN RIGHTS WEEK (Proc. 3631) 16243
READY RESERVE, screening of (EO 11190) 19183
SIR WINSTON CHURCHILL DAY (Proc. 3630) 15941

**President's Cabinet Textile Advisory Committee:**
COTTON PRODUCTS, import restrictions:
Italy, 17056.
Japan, 17056.
Philippines, 18400.
Poland, 16444.
Yugoslavia, 18536.

**Proclamations:**
*See* Presidential documents.

**Procurement:**
ARMED SERVICES. *See* Air Force Department.
AUTHORITY DELEGATIONS respecting procurement functions. *See specific agencies.*
FEDERAL PROCUREMENT REGULATIONS. *See* General Services Administration.
REGULATIONS of various agencies. *See specific agencies.*

**Property Management, Federal:**
REGULATIONS. *See* General Services Administration.

**Prunes:**
CANNED DRIED, purchase program 17123

**Public Health Service:**
COMMISSIONED OFFICERS, prescription of numbers in grade 18288
GRANTS:
Construction and modernization of hospitals and medical facilities 18447
Construction of teaching facilities for medical, dental and other health personnel 15952
Public health services, payments to States:
Cooperating agencies 16915
Dental health services 17954
Water pollution control, payments to States and interstate agencies 16915
ORGANIZATION AND FUNCTIONS, Surgeon General; student loans, nurse training, etc 18182

**Puerto Rico:**
ALIEN RESIDENTS, income tax regulations 17810
ANCHORAGE REGULATIONS 16859
OIL IMPORTS 16998
SUGAR PRODUCTION 19233
WAGE RATES. *See* Wage and Hour Division.

**Q**

**Quarantine Regulations:**
ANIMAL DISEASES, control of. *See* Agricultural Department.
PLANT QUARANTINE. *See* Agriculture Department.

**R**

**Radiation:**
FOOD PROCESSING, canned bacon 18056
REACTORS, construction, operation, etc. *See* Atomic Energy Commission.

**Radio Communications:**
*See* Federal Communication Commission; National Bureau of Standards.

**Railroad Retirement Board:**
NATIONAL EMERGENCY, plan of operation during 16322

**Railroads:**
REGULATIONS, notices. *See* Interstate Commerce Commission.

**Ready Reserve of Armed Forces:**
SCREENING OF (Executive Order 11190) 19183

**Reclamation Bureau:** Page
COLORADO RIVER STORAGE PROJECT, reservation for silt project 17852
COLUMBIA BASIN PROJECT, Washington; sale of farm units suitable for settlement purposes 16262
YUMA IRRIGATION PROJECT, Arizona-California Reservation Division, California; annual operation, maintenance, and water rental charges 18394

**Restricted Areas:**
AIRCRAFT, restricted areas over military installations. *See* Federal Aviation Agency.

**Rice:**
MARKETING QUOTAS, acreage allotments 17086, 19232, 19233, 19265
PRICE SUPPORT PROGRAM, 1964 crop 18212

**Rights-of-Way:**
HIGHWAY PURPOSES, public lands. *See* Land Management Bureau.

**Rural Electrification Administration:**
ORGANIZATION; assignment and reservations of functions 16217

**Rye:**
PRICE SUPPORT PROGRAM, 1964 crop 18212

**S**

**Safety of Life at Sea, International Conference on, 1960:**
REGULATIONS (Proclamation 3632) 19167

**Scholarships:**
GRANTS, income tax regulations 18355

**Schools:**
*See* Education and educational facilities.

**Seat Belts:**
STANDARDS 16973, 18507

**Securities and Exchange Commission:**
HEARINGS. *See list at end of this agency.*
INVESTMENT ADVISERS ACT, 1940; certified mail, use of 16982
INVESTMENT COMPANY ACT, 1940:
Certified mail, use of 16982
Definition of "current net asset value" for use in computing periodically current price of redeemable security 19101
ORGANIZATION; delegations of authority:
Division of Corporate Regulation, Director 16187
Division of Corporation Finance, Director 16187
SECURITIES ACT, 1933:
Certified mail, use of 16982
Definitions, certain, dealing with registration and reporting procedures; proposed rules 18234
Delivery of prospectuses by dealers, exemptions 19100
Form S-8, registration statement; securities offered to employees pursuant to certain plans 16857
Registration, statement required on prospectus regarding delivery of prospectuses by dealers 19100
SECURITIES EXCHANGE ACT, 1934:
Applications and reports, proposed rules 18234
Arbitrage transactions, proposed rule 18234
Certified mail, use of 16982
Disclosure detrimental to national security, proposed rule 18234
Exemption of acquisitions of shares of stock and stock options under certain stock bonus, stock option or similar plans 16857
Forms X-17A-9(1), X-17A-9(2), and X-17A-9(3); reports to be made by market makers and certain other registered broker-dealers 16247, 16248
Manipulative and deceptive devices and contrivances; prohibition against trading by persons interested in distribution 16857
Records and reports, preservation of, certain stabilizing activities; reports of market makers and other registered broker-dealers 16247





**Securities and Exchange Commission—Con.** Page
SECURITIES EXCHANGE ACT, 1934—Continued
Reports; proposed rules:
Directors, officers, and principal stockholders 18234
Issues of listed securities 18234
Registrants under Securities Act, 1933 18234
Solicitation of proxies; proposed rules 18386, 19263
TRUST INDENTURE ACT, 1939; certified mail, use of 16982
HEARINGS, ETC.:
American Electric Power Co., Inc., 16104.
American Natural Gas Co. et al., 18192.
Associated Oil & Gas Co. et al., 16845.
Baldwin Securities Corp., 16269.
Beverage Fund, Inc., 17058.
Central Power and Light Co., 15963.
Central South West Corp., 15963.
Columbia Gas System, Inc. et al., 16104.
Connecticut Yankee Atomic Power Co. et al., 17127.
Continental Vending Machine Corp., 16234, 17019, 18242, 19268.
Depositors Fund of Boston, Inc., 18439.
Dividend Shares, Inc., 19132.
Dominick Fund, Inc. et al., 18401.
Eastern Utilities Associates, et al., 16879.
Federated Department Stores, Inc., 19132.
Ferguson & Associates, Inc., 17019.
Fulton Investment Co., 19133.
General Public Utilities Corp., 16234.
Genesee Valley Gas Co., Inc., 16445.
Gold Seal International A & C, Inc., 18537.
Hanna Mining Co., 16235, 17858.
Household Finance Corp., 16445.
Imperial Fund, Inc. et al., 16845.
Israel Fund, The, Inc., 19269.
Jersey Central Power & Light Co., 16446.
National Industries, Inc., 17942.
Nucleonics Chemistry & Electronics Shares, Inc., 18402.
Pennsylvania Electric Co., 16015.
RIDC Industrial Development Fund, 18401.
Realsite, Inc., 16880.
Research Investing Corp., 18402.
Rockwell-Standard Corp., 16846.
Second Empire Fund, Inc., 16941.
Security Reserve Life Insurance Co., 17019.
Southeastern Capital Corp., 19133.
Standard System Investment Corp., 17943.
Tastee Freez Industries, Inc., 16236, 17020, 18242.
Tilecast Corp., 16880.
United Life Insurance Investors Corp., 16236.
Virginia Capital Corp., 18537.
Westmore, Inc., 18108.
Worldwide Fund Ltd., 18193.

**Ships:**
*See* Vessels.

**Sir Winston Churchill Day:**
PROCLAMATION 3630 15941

**Small Business Administration:**
AUTHORITY DELEGATIONS:
By Administrator to various officials:
Deputy Administrator for Financial Assistance 18194
Regional Directors 18194
By Regional Directors to various officials:
Region IV; Chief, Financial Assistance Division, et al 16880
Branch Manager, Cleveland, Ohio 18242
Region V; Branch Manager, Louisville, Ky 16880
Region X; Manager, Disaster Field Office, Houma, La., rescinded 15964
DISASTER AREAS requiring Federal assistance:
California, 16106.
Oklahoma, 16446.
Washington, 18028.
ORGANIZATION:
Atlanta Regional Office, Louisville Branch Office transferred to 16846
Cleveland Regional Office designated as Branch Office 16846
Richmond Regional Office, Cleveland and Columbus Branch Offices transferred to 16846
SMALL BUSINESS ACT regulations:
Loan policy, business loans and guarantees; assistance not available for real property for sale or investment 18419

**Small Business Administration—Continued** Page
SMALL BUSINESS ACT regulations—Continued
Size standards:
Definition of small business for receiving priority payment 15945
Definitions, "concern" 15945
In effect on Oct. 22, 1962 for purpose of claimants before Foreign Claims Settlement Commission 18108
SMALL BUSINESS INVESTMENT COMPANIES 16946
Borrowing by SBIC 16950
Capital requirements 16949
Definitions, scope 16947
Enforcement 16959
Equity capital 16951
Examination and reports 16958
General rules 16953
Common tenancy 16826, 16956
Conflicts of interest, self-dealing limitation 16957
Proposed rule 16095
Licensee, activities of 16825, 16953, 16967
Purchases from underwriters, proposed rules 18016
Special discretionary portfolio, proposed rule 18016
Interpretations 16959
License 16949
Long-term loans 16952
Commitments 16825, 16953
Proposal 16948

**Soil Conservation Service:**
ORGANIZATION; assignment and reservations of functions 16217

**Southwestern Power Administration:**
AUTHORITY DELEGATION from Secretary of Interior; designation as marketing agency for surplus electric power and energy 18017

**Soybeans:**
PRICE SUPPORT PROGRAM, 1964 crop 18212

**Space Communications:**
*See* Federal Communications Commission.

**Spaghetti:**
STANDARDS OF IDENTITY, optional ingredient 16858

**Standards:**
AGRICULTURAL COMMODITIES. *See specific commodities.*
FOODS, canned, processed, etc. *See* Food and Drug Administration.
TECHNICAL STANDARDS for equipment, materials, operations, etc. *See specific agencies.*

**Standards Bureau:**
*See* National Bureau of Standards.

**State Department:**
PASSPORTS, foreign, 6-month validity extension 16097
VISAS, documentation under Immigration and Nationality Act; nonimmigrant visas, authority to issue in U.S. 19089

**Students:**
*See also* Education and educational facilities.
EMPLOYMENT at special minimum wages. *See* Wage and Hour Division.

**Sugar:**
PRODUCTION, PRICES, wages, etc. *See* Agriculture Department.

**Surplus Property and Commodities:**
AGRICULTURAL COMMODITIES, sales list 16998

**T**

**Tangelos:**
MARKETING, Florida 16315

**Tangerines:**
MARKETING, Florida 16314

**Tariff Commission:**
INVESTIGATION OF IMPORTS:
Ceramic wall and floor tile, petition for adjustment assistance; report to President 19134
Clinical thermometers 15964
Safety pins 15964

**Tariff Schedules of United States:** Page
TABLE OF AMENDMENTS, additions---- 19238

**Telecommunication:**
GOVERNMENT USE of frequencies below 30 Mc/s, revoked ---- 19249

**Television Stations:**
BROADCAST FACILITIES, regulations. *See* Federal Communications Commission.

**Territories Office:**
AUTHORITY DELEGATION from Secretary of Interior, administration of territorial submerged lands ---- 16209

**Textile Advisory Committee, President's Cabinet:**
*See* President's Cabinet Textile Advisory Committee.

**Tires:**
MARKETING of automobile tires, price advertising and guarantees, etc.; hearing---- 15962

**Tobacco:**
CROP INSURANCE, 1965 crop---- 17029
EXCISE TAXES. *See* Internal Revenue Service.
MARKETING QUOTAS, acreage allotments, flue-cured, 1965–67 ---- 16077, 16097
STANDARDS, Pennsylvania seedleaf---- 16854

**Tomato Catsup:**
STANDARD OF IDENTITY, proposed rules---- 16934

**Trade Expansion Act:**
ADJUSTMENT ASSISTANCE for firms, Commerce Department regulations---- 18059

**Trade Fairs:**
MOBILE FAIRS, requests for assistance by operators-- 16186

**Trade Practices:**
*See* Federal Trade Commission.

**Trains:**
REGULATIONS, tariffs, etc. *See* Interstate Commerce Commission.

**Travel and Transportation Expenses:**
APPOINTEES to certain positions where there is manpower shortage---- 16842, 19118
Cancellation of certain listings---- 18242

**Treasury Department:**
*See Coast Guard.*
*Comptroller of Currency.*
*Customs Bureau.*
*Internal Revenue Service.*
*Narcotics Bureau.*
ANTIDUMPING ACT of 1921:
Appraisement withheld on certain imports. *See main heading* Customs Bureau.
Determinations by Secretary; fair value:
Beef steaks from Canada, 16868.
Steel pipe, standard, welded, from Japan, 19113.
Steel sheet, hot-rolled, from Japan, 19113.
Steel sheet and plate, cold-rolled, from Japan, 19113.
Wire strand from Japan, 19113.
AUTHORITY DELEGATION by Assistant Secretary to Commandant, U.S. Coast Guard; exemption of specially constructed vessels from certain lighting requirements ---- 17123
CLAIMS:
Arising outside United States---- 18161
Incident to use of Government vehicles or other property of United States not cognizable under other law ---- 18161
FISCAL SERVICE. *See* Public Debt Bureau.
PUBLIC DEBT BUREAU:
Restrictive endorsements of bearer securities---- 16914
United States savings bonds:
Payments by banks and other financial institutions in connection with redemption; meaning of terms ---- 16386, 19076
Regulations governing---- 16344, 19034
Series E, offering---- 16358, 19047
Series H, offering---- 16386, 19076
United States securities, general regulations-- 16330, 19020

**Tung Oil:** Page
PRICE SUPPORT PROGRAM, 1964 crop---- 18212

U

**United States Employment Service:**
FOREIGN AGRICULTURAL LABOR, certification and use of---- 19101

**Utilization and Disposal Service:**
MIGRATORY BIRD MANAGEMENT PROGRAM, transfer of Darby Creek Disposal Area, Delaware County, Pa., to Interior Department---- 18191

V

**Vegetables:**
*See also specific vegetables.*
CANNED VEGETABLES, identity standards, black-eye peas and potatoes---- 19240

**Vessels:**
COAST GUARD REGULATIONS. *See* Coast Guard.
COLLISIONS AT SEA, prevention of, regulations (Proclamation 3632) ---- 19167
CUBA, list of free world and Polish flag vessels arriving since January 1, 1963---- 16873, 18515
FISHING VESSEL CONSTRUCTION DIFFERENTIAL SUBSIDY. *See* Fish and Wildlife Service.
FOREIGN DISCRIMINATION affecting U.S. ships in U.S.-Uruguayan trade---- 16195, 17121
MARITIME CARRIERS, regulations affecting. *See* Federal Maritime Commission; Maritime Administration.
WAR RISK INSURANCE---- 19085

**Veterans Administration:**
ADJUDICATION. *See* Pension, compensation.
FUNDS AND EFFECTS, veteran's personal, disposition of ---- 17903, 17904
MEDICAL CARE, dental services---- 18219
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964---- 19301
PENSION, COMPENSATION:
Benefits, special; disability or death due to hospitalization, etc---- 16252
Hospitalization adjustments---- 16328
Income, evaluation of---- 17092
Reductions and discontinuances---- 16328
PROCUREMENT:
Advertising, formal---- 16323
Contract clauses---- 18013
General ---- 16323, 17903

**Virgin Islands:**
NATIONAL PARK and national monument; submerged features, marine operations, wrecks, boats and fishing ---- 17091

**Visas:**
*See* State Department.

**Vocational Education:**
ALLOTMENT RATIOS---- 16435

W

**Wage and Hour Division, Labor Department:**
FAIR LABOR STANDARDS ACT, 1938; retailers of goods or services:
Child labor provisions; fourteen-year minimum---- 19104
Compensation representing commissions where dual systems of payment are used---- 19104
"Executive" and "administrative" employees, defined- 19103
LEARNERS, employment at below minimum wages; certificates, special, to various industries---- 16120, 18538, 19143
PUERTO RICO:
Homeworkers in buttons, leather, hand-braiding, industry; minimum piece rates proceedings---- 19103
Minimum wage orders:
Appointment of various industry committees; hearings:
Chemical, petroleum, and related products, 16428.
Food and related products, 17822.





**Wage and Hour Division, Labor Department—Continued** Page
PUERTO RICO—Continued
Minimum wage orders—Continued
Appointment of various industry committees; hearings—Continued
Lumber and wood products, 16428.
Paper, paper products, printing, and publishing, 17822.
Rubber products, 16428.
Shoes and related products, 16428.
Stone, clay, glass, cement, and related products, 17822.
Various industries:
Handkerchief, scarf, and art linen, 17811.
Men's and boys' clothing and related products, 19103.
Sugar manufacturing; correction, 15949.
Sweater and knit swimwear, 17812.
Women's and children's underware and women's blouse, 17811.
RETAIL OR SERVICE ESTABLISHMENTS:
Applicability of Fair Labor Standards Act:
Child labor provisions; fourteen-year minimum--- 19104
Compensation representing commissions where dual systems of payment are used---- 19104
"Executive" and "administrative" employees, defined ---- 19103
Certificates authorizing employment of full-time students at special minimum wages---- 19134

**Water Carriers:**
*See* Federal Maritime Commission; Interstate Commerce Commission; Maritime Administration.

**Water Pollution:**
GRANTS ---- 16915

**Water Resources Research Office:** Page
GRANTS, ALLOTMENTS, reports, etc---- 16187

**Weather Bureau:**
CHARGES FOR SERVICES---- 19236

**Welfare Administration:**
*See* Family Services Bureau.

**Wheat:**
LOAN AND PURCHASE PROGRAM, 1964 crop---- 15943
MARKETING CERTIFICATE PROGRAM, processor-- 17086
MARKETING QUOTAS, acreage allotments; natural disaster, acreage transfer---- 19092
PRICE SUPPORT PROGRAM, 1964 crop---- 18212
STANDARDS, proposed rules---- 17816

**Wildlife Refuges:**
HUNTING AND SPORT FISHING in. *See* Fish and Wildlife Service.
LANDS WITHDRAWN for refuges. *See* Land Management Bureau.

**Without-Compensation Employees:**
APPOINTMENTS and statements of financial interests. *See* Commerce Department; Interior Department.

**Wool:**
PAYMENT PROGRAMS for shorn and unshorn lambs- 18153

Y

**Youth Corps Projects:**
NEIGHBORHOOD PROJECTS for unemployed youths- 18419


36-000—65——4

U.S. GOVERNMENT PRINTING OFFICE: 1965

*Part II begins on page 15971*

*Pages 15939–16052*

PART I

# FEDERAL REGISTER

VOLUME 29 NUMBER 233

*Washington, Tuesday, December 1, 1964*

## Contents

### THE PRESIDENT

PROCLAMATION

Sir Winston Churchill Day ..... 15941

### EXECUTIVE AGENCIES

#### AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Scabies in sheep; interstate movement ..... 15943

#### AGRICULTURE DEPARTMENT

*See also* Agricultural Research Service; Commodity Credit Corporation; Commodity Exchange Authority.

Notices

North Carolina and Texas; designation of areas for emergency loans ..... 15962

#### ARMY DEPARTMENT

*See also* Engineers Corps.

Rules and Regulations

Army participation in civilian activities; nondiscrimination ..... 15949

Notices

Statement of organization; description of central and field agencies ..... 15960

#### ATOMIC ENERGY COMMISSION

Proposed Rule Making

Consideration of possible finding of practical value; scheduling of informal conference and public rule making hearing ..... 15957

#### COMMERCE DEPARTMENT

*See* International Commerce Bureau.

#### COMMODITY CREDIT CORPORATION

Rules and Regulations

Wheat, 1964 crop loan and purchase program; support rates .. 15943

#### COMMODITY EXCHANGE AUTHORITY

Proposed Rule Making

Reports by merchants, processors, and dealers; general provisions .. 15957

#### CUSTOMS BUREAU

Rules and Regulations

Cyprus; special tonnage tax and light money ..... 15949

#### DEFENSE DEPARTMENT

*See* Army Department; Engineers Corps.

#### EDUCATION OFFICE

Rules and Regulations

Captioned films for deaf; production and distribution ..... 15955

#### ENGINEERS CORPS

Rules and Regulations

Chesapeake Bay, Maryland and Virginia; fishing and hunting .. 15949

#### FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives; Beech Models P35 and S35 aircraft ... 15945

Anchorage, Alaska, Terminal area rules; Merrill Segment ..... 15948

Control zone and transition area; alteration and designation ..... 15947

Control zones, control area extensions and transition areas; alteration, designation and revocation (5 documents) ..... 15945–15948

Restricted area, control area extension and control zone; revocation and alteration ..... 15948

Proposed Rule Making

Alterations and designations:

Control zone and transition area ..... 15958

Temporary restricted area and controlled airspace ..... 15958

Flight test areas; extension of comment period ..... 15959

#### FEDERAL DEPOSIT INSURANCE CORPORATION

Rules and Regulations

Payment of deposits and interest thereon by insured nonmember banks; maximum rates of interest ..... 15944

#### FEDERAL RESERVE SYSTEM

Rules and Regulations

Payment of interest on deposits; maximum rates of interest ..... 15944

#### FEDERAL TRADE COMMISSION

Notices

Marketing of automobile tires ... 15962

#### FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Diluents in color additive mixtures; confirmation of effective date ..... 15949

#### GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Federal property management regulations; miscellaneous amendments ..... 15972

Personal and real property management ..... 15954

#### GEOLOGICAL SURVEY

Notices

Certain officials; delegation of authority ..... 15961

#### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See* Education Office; Food and Drug Administration; Public Health Service.

*(Continued on next page)*

**INTERIOR DEPARTMENT**
*See also* Geological Survey; Land Management Bureau.
Notices
Davis, William Angus; statement of changes in financial interests ---- 15962

**INTERNAL REVENUE SERVICE**
Proposed Rule Making
Income taxes; treatment of mortgage foreclosures ---- 15957

**INTERNATIONAL COMMERCE BUREAU**
Notices
Bakkeren, Firma A.; order terminating temporary denial of export privileges ---- 15962

**INTERSTATE COMMERCE COMMISSION**
Notices
Finance applications ---- 15965
Fourth section applications for relief ---- 15964
Shortage of freight cars:
Baltimore and Ohio Rail Road Co ---- 15965
Baltimore and Ohio Rail Road Co., and Chicago, Rock Island, and Pacific Railroad Co ---- 15966
Shortage of freight cars; expiration dates:
All railroads ---- 15965
Central Railroad Company of New Jersey and Erie-Lackawanna Railroad Co ---- 15966
Chesapeake and Ohio Railway Co ---- 15968
Denver and Rio Grande Western Railroad Co ---- 15967
Erie-Lackawana Railroad Co., and Chicago, Burlington & Quincy Railroad Co ---- 15968
Erie-Lackawana Railroad Co., and Soo Line Railroad Co ---- 15968
Lehigh Valley Railroad Co., and Norfolk and Western Railway Co ---- 15967
Louisville and Nashville Railroad Co ---- 15966
Missouri Pacific Railroad Co ---- 15969
Missouri Pacific Railroad Co., and Chicago, Burlington & Quincy Railroad Co ---- 15967
New York Central Railroad Co ---- 15965
New York Central Railroad Co., and Chicago, Milwaukee, St. Paul and Pacific Railroad Co ---- 15966
New York, New Haven and Hartford Railroad Co., et al ---- 15966
Pennsylvania Railroad Co., and Chicago and North Western Railway Co ---- 15967
Pennsylvania Railroad Co., and Illinois Central Railroad Co ---- 15967
Reading Co., et al ---- 15968
Terminal Railroad Association of St. Louis ---- 15967
Western Maryland Railway Co ---- 15968

**LABOR DEPARTMENT**
*See* Wage and Hour Division.

**LAND MANAGEMENT BUREAU**
Notices
Alaska; cancellation of small tract classification ---- 15961

**PUBLIC HEALTH SERVICE**
Rules and Regulations
Grants for construction of teaching facilities ---- 15952

**SECURITIES AND EXCHANGE COMMISSION**
Notices
Central Power and Light Co., and Central and South West Corp.; proposed transfer of portion of earned surplus to capital stock account ---- 15963

**SMALL BUSINESS ADMINISTRATION**
Rules and Regulations
Small business size standards; miscellaneous amendments ---- 15945
Notices
Manager, Disaster Field Office, Houma, La.; delegation of authority ---- 15964

**TARIFF COMMISSION**
Notices
Notice of investigation and hearing:
Clinical thermometers ---- 15964
Safety pins ---- 15964

**TREASURY DEPARTMENT**
*See* Customs Bureau; Internal Revenue Service.

**WAGE AND HOUR DIVISION**
Rules and Regulations
Sugar manufacturing industry, Puerto Rico; wage rates; corrections ---- 15949


## Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**3 CFR**
PROCLAMATIONS:
3630 ---- 15941

**7 CFR**
1421 ---- 15943

**9 CFR**
74 ---- 15943

**10 CFR**
PROPOSED RULES:
Ch. I ---- 15957

**12 CFR**
217 ---- 15944
329 ---- 15944

**13 CFR**
121 ---- 15945

**14 CFR**
39 [New] ---- 15945
71 [New] (7 documents) ---- 15945–15948
73 [New] ---- 15948
93 [New] ---- 15948
PROPOSED RULES:
71 [New] (2 documents) ---- 15958
73 [New] ---- 15958
91 [New] ---- 15959

**17 CFR**
PROPOSED RULES:
15 ---- 15957
19 ---- 15957

**19 CFR**
4 ---- 15949

**21 CFR**
8 ---- 15949

**26 CFR**
PROPOSED RULES:
1 ---- 15957

**29 CFR**
689 ---- 15949

**32 CFR**
517 ---- 15949

**33 CFR**
206 ---- 15949

**41 CFR**
101–6 ---- 15972
101–18 ---- 15973
101–19 ---- 15978
101–20 ---- 15984
101–25 ---- 15990
101–27 ---- 15997
101–28 ---- 15998
101–29 ---- 16002
101–30 ---- 16004
101–40 ---- 16008
101–43 ---- 16012
101–44 ---- 16027
101–45 ---- 16035

**42 CFR**
57 ---- 15952

**44 CFR**
55 ---- 15954
60 ---- 15954
101 ---- 15954
102 ---- 15954

**45 CFR**
150 ---- 15955

# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3630

### SIR WINSTON CHURCHILL DAY

**By the President of the United States**

**A Proclamation**

WHEREAS Sir Winston Churchill will celebrate on November 30, 1964 his 90th birthday; and

WHEREAS, in testimony of the American people's deep respect and affection for him, this great national leader and world statesman was, on April 9, 1963, proclaimed an honorary citizen of the United States; and

WHEREAS, by his courage, vision and leadership, his place in the history of freedom is permanently enshrined; and

WHEREAS, in his own lifetime he has come to embody a statesmanship that serves all men's desires for liberty and human dignity; and

WHEREAS, this significant milestone—in the life of this great man—is deserving of special recognition:

NOW, THEREFORE, I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim Monday, November 30, 1964 Sir Winston Churchill Day.

I invite the people of the United States to mark this event and celebrate the occasion by arranging and participating in appropriate ceremonies worthy of this day.

IN WITNESS WHEREOF, I have herewith set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of November, in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

W. AVERELL HARRIMAN,
*Acting Secretary of State.*

[F.R. Doc. 64–12367; Filed, Nov. 30, 1964; 11:45 a.m.]

# Rules and Regulations

## Title 1—GENERAL PROVISIONS

### Chapter I—Administrative Committee of the Federal Register

### CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1964, is $100 domestic, $30 additional for foreign mailing. The subscription price for revised volumes and supplements issued as of January 1, 1965, will be at the same rate. Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

| CFR Unit | | Price |
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| | Supp. (Jan. 1, 1964) | 1.25 |
| 3 | 1938–1943 Cum. Supp. | 3.00 |
| | 1943–1948 Compilation | 7.00 |
| | 1949–1953 Compilation | 7.00 |
| | 1954–1958 Compilation | 4.00 |
| | 1959–1963 Compilation | 6.00 |
| 5 | (Rev. Jan. 1, 1964) | 4.75 |
| 6 | (Rev. Jan. 1, 1964) | 1.00 |
| 7 | Parts: | |
| | 1–50 (Rev. Jan. 1, 1959) | 4.00 |
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| | 51–52 (Rev. Jan. 1, 1959) | 6.25 |
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| | 1060–1089 (Rev. Jan. 1, 1964) | .75 |
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| | 1200–end (Rev. Jan. 1, 1964) | 2.00 |
| 8 | (Rev. Jan. 1, 1958) | 3.25 |
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| 10–11 | (Rev. Jan. 1, 1963) | 4.50 |
| | Supp. (Jan. 1, 1964) | .40 |
| 12 | (Rev. Jan. 1, 1963) | 4.75 |
| | Supp. (Jan. 1, 1964) | .50 |
| 13 | (Rev. Jan. 1, 1963) | 4.25 |
| | Supp. (Jan. 1, 1964) | .40 |
| 14 | Parts: | |
| | 1–19 (Rev. Jan. 1, 1964) | 2.50 |
| | 20–199 (Rev. Jan. 1, 1964) | 1.75 |
| | 200–399 (Rev. Jan. 1, 1964) | 1.25 |
| | 400–end (Rev. Jan. 1, 1964) | 1.00 |
| 15 | (Rev. Jan. 1, 1964) | 1.50 |
| 16 | (Rev. Jan. 1, 1960) | 6.50 |
| | Supp. (Jan. 1, 1964) | 1.00 |
| 17 | (Rev. Jan. 1, 1964) | 6.00 |
| 18 | (Rev. Jan. 1, 1961) | 6.75 |
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| 20 | (Rev. Jan. 1, 1961) | 5.50 |
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| | Supp. (Jan. 1, 1964) | .65 |
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| | Supp. (Jan. 1, 1964) | .60 |
| 26 | Parts: | |
| | 1 (§§ 1.0-1—1.400; Rev. Jan. 1, 1961) | 5.50 |
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| | Supp. (Jan. 1, 1964) | 1.00 |
| | 1 (§§ 1.861-end) to 19 (Rev. Jan. 1, 1961) | 5.00 |
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| CFR Unit | | Price |
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| 26 | Supp. (Jan. 1, 1964) | .40 |
| | 500–599 (Rev. Jan. 1, 1961) | 4.25 |
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| | 600–end (Rev. Jan. 1, 1961) | 3.00 |
| | Supp. (Jan. 1, 1964) | .40 |
| 27 | (Rev. Jan. 1, 1961) | 3.00 |
| | Supp. (Jan. 1, 1964) | .30 |
| 28 | (Rev. Jan. 1, 1964) | .50 |
| 29 | (Rev. Jan. 1, 1964) | 2.50 |
| 30–31 | (Rev. Jan. 1, 1959) | 3.50 |
| | Supp. (Jan. 1, 1964) | 1.25 |
| 32 | Parts: | |
| | 1–39 (Rev. Jan. 1, 1961) | 5.50 |
| | Supp. (Jan. 1, 1964) | 1.25 |
| | 40–399 (Rev. Jan. 1, 1961) | 4.00 |
| | Supp. (Jan. 1, 1964) | .60 |
| | 400–589 (Rev. Jan. 1, 1962) | 3.50 |
| | Supp. (Jan. 1, 1964) | .45 |
| | 590–699 (Rev. Jan. 1, 1962) | 4.25 |
| | Supp. (Jan. 1, 1964) | .70 |
| | 700–799 (Rev Jan. 1, 1962) | 5.00 |
| | Supp. (Jan. 1, 1964) | .55 |
| | 800–999 (Rev. Jan. 1, 1960) | 3.75 |
| | Supp. (Jan. 1, 1964) | .70 |
| | 1000–1099 (Rev. Jan. 1, 1964) | 1.75 |
| | 1100–end (Rev. Jan. 1, 1962) | 4.50 |
| | Supp. (Jan. 1, 1964) | .60 |
| 32A | (Rev. Jan. 1, 1958) | 5.00 |
| | Supp. (Jan. 1, 1964) | .70 |
| 33–34 | (Rev. Jan. 1, 1962) | 5.25 |
| | Supp. (Jan. 1, 1964) | .60 |
| 35 | (Rev. Jan. 1, 1960) | 3.50 |
| | Supp. (Jan. 1, 1964) | .35 |
| 36 | (Rev. Jan. 1, 1960) | 3.00 |
| | Supp. (Jan. 1, 1964) | .50 |
| 37 | (Rev. Jan. 1, 1960) | 3.50 |
| | Supp. (Jan. 1, 1964) | .35 |
| 38 | (Rev. Jan. 1, 1964) | 2.25 |
| 39 | (Rev. Jan. 1, 1962) | 5.25 |
| | Supp. (Jan. 1, 1964) | 1.00 |
| 40 | Reserved | |
| 41 | Parts: | |
| | 1–1—1–17 (Rev. Jan. 1, 1964) | 1.25 |
| | 2–1—end (Rev. Jan. 1, 1964) | 2.25 |
| 42 | (Rev. Jan. 1, 1960) | 4.00 |
| | Supp. (Jan. 1, 1964) | .60 |
| 43 | (Rev. Jan. 1, 1964) | 2.50 |
| | Spec. Supp. (Apr. 1, 1964) | 2.25 |
| 44 | (Rev. Jan. 1, 1960) | 3.25 |
| | Supp. (Jan. 1, 1964) | .50 |
| 45 | (Rev. Jan. 1, 1960) | 3.75 |
| | Supp. (Jan. 1, 1964) | .65 |
| 46 | Parts: | |
| | 1–145 (Rev. Jan. 1, 1963) | 8.00 |
| | Supp. (Jan. 1, 1964) | .45 |
| | 146–149 (Rev. Jan. 1, 1964) | 2.50 |
| | Supp. (July 1, 1964) | .75 |
| | 150–end (Rev. Jan. 1, 1958) | 6.25 |
| | Supp. (Jan. 1, 1964) | 1.50 |
| 47 | Parts: | |
| | 0–19 (Rev. Jan. 1, 1964) | 1.00 |
| | 20–69 (Rev. Jan. 1, 1964) | 1.50 |
| | 70–79 (Rev. Jan. 1, 1964) | 1.00 |
| | 80–end (Rev. Jan. 1, 1964) | 1.50 |
| 48 | (New Jan. 1, 1964) | .45 |
| 49 | Parts: | |
| | 0–70 (Rev. Jan. 1, 1963) | 5.25 |
| | Supp. (Jan. 1, 1964) | .40 |
| | 71–90 (Rev. Jan. 1, 1964) | 2.50 |
| | 91–164 (Rev. Jan. 1, 1958) | 5.00 |
| | Supp. (Jan. 1, 1964) | .60 |
| | 165–end (Rev. Jan. 1, 1964) | 6.25 |
| 50 | (Rev. Jan. 1, 1961) | 3.75 |
| | Supp. (Jan. 1, 1964) | .50 |
| General Index (Rev. Jan. 1, 1964) | | .65 |

## Title 7—AGRICULTURE

### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1964-Crop Wheat Supp., Amdt. 7]

#### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

#### Subpart—1964-Crop Wheat Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 8049, 8465, 9957, 11492, 12004, 13135, 13943 and 15943 containing the specific requirements of the 1964-crop wheat loan and purchase program are hereby amended as follows:

Section 1421.2133(e) is amended to correct basic county support rates as follows:

§ 1421.2133 Support rates.

* * * * * * *

(e) *Basic support rates (counties).* * * *

SOUTH DAKOTA

| County | Rate per bushel | |
|---|---|---|
| | From | To |
| * * * | * * * | * * * |
| Bennett | $1.20 | $1.26 |
| * * * | * * * | * * * |
| Shannon | 1.18 | 1.24 |
| * * * | * * * | * * * |
| Tripp | 1.26 | 1.30 |
| * * * | * * * | * * * |

* * * * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401; 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 18, 1964.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-12232; Filed, Nov. 30, 1964; 8:49 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 74—SCABIES IN SHEEP

#### Interstate Movement

On October 13, 1964, there was published in the FEDERAL REGISTER (29 F.R. 14078), a notice with respect to a proposal to amend § 74.3(a), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 124–126), subparagraph (1) of § 74.3(a) of said Part 74 is amended to read:

**§ 74.3 Designation of eradication areas.**

(a) • • •

(1) Indiana, Iowa, Tennessee, and West Virginia;

• • • • •

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125, Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126; 19 F.R. 74, as amended)

The amendment adds the State of Indiana to the list of infected and eradication areas since the cooperative sheep scabies eradication program in such State is now being conducted in accordance with the provisions of ADE Memorandum 505.6. This State is presently included in the infected areas as sheep scabies is known to exist in such State. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended will apply to this State.

*Effective date.* The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of November 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–12234; Filed, Nov. 30, 1964; 8:49 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

### PART 217—PAYMENT OF INTEREST ON DEPOSITS

### Maximum Rates of Interest

1. Effective November 24, 1964, § 217.6 (Supplement to Regulation Q) is amended to read as follows:

**§ 217.6 Maximum rates of interest payable on time and savings deposits by member banks.**

Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates[1] of interest payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Maximum rate of 4½ percent.* No member bank shall pay interest accruing at a rate in excess of 4½ percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed, on any time deposit having a maturity date 90 days or more after the date of deposit or payable upon written notice of 90 days or more.

(b) *Maximum rate of 4 percent.* No member bank shall pay interest accruing at a rate in excess of 4 percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed:

(1) On any savings deposit, or

(2) On any time deposit having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

2a. The purpose of the amendment is to increase the rates that member banks are permitted to pay on savings deposits and time deposits, including certificates of deposit, to the following levels:

(1) On savings deposits, 4 percent, regardless of the time the funds have been on deposit.

(2) On time deposits and certificates of deposit, 4 percent for maturities of less than 90 days and 4½ percent for all longer maturities.

b. The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act, and the prior publication described in section 4(c) of such act, are not followed in connection with this amendment for the reasons and good cause found, as stated in section 1(e) of the Board's rules of procedure (12 CFR 262.1(e)), and especially because in connection with this liberalizing amendment such procedures would prevent the action from becoming effective as promptly as is desirable for the convenience of the banks.

(12 U.S.C. 246(1). Interprets or applies 12 U.S.C. 371b)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64–12174; Filed, Nov. 30, 1964; 8:45 a.m.]

[1] The maximum rates of interest payable by member banks of the Federal Reserve System on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of a member bank located outside of the States of the United States and the District of Columbia.

[2] This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals, provided that the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.

## Chapter III—Federal Deposit Insurance Corporation

### PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

### Maximum Rates of Interest

Effective November 24, 1964, § 329.6 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6) is amended to read as follows:

**§ 329.6 Maximum rates[12] of interest payable on time and savings deposits by insured nonmember banks.**

(a) *Maximum rate of 4½ percent.* No insured nonmember bank shall pay interest accruing at a rate in excess of 4½ percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed, on any time deposit having a maturity date 90 days or more after the date of deposit or payable upon written notice of 90 days or more.

(b) *Maximum rate of 4 percent.* No insured nonmember bank shall pay interest accruing at a rate in excess of 4 percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed:

(1) On any savings deposit, or

(2) On any time deposit having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

The purpose of this amendment is to amend § 329.6 so as to permit insured State nonmember banks to pay a permissible maximum rate of interest of 4½ percent per annum, compounded quarterly, on time deposits which have maturities of 90 days or more from the date of deposit and to pay a permissible maximum rate of interest of 4 percent per annum, compounded quarterly, on savings deposits and time deposits having maturities of less than 90 days.

The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act, and the prior publication described in section 4(c) of such Act, are not followed in connection with this amendment for the reasons and good cause found, as stated in § 302.6 of the Federal Deposit Insurance Corporation's procedure and rules of practice, and especially because such notice, procedure, and prior publication are unnecessary as they would serve no useful purpose.

[12] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember bank located outside of the States of the United States and the District of Columbia.

[13] This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals: *Provided*, That the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.



(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819. Interprets or applies sec. 18, 64 Stat. 891; 12 U.S.C. 1828)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
*Secretary.*

[F.R. Doc. 64–12135; Filed, Nov. 30, 1964; 8:45 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Amendment 10; Rev. 4]

### PART 121—SMALL BUSINESS SIZE STANDARDS

### Miscellaneous Amendments

The Small Business Size Standards (Revision 4) (29 F.R. 86), as amended (29 F.R. 2988, 3222, 6945, 7312, 8108, 11525, 11707, 12585, 13571), is hereby further amended by:

1. Amending paragraph (g) of section 121.3–2 by adding thereto as a last sentence "For the purpose of § 121.3–13, a concern need not have a place of business located in the United States." As amended, paragraph (g) of § 121.3–2 reads as follows:

**§ 121.3–2 Definition of terms used in this part.**

• • • • • •

(g) "Concern" means any business entity organized for profit with a place of business located in the United States, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making size determinations, any business entity, whether organized for profit or not, and any foreign business entity, shall be included. For the purpose of § 121.3–13 a concern need not have a place of business located in the United States.

• • • • • •

2. Deleting from paragraph (b) of section 121.3–13, the phrase "provided, however, that the Foreign Claims Settlement Commission certifies to SBA that the claimant qualifies under section 202 (a) of the War Claims Act of 1948, as amended."

**§ 121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.**

• • • • • •

(b) *Request for size determination.* Requests for size determinations may be received only from the Foreign Claims Settlement Commission of the United States and determinations of the size status of a claimant shall be made by the SBA regional director for the region in which the claimant resides, or, in the case of claimants residing in foreign countries, by the SBA regional director at Richmond, Virginia.

Dated: November 19, 1964.

Effective date: October 26, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64–12183; Filed, Nov. 30, 1964; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 6348; Amdt. 39–6]

### PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Beech Models P35 and S35 Aircraft

The rear elevator control stops located on the control column assembly have been overtrimmed on some Beech Models P35 and S35 aircraft when providing clearance for the elevator cable, which may permit the elevator control column stop fitting to bind between the overtrimmed stops or to go past the stops and jam the control column in the full aft (up elevator) position. To correct this condition, an airworthiness directive is being issued to require inspection and repair of the control wheel column aft stop.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] 14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to Models P35 and S35 aircraft, Serial Numbers D–6842 through D–7630, except Serial Numbers D–7610, D–7615, D–7617, D–7620, and D–7625 through D–7628.

Compliance required within 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the elevator control column stop fitting from binding between overtrimmed stops or going past the stops and jamming the control column in the full aft (up elevator) position, accomplish the following:

(a) Remove the large inspection plate on the left firewall. With the control column in the most aft position, mark the contact area on the fixed stops, using the control column fitting stop as a guide. The combined contact area width on the two stops measured in a horizontal plane shall be at least 3/16 inch.

(b) Fabricate and install a new elevator control fixed stop on aircraft having less than 3/16 inch combined contact area width on the two stops measured in a horizontal plane in accordance with Beech Service Bulletin No. 64–19, or an FAA approved equivalent.

(Beech Service Bulletin No. 64–19, covers this same subject.)

This amendment shall become effective December 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 24, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64–12184; Filed, Nov. 30, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SO–54]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Revocation of Control Area Extensions, Alteration of Control Zones, and Designation of Transition Areas

On October 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14186) stating that the Federal Aviation Agency proposed to revoke the control area extensions at Kinston and Rocky Mount, N.C., alter the control zones at Goldsboro and Rocky Mount, N.C., and designate transition areas at Kinston, Goldsboro, and Rocky Mount, N.C.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.165 (29 F.R. 1073) the Rocky Mount, North Carolina, and the Kinston, N.C., control area extensions are revoked.

2. In § 71.171 (29 F.R. 1101) the Rocky Mount, N.C., control zone is amended to read:

*Rocky Mount, N.C.*

Within a 5-mile radius of the Rocky Mount Municipal Airport (latitude 35°58'00" N., longitude 77°47'30" W.).

3. In § 71.171 (29 F.R. 1101) the Goldsboro, N.C., control zone is amended to read:

*Goldsboro, N.C.*

Within a 5-mile radius of Seymour Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of the ILS localizer SW course extending from the 5-mile radius zone to the LOM and within 2 miles each side of the 261° radial of the Seymour Johnson VOR, extending from the 5-mile radius zone to 8 miles W of the VOR.

4. Section 71.181 (29 F.R. 1160) is amended by adding the Rocky Mount, N.C., transition area as follows:

*Rocky Mount, N.C.*

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 263° and 083° radials of the Rocky Mount VOR, extending from the 5-mile radius control zone to 8 miles E of the VOR.

5. Section 71.181 (29 F.R. 1160) is amended by adding the Kinston, N.C., transition area as follows:

*Kinston, N.C.*

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 047° radial of the Kinston VOR, extending from the 5-mile radius control zone to 8 miles NE of the VOR.

6. Section 71.181 (29 F.R. 1160) is amended by adding the Goldsboro, N.C., transition area as follows:

*Goldsboro, N.C.*

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Seymour Johnson Air Force Base (latitude 35°20'20" N., longitude 77°-57'50" W.); within 2 miles each side of the ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the LOM; within 5 miles S and 8 miles N of the 283° radial of the Seymour Johnson VOR, extending from the 8-mile radius area to 12 miles SW of the VOR; including that airspace extending upward from 1200 feet above the surface bounded on the N by the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'-44" W., on the E by a line extending along the W boundary of V-1 until intercepting an arc of a 15-mile radius circle centered at the Kinston VOR, thence clockwise along the 15-mile radius circle to the W boundary of V-1W, thence SW along the W boundary of V-1W and V-213 to the S boundary of V-525, on the S by the S boundary of V-525, on the W by a line extending along longitude 78°30'00" W., and on the NW by a line extending through latitude 35°30'00" N., longitude 78°30'00 W. and latitude 36°38'15" N., longitude 77°19'15" W.; including that airspace extending upward from 2,700 feet MSL bounded on the N by the S boundary of V-525, on the E by the W boundary of V-213, on the S by a line extending from latitude 34°17'45" N., longitude 78°25'30" W. to latitude 34°18'30" N., longitude 79°00'00" W., on the W by a line extending from latitude 34°18'30" N., longitude 79°00'00" W. to the intersection of the S boundary of V-525 and longitude 78°30'00" W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on November 20, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-12186; Filed, Nov. 30, 1964; 8:46 a.m.]

[Airspace Docket No. 63-CE-71]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Control Area Extension, Revocation of Control Area Extension and Designation of Transition Area

In a notice of proposed rule making published on December 12, 1963 (28 F.R. 13463), and a supplemental notice of proposed rule making published on May 14, 1964 (29 F.R. 6350), the Federal Aviation Agency proposed to alter the controlled airspace in the Lafayette, Ind., area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America and the Director of the Purdue University Airport, Ind., offered no objections to the airspace designations as proposed. However, both objected to the establishment of an instrument approach procedure at Halsmer Airport until such time as communications capability down to the surface of the airport is achieved. This position is based on the contention that use of the procedure would adversely affect operations at the Purdue University Airport because of delay in notification of the completion of an operation at the Halsmer Airport.

The FAA has reviewed the procedures in the vicinity of Lafayette and has found that, with a slight adjustment of one of the missed approach procedures for Purdue University Airport, compatability of procedures can be achieved and no delay to instrument operations at the Purdue University Airport will result from the extension of instrument flight capability to Halsmer Airport.

Subsequent to the publication of the Supplemental Notice, instrument approach procedure AL-220-ADF-1 was cancelled which will permit a reduction in size of the portion of the proposed transition area having a floor of 700 feet, and a less restrictive control zone extension.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. Section 71.171 (29 F.R. 1101) is amended by redescribing the Lafayette, Ind. control zone as follows:

Within a 5-mile radius of Purdue University Airport, Lafayette, Ind. (latitude 40°-24'45" N., longitude 86°56'10" W.); within 2 miles each side of the Westpoint, Ind., VOR 038° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Lafayette, Ind., VOR 144° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the Purdue University ILS W course, extending from the 5-mile radius zone to the OM.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

*Lafayette, Ind.*

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Purdue University Airport, Lafayette, Ind. (latitude 40°24'45" N., longitude 86°-56'10" W.); within 2 miles each side of the Purdue University ILS W course, extending from the 6-mile radius area to 8 miles W of the OM; within a 5-mile radius of Halsmer Airport, Lafayette, Ind. (latitude 40°23'35" N., longitude 86°48'25" W.); within 2 miles each side of the Lafayette VORTAC 129° radial, extending from the 5-mile radius area to 8 miles SE of the Halsmer Airport; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 86°33'00" W., on the S by latitude 40°07'00" N., on the W by longitude 87°23'-00" W., and on the N by latitude 40°45'00" N.

3. In § 71.165 (29 F.R. 1073) the Lafayette, Ind., control area extension is revoked.

4. Section 71.165 (29 F.R. 1073) is amended by redescribing the Peru, Ind. control area extension as follows:

Within a 25-mile radius of the Bunker Hill AFB, Peru, Ind. (latitude 40°39'38" N., longitude 86°08'31" W.), excluding the portion which coincides with the Lafayette, Ind., transition area and the Fort Wayne, Ind., control area extension; including the airspace NW of Peru bounded on the S by the Lafayette transition area, on the W by V-7, on the N by V-38 and on the E by the Fort Wayne control area extension.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 20, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12185; Filed, Nov. 30, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WE-9]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zones and Control Area, Revocation of Control Area Extension, and Designation of Transition Area

On July 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9721) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Los Angeles, Calif., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In the description of the portion of the Los Angeles transition area extending upward from 700 feet above the surface, appearing in the notice, errors were made in the printing of the second and final coordinates. The correct coordinates should have been "latitude 34°05'-00" N., longitude 118°15'00" W.", and "latitude 33°53'00" N., longitude 118°-33'00" W.", respectively. Since these errors were of minor significance, it was determined that their correction would be made in the final rule in accordance with the policy of the Federal Register.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective February 4, 1965, as hereinafter set forth.

1. Section 71.171 (29 F.R. 1101) is amended as follows:

a. The Los Angeles, Calif., control zone is amended to read:

*Los Angeles, Calif. (Los Angeles International Airport)*

Within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'25" N., longitude 118°24'10" W.); within a 3-mile radius of the Hawthorne Municipal Airport, Los Angeles, Calif. (latitude 33°55'20" N., longitude 118°20'05" W.); within 2 miles each side of the Los Angeles ILS localizer E course, extending from the Los Angeles 5-mile radius zone to the OM; within 2 miles each side of the Los Angeles VOR 096° radial, extending from the Hawthorne 3-mile radius zone to 4 miles E of the lift-off end of Hawthorne Municipal Airport Runway 7, excluding the portion N of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°-28'58" W., and excluding the portion within the Hawthorne Municipal Airport control zone.

b. The Long Beach, Calif., control zone is amended to read:

*Long Beach, Calif.*

Within a 5-mile radius of Long Beach Municipal Airport (latitude 33°49'07" N. longitude 118°09'04" W.) within a 5-mile radius of NAS Los Alamitos, Calif. (latitude 33°47'-30" N., longitude 118°02'50" W.); within 2 miles each side of the Long Beach ILS localizer NW course, extending from the Long Beach 5-mile radius zone to 5 miles NW of the localizer, excluding the portion within a 1-mile radius of Sunset Beach, Calif. Airport (latitude 33°43'08" N., longitude 118°-02'13" W.)

c. The Torrence, Calif., control zone is amended to read:

*Torrence, Calif.*

Within a 3-mile radius of Torrence Municipal Airport (latitude 33°48'10" N., longitude 118°20'20" W.), and within 2 miles each side of the Los Angeles, Calif., VOR 153° radial, extending from the 3-mile radius zone to 7 miles SE of the VOR. This control zone is effective from 0600 to 2200 hours, local time, daily.

d. The Santa Monica, Calif., control zone is amended to read:

*Santa Monica, Calif.*

Within a 3-mile radius of Santa Monica Municipal Airport (latitude 34°00'57" N., longitude 118°27'00" W.); within 2 miles each side of the Santa Monica VOR 231° radial, extending from the 3-mile radius zone to 3 miles SW of the VOR; within 2 miles each side of the Santa Monica VOR 056° radial, extending from the 3-mile radius zone to 5 miles NE of the VOR, excluding the portion S of a line extending from latitude 34°-00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Section 71.165 (29 F.R. 1073) is amended as follows: The Los Angeles, Calif., control area extension is revoked.

3. Section 71.181 (29 F.R. 1160) is amended as follows: The Los Angeles, Calif., transition area is designated to read:

*Los Angeles, Calif.*

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°05'00" N., longitude 118°33'00" W.; to latitude 34°05'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 117°53'00" W.; to latitude 33°46'00" N., longitude 117°45'00" W.; to latitude 33°39'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°00'00" N., longitude 119°05'00" W.; to latitude 34°00'00" N., longitude 118°33'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°30'00" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 119°07'00" W.; to latitude 33°52'03" N., longitude 119°06'59" W.; thence to point of beginning.

4. Section 71.163 (29 F.R. 1068) is amended as follows: Control 1316 is amended to read:

*Control 1316*

That airspace within 5 miles each side of the Los Angeles, Calif., VOR 251° radial extending from the VOR to the Oakland Oceanic Control Area boundary and between lines diverging at an angle of 5° from the 251° radial extending from the Los Angeles VOR to the Oakland Oceanic Control Area boundary, excluding the airspace below 5,000 feet MSL within W-289.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on November 20, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12187; Filed, Nov. 30, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SW-54]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Designation of Transition Area

On September 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12478) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Beeville, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1105) the Beeville, Tex., control zone is amended to read as follows:

*Beeville, Tex.*

That airspace within a 5-mile radius of NAAS Chase Field, Beeville, Tex. (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN; and within 2 miles each side of the NAAS Chase VOR 349° radial extending from the 5-mile radius zone to 12 miles N of the VOR.

2. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Beeville, Tex.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAAS Chase Field (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 7-mile radius area to 10 miles NW and SE of the TACAN; within 2 miles each side of the 339° bearing from the NAAS Chase RBn extending from the 7-mile radius area to 12 miles N of the RBn; and that airspace extending upward from 1200 feet above the surface within an area bounded by a line beginning at latitude 29°00'00" N., longitude 97°17'00" W., thence to the N boundary of V-20 at longitude 97°05'00" W., thence SW via the N boundary of V-20 to latitude 28°07'00" N., thence W via latitude 28°07'-00" N. to the SW boundary of V-163, thence NW via the SW boundary of V-163 to longitude 98°23'00" W., thence to latitude 28°43'30" N., longitude 98°17'30" W., thence to latitude 29°00'00" N., longitude 97°43'00" W., thence to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on November 19, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-12189; Filed, Nov. 30, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SW-66]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On August 28, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12403) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Dalhart, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1113) the Dalhart, Tex., control zone is amended to read:

*Dalhart, Tex.*

That airspace within a 5-mile radius of Dalhart Municipal Airport latitude 36°01'10" N., longitude 102°33'10" W.).

2. In § 71.165 (29 F.R. 1079) the Dalhart, Tex., control area extension is revoked.

3. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Dalhart, Tex.*

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dalhart Municipal Airport (latitude 36°-01'10" N., longitude 102°33'10" W.), and within 2 miles each side of the Dalhart VORTAC 002° radial extending from the 9-mile radius area to 12 miles N of the VORTAC; that airspace extending upward from 1200 feet above the surface within a 12-mile radius of the Dalhart VORTAC, within 10 miles SW and 7 miles NE of the Dalhart VORTAC 324° and 144° radials extending from 20 miles NW to 9 miles SE of the VORTAC, within 10 miles W and 7 miles E of the Dalhart VORTAC 002° and 182° radials extending from 20 miles N to 9 miles S of the VORTAC; and within 5 miles each side of the Dalhart VORTAC 182° radial extending from the 12-mile radius area to 23 miles S of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on November 19, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-12190; Filed, Nov. 30, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SW-90]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone, Designation of Transition Area, and Revocation of Control Area Extension

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11976) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Lafayette, La., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. Because of the discontinuance of Navy instrument flight operations at New Iberia, La., NAAS, the New Iberia control zone was revoked in Airspace Docket No. 64-SW-48 (30 F.R. 14167) and the 700-foot floor portion of the Lafayette, La., transition area in the vicinity of New Iberia, proposed in the notice, is reduced herein; however, sufficient airspace is retained to provide protection for aircraft executing prescribed instrument arrival and departure procedures in the Lafayette terminal area, including the AL-5040-VOR approach procedure to the New Iberia Airport. Because of changes in activity at Williams Memorial Airport, the Patterson, La., transition area proposed in the notice is no longer required and is not designated herein. Since the changes in the proposed Lafayette transition area impose no additional burden on any person, additional notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 1, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1129) the Lafayette, La., control zone is amended to read as follows:

*Lafayette, La.*

That airspace within a 5-mile radius of Lafayette, La., Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles each side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM, and within 2 miles each side of the Lafayette VOR 172° radial extending from the 5-mile radius zone to 7 miles S of the VOR.

2. In § 71.165 (29 F.R. 1090, 3225) the New Iberia, La., control area extension is revoked.

3. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Lafayette, La.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of latitude 30°02'15" N., longitude 91°53'00" W., within 2 miles each side of the Lafayette VOR 139° radial extending from the 5-mile radius area to the VOR, within 2 miles each side of the Lafayette ILS localizer N course extending from the OM to 1 mile S, and within 2 miles each side of the Lafayette VOR 172° radial extending from the VOR to 8 miles S; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°46'20" N., longitude 91°50'40" W.; to latitude 30°07'40" N., longitude 91°36'45" W.; to latitude 30°13'00" N., longitude 90°57'00" W.; to latitude 29°53'00" N., longitude 91°-00'00" W.; to latitude 29°47'00" N., longitude 91°11'00" W.; to latitude 29°36'00" N., longitude 91°11'00" W.; thence west via latitude 29°36'00" N., to and clockwise along the arc of a 35-mile radius circle centered at latitude 30°02'15" N., longitude 91°53'00" W.; to latitude 29°56'00" N., thence north to latitude 30°32'00" N., longitude 92°15'00" W.; to point of beginning; within 8 miles N and 5 miles S of the White Lake VOR 090° and 270° radials extending from 7 miles W to 13 miles E of the VOR, and within 8 miles S and 5 miles N of the White Lake VOR 091° and 271° radials extending from 7 miles E to 13 miles W of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Forth Worth, Tex., on November 19, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-12191; Filed, Nov. 30, 1964; 8:46 a.m.]

[Airspace Docket No. 64-EA-48]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Revocation of Restricted Area, and Alteration of Control Area Extension and Control Zone

The purpose of these amendments to Parts 71 and 73 is to revoke the Dover, Del. (Dover AFB) Restricted Area/Military Climb Corridor R-2803 and to delete references to this area from the descriptions of the Dover Control Area Extension and the Dover Control Zone.

On August 24, 1964, the Department of the Air Force submitted a proposal to revoke R-2803. Satisfactory noncorridor climb procedures have been developed for the Dover AFB by the military and air traffic control personnel. Since a requirement for R-2803 no longer exists, retention of this special use airspace is not justified. Concurrently with this action, it is necessary to delete all reference to R-2803 in the description of the Dover Control Area Extension and Control Zone.

Since this climb corridor was designated solely for use by the military, revocation thereof will be less restricted and burdensome to the public. Therefore, notice and public procedure are unnecessary and good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Parts 71 and 73 [New] of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 71.165 (29 F.R. 1073), the Dover, Del. Control Area Extension is amended by deleting in the text, "The portion of this control area extension within R-2803 shall be used only after obtaining prior approval from appropriate authority."

2. In § 71.171 (29 F.R. 1101), the Dover, Del. Control Zone is amended by deleting in the text, "The portion within R-2803 shall be used only after obtaining prior approval from appropriate authority."

3. In § 73.28 (29 F.R. 1244), the Dover, Del. (Dover AFB) Restricted Area/Military Climb Corridor R-2803 is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 20, 1964.

CLIFFORD P. BURTON,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64-12188; Filed, Nov. 30, 1964; 8:46 a.m.]

[Docket No. 6342; Amdt. 93-6]

## PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS [NEW]

### Anchorage, Alaska, Terminal Area Rules; Merrill Segment

The purpose of this amendment to Part 93 [New] of the Federal Aviation Regulations is to add a paragraph which provides continuity of two-way radio communications in the Merrill segment of the Anchorage Airport traffic area when the Merrill control tower is not operating.

Subpart D of FAR 93 prescribes the Anchorage, Alaska Airport traffic area. Additionally, it prescribes special rules governing the operation of aircraft at Anchorage Airport and at other airports in the vicinity.

Section 93.35 subdivides the Anchorage Airport traffic area into the International, Lake Hood, Merrill, Elmendorf, and Bryant segments. Section 93.57 sets forth the general operating rules for all segments and requires each pilot to maintain two-way radio communications with the control tower serving the airport of landing or takeoff. Section 93.63 contains the special rules pertaining to operation in the Merrill segment.

Although the Merrill control tower presently is responsible for the Merrill segment on a continuous basis, alternate controls for the Merrill Field airport lights have been installed in the Anchorage Flight Service Station. Because of a comparatively small number of airport operations after sunset during the winter months, this installation will permit the implementation of present plans for a 16-hour operation of the Merrill Tower during approximately seven months of the winter season. During the summer months, a 24-hour operation of the Merrill Tower is required due to the 20-hour day between sunrise and sunset and sufficient twilight during the remaining four hours to permit a considerable amount of airport operations. During the period of time the tower is not operating, the communications requirements for the Merrill segment will be satisfied by using the Anchorage International Airport control tower.

Since the change, herein, is made to facilitate use of the Merrill segment during the present and future winter months when the Merrill Tower is not operating on a continuous basis, and since the change necessitates only minor alterations in communications procedures, the notice and public procedure requirements of the Administrative Procedure Act are impracticable and contrary to the public interest, and the amendment will be made effective 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, § 93.63 of the Federal Aviation Regulations is amended, effective December 31, 1964, by adding the following new paragraph (d) at the end thereof:

§ General rules; Merrill segment.

* * * * *

(d) Whenever the Merrill control tower is not operating, each person piloting an aircraft within the segment shall maintain two-way radio communication with the Anchorage International Airport control tower.

This amendment is made under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 23, 1964.

HAROLD W. GRANT,
*Acting Administrator.*

[F.R. Doc. 64-12192; Filed, Nov. 30, 1964; 8:46 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56313]

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

### Special Tonnage Tax and Light Money; Cyprus

NOVEMBER 19, 1964.

The Secretary of State has advised the Secretary of the Treasury that on October 30, 1964, the Department of State obtained satisfactory proof from the Government of Cyprus that no discriminating duties of tonnage or imposts are imposed or levied in ports of Cyprus upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Cyprus in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2, October 23, 1963 (28 F.R. 11570), I declare that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued, so far as respects the vessels of Cyprus, and the produce, manufactures, or merchandise imported into the United States in such vessels from Cyprus or from any other foreign country. This suspension and discontinuance shall take effect from October 30, 1964, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Cyprus" immediately before "Denmark" in the list of countries exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 161, as amended, 4219, as amended, 4225, as amended, 4228, as amended; sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128, 141)

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-12226; Filed, Nov. 30, 1964; 8:49 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

## PART 8—COLOR ADDITIVES

### Subpart D—Listing of Color Additives for Food Use Exempt From Certification

### Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

DILUENTS IN COLOR ADDITIVE MIXTURES; CONFIRMATION OF EFFECTIVE DATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (c), (d), 74 Stat. 402, 403; 21 U.S.C. 376 (c), (d)) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that no objections were filed to the order amending the color additive regulations regarding diluents in color additive mixtures for food and drug use. Accordingly, the amendments of the color additive regulations promulgated by the order published in the FEDERAL REGISTER of October 8, 1964 (29 F.R. 13893), shall become effective on December 7, 1964.



(Sec. 706 (c), (d), 74 Stat. 402, 403; 21 U.S.C. 376 (c), (d))

Dated: November 20, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12177; Filed, Nov. 30, 1964; 8:45 a.m.]

# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

## PART 689—SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

### Wage Rates

*Correction*

In F.R. 64-12066 issued in the issue for Wednesday, November 25, 1964, at page 15819 in § 689.2(b)(1) the reference to "$1.95" should read "$1.195".

# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

## PART 517—ARMY PARTICIPATION IN CIVILIAN ACTIVITIES

### Nondiscrimination

A new paragraph (b) is added to § 517.1, to read as follows:

§ 517.1 Troop participation in civilian ceremonies.

* * * * *

(k) Participation by Army units, equipment, or exhibits in any event or activity within the purview of this section is authorized only if admission, seating, and all other accommodations and facilities connected with the event or activity are available to all without regard to race, creed, color, or national origin.

[C 5, AR 360-55, Aug. 25, 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-12197; Filed, Nov. 30, 1964; 8:47 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 206—FISHING AND HUNTING REGULATIONS

### Chesapeake Bay, Md. and Va.

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), § 206.50 governing the construction

and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries, is hereby amended revising the last sentence of subparagraph (d) (1) and renumbering the fish net stake buoys in the Norfolk District as indicated in paragraph (f), subparagraphs (1) to (14), inclusive, effective on publication in the FEDERAL REGISTER since the renumbered fish net stake buoys are already in use, as follows:

**§ 206.50 Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures.**

* * * * *

(d) *Location—(1) Fishing structure limits.* The geographic positions of control points marking the established fishing structure limits are given in paragraphs (e) and (f) of this section, and the limits are shown on United States Coast and Geodetic Survey charts. Positions of intermediate points marking the fishing structure limits which are not given may be found by referring to the charts. The points listed are connected by straight lines unless otherwise indicated. Fishing structure buoys, which are special buoys painted with horizontal black and white stripes, have been placed to mark the fishing structure limits, and regular aids to navigation are used in conjunction with the fishing structure buoys where possible. Aids to navigation used as control points may be renumbered or shifted by the Coast Guard. In such cases the fishing structure limits do not change, and the location of the control point remains fixed at the geographic position indicated. The fishing structure buoys are identified by a series of letters and numbers. The first letter preceding a number indicates the body of water, as "J2" for James River and "H2" for Hampton Roads, for buoys in the Norfolk District. The letter "B" following a number, as "1B" and "2B", indicate buoys in the Baltimore District.

* * * * *

(f) *Norfolk District—(1) South side of Chesapeake Bay between Cape Henry and Willoughby Spit.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| Unmarked Point 1 | 36 55 31.3 | 76 02 44.8 |
| "C1" | 36 55 49.9 | 76 03 06.2 |
| "C3" | | |
| "C5" | 36 55 30.1 | 76 04 35.8 |
| Unmarked Point 2 | 36 54 51.1 | 76 04 21.9 |
| No limit line | | |
| Unmarked Point 3 | 36 54 51.1 | 76 06 46.7 |
| "C7" | 36 55 52.9 | 76 06 07.9 |
| "C9" | 36 57 00.8 | 76 06 07.9 |
| "C11" | 36 57 31.1 | 76 08 08.9 |
| Unmarked Point 4 | 36 55 30.4 | 76 08 41.5 |
| No limit line | | |
| Unmarked Point 5 | 36 58 49.6 | 76 11 03.7 |
| "C13" | 36 58 05.9 | 76 10 27.0 |
| "C15" | 36 59 09.4 | 76 14 39.8 |
| "C17" | 36 59 03.4 | 76 17 43.3 |
| Unmarked Point 6 | 36 58 07.1 | 76 17 43.4 |

(2) *Hampton Roads and James River—(i) From Craney Island Light to Jamestown Island (south side of river).*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| Unmarked Point 7 | 36 53 43.1 | 76 23 30.0 |
| "H5" | 36 55 38.2 | 76 23 21.2 |
| "H1" | 36 56 35.8 | 76 21 08.2 |
| "H3" | 36 56 00.0 | 76 21 42.9 |
| "H7" | 36 56 00.0 | 76 23 42.4 |
| "N1" | | |
| Nansemond River Light | 36 54 52.3 | 76 26 40.2 |
| No limit line | | |
| "N2" | 36 55 03.0 | 76 26 46.5 |
| "H9" | 36 56 06.1 | 76 24 41.8 |
| "H11" | | |
| C"1" | 36 57 53.5 | 76 28 42.0 |
| C"3" | 36 59 06.9 | 76 27 56.1 |
| Unmarked Point 8 | 36 59 31.4 | 76 28 56.3 |
| "J3" | 37 00 32.4 | 76 30 15.1 |
| Unmarked Point 9 | 37 00 44.6 | 76 32 36.3 |
| Unmarked Point 10 | 37 00 40.3 | 76 33 52.0 |
| No limit line | | |
| Unmarked Point 11 | 37 00 45.0 | 76 33 52.4 |
| Unmarked Point 12 | 37 00 49.3 | 76 32 36.7 |
| "J5" | 37 00 49.5 | 76 31 09.0 |
| "J7" | 37 01 50.2 | 76 33 21.2 |
| "J13" | 37 02 50.9 | 76 35 33.5 |
| "J15" | 37 02 58.0 | 76 36 57.2 |
| "J17" | 37 02 57.1 | 76 38 31.5 |
| "J19" | 37 03 09.0 | 76 39 06.9 |
| "J21" | 37 03 59.3 | 76 39 29.6 |
| Unmarked Point 12A | 37 05 24.5 | 76 38 40.3 |
| C"25" | 37 09 12.7 | 76 38 35.8 |
| "J29" | 37 11 17.0 | 76 39 45.0 |
| "J41" | 37 12 21.5 | 76 41 27.0 |
| Unmarked Point 13 | 37 11 50.6 | 76 43 00.5 |
| Unmarked Point 14 | 37 10 27.6 | 76 44 56.5 |

(ii) *North side of James River from Jamestown Island to Newport News.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| Unmarked Point 15 | 37 11 14.0 | 76 45 25.0 |
| Unmarked Point 16 | 37 10 59.3 | 76 44 25.2 |
| Unmarked Point 17 | 37 11 56.6 | 76 43 05.2 |
| Unmarked Point 18 | 37 12 51.7 | 76 40 21.8 |
| Unmarked Point 19 | 37 12 47.4 | 76 39 40.4 |
| Unmarked Point 20 | 37 12 29.7 | 76 39 12.1 |
| Unmarked Point 21 | 37 11 59.1 | 76 38 33.2 |
| Unmarked Point 22 | 37 11 31.1 | 76 38 05.2 |
| Unmarked Point 23 | 37 10 45.8 | 76 37 50.0 |
| Unmarked Point 24 | 37 09 56.1 | 76 37 57.1 |
| Unmarked Point 25 | 37 09 57.4 | 76 37 29.4 |
| No limit line | | |
| Unmarked Point 26 | 37 09 51.5 | 76 37 28.9 |
| "J30" | 37 09 50.1 | 76 37 58.0 |
| Deep Water Shoals Light | 37 08 56.4 | 76 38 13.7 |
| "J22" | 37 07 11.3 | 76 38 14.1 |
| Unmarked Point 29 | 37 03 21.8 | 76 35 30.5 |
| N "12" | 37 03 12.0 | 76 34 45.0 |
| (Fl. R) "10" | 37 03 15.0 | 76 33 35.5 |
| N "8" | 37 01 44.0 | 76 31 12.9 |
| Bell (Fl. R) "6" | 37 01 13.5 | 76 30 17.5 |
| Unmarked Point 30 | 37 00 14.0 | 76 28 03.0 |
| Unmarked Point 31 | 36 59 34.5 | 76 26 54.5 |

(iii) *James River, fishing area northeast of Naseway Shoal.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "H14" | 36 59 00.5 | 76 27 24.1 |
| Unmarked Point 32 | 36 59 36.3 | 76 28 52.0 |
| "J1" | 37 00 31.5 | 76 30 03.1 |
| Unmarked Point 33 | 37 00 07.0 | 76 28 14.4 |
| Thence to "H14". | | |

(iv) *James River, White Shoal fishing area.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "J2" | 37 00 46.0 | 76 29 54.5 |
| "J4" | 37 00 46.7 | 76 30 40.7 |
| "J6" | 37 01 26.0 | 76 32 06.3 |
| "J8" | 37 02 05.3 | 76 33 31.9 |
| "J10" | 37 02 45.9 | 76 35 00.2 |
| "J26" | 37 03 00.2 | 76 34 59.9 |
| "J28" | 37 08 02.0 | 76 34 15.0 |
| "J11" | 37 02 51.0 | 76 33 29.5 |
| "J9" | 37 01 33.0 | 76 31 23.0 |
| Thence to "J2". | | |

(v) *James River, Point of Shoals fishing area.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "J12" | 37 02 56.8 | 76 35 33.4 |
| "J14" | 37 03 03.9 | 76 35 56.9 |
| "J16" | 37 03 08.0 | 76 38 30.0 |
| "J18" | 37 03 13.5 | 76 39 01.0 |
| "J20" | 37 03 59.0 | 76 39 21.6 |
| Unmarked Point 33A | 37 06 23.0 | 76 38 33.0 |
| Unmarked Point 33B | 37 06 40.2 | 76 38 27.8 |
| Unmarked Point 34 | 37 07 02.5 | 76 38 17.9 |
| "J27" | 37 03 11.4 | 76 35 33.0 |
| Thence to "J12." | | |

(vi) *James River, fishing area northeast of Hog Island.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "J24" | 37 09 48.0 | 76 38 43.3 |
| "J26" | 37 11 22.6 | 76 38 39.0 |
| "J28" | 37 12 25.8 | 76 41 15.8 |
| "J39" | 37 12 44.5 | 76 40 19.8 |
| Unmarked Point 35 | 37 12 40.7 | 76 39 43.9 |
| "J37" | 37 12 24.5 | 76 39 17.8 |
| "J35" | 37 11 54.4 | 76 38 39.6 |
| Unmarked Point 36 | 37 11 27.9 | 76 38 13.1 |
| "J33" | 37 10 45.3 | 76 37 58.8 |
| "J31" | 37 09 47.4 | 76 38 07.1 |
| Thence to "J24". | | |

(vii) *James River, approach channel to Chickahominy River.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "J43" | 37 13 21.9 | 76 48 20.9 |
| "J45" | | |
| "J47" | 37 14 07.0 | 76 50 21.4 |
| "J49" | 37 14 03.3 | 76 51 41.5 |
| "J51" | 37 14 10.7 | 76 52 28.0 |
| No limit line | | |
| "J40" | 37 14 15.0 | 76 52 17.0 |
| "J38" | 37 14 09.3 | 76 51 41.0 |
| "J36" | 37 14 13.0 | 76 50 20.0 |
| "J34" | | |
| "J32" | 37 13 25.0 | 76 48 11.7 |

(viii) *James River, area in vicinity of Jordon Point, fishing prohibited.* * * *

(ix) *Hampton Roads, Newport News to Hampton Creek.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| Unmarked Point 42 | 36 58 08.5 | 76 24 29.3 |
| "H2" | 36 57 36.2 | 76 24 34.0 |
| "H4" | 36 57 51.0 | 76 22 31.0 |
| "H18" | | |
| C"1" | 37 00 11.5 | 76 20 31.4 |
| Unmarked Point 43 | 37 00 47.4 | 76 20 31.0 |

(x) *Hampton Roads, Hampton Bar fishing area.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "H6" | 36 58 07.6 | 76 22 02.5 |
| "H8" | | |
| "H10" | 37 00 11.8 | 76 20 16.6 |
| Unmarked Point 44 | 37 00 02.2 | 76 19 24.4 |
| N "14" | 36 59 45.3 | 76 19 25.4 |
| N "16" | 36 59 16.1 | 76 20 21.6 |
| N "18" | 36 58 46.2 | 76 21 06.2 |
| Thence to "H6". | | |



(3) *West side of Chesapeake Bay north from Old Point Comfort to York River, including Back River.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| Unmarked Point 45 | 37 00 30.0 | 76 18 05.0 |
| Unmarked Point 46 | 37 00 38.0 | 76 17 42.0 |
| Unmarked Point 47 | 37 01 00.0 | 76 17 15.0 |
| "B1" | 37 01 00.0 | 76 16 19.5 |
| "B3" | | |
| "B5" | | |
| "B7" | | |
| Gong (Fl. W) "1" | 37 05 33.9 | 76 14 57.0 |
| "B9" | 37 05 45.6 | 76 15 37.0 |
| (Fl. W) "7" | 37 06 21.9 | 76 16 17.1 |
| (Fl. G) "9" | 37 06 30.2 | 76 16 37.8 |
| (Fl. W) "11" | 37 06 35.8 | 76 17 26.8 |
| Unmarked Point 48 | 37 06 32.7 | 76 17 34.2 |
| Unmarked Point 49 | 37 06 21.8 | 76 17 16.0 |
| No limit line | | |
| Unmarked Point 50 | 37 06 22.8 | 76 17 43.8 |
| (Fl. G) "13" | 37 06 29.3 | 76 17 42.4 |
| Unmarked Point 51 | 37 06 19.1 | 76 18 12.6 |
| Unmarked Point 52 | 37 06 16.1 | 76 18 24.8 |
| Unmarked Point 53 | 37 06 13.4 | 76 18 46.7 |
| Unmarked Point 54 | 37 06 10.6 | 76 19 05.8 |
| Unmarked Point 55 | 37 06 00.8 | 76 19 41.0 |
| Unmarked Point 56 | 37 05 21.3 | 76 20 01.8 |
| (Fl. G) "29" | 37 04 35.6 | 76 20 24.7 |
| Unmarked Point 57 | 37 04 06.9 | 76 20 57.9 |
| No limit line | | |
| Unmarked Point 58 | 37 05 11.0 | 76 20 21.9 |
| Unmarked Point 59 | 37 05 12.7 | 76 20 11.0 |
| Unmarked Point 60 | 37 05 23.1 | 76 20 07.5 |
| Unmarked Point 61 | 37 05 58.3 | 76 19 52.5 |
| Unmarked Point 62 | 37 05 54.2 | 76 20 12.1 |
| Unmarked Point 63 | 37 05 38.1 | 76 20 35.0 |
| No limit line | | |
| Unmarked Point 64 | 37 05 41.8 | 76 20 39.1 |
| Unmarked Point 65 | 37 06 09.2 | 76 20 00.1 |
| Unmarked Point 66 | 37 06 14.7 | 76 19 41.3 |
| Unmarked Point 67 | 37 06 18.1 | 76 18 49.2 |
| Unmarked Point 68 | 37 06 27.7 | 76 19 06.9 |
| No limit line | | |
| Unmarked Point 69 | 37 06 37.0 | 76 19 00.0 |
| Unmarked Point 70 | 37 06 20.4 | 76 18 30.4 |
| Unmarked Point 71 | 37 06 23.8 | 76 18 14.5 |
| (Fl R) "10" | 37 06 40.4 | 76 17 27.9 |
| Unmarked Point 72 | 37 06 35.5 | 76 16 34.5 |
| Unmarked Point 73 | 37 06 27.2 | 76 16 13.8 |
| Unmarked Point 74 | 37 05 05.6 | 76 15 46.8 |
| "B13" | 37 05 58.2 | 76 14 53.6 |
| "B15" | | |
| "B17" | | |
| "B19" | | |
| "B21" | | |
| "Y3" | 37 12 20.6 | 76 17 26.5 |
| "Y5" | 37 13 24.8 | 76 19 17.5 |
| "Q1" | 37 12 20.2 | 76 20 37.7 |
| "Q3" | 37 10 36.1 | 76 22 16.1 |
| No limit line | | |
| "Q4" | 37 10 43.4 | 76 22 27.9 |
| "Q2" | 37 12 28.0 | 76 20 48.9 |
| "Y7" | 37 13 31.3 | 76 19 30.3 |
| "Y9" | 37 13 56.5 | 76 21 10.4 |

(4) *Chesapeake Bay, fishing area southeast of mouth of Back River.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "C19" | 37 00 38.0 | 76 16 11.0 |
| "B2" | | |
| "B4" | | |
| "B6" | | |
| "B8" | 37 05 29.8 | 76 14 43.0 |
| "B11" | | |
| "C23" | 37 04 40.0 | 76 11 53.3 |
| "C25" | | |
| "C23" | 37 02 21.8 | 76 12 24.4 |
| "C21" | | |
| Thimble Shoal Light | 37 00 51.7 | 76 14 25.1 |
| Thence to "C19". | | |

(5) *Chesapeake Bay, fishing area east of mouth of Back River.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "B12" | 37 05 53.0 | 76 14 36.0 |
| "B14" | | |
| "B16" | | |
| "B18" | | |
| "B20" | | |
| "Y1" | 37 12 06.5 | 76 17 05.4 |
| "C35" | 37 08 52.5 | 76 12 12.5 |
| "C33" | 37 07 48.8 | 76 12 05.7 |
| "C31" | | |
| "C29" | 37 05 03.7 | 76 11 48.0 |
| "B10" | | |
| Thence to "B12". | | |

(6) *York River, above King Creek.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| North end of L-shaped pier, King Creek | 37 17 41.1 | 76 35 18.3 |
| C"35" | 37 19 22.9 | 76 36 03.6 |
| C"37" | 37 21 03.5 | 76 37 20.2 |
| C"41" | 37 22 20.3 | 76 38 42.2 |
| C"43" | 37 23 43.5 | 76 40 06.1 |
| "Y11" | 37 24 48.8 | 76 41 16.3 |
| "Y13" | 37 25 51.0 | 76 42 31.2 |
| "Y15" | 37 26 53.0 | 76 43 46.7 |
| Bell "47" | 37 28 48.3 | 76 44 57.1 |
| Fillbates Creek Flats Light "51" | 37 29 44.6 | 76 46 55.1 |
| "Y17" | 37 30 06.9 | 76 47 15.2 |
| C"59" | 37 30 52.5 | 76 47 41.0 |
| Unmarked Point 75 | 37 32 01.7 | 76 48 29.6 |
| No limit line | | |
| Unmarked Point 76 | 37 31 40.2 | 76 47 57.5 |
| "Y18" | 37 30 31.7 | 76 47 17.9 |
| Unmarked Point 77 | 37 31 40.8 | 76 47 28.4 |
| No limit line | | |
| Unmarked Point 78 | 37 31 43.9 | 76 47 19.3 |
| N"54" | 37 30 13.5 | 76 47 05.1 |
| N"50" | 37 29 50.5 | 76 46 39.3 |
| Bells Rock Light | 37 29 00.0 | 76 45 00.0 |
| "Y16" | 37 26 53.1 | 76 43 34.1 |
| "Y14" | 37 25 56.7 | 76 42 17.6 |
| N"44" | 37 25 11.4 | 76 41 25.0 |
| Purtan Bay Light "42" | 37 23 25.4 | 76 39 28.0 |
| "Y12" | 37 22 17.5 | 76 38 19.0 |
| "Y10" | 37 21 06.5 | 76 37 10.0 |
| Pages Rock Light | 37 18 39.2 | 76 35 12.9 |

(7) *Chesapeake Bay, fishing area southeast of mouth of York River.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "C37" | 37 09 42.3 | 76 12 17.9 |
| "Y2" | 37 12 56.4 | 76 17 10.8 |
| "M3" | 37 14 18.9 | 76 15 29.5 |
| "M1" | | |
| "C39" | 37 11 28.0 | 76 12 29.3 |
| Thence to "C37". | | |

(8) *Chesapeake Bay, fishing area east of mouth of York River.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "C41" | 37 12 09.0 | 76 12 33.7 |
| "M2" | | |
| "M4" | 37 14 35.9 | 76 15 08.7 |
| "M23" | | |
| "M25" | | |
| "M27" | | |
| "C47" | 37 17 30.3 | 76 11 34.4 |
| "C45" | | |
| "C43" | | |
| Thence to "C41". | | |

(9) *West side of Chesapeake Bay north from York River to Wolf Trap Light, including Mobjack Bay.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| Unmarked Point 79 | 37 15 07.0 | 76 22 42.0 |
| "Y8" | 37 14 35.4 | 76 20 56.6 |
| "Y6" | 37 14 03.9 | 76 19 11.2 |
| "Y4" | 37 13 04.0 | 76 17 22.3 |
| "M5" | 37 14 26.8 | 76 15 39.6 |
| "M7" | | |
| "M9" | | |
| "M11" | | |
| "M13" | 37 17 49.9 | 76 19 12.6 |
| "M15" | | |
| "M17" | 37 20 22.7 | 76 22 14.8 |
| "S1" | 37 19 54.2 | 76 22 53.0 |
| No limit line | | |
| "S2" | 37 19 55.9 | 76 23 17.9 |
| "M19" | 37 20 29.4 | 76 22 33.0 |
| "M21" | 37 21 22.5 | 76 24 56.4 |
| No limit line | | |
| "M20" | 37 22 27.0 | 76 23 38.4 |
| "M18" | 37 21 21.0 | 76 22 00.0 |
| Pultz Bar Light | 37 21 16.9 | 76 21 06.5 |
| Pond Point Shoal Light | 37 22 13.2 | 76 20 41.1 |
| No limit line | | |
| Unmarked Point 80 | 37 22 05.8 | 76 20 21.4 |
| N "2" | 37 21 32.5 | 76 20 40.3 |
| Bell "6" | 37 19 56.2 | 76 20 41.7 |
| "M16" | | |
| "M14" | 37 18 05.3 | 76 18 49.9 |
| "M12" | | |
| "M10" | | |
| "M8" | | |
| "M6" | 37 14 45.0 | 76 15 18.3 |
| "M22" | | |
| "M24" | | |
| "M26" | | |
| "C47A" | 37 17 50.2 | 76 11 30.7 |
| "C49" | | |
| "C51" | | |
| C11 | | |
| C13 | 37 23 29.6 | 76 10 27.9 |

(10) *West side of Chesapeake Bay north from Wolf Trap Light to Maryland-Virginia State border.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| C "13" | 37 23 29.6 | 76 10 27.9 |
| "C53" | | |
| "C55" | | |
| "C57" | | |
| "C59" | | |
| "C61" | 37 32 15.8 | 76 11 30.1 |
| "R1" | 37 33 34.8 | 76 13 25.0 |
| "P1" | | |
| C "3" | 37 31 46.9 | 76 18 20.0 |
| No limit line | | |
| Unmarked Point 81 | 37 32 05.1 | 76 18 32.0 |
| "P4" | | |
| "P2" | | |
| "R3" | 37 33 54.9 | 76 13 31.5 |
| "R5" | | |
| Unmarked Point 82 | 37 35 26.2 | 76 21 20.6 |
| No limit line | | |
| N "2" | 37 36 06.8 | 76 21 20.6 |
| "R4" | | |
| Unmarked Point 83 | 37 34 49.6 | 76 14 51.1 |
| Unmarked Point 84 | 37 37 19.0 | 76 11 37.5 |
| "C67" | | |
| "C69" | 37 40 46.7 | 76 11 29.9 |
| "F1" | | |
| Unmarked Point 85 | 37 40 23.3 | 76 15 56.6 |
| Unmarked Point 86 | 37 39 19.7 | 76 18 00.6 |
| Following line of 18-foot depth | | |
| Unmarked Point 87 | 37 38 45.4 | 76 18 59.1 |
| No limit line | | |
| Unmarked Point 88 | 37 38 51.0 | 76 19 04.8 |
| Following line of 18-foot depth | | |
| Unmarked Point 89 | 37 39 13.9 | 76 19 04.5 |
| No limit line | | |
| Unmarked Point 90 | 37 39 19.8 | 76 19 01.5 |
| Following line of 18-foot depth | | |
| Unmarked Point 91 | 37 40 07.2 | 76 18 16.0 |
| No limit line | | |
| Unmarked Point 92 | 37 40 18.0 | 76 18 25.0 |
| Following line of 18-foot depth | | |
| Unmarked Point 93 | 37 40 51.1 | 76 16 22.1 |
| (Fl. W) "1" | 37 42 43.3 | 76 16 56.1 |
| No limit line | | |
| Unmarked Point 94 | 37 42 45.4 | 76 16 37.2 |
| Unmarked Point 95 | 37 40 52.4 | 76 16 02.6 |
| "F2" | | |
| "C71" | 37 41 16.5 | 76 11 28.7 |
| "C73" | | |
| "C75" | 37 46 58.2 | 76 12 13.0 |
| C "3" | 37 47 45.8 | 76 15 27.4 |
| No limit line | | |
| Great Wicomico River Light | 37 48 15.0 | 76 16 04.6 |
| "C77" | 37 48 24.7 | 76 12 03.0 |
| "C79" | 37 50 51.3 | 76 11 06.2 |
| Smith Point Light | 37 52 47.1 | 76 11 02.8 |
| C"1" on Maryland-Virginia State border | 37 54 09.7 | 76 11 49.3 |

(11) *Chesapeake Bay, fishing area east of mouth of Rappahannock River.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "R2" | 37 34 45.7 | 76 14 30.1 |
| "R" | | |
| "C85" | 37 36 58.3 | 76 11 38.7 |
| "C83" | 37 34 12.8 | 76 11 44.9 |
| Thence to "R2". | | |

(12) *Rappahannock River in vicinity of Tappahannock.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| Unmarked Point 96 | 37 49 28.7 | 76 42 56.5 |
| "C19" | 37 51 17.9 | 76 45 28.6 |
| "R9" | 37 51 56.8 | 76 46 05.3 |
| Unmarked Point 97 | 37 53 27.5 | 76 46 51.6 |
| "C23" | 37 53 40.3 | 76 47 05.1 |
| (Fl. G) "29" | 37 55 03.3 | 76 49 20.6 |
| Unmarked Point 98 | 37 55 50.3 | 76 51 08.9 |
| Unmarked Point 99 | 37 56 16.3 | 76 51 35.0 |
| Unmarked Point 100 | 37 57 46.9 | 76 51 42.0 |
| Unmarked Point 101 | 37 58 29.1 | 76 52 01.5 |
| No limit line | | |
| Unmarked Point 102 | 37 58 30.6 | 76 51 54.0 |
| Unmarked Point 103 | 37 57 46.1 | 76 51 33.8 |
| Unmarked Point 104 | 37 56 19.3 | 76 51 26.9 |
| "R12" | 37 55 52.8 | 76 50 57.2 |
| "R10" | 37 55 09.6 | 76 49 18.0 |
| "R8" | 37 53 37.9 | 76 46 48.0 |
| Unmarked Point 105 | 37 51 59.7 | 76 55 58.4 |
| "R6" | 37 51 24.3 | 76 45 22.8 |
| Unmarked Point 106 | 37 49 31.6 | 76 43 48.8 |

(13) *Chesapeake Bay, fishing area in vicinity of Tangier Island.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| Unmarked Point 107 on Maryland-Virginia State border | 37 58 17.1 | 76 05 44.8 |
| N"12" | 37 47 03.6 | 76 05 42.0 |
| "C34" | 37 44 24.0 | 76 02 42.0 |
| Tangier Sound Light | 37 47 16.6 | 75 58 26.7 |
| *Prohibited Area* | | |
| A circle 1,000 yards in radius with its center at | 37 47 54.0 | 76 03 48.0 |

(14) *East side of Chesapeake Bay south from Onancock Creek to Cape Charles.*

| | Latitude | Longitude |
|---|---|---|
| | ° ′ ″ | ° ′ ″ |
| "C32" | 37 43 24.0 | 75 51 42.0 |
| "C30" | | |
| "R2A" | 37 43 40.8 | 75 54 57.0 |
| "C28" | 37 38 23.2 | 75 57 12.1 |
| Unmarked Point 109 | 37 38 23.4 | 75 56 30.0 |
| No limit line | | |
| Unmarked Point 110 | 37 37 36.0 | 75 56 00.0 |
| "C26" | 37 37 23.9 | 75 57 37.3 |
| "C24" | 37 32 55.2 | 75 59 31.2 |
| Unmarked Point 111 | 37 32 55.2 | 75 58 05.4 |
| No limit line | | |
| Unmarked Point 112 | 37 32 10.2 | 75 58 24.0 |
| "C22" | 37 31 39.6 | 75 59 54.6 |
| "C20" | 37 28 30.7 | 76 00 40.6 |
| Unmarked Point 113 | 37 28 15.0 | 75 59 06.0 |
| No limit line | | |
| Unmarked Point 114 | 37 27 40.2 | 75 59 19.8 |
| "C18" | 37 27 26.4 | 76 00 56.3 |
| "C16" | 37 24 11.3 | 76 01 43.7 |
| Unmarked Point 115 | 37 23 58.8 | 76 00 05.4 |
| No limit line | | |
| Unmarked Point 116 | 37 23 07.2 | 76 00 21.6 |
| "C14" | 37 23 05.5 | 76 01 59.7 |
| "C12" | | |
| "C10" | 37 15 04.2 | 76 03 56.4 |
| "C8" | 37 14 02.4 | 76 03 20.4 |
| Unmarked Point 117 | 37 14 27.1 | 76 02 35.7 |
| No limit line | | |
| Unmarked Point 118 | 37 14 07.4 | 76 02 06.0 |
| "C6" | 37 13 35.1 | 76 03 04.6 |
| "C4" | | |
| "C2" | 37 07 03.6 | 75 59 17.4 |

[Regs., 27 October 1964, 1507–32 (Chesapeake Bay, Md. and Va.)—ENGCW–ON (Sec. 10, 30 Stat. 1151; 33 U.S.C. 403)]

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64–12022; Filed, Nov. 30, 1964; 8:45 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

## PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES AND STUDENT LOANS

### Subpart B—Grants for Construction of Teaching Facilities

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart B—Grants for Construction of Teaching Facilities, which relates solely to grants to public or other nonprofit agencies for the construction of teaching facilities for medical, dental and other health personnel.

These grants provide Federal financial assistance subject to the requirements of Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; P.L. 88–352). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore grants made pursuant to the regulations set forth below are subject to this provision and to such applicable rules, regulations or orders as may be issued with the approval of the President to effectuate the provisions of section 601.

The revision below shall become effective on the date of publication in the FEDERAL REGISTER.

New Subpart B is added as follows:

Sec.
57.101 Definitions.
57.102 Eligibility.
57.103 Priority.
57.104 Percentage of participation; amount of the construction grant.
57.105 Nondiscrimination in construction contracts.
57.106 Terms and conditions.
57.107 Good cause for other use of completed facility.
57.108 Payments
57.109 Minimum standards of construction and equipment.

AUTHORITY: The provisions of this Subpart B issued under sec. 727, 77 Stat. 170; 42 U.S.C. 293g. Interpret or apply secs. 720 to 728, 77 Stat. 164–170; 42 U.S.C. 293–293h.

**§ 57.101 Definitions.**

As used in this subpart:

(a) All terms shall have the same meaning as given them in the Act.

(b) "Act" means Part B of Title VII of the Public Health Service Act, as amended.

(c) "Construction grant" means a grant of funds for the construction of teaching facilities as authorized by the Act.

(d) "Major repair" means those repairs to an existing building which would restore the building to sound state, the estimated cost of which is no less than $100,000.

(e) "Equipment" means those items which are necessary for the functioning of the facilities and which are considered depreciable and as having an estimated life of not less than five years. Not included are items of current operating expense such as glassware, chemicals and fuel.

**§ 57.102 Eligibility.**

In order to be eligible for a construction grant, the applicant shall:

(a) Meet the requirements of section 721 of the Act;

(b) Be located in a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

(c) Except in the case of an application with respect to an affiliated hospital, be accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that a new school which (by reason of no, or an insufficient period of operation) is not, at the time of making application for the construction grant, eligible for accreditation by such recognized body or bodies shall be deemed accredited for purposes of receiving a grant if the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school, after completion of the facility and at or prior to the time of graduation of the first class to use such facility, will have met the accreditation standards of such body or bodies; and

(d) In the case of an application with respect to an affiliated hospital, have a written agreement with an accredited school of medicine or a school of osteopathy providing for effective control by the school of the teaching in the hospital.

**§ 57.103 Priority.**

The order of priority in approving applications for construction grants shall be determined on the basis of those factors specified in the Act, and the following: (a) The relative need for increased enrollment and the availability of qualified students, (b) the relative effectiveness of the project in accomplishing the purposes of the Act at the least relative cost to the Federal Government, (c) the relative extent to which financial support is committed by the applicant for the construction and operation of the facility, and (d) the relative ability of the applicant to make efficient and productive use of the facility constructed.

**§ 57.104 Percentage of participation; amount of construction grant.**

(a) *Percentage of participation.* The amount of the construction grant may not exceed 50 percentum of the necessary cost of construction except that in case of a project (1) for a new school or for major expansion of training capacity of an existing school, it may not exceed 66⅔ percentum of such cost, or (2) for a school of public health, it may not exceed 75 percentum of such cost. For the purpose of these regulations a major expansion of training capacity of an existing school occurs or will occur when the Surgeon General determines, on the basis of such information or assurances as he may require, that the first-year enrollment at such a school for each of the ten full school years after the completion of the construction will exceed the highest first-year enrollment at such school for any of the five full school years preceding the year in which the application is made by at least twenty percentum of such highest first-year enrollment, or by twenty students, whichever is greater: *Provided, however,* That where the Surgeon General finds, with respect to a particular school, that such increased enrollment cannot be achieved until the second or third full school year of operation, he may determine that a major expansion or training capacity will occur during the first or second full school year if the increased enrollment will equal such amount in excess of five percent or five students, whichever is greater, as the Surgeon General may specify.

(b) *Amount of construction grant—less than maximum.* In determining the extent to which less than the maximum allowable construction grant may be made, the Surgeon General shall take into consideration the most effective use of available Federal funds to further the purposes of the Act.

**§ 57.105 Nondiscrimination in construction contracts.**

Each construction grant shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11114, June 22, 1963 (28 F.R. 6485), and with the applicable rules, regulations and procedures prescribed pursuant thereto by the President's Committee on Equal Employment Opportunity (28 F.R. 9812).

**§ 57.106 Terms and conditions.**

In addition to any other requirements imposed by law or determined by the Surgeon General to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Surgeon General may at any time approve exceptions to these terms and conditions where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That applicant has a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 20 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Surgeon General's approval of the final working drawings and specifications, which conform to the minimum standards of construction and equipment (§ 57.109), will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders; and award the contract to the responsible bidder submitting the lowest acceptable bid;

(d) That the applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Surgeon General;

(e) That applicant will finance all costs in excess of the estimated costs approved in the application and submit to the Surgeon General for prior approval changes that substantially alter the scope of work, functions, utilities or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time;

(h) That applicant will furnish progress reports and such other information as the Surgeon General may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) That the facility will be used for the purposes for which it is constructed for not less than 10 years after the completion of construction;

(m) That no portion of the facility constructed with funds under the Act will be used for sectarian instruction or as a place for religious worship for at least 10 years after the completion of construction;

(n) That in the case of an application to expand the training capacity of an existing school, the first-year enrollment at such school during the first full school year after the completion of the construction and for each of the next nine school years thereafter will exceed the highest first-year enrollment at such school for any of the five full years preceding the year in which the application is made by at least five percentum of such highest first-year enrollment, or by five students, whichever is greater.

(o) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 et seq.), and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any work week in excess of eight hours in any calendar day or 40 hours in the work week (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) The provisions set forth in "Labor Standards for Public Health Service Construction Grant Programs for Hospital and Related Medical Facilities" (PHS No. 930–A–5) pertaining to the Copeland Act (Anti-Kickback) Regulations and Labor Standards (prevailing rates of pay and overtime requirements) except in the case of contracts in the amount of $2,000 or less;

(ii) The contractor shall furnish performance and payment bonds in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance;

(iii) Representatives of the Public Health Service and such other persons as the Surgeon General may designate, will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

**§ 57.107 Good cause for other use of completed facility.**

If, within 10 years after completion of any construction for which a construction grant has been made the facility shall cease to be used for the teaching purposes for which it was constructed, the Surgeon General, in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation so to use the facility, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to the teaching of other medical, dental, or health personnel;

(b) A teaching hospital will be used as a community hospital, diagnostic or treatment center, rehabilitation facility or facility for long-term care as defined in section 625 of the Public Health Service Act, as amended;

(c) There are reasonable assurances that for the remainder of the 10-year period other facilities not previously utilized for teaching professional and other health personnel will be so utilized and are substantially the equivalent in nature and extent for such purposes.

**§ 57.108 Payments.**

(a) Except as provided in paragraph (b) of this section, payments shall be made at the request of the applicant,

shall be based on the cost of the work performed, materials and equipment furnished, and services performed, as follows:

(1) The first installment when not less than 25 percent of the construction of the project has been completed;

(2) A second installment when not less than 50 percent of the construction of the project has been completed;

(3) A third installment when not less than 75 percent of the construction of the project has been completed;

(4) A fourth installment when the project is 95 percent completed; and

(5) The final payment when the project is completed and final inspection by a representative of the Public Health Service is made and the amount certified as due and payable as determined by the audit.

(b) Upon a written request and a showing of necessity by the applicant, the Surgeon General may adopt a different schedule of payments.

**§ 57.109 Minimum standards of construction and equipment.**

(a) *Introduction.* (1) The standards set forth in this subpart have been established by the Surgeon General as required by the Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the Act. The Surgeon General may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(2) Hospitals constructed under this Act shall comply with the requirements of Subpart M (Appendix A), General Standards of Construction and Equipment, Public Health Service Regulations, Part 53 of this chapter.

(b) *Architectural.* (1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program. The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates.

(2) The submission of programs, drawings, construction outlines and estimates shall be in three stages as follows:

(i) *First stage.* (*a*) Program.
(*b*) Schematic plans.
(*c*) Outline specifications.
(*d*) Site survey.
(*e*) Estimated construction costs.

(ii) *Second stage.* (*a*) Preliminary plans.
(*b*) Outline specifications.
(*c*) Revised cost estimates.

(iii) *Third stage.* (*a*) Working drawings.
(*b*) Specifications.
(*c*) Final cost estimates.

(c) *Construction.* (1) One-story buildings shall be constructed of noncombustible materials of not less than one-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms used for the storage of combustible materials shall be of two-hour fire-resistive noncombustible construction.

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating.

(2) Buildings more than one story in height shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

| | Hours |
|---|---|
| Columns, girders, trusses | 1½ |
| Floor construction including beams | 1½ |
| Roof construction including beams | 1 |
| Beams supporting masonry; individually protected | 2 |
| Bearing walls | 2 |
| Corridor partitions | 1 |
| Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and rooms used for storage of combustible materials | 2 |

(3) Interior finish walls and ceilings of all exitways, storage rooms, laboratories, and areas of unusual fire hazard shall have a flame-spread rating of less than 20. Interior finish of other areas shall have a flame-spread rating of less than 75 except that 10 percent of the aggregate wall and ceiling areas of any space may have a flame-spread rating up to 200. Flame-spread ratings shall be on the basis of tests conducted in accordance with American Society for Testing Materials, Publication No. E84.

(4) Exit facilities: Exit facilities shall comply with the requirements of the Building Exits Code, National Fire Protection Association Bulletin No. 101.

(d) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing and other piping systems shall comply with the recommendations of the following:

National Board of Fire Underwriters
85 John Street
New York 38, New York

American Standards Association
70 East 45th Street
New York 17, New York

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E. codes relating to pressure vessels), and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Building Exits Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55—Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts.
Handbook 73—Protection Against Radiations From Sealed Gamma Sources.
Handbook 76—Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Building Exits Code.

(f) *Elevators, dumbwaiters, and escalators.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17.1–1960.

Dated: November 2, 1964.

[SEAL] JAMES M. HUNDLEY,
*Acting Surgeon General.*

Approved: November 23, 1964.

ANTHONY J. CELEBREZZE,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 64–12180; Filed, Nov. 30, 1964; 8:45 a.m.]

# Title 44—PUBLIC PROPERTY AND WORKS

## Chapter I—General Services Administration

SUBCHAPTER B—PERSONAL PROPERTY MANAGEMENT

## PART 55—PERSONAL PROPERTY DISPOSAL

## PART 60—PERSONAL PROPERTY: APPLICATION OF PROCEEDS OF EXCHANGE OR SALE TO PURCHASE OF SIMILAR ITEMS

SUBCHAPTER C—REAL PROPERTY MANAGEMENT

## PART 100—PUBLIC BUILDINGS AND GROUNDS

## PART 102—LEASED BUILDING SPACE

### Revocation of Certain Rules

The subject regulatory material of Parts 55, 60, Subpart A of Part 100, and Part 102 of Title 44, Chapter I, can now be found in the new Chapter 101, Subtitle C, of Title 41, appearing in this issue of the FEDERAL REGISTER.

Therefore, Parts 55, 60, Subpart A of Part 100 (§§ 100.1–100.12), and Part 102 are hereby revoked.

*Effective date.* This revocation is effective December 15, 1964.

Dated: November 17, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64–12028; Filed, Nov. 30, 1964; 8:45 a.m.]



# Title 45—PUBLIC WELFARE

## Chapter I—Office of Education, Department of Health, Education, and Welfare

## PART 150—PRODUCTION AND DISTRIBUTION OF CAPTIONED FILMS FOR THE DEAF

Part 150 of Title 45 of the Code of Federal Regulations is revised, primarily to reflect the statutory amendments by P.L. 87–715, to read as follows. The regulations in this part will be subject to such applicable regulations under the Civil Rights Act of 1964 (P.L. 88–352) as may be approved by the President.

Sec.
150.1 Definitions.
150.2 Objectives of the loan service.
150.3 Objectives of research, production of films, and training of persons.
150.4 Applications to borrow films.
150.5 Obligations of borrowers.

AUTHORITY: The provisions of this Part 150 issued under secs. 1–4, 72 Stat. 1742–1743, as amended, sec. 1, 76 Stat. 654; 42 U.S.C. 2491–2494.

**§ 150.1 Definitions.**

As used in this Part 150:

(a) "Act" means Public Law 85–905, 72 Stat. 1742, approved September 2, 1958, as amended (42 U.S.C. 2491–2494).

(b) "Borrower" means an individual or a group of persons certified by the U.S. Office of Education to be eligible to use captioned films for the deaf.

(c) "Deaf person" means a person whose hearing is so severely impaired as to be non-functional for the ordinary purposes of living.

(d) "Film" means a sound or silent motion picture or kinescope, a filmstrip (with or without accompanying sound, disc, tape or film), slides, and transparencies.

(e) "Group of deaf persons" means a class, club, school or other gathering of three or more deaf persons.

(f) "Nonprofit purposes" means that the exhibition of films borrowed pursuant to the Act is not intended to result in monetary gain or other tangible economic benefit to the individual, institution, or organization borrowing or exhibiting such films. The payment of reasonable rent for the use of equipment or meeting place for such an exhibition, or reasonable payment for the hire of a projectionist, does not prevent an exhibition from being one for nonprofit purposes.

(g) "United States" means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the other insular possessions of the United States.

**§ 150.2 Objectives of the loan service.**

(a) The objectives of the loan of captioned films under the Act are to promote the general welfare of deaf persons by:

(1) Bringing to deaf persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons;

(2) Providing to deaf persons, through such films, enriched educational and cultural experiences through which they can be brought into better touch with the realities of their environment; and

(3) Providing to deaf persons a wholesome and rewarding experience which they may share together.

(b) Such objectives are to be accomplished by acquiring and captioning films and by lending films for exhibition for nonprofit purposes under the conditions set forth in these regulations.

**§ 150.3 Objectives of research, production of films, and training of persons.**

(a) The objectives of providing for research in the use of educational and training films for deaf persons, for the production and distribution of such films, and for the training of persons in the use of films for deaf persons, are:

(1) To promote the academic, cultural and vocational advancement of deaf persons; and

(2) To foster on the part of hearing persons a better understanding of the problems encountered by deaf persons.

(b) Those objectives are to be accomplished by:

(1) Conducting or contracting for the conduct of research in the use of educational and training films for deaf persons;

(2) Producing or contracting for the production of such films;

(3) Providing materials, conducting conferences, and giving consultation and training, in the use of films for deaf persons; and

(4) Distributing, for nonprofit purposes under the conditions set forth in these regulations, educational and training films for deaf persons for exhibition to teachers and to professional workers with deaf persons.

**§ 150.4 Applications to borrow films.**

An application to borrow films shall be submitted on a form provided for that purpose, which may be obtained from Captioned Films for the Deaf, U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C., 20202.

**§ 150.5 Obligations of borrowers.**

(a) The borrower shall be responsible for assuring that:

(1) No admission or other fee will be charged to anyone for the purpose of viewing the borrowed film;

(2) The borrowed film will not be exhibited by television without the prior approval of Captioned Films for the Deaf;

(3) The borrowed film will not be used in any manner that will infringe upon or violate any copyright interest;

(4) Exhibition of entertainment or general interest films will be limited to groups of deaf persons, or to individual deaf persons under conditions described in subparagraph (6) of this paragraph. (This does not preclude at exhibitions the occasional attendance of persons who are not deaf persons so long as the audience is composed predominately of deaf persons.)

(5) Educational and training films for deaf persons (as well as films of general interest which may be shown for the purpose of promoting better understanding, on the part of hearing persons, of deafness and the problems faced by deaf persons) may be exhibited to groups of deaf persons, to groups or individuals with hearing who may be working, or training to work, with deaf persons, such as teachers, professionals, interpreters and the like, or to individual deaf persons under conditions described in subparagraph (6) of this subparagraph.

(6) Borrowed captioned films may be exhibited to individual deaf persons only with the prior approval of Captioned Films for the Deaf. Such an approval will be granted, in the discretion of Captioned Films for the Deaf, when there are extenuating circumstances which preclude the individual deaf person from attending an exhibition for a group of deaf persons. Such extenuating circumstances include, among others:

(i) A demonstrated need for purposes of the education or training of a deaf person for the exhibition of captioned films in his home rather than at an exhibition for a group of deaf persons, and

(ii) The physical disability, quarantine or isolation of the individual deaf person such as to make it impracticable for him to attend an exhibition for a group of deaf persons.

(7) The borrower will pay the transportation costs for the return of films as provided in subparagraph (6) of paragraph (b) of this section but will not be required to pay for their use.

(b) In order to benefit the greatest possible number of persons who may wish to use films and to expedite the distribution of films:

(1) The borrower shall be responsible for the safekeeping of the borrowed film from the time of its receipt until it is returned or delivered to a common carrier for return. The borrower may be required to pay the replacement costs of any borrowed film that is lost or destroyed or to pay the cost of repairing damage occurring to a borrowed film during the period in which the borrower is responsible for the film's safekeeping.

(2) The borrower shall exercise care in the projection of films. This includes using a suitable projector and a qualified projectionist.

(3) The borrower shall not repair a borrowed film that is damaged nor rewind a borrowed film prior to its return.

(4) The borrower shall return any film primarily designed for entertainment purposes on the first day, other than a Sunday or holiday, following the scheduled date of exhibition. Return of the borrowed film may be delayed if the exhibition thereof is postponed because of late receipt of the film, but in any

event the film shall be returned within 72 hours after its receipt.

(5) Educational and training films for deaf persons will be clearly labeled and designated as such, with the maximum time of retention indicated. The borrower shall return such a film within such period of time from the date of its receipt as is specified for the particular film.

(6) The borrower shall return any film in its containers (cans and shipping cases) and pay the return transportation costs. The addressed return label which will be furnished with each film loaned must be properly affixed to the container.

(7) The borrower shall, for each exhibition of each film borrowed, report the identity of the individual or group of deaf persons who viewed the film, the date of its exhibition, the number of deaf persons and other persons present at its exhibition, and the comments made by the individuals or the group. An appropriate reporting form will be sent to each borrower for each loan.

(c) The U.S. Office of Education reserves the right to refuse the additional loan of films to a borrower in the event of flagrant or persistent violation of the regulations in this part.

Dated: November 4, 1964.

[SEAL] WAYNE O. REED,
*Acting U.S. Commissioner of Education.*

Approved: November 23, 1964.

ANTHONY J. CELEBREZZE,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 64-12181; Filed, Nov. 30, 1964; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAXES

### Treatment of Mortgage Foreclosures

The proposed amendment to the regulations under section 595 of the Code, relating to treatment of mortgage foreclosures, etc., by certain banking organizations, was published in the FEDERAL REGISTER for October 22, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Wednesday, December 16, 1964, at 10:00 a.m., e.s.t., Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Acting Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by December 11, 1964.

Sheldon S. Cohen,
*Chief Counsel.*
By: CHARLES R. SIMPSON,
*Director, Legislation and Regulations Division.*

[F.R. Doc. 64-12227; Filed, Nov. 30, 1964; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Exchange Authority

[ 17 CFR Parts 15, 19 ]

### REPORTS BY MERCHANTS, PROCESSORS, AND DEALERS; GENERAL PROVISIONS

### Notice of Proposed Rule Making

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Department of Agriculture, pursuant to the authority of section 8a of the Commodity Exchange Act, as amended (7 U.S.C. 12a), is considering the issuance of a regulation under the Commodity Exchange Act to be designated new § 19.04 of Part 19, Chapter I, Title 17, Code of Federal Regulations (17 CFR Part 19), and the amendment of §§ 15.02, 19.00, and the present 19.04 thereof (17 CFR 15.02, 19.00, and 19.04), as follows:

1. The present § 19.04, *Time and place of filing reports*, would be redesignated as § 19.10, and immediately following § 19.03, a new § 19.04 would be inserted reading as follows:

**§ 19.04 Merchants, processors, and dealers in potatoes and potato products.**

(a) *Details of cash (spot) potato position.* Merchants, processors, and dealers in potatoes and potato products shall show in each report the amount of:

(1) Potatoes being raised or expected to be raised by such persons in the ensuing 12 months, including the potato acreage in each State;

(2) Stocks of potatoes owned;

(3) Unfilled fixed-price purchase commitments of potatoes;

(4) Unfilled fixed-price sales commitments of potatoes; and

(5) Stocks of potato products owned or potatoes in process of manufacture, unfilled fixed-price purchase commitments, and unfilled fixed-price sales commitments of potato products, identified as to kind of product.

(b) *Standards and conversion factors.* Every such merchant, processor, or dealer shall, in computing his cash (spot) position, use such standards and conversion factors with respect to potato products as are usual in the potato trade. If it is the regular business practice of such merchant, processor, or dealer to exclude certain potato products in determining his cash (spot) position for hedging (as defined in section 4a of the act), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commodity Exchange Authority upon request detailed information concerning the potato products so excluded.

**§ 15.02 [Amended]**

2. In the table under § 15.02, *Reporting forms*, on the line for potatoes, "604" would be substituted for "None" in the last column, to provide the information that merchants, processors, and dealers in potatoes are required to file reports on form 604 when they hold a reportable futures position.

3. In § 19.00, the word "or" would be deleted after "19.02," and the phrase "or 19.04," would be inserted after "19.03,". As so amended, § 19.00 would read as follows:

**§ 19.00 Information to be furnished by merchants, processors, and dealers.**

Every person engaged in merchandising, processing, or dealing in any of the commodities or products listed in §§ 19.01, 19.02, 19.03, or 19.04, who holds or controls a reportable position in such commodity or commodities, shall submit a report to the Commodity Exchange Authority on the appropriate series 04 form, which shall show the information hereinafter specified. All such reports shall show such information as of the close of business on Friday of each week, unless a different reporting period is authorized in writing by the Commodity Exchange Authority.

4. Paragraph (b) of redesignated § 19.10, *Time and place of filing reports* (formerly § 19.04), would be amended by inserting after the word *"cotton"* the words *"and potatoes"*. As so amended, § 19.10(b) would read as follows:

**§ 19.10 Time and place of filing reports.**

. . . . . .

(b) Reports with respect to transactions in *cotton and potatoes*—to the Commodity Exchange Authority office in New York, N.Y.

NOTE. Sections 19.05 through 19.09 reserved for future use.

Any person who wishes to submit written data, views, or arguments on the proposed regulation and amendments to the regulations may do so by filing them with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington, D.C., 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 25th day of November 1964.

ALEX C. CALDWELL,
*Administrator,*
*Commodity Exchange Authority.*

[F.R. Doc. 64-12236; Filed, Nov. 30, 1964; 8:50 a.m.]

## ATOMIC ENERGY COMMISSION

[ 10 CFR Ch. 1 ]

[Docket Nos. RM-102-1; PRM-102-A]

### CONSIDERATION OF POSSIBLE FINDING OF PRACTICAL VALUE

### Scheduling of Informal Conference and Public Rule Making Hearing

The Atomic Energy Commission published a notice in the FEDERAL REGISTER on July 10, 1964, that it has under consideration the question whether a finding of practical value should be made pursuant to § 102 of the Atomic Energy Act of 1954, as amended, with respect to some type or types of light water, nuclear power reactors. By notice of August 22, 1964, published in the FEDERAL REGISTER, the proceeding was consolidated with a petition for rule making filed by The National Coal Policy Conference, Inc., The National Coal Association, and The United Mine Workers of America. This notice also stated that the Commission would hold a public rule making hearing in this proceeding.

Notice is hereby given that the Commission will hold an informal Conference on December 17, 1964, at 9:30 a.m., in the hearing room of the United States Atomic Energy Commission, 4915 St. Elmo Avenue, Bethesda, Md. The purpose of the conference will be to assist those who plan to participate in the hearing to focus upon the principal matters to be considered at the hearing.

Notice is also given that a public rule making hearing will be held on January 28, 1965, at 10:00 a.m., in the auditorium of the United States Atomic Energy

Commission, Germantown, Md. The hearing will be conducted as a legislative type hearing without the right accorded to public participants to examine or cross-examine witnesses.

(Sec. 102, 68 Stat. 936; 42 U.S.C. 2132; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 30th day of November 1964.

For the Atomic Energy Commission.

W. B. McCool,
*Secretary to the Commission.*

[F.R. Doc. 64-12368; Filed, Nov. 30, 1964; 12:02 p.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-62]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration and Designation

The Federal Aviation Agency is considering an amendment to Part 71 [NEW] of the Federal Aviation Regulations to alter controlled airspace in the Lincoln, Nebr., terminal area.

The following controlled airspace is presently designated in the Lincoln, Nebraska, terminal area:

The Lincoln, Nebraska, control zone is designated as that airspace within a 5-mile radius of Lincoln AFB (latitude 40°50'35'' N., longitude 96°45'42'' W.); and within 2 miles either side of the Raymond, Nebraska, VORTAC 195° and 015° radials, extending from the 5-mile radius zone to 12 miles NE of the VORTAC, and within 2 miles either side of the Lincoln ILS localizer S course extending from the 5-mile radius zone to 5 miles S of the OM.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Lincoln terminal area, including studies attendant to the implementation of the provisions of Civil Air Regulations Amendments 60-21 and 60-29, proposes to take the following airspace actions:

1. Alter the Lincoln control zone by redesignating it as that airspace within a 6-mile radius of Lincoln AFB (latitude 40°50'48'' N., longitude 96°45'32'' W.); and within 2 miles each side of the Lincoln ILS localizer N course extending from the 6-mile radius to 14 miles N of Lincoln AFB and within 2 miles either side of the Raymond VORTAC 015° radial extending from the 6-mile radius to 8 miles N of the Raymond VORTAC; and within 2 miles each side of the Raymond VORTAC 187° radial extending from the 6-mile radius to 13 miles S of the Raymond VORTAC, excluding the airspace within a 1-mile radius of Arrow Airport (latitude 40°52'00'' N., longitude 96°39'15'' W.).

2. Designate a Lincoln, Nebraska, transition area as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Lincoln AFB (latitude 40°50'48'' N., longitude 96°45'32'' W.); and within 5 miles W and 9 miles E of the Lincoln AFB ILS localizer S course, extending from the 9-mile radius to 13 miles S of ILS OM; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 96°23' W., on the S by the N edge of V-216, on the W by longitude 97°30' W., and on the N by the S edge of V-172; and that airspace extending upward from 3,500 feet MSL SW of Lincoln, bounded on the E by longitude 97°30' W., on the S by the N edge of V-216, on the W by longitude 98°00' W., and on the N by the S edge of V-138; and that airspace, NW of Lincoln, bounded on the E by longitude 97°30' W., on the S by the N edge of V-6, on the W by a line 5 miles E of and parallel to the Grand Island VORTAC 360° radial, and on the N by the S edge of V-172, excluding the Hastings, Nebraska, transition area.

The proposed 3,500 foot MSL transition area northwest of Lincoln is designed to abut the proposed Grand Island, Nebraska, transition area, as set forth in the Notice of Proposed Rule Making, Docket No. 64-CE-66. The proposed transition area also excludes the Hastings, Nebr., transition area which is the subject of Notice of Proposed Rule Making, Docket 64-CE-62.

The floors of the airways which traverse the transition area proposed would automatically coincide with the floors of the transition area.

The proposed control zone is required to contain aircraft executing departures and missed approach procedures until reaching 700 feet above the ground. The control zone extensions to the south and north are required to protect the aircraft executing approach procedures, both civil and military, to Lincoln AFB. New public use approach procedures are proposed utilizing the Lincoln ILS back course, and Raymond VOR which provide straight-in landing minimums to the south.

The proposed 700-foot AG, 1,200-foot AG, and 3,500-foot MSL transition areas are necessary to contain all holding, random departures, missed approaches, transition procedures, and random radar vectoring by Lincoln approach control and Kansas City Air Traffic Control Center of arrivals and departures operating to and from Lincoln AFB and the Omaha terminal area.

Certain minor revisions to prescribed instrument procedures would be effected with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

The majority of the area proposed in the Lincoln transition area is presently contained within the Omaha Control Area Extension. A new Omaha transition area will be proposed in the near future. If the proposed Lincoln transition area and future proposed Omaha transition area becomes effective, the Omaha control area extension will be cancelled.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 18, 1964.

Edward C. Marsh,
*Director, Central Region.*

[F.R. Doc. 64-12193; Filed, Nov. 30, 1964; 8:46 a.m.]

## [ 14 CFR Parts 71, 73 [New] ]

[Airspace Docket No. 64-WE-47]

## TEMPORARY RESTRICTED AREA AND CONTROLLED AIRSPACE

### Proposed Designation and Alteration

The Federal Aviation Agency is considering an amendment to Parts 71 and 73 [New] of the Federal Aviation Regulations which would establish a restricted area at Hanksville, Utah and alter the description of the continental control area in order to reflect the establishment of the restricted area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Air Force has advised the FAA that a restricted area is required to contain a series of off-range missile firings in support of a classified project. The launch area for these firings would be located near Hanksville, Utah, and the missile payload would impact in the White Sands, New Mexico, restricted area complex. No restricted area corridor from the launch site to the impact area is required since the in-flight portion of the project will be conducted at or above FL 600 and would not affect present aeronautical activity. However, this in-flight phase will be the subject of a waiver to Part 101 of the Federal Aviation Regulations to be issued by the FAA.

The Air Force has stated that the restricted area is needed for two periods of no more than 30 days each year, with notification of intended use to be given at least six months in advance. The first launch period requested would be from May 15, 1965 to June 15, 1965. Three to five missile launches would be scheduled for each 30-day period and missiles would be launched only between 0530 and 1800 hours m.s.t. The launch-site restricted area would be activated only long enough to clear the area of air traffic and to launch the missile. Immediately after the launching, air traffic control of the area would be returned to the FAA under a joint-use agreement. Direct communications would be available between the launch director and the Denver ARTC Center.

The Air Force has assured the FAA that the proposed restricted area would not be activated at the same time as restricted areas R-6408 and R-6409. This would permit the establishment of convenient alternate or by-pass routes for other users of the airspace whenever necessary. Also, notice of a proposed missile launching would be given to the Denver ARTC Center to permit sufficient time to clear the area of non-participating air traffic. In an emergency situation, the launch director would be able to hold the missile firing any time prior to "lift-off."

Almost all of the land underlying the proposed restricted area is State or Federally-owned and there are no known inhabitants within the area. Agreements for use of the land during missile firings will be negotiated, including agreements with lessees of the State and Federal lands and the owners of any privately-owned property.

In consideration of the foregoing, the FAA proposes the airspace actions as hereinafter set forth.

1. R-6411, Hanksville, Utah, would be designated as follows:

*Boundaries.* Beginning at latitude 38°34'-50'' N., longitude 110°33'00'' W.; to latitude 38°27'45'' N., longitude 110°23'30'' W.; to latitude 38°06'40'' N., longitude 110°03'50'' W.; to latitude 38°01'15'' N., longitude 110°-14'30'' W.; to latitude 38°23'35'' N., longitude 110°31'30'' W.; to latitude 38°33'10'' N., longitude 110°36'10'' W.; thence clockwise along the arc of a circle with a 1.5 nmi radius centered at latitude 38°34'00'' N., longitude 110°34'36'' W.; to the point of beginning.

*Designated altitudes:* Surface to FL 600.

*Time of designation:* 0530 to 1800 hours MST, May 15, 1965, through June 15, 1965 unless cancelled sooner by a Notice to Airmen.

*Controlling Agency:* Federal Aviation Agency, Denver ARTC Center.

*Using Agency:* Air Force Missile Development Center, Air Force Systems Command, Holloman AFB, New Mexico.

2. The description of the continental control area would be altered to include R-6411.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 24, 1964.

H. B. Helstrom,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12194; Filed, Nov. 30, 1964; 8:47 a.m.]



## [ 14 CFR Part 91 [New] ]

[Docket No. 6247; Notice 64-47A]

## FLIGHT TEST AREAS

### Extension of Comment Period

The Federal Aviation Agency published a Notice of Proposed Rule Making in the Federal Register on October 17, 1964 (29 F.R. 14368), announcing its consideration of amendments to Part 91 [New] of the Federal Aviation Regulations which eliminate the present requirement for obtaining an approved flight test area for flight testing of aircraft.

The Aerospace Industries Association of America (AIA), which represents a substantial number of aircraft manufacturers in the United States, has requested additional time in which to consolidate the AIA position with respect to the proposed amendment and an opportunity to meet with Agency personnel to discuss the subject.

Accordingly, I find that the Aerospace Industries Association has a substantial interest in the proposed rule making and that good cause exists for granting of its request. Therefore, the time period for submission of comment on Notice No. 64-47 is extended to December 31, 1964.

The substance of any meetings between the AIA and the FAA will be documented and placed in the Rules Docket for examination by interested persons.

Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All comments received will be available before and after the closing date for comments in the Rules Docket for examination by interested persons.

Issued in Washington, D.C., on November 25, 1964.

Clifford P. Burton,
*Acting Director, Air Traffic Service.*

[F.R. Doc. 64-12237; Filed, Nov. 30, 1964; 8:50 a.m.]

# Notices

## DEPARTMENT OF DEFENSE

### Department of the Army

### DESCRIPTION OF CENTRAL AND FIELD AGENCIES

### Statement of Organization and Functions

Section 2 of the Statement of Organization and Functions, Department of the Army, appearing at 28 F.R. 4029, April 24, 1963, and amended at 28 F.R. 4624, May 8, 1963, is further amended by revising paragraph (a); by designating the present text of paragraph (b) as subparagraph (1), and adding new subparagraph (2); by revising paragraphs (c), (d), (e), (f), and (g); by adding new paragraph (g–1); by revising paragraph (h); by adding new paragraphs (h–1), (s–1) and (s–2); and by revising paragraphs (v–1), (dd) and (ll), to read as follows:

(a) *Office of the Secretary of the Army.* The Office of the Secretary of the Army is composed of the Secretary, the Under Secretary, three Assistant Secretaries, the Director of Civil Defense, the General Counsel, the Administrative Assistant, the Chief of Legislative Liaison, the Chief of Public Information, and such staff as may be required.

(b) *Secretary of the Army.* (1) • • •

(2) The Secretary of the Army, pursuant to Executive Order 10952 of July 20, 1961 (26 F.R. 6577), as amended, has been assigned responsibility for the development and execution of the civil defense program assigned by the President to the Secretary of Defense.

(c) *Authority of the Under and Assistant Secretaries, the Director of Civil Defense, the General Counsel, and the Administrative Assistant.* Subject to the direction and control of the Secretary of the Army, the Under Secretary of the Army, the Assistant Secretaries of the Army, the Director of Civil Defense, the General Counsel, and the Administrative Assistant are authorized and directed to act for the Secretary of the Army within their respective fields of responsibility as set forth in DA General Orders and as further directed by the Secretary. This authority extends not only to actions within the DA, but also to relationships and transactions with the Congress and other governmental and nongovernment organizations and individuals. These officials are responsible for the exercise of direction and supervision over matters pertaining to the formulation, execution, and review of policies, plans, and programs within their respective functional areas, including the establishment of objectives and appraisal of performance.

(d) *Under Secretary of the Army.* The Under Secretary of the Army is the deputy to the Secretary of the Army and, as his principal civilian assistant, acts with full authority of the Secretary in the general management of the department. He is responsible for the following:

(1) Manpower, including:

(i) Manpower management.

(ii) Military and civilian personnel administration.

(iii) National Guard, Reserve and ROTC affairs.

(iv) Health and medical matters.

(v) Personnel security.

(vi) Morale and welfare.

(vii) Disciplinary matters and custody of military prisoners.

(viii) Troop information and education.

(ix) Employee grievances and fair employment matters.

(2) International affairs, including:

(i) Civil affairs, including civil administration of the Ryukyu Islands.

(ii) Canal Zone Government and Panama Canal Company.

(iii) Military support of the Civil Defense Program.

(iv) Cold war activities, including special warfare, civic action, and counterinsurgency.

(v) Intelligence, counterintelligence, and communications security.

(e) *Assistant Secretary of the Army (Financial Management).* The Assistant Secretary of the Army (Financial Management) is responsible for the following:

(1) Financial Management, including:

(i) Budget and Funding.

(ii) Accounting and accounting systems.

(iii) Disbursement and collection of funds.

(iv) Claims, reports of survey and matters pertaining to loss of funds.

(v) Contract financing.

(vi) Audit activities.

(vii) Programing concepts and systems.

(viii) Automatic Data Processing Equipment Program (exclusive of procurement), and all aspects of ADP policy and administration.

(ix) Operations research.

(x) Management engineering policy and programs.

(xi) Progress and statistical reporting.

(2) Civil aviation affairs.

(f) *Assistant Secretary of the Army (Installations and Logistics).* The Assistant Secretary of the Army (Installations and Logistics) is responsible for the following:

(1) Logistics, including:

(i) Determination of materiel requirements.

(ii) Procurement and production.

(iii) Materiel management.

(iv) Logistic services.

(v) Military Assistance Program (exclusive of Financial Management).

(vi) Industrial mobilization.

(2) Installations, including:

(i) Installations planning and programing.

(ii) Facilities and real property management.

(iii) Construction.

(iv) Housing and public quarters.

(g) *Assistant Secretary of the Army (Research and Development).* The Assistant Secretary of the Army (Research and Development) is responsible for the following:

(1) Research and Development, including:

(i) Basic and applied research.

(ii) Research, development, test and evaluation (RDTE) of weapons, weapons systems, and Army materiel.

(iii) RDTE budget and funding programs.

(iv) Acquisition and utilization of research and development facilities and equipment.

(v) RDTE procurement, including the application of procurement policy thereto.

(vi) Integration of technology with military requirements.

(vii) Army Scientific Advisory Panel matters.

(2) Mapping and Geodetic Programs.

(g–1) *Director of Civil Defense.* The Director of Civil Defense is responsible for the formulation, development, execution, and administration of the civil defense program. This includes:

(1) Fallout Shelter Program.

(2) Civilian chemical, biological, and radiological (CBR) warfare program.

(3) Civil defense warning, alerting, and communications.

(4) Emergency assistance to State and local governments in a post-attack period.

(5) Protection and emergency operational capability of State and local governments.

(6) Financial assistance and donation of Federal surplus property to the States for civil defense purposes.

(7) Post-attack damage assessment.

(8) Civil Defense Research and Development.

(9) Civil defense training, education, public information, and industrial participation.

(10) Advising the Secretary of the Army on policy and program aspects of military support of civil defense.

(h) *General Counsel.* The General Counsel is directly responsible to the Secretary of the Army. He serves as civilian legal adviser to the Secretary, the Under Secretary, and the Assistant Secretaries of the Army and provides professional guidance to the legal staff of the Director of Civil Defense.

(h–1) *Special Assistant to the Secretary of the Army for Civil Functions.* The Special Assistant to the Secretary of the Army for Civil Functions is directly responsible to the Secretary of the Army and is assigned responsibility for the civil functions of the DA, including the Civil Works Program, and the administration of national cemeteries and furnishing of Government headstones and markers.

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(s–1) *Special Assistant to the Chief of Staff for Army Information and Data Systems.* The Special Assistant for Army Information and Data Systems is the principal assistant to the Chief of Staff and Vice Chief of Staff on matters pertaining to Army information and data systems, and his office serves as the coordinating agency on the Army Staff for overall development of all such systems. This includes specific responsibility for development and implementation of plans, policies, and guidance for the Army's automatic data processing systems; supervision, coordination, and integration of the overall information and data system effort; and establishment, maintenance, and supervision of a standardized and automated information system for HQDA in coordination with the Army Staff.

(s–2) *Director of Special Studies.* The Director of Special Studies personally monitors, reviews, and makes appropriate recommendations to the Vice Chief of Staff, the Chief of Staff, and the Secretary of the Army concerning such important studies affecting the readiness and capabilities of the Army as may be assigned to him for action. He acts as chairman of DA steering groups of senior officers to provide guidance for and to monitor, develop, and review designated studies. When directed, he conducts special studies personally, with support from the Secretary of the General Staff as required.

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(v–1) *Deputy Secretary of the General Staff (Staff Action Control).* The Deputy Secretary of the General Staff (Staff Action Control) is the principal assistant to the Secretary of the General Staff for the control of staff actions. He is charged with providing improved control over and responsiveness of staff actions by recommending guidance for their preparation and maintaining records of guidance and decisions concerning related major actions; arranging for the interim review of proposed responses, and for the interjection of appropriate guidance and alternatives from the Army Secretariat, Chief of Staff, and Vice Chief of Staff during the formative stages of major staff actions; performing for the Chief of Staff and Vice Chief of Staff the initial substantive review and analysis of staff actions in processing these papers for decision; and providing the principal point of contact for members of the Army Secretariat and, in appropriate instances, the Defense Secretariat and Joint Chiefs of Staff, in matters relating to Army Staff actions.

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(dd) *Special Staff.* (1) The Special Staff consists of the following, listed in the order of official anniversary dates:

(i) The offices of:

(a) The Adjutant General.

(b) Chief of Engineers.

(c) Chief of Finance.

(d) The Surgeon General.

(e) Chief of Chaplains.

(f) The Judge Advocate General.

(g) The Inspector General.

(h) Chief of Communications-Electronics.

(i) Chief, National Guard Bureau.

(j) Chief of Information.

(k) Chief of Military History.

(l) Chief, Army Reserve.

(m) The Provost Marshal General.

(n) Chief of Transportation.

(o) Chief of Personnel Operations.

(ii) The Chief, United States Army Audit Agency.

(iii) The Office of the Chief of Support Services.

(2) The heads of Special Staff agencies provide advice and assistance to the Secretary of the Army, the Chief of Staff, other members of the Army Staff, and to all other elements of the DA on specialized matters specifically within their respective fields of responsibility. As staff officers of HQDA, they are responsible for the preparation of plans, estimates, and orders, review of technical doctrine, and the coordination of their technical, administrative, and operational plans and activities with other agencies of the Army Staff.

(3) The heads of certain Special Staff agencies exercise dual functions of staff and command. These two functions, although vested in a single individual, are separate and distinct in that each involves different responsibilities and duties; the exercise of one should not be confused with the exercise of the other.

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(ll) *Chief of Communications-Electronics.* The Chief of Communications-Electronics, under the general staff supervision of the Deputy Chief of Staff for Military Operations, has Army Staff responsibility for assigned communications-electronics matters.

(1) He has staff responsibility for:

(i) Radio frequency spectrum and call sign management and utilization, and the Army electromagnetic compatibility program.

(ii) Army representation on the United States Military Communications-Electronics Board and, as designated, other joint, combined, national and international boards, committees and groups which consider communications-electronics matters with Army implications and interest.

(iii) Joint actions pertaining to communications-electronics.

(iv) Preparation or review of the communications-electronics annexes of Army and joint plans.

(v) Program and budget functions relating to communications-electronics, except those specifically assigned to other Army Staff agencies.

(2) He provides a focal point for staff advice and coordination for communications, including communications security pertaining thereto.

(3) He advises the Army Staff on the technical communications-electronics aspects of:

(i) Missile systems.

(ii) Audio-visual systems.

(iii) Aviation electronics.

(iv) Electronic warfare.

(v) Fire coordination.

(vi) Combat surveillance and target acquisition.

(vii) Meteorology.

(viii) ADPS.

(4) Within the scope of responsibility, he exercises staff supervision of the United States Army Strategic Communications Command.

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J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64–12198; Filed, Nov. 30, 1964; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

### Cancelling Small Tract Classification Order No. 27

NOVEMBER 23, 1964.

1. Pursuant to the authority delegated to me by the Alaska State Director and published in 29 F.R. 3015 March 5, 1964, I hereby cancel Small Tract Classification Order No. 27.

2. The subject lands formerly within Small Tract Classification Order No. 27 are described as follows:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 12, lot 4, except that portion which if described in terms of a normal subdivision would be S½SW¼SE¼SE¼.

3. This order will take effect as soon as published in the FEDERAL REGISTER.

ROSS A. YOUNGBLOOD,
*Manager, District and Land Office.*

[F.R. Doc. 64–12199; Filed, Nov. 30, 1964; 8:47 a.m.]

### Geological Survey

### CERTAIN OFFICIALS AND EMPLOYEES

### Delegation of Authority

NOVEMBER 23, 1964.

The following material is a revision of that portion of the Geological Survey Manual and the numbering system is that of the Manual. (Part 205, General Redelegations, Chapter 4 Procurement) (27 F.R. 2574 and amendment 28 F.R. 3704 are revoked.)

.1 *Delegation.* Under authority delegated to heads of bureaus by the Secretary of the Interior in Departmental Manual, Part 205, General Delegations dated November 30, 1961 (26 F.R. 11748), redelegation of authority to officials and employees of the Geological Survey is hereby made.

.2 *Exercise of authority.* The redelegation hereby made is of authority, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with

respect to any such contract, to issue change orders and extra work orders pursuant to the contracts, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. This authority is redelegated under categories depending upon the amount involved.

A. Irrespective of the amount involved, to:

Executive Officer

B. With respect to contracts for helicopter services not exceeding $100,000 in amount, to:

Procurement Officer
Management Officer, Denver, Colo.
Management Officer, Menlo Park, Calif.

C. With respect to contracts not exceeding $25,000 in amount, to:

Chief, Branch of Service and Supply Procurement Officer

D. With respect to contracts not exceeding $10,000 in amount, to:

Assistant Procurement Officer
Management Officer, Denver, Colo.
Management Officer, Menlo Park, Calif.

E. With respect to contracts not exceeding $5,000 in amount, to:

Management Officer, Anchorage, Alaska

F. With respect to contracts for construction, including drilling, not exceeding $2,000 to:

Branch Chiefs, Water Resources Division
Branch Area Chiefs, Water Resources Division
Chief, Instrumentation Unit, Research Section, Surface Water Branch, Water Resources Division, Columbus, Ohio

G. With respect to contracts for test drilling and construction not exceeding $1,000, to:

Heads of Feld Offices
Water Reeources Division

H. With respect to contracts for test drilling or other sampling processes not exceeding $1,000, to:

Heads of Field Offices,
Branch of Mineral Classification,
Conservation Division

ARTHUR A. BAKER,
*Acting Director.*

[F.R. Doc. 64-12196; Filed, Nov. 30, 1964; 8:47 a.m.]

### Office of the Secretary

### WILLIAM ANGUS DAVIS

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 17, 1964.

Dated: November 17, 1964.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 64-12224; Filed, Nov. 30, 1964; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### NORTH CAROLINA AND TEXAS

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Carolina and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

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| | |
|---|---|
| Jeff Davis | Presidio |
| Pecos | Upton |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12233; Filed, Nov. 30, 1964; 8:49 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[File 22-65]

### FIRMA A. BAKKEREN

### Order Terminating Temporary Denial of Export Privileges

In the matter of A. Bakkeren also known as P. A. G. Bakkeren doing business as Firma A. Bakkeren, Kerkhofweg 3, Bréda, The Netherlands, respondent; File 22-65.

On August 25, 1964 (29 F.R. 12481) an order temporarily denying export privileges for 60 days was entered against the above respondent. Said order was extended on October 21, 1964 (29 F.R. 14648) until the completion of administrative compliance proceedings. The order was entered on the basis of evidence in possession of the Bureau of International Commerce which gave substantial reason to believe that respondent had knowingly participated in transactions in violation of the U.S. Export Control Act and regulations.

The respondent has moved to terminate the temporary denial order and has submitted evidence in support of said motion. On the basis of the evidence submitted, it now appears that respondent did not participate in transactions in violation of the U.S. Export Control Act and regulations.

Accordingly, the motion to terminate the temporary denial order is granted and it is hereby ordered that the order of August 25, 1964 as extended on October 21, 1964, temporarily denying export privileges, is hereby terminated.

Dated: November 24, 1964.

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64-12223; Filed, Nov. 30, 1964; 8:49 a.m.]

## FEDERAL TRADE COMMISSION

### MARKETING OF AUTOMOBILE TIRES

### Notice of Public Hearing and of Opportunity To Present Data, Views and Arguments

Notice is hereby given that the Federal Trade Commission will hold a public hearing before the full Commission on January 13 and 14, 1965 to afford all persons, including members of the consuming public, an opportunity to present their views concerning practices used by tire manufacturers, dealers and other sellers in the marketing of automobile tires.

Information received in a preliminary study indicates that consumer-purchasers are frequently confused and deceived in buying replacement tires for their automobiles. In view of the large number of tires purchased annually by car owners, the price, quality, size and safety of tires and the nature and effect of guarantees issued by tire manufacturers are matters of considerable concern to the public. The purpose of this hearing is to afford the Commission the benefit of the views of all concerned to assist it in reaching a determination as to what action, if any, the Commission may properly take in the public interest under statutes administered by it. Such information would also enable the Commission to make appropriate recommendations to the Congress for legislation in the area under consideration. Among the subjects to be considered are:

1. *Price advertising.* Extensive use is made of advertising which purports to offer tires at substantial savings or reductions in price. This may be in the form of represented direct or implied price reductions or savings, or special promotions or combination offers such as the purported gift of a "free" tire with the purchase of other tires.

These represented price reductions and savings are usually based on a price, sometimes designated the "list" or "no trade-in" price, which purportedly is the price the purchaser pays without a used tire to trade in. This is not the price, however, at which tires are usually sold since in most instances the purchaser has a used tire to trade in and, accordingly, would not pay the higher price. Further, in many areas tires are usually sold at substantial discounts from the "list" or "no trade-in" price.

As a result of this type of advertising purchasers may be led to believe that they are receiving substantial savings or price reductions when in fact they are paying the advertiser's usual selling price for the tires. Thus, the purported savings and reductions may be nothing more than the illusion of a bargain.

2. *Guarantees.* Tire guarantees are generally adjusted on the basis of "list" or "no trade-in" prices which are usually higher than the prices actually paid for the guaranteed tires. Most guarantees provide for a credit on a new tire in proportion to the guarantee time or tread remaining at the time of adjustment. A purchaser when required under the guarantee to purchase a new tire at the higher "list" or "no trade-in" price may realize little or no price advantage by reason of his guarantee. For example, assume that a tire for which the purchaser paid $16.00 and which is guaranteed for 24 months, fails after 16 months. If the tire has a "list" or "no trade-in" price of $24.00, the purchaser is entitled under his guarantee to a credit of one-third or $8.00 toward the purchaser of a tire at the "list" or "no trade-in" price of $24.00. Thus, the purchaser would pay $16.00 for a new tire under the guarantee which is the price he would have paid without a guarantee.

3. *Grade and quality.* Except in the advertising of so-called "premium" tires, tires are usually advertised in such a manner as to afford the buyer no clear information as to the grade or quality of the tire advertised. As an illustration, no disclosure is made as to whether a tire is a second, third or fourth line tire. Moreover, similar brand names are frequently used for different grades or lines of tires. For example, words such as "super" and "de luxe" appear in the brand names of premium, first, second and third line tires. No clue as to tire grade or line is usually furnished except price, and when the tire is offered at a purported bargain price, price may serve to mislead rather than enlighten as to the grade or line of the tire advertised. Furthermore, the absence of any recognized system of grade labeling or quality rating for tires serves to compound the confusion as the consumer has no basis for a comparison of the various tire brands. To dispel this confusion and deception of consumer-purchasers it seems necessary that the public be given the facts as to the various grades or lines of tires offered for sale.

4. *Tire safety.* The increasing number of super highways with higher speed limits, and the ever increasing number of automobiles making use of these highways have caused a growing awareness of the importance of tire safety. This awareness has been manifested in a variety of ways, including legislative interest in the subject, both at the State and Federal level. In addition, the Rubber Manufacturers Association, Inc., 444 Madison Avenue, New York, N.Y., announced on July 1, 1964, the adoption of "Recommended Minimum Standards for New Passenger Car Tires" by all domestic automobile tire manufacturers. These standards relate to tire carcass strength, endurance, high speed performance and minimum size for cross section width but do not deal with minimum outside circumferential dimensions. The adequacy of these standards has been questioned.

5. *Tire size.* Information received in the preliminary study indicates that in many instances tires are not of the size designated on the tire and in advertising. This has particular reference to the cross section width of the tire which is the first dimension stated in the customary size designation. The designation 7.50×14, for example, represents the cross section width to be 7½ inches with a rim size of 14 inches. No information is furnished the purchaser as to the overall outside circumference dimensions, which measurement appears to vary with the quality of the tire. It also appears that tire size has a significant bearing on safety as well as on other tire functions.

Interested persons are invited to submit any information pertinent to the subjects described above or other aspects of the general subject of tire marketing as it affects the public. The Commission would be particularly interested in receiving the comments of interested persons as to the extent of the deception in the above described areas and any suggestions as to appropriate action which might be taken to remedy these conditions.

After consideration of all available information bearing on the subject, including the views and data presented at the hearing, the Commission will proceed to a determination as to what action, if any, is warranted under statutes administered by it, and what recommendations, if any, it should make to the Congress for legislation in this area.

All interested persons, including members of the consuming public, are hereby notified that they may file written data, views or arguments concerning the subject matter of this hearing with the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., 20580, not later than January 8, 1965. To the extent practicable ten copies of all written submissions should be filed.

The oral hearing will be held at 10 a.m., e.s.t., on January 13 and 14, 1965, in Room 532 of the Federal Trade Commission Building, Washington, D.C. At the hearing interested persons may express their views as to the subjects outlined above. Any person desiring to present orally his views at the hearing should so inform the Secretary not later than January 8, 1965, and state the estimated time required for his oral presentation. The Commission may impose reasonable limitations upon the length of time alloted to any person.

The data, views or arguments presented orally or in writing will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C.

Issued: November 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64-12134; Filed, Nov. 30, 1964; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4240]

### CENTRAL POWER AND LIGHT CO. AND CENTRAL SOUTH WEST CORP.

### Notice of Proposed Transfer of Portion of Earned Surplus to Capital Stock Account

NOVEMBER 24, 1964.

Notice is hereby given that Central and South West Corp., a registered holding company, and its public-utility subsidiary company, Central Power and Light Co. ("Central"), 120 North Chaparral Street, Corpus Christi, Tex., have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6(a), 7, 9, and 10 of the Act as applicable to the proposed transaction.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Central proposes to transfer from its earned surplus account to its common capital stock account an aggregate of $30,571,100 which is equivalent to $7 per share on its outstanding $10 par value common stock, all of which is held by Central and South West Corp. Central's common capital stock account, as of September 30, 1964, will thereby be increased from $43,673,000 to $74,244,100, and its presently outstanding 4,367,300 shares of $10 par value common stock will constitute, and be treated as, shares of common stock with a par value of $17 per share. As of the same date, Central's earned surplus account will be reduced from $47,682,808 per books, to $17,111,708 after giving effect to the proposed transaction. During the twelve months then ended, dividends charged to Central's earned surplus account aggregated $9,777,147, consisting of $715,000 on its outstanding preferred stock (all publicly held) and $9,062,147 on its outstanding common stock. The earned surplus proposed to be transferred to capital stock account includes an amount estimated at $17,464,089 which is now restricted, subject to certain exceptions, against the payment of cash dividends on Central's common stock.

The joint application-declaration states that no State regulatory agency

and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Miscellaneous fees and expenses, estimated at $500, are to be paid by Central. Legal fees are covered by an annual retainer, $1,000 of which is estimated by Central as being reasonably allocable to the proposed transaction.

Notice is further given that any interested person may, not later than December 14, 1964, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed; Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the joint application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-12195; Filed, Nov. 30, 1964; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X, Disaster No. 4]

## MANAGER, DISASTER FIELD OFFICE, HOUMA, LOUISIANA

### Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30-X, Disaster 4 (29 F.R. 14513), is hereby rescinded in its entirety.

Effective date: November 21, 1964.

ROBERT E. WEST,
*Regional Director,*
*Dallas, Texas.*

[F.R. Doc. 64-12228; Filed, Nov. 30, 1964; 8:49 a.m.]

# TARIFF COMMISSION

[TEA I-A-6]

## SAFETY PINS

### Notice of Investigation and Hearing

*Investigation instituted.* On November 23, 1964, the United States Tariff Commission, upon request of the President, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351 (d)(2) of the Trade Expansion Act of 1962, with respect to safety pins of the kind described in item 943.10 in part 2A of the Appendix to the Tariff Schedules of the United States.

In 1957 an increased duty was imposed by Presidential proclamation upon imports of safety pins, following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. The Commission's function under section 351 (d)(2) is to advise the President of its judgment of the probable economic effect on the domestic industry concerned of the reduction or termination of increased import restrictions imposed under the escape-clause procedure.

*Public hearing ordered.* A public hearing in connection with the aforementioned investigation will be held beginning at 10 a.m. e.s.t., on February 2, 1965, in the Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: November 24, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 64-12175; Filed, Nov. 30, 1964; 8:45 a.m.]

[TEA I-A-7]

## CLINICAL THERMOMETERS

### Notice of Investigation and Hearing

*Investigation instituted.* On November 23, 1964, the United States Tariff Commission, upon request of the President, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351 (d)(2) of the Trade Expansion Act of 1962, with respect to clinical thermometers of the kind described in item 930.00 in part 2A of the Appendix to the Tariff Schedules of the United States.

In 1958 an increased duty was imposed by Presidential proclamation upon imports of clinical thermometers following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. The Commission's function under section 351(d)(2) is to advise the President of its judgment of the probable economic effect on the domestic industry concerned of the reduction or termination of increased import restrictions imposed under the escape-clause procedure.

*Public hearing ordered.* A public hearing in connection with the aforementioned investigation will be held beginning at 10 a.m., e.s.t., on February 9, 1965, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: November 24, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 64-12176; Filed, Nov. 30, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 25, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39417: *Chemicals to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A4596), for and on behalf of Illinois Central Railroad Co. Rates on trichloroethane, perchloroethylene and trichloroethylene, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Chicago, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 56 to Southern Freight Association, agent, tariff I.C.C. S-272.

FSA No. 39419: *Grains to gulf ports for export.* Filed by Southwestern Freight Bureau, agent (No. B-8646), for interested rail carriers. Rates on grain (other than wheat) and soybeans in carloads from points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, and Wyoming, to gulf ports, Pensacola, Fla., to Corpus Christi, Tex. (for export).

Grounds for relief: Motor-truck and barge competition.

Tariff: Supplement 41 to the Atchison, Topeka and Santa Fe Railway Company's tariff I.C.C. 14945, and other schedules.

FSA No. 39420: *Vinyl acetate to Illiopolis, Ill.* Filed by O. W. South, Jr., agent (No. A4595), for interested rail carriers. Rates on vinyl acetate, in tank carloads, from Geismar, La., to Illiopolis, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 56 to Southern Freight Association, agent, tariff I.C.C. S-272.

FSA No. 39421: *Liquid caustic soda to Coosa Pines, Ala.* Filed by O. W. South, Jr., agent (No. A4600), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Coosa Pines, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 35 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 39422: *Liquefied chlorine gas from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A4601), for interested rail carriers. Rates on liquefied chlorine gas, in tank carloads, subject to minimum shipments of 550,000 pounds, from Calvert, Ky., to Charleston and Institute, W. Va.

Grounds for relief: Market competition.

Tariff: Supplement 67 to Southern Freight Association, agent, tariff I.C.C. S-263.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39418: *Chemicals to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A4597), for interested rail carriers. Rates on trichloroethane, perchloroethylene and trichloroethylene, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Chicago, Ill.

Grounds for relief: Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 56 to Southern Freight Association, agent, tariff I.C.C. S-272.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-12200; Filed, Nov. 30, 1964; 8:47 a.m.]

[Notice 6]

## FINANCE APPLICATIONS

NOVEMBER 25, 1964.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23396—By application filed November 23, 1964, Southern Industrial Railroad, Inc., 13th Street at East Washington Street, Centerville, Iowa, seeks authority under section 20a of the Act to issue 150 shares of Common Stock of the par value of $100 per share. Applicant's attorney: Robert Valentine, Valentine, Greenleaf & Griffing, 303 West State Street, Centerville, Iowa. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23397—By application filed November 24, 1964, Atlantic Coast Line Railroad Co., 500 Water Street, Jacksonville, Fla., 32202, seeks authority under section 20a of the Act to assume obligation and liability in respect of $6,480,000 principal amount Atlantic Coast Line Railroad Equipment Trust Certificates, Series V, to be dated as of January 1, 1965. Applicant's attorneys: F. J. Primosch, Secretary and Assistant Vice President, 220 East 42d Street, New York, N.Y., 10017, and Leonard G. Anderson, General Attorney, 500 Water Street, Jacksonville, Fla., 32202. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-12201; Filed, Nov. 30, 1964; 8:47 a.m.]

[S.O. 947, Revised Taylor's Car Distribution Order 1; Amdt. 1]

## ALL RAILROADS

### Expiration Date

Upon further consideration of Revised Taylor's Car Distribution Order No. 1 and good cause appearing therefor:

*It is ordered,* That:

Revised Taylor's Car Distribution Order No. 1 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 30, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 24, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-12202; Filed, Nov. 30, 1964; 8:47 a.m.]

[S.O. 947; Revised Taylor's Car Distribution Order 4]

## BALTIMORE AND OHIO RAIL ROAD CO.

### Shortage of Freight Cars

Pursuant to Section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Baltimore and Ohio Rail Road Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a daily average of 25 plain serviceable box cars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago, Burlington & Quincy Railroad Co. and each car shall be identified by the Baltimore and Ohio Rail Road Co. as moving under the provisions of this order.

(c) Effective date: This order shall become effective at 11:59 p.m., November 25, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m. December 8, 1964 unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-12203; Filed, Nov. 30, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order 5; Amdt. 2]

## NEW YORK CENTRAL RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 5 (The New York Central Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 5 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12204; Filed, Nov. 30, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order No. 6; Amdt. 2]

## THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO., ET AL.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 6 (The New York, New Haven and Hartford Railroad Co.; the Lehigh and Hudson River Railway Co.; The Pennsylvania Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 6 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12205; Filed, Nov. 30, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order No. 7; Amdt. 2]

## CENTRAL RAILROAD COMPANY OF NEW JERSEY AND ERIE-LACKAWANNA RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 7 (The Central Railroad Co. of New Jersey; Erie-Lackawanna Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 7 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12206; Filed, Nov. 30, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order 8; Amdt. 2]

## LOUISVILLE AND NASHVILLE RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 8 (The Louisville and Nashville Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 8 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12207; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Revised Taylor's Car Distribution Order 9-A]

## BALTIMORE AND OHIO RAIL ROAD CO., AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5)(b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Baltimore and Ohio Rail Road Co. shall deliver to the Chicago, Rock Island and Pacific Railroad Co. a daily average of 25 plain serviceable box cars inside length less than 44'8".

(b) Cars received by the Chicago, Rock Island and Pacific Railroad Co. under this order will be delivered to the Northern Pacific Railway Co.

*It is further ordered,* That the Baltimore and Ohio Rail Road Company shall prepare empty car cards, tickets or movement slips for all cars delivered to the Chicago, Rock Island and Pacific Railroad Co. Such cards, tickets or slips to accompany cars and be delivered with cars to the Northern Pacific Railway Co.

(c) Effective date: This order shall become effective at 11:59 p.m., November 25, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12208; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 10-A; Amdt. 2]

## NEW YORK CENTRAL RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 10-A (The New York Central Railroad Co.; Chicago, Milwaukee, St. Paul and Pacific Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 10-A be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.



Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12209; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Revised Taylor's Car Distribution Order 11; Amdt. 1]

## LEHIGH VALLEY RAILROAD CO., AND NORFOLK AND WESTERN RAILWAY CO.

### Expiration Date

Upon further consideration of Revised Taylor's Car Distribution Order No. 11 (Lehigh Valley Railroad Co.; Norfolk and Western Railway Co.) and good cause appearing therefor:

*It is ordered,* That:

Revised Taylor's Car Distribution Order No. 11 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 30, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 24, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12210; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 12; Amdt. 2]

## TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 12 (Terminal Railroad Association of St. Louis) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 12 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12211; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 13; Amdt. 2]

## PENNSYLVANIA RAILROAD CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 13 (The Pennsylvania Railroad Co.; Chicago and North Western Railway Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 13 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12212; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 14; Amdt. 2]

## PENNSYLVANIA RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 14 (The Pennsylvania Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 14 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12213; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 15; Amdt. 2]

## DENVER AND RIO GRANDE WESTERN RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 15 (The Denver and Rio Grande Western Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 15 be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12214; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 16; Amdt. 2]

## MISSOURI PACIFIC RAILROAD CO., AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 16 (Missouri Pacific Railroad Co.; Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 16 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-12215; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Revised Taylor's Car Distribution Order No. 17; Amdt. 1]

## CHESAPEAKE AND OHIO RAILWAY CO.

### Expiration Date

Upon further consideration of Revised Taylor's Car Distribution Order No. 17 (The Chesapeake and Ohio Railway Co.) and good cause appearing therefor:

*It is ordered,* That:

Revised Taylor's Car Distribution Order No. 17 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 30, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 24, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-12216; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Revised Taylor's Car Distribution Order No. 19; Amdt. 1]

## READING CO., ET AL.

### Expiration Date

Upon further consideration of revised Taylor's Car Distribution Order No. 19 (Reading Co.; Western Maryland Railway Co.; The Baltimore and Ohio Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Revised Taylor's Car Distribution Order No. 19 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-12217; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 21; Amdt. 2]

## WESTERN MARYLAND RAILWAY CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 21 (Western Maryland Railway Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 21 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-12218; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 22; Amdt. 2]

## ERIE-LACKAWANNA RAILROAD CO. AND SOO LINE RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 22 (Erie-Lackawanna Railroad Co.; Soo Line Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 22 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-12219; Filed, Nov. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 23; Amdt. 2]

## ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 23 (Erie-Lackawanna Railroad Co.; Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 23 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 25, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-12220; Filed, Nov. 30, 1964; 8:48 a.m.]



[S.O. 947, Taylor's Car Distribution Order 24; Amdt. 1]

## MISSOURI PACIFIC RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 24 (Missouri Pacific Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 24 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 8, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 30, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 24, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-12221; Filed, Nov. 30, 1964; 8:49 a.m.]

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Pages 15971–16052

PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 233

Washington, Tuesday, December 1, 1964

General Services Administration

# Federal Property Management Regulations

## Addition of Parts

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM

## Chapter 101—Federal Property Management Regulations

### ADDITION OF PARTS

Chapter 101 of Title 41, Code of Federal Regulations is amended by the addition of the following parts:

Part 101–6—Miscellaneous Regulations
Part 101–18—Acquisition
Part 101–19—Management of Buildings and Grounds
Part 101–20—Assignment and Utilization of Space
Part 101–27—Inventory Management
Part 101–28—Storage and Distribution
Part 101–29—Federal Specifications and Standards
Part 101–30—Federal Catalog System
Part 101–40—Transportation and Traffic Management
Part 101–43—Utilization of Personal Property
Part 101–44—Donation of Personal Property
Part 101–45—Sale, Abandonment, or destruction of Personal Property

Part 101–25 of Chapter 101 is also amended by the addition of two sections (§§ 101–25.102 and 101–25.103) and the following subparts:

Subpart 101–25.2—Interagency Purchase Assignments
Subpart 101–25.3—Use Standards
Subpart 101–25.4—Replacement Standards
Subpart 101–25.48—Reports
Subpart 101–25.49—Illustration of Forms

The following material represents a substantial portion of the newly established Federal Property Management Regulations (29 F.R. 13255, Sept. 24, 1964; 29 F.R. 14724, Oct. 29, 1964; 29 F.R. 15593, Nov. 20, 1964). It is primarily a conversion of existing requirements concerning the subjects captioned in the above-listed Parts and Subparts. Subpart 101–44.3, Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes, is a complete revision. To Part 101–40, Transportation and Traffic Management, has been added material on transportation surveys, seminars and training courses, small business assistance, and utilization of special contracts.

SUBCHAPTER A—GENERAL

## PART 101–6—MISCELLANEOUS REGULATIONS

Sec.
101–6.000 Scope of part.

Subpart 101–6.1—Commuted Rate Schedule for Transportation of Household Goods

101–6.100 Scope of subpart.
101–6.101 Authority.
101–6.102 Applicability.

AUTHORITY: The provisions of this Part 101–6 issued under sec. 1(b), 60 Stat. 807; 5 U.S.C. 73b–1(b); and E.O. No. 11012 of March 27, 1962 (27 F.R. 2983; 3 CFR).

### § 101–6.000 Scope of part.

This part sets forth miscellaneous regulations regarding Federal Property Mangement Regulations matters which do not come within the scope of any other subchapter of Chapter 101.

### Subpart 101–6.1—Commuted Rate Schedule for Transportation of Household Goods

### § 101–6.100 Scope of subpart.

This subpart sets forth regulations covering the issuance and use of a commuted rate schedule containing rates to be used in reimbursing civilian employees of the United States Government for transportation, temporary storage, and related expenses incurred in moving their household goods and personal effects on transfer from one official station to another, or on initial appointment to certain positions, for permanent duty within the continental United States, excluding Alaska.

### § 101–6.101 Authority.

These regulations stem from section 1(b) of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–1(b)) and Executive Order No. 11012 of March 27, 1962 (27 F.R. 2983; 3 CFR), wherein the President delegated to the Administrator of General Services authority to prescribe such commuted rates.

### § 101–6.102 Applicability.

The commuted rates contained in GSA Circular No. 263, Commuted Rate Schedule for Transportation of Household Goods, Revision No. 5, dated September 8, 1964, and Supplement No. 1, dated September 28, 1964, are prescribed by this Subpart 101–6.1 for use where reimbursement is made to civilian employees of the United States Government on the commuted rate basis, in lieu of the payment of actual transportation, temporary storage, and related expenses incurred in the movement of their household goods and personal effects. These rates are applicable only when the transportation and related services involved have been authorized or approved by the department or agency concerned and only in accordance with regulations prescribed in Bureau of the Budget Circular No. A–56 covering eligibility for reimbursement, maximum weight allowed and other requirements.



SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

## PART 101–18—ACQUISITION OF REAL PROPERTY

Sec.
101–18.000 Scope of part.

Subpart 101–18.1—Acquisition by Lease

101–18.100 Scope of subpart.
101–18.101 Authorities of subpart.
101–18.102 Basic policy.
101–18.103 Acquisition by GSA.
101–18.104 Acquisition by other agencies.
101–18.105 Agency cooperation.
101–18.106 Delegation of leasing authority.
101–18.106–1 List of special purpose space.
101–18.107 Limitations on the use of delegated authority.

AUTHORITY: The provisions of this Part 101–18 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–18.000 Scope of part.

This part prescribes policies and procedures governing acquisition of interests in real property.

## Subpart 101–18.1—Acquisition by Lease

### § 101–18.100 Scope of subpart.

This subpart prescribes the policies and methods governing the acquisition by lease of interests in real property in the United States, the Commonwealth of Puerto Rico, and the possessions of the United States.

### § 101–18.101 Authorities of subpart.

This Subpart 101–18.1 implements section 210(h)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)(1)); the Act of August 27, 1935 (40 U.S.C. 304c); Reorganization Plan No. 18 of 1950; and E.O. No. 11035 of July 9, 1962 (3 CFR; 40 U.S.C. 490 note).

### § 101–18.102 Basic policy.

The basic policy in the acquisition of interests in real property by lease is to:

(a) Acquire space in privately owned buildings only when space needs cannot be otherwise accommodated in satisfactory, existing Government-owned or -leased space and when the economical construction or alteration of a public building, or the purchase of a privately owned building, is not warranted because the total Federal agency requirements in a community are insufficient in scope or duration.

(b) Enter into leases on terms and conditions most favorable to the Government, with due consideration given to the maintenance and operational efficiency of the offered space as well as the rental rates, and only at rental charges which are consistent with prevailing scales in the community for comparable facilities.

### § 101–18.103 Acquisition by GSA.

(a) GSA will perform all leasing functions of building space, and land incidental thereto, for Federal agencies except as provided in this Subpart 101–18.1.

(b) Agencies authorized to acquire space by lease may request GSA to perform such leasing functions in specific instances.

### § 101–18.104 Acquisition by other agencies.

(a) The Departments of Agriculture, Commerce, and Defense may lease their own building space, and land incidental to its use, and provide for its operation, maintenance, and custody when the space is situated outside an urban center. Urban centers are:

Aberdeen, S. Dak.:
Brawn County.
Abilene, Tex.:
Jones County.
Taylor County.
Akron, Ohio:
Portage County.
Summit County.
Alaska:
The entire State.
Albany, Ga.:
Dougherty County.
Albany, Ill.
Whiteside County.
Albany, Oreg.
Lynn County.
Albany-Schenectady-Troy, N.Y.:
Albany County.
Rensselaer County.
Saratoga County.
Schenectady County.
Albuquerque, N. Mex.:
Bernalillo County.
Alexandria, La.
Rapides County.
Allentown-Bethlehem-Easton, Pa.-N.J.
Lehigh County, Pa.
Northampton County, Pa.
Warren County, N.J.
Altoona, Pa.:
Blair County.
Amarillo, Tex.:
Potter County.
Randall County.
Anaheim-Santa Ana-Garden Grove, Calif.:
Orange County.
Ann Arbor, Mich.:
Washtenaw County.
Asheville, N.C.:
Buncombe County.
Ashland-Catlettsburg, Ky.:
Boyd County.
Athens, Ga.:
Clarke County.
Atlanta, Ga.:
Clayton County.
Cobb County.
De Kalb County.
Fulton County.
Gwinnett County.
Atlantic City, N.J.:
Atlantic County.
Augusta, Ga.-S.C.:
Richmond County, Ga.
Aiken County, S.C.
Augusta, Maine:
Kennebec County.
Austin, Tex.:
Travis County.
Bakersfield, Calif.:
Kern County.
Baltimore, Md.:
Baltimore City.
Anne Arundel County.
Baltimore County.
Carroll County.
Howard County.
Baton Rouge, La.:
East Baton Rouge Parish.
Battle Creek, Mich.:
Calhoun County.
Bay City, Mich.:
Bay County.
Beaumont-Port Arthur, Tex.:
Jefferson County.
Orange County.
Billings, Mont.:
Yellowstone County.
Binghamton, N.Y.-Pa.:
Broome County.
Tioga County.
Susquehanna County.
Birmingham, Ala.:
Jefferson County.
Bismarck, N. Dak.:
Burleigh County.
Boise, Idaho:
Ada County.
Boston, Mass.:
Essex County.
Middlesex County.
Norfolk County.
Plymouth County.
Suffolk County.
Bridgeport, Conn.:
Fairfield County.
New Haven County.
Brockton, Mass.:
Bristol County.
Norfolk County.
Plymouth County.
Brownsville-Harlingen-San Benito, Tex.:
Cameron County.
Buffalo, N.Y.:
Erie County.
Niagara County.
Burlington, Vt.:
Chittenden County.
Butte, Mont.:
Silver Bow County.
Calexico-El Centro, Calif.:
Imperial County.
Canton, Ohio:
Stark County.
Casper, Wyo.:
Natrona County.
Cedar Rapids, Iowa:
Linn County.
Champaign-Urbana, Ill.:
Champaign County.
Charleston, S.C.:
Berkeley County.
Charleston County.
Charleston, W. Va.:
Kanawha County.
Charlotte, N.C.:
Mecklenburg County.
Union County.
Charlottesville, Va.:
Albemarle County.
Charlottesville City.
Chattanooga, Tenn.-Ga.:
Hamilton County, Tenn.
Walker County, Ga.
Cheyenne, Wyo.:
Laramie County.
Chicago, Ill.:
Cook County.
Du Page County.
Kane County.
Lake County.
McHenry County.
Will County.
Cincinnati, Ohio-Ky.-Ind.:
Clermont County, Ohio.
Hamilton County, Ohio.
Boone County, Ky.
Warren County, Ohio.
Campbell County, Ky.
Kenton County, Ky.
Dearborn County, Ind.
Cleveland, Ohio:
Cuyahoga County.
Geauga County.
Lake County.
Medina County.
Clinton, Okla.:
Custer County.
Cody, Wyo.:
Park County.
Colorado Springs, Colo.:
El Paso County.
Columbia, Mo.:
Boone County.
Columbia, S.C.:
Lexington County.
Richland County.
Columbus, Ga.-Ala.:
Chattahoochee County, Ga.
Muscogee County, Ga.
Russell County, Ala.
Columbus, Ohio:
Delaware County.
Franklin County.
Pickaway County.
Concord, N.H.:
Merrimack County.
Corpus Christi, Tex.:
Nueces County.
Dallas, Tex.:
Collin County.
Dallas County.
Denton County.
Ellis County.
Davenport-Rock Island-Moline, Iowa-Ill.:
Scott County, Iowa.
Rock Island County, Ill.
Henry County, Ill.
Dayton, Ohio:
Greene County.
Miami County.
Montgomery County.
Preble County.
Decatur, Ill.:
Macon County.



Denton, Tex.:
Denton County.
Denver, Colo.:
Adams County.
Arapahoe County.
Boulder County.
Denver County.
Jefferson County.
Des Moines, Iowa:
Polk County.
Detroit, Mich.:
Macomb County.
Oakland County.
Wayne County.
Dubuque, Iowa:
Dubuque County.
Duluth-Superior, Minn.-Wis.:
St. Louis County, Minn.
Douglas County, Wis.
Durango, Colo.:
La Plata County.
Durham, N.C.:
Durham County.
El Paso, Tex.:
El Paso County.
Elkins, W. Va.:
Randolph County.
Erie, Pa.:
Erie County.
Eugene, Oreg.:
Lane County.
Evansville, Ind.-Ky.:
Vanderburgh County, Ind.
Henderson County, Ky.
Warrick County, Ind.
Fall River, Mass.-R.I.:
Bristol County, Mass.
Newport County, R.I.
Fargo-Moorhead, N. Dak.-Minn.:
Cass County, N. Dak.
Clay County, Minn.
Fayetteville, N.C.:
Cumberland County.
Fitchburg-Leominster, Mass.:
Middlesex County.
Worcester County.
Flint, Mich.:
Genesee County.
Lapeer County.
Fort Lauderdale-Hollywood, Fla.:
Broward County.
Fort Smith, Ark.-Okla.:
Sebastian County, Ark.
Crawford County, Ark.
LeFlore County, Okla.
Sequoyah County, Okla.
Fort Wayne, Ind.:
Allen County.
Fort Worth, Tex.:
Johnson County.
Tarrant County.
Frankfort, Ky.:
Franklin County.
Fresno, Calif.:
Fresno County.
Gadsden, Ala.:
Etowah County.
Gainesville, Fla.:
Alachua County.
Galveston-Texas City, Tex.:
Galveston County.
Gary-Hammond-East Chicago, Ind.:
Lake County.
Porter County.
Grand Forks, N. Dak.:
Grand Forks County.
Grand Island, Nebr.:
Hall County.
Grand Junction, Colo.:
Mesa County.
Grand Rapids, Mich.:
Kent County.
Ottawa County.
Great Falls, Mont.:
Cascade County.
Greeley, Colo.:
Weld County.
Green Bay, Wis.:
Brown County.
Greensboro-High Point, N.C.:
Guilford County.
Greenville, S.C.:
Greenville County.
Pickens County.
Greenwood, Miss.:
Leflare County.
Hamilton-Middleton, Ohio:
Butler County.
Harrisburg, Pa.:
Cumberland County.
Dauphin County.
Perry County.
Hartford, Conn.:
Hartford County.
Middlesex County.
Tolland County.
Hawaii:
The entire State.
Helena, Mont.:
Clarke County.
Hot Springs, Ark.:
Garland County.
Houston, Tex.:
Harris County.
Huntington-Ashland, W. Va.-Ky.-Ohio:
Cabell County, W. Va.
Wayne County, W. Va.
Boyd County, Ky.
Lawrence County, Ohio.
Huntsville, Ala.
Limestone County.
Madison County.
Huron, S. Dak.:
Beakle County.
Idaho Falls, Idaho:
Bonneville County.
Indianapolis, Ind.:
Hamilton County.
Hancock County.
Hendricks County.
Johnson County.
Marion County.
Morgan County.
Shelby County.
Jackson, Mich.:
Jackson County.
Jackson, Miss.:
Hinds County.
Rankin County.
Jackson, Tenn.:
Madison County.
Jacksonville, Fla.:
Duval County.
Jefferson City, Mo.:
Cole County.
Jersey City, N.J.:
Hudson County.
Johnstown, Pa.:
Cambria County.
Somerset County.
Kalamazoo, Mich.:
Kalamazoo County.
Kansas City, Mo.-Kans.:
Cass County, Mo.
Clay County, Mo.
Jackson County, Mo.
Platte County, Mo.
Johnson County, Kans.
Wyandotte County, Kans.
Kenosha, Wis.:
Kenosha County.
Klamath Falls, Oreg.:
Klamath County.
Knoxville, Tenn.:
Anderson County.
Blount County.
Knox County.
Lafayette, La.:
Lafayette Parish.
Lake Charles, La.:
Calcasieu Parish.
Lancaster, Pa.:
Lancaster County.
Lansing, Mich.:
Clinton County.
Eaton County.
Ingham County.
Laredo, Tex.:
Webb County.
Las Vegas, Nev.:
Clark County.
Lawrence-Haverhill, Mass.-N.H.:
Essex County, Mass.
Rockingham County, N.H.
Lawton, Okla.:
Comanche County.
Lewiston-Auburn, Maine:
Androscoggin County.
Lexington, Ky.:
Fayette County.
Lima, Ohio:
Allen County.
Lincoln, Nebr.:
Lancaster County.
Little Rock-North Little Rock, Ark.:
Pulaski County.
Logan, Utah:
Cache County.
Lorain-Elyria, Ohio:
Lorain County.
Los Angeles-Long Beach, Calif.:
Los Angeles County.
Orange County.
Louisville, Ky.-Ind.:
Jefferson County, Ky.
Clark County, Ind.
Floyd County, Ind.
Lowell, Mass.:
Middlesex County.
Lubbock, Tex.:
Lubbock County.
Lynchburg, Va.:
Amherst County.
Campbell County.
Macon, Ga.:
Bibb County.
Houston County.
Madison, Wis.:
Dane County.
Manchester, N.H.:
Hillsborough County.
Merrimack County.
Manhattan, Kans.:
Riley County.
McCook, Nebr.:
Red Willow County.
Medford, Oreg.:
Jackson County.
Memphis, Tenn.-Ark.:
Shelby County, Tenn.
Crittenden County, Ark.
Meriden, Conn.:
New Haven County.
Meridian, Miss.:
Lauderdale County.
Miami, Fla.:
Dade County.
Midland, Tex.:
Midland County.
Milwaukee, Wis.:
Milwaukee County.
Ozaukee County.
Waukesha County.
Minneapolis-St. Paul, Minn.:
Anoka County.
Dakota County.
Hennepin County.
Ramsey County.
Washington County.
Missoula, Mont.:
Missoula County.
Mobile, Ala.:
Baldwin County.
Mobile County.
Monroe, La.:
Ouachita Parish.
Montgomery, Ala.:
Elmore County.
Montgomery County.
Morgantown, W. Va.:
Monongalia County.
Muncie, Ind.:
Delaware County.
Muskegon-Muskegon Heights, Mich.:
Muskegon County.
Muskogee, Okla.:
Muskogee County.

Nashville, Tenn.:
Davidson County.
Sumner County.
Wilson County.
New Bedford, Mass.:
Bristol County.
Plymouth County.
New Britain, Conn.:
Hartford County.
New Haven, Conn.:
New Haven County.
New London-Groton-Norwich, Conn.:
New London County.
New Orleans, La.:
Jefferson Parish.
Orleans Parish.
St. Bernard Parish.
St. Tammany Parish.
New York, N.Y.:
Bronx County.
Kings County.
New York County.
Queens County.
Richmond County.
Nassau County.
Rockland County.
Suffolk County.
Westchester County.
Newark, N.J.:
Essex County.
Morris County.
Union County.
Newport News-Hampton, Va.:
York County.
Norfolk-Portsmouth, Va.:
Norfolk County.
Princess Anne County.
Norwalk, Conn.:
Fairfield County.
Odessa, Tex.:
Ector County.
Ogden, Utah:
Weber County.
Oklahoma City, Okla.:
Canadian County.
Cleveland County.
Oklahoma County.
Olympia, Wash.:
Thurston County.
Omaha, Nebr.-Iowa:
Douglas County, Nebr.
Sarpy County, Nebr.
Pottawattamie County, Iowa.
Orlando, Fla.:
Orange County.
Seminole County.
Parkersburg, W. Va.:
Wood County.
Paterson-Clifton-Passaic, N.J.:
Bergen County.
Passaic County.
Pensacola, Fla.:
Escambia County.
Santa Rosa County.
Peoria, Ill.:
Peoria County.
Tazewell County.
Woodford County.
Philadelphia, Pa.-N.J.:
Bucks County, Pa.
Chester County, Pa.
Delaware County, Pa.
Montgomery County, Pa.
Philadelphia County, Pa.
Burlington County, N.J.
Camden County, N.J.
Gloucester County, N.J.
Phoenix, Ariz.:
Maricopa County.
Pierre, S. Dak.:
Hughes County.
Pittsburgh, Pa.:
Allegheny County.
Beaver County.
Washington County.
Westmoreland County.
Pittsfield, Mass.:
Berkshire County.
Port Collins, Colo.:
Larimer County.
Portland, Maine:
Cumberland County.
Portland, Oreg.-Wash.:
Clackamas County, Oreg.
Multnomah County, Oreg.
Washington County, Oreg.
Clark County, Wash.
Portsmouth, N.H.:
Rockingham County.
Providence-Pawtucket-Warwick, R.I.-Mass.:
Bristol County, R.I.
Kent County, R.I.
Newport County, R.I.
Providence County, R.I.
Washington County, R.I.
Bristol County, Mass.
Norfolk County, Mass.
Worcester County, Mass.
Provo-Orem, Utah:
Utah County.
Pueblo, Colo.:
Pueblo County.
Puerto Rico.
Racine, Wis.:
Racine County.
Raleigh, N.C.:
Wake County.
Rapid City, S. Dak.:
Pennington County.
Reading, Pa.:
Berks County.
Reno, Nev.:
Washoe County.
Richmond, Va.:
Chesterfield County.
Hanover County.
Henrico County.
Roanoke, Va.:
Roanoke County.
Rochester, N.Y.:
Livingston County.
Monroe County.
Orleans County.
Wayne County.
Rockford, Ill.:
Boone County.
Winnebago County.
Rollo, Mo.:
Phelps County.
Rome, Ga.:
Floyd County.
Sacramento, Calif.:
Placer County.
Sacramento County.
Yolo County.
Saginaw, Mich.:
Saginaw County.
St. Albans, Vt.:
Franklin County.
St. Joseph, Mo.:
Buchanan County.
St. Louis, Mo.-Ill.:
Jefferson County, Mo.
St. Charles County, Mo.
St. Louis County, Mo.
Madison County, Ill.
St. Clair County, Ill.
Salt Lake City, Utah:
Davis County.
Salt Lake County.
San Angelo, Tex.:
Tom Green County.
San Antonio, Tex.:
Bexar County.
Guadalupe County.
San Bernardino-Riverside-Ontario, Calif.:
Riverside County.
San Bernardino County.
San Diego, Calif.:
San Diego County.
San Francisco-Oakland, Calif.:
Alameda County.
Contra Costa County.
Marin County.
San Francisco County.
San Mateo County.
Solano County.
San Jose, Calif.:
Santa Clara County.
Salina, Kans.:
Salina County.
Salisbury, Md.:
Wicomico County.
Santa Barbara, Calif.:
Santa Barbara County.
Santa Fe, N. Mex.:
Santa Fe County.
Savannah, Ga.:
Chatham County.
Scottsbluff, Nebr.:
Scottsbluff County.
Scranton, Pa.:
Lackawanna County.
Seattle-Everett, Wash.:
King County.
Snohomish County.
Sheridan, Wyo.:
Sheridan County.
Shreveport, La.:
Bossier Parish.
Caddo Parish.
Sioux City, Iowa-Nebr.:
Woodbury County, Iowa.
Dakota County, Nebr.
Sioux Falls, S. Dak.:
Minnehaha County.
South Bend, Ind.:
St. Joseph County.
Marshall County.
Spartansburg, S.C.:
Spartansburg County.
Spokane, Wash.:
Spokane County.
Springfield, Ill.:
Sangamon County.
Springfield, Mo.:
Greene County.
Springfield, Ohio.:
Clark County.
Springfield-Chicopee-Holyoke, Mass.:
Hampden County, Mass.
Hampshire County, Mass.
Worcester County, Mass.
Stamford, Conn.:
Fairfield County.
Steubenville-Weirton, Ohio-W. Va.:
Jefferson County, Ohio.
Brooke County, W. Va.
Hancock County, W. Va.
Stillwater, Okla.:
Payne County.
Stockton, Calif.:
San Joaquin County.
Syracuse, N.Y.:
Madison County.
Onondaga County.
Oswego County.
Tacoma, Wash.:
Pierce County.
Tallahassee, Fla.:
Leon County.
Tampa-St. Petersburg, Fla.:
Hillsborough County.
Pinellas County.
Temple, Tex.:
Bell County.
Terre Haute, Ind.:
Clay County.
Sullivan County.
Vermillion County.
Vigo County.
Texarkana, Tex.-Ark.:
Bowie County, Tex.
Miller County, Ark.
Toledo, Ohio-Mich.:
Lucas County, Ohio.
Wood County, Ohio.
Monroe County, Mich.
Topeka, Kans.:
Shawnee County.
Trenton, N.J.:
Mercer County.



Tucson, Ariz.:
Pima County.
Tulsa, Okla.:
Creek County.
Osage County.
Tulsa County.
Tuscaloosa, Ala.:
Tuscaloosa County.
Tyler, Tex.:
Smith County.
Utica-Rome, N.Y.:
Herkimer County.
Oneida County.
Vallejo-Napa, Calif.:
Napa County.
Solano County.
Vicksburg, Miss.:
Warren County.
Virgin Islands.
Waco, Tex.:
McLennan County.
Walla Walla, Wash.:
Walla Walla County.
Benton County.
Washington, D.C.-Md.-Va.:
District of Columbia.
Alexandria, City, Va.
Fairfax, City, Va.
Falls Church, City, Va.
Montgomery County, Md.
Prince Georges County, Md.
Arlington County, Va.
Fairfax County, Va.
Waterbury, Conn.:
Litchfield County.
New Haven County.
Waterloo, Iowa:
Black Hawk County.
Wenatchee, Wash.:
Chelan County.
West Palm Beach, Fla.:
Palm Beach County.
Wheeling, W. Va.-Ohio:
Marshall County, W. Va.
Ohio County, W. Va.
Belmont County, Ohio.
Wichita, Kans.:
Butler County.
Sedgwick County.
Wichita Falls, Tex.:
Archer County.
Wichita County.
Wilkes-Barre-Hazleton, Pa.:
Luzerne County.
Wilmington, Del.-N.J.-Md.:
New Castle County, Del.
Salem County, N.J.
Cecil County, Md.
Wilmington, N.C.:
New Hanover County.
Winston-Salem, N.C.:
Forsyth County.
Worcester, Mass.:
Worcester County.
Yakima, Wash.:
Yakima County.
York, Pa.:
York County.
Adams County.
Youngstown-Warren, Ohio.:
Mahoning County.
Trumbull County.
Yuma, Ariz.:
Yuma County.

(b) The Department of the Treasury may lease building space, and land incidental thereto, for the use of the Comptroller of the Currency and provide for its operation, maintenance, and custody.

(c) The Tennessee Valley Authority may lease building space, and land incidental thereto, and provide for its operation, maintainence, and custody.

(d) The National Aeronautics and Space Administration may lease building space, and land incidental thereto, and provide for its operation, maintenance, and custody outside the District of Columbia.

(e) A Federal agency may lease space in buildings, and land incidental thereto, for its use when:

(1) The space is located in any foreign country;

(2) The space is in buildings which are located on the grounds of any fort, camp, post, arsenal, Navy Yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use shall have been issued by the Secretary of Defense or his duly authorized representative;

(3) The space is acquired by the Post Office Department for post office purposes.

### § 101–18.105 Agency cooperation.

The heads of executive agencies shall (a) cooperate with and assist the Administrator of General Services in carrying out his responsibilities respecting office buildings and space, (b) take measures to give GSA early notice of new or changing space requirements, (c) seek to economize in their requirements for space, and (d) review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs, or significant loss of efficiency.

### § 101–18.106 Delegation of leasing authority.

Subject to the limitations stated in § 101–18.107, agencies are hereby authorized to perform for themselves all functions with respect to acquisition of space by lease in buildings, and land incidental thereto, when the following conditions are met:

(a) The space may be leased for no rental, or for a nominal consideration of $1.00 per annum; or

(b) When authority has been requested by an executive agency and a specific delegation has been granted by the Administrator of General Services; or

(c) The space is found by the Administrator of General Services to be wholly or predominantly utilized for the special purposes of the agency to have custody thereof, and is not generally suitable for the use of other agencies; including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions. The types of space listed in § 101–18.106–1 have been found to be wholly or predominantly utilized for the special purposes of the agency named, and are not generally suitable for the uses of other agencies.

### § 101–18.106–1 List of special purpose space.

(a) Department of Agriculture:
(1) Aircraft storage and repair shops.
(2) Fumigation areas.
(3) Garage space held under service contract.
(4) Greenhouses.
(5) Land.
(6) Miscellaneous storage by cubic foot or weight basis.
(7) Office space when required to be located in or adjacent to stockyards.
(8) Space for agricultural commodities stored in licensed warehouses and utilized under warehousing contracts.
(9) Space utilized in cooperation with State and local governments, or instrumentalities thereof, where a portion of such space is occupied by and a portion of the rental is paid by the cooperating State or local government.

(b) Department of Commerce:
(1) Maritime training stations.
(2) Radio stations.
(3) Laboratories for testing materials, classified ordnance devices, and calibration of instruments.
(4) Weather bureau offices at airports.
(5) Docks, piers, and mooring facilities.
(6) Garage space held under service contract.
(7) Hangars used for airplane storage.
(8) Oil and gasoline storage.
(9) Shipbuilding materials storage.
(10) Stockpiling depots.
(11) Torpedo net depots.

(c) Department of Defense:
(1) Air Force—Civil Air Patrol Liaison Office when required for use incidental to, in conjunction with, and in close proximity to airports.
(2) Armories.
(3) Cold and freezer storage.
(4) Depot storage.
(5) Dock and piers.
(6) Film library in the vicinity of Washington, D.C.
(7) Filter centers.
(8) Garage space held under service contract.
(9) Hangars and other airport operating facilities.
(10) Hospitals.
(11) Hotels.
(12) Housing.
(13) Land (including aircraft and warning stations).
(14) Laundries.
(15) Leased buildings at Jackson, Mississippi, Air Force Base.
(16) Lumber storage.
(17) Mess halls.
(18) Mooring space.
(19) Oil and gasoline storage.
(20) Open storage.
(21) Ports of embarkation and debarkation.
(22) Post exhanges.
(23) Postal Concentration Center at Long Island City, New York.
(24) Recreation centers.
(25) Reserve training space.
(26) Schools.
(27) Service clubs.
(28) Testing laboratories.
(29) Troop detachments.

(d) Federal Aviation Agency:
(1) Aeronautical Center at Oklahoma City, Oklahoma.
(2) Air route traffic control centers.
(3) All space located at airports.

(4) Garage space held under service contract.

(5) Land.

(e) Home Loan Bank Board: Space for field offices of Examining Division required to be located within Federal Home Loan Bank Buildings or immediately adjoining or adjacent thereto.

(f) Housing and Home Finance Agency: Space used for residential purposes and space used in connection therewith by the Public Housing Administration.

(g) Department of Justice: U.S. Marshal's offices in Alaska and Border Patrol Offices similar in character and utilization to police stations, involving the handling of prisoners, firearms, and motor vehicles, regardless of location.

(h) Panama Canal Company: Present space in New York, New York.

(i) Tax Court of the United States: Present courtroom in Grand Central Terminal Building, New York, New York.

(j) Treasury Department:

(1) United States Coast Guard: Plots of land and pier sites, including closed storage space required in combinations with piers, docking and mooring facilities; space for the oceanic unit at Woods Hole, Massachusetts; and space for port security activities.

(2) Garage space held under service contracts.

(k) Veterans Administration:

(1) Guidance and training centers located at schools and colleges.

(2) Space used for Veterans Administration hospitals and related purposes.

(l) Department of the Interior: Space in buildings used by field crews of the Bureau of Reclamation for periods of less than one year in remote areas where no other Government agency is quartered.

(m) Department of Health, Education, and Welfare: Space used for hospitals, quarantine stations, and laboratories.

(n) Atomic Energy Commission: Present space in St. Louis, Missouri.

(o) Federal Communications Commission: Monitoring station sites.

**§ 101–18.107 Limitations on the use of delegated authority.**

(a) Agencies authorized by this Subpart 101–18.1 to perform functions with respect to acquiring space by lease may perform such functions only:

(1) When the utilization requirements of Part 101–20 have been met; and

(2) In accordance with the authorities and policies cited in §§ 101–18.101 and 101–18.102 and applicable provisions of Chapters 1 and 101 of Title 41, Code of Federal Regulations.

(b) Agencies may not exercise the long-term leasing authority contained in section 210(h)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)(1)) in the performance of the functions delegated under this Subpart 101–18.1 without specific authorization from the Administrator of General Services.

## PART 101–19—MANAGEMENT OF BUILDINGS AND GROUNDS


Sec.
101–19.000 Scope of part.
101–19.001 Authority.

Subpart 101–19.1—Operation and Maintenance

101–19.100 Scope of subpart.
101–19.101 Government-owned buildings.
101–19.102 Leased buildings.
101–19.103 Protection.
101–19.104 Policy.
101–19.105 Furniture and furnishings.
101–19.105–1 Definition.
101–19.105–2 Funding for moving.
101–19.105–3 Moving of furniture and furnishings.
101–19.105–4 Determinations.
101–19.105–5 Furniture control.
101–19.106 Conservation of services.
101–19.107 Door title cards and holders.
101–19.108 Property pass.
101–19.109 Decorations.
101–19.109–1 Manufactured decorations.
101–19.109–2 Christmas trees.
101–19.109–3 Natural decorations.
101–19.109–4 Electric lights.
101–19.109–5 Lighted candles.
101–19.110 Employee-owned electric equipment.
101–19.111 Vehicle parking facilities.
101–19.111–1 General.
101–19.111–2 Policy.
101–19.111–3 Parking space assignment.
101–19.112 Concessions.
101–19.112–1 Scope of section.
101–19.112–2 General.
101–19.112–3 Transferred buildings.
101–19.112–4 Supervision.
101–19.112–5 Determination of need.
101–19.112–6 Scheduling patronage.
101–19.112–7 Safety, cleanliness, and sanitation.
101–19.112–8 Music.

Subpart 101–19.2—[Reserved]

Subpart 101–19.3—Conduct on Federal Property

101–19.300 General.
101–19.301 Recording presence.
101–19.302 Preservation of property.
101–19.303 Conformity with signs and emergency directions.
101–19.304 Nuisances.
101–19.305 Gambling.
101–19.306 Intoxicating beverages and narcotics.
101–19.307 Soliciting, vending, debt collection, and distribution of handbills.
101–19.308 Photographs for news, advertising, or commercial purposes.
101–19.309 Dogs and other animals.
101–19.310 Vehicular and pedestrian traffic.
101–19.311 Weapons and explosives.
101–19.312 Nondiscrimination.
101–19.313 Penalties and other laws.

Subpart 101–19.4—Standard Practices for Financing

101–19.400 Scope of subpart.
101–19.401 Policy.
101–19.401–1 GSA responsibility.
101–19.401–2 Other agencies' responsibility.
101–19.402 Definitions.
101–19.402–1 Buildings under control of GSA.
101–19.402–2 General purpose space.
101–19.402–3 Special purpose space.
101–19.402–4 Related services.
101–19.402–5 Tenant agency.
101–19.402–6 Occupant agency.
101–19.402–7 Maintenance.
101–19.402–8 Repair.
101–19.402–9 Betterment.
101–19.402–10 Space adjustment.
101–19.402–11 Extension.
101–19.402–12 Conversion.
101–19.402–13 Alteration.
101–19.402–14 Public improvement.
101–19.402–15 Legally available (As applicable to funds.)
101–19.403 Standard practices.
101–19.403–1 General conditions.
101–19.403–2 GSA financed services.
101–19.403–3 Reimbursable services.
101–19.403–4 Newly constructed buildings.
101–19.403–5 Furniture and furnishings.


AUTHORITY: The provisions of this Part 101–19 issued under sec. 205(c), 63 Stat 390; 40 U.S.C. 486(c).

### § 101–19.000 Scope of part.

The regulations in this part prescribe policies and methods under which GSA provides for the management, operation, protection, and maintenance of Government-owned and -leased buildings and grounds required by the Federal agencies to undertake their assigned missions.

### § 101–19.001 Authority.

This Part 101–19 implements the Act of July 1, 1898 (40 U.S.C. 285); the Act of April 28, 1902 (40 U.S.C. 19); the Act of March 1, 1919 (40 U.S.C. 1); the Act of June 23, 1923 (40 U.S.C. 281); the Act of May 27, 1924 (D.C. Code, 1961 ed., 4–208); the Act of June 20, 1936 (20 U.S.C. 107 et seq.); the Act of December 10, 1941 (40 U.S.C. 291); the Act of May 14, 1948 (40 U.S.C. 130); the Act of June 1, 1949 (40 U.S.C. 318 et seq.); the Federal Property and Administrative Services Act of 1949 (63 Stat. 377 as amended); and the Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note; 3 CFR).





### Subpart 101–19.1—Operation and Maintenance

### § 101–19.100 Scope of subpart.

This subpart is applicable to all buildings and grounds managed by and under the custody of GSA for which funds for rent, operation, maintenance and protection, repair, and improvement are appropriated directly to GSA and all buildings and grounds managed on a reimbursable basis.

### § 101–19.101 Government-owned buildings.

Services and utilities necessary to make space usable for ordinary purposes will be provided. Buildings and equipment, including grounds and approaches, will be operated, maintained, and repaired in accordance with standards prescribed by GSA. Wholly owned Government corporations are required to pay such rental for Government-owned space occupied at the seat of Government as may be determined by GSA, such rental to include all costs of maintenance, upkeep, and repair.

### § 101–19.102 Leased buildings.

Operation of space in leased buildings will be based on the same standards and levels of service provided in Government-owned space. However, the scope of the operation and maintenance performed by GSA will be predicated on the extent of the lessor's liability therefor under the terms of the lease.

### § 101–19.103 Protection.

Normal safety, fire, and guard protection will be furnished to provide for the safety of visitors and occupants of the building, the maintenance of order, and the protection of the Government's interest in the property. Security guarding can be made available on a reimbursable basis at the request of tenants, provided specific authority for such expenditure is given in agency appropriation act language or other law.

### § 101–19.104 Policy.

(a) It is the policy of GSA, with due regard to the program activities of the agencies concerned, to hold all improvement and alteration work to the absolute minimum required to house the agencies and to permit them to carry out their programs in an efficient manner.

(b) Alterations, improvements, and repairs will be made to buildings and facilities as necessary to protect the investment of the Government, within the limit of funds available therefor. Such work shall be performed in leased premises by GSA to the extent that the Government is responsible therefor under the provisions of the lease and the limitations of section 322 of the Economy Act (40 U.S.C. 278a), are not exceeded, except as otherwise provided by law.

(c) Alterations in space in buildings for which GSA controls operation and maintenance will be made to the extent necessary as a result of moves ordered by GSA in the assignment or reassignment of space.

(d) Space adjustments or alterations requested by an agency for its convenience in rearranging, expanding, or consolidating activities, or for laboratory, scientific, or other special functions will be performed on a reimbursable basis, subject to approval of the changes by GSA. Approval will be based on engineering and structural limitations of the building, conformance with policy and normal practice in the building, and limitations due to lease provisions or law. All such work shall be performed under the supervision of GSA.

(e) Agencies assigned space by GSA are not authorized to negotiate with lessors or other sources for alterations, utilities, or other services, exchanges of space, or changes of any nature without prior approval of GSA.

### § 101–19.105 Furniture and furnishings.

### § 101–19.105–1 Definition.

For the purposes of this section, the term "furniture and furnishings" means items normally required in office occupancy, such as desks, tables, chairs, costumers, file cabinets, bookcases, and floor coverings. It does not include desk top items, office machines, or labor-saving devices; nor special desks, tables, or cabinets involved in the use of such equipment; nor items peculiar to an agency's specialized functions.

### § 101–19.105–2 Funding for moving.

Moving of office equipment, furniture and furnishings, and other personal property will be accomplished when required as a result of moves ordered by GSA in the assignment, reassignment, and control of space. Moving services requested by an agency for its convenience in rearranging or consolidating activities will be performed on a reimbursable basis.

### § 101–19.105–3 Moving of furniture and furnishings.

The moving of furniture and furnishings in the reassignment of space under the control of GSA for space assignment purposes shall be restricted to the fullest extent practicable in the interest of efficiency and economy. Furniture and furnishings (except filled file cabinets) shall not be moved when suitable furniture and furnishings can be made available to the agency or segment of an agency reassigned to a new location.

### § 101–19.105–4 Determinations.

(a) Since the determinations with respect to the availability of furniture and furnishings for outfitting an office are dependent to a large degree on the size, location, and type of occupancy of the individual blocks of space which may be involved, the determinations required by section 210(g) of the Federal Property and Administrative Services Act (40 U.S.C. 490(g)) shall be made by appropriate GSA officials, in consultation with duly authorized agency officials, at the local level as circumstances in each case warrant. Determinations shall be based on accomplishing the move:

(1) At the least total cost to the Government;

(2) Without engaging in new or extensive procurement of furniture; and

(3) Without causing undue delay in the work schedule of the moving agency.

### § 101–19.105–5 Furniture control.

The furniture and furnishings previously used by the moving agency or unit and not moved to the new space shall pass to the control of GSA without reimbursement, except when purchased from trust funds. Such furniture will be reassigned to other using agencies or reported excess. When furniture is reassigned by GSA, custody and accountability therefor will be transferred to the using agency. Internal moves made by agencies within assigned areas and not subject to space reassignment action by GSA are exempt from the requirements of this § 101–19.105. However, in the interest of efficiency and economy, agencies should restrict the moving of furniture to the extent feasible.

### § 101–19.106 Conservation of services.

Occupant agencies should assist in the management of buildings by practicing good housekeeping methods and, wherever possible, by exercising economy in the use of electric current, heat, cooling, building supplies, facilities, and other services. Utilities should be conserved by turning off lights and equipment when not needed. Supplies furnished in the servicing of buildings should be conserved. Equipment and furnishings should be kept neat and orderly. Storage of books, papers, and other materials on the floor or on top of equipment, desks, or tables should be avoided. Trash and other waste materials should be disposed of in the receptacles provided. Soiling or damaging walls and other painted surfaces is prohibited. It is the responsibility of agencies occupying space in Government-owned or -leased quarters to require their employees to observe such conservation practices.

### § 101–19.107 Door title cards and holders.

Cards indicating the room number and the occupants of the room are provided by GSA at no cost to the occupant, when the space is managed by GSA. Cards are normally 8" x 6" in size and are available in several colors with contrasting lettering. A standard color combination is assigned for each building. The aluminum holder for the cards is also supplied free of charge and is cemented to the corridor wall on the knob side at each door. Agencies requiring identification of the occupant of the space should fill out Optional Form 12, Request for Door Title Cards and Holders, and submit it to the Buildings Manager for that building. Usually, the card carries only the name of the operational unit which is occupying the room. Occasionally, it may be desirable to list the name of the chief of the unit also. Lettering painted on doors is to be avoided. Optional Form 12 should be used for requesting GSA to furnish other cards, signs, and sign writing for the benefit of the tenant, as a reimbursable service.

**§ 101–19.108 Property pass.**

(a) Optional Form 7, Property Pass, shall be used by all agencies requiring a pass for the removal of tenant agency controlled Government property from Federal buildings. The form may be used for the removal of personally owned property when security regulations are in force in a given building.

(b) It is to be filled in and signed by the person authorizing the removal of the property. The person authorized to remove the property is to surrender the pass to the guard when leaving the building. The disposition of the pass after collection by the guard is a matter of administrative determination to be made by the using agency.

**§ 101–19.109 Decorations.**

**§ 101–19.109–1 Manufactured decorations.**

Manufactured decorations such as crepe paper, drapes, curtains, cotton, cardboard, flock, and similar material shall be flameproof.

**§ 101–19.109–2 Christmas trees.**

The use of natural Christmas trees shall be subject to the following requirements:

(a) In buildings of fire-resistive construction and in buildings provided with automatic sprinkler protection, a reasonable number of trees may be placed regardless of the tree size. In other buildings, the number of trees should be held to a minimum and restricted to 3 feet in height.

(b) Trees shall be placed away from radiators and other heating equipment, away from curtains and other combustible materials, away from water pipes and other exposed electrical grounds, and in locations that will not interfere with ingress or egress facilities. Trees shall not be located near open stairs.

(c) Freshly cut trees should be obtained insofar as possible. The freshness of the tree should be maintained by sawing it off at an angle at least 1 inch above the original cut and keeping the tree standing in water during the entire time it is kept in the building. This will aid in reducing its flammability.

(d) Trees shall be removed from the building as promptly as possible, and in no case shall a tree remain for more than 10 days after installation.

**§ 101–19.109–3 Natural decorations.**

Holly, cornstalks, and similar material may be used for decorative purposes only with the approval of GSA Buildings Manager or custodian. Only sparing quantities of such material shall be used.

**§ 101–19.109–4 Electric lights.**

Electric lights may be used for decorative purposes only with the approval of the GSA Buildings Manager or custodian. All installations shall be made under the supervision of a competent electrician and shall meet accepted wiring methods and materials standards. All equipment, including tree lighting sets, shall be checked for defects and repaired or replaced if necessary. Tree lighting sets shall not be used on metal trees, whether grounded or not, or on other trees treated with conductive coatings because of the electrical shock hazard.

**§ 101–19.109–5 Lighted candles.**

Lighted candles shall not be used for decorative purposes in any Government building.

**§ 101–19.110 Employee-owned electrical equipment.**

An agency desiring to have an employee-owned electrical appliance installed in a building under the jurisdiction of GSA shall submit a request in writing to the GSA Buildings Manager in charge of the building in which the installation is to be made. The request shall describe the appliance and its intended use and shall have been approved by an authorized representative of the agency. The Buildings Manager will inform the requesting agency of the approval or disapproval of the request. All installations shall be made by or under his direction and in conformance with the safety and installation requirements. Whether payment will be required therefor shall be determined from the applicable provisions of Subpart 101–19.4. The Buildings Manager will provide for the periodic inspection of all installations of electrical appliances to guard against possible fire hazards and to ensure the observance of good housekeeping practices. When the use or installation of the appliance does not conform to the appropriate safety, installation, and sanitary requirements, the agency will be requested to order its removal.

**§ 101–19.111 Vehicle parking facilities.**

**§ 101–19.111–1 General.**

GSA is responsible for determining what space in and around existing Government-owned properties under its custody and control may be utilized for vehicle parking purposes.

**§ 101–19.111–2 Policy.**

(a) It is the policy of the GSA to establish, to the extent funds are available therefor, vehicle parking facilities in and around existing Government-owned properties under the custody and control of GSA. Such facilities will be consistent with the character of other properties in the neighborhood, will not adversely affect the use or appearance of the Government property, and will not constitute a traffic hazard. GSA will assign parking space at a facility in the following order or priority:

(1) Government-owned vehicles of agencies;

(2) Privately owned vehicles used for Government business;

(3) Vehicles of persons transacting business within the property; and

(4) Vehicles of employees of agencies after the needs in § 101–19.111–2(a) (1), (2), and (3) have been satisfied.

**§ 101–19.111–3 Parking space assignment.**

Allotment of areas will be made to agencies which shall administer such areas for parking purposes. Policing of public buildings and grounds, including parking areas, are set forth in Subpart 101–19.3. Formal space assignment procedures shall not apply to parking areas. If agencies wish GSA to assign spaces at a facility, the order or priority indicated in § 101–19.111–2 will be followed. If necessary, and at occupant agency request, provisions will be made by GSA to regulate the use of parking areas by policing with GSA or other Government personnel, or by arrangement with local law enforcing authority. Unusual protection requirements shall be subject to reimbursement.

**§ 101–19.112 Concessions.**

**§ 101–19.112–1 Scope of section.**

This section applies to concessions in buildings operated by GSA, except vending stands operated by blind persons under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.).

**§ 101–19.112–2 General.**

(a) Concessions require the use of space and the provision of various building facilities and services. The type and location of each concession may seriously affect GSA costs for its installation, as well as later costs for building maintenance and operation.

(b) It is essential, therefore, that the type and location of each concession be satisfactory to GSA, and that each concession contract definitely establish the responsibilities of the concessionaire with respect to costs and other matters which affect building maintenance and operation. It also is imperative that consideration be given to pertinent legislation and the terms of existing contracts between GSA and concessionaires.

(c) GSA will arrange for the establishment of all concessions, including public telephones, in buildings under its custody and control. It will provide suitable space for approved concessions, arrange for necessary alterations and installations, enter into contracts or issue permits, and select concessionaires.

**§ 101–19.112–3 Transferred buildings.**

Concessions which were contracted for or otherwise arranged for by a Federal agency having custody and control of a building before its transfer to GSA, except concessions operated by the blind, may be continued under the supervision of that agency upon written approval of GSA subject to the following:

(a) Proposed alterations and improvements, purchases of equipment for replacement, and other matters affecting the building structure or its maintenance and operation, shall be approved by GSA.

(b) GSA will arrange for periodic inspections to insure compliance with safety, health, and sanitary codes.

**§ 101–19.112–4 Supervision.**

(a) Responsibility for supervision and administration of all concessions, except as provided in § 101–19.112–3, is vested in GSA.

(b) In the case of contracts and permits to which GSA is a party, officials of tenant agencies shall not, unless authorized by GSA, instruct concessionaries concerning types of service, articles to be sold, prices, or any other phase of operations. They shall communicate their wishes and requirements in such matters and shall refer suggestions and criticisms of Federal employees to the GSA Buildings Manager or to the appropriate regional official of GSA who will take such action in consequence thereof as may be deemed appropriate.



**§ 101–19.112–5 Determination of need.**

GSA will determine the need for concessions based on the following requirements:

(a) There must be adequate justification for each concession.

(b) Sufficient funds shall be available to defray the cost of providing necessary utility lines, preparing space, and doing other things for which the Federal Government will be responsible.

(c) Sufficient and satisfactory space must be available for the purpose.

(d) It shall be possible to establish and operate each concession in conformance with safety, health, and sanitary codes.

(e) There shall be no contravention of the provisions of law, or the terms of any lease (except with the prior consent of the lessor).

(f) The proposed concession shall not be detrimental or objectionable to other tenant agencies in the building.

(g) Commodities and services sold shall be limited to those which Federal employees may need to obtain while on duty, which are essential to their health, comfort, or efficiency, and which cannot be obtained conveniently from nearby existing facilities; *Provided:* That this requirement shall not prevent the approval of concessions required to serve a functional need of a tenant agency, as when the Government provides meals to inductees into the armed forces; or vending stands to be operated by the blind.

(h) Except when unusual conditions prevail, each concession shall be such as will serve all Federal employees in the building. This does not preclude the establishment of duplicate facilities when justified by the size of the building.

**§ 101–19.112–6 Scheduling patronage.**

When requested by GSA, each tenant agency should endeavor to schedule the times at which its employees may use concession services, so that patronage will be distributed evenly over a reasonable serving period.

**§ 101–19.112–7 Safety, cleanliness, and sanitation.**

(a) In the interest of safety, cleanliness, and sanitation, patrons shall be encouraged to consume foods and beverages at the point of purchase. When foods or beverages are removed from the concession area for consumption, agency heads shall require the following:

(1) Beverages and liquid foods be in covered containers.

(2) Empty cans be placed in receptacles provided by the concessionaires, or be placed alongside office waste receptacles.

(3) Liquids not be poured into waste receptacles.

(4) Spillage of liquids in corridors, lobbies, or work areas be avoided.

(5) Nondisposable dishes, silverware, and other utensils not be removed from concession areas without the permission of the concessionaire, and those removed with his permission be returned promptly after each use by the person granted permission.

(6) Violation of these requirements may make it necessary to withdraw the privilege of carrying foods and beverages from concession areas.

**§ 101–19.112–8 Music.**

(a) As in the case of other concessions, the broadcasting of music in work or concession areas shall be subject to the prior approval of GSA.

(b) Approval will be subject to the applicable provisions of § 101–19.112–4, and to the following requirements:

(1) The interested tenant agency shall accept responsibility for the satisfactory selection of music and other aspects of the service.

(2) The music shall be provided without expense to GSA, and in concession areas without expense to the concessionaire, except with his prior concurrence.

(3) Installations incident to the provision of the music shall be satisfactory to the superintendent of the building.

(4) The provision of the music shall not unduly interfere with the satisfactory operation of a concession.

(5) The installation shall not be used for commercial advertising.

## Subpart 101–19.2 [Reserved]

## Subpart 101–19.3—Conduct on Federal Property

**§ 101–19.300 General.**

The rules and regulations in this subpart apply to all Federal property under the control of GSA and to all persons entering in or on such property. Unless otherwise stated herein, Federal property under the charge and control of GSA is referred to as "property", and "public space" means GSA controlled entrances, lobbies, foyers, corridors, and auditoriums when used for public meetings. It is the responsibility of the occupant agencies to require observance of these rules and regulations by their employees.

**§ 101–19.301 Recording presence.**

Persons entering or leaving properties during periods when such properties are closed to the public shall sign the register and/or display authorized identification documents when requested by the guard, watchman, or other authorized individuals.

**§ 101–19.302 Preservation of property.**

It is unlawful to willfully destroy, damage, or remove property or any part thereof.

**§ 101–19.303 Conformity with signs and emergency directions.**

Persons in and on property shall comply with official signs of a prohibitory or directory nature, and, during emergencies, with the directions of authorized individuals.

**§ 101–19.304 Nuisances.**

The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemly or disorderly conduct on property, throwing articles of any kind from a building and climbing upon any part of a building, is prohibited.

**§ 101–19.305 Gambling.**

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property, is prohibited.

**§ 101–19.306 Intoxicating beverages and narcotics.**

Entering property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, or the consumption of such beverages or the use of such drug in or on property, is prohibited.

**§ 101–19.307 Soliciting, vending, debt collection, and distribution of handbills.**

The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the occupant agencies, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval of authorized individuals.

**§ 101–19.308 Photographs for news, advertising, or commercial purposes.**

Except where security regulations apply, or a Federal court order or rule prohibits it, photographs for news purposes may be taken in public space without prior permission. Photographs for advertising and commercial purposes may be taken in public space only with the prior written permission of the Building Manager. Photographs for news, advertising, or commercial purposes may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned.

**§ 101–19.309 Dogs and other animals.**

Dogs and other animals, except seeing-eye dogs, shall not be brought upon property for other than official purposes.

**§ 101–19.310 Vehicular and pedestrian traffic.**

(a) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply

with the signals and directions of guards and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on property is prohibited;

(c) Except in emergencies, parking in or on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 18 hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time, with the approval of the appropriate Regional Administrator, by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

**§ 101–19.311 Weapons and explosives.**

No person while on property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

**§ 101–19.312 Nondiscrimination.**

There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, color, or national origin, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on property.

**§ 101–19.313 Penalties and other law.**

Whoever shall be found guilty of violating the rules and regulations in this Subpart 101–19.3, while on property over which the United States exercises exclusive or concurrent legislative jurisdiction, is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules and regulations in this Subpart 101–19.3 shall be construed to abrogate any other Federal laws or regulations, or any State and local laws and regulations, applicable to any area in which property is situated.

## Subpart 101–19.4—Standard Practices for Financing

**§ 101–19.400 Scope of subpart.**

This subpart prescribes the standards and the division of responsibility as between Federal agencies and GSA for financing building operations.

**§ 101–19.401 Policy.**

With respect to buildings under its control, the policy of GSA, in providing space and related services to Federal agencies, is as set forth in § 101–19.401–1.

**§ 101–19.401–1 GSA responsibility.**

(a) GSA shall be responsible, within the funds appropriated to it for such purposes, for:

(1) Providing general purpose space and related services necessary to meet the needs of tenant agencies.

(2) Making repairs, betterments, and alterations, and providing building equipment for occupant agencies in Government-owned buildings, except such space occupied or to be occupied by the Post Office Department in post office buildings where the services will be limited to repairs.

(b) The suitability of space for tenant agency use, the scope, degree, and level of service to be rendered to all agencies in Government, and the adequacy of appropriations to GSA therefor will be for ultimate determination by GSA with due regard for agency program requirements.

**§ 101–19.401–2 Other agencies' responsibility.**

(a) To the extent that GSA appropriations are not adequate for providing necessary space and related services, other agencies shall be responsible for paying all or part of the cost thereof, providing their appropriations are legally available for the purpose.

(b) It shall be the responsibility of tenant agencies to notify GSA in writing of desired changes in occupancy, space use, or requirements for more than one shift operation. Notification shall be given in time to permit consideration of the cost of the desired changes in GSA annual budget estimates.

(c) Occupant and tenant agencies shall also be responsible for services as outlined in § 101–19.403. When such services involve public improvements, as defined in § 101–19.402, the work may not be undertaken in the absence of an appropriation legally available for the purpose. (See 41 U.S.C. 12).

(d) If new or additional rented space is required in the District of Columbia, for which GSA has not budgeted, specific authority for the payment thereof is required in the agency appropriation or in other law clearly applicable to the appropriation to be charged, or through an appropriation for a purpose which clearly implies that the rental of a building or a part thereof is authorized by the Congress. (See 40 U.S.C. 34).

**§ 101–19.402 Definitions.**

For the purposes of this Subpart 101–19.4, terms shall have the meanings described in this section.

**§ 101–19.402–1 Buildings under the control of GSA.**

"Buildings under the control of GSA" means Government-owned and -leased buildings, but excludes the following buildings and construction projects:

(a) On the public domain (including that reserved for national forests and other purposes).

(b) On properties of the United States in foreign countries.

(c) On Indian and native Eskimo properties held in trust by the United States.

(d) On lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith.

(e) On or used in connection with river, harbor, flood control, reclamation or power projects, or for chemical manufacturing or development projects, or for nuclear production, research, or development projects.

(f) On or used in connection with housing and residential projects.

(g) On military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense).

(h) On Veterans Administration installations used for hospital or domiciliary purposes.

(i) Acquired by lease by Post Office Department for post office purposes.



(j) Acquired by lease by other Government agencies under authority delegated by GSA.

(k) Which the President may deem, from time to time hereafter, to be justified in the public interest.

**§ 101–19.402–2 General purpose space.**

"General purpose space" means space in buildings under the control of GSA, including land incidental to the use thereof, which may be suitable for the use of agencies generally, as determined by GSA.

**§ 101–19.402–3 Special purpose space.**

"Special purpose space" means space in buildings under the control of GSA, including land incidental to the use thereof, which is wholly or predominantly utilized for the special purposes of an agency and not generally suitable for the use of other agencies, as determined by GSA.

**§ 101–19.402–4 Related services.**

"Related services" includes rent, operation, protection, maintenance, repair, betterment, and alteration of buildings, and initial adjustment of space; providing necessary building equipment; and moving tenant agencies when assigned to space at the direction of GSA.

**§ 101–19.402–5 Tenant agency.**

"Tenant agency" means any Federal agency occupying space in a building for which GSA has the responsibility for the functions of operation and maintenance.

**§ 101–19.402–6 Occupant agency.**

"Occupant agency" means any Federal agency occupying space in a building, under the control of GSA, for which GSA has space assignment responsibility but does not have the responsibility for the functions of operation and maintenance.

**§ 101–19.402–7 Maintenance.**

"Maintenance" means to preserve or keep in an existing state or condition by periodic or occasional inspection, adjustment, lubrication, cleaning, and making necessary minor repairs. Ordinary maintenance is that routine recurring work which is incidental to everyday operations. Preventive maintenance is that work which is programmed at scheduled intervals.

**§ 101–19.402–8 Repair.**

"Repair" means the restoration of a facility to a condition substantially equivalent to its original state and efficiency. The distinction is made that whereas maintenance is preventive, repairs are curative. Repairs may involve replacement of component units in whole or in part where the new unit substituted is no better than the old one was when it was acquired. Routine and incidental replacements of parts constitute ordinary repairs; extensive replacements of parts constitute extraordinary repairs.

**§ 101–19.402–9 Betterment.**

"Betterment" means a substitution where the new unit is better than the old one was when it was acquired. The term "betterment" may also include actions referred to as modernizations.

**§ 101–19.402–10 Space adjustment.**

"Space adjustment" means a rearrangement of space, or relocation of equipment, which does not increase building capacity or improve its quality. A "space adjustment" is made usually to accommodate a specific agency operation or to permit the most efficient use of space and facilities.

**§ 101–19.402–11 Extension.**

"Extension" means an addition, enlargement, or expansion of an existing building which results in an increase in capacity.

**§ 101–19.402–12 Conversion.**

"Conversion" includes the redesign, remodeling, and conversion of a building from one use to another, i.e., hospital or warehouse to office space.

**§ 101–19.402–13 Alteration.**

"Alteration" means to repair, remodel, improve, extend, or make other changes in a public building.

**§ 101–19.402–14 Public improvement.**

The term "public improvement" is of statutory origin and has a meaning peculiar to the law (see 41 U.S.C. 12). A "public improvement" is interpreted to include any alteration, and such betterments and extraordinary repairs as will appreciably prolong the life or increase the value of a building.

**§ 101–19.402–15 Legally available (as applicable to funds).**

The term "legally available" means that specific agency appropriations are authorized for use for particular purposes, when there is (a) specific language therefor in an appropriation act or in a substantive statute to which the appropriation act is related or (b) adequate support for the use thereof in the legislative history of the appropriation act, notwithstanding the availability of general appropriations to GSA for similar purposes. Evidence of legal availability will be established, when required, by certification from the requisitioning agency to GSA.

**§ 101–19.403 Standard practices.**

The following standard practices are prescribed for carrying out the policy as outlined in § 101–19.401. These practices, which are similar to those followed in commercial building operations, are the basis for GSA appropriation estimates.

**§ 101–19.403–1 General conditions.**

Services and facilities made available to the agencies are subject to the following:

(a) General purpose space and related services will be provided without cost to the tenant agencies occupying the buildings to the extent that current appropriations are adequate therefor.

(b) GSA financed services, as set forth herein, are generally provided for occupancy of the building during the usual business hours (one shift) of a 5-day workweek, unless arrangements are made otherwise pursuant to § 101–19.401–2(b). An exception to this standard is guard service which is provided as required by the need for normal protection of the facility.

(c) Where air-conditioning, fans, and water cooling units are not furnished by GSA, such equipment may be purchased, and accountability thereto retained by the tenant agency, when its appropriation is legally available, and if approved by GSA. Where approval is given for installation of agency-owned equipment, the agency shall reimburse GSA for installation, maintenance, and repair.

(d) Funds for public improvements normally are appropriated to GSA and an agency may not finance the cost thereof in the absence of an appropriation legally available for the purpose.

**§ 101–19.403–2 GSA financed services.**

Subject to the general conditions in § 101–19.403–1, the following services are provided by GSA without cost:

(a) Installing, removing, and relocating partitions, and the physical moving of furniture and of office equipment within and between buildings when such services are required as a result of moves ordered by GSA in the assignment, reassignment, and control of space.

(b) Rent for leased quarters.

(c) Cleaning, including window washing and floor maintenance.

(d) Electric current, water, and heat.

(e) Normal protection or guarding.

(f) Operation, maintenance, and repair of elevators and electric, heating, air-conditioning, ventilating, refrigeration, plumbing, and sewerage systems.

(g) Repair, betterment, alteration, and necessary building equipment in Government-owned buildings.

(h) Repairs to leased buildings and building equipment, including periodic painting.

(i) Maintenance of grounds, including approaches, sidewalks, and roads.

(j) The furnishing and maintenance of building equipment, such as directory and bulletin boards at the main entrances, clocks, door closers, water coolers, electric outlets for normal office use, door keys and changing locks except for security purposes, door title cards and holders, and window shades or venetian blinds.

(k) Refinishing of floors and laying of floor covering, such as linoleum or tile.

**§ 101–19.403–3 Reimbursable services.**

In accordance with the general conditions in § 101–19.403–1 no provision is made in the appropriation estimates of GSA for services set forth in this § 101–19.403–3. Consequently, agencies should arrange to have funds therefor provided in their appropriations and GSA will furnish such services on a reimbursable basis (see 38 Comp. Gen. 758). Expenses of providing services of the types described in paragraphs (a) and (c) through (i) in this section, may normally be reimbursed to GSA out of funds appropriated to tenant or occupant agencies without specific appropriation

language or legislative history authorizing or supporting such expenditures, except as may be required by the provisions of section 3733 of the Revised Statutes (41 U.S.C. 12).

(a) Services which are over and above the GSA financed services prescribed in § 101–19.401–1, and which are performed for the convenience of and at the request of tenant agencies, such as the installation, removal, and relocation of partitions, electric outlets (subject to approval of Buildings Manager) the installation of annunciator and buzzer systems, and the moving of furniture and office equipment.

(b) Security guarding and protection of classified records and property, when specifically provided in an agency's appropriation.

(c) Installations, operation, and maintenance of burglar alarms and other automatic protective devices and systems for security protection due to the special nature of an agency's activities.

(d) Utilities for specialized installations, such as food storage, preparation, and serving in cafeterias and lunch stands (except authorized stands operated by the blind), printing, duplicating, photographic plants, laboratories, electronic computers, machine installations, and the like.

(e) Construction, installation, operation, maintenance, and repair of special equipment and space adjustments required in buildings as a result of such installations.

(f) Construction, installation, and maintenance of exhibits.

(g) Washing and polishing furniture and cleaning inside file cabinets, bookcases, desks, and other personal property.

(h) Space adjustments in buildings for scientific, laboratory, or for other specialized purposes, including installation of ventilating and temperature and humidity control equipment.

(i) Service of motion picture operators and other personnel required in the use of auditoriums and conference rooms.

### § 101–19.403–4 Newly constructed buildings.

The following services and equipment are provided by GSA without cost to prospective occupants of new buildings constructed out of funds appropriated to GSA, including buildings acquired by purchase-contract arrangements under the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356).

(a) Payment of principal, interests, and taxes under purchase-contract.

(b) The usual built-in and fixed building equipment, including courtroom equipment where applicable, and such miscellaneous items as directory and bulletin boards in public space, water coolers, wall fans, and venetian blinds.

(c) Moving and installation of existing special equipment, such as laboratory, clinical, and protection equipment.

(d) Moving of furniture, furnishings, and office equipment in use of temporary space or new buildings.

(e) Space for interim occupancy for agencies temporarily displaced to make way for construction.

(f) Special purpose requirements of prospective occupants will be financed in accordance with § 101–17.602(c).

### § 101–19.403–5 Furniture and furnishings.

Each agency, unless otherwise provided by statute, will be responsible for financing its furniture and furnishings requirements at all locations. In this connection, to the maximum extent practicable, requirements shall be met from excess stock including rehabilitated equipment, even though such items may not conform to present standards.

## PART 101–20—ASSIGNMENT AND UTILIZATION OF SPACE


Sec.

101–20.000 Scope of part.
101–20.001 Authority.
101–20.002 Basic policy.

Subpart 101–20.1—Assignment of Space

101–20.100 Scope of subpart.
101–20.101 Definition of terms.
101–20.101–1 Space assignment.
101–20.101–2 General purpose space.
101–20.101–3 Special purpose space.
101–20.101–4 Government-owned space.
101–20.101–5 Leased space.
101–20.101–6 Permit space.
101–20.102 Requests for space.
101–20.102–1 Form of request.
101–20.102–2 Exceptions to submitting requests for space.
101–20.102–3 Action when space is not available.
101–20.103 Procedures for assigning space.
101–20.103–1 Assignment by GSA.
101–20.103–2 Assignment by agencies.

Subpart 101–20.2—Utilization of Space

101–20.200 Scope of subpart.
101–20.201 Definition of terms.
101–20.201–1 Space utilization.
101–20.201–2 Space inspection.
101–20.201–3 Space utilization survey.
101–20.202 Responsibility of GSA.
101–20.202–1 Conduct of space inspections.
101–20.202–2 Conduct of space utilization surveys.
101–20.203 Responsibility of agencies.
101–20.204 Release of space not fully utilized.

Subpart 101–20.3—Space Standards, Criteria, and Guidelines

101–20.300 Scope of subpart.
101–20.301 Definition of terms.
101–20.301–1 Occupancy guides.
101–20.301–2 Private office.
101–20.301–3 Work station.
101–20.301–4 File space.
101–20.302 Space allowances.
101–20.303 Use of occupancy guides.
101–20.304 [Reserved.]
101–20.305 Interim space allowances.
101–20.305–1 List of interim space allowances.
101–20.306 Allowance for private offices.
101–20.307 Allowance for work stations.
101–20.308 Allowance for file space.

Subpart 101–20.4—Space Planning and Layout

101–20.400 Scope of subpart.
101–20.401 Definition of terms.
101–20.401–1 Space planning.
101–20.401–2 Space layout.
101–20.402 Space planning assistance.
101–20.403 [Reserved]
101–20.404 Use of contractual services for space planning.

Subpart 101–20.5—Providing Space in New Public Buildings

101–20.500 Scope of subpart.
101–20.501 General.
101–20.502 Responsibility of GSA.
101–20.503 Responsibility of agencies.
101–20.504 Postoccupancy evaluation.

Subparts 101–20.6—101–20.8 [Reserved]

Subpart 101–20.9—Space Reports

101–20.900 Scope of subpart.
101–20.901 Report of space use, Washington, D.C., Metropolitan Area.

Subparts 101–20.10—101–20.47 [Reserved]

Subpart 101–20.48—GSA Regional Offices

101–20.4800 Scope of subpart.
101–20.4801 GSA regional offices.

Subpart 101–20.49—Forms

101–20.4900 Scope of subpart.
101–20.4901 Standard forms.
101–20.4901–81 Standard Form 81, Request for Space.
101–20.4901–111 Standard Form 111, Agency Space Report.
Standard Form 111A, Agency Space Summarization.
101–20.4902 GSA forms.
101–20.4902–144 GSA Form 144, Space Requirements.


AUTHORITY: The provisions of this Part 101–20 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–20.000 Scope of part.

This part prescribes the policies and procedures relative to the assignment and utilization of space in Government-owned and -leased buildings, or portions thereof, in the United States, Puerto Rico, and the Virgin Islands.

### § 101–20.001 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended); the Act of July 1, 1898 (40 U.S.C. 285); the Act of March 1, 1919 (40 U.S.C. 1); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.); Reorganization Plan No. 18 of 1950 (3 CFR; 40 U.S.C. 490 note); and E.O. No. 11035 of July 9, 1962 (27 F.R. 6519; 3 CFR).

### § 101–20.002 Basic policy.

(a) GSA will provide agencies with sufficient and adequate general purpose space to carry out their programs.

(b) In the provision of general purpose space, GSA will establish and maintain a balance between functional efficiency and customer agencies and economy in its use.

## Subpart 101–20.1—Assignment of Space

### § 101–20.100 Scope of subpart.

This subpart prescribes the responsibilities and procedures which are applicable to the assignment of space to Federal agencies and other entities entitled to occupy space in Government-owned and -leased buildings, or portions thereof.

### § 101–20.101 Definition of terms.

The following definitions in this section are established for terms used in this subpart.

### § 101–20.101–1 Space assignment.

"Space assignment" means an administrative action which authorizes the occupancy and use of building space, and land areas incidental thereto, by a Federal agency or other eligible entity.

### § 101–20.101–2 General purpose space.

"General purpose space" means space in buildings and land area incidental thereto, which, as determined by GSA, is suitable for use by several Federal agencies. The physical characteristics of the space may be of the office, storage, or special types, or any combination thereof. The following categories of space are specifically excluded from this definition:

(a) Space in any building located in a foreign country.

(b) Space in buildings which are located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airbase, proving ground, missile site, military academy or school, or any similar facility of the Department of Defense or U.S. Coast Guard, unless and to such an extent as a permit for its use by other agencies shall have been issued by the Secretary of Defense, or the Secretary of the Treasury, as appropriate, or their duly authorized representatives.

### § 101–20.101–3 Special purpose space.

"Special purpose space" means space found by the Administrator of General Services to be wholly or predominantly utilized for the special purposes of the agency to have custody thereof, and is not generally suitable for the use of other agencies; including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions. The types of space listed in § 101–18.106–1 have been found to be wholly or predominantly utilized for the special purposes of the agency named, and are not generally suitable for the uses of other agencies.

### § 101–20.101–4 Government-owned Space.

"Government-owned space" means space in buildings, and land incidental thereto, the title to which is vested in the United States Government.

### § 101–20.101–5 Leased space.

"Leased space" means space in buildings, and land incidental thereto, for which the Government has a right of occupancy by virtue of having acquired a leasehold interest.

### § 101–20.101–6 Permit space.

"Permit space" means space in buildings, and land incidental thereto, for which a right of occupancy has been granted by permit from another Federal agency.

### § 101–20.102 Requests for space.

Except as provided in § 101–20.102–2, Federal agencies shall satisfy their space needs by submitting a request in the proper form to the GSA regional office responsible for the geographic area in which the space is required.

### § 101–20.102–1 Form of request.

Space requests, except for space in proposed buildings included in the Public Buildings Construction Program, shall be submitted on Standard Form 81, Revised, request for space (see § 101–20.4901–81). Requests for space in buildings proposed for construction shall be submitted to GSA on GSA Form 144, Net Space Requirements for Future Federal Building Construction (See § 101–20.4902–144).

Standard Form 81 need not be filed by Federal agencies when the space desired or to be acquired is:

(a) General purpose space of 2,500 square feet or less falling within the geographical area where leasing authority has been delegated to the agency. (See § 101–18.106.)

(b) Special purpose space of 2,500 square feet or less irrespective of geographical location. (See § 101–18.107–2.)

(c) Commercial space acquired by lease by the Post Office Department for

postal purposes. (See § 101–18.106(c)(3).)

**§ 101–20.102–3 Action when space is not available.**

If no suitable Government-controlled space is available, GSA will so advise by the return of a signed copy of the Standard Form 81, showing thereon the action to be taken.

(a) When the agency has acquisition authority, or has been delegated such authority by the Administrator of General Services, it may thereupon proceed to acquire the requested space. The signed copy of the Standard Form 81 shall be attached to the leasing or related instrument made available to the General Accounting Office. Such clearances are extended on a fiscal year or part of a fiscal year basis, except in those cases where the acquiring activity uses longer term leasing authority.

(b) GSA may take necessary action to acquire space for agencies having acquisition authority when the latter so request by checking the appropriate block on Standard Form 81.

(c) GSA will take the necessary action to acquire the space for agencies having no acquisition authority.

**§ 101–20.103 Procedures for assigning space.**

**§ 101–20.103–1 Assignment by GSA.**

(a) GSA will perform all functions with respect to the assignment and reassignment of space:

(1) In Government-owned buildings which GSA controlled for assignment and reassignment purposes on June 30, 1950.

(2) In specific Government-owned buildings for which assignment and reassignment functions were transferred to GSA pursuant to section 1 of Reorganization Plan No. 18 of 1950 (3 CFR; 40 U.S.C. 490 note).

(3) In Government-owned buildings or space acquired by GSA by purchase, condemnation, transfer, lease, or otherwise.

(b) GSA may, in accordance with policies and directives prescribed by the President, including E.O. No. 11035 of July 9, 1962 (27 F.R. 6519; 3 CFR), under sec. 205(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a)), and after consultation with the agencies affected, assign and reassign space of any executive agencies after determining that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

**§ 101–20.103–2 Assignment by agencies.**

Except for the space covered by § 101–20.103–1(a), and subject to the provisions of § 101–20.103–1(b), agencies may perform all functions with respect to the assignment and reassignment of space. The Administrator of General Services may, in specific cases, authorize executive agencies to perform any of the functions described in § 101–20.103–1(a).

## Subpart 101–20.2—Utilization of Space

**§ 101–20.200 Scope of subpart.**

This subpart prescribes the principles and objectives of GSA in regard to the full and efficient utilization of Government-owned and leased space. The efficient utilization of space is closely related to the assignment functions of GSA, and therefore, this subpart shall be considered in the light of the policies and procedures in Subpart 101–20.1, Assignment of Space.

**§ 101–20.201 Definition of terms.**

The following definitions in this § 101–20.201 are established for terms used in this subpart.

**§ 101–20.201–1 Space utilization.**

"Space utilization" means the degree and manner in which Government-owned and -leased facilities are occupied.

**§ 101–20.201–2 Space inspection.**

"Space inspection" means a reconnaissance-type evaluation of the manner in which space assignments are being utilized to determine if immediate, or scheduled, corrective action is indicated.

**§ 101–20.201–3 Space utilization survey.**

"Space utilization survey" means a detailed analysis, using recognized space management procedures and techniques, of the manner in which an agency is utilizing its space.

**§ 101–20.202 Responsibility of GSA.**

(a) GSA will assign agencies sufficient space to carry out their programs, provided that the need for such space is justified to the satisfaction of GSA.

(b) GSA will conduct space inspections and space utilization surveys to promote and enforce efficient utilization, recapturing for release or reassignment any space which the agencies do not justify to the satisfaction of GSA as being required. Adequate advance notice of the planned survey will be given to the agency concerned.

**§ 101–20.202–1 Conduct of space inspections.**

GSA will plan space inspections at periodic intervals on a community, building, or agency basis as appropriate. Inspections will be made in an orderly manner, on the basis of a floor-by-floor and room-by-room check of all assigned space. The agency will be provided with a written summary of significant findings and recommendations, together with data concerning improvements which can be effected by the agency, and those which are planned by GSA.

**§ 101–20.202–2 Conduct of space utilization surveys.**

Space utilization surveys are made to ascertain if a current assignment can be made more efficient and economical. These may be scheduled as a result of a request for space, an action to improve utilization, an assignment action requiring a relocation of an activity, or result from a space inspection. Agencies will be kept informed of space utilization surveys and actions related thereto by the appropriate GSA regional office listed in § 101–20.4801.

**§ 101–20.203 Responsibility of agencies.**

It is the responsibility of the agencies to assist and cooperate with GSA in the assignment and utilization of space, including the furnishing of data relative to the use of the space occupied, and personnel housed or to be housed. It is the further responsibility of the agencies continuously to study and survey space occupied under assignment by GSA and other space which is controlled by the agencies, to insure efficient and economical space utilization. It is also the responsibility of those agencies which control space to report to GSA any space which is excess to their needs and which might be assigned to other agencies.

**§ 101–20.204 Release of space not fully utilized.**

The space utilization program is designed to effect maximum efficient utilization of Government-owned and -leased space. Space for which there is no current foreseeable need will be relinquished.





## Subpart 101–20.3—Space Standards, Criteria, and Guidelines

**§ 101–20.300 Scope of subpart.**

This subpart identifies those factors affecting office layout which must be considered in connection with achieving more efficient layouts and better space utilization.

**§ 101–20.301 Definition of terms.**

The following definitions in this § 101–20.301 are established for terms used in this subpart.

**§ 101–20.301–1 Occupancy guides.**

"Occupancy guides" means printed guidelines which outline the space requirements based on the functions, operations, and staffing of the particular agency for which they are developed.

**§ 101–20.301–2 Private office.**

"Private office" means a room occupied by one individual; this includes rooms enclosed by either ceiling-high or bank-type partitions.

**§ 101–20.301–3 Work station.**

"Work station" means the area, furniture, equipment, and configuration required for one worker.

**§ 101–20.301–4 File space.**

"File space" means an area used either predominantly or exclusively for filing operations.

**§ 101–20.302 Space allowances.**

Space allowances are derived from specific studies of the operations of the agencies, and are directed toward providing each employee with enough space to work efficiently.

**§ 101–20.303 Use of occupancy guides.**

The objectives of the occupancy guide program are to improve agency operations and promote economic and prudent utilization of federally owned and leased space through the development and application of occupancy standards and criteria for specific agencies and activities. Each occupancy guide represents an agreement between GSA and the agency as to the latter's space requirements and is written in terms which permit nationwide application. Occupancy guides will be used as the basis of authorization and layout of agency space.

**§ 101–20.304 [Reserved]**

**§ 101–20.305 Interim space allowances.**

(a) The interim space allowances listed in § 101–20.305–1 are to be used in office space planning for all agencies or components thereof, for which occupancy guides have not been published. In addition, these allowances are applicable for all agency headquarters activities. The application of these space allowances is canceled immediately upon publication of the appropriate occupancy guide.

(b) Allowances listed in § 101–20.305–1 shall not be used as criteria for assigning space to individuals or even to small units of an office. Rather, they are to be used to evaluate the total amount of space required for specific agency locations.

**§ 101–20.305–1 List of interim space allowances.**

| Grade | Type of assignment | Office space allowance (sq. ft. per person) [1] |
|---|---|---|
| GS 1–6 | [1] | 60 |
| GS 7–11 | Supervisory | 100 |
| GS 7–11 | Nonsupervisory | 75 |
| GS 12–13 | Supervisory | 150 |
| GS 12–13 | Nonsupervisory | 100 |
| GS 14–15 | Supervisory | 250 |
| GS 14–15 | Nonsupervisory | 150 |
| GS–16–18 | | 300 |

[1] Head of agency and deputy (not prescribed).

**§ 101–20.306 Allowance for private offices.**

Private offices should be provided only when there is a demonstrated functional need; and then they should be only large enough for the occupant to conduct his normal business in an efficient manner and with a reasonable degree of dignity. The normal maximum allowance for private offices is 300 square feet, but this should be approached only in cases where it is necessary for the occupant to confer frequently with sizeable groups of people, and a conference room is not convenient.

**§ 101–20.307 Allowance for work stations.**

The work station concept is an office layout technique which identifies those items of furniture and equipment actually required for the proper performance of an employee's duties, and arranges them in a manner intended to stimulate efficient work processing. Space allowances for individual work stations generally range in area from 42 square feet to 100 square feet, depending on the specific furniture and equipment requirements of the position. Proper positioning of work stations will result in increased efficiency and economy of operation.

**§ 101–20.308 Allowance for file space.**

In any space layout, consideration should be given to records storage, and a determination made as to whether the files are active or inactive. (An inactive file is one in which reference service is not more frequent than one reference per file drawer per month.) Inactive files should be removed from expensive office space and transferred to a Federal Records Center for temporary storage and ready reference, or to nonoffice space. Study should be made of the need for and use of filing equipment to insure that all drawers are used for files only, and are at least three-fourths full. Office supplies, etc., should not be stored in filing equipment.

## Subpart 101–20.4—Space Planning and Layout

**§ 101–20.400 Scope of subpart.**

This subpart outlines the methods used in the planning and layout of space assignments and prescribes the conditions governing GSA—agency coordination.

**§ 101–20.401 Definition of terms.**

The following definitions in this § 101–20.401 are established for terms used in this subpart.

**§ 101–20.401–1 Space planning.**

"Space planning" means a study which results in placing agency operations according to geographic location, position within a building, and space layout of furniture, on a scientific basis.

**§ 101–20.401–2 Space layout.**

"Space layout" means the specific placement of work stations, furniture, and equipment, to provide maximum efficiency of an agency operation. This is normally accomplished by the use of templates.

**§ 101–20.402 Space planning assistance.**

When in the discharge of its responsibility for efficient use of space an agency requires space layout assistance, a request for such assistance should be made to the regional office of GSA responsible for the geographical area in which the space is located. In consultation with the agency, GSA will determine the scope of assistance required and will provide such service either by use of existing staff or by contract.

**§ 101–20.403 [Reserved]**

**§ 101–20.404 Use of contractual services for space planning.**

No Federal agency shall, without the written approval of GSA, enter into a contract for interior office design or space layout, with any non-Federal firm or individual. When it is determined that a contract is required, GSA, with the advice of the agency, will enter into the contract and supervise the contractor's performance. The contract will be completely reimbursable by the requesting agency.

## Subpart 101–20.5—Providing Space in New Public Buildings

**§ 101–20.500 Scope of subpart.**

This subpart prescribes the procedures and objectives governing space planning for new public buildings.

**§ 101–20.501 General.**

Modern space layout principles, which contribute to good space management and operational efficiency, are particularly appropriate in the case of new buildings. Full coordination, strict observance of the design schedule, and followup action are required to insure maximum return to the Government in terms of efficiency and economy.

**§ 101–20.502 Responsibility of GSA.**

GSA will be responsible for the space planning and layout in all new buildings. The regional office of GSA will forward layout plans to the tenant agencies for review and coordination and, at the same time, notify the agencies of the date beyond which design changes cannot be accepted.

**§ 101–20.503 Responsibility of agencies.**

Agencies are responsible for making their needs known to GSA on a timely basis; providing cooperation and assistance if required, in the preparation of space layouts; and requesting necessary changes prior to the design cutoff date. (See also § 101–17.204.)

**§101–20.504 Postoccupancy evaluation.**

GSA will conduct a postoccupancy evaluation of major new buildings approximately six months after the date of occupancy. This evaluation, which will take the form of space inspections or space utilization surveys as described in Subpart 101–20.2, Utilization of Space, will be conducted to promote space economy.

**Subparts 101–20.6—101–20.8 [Reserved]**



## Subpart 101–20.9—Space Reports

**§ 101–20.900 Scope of subpart.**

This subpart prescribes the preparation and submission of reports of space use and requirements.

**§ 101–20.901 Report of space use Washington, D.C., Metropolitan Area.**

(a) Each Federal agency shall report formally to the General Services Administration, Region 3, Public Buildings Service, Washington, D.C., 20407, the use being made of space occupied by the agency in the Washington, D.C., Metropolitan Area.

(b) For the purposes of this § 101–20.901, the Washington, D.C., Metropolitan Area includes:

(1) The District of Columbia.

(2) In Maryland: Montgomery and Prince Georges Counties.

(3) In Virginia: Arlington and Fairfax Counties; the cities of Alexandria, Fairfax, and Falls Church.

(c) Reports shall be prepared as of the end of each calendar quarter certifying to the space occupied by the agency.

(d) Reports shall be prepared on Standard Form 111, Agency Space Report, and Standard Form 111A, Agency Space Summarization. (Forms are illustrated in Subpart 101–20.4901–111.)

(e) Reports shall be submitted to reach GSA within ten days after the end of each calendar quarter ending in March, June, September, and December.

**Subparts 101–20.10—101–20.47 [Reserved]**

## Subpart 101–20.48—GSA Regional Offices

**§ 101–20.4800 Scope of subpart.**

This subpart identifies the regional offices of GSA, describes the geographical areas of jurisdiction, and lists the office address.

**§ 101–20.4801 GSA regional offices.**

| GSA region | Area served | Mailing address |
|---|---|---|
| 1 | Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. | General Services Administration, Post Office and Courthouse, Boston, Mass., 02109. |
| 2 | Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, and the Virgin Islands. | General Services Administration, 30 Church St., New York, N.Y., 10007. |
| 3 | District of Columbia, Maryland, Virginia, and West Virginia. | General Services Administration, Region 3, Washington, D.C., 20407. |
| 4 | Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. | General Services Administration, 1776 Peachtree St. NW., Atlanta, Ga., 30309. |
| 5 | Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. | General Services Administration, 219 South Dearborn St., Chicago, Ill., 60604. |
| 6 | Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. | General Services Administration, 1500 East Bannister Rd., Kansas City, Mo., 64131. |
| 7 | Arkansas, Louisiana, Oklahoma, and Texas | General Services Administration, 1114 Commerce St., Dallas, Tex., 75202. |
| 8 | Arizona, Colorado, New Mexico, Utah, and Wyoming. | General Services Administration, Building 41, Denver Federal Center, Denver, Colo., 80225. |
| 9 | California, Hawaii, and Nevada | General Services Administration, 49 Fourth St., San Francisco, Calif., 94103. |
| 10 | Alaska, Idaho, Montana, Oregon, and Washington. | General Services Administration, GSA Center, Auburn, Wash., 98002. |

### Subpart 101–20.49—Forms

**§ 101–20.4900 Scope of subpart.**

This subpart contains information on forms that pertain to the assignment and utilization of space and instructions in their use.

**§ 101–20.4901 Standard forms.**

All forms referenced to this § 101–20.4901 are Government standard forms. The subsection numbers in this section correspond with the standard form numbers.

**§ 101–20.4901–81 Standard Form 81, Request for Space.**

NOTE: Form filed as part of original document. Copies may be obtained from Central Office, GSA.

**§ 101–20.4901–111 Standard Form 111, Agency Space Report.**

(a) Standard Form 111, Agency Space Report.

(b) Standard Form 111A, Agency Space Summarization.

NOTE: Form filed as part of original document. Copies may be obtained from Central Office, GSA.

**§ 101–20.4902 GSA forms.**

All forms referenced to this § 101–20.4902 are forms developed by GSA to provide for uniform transmission of data or information internally but which may be prescribed for tenant agency use when dealing with GSA. The subsection numbers in this section correspond with the GSA form numbers.

**§ 101–20.4902–144 GSA Form 144, Space Requirements.**

NOTE: Form filed as part of original document. Copies may be obtained from Central Office, GSA.

## SUBCHAPTER E—SUPPLY AND PROCUREMENT

## PART 101–25—GENERAL

### Subpart 101–25.2—Interagency Purchase Assignments


Sec.
101–25.201 General.
101–25.202 Factors to be used to determine assignment of purchase responsibility.
101–25.203 Centralized purchases by GSA.
101–25.204 Centralized purchases by designated executive agencies under authority delegated by the Administrator of General Services.
101–25.205 Arrangement for performance of purchasing functions other than centralized.
101–25.206 Independent purchases by executive agencies.


### Subpart 101–25.3—Use Standards


101–25.301 General.
101–25.302 Office furniture, furnishings, and equipment.
101–25.302–1 Executive type office furniture and furnishings.
Sec.
101–25.302–2 Filing cabinets.
101–25.302–3 Electric typewriters.
101–25.302–4 Portable computing machines.
101–25.303 Gasoline for use in motor vehicles.


### Subpart 101–25.4—Replacement Standards


101–25.401 General.
101–25.402 Motor vehicles.
101–25.403 Typewriters.
101–25.404 Furniture.
101–25.405 Materials handling equipment.


### Subparts 101–25.5—101–25.47 [Reserved]

### Subpart 101–25.48—Reports


101–25.4800 Scope of subpart.
101–25.4801 Supply Activity Report.


### Subpart 101–25.49—Illustration of Forms


101–25.4900 Scope of subpart.
101–25.4901 [Reserved]
101–25.4902 GSA forms.
101–25.4902–1473 GSA Form 1473: Supply Activity Report.


AUTHORITY: The provisions of this Part 101–25 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).



### Subpart 101–25.1—General Policies

**§ 101–25.102 Exchange or sale of personal property for replacement purposes.**

Policies and methods governing executive agencies in exercising the authority granted under section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(c)), are prescribed in Part 101–43.

**§ 101–25.103 Trading stamps.**

Policy relative to trading stamps received in connection with Government purchases is prescribed in Part 101–43.

### Subpart 101–25.2—Interagency Purchase Assignments

**§ 101–25.201 General.**

(a) This subpart prescribes the basic policy for interagency purchase assignments within the executive branch of the Government. It is directly applicable to excutive agencies and concerns other Federal agencies in their purchasing from, through, or under contracts made by executive agencies.

(b) The term "purchase assignment" as used in this subpart shall normally be considered to include performance of the following functions:

(1) Arranging with requiring agencies for phased submission of requirements and procurement requisitions.

(2) Soliciting and analyzing bids and negotiating, awarding, and executing contracts.

(3) General contract administration.

(4) Arranging for inspection and delivery.

(5) Promotion of a maximum practicable degree of standardization in specifications and establishment of Federal Specifications, when possible, in accordance with applicable regulations.

(c) Notice of purchase assignments and applicable delegations of authority made under the provisions of this Subpart 101–25.2, shall be furnished to the General Accounting Office by GSA.

**§ 101–25.202 Factors to be used to determine assignment of purchase responsibility.**

With their consent or upon direction of the President, executive agencies will be designated and authorized by the Administrator of General Services exclusively, or with specified limited exceptions, to make purchases and contracts on a continuing basis for items or item groups of articles and services for the executive branch of the Government, after due consideration of the following factors, weighted as appropriate:

(a) Current or potential predominant use or consumption by a given agency.

(b) Availability of funds to carry out the assignment on a Government-wide basis or with limited exceptions.

(c) Specialized personnel, or the nucleus of such personnel; regularly employed by the agency, such as scientific, research, and operating technicians, especially qualified or experienced in specification writing, buying, inspecting, testing, using, installing, or operating a particular item or group of items.

(d) Custodianship and operation of special facilities such as research and testing laboratories and inspection or testing stations and devices.

(e) Actual or potential qualifications and experience of agency purchasing and contracting officials and their operating units with due regard to adequacy of staff.

(f) Past experience of the agency in performing services to other agencies on an informal or joint cooperative basis.

(g) Relations of the agency with the industry involved.

(h) Physical proximity of the agency purchasing office or offices to the requirement-compiling elements of the principal using agencies.

(i) Physical location of the agency purchasing office or offices in relation to market areas.

(j) Physical proximity of the agency purchasing offices in relation to engineering or design offices, in the interest of speed in processing modifications in design and specifications, and also reviewing bids for specifications compliance.

(k) Relative interest of agency heads in receiving the purchase assignment and specific requests of agency heads to do the buying of a given item or group of items on a Government-wide basis.

**§ 101–25.203 Centralized purchases by GSA.**

GSA will exclusively, or with specified limited exceptions, make purchases and contracts on a continuing basis for articles and services for the executive branch of the Government in the interest of lower prices, improved quality, and service or standardization when:

(a) The item or item groups of articles and services are items of "common-use" which are defined as items of standard commercial production or items covered by Federal Specifications commonly used by both civilian and military activities, or by two or more civilian activities, and not requiring such substantial alterations to adapt them to military or other particular application as to render inclusion in a centralized purchasing program impracticable; or

(b) A number of agencies, representing the majority users according to dollar volume, request GSA to make purchases

and contracts exclusively for a given item or item groups of articles and services even though not "common-use" items as defined in § 101–25.203(a); and

(c) GSA is best equipped to do the buying based upon the factors listed in § 101–25.202, or must of necessity act as the central purchasing office when other agencies more appropriately suited to make central purchases do not do so and are not so directed by the President; and

(d) The head of another executive agency has not been delegated authority by the Administrator of General Services exclusively, or with specified limited exceptions, to make purchases and contracts for prescribed items or item groups of articles and services for the executive branch of the Government in accordance with §§ 101–25.202 and 101–25.204.

(e) GSA has issued appropriate regulations, or a Federal Supply Schedule, specifically designating the item or item groups of articles or services that fall within (a), (b), and (c) of this § 101–25.203 that are thereafter to be purchased exclusively for all executive agencies, or with specified limited exceptions, by GSA.

**§ 101–25.204 Centralized purchases by designated executive agencies under authority delegated by the Administrator of General Services.**

Designated executive agencies will exclusively, or with specified limited exceptions, make purchases and contracts on a continuing basis for items or item groups of articles and services for the executive branch of the Government in the interest of lower prices, improved quality, and service or standardization when:

(a) The Administrator of General Services has determined, based upon the factors listed in § 101–25.202, that a selected executive agency is best equipped to perform certain purchasing and contracting functions, and the Administrator of General Services has issued appropriate regulations designating the categories of articles or services complying with (a), (b), and (c) of § 101–25.203 that are to be purchased exclusively by the named executive agency under authority delegated by the Administrator of General Services; and

(b) The head of the designated executive agency has issued appropriate instructions, or a Federal Supply Schedule, under authority as delegated by and in the form approved by the Administrator, specifically designating the item or item groups of articles or services that are thereafter to be purchased exclusively for all executive agencies, or with specified limited exceptions, by the designated executive agency.

**§ 101–25.205 Arrangement for performance of purchasing functions other than centralized.**

(a) Upon request, GSA will make purchases and contracts for any of the items or item groups of articles or services authorized to be purchased independently by executive agencies. GSA will also arrange, on a basis mutually agreeable, with any executive agency to perform its purchase and contracting functions on a continuing basis, if requested in writing to do so by the agency head, provided the arrangements agreed upon will result in lowered cost or improved service either to the individual agency or to the Government as a whole.

(b) In those instances where lowered cost or improved service, either to an individual agency or to the Government as a whole will result, GSA will arrange, on a basis mutually agreeable to the agencies involved, to assign all or a portion of the purchase and contracting functions of one executive agency to another executive agency on a continuing basis.

**§ 101–25.206 Independent purchases by executive agencies.**

Items or groups of items of articles or services may be purchased independently by executive agencies, in accordance with regulations of GSA otherwise applicable, when:

(a) Not otherwise prescribed in current regulations, or included in mandatory Federal Supply Schedules, issued by GSA or by another executive agency designated by the Administrator of General Services.

(b) For emergency requirements when time does not permit purchasing through the authorized central purchasing agency. A record shall be maintained of such transactions and be made available to the responsible central purchasing agency upon request.

(c) By consultation between GSA and agencies concerned, it is determined that interagency purchase assignment would adversely affect the national security or military operations.

(d) The purchases cannot be publicly disclosed in the interest of national security.



## *Subpart 101–25.3—Use Standards*

**§ 101–25.301 General.**

(a) This subpart prescribes minimum use standards for certain Government-owned personal property which shall be applied by all executive agencies. Additional criteria above these minimum standards should be established by each executive agency, limiting its property to the minimum requirements necessary for the efficient functioning of the particular office concerned.

(b) Additional use standards should be established by all executive agencies for other Government-owned property under their control whenever use standards will effect economy and efficiency in the use of such property.

(c) All items of property, determined to be excess to the needs of an agency as a result of the application of use standards, shall be promptly reported in accordance with Part 101–43.

**§ 101–25.302 Office furniture, furnishings, and equipment.**

(a) Each executive agency shall establish criteria for the use of office furniture, furnishings, and equipment. Such criteria shall be limited to the minimum requirements as established by the agency head for authorized functions and programs which will, beyond a reasonable doubt, be in operation within the following six months.

(b) In developing such criteria, a distinction shall be made between the requirements of organizational elements concerned with purely administrative functions, and those of a technical, scientific, or specialized nature.

(c) Items of office equipment, used only occasionally, should be pooled within an agency and made available to activities of the agency when and as necessary.

**§ 101–25.302–1 Executive type office furniture and furnishings.**

(a) The use of executive type office furniture and furnishings shall be limited to personnel in Grade GS–15 and above, or the equivalent thereto. Executive type office furniture and furnishings includes, but is not limited to, desks, tables, telephone stands and cabinets, wardrobes, bookcases, costumers, fully upholstered chairs and davenports, lamps, smoking stands, desk trays, receptacles, and rugs. Executive type office furniture and furnishings are:

(1) Those items covered by Federal Supply Schedule, Executive Type Office Furniture, or by Federal Standards and Specifications which have "executive type" in their titles.

(2) Those items generally known to or considered by the trade as the "executive line" of office furniture and furnishings.

(3) Those items of furniture which cost, new, 60 percent more than the standard common-use items generally used in the Government.

(b) The standard prescribed by this § 101–25.302–1 shall not apply to unitized or built-in furniture in an installation. In instances where lack of space is a problem, the use of unitized furniture, including conference desks, is more economical and is recommended as a substitute for executive type office furniture.

(c) In cases where executive type furniture actually in use cannot be replaced by other types within an agency, or where other circumstances require special consideration, exceptions to this limitation in the use of executive type furniture and furnishings may be granted under criteria established by the head of the agency.

**§ 101–25.302–2 Filing cabinets.**

Executive agencies shall make every effort to effect maximum use of filing cabinets and to limit the purchase of new equipment. Filing cabinets should be replaced only in accordance with the standards in Subpart 101–25.4. Maximum utilization of equipment should be obtained by:

(a) Disposing of all records that have been authorized for disposition by the Congress or, where such authorization has not been obtained, through the preparation and obtaining of authorized disposal schedules with the assistance of the National Archives and Records Service of GSA.

(b) Removing office supplies, publications, and other nonrecord material from filing cabinets to more suitable storage equipment, except where the quantity of such material is small (as a rule, less than half a cabinet).

(c) Transferring to Federal Records Centers or approved agency records centers (to the extent that facilities are made available) inactive records not needed in daily business but not yet ready for disposal, when filing equipment can be released by such action.

(d) Shifting less active files, not transferable to approved records centers, to wood cabinets or transfer cases when available, using steel filing cabinets only when files are constantly used.

(e) Using filing cabinets with locks only when required by special needs that cannot be satisfied less expensively.

(f) Using letter-size filing cabinets instead of legal-size whenever possible.

(g) Using 5-drawer filing cabinets whenever available in lieu of 4-drawer cabinets.

**§ 101–25.302–3 Electric typewriters.**

(a) Each agency shall restrict the use of each electric typewriter to a typing station, which is an assigned post filled by an experienced operator for the purpose of preparing typewritten material, where one or more of the following standards are met:

(1) The typing time averages four hours or more of routine typing per machine daily.

(2) The typing time averages two hours or more per machine daily in the preparation of one or more of the following:

(i) Forms requiring an original and five or more carbons, or correspondence requiring an original and seven or more carbons.

(ii) Reproduction copy, such as photo masters and stencils.

(iii) Statistics and reports requiring decimal tabulation.

(3) The machine is used in the preparation of copy for printing. The assignment of proportional spacing machines shall be limited to this use, unless otherwise specifically justified under paragraph (b) of this section.

(4) The machine is used by the physically handicapped.

(b) Exceptions to the above criteria may be granted upon written justification approved by the head of the agency or his authorized representative and made a part of the purchase file.

**§ 101–25.302–4 Portable computing machines.**

Standards for the use of portable computing machines shall be established by each agency, using as a base the minimum standards prescribed in this § 101–25.302–4. Portable computing machines include adding machines, calculators, and comptometers, manually or electrically operated, listing or nonlisting, but do not include posting or accounting machines.

(a) When the need for a machine has been determined, the following standards shall be used in determining the type of machine to be acquired:

(1) Manual machines should be used where electric current is not conveniently available or portability is required, where reasonable protection is desired against emergency shutdown (for example, in the event of continued power failures or civil defense dispersal), or where limited requirement does not warrant electric machines. Electric machines should be used in all other instances.

(2) Listing machines should be used where it is definitely determined that a printed result is necessary to the operation.

(3) Calculators or comptometers shall be used where the operation to be performed contains a volume of work which is impractical of accomplishment by the use of slide rules, computation tables, or adding and subtracting machines.

(b) Features required in a machine for a particular operation should be determined in advance and makes and models of machines having such features should be evaluated carefully with a view to the selection of the machine which will result in the lowest overall cost to the Government.

**§ 101–25.303 Gasoline for use in motor vehicles.**

(a) Each agency shall, except as provided in § 101–25.303(b), use regular grade gasoline in the operation of its motor vehicles, the majority of which have engines designed to render unimpaired performance with use of regular grade gasoline.

(b) The use of premium grade gasoline shall be restricted to:

(1) Vehicles whose engines are specifically designed for and require a higher octane fuel than regular grade

gasolines (manufacturers' printed specifications or operating instructions shall be the determining factor for such use).

(2) Unusual operating conditions, such as a vehicle passing from a zone of very high altitude to one of very low altitude in the course of routine operation, or in operation requiring high torque at low speed and elevated air temperature.

(3) Special services where accelerated pickup or sustained speed is required, such as law enforcement, firefighting, and emergency vehicles.

(4) Specific situations where regular grade gasoline is unobtainable.

## Subpart 101–25.4—Replacement Standards

### § 101–25.401 General.

This subpart prescribes minimum replacement standards to be used by executive agencies desiring to replace specified types of items indicated in this subpart. Executive agencies shall retain items which are in usable and workable conditions even though the standard permits replacement, provided the item can continue to be used or operated without excessive maintenance cost or substantial reduction in trade-in value.

### § 101–25.402 Motor vehicles.

If a motor vehicle has been wrecked or damaged (including wear caused by abnormal operating conditions) beyond economical repair, such unit may be replaced without regard to the standards in this § 101–25.402 after certification to that effect by the head of the agency or his designee. The standards prescribed in this § 101–25.402 are not applicable to the Department of Defense.

(a) Passenger cars and station wagons may be replaced when they have been operated for six years or 60,000 miles, whichever occurs first.

(b) Ambulances may be replaced when they have been operated for seven years or 60,000 miles, whichever occurs first.

(c) Buses for 11 or more passengers may be replaced when they have been operated for eight years. Without regard to years of use, such buses may be replaced when they have been operated the following number of miles:

| | *Miles* |
|---|---|
| Intercity-type bus | 280,000 |
| City-type bus | 150,000 |
| School-type bus | 80,000 |

(d) Multiple-drive (4- or 6-wheel drive) truck-chassis combination personnel and property carrying motor vehicles may be replaced when they have been operated for six years or 40,000 miles, whichever occurs first.

(e) Motor trucks provided with pickup or express, panel or sedan-delivery, carryall, van, open van, platform, stake, rack, dump, truck-tractor, or tank bodies may be replaced in accordance with the following table of years or mileage operation, whichever occurs first:

| Maximum GVW pounds | Total years | Total miles | Pay load rating |
|---|---|---|---|
| Less than 12,500 | 6 | 80,000 | 1 ton and less. |
| 12,500 through 16,999 | 7 | 80,000 | 1½ through 2½ tons. |
| 17,000 and over | 9 | 80,000 | 3 tons and over. |

(f) Where a bureau or comparable organizational unit owns eight or more vehicles in any one of the following classes, not more than 25 percent of the vehicles in such class may be replaced in any one fiscal year. Where the total number of vehicles in any one class is less than eight, not more than two of such vehicles may be replaced in any fiscal year. However, all vehicles to be replaced shall meet the age or mileage replacement standards contained in this § 101–25.402.

(1) Automobiles (sedans, coupes, etc.).

(2) All other passenger-carrying vehicles (station wagons, ambulances, buses).

(3) All trucks and truck tractors.

### § 101–25.403 Typewriters.

(a) Replacement of a typewriter shall not be made unless the estimated cost of necessary repairs or reconditioning of each typewriter being replaced equals or exceeds, at lowest available rates, the percentage of replacement cost in lieu of repair or reconditioning, based on the year after year of manufacture as shown by the manufacturer's serial number. This is shown in the following percentage scale.

| Year: | *Percentage of replacement cost* |
|---|---|
| Second | 80 |
| Third | 80 |
| Fourth | 80 |
| Fifth | 70 |
| Sixth | 70 |
| Seventh | 60 |
| Eighth | 50 |
| Ninth | 40 |
| Tenth | 30 |
| Eleventh | 20 |
| Twelfth | 10 |

(b) An example of the application of the "Standard Replacement Cost Percentage Scale" to a typewriter costing $109 is as follows:

| Year | Assumed trade-in or sale value | Replacement cost | Estimated repair cost justifying replacement |
|---|---|---|---|
| Second | $50.00 | $59.00 | $47.20 |
| Third | 50.00 | 59.00 | 47.20 |
| Fourth | 50.00 | 59.00 | 47.20 |
| Fifth | 45.00 | 64.00 | 44.80 |
| Sixth | 45.00 | 64.00 | 44.80 |
| Seventh | 45.00 | 64.00 | 38.40 |
| Eighth | 45.00 | 64.00 | 32.00 |
| Ninth | 40.00 | 69.00 | 27.60 |
| Tenth | 37.50 | 71.50 | 21.45 |
| Eleventh | 37.50 | 71.50 | 14.30 |
| Twelfth | 30.00 | 79.00 | 7.90 |

(c) When unusual circumstances justify replacement of a typewriter at a date earlier than would be permitted by application of the "Standard Replacement Cost Percentage Scale," a written justification for such replacement shall be prepared by the head of the executive agency or his designated representative, and the replacement of the typewriter may be made. The justification shall be retained as a part of the requisitioning file of the agency.

### § 101–25.404 Furniture.

(a) Items of office furniture, household and quarters furniture, and hospital and institutional type furniture, whether made of metal, wood, or other material, may be replaced by new items only when:

(1) It is determined that replacement is essential for the efficient and economical performance of the functions of the agency in accordance with the criteria established by the head of the agency concerned which may include such factors as extreme obsolescence, or use of built-in or unitized furniture to meet space problems.

(2) The estimated cost of necessary rehabilitation thereof at lowest available rates, including any transportation expense, equals or exceeds 55 percent of the current GSA Stores Stock Catalog price, the Federal Supply Schedule price, or current market price of new items of the same type and class.

(b) The 55 percent criterion prescribed in § 101–25.404(a)(2) is the minimum standard and may be exceeded when it is to the advantage of the Government to do so. Executive agencies may rehabilitate items of furniture subject to replacement under the standard when the rehabilitation improves the appearance and operation of the item and the life expectancy is extended for an additional period of time.

### § 101–25.405 Materials handling equipment.

(a) Except as provided in § 101–25.405 (b) and (c), materials handling equipment shall not be replaced unless the estimated cost of necessary one-time repair or reconditioning of each piece of equipment equals or exceeds, at lowest available rates, the percentage of replacement cost shown in column 3 of the following table. It is imperative that equipment which has exceeded its years of expected economical use be continued in service as long as it is in usable and workable condition and the one-time repair costs do not exceed the last percentages in column 3 of the table. When, due to extenuating circumstances, it is necessary to expend for repair a larger amount than allowable by the table, and if such major repair job increases the life expectancy of the equipment, the repair limits shown in the table need not be strictly adhered to for subsequent repairs of such equipment.

| Column 1 | Column 2 | Column 3 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Type of unit | Expected years of economical use | Maximum allowable one-time repair limits as percentage of replacement cost (Years in use) | | | | | | | | | | | |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| *Gasoline* | | | | | | | | | | | | | |
| Fork Truck (2000#–6000#) | 6 | 50 | 40 | 30 | 20 | 15 | 10 | ---- | ---- | ---- | ---- | ---- | ---- |
| Fork Truck (7500#–15000#) | 8 | 50 | 40 | 35 | 30 | 25 | 20 | 15 | 10 | ---- | ---- | ---- | ---- |
| Tractor | 6 | 50 | 40 | 30 | 20 | 15 | 10 | ---- | ---- | ---- | ---- | ---- | ---- |
| Crane | 10 | 50 | 50 | 45 | 45 | 40 | 35 | 30 | 20 | 15 | 10 | ---- | ---- |
| Platform Truck | 7 | 50 | 40 | 35 | 30 | 25 | 20 | 10 | ---- | ---- | ---- | ---- | ---- |
| Straddle Truck | 10 | 50 | 50 | 45 | 40 | 35 | 30 | 25 | 20 | 15 | 10 | ---- | ---- |
| *Electric* | | | | | | | | | | | | | |
| Fork Truck (2000#–6000#) | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |
| Tractor | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |
| Crane | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |
| Platform | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |
| Pallet Truck | 12 | 50 | 50 | 45 | 45 | 40 | 40 | 35 | 30 | 25 | 20 | 15 | 10 |

(1) Years in use shall be determined in accordance with the following:

(i) The number of operating months is obtained by using a month of 100 operating hours, plus 20 hours for time used in servicing, idling, etc., or 1.2. For example, 1,720 hours of operating use for a unit should be multiplied by 1.2 and the result divided by 100, which will give the number of operating months.

(ii) The number of operating years is determined by dividing the number of operating months by 12, except that where the equipment has been in storage, the months in storage should be calculated on the basis of a 30-day month and divided by 2. The result of the months in storage shall then be added to the months in operating use and divided by 12 to get the number of years in actual use.

(iii) The fractional result of years in use determined by this formula should be rounded to the nearest full year and applied to column 3 for determining the maximum repair limits. For example, 1.89 would be rounded to 2 years in use, or 1,39 would be rounded to 1 year in use.

(2) In using the maximum allowable one-time repair limits in column 3 of the table, all direct labor, parts, and materials are to be included in computing one-time repair costs.

(3) An example of the application of the maximum one-time repair limits as percentage of replacement cost to a fork truck, electric-powered, capacity 2,000 pounds, and costing $3,500, is as follows:

| Years in use: | *Estimated maximum one-time repair cost justifying replacement* |
|---|---|
| 1 | $1,750 |
| 2 | 1,750 |
| 3 | 1,575 |
| 4 | 1,575 |
| 5 | 1,400 |
| 6 | 1,400 |
| 7 | 1,225 |
| 8 | 1,050 |
| 9 | 850 |
| 10 | 700 |
| 11 | 525 |
| 12 | 350 |

(b) Replacement may also be considered when the cumulative repairs of a piece of equipment equals 100 percent of the replacement cost.

(c) Cost of replacement of batteries required for the operating of electric-powered trucks will not be included in cumulative repairs of equipment. Repairs costing less than $15 at one time will not be included in cumulative repair costs.

(d) When unusual circumstances justify the replacement of an item of materials handling equipment at a date earlier than would be permitted by application of the percentages in column 3 of the table, a written justification for such replacement shall be prepared by the head of the agency, or his designated representative, and the replacement of the equipment may be made. The justification shall be retained as a part of the purchase file of the agency.



No. 232—Pt. II——4

## Subpart 101–25.48—Reports

### § 101–25.4800 Scope of subpart.

This subpart prescribes the requirements for reporting to GSA on matters pertaining to the general area of supply management.

### § 101–25.4801 Supply Activity Report.

(a) Executive agencies, except the Department of Defense, shall submit reports on GSA Form 1473, Supply Activity Report (see § 101–25.4902–1473 for illustration and instructions for preparation), for each fiscal year in an original and two copies. Reports shall be forwarded to General Services Administration, Federal Supply Service, Supply Management Services Division, Washington, D.C., 20405, not later than September 15.

(b) Copies of GSA Form 1473 may be obtained from General Services Administration Region 3, Printing and Publications Division, Washington, D.C., 20407.

(c) Submission of GSA Form 1473 is not required for the following:

(1) Stockpiles specifically authorized by statute.

(2) Raw materials and component parts stocked for incorporation into the end product of industrial operations and the end products of industrial operations. (Inventories of materials other than those for incorporation into the end product; that is, those used in the operation and maintenance of industrial plants, shall be reported.)

(3) Optional forms, agency forms, and publications, such as, manuals, pamphlets, and brochures. (Standard forms and blankbook stock shall be reported.)

(d) One set of reports shall be prepared to cover only supply activities located in the United States. Separate reports shall be prepared to cover supply activities in the possessions, trust territories, and the Canal Zone. Reports on foreign supply activities are not required. Each set of reports shall consist of separate reports for each agency, bureau, or comparable major subdivision. In addition, agencies operating warehouses or depots shall submit a separate report for each warehouse or depot.

(e) Copies of the individual supply point reports or equivalent information shall be kept available at some central point in the reporting agency for at least six months following submission of the report, for inspection as required by GSA representatives.

## Subpart 101–25.49—Illustrations of Forms

### § 101–25.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter in other subparts of Part 101–25. When applicable, this includes instructions for preparation of the forms illustrated.

### § 101–25.4901 [Reserved]

### § 101–25.4902 GSA forms.

The GSA forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the GSA form numbers.

### § 101–25.4902–1473 GSA Form 1473, Supply Activity Report.

NOTE: Form filed as part of original document. Copies may be obtained from Central Office, GSA.



# PART 101–27—INVENTORY MANAGEMENT


Sec.
101–27.000 Scope of part.

Subpart 101–27.1—Stock Replenishment

101–27.101 General.
101–27.102 Economic order quantity principle.
101–27.102–1 Applicability.
101–27.102–2 Guidelines.
101–27.102–3 Limitations on use.
101–27.103 Acquisition of excess property.


AUTHORITY: The provisions of this Part 101–27 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–27.000 Scope of part.

This part provides policies, principles, and guidelines to be used in the management of Government-owned inventories of personal property.

## Subpart 101–27.1—Stock Replenishment

### § 101–27.101 General.

Each agency shall establish and maintain such control of personal property inventories as will assure that the total cost involved will be kept to the minimum consistent with program needs. For purposes of stock replenishment, inventories may be considered to be composed of active inventory which is that portion carried to satisfy average expected demand, and safety stock which is that portion carried for protection against stock depletion occurring when demand exceeds average expected demand, or when leadtime is greater than anticipated.

(a) In establishing active inventory levels, consideration shall be given to the average demand of individual items, space availability, procurement costs, inventory carrying costs, purchase prices, quantity discounts, transportation costs other pertinent costs, and statutory and budgetary limitations.

(b) In establishing safety stock levels, consideration shall be given to demand and leadtime fluctuations, essentiality of items, and the additional costs required to achieve additional availability.

### § 101–27.102 Economic order quantity principle.

### § 101–27.102–1 Applicability.

All executive agencies, except the Department of Defense, within the United States, excluding Alaska and Hawaii, shall replenish inventories of stock items having recurring demands, except items held at points of final use, in accordance with the economic order quantity (EOQ) principle.

### § 101–27.102–2 Guidelines.

The EOQ principle and its applications are described in the GSA Handbook, Economic Order Quantity (Federal Stock Number 7610–543–6765), available from General Services Administration, Region 3, Washington, D.C., 20407. In addition, guidelines for the development of appropriate implementation of the EOQ principle of stock replenishment, including detailed instructions for installation of EOQ procedures, are described in the GSA Handbook, Application of the EOQ Principle of Stock Replenishment, issued by the Commissioner, Federal Supply Service, GSA.

### § 101–27.102–3 Limitations on use.

(a) When there are no limiting factors which preclude its application, such as space or budgetary limitations, the basic EOQ technique, which reduces total variable costs of procurement and possession to a minimum, shall be used.

(b) When a space, personnel, or budgetary limitation precludes application of the basic EOQ technique, a modification of EOQ which produces the fewest possible replenishments for a given level of inventory investment, or the lowest possible level of inventory investment for a given number of replenishments, shall be used.

### § 101–27.103 Acquisition of excess property.

To encourage the use of excess property which might otherwise be disposed of as surplus, inventory levels may be adjusted upward when items of stock are to be acquired from excess sources. Such adjustments should be tempered by caution and arrived at after careful consideration. Generally, acquisitions of items for inventory from excess shall not exceed a 2-year supply except when:

(a) A greater quantity is needed to meet known requirements for an authorized planned program.

(b) The item is not available without special manufacture and a predictable requirement exists.

(c) Administrative determination has been made that in application of the EOQ principle of stock replenishment within an agency an inventory level in excess of two years is appropriate for low dollar-volume items.

(d) The items are being transferred into authorized stock funds for resale to other Government agencies.

## PART 101–28—STORAGE AND DISTRIBUTION


Sec.
101–28.000 Scope of part.

Subpart 101–28.1—General

101–28.100 Scope of subpart.
101–28.101 Uniform terminology.
101–28.101–1 Bay.
101–28.101–2 Bin storage area.
101–28.101–3 Bulk storage.
101–28.101–4 Bulk storage area.
101–28.101–5 Cross-servicing in storage activities.
101–28.101–6 Distribution points.
101–28.101–7 Dunnage.
101–28.101–8 Forklift truck.
101–28.101–9 Gross storage space.
101–28.101–10 Inventory.
101–28.101–11 Load length.
101–28.101–12 Locator system.
101–28.101–13 Materials handling equipment.
101–28.101–14 Pallet.
101–28.101–15 Pallet racks.
101–28.101–16 Pallet rack storage space.
101–28.101–17 Reserve points.
101–28.101–18 Section.
101–28.101–19 Space layout.
101–28.101–20 Storage.
101–28.101–21 Storage aids.
101–28.101–22 Storage space.

Subpart 101–28.2—Interagency Cross-Servicing in Storage Activities

Sec.
101–28.200 Scope of subpart.
101–28.201 Applicability.
101–28.202 G S A/D O D Cross-Servicing Agreement.
101–28.203 Definitions.
101–28.203–1 Government storage activity.
101–28.203–2 Case lot quantities.
101–28.203–3 Commodity classification.
101–28.203–4 Contact points.
101–28.204 Determining location of storage activities.
101–28.205 Requests for services.
101–28.206 Cancellation of cross-servicing arrangements.
101–28.207 Cross-servicing rates.
101–28.208 Reimbursement for services.


AUTHORITY: The provisions of this Part 101–28 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–28.000 Scope of part.

This part prescribes policy and procedures for the economical and efficient management of warehousing and related activities by executive agencies.

## Subpart 101–28.1—General

### § 101–28.100 Scope of subpart.

This subpart contains uniform terms to be used by executive agencies to describe warehouse areas, types of equipment and storage space, methods of storage, and other elements common to warehousing activities.

### § 101–28.101 Uniform terminology.

The terms set forth in this § 101–28.101 are designed to promote uniformity in describing warehousing activities and are to be used in the reporting, controlling, and evaluation of these activities.

### § 101–28.101–1 Bay.

"Bay" means a designated area within a section of a storage area, outlined by markings on columns, posts, or floor; normally, a specific area within a section such as 20′ by 20′ squares.

### § 101–28.101–2 Bin storage area.

"Bin storage area" means an area involving gross storage space where bins are consolidated and erected. Aisles and working areas utilized in connection with bin operations are part of the gross bin area.

### § 101–28.101–3 Bulk storage.

"Bulk storage" means the storage of supplies and equipment in large quantities, usually in original containers, as distinguished from bin storage. Also, storage of liquids such as petroleum products in tanks, as distinguished from drum or packaged storage.

### § 101–28.101–4 Bulk storage area.

"Bulk storage area" means that space available for the storage of bulk stock.

### § 101–28.101–5 Cross-servicing in storage activities.

"Cross-servicing in storage activities" means the providing by one Government agency of storage and warehousing services for another Government agency on a reimbursable basis. The agency operating the storage facility or activity will furnish all space, personnel, supplies, and equipment required for the receipt, storage, care, handling, and shipment of materials. It excludes those operations where one agency provides space on a permit or license basis for another agency to operate an activity.

### § 101–28.101–6 Distribution points.

"Distribution points" include depots, warehouses, or other warehousing activities having the mission for the receipt, storage, and issue of supplies normally for a given geographical area.

### § 101–28.101–7 Dunnage.

"Dunnage" means any material such as boards, planks, blocks, or metal bracing that is used in transportation and storage to support and secure supplies, to protect them from damage, or for convenience in handling.

### § 101–28.101–8 Forklift truck.

"Forklift truck" means a type of materials handling equipment which is designed to pick up, carry, and stack unit loads of materials.

### § 101–28.101–9 Gross storage space.

"Gross storage space" means a type of space is the gross area (regardless of its location or the purpose for which the space being used was designed or is designated) which is assigned or used for any operation concerning storage or the support of storage functions. (In covered space, the space between exterior walls without deduction for fire walls and structural losses, and in open improved space, the overall measurement with no deduction for trackage and permanent roads.) For management purposes, gross storage space is broken down into two main categories, defined as follows:

(a) "Support storage space" which means, gross storage space used in functions that directly support the storage operations, such as:

(1) "Assembly space": That gross storage space used for collecting and combining material components into kits, units, assemblies, etc.

(2) "Battery charging space": That gross storage space utilized as charging area for storage batteries of electric-powered materials handling equipment. It includes the area for parking equipment for battery charging purposes.

(3) "Office space": That space utilized as office space at storage activities by warehousing personnel for operations in direct support of storage functions.

(4) "Packing and crating space": That gross storage space utilized for packing or crating of material for shipment or storage.



(5) "Preservation and packaging space": That gross storage space utilized in processing, preservation, and packaging of materials and taking similar protective measures to prevent deterioration during storage or shipment.

(6) "Receiving space": That gross storage space within an authorized storage area which is designated as a work area for receipt of materials. Includes necessary space for inspection, identification, and consolidation of materials received when such activities are performed in the designated work area.

(7) "Shipping space": That gross storage space within an authorized storage area which is designated as a work area for shipment of materials. It includes any necessary space for inspection, identification, marking, and consolidation of materials when such activities are performed in the designated work area.

(8) "Other support space": That gross storage space utilized by other similar activities for the receipt, storage, and issue of materials, when such activities are performed by warehousing personnel, e.g., storage space for operating supplies, fumigation areas, etc.

(b) "Gross available storage space", which means gross storage space less the total amount of support storage space. Gross available storage space includes structural loss space, aisles, and net storage space, as follows:

(1) "Structural loss space": That gross storage space not usable for storage of materials because of construction features. Within covered storage areas, space used for toilets, posts, firewalls, elevator shafts, stair wells, ramps, steam pits, switch panels, loading walls (rail and truck), door clearances, etc., is considered structural loss space. Within improved open storage areas, space required for such additional items as firebreaks, streams, stream beds, railroad tracks, clearances maintained for utility lines, etc., is considered structural loss space.

(2) "Aisles": Any passageway within the storage area, and further defined as:

(i) "Cross aisle": A passageway at right angles to main aisles, used for the movement of supplies, equipment, and personnel.

(ii) "Fire aisle": A passageway established to aid in fighting or preventing the spread of fires, or for access to firefighting equipment.

(iii) "Main aisle": A passageway wide enough to permit the easy flow of equipment, supplies, and personnel; generally running lengthwise of the building.

(iv) "Personnel aisle": A passageway used only as pedestrian routes for access to doors or to special interior areas.

(v) "Service aisle": A passageway necessary to provide access to interiors of stacks for inventory, inspection, or for protective processing.

(3) "Net storage space": That portion of gross available storage space upon which material can actually be stored, including floor area upon which bins and pallet racks are erected.

### § 101–28.101–10 Inventory.

"Inventory" means the physical count of items located within a depot, warehouse, installation, or other warehousing activity. Types of inventories include:

(a) "Complete shut-down": The counting of all items located within a depot, warehouse, installation, or other warehousing activity as of a particular date. In accomplishing this type of inventory, all activity such as receiving and shipping (except emergency) is suspended during the actual counting period.

(b) "Cycle": The counting of total stocks by designated items on a progressive basis, over a predetermined space of time.

(c) "Special": The counting of items on a nonscheduled basis, or the counting of items for specific purposes.

### § 101–28.101–11 Load length.

"Load length" means the length of the load being handled by a forklift truck. It is measured from the heel of the forks to the front of the load.

### § 101–28.101–12 Locator system.

"Locator system" means a record which shows the exact location of supplies stored within a storage activity.

### § 101–28.101–13 Materials handling equipment.

"Materials handling equipment" means such items as forklift trucks, towing tractors, warehousing industrial cranes, straddle-carry trucks, pallet trucks, platform trucks, warehousing trailers, and conveyor systems, used in storage and handling operations.

### § 101–28.101–14 Pallet.

"Pallet" means a platform built to specified dimensions, on which supplies are loaded, transported, or stored in units, normally made of wood.

### § 101–28.101–15 Pallet rack.

"Pallet rack" means a storage aid which provides a support for pallets that are independent of lower loads. It is used where the material to be stored is not strong enough to support the superimposed load, is irregular in shape, is too small for bulk storage or too large for bin storage, or it is desirable to remove pallets from a lower tier without disturbing upper tiers. It may be constructed of metal or wood, and is usually erected to the maximum height of storage space or maximum lifting height of materials handling equipment utilized.

### § 101–28.101–16 Pallet rack storage space.

"Pallet rack storage space" means floor area occupied by pallet racks erected for the purpose of storing supplies.

### § 101–28.101–17 Reserve points.

"Reserve points" means depots, warehouses, installations, or other warehousing activities having the mission for receiving, storing, and issuing of reserve stocks of supplies and equipment.

### § 101–28.101–18 Section.

"Section" means an area in a warehouse extending from one wall to the next; usually the largest subdivision of one floor.

### § 101–28.101–19 Space layout.

"Space layout" means the detailed, planned arrangement of storage space for storage, aisles, and other necessary use.

### § 101–28.101–20 Storage.

"Storage" means the act of storing, the state of being stored, or keeping or placing of material in a warehouse, shed, or open area. Storage is the continuation of the receiving operations and is preliminary to the shipping operation.

### § 101–28.101–21 Storage aids.

"Storage aids" include devices, accessories, equipment, and materials used to facilitate the storage and handling of materials, and which are designed specifically to provide a means of storage which will permit the greatest utilization of storage space with a minimum of handling and the maximum of accessibility.

### § 101–28.101–22 Storage space.

"Storage space" means any covered or open area designated for storage operations. Various types of storage space include:

(a) "Bulk-liquid storage space": Area inside tanks designated for the storage of liquids in bulk.

(b) "Caged": Storage space segregated within an area and specially screened or barricaded to prevent pilferage or to otherwise isolate materials.

(c) "Covered": Storage area within any roofed structure that is being used for, or in support of, storage functions.

(d) "Controlled humidity": Area equipped with humidity controlling equipment.

(e) "Dry tank space": Area in tanks designated for the storage of materials other than bulk liquids or gases.

(f) "Flammable": Storage area designed for the storage of highly flammable materials.

(g) "Heated": Area within a storage structure in which the temperature can be controlled by the application of heat.

(h) "Igloo": Area in an earth-covered structure of concrete and/or steel designed for the storage of ammunition and explosives.

(i) "Magazine": Area in a structure, above or below ground, constructed for the storage of ammunition and explosives.

(j) "Open improved": Area which has been graded and hard surfaced or prepared with topping of some suitable material so as to permit effective materials handling operations.

(k) "Open unimproved": Area which has not been surfaced but is actually in use for storage purposes.

(l) "Refrigerated warehouse": Cold storage area where the temperature can be controlled below 50 degrees Fahrenheit. It is generally classed as chill or freeze space, which is defined as:

(1) "Chill": Refrigerated warehouse area in which the temperature can be controlled between 32 and 50 degrees Fahrenheit.

(2) "Freeze": Refrigerated warehouse area in which the temperature can be controlled below 32 degrees Fahrenheit.

(m) "Security": Storage area specially constructed, designed, or barricaded for storage of material requiring specialized protection, or to isolate hazardous, classified, or dangerous materials.

(n) "Shed": Area in a roofed structure, but without complete side and end walls.

(o) "Subterranean": Any area below the surface of the ground used for storage, such as a mine, cave, or a specially constructed underground facility.

(p) "Unheated": Area within a structure that is not equipped with heating facilities.

(q) "Vault": Area in a specially constructed, burglar-proof, fire-resistant structure for storage of materials requiring maximum protection against loss.

(r) "Warehouse": Area in a building designed for storage purposes which is constructed with roof and complete side and end walls.

## Subpart 101–28.2—Interagency Cross-Servicing in Storage Activities

### § 101–28.200 Scope of subpart.

This subpart prescribes policies and procedures to be followed in the cross-servicing of storage and warehousing services between executive agencies of the Government. It implements the provisions of the cross-servicing agreement between the Department of Defense (DOD) and GSA and extends the provisions of the agreement to provide cross-servicing between the civilian agencies of the Government.

### § 101–28.201 Applicability.

(a) The policies and procedures established by this Subpart 101–28.2 are primarily for storage activities within the continental limits of the United States. However, the policies and procedures shall be used when it is feasible to cross-service storage and warehousing requirements in overseas storage activities.

(b) Each executive agency of the Government shall make every effort to utilize, to the maximum extent feasible, available Government storage services of other executive agencies as required, with a view toward avoiding new construction of storage facilities, acquisition of temporary space, and unnecessary transportation of supplies, material, and equipment to distant storage points. The provisions of this subpart do not apply to those storage functions performed by GSA for the Office of Civil Defense.

(c) Available storage services of the executive agencies shall be made available for cross-servicing the requirements of other Federal agencies when requested. Other Federal agencies are encouraged to participate in the cross-servicing arrangements when feasible.

(d) The provisions of this Subpart 101–28.2 do not apply to ocean terminals and those activities concerned with the storage and handling of bulk petroleum, oils, lubricants, and strategic and critical materials stored under the GSA Stockpiling Programs.

### § 101–28.202 GSA/DOD Cross-Servicing Agreement.

(a) A formal agreement between GSA and DOD establishes and prescribes procedures to be followed in the cross-servicing of storage and warehousing services between DOD and civilian agencies of the Government. Copies of the agreement, containing a schedule of services and charges, together with contact points (civil and military) for cross-servicing in storage activities, are available from the General Services Administration, Office of Supply Management, Federal Supply Service, Washington, D.C., 20405.

### § 101–28.203 Definitions.

As used in this Subpart 101–28.2, definitions in this § 101–28.203 shall apply.

#### § 101–28.203–1 Government storage activity.

"Government storage activity" means a Government activity or facility utilized for the receipt, storage, and issue of supplies, materials, and equipment. Activities used for storage, and issue of supplies, materials, and equipment. Activities used for storage of reserve or excess stocks or intransit storage are included. The activity may be either Government-owned or -leased, and it may be either Government-operated or contract-operated.

#### § 101–28.203–2 Case lot quantities.

"Case lot quantities" means one or more of an item contained in an exterior pack (case, crate, carton, box, etc.) which is received, stored, and shipped without opening or otherwise disturbing the exterior pack.

#### § 101–28.203–3 Commodity classification.

"Commodity classification" means any supplies, material, and equipment falling into categories listed in the GSA–DOD cross-servicing agreement.

#### § 101–28.203–4 Contact point.

"Contact point" means the point within the headquarters of a military service or civilian agency to which requests should be forwarded. Coordination necessary with various organizational elements within a military service or civilian agency shall be accomplished by the contact point.

### § 101–28.204 Determining location of storage activities.

(a) The locations of military installations within the United States are published semiannually, as of June and December, by the Army Map Service on a map of the United States with the title of "Major Army, Navy, and Air Force Installations in the United States." Agencies may make arrangements to obtain required number of copies of this map from the Army Map Service, Corps of Engineers, U.S. Army, Washington, D.C., 20315.

(b) The location of storage activities of civilian agencies may be obtained by forwarding requests to the General Services Administration, Office of Supply Management, Federal Supply Service, Washington, D.C., 20405.

(c) Agencies having a requirement for storage and warehousing services in overseas areas shall determine, at the time the requirement develops, the possibility of cross-servicing such requirements by directly contacting the agency contact points referred to in § 101–28.202.

### § 101–28.205 Requests for services.

(a) Requests shall be forwarded to appropriate contact points that have storage activities in the desired location. A separate request shall be forwarded for each requirement. Estimates furnished in such requests shall be the best that can be determined, and advance knowledge of any major variances to estimates shall be provided the operating agency as soon as possible.

(b) The acceptance of a request obligates the accepting agency to provide the specific services requested. Any additional services to an accepted request shall be made only when agreed to by the accepting agency. Requests may be accepted under specific limitations, terms, and conditions which are acceptable to the requesting and accepting agencies.

(c) Replies to requests shall be in writing. Those replies which do not accept a request shall contain a statement advising the requesting agency of the possibility of accepting a future request for services at the locations.

### § 101–28.206 Cancellation of cross-servicing arrangements.

(a) Accepted requests may be canceled by the requesting agency prior to delivery of supplies, material, and equipment to the storage activity when logistical developments make cancellation necessary or a cancellation is the best interest of the Government. The agency which accepted the request shall be advised in writing as soon as possible in regard to the cancellation.

(b) Cancellation of arrangements in facilities to be inactivated or disposed of by an operating agency may be made as provided for in the GSA–DOD agreement. Also, after supplies, material, and equipment have been received at a storage activity, cancellation may be made when unforeseen emergencies arise which justify such cancellation. Advice of these necessary cancellations shall be in writing and the agency owning the material given the maximum amount of time to make other arrangements for their property.

(c) When a facility, in which cross-servicing is being accomplished, is to be transferred from an operating agency to another agency, the operating agency shall advise the agency owning the property at least 90 days in advance of such contemplated transfer. The agency owning the property shall negotiate with the agency gaining the facility for continued cross-servicing of the property at the facility. The agency gaining the facility shall continue the cross-servicing arrangements unless contrary to the best interest of the Government.

### § 101–28.207 Cross-servicing rates.

(a) The rates contained in the GSA–DOD cross-servicing agreement for each type of service rendered shall be used for charging, billing, and reimbursement for services rendered. However, when it is not feasible to accept a request in contract-operated activities, Government corporation activities, and leased facilities, based on these rates, and the rates are the only reason for not accepting the request, different rates may be established which are acceptable to the requesting and accepting agencies.

(b) Rates shall be revised when data are furnished GSA or DOD or developed by these agencies, which justify revision of rates. Agencies are encouraged to submit any available data which may be the basis for properly adjusting established rates. Civilian agencies shall submit such data to GSA and the military services shall submit such data to DOD.

### § 101–28.208 Reimbursement for services.

Reimbursement for services rendered shall be made promptly after receipt of billing. Frequency and method of billing and reimbursement shall be established by the agencies requesting and accepting requests for services.

# PART 101–29—FEDERAL SPECIFICATIONS AND STANDARDS

Sec.


101–29.00 Scope of part.

Subpart 101–29.1—General

101–29.101 Federal standardization documents.
101–29.102 Procedures for development of Federal standardization documents.
101–29.103 Availability of Federal standardization documents.

Subpart 101–29.2—Specifications

101–29.201 General definition of a specification.
101–29.201–1 Federal Specifications.
101–29.201–2 Interim Federal Specifications.
101–29.201–3 Military specifications.
101–29.201–4 Departmental specifications.
101–29.202 Federal Qualified Products Lists.
101–29.203 Mandatory use of Federal Specifications.
101–29.204 Exceptions to mandatory use of Federal Specifications.
101–29.205 Deviations from Federal Specifications.
101–29.205–1 Agency responsibility relative to deviations from Federal Specifications.
101–29.205–2 Limitations on continued deviations.
101–29.206 Optional use of Interim Federal Specifications.
101–29.207 Use of Federal and Interim Federal Specifications in Federal construction contracts.
101–29.208 Military and departmental specifications.

Subpart 101–29.3—Standards

101–29.301 General definition of standards.
101–29.301–1 Federal Standards.
101–29.301–2 Interim Federal Standards.
101–29.301–3 Military standards.
101–29.301–4 Departmental standards.
101–29.302 Mandatory use of Federal Standards.


AUTHORITY: The provisions of this Part 101–29 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## § 101–29.00 Scope of part.

This part sets forth the policy and procedures for the development and use of Federal and Interim Federal Specifications and associated Qualified Products Lists and Federal and Interim Federal Standards.

## Subpart 101–29.1—General

### § 101–29.101 Federal standardization documents.

Federal Specifications, Federal Qualified Products Lists, and Federal Standards are referred to collectively as Federal standardization documents. They are developed and issued by GSA or by other Federal agencies under the Assigned Agency Plan described in the "Federal Standardization Handbook" issued by the Commissioner, Federal Supply Service, GSA. They are coordinated with other Federal agencies having technical, statutory, or regulatory interest in the commodity or other subject matter covered. Technical societies and organizations representing industrial producers and consumers also review Federal Specifications prior to issuance.

### § 101–29.102 Procedures for development of Federal standardization documents.

The Commissioner, Federal Supply Service will issue and maintain, on a current basis, a "Federal Standardization Handbook." The "Federal Standardization Handbook" sets forth operating procedures and applicable definitions used in the development of Federal standardization documents under the Assigned Agency Plan described therein. Federal agencies shall adhere to the provisions of the Handbook in the development, coordination, or issuance of Federal standardization documents.

### § 101–29.103 Availability of Federal standardization documents.

The Commissioner, Federal Supply Service will promulgate and maintain on a current basis the "Index of Federal Specifications and Standards." The Index lists Federal standardization documents which have been printed and distributed, including those which are mandatory for use, and identifies the sources from which these documents may be obtained. The Index also provides information on other Government standardization documents and recognized industry standards adopted by reference in Federal standardization documents. Supplements to the Index indicate the dates on which the use of new Federal Specifications and Standards become mandatory. The Department of Defense also lists Federal Specifications and Standards in the "Department of Defense Index of Specifications and Standards."





## Subpart 101–29.2—Specifications

### § 101–29.201 General definition of a specification.

A "specification" is a document intended for use in procurement. It describes the essential and technical requirements for items, materials, or services, including the procedures for determining that the requirements have been met. Specifications for items and materials also contain preservation, packaging, packing, and marking requirements.

### § 101–29.201–1 Federal Specifications.

"Federal Specification" means a Government specification which covers those materials, products, or services used by or for potential use of two or more Federal agencies (at least one of which is a civil agency). Federal Specifications are promulgated by GSA and are mandatory for use by all Federal agencies.

### § 101–29.201–2 Interim Federal Specifications.

An "Interim Federal Specification" is a potential Federal Specification issued in interim form for optional use by all Federal agencies. Interim amendments to Federal Specifications and amendments to Interim Federal Specifications are included in this definition.

### § 101–29.201–3 Military specifications.

"Military specification" means a specification issued by the Department of Defense, used solely or predominantly by and mandatory on military activities. (This definition includes both fully coordinated and limited coordination military specifications.)

### § 101–29.201–4 Departmental specifications.

"Departmental specification" means a specification prepared by and of interest primarily to a particular Federal civil agency, but which may be of use in procurement by other Federal agencies.

### § 101–29.202 Federal Qualified Products Lists.

"Federal Qualified Products Lists" (QPL's) means lists of products tested and approved under qualification tests set forth in certain Federal or Interim Federal Specifications. The qualification test requirement is included in the specification only when the Government requires this assurance of requisite quality of the product prior to the award of a contract. For procurement purposes, a qualified product is one which has been tested and approved for inclusion in the Federal QPL, whether or not the product has actually been so listed, prior to the bid opening date or award of a negotiated contract.

### § 101–29.203 Mandatory use of Federal Specifications.

Federal Specifications shall be used by all Federal agencies, in the procurement of supplies and services covered by such specifications, except as provided in §§ 101–29.204 and 101–29.205.

### § 101–29.204 Exceptions to mandatory use of Federal Specifications.

Federal Specifications need not be used under any of the following circumstances:

(a) The purchase is required under a public exigency and a delay in obtaining agency requirements would be involved in using the applicable specification.

(b) The total amount of the purchase does not exceed the monetary limits imposed in § 1–1.305.2.

(c) The purchase involves items required in the construction of facilities for new processes, new installations of equipment, or items for experiment, test, or research and development. However, in connection with such deviations, existing Federal Specifications shall be used to the extent that they are applicable.

(d) The purchase involves spare parts, components, or materials required for operation, repair, or maintenance of existing equipment. However, existing Federal Specifications shall be used to the extent that they are applicable.

(e) The items are purchased in foreign markets for use of overseas activities of agencies.

(f) An Interim Federal Specification is used by an agency in lieu of the Federal Specification.

(g) Where otherwise authorized by law.

### § 101–29.205 Deviations from Federal Specifications.

When the essential needs of an agency are not adequately covered by an existing Federal Specification, and the proposed purchase does not come within the exceptions described in § 101–29.204, the agency may authorize deviations from the Federal Specifications. However, requirements of existing Federal Specifications shall be used to the maximum extent practicable.

### § 101–29.205–1 Agency responsibility relative to deviations from Federal Specifications.

Each agency taking such deviations shall establish procedures whereby a designated official having substantial procurement responsibility shall be responsible for assuring that:

(a) Federal Specifications are used, and provisions for exceptions and deviations are complied with.

(b) Justification for exceptions and deviations are subject to competent review before authorization, and that such justifications can be fully substantiated if post audit is required.

(c) Major or repeated deviations are not taken except as prescribed in this § 101–29.205.

(d) Notification of deviation or recommendation for change in the specification is sent promptly in duplicate to the General Services Administration, Federal Supply Service, Standardization Division, Washington, D.C., 20407. A statement of the deviations with justification therefor and, where applicable, recommendation for revision or amendment of the specification shall be included. Such notification is required when deviations taken are of a major nature such as to result in the introduction of a new item of supply as evidenced by the development of a new item identification or a deviation is taken repeatedly.

### § 101–29.205–2 Limitations on continued deviations.

Deviations taken and reported by the agency in accordance with § 101–29.205–1 may not be continued except under the following conditions:

(a) When an agency submits notification of major or repeated deviations that have been taken but makes no recommendation for change in the specification, GSA will notify the agency as to whether such deviations may be continued in subsequent procurement. In cases where continued deviations are not approved and where procurement by the agency has progressed to a point where it would be impracticable to amend or cancel the action, such action may be completed, but the deviation shall not be continued by the agency in subsequent procurement.

(b) When an agency has recommended changing the specification consistent with the deviations it has taken and reported, those deviations may be continued until such time as the recommended change is incorporated in the specification. When coordination with Federal agencies and industry does not result in acceptance of the change, such deviations shall not be continued by the agency in subsequent procurement.

### § 101–29.206 Optional use of Interim Federal Specifications.

Interim Federal Specifications are for optional use. All agencies are urged to make maximum use of them and to submit suggested changes to the assigned agency for consideration in further development of the specifications for promulgation as Federal Specifications. Interim revisions or amendments to Federal Specifications are for optional use as valid exceptions to the Federal Specifications so revised or amended and must therefore be specifically identified by symbol and date in the invitation for bids or request for proposal.

### § 101–29.207 Use of Federal and Interim Federal Specifications in Federal construction contracts.

When material, equipment, or services covered by an available Federal or Interim Federal Specification are specified in connection with Federal construction, the Federal or Interim Federal Specification shall be made a part of the specification for the construction contract, subject to the provisions in § 101–29.204, § 101–29.205, and § 101–29.206.

### § 101–29.208 Military and departmental specifications.

If no Federal Specification is available, existing Interim Federal, military, and departmental specifications which are listed in the Index of Federal Specifications and Standards should be used by all agencies consistent with each agency's procedures establishing priority for use of such specifications.

### Subpart 101–29.3—Standards

**§ 101–29.301 General definition of standards.**

"Standards" means documents that establish engineering and technical limitations and applications for items, materials, processes, methods, designs, and engineering practices. They include any related criteria deemed essential to achieve the highest practical degree of uniformity in materials or products, or interchangeability of parts used in those products. Standards may be used in specifications, invitations for bids, proposals, and contracts. The identification of the categories and intended use of such standards are as set forth in this § 101–29.301.

**§ 101–29.301–1 Federal Standards.**

"Federal Standard" means a standard promulgated by GSA which is mandatory for use by all Federal agencies, including the Department of Defense.

**§ 101–29.301–2 Interim Federal Standards.**

"Interim Federal Standard" means a standard issued in interim form for optional use by all Federal agencies and intended for final processing as a new or revised Federal Standard.

**§ 101–29.301–3 Military standards.**

"Military standard" means a standard issued solely or predominantly by and mandatory on military activities. (This definition includes both fully coordinated and limited coordination military standards.)

**§ 101–29.301–4 Departmental standards.**

"Departmental standard" means a standard prepared by and of interest primarily to a particular Federal civil agency, but which may be used in procurement by other agencies.

**§ 101–29.302 Mandatory use of Federal Standards.**

Federal Standards shall be used by all Federal agencies, including the Department of Defense. The exceptions in § 101–29.204 relating to the mandatory use of Federal Specifications are applicable to the use of Federal Standards. A Federal agency may be granted an exception by GSA only upon submission of adequate justification to the General Services Administration, Federal Supply Service, Standardization Division, Washington, D.C., 20407.

## PART 101–30—FEDERAL CATALOG SYSTEM


Sec.
101–30.000 Scope of part.

Subpart 101–30.1—General

101–30.100 Scope of subpart.
101–30.101 Definitions.
101–30.101–1 Cataloging.
101–30.101–2 Cataloging activity.
101–30.101–3 Civil agency items.
101–30.101–4 Conversion.
101–30.101–5 Federal Catalog System.
101–30.101–6 Federal item identification.
101–30.101–7 Item of supply.
101–30.102 Objectives.
101–30.103 Responsibilities.
101–30.103–1 General.
101–30.103–2 Agency responsibilities.

Subpart 101–30.2—Cataloging Handbooks and Manuals

101–30.201 General.
101–30.202 Policies.

Subpart 101–30.3—Cataloging Items of Supply

101–30.300 Scope of subpart.
101–30.301 Types of items to be cataloged.
101–30.302 Types of items excluded from cataloging.
101–30.303 Identification.

Subpart 101–30.4—Use of the Federal Catalog System

101–30.400 Scope of subpart.
101–30.401 Publication of Federal catalog data.
101–30.401–1 Data for military agencies.
101–30.401–2 Data for civil agencies.
101–30.401–3 Federal item identification cards.
101–30.402 Conversion.
101–30.403 Utilization.
101–30.403–1 Reports of excess and surplus personal property.
101–30.403–2 Management codes.

Subpart 101–30.5—Maintenance of the Federal Catalog System

101–30.500 Scope of subpart.
101–30.501 Maintenance.
101–30.502 Assistance by Government suppliers.


AUTHORITY: The provisions of this Part 101–30 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

**§ 101–30.000 Scope of part.**

This part prescribes a Federal catalog program for the development, maintenance, and utilization of a uniform Federal Catalog System in the supply operations of all Federal agencies, and for the conversion of existing systems to the uniform system. Except as may be specifically provided, this part is not mandatory on the Department of Defense.



### Subpart 101–30.1—General

**§ 101–30.100 Scope of subpart.**

This subpart defines the objectives of the Federal Catalog System, and assigns responsibilities for its operation. The basic principles and procedures of the Federal Catalog System are contained in published cataloging handbooks and manuals described in Subpart 101–30.2.

**§ 101–30.101 Definitions.**

As used in this Part 101–30, the following terms shall have the meanings set forth in this § 101–30.101.

**§ 101–30.101–1 Cataloging.**

"Cataloging" means the process of uniformly identifying, describing, classifying, numbering, and publishing in the Federal Catalog System all items of personal property (items of supply) repetitively procured, stored, issued, and used by Federal agencies.

**§ 101–30.101–2 Cataloging activity.**

"Cataloging activity" means the activity of a Federal agency having responsibility for performing cataloging operations in identifying and describing items of supply in the Federal Catalog System.

**§ 101–30.101–3 Civil agency items.**

"Civil agency item" means items of personal property entering the supply systems of civil agencies, including materials stocked for subsequent issue as well as direct delivery requirements.

**§ 101–30.101–4 Conversion.**

"Conversion" means the changeover from the use of existing supply classifications, stock numbers, names, and identification data to those of the Federal Catalog System in all supply operations, from determination of requirements to final disposal.

**§ 101–30.101–5 Federal Catalog System.**

"Federal Catalog System" means a single supply catalog system designed to uniformly identify, classify, name, describe, and number the items of personal property used by the Federal Government by providing but one classification, one name, one description, and one item identification number for each item of supply. It provides a standard reference language or terminology to be used by all persons engaged in the process of supply.

**§ 101–30.101–6 Federal item identification.**

"Federal item identification" means the approved item identification for the item of supply, plus the Federal stock number assigned to that item identification. It consists of four basic elements: the name of the item, the identifying characteristics, the Federal Supply Classification code, and the Federal item identification number.

**§ 101–30.101–7 Item of supply.**

"Item of supply" means a single item of production, or two or more items of production that are functionally interchangeable in required applications. An item of supply may consist of any number of pieces or objects which are treated in the supply operations of a Government activity as being identical. The concept of each item of supply is expressed in, and fixed by, an item identification.

**§ 101–30.102 Objectives.**

The objectives of the Federal cataloging program are:

(a) To provide for the development and maintenance of a uniform Federal supply catalog system and the conversion to and exclusive use of this system by all Federal agencies.

(b) To name, identify, classify, and number each item of personal property to be included in the Federal Catalog System so that the same items will have a single Federal item identification within and among the organizational elements of all Federal agencies.

(c) To collect, maintain, and publish such Federal catalog data and related supply management data as may be determined to be necessary or desirable to reflect such benefits to supply management as:

(1) Assistance in standardization of supplies and equipment;

(2) Reduction in inventories of stock with increased rates of turnover;

(3) Disclosure of interchangeability and substitutability of items;

(4) Greater vendor competition and broader sources of supply;

(5) Facilitation of better interagency and intragency utilization of supplies, equipment, and excess stocks, and more

exact identification of surplus personal property; and

(6) Assistance in providing precise statistics for budget and financial accounting purposes.

**§ 101–30.103 Responsibilities.**

**§ 101–30.103–1 General.**

(a) The provisions of section 206 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 487) authorize the Administrator of General Services to establish and maintain a uniform Federal supply catalog system to identify and classify personal property under the control of Federal agencies. Under this law each Federal agency is required to utilize the uniform Federal supply catalog system, except as the Administrator of General Services taking into consideration efficiency, economy, and other interests of the Government, shall otherwise provide.

(b) The Defense Cataloging and Standardization Act (Chapter 145, Title 10, U.S. Code) authorizes the Secretary of Defense to develop a single supply catalog system for the Department of Defense.

(c) Both laws require that the Administrator of General Services and the Secretary of Defense shall coordinate the cataloging activities of GSA and the Department of Defense so as to avoid unnecessary duplication.

**§ 101–30.103–2 Agency responsibilities.**

(a) Each civil agency shall:

(1) Participate in the preparation and maintenance of the civil agency portion of the Federal Catalog System and in the conversion to and utilization of this system, and

(2) Comply with the policies, principles, rules, and procedures of the Federal Catalog System as prescribed in this Part 101–30.

(b) Adherence by the Department of Defense to the single supply catalog system developed for the military departments under Chapter 145, Title 10, U.S. Code, shall be deemed to constitute full coordination of cataloging activities with GSA.

## Subpart 101–30.2—Cataloging Handbooks and Manuals

**§ 101–30.201 General.**

(a) This subpart describes the cataloging handbooks and manuals prepared by the Cataloging Division, Defense Supply Agency, Department of Defense, in coordination with GSA.

(b) The following basic cataloging handbooks and manuals are available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. The requirements of these publications shall be followed by all cataloging activities participating in the Federal Catalog System.

(1) Federal Manual for Supply Cataloging (Cataloging Manual M1).

(2) Federal Supply Classification (Cataloging Handbook H2).

(3) Federal Supply Code for Manufacturers (Cataloging Handbook H4).

(4) Federal Item Identification Guides for Supply Cataloging (Cataloging Handbook H6).

**§ 101–30.202 Policies.**

The cataloging publications indicated in § 101–30.201 provide a ready reference to the following operating policies and rules covering the uniform catalog system:

(a) *Identification.* (1) Each civil agency shall insure that each of its items authorized for cataloging is included and maintained in the Federal Catalog System as prescribed in the Federal Manual for Supply Cataloging.

(2) Each item of supply shall have applicable to it one, and only one, Federal item identification; each Federal item identification shall be applicable to one, and only one, item of supply.

(b) *Federal Supply Classification (FSC).* (1) The Federal Supply Classification shall be used in supply management within the civil agencies.

(2) Each item included in the Federal Catalog System shall be classified under the Federal Supply Classification and shall be assigned to one, and only one, 4-digit class, in accordance with the rules prescribed in the Federal Manual for Supply Cataloging.

(c) *Numbering.* (1) Each item of supply identified in the Federal Catalog System shall be assigned a Federal stock number, which shall consist of the applicable 4-digit FSC class code and a 7-digit Federal item identification number.

(2) The Federal stock number shall be the only stock number used in supply operations for items within the scope of the Federal Catalog System. The integrity of the Federal stock number shall always be maintained whenever it is employed in any operation or document. Supply management codes, or other management symbols, may be associated with, but never included as a part of, the Federal stock number. These management codes or symbols must always be separated from the Federal stock number in such a manner that the Federal stock number is clearly distinguishable.



## Subpart 101–30.3—Cataloging Items of Supply

**§ 101–30.300 Scope of subpart.**

This subpart prescribes the types of items to be cataloged, the types of items excluded from the Federal Catalog System, and the method of submitting items for cataloging.

**§ 101–30.301 Types of items to be cataloged.**

Items of personal property in the civil agency systems that are subject to repetitive procurement, storage, distribution and issue, and all locally purchased, centrally managed items will be named, identified, classified, and numbered (cataloged) in the Federal Catalog System. Other locally purchased items may be cataloged based upon civil agency requirements. The term "repetitive" will be construed to mean continual or recurring and applies to those items for which a need is deemed to exist within the appropriate civil agency.

**§ 101–30.302 Types of items excluded from cataloging.**

Items of personal property in the following categories are to be excluded from the Federal Catalog System except when an agency determines that Federal item identification data will be of value in its supply management operations:

(a) Capital equipment items which are nonexpendable and are especially designed for a specific purpose, such as elevators or central air-conditioning system installations.

(b) Items of personal property on which security classification is imposed.

(c) Items procured on a one-time or infrequent basis for use in research and development, experimentation, construction, or test and not subject to centralized item inventory management, reporting, or stock control.

(d) Items procured in foreign markets for use in overseas activities of Federal agencies.

(e) Printed forms, except those carried in GSA stores stock.

**§ 101–30.303 Identification.**

Each agency shall insure that each of its items to be cataloged is included and maintained in the Federal Catalog System as prescribed in the Federal Manual for Supply Cataloging.

## Subpart 101–30.4—Use of the Federal Catalog System

**§ 101–30.400 Scope of subpart.**

This subpart prescribes the policies and procedures governing the publication of Federal catalog data, and the conversion to and utilization of the Federal Catalog System by Federal agencies.

**§ 101–30.401 Publication of Federal catalog data.**

Approved Federal item identification data is published and maintained in card form and is distributed to cataloging and supply management activities as required to meet their varying operational needs.

**§ 101–30.401–1 Data for military agencies.**

Segments of the Federal Supply Catalog, Department of Defense section, are published in specified commodity areas as operating catalogs and stock lists for activities of the Department of Defense, as defined in Department of Defense Directive 4130.2, Development, Maintenance and Utilization of the Federal Catalog System within the Department of Defense.

**§ 101–30.401–2 Data for civil agencies.**

Catalog data will be furnished participating civil agencies by means of electric accounting machine cards and/or Federal item identification cards.

**§ 101–30.401–3 Federal item identification cards.**

On request, extra cards will be provided to agencies by GSA on a reimbursable basis.

**§ 101–30.402 Conversion.**

Following completion of cataloging action, GSA will establish a time period in which conversion to the Federal Catalog System shall be accomplished by all civil agencies. The terminal dates for conversion will be established after consultation with the civil agencies concerned.

**§ 101–30.403 Utilization.**

On and after the established date for completion of conversion, all interagency and intra-agency transactions involving item identifications, commodity classification, or stock numbers shall be in the terms of the Federal Catalog System.

**§ 101–30.403–1 Reports of excess and surplus personal property.**

For items of personal property which have been identified in the Federal Catalog System, Federal stock numbers and Federal item identifications, with such additional descriptive detail as is required, shall be utilized in reports and listings of excess and surplus personal property. The assignment of Federal stock numbers and Federal item identifications shall not be required for items of excess or surplus personal property which have not been identified in the Federal Catalog System.

**§ 101–30.403–2 Management codes.**

For internal use within an agency, alphabetic codes excluding letters "I" and "O" may be prefixed to the Federal stock number as may be required for supply management operations as CM 7520–123–4567 or 7520–123–4567CM. Numeric codes shall not be affixed immediately adjacent to or as a part of the Federal stock number nor shall codes be intermingled in the Federal stock number.

## Subpart 101–30.5—Maintenance of the Federal Catalog System

### § 101–30.500 Scope of subpart.

This subpart prescribes the policies and procedures governing the maintenance of the Federal Catalog System.

### § 101–30.501 Maintenance.

GSA will, after consultation with the agencies concerned, provide for the proper maintenance of the Federal Catalog System requiring the addition, revision, or deletion of item identifications. As provisions for maintenance are developed, GSA will prescribe the procedures and frequency for presenting civil agency requests for cataloging action on new items entering their supply system, and for revision or deletion of their Federal item identifications.

### § 101–30.502 Assistance by Government suppliers.

When identification data for adequate cataloging of a new item is not available, or cannot be obtained through other means, the Federal agency establishing the need for the new item shall obtain the required identification data from the contractor by specifying in procurement documents the use of Federal Standard No. 5, Standard Guides for Preparation of Item Identifications by Government Suppliers.

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

# PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Sec.


101–40.000 Scope of part.

Subpart 101–40.1—General Provisions

101–40.101 Transportation assistance.
101–40.102 Representation before regulatory bodies.
101–40.103 Specifying modes of transportation.
101–40.104 Insurance against transportation hazards.
101–40.105 Use of Government-owned equipment.
101–40.106 Reports.
101–40.107 Surveys.
101–40.108 Seminars and training courses.
101–40.109 Utilization of special contracts and agreements.
101–40.110 Small business assistance.
101–40.111 Maintenance of tariff files.
101–40.112 Transportation factors in the location of Government facilities.

Subpart 101–40.2 [Reserved]

Subpart 101–40.3—Freight Rates, Routes, and Services

101–40.300 Scope of subpart.
101–40.301 Rate and routing services.
101–40.302 Standard routing principle.
101–40.303 Implementation of standard routing principle.
101–40.303–1 Service requirements.
101–40.303–2 Cost considerations.
101–40.303–3 Equitable distribution of traffic among carriers.
101–40.304 Description of property for shipment.
101–40.305 Negotiations for changes in rates, ratings, rules, and services.
101–40.305–1 Negotiations by GSA.
101–40.305–2 Rate analysis required on substantial movements.
101–40.305–3 Negotiation by other executive agencies.
101–40.305–4 Method of publication.
101–40.305–5 Reports of agency negotiations.
101–40.306 Rate tenders to the Government.
101–40.306–1 Form and format.
101–40.306–2 Government-wide application.
101–40.306–3 Distribution.
101–40.307 Tonnage reports.
101–40.307–1 Shipments covered.
101–40.307–2 Form of report.

Subparts 101–40.4—101–40.48 [Reserved]

Subpart 101–40.49—Forms, Formats, and Agreements

101–40.4900 Scope of subpart.
101–40.4901 GSA forms.
101–40.4902 [Reserved]
101–40.4903 Formats.
101–40.4904 [Reserved]
101–40.4905 [Reserved]
101–40.4906 Illustrations.
101–40.4906–1 GSA Form 420, Request for Traffic Data.
101–40.4906–2 Uniform Tender of Rates and/or Charges for Transportation Services.


AUTHORITY: The provisions of this Part 101–40 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–40.000 Scope of part.

This part prescribes regulations governing the transportation and traffic management activities of the executive agencies. It also covers arrangements for transportation and related services by bill of lading type commitments. These regulations are designed to assure that all transportation and traffic management functions will be carried out on the basis most advantageous to the Government in terms of economy, efficiency, and service.



## Subpart 101–40.1—General Provisions

### § 101–40.101 Transportation assistance.

Executive agencies without transportation officers, or those in need of assistance on transportation matters, shall obtain assistance from transportation officers, Transportation and Communications Service, located in the 10 GSA regional offices; except that agencies located in the metropolitan area of Washington, D.C., shall obtain such assistance from the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405.

### § 101–40.102 Representation before regulatory bodies.

GSA, in behalf of executive agencies, will institute formal or informal action, with respect to tariff, rate, or service matters, as required, before Federal and State regulatory bodies. Executive agencies shall submit their requests and recommendations for action before Federal and State regulatory bodies to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office.

### § 101–40.103 Specifying modes of transportation.

Preferential treatment, normally, shall not be accorded to any mode of transportation or to any particular carrier in arranging for transportation services. However, where for valid reasons, use of a particular type of carrier is necessary to meet program requirements, only the specified type of carrier will be considered. Examples of the need for a particular type of carrier would be where only a certain mode of transportation could provide the required service or meet the required delivery date; or where the consignee's installation and related facilities preclude, or are not conducive to, service by particular modes of transportation.

### § 101–40.104 Insurance against transportation hazards.

The policy of the Government with respect to insurance of its property while in the possession of commercial carriers is set forth in § 1–19.107 of this title.

### § 101–40.105 Use of Government-owned equipment.

Generally, the preferred method of transporting property for the Government is through use of the facilities of commercial carriers. However, Government vehicles may be used when they are available and are not being fully utilized and when their use will result in substantial economies. They may be used for such purposes as local transfer of property, pickup and delivery services which are not performed by the commercial carriers in connection with the linehaul transportation, transportation of property to meet emergencies, and accomplishment of program objectives which cannot be attained through use of commercial carriers.

### § 101–40.106 Reports.

Each agency shall submit reports to GSA concerning its transportation procedures, practices, and operations whenever so requested or as prescribed by this Part 101–40. The format of such reports shall be as prescribed for the subject or as provided in the specific request.

### § 101–40.107 Surveys.

As deemed necessary and after adequate advance notice to the agencies affected, or upon request of agencies, GSA will make on-site surveys of transportation activities and will make recommendations, when necessary, for changes in agencies' policies, standards, practices, and procedures to improve transportation concepts and operations at all levels.

### § 101–40.108 Seminars and training courses.

GSA will, from time to time, conduct seminars and training courses for the benefit of executive agency personnel assigned functions having transportation aspects. The objective of such training will be to broaden traffic management knowledge and experience within the agencies and to assist in making improvements leading to greater efficiency and economy of operations.

### § 101–40.109 Utilization of special contracts and agreements.

GSA will, as deemed necessary, enter into special contracts and agreements covering such matters as demurrage, services of ocean freight forwarders, and arrangements for stevedoring, storage, drayage, packing, marking, weighing, teleticketing, and related accessorial services. GSA bulletins outlining the services and terms of such contracts and agreements will be distributed by GSA to all executive agencies, and copies of such contracts will be distributed to the various agencies in the quantities requested. After distribution of such bulletins, agencies will arrange for dissemination of appropriate contracts and information to affected installations. To the extent that such services are thus made available and use thereof is mandatory, affected agencies shall utilize such contracts or agreements. When use is permissive, agencies should use them whenever it is in the best interest of the Government.

### § 101–40.110 Small business assistance.

Consistent with the policies of the Government with respect to small business, as set forth in Subpart 1–1.7 of this title, executive agencies shall place with small business concerns a fair proportion of the total purchases and contracts for transportation and related services, such as packing and crating, loading and unloading, and local drayage.

### § 101–40.111 Maintenance of tariff files.

(a) The General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, will maintain the master file of carrier tariffs for all modes of transportation. Each GSA regional office will maintain a tariff file sufficient to meet the normal needs of the agencies in the region.

(b) Executive agencies may maintain only the tariff files necessary to meet their routine operational requirements. To meet unusual or abnormal tariff needs, executive agencies may be permitted to use GSA tariff files; or, in the alternative, rate, routing, or other tariff information will be provided by GSA.

### § 101–40.112 Transportation factors in the location of Government facilities.

(a) Transportation rates, charges, and services shall be carefully evaluated in the selection of locations and in the planning, construction, alteration, expansion, purchasing, or leasing of facilities or sites for the establishment, relocation, or deactivation of Government installations.

(b) Executive agencies shall utilize the services of GSA, when planning and selecting such facilities to assure that proper consideration is given to the transportation factors in their construction and location.

## Subpart 101–40.2 [Reserved]

## Subpart 101–40.3—Freight Rates, Routes, and Services

**§ 101–40.300 Scope of subpart.**

This subpart prescribes regulations governing the determination and use of freight rates and related data in the transportation of property for the Government, selection of the mode of transportation, and the carrier or carriers within the mode, and negotiation of classification ratings, rates, and services.

**§ 101–40.301 Rate and routing services.**

Upon request, GSA will provide rate and route information and related traffic data to any executive agency (see § 101–40.101). Requests for such information may be submitted to the appropriate office of the GSA, Transportation and Communications Service, by means of GSA Form 420, Request for Traffic Data (see § 101–40.4906–1). Urgent requests may be made by whatever method necessary to expedite the request; and data will be supplied by similar means and confirmed by transmittal of a GSA Form 420.

**§ 101–40.302 Standard routing principle.**

Shipments shall be routed via the carrier or carriers which can provide the required service at the lowest overall cost to the Government.

**§ 101–40.303 Implementation of standard routing principle.**

In the implementation of the standard routing principle, the major factors to be considered are, in the order of their importance, service requirements, cost considerations, and equitable distribution of traffic among carriers.

**§ 101–40.303–1 Service requirements.**

The following factors shall be considered in determining whether a carrier can meet the service requirements:

(a) Availability and suitability of carrier equipment.

(b) Shipping and receiving facilities at origin and destination.

(c) Pickup and delivery service.

(d) Availability of required accessorial and special services.

(e) Time in transit.

(f) Record of past performance of carrier.

(g) Availability and advantages of any transit privileges.

**§ 101–40.303–2 Cost considerations.**

When developing cost comparisons to determine the most economical routing of shipments consistent with service requirements, consideration shall be given to costs of packing, loading and unloading, bracing, blocking, extra handling, drayage, pickup and delivery, and other accessorial services, as well as the linehaul rate.

**§ 101–40.303–3 Equitable distribution of traffic among carriers.**

When more than one mode of transportation, or more than one carrier within a mode, can provide equally satisfactory service at the same overall cost, the traffic shall be distributed as equitably as practicable among the modes and among the carriers within the mode.

**§ 101–40.304 Description of property for shipment.**

Each shipment shall be described on the bill of lading in terms of the governing freight classification, carrier tariff, or rate tender to the Government. Shipments shall not be described by trade names; e.g., "Foamite," or in general terms; e.g., "machinery," "furniture," or "Government supplies."

**§ 101–40.305 Negotiation for changes in rates, ratings, rules, and services.**

**§ 101–40.305–1 Negotiations by GSA.**

Except as provided in § 101–40.305–3, GSA, on behalf of the executive agencies, will conduct all negotiations for the establishment or modification of classification ratings, rates, charges, services, and the rules and regulations pertaining thereto.

**§ 101–40.305–2 Rate analysis required on substantial movements.**

When the volume of tonnage to be moved exceeds the limitations imposed by § 101–40.305–3, agencies shall submit complete details of prospective movements to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office for rate analysis to determine whether negotiations shall be initiated. Such data shall be submitted as far in advance of the prospective shipping date as circumstances will permit and shall include all pertinent shipping information, such as complete description of the commodity, packaging, volume, origin and destination, and prospective shipping schedule. (See § 1–19.201 of this title.)

**§ 101–40.305–3 Negotiation by other executive agencies.**

(a) Executive agencies other than GSA are authorized to initiate and conduct negotiations for freight rates and services only when the quantity of property involved is 100 short tons or less. Agencies may be granted authority to conduct negotiations on larger volumes of traffic when it is considered in the best interests of the Government. Requests for such additional authority should be directed to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office.

(b) Agencies shall not initiate negotiations for rates or services for shipments of property which, individually, are less than 100 short tons if the property is part of a larger volume which, in the aggregate, would exceed 100 short tons, even though the individual shipments take place on different dates.

**§ 101–40.305–4 Method of publication.**

Whether rates negotiated with the carriers by the Government are to be published in tariffs or in rate tenders to the Government (under section 22, Interstate Commerce Act (24 Stat. 387, as amended; 49 U.S.C. 22) or under Section 6, Intercoastal Shipping Act, 1933 (47 Stat. 1427 and 52 Stat. 964; 46 U.S.C. 846) shall be left to the discretion of the carrier.

**§ 101–40.305–5 Reports of agency negotiations.**

Executive agencies shall submit a complete report of each negotiation conducted to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office, promptly after such negotiation is completed. The report shall refer to this § 101–40.305–5 and shall cite name of carrier or bureau with which the negotiation was conducted and any tariff change, or shall include a copy of any contract or rate tender resulting from the negotiation. The report shall set forth the quantity and description of tonnage involved, origin, destination, old and new rates, and other pertinent information.

**§ 101–40.306 Rate tenders to the Government.**

**§ 101–40.306–1 Form and format.**

Only those rate tenders which have been submitted by the carriers in writing shall be considered for use by executive agencies. Carriers should be encouraged to use the format illustrated in § 101–40.4906–2 when submitting rate tenders, and to use explicit terms and conditions, in order to convey the meaning and intention clearly and concisely and to prevent future controversy with regard to interpretation.

**§ 101–40.306–2 Government-wide application.**

The negotiating officer of an executive agency shall endeavor to have rate tenders made applicable, by their terms, to shipments of the United States Government, rather than to those of a particular agency.

**§ 101–40.306–3 Distribution.**

Six copies (including at least one signed copy) of each rate tender shall be promptly submitted by the agency receiving it to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, or the Transportation and Communications Service at the appropriate GSA regional office; also, six copies (including at least one signed copy) shall be promptly submitted to the U.S. General Accounting Office, Transportation Division, Washington, D.C., 20548.

**§ 101–40.307 Tonnage reports.**

Each executive agency shall furnish monthly reports to the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405, of outbound shipments on which freight charges are to be paid or allowed by a Government agency, in accordance with the provisions of this § 101–40.307.



**§ 101–40.307–1 Shipments covered.**

The reporting requirement under this § 101–40.307 applies only to shipments totaling 100 short tons or more of a single commodity or of mixed commodities moving by common carrier from the same point of origin to the same point of destination within a calendar month.

**§ 101–40.307–2 Form of report.**

The report may be submitted by means of copies of the bills of lading covering the shipments involved or by a listing of the following data:

(a) Bill of lading number (if commercial, so indicate).

(b) Date shipped.

(c) Origin.

(d) Destination.

(e) Commodity (mixed shipments may be described, for this purpose, in general terms; e.g., "subsistence supplies," "stationery," or "building material").

(f) Rate.

(g) Gross weight of shipment.

(h) Routing.

## Subparts 101–40.4—101–40.48 [Reserved]

## Subpart 101–40.49—Forms, Formats, and Agreements

**§ 101–40.4900 Scope of subpart.**

This subpart contains forms, formats, and agreements to be used in implementing the provisions of this Part 101–40. These forms and formats are designed to provide uniform methods of requesting and transmitting transportation advice and assistance, and uniform documentation of transactions between Government agencies and between Government and the transportation industry and related industries. The agreements reproduced in this Subpart 101–40.49 are intended as a ready source of reference to agreements existing between the Government and the transportation industry and related industries.

**§ 101–40.4901 GSA forms.**

(a) The GSA forms in this Subpart 101–40.49 are for optional use by executive agencies. Their use, however, is recommended in the interest of efficiency and economy in Government operations.

(b) Supplies of GSA forms may be obtained by addressing requests to: General Services Administration Region 3, Office of Regional Manpower and Administration, ORFA, Printing and Publications Division, Washington, D. C., 20407.

**§ 101–40.4902 [Reserved]**

**§ 101–40.4903 Formats.**

(a) The formats in this Subpart 101–40.49 are for optional use by executive agencies. Their use, however, is recommended in the interest of uniformity in documentation of Government transactions.

(b) Supplies of formats illustrated in this Subpart 101–40.49 are not available to either executive agencies or the public. Such formats may be duplicated in whatever quantities and by whatever methods desired without prior permission of GSA.

**§ 101–40.4904 [Reserved]**

**§ 101–40.4905 [Reserved]**

**§ 101–40.4906 Illustrations.**

NOTE: Forms filed as part of the original document. Copies may be obtained from Central Office, GSA.

**§ 101–40.4906–1 GSA Form 420, Request for Traffic Data.**

**§ 101–40.4906–2 Uniform Tender of Rates and/or Charges for Transportation Services.**

SUBCHAPTER H—UTILIZATION AND DISPOSAL

# PART 101–43—UTILIZATION OF PERSONAL PROPERTY


Sec.
101–43.000 Scope of part.

Subpart 101–43.1—General Provisions

101–43.101 Surveys.
101–43.102 Reassignment of property within executive agencies.
101–43.102–1 Acquisition of office furniture.
101–43.103 Agency utilization officials.
101–43.104 Definitions.
101–43.104–1 Atomic Energy Commission—controlled materials.
101–43.104–2 Combat materiel.
101–43.104–3 Contractor inventory.
101–43.104–4 Electronic data processing equipment.
101–43.104–5 Excess personal property.
101–43.104–6 Executive agency.
101–43.104–7 Federal agency.
101–43.104–8 Holding agency.
101–43.104–9 Inspection.
101–43.104–10 Intangible personal property.
101–43.104–11 Materiel.
101–43.104–12 Narcotics.
101–43.104–13 Personal property.
101–43.104–14 Possessions.
101–43.104–15 Related personal property.
101–43.104–16 Salvage.
101–43.104–17 Scrap.
101–43.104–18 Surplus personal property.
101–43.104–19 Trust territory.
101–43.104–20 Typewriters.
101–43.104–21 United States.

Subpart 101–43.2—Utilization of Property Proposed for Processing for Exchange/Sale

101–43.200 Scope of subpart.
101–43.201 [Reserved]
101–43.202 Definition.
101–43.203 General authorization.
101–43.203–1 Restrictions and limitations.
101–43.204 Agency responsibility.
101–43.204–1 Dangerous property and combat materiel.
101–43.205 Reimbursement.
101–43.205–1 Books and periodicals.
101–43.206 Records.

Subpart 101–43.3—Utilization of Excess

101–43.301 Federal Government procedure.
101–43.302 Agency responsibility.
101–43.303 Suspension of procurement.
101–43.303–1 Acquisition of mercury.
101–43.304 Retention of custody.
101–43.305 Strategic and critical materials: excess related personal property.
101–43.306 Property not required to be reported.
101–43.307 Legislative and judicial Federal agencies.
101–43.308 Assistance in major disaster relief.
101–43.309 Narcotics.
101–43.310 [Reserved]
101–43.311 Reporting requirements.
101–43.311–1 Reporting.
101–43.311–2 Form and distribution of reports.
101–43.311–3 Typewriters.
101–43.311–4 Excess personal property on or within excess real property.
101–43.311–5 Property at installations due to be discontinued.
101–43.312 Exceptions to reporting.
101–43.313 Items requiring special handling.
101–43.313–1 Narcotics.
101–43.313–2 Printing, binding, and blankbook equipment and supplies.
101–43.313–3 Intangible property.
101–43.313–4 Conditional gifts.
101–43.313–5 Electronic data processing equipment.
101–43.313–6 Trading stamps.
101–43.313–7 Atomic Energy Commission—controlled materials.
101–43.314 Withdrawals and corrections.
101–43.314–1 Withdrawals.
101–43.314–2 Corrections.
101–43.315 Transfers of excess property.
101–43.315–1 Agencies eligible.
101–43.315–2 Information of availability.
101–43.315–3 Fair value reimbursement.
101–43.315–4 Transfer for redistribution.
101–43.315–5 Procedure for effecting transfers.
101–43.315–6 Report on condition and description.
101–43.316 Contractor inventory.
101–43.316–1 Utilization.
101–43.317 Costs and proceeds.
101–43.317–1 Cost of care and handling.
101–43.317–2 Proceeds.
101–43.318 Determination of excess as surplus.
101–43.318–1 Reportable property.
101–43.318–2 Nonreportable property.
101–43.318–3 Donation and sale of surplus property.
101–43.319 Performance reports.

Subpart 101–43.4—Utilization of Abandoned and Forfeited Personal Property

101–43.400 Scope of subpart.
101–43.401 Definitions.
101–43.402 Sources of property available for utilization.
101–43.403 Custody of property.
101–43.404 Cost of care and handling.
101–43.405 Status of property assigned or transferred.
101–43.406 Reporting abandoned and forfeited personal property.
101–43.407 Information of availability.
101–43.408 Transfer of abandoned and forfeited personal property.
101–43.408–1 Transfer for official use to seizing agency.
101–43.408–2 Transfers to other Federal agencies.
101–43.408–3 Transfers—reimbursement.
101–43.409 Proceeds.
101–43.409–1 Billing.
101–43.409–2 Disposition of proceeds.

Subparts 101–43.5—101–43.48 [Reserved]

Subpart 101–43.49—Illustrations

101–43.4900 Scope of subpart.
101–43.4901 Excess personal property reporting requirements.
101–43.4902 Standard Form 120, Report of Excess Personal Property.
101–43.4902–1 Instructions for preparing Standard Form 120.
101–43.4902–2 Standard Form 120 A, Continuation Sheet (report of excess personal property).
101–43.4903 Regional offices' addresses and assigned areas.
101–43.4904 GSA Form 1539, Request for excess personal property.
101–43.4904–1 Instructions for preparing GSA Form 1539.
101–43.4905 List of Government corporations (31 U.S.C. 846, 856).
101–43.4906 Standard Form 122, Transfer Order Excess Personal Property.
101–43.4906–1 Instructions for preparing Standard Form 122.
101–43.4907 Standard Form 121, Quarterly Report Utilization and Disposal of Excess and Surplus Personal Property.
101–43.4908 Exchange/sale category list.
101–43.4909 Specimen description of reported excess EDP equipment.


AUTHORITY: The provisions of this Part 101–43 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## § 101–43.000 Scope of part.

This part prescribes the policies and methods governing the economic and efficient utilization of personal property located within the United States, Puerto Rico, and the Virgin Islands.



## Subpart 101–43.1—General Provisions

### § 101–43.101 Surveys.

Each executive agency shall continuously survey property under its control to assure maximum use and shall promptly make property that is excess to its needs available for transfer in accordance with this Part 101–43.

### § 101–43.102 Reassignment of property within executive agencies.

Each executive agency shall, to the maximum extent feasible, reassign property within activities of the agency, including its cost-reimbursement type contractors as described in § 1–3.405 of this title, when such property is determined to be no longer required for the purpose of the appropriation from which it was purchased or the use to which it has been applied, and shall immediately discontinue procurement of items for which such property can be substituted or adapted. A quarterly performance report of such internal property reassignments shall be submitted to GSA on Standard Form 121, Revised, Quarterly Report Utilization and Disposal of Excess and Surplus Personal Property (see § 101–43.4907).

### § 101–43.102–1 Acquisition of office furniture.

Office furniture shall be purchased only after agency compliance with the reassignment requirements in this section and applicable replacement standards. Such items should then be obtained from GSA stores stock or through Federal Supply Schedules pursuant to Part 101–26.

### § 101–43.103 Agency utilization officials.

To promote the maximum utilization of excess personal property, agencies are requested to name national and regional utilization officials who will be responsible, among other things, for promoting the acquisition and profitable use of available excess. It is suggested that wherever possible, the responsibility for training personnel concerned directly or indirectly with the acquisition and use of excess be given to these utilization officials.

### § 101–43.104 Definitions.

As used throughout this Part 101–43, the terms enumerated in this section shall have the meanings set forth in this § 101–43.104.

### § 101–43.104–1 Atomic Energy Commission-controlled materials.

The possession, use, and transfer of certain materials are subject to the regulatory controls of the Atomic Energy Commission, pursuant to the Atomic Energy Act of 1954, as amended. The materials are:

(a) "Byproduct material," meaning any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material (see Atomic Energy Commission Regulation, 10 CFR Part 30);

(b) "Source material," meaning (1) uranium, thorium, or any other material which is determined by the Atomic Energy Commission pursuant to the provisions of the Atomic Energy Act of 1954, as amended, to be source material, or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time (see AEC Regulation, 10 CFR Part 40); and

(c) "Special nuclear material," meaning (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, or (2) any material artificially enriched by any of the foregoing (see AEC Regulation, 10 CFR Part 70).

### § 101–43.104–2 Combat materiel.

Arms, ammunition, and implements of war listed in currently effective designations (22 U.S.C. 1934).

### § 101–43.104–3 Contractor inventory.

(a) Any property acquired by and in the possession of a contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and

(b) Any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of such contract (or subcontract thereunder), prior to completion of the work, for the convenience or at the option of the Government.

### § 101–43.104–4 Electronic data processing equipment.

Electronic data processing (EDP) equipment refers to a machine or a group of interconnected machines which use electronic circuitry to perform arithmetic and/or logical operations under control of internally stored programed instructions. Punched card machines which cannot be electrically interconnected with one or more machines controlled by internally stored programs are excluded.

### § 101–43.104–5 Excess personal property.

Any personal property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

### § 101–43.104–6 Executive agency.

Any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

### § 101–43.104–7 Federal agency.

Any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

### § 101–43.104–8 Holding agency.

The executive agency which has accountability for the property involved.

### § 101–43.104–9 Inspection.

The critical examination of material to verify quantity, determine condition, or to compare actual characteristics with those given in applicable specifications. The term includes laboratory analyses and other technical testing operations which may be required. The term is used in a similar sense with respect to services performed and other stipulated performances in general.

### § 101–43.104–10 Intangible personal property.

Includes but is not limited to such classes of personal property as patents, patent rights, processes, techniques, inventions, copyrights, negotiable instruments, money orders, bonds, shares of stock, and similar evidences of value, except as, in a given case or class of cases, may be excluded by the Administrator of General Services.

### § 101–43.104–11 Materiel.

All items necessary for the equipment, maintenance, operation, and support of governmental activities without distinction as to use for administrative or operational purposes.

### § 101–43.104–12 Narcotics.

The following drugs or preparations thereof: (a) opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves or cocaine; (b) isonipecaine (demarol); (c) any drug found by the Secretary of the Treasury and proclaimed by the President to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine, such as methadon (delephine, adanon) and nisentil; and (d) marihuana (Cannabis Sativa L.).

### § 101–43.104–13 Personal property.

Property of any kind or any interest therein, except real property, records of the Federal Government, and naval vessels of the following categories: battleships, cruisers, aircraft-carriers, destroyers, and submarines.

### § 101–43.104–14 Possessions.

Includes the Virgin Islands, the Canal Zone, Guam, American Samoa, Wake Island, Midway Island, and the Guano Islands, but does not include the Commonwealth of Puerto Rico.

### § 101–43.104–15 Related personal property.

Any personal property:

(a) Which is located on, or is an integral part of, real property, or used or useful in connection with such property or the productive capacity thereof, or

(b) Determined by the Administrator of General Services to be otherwise related to the real property.

§ 101–43.104–16 Salvage.

Personal property that has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect of use for any purpose as a unit (either by the holding or any other Federal agency) and its repair or rehabilitation for use as a unit (either by the holding or any other Federal agency) is clearly impracticable. Repairs or rehabilitation estimated to cost in excess of 65 percent of acquisition cost would be considered "clearly impracticable" for purposes of this definition.

§ 101–43.104–17 Scrap.

Materiel that has no value except for its basic material content.

§ 101–43.104–18 Surplus personal property.

Any excess personal property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services.

§ 101–43.104–19 Trust territory.

Applies to the Trust Territory of the Pacific Islands, which the United States administers pursuant to the trusteeship agreement approved by the President of the United States pursuant to the Act of July 18, 1947 (48 U.S.C. 1681 note).

§ 101–43.104–20 Typewriters.

Manually and electrically operated machines having standard or special keyboards, designed to produce printed characters by impression of type upon paper through the medium of an inked ribbon. It includes the varityper, hektowriter, proportional spacer, flexowriter, justowriter, and portable type machines but does not include bookkeeping, billing, or teletype machines.

§ 101–43.104–21 United States.

In the geographical sense, "United States" means all the States and the District of Columbia.

## Subpart 101–43.2—Utilization of Property Proposed for Processing for Exchange/Sale

§ 101–43.200 Scope of subpart.

This Subpart 101–43.2 prescribes the utilization policies incumbent upon executive agencies exercising the exchange/sale authority granted under section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)).

§ 101–43.201 [Reserved]

§ 101–43.202 Definition.

The term "acquire", as used in this Subpart 101–43.2, means procure, purchase, or obtain in any manner, including transfer, or manufacture, or production at Government-owned or -operated plants or facilities.

§ 101–43.203 General authorization.

Subject to the provisions of this Subpart 101–43.2, executive agencies are hereby authorized, in acquiring replacement personal property within the United States or elsewhere, to exchange or sell similar items and apply the exchange allowance or the proceeds of sale in such cases, in whole or in part payment for the replacement property acquired.

§ 101–43.203–1 Restrictions and limitations.

(a) The application of exchange allowances or proceeds of sale in whole or part payment for personal property acquired is authorized only when all the following conditions apply:

(1) The items sold or exchanged are similar to the items acquired (see § 101–43.203–1(b) for explanation of the word, "similar");

(2) The items sold or exchanged are not excess, and the items acquired are needed in the conduct of approved programs;

(3) The items acquired are to be used (whether or not intended for additional uses) in the performance of all or substantially all of the tasks or operations in which the items exchanged or sold would otherwise be used, but the items acquired need not be the same in number nor used in the same location as the items sold or exchanged (Example: two ½-ton dump trucks may be replaced with one 1-ton dump truck which performs tasks previously requiring the two trucks): *Provided*, That the limitation prescribed in this subparagraph shall not apply with respect to parts or containers; And provided further, That detailed cross reference between old and new items will not be required in the absence of specific requirements of law. In the absence of such cross reference, however, there shall be made available to the General Accounting Office sufficient data to establish that the items acquired were similar to the items exchanged or sold, that any exchange allowances or proceeds of sale applied in whole or part payment for property acquired were in fact available for such application, and that the transaction was otherwise in accordance with the provisions of this § 101–43.203–1;

(4) There has been at the time of exchange or sale (or at time of acquisition if it precedes the sale) a written administrative determination to apply the exchange allowance or proceeds of sale in acquiring property in accordance with this section; and

(5) The transaction will foster the economical and efficient accomplishment of an approved program.

(b) The item of personal property to be exchanged or sold and the item to be acquired shall be deemed similar for the purpose of this section when:

(1) Both fall within any one of the categories listed in § 101–43.4908; or

(2) In the case of personal property not falling within the categories of § 101–43.4908, the item to be acquired is designed and constructed for the same specific purpose as the item to be replaced; or

(3) Both constitute containers for items which are similar within the meaning of subparagraph (2) of this paragraph; or

(4) Both constitute containers for items which are similar within the meaning of subparagraph (1) or (2) of this paragraph.

(c) Items falling within the following categories shall not be eligible for handling under the provisions of this Subpart 101–43.2.

(1) Hand tools.

(2) Hardware, general purpose.

(3) Lumber, millwork, plywood, and veneer.

(4) Furniture, office, household and quarters, hospital, shipboard, and cafeteria located in the United States and its possessions.

(5) Office supplies.

(6) Textiles.

(7) Wearing apparel.

(d) This Subpart 101–43.2 shall not be construed to authorize:

(1) The acquisition of personal property by an executive agency when such acquisition is not otherwise authorized by law.

(2) The acquisition of personal property by an executive agency in contravention of (i) any restriction upon the procurement of a commodity or commodities, or (ii) any replacement policy or standard, prescribed by the President, the Congress, or by the Administrator of General Services.

(3) The purchase or acquisition of personal property otherwise than under a consolidated purchasing or stores program of Federal Supply Schedule contract where procurement under such program or contract is required by regulations or other directives prescribed by the Administrator of General Services. However, an executive agency acquiring an item or items under and in accordance with such program or contract may sell or exchange similar items and apply the exchange allowance or proceeds of sale as provided in this Subpart 101–43.2.

(4) The sale, transfer, or exchange of excess or surplus property in connection with the purchase or acquisition of personal property. However, an executive agency may sell or exchange items originally acquired as excess or surplus from another agency and apply the exchange allowance or proceeds of sale in accordance with this Part 101–43.

(5) The sale, transfer, or exchange of strategic and critical materials, unless such materials at any one location are in lots of less than the minimum quantities specified in Part 101–14, and the agency determines that there is no reasonable prospect of accumulating, within 12 months, the minimum quantities specified in said part.

(6) The sale, transfer, or exchange of Atomic Energy Commission-controlled materials as defined in § 101–43.104 except in accordance with applicable regulations of the Atomic Energy Commission (see 10 CFR Parts 30, 40, and 70).

(7) The sale or exchange of narcotics, except in accordance with Parts 101–44 and 101–45.

(8) The sale of personal property in new or unused condition in connection with the purchase or acquisition of personal property.

(9) The sale, transfer, or exchange of scrap in connection with the purchase or acquisition of personal property.

(e) This Subpart 101–43.2 does not apply to strategic and critical materials which have been accepted for the national stockpile. Materials no longer needed for the stockpile are required to be disposed of in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98b) and Part 101–45.

§ 101–43.204 Agency responsibility.

Executive agencies having property determined to be available for exchange or sale pursuant to this Subpart 101–43.2 shall, to the fullest extent practicable or economical and prior to any disposal action, solicit Federal agencies known to use or distribute such property and arrange for transfers thereto, except that no attempt need be made to obtain further utilization of property which is eligible for replacement in accordance with standards prescribed by GSA. Executive agencies may also exchange similar property with other Federal agencies (including the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership Government corporations).

§ 101–43.204–1 Dangerous property and combat materiel.

(a) No property which is dangerous to public health or safety shall be exchanged or sold pursuant to this Subpart 101–43.2, without first rendering such property innocuous or providing adequate safeguards therefor.

(b) No combat materiel shall be exchanged or sold pursuant to this Subpart 101–43.2 without first demilitarizing such property if such demilitarization is found by a duly authorized official of the executive agency concerned to be in the best interest of public health, safety, or security. Such demilitarization may include rendering such property innocuous, stripping from it any confidential or secret characteristics, or otherwise making it unfit for military use. Demilitarization of property to be exchanged or sold shall be accomplished in such manner as to preserve so far as possible any civilian utility or commercial value of the property.

§ 101–43.205 Reimbursement.

Transfers of personal property under this Subpart 101–43.2 shall be made upon such terms as shall be agreed to by the Federal agencies concerned (including the organizations specified in § 101–43.204). However, agencies offering property for transfer for further utilization within the Government shall not in any case require reimbursement of an amount greater than the best estimate of the gross proceeds if the property were to be sold on a competitive bid basis. Funds shall be transferred in accordance with such terms, and the exchange allowance or other proceeds of transfer shall be applied in whole or part payment for personal property acquired. Funds transferred as representing the difference in value between items which are exchanged shall be deposited to miscellaneous receipts by the transferee agency unless (1) other disposition is authorized by law or (2) acquisition of items in addition to the items received in exchange is required for the performance of the tasks or operations in which similar items exchanged would otherwise have been used.

§ 101–43.205–1 Books and periodicals.

Notwithstanding any other provision of this Subpart 101–43.2, executive agencies may exchange, without monetary appraisal or detailed listing or reporting, books and periodicals in their libraries not needed for permanent use for other books and periodicals.

§ 101–43.206 Records.

Executive agencies shall prepare and maintain such records as will show full compliance with the provisions of this Subpart 101–43.2 and with section 201(c) of the Federal Property Act (40 U.S.C. 481(c)).

## Subpart 101–43.3—Utilization of Excess

### § 101–43.301 Federal Government procedure.

The first source of supply is excess personal property, which should be utilized by agencies to the fullest extent practicable, as prescribed in this Part 101–43. Any need for personal property expressed by any Federal agency (including the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act) shall be paramount to any disposal, if such need is made known to the holding agency prior to shipment or delivery in the case of donation, or prior to an award in the case of sale.

### § 101–43.302 Agency responsibility.

(a) In order to obtain maximum utilization and minimize the procurement of new items, each executive agency shall be responsible for making excess property available and facilitating the transfer of the property to other Federal agencies, to its cost-reimbursement type contractors, and to the organizations specified in § 101–43.315. The transfer of excess property to a cost-reimbursement type contractor shall be made only by the agency administering the contract. Each executive agency shall, to the maximum practicable extent, fulfill its requirements for property, including those of its cost-reimbursement type contractors, by obtaining excess from other Federal agencies in lieu of new procurement.

(1) Prior to procurement of new property, careful and receptive consideration shall be given to utilization of known usable excess property of a similar type, including the possibility of substitution or adaptation of excess items not identical with requested items, whether the excess items are unused, rehabilitated, or in used condition, and regardless of whether the intended new procurement would be from GSA stores stock or other sources of supply. Executive agencies shall accept, to the fullest extent practicable, the reasonable substitution of such excess property in lieu of new procurement.

(2) GSA will assist agencies in meeting their requirements for property of the types excepted from reporting as excess by this Part 101–43. Federal agencies requiring such property should contact the appropriate GSA regional office as indicated by § 101–43.4903. GSA area utilization officers, stationed at key military excess generating points throughout the United States, are screening and offering nonreported personal property as it becomes available for transfer.

(b) To implement the policy for maximum utilization of excess personal property, as outlined in paragraph (a) of this § 101–43.302, the regional offices of the GSA will screen all requests for replenishment of stores stock and direct delivery purchase requests submitted by executive agencies against lists of excess personal property available in their respective regions.

(1) GSA may take physical custody of such excess personal property for redistribution, or may direct its transfer to executive agencies in lieu of procurement of new property from commercial sources of supply. If the excess property is used, rehabilitated, or differs in some substantial characteristic from the item ordered, notice of intent to substitute will be given the ordering agency to permit such agency the opportunity to inspect the property prior to shipment.

(c) Acceptance of excess property under the above circumstances shall be required unless the using agency submits a full and convincing written justification that such transfers or substitutions would result in serious hardship or impairment to its operations programs.

(d) Part 101–27 prescribes standards for executive agencies in computing inventory levels. To encourage the use of excess property which might otherwise be disposed of as surplus, inventory levels may be adjusted upward when items of stock are to be acquired from excess sources. Such adjustments should be tempered by caution and arrived at after careful analysis which gives consideration to the factors set forth in Part 101–27 and in this Part 101–43. Generally, acquisitions of items for inventory from excess shall not exceed a two years' supply except when:

(1) A greater quantity is needed to meet known requirements for an authorized planned program.

(2) The item is not available without special manufacture and a predictable requirement exists.

(3) Administrative determination has been made that in application of the EOQ principle of stock replenishment within an agency an inventory level in excess of two years is appropriate for low dollar-volume items.

(4) The items are being transferred into authorized stock funds for resale to other Government agencies.

(5) In addition, the following conditions should be met prior to acquisition of excess:

(i) There must be a predictable requirement for an authorized program.

(ii) The cost of acquisition, including packing and shipping, carrying in inventory, and preservation shall not exceed delivered cost of new material.

(iii) The supply acquired does not exceed the expected shelf life, considering condition at time of acquisition.

(iv) The supply of spare parts acquired shall not exceed the life expectancy of the equipment supported.

### § 101–43,303 Suspension of procurement.

The Administrator of General Services may, as circumstances warrant, suspend the initiation of procurement for new items of property when these same items, or those which can be substituted or adapted for them, are available from excess property.

### § 101–43.303–1 Acquisition of mercury.

(a) Executive agencies of the Federal Government are prohibited from purchasing mercury in quantities of 76 pounds or more from commercial sources without prior clearance from GSA.

(b) Mercury, prime, virgin, 99.9 percent pure (not triple distilled), in 76 lb. flasks, with unit acquisition cost of $235.60 per flask, is available for transfer from AEC excess personal property with reimbursement at fair-market value.

(1) Requests for the mercury shall be made on Standard Form 122, Transfer Order Excess Personal Property, submitted in quadruplicate to the General Services Administration, Utilization and Disposal Service, Personal Property Division, 1776 Peachtree Street NW., Atlanta, Ga., 30309. Orders will show the holding agency as the U.S. Atomic Energy Commission, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn., Attention: R. H. Miller. The unit of issue is 76 lb. flask.

(2) Requests for clearance to purchase quantities of 76 pounds or more from other sources than the U.S. AEC submitted to GSA's regional office, Atlanta, Ga., will receive prompt review provided such requests are accompanied by a statement of the reasons that make the available excess mercury unsuitable for the purposes of the requesting agency. Requesting agencies will be notified as to the approval or disapproval of such requests.

### § 101–43.304 Retention of custody.

GSA may direct the holding agency to retain custody of excess property, or order custody of whole or part transferred to other executive agencies, with their consent.

### § 101–43.305 Strategic and critical materials; excess related personal property.

With respect to strategic and critical materials, and excess related property, this Part 101–43 shall apply to them only to the extent not precluded by the provisions of Part 101–14 and Part 101–47, respectively.

### § 101–43.306 Property not required to be reported.

Excess property which is not required to be reported to GSA is nonetheless a valuable source of supply for Federal agencies. Regional offices and area utilization officers of GSA are responsible for local screening of such property, for making it available to Federal agencies, and for consummating its expeditious transfer to such agencies. Federal holding agencies shall cooperate with GSA representatives in making information available and in providing access to their nonreportable excess property. To the extent such property is not covered by the utilization screening processes of GSA, executive agencies shall make reasonable efforts to obtain utilization among Federal agencies of that property having utilization potential. In the case of narcotics, this solicitation shall be limited to those agencies shown in § 101–43.309.



### § 101–43.307 Legislative and judicial Federal agencies.

Federal agencies in the legislative and judicial branches are encouraged to report and transfer excess property and fill their requirements from excess property of other Federal agencies, in accordance with the provisions of this Part 101–43. In reporting property as excess, each Federal agency shall comply with the provisions of this Part 101–43.

### § 101–43.308 Assistance in major disaster relief.

In accordance with instructions of the Director, Office of Emergency Planning, or of any officer of his agency designated by him, excess property shall be utilized in behalf of or loaned to States and local governments, with or without compensation therefor, pursuant to the Act of September 30, 1950 (42 U.S.C. 1855 et seq.), and Executive Order No. 10427 of January 16, 1953, as amended, Executive Order No. 10737 of October 29, 1957, as amended, and Executive Order No. 11051 of September 27, 1962 (3 CFR), to provide assistance to such States and local governments in alleviating suffering and damage resulting from major disasters. Excess medicines, foods, and other consumable supplies may be distributed to States and local governments for such purposes. In the event such property has been reported to GSA pursuant to § 101–43.311, it shall be withdrawn by the holding agency pursuant to § 101–43.314.

### § 101–43.309 Narcotics.

Holding agencies shall arrange for transfers in accordance with § 101–43.315–5. In effecting the utilization of excess narcotic drugs, the holding agencies shall solicit only the following Federal agencies and may transfer excess narcotics to these agencies only:

(a) Department of Defense;

(b) Veterans Administration;

(c) Department of Health, Education, and Welfare;

(d) Office of Territories, Department of the Interior; and

(e) Such other Federal agencies as may be designated by the Administrator of General Services in special cases.

### § 101–43.310 [Reserved]

### § 101–43.311 Reporting requirements.

### § 101–43.311–1 Reporting.

Except as set forth in § 101–43.312, excess personal property shall be reported promptly as provided in this § 101–43.311–1 and in accordance with the Federal Supply Classification Groups and Classes contained in § 101–43.4901. Full descriptions will be used, when available. In the absence of such descriptions, adequate commercial descriptions will be furnished. Whenever possible, Federal stock numbers should be provided as part of the description. It is especially important that the excess property report reflect the true condition of the property as of the date it is reported excess, through assignment of the appropriate code designation, as defined in § 101–43.4902–1.

### § 101–43.311–2 Form and distribution of reports.

Reports of excess property shall be made on Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet (see §§ 101–43.4902 and 101–43.4902–2), in accordance with the instructions in § 101–43.4902–1. Reports to GSA shall be submitted in original and three copies to the appropriate GSA regional office for the region in which the property is located (see § 101–43.4903), except that reports of excess standard forms, and samples of such forms shall be submitted to the General Services Administration Region 3, Federal Supply Service, Washington, D.C., 20407, in accordance with Part 101–26 of this chapter.

### § 101–43.311–3 Typewriters.

Typewriters shall not be included on Standard Form 120 with any other personal property and the following additional descriptive information shall be provided: make, model, type (standard, silent, noiseless, portable, or electric), carriage width, typeface, and serial number.

### § 101–43.311–4 Excess personal property on or within excess real property.

Excess related personal property shall be reported to GSA in accordance with Part 101–47 of this chapter. Excess personal property, other than related personal property, which may be located on or within excess real property, is governed by this Part 101–43. The fact of location on excess real property shall be noted on the report.

### § 101–43.311–5 Property at installations due to be discontinued.

Executive agencies that have installations which are due to be discontinued, closed, or abandoned and at which there will be excess personal property shall, unless inadvisable in the interest of national security, give advance notice of such situations as early as possible by letter to the appropriate GSA regional office. In such cases, agencies shall identify the installation to be discontinued, and provide the scheduled date for the removal of personnel from the location, and the last date when the personal property will be needed. As soon as possible after filing the advance notice, the excess personal property shall be reported in accordance with this § 101–43.311 to provide time for screening for Federal utilization and donation purposes. Seventy-five days are usually required.

### § 101–43.312 Exceptions to reporting.

Unless otherwise directed by GSA, the following excess property shall not be reported:

(a) Perishables, defined for the purposes of this section, as any foodstuffs which are subject to spoilage or decay;

(b) Property dangerous to public health and safety;

(c) Scrap and/or salvage, provided the property strictly conforms to the definitions for scrap and/or salvage (§ 101–43.4902–1).

(d) Property determined by competent authority to be classified for reasons of national security;

(e) Other items excepted from reporting as listed in § 101–43.4901;

(f) Otherwise reportable property which, prior to reporting as required in § 101–43.311, is transferred directly between Federal agencies to fill a known need; and

(g) Trading stamps.

### § 101–43.313 Items requiring special handling.

### § 101–43.313–1 Narcotics.

All excess narcotic drugs may be determined to be surplus by the holding agency without reporting as excess, after such agency has complied with the utilization requirements of §§ 101–43.102 and 101–43.309.

### § 101–43.313–2 Printing, binding, and blankbook equipment and supplies.

Excess machinery, equipment, material, and supplies for printing, binding, and blankbook work should be reported to the Public Printer for possible transfer, as provided in section 3 of the Act of July 19, 1919 (44 U.S.C. 59), prior to reporting to GSA.

### § 101–43.313–3 Intangible property.

Excess intangible property shall be reported to the General Services Administration, Utilization and Disposal Service, Washington, D.C., 20405, and shall not be transferred or disposed of without prior approval of GSA, except that bonds, notes, or other securities authorized to be disposed of by the Secretary of the Treasury under section 5 of the Act of April 3, 1945 (31 U.S.C. 741a), shall not be reported to GSA.

### § 101–43.313–4 Conditional gifts.

(a) Any agency receiving an offer of a conditional gift (other than money or intangible property) for a particular defense purpose within the purview of the Act of July 27, 1954 (50 U.S.C. 1151–1156), shall notify the appropriate regional office of GSA and shall submit a recommendation as to acceptance or rejection of the gift.

(b) Prior to such notification, the receiving agency shall acknowledge receipt of the offer and advise the donor of its referral to a GSA regional office but should not indicate acceptance or rejection of the gift on behalf of the United States. A copy of the acknowledgment shall accompany the notification and recomendation to the regional office.

(c) When the gift is determined to be acceptable and it can be used in the form in which offered, it will be transferred without reimbursement to a Federal agency designated by GSA for use for the

particular purpose for which it was donated.

(d) If the gift is one which GSA determines shall be converted to money, the funds, after conversion, will be deposited with the Treasury Department for transfer to an appropriate account which will best effectuate the intent of the donor, as provided in Treasury Department Circular No. 957, dated February 24, 1955.

(e) Such conditional gifts of property will be accepted or rejected on behalf of the United States or transferred to an agency by GSA only after consultation with the interested agencies.

(f) GSA will advise the donor and the agencies concerned of the action taken with respect to acceptance or rejection of the conditional gift and of its final disposition.

(g) The provisions in this § 101–43.-313–4 are applicable only to the acceptance of gifts under the provisions of the Act of July 27, 1954 (50 U.S.C. 1151–1156).

**§ 101–43.313–5 Electronic data processing equipment.**

(a) This § 101–43.313–5 provides for: (i) maximum utilization of Government-owned personal property; and (ii) achievement of economic advantages available to the Government through the purchase and continued use of electronic data processing (EDP) equipment previously leased by the Government. This § 101–43.313–5 prescribes requirements for reporting Government-owned and -leased equipment which is either excess or available for exchange or sale pursuant to Parts 101–43 and 101–45, and prescribes policy and procedures for transfer of such EDP equipment for further Federal use.

(1) The provisions of this § 101–43.313–5 are applicable to all electronic data processing equipment capable of performing those applications listed in the Code Sheet for Applications, Attachment A of Bureau of the Budget Circular No. A–55 (Revised) of November 15, 1963, when such equipment is either Government-owned or -leased. Included in this section is general purpose commercial type equipment that is a part of a weapons system or used in research, development, test, and evaluation, or classified programs. However, specialized equipment designed for use exclusively in the foregoing systems or programs is excluded.

(2) Government-wide policy for the selection and acquisition of Automatic Data Processing (ADP) equipment is contained in Bureau of the Budget Circular No. A–54. Consistent with the policy contained therein, executive agencies shall acquire available Government-owned or -leased electronic data processing equipment in lieu of purchase or lease from sources outside of the Government of new or used equipment where technically feasible and determined economically advantageous to the Government.

(b) Reporting property by owning or leasing agencies:

(1) Most agencies can predict planned replacement dates a year or more in advance of replacement. Some maintain centralized records of the status of all owned and leased EDP equipment. Written notice of planned replacements, by letter or other means, will greatly assist GSA in later efforts to obtain utilization among other Government agencies for this equipment. All advance notices submitted to GSA should contain as much information as is considered essential to determine effectively future utilization potential. When the status of such equipment changes, notification to this effect should be submitted on a situational basis, or reports of the status of all previously reported planned replacements or new planned replacements may be submitted quarterly.

(2) When an agency has determined the release date for EDP equipment being replaced, or considered excess to its needs, that fact shall be reported to GSA on Standard Form 120, Report of Excess Personal Property. The report shall be submitted at the earliest practicable date and, in any event, no later than 120 days prior to the anticipated release date. Specific reference to the advance notification previously furnished to GSA shall be made. The release date may be indicated as tentative if necessary. When a firm release date is established, or a previously reported firm release date is changed, this fact shall be reported by submission of a revised Standard Form 120. The basic Standard Form 120 report, in original and three copies, shall include the following:

(i) A complete listing of each equipment item identified by manufacturer's series and model number or other identification, as applicable, and a complete listing of modifications and attachments applied to each component. With each component listed there shall be an indication as to whether it has been purchased, leased, or leased with an option to purchase. If leased with option to purchase, and the option has not been exercised, the time available in which it may be exercised shall be reported. Also, since the reporting agency is in the best position to determine the acquisition cost to the Government at the time leased equipment will be released, such information shall be obtained from the supplier and reported. In addition, for each machine listed, the time in service and average down time per month for a twelve month period immediately preceding the report shall be reported on an attachment to the Standard Form 120.

(ii) An attachment that will indicate applications for each machine utilizing the application code contained in Attachment A of BOB Circular A–55. If no code is determined to be applicable, then a brief narrative statement of machine applications should be included. In the instance of a complete equipment configuration, the report shall include information regarding power and air-conditioning requirements. Also the attachment shall include a listing of compilers and other software packages (such as executive routines), and a listing of engineering drawings and maintenance manuals available with the equipment and indicate the availability of maintenance, supplies, and spare parts.

(iii) The notation "Exchange/Sale Property" prominently displayed on the face of the SF 120 in those instances where the reporting agency is releasing Government-owned equipment for the purpose of replacement and plans to employ the exchange/sale provisions of Parts 101–43 and 101–45.

(3) In consideration of the time factors involved, agencies, particularly large ones, may elect to forego any canvass of other internal EDP needs and to request that GSA perform this service simultaneously with its canvass of the requirements of other agencies. In such instances, GSA will direct its catalogs and bulletins to those addressee offices within the reporting agency supplied by the reporting agency. Any needs of the reporting agency will be given priority over those of other agencies for a reasonable period of time. This reasonable period will be established by GSA in collaboration with the agencies involved.

(4) If, after submission of a Standard Form 120, an agency determines that the equipment will still be required and intends to continue the use, continue the lease, or exercise a purchase option and retain said equipment, notification to this effect shall be immediately submitted to GSA on an appropriately noted SF 120 in order to prevent unnecessary expense to other agencies in attempting to obtain utilization of the property.

(c) The Utilization and Disposal Service, GSA, will circularize catalogs and bulletins to all Federal agencies, including the reporting agency, advising of the availability of the equipment by transfer, by purchase from the supplier at reduced prices to be agreed upon by the requiring agency and the supplier, or by exercise of the purchase option contained in the leasing agency's contract. Price information will be included in catalogs and bulletins, when available, but final pricing on Government-owned equipment will normally be arrived at in accordance with § 101–43.313–5(d).

(1) Catalogs will be released by GSA for distribution on or before the fifteenth day of the first month of each calendar quarter, listing all equipment available for transfer as of the last day of the preceding quarter. Bulletins will be issued to update the most recent catalog publication.

(2) Executive agencies shall: (i) provide GSA with quantitative requirements and/or distribution lists for catalogs and bulletins; (ii) take steps to insure expedited distribution of catalogs and bulletins internally; and (iii) inform all appropriate officials in the agency concerning the use and applicability of the catalogs and bulletins.

(d) In the case of Government-owned equipment, transfers shall be governed by the fair value reimbursement provisions of § 101–43.315, which means that in most instances transfers between agencies will be without reimbursement of fair value. However, when replacement is involved, and the owning agency plans to employ the exchange/sale provisions of Parts 101–43 and 101–45, and so annotate the report, then reimbursement will be required of the acquiring agency in accordance with the criteria set forth in § 101–43.205, except that reimbursement will be at least equal to the trade-in value as stipulated in the Federal Supply Schedule contract, or otherwise allowed by the supplier.

(e) The costs of care and handling of owned or leased equipment prior to the release date stated by the holding agency on the SF 120, including movement and temporary storage, shall be borne by the holding agency. Any costs directly involved for temporary storage incurred subsequent to the stated release date may be billed to the acquiring agency provided that the date of original submission of the SF 120 to GSA was at least 120 calendar days in advance of the release date stated in that declaration. The obligation rests with the acquiring agency to make arrangements with the holding agency whenever physical transfer of the equipment to the acquiring agency cannot be completed immediately after the stated release date and temporary storage by the holding agency is therefore required. All other costs incident to transfer shall be borne in accordance with § 101–43.317–1.

(f) When an executive agency has developed systems specifications, as required by BOB Circular A–54, and has determined its equipment requirements, it will screen information catalogs and bulletins furnished by GSA to determine the availability of equipment or components to meet its specifications. Each requiring agency shall acquire, where economically and technically feasible, the items offered through the circularization media referred to in § 101–43.313–5(c) in lieu of leasing or purchasing new or used equipment from commercial sources. In making its determination pursuant to § 101–43.313–5(a)(2) relative to the offered equipment, appropriate consideration shall be given to operational suitability, installation time requirements, budgetary implications, and economic factors. In instances where no suitable used equipment appears to be available, study should be made to determine the feasibility of modifying available used items, or adding peripheral equipment, to meet specifications. When the information listed in a GSA catalog or bulletin is not sufficient to make a determination, further information may be obtained by contacting the holding agency or the GSA office set forth in this § 101–43.313–5. Since planning for obtaining EDP equipment considerably precedes actual procurement, agencies are cautioned to screen continuously the GSA catalogs and bulletins until a firm contract to purchase or lease new equipment has been let.

(1) Agencies desiring to acquire owned or leased equipment will submit a Standard Form 122, Transfer Order Excess Personal Property, to GSA in an original and three copies. (See § 101–43.4906–1 for instructions for preparation of the SF 122.)

(2) When an agency, after consideration in accordance with this § 101–43.313–5(f), has determined that acquisition of the offered equipment, if it is identical or substantially similar to equipment required, is not in the best interest of the Government, it shall place in its official records a written statement setting forth the basis for its decision.

(g) When a Standard Form 122 is received in accordance with § 101–43.313–5(f)(1), GSA will notify the releasing agency. The following actions will then be taken:

(1) The releasing agency shall notify the supplier in writing of the intention of the requiring agency to further utilize the equipment when it is wholly owned by the Government and a maintenance agreement with the supplier is in effect, when it is leased, or when it is leased with option to purchase. This communication will indicate the name of the requiring agency and will state that the requiring agency will contact the supplier. Copies of this correspondence will be furnished the requiring agency and GSA.

(2) When the requiring agency receives a copy of the releasing agency's notice to the supplier, the requiring agency shall contact the supplier to establish a firm purchase agreement, if applicable, and/or support agreements. Copies of key correspondence and agreement documents shall be furnished GSA and the releasing agency. In the instance where equipment being acquired is Government owned and maintained, the requiring agency shall take the necessary action to effect transfer as set forth in § 101–43.315–5.

(h) No executive agency shall exchange or sell electronic data processing equipment under the exchange/sale provisions of Parts 101–43 and 101–45 of this chapter until the items have been reported and released in accordance with the provisions of this § 101–43.313–5.

(1) Equipment reported in accordance with § 101–43.313–5(b)(2), will remain available for transfer until the release date specified on the Standard Form 120 has been reached at which time it is automatically released to the owning agency for appropriate disposition.

(2) Reports prescribed by this § 101–43.313–5 shall be addressed to General Services Administration, Utilization and Disposal Service, Office of Personal Property, Utilization Division, Washington, D.C., 20405.

**§ 101–43.313–6 Trading stamps.**

Trading stamps are exempted from reporting to GSA as excess intangible personal property pursuant to § 101–43.312. Executive agencies in a position to receive trading stamps should establish such internal procedures for handling trading stamps as will result in the least administrative burden or cost. Such procedures should provide for a minimum of administrative and accounting controls.

(a) Arrangements for redemption by the lowest appropriate organizational level should be made where redemption of trading stamps by the procuring agency is practical and in the best interest of the Government.

(b) Arrangements for transfer, without reimbursement or accountability, to a nearby Federal hospital or similar institution operated, managed, or supervised by VA, DHEW, or DOD, should be made where the procuring agency has no need for trading stamps received, provided it has been ascertained that the proposed recipient is prepared to receive and utilize such trading stamps.

(c) Other Federal agencies are encouraged to adopt these procedures.

**§ 101–43.313–7 Atomic Energy Commission-controlled materials.**

Atomic Energy Commission-controlled materials, defined in § 101–43.104, are exempted from reporting to GSA as excess personal property. Transfers of such materials shall be made in accordance with applicable regulations of the AEC (see 10 CFR Parts 30, 40, and 70).

**§ 101–43.314 Withdrawals and corrections.**

**§ 101–43.314–1 Withdrawals.**

Requests for withdrawals shall be addressed to the GSA regional office to which the report of excess property was forwarded. Disposition of property shall not be made until after approval of withdrawal is received from GSA except in cases involving the physical transfer of property for purposes of major disaster relief. This will enable the GSA regional offices to provide firm listings of excess property and assure agencies that property selected is available. It will preclude the expense of inspection and preparation of correspondence and transfer documents on property to be withdrawn and will assist in providing a uniform and orderly program for the utilization of excess property.

**§ 101–43.314–2 Corrections.**

Corrected reports of excess property shall be submitted to the appropriate GSA regional office for necessary action.

**§ 101–43.315 Transfers of excess property.**

**§ 101–43.315–1 Agencies eligible.**

Transfers of excess personal property may be made among Federal agencies (which include wholly owned Government Corporations), to cost-reimbursement type contractors, and to the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, mixed-ownership Government corporations as defined in the Government Corporation Control Act (31 U.S.C. 841), the municipal government of the District of Columbia, or non-Federal agencies for which GSA procures, such as State forestry activities engaged in forest fire control, or Soil Conservation Districts.

**§ 101–43.315–2 Information of availability.**

There are several methods of obtaining reliable information regarding the availability of excess property. Agencies are encouraged to inspect or arrange for inspection of excess property, prior to placing an order, as a means of verifying description and condition. GSA regional



No. 232—Pt. II——7

offices will make such inspection, upon request, to the extent of available manpower resources.

(a) Personal contact with GSA or the holding installation;

(b) Review of excess property catalogs and bulletins circularized by GSA;

(c) Submission of property requirements to the GSA regional offices, using GSA Form 1539, Request for Excess Personal Property; see § 101–43.4905 for instructions about acquisition and use of the form;

(d) Examination and inspection of reports and samples of excess property assembled for this purpose in GSA regional offices.

**§ 101–43.315–3 Fair value reimbursement.**

(a) All transfers of excess personal property shall be without reimbursement of fair value (the costs specified in § 101–43.317 will be chargeable to the transferee agency), except that such reimbursement shall be required when:

(1) The property transferred was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue or receipts and payment of fair value is requested. It is the current policy of the executive branch of the Government that transfers of working capital fund property shall be without reimbursement.

(2) Either the transferor or the transferee agency (or the organizational unit affected) is a wholly owned or a mixed-ownership Government Corporation as defined in the Government Corporation Control Act (31 U.S.C. 841), is the municipal government of the District of Columbia, or is a non-Federal agency when the function of a Federal agency authorized to procure for it is transferred to the General Services Administration. (See § 101–43.4905 for List of Government Corporations.)

(3) Reimbursement is directed by GSA.

(b) The fair value of excess property transferred with reimbursement pursuant to this § 43.315–3 shall be determined by the holding agency in accordance with the following formula:

| Fair value code | Explanation | Percentage of original or estimated acquisition cost |
|---|---|---|
| A | New or unused personal property falling in condition code designations N–1 and N–2 (see § 101–43.4902). | 20 |
| B | All other personal property | 0 |

(c) Where application of the above formula will not achieve the intended purpose because of special circumstances or the peculiar nature of the property, the holding agency may use other criteria for arriving at fair value if approved or directed by GSA. Where circumstances warrant, and the agencies concerned agree thereto, fair value prices higher than those arrived at by use of the formula specified in this § 101–43.315–3 may be used.

(d) Disagreement between agencies as to the fair value shall be referred for final determination to the Regional Administrator, GSA, for the region in which the property is located, or his designated representative.

**§ 101–43.315–4 Transfer for redistribution.**

(a) Any organizational unit of GSA authorized to perform redistribution functions is authorized to make necessary arrangements for the transfer to it for redistribution of available excess property in the custody of any Federal agency.

(b) Items reported as excess and determined by GSA to be suitable for redistribution within the Federal Government may be taken into physical custody by GSA and redistributed through an authorized organizational unit or, when notified, shall be retained by the holding agency until such time as redistribution is directed by GSA.

(c) Items which are identical to or can be substituted for items listed in GSA Stores Stock Catalog shall be supplied to agencies through the stores program of GSA at prices to be determined by GSA.

(d) To assure maximum redistribution of items available from excess, GSA may require from time to time that all orders for such items be forwarded to a GSA regional office until excess stocks are exhausted.

**§ 101–43.315–5 Procedure for effecting transfers.**

(a) All transfers of excess personal property between Federal agencies shall be accomplished by use of Standard Form 122, Transfer Order Excess Personal Property (see § 101–43.4906). Each transferee agency shall forward the original and three copies of SF 122 to the appropriate GSA regional office (see § 101–43.4903) for approval. Such prior approval need not be obtained where the property involved in the given transaction is:

(1) Reportable under § 101–43.311 but has not yet been reported to GSA and its total acquisition cost does not exceed $1,000, and the owning agency's regulations relative to internal redistribution have been satisfied; or

(2) Nonreportable under § 101–43.311 and has not been reserved at the holding location for special screening by the appropriate GSA regional office.

(3) An information copy of each direct transfer order shall be furnished by the transferee agency to the appropriate GSA regional office within ten days from the date of the order.

(b) Transfer order shall be completed in accordance with the example (§ 101–43.4906).

(c) When articles are offered for transportation, the condition of the articles shall be shown on the bill of lading. In order that the Federal Government may obtain the most economical rates for the movement of excess personal property in other than new condition, particular attention shall be given to the use of the appropriate classification description as required by carriers' tariffs.

(d) In approving transfer orders, GSA will take into consideration national defense requirements, emergency needs, equitable distribution, transportation costs, and other appropriate factors. If there are no other compelling factors, transfer order will be approved on a "first come, first served" basis.

(e) A copy of each approved or disapproved transfer order will be returned to the ordering agency by GSA regional office with appropriate notation. Two copies of approved orders will be appropriately noted and transmitted by the GSA regional office to the holding agency for transfer action. Any billing by the holding agency shall be accomplished in accordance with § 101–43.317.

(f) (1) If the transfer order does not contain complete shipping instructions, the transferee agency is required to transmit these to the holding activity within 15 days after receipt of the transfer order by the holding activity in the case of domestic shipments, or 45 days in the case of export shipments. The holding activity will communicate failure to receive such shipping instructions to the GSA regional office which approved the transfer.

(2) If the transfer order indicates the property is to be picked up by the transferee agency, this action must be accomplished within 20 days from the time such agency is notified by the property custodian that the shipment is ready. The holding activity will communicate with the GSA regional office concerning the failure of the transferee agency to pick up property within the allotted time.

(g) Whenever a transfer order covers excess property which has deteriorated materially below the reported condition, the holding agency shall advise the GSA regional office of its current condition. The GSA regional office will so advise the ordering agency. Shipment will not be made until the ordering agency has advised the GSA regional office that the existing condition is acceptable, and the GSA regional office has so advised the holding agency.

(1) Holding activities will carry out shipping instructions within 20 days from receipt or make property available for pickup promptly.

(2) If the holding activity is unable to ship or deliver as required, the ordering activity must be advised of the reason for delay and scheduled shipping or delivery date.

**§ 101–43.315–6 Report on condition and description.**

Transferee Federal agencies are encouraged to advise the appropriate GSA regional office of instances in which the condition or description of excess items they acquired was improperly reported to them. This action shall not be taken when the items involved were inspected by the transferee agency.



**§ 101–43.316 Contractor inventory.**

Subject to the limitations contained in this Part 101–43, and Parts 101–44 and 101–45, any executive agency may authorize any of its contractors or their subcontractors to retain or dispose of any contractor inventory under such orders as such agency may prescribe.

**§ 101–43.316–1 Utilization.**

(a) Each executive agency shall provide for use of contractor inventory within such agency to the maximum extent feasible, prior to retention or disposal by a contractor. In addition, each executive agency shall comply with the utilization requirements and procedures in Part 101–43 with respect to the following types of contractor inventory:

(1) Typewriting machines; office furniture, machines, equipment, and supplies; motor vehicles and automotive equipment; printing and binding equipment; construction equipment (except hand tools); and all items included in the GSA Stores Stock Catalog.

(2) Types of property for which known requirements exist either in the contracting agency or other Federal agencies. Contractors shall be kept currently advised by the contracting agency of such types.

(3) Excess property, the quantity or dollar amount of which is substantial, in accordance with criteria established by each agency, or as may be directed from time to time by GSA.

(4) Atomic Energy Commission—controlled materials.

(5) Narcotics.

(6) Intangible personal property.

(7) Strategic and critical materials.

(8) Such other types of property as may, from time to time, be designated by GSA.

(b) In the case of contractor-owned contractor inventory, compliance with the utilization requirements and procedures in Part 101–43 with respect to the categories in § 101–43.316–1 should ordinarily occur prior to the Government's exercising the applicable option to take over such property. When utilization efforts disclose that an agency will accept transfer of such property, the appropriate agency shall take the necessary action to acquire title for the Government.

**§ 101–43.317 Costs and proceeds.**

**§ 101–43.317–1 Cost of care and handling.**

Each holding agency shall be responsible for and bear the costs of performing care and handling of excess pending disposition. The direct costs incurred incident to the transfer shall be borne by the transferee agency. Overhead or administrative costs or charges shall not be included. Only costs incurred in the actual packing, preparation for shipment, and loading may be recovered by the holding agency; and where such costs are incurred, they shall be reimbursed by the transferee agency upon appropriate billing, unless the holding agency waives the amount involved as being uneconomical or impracticable to collect. For example, collection of amounts of $15 or less where a transaction is otherwise without exchange of funds would appear uneconomical.

In those cases where reimbursement for fair value is to be made, the fair value proceeds shall be deposited in the Treasury to miscellaneous receipts or the appropriate agency account by the transferee agency with a copy of the deposit action furnished the agency determining the property to be excess.

**§ 101–43.318 Determination of excess as surplus.**

**§ 101–43.318–1 Reportable property.**

Excess property reported to GSA, and not transferred to other agencies, shall be deemed surplus only when released by the Administrator of General Services. Property so reported will be released for disposal as surplus at the earliest possible time consistent with utilization objectives.

**§ 101–43.318–2 Nonreportable property.**

Executive agencies having property not required to be reported shall, after screening for a reasonable time in accordance with § 101–43.306 and finding no need for such property, determine it to be surplus.

**§ 101–43.318–3 Donation and sale of surplus property.**

Property determined to be surplus in accordance with § 101–43.318 shall not be offered for sale until a period of 15 calendar days has been afforded for donation program screening, in accordance with Part 101–44.

**§ 101–43.319 Performance reports.**

A quarterly performance report of the utilization of excess property shall be submitted to GSA on Standard Form 121, Revised, Quarterly Report of Utilization and Disposal of Excess and Surplus Personal Property (§ 101–43.4907).

## Subpart 101–43.4—Utilization of Abandoned and Forfeited Personal Property

### § 101–43.400 Scope of subpart.

This Subpart 101–43.4 prescribes the policies and methods for the utilization and transfer within the Government of abandoned and forfeited personal property which may come into the custody or control of any Federal agency in the United States, Puerto Rico, and the Virgin Islands. Such property located elsewhere shall be utilized and transferred in accordance with the regulations of the agency having custody thereof.

### § 101–43.401 Definitions.

As used in this Subpart 101–43.4, the following terms have the meanings set forth in this § 101–43.401.

(a) "Distilled spirits": Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof.

(b) "Forfeited": Forfeitures, whether by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States.

(c) "Malt beverage": A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(d) "Property": All personal property, including but not limited to vessels, vehicles, aircraft, and alcoholic beverages.

(e) "Regional Administrator": General Services Administration, Region 3, Regional Administrator, Washington, D.C., 20407.

(f) "Wine": (1) Wine as defined in Sections 5381 and 5385 of the Internal Revenue Code of 1954 (26 U.S.C. 5381, 5385), as now in force or hereafter amended, and (2) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.

### § 101–43.402 Sources of property available for utilization.

Property available for utilization under this § 101–43.402 may result from property which has been abandoned to any Federal agency, in such a manner as to vest title to the property in the United States, and property which has been seized by an authorized agency of the Government and forfeited.

### § 101–43.403 Custody of property.

GSA generally will not take possession of property that is forfeited or abandoned. Holding agencies shall retain custody of and be responsible for the property until it is delivered or shipped to a duly authorized receiving Federal agency, or otherwise disposed of after release by the Regional Administrator.

(a) In the case of forfeiture of any firearms subject to disposal under the Internal Revenue Code of 1954, GSA will take custody of such firearms, or direct the disposition thereof (including retention for official use by the Treasury Department at the written request of the Secretary of the Treasury or his delegate), upon receipt of the report thereon required pursuant to § 101–43.406.

(b) GSA will take possession of forfeited or abandoned property it acquires for redistribution.

### § 101–43.404 Cost of care and handling.

Each holding agency shall be responsible for performing care and handling of abandoned and forfeited personal property pending disposition. If cost of storage, towing, care, handling, or transportation of property has been paid by the Federal agency which has custody thereof, any subsequent transferee agency should be advised as to such costs in advance of transfer; and such transferee agency shall reimburse the holding agency therefor upon appropriate billing, unless, because of the amount involved, the holding agency finds this uneconomical or impractical.

### § 101–43.405 Status of property assigned or transferred.

Any property delivered for official use under this part shall thereupon otherwise lose its identity as abandoned or forfeited property and, when no longer required for official use, shall be reported as excess in accordance with § 101–43.311.

### § 101–43.406 Reporting abandoned and forfeited personal property.

Federal agencies shall report promptly to the Regional Administrator, abandoned and forfeited property that comes into their custody and is not covered by the exceptions and modifications of this § 101–43.406, unless otherwise directed by GSA. Such property shall be reported as directed herein.

(a) Reports shall contain the following information:

(1) Name of the reporting Federal agency;

(2) Whether property was (i) voluntarily abandoned; (ii) forfeited otherwise than by court decree; or (iii) subject of a court proceeding, and, if so, the place and judicial district of court from which decree will be issued;

(3) Present official custodian of property, and address where property is located;

(4) Description and condition of property in sufficient detail to enable a decision to be made regarding its desirability and utility;

(5) Fair-market value of property as appraised by holding agency;

(6) Existence or probability of lien or claim of lien and amount involved;

(7) Charges incurred for hauling, transporting, towing, and storage to date of report and rate of storage charged;

(8) If the property is a motor vehicle: Type, make, model or year, body, color, capacity, speedometer reading, number of wheels, extra equipment, motor number, nature and probable cost of repairs necessary to put in serviceable condition, and condition of tires;

(9) If the property is a vessel or an aircraft: Type, manufacturer or builder, identifying official name or number, age, and description; and

(10) If the property is alcoholic beverages: Qualities and kinds (whether ethyl alcohol or hydrated oxide of ethyl; rye or bourbon or other whiskey and its brand, if any; sparkling or still wine and its color or brand; cordial, brandy, gin, etc.); proof rating and other qualities shown by test, number, and size of containers; condition (whether fit for human consumption, scientific, or mechanical purposes) and basis therefor; and condition for shipping.

(b) The following forfeited and abandoned property need not be reported:

(1) Forfeited arms or munitions of war condemned and handled pursuant to the provisions of section 1 of Title VI of the Act of June 15, 1917, as amended (22 U.S.C. 401);

(2) Forfeited firearms which are transferable by the holding agency to the Secretary of Defense;

(3) Abandoned, condemned, or forfeited tobacco, snuff, cigars, or cigarettes which the holding agency estimates will not, if offered for sale by competitive bid, bring a price equal to the internal revenue tax due and payable thereon; and which is subject to destruction, or delivery without payment of any tax, to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States;

(4) Scrap;

(5) Salvage;

(6) Animals;

(7) Any item or group of similar items, other than distilled spirits, wine, or malt beverages, or forfeited firearms, when such items are at any one location, and have a value of less than $100;

(8) Money and valuable securities;

(9) Perishable commodities and items prohibited by law from sale to the public, including, but not limited to, indecent or obscene articles;

(10) Property dangerous to public health or safety;

(11) Property not the subject of a court proceeding desired to be retained by the holding agency for official use;

(12) Property determined by competent authority to be classified for reasons of national security and otherwise handled in accordance with applicable provisions of law;

(13) Forfeited distilled spirits (including alcohol), wine, and malt beverages not fit for human consumption, or scientific or mechanical purposes. Domestic distilled spirits (other than alcohol), wine, and malt beverages not produced at a registered distillery, winery, or brewery will be regarded as not fit for human consumption.

(14) Odd lots of distilled spirits consisting of any one seizure of less than five wine gallons, except that distilled spirits (other than alcohol) of any one kind and brand in excess of one wine gallon shall be reported;

(15) Effects of deserters from the Coast Guard or the military services, or of deceased persons of the Coast Guard or military services, or of deceased inmates of naval or soldiers' home of Government hospitals;

(16) Seeds, plants, or misbranded packages seized by the Department of Agriculture pursuant to authorities provided by law;

(17) Game and equipment (other than vessels, including cargo) seized by the Department of the Interior pursuant to authorities provided by law;

(18) Files of papers, dead letters, unclaimed printed matter, and nonmailable matter in the custody of the Postmaster General;

(19) Infringing articles in the custody of the Patent Office, Department of Commerce; and

(20) Motor vehicles which qualify for replacement under replacement standards provided in Part 101–38.

(c) The general rule for reporting abandoned and forfeited property is modified, hereby, with respect to the following:

(1) Narcotics, regardless of quantity, condition, or acquisition cost, shall be reported to the Bureau of Narcotics, Department of the Treasury, Washington, D.C., 20220.

(2) Vessels of 1,500 gross tons or more shall be reported to the Secretary of Commerce.

(3) Property, seized by one Federal agency, but adopted by another for prosecution under laws enforced by the adopting Federal agency shall be reported by the adopting agency to the extent and in the manner required by this section.

### § 101–43.407 Information of availability.

Property reported under § 101–43.406 and not required for assignment to the seizing agency will be made available by GSA to other Federal agencies by dissemination of information with respect to such property, in the following manner:

(a) Copies of reports submitted pursuant to § 101–43.406 will be made available for examination by authorized representatives of Federal agencies in the offices of the Regional Administrator.

(b) Notification by personal contact with Federal agencies believed to have an official use for the property.

(c) By circularization of lists of items believed to have special value or significance, to appropriate Federal agencies.

### § 101–43.408 Transfer of abandoned and forfeited personal property.

Except as to forfeited firearms subject to disposal under the Internal Revenue Code of 1954, the transfer of forfeited and abandoned personal property shall be accomplished by the submission of purchase orders to the Regional Administrator, for approval. Transfers of such forfeited firearms shall be accomplished as set forth in § 101–43.408–2.

### § 101–43.408–1 Transfer for official use to seizing agency.

The request for retention of property subject to court proceeding by a seizing agency for official use may be made by endorsing on the report at the time of submission or by subsequent memorandum to the Regional Administrator. Transfer of the property will be accomplished by the issuance by GSA of a suitable document authorizing the acquiring agency to take title on behalf of the Government.

### § 101–43.408–2 Transfers to other Federal agencies.

(a) Except for property which is subject to court action, purchase orders shall be submitted in an original and three copies, indicating the agency having the custody of the property as supplier, and showing, where such information is available, the report or case number on which the property is listed, the property required, location of the property, and the fair unit price and total amount. Purchase orders generally will be approved on a "first come, first served" basis, but other factors such as, but not limited to, urgency of need and transportation costs will be taken into consideration. When the purchase order is approved by GSA, a transfer document will be issued authorizing the agency to take title to the property for the Government.

(b) Property subject to court action may be obtained by the submission, to the Regional Administrator, of a memorandum setting forth the need for the property by the agency. If proceedings are being, or have been, commenced for the forfeiture of the property by court decree, application will be made by GSA to the court prior to entry of a decree for an order requiring delivery of the property to an appropriate recipient.

(c) Transfers of forfeited distilled spirits, wine, and malt beverages shall be limited to those for medicinal, scientific, or mechanical purposes, or for any other official purposes for which appropriated funds may be expended by a Government agency. Purchase orders for transfers shall be signed by the head of the requesting agency, or by officials designated by him to sign. Where these officials are designated to sign, the Regional Administrator, shall be advised of designees by letter over the signature of the head of the agency concerned. No purchase order will be acted upon unless signed as provided herein.

(d) Requests for the transfer of forfeited firearms subject to disposal under the Internal Revenue Code of 1954 shall be submitted in memorandum form addressed to the Regional Administrator, GSA. Such memorandum shall set forth the need for the property by the requesting agency.

### § 101–43.408–3 Transfers - reimbursement.

Except in the case of forfeited firearms subject to disposal under the Internal Revenue Code of 1954, reimbursement for transfers of forfeited property to other Federal agencies shall be in accordance with § 101–43.315. Reimbursement shall be required in connection with transfers of abandoned property. Transfers of forfeited firearms subject to disposal under the Internal Revenue Code of 1954 shall be without reimbursement.

### § 101–43.409 Proceeds.

### § 101–43.409–1 Billing.

Each holding agency shall be responsible for billing and collecting the fair value of property transferred to other agencies when reimbursement is required. See § 101–43.404 relating to the cost of care and handling.

### § 101–43.409–2 Disposition of proceeds.

(a) Reimbursement from the transfer of forfeited property shall be deposited by the transferor agency in the Treasury of the United States as miscellaneous receipts.

(b) Reimbursement from the transfer of abandoned property shall be deposited in a special fund for a period of at least three years. A former owner may be reimbursed from the special fund, based upon a proper claim filed within three years from the date of vesting of title in the United States as determined by the head of the transferor agency. Such reimbursement shall not exceed fair value at the time title was vested in the United States, less the costs incident to the care and handling of such property as determined by the head of the agency concerned.

## Subparts 101–43.5—101–43.48 [Reserved]

## Subpart 101–43.49—Illustrations

### § 101–43.4900 Scope of subpart.

This subpart prescribes lists and forms applicable in connection with the utilization of personal property.

NOTE: The forms in §§ 101–43.4902, 101–43.4902–1, 101–43.4902–2, 101–43.4904, 101–43.4904–1, 101–43.4906, 101–43.4906–1, 101–43.4907, and 101–43.4909 filed as part of the original document. Copies may be obtained from Central Office, GSA.

### § 101–43.4901 Excess personal property reporting requirements.

| FSC commodity | | | Not reportable to GSA | Reportable to GSA | Reportable requirements | |
|---|---|---|---|---|---|---|
| Code | Group classification title | Classes | | | Acquisition cost minimum line item value | Report in condition codes or better |
| 10 | Weapons | All | x | | | |
| 11 | Atomic ordnance | All | x | | | |
| 12 | Fire control equipment | All | x | | | |
| 13 | Ammunition and explosives. | All | x | | | |
| 14 | Guided missiles | All | x | | | |
| 15 | Aircraft and airframe structural components. | All except | x | | | |
| | | 1510 fixed wing | | x | $500 | N4, E4, O4, R4. |
| | | 1520 rotary wing, including helicopters. | | x | 500 | N4, E4, O4, R4. |
| 16 | Aircraft components and accessories. | All except | x | | | |
| | | 1670 parachutes | | x | 500 | N4, E4, O4, R4, X. |
| 17 | Aircraft launching, landing, and ground handling equipment. | All | x | | | |
| 19 | Ships, small craft, pontoons, and floating docks. | All except | | x | 500 | N3, E3, O3, R2. |
| | | Combat vessels and vessels over 1500 tons. | x | | | |
| | | 1945 pontoons and floating docks. | x | | | |
| | | 1950 floating drydocks | x | | | |
| 20 | Ship and marine equipment. | All | x | | | |
| 22 | Railway equipment | All except | | x | 500 | N3, E3, O3, R2. |
| | | 2240 locomotive and rail car accessories and components. | x | | | |
| 23 | Motor vehicles, trailers, and cycles. | All except | | x | 500 | N4, E4, O4, R4. |
| | | Armored and amphibious in class 2320. | x | | | |
| | | 2340 motorcycles, motor scooters, and bicycles. | | x | 500 | N3, E3, O3, R2. |
| | | 2350 tanks and self-propelled weapons. | x | | | |
| 24 | Tractors | All except | | x | 500 | N4, E4, O4, R4. |
| | | Cab, body and frame structural components and springs in classes 2410 and 2420. | x | | | |
| | | 2430 tractors, track laying, high speed. | x | | | |
| 25 | Vehicular equipment components. | All | x | | | |
| 26 | Tires and tubes | All except | x | | | |
| | | 2610 tires and tubes, pneumatic, except aircraft. | | x | 300 | N2. |
| 28 | Engines, turbines, and components. | All except | x | | | |
| | | 2805 gasoline reciprocating engines, except aircraft and components. | | x | 300 | N3, E2, O2. |
| | | 2815 diesel engines and components. | | x | 300 | N3, E2, O2. |
| 29 | Engine accessories | All | x | | | |
| 30 | Mechanical power transmission equipment. | All | x | | | |
| 31 | Bearings | All | x | | | |
| 32 | Woodworking machinery and equipment. | All | | x | 300 | N3, E3, O3 R2. |
| 34 | Metalworking machinery | All | | x | 500 | N3, E3, O3, R2. |
| 35 | Service and trade equipment. | All | | x | 300 | N3, E3, O3, R2. |
| 36 | Special industry machinery. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 3695 miscellaneous special industry machinery. | x | | | |
| 37 | Agricultural machinery and equipment. | All | | x | 300 | N3, E3, O3, R2. |
| 38 | Construction, mining, excavating, and highway maintenance equipment. | All except | | x | 500 | N3, E3, O3, R2. |
| | | 3835 petroleum production and distribution equipment. | x | | | |
| | | 3805 earth moving and excavating equipment. | | x | 500 | N4, E4, O4, R4. |
| | | 3810 cranes and crane-shovels. | | x | 500 | N4, E4, O4, R4. |
| | | 3815 crane and crane-shovel attachments. | | x | 500 | N3, E3, O3, R2. |
| | | 3820 mining, rock drilling, earth boring, and related equipment. | | x | 500 | N3, E3, O3, R2. |
| | | 3825 road clearing and cleaning equipment. | | x | 500 | N4, E4, O4, R4. |
| | | 3830 truck and tractor attachments. | | x | 500 | N3, E3, O3, R2. |
| | | 3895 miscellaneous construction equipment. | | x | 500 | N4, E4, O4, R4. |
| 39 | Materials handling equipment. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 3940 blocks, tackle, rigging, and slings. | x | | | |
| 40 | Rope, cable, chain, and fittings. | All | | x | 300 | N3, E3, O3, R2. |
| 41 | Refrigeration and air-conditioning equipment. | All | | x | 300 | N3, E3, O3, R2. |
| 42 | Fire fighting, rescue, and safety equipment. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 4220 marine lifesaving and diving equipment. | x | | | |
| | | 4230 decontaminating and impregnating equipment. | x | | | |
| 43 | Pumps and compressors | All | | x | 500 | N3, E3, O3, R2. |
| 44 | Furnace, steam plant, and drying equipment. | All except | | x | 500 | N3, E3, O3. |
| | | 4420 heat exchangers and steam condensers. | x | | | |
| | | 4440 driers, dehydrators, and anhydrators. | x | | | |
| 45 | Plumbing, heating, and sanitation equipment. | All | | x | 300 | N3, E3, O3, R2. |
| 46 | Water purification and sewage treatment equipment. | All | | x | 500 | N3, E3, O3, R2. |
| 47 | Pipe, tubing, hose, and fittings. | All | | x | 300 | N3, E3, O3, R2. |
| 48 | Valves | All | | x | 500 | N3, E2. |
| 49 | Maintenance and repair shop equipment. | All except | x | | | |
| | | 4910 motor vehicle maintenance and repair shop specialized equipment. | | x | 300 | N3, E3, O3, R2. |
| | | 4920 lubrication and fuel dispensing equipment. | | x | 300 | N3, E3, O3, R2. |
| | | 4940 miscellaneous maintenance and repair shop specialized equipment. | | x | 300 | N3, E3, O3, R2. |
| 51 | Hand tools | All | | x | 300 | N3, E3, O3, R2. |
| 52 | Measuring tools | All | | x | 300 | N3, E3, O3, R2. |
| 53 | Hardware and abrasives | All | | x | 300 | N3. |
| 54 | Prefabricated structures and scaffolding. | All except | | x | 500 | N3, E2, O3. |
| | | 5420 bridges, fixed and floating. | x | | | |



| FSC commodity | | | Not reportable to GSA | Reportable to GSA | Reportable requirements | |
|---|---|---|---|---|---|---|
| Code | Group classification title | Classes | | | Acquisition cost minimum line item value | Report in condition codes or better |
| 55 | Lumber, millwork, plywood, and veneer. | All | | x | 100 | N3. |
| 56 | Construction and building materials. | All except | | x | 300 | N3. |
| | | Sand, gravel, and stone in class 5610. | x | | | |
| 58 | Communication equipment. | All except | x | | | |
| | | 5805 telephone and telegraph equipment. | | x | 500 | N3, E3, O3, R2. |
| | | 5815 teletype and facsimile equipment. | | x | 500 | N3, E3, O3, R2. |
| | | 5820 radio and television communication equipment, except airborne. | | x | 500 | N3, E3, O3, R2. |
| | | 5830 intercommunication and public address systems, except airborne. | | x | 500 | N3, E3, O3, R2. |
| | | 5835 sound recording and reproducing equipment. | | x | 500 | N3, E3, O3, R2. |
| 59 | Electrical and electronic equipment components. | All except | x | | | |
| | | 5965 headsets, handsets, microphones and speakers. | | x | 300 | N3, E3, O3, R2. |
| | | 5975 electrical hardware and supplies. | | x | 300 | N3, E3, O3, R2. |
| 61 | Electric wire, and power and distribution equipment. | All | | x | 300 | N3, E3, O3, R2. |
| 62 | Lighting fixtures and lamps. | All except | | x | 300 | N3. |
| | | 6210 indoor and outdoor electric lighting fixtures. | x | | | |
| | | 6220 electric vehicular lights and fixtures. | x | | | |
| | | 6260 nonelectrical lighting fixtures. | x | | | |
| 63 | Alarm and signal systems | All | x | | | |
| 65 | Medical, dental, and veterinary equipment and supplies. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 6505 drugs, biologicals, and official reagents. | x | | | |
| | | 6510 surgical dressing materials. | | x | 300 | N1. |
| 66 | Instruments and laboratory equipment. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 6606 navigational instruments. | x | | | |
| | | 6610 flight instruments | x | | | |
| | | 6615 automatic pilot mechanisms and airborne gyro components. | x | | | |
| | | 6620 engine instruments | x | | | |
| | | 6655 geophysical and astronomical instruments. | x | | | |
| | | 6665 hazard-detecting instruments and apparatus. | x | | | |
| | | 6680 liquid and gas flow, liquid level, and mechanical motion measuring instruments. | x | | | |
| 67 | Photographic equipment | All except | | x | 300 | N3, E3, O3, R2. |
| | | Outdated film in class 6750. | | x | 300 | N4. |
| | | 6770 film, processed | x | | | |
| 68 | Chemicals and chemical products. | All | | x | 300 | N3. |
| 69 | Training aids and devices | All | x | | | |
| 71 | Furniture | All except | | x | 300 | N3, E3, O3, R2. |
| | | 7110 office furniture | | x | 100 | N4, E4, O4, R4. |
| 72 | Household and commercial furnishings and appliances. | All | | x | 300 | N3, E3, O3, R2. |
| 73 | Food preparation and serving equipment. | All | | x | 300 | N3, E3, O3, R2. |
| 74 | Office machines | All | | x | 100 | N3, E3, O3, R2. |
| 75 | Office supplies | All | | x | 100 | N3. |
| 76 | Books, maps, and other publications. | All except | x | x | 500 | N2, E2, O2. |
| | | 7610 books and pamphlets. | | | | |
| 77 | Musical instruments, phonographs, and home type radios. | All | | x | 300 | N3, E3, O3, R2. |
| 78 | Recreational and athletic equipment. | All | | x | 100 | N3, E3, O3, R2. |
| 79 | Cleaning equipment and supplies. | All except | | x | 300 | N3, E3, O3, E2. |
| | | 7930 cleaning and polishing compounds and preparations. | | x | 300 | N3. |
| 80 | Brushes, paints, sealers, and adhesives. | All | | x | 300 | N3. |
| 81 | Containers, packaging, and packing supplies. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 8125 bottles and jars | x | | | |
| | | 8130 reels and spools | x | | | |
| | | 8140 ammunition boxes, packages, and special containers. | x | | | |
| 83 | Textiles, leather, and furs. | All except | | x | 300 | N3. |
| | | 8305 textile fabrics | | x | 300 | N3, E3, O3, R2. |
| | | 8340 tents and tarpaulins. | | x | 300 | N3, E3, O3, R2. |
| | | 8325 fur materials | x | | | |
| | | 8345 flags and pennants | x | | | |
| 84 | Clothing and individual equipment. | All except | | x | 300 | N3, E3, O3, R2. |
| | | 8455 badges and insignia | x | | | |
| | | Leggings, military headgear, navy jacket lumpers, and pistol belts (in other classes). | x | | | |
| 85 | Toiletries | All | | x | 300 | N2. |
| 87 | Agricultural supplies | All | x | | | |
| 88 | Live animals | All | x | | | |
| 89 | Subsistence | All except | x | | | |
| | | 8965 beverages, alcoholic | | x | 300 | N3. |
| 91 | Fuels, lubricants, oils, and waxes. | All except | | x | 500 | N3. |
| | | Oil stripped from vessels in class 9140. | x | | | |
| 93 | Nonmetallic fabricated materials. | All | | x | 300 | N3. |
| 94 | Nonmetallic crude materials. | All | x | | | |
| 95 | Metal bars, sheets, and shapes. | All | | x | 300 | N4. |
| 96 | Ores, minerals, and their primary products. | All | x | | | |
| 99 | Miscellaneous | All except | | x | 300 | N2. |
| | | 9999 miscellaneous items | | x | 300 | N3, E3, O3, R2. |

§ 101–43.4902 Standard Form 120, Report of Excess Personal Property.

§ 101–43.4902–1 Instructions for preparing Standard Form 120.

§ 101–43.4902–2 Standard Form 120A, Continuation Sheet (Report of Excess Personal Property).

§ 101–43.4903 Regional Offices' addresses and assigned areas.

| *Regional office address* | *Regional area for supply support* |
|---|---|
| General Services Administration Region 1, Post Office and Courthouse, Boston, Mass., 02109. | Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. |
| General Services Administration Region 2, 30 Church Street, New York, N.Y., 10007. | Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, and the Virgin Islands. |
| General Services Administration Region 3, Washington, D.C., 20407. | District of Columbia, Maryland, Virginia, and West Virginia. |
| General Services Administration Region 4, 1776 Peachtree Street NW., Atlanta, Ga., 30309. | Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, and Tennessee. |
| General Services Administration Region 5, 219 South Dearborn Street, Chicago, Ill., 60604. | Illinois, Indiana, Kentucky, Ohio, Michigan, and Wisconsin. |
| General Services Administration Region 6, 1500 East Bannister Road, Kansas City, Mo., 64131. | Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. |
| General Services Administration Region 7, 1114 Commerce Street, Dallas, Tex., 75202. | Arkansas, Louisiana, Oklahoma, and Texas. |
| General Services Administration Region 8, Building 41, Denver Federal Center, Denver, Colo., 80225. | Arizona, Colorado, New Mexico, Utah, and Wyoming. |
| General Services Administration Region 9, 49 Fourth Street, San Francisco, Calif., 94103. | California, Hawaii, Nevada, and Pacific Ocean areas. |
| General Services Administration Region 10, GSA Center, Auburn, Wash., 98002. | Alaska, Idaho, Montana, Oregon, and Washington. |

§ 101–43.4904 GSA Form 1539, Request for Excess Personal Property.

§ 101–43.4904–1 Instructions for preparing GSA Form 1539.

§ 101–43.4905 List of Government Corporations (31 U.S.C. 846, 856).

Wholly owned and mixed ownership Government Corporations are not necessarily limited to those listed below.

WHOLLY OWNED GOVERNMENT CORPORATIONS

Commodity Credit Corp.
Regional Agricultural Credit Corps.
Farmers Home Corp.
Federal Crop Insurance Corp.
Federal National Mortgage Assn.
Virgin Islands Corp.
Federal Prison Industries Inc.
Development Loan Fund.
Export-Import Bank of Washington.
Federal Public Housing Authority (or Public Housing Adm.) and including public housing projects financed from appropriated funds and operations thereof.
Federal Savings and Loan Insurance Corp.
Federal Housing Adm.
Saint Lawrence Seaway Development Corp.
Panama Canal Co.
Tennessee Valley Authority.

MIXED-OWNERSHIP GOVERNMENT CORPORATIONS

Central Bank for Cooperatives and the Regional Banks for Cooperatives.
Federal Land Banks.
Federal Intermediate Credit Banks.
Federal Home Loan Banks.
Federal Deposit Insurance Corp.

§ 101–43.4906 Standard Form 122, Transfer Order Excess Personal Property.

§ 101–43.4906–1 Instructions for preparing Standard Form 122.

§ 101–43.4907 Standard Form 121, Quarterly Report Utilization and Disposal of Excess and Surplus Personal Property.

§ 101–43.4908 Exchange/sale category list.

In the acquisition, exchange, or sale of property in the categories below, both the item to be acquired and the item to be replaced must fall within a single numbered category.

1. Agriculture products, processed foods and forage.
2. Air-conditioning units, office and residential.
3. Air-conditioning units, industrial.
4. Ambulances, all sizes.
5. Ammunition and ammunition components.
6. Animals and animal products.
7. Asphalt distributors.
8. Asphalt pavers, portable or road mix.
9. Batteries, storage.
10. Bicycles; tricycles.
11. Binoculars; field glasses; telescopes.
12. Boilers, steam.
13. Buses, all sizes.
14. Cards, tabulating.
15. Compressors, air, portable.
16. Compressors, air, stationary.
17. Crawler, wheel mounted, and railroad cranes (including shovels and drag lines).
18. Crane trucks, industrial warehouse, electric and gasoline powered.
19. Ditching machines.
20. Dozer blades.
21. Drill presses.
22. Earth augers.
23. Fans, electric.
24. Graders, self-powered and towed.
25. Lathes.
26. Machines, adding; machines, calculating.
27. Machines, addressing and mailing.
28. Machines, dictating and transcribing.
29. Machines, duplicating.
30. Machines, punched card, bookkeeping, tabulating and accounting.
31. Milling machines.
32. Mixers, concrete, portable or truck mounted.
33. Motor scooters.
34. Motorcycles with or without side car.
35. Mowers, lawn, power.
36. Pile drivers.
37. Polishers, floor, powered.
38. Pontoon, assemblies.
39. Power shovels.
40. Railroad cars, freight.
41. Railroad cars, passenger.
42. Railroad cars, service.
43. Railroad locomotives.
44. Refrigeration equipment.
45. Refrigerators.
46. Road rollers, wheeled and sheepsfoot.
47. Saws, bench.
48. Scrapers, earth moving (self-powered).
49. Scrapers, earth moving, towed.
50. Sedans; station wagons, coupes; limousines.
51. Snow plows, motorized.
52. Spreaders, aggregate and lime.
53. Tractor, warehouse.
54. Tractors, wheeled or crawler, with or without special attachments, up to 65 h.p.
55. Tractors, wheeled or crawler, with or without special attachments, 65 h.p. and up.
56. Trailers, general purpose, multiple axle.
57. Trailers, general purpose, single axle.
58. Trailers, industrial.
59. Trailers, special purpose (including fire pumper and Bean type sprayer and crash trailer).
60. Trailers, tank mounted.
61. Trucks, electronic.
62. Trucks, fire.
63. Trucks, forklift.
64. Trucks, general purpose, cargo and construction, 12,500 GVW through 28,000 GVW (including truck tractors, dump, multiple drive, etc.).
65. Trucks, general purpose and utility up to 12,500 GVW (including suburbans, carryalls and sedan deliveries).
66. Trucks, straddle.
67. Trucks, tank (special purpose trailer of which the tank is an integral part of the construction).
68. Trucks, warehouse, platform, electric and gasoline powered.
69. Typewriters, manual and electric.

§ 101–43.4909 Specimen description of reported excess EDP equipment.





## PART 101–44—DONATION OF PERSONAL PROPERTY


Sec.
101–44.000 Scope of part.

Subpart 101–44.1—General Provisions

101–44.101 Needs of Federal agencies paramount.
101–44.102 Care and handling pending disposal.
101–44.103 Assistance in major disaster relief.

Subpart 101–44.2—Definition of Terms

101–44.201 Definitions.
101–44.201–1 Agricultural commodity.
101–44.201–2 Distilled spirits.
101–44.201–3 Donable property.
101–44.201–4 Donee.
101–44.201–5 Educational institution.
101–44.201–6 Eleemosynary institution.
101–44.201–7 Forfeited.
101–44.201–8 Holding agency.
101–44.201–9 Local government.
101–44.201–10 Malt beverage.
101–44.201–11 Motor vehicle.
101–44.201–12 Narcotics.
101–44.201–13 No commercial value.
101–44.201–14 Public body.
101–44.201–15 Public health institution.
101–44.201–16 Service educational activity.
101–44.201–17 State agency for surplus property.
101–44.201–18 Surplus personal property.
101–44.201–19 Wine.

Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

101–44.300 Scope.
101–44.301 Authority and responsibility.
101–44.302 Agency responsibility.
101–44.303 Costs incurred incident to donation.
101–44.304 Donation screening period.
101–44.305 Cooperation of holding agencies.
101–44.306 Application for donation.
101–44.307 Preparation and processing of applications.
101–44.308 Approval of applications.
101–44.309 Disapproval of applications.
101–44.310 Rejection of property approved for donation.
101–44.311 Pickup or shipment.
101–44.312 Overages.
101–44.313 Agency compliance.
101–44.314 Screening by the Secretary of Health, Education, and Welfare.
101–44.315 Printing and binding equipment.
101–44.316 Use of surplus property for State agencies for surplus property.
101–44.317 Donations to service educational activities.
101–44.317–1 Screening by Secretary of Defense.
101–44.317–2 Donations by Secretary of Defense.

Subpart 101–44.4—Donations to the American National Red Cross

101–44.400 General.
101–44.401 Donation approval.
101–44.402 Cooperation of holding agencies.
101–44.403 Action by the Red Cross.
101–44.404 Transfer by holding agency.
101–44.405 Donable property determined unusable by the Red Cross.

Subpart 101–44.5—Donation of Property to Public Bodies

101–44.500 Scope.
101–44.501 Findings justifying donation to public bodies.
101–44.501–1 General.
101–44.501–2 Reviewing authority.
101–44.502 Donations to public bodies.
101–44.502–1 Authority to donate.
101–44.502–2 Disposal costs.

Subpart 101–44.6—Donation of Abandoned and Forfeited Personal Property

101–44.600 Scope.
101–44.601 Donation of forfeited distilled spirits, wine, and malt beverages.
101–44.601–1 General.
101–44.601–2 Establishment of eligibility.
101–44.601–3 Requests by institutions.
101–44.601–4 Filling requests.
101–44.601–5 Donation of lots not required to be reported.
101–44.601–6 Packing and shipping costs.

Subpart 101–44.7—Donation of Surplus Narcotics

101–44.701 State agencies.

Subpart 101–44.8—Reports

101–44.801 Performance report of donations.

Subpart 101–44.9—101–44.48 [Reserved]

Subpart 101–44.49—Illustrations

101–44.4901 Standard Form 123, Application for Donation of Surplus Personal Property.
101–44.4902 Standard Form 123A, Application for Donation of Surplus Personal Property—Continuation Sheet.
101–44.4903 Standard Form 123, Instructions for Preparation and Processing.
101–44.4904 GSA Form 18, Statement on Behalf of Eleemosynary Institutions.


AUTHORITY: The provisions of this Part 101–44 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–44.000 Scope of part.

This part prescribes policies and methods governing the donation of surplus personal property located within the United States, the Commonwealth of Puerto Rico, and the Virgin Islands.

## Subpart 101–44.1—General Provisions

**§ 101–44.101 Needs of Federal agencies paramount.**

Any need for personal property expressed by any Federal agency (including the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act) shall be paramount to any disposal, if such need is made known to the holding agency prior to shipment or delivery in the case of donation.

**§ 101–44.102 Care and handling pending disposal.**

Pending disposal, each holding agency shall be responsible for performing, and bear the cost of, care and handling of its property.

**§ 101–44.103 Assistance in major disaster relief.**

Surplus equipment and supplies shall be donated to State governments to provide assistance in alleviating suffering and damage resulting from major disasters, in accordance with the directions of the Office of Emergency Planning, Executive Office of the President, pursuant to the Act of September 30, 1950 (Pub. Law 875, 81st Cong.; 42 U.S.C. 1855 et seq.); Executive Order No. 10427 of January 16, 1953 (3 CFR), as amended; Executive Order No. 10737 of October 29, 1957 (3 CFR), as amended; and section 405 of Executive Order No. 11051 of September 27, 1962 (3 CFR).

## Subpart 101–44.2—Definition of Terms

**§ 101–44.201 Definitions.**

As used throughout this Part 101–44, the terms which follow have the meanings set forth in this § 101–44.201.

**§ 101–44.201–1 Agricultural commodity.**

A product resulting from the cultivation of the soil or husbandry on farms and in the form customarily marketed by farmers.

**§ 101–44.201–2 Distilled spirits.**

Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof.

**§ 101—44.201–3 Donable property.**

Surplus equipment, materials, books, or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to 10 U.S.C. 2208, or in similar management-type funds) except:

(a) Such property as may be specified from time to time by the Administrator of General Services.

(b) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization.

(c) Property in trust funds.

**§ 101–44.201–4 Donee.**

A service educational activity; a State, political subdivision, municipality, or tax-supported institution acting on behalf of a public airport; an eligible educational, public health, or civil defense institution or organization, acting by and through a State agency for surplus property; the American National Red Cross; a public body; or an eleemosynary institution.

**§ 101–44.201–5 Educational institution.**

Any tax-supported school system, school, college, university, school for the mentally retarded, school for the physically handicapped, and radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station, and any nonprofit school, college, university, school for the mentally retarded, school for the physically handicapped, and radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, and any public library which serves free all residents of a community, district, State, or region, and receives its financial support in whole or in part from public funds.

**§ 101–44.201–6 Eleemosynary institution.**

Any nonprofit institution organized and operated for charitable purposes, whose net income does not inure in whole or in part to the benefit of shareholders or individuals, which shall have filed with the Regional Administrator, GSA Region 3, a satisfactory statement establishing such status.

**§ 101–44.201–7 Forfeited.**

Forfeitures, whether by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States.

**§ 101–44.201–8 Holding agency.**

The executive agency which has accountability for the property involved.

**§ 101–44.201–9 Local government.**

A government, or administration of a locality, within a State or possession of the United States.

**§ 101–44.201–10 Malt beverage.**

A beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

**§ 101–44.201–11 Motor vehicle.**

Any vehicle, self-propelled or drawn by mechanical power, designed to be principally operated on the highways in the transportation of property or passengers.

**§ 101–44.201–12 Narcotics.**

The following drugs or preparations thereof:

(a) Opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine;

(b) Isonipecaine (demarol);

(c) Any drug found by the Secretary of the Treasury and proclaimed by the President to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine, such as methadon (delephine, adanon) and nisentil; and

(d) Marihuana (Cannabis Sativa L.).

**§ 101–44.201–13 No commercial value.**

Personal property which is not usable and cannot economically be rehabilitated by anyone for use for the purposes for which it was originally intended, and can reasonably be expected to have no market value for use as an entity for any other purpose.

**§ 101–44.201–14 Public body.**

Any State, Territory, or possession of the United States, any political subdivision thereof, the District of Columbia, any agency or instrumentality of any of the foregoing, or any agency of the Federal Government.

**§ 101–44.201–15 Public health institution.**

Any tax-supported medical institution, hospital, clinic, and health center, any other nonprofit medical institution, hospital, clinic, and health center which has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, and any State department of health or other State agency designated by State law to receive property for and distribute it to such tax-supported and nonprofit medical institutions, hospitals, clinics, and health centers within the State.

**§ 101–44.201–16 Service educational activity.**

Any educational activity designated by the Secretary of Defense as being of special interest to the armed services, such as maritime academies or military, naval, Air Force, or Coast Guard preparatory schools.

**§ 101–44.201–17 State agency for surplus property.**

The agency designated by State law to receive surplus personal property for distribution to eligible educational, public health, and civil defense institutions or organizations.

**§ 101–44.201–18 Surplus personal property**

Any excess personal property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services.

**§ 101–44.201–19 Wine.**

(a) Wine as defined in sections 5381 and 5385 of the Internal Revenue Code of 1954 (26 U.S.C. 5381, 5385) as now in force or hereafter amended, and

(b) Other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.

## Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

**§ 101–44.300 Scope.**

This subpart prescribes the authorities, responsibilities, policies, and methods governing the donation of surplus personal property to educational activities which are of special interest to the armed services; for use in any State for purposes of education, public health, or civil defense, or for research for any such purpose; and, to any State, political subdivision, municipality, or tax-supported institution for use in the development, improvement, operation, or maintenance of a public airport.

**§ 101–44.301 Authority and responsibility.**

(a) The Administrator of General Services is authorized to make donations in his discretion for purposes of education, public health, or civil defense, or for research for any such purpose; and for public airport purposes. In exercising his discretion, the Administrator of General Services may elect not to approve donations whenever he believes such action to be in the public interest.

(b) The Administrator of General Services is basically responsible for the care and handling of surplus property in the custody of State agencies for surplus property pending its disposition. The Department of Health, Education, and Welfare, however, will supervise the care and handling of such property while it is in the custody of a State agency for surplus property, pending its disposition to eligible donees. In order to insure that the basic responsibility of the Administrator of General Services in this regard is affirmatively carried out, regional GSA officials will periodically visit State warehouses. Such visits will be coordinated with regional representatives of the Department of Health, Education, and Welfare.

(c) Pursuant to the provisions of section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the Administrator of General Services will be provided an opportunity to disapprove, within thirty days after notice, any of the following actions proposed to be taken by the Secretary of Health, Education, and Welfare with respect to personal property donated for educational or public health purposes, or the Secretary of Defense with respect to personal property donated for civil defense purposes, which had a unit acquisition cost of $2,500 or more, and on which the terms, conditions, reservations, or restrictions, as stipulated in the transfer instrument by which the property was acquired, have not expired;

(1) Enforcement of compliance with the terms and conditions under which property was transferred for donation;

(2) The correction or amendment of instruments by which transfers were made; and

(3) The granting of releases from terms and conditions contained in such instruments and the release of any interest reserved to the United States by such instruments.

**§ 101–44.302 Agency responsibility.**

(a) *Department of Defense.* (1) In the case of surplus property under the control of the Department of Defense, the Secretary of Defense is responsible for determining whether such property is usable and necessary for service educational activities. He also determines whether surplus property of all executive agencies is usable and necessary for civil defense purposes, including research.

(2) The Secretary is responsible for allocating surplus property on the basis of need and utilization for transfer by the Administrator of General Services to service educational activities.

(3) The Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any single item of surplus property donated for civil defense purposes which had an acquisition cost of $2,500 or more. The Secretary also is responsible, with regard to surplus property transferred for civil defense purposes, for enforcement of compliance with the terms and conditions of transfer; the correction or amendment of the transfer instrument; and the granting of releases from any terms and conditions, and the release of any interest reserved to the Government, contained in the transfer instrument.

(b) *Department of Health, Education, and Welfare.* (1) The Secretary of

Health, Education, and Welfare determines whether surplus property is usable and necessary for purposes of education or public health, or for research for any such purpose.

(2) The Secretary is responsible for allocating surplus property on the basis of need and utilization for transfer by the Administrator of General Services to State agencies for surplus property for distribution to eligible educational and public health institutions and by delegation from the Secretary of the Army to civil defense organizations. He will determine that State agencies for surplus property conform to minimum standards of operation which he has prescribed.

(3) The Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any single item of surplus property donated for educational and public health purposes which had an acquisition cost of $2,500 or more. The Secretary also is responsible, in regard to surplus property transferred for educational and public health purposes, for enforcement of compliance with the terms and conditions of transfer; the correction or amendment of the transfer instrument; and the granting of releases from any terms and conditions, and the release of any interest reserved to the Government, contained in the transfer instrument.

(c) *Federal Aviation Agency.* (1) The Administrator of the Federal Aviation Agency determines whether surplus property is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, or reasonably necessary to fulfill the immediate and foreseeable future requirements for development, improvement, operation, or maintenance of a public airport.

(2) The Administrator of the Federal Aviation Agency also is responsible for determining and enforcing compliance with the terms and conditions under which surplus property is transferred. The agency is also authorized to remove or permit the removal of certain restrictions against the use of such property which prevent or hamper the accomplishment of the purpose contemplated by the transfer.

**§ 101–44.303 Costs incurred incident to donation.**

Direct costs incident to donation shall be borne by the donee. Overhead or administrative costs or charges shall not be included. Only direct costs incurred in the actual packing, preparation for shipment, and loading may be recovered by the holding agency. Where such costs are incurred they shall be reimbursed by the donee upon appropriate billing, unless the holding agency waives the amount involved as being uneconomical or impractical to collect. For example, collections of amounts of less than $100 for any single shipment would appear uneconomical. Payment of all transportation costs shall be borne by the donee.

**§ 101–44.304 Donation screening period.**

A period of 15 calendar days following the automatic release date shall be provided in which to set aside surplus property determined to be usable and necessary for donation purposes. Reportable surplus property will be set aside for donation when an application for donation is submitted for approval within the donation screening period to a GSA regional office, with an informational copy to the holding agency. Nonreportable surplus property will be set aside for donation upon notification to a holding agency, within the donation screening period, by a responsible Federal official or by an authorized donee representative, that the property is usable and necessary for donation purposes. Surplus property will be available for donation on a first-come, first-served basis. However, during the prescribed 15-day screening period service educational activities shall be accorded a priority of issue during the first 5 days for reportable property of the Department of Defense.

**§ 101–44.305 Cooperation of holding agencies.**

Holding agencies shall cooperate with all agencies authorized to participate in the donation program, and their duly accredited representatives, in locating and inspecting donable property. Upon reasonable request, holding agencies shall make available to these agencies or their representatives complete information regarding the quantity, description, condition, and location of donable property in their inventories. Holding agencies, however, need not prepare or mail reports or listings not otherwise required by their procedures.

**§ 101–44.306 Application for donation.**

All donations of surplus personal property for educational, public health, civil defense, service educational activities, and public airports shall be accomplished by use of Standard Form 123, Application for Donation of Surplus Personal Property (illustrated at sec. 101–44.4901), and Standard Form 123A, Application for Donation of Surplus Personal Property—Continuation Sheet (illustrated at § 101–44.4902). The original and three copies of SF 123 will be forwarded to the appropriate GSA regional office for approval, with an informational copy to the holding agency. (Use of Standard Forms 123 and 123A will become effective March 1, 1965. Until then, the present donation forms, and related procedures, shall be used.)

**§ 101–44.307 Preparation and processing of applications.**

Applications for donation shall be prepared and processed in accordance with the instructions illustrated at § 101–44.4903.

**§ 101–44.308 Approval of applications.**

No surplus property will be released by a holding agency for donation until it has received SF 123 bearing the signed approval of the appropriate GSA regional office. In approving donation applications, full effect will be given to the 5-day priority afforded service educational activities for reportable property of the Department of Defense; otherwise, all donation applications received in proper form will be approved on a first-come, first-served basis. Donation applications which are not fully or properly prepared may be returned to the applicant or held in suspense until required information is made available. Upon request of GSA regional offices, donees will submit any additional information required to support and justify a donation application. Donation applications will not be held to the end of the screening period, but will be approved and distributed as expeditiously as possible. Requests for donation received after the end of the donation screening period may be approved if the property is still available and the holding activity has agreed to set the property aside pending receipt of donation approval.

**§ 101–44.309 Disapproval of applications.**

Donation applications will be disapproved, in whole or in part, when it is determined that it is in the public interest to do so, when there is a substantive defect in the application, or when a transfer of the property to a Federal agency is pending. The donee and the holding activity will be advised, in writing, why the application was disapproved. If a donation transfer is disapproved because of a pending Federal transfer and the transfer is not completed subsequently, the donee will be advised to resubmit an application.

**§ 101–44.310 Rejection of property approved for donation.**

If a donee determines prior to pickup or shipment, that property approved for donation cannot be utilized, it will so notify, through appropriate channels, the GSA regional office which approved the donation, and the property will be released by GSA for other disposal. The GSA regional office may advise any other donee agency known to be interested in the property of its possible availability, and may approve a donation request provided the holding agency agrees to retain the property pending such approval.

**§ 101–44.311 Pickup or shipment.**

(a) Surplus property set aside for donation will be retained by the holding agency for a period not to exceed 40 calendar days from the automatic release date, pending receipt of the approved application and firm instructions for pickup or shipment of the property. At the end of this period, the holding agency may proceed with the disposal of the property if the approved application and pickup or shipping instructions have not been received.

(b) Upon receipt of the approved application and instructions for pickup or shipment, the holding agency will promptly notify the donee or his designated agent of the availability of the property. The donee or his agent will remove the property within 15 calendar days from the date of notification of availability by the holding agency.

(c) The donee is responsible for removing the property or for making arrangements with common carriers for its shipment. Property Disposal Officers or other representatives of holding agencies will not act as agent or shipper for donees in this regard.

**§ 101–44.312 Overages.**

(a) Upon receipt, if it is found that surplus property was received which was not listed on an approved SF 123, the donee will prepare and submit, through appropriate channels, to the GSA office for the region in which the holding agency is located, an overage report covering all such property. However, if the estimated acquisition cost of a line item of such property is over $500, it shall be listed on SF 123, and sent through appropriate channels to the GSA regional office for donation approval.

(b) The overage report shall be signed by the responsible representative of the donee and shall provide the following information:

(1) Name and address of the holding agency.

(2) All pertinent control numbers including the holding agency report turn-in document number, the GSA control number if property was reported to GSA, and any donee application or allocation numbers.

(3) A description of each line item of property, the condition code, the quantity and unit of issue, and the estimated unit and total acquisition cost.

**§ 101–44.313 Agency compliance.**

(a) *General.* The Department of Defense, the Department of Health, Education, and Welfare, and the Federal Aviation Agency are responsible for developing and maintaining an effective system for the prevention or detection of situations involving the nonuse, improper use, or the unauthorized disposal or destruction of surplus property donated for educational, public health, civil defense, or public airport purposes. This responsibility will include surveillance for any abuses of donated property; corrective action where such cases are discovered; and the furnishing of compliance reports, as may be required, to GSA.

(b) *Instructions.* The Department of Defense, the Department of Health, Education, and Welfare, and the Federal Aviation Agency will provide GSA with copies of internal instructions which outline the scope of their respective surveillance program, the policies and methods for the enforcement of their compliance responsibilities, and the correction of abuses in the use or disposal of donated property. Copies of instructions to eligible donees concerning the proper use of donated property will also be furnished, and any changes made to these internal or external issuances and explanations thereof, will also be provided GSA.

(c) *Reports.* (1) In order for GSA to accumulate information as a basis for the exercise of his discretionary authority to approve the donation of surplus property, the Department of Defense, the Department of Health, Education, and Welfare, and the Federal Aviation Agency will make such reports on compliance actions as may be required by the Administrator of General Services.

(2) The Department of Health, Education, and Welfare will report to GSA on actions involving nonconformance by a State agency for surplus property with the minimum standards of operation prescribed by the Department.

**§ 101–44.314 Screening by the Secretary of Health, Education, and Welfare.**

In order to locate donable property, the Secretary of Health, Education, and Welfare, and duly accredited representatives of the States, shall be permitted to screen, at appropriate times, in GSA regional offices, reports of excess property submitted by holding agencies under Part 101–43, and holding agencies' excess personal property (and lists and records thereof, when available) not required to be reported to GSA under Part 101–43.

**§ 101–44.315 Printing and binding equipment.**

The Joint Committee on Printing of the Congress has authorized the release of surplus Federal Government printing and binding equipment for donations to health and educational activities as authorized by section 203, Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484). Such donations shall be processed in the same manner as are donations of other surplus personal property.

**§ 101–44.316 Use of surplus property by State agencies for surplus property.**

(a) *General.* Public Law 87–94 amends section 203(n) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), so as to authorize the use of surplus property by State distribution agencies. The Secretary of Health, Education, and Welfare and State agencies may enter into cooperative agreements whereby surplus property, which GSA may approve for donation for use in the State for purposes of education, public health, or civil defense, or for research for any such purpose, may be made available to the State agency for use in performing its functions in connection with such program.

(b) *Determination.* The Secretary of Health, Education, and Welfare may determine that use of any surplus property approved for donation by GSA is necessary to, or would facilitate, the State agency's performance of its functions under such program. The Secretary of Health, Education, and Welfare may also determine that it is necessary to, or would facilitate, the effective use of such surplus property for title thereto to be vested in the State agency.

(c) *Approval.* The approval of GSA is required prior to use by any State agency for such purposes of surplus property which GSA has approved for donation, and is also required for vesting in the State agency of title to any motor vehicle or other surplus property the use of which by a State agency is approved by GSA. Items of the types determined by DHEW as necessary for furtherance of the donation program, which were included on approved Standard Forms 123, may be used by State agencies for administrative purposes under cooperative agreements, subject to GSA approval.

(d) *Transfer of title to motor vehicle.* Whenever a motor vehicle is approved for administrative use by a State agency, title to such vehicle shall be transferred from the United States Government to the State agency concerned and the State agency shall cause such vehicle to be registered with appropriate State authority as a State-owned vehicle, before placing the vehicle in such use. Transfer of title to the State agency shall be effected in accordance with the provisions of § 101–38.701. When title is vested in the State agency, the equipment will not be tagged or otherwise marked to identify it as Federal property.

(e) *Use, maintenance, and disposition.* The use, maintenance, and disposition of surplus property which GSA has approved for use by the State agency shall be as prescribed by the Secretary of Health, Education, and Welfare.

(f) *Limitations.* Under no circumstances may any property which GSA approves for use by the State agency pursuant to the provisions of this section be loaned to, used by, or otherwise made available for use by any person, organization, or instrumentality other than the State agency, or used by it for purposes other than the promotion of the efficiency or effectiveness of the State agency's performance of its functions in connection with the program for the donation of surplus property.

(g) *Reimbursement for lost, damaged, or destroyed property.* The State agency shall reimburse the Department of Health, Education, and Welfare for all surplus property lost, damaged, or destroyed as the result of negligence of the State, its officials, or employees. In the event of loss, damage, or destruction by others, the State agency shall initiate and conclude necessary actions to recover damages therefor.

**§ 101–44.317 Donations to service educational activities.**

**§ 101–44.317–1 Screening by Secretary of Defense.**

(a) In reporting excess property of the Department of Defense to GSA, the Secretary of Defense shall designate, by appropriate notation on each report, any items of donable property which he determines, subject to utilization by Federal agencies in accordance with § 101–44.101, to be usable and necessary for service educational activities. Donable property not so designated shall be deemed to have been determined by the Secretary of Defense not to be usable and necessary for service educational activities, and, subject to utilization by Fed-

eral agencies, shall be available for screening by the Secretary of Health, Education, and Welfare in accordance with this Part 101–44.

(b) With respect to excess property of the Department of Defense not required to be reported to GSA, the Secretary of Defense shall determine the items of donable property that are usable and necessary for service educational activities, subject to utilization by Federal agencies, prior to determination as surplus.

**§ 101–44.317–2 Donations by Secretary of Defense.**

Donable property which has been designated and determined by the Secretary of Defense to be usable and necessary for service educational activities shall, unless otherwise directed by the Administrator of General Services, be available for allocation by the Secretary of Defense when determined surplus in accordance with Part 101–43 and may thereafter be donated to eligible applicants.

## Subpart 101–44.4—Donations to the American National Red Cross

**§ 101–44.400 General.**

Pursuant to sec. 203(1) of the Property Act (40 U.S.C. 484), personal property which has been determined to be surplus property and which has been identified as having been processed, produced, or donated by the American National Red Cross shall, unless otherwise directed by the Administrator of General Services, be made available for donation to the Red Cross for charitable purposes.

**§ 101–44.401 Donation approval.**

The donation of surplus property for which the Red Cross is the eligible donee shall not require further GSA approval, unless such property has an estimated value in excess of $500 or, in the case of blood plasma, consists of a quantity in excess of 1,000 units. In those instances where the property to be donated exceeds the amounts stated, the Regional Administrator, GSA, of the regional office for the area in which the property is located, may approve the formal request submitted by the Red Cross.

**§ 101–44.402 Cooperation of holding agencies.**

Holding agencies shall cooperate with the Red Cross by informing the National Headquarters, 17th and D Streets NW., Washington, D.C., 20006, Attention: General Supply Office, of any surplus property in their custody which meets the criteria in § 101–44.400. By memorandum, letter, or other means of communication, the holding agencies shall provide information, regarding suggested shipping facilities, quantity, description, condition, and location of such property in their inventories.

**§ 101–44.403 Action by the Red Cross.**

(a) Upon receipt of information from the holding agency regarding the availability of such surplus property, the Red Cross may inspect the property or request it pursuant to § 101–44.400 without inspection.

(b) The formal request and shipping instructions in duplicate shall be prepared and transmitted by the Red Cross to the holding agency activity having custody of the property, within 20 calendar days from the date of notification of information provided for in § 101–44.402. Such request and shipping instructions shall include a list of all such surplus property to be transferred and include reference to the date when information on which the request is based was received by the Red Cross. One copy of such request and shipping instructions shall be forwarded to the GSA regional office for the area in which the property is located.

(c) Where the property to be donated exceeds the quantities stated in § 101–44.401, the Red Cross shall send three copies of the formal request and shipping instructions to the designated GSA regional office for approval. Upon such approval, the GSA regional office will mail two approved copies directly to the responsible activity of the holding agency.

**§ 101–44.404 Transfer by holding agency.**

The holding agency shall transfer directly to the Red Cross, upon receipt of request and shipping instructions provided for in § 101–44.403, all items of such surplus property so requested. One copy of such request and shipping instructions shall be enclosed with the shipment or attached to shipping documents. The shipments shall be made f.o.b. installation; transportation charges collect.

**§ 101–44.405 Donable property determined unusable by the Red Cross.**

Property eligible for donation to the Red Cross which, because of deterioration or for other reasons, the Red Cross declines, in writing, to request as a donation, or as to which no action is taken by the Red Cross within the 20-day period prescribed in §101–44.403, shall be disposed of as other surplus. When such Red Cross property is offered for disposal, the disposal document shall provide for a certification to the effect that all Red Cross labels or other Red Cross identifications will be obliterated or removed from such property before use by the recipient or transfer by him to other users.



## Subpart 101–44.5—Donation of Property to Public Bodies

**§ 101–44.500 Scope.**

This subpart prescribes the policies and methods governing the disposition by executive agencies of personal property by donation to public bodies of personal property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale. It does not apply to:

(a) Surplus property donated for educational, public health, civil defense, or public airport purposes; or

(b) Narcotics and reserved materials.

**§ 101–44.501 Findings justifying donation to public bodies.**

**§ 101–44.501–1 General.**

(a) No property shall be donated to public bodies by an executive agency unless it shall have been affirmatively found, in writing, by a duly authorized official of such agency either that:

(1) Such property has no commercial value, or

(2) The estimated cost of its continued care and handling would exceed the estimated proceeds from its sale.

(b) Such findings shall not be made by any official directly accountable for the property covered thereby.

**§ 101–44.501–2 Reviewing authority.**

Whenever a line item of the property to be disposed of under this Subpart 101–44.5 by an executive agency at any one location at any one time had an original cost (estimated if not known) of more than $1,000, findings made under § 101–44.501–1, shall be approved by a reviewing authority before any such disposal.

**§ 101–44.502 Donations to public bodies.**

**§ 101–44.502–1 Authority to donate.**

Any executive agency may donate to public bodies property as to which findings have been made pursuant to § 101–44.501–1.

**§ 101–44.502–2 Disposal costs.**

Any public body receiving property from an executive agency pursuant to this subpart shall pay the disposal costs incident to the donation, such as packing, preparation for shipment, demilitarization, loading, and transportation to the donee.

## Subpart 101–44.6—Donation of Abandoned and Forfeited Personal Property

**§ 101–44.600 Scope.**

This subpart prescribes the policies and methods governing the donation by Federal agencies of abandoned and forfeited property in their custody or control in the United States, Puerto Rico, and the Virgin Islands.

**§ 101–44.601 Donation of forfeited distilled spirits, wine, and malt beverages.**

**§ 101–44.601–1 General.**

Forfeited distilled spirits, wine, and malt beverages for which there is no Federal utilization shall be made available to appropriate eleemosynary institutions prior to other disposition.

**§ 101–44.601–2 Establishment of eligibility.**

Eleemosynary institutions desiring to obtain available distilled spirits shall submit to the Personal Property Division, Region 3, Utilization and Disposal Service, Washington, D.C., 20407, General Services Administration, GSA Form 18, Statement on Behalf of Eleemosynary Institutions (illustrated at § 101–44.4903).

**§ 101–44.601–3 Requests by institutions.**

Lists showing quantities, kinds, and location of available distilled spirits, wine, and malt beverages will be forwarded by GSA from time to time to institutions which qualify by submission of GSA Form 18. Eligible institutions desiring to obtain such liquors shall submit to GSA, at the address shown in § 101–44.601–2, requests therefor, specifying the kind and quantity desired and the place of delivery.

**§ 101–44.601–4 Filling requests.**

The Regional Administrator GSA, shall authorize the seizing agency to fill such requests as he may determine proper to assure equitable distribution among requesting institutions.

**§ 101–44.601–5 Donation of lots not required to be reported.**

Forfeited distilled spirits, wine, and malt beverages not required to be reported under § 101–43.322 may be donated to eleemosynary institutions known to be eligible therefor if determined by the seizing agency to be suitable for human consumption. The holding agency shall promptly report donations by letter to the General Services Administration Region 3, Utilization and Disposal Service, Personal Property Division, Washington, D.C., 20407, and such report shall state the quantity and type so donated, the name and address of the donee institution, and the date of the donation.

**§ 101–44.601–6 Packing and shipping costs.**

The receiving institution shall pay all costs of packing, shipping, and transportation.

### Subpart 101–44.7—Donation of Surplus Narcotics

**§ 101–44.701 State agencies.**

Surplus narcotic drugs shall not be donated except to State agencies for use for civil defense purposes. Donations to State agencies shall be made pursuant to the provisions of Subpart 101–44.3. However, the determinations of usability and need required thereby shall, in every case, be accompanied by:

(a) A detailed listing of the State agencies to which transfer is requested and the type and quantity of each narcotic drug proposed to be transferred to each State agency.

(b) A certificate signed by an authorized State agency official of each State to which transfer is requested. Such certificate shall state that the State agency:

(1) Has available at locations, which must be identified in the certificate, adequate facilities for the storage and handling of the narcotic drugs requested, and

(2) Will use such facilities for the protection thereof, including protection against theft and pilferage.

(c) A statement, signed by the appropriate Narcotics District Supervisor for the area where the narcotics drugs are to be stored and handled, to the effect that the storage facilities proposed by the State to be used for the storage and handling of the narcotic drugs are adequate.

### Subpart 101–44.8—Reports

**§ 101–44.801 Performance report of donations.**

A quarterly performance report of the donation of surplus personal property shall be submitted to GSA on Standard Form 121, Quarterly Report of Utilization and Disposal of Excess and Surplus Personal Property, pursuant to § 101–43.4907.

### Subparts 101–44.9—101–44.48 [Reserved]



### Subpart 101–44.49—Illustrations

NOTE: The forms in §§ 101–44.4901, 101–44.4902, 101–44.4903, and 101–44.4904 filed as part of the original document. Copies may be obtained from Central Office, GSA.

**§ 101–44.4901 Standard Form 123, Application for Donation of Surplus Personal Property.**

**§ 101–44.4902 Standard Form 123A, Application for Donation of Surplus Personal Property—Continuation Sheet.**

**§ 101–44.4903 Instructions for preparation and processing, Standard Form 123.**

**§ 101–44.4904 GSA Form 18, Statement on Behalf of Eleemosynary Institutions.**

No. 233—Pt. II——9

## PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY


Sec.
101–45.000 Scope of part.

Subpart 101–45.1—General

101–45.101 Applicability.
101–45.102 Needs of Federal agencies paramount.
101–45.103 Responsibility of holding agency.
101–45.104 Care and handling pending disposal.
101–45.105 Exclusions.
101–45.105–1 Materials required for the national stockpile and for Government use or resale under the Defense Production Act.
101–45.105–2 Disposal of certain vessels.
101–45.106 Property controlled by other law.
101–45.107 Holding agency compliance function.
101–45.107–1 Referral to other Government agencies.
101–45.107–2 Compliance reports.

Subpart 101–45.2—Definition of Terms

101–45.200 Scope of subpart.
101–45.201 Agricultural commodity.
101–45.202 Auction.
101–45.203 Auctioneer.
101–45.204 Combat materiel.
101–45.205 Contractor inventory.
101–45.206 Cotton or woolen goods.
101–45.207 Debarment.
101–45.208 Distilled spirits.
101–45.209 Executive agency.
101–45.210 Federal agency.
101–45.211 Firearms.
101–45.212 Forfeitures.
101–45.213 Holding agency.
101–45.214 Identical bids.
101–45.215 Inactivation.
101–45.216 Intangible personal property.
101–45.217 Local government.
101–45.218 Malt beverages.
101–45.219 Narcotics.
101–45.220 No commercial value.
101–45.221 Personal property.
101–45.222 Public body.
101–45.223 Reinstatement.
101–45.224 Related personal property.
101–45.225 Reviewing authority.
101–45.226 Salvage.
101–45.227 Scrap.
101–45.228 Small business concern.
101–45.229 Surplus personal property.
101–45.230 Wine.

Subpart 101–45.3—Sale of Personal Property

101–45.300 Scope of subpart.
101–45.301 Sale to Government employees.
101–45.302 Sales methods and procedures.
101–45.302–1 Competitive bid sales.
101–45.302–2 Negotiated sales and negotiated sales at fixed prices.
101–45.302–3 Lotting.
101–45.302–4 Inspection by bidders.
101–45.302–5 Reviewing authority.
101–45.302–6 Advertising.
101–45.302–7 Forms prescribed.
101–45.302–8 Credit.
101–45.302–9 Deposits.
101–45.302–10 Deposit bonds.
101–45.302–11 State and local governments.
101–45.303 Exchange or sale of personal property for replacement purposes.
101–45.303–1 Solicitation of bids.
101–45.303–2 Terms and conditions of sale.
101–45.303–3 Availability of proceeds of sale.
101–45.304 Contractor inventory.
101–45.304–1 Retention or disposal by contractors or subcontractors.
101–45.304–2 Limitations.
101–45.304–3 Disposal by executive agencies.
101–45.305 Proceeds from sales.
101–45.305–1 Disposition of proceeds.
101–45.306 Performance reports.
101–45.307 Special classes of property.
101–45.307–1 Agricultural commodities.
101–45.307–2 Dangerous property.
101–45.307–3 Demilitarization and decontamination.
101–45.307–4 Firearms.
101–45.307–5 Garbage.
101–45.307–6 Narcotics.
101–45.307–7 Vehicles.
101–45.308 Antitrust laws.
101–45.309 Assistance in controlling unauthorized transport of property.
101–45.310 Auctioneers.
101–45.310–1 General.
101–45.310–2 Responsibilities.
101–45.310–3 List of Auctioneers Qualified to Sell Government-owned Personal Property.
101–45.310–4 Solicitation of bids for auctioneer services.
101–45.310–5 Inactivation of auctioneers.
101–45.310–6 Debarment of auctioneers.
101–45.310–7 Report on auctioneer services.
101–45.311 Procedures and forms concerning contingent or other fees for soliciting or securing contracts.
101–45.311–1 Purpose.
101–45.311–2 Objectives and methods.
101–45.311–3 Representation and covenant.
101–45.311–4 General principle and standards applicable to the covenant.
101–45.311–5 Standard Form 119

Sec.
101–45.311–6 Use of Standard Form 119.
101–45.311–7 Exceptions.
101–45.311–8 Enforcement.
101–45.311–9 Preservation of records.
101–45.312 Federal excise taxes.
101–45.313 Nondiscrimination clause in contracts.
101–45.314 Report on identical bids.
101–45.314–1 Governing order.
101–45.314–2 Reporting requirement and procedures.
101–45.314–3 Supplemental requests by Attorney General.
101–45.314–4 Antitrust law referrals.

Subpart 101–45.4—Disposal of Abandoned and Forfeited Property

101–45.400 Scope of subpart.
101–45.401 General.
101–45.402 Forfeited distilled spirits, wine, and malt beverages.
101–45.403 Forfeited firearms.
101–45.404 Forfeited property other than forfeited firearms subject to disposal under the Internal Revenue Code of 1954.
101–45.405 Disposition of proceeds.
101–45.405–1 Abandoned property.
101–45.405–2 Forfeited property.

Subpart 101–45.5—Abandonment or Destruction of Surplus Property

101–45.500 Scope of subpart.
101–45.501 Findings justifying abandonment or destruction.
101–45.501–1 General.
101–45.501–2 Reviewing authority.
101–45.502 Authority to abandon or destroy.
101–45.503 Notice of proposed abandonment or destruction.
101–45.504 Abandonment or destruction without notice.
101–45.505 Destruction of surplus narcotics.
101–45.506 Abandonment or destruction of expendable property.

Subpart 101–45.49—Illustrations

101–45.4900 Scope of subpart.
101–45.4901 Standard Form 114, Sale of Government Property.
101–45.4902 Standard Form 114A, Sale of Government Property, Bid and Award.
101–45.4903 Standard Form 114B, Sale of Government Property, Item Bid Page.
101–45.4904 Standard Form 114C, Sale of Government Property, General Sale Terms and Conditions.
101–45.4905 Standard Form 119, Contractors Statement of Contingent or other Fees.
101–45.4906 Standard Form 150, Deposit Bond — Individual Invitation, Sale of Government Personal Property.
101–45.4907 Standard Form 151, Deposit Bond, Annual, Sale of Government Personal Property.
101–45.4908 Standard Form 28, Affidavit of Individual Surety.
101–45.4909 Optional Form 20, Notice to Surety.
101–45.4910 Instructions for the preparation of advance sale notice to the Department of Commerce.
101–45.4911 Exchange/sale category list.
101–45.4912 Sample format—Irrevocable Letter of Credit.
101–45.4913 General instruction for preparation of irrevocable letter of credit.
101–45.4914 Sample format—Draft drawn against irrevocable letter of credit.
101–45.4915 Sample format—transmittal letter to accompany official letterhead.
101–45.4916 Rating code of qualified auctioneers.
101–45.4917 Standard Form 114, Sample assembly for Sale of Government Property.
101–45.4918 Sample assembly for sales of Government property.
101–45.4919 Outline for preparation of explanatory statement relative to negotiated sales.

AUTHORITY: The provisions of this Part 101–45 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), §§ 101–45.400 to 101–45.405 also issued under sec. 307, 49 Stat. 880; 40 U.S.C. U.S.C. 304l.

## § 101–45.000 Scope of part.

This part prescribes policies and methods governing the disposal by executive agencies of Government-owned personal property located within the United States, the Commonwealth of Puerto Rico, and the Virgin Islands by sale, abandonment, or destruction.

## Subpart 101–45.1—General

### § 101–45.101 Applicability.

This Part 101–45 applies to all agencies in the executive, legislative, and judicial branches of the Government, except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, to the extent provided in the Federal Property and Administrative Services Act of 1949 (hereinafter generally referred to in this Part 101–45 as "the Act").

### § 101–45.102 Needs of Federal agencies paramount.

Any need for personal property expressed by any Federal agency (including the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act) shall be paramount to any disposal, if such need is made known to the holding agency prior to passage of title in the case of sale.

### § 101–45.103 Responsibility of holding agency.

Each holding agency shall, except as otherwise provided by order of the Administrator of General Services, dispose of personal property by sale in accordance with this Part 101–45.

### § 101–45.104 Care and handling pending disposal.

Pending disposal, each holding agency shall be responsible for performing, and bear the cost of, care and handling of its property.

### § 101–45.105 Exclusions.

### § 101–45.105–1 Materials required for the national stockpile and for Government use or resale under the Defense Production Act.

This Part 101–45 does not apply to materials acquired for the national stockpile or to metals, minerals, and other materials acquired for Government use or resale under section 303(a) of the Defense Production Act of 1950, as amended (50 U.S.C. 2093). However, to the extent deemed appropriate the provisions of this Part 101–45 should be followed in the disposal of such materials.

### § 101–45.105–2 Disposal of certain vessels.

The Secretary of Commerce has jurisdiction over the disposal of vessels of 1,500 gross tons or more which the Secretary determines to be merchant vessels or capable of conversion to merchant use. Such vessels, therefore, are excluded from the provisions of this Part 101–45.

### § 101–45.106 Property controlled by other law.

No property shall be disposed of in violation of any other applicable law.

### § 101–45.107 Holding agency compliance function.

Subject to the provisions of § 101–45.107–1 requiring referral of criminal matters to the Department of Justice, each holding agency shall perform investigatory functions as are necessary to insure compliance with the provisions of the Federal Property Act and with the regulations, orders, directives, and policy statements of the Administrator of General Services. Nothing in this § 101–45.107 should be deemed to affect the jurisdiction of any agency over its own personnel or any existing arrangements with the Department of Justice concerning the handling and prosecution of criminal matters.

### § 101–45.107–1 Referral to other Government agencies.

All information indicating violations by any person of Federal criminal statutes, or violations of section 209 of the Federal Property Act, including, but not limited to, fraud against the Government, mail fraud, bribery, attempted bribery, or criminal collusion, shall be referred immediately to the Department of Justice, for further investigation and disposition. Each holding agency shall make available to the Department of Justice, or to such other governmental investigating agency to which the matter may be referred by the Department of Justice, all pertinent information and evidence concerning the indicated violations; shall desist from further investigation of the criminal aspects of such matters except upon the request of the Department of Justice; and shall cooperate fully with the agency assuming final jurisdiction in establishing proof of criminal violations. After making the necessary referral to the Department of Justice, inquiries conducted by the holding agency compliance organizations shall be limited to obtaining information for administrative purposes. Where irregularities reported or discovered involve wrongdoing on the part of individuals holding positions in Government agencies other than the agency initiating the investigation, the case shall be reported immediately to the Administrator of General Services for an examination in the premises.

### § 101–45.107–2 Compliance reports.

A written report shall be prepared on all compliance investigations conducted by each agency compliance organization. Each holding agency shall maintain files of all such reports. Until otherwise directed by the Administrator of General Services, there shall be transmitted promptly to GSA one copy of any such report which contains information indicating criminality on the part of any person or indicating substantial noncompliance with the Act or with the regulations, orders, directives, and policy statements of the Administrator of General Services. In transmitting such reports to the Administrator of General Services, the agency shall set forth the action taken or contemplated by the agency to correct the improper conditions disclosed by the investigation. Where any matter is referred to the Department of Justice, a copy of the letter of referral shall be transmitted to GSA.

## Subpart 101–45.2—Definition of Terms

### § 101–45.200 Scope of subpart.

As used throughout this Part 101–45, the following terms have the meanings set forth in this subpart.

### § 101–45.201 Agricultural commodity.

"Agricultural commodity" means a product resulting from the cultivation of the soil or husbandry on farms and in the form customarily marketed by farmers.

### § 101–45.202 Auction.

"Auction" means a sales offering by public outcry.

### § 101–45.203 Auctioneer.

"Auctioneer" means an individual, partnership, or corporation engaged in selling personal property by the auction method of sale.

### § 101–45.204 Combat materiel.

"Combat materiel" means arms, ammunition, and implements of war listed in the currently effective designations (68 Stat. 848, as amended, 22 U.S.C. 1934).

### § 101–45.205 Contractor inventory.

"Contractor inventory" means any property acquired by and in the possession of a contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of such contract (or subcontract thereunder), prior to completion of the work, for the convenience or at the option of the Government.

### § 101–45.206 Cotton or woolen goods.

"Cotton or woolen goods" means any textile, article, or product resulting from the processing or manufacturing, in whole or in major part, of cotton or wool.

### § 101–45.207 Debarment.

"Debarment" means the prohibition of an individual or organization from contracting with the Government longer than a temporary period.

### § 101–45.208 Distilled spirits.

"Distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof.

### § 101–45.209 Executive agency.

"Executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

### § 101–45.210 Federal agency.

"Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

### § 101–45.211 Firearms.

"Firearms" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of any explosive, and a muffler or silencer for any such weapon.

### § 101–45.212 Forfeitures.

"Forfeitures" means forfeitures, whether by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States.

### § 101–45.213 Holding agency.

"Holding agency" means the executive agency which has accountability for the property involved.

### § 101–45.214 Identical bids.

(a) "Identical bids" means two or more bids received for the same line item of an invitation for bids issued under formal advertising procedures which:

(1) Appear on the face of the bids to be identical as to unit price or total amount; or

(2) Are found, in the contracting agency's normal process of evaluating bids for award, to be identical as to unit price or total amount.

(b) "Line item" means each item of personal property specified in an invitation for bid which, under the terms of the invitation, is susceptible to a separate contract award.

**§ 101–45.215 Inactivation.**

"Inactivation" means the removal of an auctioneer's name from the List of Auctioneers Qualified to Sell Government-owned Personal Property.

**§ 101–45.216 Intangible personal property.**

"Intangible personal property" includes, but is not limited to, such classes of personal property as patents, patent rights, processes, techniques, inventions, and copyrights, except as, in a given case or class of cases, may be excluded by the Administrator of General Services.

**§ 101–45.217 Local government.**

"Local government" means a government, or administration of a locality, within a State or possession of the United States.

**§ 101–45.218 Malt beverages.**

"Malt beverages" means beverages made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

**§ 101–45.219 Narcotics.**

"Narcotics" means the following drugs or preparations thereof:

(a) Opium, coca leaves, cocaine, or any salt derivative, or preparation of opium, coca leaves, or cocaine;

(b) Isonipecaine (demarol);

(c) Any drug found by the Secretary of the Treasury and proclaimed by the President to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine such as methadon (delphine, adanon) and nisentil; and

(d) Marihuana (cannabis sativa L.).

**§ 101–45.220 No commercial value.**

"No commercial value" means personal property which is not usable and cannot economically be rehabilitated by anyone for use for the purposes for which it was originally intended, and can reasonably be expected to have no market value for use as an entity for any other purpose.

**§ 101–45.221 Personal property.**

"Personal property" means property of any kind or any interest therein, except real property, records of the Federal Government, and naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines.

**§ 101–45.222 Public body.**

"Public body" means any State, territory, or possession of the United States, any political subdivision thereof, the District of Columbia, any agency or instrumentality of any of the foregoing, or any agency of the Federal Government.

**§ 101–45.223 Reinstatement.**

"Reinstatement" means the restoration to the List of Auctioneers Qualified to Sell Government-owned Personal Property of the name of an auctioneer previously removed from that list.

**§ 101–45.224 Related personal property.**

"Related personal property" means any personal property which is located on, or is an integral part of, real property, or used or useful in connection with such property or the productive capacity thereof, or determined by the Administrator of General Services to be otherwise related to the real property.

**§ 101–45.225 Reviewing authority.**

"Reviewing authority" means a local, regional, or departmental board of review of an executive agency. It may consist of one or more persons.

**§ 101–45.226 Salvage.**

"Salvage" means personal property that has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect for use for any purpose as a unit (either by the holding or any other Federal agency) and its repair or rehabilitation for use as a unit (either by the holding or any other Federal agency) is clearly impracticable. Repairs or rehabilitation estimated to cost in excess of 65 percent of acquisition cost would be considered "clearly impracticable" for purposes of this definition.

**§ 101–45.227 Scrap.**

"Scrap" means material that has no value except for its basic material content.

**§ 101–45.228 Small business concern.**

"Small business concern" means any concern or group of concerns which qualifies as a "small business concern" under governing standards by the Small Business Administration (see 13 CFR Part 121).

**§ 101–45.229 Surplus personal property.**

"Surplus personal property" means any excess personal property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services.

**§ 101–45.230 Wine.**

"Wine" means wine as defined in sections 5381 and 5385 of the Internal Revenue Code of 1954 (26 U.S.C. 5381, 5385), as now in force or hereafter amended, and other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.



## Subpart 101–45.3—Sale of Personal Property

**§ 101–45.300 Scope of subpart.**

This subpart prescribes the policies and methods governing the disposal of surplus personal property by sale.

**§ 101–45.301 Sale to Government employees.**

Holding agencies shall not sell personal property to persons known to be officers or employees of the Federal Government, except to the extent determined by the heads of such agencies to be in the best interests of the Government and under procedures and safeguards, prescribed by the heads of such agencies, adequate to preclude collusion and fraud.

**§ 101–45.302 Sales methods and procedures.**

**§ 101–45.302–1 Competitive bid sales.**

Holding agencies shall, except as otherwise provided by this Subpart 101–45.3, sell personal property by competitive bid sale after advertising, in accordance with this section 101–45.302–1. Competitive bid sales include the following:

(a) *Sealed bid sales.* In sealed bid sales, bidders shall be required to submit, to the office designated for receipt and opening of bids, sealed written bids on authorized bid forms for public opening at a time and place designated. Final payment on such sales shall be in the prescribed forms as set forth in § 101–45.302–1(b).

(b) *Spot bid sales.* In spot bid sales, bidders shall be furnished with bid forms in advance of the bidding, a bid form to be used for each lot or unit to be separately sold. Requests for bids on items offered for sale shall be made by the official in charge. In requesting bids, the official in charge shall announce the item, its identification number, and a brief description of the item or lot. The right to reject all such bids for a lot or item shall be reserved in the terms of sale; and when the Invitation for Bids so specifies, lots or items for which all bids have been rejected may be reoffered at the same sale in order to secure an acceptable bid price. After examining all bids, award shall be made or bids rejected immediately following the offering of the item or lot. The bids at spot bid sales shall not be disclosed prior to the announcement of award for any item or lot. Where mailed written or drop bids are permitted, they shall not be disclosed to the public prior to the announcement of award. Bidders may be required to register in advance of the sale. Any special condition of sale shall be set out in the Invitation for Bids in order to assure that all bidders are afforded an opportunity to compete on the same terms and conditions. Except as provided in §§101–45.302–8 and 101–45.302–11, final payment on such sales must be by cash, or certified check, cashier's check, traveler's check, bank draft, Federal Home Loan Bank money order (including Canadian Postal Money Orders designed for payment in the United States, which are acceptable in U.S. dollars at the stated face value), Government check properly endorsed, or any combination thereof, made payable to the Treasurer of the United States or to the Government agency conducting the sale.

(c) *Auction sales.* In auction sales, private auctioneers qualified as prescribed by § 101–45.310, or qualified personnel of holding agencies when authorized by the holding agency, shall be used to cry such sales. When the terms and conditions of sale have been published and distributed to participating buyers, any special or unusual conditions of sale shall be announced by the person conducting the auction, immediately prior to commencement of the sale. Final payment on such sales must be made in the prescribed form as set forth in § 101–45.302–1(b). The only exceptions to such methods for payment are set forth in §§ 101–45.302–8 and 101–45.302–11. Offerings must reserve in the Government, the right to accept or reject any or all bids. Lots for which all offers have been rejected may be reoffered later at the same sale to secure acceptable bids, when the published terms and conditions so provide. GSA will provide advice and assistance to executive agencies on auction methods and use, and on advertising, lotting, and other sales preparations for auctioneers.

**§ 101–45.302–2 Negotiated sales and negotiated sales at fixed prices.**

(a) *Circumstances permitting negotiated sales.* Agencies authorized pursuant to this Part 101–45 to sell surplus personal property may do so by negotiated sales, subject to obtaining such competition as is feasible under the circumstances, where:

(1) It is determined by the disposal agency that a negotiated sale involves property:

(i) That has a reasonable fair-market value not in excess of $1,000; or

(ii) Where public exigency will not admit of the delay incident to advertising; or

(iii) Where bid prices after advertising therefor are not reasonable (either as to all or some part of the property), or bid prices have not been independently arrived at in open competition, and it is determined that readvertising will serve no useful purpose: *Provided*, That all responsible bidders who responded to the previous advertising shall be afforded an opportunity to submit offers for the property.

(iv) That the disposal will be to a State, Territory, possession, political subdivision thereof, or tax-supported agency therein, and that the estimated fair-market value of the property and other satisfactory terms of disposal are obtained by negotiation.

(2) Full and adequate justification therefor has been submitted to the head of the disposal agency or his designee for prior approval, and he has determined:

(i) That the public health, safety, or national security will thereby be promoted; or

(ii) That it is necessary in the public interest during the period of a national emergency declared by the President or the Congress. The authority of this subdivision shall be used only with respect to a particular lot or lots of personal property identified by the Administrator of General Services or a specifically described category or categories of property determined by the Administrator of General Services during any period fixed by the Administrator of General Services, but not in excess of three months. Declaration of a national emergency alone is not justification for use of this authority; there must be other reasons making use of negotiation necessary in the public interest.

(3) Full and adequate justification therefor has been submitted to the Administrator of General Services for his prior approval, and he has determined that the property involved is of a nature and quality which, if disposed of by advertising would cause such an impact on an industry or industries as to adversely effect the national economy: *Provided*, That the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation.

(4) Negotiation is otherwise authorized by the Act or other law.

(b) *Negotiated sale at fixed prices.* After obtaining prior approval of the Administrator of General Services agencies may sell, either directly or through the use of disposal contractors, specific categories of personal property at the estimated fair-market value of the property. Sales of property so made shall be publicized to the extent consistent with the nature and value of the property involved. Applications for approval of fixed-price sales shall include a narrative statement containing a description of the property, a detailed program of disposal, justification of the proposed sale, the estimated fair-market value and proposed selling prices, and all other pertinent facts involved in the agency's decision to request authority to sell at fixed prices.

(c) *Explanatory statements.* Subject to the exceptions noted in this subparagraph, the agency shall prepare an explanatory statement of the circumstances of each proposed disposal by negotiation of any personal property and shall submit the statement to the Administrator of General Services for review and transmission by the Administrator of General Services to the appropriate committee of the Senate and House of Representatives, as early as practicable in advance of each proposed disposal; and, shall preserve a copy thereof in its files.

(1) No statement need be:

(i) Prepared for disposals of personal property having a fair market value of $1,000 or less;

(ii) Submitted for sales of personal property at fixed prices when previously authorized pursuant to this § 101–45.302–2(b); or

(iii) Submitted for disposals of personal property authorized to be made without advertising by any provision of law other than section 203(e) of the Act.

(2) An outline for the preparation of the explanatory statement is shown in § 101–45.4919.

**§ 101–45.302–3 Lotting.**

To the extent practicable, and consistent with the types of property and usual commercial practice, property offered for sale shall be assembled in reasonably sized lots of like or similar items by make or manufacturer. Unused property shall be lotted separately from used items. Scrap and other property having scrap value only shall be lotted in accordance with established trade practice and shall generally not be included in the same sale with usable items. Determination of the size of lots shall take into consideration the buying capacities of prospective buyers and the requirement that adequate competition be obtained. Large quantities of identical items shall be lotted in such a way as to encourage bidding by small businesses and individuals.

**§ 101–45.302–4 Inspection by bidders.**

Sufficient time prior to the date for submission of bids shall be allowed to permit inspection by potential purchasers.

**§ 101–45.302–5 Reviewing authority.**

Approval by a reviewing authority of the agency effecting the sale shall be required for each proposed award involving the type of sale and acquisition cost (actual or estimated) of property other than scrap as follows:

(a) By negotiated sale—$1,000 or more.

(b) By competitive-bid sale—$100,000 or more.

**§ 101–45.302–6 Advertising.**

Adequate public notice shall be given to each offering for sale of property to be disposed of after advertising. Except where the nature or condition of the property does not permit, advertising shall be made in sufficient time previous to sale to permit full and free competition. The extent of solicitation shall have due regard to the quantity and type of property to be sold, the logical market of disposal, the type of sale contemplated, and the public interest. Three copies of all invitations or other offering literature involving surplus, exchange/sale property or contractor inventory shall be transmitted, at the time of issuance, to the appropriate GSA regional office, except that in the case of invitations or other offering literature processed and distributed by the Defense Logistics Services Center of the Department of Defense, two copies will be submitted to such regional office and one copy to the General Services Administration, Utilization and Disposal Service, Washington, D.C., 20405.

(a) *Advertising media by types of sales*—(1) *Sealed bid sales.* In the case of sealed bid sales, advertising shall be by the distribution of written invitations for bids, including public posting thereof, and may be supplemented by newspaper or trade journal advertising (ordered in accordance with existing law) where advisable.

(2) *Spot bid sales.* Advertising in the case of spot bid sales shall be by written invitation for bids or other appropriate notices, including public posting thereof. Notice of such sales may also be given appropriate newspaper or trade journal advertising (ordered in accordance with existing law) where advisable.

(3) *Auction sales.* In the case of auction sales, newspaper or trade journal advertising ordinarily should be employed (ordered in accordance with existing law) in addition to other written notice deemed appropriate.

(b) *Advance sale notices to Department of Commerce.* In order that the Department of Commerce may make regular publication of a synopsis of principal proposed sales of Government personal property, all disposal agencies shall, when the acquisition cost of the property to be sold at one time at one place is $250,000 or more, cause a notice of each proposed sale to be transmitted to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago, Ill., 60607. Where the acquisition cost is less than this amount, such notice may be transmitted when considered desirable. The notice shall be sent as early as possible in advance of the sale but at least 20 days prior to the date when the bids will be opened, or, in the case of spot bid or auction sale, when the sale will be conducted. Such notice shall be transmitted by fastest mail available and shall be in synopsis form suitable for printing directly from the text as transmitted without editing or condensing. Instructions for the preparation of advance sale notices, including form and content thereof, are set forth in § 101–45.4910. The failure to comply with the advance notice of sale requirements of this § 101–45.302–6(b) shall not, in and of itself, affect the validity of a sales award which is otherwise valid.

**§ 101–45.302–7 Forms prescribed.**

Standard Forms 114, 114A, 114B, and 114C (illustrated at §§ 101–45.4901, 101–45.4902, 101–45.4903, and 101–45.4904) shall be used in all sales of surplus personal property by sealed bid. Typical assemblies for sealed bid sales, which include these standard forms, are shown in §§ 101–45.4917 and 101–45.4918. In auction, spot bid, and negotiated sales, Standard Form 114C shall be used and, if appropriate, Standard Forms 114, 114A, and 114B may be used.

(a) *Description of standard forms*—(1) *Standard Form 114, Invitation Title Page.* This form has space for the invitation number and date; time, date, and place of bid opening; bid deposit requirements; arrangements for inspection; name and address of issuing activity; and location(s) of property.

(2) *Standard Form 114A, Bid and Award Page.* This form provides a block for the bidder to state his total bid, and a block for the Government to accept the bid. Extra space is provided in the acceptance by the Government block for optional agency use. Accounting data, acquisition cost of the property, office identification numbers, etc., may be over printed in this space if deemed necessary by the using agency. Neither instructions to bidders nor special conditions of sale, however, are to be printed in this blank space.

(3) *Standard Form 114B, Item Bid Page.* This form provides for the summary listing of articles for sale, the quantity in number of units, and the unit of measure. It has columns for the bidder to insert the line item price bid per unit and the line item total bid price, as well as space for the bidder's name to facilitate identification.

(4) *Standard Form 114C, General Sale Terms and Conditions.* The sale terms and conditions are provided as a separate page so as to permit, where necessary, the inclusion of special conditions and instructions to bidders on the reverse of Standard Form 114C. (See § 101–45.4917. A continuation sheet, if required, may be used.) However, special conditions of sale and instructions to bidders are to be kept to an absolute minimum, and are to be used only if and when deemed necessary and appropriate for the particular property offered for sale. No special conditions of sale shall be included which are inconsistent with the provisions contained in Standard Forms 114A and 114C unless authority is obtained from the Administrator of General Services.

(5) *Alternate assembly of forms for small sealed bid sales.* To provide the simplest type of documentation for sales involving only a small number of items, an assembly consisting of Standard Form 114 with Standard Form 114A on the reverse thereof; and Standard Form 114B with Standard Form 114C on the reverse is shown as § 101–45.4918. It is to be noted that when an agency determines special conditions of sale and instructions to bidders are necessary, they may be set forth on Standard Form 114B after the description of the items to be sold.

(b) *Description of items for sale.* (1) A short, accurate, and to the extent feasible, commercially clear description shall be prepared for each item offered for sale. This description may be used in the Standard Form 114B whenever a few items are to be sold. In larger sales, a summary list of the items shall be set forth on the Standard Form 114B as shown in § 101–45.4917 and a list of detailed item descriptions shall be prepared in the format shown in § 101–45.4917 and set forth in the same order as in the Standard Form 114B. (Section 101–45.4917 assumes multiple locations of property were indicated in Standard Form 114. There is no intent in § 101–45.4917 to suggest lotting. Examples of items given are intended only to establish format and proper descriptive terminology.) The block is for the convenience of the bidder to record, for his use, the amounts bid and submitted on Standard Form 114B.

(2) When it is determined to be to the Government's advantage, original acquisition costs may be included in the individual item descriptions.

(3) Normally, one copy of this list setting forth the descriptions of property should be sufficient for distribution with whatever number of sets of the Standard Form 114 is furnished each bidder, as the list is not to be returned with the bid.

(4) Extreme care should be exercised in the preparation of the item description list to avoid uncertainty in a prospective buyer's mind by the use of misleading, ambiguous, or unintended descriptions which could possibly lead to disputes and litigation. For example, there is uncertainty when a "lot" of property described as an "item" consists of more than one item and the weight of the "item" is stated. Is the weight shown that of one of the items or is it the total weight for all items?

(5) Also, inasmuch as there can be honest difference of opinion as to condition, such opinions shall not be expressed. Descriptions shall be limited to statements of fact such as "unused" or "used." To these general descriptions, qualifying statements, when known and applicable, shall be added as guide information such as "some surface rust," "broken cartons," "rubber may be deteriorated," and "packed for export." On listing motor vehicles from which tires have been removed, that fact shall be indicated; or, if it has no motor, that fact shall be disclosed.

(c) *Removal of property.* In normal disposals, a minimum of ten days shall be afforded successful buyers to effect complete removal of the property.

**§ 101–45.302–8 Credit.**

Except as authorized in § 101–45.302–11, personal property shall not be offered for sale or sold on credit without the prior approval of the Administrator of General Services. When approved, the terms and conditions of sale shall specifically provide therefor.

**§ 101–45.302–9 Deposits.**

(a) Subject to § 101–45.302–11, deposits shall be required in connection with bids on personal property offered for sale through the formal sealed bid method. Deposits also shall be required in connection with auction sales but may be waived (other than for bids submitted by mail when authorized) whenever the highest acceptable bidders are required to make at least a partial payment, in an amount not less than the normal bid deposit on the day of sale. Deposits may be required on spot bid sales at the discretion of the agency conducting such sales.

(b) The normal deposit for individual type sales shall be 20 percent of the total amount of bid. For sales of property on an "as generated" basis during a stated period of time (referred to as term contracts), the normal deposit shall not be less than an amount to adequately protect the Government's interest. (Example: 33⅓ percent of the total amount bid on a 90-day contract.)

(c) Bid deposits shall be in the form of cash, or certified check, cashier's check, traveler's check, bank draft, Federal Home Loan Bank money order, postal money order, express, telegraphic or other commercial money order (including Canadian Postal Money Orders designed for payment in the United States which are acceptable in U.S. dollars at the stated face value), Government check properly endorsed, or any combination thereof made payable to the Treasurer of the United States or to the Government agency conducting the sale. When agency regulations so provide, deposit bonds (submitted on Standard Forms 150 and 151) may also be used.

(d) Irrevocable commercial letters of credit issued by a bank established in the United States, payable to the Treasurer of the United States or to the Government agency conducting the sale, may be used in lieu of the foregoing forms of deposit. Such letters shall be substantially in the format shown in § 101–45.4912. General instructions relating to the preparations of letters of credit are also contained in § 101–45.4913.

(e) Any draft drawn against such letter of credit shall be substantially in the format shown in § 101–45.4914. Such draft shall be accompanied by a transmittal letter and certifications substantially in the format shown in § 101–45.4915.

(f) Potential buyers shall be notified as to the exact organizational entity to the order of which the prescribed form of deposit is to be made payable. In no event shall a bid be rejected solely on the grounds that the instrument of deposit is made payable to the Treasurer of the United States when the offering specifies that it be made payable to the Government agency conducting the sale, or conversely, as the case may be.

**§ 101–45.302–10 Deposit bonds.**

(a) *Standard forms.* The following standard forms, as applicable, shall be used by executive agencies when a bond, in lieu of cash or other acceptable form of bid deposit, is permitted by the sales invitation.

(1) Standard Form 150, Deposit Bond—Individual Invitation, Sale of Government Personal Property (see § 101–45.4906).

(2) Standard Form 151, Deposit Bond—Annual Sale of Government Personal Property (see § 101–45.4907).

(3) Standard Form 28, Affidavit of Individual Surety (see § 101–45.4908).

(Standard Forms 150 and 151 are applicable only to normal cash sales where payment in full is required prior to release of the property. In the conduct of sales involving term contracts or other unusual contractual arrangements, executive agencies may use such other bond forms as they may determine to be acceptable.)

(b) *Instructions and procedures.* (1) Comprehensive instructions for the execution and use of Standard Form 150, Deposit Bond—Individual Invitation; Standard Form 151, Deposit Bond—Annual; and Standard Form 28, Affidavit of Individual Surety, are provided on the reverse of each form. Implementing instructions by executive agencies shall be consistent therewith.

(2) Standard Form 151, Deposit Bond—Annual, contains the following provision:

> Upon the making of an award to the principal, or within a reasonable period of time thereafter, the Government shall transmit, in writing, the following information to the surety at the address above:
>
> (1) Name and address of the principal(s); (2) number of the invitation for bids; (3) name and address of the department or agency making the award; (4) date of the award; and (5) total purchase price covered by the award.

The phrase, "or within a reasonable period of time thereafter", shall, for practicable purposes, be construed to mean within fifteen days following the making of the award. Optional Form 20, Notice to Surety—Deposit Bond—Annual (§ 101–45.4909) is a form of written notice available for this purpose.

(3) In the event a bidder whose bid deposit is secured by a deposit bond attempts to withdraw his bid in violation of paragraph 3, General Sale Terms and Conditions, Standard Form 114C, and such bid is determined to be the high bid acceptable to the Government, a formal notice of award shall be issued to inform the bidder of his contractual obligations.

(4) In the event of default by a bidder whose bid deposit has been secured by a deposit bond, a notice of such default should be sent to the bidder (principal) and the surety.

**§ 101–45.302–11 State and local governments.**

In the case of sales to State and local governments and instrumentalities thereof, the requirements for bid deposit and payment for property prior to removal shall be waived whenever representation is made in writing by an official of such State or local government or instrumentality that compliance therewith is precluded by law applicable to such governments, including a citation to the applicable law forming the basis for such exemptions; and, may be waived in the case of such sales where otherwise deemed in the best interest of the Federal Government.

**§ 101–45.303 Exchange or sale of personal property for replacement purposes.**

This section prescribes policies and methods governing executive agencies in exercising the authority to sell personal property granted under section 201(c) of the Act. Sale of personal property by executive agencies in connection with the application of the proceeds of sale in the acquisition of similar personal property for replacement purposes shall be made only after compliance with the provisions of subpart 101–43.2 covering the utilization requirements to be met prior to outright sale.

**§ 101–45.303–1 Solicitation of bids.**

In exercising the authority granted herein for disposing of personal property, the objective shall be to obtain the maximum return to the Government from property sold. Executive agencies shall, therefore, solicit in each instance, cash bids, except that cash bids need not be solicited when the items sought to be sold may be disposed of without solicitation of bids under applicable laws and regulations.

### § 101–45.303–2 Terms and conditions of sale.

Executive agencies shall use Standard Forms 114, 114A, 114B, and 114C (see §§ 101–45.4901, 101–45.4902, 101–45.4903, and 101–45.4904) in making sealed bid sales of property pursuant to this § 101–45.303–2 in the same manner as is required in sales of surplus personal property (see § 101–45.302–7). Typical assemblies for sealed bid sales, which include these standard forms, are shown in §§ 101–45.4917 and 101–45.4918. If sale is by auction, spot bid, or negotiated sale, executive agencies shall, except as may be otherwise authorized by the Administrator of General Services, use the General Sale Terms and Conditions of Standard Form 114C, and may use Standard Forms 114, 114A, and 114B as deemed appropriate. Additional special terms, conditions, and instructions, if necessary, may be used if not inconsistent with the provisions contained in Standard Forms 114A and 114C.

### § 101–45.303–3 Availability of proceeds of sale.

Except as otherwise authorized by law, proceeds of sales of personal property disposed of pursuant to this § 101–45.303–3 shall be accounted for in accordance with General Accounting Office, Accounting Systems Memorandum No. 23, Revised, issued June 19, 1953, or any revision thereof. The requirements for a written administrative determination to establish that a bona fide replacement is involved are set forth in § 101–43.302. Procedures for the application of the proceeds of sale for the acquisition of similar items follow:

(a) Sale of property before the purchase of replacement property.

(1) When the sale of the property to be replaced is made before the acquisition of the replacement property, the proceeds of such sales are to be deposited to the agencies' deposit fund account "_____ 6875 Suspense (Department or Establishment)" or to a separate deposit fund account if such account has been approved for the department or establishment.

(2) The proceeds of such sales will be available for obligation for the acquisition of similar replacement items of personal property during the fiscal year in which the sale is made and for one fiscal year thereafter.

(3) When the acquisition of the replacement property is subsequently made and the obligation incurred, an adjustment voucher should be processed to charge the applicable deposit fund account and reimburse the appropriation charged for the replacement. For audit purposes, the adjustment voucher (Standard Form No. 1081, Revised, or other approved forms) must include or be supported by sufficient evidence to show that the reimbursement to the appropriation is applicable to the obligation incurred for the acquisition of similar replacement personal property.

(4) Proceeds of sales related to personal property for which an obligation for replacement has not been incurred during the period of availability following the date of sale, or sales proceeds which for other reasons an agency elects not to apply to replacement costs, shall be deposited to miscellaneous receipts account "3199—Proceeds from Sale of Government Property Not Otherwise Classified."

(5) If it is determined at the time of collection that sales proceeds are not to be applied to replacement acquisitions, the deposit should be made directly to the miscellaneous receipts account.

(b) Sale of property after the purchase of replacement property. When the sale of the replaced property is made after the acquisition of the replacement property, the proceeds of such sale may be deposited as a direct reimbursement credit to the appropriation previously charged for the replacement of similar items of personal property.

### § 101–45.304 Contractor inventory.

### § 101–45.304–1 Retention or disposal by contractors or subcontractors.

After compliance with the applicable requirements of § 101–43.316, the executive agency concerned may authorize the retention or disposal of contractor inventory by a contractor or subcontractor in accordance with orders, directives, procedures, and review prescribed by such agency, subject to the limitations in § 101–45.304–2.

### § 101–45.304–2 Limitations.

(a) Contractor inventory shall not be sold to persons known to be officers or employees of the Federal Government, except as provided in § 101–45.301.

(b) Disposals of contractor inventory, except as executive agencies shall otherwise provide, shall be by competitive bid sales.

(c) Retentions of contractor inventory where such inventory is not offered for competitive sale shall be, subject to the terms of the contract, at prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for competitive sale at such time.

(d) Where the original acquisition cost of serviceable material available for sale at any one time at any one location is $25,000, or more, the contractor shall publish a notice of the proposed sale at a reasonable time in advance of such sale in a newspaper of general circulation in the locality in which the property is located.

(e) Retention or disposal of substantial quantities of material by the contractor shall be subject to prior approval by the contracting agency in accordance with criteria established by that agency, or in the absence of such criteria, when the acquisition cost of material available for disposal at any one location is in excess of $50,000.

(f) Whenever a contractor shall begin negotiations for the disposition to private interests of property which cost the Government $3,000,000 or more, or of patents, processes, techniques, or inventions, irrespective of costs, the contracting agency shall comply with the requirement of § 101–45.308.

### § 101–45.304–3 Disposal by executive agencies.

When disposal or retention by a contractor or subcontractor cannot be affected upon terms which are advantageous to the Government, such property may be disposed of by the agency in accordance with the surplus disposal procedures of this Part 101–45.

### § 101–45.305 Proceeds from sales.

### § 101–45.305–1 Disposition of proceeds.

All proceeds from the disposal of surplus property shall be covered into the Treasury as miscellaneous receipts, except in the following circumstances and as otherwise authorized by law enacted subsequent to June 30, 1949:

(a) When the property disposed of was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue or receipts, then the net proceeds of the disposition shall be credited to the reimbursable fund or appropriation or paid to the Federal agency which determines such property to be excess: *Provided*, That the proceeds shall be credited to miscellaneous receipts in any case when the agency which determined the property to be excess shall deem it uneconomical or impractical to ascertain the amount of net proceeds.

(b) Any Federal agency disposing of surplus property under this Subpart 101–45.3 may deposit, in a special account with the Treasurer of the United States, such amount of the proceeds of such dispositions as it deems necessary to permit appropriate refunds to purchasers when any disposition is rescinded or does not become final, or payments for breach of any warranty, and may withdraw therefrom amounts so to be refunded or paid, without regard to the origin of the funds withdrawn.

(c) Where any contract entered into by an executive agency or any subcontract under such contract authorizes the proceeds of any sale of property in the custody of the contractor or subcontractor to be credited to the price or cost of the work covered by such contract or subcontract, the proceeds of any such sale (including amounts as a result of retention by the contractor) shall be credited in accordance with the contract or subcontract.

(d) Any executive agency entitled to receive cash under any contract covering the sale or other disposition of surplus property may in its discretion accept, in lieu of cash, any property determined by the Office of Emergency Planning to be strategic or critical material at the prevailing market price thereof at the time the cash payment or payments became or become due. Executive agencies shall consult with GSA before taking such action.

### § 101–45.306 Performance reports.

A quarterly performance report of the disposition of surplus personal property shall be submitted to GSA on Standard Form 121, Quarterly Report of Utilization and Disposal of Excess and Surplus Personal Property (see § 101–43.4907).



No. 233—Pt. II——10

### § 101–45.307 Special classes of property.

### § 101–45.307–1 Agricultural commodities.

(a) *Disposal by holding agencies.* Surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton or woolen goods may be disposed of in accordance with this Part 101–45, without reference to the Department of Agriculture, in the following instances:

(1) Where the quantity of such commodity or product in any one location has an acquisition cost not in excess of $5,000.

(2) Where such commodity or product must be disposed of immediately to prevent spoilage.

(3) Where the quantity to be sold during any month has an acquisition cost not in excess of:

(i) Raw cotton, wheat and other grains, flour, leaf tobacco, and cotton or woolen goods—$300,000.

(ii) Meat, poultry and poultry products, peanuts, and other fats and oils—$50,000.

(iii) All other agricultural commodities and foods processed from agricultural commodities—$25,000.

(b) *Required references to the Department of Agriculture.* With respect to quantities of surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton or woolen goods, in excess of the amounts specified in this § 101–45.307–1, holding agencies shall obtain from the Commodity Stabilization Service, Department of Agriculture:

(1) A determination, with appropriate instructions, that the commodities or products should be transferred to the Department of Agriculture for disposition as provided by section 203(h) of the Act. Holding agencies accordingly may execute transfers without charge to the Department of Agriculture; or

(2) A statement setting forth the conditions and prices which should be used by the holding agency in the disposition of the commodities or products.

### § 101–45.307–2 Dangerous property.

(a) No property shall be disposed of that is dangerous to public health or safety without rendering innocuous such property or providing adequate safeguards therefor.

(b) The following procedure shall apply in any disposal of high explosives used for blasting purposes (including but not limited to dynamite, TNT, and demolition blocks), supplies used for blasting purposes (such as blasting caps, fuse lighters, detonators, detonating cord, primacord, primers, and fuses), and chemicals used in the manufacture of ammunition primers.

(1) All materials of the above classifications offered by a holding agency shall be properly identified in the offering with respect to their hazardous characteristics.

(2) All the materials of the above classifications shall be labeled by the holding agency prior to shipment so that their hazardous character will be immediately evident upon inspection.

(3) Purchasers of materials of the above classification shall be required by the holding agency to execute the following certification:

It is hereby certified that the purchaser will comply with all applicable Federal, State, and local laws, ordinances and regulations with respect to the care, handling, storage and shipment, resale, export, and other use of the materials hereby purchased, and that he is a user of, or dealer in, said materials capable of complying with all applicable Federal, State, and local laws. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, the United States Code, Crime and Criminal Procedures.

### § 101–45.307–3 Demilitarization and decontamination.

No dangerous material shall be disposed of pursuant to this Part 101–45 without first demilitarizing or decontaminating such property if such action is found by a duly authorized official of the executive agency concerned to be in the interest of public health, safety, or security. This may include rendering such property innocuous, stripping from it any confidential or secret characteristics, or otherwise making it unfit for further use. Demilitarization or decontamination of property to be donated to public bodies shall be accomplished in such manner as to preserve so far as possible any civilian utility or commercial value of the property.

### § 101–45.307–4 Firearms.

Shotguns having a barrel of 18 inches or more in length and hand-operated bolt-action rifles having a barrel or barrels of 16 inches or more in length may be disposed of at public sale. Other types of firearms may be sold under the following circumstances:

(a) After approval by the Administrator of General Services, to a State or local government at the fair-market value; or

(b) For scrap, after total destruction by crushing, cutting, breaking, or deforming to be performed in a manner to assure that the firearms are rendered completely inoperative and to preclude their being made operative.

### § 101–45.307–5 Garbage.

All invitations to bid issued by executive agencies for removal of garbage from property occupied or controlled by the Federal Government, unless specifically requiring destruction by incineration, shall state that all bidders must comply with basic requirements for sterilization prescribed by the Animal Disease Eradication Division, Bureau of Animal Industry, Department of Agriculture. In the interest of uniformity, the following provision shall be included in all invitations to bid where garbage collected may, under any circumstances, be fed to livestock or poultry:

Prior to award the bidder agrees to furnish a certification from an Animal Disease Eradication Division representative of the U.S. Department of Agriculture, that he possesses adequate and approved garbage sterilization equipment. In the event of an acceptance of his bid by the Government, the bidder warrants that all garbage received under the contract will be sterilized not less than 30 minutes at 212° F. before being fed to livestock or poultry. The bidder agrees to permit representatives of the Animal Disease Eradication Division of the U.S. Department of Agriculture to make inspections at any time without prior arrangements to determine that the garbage is heat treated in accordance with the provision.

### § 101–45.307–6 Narcotics.

Surplus narcotic drugs which are not required to be destroyed as provided in § 101–45.505, shall, unless otherwise authorized and directed by the Administrator of General Services, be offered for sale by sealed bid in accordance with the provisions of this Subpart 101–45.3: *Provided*, That the following safeguards and instructions also shall be observed:

(a) Effort shall be made to limit the distribution of any sales offering of narcotic drugs to registered manufacturers of narcotic drugs.

(b) The sales offering shall include the following special conditions of sale:

Any bid for any of the items included in this offering will be rejected unless the bidder signs the following certification on all copies of the bid submitted by him as a condition of any award and sale to him of such items: The undersigned represents and warrants that he is registered under the Federal Narcotics Laws and is authorized by Law and by the Bureau of Narcotics, Department of the Treasury, as a manufacturer of narcotic drugs. No award will be made and no sale will be consummated pursuant to this offering until after this agency has obtained from the Bureau of Narcotics, Department of the Treasury, confirmation in writing of the authority of the bidder to manufacture narcotic drugs, and approval of the award as to type and quantity proposed for sale to one buyer.

(c) As a condition precedent to the making of an award pursuant to a sales offering of narcotic drugs, the holding agency shall submit the following to the Department of the Treasury, Bureau of Narcotics, Washington, D.C., 20226:

(1) The name of the bidder to whom the sale is proposed to be made;

(2) The name of the holding agency and the name and address of the selling activity;

(3) A description of the narcotic drugs and how packaged and the quantity of such drugs proposed to be sold to the bidder referred to in subparagraph (1) of this paragraph;

(4) The acquisition cost of the narcotic drugs proposed to be sold;

(5) Identification of the sale offering by its number; and

(6) A request for advice as to whether the bidder named in subparagraph (1) of this paragraph is authorized by law to manufacture narcotic drugs and whether there are any objections to the proposed sale.

### § 101–45.307–7 Vehicles.

(a) Pursuant to § 101–26.501–7, executive agencies desiring to apply the proceeds from the sale of used vehicles to the purchase of new ones may sell the used vehicles or request GSA to sell them.

(b) Agency requests to GSA to sell used vehicles, which are to be replaced, shall be in memorandum form and directed to the attention of the Utilization and Disposal Service at the GSA regional office for the geographical area in which the used vehicles are located. The following information regarding each vehicle should be furnished with such request: Type, make, year, model, accessories (defroster, heater, etc.), engine number, serial number, license number, mileage, condition, acquisition cost, location, name and telephone number of the custodian, the date when each used vehicle will be available for release, and the date from which storage charges, if any, will be required to be paid by the purchaser and the rate charged for such storage. In addition, the owning agency should identify the accountable officer by name, station, and symbol, and indicate the symbol of the appropriation to be credited with the proceeds of sale.

(c) Copies of invitations for bids for the sale of such used vehicles will be furnished to the owning agency for distribution to local prospective bidders. When the vehicles have been sold, the GSA regional office will furnish the owning agency with pertinent information regarding the sale, including the name and address of the purchaser, and the amount received for each vehicle.

**§ 101–45.308 Antitrust laws.**

Whenever any holding agency shall propose to make an award to any private interest of personal property with an acquisition cost to the Government of $3,000,000 or more, or of a patent, process, technique, or invention, irrespective of cost, the agency shall promptly notify the Attorney General and the Administrator of General Services, simultaneously, of the proposed disposal and the probable terms and conditions thereof. Upon request by the Attorney General, the agency shall furnish or cause to be furnished to the Attorney General such additional information as the agency may possess concerning the proposed disposition. The Attorney General will advise the agency and the Administrator of General Services within a reasonable time, in no event to exceed 60 days after receipt of such notification, whether, so far as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws. The holding agency shall not effect disposition until it has received such advice. The holding agency shall include in the notification transmitted to the Attorney General and the Administrator of General Services, the following information:

(a) Location and description of property (specifying the tonnage, if scrap).

(b) Proposed sale price of property (explaining the circumstances, if proposed purchaser was not highest bidder).

(c) Acquisition cost of property to Government.

(d) Manner of sale, indicating whether by:

(1) Sealed bid (specifying numbers of purchasers solicited and bids received);

(2) Auction or spot bid (stating how sale was advertised); or

(3) Negotiation (explaining why property was not offered for sale by competitive bid).

(e) Proposed purchaser's name, address, and trade name (if any) under which it is doing business.

(f) If a corporation, give name of State and date of incorporation, and name and address of:

(1) Each holder of 25 percent or more of the corporate stock;

(2) Each subsidiary; and

(3) Each company under common control with proposed purchaser.

(g) If a partnership, give:

(1) Name and address of each partner;

(2) Other business connections of each partner.

(h) Nature of proposed purchaser's business, indicating whether its scope is local, statewide, regional, or national.

(i) Estimated dollar sales volume of proposed purchaser (as of latest calendar or fiscal year).

(j) Estimated net worth of proposed purchaser.

(k) Proposed purchaser's intended use of property.

**§ 101–45.309 Assistance in controlling unauthorized transport of property.**

In order to help alleviate the problems associated with unauthorized transport of property sold by the Government, and to assist the Interstate Commerce Commission in improving control of transportation for hire, the following information shall be made known to all purchasers and shall be included as a "Special Instruction to Bidders" in all formal invitations requesting bids or offers for the sale of personal property:

**Attention is invited to the fact that the Interstate Commerce Act makes it unlawful for anyone other than those duly authorized pursuant to that Act to transport this property in interstate commerce for hire. Anyone aiding or abetting in such violation is a principal in committing the offense (49 U.S.C. 301–327 and 18 U.S.C. 2).**

**§ 101–45.310 Auctioneers.**

**§ 101–45.310–1 General.**

This section prescribes policy and procedure governing the qualification, inactivation, and debarment of auctioneers in connection with the sale of Government-owned personal property by the auction method of sale. The List of Auctioneers Qualified to Sell Government-owned Personal Property, described in § 101–45.310–3, will be maintained by GSA and shall be used by all executive agencies in the selection of private auctioneers to sell Government-owned personal property, except that an executive agency may elect to use an employee competent to conduct an auction sale.

**§ 101–45.310–2 Responsibilities.**

(a) *General Services Administration.* GSA will perform the following services for executive agencies:

(1) Establish and maintain a List of Auctioneers Qualified to Sell Government-owned Personal Property.

(2) Solicit auctioneer applications for qualifications.

(3) Examine and report upon auctioneer applications.

(4) Provide background and resource data on auctioneers to interested executive agencies.

(b) *Other agencies.* Each executive agency utilizing private auctioneer services shall:

(1) Establish internal procedures and methods for giving effect to this § 101–45.310.

(2) Notify GSA of the name and address of its office(s) where auctioneer information should be sent.

(3) When applicable, formally recommend placement in inactive status of auctioneers on the list to GSA through appropriate channels and in accordance with instructions contained in this section.

(4) As needed, participate with GSA incident to any appropriate appeal by an auctioneer for whom inactivation action was proposed or taken.

(5) As needed, request directly from GSA copies of any notices on any auctioneer inactivation cases.

**(6) Classify and treat all actions incident to potential or actual auctioneer inactivation, except voluntary inactivation, as administratively confidential and for official use only.**

**§ 101–45.310–3 List of Auctioneers Qualified to Sell Government-owned Personal Property.**

GSA maintains a List of Auctioneers Qualified to Sell Government-owned Personal Property (referred to hereafter in this section as the "List") for the use of executive agencies. This List contains the names of auctioneers who are qualified to conduct sales of Government-owned personal property, the date of their most recent qualification, and rating codes which indicate special qualifications as to the size of the sale and the category(ies) of property they may sell, and the geographical areas in which they may conduct auction sales. (The rating codes are described in § 101–45.4916.) Interim notices will be issued by GSA between issuances of the List whenever necessary to keep agencies currently informed as to newly qualified, inactivated, debarred, and reinstated auctioneers. Upon request of an agency, the List and any related interim notices will be sent directly to the activities designated by such agency. Like information also is available normally at all GSA regional offices.

**§ 101–45.310–4 Solicitation of bids for auctioneer services.**

(a) *Bids from auctioneers on List.* An executive agency having need for auctioneering services shall solicit bids from those auctioneers on the List who have qualified to: (1) Conduct the type of sale contemplated, (2) sell property in the category of the property involved, and (3) sell property in the geographical location in which the sale is to be made. Generally, bids shall be solicited through the medium of advertising. In such cases, each qualified bidder on the List shall be afforded an opportunity to submit a bid. A contract for auctioneering services may be negotiated only in particular cases where negotiation is authorized by statute, and in such cases proposals shall be solicited from among those qualified auctioneers on the List.

(b) *Bids from auctioneers not on the List.* When a bid is received from an auctioneer whose name is not on the List, the executive agency (or subdivision thereof) receiving such a bid shall communicate immediately and directly with the General Services Administration, Utilization and Disposal Service, Sales Division, Washington, D.C., 20405, to determine the qualification status (if any) of such bidder. The organization requesting such information shall provide the bidder's name and address, the identification of the sale for which he submitted a bid, and the time of the bid opening. If the bidder qualifies prior to the time specified for opening of bids, GSA will so notify the requesting organization prior to such bid opening. In such case, that organization shall consider the bid of the newly qualified auctioneer. If that organization is not so notified, it shall not consider the auctioneer's bid.

(c) *Standardization in bids.* In soliciting competitive bids to conduct auction services, the conditions incident to such solicitation shall be standardized so as to provide a fair and equal competitive opportunity to all interested bidders. When the auctioneer's compensation is to be by a commission fee based upon the expected gross sales proceeds, all competing auctioneers shall be requested to submit a single, flat percentage figure bid based on such proceeds. All invitations for bids or proposals shall include the following specific information:

(1) That award cannot be made to auctioneers who are not on the List of Auctioneers Qualified to Sell Government-owned Personal Property, or who do not qualify for such List prior to the time of the bid opening.

(2) That application forms to qualify for such List may be obtained from the Central Office or any regional office of GSA.

**§ 101–45.310–5 Inactivation of auctioneers.**

(a) *Action to inactivate.* Action to inactivate an auctioneer may be initiated either by GSA or by an executive agency. Inactivation will be effected by GSA and will be based upon the criteria prescribed in § 101–45.310–5(b). Whenever an auctioneer is recommended formally for inactivation, in the absence of special circumstances, GSA will notify the selling agencies. Agencies, so notified, shall not thereafter entertain bids for auction services from such auctioneer until further notice from GSA.

(b) *Criteria for inactivation.* An auctioneer may be placed in inactive status by GSA whenever:

(1) His local license is revoked for cause and not reinstated;

(2) He fails to maintain adequate financial responsibility;

(3) He fails to conduct his services in accordance with recognized ethical standards;

(4) He performs services in a substandard or ineffective manner;

(5) He acts in a manner seriously prejudicial to the best interest of the Government; or

(6) He has been debarred by a contracting agency as provided for in § 101–45.310–6.

(c) *Periods of inactive status.* (1) An auctioneer recommended for inactive status will be inactivated by GSA for such period, if any, as may be deemed appropriate under the circumstances. The executive agency recommending placement in inactive status shall suggest the length of the period of the proposed inactivation. In the event that inactivation is directed by GSA pending review of the case, the notification directing such action will clearly specify that it was ordered mefely as an incident to the review.

(2) The period of inactive status of an auctioneer will be for a reasonable length of time commensurate with the seriousness of the offense. No auctioneer will be placed in inactive status for a period in excess of two years for a single offense other than that resulting in debarment, in which case the maximum period will not exceed three years: *Provided*, That there will not be a time limitation for inactivation which resulted from revocation for cause of an auctioneer's local license without reinstatement.

(3) Reinstatement will be accomplished by GSA under policies and procedures established by it.

**§ 101–45.310–6 Debarment of auctioneers.**

(a) *General.* Where the auctioneer has engaged in grossly improper conduct, such as would be covered in § 101–45.310–6(b), in addition to being placed in an inactive status, steps may be taken by the interested contracting agency for debarment of such auctioneer in accordance with applicable regulations. In appropriate instances, the Administrator of General Services may recommend to the interested contracting agency that action be initiated to effect debarment.

(b) *Causes.* Any of the following causes is considered justification for initiating a recommendation to debar:

(1) Conviction for commission of a criminal offense as an incident to obtaining a contract or in an attempt to obtain a contract or in the performance thereof.

(2) Conviction under the Federal Antitrust Statute arising out of the submission of bids or proposals.

(3) Violation of contract provisions, as set forth in this subparagraph, of a character which is regarded by the agency involved to be so serious as to justify debarment action:

(i) Willful failure to perform in accordance with the specifications or within the time limit provided in the contract.

(ii) A history of unsatisfactory performance of one or more Government contracts.

(iii) Violation of the contractual provision against contingent fees.

(iv) Acceptance of a contingent fee which is paid in violation of contractual provisions against contingent fees.

(4) Debarment by some other executive agency.

**§ 101–45.310–7 Report on auctioneer services.**

Whenever an executive agency considers the services of an auctioneer to be other than satisfactory or receives information having a bearing on the qualifications of an auctioneer to be continued on the List, such agency shall furnish an administratively confidential report thereon to the Administrator of General Services.

**§ 101–45.311 Procedures and forms concerning contingent or other fees for soliciting or securing contracts.**

**§ 101–45.311–1 Purpose.**

For the purpose of promoting uniformity among executive agencies with respect to the required use of the "covenant against contingent fees" and with respect to the procedure for obtaining information concerning contingent or other fees paid by contractors for soliciting and securing Government contracts, the Department of Defense and GSA have developed cooperatively and agreed upon the required use of the "covenant against contingent fees" and the form, procedure, principles, and standards described in this section.

**§ 101–45.311–2 Objectives and methods.**

(a) *Objectives.* The requirements of section 101–45.311 have as their objective the prevention of improper influence in connection with the obtaining of Government contracts, the elimination of arrangements which encourage the payment of inequitable and exorbitant fees bearing no reasonable relationship to the services actually performed, and prevention of the reduction in return to the Government which inevitably results therefrom. Improper influence means influence, direct or indirect, which induces or intends to induce consideration or action by any employee or officer of the United States with respect to any Government contract on any basis other than the merits of the matter.

(b) *Methods.* The methods used to achieve the above objectives stated in paragraph (a) of this section are the requirement for disclosure of the details of arrangements under which agents represent concerns in obtaining Government contracts, and the prohibiting, by use of the covenant against contingent fees, of certain types of contractor-agent arrangements. The Criminal Code will apply in any case involving actual criminal conduct.

**§ 101–45.311–3 Representation and covenant.**

(a) *Representation.* Except as provided in § 101–45.311–7, each executive agency shall inquire of and secure a written representation from prospective purchasers as to whether they have employed

or retained any company or person (other than a full-time employee working solely for the prospective purchaser) to solicit or secure the contract, and shall secure a written agreement to furnish information relating thereto as required by the contracting officer. The form of such representation shall be that contained in Standard Form 114–A, Sale of Government Property—Bid and Award (illustrated in § 101–45.4902).

(b) *Covenant.* Executive agencies shall include in every negotiated or advertised contract for the sale of Government-owned personal property the "covenant against contingent fees" as contained in the Standard Form 114C, General Sale Terms and Conditions (illustrated in § 101–45.4904).

**§ 101–45.311–4 General principles and standards applicable to the covenant.**

(a) *Use of principles and standards.* The principles and standards set forth in this § 101–45.311–4 are intended to be used as a guide in the negotiation, awarding, administration, or enforcement of Government contracts.

(b) *Contingent character of the fee.* Any fee whether called commission, percentage, brokerage, or contingent fee, or otherwise denominated, is within the purview of the covenant if, in fact, any portion thereof is dependent upon success in obtaining or securing the Government contract or contracts involved. The fact, however, that a fee of a contingent nature is involved does not preclude a relationship which qualifies under the exceptions to the prohibition of the covenant.

(c) *Exceptions to the prohibition.* There are excepted from the prohibition of the covenant "bona fide employees" and "bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business."

(d) *Bona fide employee.* (1) The term "bona fide employee," for the purpose of the exception to the prohibition of the covenant, means an individual (including a corporate officer) employed by a concern in good faith to devote his full time to such concern and no other concern and over whom the concern has the right to exercise supervision and control as to time, place, and manner of performance of work.

NOTE: It is recognized that a concern, especially a small business concern, may employ an individual who represents other concerns. The factors set forth in § 101–45.311–4(c)(2), except (iv), shall be applied to determine whether such an individual comes within the exception to the prohibition of the covenant.

(2) The hiring must contemplate some continuity and it may not be related only to the obtaining of one or more specific Government contracts.

(3) An employee is not "bona fide" who seeks to obtain any Government contract or contracts for his employer through the use of improper influence or who holds himself out as being able to obtain any Government contract or contracts through improper influence.

(4) A person may be a bona fide employee whether his compensation is on a fixed salary basis, or when customary in the trade, on a percentage, commission, or other contingent basis or a combination of the foregoing.

(e) *Bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business.* (1) An agency or agent is not "bona fide" which seeks to obtain any Government contract or contracts for its principals through the use of improper influence or which holds itself out as being able to obtain any Government contract or contracts through improper influence.

(2) In determining whether an agency is a "bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business," the factors set forth below shall be considered. They are necessarily incapable of exact measurement or precise definition and it is neither possible nor desirable to prescribe the relative weight to be given any single factor as against any other factor or as against all other factors. The conclusions to be reached in a given case will necessarily depend upon a careful evaluation of the agreement and other attendant facts and circumstances.

(i) The fees charged should not be inequitable and exorbitant in relation to the services actually rendered. That is, the compensation should be commensurate with the nature and extent of the services and should not be excessive as compared with the fees customarily allowed in the trade concerned for similar services related to commercial (non-Government) business. In evaluating reasonableness of the fee, there should be considered services of the agent other than actual solicitation, as for example, technical, consultant, or managerial services, and assistance in the procurement of essential personnel, facilities, equipment, materials, or subcontractors for performance of the contract.

(ii) The selling agency should have adequate knowledge of the products and the business of the concern represented, as well as other qualifications necessary to sell the products or services on their merits.

(iii) There should ordinarily be a continuity of relationship between the contractor and the agency. The fact that the agency has represented the contractor over a considerable period of time is a factor for favorable consideration. It is not intended, however, to disqualify newly established contractor-agent relationships where a continuing relationship is contemplated by the parties.

(iv) It should appear that the agency is an established concern. The agency may be either one which has been in business for a considerable period of time or a new agency which is a presently going concern and which is likely to continue in business as a commercial or selling agency in the future. The business of the agency should be conducted in the agency name and characterized by the customary indicia of the conduct of a regular business.

(v) The fact that a selling agency confines its selling activities to the field of Government contracts does not, in and of itself, disqualify it under the covenant. The fact, however, that the selling agency is employed to secure business generally, that is, to represent the concern in connection with sales to the Government as well as regular commercial sales to non-Government activities is a factor entitled to favorable consideration in evaluating the case as one coming within the authorized exception. Arrangements confined, however, to obtaining Government contracts, particularly those involving a selling agency organized immediately prior to or during periods of expanded procurement resulting from conditions of national emergency, must be closely scrutinized.

(f) *Fees for "information."* Contingent fees paid for "information" leading to obtaining a Government contract or contracts are included in the prohibition and, accordingly, are in breach of the covenant unless the agent qualifies under the exception as a bona fide employee or a bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business.

**§ 101–45.311–5 Standard Form 119.**

Pursuant to the Act and in furtherance of the purpose and objectives stated in sections 1 and 3 thereof, Standard Form 119, Contractor's Statement of Contingent or Other Fees for Soliciting or Securing or Resulting From Award of Contract, shall be used in accordance with the provisions of section 101–45.311.

**§ 101–45.311–6 Use of Standard Form 119.**

(a) *Required use.* Except as provided in § 101–45.311–7, Standard Form 119 shall be used, without deviation, by executive agencies whenever either part of the inquiry provided for in § 101–45.311–3(a) with respect to contingent fees is answered in the affirmative. The form shall be used also, without deviation, in any other case where an executive agency desires to obtain such information. When, after use of the form, further information is required, it may be obtained in any appropriate manner. Submission of the form shall be required, normally, only of successful bidders and contractors.

(b) *Statement in lieu of form.* Any bidder who has previously furnished a Standard Form 119 to the office issuing the invitation or negotiating the contract may be permitted to accompany his bid with, or submit in connection with the proposed contract, a signed statement indicating when such completed form was previously furnished, identifying by number the previous invitation or contract in connection with which such form was submitted; and representing that the statements in such previously furnished form are applicable to such subsequent bid or contract. In such case, submission of an additional completed Standard Form 119 need not be required.



**§ 101–45.311–7 Exceptions.**

The inquiry and agreement specified in § 101–45.311–3(a) need not be made and submission of Standard Form 119 need not be requested in connection with any of the following:

(a) Any advertised contract in which the aggregate amount involved does not exceed $25,000.

(b) Any negotiated contract in which the aggregate amount involved does not exceed, in the case of the Department of Defense, $5,000; in all other cases, $1,000.

(c) Contracts to be made in foreign countries.

(d) Any other contracts, individually or by class, of the Department of Defense, designated by the Secretary, Under Secretary, or Assistant Secretary of a military department. (Reports of any such exceptions shall be filed promptly with the Administrator of General Services.)

**§ 101–45.311–8 Enforcement.**

(a) *Failure or refusal to furnish representation and agreement.* Each executive agency shall take the necessary steps to assure that the indicated successful bidder or proposed contractor has furnished a representation (negative or affirmative) and agreement as prescribed in § 101–45.311–3.

(1) If the indicated successful bidder makes such representation in the negative, such representation may be accepted and award made or offer accepted in accordance with established procedure.

(2) If the indicated successful bidder or proposed contractor makes such representation in the affirmative, a completed Standard Form 119 shall be requested from the bidder or proposed contractor. In the case of formal advertising, the making of an award in accordance with established procedure need not be delayed pending receipt of the form. In the case of negotiation, if the proposed contractor makes such representation in the affirmative, he shall be required to file a completed Standard Form 119 prior to acceptance of the offer or execution of the contract unless the head of the executive agency (including, for this purpose, any military department) concerned, or his authorized representative, considers that the interest of the Government will be prejudiced by the suspension of negotiations pending receipt and consideration of an executed Standard Form 119.

(3) If the indicated successful bidder or proposed contractor fails to furnish the representation and agreement, such failure shall be considered a minor informality and, prior to award, such bidder or proposed contractor shall be afforded a further opportunity to furnish such representation and agreement. A refusal or failure to furnish such representation and agreement, after such opportunity has been afforded, shall require rejection of the bid or offer.

(b) *Failure or refusal to furnish Standard Form 119.* If the successful bidder or contractor, upon request, refuses or fails to furnish a completed Standard Form 119, or a statement in lieu thereof as provided in § 101–45.311–6, the executive agency concerned shall take one or more of the following actions, or other action, as may be appropriate:

(1) If an award has not been made or offer accepted, determine whether the bid or offer should be rejected.

(2) If the contract has been awarded or the offer accepted, determine what action shall be taken, such as making an independent investigation or considering the eligibility of the contractor as a future contractor in accordance with established procedure.

(c) *Misrepresentations or violations of the covenant against contingent fees.* In case of misrepresentation, or violation or breach of the covenant against contingent fees, or some other relevant impropriety, the executive agency concerned shall take one or more of the following actions, or other action, as may be appropriate:

(1) If an award has not been made, or offer has not been accepted, determine whether the bid or offer should be rejected.

(2) If an award has been made or offer has been accepted, take action to enforce the covenant in accordance with its terms, that is, as the best interests of the Government may appear, annul the contract without liability or recover the amount of the fee involved.

(3) Consider the future eligibility as a contractor of the bidder or contractor in accordance with established procedure.

(4) Determine whether the case should be referred to the Department of Justice in accordance with established procedure with respect to determining matters of fraud or criminal conduct.

**§ 101–45.311–9 Preservation of records.**

Executive agencies shall preserve, for enforcement or report purposes, at least one executed copy of any representation and completed Standard Form 119, together with a record of any other pertinent data, including data as to action taken.

**§ 101–45.312 Federal excise taxes.**

Federal manufacturers' and retailers' excise taxes are not applicable to the sale or other disposal by the Government of personal property or the disposal of contractor inventory. Federal manufacturers' excise taxes do not apply to subsequent sales, including uses, by purchasers of Government property and contractor inventory. Federal retailers' excise taxes apply to subsequent sales, but not to subsequent uses by the purchasers unless the subsequent sale is made for resale and a certificate of resale is obtained. The foregoing does not apply to gasoline, and holding agencies shall make appropriate arrangements with the Internal Revenue Service with respect to the disposal thereof. Questions relating to the applicability of Federal excise taxes arising from the disposal of property or contractor inventory should be referred to the Internal Revenue Service.

**§ 101–45.313 Nondiscrimination clause in contracts.**

The nondiscrimination clause prescribed by Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977; 3 CFR), as amended by Executive Order No. 11114 of June 22, 1963 (28 F.R. 6485; 3 CFR), shall be included in all contracts providing for the sale of personal property when the contract exceeds $10,000, and an appreciable amount of work by the purchaser is involved (exclusive of normal pickup and delivery of the property as well as related packing and loading). When a sale is planned and the probability exists that the foregoing conditions will be present, the nondiscrimination clause shall be included in the contract provisions of the invitation as a special condition of sale.

**§ 101–45.314 Report on identical bids.**

**§ 101–45.314–1 Governing order.**

Executive Order No. 10936 of April 24, 1961 (26 F.R. 3555; 3 CFR) requires executive agencies to report information on identical bids to the Department of Justice.

**§ 101–45.314–2 Reporting requirements and procedures.**

When an invitation for bids for the sale of personal property results in submission of identical bids under the conditions set forth in this § 101–45.314–2, a copy of the invitation and a copy of the completed abstract of bids, with identical bid prices (other than nominal or token bids) circled, shall be forwarded to the Attorney General, Washington, D.C., Reference AT–IBR, within 20 days following the disposition of all bids received in response to the invitation involved, whether by awarding of contract(s) or other action:

(a) Where bids or offers were solicited through the formal sealed bid method of sale using Standard Form 114 Assembly, Sale of Government Property;

(b) Where the bid value of the line item(s) on which identical bids were received exceeds $2,500 (based on the apparent high bid received for such line item); and

(c) Where the total bid value of all line items covered by the invitation exceeds $10,000 (based on the apparent high bid received for each line item).

**§ 101–45.314–3 Supplemental requests by Attorney General.**

The Attorney General may, from time to time, request such supplemental information as he may deem necessary for effective enforcement of antitrust laws.

**§ 101–45.314–4 Antitrust law referrals.**

The submission of information on identical bids is in addition to and is not to be considered as satisfying the requirements of § 101–45.308, for notifying the Attorney General and the Administrator of General Services regarding proposed disposals which are required to be referred to the Attorney General for antitrust advice.

## Subpart 101–45.4—Disposal of Abandoned and Forfeited Property

### § 101–45.400 Scope of subpart.

This subpart prescribes the policies and methods governing the disposal by Federal agencies of abandoned or forfeited property in their custody or control in the United States, Puerto Rico, and the Virgin Islands.

### § 101–45.401 General.

Property which is not desired by the seizing agency or for which utilization cannot be obtained for any other Federal agency shall be disposed of in accordance with the provisions of this subpart.

### § 101–45.402 Forfeited distilled spirits, wine, and malt beverages.

(a) Forfeited distilled spirits, wine, and malt beverages not required to be reported under § 101–43.322–1(b)(13) shall be destroyed immediately after forfeiture, and those not required to be reported under § 101–43.322–1(b)(14), when not donated as prescribed by Part 101–44, shall also be destroyed immediately.

(b) When reportable forfeited distilled spirits, wine, and malt beverages are not transferred to a Federal agency or disposed of to an eleemosynary institution by GSA, the Regional Administrator, GSA, shall issue clearance to the seizing agency submitting the report prescribed by § 101–43.322, and such spirits shall be destroyed by that agency. A record of the destruction, showing time, place, and quantities destroyed, shall be filed with papers and documents relating to such seizure and forfeiture.

### § 101–45.403 Forfeited firearms.

Forfeited firearms subject to disposal under the Internal Revenue Code of 1954 may not be sold at public sale. Such firearms may be disposed of:

(a) By sale, when so ordered by the Administrator of General Services, to any requesting State or local government at a price to be agreed upon between the holding agency and the buyer; or

(b) For scrap, after total destruction by crushing, cutting, breaking, or deforming (to be performed in a manner to assure that the firearms are rendered completely inoperative and to preclude their being made operative).

### § 101–45.404 Forfeited property other than forfeited firearms.

Subject to disposal under the Internal Revenue Code of 1954.

(a) When an application to the courts for transfer of the property is denied, such property shall be disposed of in accordance with the court decree.

(b) If property has been forfeited other than by court decree and is not ordered by competent authority to be returned to any claimant, and utilization by Federal agencies cannot be effected, the Regional Administrator, GSA, may order it released for sale, except as provided in § 101–45.402.

(c) Abandoned property which, by the provisions of § 101–43.322, is not required to be reported may be sold at any time after three months from the date of abandonment.

(d) Sale shall be by competitive bid as prescribed in Subpart 101–45.3, and the decision as to whether such bidding shall be by sealed bid, spot bid, or auction shall be left to the discretion of the authorized disposal agency.

### § 101–45.405 Disposition of proceeds.

### § 101–45.405–1 Abandoned property.

(a) Proceeds from the sale of abandoned property shall be deposited in a special fund for a period of at least three years. A former owner may be reimbursed from the special fund based upon a proper claim filed within 3 years from the date of vesting of title in the United States as determined by the head of the agency concerned. Such reimbursement shall not exceed the proceeds realized from the disposal of such property less the costs incident to the care and handling of such property, as determined by the head of the agency concerned.

(b) In cases where property has been sold as a part of a lot containing other items and the purchase price for the lot covers items in addition to that for which reimbursement is sought, the proceeds of sale for that portion of the property for which reimbursement is being sought shall be proportionate to the proceeds received for the total lot. In order to assure accuracy in determining proportionate recovery in cases where more than one item has been sold as a lot, all items to be included in a group of items to be sold as one lot shall be listed and appraised in advance of the sale by the disposal official, and his appraisal stated in writing for each item on the list. Such list and appraisal shall be maintained as a part of the permanent file and record of sale until the 3-year period for filing claims has elapsed.

### § 101–45.405–2 Forfeited property.

Proceeds from the sale of property which has been forfeited either summarily or by court decree shall be deposited by the disposal agency in the Treasury of the United States as miscellaneous receipts.



## Subpart 101–45.5—Abandonment or Destruction of Surplus Property

### § 101–45.500 Scope of subpart.

This subpart prescribes the policies and methods governing the disposition by executive agencies of personal property by abandonment or destruction.

### § 101–45.501 Findings justifying abandonment or destruction.

### § 101–45.501–1 General.

Except as to property disposed of under §§ 101–45.504, 101–45.505, and 101–45.506, property shall not be abandoned or destroyed by an executive agency unless it shall have been affirmatively found, in writing, by a duly authorized official of such agency either that (a) such property has no commercial value, or (b) the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. Such finding shall not be made by any official directly accountable for the property covered thereby.

### § 101–45.501–2 Reviewing authority.

Whenever a line item of the property proposed to be disposed of under this Subpart 101–45.5 at any one location at any one time had an original cost (estimated if not known) of more than $1,000, findings made under § 101–45.501–1 shall be approved by a reviewing authority before any such disposal.

### § 101–45.502 Authority to abandon or destroy.

(a) Property may be abandoned or destroyed by an executive agency in accordance with this Subpart 101–45.5, provided that donation of the property in accordance with Subpart 101–44.5 has been determined, in writing, by a duly authorized official of such agency, not to be feasible.

(b) No abandonment or destruction shall be made in a manner which is detrimental or dangerous to public health or safety, or which will cause infringement of the rights of other persons. If, at any time prior to actual abandonment or destruction, donation of such property pursuant to Subpart 101–44.5 becomes feasible, such donation shall be made.

### § 101–45.503 Notice of proposed abandonment or destruction.

Except as provided in §§ 101–45.504, 101–45.505, and 101–45.506, property shall not be abandoned or destroyed by any executive agency until after public notice of such proposed abandonment or destruction. Such notice shall be given in the area in which the property is located, shall contain a general description of the property to be abandoned or destroyed, and shall include an offering of the property for sale.

### § 101–45.504 Abandonment or destruction without notice.

(a) Property may be abandoned or destroyed by an executive agency without public notice upon a written finding by a duly authorized official thereof, approved by a reviewing authority, that the immediate abandonment or destruction of the property is necessary or desirable in the best public interest because of its nature or because of the expense or difficulty of its care and handling. Such abandonment or destruction would be appropriate whenever:

(1) The value of the property is so little or the cost of its care and handling is so great that its retention for advertising for sale is clearly not economical; or

(2) Abandonment or destruction is required by consideration of health, safety, or security.

(b) Whenever any line item of the property proposed to be abandoned or destroyed at any one location at any one time had an original cost (estimated if not known) of less than $100, it shall be presumed for the purposes of this § 101–45.504 that its immediate abandonment or destruction without notice is justified by reason of the expense or difficulty of its care and handling.

### § 101–45.505 Destruction of surplus narcotics.

(a) Surplus narcotic drugs shall not be abandoned and the following drugs will be destroyed by the holding agency in accordance with the provisions of § 101–45.505 (b) and (c):

(1) Narcotics in a deteriorated condition or otherwise unusable.

(2) Quantities of narcotic drugs determined to be surplus at one time and one place having an acquisition cost of less than $500.

(3) Narcotics which have been offered for sale in accordance with the provisions of § 101–45.307–6, but for which no satisfactory or acceptable bids have been received.

(b) When surplus narcotic drugs are required to be destroyed by the holding agency, they shall be destroyed by an employee of such agency in the following manner:

(1) If soluble, they may be dissolved in water and dissipated through the sewer;

(2) If insoluble, they may be burned;

(3) They may be destroyed in any manner which annihilates the substance as a narcotic drug and precludes the utilization of any portion thereof in any other form of narcotic;

(4) Destruction shall be performed in the presence of two additional employees of the agency as witnesses to such destruction.

(c) When surplus narcotic drugs have been destroyed, the fact, manner, and date of such destruction and the type and quantity so destroyed shall be certified to by the agency employee charged with responsibility for such destruction. The two agency employees who witnessed the destruction shall sign the following statement, which shall appear on the certification below the signature of the certifying employee:

I have witnessed the destruction of the narcotic drugs described in the foregoing certification in the manner and on the date stated herein:

---------- Witness ---------- Date

### § 101–45.506 Abandonment or destruction of expendable property.

Property such as obsolete unclassified navigation charts, electric light bulbs, radio tubes, fuses, resistors, capacitors, air filters, dust cloths, and teletype part replacements, which has been rendered unserviceable, may be abandoned or destroyed without public notice and pursuant to rules, regulations, or instructions prescribed by the executive agency generating the property when accumulation of the property for disposal or rehabilitation is not economical or in the best interest of the Government.

## Subparts 101–45.6—101–45.48 [Reserved]

## Subpart 101–45.49—Illustrations

### § 101–45.4900 Scope of subpart.

This subpart contains illustrations of the forms and formats prescribed in this Part 101–45.

NOTE: The forms in §§ 101–45.4901—101–45.4909, 101–45.4917, and 101–45.4918 filed as part of the original document. Copies may be obtained from Central Office, GSA.

### § 101–45.4901 Standard Form 114, Sale of Government Personal Property.

### § 101–45.4902 Standard Form 114A, Sale of Government Property, Bid and Award.

### § 101–45.4903 Standard Form 114B, Sale of Government Property, Item Bid Page.

### § 101–45.4904 Standard Form 114C, Sale of Government Property, General Terms and Conditions.

### § 101–45.4905 Standard Form 119, Contractors Statement of Contingent or Other Fees.

### § 101–45.4906 Standard Form 150, Deposit Bond—Individual Invitation, Sale of Government Personal Property.

### § 101–45.4907 Standard Form 151, Deposit Bond, Annual, Sale of Government Personal Property.

### § 101–45.4908 Standard Form 28, Affidavit of Individual Surety.

### § 101–45.4909 Optional Form 20, Notice to Surety.

### § 101–45.4910 Instructions for the preparation of advance notice to the Department of Commerce.

1. *Transmittal of notice.* Section 101–45.302–6 provides that when the acquisition cost of personal property to be sold at one time at one place is $250,000 or more, the disposal agency shall cause a notice of each such proposed sale to be transmitted to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago, Ill., 60607.

The notice shall be sent at as early a date as possible in advance of the sale but at least 20 days prior to the date when the bids will be opened, or, in the case of spot bid or auction sale, when the sale will be conducted. Such notice shall be transmitted by fastest mail available and shall be in synopsis form suitable for printing direct from the text so transmitted without editing or condensing.

These notices are for use of the Department of Commerce in making regular publication of a synopsis of principal proposed sales of Government personal property.

2. *Format and content of notice.*

a. *Information to be furnished.* The following information shall be provided in the order listed so as to preserve the format of the Department of Commerce publication: the name of the office which will issue the invitation; the name or title, address, and telephone number of the official from whom copies of the sales offering and other information can be obtained; a description of the property to be sold; when deemed desirable; the total estimated acquisition cost; the number of the invitation or sale; the date of the sale or bid opening, the types of sale, i.e., sealed bid, spot bid, or auction; and the location(s) of the property.

b. *Detailed requirements.* In preparing the notice to the Department of Commerce, the utmost care should be exercised in describing the types of property to be sold in order to assure interest by the maximum number of potential buyers but, at the same time, condense the information so that minimum space in the Department of Commerce publication will be required for printing. While the various kinds of property to be sold should be stated concisely, the names of important items should not be omitted. The following example is provided as a guide, both as to the order in which the information should be given, the extent to which information should be condensed or expanded, depending upon the size of the sale, and the format which, if followed, will facilitate publication without editing. Attention is specially invited to the double spacing, the "hanging" indention, and the length of the line which should be approximately 65, but not to exceed 69, character spaces.

EXAMPLE

GENERAL SERVICES ADMINISTRATION, REGION 8
BUSINESS SERVICES CENTER, BUILDING 41
DENVER FEDERAL CENTER, DENVER, COLORADO

Scrapers, Graders, Street Sweeper, Crawler Tractor, Air compressors, Power Units, Cement Mixer ---------- Total Acquisition Cost $269,850. ---------- Invitation No. 8UPS–62–41. ---------- Bid Opening 11–30–61. ---------- Sealed Bid, Location above.

*Motor Vehicles,* Passenger Cars and ¾ ton to 5 ton trucks, Materials Handling Equipment, fork lift trucks and warehouse tractors, jack lift trucks, warehouse trailers, platform and box trucks, HAND TOOLS, HARDWARE, PLUMBING EQUIPMENT, SPECIAL INDUSTRY MACHINERY, OFFICE MACHINES, FURNITURE, ROPE, CABLE CHAIR and FITTINGS, MISCELLANEOUS gasoline and water hose, burlap bags, barrier paper, pack saddles, tape and webbing, lanterns, SPARE PARTS for compressors, tractors, shovels, bulldozers, cranes, welding equipment, motor vehicles, air hammer, diesel and gasoline engines. ---------- TOTAL ESTIMATED ACQUISITION COST $6 MILLION---------- SALE No. 8UPS–A—62–44 Sale starts 12–51–61. ----------Auction Sale, Location Above.

### § 101–45.4911 Exchange/Sale category list.

1. Agriculture products, processed foods and forage.
2. Air conditioning units, office and residential.
3. Air conditioning units, industrial.
4. Ambulances, all sizes.
5. Ammunition and ammunition components.
6. Animals and animal products.
7. Asphalt distributors.
8. Asphalt pavers, portable or road mix.
9. Batteries, storage.
10. Bicycles, tricycles.
11. Binoculars; field glasses; telescopes.
12. Boilers, steam.
13. Busses, all sizes.
14. Cards, tabulating.
15. Compressors, air portable.
16. Compressors, air stationary.
17. Crawler, wheel mounted, and railroad cranes (including shovels and drag lines).
18. Crane trucks, industrial warehouse, electric and gasoline powered.
19. Ditching machines.
20. Dozer blades.
21. Drill presses.
22. Earth augers.
23. Fans, electric.
24. Graders, self-powered and towed.
25. Lathes.
26. Machines, adding; machines, calculating.
27. Machines, addressing and mailing.
28. Machines, dictating and transcribing.
29. Machines, duplicating.
30. Machines, punched card, bookkeeping, tabulating and accounting.
31. Milling machines.
32. Mixers, concrete, portable or truck mounted.
33. Motor scooters.
34. Motorcycles with or without side car.
35. Mowers, lawn, power.
36. Piledrivers.
37. Polishers, floor, powered.
38. Pontoon, assemblies.
39. Power shovels.
40. Railroad cars, freight.
41. Railroad cars, passenger.
42. Railroad cars, service.
43. Railroad locomotives.
44. Refrigeration equipment.
45. Refrigerators.
46. Road rollers, wheeled and sheepsfoot.
47. Saws, bench.
48. Scrapers, earth moving (self-powered).
49. Scrapers, earth moving, towed.
50. Sedans; station wagons; coupes; limousines.
51. Snow plows, motorized.
52. Spreaders, aggregate and lime.
53. Tractors, warehouse.
54. Tractors, wheeled or crawler, with or without special attachments, up to 65 h.p.
55. Tractors, wheeled or crawler, with or without special attachments, 65 h.p. and up.
56. Trailers, general purpose, multiple axle.
57. Trailers, general purpose single axle.
58. Trailers, industrial.
59. Trailers, special purpose (including fire pumper and Bean type sprayer and crash trailer).
60. Trailers, tank mounted.
61. Trucks, electronic.
62. Trucks, fire.
63. Trucks, fork lift.
64. Trucks, general purpose, cargo and construction 12,500 GVW through 28,000 GVW (including truck tractors, dump, multiple drive, etc).
65. Trucks, general purpose and utility up to 12,500 GVW (including suburbans, carryalls and sedan deliveries).
66. Trucks, straddle.
67. Trucks, tank (special purpose trailer of which the tank is an integral part of the construction).
68. Trucks, warehouse, platform, electric and gasoline powered.
69. Typewriter, manual and electric.

### § 101–45.4912 Sample format-irrevocable letter of credit.

(NAME AND ADDRESS OF BANK ISSUING LETTER OF CREDIT)

(Date)

(Number of Letter of Credit and Reference)

TREASURER OF THE UNITED STATES

Washington, D.C. 20220

Dear Madam:

We hereby establish our irrevocable credit No. -------- in your favor by order and for account of (name of company submitting bid) up to an aggregate amount of $---------- available by demand drafts drawn on us by a representative of (specify agencies to which directed: e.g., Department of the Army, Department of the Air Force, General Services Administration). Drafts must be accompanied by a written statement of the interested agency that the amount drawn under this credit represents (1) the deposit required as a guarantee to support an acceptable bid made by (name of bidder) to purchase material from the Government, or (2) payment in full for the property. Drafts drawn under this credit must be marked "drawn under letter of credit No. -------- of (name and address of issuing bank)."

Unless otherwise expressly stated herein, this credit is subject to the uniform customs and practice for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce. We hereby agree with you that the drafts drawn under and in compliance with the terms of this credit shall be duly honored on due presentation to the (name of the bank) is presented on or before ----------

Very truly yours,

(Authorized signature of bank official)

### § 101–45.4913 General instructions for preparation of irrevocable letter of credit.

Use either clause (1) or (2) of § 101–45.4912, as applicable.

Some banks use language which varies from that shown in § 101–45.4912. Variations from the prescribed text may be permitted if the meaning of the letter of credit prepared by the bank is the same. Each of the paragraphs of the prescribed letter of credit is an essential part of the agreement. No paragraphs shall be added and none shall be deleted.

A letter of credit may be addressed to a specific department or agency instead of "Treasurer of the United States." Letters of credit of this type shall be addressed to the head of the agency or department, as the Secretary of the Army, or the Administrator of General Services. Should this be done, the words "Treasurer of the United States for the account of" shall be deleted from the draft drawn under the letter of credit.

Each letter of credit must be clearly irrevocable and is not acceptable if the expiration date stated therein is less than 30 days from the date of the sale at which it is used.

### § 101–45.4914 Sample format—draft drawn against irrevocable letter of credit.

FORM OF DRAFT

$---------- Date----------

At sight pay to the order of Treasurer of the United States for the account of (specify name of department or agency). ---------- dollars and ---------- cents for value received—drawn under letter of credit No. ------ of ----------

---

(Name and address of issuing bank)

To (name and address of bank)

(Name of office—finance or disbursing—and activity of department or agency by which draft is issued.)

By ----------

Title ----------

Date ----------

NOTE: If the letter of credit is addressed to a department or agency rather than the Treasurer, omit the words "Treasurer of the United States for the account of," and in lieu thereof insert the name of the particular department or agency or installation or office thereof.

### § 101–45.4915 Sample format transmittal letter to accompany letter of credit.

OFFICIAL LETTERHEAD

TO: Name of bank (same as on L/C).

Gentlemen:

This is to certify that on ----------, 196--, at a sale held by the (insert the name of the department or agency) at (insert location) the (insert name and address of company) submitted acceptable bids for property at sales price of $----------.

The amount of the accompanying draft, $----------, drawn under letter of credit No. ------ represents (1) the deposit of ------% of the sales price required as a guarantee to support the acceptable bid made by (insert name of company) to purchase material from the Government, or (2) payment in full for the property on which (insert name of company) submitted acceptable bids.

(Name of office—finance or disbursing—and activity of department or agency to which check is to be forwarded.)

By ----------

Title ----------

Date ----------

NOTE: Strike out the clause in the second paragraph which is not applicable.

### § 101–45.4916 Rating code of qualified auctioneers.

1. *General.* Codes appearing in connection with names of auctioneers on the list of Auctioneers Qualified to Sell Government-Owned Personal Property have the meanings set forth in 2., 3., and 4., below.

2. *Experience.* Codes under this heading represent qualifications with respect to general or limited experience in conducting auctions.

| *Code* | *Experience* |
|---|---|
| E | Meets the following minimum auction experience standards: |

a. Has conducted satisfactorily at least five auctions within the past three years in which the gross sales proceeds of the property sold at each sale exceeded $50,000.

b. Has conducted satisfactorily auctions for a period of five years or more in the aggregate as an auctioneer.

c. Has available experienced and qualified manpower resources needed to meet the normal auction service requirements of an executive agency. (Experienced and qualified manpower resources normally would include: One principal and one alternate auction crier with experience contemplated in paragraph a. above; two or more floor demonstrators, each with at least twenty-five man days of experience in each of the past two years in the usual responsibilities for such assistants. The alternate auction crier may qualify and serve as one of the two floor demonstrators minimally required. Such principals and demonstrators normally should have had at least two years' service in auctioning property with the applicant firm or with a firm of reputable auctioneers. Normal auction service for an executive agency in this classification shall be construed to mean all that is implicit to accommodate the conduct of a one-day auction of approximately 300 lots of commercial-type items, the gross sales proceeds of which would exceed $50,000.)

| | |
|---|---|
| L | Meets the following minimum auction experience standards: |

a. Has conducted satisfactorily at least five auctions within the past three years in which the gross sales proceeds of the property sold at each sale exceeded $25,000.

b. Has conducted satisfactorily auctions for a period of three years or more in the aggregate.

c. Has available experienced and qualified manpower resources, actual or reserve, committed to meet normal auction service requirements of an executive agency. (Experienced and qualified manpower resources normally would include: One principal and one alternate auction crier with experience contemplated in paragraph a. above; two or more floor demonstrators, each with at least twenty-five man days of experience in each of the past two years in the usual responsibilities for such assistants. The alternate auction crier may qualify and serve as one of the two floor demonstrators minimally required. Such principals and demonstrators normally should have had at least two years' service in auctioning property with the applicant firm or with a firm of reputable auctioneers. Normal auction service for an executive agency in this classification shall be construed to mean all that is implicit to accommodate the conduct of a one-day auction of approximately 300 lots of commercial-type items, the gross sales proceeds of which would exceed $25,000.)

3. *Property Category.* Codes under this heading represent general and/or special property categories of which an auctioneer has special knowledge or experience.

| *Code* | *Experience* |
|---|---|
| G | Indicating general qualifications to auction commercial-type personal property (e.g. the following Federal Supply Classification Groups normally typify the property in point: 22–26, 32, 37–42, 44–49, 51–56, 61–63, 71–81, 85, 87, 89, and 91). |
| S | Indicating specific qualification to auction one or more specialized categories of personal property of frequent incidence in the total of Federal auctions (property types to be determined and identified parenthetically following the code symbol "S", e.g. S (Textiles); S (machine tools); S (automotive parts). |

4. *Geographical Area.* Codes under this heading represent geographical areas in which an auctioneer may serve.

| *Code (State and territory abbreviations)* | *Geographical area* |
|---|---|
| U.S. | Any State in continental United States |
| I | States in GSA Region 1 |
| II | States in GSA Region 2 |
| III | States in GSA Region 3 |
| IV | States in GSA Region 4 |
| V | States in GSA Region 5 |
| VI | States in GSA Region 6 |
| VII | States in GSA Region 7 |
| VIII | States in GSA Region 8 |
| IX | States in GSA Region 9 |
| X | States in GSA Region 10 |

(For those States and Territories in which auctioneer may serve, other than as coded above.)

### § 101–45.4917 Standard Form 114, sample assembly for sales of government property.

### § 101–45.4918 Standard Form 114A, sample assembly for sales of government property.

§ 101–45.4919 Outline for preparation of explanatory statement relative to negotiated sales.

The following outline shall be used for the preparation of explanatory statements relative to negotiated sales:

EXPLANATORY STATEMENT OF PROPOSED NEGOTIATED DISPOSAL OF SURPLUS PERSONAL PROPERTY SUBMITTED PURSUANT TO THE PROVISIONS OF SECTION 203(e)(6) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

*Description of property:* (including quantity and condition).

*Location:*

*Reported excess by:* (name of agency and date).

*Acquisition cost and date:* (If not known, estimate and so indicate).

*Income:* (All income known to the holding agency, if any, received by the Government for use of the property).

*Estimated fair market value:* (Including date of estimate and name of estimator).

*Proposed disposal price:*

*Proposed purchaser:* (name and address).

*Justification:* (a narrative statement containing complete justification for the proposed sale and other pertinent facts involved in the Government's decision to sell by negotiation).

*Effective date.* These regulations are effective December 15, 1964.

Dated: November 17, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-12097; Filed, Nov. 30, 1964; 8:45 a.m.]

Pages 16053–16122

# FEDERAL REGISTER

VOLUME 29 NUMBER 234

Washington, Wednesday, December 2, 1964

## Contents


### AGRICULTURAL MARKETING SERVICE

**Rules and Regulations**

Cranberries; expenses and rate of assessment ..... 16078
Lemons grown in California and Arizona; handling limitations ..... 16078

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

**Rules and Regulations**

Flue-cured tobacco; marketing quota ..... 16077

**Notices**

Flue-cured tobacco; notice of referendum ..... 16097

### AGRICULTURE DEPARTMENT

*See* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

### CIVIL AERONAUTICS BOARD

**Notices**

*Hearings, etc.:*
Adria Airways ..... 16099
Korean Airlines, Inc ..... 16099
Reopened transatlantic charter investigation ..... 16099
RKO General, Inc., et al ..... 16099

### COMMERCE DEPARTMENT

*See* International Commerce Bureau.

### CUSTOMS BUREAU

**Notices**

Standard newsprint paper; tariff classification ..... 16097

### DEFENSE DEPARTMENT

*See* Navy Department.

### FEDERAL AVIATION AGENCY

**Rules and Regulations**

Airworthiness directives:
Schleicher Models Ka6 and K8 gliders ..... 16066
Sud Aviation Model SE 210 Caravelle VIR aircraft ..... 16065
Airworthiness standards; normal category rotorcraft ..... 16065
Jet routes:
Alteration ..... 16066
Revocation ..... 16066
Standard instrument approach procedures; miscellaneous amendments ..... 16067
Transition area; alteration ..... 16066

**Proposed Rule Making**

Federal airway; designation ..... 16093

### FEDERAL POWER COMMISSION

**Notices**

*Hearings, etc.:*
American Petrofina Company of Texas, et al ..... 16103
Franco Western Oil Co ..... 16099
Hamon, Jake L., et al ..... 16100
Jocelyn-Varn Oil Co., et al ..... 16102
Pure Oil Co ..... 16100
Superior Oil Co ..... 16102
Tennessee Gas Transmission Co ..... 16100
Transwestern Pipeline Co ..... 16101

### FEDERAL RESERVE SYSTEM

**Rules and Regulations**

Short-term negotiable notes ..... 16065

### FISH AND WILDLIFE SERVICE

**Rules and Regulations**

Fishing vessel construction differential subsidy procedures ..... 16088

### FOOD AND DRUG ADMINISTRATION

**Rules and Regulations**

Food additives:
Nylon resins ..... 16078
Mineral oil ..... 16079
Mono- and diglycerides ..... 16079

**Notices**

Merck & Co., Inc.; filing of petition regarding food additive amprolium ..... 16098

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See* Food and Drug Administration.

### INDIAN AFFAIRS BUREAU

**Rules and Regulations**

Snake or Paiute Indians of the former Malheur Reservation; applications, appeals and preparation of roll ..... 16080

### INTERIOR DEPARTMENT

*See* Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

### INTERNAL REVENUE SERVICE

**Rules and Regulations**

Income tax; controlled foreign corporations ..... 16081
Miscellaneous stamp taxes; time for filing returns ..... 16083

**Proposed Rule Making**

Income tax; net operating loss deduction ..... 16090

### INTERNATIONAL COMMERCE BUREAU

**Notices**

Morvan, Jean; order temporarily denying export privileges ..... 16098

### INTERSTATE COMMERCE COMMISSION

**Rules and Regulations**

Credentials ..... 16087

**Notices**

Motor carrier applications and certain other proceedings ..... 16106
Motor carrier, broker, water carrier and freight forwarder applications ..... 16109
Motor carrier transfer proceedings ..... 16119
Petition seeking institution of rulemaking proceeding ..... 16106

### LABOR DEPARTMENT

*See* Wage and Hour Division.


(*Continued on next page*)

**LAND MANAGEMENT BUREAU**

**Rules and Regulations**

Public land orders:
- Arizona ---- 16085
- Colorado ---- 16085
- Idaho ---- 16087
- Montana ---- 16084
- Nevada (2 documents) ---- 16084
- Utah ---- 16085
- Wyoming (3 documents) ---- 16086, 16087

**NATIONAL LABOR RELATIONS BOARD**

**Notices**

Description of organization; public information places ---- 16103

**NAVY DEPARTMENT**

**Rules and Regulations**

Procedures and requirements for appointment as a midshipman at the United States Naval Academy ---- 16055

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

*Hearings, etc.:*
- American Electric Power Co., Inc ---- 16104
- Columbia Gas System, Inc., et al ---- 16104
- Pennsylvania Electric Co ---- 16105

**SMALL BUSINESS ADMINISTRATION**

**Proposed Rule Making**

Conflicts of interest ---- 16094

**STATE DEPARTMENT**

**Notices**

Certain foreign passports; validity ---- 16097

**TREASURY DEPARTMENT**

*See* Customs Bureau; Internal Revenue Service.

**WAGE AND HOUR DIVISION**

**Notices**

Certificates authorizing employment of learners at special minimum rates ---- 16120

**Notices**

California; declaration of disaster area ---- 16106


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**7 CFR**
- 724 ---- 16077
- 910 ---- 16078
- 929 ---- 16078

**12 CFR**
- 218 ---- 16065

**13 CFR**

PROPOSED RULES:
- 107 ---- 16094

**14 CFR**
- 27 [New] ---- 16065
- 39 [New] (2 documents) ---- 16065, 16066
- 71 [New] ---- 16066
- 75 [New] (2 documents) ---- 16066
- 97 [New] ---- 16067

PROPOSED RULES:
- 71 [New] ---- 16093

**21 CFR**
- 121 (3 documents) ---- 16078, 16079

**25 CFR**
- 43d ---- 16080

**26 CFR**
- 1 ---- 16081
- 45 ---- 16083

PROPOSED RULES:
- 1 ---- 16090

**32 CFR**
- 710 ---- 16055

**43 CFR**

PUBLIC LAND ORDERS:
- 3464 ---- 16084
- 3465 ---- 16084
- 3466 ---- 16084
- 3467 ---- 16085
- 3468 ---- 16085
- 3469 ---- 16085
- 3470 ---- 16086
- 3471 ---- 16086
- 3472 ---- 16087
- 3473 ---- 16087

**49 CFR**
- 0 ---- 16087

**50 CFR**
- 256 ---- 16088


**Announcing a New Statutory Citations Guide**

**HOW TO FIND U.S. STATUTES and U.S. CODE CITATIONS**

This pamphlet contains typical legal reference situations which require further citing. Official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them to make the search. Additional finding aids, some especially useful in citing current material, also have been included. Examples are furnished at pertinent points and a list of reference titles, with descriptions, is carried at the end.

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# Rules and Regulations

## Title 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

### PART 710—PROCEDURES AND REQUIREMENTS FOR APPOINTMENT AS A MIDSHIPMAN AT THE UNITED STATES NAVAL ACADEMY

*Scope and purpose.* Part 710 is revised to conform with the U.S. Naval Academy Admissions Regulations, 1965, NAVPERS 15010, prescribing the procedures and requirements for admission as midshipman to the U.S. Naval Academy, Annapolis, Md., in 1965. The regulations are subject to change through legislation or to meet the varying requirements of the Navy.

Part 710 is revised to read as follows:

Sec.

Subpart A—General

- 710.11 Life of a career naval officer.
- 710.12 Midshipmen at the U.S. Naval Academy.
- 710.13 Service obligation for enlisted and other candidates appointed as midshipmen.
- 710.14 Engagement to serve.
- 710.15 Entrance date.

Subpart B—Nominations

- 710.21 General.
- 710.22 Types of nominations.
- 710.22-1 Congressional.
- 710.22-2 Vice Presidential.
- 710.22-3 District of Columbia.
- 710.22-4 Governors of Puerto Rico, the Canal Zone, the Virgin Islands, Guam, and American Samoa.
- 710.22-5 Presidential.
- 710.22-6 Regular Navy and Marine Corps.
- 710.22-7 Naval Reserve and Marine Corps Reserve.
- 710.22-8 Sons of deceased veterans.
- 710.22-9 Honor naval and military schools.
- 710.22-10 Naval Reserve Officers Training Corps (contract students only).
- 710.22-11 Sons of Medal of Honor winners.
- 710.23 Qualified alternates and competitors.
- 710.23-1 General.
- 710.24 Foreign students.
- 710.24-1 Republic of the Philippines.
- 710.24-2 American Republics other than the United States.
- 710.25 Nominating methods.
- 710.25-1 Congressional.
- 710.25-2 Other categories.
- 710.25-3 Nominating schedule.
- 710.26 Civil Service Commission examination for Congressional nominations.

Subpart C—Qualifications for Admission

- 710.31 General requirements.
- 710.31-1 Citizenship.
- 710.32-2 Age.
- 710.31-3 Marriage.
- 710.31-4 Moral character.
- 710.32 Scholastic requirements.
- 710.32-1 Submission of scholastic records.
- 710.32-2 Acceptable secondary school certificate.
- 710.32-3 Examination method.
- 710.32-4 College certificate method.
- 710.32-5 Qualified in previous year.
- 710.33 Medical and physical requirements.
- 710.33-1 General.
- 710.33-2 Medical and physical aptitude examinations.
- 710.33-3 Review and waiver procedure.

Subpart D—Appendices

- 710.41 Appendix I—Entrance procedure, equipment, and pay.
- 710.42 Appendix II—Foreign students.
- 710.43 Appendix III—Medical disqualification factors.
- 710.44 Appendix IV—Medical activities administering qualifying medical examinations for the U.S. Naval Academy.
- 710.45 Appendix V—Course of instruction.
- 710.46 Appendix VI—Formats for requesting a nomination.
- 710.46-1 Format for requesting a Congressional nomination.
- 710.46-2 Format for requesting a Presidential nomination.
- 710.46-3 Format for requesting a son-of-deceased-veteran nomination.

AUTHORITY: The provisions of this Part 710 issued under R.S. 161, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031. Interpret or apply secs. 651, 6951–6974, 70A Stat. 27, 428–436, as amended, sec. 516, 72 Stat. 1439; 10 U.S.C. 516, 651, 6951–6974.

### Subpart A—General

**§ 710.11 Life of a career naval officer.**

(a) The first requisite for appointment as a midshipman at the United States Naval Academy is a desire to be a Naval Officer.

(b) The Naval Officer is a man of intelligence and decision, responsible in every respect for accomplishment of the tasks assigned him and for the human lives and property required to complete them. He has the ability to plan carefully and a decided flair for organization. He is a tactful and diplomatic representative of the United States at home and abroad. As he advances in grade he accepts, even seeks, greater responsibilities as a matter of course. He works long hours with his primary consideration being to get the desired results. The Navy is a powerful instrument of our national security and the Naval Officer is required to adopt and live by one standard—"The Good of the Service."

(c) As the world's leading seapower, the U.S. Navy carries out a global mission involving commitments with over sixty nations. Thus, the Naval Officer is equally at home in the Mediterranean, Europe, Africa, or South America. He knows the Pacific and its islands and the inscrutable countenance of the Far East. He is a "seagoing man" whose job often takes him away from his family for months at a time.

(d) The Naval Officer has few financial worries, but he will never get rich. He and his family learn to adapt themselves to frequent moves. "Navy Juniors", the children of naval personnel, compensate for attendance at many schools by friendships among people of many nations and by a cosmopolitan viewpoint and adaptability which is invaluable in later life. In many localities an officer may be required to live off the base, selecting his home to meet the requirements of his family. On some stations quarters are provided.

(e) Promotion of Naval Officers is governed by law. The law is designed to provide an orderly flow of the most competent officers through the various grades to the top positions in the Navy. The graduate's opportunity for promotion is equal to that of every other officer of his grade, based solely on his record. Graduate work is available to him in various fields of interest to the Navy. As he advances in grade he becomes eligible for operational, staff, and command schools in preparation for higher command duties.

(f) A naval career is an honorable profession. It is a career dedicated to service to our Country and carries with it high social prestige, wide experience, and opportunities for education and advancement. But let us not mince words, it is a career with rewards for the hard workers, the sincere, the man with imagination. It is not a career for those who prefer a soft life. Those officers who dedicate themselves to naval careers will find service life inspiring in its standards, stimulating in its challenge and rewarding in its rich and satisfying feeling of accomplishment.

**§ 710.12 Midshipmen at the U.S. Naval Academy.**

(a) There are several ways of becoming a Naval Officer. The way that has been in existence the longest is by appointment to, and graduation from the United States Naval Academy at Annapolis, Md. This institution was founded in 1845 and has been in continuous existence ever since that date. It is maintained by the Government, under the immediate supervision of the Chief of Naval Personnel of the Navy Department. Graduates are granted the degree of Bachelor of Science and are normally commissioned as ensigns in the line of the Navy.

(b) Students at the Naval Academy are called Midshipmen. Upon acceptance and execution of the required oath of office, they are issued appointments as Midshipmen in the United States Navy which are signed by the Secretary of the Navy by direction of the President of the United States. All of the sources of nomination for appointment are established by law and no person can be appointed unless duly nominated by or from such a source. These sources are described in detail in Subpart B of this part.

(c) At the Naval Academy all midshipmen follow a very demanding academic schedule in an atmosphere of strict discipline. They are required to pass in every subject taken, except that in the case of an additional elective subject,

failure to maintain the prescribed proficiency will result in termination of participation in the additional elective program and reversion of the student to the standard curriculum.

(d) Character development and physical fitness are also very important parts of the program. The life of a midshipman is by no means easy. Anyone who is not prepared to sacrifice a certain amount of personal freedom and put forth his best effort should not seek appointment to the Naval Academy. On the other hand the Naval Academy provides a very busy, happy, and rewarding four years for those who are sincere in their purpose and proud of the opportunity to serve their country.

(e) Mission of the United States Naval Academy: To develop midshipmen morally, mentally, and physically, and to imbue them with the highest ideals of duty, honor, and loyalty in order to provide graduates who are dedicated to a career of naval service and have potential for future development in mind and character to assume the highest responsibilities of command, citizenship, and government.

**§ 710.13 Service obligation for enlisted and other candidates appointed as midshipmen.**

(a) Enlisted members of the Armed Forces who accept appointments as midshipmen at the Naval Academy will not be discharged from their enlistment contracts or from their period of obligated service while they are in the status of midshipmen except for physical disability or because of the acceptance of a commission. (10 U.S.C. 516.)

(b) Midshipmen in this category who are separated from the Naval Academy, except for one of the two reasons given in paragraph (a) of this section, will have their appointments as midshipmen terminated and will immediately resume their enlisted status. Members so reverted will be required to serve out their enlistments or obligated service, unless sooner discharged. In computing the unexpired portion of an enlistment contract or period of obligated service, the time served as a midshipman shall be counted as time served under such contract or period of obligated service.

(c) Candidates entering the Naval Academy from civil life who had not previously acquired a military obligation will automatically do so upon acceptance of appointment as midshipmen at the United States Naval Academy. Under certain of the provisions of the Universal Military Training and Service Act as amended, any person who is enlisted, inducted, or appointed in any of the Armed Services or Reserve Components acquires automatically a six-year military obligation. Section IV.B.3.f of Department of Defense Directive 1200.3 of May 23, 1958, includes appointees to the Service Academies among those who are subject to the six-year obligation. Such candidates will be required to execute the following statement of understanding of this obligation prior to appointment as midshipmen:

I understand that if my appointment as a midshipman is terminated other than for the purpose of accepting a commission, I shall if qualified be transferred to a ready reserve component of the United States Navy or the United States Marine Corps, in a grade deemed appropriate by the Secretary of the Navy. I fully understand the requirement for satisfactory participation in the ready reserve. I also understand that upon completion of a period of satisfactory ready reserve service which, when added to my service as a midshipman, totals five years, I shall if I request be transferred to the standby reserve to complete the total military service obligation of six years acquired under section 4(d)(3) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(d)(3), 10 U.S.C. 651).

I understand further that if, after termination of my appointment as a midshipman, I should complete my total 6 year military service obligation without serving the minimum period of active duty required for exemption I may be liable for induction under Selective Service regulations to complete the 2 year active duty obligation prescribed by section 4(b) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(b)).

**§ 710.14 Engagement to serve (10 U.S.C. 6959).**

(a) Each midshipman who is a citizen or national of the United States shall sign an agreement that, unless sooner separated, he will:

(1) Complete the course of instruction at the Naval Academy;

(2) Accept an appointment and serve as a commissioned officer of the Regular Navy or the Regular Marine Corps for at least five years immediately after graduation; and

(3) Accept an appointment as a commissioned officer in the reserve component of the Navy or the Marine Corps, and remain therein until the sixth anniversary of his graduation, if an appointment in the regular component of that armed force is not tendered to him, or if he is permitted to resign as a commissioned officer of that component before that sixth anniversary.

(b) If the midshipman is a minor and has parents or a guardian, he may sign the agreement only with the consent of the parents or guardian.

(c) Officers of the Armed Services serve at the pleasure of the President, and no terminal dates are established for their commissions.

**§ 710.15 Entrance date.**

Candidates will be required to enter the Naval Academy on June 30. The fourth class summer program is of nine weeks duration beginning the ninth Tuesday preceding Labor Day. The Academic year begins on the first Wednesday following Labor Day. Each eligible candidate will be notified individually by the Bureau of Naval Personnel of the hour and date he is to report to the Naval Academy for admission.

## Subpart B—Nominations

**§ 710.21 General.**

It is necessary for a young man to obtain a nomination in order to be considered for appointment to the Naval Academy. The sources of nominations are described below and the applicant should study carefully the various sources to determine those through which he is eligible to apply. College Board test results taken for purposes of qualifying for the Naval Academy apply to all nominations a candidate may hold.

**§ 710.22 Types of nominations.**

**§ 710.22–1 Congressional.**

Each Senator, each Representative, and the Resident Commissioner of Puerto Rico individually may have a maximum of five midshipmen attending the Naval Academy at any one time. The applicant should address his request directly to the official concerned. Eligibility for Congressional nominations is restricted by law to the two Senators from an individual's home State and to the Representative of the Congressional district in which he lives. A sample letter of application is included in § 710.46–1.

**§ 710.22–2 Vice Presidential.**

The Vice President may have a maximum of five midshipmen attending the Naval Academy at any one time. He may nominate candidates from the United States at large. A letter requesting nomination should be addressed directly to the Vice President. It should contain the same information required of a Congressional applicant.

**§ 710.22–3 District of Columbia.**

The Commissioners of the District of Columbia may have a maximum of five midshipmen attending the Naval Academy at any one time. Applications should be made directly to the Commissioners of the District. A letter requesting nomination from the Commissioners should contain the same information required of a Congressional applicant.

**§ 710.22–4 Governors of Puerto Rico, the Canal Zone, the Virgin Islands, Guam, and American Samoa.**

The Governors of Puerto Rico and the Canal Zone each may have one midshipman attending the Naval Academy at any one time. The Governors of the Virgin Islands, Guam, and American Samoa may collectively have one midshipman attending the Naval Academy at any one time. Applications to these nominating authorities should contain the same information required of Congressional applicants.

**§ 710.22–5 Presidential.**

The President may appoint seventy-five midshipmen each year. These appointments are limited by law to the sons and adopted sons of officers and enlisted personnel of the Regular Army, Navy, Air Force, Marine Corps, and Coast Guard on active duty, retired, or deceased, but not discharged before retirement or death. Adopted sons to be eligible must have been adopted prior to their fifteenth birthday. The Secretary of the Navy is authorized to approve waivers of this policy where adoption proceedings had been initiated but the adoption had not occurred prior to the fifteenth birthday through circumstances beyond the control of the foster parents. Stepsons are not eligible. Applications should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D.C., 20370. Use application form in § 710.46–2.



**§ 710.22–6 Regular Navy and Marine Corps.**

(a) The Secretary of the Navy may appoint each year eighty-five enlisted men of the Regular Navy and Marine Corps. These men must meet all requirements including the age limitations. In addition they must have enlisted in the Navy or Marine Corps on or before July 1 of the year preceding the desired date of entrance to the Naval Academy. Enlisted men who can fulfill the age and service requirements should make known to their commanding officers early in their enlistment their desire to go to the Naval Academy.

(b) For further information about enlisting in the Navy or Marine Corps, apply to your nearest Navy or Marine Corps Recruiting Station.

**§ 710.22–7 Naval Reserve and Marine Corps Reserve.**

(a) The Secretary of the Navy may appoint each year eighty-five enlisted men of the Naval Reserve and Marine Corps Reserve. These men must be qualified as to age and must have served in the Reserve for at least one year on July 1 of the year of entrance to the Naval Academy. In addition to all other normal requirements for appointment, these men must be on active duty, or must be members of a drilling unit of the Reserve, be recommended by their commanding officers, and have maintained efficiency in drill attendance with their Reserve Units.

(b) Midshipmen USNR of the Regular NROTC Program and members of the Aviation Cadet Program are not eligible for appointment under this quota.

(c) For further information about enlistment in the Naval Reserve or Marine Corps Reserve, apply to your nearest Navy or Marine Corps Recruiting Station.

**§ 710.22–8 Sons of deceased veterans.**

(a) The President may have a maximum of forty midshipmen, who are the sons of deceased veterans, attending the Naval Academy at any one time.

(b) Eligibility for nomination under this quota is confined to sons of members of the Armed Forces of the United States who were killed in action or have died of wounds or injuries received, or disease contracted, or pre-existing injury or disease aggravated, in active service during (1) World War I or World War II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I or World War II and their dependents); or (2) the Korean conflict beginning June 27, 1950, and ending January 31, 1955. The determination in each case of the Veterans' Administration as to the service connection of the cause of death is binding upon the Secretary of the Navy. Use application form in § 710.46–3.

**§ 710.22–9 Honor naval and military schools.**

The Secretary of the Navy may appoint annually ten honor graduates of educational institutions designated as "honor schools" by the Department of the Army, Navy, and Air Force. Candidates under the quota will be nominated each year by the heads of the schools designated as "honor schools." Each such school may nominate three honor graduates to compete for the appointments. Included in the three may be students whose standing is such that it appears they will be honor graduates in June of the year in which the examinations will be held. However, the latter will not be considered for appointment unless they do fulfill the requirements which would entitle them to be honor graduates at the time of their graduation. Eligible students should apply to the heads of their schools for nomination.

**§ 710.22–10 Naval Reserve Officers Training Corps (contract students only).**

The Secretary of the Navy may appoint annually ten midshipmen from among members of the Naval Reserve Officers Training Corps. Three candidates may be nominated each year by the president of each educational institution in which an NROTC unit is established. Each candidate must be a regularly enrolled contract student in the NROTC and must have completed one year of scholastic work in the corps at the time of entrance to the Naval Academy. Students should apply to their Professors of Naval Science to request a nomination.

**§ 710.22–11 Sons of Medal of Honor winners.**

The son of any person who has been awarded the Medal of Honor for acts performed while in the Armed Forces may be appointed provided he is in all respects qualified. No recommendation or endorsement from any source is required. Applications for appointment under this paragraph should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D.C., 20370.

**§ 710.23 Qualified alternates and competitors.**

**§ 710.23–1 General.**

The Secretary of the Navy is authorized, upon recommendation of the Academic Board of the Naval Academy, to appoint 150 qualified Congressional alternates. Additional appointments from qualified alternates and competitors may be made by the Secretary of the Navy to bring the Brigade of Midshipmen to its authorized strength. If additional appointments are possible after the 150 qualified Congressional alternates have been appointed, at least 75 percent of these additional appointments must be selected from Congressional nominees and not more than 25 percent may be made from non-Congressional sources. All qualified alternate and competitive candidates will be considered and no special application by the individual is necessary or desired.

**§ 710.24 Foreign students.**

**§ 710.24–1 Republic of the Philippines.**

The Secretary of the Navy is authorized to permit, for the President of the United States, not exceeding four Filipinos at a time to receive instruction at the United States Naval Academy. Applications for appointment from this source must be addressed through diplomatic channels of the Government of the Republic of the Philippines. The appointments are on a competitive basis.

**§ 710.24–2 American Republics other than the United States.**

(a) The Secretary of the Navy is authorized to permit, upon designation of the President of the United States, not exceeding twenty persons at a time from the American Republics other than the United States to receive instruction at the United States Naval Academy. Not more than three persons from any one of such Republics shall receive instruction at the same time. Applications for these appointments must be addressed through the appropriate diplomatic channels of the applicant's country. The appointments are on a competitive basis.

(b) Instructions to Foreign Students are included in § 710.42.

**§ 710.25 Nominating methods.**

**§ 710.25–1 Congressional.**

A member of Congress may choose between two methods of nomination as follows:

(a) *Principal-alternate method.* He may nominate one principal candidate and five alternate candidates listed in order of his preference. If the principal candidate meets the eligibility criteria and qualifies on the entrance examinations, he will be offered the appointment. If the principal does not meet the minimum requirements, the next designated alternate candidate who qualifies will be chosen.

(b) *Competitive method.* He may nominate six candidates and authorize the Naval Academy to select his best qualified candidate. A selection score will be determined for each qualified candidate. It will include all entrance examination scores, ratings on previous academic achievement and extra-curricular activities, and a rating based primarily upon the recommendations of school principals and teachers. The candidate having the highest score will be offered the appointment.

**§ 710.25–2 Other categories.**

(a) The choice between the principal-alternate and competitive methods is also available to the Governors of Puerto Rico and the Canal Zone. The Governors of the Virgin Islands, Guam, and American Samoa may nominate only on a competitive basis for the one appointment allowed.

(b) Candidates will be selected for appointment on a competitive basis from nominees entered in the several service-connected categories: Presidential, Sons of Deceased Veterans, Regular and Reserve Components, Honor Military and Naval Schools, and NROTC. Factors considered in the competition are all entrance examination scores, previous academic achievement, extracurricular activities and recommendations of school principals and teachers. There is no limit on the number of eligible candidates who may compete in the Presidential, Sons of Deceased Veterans or Regular and Reserve categories. Each honor military and naval school and the pres-

ident of each institution in which an NROTC unit is established may name three candidates.

(c) The son of a Medal of Honor winner will be nominated upon application to the Bureau of Naval Personnel. He will be offered an appointment provided he qualifies on the entrance requirements.

**§ 710.25–3 Nominating schedule.**

(a) A young man who wants to enter the Academy upon graduation from high school must apply for nomination well in advance of admission. If seeking a Congressional nomination, it is particularly important to apply early, preferably during the spring of the junior year in high school. Senators and Representatives may submit the names of their nominees any time between July 1, 1964, and January 31, 1965, for the class entering in June 1965. A majority of them will make their selections for nomination early in this period. A young man who waits until the fall or winter months to apply cannot be considered if the Member of Congress has already selected his quota of nominees.

(b) Other nominating authorities must also submit their nominations between July 1, 1964, and January 31, 1965.

**§ 710.26 Civil Service Commission examinations for Congressional nominations.**

It is the policy of some of the authorized nominators to have the U.S. Civil Service Commission hold special competitive examinations solely for the purpose of assisting them in selecting their candidates. These special competitive examinations do not determine the candidate's scholastic qualifications for admission to the Naval Academy. The Naval Academy requirements must still be met fully. All the details concerning administration of the special competitive examinations are handled by the nominator concerned and the U.S. Civil Service Commission in Washington. Correspondence in regard to these examinations should be addressed to the Member of Congress.

## Subpart C—Qualifications for Admission

NOTE: Summary of changes effective with the class entering in June 1965. Significant changes, all discussed in appropriate portions of this part, are as follows:

1. The development of new Mathematics Achievement Tests by the College Entrance Examination Board.
2. The inclusion of class standing in high school as a qualifying factor.
3. The consideration of previous college records as a qualifying factor.
4. The requirement that all candidates take the College Board Test.
5. The requirement that a candidate qualify in the year in which he is seeking admission.
6. Revised medical examination procedures which permit examination of candidates at Navy, Army or Air Force facilities.

**§ 710.31 General requirements.**

All candidates must meet certain general requirements of citizenship, age, marital status, and moral character.

**§ 710.31–1 Citizenship.**

All candidates must be citizens of the United States except as authorized by law (see § 710.24, also § 710.25).

**§ 710.31–2 Age.**

Candidates must be at least 17 and not have passed their twenty-second birthday on July 1 of the year of admission.

**§ 710.31–3 Marriage.**

Candidates must never have been married. Any midshipman who marries will be discharged from the Academy.

**§ 710.31–4 Moral character.**

They must be of good moral character.

**§ 710.32 Scholastic requirements.**

(a) A candidate's previous academic record and his performance on specified College Entrance Examination Board Tests are the factors which are used to determine scholastic qualification for admission.

(b) There are two methods of qualifying scholastically for admission to the Naval Academy: the Examination Method and the College Certificate Method. These two methods are described in §§ 710.32–3 and 710.32–4.

**§ 710.32–1 Submission of scholastic records.**

(a) Each candidate is responsible for the submission of detailed records of all of his completed high school, preparatory school, and college work and lists of any current or proposed courses. Official forms for this purpose will be provided by the Navy Department following receipt of the nomination from the Member of Congress or other authorized appointment sources. These certificates should be filled out and submitted to the Naval Academy by the school or schools as soon as practicable after receipt. It is important to each candidate that records be supplied promptly and that previous school records include academic marks, class standing or estimated class standing for the first semester of the final year. In the event that class standing for the end of the junior year is the latest available, it will be acceptable. Recommendations from the candidate's high school principal, teachers, extracurricular advisors and coaches should be furnished on the forms provided. These records and recommendations will be considered in conjunction with the test results in order to establish the priority of qualified candidates in the various competitive lists and for the purpose of selection under the qualified alternate law, and must be received not later than March 15.

(b) It must be appreciated that except for Congressional principals and sons of Medal of Honor holders, it is necessary to take those candidates who have succeeded in qualifying scholastically, medically and in physical aptitude and arrange them in an order of precedence. In assigning a selection score for this purpose to such a qualified candidate, his scholastic record, including College Board scores, rank in high school, extracurricular record, and recommendations are taken into account. Once a candidate is assigned an order of selection score, it remains unchanged in order that it may be used to determine his relative position on any competitive list for which he is eligible.

**§ 710.32–2 Acceptable secondary school certificate.**

(a) An acceptable secondary school certificate is one from an accredited secondary school, or its equivalent, presenting at least fifteen units of credit in college preparatory subjects and indicating ability to do college-level work successfully. While not an absolute requirement, standing in the top 40 percent of one's high school class is of importance in determining qualification for admission, and the great majority of midshipmen come from the top 20 percent of their high school classes. Candidates should, insofar as is practicable, include as many as possible of the following studies in their secondary school programs:

(1) At least three years but preferably four years of mathematics, including the elements of advanced algebra, geometry and trigonometry.
(2) Four years of English.
(3) Two years of a foreign language, preferably modern.
(4) One year of chemistry.
(5) One year of physics.

(b) It is expected that the secondary school official will recommend only those candidates who, in his opinion, have the scholastic background needed to pursue successfully a difficult course of college level in which the emphasis is placed on engineering subjects, as well as the humanities, and who have those qualities of character necessary for success in an institution where training for effective military leadership is of paramount importance.

(c) Deficiencies in the secondary school certificate can often be offset by offering acceptable college work in the subject or subjects involved or advanced related branches thereof. Conversely, evidence of inability to do acceptable college work can be cause for disqualification.

**§ 710.32–3 Examination method.**

(a) The basic method of qualifying is by presenting an acceptable secondary school certificate and by scoring acceptably in the scholastic entrance examination consisting of the December 5, 1964, January 9, 1965, or March 6, 1965, administrations of the following tests of the College Entrance Board: The Scholastic Aptitude Test (Verbal and Mathematics sections), the English Composition Test, and either the Level I (Standard) or (*) Level II (Intensive) Mathematics Achievement Test. It is the candidate's responsibility to ensure that he takes these required tests. No substitutes will be considered in qualifying for entrance to the U.S. Naval Academy.

(b) In the past, basic qualifying scores have been 500 for the verbal score and 550 for the mathematics score of the Scholastic Aptitude Test, 500 for the English Achievement Test and 550 for the Mathematics Achievement Test. Variations in basic qualifying scores can be expected each year. These tests must be taken during the school year preceding admission. Candidates are encouraged to choose the mathematics achievement test in which they feel they can attain the higher score. Level I is recommended for candidates without advanced high school mathematics. No additional weight is given to the results of the test in Level II Mathematics over those in Level I Mathematics.

(c) Basic qualifying scores in the College Entrance Examination Board Tests for any class will be determined by the Academic Board of the Naval Academy. No candidate shall be admitted to the Naval Academy unless in the opinion of the Academic Board he shows the requisite scholastic qualifications.

(d) Each candidate is responsible for registering with the College Entrance Examination Board for the tests as promptly as possible after receiving the necessary instructions from the Bureau of Naval Personnel, Navy Department, Washington, D.C. These instructions will include the provision for payment by the Navy for these tests. Although the Navy Department will pay for only one administration of the tests, the Naval Academy will accept scores from the other applicable administrations and will credit a candidate with the highest scores achieved.

(e) General information on the tests, including dates of administration, location of testing center, dates by which candidates must register, method of application, etc., is published in a booklet entitled Bulletin of Information. This booklet, published annually by the College Board, may be obtained without charge by writing to either:

The College Entrance Examination Board,
Post Office Box 592,
Princeton, New Jersey, 08540.

or

The College Entrance Examination Board,
Box 1025,
Berkeley, California, 94701.

(f) In addition to the above-mentioned Bulletin, the College Board publishes two booklets, one entitled "A Description of the College Board Scholastic Aptitude Test" and one titled "A Description of the College Board Achievement Tests." Supplies of these two booklets are provided by the College Board to all high schools. Candidates can obtain the booklets from their high schools or may write to the College Board for individual copies free of charge.

(g) For the majority of candidates, the examining points are in the communities in which they live. It is expected that few, if any, candidates will have to travel more than seventy-five miles.

(h) Duly nominated candidates who have registered for and are unable to take the December, January, or March administrations because of sickness, injury, weather, or other extenuating circumstances should promptly advise the Chief of Naval Personnel.

**§ 710.32–4 College certificate method.**

(a) A candidate who holds a nomination as a Congressional principal or alternate or who is seeking admission as the son of a Medal of Honor winner may fulfill the scholastic requirements for admission by submitting an acceptable secondary school certificate and an acceptable college certificate. He is required to take the College Board tests specified in § 710.32–3 for the information of the Naval Academy.

(b) An acceptable secondary school certificate is as described in § 710.32–2.

(c) An acceptable college certificate is one attesting at least one year's attendance at an accredited junior college, college, university or technical institution of college grade during which the candidate completed courses totalling at least twenty-four semester hours of credit for subjects acceptable to the Naval Academy with grades substantially better than the college minimum passing grade. Six semester hours must be in pure mathematics, such as college algebra, trigonometry, analytical geometry, calculus, etc., and six semester hours must be in English or history or a combination thereof. The remaining credits necessary to complete the certificate may be offered from a wide range of college liberal arts or engineering subjects.

(d) The length of college attendance prescribed is defined as requiring actual full-time attendance for one regular school year during which the candidate pursues courses constituting a normal year's load.

(e) A candidate who contemplates qualifying by the College Certificate Method but who has not completed the required year of college at the time of receipt of his nomination should have his high school record and a preliminary college record submitted showing the courses contemplated or in progress and the amount of credit in semester hours to be assigned for each course. Forms for this purpose will be provided by the Navy Department. An early review of the record of completed work and of courses proposed for completion may reveal defects which can be corrected by slight changes in the final semester schedule. The certificate action reports issued by the Naval Academy indicate steps which the candidate should take. However, if in doubt, a candidate should address a letter to the Dean of Admissions, U.S. Naval Academy, Annapolis, Md.

**§ 710.32–5 Qualifying in previous year.**

Former midshipmen who have completed successfully the first year of the Naval Academy's course need not requalify scholastically for admission. No other former candidates are exempted from requalifying for the class to which they seek admission.

**§ 710.33 Medical and physical requirements.**

**§ 710.33–1 General.**

All candidates are encouraged to undergo thorough medical and dental examinations by a private physician using the Medical Factors set forth in § 710.43 as a guide in determining their medical and dental condition before pursuing nomination and before taking the qualifying medical examination. This will serve to identify obviously disqualified applicants or those who may have remediable defects which must be corrected at the candidates' expense. Official standards of medical fitness are found in Chapter 15 of the Manual of the Medical Department, U.S. Navy. The candidates who are obviously disqualified will benefit themselves and the U.S. Government by not pursuing candidacies further. All candidates are advised to carry sunglasses for use after the eye examination.

**§ 710.33–2 Medical and physical aptitude examinations.**

(a) The Naval Academy Qualifying Medical Examination determines a candidate's medical status for admission to the Academy. Members of Congress may authorize a Naval Academy Medical Examination, at the authorized Medical Examining facilities, for an applicant to determine his medical qualification. This examination will be considered a final Naval Academy Qualifying Medical Examination. Thus, it will not be necessary for a formally nominated candidate to return to a medical examining facility for further medical examination. Candidates who have a Qualifying Medical Examination on file taken since July 1, 1964, will be required to take only the Physical Aptitude Examination. Formally nominated candidates to the Naval Academy are required to satisfactorily complete a Physical Aptitude Examination which is in conjunction with the Qualifying Medical Examination. This examination includes a series of exercises designed to determine coordination, strength and endurance of the body musculature. Included are sit-ups, pull-ups, arm hang, and a squat walk exercise. It also includes a battery of tests which will bring out disqualifying orthopedic defects such as shoulder, knee, or other malfunctions. Failure to pass any part of this examination will be cause for rejection.

(b) When reporting for Medical and Physical Aptitude Examination, candidates are required to have suitable shorts and supporter for use when undergoing the Physical Aptitude Examination.

(c) Candidates who are ordered to report for Medical and Physical Aptitude Examination and who are unable to take the Physical Aptitude Examination will be required to produce sufficient evidence as to preclude them from such at that time. Insufficient evidence will be cause for their disqualification. Formally nominated candidates who are injured or ill for any reason and unable to comply with instructions to report for Medical and Physical Aptitude Examination are required to communicate with the Chief of Naval Personnel and the scheduled examining facilities to explain the circumstances of the injury or illness before further examination or delay in examination will be authorized. Candidates who have undergone major surgery involving knee, ankle, shoulder, elbow, wrist or spine will NOT be scheduled for examination until six months have

(*) Offered only on January 9, 1965, test.

elapsed following surgery. Medical and Physical Aptitude Examinations will terminate on March 15, 1965. Injury and surgical cases will not be considered after this date. Candidates having orthodontic appliances in place will be required to have them removed prior to reporting for Qualifying Medical Examination.

(d) While candidates may be scheduled for Medical and Physical Aptitude Examinations at Army, Navy and Air Force facilities, the major portion of Naval Academy candidates will be scheduled for examination at Naval Medical Examining Facilities. Candidates examined at Naval Medical Examining Facilities will normally be required to spend one day under examination. Candidates are to report prior to 0800 on the day of examination except as otherwise directed in reporting orders. Candidates ordered to Army and Air Force examining centers will be required to spend at least two days to complete examinations.

(e) Candidates are required to pay their own transportation, berthing and necessary expenses in connection with these examinations. Only one medical and physical aptitude examination will be authorized for any candidate. Reexamination will not be authorized except as required by the Chief of Naval Personnel.

§ 710.33–3 Review and waiver procedure.

(a) The results of all medical examinations of candidates for the Naval Academy are subject to review by the Permanent Board of Medical Examiners, U.S. Naval Academy. Medical qualification decisions made by that Board are final. In this respect where the disqualifying defect is subject to medical or dental correction, the candidate may be conditionally rejected subject to later certification by a registered physician or dentist that the defect has been corrected with complete restoration of function. It is mandatory that such certification reach the Permanent Board of Medical Examiners as soon as possible and not later than March 15 in any case. Final reports of applicants certified by that Board will be distributed to Chief of Naval Personnel, Chief, Bureau of Medicine and Surgery, and the Academic Board, U.S. Naval Academy. The *Academic Board may grant waiver* of a very minor defect to a candidate who is outstanding in all other respects.

(b) Since waiver action is predicated upon the overall quality of a candidate's record, it is important that transcripts of secondary school or college work, the report of extracurricular activities, and the required letters of recommendation be submitted as soon as possible. In some instances it will be necessary to delay evaluation of a record until results of the March College Board tests have been received. It is emphasized that review and waiver procedures are automatic for all candidates who were found not medically qualified upon formal qualifying medical examination and that queries regarding the status of waiver action will only delay final determination. Notification of Medical and Physical Aptitude Disqualification will be made to all candidates by the Chief of Naval Personnel. Requests for reexamination of those candidates who fail the medical examination can be approved only by the Chief of Naval Personnel and only under extremely extenuating circumstances.

## Subpart D—Appendixes

§ 710.41 Appendix I—Entrance procedure, equipment, and pay.

(a) *Entrance requirements.* Candidates for whom there are vacancies, who have subscribed the "Engagement to Serve" and who have met the scholastic, moral, and physical requirements will receive appointments as midshipmen and be admitted as such to the Naval Academy.

(1) Each candidate will be required to present an acceptable birth certificate.

(2) In keeping with the policy of the Department of Defense and as directed by the Secretary of the Navy, candidates for appointment as midshipmen are required to execute a loyalty certificate. The purpose of this certificate is to aid in determining whether the candidate's conduct or associations, past or present, have been such as to cast any doubt whatever upon his loyalty to the Government of the United States.

(3) The loyalty certificate includes a list of those agencies, groups, etc., designated by the Attorney General of the United States to be totalitarian, fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny persons their rights under the Constitution of the United States by unconstitutional means.

(4) The admission of conduct or association, past or present, within the purview of acts as defined in the certificate, or association with any of the groups or organizations designated by the Attorney General, shall preclude appointment pending investigation and determination of eligibility by the Department of the Navy.

(5) False representation, or failure fully to disclose conduct or associations defined in the certificate shall constitute grounds for trial before a general court-martial with possible consequent conviction and imprisonment, or for separation from the naval service under conditions other than honorable, with or without any preceding court-martial procedure.

(6) Each candidate for midshipman upon entrance will be required to take oath of office as follows:

I, ----------, of the State of ---------- aged ------ years ------ months, having been appointed a midshipman in the United States Navy, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; So Help Me God.

He will also be required to subscribe to the following under oath:

For and in consideration of the privileges, opportunities, and benefits afforded me during the continuance of my service as a midshipman, I agree to and with the Superintendent of the United States Naval Academy, as follows:

First: To enter the service of the Navy of the United States and to the utmost of my power and ability to be in everything conformable and obedient to the several requirements and lawful commands of the officers who may be placed over me.

Second: I oblige myself, during such service, to comply with and be subject to the Uniform Code of Military Justice and such other laws and regulations as are or shall be established by the Congress of the United States or other competent authority.

Third: To submit to treatment for the prevention of smallpox, typhoid (typhoid prophylaxis), and to such other preventive measures as may be considered necessary by naval authorities.

(b) *Curriculum.* The course of instruction at the Naval Academy is of 4 years' duration and is designed for the purpose of educating and training students to become officers in the Navy. The word "officers" as used in the foregoing sentence means officers of the line and does not include officers of the Medical Corps, Dental Corps, etc. The curriculum provides a basic education in naval science; science and engineering; and the humanities and social sciences. In addition, there is opportunity for advanced work through validation of college-level courses successfully completed elsewhere, and through a program of additional elective courses for superior students. No midshipman can be admitted or readmitted to other than the fourth (freshman) class. Readmitted midshipmen who previously completed successfully one or more years of the Naval Academy course may request advancement to a higher class after reentry. There can be no deviation from the statutory age limits.

(c) *Commissioned upon graduation.* Graduates of the Naval Academy who at graduation meet all requirements are commissioned as ensigns in the Navy and from each graduating class a limited number may be commissioned as second lieutenants in the Marine Corps. Their commissions may be revoked at any time during the first 3 years following graduation from the Naval Academy. On successful completion of the probationary period, officers are permanently commissioned. Officers whose commissions are revoked shall be discharged from the service, without advance pay or allowances.

(d) *Pay.* The pay of the midshipman is $1,447.20 a year, commencing at the date of his admission. Its purpose is to permit him to cover his expenses; i.e., distinctive uniforms, books, equipment, laundry, income tax; etc., while at the Naval Academy.

(e) *Entrance outfit.* Midshipmen, immediately upon entrance, will be required to obtain from the midshipmen's storekeeper a regulation entrance outfit. Slide rules and drawing sets are furnished as part of the outfit. Candidates are advised, therefore, not to purchase these items prior to entering the Academy.

(f) *Deposit.* Each candidate accepted for admission will, before being admitted as a midshipman, deposit with the midshipmen's storekeeper the sum of $300, to be used in part payment to cover cost of uniforms, clothing, etc. In cases of extreme hardship this sum may be reduced to $100 in which case money allowances for the individual will be at reduced levels until the individual account reaches prescribed levels. The amount deposited is not refunded, but is expended for entrance outfit, clothing, uniforms, etc., which become the property of the midshipman.

(g) *Costs.* The regulation entrance outfit, plus the additional uniforms, clothing, textbooks, and expenses required the first year, are valued at approximately $1,600. The deposit made at the time of entrance is supplemented by an entrance credit of $600 upon first admission to the Naval Academy. The $600 credit is an interest free loan advanced by the Government to defray the cost of the uniforms and equipment essential during the first year. Repayment of the indebtedness is accomplished by monthly deductions of $20 from the midshipman's pay, beginning in October of the second year at the Naval Academy and continuing until the indebtedness is liquidated. Any midshipman desiring to do so may repay this $600 entrance credit from personal funds immediately after appointment as midshipman. This sum is not required and only that portion of it that is not expended is recoverable should a midshipman subsequently be separated. Midshipmen who are involuntarily separated from the Naval Academy prior to repayment of the entrance credit, are required to turn in all articles of uniform and equipment deemed suitable for reissue, to an amount sufficient to liquidate the indebtedness. If reclaimed articles are insufficient to cover the indebtedness, parents will be given an opportunity to liquidate the remaining debt; failing this, the remainder of the debt is canceled. Midshipmen applying for voluntary separation for their own convenience are required to repay in full the amount of indebtedness prior to such separation.

(h) *Travel and transportation allowances.* After being admitted to the Naval Academy, midshipmen receive travel and transportation allowances as prescribed in Joint Travel Regulations (ordinarily, mileage allowance of 6 cents per mile for authorized travel). This reimbursement will be paid to the midshipman. Reimbursement will be made for the actual cost of passage fares on commercial vessels if sea travel is involved and provided no Government transportation is available. In the event travel originates outside the United States candidates must contact the nearest naval activity for information as to the availability of Government transportation before endeavoring to procure commercial transportation. When Government transportation is not available, a certified statement to this effect must be presented in order for the candidate to be reimbursed after he has become a midshipman.

(i) *Living accommodations.* Candidates are usually sworn in as midshipmen on the day they are accepted for admission, i.e., the date of reporting at the Naval Academy as designated in the authorization to report issued by the Bureau of Naval Personnel. Due to limited living accommodations in the city of Annapolis candidates are urged to time their arrival at Annapolis to coincide as closely as possible with the reporting date, keeping in mind, however, that transportation facilities between Washington and Baltimore and Annapolis are not unlimited. Those arriving in Annapolis a day or two prior to their reporting date may take advantage of berthing and messing facilities usually made available in the Naval Academy at a cost of $1.00 per night. Additionally, candidates may take their meals in the Midshipmen's Mess at a cost equal to the cost of a midshipman's daily ration allowance.

(j) *Birth certificate.* Candidates admitted as midshipmen will be required to submit to the Superintendent, U.S. Naval Academy, for transmission to the Bureau of Naval Personnel upon admission, or as soon as practicable thereafter, evidence of birth. A certified copy of the public record of birth is the best evidence of birth. Supporting evidence will be required if the name on the evidence of birth is not identical with the name being used.

(k) *Social security card.* Every candidate on reporting for appointment must present his Social Security card. If an individual has not obtained a social security number as a result of work experience prior to entering, he should obtain one based on the strength of expected employment as a midshipman.

(l) *Statement of Personal History.* Each midshipman, except foreign nationals, shortly after entrance, will be required to complete a Statement of Personal History. Candidates should be prepared to furnish such information as:

(1) Names and locations of all schools attended.

(2) Family names, dates and places of birth of parents, service data if parents are or were in Armed Forces, naturalization numbers of parents if applicable.

(3) Relatives in foreign countries—relationship and location.

(4) Names and addresses of former employers.

(5) Names and addresses of three credit and five personal references. (Credit references may be those of parents.)

(6) Residences during past fifteen years. (Dates—street addresses—cities required.)

(m) *Correspondence.* Correspondence regarding nominations and examinations should be addressed to the Chief of Naval Personnel, Attn. Pers–B66, Department of the Navy, Washington, D.C., 20370. Correspondence regarding scholastic qualifications should be addressed to the Dean of Admissions, U.S. Naval Academy, Annapolis, Md., 21402.

§ 710.42 Appendix II—Foreign students.

(a) *Application of rules.* Persons receiving instruction under authority of 10 U.S.C. 6957 shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. The entrance deposit will be required of all foreign students. Applications for appointment under provisions of this law must be addressed through diplomatic channels of the applicant's country. Nominations must reach the State Department in Washington, D.C., by January 1.

(b) *Requirements.* Each candidate must:

(1) Be an unmarried, bona fide male citizen of the nominating country and, unless otherwise approved by the Secretary of the Navy, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(2) Possess physical qualifications as specified in this part. All candidates must undergo a physical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. Qualifying medical and physical aptitude examination will be conducted by the Permanent Medical Examining Board at the United States Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth in this part before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying, it is recommended that telegraphic inquiry be addressed to the Superintendent, U.S. Naval Academy, Annapolis, Md., U.S.A.

(3) Be proficient in reading, writing, and speaking idiomatic English and meet the following scholastic entrance requirements: Candidates may qualify for admission by either of the following two methods:

(i) Certificates from accredited secondary schools and colleges of the United States of America.

(ii) Taking the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition and Intermediate or Advanced Mathematics. Detailed certificates covering school work will not be required of candidates qualifying by the examination method.

(c) *Language qualifications.* Candidates will be given the same examination in English Composition as other candidates, but due consideration will be accorded these foreign students when evaluating test results. Each candidate shall submit a certificate from his government that he is conversant with the literature of his native country and that he has completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States. In lieu of this certification, a candidate

may produce evidence of having acquired the units of literature from accredited schools of the United States. The Naval attaché or a diplomatic representative of the United States in the candidate's country shall furnish a report as to the candidate's proficiency in the use of idiomatic English.

(d) *Nominations.* Governments should submit the names of candidates as early as possible in order that they may qualify for entrance by the end of March and enter the Naval Academy in late June or early July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(e) *Oath.* In lieu of the oath of allegiance to the United States, a substitute oath will be required, in substance as follows:

I, ----------, a citizen of ----------, aged ------ years ------ months, having been appointed a midshipman at the United States Naval Academy, do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain directly or indirectly in consequence of my presence at the United States Naval Academy, to any alien government; and do agree that I shall be withdrawn from the United States Naval Academy if deficient in conduct, health, or studies.

(f) *Student's conduct, studies, or health unsatisfactory.* Notification will be given to the Governments that students found by proper authority to be unsatisfactory in conduct, studies, or health will be accorded the same consideration given other midshipmen regarding withdrawal from the Academy, or repetition of a year's work.

### § 710.43 Appendix III—Medical disqualification factors.

(a) *General.* Listed in this section are many of the conditions for which Naval Academy candidates are found medically disqualified. This list is not complete by any means, but will serve as a guide to private physicians and dentists in conducting medical screening examinations. Official standards of medical fitness are found in chapter 15 of the Manual of the Medical Department, U.S. Navy. A candidate who has defects which are remediable, including dental defects, should have them corrected prior to taking the Naval Academy Qualifying Medical Examination. An individual who has defects which are not remediable and would obviously disqualify him should not continue to seek a nomination or appointment to the Academy. See § 710 33–3 concerning the possibility of waivers for candidates with very minor defects.

(b) *Abdominal disqualifications.* Weakness of abdominal wall sufficient to interfere with function. Hernias of any type until corrected or history of operation for hernia within the preceding 60 days. Chronic diseases of abdominal organs. Stomach or small bowel ulcer or history of same. Acute or chronic disease of the gall bladder. History of removal of the spleen for reason other than trauma. Removal of gall bladder with residual abnormalities.

(c) *Blood disqualifications.* Anemia. Abnormal bleeding states. Abnormally low white blood cell count. Enlarged spleen until the cause is remedied. Blood clotting diseases except for acute, nonrecurrent conditions.

(d) *Dental disqualifications.* Carious teeth except minor or questionable carious areas. Less than 8 natural permanent teeth in each arch. Infections or chronic diseases of the soft tissue of the mouth. Lack of satisfactory biting or chewing function. Marked malocclusion resulting in severe dentofacial deformity. Active orthodontic appliances whether attached or removable; however, retainer appliances are permissible. Unreplaced teeth which cause unsightly spaces or significantly reduce masticatory function. Unsatisfactory restorations, bridges, or dentures. Diseases of the jaw such as tumors, cysts, abscessed teeth, which require treatment or may require treatment in the foreseeable future.

(e) *Ears and hearing disqualifications.* Any perforation of the eardrum. Chronic ear diseases. Meniere's syndrome. A defect in auditory acuity in either ear by audiogram in excess of the limits set forth in the following table (or below 15/15 by whispered voice if such test is used).

| Frequency | 500 512 | 1000 1024 | 2000 2048 | 3000 2896 | 4000 4096 | 8000 8192 |
|---|---|---|---|---|---|---|
| Maximum loss in decibels: | | | | | | |
| Better ear | 15 | 15 | 15 | 35 | (*) | (*) |
| Worse ear | 15 | 15 | 15 | 35 | (*) | (*) |

*Record for baseline information only.

(f) *Endocrine and metabolic disqualifications.* Diabetes mellitus or a history of diabetes mellitus in both parents. Persistent sugar in urine, regardless of cause. Gout. Excessive or inadequate function of the parathyroid gland. Hypothyroidism, spontaneous or postoperative (with clinical manifestations and not based solely on low basal metabolic rate). Other endocrine or metabolic disorders which obviously preclude satisfactory performance of duty or which require frequent or prolonged treatment.

(g) *Extremities disqualifications.* Ununited fractures. Old joint fractures with evidence of arthritis. Flat feet with marked eversion and symptoms. Chronic bone or joint disease. History of surgery to a major joint within past six months. History of derangement of knee joint not corrected by surgery or, subsequent to surgery, there is still evidence of instability. Total loss of either thumb. Loss of either large toe. Loss of other fingers and toes sufficient to interfere with function. Substantiated history of recurrent dislocations of major joints. Instability of a major joint which is symptomatic and/or more than insignificantly minimal. Other conditions of the arms, legs, hands and feet that would interfere with successful compliance with military routine.

(h) *Eyes and visual disqualifications.* Both eyes must be free from any disfiguring or incapacitating abnormality and from acute or chronic disease. Unaided visual acuity less than 20/20 in either eye. Myopic refractive error exceeding —.25 diopter in any one meridian or a hyperopic refractive error exceeding +1.75 diopters in any one meridian. Astigmatism greater than ±.75 diopter. A cycloplegic examination is required of all applicants who take the final qualifying examination. Any tropia. Esophoria greater than 5 prism diopters, exophoria greater than 5 prism diopters. Hyperphoria greater than 1 prism diopter. A satisfactory red lens test should be performed. In all cases the actual vision of each eye and the correcting lens, if required, must be reported.

(i) *Color perception disqualifications.* Color blindness is cause for disqualification. Candidates shall be considered qualified if they pass one of the pseudoisochromatic plate tests or the Farnsworth Lantern Test.

(j) *Genitourinary disqualifications.* Varicose veins of the scrotum (varicocele or hydrocele) if large or painful until corrected. Absence of one kidney. Chronic kidney disease. Absence, atrophy or non-descent of both testicles. Repeated attacks of renal stones. Chronic inflammation of testis or epididymis. Bed wetting, persisting into late childhood or early adolescence. Excessive protein in the urine if persistent or recurrent including the so-called orthostatic or functional type albuminuria. Other diseases and defects of the urinary system which obviously preclude satisfactory performance of duty or which would require frequent or prolonged treatment.

(k) *Head and neck disqualifications.* Benign tumors or cysts which are of sufficient size to interfere with the wearing of uniform or military equipment. Adherent or disfiguring scars from disease, injuries or burns. Cervical ribs if symptomatic or so obvious that they are found on routine examination (presence on X-ray only is not disqualifying, per se). Deformities of the skull of any degree associated with evidence of disease of the brain, spinal cord or peripheral nerves or their associated structures.

(l) *Heart and vascular system disqualifications.* All organic valvular diseases of the heart, including those improved by surgery. EKG evidence of certain variations from normal heart beat. Hypertension evidenced by predominant blood pressure readings of 130-mm or more systolic or 84-mm or more diastolic. Varicose veins if severe or symptomatic. Heart rate greater than 100 on repeated examinations. Substantiated history of rheumatic fever within the previous 2 years, recurrent attacks of rheumatic fever or evidence of residual cardiac damage. History of recurring rapid heart beat within the preceding 5 years.



(m) *Height, weight, and body build disqualifications.* Under 64 inches and over 78 inches. The following table sets forth the minimum and maximum weight limits as related to height:

| Height (inches) | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Weight (pounds): | | | | | | | | | | | | | | | |
| Minimum | 112 | 116 | 120 | 124 | 128 | 132 | 136 | 140 | 144 | 148 | 152 | 156 | 160 | 164 | 168 |
| Maximum | 160 | 165 | 170 | 175 | 181 | 186 | 192 | 197 | 203 | 209 | 214 | 219 | 225 | 230 | 235 |

Obesity, even though the candidate's weight is within the maximum shown in the above table, shall be considered disqualifying when the weight in relation to the body structure and musculature constitutes obesity of such a degree as to interfere with satisfactory completion of required training. In addition, poor physical development, regardless of actual height and weight ratio; or, congenital malformation of bones and joints where interfering with function, shall be considered disqualifying.

(n) *Lungs and chest wall disqualifications.* Tuberculosis active in past 5 years. History of spontaneous pneumothorax, unless underlying pathology has been corrected by surgery. Removal of more than one lobe of lung. Bronchial asthma or recurrent asthmatic bronchitis since 12th birthday. Chronic bronchitis. Bronchiectasis. Acute fungus disease of the lung. Abnormal elevation of the diaphragm on either side. Extensive pulmonary fibrosis from any cause. Significant pulmonary functional incapacity. Congenital malformations that result in reduced chest capacity with associated diminution of respiratory reserve. Absence of the collar bone, ununited fractures of the collar bone which would interfere with performance of military duties. Asthma if present after age 12 years.

(o) *Mouth, nose, pharynx, trachea, esophagus, and larynx disqualifications.* Any deformities or conditions of the above which interfere with chewing and swallowing of ordinary food, speech, or breathing. Allergic rhinitis. Deviation of the nasal septum resulting in greater than 50 percent obstruction to either airway or obstruction to drainage of any sinus. Sinusitis of any degree. Hay fever, if severe, or having undergone injection therapy during past three years prior to examination. Nasal polyps.

(p) *Neurological disqualifications.* Head injury resulting in prolonged unconsciousness or neurological disease of any kind. Degenerative disorders. Migraine. History of chronic motion sickness (i.e.—air, train, sea, swing or carnival rides). Recurring convulsive disorders, disturbances of consciousness, all forms of psychomotor or temporal lobe epilepsy or history thereof except for seizures associated with toxic states or fever during childhood up to age 12. Tremors or other abnormal movements when more than mild, or indicative of significant disease.

(q) *Psychiatric disqualifications.* Psychosis or authenticated history of psychotic illness other than that of a brief duration associated with a transient, self limited toxic or infectious process. Personality disorders. Character and behavior disorders with evidence by history and objective examination that the degree of immaturity, instability, personality inadequacy, and dependency may interfere with adjustment to military service. Addiction to alcohol or drugs. Abnormal sexual habits. Symptomatic immaturity disorders such as stammering or stuttering, enuresis or history thereof persisting into late childhood or adolescence. Other disorders of emotion, behavior, thought, intelligence, or mood, difficult to define, may be disqualifying.

(r) *Skin disqualifications.* Fungus disease in any form. Chronic skin diseases such as acne or eczema or atopic dermatitis. Pilonidal sinus if evidenced by presence of induration or inflammation. Severe icthyosis. Psoriasis or a verified history thereof. Plantar warts, on weight bearing areas, if symptomatic. Any skin condition, scars or cysts, other than pilonidal, which would interfere with the normal wearing of military equipment, including uniform.

(s) *Spine, Scapulae, Ribs and Sacroiliac Joints Disqualifications.* Arthritis. Significant deviation or curvature of spine from normal alignment. Herniated nucleus pulposus or history of operation for this condition. Abnormal displacement of vertebrae. Healed fractures or dislocation of the spine with significant residuals.

(t) *Systemic Disease and Miscellaneous Disqualifications.* Reiter's disease. Sarcoidosis. Tuberculosis. Dermatomyositis. Localized or diffuse scleroderma. Allergic manifestations such as hay fever, asthma, allergic dermatoses and severe abdominal, cerebral or visceral allergy. Any acute pathological condition, including acute communicable diseases, until recovery has occurred without sequelae. Any deformity which is markedly unsightly. Residuals of cold injury. Abnormal elevation of temperature. Various benign tumors, depending upon location, size and involvement.

(u) *Venereal Disease Disqualifications.* Any active venereal disease or active infectious process resulting therefrom. Complications and permanent residual of venereal disease. Positive spinal fluid test for syphilis.

(v) *Medical History.* In order to assist the medical examiner in conducting the qualifying medical examinations, it is required that each candidate complete a standard Form 89 (Report of Medical History) in his own handwriting. Each candidate shall indicate, to the best of his knowledge, his complete past medical history. Any past disqualifying medical condition that is not divulged will be reason for subsequent discharge from the Naval Academy. In addition, each candidate shall be required to complete the Personal History Booklet which will be provided at the time of examination.

### § 710.44 Appendix IV—Medical activities administering qualifying medical examinations for the U.S. Naval Academy.

ALASKA

Adak—U.S. Naval Station.
Anchorage—Elmendorf Air Force Base.
Kodiak—U.S. Naval Station.

CALIFORNIA

Alameda—U.S. Naval Air Station.
Camp Pendleton—U.S. Naval Hospital.
El Centro—U.S. Naval Air Facility.
Imperial Beach—U.S. Naval Auxiliary Air Station, Ream Field.
Lemoore—U.S. Naval Air Station.
Long Beach:
U.S. Naval Hospital in "USS Haven" (AH-12).
U.S. Naval Air Station, Los Alamitos
Moffett Field—U.S. Naval Air Station.
Monterey—U.S. Naval Air Facility.
Oakland—U.S. Naval Hospital.
Point Mugu—U.S. Naval Missile Center.
Santa Ana—U.S. Marine Corps Air Station, El Toro.
San Diego:
U.S. Naval Hospital.
U.S. Naval Air Station, North Island.
U.S. Naval Air Station, Miramar.

FLORIDA

Cecil Field—U.S. Naval Air Station.
Jacksonville:
U.S. Naval Hospital.
U.S. Naval Air Station.
Key West:
U.S. Naval Hospital.
U.S. Naval Air Station.
Pensacola:
U.S. Naval Hospital.
U.S. Naval Air Station.
Sanford—U.S. Naval Air Station.
Whiting Field—U.S. Naval Air Station.

GEORGIA

Atlanta—U.S. Naval Air Station.
Glynco—U.S. Naval Air Station.

HAWAII

Honolulu—Tripler U.S. Army General Hospital.

ILLINOIS

Great Lakes—U.S. Naval Hospital.
Glenview—U.S. Naval Air Station.

KANSAS

Olathe—U.S. Naval Air Station.

LOUISIANA

New Orleans—U.S. Naval Air Station.

MAINE

Brunswick—U.S. Naval Air Station.

MARYLAND

Andrews AFB—U.S. Naval Air Facility.
Annapolis:
U.S. Naval Hospital.
U.S. Naval Academy.
Bainbridge—U.S. Naval Training Center.
Bethesda—U.S. Naval Hospital.
Patuxent River—U.S. Naval Air Station.

MASSACHUSETTS

Chelsea—U.S. Naval Hospital.
South Weymouth—U.S. Naval Air Station.

MICHIGAN

Grosse Ile—U.S. Naval Air Station.

MINNESOTA

Minneapolis—U.S. Naval Air Station.

MISSISSIPPI

Meridian—U.S. Naval Auxiliary Air Station.



New Hampshire

Portsmouth—U.S. Naval Hospital.

Chemistry
Engineering Graphics and Statics
Composition and Literature

(b) *Format for requesting a Presidential nomination.*



## Title 12—BANKS AND BANKING

signature, should read "effective February 1, 1965".

tenance checks, and the inspection is visual and may be made without dis-

NEW HAMPSHIRE
Portsmouth—U.S. Naval Hospital.

NEW JERSEY
Lakehurst—U.S. Naval Station.

NEW YORK
New York—U.S. Naval Air Station.
St. Albans, L.I.—U.S. Naval Hospital

NORTH CAROLINA
Camp Lejeune—U.S. Naval Hospital.
Cherry Point—U.S. Marine Corps Air Station.
New River—U.S. Marine Corps Air Facility.

PENNSYLVANIA
Johnsville—U.S. Naval Air Facility.
Philadelphia—U.S. Naval Hospital.
Willow Grove—U.S. Naval Air Station.

RHODE ISLAND
Newport:
U.S. Naval Hospital.
U.S. Naval Station.
Quonset Point—U.S. Naval Air Station.

SOUTH CAROLINA
Beaufort:
U.S. Naval Hospital.
U.S. Marine Corps Air Station.
Charleston—U.S. Naval Hospital.

TENNESSEE
Memphis:
U.S. Naval Hospital.
U.S. Naval Air Station.

TEXAS
Beeville—U.S. Naval Auxiliary Air Station, Chase Field.
Corpus Christi:
U.S. Naval Hospital.
U.S. Naval Air Station.
Dallas—U.S. Naval Air Station.
Kingsville—U.S. Naval Air Station.

VIRGINIA
Norfolk—U.S. Naval Air Station.
Portsmouth—U.S. Naval Hospital.
Quantico:
U.S. Naval Hospital.
U.S. Marine Corps Air Station.
Virginia Beach—U.S. Naval Air Station, Oceana.

WASHINGTON
Bremerton—U.S. Naval Hospital.
Oak Harbor—U.S. Naval Air Station, Whidbey Island.
Seattle—U.S. Naval Air Station.

In States where no activities are listed, candidates may be scheduled for medical examination at Army and Air Force centers which are authorized to administer Qualifying Medical Examinations.

**§ 710.45 Appendix V—Course of instruction.**

(a) The course of instruction at the USNA is of 4 years' duration. The curriculum provides a basic education in naval science; science and engineering; and the humanities and social sciences. Eighty-five percent of the curriculum is devoted to a core program in these broad fields, and fifteen percent is available for concentration in a specified field of concentration. In addition, there is opportunity for advanced work through validation of college-level courses successfully completed elsewhere, and through a program of additional elective courses for superior students.

(b) The courses of the first year are the following:

*First Semester:*
Air-Ocean Environment and Navigation
Calculus I
Chemistry
Engineering Graphics and Statics
Composition and Literature
Physical Education
*Second Semester:*
Introduction to Military Psychology
Calculus II
Chemistry
General Physics I
Composition and Literature
Physical Education

(c) Midshipmen who have taken College Entrance Examination Board Advanced Placement Tests prior to entering the Academy may submit their scores for consideration in validating general education courses at the Naval Academy. Validation entitles midshipmen to substitute elective studies for prescribed courses in which they have demonstrated proficiency. Academic departments will review the advanced placement test scores to determine which midshipmen will be eligible for course exemptions or will be eligible to take the validation examinations conducted by these departments soon after a new class enters the Academy. The advanced placement tests are administered in May of each year at College Board examining centers throughout the country. Registration in advance, including payment of fee, is necessary. Information on registration procedures, fees, testing dates, and examining centers is contained in the bulletin, "Advanced Placement Examinations," available without charge. This bulletin may be obtained by writing to College Board Advanced Placement Examinations at one of the following addresses:

Box 592,
Princeton, New Jersey, 08540,
or
Box 1025,
Berkeley, California, 94701.

**§ 710.46 Appendix VI—Formats for requesting a nomination.**

(a) *Format for requesting a Congressional nomination.*

Date.

Honorable ----------
House of Representatives
Washington, D.C. 20025
Dear Mr----------:
or
Honorable ----------
United States Senate
Washington, D.C. 20025
Dear Senator----------:

It is my desire to attend the United States Naval Academy and to make the United States Navy my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June 1965.

The following personal data are furnished for your information:
Name: (As recorded on birth certificate)
Address: (City, County, State)
Name of Parents:
Date of Birth:
High School Attended:
Date of High School Graduation:
Approximate Grade Average:

My high school transcript of work completed to date is attached.

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the U.S. Naval Academy.

Sincerely yours,

Signature.

(b) *Format for requesting a Presidential nomination.*

Date.

Chief of Naval Personnel,
Department of the Navy,
Washington, D.C., 20370.
Attn: Pers-B66.

Dear Sir: I request a nomination under the Presidential category for the class that enters the Naval Academy in June 1965 and submit the following information:
Name: (Give name as shown on birth certificate. If different from that which you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary address.)
Date of Birth: (Spell out month.)
Date of High School Graduation:
If Member of Military: (List grade, serial number, component, branch of service, and organizational address.)
If Previous Candidate: (List year.)
Information on Parent:
Name, Grade, Serial Number, Component and Branch of Service:
Organizational Address:
Retired or Deceased: (Give date and attach copy of retirement orders or casualty report.)
Officer Personnel: (Attach statement of service prepared by Personnel Officer specifying Regular or Reserve status for all periods of service.)
Enlisted Personnel: (Attach statement prepared by Personnel Officer listing date of enlistment, date of expiration of enlistment, component and branch of service.)

Sincerely yours,

Signature.

(c) *Format for requesting a son-of-deceased-veteran nomination.*

Date.

Chief of Naval Personnel,
Department of the Navy,
Washington, D.C., 20370.
Attn: Pers-B66.

Dear Sir: I request a nomination under the Sons of Deceased Veterans category for the class that enters the Naval Academy in June 1965 and submit the following information:
Name: (Give name as shown on birth certificate. If different from that which you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary address.)
Date of Birth: (Spell out month.)
Date of High School Graduation:
If Member of Military: (List grade, serial number, component, branch of service, and organizational address.)
If previous Candidate: (List year.)
Information on Parent:
Name, Grade, Serial Number, Regular or Reserve Component and Branch of Service:
Date and Place of Death:
Cause of Death:
Veterans Administration XC Claim Number: (Forwarding a copy of death certificate, preferably the casualty report, will expedite processing of your application.)
Address of VA Office where case is filed:

Sincerely yours,

Signature.

By direction of the Secretary of the Navy.

Dated: November 25, 1964.

[SEAL] WILFRED HEARN,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

[F.R. Doc. 64-12225; Filed, Dec. 1, 1964; 8:45 a.m.]



# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

## PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

### Short-Term Negotiable Notes

**§ 218.109 Short-term negotiable notes of banks not securities under section 32, Banking Act of 1933.**

(a) The Board of Governors has been asked whether short-term unsecured negotiable notes of the kinds issued by some of the large banks in this country as a means of obtaining funds are "other similar securities" within the meaning of section 32, Banking Act of 1933 (12 U.S.C. 78) and this part.

(b) Section 32 forbids certain interlocking relationships between banks which are members of the Federal Reserve System and individuals or organizations "primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or other similar securities * * *." Therefore, if such notes are securities similar to stocks or bonds, any dealing therein would be an activity covered in section 32 and would have to be taken into consideration in determining whether the individual or organization involved was "primarily engaged" in such activities.

(c) The Board has concluded that such short-term notes of the kind described above are not "other similar securities" within the meaning of section 32 and this part.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 78)

Dated at Washington, D.C., this 25th day of November 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-12295; Filed, Dec. 1, 1964; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Regulatory Docket No. 5074]

## PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT [NEW]

### *Correction*

In Federal Register Document 64-12026, published at page 15694 in the issue dated Tuesday, November 24, 1964, the effective date, appearing in the fourth from last paragraph preceding signature, should read "effective February 1, 1965".

SUBCHAPTER C—AIRCRAFT

[Docket No. 6022; Amdt. 39-8]

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Sud Aviation Model SE 210 Caravelle VIR Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspections and modifications of the main landing gear steel axle beams to prevent fatigue failure on Sud Aviation Model SE 210 Caravelle VIR aircraft was published in 29 F.R. 7692. Since the publication of that proposal, Part 507 has been recodified into Part 39 [New] of the Federal Aviation Regulations, effective November 20, 1964, therefore this amendment is being made to Part 39 [New].

Interested persons have been afforded an opportunity to participate in the making of the amendment. One operator requested that the inspection interval be 430 hours' time in service instead of 400 hours' time in service to coincide with established maintenance checks. On the basis of results from inspections already conducted, this slight increase should have no detrimental effect on safety.

There was also a comment that the AD implied that the fluorescent magnetic particle inspection must be accomplished again after the effective date of the AD even if it had been accomplished previously. Since this was not the Agency's intent, the AD has been clarified by the addition of the words "unless previously accomplished".

The proposed AD provided that the repetitive inspections of all main landing gear steel axle beams for cracks around threaded holes as specified in paragraphs (a) and (b) could be discontinued after the rework of the lower threaded holes on the axle beams required by paragraph (d) within 8,000 hours' time in service had been accomplished. However, this was a typographical error and the directive should have provided that the repetitive inspections specified in paragraph (b) and the inspection specified in paragraph (c) need not be performed after the rework specified in paragraph (d) had been accomplished and for the discontinuance of the repetitive inspections specified in paragraph (a) only upon accomplishment of the rework provided in paragraph (e). As proposed, the inspections specified in paragraph (a) could be discontinued prior to the time that the threaded holes covered by that inspection had been reworked. This, of course, would not be in the interest of safety. Therefore, the AD has been revised to correct this error. This change should not, however, place a substantial burden on any person since the repetitive inspection interval of paragraph (a) was increased at the request of the operator to coincide with his maintenance checks, and the inspection is visual and may be made without disassembly of tubing support components.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

SUD AVIATION. Applies to Model SE 210 Caravelle VIR aircraft.

Compliance required as indicated.

In order to prevent fatigue failure of the main landing gear steel axle beams accomplish the following:

(a) Within 430 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 430 hours' time in service from the last inspection, visually inspect all main landing gear steel axle beams, P/N's 269028B and 269029B, for cracks around threaded holes, as specified in Hispano Suiza Aeroservice Bulletin No. 91 Section 1, No. 34 dated January 4, 1963. (Note: This inspection may be made without disassembly of tubing support components.)

(b) Within 860 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 860 hours' time in service from the last inspection, remove the lower tubing support shield and visually inspect with a magnifying glass the lower threaded holes in the main landing gear steel axle beams for cracks.

(c) Unless previously accomplished remove the lower tubing support shielding and inspect for cracks all lower threaded holes in the main landing gear steel axle beams and surrounding areas using fluorescent magnetic particle inspection or FAA approved equivalent at the following times:

(1) For landing gear with between 4,500 hours' and 5,100 hours' total time in service as of the effective date of this AD accomplish the inspection before the accumulation of 5,530 hours' total time in service.

(2) For landing gear with 5,100 or more hours' total time in service as of the effective date of this AD accomplish the inspection within 430 hours' total time in service after the effective date of this AD.

(d) Within 8,000 hours' total time in service rework all the lower threaded holes on axle beams as specified in Hispano Suiza Aeroservice Bulletin No. 91 Section 1, No. 34 dated January 4, 1963, or an FAA approved equivalent. The repetitive inspections specified in paragraph (b) and the inspection specified in paragraph (c) need not be performed after this rework has been accomplished.

(e) Within 12,000 hours' total time in service rework in accordance with Hispano Suiza Aeroservice Bulletin No. 91 Section 1, No. 34 dated January 4, 1963, or an FAA approved equivalent all holes in the landing gear which have not previously been reworked in accordance with paragraph (d). This AD no longer applies to aircraft on which this rework has been accomplished.

(f) Replace any parts found cracked before further flight.

(g) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Division, Paris, France, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Hispano Suiza Aeroservice Bulletin No. 91 Section 1, No. 34 dated January 4, 1963, covers this same subject.)

This amendment shall become effective January 1, 1965.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 25, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12240; Filed, Dec. 1, 1964; 8:45 a.m.]

[Docket No. 6359; Amdt. 39-7]

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Schleicher Models Ka6 and K8 Gliders

Amendment 716, 29 F.R. 5319, AD 64-9-6, requires inspection of the joint fittings and the welds between the bearing bracket for the airbrake flap cross shaft lever and fuselage main frame and replacement or modifications if cracks are found on Schleicher Models Ka6 and K8 gliders. It has been determined that the directive should no longer apply to certain aircraft modified by the manufacturer. Accordingly, the AD is revised to exclude these aircraft.

Since this amendment relaxes a previous requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is amended as follows:

Amendment 716, 29 F.R. 5319, AD 64-9-6, Schleicher Models Ka6 and K8 gliders, is amended by changing paragraph (b) to read:

(b) On Model K8 all serial numbers up to and including Serial Number 8117 except Serial Numbers 8106, 8107, 8108, 8109, 8112, and 8116 which have been modified by the manufacturer, within 25 hours' time in service after the effective date of this amendment, visually inspect with at least a 3-power magnifying glass, the welds between the bearing bracket for the airbrake flap cross shaft lever and fuselage main frame. If faulty welds or cracks in the weld are found, modify the bracket before further flight as provided for in Schleicher Modification No. 10 dated October 25, 1962.

This amendment shall become effective December 2, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 25, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12241; Filed, Dec. 1, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-23]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Transition Area

On August 20, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11927) stating that the Federal Aviation Agency proposed to alter the Tupelo, Miss. transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160), the Tupelo, Miss. transition area is amended by deleting "18-mile radius of the Tupelo Municipal Airport." and substituting therefor "18-mile radius of the Tupelo Municipal Airport; and the area bounded on the NE by a line 4 nmi SW of and parallel to the Holly Springs, Miss. VOR 115° radial, on the SE by the Tupelo 18-mile radius area, on the SW by a line 4 nmi SW of and parallel to the Holly Springs VOR 133° radial and on the W by the Memphis, Tenn. transition area."

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 25, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations*
*and Procedures Division.*

[F.R. Doc. 64-12242; Filed, Dec. 1, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-74]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Alteration of Jet Routes

The purpose of this amendment to Part 75 [New] of the Federal Aviation Regulations is to realign the segment of Jet Routes Nos. 85 and 89 from Miami, Fla., to Lakeland, Fla., via the intersection of the Miami 315° and the Lakeland 154° True radials in lieu of the intersection of the Miami 316° and Lakeland 154° True radials.

This alteration would align a portion of these segments of J-85 and J-89 to overlie the centerline of the segment of Jet Route No. 41 which is designated from Miami direct to St. Petersburg, Fla., via the Miami 315° True radial.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication of this rule in the FEDERAL REGISTER.

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations, is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 75.100 (20 F.R. 1287), Jet Routes Nos. 85 and 89 are amended by deleting "via the INT of the Miami 316° and the Lakeland, Fla., 154° radials;" and substituting "via the INT of the Miami 315° and the Lakeland, Fla., 154° radials;" therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 24, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations*
*and Procedures Division.*

[F.R. Doc. 64-12243; Filed, Dec. 1, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WA-96]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Revocation of Jet Route

On October 15, 1964, Airspace Docket No. 63-WA-96 was published in the FEDERAL REGISTER (29 F.R. 14169) as an amendment to the Federal Aviation Regulations which established Jet Route No. 33 from Oakland, Calif., via Ukiah, Calif.; Fortuna, Calif.; North Bend, Oreg.; Newport, Oreg.; Hoquiam, Wash.; to Seattle, Wash.

Subsequent to publication of this rule in the FEDERAL REGISTER it was determined that controlled airspace along certain offshore portions of the jet route is insufficient to meet Agency standards for the designation of jet routes.

In consideration of the foregoing the Agency has determined that Jet Route No. 33 should be revoked. Any future proposal to designate this route would be published as a notice of proposed rule making.

Accordingly, action is taken to amend Part 75 [NEW] as hereinafter set forth.

In § 75.100 (29 F.R. 1287, 14169) Jet Route No. 33 is revoked.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 24, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations*
*and Procedures Division.*

[F.R. Doc. 64-12244; Filed, Dec. 1, 1964; 8:45 a.m.]



SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6279; Amdt. 401]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1½ | 400-1½ |
| | | | | S-dn-18 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of final approach crs, 004° Outbnd, 184° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 184°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing APN RBn, make a climbing left turn, proceed direct to APN RBn at 2000'.
CAUTION: Report position, altitude, ETA, and intentions as soon as practicable to tower when operating or to Unicom when tower not operating. Thereafter determine that adequate separation exists from other reported users and report changes in altitude and position. Maintain 1000' above previously reported traffic until advised that aircraft making approach has landed. Consult NOTAMS for hours of operation of tower and dates and time controlled airspace is effective.
NOTES: (1) This procedure is effective from 1300Z-2300Z and at other times when control tower is in operation. (2) Runway lights on N-S runway only. Prior coordination necessary for runway lights. (3) Not authorized for air carrier use. (4) APN RBn operated by Alpena County.
Other change: Deletes note requiring procedure turn.
MSA within 25 miles of facility: 000°-090°—1800'; 090°-180°—2000'; 180°-270°—2300'; 270°-360°—2300'.

City, Alpena; State, Mich.; Airport Name, Phelps Collins; Elev., 689'; Fac. Class., HW; Ident., APN; Procedure No. 1, Amdt. 4; Eff Date., 28 Nov. 64; Sup. Amdt. No. 3; Dated, 8 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Augusta VOR | Lewiston RBn | 251°—28 miles | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| Portland LOM | Lewiston RBn | 033°—25 miles | 2400 | C-dn | 900-1 | 900-1 | 900-1½ |
| | | | | A-dn | 1000-2 BCOB | 1000-2 BCOB | 1000-2 BCOB |

Procedure turn S side of crs, 217° Outbnd, 037° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RBn, make a right-climbing turn to 2400', return to LEW RBn. Hold SW, 037° Inbnd, right turns, 1 minute.
NOTES: (1) Facility owned and operated by the cities of Auburn and Lewiston, Maine. (2) Approach from a holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-180°—1300'; 180°-270°—2600'; 270°-360°—3400'.

City, Auburn; State, Maine; Airport Name, Auburn-Lewiston Municipal; Elev., 292'; Fac. Class., MHW; Ident., LEW; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Nov. 64

PROCEDURE CANCELLED, EFFECTIVE NOV. 28, 1964.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792'; Fac. Class., LOM; Ident., CL; Procedure No. 1, Amdt. 6; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 5; Dated, 2 May 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cordova VOR | DVN RBn | Direct | 2600 | T-dn | 300-1 | 300-1 | 200-½ |
| Moscow Int | DVN RBn | Direct | 2300 | C-dn | 400-1 | 500-1 | 500-1½ |
| Big Rock Int | DVN RBn | Direct | 2400 | S-dn-2 | 400-1 | 400-1 | 400-1 |
| Moline VOR | DVN RBn | Direct | 2300 | A-dn | 800-2 | 800-2 | 800-2 |
| Buffalo Int | DVN RBn | Direct | 2300 | | | | |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of crs, 219° Outbnd, 039° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 039°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 2.2 miles after passing DVN RBn, make left climbing turn to 2100' and return to DVN RBn.
NOTES: (1) Approach from holding pattern not authorized. Procedure turn required. (2) Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from DVN RBn: 0 to 10 miles CW, 175° to 245°—2100'; 10 to 20 miles CW, 175° to 245°—2300'; 0 to 25 miles CW, 245° to 065°—2300'; 0 to 25 miles CW, 065° to 125°—2600'; 0 to 25 miles CW, 125° to 175°—2800'.
MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—2800'; 180°-270°—2100'; 270°-360°—2100'.

City, Davenport; State, Iowa; Airport Name, Davenport Municipal; Elev., 753'; Fac. Class., H-SAB; Ident., DVN; Procedure No. 1, Amdt. 2; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 1; Dated, 7 Dec. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Moline VOR | LOM | Direct | 2300 | T-dn | 300-1 | 300-1 | 200-½ |
| Muscatine Int | Stockton Int | Direct | 2300 | C-dn | 600-1 | 600-1 | 600-1½ |
| CVA VOR | LOM | Direct | 2600 | S-dn-9 | 600-1 | 600-1 | 600-1 |
| Stockton Int | LOM (final) | Direct | 1900 | A-dn | 800-2 | 800-2 | 800-2 |
| Buffalo Int | LOM | Direct | 2300 | | | | |
| CID VOR | Muscatine Int | Via CID VOR R-123. | 2300 | | | | |
| IOW VOR | Muscatine Int | Via IOW VOR R-093. | 2300 | | | | |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of W crs, 266° Outbnd, 086° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 086°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing ML LOM, climb to 2100′ on crs of 086° within 20 miles or, when directed by ATC, make right climbing turn to 2300′ and proceed to MLI VOR.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
MSA within 25 miles of facility: 000°-090°—2600′; 090°-180°—2800′; 180°-270°—2100′; 270°-360°—2100′.
Minimum radar altitudes from ML LOM: 0 to 10 miles CW 225° to 305°—1900′; 10 to 25 miles CW 225° to 305°—2300′; 0 to 25 miles CW 305° to 020°—2300′; 0 to 25 miles CW 020° to 100°—2600′; 0 to 25 miles CW 100° to 135°—2800′; 0 to 20 miles CW 135° to 225°—2300′.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class, LOM; Ident., ML; Procedure No. 1, Amdt. 11; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 10; Dated, 7 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Allen Int | LOM (final) | Direct | 1800 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-32 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 137° Outbnd, 317° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 317°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make right climbing turn to 080° heading to intercept MKG VOR R-328 and proceed to Whitehall Int at 2400′ or, when directed by ATC, make climbing right turn and climb to 1900′ and proceed direct to LOM.
Other change: Deletes transition from Hudsonville Int.
MSA within 25 miles of facility: 000°-090°—2800′; 090°-180°—2100′; 180°-270°—2100′; 270°-360°—2000′.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 2; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 1; Dated, 1 June 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Raleigh RBn | LOM | Direct | 2100 | T-dn | 300-1 | 300-1 | 200-½ |
| Raleigh VOR | LOM | Direct | 2100 | C-dn | 400-1 | 500-1 | 500-1½ |
| Chapel Hill Int | LOM | Direct | 2100 | S-dn-5 | 400-1 | 400-1 | 400-1 |
| Holly Springs Int | LOM | Direct | 2100 | A-dn | 800-2 | 800-2 | 800-2 |
| Moncure Int | LOM (final) | Direct | 2100 | | | | |
| Durham Int | LOM | Direct | 2100 | | | | |
| Int LIB-VOR R-102 and RDU-VOR R-244. | LOM (final) | Direct | 2100 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 229° Outbnd, 049° Inbnd, 2100′ within 10 miles. Nonstandard due ATC.
Minimum altitude over LOM on final approach crs, 2100′.
Crs and distance, facility to airport, 049°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 2100′ on R-041 of VOR within 15 miles or, when directed by ATC, turn left, climb to 2400′ on R-309 of VOR within 15 miles or, climb to 2100′ on 049° crs from LOM within 15 miles.
MSA within 25 miles of facility: 000°-090°—1900′; 090°-180°—2800′ 180°-270°—1800′; 270°-360°—2500′.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., LOM; Ident., RD; Procedure No. 1, Amdt. 8; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 7; Dated, 4 Aug. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| HUA VOR | ITS RBn | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| HUA RBn | ITS RBn | Direct | 2500 | C-d | 1000-1 | 1000-1 | 1000-1½ |
| HSV VOR | ITS RBn | Direct | 2500 | C-n | 1000-2 | 1000-2 | 1000-2 |
| | | | | S-d-35 | 700-1 | 700-1 | 700-1 |
| | | | | S-n-35 | 700-2 | 700-2 | 700-2 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 169° Outbnd, 349° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 349°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing ITS RBn, climb to 2600′ on crs of 349° from ITS RBn within 20 miles.
NOTE: Authorized for military use only, except by prior arrangements.
CAUTION: High terrain 1.7 miles E of airport with tower, elevation 1371′.
MSA: 000°-090°—3000′; 090°-180°—2600′; 180°-270°—2300′; 270°-360°—2600′.

City, Redstone Arsenal; State, Ala.; Airport Name, Redstone AAF; Elev., 682′; Fac. Class., NHW; Ident, ITS; Procedure No. 1, Amdt. 5; Eff. date, 28 Nov. 64; Sup. Amdt. No. 4; Dated, 4 Apr. 64



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Huntsville VOR | Redstone RBn | Direct | 2600 | T-dn | 300-1 | 300-1 | 200-½ |
| Whiteaburg RBn | Redstone RBn | Direct | 2200 | C-d | 1000-1 | 1000-1 | 1000-1¼ |
| Redstone VOR | Redstone RBn | Direct | 2100 | C-n | 1000-2 | 1000-2 | 1000-2 |
| Harvest Int | Redstone RBn | (Final) | 1700 | S-d-17 | 500-1 | 500-1 | 500-1 |
| | | | | S-n-17 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 2600′ within 10 miles.
Minimum altitude over Harvest Int on final approach crs 2100′; over HUA RBn 1700′.
Crs and distance, Harvest Int to HUA RBn 173°—2.7 miles; crs and distance HUA RBn to airport 173°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing HUA RBn, turn right, climb to 2600′, proceed direct to HUA RBn.
NOTE: This procedure is authorized only for aircraft equipped with operating VOR and ADF receivers and Harvest Int is received. Authorized for military use only, except by prior arrangements.
CAUTION: High terrain 1.7 miles E of airport with tower, elevation 1371′.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-180°—2900′; 180°-270°—2000′; 270°-360°—2600′.

City, Redstone Arsenal; State, Ala.; Airport Name, Redstone AAF; Elev., 682′; Fac. Class., HW; Indent., HUA; Procedure No. 2, Amdt. Orig.; Eff. Date ,28 Nov. 64

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-13 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn* | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 309° Outbnd, 129° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 129°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing BJI-VOR, make right climbing turn to 3100′ and return to the BJI-VOR.
AIR CARRIER NOTE: Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.
*Alternate minimums authorized only during hours of control zone operation.
MSA within 25 miles of facility: 000°-090°—2600′; 090°-180°—2800′; 180°-360°—3000′.

City, Bemidji; State, Minn.; Airport Name, Bemidji Municipal; Elev., 1396′; Fac. Class, BVOR; Ident., BJI; Procedure No. 1, Amdt. 2; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 1; Dated, 16 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1¼ |
| | | | | S-dn-30 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn* | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 114° outbnd, 294° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 294°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing BRD-VOR, make right climbing turn to 2900′ and return to VOR.
AIR CARRIER NOTE: Alternate minimums of 800-2 authorized 24 hours daily for air carriers with weather reporting service available at the airport.
*Alternate minimums authorized only during hours of control zone operation.
MSA within 25 miles of facility: 000°-360°—2700′.

City, Brainerd; State, Minn.; Airport Name, Brainerd-Crow Wing County Municipal; Elev., 1226′; Fac. Class., L-BVOR; Ident., BRD; Procedure No. 1, Amdt. 2; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 1; Dated 16 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-d | 500-1 | 500-1 | NA |
| | | | | C-d | 500-1 | 500-1 | NA |
| | | | | S-dn | NA | NA | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn E side of crs, 202° Outbnd, 022° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 022°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing CIP VOR, make climbing right turn to 3200′ returning to CIP VOR. Hold S 1-minute right turns, 022° Inbnd.
UNICOM. No weather service. File and close flight plans with DuBois radio. Radio contact available at 1900′.
MSA within 25 miles of facility: 000°-360°—3000′.

City, Clarion; State, Pa.; Airport Name, Rhea; Elev., 1450′; Fac. Class., M-BVOR; Ident., CIP; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Nov. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| | | | | T-dn | 300–1 | 300–1 | NA |
| | | | | C-d | 500–1 | 500–1½ | NA |
| | | | | C-n | 500–2 | 500–2 | NA |
| | | | | S-d-32 | 500–1 | 500–1 | NA |
| | | | | S-n-32 | 500–2 | 500–2 | NA |
| | | | | A-dn* | NA | NA | NA |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 154° Outbnd, 334° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 334°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing CVA VOR, make left climbing turn and return to the CVA VOR at 2200′.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from CVA VOR: 0 to 20 miles CW 060° to 125°—2500′; 0 to 25 miles CW 125° to 290°—2800′; 0 to 15 miles CW 290° to 340°—2500′; 0 to 10 miles CW 340° to 060°—2500′; *Alternate minimums of 800–2 authorized for air carriers having weather reporting service at the airport.
MSA within 25 miles of facility: 045°–135°—2100′; 135°–225°—2800′; 225°–315°—2600′; 315°–045°—2100′.

City, Clinton; State, Iowa; Airport Name, Clinton Municipal; Elev., 701′; Fac. Class., BVOR; Ident., CVA; Procedure No. 1, Amdt. 5; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 4; Dated, 13 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 300–1½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-16 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn E side of crs, 008° Outbnd, 188° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 188°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing DHN-VOR, climb to 2000′ on R-188 DHN-VOR within 20 miles.
NOTE: Air carriers not authorized night landing Runway 5 and night takeoff Runway 23.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2500′; 180°–270°—1700′; 270°–360°—1700′.

City, Dothan; State, Ala.; Airport Name, Dothan Municipal; Elev., 330′; Fac. Class., L-BVOR; Ident., DHN; Procedure No. 1, Amdt. 1; Eff. Date, 28 Nov. 64; Sup. Amdt. No. Orig.; Dated, 20 July 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| La Habra Int | Spike Int | Direct | 3000 | T-dn | 300–1 | 300–1 | 300–1 |
| Spike Int | Norwalk Int | Direct | 2500 | C-dn | 500–1 | 500–1 | 500–1½ |
| Long Beach VOR | Norwalk Int | Direct | 2000 | S-dn-25 | 500–1 | 500–1 | 500–1 |
| Norwalk Int | Bell Int (final) | Direct | 2000 | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring utilizing Los Angeles radar authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over Bell Int on final approach crs, 2000′.
Crs and distance, Bell Int to airport, 261°—5.5 miles; breakoff point to runway, 252°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Bell Int, climb to VOR, then climb via LAX R-170 to 2000′ within 10 miles or, when directed by ATC, climb via 225° bearing from LAX LOM to intercept and climb via LAX VOR R-170 to 2000′ within 10 miles.
Other change: Deletes missed approach radar note.
MSA within 25 miles of facility: 000°–090°—7200′; 090°–180°—2500′; 180°–270°—2400′; 270°–360°—5200′.

City, Hawthorne; State, Calif.; Airport Name, Hawthorne Municipal; Elev., 64′; Fac. Class., H-BVORTAC; Ident., LAX; Procedure No. 1, Amdt. 2; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 1; Dated, 23 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–1½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-4 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn* | 800–2 | 800–2 | 800–2 |

Procedure turn N side of crs, 236° Outbnd, 056° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 034°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing JVL VOR, climb to 2500′ on R-034 within 20 miles.
CAUTION: Radio tower 1100′ 2.7 miles N of airport.
NOTES: Approach control available through Rockford, Ill., control tower.
*Alternate minimums authorized only during hours of control zone operation. Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2400′; 180°–270°—2600′; 270°–360°—2400′.

City, Janesville; State, Wis.; Airport Name, Rock County; Elev., 808′; Fac. Class., M-BVOR; Ident., JVL; Procedure No. 1, Amdt. 7; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 6; Dated, 12 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| PL LFR | PMD VOR | Direct | 5000 | T-dn% | 300–1 | 300–1 | 300–1½ |
| | | | | C-d | 1000–1½ | 1000–1½ | 1000–2 |
| | | | | C-n | 1000–2 | 1000–2 | 1000–2 |
| | | | | A-dn | 1000–3 | 1000–3 | 1000–3 |

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 4700′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 295°—10.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 7.5 miles after passing PMD VOR, make climbing right turn, climb via R-295 to VOR, then via R-067 to 5000′ within 10 miles.
% Southbound (100° through 270°) after reaching 700′ (base of control area), climb on the Palmdale VOR R-283/NW crs PL LFR between the station and a point 15 miles NW to sufficient altitude to cross PMD VOR/PL LFR at minimum crossing altitude for direction of flight. Procedure turn/turns N of crs.
MCAs: 100°–205°—6000′; 206°–270°—4500′.
MSA within 25 miles of facility: 000°–090°—4700′; 090°–180°—10,400′; 180°–360°—7700′.

City, Lancaster; State, Calif.; Airport Name, General William J. Fox; Elev., 2349′; Fac. Class., BVOR; Ident., PMD; Procedure No. 1, Amdt. 1; Eff. Date, 28 Nov. 64; Sup. Amdt. No. Orig.; Dated, 1 July 61



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| Bailey Int | MKG VOR (final) | Direct | 2300 | T-dn | 300–1 | 300–1 | 200–1½ |
| Sparta Int | MKG VOR (final) | Direct | 2300 | C-d | 700–1 | 700–1 | 700–1½ |
| MKG LOM | MKG VOR | Direct | 2300 | C-n | 700–2 | 700–2 | 700–2 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |
| | | | | The following minimums apply for VOR and ADF equipped aircraft and Fruit Int identified: | | | |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 272°—8.4 miles; Fruit Int to airport, 272°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing MKG VOR, make climbing right turn to 090° heading to intercept MKG VOR R-328 and proceed to Whitehall Int at 2400′ or, when directed by ATC, climb to 2300′ on MKG VOR R-272, then reverse crs and return to MKG VOR.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–180°—2100′; 180°–270°—2100′; 270°–360°—2000′.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628′; Fac. Class., BVORTAC; Ident., MKG; Procedure No. 1, Amdt. 6; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 5; Dated, 21 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-d | 300–1 | NA | NA |
| | | | | C-d | 1000–2 | NA | NA |
| | | | | A-d | NA | NA | NA |
| | | | | If Richwood Int received the following minimums apply: | | | |
| | | | | C-d | 600–1 | NA | NA |

Procedure turn not authorized. Radar vectoring authorized in accordance with approved Philadelphia radar patterns or descent to 2000′ in OOD VOR holding pattern, 1-minute left turns, 031° Inbnd.
Minimum altitude over facility on final approach crs 2000′.
Crs and distance, facility to airport 056°—10.3 miles.
Crs and distance, Richwood Int to airport, 056°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.3 miles after passing OOD VOR or 3.7 miles after passing Richwood Int, make climbing turn to 2000′ returning to OOD VOR. Hold SW, 1-minute left turns, 031° Inbnd.
CAUTION: Radio tower 1054′ 5.5 miles SE of airport.
NOTES: (1) Night operations not authorized. (2) Maintain 1100′ until passing Richwood Int.
MSA within 25 miles of the facility: 000°–090°—2000′; 090°–180°—1600′; 180°–270°—1600′; 270°–360°—1900′.

City, Pitman; State, N.J.; Airport Name, Pitman; Elev., 100′; Fac. Class., BVOR; Ident., OOD; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Prescott RBn | PRC VOR | Direct | 7500 | T-dn%* | 800–2 | 800–2 | 800–2 |
| | | | | C-dn | 800–2 | 800–2 | 800–2 |
| | | | | A-dn | 1000–2 | 1000–2 | 1000–2 |

Procedure turn N side of crs, 289° Outbnd, 109° Inbnd, 7500′ within 10 miles. Nonstandard due to high terrain S.
Minimum altitude over facility on final approach crs, 6600′.
Crs and distance, facility to airport, 112°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing PRC-VOR, make immediate left climbing turn and return to PRC VOR; continue climb to 8600′ on R-289 within 20 miles or, when directed by ATC, make immediate left turn and climb to 9000′ on R-080 within 15 miles of PRC VOR. Beyond 15 miles not authorized.
NOTES: 1. Final approach crs is to NE side of airport. 2. Circling and maneuvering west and south not authorized.
MSA within 25 miles of facility: 000°–090°—8800′; 090°–180°—6000′; 180°–270°—8600′; 270°–360°—8300′.
% Takeoffs all runways: Runways 3 and 30—climb direct to PRC VOR/RBn; Runways 12 and 21—left turn, climb direct to PRC VOR/RBn, then climb NW via PRC VOR R-289/319° bearing from PRC RBn to recross PRC VOR/RBn at minimum crossing altitudes for direction of flight.
MCAs: PRC VOR R-050 to R-180 and 055° to 180° bearing from PRC RBn—8800′, PRC VOR R-181 to R-258 and 181° to 255° bearing from PRC RBn—7200′.
Northbound (259° through 049°)—on-course climb authorized.
*600–2 authorized for takeoff on Runways 3 and 21.

City, Prescott; State, Ariz.; Airport Name, Prescott Municipal; Elev., 5042′; Fac. Class., BVORTAC; Ident., PRC; Procedure No. 1, Amdt. 11; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 10; Dated, 12 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | NA |
| | | | | C-d | 1000–1 | 1000–1 | NA |
| | | | | C-n | 1000–2 | 1000–2 | NA |
| | | | | A-dn | NA | NA | NA |

Radar vectoring by Quonset Point, R.I. RAPCON authorized in accordance with approved patterns.
Procedure turn E side of crs 181° Outbnd 001° Inbnd 1900′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs 1900′.
Crs and distance, facility to airport, 001°—11.7 miles. Breakoff point to runway, 5.7 miles.
Minimum altitude 1429′ within 6.0 miles after passing PVD VOR.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 6.0 miles after passing PVD VOR, make a climbing left turn to 2300′, proceeding to the Foster Int.
Hold SW on R-057 ORW VOR, 1-minute left turns.
MSA within 25 miles of facility: 270°–090°—2000′; 090°–270°—1700′.

City, Smithfield; State, R.I.; Airport Name, North Central; Elev., 429′; Fac. Class., M-BVOR; Ident., PVD; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Nov. 64

**3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:**

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Plant Int | BMI VOR | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| Twin Grove Int | BMI VOR | Direct | 2400 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-21 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn* | NA | NA | NA |

Procedure turn E side of crs, 040° Outbnd, 220° Inbnd, 2400′ within 10 miles. Nonstandard due to ATC requirements.
Minimum altitude on final approach crs, 1400′.
Crs and distance, breakoff point to Runway 21, 212°—0.30 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BMI VOR, make immediate left turn, climbing to 2300′ on R-040 BMI VOR within 10 miles.
CAUTION: Unlighted grain elevator 1000′ 1.5 miles NE of Runway 21.
NOTE: Weather at Bloomington Municipal not available to general public.
*800-2 authorized for air carrier with approved weather service.

City, Bloomington; State, Ill.; Airport Name, Bloomington Municipal; Elev., 875′; Fac. Class., BVOR; Ident., BMI; Procedure No. TerVOR-21, Amdt. 4; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 3; Dated, 18 Jan. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Sugar Loaf Int | FDK VOR | Direct | 2300 | T-dn | 300-1 | 300-1 | NA |
| EMI VOR | FDK VOR | Direct | 3000 | C-dn | 600-1 | 600-1 | NA |
| | | | | S-d-23 | 600-1 | 600-1 | NA |
| | | | | A-dn | NA | NA | NA |
| | | | | If Mt Pleasant Int received, minima become: | | | |
| | | | | S-d-23 | 500-1 | 500-1 | NA |

Procedure turn E side of crs, 039° Outbnd, 219° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 219°—0.3 mile; breakoff point to runway, 219°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, make a left climbing turn to 2300′, return to FDK VOR, hold NE on R-039, 1-minute left turns.
NOTE: For NE departures after takeoff, climb on R-082 to 3000′, proceed as cleared.
CAUTION: 710′ antenna 3.8 miles W of airport boundary.

City, Frederick; State, Md.; Airport Name, Frederick Municipal; Elev., 304′; Fac. Class., BVOR; Ident., FDK; Procedure No. TerVOR-23, Amdt. 2; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 1; Dated, 4 Jan. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn% | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 900-1 | 900-1 | 900-1½ |
| | | | | A-dn* | 1000-2 | 1000-2 | 1000-2 |

Procedure turn W side of crs, 163° Outbnd, 343° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs 1100′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing ONP VOR, climb to 2700′ on R-344 within 10 miles of ONP VOR. All maneuvering W of crs.
*No public weather service. Alternate minimums authorized only for those with approved weather reporting service on the airport.
%Takeoffs all runways: Climb on ONP VOR R-344 within 10 miles to cross ONP VOR S-bnd on V-27 at or above 500′. All turns W of R-344.
MSA within 25 miles of facility: 000°-090°—5100′; 090°-180°—4700′; 180°-270°—1600′; 270°-360°—3700′.

City, Newport; State, Oreg.; Airport Name, Newport Municipal; Elev., 160′; Fac. Class., L-BVORTAC; Ident., ONP; Procedure No. VOR-34, Amdt. 1; Eff. Date, 28 Nov. 64; Sup. Amdt. No. Orig.; Dated, 8 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Geyserville INT | STS VOR | Direct | 3000 | T-dn% | 300-1 | 300-1 | 200-½ |
| APC VOR | Redwood INT | Direct | 3500 | C-dn# | 500-1 | 500-1 | 500-1½ |
| PYE VOR | Redwood INT | Direct | 3000 | S-dn-32# | 400-1 | 400-1 | 400-1 |
| Redwood INT | Monroe INT (final) | Direct | 1900 | A-dn* | 800-2 | 800-2 | 800-2 |
| Monroe INT | STS VOR (final) | Direct | 540 | | | | |

Procedure turn W side of crs, 136° Outbnd, 316° Inbnd, 2600′ within 10 miles of Monroe INT. Beyond 10 miles not authorized.
Minimum altitude over Monroe INT on final approach crs 1900′; over facility, 540′.
Facility on airport. Breakoff point to runway, 320°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing STS VOR, turn left, climb to 3000′ on STS VOR R-160 within 15 miles.
NOTE: Sonoma County tower hours of operation 0600-2200 local. Weather service available only during periods tower in operation.
*Alternate minimums authorized only when Sonoma County tower operational.
%IFR departures all runways: Climb via R-160 within 15 miles to recross STS VOR at the following MCAs: Direct Ukiah VOR 3000′. Direct Sacramento VOR 2500′. Direct Williams VOR 3500′. Direct Napa VOR 2500′.
On crs climb (via R-160) direct to Point Reyes VOR authorized.
#700-1 required during periods control zone not in effect.
MSA within 25 miles of facility: 000°-090°—5400′; 090°-180°—3700′; 180°-270°—3700′; 270°-360°—5800′.

City, Santa Rosa; State, Calif.; Airport Name, Sonoma County; Elev., 125′; Fac. Class., LVOR; Ident., STS; Procedure No. VOR-32, Amdt. Orig.; Eff. Date, 28 Nov. 64, or upon commissioning of facility



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Bigelow Int | OTG VOR | Direct | 3300 | T-dn | 300-1 | 300-1 | NA |
| | | | | C-d | 500-1 | 500-1 | NA |
| | | | | C-n | 500-2 | 500-2 | NA |
| | | | | S-dn-17 | 500-1 | 500-1 | NA |
| | | | | A-dn* | 800-2 | 800-2 | NA |

Procedure turn W side of crs 350° Outbnd, 170° Inbnd, 3000′ within 10 miles.
Facility on airport.
Crs and distance breakoff point to runway 180°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of OTG VOR, climb to 3300′ on R-170 within 10 miles.
NOTE: Aircraft taking off S, and intended flight is to W or SW, climb to 2300′ on runway heading before proceeding on crs. 800-1 minimums apply for aircraft taking off SW.
CAUTION: 2307′ tower 4 miles SW and 1806′ stack 2 miles SSW of airport.
MSA within 25 miles of the facility: 000°-090°—2800′; 090°-180°—2900′; 180°-270°—3400′; 270°-360°—2900′.
*Alternate minimums authorized only during hours of control zone operation. Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.

City, Worthington; State, Minn.; Airport Name, Worthington Municipal; Elev., 1572′; Fac. Class., L-BVOR; Ident., OTG; Procedure No. Ter VOR-17, Admt. 1; Eff. Date, 28 Nov. 64; Sup. Amdt. No. Orig.; Dated, 28 May 64

**4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:**

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 24.0-mile DME Fix LAX R-081 (Spike Int). | 15.0-mile DME Fix LAX R-081 (Norwalk Int). | Direct | 2500 | T-dn | 300-1 | 300-1 | 300-1 |
| LGB VOR | 15.0-mile DME Fix LAX R-081 (Norwalk Int). | Direct | 2000 | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-25 | 500-1 | 500-1 | 500-1 |
| 15.0-mile DME Fix LAX R-081 | 10.8-mile DME Fix LAX R-081 (Bell Int) (final). | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring utilizing Los Angeles Radar authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, Bell Int to airport, 261°—5.5 miles; breakoff point to runway, 252°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.3-mile DME Fix LAX R-081, climb to VOR, then climb via LAX R-170 to 2000′ within 10 miles or, when directed by ATC, climb via 225° bearing from LAX LOM to intercept and climb via LAX R-170 to 2000′ within 10 miles.
NOTE: When authorized by ATC, DME may be used at 16 miles at 4500′ from LAX R-342 cw R-046 and at 2500′ between LAX R-046 and R-170 to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°-090°—7200′; 090°-180°—2500′; 180°-270°—2400′; 270°-360°—5200′.

City, Hawthorne; State, Calif.; Airport Name, Hawthorne Municipal; Elev., 64′; Fac. Class., H-BVORTAC; Ident., LAX; Procedure No. 1, Amdt. Orig.; Eff. Date 28 Nov. 64

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| CLE RBn | Gilbert RBn | Direct | 3000 | T–dn | 300–1 | 300–1 | 200–½ |
| CLE VOR | Louis Int (final) | Direct | 3000 | C–dn | 400–1 | 500–1 | 500–1½ |
| Sharon Int | Louis Int (final) | Direct | 3000 | S–dn–5R* | 200–½ | 200–½ | 200–½ |
| Louis Int | Gilbert RBn (final) | Direct | 2700 | A–dn | 600–2 | 600–2 | 600–2 |
| Vermilion Int | Gilbert RBn | Via STG VOR R–309 and ILS 5R front crs. | 3000 | | | | |
| Mentor Int | Gilbert RBn | Via CLE VOR R–072 and ILS 5R front crs. | 3000 | | | | |

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn SE side of crs, 234° Outbnd, 054° Inbnd, 2700′ within 10 miles of Gilbert RBn.
Crs and distance, Gilbert RBn to airport, 054°—6.8 miles.
Minimum altitude at glide slope interception Inbnd 2700′.
Altitude of glide slope and distance to approach end of runway at OM 1767′—3.5 miles; at MM 909′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left-climbing turn to 3000′, intercept Strongsville R–360 Outbnd, intercept and proceed Outbnd on Chardon R–265 to Crib Int, hold E, 1-minute left turns, 265° Inbnd.
CAUTION: Towers 1971′ approximately 6 miles ESE of airport.
*400–¾ required with glide slope inoperative.

City, Cleveland; State, Ohio; Airport Name, Cleveland Hopkins; Elev., 792′; Fac. Class., ILS; Ident., I–CLE; Procedure No. ILS–5R, Amdt. Orig.; Eff. Date, 28 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Fairbanks LFR | LOM | Direct | 4000 | T–dn | 300–1 | 300–1 | 200–½ |
| Fox RBn | LOM | Direct | 2300 | C–dn* | 400–1 | 500–1 | 500–1½ |
| Chena Int | LOM | Direct | 4000 | S–dn–19R | 200–½ | 200–½ | 200–½ |
| Alder RBn | LOM | Direct | 4000 | A–dn | 600–2 | 600–2 | 600–2 |
| Fairbanks LFR | Fox RBn | Direct | 4000 | | | | |
| Chena Int | Fox RBn | Direct | 4000 | | | | |
| Alder RBn | Fox RBn | Direct | 4000 | | | | |
| Fairbanks VOR | LOM | Direct | 4000 | | | | |
| Fairbanks VOR | Fox RBn | Direct | 4000 | | | | |

Radar terminal transitional altitudes: 000°–360°—4000′ within 10 miles; 096°–250°—4800′ within 10–25 miles; 250°–096°—8000′ within 10–20 miles.
Procedure turn W side of N crs, 009° Outbnd, 189° Inbnd, **4000′ within 15 miles of Fox RBn.
Minimum altitude at glide slope int Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2265′—5.6 miles; at MM, 660′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2400′, proceeding direct to FI–LFR, then on E crs (089°) to Chena Int or, when directed by ATC, climb to 4000′ on S crs ILS within 20 miles.
*All maneuvering E of airport: 800′ terrain within 1½ miles W of airport rising to 10.0′ within 2 miles.
**CAUTION: Do not descend below 4000′ until past Fox RBn Inbnd on final approach.
#With glide slope inoperative, straight-in minimums for Runway 19 are 600–1. Fairbanks Radar must provide airplane position over 796′ MSL radio tower 3.3 miles N of Runway 19. Descent below 1200′ not authorized until past tower. Without positive radar position over tower, 700–1 minimums apply.

City, Fairbanks; State, Alaska; Airport Name, Fairbanks International; Elev., 434′; Fac. Class., ILS; Ident., I–FAI; Procedure No. ILS–19, Amdt. 8; Eff. Date 28 Nov. 64; Sup. Amdt. No. 7; Dated, 1 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Moline VOR | LOM | Direct | 2300 | T–dn | 300–1 | 300–1 | 200–½ |
| Stockton Int | LOM (final) | Direct | 1900 | C–dn | 600–1 | 600–1 | 600–1½ |
| Cordova VOR | LOM | Direct | 3400 | S–dn–9* | 200–½ | 200–½ | 200–½ |
| Buffalo Int | LOM | Direct | 2300 | A–dn | 600–2 | 600–2 | 600–2 |
| Muscatine Int | Stockton Int | Direct | 2200 | | | | |
| Cordova VOR | Green River Int | Direct | 2300 | | | | |
| Green River Int | LOM | Direct | 2100 | | | | |
| CID VOR | Muscatine Int | Via CID VOR R–123. | 2500 | | | | |
| IOW VOR | Muscatine Int | Via IOW VOR R–093. | 2300 | | | | |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side W crs, 266° Outbnd, 086° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM 1807′—4.4 miles; at MM 774′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100′ on crs of 086° within 20 miles or, when directed by ATC, make right-climbing turn to 2300′ and proceed to MLI–VOR.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from ML LOM: 0 to 10 miles CW 225° to 305°—1900′; 10 to 25 miles CW 225° to 305°—2300′; 0 to 25 miles CW 305° to 020°—2300′; 0 to 25 miles CW 020° to 100°—2600′; 0 to 25 miles CW 100° to 135°—2800′; 0 to 20 miles CW 135° to 225°—2300′.
*600–1 required with glide slope inoperative.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., ILS; Ident., I–MLI; Procedure No. ILS–9, Amdt. 11; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 10; Dated, 7 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cordova VOR | Green River Int | Direct | 2300 | T–dn | 300–1 | 300–1 | 200–½ |
| Moline VOR | Green River Int | Direct | 2300 | C–dn | 600–1 | 600–1 | 600–1½ |
| Cable Int | Green River Int | Direct | 2800 | S–dn–27 | 500–1 | 500–1 | 500–1 |
| Polo VOR via PLL–VOR R–207 | Donna Int | Direct | 2600 | A–dn | 800–2 | 800–2 | 800–2 |
| Donna Int | Green River Int (final) | Direct | 2300 | | | | |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2300′ within 10 miles of Green River Int.
Minimum altitude over Green River Int on final approach crs 2300′.
Crs and distance, Green River Int to airport 266°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Green River Int, climb to 1900′ and proceed to ML LOM or, when directed by ATC, make left turn climbing to 2300′ and proceed to MLI VOR.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from Green River Int: 0 to 10 miles CW 045° to 135°—2300′; 10 to 25 miles CW 045° to 135°; 0 to 25 miles CW 135° to 205°—2800′; 0 to 25 miles CW 205° to 290°—2300′; 0 to 25 miles CW 290° to 045°—2600.′

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., ILS; Ident, I–MLI; Procedure No. ILS–27 (back crs), Amdt. 6; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 5; Dated, 7 Mar. 64



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| Allen Int | LOM (final) | Direct | 1900 | T–dn | 300–1 | 300–1 | 200–½ |
| MKG VOR | LOM | Direct | 2300 | C–dn | 400–1 | 500–1 | 500–1½ |
| Bullfrog Int | LOM | Direct | 2300 | S–dn–32# | 200–½ | 200–½ | 200–½ |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn E side of SE crs, 137° Outbnd, 317° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1843′—3.8 miles; at MM, 811′—.55 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 030° heading to intercept MKG R–328 and proceed to Whitehall Int at 2400′ or, when directed by ATC, make right turn and climb to 2300′ and proceed direct to MKG VOR.
Other change: Deletes transition from Hudsonville Int.
#400–¾ required if glide slope not utilized.

City, Muskegon; State, Mich.; Airport Name, Muskegon-County; Elev., 628′; Fac. Class., ILS; Ident., I–MKG; Procedure No. ILS–32, Amdt. 3; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 2; Dated, 26 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Wheeling VOR | Hookstown Int | Direct | 3000 | T–dn** | 300–1 | 300–1 | 200–½ |
| Hookstown Int | OM (final) | Direct | 2700 | C–dn | 500–1 | 500–1 | 500–1½ |
| Ellwood City VOR @ | Hookstown Int | Direct | 3000 | S–dn–10L*% | 300–¾ | 300–¾ | 300–¾ |
| Allegheny VOR@ | Hookstown Int | Direct | 3000 | A–dn | 600–2 | 600–2 | 600–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectoring required.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM 2665′—4.3 miles; at MM 1442′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on 102° crs to GP LOM, hold E, 1-minute right turns, 277° Inbnd.
*400–¾ required with glide slope inoperative.
@Transitions from EWC and PIT require holding pattern entry for nonradar operation.
**Takeoff: Runway visual range 2600′ authorized for takeoff on Runway 10L in lieu of 200–½ when 200–½ is authorized provided high-intensity runway lights are operational.
%Landing: RVR not authorized due incomplete facilities.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elevation, 1203′; Fac. Class., ILS; Ident., I–LXB; Procedure No. ILS–10L, Amdt. 3; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 2; Dated, 4 Jul. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Raleigh RBn | LOM | Direct | 2100 | T–dn | 300–1 | 300–1 | 200–½ |
| Raleigh VOR | LOM | Direct | 2100 | C–dn | 400–1 | 500–1 | 500–1½ |
| Chapel Hill Int | LOM | Direct | 2100 | S–dn–5* | 200–½ | 200–½ | 200–½ |
| Holly Springs Int | LOM | Direct | 2100 | A–dn | 600–2 | 600–2 | 600–2 |
| Moncure Int | LOM (final) | Direct | 2100 | | | | |
| Durham Int | LOM | Direct | 2100 | | | | |
| Int LIB–VOR R–102 and RDU–VOR R–244. | LOM (final) | Direct | 2100 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 229° Outbnd, 049° Inbnd, 2100′ within 10 miles. Nonstandard due ATC.
Minimum altitude at glide slope Int Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM 2025′—5.8 miles, at MM 614′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100′ on R–041 of VOR within 15 miles or, when directed by ATC, turn left, climb to 2400′ on R–309 of VOR within 15 miles.
*300–¾ required when glide slope not utilized.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., ILS; Ident., I–RDU; Procedure No. ILS–5, Amdt. 7; Eff. Date, 28 Nov. 1964; Sup. Amdt. No. 6; Dated, 3 Nov. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Boyds Int | Poolesville RBn (final) | Direct | 2300 | T–dn | 300–1 | 300–1 | 200–¼ |
| | | | | C–dn | 500–1 | 500–1 | 500–1¼ |
| | | | | S–dn–19R | 200–½ | 200–½ | 200–½ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 066° Outbnd, 186° Inbnd, 2300′ within 10 miles of PLV RBn.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at Poolesville RBn, 2297′—7.3 miles; at OM, 1282′—3.6 miles; at MM, 462′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right turn to intercept HRN R–227, climb to 4000′, proceed to Blue Ridge Int via V–30 and V–144, hold W on Blue Ridge Int, LDN R–110, 4000′, 1-minute left turns.
Other change: Deletes RVR information.

City, Washington, D.C.; Airport Name, Dulles International; Elev., 313′; Fac. Class., ILS; Ident., I–DLX; Procedure No. ILS–19R, Amdt. 5; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 4; Dated, 7 Sept. 63

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | | | 65 knots or less | More than 65 knots | |
| 000 | 300 | 10 | 2500% | 20 | 3000 | | | 40 | 5000 | | | | | Surveillance approach | | | |
| 000 | 340 | | | 25 | 3000 | 30 | 4000 | | | | | | | T-dn‡ | 300-1 | 300-1 | 200-½ |
| 340 | 300 | | | 25 | 4000 | | | | | | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | | | | | | | | | | | S-dn@ | 500-1 | 500-1 | 500-1 |
| | | | | | | | | | | | | | | S-dn-10L and 28L. | 400-1 | 400-1 | 400-1 |
| | | | | | | | | | | | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | | | | | | | | | | | Precision approach | | | |
| | | | | | | | | | | | | | | S-dn-28L* | 200-½ | 200-½ | 200-½ |
| | | | | | | | | | | | | | | A-dn | 600-2 | 600-2 | 600-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 5, 10R, 10L, 14: Climb to 3000' within 10 miles and proceed to GP LOM, hold E right turn, 1-minute, 277° Inbnd. Runways 23, 28R, 28L, 32: Climb to 3000' within 10 miles and proceed to Clinton RBn. Hold W, right turn, 1-minute, 097° Inbnd.

CAUTION: Runway 28R approach: Fluorescent street light alined with Runway 28R and terminating approximately ¾ mile from runway end. Can be mistaken for runway lights.

*Runway visual range 2600' also authorized for landing on Runway 28L providing all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers and outer compass locator are operating satisfactorily. Descent below 1368' shall not be made unless visual contact with approach.

‡Runway visual range 2600' also authorized for takeoff on Runways 28L and 10L when 200-½ is authorized, providing high-intensity runway lights are operational.

@All runways except 10L and 28L.

%Radar control will provide 1000' vertical clearance within 3 miles radius of 2049' TV antenna 10 miles E of radar antenna.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1203'; Fac. Class., and Ident., Pittsburgh Radar; Procedure No. 1, Amdt. 7; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 6; Dated, 22 Feb. 64

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | Precision approach | | | |
| 030 | 150 | 10 | 4000 | | | | | | | | | | | T-dn | 300-1 | 300-1 | 200-½ |
| 150 | 030 | 20 | 3600 | | | | | | | | | | | C-dn | 1000-2 | 1000-2 | 1000-1½ |
| | | | | | | | | | | | | | | S-dn-17 | 200-½ | 200-½ | 1000-2 |
| | | | | | | | | | | | | | | S-dn-35 | 300-¾ | 300-¾ | 200-½ |
| | | | | | | | | | | | | | | A-dn | 1000-2 | 1000-2 | 300-¾ |
| | | | | | | | | | | | | | | | | | 1000-2 |
| | | | | | | | | | | | | | | Surveillance approach | | | |
| | | | | | | | | | | | | | | S-d-17 | 800-1 | 800-1 | 800-1 |
| | | | | | | | | | | | | | | S-n-17 | 800-2 | 800-2 | 800-2 |
| | | | | | | | | | | | | | | S-d-35 | 700-1 | 700-1 | 700-1 |
| | | | | | | | | | | | | | | S-n-35 | 700-2 | 700-2 | 700-2 |

Radar terminal transition altitudes: All bearings are from radar site within sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 17: Climb to 2500', proceed direct to Whitesburg RBn and enter holding pattern. Runway 35: Climb to 2600', proceed direct to HUA RBn and enter holding pattern.

NOTES: Authorized for military use only, except by prior arrangement.

CAUTION: High terrain 1.7 miles E of airport with tower elevation 1371'.

Due terrain and towers in maneuvering areas, radar guidance will not be discontinued until the aircraft has either landed or climbed to designated altitude and crs on missed approach.

City, Redstone Arsenal; State, Ala.; Airport Name, Redstone AAF; Elec., 682'; Fac. Class., and Ident., Redstone Radar; Procedure No. 1, Amdt. 3; Eff. Date, 28 Nov. 64; Sup. Amdt. No. 2; Dated, 25 Apr. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 23, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-11069; Filed, Dec. 1, 1964; 8:45 a.m.]



# Title 7—AGRICULTURE

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

## PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

## Subpart—Proclamation of National Marketing Quota for Flue-Cured Tobacco for Three Marketing Years Beginning July 1, 1965, July 1, 1966, and July 1, 1967; and Announcement and Apportionment of National Marketing Quota for Flue-Cured Tobacco for 1965–66 Marketing Year

### § 724.34 Basis and purpose.

(a) Sections 724.34 and 724.34a are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter called the Act, (1) to proclaim a national marketing quota for flue-cured tobacco for the three marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967; (2) to determine the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1964; (3) to announce the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1965 together with increases under sections 312(b) and 313 (e) of the Act; and (4) to apportion such national marketing quota among the several States. The determinations by the Secretary contained in § 724.34a have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others as provided in a notice (29 F.R. 14234) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Consideration in the light of the latest available statistics of the Federal Government has been given as to whether any of the types of flue-cured tobacco should be treated as a kind of tobacco pursuant to the proviso in section 301(b)(15) of the Act. Recommendations were received to the effect that further reductions in allotments should be by types and be based on the volume of each type placed under price support loans through the Stabilization Corporation. However, tobacco placed with the Stabilization Corporation is not removed from the channels of trade, the greater part of the tobacco so placed in prior years has been purchased by the tobacco trade, and stocks in the hands of the Stabilization Corporation include substantial quantities of all types of flue-cured tobacco. Flue-cured tobacco produced in the United States, regardless of its type, is a substantially homogeneous commodity. Its principal usage both in this country and abroad is in the manufacture of cigarettes. The individual types have a high degree of interchangeability in their actual use and each of these types is readily substitutable for the others. A comparison of non-farm stocks in the United States by quarters from 1957 demonstrates that the relationship between stocks of the various types of flue-cured tobacco have remained relatively constant during this period; and a price comparison between and among flue-cured types since 1947 show a close proximity of prices to each other. Therefore, it is concluded that there is a common demand for flue-cured tobacco and no finding is made that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Accordingly, this proclamation is issued on the basis that flue-cured tobacco comprising types 11, 12, 13, and 14 is a "kind of tobacco" for the purposes of the Act for the marketing years 1965–1966, 1966–1967 and 1967–1968.

(c) Some recommendations were received for the retention of acreage allotments and others advocated that quotas be established on a poundage basis. Section 313(g) of the Act which authorizes the conversion of the State quotas and national reserve into acreage allotments was enacted on August 7, 1939. State quotas and the national reserve have been so converted for each crop since 1940. The enforcement provisions of the Act have been strengthened by amendments thereto since the enactment of section 313(g) on the basis of acreage allotments being in effect. After due consideration the provisions of section 313(g) are invoked for the 1965–1966 marketing year.

(d) Since the Act requires the holding of a referendum of flue-cured tobacco producers within 30 days after issuance of a national marketing quota for flue-cured tobacco to determine whether such producers favor such quota, and since flue-cured tobacco farmers need to be notified of the 1965 crop year allotments prior to the referendum and as soon as possible in order to make plans for 1965 flue-cured tobacco production, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation, and the announcement and apportionment of the national marketing quota for flue-cured tobacco for the 1965–66 marketing year contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

### § 724.34a Proclamation of national marketing quota for flue-cured tobacco for the three marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967; and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1965.

(a) *Proclamation.* Since the 1964–65 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for flue-cured tobacco, a national marketing quota for flue-cured tobacco for each of the three marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967, is hereby proclaimed pursuant to section 312(a) of the Act.

(b) *Reserve supply level.*[1] The reserve supply level for flue-cured tobacco for the marketing year beginning July 1, 1964, is 3,231.2 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the Act, from a normal year's domestic consumption of 825.0 million pounds and a normal year's exports of 490.0 million pounds.

(c) *Total supply.*[1] The total supply of flue-cured tobacco for the marketing year beginning July 1, 1964, is 3,742.9 million pounds, consisting of carryover of 2,378.7 million pounds and estimated 1964 production of 1,364.2 million pounds.

(d) *Carryover.*[1] The estimated carryover of flue-cured tobacco at the beginning of the marketing year for such tobacco beginning July 1, 1965, is 2,452.0 million pounds, calculated by subtracting the estimated disappearance for the marketing year beginning July 1, 1964, of 1,290.9 million pounds from the total supply of such tobacco.

(e) *National marketing quota.*[1] The amount of flue-cured tobacco which will make available during the marketing year beginning July 1, 1965, a supply of flue-cured tobacco equal to the reserve supply level of such tobacco is 779.2 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 779.2 million pounds would result in undue restrictions of marketings during the 1965–66 marketing year and such amount is hereby increased by 20 percent to 935.0 million pounds pursuant to section 312(b) of the Act. The national marketing quota as so increased is further increased by 285,940 pounds pursuant to section 313(e) of the Act relating to minimum flue-cured tobacco State marketing quotas. Therefore, the amount of the national marketing quota for flue-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1965, is 935,285,940 pounds.

(f) *Apportionment of the quota.* The national marketing quota is hereby

[1] Rounded to the nearest tenth of a million pounds, except for increase pursuant to section 313(e) of the Act.

apportioned among the several States pursuant to section 313(a) of the Act and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

| State | Acreage allotment | Reserve[3] |
|---|---|---|
| Alabama[1] | 500.00 | 0.50 |
| Florida | 10,948.83 | 13.60 |
| Georgia | 52,293.72 | 64.93 |
| North Carolina | 339,115.48 | 421.06 |
| South Carolina | 59,708.85 | 74.13 |
| Virginia | 51,559.95 | 64.03 |
| Reserve[2] | 1,288.59 | |

[1] Increased to 500 acres pursuant to section 313(e) of the Act.
[2] Acreage reserved for establishing allotments for new farms.
[3] The acreage included in the State acreage allotment available pursuant to §724.57 of the regulations governing determination of farm tobacco acreage allotments (27 F.R. 8937; 28 F.R. 9144; 29 F.R. 1315) in each State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

(Secs. 301, 312, 313, 375, 52 Stat. 38, 46, 47, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12293; Filed, Nov. 27, 1964; 4:33 p.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 139, Amdt. 1]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i) and (ii) of § 910.439 (Lemon Regulation 139, 29 F.R. 15640) are hereby amended to read as follows:

(i) District 1: 37,200 cartons;
(ii) District 2: 97,650 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 25, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12271; Filed, Dec. 1, 1964; 8:47 a.m.]

## PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

### Expenses and Rate of Assessment for 1964-65 Fiscal Period

On November 14, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 15294) regarding the expenses and the fixing of the rate of assessment for the 1964-65 fiscal period pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929; 29 F.R. 6617), regulating the handling of cranberries. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 929.205 Expenses and rate of assessment for the 1964-65 fiscal period.

(a) *Expenses.* The reasonable expenses to be incurred by the Cranberry Marketing Committee, established pursuant to the provisions of the amended marketing agreement and order, for its maintenance and functioning during the fiscal period ending July 31, 1965, will amount to $9,873.35.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles cranberries shall be one cent ($0.01) per barrel of cranberries, or an equivalent quantity of cranberries, handled by him as the first handler thereof during the said fiscal period.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable cranberries from the beginning of such year; and (2) the current fiscal period began on August 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable cranberries beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 25, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12272; Filed, Dec. 1, 1964; 8:47 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

NYLON RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1293) submitted jointly by Allied Chemical Corporation, 61 Broadway, New York 6, N.Y.; Foster Grant Company, Inc., 289 North Main Street, Leominster, Mass.; and Spencer Chemical Company, Dwight Building, Kansas City 5, Mo., and other relevant material, has concluded that the food additive regulations (21 CFR 121.2502; 29 F.R. 2781) should be amended to provide for the use of two grades of nylon 6 resins in the production of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2502 is amended by adding a new subparagraph (6) to paragraph (a) and by adding two new items to the table in paragraph (b). As amended, the affected portions read as follows:

§ 121.2502 Nylon resins.

* * * * * * *

(a) * * *

(6) Nylon 6 resins are manufactured by the polymerization of *epsilon*-caprolactam.

(b) Specifications:



| Nylon resins | Specific gravity | Melting point | Solubility in boiling 4.2*N* HCl | Maximum extractable fraction in selected solvents (expressed as percent by weight of resin) | | | |
|---|---|---|---|---|---|---|---|
| | | | | Water | 95 percent ethyl alcohol | Ethyl acetate | Benzene |
| * * * | * * * | *Degrees F.* * * * | * * * | *Percent* * * * | *Percent* * * * | *Percent* * * * | *Percent* * * * |
| 6.1 Nylon 6 resins | 1.15±0.015 | 392-446 | Dissolves in 1 hour. | 1.0 | 2.0 | 1.0 | 1.0 |
| 6.2 Nylon 6 resins for use only in food-contact films having an average thickness not to exceed 0.001 inches. | 1.15±0.015 | 392-446 | do | 1.5 | 2.0 | 1.0 | 1.0 |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 20, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12178; Filed, Dec. 1, 1964; 8:45 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

MONO- AND DIGLYCERIDES

There is general recognition of the safety of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids, when used in accordance with good manufacturing practice. This is reflected in the records which served as the basis for the establishment of the definitions and standards of identity for frozen desserts, bakery products, and oleomargarine.

Mono- and diglycerides produced from the glycerolysis of edible fats or oils are listed as substances that are generally recognized as safe in § 121.101(d), under (3) in the table; however, mono- and diglycerides produced by the esterification of glycerin and edible fat-forming fatty acids are not so listed.

Based on comments received to the effect that this omission is creating an unfair and inequitable competitive situation, it is concluded that the listing of mono- and diglycerides in § 121.101 should be amended in the interest of clarity, as hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.101(d) is amended by changing the third, fifth, and sixth items listed under (3) in the table to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * * *

(d) * * *

| Product | Tolerances | Limitations or restrictions |
|---|---|---|
| * * * | * * * | * * * |
| (3) EMULSIFYING AGENTS | | |
| * * * | * * * | * * * |
| Diacetyl tartaric acid esters of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids. | | |
| * * * | * * * | * * * |
| Mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids. | | |
| Monosodium phosphate derivatives of mono- and diglycerides of edible fats or oils, or edible fat-forming fatty acids. | | |
| * * * | * * * | * * * |

* * * * * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the changes clarify an established regulation by redefining certain substances listed as generally recognized as safe.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785; 21 U.S.C. 348)

Dated: November 24, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-12291; Filed, Dec. 1, 1964; 8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

MINERAL OIL

The Commissioner of Food and Drugs, having evaluated data submitted in petitions (FAP 302, 323) filed by American Petroleum Institute, 1271 Avenue of the Americas, New York 20, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to prescribe conditions for the safe use of white mineral oil and technical white mineral oil in the production of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Subpart F of the food additive regulations is amended in the following respects:

1. By adding the following new section:

§ 121.2589 Mineral oil.

Mineral oil may be safely used as a component of nonfood articles intended for use in contact with food, subject to the provisions of this section:

(a) White mineral oil meeting the specifications prescribed in § 121.1146 may be used as a component of nonfood articles provided such use complies with any applicable limitations in this Part 121. The use of white mineral oil in or on food itself, including the use of white mineral oil as a protective coating or release agent for food, is subject to the provisions of § 121.1146.

(b) Technical white mineral oil identified in subparagraph (1) of this paragraph may be used as provided in subparagraph (2) of this paragraph.

(1) Technical white mineral oil consists either of virgin petroleum distillates that are specially refined, including

treatment with fuming sulfuric acid or sulfur trioxide, or it consists of distillates that are produced synthetically from petroleum gases and that are specially refined, including treatment by hydrogenation. Technical white mineral oil meets the following specifications:

(i) Saybolt color 20 minimum as determined by ASTM Method D–156.

(ii) Ultraviolet absorbance limits as follows:

| Wavelength | Maximum absorbance per centimeter optical pathlength |
|---|---|
| mμ | |
| 280–289 | 4.0 |
| 290–299 | 3.3 |
| 300–329 | 2.3 |
| 330–350 | 0.8 |

Technical white mineral oil containing antioxidants shall meet the specified ultraviolet absorbance limits after correction for any absorbance due to the antioxidants. The ultraviolet absorbance shall be determined by the procedure described for application to mineral oil under "Specification" on page 66 of the Journal of the Association of Official Agricultural Chemists, Volume 45 (February 1962), disregarding the last two sentences of that procedure and substituting therefor the following: Determine the absorbance of the mineral oil extract in a 10-millimeter cell in the range from 260–350 mμ, inclusive, compared to the solvent control. If the absorbance so measured exceeds 2.0 at any point in range 280–350 mμ, inclusive, dilute the extract and the solvent control, respectively, to twice their volume with dimethyl sulfoxide and remeasure the absorbance. Multiply the remeasured absorbance values by 2 to determine the absorbance of the mineral oil extract per centimeter optical pathlength.

(2) Technical white mineral oil may be used wherever mineral oil is permitted for use as a component of nonfood articles complying with §§ 121.2519, 121.2520, 121.2531, 121.2535, 121.2536, 121.2553, 121.2557, and 121.2562.

(3) Technical white mineral oil may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

2. Section 121.2511 *Plasticizers in polymeric substances* is amended by inserting alphabetically in the list of substances in paragraph (b) a new item as follows:

**§ 121.2511 Plasticizers in polymeric substances.**

• • • • •

(b) • • •

| | Limitations |
|---|---|
| • • • | • • • |
| Mineral oil, white | |
| • • • | • • • |

• • • • •

3. In paragraph (d)(5)(ii) of § 121.2535 *Textiles and textile fibers*, the item "Mineral oil" in the list of adjuvant substances is amended to read as follows:

**§ 121.2535 Textiles and textile fibers.**

• • • • •

(d) • • •

(5) • • •

| List of substances | Limitations |
|---|---|
| • • • | • • • |
| (ii) • • • | |
| • • • | • • • |
| Mineral oil | For use only at a level not to exceed 0.15 percent by weight of finished fibers. |
| • • • | • • • |

• • • • •

**§ 121.2557 [Amended]**

4. In paragraph (d)(3) of § 121.2557 *Defoaming agents used in coatings* the item "Mineral oil, including paraffin oils" is changed to read "Mineral oil".

5. Section 121.2578 *Hot-melt strippable food coatings* is amended by inserting alphabetically in the list of substances in paragraph (b)(2) a new item as follows:

**§ 121.2578 Hot-melt strippable food coatings.**

• • • • •

(b) • • •

(2) • • •

| List of substances | Limitations |
|---|---|
| • • • | • • • |
| Mineral oil, white | For use only as a component of hot-melt strippable food coatings applied to frozen meats and complying with § 121.1146. |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 24, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64–12292; Filed, Dec. 1, 1964; 8:49 a.m.]

# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

### SUBCHAPTER F—ENROLLMENT

### PART 43d—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF THE JUDGMENT FUNDS AWARDED THE SNAKE OR PAIUTE INDIANS OF THE FORMER MALHEUR RESERVATION

The Act of August 20, 1964 (78 Stat. 563), directs the Secretary of the Interior to prepare a roll of persons of Snake or Paiute Indian ancestry to serve as the basis for distributing the funds awarded the Snake or Paiute Indians of the former Malheur Reservation in Oregon by the Indian Claims Commission. The purpose of the regulations in the new Part 43d is to govern the preparation of this roll, and the new part is set forth below.

Since the Act of August 20, 1964, supra, clearly delineates the basis for the new roll, who shall be eligible, the form the distribution shall take, and provides a deadline for the filing of applications, the procedure for general notice of proposed rule making is being dispensed with. These regulations will become effective upon the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 25, 1964.

Part 43d, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

Sec.
- 43d.1 Definitions.
- 43d.2 Purpose.
- 43d.3 Qualifications for enrollment.
- 43d.4 Application forms.
- 43d.5 Filing of applications.
- 43d.6 Burden of proof.
- 43d.7 Review of applications by tribal committee.
- 43d.8 Action by the Director.
- 43d.9 Appeals.
- 43d.10 Decision of the Secretary.
- 43d.11 Preparation of roll.
- 43d.12 Certification and approval of roll.
- 43d.13 Special instructions.

AUTHORITY: The provisions of this Part 43d issued under the Act of August 20, 1964 (78 Stat. 563).

**§ 43d.1 Definitions.**

As used in this Part 43d.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Director" means the Area Director, Portland Area Office, Bureau of Indian Affairs, Box 3785, Portland, Oreg., or his authorized representative.

(d) "Staff Officer" means the enrollment officer or other person authorized to prepare the roll.

(e) "Descendants" means those persons who have issued from an enrollee and includes such enrollee's children, grandchildren, etc. It does not include collateral relatives such as aunts, uncles, cousins, etc.

(f) "Living" means born on or prior to and living on August 20, 1964.

(g) "Sponsor" means a person who has filed an application for enrollment on behalf of another person.

(h) "Basic roll" means any specific roll or listing of individuals which the Director shall determine may be utilized in the preparation of the new roll.

**§ 43d.2 Purpose.**

The regulations in this Part 43d are to govern the compilation of a roll of persons who meet the enrollment requirements specified in section I of the Act of August 20, 1964 (78 Stat. 563), to serve as the basis for the distribution of the judgment funds paid to the Snake or Paiute Indians of the former Malheur Reservation in Oregon in Indian Claims Commission Docket No. 17, together with the interest accrued thereon.

**§ 43d.3 Qualifications for enrollment.**

Persons of Snake or Paiute Indian ancestry born on or prior to and living on August 20, 1964, who were members of or are descendants of members of the bands whose chiefs and headmen Weyou-we-wa (Wewa), Gaha-nee, E-higant (Egan), Po-nee, Chaw-watnanee, Owits (Oits), and Tashe-go, signed the unratified Treaty of December 10, 1868, and elect not to participate as beneficiaries in the awards granted in Docket No. 87 to the Northern Paiute Nation shall be eligible for inclusion on the roll prepared pursuant to this Part 43d.

**§ 43d.4 Application forms.**

(a) Application forms will be furnished by the Director or other designated persons upon written or verbal request. Each person furnishing application forms shall keep a record of the names of the individuals to whom applications are given, as well as the number of forms and the date furnished.

(b) Among other information each application shall contain:

(1) The deadline for filing the application with the Director or other designated persons.

(2) Certification as to whether application is for a natural child or an adopted child.

(3) Instructions for completing and filing application forms shall be furnished with each form.

**§ 43d.5 Filing of applications.**

Any adult person who desires to be enrolled and believes he meets the requirements for enrollment specified in this Part 43d must file or have filed in his behalf a completed application form with the Director on or before May 21, 1965. Written application forms for minors, mentally incompetent persons or other persons in need of assistance, members of the Armed Services or other services of the United States Government and/or any eligible members of their immediate families stationed in Alaska or Hawaii or elsewhere outside the Continental United States, or a person who died after August 20, 1964, may be filed by the parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Director, or other person on or before May 21, 1965.[1]

**§ 43d.6 Burden of proof.**

The burden of proof rests upon the applicant to establish his eligibility for enrollment. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate finding, or affidavits, may be used to support claim for enrollment. Records of the Bureau of Indian Affairs may be used to establish eligibility.

**§ 43d.7 Review of application by tribal authorities.**

If practicable, the Director shall appoint a committee of tribal authorities whose function shall be to review the applications for the purpose of recommending to the Director approval or rejection of the applications. Such committee shall have no longer than three months from the deadline for filing applications to complete any review and to make pertinent recommendations. A recommendation for the rejection of any application shall be supported by a memorandum setting forth the reasons for the adverse recommendation.

**§ 43d.8 Action by the Director.**

(a) The Director shall consider each application and, when applicable, the tribal recommendation thereon. Upon determination as to the eligibility of an individual, the Director shall notify the applicant or sponsor in writing of his decision. If such determination is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse, the applicant or sponsor shall be notified of such decision by certified mail, to be received by addressee only, return receipt requested, together with a full explanation of the reasons therefor and of his right to appeal to the Secretary. (Registered mail must be used for correspondence sent outside the United States.) If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the application. However, said notice must list the name of such person involved.

(b) To avoid hardship or gross injustice, the Director may waive technical deficiencies in applications or other submissions.

**§ 43d.9 Appeals.**

Appeals must be in writing, addressed and mailed to the Director, and received by him within 30 days from the receipt of rejection notice. The appellant may submit with his appeal any supporting evidence not previously furnished. When upon review of the evidence, the Director is satisfied that the right to enrollment has been established, the appellant shall be so notified and the appropriate name entered on the roll. If the Director determines the applicant ineligible, he shall forward the appeal, together with the complete record and his recommendations thereon, to the Commissioner for transmittal to the Secretary.

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements (18 U.S.C. 1001).

**§ 43d.10 Decision of the Secretary on appeals.**

The decision of the Secretary on an appeal shall be final and conclusive and written notice of the decision shall be given the applicant or sponsor. When so directed by the Secretary, the Commissioner shall cause to be entered on the roll the name of any person whose appeal has been sustained.

**§ 43d.11 Preparation of roll.**

The staff officer shall prepare a minimum of five copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person a roll number, name, address, sex, date of birth, and, in the remarks column, when applicable, the basic roll number, date of basic roll, name and relationship of the ancestor on the basic roll through whom eligibility was established and any other basis for determining eligibility.

**§ 43d.12 Certification and approval of roll.**

A certificate shall be attached to the roll by the staff officer certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Commissioner shall approve the roll.

**§ 43d.13 Special instructions.**

To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 43d.

[F.R. Doc. 64–12254; Filed, Dec. 1, 1964; 8:46 a.m.]



# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 6775]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Controlled Foreign Corporations

On September 23, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 957 (d) of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006) was published in the FEDERAL REGISTER (29 F.R. 13197). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the

amendments of the regulations as proposed are hereby adopted.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: November 27, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 957(d) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended as follows effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

PARAGRAPH 1. Section 1.957 and the historical note are amended to read as follows:

**§ 1.957 Statutory provisions; controlled foreign corporations; United States persons.**

Sec. 957. *Controlled foreign corporations; United States persons.* • • •

(d) *United States person.* For purposes of this subpart, the term "United States person" has the meaning assigned to it by section 7701(a)(30) except that—

(1) With respect to a corporation organized under the laws of the Commonwealth of Puerto Rico, such term does not include an individual who is a bona fide resident of Puerto Rico, if a dividend received by such individual during the taxable year from such corporation would, for purposes of section 933(1), be treated as income derived from sources within Puerto Rico,

(2) With respect to a corporation organized under the laws of the Virgin Islands, such term does not include an individual who is a bona fide resident of the Virgin Islands and whose income tax obligation under this subtitle for the taxable year is satisfied pursuant to section 28(a) of the Revised Organic Act of the Virgin Islands, approved July 22, 1954 (48 U.S.C. 1642), by paying tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands, and

(3) With respect to a corporation organized under the laws of any other possession of the United States, such term does not include an individual who is a bona fide resident of any such other possession and whose income derived from sources within possessions of the United States is not, by reason of section 931(a), includible in gross income under this subtitle for the taxable year.

[Sec. 957 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006)]

PAR. 2. There is inserted immediately after § 1.957–3 the following new section:

**§ 1.957–4 United States person defined.**

(a) *Basic rule*—(1) *In general.* The term "United States person" has the same meaning for purposes of sections 951 through 964 which it has under section 7701(a)(30) and in the regulations thereunder, except as provided in section 957(d) and paragraphs (b), (c), and (d) of this section which provide, with respect to corporations organized in possessions of the United States, that certain residents of such possessions are not United States persons. The effect of determining that an individual is not a United States person for such purposes is to exclude such individual in determining whether a foreign corporation created or organized in, or under the laws of, Puerto Rico, the Virgin Islands, or any possession of the United States (other than Puerto Rico or the Virgin Islands) is a controlled foreign corporation. See § 1.957–1 for definition of the term "controlled foreign corporation"; § 1.957–2 for a special limitation on the amount of subpart F income of certain controlled foreign corporations deriving income from the insurance of United States risks; and § 1.957–3 for the exclusion of certain corporations organized in United States possessions from the definition of controlled foreign corporation.

(2) *Special provisions applicable to possessions of the United States.* For purposes of section 957(d) and this section—

(i) *Possession of the United States defined.* The term "possession of the United States" has the same meaning which it has under paragraph (b)(2) of § 1.957–3.

(ii) *Determination of residence in a possession.* Whether an individual is a bona fide resident of Puerto Rico, the Virgin Islands, or any other possession of the United States, shall be determined in general by applying to the facts and circumstances in each case the principles of §§ 1.871–2 through 1.871–5, relating to the determination of residence in the United States.

(b) *Puerto Rico corporation and resident.* With respect only to a foreign corporation created or organized in, or under the laws of, Puerto Rico—

(1) If an individual (who, without regard to this paragraph, is a United States person) is a bona fide resident of Puerto Rico during his entire taxable year in which or with which the taxable year of such foreign corporation ends, and

(2) If 50 percent or more of the gross income of such foreign corporation is derived from sources within Puerto Rico, as determined under § 1.863–6, for the 3-year period (or for such part of such 3-year period as such foreign corporation has been in existence) ending with the close of the taxable year of such foreign corporation which—

(i) Ends with or within the taxable year next preceding such taxable year of such individual and at any time, during the period beginning with the beginning of such latter taxable year of such individual and ending not later than one year after the close of such taxable year of such foreign corporation, such individual directly owns stock in such foreign corporation, or

(ii) Ends within such taxable year of such individual and at any time, during the period beginning after the close of such taxable year of such foreign corporation and ending with the close of such taxable year of such individual, such individual directly owns stock in such foreign corporation,

then, such individual shall not be considered a United States person with respect to such corporation for the taxable year of such corporation which ends with or within the taxable year of such person. The application of this paragraph may be illustrated by the following examples:

*Example (1).* Foreign corporation R, incorporated under the laws of Puerto Rico, is wholly owned by D, a United States citizen. D and corporation R use the calendar year as the taxable year. For 1961, 1962, and 1963, 60 percent of the gross income of R Corporation is derived from sources within Puerto Rico and 40 percent of the gross income of R Corporation is derived from sources within Panama, as determined under § 1.863–6. During all of 1964, D is a bona fide resident of Puerto Rico. D is not a United States person with respect to R Corporation for 1964. Accordingly, R Corporation is not a controlled foreign corporation at any time in 1964.

*Example (2).* Foreign corporation R is incorporated on January 1, 1962, under the laws of Puerto Rico. D, a United States citizen, owns all the one class of stock of R Corporation throughout 1962 and 1963. D and corporation R use the calendar year as the taxable year. For 1962, 55 percent of the gross income of R Corporation is derived from sources within Puerto Rico and 45 percent of the gross income of R Corporation is derived from sources within the Netherlands Antilles, as determined under § 1.863–6. For 1963, 40 percent of the gross income of R Corporation is derived from sources within Puerto Rico and 60 percent of the gross income of R Corporation is derived from sources within the Netherlands Antilles, as determined under § 1.863–6. During all of 1963, D is a bona fide resident of Puerto Rico. With respect to R Corporation, D is not a United States person for 1963 because D is a bona fide resident of Puerto Rico for all of 1963; 55 percent of the gross income of R Corporation for 1962 is derived from sources within Puerto Rico; and D owns stock in R Corporation at some time during 1963. Accordingly, R Corporation is not a controlled foreign corporation at any time in 1963. In making this determination, it is immaterial that R Corporation does not satisfy the 50-percent gross income test for 1963, the taxable year during all of which D is a resident of Puerto Rico.

*Example (3).* Foreign corporation R is incorporated on January 1, 1962, under the laws of Puerto Rico. D, a United States citizen, owns all the one class of stock of R Corporation throughout 1962 and 1963. D and corporation R use the calendar year as the taxable year. For 1962, 45 percent of the gross income of R Corporation is derived from sources within Puerto Rico and 55 percent of the gross income of R Corporation is derived from sources within the Netherlands Antilles, as determined under § 1.863–6. For 1963, 60 percent of the gross income of R Corporation is derived from sources within Puerto Rico and 40 percent of the gross income of R Corporation is derived from sources within the Netherlands Antilles, as determined under § 1.863–6. With respect to R Corporation, D is a United States person for 1963, since R Corporation does not satisfy the 50-percent gross income test for 1962. Accordingly, R Corporation is a controlled foreign corporation for all of 1963.

*Example (4).* Foreign corporation S is incorporated on July 1, 1962, under the laws of Puerto Rico. Corporation S uses the fiscal year ending on June 30 as the taxable year. For its fiscal year ending on June 30, 1963, 55 percent of the gross income of S Corporation is derived from sources within Puerto Rico and 45 percent of the gross income of S Corporation is derived from sources within Switzerland, as determined under § 1.863–6. For its fiscal years ending on June 30, 1964, and June 30, 1965, respectively, 40 percent of the gross income of S Corporation is derived from sources within Puerto Rico and 60 percent of the gross income of S Corporation is derived from sources within Switzerland, as determined under § 1.863–6. B, a United States citizen, who uses the calendar year as the taxable year, is a bona fide resident of Puerto Rico for all of 1964. On July 1, 1964, B acquires, and holds throughout the remainder of 1964, all of the one class of stock of S Corporation. With respect to S Corporation for its taxable year ending June 30, 1964, B is a United States person because—

(a) Although B is a bona fide resident of Puerto Rico for his entire year 1964 in which ends S Corporation's taxable year ending June 30, 1964, and S Corporation meets the 50-percent gross income test for the applicable part of the 3-year period ending June 30, 1963, B does not own stock in S Corporation during the period beginning January 1, 1964, and ending June 30, 1964, and

(b) Although B owns stock in S Corporation during the period beginning July 1, 1964, and ending December 31, 1964, S Corporation does not meet the 50-percent gross income test for the applicable part of the 3-year period ending June 30, 1964.

Accordingly, with respect to B, S Corporation is a controlled foreign corporation for its entire taxable year ending June 30, 1964.

*Example (5).* The facts are the same as in example (4), except B buys all of the stock of S Corporation on June 1, 1964, rather than on July 1, 1964. With respect to S Corporation for its taxable year ending June 30, 1964, B is not a United States person because B is a bona fide resident of Puerto Rico for his entire taxable year 1964 in which ends S Corporation's taxable year ending June 30, 1964; S Corporation meets the 50-percent gross income test for the applicable part of the 3-year period ending June 30, 1963; and B owns stock in S Corporation during the period beginning January 1, 1964, and ending June 30, 1964. Accordingly, with respect to B, S Corporation is not a controlled foreign corporation at any time during its taxable year ending June 30, 1964.

(c) *Virgin Islands corporation and resident.* With respect only to a foreign corporation created or organized in, or under the laws of, the Virgin Islands—

(1) If an individual (who, without regard to this paragraph, is a United States person) is a bona fide resident of the Virgin Islands as of the last day of his taxable year in which or with which the taxable year of such foreign corporation ends, and

(2) Such individual's income tax obligations under subtitle A (relating to income taxes) of the Code for his taxable year are satisfied, in accordance with section 28(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1642), by paying the tax on his income derived from all sources, both within and outside the Virgin Islands, into the treasury of the Virgin Islands, then, such individual shall not be considered a United States person with respect to such corporation for the taxable year of such corporation which ends with or within the taxable year of such person. The application of this paragraph may be illustrated by the following examples:

*Example (1).* Foreign corporation S, incorporated under the laws of the Virgin Islands, is wholly owned by D, a United States citizen. Corporation S uses the fiscal year ending on June 30 as the taxable year, and D uses the calendar year as the taxable year. From September 1, 1963, to December 31, 1964, inclusive, D is a bona fide resident of the Virgin Islands. For 1963 and 1964, D satisfies his income tax obligations under section 28(a) of the Revised Organic Act of the Virgin Islands by paying the tax on his income derived from all sources, both within and outside the Virgin Islands, into the treasury of the Virgin Islands. With respect to S Corporation for its taxable years ending June 30, 1963, and 1964, D is not a United States person. Accordingly, S Corporation is not a controlled foreign corporation for such taxable years of such corporation.

*Example (2).* The facts are the same as in example (1), except that from August 15, 1964, to December 31, 1964, inclusive, D is a bona fide resident of the United States. Thus, D does not satisfy his income tax obligations for 1964 under section 28(a) of the Revised Organic Act of the Virgin Islands. The result is the same as in example (1), except that with respect to S Corporation for its taxable year ending June 30, 1964, D is a United States person and, accordingly, S Corporation is a controlled foreign corporation for such taxable year of such corporation.

(d) *Corporation and resident of other United States possessions.* With respect only to a foreign corporation created or organized in, or under the laws of, any possession of the United States (other than Puerto Rico or the Virgin Islands)—

(1) If an individual (who, without regard to this paragraph, is a United States person) is a bona fide resident of such possession during his entire taxable year in which or with which the taxable year of such foreign corporation ends, and

(2) Any part or all of such individual's income (other than amounts includible in his gross income under section 951(a)) for his taxable year derived, in accordance with § 1.863–6, from sources within any possession of the United States (whether or not the possession of which such individual is a resident) is not, as a result of the application of section 931, included in his gross income for his taxable year,

then, such individual shall not be considered a United States person with respect to such corporation for the taxable year of such corporation which ends with or within the taxable year of such person. Subparagraph (2) of this paragraph shall apply only for purposes of determining whether an individual is a United States person; after such determination has been made, section 931 shall be applied to the gross income (including amounts includible in gross income under section 951(a)) of such individual to determine the amount to be excluded from such individual's gross income under section 931. The application of this paragraph may be illustrated by the following examples:

*Example (1).* Foreign corporation R, incorporated under the laws of Guam, is wholly owned by D, a United States citizen. D and corporation R use the calendar year as the taxable year, and the cash receipts and disbursements method of accounting. D is a bona fide resident of Guam for all of 1963 and all of his income of $30,000 (determined without taking into account amounts includible in his gross income under section 951(a)) is derived from sources within Guam. Of such income, $24,000 is received in Guam and $6,000 is received in the United States. D meets the 3-year test of section 931(a) and, but for the application of section 931(b), all of his income of $30,000 would be excluded from gross income for 1963 under section 931. However, in accordance with section 931(b) and paragraph (c) of § 1.931–1, the $6,000 received in the United States is included in gross income. Nevertheless, since part ($24,000) of his income of $30,000 for 1963 derived, in accordance with § 1.863–6, from sources within Guam is not, as a result of the application of section 931, included in his gross income, D is not a United States person with respect to R Corporation for its taxable year 1963. Accordingly, R Corporation is not a controlled foreign corporation for its taxable year 1963.

*Example (2).* The facts are the same as in example (1), except that, instead of receiving the $6,000 in the United States, D receives $10,000 of the $30,000 in Guam for services performed for an agency of the United States. Under § 1.863–6, all of D's income for 1963 is income derived from sources within Guam. However, since D's income of $10,000 from the agency of the United States is deemed under section 931(1) to be derived from sources within the United States for purposes of section 931, at least 80 percent of his gross income for 1963, determined without the application of section 931, is not derived from sources within Guam. Accordingly, since no part of D's gross income of $30,000 for 1963 derived, in accordance with § 1.863–6, from sources within Guam is, as a result of the application of section 931, excluded from gross income for 1963, D is a United States person with respect to R Corporation for R Corporation's taxable year 1963. Accordingly, R Corporation is a controlled foreign corporation for its taxable year 1963.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917, 26 U.S.C. 7805)

[F.R. Doc. 64–12289; Filed, Dec. 1, 1964; 8:48 a.m.]



SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6774]

## PART 45—MISCELLANEOUS STAMP TAXES

### Time for Filing Returns

In order to clarify §§ 45.4901–1 and 45.6071–2 of the Miscellaneous Stamp Tax Regulations (26 CFR Part 45), relating to the payment of, and time for filing returns in the case of, special taxes, such sections are amended as follows:

PARAGRAPH 1. Section 45.4901–1 is amended by revising paragraph (a) to read as follows:

**§ 45.4901–1 Payment of Special tax.**

(a) *Condition precedent to carrying on certain business.* No person shall maintain for use or permit the use of, on any place or premises occupied by him, a coin-operated gaming device defined in section 4462(a)(2) (see paragraphs (b) and (c) of § 45.4462–1) until he has filed a return on Form 11–B and paid the special tax imposed by section 4461(a)(2). See § 45.6071–2 for time for filing Form 11–B. A separate tax is payable with respect to each such device so maintained for use or permitted to be used, and such tax must be paid before such device is so maintained or permitted to be used. For registration requirements

relating to special taxes imposed by sections 4461, 4471, 4821, and 4841, see §§ 45.7011 and 45.7011–1.

* * * * *

PAR. 2. Section 45.6071–2 is amended by revising paragraph (a) to read as follows:

**§ 45.6071–2 Special taxes.**

(a) *Coin-operated gaming devices return on Form 11–B.* If a person maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated gaming device as defined in section 4462(a)(2) (see § 45.4901–1), then before such device may be so maintained or permitted to be used a Form 11–B must be filed and the special tax imposed by section 4461(a)(2) must be paid. The first return required to be made on Form 11–B shall be filed to cover the period beginning with the first day of the calendar month in which such person first so maintains or permits the use of such device and ending with the following June 30. Thereafter each return required to be made on Form 11–B with respect to such gaming devices shall be filed on or before July 1 to cover a 1-year period (beginning July 1 and ending June 30 of the following calendar year) during which the tax liability continues. If a Form 11–B has been filed and the special tax imposed by section 4461(a)(2) has been paid with respect to one or more coin-operated gaming devices and if, after the filing of such form and the payment of such special tax and before the following July 1, one or more additional coin-operated gaming devices are to be maintained for use or permitted to be used, then with respect to such additional devices another return or returns on Form 11–B must be filed and the special tax (computed under paragraph (b) of § 45.4901–1) must be paid before such additional devices can be so maintained for use or permitted to be used.

* * * * *

Because this Treasury decision amends the existing regulations merely by clarifying the requirements for filing a return on Form 11–B and for paying the special tax imposed by section 4461(a)(2) with respect to additional coin-operated gaming devices placed in operation during a taxable year, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: November 27, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–12290; Filed, Dec. 1, 1964; 8:49 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3465]

[Montana 066056]

### MONTANA

PARTLY REVOKING RECLAMATION WITHDRAWAL (SUN RIVER PROJECT)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The Departmental Order of September 20, 1904, which withdrew lands for reclamation purposes, is hereby revoked so far as it affects the following-described lands:

MONTANA PRINCIPAL MERIDIAN

T. 20 N., R. 2 W.,
Sec. 16, N½NE¼ and NW¼.

Containing 240 acres.

The lands are State school lands pursuant to section 10 of the Act of February 22, 1889 (25 Stat. 679).

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64–12259; Filed, Dec. 1, 1964; 8:46 a.m.]

[Public Land Order 3464]

[88673]

### NEVADA

### Adding Lands to Grazing Districts

By virtue of the authority contained in section 1 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315), as amended, the areas hereafter described, are hereby added to Nevada Grazing Districts No. 5 and 6 as indicated, and the public lands therein shall hereafter be subject to all laws and regulations applicable to public lands in grazing districts, effective on and after the date of publication of this order in the FEDERAL REGISTER:

MOUNT DIABLO MERIDIAN

GRAZING DISTRICT NO. 5

T. 1 S., R. 54 E.,
Sec. 4, SE¼, SE¼NE¼;
Sec. 8, SE¼SE¼;
Sec. 9, E½, SW¼;
Sec. 16;
Sec. 17, E½, SW¼;
Sec. 20, E½, E½NW¼, NW¼NW¼;
Secs. 21 and 28;
Sec. 29, E½NE¼, NW¼NE¼;
Sec. 33, NE¼, E½SE¼, E½NW¼.
T. 2 S., R. 53 E.,
Sec. 35, SE¼;
Sec. 36, S½, E½NE¼, SW¼NE¼.
T. 2 S., R. 54 E.,
Sec. 4, E½E½;
Sec. 9, E½;
Sec. 16, E½, SW¼, S½NW¼;
Sec. 17, S½, S½NE¼, SE¼NW¼;
Secs. 20, 22, 28, and 29;
Sec. 30, NE¼NE¼, S½NE¼, SE¼, E½SW¼, SW¼SW¼;
Secs. 31, 32, and 33.

The areas described aggregate approximately 10,920 acres of public and nonpublic land.

GRAZING DISTRICT NO. 6

T. 1 S., R. 51 E. (Unsurveyed).
T. 1 S., R. 51½ E. (Unsurveyed).
T. 2 S., R. 51½ E. (Unsurveyed).
T. 1 S., R. 52 E. (Unsurveyed).
T. 2 S., R. 52 E. (Unsurveyed).
T. 1 S., R. 53 E.
T. 2 S., R. 53 E.,
Secs. 1 through 34;
Sec. 35, N½, SW¼;
Sec. 36, NW¼, NW¼NE¼.
T. 1 S., R. 54 E.,
Sec. 4, W½, W½NE¼, NE¼NE¼;
Secs. 5, 6, and 7;
Sec. 8, All except SE¼SE¼;
Sec. 17, NW¼;
Secs. 18 and 19;
Sec. 20, SW¼, SW¼NW¼;
Sec. 29, S½NW¼, SW¼NE¼;
Secs. 30, 31, and 32;
Sec. 33, SW¼, W½SE¼, W½NW¼.
T. 2 S., R. 54 E.,
Sec. 4, W½, W½E½;
Secs. 5, 6, 7, and 8;
Sec. 9, W½;
Sec. 16, N½NW¼;
Sec. 17, N½N½, SW¼NW¼;
Secs. 18 and 19;
Sec. 30, NW¼, NW¼NE¼, NW¼SW¼.

The areas described aggregate approximately 144,725 acres of public and nonpublic lands.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64–12258; Filed, Dec. 1, 1964; 8:46 a.m.]

[Public Land Order 3466]

[Nevada 064464]

### NEVADA

### Adding Lands to Humboldt National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby added to and made part of the Humboldt National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MOUNT DIABLO MERIDIAN

T. 37 N., R. 61 E.,
Secs. 29 and 33.
Containing 1,280 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64–12260; Filed, Dec. 1, 1964; 8:46 a.m.]



[Public Land Order 3467]

[Colorado 019088]

### COLORADO

### Withdrawal for Fruitland Mesa Project

By virtue of the authority contained in the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, (Chap. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the Fruitland Mesa Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 50 N., R. 6 W.,
Sec. 5, W½SE¼ and SE¼SE¼;
Sec. 7, lot 4, SE¼SW¼, and S½SE¼;
Sec. 8, N½NE¼;
Sec. 17, W½NW¼;
Sec. 18, E½NW¼;
Sec. 19, SE¼NE¼;
Sec. 30, lots 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.
T. 50 N., R. 7 W.,
Sec. 2, SE¼SW¼ and SE¼;
Secs. 3, 4, 5, and 6;
Sec. 7, N½NE¼ and NE¼NW¼;
Sec. 8, E½NE¼, NW¼NE¼, N½NW¼, E½SW¼, and SE¼;
Sec. 9, N½, SW¼, and W½SE¼;
Sec. 10, N½;
Sec. 11, NW¼NE¼, NE¼NW¼, S½N½, and S½;
Sec. 12, S½N½;
Sec. 13, S½;
Sec. 14, E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 16, N½NW¼;
Sec. 17, E½NE¼;
Sec. 23, E½, and E½NW¼;
Secs. 24 and 25;
Sec. 26, NE¼, and E½SE¼.
T. 51 N., R. 7 W.,
Sec. 7, lots 2, 3, SE¼SW¼, and S½SE¼;
Sec. 8, lot 1, and S½S½;
Sec. 9, lots 1, 2, SW¼SW¼, and SE¼SE¼;
Sec. 14, S½NE¼, and NE¼SE¼;
Sec. 16, SW¼NW¼, and NW¼SW¼;
Sec. 17, NE¼NW¼;
Sec. 18, N½NE¼;
Sec. 29, S½SW¼;
Sec. 30, lots 2, 3, 4, SE¼NW¼, E½SW¼, and S½SE¼;
Sec. 31;
Sec. 32, S½NE¼, W½, and SE¼;
Sec. 33, E½NW¼, SW¼NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 34, SW¼NE¼, E½NW¼, NE¼SW¼, NW¼SE¼, and S½S½.
T. 50 N., R. 8 W.,
Sec. 1, lots 1 to 4 incl., S½N½, NE¼SW¼, and SE¼;
Sec. 2, lots 1 to 4 incl., S½N½;
Sec. 3, lots 1 to 4 incl., S½N½, NE¼SW¼, and NW¼SE¼;
Sec. 4, lots 1 to 3 incl., and S½NE¼.
T. 51 N., R. 8 W.,
Sec. 8, lot 1;
Sec. 14, NE¼NE¼;
Sec. 20, SE¼SE¼;
Sec. 21, NE¼NE¼, NE¼SE¼, and S½S½;
Sec. 22, N½NW¼, and S½;
Sec. 23, SW¼SW¼, and S½SE¼;
Sec. 24, S½SE¼;
Sec. 25, NE¼NW¼, S½N½, and S½;
Sec. 26, NW¼NW¼, S½N½, and S½;
Sec. 27, and 28;
Sec. 29, SE¼NE¼, and E½SE¼;
Sec. 32, E½;
Secs. 33, 34, 35, and 36.

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 92 W.,
Sec. 31, SE¼NW¼ and NE¼SE¼;
Sec. 32, S½SW¼;
Sec. 34, SE¼SW¼ and SW¼SE¼.
T. 15 S., R. 93 W.,
Sec. 25, S½S½;
Sec. 26, SW¼ and NW¼SE¼;
Sec. 27, NE¼SE¼ and S½SE¼;
Sec. 34, NW¼NE¼, NE¼NW¼, S½NW¼, NE¼SW¼, and W½SW¼;
Sec. 35, E½NW¼;
Sec. 36, SW¼NE¼.

The areas described aggregate approximately 20,939 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64–12261; Filed, Dec. 1, 1964; 8:46 a.m.]

[Public Land Order 3468]

[Arizona 032133]

### ARIZONA

### Withdrawing Lands for Federal Aviation Agency Facilities

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for the maintenance of a Federal Aviation Agency air navigation facility, as a part of ANS withdrawal, Arizona No. 1:

GILA AND SALT RIVER MERIDIAN

T. 16 N., R. 21 W.,
Sec. 14, E½SW¼NE¼SW¼, SE¼NE¼SW¼, SW¼NW¼SE¼, W½SE¼NW¼SE¼, N½NW¼SW¼SE¼, E½SW¼SE¼, S½SW¼SW¼SE¼, N½N½SE¼SW¼, and S½S½SE¼SW¼.

The areas described aggregate approximately 80 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

JOHN A. CARVER, JR.
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64–12262; Filed, Dec. 1, 1964; 8:46 a.m.]

[Public Land Order 3469]

[Utah 025597]

### UTAH

### Withdrawal for Proposed Marble Canyon Project

By virtue of the authority contained in the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the proposed Marble Canyon Project:

SALT LAKE MERIDIAN

T. 42 S., R. 1 W.,
Sec. 17, W½NE¼, and W½.
T. 43 S., R. 1 W.,
Sec. 13, E½NE¼, SE¼SW¼, and SE¼;
Sec. 24, NW¼NE¼.
T. 43 S., R. 2 W.,
Sec. 8, SE¼NE¼;
Sec. 9, SW¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 10, S½SW¼;
Sec. 11, SW¼;
Sec. 14, W½, and W½SE¼;
Sec. 15, E½, N½NW¼, SE¼NW¼, and SW¼;
Sec. 22;
Sec. 23, SW¼NE¼, W½, and W½SE¼;
Sec. 26, NW¼;
Sec. 27, E½, E½W½, and NW¼NW¼;
Sec. 33, SW¼NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 34, NE¼, E½NW¼, and S½.
T. 44 S., R. 2 W.,
Sec. 1, NW¼;
Secs. 2 and 3;
Sec. 4, N½, SW¼, and N½SE¼;
Sec. 5, SE¼SE¼;
Sec. 8, lot 4 and NE¼NE¼;
Sec. 9, lots 1, 2, and N½NW¼;
Sec. 10, lots 3, 4, and N½NE¼;
Sec. 11.

The areas described aggregate approximately 7,605 acres.

2. The use and administration of the lands affected by this order will become subject to the provisions of the reclamation laws, including the use of the lands under lease, license, or permit, at such time as the Marble Canyon Project is authorized by the Congress.

3. Pending authorization of the Marble Canyon Project the withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit or the disposal of their mineral and vegetative resources, other than the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purposes for which the lands are withdrawn.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64–12263; Filed, Dec. 1, 1964; 8:46 a.m.]

[Public Land Order 3470]

[Wyoming 0308010]

## WYOMING

### Partly Revoking Stock Driveway Withdrawals

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental Orders of October 20, 1917, August 7, 1929, and May 13, 1944, withdrawing lands for stock driveway purposes, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

a. *Stock Driveway No. 3 (October 29, 1917)*

T. 44 N., R. 76 W.,
Sec. 5, lots 7, 8, 9, 10, 15, 16, 17, and 18;
Sec. 6, lots 8, 9, 10, 11, and 14.
T. 43 N., R. 77 W.,
Sec. 6, lots 8, 9, 10, and 11.
T. 44 N., R. 77 W.,
Sec. 28, E½;
Sec. 33, N½.
T. 43 N., R. 78 W.,
Sec. 12, W½;
Sec. 30, lots 1, 2 NE¼, and E½NW¼.

b. *Stock Driveway No. 201 (August 14, 1929)*

T. 41 N., R. 78 W.,
Sec. 5, SW¼SW¼;
Sec. 6, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, E½E½ and NW¼NE¼;
Sec. 8, NW¼NW¼, S½NW¼, SW¼, and SW¼SE¼;
Sec. 17, W½E½ and W½;
Sec. 20, W½E½ and W½;
Sec. 29, W½NE¼ and NW¼.

c. *Stock Driveway No. 3 (June 3, 1944)*

T. 49 N., R. 79 W.,
Sec. 8, E½SE¼;
Sec. 9, SW½SW¼;
Sec. 26, N½NW¼, SW¼NW¼, and NW¼SW¼.

The areas described total 4,538.06 acres.

2. Until 10:00 a.m. on May 27, 1965, the State of Wyoming shall have the preferred right of application to select the lands, as provided by R.S. 2276 as amended (43 U.S.C. 852).

3. Beginning at 10:00 a.m. on May 27, 1965, the lands shall be subject to operation of the public land laws, generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on May 27, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the mining laws, subject to the regulation in 43 CFR 3400.3 (formerly 43 CFR 185.35).

The lands are located in Johnson County, north of Casper, Wyoming. They are primarily valuable for grazing. Soils are variable, ranging from shallow to a deep classification and supporting vegetative associations of sage brush, native forbs and grasses. Elevation varies from 4,700 feet to 4,900 feet above sea level and the yearly precipitation is from 8 to 12 inches.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64-12264; Filed, Dec. 1, 1964; 8:46 a.m.]

[Public Land Order 3471]

## WYOMING

### Partial Revocation of Stock Driveway Withdrawals

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental Order of May 24, 1918, creating Stock Driveway Withdrawal No. 21, Wyoming No. 5, is hereby revoked so far as it affects the following-described lands:

WYOMING 0308866

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 101 W.,
Secs. 14, 23, 25, 26.
T. 16 N., R. 114 W.,
In secs. 1 to 6 inclusive, lots 1 to 4 inclusive in each section.
T. 16 N., R. 115 W.,
In secs. 1 to 5 inclusive, lots 1 to 4 inclusive in each section.

The areas described aggregate 3094.82 acres. The lands are located in southwestern Wyoming. Topography consists of mountain foothills with nearly level plateaus, to rough and broken terrain. Cover is mainly big sagebrush-grassland associations.

2. The Departmental Order of August 17, 1921, creating Stock Driveway Withdrawal No. 147, is hereby revoked so far as it affects the following described public lands:

WYOMING 0308867

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 101 W.,
Sec. 27, S½SE¼;
Sec. 31, lots 3, 4, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 32, S½N½, N½S½, and SW¼SW¼;
Sec. 33, SW¼NE¼ and S½NW¼;
Sec. 34, N½NW¼.
T. 29 N., R. 102 W.,
Sec. 29, SW¼NW¼, SW¼, and S½SE¼;
Sec. 30, lots 1, 2, NW¼NE¼, S½NE¼, E½NW¼, and N½SE¼;
Sec. 32, NE¼;
Sec. 33, E½NE¼, NW¼NW¼, and S½NW¼;
Sec. 34, NW¼NE¼, S½NE¼, NW¼, and N½SE¼;
Sec. 35, S½N½, N½SW¼, and SE¼.
T. 29 N., R. 103 W.,
Sec. 6, lots 4, 5, 6, 7, E½SW¼, and S½SE¼;
Sec. 7, NE¼;
Sec. 8, E½NW¼, NW¼NW¼, and S½;
Sec. 9, SW¼ and S½SE¼;
Sec. 14, SW¼SW¼;
Sec. 15, S½NW¼ and S½;
Sec. 22, E½NE¼;
Sec. 23, NW¼NW¼, S½NW¼, and S½;
Sec. 24, SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 25, NE¼ and NE¼NW¼.
T. 30 N., R. 103 W.,
Sec. 31, lot 4.
T. 29 N., R. 104 W.,
Sec. 1, lot 1 and SE¼NE¼.
T. 30 N., R. 104 W.,
Sec. 17, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 19, lots 1, 2, 3, 4, and E½W½;
Sec. 20, NE¼;
Sec. 21, N½;
Sec. 22, NW¼ and S½;
Sec. 26, NW¼NW¼, S½NW¼, and S½;
Sec. 27, NE¼.
T. 30 N., R. 105 W.,
Sec. 22, S½;
Sec. 23, S½;
Sec. 24, S½.

The areas described aggregate 8,706.47 acres.

The lands are located in Fremont and Sublette Counties. Elevations vary from 7,200 feet to 8,000 feet. Vegetative cover is characterized by big sagebrush-grassland associations.

3. The Departmental Order of March 29, 1919, creating Stock Driveway Withdrawal No. 78, Wyoming No. 11, is hereby revoked so far as it affects the following-described lands:

WYOMING 0308865

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 117 W.,
Sec. 2, lot 8, SW¼NW¼, and W½SW¼;
Sec. 10, E½E½;
Sec. 22, E½;
Sec. 34, W½W½.
T. 15 N., R. 118 W.,
Sec. 4, lot 1, SE¼NE¼, and S½;
Sec. 18, E½E½;
Sec. 20, W½W½;
Sec. 30, E½E½;
Sec. 32, W½W½.
T. 16 N., R. 118 W.,
Sec. 10, E½E½;
Sec. 22, E½E½;
Sec. 26, W½W½;
Sec. 34.
T. 12 N., R. 119 W.,
Sec. 2, lot 1, SE¼NE¼, and E½SE¼;
Sec. 12, W½W½;
Sec. 14, E½E½;
Sec. 24, lot 4, W½NW¼, and NW¼SW¼.
T. 13 N., R. 119 W.,
Sec. 24, W½W½.
T. 14 N., R. 119 W.,
Sec. 12, W½W½;
Sec. 14, E½E½;
Sec. 24, W½W½;
Sec. 26, E½E½.

The areas described aggregate 4,385.88 acres.

The lands are located in the southwest portion of Uinta County, at elevations running from 7,000 feet to 8,800 feet. Vegetative cover is characterized by big sagebrush-grassland associations, at the lower elevations and aspen-lodgepole associations at the higher levels.

4. Until 10 a.m., May 27, 1965, the State of Wyoming shall have the right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 27, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the mining laws, subject to the regulations in 43 CFR 3400.3 (formerly 43 CFR 185.35).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64-12265; Filed, Dec. 1, 1964; 8:46 a.m.]

[Public Land Order 3472]

[Wyoming 0308925]

## WYOMING

### Partly Revoking Reclamation Withdrawals (Kendrick Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental Orders of October 13, 1933, and September 6, 1934, and any other order withdrawing lands for reclamation purposes as authorized by the Act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 31 N., R. 81 W.,
Sec. 19, lots 2, 3, 4, and NE¼SE¼;
Sec. 30, SE¼SE¼;
Sec. 31, E½NE¼, NW¼NE¼, SE¼SE¼, and NE¼NW¼;
Sec. 32, NW¼.
T. 31 N., R. 82 W.,
Sec. 24, SE¼;
Sec. 25, E½;
Sec. 34, N½SW¼ and SE¼SW¼.

The areas described aggregate 905.35 acres of patented land, and 240 acres of public land.

2. At 10:00 a.m. on May 27, 1965, the following-described lands shall be open to such forms of disposition as may by law be made of lands withdrawn for stock driveways:

T. 31 N., R. 82 W.,
Sec. 24, S½SE¼;
Sec. 25, NE¼.

The areas described aggregate 240 acres.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64-12266; Filed, Dec. 1, 1964; 8:47 a.m.]

[Public Land Order 3473]

[Idaho 015017]

## IDAHO

### Opening Reclamation Lands to Mineral Location, Entry and Patent (Owyhee Project)

By virtue of the authority contained in the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following-described lands (except as provided in paragraph 2 hereof) shall, at 10:00 a.m. on December 31, 1964, be open to location and entry and patent under the United States mining laws:

BOISE MERIDIAN

T. 8 N., R. 6 E.,
Sec. 3, lots 1 to 8, inclusive, S½NW¼ and S½NE¼.
T. 9 N., R. 6 E.,
Sec. 32, lots 1 to 6, inclusive, 11, 12, and NW¼NW¼;
Sec. 33, lot 2 and SE¼SW¼;
Sec. 34, lots 3 and 4.

The areas described aggregate approximately 618 acres in the Boise National Forest.

2. The NW¼NW¼ of section 32 and a strip of land 200 feet on each side of South Fork Payette River Road No. 24 through lots 1, 2, 3, and 4 are under application for withdrawal from mineral entry by the Forest Service, Department of Agriculture and these lands are temporarily segregated from disposal under the mining laws in accordance with the regulations in 43 CFR 295.11(a).

3. The opening made by this order shall be subject to the stipulations quoted below and which are made a part of this order, to be executed and acknowledged in favor of the United States by the locators for themselves, their heirs, successors, and assigns, and recorded in the county records, and in the United States Land Office at Boise, Idaho before any rights attach by virtue of this order:

a. That no dredging or placer mining operations shall at any time be conducted on these premises, and that no other type of prospecting or mining operations shall be carried on upon the premises, nor anything else be done thereon which would subject downstream irrigation facilities owned or controlled by the United States of America to siltation in the course of normal or extraordinary water runoff.

b. Reserving unto the United States of America the right to cross the land with irrigation facilities including, but not limited to pipelines, ditches, canals, roads, and electrical transmission and distribution lines.

c. Reserving unto the United States of America a flowage easement over the land for any reservoir including the right as of the time of the exercise of the flowage easement to have full supervision and control of the area submerged and of a 300-foot strip parallel to and measured horizontally from the high water line of the reservoir.

d. Reserving unto the United States of America the right to take and remove from the lands construction material for use in the construction, operation or maintenance of irrigation facilities.

e. Reserving unto the United States of America the right to remove all buildings, structures, trees, plants, shrubs and other surface obstructions or materials interfering with or which would interfere with the construction, operation and maintenance of reservoirs or other irrigation facilities.

f. All necessary and feasible steps shall be taken to preserve existing vegetation on the land and any areas from which vegetation is destroyed shall be seeded with perennial grass, preferably crested wheat grass, as soon as mining operations permit.

g. All overburden shall, as soon as mining operations permit, be replaced in the excavated areas and graded to a slope no steeper than 1 to 1.

As the lands are included in the order creating Power Site Classification No. 146, the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621) are applicable.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64-12267; Filed, Dec. 1, 1964; 8:47 a.m.]



# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

### PART 0—THE COMMISSION

### Credentials Required by Special Agents, Accountants, and Examiners

In the matter of credentials of persons appointed as special agents, accountants, and examiners of the Commission.

Present: Abe McGregor Goff, Chairman, to whom the matter which is the subject of this order has been delegated.

It appearing, that the matter of appointing and authorizing certain designated persons having credentials to enter upon, to inspect and examine any and all lands, buildings and equipment of carriers and other persons subject to the Interstate Commerce Act, as amended, and related Acts, and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of carriers, and other persons subject to the Act needs consideration;

It further appearing, that the Interstate Commerce Commission Order of September 20, 1963, respecting reorganization of the field offices became effective January 1, 1964;

And it further appearing, that the regulations to be effectuated by this Order concern rules relating to agency personnel, and that public rule making procedures as required by section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), are unnecessary; and good cause appearing therefor:

*It is ordered*, That paragraphs (c), (d), (e), (f), and (g) of § 0.5 *Credentials required by special agents, accountants, and examiners*, be, and they are hereby amended to read as follows:

**§ 0.5 Credentials required by special agents, accountants, and examiners.**

* * * * *

(c) Definition of special agents, accountants, and examiners. The duties of the following described employees, and such other employees of the Commission as the Chairman shall specify in writing, include those of special agent, accountant or examiner and they are hereby authorized to inspect and copy records and to inspect and examine lands, buildings and equipment in the same manner and to the same extent as special agents, accounts and examiners:

Directors and Assistant Directors, Chiefs and Assistant Chiefs of Sections and Branches of:
Bureau of Accounts.
Bureau of Inquiry and Compliance.
Bureau of Motor Carriers.
Bureau of Safety and Service.
Bureau of Water Carriers and Freight Forwarders; and, Locomotive Inspection.
Attorneys.
District Directors.
Assistant District Directors.
Field Assistants.
District Supervisors.
Safety and Service Agents.
Appraisers.
Motor Carrier Safety Inspectors.
Regional Directors.
Field Safety Specialists.
Assistant Regional Directors.
Regional Supervisors.
Field Supervisors.
Accident Analysts.
Supervisory Inspectors.
Regional Managers.
Auditors.
Inspectors of Locomotives.
Inspectors of Railway Signals and Train Control.
Rate Agents.
Engineers.
Equipment Specialists.
Engineering Technicians.
Transportation Agents.
Transportation Cost Analysts.

(d) Locomotive Inspection. Persons appointed as Director and Assistant Director, Bureau of Safety and Service; Director and Assistant Director of Locomotive Inspection; district supervisors (locomotives); and, inspectors of locomotives; are authorized and empowered to exercise all the powers of inspection and examination conferred by the Locomotive Inspection Act, as amended, including to the extent deemed necessary by them to carry out their duties, authority to inspect and copy records of carriers pertaining to locomotives and to enter and be upon and to inspect property of carriers, other than locomotives.

(e) Inspection of railroad equipment while in operation. The Director and Assistant Director of Locomotive Inspection; district supervisors (locomotives); inspectors of locomotives; Director and Assistant Directors, Bureau of Safety and Service; Chiefs and Assistant Chiefs of Sections and Branches, Bureau of Safety and Service; equipment specialists; engineers and engineering technicians; regional and assistant regional directors; regional supervisors; field supervisors; and, safety and service agents; when engaged in the inspection or examination of equipment with respect to safety of operations or standards of equipment, are authorized to inspect or examine such equipment while in operation, including traveling or riding in or upon such equipment), when, in their opinion, it is necessary to determine the operational characteristics of such equipment with respect to safety of operation or compliance with standards prescribed by law or by regulations of the Commission.

(f) Examination and testing of railway signals and train controls. Persons appointed as supervisory inspectors and inspectors of railway signals and train control are authorized to enter and be upon property of carriers including vehicles in operation and to inspect and test any signal or train control system, device, and appliance uesd by any railroad to determine whether such system, device and appliance is in proper condition to operate and to provide adequate safety protection. These persons are also authorized to inspect and copy any carrier records pertaining to any signal or train control system, device and appliance or which they may deem necessary to investigation of accidents.

(g) Inspection of motor vehicles while in operation. Persons appointed in the Bureau of Motor Carriers as Director and Assistant Director; Chiefs and Assistant Chiefs of Sections and Branches; mechanical engineers; district and assistant district directors; district supervisors; safety inspectors; and, field safety specialists; are authorized to ride on or in any motor vehicle of carriers subject to the safety provisions of the Interstate Commerce Act whenever such action is deemed to be necessary in order to determine the operational characteristics of the vehicle or any equipment thereof with respect to safety or operation or compliance with standards prescribed by law or regulations of the Commission.

* * * * *

(Sec. 12(1), 24 Stat. 383, as amended; 49 U.S.C. 12, sec. 20(5), 24 Stat. 386, as amended; 49 U.S.C. 20, sec. 220(d), 49 Stat. 563, as amended; 49 U.S.C. 320, sec. 313(f), 54 Stat. 944, as amended; 49 U.S.C. 913, sec. 412(d), 56 Stat. 294, as amended; 49 U.S.C. 1012, sec. 25(d), 41 Stat. 496, as amended; 49 U.S.C. 26, sec. 6, 36 Stat. 915, as amended; 45 U.S.C. 29)

*It is ordered*, That this order shall be effective forthwith.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 24th day of November A.D. 1964.

By the Commission, Chairman Goff.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12278; Filed, Dec. 1, 1964; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

## PART 256—FISHING VESSEL CONSTRUCTION DIFFERENTIAL SUBSIDY PROCEDURES

On page 13902 of the FEDERAL REGISTER of October 8, 1964, there was published a notice and text of a proposed revision of Part 256. The purpose of the revision is to incorporate those changes necessitated by the enactment of the United States Fishing Fleet Improvement Act (P.L. 88-498) which was approved August 30, 1964. Due to the numerous changes being proposed, the procedures will be more readily understood if the entire part is published in revised form.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed revision. Several comments and suggestions were received and all have been considered. The proposed revision is hereby adopted so as to include applicable suggested changes.

These regulations shall become effective at the beginning of the 20th calendar day following the date of publication in the FEDERAL REGISTER.

Part 256 is revised to read as follows:

Sec.
256.1 Basis and purpose.
256.2 Definitions.
256.3 Eligibility requirements.
256.4 Applications.
256.5 Notice and hearing.
256.6 Subsidy contract.
256.7 Vessel operations.
256.8 Penalties.
256.9 Inspection of vessels.
256.10 Payment of subsidy.

AUTHORITY: The provisions of this Part 256 issued under sec. 10, Public Law 86-516, as amended.

### § 256.1 Basis and purpose.

(a) The Act of June 12, 1960 (Public Law 86-516), as amended and hereinafter referred to as the Act, authorizes the Secretary of the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States.

(b) The purpose of this part is to prescribe rules and regulations governing the payment of these subsidies.

### § 256.2 Definitions.

(a) Secretary. The Secretary of the Interior or his authorized representative.

(b) Administrator. The Maritime Administrator in the Department of Commerce or his authorized representative.

(c) Director. The Director, Bureau of Commercial Fisheries, Department of the Interior, or his authorized representative.

(d) Person. Individual, association, partnership or corporation, or any one or all as the context requires.

(e) Fishery. A segment of the commercial fishing industry engaged in the catching of a single species or a group of species of fish and shellfish. Any other species taken must be caught incidentally while fishing for and using gear designed for the capture of the species comprising the fishery.

(f) Expanded areas. Fishing grounds not usually fished by the majority of the vessels operating in the fishery for which the proposed vessel is designed.

(g) Newly developed gear. The most modern gear available that is suitable for use in the fishery for which the proposed vessel is designed.

### § 256.3 Eligibility requirements.

(a) Vessel will be of advance design: In order to be considered to be of advance design, the vessel must be designed to have significant advantages in utility and efficiency over a significant number of vessels engaged in the fishery in which the proposed vessel is designed to operate.

(b) No economic hardship to efficient vessel operators: The determination that operation of a proposed vessel will not cause economic hardship to efficient vessel operators already operating in that fishery shall be made by the Secretary after notice and hearing, taking into consideration the condition of the resource, the efficiency of the vessels and gear being operated in that fishery compared with the proposed vessel, the prospects of the market for the species caught, and the degree and duration of any anticipated economic hardship.

(c) Aid in the development of the United States fisheries: For the vessel to aid in the development of the United States fisheries under conditions that the Secretary considers to be in the public interest, the vessel must be a modern vessel which will upgrade the fleet. Special consideration will be given to vessels which will provide a significant contribution in helping the domestic fishery meet foreign competition.

(d) The applicant possesses the ability, experience, resources and other qualifications necessary to enable him to operate and maintain the proposed new fishing vessel. In making this determination, the Secretary will inquire into the economic feasibility of the fishing venture and will require reasonable assurance that the applicant can operate the vessel profitably.

### § 256.4 Applications.

Applications for a subsidy shall be made on forms prescribed by the Secretary and shall be filed with the Director, Bureau of Commercial Fisheries, Washington, D.C. The applications must be accompanied by three copies of the cross section, deck arrangement, outboard profile, and specifications of the proposed vessel. The Secretary may require such additional complete detailed construction plans as may be necessary after a review of the application and accompanying plans and specifications.

### § 256.5 Notice and hearing.

After receipt of an application eligible on its face for a construction differential subsidy the Director will publish a Notice of Hearing on a Subsidy Application in the FEDERAL REGISTER and hold hearings in accordance therewith. The purpose of the hearing will be to provide any person who feels he will be economically injured by the construction of the proposed vessel to cross-examine witnesses and/or present evidence that the operation of such vessel will cause economic hardship to efficient vessel operators already operating in the fishery for which the vessel is designed. Hearing procedures will be held in accordance with Part 257 of this subchapter.

### § 256.6 Subsidy contract.

(a) A contract for the payment of the subsidy will take effect when all contracts for the construction of such vessel, have been approved by the Administrator and the subsidy contract has been signed by the Secretary and the applicant; and

(b) The contract shall contain a finding of the useful life of the vessel as determined by the Secretary to be used in computing the amount of the total depreciated construction subsidy to be repaid to the Secretary in accordance with section 9 of the Act.

### § 256.7 Vessel operations.

(a) If the owner of a fishing vessel constructed with the aid of a subsidy desires to operate it in a different fishery than the one for which it was designed because of an actual decline in that particular fishery, he shall submit an application to the Secretary for permission to transfer the operations of the vessel to a different fishery. The application shall contain data showing the decline in the fishery for which the vessel was designed, how this decline is making the operation of the vessel uneconomical or less economical, and why the transfer will not cause economic hardship or injury to efficient vessel operators already operating in the fishery to which he wishes to transfer operations.

(b) Upon receipt of such an application the Secretary will publish a Notice of Hearing on an Application to Change Fishery in the FEDERAL REGISTER and hold hearings in accordance therewith. The purpose of the hearings will be to provide any person who feels he will be economically injured by said transfer of fishing operations an opportunity to cross-examine witnesses and/or present evidence that such a transfer of operations will cause economic hardship or injury to efficient vessel operators already operating in the fishery to which the vessel's operations would be transferred. Hearing procedures will be held in accordance with Part 257 of this subchapter.

### § 256.8 Penalties.

In case the Secretary shall find that a vessel has operated contrary to the provisions of the Act or of regulations issued thereunder, he shall immediately notify the owner in writing of the specific acts involved and the amount of the penalty. The vessel owner may appeal such a finding to the Secretary in writing within 30 days of the date of mailing such finding to the last known address of the vessel owner. The amount of penalty assessed in any one year shall be equal to the total subsidy paid multiplied by the ratio that one year bears to the total number of years determined, by the Secretary, as the useful life of the vessel: *Provided, however*, That if the amount is not paid within 60 days after receipt of notice then the amount due shall be the total amount of the subsidy paid depreciated to the beginning of the year in which the vessel operated unlawfully. Any amount due hereunder shall constitute a maritime lien against the vessel effective at the time the Secretary determines that the vessel has operated in violation of the Act or regulations.

### § 256.9 Inspection of vessels.

The Secretary or the Administrator shall have access at all times to all vessels which are being constructed under a contract providing for a construction subsidy provided for by the Act.

### § 256.10 Payment of subsidy.

Subsidy payments will be paid in accordance with the terms of the subsidy contract. No subsidy payments shall be made until the entire amount of the applicant's share of the subsidized construction cost has been paid. If the amount of subsidy exceeds 30 percent of the subsidized construction cost, an amount equal to at least 30 percent of the subsidized construction cost shall be withheld until (a) the Maritime Administrator has certified that the vessel has been completed in accordance with the approved plans and specifications, and (b) all amounts due by the applicant on account of the construction of the vessel, including designing, equipping, and outfitting costs, have been paid. Any interim subsidy payments due pursuant to the subsidy contract shall be paid only after the Secretary has determined that such amount is properly due. If the amount of subsidy does not exceed 30 percent of the subsidized construction cost, none of the subsidy shall be paid until (a) the Maritime Administrator has certified that the vessel has been completed in accordance with the approved plans and specifications, and (b) all amounts due by the applicant on account of the construction of the vessel, including designing, equipping, and outfitting costs, have been paid. Subsidy payments may be made to the applicant or jointly to the applicant and construction contractor or others, as may be appropriate, pursuant to the terms of the construction contract or otherwise.

STEWART L. UDALL, *Secretary of the Interior.*

NOVEMBER 25, 1964.

[F.R. Doc. 64-12268; Filed, Dec. 1, 1964; 8:47 a.m.]

# Proposed Rule Making

entire $3,000 is a carryback to 1954. In 1956 he sustains a net operating loss of $10,000 in the operation of the business. In determining the amount of the carryback of the 1956

the Trade Expansion Act of 1962 (76 Stat. 889), hereinafter referred to as the Trade Act, provides that if the Secretary of

317(a) of the Trade Act, nor any determination made by the Secretary of Com-

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 1 ]

### NET OPERATING LOSS DEDUCTION

### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 172, 6164, and 6411 of the Internal Revenue Code of 1954 in part to the Act of September 27, 1962 (Public Law 87-710, 76 Stat. 648), to section 7(f) of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 829), to section 317 of the Trade Expansion Act of 1962 (76 Stat. 889), and to section 234(b)(5) of the Revenue Act of 1964 (78 Stat. 115), and to make certain clarifying changes, such regulations are amended as follows:

PARAGRAPH 1. Section 1.172-3(a)(3) is amended by redesignating subdivision (iv) as subdivision (v) and by adding a new subdivision (iv). The redesignated and added provisions read as follows:

**§ 1.172-3 Net operating loss in case of a taxpayer other than a corporation.**

(a) *Modification of deductions.* * * *

(3) *Nonbusiness deductions.* * * *

(iv) *Self-employed retirement plans.* Any deduction allowed under section 404, relating to contributions of an employer to an employees' trust or annuity plan, or under section 405(c), relating to contributions to a bond purchase plan, to the extent attributable to contributions made on behalf of an individual while he is an employee within the meaning of section 401(c)(1), shall not be treated, for purposes of section 172(d)(4), as attributable to, or derived from, the taxpayer's trade or business, but shall be treated as a nonbusiness deduction.

(v) *Limitation.* The provisions of this subparagraph shall not be construed to permit the deduction of items disallowed by subparagraph (1) of this paragraph.

* * * * *

PAR. 2. Section 1.172-4 is amended by revising subdivisions (iii) and (iv) of paragraph (a)(1), by redesignating subparagraphs (4) and (5) of paragraph (b) as subparagraphs (5) and (6), and by adding a new subparagraph (4) to paragraph (b). The revised, added, and redesignated provisions (exclusive of examples) read as follows:

**§ 1.172-4 Net operating loss carrybacks and net operating loss carryovers.**

(a) *General provisions*—(1) *Years to which loss may be carried.* * * *

(iii) *Loss for taxable years for which certifications have been issued under the Trade Expansion Act of 1962.* A net operating loss sustained in a taxable year ending on or after December 31, 1962, for which a certification has been issued under section 317(a) of the Trade Expansion Act of 1962 (76 Stat. 889) shall, subject to the provisions of section 172(b)(3)(A) and (B) and § 1.172-9, be carried back to the five preceding taxable years and, except as provided in subdivision (iv) of this subparagraph, shall be carried over to the five succeeding taxable years.

(iv) *Loss of a regulated transportation corporation.* Except as provided in subdivision (v) of this subparagraph, a net operating loss sustained in a taxable year ending after December 31, 1955, by a taxpayer which is a regulated transportation corporation (as defined in section 172(j)(1)) shall, subject to the provisions of section 172(j) and § 1.172-10, be carried back to the taxable years specified in subdivision (ii), (iii), or (vi) of this subparagraph, whichever is applicable, and shall be carried over to the seven succeeding taxable years.

* * * * *

(b) *Portion of net operating loss which is a carryback or a carryover to the taxable year in issue.* * * *

(4) *Regulated transportation corporations.* For the portion of a net operating loss sustained by a regulated transportation corporation in a taxable year beginning in 1955 and ending in 1956 which may be carried over to the sixth and seventh taxable years succeeding such taxable year, see paragraph (d) of § 1.172-10.

(5) *Excess profits tax.* For the portion of a net operating loss which may be carried back from a taxable year ending after December 31, 1953, for the purpose of determining the excess profits tax imposed by subchapter D, chapter 1 of the Internal Revenue Code of 1939, see § 1.172-8.

(6) *Illustration of principles.* The application of this paragraph may be illustrated by the following examples:

* * * * *

PAR. 3. Paragraph (a)(3) of § 1.172-5 is amended by revising subdivision (ii) to read as follows:

**§ 1.172-5 Taxable income which is subtracted from net operating loss to determine carryback or carryover.**

(a) *Taxable year subject to the Internal Revenue Code of 1954.* * * *

(3) *Modifications applicable to all taxpayers.* * * *

(ii) *Recomputation of percentage limitations.* Unless otherwise specifically provided in this subchapter, any deduction which is limited in amount to a percentage of the taxpayer's taxable income or adjusted gross income shall be recomputed upon the basis of the taxable income or adjusted gross income, as the case may be, determined with the modifications prescribed in this paragraph. Thus, in the case of an individual, the deduction for medical expenses would be recomputed after making all the modifications prescribed in this paragraph, whereas the deduction for charitable contributions would be determined without regard to any net operating loss carryback but with regard to any other modifications so prescribed.

*Example (1).* For the calendar year 1954 the taxpayer, an individual, files a return showing taxable income of $4,800, computed as follows:

| | |
|---|---|
| Salary | $5,000 |
| Net long-term capital gain | 4,000 |
| Total gross income | 9,000 |
| Less: Deduction allowed by section 1202 in respect of net long-term capital gain | 2,000 |
| Adjusted gross income | 7,000 |
| Less: | |
| Deduction for personal exemption | $600 |
| Deduction for medical expense (410 actually paid but allowable only to extent in excess of 3 percent of adjusted gross income) | 200 |
| Deduction for charitable contributions ($2,000 actually paid but allowable only to extent not in excess of 20 percent of adjusted gross income) | 1,400 |
| | 2,200 |
| Taxable income | 4,800 |

In 1955 the taxpayer undertakes the operation of a trade or business and sustains therein a net operating loss of $3,000. Under section 172(b)(2), it is determined that the entire $3,000 is a carryback to 1954. In 1956 he sustains a net operating loss of $10,000 in the operation of the business. In determining the amount of the carryover of the 1956 loss to 1957, the taxable income for 1954 as computed under this paragraph is $3,970, determined as follows:

| | |
|---|---|
| Salary | $5,000 |
| Net long-term capital gain | 4,000 |
| Total gross income | 9,000 |
| Less: Deduction for carryback of 1955 net operating loss | 3,000 |
| Adjusted gross income | 6,000 |
| Less: | |
| Deduction for medical expense ($410 actually paid but allowable only to extent in excess of 3 percent of adjusted gross income as modified under this paragraph) | $230 |
| Deductions for charitable contributions ($2,000 actually paid but allowable only to extent not in excess of 20 percent of adjusted gross income determined with all the modifications prescribed in this paragraph other than the net operating loss carryback) | 1,800 |
| | 2,030 |
| Taxable income | 3,970 |

*Example (2).* For the calendar year 1959 the taxpayer, an individual, files a return showing taxable income of $5,700, computed as follows:

| | |
|---|---|
| Salary | $5,000 |
| Net long-term capital gain | 4,000 |
| Total gross income | 9,000 |
| Less: Deduction allowed by section 1202 in respect of net long-term capital gain | 2,000 |
| Adjusted gross income | 7,000 |
| Less: | |
| Deduction for personal exemption | $600 |
| Standard deduction allowed by section 141 | 700 |
| | 1,300 |
| Taxable income | 5,700 |

In 1960 the taxpayer undertakes the operation of a trade or business and sustains therein a net operating loss of $4,700. In 1961 he sustains a net operating loss of $10,000 in the operation of the business. Under section 172(b)(2), it is determined that the entire amount of each loss, $4,700 and $10,000, is a carryback to 1959. In determining the amount of the carryover of the 1961 loss to 1962, the taxable income for 1959 as computed under this paragraph is $3,870, determined as follows:

| | |
|---|---|
| Salary | $5,000 |
| Net long-term capital gain | 4,000 |
| Total gross income | 9,000 |
| Less: Deduction for carryback of 1960 net operating loss | 4,700 |
| Adjusted gross income | 4,300 |
| Less: Standard deduction | 430 |
| Taxable income | 3,870 |

PAR. 4. There are inserted immediately after § 1.172-8 the following new sections:

**§ 1.172-9 Net operating loss carrybacks in case of certifications under the Trade Expansion Act of 1962.**

(a) *Eligibility for five-year carryback*—(1) *In general.* Section 317(a) of the Trade Expansion Act of 1962 (76 Stat. 889), hereinafter referred to as the Trade Act, provides that if the Secretary of Commerce determines that an alleged net operating loss of a firm (as defined in section 405(3) of the Trade Act) for any taxable year arose predominantly out of the carrying on of a trade or business which was seriously injured, during such taxable year, by certain increased imports, and that the tax assistance provided under section 172(b)(1)(A)(ii) of the Code will materially contribute to the economic adjustment of the firm, then he shall certify such determinations. Section 172(b)(1)(A)(ii) provides that in the case of a taxpayer with respect to a taxable year ending on or after December 31, 1962, for which a certification has been issued under such section 317(a), a net operating loss for such year shall be a net operating loss carryback to each of the five taxable years preceding the loss year. Section 172(b)(3)(A) provides special notice and consent rules which must be satisfied for the five-year carryback to apply. See paragraphs (c) and (d) of this section. Section 172(b)(3)(B) provides that the application of the five-year carryback in the case of a partnership and its partners, or an electing small business corporation (as defined in section 1371(b)) and its shareholders, shall be determined under regulations prescribed by the Secretary or his delegate. See paragraph (b) of this section.

(2) *Taxpayer must sustain net operating loss.* The existence and amount of any net operating loss shall be determined under section 172(c) and §§ 1.172-1 through 1.172-3. Thus, for example, an individual who operates a firm as a sole proprietorship which is certified for tax assistance for a taxable year must combine the gross income and deductions (subject to the modifications specified in section 172(d) and § 1.172-3) from all of his activities for the taxable year in determining the existence and amount of a net operating loss. For special rules applicable in the case of a partner of a partnership or of a shareholder of an electing small business corporation, see paragraph (b) of this section. For rules applicable in determining the extent to which a net operating loss of a member of an affiliated group of corporations making or required to make a consolidated return may be carried back five years, see paragraphs (a)(4) and (b)(6) of § 1.1502-31.

(3) *Provision elective.* The five-year carryback provisions of section 172(b)(1)(A)(ii) apply to a taxpayer only if all the requirements relating to the application of such section are satisfied. Thus, for example, if a certification is issued under section 317(a) of the Trade Act with respect to a net operating loss of a partnership, one or more partners of of such partnership may apply such five-year carryback provisions while the remaining partners may apply the three-year carryback provisions of section 172(b)(1)(A)(i).

(4) *Effect of determinations by the Secretary of Commerce.* Neither the issuance of a certification under section 317(a) of the Trade Act, nor any determination made by the Secretary of Commerce, is determinative of either the existence or the amount of any net operating loss for purposes of section 172 or any other section of the Code.

(b) *Special rule for partners of a partnership or shareholders of an electing small business corporation*—(1) *In general.* This paragraph provides rules for applying section 172(b)(3)(B), which provides that the application of the five-year carryback in the case of a partnership and its partners, or an electing small business corporation and its shareholders, shall be determined under regulations prescribed by the Secretary or his delegate, and that a net operating loss sustained by a partner or such a shareholder shall be eligible for the five-year carryback only if it arose predominantly from losses in respect of which certifications, issued under section 317(a) of the Trade Act, are filed in accordance with section 172(b)(3)(A)(i).

(2) *Computation of predominant losses.* (i) The net operating loss of a partner or of a shareholder of an electing small business corporation for a taxable year shall be considered to have arisen predominantly from losses in respect of which certifications were filed only if more than 50 percent of his total net operating loss for such taxable year is comprised of losses (or shares of losses) described in subdivision (ii) of this subparagraph.

(ii) For purposes of subdivision (i) of this subparagraph, the losses and shares of losses described in this subdivision are as follows:

(a) The amount of any loss for the year of a proprietorship of which such partner or shareholder is the proprietor, if such loss is certified under section 317(a) of the Trade Act and if the filing requirements of paragraph (c) of this section are satisfied with respect to such loss.

(b) Such partner's or shareholder's share of any loss of a partnership of which he is a member which is taken into account for the year, if such loss is certified under section 317(a) of the Trade Act and if the filing requirements of paragraph (c) of this section are satisfied with respect to such loss.

(c) Such partner's or shareholder's share of any net operating loss of an electing small business corporation of which he is a shareholder which is taken into account for the year, if such loss is certified under section 317(a) of the Trade Act and if the filing requirements of paragraph (c) of this section are satisfied with respect to such loss.

(3) *Entire amount of net operating loss is a carryback.* If the net operating loss of a partner of a partnership, or of a shareholder of an electing small business corporation, for a taxable year is considered to have arisen predominantly from losses in respect of which certifications are filed, and if the other rules provided in this section are satisfied, the five-year carryback period shall apply to the entire net operating loss of the taxpayer.

(4) *Examples.* This paragraph may be illustrated by the following examples:





*Example (1).* Jones is a partner in the ABC partnership, a shareholder in X Corporation, an electing small business corporation, and a sole proprietor. For the calendar year 1965 he has a net operating loss of $10,000 from the partnership, $4,000 from X Corporation, and $2,000 from his sole proprietorship. Each loss is certified under section 317(a) of the Trade Act and the filing requirements of paragraph (c) of this section are satisfied with respect to each loss. Jones has no other income or deductions for 1965. Assuming that more than 50 percent of his total net operating loss for 1965 is comprised of losses described in subdivision (ii) of this subparagraph, his entire net operating loss for 1965 is carried back to the five taxable years preceding 1965.

*Example (2).* Assume the same facts as in example (1), except that Jones has a net operating loss of $10,000 from the partnership, $4,000 from X Corporation, and $2,000 from his sole proprietorship, but only the loss from the partnership is certified under section 317(a) of the Trade Act. Assuming that more than 50 percent of his total net operating loss for 1965 is comprised of losses described in subdivision (ii) of this subparagraph, only $10,000 of his net operating loss for 1965 is carried back to the five taxable years preceding 1965.

(c) *Filing requirements.* (1) Any taxpayer who claims a five-year carryback under section 172(b)(1)(A)(ii) shall file with his return for the loss year a statement that he is entitled to the five-year carryback and that he consents to the application of section 172(b)(3)(A). The statement shall set forth the amount of the net operating loss and the taxable years to which it is carried back. The statement shall be filed within the time prescribed by law (including extensions of time) for filing the return for the loss year.

(2) Any taxpayer who claims a five-year carryback under section 172(b)(1)(A)(ii) shall file with his return for the loss year a statement that he is entitled to the five-year carryback and that he consents to the application of section 172(b)(3)(A). The statement shall set forth the amount of the net operating loss and the taxable years to which it is carried back. The statement shall be filed within the time prescribed by law (including extensions of time) for filing the return for the loss year.

(3) Any taxpayer who claims a five-year carryback under section 172(b)(1)(A)(ii) shall file with his return for the loss year a statement that he is entitled to the five-year carryback and that he consents to the application of section 172(b)(3)(A). The statement shall set forth the amount of the net operating loss and the taxable years to which it is carried back. The statement shall be filed within the time prescribed by law (including extensions of time) for filing the return for the loss year.

(4) Any taxpayer who claims a five-year carryback under section 172(b)(1)(A)(ii) shall file with his return for the loss year a statement that he is entitled to the five-year carryback and that he consents to the application of section 172(b)(3)(A). The statement shall set forth the amount of the net operating loss and the taxable years to which it is carried back. The statement shall be filed within the time prescribed by law (including extensions of time) for filing the return for the loss year.

(5) Any taxpayer who claims a five-year carryback under section 172(b)(1)(A)(ii) shall file with his return for the loss year a statement that he is entitled to the five-year carryback and that he consents to the application of section 172(b)(3)(A). The statement shall set forth the amount of the net operating loss and the taxable years to which it is carried back. The statement shall be filed within the time prescribed by law (including extensions of time) for filing the return for the loss year.

(6) Any taxpayer who claims a five-year carryback under section 172(b)(1)(A)(ii) shall file with his return for the loss year a statement that he is entitled to the five-year carryback and that he consents to the application of section 172(b)(3)(A). The statement shall set forth the amount of the net operating loss and the taxable years to which it is carried back. The statement shall be filed within the time prescribed by law (including extensions of time) for filing the return for the loss year.

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*Example* (1). Jones is a partner in the ABC partnership, a shareholder in X Corporation, an electing small business corporation, and the sole proprietor of a business. The corporation makes its return on the basis of a fiscal year ending May 31, and the partnership and Jones make their returns on the basis of a calendar year. The partnership and corporation each have losses in respect of which certifications have been issued under section 317(a) of the Trade Act for their taxable years ending in 1963, and in respect of which the filing requirements of section 172(b)(3)(A) and paragraph (c) of this section have been satisfied. For the calendar year 1963, Jones has a net operating loss, as defined in section 172(c), of $19,000, computed as follows:

| | |
|---|---|
| Jones' portion of the net operating loss of X Corporation, allowed as a deduction under section 1374 | ($5,000) |
| Jones' distributive share of loss of the partnership | (10,000) |
| Jones' distributive share of the partnership's gain from sales or exchanges of property described in section 1231 (relating to property used in the trade or business and involuntary conversions) | 2,000 |
| Excess of deductions over gross income from Jones' individually owned business | (7,000) |
| Excess of nonbusiness gross income over nonbusiness deductions | 1,000 |
| Net operating loss (as defined in section 172(c)) for 1963 | ($19,000) |

Jones' losses in respect of which certifications were filed in accordance with section 172(b)(3)(A)(i) are $13,000, computed as follows:

| | | |
|---|---|---|
| Excess of deductions over gross income: | | |
| Jones' portion of corporation net operating loss | | ($5,000) |
| Jones' distributive share of partnership loss | ($10,000) | |
| Less: Jones' share of partnership gain from sales or exchanges of section 1231 assets | 2,000 | |
| | | (8,000) |
| Losses in respect of which certifications were filed | | (13,000) |

Since Jones' losses in respect of which certifications were filed ($13,000) are greater than 50 percent of his net operating loss ($19,000), Jones' net operating loss is eligible for the five-year carryback. Since the special rule applicable in the case of partners of a partnership, or shareholders of an electing small business corporation, is satisfied, Jones shall carry his entire net operating loss back to his fifth taxable year preceding his taxable year 1963 if he satisfies the consent requirement of section 172(b)(3)(A)(ii) and paragraph (d) of this section.

*Example* (2). Assume the same facts as in example (1), except that no certification was issued under section 317(a) of the Trade Act for X Corporation's net operating loss. In this case, Jones' losses in respect of which certifications were filed is $8,000. Since $9,000 is not greater than 50 percent of Jones' net operating loss ($19,000), Jones may not carry back any part of his net operating loss to the fifth and fourth taxable years preceding his taxable year 1963. The fact that Jones has not satisfied the requirements of section 172(b)(3)(B) and this paragraph has no effect on whether any other partner of the ABC partnership may carry back a net operating loss to each of his five preceding taxable years.

(c) *Filing requirements*—(1) *In general.* Section 172(b)(3)(A)(i) provides that the five-year carryback does not apply with respect to a certified net operating loss unless there has been filed, at such time and in such manner as may be prescribed by the Secretary or his delegate, a notice that a timely application has been filed with the Secretary of Commerce for tax assistance with respect to such loss under section 317(a) of the Trade Act and, after its issuance, a copy of the certification under such section.

(2) *Notice; contents.* The notice shall be filed by the firm applying for tax assistance under section 317(a) of the Trade Act. If the firm applying for tax assistance is not the taxpayer who would take into account the loss with respect to which a certification is sought (for example, a partnership or an electing small business corporation), a separate notice shall also be filed by each taxpayer who would take any part of such loss into account and who desires to make use of the five-year carryback. The notice shall be in the form of a written statement, in duplicate, signed by the firm or taxpayer, or its duly authorized representative. The notice shall contain the following information:

(i) A statement that the firm has applied to the Secretary of Commerce for tax assistance under section 317(a) of the Trade Act and the date the application was filed.

(ii) The amount of the net operating loss designated in the application for tax assistance and the taxable year of the firm in which such loss was sustained.

(iii) In the case of a notice which is filed by the firm, the name, address, and taxpayer account number of the firm, and the internal revenue district in which the firm filed its income tax return for the taxable year of the net operating loss.

(iv) In the case of a separate notice which is filed by a taxpayer who is not the firm, the name, address, and taxpayer account number of both the taxpayer and the firm; the amount of such taxpayer's net operating loss for his taxable year with or within which the taxable year of the firm ends; and the internal revenue district in which his income tax return for such taxable year is filed.

(3) *Notice; time and place for filing.* The notice shall be filed within 90 days after the date on which the firm applies to the Secretary of Commerce for tax assistance under section 317(a) of the Trade Act. The notice of the firm shall be filed in the internal revenue district in which its income tax return was filed for the fifth and fourth taxable years preceding the taxable year of the net operating loss, except that a firm which is a partnership or an electing small business corporation shall file the notice in the internal revenue district in which its income tax return was filed for the taxable year of the loss. The notice of a taxpayer who is not the firm shall be filed in the internal revenue district in which such taxpayer filed his income tax return for the fifth and fourth taxable years preceding his taxable year with or within which the taxable year of the firm ends. If a notice is not filed or, if filed, is not timely filed or does not contain all of the information required by this subparagraph, the district director may extend the period of time within which a timely and proper notice may be filed if he is satisfied that the examination and processing of claims for refund or an application for tentative carryback adjustment for the fifth and fourth preceding taxable years will not be adversely affected.

(4) *Copy of certification.* A copy of the certification issued by the Secretary of Commerce under section 317(a) of the Trade Act shall be attached to all claims for credit or refund of income tax and to all applications for tentative carryback adjustment filed for the fifth and fourth taxable years preceding the taxable year of the net operating loss or, in the case of a taxpayer who is not the firm, for the fifth and fourth taxable years preceding such taxpayer's year with or within which the taxable year of the firm ends.

(d) *Consent requirement.* The five-year carryback provision of section 172(b)(1)(A)(ii) shall not apply with respect to a certified net operating loss unless the taxpayer, in a signed statement, consents to the assessment, within such period as may be determined by the district director, of any deficiency for any year to the extent attributable to the disallowance of a deduction previously allowed with respect to such net operating loss. The consent shall be valid with respect to the assessment of any such deficiency notwithstanding that at the time such consent is filed such assessment would otherwise be prevented by the operation of any law or rule of law.

**§ 1.172–10 Net operating loss carryovers for regulated transportation corporations.**

(a) *In general.* A net operating loss sustained in a taxable year ending after December 31, 1955, shall be a carryover to the seven succeeding taxable years if the taxpayer is a regulated transportation corporation (as defined in paragraph (b) of this section) for the loss year and for the sixth and seventh succeeding taxable years. If, however, the taxpayer is a regulated transportation corporation for the loss year and for the sixth succeeding taxable year but not for the seventh succeeding taxable year, then the loss shall be a carryover to the six succeeding taxable years. If the taxpayer is not a regulated transportation corporation for the sixth succeeding taxable year then this section shall not apply. If the net operating loss was sustained in a taxable year beginning in 1955 and ending in 1956, see paragraph (d) of this section for a limitation on the amount of the loss which may be carried over to the sixth and seventh succeeding taxable years.

(b) *Regulated transportation corporations.* A corporation is a "regulated transportation corporation" for a taxable year if it is included within one or more of the following categories:

(1) Eighty percent or more of the corporation's gross income (computed without regard to dividends and capital gains and losses) for such taxable year is income from transportation sources described in paragraph (c) of this section.

(2) The corporation is a railroad corporation, subject to Part I of the Interstate Commerce Act, which is either a lessor railroad corporation described in section 7701(a)(33)(G) or a common parent railroad corporation described in section 7701(a)(33)(H).

(3) The corporation is a member of a regulated transportation system for the taxable year. For purposes of this section, a member of a regulated transportation system for a taxable year means a member of an affiliated group of corporations making a consolidated return for such year, if 80 percent or more of the sum of the gross incomes of the members of the affiliated group for such year (computed without regard to dividends, capital gains and losses, or eliminations for intercompany transactions) is derived from transportation sources described in paragraph (c) of this section. For purposes of this subparagraph, income derived by a corporation described in subparagraph (2) of this paragraph from leases described in section 7701(a)(33)(G) shall be considered as income from transportation sources described in paragraph (c) of this section.

(c) *Transportation sources.* For purposes of this section, income from "transportation sources" means income received directly in consideration for transportation services, and income from the furnishing or sale of essential facilities, products, and other services which are directly necessary and incidental to the furnishing of transportation services. For purposes of the preceding sentence, the term "transportation services" means—

(1) Transportation by railroad as a common carrier subject to the jurisdiction of the Interstate Commerce Commission;

(2)(i) Transportation, which is not included in subparagraph (1) of this paragraph—

(*a*) On an intrastate, suburban, municipal, or interurban electric railroad,

(*b*) On an intrastate, municipal, or suburban trackless trolley system,

(*c*) On a municipal or suburban bus system, or

(*d*) By motor vehicle not otherwise included in this subparagraph,

if the rates for the furnishing or sale of such transportation are established or approved by a regulatory body described in section 7701(a)(33)(A);

(ii) In the case of a corporation which establishes to the satisfaction of the district director that—

(*a*) Its revenue from regulated rates from transportation services described in subdivision (i) of this subparagraph and its revenue derived from unregulated rates are derived from its operation of a single interconnected and coordinated system or from the operation of more than one such system, and

(*b*) The unregulated rates have been and are substantially as favorable to users and consumers as are the regulated rates,

transportation, which is not included in subparagraph (1) of this paragraph, from which such revenue from unregulated rates is derived.





(3) Transportation by air as a common carrier subject to the jurisdiction of the Civil Aeronautics Board; and

(4) Transportation by water by common carrier subject to the jurisdiction of either the Interstate Commerce Commission under Part III of the Interstate Commerce Act (54 Stat. 929), or the Federal Maritime Board under the Intercoastal Shipping Act, 1933 (52 Stat. 965).

(d) *Taxable years beginning in 1955 and ending in 1956.* In the case of a net operating loss sustained in a taxable year which begins in 1955 and ends in 1956, the amount of such loss which shall be carried over—

(1) To the sixth succeeding taxable year shall be the amount which bears the same ratio to the amount (computed under paragraph (a)(3) of § 1.172–4) of such loss which (but for this paragraph) would be carried over to such sixth succeeding taxable year as the number of days in such loss year after December 31, 1955, bears to the total number of days in such loss year; and

(2) To the seventh succeeding taxable year shall be the excess of the amount of such loss which was carried over to the sixth succeeding taxable year (as determined under subparagraph (1) of this paragraph) over the taxable income (computed as provided in § 1.172–5) for the sixth succeeding taxable year.

(e) *Corporate acquisitions.* This section shall apply to a carryover of a net operating loss sustained by a regulated transportation corporation (as defined in paragraph (b) of this section) to which an acquiring corporation succeeds under section 381(a) only if the acquiring corporation is a regulated transportation corporation (as defined in paragraph (b) of this section)—

(1) For the sixth succeeding taxable year in the case of a carryover to the sixth succeeding taxable year, and

(2) For the sixth and seventh succeeding taxable years in the case of a carryover to the seventh succeeding taxable year.

PAR. 5. Paragraph (b) of § 1.6164–3 is amended to read as follows:

**§ 1.6164–3 Computation of the amount of reduction of the tax previously determined.**

* * * * *

(b) *Reduction attributable to the expected carryback.* The reduction, attributable to the expected carryback or related adjustments, in any tax previously determined is to be ascertained by applying the expected carryback as if it were a determined net operating loss carryback, in accordance with the provisions of section 172 and the regulations thereunder. Items must be taken into account only to the extent that such items were included in the return, or were reflected in amounts assessed (or collected without assessment) as deficiencies, or in amounts abated, credited, refunded, or otherwise repaid, prior to the date of the filing of the statement. Thus, for example, if the taxpayer claims a deduction for depreciation of $10,000 in its return and the Internal Revenue Service asserts that only $4,000 is properly deductible, no change is to be made in the $10,000 depreciation deduction as shown by the taxpayer on his return unless a deficiency has been assessed, or an amount collected without assessment, prior to the date of filing of the statement as a result of a change in the depreciation deduction, or unless such change in the depreciation deduction was reflected in an amount abated, credited, refunded, or otherwise repaid prior to such date.

PAR. 6. Section 1.6411–1 is amended by adding paragraph (d) which reads as follows:

**§ 1.6411–1 Tentative carryback adjustments.**

* * * * *

(d) *Carrybacks attributable to certifications issued under section 317(a) of the Trade Expansion Act of 1962.* An application for a tentative carryback adjustment under the five-year carryback provision of section 172(b)(1)(A)(ii) may be filed in accordance with this section with respect to a net operating loss incurred in a taxable year ending on or after December 31, 1962, for which a certification has been issued under section 317(a) of the Trade Expansion Act of 1962 (76 Stat. 889), if the taxpayer is eligible for the five-year carryback in accordance with the rules provided in § 1.172–9. If an application under this section has been filed in accordance with the three-year carryback provision of section 172(b)(1)(A)(i), then a subsequent application for a tentative carryback adjustment under the five-year carryback provision of section 172(b)(1)(A)(ii) may be filed under this paragraph with respect to the same net operating loss that was carried back under the three-year carryback provision only if the consent to extend the period for assessment of a deficiency required by section 172(b)(3)(A)(ii) and paragraph (d) of § 1.172–9 is attached to such subsequent application. An application for a tentative carryback adjustment under the five-year carryback provision shall be accompanied by a statement indicating whether or not the taxpayer has previously filed an application for a tentative carryback adjustment under the three-year carryback provision with respect to the same net operating loss.

[F.R. Doc. 64–12288; Filed, Dec. 1, 1964; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–CE–34]

## FEDERAL AIRWAY

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] which would extend VOR Federal airway No. 71 from Kansas City, Mo., via Pawnee City, Nebr., to Raymond, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments

as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Two scheduled non-stop flights daily are conducted in each direction between Kansas City and Lincoln, Nebr. These flights presently operate via approved off-airway direct routes. The proposed route would reduce airway mileage by approximately 12 miles. Direct segments between Kansas City and Pawnee City, and from Pawnee City to Raymond would create intolerable air traffic control problems. These problems can be resolved and efficient air traffic control service provided if each of the airway segments are established with a slight dogleg.

If the proposed action is adopted, V-71 will be extended from Kansas City via the intersection of the Kansas City 310° and Pawnee City 122° True radials, Pawnee City and the intersection of the Pawnee City 334° and Raymond 146° True radials, to Raymond.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 24, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12245; Filed, Dec. 1, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

## [ 13 CFR Part 107 ]

## SMALL BUSINESS INVESTMENT COMPANIES

### Conflicts of Interest

Notice is hereby given that pursuant to authority given in sections 308 and 312 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.716 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754, and amended in 28 F.R. 681, 1627, 3021, 10868, 12250 and 29 F.R. 5223, 7144, 10499, 12109 and 14221.

Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of thirty (30) days of the date of this notice in the FEDERAL REGISTER.

*Information.* On August 7, 1964, notice to proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11424) concerning amendment of § 107.716 to accomplish more effective regulation of Conflicts of Interest. After due and careful consideration of the comments received, SBA had determined to republish the proposals under consideration, in revised form, as set forth below.

It is proposed that the prohibition against self-dealing to the prejudice of SBA or the Licensee's shareholders, set forth in paragraph (a) of proposed § 107.716, be expanded to include self-dealing to the prejudice of small business concerns financed by the Licensee.

The proposed revision of paragraph (b), which would require prior SBA approval before a Licensee could provide financing to persons or concerns connected with such Licensee, would apply to (1) its officers, directors, and investment advisors or any person or firm regularly serving as its attorney-at-law; (2) any natural or legal person which owns or controls, directly or indirectly, ten (10) or more percent of such Licensee's stock; (3) any officer, director, partner, or employee of a natural or legal person described in (1) and (2); (4) any natural or legal person which, directly or indirectly, controls, is controlled by, or is under common control with any person or entity described in (1) and (2); (5) close relatives of any person described in (1) and (2), the term "close relative" being defined as ancestor, lineal descendant, brother or sister (by the whole or half blood) and lineal descendants of either, spouse, father-in-law, mother-in-law, brother-in-law, or sister-in-law; and (6) concerns in which any person referred to in (1) through (5) is an officer or director, or in which any natural or legal person covered by (1) through (5) (or a group of two or more such persons acting in concert) owns or controls, directly or indirectly, a ten (10) or more percent equity interest. The "ten (10) or more percent equity interest" in the concern which the Licensee proposes to finance, as mentioned in (6), is exclusive of any interest which is attributable solely to ownership of equity interests in such Licensee. A natural or legal person which has maintained any of the relationships described in (1) through (6) at any time within six (6) months prior to the proposed financing, or which assumes any of such relationships within six (6) months after the date of financing is deemed, for the purposes of paragraph (b), to have such relationships as of the date of financing.

Under the proposed revision of paragraph (c), a Licensee may not, without prior SBA approval, invest more than 25 percent of its paid-in capital and paid-in surplus or total assets, whichever is greater, in small concerns in which a natural or legal person owning five (5) but less than ten (10) percent of such Licensee's stock also owns a ten (10) or more percent equity interest, or in which a natural or legal person owning ten (10) or more percent of such Licensee's stock also owns a five (5) or more but less than ten (10) percent equity interest. The equity interest in the small concern to be financed, referred to in paragraph (c), would be exclusive of any interest attributable solely to ownership of equity interests in the Licensee. Under proposed paragraph (c), any natural or legal person which has been related to both the Licensee and its portfolio concern within six (6) months prior to the date of financing would be deemed, for the purposes of that paragraph, to have been in such relationship on the date of financing if the relationship reoccurs within six (6) months after consummation of the financing.

The proposed revision of paragraph (d) deals with Licensee's financing of small concerns connected with other Licensees, including cross-dealing arrangements. Subparagraph (2) of paragraph (d) would prohibit the Licensee financing any natural or legal person connected with another Licensee in any manner described in paragraph (b), if any person or entity connected (in the manner set forth in paragraph (b)) with the Licensee proposing to furnish such financing has received or is to receive financing from another Licensee pursuant to any cross-dealing, reciprocal or circular arrangement, or other express or implied understanding or agreement. Subparagraph (1) would require a Licensee to obtain prior SBA approval before it could provide financing to any small concern connected with another Licensee (in the manner set forth in paragraph (b)), where any person or entity so connected with the Licensee proposing to furnish such financing receives, is about to receive, or has received from any Licensee any financing or a commitment for financing.

The revised proposal with regard to paragraph (e) would require a Licensee, or any natural or legal person related (in the manner described in paragraph (b)) to such Licensee or the small concern to be financed, to obtain prior SBA approval before either could borrow money from (1) any concern financed by such Licensee or (2) an officer, director, or 10 or more percent equity owner of such concern, or any close relative of such officer, director or equity owner.

Revised paragraph (f), as set forth below, provides that SBA will publish in a periodical bulletin, in summary form, the relevant facts pertaining to approvals granted under amended § 107.716. Paragraph (f) would require Licensees whose application for SBA approval has been granted (or Licensees subject to SEC jurisdiction under the Investment Company Act of 1940, which qualify for the exemption described in paragraph (g)) to publish in a newspaper of general circulation in the locality most directly affected, a notice in the form specified by SBA describing the transaction, and



to furnish SBA a copy thereof within 10 days after publication.

Revised paragraph (g), as set forth below, would exempt from the prior approval requirements of paragraphs (b) and (e) of amended § 107.716, Licensees which are subject to the jurisdiction of the Securities and Exchange Commission as registered investment companies under the Investment Company Act of 1940, and have been granted an exemption by that Commission from applicable provisions of the 1940 Act, and/or its implementing rules, with regard to a transaction otherwise also subject to paragraph (b) or (e) of § 107.716. The exemption from paragraph (b) or (e), under the stipulated circumstances, would not relieve the Licensee, from the publication requirements pertaining thereto under paragraph (f) of § 107.716.

Paragraph (h) carries over the text of proposed paragraph (i), *Protection of investment*, published as part of the original proposal on August 7, 1964. It declares that nothing contained in revised § 107.716 is intended to preclude the Licensee from designating an officer, employee, or representative to serve as an officer, director, or in any other capacity in the management of a small concern financed by it for the purpose of protecting its investment therein.

Paragraph (i), *Standards governing approval of applications*, sets forth various relevant factors that SBA would take into consideration in determining whether a proposed transaction should be approved under revised § 107.716. These criteria include the extent and degree of common ownership and other relationships; degree of independence of Licensee's board of directors; comparability of the terms and conditions of the proposed financing with others, not subject to § 107.716, which have been consummated by Licensee; cost and recency of investments made in the small concern by persons connected with the Licensee; the number and dollar amount of transactions subject to § 107.716, previously entered into by the Licensee; and such other facts and events as SBA finds pertinent under the circumstances in ascertaining whether SBA approval would be consonant with the best interests of the SBIC program, as intended by Congress.

Paragraph (j), *Applicability, Construction and Effect*, provides that revised § 107.716 shall take effect thirty (30) days after publication in final form in the FEDERAL REGISTER. It declares that the amendment shall apply to and govern the legality of transactions consummated after such effective date. A savings clause included in proposed paragraph (j) stipulates that the legality of transactions consummated prior to the effective date of the amendment will be governed by former provisions of § 107.716 in effect at the time that Licensee entered into said transactions. It makes it clear that the amended provisions incorporated into revised § 107.716 are not to be construed as preventing SBA from taking or continuing enforcement action, under the former provisions of § 107.716, as to any transaction consummated prior to the effective date of the amendment in violation of applicable provisions of former § 107.716.

It is proposed to amend the Regulations Governing Small Business Investment Companies by deleting § 107.716 in its entirety and substituting a new § 107.716. As amended, § 107.716 would read as follows:

**§ 107.716 Conflicts of interest.**

(a) *General.* Self-dealing to the prejudice of SBA, small business concerns financed by a Licensee, or shareholders of a Licensee, is prohibited.

(b) *Persons or concerns connected with the Licensee.* Without the prior written approval of SBA, a Licensee shall not, directly or indirectly, provide financing to:

(1) An officer, director, or investment adviser of such Licensee, or any person or firm regularly serving such Licensee in the capacity of attorney-at-law; or

(2) Any person or entity which owns or controls, directly or indirectly, 10 or more percent of the stock of such Licensee; or

(3) Any officer, director, partner, or employee of any person or entity described in subparagraphs (1) and (2) of this paragraph; or

(4) Any person or entity which directly or indirectly controls, or is controlled by, or is under common control with, any person or entity described in subparagraphs (1) and (2) of this paragraph; or

(5) Any close relative (i.e., ancestor; lineal descendant; brother or sister, by the whole or half blood, and lineal descendants of either; spouse; father-in-law, mother-in-law, brother-in-law or sister-in-law) of any person described in subparagraphs (1) and (2) of this paragraph; or

(6) Any concern in which (i) any person described in subparagraphs (1) through (5) of this paragraph is an officer or director or (ii) any person or entity described in said subparagraphs (or group of two or more such persons or entities acting in concert) owns or controls, directly or indirectly, 10 or more percent equity interest (exclusive of any interest attributable solely to ownership of equity interests in the Licensee);

(7) For the purpose of this paragraph, any person or entity which has held any of the positions or relationships described in subparagraphs (1) through (6) of this paragraph within six months prior to the date of financing, or which holds any such positions or relationships within six months after the date of financing shall be deemed to have such position or relationship as of the date of financing.

(c) *Persons or concerns connected with Licensee by reason of 5 to 10 percent stock ownership.* Without prior SBA approval, a Licensee may not invest more than 25 percent of (1) its combined paid-in capital and paid-in surplus (including outstanding commitments and loans under § 107.301) or (2) its total assets, whichever is greater, in concerns in which—

(i) A person or entity which owns or controls, directly or indirectly, 5 or more (but less than 10) percent of the stock of such Licensee, also owns or controls, directly or indirectly, a 10 or more percent equity interest, or

(ii) A person or entity which owns or controls, directly or indirectly, 10 or more percent of the stock of such Licensee, also owns or controls, directly or indirectly, an equity interest of 5 or more (but less than 10) percent: *Provided, however,* That the equity interest, referred to in subdivision (i) of this subparagraph and this subdivision (ii) which a person or entity owns or controls in any such concern shall be exclusive of any interest attributable solely to ownership by such person or entity of equity interests in the Licensee.

For the purposes of this paragraph, any person or entity which has been related to both the Licensee and its portfolio concern at any time within 6 months prior to date of financing, as described in subdivisions (i) and (ii) of this subparagraph, shall be deemed to have been so related to them on the date of financing if such relationships are reacquired within 6 months after date of financing.

(d) *Persons or concerns connected with other Licensees.* (1) Without prior written approval of SBA, a Licensee shall not provide financing, directly or indirectly, to any person or entity connected with another Licensee in the manner described in paragraph (b) of this section, if any person or entity so connected with the Licensee providing such financing receives, or is about to receive, or has received, directly or indirectly, from any Licensee any financing or a commitment for financing.

(2) A Licensee shall not, directly or indirectly, provide financing to any person or entity connected with another Licensee in the manner described in paragraph (b) of this section, if there exists any express or implied understanding, agreement, or cross-dealing, reciprocal or circular arrangement, under which persons or entities connected with the first Licensee in the manner described in paragraph (b) of this section have received or are to receive financing from another Licensee.

(e) *Borrowing.* Without prior written approval of SBA, no Licensee nor any of the persons or entities described in paragraph (b) of this section, shall directly or indirectly borrow money from:

(1) A concern financed by such Licensee; or

(2) An officer, director or owner of 10 or more percent equity interest in such concern, or a close relative (as defined in paragraph (b)(5) of this section) of such officer, director or equity owner.

(f) *Publication.* SBA will publish in a periodical bulletin, in summary form, each approval granted under this section. Within 10 days after the approval of an application filed by a Licensee under this section (or in case the Licensee qualifies for the exemption prescribed under paragraph (g) of this section), it shall publish in a newspaper of general circulation, in the locality most directly affected by the transaction, a notice specified by SBA describing the transaction, and shall furnish a copy of such notice to SBA within 10 days after publication.

(g) *Exception for 1940 Act companies.* Licensees subject to the regulatory jurisdiction of the Securities and Exchange Commission under the Investment Company Act of 1940 which have, pursuant to a rule, regulation, order approving an application for exemption, or other Commission action, been granted an exemption from applicable provisions of said Act and/or implementing rules and regulations, with regard to a transaction which is also subject to paragraph (b) or (e) of this section, shall be exempt from the provisions of said paragraph (b) or (e) of this section, except for the publication requirements pertaining thereto specified under paragraph (f) of this section.

(h) *Protection of investment.* Nothing herein contained is intended to preclude a Licensee from permitting an officer, employee, or representative from serving as an officer, director, or in any other capacity in the management of a small business concern for the purpose of protecting its investment in or loan to such concern.

(i) *Standards governing approval of applications.* In determining whether a proposed transaction shall be approved under this section, SBA will take into consideration the following factors to the extent that may be applicable under the attendant circumstances:

(1) The extent and degree of common ownership and other relationships;

(2) The degree of independence of the board of directors of the Licensee;

(3) The comparability of the terms and conditions of the proposed transaction with those of other financings made by the Licensee, not subject to this section;

(4) The cost and recency of any investment in the small business concern by persons or entities connected with the Licensee in the manner described in the particular paragraph of this section pursuant to which application is made;

(5) The total number and amount of transactions subject to this section, previously entered into by the Licensee; and

(6) Such other facts or events as SBA finds are pertinent under the circumstances in connection with its ascertaining that approval will be consonant with statutory objectives and the best interests of the SBIC program.

(j) *Applicability, construction and effect.* (1) This amendment shall take effect 30 days after publication in final form in the FEDERAL REGISTER. It shall be applicable to and govern the legality of transactions subject to its provisions which are consummated after such effective date.

(2) The legality of transactions of a continuing nature consummated prior to the effective date hereof shall be governed by the former provisions of § 107.716 in effect at the time that Licensee entered into said transactions. Nothing contained herein shall be construed as preventing SBA from taking or continuing appropriate enforcement action thereunder with respect to any transaction which the Licensee consummated prior to the effective date hereof in violation of applicable provisions of former § 107.716.

Dated: November 25, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64-12238; Filed, Dec. 1, 1964; 8:45 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 238]

### CERTAIN FOREIGN PASSPORTS

#### Validity

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the Government of Thailand has recently concluded such an agreement with the Government of the United States. A list of all foreign governments which have entered into such agreements follows:

| | |
|---|---|
| Australia. | Laos. |
| Austria (Reisepass only). | Lebanon. |
| Bahamas (See United Kingdom). | Luxembourg. |
| Belgium. | Malagasy Republic. |
| Bolivia. | Malaya. |
| Brazil. | Mexico. |
| Cambodia. | Monaco. |
| Canada. | The Netherlands. |
| Ceylon. | Nigeria. |
| Chile. | Norway. |
| Colombia. | Pakistan. |
| Cuba. | Peru. |
| Cyprus. | Philippines. |
| Dominican Republic. | Portugal. |
| Ecuador. | Spain. |
| Ethiopia. | Sweden. |
| Finland. | Switzerland. |
| France. | Syrian Arab Republic. |
| Germany (Reisepass and Kinderausweis). | Thailand. |
| Greece. | Togo. |
| Guatemala. | Tunisia. |
| Guinea. | United Arab Republic. |
| Honduras. | United Kingdom of Great Britain and Northern Ireland (including Jersey and Guernsey and its Dependencies) and the Bahamas. |
| Iceland. | Uruguay. |
| India. | Venezuela. |
| Ireland. | |
| Israel. | |
| Ivory Coast. | |
| Jamaica. | |
| Korea. | |

In addition, travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein.

This notice supersedes Public Notice 226 of January 18, 1964 (29 F.R. 1661), Public Notice 228 of February 26, 1964 (29 F.R. 3114) and Public Notice 236 of August 4, 1964 (29 F.R. 11934).

Dated: November 17, 1964.

ABBA P. SCHWARTZ,
*Administrator, Bureau of Security and Consular Affairs.*

[F.R. Doc. 64-12253; Filed, Dec. 1, 1964; 8:46 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[483.21]

### STANDARD NEWSPRINT PAPER

#### Tariff Classification

NOVEMBER 27, 1964.

The purpose of this notice is to advise interested persons of the proposed standards of specifications descriptive of most standard newsprint papers provided for in Item 252.65, Schedule 2, Subpart B, of the Tariff Schedules of the United States, a preliminary announcement with respect to which was published in the FEDERAL REGISTER of September 14, 1963, Volume 28, Number 180, and in Treasury Decision 56001, dated September 18, 1963. Treasury Decision 56001 also appeared in the FEDERAL REGISTER of September 24, 1963, Volume 28, Number 186.

The test for determining whether a paper is classifiable as standard newsprint paper under Item 252.65 is whether at the time of its importation the paper is of that class or kind chiefly used in the United States in the printing of newspapers.

Chief use is determinable by the use in the United States at, or immediately prior to, the date of importation, in accordance with General Interpretive Rule 10(e)(i) of the General Headnotes and Rules of Interpretation of the Tariff Schedules of the United States, which provides:

10(e) In the absence of special language or context which otherwise requires—

(i) a tariff classification controlled by use (other than actual use) is to be determined in accordance with the use in the United States at, or immediately prior to, the date of importation, of articles of that class or kind to which the imported articles belong, and the controlling use is the chief use, i.e., the use which exceeds all other uses (if any) combined;

The Bureau is presently of the opinion that most papers which conform to the following descriptive specifications:

Weight: 500 Sheets each 24 by 36 inches not less than 30 pounds nor more than 35 pounds.

Size: Rolls not less than 13 inches wide and 28 inches in diameter. Sheets not less than 20 by 30 inches.

Thickness: Not over .0042 inch.

Sizing: Time of transudation of water shall be not more than 10 seconds by the ground glass method.

Ash Content: Not more than 6.5 percent.

Color and Finish: White; or tinted shades of pink, peach or green in rolls; not more than 50 percent gloss when tested with the Ingersoll glarimeter.

are of that class or kind of papers chiefly used in the printing of newspapers in the United States and are, accordingly, classifiable as standard newsprint paper under Item 252.65, Tariff Schedules of the United States, so long as the existing conditions of chief use prevail.

In the event it is established that a type of paper not conforming to the foregoing descriptive specifications is chiefly used in the United States within the meaning of General Interpretative Rule 10(e)(i), quoted above, in the printing of newspapers in the United States, additional descriptive specifications will be announced, of which due notice will be given in the FEDERAL REGISTER and in the weekly Treasury Decisions. Claims of such chief use or of changes in chief use will be passed upon as they are presented to the Bureau by the parties in interest.

Formal adoption of the descriptive specifications set out herein will be postponed for a period of 30 days after the publication of this notice in the FEDERAL REGISTER in order to afford interested parties an opportunity to submit such comments as they consider pertinent.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington, D.C., 20226, in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

[F.R. Doc. 64-12284; Filed, Dec. 1, 1964; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### FLUE-CURED TOBACCO

#### Notice of Referendum

Notice is hereby given that on December 15, 1964, a referendum will be held of farmers engaged in the production in 1964 of flue-cured tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). Notice that consideration would be given to establishing a date for holding the referendum was given in 29 F.R. 14234. The purpose

of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1965–66, 1966–67, and 1967–68 marketing years for flue-cured tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249).

In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given to the date of the referendum, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined that compliance with the 30-day effective date requirement of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C. on November 27, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64–12294; Filed, Nov. 27, 1964; 4:33 p.m.]

# DEPARTMENT OF COMMERCE

## Bureau of International Commerce

[File No. 24–38 etc.]

### JEAN MORVAN

### Order Temporarily Denying Export Privileges

In the matter of Jean Morvan, Box 50 Station H, Montreal, Canada, respondent; File 24–38 et al.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondent. It was requested that the order remain in effect for a period of sixty days pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondent.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for sixty days.

The evidence and recommendation of the Compliance Commissioner have been considered. The above named respondent is a resident of Montreal, Canada, and is engaged in the import-export business. On the evidence presented there is reasonable basis to believe that said respondent has been participating in the procurement and attempted procurement of U.S.-origin agricultural equipment, tractors and other automotive vehicles for reexportation from Canada to ports in Europe with knowledge that the said commodities were to be reexported, diverted, or transshipped from said European ports to unauthorized ultimate destinations in Soviet-bloc countries. There is also reasonable basis to believe that said respondent has knowingly participated in transactions involving U.S.-origin commodities with parties who are subject to orders denying U.S. export privileges. There is also reasonable basis to believe that said respondent will continue such conduct in contravention of the Export Control Act and regulations unless U.S. export privileges are temporarily denied. I find that an order temporarily denying export privileges to the respondent is reasonably necessary for the protection of the public interest and national security.

*Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of sixty days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: November 17, 1964.

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64–12283; Filed, Dec. 1, 1964; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### MERCK & CO., INC.

### Notice of Filing of Petitions for Food Additive Amprolium

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 5D1544, 5D1545) have been filed by Merck & Co., Inc., Rahway, New Jersey, 07065, proposing that the food additive regulations for the safe use of amprolium in animal feed and drinking water be amended as follows:

1. It is proposed that § 121.210(c) be amended by adding a new item 4.1 to table 1 and by changing the text under "Limitations" in table 2. As amended, the affected portions would read as follows:



TABLE 1.—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| • • • | • • • | • • • | • • • | • • • | • • • |
| 4.1 Amprolium | 113.5–454 (0.0125%–0.05%) | | | For laying hens as follows: Feed 0.05 percent for 3–5 days followed by 0.25 percent for 2 weeks in severe outbreaks, or 0.0125 percent for 2 weeks in moderate outbreaks. | Treatment of coccidiosis. |

TABLE 2.—AMPROLIUM IN DRINKING WATER

| Principal ingredient | Quantity | Limitation | Indications for use |
|---|---|---|---|
| Amprolium | 0.006%–0.024% | For growing chickens, turkeys, and laying hens. In drinking water; as sole source of amprolium. | Treatment of coccidiosis. |

2. It is proposed that § 121.1022(c) be amended to increase the tolerance for amprolium in eggs from zero to seven parts per million, as follows:

(c) 7 parts per million (0.0007 percent) in eggs.

Dated: November 23, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–12179; Filed, Dec. 1, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15636]

### ADRIA AIRWAYS

### Notice of Hearing

Application of Adria Airways for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to engage in the plane-load charter and split charter foreign air transportation (a) with respect to persons and their accompanied baggage, and (b) with respect to property as follows: Between any point or points in Yugoslavia and any point or points in the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 10, 1964, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., November 24, 1964.

[SEAL] WALTER W. BRYAN,
*Hearing Examiner.*

[F.R. Doc. 64–12246; Filed, Dec. 1, 1964; 8:46 a.m.]

[Docket No. 11908]

### REOPENED TRANSATLANTIC CHARTER INVESTIGATION

### Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be heard on December 2 is postponed to December 16, 1964, 9:30 a.m., e.s.t., Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 25, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64–12297; Filed, Dec. 1, 1964; 8:49 a.m.]

[Docket No. 15483]

### KOREAN AIRLINES, INC.

### Notice of Postponement of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held December 1, 1964, is postponed to December 11, 1964, at 10:00 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., November 27, 1964.

[SEAL] JOSEPH L. FITZMAURICE,
*Hearing Examiner.*

[F.R. Doc. 64–12299; Filed, Dec. 1, 1964; 8:49 a.m.]

[Docket No. 15700]

### RKO GENERAL, INC., ET AL.

### Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Wednesday, December 2, 1964, at 2 p.m., local time, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

For details concerning the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., November 25, 1964.

[SEAL] MERRITT RUHLEN,
*Hearing Examiner.*

[F.R. Doc. 64–12300; Filed, Dec. 1, 1964; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI65–322]

### FRANCO WESTERN OIL CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 20, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before January 11, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-322 | Franco Western Oil Co., Post Office Box 1176, Bakersfield, Calif. Attn: Mr. H. D. Campbell. | 1 | 4 | West Lake Natural Gasoline Co.[1] (Nena Lucia Field, Nolan County, Tex.) (R.R. Dist. No. 7-B). | $190 | 10-26-64 | [2][3] 1-1-65 | [4] 1-2-65 | 8.5 | [5][6] 9.0 | RI60-448. |

[1] For resale to El Paso Natural Gas Co. under West Lake Natural Gasoline Co. (Operator), et al.'s FPC Gas Rate Schedule No. 1.
[2] The stated effective date is the effective date requested by respondent.
[3] Date suspension period ends for buyer's corresponding increased rate suspended in Docket No. RI65-29.
[4] The suspension period is limited to one day.
[5] Revenue-sharing rate increase.
[6] Pressure base is 14.65 p.s.i.a.

Franco Western Oil Company's (Franco) proposed revenue-sharing rate increase is for a sale to West Lake Natural Gasoline Company (West Lake), a subsidiary of El Paso Natural Gas Company (El Paso). West Lake gathers and processes the gas and resells it to El Paso, paying its supplier 50 percent of the amount it receives from El Paso. On July 1, 1964, West Lake filed a periodic increase from 17.0 cents to 18.0 cents per Mcf for its sale to El Paso, which was suspended for five months until January 1, 1965, in Docket No. RI65-29, because it exceeds the 11.5 cents per Mcf area ceiling for increased rates. Franco's proposed rate increase is based upon West Lake's suspended 18.0 cents per Mcf rate. Although Franco's proposed revenue-sharing rate increase is below the 11.5 cents per Mcf area ceiling as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, ch. I, pt. 2, sec. 2.56) it is suspended until January 2, 1965, because of its relationship to West Lake's increased rate.

[F.R. Doc. 64-12141; Filed, Dec. 1, 1964; 8:45 a.m.]

[Docket No. CI65-485]

## PURE OIL CO.

### Notice of Application

NOVEMBER 24, 1964.

Take notice that on November 20, 1964, The Pure Oil Company filed in Docket No. CI65-485 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the Red Hills Area, Lea County, N. Mex., at a total initial price of 16.0 cents per Mcf at 14.65 psia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12273; Filed, Dec. 1, 1964; 8:47 a.m.]

[Docket No. CP60-57]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Hearing [1]

NOVEMBER 24, 1964.

Take notice that on March 11, 1960, Tennessee Gas Transmission Co. (Tennessee), Tennessee Building, Houston, Tex., filed in Docket No. CP60-57, an application as amended and supplemented on March 31, July 7, and September 9, 1960, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Tennessee to take into its transmission system natural gas, as is more particularly set forth in the application on file with the Commission and open to public inspection.

Tennessee has purchased certain natural gas interests under contracts covering interest underlying portions of Blocks 30, 47, and 54 of Calliou Island Field, all situated off shore from the Louisiana Coast, W. Cameron Block 68 and Lac Blanc. These lateral lines for which authorization is sought herein comprise about 83.7 miles and will be connected to Tennessee's main transmission system at various points from the aforementioned sources in South Louisiana at an estimated cost of $7,994,000.

The facilities for which authorization is sought have been constructed and placed in operation under temporary certificate authorization issued to Tennessee on May 4, 1961, as amended on July 21, 1961.

Petitions for leave to intervene have been filed in this proceeding by the following: New York State Public Service Commission, November 23, 1960, United Gas Improvement Co., November 28, 1960, Consolidated Edison Company of New York, Incorporated, November 28, 1960, Brooklyn Union Gas Co., November 28, 1960, Public Service Electric and Gas Co., November 28, 1960, and Long Island Lighting Co., November 29, 1960.

The related producers have now been permanently certificated by the issuance of the Commission's Opinion No. 436 in Docket Nos. G-13221, et al.

This matter should now be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications provided no further protest is filed within the time required herein.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing and the matter will be disposed of as provided above in the absence of objection by parties of record on or before December 17, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12276; Filed, Dec. 1, 1964; 8:47 a.m.]

[Docket Nos. RI65-323, etc.]

## JAKE L. HAMON ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 20, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 11, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[1] The present application was previously noticed and set for hearing by publication in the FEDERAL REGISTER on November 16, 1960 (25 F.R. 10898). Notice of Postponement of hearing until further notice was published December 20, 1960 (24 F.R. 12381).

[1] Does not consolidate for hearing or dispose of the several matters herein.



APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-323 | Jake L. Hamon, 5th Floor, Vaughn Bldg., Dallas, Tex., 75201. Attn: W. T. LaGrone, attorney. | 25 | 7 | West Lake Natural Gasoline Co.[2] (Lake Trammell Area, Nolan and Mitchell Counties, Tex.) (R.R. Dist. Nos. 7-B and 8). | $1,096 | 10-23-64 | [3] 11-23-64 | [4] 1-1-65 | [7] 8.5 | [8][9] 9.0 | |
| RI65-324 | Standard Oil Co. of Tex., a Division of California Oil Co., Post Office Box 1249, Houston 1, Tex. Attn: Mr. C. W. Proctor. | 32 | 3 | West Lake Natural Gasoline Co.[2] (Nena Lucia Field, Nolan County, Tex.) (R.R. Dist. No. 7-B) and (Mitchell County, Tex.) (R.D. Dist. No. 8) (Permian Basin Area). | 847 | 10-26-64 | [3] 11-26-64 | [4] 1-1-65 | 8.5 | [8][9] 9.0 | RI60-397. |
| RI65-325 | Mertzon Corp., Post Post Office Box 6862, Houston, Tex., 77005. Attn: Dr. W. M. Dow. | 1 | 3 | Northern Natural Gas Pipeline Co. (Mertzon and Brooks Fields, Iron County, Tex.) (R.R. Dist. No. 7-C) (Permian Basin Area). | 3,600 | 10-26-64 | [3] 11-26-64 | 4-26-64 | [10][11] 12.25 | [10][12] 13.25 | |
| RI65-326 | Brooks Gas Corp., Post Office Box 6862, Houston, Tex., 77005. Attn: Dr. W. M. Dow. | 1 | [13] 1 | Mertzon Corp.[13][14] (Brooks Field, Iron County, Tex.) (R.R. Dist. No. 7-C) (Permian Basin Area). | 12,240 | 10-26-64 | [3] 11-26-64 | 4-26-64 | [11][14][15] 12.25 | [8][14][15] 13.25 | |

[2] For resale to El Paso Natural Gas Co. under West Lake Natural Gasoline Co. (Operator), et al.'s FPC Gas Rate Schedule No. 1.
[3] The stated effective date is the first day after expiration of the required statutory notice.
[4] End of the suspension period for West Lake's related increased rate in Docket No. RI65-29.
[7] Revenue-sharing rate increase.
[8] Pressure base is 14.65 p.s.i.a.
[9] Rate being collected under temporary certificate issued in Docket No. CI61-256 conditioned to a refund floor of 5.5 cents per Mcf (no Condition (2) involved).
[10] Periodic rate increase.
[11] Subject to deduction of 2.5 cents per Mcf amortization charge for pipeline facilities.
[12] Rate for gas produced from Mertzon Field.
[13] Initial rate.
[14] Covers gas produced in the Brooks Field.
[15] Buyer and seller are affiliated.
[16] For resale to Northern Natural Gas Co. under Mertzon Corp.'s FPC Gas Rate Schedule No. 1.
[17] Subject to deduction of 3.0 cents per Mcf amortization charge for pipeline facilities.
[18] Less a flat monthly fee of $1,500 due Mertzon for use of its plant facilities by Brooks Gas Corp.

Jake L. Hamon (Hamon) requests an effective date of November 1, 1964, for his proposed revenue-sharing increase. Mertzon Corporation (Mertzon) and Brooks Gas Corporation (Brooks Gas) request waiver of notice to make their proposed rate increases effective as of October 26, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Hamon and the Standard Oil Company of Texas, a Division of California Oil Company (Standard Oil), proposed rate increases are revenue-sharing increases for sales to West Lake Natural Gasoline Company (West Lake), a subsidiary of El Paso Natural Gas Company (El Paso). West Lake gathers and processes the gas and resells it to El Paso, paying its suppliers 50 percent of the amount it receives from El Paso. On July 1, 1964, West Lake filed a periodic increase from 17.0 cents to 18.0 cents per Mcf for its sale to El Paso, which was suspended for five months until January 1, 1965, in Docket No. RI65-29, because it exceeds the 11.5 cents per Mcf area ceiling for increased rates. Hamon and Standard Oil's proposed rate increases are based upon West Lake's suspended 18.0 cents per Mcf rate. Although the proposed revenue-sharing rate increases are below the 11.5 cents per Mcf area ceiling as set forth in the Commission's Statement of General Policy No. 61-1, as amended, they are suspended because of their relationship to West Lake's increased rate. Under the circumstances, the suspension periods for Hamon and Standard Oil's rate filings may be shortened to terminate concurrently with the suspension period (January 1, 1965) of West Lake's resale rate in Docket No. RI65-29.

Mertzon proposes a periodic increased rate from 12.25 cents to 13.25 cents per Mcf for the sale of residue gas to Northern Natural Gas Pipeline Company from the Mertzon Plant, Irion County, Texas. Brooks Gas, who is an affiliate of Mertzon, proposes a similar rate increase for its sale of residue gas to Mertzon from the same plant. Mertzon and Brooks Gas' proposed increased rates exceed the 11.0 cents per Mcf area price level for increased rates in Texas Railroad District No. 7-C as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, ch. I, pt. 2, sec. 2.56).

[F.R. Doc. 64-12142; Filed, Dec. 1, 1964; 8:45 a.m.]

[Docket No. CP62-293]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

NOVEMBER 24, 1964.

Take notice that on June 11, 1962, as supplemented on July 9, 1962, Transwestern Pipeline Company (Applicant), First City National Bank Building, Houston 2, Texas, filed in Docket No. CP62-293 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Pioneer Natural Gas Company (Pioneer) and the construction and operation of minor pipeline facilities incident thereto, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes sales to Pioneer pursuant to an agreement between the parties dated December 18, 1961, and proposes construction and operation of pipeline tap valves incident to the sales. The gas will be delivered to Pioneer at various points on Applicant's existing 24-inch Panhandle lateral in Carson, Potter, Randall, Deaf Smith, Gray, Castro and Palmer Counties, Texas, and will be resold by Pioneer through its gas distribution facilities along said Panhandle lateral to farm customers for domestic and irrigational purposes.

The estimated initial three year period of peak day and annual sales to Pioneer are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Peak day (Mcf) | 824 | 840 | 1,365 |
| Annual (Mcf) | 20,000 | 32,000 | 52,000 |

The cost of the proposed facilities will be defrayed initially by Applicant. However, pursuant to the terms of the service agreement, Pioneer will reimburse Applicant such costs.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursaunt to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12274; Filed, Dec. 1, 1964; 8:47 a.m.]

[Docket No. RI65-328 etc.]

## JOCELYN-VARN OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 24, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commisison finds.* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

*The Commission orders.*

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before January 11, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-328... | Jocelyn-Varn Oil Co. (Operator), et al., 310 Sutton Place, Wichita, Kans. | 3 | 1 | Arkansas Louisiana Gas Co. (Garfield County, Okla.) (Oklahoma "Other" Area). | $1,200 | 10-29-64 | [2] 12-2-64 | 5-2-65 | [4] 11.0 | [4][6] 12.0 | |
| RI65-329... | Standard Oil Co. of Texas, a division of California Oil Co. | 2 | 16 | Texas Eastern Transmission Corp. (Gist and Adams Ranch Fields, Jasper and Newton Counties, Tex.) (R.R. District No. 3). | 1,413 | 10-26-64 | [3] 11-26-64 | 4-26-65 | 15.6 | [4][6] 15.8 | RI64-515 |
| | -----do----- | 27 | 8 | Texas Eastern Transmission Corp. (Chevron Field, Kleberg County, Tex.) (R.R. District No. 4). | 26,226 | 10-26-64 | [3] 11-26-64 | 4-26-65 | 15.6 | [4][6] 15.8 | RI64-515 |
| RI65-330... | W. U. Paul, c/o R. H. Dorf, Operator, 3716 Garnet St., Houston, Tex., 77005. | 1 | 3 | Florida Gas Transmission Co. (Borosa Field, Starr County, Tex.) (R.R. District No. 4). | 900 | 10-28-64 | [3] 11-28-64 | 4-28-65 | [4][6] 16.0 | [4][6][7] 17.0 | |

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Initial rate.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, ch. I, pt. 2, § 2.56).

[F.R. Doc. 64-12251; Filed, Dec. 1, 1964; 8:46 a.m.]

[Docket No. RI65-327]

## SUPERIOR OIL CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 24, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds.* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

*The Commission orders.*

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 11, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.



APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase (decrease) | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-327... | The Superior Oil Co., Post Office Box 1521, Houston, Tex., 77001. | 105 | 1 | Cities Service Gas Co. (Northeast Waynoka Field, Woods County, Okla.). | $1,155 | 10-28-64 | [1] 1-1-65 | [2] 1-2-65 | [4][5] 13.0 | [3][4][5] 14.0 | |

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 0.75 cent per Mcf deduction by buyer for dehydration.
[6] Subject to downward B.t.u. adjustment.

The Superior Oil Co.'s (Superior) related contract was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rate is above the applicable area ceiling for increased rates but does not exceed the applicable ceiling price for initial rates in the area involved. We believe, in this situation, Superior's rate filing should be suspended for one day from January 1, 1965, the requested effective date.

[F.R. Doc. 64-12252; Filed, Dec. 1, 1964; 8:46 a.m.]

[Docket No. G-20213 [1]]

## AMERICAN PETROFINA COMPANY OF TEXAS ET AL.

### Order Making Successor Co-Respondent, Redesignating Proceeding and Requiring Filing of Undertaking To Assure Refund of Excess Charges

NOVEMBER 24, 1964.

On June 29, 1964, Logue and Patterson filed a motion to be made co-respondent in the proceeding in Docket No. G-20213. In support of its motion, Logue and Patterson state that it has acquired part of the assets, properties and rights covered by the American Petrofina Company of Texas FPC Gas Rate Schedule No. 6, to which the proceeding in Docket No. G-20213 relates.

By Commission letter dated July 24, 1964, Logue and Patterson was granted in Docket No. CI65-19 temporary authorization to continue part of the sales previously made under the American Petrofina Company of Texas FPC Gas Rate Schedule No. 6 and the rate schedule covering Logue and Patterson's sales was designated as Logue and Patterson, et al., FPC Gas Rate Schedule No. 11.

*The Commission finds.* It is necessary and proper in carrying out the provisions of the Natural Gas Act and the Regulations thereunder that Logue and Patterson and American Petrofina Company of Texas be joined as co-respondents in the proceeding in Docket No. G-20213, that such proceeding be redesignated accordingly, and that Logue and Patterson be required to file an appropriate agreement and undertaking in Docket No. G-20213.

*The Commission orders.*

(A) Logue and Patterson are hereby joined as co-respondents with American Petrofina Company of Texas in the proceeding in Docket No. G-20213 and such proceeding is redesignated as "American Petrofina Company of Texas and Logue and Patterson, et al."

(B) Within thirty days from the date of the issuance of this order, Logue and Patterson shall execute and file with the Secretary of the Commission an agreement and undertaking to assure refund of any excess charges which might be determined in Docket No. G-20213 to have accrued with respect to sales made from the properties covered by the Logue and Patterson, et al., FPC Gas Rate Schedule No. 11. American Petrofina shall remain responsible for any refunds that may be required in Docket No. G-20213 in connection with sales made under its Rate Schedule No. 6. Unless notified to the contrary by the Secretary within fifteen days from the date of filing such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(C) Logue and Patterson shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. Upon acceptance of the agreement and undertaking required to be filed pursuant to paragraph (B) above, Logue and Patterson's agreement and undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

Docket No.-------

SUGGESTED AGREEMENT AND UNDERTAKING BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) Docket No.------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of Section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No.------ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this ---- day of --------, 196--.

(Name of Respondent)
By ----------

Attest:
----------

[F.R. Doc. 64-12250; Filed, Dec. 1, 1964; 8:46 a.m.]

[1] Consolidated with the proceedings in Docket No. AR64-2, et al.

# NATIONAL LABOR RELATIONS BOARD

## DESCRIPTION OF ORGANIZATION [2]

### Public Information Places; Miscellaneous Amendments

Pursuant to the provisions of section 3(a)(1) of the Administrative Procedure Act, 5 U.S.C. 1001, the National Labor Relations Board hereby separately states and concurrently publishes in the notices section of the FEDERAL REGISTER, the fol-

[1] If a corporation.

[2] This amends Description of Organization which appeared at 13 F.R. 3090, with amendments appearing at 13 F.R. 6266, 15 F.R. 973, 16 F.R. 1969, 19 F.R. 1259, 21 F.R. 9914, 22 F.R. 6881, 7216, 24 F.R. 7560, 25 F.R. 2559, 3534, 10520, 26 F.R. 2632, and 29 F.R. 7899 (Sec. 6, 49 Stat. 452, as amended; 29 U.S.C. 156).

lowing amendments to its description of organization in the field in respect to the places at which the public may secure information or make submittals or requests.

The Board has established a Subregional Office at Peoria, Illinois, designated as Subregion 38, effective December 9, 1964. The Peoria subregion will have jurisdiction over cases in the following counties in the State of Illinois, which have been removed from the jurisdiction of Region 13, Chicago, Illinois: Boone, Bureau, Carroll, Cass, Champaign, De Kalb, De Witt, Douglas, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kankakee, Kendall, Knox, La Salle, Lee, Livingston, Logan, Macon, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Morgan, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Winnebago, and Woodford. The Peoria subregion will also have jurisdiction over cases in the following counties in the State of Iowa, which have been removed from the jurisdiction of Region 18, Minneapolis, Minnesota: Clinton, Des Moines, Dubuque, Jackson, Lee, Louisa, Muscatine, and Scott.

Also effective December 9, 1964, Region 25, Indianapolis, Indiana, will have jurisdiction over cases in the following counties in the State of Indiana, which have been removed from the jurisdiction of Region 13, Chicago, Illinois: Allen, De Kalb, Elkhart, Fulton, Jasper, Kosciusko, Lagrange, La Porte, Marshall, Newton, Noble, Porter, Pulaski, Starke, Steuben, Saint Joseph, and Whitley.

The addresses of Regional and Subregional Offices appearing at 25 F.R. 2559 are amended by adding thereto the following words: "Subregion 38, Citizen's Building, Fourth Floor, 225 Main Street, Peoria, Illinois."

Dated, Washington, D.C., November 25, 1964.

By direction of the Board.

OGDEN W. FIELDS,
*Executive Secretary.*

[F.R. Doc. 64-12255; Filed, Dec. 1, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 54-236]

## AMERICAN ELECTRIC POWER CO., INC.

### Notice of Filing of Plan for Elimination of Common Stock Scrip

NOVEMBER 23, 1964.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York 8, N.Y., a registered holding company, has filed a plan, and amendments thereto, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), providing for the elimination of American's outstanding common stock scrip. All interested persons are referred to said plan, on file at the office of the Commission, for a statement of the transactions proposed therein which are summarized below.

During the years 1914–1934, American (then American Gas and Electric Company) issued, in connection with the payment of stock dividends, four different kinds of common stock scrip entitling the holders to fractional shares of American's common stock. After giving effect to several splits of American's common stock (the most recent of which was authorized by the Commission on August 31, 1962 (Holding Company Act Release No. 14692)) the scrip still outstanding at September 30, 1964 entitled the 1,076 registered holders thereof to an aggregate of approximately 1,590 full shares of American's common stock. American states that such 1,590 full shares are held by Morgan Guaranty Trust Company of New York, as Scrip Agent and Depository, for issuance upon surrender of scrip; that such shares do not have voting power and are not entitled to dividends; and that the outstanding scrip represents an inequity in voting power and an unnecessary complexity in the capital structure of American which the proposed plan is designed to eliminate.

The plan provides the following:

(1) A letter would be sent to all registered scrip holders under which each would be offered the number of full shares represented by the scrip surrendered plus cash for any fractional interest or, alternatively, cash for both full shares and fractional interests. In either case, the amount of cash would be computed on the basis of the closing market price on the New York Stock Exchange of the underlying stock on the date such scrip is surrendered.

(2) A "redemption date" would be fixed which would be some time after twelve months from the date of the letter referred to in (1) above. After the redemption date, (a) all full shares of American common stock remaining unclaimed by scrip holders will be canceled and restored to the status of authorized but unissued shares, and (b) an amount of cash equal to the closing price on the New York Stock Exchange of the underlying shares on the redemption date will be placed in a segregated account. For a period of five years thereafter holders of scrip will be entitled only to receive their aliquot portion of such cash upon surrender of their scrip. At the expiration of such five-year period, all rights of the holders of scrip will terminate and the remaining cash, if any, will revert to American.

The plan makes provision for interim notices to be given during such five-year period by American to holders of unsurrendered scrip advising them of their rights under the plan; and further provides that the carrying out of the plan be subject to its approval and enforcement by a court of competent jurisdiction as fair and equitable and as appropriate to effectuate the provisions of section 11 of the Act.

It is stated that American's expenses in connection with the plan are estimated not to exceed $1,000 and that no commission, other than this Commission, has jurisdiction over the transactions proposed by the plan.

The Commission being required by the provisions of section 11(e) of the Act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan, as amended or as further amended, is necessary to effectuate the provisions of section 11(b) of the Act and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that such notice be given to afford all interested persons an opportunity to be heard with respect thereto:

Notice is therefore given that any interested person may, not later than December 30, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised in the proceeding which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon American at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the Commission may approve the plan, as amended or as it may be further amended, or may take such other action with respect to the proceeding as it may deem appropriate.

*It is ordered*, That, at least 15 days prior to December 30, 1964, American give notice of the transactions proposed in the plan to all registered holders of its common stock scrip at their last known addresses by mailing a copy of this notice to each such holder; and that, upon request therefor, the company shall promptly furnish a copy of the plan to any such holder of scrip.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-12247; Filed, Dec. 1, 1964; 8:46 a.m.]

[File No. 70-4241]

## COLUMBIA GAS SYSTEM, INC., ET AL.

### Notice of Proposed Open Account Advances to Subsidiary Companies in Connection with Intrasystem Prepayment of Installment Notes and Proposed Intrasystem Issuance and Acquisition of Installment Notes

NOVEMBER 25, 1964.

In the matter of the Columbia Gas System, Inc., 120 East 41st Street, New York, New York, 10017, United Fuel Gas Company, Atlantic Seaboard Corporation, Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corporation, Kentucky Gas Transmission Corporation, The Ohio Fuel Gas Company, Columbia Gas of Ohio, Inc., The Ohio Valley Gas Company, The Manufacturers Light and Heat Company, Cumberland and Allegheny Gas Company, Home Gas Company, Columbia Gas of New York, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Maryland, Inc., Columbia Gulf Transmission Company; File No. 70-4241.



Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary companies listed above have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 9, 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

During the winter heating season, certain of Columbia's operating subsidiary companies, particularly the distribution companies, generate substantial cash in excess of current requirements. Formerly, such excess funds were generally invested by these operating subsidiaries in United States Government Treasury Bills until such time as the cash was required for construction and other corporate purposes. Since the transmission subsidiaries generate smaller amounts of excess cash during such months than the distribution subsidiaries and their construction expenditures are generally larger, Columbia had been advancing such subsidiaries funds under Commission authorization while other subsidiaries had cash considerably in excess of current requirements. For the past two years, however, the Commission has authorized open account advances by Columbia to subsidiary companies and certain related transactions which are designed to alleviate this situation. The present filing requests authorization to continue these transactions during the calendar year 1965, as follows:

It is proposed that the subsidiary companies listed below will, in accordance with the exemptive provisions of Rule 42(b)(2) under the Act, prepay with excess cash, from time to time prior to the end of 1965, a portion of their outstanding installment promissory notes held by Columbia. The notes prepaid will not exceed the following amounts, which represent the maximum excess funds that such companies are expected to accumulate at any one time during the year 1965:

| | |
|---|---|
| Columbia Gas of Pennsylvania, Inc. | $11,000,000 |
| The Manufacturers Light and Heat Co. | 16,000,000 |
| Columbia Gas of New York, Inc. | 2,500,000 |
| Columbia Gas of Maryland, Inc. | 1,200,000 |
| Cumberland and Allegheny Gas Co. | 2,000,000 |
| Home Gas Co. | 1,500,000 |
| Atlantic Seaboard Corp. | 5,000,000 |
| Columbia Gas of Kentucky, Inc. | 6,000,000 |
| United Fuel Gas Co. | 60,000,000 |
| Virginia Gas Distribution Corp. | 3,000,000 |
| The Ohio Fuel Gas Co. | 25,000,000 |
| Columbia Gas of Ohio, Inc. | 30,000,000 |
| The Ohio Valley Gas Co. | 3,000,000 |
| Columbia Gulf Transmission Corp. | 10,000,000 |
| Kentucky Gas Transmission Corp. | 3,000,000 |
| Total | 179,200,000 |

The notes prepaid by the iindvidual companies will be those bearing the highest interest rate or rates outstanding at the time of each prepayment. As any of such companies require funds for construction and other corporate purposes after prepayment, it is proposed that advances be made to them on open account by Columbia, provided that at no time will the amount of such advances to any subsidiary exceed the amount of notes theretofore prepaid by it, less any current maturities applicable to such notes which would have matured subsequent to the date of prepayment.

Open account loans to any subsidiary will bear interest at the same rate or rates as borne by the equivalent principal amounts of notes previously prepaid by it during 1965, but in reverse order to that of the prepayments, i.e., working up from the lowest rate payable on the notes previously prepaid to the highest rate. The proposed advances on open account to individual subsidiaries will be increased or decreased from time to time in accordance with variations in the cash flow of the individual subsidiaries. At such time as the advances to any subsidiary equal the aggregate amount of the notes prepaid by it or, in any event, not later than December 31, 1965, such prepaid notes will be reissued to and acquired by Columbia in repayment of the outstanding open account loans.

No financing of any operating subsidiary which may be presently or subsequently authorized by the Commission in connection with the construction or gas storage programs of any such subsidiary will be consummated until such time as advances have been made equal to the amount of notes prepaid. Any subsidiary not requiring financing during 1965 and which has borrowed on open account from Columbia an amount smaller than the amount of notes theretofore prepaid by it, will, on December 31, 1965, reissue its notes to Columbia in an amount sufficient to discharge its open account indebtedness, and the balance of its prepaid notes will be considered to have been permanently prepaid. Such permanent prepayment would be applied against notes bearing the highest interest rates and would be consummated only with respect to notes bearing interest at a rate equal to or in excess of the rate applicable to notes being acquired by Columbia from subsidiary companies as at December 31, 1965. In the event that a permanent prepayment by any subsidiary would be indicated with respect to notes bearing an interest rate less than said rate at December 31, 1965, such notes will be reissued by the subsidiary at or before the end of 1965, in order to preserve the lower interest rate of the notes scheduled for permanent prepayment.

It is stated that the proposed transactions are designed to utilize effectively aggregate system funds and to achieve the following: (1) Prepayment of inventory loans with commercial banks at an earlier date, (2) deferment of outside financing until aggregate system funds approach a minimum balance, and (3) facilitation of the internal financing of emergency requirements. In addition, operating subsidiaries having excess funds will be able, through the prepayment of installment promissory notes, to decrease their own net corporate interest expense during the period such funds are not required.

The joint application-declaration states that expenses to be incurred by Columbia and its subsidiaries in connection with the proposed transactions are estimated at $100 and $600, respectively, and that $550 of these aggregate expenses are for services, at cost, to be provided by Columbia Gas System Service Corporation.

It is further stated that the State commissions in West Virginia, Kentucky, Virginia, and New York have jurisdiction over various aspects of the proposed transactions; that the requisite orders have been obtained from the Public Service Commission of New York; that appropriate application will be filed with the other State commissions; and that copies of the applications to and the subsequent orders of said State commissions will be filed by amendment to the joint application-declaration.

Notice is further given that any interested person may, not later than December 29, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-12248; Filed, Dec. 1, 1964; 8:46 a.m.]

[File No. 70-4242]

## PENNSYLVANIA ELECTRIC CO.

### Notice of Proposed Acquisition of Utility Assets

NOVEMBER 25, 1964.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"),

1001 Broad Street, Johnstown, Pennsylvania, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Penelec proposes to acquire from the City of Erie, Pennsylvania ("Erie"), for an aggregate cash purchase price of $1,030,000, a system of underground conduits owned by Erie and known as its "High Tension Conduit System." These facilities are presently rented by Penelec and are used in connection with its underground electric distribution facilities in Erie. Penelec's proposal to purchase the conduit system, which was the only proposal submitted, has been accepted by the City Council of Erie. The company does not know the cost to Erie of the conduit system nor the city's accrued depreciation with respect thereto.

The application states that Erie has indicated that Penelec's rent would be increased substantially if Erie retains ownership of the facilities; that the maintenance of the system has not met Penelec's needs; that the problem would increase with the passage of time; and that duplication of the existing conduit system or resort to overhead distribution facilities in areas where the existing conduit system can be used would not be in the public interest.

The filing states that a copy of the agreement relating to the proposed acquisition has been filed with the Pennsylvania Public Utility Commission in accordance with the State Public Utility Law; that said State commission is not expressly required to authorize the acquisition or approve the agreement; and that no other State commission has jurisdiction over the proposed transaction. It is further stated that if this Commission approves the acquisition by Penelec and the proposed accounting therefor, no other Federal commission will have jurisdiction by reason of section 318 of the Federal Power Act. The fees and expenses to be incurred in connection with the proposed transaction are estimated at $8,000, including legal fees of $7,000.

Notice is further given that any interested person may, not later than December 18, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-12249; Filed, Dec. 1, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 494]

## CALIFORNIA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1964, because of the effects of certain disasters, damage resulted to residences and business property located in a portion of Verdugo Mountain area of the Cities of Burbank and Glendale in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Cities and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about November 9, 1964.

Office: Small Business Administration Regional Office, 312 West 5th Street, Los Angeles, Calif.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1965.

Dated: November 19, 1964.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 64-12239; Filed, Dec. 1, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Ex Parte MC-65 (Sub-No. 3)]

## PETITION SEEKING INSTITUTION OF RULEMAKING PROCEEDING

NOVEMBER 27, 1964.

Petitioner: INTERSTATE INVESTORS, INC., a Delaware corporation; William R. Burt, president, 733 Third Avenue, New York 17, N.Y. By petition filed November 6, 1964, petitioner requests that the Commission "establish guide lines, through appropriate promulgation of a policy statement or ruling and/or otherwise provide economic and/or policy guidance to its Examiners in arriving at decisions and/or recommendations in hearing such as those * * * involving expansion of control by or merger into the larger units * * *." Any interested person wishing to make representations in favor of or against this petition may do so by the submission of written data, views, or arguments. An original and 20 copies of such data, views, or arguments shall be filed with the Commission no later than 30 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12279; Filed, Dec. 1, 1964; 8:47 a.m.]

[Notice 706]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 27, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

No. MC 110698 (Sub-No. 288) (REPUBLICATION), filed November 4, 1964, published in FEDERAL REGISTER issue of November 25, 1964, and republished this issue.

Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cedartown, Ga., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified on return.

NOTE: Common control may be involved. The purpose of this republication is to indicate hearing information shown below.

*HEARING:* December 10, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.



No. MC 125869, filed November 29, 1963. Applicant: VERNIE N. ROLLO, SR., 4801 Greenwood Road, Shreveport, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, used tractors and trailers, abandoned, surrendered or repossessed, by the tow-away method*, between points in Louisiana, Texas, Oklahoma, Arkansas, and Mississippi.

*HEARING:* February 2, 1965, at the Washington-Youree Hotel, Shreveport, La., before Examiner David Waters.

No. MC 126400 (REPUBLICATION), filed July 6, 1964, published FEDERAL REGISTER, issue of August 12, 1964, and republished this issue. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. Applicant's attorney: Elias H. Jacobs, 11 Railroad Avenue, Stamford, N.Y. By application filed July 6, 1964, applicant seeks a permit authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over specified regular routes, transporting: *Ice cream, ice cream products, ice confections and ice mix confections*, between Suffield, Conn., and Oneonta, N.Y. The Order of Operating Rights Board No. 1, dated October 28, 1964, and served November 9, 1964, finds operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle over irregular routes transporting ice cream, ice cream products, ice confections, and ice mix confections from Suffield, Conn., to Oneonta, Syracuse, Plattsburgh, and Binghamton, N.Y., and refused or rejected shipments of the same commodities from Syracuse, Plattsburgh, and Binghamton, N.Y., to Oneonta, N.Y., under a continuing contract with Simonson Brothers, Inc., at Oneonta, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate permit should be issued and that issuance of the permit be withheld until the lapse of 30 days from date of republication in the FEDERAL REGISTER, during which period any proper party in interest may file a protest to the authority for which we have found a need to exist.

NOTICE OF FILING OF PETITIONS

No. MC 124242 (PETITION FOR MODIFICATION OF PERMIT), filed November 18, 1964. Petitioner: TWIN CITIES NEWSPAPER SERVICE, INC., 1161 Shelby Avenue, St. Paul, Minn. Petitioner holds a permit in MC 124242 to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Exposed and processed film, microfilm and prints, complimentary replacement film, and incidental dealer handling supplies and advertising material moving therewith, except motion picture film used primarily for commercial theater and television exhibition, between St. Paul, Minn., on the one hand, and, on the other, points in that part of Wisconsin on and west of U.S. Highway 53, limited to a transportation service to be performed under a continuing contract, or contracts, with Mando Photo Company, of St. Paul, Minn. By the instant petition, petitioner requests that its Permit in No. MC 124242 be modified so as to authorize service within the scope thereof for Eastman Kodak Company in addition to service for Mando Photo Company. Any person or persons desiring to participate in this proceeding may file representations, consisting of an original and six copies each, within 30 days from the date of this publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 10872 (Sub-No. 41), filed November 18, 1964. Applicant: BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, Mo. Applicant's attorney: R. Garrett Phillips, Post Office Box 1402, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between all points in Illinois.

NOTE: This is a matter directly related to MC-F 8942, published in the FEDERAL REGISTER issue of November 25, 1964.

No. MC 93682 (Sub-No. 11), filed November 23, 1964. Applicant: COLE'S EXPRESS, a corporation, 76 Dutton Street, Bangor, Maine. Applicant's attorney: Frederick T. McGonagle, 85 Exchange Street, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Bangor-Brewer, Maine, and Woodland, Maine; from Bangor-Brewer, Maine, over U.S. Highway 2 to Lincoln, Maine, thence over Maine Highway 6 to junction U.S. Highway 1, at Topsfield, Maine, thence over U.S. Highway 1 to Woodland (Baileyville), Maine, and return over the same route serving the intermediate points of Lee, Springfield, Carroll, Topsfield, Waite, and Princeton, Maine, and the off-route points of East Winn, and Grand Lake Stream, Maine.

NOTE: This is a matter directly related to MC-F 8946.

No. MC 109672 (Sub-No. 9), filed November 9, 1964. Applicant: BOYCE MOTOR LINES, INC., Lake Shore Drive, Canandaigua, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodies requiring special equipment, and those injurious or contaminating to other lading), (A) Regular routes: (1) *between* Buffalo and Youngstown, N.Y., over New York Highways 18 and 18-F, and return over the same route, serving all intermediate points and the off-route points of Barre Center, Fort Niagara, Lyndonville, Oakfield, and Wilson, N.Y., (2) *between* Buffalo and Youngstown, N.Y., from Buffalo over New York Highway 5 to junction New York Highway 93 and thence over New York Highway 93 to Youngstown, and return over the same route, serving all intermediate points and the off-route points of Barre Center, Fort Niagara, Lyndonville, Oakfield, and Wilson, N.Y., (3) *between* Buffalo and Niagara Falls, N.Y., over New York Highway 384, and return over the same route, serving all intermediate points and the off-route points of Barre Center, Fort Niagara, Lyndonville, Oakfield, and Wilson, N.Y., (4) *between* Buffalo and Brockport, N.Y., from Buffalo over New York Highway 33 to junction New York Highway 78, thence over New York Highway 78 to Lockport, and thence over New York Highway 31 to Brockport, and return over the same route, serving all intermediate points and the off-route points of Barre Center, Fort Niagara, Lyndonville, Oakfield, and Wilson, N.Y., (5) *from* Buffalo over New York Highway 16 to Olean, thence over New York Highway 17 to junction New York Highway 36, thence over New York Highway 36 to Hornell, serving the intermediate points of Bolivar, East Aurora, Franklinville, Olean, and Wellsville, N.Y., and the termini of Hornell, N.Y., for delivery only.

(6) *From* Buffalo over New York Highway 18, to Salamanca, N.Y., serving the intermediate points of Cattaraugus, Gowanda, and Hamburg, N.Y., and the off-route point of Perrysburg, N.Y., and the termini of Salamanca, N.Y., for delivery only; (7) (a) *from* Buffalo over New York Highway 5 to Silver Creek, thence over U.S. Highway 20 to Fredonia, thence over New York Highway 60 to Jamestown, serving the intermediate points of Cassadaga, Evans Center, Farnham, Fredonia, Gerry, Irving, Laona, Sheridan, Silver Creek, Wanakah, and Woodlawn Beach, N.Y., and the off-route point of Sinclairville, N.Y., and the termini of Jamestown, N.Y., for delivery only; (b) *from* Buffalo over New York Highway 5 to Dunkirk, thence over New York Highway 60 to Fredonia, thence over U.S. Highway 20 to Westfield, thence over New York Highways 17 and 17-J to Jamestown, serving the intermediate points of Brocton, Chautauqua, Dunkirk, Lakewood, Lamberton, Mayville, Portland, Westfield, Celoron, and Stow, N.Y. (B) Irregular routes: (1) *between* Avon, Batavia, Buffalo, East Rochester, Geneseo, Mount Morris, Perry, Rochester, and Wayland, N.Y.; (2) *between* Alton, Buffalo, Canandaigua, Fulton, Geneva, Holcomb, Honeoye Falls, LeRoy, Mumford, Ontario Center, Shortsville, and Webster, N.Y., and (3) *from* Jamestown, N.Y., to Buffalo, N.Y.

NOTE. Applicant states all of the aforesaid authorities are to be expressly authorized and permitted to be "tacked", each to the other, at common authorized service points by virtue of the fact that the authorities sought herein represent a "conversion" of a "Certificate of Registration" based upon a Certificate of Public Convenience and Neces-

ality issued by the Public Service Commission of the State of New York, which said State Commission authorizes "tacking" within a single Certificate pursuant to 16 N.Y.C.R.R. 531.1 (formerly N.Y.P.S.C. Case 11024)." This is a matter directly related to MC–F–8935 published November 18, 1964.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8944. Authority sought for control and merger by McCRACKEN VAN & STORAGE CO. (to be renamed McCRACKEN BROS. MOTOR FREIGHT, INC.), 2200 West Seventh Place, Eugene, Oreg., of the operating rights and property of J. W. McCRACKEN AND E. E. McCRACKEN, a partnership, doing business as McCRACKEN BROTHERS MOTOR FREIGHT, 2200 West Seventh Place, Eugene, Oreg., and for acquisition by J. W. McCRACKEN, also of Eugene, Oreg., and E. E. McCRACKEN, 7326 Southwest Brier Place, Portland, Oreg., of control of such rights and property through the transaction. Applicants' attorney: William P. Ellis, 1121 Equitable Building, Portland, Oreg., 97204. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier*, over regular routes, between Eugene, Oreg., and Salem, Oreg., between Eugene, Oreg., and Curvallis, Oreg., serving all intermediate points; and *general commodities*, except those of unusual value, high explosives (other than blasting caps in quantities of more than 1,000), household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Portland, Oreg., and Springfield, Oreg., serving the intermediate and off-route points of Junction City and Eugene, Oreg., and those in Lane County, Oreg. McCRACKEN VAN & STORAGE CO., is authorized to operate as a *common carrier* in Oregon and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8945. Authority sought for purchase by JOSE HODGES TRANSPORTATION CORPORATION, Post Office Box 2397, Oklahoma City 8, Okla., of a portion of the operating rights of ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, Tex., and for acquisition by GEORGE T. PEW, 231 Chaswold Hill Road, Haverford, Pa., of control of such rights through the purchase. Applicants' attorney: Leroy Hallman, 617 First National Bank Building, Dallas, Tex. Operating rights sought to be transferred: *Class A and B explosives*, and *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Vernon, Tex., and Lone Wolf, Okla., serving all intermediate points, with service at Vernon restricted against transportation of traffic originating at or destined to Quanah, Tex., between Eldorado, Okla., and Gould, Okla., serving all intermediate points, and the off-route point of Louis, Okla., between Altus, Okla., and Quanah, Tex., between Altus, Okla., and Hollis, Okla., serving all intermediate points; *Class A and B explosives*, and *general commodities*, excepting, among others, household goods and liquids in bulk, between Memphis, Tex., and Hollis, Okla., serving no intermediate points, between Childress, Tex., and junction U.S. Highways 62 and 83 (east of Memphis, Tex.), serving no points except as otherwise authorized; *general commodities*, excepting, among others, household goods and commodities in bulk, serving United States missile launching sites located in Kiowa, Comanche, Tillman, Jackson, Harmon, and Greer Counties, Okla., and Wilbarger County, Tex., as off-route points in connection with carrier's regular route operations, to, from, or through Altus, Okla. RESTRICTION: The authority granted herein to the extent that it authorizes the transportation of Classes A and B explosives, shall be limited, in point of time, to a period expiring five years after August 28, 1961. Vendee is authorized to operate as a *common carrier*, under a certificate of registration, in the state of Oklahoma. Application has not been filed for temporary authority under section 210a(b).

NOTE: Docket No. MC–120634 Sub-6 is a matter directly related.

No. MC–F–8946. Authority sought for purchase by COLE'S EXPRESS, 76 Dutton Street, Bangor, Maine, of the operating rights and property of HERBERT W. GRAHAM, doing business as GRAHAM'S EXPRESS, 25 Lee Street, Lincoln, Maine, and for acquisition by GALEN L. COLE, CHESLEY R. COLE, both of 76 Dutton Street, Bangor, Maine, GERALD A. COLE, 36 Plum Street, Portland, Maine, VAUGHN L. COLE, Winter Street, Presque Isle, Maine, and ESTATE OF A. J. COLE (MERRILL TRUST BANK, TRUSTEE), 2 State Street, Bangor, Maine, of control of such rights and property through the purchase. Applicants' attorney: Frederick T. McGonagle, 85 Exchange Street, Portland, Maine. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99308 Sub-2, covering the transportation of freight or merchandise, as a common carrier, in intrastate commerce, within the State of Maine. Vendee is authorized to operate as a *common carrier* in Maine. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–93682 Sub-11 is a matter directly related.

No. MC–F–8947. Authority sought for purchase by GREAT WESTERN MOTOR LINES, INC., Post Office Box 607, 111 U.S. Highway 59 East, Richmond, Tex., of a portion of the operating rights of SECURITY TRUCKING COMPANY, 1211 North Peoria (Post Office Box 2497), Tulsa, Okla., and for acquisition by O. C. WOFFORD, also of Richmond, Tex., of control of such rights through the purchase. Applicants' attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, as a *common carrier*, over irregular routes, between points in Oklahoma, Kansas, Arkansas, and Texas, and points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Illinois, and Missouri; *machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Oklahoma, Kansas, Arkansas, and Texas, and points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Illinois and Missouri; and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Oklahoma, Kansas, Arkansas, and Texas, and points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Illinois and Missouri. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Oklahoma, Illinois, Louisiana, Texas, New Mexico, Colorado, Montana, Utah, Wyoming, Nebraska, North Dakota, South Dakota, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8948. Authority sought for purchase by ZERO REFRIGERATED LINES, Box 7249, Station "A", San Antonio, Tex., of the interstate operations conducted by FRIGID FOOD EXPRESS, INC., 2828 South Laredo, San Antonio, Tex., as lessee of Texas intrastate rights held by BEXAR CORPORATION, Three-A Life Building, San Antonio, Tex., and for acquisition by C. K. McCLELLAND, and JOSEPHINE WEST McCLELLAND, both of 815 Merida, San Antonio, Tex., of control of such rights through the purchase. Applicants' attorney: Lester M. Bridgeman, 1027 Woodward Building, Washington, D.C. Operating rights sought to be transferred: In pending Docket No. MC–121441 Sub-1, FRIGID FOOD EXPRESS, INC., and BEXAR CORPORATION, joint applicants, seek a certificate of registration, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Texas. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, Louisiana, Texas, Iowa, Wisconsin, Minnesota, Arizona, New Mexico, Nebraska, Oklahoma, Arkansas, Idaho, Utah, Colorado, South Dakota, Illinois, Michigan, Ohio, Missouri, Indiana, Kansas, Mississippi, New York, Pennsylvania, Tennessee, Virginia, Montana, Nevada, North Dakota, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE: Docket No. MC–110098 Sub-48 is a matter directly related.

No. MC–F–8949. Authority sought for purchase by STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, 2917 Gulden Lane, Dallas, Tex., of the operating rights of TRACY TRUCKING CO., 347 West Thornton Street, Akron, Ohio, and for acquisition by L. R. STRICKLAND, Post Office Box 5689, Dallas, Tex., of control of such rights through the purchase. Applicants' attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., 73102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points within two miles of Akron, Ohio, including Akron; *general commodities*, except those of unusual value, perishables, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Akron, Ohio, on the one hand, and, on the other, points in Summit County, Ohio. Vendee is authorized to operate as a *common carrier* in Texas, Arkansas, Tennessee, Louisiana, Mississippi, Missouri, Illinois, Oklahoma, Indiana, Michigan, Wisconsin, and Ohio. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–59680 Sub-141 was filed concurrently.

No. MC–F–8950. Authority sought for purchase by QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass., of the operating rights and property of GAY BROS. TRUCKING COMPANY, INC., 25 Esten Avenue, Pawtucket, R.I., and for acquisition by THOMAS J. LYONS, also of Brockton, Mass., of control of such rights and property through the purchase. Applicants' attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–97016 Sub–1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Rhode Island. Vendee is authorized to operate as a *common carrier* in Maryland, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Virginia, Delaware, New Hampshire, Maine, Vermont, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).





NOTE: Docket No. MC–4941 Sub–15 is a matter directly related.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12280; Filed, Dec. 1, 1964; 8:47 a.m.]

[Notice 707]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 27, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 263 (Sub-No. 158), filed November 6, 1964. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Post Office Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Billings, Mont., and Great Falls, Mont.; from Billings, Mont., over Montana Highway 3 to junction U.S. Highway 12, at or near Lavina, Mont., thence over U.S. Highway 12 to junction U.S. Highway 191, at or near Harlowton, Mont., thence over U.S. Highway 191 to junction U.S. Highway 87, at or near Moore, Mont., thence over U.S. Highway 87 to Great Falls, Mont., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 3468 (Sub-No. 150), filed November 12, 1964. Applicant: F. J. BOUTELL DRIVEAWAY CO. INC., 705 South Dort Highway, Flint 1, Mich. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except mobile homes) from Rose City, Mich., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 4242 (Sub-No. 6), filed November 10, 1964. Applicant: EUGENE M. GRIMM, doing business as PITTSBURGH-BROWNSVILLE EXPRESS, 1023 Reedsdale Street, Pittsburgh, Pa., 15223. Applicant's attorney: Edward M. Larkin, 2508–9 Grant Building, Pittsburgh, Pa., 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment and those injurious or contaminating to other lading), (1) between Connellsville, Pa., and Ruffs Dale, Pa.; from Connellsville over Pennsylvania Highway 711 to junction Pennsylvania Highway 381 at Normalville, Pa., thence over Pennsylvania Highway 381 to Ohiopyle, Pa. (thence returning over Pennsylvania Highway 381 to junction Pennsylvania Highway 711), thence over Pennsylvania Highway 711 to junction Pennsylvania Highway 31, and thence over Pennsylvania Highway 31 to Ruffs Dale, and return over the same route, serving all intermediate points, and (2) between Republic, Pa., and Masontown, Pa., over Pennsylvania Highway 166, serving all intermediate points.

NOTE: Applicant states he proposes to tack-on the requested authority with the authority presently held in MC 4242 and MC 4242 Sub 5 in the transportation of the commodities sought. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 10207 (Sub-No. 10), filed November 20, 1964. Applicant McCLAIN DRAY LINE, INC., 404 Railroad Avenue, Marion, Ind. Applicant's attorney: Ferdinand Born, 1017–1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

injurious or contaminating to other lading), serving the plantsite of the Bethlehem Steel Company's Burns Harbor, Indiana plant, located in Porter County, Ind., as an off-route point in connection with applicant's regular route operations from and to points in Illinois, Indiana, Ohio, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 11220 (Sub-No. 91), filed November 12, 1964. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: J. W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Baton Rouge, La., and Leland, Miss.: from Baton Rouge over Louisiana Highway 19 to the Louisiana-Mississippi State line, thence over Mississippi Highway 33 to junction U.S. Highway 61 near Fayette, Miss., thence over U.S. Highway 61 to Leland and return over the same route, serving the intermediate point of Vicksburg, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 14552 (Sub-No. 20), filed November 23, 1964. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal, Youngstown, Ohio, 44501. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business from Youngstown, Ohio, to Brownsville, Connellsville, Cannonsburg, Charleroi, Greensburg, Indiana, Kittanning, Uniontown, and Washington, Pa., and Weirton, W. Va., and *returned, refused, damaged, and defective shipments*, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 123991, therefore dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 19569 (Sub-No. 20), filed November 13, 1964. Applicant: S. & E. McCORMICK, INC., 1020 Church Street, Wilmington, Del. Applicant's attorney: George S. Maxwell, Suite 948 Leader Building, Cleveland, Ohio, 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings*, in bags or bundles; *meter boxes; stop cocks* and *valves* from the plantsites of the Buffalo Pipe and Foundry Corporation located at Buffalo and Tonawanda, N.Y., to Boyertown, Macungie, and Quakertown, Pa.; Bridgeton and Williamstown, N.J., and *damaged, rejected*, or *refused shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 21170 (Sub-No. 58), filed November 12, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by packinghouses* as described in Sections A and C, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Illinois, Kansas, Indiana, Minnesota, Missouri, Michigan, Nebraska, Ohio, Wisconsin, Kentucky, West Virginia, Virginia, Maryland, Delaware, District of Columbia, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Des Moines, Iowa.

No. MC 21170 (Sub-No. 59), filed November 13, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by packinghouses*, as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 26739 (Sub-No. 42), filed November 12, 1964. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, from Perry, Iowa, to points in Illinois, Kansas, Missouri and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 29566 (Sub-No. 93) (AMENDMENT), filed November 12, 1964, published FEDERAL REGISTER issue of November 25, 1964, and republished as amended this issue. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), (1) from Wichita, Kans., to Addison, Aurora, and Chicago, Ill. (except points in the Indiana portion of the Chicago, Ill., Commercial Zone as defined by the Commission), and (2) from Chicago, Ill. (except points in the Indiana portion of the Chicago, Ill., Commercial Zone as defined by the Commission) to Wichita, Kans.

NOTE: The purpose of this republication is to add (2) above. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29886 (Sub-No. 197), filed November 13, 1964. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled vehicles*, with and without attachments (except highway automobiles, trucks, and buses), *cranes*, and *hoisting equipment*, and *attachments*, and *tractor grading, loading and excavating attachments and parts*, from Schofield, Kewaunee, and Milwaukee, Wis., and the proving-ground site of Drott Manufacturing Corporation, located at King, and Harrison (Lincoln County), Wis. to points in Illinois, Indiana, Michigan, Ohio, Tennessee, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41406 (Sub-No. 12), filed November 16, 1964. Applicant: J. ARTIM & SONS, INC., 7105 Kennedy Avenue, Hammond, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment other than those requiring specialized handling or rigging because of size or weight, and those injurious or contaminating to other lading) between the plantsite of the Bethlehem Steel Company, Burns Harbor, Indiana plant, located in Porter County, Ind., on the one hand, and, on the other, points in Illinois and St. Louis, Mo.

NOTE: No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42146 (Sub-No. 9), filed November 18, 1964. Applicant: A. G. BOONE COMPANY, a corporation, 1117 South Clarkson Street, Charlotte, N.C., 28208. Applicant's attorney: Allen Post, Sixth Floor, First National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points in Fulton County, Ga., on the one hand, and, on the other, points in Lauderdale, Jones, Forrest, Harrison, and Jackson Counties, Miss., restricted to transportation services performed under contract with The Great Atlantic and Pacific Tea Company, Inc.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 42487 (Sub-No. 609), filed November 16, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Robert C. Stetson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, plastics, resins, cleaning compounds, lubricating oils* (other than petroleum), in bulk, in tank vehicles, from points in Illinois, Whiting, Ind., and points in Wayne County, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE: Applicant states it holds a portion of the authority sought herein, but does not seek duplicate authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 42963 (Sub-No. 24), filed November 18, 1964. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks III, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of River Cement Company, in Jefferson County, Mo., and St. Louis, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 308), filed November 9, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill., 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solutions* in bulk from Peru, Ill. to points in Illinois, Indiana, Iowa, Kansas, Kentucky, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 61396 (Sub-No. 115) (AMENDMENT), filed October 26, 1964, published FEDERAL REGISTER issue of November 11, 1964, amended November 23, 1964, and republished as amended this issue. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions* in bulk, in tank trucks, and *dry fertilizer* in bulk and in bags, from the plant site of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Iowa, Kansas, South Dakota, Minnesota, Missouri, and Illinois, and *returned and rejected shipments* on return.

NOTE: The purpose of this republication is to add dry fertilizer in bulk and in bags and to add Illinois to the destination territory. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 64932 (Sub-No. 361), filed November 20, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid, phosphoric, spent*, in bulk, in tank vehicles, from Charlotte, Mich., to Terre Haute, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72545 (Sub-No. 4), filed November 17, 1964. Applicant: FRANK P. MANNER, doing business as MANNER'S TRUCKING SERVICE, Post Office Box 632, Orland, Calif. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz., 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire-trol* (a fire retardant), in bags, and in bulk, in hopper-type vehicles, from Orland, Calif., to points in Idaho, Nevada, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 76171 (Sub-No. 4), filed November 16, 1964. Applicant: ALMA A. BASSE HERBORT, doing business as BASSE EXPRESS, 315 East Main Street, Fredericksburg, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Fredericksburg, Tex., and Harper, Tex., over U.S. Highway 290, serving Spring Creek, Tex., as an intermediate point.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 95540 (Sub-No. 612), filed November 12, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods; potatoes* and *potato products*, frozen or unfrozen, from points in Kent County, Mich., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Washington, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 96757 (Sub-No. 2), filed November 9, 1964. Applicant: ARTHUR G. MILLER, doing business as MILLER'S TRANSFER, 317 South Brown Street, Minden, Nebr. Applicant's attorney: R. E. Powell, 1005–6 Terminal Building, Lincoln, Nebr., 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *General commodities* (except Classes A and B explosives, commodities in bulk, commodities of unusual value, and those requiring special equipment); REGULAR ROUTES: (a) between Minden, Nebr., and Hastings, Nebr.; from Minden, Nebr., over Nebraska Highway 74 to junction unnumbered county road immediately east of Roseland, Nebr., thence north over unnumbered county road to junction U.S. Highways 6 and 34, thence over U.S. Highways 6 and 34 to Hastings, Nebr., and return over the same route, serving all intermediate points, (b) between Minden, Nebr., and Hastings, Nebr.; from Minden, Nebr., over U.S. Highways 6 and 34, to Hastings, Nebr., and return over the same route, serving all intermediate points, and Kenesaw and Juniata, Nebr., as off-route points, and (2) *general commodities* (except household goods, as defined by the Commission, Classes A and B explosives, commodities in bulk, commodities of unusual value, and those requiring special equipment), IRREGULAR ROUTES: between points within a 20-mile radius of Kenesaw, Nebr., on the one hand, and, on the other, Grand Island, Omaha, and Lincoln, Nebr.

NOTE: Applicant states that in part (2) above, all shipments must either originate at, or be destined to points within a 20-mile radius of Kenesaw, Nebr. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 99962 (Sub-No. 2), filed November 18, 1964. Applicant: GARY GROESSER AND ROBERT GROESSER, doing business as GLEN LAKE TRUCK LINES, Glen Arbor, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, and commodities in bulk), between Traverse City, Mich., on the one hand, and, on the other, Glen Arbor, Empire, Glen Haven, Cedar, Maple City, and Burdickville, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 103378 (Sub-No. 308), filed November 18, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry alum*, in bulk, from Atlanta, Ga., and points within 15 miles thereof, to points in Tennessee on and east of U.S. Highway 27, and points in North Carolina and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 105387 (Sub-No. 33), filed November 12, 1964. Applicant: R. A. CORBETT (GRACE LEE CORBETT,

INDEPENDENT EXECUTRIX), doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lumber* from Haslam, Tex. and points within 5 miles thereof to Shreveport, La.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 105387 (Sub-No. 34), filed November 12, 1964. Applicant: R. A. CORBETT (GRACE LEE CORBETT, INDEPENDENT EXECUTRIX), doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Rilla, La. and points within 5 miles thereof to points in Mississippi.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 105461 (Sub-No. 60), filed November 13, 1964. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, from Wharton Township, Town of Wharton, Morris County, N.J. to points in New Jersey, and (2) *advertising materials* and *cartons for glass containers*, from Wharton Township, Town of Wharton, Morris County, N.J., to points in New Jersey. RESTRICTION: The proposed authority in (2) above will be restricted to mixed shipments of said commodities with glass containers.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105813 (Sub-No. 117), filed November 18, 1964. Applicant BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato and potato products in all forms, all types of processing or preserving, and all packaging*, from points in Montcalm County, Mich., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 587), filed November 12, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aplite*, dry, in bulk, in tank vehicles, from Montpelier, Va., to Baltimore, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108053 (Sub-No. 59), filed November 18, 1964. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, syrups, sauces, toppings*, and *chocolate products* (except in bulk, in tank vehicles), and *advertising materials and displays and dispensing equipment and premiums*, when moving in connection with confectionery, syrups, sauces, toppings and chocolate products (except in bulk, in tank vehicles), from Oakdale, Calif., to points in Arizona, New Mexico, Texas, Colorado, Utah, Nevada, Wyoming, Montana, Idaho, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 110420 (Sub-No. 395), filed November 12, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street (Post Office Box 339), Burlington, Wis. Applicant's representative: Fred H. Figge (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices*, in bulk, in insulated stainless steel tank vehicles, from Cicero, Ill., to Inwood, W. Va., Spartanburg, S.C., and Vincentown, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 396), filed November 18, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate coating*, liquid, in bulk, in tank vehicles, from Mansfield, Mass., to Chicago, and Robinson, Ill., and Detroit, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 688), filed November 12, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel desiccant*, in bulk, in pneumatic tank vehicles, from the site of the Mobile Oil Co. Refinery at or near Paulsboro, N.J., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 42) (AMENDMENT) filed October 22, 1964, published FEDERAL REGISTER issue of November 4, 1964, amended November 20, 1964, and republished as amended this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Palm River Road, Tampa, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, wet or dry, in bulk in dump, tank or hopper type vehicles from the plant site of Texas Gulf Sulphur in Beaufort County, N.C., and points within 5 miles thereof to points in Virginia, South Carolina, and North Carolina.

NOTE: The purpose of this republication is to add North Carolina as a destination State. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 111045 (Sub-No. 43), filed November 20, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street N.W., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock, phosphate, phosphate products, and phosphate byproducts*, in bulk in tank or hopper type vehicles, from points in Florida to points in Florida, Alabama, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 111138 (Sub-No. 48), filed November 16, 1964. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Post Office Box 616, Council Bluffs, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from points in Dakota County, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Washington, D.C.

No. MC 111812 (Sub-No. 268), filed November 18, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from points in Cumberland County, N.J., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Milan, Ill.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 111956 (Sub-No. 9), filed November 12, 1964. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. Applicant's attorney: Samuel P. Delisi, 1515 Park Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving the plant site of Chevrolet Division of General Motors Corp., located in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 112148 (Sub-No. 28) (AMENDMENT), filed October 16, 1964, published FEDERAL REGISTER issue of November 4, 1964, amended November 23, 1964, and republished as amended this issue. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles) from Mason City, Iowa to points in Missouri, the lower peninsula of Michigan, those in that part of New York on and west of a line beginning at Oswego, thence along New York Highway 57 to junction with Interstate Highway 81 and thence along Interstate Highway 81 to the New York-Pennsylvania State line, and points in Wisconsin (except Green Bay, Milwaukee, Oshkosh, and Two Rivers.

NOTE: The purpose of this republication is to add the destination territory sought in Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113255 (Sub-No. 44), filed November 16, 1964. Applicant: MILK TRANSPORT, INC., Post Office Box 398, New Brighton, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil* (not otherwise specified) *petroleum lubricating oil, petroleum naphtha, petroleum transformer oil, petroleum or paraffin wax, petrolatum or petrolatum preparations*, in bulk, in tank vehicles, from Buffalo, N.Y., Bradford, Emlenton, Farmers Valley, Franklin, Freedom, Karns City, Oil City, Petrolia, Reno, Rouseville, and Warren, Pa., and St. Marys and Falling Rock, W. Va., to points in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 113325 (Sub-No. 31), filed November 19, 1964. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, having a prior movement by rail, between points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 75), filed November 12, 1964. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, and packinghouse products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Indiana, Massachusetts, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113651 (Sub-No. 76), filed November 12, 1964. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from points in Dakota County, Nebr. to points in Connecticut, Delaware, District of Columbia, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa or Washington, D.C.

No. MC 113678 (Sub-No. 95), filed November 12, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, syrups, sauces, toppings*, and *chocolate products* (except in bulk, in tank vehicles), and *advertising materials and displays and dispensing equipment and premiums*, when moving in connection with confectionery, syrups, sauces, toppings and chocolate products (except in bulk, in tank vehicles), from Oakdale, Calif. to points in Arizona, New Mexico, Texas, Colorado, Utah, Nevada, Wyoming, Montana, Idaho, Oregon and Washington.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 114019 (Sub-No. 125), filed November 18, 1964. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato and potato products* in all forms, all types of processing or preserving, and all packaging, from points in Montcalm County, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, the District of Columbia, Kentucky, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 23), filed November 13, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bouillon cubes, canned meat, pizza mix*, with and without sauce and cheese, and *tomato paste* from the plant site of Armour Grocery Products Co., located in Aurora Township, Kane County, Ill., to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 24), filed November 16, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal fats, animal oils*, and *vegetable oils*, including products and blends thereof, with or without emulsifiers, preservatives, coloring or additives, in packages, and *oleomargarine*, in packages, from Bradley, Ill., to points in Minnesota (except St. Paul, Minneapolis, Duluth, and Winona, Minn.), Wisconsin, the upper peninsula of Michigan, North Dakota (except Fargo, N. Dak.), and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.



No. MC 114552 (Sub-No. 23), filed November 18, 1964. Applicant: SENN TRUCKING COMPANY, a corporation,

No. MC 115883 (Sub-No. 10), filed November 12, 1964. Applicant: ROBERT A. WELSH, White Mills, Pa. Authority

Georgia, Florida, Alabama, Kentucky, Tennessee, Ohio, Indiana, Illinois, Arkansas, Iowa, Michigan, Wisconsin,



hicle, over irregular routes, transporting: *Animal and poultry feed and feed specialties*, in bulk, and in bulk and bags in

DELIVERY SERVICE, INC., 72 Roosevelt Street, Babylon, L.I., N.Y. Applicant's attorney: Arthur J. Piken, 160-16

and 24 to Grand Junction, Colo., thence over combined U.S. Highways 6 and 50

No. MC 114552 (Sub-No. 23), filed November 18, 1964. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, and wood boxes*, knocked down, between points in Georgia, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 115614 (Sub-No. 1), filed November 16, 1964. Applicant: MELVIN MORGAN, doing business as MORGAN BROTHERS, 1429 Ridgeroad, Shelton, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, from Shelton, McCleary and Olympia, Wash., and points within 5 miles of each to Olympia, Seattle, Tacoma and Longview, Wash., and (2) *building materials, tapioca flour, asbestos fibre, borax, clays*, and *paint ingredients*, from Olympia, Seattle, Tacoma and Longview, Wash., to Shelton, McCleary and Olympia, Wash., and *empty containers or other such incidental facilities* (not specified) used in transporting the described commodities in (1) and (2) above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 115841 (Sub-No. 212), filed November 12, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits, vegetables*, and *berries*, when moving in mixed loads with regulated commodities, from Nashville, Tenn., to points in Arkansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115841 (Sub-No. 213), filed November 12, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food preparations*, from points in Knox County, Tenn., to points in Tennessee on and west of U.S. Highway 27.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 115883 (Sub-No. 10), filed November 12, 1964. Applicant: ROBERT A. WELSH, White Mills, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Carbon, Northumberland, Columbia, Schuylkill, Lackawanna, and Luzerne Counties, Pa., to points in Suffolk County, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 116725 (Sub-No. 9), filed November 16, 1964. Applicant: JOHN S. KELLER, 855 Maple Avenue, Harleysville, Pa. Applicant's representative: John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, and paper products* from Edgely, Pa., to points in Minnesota and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 117119 (Sub-No. 178), filed November 18, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *potato products*, from Caldwell, Nampa, Burley, Heyburn, Rexburg, Boise, Borah, Weiser, American Falls, Kimberly, Twin Falls and Idaho Falls, Idaho, and Ontario, and Pendleton, Oreg., to points in Nevada, and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117574 (Sub-No. 110), filed November 13, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drinking fountains, water coolers, heating equipment, well pumps, plastic pipe* in coils not exceeding pipe six (6) inches in diameter, between points in Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and Camden County, N.J., on the one hand, and, on the other, points in the United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 111), filed November 13, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39 M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets, logs, sawdust, wood flour, chips and fiber, wood fiber and wood chip products* (except lumber and plywood) between points in Upshur, Webster, and Braxton Counties, W. Va., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Kentucky, Tennessee, Ohio, Indiana, Illinois, Arkansas, Iowa, Michigan, Wisconsin, Minnesota, Missouri, Mississippi, Louisiana, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117823 (Sub-No. 26), filed November 18, 1964. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 West California Avenue, Salt Lake City 15, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and canned fruits and vegetables*, when moving in the same vehicle at the same time with frozen foods, from Provo, Utah, to points in Arizona, and points in San Diego and Imperial Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 119777 (Sub-No. 30), filed November 16, 1964. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and (2) *iron and steel* (except those requiring special equipment), from points in Cabell County, W. Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 121502 (Sub-No. 2), filed October 8, 1964. Applicant: HOWARD M. MESHARER, doing business as STATE TRANSFER COMPANY, 473 Horton Street, Wilkes-Barre, Pa. Applicant's representative: John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and building materials*, (1) from storage in applicant's warehouse in Wilkes-Barre, Pa., for distribution to points in New Jersey, New York, and Pennsylvania; and (2) from points in New Jersey, New York, and Pennsylvania to applicant's warehouse in Wilkes-Barre, Pa., for storage purposes, the transportation of which is incidental to the storage thereof.

NOTE: This application was accompanied by a Motion to Dismiss. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 123263 (Sub-No. 1), filed November 18, 1964. Applicant: BELGIUM TRUCKING CO., INC., Belgium, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed specialties*, in bulk, and in bulk and bags in mixed shipments (except liquid commodities) from the Town of Fond du Lac, Fond du Lac County, Wis., to points in the upper peninsula of Michigan, and *returned shipments* of the above-specified commodities and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 123397, filed January 30, 1961. Applicant: HAINES LUMBER COMPANY, INC., Post Office Box 129, Haines, Alaska. Applicant's attorney: N. C. Banfield, Post Office Box 1121, Juneau, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives); (1) between points in Washington and points in Alaska, and (2) between points in Alaska.

NOTE: Applicant states it proposes to operate between any point on the route from Tacoma, Wash., to the British Columbia border at Blaine, Wash., and any point in Alaska served by the ferry system to be operated by or for the State of Alaska between the Alaska-British Columbia border in Dixon Entrance and Haines, Alaska, or accessible by highway from Haines, Alaska, via Haines Junction, B.C., and Tetlin, Alaska; and also points in Alaska on said ferry and highway routes. If a hearing is deemed necessary, applicant requests that it be held at Juneau, Alaska.

No. MC 123746 (Sub-No. 3), filed November 17, 1964. Applicant: SECURITY TRANSPORT CO., a corporation, Post Office Box 110, Bozeman, Mont. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City, Utah, 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, namely: wallboard, lath, sheathing, backer board, and wallboard reinforced systems, from Cody, Wyo., to points in Park, Lewis, and Clark, Missoula, and Gallatin Counties, Mont., and *empty containers or other such incidental facilities* used in transporting the above commodities and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Bozeman, Mont.

No. MC 124067 (Sub-No. 3), filed November 9, 1964. Applicant: CAPITAL CITY EXPRESS, INC., 1947 Gorgas Street, Montgomery, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Property declared surplus and made available to the Alabama State Agency for surplus property* (except explosives, commodities in bulk, and those requiring special equipment) from points in Pennsylvania, Maryland, New Jersey, and New York to Glencoe, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 124548 (Sub-No. 1), filed November 2, 1964. Applicant: PARTS DELIVERY SERVICE, INC., 72 Roosevelt Street, Babylon, L.I., N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, accessories* and *equipment*, and *returned, rejected, damaged* and *traded-in-parts*, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between the facilities of World-Wide Automobile Corp. and World-Wide Accessory Corp., located at Orangeburg, N.Y., on the one hand, and, on the other, points in New Jersey, New York and Connecticut.

NOTE: Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: World-Wide Automobile Corp. and World-Wide Accessory Corp., of Orangeburg, N.Y. Applicant is presently authorized to transport "Automobile parts, accessories and equipment, between the plant site of World-Wide Automobile Corp. and World-Wide Accessory Corp., at Astoria, N.Y., on the one hand, and, on the other, points in New Jersey, New York and Connecticut, restricted to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: World-Wide Automobile Corp. and World-Wide Accessory Corp., of Astoria, N.Y." The referred shippers are relocating at Orangeburg, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124678, filed August 6, 1962. Applicant: MINNESOTA-TEXAS "35", INC., 1501 Southwest 64th, Oklahoma City, Okla. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Duluth, Minn. and Laredo, Tex.; from Duluth over Interstate Highway 35 to Laredo, and return over the same route, serving all intermediate points, in interline service.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 124798, filed September 17, 1962. Applicant: EDWIN CARL JOHNSON, doing business as SOUTHWEST SHORT LINES, 901 Sherman Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk and in tank vehicles, household goods as defined by the Commission, and livestock), between Denver, Colo., and San Diego, Calif. (1) From Denver over Interstate Highway 70 to junction Interstate Highway 15 at or near Cove Fort, Utah, thence over Interstate Highway 15 to San Bernardino, Calif., and thence over U.S. Highway 395 to San Diego, Calif. (2) From Denver over U.S. Highway 6 to Dowd, Colo., thence over combined U.S. Highways 6 and 24 to Grand Junction, Colo., thence over combined U.S. Highways 6 and 50 to Price, Utah, thence over Utah Highway 10 to Salina, Utah, thence over U.S. Highway 89 to Sevier, Utah, thence over Utah Highway 13 to Cove Fort, Utah, thence over U.S. Highway 91 to Barstow, Calif., thence over combined U.S. Highways 91 and 66 to San Bernardino, Calif., and thence over U.S. Highway 395 to San Diego.

(Also from Price, Utah, over combined U.S. Highways 6 and 50 to Provo, Utah, and thence over U.S. Highway 91 to Cove Fort, Utah.) (3) From Denver over U.S. Highway 285 to junction Colorado Highway 112, thence over Colorado Highway 112 to Del Norte, Colo., thence over U.S. Highway 160 to Cortez, Colo. (also from Denver over U.S. Highway 285 to Monte Vista, Colo., and thence over U.S. Highway 160 to Del Norte, Colo.), thence over U.S. Highway 666 to junction Colorado Highway 40, thence over Colorado Highway 40 and its extension across the San Juan River and the corner of New Mexico to junction near Four Corners with Arizona Highway 364, thence over Arizona Highway 364 to junction Navajo Highway Route 1 at or near Teec Nos Pass, Ariz., thence over Navajo Highway Route 1 through Mexican Water, Kayenta, Tonalea and Tuba City, Ariz., to junction U.S. Highway 89 (the highways from junction U.S. Highway 666 and Colorado Highway 40 may be designated Colorado Highway 40 to junction Arizona Primary 8 or Arizona Highway 364, thence over Arizona Primary 8 to junction Arizona Highway 364, thence over Arizona Highway 364 to Kayenta, and thence over Arizona Highway 64 to junction U.S. Highway 89), thence over U.S. Highway 89 to Flagstaff, Ariz., thence over U.S. Highway Alternate 89 from junction at or near Flagstaff to junction with new boulevard about 5 miles from Flagstaff, thence over new boulevard to junction Arizona Highway 79 at or near Montezuma Castle, thence over Arizona Highway 79 to junction Arizona Highway 69, thence over Arizona Highway 69 to Phoenix, Ariz., and thence over U.S. Highway 80 to San Diego, Calif. (4) From Denver over the above described highways to Flagstaff, Ariz., thence over Interstate Highways 17, 10 and 8 to San Diego, Calif., serving all intermediate points, and off-route points within 15 miles of Denver, within 15 miles of San Diego, and within 6 miles of U.S. Highway 395 from San Bernardino to San Diego, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver and Grand Junction, Colo., Phoenix, Ariz., and San Bernardino and San Diego, Calif.

No. MC 125229 (Sub-No. 1), filed November 20, 1964. Applicant: ELMER P. SHIFFER, Rural Delivery No. 2, Moscow, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pallets*, from points in Lackawanna, Susquehanna, and Wyoming Counties, Pa., to points in New York, (2) *cut* and *milled lumber* from points in Wayne and Lackawanna Counties, Pa., to Newark, N.J., and (3) *coal* from points in Lackawanna and Luzerne Counties,



Pa., to points in Orange, Rockland, Tompkins, Sullivan, Delaware, Ulster, Dutchess, Green, Columbia, Broome, and Duchess Counties, N.Y., and points in Connecticut on and west of U.S. Highway 5.

No. MC 125230, filed November 20, 1964. Applicant: ROBERT AXELROD, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and (2) *iron and steel* (except those requiring special equipment), from points in Cabell County, W. Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 125232, filed November 20, 1964. Applicant: G. ALFRED ROENSCH, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Del Norte, Humboldt, Mendocino, Lake, Sonoma, Napa, Solano, Yolo, Sacramento, Amador, Calaveras, Tuolumne, Mariposa, Madera, Fresno, Tulare, Kings, Kern, Inyo, Mono, Alpine, Tuolumne, Stanislaus, San Joaquin, Contra Costa, Alameda, Santa Clara, San Mateo, San Francisco, Marin

Pa., to points in Orange, Rockland, Tompkins, Sullivan, Delaware, Ulster, Dutchess, Green, Columbia, Broome, Chemung, and Tioga Counties, N.Y., and Hudson, Essex, Union, Bergen, Morris, Somerset, and Passaic Counties, N.J., and *empty containers or other incidental facilities* (not specified) used in transporting the commodities described in (1), (2) and (3) above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125534 (Sub-No. 2), filed November 6, 1964. Applicant: FELIX FRASSATO, INC., 201 Panther Drive, Pinckneyville, Ill. Applicant's attorney: Delmar Koebel, 107 West St. Louis Street, Lebanon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rough and unfinished lumber and wooden crane mats*, from points in Illinois in and south of Madison, Bond, Fayette, Effingham, Jasper, and Crawford Counties, Ill., to points in Indiana, Missouri, Kentucky, Pennsylvania, Ohio, Alabama, Tennessee, Iowa, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return, and (2) *rough and unfinished lumber*, from points in Missouri on and east of U.S. Highway 67, to points in Illinois, Indiana, Kentucky, Pennsylvania, Ohio, Alabama, Tennessee, Iowa, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 125777 (Sub-No. 35), filed November 12, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, shale and cinders*, in bulk, in dump vehicles, from Ottawa, Ill., to points in Michigan and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 36), filed November 12, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump vehicles, from Chicago, Ill., to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 38) (AMENDMENT), filed November 12, 1964, published FEDERAL REGISTER issue November 25, 1964, amended and republished this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from points in Michigan to points in Kentucky.

NOTE: The purpose of this republication is to show the broadened scope of the origin territory. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 125777 (Sub-No. 39), filed November 20, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in permanently affixed bulk carrying units unloaded by conveyors, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126569 (Sub-No. 2) (AMENDMENT), filed October 19, 1964, published FEDERAL REGISTER issue of November 11, 1964, amended November 20, 1964, and republished as amended this issue. Applicant: ROBERT DHAMERS, doing business as DHAMERS TRUCKING AND EXCAVATING CO., Post Office Box 102, Cordova, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Casein*, in bags, from the plant site of The Erie Casein Dryers, located at or near Erie, Ill., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and Oregon.

NOTE: The purpose of this republication is to add the destination State of Oregon. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126697 (Sub-No. 1), filed November 18, 1964. Applicant: MOORE VAN AND STORAGE OF SACRAMENTO, INC., 8269–A Alpine Avenue, Sacramento, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances* and *new furniture* and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, (1) between New York, Elmont, Massapequa, Garden City, West Islip, N.Y., Little Falls, Paramus, North Plainfield, and Hackensack, N.J., and (2) between New York, Elmont, Massapequa, Garden City, West Islip, N.Y., Little Falls, Paramus, North Plainfield, and Hackensack, N.J., on the one hand, and, on the other, points in New Jersey, points in Nassau, Suffolk, Orange, Rockland, Putnam, Westchester, and Duchess Counties, N.Y., and points in Connecticut on and west of U.S. Highway 5.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126729, filed November 12, 1964. Applicant: S. E. HEFLEBOWER, AND I. W. HEFLEBOWER, a partnership, doing buisness as HEFLEBOWER TRANSFER AND STORAGE, 3200 West Leigh Street, Richmond, Va. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within a radius of 50 miles of Richmond, Va., including Richmond, Va., restricted to shipments having a prior or subsequent movement beyond Richmond, Va., and a 50-mile radius thereof, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 126737, filed November 13, 1964. Applicant: TRICO TRUCKING, INC., RFD No. 1, Grover Hill, Ohio. Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities* as are susceptible of being unloaded by dumping in dump trucks, between points in Union Township, Van Wert County, Ohio, on the one hand, and, on the other, points in Indiana and Michigan, under a continuing contract with The Union Quarries Company, of Van Wert, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126738, filed November 13, 1964. Applicant: CENTER DISTRIBUTING COMPANY, a corporation, 811 South 36th Street, Omaha, Nebr. Applicant's attorney: Joseph Polack, Service Life Building, Omaha, Nebr., 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottled beverages* and *related items*, from Omaha, Nebr., to points in Adams, Page, Montgomery, Mills, Fremont, Shelby, Taylor, Harrison, and Pottawattamie Counties, Iowa, and Atcheson County, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *empty beverage bottles and cases*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126739, filed November 16, 1964. Applicant: GERALD C. MAHNENSMITH, doing business as MAHNENSMITH TRUCKING SERVICE, Post Office Box 341, Ossian, Ind. Applicant's attorney: Robert S. McCain, 18th Floor Lincoln Bank Tower, Fort Wayne, Ind., 46802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers* from the plant site of Schrock Division of Tuloma Gas Products Company located at Yoder, Ind., to points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126740, filed November 16, 1964. Applicant: JORAY TRUCKING CORP., 2375 Woodbridge Avenue, Edison, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, debris*, and *other commodities which have been obtained from excavations and the demolishment of buildings*, from New York, N.Y., to points in Bergen, Hudson, Essex, Middlesex, Somerset, Union, and Passaic Counties, N.J.

NOTE: Applicant holds contract carrier authority in MC 125383 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126741, filed November 16, 1964. Applicant: CLYDE POWELL, Route 2, London, Ky. Applicant's attorney: Robert H. Kinker, 711 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber* on flat bed vehicles, from points in Laurel County, Ky., to points in Indiana, Ohio, Tennessee, North Carolina, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 126742, filed November 18, 1964. Applicant: JOSEPH W. JADCZAK, 2225 Pratt Street, Philadelphia, Pa., 19137. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pistons, cylinders, uncrated hoists and parts and accessories for the foregoing items*, from Philadelphia, Pa., to points in New York, New Jersey, Delaware, Maryland and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

MOTOR CARRIERS OF PASSENGERS

No. MC 58915 (Sub-No. 51), filed November 16, 1964. Applicant: LINCOLN TRANSIT CO., INC., U.S. 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between New Brunswick, N.J., and Bordentown, N.J.; in New Brunswick, from the junction of U.S. Highway 1 and New Jersey Highway 18, along U.S. Highway 1 to the junction of U.S. Highway 130, thence along U.S. Highway 130 to the junction U.S. Highway 206, thence along U.S. Highway 206 to the junction U.S. Highway 206 and New Jersey Turnpike at Interchange 7 in Bordentown, and return over the same route, serving all intermediate points; (2) between Jamesburg, N.J., and South Brunswick Township, N.J.: from Jamesburg over Forsgate Road to junction of Forsgate Road and U.S. Highway 130 in South Brunswick, and return over the same route, serving all intermediate points; (3) between Monroe Township, N.J., and East Windsor Township, N.J.; in Monroe Township from the junction of Forsgate Road and Possum Hollow Road over Possum Hollow Road, Applegarth Road, Clarksburg Road and Prospect Plains Road to junction New Jersey Highway 33, thence along New Jersey Highway 33 to junction New Jersey Highway 33 and U.S. Highway 130 in East Windsor Township, and return over the same route serving all intermediate points. Applicant seeks authority to join routes at the junction of New Jersey Highway 33, New Jersey Turnpike and New Jersey Turnpike Interchange 8; and (4) between Monroe Township, N.J., and Cranbury Township, N.J.; in Monroe Township, from the junction of Applegarth Road and Cranbury Station Road over Cranbury Station Road and East Spotswood Road to the junction of East Spotswood Road and U.S. Highway 130 in Cranbury Township, and return over the same route, serving all intermediate points.

NOTE: Applicant states it intends to tack the above routes to its existing routes and seeks authority for the purpose of joinder at junction points. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 108452 (Sub-No. 8), filed November 3, 1964. Applicant: ATWOOD'S TRANSFER LINES, INC., 419 New Jersey Avenue NW., Washington, D.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Washington, D.C., and Priest Bridge, Md.; from Washington over city streets to the District of Columbia-Maryland State line, thence over Alternate U.S. Highway 1 to junction Maryland Highway 450, and thence over Maryland Highway 450 to Priest Bridge, and return over the same route, serving all intermediate points, and (2) between Lanham, Md., and junction Maryland Highways 197 and 450; from Lanham over Maryland Highway 564 to Bowie, Md., thence over Maryland Highway 197 to junction Maryland Highway 450, near Baldwin's Garage, Md., and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115116 (Sub-No. 15), filed November 13, 1964. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers* and *express* in the same vehicle with passengers (1) between Borough of Princeton, N.J., and East Brunswick, N.J., from Borough of Princeton over Mercer County Highway 571 to its junction with New Jersey Highway 33 in Hightstown, thence over New Jersey Highway 33 to access roads to New Jersey Turnpike at Interchange No. 8 near Hightstown, thence over New Jersey Turnpike Interchange No. 8 access roads to the New Jersey Turnpike, thence over the New Jersey Turnpike to Interchange No. 9 at East Brunswick (a point on applicant's presently authorized route), and return over the same route, serving all intermediate points, with the right to join the aforesaid route with the existing route of Suburban Transit Corp. on the New Jersey Turnpike at Interchange No. 9 in East Brunswick, N.J., (2) between East Windsor Township, N.J., and South Brunswick Township, N.J., from junction New Jersey Highway 33 and access roads to New Jersey Turnpike at Interchange No. 8 in East Windsor Township, over New Jersey Highway 33 to its junction with Prospect Plains Road in Monroe Township, thence over Prospect Plains Road, Clarksburg Road, Applegarth Road and Possum Hollow Road to junction with Forsgate Road in Monroe Township, thence over Forsgate Road to its junction with U.S. Highway 130 in South Brunswick Township and return over the same route, serving all intermediate points, and (3) between East Windsor Township, N.J., and North Brunswick Township, N.J., from junction Mercer County Highway 571 and U.S. Highway 130 in East Windsor Township, over U.S. Highway 130 to its junction with U.S. Highway 1 in North Brunswick Township and return over the same route serving all intermediate points.

NOTE: Applicant states it proposes to provide service to and from New York, N.Y., by joining the proposed routes to its existing routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 124677, filed August 6, 1962. Applicant: MINNESOTA-TEXAS "35" INC., 1501 Southwest 64th, Oklahoma City, Okla. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, mail, express and newspapers*, between Duluth, Minn., and Laredo, Tex., over Interstate Highway 35, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 126743, filed November 18, 1964. Applicant: JAMES A. MAHAN AND HELEN P. MAHAN, a partnership, doing business as MAHAN LIVERY SERVICE, 8 Avenue B, Beacon Falls, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Waterbury, Naugatuck, and Seymour, Conn., on the one hand, and, on the other, John F. Kennedy and La Guardia Airports, New York, N.Y.

NOTE: If a hearing is deemed necessary applicant requests it be held at Hartford, Conn.

## APPLICATIONS FOR BROKERAGE LICENSES

### MOTOR CARRIERS OF PROPERTY

No. MC 12930, filed May 13, 1964. Applicant: ROBERT L. PETERSON, 445 Lagunitas Road, Ross, Calif. For a license (BMC 4) to engage in operations as a *broker* at Ross, Calif., in arranging for the transportation of *household goods* by motor carriers in interstate or foreign commerce, from points in the San Francisco Bay area, California, and points within a forty (40) mile radius thereof, to points in the United States.

### MOTOR CARRIERS OF PASSENGERS

No. MC 12685 (Sub-No. 1), filed November 18, 1964. Applicant: ELAINE W. BLAKELEY, doing business as ELAINE'S WIDE WORLD TRAVEL SERVICE, 409 North First West, Salt Lake City, Utah. Applicant's attorney: R. William Bradford, Jr., 900 Walker Bank Building, Salt Lake City, Utah. For a license (BMC 5) to engage in operations as a *broker* at Salt Lake City, Utah, in arranging for transportation, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in charter operations, in sightseeing and all-expense tours, beginning and ending at points in Arizona, Idaho and Utah (except Salt Lake County), and extending to points in the United States, including Alaska and Hawaii.

No. MC 12931, filed November 12, 1964. Applicant: WARREN JOHN THOMAS, doing business as JACK THOMAS TRAVEL SERVICE, Newhouse Hotel Lobby, Salt Lake City, Utah. Applicant's attorney: Merlin R. Lybbert, 909 Kearns Building, Salt Lake City, Utah. For a license (BMC 5) to engage in operations as a *broker* at Salt Lake City, Utah, in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in charter and special operations, beginning and ending at points in Salt Lake County, Utah, and extending to points in the United States, including Hawaii and Alaska.

## APPLICATIONS FOR FREIGHT FORWARDERS

### MOTOR CARRIERS OF PROPERTY

No. FF-36 (Sub-No. 2) (D. C. ANDREWS & COMPANY OF ILLINOIS, INC.), filed June 27, 1962. Applicant: D. C. ANDREWS & COMPANY OF ILLINOIS, INC., 327 South La Salle Street, Chicago 4, Ill. Applicant's attorney: Harry F. Gillis, 919 18th Street NW., Washington 6, D.C. Authority sought for a permit to institute operations as a freight forwarder in interstate or foreign commerce, through the use of the facilities of common carrier by rail, motor vehicle and water, in the transportation of *general commodities*, from points in California to points in Hawaii.

No. FF-38 (Sub-No. 5) (ABC FORWARDING CORPORATION EXTENSION ALASKA AND HAWAII), filed April 18, 1960. Applicant: ABC FREIGHT FORWARDING CORPORATION, 201 11th Avenue, New York, N.Y. Authority sought under section 410 of the Interstate Commerce Act, to operate in interstate commerce as a freight forwarder of *general commodities*, between points in Alaska and Hawaii, on the one hand, and, on the other, points in Colorado, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

No. MC FF-119 (Sub-No. 2) (J. E. BERNARD & CO., INC. EXTENSION ALASKA AND HAWAII), filed May 18, 1962. Applicant: J. E. BERNARD & CO., INC., 11 South La Salle Street, Chicago 3, Ill. Applicant's attorney: Paul J. Maguire, 111 West Washington Street, Chicago 2, Ill. Authority sought under section 410 of the Interstate Commerce Act, for a permit authorizing applicant to extend its operations as a freight forwarder in interstate or foreign commerce, subject to Part IV of the Act, through the use of the facilities of common carriers by rail, express, water or motor vehicle in the transportation of *general commodities*, between points in the Chicago Commercial Zone, on the one hand, and, on the other, points in Hawaii and Alaska.

No. FF-125 (Sub-No. 1) (AMERICAN FREIGHT FORWARDING CORPORATION EXTENSION-NATIONWIDE), filed May 11, 1962. Applicant: AMERICAN FREIGHT FORWARDING CORPORATION, 460 12th Avenue, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought under section 410 of the Interstate Commerce Act for a permit authorizing applicant to extend operations as freight forwarder in interstate or foreign commerce subject to Part IV of the Act, through the use of the facilities of common carriers in the transportation of *general commodities*, between points in the United States, including Alaska and Hawaii.

No. FF-139 (Sub-No. 2) (MIDLAND FORWARDING CORPORATION EXTENSION ALASKA AND HAWAII). Applicant: MIDLAND FORWARDING CORPORATION, Pier 65, North River, New York, N.Y. Authority sought under section 410 of the Interstate Commerce Act, to operate in interstate commerce as a freight forwarder of *general commodities*, between points in Alaska and Hawaii, on the one hand, and, on the other, points in Arkansas, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Oklahoma, Nebraska, New Jersey, New York, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin.



## APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

### MOTOR CARRIERS OF PROPERTY

No. MC 22195 (Sub-No. 104), filed November 16, 1964. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts and road oils*, in bulk, in tank vehicles, from Sioux Falls, S. Dak., and points within ten (10) miles thereof, to points in Iowa, Minnesota, Nebraska, and North Dakota, and *rejected or returned shipments*, on return. Note: Applicant states that no duplicating authority is sought.

No. MC 43269 (Sub-No. 53), filed November 9, 1964. Applicant: WELLS CARGO, INC., 1775 East 4th Street, Reno, Nev. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, petroleum products in bulk, new automobiles, new trucks, and new buses) (1) between San Francisco, Calif., and Las Vegas, Nev.; from San Francisco over U.S. Highway 40 to junction U.S. Alternate 95, thence over U.S. Alternate 95 to junction U.S. Highway 95 and thence over U.S. Highway 95 to Las Vegas, and return over the same route, serving all intermediate points, and the off-route points within twenty (20) miles of San Francisco and Mercury, Nev., and the Nevada Test Site of the Atomic Energy Commission at or near Mercury, Nev., and (2) between San Francisco, Calif., and Las Vegas, Nev.; from San Francisco over U.S. Highway 40 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 99, thence over U.S. Highway 99 to junction U.S. Highway 466, and thence over U.S. Highway 466 to Las Vegas, and return over the same route, serving all intermediate points and the off-route points within twenty (20) miles of San Francisco. Note: Applicant holds irregular route authority between San Francisco, Calif. and Las Vegas, Nev., which it will cancel if and when the regular-route authority is granted. This application is filed pursuant to MC-C-4366, dated April 21, 1964, served April 28, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 61231 (Sub-No. 16), filed November 16, 1964. Applicant: ALKIRE TRUCK LINES, INC., Livestock Exchange Building, Kansas City, Mo. Applicant's attorney: Lowell L. Knipmeyer, 28th Floor, Power and Light Building, Kansas City, Mo., 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Penta-treated poles, galvanized sheet metal, lumber*, and *building hardware*, used in the construction of farm buildings, from East St. Louis, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 117125 (Sub-No. 3), filed November 17, 1964. Applicant: REMPEL-TRAIL TRANSPORTATION, LTD., 8503 118th Avenue, Edmonton, Alberta, Canada. Applicant's attorney: Ferris A. Albers, Suite 201, National Bank of Commerce Building, Longview, Washington, 98632. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, from Portland, and Wilbridge, Oreg., to the ports of entry located on the International Boundary line between the United States and Canada located at or near Blaine, and Sumas, Wash.

NOTE: Applicant states that the above proposed operation will be limited to traffic moving under contract between applicant and Valvoline Oil Co., of Canada, Ltd.

No. MC 124069 (Sub-No. 3), filed November 17, 1964. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, N.Y. Applicant's attorney: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from South Lansing, N.Y., to points in Warren, McKean, Potter, Tioga, Bradford, Susquehanna, Wayne, Forest, Elk, Cameron, Clinton, Lycoming, Sullivan, Wyoming, Lackawanna, Pike, Clarion, Jefferson, Clearfield, Centre, Union, Montour, Columbia, Luzerne, Monroe, Carbon, Indiana, Cambria, Blair, Huntingdon, Mifflin, Snyder, Juniata, Dauphin, Northumberland, Schuylkill, Somerset, Bedford, Fulton, Franklin, Cumberland, Adams, York, and Perry Counties, Pa., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity on return.

NOTE: Applicant is also authorized to conduct contract operations under Permit No. MC 108358, therefore dual operations may be involved.

No. MC 124078 (Sub-No. 126), filed November 13, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Atlanta, Ga. (except from the plant site of Southern Cement Company, Division of Martin-Marietta Corporation), to points in North Carolina.

No. MC 124669 (Sub-No. 8), filed November 19, 1964. Applicant: TRANSPORT, INC. OF SOUTH DAKOTA, 1012 West 41st Street, Post Office Box 502, Sioux Falls, S. Dak. Applicant's attorney: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts* and *road oils*, in bulk, from Sioux Falls, S. Dak. and points within 10 miles thereof, to points in North Dakota, Minnesota, Iowa, and Nebraska, except that portion of North Dakota on and east of U.S. Highway 83.

No. MC 125887 (Sub-No. 2), filed November 13, 1964. Applicant: DORSEY CAMPBELL, Route 3, Caldwell, Idaho. Applicant's attorney: John B. Kugler, Pocatello, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat scraps and green hides*, from points in that part of Idaho on and south of U.S. Highway 12 to points in that part of California on and south of U.S. Highway 40 and California Highway 20.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64-12281; Filed, Dec. 1, 1964; 8:47 a.m.]

[Notice 1084]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 27, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66915. By order of November 23, 1964, the Transfer Board approved the transfer to A. E. F. Transportation, Inc., Yardville, N.J., of Certificate in No. MC 21077, issued October 8, 1942, to Algernon E. Fitzpatrick, doing business as A. E. F. Inter-State Transportation Service, Newark, N.J., authorizing the transportation of: General commodities, with the usual exceptions including household goods and tank truck equipment, between Philadelphia, Pa., and New York, N.Y., serving certain specified intermediate and off-route points. Charles H. Trayford, 220 East 42d Street, New York, N.Y., 10017, representing applicants.

No. MC-FC 67284. Corrected Notice.* By order of November 9, 1964, the Transfer Board approved the transfer to J. K. McKeown Co. Inc., Arlington, Mass., of a portion of Certificate No. MC 109453, issued July 23, 1951, to Wood Brothers,

*The notice is corrected to include the following States: North Carolina, South Carolina, Virginia, West Virginia, Georgia, Florida, and the District of Columbia.

Inc., Arlington, Mass., authorizing the transportation of household goods, over irregular routes, between Boston, Mass., and points within 20 miles of Boston, on the one hand, and, on the other, points in Indiana, points in the Lower Peninsula of Michigan, Pennsylvania, Delaware, Maryland, Ohio, Illinois, North Carolina, South Carolina, Virginia, West Virginia, Georgia, Florida, and the District of Columbia. Robert J. Gallagher, 111 State Street, Boston, Mass., 02109, attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-12282; Filed, Dec. 1, 1964; 8:48 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

## CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Co., division of Cluett, Peabody & Co., Inc., Shamokin, Pa.; effective 11-4-64 to 11-3-65 (men's sport shirts).

Blue Bell, Inc., Tupelo, Miss.; effective 11-8-64 to 11-7-65 (western scout shirts).

Blue Ridge Manufacturers, Inc., Anniston, Ala.; effective 10-30-64 to 10-29-65 (boys' and men's jeans).

Carthage Shirt Corp., Carthage, Tenn.; effective 11-3-64 to 11-2-65 (men's and boys' sport and dress shirts).

Dover Mills, Inc., Pisgah, Ala.; effective 10-30-64 to 10-29-65 (children's knit shirts).

Elder Manufacturing Co., Webb City, Mo.; effective 10-31-64 to 10-30-65 (boys' juvenile shirts).

Enro Shirt Co., Inc., 4300 Leghorne Drive, Louisville, Ky.; effective 11-10-64 to 11-9-65 (men's dress shirts and ladies' blouses).

Georgia Converters, Inc., Bremen, Ga.; effective 11-1-64 to 10-31-65 (men's and boys' dress slacks).

The H. W. Gossard Co., 105 North Franklin Street, Bicknell, Ind.; effective 11-11-64 to 11-10-65 (girdles and brassieres).

Hicks-Ponder Co., 1795 Maple Avenue, Yuma, Ariz.; effective 11-13-64 to 11-12-65 (men's utility pants and casual slacks).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 11-9-64 to 11-8-65 (men's sleepwear).

Milan Shirt Manufacturing Co., 134 Williamson Street, Milan, Tenn.; effective 11-4-64 to 11-3-65 (cotton work shirts).

Rob Roy Co., Inc., Cambridge, Md.; effective 11-1-64 to 10-31-65 (boys' shirts).

Salant and Salant, Inc., First Street, Lexington, Tenn.; effective 11-9-64 to 11-8-65 (boys' sport shirts).

Salant and Salant, Inc., Washington Street, Paris, Tenn.; effective 11-9-64 to 11-8-65 (men's and boys' sports shirts).

Salant and Salant, Inc., Tennessee Avenue, Parson, Tenn.; effective 11-8-64 to 11-7-65 (men's work pants and boys' cotton pants).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville, Ind.; effective 11-6-64 to 11-5-65 (washable service uniforms for men and women).

Levi Strauss & Co., 1808 Cherry Street, Knoxville, Tenn.; effective 11-9-64 to 11-8-65 (denim waist overalls).

Triple A. Trouser Manufacturing Co., Inc., Penn Avenue at Larch Street, Scranton, Pa.; effective 11-1-64 to 10-31-65 (boys' trousers).

Walhalla Garment Co., Inc., Walhalla, S.C.; effective 11-1-64 to 10-31-65 (women's dresses).

Wentworth Manufacturing Co., Blanding Street, Lake City, S.C.; effective 11-9-64 to 11-8-65 (ladies' dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bonacci Sportswear Co., 312 Penn Avenue, Scranton, Pa.; effective 10-28-64 to 10-27-65; 5 learners (men's outerwear jackets).

Edison Textile, Inc., Edison, Ga.; effective 10-30-64 to 10-29-65; 10 learners (infants' and girls' cotton panties).

Garan, Inc., Eupora, Miss.; effective 11-4-64 to 11-3-65; 5 learners (men's and boys' knitted polo shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 10-28-64 to 4-27-65; 100 learners (men's and boys' shirts).

The Arrow Co., a division of Cluett, Peabody & Co., Inc., Carbon Hill, Ala.; effective 11-8-64 to 5-7-65; 60 learners (boys' shirts).

H. W. Gossard Co., 105 North Franklin Street, Bicknell, Ind.; effective 11-2-64 to 5-1-65; 15 learners (girdles and brassieres).

Morgan Sportswear Co., Madison, Ga.; effective 11-2-64 to 5-1-65; 20 learners (men's and boys' sport shirts).

Standard Romper Co., Inc., 321 Canco Road; Portland, Oreg.; effective 11-2-64 to 5-1-65; 15 learners (children's outerwear garments).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Cardinal Glove Co., Inc., 158 Summit Street, Newark, N.J.; effective 10-29-64 to 10-28-65; 10 learners for normal labor turnover purposes (cotton work gloves).

D. N. Pariso Industrial Glove Manufacturing Co., 101 South Cleveland Street, Knox, Ind.; effective 11-2-64 to 11-1-65; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Auburn Hosiery Mills, Inc., No. 2, Adairville, Ky.; effective 10-29-64 to 4-28-65; 15 learners for plant expansion purposes (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 11-6-64 to 11-5-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

May Hosiery Finishing Co., 616 South Main Street, Burlington, N.C.; effective 11-6-64 to 11-5-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Roane Hosiery, Inc., Harriman, Tenn.; effective 11-5-64 to 11-4-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Royal Hosiery Mills, Inc., Yanceyville, N.C.; effective 10-30-64 to 10-29-65; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; effective 11-2-64 to 11-1-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie and sleepwear).

Cullman Lingerie Corp., Cullman, Ala.; effective 10-31-64 to 10-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie and sleepwear).

Dri-Set, Inc., Graysville, Tenn.; effective 10-30-64 to 10-29-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' knitted sleepwear).

Haleyville Textile Mills, Inc., Haleyville, Ala.; effective 10-31-64 to 10-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 11-9-64 to 11-8-65; 5 percent of the total number of factory production workers engaged in the production of men's woven underwear for normal labor turnover purposes (men's underwear).

Royal Manufacturing Co., Inc., Alburtis, Pa.; effective 11-6-64 to 11-5-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Signal Knitting Mills, Manufacturers Road, Chattanooga, Tenn.; effective 11-14-64 to 11-13-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleepwear).

Taylor Manufacturing Co., a division of Union Underwear Co., Greensburg Road, Campbellsville, Ky.; effective 10-31-64 to 10-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Van Raalte Co., Inc., Franklin, N.C.; effective 11-2-64 to 5-1-65; 90 learners for plant expansion purposes (ladies' lingerie).

Van Raalte Co., Inc., Maple Street, Middlebury, Vt.; effective 10-31-64 to 10-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear and nightwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).



The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Aguada Foundations, Inc., Colon Street, Post Office Box 177, Aguada, P.R.; effective 9-22-64 to 9-21-65; 10 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (girdles).

Aguada Foundations, Inc., Colon Street, Post Office Box 177, Aguada, P.R.; effective 9-22-64 to 3-21-65; 20 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (girdles).

Eleven Eleven Corp., Km. 2, Road No. 174, Post Office Box 817, Bayamon, P.R.; effective 10-6-64 to 4-5-65; 37 learners for plant expansion purposes in the occupations of: (1) looping for a learning period of 960 hours at the rates of 68 cents an hour for the first 480 hours and 74 cents an hour for the remaining 480 hours; (2) preboarding and boarding; pairing for a learning period of 360 hours at the rate of 68 cents an hour; and (3) examining, knitting for a learning period of 240 hours at the rate of 68 cents an hour (men's and children's hosiery).

Eleven Eleven Corp., Km. 2, Road No. 174, Post Office Box 817, Bayamon, P.R.; effective 10-6-64 to 10-5-65; 10 learners for normal labor turnover purposes in the occupations of: (1) looping for a learning period of 960 hours at the rates of 68 cents an hour for the first 480 hours and 74 cents an hour for the remaining 480 hours; (2) preboarding and boarding, pairing for a learning period of 360 hours at the rate of 68 cents an hour; and (3) examining, knitting for a learning period of 240 hours at the rate of 68 cents an hour (men's and children's hosiery).

Ford Precision Products, Inc., Road No. 3, Km. 19.5, Box 184, Canovanas, P.R.; effective 10-5-64 to 10-4-65; 5 learners for normal labor turnover purposes in the occupations of screw machine operator, grinding machine operator, honing machine operator for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (ball bearings).

Ford Precision Products, Inc., Road No. 3, Km. 19.5, Post Office Box 184, Canovanas, P.R..; effective 10-5-64 to 4-4-65; 65 learners for plant expansion purposes in the occupations of screw machine operator, grinding machine operator, honing machine operator for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (ball bearings).

House of Nash, Inc., Rossi Street, Post Office Box 663, Cabo Rojo, P.R.; effective 10-9-64 to 10-8-65; 10 learners for normal labor turnover purposes in the occupations of: (1) stitching machine operator for a learning period of 320 hours at the rates of 60 cents an hour for the first 160 hours and 70 cents an hour for the remaining 160 hours; and (2) die and clicker machine operator, greasing machine operator, skiving machine operator, button machine operator, case maker (assembly), framing machine operator, finisher-inspector for a learning period of 160 hours at the rate of 60 cents an hour (billfolds and wallets).

Nashtone, Inc., Rossi Street, Extension, Post Office Box 663, Cabo Rojo, P.R.; effective 10-9-64 to 10-8-65; 5 learners for normal labor turnover purposes in the occupations of die and clicker machine operator, slaughter machine operator, cementing machine operator, laminator, splitting machine operators for a learning period of 160 hours at the rates of 60 cents an hour (cutting and laminating raw leather with vinyl finish for making wallets).

Plata Gloves, Inc., Post Office Box 1087, Cayey, P.R.; effective 10-21-64 to 10-20-65; 13 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 75 cents an hour (fabric and leather gloves).

Rio Grande Manufacturing Corp., Post Office Box 325, Rio Grande, P.R.; effective 10-14-64 to 10-13-65; 11 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours (men's cotton shorts).

Sally Manufacturing Corp., Post Office Box 268, Juana Diaz, P.R.; effective 9-1-64 to 2-28-65; 34 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Sally Manufacturing Corp., Post Office Box 268, Juana Diaz, P.R.; effective 10-1-64 to 9-30-65; 10 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Savage Arms, Inc., Star Route 55, Minillas, Bayamon, P.R.; effective 8-31-64 to 8-30-65; 10 learners for normal labor turnover purposes in the occupations of machine operator, finisher, assembler for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (firearms).

Swan Hook and Eye Corp., Km. 66.8, Road No. 2, Post Office Box 693, Arecibo, P.R.; effective 8-10-64 to 8-9-65; 5 learners for normal labor turnover purposes in the occupations of: (1) metal forming, sewing machine operating, cloth winding, tape winding and nickel plating for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours; and (2) inspecting for a learning period of 160 hours at the rate of 78 cents an hour.

Swan Textile Finishing Corp., Km. 66.8, Road No. 2, Post Office Box 693, Arecibo, P.R.; effective 9-21-64 to 9-20-65; 5 learners for normal labor turnover purposes in the occupations of machine operator, tender, fixer for a learning period of 240 hours at the rate of 72 cents an hour (dyeing of tricot cloth).

Trimtex Corp., Post Office Box 165, Coamo, P.R.; effective 8-31-64 to 8-30-65; 10 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' underwear).

Trimtex Corp., Post Office Box 165, Coamo, P.R.; effective 8-31-64 to 2-28-65; 10 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' underwear).

West Manufacturing Corp., Post Office Box 3207, Mayaguez, P.R.; effective 9-16-64 to 9-15-65; 10 learners for normal labor turnover purposes in the occupations of vulcanizing, finishing, packing for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (basketball shoes).

West Manufacturing Corp., Post Office Box 3207, Mayaguez, P.R.; effective 9-16-64 to 3-15-65; 26 learners for plant expansion purposes in the occupation of vulcanizing, finishing, packing for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (basketball shoes).

Willida, Inc., Post Office Box 391, Ponce, P.R.; effective 9-28-64 to 3-27-65; 30 learners for plant expansion purposes in the occupation of sewing machine operating for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Willida, Inc., Post Office Box 391, Ponce, P.R.; effective 8-15-64 to 8-14-65; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Williams Products Corp., Road No. 993, Km. 5, Bo. Mata de Platano, Post Office Box 215, Luquillo, P.R.; effective 8-25-64 to 2-24-65; 6 learners for plant expansion purposes in the occupation of stitching machine operators for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (slippers).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 20th day of November 1964.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 64-12256; Filed, Dec. 1, 1964; 8:46 a.m.]

## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

### 3 CFR

PROCLAMATIONS:
3630 ..... 15941

### 7 CFR

724 ..... 16077
910 ..... 16078
929 ..... 16078
1421 ..... 15943

### 9 CFR

74 ..... 15943

### 10 CFR

PROPOSED RULES:
Ch. I ..... 15957

### 12 CFR

217 ..... 15944
218 ..... 16065
329 ..... 15944

### 13 CFR

121 ..... 15945
PROPOSED RULES:
107 ..... 16094

### 14 CFR

27 [New] ..... 16065
39 [New] ..... 15945, 16065, 16066
71 [New] ..... 15945–15948, 16066
73 [New] ..... 15948
75 [New] ..... 16066
93 [New] ..... 15948
97 [New] ..... 16067
PROPOSED RULES:
71 [New] ..... 15958, 16093
73 [New] ..... 15958
91 [New] ..... 15959

### 17 CFR

PROPOSED RULES:
15 ..... 15957
19 ..... 15957

### 19 CFR

4 ..... 15949

### 21 CFR

8 ..... 15949
121 ..... 16078, 16079

### 25 CFR

43d ..... 16080

### 26 CFR

1 ..... 16081
45 ..... 16083
PROPOSED RULES:
1 ..... 15957, 16090

### 29 CFR

689 ..... 15949

### 32 CFR

517 ..... 15949
710 ..... 16055

### 33 CFR

206 ..... 15949

### 41 CFR

101–6 ..... 15972
101–18 ..... 15973
101–19 ..... 15978
101–20 ..... 15984
101–25 ..... 15990
101–27 ..... 15997

### 41 CFR—Continued

Page
101–28 ..... 15998
101–29 ..... 16002
101–30 ..... 16004
101–40 ..... 16008
101–43 ..... 16012
101–44 ..... 16027
101–45 ..... 16035

### 42 CFR

57 ..... 15952

### 43 CFR

PUBLIC LAND ORDERS:
3464 ..... 16084
3465 ..... 16084
3466 ..... 16084
3467 ..... 16085
3468 ..... 16085
3469 ..... 16085
3470 ..... 16086
3471 ..... 16086
3472 ..... 16087
3473 ..... 16087

### 44 CFR

55 ..... 15954
60 ..... 15954
101 ..... 15954
102 ..... 15954

### 45 CFR

150 ..... 15955

### 49 CFR

0 ..... 16087

### 50 CFR

256 ..... 16088

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# FEDERAL REGISTER

VOLUME 29 NUMBER 235

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## Contents

**AGRICULTURAL MARKETING SERVICE**

**Proposed Rule Making**
Milk in certain marketing areas:
Michigan Upper Peninsula; decision ..... 16200
Northeastern Ohio; recommended decision ..... 16197
North Texas; recommended decision ..... 16198

**Notices**
Polk County Auction Co. et al.; posted stockyards ..... 16210

**AGRICULTURAL RESEARCH SERVICE**

**Notices**
Certain humanely slaughtered livestock; identification of carcasses; changes in lists of establishments ..... 16210

**AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE**

**Rules and Regulations**
Marketing quotas:
Farm constitution; location of farm for administrative purposes ..... 16185
Holding of referenda ..... 16184
Peanuts; 1963 and subsequent crops ..... 16185

**AGRICULTURE DEPARTMENT**

*See also* Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

**Notices**
North Dakota; extension of period for emergency loans ..... 16210
Statement of organization and delegations ..... 16210

**CIVIL AERONAUTICS BOARD**

**Notices**
Air Traffic Conference of America; agreement amending standard agent's ticket and area settlement plan; approval ..... 16219
Linea Aerea Nacional de Chile; hearing ..... 16220

**COMMERCE DEPARTMENT**

*See* International Commerce Bureau; Maritime Administration.

**DEFENSE DEPARTMENT**

*See* Navy Department.

**FEDERAL AVIATION AGENCY**

**Rules and Regulations**
Airworthiness standards; transport category aircraft ..... 16149
Control zone; alteration ..... 16183
Restricted areas; alterations (2 documents) ..... 16184
Transition areas:
Alteration ..... 16183
Designations (2 documents) ..... 16183, 16184

**Proposed Rule Making**
Control zone, designations; and alterations of transition areas (2 documents) ..... 16202, 16204
Control zone, alteration; and designation of transition area and revocation of control area extension ..... 16202
Transition area; designation ..... 16203

**FEDERAL COMMUNICATIONS COMMISSION**

**Rules and Regulations**
Stations on land in maritime services; miscellaneous amendments ..... 16196
Table of assignments, FM broadcast stations; Pekin, Ill ..... 16196

**Proposed Rule Making**
Rural subscriber and dispatch stations associated with base stations in Domestic Public Land Mobile Radio Service; restriction of location ..... 16204
Table of assignments, FM broadcast stations (3 documents) ..... 16205, 16207

**Notices**
Authorization of commercially operable space communications systems; inquiry into administrative and regulatory problems ..... 16220
"Payola", "plugola", and other related practices; inquiry ..... 16220
*Hearings, etc.:*
Dover Broadcasting Co., Inc., and Tuscarawas Broadcasting Co. (2 documents) ..... 16220, 16224
Eagle Wharf and Towing Co ..... 16222
Hamilton, Charles L., Sr., et al ..... 16222
Kaiser Industries Corp, et al ..... 16224
Radio 13, Inc ..... 16222
Triad Stations, Inc., and Marshall Broadcasting Co ..... 16222
Tri-Cities Broadcasting Co. and Dawson County Broadcasting Corp ..... 16223
TVUE Associates, Inc., et al ..... 16223

**FEDERAL MARITIME COMMISSION**

**Rules and Regulations**
Discrimination in U.S.-Uruguayan trade affecting U.S. ships ..... 16195

**FEDERAL POWER COMMISSION**

**Notices**
Legal Advisory Committee; continuance ..... 16225
*Hearings, etc.:*
Arkansas Louisiana Gas Co ..... 16225
Central Natural Gas Co ..... 16226
Cities Service Gas Co. (2 documents) ..... 16226, 16227
Colorado Interstate Gas Co. (3 documents) ..... 16227
Continental Oil Co. et al ..... 16224
Columbia Gulf Transmission Co ..... 16228
Detroit Edison Co. and Consumers Power Co ..... 16228
Georgia Power Co ..... 16228
Herman Brown Estate et al ..... 16226
Iowa Southern Utilities Co ..... 16230
Marathon Oil Co ..... 16230
Mosser, H. J., et al ..... 16231
Northern Natural Gas Co ..... 16231
Okanogan County, Wash ..... 16232
Pacific Gas and Electric Co ..... 16232
Permian Oil and Gas Co ..... 16232
Reserve Oil and Gas Co ..... 16232
Texas Eastern Transmission Corp ..... 16233
United Gas Pipe Line Co. (2 documents) ..... 16233
Wisconsin Michigan Power Co ..... 16234

(*Continued on next page*)

**FEDERAL RESERVE SYSTEM**
Notices
Wheeling Dollar Savings & Trust Co.; order approving acquisition of bank's assets ... 16236

**FEDERAL TRADE COMMISSION**
Rules and Regulations
Prohibited trade practices; Saul S. Siegal Co. et al ... 16186

**FOOD AND DRUG ADMINISTRATION**
Rules and Regulations
Revision of part headings ... 16194

**GENERAL SERVICES ADMINISTRATION**
Rules and Regulations
Public contracts and property management; utilization and disposal of real property ... 16126
Public property and works; real property disposal; deletion ... 16195

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
*See* Food and Drug Administration.

**INTERIOR DEPARTMENT**
*See also* Mines Bureau; Water Resources Research Office.
Notices
Office of Territories; delegation of authority ... 16209

**INTERNAL REVENUE SERVICE**
Notices
District Directors, and Director of Internal Operations; authority to extend time for filing returns and other documents ... 16209

**INTERNATIONAL COMMERCE BUREAU**
Rules and Regulations
Mobile trade fairs; requests for assistance by operators ... 16186

**INTERSTATE COMMERCE COMMISSION**
Rules and Regulations
Motor common carriers of household goods; postponement of effective date of amendment ... 16125
Notices
Fourth section applications for relief ... 16237
Missouri-Kansas-Texas Railroad Co.; rerouting and diversion of traffic ... 16238
Motor carrier transfers proceedings ... 16237

**MARITIME ADMINISTRATION**
Notices
Central Gulf Steamship Corp.; amended notice of application ... 16219

**MINES BUREAU**
Notices
Redelegation of authority ... 16209

**NAVY DEPARTMENT**
Rules and Regulations
Official records, and personnel; miscellaneous amendments ... 16194

**POST OFFICE DEPARTMENT**
Rules and Regulations
Postal service; miscellaneous amendments ... 16125

**SECURITIES AND EXCHANGE COMMISSION**
Rules and Regulations
Delegated authority; miscellaneous amendments ... 16187
Notices
*Hearings, etc.:*
Continental Vending Machine Corp ... 16234
General Public Utilities Corp ... 16234
Hanna Mining Co ... 16235
Tastee Freez Industries, Inc ... 16236
United Life Insurance Investors Corp ... 16236

**TREASURY DEPARTMENT**
*See* Internal Revenue Service.

**WATER RESOURCES RESEARCH OFFICE**
Rules and Regulations
Water resources research ... 16187


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**7 CFR**
717 ... 16184
719 ... 16185
729 ... 16185
PROPOSED RULES:
1036 ... 16197
1044 ... 16200
1126 ... 16198

**14 CFR**
7 ... 16149
29 [New] ... 16149
71 [New] (5 documents) ... 16183, 16184
73 [New] (2 documents) ... 16184
PROPOSED RULES:
71 [New] (4 documents) ... 16202–16204

**15 CFR**
365 ... 16186

**16 CFR**
13 ... 16186

**17 CFR**
200 ... 16187

**18 CFR**
501 ... 16188
502 ... 16189
503 ... 16189
504 ... 16190
505 ... 16191
506 ... 16192
507 ... 16193
508 ... 16194

**21 CFR**
14 ... 16194
15 ... 16194
16 ... 16194
17 ... 16194
18 ... 16194
19 ... 16194
20 ... 16194
22 ... 16194
27 ... 16194
29 ... 16194
37 ... 16194
42 ... 16194
45 ... 16194
46 ... 16194
51 ... 16194
53 ... 16194

**32 CFR**
701 ... 16194
719 ... 16194

**39 CFR**
16 ... 16125
22 ... 16125
24 ... 16125
61 ... 16125

**41 CFR**
101–47 ... 16126

**44 CFR**
110 ... 16195

**46 CFR**
506 ... 16195

**47 CFR**
73 ... 16196
81 ... 16196
PROPOSED RULES:
21 ... 16204
73 (3 documents) ... 16205, 16207

**49 CFR**
176 ... 16125

# Rules and Regulations

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

### MISCELLANEOUS AMENDMENTS

The following amendments are made to Chapter I of Title 39:

### PART 16—SECOND CLASS BULK MAILINGS

I. In § 16.3 *Mailing*, make the following changes:

1. In paragraph (d)(3) amend the label form to read as follows:

PHILADELPHIA, PA., 191
Fr. Progress, Boston, Mass., 021

2. In paragraph (d)(4) amend the label form to read as follows:

DENVER, COLO. TERM. ANNEX, 802
KANSAS
Fr. The Star, Fresno, Calif., 937

3. In paragraph (d)(5) amend the example to read as follows:

CHICAGO, ILL. DIS., 606
MIXED STATES
Fr. Fair, Chicago, Ill., 606

4. Amend paragraph (d)(8) to read as follows:

(8) *Unauthorized labels.* Sacks with unauthorized labels, tags, or markings are not acceptable for dispatch.

5. In paragraph (e)(3) amend the label form appearing under the parenthetical instructions to read as follows:

PCC SAN FRANCISCO, CALIF., 962
APO 165
Fr. The Recorder, New York, N.Y., 100

6. In paragraph (e)(4) amend the label form appearing under the parenthetical instructions to read as follows:

PCC NEW YORK, N.Y., 110
APO Mail
Fr. The Recorder, New York, N.Y., 100

NOTE: The corresponding Postal Manual sections are 126.34 and 126.35.

II. In § 16.4 *Newspaper treatment*, make the following changes in paragraph (b):

(1) Amend the label in subparagraph (1) to read as follows:

CINCINNATI, OHIO, 452
Newspapers Via Pitts and St Lou Train, 77
Fr The Register, Columbus, Ohio, 432

1. Amend the label in subparagraph (2) to read as follows:

PITTS & ST LOU TR, 32
Pa. Newspapers
Fr The Register, Columbus, Ohio, 432

NOTE: The corresponding Postal Manual section is 126.42.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370, 4421, 4422)

### PART 22—SECOND CLASS

In § 22.2 *Qualifications for second-class privileges*, 29 F.R. 563, amend paragraph (e)(6) to read as follows:

(6) Name of known office of publication, including ZIP code, and street and number when there is letter-carrier service, must be printed in a position or in a style and size of type or with a designation that will make it clearly distinguishable from the names of other offices of the publication. When there is no post office at the place where published, the name of the post office where mailed must be shown as the office of publication. Addresses in mastheads and date lines must be printed so they will clearly show where change of address notices, undeliverable copies, orders for subscriptions, and other mail items are to be sent. See § 16.2(f) of this chapter.

NOTE: The corresponding Postal Manual section is 132.25f.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370)

### PART 24—THIRD CLASS

In § 24.4 *Preparation—payment of postage*, make the following changes:

1. Subdivision (i) of paragraph (b)(5) is amended to read as follows:

(i) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), all addresses must be faced one way except the last which must be reversed to expose its address on the outside of the package. Direct packages should not be labeled except when separations are made to delivery zones within a city. Each package containing mail for a single delivery unit should be labeled to show the name of the post office and should be marked *All for ZIP Code No.* _____. The name of the post office may be omitted from the label of ZIP Code direct packages when the mailer includes all such packages in direct sacks. See subparagraph (6) of this paragraph.

2. In paragraph (b)(6) make the following changes:

a. In subdivision (i) amend the label to read as follows:

PHILADELPHIA, PA., 191
CIRCS.
Fr. Jay Mailing Co., Cincinnati, Ohio, 452

b. In subdivision (ii)(*a*) amend the label to read as follows:

COUNCIL BLUFFS, IOWA TERM, 515
Calif. CIRCS. Direct
Fr. D.C. Mailers, Washington, D.C., 200

c. In subdivision (ii)(*b*) amend the label to read as follows:

OGDEN, UTAH TERM, 843
CALIF. CIRCS.
Fr. D.C. Mailers, Washington, D.C., 200

d. Subdivision (v) is amended to read as follows:

(v) *Unauthorized labels.* Sacks with unauthorized labels, tags, or markings are not acceptable for dispatch.

NOTE: The corresponding Postal Manual sections are 134.425 and 134.426.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4451–4458)

### PART 61—MONEY ORDERS

In § 61.2 *Issuance of international money orders*, make the following changes:

1. Amend paragraph (b)(2) to read as follows:

(2) Purchasers must complete Form 6083, *Supplemental International Money Order Advice*, written in the foreign language, if possible, when they send money orders payable in Greece, Lebanon, Syria, Yugoslavia, and Japan.

2. In paragraph (h) make the following changes:

a. In the listing of foreign countries add footnote number 2 to Japan, Lebanon, Greece, and Yugoslavia.

b. Strike out the present text of footnote 2, and insert in lieu thereof the following:

[2] Money orders to be accompanied by Form 6083, *Supplemental International Money Order Advice*. See paragraph (d)(2)(iii) of this section.

NOTE: The corresponding Postal Manual sections are 171.222 and 171.28.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 506, 507, 5101–5105)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64–12344; Filed, Dec. 2, 1964; 8:47 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte MC–19]

### PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

### Motor Common Carriers of Household Goods; Postponement of Effective Date

Upon consideration of the record in the above-entitled proceeding; and good cause appearing therefor:

*It is ordered*, That the effective date of the order of May 6, 1964 (29 F.R. 7390, 9711, and 14173), in said proceeding be, and it is hereby, postponed to December 30, 1964.

Dated at Washington, D.C., this 20th day of November A.D. 1964.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–12370; Filed, Dec. 2, 1964; 8:49 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

## PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

A new Part 101–47 is added to Chapter 101 of Title 41 of the Code of Federal Regulations, reading as follows:


Sec.
101–47.000 Scope of part.

Subpart 101–47.1—General Provisions

101–47.100 Scope of subpart.
101–47.101 Applicability.
101–47.102 [Reserved.]
101–47.103 Definitions.
101–47.103–1 Act.
101–47.103–2 GSA.
101–47.103–3 Airport.
101–47.103–4 Chapel.
101–47.103–5 Decontamination.
101–47.103–6 Disposal agency.
101–47.103–7 Holding agency.
101–47.103–8 Industrial property.
101–47.103–9 Landing area.
101–47.103–10 Management.
101–47.103–11 Protection.
101–47.103–12 Real property.
101–47.103–13 Related personal property.
101–47.103–14 Other terms defined in the Act.
101–47.103–15 Other terms.

Subpart 101–47.2—Utilization of Excess Real Property

101–47.200 Scope of subpart.
101–47.201 General provisions of subpart.
101–47.201–1 Policy.
101–47.201–2 Policy guidelines.
101–47.201–3 Lands withdrawn or reserved from the public domain.
101–47.201–4 Transfers under other laws.
101–47.202 Reporting of excess real property.
101–47.202–1 Reporting requirements.
101–47.202–2 Report forms.
101–47.202–3 Submission of reports.
101–47.202–4 Exceptions to reporting.
101–47.202–5 Reporting after submissions to the Congress.
101–47.202–6 Reports involving the public domain.
101–47.202–7 Reports involving contaminated property.
101–47.202–8 Notice of receipt.
101–47.202–9 Expense of care and handling.
101–47.202–10 Examination for acceptability.
101–47.203 Utilization.
101–47.203–1 Reassignment of real property by the agencies.
101–47.203–2 Transfer and utilization.
101–47.203–3 Notification of agency requirements.
101–47.203–4 Real property excepted from reporting.
101–47.203–5 Screening of excess real property.
101–47.203–6 Prefabricated movable structures and trailers.
101–47.203–7 Transfers.
101–47.203–8 Temporary utilization.
101–47.203–9 Non-Federal interim use of property.
101–47.203–10 Withdrawals.
101–47.204 Determination of surplus.
101–47.204–1 Reported property.
101–47.204–2 Property excepted from reporting.

Subpart 101–47.3—Surplus Real Property Disposal

101–47.300 Scope of subpart.
101–47.301 General provisions of subpart.
101–47.301–1 Policy.
101–47.301–2 Applicability of antitrust laws.
101–47.301–3 Disposals under other laws.
101–47.301–4 Credit disposals and leases.
101–47.301–5 Records and reports.
101–47.302 Designation of disposal agencies.
101–47.302–1 General.
101–47.302–2 Holding agency.
101–47.302–3 General Services Administration.
101–47.303 Responsibility of disposal agency.
101–47.303–1 Classification.
101–47.303–2 Disposals to public agencies.
101–47.303–3 Studies.
101–47.303–4 Appraisal.
101–47.304 Advertised and negotiated disposals.
101–47.304–1 Publicity.
101–47.304–2 Soliciting cooperation of local groups.
101–47.304–3 Information to interested persons.
101–47.304–4 Invitation for offers.
101–47.304–5 Inspection.
101–47.304–6 Submission of offers.
101–47.304–7 Advertised disposals.
101–47.304–8 Report of identical bids.
101–47.304–9 Negotiated disposals.
101–47.304–10 Disposals by brokers.
101–47.304–11 Documenting determinations to negotiate.
101–47.304–12 Explanatory statements.
101–47.305 Acceptance of offers.
101–47.305–1 General.
101–47.305–2 Equal offers.
101–47.305–3 Notice to unsuccessful bidders.
101–47.306 Absence of acceptable offers.
101–47.306–1 Negotiations.
101–47.306–2 National Industrial Reserve properties.
101–47.307 Conveyances.
101–47.307–1 Form of deed or instrument of conveyance.
101–47.307–2 Conditions in disposal instruments.
101–47.307–3 Distribution of conformed copies of conveyance instruments.
101–47.307–4 Disposition of title papers.
101–47.307–5 Title transfers from Government corporations.
101–47.307–6 Proceeds from disposals.
101–47.308 Special disposal provisions.
101–47.308–1 Power transmission lines.
101–47.308–2 Property for public airports.
101–47.308–3 Property for use as public parks, recreational areas, or historic monument sites.
101–47.308–4 Property for educational and public health purposes.
101–47.308–5 Property for use as shrines, memorials, or for religious purposes.
101–47.309 Disposal of leases, permits, licenses, and similar instruments.
101–47.310 Disposal of structures and improvements on Government-owned land.
101–47.311 Disposal of residual personal property.
101–47.312 Non-Federal interim use of property.
101–47.313 Easements.
101–47.313–1 Disposal of easements to owner of servient estate.
101–47.313–2 Grants of easements in or over Government property.
101–47.314 Compliance.
101–47.314–1 General.
101–47.314–2 Extent of investigations.
101–47.315 Covenant against contingent fees and related procedure.

Subpart 101–47.4—Management of Excess and Surplus Real Property

101–47.400 Scope of subpart.
101–47.401 General provisions of subpart.
101–47.401–1 Policy.
101–47.401–2 Definitions.
101–47.401–3 Taxes and other obligations.
101–47.401–4 Decontamination.
101–47.401–5 Improvements or alterations.
101–47.401–6 Interim use and occupancy.
101–47.402 Care and handling.
101–47.402–1 Responsibility.
101–47.402–2 Expense of care and handling.

Subpart 101–47.5—Abandonment, Destruction, or Donation to Public Bodies

101–47.500 Scope of subpart.
101–47.501 General provisions of subpart.
101–47.501–1 Definitions.
101–47.501–2 Authority for disposal.
101–47.501–3 Dangerous property.
101–47.501–4 Findings.
101–47.502 Donations to public bodies.
101–47.502–1 Cost limitations.
101–47.502–2 Disposal costs.
101–47.503 Abandonment and destruction.
101–47.503–1 General.
101–47.503–2 Notice of proposed abandonment or destruction.
101–47.503–3 Abandonment or destruction without notice.

Subpart 101–47.6—Delegations

101–47.600 Scope of subpart.
101–47.601 Delegation to Department of Defense.
101–47.602 Delegation to the Department of Agriculture.
101–47.603 Delegation to the Department of the Interior.
101–47.604 Delegation to the Department of the Interior and the Department of Health, Education, and Welfare.

Subpart 101–47.7—Conditional Gifts of Real Property to Further the Defense Effort

101–47.700 Scope of subpart.
101–47.701 Offers and acceptance of conditional gifts.
101–47.702 Consultation with agencies.
101–47.703 Advice of disposition.
101–47.704 Acceptance of gifts under other laws.

Subparts 101–47.8—101–47.48 [Reserved]

Subpart 101–47.49—Illustrations

101–47.4900 Scope of subpart.
101–47.4901 [Reserved.]
101–47.4902 Standard Form 118, Report of Excess Real Property.
101–47.4902–1 Standard Form 118a, Buildings, Structures, Utilities, and Miscellaneous Facilities.
101–47.4902–2 Standard Form 118b, Land.
101–47.4902–3 Standard Form 118c, Related Personal Property.
101–47.4902–4 Instructions for the preparation of Standard Form 118, and Attachments, Standard Forms 118a, 118b, and 118c.





Sec.
101–47.4903 GSA Form 1100, Report of Surplus Real Property Disposals and Inventory.
101–47.4903–1 Instructions for preparation of GSA Form 1100, Report of Surplus Real Property Disposals and Inventory.
101–47.4904 GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property.
101–47.4904–1 Instructions for preparation of GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property.
101–47.4905 Extract of statutes authorizing disposal of surplus real property to public agencies.
101–47.4906 Sample notice to public agencies of surplus determination.
101–47.4906–1 Sample letter for transmission of notice of surplus determination.
101–47.4907 List of Federal real property holding agencies.
101–47.4908 Bureau of the Budget Circular No. A–2.
101–47.4909 Memorandum of the President dated May 21, 1956.
101–47.4910 Field offices of Department of Health, Education, and Welfare to receive notices of availability.
101–47.4911 Outline for explanatory statements for negotiated sales.
101–47.4912 Field offices of Department of the Interior, Bureau of Outdoor Recreation.
101–47.4913 Outline for protection and maintenance of excess and surplus real property.


AUTHORITY: The provisions of this Part 101–47 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–47.000 Scope of part.

This part prescribes the policies and methods governing the utilization and disposal of excess and surplus real property and related personal property within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

## Subpart 101–47.1—General Provisions

### § 101–47.100 Scope of subpart.

This subpart sets forth the applicability of this Part 101–47, and other introductory information.

### § 101–47.101 Applicability.

The provisions of this Part 101–47 apply to all Federal agencies, except as may otherwise be specifically provided under each section or subpart.

### § 101–47.102 [Reserved]

### § 101–47.103 Definitions.

As used throughout this Part 101–47, the following terms shall have the meanings as set forth in this Subpart 101–47.1.

### § 101–47.103–1 Act.

The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

### § 101–47.103–2 GSA.

The General Services Administration, acting by or through the Administrator of General Services, or a designated official to whom functions under this Part 101–47 have been delegated by the Administrator of General Services.

### § 101–47.103–3 Airport.

Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

### § 101–47.103–4 Chapel.

Any Government-owned building and improvements, including surplus fixtures or furnishings therein, related or essential to the religious activities and services for which the building is to be used and maintained, was designed for and used, or was intended to be used.

### § 101–47.103–5 Decontamination.

The complete removal or destruction by flashing of explosive powders; the neutralizing and cleaning-out of acid and corrosive materials; the removal, destruction, or neutralizing of toxic or infectious substances; and the complete removal and destruction by burning or detonation of live ammunition from contaminated areas and buildings.

### § 101–47.103–6 Disposal agency.

The executive agency designated by the Administrator of General Services to dispose of surplus real property.

### § 101–47.103–7 Holding agency.

The Federal agency which has accountability for the property involved.

### § 101–47.103–8 Industrial property.

Any real property and related personal property which has been used or which is suitable to be used for manufacturing, fabricating, or processing of products; mining operations; construction or repair of ships and other waterborne carriers; power transmission facilities; railroad facilities; and pipeline facilities for transporting petroleum or gas.

### § 101–47.103–9 Landing area.

Any land or combination of water and land, together with improvements thereon and necessary operational equipment used in connection therewith, which is used for landing, takeoff, and parking of aircraft. The term includes, but is not limited to, runways, strips, taxiways, and parking aprons.

### § 101–47.103–10 Management.

The safeguarding of the Government's interest in property, in an efficient and economical manner consistent with the best business practices.

### § 101–47.103–11 Protection.

The provisions of adequate measures for prevention and extinguishment of fires, special inspections to determine and eliminate fire and other hazards, and necessary guards to protect property against thievery, vandalism, and unauthorized entry.

### § 101–47.103–12 Real property.

(a) Any interest in land (including improvements of any kind, structures, and fixtures located on the premises), and appurtenances thereto, under the control of any Federal agency, except:

(1) The public domain;

(2) Lands reserved or dedicated for national forest or national park purposes;

(3) Minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws;

(4) Lands withdrawn or reserved from the public domain but not including lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator of General Services, determines are not suitable for return to the public domain for disposition under the general public land laws because such lands are substantially changed in character by improvements or otherwise; and

(5) Crops, gravel, sand, stone, and timber when designated by such agency for removal from the land.

(b) Improvements of any kind, structures, and fixtures under the control of any Federal agency when designated by such agency for disposition without the underlying land (including such as may be located on the public domain, or lands withdrawn or reserved from the public domain, or lands reserved or dedicated for national forest or national park purposes, or on lands that are not owned by the United States) excluding, however, prefabricated movable structures, such as Butler-type storage warehouses and quonset huts, and house-trailers (with or without undercarriages).

**§ 101–47.103–13 Related personal property.**

Any personal property:

(a) Which is located on, or is an integral part of, real property, or used or useful in connection with such property or the productive capacity thereof; or

(b) Determined by the Administrator of General Services to be otherwise related to the real property.

**§ 101–47.103–14 Other terms defined in the Act.**

Other terms which are defined in the Act shall have the meanings given them by such Act.

**§ 101–47.103–15 Other terms.**

Other terms not applicable throughout this part are defined in the sections or subparts to which they apply.

## Subpart 101–47.2—Utilization of Excess Real Property

**§ 101–47.200 Scope of subpart.**

This subpart prescribes the policies and methods governing the reporting by executive agencies and utilization by Federal agencies of excess real property, including related personal property, within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. This subpart does not apply to the abandonment, destruction, or donation to public bodies, under section 202(h) of the Act (covered by Subpart 101–47.5).

**§ 101–47.201 General provisions of subpart.**

**§ 101–47.201–1 Policy.**

It is the policy of the Administrator of General Services:

(a) To stimulate the identification and reporting by executive agencies of excess real property consistent with the objective expressed in the Bureau of the Budget Circular No. A–2 (see § 101–47.4908).

(b) To achieve the maximum utilization by executive agencies, in terms of economy and efficiency, of excess real property in order to minimize expenditures for the purchase of real property.

(c) To provide for the transfer of excess real property among Federal agencies, to mixed-ownership Government corporations, and to the municipal government of the District of Columbia.

**§ 101–47.201–2 Policy guidelines.**

(a) Each executive agency shall:

(1) Continuously survey real property under its control (including property assigned on a permit basis to other Federal agencies, or outleased to States, local governments, other public bodies, or private interests) to determine that which is excess property;

(2) Maintain its inventory of real property at the absolute minimum consistent with economical and efficient conduct of the affairs of the agency; and

(3) Promptly report to GSA real property which it has determined to be excess.

(b) Each executive agency shall, so far as practicable, pursuant to the provisions of this subpart, fulfill its needs for real property by utilization of excess real property.

(c) To preclude the acquisition by purchase of real property, when excess or surplus property of another Federal agency may be available which would meet the need, each executive agency shall notify GSA of its needs and ascertain whether any such property is available.

(d) In every case of a proposed transfer of excess real property, the paramount consideration shall be the validity and appropriateness of the requirement upon which the proposal is based.

(1) A proposed transfer should not establish a new program of an executive agency which has never been reflected in any previous budget submission or congressional action; nor should it substantially increase the level of an agency's existing programs beyond that which has been contemplated in the President's budget or by the Congress.

(2) Before requesting a transfer of excess real property, an executive agency should:

(i) Screen the holdings of the bureaus, or other organizations, within the agency to determine whether any property under the control of the agency, which is not being utilized, in whole or in part, might be available for the proposed need; and

(ii) Review all real property under its accountability which it has assigned on a permit basis to other Federal agencies, or outleased to States, local governments, other public bodies, or private interests and terminate the permit or lease for any property, or portion thereof, that is suitable for the proposed need whenever such termination is not prohibited by the terms of the permit or lease.

(3) Property found to be available under § 101–47.201–2(d)(2) (i) or (ii), should be utilized for the proposed need in lieu of requesting a transfer of excess real property. Reassignments of such property within the agency should be made in appropriate cases.

(4) The appraised fair market value of the excess real property proposed for transfer should not substantially exceed the probable purchase price of other real property which would be suitable for the intended purpose.



(5) The size and quantity of excess real property to be transferred should be limited to the actual requirements. Other portions of an excess installation which can be separated should be withheld from transfer and made available for disposal to other agencies or to the public.

(6) Consideration should be given to the design, layout, geographic location, age, state of repair, and expected maintenance costs of excess real property proposed for transfer. It should be clearly demonstrated that the transfer will prove more economical over a sustained period of time than acquisition of a new facility specifically planned for the purpose.

(7) Excess real property should not be permanently transferred to agencies for programs which appear to be scheduled for substantial curtailment or termination. In such cases, the property may be temporarily transferred on a conditional basis, with an understanding that the property will be released for further Federal utilization or disposal as surplus property, at a time agreed upon when the transfer is arranged (see § 101–47.203–8).

(e) Excess real property of a type which may be used for office, storage, and related purposes normally will be assigned by, or at the direction of, GSA for use to the requesting agency in lieu of being transferred to the agency.

(f) Federal agencies which normally do not require real property, other than for office, storage, and related purposes, or which may not have statutory authority to acquire such property, may obtain the use of excess real property for an approved program when authorized by GSA.

**§ 101–47.201–3 Lands withdrawn or reserved from the public domain.**

(a) Agencies holding lands withdrawn or reserved from the public domain, which they no longer need, shall send to the GSA regional office for the region in which the lands are located an information copy of each notice of intention to relinquish filed with the Department of the Interior (43 CFR 2312.0–1, et seq.).

(b) Section 101–47.202–6 prescribes the procedure for reporting to GSA as excess property, certain lands or portions of lands withdrawn or reserved from the public domain for which such notices have been filed with the Department of the Interior.

**§ 101–47.201–4 Transfers under other laws.**

Pursuant to section 602(c) of the Act, transfers of real property shall not be made under other laws, but shall be made only in strict accordance with the provisions of this subpart unless the Administrator of General Services, upon written application by the disposal agency, shall determine in each case that the provisions of any such other law, pursuant to which a transfer is proposed to be made, are not inconsistent with the authority conferred by this Act. The provisions of this section shall not apply to transfers of real property authorized to be made by section 602(d) of the Act or by any special statute which directs or requires an executive agency named therein to transfer or convey specifically described real property in accordance with the provisions of such statute.

**§ 101–47.202 Reporting of excess real property.**

**§ 101–47.202–1 Reporting requirements.**

Each executive agency shall report to GSA, pursuant to the provisions of this section, all excess real property except as provided in § 101–47.202–4. Reports of excess real property shall be based on the agency's official real property records and accounts.

(a) All excess related personal property shall be reported as a part of the same report covering the excess real property.

(b) Upon request of the Administrator of General Services, executive agencies shall institute specific surveys to determine that portion of real property, including unimproved property, under their control which might be excess and suitable for office, storage, and related facilities, and shall report promptly to the Administrator of General Services as soon as each survey is completed.

**§ 101–47.202–2 Report forms.**

Reports of excess real property and related personal property shall be prepared on Standard Form 118, Report of Excess Real Property (see § 101–47.4902), and accompanying Standard Form 118a, Buildings Structures, Utilities, and Miscellaneous Facilities, Schedule A (§ 101–47.4902–1); Standard Form 118b, Land, Schedule B (see § 101–47.4902–2); and Standard Form 118c, Related Personal Property, Schedule C (see § 101–47.4902–3). Instructions for the preparation of Standard Forms 118, 118a, 118b, and 118c are set forth in § 101–47.4902–4.

(a) Property for which the holding agency is designated as the disposal agency under the provisions of § 101–47.302–2 and which is required to be reported to GSA under the provisions of this section shall be reported on Standard Form 118, without the accompanying Schedules A, B, and C, unless the holding agency requests GSA to act as disposal agency and a statement to that effect is inserted in Block 18, Remarks, of Standard Form 118.

(b) In all cases where Government-owned land is reported, there shall be attached to and made a part of Standard Form 118 (original and copies thereof) a report prepared by a qualified employee of the holding agency on the Government's title to the property based upon his review of the records of the agency. The report shall recite:

(1) The description of the property.

(2) The date title vested in the United States.

(3) All exceptions, reservations, conditions, and restrictions, relating to the title acquired.

(4) Detailed information concerning any action, thing, or circumstance that occurred from the date of the acquisition of the property by the United States to the date of the report which in any way affected or may have affected the right, title, and interest of the United States in and to the real property (together with copies of such legal comments or opinions as may be contained in the file concerning the manner in which and the extent to which such right, title, or interest may have been affected). In the absence of any such action, thing, or circumstance, a statement to that effect shall be made a part of the report.

(5) The status of civil and criminal jurisdiction over the land that is peculiar to the property by reason of it being Government-owned land. In the absence of any special circumstances, a statement to that effect shall be made a part of the report.

(c) There shall be transmitted with Standard Form 118:

(1) A legible, reproducible copy of all instruments in possession of the agency which affect the right, title, or interest of the United States in the property reported or the use and operation of such property (including agreements covering and licenses to use, any patents, processes, techniques, or inventions). In cases where the agency considers it to be impracticable to transmit the abstracts of title and related title evidence, such documents need not be transmitted; however, the name and address of the custodian of such documents shall be stated in the title report referred to in § 101–47.202–2(b) and they shall be furnished if requested by GSA; and

(2) Any appraisal reports in the possession of the holding agency of the fair market value or the fair annual rental of the property reported.

**§ 101–47.202–3 Submission of reports.**

Reports of excess shall be filed with the regional office of GSA for the region in which the excess property is located, as follows:

(a) Government-owned real property and related personal property shall be reported by the holding agencies 90-calendar days in advance of the date such excess property shall become available for transfer to another Federal agency or for disposal. Where the circumstances will not permit excess real property and related personal property to be reported a full 90-calendar days in advance of the date it will be available, the report shall be made as far in advance of such date as possible.

(b) Leasehold interests in real property determined to be excess shall be reported at least 60-calendar days prior to the date on which notice of termination or cancellation is required by the terms of the instrument under which the property is occupied.

(c) All reports submitted by the Department of Defense shall bear the certification "This property has been screened against the known needs of the Department of Defense." All reports submitted by civilian agencies shall bear the certification "This property has been screened against the known needs of the holding agency."

**§ 101–47.202–4 Exceptions to reporting.**

(a) A holding agency shall not report to GSA leased space assigned to the agency by GSA and determined by the agency to be excess.

(b) Also, except for those instances set forth in § 101–47.202–4(c) a holding agency shall not report to GSA property used, occupied, or controlled by the Government under a lease, permit, license, easement, or similar instrument when:

(1) The lease or other instrument is subject to termination by the grantor or owner of the premises within nine months;

(2) The remaining term of the lease or other instrument, including renewal rights, will provide for less than nine months of use and occupancy;

(3) The term of the lease or other instrument would preclude transfer to, or use by, another Federal agency or disposal to a third party; or

(4) The lease or other instrument provides for use and occupancy of space for office, storage, and related facilities, which does not exceed a total of 2,500 sq. feet.

(c) Property, which otherwise would not be reported because it falls within the exceptions set forth in § 101–47.202–4 (b) shall be reported:

(1) If there are Government-owned improvements located on the premises; or

(2) If the continued use, occupancy, or control of the property by the Government is needful for the operation, production, or maintenance of other property owned or controlled by the Government that has been reported excess or is required to be reported to GSA under the provisions of this section.

**§ 101–47.202–5 Reporting after submissions to the Congress.**

Reports of excess covering property of the military departments and of the Office of Emergency Planning prepared after the expiration of 30 days from the date upon which a report of the facts concerning the reporting of such property was submitted to the Committees on Armed Services of the Senate and House of Representatives, 10 U.S.C. 2662 and the Act of August 10, 1956, 70A Stat. 636, as amended (50 U.S.C. App. 2285), shall contain a statement that the requirements of the statute have been met.

**§ 101–47.202–6 Reports involving the public domain.**

(a) Agencies holding land withdrawn or reserved from the public domain which they no longer need, shall report on Standard Form 118, with appropriate Schedules A, B, and C, land or portions of land so withdrawn or reserved and the improvements thereon, if any, to the regional office of GSA for the region in which the lands are located when the agency has:

(1) Filed a notice of intention to relinquish with the Department of the Interior and sent a copy of the notice to the regional office of GSA (§ 101–47.201–3);

(2) Been notified by the Department of the Interior that the Secretary of the Interior, with the concurrence of the Administrator of General Services, has determined the lands are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise; and

(3) Obtained from the Department of the Interior a report as to whether any agency (other than the holding agency) claims primary, joint, or secondary jurisdiction over the lands and whether the Department's records show the lands to be encumbered with any existing valid rights or privileges under the public land laws.

(b) Should the Department of the Interior determine that minerals in the lands are not suitable for disposition under the public land mining and mineral leasing laws, the Department will notify the appropriate regional office of GSA of such determination and will authorize the holding agency to include the minerals in its report to GSA.

(c) When reporting the property to GSA, a true copy of the notification (§ 101–47.202–6(a)(2)) and report (§ 101–47.202–6(a)(3)) shall be submitted as a part of the holding agency's report on the Government's legal title which shall accompany Standard Form 118.

**§ 101–47.202–7 Reports involving contaminated property.**

Any report of excess covering property which in its present condition is dangerous or hazardous to health and safety, shall state the extent of such contamination, the plans for decontamination, and the extent to which the property may be used without further decontamination.

**§ 101–47.202–8 Notice of receipt.**

GSA shall promptly notify the holding agency of the date of receipt of each Report of Excess Real Property (Standard Form 118).

**§ 101–47.202–9 Expense of care and handling.**

In each case where the provisions of § 101–47.402–2 relating to the expense of physical care, handling, protection, maintenance, and repairs are applicable to the property reported, the notice provided in § 101–47.202–8 shall also inform the holding agency that the provisions of § 101–47.402–2 became effective as of the date of the receipt of the report.

**§ 101–47.202–10 Examination for acceptability.**

Each report of excess shall be reviewed by GSA to ascertain whether the report was prepared in accordance with the provisions of this section. Within fifteen calendar days after receipt of a report, the holding agency shall be informed by letter of the findings of GSA.

(a) Where it is found that a report is adequate to the extent that GSA can proceed with utilization and disposal actions for the property, the report shall be accepted and the holding agency shall be informed of the date of such acceptance. However, the holding agency shall, upon request, promptly furnish such additional information or documents relating to the property as may be required by GSA to accomplish a transfer or a disposal.

(b) Where it is found that a report is insufficient to the extent that GSA would be unable to proceed with any utilization or disposal actions for the property, the report shall be returned and the holding agency shall be informed of the facts and circumstances that required the return of the report. The holding agency promptly shall take such action as may be appropriate to submit an acceptable report to GSA. Should the holding agency be unable to submit an acceptable report, the property shall be removed from under the provisions of § 101–47.402–2.

**§ 101–47.203 Utilization.**

**§ 101–47.203–1 Reassignment of real property by the agencies.**

Each executive agency shall, as far as practicable and within the policies expressed in this Subpart 101–47.2 and in Bureau of the Budget Circular No. A–2 (see § 101–47.4908), make reassignments of real property and related personal property under its control and jurisdiction among activities within the agency in lieu of acquiring such property from other sources.

**§ 101–47.203–2 Transfer and utilization.**

Each executive agency shall, as far as practicable and within the policies expressed in this Subpart 101–47.2 and in Bureau of the Budget Circular No. A–2, transfer excess real property under its control to other Federal agencies and to the organizations specified in § 101–47.203–7, and fulfill its requirements for real property by obtaining excess real property from other Federal agencies. Transfers of property shall be made in accordance with the provisions of this subpart.

**§ 101–47.203–3 Notification of agency requirements.**

Each executive agency shall notify the proper GSA regional office, in writing, whenever real property is needed for an authorized program of the agency. The notice shall state the land area of the property needed, the preferred location or suitable alternate locations, and describe the type of property needed in sufficient detail to enable GSA to review its records of property that it knows will be reported excess by holding agencies, its inventory of excess property, and its inventory of surplus property, to ascertain whether any such property may be suitable for the needs of the agency. The agency shall be promptly informed by the GSA regional office as to whether or not any such property is available.



**§ 101–47.203–4 Real property excepted from reporting.**

Agencies having transferable excess real property and related personal property in the categories excepted from reporting by § 101–47.202–4 shall, before disposal, satisfy themselves in a manner consistent with the provisions of this section that such property is not needed by other Government agencies.

**§ 101–47.203–5 Screening of excess real property.**

Excess real property and related personal property reported by executive agencies shall, unless such screening is waived, be screened by GSA for utilization by Federal real property holding agencies (listed in § 101–47.4907), which may reasonably be expected to have use for the property as follows:

(a) Notices of availability shall be submitted to each such agency which shall, within 30 days from the date of notice, advise GSA if there is a firm requirement or a tentative requirement for the property.

(1) In the event a tentative requirement exists, the agency shall, within an additional 30 days, advise GSA if there is a firm requirement.

(2) Within 60 days after advice to GSA that a firm requirement exists, the agency shall furnish GSA a request for transfer of the property pursuant to § 101–47.203–7.

(b) Notices of availability for information of the Secretary of Health, Education, and Welfare in connection with the exercise of the authority vested in him under the provisions of section 203(k)(1) of the Act and for information of the Secretary of the Interior in connection with a possible determination under the provisions of section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), shall be sent to the offices designated by the Secretaries to serve the areas in which the properties are located. (See §§ 101–47.4912 and 101–47.4914.) With the prior consent of GSA, on a case-by-case basis, the Department of Health, Education, and Welfare may initiate screening for potential educational or public health applicants for property described in any such notice, or with such consent may develop a known potential educational or public health need, conditioned upon the property being determined surplus to Federal requirements and available for assignment to the Secretary for disposal for educational or public health purposes in the event it is so determined surplus. Also, with the prior approval of GSA, on a case-by-case basis, and subject to the same conditions set for the Department of Health, Education, and Welfare, the Bureau of Outdoor Recreation, Department of the Interior, may apprise eligible local public agencies of excess property peculiarly adaptable for use for public park, public recreation, or historic monument purposes.

**§ 101–47.203–6 Prefabricated movable structures and trailers.**

Prefabricated movable structures such as Butler-type storage warehouses, quonset huts, and housetrailers (with or without undercarriages) reported to GSA with the land on which they are located may, in the discretion of GSA, be designated for disposition as personal property for off-site use.

**§ 101–47.203–7 Transfers.**

(a) The agency requesting transfer of excess real property and related personal property reported to GSA shall prepare and submit to the proper GSA regional office, GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property (§ 101–47.4904). Instructions for the preparation of GSA Form 1334 are set forth in § 101–47.4904–1.

(b) Upon determination by GSA, with the concurrence of the Bureau of the Budget when required (see § 101–47.203–7(c)), that a transfer of the property requested is in the best interest of the Government and that the requesting agency is the appropriate agency to hold the property, such transfer may be made among Federal agencies and to mixed-ownership Government corporations, and the municipal government of the District of Columbia.

(c) In the case of transfers involving excess land, which together with any improvements thereon has a total appraised fair market value of $100,000 or more, GSA shall secure the concurrence of the Bureau of the Budget to the transfer.

(d) Transfers of property to executive agencies shall be consistent with the policy of the Administrator of General Services prescribed in § 101–47.201–1 and the policy guidelines prescribed in § 101–47.201–2. In determining whether a proposed transfer should be approved under the policy guidelines, GSA and the Bureau of the Budget may consult informally to obtain all available data concerning actual program needs for the property.

(e) GSA will execute or authorize all approved transfers to the requesting agency of property reported to GSA. Agencies may transfer without reference to GSA excess real property which is not reported to GSA under the provisions of § 101–47.202–4(b) (1), (2), and (4). However, such transfers shall be made in accordance with the principles set forth in this section.

(f) Pursuant to an agreement between the Director, Bureau of the Budget, and the Administrator of General Services, reimbursement for transfers of excess real property is prescribed as follows:

(1) Where the transferor agency has requested the net proceeds of the transfer pursuant to section 204(c) of the Act, or where either the transferor or transferee agency (or organizational unit affected) is subject to the Government Corporation Control Act (31 U.S.C. 841) or is a mixed-ownership Government corporation, or the municipal government of the District of Columbia, reimbursement for the transfer shall be an amount equal to the appraised fair market value of the property requested: *Provided*, That where the transferor agency is a wholly owned Government corporation, the reimbursement shall be either an amount equal to the appraised fair market value of the property requested or the corporation's book value thereof, as may be agreed upon by GSA and the corporation.

(2) Reimbursement in all other transfers of excess real property shall be:

(i) In an amount equal to 50 percent of the appraised fair market value of the property requested, or if the transfer is for the purpose of upgrading facilities (i.e., for the purpose of replacing other property of the transferee agency which because of the location, nature, or condition thereof, is less efficient for use), the reimbursement shall be an amount equal to 50 percent of the difference between the appraised fair market value of the property to be replaced and the appraised fair market value of the property requested; or

(ii) Without reimbursement when the transfer is to be made under any one of the following conditions:

(A) The transferee agency clearly demonstrates that it cannot furnish the required reimbursement without obtaining an additional appropriation for that specific purpose.

(B) The transferee agency demonstrates that reimbursement could be made only by diverting funds which were justified to Congress to be used for some other purpose.

(C) The Congress appropriated funds for the transferee agency's program with the understanding that the transfer would be made without reimbursement.

(D) Congress has specifically authorized the transfer without reimbursement.

(E) The excess real property is to be transferred to the Department of Agriculture, is within the exterior boundaries of, and is suitable for addition to a national forest, and the Administrator of General Services determines that such property is available for that purpose.

(iii) A transfer without reimbursement, based on § 101–47.203–7(f)(2)(ii)(A), (B), or (C), shall be supported by a written certification by the head of the transferee agency or military department, or his designee (not below departmental level), with regard to those matters, and in the case of (A) and (B) documented with appropriate financial statements, and in the case of (C) include appropriate citations to congressional hearings, reports, etc. A transfer based on (D) shall be supported by appropriate statutory citations. A transfer based on (E) shall be supported by appropriate maps and land descriptions concerning the exterior boundaries of the national forest in relationship to the property proposed for transfer and the authority or order establishing the national forest. The above required data and documents shall be attached to GSA Form 1334 by the transferee agency on submission of that form to GSA.

(g) Excess property may be transferred to the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, pursuant to the provisions of section 602(c) of the Act. The amount of reimbursement for such transfer shall

No. 235—2

be the same as would be required for a transfer of excess property to an executive agency under similar circumstances.

**§ 101–47.203–8 Temporary utilization.**

(a) Whenever GSA determines that the temporary assignment or reassignment to a Federal agency of any space in excess real property for office, storage, or related facilities would be more advantageous than the permanent transfer of the property to a Federal agency, it will execute or authorize such assignment or reassignment for such period of time as it shall determine. The agency to which the space is made available shall make appropriate reimbursement for the expense of maintaining such space in the absence of appropriation available to GSA therefor.

(b) GSA may approve the temporary assignment or reassignment to a Federal agency of excess real property other than space for office, storage, or related facilities whenever such action would be in the best interest of the Government. In such cases, the agency to which the property is made available may be required to pay a rental or users charge based upon the fair value of such property, as determined by GSA. Where such property will be required by the agency for a period of more than 1 year, it may be transferred on a conditional basis, with an understanding that the property will be reported excess at a time agreed upon when the transfer is arranged (see § 101–47.201–2(d)(7)).

**§ 101–47.203–9 Non-Federal interim use of property.**

The holding agency may, with the approval of GSA, grant rights for non-Federal interim use of excess property reported to GSA, or portions thereof, when it is determined that such interim use is not required for the needs of any Federal agency.

**§ 101–47.203–10 Withdrawals.**

Subject to the approval of GSA, reports of excess real property and related personal property may be withdrawn in whole or in part by the reporting agency at any time prior to transfer to another Federal agency or prior to the execution of a legally binding agreement for disposal as surplus property. Requests for withdrawals shall be addressed to the GSA regional office where the report of excess real property was filed.

**§ 101–47.204 Determination of surplus.**

**§ 101–47.204–1 Reported property.**

Any real property and related personal property reported excess under this Subpart 101–47.2 which has been screened for needs of Federal agencies or waived from such screening by GSA, and not been designated by GSA for utilization by a Federal agency, shall be subject to determination as surplus property by GSA.

(a) The holding agency, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior shall be notified of the date upon which determination as surplus becomes effective.

(b) The notices to the Secretaries of Health, Education, and Welfare and the Interior shall be sent to the offices designated by them to serve the area in which the property is located. (See §§ 101–47.4910 and 101–47.4912.)

(c) With regard to surplus property which GSA predetermines will not be available for assignment to the Secretary for disposal for an educational or public health purpose under a statute cited in § 101–47.4905, or whenever the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act, the notice shall contain advice of such determination or request for reimbursement. The Department of Health, Education, and Welfare shall not screen for potential educational or public health applicants for any such property. Similarly, the notice to the Department of the Interior shall contain such determination or request whenever GSA predetermines that the property will not be available for transfer for use as a public park, public recreational area, or historic monument, or whenever the holding agency has requested reimbursement.

**§ 101–47.204–2 Property excepted from reporting.**

Any property not reported to GSA due to § 101–47.202–4, and not designated by the holding agency for utilization by other agencies pursuant to the provisions of this Subpart 101–47.2, shall be subject to determination as surplus by the holding agency.

## Subpart 101–47.3—Surplus Real Property Disposal

**§ 101–47.300 Scope of subpart.**

This subpart prescribes the policies and methods governing the disposal of surplus real property and related personal property within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. This subpart does not apply to the abandonment, destruction, or donation to public bodies, under section 202(h) of the Act (covered by Subpart 101–47.5).

**§ 101–47.301 General provisions of subpart.**

**§ 101–47.301–1 Policy.**

It is the policy of the Administrator of General Services:

(a) That surplus real property shall be disposed of in the most economical manner consistent with the best interests of the Government.

(b) That credit be extended when justified.

**§ 101–47.301–2 Applicability of antitrust laws.**

(a) In any case in which there is contemplated a disposal to any private interest of real and related personal property which cost $1,000,000 or more (aggregate amount of the original acquisition cost to the Government and all capital expenditures made by the Government with respect thereto), or of patents, processes, techniques, or inventions, irrespective of cost, the disposal agency shall transmit promptly to the Attorney General notice of any such proposed disposal and the probable terms or conditions thereof, as required by section 207 of the Act, for his advice as to whether the proposed disposal would tend to create or maintain a situation inconsistent with the antitrust laws, and no such real property shall be disposed of until such advice has been received. If such notice is given by any executive agency other than GSA, a copy of the notice shall be transmitted simultaneously to the office of GSA for the region in which the property is located.

(b) Upon request of the Attorney General, GSA or any other executive agency shall furnish or cause to be furnished such information as it may possess which the Attorney General determines to be appropriate or necessary to enable him to give the requested advice or to determine whether any other disposition or proposed disposition of surplus real property violates or would violate any of the antitrust laws.

**§ 101–47.301–3 Disposals under other laws.**

Pursuant to section 602(c) of the Act, disposals of real property shall not be made under other laws but shall be made only in strict accordance with the provisions of this Subpart 101–47.3 unless the Administrator of General Services, upon written application by the disposal agency, shall determine in each case that the provisions of any such other law, pursuant to which disposal is proposed to be made, are not inconsistent with the authority conferred by this Act. The provisions of this section shall not apply to disposals of real property authorized to be made by section 602(d) of the Act or by any special statute which directs or requires an executive agency named therein to transfer or convey specifically described real property in accordance with the provisions of such statute.

**§ 101–47.301–4 Credit disposals and leases.**

Where credit is extended in connection with any disposal of surplus property by a disposal agency designated under this Subpart 101–47.3, the head of that agency, or his designee, shall administer and manage such credit, lease, or permit and any security therefor and may enforce, adjust, and settle any right of the Government with respect thereto in such manner and upon such terms as that agency deems to be in the best interest of the Government.

**§ 101–47.301–5 Records and reports.**

All agencies designated as disposal agencies in § 101–47.302 (except GSA), shall submit to GSA reports on GSA Form 1100, Report of Surplus Real Property Disposals and Inventory (see § 101–47.4903), covering surplus real property and related personal property disposed of pursuant to the authority contained in § 101–47.302 or otherwise delegated by the Administrator of General Services. Reports shall be based on appropriate agency records which shall be maintained to show full compliance with applicable statutory provisions relating to each disposal action and with the provisions of this Subpart 101–47.3. A disposal action shall be reported when a legally binding agreement is reached on terms and conditions mutually acceptable by an authorized official of the disposal agency and the party to which the disposal is made. Surplus real and related personal properties awaiting disposal as of the end of the reporting period shall be reported as inventory. Instructions for the preparation and submission of GSA Form 1100 are set forth in § 101–47.4903–1.



**§ 101–47.302 Designation of disposal agencies.**

**§ 101–47.302–1 General.**

Surplus real property and related personal property shall be disposed of (or assigned to the Secretary of Health, Education, and Welfare for disposal for educational and public health purposes) by the disposal agencies designated in this section in accordance with applicable provisions of this Subpart 101–47.3.

**§ 101–47.302–2 Holding agency.**

(a) The holding agency is hereby designated as disposal agency for:

(1) Leases, permits, licenses, easements, and similar real estate interests held by the Government in non-Government-owned property (including Government-owned improvements located on the premises), except when the retention of such real estate interests by the Government is needed for the operation, production, or maintenance of other property, owned or controlled by the Government, that has been or is being reported to GSA as excess; and

(2) Fixtures, structures, and improvements of any kind to be disposed of without the underlying land.

(b) GSA may act as the disposal agency for the type of property described in § 101–47.302–2(a) (1) and (2), whenever requested by the holding agency to perform the disposal functions.

**§ 101–47.302–3 General Services Administration.**

GSA is the disposal agency for all real property and related personal property not covered by the above designations or by disposal authority delegated by the Administrator of General Services in specific instances.

**§ 101–47.303 Responsibility of disposal agency.**

**§ 101–47.303–1 Classification.**

Each surplus property, or, if the property is subdivided, each unit of property shall be classified by the disposal agency to determine the methods and conditions applicable to the disposal of the property. Classification shall be according to the estimated highest and best use for the property. The property may be reclassified from time to time by the disposal agency or by GSA whenever such action is deemed appropriate.

**§ 101–47.303–2 Disposals to public agencies.**

The disposal agency shall allow a reasonable period of time for public agencies (non-Federal) to develop a comprehensive and coordinated plan of use and procurement for surplus real property in which they may be interested. Citations of the statutes authorizing the disposal of property to public agencies, the type of property the public agencies may procure under each such statute, and the public agencies eligible to procure such property are given in § 101–47.4905.

(a) Whenever property is determined to be surplus, the disposal agency shall, on the basis of the information given in § 101–47.4905, list the public agencies eligible under the provisions of the statutes referred to above to procure the property or portions thereof, except that such listing need not be made with respect to:

(1) Any such property when the determination of the property as surplus is conditioned upon disposal limitations which would be inconsistent with disposal under the statutes authorizing disposal to eligible public agencies; or

(2) Any such property having an estimated fair market value of less than $1,000 except where the disposal agency has any reason to believe that an eligible public agency may be interested in the property.

(b) Prior to any public advertising, negotiation, or other disposal action with regard to the property, the disposal agency shall give notice to eligible public agencies that the property has been determined surplus. Such notice shall be prepared following the sample shown in § 101–47.4906, and shall be transmitted by a letter prepared following the sample shown in § 101–47.4906–1.

(1) Where the property is located in a State, the notice shall be given to the Governor of the State, to the county clerk or other appropriate official of the county in which the property is located, to the mayor or other appropriate official of the city or town in which the property is located, and to the head of any other eligible local governmental body known to be interested in the property.

(2) Where the property is located in the District of Columbia, the notice shall be given to the President of the Board of Commissioners.

(3) Where the property is located in the Virgin Islands, the notice shall be given to the Governor of the Virgin Islands.

(4) Where the property is located in the Commonwealth of Puerto Rico, the notice shall be given to the Governor of the Commonwealth of Puerto Rico.

(c) The notice prepared pursuant to § 101–47.303–2(b) shall also be posted in the post office which serves the area in which the property is located and in other prominent places such as the State capitol building, county building, courthouse, town hall, or city hall. The notice to be posted in the post office shall be mailed to the postmaster with a request that it be posted. Arrangements for the posting of the notice in other prominent places shall be as provided for in the transmittal letters (see § 101–47.4906–1) to eligible public agencies.

(d) A copy of each transmittal letter and notice given pursuant to § 101–47.303–2(b) shall be furnished to the proper field office of the Bureau of Outdoor Recreation, Department of the Interior; Federal Aviation Agency; Fish and Wildlife Service, Department of the Interior; or Bureau of Public Roads, Department of Commerce, concerned with the disposals of property to public agencies under the statutes stated in the notice.

(e) In the case of property which may be made available for assignment to the Secretary of Health, Education, and Welfare for disposal for educational or public health purposes under a statute cited in the notice:

(1) The disposal agency shall inform the proper regional office of the Department of Health, Education, and Welfare, listed in § 101–47.4910, three working days in advance of the date the notice will be given to public agencies to permit similar notice to be given simultaneously by the Department to nonprofit institutions which have been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)).

(2) The disposal agency shall furnish the Department with a copy of the postdated transmittal letter addressed to each public agency, twenty-five copies of the postdated notice, and a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(3) As of the date of the transmittal letter and notice to public agencies, the Department may proceed with its screening functions for any potential educational or public health applicants and thereafter may make its determinations of need and receive applications.

(f) If the disposal agency is not informed within the 20-calendar-day period stated in the notice of the desire of a public agency to develop and submit a comprehensive and coordinated plan of use and procurement for the property, or is not notified by the Department of Health, Education, and Welfare of a potential educational or public health requirement, it shall be assumed that no public agency or nonprofit institution desires to procure the property.

(g) The disposal agency shall promptly review each response of a public agency to the notice given pursuant to § 101–47.303–2(b), and shall determine what constitutes a reasonable period of time to allow the public agency to develop and submit a plan. When making such determination, consideration shall be given to the potential suitability of the property for the use proposed, the length of time the public agency has stated it will require to develop and submit a plan, the protection and maintenance costs to the Government during such length of time, and any other relevant facts and circumstances. Such review and determination shall be coordinated with the

proper regional office of the interested Federal agency listed below:

(1) Bureau of Outdoor Recreation, Department of the Interior.

(2) Department of Health, Education, and Welfare.

(3) Federal Aviation Agency.

(4) Fish and Wildlife Service, Department of the Interior.

(5) Bureau of Public Roads, Department of Commerce.

(h) When a determination has been made as to what constitutes a reasonable period of time to develop and submit a plan, the public agency shall be so notified. The public agency shall be advised of the information required in connection with an application to procure the property and shall be requested to provide such information with its plan.

(i) Upon receipt of the plan of use and procurement for the property, it shall be considered and acted upon in accordance with the provisions of the statute and applicable regulations.

**§ 101–47.303–3 Studies.**

The disposal agency shall compile from the title documents and related papers appropriate information, for use in disposal actions, regarding all real property and related personal property available for disposal.

**§ 101–47.303–4 Appraisal.**

(a) Except as otherwise provided in this Subpart 101–47.3, the disposal agency shall in all cases obtain an appraisal of the fair market value, and in appropriate cases the fair annual rental, of property available for disposal.

(b) No appraisal need be obtained in any one of these situations:

(1) The property is classified and is to be disposed of as airport property.

(2) The property is suitable for historic monument purposes and is to be disposed of with the use limited to such purpose to a State, political subdivision, instrumentality thereof, or municipality.

(3) The estimated fair market value of property to be offered on a competitive sale basis does not exceed $2,500.

(c) The disposal agency shall have the property appraised by experienced and qualified persons familiar with the types of property to be appraised by them. Any person engaged to collect or evaluate information pursuant to this subsection shall certify that he has no interest, direct or indirect, in the property which would conflict in any manner with the preparation and submission of an impartial appraisal report.

**§ 101–47.304 Advertised and negotiated disposals.**

**§ 101–47.304–1 Publicity.**

(a) The disposal agency shall widely publicize all surplus real property and related personal property which becomes available for disposal hereunder, giving information adequate to inform interested persons of the general nature of the property and its possible uses, as well as any reservations, restrictions, and conditions imposed upon its disposal.

(b) A condensed statement of proposed sales of surplus real property by advertising for competitive bids, except where the estimated fair market value of the property is less than $2,500, shall be prepared and submitted, for inclusion in the U.S. Department of Commerce publication "Commerce Business Daily," to: U.S. Department of Commerce (S-Synopsis), Room 1300, 433 West Van Buren Street, Chicago, Illinois, 60604.

**§ 101–47.304–2 Soliciting cooperation of local groups.**

The disposal agency may consult with local groups and organizations and solicit their cooperation in giving wide publicity to the proposed disposal of the property.

**§ 101–47.304–3 Information to interested persons.**

The disposal agency shall, upon request, supply to bona fide potential purchasers and lessees adequate preliminary information, and, with the cooperation of the holding agency where necessary, shall render such assistance to such persons as may enable them, insofar as feasible, to obtain adequate information regarding the property. The disposal agency shall establish procedures so that all persons showing due diligence are given full and complete opportunity to make an offer.

**§ 101–47.304–4 Invitation for offers.**

The disposal agency shall prepare and furnish to all prospective purchasers or lessees written invitations to make an offer, which shall contain or incorporate by reference all the terms and conditions under which the property is offered for disposal, including all provisions required by statute to be inserted in contracts for disposal of Government property. All terms and conditions of the invitation shall be made a part of the offer. The invitation shall further specify the form of the disposal instrument, which specifications shall be in accordance with the appropriate provisions of §§ 101–47.307–1 and 101–47.307–2.

(a) Where the disposal agency has determined that the sale of specific property on credit terms is justified, the invitation shall provide for submission of offers on the following terms, except that offers to purchase of less than $2,500; shall be for cash—

| *Purchase price* | *Terms of payment* |
|---|---|
| $2,500 but less than $10,000 | Downpayment of not less than 25 percent cash, balance 8 years or less, evidenced by purchaser's note, payable in equal quarter-annual installments (together with interest on unpaid balances at an annual rate of 5 percent) secured by purchase money mortgage or deed of trust on the property, whichever the Government determines to be appropriate. |
| $10,000 or more | Downpayment of not less than 20 percent cash, balance 10 years or less, evidenced by purchaser's note, payable in equal quarter-annual installments (together with interest on unpaid balances at an annual rate of 5 percent secured by a purchase money mortgage or deed of trust on the property, whichever the Government determines to be appropriate. |

(b) Where the disposal agency has determined that an offering of the property on more liberal credit terms is necessary to obtain greater competition in the local market, the invitation may provide for submission of offers on such alternate terms of payment as may be recommended by the disposal agency and approved by the Administrator of General Services. The sale in those cases where the downpayment is less than 20 percent shall, unless otherwise authorized by the Administrator of General Services, be under a land contract which shall provide, in effect, for conveyance of title to the purchaser by quitclaim deed or other form of conveyance in accordance with the appropriate provisions of §§ 101–47.307–1 and 101–47.307–2 upon payment of one-third of the total purchase price with accrued interest, or earlier if the Government so elects, and execution and delivery of purchaser's note and purchase money mortgage (or bond and deed of trust) satisfactory to the Government, to secure payment of the unpaid balance of the purchase price.

(c) The disposal agency may increase the cash downpayment requirement or shorten the period of amortization whenever circumstances warrant and in the case of sales of farms, may provide for payment of the unpaid balance on equal semiannual or annual installment basis.

(d) Where a sale is to be made on credit, the invitation shall provide that the purchaser agrees by appropriate provisions to be incorporated in the disposal instruments that he will not lease (unless the property was offered without leasing restrictions by the Government) or sell the property, or any part thereof or interest therein, without prior written authorization of the Government.

(1) In appropriate cases, except as provided in § 101–47.304–4(d)(2), the invitation shall state that the disposal instrument may include provisions specifically authorizing leasing and/or resale and release of portions of the property as desired by the purchaser, provided that such provisions shall, in the judgment of the Government, be adequate to protect its security for the credit extended to the purchaser.

(2) In the case of timber or mineral lands, or lands containing other saleable products, the invitation shall state that the disposal instrument may specifically provide for granting future partial releases to permit the resale of timber, minerals, and other saleable products, or authorize the leasing of mineral rights, upon payment to the Government of such amounts as may be required by the Government but not less than the proceeds of any sale or lease less such amounts as may be determined by the Government to represent the cost of the sale or lease.

(3) All payments for such authorizations and/or releases shall, at the option of the Government, be applied against the unpaid balance of the indebtedness in inverse order of its maturity, or upon any delinquent installments of principal and interest, or used for payments of any delinquent taxes or insurance premiums.

(e) Where property is offered for disposal under a land contract or lease, the terms and conditions contained in the invitation shall provide that the purchaser or lessee will be required to pay to the proper taxing authorities or to the disposal agency, as may be directed, all taxes, payments in lieu of taxes (in the event of the existence or subsequent enactment of legislation authorizing such payments), assessments or similar charges which may be assessed or imposed on the property, or upon the occupier thereof, or upon the use or operation of the property and to assume all costs of operating obligations.

(f) Whenever property is offered for sale on credit terms or for lease, the terms and conditions contained in the invitation shall provide that the purchaser or lessee shall procure and maintain at his expense during the term credit is extended, or the period of the lease, such insurance in such amounts as may be required by the Government; required insurance shall be in companies acceptable to the Government and shall include such terms and provisions as may be required to provide coverage satisfactory to the Government.

**§ 101–47.304–5 Inspection.**

All persons interested in the acquisition of surplus property available for disposal under this Subpart 101–47.3 shall, with the cooperation of the holding agency, where necessary, and with due regard to its program activities, be permitted to make a complete inspection of such property, including any available inventory records, plans, specifications, and engineering reports made in connection therewith, subject to any necessary restrictions in the interest of national security and subject to such rules as may be prescribed by the disposal agency.

**§ 101–47.304–6 Submission of offers.**

All offers to purchase or lease shall be in writing, accompanied by any required earnest money deposit, using the form prescribed by the disposal agency and, in addition to the financial terms upon which the offer is predicated, shall set forth the willingness of the offeror to abide by the terms, conditions, reservations, and restrictions upon which the property is offered, and shall contain such other information as the disposal agency may request.

**§ 101–47.304–7 Advertised disposals.**

(a) All disposals or contracts for disposal of surplus property, except as provided in §§ 101–47.304–9 and 101–47.304–10, shall be made after publicly advertising for bids.

(1) The advertising for bids shall be made at such time previous to the disposal or contract, through such methods, and on such terms and conditions as shall permit that full and free competition which is consistent with the value and nature of the property involved. The advertisement shall designate the place to which the bids are to be delivered or mailed, and shall state the place, date, and time of public opening.

(2) All bids shall be publicly disclosed at the time and place stated in the advertisement.

(3) Award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered: *Provided*, That all bids may be rejected when it is in the public interest to do so.

(b) Disposal and contracts for disposal of surplus property may be made through contract auctioneers when authorized by GSA. The auctioneer retained under contract shall be required to publicly advertise for bids in accordance with the applicable provisions of this § 101–47.304–7.

**§ 101–47.304–8 Report of identical bids.**

(a) Executive Order No. 10936 of April 24, 1961 (26 F.R. 3555; 3 CFR 1959–1963 Comp.), requires executive agencies to report information on identical bids to the Department of Justice. When an invitation for bids for the sale of property results in the submission of identical bids under the conditions set forth in § 101–47.304–8(a) (1), (2), and (3), a copy of the invitation and a copy of the completed abstract of bids, with identical bid prices (other than nominal or token bids) circled, shall be forwarded to the Attorney General (a copy of the report to the Attorney General shall be transmitted simultaneously to the office of GSA for the region in which the property is located) within 20 days following the disposition of all bids received in response to the invitation involved:

(1) Where bids or offers were solicited through the formal sealed bid method of sale;

(2) Where the bid value of the line item(s) on which identical bids were received exceeds $2,500 (based on the apparent high bid received for such line item); and

(3) Where the total bid value of all line items covered by the invitation exceeds $10,000 (based on the apparent high bid received for each line item).

(b) As used in this § 101–47.304–8:

(1) The term "identical bids" means two or more bids received for the same line item of an invitation for bids issued under formal advertising procedures which:

(i) Appear on the face of the bids to be identical as to unit price or total amount; or

(ii) Are found, in the contracting agency's normal process of evaluating bids for award, to be identical as to unit price or total amount.

(2) The term "line item" means each item of property specified in an invitation for bids which, under the terms of the invitation, is susceptible to a separate contract award.

(c) The Attorney General may, from time to time, request such supplemental information as he may deem necessary for effective enforcement of antitrust laws.

(d) The submission of information on identical bids is in addition to and is not to be considered as satisfying the requirements of § 101–47.301–2, for notifying the Attorney General and the Administrator of General Services regarding proposed disposals which might further a situation inconsistent with the antitrust laws.

**§ 101–47.304–9 Negotiated disposals.**

(a) Disposal agencies shall obtain such competition as is feasible under the circumstances in all negotiations of disposals and contracts for disposal of surplus property. They may dispose of surplus property by negotiation only in the following situations:

(1) When the estimated fair market value of the property involved does not exceed $1,000;

(2) When bid prices after advertising therefor are not reasonable (either as to all or some part of the property) or have not been independently arrived at in open competition;

(3) When the character or conditions of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

(4) When the disposals will be to States, Commonwealth of Puerto Rico, possessions, political subdivisions thereof, or tax-supported agencies therein, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

(5) When negotiation is otherwise authorized by the Act or other law, such as:

(i) Disposals of power transmission lines for public or cooperative power projects (see § 101–47.308–1).

(ii) Disposals for public airport utilization (see § 101–47.308–2).

(iii) Disposals for public parks, recreational areas, or historic monument sites (see § 101–47.308–3).

(b) Appraisal data required pursuant to the provisions of § 101–47.303–4, when needed for the purpose of conducting negotiations under § 101–47.304–9(a), (3), (4), (5)(i), or (5)(iii), except in the case of historic monument sites, shall be obtained under contractual arrangements with experienced and qualified real estate appraisers familiar with the types of property to be appraised by them: *Provided, however*, That in any case where the cost of obtaining such data from a contract appraiser would be out of proportion with the expected

recoverable value of the property, or if for any other reason employing a contract appraiser would not be in the best interest of the Government, the head of the disposal agency, or his designee, should authorize such other method of obtaining an estimate of the fair market value of the property, or the fair annual rental, as he may deem to be proper.

**§ 101–47.304–10 Disposals by brokers.**

Disposals and contracts for disposal of surplus property through contract realty brokers, where authorized by GSA, shall be made in the manner followed in similar commercial transactions. Realty brokers retained under contracts shall be required to give wide public notice of availability of the property for disposal.

**§ 101–47.304–11 Documenting determinations to negotiate.**

The disposal agency shall document the factors leading to and the determination justifying disposal by negotiation of any surplus property under §§ 101–47.304–9 and 101–47.304–10, and shall retain such documentation in the files of the agency.

**§ 101–47.304–12 Explanatory statements.**

(a) Subject to the exceptions stated in § 101–47.304–12(b), the disposal agency shall prepare an explanatory statement, as required by section 203(e)(6) of the Act, of the circumstances of each proposed disposal by negotiation.

(b) No explanatory statement need be prepared for:

(1) A disposal of property having a fair market value of $1,000 or less; and

(2) A disposal of property authorized to be disposed of without advertising by any provision of law other than section 203(e) of the Act.

(c) An outline for the preparation of the explanatory statement is shown in § 101–47.4911. The explanatory statement shall be mimeograph or similar type process and a copy thereof shall be preserved in the files of the disposal agency.

(d) Each explanatory statement when prepared shall be submitted to the Administrator of General Services for review and transmittal by the Administrator of General Services by letters to the Committees on Government Operations and any other appropriate committees of the Senate and House of Representatives. The submission to the Administrator of General Services shall include such supporting data as may be relevant and necessary for evaluating the proposed action and 20 copies of the duplicated explanatory statement.

(e) Copies of the Administrator of General Services' transmittal letters to the committees of the Congress, § 101–47.304–12(d), will be furnished to the disposal agency.

(f) In the absence of adverse comment by an appropriate committee or subcommittee of the Congress on the proposed negotiated disposal, the disposal agency may consummate the sale on or after 35 days from the date of the Administrator of General Services letters transmitting the explanatory statement to the committees.

**§ 101–47.305 Acceptance of offers.**

**§ 101–47.305–1 General.**

(a) When the head of the disposal agency or his designee determines that bid prices (either as to all or some part of the property) received after advertising therefor or received in response to the action authorized in paragraph (b) of this § 101–47.305–1, are reasonable, i.e., commensurate with the fair market value of the property, and were independently arrived at in open competition, award shall be made with reasonable promptness by notice to the bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered. Any or all offers may be rejected when the head of the disposal agency or his designee determines it is in the public interest to do so.

(b) Where the advertising does not result in the receipt of a bid at a price commensurate with the fair market value of the property, the highest bidder may, at the discretion of the head of the disposal agency or his designee and upon determination of responsiveness and bidder responsibility, be afforded an opportunity to increase his offered price. The bidder shall be given a reasonable period of time, not to exceed five working days, to respond. At the time the bidder is afforded an opportunity to increase his bid, all other bids shall be rejected and bid deposits returned. Any sale at a price so increased may be concluded without regard to the provisions of §§ 101–47.304–9 and 101–47.304–12.

(c) The disposal agency shall allow a reasonable period of time within which the successful bidder shall consummate the transaction and shall notify the successful bidder of the period allowed.

(d) It is within the discretion of the head of the disposal agency or his designee to determine whether the procedure authorized by paragraph (b) of this § 101–47.305–1 is followed or whether the bids shall be rejected and the property reoffered for sale on a publicly advertised competitive bid basis in accordance with the provisions of § 101–47.304–7, or disposed of by negotiation pursuant to § 101–47.306–1, or offered for disposal under other applicable provisions of this Subpart 101–47.3.

**§ 101–47.305–2 Equal offers.**

"Equal offers" means two or more offers that are equal in all respects, taking into consideration the best interests of the Government. If equal acceptable offers are received for the same property, award shall be made by a drawing by lot limited to the equal acceptable offers received.

**§ 101–47.305–3 Notice to unsuccessful bidders.**

When an offer for surplus real property has been accepted, the disposal agency shall notify all other bidders of such acceptance and return their earnest money deposits, if any.

**§ 101–47.306 Absence of acceptable offers.**

**§ 101–47.306–1 Negotiations.**

(a) When the head of the disposal agency or his designee determines that bid prices after advertising therefor (including the action authorized by the provisions of § 101–47.305–1(b)) are not reasonable either as to all or some part of the property or were not independently arrived at in open competition and that a negotiated sale rather than a disposal by readvertising or under other applicable provisions of this subpart would better protect the public interest, the property or such part thereof may be disposed of by negotiated sale after rejection of all bids received: *Provided*, That no negotiated disposal may be made under this § 101–47.306–1 unless:

(1) Notification of the intention to negotiate and reasonable opportunity to negotiate shall have been given by the agency head or his designee to each responsible bidder who submitted a bid pursuant to the advertising;

(2) The negotiated price is higher than the highest rejected bid price offered by any responsible bidder, as determined by the head of the agency or his designee; and

(3) The negotiated price is the highest negotiated price offered by any responsible prospective purchaser.

(b) Any such negotiated disposal shall be subject to the applicable provisions of §§ 101–47.304–9 and 101–47.304–12.

**§ 101–47.306–2 National Industrial Reserve properties.**

In the event that any disposal agency is unable to dispose of any surplus industrial plant because of the application of the conditions and restrictions of the National Security Clause imposed under the National Industrial Reserve Act of 1948 (50 U.S.C. 451), after making every practicable effort to do so, it shall notify the Secretary of Defense, indicating such modifications in the National Security Clause, if any, which in its judgment will make possible the disposal of the plant. Upon agreement by the Secretary of Defense to any and all of such modifications, the plant shall be reoffered for disposal subject to such modifications as may have been so agreed upon; or if such modifications are not agreed to, and upon request of the Secretary of Defense, the plant shall be transferred to the custody of GSA.

**§ 101–47.307 Conveyances.**

**§ 101–47.307–1 Form of deed or instrument of conveyance.**

Disposals of real property shall be by quitclaim deed or deed without warranty in conformity with local law and practice, unless the disposal agency finds that another form of conveyance is necessary to obtain a reasonable price for the property or to render the title marketable, and unless the use of such other form of conveyance is approved by GSA.



**§ 101–47.307–2 Conditions in disposal instruments.**

(a) Where a sale is made upon credit, the purchaser shall agree by appropriate provisions to be incorporated in the disposal instruments, that he will not resell or lease (unless due to its character or type the property was offered without leasing restrictions by the disposal agency) the property, or any part thereof or interest therein, without the prior written authorization of the disposal agency and such disposal instruments in appropriate cases may specifically provide for such authorization and/or future partial releases to be granted on terms which will adequately protect the Government's security for the credit extended to the purchaser.

(b) Any deed, lease, or other instrument executed to dispose of property under this subpart, subject to reservations, restrictions, or conditions as to the future use, maintenance, or transfer of the property shall recite all representations and agreements pertaining thereto.

**§ 101–47.307–3 Distribution of conformed copies of conveyance instruments.**

(a) Two conformed copies of any deed, lease, or other instrument containing reservations, restrictions, or conditions regulating the future use, maintenance, or transfer of the property shall be provided the agency charged with enforcement of such reservations, restrictions, or conditions.

(b) A conformed copy of the deed, lease, or other conveyance instrument shall be provided to the holding agency by the disposal agency.

**§ 101–47.307–4 Disposition of title papers.**

The holding agency shall, upon request, deliver to the disposal agency all title papers in its possession relating to the property reported excess. The disposal agency may transfer to the purchaser of the property, as a part of the disposal transaction, the pertinent records authorized by § 101–11.404–2, to be so transferred. If the purchaser of the property wishes to obtain additional records, copies thereof may be furnished to the purchaser with or without charge, as determined by the agency having custody of the records.

**§ 101–47.307–5 Title transfers from Government corporations.**

In order to facilitate the administration and disposition of real property when record title to such property is not in the name of the United States of America, the holding agency, upon request of the Administrator of General Services, shall deliver to the disposal agency a quitclaim deed, or other instrument of conveyance without warranty, expressed or implied, transferring all of the right, title, and interest of the holding agency in such property to the United States of America.

**§ 101–47.307–6 Proceeds from disposals.**

All proceeds from any sale, lease, or other disposition of surplus real property and related personal property shall be covered into the Treasury as miscellaneous receipts, except as provided in sections 204(b), (c), (d), (e), and (f) of the Act.

**§ 101–47.308 Special disposal provisions.**

**§ 101–47.308–1 Power transmission lines.**

(a) Pursuant and subject to the provisions of section 13(d) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d)), which is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949, any State or political subdivision thereof, or any State or Government agency or instrumentality may certify to the disposal agency that a surplus power transmission line and the right-of-way acquired for its construction is needful for or adaptable to the requirements of a public or cooperative power project. Disposal agencies shall notify such State entities and Government agencies of the availability of such property in accordance with § 101–47.303–2.

(b) Notwithstanding any other provisions of this subpart, whenever a State or political subdivision thereof, or a State or Government agency or instrumentality certifies that such property is needful for or adaptable to the requirements of a public or cooperative power project, the property may be sold for such utilization at the fair market value thereof.

(c) In the event a sale cannot be accomplished by reason of the price to be charged or otherwise and the certification is not withdrawn, the disposal agency shall report the facts involved to the Administrator of General Services, for a determination by him as to the further action to be taken to dispose of the property.

(d) Any power transmission line and right-of-way not disposed of pursuant to the provisions of this section shall be disposed of in accordance with other applicable provisions of this subpart, including, if appropriate, reclassification by the disposal agency.

**§ 101–47.308–2 Property for public airports.**

(a) Pursuant and subject to the provisions of section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), which is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949 and amended by the Act of October 1, 1949, 63 Stat. 700, and section 1402(c) of the Federal Aviation Act of 1958, 72 Stat. 807 (50 U.S.C. App. 1622a–1622c), airport property may be conveyed or disposed of to a State, political subdivision, municipality, or tax-supported institution for a public airport. Airport property is any surplus real property including improvements and personal property located thereon as a part of the operating unit (exclusive of property the highest and best use of which is determined by the Administrator of General Services to be industrial and which shall be so classified for disposal without regard to the provisions of this section) which, in the determination of the Administrator of the Federal Aviation Agency is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, as defined in the Federal Airport Act, as amended (49 U.S.C. 1101), or reasonably necessary to fulfill the immediate and foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from nonaviation businesses at a public airport.

(b) The disposal agency shall notify eligible public agencies, in accordance with the provisions of § 101–47.303–2, that property which may be disposed of for use as a public airport under the Act of 1944, as amended, has been determined to be surplus. There shall be transmitted with the copy of each such notice when sent to the proper regional office of the Federal Aviation Agency, § 101–47.303–2(d), a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(c) As promptly as possible after receipt of the copy of the notice given to eligible public agencies and the copy of Standard Form 118, the Federal Aviation Agency shall inform the disposal agency of the determination of the Administrator of the Federal Aviation Agency required by the provisions of the Act of 1944, as amended. The Federal Aviation Agency, thereafter, shall render such assistance to any eligible public agency known to have a need for the property for a public airport as may be necessary for such need to be considered in the development of a comprehensive and coordinated plan of use and procurement for the property. An application form and instructions for the preparation of an application shall be furnished to the eligible public agency by the disposal agency upon request.

(d) Whenever an eligible public agency has submitted a plan of use and application to acquire property for a public airport, in accordance with the provisions of § 101–47.303–2, the disposal agency shall transmit two copies of the plan and two copies of the application to the proper regional office of the Federal Aviation Agency. The Federal Aviation Agency shall promptly submit to the disposal agency a recommendation for disposal of the property for a public airport or shall inform the disposal agency that no such recommendation will be submitted.

(e) Upon receipt of such recommendation, the disposal agency may, with the approval of the head of the disposal agency or his designee, convey property recommended by the Federal Aviation Agency for disposal for a public airport to the eligible public agency, subject to the provisions of the Surplus Property Act of 1944, as amended.

(f) Any airport property not recommended by the Federal Aviation Agency for disposal pursuant to the provisions of this subsection for use as a public air-

port shall be disposed of in accordance with other applicable provisions of this subpart. However, the holding agency shall first be notified of the inability of the disposal agency to dispose of the property for use as a public airport and shall be allowed 30 days to withdraw the property from surplus or to waive any future interest in the property for public airport use.

(g) The Administrator of the Federal Aviation Agency has the sole responsibility for enforcing compliance with the terms and conditions of disposal, and for the reformation, correction, or amendment of any disposal instrument and the granting of releases and for taking any necessary action for recapturing such property in accordance with the provisions of the Act of October 1, 1949, 63 Stat. 700, and section 1402(c) of the Federal Aviation Act of 1958, 72 Stat. 807 (50 U.S.C. App. 1622a–1622c).

(h) In the event title to any such property is revested in the United States by reason of noncompliance with the terms and conditions of disposal, or other cause, the Administrator of the Federal Aviation Agency shall have accountability for the property and shall report the property to GSA as excess property in accordance with the provisions of § 101–47.202.

**§ 101–47.308–3 Property for use as public parks, recreational areas, or historic monument sites.**

(a) Pursuant and subject to the provisions of section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622 (h)), which is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949, land, including improvements and equipment thereon, which is determined by the Secretary of the Interior to be suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, may be conveyed or disposed of to a State, political subdivision, instrumentalities thereof, or municipality.

(b) The disposal agency shall notify eligible public agencies, in accordance with the provisions of § 101–47.303–2, that property which may be disposed of for use as a public park, public recreational area, or historic monument under the Act of 1944 has been determined to be surplus. There shall be transmitted with the copy of each such notice when sent to the proper field office of the Bureau of Outdoor Recreation listed in § 101–47.4912, as provided in § 101–47.303–2(d), a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(c) An application form to acquire property for permanent use as a public park, public recreational area, or historic monument, and instructions for the preparation of the application, shall be furnished by the disposal agency to an eligible public agency upon request.

(d) Whenever an eligible public agency has submitted a plan of use and an application to acquire property for use as a public park, public recreational area, or historic monument, in accordance with the provisions of § 101–47.303–2, the disposal agency shall transmit a copy of the plan and a copy of the application to the Director, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C., 20240, and shall send a copy of the plan and a copy of the application to the appropriate field office of the Bureau of Outdoor Recreation. The Director shall promptly inform the disposal agency in writing as to the date the determination of the Secretary of the Interior, required by the provisions of the Act of 1944, will be available.

(e) Upon receipt of such determination, the disposal agency may, with the approval of the head of the disposal agency, or his designee, convey property determined by the Secretary of the Interior to be suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, to an eligible public agency, subject to the provisions of the Act of 1944.

(f) The Secretary of the Interior has the responsibility for enforcing compliance with the terms and conditions of disposals and for the reformation, correction, or amendment of any disposal instrument, and the granting of releases, and for taking any necessary action for recapturing such property in accordance with the provisions of section 203(k)(2) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency.

(g) In the event title to any such property is revested in the United States by reason of noncompliance with the terms and conditions of disposal, or other cause, the Secretary of the Interior shall have accountability and shall report the property to GSA as excess property in accordance with the provisions of § 101–47.202.

(h) Notice to the head of the disposal agency by the Secretary of the Interior of any action proposed to be taken under paragraph (f) of this section shall identify the property affected, setting forth in detail the proposed action and reasons therefor.

**§ 101–47.308–4 Property for educational and public health purposes.**

(a) The head of the disposal agency or his designee is authorized, in his discretion, to assign to the Secretary of Health, Education, and Welfare for disposal, under section 203(k)(1) of the Act, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for school, classroom, or other educational use or for use in the protection of public health, including research.

(b) With respect to real property and related personal property which may be made available for assignment to the Secretary of Health, Education, and Welfare for disposal under the provisions of the Act of 1949 for educational or public health purposes to nonprofit institutions which have been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)).

(1) The Department of Health, Education, and Welfare may notify eligible nonprofit institutions, in accordance with the provisions of § 101–47.303–2(e), that such property has been determined surplus.

(2) Any such notice given by the Department to eligible nonprofit institutions shall state that any requirement for educational or public health use of the property should be coordinated with the public agency declaring to the disposal agency an intent to develop and submit a comprehensive and coordinated plan of use and procurement for the property.

(c) With respect to real property and related personal property which may be made available for assignment to the Secretary of Health, Education, and Welfare for disposal under the provisions of the Act for educational or public health purposes to eligible public agencies—

(1) The disposal agency shall notify eligible public agencies, in accordance with the provisions of § 101–47.303–2 (b) and (e), that such property has been determined to be surplus.

(2) Such notice to eligible public agencies shall state that any planning for an educational or public health use, involved in the development of a comprehensive and coordinated plan of use and procurement for the property, must be coordinated with the Department of Health, Education, and Welfare and that an application form for such use of the property and instructions for the preparation and submission of an application may be obtained from that Department.

(d) Whenever the disposal agency has not been informed by a public agency within the 20-day period stated in the notice given pursuant to the provisions of § 101–47.308–4 (b) or (c), that it desires to develop and submit a comprehensive and coordinated plan of use and procurement for the property, but the Department of Health, Education, and Welfare has notified the disposal agency within the said 20-day period of a potential educational or public health requirement for the property, the Department shall submit to the disposal agency within 25 days after the expiration of the 20-day period, a recommendation for assignment of the property to the Secretary of Health, Education, and Welfare, or shall inform the disposal agency, within the 25-day period, that a recommendation will not be made for assignment of the property to the Secretary.

(e) Whenever an eligible public agency has submitted a plan of use and procurement for property for an educational or public health requirement, in accordance with the provisions of § 101–47.303–2, the disposal agency shall transmit two copies of the plan to the regional office of the Department of Health, Education, and Welfare. The Department shall submit to the disposal agency, within 25 days after the date the plan is transmitted to the Department, a recommendation for assignment of the property to the Secretary of Health, Education, and



Welfare or shall inform the disposal agency, within the 25-day period, that a recommendation will not be made for assignment of the property to the Secretary.

(f) Any recommendation submitted by the Department of Health, Education, and Welfare pursuant to § 101–47.308–4 (d) or (e) shall set forth complete information concerning the intended educational or public health use, including (1) identification of the property, (2) the name of the applicant and the size and nature of its program, (3) the specific use planned, (4) the intended public benefit allowance, (5) the estimate of value upon which such proposed allowance is based, and (6) if the acreage or value of the property exceeds the standards established by the Secretary, an explanation therefor. The Department shall furnish to the holding agency a copy of the recommendation, unless the holding agency is also the disposal agency.

(g) Holding agencies shall cooperate to the fullest extent possible with representatives of the Department of Health, Education, and Welfare in their inspection of such property and in furnishing information relating thereto.

(h) In the absence of a recommendation § 101–47.308–4 (d) or (e), the disposal agency shall proceed with appropriate disposal action.

(i) If the recommendation is approved, the disposal agency shall assign the property by letter or other document to the Secretary of Health, Education, and Welfare for disposal and shall inform the Secretary that there will be no objection to the proposed transfer. If the recommendation is disapproved, the disposal agency shall so notify the Secretary. Such assignment or notice shall be given within 30 days after the Department of Health, Education, and Welfare has submitted the recommendation. The disposal agency shall furnish to the holding agency a copy of the assignment or notice, unless the holding agency is also the disposal agency.

(j) The Department of Health, Education, and Welfare shall prepare the transfer document and take all other actions necessary to accomplish the transfer of the property within 90 days after the date of the assignment of the property to the Secretary of Health, Education, and Welfare.

(k) The Secretary of Health, Education, and Welfare has the responsibility for enforcing compliance with the terms and conditions of transfer and for the reformation, correction, or amendment of any transfer instrument and the granting of releases and for the taking of any necessary actions for recapturing such property in accordance with the provisions of section 203(k)(2) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency. Notice to the head of the disposal agency by the Secretary of any action proposed to be taken shall identify the property affected, set forth in detail the proposed action, and state the reasons therefor.

(l) In each case of repossession under a terminated lease, or reverter of title by reason of noncompliance with the terms and conditions of sale or other cause, the Department of Health, Education, and Welfare shall, at or prior to such repossession or reversion of title, provide GSA with an accurate description of the real and related personal property involved. Standard Form 118, Report of Excess Real Property, and the appropriate schedules shall be used for this purpose. Upon receipt of advice from the Department that such property has been repossessed or title has reverted, GSA will assume accountability therefor.

**§ 101–47.308–5 Property for use as shrines, memorials, or for religious purposes.**

(a) Surplus military chapels shall be segregated from other buildings, and shall be disposed of intact, separate and apart from the land, for use off-site as shrines, memorials, or for religious purposes, except in cases in which the chapel is located on surplus Government-owned land and the disposal agency determines that it may properly be used in place, in which cases a suitable area of land may be set aside for such purposes, and sold with the chapel.

(1) *Application.* Applications for the purchase of surplus chapels for use off-site or for use in-place shall be solicited by public advertising. All applications received in response to advertising shall be submitted to the Chief of Chaplains of the service which had jurisdiction over the property during the period of Government use thereof for military purposes and shall be disposed of in accordance with his recommendation. If no recommendation is received from the Chief of Chaplains within 30 days from the date of such submission, the disposal agency may select the purchaser on the basis of the needs of the applicants and the best interests of the community to be served. If no application is received for transfer of the property for shrine, memorial, or religious uses, the Chief of Chaplains shall be notified accordingly, and disposal of the property shall be held in abeyance for a period not to exceed 60 days thereafter to afford additional time for the filing of applications. If no such application is received during the extended period, the property may be disposed of for uses other than shrine, memorial, or religious purposes pursuant to other applicable provisions of this subpart.

(2) *Sale price.* The sale price of the chapel shall be a price equal to its appraised fair market value in the light of conditions imposed relating to its future use and the estimated cost of removal, where required. The sale price of the land shall be a price equal to the appraised fair market value of the land based upon the highest and best use of the land at the time of the disposal.

(3) *Conditions of transfer.* All chapels disposed of pursuant to the authority of this section shall be transferred subject to the condition that during the useful life thereof they be maintained and used as shrines, memorials, or for religious purposes and not for any commercial, industrial, or other secular use; and that in the event a transferee fails to maintain and use the chapel for such purposes there shall become due and payable to the Government the difference between the appraised fair market value of the chapel, as of the date of the transfer, without restrictions on its use, and the price actually paid. Where the land on which the chapel is located is sold with the chapel, no conditions or restrictions on the use of the land shall be included in the deed.

(4) *Release of restrictions.* The disposal agency may release the conditions of transfer without payment of a monetary consideration upon a determination that the property no longer serves the purpose for which it was transferred or that such release will not prevent accomplishment of the purpose for which the property was transferred. Such determination shall be in writing, shall state the facts and circumstances involved, and shall be preserved in the files of the disposal agency.

(b) Notwithstanding the provisions of this § 101–47.308–5, a chapel and underlying land that is a component unit of a larger parcel of surplus real property recommended by the Secretary of Health, Education, and Welfare as being needed for educational or public health purposes, may be included in an assignment of such property, when so recommended by the Secretary, for disposal subject to the condition that the instrument of conveyance shall require that during the useful life of the chapel it shall be maintained and used by the grantee as a shrine, memorial, or for religious purposes.

**§ 101–47.309 Disposal of leases, permits, licenses, and similar instruments.**

The disposal agency may, subject to such reservations, restrictions, and conditions, if any, as the disposal agency deems necessary properly to protect the interests of the United States against liability under a lease, permit, license, or similar instrument:

(a) Dispose of the lease or other instrument subject to assumption by the transferee of the obligations in the lease or other instrument unless a transfer is prohibited by the terms of the lease or other instrument; or

(b) Terminate the lease or other instrument by notice or negotiated agreement; and

(c) Dispose of any surplus Government-owned improvements located on the premises in the following order by any one or more of the following methods:

(1) By disposition of all or a portion thereof to the transferee of the lease or other instrument (not applicable when the lease or other instrument is terminated);

(2) By disposition to the owner of the premises or grantor of a sublease, as the case may be, (i) in full satisfaction of a contractual obligation of the Govern-

ment to restore the premises, or (ii) in satisfaction of a contractual obligation of the Government to restore the premises plus the payment of a money consideration to the Government by the owner or grantor, as the case may be, that is fair and reasonable under the circumstances, or (iii) in satisfaction of a contractual obligation of the Government to restore the premises plus the payment by the Government to the owner or grantor, as the case may be, of a money consideration that is fair and reasonable under the circumstances; or

(3) By disposition for removal from the premises.

*Provided*, That any negotiated disposals shall be subject to the applicable provisions of §§ 101–47.304–9 and 101–47.304–12, except where the disposition under paragraph (c) (2) of this section is negotiated pursuant to any provision of law other than the Act.

**§ 101–47.310 Disposal of structures and improvements on Government-owned land.**

In the case of Government-owned land, the disposal agency may dispose of structures and improvements with the land or separately from the land: *Provided*, That prefabricated movable structures such as Butler-type storage warehouses, and quonset huts, and housetrailers (with or without under carriages) reported to GSA with the land on which they are located, may, in the discretion of GSA, be designated for disposal as personal property for off-site use.

**§ 101–47.311 Disposal of residual personal property.**

(a) Any related personal property reported to GSA on Standard Form 118 which is not disposed of by GSA as related to the real property, shall be designated by GSA for disposal as personal property.

(b) Any related personal property which is not disposed of by the holding agency, pursuant to the authority contained in § 101–47.302, or authority otherwise delegated by the Administrator of General Services as related to the real property, shall be disposed of under the applicable provisions of Part 101–45.

**§ 101–47.312 Non-Federal interim use of property.**

(a) A lease or permit may be granted by the holding agency with the approval of the disposal agency, for non-Federal interim use of surplus property: *Provided*, That such lease or permit shall be for a period not exceeding 1 year and shall be made revocable on not to exceed 30 days' notice by the disposal agency: *And provided further*, That the use and occupancy will not interfere with, delay, or retard the disposal of the property. In such cases, an immediate right of entry to such property may be granted pending execution of the formal lease or permit. The lease or permit shall be for a money consideration and shall be on such other terms and condtions as are deemed appropriate properly to protect the interests of the United States. Any negotiated lease or permit shall be subject to the applicable provisions of §§ 101–47.304–9 and 101–47.304–12, except that no explanatory statement to the appropriate committees of the Congress need be prepared with respect to a negotiated lease or permit providing for a net rental of $1,000 or less per month, and termination by either party on 30 days' notice.

(b) Any lease of farmlands shall be governed by the policy described in the memorandum of the President dated May 21, 1956 (see § 101–47.4909).

**§ 101–47.313 Easements.**

**§ 101–47.313–1 Disposal of easements to owner of servient estate.**

The disposal agency may dispose of an easement to the owner of the land which is subject to the easement when the continued use, occupancy, or control of the easement is not needed for the operation, production, use, or maintenance of property owned or controlled by the Government. A determination shall be made by the disposal agency as to whether the disposal shall be with or without consideration to the Government on the basis of all the circumstances and factors involved and with due regard to the acquisition cost of the easement to the Government. The extent of such consideration shall be regarded as the appraised fair market value of the easement. The disposal agency shall document the circumstances and factors leading to such determination and retain such documentation in its files.

**§ 101–47.313–2 Grants of easements in or over Government property.**

The disposal agency may grant easements in or over real property on appropriate terms and conditions: *Provided*, That where the disposal agency determines that the granting of such easement decreases the value of the property, the granting of the easement shall be for a consideration not less than the amount by which the fair market value of the property is decreased.

**§ 101–47.314 Compliance.**

**§ 101–47.314–1 General.**

Subject to the provisions of § 101–47.314–2(a), requiring referral of criminal matters to the Department of Justice, each disposal agency shall perform such investigatory functions as are necessary to insure compliance with the provisions of the Act and with the regulations, orders, directives, and policy statements of the Administrator of General Services.

**§ 101–47.314–2 Extent of investigations.**

(a) *Referral to other Government agencies.* All information indicating violations by any person of Federal criminal statutes, or violations of section 209 of the Act, including but not limited to fraud against the Government, mail fraud, bribery, attempted bribery, or criminal collusion, shall be referred immediately to the Department of Justice for further investigation and disposition. Each disposal agency shall make available to the Department of Justice, or to such other governmental investigating agency to which the matter may be referred by the Department of Justice, all pertinent information and evidence concerning the indicated violations; shall desist from further investigation of the criminal aspects of such matters except upon the request of the Department of Justice; and shall cooperate fully with the agency assuming final jurisdiction in establishing proof of criminal violations. After making the necessary referral to the Department of Justice, inquiries conducted by disposal agency compliance organizations shall be limited to obtaining information for administrative purposes. Where irregularities reported or discovered involve wrongdoing on the part of individuals holding positions in Government agencies other than the agency initiating the investigation, the case shall be reported immediately to the Administrator of General Services for an examination in the premises.

(b) *Compliance reports.* A written report shall be made of all compliance investigations conducted by each agency compliance organization. Each disposal agency shall maintain centralized files of all such reports at its respective departmental offices. Until otherwise directed by the Administrator of General Services, there shall be transmitted promptly to the Administrator of General Services one copy of any such report which contains information indicating criminality on the part of any person or indicating noncompliance with the Act or with the regulations, orders, directives, and policy statements of the Administrator of General Services. In transmitting such reports to the Administrator of General Services, the agency shall set forth the action taken or contemplated by the agency to correct the improper conditions established by the investigation. Where any matter is referred to the Department of Justice, a copy of the letter of referral shall be transmitted to the Administrator of General Services.

**§ 101–47.315 Covenant against contingent fees and related procedure.**

The provisions of § 101–45.311 with respect to the covenant against contingent fees and related procedure are hereby made applicable to disposals of real and related personal property.



## *Subpart 101–47.4—Management of Excess and Surplus Real Property*

**§ 101–47.400 Scope of subpart.**

This subpart prescribes the policies and methods governing the physical care, handling, protection, and maintenance of excess real property and surplus real property, including related personal property, within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

**§ 101–47.401 General provisions of subpart.**

**§ 101–47.401–1 Policy.**

It is the policy of the Administrator of General Services:

(a) That the management of excess real property and surplus real property, including related personal property, shall provide only those minimum services necessary to preserve the Government's interest therein, realizable value of the property considered,

(b) To place excess real property and surplus real property in productive use through interim utilization: *Provided*, That such temporary use and occupancy will not interfere with, delay, or retard its transfer to a Federal agency or disposal.

(c) That excess and surplus real property which is dangerous to the public health or safety shall be destroyed or rendered innocuous.

**§ 101–47.401–2 Definitions.**

As used in this subpart, the following terms shall have the meanings set forth below:

(a) *Maintenance.* The upkeep of property only to the extent necessary to offset serious deterioration; also such operation of utilities, including water supply and sewerage systems, heating, plumbing, and air-conditioning equipment, as may be necessary for fire protection, the needs of interim tenants, and personnel employed at the site, and the requirements for preserving certain types of equipment.

(b) *Repairs.* Those additions or changes that are necessary for the protection and maintenance of property to deter or prevent excessive or rapid deterioration or obsolescence, and to restore property damaged by storm, flood, fire, accident, or earthquake.

**§ 101–47.401–3 Taxes and other obligations.**

Payment of taxes or payments in lieu of taxes (in the event of the enactment hereafter of legislation by Congress authorizing such payments upon Government-owned property which is not legally assessable), rents, and insurance premiums and other obligations pending transfer or disposal shall be the responsibility of the holding agency.

**§ 101–47.401–4 Decontamination.**

The holding agency shall be responsible for all expense to the Government and for the supervision of decontamination of excess and surplus real property that has been subjected to contamination with hazardous material of any sort. Extreme care must be exercised in the decontamination, and in the management and disposal of contaminated property in order to prevent such properties becoming a hazard to the general public. The disposal agency shall be made cognizant of any and all inherent hazards involved relative to such property in order to protect the general public from hazards and to preclude the Government from any and all liability resulting from indiscriminate disposal or mishandling of contaminated property.

**§ 101–47.401–5 Improvements or alterations.**

Improvements or alterations which involve rehabilitation, reconditioning, conversion, completion, additions, and replacements in structures, utilities, installations, and land betterments, may be considered in those cases where disposal cannot otherwise be made, but no commitment therefor shall be entered into without prior approval of GSA.

**§ 101–47.401–6 Interim use and occupancy.**

When a revocable agreement to place excess real property or surplus real property in productive use has been made, the agency executing the agreement shall be responsible for the servicing thereof.

**§ 101–47.402 Care and handling.**

**§ 101–47.402–1 Responsibility.**

The holding agency shall retain custody and accountability for excess and surplus real property, including related personal property, and shall perform the physical care, handling, protection, maintenance, and repairs of such property pending its transfer to a Federal agency for disposal. Guidelines for protection and maintenance of excess and surplus real property are contained in § 101–47.4913.

**§ 101–47.402–2 Expense of care and handling.**

(a) The holding agency shall be responsible for the expense of physical care, handling, protection, maintenance, and repairs of such property pending transfer or disposal for not more than 12 months, plus the period to the first day of the succeeding quarter of the fiscal year after the date of receipt by GSA of the formal report of excess: *Provided, however*, That where a holding agency requests deferral of disposal on property which it has reported excess, the period for which the agency is responsible for such expense shall be extended by the length of time that disposal is deferred.

(b) In the event the property is not transferred to a Federal agency or disposed of during the period mentioned in § 101–47.402–2(a), the expense of physical care, handling, protection, maintenance, and repairs of such property from and after the expiration date of said period shall be reimbursed to the holding agency by the disposal agency.

## Subpart 101–47.5—Abandonment, Destruction, or Donation to Public Bodies

### § 101–47.500 Scope of subpart.

(a) This subpart prescribes the policies and methods governing the abandonment, destruction, or donation to public bodies by Federal agencies of real property located within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(b) This subpart does not apply to surplus property assigned for disposal to educational or public health institutions pursuant to section 203(k) of the Act.

### § 101–47.501 General provisions of subpart.

### § 101–47.501–1 Definitions.

(a) "No commercial value" means real property, including related personal property, which has no reasonable prospect of being disposed of at a consideration.

(b) "Public body" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any political subdivision, agency, or instrumentality of the foregoing.

### § 101–47.501–2 Authority for disposal.

Subject to the restrictions in § 101–47.502 and § 101–47.503, any Federal agency having control of real property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale, is authorized:

(a) To abandon or destroy Government-owned improvements and related personal property located on privately owned land.

(b) To destroy Government-owned improvements and related personal property located on Government-owned land. Abandonment of such property is not authorized.

(c) To donate to public bodies any real property (land and/or improvements and related personal property), or interests therein, owned by the Government.

### § 101–47.501–3 Dangerous property.

No property which is dangerous to public health or safety shall be abandoned, destroyed, or donated to public bodies pursuant to this subpart without first rendering such property innocuous or providing adequate safeguards therefor.

### § 101–47.501–4 Findings.

(a) No property shall be abandoned, destroyed, or donated by a Federal agency under § 101–47.501–2, unless a duly authorized official of that agency finds, in writing, either that (1) such property has no commercial value, or (2) the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. Such finding shall not be made by any official directly accountable for the property covered thereby.

(b) Whenever all the property proposed to be disposed of hereunder by a Federal agency at any one location at any one time had an original cost (estimated if not known) of more than $1,000, findings made under § 101–47.501–4(a), shall be approved by a reviewing authority before any such disposal.

### § 101–47.502 Donations to public bodies.

### § 101–47.502–1 Cost limitations.

No improvements on land or related personal property having an original cost (estimated if not known) in excess of $250,000 and no land, regardless of cost, shall be donated to public bodies without the prior concurrence of GSA. The request for such concurrence shall be made to the regional office of GSA for the region in which the property is located.

### § 101–47.502–2 Disposal costs.

Any public body receiving improvements on land or related personal property pursuant to this subpart shall pay the disposal costs incident to the donation, such as dismantling, removal, and the cleaning up of the premises.

### § 101–47.503 Abandonment and destruction.

### § 101–47.503–1 General.

(a) No improvements on land or related personal property shall be abandoned or destroyed by a Federal agency unless a duly authorized official of that agency finds, in writing, that donation of such property in accordance with the provisions of this subpart is not feasible. This finding shall be in addition to the finding prescribed in § 101–47.501–4. If at any time prior to actual abandonment or destruction the donation of the property pursuant to this subpart becomes feasible, such donation will be accomplished.

(b) No abandonment or destruction shall be made in a manner which is detrimental or dangerous to public health or safety or which will cause infringement of the rights of other persons.

(c) The concurrence of GSA shall be obtained prior to the abandonment or destruction of improvements on land or related personal property (1) which had an original cost (estimated if not known) of more than $50,000, or (2) which are of permanent type construction, or (3) where their retention would enhance the value of the underlying land, if it were to be made available for sale or lease.

### § 101–47.503–2 Notice of proposed abandonment or destruction.

Except as provided in § 101–47.503–3, improvements on land or related personal property shall not be abandoned or destroyed by a Federal agency until after public notice of such proposed abandonment or destruction. Such notice shall be given in the area in which the property is located, shall contain a general description of the property to be abandoned or destroyed, and shall include an offering of the property for sale. A copy of such notice shall be given to the regional office of GSA for the region in which the property is located.

### § 101–47.503–3 Abandonment or destruction without notice.

If (a) the property had an original cost (estimated if not known) of not more than $1,000; or (b) its value is so low or the cost of its care and handling so great that its retention in order to post public notice is clearly not economical; or (c) immediate abandonment or destruction is required by considerations of health, safety, or security; or (d) the assigned mission of the agency might be jeopardized by the delay, and a finding with respect to (a), (b), (c), or (d) is made in writing by a duly authorized official of the Federal agency and approved by a reviewing authority, abandonment or destruction may be made without public notice. Such a finding shall be in addition to the findings prescribed in §§ 101–47.501–4 and 101–47.503–1(a).



## Subpart 101–47.6—Delegations

### § 101–47.600 Scope of subpart.

This subpart sets forth the special delegations of authority granted by the Administrator of General Services to other agencies for the utilization and disposal of certain real property pursuant to the Act.

### § 101–47.601 Delegation to Department of Defense.

(a) Authority is delegated to the Secretary of Defense to determine that excess real property and related personal property under the control of the Department of Defense having a total estimated fair market value, including all the component units of the property, of less than $1,000 as determined by the Department of Defense, is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of said property by means deemed advantageous to the United States.

(b) Prior to such determination and disposal, the Secretary of Defense shall take steps as may be appropriate to determine that the property is not required for the needs of any Federal agency.

(c) The authority conferred in this § 101–47.601 shall be exercised in accordance with the Act and regulations issued pursuant thereto, except any provisions of Subpart 101–47.2 relating to reporting such property to GSA.

(d) The authority delegated in this § 101–47.601 may be redelegated to any officer or employee of the Department of Defense.

### § 101–47.602 Delegation to the Department of Agriculture.

(a) Authority is delegated to the Secretary of Agriculture to determine that excess real property and related personal property under the control of the Department of Agriculture having a total estimated fair market value, including all the component units of the property, of less than $1,000 as determined by the Department of Agriculture, is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of said property by means deemed advantageous to the United States.

(b) Prior to such determination and disposal, the Secretary of Agriculture shall take steps as may be appropriate to determine that the property is not required for the needs of any Federal agency.

(c) The authority conferred in this § 101–47.602 shall be exercised in accordance with the Act and regulations issued pursuant thereto, except any provisions of Subpart 101–47.2 relating to reporting such property to GSA.

(d) The authority delegated in this § 101–47.602 may be redelegated to any officer or employee of the Department of Agriculture.

### § 101–47.603 Delegation to the Department of the Interior.

(a) Authority is delegated to the Secretary of the Interior to determine that excess real property and related personal property under the control of the Department of the Interior having a total estimated fair market value, including all the component units of the property, of less than $1,000 as determined by the Department of the Interior, is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of said property by means deemed advantageous to the United States.

(b) Prior to such determination and disposal, the Secretary of the Interior shall take steps as may be appropriate to determine that the property is not required for the needs of any Federal agency.

(c) The authority conferred in this § 101–47.603 shall be exercised in accordance with the Act and regulations issued pursuant thereto, except any provisions of Subpart 101–47.2 relating to reporting such property to GSA.

(d) The authority delegated in this § 101–47.603 may be redelegated to any officer or employee of the Department of the Interior.

### § 101–47.604 Delegation to the Department of the Interior and the Department of Health, Education, and Welfare.

(a) The Secretary of the Interior and the Secretary of Health, Education, and Welfare, are delegated authority to transfer and to retransfer to each other, upon request, any of the property of either agency which is being used and will continue to be used in the administration of any functions relating to the Indians. The term "property," as used in this § 101–47.604, includes real property and such personal property as the Secretary making the transfer or retransfer determines to be related personal property.

(b) This authority shall be exercised only in connection with property which the Secretary transferring or retransferring such property determines:

(1) Comprises a functional unit;

(2) Is located within the United States; and

(3) Has an acquisition cost of $100,000 or less: *Provided, however,* That the transfer or retransfer shall not include property situated in any area which is recognized as an urban area or place for the purpose of the most recent decennial census.

(c) No screening of the property as required by the regulations in this Part 101–47 need be conducted, it having been determined that such screening among Federal agencies would accomplish no useful purpose since the property which is subject to transfer or retransfer hereunder will continue to be used in the administration of any functions relating to the Indians.

(d) Any such transfer or retransfer of a specific property shall be without reimbursement except:

(1) Where funds programed and appropriated for acquisition of the property are available to the Secretary requesting the transfer or retransfer; or

(2) Whenever reimbursement at fair value is required by Subpart 101–47.2.

(e) Where funds were not programed and appropriated for acquisition of the property, the Secretary requesting the transfer or retransfer shall so certify. Any determination necessary to carry out the authority contained in this § 101–47.604 which otherwise would be required under this part to be made by GSA shall be made by the Secretary transferring or retransferring the property.

(f) The authority conferred in this § 101–47.604 shall be exercised in accordance with such other provisions of the regulations of GSA issued pursuant to the Act as may be applicable.

(g) The Secretary of the Interior and the Secretary of Health, Education, and Welfare, are authorized to redelegate any of the authority contained in this § 101–47.604 to any officers or employees of their respective departments.

## Subpart 101–47.7—Conditional Gifts of Real Property to Further the Defense Effort

**§ 101–47.700 Scope of subpart.**

This subpart provides for acceptance or rejection, on behalf of the United States, of any gift of real property offered on condition that it be used for a particular defense purpose and for subsequent disposition of such property (Act of July 27, 1954, 68 Stat. 566, 40 U.S.C. 1151–1156).

**§ 101–47.701 Offers and acceptance of conditional gifts.**

(a) Any agency receiving an offer of a conditional gift of real property for a particular defense purpose within the purview of the Act of July 27, 1954, shall notify the appropriate regional office of GSA and shall submit a recommendation as to acceptance or rejection of the gift.

(b) Prior to such notification, the receiving agency shall acknowledge receipt of the offer and advise the donor of its referral to the GSA regional office, but should not indicate acceptance or rejection of the gift on behalf of the United States. A copy of the acknowledgment shall accompany the notification and recommendation to the regional office.

(c) When the gift is determined to be acceptable and it can be accepted and used in the form in which offered, it will be transferred without reimbursement to an agency designated by GSA for use for the particular purpose for which it was donated.

(d) If the gift is one which GSA determines may and should be converted to money, the funds, after conversion, will be deposited with the Treasury Department for transfer to an appropriate account which will best effectuate the intent of the donor, in accordance with Treasury Department procedures.

**§ 101–47.702 Consultation with agencies.**

Such conditional gifts of real property will be accepted or rejected on behalf of the United States or transferred to an agency by GSA, only after consultation with the interested agencies.

**§ 101–47.703 Advice of disposition.**

GSA will advise the donor and the agencies concerned of the action taken with respect to acceptance or rejection of the conditional gift and of its final disposition.

**§ 101–47.704 Acceptance of gifts under other laws.**

Nothing in this Subpart 101–47.7 shall be construed as applicable to the acceptance of gifts under the provisions of other laws.

## Subparts 101–47.8—101–47.48 [Reserved]

## Subpart 101–47.49—Illustrations

**§ 101–47.4900 Scope of subpart.**

This subpart sets forth certain forms and illustrations referred to previously in this part.

NOTE: The forms in §§ 101–47.4902—101–47.4904–1 filed as part of the original document. Copies may be obtained from Central Office, GSA.

**§ 101–47.4901 [Reserved]**

**§ 101–47.4902 Standard Form 118, Report of Excess Real Property.**

**§ 101–47.4902–1 Standard Form 118a, Buildings, Structures, Utilities, and Miscellaneous Facilities.**

**§ 101–47.4902–2 Standard Form 118b, Land.**

**§ 101–47.4902–3 Standard Form 118c, Related Personal Property.**

**§ 101–47.4902–4 Instructions for the preparation of Standard Form 118, and Attachments, Standard Forms 118a, 118b, and 118c.**

**§ 101–47.4903 GSA Form 1100, Report of Surplus Real Property Disposals and Inventory.**

**§ 101–47.4903–1 Instructions for preparation of GSA Form 1100, Report of Surplus Real Property Disposals and Inventory.**

**§ 101–47.4904 GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property.**

**§ 101–47.4904–1 Instructions for preparation of GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property.**

**§ 101–47.4905 Extract of statutes authorizing disposal of surplus real property to public agencies.**

| Statute | Type of property | Eligible public agency |
|---|---|---|
| 50 U.S.C. App. 1622(h). Disposals for public parks, public recreation areas, or historic monuments. | Any surplus real property, including improvements and equipment located thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface; (2) improvements without land; (3) property subject to disposal as a shrine, memorial, or for religious purposes under the provisions of § 101–47.308–5; (4) property suitable for disposal for public airport purposes under the provisions of 50 U.S.C. App. 1622(g); (5) property the highest and best use of which is determined to be industrial and which shall be so classified for disposal; and (6) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. This statute, as amended, does not authorize the disposal, for historic monument use, of property if its historical significance relates to a period of time within the 50 years immediately preceding the determination of suitability and desirability for such use. | Any State, political subdivision and instrumentalities thereof, or municipality; Commonwealth of Puerto Rico and the Virgin Islands. |
| 40 U.S.C. 484(k)(1)(A). Disposals for school, classroom, or other educational purposes. | Any surplus real property including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. | States and their political subdivisions and instrumentalities, and tax-supported, educational institutions; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands. |
| 40 U.S.C. 484(k)(1)(B). Disposals for public health purposes including research. | Any surplus real property, including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. | States and their political subdivisions and instrumentalities, and tax-supported medical institutions; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands. |
| 50 U.S.C. App. 1622(g). Disposals for public airport purposes. | Any surplus real or personal property, exclusive of (1) property subject to disposal as a shrine, memorial, or for religious purposes under the provisions of § 101–47.308–5; (2) property subject to disposal as a historic monument site under the provisions of § 101–47.308–3; (3) property the highest and the best use of which is determined by the disposal agency to be industrial and which shall be so classified for disposal, and (4) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. | Any State, political subdivision, municipality or tax-supported institution; Commonwealth of Puerto Rico; and the Virgin Islands. |
| 16 U.S.C. 667 b-d. Disposals for wildlife conservation purposes. | Any surplus real property (with or without improvements) that can be utilized for wildlife conservation purposes other than migratory birds, exclusive of (1) oil, gas, and mineral rights, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. | The agency of the State exercising the administration of the wildlife resources of the State. |
| 2 U.S.C. 107 and 317. Disposals for Federal aid and other highways. | Any real property or interests therein determined by the Secretary of Commerce to be reasonably necessary for the right-of-way of a Federal aid or other highway (including control of access thereto from adjoining lands) or as a source of material for the construction or maintenance of any such highway adjacent to such real property or interest therein exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. | State wherein the property is situated (or such political subdivision of the State as its law may provide), including the District of Columbia and Commonwealth of Puerto Rico. |
| 40 U.S.C. 345 c. Disposals for authorized widening of public highways, streets, or alleys. | Such interest in surplus real property as the head of the disposal agency determines will not be adverse to the interests of the United States, exclusive of (1) minerals having a commercial value separate and apart from the surface, (2) property subject to disposal for Federal aid and other highways under the provisions of 23 U.S.C. 107 and 317, and (3) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. | State or political subdivision of a State. |
| 50 U.S.C. App. 1622(d). Disposals of power transmission lines needful for or adaptable to the requirements of a public power project. | Any surplus power transmission line and the right of way acquired for its construction. | Any State or political subdivision thereof or any State agency or instrumentality. |
| 40 U.S.C. 484 (e)(3)(H). Disposals by negotiations. | Any surplus real property including related personal property. | Any State, political subdivision thereof, or tax-supported agency therein; Commonwealth of Puerto Rico; and the Virgin Islands. |
| 40 U.S.C. 122. Transfer of jurisdiction over properties with the District of Columbia for administration and maintenance under conditions to be agreed upon. | Any surplus real property, except property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. | District of Columbia. |



**§ 101–47.4906 Sample notice to public agencies of surplus determination.**

NOTICE OF SURPLUS DETERMINATION—GOVERNMENT PROPERTY

_____
(Date)

_____
(Name of property)

_____
(Location)

Notice is hereby given that the _____, _____, _____, has been determined to be surplus Government property. The property consists of 1,333.65 acres of fee land and a 5.968-acre drainage ditch easement, together with installed landing strips, taxiways, walks, roads, parking area, electrical system, and fencing.

(Name of property) (Location)

This property is surplus property available for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and applicable regulations. The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to develop a comprehensive and coordinated plan of use and procurement for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government has determined that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations:[1]

| *Statute* | *Type of disposal* |
|---|---|
| 50 U.S.C. App. 1622(h) | Public park, recreational area, or historic monument. |
| 40 U.S.C. 484(k)(1)(A) | School, classroom, or other educational purposes. |
| 40 U.S.C. 484(k)(1)(B) | Protection of public health, including research. |
| 50 U.S.C. App. 1622(g) | Public airport. |
| 23 U.S.C. 107 and 317 | Federal aid and certain other highways. |
| 40 U.S.C. 484(e)(3)(H) | Negotiated sales to public bodies for use for public purposes generally. |

If any public agency desires to develop a comprehensive and coordinated plan of use and procurement for this property, notice thereof in writing must be filed with _____, _____, before
(Name of disposal agency) (Address)
_____ Standard Time, _____,
(Hour and zone) (Day)
_____.[2] Such notice shall:
(Date)

1. Disclose the contemplated use of the property;

2. Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property;

3. Disclose the nature of the interest if an interest less than fee title to the property is contemplated;

4. State the length of time required to develop and submit a comprehensive and coordinated plan of use and procurement for the property (where a payment to the Government is required under the statute, include a statement as to whether funds are available and, if not, the period required to obtain funds); and

5. Give the reason for the time required to develop and submit a plan.

Any planning for an educational or a public health use of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of Health, Education, and Welfare _____
(Address of _____. An application form to acquire proper regional office)
property for an educational or public health requirement, and instructions for the preparation and submission of an application, may be obtained from that office. Application forms or instructions to acquire property for all other public use requirements may be obtained from _____, _____.[3]
(Name of disposal agency) (Address)

Upon receipt of such written notice, the public agency will be promptly informed concerning the period of time that will be allowed to develop a comprehensive and coordinated plan of use and procurement for the property. Such a plan of use will be the basis for subsequent determination by the Government as to whether the property is available for the proposed use and disposal thereof is authorized by applicable statutes and regulations.

In the absence of such written notice, or in the event a public use proposal is not approved, the regulations issued pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, provide for offering the property for sale for its highest and best use.

**§ 101–47.4906–1 Sample letter for transmission of notice of surplus determination.**

_____
(Date)

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

_____
_____
_____
(Addressee)

Dear _____:

The former _____,
(Name of property)
_____ has been determined to be
(Location)
surplus Government property and available for disposal.

Included in the attached notice are a description of the property and procedural instructions to be followed if any public agency desires to develop a comprehensive and coordinated plan of use and procure-

[1] List only the statutes (showing type of disposal) applicable to disposal to public bodies of the property determined to be surplus.

[2] This date shall be 20-calendar days after the date of the notice.

[3] Delete this paragraph whenever property is not available for transfer for an educational or public health use.

ment for the property. Please note particularly the name and address given for filing written notice if any public agency desires to develop such a plan of use, the time limitation within which written notice must be filed, and the required content of such notice.

In order to insure that all interested parties are informed of the availability of this property, please post the additional copies of the attached notice in appropriate conspicuous places.[1]

Identical letters are being mailed to

---

(Other addressees)

Sincerely yours,

Attachment

### § 101–47.4907 List of Federal real property holding agencies.

1. Agriculture, Department of
2. Atomic Energy Commission
3. Commerce, Department of
4. Defense, Department of
5. Federal Aviation Agency
6. Federal Communications Commission
7. General Services Administration
8. Government Printing Office
9. Health, Education, and Welfare, Department of
10. Housing and Home Finance Agency
11. Interior, Department of the
12. Justice, Department of
13. National Aeronautics and Space Administration
14. National Capital Housing Authority
15. National Science Foundation
16. Post Office Department
17. Smithsonian Institution
18. State, Department of
19. Tennessee Valley Authority
20. Treasury, Department of the
21. United States Information Agency
22. Veterans Administration

This list does not include all agencies which may occupy or request assignment of space.

### § 101–47.4908 Bureau of the Budget Circular No. A–2.

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

*Washington 25, D.C.*

October 16, 1955 Circular No. A–2

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

*Subject:* Review of real property holdings (other than public domain)

1. *Purpose.* It is desirable that the Federal Government divest itself of real property holdings which are not needed. The head of each agency is requested personally to ensure that intensified action is taken to identify and declare as excess real properties which are not needed. The purpose of this Circular is to establish general guidelines for the accomplishment of this objective with respect to real properties within the continental United States, exclusive of the public domain.

2. *Policy guidelines.* Real properties or portions thereof generally shall be declared excess when:

a. They are not being used by the owning agency and there are no approved plans for future use.

b. Substantial net savings to the Government would result if properties used for essential purposes were sold at their current market values and other suitable properties of substantially lower current values were substituted for them.

c. The costs of operation and maintenance are substantially higher than for other suitable properties of equal or less value which can be made available by transfer, permit, or purchase.

d. They are being leased to private enterprise but could be sold under provisions of the leases and in accordance with existing laws, if the Government's requirements for goods or services produced on such properties would be met satisfactorily with the properties in private ownership.

e. They are being used by the Government to produce goods or services which are available from private enterprise, except when it is demonstrated clearly in each instance that it is not in the public interest to obtain such requirements from private enterprise.

3. *Financing arrangements.* It is recognized that, in some instances, action cannot be accomplished in accordance with these guidelines without first incurring expenses for which appropriate financing arrangements or legislation must be obtained. There should be no delay, however, in making the necessary studies and in submitting proposals for such financing arrangements or legislation, including estimates of replacement costs and ultimate net savings, as part of the budget submissions.

4. *Implementation.* The head of each agency should ensure that:

a. Instructions and criteria are developed and issued for the application of the guidelines established herein. It is requested that copies of such criteria and instructions be sent to the Bureau of the Budget by November 30, 1955.

b. Thorough reviews of real property holdings are initiated promptly and carried through on an annual basis.

c. Properties or portions of properties are declared excess without delay if continued ownership is not justified.

By direction of the President:

ROWLAND R. HUGHES,
*Director.*

### § 101–47.4909 Memorandum of the President dated May 21, 1956.

THE WHITE HOUSE

*Washington, May 21, 1956*

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

In order that the leasing of farm lands owned by the Federal Government shall be consistent with the Administration's determined effort to reduce price-depressing surpluses and to bring agricultural production into line with markets, I request that the following-described policies governing the leasing of farm lands by the Federal Government, to the extent that such policies are not inconsistent with law, be placed in effect by all departments and agencies concerned on the effective date of this memorandum:

1. Except as provided in paragraphs 2 and 4 hereof, leases of farm lands made by the Federal Government on or after the effective date of this memorandum shall prohibit the cultivation of price-supported crops in surplus supply.

2. In the case of acquisitions of farm lands by the Federal Government on or after the effective date of this memorandum, if price-supported crops in surplus supply are growing on such lands at the time of acquisition, the harvesting of such crops may be permitted.

3. No lease of farm lands by the Federal Government which is in effect on the effective date hereof shall be terminated under authority of this memorandum, but this memorandum shall not be construed to affect any authority which may otherwise exist for the termination of any such lease.

4. Upon the expiration of leases of farm lands by the Federal Government which do not prohibit the cultivation of price-supported crops in surplus supply (including those in effect on the effective date of this memorandum, and including those made as provided for in this paragraph, but not including any agreement made with respect to harvesting pursuant to paragraph 2 of this memorandum), whether such lands may thereafter be leased for the cultivation of price-supported crops in surplus supply shall be determined equitably. The controlling department or agency, according to its particular circumstances, may make such determinations on an individual lease basis or on an area basis. In arriving at such determinations, consideration shall be given to the interests of individual farmers and the local community, the supply situation of crops that might be grown on the lands, the effect on price-support programs, the objectives of the programs under which such lands were acquired or reserved, and maintenance savings and income to the Federal Government. If it is at any time determined, pursuant to this paragraph, that a lease of farm lands by the Federal Government shall prohibit the cultivation of price-supported crops in surplus supply, any lease of such lands made at any time thereafter by the Federal Government shall prohibit the cultivation of such crops.

5. In determining the acreage in each unit of farm land to be offered for lease by the Federal Government, consideration shall be given to the leasing of such land for family-size farm operations.

6. As used in this memorandum:

(a) The term "lease" shall include permits and licenses.

(b) The term "price-supported crops in surplus supply" shall mean those cultivated crops supported pursuant to the Agricultural Act of 1949, as amended and supplemented, and determined from time to time by the Secretary of Agriculture to be in surplus supply.

7. To insure that the leasing of farm lands by the Federal Government shall be consistent with the Administration's farm program, the Department of Agriculture, until such time as some appropriate interagency group or committee may be designated, shall be available as a focal agency for consultation in such matters.

8. All departments and agencies concerned shall submit to the Bureau of the Budget within sixty days from the date of this memorandum copies of implementing instructions to their operating organizations.

This memorandum shall become effective sixty days after the date hereof.

DWIGHT D. EISENHOWER

### § 101–47.4910 Field offices of Department of Health, Education, and Welfare to receive notices of availability.

| *Region and Jurisdiction* | *Address and Telephone* |
|---|---|
| Region I—Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island. | Regional Representative, Surplus Property Utilization Division, 120 Boylston Street, Boston, Mass. 02116. Phone: 482–5550 (Area Code 617). |
| Region II—Delaware, New York, New Jersey, and Pennsylvania. | Regional Representative, Surplus Property Utilization Division, Room 1200, 42 Broadway, New York, N.Y. 10004. Phone: 363–4031 (Area Code 212). |
| Region III—District of Columbia, Kentucky, Maryland, North Carolina, Puerto Rico, Virgin Islands, Virginia, and West Virginia. | Regional Representative, Surplus Property Utilization Division, 700 East Jefferson Street, Charlottesville, Va. 22901. Phone: 295–5171 (Area Code 703). |
| Region IV—Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee. | Regional Representative, Surplus Property Utilization Division, Room 404, 50 Seventh Street NE., Atlanta, Ga. 30323. Phone: TRinity 6–8311 (Area Code 404). |
| Region V—Illinois, Indiana, Michigan, Ohio, and Wisconsin. | Regional Representative, Surplus Property Utilization Division, Room 712, 433 West Van Buren Street, Chicago, Ill. 60607. Phone: 828–5197 (Area Code 312). |
| Region VI—Iowa, Missouri, North Dakota, South Dakota, Kansas, Minnesota, and Nebraska. | Regional Representative, Surplus Property Utilization Division, 560 Westport Road, Kansas City, Mo. 64111. Phone: BAltimore 1–7000 (Area Code 816). |
| Region VII—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. | Regional Representative, Surplus Property Utilization Division, 1114 Commerce Street, Dallas, Tex. 75202. Phone: 749–3385 (Area Code 214). |
| Region VIII—Colorado, Idaho, Montana, Utah, and Wyoming. | Regional Representative, Surplus Property Utilization Division, Room 551, 621 17th Street, Denver, Colo. 80202. Phone: 534–4151 (Area Code 303). |
| Region IX—Arizona, California, Nevada, Oregon, Washington, Alaska, and Hawaii. | Regional Representative, Surplus Property Utilization Division, 447 Federal Office Building, Civic Center, San Francisco, Calif. 94102. Phone: 556–6651 (Area Code 415). |

### § 101–47.4911 Outline for explanatory statements for negotiated sales.

EXPLANATORY STATEMENT OF PROPOSED NEGOTIATED DISPOSAL OF SURPLUS REAL PROPERTY SUBMITTED PURSUANT TO THE PROVISIONS OF SECTION 203(e)(6) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

*Property:* (Property designation and case No.).
*Location:*
*Reported excess by:* (Holding agency and date).
*Date surplus:*
*Description:*
*Acquisition cost and date:* (Line item separation between land, improvements, and related personal property).
*All income received from rentals:*
*Appraised fair market value:*
*Appraised by:* (Name and date—If not a contract appraiser, state briefly the reason another appraisal method was authorized).
*Proposed purchase price:*
*Proposed purchaser:*
*Proposed use:*
*Background and justification:*

### § 101–47.4912 Field offices of Department of the Interior, Bureau of Outdoor Recreation.

| *Area* | *Field office addresses* |
|---|---|
| Northeast Region—Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia. | Regional Director, Region 6, Bureau of Outdoor Recreation, 143 South Third St., Philadelphia, Pa. 19106. |
| Southeast Region—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico, Virgin Islands, and Virginia. | Regional Director, Region 5, Bureau of Outdoor Recreation, Post Office Box 1202, Atlanta, Ga. 30301. |
| Lake Central Region—Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. | Regional Director, Region 4, Bureau of Outdoor Recreation, Post Office Box 351, Downtown Station, Ann Arbor, Mich. 48107. |
| Mid-Continent Region—Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. | Regional Director, Region 3, Bureau of Outdoor Recreation, Hartford Bldg., 7860 West 16th Ave., Denver, Colo. 80215. |
| Pacific Northwest Region—Alaska, Idaho, Montana, Oregon, and Washington. | Regional Director, Region 1, Bureau of Outdoor Recreation, Room 310—U.S. Court House, Seattle, Wash. 98104. |
| Pacific Southwest Region—Arizona, California, Hawaii, and Nevada. | Regional Director, Region 2, Bureau of Outdoor Recreation, 180 New Montgomery St., San Francisco, Calif. 94105. |

### § 101–47.4913 Outline for protection and maintenance of excess and surplus real property.

A. *General.* In protecting and maintaining excess and surplus properties, the adoption of the principle of "calculated risk" is considered to be essential. In taking what is termed a "calculated risk," the expected losses and deteriorations in terms of realizable values are anticipated to be less in the overall than expenditures to minimize the risks. In determining the amount of protection to be supplied under this procedure, a number of factors should be considered; such as, the availability of, and the distance to, local, public, or private protection facilities; the size and value of the facility; general characteristics of structures; physical protection involving fencing, number of gates, etc.; the location and availability of communication facilities; and the amount and type of activity at the facility. Conditions at the various excess and surplus properties are so diverse that it is impracticable to establish a definite or fixed formula for determining the extent of protection and maintenance that should be applied. The standards or criteria set forth in B and C, below, are furnished as a guide in making such determinations.

B. *Protection Standards.* The following standards are furnished as a guide in determining the amount and limits of protection.

1. *Properties not Requiring Protection Personnel.* Fire protection or security personnel are not needed at:

(a) Facilities where there are no structures or related personal property;

(b) Facilities where the realizable or recoverable value of the improvements and related personal property subject to loss is less than the estimated cost of protection for a one-year period;

(c) Facilities of little value located within public fire and police department limits, which can be locked or boarded up;

(d) Facilities where the major buildings are equipped with automatic sprinklers, supervised by American District Telegraph Company or other central station service, which do not contain large quantities of readily removable personal property, and which are in an area patrolled regularly by local police; and

(e) Facilities where agreements can be made with a lessee of a portion of the property to protect the remaining portions at nominal, or without additional cost.

2. *Properties Requiring a Resident Custodian.* A resident custodian or guard only is required at facilities of the following classes:

(a) Facilities containing little removable personal property but having a considerable number of buildings to be sold for off-site use when (a) the buildings are of low realizable value and so spaced that loss of more than a few buildings in a single fire is improbable, or (b) the buildings are so located that water for firefighting purposes is available and municipal or other fire department services will respond promptly;

(b) Small, inactive industrial and commercial facilities which must be kept open for inspection and which are so located that public fire and police protection can be secured by telephone;

(c) Facilities where the highest and best use has been determined to be salvage; and

(d) Facilities of little, or salvage, value but potentially dangerous and attractive to children and curiosity seekers where the posting of signs is not sufficient to protect the public.

3. *Properties Requiring Continuous Guard Service.* One guard on duty at all times (a total of 5 guards required) is required at facilities of high market value which are fenced; require only one open gate which can be locked during patrols; all buildings of which can be locked; and where local police and fire protection can be secured by telephone.

4. *Properties Requiring High Degree of Protection.* More than one firefighter-guard will be required to be on duty at all times at facilities of the classes listed below. The number, and the assignment, of firefighter-guards in such cases should be determined by taking into consideration all pertinent factors.

(a) Facilities of high market value which are distant from public assistance and require an on-the-site firefighting force adequate to hold fires in check until outside assistance can be obtained.

(b) Facilities of high market value which can obtain no outside assistance and require an on-the-site firefighting force adequate to extinguish fires.

(c) Facilities of high market value at which the patrolling of large areas is necessary.

(d) Facilities of high market value not fenced and containing large quantities of personal property of a nature inviting pilferage.



[1] Attach as many copies of the notice as may be anticipated will be required for adequate posting.

(e) Facilities of high market value at which several gates must be kept open for operating purposes.

5. *Standards for All Protected Properties.*

(a) All facilities within the range of municipal or other public protection, but outside the geographic limits of such public body, should be covered by advance arrangements with appropriate authorities for police and fire protection service, at a monthly or other service fee if necessary.

(b) Patrolling of all facilities with large areas to be protected should be accomplished by use of automotive vehicles.

(c) At fenced facilities, a minimum number of gates should be kept open.

6. *Firefighter-Guards.* Firefighters and guards are the normal means for carrying out the fire protection and security programs at excess and surplus real properties where both such programs are required. The duties of firefighters and guards should be combined to the maximum extent possible in the interest of both economy and efficiency. Such personnel would also be available in many cases for other miscellaneous services, such as, removing grass and weeds or other fire hazards, servicing fire extinguishers, and other activities related to general protection of property.

7. *Operating Requirements of Protection Units.* Firefighter-guards or guards, should be required to make periodic rounds of facilities requiring protection. The frequency of these rounds would be based upon a number of factors; such as, location and size of the facility, type of structures and physical barriers, and the amount and type of activity at the facility. There may be instances where some form of central station supervision, such as American District Telegraph Company, will effect reduction in costs by reducing the number of firefighter-guards, or guards, required to adequately protect the premises.

8. *Watchman's Clock.* To insure adequate coverage of the entire property by the guards, or firefighter-guards, an approved watchman's clock should be provided, with key stations strategically located so that, in passing from one to the other, the guards will cover all portions of the property.

9. *Protection Alarm Equipment.* Automatic fire detection devices and allied equipment and services may materially assist in minimizing protection costs. However, use of devices of this type, like guards, are purely secondary fire protection and are primarily a means of obtaining fire and police protection facilities at the property in an emergency. There are various types of devices, each of which can be considered separately or in combination as supplementing guard patrols, which may assist in reduction of costs and, in some instances, it may be possible to eliminate all guards.

C. *Maintenance Standards.* The following standards or criteria are furnished as a guide in connection with the upkeep of excess and surplus real properties:

1. *Temporary Type Buildings and Structures.* Temporary buildings housing personal property which cannot be readily removed to permanent type storage should be maintained only to the extent necessary to protect the personal property. Vacant temporary structures should not be maintained except in unusual circumstances.

2. *Permanent Type Buildings and Structures.*

(a) No interior painting should be done. Where exterior wood or metal surfaces require treatment to prevent serious deterioration, spot painting only should be done when practicable.

(b) Carpentry and glazing should be limited to: work necessary to close openings against weather and pilferage; making necessary repairs to floors, roofs, and sidewalls as a protection against further damage; shoring and bracing of structures to preclude structural failures; and similar operations.

(c) Any necessary roofing and sheet metal repairs should, as a rule, be on a patch basis.

(d) Masonry repairs, including brick, tile, and concrete construction, should be undertaken only to prevent leakage or disintegration, or to protect against imminent structural failure.

(e) No buildings should be heated for maintenance purposes except in unusual circumstances.

3. *Mechanical and Electrical Installations.* These include plumbing, heating, ventilating, air conditioning, sprinkler systems, fire alarm systems, electrical equipment, elevators, and similar items.

(a) At facilities in inactive status, maintenance of mechanical and electrical installations should be limited to that which is necessary to prevent or arrest serious deterioration. In most cases, personnel should not be employed for this work except on a temporary basis at periodic intervals when it is determined by inspections that the work is necessary. Wherever possible electrical systems should be deenergized, water drained from all fixtures, heat turned off, and buildings secured against unauthorized entry. Sprinkler systems should be drained during freezing weather and reactivated when danger of freezing has passed.

(b) At facilities in active status, such as multiple-tenancy operations, equipment should be kept in reasonable operating condition. Operation of equipment to furnish services to private tenants, as well as the procurement of utility services for distribution to tenants, should be carried on only to the extent necessary to comply with lease or permit conditions, or in cases where it is impracticable for tenants to obtain such services directly from utility companies or other sources.

(c) At facilities where elevators and/or high-pressure boilers and related equipment are in operation, arrangements should be made for periodic inspections by qualified and licensed inspectors to insure that injury to personnel, loss of life, or damage to property does not occur.

(d) Individual heaters should be used, when practicable, in lieu of operating heating plants.

4. *Grounds, Roads, Railroads, and Fencing.*

(a) Maintenance of grounds should be confined largely to removal of vegetation where necessary to avoid fire hazards and to control poisonous and noxious plant growth in accordance with local and State laws and regulations; plowing of fire lanes where needed; and removal of snow from roads and other areas only to the extent necessary to provide access for maintenance, fire protection, and similar activities. Wherever practicable, hay crops should be sold to the highest bidders with the purchaser performing all labor in connection with cutting and removal. Also, agricultural and/or grazing leases may be resorted to, if practicable, as other means of reducing the cost of grounds maintenance. Any such leases shall be subject to the provisions of § 101–47.203–9 or § 101–47.312.

(b) Only that portion of the road network necessary for firetruck and other minimum traffic should be maintained. The degree to which such roads are to be maintained should be only that necessary to permit safe passage at a reasonable speed.

(c) Railroads should not be maintained except as might be required for protection and maintenance operations, or as required under the provisions of a lease or permit.

(d) Ditches and other drainage facilities should be kept sufficiently clear to permit surface water to run off.

(e) Fencing, or other physical barrier, should be kept in repair sufficiently to afford protection against unauthorized entry.

5. *Utilities.*

(a) At inactive properties, water systems, sewage disposal systems, electrical distribution systems, etc., should be maintained only to the extent necessary to provide the minimum services required. Buildings or areas not requiring electrical service or water should be deenergized electrically and the water valved off. Utilities not in use, or which are serving dismantled or abandoned structures, should not be maintained.

(b) At active properties, water supply, electrical power, and sewage disposal facilities frequently must be operated at rates much below designed capacities. Engineering studies should determine the structural and operating changes necessary for maximum economy. Where leakage is found in water distribution lines, such lines may be valved off rather than repaired, unless necessary for fire protection or other purposes.

(c) Where utilities are purchased by contract, such contracts should be reviewed to determine if costs can be reduced by revision of the contracts.

6. *Properties to be Disposed of as Salvage.* No funds should be expended for maintenance on properties where the highest and best use has been determined to be salvage.

D. *Repairs.* Repairs should be limited to those additions or changes that are necessary for the preservation and maintenance of the property to deter or prevent excessive, rapid, or dangerous deterioration or obsolescence and to restore property damaged by storm, flood, fire, accident, or earthquake only where it has been determined that restoration is required.

E. *Improvements.* No costs should be incurred to increase the sales value of a property, and no costs should be incurred to make a property disposable without the prior approval of GSA. (See § 101–47.401–5.)

*Effective date.* These regulations are effective December 22, 1964.

Dated: November 20, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64–12287; Filed, Dec. 2, 1964; 8:45 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Reg. Docket No. 6084]

## PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT [NEW]

This amendment adds Part 29 [New] to the Federal Aviation Regulations to replace Part 7 of the Civil Air Regulations, and is a part of the Agency recodification program announced in Draft Release 61–25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

Part 29 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on May 28, 1964 (29 F.R. 7050), and given further distribution as Notice No. 64–30.

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as this one, are labeled "[New]". The label will be dropped at the completion of the project as all of the regulations will be new.

Many of the comments received recommended specific substantive changes to the regulations. Many of these recommendations appear to be meritorious. However, they cannot be adopted as a part of the recodification program, since the purpose of the program is simply to streamline and clarify present regulatory language and delete obsolete or redundant provisions. To attempt substantive changes, other than relaxatory ones that are completely noncontroversial, would delay the project and be contrary to the ground rules specified for it in Draft Release 61–25. However, all comments of this nature will be preserved and considered in any later substantive revision of this part.

Present CAR Part 7 reflects the various writing styles used by those who have worked on it in the past. Consistency in language is vital to consistency in interpretation and fairness in application, especially in technical, complex rules such as this one. The recodification has allowed us to use one style throughout Part 29 [New]. The style changes that have been made do not affect substance.

Part 29 [New] substitutes the word "must" for "shall". This has been done because airworthiness standards are conditions precedent that must be met for the issue of a type certificate. The imperative "shall" would be inappropriate since the failure to meet these standards simply results in a denial of the certificate without further penalty.

The sections in Part 29 [New] have been rearranged and renumbered so that the requirements of this part have the same number as comparable requirements in Parts 23 [New], 25 [New], and 27 [New]. This explains apparent gaps in section numbers in this part, such as that between § 29.79 *Limiting height-speed envelope* and § 29.141 *General.* (This gap, for instance, is assigned to the turbine engine performance requirements of Part 25 [New], and includes the normal "growth" gap between subtopics). Comparative review of specific requirements between airworthiness parts is greatly facilitated by this rearrangement, and has already resulted, for example, in the deletion of §§ 7.202(c), 7.331, 7.433, 7.600, 7.602, 7.610, 7.620, 7.700(a), and 7.744 as surplusage. Further, this rearrangement allows more efficient review of all parts in the light of comments received on any single part. For example, a comment received on Part 23 [New] has resulted in the deletion of all but the last sentence of the requirement that now appears in § 29.607. As industry becomes acquainted with the new format, the effectiveness of comments received should be greatly magnified.

As was stated in the preamble of the notice of proposed rule making of Part 29, those definitions in present Part 7 (and not now in Part 1 or executed in this part) that are necessary will be recodified with the definitions of other airworthiness parts and added to Part 1 [New]. The detailed disposition of § 7.1 in the distribution table should resolve most definition problems that may arise.

The definitions, abbreviations, and rules of construction in Part 1 [New] of the Federal Aviation Regulations apply to Part 29 [New].

The most significant changes to Part 29 since the notice are listed below. The numbers in parentheses refer to the section numbers in the notice and in former Part 7, respectively.

(1) In § 29.143 (29.71) (7.121), paragraph (b), subparagraph (2) has been deleted from the section as it appeared in the notice. This effectuates the second paragraph of the preamble in CAR amendment 6–4, effective October 1, 1959, in which it was intended that 6.121 be revised to replace the requirement for a demonstration of controllability after power failure at only one high speed condition, namely 6.121(c), with a requirement for controllability after power failure over the range of airspeeds and altitudes for which certification is sought, namely 6.121(e). While the amendment modified Part 6, its applicability to Part 7 is desirable and apparent. Insofar as the intended deletion was not made in the rule at that time and both requirements remained outstanding, the deletion of 7.121(c) at this time is relaxatory.

(2) The Aerospace Industries Association, Inc. (AIA) suggested that the word "maximum" between "A" and "wind velocity" in § 27.143 (27.65) (6.121) was ambiguous, since in context it could refer either to a performance maximum or to the "maximum" safe wind for operation near the ground in § 27.1587 (27.789) (6.743). This comment is relevant to Part 29. Since ultimate performance capability need not be shown under § 29.143, the word "maximum" has been deleted.

(3) In § 29.301 (29.121) (7.200), the descriptions of limit and ultimate loads have been put back in. It is felt that their utility will be greater in the basic rule than in Part 1 [New].

(4) As a result of a comment from AIA, § 29.397 (29.165) (7.225) has been revised. The major change is to paragraph (b), which now reflects the original language in Part 7 with only stylistic changes. This was done to assure preservation of existing practices with respect to the application of the factor "0.60". It is recognized that § 7.225(a) is confusing and that substantive review of that paragraph is necessary.

(5) In § 29.601 (29.251) (7.300), the reference to experience as an element in determining which "hazardous or unreliable" features are covered by the rule has been put back in. This change was made at the request of AIA and is clarifying only.

(6) In § 29.611 (29.261) (7.305), paragraph (a), "periodic inspection" has been replaced with "recurring inspection". This avoids any potential conflict between the intent in the subject section to cover all inspections that occur at regular intervals and the more specific use of the term "periodic inspection" in Parts 43 [New] and 91 [New].

(7) AIA suggested that the language in § 29.775 (29.355) (7.352) be revised to make it clear that (1) materials other than glass may be used in the windows and (2) only glass panes need contain nonsplintering safety glass. This has been done.

(8) In § 29.785 (29.361) (7.355), paragraph (f), the phrase "an occupant" has been added between "designed for" and "weight". This was done to make it clear that the weight of the seat itself is not included within the meaning of this paragraph.

(9) In § 29.807 (29.365) (7.357), paragraph (a), the note following 7.357(a) has been added as a flush paragraph. It was inadvertently omitted in the notice.

(10) Aero Flow Dynamics, Inc. suggested that the heading and language in § 29.997 (29.509) (7.435) be conformed to that in other airworthiness Parts. This has been done.

(11) As a result of a comment from AIA, the "two shot" requirements of § 29.1195 (29.639) (7.484) have been modified to make it clear that the two shot capability need only be provided by a single fire extinguishing system.

(12) In § 29.1307 (29.675) (7.605), paragraph (1), a cross reference to § 29.1145 has been provided to make it clear that ganged ignition switches may be used to satisfy the subject paragraph. This was done in response to a comment from AIA.

(13) Section 29.1309 (29.677) (7.625) has been revised to make it clear, as in the original rule, that the general requirement of guarding against hazard in the event of malfunction or failure applies to all equipment, systems, and installations, not only to those whose functioning is necessary to show compliance with any regulation in this subchapter.

(14) At the suggestion of AIA, § 29.1505 (29.823) (7.711), paragraph

(b), has been reworded to clarify the permissive aspect of this section.

Other minor changes of a technical clarifying nature have been made. They are not substantive and do not impose any burden on regulated persons.

In the notice, it was proposed to convert references to "miles" and "miles per hour" to their exact nautical equivalents. Many formulae have been derived under the existing system. The effect of rounding off to the nearest whole number is unclear in certain cases. Although specifically invited, few comments have been received on this problem. Because of this it is felt that wholesale conversion should be made separately at a later date.

Interested persons have been given an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. The Agency is appreciative of the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended as follows, effective February 1, 1965.

1. By deleting Part 7.

2. By adding a Part 29 [New] reading as hereinafter set forth.

Issued in Washington, D.C., on October 13, 1964.

N. E. HALABY,
*Administrator.*

Subpart A—General


Sec.
29.1 Applicability.

Subpart B—Flight

General

29.21 Proof of compliance.
29.25 Weight limits.
29.27 Center of gravity limits.
29.29 Empty weight and corresponding center of gravity.
29.31 Removable ballast.
29.33 Main rotor speed and pitch limits.

Performance

29.45 General.
29.51 Takeoff data: general.
29.53 Takeoff: category A.
29.59 Takeoff path: category A.
29.63 Takeoff: category B.
29.65 Category B climb: all engines operating.
29.67 Climb: one engine inoperative.
29.71 Helicopter angle of glide: category B.
29.73 Performance at minimum operating speed.
29.75 Landing.
29.77 Balked landing: category A.
29.79 Limiting height-speed envelope.

Flight Characteristics

29.141 General.
29.143 Controllability and maneuverability.
29.161 Trim control.
29.171 Stability: general.
29.173 Static longitudinal stability.
29.175 Demonstration of static longitudinal stability.

Ground and Water Handling Characteristics

29.231 General.
29.235 Taxiing condition.
29.239 Spray characteristics.
29.241 Ground resonance.

Miscellaneous Flight Requirements

29.251 Vibration.

Subpart C—Strength Requirements

General

29.301 Loads.
29.303 Factor of safety.
29.305 Strength and deformation.
29.307 Proof of structure.
29.309 Design limitations.

Flight Loads

29.321 General.
29.337 Limit maneuvering load factor.
29.339 Resultant limit maneuvering loads.
29.341 Gust loads.
29.351 Yawing conditions.
29.361 Engine torque.

Control Surface and System Loads

Sec.
29.391 General.
29.395 Control system.
29.397 Limit pilot forces.
29.399 Dual control system.
29.401 Auxiliary rotor assemblies.
29.403 Auxiliary rotor attachment structure.
29.411 Ground clearance: tail rotor guard.
29.413 Stabilizing and control surfaces.

Ground Loads

29.471 General.
29.473 Ground loading conditions and assumptions.
29.475 Tires and shock absorbers.
29.477 Landing gear arrangement.
29.479 Level landing conditions.
29.481 Tail-down landing conditions.
29.483 One-wheel landing conditions.
29.485 Lateral drift landing conditions.
29.493 Braked roll conditions.
29.497 Ground loading conditions: landing gear with tail wheels.
29.505 Ski landing conditions.

Water Loads

29.521 Float landing conditions.

Main Component Requirements

29.547 Main rotor structure.
29.549 Fuselage and rotor pylon structures.
29.551 Auxiliary lifting surfaces.

Emergency Landing Conditions

29.561 General.

Subpart D—Design and Construction

General

29.601 Design.
29.603 Materials.
29.605 Fabrication methods.
29.607 Self locking nuts.
29.609 Protection of structure.
29.611 Inspection provisions.
29.613 Material strength properties and design values.
29.619 Special factors.
29.621 Casting factors.
29.623 Bearing factors.
29.625 Fitting factors.
29.629 Flutter.

Main Rotor

29.653 Pressure venting and drainage of main rotor blades.
29.659 Mass balance.
29.661 Rotor blade clearance.

Control Systems

29.671 General.
29.675 Stops.
29.679 Control system locks.
29.681 Limit load static tests.





Sec.
29.683 Operation tests.
29.685 Control system details.
29.687 Spring devices.
29.691 Autorotation control mechanism.
29.695 Power boost and power-operated control system.

Landing Gear

29.723 Shock absorption tests.
29.725 Limit drop test.
29.727 Reserve energy absorption drop test.
29.729 Retracting mechanism.
29.731 Wheels.
29.733 Tires.
29.735 Brakes.
29.737 Skis.

Floats and Hulls

29.751 Main float buoyancy.
29.753 Main float design.
29.755 Hulls.

Personnel and Cargo Accommodations

29.771 Pilot compartment.
29.773 Pilot compartment view.
29.775 Windshield and windows.
29.777 Cockpit controls.
29.783 Doors.
29.785 Seats, safety belts, and harnesses.
29.787 Cargo and baggage compartments.
29.803 Emergency evacuation.
29.805 Flight crew emergency exits.
29.807 Passenger emergency exits.
29.809 Emergency exit arrangement.
29.811 Emergency exit marking.
29.813 Emergency exit access.
29.815 Main aisle width.
29.831 Ventilation.
29.833 Heaters.

Fire Protection

29.851 Fire extinguishers.
29.853 Compartment interiors.
29.855 Cargo and baggage compartments.
29.859 Combustion heater fire protection.
29.861 Fire protection of structure, controls, and other parts.
29.863 Flammable fluid fire protection.

Miscellaneous

29.871 Leveling marks.
29.873 Ballast provisions.
29.877 Ice protection.

Subpart E—Powerplant

General

29.901 Installation.
29.903 Engines.
29.907 Engine vibration.

Rotor Drive System

29.917 Design.
29.921 Rotor brake.
29.923 Rotor drive system and control mechanism tests.
29.927 Additional tests.
29.931 Shafting critical speed.
29.935 Shafting joints.

Fuel System

29.951 General.
29.953 Fuel system independence.
29.955 Fuel flow.
29.957 Flow between interconnected tanks.
29.959 Unusable fuel supply.
29.961 Fuel system hot weather operation.
29.963 Fuel tanks: general.
29.965 Fuel tank tests.
29.967 Fuel tank installation.
29.969 Fuel tank expansion space.
29.971 Fuel tank sump.
29.973 Fuel tank filler connection.
29.975 Fuel tank vents and carburetor vapor vents.
29.977 Fuel tank outlet.
29.979 Pressure refueling and fueling provisions below fuel level.

Fuel System Components

29.991 Fuel pumps.
29.993 Fuel system lines and fittings.
29.995 Fuel valves.
29.997 Fuel strainer or filter.
29.999 Fuel system drains.

Oil System

29.1011 General.
29.1013 Oil tanks.
29.1015 Oil tank tests.
29.1017 Oil lines and fittings.
29.1019 Oil strainer or filter.
29.1021 Oil system drains.
29.1023 Oil radiators.
29.1025 Oil valves.

Cooling

29.1041 General.
29.1043 Cooling tests.
29.1045 Climb cooling test procedures.
29.1047 Takeoff cooling test procedures.
29.1049 Hovering cooling test procedures.

Induction System

29.1091 Air induction.
29.1093 Induction system icing protection.
29.1101 Carburetor air preheater design.
29.1103 Induction system ducts.
29.1105 Induction system screens.
29.1107 Inter-coolers and after-coolers.
29.1109 Carburetor air cooling.

Exhaust System

29.1121 General.
29.1123 Exhaust piping.
29.1125 Exhaust heat exchangers.

Powerplant Controls and Accessories

29.1141 Powerplant controls: general.
29.1143 Throttle and antidetonant injection system controls.
29.1145 Ignition switches.
29.1147 Mixture controls.
29.1151 Rotor brake controls.
29.1157 Carburetor air temperature controls.
29.1159 Supercharger controls.
29.1163 Powerplant accessories.
29.1165 Engine ignition systems.

Powerplant Fire Protection

29.1181 Designated fire zones: regions included.
29.1183 Lines and fittings.
29.1185 Flammable fluids.
29.1187 Drainage and ventilation of fire zones.
29.1189 Shutoff means.
29.1191 Firewalls.
29.1193 Engine cowling and engine compartment covering.
29.1195 Fire-extinguishing systems.
29.1197 Fire-extinguishing agents.
29.1199 Extinguishing agent containers.
29.1201 Fire-extinguishing system materials.
29.1203 Fire-detector systems.

Subpart F—Equipment

General

29.1301 Function and installation.
29.1303 Flight and navigation instruments.
29.1305 Powerplant instruments.
29.1307 Miscellaneous equipment.
29.1309 Equipment, systems, and installations.

Instruments: Installation

29.1321 Arrangement and visibility.
29.1323 Airspeed indicating system.
29.1325 Static air vent and pressure altimeter systems.
29.1327 Magnetic direction indicator.
29.1329 Automatic pilot system.
29.1331 Instruments using a power supply.
29.1333 Duplicate instrument systems.
29.1337 Powerplant instruments.

Electrical Systems and Equipment

29.1351 General.
29.1353 Electrical equipment and installations.
29.1355 Distribution system.
29.1357 Circuit protective devices.
29.1359 Electrical system fire and smoke protection.
29.1363 Electrical system tests.

Lights

29.1381 Instrument lights.
29.1383 Landing lights.
29.1385 Position light system installation.
29.1387 Position light system dihedral angles.
29.1389 Position light distribution and intensities.
29.1391 Minimum intensities in the horizontal plane of forward and rear position lights.
29.1393 Minimum intensities in any vertical plane of forward and rear position lights.
29.1395 Maximum intensities in overlapping beams of forward and rear position lights.
29.1397 Color specifications.
29.1399 Riding light.
29.1401 Anticollision light system.

Safety Equipment

29.1411 General.
29.1413 Safety belts: passenger warning device.
20.1415 Ditching equipment.

Miscellaneous Equipment

29.1431 Electronic equipment.
29.1433 Vacuum systems.
29.1435 Hydraulic systems.
29.1439 Protective breathing equipment.

Subpart G—Operating Limitations and Information

29.1501 General.

Operating Limitations

29.1503 Airspeed limitations: general.
29.1505 Never-exceed speed.
29.1509 Rotor speed.
29.1517 Limiting height-speed envelope.
29.1519 Weight and center of gravity.
29.1521 Powerplant limitations.
29.1523 Minimum flight crew.
29.1525 Kinds of operation.
29.1529 Maintenance manual.

Markings and Placards

29.1541 General.
29.1543 Instrument markings: general.
29.1545 Airspeed indicator.
29.1547 Magnetic direction indicator.
29.1549 Powerplant instruments.
29.1551 Oil quantity indicator.
29.1553 Fuel quantity indicator.
29.1555 Control markings.
29.1557 Miscellaneous markings and placards.
29.1559 Operating limitations placard.
29.1561 Safety equipment.
29.1565 Tail rotor.

Rotorcraft Flight Manual

29.1581 General.
29.1583 Operating limitations.
29.1585 Operating procedures.
29.1587 Performance information.
29.1589 Loading information.


AUTHORITY: The provisions of this Part 29 issued under secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423.

## Subpart A—General

**§ 29.1 Applicability.**

(a) This part prescribes airworthiness standards for the issue of type certificates, and changes to those certificates, for—

(1) Multiengine rotorcraft that meet the requirements for transport category A;

(2) Rotorcraft with maximum weights of 20,000 pounds or less that meet the requirements for transport category B; and

(3) Multiengine rotorcraft that meet the requirements for transport category A or B.

(b) Each person who applies under Part 21 [New] for a certificate or change described in paragraph (a) of this section must show compliance with the applicable requirements of this part.

## Subpart B—Flight

### General

**§ 29.21 Proof of compliance.**

(a) Each requirement of this subpart must be met at each appropriate combination of weight and center of gravity within the range of loading conditions for which certification is requested. This must be shown—

(1) By tests upon a rotorcraft of the type for which certification is requested, or by calculations based on, and equal in accuracy to, the results of testing; and

(2) By systematic investigation of each required combination of weight and center of gravity, if compliance cannot be reasonably inferred from combinations investigated.

(b) The controllability, stability, and trim of the rotorcraft must be shown for each altitude up to the maximum expected in operation.

**§ 29.25 Weight limits.**

(a) *Maximum weight.* The maximum weight (the highest weight at which compliance with each applicable requirement of this part is shown) or, at the option of the applicant, the highest weight for each altitude and for each practicably separable operating condition, such as takeoff, en route operation, and landing, must be established so that it is not more than—

(1) The highest weight selected by the applicant;

(2) The design maximum weight (the highest weight at which compliance with each applicable structural loading condition of this part is shown); or

(3) The highest weight at which compliance with each applicable flight requirement of this part is shown.

(b) *Minimum weight.* The minimum weight (the lowest weight at which compliance with each applicable requirement of this part is shown) must be established so that it is not less than—

(1) The lowest weight selected by the applicant;

(2) The design minimum weight (the lowest weight at which compliance with each structural loading condition of this part is shown); or

(3) The lowest weight at which compliance with each applicable flight requirement of this part is shown.

**§ 29.27 Center of gravity limits.**

The extreme forward and the extreme aft center of gravity must be established for each weight established under § 29.25. Such an extreme may not lie beyond—

(a) The extremes selected by the applicant;

(b) The extremes within which the structure is proven; or

(c) The extremes within which compliance with the applicable flight requirements is shown.

**§ 29.29 Empty weight and corresponding center of gravity.**

(a) The empty weight and corresponding center of gravity must be determined by weighing the rotorcraft without the crew and payload, but with—

(1) Fixed ballast;

(2) Unusable fuel;

(3) Undrainable oil;

(4) Engine coolant; and

(5) Hydraulic fluid.

(b) The condition of the rotorcraft at the time of determining empty weight must be one that is well defined and can be easily repeated, particularly with respect to the weights of fuel, oil, coolant, and installed equipment.

**§ 29.31 Removable ballast.**

Removable ballast may be used in showing compliance with the flight requirements of this subpart.

**§ 29.33 Main rotor speed and pitch limits.**

(a) *Main rotor speed limits.* A range of main rotor speeds must be established that—

(1) With power on, provides adequate margin to accommodate the variations in rotor speed occurring in any appropriate maneuver, and is consistent with the kind of governor or synchronizer used; and

(2) With power off, allows each appropriate autorotative maneuver to be performed throughout the ranges of airspeed and weight for which certification is requested.

(b) *Normal main rotor pitch limits.* The range of main rotor pitch settings must be limited as follows:

(1) A means must be provided so that the normal high pitch limit, with full throttle, does not result in rotor speeds substantially less than the minimum approved for any sustained flight condition. This means need not be provided, however, if—

(i) The inherent characteristics of the rotorcraft make it unnecessary; or

(ii) There are adequate means to warn the pilot of unsafe main rotor speeds.

(2) With power off, the low pitch limit must—

(i) Provide rotor speeds within the approved range for autorotative conditions under the most critical combinations of weight and airspeed; and

(ii) Allow the pilot, without exceptional skill, to prevent overspeeding of the rotor.

(c) *Emergency high pitch.* A main rotor pitch higher than the normal high pitch limit prescribed in paragraph (b)(1) of this section may be made available for emergency use if the normal high pitch limit cannot be exceeded inadvertently.

### Performance

**§ 29.45 General.**

(a) The performance prescribed in this subpart must be determined—

(1) With normal piloting skill;

(2) Without exceptionally favorable conditions; and

(3) With each powerplant accessory absorbing the amount of power that is normal for the flight condition being investigated.

(b) Compliance with the performance requirements of this subpart must be shown—

(1) For still air at sea level with a standard atmosphere;

(2) For the range of atmospheric variables selected by the applicant; and

(3) Where engine power affects performance, with air at 80 percent relative humidity, or 0.7" Hg. vapor pressure, whichever is less.

**§ 29.51 Takeoff data: general.**

(a) The takeoff data required by §§ 29.53(b), 29.59, 29.63, and 29.67(a)(1) and (2) must be determined—

(1) At each weight, altitude, and temperature selected by the applicant; and

(2) With the operating engines within approved operating limitations.

(b) Takeoff data must—

(1) Be determined on a smooth, dry, hard surface; and

(2) Be corrected to assume a level takeoff surface.

(c) No takeoff made to determine the data required by this section may require exceptional piloting skill or alertness, or exceptionally favorable conditions.

**§ 29.53 Takeoff: category A.**

(a) *General.* The takeoff performance must be determined and scheduled so that, if one engine fails at any time after the start of takeoff, the rotorcraft can—

(1) Return to, and stop safely on, the takeoff area; or

(2) Continue the takeoff and climbout, and attain a configuration and airspeed allowing compliance with § 29.67(a)(2).

(b) *Critical decision point.* The critical decision point must be a combination of height and speed selected by the applicant in establishing the flight paths under § 29.59. The critical decision point must be obtained so as to avoid the critical areas of the limiting height-speed envelope established under § 29.79.

**§ 29.59 Takeoff path: category A.**

(a) The takeoff climbout path, and the rejected takeoff path must be established so that the takeoff, climbout, and rejected takeoff are accomplished with a safe, smooth transition between each stage of the maneuver. The takeoff may be begun in any manner if—

(1) The takeoff surface is defined; and

(2) Adequate safeguards are maintained to ensure proper center of gravity and control positions.

(b) The rejected takeoff path must be established with takeoff power on each engine from the start of takeoff to the critical decision point, at which point it is assumed that the critical engine becomes inoperative, and that the rotorcraft is brought to a safe stop with the remaining engines operating within approved operating limitations.

(c) The takeoff climbout path must be established with takeoff power on each engine from the start of takeoff to the critical decision point, at which point it is assumed that the critical engine becomes inoperative. With the remaining engines operating within approved operating limitations, the rotorcraft must be accelerated to the takeoff safety speed by the end of the rejected takeoff distance, and the climbout must be made—

(1) At not less than the takeoff safety speed used in meeting the rate of climb requirements of § 29.67(a)(1); and

(2) So that the airspeed and configuration used in meeting the climb requirement of § 29.67(a)(2) are attained.

**§ 29.63 Takeoff: category B.**

The takeoff and climbout must be established with the most unfavorable center of gravity. The takeoff may be begun in any manner if—

(a) The takeoff surface is defined;

(b) Adequate safeguards are maintained to ensure proper center of gravity and control positions; and

(c) A landing can be made safely at any point along the flight path if an engine fails.

**§ 29.65 Category B climb: all engines operating.**

(a) The steady rate of climb at $V_Y$ must be determined for each category B rotorcraft—

(1) With maximum continuous power on each engine;

(2) With the landing gear retracted; and

(3) For the weights, altitudes, and temperatures for which certification is requested.

(b) For each category B rotorcraft except helicopters, the rate of climb determined under paragraph (a) of this section must provide a steady climb gradient of at least 1:6 under standard sea level conditions.

**§ 29.67 Climb: one engine inoperative.**

(a) For category A rotorcraft, the following apply:

(1) The steady rate of climb without ground effect must be at least 100 feet per minute for each weight, altitude, and temperature for which takeoff data are to be scheduled, with—

(i) The critical engine inoperative and the remaining engines within approved operating limitations;

(ii) The most unfavorable center of gravity for takeoff;

(iii) The landing gear extended;

(iv) The speed selected by the applicant; and

(v) Cowl flaps or other means of controlling the engine-cooling air supply in the position that provides adequate cooling at the temperatures and altitudes for which certification is requested.

(2) The steady rate of climb without ground effect must be at least 150 feet per minute for each weight, altitude, and temperature for which takeoff data are to be scheduled, with—

(i) The critical engine inoperative and the remaining engines at maximum continuous power;

(ii) The most unfavorable center of gravity for takeoff;

(iii) The landing gear retracted;

(iv) The speed selected by the applicant; and

(v) Cowl flaps or other means of controlling the engine-cooling air supply in the position that provides adequate cooling at the temperatures and altitudes for which certification is requested.

(3) The steady rate of climb, in feet per minute, at any altitude at which the rotorcraft is expected to operate, and at any weight within the range of weights for which certification is requested, must be determined with—

(i) The critical engine inoperative, and the remaining engines at the maximum continuous power available at each altitude;

(ii) The most unfavorable center of gravity;

(iii) The landing gear retracted;

(iv) The speed selected by the applicant; and

(v) Cowl flaps or other means of controlling the engine-cooling air supply in the position that provides adequate cooling at the temperatures and altitudes for which certification is requested.

(b) For multiengine category B helicopters meeting the requirements for category A in § 29.79, the steady rate of climb (or descent) must be determined at the speed for best rate of climb (or minimum rate of descent) with one engine inoperative and the remaining engines at maximum continuous power.

**§ 29.71 Helicopter angle of glide: category B.**

For each category B helicopter, the steady angle of glide must be determined in autorotation—

(a) At the maximum and minimum rates of descent;

(b) At maximum weight; and

(c) With the optimum forward speed.

**§ 29.73 Performance at minimum operating speed.**

(a) For each category A rotorcraft, the hovering performance must be determined over the ranges of weight, altitude, and temperature for which takeoff data are scheduled—

(1) With not more than takeoff power on each engine;

(2) With the landing gear extended; and

(3) At a height consistent with the procedure used in establishing the takeoff climbout and rejected takeoff paths.

(b) For each category B helicopter—

(1) The hovering performance must be determined over the ranges of weight, altitude, and temperature for which certification is requested, with—

(i) Takeoff power on each engine;

(ii) The landing gear extended; and

(iii) The helicopter in ground effect at a height consistent with normal takeoff procedures; and

(2) The hovering ceiling determined under subparagraph (1) of this paragraph must be at least 4,000 feet with maximum weight and standard atmosphere.

(c) For rotorcraft other than helicopters, the steady rate of climb at the minimum operating speed must be determined, over the ranges of weight, altitude, and temperature for which certification is requested, with—

(1) Takeoff power; and

(2) The landing gear extended.

**§ 29.75 Landing.**

(a) *General.* For each rotorcraft—

(1) The corrected landing data must—

(i) Be determined on a smooth, dry, hard surface; and

(ii) Assume a level landing surface;

(2) The approach and landing may not require exceptional piloting skill or exceptionally favorable conditions;

(3) The landing must be made without excessive vertical acceleration or tendency to bounce, nose over, ground loop, porpoise, or water loop; and

(4) The landing data required by paragraphs (b) and (c) of this section and by § 29.77 must be determined—

(i) At each weight, altitude, and temperature selected by the applicant; and

(ii) With each operating engine within approved operating limitations.

(b) *Category A.* For category A rotorcraft—

(1) The landing performance must be determined and scheduled so that, if one engine fails at any point in the approach path, the rotorcraft can either land and stop safely or climb out from a point in the approach path and attain a rotorcraft configuration and speed allowing compliance with the climb requirement of § 29.67(a)(2);

(2) The approach, balked landing, and landing paths must be established, with one engine inoperative, so that the transition between each stage can be made smoothly and safely;

(3) The approach and landing speeds must be selected by the applicant and must be appropriate to the type of rotorcraft;

(4) The approach and landing path must be established to avoid the critical areas of a limiting height-speed envelope established—

(i) Under § 29.79; or

(ii) For the landing condition with one engine inoperative;

(5) It must be possible to make a safe landing on a prepared landing surface after complete power failure occurring during normal cruise; and

(6) The maximum allowable rate of descent in autorotation must be determined.

(c) *Category B.* For each category B rotorcraft—

(1) The horizontal distance required to land and come to a complete stop (or to a speed of approximately three m.p.h. for water landings), from a point 50 feet above the landing surface, must be determined with—

(i) Glide speeds appropriate to the type of rotorcraft and chosen by the applicant; and

(ii) The approach and landing made with power off and entered from steady autorotation; and

(2) Each multiengine category B rotorcraft that meets the powerplant installation requirements for category A must meet the requirements of—

(i) Subparagraph (1) of this paragraph; or

(ii) Paragraph (b) (2) through (6) of this section:

**§ 29.77 Balked landing: category A.**

For category A rotorcraft, the balked landing path must be established so that—

(a) With one engine inoperative, the transition from each stage of the maneuver to the next stage can be made smoothly and safely; and

(b) From a combination of height and speed in the approach path selected by the applicant, a safe climbout can be made at speeds allowing compliance with the climb requirements of § 29.67(a) (1) and (2).

**§ 29.79 Limiting height-speed envelope.**

(a) If there is any combination of height and forward speed (including hover) under which a safe landing cannot be made under the applicable power failure condition in paragraph (b) of this section, a limiting height-speed envelope must be established for that condition.

(b) The applicable power failure conditions are—

(1) For category A rotorcraft, sudden failure of the critical engine with the remaining engines at takeoff power;

(2) For category B rotorcraft, complete power failure; and

(3) For multiengine, category B rotorcraft for which certification under the powerplant installation requirements of category A is requested, the condition specified in either subparagraph (1) or (2) of this paragraph.

FLIGHT CHARACTERISTICS

**§ 29.141 General.**

The rotorcraft must—

(a) Meet the requirements of this section and of §§ 29.143, 29.161, and 29.171 through 29.175—

(1) At the normally expected operating altitudes;

(2) Under any critical loading condition within the range of weights and centers of gravity for which certification is requested; and

(3) Under any condition of speed, power, and rotor r.p.m. for which certification is requested;

(b) Be able to maintain any required flight condition and make a smooth transition from any flight condition to any other flight condition without exceptional piloting skill, alertness or strength, and without danger of exceeding the limit load factor under any operating condition probable for the type, including sudden powerplant failure; and

(c) Have any additional characteristics required for night or instrument operation, if certification for those kinds of operation is requested.

**§ 29.143 Controllability and maneuverability.**

(a) The rotorcraft must be safely controllable and maneuverable—

(1) During steady flight; and

(2) During any maneuver appropriate to the type, including—

(i) Takeoff;

(ii) Climb;

(iii) Level flight;

(iv) Turning flight;

(v) Glide; and

(vi) Landing (power on and power off).

(b) The margin of cyclic control must allow satisfactory roll and pitch control at $V_{NE}$, with—

(1) Maximum weight;

(2) Critical center of gravity;

(3) Critical rotor r.p.m.; and

(4) Power on and power off.

(c) A wind velocity of not less than 20 miles per hour must be established in which the rotorcraft can be operated without loss of control on or near the ground in any maneuver appropriate to the type (such as crosswind takeoffs, sideward flight, and rearward flight), with—

(1) Critical center of gravity; and

(2) Critical rotor r.p.m.

(d) The rotorcraft, after power failure, must be controllable over the range of speeds and altitudes for which certification is requested, when the power failure occurs with maximum continuous power and critical weight. No corrective action time delay for any condition following power failure may be less than—

(1) For the cruise condition, one second, or normal pilot reaction time (whichever is greater); and

(2) For any other condition, normal pilot reaction time.

**§ 29.161 Trim control.**

The trim control—

(a) Must trim any steady longitudinal and lateral control forces to zero in level flight at any appropriate speed; and

(b) May not introduce any undesirable discontinuities in control force gradients.



**§ 29.171 Stability: general.**

The rotorcraft must be able to be flown, without undue pilot fatigue or strain, in any normal maneuver for a period of time as long as that expected in normal operation. At least three landings and takeoffs must be made during this demonstration.

**§ 29.173 Static longitudinal stability.**

(a) The longitudinal cyclic control must be designed so that, for the ranges of altitude and rotor r.p.m. for which certification is requested, and with throttle and collective pitch held constant during the maneuvers specified in § 29.175—

(1) A rearward movement of the control is necessary to obtain airspeeds less than the trim speed; and

(2) A forward movement of the control is necessary to obtain airspeeds greater than the trim speed.

(b) The stick position versus speed curve may have a negative slope within the speed ranges specified for each maneuver in § 29.175 (a) through (c) if the necessary negative stick travel is not greater than ten percent of the total stick travel.

**§ 29.175 Demonstration of static longitudinal stability.**

(a) *Climb.* Static longitudinal stability must be shown in the climb condition at speeds from 0.85 $V_Y$ to 1.2 $V_Y$, with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Maximum continuous power;

(4) The landing gear retracted; and

(5) The rotorcraft trimmed at $V_Y$.

(b) *Cruise.* Static longitudinal stability must be shown in the cruise condition at speeds from 0.7 $V_H$ or 0.7 $V_{NE}$, whichever is less, to 1.1 $V_H$ or 1.1 $V_{NE}$, whichever is less, with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Power for level flight at 0.9 $V_H$ or 0.9 $V_{NE}$, whichever is less;

(4) The landing gear retracted; and

(5) The rotorcraft trimmed at 0.9 $V_H$ or 0.9 $V_{NE}$, whichever is less.

(c) *Autorotation.* Static longitudinal stability must be shown in autorotation throughout the speed range for which certification is requested, with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Power off;

(4) The landing gear (i) retracted and (ii) extended; and

(5) The rotorcraft trimmed at the speed for minimum rate of descent.

(d) *Hovering.* For helicopters in the hovering condition—

(1) The longitudinal cyclic control must operate with the sense and direction of motion prescribed in § 29.173; and

(2) The stick position curve must have a stable slope, between the maximum approved rearward speed and a forward speed of 20 miles per hour, with—

(i) The determined hovering weight (for category A helicopters), or critical weight (for other helicopters);

(ii) The critical center of gravity;

(iii) Power required for hovering in still air;

(iv) The landing gear retracted; and

(v) The helicopter trimmed for hovering.

GROUND AND WATER HANDLING CHARACTERISTICS

**§ 29.231 General.**

The rotorcraft must have satisfactory ground and water handling characteristics, including freedom from uncontrollable tendencies in any condition expected in operation.

**§ 29.235 Taxiing condition.**

The rotorcraft must be designed to withstand the loads that would occur when the rotorcraft is taxied over the roughest ground that may reasonably be expected in normal operation.

**§ 29.239 Spray characteristics.**

If certification for water operation is requested, no spray characteristics during taxiing, takeoff, or landing may obscure the vision of the pilot or damage the rotors, propellers, or other parts of the rotorcraft.

**§ 29.241 Ground resonance.**

The rotorcraft may have no dangerous tendency to oscillate on the ground with the rotor turning.

MISCELLANEOUS FLIGHT REQUIREMENTS

**§ 29.251 Vibration.**

Each part of the rotorcraft must be free from excessive vibration under each appropriate speed and power condition.

## Subpart C—Strength Requirements

GENERAL

**§ 29.301 Loads.**

(a) Strength requirements are specified in terms of limit loads (the maximum loads to be expected in service) and ultimate loads (limit loads multiplied by prescribed factors of safety). Unless otherwise provided, prescribed loads are limit loads.

(b) Unless otherwise provided, the specified air, ground, and water loads must be placed in equilibrium with inertia forces, considering each item of mass in the rotorcraft. These loads must be distributed to closely approximate or conservatively represent actual conditions.

(c) If deflections under load would significantly change the distribution of external or internal loads, this redistribution must be taken into account.

**§ 29.303 Factor of safety.**

Unless otherwise provided, a factor of safety of 1.5 must be used. This factor applies to external and inertia loads unless its application to the resulting internal stresses is more conservative.

**§ 29.305 Strength and deformation.**

(a) The structure must be able to support limit loads without detrimental or permanent deformation. At any load up to limit loads, the deformation may not interfere with safe operation.

(b) The structure must be able to support ultimate loads without failure. This must be shown by—

(1) Applying ultimate loads to the structure in a static test for at least three seconds; or

(2) Dynamic tests simulating actual load application.

**§ 29.307 Proof of structure.**

(a) Compliance with the strength and deformation requirements of this subpart must be shown for each critical loading condition. Structural analysis may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made.

(b) Proof of compliance with the strength requirements of this subpart must include—

(1) Dynamic and endurance tests of rotors, rotor drives, and rotor controls;

(2) Limit load tests of the control system, including control surfaces;

(3) Operation tests of the control system;

(4) Flight stress measurement tests;

(5) Landing gear drop tests; and

(6) Any additional tests required for new or unusual design features.

**§ 29.309 Design limitations.**

The following values and limitations must be established to show compliance with the structural requirements of this subpart:

(a) The design maximum and design minimum weights.

(b) The main rotor r.p.m. ranges, power on and power off.

(c) The maximum forward speeds for each main rotor r.p.m. within the ranges determined under paragraph (b) of this section.

(d) The maximum rearward and sideward flight speeds.

(e) The center of gravity limits corresponding to the limitations determined under paragraphs (b), (c), and (d) of this section.

(f) The rotational speed ratios between each powerplant and each connected rotating component.

(g) The positive and negative limit maneuvering load factors.

FLIGHT LOADS

**§ 29.321 General.**

(a) The flight load factor must be assumed to act normal to the longitudinal axis of the rotorcraft, and to be equal in magnitude and opposite in direction to the rotorcraft inertia load factor at the center of gravity.

(b) Compliance with the flight load requirements of this subpart must be shown—

(1) At each weight from the design minimum weight to the design maximum weight; and

(2) With any practical distribution of disposable load within the operating limitations in the Rotorcraft Flight Manual.

**§ 29.337 Limit maneuvering load factor.**

The rotorcraft must be designed for—

(a) A positive limit maneuvering load factor of 3.5 and a negative limit maneuvering load factor of 1.0; or

No. 235——5

(b) Any lesser positive limit maneuvering load factor not less than 2.0, and lesser negative limit maneuvering load factor not less than 0.5, for which—

(1) The probability of being exceeded is shown by analysis and flight tests to be extremely remote; and

(2) The selected values are appropriate to each weight condition between the design maximum and design minimum weights.

**§ 29.339 Resultant limit maneuvering loads.**

The loads resulting from the application of limit maneuvering load factors are assumed to act at the center of each rotor hub and at each auxiliary lifting surface, and to act in directions and with distributions of load among the rotors and auxiliary lifting surfaces, so as to represent each critical maneuvering condition, including power-on and power-off flight with the maximum design rotor tip speed ratio. The rotor tip speed ratio is the ratio of the rotorcraft flight velocity component in the plane of the rotor disc to the rotational tip speed of the rotor blades, and is expressed as follows:

$$\mu = \frac{V \cos \alpha}{\Omega R}$$

where—

$V$ = The airspeed along the flight path (f.p.s.);

$\alpha$ = The angle between the projection, in the plane of symmetry, of the axis of no feathering and a line perpendicular to the flight path (radians, positive when axis is pointing aft);

$\Omega$ = The angular velocity of rotor (radians per second); and

$R$ = The rotor radius (ft.).

**§ 29.341 Gust loads.**

Each rotorcraft must be designed to withstand, at each critical airspeed including hovering, the loads resulting from vertical and horizontal gusts of 30 feet per second.

**§ 29.351 Yawing conditions.**

(a) Each rotorcraft must be designed for the loads resulting from the maneuver specified in paragraph (b) of this section, with—

(1) Unbalanced aerodynamic moments about the center of gravity reacted in a rational or conservative manner considering the principal masses furnishing the reacting inertia forces;

(2) Maximum main rotor speed; and

(3) Forward speeds up to $V_{NE}$ or $V_H$, whichever is less.

(b) In unaccelerated flight with zero yaw, it is assumed that—

(1) The cockpit directional control is suddenly displaced to the maximum deflection limited by the control stops or by maximum pilot effort;

(2) The rotorcraft then yaws to a resulting sideslip angle; and

(3) The directional control is then suddenly returned to neutral.

**§ 29.361 Engine torque.**

The limit engine torque may not be less than—

(a) For turbine engines, the mean torque for maximum continuous power multiplied by a factor of 1.25; and

(b) For reciprocating engines, the mean torque multiplied by—

(1) 1.33, for engines with five or more cylinders; and

(2) Two, three, and four, for engines with four, three, and two cylinders, respectively.

CONTROL SURFACE AND SYSTEM LOADS

**§ 29.391 General.**

Each auxiliary rotor, each fixed or movable stabilizing or control surface, and each system operating any flight control must meet the requirements of §§ 29.395 through 29.403, 29.411, and 29.413.

**§ 29.395 Control system.**

(a) The reaction to the loads prescribed in § 29.397 must be provided by—

(1) The control stops only;

(2) The control locks only;

(3) The irreversible mechanism only (with the mechanism locked and with the control surface in the critical positions for the effective parts of the system within its limit of motion);

(4) The attachment of the control system to the rotor blade pitch control horn only (with the control in the critical positions for the affected parts of the system within the limits of its motion); and

(5) The attachment of the control system to the control surface horn (with the control in the critical positions for the affected parts of the system within the limits of its motion).

(b) Each primary control system, including its supporting structure, must be designed to withstand the loads resulting from the limit pilot forces prescribed in § 29.397, or the maximum loads that can be obtained in normal operation, including any single power boost system failure, whichever are greater. Where the system design or the normal operating loads are such that a part of the system cannot react the pilot-applied forces prescribed in § 29.397, that part of the system must be designed to withstand the maximum loads that can be obtained in normal operation. The minimum design loads must, in any case, provide a rugged system for service use, including consideration of fatigue, jamming, ground gusts, control inertia, and friction loads. In the absence of a rational analysis, the design loads resulting from 0.60 of the specified pilot-applied forces are acceptable minimum design loads.

**§ 29.397 Limit pilot forces.**

The limit pilot forces are as follows:

(a) For foot controls, 130 pounds.

(b) For stick controls, 100 pounds fore and aft, and 67 pounds laterally.

(c) For wheel controls, 100 pounds fore and aft, and a lateral couple of $53D$ inch-pounds applied at the rim of the control wheel (where $D$ is the wheel diameter in inches).

**§ 29.399 Dual control system.**

Each dual primary flight control system must be able to withstand the loads that result when pilot forces not less than 0.75 times those obtained under § 29.395 are applied—

(a) In opposition; and

(b) In the same direction.

**§ 29.401 Auxiliary rotor assemblies.**

(a) *Auxiliary rotor assemblies.* Each auxiliary rotor assembly must be tested as prescribed in § 29.923.

(b) *Assemblies with detachable blades.* Each auxiliary rotor assembly with detachable blades must be designed to withstand the centrifugal loads resulting from the maximum design rotor r.p.m.

(c) *Highly stressed metal components.* For each auxiliary rotor with highly stressed metal components, the vibration stresses must be determined in flight and shown not to exceed safe values for continuous operation.

**§ 29.403 Auxiliary rotor attachment structure.**

The attachment structure for each auxiliary rotor must be designed to withstand a limit load equal to the maximum loads occurring in the structure in any flight and landing condition.

**§ 29.411 Ground clearance: tail rotor guard.**

(a) It must be impossible for the tail rotor to contact the landing surface during a normal landing.

(b) If a tail rotor guard is required to show compliance with paragraph (a) of this section—

(1) Suitable design loads must be established for the guard; and

(2) The guard and its supporting structure must be designed to withstand those loads.

**§ 29.413 Stabilizing and control surfaces.**

(a) Each stabilizing and control surface must be designed so that—

(1) Limit loads are not less than the greater of—

(i) 15 pounds per square foot; or

(ii) The load resulting where $C_N$ equals 0.55 at the maximum design speed; and

(2) The surface can withstand the critical loads resulting from maneuvers and from combined maneuvers and gusts.

(b) Compliance with paragraph (a) of this section must be shown with load distributions that closely simulate actual pressure distribution conditions.

GROUND LOADS

**§ 29.471 General.**

(a) *Loads and equilibrium.* For limit ground loads—

(1) The limit ground loads obtained in the landing conditions in this part must be considered to be external loads that would occur in the rotorcraft structure if it were acting as a rigid body; and

(2) In each specified landing condition, the external loads must be placed in equilibrium with linear and angular inertia loads in a rational or conservative manner.

(b) *Critical centers of gravity.* The critical centers of gravity within the range for which certification is requested must be selected so that the maximum design loads are obtained in each landing gear element.

**§ 29.473 Ground loading conditions and assumptions.**

(a) For specified landing conditions, a design maximum weight must be used that is not less than the maximum weight. A rotor lift may be assumed to act through the center of gravity throughout the landing impact. This lift may not exceed—

(1) Two-thirds of the design maximum weight; or

(2) Any greater lift proven to be appropriate by tests or data that are applicable to the particular rotorcraft.

(b) Unless otherwise prescribed, for each specified landing condition, the rotorcraft must be designed for a limit load factor of not less than the limit inertia load factor substantiated under §§ 29.725 and 29.727.

**§ 29.475 Tires and shock absorbers.**

Unless otherwise prescribed, for each specified landing condition, the tires must be assumed to be in their static position and the shock absorbers to be in their most critical position.

**§ 29.477 Landing gear arrangement.**

Sections 29.235, 29.479 through 29.485, and 29.493 apply to landing gear with two wheels aft, and one or more wheels forward, of the center of gravity.

**§29.479 Level landing conditions.**

(a) *Attitudes.* Under each of the loading conditions prescribed in paragraph (b) of this section, the rotorcraft is assumed to be in each of the following level landing attitudes:

(1) An attitude in which each wheel contacts the ground simultaneously.

(2) An attitude in which the aft wheels contact the ground with the forward wheels just clear of the ground.

(b) *Loading conditions.* The rotorcraft must be designed for the following landing loading conditions:

(1) Vertical loads applied under § 29.471.

(2) The loads resulting from a combination of the loads applied under subparagraph (1) of this paragraph with drag loads at each wheel of not less than 25 percent of the vertical load at that wheel.

(3) The vertical load at the instant of peak drag load combined with a drag component simulating the forces required to accelerate the wheel rolling assembly up to the specified ground speed, with—

(i) The ground speed for determination of the spin-up loads being at least 75 percent of the optimum forward flight speed for minimum rate of descent in autorotation; and

(ii) The loading conditions of this subparagraph applied to the landing gear and its attaching structure only.

(4) If there are two wheels forward, a distribution of the loads applied to those wheels under subparagraphs (1) and (2) of this paragraph in a ratio of 40:60.

(c) *Pitching moments.* Pitching moments are assumed to be resisted by—

(1) In the case of the attitude in paragraph (a)(1) of this section, the forward landing gear; and

(2) In the case of the attitude in paragraph (a)(2) of this section, the angular inertia forces.

**§ 29.481 Tail-down landing conditions.**

(a) The rotorcraft is assumed to be in the maximum nose-up attitude allowing ground clearance by each part of the rotorcraft.

(b) In this attitude, ground loads are assumed to act perpendicular to the ground.

**§ 29.483 One-wheel landing conditions.**

For the one-wheel landing condition, the rotorcraft is assumed to be in the level attitude and to contact the ground on one aft wheel. In this attitude—

(a) The vertical load must be the same as that obtained on that side under § 29.479(b)(1); and

(b) The unbalanced external loads must be reacted by rotorcraft inertia.

**§ 29.485 Lateral drift landing conditions.**

(a) The rotorcraft is assumed to be in the level landing attitude, with—

(1) Side loads combined with one-half of the maximum ground reactions obtained in the level landing conditions of § 29.479(b)(1); and

(2) The loads obtained under subparagraph (1) of this paragraph applied—

(i) At the ground contact point; or

(ii) For full-swiveling gear, at the center of the axle.

(b) The rotorcraft must be designed to withstand, at ground contact—

(1) When only the aft wheels contact the ground, side loads of 0.8 times the vertical reaction acting inward on one side and 0.6 times the vertical reaction acting outward on the other side, all combined with the vertical loads specified in paragraph (a) of this section; and

(2) When the wheels contact the ground simultaneously—

(i) For the aft wheels, the side loads specified in subparagraph (1) of this paragraph; and

(ii) For the forward wheels, a side load of 0.8 times the vertical reaction combined with the vertical load specified in paragraph (a) of this section.

**§ 29.493 Braked roll conditions.**

Under braked roll conditions with the shock absorbers in their static positions—

(a) The limit vertical load must be based on a load factor of at least—

(1) 1.33, for the attitude specified in § 29.479(a)(1); and

(2) 1.0, for the attitude specified in § 29.479(a)(2); and

(b) The structure must be designed to withstand, at the ground contact point of each wheel with brakes, a drag load of at least the lesser of—

(1) The vertical load multiplied by a coefficient of friction of 0.8; and

(2) The maximum value based on limiting brake torque.

**§ 29.497 Ground loading conditions: landing gear with tail wheels.**

(a) *General.* Rotorcraft with landing gear with two wheels forward and one wheel aft of the center of gravity must be designed for loading conditions as prescribed in this section.

(b) *Level landing attitude with only the forward wheels contacting the ground.* In this attitude—

(1) The vertical loads must be applied under §§ 29.471 through 29.475;

(2) The vertical load at each axle must be combined with a drag load at that axle of not less than 25 percent of that vertical load; and

(3) Unbalanced pitching moments are assumed to be resisted by angular inertia forces.

(c) *Level landing attitude with all wheels contacting the ground simultaneously.* In this attitude, the rotorcraft must be designed for landing loading conditions as prescribed in paragraph (b) of this section.

(d) *Maximum nose-up attitude with only the rear wheel contacting the ground.* The attitude for this condition must be the maximum nose-up attitude expected in normal operation, including autorotative landings. In this attitude—

(1) The appropriate ground loads specified in paragraph (b) (1) and (2) of this section must be determined and applied, using a rational method to account for the moment arm between the rear wheel ground reaction and the rotorcraft center of gravity; or

(2) The probability of landing with initial contact on the rear wheel must be shown to be extremely remote.

(e) *Level landing attitude with only one forward wheel contacting the ground.* In this attitude, the rotorcraft must be designed for ground loads as specified in paragraph (b) (1) and (3) of this section.

(f) *Side loads in the level landing attitude.* In the attitudes specified in paragraphs (b) and (c) of this section, the following apply:

(1) The side loads must be combined at each wheel with one-half of the maximum vertical ground reactions obtained for that wheel under paragraphs (b) and (c) of this section. In this condition, the side loads must be—

(i) For the forward wheels, 0.8 times the vertical reaction (on one side) acting inward, and 0.6 times the vertical reaction (on the other side) acting outward; and

(ii) For the rear wheel, 0.8 times the vertical reaction.

(2) The loads specified in subparagraph (1) of this paragraph must be applied—

(i) At the ground contact point with the wheel in the trailing position (for non-full swiveling landing gear or for full swiveling landing gear with a lock, steering device, or shimmy damper to keep the wheel in the trailing position); or

(ii) At the center of the axle (for full swiveling landing gear without a lock, steering device, or shimmy damper).

(g) *Braked roll conditions in the level landing attitude.* In the attitudes specified in paragraphs (b) and (c) of this section, and with the shock absorbers in their static positions, the rotor-

craft must be designed for braked roll loads as follows:

(1) The limit vertical load must be based on a limit vertical load factor of not less than—

(i) 1.0, for the attitude specified in paragraph (b) of this section; and

(ii) 1.33, for the attitude specified in paragraph (c) of this section.

(2) For each wheel with brakes, a drag load must be applied, at the ground contact point, of not less than the lesser of—

(i) 0.8 times the vertical load; and

(ii) The maximum based on limiting brake torque.

(h) *Rear wheel turning loads in the static ground attitude.* In the static ground attitude, and with the shock absorbers and tires in their static positions, the rotorcraft must be designed for rear wheel turning loads as follows:

(1) A vertical ground reaction equal to the static load on the rear wheel must be combined with an equal side load.

(2) The load specified in subparagraph (1) of this paragraph must be applied to the rear landing gear—

(i) Through the axle, if there is a swivel (the rear wheel being assumed to be swiveled 90 degrees to the longitudinal axis of the rotorcraft); or

(ii) At the ground contact point if there is a lock, steering device or shimmy damper (the rear wheel being assumed to be in the trailing position).

(i) *Taxiing condition.* The rotorcraft and its landing gear must be designed for the loads that would occur when the rotorcraft is taxied over the roughest ground that may reasonably be expected in normal operation.

**§ 29.505 Ski landing conditions.**

If certification for ski operation is requested, the rotorcraft, with skis, must be designed to withstand the following loading conditions (where $P$ is the maximum static weight on each ski with the rotorcraft at design maximum weight, and $n$ is the limit load factor determined under § 29.473(b)):

(a) Up-load conditions in which—

(1) A vertical load of $Pn$ and a horizontal load of $Pn/4$ are simultaneously applied at the pedestal bearings; and

(2) A vertical load of 1.33 $P$ is applied at the pedestal bearings.

(b) A side load condition in which a side load of 0.35 $Pn$ is applied at the pedestal bearings in a horizontal plane perpendicular to the centerline of the rotorcraft.

(c) A torque-load condition in which a torque load of 1.33 $P$ (in foot-pounds) is applied to the ski about the vertical axis through the centerline of the pedestal bearings.

WATER LOADS

**§ 29.521 Float landing conditions.**

If certification for float operation is requested, the rotorcraft, with floats, must be designed to withstand the following loading conditions (where the limit load factor is determined under § 29.473(b) or assumed to be equal to that determined for wheel landing gear):

(a) Up-load conditions in which—

(1) A load is applied so that, with the rotorcraft in the static level attitude, the resultant water reaction passes vertically through the center of gravity; and

(2) The vertical load prescribed in subparagraph (1) of this paragraph is applied simultaneously with an aft component of 0.25 times the vertical component.

(b) A side load condition in which—

(1) A vertical load of 0.75 times the total vertical load specified in paragraph (a)(1) of this section is divided equally among the floats; and

(2) For each float, the load share determined under subparagraph (1) of this paragraph, combined with a total side load of 0.25 times the total vertical load specified in subparagraph (1) of this paragraph, is applied to that float only.

MAIN COMPONENT REQUIREMENTS

**§ 29.547 Main rotor structure.**

(a) Each main rotor assembly (including rotor hubs and blades) must be designed as prescribed in this section.

(b) Each hub, blade, blade attachment, and blade control subject to alternating stresses must be designed to withstand any repeated loading conditions likely to occur within their established service lives. In addition—

(1) The stresses of critical parts must be determined in flight in each attitude appropriate to the type of rotorcraft throughout the ranges of limitations prescribed in § 29.309; and

(2) The service life of each critical part must be established on the basis of—

(i) Fatigue tests; or

(ii) Any other acceptable method.

(c) The main rotor structure must be designed to withstand the following loads prescribed in §§ 29.337 through 29.341, and 29.351:

(1) Critical flight loads.

(2) Limit loads occurring under normal conditions of autorotation.

(d) The main rotor structure must be designed to withstand loads simulating—

(1) For the rotor blades, hubs, and flapping hinges, the impact force of each blade against its stop during ground operation; and

(2) Any other critical condition expected in normal operation.

(e) The main rotor structure must be designed to withstand the limit torque at any rotational speed, including zero. In addition:

(1) The limit torque need not be greater than the torque defined by a torque limiting device (where provided), and may not be less than the greater of—

(i) The maximum torque likely to be transmitted to the rotor structure, in either direction, by the rotor drive or by sudden application of the rotor brake; and

(ii) The limit engine torque specified in § 29.361.

(2) The limit torque must be equally and rationally distributed to the rotor blades.

**§ 29.549 Fuselage and rotor pylon structures.**

(a) Each fuselage and rotor pylon structure must be designed to withstand—

(1) The critical loads prescribed in §§ 29.337 through 29.341, and 29.351;

(2) The applicable ground loads prescribed in §§ 29.235, 29.471 through 29.485, 29.493, 29.497, 29.505, and 29.521; and

(3) The loads prescribed in § 29.547 (d)(1) and (e)(1)(i).

(b) Auxiliary rotor thrust, the torque reaction of each rotor drive system, and the balancing air and inertia loads occurring under accelerated flight conditions, must be considered.

(c) Each engine mount and adjacent fuselage structure must be designed to withstand the loads occurring under accelerated flight and landing conditions, including engine torque.

(d) For critical parts (parts whose sudden failure would threaten the structural integrity of the rotorcraft) the following apply:

(1) Each part must be designed to withstand any repeated loading conditions likely to occur within its established service life.

(2) Stresses must be determined in flight—

(i) For each attitude appropriate to the rotorcraft; and

(ii) For each attitude, throughout the ranges of limitations prescribed in § 29.309.

(3) The service life of each part must be established by—

(i) Fatigue tests; or

(ii) Any other acceptable method.

**§ 29.551 Auxiliary lifting surfaces.**

Each auxiliary lifting surface must be designed to withstand—

(a) The critical flight loads in §§ 29.337 through 29.341, and 29.351;

(b) the applicable ground loads in §§ 29.235, 29.471 through 29.485, 29.493, 29.505, and 29.521; and

(c) Any other critical condition expected in normal operation.

EMERGENCY LANDING CONDITIONS

**§ 29.561 General.**

(a) The rotorcraft, although it may be damaged in emergency landing conditions on land or water, must be designed as prescribed in this section to protect the occupants under those conditions.

(b) The structure must be designed to give each occupant every reasonable chance of escaping serious injury in a minor crash landing when—

(1) Proper use is made of seats, belts, and other safety design provisions;

(2) The wheels are retracted (where applicable); and

(3) The occupant experiences the following ultimate inertia forces relative to the surrounding structure:

(i) Upward—1.5 $g$.

(ii) Forward—4.0 $g$.

(iii) Sideward—2.0 $g$.

(iv) Downward—4.0 $g$, or any lower force that will not be exceeded when the rotorcraft absorbs the landing loads resulting from impact with an ultimate descent velocity or five f.p.s. at design maximum weight.



(c) The supporting structure must be designed to restrain, under any load up to those specified in paragraph (b)(3) of this section, any item of mass that could injure an occupant if it came loose in a minor crash landing.

(d) Any fuselage structure in the area of internal fuel tanks below the passenger floor level must be designed to resist the crash impact loads specified in this section, and to protect the fuel tanks from rupture, if rupture is likely when those loads are applied to that area.

## Subpart D—Design and Construction

GENERAL

**§ 29.601 Design.**

(a) The rotorcraft may have no design features or details that experience has shown to be hazardous or unreliable.

(b) The suitability of each questionable design detail and part must be established by tests.

**§ 29.603 Materials.**

The suitability and durability of materials used in the structure must—

(a) Be established on the basis of experience or tests; and

(b) Meet approved specifications that ensure their having the strength and other properties assumed in the design data.

**§ 29.605 Fabrication methods.**

The methods of fabrication used must produce consistently sound structures. If a fabrication process (such as gluing, spot welding, or heat-treating) requires close control to reach this objective, the process must be performed according to an approved process specification.

**§ 29.607 Self-locking nuts.**

No self-locking nut may be used on any bolt subject to rotation in operation.

**§ 29.609 Protection of structure.**

Each part of the structure must—

(a) Be suitably protected against deterioration or loss of strength in service due to any cause, including—

(1) Weathering;

(2) Corrosion; and

(3) Abrasion; and

(b) Have provisions for ventilation and drainage where necessary to prevent the accumulation of corrosive, flammable, or noxious fluids.

**§ 29.611 Inspection provisions.**

There must be means to allow close examination of each part that requires—

(a) Recurring inspection;

(b) Adjustment for proper alignment and functioning; or

(c) Lubrication.

**§ 29.613 Material strength properties and design values.**

(a) Material strength properties must be based on enough tests of material meeting specifications to establish design values on a statistical basis;

(b) Design values must be chosen so that the probability of any structure being understrength because of material variations is extremely remote;

(c) The strength, detail design, and fabrication of the structure must minimize the probability of disastrous fatigue failure, particularly at points of stress concentration;

(d) Unless they are inapplicable in a particular case, the design values must be those contained in the following publications, obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20401:

(1) MIL—HDBK–5, "Metallic Materials and Elements for Flight Vehicle Structure".

(2) MIL—HDBK–17, "Plastics for Flight Vehicles".

(3) ANC–18, "Design of Wood Aircraft Structures".

(4) MIL—HDBK–23, "Composite Construction for Flight Vehicles".

**§ 29.619 Special factors.**

(a) The special factors prescribed in §§ 29.621 through 29.625 apply to each part of the structure whose strength is—

(1) Uncertain;

(2) Likely to deteriorate in service before normal replacement; or

(3) Subject to appreciable variability due to—

(i) Uncertainties in manufacturing processes; or

(ii) Uncertainties in inspection methods.

(b) For each part of the rotorcraft to which §§ 29.621 through 29.625 apply, the factor of safety prescribed in § 29.303 must be multiplied by a special factor equal to—

(1) The applicable special factors prescribed in §§ 29.621 through 29.625; or

(2) Any other factor great enough to ensure that the probability of the part being understrength because of the uncertainties specified in paragraph (a) of this section is extremely remote.

**§ 29.621 Casting factors.**

(a) *General.* The factors, tests, and inspections specified in paragraphs (b) and (c) of this section must be applied in addition to those necessary to establish foundry quality control. The inspec-

tions must meet approved specifications. Paragraphs (c) and (d) of this section apply to structural castings except castings that are pressure tested as parts of hydraulic or other fluid systems and do not support structural loads.

(b) *Bearing stresses and surfaces.* The casting factors specified in paragraphs (c) and (d) of this section—

(1) Need not exceed 1.25 with respect to bearing stresses regardless of the method of inspection used; and

(2) Need not be used with respect to the bearing surfaces of a part whose bearing factor is larger than the applicable casting factor.

(c) *Critical castings.* For each casting whose failure would preclude continued safe flight and landing of the rotorcraft or result in serious injury to any occupant, the following apply:

(1) Each critical casting must—

(i) Have a casting factor of not less than 1.25; and

(ii) Receive 100 percent inspection by visual, radiographic, and magnetic particle (for ferromagnetic materials) or penetrate (for nonferromagnetic materials) inspection methods or approved equivalent inspection methods.

(2) For each critical casting with a casting factor less than 1.50, three sample castings must be static tested and shown to meet—

(i) The strength requirements of § 29.305 at an ultimate load corresponding to a casting factor of 1.25; and

(ii) The deformation requirements of § 29.305 at a load of 1.15 times the limit load.

(d) *Noncritical castings.* For each casting other than those specified in paragraph (c) of this section, the following apply:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, the casting factors and corresponding inspections must meet the following table:

| *Casting factor* | *Inspection* |
|---|---|
| 2.0 or greater | 100 percent visual. |
| Less than 2.0, greater than 1.5. | 100 percent visual, and magnetic particle (ferromagnetic materials), penetrant (nonferromagnetic materials), or approved equivalent inspection methods. |
| 1.25 through 1.50 | 100 percent visual, and magnetic particle (ferromagnetic materials), penetrant (nonferromagnetic materials), and radiographic or approved equivalent inspection methods. |

(2) The percentage of castings inspected by nonvisual methods may be reduced below that specified in subparagraph (1) of this paragraph when an approved quality control procedure is established.

(3) For castings procured to a specification that guarantees the mechanical properties of the material in the casting and provides for demonstration of these properties by test of coupons cut from the castings on a sampling basis—

(i) A casting factor of 1.0 may be used; and

(ii) The castings must be inspected as provided in subparagraph (1) of this paragraph for casting factors of "1.25 through 1.50" and tested under paragraph (c)(2) of this section.

**§ 29.623 Bearing factors.**

(a) Except as provided in paragraph (b) of this section, each part that has clearance (free fit), and that is subject to pounding or vibration, must have a bearing factor large enough to provide for the effects of normal relative motion.

(b) No bearing factor need be used on a part for which any larger special factor is prescribed.

**§ 29.625 Fitting factors.**

For each fitting (part or terminal used to join one structural member to another) the following apply:

(a) For each fitting whose strength is not proven by limit and ultimate load tests in which actual stress conditions are simulated in the fitting and surrounding structures, a fitting factor of at least 1.15 must be applied to each part of—

(1) The fitting;

(2) The means of attachment; and

(3) The bearing on the joined members.

(b) No fitting factor need be used—

(1) For joints made under approved practices and based on comprehensive test data (such as continuous joints in metal plating, welded joints, and scarf joints in wood); and

(2) With respect to any bearing surface for which a larger special factor is used.

(c) For each integral fitting, the part must be treated as a fitting up to the point at which the section properties become typical of the member.

**§ 29.629 Flutter.**

Each part of the rotorcraft must be free from flutter under each appropriate speed and power condition.

MAIN ROTOR

**§ 29.653 Pressure venting and drainage of main rotor blades.**

For each main rotor blade—

(a) There must be means for venting the internal pressure of the blade;

(b) Drainage holes must be provided for the blade; and

(c) The blade must be designed to prevent water from becoming trapped in it.

**§ 29.659 Mass balance.**

The rotors and blades must be mass balanced as necessary to—

(a) Prevent excessive vibration; and

(b) Prevent flutter at any speed up to the maximum forward speed.

**§ 29.661 Rotor blade clearance.**

There must be enough clearance between the main rotor blades and other parts of the structure to prevent the blades from striking any part of the structure during any operating condition.

CONTROL SYSTEMS

**§ 29.671 General.**

(a) Each control and control system must operate with the ease, smoothness, and positiveness appropriate to its function.

(b) Each element of each flight control system must be designed, or distinctively and permanently marked, to minimize the probability of any incorrect assembly that could result in the malfunction of the system.

**§ 29.675 Stops.**

(a) Each control system must have stops that positively limit the range of motion of the pilot's controls.

(b) Each stop must be located in the system so that the range of travel of its control is not appreciably affected by—

(1) Wear;

(2) Slackness; or

(3) Takeup adjustments.

(c) Each stop must be able to withstand the loads corresponding to the design conditions for the system.

(d) For each main rotor blade—

(1) The blade must have stops, appropriate to the design, to limit its travel about its hinges; and

(2) There must be means to keep the blade from hitting the droop stops during any operation other than starting and stopping the rotor.

**§ 29.679 Control system locks.**

If there is a device to lock the control system with the rotorcraft on the ground or water, there must be means to—

(a) Automatically disengage the lock when the pilot operates the controls in a normal manner, or limit the operation of the rotorcraft so as to give unmistakable warning to the pilot before takeoff; and

(b) Prevent the lock from engaging in flight.

**§ 29.681 Limit load static tests.**

(a) Compliance with the limit load requirements of this part must be shown by tests in which—

(1) The direction of the test loads produces the most severe loading in the control system; and

(2) Each fitting, pulley, and bracket used in attaching the system to the main structure is included;

(b) Compliance must be shown (by analyses or individual load tests) with the special factor requirements for control system joints subject to angular motion.

**§ 29.683 Operation tests.**

It must be shown by operation tests that, when the controls are operated from the pilot compartment with the control system loaded to correspond with loads specified for the system, the system is free from—

(a) Jamming;

(b) Excessive friction; and

(c) Excessive deflection.



**§ 29.685 Control system details.**

(a) Each detail of each control system must be designed to prevent jamming, chafing, and interference from cargo, passengers, or loose objects.

(b) There must be means in the cockpit to prevent the entry of foreign objects into places where they would jam the system.

(c) There must be means to prevent the slapping of cables or tubes against other parts.

(d) Cable systems must be designed as follows:

(1) Cables, cable fittings, turnbuckles, splices, and pulleys must be of an acceptable kind.

(2) The design of cable systems must prevent any hazardous change in cable tension throughout the range of travel under any operating conditions and temperature variations.

(3) No cable smaller than 1/8 inch diameter may be used in any primary control system.

(4) Pulley kinds and sizes must correspond to the cables with which they are used. The pulley-cable combinations and strength values specified in MIL-HDBK-5 must be used unless they are inapplicable.

(5) Pulleys must have close fitting guards to prevent the cables from being displaced or fouled.

(6) Pulleys must lie close enough to the plane passing through the cable to prevent the cable from rubbing against the pulley flange.

(7) No fairlead may cause a change in cable direction of more than three degrees.

(8) No clevis pin subject to load or motion and retained only by cotter pins may be used in the control system.

(9) Turnbuckles attached to parts having angular motion must be installed to prevent binding throughout the range of travel.

(10) There must be means for visual inspection at each fairlead, pulley, terminal, and turnbuckle.

(e) Control system joints subject to angular motion must incorporate the following special factors with respect to the ultimate bearing strength of the softest material used as a bearing:

(1) 3.33 for push-pull systems other than ball and roller bearing systems.

(2) 2.0 for cable systems.

(f) For control system joints, the manufacturer's static, non-Brinell rating of ball and roller bearings may not be exceeded.

**§ 29.687 Spring devices.**

(a) Each control system spring device whose failure could cause flutter or other unsafe characteristics must be reliable.

(b) Compliance with paragraph (a) of this section must be shown by tests simulating service conditions.

**§ 29.691 Autorotation control mechanism.**

Each main rotor blade pitch control mechanism must allow rapid entry into autorotation after power failure.

**§ 29.695 Power boost and power-operated control system.**

(a) If a power boost or power-operated control system is used, an alternate system must be immediately available that allows continued safe flight and landing in the event of—

(1) Any single failure in the power portion of the system; or

(2) The failure of all engines.

(b) Each alternate system may be a duplicate power portion or a manually operated mechanical system. The power portion includes the power source (such as hydraulic pumps), and such items as valves, lines, and actuators.

(c) The failure of mechanical parts (such as piston rods and links), and the jamming of power cylinders, must be considered unless they are extremely improbable.

**§ 29.723 Shock absorption tests.**

The landing inertia load factor and the reserve energy absorption capacity of the landing gear must be substantiated by the tests prescribed in §§ 29.725 and 29.727, respectively. These tests must be conducted on the complete rotorcraft or on units consisting of wheel, tire, and shock absorber in their proper relation.

**§ 29.725 Limit drop test.**

The limit drop test must be conducted as follows:

(a) The drop height must be—

(1) 13 inches from the lowest point of the landing gear to the ground; or

(2) Any lesser height, not less than eight inches, resulting in a drop contact velocity equal to the greatest probable sinking speed likely to occur at ground contact in normal power-off landings.

(b) If considered, the rotor lift specified in § 29.473(a) must be introduced into the drop test by appropriate energy absorbing devices or by the use of an effective mass.

(c) Each landing gear unit must be tested in the attitude simulating the landing condition that is most critical from the standpoint of the energy to be absorbed by it.

(d) When an effective mass is used in showing compliance with paragraph (b) of this section, the following formulae may be used instead of more rational computations.

$$W_e = W\left[\frac{h+(1-L)d}{h+d}\right]; \text{ and } n = n_j\frac{W_e}{W}+L$$

where:

$W_e$ = the effective weight to be used in the drop test (lbs.).

$W = W_M$ for main gear units (lbs.), equal to the static reaction on the particular unit with the rotorcraft in the most critical attitude. A rational method may be used in computing a main gear static reaction, taking into consideration the moment arm between the main wheel reaction and the rotorcraft center of gravity.

$W = W_N$ for nose gear units (lbs.), equal to the vertical component of the static reaction that would exist at the nose wheel, assuming that the mass of the rotorcraft acts at the center of gravity and exerts a force of $1.0g$ downward and $0.25g$ forward.

$W = W_T$ for tailwheel units (lbs.) equal to whichever of the following is critical—

(1) The static weight on the tailwheel with the rotorcraft resting on all wheels; or

(2) The vertical component of the ground reaction that would occur at the tailwheel assuming that the mass of the rotorcraft acts at the center of gravity and exerts a force of $1g$ downward with the rotorcraft in the maximum nose-up attitude considered in the nose-up landing conditions.

$h$ = specified free drop height (inches).

$L$ = ratio of assumed rotor lift to the rotorcraft weight.

$d$ = deflection under impact of the tire (at the proper inflation pressure) plus the vertical component of the axle travel (inches) relative to the drop mass.

$n$ = limit inertia load factor.

$n_j$ = the load factor developed during impact on the mass used in the drop test (i.e., the acceleration $dv/dt$ in $g$'s recorded in the drop test plus 1.0).

**§ 29.727 Reserve energy absorption drop test.**

The reserve energy absorption drop test must be conducted as follows:

(a) The drop height must be 1.5 times that specified in § 29.725(a).

(b) Rotor lift, where considered in a manner similar to that prescribed in § 29.725(b), may not exceed 1.5 times the lift allowed under that paragraph.

(c) The landing gear must withstand this test without collapsing.

**§ 29.729 Retracting mechanism.**

(a) *General.* The landing gear, retracting mechanism, wheel well doors, and supporting structure must be designed for—

(1) The loads occurring in any maneuvering condition with the gear retracted;

(2) The combined friction, inertia, and air loads occurring during retraction and extension at any airspeed up to the design maximum landing gear operating speed; and

(3) The flight loads, including those in yawed flight, occurring with the gear extended at any airspeed up to the design maximum landing gear extended speed.

(b) *Landing gear lock.* A positive means must be provided to keep the gear extended.

(c) *Emergency operation.* When other than manual power is used to operate the gear, emergency means must be provided for extending the gear in the event of—

(1) Any reasonably probable failure in the normal retraction system; or

(2) The failure of any single source of hydraulic, electric, or equivalent energy.

(d) *Operation tests.* The proper functioning of the retracting mechanism must be shown by operation tests.

(e) *Position indicator.* There must be means to indicate to the pilot when the gear is secured in the extreme positions.

(f) *Control.* The location and operation of the retraction control must meet the requirements of § 29.777.

**§ 29.731 Wheels.**

(a) Each landing gear wheel must be approved.

(b) The maximum static load rating of each wheel may not be less than the corresponding static ground reaction with—

(1) Maximum weight; and

(2) Critical center of gravity.

(c) The maximum limit load rating of each wheel must equal or exceed the maximum radial limit load determined under the applicable ground load requirements of this part.

**§ 29.733 Tires.**

Each landing gear wheel must have a tire—

(a) That is a proper fit on the rim of the wheel; and

(b) Of a rating that is not exceeded under—

(1) The design maximum weight;

(2) A load on each main wheel tire equal to the static ground reaction corresponding to the critical center of gravity; and

(3) A load on nose wheel tires (to be compared with the dynamic rating established for those tires) equal to the reaction obtained at the nose wheel, assuming that the mass of the rotorcraft acts at the most critical center of gravity and exerts a force of 1.0 $g$ downward and 0.25 $g$ forward, the reactions being distributed to the nose and main wheels according to the principles of statics with the drag reaction at the ground applied only at wheels with brakes.

**§ 29.735 Brakes.**

A braking device must be installed that is—

(a) Controllable by the pilot;

(b) Usable during power-off landings; and

(c) Adequate to—

(1) Counteract any normal unbalanced torque when starting or stopping the rotor; and

(2) Hold the rotorcraft parked on a 10 degree slope on a dry, smooth pavement.

**§ 29.737 Skis.**

(a) The maximum limit load rating of each ski must equal or exceed the maximum limit load determined under the applicable ground load requirements of this part.

(b) There must be a stabilizing means to maintain the ski in an appropriate position during flight. This means must have enough strength to withstand the maximum aerodynamic and inertia loads on the ski.

FLOATS AND HULLS

**§ 29.751 Main float buoyancy.**

(a) For main floats, the buoyancy necessary to support the maximum weight of the rotorcraft in fresh water must be exceeded by—

(1) 50 percent, for single floats; and

(2) 60 percent, for multiple floats.

(b) Each main float must have at least five watertight compartments approximately equal in volume.

**§ 29.753 Main float design.**

(a) *Bag floats.* Each bag float must be designed to withstand—

(1) The maximum pressure differential that might be developed at the maximum altitude for which certification with that float is requested; and

(2) The vertical loads prescribed in § 29.521(a), distributed along the length of the bag over three-quarters of its projected area.

(b) *Rigid floats.* Each rigid float must be able to withstand the vertical, horizontal, and side loads prescribed in § 29.521. An appropriate load distribution under critical conditions must be used.

**§ 29.755 Hulls.**

For each rotorcraft, with a hull and auxiliary floats, that is to be approved for both taking off from and landing on water, the hull and auxiliary floats must have enough watertight compartments so that, with any single compartment flooded, the buoyancy of the hull and auxiliary floats (and wheel tires if used) provides a margin of positive stability great enough to minimize the probability of capsizing.

PERSONNEL AND CARGO ACCOMMODATIONS

**§ 29.771 Pilot compartment.**

For each pilot compartment—

(a) The compartment and its equipment must allow each pilot to perform his duties without unreasonable concentration or fatigue;

(b) If there is provision for a second pilot, the rotorcraft must be controllable with equal safety from either pilot seat;

(c) The vibration and noise characteristics of cockpit appurtenances may not interfere with safe operation;

(d) Inflight leakage of rain or snow that could distract the crew or harm the structure must be prevented;

(e) A passageway must be provided between the pilot compartment and the passenger compartment; and

(f) There must be suitable means to prevent passengers from entering the pilot compartment without permission.

**§ 29.773 Pilot compartment view.**

(a) *Nonprecipitation conditions.* For nonprecipitation conditions, the following apply:

(1) Each pilot compartment must be arranged to give the pilots a sufficiently extensive, clear, and undistorted view for safe operation.

(2) Each pilot compartment must be free of glare and reflection that could interfere with the pilot's view. If certification for night operation is requested, this must be shown by night flight tests.

(b) *Precipitation conditions.* For precipitation conditions, the following apply:

(1) Each pilot must have a sufficiently extensive view for safe operation—

(i) In heavy rain at forward speeds up to $V_H$; and

(ii) In the most severe icing condition for which certification is requested.

(2) The pilots must have a window that—

(i) Is openable under the conditions prescribed in subparagraph (1) of this paragraph; and

(ii) Provides the view prescribed in that subparagraph.

**§ 29.775 Windshield and windows.**

Nonsplintering safety glass must be used in glass windshields and windows.

**§ 29.777 Cockpit controls.**

Cockpit controls must be—

(a) Located to provide convenient operation and to prevent confusion and inadvertent operation; and

(b) Located and arranged with respect to the pilot's seats so that there is full and unrestricted movement of each control without interference from the cockpit structure or the pilot's clothing when pilots from 5'2" to 6'0" in height are seated.

**§ 29.783 Doors.**

(a) Each closed cabin must have at least one adequate and easily accessible external door.

(b) No passenger door may be located with respect to any rotor disc so as to endanger persons following appropriate instructions for the use of that door.

(c) There must be means for locking crew and external passenger doors and for preventing their opening in flight inadvertently or as a result of mechanical failure. It must be possible to open external doors from inside and outside the cabin with the rotorcraft on the ground. The means of opening must be simple, obvious, and so arranged and marked that it can be readily located and operated.

(d) There must be reasonable provisions to prevent the jamming of any external door, in a minor crash, as a result of fuselage deformation.

(e) There must be means for direct visual inspection of the locking mechanism by crewmembers to determine whether the external doors (including passenger, crew, service, and cargo doors) are fully locked. There must be visual means to signal to appropriate crewmembers when normally used external doors are closed and fully locked.

(f) For outward opening external doors usable for entrance or egress, there must be an auxiliary safety latching device to prevent the door from opening when the primary latching mechanism fails. If the door does not meet the requirements of paragraph (c) of this section with this device in place, suitable operating procedures must be established to prevent the use of the device during takeoff and landing.

**§ 29.785 Seats, safety belts, and harnesses.**

(a) The seats, safety belts, shoulder harnesses, and adjacent parts of the rotorcraft, at each station designated for occupancy during takeoff and landing, must be designed so that a person making proper use of these facilities will not suffer serious injury in an emergency landing as a result of the inertia forces specified in § 29.561.

(b) Each seat must be approved.



(c) Each occupant must be protected from head injury by—

(1) A safety belt and harness that will prevent the head from contacting any injurious object;

(2) A safety belt plus the elimination of any injurious objects within striking radius of the head; or

(3) A safety belt plus a cushioned rest that will support the arms, shoulders, head, and spine.

(d) If seat backs do not have a firm handhold, there must be hand grips or rails along each aisle to let the occupants steady themselves while using the aisle in moderately rough air; and

(e) Each projecting object that would injure persons seated or moving about in the rotorcraft in normal flight must be padded.

(f) Each seat and its supporting structure must be designed for an occupant weight of 170 pounds, considering the maximum load factors, inertia forces, and reactions between the occupant, seat, and safety belt or harness corresponding with the applicable flight and ground load conditions, including the emergency landing conditions of § 29.561. In addition—

(1) Each pilot seat must be designed for the reactions resulting from the application of the pilot forces prescribed in § 29.397; and

(2) The inertia forces prescribed in § 29.561 must be multiplied by a factor of 1.33 in determining the strength of the attachment of—

(i) Each seat to the structure; and

(ii) Each safety belt or harness to the seat or structure.

**§ 29.787 Cargo and baggage compartments.**

(a) Each cargo and baggage compartment must be designed for its placarded maximum weight of contents and for the critical load distributions at the appropriate maximum load factors corresponding to the specified flight and ground load conditions, except the emergency landing conditions of § 29.561.

(b) There must be means to prevent the contents of any compartment from becoming a hazard by shifting under the loads specified in paragraph (a) of this section.

(c) There must be means to protect each occupant from injury by the contents of any compartment when the ultimate forward inertia force is 4 $g$.

**§ 29.803 Emergency evacuation.**

(a) Each crew and passenger area must have means for rapid evacuation in a crash landing, with the landing gear (1) extended and (2) retracted, considering the possibility of fire.

(b) Passenger entrance, crew, and service doors may be considered as emergency exits if they meet the requirements of this section and of §§ 29.805 through 29.815.

**§ 29.805 Flight crew emergency exits.**

For rotorcraft with passenger emergency exits that are not convenient to the flight crew, there must be flight crew emergency exits in the crew area for rapid evacuation. These exits must be located—

(a) On both sides of the rotorcraft; or

(b) As a top hatch.

**§ 29.807 Passenger emergency exits.**

(a) *Type.* For the purpose of this part, the types of passenger emergency exit are as follows:

(1) *Type I.* This type must have a rectangular opening at least 24 inches wide by 48 inches high, with corner radii not greater than four inches, in the passenger area in the side of the fuselage at floor level and as far away as practicable from areas that might become potential fire hazards in a crash.

(2) *Type II.* This type is the same as Type I, except that the opening must be at least 20 inches wide by 44 inches high.

(3) *Type III.* This type is the same as Type I, except that—

(i) The opening must be at least 20 inches wide by 36 inches high; and

(ii) The exits need not be at floor level.

(4) *Type IV.* This type must have a rectangular opening at least 19 inches wide by 26 inches high, with corner radii not greater than four inches, in the side of the fuselage with a step-up inside the rotorcraft of not more than 29 inches.

Openings with dimensions larger than those specified in this section may be used, regardless of shape, if the base of the opening has a flat surface of not less than the specified width.

(b) *Passenger emergency exits; side-of-fuselage.* Emergency exits must be accessible to the passengers and must be provided in accordance with the following table:

| Passenger seating capacity | Emergency exits for each side of the fuselage | | | |
|---|---|---|---|---|
| | Type I | Type II | Type III | Type IV |
| 1 through 19 | | | 1 | |
| 20 through 39 | | 1 | | 1 |
| 40 through 69 | 1 | | | 1 |

(c) *Passenger emergency exits; other than side-of-fuselage.* In addition to the requirements of paragraph (b) of this section—

(1) There must be enough openings in the top, bottom, or ends of the fuselage to allow evacuation with the rotorcraft on its side; or

(2) The probability of the rotorcraft coming to rest on its side in a crash landing must be extremely remote.

(d) *Tests.* The proper functioning of each emergency exit must be shown by test.

**§ 29.809 Emergency exit arrangement.**

(a) Each emergency exit must consist of a movable door or hatch in the external walls of the fuselage and must provide an unobstructed opening to the outside.

(b) Each emergency exit must be openable from the inside and from the outside.

(c) The means of opening each emergency exit must be simple and obvious and may not require exceptional effort.

(d) There must be means for locking each emergency exit and for preventing opening in flight inadvertently or as a result of mechanical failure.

(e) There must be means to minimize the probability of the jamming of any emergency exit in a minor crash landing as a result of fuselage deformation.

(f) For each emergency exit (other than Type IV exits above a wing) that is more than six feet from the ground with the rotorcraft on the ground and the landing gear extended, there must be means to assist the occupants to the ground.

**§ 29.811 Emergency exit marking.**

(a) Each emergency exit, its means of access, and its means of opening must be conspicuously marked.

(b) The identity and location of each emergency exit must be recognizable from a distance equal to the width of the cabin.

(c) The location of each emergency exit operating handle and the instructions for opening must be marked on or near the emergency exit. This marking must be readable from a distance of 30 inches.

(d) A source of light, independent of the main lighting system, must be installed to light each emergency exit marking.

(e) Each exit light must be designed to function automatically in a crash landing and to operate manually.

(f) Each emergency exit and its means of opening must be marked on the outside of the rotorcraft.

**§ 29.813 Emergency exit access.**

(a) Each passageway between passenger compartments, and each passageway leading to Type I and Type II emergency exits, must be—

(1) Unobstructed; and

(2) At least 20 inches wide.

(b) For each emergency exit covered by § 29.809(f), there must be enough space adjacent to that exit to allow a crewmember to assist in the evacuation of passengers without reducing the unobstructed width of the passageway below that required for that exit.

**§ 29.815 Main aisle width.**

The main passenger aisle width between seats must equal or exceed the values in the following table:

| Passenger seating capacity | Minimum main passenger aisle width | |
|---|---|---|
| | Less than 25 inches from floor | 25 inches and more from floor |
| | *Inches* | *Inches* |
| 10 or less | 12 | 18 |
| 11 through 19 | 12 | 20 |
| 20 or more | 15 | 20 |

**§ 29.831 Ventilation.**

(a) Each passenger and crew compartment must be ventilated, and each

No. 235—6

crew compartment must have enough fresh air (but not less than 10 cu. ft. per minute per crewmember) to let crewmembers perform their duties without undue discomfort or fatigue.

(b) Crew and passenger compartment air must be free from harmful or hazardous concentrations of gases or vapors.

(c) The concentration of carbon monoxide may not exceed one part in 20,000 parts of air during forward flight. If the concentration exceeds this value under other conditions, there must be suitable operating restrictions.

(d) There must be means to ensure compliance with paragraphs (b) and (c) of this secton under any reasonably probable failure of any ventilating, heating, or other system or equipment.

**§ 29.833 Heaters.**

Each combustion heater must be approved.

FIRE PROTECTION

**§ 29.851 Fire extinguishers.**

(a) *Hand fire extinguishers.* For hand fire extinguishers the following apply:

(1) Each hand fire extingusher must be approved.

(2) The kinds and quantities of each extinguishing agent used must be appropriate to the kinds of fires likely to occur where that agent is used.

(3) Each extinguisher for use in a personnel compartment must be designed to minimize the hazard of toxic gas concentrations.

(b) *Built-in fire extinguishers.* If a built-in fire extinguishing system is required—

(1) The capacity of each system, in relation to the volume of the compartment where used and the ventilation rate, must be adequate for any fire likely to occur in that compartment.

(2) Each system must be installed so that—

(i) No extinguishing agent likely to enter personnel compartments will be present in a quantity that is hazardous to the occupants; and

(ii) No discharge of the extinguisher can cause structural damage.

**§ 29.853 Compartment interiors.**

For each compartment to be used by the crew or passengers—

(a) The materials must be at least flash-resistant;

(b) The wall and ceiling linings, and the covering of upholstery, floors, and furnishings must be at least flame resistant;

(c) Each compartment where smoking is to be allowed must have self-contained, removable ash trays, and other compartments must be placarded against smoking;

(d) Each receptacle for towels, paper, or waste must be at least fire-resistant and must have means for containing possible fires;

(e) There must be a hand fire extinguisher for the flight crewmembers; and

(f) At least the following number of hand fire extinguishers must be conveniently located in passenger compartments:

| Passenger capacity: | *Fire extinguishers* |
|---|---|
| 7 through 30 | 1 |
| 31 through 60 | 2 |

**§ 29.855 Cargo and baggage compartments.**

(a) Each cargo and baggage compartment must be constructed of, or lined with, materials that are at least fire resistant.

(b) No compartment may contain any controls, wiring, lines, equipment, or accessories whose damage or failure would affect safe operation, unless those items are protected so that—

(1) They cannot be damaged by the movement of cargo in the compartment; and

(2) Their breakage or failure will not create a fire hazard.

(c) The design and sealing of inaccessible compartments must be adequate to contain compartment fires until a landing and safe evacuation can be made.

(d) Each cargo and baggage compartment must be designed, or must have a device, to ensure detection of fires by a crewmember at his station and to prevent the entry of harmful quantities of smoke, flame, extinguishing agents, and other noxious gases into any crew or passenger compartment. This must be shown in flight.

**§ 29.859 Combustion heater fire protection.**

(a) *Combustion heater fire zones.* The following combustion heater fire zones must be protected against fire under the applicable provisions of §§ 29.1181 through 29.1191, and 29.1195 through 29.1203:

(1) The region surrounding any heater, if that region contains any flammable fluid system components (including the heater fuel system), that could—

(i) Be damaged by heater malfunctioning; or

(ii) Allow flammable fluids or vapors to reach the heater in case of leakage.

(2) Each part of any ventilating air passage that—

(i) Surrounds the combustion chamber; and

(ii) Would not contain (without damage to other rotorcraft components) any fire that may occur within the passage.

(b) *Ventilating air ducts.* Each ventilating air duct passing through any fire zone must be fireproof. In addition—

(1) Unless isolation is provided by fireproof valves or by equally effective means, the ventilating air duct downstream of each heater must be fireproof for a distance great enough to ensure that any fire originating in the heater can be contained in the duct; and

(2) Each part of any ventilating duct passing through any region having a flammable fluid system must be so constructed or isolated from that system that the malfunctioning of any component of that system cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* Each combustion air duct must be fireproof for a distance great enough to prevent damage from backfiring or reverse flame propagation. In addition—

(1) No combustion air duct may communicate with the ventilating airstream unless flames from backfires or reverse burning cannot enter the ventilating airstream under any operating condition, including reverse flow or malfunction of the heater or its associated components; and

(2) No combustion air duct may restrict the prompt relief of any backfire that, if so restricted, could cause heater failure.

(d) *Heater controls; general.* There must be means to prevent the hazardous accumulation of water or ice on or in any heater control component, control system tubing, or safety control.

(e) *Heater safety controls.* For each combustion heater, safety control means must be provided as follows:

(1) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off the ignition and fuel supply of that heater at a point remote from that heater, when—

(i) The heat exchanger temperature or ventilating air temperature exceeds safe limits; or

(ii) The combustion airflow or the ventilating airflow becomes inadequate for safe operation.

(2) The means of complying with subparagraph (1) of this paragraph for any individual heater must—

(i) Be independent of components serving any other heater whose heat output is essential for safe operation; and

(ii) Keep the heater off until restarted by the crew.

(3) There must be means to warn the crew when any heater whose heat output is essential for safe operation has been shut off by the automatic means prescribed in subparagraph (1) of this paragraph.

(f) *Air intakes.* Each combustion and ventilating air intake must be where no flammable fluids or vapors can enter the heater system under any operating condition—

(1) During normal operation; or

(2) As a result of the malfunction of any other component.

(g) *Heater exhaust.* Each heater exhaust system must meet the requirements of §§ 29.1121 and 29.1123. In addition—

(1) Each exhaust shroud must be sealed so that no flammable fluids or hazardous quantities of vapors can reach the exhaust systems through joints; and

(2) No exhaust system may restrict the prompt relief of any backfire that, if so restricted, could cause heater failure.

(h) *Heater fuel systems.* Each heater fuel system must meet the powerplant fuel system requirements affecting safe heater operation. Each heater fuel system component in the ventilating airstream must be protected by shrouds so that no leakage from those components can enter the ventilating airstream.

(i) *Drains.* There must be means for safe drainage of any fuel that might accumulate in the combustion chamber or the heat exchanger. In addition—

(1) Each part of any drain that operates at high temperatures must be protected in the same manner as heater exhausts; and

(2) Each drain must be protected against hazardous ice accumulation under any operating condition.



**§ 29.861 Fire protection of structure, controls, and other parts.**

Each part of the structure, controls, and the rotor mechanism, and other parts essential to controlled landing and (for category A) flight that would be affected by powerplant fires must be isolated under § 29.1191, or must be—

(a) For category A rotorcraft, fireproof; and

(b) For category B rotorcraft, protected so that they can perform their essential functions for at least five minutes under any foreseeable powerplant fire condition.

**§ 29.863 Flammable fluid fire protection.**

If flammable fluids or vapors might escape by the leakage of fluid systems, there must be means to—

(a) Prevent the ignition of those fluids or vapors by any other equipment; or

(b) Control any fire resulting from that ignition.

MISCELLANEOUS

**§ 29.871 Leveling marks.**

There must be reference marks for leveling the rotorcraft on the ground.

**§ 29.873 Ballast provisions.**

Ballast provisions must be designed and constructed to prevent inadvertent shifting of ballast in flight.

**§ 29.877 Ice protection.**

The rotorcraft must be able to operate safely throughout the range of icing conditions for which certification is requested.

## Subpart E—Powerplant

GENERAL

**§ 29.901 Installation.**

(a) For the purpose of this part, the powerplant installation includes each part of the rotorcraft (other than the main and auxiliary rotor structures) that—

(1) Is necessary for propulsion;

(2) Affects the control of the major propulsive units; or

(3) Affects the safety of the major propulsive units between normal inspections or overhauls.

(b) For each powerplant installation—

(1) The installation must meet the applicable provisions of this subpart and, for turbine powerplant installations, any other requirements necessary for safety;

(2) Each component of the installation must be constructed, arranged, and installed to ensure its continued safe operation between normal inspections or overhauls;

(3) Accessibility must be provided to allow any inspection and maintenance necessary for continued airworthiness; and

(4) Electrical interconnections must be provided to prevent differences of potential between major components of the installation and the rest of the rotorcraft.

**§ 29.903 Engines.**

(a) *Engine type certification.* Each engine must be type certificated under Part 33 [New].

(b) *Category A; engine isolation.* For each category A rotorcraft, the powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or the failure of any system that can affect any engine, will not—

(1) Prevent the continued safe operation of the remaining engines; or

(2) Require immediate action by any crew member for continued safe operation.

(c) *Category A; control of engine rotation.* For each category A rotorcraft, there must be means for stopping and restarting any engine individually in flight. In addition—

(1) Each component for controlling engine rotation in flight that is on the engine side of any firewall and that might be exposed to fire must be at least fire-resistant; or

(2) Duplicate means must be available for this purpose and their controls must be where all are not likely to be damaged at the same time in case of fire.

(d) *Category A; engine cooling fan blade protection.* If an engine cooling fan is installed in a category A rotorcraft, there must be means to ensure that a fan blade failure will not affect the operation of the remaining engines or prevent continued safe operation.

(e) *Category B; engine cooling fan blade protection.* If an engine cooling fan is installed, there must be means to protect the rotorcraft and allow a safe landing if a fan blade fails. This must be shown by showing that—

(1) The fan blades are contained in case of failure;

(2) Each fan is located so that a failure will not jeopardize safety; or

(3) Each fan blade can withstand an ultimate load of 1.5 times the centrifugal force resulting from engine r.p.m. limited by either—

(i) The terminal engine r.p.m. under uncontrolled conditions; or

(ii) An overspeed limiting device.

**§ 29.907 Engine vibration.**

(a) Each engine must be installed to prevent the harmful vibration of any part of the engine or rotorcraft.

(b) The addition of the rotor and the rotor drive system to the engine may not subject the principal rotating parts of the engine to excessive vibration stresses. This must be shown by a vibration investigation.

ROTOR DRIVE SYSTEM

**§ 29.917 Design.**

(a) *General.* The rotor drive system includes any part necessary to transmit power from the engines to the rotor hubs. This includes gear boxes, shafting universal joints, couplings, rotor brake assemblies, clutches, supporting bearings for shafting, any attendant accessory pads or drives, and any cooling fans not included in the type certification of the engine.

(b) *Arrangement.* Rotor drive systems must be arranged as follows:

(1) Each rotor drive system of multiengine rotorcraft must be arranged so that each rotor necessary for operation

and control will continue to be driven by the remaining engines if any engine fails.

(2) For single-engine rotorcraft, each rotor drive system must be so arranged that each rotor necessary for control in autorotation will continue to be driven by the main rotors after disengagement of the engine from the main and auxiliary rotors.

(3) Each rotor drive system must incorporate a unit for each engine to automatically disengage that engine from the main and auxiliary rotors if that engine fails.

(4) If a torque limiting device is used in the rotor drive system, it must be located so as to allow continued control of the rotorcraft when the device is operating.

(5) If the rotors must be phased for intermeshing, each system must provide constant and positive phase relationship under any operating condition.

(6) If a rotor dephasing device is incorporated, there must be means to keep the rotors locked in proper phase before operation.

**§ 29.921 Rotor brake.**

If there is a means to control the rotation of the rotor drive system independently of the engine, any limitations on the use of that means must be specified, and the control for that means must be guarded to prevent inadvertent operation.

**§ 29.923 Rotor drive system and control mechanism tests.**

(a) *Endurance tests; general.* Each rotor drive system and rotor control mechanism must be tested for not less than 200 hours. These tests must be conducted—

(1) On the rotorcraft, with the power being absorbed by the actual rotors to be installed; and

(2) As prescribed in paragraphs (b) through (j) of this section in 10-hour test cycles.

(b) *Endurance tests; takeoff power run.* The takeoff power endurance test run must consist of one hour of alternate runs of five minutes at takeoff power and speed, and five minutes at as low an engine idle speed as practicable. The engine must be declutched from the rotor drive system, and the rotor brake, if furnished and so intended, must be applied during the first minute of the idle run. During the remaining four minutes of the idle run, the clutch must be engaged so that the engine drives the rotors at the minimum practical r.p.m. Acceleration of the engine and the rotor drive system must be accomplished at the maximum rate. When declutching the engine, it must be decelerated at a rate rapid enough to allow the operation of the overrunning clutch. If there is no takeoff rating, maximum continuous power and speed must be substituted for takeoff power and speed.

(c) *Endurance tests; maximum continuous run.* Three hours of continuous operation at maximum continuous power and speed must be conducted as follows:

(1) The main rotor controls must be operated at a minimum of 15 times each hour through the main rotor pitch positions of maximum vertical thrust, maximum forward thrust component, maximum aft thrust component, maximum left thrust component, and maximum right thrust component, except that the control movements need not produce loads or blade flapping motion exceeding the maximum loads or motions encountered in flight.

(2) The directional controls must be operated at a minimum of 15 times each hour through the control extremes of maximum right turning torque, neutral torque as required by the power applied to the main rotor, and maximum left turning torque.

(3) Each maximum control position must be held for at least 10 seconds, and the rate of change of control position must be at least as rapid as that for normal operation.

(d) *Endurance tests; 90 percent of maximum continuous run.* One hour of continuous operation at 90 percent of maximum continuous power must be conducted at maximum continuous speed.

(e) *Endurance tests; 80 percent of maximum continuous run.* One hour of continuous operation must be conducted at 80 percent of maximum continuous power and speed.

(f) *Endurance tests; 60 percent of maximum continuous run.* Two hours of continuous operation at 60 percent of maximum continuous power must be conducted at minimum desired cruising speed or at 90 percent of maximum continuous speed, whichever is less.

(g) *Endurance tests; engine malfunctioning run.* It must be determined whether malfunctioning of components such as the engine fuel or ignition systems, or whether unequal engine power can cause dynamic conditions detrimental to the drive system. If so, a suitable number of hours of operation must be accomplished under those conditions, one hour of which must be included in each cycle, and the remaining hours of which must be accomplished at the end of the 20 cycles. If no detrimental condition results, an additional hour of operation in compliance with paragraph (b) of this section must be conducted.

(h) *Endurance tests; overspeed run.* One hour of continuous operation at 110 percent of maximum continuous speed must be conducted at maximum continuous power. If the engines are limited by the manufacturer to an overspeed of less than 110 percent of maximum continuous speed for the periods required, the speed used must be the highest speed allowable for those engines.

(i) *Endurance tests; rotor control positions.* When the rotor controls are not being cycled during the tie-down tests, the rotor must be operated, using the procedures prescribed in paragraph (c) of this section, to produce each of the maximum thrust positions for the following percentages of test time (except that the control positions need not produce loads or blade flapping motion exceeding the maximum loads or motions encountered in flight):

(1) For full vertical thrust, 20 percent.

(2) For the forward thrust component, 50 percent.

(3) For the right thrust component, 10 percent.

(4) For the left thrust component, 10 percent.

(5) For the aft thrust component, 10 percent.

(j) *Endurance tests; clutch and brake engagements.* A total of at least 400 clutch and brake engagements, including the engagements of paragraph (b) of this section, must be made during the takeoff power runs and, if necessary, at each change of power and speed throughout the test. In each clutch engagement, the shaft on the driven side of the clutch must be accelerated from rest. The clutch engagements must be accomplished at the speed and by the method prescribed by the applicant. During deceleration after each clutch engagement, the engines must be stopped rapidly enough to allow the engines to be automatically disengaged from the rotors and rotor drives. If a rotor brake is installed for stopping the rotor, the clutch, during brake engagements, must be disengaged above 40 percent of maximum continuous rotor speed and the rotors allowed to decelerate to 40 percent of maximum continuous rotor speed, at which time the rotor brake must be applied. If the clutch design does not allow stopping the rotors with the engine running, or if no clutch is provided, the engine must be stopped before each application of the rotor brake, and then immediately be started after the rotors stop.

(k) *Overspeed test.* After completion of the 200-hour tie-down test, and without intervening major disassembly, the rotor drive system must be subjected to 50 overspeed runs, each 30±3 seconds in duration at 120 percent of maximum continuous speed. These runs must be conducted as follows:

(1) Overspeed runs must be alternated with stabilizing runs of from one to five minutes duration each at 60 to 80 percent of maximum continuous speed.

(2) Acceleration and deceleration must be accomplished in a period not longer than 10 seconds, and the time for changing speeds may not be deducted from the specified time for the overspeed runs.

(3) Overspeed runs must be made with the rotors in the flattest pitch for smooth operation.

(4) If the engines are limited by the engine manufacturer to an overspeed of less than 120 percent of maximum continuous speed for the periods required, the speed used must be the highest speed allowable for the engines involved.

(l) Any components that are affected by maneuvering and gust loads must be investigated for the same flight conditions as are the main rotors, and their service lives must be determined by fatigue tests or by other acceptable methods. In addition, a level of safety equal to that of the main rotors must be provided for—

(1) Each component in the rotor drive system whose failure would cause an uncontrolled landing;



(2) Each component essential to the phasing of rotors on multirotor rotorcraft, or that furnishes a driving link for the essential control of rotors in autorotation; and

(3) Each component common to two or more engines on multiengine rotorcraft.

(m) *Special tests.* Each rotor drive system designed to operate at two or more gear ratios must be subjected to special testing for durations necessary to substantiate the safety of the rotor drive system.

**§ 29.927 Additional tests.**

Any additional dynamic, endurance, and operational tests, and vibratory investigations necessary to determine that the rotor drive mechanism is safe, must be performed.

**§ 29.931 Shafting critical speed.**

(a) It must be determined whether the critical speeds of any shafting lie outside the range of allowable engine speeds under idling, power on, and autorotative conditions.

(b) Any critical vibration existing from (and including) clutch engagement to maximum overspeed, during acceleration or deceleration, must be shown to be within safe limits.

(c) If the demonstration required by paragraph (b) of this section is made during the endurance testing, the test schedule may substitute the critical vibratory conditions for equivalent time in appropriate parts of the endurance test procedure.

**§ 29.935 Shafting joints.**

Each universal joint, slip joint, and other shafting joints whose lubrication is necessary for operation must have provision for lubrication.

## FUEL SYSTEM

**§ 29.951 General.**

(a) Each fuel system must be constructed and arranged to ensure a flow of fuel at a rate and pressure established for proper engine functioning under any likely operating conditions, including the maneuvers for which certification is requested.

(b) Each fuel system must be arranged so that—

(1) No engine or fuel pump can draw fuel from more than one tank at a time; or

(2) There are means to prevent introducing air into the system.

**§ 29.953 Fuel system independence.**

(a) For category A rotorcraft—

(1) The fuel system must meet the requirements of § 29.903(b); and

(2) Unless other provisions are made to meet subparagraph (1) of this paragraph, the fuel system must allow fuel to be supplied to each engine through a system independent of those parts of each system supplying fuel to other engines.

(b) Each fuel system for a multiengine category B rotorcraft must meet the requirements of paragraph (a)(2) of this section. However, separate fuel tanks need not be provided for each engine.

**§ 29.955 Fuel flow.**

(a) Each fuel system must provide at least 100 percent of the fuel flow required under the intended operating conditions and maneuvers. This must be shown as follows:

(1) Fuel must be delivered to each engine at a pressure within the limits specified in the engine type certificate.

(2) The quantity of fuel in the tank may not exceed the sum of the amount established as the unusable fuel supply for that tank under §29.959 plus that necessary to show compliance with this section.

(3) Each main pump must be used that is necessary for each operating condition and attitude for which compliance with this section is shown, and the appropriate emergency pump must be substituted for each main pump so used.

(4) If there is a fuel flowmeter, it must be blocked and the fuel must flow through the meter or its bypass.

(b) If an engine can feed from more than one fuel tank, the fuel system must feed promptly when fuel becomes low in one tank and another tank is selected.

**§ 29.957 Flow between interconnected tanks.**

(a) Where tank outlets are interconnected and allow fuel to flow between them due to gravity or flight accelerations, it must be impossible for fuel to flow between tanks in quantities great enough to cause overflow from the tank vent in any sustained flight condition.

(b) If fuel can be pumped from one tank to another in flight—

(1) The design of the vents and the fuel transfer system must prevent structural damage to tanks from overfilling; and

(2) There must be means to warn the crew before overflow through the vents occurs.

**§ 29.959 Unusable fuel supply.**

The unusable fuel supply for each tank must be established as not less than the quantity at which the first evidence of malfunction occurs under the most adverse fuel feed condition occurring under any intended operations and flight maneuvers involving that tank.

**§ 29.961 Fuel system hot weather operation.**

(a) For each rotorcraft—

(1) The fuel system must be arranged to minimize the probability of vapor formation in the system under normal operating conditions; and

(2) Each suction lift fuel system and other fuel systems conducive to vapor formation must be free from vapor lock when using fuel at a temperature of at least 110 degrees F. under critical operating conditions.

(b) For each category A rotorcraft, satisfactory hot weather operation must be shown by showing that there is no evidence of vapor lock or other malfunction when the rotorcraft is climbed from the elevation of the airport selected by the applicant to an altitude of 5,000 feet above the airport elevation, or to the maximum altitude expected in operation, whichever is greater.

(c) Compliance with paragraph (b) of this section must be shown in flight, or on the ground under conditions closely simulating flight conditions, and with—

(1) The engines at takeoff power at the beginning of the test and for the maximum time approved for takeoff power, and at maximum continuous power thereafter;

(2) The weight including full fuel tanks, minimum crew, and only that ballast necessary to maintain the center of gravity within allowable limits;

(3) The speed for best rate of climb under the test conditions; and

(4) Fuel at a temperature of at least 110 degrees F. at the beginning of the demonstration.

(d) If compliance with paragraph (b) of this section is shown in weather cold enough to interfere with the proper conduct of the test, each fuel tank surface, fuel line, and other fuel system parts subject to cold air must be insulated to simulate, insofar as practicable, flight in hot weather.

**§ 29.963 Fuel tanks: general.**

(a) Each fuel tank must be able to withstand, without failure, the vibration, inertia, fluid, and structural loads to which it may be subjected in operation.

(b) Each fuel tank and its installation must be designed or protected to retain fuel without leakage under the emergency landing conditions in § 29.561.

(c) Each flexible fuel tank liner must be approved or shown to be suitable for the particular application.

(d) Each integral fuel tank must have facilities for inspection and repair of its interior.

**§ 29.965 Fuel tank tests.**

(a) Each fuel tank must be able to withstand the applicable pressure tests in this section without failure or leakage. If practicable, test pressures may be applied in a manner simulating the pressure distribution in service.

(b) Each conventional metal tank, each nonmetallic tank with walls that are not supported by the rotorcraft structure, and each integral tank must be subjected to a pressure of 3.5 p.s.i. unless the pressure developed during maximum limit acceleration or emergency deceleration with a full tank exceeds this value, in which case a hydrostatic head, or equivalent test, must be applied to duplicate the acceleration loads as far as possible. However, the pressure need not exceed 3.5 p.s.i. on surfaces not exposed to the acceleration loading.

(c) Each nonmetallic tank with walls supported by the rotorcraft structure must be subjected to the following tests:

(1) A pressure test of at least 2.0 p.s.i. This test may be conducted on the tank alone in conjunction with the test specified in subparagraph (2) of this paragraph.

(2) A pressure test, with the tank mounted in the rotorcraft structure,

equal to the load developed by the reaction of the contents, with the tank full, during maximum limit acceleration or emergency deceleration. However, the pressure need not exceed 2.0 p.s.i. on surfaces not exposed to the acceleration loading.

(d) Each tank with large unsupported or unstiffened flat areas, or with other features whose failure or deformation could cause leakage, must be subjected to the following test or its equivalent:

(1) Each complete tank assembly and its supports must be vibration tested while mounted to simulate the actual installation.

(2) The tank assembly must be vibrated for 25 hours while two-thirds full of any suitable fluid. The amplitude of vibration may not be less than one thirty-second of an inch, unless otherwise substantiated.

(3) The test frequency of vibration must be as follows:

(i) If no frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, the test frequency of vibration, in number of cycles per minute, must be the number obtained by multiplying the maximum continuous engine speed (r.p.m.) by 0.9.

(ii) If only one frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, that frequency of vibration must be the test frequency.

(iii) If more than one frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, the most critical of these frequencies must be the test frequency.

(4) Under subparagraph (3) (ii) and (iii), the time of test must be adjusted to accomplish the same number of vibration cycles as would be accomplished in 25 hours at the frequency specified in subparagraph (3) (i).

(5) During the test, the tank assembly must be rocked at the rate of 16 to 20 complete cycles per minute through an angle of 15 degrees on both sides of the horizontal (30 degrees total), about the most critical axis, for 25 hours. If motion about more than one axis is likely to be critical, the tank must be rocked about each critical axis for 12½ hours.

**§ 29.967 Fuel tank installation.**

(a) Each fuel tank must be supported so that tank loads are not concentrated on unsupported tank surfaces. In addition—

(1) There must be pads, if necessary, to prevent chafing between each tank and its supports;

(2) The padding must be nonabsorbent or treated to prevent the absorption of fuel;

(3) If flexible tank liners are used, they must be supported so that they are not required to withstand fluid loads; and

(4) Each interior surface of tank compartments must be smooth and free of projections that could cause wear of the liner, unless—

(i) There are means for protection of the liner at those points; or

(ii) The construction of the liner itself provides such protection.

(b) Any spaces adjacent to tank surfaces must be adequately ventilated to avoid accumulation of fuel or fumes in those spaces due to minor leakage. If the tank is in a sealed compartment, ventilation may be limited to drain holes that prevent clogging and that prevent excessive pressure resulting from altitude changes. If flexible tank liners are installed, the venting arrangement for the spaces between the liner and its container must maintain the proper relationship to tank vent pressures for any expected flight condition.

(c) The location of each tank must meet the requirements of § 29.1185 (b) and (c).

(d) No rotorcraft skin immediately adjacent to a major air outlet from the engine compartment may act as the wall of an integral tank.

(e) Each fuel tank must be isolated from personnel compartments by a fumeproof and fuelproof enclosure.

(f) Each fuel tank close to personnel compartments, engines, or combustion heaters must be designed, or protected and installed, to retain its contents under the loads specified in § 29.561.

**§ 29.969 Fuel tank expansion space.**

Each fuel tank must have an expansion space of not less than two percent of the tank capacity. It must be impossible to fill the expansion space inadvertently with the rotorcraft in the normal ground attitude.

**§ 29.971 Fuel tank sump.**

(a) Each fuel tank must have a sump with a capacity of not less than the greater of—

(1) 0.10 per cent of the tank capacity; or

(2) 1/16 gallon.

(b) The capacity prescribed in paragraph (a) of this section must be effective with the rotorcraft in any normal attitude, and must be located so that the sump contents cannot escape through the tank outlet opening.

(c) Each fuel tank must allow drainage of hazardous quantities of water from each part of the tank to its sump with the rotorcraft in the ground attitude.

(d) Each fuel tank sump must have an accessible and easily operable drain that—

(1) Allows complete drainage of the sump on the ground;

(2) Discharges clear of the entire rotorcraft; and

(3) Has manual or automatic means for positive locking in the closed position.

**§ 29.973 Fuel tank filler connection.**

(a) Each fuel tank filler connection must prevent the entrance of fuel into any part of the rotorcraft other than the tank itself. In addition—

(1) Each filler must be marked as prescribed in § 29.1557(c) (1);

(2) Each recessed filler connection that can retain any appreciable quantity of fuel must have a drain that discharges clear of the entire rotorcraft; and

(3) Each filler cap must provide a fuel-tight seal under the pressure expected in normal operation.

(b) For category A rotorcraft, each filler cap or filler cap cover must warn when the cap is not fully locked or seated on the filler connection.

**§ 29.975 Fuel tank vents and carburetor vapor vents.**

(a) *Fuel tank vents.* Each fuel tank must be vented from the top part of the expansion space so that venting is effective under normal flight conditions. In addition—

(1) The vents must be arranged to avoid stoppage by dirt or ice formation;

(2) The vent arrangement must prevent siphoning of fuel during normal operation;

(3) The venting capacity and vent pressure levels must maintain acceptable differences of pressure between the interior and exterior of the tank, during—

(i) Normal flight operation;

(ii) Maximum rate of ascent and descent; and

(iii) Refueling and defueling (where applicable);

(4) Airspaces of tanks with interconnected outlets must be interconnected;

(5) There may be no point in any vent line where moisture can accumulate with the rotorcraft in the ground attitude or the level flight attitude, unless drainage is provided; and

(6) No vent or drainage provision may end at any point—

(i) Where the discharge of fuel from the vent outlet would constitute a fire hazard; or

(ii) From which fumes could enter personnel compartments.

(b) *Carburetor vapor vents.* Each carburetor with vapor elimination connections must have a vent line to lead vapors back to one of the fuel tanks. In addition—

(1) Each vent system must have means to avoid stoppage by ice; and

(2) If there is more than one fuel tank, and it is necessary to use the tanks in a definite sequence, each vapor vent return line must lead back to the fuel tank used for takeoff and landing.

**§ 29.977 Fuel tank outlet.**

There must be a fuel strainer with 8 to 16 meshes per inch for the fuel tank outlet or for the booster pump. In addition—

(a) The clear area of each fuel tank outlet strainer must be at least five times the area of the outlet line;

(b) The diameter of each strainer must be at least equal to that of the fuel tank outlet; and

(c) Each finger strainer must be accessible for inspection and cleaning.

**§ 29.979 Pressure refueling and fueling provisions below fuel level.**

(a) Each fueling connection below the fuel level in each tank must have means to prevent the escape of hazardous quantities of fuel from that tank in case of malfunction of the fuel entry valve.

(b) For systems intended for pressure refueling, a means in addition to the normal means for limiting the tank content must be installed to prevent damage to the tank in case of failure of the normal means.



FUEL SYSTEM COMPONENTS

**§ 29.991 Fuel pumps.**

(a) *Main pumps.* Each fuel pump required for proper engine operation, or required to meet the fuel system requirements of this subpart (other than those in paragraph (b) of this section), is a main pump. For each main pump, provision must be made to allow the bypass of positive displacement fuel pumps other than a fuel injection pump (a pump that supplies the proper flow and pressure for fuel injection when that injection is not accomplished in a carburetor) approved as part of an engine.

(b) *Emergency pumps.* There must be emergency pumps to feed the engines immediately after the failure of any main pump (other than a fuel injection pump approved as part of the engine).

(c) *Installation.* There must be means to maintain the fuel pressure, at the inlet to the carburetor, within the range of limits established for proper engine operation. In addition—

(1) When necessary for the maintenance of the proper fuel pressure—

(i) A connection must be provided to transmit the carburetor air intake static pressure to the proper fuel pump relief valve connection; and

(ii) The gauge balance lines must be independently connected to the carburetor inlet pressure to avoid incorrect fuel pressure readings;

(2) The installation of fuel pumps having seals or diaphragms that may leak must have means for draining leaking fuel; and

(3) Each drain line must discharge where it will not create a fire hazard.

**§ 29.993 Fuel system lines and fittings.**

(a) Each fuel line must be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure, valve actuation, and accelerated flight conditions.

(b) Each fuel line connected to components of the rotorcraft between which relative motion could exist must have provisions for flexibility.

(c) Each flexible connection in fuel lines that may be under pressure or subjected to axial loading must use flexible hose assemblies.

(d) Flexible hose must be approved.

(e) No flexible hose that might be adversely affected by high temperatures may be used where excessive temperatures will exist during operation or after engine shutdown.

**§ 29.995 Fuel valves.**

In addition to meeting the requirements of § 29.1189, each fuel valve must—

(a) Have positive stops or suitable index provisions in the "on" and "off" positions; and

(b) Be supported so that no loads resulting from their operation or from accelerated flight conditions are transmitted to the lines attached to the valve.

**§ 29.997 Fuel strainer or filter.**

(a) There must be a fuel strainer or filter incorporating a sediment trap and drain in the fuel system between the fuel tanks and the engine. This strainer must be installed in an accessible location.

(b) Each strainer or filter must protect the fuel pumps, fuel controls, and the engine against any foreign matter that might be in the fuel.

(c) Each screening or straining element must be easily cleanable.

(d) Each strainer or filter must be mounted so that its weight is not supported by any connecting line or by the inlet or outlet connections of the strainer or filter itself.

**§ 29.999 Fuel system drains.**

(a) Drainage of the fuel system must be accomplished by fuel strainer drains and by the drains prescribed in § 29.971.

(b) Each drain must discharge clear of the entire rotorcraft and must have manual or automatic means for positive locking in the closed position.

OIL SYSTEM

**§ 29.1011 General.**

(a) Each engine must have an independent oil system that can supply it with an appropriate quantity of oil at a temperature not above that safe for continuous operation.

(b) The oil system for components of the rotor drive system that require continuous lubrication must be sufficiently independent of the lubrication systems of the engines to ensure—

(1) Operation with any engine inoperative; and

(2) Safe autorotation.

(c) The usable oil capacity of each system may not be less than the product of the endurance of the rotorcraft under critical operating conditions and the maximum allowable oil consumption of the engine under the same conditions, plus a suitable margin to ensure adequate circulation and cooling. Instead of a rational analysis of endurance and consumption, a usable oil capacity of one gallon for each 40 gallons of usable fuel may be used for reciprocating engine installations.

(d) Oil-fuel ratios lower than those prescribed in paragraph (c) of this section may be used if they are substantiated by data on the oil consumption of the engine.

(e) The ability of the engine and rotor drive system oil cooling provisions to maintain the oil temperature at or below the maximum established value must be shown under the applicable requirements of §§ 29.1041 through 29.1049.

**§ 29.1013 Oil tanks.**

(a) *Installation.* Each oil tank installation must meet the requirements of § 29.967. However, an engine oil tank may be in a designated fire zone if the tank and its supports are fireproof to the extent that damage by fire to any non-fireproof part will not cause leakage or spillage of oil.

(b) *Expansion space.* Oil tank expansion space must be provided so that—

(1) Each oil tank has an expansion space of not less than the greater of—

(i) 10 percent of the tank capacity; or

(ii) 0.5 gallon;

(2) Each reserve oil tank not directly connected to any engine has an expansion space space of not less than two percent of the tank capacity; and

(3) It is impossible to fill the expansion space inadvertently with the rotorcraft in the normal ground attitude.

(c) *Filler connection.* Each recessed oil tank filler connection that can retain any appreciable quantity of oil must have a drain that discharges clear of the entire rotorcraft. In addition—

(1) Each oil tank filler cap must provide an oil-tight seal under the pressure expected in operation;

(2) For category A rotorcraft, each oil tank filler cap or filler cap cover must incorporate features that provide a warning when caps are not fully locked or seated on the filler connection; and

(3) Each oil filler must be marked under § 29.1557(c)(2).

(d) *Vent.* Oil tanks must be vented as follows:

(1) Each oil tank must be vented from the top part of the expansion space so that venting is effective under all normal flight conditions.

(2) Oil tank vents must be arranged so that condensed water vapor that might freeze and obstruct the line cannot accumulate at any point.

(e) *Outlet.* There must be means to prevent entrance into the tank itself, or into the tank outlet, of any object that might obstruct the flow of oil through the system. No oil tank outlet may be enclosed by a screen or guard that would reduce the flow of oil below a safe value at any operating temperature.

(f) *Flexible liners.* Each flexible oil tank liner must be approved or shown to be suitable for the particular installation.

**§ 29.1015 Oil tank tests.**

Each oil tank must be designed and installed so that—

(a) It can withstand, without failure, any vibration, inertia, and fluid loads to which it may be subjected in operation; and

(b) It meets the requirements of § 29.965, except that the test pressure specified in § 29.965(b) must be five p.s.i.

**§ 29.1017 Oil lines and fittings.**

(a) Each oil line must meet the requirements of § 29.993.

(b) Breather lines must be arranged so that—

(1) Condensed water vapor that might freeze and obstruct the line cannot accumulate at any point;

(2) The breather discharge will not constitute a fire hazard if foaming occurs, or cause emitted oil to strike the pilot's windshield; and

(3) The breather does not discharge into the engine air induction system.

**§ 29.1019 Oil strainer or filter.**

Each oil strainer or filter in the powerplant installation must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

**§ 29.1021 Oil system drains.**

There must be at least one accessible drain that—

(a) Allows safe drainage of the entire oil system; and

(b) Has manual or automatic means for positive locking in the closed position.

**§ 29.1023 Oil radiators.**

(a) Each oil radiator must be able to withstand any vibration, inertia, and oil pressure loads to which it would be subjected in operation.

(b) Each oil radiator air duct must be located, or equipped, so that, in case of fire, and with the airflow as it would be with and without the engine operating, flames cannot directly strike the radiator.

**§ 29.1025 Oil valves.**

(a) Each oil shutoff must meet the requirements of § 29.1189.

(b) The closing of oil shutoffs may not prevent autorotation.

(c) Each oil valve must have positive stops or suitable index provisions in the "on" and "off" positions and must be supported so that no loads resulting from its operation or from accelerated flight conditions are transmitted to the lines attached to the valve.

COOLING

**§ 29.1041 General.**

(a) The powerplant cooling provisions must be able to maintain the temperatures of powerplant components, engine fluids, and the carburetor intake air within safe values under any critical surface (ground or water) and flight operating conditions.

(b) There must be cooling provisions to maintain the fluid temperatures in any power transmission within safe values under any critical surface (ground or water) and flight operating conditions.

(c) Compliance with paragraphs (a) and (b) of this section must be shown by flight tests in which the temperatures of selected powerplant component, engine, and transmission fluids are obtained under the conditions prescribed in those paragraphs.

**§ 29.1043 Cooling tests.**

(a) *General.* For the tests prescribed in § 29.1041(c), the following apply:

(1) If the tests are conducted under conditions deviating from the maximum anticipated air temperature specified in paragraph (b) of this section, the recorded powerplant temperatures must be corrected under paragraphs (c) and (d) of this section, unless a more rational correction method is applicable.

(2) No corrected temperature determined under subparagraph (1) of this paragraph may exceed established limits.

(3) The fuel used during the cooling tests must be of the minimum grade approved for the engines, and the mixture settings must be those used in normal operation.

(4) The test procedures must be as prescribed in §§ 29.1045 through 29.1049.

(b) *Maximum anticipated air temperature.* For cooling tests, the maximum anticipated temperature (hot-day condition) is 100 degrees F. at sea level, decreasing from this value at the rate of 3.6 degrees F. per thousand feet of altitude above sea level up to the altitude at which a temperature of −69.7 degrees F. is reached, above which altitude the temperature is constant at −69.7 degrees F.

(c) *Correction factor for cylinder head, oil inlet, carburetor air, and engine and transmission coolant outlet temperatures.* The cylinder head, oil inlet, carburetor air, and engine coolant outlet temperatures must be corrected by adding to them the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum head, oil, air, or coolant temperatures recorded during the cooling test.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures must be corrected by adding to them 0.7 times the difference between the maximum anticipated air temperatures and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test.

**§ 29.1045 Climb cooling test procedures.**

(a) Climb cooling tests must be conducted under this section for—

(1) Category A rotorcraft; and

(2) Multiengine category B rotorcraft for which certification is requested under the category A powerplant installation requirements, and under the requirements of § 29.861(a) at the steady rate of climb or descent established under § 29.67(b).

(b) The climb or descent cooling tests must be conducted with the engine inoperative that produces the most adverse cooling conditions for the remaining engines and powerplant components.

(c) Each operating engine must be at maximum continuous power or at full throttle when above the critical altitude.

(d) After temperatures have stabilized in flight, the climb must be—

(1) Begun from an altitude not greater than the lower of—

(i) 1,000 feet below the engine critical altitude; and

(ii) 1,000 feet below the maximum altitude at which the rate of climb is 150 f.p.m.; and

(2) Continued for at least five minutes after the occurrence of the highest temperature recorded, or until the rotorcraft reaches the maximum altitude for which certification is requested.

(e) For category B rotorcraft without a positive rate of climb, the descent must begin at the all-engine-critical altitude and end at the higher of—

(1) The maximum altitude at which level flight can be maintained with one engine operative; and

(2) Sea level.

(f) The climb or descent must be conducted at an airspeed representing a normal operational practice for the configuration being tested. However, if the cooling provisions are sensitive to rotorcraft speed, the most critical airspeed must be used, but need not exceed the speeds established under § 29.67(a)(2) or § 29.67(b). The climb cooling test may be conducted in conjunction with the takeoff cooling test of § 29.1047.

**§ 29.1047 Takeoff cooling test procedures.**

(a) *Category A.* For each category A rotorcraft, cooling must be shown during takeoff and subsequent climb as follows:

(1) Each temperature must be stabilized while hovering in ground effect with—

(i) The power necessary for hovering;

(ii) The appropriate cowl flap and shutter settings; and

(iii) The maximum weight.

(2) After the temperatures have stabilized, a climb must be started at the lowest practicable altitude and must be conducted with one engine inoperative.

(3) The operating engines must be at takeoff r.p.m. and power (or at full throttle when above the takeoff critical altitude) for the same time interval as takeoff power is used in determining the takeoff flight path under § 29.59.

(4) At the end of the time interval prescribed in subparagraph (3) of this paragraph, the power must be reduced to maximum continuous power and the climb must be continued for at least five minutes after the occurrence of the highest temperature recorded.

(5) The speeds must be those used in determining the takeoff flight path under § 29.59.

(b) *Category B.* For each category B rotorcraft, cooling must be shown during takeoff and subsequent climb as follows:

(1) Each temperature must be stabilized while hovering in ground effect with—

(i) The power necessary for hovering;

(ii) The appropriate cowl flap and shutter settings; and

(iii) The maximum weight.

(2) After the temperatures have stabilized, a climb must be started at the lowest practicable altitude with takeoff power.

(3) Takeoff power must be used for the same time interval as takeoff power is used in determining the takeoff flight path under § 29.63.

(4) At the end of the time interval prescribed in subparagraph (3) of this paragraph, the power must be reduced to maximum continuous power and the climb must be continued for at least five minutes after the occurrence of the highest temperature recorded.



(5) The cooling test must be conducted at an airspeed corresponding to normal operating practice for the configuration being tested. However, if the cooling provisions are sensitive to rotorcraft speed, the most critical airspeed must be used, but need not exceed the speed for best rate of climb with maximum continuous power.

No. 235——7

**§ 29.1049 Hovering cooling test procedures.**

The hovering cooling provisions must be shown—

(a) At maximum weight or at the greatest weight at which the rotorcraft can hover (if less), at sea level, with the power required to hover but not more than maximum continuous power, in the ground effect in still air, until at least five minutes after the occurrence of the highest temperature recorded; and

(b) With maximum continuous power, maximum weight, and at the altitude resulting in zero rate of climb for this configuration, until at least five minutes after the occurrence of the highest temperature recorded.

INDUCTION SYSTEM

**§ 29.1091 Air induction.**

(a) The air induction system for each engine must supply the air required by that engine under the operating conditions for which certification is requested.

(b) Each engine air induction system must provide air for proper fuel metering and mixture distribution with the induction system valves in any position.

(c) No air intake may open within the engine accessory section or within other areas of any powerplant compartment where emergence of backfire flame would constitute a fire hazard.

(d) Each engine must have an alternate air source.

(e) Each alternate air intake must be located to prevent the entrance of rain, ice, or other foreign matter.

**§ 29.1093 Induction system icing protection.**

Each engine air induction system must have means to prevent and eliminate icing. Unless this is done by other means, it must be shown that, in air free of visible moisture at a temperature of 30 degrees F., and with the engines at 60 percent of maximum continuous power—

(a) Each rotorcraft with sea level engines using conventional venturi carburetors has a preheater that can provide a heat rise of 90 degrees F.;

(b) Each rotorcraft with sea level engines using carburetors tending to prevent icing has a preheater that can provide a heat rise of 70 degrees F.;

(c) Each rotorcraft with altitude engines using conventional venturi carburetors has a preheater that can provide a heat rise of 120 degrees F.; and

(d) Each rotorcraft with altitude engines using carburetors tending to prevent icing has a preheater that can provide a heat rise of 100 degrees F.

**§ 29.1101 Carburetor air preheater design.**

Each carburetor air preheater must be designed and constructed to—

(a) Ensure ventilation of the preheater when the engine is operated in cold air;

(b) Allow inspection of the exhaust manifold parts that it surrounds; and

(c) Allow inspection of critical parts of the preheater itself.

**§ 29.1103 Induction system ducts.**

(a) Each induction system duct upstream of the first stage of the supercharger must have a drain to prevent the hazardous accumulation of fuel and moisture in the ground attitude. No drain may discharge where it might cause a fire hazard.

(b) Each duct must be strong enough to prevent induction system failure from normal backfire conditions.

(c) Each duct connected to components between which relative motion could exist must have means for flexibility.

(d) Each duct within any fire zone for which a fire-extinguishing system is required must be at least—

(1) Fireproof, if it passes through any firewall; or

(2) Fire resistant, for other ducts.

**§ 29.1105 Induction system screens.**

If induction system screens are used—

(a) Each screen must be upstream of the carburetor;

(b) No screen may be in any part of the induction system that is the only passage through which air can reach the engine, unless it can be deiced by heated air;

(c) No screen may be deiced by alcohol alone; and

(d) It must be impossible for fuel to strike any screen.

**§ 29.1107 Inter-coolers and after-coolers.**

Each inter-cooler and after-cooler must be able to withstand the vibration, inertia, and air pressure loads to which it would be subjected in operation.

**§ 29.1109 Carburetor air cooling.**

It must be shown under § 29.1043 that each installation using two-stage superchargers has means to maintain the air temperature, at the carburetor inlet, at or below the maximum established value.

EXHAUST SYSTEM

**§ 29.1121 General.**

(a) Each exhaust system must ensure safe disposal of exhaust gases without fire hazard or carbon monoxide contamination in any personnel compartment.

(b) Unless suitable precautions are taken, no exhaust system part may be dangerously close to any system carrying flammable fluids or vapors, or under any such system that may leak.

(c) Each component upon which hot exhaust gases could impinge, or that could be subjected to high temperatures from exhaust system parts, must be fireproof. Each exhaust system component must be separated by a fireproof shield from adjacent parts of the rotorcraft that are outside the engine compartment.

(d) No exhaust gases may discharge so as to cause a fire hazard with respect to any flammable fluid vent or drain.

(e) No exhaust gases may discharge where they will cause a glare seriously affecting pilot vision at night.

(f) Each exhaust system component must be ventilated to prevent points of excessively high temperature.

(g) Each exhaust shroud must be ventilated or insulated to avoid, during normal operation, a temperature high enough to ignite any flammable fluids or vapors outside the shroud.

**§ 29.1123 Exhaust piping.**

(a) Exhaust piping must be heat and corrosion resistant, and must have provisions to prevent failure due to expansion by operating temperatures.

(b) Exhaust piping must be supported to withstand any vibration and inertia loads to which it would be subjected in operation.

(c) Exhaust piping connected to components between which relative motion could exist must have provisions for flexibility.

**§ 29.1125 Exhaust heat exchangers.**

(a) Each exhaust heat exchanger must be constructed and installed to withstand the vibration, inertia, and other loads to which it would be subjected in operation. In addition—

(1) Each exchanger must be suitable for continued operation at high temperatures and resistant to corrosion from exhaust gases;

(2) There must be means for inspecting of the critical parts of each exchanger;

(3) Each exchanger must have cooling provisions wherever it is subject to contact with exhaust gases; and

(4) No exhaust heat exchanger or muff may have stagnant areas or liquid traps that would increase the probability of ignition of flammable fluids or vapors that might be present in case of the failure or malfunction of components carrying flammable fluids.

(b) If an exhaust heat exchanger is used for heating ventilating air used by personnel—

(1) There must be a secondary heat exchanger between the primary exhaust gas heat exchanger and the ventilating air system; or

(2) Other means must be used to prevent harmful contamination of the ventilating air.

POWERPLANT CONTROLS AND ACCESSORIES

**§ 29.1141 Powerplant controls: general.**

(a) Powerplant controls must be located and arranged under § 29.777 and marked under § 29.1555.

(b) Each control must be located so that it cannot be inadvertently operated by persons entering, leaving, or moving normally in, the cockpit.

(c) Each flexible powerplant control must be approved.

(d) Each control must be able to maintain any set position without—

(1) Constant attention; or

(2) Tendency to creep due to control loads or vibration.

(e) Each control must be able to withstand operating loads without excessive deflection.

**§ 29.1143 Throttle and antidetonant injection system controls.**

(a) There must be a separate throttle control for each engine.

(b) Throttle controls must be arranged to allow ready synchronization of all engines by—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(c) Each throttle control must provide a positive and immediately responsive means of controlling its engine.

(d) Each antidetonant injection system control must be in the throttle controls. However, the antidetonant injection pump may have a separate control.

**§ 29.1145 Ignition switches.**

(a) Ignition switches must control each ignition circuit on each engine.

(b) There must be means to quickly shut off all ignition by the grouping of switches or by a master ignition control.

(c) Each master ignition control must have a guard to prevent its inadvertent operation.

**§ 29.1147 Mixture controls.**

(a) If there are mixture controls, each engine must have a separate control, and the controls must be arranged to allow—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(b) Each intermediate position of the mixture controls that corresponds to a normal operating setting must be identifiable by feel and sight.

**§ 29.1151 Rotor brake controls.**

(a) It must be impossible to apply the rotor brake inadvertently in flight.

(b) There must be means to warn the crew if the rotor brake has not been completely released before takeoff.

**§ 29.1157 Carburetor air temperature controls.**

There must be a separate carburetor air temperature control for each engine.

**§ 29.1159 Supercharger controls.**

Each supercharger control must be accessible to—

(a) The pilots; or

(b) (If there is a separate flight engineer station with a control panel) the flight engineer.

**§ 29.1163 Powerplant accessories.**

(a) Each engine-mounted accessory must—

(1) Be approved for mounting on the engine involved; and

(2) Use the provisions on the engine for mounting.

(b) Electrical equipment subject to arcing or sparking must be installed to minimize the probability of igniting flammable fluids or vapors.

(c) If, continued rotation of an engine-driven cabin supercharger or any remote accessory driven by the engine will be a hazard if they malfunction, there must be means to prevent their hazardous rotation without interfering with the continued operation of the engine.

**§ 29.1165 Engine ignition systems.**

(a) Each battery ignition system must be supplemented with a generator that is automatically available as an alternate source of electrical energy to allow continued engine operation if any battery becomes depleted.

(b) The capacity of batteries and generators must be large enough to meet the simultaneous demands of the engine ignition system and the greatest demands of any electrical system components that draw from the same source.

(c) The design of the engine ignition system must account for—

(1) The condition of an inoperative generator;

(2) The condition of a completely depleted battery with the generator running at its normal operating speed; and

(3) The condition of a completely depleted battery with the generator operating at idling speed, if there is only one battery.

(d) Magneto ground wiring (for separate ignition circuits) that lies on the engine side of any firewall must be installed, located, or protected, to minimize the probability of the simultaneous failure of two or more wires as a result of mechanical damage, electrical fault, or other cause.

(e) No ground wire for any engine may be routed through a fire zone of another engine unless each part of that wire within that zone is fireproof.

(f) Each ignition system must be independent of any electrical circuit not used for analyzing the operation of that system.

(g) There must be means to warn appropriate crewmembers if the malfunctioning of any part of the electrical system is causing the continuous discharge of any battery necessary for engine ignition.

POWERPLANT FIRE PROTECTION

**§ 29.1181 Designated fire zones; regions included.**

(a) Designated fire zones are—

(1) The engine power section;

(2) The engine accessory section;

(3) Any complete powerplant compartment in which there is no isolation between the engine power section and the engine accessory section;

(4) Any auxiliary power unit compartment; and

(5) Any fuel-burning heater and other combustion equipment installation described in § 29.859.

(b) Each designated fire zone must meet the requirements of §§ 29.1183 through 29.1203.

**§ 29.1183 Lines and fittings.**

(a) Except as provided in paragraph (b) of this section, each line and fitting carrying flammable fluids in any area subject to engine fire conditions, and each oil line or fitting in a designated fire zone, must meet the following requirements:

(1) The line and fitting must be at least fire resistant.

(2) Flexible hose assemblies (hose and end fittings) must be approved.

(b) Paragraph (a) of this section does not apply to—

(1) Lines and fittings forming an integral part of an engine; and

(2) Vent and drain lines, and their fittings, whose failure will not result in or add to, a fire hazard.

**§ 29.1185 Flammable fluids.**

(a) No tank or reservoir that is part of a system containing flammable fluids or gases may be in a designated fire zone unless the fluid contained, the design of the system, the materials used in the tank and its supports, the shutoff means, and the connections, lines, and controls provide a degree of safety equal to that which would exist if the tank or reservoir were outside such a zone.

(b) Each fuel tank must be isolated from the engines by a firewall or shroud.

(c) There must be at least one-half inch of clear airspace between each tank or reservoir and each firewall or shroud isolating a designated fire zone, unless equivalent means are used to prevent heat transfer from the fire zone to the flammable fluid.

(d) Absorbent material close to flammable fluid system components that might leak must be covered or treated to prevent the absorption of hazardous quantities of fluids.

**§ 29.1187 Drainage and ventilation of fire zones.**

(a) There must be complete drainage of each part of each designated fire zone to minimize the hazards resulting from failure or malfunction of any component containing flammable fluids. The drainage means must be—

(1) Effective under conditions expected to prevail when drainage is needed; and

(2) Arranged so that no discharged fluid will cause an additional fire hazard.

(b) Each designated fire zone must be ventilated to prevent the accumulation of flammable vapors.

(c) No ventilation opening may be where it would allow the entry of flammable fluids, vapors, or flame from other zones.

(d) Ventilation means must be arranged so that no discharged vapors will cause an additional fire hazard.

(e) For category A rotorcraft, there must be means to allow the crew to shut off the sources of forced ventilation in any fire zone (other than the engine power section of the powerplant compartment) unless the amount of extinguishing agent and the rate of discharge are based on the maximum airflow through that zone.



**§ 29.1189 Shutoff means.**

(a) Except for lines forming an integral part of an engine, and except for engine oil systems in category B rotorcraft using engines of less than 500 cubic inches displacement, there must be means to shut off or otherwise prevent hazardous quantities of fuel, oil, deicing fluid, and other flammable fluids from flowing into, within, or through any designated fire zone.

(b) The closing of any fuel shutoff valve for any engine may not make fuel unavailable to the remaining engines.

(c) For category A rotorcraft, no hazardous quantity of flammable fluid may drain into any designated fire zone after shutoff has been accomplished, nor may the closing of any fuel shutoff valve for an engine make fuel unavailable to the remaining engines.

(d) The operation of any shutoff may not interfere with the later emergency operation of any other equipment, such as the means for declutching the engine from the rotor drive.

(e) Each shutoff must be outside of designated fire zones, unless an equal degree of safety is otherwise provided.

(f) There must be means to prevent inadvertent operation of each shutoff and to make it possible for the crew to reopen it in flight after it has been closed.

**§ 29.1191 Firewalls.**

(a) Each engine must be isolated by a firewall, shroud, or equivalent means, from personnel compartments, structures, controls, rotor mechanisms, and other parts that are—

(1) Essential to controlled flight and landing; and

(2) Not protected under § 29.861.

(b) Each auxiliary power unit, combustion heater, and other combustion equipment to be used in flight, must be isolated from the rest of the rotorcraft by firewalls, shrouds, or equivalent means.

(c) Each firewall or shroud must be constructed so that no hazardous quantity of air, fluid, or flame can pass from any engine compartment to other parts of the rotorcraft.

(d) Each opening in the firewall or shroud must be sealed with close-fitting fireproof grommets, bushings, or firewall fittings.

(e) Each firewall and shroud must be fireproof and protected against corrosion.

(f) In meeting this section, account must be taken of the probable path of a fire as affected by the airflow in normal flight and in autorotation.

**§ 29.1193 Cowling and engine compartment covering.**

(a) Each cowling and engine compartment covering must be constructed and supported so that it can resist the vibration, inertia, and air loads to which it may be subjected in operation.

(b) Cowling must meet the drainage and ventilation requirements of § 29.1187.

(c) On rotorcraft with a diaphragm isolating the engine power section from the engine accessory section, each part of the accessory section cowling subject to flame in case of fire in the engine power section of the powerplant must—

(1) Be fireproof; and

(2) Meet the requirements of § 29.1191.

(d) Each part of the cowling or engine compartment covering subject to high temperatures due to its nearness to exhaust system parts or exhaust gas impingement must be fireproof.

(e) Each category A rotorcraft must—

(1) Be designed and constructed so that no fire originating in any fire zone can enter, either through openings or by burning through external skin, any other zone or region where it would create additional hazards;

(2) Meet the requirements of subparagraph (1) of this paragraph with the landing gear retracted (if applicable); and

(3) Have fireproof skin in areas subject to flame if a fire starts in the engine power or accessory sections.

**§ 29.1195 Fire extinguishing systems.**

(a) Each rotorcraft, other than category B rotorcraft with engines of 1,500 cubic inches displacement or less, must have a fire extinguishing system for the designated fire zones. The fire extinguishing system must be able to simultaneously protect each zone of each powerplant compartment for which protection is provided.

(b) For multiengine rotorcraft—

(1) The fire extinguishing system, the quantity of extinguishing agent, and the rate of discharge must provide at least two adequate discharges, or, in the case of auxiliary power units and combustion equipment, at least one adequate discharge; and

(2) It must be possible to direct both discharges of the fire extinguishing system to any main engine installation.

(c) For single engine rotorcraft, the quantity of extinguishing agent and the rate of discharge must provide at least one adequate discharge for the engine compartment.

**§ 29.1197 Fire extinguishing agents.**

(a) Extinguishing agents must be methyl bromide, carbon dioxide, or any agent with equal extinguishing action.

(b) If methyl bromide, carbon dioxide, or any other toxic extinguishing agent is used, it must be shown by test that entry of harmful concentrations of fluid or fluid vapors into any personnel compartment (due to leakage during normal operation of the rotorcraft, or discharge on the ground or in flight) is prevented, even though a defect may exist in the extinguishing system.

(c) Each methyl bromide container must be charged with a dry agent and sealed. This must be done by—

(1) The fire extinguisher manufacturer; or

(2) Any person using appropriate recharging equipment.

**§ 29.1199 Extinguishing agent containers.**

(a) Each extinguishing agent container must have a pressure relief to prevent bursting of the container by excessive internal pressures.

(b) Each discharge line from a relief connection must end outside the rotorcraft in a location convenient for inspection on the ground.

(c) There must be a visual discharge indicator at the discharge end of each discharge line.

(d) The temperature of each container must be maintained, under intended operating conditions, to prevent the pressure in the container from—

(1) Falling below that necessary to provide an adequate rate of discharge; or

(2) Rising high enough to cause premature discharge.

**§ 29.1201 Fire extinguishing system materials.**

(a) No materials in any fire extinguishing system may react chemically with any extinguishing agent so as to create a hazard.

(b) Each system component in an engine compartment must be fireproof.

**§ 29.1203 Fire detector systems.**

(a) For rotorcraft other than category B rotorcraft with engines of 900 cubic inches displacement or less, there must be approved, quick-acting fire detectors in designated fire zones in numbers and locations ensuring prompt detection of fire in those zones.

(b) Each fire detector must be constructed and installed to withstand any vibration, inertia, and other loads to which it would be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow crewmembers to check, in flight, the functioning of each fire detector system electrical circuit.

(e) The wiring and other components of each fire detector system in an engine compartment must be at least fire resistant.

(f) No fire detector system component for any fire zone may pass through another fire zone, unless—

(1) It is protected against the possibility of false warnings resulting from fires in zones through which it passes; or

(2) The zones involved are simultaneously protected by the same detector and extinguishing systems.

## Subpart F—Equipment

### GENERAL

**§ 29.1301 Function and installation.**

Each item of installed equipment must—

(a) Be of a kind and design appropriate to its intended function;

(b) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors;

(c) Be installed according to limitations specified for that equipment; and

(d) Function properly when installed.

**§ 29.1303 Flight and navigation instruments.**

The following are required flight and navigational instruments:

(a) An airspeed indicating system.

(b) A sensitive altimeter.

(c) A magnetic direction indicator.

(d) A clock (sweep-second).

(e) A free-air temperature indicator.

(f) A non-tumbling gyroscopic bank and pitch indicator.

(g) A gyroscopic rate-of-turn indicator with bank indicator.

(h) A gyroscopic direction indicator.

(i) A rate-of-climb (vertical speed) indicator.

**§ 29.1305 Powerplant instruments.**

The following are required powerplant instruments:

(a) For each rotorcraft—

(1) A carburetor air temperature indicator for each engine;

(2) A cylinder head temperature indicator for each air-cooled engine, and a coolant temperature indicator for each liquid-cooled engine;

(3) A fuel quantity indicator for each fuel tank;

(4) If an engine can be supplied with fuel from more than one tank, a warning device to indicate, for each tank, when a five-minute usable fuel supply remains when the rotorcraft is in the most adverse fuel feed condition for that tank, regardless of whether that condition can be sustained for the five minutes;

(5) A manifold pressure indicator, for each altitude engine;

(6) An oil pressure warning device for each pressure-lubricated gearbox to indicate when the oil pressure falls below a safe value;

(7) An oil quantity indicator for each oil tank and each rotor drive gearbox, if lubricant is self contained;

(8) An oil temperature indicator for each engine;

(9) An oil temperature warning device to indicate when the oil temperature exceeds a safe value in each main rotor drive gearbox (including all gearboxes essential to rotor phasing) having an oil system independent of the engine oil system;

(10) At least one tachometer to indicate as applicable—

(i) The r.p.m. of the single main rotor;

(ii) The common r.p.m. of any main rotors whose speeds cannot vary appreciably with respect to each other; and

(iii) The r.p.m. of each main rotor whose speed can vary appreciably with respect to that of another main rotor; and

(11) A tachometer for each engine that, if combined with the applicable instrument required by subparagraph (10) of this paragraph, indicates rotor r.p.m. during autorotation.

(b) For category A rotorcraft—

(1) An individual oil pressure indicator for each engine, and either an independent warning device for each engine or a master warning device for the engines with means for isolating the individual warning circuit from the master warning device;

(2) An individual fuel pressure indicator for each engine, and either an independent warning device for each engine or a master warning device for the engines with means for isolating the individual warning circuit from the master warning device; and

(3) Fire warning indicators.

(c) For category B rotorcraft—

(1) An individual oil pressure indicator for each engine;

(2) An individual fuel pressure indicator for each engine; and

(3) Fire warning indicators, when fire detection is required.

**§ 29.1307 Miscellaneous equipment.**

The following is required miscellaneous equipment:

(a) An approved seat for each occupant.

(b) An approved safety belt for each occupant.

(c) A master switch arrangement for electrical circuits other than ignition.

(d) An adequate source of electrical energy.

(e) Electrical protective devices.

(f) Hand fire extinguishers.

(g) A windshield wiper or equivalent device for each pilot station.

(h) A two-way radio communication system.

(i) An ignition switch for each, and for all, engines, as prescribed in § 29.1145.

**§ 29.1309 Equipment, systems, and installations.**

(a) *Functioning and reliability.* The equipment, systems, and installations whose functioning is required by this subchapter must be designed and installed to ensure that they perform their intended functions under any foreseeable operating condition.

(b) *Hazards.* The equipment, systems, and installations must be designed to prevent hazards to the rotorcraft if they malfunction or fail.

(c) *Electrical systems.* For electrical systems, equipment, and installations, critical environmental conditions must be considered in meeting the requirements of paragraphs (a) and (b) of this section.

(d) *Category A; power supply.* Each installation whose functioning is required by this subchapter and that requires a power supply is an "essential load" on the power supply. The power sources and the system must be able to supply the following power loads in probable operating combinations and for probable durations:

(1) Loads connected to the system with the system functioning normally.

(2) Essential loads, after failure of any one prime mover, power converter, or energy storage device.

(3) Essential loads, after failure of—

(i) Any one engine, on rotorcraft with two or three engines; and

(ii) Any two engines, on rotorcraft with four or more engines.

(e) *Category A; assumptions.* In determining compliance with paragraph (d) (2) and (3), the power loads may be assumed to be reduced under a monitoring procedure consistent with safety in the kinds of operation authorized. Loads not required for controlled flight need not be considered for the two-engine-inoperative condition on rotorcraft with four or more engines.

### INSTRUMENTS INSTALLATION

**§ 29.1321 Arrangement and visibility.**

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be easily visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking forward along the flight path.

(b) Each instrument necessary for safe operation, including the airspeed indicator, gyroscopic direction indicator, gyroscopic bank and pitch indicator, gyroscopic turn and bank indicator, altimeter, rate-of-climb indicator, rotor tachometers, and manifold pressure indicator, must be grouped and centered as nearly as practicable about the vertical plane of the pilot's forward vision.

(c) Other required powerplant instruments must be closely grouped on the instrument panel.

(d) Identical powerplant instruments for the engines must be located so as to prevent any confusion as to which engine each instrument relates.

(e) Each powerplant instrument vital to safe operation must be plainly visible to appropriate crewmembers.

(f) Instrument panel vibration may not damage, or impair the readability or accuracy of, any instrument.

**§ 29.1323 Airspeed indicating system.**

For each airspeed indicating system, the following apply:

(a) Each airspeed indicating instrument must be calibrated to indicate true airspeed (at sea level with a standard atmosphere) with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are applied.

(b) Each system must be calibrated to determine the system error, that is, the relation between IAS and CAS. This calibration must be determined, over an appropriate range of speeds—

(1) In flight, for the flight conditions of climb, level flight, and autorotation; and

(2) In ground effect, during the accelerated takeoff run.

(c) For multiengine rotorcraft, the airspeed error of the installation, including the airspeed indicator instrument calibration error, may not exceed three percent, or five m.p.h., whichever is greater—

(1) Throughout the speed range in level flight at forward speeds of 10 m.p.h. or over; and

(2) Throughout the speed range in climb from 10 m.p.h. below the takeoff climbout safety speed to 10 m.p.h above the best rate-of-climb speed.

(d) For single engine rotorcraft, calibration of the airspeed indicator must be made in flight at forward speeds of 10 m.p.h. or over. The airspeed error of the installation, including the airspeed indicator instrument calibration error, may not exceed three percent, or five m.p.h., whichever is greater, at any forward speed above 80 percent of the climbout speed.

(e) Each system must be arranged, so far as practicable, to prevent malfunction or serious error due to the entry of moisture, dirt, or other substances.

(f) Each system must have a heated pitot tube or an equivalent means of preventing malfunction due to icing.

**§ 29.1325 Static air vent and pressure altimeter systems.**

(a) Each instrument with static air case connections must be vented to the outside atmosphere through an appropriate piping system.

(b) Each vent must be located where its orifices are least affected by airflow variation, moisture, or other foreign matter.

(c) Except for the vent into the atmosphere, each system must be airtight.

(d) Each pressure altimeter must be approved and calibrated to indicate pressure altitude in a standard atmosphere with a minimum practicable calibration error when the corresponding static pressures are applied.

(e) Each system must be designed and installed so that the error in indicated pressure altitude at sea level with a standard atmosphere, excluding instrument calibration error, does not result in an error of more than ±30 feet in the level flight speed range from 0 m.p.h. to 0.9 $V_H$.

**§ 29.1327 Magnetic direction indicator.**

(a) Each magnetic direction indicator must be installed so that its accuracy is not excessively affected by the rotorcraft's vibration or magnetic fields.

(b) The compensated installation may not have a deviation, in level flight, greater than 10 degrees on any heading.

**§ 29.1329 Automatic pilot system.**

(a) Each automatic pilot system must be approved, and must be designed so that the automatic pilot can—

(1) Be quickly and positively disengaged by the pilots to prevent it from interfering with their control of the rotorcraft; or

(2) Be sufficiently overpowered by one pilot to let him control the rotorcraft.

(b) Unless there is automatic synchronization, each system must have a means to readily indicate to the pilot the alignment of the actuating device in relation to the control system it operates.

(c) Each manually operated control for the system's operation must be readily accessible to the pilots.

(d) The system must be designed and adjusted so that, within the range of adjustment available to the pilot, it cannot produce hazardous loads on the rotorcraft, or create hazardous deviations in the flight path, under any flight condition appropriate to its use, either during normal operation or in the event of a malfunction, assuming that corrective action begins within a reasonable period of time.

**§ 29.1331 Instruments using a power supply.**

For category A rotorcraft—

(a) Each required flight instrument using a power supply must have—

(1) Two independent sources of power;

(2) A means of selecting either power source; and

(3) A means to indicate the adequacy of the power being supplied; and

(b) The installation and power supply system must be such that failure of any flight instrument connected to one source, or of the energy supply from one source, or a fault in any part of the power distribution system does not interfere with the proper supply of energy from any other source.

**§ 29.1333 Duplicate instrument systems.**

If duplicate flight instruments are required by any operating rule in this chapter—

(a) Each operating system for flight instruments for the first pilot and that is required to be duplicated at other flight crew stations must be independent of the operating system for other flight crew stations;

(b) Only the required flight instruments, and duplicates of required instruments, provided for the first pilot, may be connected to the operating system provided for him; and

(c) If instruments other than required instruments and their duplicates are connected to systems other than the first pilot's operating system, there must be means to disconnect or isolate those instruments in flight.

**§ 29.1337 Powerplant instruments.**

(a) *Instrument lines.* Each powerplant instrument line must meet the requirements of §§ 29.993 and 29.1183. Each line carrying flammable fluids or gases under pressure must have restricting orifices or equivalent safety devices at the source of pressure to prevent the escape of excessive fluid or gas if the line fails.

(b) *Fuel quantity indicator.* There must be means to indicate to the flight crew members the quantity, in gallons or equivalent units, of usable fuel in each tank during flight. In addition—

(1) Each fuel quantity indicator must be calibrated to read "zero" during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply determined under § 29.959;

(2) When two or more tanks are closely interconnected by a gravity feed system and vented, and when it is impossible to feed from each tank separately, at least one fuel quantity indicator must be installed;

(3) Tanks with interconnected outlets and airspaces may be treated as one tank and need not have separate indicators; and

(4) Each exposed sight gauge used as a fuel quantity indicator must be protected against damage.

(c) *Fuel flowmeter system.* If a fuel flowmeter system is installed, each metering component must have a means for bypassing the fuel supply if malfunction of that component severely restricts fuel flow.

(d) *Oil quantity indicator.* There must be a stick gauge or equivalent means to indicate the quantity of oil—

(1) In each tank, and

(2) In each transmission gearbox.

### ELECTRICAL SYSTEMS AND EQUIPMENT

**§ 29.1351 General.**

(a) *Electrical system capacity.* The required generating capacity and the number and kind of power sources must—

(1) Be determined by an electrical load analysis; and

(2) Meet the requirements of § 29.1309.

(b) *Generating system.* The generating system includes electrical power sources, main power busses, transmission cables, and associated control, regulation, and protective devices. It must be designed so that—

(1) Power sources function properly when independent and when connected in combination;

(2) No failure or malfunction of any power source can create a hazard or impair the ability of remaining sources to supply essential loads;

(3) The system voltage and frequency (as applicable) at the terminals of essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating condition;

(4) System transients due to switching, fault clearing, or other causes do not make essential loads inoperative, and do not cause a smoke or fire hazard;

(5) There are means accessible in flight to appropriate crewmembers for the individual and collective disconnection of the electrical power sources from the main bus; and

(6) There are means to indicate to appropriate crewmembers the generating system quantities essential for the safe operation of the system, such as the voltage and current supplied by each generator.

**§ 29.1353 Electrical equipment and installations.**

(a) Electrical equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other electrical unit or system essential to safe operation.

(b) Cables must be grouped, routed, and spaced so that damage to essential circuits will be minimized if there are faults in heavy current-carrying cables.

(c) Storage batteries must be designed and installed as follows:

(1) Safe cell temperatures and pressures must be maintained during any probable charging and discharging condition. No uncontrolled increase in cell temperature may result when the battery is recharged (after previous complete discharge)—

(i) At maximum regulated voltage;

(ii) During a flight of maximum duration; and

(iii) Under the most adverse cooling condition likely in service.

(2) Compliance with subparagraph (1) of this paragraph must be shown by test unless experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(3) No explosive or toxic gases emitted by any battery in normal operation, or as the result of any probable malfunction in the charging system or battery installation, may accumulate in hazardous quantities within the rotorcraft.

(4) No corrosive fluids or gases that may escape from the battery may damage surrounding structures or adjacent essential equipment.

**§ 29.1355 Distribution system.**

(a) The distribution system includes the distribution busses, their associated feeders, and each control and protective device.

(b) Each system must be designed so that—

(1) For category A rotorcraft, individual distribution systems ensure that essential load circuits can be supplied in the event of reasonably probable faults or open circuits; and

(2) If two independent sources of electrical power for particular equipment or systems are required by this chapter, their energy supply is ensured.

**§ 29.1357 Circuit protective devices.**

(a) Automatic protective devices must be used to minimize distress to the electrical system and hazard to the rotorcraft in the event of wiring faults or serious malfunction of the system or connected equipment.

(b) For category A rotorcraft, there must be means in the generating system to automatically de-energize and disconnect from the main bus any power source developing hazardous overvoltage.

(c) Each resettable circuit protective device must be designed so that, when an overload or circuit fault exists, it will open the circuit regardless of the position of the operating control.

(d) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, that device must be located and identified so that it can be readily reset or replaced in flight.

(e) Each circuit for essential loads must have individual circuit protection.

(f) If fuses are used, there must be spare fuses for use in flight equal to at least 50 percent of the number of fuses of each rating required for complete circuit protection.

**§ 29.1359 Electrical system fire and smoke protection.**

(a) Components of the electrical system must meet the applicable fire and smoke protection provisions of §§ 29.831 and 29.863.

(b) Electrical cables, terminals, and equipment, in designated fire zones, and that are used in emergency procedures, must be at least fire resistant.

**§ 29.1363 Electrical system tests.**

(a) When laboratory tests of the electrical system are conducted—

(1) The tests must be performed on a mock-up using the same generating equipment used in the rotorcraft;

(2) The equipment must simulate the electrical characteristics of the distribution wiring and connected loads to the extent necessary for valid test results; and

(3) Laboratory generator drives must simulate the prime movers on the rotorcraft with respect to their reaction to generator loading, including loading due to faults.

(b) For each flight condition that cannot be simulated adequately in the laboratory or by ground tests on the rotorcraft, flight tests must be made.

## LIGHTS

**§ 29.1381 Instrument lights.**

The instrument lights must—

(a) Make each instrument, switch, and other device for which they are provided easily readable; and

(b) Be installed so that—

(1) Their direct rays are shielded from the pilot's eyes; and

(2) No objectionable reflections are visible to the pilot.

**§ 29.1383 Landing lights.**

(a) Each required landing or hovering light must be approved.

(b) Each landing light must be installed so that—

(1) No objectionable glare is visible to the pilot;

(2) The pilot is not adversely affected by halation; and

(3) It provides enough light for night operation, including hovering and landing.

(c) At least one separate switch must be provided, as applicable—

(1) For each separately installed landing light; and

(2) For each group of landing lights installed at a common location.

**§ 29.1385 Position light system installation.**

(a) *General.* Each part of each position light system must meet the applicable requirements of this section and each system as a whole must meet the requirements of §§ 29.1387 through 29.1397.

(b) *Forward position lights.* Forward position lights must consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the rotorcraft so that, with the rotorcraft in the normal flying position, the red light is on the left side, and the green light is on the right side. Each light must be approved.

(c) *Rear position light.* The rear position light must be a white light mounted as far aft as practicable, and must be approved.

(d) *Circuit.* The two forward position lights and the rear position light must make a single circuit.

(e) *Light covers and color filters.* Each light cover or color filter must be at least flame resistant and may not change color or shape or lose any appreciable light transmission during normal use.

**§ 29.1387 Position light system dihedral angles.**

(a) Each forward and rear position light must, as installed, show unbroken light within the dihedral angles described in this section.

(b) Dihedral angle *L* (left) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the rotorcraft, and the other at 110 degrees to the left of the first, as viewed when looking forward along the longitudinal axis.

(c) Dihedral angle *R* (right) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the rotorcraft, and the other at 110 degrees to the right of the first, as viewed when looking forward along the longitudinal axis.

(d) Dihedral angle *A* (aft) is formed by two intersecting vertical planes making angles of 70 degrees to the right and to the left, respectively, to a vertical plane passing through the longitudinal axis, as viewed when looking aft along the longitudinal axis.

**§ 29.1389 Position light distribution and intensities.**

(a) *General.* The intensities prescribed in this section must be provided by new equipment with light covers and color filters in place. Intensities must be determined with the light source operating at a steady value equal to the average luminous output of the source at the normal operating voltage of the rotorcraft. The light distribution and intensity of each position light must meet the requirements of paragraph (b) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights must be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams, within dihedral angles, *L*, *R*, and *A*, and must meet the following requirements:

(1) *Intensities in the horizontal plane.* Each intensity in the horizontal plane (the plane containing the longitudinal axis of the rotorcraft and perpendicular to the plane of symmetry of the rotorcraft), must equal or exceed the values in § 29.1391.

(2) *Intensities in any vertical plane.* Each intensity in any vertical plane (the plane perpendicular to the horizontal plane) must equal or exceed the appropriate value in § 29.1393 where *I* is the minimum intensity prescribed in § 29.1391 for the corresponding angles in the horizontal plane.

(3) *Intensities in overlaps between adjacent signals.* No intensity in any overlap between adjacent signals may exceed the values in § 29.1395, except that higher intensities in overlaps may be used with the use of main beam intensities substantially greater than the minima specified in §§ 29.1391 and 29.1393 if the overlap intensities in relation to the main beam intensities do not adversely affect signal clarity.

**§ 29.1391 Minimum intensities in the horizontal plane of forward and rear position lights.**

Each position light intensity must equal or exceed the applicable values in the following table:

| Dihedral angle (light included) | Angle from right or left of longitudinal axis, measured from dead ahead | Intensity (candles) |
|---|---|---|
| *L* and *R* (forward red and green) | 0° to 10° | 40 |
| | 10° to 20° | 30 |
| | 20° to 110° | 5 |
| *A* (rear white) | 110° to 180° | 20 |

**§ 29.1393 Minimum intensities in any vertical plane of forward and rear position lights.**

Each position light intensity must equal or exceed the applicable values in the following table.

| Angle above or below the horizontal plane: | *Intensity* |
|---|---|
| 0° | 1.00 *I.* |
| 0° to 5° | 0.90 *I.* |
| 5° to 10° | 0.80 *I.* |
| 10° to 15° | 0.70 *I.* |
| 15° to 20° | 0.50 *I.* |
| 20° to 30° | 0.30 *I.* |
| 30° to 40° | 0.10 *I.* |
| 40° to 90° | 0.05 *I.* |

**§ 29.1395 Maximum intensities in overlapping beams of forward and rear position lights.**

No position light intensity may exceed the applicable values in the following table, except as provided in § 29.1389 (b) (3).

| Overlaps | Maximum intensity | |
|---|---|---|
| | Area A (candles) | Area B (candles) |
| Green in dihedral angle *L* | 10 | 1 |
| Red in dihedral angle *R* | 10 | 1 |
| Green in dihedral angle *A* | 5 | 1 |
| Red in dihedral angle *A* | 5 | 1 |
| Rear white in dihedral angle *L* | 5 | 1 |
| Rear white in dihedral angle *R* | 5 | 1 |

Where—

(a) Area A includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 10 degrees but less than 20 degrees; and

(b) Area B includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 20 degrees.

**§ 29.1397 Color specifications.**

Each position light color must have the applicable International Commission on Illumination chromaticity coordinates as follows:

(a) *Aviation red*—

"*y*" is not greater than 0.335; and
"*z*" is not greater than 0.002.

(b) *Aviation green*—

"*x*" is not greater than $0.440-0.320y$;
"*x*" is not greater than $y-0.170$; and
"*y*" is not less than $0.390-0.170x$.

(c) *Aviation white*—

"*x*" is not less than 0.350;
"*x*" is not greater than 0.540; and
"$y-y_0$" is not numerically greater than 0.01, "$y_0$" being the *y* coordinate of the Planckian radiator for which $x_0=x$.

**§ 29.1399 Riding light.**

(a) Each riding light required for water operation must be installed so that it can—

(1) Show a white light for at least two miles at night under clear atmospheric conditions; and

(2) Show a maximum practicable unbroken light with the rotorcraft on the water.

(b) Externally hung lights may be used.

**§ 29.1401 Anticollision light system.**

(a) *General.* If certification for night operation is requested, the rotorcraft must have an anticollision light system that—

(1) Consists of one or more approved anticollision lights located so that their emitted light will not impair the crew's vision or detract from the conspicuity of the position lights; and

(2) Meets the requirements of paragraphs (b) through (f) of this section.

(b) *Field of coverage.* The system must consist of enough lights to illuminate the vital areas around the rotorcraft, considering the physical configuration and flight characteristics of the rotorcraft. The field of coverage must extend in each direction within at least 30 degrees above and 30 degrees below the horizontal plane of the rotorcraft, except that there may be solid angles of obstructed visibility totaling not more than 0.5 steradians.

(c) *Flashing characteristics.* The arrangement of the system, that is, the number of light sources, beam width, speed of rotation, and other characteristics, must give an effective flash frequency of not less than 40, nor more than 100, cycles per minute. The effective flash frequency is the frequency at which the rotorcraft's complete anticollision light system is observed from a distance, and applies to each sector of light including any overlaps that exist when the system consists of more than one light source. In overlaps, flash frequencies may exceed 100, but not 180, cycles per minute.

(d) *Color.* Each anticollision light must be aviation red and must meet the requirements of § 29.1397(a).

(e) *Light intensity.* The minimum light intensities in any vertical plane, measured with the red filter and expressed in terms of "effective" intensities, must meet the requirements of paragraph (f) of this section. The following relation must be assumed:

$$Ie=\frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2+(t_2-t_1)}$$

where:

$I_e$ = effective intensity (candles).
$I(t)$ = instantaneous intensity as a function of time.
$t_2-t_1$ = flash time interval (seconds).

Normally, the maximum value of effective intensity is obtained when $t_1$ and $t_2$ are chosen so that the effective intensity is equal to the instantaneous intensity at $t_2$ and $t_1$.

(f) *Minimum effective intensities for anticollision lights.* Each anticollision light effective intensity must equal or exceed the applicable values in the following table.

| Angle above or below the horizontal plane: | *Effective intensity (candles)* |
|---|---|
| 0° to 5° | 100 |
| 5° to 10° | 60 |
| 10° to 20° | 20 |
| 20° to 30° | 10 |

## SAFETY EQUIPMENT

**§ 29.1411 General.**

(a) *Accessibility.* Required safety equipment to be used by the crew in an emergency, such as automatic liferaft releases, must be readily accessible.

(b) *Stowage provisions.* Stowage provisions for required emergency equipment must be furnished and must—

(1) Be arranged so that the equipment is directly accessible and its location is obvious; and

(2) Protect the safety equipment from inadvertent damage.

(c) *Emergency exit descent device.* The stowage provisions for the emergency exit descent device required by § 29.809(f) must be at the exits for which they are intended.

(d) *Liferafts.* Liferafts must be stowed near exits through which the rafts can be launched during an unplanned ditching. Rafts automatically or remotely released outside the rotorcraft must be attached to the rotorcraft by the static line prescribed in § 29.1415.

(e) *Long-range signaling device.* The stowage provisions for the long-range signaling device required by § 29.1415 must be near an exit available during an unplanned ditching.

(f) *Life preservers.* Each life preserver must be within easy reach of each occupant while seated.

**§ 29.1413 Safety belts: passenger warning device.**

If there are means to indicate to the passengers when safety belts should be fastened, they must be installed to be operated from either pilot seat.

**§ 29.1415 Ditching equipment.**

(a) Emergency flotation and signaling equipment required by any operating rule of this chapter must meet the requirements of this section.

(b) Each liferaft and each life preserver must be approved. In addition—

(1) Unless excess rafts of enough capacity are provided, the buoyancy and seating capacity beyond the rated capacity of the rafts must accommodate all occupants of the rotorcraft in the event of a loss of one raft of the largest rated capacity; and

(2) Each raft must have a trailing line, and must have a static line designed to hold the raft near the rotorcraft but to release it if the rotorcraft becomes totally submerged.

(c) Approved survival equipment must be attached to each liferaft.

(d) There must be an approved long-range signaling device for use in one liferaft.

MISCELLANEOUS EQUIPMENT

**§ 29.1431 Electronic equipment.**

(a) Radio communication and navigation equipment installations must be free from hazards in themselves, in their method of operation, and in their effects on other components, under any critical environmental conditions.

(b) Radio communication and navigation equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other radio or electronic unit, or system of units, required by this chapter.

**§ 29.1433 Vacuum systems.**

(a) There must be means, in addition to the normal pressure relief, to automatically relieve the pressure in the discharge lines from the vacuum air pump when the delivery temperature of the air becomes unsafe.

(b) Each vacuum air system line and fitting on the discharge side of the pump that might contain flammable vapors or fluids must meet the requirements of § 29.1183 if they are in a designated fire zone.

(c) Other vacuum air system components in designated fire zones must be at least fire resistant.

**§ 29.1435 Hydraulic systems.**

(a) *Design.* Each hydraulic system must be designed as follows:

(1) Each element of the hydraulic system must be designed to withstand, without detrimental, permanent deformation, any structural loads that may be imposed simultaneously with the maximum operating hydraulic loads.

(2) Each element of the hydraulic system must be designed to withstand pressures sufficiently greater than those prescribed in paragraph (b) of this section to show that the system will not rupture under service conditions.

(3) There must be means to indicate the pressure in each main hydraulic power system.

(4) There must be means to ensure that no pressure in any part of the system will exceed a safe limit above the maximum operating pressure of the system, and to prevent excessive pressures resulting from any fluid volumetric change in lines likely to remain closed long enough for such a change to take place. The possibility of detrimental transient (surge) pressures during operation must be considered.

(5) Each hydraulic line, fitting, and component must be installed and supported to prevent excessive vibration and to withstand inertia loads. Each element of the installation must be protected from abrasion, corrosion, and mechanical damage.

(6) Means for providing flexibility must be used to connect points, in a hydraulic fluid line, between which relative motion or differential vibration exists.

(b) *Tests.* Each element of the system must be tested to a proof pressure of 1.5 times the maximum pressure to which that element will be subjected in normal operation, without failure, malfunction, or detrimental deformation of any part of the system.

(c) *Fire protection.* Each hydraulic system using flammable hydraulic fluid must meet the applicable requirements of §§ 29.861, 29.1183, 29.1185, and 29.1189.

**§ 29.1439 Protective breathing equipment.**

(a) If one or more cargo or baggage compartments are to be accessible in flight, protective breathing equipment must be available for an appropriate crewmember.

(b) For protective breathing equipment required by paragraph (a) of this section or by any operating rule of this chapter—

(1) That equipment must be designed to protect the crew from smoke, carbon dioxide, and other harmful gases while on flight deck duty;

(2) That equipment must include—

(i) Masks covering the eyes, nose, and mouth; or

(ii) Masks covering the nose and mouth, plus accessory equipment to protect the eyes; and

(3) That equipment must supply protective oxygen of 10 minutes duration per crewmember at a pressure altitude of 8,000 feet with a respiratory minute volume of 30 liters per minute BTPD.



No. 235—8

## Subpart G—Operating Limitations and Information

**§ 29.1501 General.**

Each operating limitation specified in §§ 29.1503 through 29.1525, and other information necessary for safe operation, must be—

(a) Included in the Rotorcraft Flight Manual;

(b) Expressed in markings and placards; and

(c) Made available by any other means that will convey the information to the crewmembers.

OPERATING LIMITATIONS

**§ 29.1503 Airspeed limitations: general.**

(a) An operating speed range must be established.

(b) When airspeed limitations are a function of weight, weight distribution, altitude, rotor speed, power, or other factors, airspeed limitations corresponding with the critical combinations of these factors must be established.

**§ 29.1505 Never-exceed speed.**

(a) The never-exceed speed $V_{NH}$ must be established so that it is—

(1) Not less than $V_Y$ with the engines at maximum continuous power; and

(2) Not more than the lesser of—

(i) 0.9$V$ established under § 29.309; and

(ii) 0.9 times the maximum speed shown under §§ 29.251 and 29.629.

(b) $V_{NH}$ may vary with altitude and rotor r.p.m., if the ranges of these variables are large enough to allow an operationally practical and safe variation of $V_{NE}$.

**§ 29.1509 Rotor speed.**

(a) *Maximum power-off (autorotation).* The maximum power-off rotor speed must be established so that it does not exceed 95 percent of the lesser of—

(1) The maximum design r.p.m. determined under § 29.309(b); and

(2) The maximum r.p.m. shown during the type tests.

(b) *Minimum power-off.* The minimum power-off rotor speed must be established so that it is not less than 105 percent of the greater of—

(1) The minimum shown during the type tests; and

(2) The minimum determined by design substantiation.

(c) *Minimum power-on.* The minimum power-on rotor speed must be established so that it is—

(1) Not less than the greater of—

(i) The minimum shown during the type tests; and

(ii) The minimum determined by design substantiation; and

(2) Not more than a value determined under § 29.33 (a) (1) and (c) (1).

**§ 29.1517 Limiting height-speed envelope.**

If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing following power failure, the range of heights and its variation with forward speed must be established, together with any other pertinent information, such as the kind of landing surface.

**§ 29.1519 Weight and center of gravity.**

The weight and center of gravity limitations determined under §§ 29.25 and 29.27, respectively, must be established as operating limitations.

**§ 29.1521 Powerplant limitations.**

(a) *General.* The powerplant limitations prescribed in this section must be established so that they do not exceed the corresponding limits for which the engines are type certificated.

(b) *Takeoff operation.* The powerplant takeoff operation must be limited by—

(1) The maximum rotational speed, which may not be greater than—

(i) The maximum value determined by the rotor design; or

(ii) The maximum value shown during the type tests;

(2) The maximum allowable manifold pressure (for reciprocating engines);

(3) The time limit for the use of the power corresponding to the limitations established in subparagraphs (1) and (2) of this paragraph; and

(4) If the time limit in subparagraph (3) of this paragraph exceeds two minutes, the maximum allowable cylinder head, coolant outlet, and oil temperatures.

(c) *Continuous operation.* The continuous operation must be limited by—

(1) The maximum rotational speed, which may not be greater than—

(i) The maximum value determined by the rotor design; or

(ii) The maximum value shown during the type tests;

(2) The maximum allowable manifold pressure;

(3) The maximum allowable cylinder head or coolant outlet and oil temperatures; and

(4) The minimum rotational speed shown under the rotor speed requirements in § 29.1509(c).

(d) *Fuel grade or designation.* The minimum fuel grade (for reciprocating engines) or fuel designation (for turbine engines) must be established so that it is not less than that required for the operation of the engines within the limitations in paragraphs (b) and (c) of this section.

(e) *Cooling limitations.* The maximum sea level temperature established for satisfactory cooling must be shown.

**§ 29.1523 Minimum flight crew.**

The minimum flight crew must be established so that it is sufficient for safe operation, considering—

(a) The workload on individual crewmembers;

(b) The accessibility and ease of operation of necessary controls by the appropriate crewmember; and

(c) The kinds of operation authorized under § 29.1525.

**§ 29.1525 Kinds of operation.**

The kinds of operation to which the rotorcraft is limited are established by the flight characteristics and installed equipment.

**§ 27.1529 Maintenance manual.**

Each rotorcraft must have a maintenance manual containing the information that the applicant considers essential for proper maintenance, including recommended limits on service life or retirement periods for major components. These components must be identified by serial number or equivalent means.

MARKINGS AND PLACARDS

**§ 29.1541 General.**

(a) The rotorcraft must contain—

(1) The markings and placards specified in §§ 29.1545 through 29.1565; and

(2) Any additional information, instrument markings, and placards required for the safe operation of the rotorcraft if it has unusual design, operating or handling characteristics.

(b) Each marking and placard prescribed in paragraph (a) of this section—

(1) Must be displayed in a conspicuous place; and

(2) May not be easily erased, disfigured, or obscured.

**§ 29.1543 Instrument markings: general.**

For each instrument—

(a) When markings are on the cover glass of the instrument there must be means to maintain the correct alignment of the glass cover with the face of the dial; and

(b) Each arc and line must be wide enough, and located to be clearly visible to the pilot.

**§ 29.1545 Airspeed indicator.**

(a) Each airspeed indicator must be marked to show indicated airspeed.

(b) The following markings must be made:

(1) For the limit beyond which operation is dangerous, a red radial line.

(2) For the caution range, a yellow arc.

(3) For the safe operating range, a green arc.

**§ 29.1547 Magnetic direction indicator.**

(a) A placard meeting the requirements of this section must be installed on or near the magnetic direction indicator.

(b) The placard must show the calibration of the instrument in level flight with the engines operating.

(c) The placard must state whether the calibration was made with radio receivers on or off.

(d) Each calibration reading must be in terms of magnetic heading in not more than 45 degree increments.

**§ 29.1549 Powerplant instruments.**

For each required powerplant instrument—

(a) Each maximum and, if applicable, minimum safe operating limit must be marked with a red radial line;

(b) Each normal operating range must be marked with a green arc not extending beyond the maximum and minimum safe operating limits;

(c) Each takeoff and caution range must be marked with a yellow arc; and

(d) Each engine and rotor speed range that is restricted because of excessive vibration stresses must be marked with a red arc.

**§ 29.1551 Oil quantity indicator.**

Each oil quantity indicator must be marked with enough increments to indicate readily and accurately the quantity of oil.

**§ 29.1553 Fuel quantity indicator.**

If the unusable fuel supply for any tank exceeds one gallon, or five percent of the tank capacity, whichever is greater, a red arc must be marked on its indicator extending from the calibrated zero reading to the lowest reading obtainable in level flight.

**§ 29.1555 Control markings.**

(a) Each cockpit control must be plainly marked as to its function and method of operation.

(b) For powerplant fuel controls—

(1) Each fuel tank selector valve control must be marked to indicate the position corresponding to each tank and to each existing cross feed position;

(2) If safe operation requires the use of any tanks in a specific sequence, that sequence must be marked on, or adjacent to, the selector for those tanks; and

(3) Each valve control for any engine of a multiengine rotorcraft must be marked to indicate the position corresponding to each engine controlled.

(c) The capacity of each tank must be marked on or near each selector controlling that tank.

(d) For accessory, auxiliary, and emergency controls—

(1) Each essential visual position indicator, such as those showing rotor pitch or landing gear position, must be marked so that each crewmember can determine at any time the position of the unit to which it relates; and

(2) Each emergency control must be red and must be marked as to method of operation.

**§ 29.1557 Miscellaneous markings and placards.**

(a) *Baggage and cargo compartments, and ballast location.* Each baggage and cargo compartment, and each ballast location must have a placard stating any limitations on contents, including weight, that are necessary under the loading requirements.

(b) *Seats.* If the maximum allowable weight to be carried in a seat is less than 170 pounds, a placard stating the lesser weight must be permanently attached to the seat structure.

(c) *Fuel and oil filler openings.* The following must be marked on or near each appropriate filler cover:

(1) The word "fuel", the minimum fuel grade or designation for the engines, and the usable fuel tank capacity.

(2) The word "oil" and the oil tank capacity.

(d) *Emergency exit placards.* Each placard and operating control for each emergency exit must be red. A placard must be near each emergency exit control and must clearly indicate the location of that exit and its method of operation.

**§ 29.1559 Operating limitations placard.**

There must be a placard in clear view of the pilot stating: "This (helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the FAA approved Rotorcraft Flight Manual."

**§ 29.1561 Safety equipment.**

(a) Each safety equipment control to be operated by the crew in emergency, such as controls for automatic liferaft releases, must be plainly marked as to its method of operation.

(b) Each location, such as a locker or compartment, that carries any fire extinguishing, signaling, or other life saving equipment, must be so marked.

(c) Stowage provisions for required emergency equipment must be conspicuously marked to identify the contents and facilitate removal of the equipment.

(d) Each liferaft must have obviously marked operating instructions.

(e) Approved survival equipment must be marked for identification and method of operation.

**§ 29.1565 Tail rotor.**

Each tail rotor must be marked so that its disc is conspicuous under normal ground conditions.

ROTORCRAFT FLIGHT MANUAL

**§ 29.1581 General.**

(a) A Rotorcraft Flight Manual must be furnished with each rotorcraft.

(b) Each part of the manual listed in §§ 29.1583 through 29.1589 must be verified and approved, and must be segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) Any information not specified in §§ 29.1583 through 29.1589 that is required for safe operation because of unusual design, operating, or handling characteristics, must be furnished.

**§ 29.1583 Operating limitations.**

(a) *Airspeed and rotor limitations.* Information necessary for the marking of airspeed and rotor limitations on or near their respective indicators must be furnished. The significance of each limitation and of the color coding must be explained.

(b) *Powerplant limitations.* Information must be furnished to explain the powerplant limitations, and to allow marking the instruments under §§ 29.1549 through 29.1553.

(c) *Weight and loading distribution.* The weight and center of gravity limits required by §§ 29.25 and 29.27, respectively, must be furnished, together with the items included in the empty weight in § 29.29(a). If the variety of possible loading conditions warrants, instructions must be included to allow ready observance of the limitations.

(d) *Flight crew.* When a flight crew of more than one is required, the number and functions of the minimum flight crew determined under § 29.1523 must be furnished.

(e) *Kinds of operation.* Each kind of operation for which the rotorcraft and its equipment installations are approved must be listed.

(f) *Limiting heights.* Enough information must be furnished to allow compliance with § 29.1517.

(g) *Unusable fuel.* If the unusable fuel in any tank exceeds one gallon, or five percent of tank capacity, whichever is greater, there must be means to warn the flight personnel that the fuel remaining in that tank when the quantity indicator reads "zero" cannot be safely used in flight.

**§ 29.1585 Operating procedures.**

The parts of the manual containing operating procedures must have information concerning any normal and emergency procedures, and other information necessary for safe operation, including the applicable procedures, such as those involving minimum speeds, to be followed if an engine fails.

**§ 29.1587 Performance information.**

(a) *Category A.* For each category A rotorcraft, the Rotorcraft Flight Manual must contain a summary of the performance data, including data necessary for the application of any operating rule of this chapter, together with descriptions of the conditions, such as airspeeds, under which this data was determined, and must contain—

(1) The indicated airspeeds corresponding with those determined for takeoff, and the procedures to be followed if the critical engine fails during takeoff;

(2) The airspeed calibrations;

(3) The techniques, associated airspeeds, and rates of descent for autorotative landings; and

(4) The maximum allowable wind for safe operation near the ground.

(b) *Category B.* For each category B rotorcraft, the Rotorcraft Flight Manual must contain—

(1) The takeoff distance and the takeoff safety airspeed together with the pertinent information defining the flight path with respect to autorotative landing if an engine fails, including the calculated effects of altitude and temperature;

(2) The steady rates of climb and hovering ceiling, together with the corresponding airspeeds and other pertinent information, including the calculated effects of altitude and temperature;

(3) The landing distance, appropriate glide airspeed, and kind of landing surface, together with any pertinent information that might affect this distance, including the calculated effects of altitude and temperature;

(4) The maximum safe wind for operation near the ground;

(5) The airspeed calibrations; and

(6) Any additional performance data necessary for the application of any operating rule in this chapter.

**§ 29.1589 Loading information.**

There must be loading instructions for each possible loading condition between the maximum and minimum weights determined under § 29.25 that can result in a center of gravity beyond any extreme prescribed in § 29.27, assuming any probable occupant weights.

DISTRIBUTION TABLE

| Former section | Revised section |
|---|---|
| 7.0 (1st sentence) | 29.1. |
| 7.0 (less 1st sentence) | Surplusage. |
| 7.1(a)(1) | Part 1 [New]. |
| 7.1(a)(2) | Surplusage. |
| 7.1(a) (less (1) and (2)). | Part 1 [New]. |
| 7.1(b) | Part 1 [New]. |
| 7.1(c)(1) | Part 1 [New]. |
| 7.1(c)(2) | Surplusage. |
| 7.1(c)(3) | Part 1 [New]. |
| 7.1(c)(4) | Part 1 [New]. |
| 7.1(c) (less (1)-(4)) | Surplusage. |
| 7.1(d)(1)-(d)(2) | Executed. |
| 7.1(d)(3) | Surplusage. |
| 7.1(d)(4)-(5) | Executed. |
| 7.1(d) (less (1)-(5)) | Surplusage. |
| 7.1(e)(1) (less symbol "IAS"). | Part 1 [New]. |
| Symbol "IAS" | To be transferred to Part 1 [New]. |
| 7.1(e)(2) | Part 1 [New]. |
| 7.1(e)(3) (less symbol "EAS"). | Part 1 [New]. |
| Symbol "EAS" | To be transferred to Part 1 [New]. |
| 7.1(e)(4) (less symbol "TAS"). | Part 1 [New]. |
| Symbol "TAS" | To be transferred to Part 1 [New]. |
| 7.1(e)(5)-(7) | To be transferred to Part 1 [New]. |
| 7.1(e) (less (1)-(7)) | To be transferred to Part 1 [New]. |
| 7.1(f)(1) and (2) | Executed. |
| 7.1(f)(3) | Surplusage. |
| 7.1(f)(4) | To be transferred to Part 1 [New]. |
| 7.1(f)(5) and (6) | Surplusage. |
| 7.1(f) (less (1)-(6)) | Executed. |
| 7.1(g)(1)-(3) | Part 1 [New]. |
| 7.1(g)(4) | Surplusage. |
| 7.1(g)(5) | Part 1 [New]. |
| 7.1(g) (less (1)-(5)) | To be transferred to Part 1 [New]. |
| 7.1(h)(1) | Surplusage. |
| 7.1(h)(2) and (3) | Part 1 [New]. |
| 7.1(h)(4) and (5) | Surplusage. |
| 7.1(h) (less (1)-(5)) | 29.339. |
| 7.1(i) | Part 1 [New]. |
| 7.1 (less (a)-(i)) | Surplusage. |
| 7.10-7.19 | To be transferred to Part 21 [New]. |
| 7.20 (a) and (b) (1st sentance). | 29.1. |
| 7.20(b) (less 1st sentence). | Surplusage. |
| 7.100(a)-(c) | 29.21. |
| 7.100 (less (a)-(c)) | Transferred to Part 21 [New]. |
| 7.101 | 29.25. |
| 7.102(a) | 29.27. |
| 7.102 (less (a)) | 29.1589. |
| 7.103 | 29.33. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 7.104 | 29.29. |
| 7.105 | 29.31. |
| 7.110 (less note following). | 29.45. |
| Note following § 7.110 | Not a rule. |
| 7.111 | 29.79. |
| 7.112(a) | 29.53. |
| 7.112 (less (a)) | 29.51. |
| 7.113 | 29.53. |
| 7.114(a) | 29.59. |
| 7.114 (less (a)) | 29.63. |
| 7.115 (less (b)) | 29.67. |
| 7.115 (b)(1) | 29.65. |
| 7.115(b)(2) | 29.67. |
| 7.115(b) (less (1) and (2)) | 29.71. |
| 7.116 | 29.73. |
| 7.117 | 29.75. |
| 7.118 (less (a)(2)) | 29.75. |
| 7.118(a)(2) | 29.77. |
| 7.120 | 29.141. |
| 7.121 | 29.143. |
| 7.122 | 29.161. |
| 7.123 (less (b)) | 29.171. |
| 7.123(b) (less (1)-(4)) | 29.173. |
| 7.123(b)(1)-(4) | 29.175. |
| 7.130 | 29.231. |
| 7.131 | 29.241. |
| 7.132 | 29.239. |
| 7.140 (vibration aspect). | 29.251. |
| 7.140 (less vibration aspect). | 29.629. |
| 7.200(b) | 29.303. |
| 7.200 (less (b)) | 29.301. |
| 7.201 | 29.305. |
| 7.202 (less (c)) | 29.307. |
| 7.202(c) | Surplusage. |
| 7.203 | 29.307. |
| 7.204 | 29.309. |
| 7.210 | 29.321. |
| 7.211 | 29.321. |
| 7.212 (last sentence) | 29.339. |
| 7.212 (less last sentence). | 29.337. |
| 7.213 | 29.341. |
| 7.214 | 29.351. |
| 7.220 | 29.391. |
| 7.221 | 29.401. |
| 7.222 | 29.403. |
| 7.223 | 29.411. |
| 7.224 | 29.413. |
| 7.225(a) (1), (2), and (3). | 29.397. |
| 7.225 (less (a) (1), (2), and (3)). | 29.395. |
| 7.228 | 29.399. |
| 7.230 (a) and (b) | 29.471. |
| 7.230 (c) and (d) | 29.473. |
| 7.230(e) | 29.475. |
| 7.230 (less (a)-(e)) | 29.477. |
| 7.231 | 29.479. |
| 7.232 | 29.481. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 7.233 | 29.483. |
| 7.234 | 29.485. |
| 7.235 | 29.493. |
| 7.236 | 29.235. |
| 7.240 | 29.505. |
| 7.245 | 29.521. |
| 7.246 | 29.497. |
| 7.250 | 29\547. |
| 7.251 (2d–4th sentences). | 29.361. |
| 7.251 (less 2d–4th sentences). | 29.549. |
| 7.252 | 29.551. |
| 7.260 | 29.561. |
| 7.261 (less note following). | 29.561. |
| Note following § 7.261 | Not a rule. |
| 7.300 | 29.601. |
| 7.301 | 29.603. |
| 7.302 | 29.605. |
| 7.303 | 29.607. |
| 7.304 | 29.609. |
| 7.305 | 29.611. |
| 7.306 | 29.613. |
| 7.307(a) | 29.619. |
| 7.307(b) | 29.621. |
| 7.307(c) | 29.623. |
| 7.307 (less (a)–(c)) | 29.625. |
| 7.310 | 29.653. |
| 7.311 | 29.675. |
| 7.312 | 29.659. |
| 7.313 | 29.661. |
| 7.320 | 29.671. |
| 7.321 | 29.675. |
| 7.322 | 29.679. |
| 7.323 | 29.681. |
| 7.324 | 29.683. |
| 7.325 | 29.685. |
| 7.326 | 29.687. |
| 7.327 | 29.691. |
| 7.328 | 29.695. |
| 7.330 | Executed. |
| 7.331 | Surplusage. |
| 7.332 (introductory paragraph). | 29.723. |
| 7.332(a) | 29.725. |
| 7.332 (less introductory paragraph and (a). | 29.727. |
| 7.333 | 29.725. |
| 7.334 | 29.729. |
| 7.335 | 29.731. |
| 7.336 | 29.735. |
| 7.337 | 29.733. |
| 7.338 | 29.737. |
| 7.340 (a) and (b) | 29.751. |
| 7.340 (less (a) and (b)). | 29.755. |
| 7.341 | 29.753. |
| 7.350 | 29.771. |
| 7.351 | 29.773. |
| 7.352 | 29.775. |
| 7.353 | 29.777. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 7.354 | 29.783. |
| 7.355 | 29.785. |
| 7.356 | 29.787. |
| 7.357 (introductory paragraph). | 29.803. |
| 7.357(a) | 29.805. |
| 7.357 (b) and (c) | 29.807. |
| 7.357 (d) (less (7)) | 29.809. |
| 7.357(d) (7) | 29.807. |
| 7.357(e) | 29.811. |
| 7.357(f) | 29.813. |
| 7.357 (less (a)–(f)) | 29.815. |
| 7.358 (less note following (c)). | 29.831. |
| Note following § 7.358(c). | Not a rule. |
| 7.359 (1st 8 words) | 29.833. |
| 7.359 (less 1st 8 words) | Surplusage. |
| 7.380 | 29.851. |
| 7.381 | 29.853. |
| 7.382 (less note following (a), and (c)). | 29.855. |
| Note following § 7.382(a). | Not a rule. |
| 7.382(c) | 29.1439. |
| 7.383 | 29.859. |
| 7.384 | 29.861. |
| 7.385 | 29.863. |
| 7.390 | 29.871. |
| 7.391 | 29.873. |
| 7.392 | 29.877. |
| 7.400 | 29.901. |
| 7.401 | 29.903. |
| 7.402 | 29.907. |
| 7.403 | 29.917. |
| 7.404 | 29.921. |
| 7.405 (less sentences (4) and (5) of (a) (1)). | 29.923. |
| 7.405(a) (1) (sentence (4)). | Transferred to Part 33 [New]. |
| 7.405(a) (1) (sentence (5)). | Surplusage. |
| 7.406 | 29.927. |
| 7.407 | 29.931. |
| 7.408 | 29.935. |
| 7.410 | 29.951. |
| 7.411 | 29.953. |
| 7.413 | 29.955. |
| 7.416 | 29.959. |
| 7.417 | 29.961. |
| 7.418 | 29.957. |
| 7.420 | 29.963. |
| 7.421 | 29.965. |
| 7.422 | 29.967. |
| 7.423 | 29.969. |
| 7.424 | 29.971. |
| 7.425 | 29.973. |
| 7.426 | 29.975. |
| 7.427 | 29.977. |
| 7.428 | 29.979. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 7.430 (less 2d and 3d sentences of note following (a)). | 29.991. |
| (2d and 3d sentences of note following § 7.430(a)). | Not a rule. |
| 7.431 | 29.991. |
| 7.432 | 29.993. |
| 7.433 | Surplusage. |
| 7.434 | 29.995. |
| 7.435 | 29.997. |
| 7.436 | 29.999. |
| 7.437 | 29.1337. |
| 7.440 | 29.1011. |
| 7.441 | 29.1013. |
| 7.442 | 29.1015. |
| 7.443 | 29.1013. |
| 7.444 (less (b)) | 29.1017. |
| 7.444(b) | 29.1183. |
| 7.445 | 29.1025. |
| 7.446 | 29.1023. |
| 7.447 | 29.1019. |
| 7.448 | 29.1021. |
| 7.450 | 29.1041. |
| 7.451 (1st sentence) | 29.1041. |
| 7.451 (less 1st sentence). | 29.1043. |
| 7.452 | 29.1045. |
| 7.453 | 29.1047. |
| 7.454 | 29.1047. |
| 7.455 | 29.1049. |
| 7.460 | 29.1091. |
| 7.461 | 29.1093. |
| 7.462 | 29.1101. |
| 7.463 | 29.1103. |
| 7.464 | 29.1105. |
| 7.465 | 29.1109. |
| 7.466 | 29.1107. |
| 7.467(a) | 29.1121. |
| 7.467(b) | 29.1123. |
| 7.467 (less (a) and (b)). | 29.1125. |
| 7.470 | 29.1141. |
| 7.471 | 29.1143. |
| 7.472 | 29.1145. |
| 7.473 | 29.1147. |
| 7.474 | 29.1157. |
| 7.475 | 29.1159. |
| 7.476 | 29.1151. |
| 7.477 (less note following). | 29.1163. |
| Note following § 7.477 | Not a rule. |
| 7.478 | 29.1165. |
| 7.480 (less note following). | 29.1181. |
| Note following § 7.480 | Not a rule. |
| 7.481 | 29.1185. |
| 7.482 | 29.1189. |
| 7.483 | 29.1183. |
| 7.484(a) | 29.1195. |
| 7.484(b) | 29.1197. |
| 7.484 (c) and (d) | 29.1199. |
| 7.484 (less (a)–(d)) | 29.1201. |
| 7.485 | 29.1203. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 7.486 | 29.1191. |
| 7.487 | 29.1193. |
| 7.489 | 29.1187. |
| 7.600 | Surplusage. |
| 7.601 | 29.1301. |
| 7.602 | Surplusage. |
| 7.603 | 29.1303. |
| 7.604 | 29.1305. |
| 7.605 | 29.1307. |
| 7.606 | 29.1309. |
| 7.610 | Surplusage. |
| 7.611 | 29.1321. |
| 7.612(a) | 29.1323. |
| 7.612(b) | 29.1325. |
| 7.612(c) (less (3)) | 29.1327. |
| 7.612(c)(3) | Surplusage. |
| 7.612(d) | 29.1329. |
| 7.612(e) | 29.1331. |
| 7.612 (less (a)–(e)) | 29.1333. |
| 7.613 | 29.1337. |
| 7.620 | Surplusage. |
| 7.621 | 29.1351. |
| 7.622 | 29.1351. |
| 7.623 (less note following). | 29.1355. |
| Note following § 7.623 | Not a rule. |
| 7.624 (less note following (e)). | 29.1357. |
| Note following § 7.624(e). | Not a rule. |
| 7.625(a) | 29.1309. |
| 7.625 (less (a)) | 29.1353. |
| 7.626 | 29.1359. |
| 7.627 | 29.1363. |
| 7.630 | 29.1381. |
| 7.631 | 29.1383. |
| 7.632 | 29.1385. |
| 7.633 | 29.1387. |
| 7.634 | 29.1389. |
| Figure 7–1 | 29.1391. |
| Figure 7–2 | 29.1393. |
| Figure 7–3 and note following. | 29.1395. |
| 7.635 | 29.1397. |
| 7.636 | 29.1399. |
| 7.637 | 29.1401. |
| Figure 7–4 | 29.1401. |
| 7.640 | 29.1411. |
| 7.643 | 29.1413. |
| 7.644 (less note following (b), and marking aspect). | 29.1415. |
| Note following § 7.644(b). | Not a rule. |
| Marking aspect of § 7.644. | 29.1561. |
| 7.645 (less 3d sentence of introductory paragraph). | 29.1411. |
| 3d sentence of introductory paragraph of 7.645. | 29.1561. |
| 7.646 (less note following). | 29.1439. |



DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| Note following § 7.646 | Not a rule. |
| 7.650 (less note following). | 29.1435. |
| Note following § 7.650 | Not a rule. |
| 7.651 | 29.1435. |
| 7.652 | 29.1435. |
| 7.653 (less note following (a)). | 29.1431. |
| Note following § 7.653(a). | Not a rule. |
| 7.654 | 29.1433. |
| 7.700(a) | Surplusage. |
| 7.700 (less (a)) | 29.1501. |
| 7.710 | 29.1503. |
| 7.711 | 29.1505. |
| 7.712 | 29.1503. |
| 7.713 (less introductory paragraph). | 29.1509. |
| 7.713 (introductory paragraph). | Surplusage. |
| 7.714 | 29.1521. |
| 7.715 | 29.1517. |
| 7.716 | 29.1519. |
| 7.717 | 29.1523. |
| 7.718 | 29.1525. |
| 7.719 | 29.1529. |
| 7.730 | 29.1541. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 7.731 | 29.1543. |
| 7.732 | 29.1545. |
| 7.733 | 29.1545. |
| 7.734 | 29.1549. |
| 7.735 | 29.1551. |
| 7.736 (less last sentence). | 29.1553. |
| Last sentence of § 7.736. | Surplusage. |
| 7.737 | 29.1555. |
| 7.738(a)–(c) | 29.1557. |
| 7.738(d) | 29.1559. |
| 7.738(e) | 29.1561. |
| 7.738 (less (a)–(e)) | 29.1565. |
| 7.740 | 29.1581. |
| 7.741 | 29.1583. |
| 7.742 | 29.1585. |
| 7.743 | 29.1587. |
| 7.744 | Surplusage. |
| Appendix A: | |
| SR 392C | Expired. |
| SR 392D | Expired. |
| SR 425C | Transferred to Part 21 [New]. |

[F.R. Doc. 64–12415; Filed, Dec. 2, 1964; 8:50 a.m.]

[Airspace Docket No. 64–CE–89]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke an extension of the Fargo, N. Dak., control zone.

The Fargo, N. Dak., radio beacon is scheduled to be relocated. Approach procedures requiring a control zone extension designated with reference to the radio beacon, have been cancelled. This will make the controlled airspace based on the beacon unnecessary.

Since the action contemplated by this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30 day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the Fargo, N. Dak., control zone is amended by deleting "within 2 miles either side of the 089° bearing from the Fargo RBN extending from the 5-mile radius zone to 12 miles E. of the RBN" from the text.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 23, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64–12301; Filed, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64–CE–12]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

On September 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13144) stating that the Federal Aviation Agency proposed to designate a transition area at Harrisburg, Ill.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

HARRISBURG, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harrisburg-Raleigh Airport (latitude 37°48'50" N., longitude 88°32'56" W.), and within 2 miles each side of the 064° bearing extending from the RBN to a point 8 miles northeast; and that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 5 miles southeast of the 064° and 244° bearing from the RBN, extending from a point 6 miles southwest to 15 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on November 23, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64–12302; Filed, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64–CE–44]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Transition Area

On September 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13209) stating that the Federal Aviation Agency proposed to alter a transition area at Detroit, Mich.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the Detroit, Mich., transition area is amended to read:



DETROIT, MICHIGAN

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'06" N., longitude 83°-

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on November 23, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64–12303; Filed, Dec. 2, 1964; 8:45 a.m.]

## RULES AND REGULATIONS

### Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Peanut Reg. 1, Amdt. 1]

### PART 1446—PEANUTS

#### Miscellaneous Amendments

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), this amendment is made effective as soon as possible. It is hereby determined and relates to the holding of referenda on marketing quotas. This amendment

of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and relates to the holding of referenda on marketing quotas. This amendment

for any farms affected by this amendment. Accordingly, it is essential that the limitation of six on the number

for a type in short supply, was actually planted or regarded as planted to peanuts under the Conservation Reserve, Cropland Conversion or Great Plains Pro-

DETROIT, MICHIGAN

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°-21'00" W.), and within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OH, and within 2 miles each side of Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the Ford RBN, and within 2 miles each side of the Windsor, Ontario, ILS localizer SW course extending from the Detroit Metropolitan Wayne County Airport 8-mile radius to the United States/Canadian Border, excluding the portion within the Grosse Ile, Mich., control zone; and that airspace extending upward from 1200 feet above the surface bounded on the W by longitude 84°-05'00" W., on the N by latitude 42°46'00" N., on the E by the E boundary of V-42 E alternate and the United States/Canadian border, and on the S by a line from latitude 41°45'05" N., longitude 84°05'00" W., to latitude 41°45'30" N., longitude 83°19'45" W., to latitude 41°50'39" N., longitude 83°-06'47" W., to latitude 41°45'30" N., longitude 83°03'30" W., to the United States/Canadian border at latitude 41°45'30" N., longitude 82°51'00" W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 24, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-12303; Filed, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-55]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

On September 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13403) stating that the Federal Aviation Agency proposed to designate a transition area at Parsons, Kans.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

PARSONS, KANSAS

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Tri-City Airport (latitude 37°20'00" N., longitude 95°30'30" W.), and within 5 miles E and 8 miles W of a 359° bearing from the Tri-City Airport, extending from the Airport to a point 12 miles N; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 5 miles SW of the Oswego VOR 306° radial extending from the Oswego VOR to the Tri-City Airport, and within 5 miles E and 5 miles W of the Chanute VOR 166° radial extending from the Chanute VOR to the Tri-City Airport excluding the Oswego and Chanute transition areas.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on November 23, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-12304; Filed, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-21]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Alteration of Restricted Area

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11979) stating that the Federal Aviation Agency proposed to modify the Westhampton Beach, N.Y. (Suffolk AFB), Restricted Area/Military Climb Corridor, R-5205.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 73 [New] of the Federal Aviation Regulations are amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 73.52 (29 F.R. 1267), R-5205 Westhampton Beach, N.Y. (Suffolk AFB), Restricted Area/Military Climb Corridor, delete the boundaries and designated altitudes in their entirety and substitute therefor,

*Boundaries.* From a point of beginning at latitude 40°52'19" N., longitude 72°35'45" W., the area centered on the Suffolk Air Force Base TACAN 040° True radial, extending to a point 30 nmi northeast, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

*Designated altitudes:*

Surface to flight level 240 from the point of beginning to 3 nmi northeast.

2,000 feet MSL to flight level 240 from 3 to 6 nmi northeast of the point of beginning.

5,000 feet MSL to flight level 240 from 6 to 11 nmi northeast of the point of beginning.

10,000 feet MSL to flight level 240 from 11 to 15 nmi northeast of the point of beginning.

14,000 feet MSL to flight level 240 from 15 to 19 nmi northeast of the point of beginning.

16,000 feet MSL to flight level 240 from 19 to 25 nmi northeast of the point of beginning.

20,000 feet MSL to flight level 240 from 25 to 30 nmi northeast of the point of beginning.

*Time of designation.* Continuous.

*Using Agency.* Suffolk AFB Approach Control.

2. In § 71.163 (29 F.R. 1068), Control 1169, delete, "excluding the airspace below 2,000 feet MSL outside the United States." and substitute therefor, "excluding the portion within the Westhampton Beach, N.Y., Restricted Area/Military Climb Corridor R-5205, and the airspace below 2,000 feet MSL outside the United States."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1964.

CLIFFORD P. BURTON,
*Acting Director, Air Traffic Service.*

[F.R. Doc. 64-12306; Filed, Dec. 2, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-52]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Alteration of Restricted Area

The purpose of this amendment to Part 73 [New] is to modify the designated ceiling altitudes of the Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor R-3903.

The modification is to change the ceiling altitudes of the corridor from FL 270 to FL 240. The Air Force has determined that the airspace above FL 240 is not needed for operations in the climb corridor and the modification also will be less restrictive to IFR operations on Jet Routes Nos. 29 and 49 in the vicinity of the Bangor, Maine, VORTAC.

Since the airspace within the climb corridor is restrictive only when in use by the military, releasing of such airspace above FL 240 therein will be less restrictive to the public. For this reason, notice and public procedure hereon are unnecessary and the amendment is effective upon publication of this rule in the FEDERAL REGISTER.

In consideration of the foregoing, Part 73 [New] is amended as hereinafter set forth.

1. In § 73.39 (29 F.R. 1254), the Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor R-3903 is amended by deleting from the description of the designated altitudes in the text "flight level 270" wherever it appears and substituting "flight level 240" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; (49 U.S.C. 1348))

Issued in Washington, D.C., on November 25, 1964.

CLIFFORD P. BURTON,
*Acting Director, Air Traffic Service.*

[F.R. Doc. 64-12305; Filed, Dec. 2, 1964; 8:45 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

## PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

### Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

1. *Basis and purpose.* (a) This amendment is issued pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and relates to the holding of referenda on marketing quotas. This amendment removes the limitation of six on the number of regular members permitted on a community referendum committee. Two regular members must be provided at each polling place and some referendum communities should have more than three polling places. This amendment would make such action possible.

(b) Referenda will be held for upland and extra long staple cotton on December 15, 1964. Therefore, it is necessary that this amendment be made effective as soon as possible in order that county committees may have time to set up an adequate number of polling places and name community referendum committeemen to man such polling places. Accordingly, it is hereby determined and found that compliance with the public notice, procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon filing this document with the Director, Office of the Federal Register.

2. Section 717.2(b) of the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249) is amended by deleting the third sentence thereof which reads: "In no event shall the regular membership exceed six members".

(Secs. 312, 336, 343, 354, 358, 375, 52 Stat. 46, 55, 56, 61, 66, as amended, 55 Stat. 88; 70 Stat. 206, as amended; secs. 106, 112, 70 Stat. 191, 195; 7 U.S.C. 1312, 1336, 1343, 1354, 1358, 1375, 1377, 1824, 1836)

Effective date: Date of filing document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12360; Filed, Dec. 2, 1964; 8:48 a.m.]

[Amdt. 1]

## PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

### Location of Farm for Administrative Purposes

(a) This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590 g-p). This amendment provides that a farm on an Indian reservation operated by a grazing association may be administratively located in the county in which the headquarters of such grazing association is located.

(b) Since there are farms now operated by such grazing associations, it is desirable that the county ASCS office records be relocated as soon as possible for any farms affected by this amendment. Accordingly, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice and public procedure requirements and the thirty-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 719.3(c) of the regulations for Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370) is amended by adding a new subparagraph as follows:

§ 719.3 Farm constitution.

* * * * * *

(c) *Location of farm for administrative purposes.* * * *

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, if the land in the farm is part of an Indian reservation and is operated by a grazing association, the farm may be administratively located in the county where such grazing association has its headquarters if the county committees involved and the farm operator agree to such location, provided the persons using the land do not reside thereon and the geographic features are such that administrative access would be more practical.

(Sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375; sec. 124, 70 Stat. 198, 7 U.S.C. 1812; secs. 16(b), 74 Stat. 1030, 16(c), 75 Stat. 5, 16(d), 75 Stat. 302, 105(c), 75 Stat. 301, 16(h), 77 Stat. 45, 16 U.S.C. 590 p).

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12361; Filed, Dec. 2, 1964; 8:48 a.m.]

[Amdt. 4]

## PART 729—PEANUTS

### Subpart—Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops

1. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to revise the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811, 29 F.R. 7801, 7983, 13027). The amendment (1) provides that the current farm peanut allotment shall be preserved as history acreage for a farm, (a) if for the current year or either of the two preceding years an acreage equal to 75 per centum or more of the farm peanut acreage allotment, after reduction for violation and temporary release of acreage, but before reapportionment of released acreage or increase for a type in short supply, was actually planted or regarded as planted to peanuts under the Conservation Reserve, Cropland Conversion or Great Plains Programs as determined in accordance with Part 719 of this chapter, (b) the farm allotment is or was in an allotment pool, or (c) the farm is Federally-owned and there is in effect a restrictive lease prohibiting the production of peanuts, (2) changes from November 1 to December 1 the date by which the farm operator must file a written request for adjustment in the history acreage for abnormal conditions affecting the farm peanut acreage.

(b) The provisions of this amendment with respect to the preservation of allotments for history acreage purposes are required by law and the change of the date by which a written request for adjustment for abnormal conditions must be made effective as soon as possible as farm peanut history acreages for 1964 are currently being determined for the purpose of establishing farm peanut acreage allotments for 1965. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1001-1011) is impractical and contrary to the public interest and this amendment shall become effective upon the date of filing with the Director, Office of the Federal Register.

2. The Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811, 29 F.R. 7801, 7983, 13027) are hereby amended as follows:

a. Paragraph (b) and paragraph (c) (1), as amended, of § 729.1424 are amended to read as follows:

§ 729.1424 Determination of farm peanut history acreage.

* * * * * *

(b) *Full allotment preserved as history acreage.* For any year the entire farm peanut allotment shall be preserved as peanut history acreage if:

(1) For the current year or either of the two preceding years:

(i) The sum of the final acreage and the acreage regarded as planted to peanuts under the Conservation Reserve, Cropland Conversion and Great Plains Programs, as determined pursuant to Part 719 of this chapter, was as much as 75 per centum of the farm allotment after reduction for violation pursuant to § 729.1434, temporary release of acreage but before reapportionment of released acreage pursuant to § 729.1435, or increase for a type in short supply pursuant to § 729.1437.

(ii) The farm allotment is or was in an eminent domain allotment pool pursuant to Part 719 of this chapter.

(2) The farm is Federally-owned and there is in effect a restrictive lease prohibiting the production of peanuts.

(c) * * *

(1) The final acreage, adjusted to compensate for abnormal conditions affecting acreage, if the county committee determine that such action is necessary to maintain equitable allotments: *Provided,* That the farm operator files a written request for such an adjustment



at the office of the county committee prior to December 1 of the current year.

* * * * * *

(Secs. 358, 375, 377, 378, 55 Stat. 88, as amend-

by the Department hereunder) agree to obtain, keep as part of his records, and enforce an assurance, in writing, from each prospective exhibitor to the follow-

Fiber Products Identification Act by deceptive advertising in catalogs which falsely represented that certain fibers were present in advertised products; de-





on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the

211, and Investment Company Act of 1940 Release No. 4074 published in the FEDERAL REGISTER for November 14, 1964,

*Effective date.* The Commission finds that the foregoing actions relate to agency organization, procedure or prac-

at the office of the county committee prior to December 1 of the current year.

* * * * *

(Secs. 358, 375, 377, 378, 55 Stat. 88, as amended, 52 Stat. 66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended, secs. 106, 112, 70 Stat. 191, 196, as amended, sec. 101, 76 Stat. 606; 7 U.S.C. 1358, 1375, 1377, 1378, 1824, 1836, 16 U.S.C. 590g)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12363; Filed, Dec. 2, 1964; 8:48 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of International Commerce, Department of Commerce

### SUBCHAPTER A—MISCELLANEOUS REGULATIONS

### PART 365—MOBILE TRADE FAIRS

### Requests for Assistance by Operators

Section 365.1 *Requests for assistance by mobile trade fair operators* is amended in the following respects:

Paragraph (a)(2), relating to advertising expenses, is amended by adding thereto the following clause: "and except that not more than 90% (ninety percent) of the total of such allowable advertising expenses will be defrayed by the Department."

Paragraph (b)(2), *Funds* is amended by adding thereto the following sentence: "With respect to funds made available to the Department for such purpose out of fiscal year 1965 appropriations, no funds for financial assistance will be allocated by the Department prior to December 15, 1964, and such funds will be allocated only for requests received and approved subsequent to the date of publication of this amendment in the FEDERAL REGISTER."

Paragraph (c), *Requests for financial assistance; information required* is amended by adding the following unnumbered paragraph at the end thereof:

It is the policy of the Department (now also in effect for participations in the Department's trade center and international trade fair programs abroad) that any product exhibited through a mobile trade fair project must be labeled and marketed under the name of a U.S. firm and, if produced or assembled outside the United States, must contain U.S. components valued at more than 50% (fifty percent) of the value of the finished product. Accordingly, the request for assistance must contain a statement that the applicant operator of the mobile trade fair project undertakes to abide by the foregoing policy and that the operator will (if a contract extending assistance is entered into with him by the Department hereunder) agree to obtain, keep as part of his records, and enforce an assurance, in writing, from each prospective exhibitor to the following effect: "The _____ (exhibitor) represents to the _____ (operator) that every product which will be exhibited by the exhibitor through the mobile trade fair project will be labeled and marketed under the name of a U.S. firm and, if produced or assembled outside the United States, will contain U.S. components valued at more than 50% (fifty percent) of the value of the finished product. The exhibitor understands that failure to comply with the foregoing undertaking will be a ground for termination, in whole or in part, of the exhibitor's participation in the mobile trade fair project."

The foregoing are amendments of procedures involving the extension of grants and benefits and are therefore exempt from the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

Dated: November 30, 1964.

EUGENE M. BRADERMAN,
*Director,*
*Bureau of International Commerce.*

[F.R. Doc. 64-12373; Filed, Dec. 2, 1964; 8:49 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-858]

### PART 13—PROHIBITED TRADE PRACTICES

### Saul S. Siegal Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.-1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; §13.1900 *Source or origin:* 13.1900-80 Textile Fiber Products Identification Act. Subpart—Using misleading name—Goods: § 13.2280 *Composition:* 13.2280-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Saul S. Siegal Co., et al., Chicago, Ill., Docket C-858, Nov. 16, 1964]

*In the Matter of Saul S. Siegal Co., a Corporation, and Saul S. Siegal, Leon Siegal, and Morris Siegal, Individually and as Officers of Said Corporation*

Consent order requiring Chicago distributors of drapery, and furniture and wall fabrics, to cease violating the Textile Fiber Products Identification Act by deceptive advertising in catalogs which falsely represented that certain fibers were present in advertised products; described products by terms—such as "Chromespun", "Dacron", "Fortisan" and "Sateens"—which failed to set forth the generic name and percentage of fibers present; and failed to comply in other respects with requirements of the Act; and by failing to show, on labels, the generic name and percentage of fibers present, and to identify the manufacturer.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

*It is ordered,* That respondents Saul S. Siegal Co., a corporation, and its officers, and Saul S. Siegal, Leon Siegal and Morris Siegal, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products by representing either directly or by implication, through the use of such terms as "hand print mohair", "modern print on mohair antique satin", "Linen-Cotton-Acetate and Silk Noil face casement", "Linen casement with metallic", or "Metallic Boucle" or any other terms, that any fibers are present in a textile fiber product when such is not the case.

3. Failing to affix labels to such products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber contents or any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, in the manner and form required except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

5. Using a generic name of a fiber in nonrequired information in advertising textile fiber products in such a manner as to be false, deceptive or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of such fiber when such is not the case.

6. Using non-required information and representations in said advertising in such a manner as to be false, deceptive or misleading as to the fiber content of the textile fiber products or so as to interfere with, minimize or detract from required information.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64-12311; Filed, Dec. 2, 1964; 8:46 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release 33-4735, 34-7468, 39-212, 40-4086]

### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

### Delegated Authority

On November 10, 1964 in Securities Act of 1933 Release No. 4731, Securities Exchange Act of 1934 Release No. 7457, Trust Indenture Act of 1939 Release No. 211, and Investment Company Act of 1940 Release No. 4074 published in the FEDERAL REGISTER for November 14, 1964, 29 F.R. 15282. The Securities and Exchange Commission announced certain allocation of functions between the Division of Corporation Finance and the Division of Corporate Regulations. In connection therewith, the Commission, among other things, amended Articles 30-1 and 30-2 of Subpart A of its Statement of Organization, Conduct and Ethics, and Information and Requests (17 CFR 200.30-1, 200.30-2). Reference was made therein to certain delegated authority under "Rule 3(b) of the Commission's rules of practice".

In view of the Commission's revision of its rules of practice and adoption of its Rules Relating to Investigations, as announced in Securities Act of 1933 Release No. 4677, Securities Exchange Act of 1934 Release No. 7264, Holding Company Act of 1935 Release No. 15028, Trust Indenture Act of 1939 Release No. 198, Investment Company Act of 1940 Release No. 3927 and Investment Advisers Act of 1940 Release No. 160, 29 F.R. 3619, such references to Rule 3(b) of the rules of practice would no longer be applicable, and the appropriate reference in that connection should be to Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6. Accordingly, Articles 30-1 and 30-2 are amended by the Commission to conform thereto.

The Commission's action is as follows:

1. In § 200.30-1(b), subparagraph (2) is amended by changing "Rule 3(b) of the Commission's rules of practice, 17 CFR 201.3(b)" to read "Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6." As so amended, § 200.30-1(b)(2) reads as follows:

**§ 200.30-1 Delegation of authority to Director of Division of Corporation Finance.**

* * * * * * *

(b) * * *

(2) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons submitting data or evidence to retain or procure copies of their data or transcripts of their testimony pursuant to Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6.

* * * * * * *

2. In § 200.30-2(f), subparagraph (2) is amended by changing "Rule 3(b) of the Commission's rules of practice, 17 CFR 201.3(b)" to read "Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6." As so amended, § 200.30-2(f)(2) reads as follows:

**§ 200.30-2 Delegation of authority to Director of Division of Corporate Regulation.**

* * * * * * *

(f) * * *

(2) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons submitting data or evidence to retain or procure copies of their data or transcripts of their testimony pursuant to Rule 6 of the Commission's rules Relating to Investigations, 17 CFR 203.6.

* * * * * * *

(Sec. 1, 76 Stat. 394, 15 U.S.C. 78d-1)

*Effective date.* The Commission finds that the foregoing actions relate to agency organization, procedure or practice and that compliance with sections 4 (a), (b), and (c) of the Administrative Procedure Act is unnecessary. Accordingly, the foregoing action, which was taken pursuant to Public Law No. 87-592, 76 Stat. 394, becomes effective immediately upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

NOVEMBER 25, 1964.

[F.R. Doc. 64-12312; Filed, Dec. 2, 1964; 8:46 a.m.]

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter IV—Office of Water Resources Research, Department of the Interior

### WATER RESOURCES RESEARCH

Notice was published in the FEDERAL REGISTER of October 29, 1964 (23 F.R. 14746-14752), that pursuant to the authority vested in the Secretary of the Interior by section 104 of the Water Resources Research Act of 1964 (Public Law 88-379), it was proposed to adopt regulations for carrying out the provisions of the Act.

Interested persons were given 20 days within which to submit written comments, suggestions or objections with respect to the proposed regulations. All comments received were carefully considered. The following changes have been made in the regulations as proposed:

1. In § 501.2(b), the description of the delegation to the Director has been revised.

2. A new § 501.3(d) has been added and the succeeding paragraphs have been redesignated.

3. In §§ 501.5(c)(2), 502.1(f)(1), and 502.2(f)(1) the words "(or supported)" have been added after the word "conducted."

4. In § 501.5(c)(3) and in § 502.1(b) the word "Director" has been substituted for the word "Secretary."

5. At the end of § 502.1(d) the following language has been added: "and an acknowledgement of the institute's responsibility for planning, work performance, and reporting for the entire program of the institute."

6. At the beginning of § 502.1(g), the following words have been added: "A statement that the institute is willing to enter into * * *."

7. The word "Evidence" has been added at the beginning of § 503.1(c)(15).

8. A reference to § 501.7(b) has been added to § 503.2(a).

9. New paragraphs (b) and (c) have been added to § 504.2.

10. A new paragraph (c) has been added to § 504.3.

11. Revised paragraphs (b) and (c) have been substituted for paragraphs (b), (c), and (d) in § 504.4.

12. A reference to § 501.7(b) has been added to § 504.5(a).

13. The first four lines of § 505.1(a)(1) have been revised.

The regulations set forth below are hereby adopted. They should become effective without awaiting the expiration of a full period of 30 days in order that water resources research institutes and other potential recipients of assistance pursuant to the Act can effectively schedule and utilize, during the current academic year, Federal support available in Fiscal Year 1965. Accordingly, the regulations shall become effective upon the date of their publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 30, 1964.

Part
501 General.
502 Requests for allotments to institutes.
503 Applications for grants, contracts, matching or other arrangements.
504 Approval of allotments and applications.
505 Fiscal and accounting.
506 Progress and accomplishment reports.
507 Consultation and coordination.
508 Audits and inspections.

## PART 501—GENERAL

Sec.
501.1 Purpose.
501.2 Office of Water Resources Research.
501.3 Definition of terms.
501.4 Allotments to institutes.
501.5 Programs of institutes
501.6 Grants to institutes of matching funds for specific projects.
501.7 Grants to, and contracts, matching or other arrangements with, entities other than institutes.

AUTHORITY: The provisions of this Part 501 issued under sec. 104, 78 Stat. 331.

### § 501.1 Purpose.

The regulations in this chapter are issued pursuant to the Water Resources Research Act of 1964 (Public Law 88-379), which authorizes appropriations to, and confers authority upon, the Secretary of the Interior in order to promote a more adequate national program of water research.

### § 501.2 Office of Water Resources Research.

(a) The Office of Water Resources Research has been established as a component of the Department of the Interior. It reports to the Secretary of the Interior and is administered by a Director.

(b) The Secretary has delegated to the Director authority to take the actions and make the determinations that, under the Act, are the responsibility of the Secretary, except for determinations under section 303 of the Act, the issuance of regulations, reporting to the President, and reporting to the Congress. The Director has redelegated to the Associate Director the authority of the Director, to be exercised under his general administrative direction.

### § 501.3 Definition of terms.

As used in this chapter, the term—

(a) "Act" means the Water Resources Research Act of 1964 (Public Law 88-379),

(b) "Allotment" means the funds made available to an institute in a particular fiscal year pursuant to section 100 of the Act and the regulations in this chapter,

(c) "Director" means the Director, Office of Water Resources Research,

(d) "Fiscal year" means a twelve-month period ending on June 30,

(e) "Institute" means a water resources research institute, center, or equivalent agency established in accordance with provisions of Title I of the Act,

(f) "Scientists" includes individuals in any professional discipline including individuals in the life, physical, or social sciences, and engineers,

(g) "Secretary" means the Secretary of the Interior or his authorized representative, and

(h) "State" includes each of the fifty States, and Puerto Rico.

### § 501.4 Allotments to institutes.

(a) Subject to the availability of appropriated funds, an allotment of $75,000 in the first fiscal year, $87,500 in each of the second and third fiscal years, and $100,000 in each fiscal year thereafter will be available to each State to assist in establishing and carrying on the work of an institute.

(b) An institute must be identified with a college or university in a State, unless two or more States cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute.

(c) An institute, as authorized by appropriate State authority, may, and is encouraged to, arrange with other colleges and universities within the State to participate in the institute's work. Such participation will not make the other colleges and universities ineligible for assistance under section 200 of the Act.

(d) Prior to receiving an allotment, each institute must meet certain qualifications prescribed in the Act and the regulations in this chapter.

### § 501.5 Programs of institutes.

(a) It shall be the duty of each institute to plan and conduct or arrange for a component or components of the college or university with which it is identified to conduct—

(1) Competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources, and

(2) Training of scientists through such research, investigations, and experiments.

(b) Such research, investigations, experiments, and training may include, without being limited to:

(1) Aspects of the hydrologic cycle,

(2) Supply and demand for water,

(3) Conservation and best use of available supplies of water,

(4) Methods of increasing such supplies, and

(5) Economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of water problems.

(c) Institutes shall give due regard to:

(1) The varying conditions and needs of the respective States,

(2) Water research projects being conducted (or supported) by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(3) Advice and assistance as provided by the Director pursuant to section 104 of the Act,

(4) Coordination of their programs with programs of other institutes and agencies, and

(5) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research.

(d) An institute may also plan for research, investigations, and experiments to be conducted as part of the institute's program at colleges and universities other than the college or university with which the institute is identified. For purposes of financial management, reporting, and other research program management and administration activities, the institute shall be responsible for performance of the activities of other participating colleges and universities. The activities of participating colleges and universities must meet all of the requirements (such as scope of work, qualifications, coordination with other research) that are applicable to other portions of an institute's program.

### § 501.6 Grants to institutes of matching funds for specific projects.

(a) Section 101 of the Act provides for grants to institutes with the condition that such grants be matched on not less than a dollar-for-dollar basis with funds from States or other non-Federal sources. Appropriations are authorized in the following amounts:

| Fiscal year: | *Amount* |
|---|---|
| 1965 | $1,000,000 |
| 1966 | 2,000,000 |
| 1967 | 3,000,000 |
| 1968 | 4,000,000 |
| 1969 and each following year | 5,000,000 |

(b) Subject to the availability of appropriations, such matching grants may be made to provide funds to meet the necessary expenses of specific water resources research projects, including the expenses of planning and coordinating regional water resources research projects by two or more institutes, if the projects for which such grants are sought—

(1) Could not otherwise be undertaken were it not for the Federal grant, and

(2) Are approved by the Director on the basis of—

(i) Merit of the project,

(ii) Need for the knowledge it is expected to produce when completed, and

(iii) The opportunity it provides for the training of scientists.

### § 501.7 Grants to, and contracts, matching or other arrangements with entities other than institutes.

(a) Grants, contracts, matching or other arrangements may be made, pursuant to section 200 of the Act, for research into any aspects of water problems related to the mission of the Department of the Interior that are not otherwise being studied, when such research is deemed desirable by the Director.



(b) Subject to the availability of appropriated funds, such grants may be made to, or contracts, matching or other arrangements made with, any of the following:

(1) Educational institutions (other than those establishing institutes under Title I of the Act),
(2) Private foundations,
(3) Other institutions,
(4) Private firms,
(5) Individuals,
(6) Local government agencies,
(7) State government agencies, or
(8) Federal Government agencies.

## PART 502—REQUESTS FOR ALLOTMENTS TO INSTITUTES

Sec.
502.1 Initial allotment.
502.2 Allotments after first fiscal year.

AUTHORITY: The provisions of this Part 502 issued under sec. 104, 78 Stat. 331.

### § 502.1 Initial allotment.

In order to obtain an initial allotment, an institute should submit to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240, a request (in six copies) containing the following information:

(a) Evidence that the institute conforms to the requirements of subsection 100(a) of the Act in that—

(1) The institute has been established at the college or university in the State that was established in accordance with the Act of July 2, 1862 (12 Stat. 503) or, if established at some other institution, the institute is at a college or university that has been designated by act of the legislature of the State for the purposes of section 100 of the Act, or

(2) If there is in the State more than one college or university established in accordance with the Act of July 2, 1862 and no designation has been made by act of the legislature of the State for the purposes of section 100 of the Act, the institute has been established at the one such college or university designated by the Governor of the State to receive the allotment, or

(3) The institute has been designated as an interstate or regional institute by two or more States in cooperation as provided by section 100 of the Act.

(b) Evidence of the appointment by the governing authority of the institute of an officer to receive and account for all funds paid under the provisions of the Act and to make annual reports to the Director on work accomplished and the status of projects under way, together with a detailed statement of the amounts received under any provision of the Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary.

(c) Evidence that the institute has plans for, and will conduct or arrange for a component or components of the college or university with which it is identified to conduct—

(1) Competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources, and

(2) The training of scientists through such research, investigations, and experiments.

(d) Names of other colleges or universities, if any, within the State with which arrangements have been made for their participation in the work of the institute, with indication of the nature and extent of such participation and an explanation of the arrangements by which such participation becomes a part of the work of the institute, and an acknowledgment of the institute's responsibility for planning, work performance, and reporting for the entire program of the institute.

(e) Evidence that the institute has, or may reasonably be expected to have, the capability of doing effective work in one or more of the various water resources research activities contemplated by the Act, which evidence shall include:

(1) The proposed general plan of operation of the institute showing its organization and a summary of the institute program activities, by project or other appropriate headings, which includes information concerning the substantive character and the anticipated magnitude, in man-years, of proposed activities,

(2) Description of facilities to be utilized,

(3) A list of staff personnel with specific details as to academic and professional training, research experience, and other pertinent qualifications, and the time they will devote to research, training, or other activities of the institute,

(4) The money, facilities, services, property, and other contributions, from sources other than the annual allotment of Federal funds, that will be available to the institute in the initial fiscal year.

(f) Evidence that the institute is giving due regard to

(1) Water research projects being conducted (or supported) by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(2) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research,

(3) Water resources conditions and needs of the State (or States, in the case of a regional institute) as ascertained by consultation with appropriate State officials and by other means,

(4) Advice and assistance as provided by the Director pursuant to Section 104 of the Act and section 501.2 of this chapter, and

(5) Coordination of its program with programs of other institutes and agencies.

(g) A statement that the institute is willing to enter into an agreement, in a form approved by the Secretary and the Attorney General, that all information, uses, products, processes, patents, and other developments resulting from any scientific or technological research or development activity financed with funds supplied pursuant to the Act will (with such exceptions and limitations as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public.

(h) A financial plan relating expenditures to scheduled activity and rate of effort to be expended, and indicating the times at which there will be need for specified amounts of allotted Federal funds.

(i) An appropriate "Notice of Research Project," and supplementary documentation as may be requested by the Director, for each separately identifiable research project the institute proposes to undertake during the year, for submission, when the allotment is approved, to the Science Information Exchange for publication in a catalog of water resources research.

### § 502.2 Allotments after first fiscal year.

After the first fiscal year, in order to obtain an allotment, an institute should submit to the Director a request (in six copies) containing the following information:

(a) All amendments, deletions, and additions to previously submitted information that are necessary to make it currently applicable,

(b) Evidence that all reports due under Part 506 of this chapter have been submitted,

(c) Evidence that any moneys received by the institute under the Act that have been found by the Director to have been improperly diminished, lost, or misapplied have been replaced, and safeguards have been established by the institute that will assure proper handling of funds received under the Act in the future,

(d) An outline explaining any changes in its program the institute plans to make during the forthcoming fiscal year,

(e) A financial plan relating expenditures to scheduled activity and rate of effort to be expended, and indicating the times at which there will be need for specified amounts of allotted Federal funds,

(f) Evidence that the institute's program is effective and is giving due regard to:

(1) Water research projects being conducted (or supported) by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(2) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research,

(3) Water resources conditions and needs of the State (or States, in the case of a regional institute) as ascertained by consultation with appropriate State officials and by other means,

(4) Advice and assistance as provided by the Director pursuant to Section 104 of the Act and Section 501.2 of this chapter, and

(5) Coordination of its program with programs of other institutes and agencies.

## PART 503—APPLICATIONS FOR GRANTS, CONTRACTS, MATCHING OR OTHER ARRANGEMENTS

Sec.
503.1 Applications by institutes for grants of matching funds for specific projects.
503.2 Applications for research grants, contracts, matching or other arrangements by entities other than institutes.

AUTHORITY: The provisions of this Part 503 issued under sec. 104, 78 Stat. 331.

**§ 503.1 Applications by institutes for grants of matching funds for specific projects.**

(a) *Manner of submission.* An application for a matching grant under section 101 of the Act for a specific water resources research project should be submitted by an institute in 15 copies to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240.

(b) *Definition of funds eligible for matching.* Non-Federal funds which may be used to match a grant of Federal funds, on not less than a dollar-for-dollar basis, are those that have been or will be made available to an institute by State or other non-Federal sources during the duration of the project for which the grant is sought to meet the necessary expenses of a specific water resources research project, including the expenses of planning and coordinating regional water resources projects by two or more institutes. The fair value of services, facilities, property, or other contributions supplied from non-Federal sources, but excluding the cost of permanent buildings, may also be included. Title requirements for property purchased with non-Federal funds and used to match grants under the Act are set forth in section 505.5 of this chapter.

(c) *Information required with application.* Applications for matching grants shall be in the form of proposals to undertake specific water resources research projects. Such proposals shall set forth for each project—

(1) The nature and scope of the project to be undertaken,

(2) The period during which it will be pursued,

(3) The name and qualifications of the person who will direct the project,

(4) The number and general qualifications of the personnel who will work on the project, with the name, education, experience, and accomplishments of the principal scientist who will be assigned to it,

(5) The location or locations at which the project will be pursued,

(6) The importance of the project to the water economy of the Nation, the region, and the State concerned,

(7) The relation of the project to the over-all program of the institute,

(8) The relation of the project to other known research projects theretofore pursued or currently being pursued by the institute and by others (including but not limited to projects listed by the Science Information Exchange),

(9) The extent to which the project will provide opportunity for the training of scientists,

(10) A financial plan setting forth cash requirements, subdivided between grant and non-Federal funds—

(i) For each quarter of the first fiscal year, and

(ii) For each subsequent fiscal year during the proposed life of the project,

(11) The facilities that will be devoted to the project,

(12) The salient points of the plan that will be followed in pursuing the project, including a financial plan in which expenditures are related to activity and rate of effort to be expended,

(13) The intended method of publishing the results of the project on a timely basis,

(14) The basis for a determination that the project could not be undertaken without the grant for which application is made,

(15) Evidence that all reports due under Part 506 of this chapter have been submitted,

(16) The names of other colleges or universities, if any, within the State with which arrangements have been made for their participation in the project, with indication of the nature and extent of such participation, an explanation of the arrangements by which such participation becomes a part of the work of the institute, and an acknowledgment of the institute's responsibility for the planning, work performance, and reporting for the entire project,

(17) Assurance that, if the grant is made, the required matching funds from non-Federal sources will be forthcoming, and

(18) Information as to whether the project has been or will be submitted to organizations other than the Office of Water Resources Research for the purpose of obtaining a contract or grant, with the names of any such organizations. Similar information, with the part (or parts) of the project appropriately identified, shall be provided when only a part (or parts) of the project has been or will be submitted to another organization.

(d) *Additional requirement.* There must be attached to the application an appropriate "Notice of Research Project", and supplementary documentation information as may be requested by the Director, for submission, if the project is approved, to the Science Information Exchange for publication in a catalog of water resources research.

**§ 503.2 Applications for research grants, contracts, matching or other arrangements by entities other than institutes.**

(a) *Eligible applicants.* As provided in paragraph (b) of § 501.7 of this chapter, individuals and organizations other than an institute established under Title I of the Act and the educational institution with which the institute is identified are eligible to apply for Federal funds under section 200 of the Act to assist them in undertaking research into any aspects of water problems related to the mission of the Department of the Interior that are not otherwise being studied.

(b) *Manner of submission.* An application should be submitted in 15 copies to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240. A separate application must be submitted for each project. If an application is signed by an authorized representative of an applicant, evidence of the authority of the representative must be attached.

(c) *Information required with application.* (1) If the applicant is an individual, the application should include a statement in reasonable detail of his education, experience, accomplishments, and special qualifications for conducting the project for which application is being made.

(2) If the applicant is an organization, the application should include a statement as to its nature, officers, principal business, experience, and special qualifications for conducting the project for which application is being made.

(3) Each application shall also set forth the information specified in paragraphs (c) and (d) of § 503.1 to the extent applicable. (There is no requirement that matching funds be supplied from non-Federal sources in order to receive assistance under section 200 of the Act.)

## PART 504—APPROVAL OF ALLOTMENTS AND APPLICATIONS

Sec.
504.1 Return of defective submissions.
504.2 Approval of initial allotments to institutes.
504.3 Approval of allotments to institutes after the first year.
504.4 Approval of grants to institutes of matching funds for specific projects.
504.5 Approval of grants to, and contracts, matching or other arrangements with, entities other than institutes established pursuant to the Act.

AUTHORITY: The provisions of this Part 504 issued under sec. 104, 78 Stat. 331.

**§ 504.1 Return of defective submissions.**

(a) Upon receipt of a request for approval of an allotment or upon receipt of an application for a grant, contract, matching or other arrangement pursuant to the Act, the Director shall determine whether the submission conforms to the requirements of Part 502 or Part 503 of this chapter as appropriate. Non-conforming submissions will be returned with statements of the reasons for their return.

**§ 504.2 Approval of initial allotments to institutes.**

(a) The Director will approve the initial allotment to an institute when he has determined that the institute—

(1) Has been organized in conformity with subsection 100(a) of the Act,

(2) Has, or may reasonably be expected to have, the capability of doing effective work under the Act.

(3) Is committed to a program of work and a plan of operation that conform with the provisions of the Act and provide for activities that will not duplicate established water research programs, and

(4) Has a financial plan in which proposed expenditures have a reasonable relationship to the probable value of the results of the institute's activities.

(b) When the Director has determined that the initial allotment should be made to an institute, he will draft and sign a proposed continuing agreement setting forth the general terms and conditions of allotments, and forward five copies of it to the institute. The institute shall sign and return to the Director three copies of the continuing agreement. Such continuing agreement will also apply to grants to institutes of matching funds for specific projects, pursuant to section 101 of the Act, if such grants are approved by the Director.

(c) The Director will also draft, sign, and forward to the institute five copies of an annual allotment agreement covering the initial annual allotment. The institute shall sign and return to the Director three copies of the annual allotment agreement.

**§ 504.3 Approval of allotments to institutes after the first year.**

(a) Each fiscal year after the first, the Director will approve an allotment to an institute when he has determined that the institute—

(1) Has, since receiving its preceding allotment, undergone no changes in its form of organization, finances, and plan of operation that disqualify it for an allotment pursuant to section 100 of the Act,

(2) Has submitted, in satisfactory form, all reports required in Part 506 of this chapter,

(3) Is committed to a program of work and a plan of operation that conform to the provisions of section 100 of the Act and provide for activities that will not duplicate established water research programs,

(4) Is engaged in, and is committed to, a program of research, investigations, and experiments and the training of scientists through such activities that represent competent and effective work of the types and in the manner provided for in the Act,

(5) Has properly accounted for all funds received pursuant to the Act and, if the Director has determined that any portion of such funds were improperly diminished, lost, or misapplied, has replaced them and supplied evidence that it has instituted safeguards that will assure proper handling of funds received under the Act in the future, and

(6) Has a financial plan in which proposed expenditures have a reasonable relationship to the probable value of the results of the institute's activities.

(b) In evaluating the plans of an institute, the Director will give due regard to the varying conditions and needs of the respective States.

(c) The Director will draft, sign, and forward to the institute five copies of an annual allotment agreement. The institute shall sign and return to the Director three copies of the annual allotment agreement.

**§ 504.4 Approval of grants to institutes of matching funds for specific projects.**

(a) The Director will approve an institute's application for a matching-fund grant under section 101 of the Act to assist in financing a specific project after determining that—

(1) The applicant is a qualified institute,

(2) Satisfactory assurance has been furnished that funds from non-Federal sources that will be devoted to the project will equal or exceed the amount of the proposed matching grant, and

(3) The proposed project is deserving of approval on the basis of its over-all merits, including consideration of—

(i) The need for the knowledge it is expected to produce when completed,

(ii) The opportunity it provides for the training of scientists,

(iii) The probability that it will be pursued with competence and completed within a reasonable time,

(iv) The relationship between the amount of the grant and the probable results to be achieved,

(v) Freedom from unnecessary duplication of work being performed by others, and

(vi) Evidence that the proposed project could not be undertaken without the aid of the requested grant.

(b) When the Director has determined that a matching grant should be made to an institute for a matching fund project, and if the institute has not previously executed the proposed continuing agreement required by paragraph (b) of § 504.2, he will forward such proposed continuing agreement to the institute for execution. The Director will also draft and sign a proposed matching grant agreement and forward five copies of it to the institute. The institute shall sign and return three copies of the proposed matching grant agreement, and, if one is submitted, three copies of the continuing agreement.

(c) If the proposed matching grant agreement, together with the continuing agreement if not previously executed, is not formally signed by the institute and returned to the Director within 30 days, the proposed matching grant agreement may be withdrawn by the Director.

**§ 504.5 Approval of grants to, and contracts, matching or other arrangements with, entities other than institutes established pursuant to the Act.**

The Director may approve proposals submitted under section 200 of the Act and § 503.2 of this chapter after determining that—

(a) The applicant for such grant, contract, matching or other arrangement is, as provided in paragraph (b) of § 501.7 of this chapter, a bona fide individual or organization, other than an institute established pursuant to the Act or the educational institution identified with such an institute, that has qualifications to perform work contemplated by section 200 of the Act,

(b) The proposal was properly signed by the applicant or its duly authorized agent,

(c) The work to be undertaken represents research into aspects of water problems related to the mission of the Department of the Interior,

(d) Such research is desirable and covers aspects of water problems not otherwise being studied,

(e) A reasonable relationship exists between the cost to the Government and the probable results to be achieved, and

(f) The applicant has expressed a willingness to enter into a research project agreement acceptable to the Director.

## PART 505—FISCAL AND ACCOUNTING

Sec.
505.1 Procedure for obtaining payments.
505.2 Cost computation principles.
505.3 Capital and related expenditures.
505.4 Credits against cost and repayments to the Government.
505.5 Title to property.
505.6 Accounting records.

AUTHORITY: The provisions of this Part 505 issued under sec. 104, 78 Stat. 331.

**§ 505.1 Procedure for obtaining payments.**

(a) *Allotments.* (1) After the Director has determined that an institute's qualifications and plans are acceptable, and after the applicable agreements required by paragraphs (b) and (c) of § 504.2 of this chapter and paragraph (c) of § 504.3 of this chapter have been executed, he will provide the institute with public vouchers that it may sign and return for certification by the Director and payment. Each voucher will be in five copies. Two copies may be retained by the institute; three must be returned to the Director.

(2) The amounts and dates of such vouchers will be those that the Director decides, on the basis of the financial plan and reports the institute has submitted, will provide funds as they are needed by the institute to liquidate the liabilities it expects to incur.

(b) *Grants.* (1) After the grant agreement has been formally signed, payments of grant funds to the grantee will be made on public vouchers prepared, signed, and submitted by the grantee in three copies to the Director. Such vouchers will provide for amounts to be paid to the grantee as funds are required for the liquidation of liabilities the grantee expects to incur pursuant to the terms of the grant.

(2) In support of each such voucher the grantee will relate it to the approved financial plan.

(3) In the case of matching grants, the grantee will also submit evidence that a proper relationship is being maintained between expenditures of grant and non-Federal funds.

(c) *Contracts and other arrangements.* Individuals and organizations that conduct research under contracts or other arrangements pursuant to section 200 of the Act will submit to the Director, not more frequently than monthly, public vouchers in three copies, claiming payment or reimbursement as called for by the terms of the contract or other arrangement. Such vouchers shall detail deliveries, performance, expenditure or such other criteria for payment as are required by or are appropriate under the contract or other arrangement. Educational institutions and non-profit organizations may obtain advance payments of initial expenses upon submission of a voucher in three copies when, in the opinion of the Director, such payment is necessary to facilitate the work being done under contracts or other arrangements pursuant to the Act.

**§ 505.2 Cost computation principles.**

(a) *Applicability to allotments and grants.* The cost-computation principles prescribed in this section shall be utilized in the cost accounting required with respect to allotments and grants under the Act to provide evidence that the recipient has discharged the obli-

gation it assumed, when accepting these funds, to expend them solely for costs necessary for the accomplishment of the work for which they were received. These principles will also be applied in accounting for funds from other sources to the extent that such funds are applied to meet the requirement that grants be matched with non-Federal funds.

(b) *Applicability to contracts.* Computation of costs in accordance with the principles prescribed in this section is a prerequisite of payments from funds provided under the Act to a contractor under cost-reimbursement-type contracts. Such cost computation is also necessary for fixed-price contracts if they are terminated prior to completion or contain price-redetermination, renegotiation, or similar clauses.

(c) *Basic cost formulas.* Costs will be computed:

(1) By institutes and educational institutions, in accordance with Bureau of the Budget Circular A–21, as revised, except as provided in section 505.3.

(2) By all entities other than educational institutions and institutes, in accordance with the Federal Procurement Regulations (second edition) (Title 41, Code of Federal Regulations, Subpart 1–15.2) (29 F.R. 10288), except as provided in § 505.3.

### § 505.3 Capital and related expenditures.

(a) In no instance shall the Director approve payments pursuant to the Act which include any amounts representing, either directly or indirectly, the cost of permanent buildings. In no instance shall recipients of funds pursuant to the Act use such funds either directly or indirectly to pay the cost of permanent buildings.

(b) Payments received pursuant to the Act may be applied to capital expenditures, other than for permanent buildings, to the extent that such expenditures are provided for in plans for projects and other activities that have been approved by the Director.

### § 505.4 Credits against cost and repayments to the Government.

(a) Incidental income resulting from operations: (1) Income resulting from the work financed by allotments, grants, contracts, and other arrangements under the Act may be added to the funds in the hands of the allottee, grantee, or contractor and used for expenses of water resources research activities. Examples of such income are: Proceeds from the sale of scrap, water and other material produced as a by-product of, or remaining after use in, research activities; sale of, or royalties on, publications; etc. It is a responsibility of those receiving Federal funds under the Act to realize such incidental income to the maximum extent possible consistent with the purposes of the Act.

(2) In instances in which such incidental income results from joint expenditures of funds provided by the Act and of funds from other sources, such income shall be credited to their various sources in the ratio in which each contributed to the generation of the incidental income.

(b) Any interest earned on any funds received as allotments or grants under the Act shall accrue to the benefit of the United States and each institute or grantee shall submit as a part of its annual report a statement showing the amount of such interest earned during the period covered by the report.

(c) In the event an institute is dissolved or a research project conducted under a grant is completed or terminated prior to completion, all funds provided under the Act that remain in the hands of the allottee or grantee after liquidation of the costs chargeable to the allotment or grant will be returned to the Director.

(d) Similarly, any supplies and equipment or other assets that were purchased with funds provided under the Act as allotments may be disposed of by the Director at his discretion upon dissolution of an institute or, if purchased with grant funds, upon completion or termination of the project for which the funds were furnished.

### § 505.5 Title to property.

(a) Title to property purchased with Federal funds allotted to institutes pursuant to section 100 of the Act shall be in the name of the institute and not that of the State or the college or university with which the institute is identified. However, in instances in which a formal document evidencing title is prepared, and State law precludes its issuance in the name of the institute, titles such as the following will be satisfactory:

---------- University [or ---------- State] for the use and benefit of the ---------- Water Resources Research Institute.

(b) Title to property purchased with funds from non-Federal sources used to match grants under section 101 of the Act, shall, similarly, be vested in, or held for the use and benefit of, the institute. In the case of property purchased with non-Federal funds that is applied to meet matching requirements for grants under section 200 of the Act, title shall be vested in the grantee.

(c) In the case of reimbursement-type contracts, the title of property shall pass to and vest in the Government.

(1) Upon its delivery to the contractor if its purchase is paid for with funds supplied under the Act or the cost is reimbursable to the contractor from such funds, or

(2) Upon issuance of such property for use in the performance of the contract, or commencement of processing or use of such property in the performance of the contract, or reimbursement of the cost thereof by the Government, whichever first occurs.

(d) Title to property purchased with grant funds made available either under section 101 or under section 200 of the Act shall vest in the Government when acquired by the grantee, unless the grantee is a non-profit institution of higher education or a non-profit organization whose primary purpose is the conduct of scientific research and the Director determines that vesting title in such grantee would further the objectives of the Act.

### § 505.6 Accounting records.

(a) The officers of institutes appointed in compliance with section 102 of the Act, and appropriate officials of entities other than institutes, that receive funds under the Act, shall be responsible for maintaining books of account that clearly, accurately, and currently reflect the financial transactions involving allotments, grants, contracts, and other arrangements financed under the Act and also transactions financed with matching funds from sources other than the Federal Government. In addition, they shall maintain files of all papers necessary to explain and prove the validity of the transactions recorded.

(b) Such records, with all supporting and related documents shall, at all reasonable times, be made available, upon request, for inspection and audit by representatives of the Director and of the Comptroller General of the United States.

(c) Records relating to each allotment and each grant shall be retained and made available until the expiration of three years after the allottee's or grantee's last disbursement of such funds. Records with respect to contracts shall be retained and made available until the expiration of three years after the last payment thereunder was received by the contractor.

(d) The books and records maintained shall include a record of all property

(1) Received from the Federal Government,

(2) Charged as a cost of activities financed with funds provided by the Act,

(3) Included in costs paid with non-Federal funds to match grant funds, and

(4) Included in reimbursable costs under cost-reimbursement-type contracts.

(e) An accountability record shall be maintained for all items of such property that are nonexpendable and have an acquisition cost of $100 or more.

(f) Institutes, grantees, and contractors shall include the following provision in any contract or subcontract for services, equipment, or supplies they make that requires payments exceeding $2,500 from funds furnished under the Act or non-Federal funds used to match such Federal funds:

Representatives of the Director of the Office of Water Resources Research or of the Comptroller General of the United States shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers, and records relating to this contract.

For the purposes of this requirement, contracts or subcontracts for public utility services at rates established for uniform applicability to the general public are excluded.

## PART 506—PROGRESS AND ACCOMPLISHMENT REPORTS

Sec.
506.1 Project completion or termination reports.
506.2 Annual reports by institutes.
506.3 Annual reports by entities other than institutes.
506.4 Special reports.
506.5 Annual reports to the Congress.
506.6 Acknowledgment of Federal Government participation.

AUTHORITY: The provisions of this Part 506 issued under sec. 104, 78 Stat. 331.

### § 506.1 Project completion or termination reports.

(a) Recipients of funds under the provisions of sections 100, 101, and 200 of the Act are encouraged to publish, as technical literature, the findings, results, and conclusions relating to separately identifiable research projects undertaken pursuant to the Act. Fifty copies of such documents shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

(b) If a publication such as is described in paragraph (a) of this section has not been prepared with respect to a specific research project, recipients of funds under the provisions of sections 100, 101, and 200 of the Act shall, in conjunction with the completion or termination of the project, prepare a report which sets forth the findings, results, and conclusions relating to such project. Fifty copies of the report shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

### § 506.2 Annual reports by institutes.

(a) On or before September 1 of each year, each institute shall make an annual report relating to its program and activities conducted pursuant to sections 100 and 101 of the Act, for the year ending June 30, to the Director, in fifteen copies, which provides information as indicated in paragraphs (b), (c), and (d) of this section.

(b) Relating to the institute's program conducted pursuant to an allotment of funds and section 100 of the Act, the report shall provide—

(1) For each separately identified research project that was included as a part of the institute's annual program—

(i) A description of research performed and any findings, results, or conclusions relating thereto,

(ii) Supplementary information suitable for project documentation purposes,

(iii) A listing of any project-related publications or reports issued and papers prepared (with copies of such publications, reports, or papers being attached to each copy of the annual report),

(iv) In lieu of the information requested in subdivisions (i), (ii), and (iii) of this subparagraph (1), an appropriate reference to a project completion or termination report which contains similar information and which was submitted to the Director in accordance with the provisions of § 506.1, and

(v) Statements of project work remaining to be accomplished,

(2) A description of any other activities or work accomplished or remaining to be accomplished by the institute, including reports or publications issued and presented but not previously covered in subparagraph (1) of this paragraph (b),



(3) A record of training of scientists, and

(4) The nature and extent of activities conducted in cooperation with other institutes and research organizations.

(c) Relating to projects carried on pursuant to matching-fund grants and section 101 of the Act, the report shall provide, separately, for each project—

(1) Information similar to that prescribed in paragraph (b) of this section, and

(2) Other information relating to the project, as deemed appropriate by the institute.

(d) Relating to funds, the report shall provide detailed statements of the amounts received under the Act, and the disbursements thereof, on schedules prescribed by the Director—

(1) For the institute's annual program carried on pursuant to an allotment of funds under section 100 of the Act, and

(2) For each project carried on pursuant to a matching-fund grant under section 101 of the Act.

(e) In addition to information provided in their annual reports as prescribed above, institutes are encouraged to add a report section which provides general accounts of other significant or interesting water resources research developments and prospects, and analyses of local, State, regional or national water needs in relation to the program of the institute.

### § 506.3 Annual reports by entities other than institutes.

(a) On or before September 1 of each year each entity that has received funds under section 200 of the Act shall make a report relating to its activity for the year ending June 30 and submit such report to the Director, in fifteen copies. If there was more than one grant, contract, matching, or other arrangement in effect with the entity during the year covering more than one specific research project, the annual report shall be made up of separate sections, one for each such project, which provide—

(1) A description of research accomplished and the findings, results, and conclusions relating thereto,

(2) Supplementary information suitable for project documentation purposes,

(3) A listing of project-related publications or reports issued and papers presented (with copies of such publications being attached to each copy of the annual report),

(4) Statements of project work remaining to be accomplished,

(5) The nature and extent of activities conducted in cooperation with institutes or other research organizations, and

(6) A detailed statement of the amounts received during the year under grant, contract, matching, or other arrangement, and disbursements thereof, on schedules prescribed by the Director.

(b) If the entity has submitted to the Director a project completion or termination report in accordance with the provisions of section 506.1 of this chapter, the entity may make, in lieu of providing the information requested in subparagraphs (1), (2), and (3) of paragraph (a) of this section, an appropriate reference to such project completion or termination report.

### § 506.4 Special reports.

All organizations and individuals receiving funds under grants, contracts, or other arrangements pursuant to the Act shall submit such reasonable special or interim reports as may from time to time be specifically requested by the Director.

### § 506.5 Annual reports to the Congress.

Each year the Director shall prepare a recommended report suitable for transmission by the Secretary to the Congress, which report shall—

(a) Summarize the receipts and expenditures and work of the institutes in all States and of others that have received funds under the provisions of the Act,

(b) Indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor, and

(c) Summarize the advice and comments relative to needs and problems of the program authorized by the Act as such advice and comments may have been expressed by institutes and in the consultations described in Part 507 of this chapter, together with advice relative to the overall program secured by the Director from a special panel constituted by the Director for that purpose, which panel shall be composed of outstanding scientists, engineers, and laymen experienced in public affairs related to water resources.

### § 506.6 Acknowledgment of Federal Government participation.

Appropriate acknowledgment shall be given by institutes, grantees, and contractors to the Department of the Interior's participation in financing research carried out under provisions of the Act. Such acknowledgment shall be included in publications, news releases, and other information media developed by institutes and others to publicize, describe or report upon research activities and accomplishments carried out in whole or in part with funds received under provisions of the Act.

## PART 507—CONSULTATION AND COORDINATION

Sec.
507.1 Cooperation.
507.2 Advice, assistance, and coordination.
507.3 Consultations.
507.4 Cooperation with cataloging center.

AUTHORITY: The provisions of this Part 507 issued under sec. 104, 78 Stat. 331.

### § 507.1 Cooperation.

The Director shall encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

### § 507.2 Advice, assistance, and coordination.

The Director shall furnish such advice and assistance as will best promote the purposes of the Act, participation in co-

ordinating research initiated under the Act by the institutes, and indicate to them such lines of inquiry as to him seem most important.

**§ 507.3 Consultations.**

The Director shall consult with and obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with water problems, of State and local governments, and of private institutions and individuals, to—

(a) Assure that the programs authorized by the Act will not duplicate established water research programs,

(b) Stimulate research in otherwise neglected areas,

(c) Contribute to a comprehensive, nationwide program of water and related resources research, and

(d) Obtain assistance in evaluating programs of the institutes, proposals for grants, contracts or other arrangements, reports of work, and the activities carried on pursuant to the Act.

**§ 507.4 Cooperation with cataloging center.**

The Director will cooperate with the cataloging center (established in such agency and location as the President determines to be desirable) by providing information to the center on work underway or scheduled pursuant to provisions of the Act, and otherwise as appropriate for the purpose of improving communication of information on water resources research. Such information will be used for cataloging current and projected scientific research in all fields of water resources.

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## PART 508—AUDITS AND INSPECTIONS

Sec.
508.1 Introduction.
508.2 Audits.
508.3 Inspections.

AUTHORITY: The provisions of this Part 508 issued under sec. 104, 78 Stat. 331.

**§ 508.1 Introduction.**

Representatives of the Director and of the Comptroller General of the United States may conduct on-site audits and inspections of institutes and other entities which have received Federal funds pursuant to the Act.

**§ 508.2 Audits.**

Audits conducted at the direction or on behalf of the Director will extend to a determination and appropriate finding of fact concerning compliance with the provisions of the Act, the regularity and accuracy of financial transactions and recording, adequacy of property accountability and internal control, and reliability of financial reporting. As a part of such audits, examinations will be made on a selective basis to determine that matching funds (as defined in section 503.1 of this chapter) have been received and properly expended by recipients of matching-fund grants under the Act and that grantees maintain a proper relationship between costs paid with funds from non-Federal sources and with matching grant funds provided under the Act. Professional audit techniques will be applied and accepted principles of business administration will be the governing criteria.

**§ 508.3 Inspections.**

In relation to the substantive scientific research operations of allottees, grantees, contractors and others, the Director may, with such personnel as he considers qualified and with such procedures as he determines to be suitable, perform inspections of activities authorized and financed pursuant to the Act. Such inspections will cover acceptability of progress, consistency with approved plans, and other factors the Director deems important to enable him to discharge his responsibilities for achievements consistent with purposes of the Act.

[F.R. Doc. 64-12380; Filed, Dec. 2, 1964; 8:50 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### REVISION OF PART HEADINGS

EDITORIAL NOTE: The headings of certain parts in Chapter I, Title 21 of the Code of Federal Regulations, are revised to read as follows:

Part 14—Cacao products.
Part 15—Cereal flours and related products.
Part 16—Macaroni and noodle products.
Part 17—Bakery products.
Part 18—Milk and cream.
Part 19—Cheeses, processed cheeses, cheese foods, cheese spreads, and related foods.
Part 20—Frozen desserts.
Part 22—Food flavorings.
Part 27—Canned fruits and fruit juices.
Part 29—Fruit butters, fruit jellies, fruit preserves, and related products.
Part 37—Fish.
Part 42—Eggs and egg products.
Part 45—Oleomargarine, margarine.
Part 46—Nut products.
Part 51—Canned vegetables.
Part 53—Tomato products.

# Title 32—NATIONAL DEFENSE

## Chapter VI—Department of the Navy

### SUBCHAPTER A—OFFICIAL RECORDS

### PART 701—AVAILABILITY OF OFFICIAL RECORDS

### SUBCHAPTER C—PERSONNEL

### PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

### Miscellaneous Amendments

*Scope and purpose.* Section 701.3 is amended to authorize the release of copies of certain traffic accident investigative reports. Section 719.101 is amended in regard to the administration of discipline under article 15 of the Uniform Code of Military Justice (10 U.S.C 815) in multiservice commands with headquarters and field organizations. The amendments correspond to revisions included in Change 11 to the Manual of the Judge Advocate General, which change will be distributed to Navy and Marine Corps commands in due course.

1. Section 701.3 is amended by revising paragraph (a) to read as follows:

**§ 701.3 Production of official records in the absence of court order.**

(a) *Furnishing information from personnel and related records to personnel concerned.* Whether or not litigation is involved, naval personnel, civilian employees of the Naval Establishment, their personal representatives, e.g., executors, guardians, etc., or other properly interested parties may be furnished copies of records or information therefrom relating to death, personal injury, loss, or property damage to or involving such personnel, without following the procedures prescribed in either paragraph (c) or (d) of § 701.2, provided the interests of the United States are not prejudiced thereby. All such requests (except requests for medical records, for such traffic accident reports as described in subparagraph (2) of this paragraph, and for records relating to matters under the cognizance of the General Counsel) shall be referred to the Judge Advocate General, Navy Department, Washington, D.C., 20350, or, in the 11th, 12th, 13th, 14th, and 17th Naval Districts, to the Director, Office of the Judge Advocate General, West Coast, San Bruno, Calif., 94067.

(1) *Medical records.* Requests for medical records shall be processed in accordance with the Department of Defense policy set forth in Part 66 of this title, as implemented by the Manual of the Medical Department. If, in processing such a request for medical records, it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General. Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of the Executive Order and the Navy Civilian Personnel Instruction referred to in § 701.2(e).

(2) *Provost marshal or base police reports of traffic accidents.* Local commanders are authorized to release copies of traffic accident investigative reports where service personnel are not involved and where no government vehicle is involved, provided the interests of the United States will not be prejudiced thereby. Release may be made to any properly interested party or his authorized representative. If it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General or, in the 11th, 12th, 13th, 14th, and 17th Naval Districts, to the Director, Office of the Judge Advocate General, West Coast. (Charges will be made in accordance with the schedule of fees published in Part 288 of this title (minimum fee $2.50). Fees collected will be credited as set forth in the Navy Comptroller Manual, paragraph 043145.)

* * * * *

2. Section 719.101 is amended by revising paragraph (a)(1) to read as follows:



**§ 719.101 General provisions.**

(a) *Authority to impose.*—(1) *Multiservice commands.* In addition to the category of officers authorized to impose nonjudicial punishment under article 15(a) of the Code, the commander of a multiservice command to whose staff or command members of the naval service are assigned may designate one or more naval units and may for each such naval unit designate a commissioned officer of the naval service as commanding officer for the administration of discipline under article 15 of the Code. A copy of any such designation by the commander of a multiservice command shall be furnished to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and to the Judge Advocate General.

* * * * *

(R.S. 161, sec. 501, 65 Stat. 290, secs. 801–940, 5031, 70A Stat. 36–78, 278, as amended, sec. 815, 76 Stat. 448; 5 U.S.C. 22, 140, 10 U.S.C. 801–940, 5031; Exec. Order 10214 (16 F.R. 1303, 3 CFR 1949–53 Comp., p. 408), as amended, Exec. Order 11081 (28 F.R. 945, 3 CFR 1959–63 Comp., p. 702).)

By direction of the Secretary of the Navy.

Dated: November 25, 1964.

[SEAL] WILFRED HEARN,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

[F.R. Doc. 64-12343; Filed, Dec. 2, 1964; 8:47 a.m.]

# Title 46—SHIPPING

## Chapter IV—Federal Maritime Commission

### SUBCHAPTER A—GENERAL PROVISIONS

### PART 506—FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

### Discriminations in the U.S.-Uruguayan Trade

Pursuant to the authority of section 19(1) of the Merchant Marine Act, 1920, the Federal Maritime Commission is authorized and directed to make rules and regulations affecting shipping in the foreign trade in order to adjust and meet general or specific conditions unfavorable to shipping in that trade, whether in any particular trade or upon any particular route, or in commerce generally, and which arise out of or result from foreign laws, rules or regulations, or from competitive methods or practices employed by owners, operators, agents or masters of vessels of a foreign country. Section 506.3 of this part also provides for the issuance of appropriate rules or regulations to counter any such discriminatory situations.

By decree dated June 13, 1963, the Government of Uruguay established certain preferences for goods shipped on Uruguayan national ships, as follows:

(a) Articles, merchandise, products and goods imported in national flag dry cargo ships shall be exonerated from fifty percent of the surcharge established by Article 1 of the decree dated April 14, 1963. (This surcharge amounts to twenty percent CIF value.)

(b) Articles, merchandise, products and goods not subject to surcharge and included within the provisions of Article 5 of law 12670 of December 17, 1959, shall be exempted from the six percent tax on transfer of funds abroad established by Article 6 of law 11924 of March 27, 1953, when they are imported in national flag dry cargo ships.

In the opinion of the Commission, the preferences established by said decree of June 13, 1963, artificially divert commercial shipments to Uruguayan national flag vessels, discriminate against vessels of the United States registry, and result in conditions which are detrimental to the free flow of international trade, thereby creating a condition unfavorable to shipping in the foreign trade between the United States and Uruguay. Despite the repeated representations of the United States Government, the Government of Uruguay has not removed these discriminations which are causing conditions unfavorable to United States shipping in the trade between the United States and Uruguay, and the Commission regrets that it now finds it necessary to invoke its powers under section 19(1)(b) of the Merchant Marine Act, 1920, to correct these discriminations. The Commission considers that notice and public procedure would be contrary to the public interest because of the detrimental effects to the commerce of the United States now being incurred as a result of the discriminations of the Government of Uruguay.

Therefore, as directed by section 19(1)(b) of the Merchant Marine Act, 1920, the Federal Maritime Commission hereby amends Part 506, Title 46, CFR, by the addition of a new section, § 506.4, as follows:

**§ 506.4 Discriminations in the U.S.-Uruguayan trade.**

(a) The Federal Maritime Commission has determined that the Government of Uruguay is engaged in discriminatory practices against vessels of United States registry and in favor of national flag vessels of Uruguay. Such national flag vessels are herein referred to as "favored vessels."

(b) The owner of any favored vessel carrying exports from the United States to Uruguay, or the operator of such vessel if operated by a person or company other than the owner, shall within four (4) days after departure of the vessel from the last United States port of call file with the Federal Maritime Commission, Office of International Affairs and Relations, Washington, D.C., 20573, a complete manifest of all such cargo carried by such vessel. Such manifest shall show for each shipment thereon the origin, destination, quantity or description, and the CIF value, and shall further stipulate whether such shipment is entitled to exoneration from 50 percent of the surcharge established by Article 1 of the decree dated April 14, 1963, or is exempt from the 6 percent tax on transfer of funds abroad established by Article 6 of law 11924 of March 27, 1953.

(c) The owner or operator of every favored vessel shall take appropriate steps to obtain the information and documents required in order to comply with the provisions of this section.

(d) In order to adjust or meet the unfavorable conditions caused by the decree of June 13, 1963, the owner or operator of each favored vessel carrying exports between the United States and Uruguay shall be subject, insofar as goods covered by Article 1 of the decree of April 14, 1963, are concerned, to an equalizing charge of 10 percent of the CIF value of all such cargoes covered. On the cargoes which are covered by the provisions of Article 5 of law 12670 of December 17, 1959, an equalizing charge of 6 percent of the CIF value shall be assessed. Such charges shall be paid directly to the Federal Maritime Commission, Washington, D.C., 20573, for the account of the Treasurer of the United States, and shall be remitted within ten (10) days after demand for payment.

(e) Whoever fails to comply with the provisions of this section shall be subject to all applicable remedies and penalties provided by law, in addition to the charges imposed by paragraph (d) of this section.

(f) The provisions of this section shall not apply to exports from the United States to Uruguay as to which the Federal Maritime Commission hereafter finds Uruguay has ceased to employ or enforce its preferential and discriminatory surcharges and transfer taxes. The Federal Maritime Commission may from time to time by appropriate notice modify the charge prescribed by paragraph (d) of this section, if the Commission finds that such modification is required in order to adjust or meet the discriminatory routing practices of Uruguay.

*Effective date.* This amendment shall become effective thirty days from the date of publication of this notice in the FEDERAL REGISTER.

By the Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12406; Filed, Dec. 2, 1964; 8:50 a.m.]

# Title 44—PUBLIC PROPERTY AND WORKS

## Chapter I—General Services Administration

### SUBCHAPTER C—REAL PROPERTY MANAGEMENT

### PART 110—REAL PROPERTY DISPOSAL

### Transfer of Regulations

The regulations published in Part 110 of Title 44 are transferred, with new material, to a new Part 101–47 of Title 41 appearing in this issue of the FEDERAL REGISTER.

Therefore, Part 110 of Title 44 is hereby deleted.

*Effective date.* This deletion is effective December 22, 1964.

Dated: November 20, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-12286; Filed, Dec. 2, 1964; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 15628; FCC 64-1099]

## PART 73—RADIO BROADCAST SERVICES

### Table of Assignments, FM Broadcast Stations; Pekin, Ill.

*Report and order.* 1. The Commission has before it for consideration its notice of proposed rule making (FCC 64-862) issued in this proceeding on September 18, 1964, inviting comments on a proposal to assign Channel 285A to Pekin, Illinois in addition to its presently assigned Channel 237A. No oppositions were filed to the proposal.

2. At the present time Pekin has assigned to it one Class A FM assignment, Channel 237A, on which a construction permit has been granted. Pekin, a community of 28,146 persons is located in Tazewell County, which has a population of 99,789. The only radio station on the air in Pekin is a daytime-only station. We are of the view that Pekin is large and important enough to warrant the assignment of a second FM assignment and that adoption of the subject proposal would serve the public interest.

3. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* That effective January 7, 1965, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the community named is concerned, to read as follows:

| City: | *Channel No.* |
|---|---|
| Pekin, Ill | 237A, 285A |

5. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. 1066, as amended, 1082, as amended, 1083; 47 U.S.C. 154, 303, 307)

Adopted: November 25, 1964.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION [1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12346; Filed, Dec. 2, 1964; 8:47 a.m.]

## PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

### Notifying the Federal Aviation Agency About Antenna Structures; Miscellaneous Amendments

*Order.* The Commission having under consideration the desirability of making editorial changes in Part 81 of its rules;

It appearing, that the amendments adopted herein are for the purpose of conforming the provisions of §§ 81.31, 81.32, and 81.36 to the rule change in § 17.4(f) which became effective November 9, 1964; and

It further appearing, that these conforming amendments relate to FCC Form 714 whereby an applicant for a nonbroadcast station informs the Commission whether notice has been given to Federal Aviation Agency concerning a proposed antenna structure in accordance with Part 77 of the Federal Aviation Agency rules; and

It further appearing, that the amendments adopted herein are editorial in nature, and, therefore, compliance with the rule making procedures and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that authority for these amendments is set forth in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and in § 0.261(a) of the Commission's rules;

*It is ordered,* This 24th day of November 1964, that effective December 7, 1964, Part 81 of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat. 1066, as amended, 1068, as amended, 1082, as amended; 47 U.S.C. 154, 155, 303)

[1] Commissioner Hyde absent.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

APPENDIX

A. Part 81 is amended as follows:

1. Section 81.31 is amended by adding a new paragraph (g) thereto:

§ 81.31 Establishment of station.

* * * * *

(g) An application for construction permit, filed pursuant to this section, which shows on its face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to the Federal Aviation Agency.

2. Section 81.32 is amended by adding a new paragraph (d) thereto:

§ 81.32 Changes prior to completion of station.

* * * * *

(d) An application for modification of construction permit, filed pursuant to this section, which shows on its face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to the Federal Aviation Agency.

3. Section 81.36 is amended by adding a new paragraph (e) thereto:

§ 81.36 Changes during license term.

* * * * *

(e) An application for construction permit, filed pursuant to this section, which shows on its face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to the Federal Aviation Agency.

[F.R. Doc. 64-12347; Filed, Dec. 2, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 1036]

[Docket No. AO-179-A24]

### MILK IN NORTHEASTERN OHIO MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Northeastern Ohio marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Cleveland, Ohio, on October 20-21, 1964, pursuant to notice thereof which was issued September 24, 1964 (29 F.R. 13483).

The material issues on the record of the hearing relate to:

1. Diversion of producer milk;
2. Qualifications for attaining pool plant status;
3. Accounting for bulk tank milk under certain specified conditions;
4. Classification provisions;
5. The Class I milk price;
6. The Class II milk price;
7. Location differentials;
8. Seasonal incentive payments; and
9. Miscellaneous and conforming changes.

This decision is concerned only with that portion of Issue No. 5 relating to the use of market statistics of the North Central Ohio milk order (Part 1037) in the computation of the supply-demand adjustment under the Northeastern Ohio milk order. Other aspects of the Class I pricing provisions and the remaining issues of the hearing will be considered in a further decision.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The use of North Central Ohio order (Order 37) supplies and sales data in the Northeastern Ohio supply-demand adjustment provision should be discontinued and the "standard utilization percentages" adjusted to compensate for the elimination of such data.

The supply-demand adjustment is computed by comparing the "current utilization percentage" (i.e., the ratio of combined producer receipts to combined Class I sales during the second and third months preceding the pricing month) with a standard utilization percentage or "norm" applicable for the pricing month. The Class I price adjustment is based on the deviation of the current utilization percentage above or below this norm. At the present time the supply-demand adjustor is reducing the Northeastern Ohio Class I price.

On November 13, 1964, a decision was issued which would consolidate the North Central Ohio and Toledo, Ohio orders into a single regulation (tentatively designated as the Northwestern Ohio order). This decision also would expand the marketing area and provide for a marketwide pooling provision.[1] From the effective date of the Northwestern Ohio order, the supplies and sales data for the North Central Ohio order will no longer be available for use in the Order 36 supply-demand computation in the manner provided in the present order.

There was no testimony offered on the record of this hearing as to whether market data for the consolidated and expanded order should be included in the Order 36 supply-demand computation. In any event, a decision on this matter would be premature without some experience under the consolidated order.

The individual-handler pool market of North Central Ohio historically has maintained a higher Class I utilization than Northeastern Ohio. To avoid unwarranted price changes through the elimination of Order 37 data, the standard utilization percentages should be increased four percentage points in each month of the year.

Proponent cooperative associations testified that an increase of five percentage points in the standard utilization percentages would be necessary to maintain the present price level. A handler representative stated that an increase of three percentage points would accomplish this end.

[1] Official notice is taken of the final decision on this matter which was issued on November 13, 1964 (29 F.R. 15416).

The "current utilization percentages" used to compute the supply-demand adjustment averaged 158 during 1963. Excluding data for North Central Ohio, such percentages would have averaged 163, or five points higher than the actual average percentages. For the 11-month period of January-November 1964 (data for December are not yet available) the current utilization percentages used to compute the supply-demand adjustment averaged 149. Excluding Order 37 data, such percentages would have averaged 153, or four points higher than the actual percentages. Increasing the standard utilization percentages four percentage points and eliminating Order 37 data would not have changed the Class I price in any month during this 23-month period. An increase of five points, however, would have caused a 7-cent higher Class I price in one month (January 1964). An increase of four percentage points will offset the exclusion of North Central Ohio producer receipts and Class I sales, and thus maintain the present annual Class I price level.

Other proposed amendments to the Class I pricing provisions were offered at the hearing. However, to expedite the decision on the above matter, the remaining proposals will be considered in a later decision. Accordingly, no further changes are proposed at this time, and the present level and seasonality of the Class I price are retained.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price

of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Northeastern Ohio marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Subparagraphs (1) and (2) of § 1036.51 (a) are revised to read as follows:

**§ 1036.51 Class I milk prices.**

* * * * *

(a) * * *

(1) Divide the total quantity of producer milk during the second and third months preceding by the gross quantity of milk utilized as Class I (adjusted to eliminate duplications due to interhandler transfers) at pool plants in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

| *Month for which the price is being computed* | *Standard utilization percentage* |
|---|---|
| January | 130 |
| February | 129 |
| March | 129 |
| April | 130 |
| May | 131 |
| June | 132 |
| July | 141 |
| August | 149 |
| September | 142 |
| October | 128 |
| November | 126 |
| December | 128 |

* * * * *

Signed at Washington, D.C., on November 27, 1964.

ROY W. LENNARTSON,
*Associate Administrator.*

[F.R. Doc. 64-12364; Filed, Dec. 2, 1964; 8:48 a.m.]

## [7 CFR Part 1126]

[Docket No. AO-231-A23]

## MILK IN NORTH TEXAS MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Dallas, Texas, on August 26, 1964, pursuant to notice thereof which was issued August 18, 1964 (29 F.R. 11974). This was a joint hearing at which Issue Nos. 1 and 4 concerned the orders regulating the handling of milk in the Lubbock-Plainview (Part 1120), North Texas (Part 1126), San Antonio, Tex. (Part 1127), Central West Texas (Part 1128), Austin-Waco, Tex. (Part 1129), and Corpus Christi, Tex. (Part 1130) marketing areas.

The material issues on the record of the hearing related to:

1. The need for an emergency increase in the Class I milk prices established by the order regulating the handling of milk in the above designated marketing areas;

2. Class II classification of dumped milk, half and half, coffee cream and whipping cream;

3. Revision of the method for computing producer butterfat differentials; and

4. Whether an emergency exists concerning Issue No. 1 which requires the omission of a recommended decision and opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

A final decision containing the findings and conclusions on Issue No. 1 and Issue No. 4 was issued September 24, 1964 (29 F.R. 13397) and a final order on September 28, 1964 (29 F.R. 13475). This concluded action on all issues affecting orders other than that for the North Texas marketing area (Part 1126). This decision is concerned with the remaining issues, all of which relate to the North Texas order only.

*Findings and conclusions.* The following findings and conclusions on the remaining material issues (No. 2 and No. 3) are based on evidence presented at the hearing and the record thereof:

2. *Classification in the North Texas order of (a) half and half, coffee cream and whipping cream; and (b) dumped milk.* (a) Half and half, coffee cream and whipping cream should not be classified as Class II milk under the North Texas order.

A handler contended that his firm is meeting adverse competition in the distribution of coffee cream and half and half. The testimony was that substitute products made from mixtures of nonfat dry milk and vegetable fat have caused the handler to lose a substantial volume of the restaurant business for these products in the Dallas portion of the North Texas market.

Sales data for the three products were introduced in evidence. The utilization of butterfat in half and half increased 2.2 percent during the 12-month period ending July 1964 as compared with the same period a year earlier. At the same time, its utilization in coffee cream decreased 26 percent, and in whipping cream remained the same for the periods compared. The total utilization of butterfat in the three products decreased 9.1 percent as compared with a year earlier. About 40 percent of the butterfat used in the three products is disposed of in half and half, 31 percent in coffee cream, and 29 percent in whipping cream.

It may be that coffee cream sales have been lost to substitute products. The data indicate the probability that some of the decrease in butterfat used for coffee cream has been absorbed by the increased utilization of butterfat in half and half. Coffee cream and half and half are interchangeable as dairy products for "creaming" beverages and cereals.

The most important consideration, however, is that health authorities require that the three products be made from inspected milk. So long as this requirement is in effect, the fact that substitute products that do not have to be made from inspected milk may be sold at lower prices is not a convincing reason for changing the classification.

Producers should continue to receive the Class I price for milk sold in these products under the Grade A label, rather than the Class II price which they receive for reserve milk disposed of in dairy products which do not require health department inspection. Under present marketing conditions, the Class II classification of skim milk and butterfat in half and half, coffee cream and whipping cream is unwarranted and is therefore denied.



(b) Class II classification should be provided for milk that is dumped because buttermilk has not been produced from skim milk to which buttermilk culture or "starter" has been added. Class II classification for other fluid milk products dumped should not be provided on the basis of this record.

A handler proposed that "dumped" milk be classified as Class II milk. There is presently no specific provision for classification of milk so disposed of. It is therefore treated as unaccounted for milk, or "shrinkage" for which amounts within specified limits may be accounted for as Class II milk, but amounts in excess of such limits are Class I milk.

Two situations were described in which "dumping" (pouring down the drain) of fluid milk products have reached proportions exceeding the shrinkage limits of the order. One such problem was the failure of buttermilk to "set-up". For three months of the past year, the proponent handler's allowable plant shrinkage was insufficient to accommodate the volume dumped from this cause.

Cultured buttermilk is produced by the addition of culture or "starter" to pasteurized skim milk, which is then held at an appropriate temperature until the desired acidity results. When this degree of acidity is achieved, the buttermilk has "set". At this point the product normally contains less than one percent butterfat.

Buttermilk sometimes fails to set because of improper temperature, substances in the skim milk which inhibit the growth of bacteria (such as antibiotics), bad starter and improper sterilization and cleaning of equipment. Laboratory tests made on buttermilk which fails to set do not reveal conclusively which of these causes may be responsible for such failure in a given situation. Whatever the cause, the resulting product frequently must be dumped because it has no commercial value and must be disposed of promptly. For this reason, it should be provided that when starter has been added to skim milk and the buttermilk fails to set, Class II classification should apply to the product if dumped.

Since the amount of fat contained in the product at this point in processing is normally less than one percent, it would be unreasonable to charge handlers Class I for the fat included in the dumped milk on the supposition that it can be salvaged and used again in a Class I product. It is concluded that the butterfat as well as the skim milk dumped under the conditions described should be classified as Class II.

Dumped milk involves the disappearance of product from the pool accounting problem. Provision is needed to preclude the use of self-serving records by handlers in claiming Class II classification for dumped milk. For this reason it should be provided that the handler give prior notification to and opportunity for verification by the market administrator in such manner as he may require.

Another problem described concerned off-flavored milk. During June and July 1964, about 20 percent of the milk delivered to a North Texas handler's plant was rejected because of bad flavor, and shipped to manufacturing plants. About 40 percent of all milk received is carried over to the next day for processing. The plant runs tests for acidity, butterfat, bacteria and added moisture. Even so, rancidity sometimes develops between the time the milk is received and the time it is processed. It is apparent that this problem results most often from errors made in accepting milk that should have been rejected during the receiving operation.

Ordinarily, the proponent handler's plant shrinkage is about one percent per month, including dumped milk, and is well within the allowable plant shrinkage provided in the order. This being the case, the proposal to extend Class II classification for dumped milk beyond the provision for buttermilk which does not "set" is unnecessary and is therefore denied.

3. *Butterfat differentials.* The producer butterfat differential should be calculated as an average of the Class I and Class II handler butterfat differentials weighted by the proportion of butterfat in producer milk in each class during the month, and should be calculated to the nearest one-tenth cent.

The North Texas order adjusts the uniform price to producers for milk above and below 3.5 percent butterfat content on the basis of a schedule of butterfat differentials directly related to a designated range of butter prices. The butter prices are those which are reported by the Department each month for 92-score bulk creamery butter at Chicago. This method of computation, however, does not relate the producer butterfat differential to the class-use of butterfat in the North Texas market.

Fluid milk products must meet more exacting health standards than milk for manufacturing purposes. The value of butterfat in Class I milk is higher in the North Texas market than is the value of butterfat in Class II milk. It would be more appropriate, therefore, to compute the producer butterfat differential on the basis of a weighted average of the Class I and Class II utilization of butterfat in producer milk. This technique is similar to the one which is followed in computing the uniform price paid to producers. Producers will be more appropriately compensated by adjusting their uniform prices in relation to the class-use of butterfat in producer milk.

The present producer butterfat differential has been relatively inflexible. During the 28 months ending with July 1964, it remained constant at six cents for each one-tenth of one percent butterfat content. The method recommended herein for computing the producer butterfat differential will reflect the relative utilization of butterfat in Class I and Class II milk. It will also be more responsive to changes in the price of butter. It will be consistent with the provisions of most Federal orders which adjust uniform prices to producers with producer butterfat differentials based on a weighted average of the handler butterfat differentials.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the North Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1126.41, a new subparagraph (b)(8) is added to read as follows:

**§ 1126.41 Classes of utilization.**

* * * * *

(b) * * *

(8) Dumped because buttermilk is not produced from skim milk to which buttermilk culture has been added, if the handler gives prior notification to and opportunity for verification by the market administrator in such manner as the market administrator may require.

2. In § 1126.91, paragraph (a) is revised to read as follows:

**§ 1126.91 Butterfat and location differentials to producers.**

(a) In making payments to producers pursuant to § 1126.90 (a) or (c), the uniform prices shall be increased or decreased by each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 1126.46 by the respective butterfat differential in each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

* * * * *

Signed at Washington, D.C., on November 27, 1964.

ROY W. LENNARTSON,
*Associate Administrator.*

[F.R. Doc. 64-12365; Filed, Dec. 2, 1964; 8:48 a.m.]

[ 7 CFR Part 1044 ]

[Docket No. AO 299-A7]

## MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Escanaba, Michigan, on August 20, 1964, pursuant to notice thereof issued July 22, 1964 (29 F.R. 10399).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 3, 1964 (29 F.R. 15084; F.R. Doc. 64-11430) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing related to incorporating a separate Class I price provision in the order.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I price provision of the Michigan Upper Peninsula order should be revised but the Class I price level should not be changed. To accomplish this, the Class I price provision of the order should provide a Class I price determined by a stated Class I differential added to a basic formula price, subject to adjustments based on the same supply-demand adjustment factor contained in the Northeastern Wisconsin order and presently effective under this order. This would replace the direct tie to the Northeastern Wisconsin order Class I price but would maintain the same price level.

The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the fifth day following the month (adjusted to a 3.5 percent butterfat basis) should be the basic formula price from which the Class I milk price is computed in this order. This is the same basic formula price as that used in the Northeastern Wisconsin order Class I price computation to which the Class I price of the Michigan Upper Peninsula order is now linked and is the price series presently used to determine the Class II price of the Michigan Upper Peninsula order.

A method for adjusting the price to a 3.5 percent butterfat basis must be adopted for the order because the Class I price is announced on this basis. For this purpose a generally recognized butterfat value, 0.120 times the average wholesale price for 92-score butter at Chicago, should be used. This method of adjustment is employed under the Northeastern Wisconsin order to adjust the basic formula price and is used under this order to adjust the Class II price to a 3.5 percent butterfat basis.

The Class I price under this order now is the Northeastern Wisconsin order Class I price, adjusted by the supply-demand adjustment of that order, plus a differential of 11 cents for plants in Zone 1(a), 21 cents for plants in Zone 1 and 41 cents for plants in Zone 2.

A producer association, representing a majority of producers in the market, proposed that the order be amended to provide an independent formula for computing the Class I price. It was supported in its request by two other producer associations. There was no opposition to the proposal.

A separate Class I price provision should be adopted in the order. This will more effectively accommodate its operation on an independent basis. The pricing formula proposed herein will provide such independent pricing but will maintain the present price level by incorporating the same basic formula and supply-demand adjustment now under the Northeastern Wisconsin order. The stated differential is comprised of the Class I differential under the Northeastern Wisconsin order plus the increments by which the present Michigan Upper Peninsula order Class I prices in the three zones are above the Northeastern Wisconsin price.

The Class II price provision of the order should be revised to refer to the basic formula price as the Class II price in each month. This is a conforming editorial change and does not change the Class II price level.

At the hearing a producer association representative proposed that the Class I price in Zone 1(a) be increased 10 cents to the level of the Zone 1 price. As justification for such action, it was pointed out that premiums above the order minimum price are paid in this area by the association. The witness indicated, however, that any general Class I price increase in this market should not be made because it could disrupt price alignment with the Northeastern Wisconsin order.

There is no basis for increasing the Zone 1(a) Class I price under the requirements of the Agricultural Marketing Agreement Act of 1937, the statutory authority under which milk marketing orders are issued. This Act requires that prices be established at a level that will tend to obtain an adequate supply of milk to meet the fluid needs of the market, plus a necessary reserve for fluctuations in demand.

At this time an adequate supply of milk is available in Zone 1(a) to meet fluid needs at the present price for that zone. In the first seven months of 1964, 67 percent of producer receipts at plants in Zone 1(a) was used for Class I sales compared to 74 percent in the same period a year earlier. For the year of 1963, 72 percent of producer receipts in this zone was used for fluid purposes; down two percent from 1962. The reserve supply of milk is adequate to meet the current and prospective fluid needs of the market in Zone 1(a) as indicated by the above percentages of producer receipts used in Class I. Moreover, the proportion of milk in the zone available for Class I uses has continued to increase at a steady rate since 1962.

A suggestion was made at the hearing that the supply-demand adjustment to the Class I price be made inoperative during the July-August vacation period of high Class I sales. However, it was requested that no action be taken on the request unless at the same time such action could be taken in the Northeastern Wisconsin order.

The Northeastern Wisconsin order cannot be amended on the basis of this record. Furthermore, it is inappropriate to consider increasing the Michigan Upper Peninsula order Class I price seasonally by eliminating the effect of the supply-demand adjustor. In July, the relationship of Class I sales to producer receipts is normally about the same as the yearly average and the Class I differential is equal to the annual average differential. While August normally is the month of highest Class I sales in relation to producer receipts the present August Class I price differential is 20 cents more than July to recognize this seasonal difference in supply and sales. Hence, there is no evidence to justify increasing the Class I price in July and August.

*Rulings on proposed findings and conclusions.* A brief and proposed findings and conclusions were filed by an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and



(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, the exception is hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Michigan Upper Peninsula marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 30, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

Order [1] *Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area*

**§ 1044.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

**§ 1044.22 [Amended]**

1. In § 1044.22(i)(1), the reference "§ 1044.50" is revised to read "§ 1044.51".

2. Section 1044.50 is revised to read as follows:

**§ 1044.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

3. Section 1044.51 is revised to read as follows:

**§ 1044.51 Class prices.**

Subject to the provisions of § 1044.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $0.65 in Zone 1(a), $0.75 in Zone 1 and $0.95 in Zone 2 March through June; plus $1.05 in Zone 1(a), $1.15 in Zone 1 and $1.35 in Zone 2 August through November; and plus $0.85 in Zone 1(a), $0.95 in Zone 1 and $1.15 in Zone 2 in all other months, plus or minus a supply-demand adjustment of not more than 24 cents. For plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2. The supply-demand adjustment shall be computed as follows:

(1) Calculate a "current utilization percentage" for each month by dividing the total pounds of Class I milk (excluding interhandler transfers) disposed of from fluid milk plants under the terms of this order and pool plants under the order regulating the handling of milk in the Northeastern Wisconsin marketing area (Part 1045 of this chapter) for the second and third preceding months into the total hundredweight of producer milk received at such plants during the same months, multiply by 100 and round to the nearest whole number;

(2) Calculate a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below, nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage;" and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage."

| Month for which price applies | Month for which utilization is computed | Standard utilization range | |
|---|---|---|---|
| | | Minimum | Maximum |
| January | October-November | 123 | 128 |
| February | November-December | 128 | 133 |
| March | December-January | 130 | 135 |
| April | January-February | 133 | 138 |
| May | February-March | 135 | 140 |
| June | March-April | 140 | 145 |
| July | April-May | 145 | 150 |
| August | May-June | 150 | 155 |
| September | June-July | 145 | 150 |
| October | July-August | 130 | 135 |
| November | August-September | 123 | 128 |
| December | September-October | 123 | 128 |

(3) For a minus or a plus net deviation percentage the Class I price shall be increased or decreased, respectively, by two cents for each percentage unit of net deviation: *Provided,* That for each month, the supply-demand adjustment shall differ by not more than four cents from that calculated for the preceding month.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1044.63 [Amended]

4. In § 1044.63, the reference "§ 1044.50" is revised to read "§ 1044.51".

[F.R. Doc. 64-12383; Filed, Dec. 2, 1964; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-83]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Designation and Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Fort Dodge, Iowa, terminal area.

The Fort Dodge transition area is presently designated as that airspace extending upward from 700 feet above the surface within 10 miles SW and 7 miles NE of the Fort Dodge VOR 127° and 307° radials, extending from 15 miles SE to 13 miles NW of the VOR. There is no control zone presently designated at Fort Dodge, Iowa.

To implement the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace actions:

1. Designate a control zone at Fort Dodge, Iowa, to comprise that airspace within a 5-mile radius of the Fort Dodge Municipal Airport (latitude 42°33'05'' N., longitude 94°11'21'' W.). This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Guide, or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

2. Alter the transition area in the Fort Dodge, Iowa, terminal area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05'' N., longitude 94°11'21'' W.); and that airspace extending upward from 1200 feet above the surface within a 15-mile radius of the Fort Dodge VORTAC; and within the area bounded by a line 5 miles NW of and parallel to the Fort Dodge VORTAC 056° radial extending from the 15-mile radius area NE to the arc of a 26-mile radius circle centered on the Fort Dodge VORTAC, thence clockwise around the arc of the 26-mile radius circle to and NE along a line 5 miles NW of and parallel to the Fort Dodge VORTAC 222° radial to the 15-mile radius area.

The designated control zone would provide protection for aircraft departing from and executing prescribed missed approach procedures at the Fort Dodge Municipal Airport until they reach an altitude of 700 feet above the surface, during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Ozark Airlines. The normal hours for the taking of these weather observations and the dissemination of this information are from 0700 hours to 2200 hours local time daily. However, in the case of airline schedule changes, these hours may be changed. Normally 30 days notice will be given in case of change. Notice of the change will be given by Notice to Airmen and published in the Airman's Guide, or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964. Communications within the control zone will be provided by the Mason City Flight Service Station through remote radio transmitting and receiving facilities located at the Fort Dodge Municipal Airport. The proposed 700-foot and 1200-foot transition areas are necessary to contain all holding, departure and missed approach procedures.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not increase nor would aircraft performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 24, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-12307; Filed, Dec. 2, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-86]

## CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Waterloo, Iowa, terminal area.

The following controlled airspace is presently designated in the Waterloo, Iowa, terminal area:

1. The Waterloo control zone which lies within a 5-mile radius of Waterloo Municipal Airport (latitude 42°33'22'' N., longitude 92°23'59'' W.); within 2 miles either side of the Waterloo VORTAC 120° and 314° radials extending from the 5-mile radius zone to 12 miles SE and NW of the VORTAC and within 2 miles either side of the ILS localizer NW course extending from the 5-mile radius zone to the OM.

2. The Waterloo control area extension which lies within a 37-mile radius of the Waterloo VORTAC excluding the portion N. of a line 12 miles N. of and parallel to the Waterloo VORTAC 099° radial and E. of a line 12 miles E. of and parallel to the Waterloo VORTAC 353° radial; and the airspace SE of Waterloo within 12 miles SW and 8 miles NE of the Waterloo VORTAC 146° radial extending from the Waterloo 37-mile radius area to the Cedar Rapids, Iowa VORTAC.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Waterloo, Iowa, terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Waterloo control zone as that airspace within a 5-mile radius of the Waterloo Municipal Airport (latitude 42°33'22'' N., longitude 92°-23'59'' W.); within 2 miles each side of the Waterloo VORTAC 078° and 200° radials extending from the 5-mile radius zone to 8 miles E. and 8 miles S. of the VORTAC; and within a 1-mile radius of the Leibundguth Airport (latitude 42°-28' N., longitude 92°29' W.).

2. Designate the Waterloo transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Waterloo Municipal Airport (latitude 42°33'22'' N., longitude 92°23'59'' W.); within 2 miles each side of the Waterloo VORTAC 120° radial extending from the 7-mile radius area to 13 miles SE of the VORTAC; within 2 miles each side of the Waterloo ILS NW course extending from the 7-mile radius area to 10 miles NW of the OM; within 5 miles S. and 8 miles N. of the Waterloo VORTAC 078° radial extending from the VORTAC to 12 miles E. of the VORTAC; and within 5 miles E. and 8 miles W. of the Waterloo VORTAC 200° radial extending from the VORTAC to 12 miles S. of the VORTAC; and that airspace extending upward from 1,200 feet above the surface beginning NE of Waterloo at the intersection of lines 8 miles E. and 8 miles N. of and parallel to the Waterloo VORTAC 353° and 099° radials, thence E. along the line 8 miles N. of and parallel to the Waterloo VORTAC 099° radial to the arc of a 29-mile radius circle centered on the Waterloo VORTAC, thence clockwise around this arc to 8 miles E. of the Waterloo VORTAC 353° radial, thence S. to the point of beginning; and within 6 miles NW and 8 miles SE of the Waterloo VORTAC 241° radial extending from the 29-mile arc to 36 miles SW of the VORTAC.

3. Revoke the Waterloo, Iowa, control area extension.

The proposed control zone will provide protection for aircraft departing from and executing prescribed missed approach procedures at Waterloo Municipal Airport during their climb to 700 feet above the surface. The proposed extensions to the east and south will provide protection for aircraft during their execution of the final approach courses of VOR approaches to runways 24 and 36 at Waterloo Municipal Airport. To insure adequate safety measures it is also necessary to include the Leibundguth Airport within the control zone. The proposed transition area with a floor of 700 feet above the surface will provide protection for aircraft executing departure and missed approach procedures until reaching 1,200 feet above the surface. The 700-foot transition area extensions to the NW and SE will contain the final approach courses of the VOR/DME approach procedures to runway 30 and the ADF/ILS approach procedures to runway 12, and the final transition from Shell Rock intersection. The transition area extensions to the E. and S. will provide protection for aircraft executing VOR approaches to runways 24 and 36. The proposed transition area with a floor of 1,200 feet above the surface will provide protection to aircraft while they are in the terminal area holding pattern and during their execution of the VOR/DME approach procedures to runway 30.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased nor would aircraft performance or landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 24, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-12308; Filed, Dec. 2, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-17]

## TRANSITION AREA AND CONTROL ZONE

### Proposed Alteration and Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Rhinelander, Wis., terminal area.

The following controlled airspace is presently designated in the Rhinelander, Wis., terminal area:

The Rhinelander, Wis., transition area is designated as that airspace extending upward from 700 feet above the surface within a 12-mile radius of the Rhinelander VOR, and within a 5-mile radius of the Drott Airport (latitude 45°30'45'' N., longitude 89°33'35'' W.).

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Rhinelander terminal area, including studies attendant to the implementation of the provisions of Civil Air Regulations Amendments 60-21 and 60-29, proposes to take the following airspace actions.

1. Designate a control zone at Rhinelander, Wis., to comprise that airspace within a 5-mile radius of Oneida County Airport, Rhinelander, Wis. (latitude 45°37'53'' N., longitude 89°27'40'' W.); and within 2 miles each side of the Rhinelander VOR 321° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the Rhinelander VOR 228° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; and within 2 miles each side of the 231° bearing from Oneida County Airport, extending from the 5-mile radius zone to 8 miles SW of the airport. This control zone shall be effective during the times established by a Notice to Airmen and continually published in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

2. Alter the Rhinelander, Wis., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Oneida County Airport, Rhinelander, Wis. (latitude 45°37'53'' N., longitude 89°27'40'' W.); and within 2 miles each side of the Rhinelander VOR 321° radial extending from the 5-mile radius area to 8 miles NW of the VOR; and within 2 miles each side of the 231° bearing from Oneida County Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and within 5 miles W. and 8 miles E. of the Rhinelander VOR 163° radial extending from the VOR to 17 miles S. of the VOR; and within a 5-mile radius of Drott Airport, Tomahawk, Wis. (latitude 45°30'45'' N., longitude 89°33'-35'' W.); and that airspace extending upward from 1200 feet above the surface within a 12-mile radius of Rhinelander VOR.

Oneida County Airport, Rhinelander, Wis., meets the communications, navigation aid, and instrument approach criteria for the establishment of a control zone. The weather reporting service is to be provided by North Central Airlines. Since the hours during which this reporting service will be available depend on the airline schedules, they may be subject to change. Consequently the hours in which the control zone will be effective will be subject to change. At the present time, the weather reporting service is available from 0700 hours to 1900 hours local time daily. Any changes in these hours resulting from changes in the airline schedules will be given by Notice to Airmen and published in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964. Normally, 30 days notice will be given of any change in the hours of operation. This control zone will provide controlled airspace for aircraft executing prescribed public and special instrument approach procedures at Oneida County Airport during the descent below 1000 feet above the surface.

Alteration of the 700-foot floor transition area would provide controlled airspace for aircraft executing prescribed public and special instrument approach procedures at Oneida County and Drott Airports for the portions of those procedures which are executed below 1500 feet above the surface. It will also provide controlled airspace for aircraft departing Drott Airport during climb from 700 to 1200 feet above the surface. It will provide the same protection for aircraft departing Oneida County Airport during the times that the control zone is not designated.

The proposed 1200 foot floor transition area would provide controlled airspace protection for the procedure turn and missed approach areas of prescribed public and special instrument approach procedures for Oneida County and Drott Airports. It would also provide controlled airspace for aircraft holding at the Rhinelander VOR.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

The floors of the airway segments which would lie within the boundaries of the transition areas proposed for designation herein would automatically coincide with the floor of the transition area.

Specific details of the changes in procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 23, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-12309; Filed, Dec. 2, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-64]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration and Designation; Supplemental Notice

The Federal Aviation Agency is considering a revised proposal with respect to designation of controlled airspace at Glasgow AFB, Montana.

In the notice of proposed rule making published in the FEDERAL REGISTER on October 23, 1964 (29 F.R. 14547), the Federal Aviation Agency proposed, in part, to designate a Glasgow AFB, Montana, transition area as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow AFB (latitude 48°25'00" N., longitude 106°31'40" W.); and that airspace extending upward from 1200 feet above the surface within a 35-mile radius of Glasgow AFB.

Subsequent to publication of the notice of proposed rule making, it has been determined that the recommended radius of the Glasgow AFB, Montana, transition area with a floor of 1200 feet would be inadequate for the control of aircraft. Additional area, increasing the radius of the proposed 1200-foot transition area from 35 miles to 50 miles, is necessary in order to provide adequate controlled airspace for en route turbo jet IFR penetrations, for radar vectoring, and for the protection of aircraft during the time they are holding on the 16 nautical mile arc of the Glasgow AFB TACAN.

Accordingly, the notice is amended to propose that the Glasgow AFB, Montana, transition area be designated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow AFB (latitude 48°25'00" N., longitude 106°31'40" W.); and that airspace extending upward from 1200 feet above the surface within a 50-mile radius of Glasgow AFB, excluding the portion north of latitude 49°00'00" N.

Interested persons are invited to participate in the amended proposal by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received on or before December 21, 1964, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this amended notice in order to become part of the record for consideration. The proposal contained in this amended notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 24, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-12310; Filed, Dec. 2, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 21 ]

[Docket No. 15015; FCC 64-1063]

## DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

### Proposed Restriction of Location of Rural Subscriber Stations (Rural Radio Service) and Dispatch Stations Associated With Base Stations

*Report and order.* 1. The Commission, on March 21, 1963, issued a notice of proposed rule making in the above-entitled matter (28 F.R. 2992, March 27, 1964) to amend certain rules governing the Domestic Public Land Mobile Radio Service in order to restrict the location of rural subscriber stations (Rural Radio Service) and dispatch stations. It was proposed to amend paragraph (f) of § 21.509 and paragraph (a) of § 21.515 so as to limit the location of rural subscriber stations (Rural Radio Service) and dispatch stations to the reliable service areas (described by a field strength contour of 37 decibels above one microvolt per meter (37 dbu)) of their associated base stations,[1] except that communications common carriers could establish such stations in areas where a service by a similarly classified (landline or miscellaneous) carrier has not been authorized.[2]

2. The Commission on April 25, 1963, granted a petition by National Mobile Radio System and extended the time for filing comments in this proceeding to July 1, 1963.

3. Comments in this proceeding have been filed by the following:

Fresno Mobile Radio, Inc. (Fresno).
Kern Radio Dispatch (Kern).
Kidd's Communications Center (Kidd).
Mobilfone of Boston (Mobilfone).
Daryal A. Myse (Myse).
National Mobile Radio System (NMRS).
Radio Dispatch Fresno (Radio Dispatch).
United States Independent Telephone Association (USITA).

4. Negative comments were filed concerning the propriety of using the theoretical standard of "a field strength contour of 37 decibels above one microvolt per meter" for limiting the location of rural subscriber stations and dispatch stations. NMRS states that its membership is opposed to the proposed restrictions and that the proposed rule is not in the public interest. In fact, NMRS is sharply critical of the Commission's concern over possible adverse economic impact situations caused by fixed stations in the subject service. Kern argues that the purpose of the 37 dbu definition of service area was to estimate a station's coverage prior to construction and he claims that once the station is constructed its only limitation should be that it be dedicated to the public use and its services offered without discrimination. Radio Dispatch, Myse and NMRS declare that the 37 dbu contour specified in our rules does not establish the actual reliable service area for dispatch and rural subscriber stations since current limitations on effective radiated power, antenna height and antenna radiation pattern permit useful service by such fixed stations well beyond the 37 dbu contour of most base stations. Myse further states that "The limiting factors of field intensities varying with location and noise levels in urban areas, ordinarily applicable to service to mobile stations, are not normally applicable to rural subscriber and dispatch station locations outside of the 37 dbu contour." Therefore, Myse and NMRS conclude that the Commission's concept of service area is irrelevant to the location of such fixed stations.

5. Kern asserts that "The rulemaking requires that the carrier deny service even though the subscriber may be well within the practical definitions of 'service area of base station' § 21.1,[3] but outside the theoretical 37 dbu contour concept (see § 21.504)." Kern is also concerned about possible discrimination against subscribers outside of the theoretical reliable service area. Myse believes that the proposed restriction on the location of a rural subscriber is discriminating against those persons who can not afford or obtain wireline communications to the particular base station required. With concern for the needs of certain subscribers, Mobilfone shows that dispatch stations may be required by users whose business offices are outside of the 37 dbu contour of base stations capable of serving their mobile units, but within the 37 dbu contour of another carrier. At least in that situation, Mobilfone finds the proposed rule to be contrary to the public interest. On the same subject, Myse notes that a "subscriber may need communications to a given base station or through it to mobile stations or other rural subscriber stations even though his rural subscriber or dispatch station is located physically within the 37 dbu mobile service area of another station." He concludes that there can be no adverse economic impact on the licensee within whose mobile service area the rural subscriber or dispatch station is physically located unless such licensee is capable of rendering the required service. Radio Dispatch would expect adverse economic impact situations to "balance out."

6. Mobilfone understands that the Commission's proposal to amend § 21.515(a) would restrict the location of dispatch stations, leaving dispatch points as the only alternative in certain cases, forcing the payment of "excessive landline telephone circuit charges." Noting that the subject proposals may place upon the common carrier operator the responsibility of defining precisely several 37 dbu contours (his own and those of adjacent carriers) for each new installation, Kern complains that the proposed rule change would place a new financial burden upon carriers. On the other hand, Fresno supports the idea that a miscellaneous common carrier would receive no protection as against the establishment of a rural subscriber station within its protected contour by a telephone company, and vice versa, but suggests that the proposed rule be revised to permit dispatch and rural subscriber stations in another carrier's service area upon the written consent of that carrier. Auto-Phone does not favor a hard and fast rule but supports the Fresno approach of making an exception where a competing carrier consents. USITA would vary the proposal by permitting the establishment of rural subscriber stations anywhere within the franchised area of a telephone company, even though such fixed stations may fall within the reliable service area of another telephone company.

7. In concluding the proceedings herein we have carefully considered all the comments and suggestions filed plus other relevant information brought to our attention. These proceedings are based on the assumption that satisfactory service to fixed stations outside of the reliable service area can be rendered within the present limitations of the rules. Therefore, we shall not review the various comments designed to show the technical capabilities of systems in the Domestic Public Land Mobile Radio Service. However, we would remind all interested licensees that rural subscriber stations and dispatch stations have been authorized on a secondary basis, i.e., the pertinent frequencies have been allocated primarily for use by base stations and mobile stations in the Domestic Public Land Mobile Radio Service. In other words, considering the shortage of frequencies in the usable spectrum, we do not advocate the proliferation of remote fixed stations in this service. Nevertheless, in considering the establishment of such fixed stations, we do not intend to ignore the practical needs of potential subscribers to communications common carrier systems.

8. Comments which dwell on the lack of interest among miscellaneous common carriers in the economic protection offered by the proposed rule, supported by illustrations that the proposed rule might arbitrarily prohibit services which may well be required to satisfy the public necessity, have favorably impressed us and lead to the conclusion that there is no impelling need for the proposed restrictions now. As is shown by the various comments, the reliable service area is normally based on the calculated ability of a base station to render good service to mobile units. Therefore, the application of the same standard to point-to-point communications facilities would probably result in an unnecessary limitation on the carriers' ability to provide needed communications services. In view of the aforesaid findings, a detailed discussion of the suggestions to modify the proposed rule changes is not required.

9. It appears, therefore, that the record herein does not support the adoption of the amendments set forth in the notice of proposed rule making, and that the public interest, convenience and necessity will not be served by such amendments.

10. In accordance with the considerations set forth above: *It is ordered*, That the amendments to Part 21 of the Commission's rules as set forth in our notice of proposed rule making in this Docket are not adopted: *And it is further ordered*, That proceedings in this Docket are terminated.

Adopted: November 25, 1964.

Released: November 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12348; Filed, Dec. 2, 1964; 8:47 a.m.]

[1] Section 21.504(a) of our rules provides as follows:

"§ 21.504 *Service area of base station.* (a) The limits of reliable service area of a base station are considered to be described by a field strength contour of 37 decibels above one microvolt per meter for stations engaged in two-way communication service with mobile stations and 43 decibels above one microvolt per meter for stations engaged in one-way signaling service. Service within that area is generally expected to have an average reliability of not less than 90 percent."

[2] Miscellaneous common carriers and landline telephone carriers are the two types of carriers in the subject service.

[3] The definition of the service area of a base station found in § 21.1 of our rules is as follows:

"*Service area of base station.* The limits of reliable service area of a base station are considered to be described by the field strength contour within which the reliability of communication service is 90 percent, i.e., within the area circumscribed by such contour, nine out of every ten calls initiated by the base station can be satisfactorily received by the mobile unit."

[4] Commissioner Lee absent and Commissioner Cox dissenting.

## [ 47 CFR Part 73 ]

[Docket No. 15716; FCC 64-1098]

## FM BROADCAST STATIONS

### Proposed Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Lyons, Kans.; Creston, Iowa; Ellwood City, Pa.; Scottsburg, Ind.; Natchez, Miss.; Oshkosh, Wis.; Wilmington, N.C.; McKenzie, Tenn.; Yankton, S. Dak.; Ebensburg, Pa.; Phillipsburg, Pa.; Gouverneur, and Watertown, N.Y.; Dalton, Ga.; Merkel, Tex.); Docket No. 15716, RM-654, RM-635, RM-657, RM-637, RM-658, RM-639, RM-669, RM-655, RM-648, RM-660, RM-671.

1. Notice is hereby given of proposed rule making in connection with the above-listed requests to change the Table of FM Assignments, § 73.202 of the Commission's rules. All proposals meet mileage separations.

2. RM-654, Lyons, Kans. (Ly-Kan Broadcasting Co.), RM-657, Creston, Iowa (Southwest Iowa Broadcasting Co.), RM-658, Ellwood City, Pa. (B.B.P.S. Broadcasting Co.), RM-669, Scottsburg, Ind. (Howell B. Phillips): In these four petitions, it is requested that a Class A

channel be assigned to a community not now having an FM assignment, without necessitating any other changes in the Table. In the case of Creston, the request is in the alternative. All of the communities mentioned are of substantial size, 3,800 persons or more. It appears that rule making should be instituted on the proposed additions, and comments are invited on the following:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Lyons, Kans. | | 288A |
| Creston, Iowa | | 269A or 296A |
| Ellwood City, Pa. | | 221A |
| Scottsburg, Ind. | | 265A |

3. RM-648, Natchez, Miss. (Old South Broadcasting Co., Inc.), RM-671, Oshkosh, Wis. (Value Radio Corp.): Natchez, Miss. (population 23,791)[1] and Oshkosh, Wis. (population 45,110) each now has one FM channel, a Class A channel, assigned. The listed petitions, filed by AM licensees in these cities, would change the assignment situation therein without making any other changes in the Table. The Natchez petition would substitute a Class C channel (236) for the present Class A assignment; the Oshkosh request is for a second Class A assignment to that city. In view of the size of these communities, it appears that the assignments requested may be appropriate. Comment is invited on the following:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Natchez, Miss. | 237A | 236 |
| Oshkosh, Wis. | 244A | 244A, 296A |

4. RM-635, Wilmington, N.C.: On July 21, 1964, Dunlea Broadcasting Industries, Inc., licensee of radio Station WMFD, Wilmington, N.C., filed a petition requesting the addition of Channel 265A to Wilmington. This community has been assigned two Class C channels, 247 and 260. A construction permit has been issued for a new station on Channel 260 at Burgaw, N.C. (under the 25-mile rule) but no application has been filed as yet for Channel 247. Wilmington has a population of 44,013. It has four standard broadcast stations, one of which is a daytime-only station. Dunlea urges that a modest investment on a Class A channel will be more economically feasible and appropriate in the Wilmington market. It states that it has available low-power equipment formerly used in FM operation and that it is willing to serve Wilmington and the neighboring areas with station built and operated on a modest cost basis. Finally, Dunlea submits that Channel 265A may be assigned without adversely affecting any other station or assignment.

5. The above proposal would assign a Class A channel along with Class C channels at Wilmington. In the past, except where necessary, generally we have tried not to mix Class A and Class B or C assignments in the same community because of the competitive inequality which might result between stations on these channels. Comments are invited as to whether this consideration should apply in the situations covered herein. We are of the view that rule making should be instituted on petitioner's proposal, and invite comments on the following:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Wilmington, N.C. | 247, 260 | 247, 260, 265A |

6. RM-637, McKenzie, Tenn. On July 28, 1964, The Tri-County Broadcasting Co., Inc., licensee of radio Station WHDM, McKenzie, Tenn., filed a petition requesting the assignment of Channel 269A to McKenzie. McKenzie is a community of 3,780 and has one FM assignment, Channel 295 on which Station WKTA operates. The sole radio station, WHDM, is a daytime-only station. Tri-County recites its past unsuccessful efforts to obtain an FM license in McKenzie. It urges that McKenzie needs the proposed FM assignment and that the proposal conforms to all the rules and policies of the Commission.

7. It is by no means apparent that the making of a second FM assignment, even a limited-coverage Class A assignment, to a community of this size is warranted. This is particularly true since it appears that there are larger communities in the area with no FM assignments, such as Martin, Tenn., where use of Channel 269A would be technically feasible. We are of the view that assignment of this channel in the general area is warranted, but not necessarily to McKenzie. Comments are invited on its use at Martin, McKenzie, or elsewhere where it can meet mileage separations as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Martin, Tenn. | | 269A |
| or | | |
| McKenzie, Tenn. | 295 | 269A, 295 |

Under the circumstances present here, the Commission will not necessarily be governed by the expression of immediate interest in the channel at McKenzie.

8. RM-639, Yankton, S. Dak.: On August 4, 1964, Bi-States Co., licensee of KRNY-FM, Kearney, Nebr., filed a petition requesting the substitution of Channel 281 for 255 at Yankton, S. Dak. The purpose of the proposal is to remove a short spacing between a proposed site for KRNY-FM on Channel 255 and the co-channel assignment at Yankton, in order to permit a change in location for KRNY-FM and an improvement in its coverage. There is no application on file for Channel 255 at Yankton. Bi-States submits that it presently operates KRNY-FM from a site near Axtell, Nebr. but that it proposes to move its site to that of its TV station near Lowell, Nebr. in order to improve service to the large rural area and sparsely populated areas which it serves and to save the expense of two operating locations. It points out that there would result a shortage of about 9 miles with the co-channel Yankton assignment. It suggests, therefore, that Channel 281 be substituted for 255 and shows that this new assignment is technically feasible.

9. The Commission is of the view that rule making should be instituted on the petitioner's proposal and invites comments on the following:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Yankton, S. Dak. | 255, 262 | 262, 281 |

10. RM-655, Ebensburg, Pa.: On September 15, 1964, Cambria County Broadcasting Co., Inc., licensee of Station WEND-FM, on Channel 280A at Ebensburg, Pa., filed a petition requesting rule making looking toward the substitution of Class B Channel 256 for 280A at Ebensburg and the substitution of Channel 280A for 257A at Phillipsburg, Pa. Petitioner submits that Ebensburg has a population of 4,111 and Cambria County, in which it is located, has a population of 203,283; that this county has only one Class B assignment at Johnstown, the largest city in the county; and that, from the point of view of business activity, the area deserves two Class B facilities. Cambria also asserts that such a facility might very well serve as a vital link in the Pennsylvania State Defense Network. There is an application on file for Channel 257A at Bellwood, Pa., which is within 25 miles of Phillipsburg and so is eligible to file for this assignment. In the event the instant proposal is adopted, this application would have to be amended to specify Channel 280A.

11. In a rule making proceeding proposing various changes in the FM Table of Assignments, Docket No. 15542, it was proposed to remove a short spacing between Connellsville, Pa. and WEND-FM at Ebensburg, both on Channel 280A, by making the following changes: Connellsville, delete Channel 280 and assign Channel 252A; Uniontown, Pa., delete Channel 252A and assign Channel 280A; and New Martinsville, W. Va., delete Channel 280A. Cambria urges that its proposal would obviate the need for the proposal outstanding in Docket No. 15542, since Channel 280A could be retained in Connellsville if it is deleted from Ebensburg as proposed by Cambria, and this would permit the retention of a Class A assignment in New Martinsville. Cambria also requests that the Commission modify its license for WEND-FM to specify operation on Channel 256 in lieu of 280A in the event the proposal is adopted.

[1] All population figures herein are 1960 U.S. Census figures.



12. We are of the view that the proposal warrants rule making and are inviting comments on the following:[2]

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Ebensburg, Pa. | 280A | 256 |
| Phillipsburg, Pa. | 257A | 280A |

13. RM-660. Gouverneur, N.Y.: On September 18, 1964, Genkar, Inc., licensee of radio Station WIGS, Gouverneur, N.Y., filed a petition requesting the assignment of one of a number of Class C FM assignments to Gouverneur. Gouverneur is a community of 4,946 persons located in northern New York about 20 miles from the Canadian-U.S. border. It has a local radio station licensed to petitioner but no FM assignment. Petitioner recognizes that any assignment in this region must conform to the separation requirements in the Working Arrangement of 1963 which has been concluded between the United States and Canada under the terms of the Canadian-United States FM Agreement of 1947. While petitioner shows that all of its alternative proposals meet the domestic rules, no such information is given with respect to the Canadian border stations and assignments.

14. There are no assignments which can be made to Gouverneur in conformance with our rules and the Working Arrangement of 1963. However, Channel 224A may be shifted from Watertown, N.Y., provided the Canadian authorities are disposed to make changes in Canadian cities to accommodate this change. The Canadian Government has indicated a willingness to make the necessary changes. Watertown has a population of 33,306 persons. It has a Class C FM assignment in addition to three standard broadcast stations, including two unlimited time stations. We invite comments therefore on the following proposal:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Gouverneur, N.Y. | | 224A |
| Watertown, N.Y. | 224A, 248 | 248 |

15. Changes on the Commission's own motion: It has come to our attention that the assignment of Channel 252A to Dalton, Ga., does not meet the required spacing to the adjacent channel assignment of Channel 253 in Atlanta and to a co-channel assignment at Scottsboro, Ala. Channel 252A at Dalton would be only about 75 miles from Station WSB-FM on Channel 253 at Atlanta, whereas the required spacing is 105 miles. In view of these short spacings, we are proposing to delete the entry for Dalton, Ga., from the Table. Likewise, the assignment of Channel 240A was erroneously made to Merkel, Tex. We are therefore inviting comments on the following substitution for this assignment:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Merkel, Tex. | 240A | 272A |

16. All of the assignments proposed herein which are within 250 miles of the U.S.-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963.

17. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before December 28, 1964, and reply comments on or before January 7, 1965. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 25, 1964.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12375; Filed, Dec. 2, 1964; 8:49 a.m.]

[2] Comments are also invited on the issue of whether Ebensburg merits a departure in our policy of assigning Class B channels to large cities and metropolitan areas and Class A channels to smaller communities.

[3] Commissioner Hyde absent.

## [ 47 CFR Part 73 ]

[Docket No. 15717 (RM-677); FCC 64-1100]

## FM BROADCAST STATIONS

### Proposed Table of Assignments for Urbana, Ill.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for rule making (RM-677) filed on October 30, 1964, by The Illini Publishing Co., an applicant for a new FM station in Urbana, Ill., requesting the assignment of Channel 296A to Urbana in addition to the presently assigned Channel 280A. At the present time there are two applications on file for the sole FM channel assigned to Urbana, BPH-4278 filed by the petitioner, and BPH-4612 filed by Robert E. Durst. These mutually exclusive applications have not yet been designated for comparative hearing.

3. Illini submits that Urbana, the county seat of Champaign County, has a population of 27,294, and has two daytime-only AM stations in operation, and that nearby Champaign has a population of 49,583 and has one local AM station and two FM stations in operation. The population of the Champaign-Urbana metropolitan area is 132,436. Petitioner urges that the proposed additional assignment can be made without disturbing any existing station or assignment; that the priorities announced by the Commission in Docket No. 14185 would justify the requested assignment because it would make possible two commercial assignments in a community of sufficient size to support such stations; and that it would facilitate the provision of this service without delay.

4. We are of the view that rule making should be instituted on the subject petition in order that all interested parties maysubmit their views and relevant data. Comments are therefore invited on the following:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Urbana, Ill. | 280A | 280A, 296A |

5. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before December 28, 1964, and reply comments on or before January 7, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: November 25, 1964.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12349; Filed, Dec. 2, 1964; 8:47 a.m.]

## [ 47 CFR Part 73 ]

[Docket No. 15689; RM-554]

## FM BROADCAST STATIONS

### Proposed Table of Assignments for Austin and Wichita Falls, Tex.; Order Extending Time To File Comments

1. Radio Wichita Falls, Inc., licensee of radio station KNTO(FM) Wichita Falls, Tex., has requested that the time for filing comments in this proceeding, which the notice of proposed rule making

[1] Commissioner Hyde absent.

adopted November 4, 1964 (FCC 64–1021) set as December 14 and 30, 1964 for comments and reply comments, respectively, be extended for 90 days.

2. Radio Wichita Falls, Inc., submits that while discussions have been held with the petitioner in this proceeding, Jim Gordon, Inc., concerning the proposed changes in assignments in Wichita Falls, a copy of the petition filed with the Commission was not served on it. Radio Wichita states that it needs 90 days from the present date in which to file a formal reply to the Jim Gordon petition and to develop detailed figures as to the cost of changing channel assignment.

3. We are of the view that an extension of time to file comments and reply comments is warranted in this case. However, we believe that an additional 30 days from the previously specified dates should be sufficient.

4. *Accordingly, it is hereby ordered,* That the time for filing comments in this proceeding is extended to and including January 14, 1965. *It is further ordered,* That the time for filing reply comments is extended to and including February 1, 1965.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: November 23, 1964.

Released: November 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–12350; Filed, Dec. 2, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Order 98]

### DISTRICT DIRECTORS OF INTERNAL REVENUE AND DIRECTOR OF INTERNATIONAL OPERATIONS

### Delegation of Authority To Extend Time for Filing Returns and Other Documents

Pursuant to the authority transferred to the Commissioner of Internal Revenue by Treasury Department Order No. 150–62 dated October 26, 1964, District Directors of Internal Revenue and the Director of International Operations are hereby authorized to grant extensions of time to file any return, declaration, statement or other document required by Chapter 41 of the Internal Revenue Code as added by the Interest Equalization Tax Act, pursuant to section 6081 of such Code, such extensions not to exceed six months from the due date.

Date of issue: November 18, 1964.

Effective date: November 18, 1964.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner.*

[F.R. Doc. 64–12374; Filed, Dec. 2, 1964; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Mines

[Bureau of Mines Manual, Minerals Research Release No. BM–MR–4]

### MINERALS RESEARCH

### Redelegation of Authority

The following redelegation is a portion of the Bureau of Mines Manual and the numbering system is that of the Manual.

PART 200—BUREAU OF MINES DELEGATIONS

200.3.3 *Redelegation of Authority—Procedure.* Redelegation of authority in Minerals Research usually follows a standard pattern: from the Assistant Director, to Directors of Research, and then to Research Directors and Chiefs of Independent Laboratories. Thus, for purposes of simplification, where this standard pattern is followed, this part and chapter will be referenced and no listing of officials will be given. The "standard" delegation is:

A. Assistant Director to:
(1) Director of Coal Research
(2) Director of Metallurgy Research
(3) Director of Mining Research
(4) Director of Petroleum Research

B. and, from Director of Coal Research to:
(1) Research Director, Anthracite Research Center
(2) Research Director, Explosives Research Center
(3) Research Director, Morgantown Coal Research Center
(4) Research Director, Pittsburgh Coal Research Center
(5) Chief, Denver Coal Research Laboratory
(6) Chief, Grand Forks Lignite Research Laboratory
(7) Chief, Seattle Coal Research Laboratory

C. and, from Director of Metallurgy Research to:
(1) Research Director, Albany Metallurgy Research Center
(2) Research Director, College Park Metallurgy Research Center
(3) Research Director, Minneapolis Metallurgy Research Center
(4) Research Director, Reno Metallurgy Research Center
(5) Research Director, Rolla Metallurgy Research Center
(6) Research Director, Salt Lake Metallurgy Research Center
(7) Research Director, Tuscaloosa Metallurgy Research Center

D. and, from Director of Mining Research to:
(1) Research Director, Denver Mining Research Center
(2) Research Director, Minneapolis Mining Research Center
(3) Research Director, Pittsburgh Mining Research Center
(4) Chief, Applied Physics Laboratory, College Park
(5) Chief, Spokane Mining Research Laboratory

E. and, from Director of Petroleum Research to:
(1) Research Director, Bartlesville Petroleum Research Center
(2) Research Director, Laramie Petroleum Research Center
(3) Chief, Morgantown Petroleum Research Laboratory
(4) Chief, San Francisco Petroleum Research Laboratory

Where other than the "standard delegation" occurs, it will be clearly so indicated. Restrictions of any delegation will be so noted.

205.11.1 *Procurement and Contracting—Formally Advertised Contracts.* The authority in 205 BM 11.1 but limited to amounts not to exceed $25,000 for any one contract, is delegated to the following officials:

See Paragraph 200 MR 3.3

Authority to enter into contracts exceeding $25,000 must be requested from the Assistant Director—Minerals Research through the appropriate Director of Research. Requests for approval may be submitted via teletype, memorandum, or requisition.

The authority delegated herein shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior and the Bureau of Mines.

As a service in accomplishing procurement actions, the Chiefs, Eastern and Western Administrative Offices, may exercise their separately delegated contracting authorities of this paragraph in fulfilling Minerals Research requirements when requested by the appropriate official listed in paragraph 200 MR 3.3, but limited to amounts delegated to the requesting official.

205.11.4 *Negotiated Contracts.* The authority to enter into negotiated contracts under section 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended (purchases not in excess of $2,500), is delegated to the following officials:

See paragraph 200 MR 3.3.

The authority delegated herein shall be exercised in accordance with the applicable limitations as outlined in 205 MR 11.1 above.

As a service in accomplishing procurement actions, the Chiefs, Eastern and Western Administrative Offices, may exercise their separately delegated negotiating authority in fulfilling Minerals Research requirements when requested by the appropriate official listed in paragraph 200 MR 3.3, but limited to amounts not to exceed $25,000 for any one contract, unless prior approval has been obtained from the Assistant Director—Minerals Research.

JOE B. ROSENBAUM,
*Acting Assistant Director, Minerals Research.*

[F.R. Doc. 64–12342; Filed, Dec. 2, 1964; 8:47 a.m.]

### Office of the Secretary

### OFFICE OF TERRITORIES

### Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 250—OFFICE OF TERRITORIES

CHAPTER 4—DIRECTOR, OFFICE OF TERRITORIES

Section 250.4.3 *Territorial Submerged Lands.* The Director, Office of Territories, is authorized to exercise the authority of the Secretary of the Interior pursuant to section 2.(a) of Public Law 88–183, approved November 20, 1963. This authority is for the administration of certain submerged lands while they remain in Federal ownership. Included in such authority is the right to grant revocable permits to parties wishing to occupy such lands temporarily, to remove sand, gravel, or coral, or to fill such





lands. No authority to grant any interest in real property is involved.

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 25, 1964.

NEW YORK . . .

Finger Lakes Livestock Market, Inc., Canandaigua, Oct. 29, 1964.

### Office of the Secretary

### NORTH DAKOTA



and directed by the Secretary, who is assisted by the Under Secretary, three Assistant Secretaries, the Assistant Secre-

DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

SEC. 20. *Authority.* The delegations

agencies, are responsible for seeing that the work of their agencies is efficiently administered and that the public obtains

lands. No authority to grant any interest in real property is involved.

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 18, 1964.

[F.R. Doc. 64-12345; Filed, Dec. 2, 1964; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

### POLK COUNTY AUCTION CO., ET AL.

### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and were therefore, subject to the Act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

*Name and Location of Stockyard; Date of Posting*

ARKANSAS

Polk County Auction Co., Mena, Nov. 4, 1964.

CALIFORNIA

Brawley Auction Co., Brawley, Oct. 14, 1964.

IOWA

Monticello Sale Barn, Monticello, Oct. 13, 1964.

Rubey Auction Co., Red Oak, Oct. 13, 1964.

LOUISIANA

Joe Tate Commission Barn, Inc., Lebeau, Oct. 15, 1964.

MARYLAND

Bar-F Stables, Inc., formerly Horse City, Inc., Manchester, Oct. 21, 1964.

NEBRASKA

College View Live-Stock Commission Co., Lincoln, Nov. 9, 1964.

NEW YORK

Finger Lakes Livestock Market, Inc., Canandaigua, Oct. 29, 1964.

OKLAHOMA

Madill Stockyards, Madill, Nov. 6, 1964.

PENNSYLVANIA

Sechrist Sales Company, Inc., South of Stewardstown (Mailing address P.O. Box 176, Fawn Grave, Oct. 14, 1964.

Done at Washington, D.C., this 27th day of November 1964.

H. L. JONES,
*Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12366; Filed, Dec. 2, 1964; 8:48 a.m.]

## Agricultural Research Service

### IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

### Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the lists (29 F.R. 9509, 11133, 12406, 13435 and 14647) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to sheep with respect to Pahler Packing Corp., establishment 880, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

| Name of establishment | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Armour & Co. | 2AU | X | | X | | | |
| Armour & Co. | 2WN | X | X | | | | |
| Glasto, Inc. | 57 | X | | | | | |
| Goosa Packing Co., Inc. | 61 | X | | | | X | |
| Ideal Packing Co. | 135 | X | | | | | |
| Carr Packing Co., Inc. | 160 | X | X | | | | |
| Kent Provision Co., Inc. | 187 | X | | | | | |
| Parnett Packing Co. | 283 | X | | | | | |
| Fairbank Farms, Inc. | 492 | X | X | | | X | |
| Castle Brand, Inc. | 816 | X | | | | | |
| Shamrock Beef Co. | 967 | X | | | | | |
| James Sausage Co. | 1718 | | | | | X | |
| Shannon Packing Co. | 1758 | X | | | | | |
| New establishments reporting: 13. | | | | | | | |
| Armour & Co. | 40 | | | X | | | |
| Tobin Packing Co., Inc. | 133 | X | | | | | |
| DeKalb Packing Co. | 170 | | X | | | | |
| Farty Packing Corp. | 902 | | | X | X | | |
| Species added: 5. | | | | | | | |

Done at Washington, D.C., this 24th day of November 1964.

C. H. PALS,
*Director, Meat Inspection Division, Agricultural Research Service.*

[F.R. Doc. 64-12235; Filed, Dec. 2, 1964; 8:45 a.m.]

## Office of the Secretary

### NORTH DAKOTA

### Extension of Period for Emergency Loans

For the purpose of extending the period within which the emergency loans may be made pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Richland County, North Dakota the natural disasters for which the county is presently designated (28 F.R. 12379) and subsequent natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12384; Filed, Dec. 2, 1964; 8:50 a.m.]

### STATEMENT OF ORGANIZATION AND DELEGATIONS

SECTION 1. *Establishment of the Department.* The Department of Agriculture was created by Act of Congress approved May 15, 1862 (12 Stat. 387). Until 1889 it was administered by a Commissioner of Agriculture. By Act of February 9, 1889 (25 Stat. 659), the powers and duties of the Department were enlarged. It was made the eighth executive Department in the Federal Government, and the Commissioner became the Secretary of Agriculture.

SEC. 2. *Authority of the Secretary to prescribe regulations.* The general authority of the Secretary to direct the work of the Department is based, among other sources, on section 161, Revised Statutes (derived from an Act of July 27, 1789, and other acts establishing the executive departments), which provides that:

> The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the Government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. This section does not authorize withholding information from the public or limiting the availability of records to the public (5 U.S.C. 22).

SEC. 3. *Staff of the Secretary.* The work of the Department is supervised and directed by the Secretary, who is assisted by the Under Secretary, three Assistant Secretaries, the Assistant Secretary for Administration, the General Counsel, the Inspector General, the Director of Agricultural Economics, the Director of Science and Education, necessary assistants to the Secretary, and the Judicial Officer.

AUTHORITY AND FUNCTIONS OF GENERAL OFFICERS, THE UNDER SECRETARY AND EACH ASSISTANT SECRETARY OF AGRICULTURE

SEC. 10. *Delegation of authority to perform all duties and exercise all powers and functions of Secretary of Agriculture*—a. *General delegation.* Pursuant to the authority vested in the Secretary of Agriculture by Reorganization Plan No. 2, 1953, and subject to the provisions of paragraph c hereof, there is hereby delegated to the Under Secretary of Agriculture and each Assistant Secretary of Agriculture, severally, the authority to perform all duties and to exercise all the powers and functions which are now, or which may hereafter be, vested in the Secretary of Agriculture. The authority herein conferred upon each of the Assistant Secretaries of Agriculture will be exercised by each of such officers in connection with the functions of the agencies assigned to his direction and supervision, except when it may be necessary that he act otherwise because any other Assistant Secretary is absent or otherwise unavailable. The authority granted hereunder may also be exercised in the discharge of any additional functions which the Secretary of Agriculture may assign.

b. *Assistant Secretary for Administration.* There is hereby delegated to the Assistant Secretary for Administration the authority to perform all duties and to exercise all the power and functions which are now, or which may hereafter be vested in the Secretary of Agriculture in connection with the functions of the agencies assigned to his direction and supervision and any additional functions which the Secretary of Agriculture may assign to him.

c. *Limitations.* This order shall not be construed to confer upon any officer named herein the authority of the Secretary of Agriculture to prescribe such regulations as may be necessary pursuant to section 8c(15)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608c(15)(A)).

d. *New principles to be approved.* The determination of any matter by any of the officers named herein which requires the application of new principles or a departure from principles heretofore announced by the Secretary of Agriculture shall be brought to the attention of the Secretary for approval.

e. *Secretary not precluded from exercising delegated powers.* The provision of this order shall not preclude the Secretary of Agriculture from exercising any of the powers and functions or from performing any of the duties herein conferred. (See section 22 hereof.)





DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

SEC. 20. *Authority.* The delegations in this document are made pursuant to authority vested in the Secretary of Agriculture by section 161, Revised, Statutes (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953 as well as all other statutes and prior Reorganization Plans vesting authority in the Secretary of Agriculture with regard to the functions of the Department of Agriculture.

SEC. 21. *General purpose.* The purpose of this document is to provide as nearly as may be a general and concise authority under which the agencies of the Department are vested with authorities adequate to the discharge of their responsibilities. As a result of the terms of Reorganization Plan No. 2 the Secretary of Agriculture is enabled to provide the subordinate officers and units of the Department with such delegations and assignments as he finds are necessary or desirable in relation to the functions performed.

SEC. 22. *Relation to Office of Secretary.* No delegation or authorization prescribed in this document shall preclude the Secretary from exercising any of the powers or functions or from performing any of the duties conferred herein and any such delegations or authorizations is subject at all times to withdrawal or amendment by the Secretary. No delegation or authorization prescribed in this document shall preclude the exercise of any delegation or authorization otherwise provided to the Under Secretary, Assistant Secretaries, Assistant Secretary for Administration, Director of Agricultural Economics; Director of Science and Education, or to the staff agencies as provided in section 32b hereof.

SEC. 23. *Authority and responsibility of agency heads*—a. *Responsibility to the Secretary.* The delegations contained in this document are made pursuant to the general responsibility of the Secretary to the President and to the Congress for the Administration of the Department. The head of each agency (1) will maintain close working relationships with the officer to whom he reports, (2) will keep him advised with respect to major problems and developments, and (3) will discuss with him proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other agencies of this Department, other Federal agencies, or other governmental or private organizations or groups.

(b) *Responsibility for coordination of policies and operations.* It is the responsibility of each agency to consult and cooperate with other Department agencies when its activities relate to, affect, or are affected by the work of these agencies and to see that its policies, programs, and operations are coordinated with theirs, to the end that the Department operates with maximum unity and effectiveness.

c. *Responsibility for efficient operation.* Agency heads, having broad authority to carry on the functions of their agencies, are responsible for seeing that the work of their agencies is efficiently administered and that the public obtains the fullest possible benefit for the funds expended. To accomplish these objectives and to insure that the maximum possible improvements in programs and operations are achieved, agency heads should see that periodic reviews are conducted as required by Executive Order 10072 and 5 U.S.C. 1151.

SEC. 24. *Status of prior authorizations and delegations.* All delegations and authorizations of the Secretary affecting the subject matter of this document or in conflict with the provisions of section 116 are hereby rescinded except where reserved or otherwise expressly recognized by reference in this document. However, any regulation, order, authorization, or similar instrument, heretofore issued by the Secretary shall remain in full force and effect, excepting that any delegations or authorizations contained therein shall be construed to conform to the assignments made in this document. Also, any regulation order, authorization, or similar instrument including delegations of authority heretofore issued pursuant to any secretarial delegation or authorization by any other officer of the Department shall continue in full force and effect unless and until withdrawn or superseded pursuant to authority granted in this document. Nothing in this document shall be construed to disturb other regulations or instructions governing the general conduct of officers and employees of the Department or providing for the orderly handling of correspondence and communications.

GENERAL DIRECTION AND SUPERVISION

SEC. 30. *Service agencies.* The service agencies of the Department of Agriculture are under the general direction and supervision of the officers to whom they report, as follows:

a. Reporting to the Under Secretary:

Agricultural Stabilization and Conservation Service (including Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation bylaws).
Federal Crop Insurance Corporation.

b. Reporting to the Assistant Secretary for International Affairs:

Foreign Agricultural Service.
International Agricultural Development Service.

c. Reporting to the Assistant Secretary for Marketing and Consumer Services:

Agricultural Marketing Service.
Commodity Exchange Authority.

d. Reporting to the Assistant Secretary for Rural Development and Conservation:

Office of Rural Areas Development.
Farmer Cooperative Service.
Farmers Home Administration.
Forest Service.
Rural Electrification Administration.
Soil Conservation Service.

e. Reporting to the Director of Agricultural Economics, who is responsible for the coordination of all statistical and

related economic analysis work of the Department:

Economic Research Service.
Statistical Reporting Service.

f. Reporting to the Director of Science and Education, who is responsible for the coordination of research activities throughout the Department:

Agricultural Research Service.
Cooperative State Research Service.
Federal Extension Service.
National Agricultural Library.

SEC. 31. *Staff agencies.* The Staff agencies of the Department of Agriculture are under the general direction and supervision of the Secretary and the Assistant Secretary for Administration, as follows:

a. Reporting to the Secretary:

Office of the General Counsel.
Office of the Inspector General.

b. Reporting to the Assistant Secretary for Administration:

Office of Budget and Finance.
Office of Hearing Examiners.
Office of Information.
Office of Management Appraisal and Systems Development.
Office of Personnel.
Office of Plant and Operations.
Office of Management Services.

SEC. 32. *Staff and service agencies.* a. The functions of the Staff agencies are prescribed particularly in the Administrative Regulations Chapter 3.

b. Delegations and authorizations to Service Agencies shall be subject to such delegations and authorizations as are granted to staff agencies by the Administrative Regulations or otherwise.

ORGANIZATION AND FUNCTIONS OF DEPARTMENT AGENCIES DELEGATIONS OF AUTHORITY TO AGENCY HEADS

SEC. 40. *General delegations.* The head of each agency shall, under the general direction and supervision of the Secretary of Agriculture and the Under Secretary, and the Assistant Secretary, the Assistant Secretary for Administration, the Director of Agricultural Economics, or the Director of Science and Education to whom is assigned the general direction and supervision of his agency, direct and supervise the activities of the employees of his agency. Subject to any reservation of authority contained in the assignment of functions to the individual agency, or otherwise reserved in the Administrative Regulations, the head of any agency is hereby delegated authority to take any action, including the authority to execute any document, authorize any expenditure, and promulgate any rule, regulation, order or instruction, required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to his agency. The head of any such agency may, consistent with and with due regard to his personal responsibility for the proper discharge of the functions assigned to his agency, delegate and provide for the redelegation of his authority to appropriate officers and employees. Reservations of authority to the Secretary are subject to the provisions of section 10.

AGRICULTURAL MARKETING SERVICE

SEC. 110. *Assignment of Functions.* The following assignment of functions is hereby made to the Agricultural Marketing Service:

a. Payments to State Departments of Agriculture in connection with cooperative marketing service projects under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)).

b. Transportation activities under section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) and section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)).

c. Programs provided for in the Department of Agriculture Appropriation Act for 1954 under the heading "Marketing Services" and under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), except as otherwise assigned in this document.

d. Marketing agreement and order programs for all commodities as authorized under sections 8b and 8c of the Agricultural Adjustment Act (of 1933), as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608b, 608c). The functions under section 8e of the Agricultural Adjustment Act (of 1933), as added August 28, 1954, and amended (7 U.S.C. 608e–1).

e. Designation of Market Administrators and Committees administering marketing agreement and order programs.

f. Functions relating to domestic food distribution including the school lunch program, special milk program, administration of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) as supplemented by public law 165, 75th Congress (15 U.S.C. 713c), the administration of clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), except the declaration and selection of commodities available for distribution, and working with the Office of Emergency Planning on problems of emergency food supply and distribution. In carrying out these functions, the Agricultural Marketing Service shall, to the extent practicable, use the commodity procurement, handling, payment and related services of the Agricultural Stabilization and Conservation Service.

g. The Perishable Agricultural Commodities Act (7 U.S.C. 499a–499r).

h. Export Apple and Pear Act (7 U.S.C. 581–589).

i. Produce Agency Act (7 U.S.C. 491–497).

j. Poultry Products Inspection Act (71 Stat. 441).

k. The Export Grape and Plum Act of September 2, 1960.

l. Food Stamp Act of 1964 (P.L. 88–525).

SEC. 111. *Reservations.* a. *Reservations to the Secretary.* (1) Final action on regulations under the Agricultural Marketing Agreement Act (7 U.S.C. 610(c)) as modified by E.O. 10199.

(2) Issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

b. *Reservations to the Judicial Officer.* (1) Final action in reparation proceedings, in section 5 cases under the Grain Standards Act, and in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rule-making under the Agricultural Marketing Agreement Act of 1937.

AGRICULTURAL RESEARCH SERVICE

SEC. 115. *Assignment of functions.* The following assignment of functions is hereby made to the Agricultural Research Service.

a. The following research programs: Production and utilization (except forestry) research, including research under Title I of the Research and Marketing Act of 1946 (7 U.S.C. 427 et seq.); soil conservation, except the national soil survey; grass, and control of undesirable plants; range management (except as otherwise assigned in this document); cotton ginning and processing; under section 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f); under the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

b. The research, investigations, inspections, experimentations, demonstrations, development work, service and regulatory work, and control and eradication of insects, plant and animal pests and diseases provided for under the heading "Agricultural Research Administration" in the Department of Agriculture Appropriation Act of 1954 (except forest pests and diseases); and the following services conducted under sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624): inspection and certification, and standardization incidental thereto, of food for dogs, cats and other carnivora, of animal byproducts not capable of use as human food, and of human food articles derived wholly or in part from meat, meat byproducts or meat food products and not subject to the Federal meat inspection laws but for which the mark of Federal meat inspection is requested, identification service for federally inspected meat, meat byproducts and meat food products, contract specification work in processing departments of federally inspected meat plants, and certification service for livestock products for export for human food purposes.

c. Administration of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135–135k).

d. Administration of the Virgin Islands agricultural research and extension service program (48 U.S.C. 1409m–1409o).

e. Eradication of foot-and-mouth and other contagious diseases of animals and poultry.

f. Hog Cholera Serum and Virus Marketing Agreement Act (7 U.S.C. 851–855).

g. All administrative functions on behalf of the Secretary relating to the acquisition and administration of patent rights.

h. Administration of the provisions of section 408(*l*) of the Federal Food, Drug, and Cosmetic Act, as added by section 3 of the Act of July 22, 1954 (Public Law 518, 83d Congress), providing for certification with respect to certain pesticide chemicals for which tolerances or exemptions are sought.



i. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012) and the related provisions of Title IV thereof of lands which have heretofore been transferred or which hereafter may be transferred by agreement between the interested agencies with the approval of the Assistant Secretary.

j. Administration of the Federal Plant Pest Act of May 23, 1957 (P.L. 85–36).

k. All administrative functions on behalf of the Secretary relating to radiological safety within the Department, including control of the acquisition, use and disposition, from the standpoint of radiological safety, of all materials and equipment which are sources of actual and potential radiation hazard.

l. Administration of sections 4 and 5 of the Humane Slaughter Act (Public Law 85–765).

m. Coordination of all foreign translation activities in the Department, including liaison with the National Science Foundation and other Government agencies on all matters pertaining to this program except as reserved to the National Agricultural Library and the Office of Budget and Finance, as provided in 1 AR 990.

n. Administration and coordination of a foreign contracts and grants program of market development research in the physical and biological sciences but excluding agricultural economics research under section 104(a) of the Agricultural Trade and Development Act of 1954 as amended (P.L. 480, 83rd Congress); and a foreign contracts and grants program of agricultural and forestry research, under section 104(k) of such Act, in cooperation with the Economic Research Service, Statistical Reporting Service, and Forest Service in their respective areas of responsibility. Foreign activities under this assignment are subject to the coordinating responsibilities of the Foreign Agricultural Service.

o. Authority to make grants under the provisions of P.L. 85–934 (42 U.S.C. 1891–1893) for the support of basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto.

p. Marketing research other than statistical and economic research, but including evaluations of related costs and physical efficiency in the postharvest handling of agricultural products.

q. Research on off-farm handling, transportation and storage of agricultural products, including investigations of insect infestations of off-farm stored products, but excluding economic research related thereto other than costs and efficiency evaluations.

r. Administration of the provisions of the Act of July 2, 1962 (Public Law 87–518; 21 U.S.C. 134–134h).

SEC. 116. *Reservations*—a. *Reservations to the Secretary.* (1) Final action on regulations under the Hog Cholera Serum and Virus Marketing Agreement Act, previously requiring approval of the President.

(2) The issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

(3) Determination as to the measure and character of cooperation with Mexico in the Foot and Mouth Disease Program pursuant to section 1 of the Act of February 28, 1947 (21 U.S.C. 114b), the designation of members of advisory committees, and the appointment of Commissioners on any joint commission with the Government of Mexico set up under such Program.

(4) Approval of requests for apportionment of reserves for emergency outbreaks of insect pests and plant diseases.

(5) Determination of emergencies in connection with the eradication of foot and mouth disease and other contagious diseases of animals and poultry.

(6) Designation of members of advisory committees under Title III of the Research and Marketing Act (7 U.S.C. 1628–1629) and under the Humane Slaughter Act (7 U.S.C. 1905).

(7) The determination that an extraordinary emergency exists because of the outbreak of any dangerous, communicable disease of livestock or poultry anywhere in the United States and that such outbreak threatens the livestock or poultry of the United States, under section 2(b) of the Act of July 2, 1962 (Public Law 87–518; 21 U.S.C. 134a(b)).

b. *Reservations to the Judicial Officer.* (1) Final action in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rule-making proceedings under the Hog Cholera Serum and Virus Marketing Agreement Act.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SEC. 120. *Assignment of functions.* The following assignment of functions is hereby made to the Agricultural Stabilization and Conservation Service:

a. Farm marketing quota and acreage allotment programs.

b. Administration of the Sugar Act (7 U.S.C. 1100–1183).

c. Foreign assistance commodity procurement and supply.

d. (1) Livestock Feed Program (P.L. 86–299, 73 Stat. 574).

(2) Emergency Feed Program, Disaster Relief Feed Grain Programs and Distress Programs (Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427); and P.L. 875, 81st Cong., as amended (42 U.S.C. 1855)).

(3) Emergency Conservation Program (P.L. 85–58, as amended by P.Ls. 85–170 and 85–766 (71 Stat. 177, 71 Stat. 426, 72 Stat. 864)).

(4) Grazing on Conservation Reserve (P.L. 540, 84th Cong. (7 U.S.C. 1831(a) and 1821(a))).

e. Administration of the International Sugar Agreement.

f. Administration of the International Wheat Agreement.

g. Special feed grain and wheat stabilization programs (16 U.S.C. 590p (c) and (d), and section 124 of P.L. 87–128).

h. Price support programs, except the administration of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) as supplemented by Public Law 165, 75th Congress (15 U.S.C. 713c) as assigned to Agricultural Marketing Service.

i. Procurement, handling, payment, and related services for section 32 purchase and export payment programs and for purchases under section 6 of the National School Lunch Act for the Agricultural Marketing Service, to the extent practicable.

j. Commodity domestic sales programs, and other commodity disposal programs except as assigned to Agricultural Marketing Service and Foreign Agricultural Service.

k. Supervision and direction of Agricultural Stabilization and Conservation Service State and County offices, and designation of functions to be performed by Agricultural Stabilization and Conservation State and County Committees.

l. Activities under the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98–98h), except as otherwise assigned in this document.

m. Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation by-laws.

n. Soil bank program authorized by Title I of the Agriculture Act of 1956, with assistance from other agencies of the Department, as otherwise assigned in the conservation practices phase of the conservation reserve program.

o. Determination and proclamation of agricultural commodities in surplus supply pursuant to section 125 of the Agricultural Act of 1956 (7 U.S.C. 1813). Also, responsibility to serve as the focal point in the Department for consultation on matters relating to the leasing of Federally-owned farm lands to insure that such leases are consistent with the Government's farm program to reduce production of price-supported crops in surplus supply.

p. The programs authorized by sections 7–15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g, et seq.) except the naval stores conservation program.

q. Functions relating to agreements under section 708 (7 U.S.C. 1787) of the National Wool Act of 1954, as amended (7 U.S.C. 1781–1787).

r. Responsibility for coordinating and preventing duplication of aerial photographic work of the Department, including: (1) Clearing of photography projects; (2) assigning symbols for new aerial photography, maintaining symbol records, and furnishing symbol books; (3) recording Departmental aerial photography flown and coordinating the issuance of aerial photography status maps of latest coverage; (4) promoting interchange of technical information and techniques to develop lower costs and better quality; (5) representing the Department on the Inter-Agency Committee on Sales Prices of Aerial Photographic Reproductions and serving as liaison with other governmental agencies on aerial photography and related activities including classification of departmental aerial photography but excluding mapping; and (6) serving as Chairman of the Photographic Sales Committee of the Department.

SEC. 121. *Reservations.*—a. *Reservations to the Secretary.* (1) Designation of counties for Emergency Conservation Programs under P.Ls. 85–58, 85–170, and 85–766.

(2) Appointment of State ASC Committeemen.

(3) Recommendations to the President regarding the designation of areas of major disaster under Public Law 875, 81st Congress, and regarding designation of acute distress areas under section 407 of the Agricultural Act of 1949, as amended, because of unemployment or other economic causes; designation of boundaries within areas declared by the President to be major disaster areas or acute distress areas and the designation of areas under all the other programs specified in paragraph 120d; the execution of cooperative agreements with the State Governors and heads of other Federal agencies with respect to such programs; and final approval of allocation of funds and of national program regulations under paragraph 120d(3).

(4) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590d) and under section 8(b) of such act (16 U.S.C. 590h(b)) relating to the selection and exercise of the functions of committees.

(5) Under section 708 (7 U.S.C. 1787) of the National Wool Act of 1954, as amended (7 U.S.C. 1781–1787), entering into agreements with or approving agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof.

COMMODITY EXCHANGE AUTHORITY

SEC. 125. *Assignment of functions.* The following assignment of functions is hereby made to the Commodity Exchange Authority:

a. Administration of the Commodity Exchange Act, as amended (7 U.S.C. 1–17a).

SEC. 126. *Reservations*—a. *Reservations to the Secretary.* (1) Designation of contract markets, promulgation of regulations and issuance of complaints under the Commodity Exchange Act, as amended.

(2) Authority of the Chairman of the Commodity Exchange Commission.

b. *Reservations to the Judicial Officer.* (1) Final action in disciplinary proceedings under the Commodity Exchange Act, as amended, which are subject to the provisions of sections 7 and 8 of the Administrative Procedure Act.

COOPERATIVE STATE RESEARCH SERVICE

SEC. 130. *Assignment of functions.* The following assignment of functions is made to the Cooperative State Research Service, subject to the coordination of research activities by the Director of Science and Education.

a. The administration of the Agricultural Experiment Stations Act of August 11, 1955 (Hatch Act of 1887, as amended—7 U.S.C. 361a–361i).

b. Payments under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623) to State Agricultural Experiment Stations.

c. The administration of the Cooperative Forestry Research Act of October 10, 1962 (76 Stat. 806–807).

d. Authority to make grants under P.L. 85–934 (42 U.S.C. 1891–1993) for support of basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto, from funds made available to this Service.

e. The administration of the Research Facilities Act of July 22, 1963 (77 Stat. 90).

SEC. 131. *Reservation*—a. *Reservation to the Secretary.* (1) Authority to appoint the advisory committee as directed under section 6 of the Cooperative Forestry Research Act approved October 10, 1962.

ECONOMIC RESEARCH SERVICE

SEC. 135. *Assignment of functions.* The following assignment of functions is made to the Economic Research Service:

a. Farm economics research dealing with the economic problems of agricultural production and resource use, but excluding forest economics research. Farm production economics research includes analyses of farm production costs and efficiency, profitable adjustments in farming, and financial problems of farmers. Resource development economics includes studies on the extent, use, management, and development of rural resources.

b. Marketing economics research, including economic and cost analyses relating to the marketing of specific agricultural commodities; the organizational structure and practices of commodity markets; costs, measurement of margins, and efficiency involved in the marketing of agricultural products; farmers' bargaining power; the economics of product quality and grade; market potentials, distribution and merchandising of agricultural products; and the economics of tranpsortation of agricultural products.

c. Domestic and foreign economic analysis, including economic and statistical analysis on agricultural prices, farm income, commodity outlook and situation, the supply and consumption of farm products, farm population and rural life, and agricultural history. Foreign economic analysis includes economic studies of supply of, demand for, and trade in farm products in foreign countries and their effect on prospects for U.S. exports; analysis of farm export programs; progress in economic development and its relationship to sales of farm products; assembly and analysis of agricultural trade statistics; and analysis of international financed monetary programs and policies, as they affect the competitive position of U.S. farm products, but excluding specific commodity investigations relating to foreign market developments, competition and reporting, as assigned to Foreign Agricultural Service.

d. Supervision, direction and operation of Outlook and Situation Board which is responsible for technical review and approval of all economic outlook and situation reports and statements prepared within the Department.

e. Authority to make grants under the provisions of P.L. 85–934 (42 U.S.C. 1891–1893) for the support of basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto.

f. Conducts economic research under P.L. 83–480, Title 1, section 104(a) with funds administered by the Foreign Agricultural Service, and under section 104 (k) with funds administered by the Agricultural Research Service.

FARMER COOPERATIVE SERVICE

SEC. 140. *Assignment of functions.* The following assignment of functions is hereby made to the Farmer Cooperative Service:

a. The programs authorized by the Act of July 2, 1926 (7 U.S.C. 451–457), pertaining to cooperative marketing, and research relating to the economic and marketing aspects of farmer cooperatives, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627).

FARMERS HOME ADMINISTRATION

SEC. 145. *Assignment of functions.* The following assignment of functions is hereby made to the Farmers Home Administration under or with respect to:

a. The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), except those contained in section 342 of said Act (7 U.S.C. 1013a). These assigned functions, powers, duties, and assets pertain to programs authorized under said Act as well as to prior programs and authorities of the Farmers Home Administration and its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C.

b. Title V of the Housing Act of 1949 (42 U.S.C. 1471), except those pertaining to research.

c. The Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation and other agreements entered into pursuant thereto.

d. Section 8, and those with respect to repayment of the obligations under section 4, of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a, 1004).

e. Rural Areas Development Program activities consisting of (1) furnishing technical information and services in initiating and implementing projects, (2) certifying individual over-all economic development programs in rural areas as being consistent with the general objectives of the economic development of rural areas of the United States, and (3) certifying industrial and commercial water facility projects and community facility projects as being consistent with approved over-all economic development programs for the areas involved. The foregoing are part of the functions, powers, and duties under the Area Redevelopment Act (42 U.S.C. 2501), delegated by the Secretary of Commerce to the Secretary of Agriculture (26 F.R. 9933).



f. Rural Renewal Program activities consisting of coordination, direction, and supervision of Rural Renewal Projects and assistance in planning, developing, and carrying out such projects under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

g. Section 51(a) of the Alaska Omnibus Act.

h. Servicing, collection, settlement, and liquidation of:

(1) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

i. Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture is authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 486).

SEC. 146. *Reservations.* The following functions are reserved to the Secretary:

a. Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and Title V of the Housing Act of 1949 (41 U.S.C. 1484, 1485(b)), and requesting advances of funds evidenced by said notes and any similiar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x–3(d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed $135,000,000, or to exceed $25,000,000 thereof for domestic farm labor housing, or $10,000,000 thereof for rental housing for elderly persons and families.

b. Designation of areas in which Emergency loans may be made (7 U.S.C. 1961).

FEDERAL CROP INSURANCE CORPORATION

SEC. 150. *Assignment of functions.* The following assignment of functions is hereby made to the Federal Crop Insurance Corporation:

a. The Federal Crop Insurance programs.

In accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1505) and section 1(b) of Reorganization Plan No. 2, 1953, this assignment is for record purposes only. The Corporation derives its functions from the act.

FEDERAL EXTENSION SERVICE

SEC. 155. *Assignment of functions.* The following assignment of functions is hereby made to the Federal Extension Service:

a. The administration of the Smith-Lever Act as amended (7 U.S.C. 341–349).

b. Educational and demonstration work in cooperative farm forestry conducted under section 5 of the Act of June 7, 1924, as amended by the Act of October 26, 1949 (16 U.S.C. 568).

c. Educational and demonstration work of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627).

d. Educational leadership for the Department's farm safety educational program.

e. Providing a focal point of contact and working relationships with national town-country church leaders and denominational and interdenominational church organizations. This work is carried on in cooperation with other agencies of the Department and with the State Extension Services and other national, State and local organizations.

f. Coordination of all educational activities of the Department, including examination and analysis of all such activities current and contemplated, review and approval of all educational activities or proposals prior to initiation, advice and consultation on planning with heads of agencies, and reports and recommendations to the Secretary.

g. Rendering educational and technical assistance to persons not receiving financial assistance under Title 5 of the Housing Act of 1949, including Extension demonstrations.

h. Provide leadership and direct assistance to State Extension Services in planning, conducting, and evaluating Extension programs with Indians under a memorandum of agreement with the Bureau of Indian Affairs dated May 1956, pursuant to the authority provided in Section 601 of the Act of June 30, 1932, as amended (31 U.S.C. 686).

i. Provide in rural redevelopment areas organizational and educational leadership for orderly development of local economics initiative. (Area Redevelopment Act (P.L. 87–27).)

j. Cooperate with Land-Grant Colleges in furthering conservation and resource development education. State and county Extension organizations will, in turn, make appropriate arrangements for assistance to soil and water conservation districts.

k. Act as the liaison between the Department and officials of the Land-Grant Colleges and Universities on all matters relating to cooperative Extension work and educational activities relating thereto.

SEC. 156. *Reservations*—a. *Reservations to the Secretary.* Approval of selection of State Directors of Extension.

FOREIGN AGRICULTURAL SERVICE

SEC. 160. *Assignment of functions.* The following assignment of functions is hereby made to the Foreign Agricultural Service:

a. Primary responsibilities for Department activities relating to foreign agricultural trade including coordination of U.S. agricultural interests before bodies such as Special Representative for Trade Negotiations, Trade Expansion Act Advisory Committee and other departmental committees concerned with administration of the Trade Expansion Act of 1962, Organization for Economic Cooperation and Development, General Agreement on Tariffs and Trade, and the European Common Market; development of foreign markets for agricultural products of the United States; relationships with foreign areas; marketing and economic investigations and service work related to current and prospective competition with and demand for specific U.S. agricultural products in foreign commodity markets; including functions under 7 U.S.C. 1761–1766, 19 U.S.C. 1354, 22 U.S.C. 501, but excluding basic and long range analyses of world conditions and developments affecting supply, demand, and trade in farm products and general economic analyses of the international financial and monetary aspects of agricultural affairs as assigned to Economic Research Service.

b. Administration of section 22 of the Agricultural Adjustment Act (of 1933) as amended (7 U.S.C. 624), and export and import controls, except those under section 8e of said Agricultural Adjustment Act (of 1933), as added August 28, 1954, and amended (7 U.S.C. 608e–1), but including coordination of Department positions, actions and recommendations as they pertain to administration of the Export Control Act of 1949, as amended (50 U.S.C. sec. 2021–2032).

c. Coordination of relationship in the field of its primary responsibilities between the Department of Agriculture and the State Department, other departments and agencies of the Government, and the Food and Agriculture Organization of the United Nations.

d. Act as liaison agency between the Department of Agriculture and the Department of State, and coordinate, to the extent permitted by law, the carrying out by Department agencies of their functions in foreign areas, including relations with State Department at U.S. diplomatic and consular missions, foreign governments, private and public organizations, private firms and other departments and agencies of the U.S. Government.

e. Commodity export sales programs including export pricing policies, and export subsidy programs, other than section 32 (7 U.S.C. 612c), and the International Wheat Agreement.

f. Primary responsibility for administration of barter programs under which agricultural commodities are exported in exchange for strategic and other materials, including strategic and critical materials for the National Stockpile (15 U.S.C. 714b); strategic and other materials for the supplemental stockpile (7 U.S.C. 1856); materials, goods, and equipment required in connection with foreign economic and military aid and assistance programs, for offshore construction programs, and for specific requirements of government agencies (7 U.S.C. 1692).

g. Primary responsibility for Department functions under Titles I and IV, Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701–1709, 1731–1736), including market development trade programs under section 104(a) of the Act, but excluding utilization research in aid of market development under section 104

(a), and farm, forestry, marketing, and utilization research under section 104(k) of the Act.

h. Responsibilities and activities involving program development, evaluation and review, including related liaison with Agency for International Development, participating private relief agencies and intergovernmental organizations with respect to the donation of foods for distribution to needy persons in foreign countries under provisions of Section 416 of the Agricultural Act of 1949, 7 U.S.C. 1431 as amended; but excluding responsibilities related to program execution involving procurement, reprocessing, packaging, delivery of commodities, and maintenance of records pertaining thereto and the handling of claims by and against voluntary relief agencies and intergovernmental organizations.

i. Ocean transportation functions under the provisions of Public Law 480, but excluding the responsibility for designating and moving to port position commodities donated under Title II and Title III of Public Law 480 and the fiscal examination and accounting functions for Public Law 480 transactions.

FOREST SERVICE

SEC. 165. *Assignment of functions.* The following assignment of functions is hereby made to the Forest Service:

a. Over-all leadership in forest and forest range conservation, development, utilization. (As used here and elsewhere in this Chapter the term "forest" includes woodlands, and brush covered wild lands in mountainous areas.)

b. The protection, management, and administration of the National Forests, National Forest Purchase Units, National Grasslands, and other lands administered by the Forest Service, which collectively are hereby designated as the National Forest System.

c. Research programs in timber management; range management on forest and related ranges; forest soils and watersheds; wildlife and fish habitat management; forest recreation; forest fire; forest insects; forest diseases; forest products utilization; forest engineering; forest resource surveys; forest products marketing; and forest economics.

d. The programs of cooperation in the protection, development, conservation, management and utilization of forest resources, except as otherwise assigned in this document.

e. Forest insect, disease, and other pest control and eradication.

f. Programs under section 23 of the Federal Highway Act (23 U.S.C. 101(a), 202(b), 204 (a)-(c), 205 (a)-(c)).

g. Naval stores conservation program authorized by sections 7-17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g-590q).

h. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1012), of lands under the administration of this Department including the custodianship of lands under lease to States and local agencies, except as otherwise assigned to Agricultural Research Service and Soil Conservation Service.

i. The responsibility, under such general principles, criteria and procedures as may be established by the Soil Conservation Service, for making preliminary examinations and surveys under the flood prevention program (Flood Control Act of 1936 as amended and supplemented), for conducting surveys and investigations under the small watershed protection program (item for Watershed Protection in the Department of Agriculture Appropriation Act, 1954), for making surveys, investigations and studies under the program for flood prevention and agricultural phases of the conservation, development, utilization, and disposal of water (Watershed Protection and Flood Prevention Act), and for the collection of data necessary to the preparation of comprehensive river basin reports in the watershed or basin for the following: all national forests and other lands administered by the Forest Service; range lands within national forest boundaries and range lands adjacent to national forests which are administered in conjunction with such forests under formal agreement with the owner or lessee; and other forest lands except that the determination as to what lands are to be in forest or woodlands shall be the responsibility of the Soil Conservation Service.

j. The responsibility for installing flood prevention and watershed protection works of improvement on all national forests and other lands administered by the Forest Service; range lands within national forest boundaries and range lands adjacent to national forests which are administered in conjunction with such forests under formal agreement with the owner or lessee; and, with respect to other forest lands in the watershed or basin, in cooperation with state and local agencies, for installing all fire protection measures provided for in approved work plans, and, for providing tree planting stock and furnishing technical assistance in forest management.

k. Assistance to the Agricultural Stabilization and Conservation Service in connection with the agricultural conservation program and the cropland conversion program, both authorized by sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

l. Responsibility for coordination of mapping work of the Department, including: (1) Clearing mapping projects to prevent duplication; (2) keeping a record of mapping done by Department agencies; (3) preparing and submitting required Departmental reports; (4) serving as liaison on mapping with the Bureau of the Budget, Department of the Interior, and other Departments and establishments; (5) promoting interchange of technical information, including techniques which may reduce costs or improve quality; and (6) maintenance of the mapping records formerly maintained by the Office of Plant and Operations.

m. Authority to make grants under the provisions of Public Law 85-934 (42 U.S.C. 1891-1893) for the support of basic scientific research in forestry activities at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto.

n. Assistance to the Farmers Home Administration in connection with the rural renewal program authorized by Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(e)).

o. Assistance to the Farmers Home Administration in connection with loans under authority of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1923).

p. Assistance to the Soil Conservation Service in connection with the resource conservation and development program authorized by Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(e)).

q. Assistance to the Office of Rural Areas Development, Farmers Home Administration, and Rural Electrification Administration in redevelopment area program activities, pursuant to the Area Redevelopment Act (42 U.S.C. 2501).

r. Responsibility for the radio frequency licensing work of the Department, including: (1) Representation of the Department on the Interdepartment Radio Advisory Committee and its Frequency Assignment Subcommittee, in the office of the Director of Telecommunications Management; (2) establishing policies, standards, and procedures for allotting and assigning frequencies within the Department and for obtaining effective utilization of them; (3) providing licensing action necessary to assign radio frequencies for use by the agencies of the Department and maintenance of the records necessary in connection therewith; and (4) providing inspection of the Department's radio operations to insure compliance with national and international regulations and policies for radio frequency use.

SEC. 166. *Reservations*—a. *Reservations to the Secretary.* (1) The authority to issue rules and regulations relating to the National Forests, National Grasslands, and other lands administered for National Forest purposes; to lands administered under Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); and to the programs under section 23 of the Federal Highway Act (23 U.S.C. 101(a), 202(b), 204 (a)-(c), 205 (a)-(c)).

(2) The authority as a member of the National Forest Reservation Commission (16 U.S.C. 513).

(3) The making of recommendations to the President with respect to the transfer of lands pursuant to the provisions of subsection (c) of section 32 of Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(a)).

(4) The making of recommendations to the President for the establishing of national forests or parts thereof under the provisions of section 9 of the Act of June 7, 1924 (42 Stat. 655).

(5) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590d) relating to naval stores.



(6) Final approval and submission to the Congress of the results of preliminary examinations and survey reports under the Flood Control Act of 1936, as amended and supplemented.

(7) Approval of requests for apportionment of reserves pursuant to section 3679, Revised Statutes, as amended (31 U.S.C. 665), for forest pest control.

RURAL ELECTRIFICATION ADMINISTRATION

SEC. 170. *Assignment of functions.* The following assignment of functions is hereby made to the Rural Electrification Administration:

a. The rural electrification program.

b. The rural telephone program.

c. Rural areas development program activities consisting of (1) implementing proposed industrial and commercial projects, other than water facilities and (2) certifying industrial and commercial projects, other than water facilities, as being consistent with the approved overall economic development programs for the areas involved. These activities are part of the functions, powers, and duties under the Area Redevelopment Act (42 U.S.C. 2501), delegated by the Secretary of Commerce to the Secretary of Agriculture (26 F.R. 9933).

SEC. 171. *Reservations*—a. *Reservations to the Secretary.* (1) Requests and certifications to the Secretary of the Treasury in connection with loans to the Administrator of the Rural Electrification Administration for the rural electrification and rural telephone program.

SOIL CONSERVATION SERVICE

SEC. 180. *Assignment of functions.* The following assignment of functions is hereby made to the Soil Conservation Service:

The responsibility of acting as the technical service agency in the field of soil and water conservation, watershed protection and flood prevention, and resource development, except on lands administered by the Forest Service, through the following programs:

a. Basic program of soil and water conservation: (Public Law 46, 74th Congress, 1935). Administers a broad program of soil and water conservation operations, including direct assistance to land owners and operators in approximately 3,000 soil and water conservation districts, in planning and applying conservation measures.

b. Great plains conservation program: (Public Law 1021, 84th Congress, 1956). Administers program under which landowners and operators in designated counties within ten Great Plains States receive correlated technical and financial help in carrying out long-term soil and water conservation plans aimed at bringing about needed land-use adjustments and applying the conservation measures needed to stabilize agriculture in this area of special climatic hazards.

c. Watershed protection and flood prevention: (Flood Control Act of 1936, as amended and supplemented; item for watershed protection in the Department of Agriculture Appropriation Act, 1954; and, the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Congress, as amended). Responsibility for administration of programs for watershed protection and flood prevention in the conservation, development, utilization and disposal of water in upstream watersheds or subwater shed areas, and activities in connection with river basin investigations and preparation of reports thereon (with due recognition to the responsibilities otherwise assigned).

(1) Development of general principles, criteria and procedures for these programs.

(2) Making investigations and surveys necessary to prepare watershed work plans, assisting local organizations in preparing watershed work plans, installing flood prevention and watershed protection works of improvement or providing to local interests such technical and other assistance as may be needed for installing such works of improvement in accordance with approved watershed work plans; except for those responsibilities assigned to the Forest Service, and the Farmers Home Administration.

d. Rural areas development: (Food and Agriculture Act of 1962). Resource Conservation and Development Projects. Administrative responsibility for Department activities in resource conservation and development projects designed to speed up conservation activities in areas of sufficient size that they will have significant impact on the local economy.

*Cropland conversion program.* Responsibility for the technical phases of those practices for which technical assistance is required for their effective application and use in a program intended to help farmers convert unneeded or unsuitable cropland to grass, trees, water storage, wildlife habitat, or income-producing outdoor recreation.

*Income-producing outdoor recreation on rural non-Federal lands.* Leadership responsibility for activities involved in assisting landowners and operators, individually and in groups, establish income-producing recreation enterprises on their land and for the liaison with other Federal, State, and local agencies and groups in a position to assist with recreational development.

*Rural renewal.* Responsibility for giving technical help on land and water conservation and development in rural renewal projects planned and carried out in rural areas where the need to improve the general level of economic activity is so acute that a complete program of rural renewal is the only practicable solution.

e. National inventory of soil and water conservation needs: Departmental leadership for a national inventory of soil and water conservation needs, covering all land, private and public, for which the Department has responsibility for soil and water conservation. The inventory includes information on soil resources, probable land use adjustments, and soil and water conservation treatments needed.

f. Snow surveys: (Reorganization Plan No. 4, effective June 30, 1940). Responsibility for making and coordinating snow surveys in the Western States and Alaska and preparing forecasts of seasonal water supplies in affected streams, for the purpose of relating available water supply to agricultural plans and operations.

g. National cooperative soil survey: Responsibility for carrying out the Federal part of the National Cooperative Soil Survey developed and published to provide basic soils information needed for conservation planning and for guidance in proper classification and development of nonagricultural lands.

h. Agricultural conservation program: (Public Law 156, 83d Congress, 1953). Responsibility for providing technical assistance to the Agricultural Stabilization and Conservation Service and to landowners and operators in the Department's program of cost-sharing for conservation practices of public benefit, including providing technically adequate designs and specifications for permanent-type practices in the program.

i. World soil geography: Responsibility for a research program for making worldwide interpretations for the Defense Department relating to engineering characteristics and climatological influences on soil survey interpretations and for the preparation of accurate soils maps.

j. Conservation loans: (Public Law 597, 83d Congress, 1954). Responsibility for providing technical assistance to the Farmers Home Administration in making soil and water conservation loans to landowners and operators for financing soil conservation, water development, water conservation and use, forestation, drainage, establishing and improving permanent pasture, and other related measures.

k. The responsibility for providing forestry services, as a part of its total technical service to private landholders, when forestry services are a necessary and associated part of the land management problems of such landholders and are not available from a State agency, and until such services are available from agencies of State government, and subject to the same limitations, the additional exclusive responsibility for providing forestry services to farm landholders when such services serve only agricultural purposes, such as, and generally limited to, tree plantings around farm buildings and wind breaks or shelterbelts to prevent wind and water erosion of farm lands. In providing such forestry services the Soil Conservation Service shall use fully research findings and recommendations of Federal and State forest research agencies, and shall be responsible for seeing that such forestry services fully meet professional forestry standards.

SEC. 181. *Reservations*—a. *Reservations to the Secretary.* (1) The execution of memoranda of understanding establishing the general basis for cooperation by the Department with Soil Conservation districts, wind erosion districts, and other districts organized for the conservation and utilization of soil and water resources within the several states, territories, and possessions.

(2) Final approval and transmittal to the Congress of Watershed Work Plans that are required to be transmitted to

the Congress, and of comprehensive river basin reports.

STATISTICAL REPORTING SERVICE

SEC. 185. *Assignment of functions.* The following assignment of functions is made to the Statistical Reporting Service:

a. Crop and livestock estimates and reporting program including estimates of production, supply, price and other aspects of the U.S. agricultural economy, collection of statistics, conduct of enumerative and objective measurement surveys, and related activities.

b. Reports of the Crop Reporting Board of the Department of Agriculture covering official State and national estimates.

c. Research relating to household, industrial and institutional consumers, and producers, handlers and processors, with respect to sensory perceptions, attitudes, opinions, and related factual data affecting marketing and consumption of agricultural products.

d. Review, clearance, coordination and improvement of statistics in the Department including review of all statistical forms survey plans, and reporting and record keeping requirements originating in the Department and requiring approval by the Bureau of the Budget under the Federal Reports Act, liaison for coordination of statistics, general improvement of statistical methods and techniques in the Department.

e. Operation of the Washington Data Processing Center of the Department involving provision of automatic data processing services for other Agencies of the Department on request.

f. Authority to make grants under the provisions of P.L. 85–934 (42 U.S.C. 1891–1893) for the support of basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto.

SEC. 186. *Reservations*—a. *Reservations to the Secretary.* (1) Approval and issuance of the monthly crop report (7 U.S.C. 411a) and final action on rules and regulations for the Crop Reporting Board.

OFFICE OF RURAL AREAS DEVELOPMENT

SEC. 190. *Assignment of functions.* The Office of Rural Areas Development, under the direction of the Assistant Secretary for Rural Development and Conservation, coordinates and expedites the Rural Areas Development Program as well as activities under the Area Redevelopment Act of 1961 (P.L. 87–27) delegated to the Department of Agriculture from the Department of Commerce. The responsibilities of the Office include:

a. Providing Department-wide leadership in the formulation and carrying out of current and long-range policies and plans relating to the above programs in rural areas.

b. Facilitating the application of the resources of Department agencies in assisting State, local, private, community, farm organizations, and individuals working for the improvement of rural areas.

c. Conducting studies and special analyses of National, State, and local needs for economic development assistance, preparing periodic reports and recommendations on actions necessary for solution of economic development problems in rural areas and maintaining ongoing review and analysis of rural areas development accomplishments.

d. Chairing the Interdepartmental Staff Group supporting the Rural Development Committee established by Executive Order 11122 dated October 17, 1963.

e. Providing secretariat of the Rural Areas Development Board, the Rural Development Committee, the Public Advisory Committee on Rural Areas Development, the Public Advisory Committee on Cooperatives, and the Land and Water Policy Committee.

f. Coordinating the Department program, carried out through the program agencies, for establishing income producing and profitable outdoor recreation in rural areas. This includes activity authorized by the Food and Agriculture Act of 1962 (Title I, Public Law 87–703).

g. Assistance to the Department in formulating policies and expediting programs concerning:

(1) Strengthening the position of the family farm.

(2) Solving the economic problems of the elderly and handicapped.

(3) Relieving economic distress in the Appalachian Region.

(4) Redeveloping the Northern Great Lakes States Region.

(5) Public Works Acceleration (P.L. 87–658).

(6) Farm laborers and migratory laborers.

(7) Problems of specially disadvantaged groups.

(8) Training program activities under the Area Redevelopment Administration and the Manpower Development and Training Program.

SEC. 191. *Reservations.* The following functions are reserved to the Assistant Secretary for Rural Development and Conservation:

a. Approval and promulgation of policies and regulations recommended by the Rural Areas Development Board.

INTERNATIONAL AGRICULTURAL DEVELOPMENT SERVICE

SEC. 194. *Assignment of functions.* The following assignment of functions is hereby made to the International Agricultural Development Service:

a. General administration and coordination of the Department's responsibilities and activities in foreign assistance and training programs including those under sections 301 and 302 of the U.S. Information and Educational Exchange Act of 1948 (22 U.S.C. 1451–1452); the Foreign Assistance Act of 1961, P.L. 87–195, as amended by the Foreign Assistance Act of 1963, P.L. 88–205; and P.L. 87–256, the Mutual Educational and Cultural Exchange Act of 1961; and in developing and maintaining effective relationships with international and U.S. organizations in planning and carrying out such programs:

(1) Provision of leadership in the formulation of current and long-range policies and plans for carrying out technical assistance and agricultural development responsibilities abroad and related activities.

(2) Development and maintenance of effective relationships with the Agency for International Development, and with other appropriate public and private U.S. and international organizations, with respect to planning and carrying out assistance and training programs.

(3) Coordination of the resources of the Department, and expedition of the application of these resources in the planning, review, evaluation and operation of country or regional agricultural development projects and activities for which the USDA is given responsibility, including the orientation of U.S. personnel and the training of foreign nationals.

(4) Coordination of the recruitment and assignment of USDA personnel on detail or loan to the Agency for International Development, Food and Agriculture Organization and similar functional agreements between the Department and such organizations.

(5) Coordination of the implementation of Government-sponsored agricultural exchange programs.

NATIONAL AGRICULTURAL LIBRARY

SEC. 198. Assignment of functions. The following assignment of functions is hereby made to the National Agricultural Library:

a. Acquisition and preservation of all information concerning agriculture.

b. Formulation of immediate and long-range library policies, procedures, practices and technical standards necessary for acquisition, cataloging, loan, bibliographic, and reference service to meet the needs of scientific, technical, research and administrative staffs of the Department, both in Washington and the field.

c. Evaluating special library programs developed for agencies of the Department; exercising such controls as are needed to coordinate library services in the Department and to avoid duplication of effort.

d. Provision of consultative service in library science and documentation, including systems for information storage and retrieval, to Department officials.

e. Coordination of scientific and technical information activities of the Department.

f. Coordination of the collection policy and program of the National Agricultural Library with the Library of Congress and the National Library of Medicine.

g. Representation of the Department on library matters before Congressional Committees, in international library activities, in professional societies, and in science information and documentation activities; and cooperation with other Government agencies, and educational institutions on all matters relating to library services.

Done at Washington, D.C., November 27, 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–12382; Filed, Dec. 2, 1964; 8:50 a.m.]



# DEPARTMENT OF COMMERCE

## Maritime Administration

## CENTRAL GULF STEAMSHIP CORP.

### Amended Notice of Application

The notice published in the FEDERAL REGISTER on July 25, 1964 (29 F.R. 10401) concerning the application of Central Gulf Steamship Corporation for operating-differential subsidy under Title VI of the Merchant Marine Act, 1936, as amended, is hereby amended to modify the sailing frequency and privilege calls as set forth in the following service description:

Thirty-six (36) to forty (40) sailings per year from the United States Gulf and Atlantic coast ports extending from Brownsville, Texas to Portland, Maine, from and to the Trade Route 18 ports, with the privilege of calling at Beirut, Port Said and Alexandria for the discharge outbound, or loading inbound, of cargo loaded or to be discharged at North Atlantic ports of the United States.

Any person, firm or corporation which has any interest in this application, as amended, and desires to intervene in, but is not already a party to the hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, which is scheduled to commence on February 1, 1965, should, by the close of business on December 18, 1964, file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

The purpose of the hearing under section 605(c) is to receive evidence relevant to the following: (1) Whether the application is one with respect to vessels to be operated on a service, route or line, served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no petitions for leave to intervene are received within the specified time, or if the Maritime Subsidy Board determines that petitions so filed do not demonstrate sufficient interest to warrant intervention, the scheduled hearing will be conducted on the amended application without further notice.

Dated: November 30, 1964.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
*Secretary.*

[F.R. Doc. 64–12399; Filed, Dec. 2, 1964; 8:50 a.m.]

# CIVIL AERONAUTICS BOARD

[Order E–21588]

## AIR TRAFFIC CONFERENCE OF AMERICA

### Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of November 1964.

Agreement among the members of the Air Traffic Conference of America amending standard agent's ticket and area settlement plan, Agreement CAB 16874–A4.

On April 24, 1964, the Board approved resolutions of members of the Air Traffic Conference of America (ATC) establishing a "Standard Agent's Ticket and Area Settlement Plan" (Plan).[1] Under the Plan as approved, ATC appointed agents are required to use a single standard form of ticket in the sale of passenger air transportation involving a journey wholly within the continental United States (except Alaska), Canada or Hawaii, and for international air transportation between the 48 contiguous States and Canada. By Agreement CAB 16874–A3, the Plan was amended to permit the participation of non-ATC members of the International Air Transport Association.[2]

The instant amendment, quoted in the Appendix,[3] would permit participation in the Plan by certain regular members of ATC serving Alaska and Puerto Rico, the agency relationships of which are not governed by the ATC Sales Agency Agreement.[4] The amendment provides that such carriers may execute a concurrence specifying, essentially, that the concurring airlines (a) will supply those of its agents who are on the ATC Agency List and operating under the Plan with airline identification plates in conformity with the Plan, and will withdraw such plates whenever required on the same basis as other airlines participating in the Plan; (b) will contribute pro rata to the costs of ticket stock, sales reports forms and other expenses of the Plan on the same basis as other participants; (c) will be bound by the Plan's provisions for sharing of agency funds following a shortage, and will not be entitled to any portion of the sums recovered under the agent's ATC bond; and (d) will be subject to appropriate ATC enforcement action for any breach of the foregoing. The agreement also provides a form of amendment (or rider) to the ATC sales agency agreement governing applicability of the Plan to agency sales on behalf of a concurring airline. By signing the rider, an agent will agree to use the airline identification plate of the particular concurring carrier and report and remit for sales on Plan forms just as though he had been appointed by such carrier pursuant to the ATC Sales Agency Agreement rather than on an independent basis. ATC states that it will be the responsibility of the concurring airline, rather than the ATC, to obtain agents' signatures to the riders.[5]

Comments supporting the arrangement were received from Pacific Northern Airlines, Inc. and Northern Consolidated Airlines, Inc. The American Society of Travel Agents (ASTA) states that it does not object to participation in the Plan by the five carriers identified above, provided that their agents are given a choice of using either the Plan's standard ticket, or continuing to use individual carrier ticket stock, i.e., an individual carrier should not be in a position to force one of its agents to utilize the Plan under threat of cancellation of the latter's appointment as agent of that carrier.

Upon consideration of the foregoing, we conclude that the agreement is consonant with the Plan and its basic objectives, as heretofore approved by the Board.[6] A major purpose of the Plan is to reduce the number of different types of ticket stock an agent is required to use, with a resultant reduction or elimination of sales reports to individual carriers. Under the instant arrangement, persons approved as agents by ATC who also hold appointments from one or more of the carriers named herein will be in a position to extent use of the standard ticket form and report and remittance procedure to sales on behalf of the latter group. This should further simplify the ticketing and clerical workload for such ATC agents. Viewed in this context, ASTA's reservation concerning the instant amendment seems unfounded, and essentially repetitive of its views on the proposed entry of IATA carriers into the Plan. We noted, in approving that amendment (footnote 2, *supra*) "that the questions of whether and when an individual ATC agent should be required by a specific IATA carrier to utilize the Plan, and of its use in situations where it is not by its terms specifically mandatory are matters which properly should be decided by the parties directly involved." The situation presented here would not appear to warrant a different conclusion.[7]

*Accordingly, it is ordered:*

That Agreement CAB 16874–A4 be and it hereby is approved: *Provided,* That the name of each carrier entering the Plan pursuant to this agreement and the effective date of its entry be filed with the Board not later than such date.

This order will be published in the FEDERAL REGISTER.

[1] Agreements CAB 16874 and 16874–A1, approved by Order E–20741. The Plan is presently operative in the State of Illinois and implementation in the remaining 12 states in the first bank area is scheduled for December 1, 1964.

[2] This resolution was approved by Order E–21497, dated November 12, 1964.

[3] Filed as part of the original document.

[4] In a letter filed with the amendment, ATC states that such Agreement and the ATC Agency Resolution (which embrace the Plan) do not apply because the routes of the carriers include no pairs of points within the continental United States, Canada and Hawaii. Such carriers are identified as Alaska Airlines, Inc., Northern Consolidated Airlines, Inc., Pacific Northern Airlines, Inc., Trans Caribbean Airways, Inc. and Wien Alaska Airlines, Inc.

[5] This procedure is being adopted, according to ATC, in the light of the Board's condition, with respect to Agreement CAB 16874–A3, that it not be mandatory that an agent sign a rider of this type in order to retain ATC status.

[6] We shall require notice of actual carrier participation in the Plan, pursuant to this agreement, to be filed with the Board.

[7] Indeed, the particular carrier-agency arrangements here involved, as already noted, are not subject to any inter-carrier trade association agreement but rather have been negotiated separately by the parties to such arrangements.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-12298; Filed, Dec. 2, 1964; 8:45 a.m.]

[Docket No. 15650]

## LINEA AEREA NACIONAL DE CHILE (LAN)

### Notice of Hearing

In the matter of the application of Linea Aerea Nacional de Chile for an amendment to its foreign air carrier permit authorizing the carrier to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 3, 1964, at 11:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Hearing Examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the application and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 30, 1964.

[SEAL] LESLIE G. DONAHUE,
*Hearing Examiner.*

[F.R. Doc. 64-12381; Filed, Dec. 2, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[FCC 64-1101]

## "PAYOLA", "PLUGOLA", AND OTHER RELATED PRACTICES

### Order Instituting Inquiry

At a session of the Federal Communications Commission held in its offices in Washington, D.C., on the 25th day of November, 1964;

It appearing, that the Commission has received allegations from many sources indicating the continued existence and spread of "payola," "plugola" and other improper related practices by broadcast licensees, their employees and others both in and out of the broadcasting industry, which allegations, if true, appear to constitute violations of sections 317 and 508 of the Communications Act as well as §§ 73.119, 73.289, 73.654 and 73.789 of the Commission's rules; that the allegations received by the Commission indicate a variety of forms of "payola" and "plugola" and related practices including, but not limited to, direct and indirect undisclosed payments by record companies and others to disc jockeys and others for playing or influencing the play of records and undisclosed payments for the inclusion of matter intended for broadcast.

*Now, Therefore, it is ordered,* That on the Commission's own motion pursuant to authority provided in sections 403 and 409(e) of the Communications Act of 1934, as amended, effective this 25th day of November 1964 an inquiry is instituted to determine whether broadcast licensees, their employees or others have violated or are violating sections 317 and 508 of the Communications Act and §§ 73.119, 73.289, 73.654 and 73.789 of the Commission's rules and to determine the policies and practices of broadcast licensees, their employees and others with respect to "payola," "plugola" and other hidden radio and television advertising practices.

*It is further ordered,* pursuant to section 5(d)(1) of the Communications Act, that for the purposes of such inquiry authority is hereby delegated to the Chairman of the Commission to require by subpoena the production of books, papers, correspondence, memoranda and other records deemed relevant to the inquiry.

Any persons aggrieved by any order issued or action taken pursuant to the foregoing delegation of authority may file an application for review by the Commission. Any such applications for review shall be filed within ten days after the issuance of the order or the taking of the action complained of.

The provisions of § 1.27 of the Commission's rules shall apply and govern with respect to the production by witnesses of oral and documentary evidence under subpoena issued hereunder.

*It is further ordered,* That the inquiry shall be a nonpublic proceeding unless and until the Commission shall order public sessions, where and to the extent that it shall determine that the public interest will be served thereby. Such nonpublic procedure is in line with our established practice in investigations of this nature.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12351; Filed, Dec. 2, 1964; 8:47 a.m.]

[Docket No. 14024]

## AUTHORIZATION OF COMMERCIALLY OPERABLE SPACE COMMUNICATIONS SYSTEMS

### Order Terminating Inquiry

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of November 1964;

The Commission having before it the record of the above-entitled proceeding; and

It appearing, that with the enactment of the Communications Satellite Act of 1962 the purpose for which said proceeding was instituted has been served:

*It is ordered,* That said proceeding be and hereby is terminated.

Released: November 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12376; Filed, Dec. 2, 1964; 8:49 a.m.]

[Docket Nos. 15429, 15430; FCC 64R-539]

## DOVER BROADCASTING CO., INC., AND TUSCARAWAS BROADCASTING CO.

### Memorandum Opinion and Order Amending Issues

In re applications of Dover Broadcasting Company, Inc., Dover-New Philadelphia, Ohio, Docket No. 15429, File No. BPH-3560; The Tuscarawas Broadcasting Company, New Philadelphia, Ohio, Docket No. 15430, File No. BPH-4196; for construction permits.

1. Dover Broadcasting Company, Inc. (Dover) requests addition of issues[1a] as to The Tuscarawas Broadcasting Company's (Tuscarawas) financial qualifications and its efforts to discover and meet the programming needs of its proposed service area.[2]

2. The mutually exclusive applications of Dover and Tuscarawas were set for hearing by Commission Order (FCC 64-358) released April 27, 1964. Both applicants were found to be financially qualified; the Examiner was authorized to add an issue as to sufficiency of funds; and issues were designated as to the following: determination of areas and populations to be served by each of the proposals and the availability of FM service thereto; whether the Dover proposal would violate § 73.240(a) of the Commission's rules with respect to multiple ownership of FM stations; whether the Dover proposal is consistent with § 73.210(b) of the Rules to warrant an authorization for dual-city operation; and the standard comparative issue.

3. In May 1964, Dover sought an extension of time for the filing of the instant motion, in view of difficulties involved in organization of a new law firm by its counsel contemporaneously with somewhat extensive investigations in connection with the motion. The request was denied (FCC 64R-299, released May 13, 1964) on the ground that the appropriate course in such cases is to plead good cause at the time of late filing. Dover has now filed such a motion in conformance with the requirements of Rule 1.229 and the Board is of the view that sufficient cause has been demonstrated, in view of the fact that no delay or prejudice has been occasioned thereby.

4. Tuscarawas' application proposes to duplicate the programming of its daytime only AM station, WBTC, now operating under program test authority in Uhrichsville, Ohio, seven miles from New Philadelphia. WBTC applied on December 5, 1963, for a license, but did not at that time file a corporate balance sheet. Subsequently a transfer of control of the applicant corporation was effected and James Natoli, Jr., became a 93.4 percent stockholder.[3] Tuscarawas' financial qualification in the instant proceeding is contingent upon Natoli's commitment to lend the corporation $28,000. No balance sheet has been filed by Natoli since October 1963, before the transfer was effected. Dover requests addition of a financial qualifications issue in view of the uncertainty of the financial positions of both the corporation and its principal shareholder, Natoli. Tuscarawas has now filed a corporate balance sheet and has asserted the continuing accuracy of Natoli's original balance sheet as indicating his ability to meet the loan commitment.

5. In October, 1963, when Natoli drew his balance sheet, he was credited with 10 shares of Tuscarawas stock at $100, and his balance sheet showed no liabilities and liquid assets of $28,328.30, consisting wholly of cash and marketable stocks and bonds. While he has received 89 more shares at $500 since that time, and Tuscarawas' present corporate balance sheet reflects receipt of the $44,500, the source of the funds expended by Natoli for this acquisition is unexplained. Tuscarawas merely asserts that: "Natoli's net worth has reflected on the FM application is intact and he is in a position to lend the corporation $28,000.00 for the purpose of constructing and operating the FM station." In view of the fact that Natoli represented his assets as $23,328.30 in 1963, and now alleges that, after intervening expenditure of $44,500, he still retains a balance of $28,328.30, the Board is of the view that his financial position is sufficiently unclear that addition of the requested issue is required. See Burlington Broadcasting Company v. FCC, Case. No. 17988, 2 RR 2d 2005 (decided March 19, 1964).

6. In requesting addition of an issue to determine Tuscarawas' efforts to discover and serve the programming needs of its proposed community (Suburban issue), Dover argues that no showing has been made of an independent investigation to determine the needs and interests of New Philadelphia, where Tuscarawas proposes duplication for the community's first local FM outlet[4] of "all" the programs of its Uhrichsville AM facility, WBTC. Dover also asserts that differences between Uhrichsville and New Philadelphia suggest separate and distinct needs: according to 1960 Census figures New Philadelphia's population (14,241) is more than double Uhrichsville's (6,201); New Philadelphia has a fairly large percentage of residents of foreign origin (one in seven), whereas only one in every thirty persons in Uhrichsville is of foreign origin; and the communities' schools, public services and governments are entirely separate.

7. The Broadcast Bureau would support Dover's petition only if Tuscarawas fails to offer in its responsive pleading "an affirmative showing that it in fact made a bona fide effort to determine the needs of New Philadelphia for its first FM broadcast outlet." The Bureau also points out that Tuscarawas originally designated Uhrichsville as its principal community "but subsequently amended to designate New Philadelphia without in any way amending its programming."

8. In its opposition pleading Tuscarawas cites Natoli's familiarity with Uhrichsville, of which he is a lifelong resident and states that he listens to all the nearby stations and that he has "ample knowledge of the listening habits, needs and desires of the area residents." Tuscarawas further states that prior to filing its AM application for Uhrichsville, a programming investigation had been made and a site selected in New Philadelphia, the plan being abandoned because the site had already been chosen by Dover for Station WJER. Tuscarawas then selected a site in Uhrichsville intended to serve the combined area, since the "basic programming interests" of the two communities were found "to be almost identical," with "no great dissimilarity between the two areas." Because of Uhrichsville's foreign population, WBTC carries a weekly one hour Italian language music program.

9. Tuscarawas points out that these contacts, some of which are listed,[5] plus Natoli's knowledge of the area, obviated the necessity for inquiry limited only to the FM application. Tuscarawas refers to Exhibit III attached to its original AM application, citing its "policy with respect to making time available for the discussion of public issues," which would allow for a flexible schedule with frequent public service drop-ins of news and community features. The pleading then details the local public service activities of the Uhrichsville station. Two employees of WBTC from Dover and two from New Philadelphia are relied upon to keep the station abreast of that community's needs. WBTC's Sports Director is also Sports Editor of the New Philadelphia Daily Times. Tuscarawas has not only kept abreast of its original New Philadelphia contracts, but also has made numerous new ones in connection with the operation of WBTC. Among these contacts are a number of prominent New Philadelphia area residents who have appeared on WBTC programs: the mayor and police chief of New Philadelphia; the Sergeant in charge of the New Philadelphia Post of the State Highway Patrol; the Sheriff of Tuscarawas County; the county engineer; the county Executive Director of the Boy Scouts of America; a registered nurse from the Tuscarawas County Tuberculosis Association and one from the County Health Department; the Executive Director of the Health Department; the President of the New Philadelphia Junior Chamber of Commerce; the county Agricultural Agent; and members of the New Philadelphia-based county Little Theatre. Various programs have also been keyed specifically to recognized needs and interests of New Philadelphia residents. For example: the wife of a former manager of WJER appeared on a program which ran over an hour to discuss a subject "she felt was important to the residents of New Philadelphia;" the volume of responsive mail from New Philadelphia to a "Community Bulletins-Trading Post" program led WBTC to expand the length of the program; and listener requests from the community resulted in a local live organ music program. The station also expects its New Philadelphia staff members to "bring ideas to the station relative to topics of interest" from the city and "they themselves have more than cooperated by doing so on their own" as does the station's News Director. Free public service time is constantly available on request to town officials and "a constant effort is being made to make daily contacts to determine the public interest, convenience and necessity of the people" in the town.

10. The demonstrated long term personal familiarity of the Tuscarawas staff with the community; the survey taken in connection with its standard broadcast application; and the continuing efforts of Tuscarawas' standard broadcast operation not only to investigate but also to represent in programming the unique needs of New Philadelphia, are sufficient indicia of the applicant's familiarity with the needs of the proposed community, and obviate the necessity for inclusion of a Suburban issue in this case.

*Accordingly, it is ordered,* This 25th day of November 1964, that the motion

[1] Commissioner Hyde absent.

[1] Commissioners Lee and Loevinger absent.

[1a] Before the Review Board are: petition for acceptance of late filing of motion to enlarge issues, filed June 9, 1964, by Dover; motion to enlarge issues, filed June 9, 1964, by Dover; comments, filed July 16, 1964, by the Broadcast Bureau; reply to motion, filed July 16, 1964, by The Tuscarawas Broadcasting Company (Tuscarawas); reply, filed July 24, 1964, by Dover. Two extensions of time for the filing of opposition pleadings were granted. On July 28, 1964, Tuscarawas filed a document entitled "reply to Broadcast Bureau's comments," which is not authorized by the Rules and will not, therefore, be considered. Also before the Board are: motion to strike Tuscarawas' "reply to motion to enlarge issues," filed July 24, 1964, by Dover; reply to motion to strike, led July 31, 1964, by Tuscarawas; comment, filed August 3, 1964, by the Broadcast Bureau; reply to opposition, filed August 10, 1964, by Dover. The motion to strike was predicated on Tuscarawas' failure to file with its opposition the affidavit required by Rule 1.229. The affidavit prepared by James Natoli, allegedly omitted from the pleading by inadvertence, having subsequently been filed, the Bureau's comments correctly point out that no reason remains to entertain the motion. Accordingly, Dover's motion to strike is denied, and Tuscarawas' opposition pleading and late filed affidavit will be considered.

[2] FAA approval of Tuscarawas' antenna proposal, filed with the Commission on November 8, 1963, led Dover to withdraw its request for an issue to determine whether the proposed antenna would constitute a menace to air navigation.

[3] An amendment reflecting this change in Tuscarawas' corporate structure has been allowed by the Hearing Examiner, FCC 64M-1096, released November 4, 1964.

[4] New Philadelphia has one AM station, WJER, owned and operated by Dover.

[5] Secretary of Chamber of Commerce; Daily Times; Manager of New Philadelphia Airport; one R. L. Dible of Ohio Tower Company; East Ohio Gas Company; Court House; Head Librarian of New Philadelphia; ministers of various churches; mayors of Dover and of New Philadelphia; and head of New Philadelphia Farm Bureau Coop.

to enlarge issues, filed June 9, 1964, by Dover Broadcasting Company, Inc., is granted to the extent reflected herein and is denied in all other respects, and that the issues in this proceeding are enlarged by addition of the following: To determine whether The Tuscarawas Broadcasting Company is financially qualified to construct and operate the proposed facility at New Philadelphia, Ohio.

*It is further ordered*, That the motion to strike, filed July 24, 1964, by Dover Broadcasting Company, Inc., is denied, and that the petition for acceptance of late filing of motion to enlarge issues, filed June 9, 1964, by Dover Broadcasting Company, Inc., is granted.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12352; Filed, Dec. 2, 1964; 8:47 a.m.]

[Docket No. 15650; FCC 64M-1182]

## EAGLE WHARF AND TOWING CO.

### Memorandum Opinion and Order Continuing Hearing

In the matter of: Eagle Wharf and Towing Company, St. Louis, Missouri, order to show cause why the license for radio station WP-8577 aboard the vessel "Charles H. West" should not be revoked:

1. A motion by the Chief of the Safety and Special Radio Services Bureau, filed November 24, 1964, requests continuance of the hearing in the above-entitled proceeding from January 5, 1965 until January 13. Bureau recites that its workload requirements make it "extremely impracticable to prepare adequately for a hearing on January 5, 1965", and that counsel for respondent has no objection to the relief requested.

2. It is particularly important that revocation of license proceedings not be delayed. Therefore, in granting the instant motion the Examiner takes the opportunity to point out that procedures are available whereby a few days delay in the convening of the hearing can be put profitably to use in simplifying issues and stipulating basic facts. Provided the parties are willing, or able, in the present case, to work out such agreements, the Examiner requests that these be reduced to writing and submitted to him for approval by December 18, 1964, at the latest.[1]

*It is ordered*, This 25th day of November 1964, that the motion of the Chief of the Safety and Special Radio Services Bureau, for continuance of hearing, is hereby granted, and the hearing previously scheduled to convene on January 5, 1965 is hereby rescheduled and will convene instead at St. Louis, Missouri on Wednesday, January 13, 1965.

Released: November 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12353; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket Nos. 15681, 15682; FCC 64M-1183]

## CHARLES L. HAMILTON, SR., ET AL.

### Order After Prehearing Conference

In re applications of: Charles L. Hamilton, Sr. and Mildred B. Hamilton (husband and wife), Newton, Iowa, Docket No. 15681, File No. BPH-4379; Richard C. Brandt, Newton, Iowa, Docket No. 15682, File No. BPH-4422; for construction permits.

The Hearing Examiner having under consideration the discussions, agreements, and rulings during prehearing conference held in the above-entitled proceeding today;

*It is ordered*, This 25th day of November 1964, that the hearing is hereby continued and rescheduled to convene at 10 a.m., Tuesday, February 23, 1965; that direct written cases shall be exchanged (one copy of each exhibit to be provided the Examiner) by the close of business, January 29, 1965; and that counsel will notify each other informally of witnesses they desire to have available for cross-examination by February 15, 1965; and

*It is ordered further*, That the agreements of counsel during the prehearing conference are hereby approved as set forth in the transcript, which is hereby incorporated by reference herein and shall serve as a guide to the parties in preparing for trial.

Released: November 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12354; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket No. 15684; FCC 64M-1176]

## RADIO 13, INC.

### Order Continuing Hearing

In re application of Radio 13, Inc., for renewal of license of Station WHZN Hazleton, Pennsylvania, Docket No. 15684, File No. BR-4064.

At a prehearing conference held on November 23, 1964, counsel for applicant requested a one-month continuance of hearing to afford time: (1) for it to petition the Commission to reconsider the designation for hearing of its renewal application; (2) for it to request the Commission to approve a proposed assignment of license; and (3) for the Commission to act upon each of the foregoing matters; and

It appearing that counsel for the Broadcast Bureau, the only other party to the proceeding, has no objection to grant of the request;

*It is ordered*, This 23d day of November 1964, that hearing in the above-entitled proceeding is continued from January 18, 1965, to February 18, 1965.[1]

Released: November 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12355; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket Nos. 15548, 15614; FCC 64R-540]

## TRIAD STATIONS, INC., AND MARSHALL BROADCASTING CO.

### Memorandum Opinion and Order Amending Issues

In re applications of Triad Stations, Inc., Marshall, Michigan, Docket No. 15548, File No. BPH-4131; Marshall Broadcasting Company, Marshall, Michigan, Docket No. 15614, File No. BPH-4327; for construction permits.

1. Before the Review Board for consideration is a petition to enlarge issues, filed October 1, 1964, by Triad Stations, Inc. (Triad), urging the Board to add as to Marshall Broadcasting Company (Marshall): a financial qualifications, a lack of candor, and a "strike" issue.[1a] Triad and Marshall are mutually exclusive applicants for an FM broadcast station in Marshall, Michigan.[2]

*Financial qualifications.* 2. Triad's bases for the requested financial issue are three-fold. First, Triad shows that a large part of Marshall's financial plan is a $15,000 line of credit from the Hastings City Bank; that the letter from the bank relies on a pro forma financial statement and speaks of security for the loan; and that the financial statement is not submitted nor is the security identified, both of which Triad alleges to be defects in Marshall's financial showing. Second, Triad alleges that Marshall's financial position has changed drastically since its application was filed. Specifically, Triad relies on Marshall's balance sheet of July 27, 1964,[3] filed by Marshall on August 14, 1964, as part of an application for a license to cover a construction permit for a standard broadcast station (WMRR) in Marshall, Michigan.[4] Triad alleges that this balance sheet shows that Marshall no longer has enough cash on hand and that there are not enough unmortgaged assets to use as security for the $15,000 bank loan. Further, Triad asserts that the first few months of operation of WMRR will drain Marshall's finances even more. Triad's third basis for a financial issue is that Marshall indicated in its August 14, 1964, license application that unexpected construction costs for WMRR would be met by the sale of additional stock in Marshall ($10,000 worth) and Triad alleges that the ability of Marshall's stockholders to purchase this additional stock has not been established. Triad illustrates this with a May 30, 1964, balance sheet for Barry Broadcasting Co. (Barry),[5] a 56.14 percent stockholder in Marshall, which Triad asserts shows no excess of current assets over current liabilities.

3. Marshall's instant application indicates the construction and initial operation costs to be $20,514.58, consisting of $16,014.58 for construction costs and $4,500 for the first three months of operation.[6] This was to be financed by a $15,000 loan from the Hastings City Bank, Hastings, Michigan, and Marshall's own current assets of over $8,000 in cash. Since that time a new balance sheet has been submitted to the Commission in connection with Marshall's AM application. This most recent information shows that Marshall no longer has an excess of current assets over current liabilities, thus leaving only the $15,000 bank loan to apply toward the needed $20,514.58. Triad's attack on the bank loan has no merit. There is no basis for assuming that the bank has not seen the same financial statements that the Commission has, and as to the security, the bank letter is a firm offer and Triad's concern over adequate security is merely speculation. See Sunbeam Television Corporation, FCC 64R-27, released January 20, 1964. But, even with the bank loan, the above facts show Marshall's resources to be $5,514.58 short of its needs.

4. Marshall comes forward in its opposition with a letter from RCA offering 75% deferred credit on equipment purchases of about $15,000 and a loan commitment of $10,000 from one of Marshall's stockholders. These two items might be adequate to satisfy Marshall's financial needs if they were part of its proposal, but the two items are offered for the first time in Marshall's opposition. They are more properly subjects for an amendment. The Board must decide whether a financial issue is warranted on the basis of the proposal of record, and the record shows Marshall to be some $5,500 short, thus requiring the addition of an issue.

*Lack of candor.* 5. Triad asserts that the changes in Marshall's financial position are significant, and therefore should have been reported to the Commission. It states that the later balance sheet doesn't cure Marshall's omission because it was submitted in another proceeding.

6. This allegation of Triad's is without merit. It is true that Marshall did not file a more current balance sheet in this proceeding, but it did file one with the Commission. Thus, there was no intent to deceive, only an error of omission.[7]

*"Strike" Issue.* 7. Triad alleges that Marshall filed its FM application for Marshall, Michigan, solely or in part to delay or obstruct the grant of Triad's application. First, Triad alleges that Marshall and Barry are essentially the same since Barry holds 56.14% of Marshall's stock and the rest of Marshall's stockholders (10) hold 99.2% of Barry. Triad then shows how Barry sought to obtain and keep an FM channel assigned to Hastings, Michigan, where it has an AM station. Since the towns of Hastings and Marshall are the same size, and since Barry has been operating an AM station in Hastings for some time and is therefore established, Triad concludes that Hastings would be the better place to file for an FM station, but Barry has not yet done so. From the foregoing, Triad concludes that Barry and Marshall consciously decided to apply for Marshall, Michigan, only after and because Triad had filed (Marshall filed 3½ months after Triad). Triad also cites the economic benefit to be derived by Marshall's new AM station if Triad's application is delayed or defeated. Triad cites Charles County Broadcasting Co., Inc., FCC 63-821, 25 RR 903.

8. Assuming arguendo that Marshall and Barry are one and the same, the fact that Marshall-Barry decided to apply for Marshall, Michigan, before it applied for Hastings, Michigan, does not prove that the Marshall application is a "strike" application. Any implication of this sort from the above fact is speculative. This leaves the order of filing and economic benefit arguments outstanding against Marshall. Without more, these arguments are insufficient. Marshall filed after Triad but it certainly filed within the permitted time, and the economic benefit to be gained by obtaining an FM station to protect an existing AM station is far less than the economic benefits to be gained by seeking an AM station to protect an FM station, as was the case in Charles County, supra. On the positive side, Marshall avers that it desires the FM grant so that its AM station will have an affiliate.

*Accordingly, it is ordered*, This 27th day of November 1964, That the petition to enlarge issues, filed by Triad Stations, Inc., on October 1, 1964, is granted to the extent indicated herein, and denied in all other respects, and the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Marshall Broadcasting Company is financially qualified to construct and operate the proposed FM station at Marshall, Michigan.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12356; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket Nos. 15679, 15680; FCC 64M-1181]

## TRI-CITIES BROADCASTING CO. AND DAWSON COUNTY BROADCASTING CORP.

### Statement and Order After Prehearing Conference

In re applications of David F. Stevens, Jr., tr/as Tri-Cities Broadcasting Co., Cozad, Nebraska, Docket No. 15679, File No. BP-15052; Dawson County Broadcasting Corporation, Cozad, Nebraska, Docket No. 15680, File No. BP-15679; for construction permits.

At today's prehearing conference, among other things the following schedule was directed:

1. Exchange of direct affirmative written case of applicants—January 20, 1965.
2. Receipt of notification of witnesses for cross-examination—February 3, 1965.
3. Notices to take depositions—February 3, 1965.
4. Hearing—February 17, 1965 (rescheduled from December 15, 1964).

*So ordered*, This 24th day of November 1964.

Released: November 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12357; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket No. 15212 etc.; FCC 64M-1176]

## TVUE ASSOCIATES, INC., ET AL.

### Order Scheduling Prehearing Conference

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT-3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT-3166; for construction permits for new television broadcast stations. In re applications of Integrated Communication Systems, Inc., of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; for construction permits for new television broadcast stations. In re applications of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT-3168; Ohio Radio, Incorporated, Lorain, Ohio, Docket No. 15626, File No. BPCT-3348; for construction permits for new television broadcast stations.

United Artists Broadcasting, Inc., filed a motion on November 16, 1964 asking that certain hearing dates be scheduled. United Artists would have the Hearing Examiner hold a prehearing conference on December 1, 1964, in the Lorain case, and suggests trial schedules which it would have the Hearing Examiner establish for the Lorain hearing and for the proceeding in Boston. The Hearing Examiner has fixed certain dates (all more particularly set out in FCC 64M-1069, released October 29, 1964) for the trial of the consolidated issues involving the qualifications of United Artists Broadcasting. Change in that schedule is not

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[1] Attention is invited to prehearing conference procedures prescribed by the Commission's Rules. The possibility should not be dismissed that the issues in the present proceeding might be resolvable on a stipulated record, thereby avoiding the expenses of a field hearing and expediting the hearing process.

[1] This action formalizes an oral ruling made by the Examiner on the record.

[1a] Also before the Board are: comments, filed October 14, 1964, by Broadcast Bureau; opposition, filed October 26, 1964, by Marshall; and reply, filed November 12, 1964, by Triad.

[2] Designation Order, FCC 64-820, released September 8, 1964.

[3] The balance sheet filed with Marshall's instant application is as of November 30, 1963.

[4] This AM construction permit was granted in November, 1963.

[5] This balance sheet was submitted by Barry with its application for renewal of the license of Station WBCH, Hastings, Michigan.

[6] The application actually states the total cost to be $19,519.58 specifying $15,014.58 for construction but addition of the component construction figures totals $16,014.58.

[7] Marshall's opposition accuses Triad of "lack of candor" in financial matters. No disposition of this allegation is necessary since an issue can not be requested in a responsive pleading.

contemplated. But there is disposition to call a further prehearing conference in Lorain in order to consider stipulations, hearing dates, and arrangements for the trial of the other issues. It seems worthwhile now, however, to put off firm trial dates for Boston until decision is had on the pending settlement in the Houston proceeding.

*Accordingly, it is ordered*, This 24th day of November 1964, that the motion by United Artists Broadcasting, Inc., is granted to the extent that a prehearing conference will be held, as requested, and a further prehearing conference is scheduled for December 1, 1964, at 9:00 a.m., in the Lorain, Ohio proceeding.

Released: November 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12358; Filed, Dec. 2, 1964; 8:48 a.m.]

[Docket Nos. 15429, 15430; FCC 64M-1191]

## DOVER BROADCASTING CO. INC., AND TUSCARAWAS BROADCASTING CO.

### Memorandum Opinion and Order Continuing Hearing

In re applications of Dover Broadcasting Company, Inc., Dover-New Philadelphia, Ohio, Docket No. 15429, File No. BPH-3560; The Tuscarawas Broadcasting Company, New Philadelphia, Ohio, Docket No. 15430, File No. BPH-4196; for construction permits.

1. The evidentiary hearing herein was scheduled to commence November 30, 1964. See Memorandum Opinion and Order (FCC 64M-942) released September 24, 1964.

2. By Memorandum Opinion and Order (FCC 64M-1096) released November 4, 1964, (a) the application of Dover Broadcasting Company, Inc. was dismissed by the Hearing Examiner on the premise that a grant of said application would substantially violate the Commission's duopoly rules, particularly §§ 73.35, 73.240, and 73.636;[1] and, (b) petition of the Tuscarawas Broadcasting Company for leave to amend its application was granted and the proposed amendment accepted.

3. On November 20, 1964, Dover filed, in part, its appeal to the Commission of rulings embodied in the Memorandum Opinion and Order just referred to, in which Dover's application was dismissed and the Tuscarawas petition to amend its application was granted.

4. Additionally, by Memorandum Opinion and Order released this date (FCC 64R-539), the Review Board has enlarged the issues, *inter alia*, by the addition of the following: "To determine whether The Tuscarawas Broadcasting Company is financially qualified to construct and operate the proposed facility at New Philadelphia, Ohio."

5. Because of the present posture of this proceeding, it is now deemed feasible that the hearing should be scheduled for a later date.

*Accordingly, it is ordered*, This 27th day of November 1964, in view of the foregoing, that the hearing now scheduled for November 30, 1964, be and the same is hereby rescheduled for January 25, 1965, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12377; Filed, Dec. 2, 1964; 8:49 a.m.]

[Docket No. 15667 etc.; FCC 64M-1188]

## KAISER INDUSTRIES CORP., ET AL.

### Order Continuing Hearing

In re applications of Kaiser Industries Corporation, Chicago, Illinois, Docket No. 15667, File No. BPCT-3092; Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Illinois, Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 15669, File No. BPCT-3271; Chicago Federation of Labor and Industrial Union Council, Chicago, Illinois, Docket No. 15708, File No. BPCT-3439; for construction permit for New Television Broadcast Station (Channel 38).

*It is ordered*, This 27th day of November 1964, on the Chief Hearing Examiner's own motion, that the date for prehearing conference in the above-entitled proceeding is changed from December 2 to December 3, 1964: *And, it is further ordered*, That the formal hearing in the proceeding, which heretofore was scheduled for December 16, 1964, is continued to January 25, 1965, and shall commence on that date at 10:00 a.m. in the Offices of the Commission, Washington, D.C.

Released: November 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12378; Filed, Dec. 2, 1964; 8:49 a.m.]

[1] Memorandum Opinion and Order (FCC 64M-1096) sets out certain details respecting the duopoly rules here involved.

# FEDERAL POWER COMMISSION

[Docket No. G-10122 etc.]

## CONTINENTAL OIL CO. ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 24, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price Per Mcf | Pressure base |
|---|---|---|---|---|
| G-10122 C 11-16-64 | Continental Oil Co. | Tennessee Gas Transmission Co., West Delta Area, Offshore Louisiana. | 19.0 | 15.025 |
| G-15405 E 9-28-64 | Ralph Warner, et al. (successor to Dewey Harris, et al.). | Equitable Gas Co., Skin Creek District, Lewis County, W. Va. | 20.0 | 15.325 |
| G-15822 E 11-16-64. | Elm Grove Gathering System, Inc. (successor to Coastal States Gas Producing Co.). | Texas Gas Transmission Corp., Elm Grove Field, Bossier Parish, La. | [2] 14.25 | 15.025 |
| G-17853 E 11-6-64. | CRA, Inc. (successor to Western Petroleum Co.). | El Paso Natural Gas Co., Langlie-Mattix Area, Lea County, N. Mex. | 9.0 | 14.65 |
| G-18146 E 11-6-64. | CRA, Inc. (successor to Western Petroleum Co.). | El Paso Natural Gas Co., acreage in Lea County, N. Mex. | [3] 15.0533 | 14.65 |
| C160-310 D 11-12-64. | Socony Mobil Oil Co., Inc. | Tennessee Gas Transmission Co., High Island Field, Cameron Parish, La. | Assigned | |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.



| Docket No. and date filed | Applicant | Purchaser, field, and location | Price Per Mcf | Pressure base |
|---|---|---|---|---|
| C160-442 E 10-26-64. | Buttram Texhoma Co., (successor to Dorsey Buttram). | El Paso Natural Gas Co., Red Wash Field, Vintah County, Utah. | [3] 15.384 | 15.025 |
| C162-545 C 10-29-64. | John J. August, et al. | El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex. | 12.0 | 15.025 |
| C162-555 C 11-17-64. | Graham-Michaelis Drilling Co. (Operator), et al. | Northern Natural Gas Co., Sitka Field, Clark County, Kans. | [4] 16.0 | 14.65 |
| C162-690 D 11-13-64. | Paul D. Little (partial abandonment). | Tennessee Gas Transmission Co., Morales Field, Jackson County, Tex. | (5) | |
| C162-1545 E 11-18-64. | Etchieson & Gross Associates (Operator), et al. | Panhandle Eastern Pipe Line Co., Spooney Field, Hansford and Ochiltree Counties, Tex. | 17.0 | 14.65 |
| C163-20 D 11-12-64. | Humble Oil & Refining Co. | Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla. | Assigned | |
| C163-489 C 11-12-64. | Ashland Oil & Refining Co. | Michigan Wisconsin Pipe Line Co., Putnam Area, Dewey County, Okla. | 19.5 | 14.65 |
| C165-164 C 11-16-64.[6] | Sunray DX Oil Co. (Operator), et al. | Texas Eastern Transmission Corp., Wharco-Schilling Area, Wharton and Colorado Counties, Tex. | 14.6 | 14.65 |
| C165-289 C 11-13-64 | Compass Exploration, Inc. | El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo. | 13.0 | 15.025 |
| C165-424 A 11-4-64 [7] 11-12-64 [8] | Pan American Petroleum Corp. | Transcontinental Gas Pipe Line Corp., Johnson's Bayou Field, Cameron Parish, La. | 20.625 | 15.025 |
| C165-460 A 11-12-64 | Rodman Oil Co. | El Paso Natural Gas Co., Spraberry Trend Area, Upton and Reagan Counties, Tex. | 16.0 | 14.65 |
| C165-461 A 11-12-64 | Sinclair Oil & Gas Co. | El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex. | 13.0 | 15.025 |
| C165-462 A 11-13-64 | J. M. Huber Corp. | Lone Star Gas Co., Sho-Vel-Tum Field, Carter County, Okla. | 15.0 | 14.65 |
| C165-463 A 11-13-64 | Gulf Oil Corp. | Transwestern Pipeline Co., HSA Penn and South Ward Upper Penn Lime Fields, Ward County, Tex. | 16.75 | 14.65 |
| C165-464 A 11-13-64 | do. | Transwestern Pipeline Co., North Ward-Estes (Yates) Field, Ward and Winkler Counties, Tex. | 16.75 | 14.65 |
| C165-465 A 11-13-64 | do. | Transwestern Pipeline Co., Coyanosa Field, Pecos County, Tex. | 16.75 | 14.65 |
| C165-466 A 11-13-64 | do. | Transwestern Pipeline Co., Waha Field, Reeves and Pecos Counties, Tex. | 16.75 | 14.65 |
| C165-467 A 11-13-64 | do. | Transwestern Pipeline Co., Worsham Field, Reeves County, Tex. | 16.75 | 14.65 |
| C165-468 A 11-13-64 | do. | Transwestern Pipeline Co., Sand Hills San Andres Intermediate Zone, Crane County, Tex. | 16.75 | 14.65 |
| C165-469 B 11-16-64 | Amerada Petroleum Corp. | Texas Eastern Transmission Corp., Melrose Field, Goliad County, Tex. | Depleted | |
| C165-470 A 11-16-64 | Tidewater Oil Co. | El Paso Natural Gas Co., Rosch Area, Reagan County, Tex. | 16.0 | 14.65 |
| C165-471 A 11-16-64 | The Pure Oil Co. | Transcontinental Gas Pipe Line Corp., Block 208 Field, Ship Shoal Area, Gulf of Mexico (offshore from Louisiana). | 19.0 | 15.025 |
| C165-472 A 11-16-64 | Southern Union Production Co. | Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla. | 17.0 | 14.65 |
| C165-473 A 11-13-64 | Shell Oil Co. | Natural Gas Pipeline Co. of America, South Taloga Field, Dewey County, Okla. | 17.0 | 14.65 |
| C165-474 F 11-16-64 | Ocean Drilling & Exploration Co. (Operator), et al. (successor to Socony Mobil Oil Co., Inc.). | Transcontinental Gas Pipe Line Corp., West Half of Block 12, South Pelto Area, offshore Louisiana. | 20.625 | 15.025 |
| C165-475 A 11-18-64 | Milton S. Yunker (Operator), et al. | Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky. | 15.0 | 15.025 |
| C165-476 A 11-18-64 | Bruce L. Wilson (Operator), et al. | Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex. | 10.5 | 14.65 |
| C165-477 B 11-18-64 | Colvin Oil & Gas Co. | Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va. | Uneconomical | |
| C165-478 B 11-18-64 | Jake L. Hamon | Northern Natural Gas Co., Southeast Floris Field, Beaver County, Okla. | Depleted | |
| C165-479 B 10-15-64 | H. W. Bass & Sons, Inc. | Wilcox Trend Gathering System, Inc.,[9] Melrose Field, Goliad County, Tex. | Depleted | |
| C165-480 A 11-19-64 | E. K. Edmiston | Cities Service Gas Co., Sharon Northwest Field, Barber County, Kans. | 14.0 | 14.65 |
| C165-481 A 11-19-64 | Texaco Inc. | Transcontinental Gas Pipe Line Corp., Big Foot Field, Frio County, Tex. | 14.69575 | 14.65 |
| C165-482 A 11-19-64 | Union Oil Co. of California (Operator), et al. | Transcontinental Gas Pipe Line Corp., Block 208 Field, Ship Shoal Area, offshore Terrebonne Parish, La. | 19.0 | 15.025 |
| C165-483 A 11-19-64 | Humble Oil & Refining Co. | The Nueces Co., Belding Field, Pecos County, Tex. | 9.0 | 14.65 |

[1] Plus 1.75 cents per Mcf Louisiana Severance Tax Reimbursement.
[2] Price currently being collected subject to refund in Docket No. G-20411.
[3] Initial rate provided for in Opinion No. 359, issued June 11, 1962, in Docket Nos. C160-333, et al.
[4] Subject to B.t.u. adjustment.
[5] Applicant assigned its working interest below the depth of 5000' of the surface to Humble Oil & Refining Co.
[6] Adds production of gas from deeper zones.
[7] Application previously noticed Nov. 12, 1964 in Docket Nos. G-10139, et al. at a rate of 18.575 cents per Mcf.
[8] Applicant filed amendment to application to reflect an initial rate of 20.625 cents per Mcf in lieu of 18.575 cents per Mcf.
[9] Merged into Texas Eastern Transmission Corp.

[F.R. Doc. 64-12275; Filed, Dec. 2, 1964; 8:45 a.m.]

## LEGAL ADVISORY COMMITTEE

### Determination of Continuance

NOVEMBER 25, 1964.

Pursuant to Paragraph 8 of the Commission's Order Establishing National Power Survey Advisory Committees and Prescribing Procedures, issued March 22, 1962, the Commission hereby determines that it would be in the public interest to continue the existence of the Legal Advisory Committee for an additional year from November 30, 1964.

By the Commission.

[SEAL] GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12332; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-132]

## ARKANSAS LOUISIANA GAS CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 9, 1964, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP65-132 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain facilities for the direct attachment of new industrial customers to Applicant's interstate pipelines for the calendar year 1965. The application states that the construction projects for which authorization is requested will not increase the capacity of Applicant's transmission systems and will not provide for any additional or inreased gas sales volumes under jurisdictional rate schedules.

The application further states that deliveries to one consumer through the facilities to be installed under the authorization sought here will not exceed 100,000 Mcf annually and none of the gas delivered will be used by any consumer for boiler fuel purposes, as defined by the Commission.

The application further states that the proposed facilities will consist of approximately 200 pipeline taps for individual domestic and commercial customers, for new town border connections, or for rural extensions to serve distribution customer consumers, to whom gas will be sold directly by Applicant from pipeline taps in existing market areas in which Applicant shall have obtained all requisite local and state authorization; and approximately 150 pipeline taps, and under proper conditions serv-

ice lines or market laterals, for direct sale of natural gas to consumers who will use the gas solely for one or more of the following purposes: Road building, irrigation, agriculture, oil and gas field production and processing, general use in schools and hospitals located in areas outside of local distributors' franchise areas, small manufacturing and service companies, mining and ore processing, forest products and lumbering, and government and National Defense installations; and miscellaneous rearrangements of Applicant's pipeline facilities not resulting in any change of service rendered by means of the facilities involved.

The estimated cost of the facilities is not to exceed $300,000, and will be financed with current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12318; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. RI62-511 [1]]

## HERMAN BROWN ESTATE ET AL.

### Order Substituting Respondent and Redesignating Proceeding

NOVEMBER 23, 1964.

On April 16, 1964, Herman Brown Estate filed in Docket No. RI62-511 a motion to be substituted as respondent in said proceeding in lieu of Herman Brown who died on November 15, 1962. By letter order dated May 26, 1964, Herman Brown Estate, et al., was substituted in lieu of Herman Brown, et al., as a temporary certificate holder in Docket No. G-18479 and Herman Brown, et al. FPC Gas Rate Schedule No. 6 was redesignated as the rate schedule of Herman Brown Estate, et al.[2]

The Commission orders: Herman Brown Estate, et al., be and it is hereby substituted in lieu of Herman Brown, et al., as respondent in the pending proceeding in Docket No. RI62-511, and said proceeding is redesignated accordingly.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12319; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-134]

## CENTRAL NATURAL GAS CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 10, 1964, Central Natural Gas Co. (Applicant), 201 East Main Street, Vermillion, S. Dak., filed in Docket No. CP65-134 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Northern) to establish physical connection of its natural gas transmission facilities with the distribution facilities proposed to be constructed by Applicant, and to deliver natural gas to Applicant for distribution and resale to the Sioux Alfalfa Meal Co. (Sioux) and the unincorporated Village of Meckling, S. Dak. (Meckling), all as more fully set forth in the application on file with the Commission and open to public inspection.

Deliveries to Sioux are proposed on an interruptible basis and deliveries to Meckling are proposed as firm.

The estimated initial three year period of annual and peak day requirements are estimated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 116,662 | 116,662 | 228,907 |
| Peak day (Mcf): | | | |
| a. Winter | 42 | 42 | 42 |
| b. Summer (Sioux Plant) | 900 | 900 | 1,800 |

The estimated total cost to Applicant for construction is $70,124, and will be financed from current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12321; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-137]

## CITIES SERVICE GAS CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 19, 1964, Cities Service Gas Co. (Applicant), Post Office Box 1995, Oklahoma City, Okla., filed in Docket No. CP65-137 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate miscellaneous meter and regulator equipment, field gathering lines and compressors, to enable it to take into its main pipeline facilities natural gas which it purchases during the calendar year 1965.

Total estimated cost of the facilities is $3,000,000, with single project limitation not to exceed $500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12320; Filed, Dec. 2, 1964; 8:46 a.m.]

[1] Consolidated with Docket No. AR64-2, et al.

[2] The rate suspended in Docket No. RI62-511 has not been made effective.



[Docket No. CP65-150]

## CITIES SERVICE GAS CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 23, 1964, Cities Service Gas Co. (Applicant), P.O. Box 1995, Oklahoma City, Okla., filed in Docket No. CP65-150 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate metering and regulating facilities at a point in Harper County, Okla., where Transwestern Pipeline Co.'s 10-inch Laverne lateral intersects Applicant's 26-inch Oklahoma-Hugoton pipeline. The application states the proposed facilities are for the purpose of obtaining an additional supply of gas for the coming winter to supplement Applicant's present supplies. The application further states that pursuant to an agreement, dated November 6, 1964, Transwestern agrees to sell and deliver to Applicant such quantities of natural gas as Applicant may require and as Transwestern may have available for delivery to Applicant up to 50,000 Mcf per day for a period ending six months after the date of first deliveries under the agreement or the date Transwestern is ready to commence deliveries of gas pursuant to authorization issued in Docket No. CP64-104, whichever date is earlier.

The estimated cost of the proposed facilities is $10,000, which Applicant proposes to finance with treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12322; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-144]

## COLORADO INTERSTATE GAS CO.

### Notice of Application

NOVEMBER 25, 1964.

Take notice that on November 20, 1964, Colorado Interstate Gas Co. (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in Docket No. CP65-144 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to El Paso Natural Gas Company (El Paso) and the construction and operation of pipeline facilities in Moore County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell and deliver to El Paso, on an interruptible basis, such volumes of natural gas as El Paso desires to purchase up to the maximum volumes Applicant might have available from time to time, pursuant to an agreement of the parties dated November 9, 1964. Applicant seeks further authority to construct and operate a meter station for possible deliveries to El Paso under said Agreement.

The estimated cost of the facilities is $45,596, and will be defrayed with internal funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12323; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-145]

## COLORADO INTERSTATE GAS CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 20, 1964, Colorado Interstate Gas Co. (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in Docket No. CP65-145 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities near Rawlins, Wyo., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to control the BTU content of its total combined gas stream from Wyoming to help meet its contractual requirements and improve operating efficiency. In order to accomplish this control, Applicant proposes to construct and operate a hydrocarbon extraction plant on the site of its present Rawlins Compressor Station.

The estimated cost of the facilities is $4,882,000; capital required for construction will be obtained through a combination of current working funds and any necessary short term loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12324; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-146]

## COLORADO INTERSTATE GAS CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 20, 1964, Colorado Interstate Gas Co. (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in Docket No. CP65-146 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Cimarron County, Okla., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate gas measurement and regulating facilities necessary to deliver natural gas to Plateau Natural Gas Co.

(Plateau). Plateau proposes to purchase approximately 150,000 Mcf of natural gas per year initially, pursuant to an agreement between the parties dated September 15, 1964.

Applicant is advised that this gas will be resold to operate seasonal irrigation pumps, so that the volumes will be delivered to Plateau in the off-peak periods of the year. Therefore, Plateau does not propose to increase its presently effective contract demand quantity.

The estimated cost of the facilities is $7,260, and will be defrayed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12325; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65-126]

## COLUMBIA GULF TRANSMISSION CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 5, 1964, Columbia Gulf Transmission Co. (Applicant), 3805 West Alabama Ave., Houston, Tex., filed in Docket No. CP65-126 a budget-type application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate during the calendar year 1965 certain facilities necessary to take into its main line system natural gas purchased by United Fuel Gas Co. from producers in the general area of Applicant's existing transmission system.

The application proposes total construction not to exceed $500,000, with no single project to exceed $125,000. The proposed construction of facilities will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12326; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. E-6515]

## DETROIT EDISON CO. AND CONSUMERS POWER CO.

### Notice of Application

NOVEMBER 25, 1964.

Take notice that on November 13, 1964, the Detroit Edison Co. (Edison), incorporated under the laws of the State of New York, and doing business in the State of Michigan with its principal place of business at Detroit, Mich., and Consumers Power Co. (Consumers), incorporated under the laws of the State of Maine, and doing business in the State of Michigan with its principal business office at Jackson, Mich., filed a joint application for authority, pursuant to section 202(e) of the Federal Power Act, authorizing an export of electric energy from the United States to Canada of not to exceed 1,000,000,000 kilowatt hours per year and at a maximum transmission rate of not to exceed 750,000 kva.

Edison has previously been authorized to transmit to the Hydro-Electric Power Commission of Ontario (Hydro) not to exceed 1,000,000,000 kwh of electric energy per year at a rate not to exceed 600,000 kva. Edison's transmission was pursuant to an Interconnection Agreement between Edison and Hydro through which the facilities of Edison and Hydro were operated in coordination. Applicants propose to replace that coordination agreement with a new agreement coordinating the facilities of Consumers, Edison and Hydro.

Coordination under the earlier Agreement had been accomplished over two transmission ties, one over the Detroit River connecting Edison's Waterman Station located on the property of its Delray Power Plant in Detroit, Mich. with Hydro's J. Clark Keith generating station near Windsor, Ontario, and another over the St. Clair River between Edison's Marysville Station at its Marysville Power Plant near Marysville, Mich. and Hydro's Sarnia transformer station located in the vicinity of Sarnia, Ontario. Edison proposes to add another transmission line tie over the St. Clair River to connect its St. Clair Station located on the site of its St. Clair Power Plant in East China Township near St. Clair, Mich. and Hydro's Lambton generating station to be located near Courtright, Ontario.

According to the application, Consumers and Edison fully coordinate their planning for future bulk power supply and their day-to-day operations and the inclusion of Consumers as a third party provides a broader base for mutual assistance during war or peacetime emergencies and for effecting operating economies.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 21, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12327; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket Nos. E-7099, E-7193]

## GEORGIA POWER CO.

### Order Accepting Rate Schedules for Filing and Providing for Hearing, Suspension of Other Rate Schedules and Consolidation of Proceedings

NOVEMBER 25, 1964.

By this order the Commission accepts for filing four rate schedule submittals of Georgia Power Company (Georgia), suspends for one day two other rate schedule submittals of Georgia, orders a hearing on the lawfulness of the suspended rate schedules, and consolidates with that docket, for hearing purposes, an earlier rate investigation which the Commission initiated by its order to show cause issued May 27, 1963, Docket No. E-7099. That order requires Georgia to justify certain dual rates and other restrictive service provisions in the Company's wholesale power contracts with municipally or cooperatively owned electric distribution systems which contracts are embodied in rate schedules of Georgia, on file with this Commission pursuant to section 205 of the Federal Power Act.

The rate schedule provisions herein suspended and set for hearing embody dual rate and restrictive service provisions similar to those questioned in the Commission's earlier order. Our purpose there and here is to determine the lawfulness of dual rates and restrictive service provisions which may inhibit Georgia's wholesale electric customers in the development of their respective electric utility operations. We do not question whether Georgia's schedules of filed rates and charges for service to municipal and cooperatively owned electric systems are unjust, unreasonable and unlawful for reasons of rate level.



The proffered rate schedule submittals here before the Commission were tendered for filing by Georgia on October 28, 1964, pursuant to section 205 of the Federal Power Act, and comprise a primary service agreement and supplements thereto for wholesale electric service to the City of Cairo, Georgia at two delivery points. The agreement and supplements are identified in the files of the Commission as follows: [1]

Georgia Power Company Rate Schedule FPC No. 671
Supplement No. 1 to Rate Schedule FPC No. 671
Supplement No. 2 to Rate Schedule FPC No. 671
Supplement No. 3 to Rate Schedule FPC No. 671
Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 671
Supplement No. 2 to Supplement No. 3 to Rate Schedule FPC No. 671

Supplement Nos. 1 and 2 to Rate Schedule FPC No. 671 and Supplement Nos. 1 and 2 to Supplement No. 3 to Rate Schedule FPC No. 671 consist of contracts and amendments thereto whereby Georgia agrees to supplement the energy the City of Cairo receives from the Southeastern Power Administration (SEPA) and to supply to the City of Cairo energy to make up any deficiency in the energy the City of Cairo is entitled to receive as a preference customer from SEPA in the event SEPA is unable to supply the specified amount.

Under the proposed Rate Schedule FPC No. 671 and Supplement No. 3, Georgia would substitute rates and charges reflected in its WR-4 rates for those set forth in the company's M-4 rate. The latter rate, an inherited rate from a predecessor corporation, Georgia Power & Light Company, was applied by Georgia at one of its delivery points to the City of Cairo prior to March 1, 1960. Data submitted in connection with the subject rate schedule filings indicate that Georgia commenced billing to Cairo at that point on and after March 1, 1960 at Rate W-4 although having on file with this Commission its Rate M-4. Under the proposed rate filings, Rate WR-4 would be applied to the second delivery point also. Available data indicates that Georgia Power commenced service at the additional delivery point effective during July, 1962, without completing a rate schedule filing prior thereto.

Georgia's Rate M-4 is a straight net energy charge of 7.75 mills per kilowatt hour. The Company's Rate WR-4 is a blocked energy rate ranging from 15 mills per kilowatt hour for the first 150 kwh per kw of demand per month to 5 mills per kilowatt hour for all kwh in excess of 30,000 per month. A blocked resale credit ranging from 5 mills to 1 mill per kilowatt hour is made applicable to service rendered by the customer to utility customers purchasing small amounts of electric service. As applied to the City of Cairo, the application of Rate WR-4 instead of M-4 would result in a rate reduction of approximately $14,000 for the 12 month period ending December 31, 1963, at the two delivery points.

Included in the proffered filings is the following provision:

> And provided further, as to future extension of the limits of the City of Cairo, any new industrial customer who uses in excess of 100 kilowatts demand located in said extended city limits shall make the decision as to whether or not the City of Cairo or Georgia Power Company shall serve it electrical energy. All other customers located in said extended city limits shall be served by the City of Cairo unless Georgia Power Company is specifically requested by the City of Cairo to serve said customer; however, in the event of a new industrial customer, as defined above, which was caused to be located in said extended city limits by the efforts of Georgia Power Company, then Georgia Power Company shall have the right to serve said new industrial customer. An industrial customer is defined as any customer who is engaged in the manufacture of a finished product, the extraction, fabrication or processing of a raw material, or the transportation or preservation of a raw material, or a finished product, for use as motive power, or for other legitimate power requirements in the operation of his industrial plant. Incidental lighting necessary for proper operation of plant machinery or for office use on same premises may be included. No service may be resold, nor transmitted to other premises nor used in related commercial enterprise.

As indicated above, the Commission by order issued May 27, 1963, Docket No. E-7099, directed Georgia to justify the retention of certain restrictive provisions in its filed rate schedules for service to municipally-owned and cooperatively-owned utility systems. Among other things, that order questions the just and reasonableness of Georgia's Rate WR-4 and directs the Company to justify its restrictive provisions determining the type of loads which the Company's municipal and cooperatively-owned resale purchasers might undertake to serve, chiefly larger loads. To date, several settlement conferences have been convened in Docket No. E-7099 at the initiative of the Commission's staff as contemplated in our order of May 27, 1963, but no hearings have been held.

During those conferences, representatives of Georgia, the American Public Power Association, the Power Section of the Georgia Municipal Association and various municipal and cooperatively-owned wholesale customers of the Company stated their views and comments concerning dual rates and restrictive provisions. Their views have been reported to the Commission.

Although Georgia has proposed, informally, certain compromise arrangements for the dual rate and restrictive provisions challenged by our earlier order, agreement has not been reached among the Company and all of its affected customers. Georgia has stated its willingness to enlarge in some measure the areas within which it will afford unrestricted service to municipal and cooperatively-owned customers.

A considerable number of its customers have indicated a willingness to agree to the new terms tentatively offered by way of settlement. However a substantial number of the municipal customers, together with a somewhat lesser number of the cooperatives have not agreed to these offers either because they believe that there should be no such dual rate or restrictive service agreements required as a condition of service (there are no service conditions in some of the municipal contracts) or because they believe the proposed increased ceilings are still too restrictive under the circumstances prevailing.

Under the circumstances, the Commission believes an opportunity for hearing on the questions raised by its order to show cause issued May 27, 1963, will facilitate a clarification of currently unresolved matters in Docket No. E-7099. This order consolidates for hearing purposes that docket with the order for hearing and suspension respecting Georgia's subject rate schedule submittals for service to the City of Cairo, Georgia.

The Commission further finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act, particularly section 205, that the following rate schedules of Georgia be accepted for filing as that Company's rate schedules effective November 28, 1964, without hearing and suspension:

Supplement No. 1 to Rate Schedule FPC No. 671
Supplement No. 2 to Rate Schedule FPC No. 671
Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 671
Suplement No. 2 to Supplement No. 3 to Rate Schedule FPC No. 671

(2) As applied to Georgia's total rates or charges for service to the City of Cairo, Georgia, the resale credit provisions of Rate WR-4 and the above quoted restrictive service provisions may have the effect of restricting municipally-owned wholesale customers of Georgia from reselling to certain classes of customers power purchased from Georgia under rate schedules filed pursuant to the Federal Power Act. They constitute rates, charges or classifications, rules, regulations, practices or contracts affecting rates, charges, classifications and services subject to the jurisdiction of this Commission within the meaning of sections 205 and 206 of the Federal Power Act which may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

(3) In view of the foregoing it is necessary and appropriate for the purpose of the Federal Power Act that the Commission pursuant to the authority of that Act, particularly sections 205, 206, 308 and 309 thereof, enter upon a hearing concerning the lawfulness of Georgia's rate schedule FPC No. 671 and Supplement No. 3 thereto, and that the operation of that rate schedule and supplement be suspended and the use there-

[1] The various supplemental rate schedule designations to Georgia's Rate Schedule FPC No. 671 are for identification purposes only and do not assume prior effectiveness of Rate Schedule FPC No. 671 as a condition of operability of any supplements.

of be deferred as hereinafter provided. Unless suspended by order of the Commission, Georgia's Rate Schedule FPC No. 671 and Supplement No. 3 thereto will become effective as a rate schedule pursuant to the provisions of the Federal Power Act on November 28, 1964.

(4) Consolidation of the hearing ordered herein in Docket No. E–7193 and the hearing in Docket No. E–7099 for hearing purposes is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 308 and 309 thereof.

The Commission orders:

(A) Georgia's Rate Schedules as referred to in finding (1) above are hereby accepted for filing to become effective November 28, 1964: *Provided, however:* Acceptance for filing does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the Rate Schedules; nor shall acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such rate or service; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereinafter instituted by or against Georgia Power Company.

(B) A public hearing shall be held concerning the lawfulness of Georgia's Rate Schedules FPC No. 671 and Supplement No. 3 thereto, and the rate schedule provisions cited by the Commission's order to show cause issued May 27, 1963; that hearing to be convened on February 15, 1965 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426.

(C) For purposes of the hearing ordered in paragraph (B) above, Docket Nos. E–7099 and E–7193 are hereby consolidated.

(D) Pursuant to the provisions of section 205 of the Federal Power Act, the operation of Georgia's proposed Rate Schedule FPC No. 671 and Supplement No. 3 thereto are hereby suspended and the use thereof deferred until November 29, 1964. On that date the proposed rate schedules shall go into effect in the manner prescribed by section 205 of the Federal Power Act, subject to further order of the Commission.

(E) During the period of suspension Georgia's currently filed Rate Schedule for service to the City of Cairo, Georgia shall remain and continue in effect.

(F) Unless otherwise ordered by the Commission, Georgia shall not change the terms or provisions of its proposed Rate Schedule FPC No. 671 and Supplement No. 3 thereto, or its currently filed rate schedules to be superseded thereby until this proceeding has been disposed of or until the period of suspension has expired.

(G) Notice of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 31, 1964.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64–12328; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65–139]

## IOWA SOUTHERN UTILITIES CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 16, 1964, Iowa Southern Utilities Company (Applicant), 300 Sheridan, Centerville, Iowa, filed in Docket No. CP65–139 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its natural gas transmission facilities with the distribution facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for distribution and resale in the community of Ainsworth, Iowa, all as more fully set forth in the application on file with the Commission and open to public inspection.

The estimated initial three year period of annual and peak day requirements are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 12,831 | 18,119 | 23,201 |
| Peak day (Mcf) | 129 | 181 | 232 |

The estimated cost of Applicant's proposed distribution system is $88,986, and will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64–12329; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. G–8152 etc.]

## MARATHON OIL CO.

### Order Amending Orders Issuing Certificates of Public Convenience and Necessity and Redesignation Rate Proceedings

NOVEMBER 27, 1964.

On August 17, 1962, Marathon Oil Company (Applicant) filed an application pursuant to section 7(c) of the Natural Gas Act to amend the certificates heretofore issued to The Ohio Oil Company (Ohio) by changing the name of the certificate holder to Marathon Oil Company, in order to reflect a change in name from Ohio to Marathon. Concurrently, Marathon filed a petition to be substituted as respondent in lieu of Ohio in its pending rate suspension proceedings.

The application shows that on June 4, 1962, the name of The Ohio Oil Company was changed to Marathon Oil Company, effective August 1, 1962, by resolution of responsible officials of the corporation with the approval of the stockholders. There is no change in corporate structure.

Accordingly, the orders issuing certificates of public convenience and necessity in the docket numbers hereinafter listed will be amended by changing the name of the certificate holder from The Ohio Oil Company to Marathon Oil Company, and the rate proceedings pending in Docket Nos. RI60–259, RI60–260 and RI61–296 will be redesignated.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to The Ohio Oil Company in Docket Nos. G–8152, G–11807, G–11808, G–11809, G–11810, G–11811, G–11812, G–11813, G–11814, G–11815, G–11816, G–11817, G–11818, G–11819, G–11820, G–11822, G–11823, G–11824, G–11825, G–11827, G–11828, G–11829, G–11842, G–12185, G–12243, G–12282, G–12293, G–12525, G–12578, G–13871, G–14346, G–14441, G–14613, G–15021, G–16193, G–16442, G–17637, G–18003, G–20133, CI60–497, CI60–719, CI62–966 and CI62–1476 be and the same are hereby amended to change the name of the certificate holder to Marathon Oil Company, and in all other respects said orders shall remain in full force and effect.

(B) The orders issuing certificates of public convenience and necessity to The Ohio Oil Company (Operator), et al., in Docket Nos. G–10199, G–11821, G–13373, G–13565, G–15385, CI60–393, CI61–572, CI61–753 and CI61–1072 be and the same are hereby amended to change the name of the certificate holder to Marathon Oil Company (Operator), et al., and in all other respects said orders shall remain in full force and effect.

(C) The name of the applicant in the proceedings pending in Docket Nos. CI62–1475 and CI62–1477 be and the same is hereby changed from The Ohio Oil Company to Marathon Oil Company.

(D) The name of the respondent in the rate proceeding pending in Docket No. RI60–259 [1] be and the same is hereby changed from The Ohio Oil Company (Operator), et al., to Marathon Oil Company (Operator), et al.; the name of the respondent in the rate proceedings pending in Docket Nos. RI60–260 [1a] and RI61–296 be and the same are hereby changed from The Ohio Oil Company to Marathon Oil Company; said proceedings are hereby redesignated accordingly; and the agreements and undertakings previously filed by The Ohio Oil Company in said dockets shall remain in full force and effect as though filed by Marathon Oil Company.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64–12330; Filed, Dec. 2, 1964; 8:46 a.m.]

[1] Consolidated with Docket No. AR61–1, et al.

[1a] Address is: D–205 Petroleum Center, 900 Northeast Loop Expressway, San Antonio, Texas, 78209



[Docket No. RI65–292 etc.]

## H. J. MOSSER ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Consolidating Proceedings, and Setting Date for Hearing

NOVEMBER 27, 1964.

Jonnell Gas, Incorporated (Operator), et al. (Jonnell) [1a] on October 30, 1964, tendered for filing proposed changes in its presently effective rate schedule for jurisdictional sales of natural gas to Tennessee Gas Transmission Company (Tennessee) in Texas District No. 4. The proposed periodic rate increases are from initial rates of 16.5 cents [2] and 17.24 cents [3] to 18.0 cents [2] and 18.74 cents,[3] respectively, at 14.65 p.s.i.a.[4]

The proposed changes are designated as follows:

Docket No. RI65–331

Producing area: Lopeno and Northeast Lopeno Fields, Zapata County, Texas (R.R. Dist. No. 4).
Rate schedule designation: Supplement No. 15 to Jonnell's Rate Schedule No. 1.
Notice of change filed: October 30, 1964.
Effective date: November 30, 1964.[5]
Annual increase: $89,100.
Date suspended until: April 30, 1965.

Under section 4(a) of the Natural Gas Act all rates which are not just and reasonable are declared unlawful. If after a hearing the Commission finds the proposed increased rates unjust and unreasonable they must be disallowed.

In two recent certificate cases [6] we have imposed a moratorium on all price increases in excess of 18 cents per Mcf for sales in Texas District No. 4 because any rate increase filings to a level above 18 cents would have an adverse impact on the pricing structure in this area through the operation of price redetermination clauses. It is therefore clear that if Jonnell's increased rate of 18.74 cents is permitted to become effective subject to refund, such increase will affect future rate redeterminations in other producer contracts in the area. Such increase will also trigger favored-nation increases in producer contracts. Accordingly, it is necessary that we set this matter for immediate hearing as hereinafter ordered.

By order issued October 30, 1964, in H. J. Mosser, Docket No. RI65–292 and J. C. Trahan, Drilling Contractor, Inc., Docket No. RI65–293, we suspended two proposed increased rates above 18 cents for sales to Tennessee from Texas District No. 4 and set the cases for immediate hearing for the same reason we have done so here.[7] We think it appropriate to consolidate Docket Nos. RI65–292 and RI65–293 with the instant proceeding. We shall therefore modify our prior order of October 30 insofar as it relates to procedural matters respecting the time for filing Respondents' direct cases and the initial hearing date. Direct presentations by the Respondents will be incorporated into the record on the first day of hearing and cross-examination thereon will proceed immediately without recess. In view of the need for expeditious action, the hearing examiner is directed to take all steps necessary to make certain that the hearing proceeds with the greatest dispatch.

Jonnell requests waiver of the thirty day statutory notice period to permit the instant filing to become effective as of November 1, 1964. Good cause for granting such waiver has not been shown.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the subject proposed changes, that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered, that Jonnell's proceeding be consolidated with the proceedings in Docket Nos. RI65–292 and RI65–293 for the purpose of hearing, and that appropriate hearing procedures be prescribed.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 15 and 16 thereof, the Commission's rules of practice and procedure and the Regulations under the Natural Gas Act (18 CFR, ch. I), the above-styled proceedings are hereby consolidated for the purpose of hearing and a public consolidated hearing shall be held on January 26, 1965, commencing at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the proposed increased rates involved in such proceedings.

(B) Pending such hearing and decision thereon, Supplement No. 15 to Jonnell's Rate Schedule No. 1 is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) On or before January 8, 1965, Respondents shall serve upon staff and all parties to the respective proceedings their direct evidence in support of their proposed increased rates and charges for the subject sales. At the beginning of the hearing, witnesses for Respondents shall adopt their testimony and be cross-examined; the Presiding Examiner shall then determine and order such further procedures as will expedite the determination of the issues in these proceedings.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Ordering paragraphs (A) and (C) of the said order of October 30, 1964, are hereby modified to conform with the provisions of this order.

(F) Notices of intervention or petitions to intervene in Docket No. RI65–331 may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 24, 1964.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64–12331; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65–138]

## NORTHERN NATURAL GAS CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 13, 1964, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP65–138 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain facilities, during the calendar year 1965, necessary to transport and receive into its main pipeline system new supplies of gas available from producing areas located adjacent to its system.

Applicant also requests authority to construct and operate horsepower and pipeline additions to present gathering systems. Such additions will be located

[1] Consolidated with Docket No. AR61–1, et al.

[1a] Address is: D–205 Petroleum Center, 900 Northeast Loop Expressway, San Antonio, Texas, 78209

[2] Rates for properties covered by contract amendments dated May 1, 1961 and March 15, 1962.

[3] Rates for properties covered by basic contract and contract amendments dated February 1, 1961 and December 1, 1961.

[4] Rates set forth here are subject to downward B.t.u. adjustment.

[5] The stated effective date is the first day after expiration of the required statutory notice.

[6] Opinion No. 422, Amerada Petroleum Corporation et al. Docket No. CI62–1544, et al.; order issued February 24, 1964, Hassle Hunt Trust (Operator), et al., Docket No. G–19115, et al.

[7] Had these producers filed "fractured" increased rates not in excess of 18 cents per Mcf, there would have been no necessity for setting these matters for immediate hearing.

between the last point of gathering and the mainline in order to maintain mainline design pressures and to transport additional volumes of gas developed in these existing areas.

The application proposes total construction not to exceed $5,000,000, with single project limitation not to exceed $500,000. The proposed facilities will be financed from cash on hand or from cash generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing..

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64–12333; Filed, Dec. 2, 1964; 8:46 a.m.]

[Project No. 2483]

## PACIFIC GAS AND ELECTRIC CO.

### Notice of Land Withdrawal; California

NOVEMBER 27, 1964.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2483 for which completed application for license (Major) was filed July 20, 1964, by Pacific Gas and Electric Company, San Francisco, California. Under said section 24 these lands are from date of filing of said application, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

Those portions of the following subdivisions lying within the project boundary as delimited upon map, Exhibit K, sheet 1A, entitled "Map of area included in Narrows Power Project" (FPC No. 2483–2):

T. 16 N., R. 6 E.,
Sec. 14: Lot 5 and SW¼SE¼.

The area reserved pursuant to the filing of this application is approximately 1.56 acres and was acquired by the United States in connection with the Upper Narrows debris dam constructed by the Corps of Engineers.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128), with respect to the lands reserved for transmission line rights-of-way only, is applicable to those portions of the above described lands occupied for that purpose.

Copies of the afore-mentioned map, Exhibit K, sheet 1A (FPC No. 2483–2) have been transmitted to the Corps of Engineers, Geological Survey and the Bureau of Land Management.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12334; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. G–13603]

## PERMIAN OIL AND GAS CO.

### Notice of Petition To Amend

NOVEMBER 25, 1964.

Take notice that on October 8, 1964, The Permian Oil and Gas Company (Applicant), Olive Shopping Land, Caldwell, Ohio, filed in Docket No. G–13603, a petition to amend the order of the Commission issued on December 19, 1957, as amended on September 29, 1958, and further amended by order issued July 24, 1959, directing The Ohio Fuel Gas Company to sell and deliver up to 179 Mcf per day of natural gas to Applicant for distribution and sale in Somerton, Ohio.

Applicant now requests that the volume of gas be increased to 195 Mcf per day in 1965, 205 Mcf per day in 1966, 208 Mcf per day in 1967, 212 Mcf per day in 1968 and 215 Mcf per day in 1969 for resale and delivery in and around the Village of Somerton, Ohio.

Applicant states that because of the rapid decline of its supply of natural gas from its local production during peak day loads, the majority of its future requirements must be secured from The Ohio Fuel Company which exceed the maximum volume per day as fixed by the Commission's order sought to be amended.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 14, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64–12335; Filed, Dec. 2, 1964; 8:46 a.m.]

[Project No. 2062]

## OKANOGAN COUNTY, WASHINGTON

### Order Fixing Hearing

NOVEMBER 25, 1964.

On October 27, 1964, the Departments of Fisheries and Game of the State of Washington filed a motion for an order fixing hearing pursuant to the Commission's order of August 13, 1956, granting rehearing with respect to Article 26 of the license issued by the Commission's order of June 26, 1956, in the proceeding on the application by Public Utility District No. 1 of Okanogan County, Washington, for license for constructed Project No. 2062.

In the petition for leave to intervene filed November 8, 1956, by the Departments of Fisheries and Game of the State of Washington, petitioners supported Applicant's request to hold action on the application for rehearing in abeyance pending the outcome of negotiations with the Applicant together with representatives of the Department of Interior respecting Article 26, which concerns fish passage facilities.

In its motion filed October 27, 1964, intervenors state that no solution to the fish passage problems have been reached and request that the matter be set for hearing.

It appears that subsequent to the issuance of the order of August 13, 1956, granting rehearing, the Applicant has discontinued operation of the project. Consequently the scope of the hearing should be enlarged to include matters relating to the feasibility of licensing the project.

The Commission finds: It is desirable and in the public interest to hold a public hearing respecting the matters involved and the issues presented by the application for license for Project No. 2062.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), and 10(a) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held December 16, 1964, at 10 a.m., local time, respecting matters involved in and the issues presented by the application for license for Project No. 2062. The place of the hearing is to be fixed by further notice by the Secretary.

By the Commission.

[SEAL] GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64–12336; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. G–18570 etc.]

## RESERVE OIL AND GAS CO.

### Order Amending Order Making Successor in Interest Co-Respondents, Redesignating Proceedings and Accepting Successor's Agreements and Undertakings

NOVEMBER 25, 1964.

By order issued August 11, 1964, in the above-entitled proceedings, Reserve Oil and Gas Company (Reserve) was made a co-respondent with Producing Properties, Inc. (Producing) in such suspension proceedings.[1] By the same order there were accepted for filing agreements and undertakings tendered by Reserve to assure the refund of any excess charges which might be determined by final order in these proceedings to have accrued on or after September 1, 1963, insofar as such refunds relate to gas sold under rate schedules to which Reserve had succeeded.

On October 21, 1964, Reserve filed motions requesting that Producing be relieved of all refund liabilities in the subject suspension proceedings and that it be permitted to assure the refund of any excess charges which might be determined by final order in these proceedings to have accrued not only for the period after September 1, 1963, but also for the period prior to such date, insofar as such refunds relate to gas sold under rate schedules succeeded to by Reserve from Producing. Concurrent with its motion, Reserve filed an agreement and undertaking in each of the subject rate suspension proceedings assuming such obligations.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the Regulations thereunder that the Commission's order issued August 11, 1964, in the above-designated proceedings be amended so as (1) to permit Reserve to assure the refund of any excess charges which might be determined by final order in these subject proceedings to have accrued prior to as well as subsequent to September 1, 1963, insofar as such refunds relate to gas sold under the rate schedules succeeded to by Reserve from Producing, and (2) to dismiss Producing as a respondent in these proceedings.

The Commission orders:

(A) The Commission's order issued August 11, 1964, in the above-designated proceedings is hereby amended so as to permit Reserve Oil and Gas Company to assure the refund of any excess charges which might be determined by final order in these proceedings to have accrued prior to as well as subsequent to September 1, 1963, insofar as such refunds relate to gas sold under the rate schedules succeeded to by Reserve Oil and Gas Company from Producing Properties, Inc.

(B) The agreements and undertakings filed October 21, 1964, in the above-entitled proceedings are hereby accepted for filing.

(C) Producing Properties, Inc. is hereby dismissed as a respondent in the above-entitled proceedings, and such proceedings are redesignated to reflect such dismissal.

(D) All other provisions of the Commission's August 11, 1964, order issued in the above-designated proceedings shall remain in full force.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12337; Filed, Dec. 2, 1964; 8:46 a.m.]

[1] Husky Oil Company (Operator), et al., and Haynes and V. T. Drilling Company are also co-respondents in Docket No. RI60–13.



[Docket No. CP65–143]

## TEXAS EASTERN TRANSMISSION CORP.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on November 19, 1964, Texas Eastern Transmission Corporation (Applicant), Southern National Bank Building, Houston, Texas, filed in Docket No. CP65–143 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate facilities to enable it to take into its pipeline system natural gas which it purchases in the general area of its system from time to time during the calendar year 1965, as the gas becomes available to it, at a total cost not in excess of $5,000,000 and with single project limitation not to exceed $500,000. Applicant proposes to finance the cost of the proposed facilities from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64–12338; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP65–105]

## UNITED GAS PIPE LINE CO.

### Notice of Application

NOVEMBER 23, 1964.

Take notice that on October 19, 1964, United Gas Pipe Line Company (Applicant), P.O. Box 1407, Shreveport, Louisiana, 71102, filed in Docket No. CP65–105 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of natural gas in interstate commerce to Humble Oil and Refining Company (Humble) in Cherokee County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 75 feet of 2-inch pipe line and sales meter and regulator station and appurtenant equipment near Milepost 55.9 on the 6-inch Longview Compressor Station to Huntsville lateral, being all in the James H. Shaw A–769 Survey, Cherokee County, Texas.

Applicant proposes to use the above described facilities to provide for the sale and delivery of natural gas to Humble for use as make-up gas in Humble's gas lift operations in Neches Oil Field, Cherokee County, Texas. Estimated peak day and annual requirements of Humble of 300 Mcf and 50,000 Mcf respectively, will be purchased at a cost of 34.3 cents per Mcf.

The cost of the proposed facilities is $1,841, which will be defrayed by (Applicant) out of its current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12339; Filed, Dec. 2, 1964; 8:46 a.m.]

[Docket No. CP64–226]

## UNITED GAS PIPE LINE CO.

### Notice of Application

NOVEMBER 27, 1964.

Take notice that on April 6, 1964, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP64–226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate



a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

# SECURITIES AND EXCHANGE COMMISSION



and (2) Laing's unsecured 6 percent promissory three-year note for a cash consideration equal to the principal

hearing be held in respect of such matter, stating the nature of his interest, the reasons for the request, and the is-

tively, 23.53 percent, 46.47 percent and 30 percent of Butler's iron ore production. In order to increase their respec-

cant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP64-226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to convert to interstate operation certain of its existing intrastate facilities, located in Duval, Jim Wells, San Patricio, Live Oak and Bee Counties, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to convert to interstate operation its Bruni-Comal Line which consists of approximately 108.3 miles of 14-inch, 18-inch and 20-inch pipe and the tie cross-over between the Bruni-Comal Line and Pettus Junction which consists of approximately 3.7 miles of 16-inch pipe.

The application shows that gas is presently transported in interstate commerce from Applicant's Southwest Zone to its Central Zone by means of its certificated Agua Dulce-Sterlington Line. At the present time gas flows from the San Antonio District to the Agua Dulce-Sterlington Line from several sources, two of them being Applicant's 18-inch Orange Grove-Agua Dulce Line and 18-inch Pettus-Refugio Line. Applicant proposes to connect the Bruni-Comal Line, together with the fields connected thereto, to the Agua Dulce-Sterlington Line through the Orange Grove-Agua Dulce Line.

Applicant states that, as a result of the loss of a major intrastate load in San Antonio, it has an excess supply of gas as connected to its Bruni-Comal Line. Applicant further states that it is necessary from time to time to augment the supply of gas for the Agua Dulce-Sterlington Line, and, therefore, it proposes to take approximately 29,652 Mcf on a peak day of the excess gas in the Bruni-Comal Line and flow it into the Agua Dulce-Sterlington Line.

The total cost to convert the subject facilities is estimated to be under $25,000. Said costs represent certain yard and station rearrangements at Agua Dulce.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12340; Filed, Dec. 2, 1964; 8:46 a.m.]

[Project No. 2486]

## WISCONSIN MICHIGAN POWER CO.

### Notice of Application for License

NOVEMBER 25, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 USC 791a-825r) by Wisconsin Michigan Power Company (correspondence to: W. E. Schubert, Vice President, Wisconsin Michigan Power Company, 807 South Oneida Street, Appleton, Wisconsin) for license for constructed Project No. 2486 known as the Pine Plant, located on the Pine River, in Florence County, Wisconsin.

The Pine Plant consists of: (1) A gravity type dam approximately 42 feet high with an overall length of 647 feet consisting of a 358 foot earth embankment 186 feet of which contains a concrete core wall, a closed concrete dam section 146 feet long and a canal entrance 19 feet wide; (2) a concrete spillway 124 feet long containing seven Tainter gates located between the earth embankment and closed concrete dam; (3) a 170 acre reservoir with a normal headwater elevation of 1,191.1 feet; (4) a power canal 1,515 feet long ending with a headworks section containing two sliding type head gates and two steel penstocks nine feet in diameter and 337 feet long; (5) a powerhouse, the substructure of reinforced concrete and the superstructure steel, reinforced concrete and brick masonry, equipped with two vertical turbines having a total capacity of 6,000 hp directly connected to two generators having a total capacity of 3,200 kw; (6) an indoor 2.3/69 kv substation in powerhouse; and (7) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 11, 1965. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12341; Filed, Dec. 2, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

NOVEMBER 27, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 28, 1964, through December 7, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-12313; Filed, Dec. 2, 1964; 8:46 a.m.]

[File No. 70-4239]

## GENERAL PUBLIC UTILITIES CORP.

### Notice of Proposal To Acquire Securities of Non-Utility Company

NOVEMBER 27, 1964.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York, N.Y., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes to acquire (1) 50,000 shares (50 percent of the total amount authorized) of the $1 par value common stock of Laing-Vortex, Inc. ("Laing") to be issued by that corporation, at a cash price of $10 per share or $500,000, and (2) Laing's unsecured 6 percent promissory three-year note for a cash consideration equal to the principal amount thereof, $230,000.

Laing, a New York corporation, was recently organized for the purpose of promoting the manufacture and marketing on a national scale of electric space heaters, air-conditioners, and other electrical equipment employing a new kind of fan called a "tangential blower" or "vortex fan". Such activities by Laing will be conducted under certain United States patents, patent rights, technical information and related material and agreements owned by Beteiligungsaktiengesellschaft Fuer Haustechnick ("H-T"), a Swiss corporation, which are to be assigned to Laing by H-T. The remaining 50 percent of Laing's authorized common stock will be deposited in escrow and, upon satisfaction of the conditions of the related escrow agreement, will ultimately be delivered to H-T as part consideration for such assignment to Laing; the balance of the consideration will be a cash payment of $230,000 to H-T by Laing.

GPU states that the primary reason for its proposed investment in Laing is its belief that the utilization of the tangential blowers in products consuming electricity, particularly in space-heating and air-conditioning, will significantly increase the consumption of electricity in the service area of the GPU system, as well as in other areas; that the stimulation of the use of electric energy in GPU's service area is functionally related to the operations of the GPU holding company system; and that the proposed investment in Laing is but one facet of GPU's more comprehensive program designed to increase the market for the service supplied by the GPU system companies.

GPU states further that its objectives in respect of its proposed investment in Laing will be sufficiently satisfied if it can assist Laing through the developmental and demonstration stages for its products. Accordingly, GPU proposes to divest itself of its interest in Laing within a period of not more than five years after its acquisition thereof and consents to the inclusion of a condition in the Commission's order herein that such divestment shall be effected within three years after acquisition, provided, that GPU be permitted to make application for an extension, not exceeding two years, of the time within which the divestment may be accomplished. In that connection the terms of the $230,000 note to be acquired from Laing will permit an extension of the initial three-year maturity thereof for such an additional period in excess of three years as GPU may be permitted to retain its interest in Laing.

The application states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. All fees, commissions and expenses to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than December 18, 1964, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided by Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-12314; Filed, Dec. 2, 1964; 8:46 a.m.]

[File No. 812-1727]

## HANNA MINING CO.

### Notice of Filing of Application for Order Authorizing Transactions by Affiliated Persons

NOVEMBER 27, 1964.

Notice is hereby given that The Hanna Mining Company ("Hanna Mining"), 100 Erieview Plaza, Cleveland, Ohio, approximately 46.5 percent of the outstanding voting stock of which is owned by The M. A. Hanna Company ("M. A. Hanna"), a closed-end non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order of the Commission authorizing the proposed purchase by Inland Steel Company ("Inland") and The Wheeling Steel Corporation ("Wheeling") of part of Hanna Mining's holdings of the capital stock of Butler Brothers, a Minnesota corporation ("Butler"). Hanna Mining, Inland and Wheeling own respectively 46.471 percent, 32.529 percent and 21 percent of the outstanding voting stock of Butler. Under the Act, Hanna Mining is presumptively controlled by M. A. Hanna, and Inland and Wheeling are each affiliated persons of an affiliated person of M. A. Hanna. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations which are summarized below.

Butler is engaged in owning, leasing and operating iron ore properties in Minnesota. Pursuant to an agreement dated May 25, 1959, Hanna Mining, Inland and Wheeling are entitled and required to purchase from Butler, respectively, 23.53 percent, 46.47 percent and 30 percent of Butler's iron ore production. In order to increase their respective equity interests in Butler, Inland and Wheeling propose to purchase from Hanna Mining an aggregate of 27,108.27 shares of Butler common stock, of which 16,532.09 shares will be purchased by Inland and 10,576.18 by Wheeling, at $38 per share, or a total of $1,030,114. Such purchases will reduce Hanna Mining's equity interest in Butler to 37.5 percent and increase the equity interest held by Inland and Wheeling to 38 percent and 24.5 percent, respectively.

The proposed price of $38 per share is the price which Butler paid in November 1963 and January 1964 when it repurchased 82,488.16 shares, or 21.44 percent of its outstanding stock, held by various members of the Butler family. The application states that in such prior transaction the price was fixed after consideration of all relevant factors, including the book value of the stock, the earnings record, the extent and nature of the remaining ore reserves and the increased value of Butler's large taconite deposits resulting from the present availability of a process for concentrating and pelletizing taconite. Applicant represents that there has been no change in conditions since such prior transaction which would significantly affect the price negotiated at that time.

The application further represents that Hanna Mining's negotiations with Inland and Wheeling have been conducted at arm's length. Hanna Mining and Inland have no common directors; Hanna Mining has one common director with Wheeling, W. A. Marting, who is President and a director of Hanna Mining and is one of the 16 directors of Wheeling.

Hanna Mining acquired its stock interest in Butler in 1959 as a result of a merger of another ore company into Butler. Hanna Mining's average cost for its Butler stock is approximately $8.11 per share.

Hanna Mining has filed an application under section 17(d) of the Act regarding transactions proposed by Hanna Mining, Inland and Wheeling for the development of the magnetic taconite properties of Butler, including construction of the necessary facilities for concentrating and pelletizing magnetic taconite ore. This application, which will be the subject of a separate notice summarizing the representations made in the application, is on file with the Commission for public examination.

Notice is further given that any interested person may, not later than December 18, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served

is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–12315; Filed, Dec. 2, 1964; 8:46 a.m.]

[File No. 1–4722]

## TASTEE FREEZ INDUSTRIES, INC.

### Order Suspending Trading

NOVEMBER 27, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 28, 1964, through December 7, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–12316; Filed, Dec. 2, 1964; 8:46 a.m.]

[File No. 812–1688]

## UNITED LIFE INSURANCE INVESTORS CORP.

### Notice of Filing of Application for Exemption of Closed-End Investment Company

NOVEMBER 27, 1964.

Notice is hereby given that United Life Insurance Investors Corporation ("Applicant"), 4625 East Broadway, Tucson, Arizona, an Arizona corporation, has filed an application and an amendment thereto pursuant to section 6(d) of the Investment Company Act of 1940 ("Act") and Rule 6d–1 promulgated thereunder, for an order of the Commission exempting it from certain provisions of the Act. Applicant has undertaken to effect compliance with such provisions of the Act as the Commission may, pursuant to section 6(e) of the Act, deem necessary or appropriate in the public interest or for the protection of investors, and with such conditions as the Commission may impose pursuant to section 6(d) of the Act.

The provisions of the Act from which applicant requests exemption are as follows:

Section 7; section 8(b), except the requirements to file the information required by Items 3, 4 and 5 of Form N–8B–1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20(a); section 23(c); section 24(d) insofar as such section makes inapplicable the provisions of section 3(a)(11) of the Securities Act of 1933 to any securities of a registered investment company; section 30(a); section 30(b), except that applicant shall, pursuant to section 30(b)(2), file with the Commission copies of all reports sent to stockholders pursuant to section 30(d), of which the annual reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30(e); section 30(f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32(a); provided, that the applicant shall continue to comply with the provisions of sections 6(d)(1) and 6(d)(2) of the Act and shall at all time maintain its classification as a closed-end company as defined in section 5(a)(2) of the Act.

All interested persons are referred to the application which is on file with the Commission for a full statement of applicant's representations which are summarized below.

Applicant is a closed-end, diversified investment company, and was incorporated on November 5, 1963. Its authorized capital stock consists of 10,000,000 shares of $1.00 par value common stock. The only outstanding securities of applicant are 11,050 shares of common stock which were sold solely to residents of the State of Arizona at a cash price of $1.00 per share, or a total of $11,050. Applicant proposes to sell 88,850 additional shares of its common stock solely to residents of the State of Arizona at a cash price of $1.00 per share, or a total of $88,850.

Applicant has not commenced operations and virtually all of its assets now consist of cash. Applicant represents that its primary objective is to seek long-term capital gains through investment in the common stocks of life insurance companies, and that 100 percent of its securities portfolio shall consist of the common stock of legal reserve life insurance companies.

The Division of Corporate Regulation of the Commission has recommended that the Commission grant exemptions from the provisions of the Act requested by Applicant and order that Applicant and other persons in their transactions and relations with Applicant shall be subject to all other provisions of the Act and the Rules thereunder as though Applicant were a registered investment company.

Notice is further given that any interested person may, not later than December 16, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–12317; Filed, Dec. 2, 1964; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## WHEELING DOLLAR SAVINGS & TRUST CO.

### Order Approving Acquisition of Bank's Assets

In the matter of the application of Wheeling Dollar Savings & Trust Co. for approval of acquisition of assets of South Wheeling Bank and Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia, a State member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets and assumption of deposit liabilities of South Wheeling Bank and Trust Company, Wheeling, West Virginia. Notice of the proposed acquisition of assets and assumption of deposit liabilities, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction:



*It is hereby ordered*, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said acquisition of assets and assumption of deposit liabilities shall not be consummated (a) within seven calendar days after the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 25th day of November 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64–12296; Filed, Dec. 2, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 30, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39423: *Alcohols from Baytown and Channel View, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8644), for interested rail carriers. Rates on alcohols and related articles, in carloads, from Baytown and Channel View, Tex., to points in Minnesota and North Dakota.

Grounds for relief: Market competition.

Tariff: Supplement 315 to Southwestern Freight Bureau, agent, tariff I.C.C. 4064.

FSA No. 39424: *Asphalt to Points in WTL Territory.* Filed by Trans-Continental Freight Bureau, agent (No. 423), for interested rail carriers. Rates on asphalt (asphaltum), in tank-car loads, subject to minimum of 10 carloads per shipment, from Billings, East Billings, Great Falls, and Laurel, Mont., also Cody, Wyo., to specified points in western trunk-line territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 32 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1701 and 3 other schedules named in the application.

FSA No. 39425: *Starch or Dextrine to Charlotte, N.C.* Filed by O. W. South, Jr., agent (No. A4599), for interested rail carriers. Rates on starch and related articles, in carloads and tank-car loads, from East St. Louis, Ill., and St. Louis, Mo., to Charlotte, N.C.

Grounds for relief: Rate relationship.

Tariff: Supplement 197 to Southern Freight Association, agent, tariff I.C.C. S–116.

FSA No. 39426: *Iron or Steel Plates to Tampa, Fla.* Filed by O. W. South, Jr., agent (No. A4602), for interested rail carriers. Rates on iron or steel plates, in carloads, from East St. Louis, Ill., to Tampa, Fla.

Grounds for relief: Barge competition.

Tariff: Supplement 155 to Southern Freight Association, agent, tariff I.C.C. S–163.

FSA No. 39427: *Grain and Grain Products from and to Points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 524), for interested rail carriers. Rates on grain and grain products and related articles, in carloads, from specified points in Texas, to specified points in Texas.

Grounds for relief: Carrier competition.

Tariff: Supplement 12 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 1012.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–12371; Filed, Dec. 2, 1964; 8:49 a.m.]

[Notice 1085]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 30, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66307. By order of November 25, 1964, the Transfer Board approved the transfer to G. LeRoy Pease, doing business as Inland Transfer & Storage Company, Spokane, Wash., of the operating rights claimed in No. MC 121531 under the "grandfather" clause of section 206(a)(7)(b), Interstate Commerce Act, by Frank L. Peterson and Robert L. McClary, a partnership, doing business as Inland Transfer Company, Spokane, Wash., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Washington Public Service Commission in No. CC–4915. R. Maurice Cooper, West 704 First, Spokane, Wash., attorney for applicants.

No. MC–FC 67103. By order of November 25, 1964, the Transfer Board approved the transfer to Schock Transfer Co., Inc., 655 Industrial Blvd., Kansas City, Kans., of the operating rights issued by the Commission April 1, 1958, under Certificate No. MC 33298, to E. C. Schock, doing business as E. C. Schock Transfer, 655 Industrial Blvd., Kansas City, Kans., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, and other specified commodities, between points in Kansas City and North Kansas City, Mo., and Kansas City, Kans., and points within 10 miles of each; and household goods, as defined by the Commission, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas.

No. MC–FC 67206. By order of November 25, 1964, the Transfer Board, on reconsideration, approved the transfer to C & D Transportation Co., Inc., 962 Bay Bridge Rd., P.O. Box 1503, Mobile, Ala., of the operating rights in Certificate No. MC 118087, issued November 15, 1960, to G. R. DeWitt, Girby Rd., Mobile, Ala., authorizing the transportation over irregular routes, of: Bananas and coffee beans, from New Orleans, La., and Mobile, Ala., to specified cities in Indiana, Georgia, Kentucky, Missouri, Ohio, and Tennessee.

No. MC–FC 67309. By order of November 25, 1964, the Transfer Board approved the transfer to Olive May Whitney Hodgkins, doing business as Triangle Bus Line, 111 Main St., Farmington, Maine, of the Certificate in No. MC 11973, issued June 13, 1942, to Philip C. Hodgkins, doing business as Triangle Bus Line, 111 Main Street, Farmington, Maine, authorizing the transportation of: Passengers and their baggage, and mail, between Farmington and Waterville, Maine, and between Farmington and Rangeley, Maine, serving specified intermediate and off-route points.

No. MC–FC 67327. By order of November 25, 1964, the Transfer Board approved the transfer to Pollard Delivery Service, Inc., Washington, D.C., of Certificate No. MC 75332 issued June 7, 1937 to Michael E. McKenney, doing business as Commercial Transfer Company, 32 East Montgomery St., Baltimore, Md., authorizing the transportation of general commodities, including household goods, excluding commodities in bulk, over regular route, between the fixed termini, and to and from the intermediate and off-route points, as follows: between Baltimore, Md., and Alexandria, serving the intermediate points of Laurel, Beltsville, College Park and Riverdale, Md., and Washington, D.C. and off-route points of Bailey's Crossroads and Fort Myer, Va., and Jessups and Chevy Chase, Md.; and canned goods over irregular routes, from Houston, Glasgow, Wyoming, Smyrna, Dover, and Camden, Del., to Baltimore, Md., and Washington, D.C., and from Baltimore, Md., to Perryville and Aberdeen, Md. James J. Doherty, 303 East Fayette St., Eighth Floor, Baltimore, Md., 21202, representative for transferee.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Richmond. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, and Mitchell. Voting against this action: Governor Robertson. Absent and not voting: Governors Shepardson and Daane.

No. MC–FC 67356. By order of November 25, 1964, the Transfer Board approved the transfer to Christofferson, Inc., Beloit, Wis., of the operating rights in Certificate No. MC 73553, issued March 28, 1957, to Lee Christofferson, Francis Christofferson, and Mary Christofferson, doing business as Christofferson Moving and Storage Service, Beloit, Wis., authorizing the transportation, over irregular routes, of Household goods, as defined by the Commission, between Beloit, Wis., and other-named cities, in Wisconsin, and points within 5 miles of each, and points in Illinois within 150 miles of Beloit, in a radial movement. Theodore D. Woolsey, 533 East Grand Ave., Beloit, Wis., 53512, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12372; Filed, Dec. 2, 1964; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order No. 177]

## MISSOURI-KANSAS-TEXAS RAILROAD CO.

### Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Missouri-Kansas-Texas Railroad Company, due to derailment near Camargo, Oklahoma, is unable to transport traffic routed over its lines.

*It is ordered,* That,

(a) Rerouting traffic: The Missouri-Kansas-Texas Railroad Company and its connections, being unable to transport traffic in accordance with shippers routing because of derailment, near Camargo, Oklahoma, is hereby authorized to divert or reroute such traffic moving over its line over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 6:00 p.m., November 25, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., December 2, 1964, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 25, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–12369; Filed, Dec. 2, 1964; 8:49 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


**3 CFR** (Page)
PROCLAMATIONS:
3630 — 15941

**7 CFR**
717 — 16184
719 — 16185
724 — 16077
729 — 16185
910 — 16078
929 — 16078
1421 — 15943
PROPOSED RULES:
1036 — 16197
1044 — 16200
1126 — 16198

**9 CFR**
74 — 15943

**10 CFR**
PROPOSED RULES:
Ch. I — 15957

**12 CFR**
217 — 15944
218 — 16065
329 — 15944

**13 CFR**
121 — 15945
PROPOSED RULES:
107 — 16094

**14 CFR**
7 — 16149
27 [New] — 16065
29 [New] — 16149
39 [New] — 15945, 16065, 16066
71 [New] — 15945–15948, 16066, 16183, 16184.
73 [New] — 15948, 16184
75 [New] — 16066
93 [New] — 15948
97 [New] — 16067
PROPOSED RULES:
71 [New] — 15958, 16093, 16202–16204
73 [New] — 15958
91 [New] — 15959

**15 CFR**
365 — 16186

**16 CFR**
13 — 16186

**17 CFR**
200 — 16187
PROPOSED RULES:
15 — 15957
19 — 15957

**18 CFR** (Page)
501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194

**19 CFR**
4 — 15949

**21 CFR**
8 — 15949
14 — 16194
15 — 16194
16 — 16194
17 — 16194
18 — 16194
19 — 16194
20 — 16194
22 — 16194
27 — 16194
29 — 16194
37 — 16194
42 — 16194
45 — 16194
46 — 16194
51 — 16194
53 — 16194
121 — 16078, 16079

**25 CFR**
43d — 16080

**26 CFR**
1 — 16081
45 — 16083
PROPOSED RULES:
1 — 15957, 16090

**29 CFR**
689 — 15949

**32 CFR**
517 — 15949
701 — 16194
710 — 16055
719 — 16194

**33 CFR**
206 — 15949

**39 CFR**
16 — 16125
22 — 16125
24 — 16125
61 — 16125

**41 CFR** (Page)
101–6 — 15972
101–18 — 15973
101–19 — 15978
101–20 — 15984
101–25 — 15990
101–27 — 15997
101–28 — 15998
101–29 — 16002
101–30 — 16004
101–40 — 16008
101–43 — 16012
101–44 — 16027
101–45 — 16035
101–47 — 16126

**42 CFR**
57 — 15952

**43 CFR**
PUBLIC LAND ORDERS:
3464 — 16084
3465 — 16084
3466 — 16084
3467 — 16085
3468 — 16085
3469 — 16085
3470 — 16086
3471 — 16086
3472 — 16087
3473 — 16087

**44 CFR**
55 — 15954
60 — 15954
100 — 15954
102 — 15954
110 — 16195

**45 CFR**
150 — 15955

**46 CFR**
506 — 16195

**47 CFR**
73 — 16196
81 — 16196
PROPOSED RULES:
21 — 16204
73 — 16205, 16207

**49 CFR**
0 — 16087
176 — 16125

**50 CFR**
256 — 16088



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*Part II begins on page 16273*

*Pages 16241–16309*

PART I

# FEDERAL REGISTER

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*Washington, Friday, December 4, 1964*

## Contents

### THE PRESIDENT

**PROCLAMATION**

Bill of Rights Day; Human Rights Day ..... 16243

### EXECUTIVE AGENCIES

**AGRICULTURAL MARKETING SERVICE**

**Proposed Rule Making**

Limes and avocados; recommended decision ..... 16258
Milk in Tri-State marketing area; decision on proposed amendments ..... 16259

**AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE**

**Rules and Regulations**

Extra long staple cotton; State reserve and county allotment ..... 16248

**AGRICULTURE DEPARTMENT**

*See also* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the Department of Agriculture; effectuation of Title VI of the Civil Rights Act of 1964 ..... 16274

**ALIEN PROPERTY OFFICE**

**Notices**

Geyer, Anna Maria; vested property; intention to return ..... 16261

**ARMY DEPARTMENT**

*See also* Engineers Corps.

**Rules and Regulations**

Medical and dental attendance; purpose and scope ..... 16251

**ATOMIC ENERGY COMMISSION**

**Notices**

Niagara Mohawk Power Corp.; postponement of hearing and notice of prehearing conference ..... 16266

**COAST GUARD**

**Rules and Regulations**

Procurement regulations:
Formal advertisement; inspection and acceptance ..... 16255
Labor surplus areas ..... 16255
Miscellaneous amendments ..... 16252

**Notices**

New London Harbor closed to navigation during launching of "USS Benjamin Franklin" ..... 16261

**DEFENSE DEPARTMENT**

*See* Army Department; Engineers Corps.

**EMERGENCY PLANNING OFFICE**

**Rules and Regulations**

Agency responsibilities in completing and maintaining the mobilization base ..... 16251

**ENGINEERS CORPS**

**Rules and Regulations**

Detroit River, Michigan; bridge regulations ..... 16251

**FEDERAL AVIATION AGENCY**

**Rules and Regulations**

Control zones and transition areas; alteration and designation ..... 16245
Federal airway; alteration ..... 16245

**Proposed Rule Making**

Control zone and transition area; proposed alteration, correction ..... 16260

**FEDERAL COMMUNICATIONS COMMISSION**

**Notices**

*Hearings, etc.:*
American Telephone and Telegraph Co ..... 16266
Commercially operable space communications systems ..... 16266
Tree Broadcasting Co ..... 16266
Trinity Broadcasting Co., and Warner Bros. Pictures, Inc ..... 16267

**FEDERAL MARITIME COMMISSION**

**Notices**

American Mail Line Ltd. and Nedlloyd & Hoegh Lines; agreement filed for approval ..... 16269

**FOOD AND DRUG ADMINISTRATION**

**Rules and Regulations**

Drugs; lincomycin; correction ..... 16251
Food additives; semirigid and rigid acrylic and modified acrylic plastics ..... 16249

**GENERAL SERVICES ADMINISTRATION**

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the General Services Administration; effectuation of Title VI of the Civil Rights Act of 1964 ..... 16287

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See also* Food and Drug Administration.

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the Department of Health, Education, and Welfare; effectuation of Title VI of the Civil Rights Act of 1964 ..... 16298

**HOUSING AND HOME FINANCE AGENCY**

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the Housing and Home Finance Agency; effectuation of Title VI of the Civil Rights Act of 1964 ..... 16280

*(Continued on next page)*

**INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE**
Notices
Cotton textiles; restraint levels--- 16269

**INTERIOR DEPARTMENT**
*See also* Land Management Bureau; Reclamation Bureau.
Rules and Regulations
Nondiscrimination in Federally-assisted programs of the Department of the Interior; effectuation of Title VI of the Civil Rights Act of 1964---------- 16293

**INTERSTATE COMMERCE COMMISSION**
Rules and Regulations
Driving of motor vehicles; railroad grade crossings---------- 16256
Notices
Fourth section applications for relief---------- 16270
Motor carrier transfer proceedings (2 documents)------ 16270, 16271

**JUSTICE DEPARTMENT**
*See* Alien Property Office.

**LABOR DEPARTMENT**
Rules and Regulations
Nondiscrimination in Federally-assisted programs of the Department of Labor; effectuation of Title VI of the Civil Rights Act of 1964---------- 16284

**LAND MANAGEMENT BUREAU**
Rules and Regulations
California; public land order----- 16256
Notices
Alabama; filing of plat of survey-- 16261
Oregon; filing of plat of survey and opening of public lands---- 16261
Utah; proposed withdrawal and reservation of lands---------- 16262
Washington; amendment of proposed withdrawal and reservation of lands---------- 16262

**NATIONAL SCIENCE FOUNDATION**
Rules and Regulations
Nondiscrimination in Federally-assisted programs of the National Science Foundation; effectuation of Title VI of the Civil Rights Act of 1964-------- 16305

**POST OFFICE DEPARTMENT**
Rules and Regulations
First, second and fourth class mail; miscellaneous amendments---------- 16252

**RECLAMATION BUREAU**
Notices
Columbia Basin Project, Washington; sale of farm units-------- 16262

**SECURITIES AND EXCHANGE COMMISSION**
Rules and Regulations
Reports and forms---------- 16245
Notices
Baldwin Securities Corp.; filing of application for exemption----- 16269

**TREASURY DEPARTMENT**
*See* Coast Guard.

**VETERANS ADMINISTRATION**
Rules and Regulations
Disability or death due to hospitalization, etc---------- 16252


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**3 CFR**
Proclamation
3631---------- 16243

**7 CFR**
15---------- 16274
722---------- 16248
PROPOSED RULES:
911---------- 16258
915---------- 16258
1005---------- 16259

**14 CFR**
71 [New] (2 documents)-------- 16245
PROPOSED RULES:
71 [New]---------- 16260

**17 CFR**
240---------- 16245

**21 CFR**
121---------- 16249
148x---------- 16251

**24 CFR**
1---------- 16280

**29 CFR**
31---------- 16284

**32 CFR**
577---------- 16251

**32A CFR**
OEP (Chapter I):
DMO–I–4---------- 16251

**33 CFR**
203---------- 16251

**38 CFR**
3---------- 16252

**39 CFR**
21---------- 16252
22---------- 16252
25---------- 16252

**41 CFR**
11–1 (2 documents)------- 16252, 16255
11–2 (2 documents)------- 16253, 16255
11–4---------- 16253
11–14---------- 16255
101–6---------- 16287

**43 CFR**
17---------- 16293
PUBLIC LAND ORDERS:
3474---------- 16256

**45 CFR**
80---------- 16298
611---------- 16305

**49 CFR**
192---------- 16256


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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3631

### BILL OF RIGHTS DAY
### HUMAN RIGHTS DAY

**By the President of the United States of America**

**A Proclamation**

WHEREAS December 10, 1964, is the sixteenth anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights as a common standard of achievement, and December 15, 1964, is the one hundred and seventy-third anniversary of the first ten amendments to the Constitution of the United States, which are known as the Bill of Rights; and

WHEREAS the Universal Declaration proclaims for the inhabitants of all the world the great rights to freedom, justice, and equality already guaranteed by our Constitution to the people of the United States; and

WHEREAS the worth of our Nation is measured not by the material abundance of our society but by the freedom which gives it purpose; and

WHEREAS the strength of our liberty is measured by the respect each person accords the rights of others and by the vigor of our government in defending these rights; and

WHEREAS the Civil Rights Act of 1964 has renewed and enlarged our commitment to honor the principles of our Constitution, without distinction as to race, color or creed:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim December 10, 1964, as Human Rights Day and December 15, 1964, as Bill of Rights Day, and call upon the people of the United States to observe the week of December 10–17 as Human Rights Week.

This country has survived and prospered mightily in the belief that all men are created equal, that all political power is inherent in the people, and that no man or group of men should be entitled to exclusive privilege or preferment over others. We have worked hard and long, at home and abroad, that every man may enjoy his right to security of person and of property, to freedom of conscience and of press, and to equal justice under law.

In this week especially, let us give thanks for that love of liberty which made human justice and human dignity the foundation stones of our Republic. Let us be quick to speak when a man is threatened because he has exercised his rights, and sturdy to resist when freedom is denied or abridged through ignorance, prejudice, or abuse of power. Let us be worthy of the trust placed in our generation for the integrity of the individual and the full and faithful protection of his inalienable rights.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of December in the year of our Lord nineteen hundred and sixty-four and of the Independence of the United States of America the one hundred and eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64-12474; Filed, Dec. 2, 1964; 4:03 p.m.]

# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Airspace Docket No. 64–WA–86]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

#### Alteration of Federal Airway

On September 23, 1964, Airspace Docket No. 64–WA–63 was published in the FEDERAL REGISTER (29 F.R. 13164) which stated, in part, that the Canadian Department of Transport would commission a VOR near Quebec at latitude 46°42'20'' N., longitude 71°37'36'' W., and requested that the United States portion of Victor 318 be realigned from the Houlton, Maine, VOR direct to the new Quebec VOR.

Subsequently, the Department of Transport advised this Agency that because of technical difficulties, the Quebec VOR would not be commissioned in the near future. Therefore, 64–WA–63 was amended (29 F.R. 14357) by withdrawing the action on Victor 318.

The Department of Transport has now advised this Agency that the Quebec VOR will be commissioned and relevant Canadian airways will be realigned on this new facility, on December 24, 1964. Consequently, the realignment of Victor 318, as set forth above, again has been requested. In order to maintain compatability with the revised Canadian airway, it has been determined that compliance with the notice and public procedure requirements of the Administrative Procedure Act is impracticable, and for this reason good cause exists for making this amendment effective within less than 30 days from the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 24, 1964, as hereinafter set forth.

In § 71.123 (29 F.R. 1009) V–318 is amended to read:

V–318 From Quebec, Province of Quebec, Canada, to Houlton, Maine. The airspace within Canada is excluded.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 27, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–12386; Filed, Dec. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SO–39]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

#### Alteration of Control Zones and Designation of Transition Areas

On October 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14547) stating that the Federal Aviation Agency proposed to alter the control zones and designate transition areas at Greensboro and Winston-Salem, North Carolina.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the Greensboro, N.C., control zone is amended to read:

GREENSBORO, N.C.

Within a 5-mile radius of Greensboro-High Point Airport (latitude 36°05'36'' N., longitude 79°56'34'' W.); within 2 miles each side of the Greensboro ILS localizer NW course, extending from the 5-mile radius zone to the LOM.

2. In § 71.171 (29 F.R. 1101) the Winston-Salem, N.C., control zone is amended to read:

WINSTON-SALEM, N.C.

Within a 5-mile radius of Smith-Reynolds Airport (latitude 36°08'00'' N., longitude 80°13'20'' W.).

3. Section 71.181 (29 F.R. 1160) is amended by adding the following:

GREENSBORO, N.C.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Greensboro ILS SE course extending from the 5-mile radius control zone to 8 miles SE of the Rebel Intersection; within 2 miles each side of the Greensboro VOR 207° radial extending from the 5-mile radius control zone to 8 miles SW of the VOR; including that airspace extending upward from 1200 feet above the surface within the area bounded by a line beginning at the point of intersection of the W boundary of V–103 and the arc of a 35-mile circle centered at latitude 36°06'00'' N., longitude 80°01'30'' W.; thence clockwise along this arc to the point of intersection with the arc of a 55-mile radius circle centered at the Douglas Airport, Charlotte, North Carolina (latitude 35°12'58'' N., longitude 80°56'22'' W.); thence counterclockwise along this arc to the point of intersection with the E boundary of V–37; thence N along the E boundary of V–37 to the point of intersection of the E boundary of V–37 and a line 7 miles NW of and parallel to the centerline of V–222; thence NE along a line 7 miles NW of and parallel to the centerline of V–222 to the W boundary of V–103; thence S along the W boundary of V–103 to the point of beginning.

4. Section 71.181 (29 F.R. 1160) is amended by adding the following:

WINSTON-SALEM, N.C.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Winston-Salem ILS localizer SE course extending from the 5-mile radius control zone to 8 miles SE of the LOM.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Georgia, on November 25, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64–12385; Filed, Dec. 3, 1964; 8:45 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Release No. 34–7474]

### PART 240—GENERAL RULES AND REGULATIONS

### PART 249—FORMS

### SECURITIES EXCHANGE ACT OF 1934

#### Reports of Market Makers and Other Registered Broker-Dealers in Securities Traded on National Security Exchanges and Related Reporting Forms

On July 8, 1964, in Securities Exchange Act Release No. 7360, and in the FEDERAL REGISTER of July 16, 1964, 29 F.R. 9621, the Securities and Exchange Commission published its proposal to adopt Rule 17a–9 (17 CFR § 240.17a–9) and related reporting forms under the Securities Exchange Act of 1934 requiring broker-dealers to report certain information concerning over-the-counter trading in common stocks traded on national securities exchanges. The Commission has considered the comments and suggestions received and has adopted the rule and related reporting forms in the form stated below, effective January 4, 1965.

Rule 17a–9 (17 CFR § 240.17a–9) and its related reporting forms provide a system for the identification of broker-dealers making off-board markets in common stocks traded on national securities exchanges and for the reporting of summaries of over-the-counter trading in common stocks traded on national securities exchanges whose sales of securities exceed $20,000,000. Blank copies of the forms to be used in reporting

required information to the Commission may be obtained from the Commission's headquarters office, or from its regional offices, on or about December 23, 1964.

The Report of the Special Study of Securities Markets describes a sharp increase in the volume of off-board trading in common stocks traded on the New York Stock Exchange and other national securities exchanges in recent years. To correct the deficiency of information concerning this growing market, which it described as the "third market," the Study recommended establishment of a system for identification of market makers and for reporting of trading activity. Rule 17a–9 (17 CFR § 240.17a–9) and its related reporting forms implement this recommendation. It is expected that the Commission will regularly publish summaries of third market trading, as compiled from the reports filed under the rule. However, as noted below, the reports of transactions filed by individual broker-dealers will not be made public.

In addition to the data to be obtained under the rule, the Commission plans periodically to conduct detailed transaction studies for the purpose of analyzing particular aspects of activity in the off-board market. The data to be obtained from the reports under Rule 17a–9 (17 CFR § 240.17a–9) and from the transaction studies will enable the Commission to evaluate the need for more detailed reporting and further regulation of this market.

I. *Identification of market makers in common stocks traded on a National Securities Exchange.* Paragraphs (a) and (b) of the rule and Form X–17A–9 (1) (17 CFR 249.917(1)) provide a system for the identification of market makers in common stocks traded on a national securities exchange. The term "market maker" is defined as "a dealer who, with respect to a particular security, holds himself out (by entering indications of interest in purchasing and selling in an inter-dealer quotations system or otherwise) as being willing to buy and sell for his own account on a continuous basis otherwise than on a national securities exchange."

Every broker-dealer who is a market maker in any common stock traded on a national securities exchange on January 4, 1965 is required, not later than 10 days thereafter, to file a report showing the name of each exchange common stock in which he is a market maker and the principal exchange on which each such stock is traded.[1] It should be noted that the 10 day filing period represents a change from the 30 day period stipulated in the original proposal.

Every broker-dealer who commences or ceases to make a market in any exchange common stock after January 4, 1965 is required to file, within 10 days of such commencement or cessation, Form X–17A–9(1) (17 CFR 249.917(1)).[2] This form requires report of the name of the stock, the principal exchange on which traded, and the date on which market making commenced or ceased.

II. *Summaries of over-the-counter transactions in common stocks traded on "subject" National Securities Exchanges.* Paragraphs (c) and (d) of the Rule and Forms X–17A–9(2) (17 CFR 249.917(2)) and X–17A–9(3) (17 CFR 249.917(3)) provide a system for the periodic reporting of summaries of over-the-counter transactions in common stocks traded on certain national securities exchanges referred to as "subject exchanges." These include all national securities exchanges whose sales of securities in the most recent calendar year exceeded $20,000,000.[3]

This represents a modification of the original proposal in two respects. As originally proposed, the rule would have required reports of trading only in common stocks traded on the NYSE. The broader coverage of the reporting requirements to include stock traded on subject exchanges will permit a fuller understanding of the scope and character of the off-board market.

The second modification concerns the frequency of the initial reports. The reports are to be filed monthly for six months after the rule's effective date and quarterly thereafter. The original proposal called only for quarterly reports. While it is anticipated that quarterly reports may serve the Commission's long-range needs, the filing of monthly reports for a limited period will afford the Commission an opportunity to assess the possible usefulness of more frequent filings.

Since the reports are designed to supply information on the volume of over-the-counter purchases by the public, an effort has been made to avoid, insofar as practicable, duplicate reports of transactions leading to the same underlying public purchase. The rule provides for two types of reports: One by market makers and the other by other broker-dealers who effect off-board transactions in exchange stocks involving $25,000 or more without the participation of another registered broker-dealer.

Since most broker-dealers generally do not effect such transactions and are not market makers, they are not likely to be required to file a report under this rule.

A. *Reports by market makers.* The Study found that the great bulk of third market trading is handled by market makers. Reports of their trading are covered by paragraph (c) of the rule and are to be filed on Form X–17A–9(2) (17 CFR 249.917(2)). For calendar months ending before July 1, 1965, the reports must be filed not later than 15 days after the end of the month and, for calendar quarters beginning on or after July 1, 1965, they must be filed not later than the end of the month immediately following the quarter.[4]

Form X–17A–9(2) (17 CFR 249.917(2)) is in two parts. Part I covers trading in common stocks traded on subject exchanges in which the reporting broker-dealer was a market maker during any part of the period. It calls for separate totals of over-the-counter dollar and share volume in stocks according to the principal exchange on which they are traded and for share volume only by individual stocks.[5] The form also calls for reporting of all principal purchases and sales by market makers on an exchange in stocks in which they make a market. Thus, the information submitted will show (a) the aggregate dollar and share volume of over-the-counter transactions according to the principal exchange on which the stocks are traded; (b) the share volume for individual stocks; and (c) the extent to which market makers effect purchases and sales on exchanges in stocks in which they make a market.

Market makers are also required to report their off-board trading in common stocks traded on subject exchanges in which they do not make a market. This would be done on Part II of Form X–17A–9(2) (17 CFR 249.917(2)).[6] This part of the form does not call for exchange trading data and excludes over-the-counter transactions in which the reporting broker-dealer acted as agent for, or acquired stock from or sold stock to, another broker-dealer who is a market maker in one or more common stocks traded on a subject exchange. This exclusion is necessary in order to avoid a serious duplication in the reporting of data.[7]

B. *Reports by broker-dealers who are not market makers.* The Study also found a considerable number of third market transactions involving blocks of stock effected by broker-dealers who are not market makers. Paragraph (d) of the rule requires such broker-dealers to file reports on Form X–17A–9(3) (17 CFR 249.917(3)) for transactions of $25,000 or more where (a) the broker-dealer is an intermediary between two public customers; (b) no other broker-dealer is involved; and (c) the stock is traded on a subject exchange. It is to be noted that the monetary standard represents a change from the standard of the original proposal which called for such reports of transactions involving 500 shares or more.

For calendar months ending before July 1, 1965, the reports must be filed not later than 15 days after the end of the month and, for calendar quarters beginning on or after July 1, 1965, they must be filed not later than the end of the month immediately following the quarter.[8]

The following over-the-counter transactions involving $25,000 or more are subject to the reporting requirements:

(1) A transaction in which the broker-dealer acted as agent for a public customer in either purchasing from or selling to another public customer.

(2) A transaction in which a broker-dealer acted as a principal in purchasing from one public customer and reselling to another public customer. Where a broker-dealer resells stock purchased from a public customer to two or more persons, he is required to report any such sales transaction to a public customer which involves $25,000 or more. Transactions in which a broker-dealer acted as agent for, or bought from or sold to, another registered broker-dealer would not be reported.

Paragraph (e) of the rule provides that reports of transactions filed pursuant to paragraphs (c) and (d) "shall be deemed confidential."

*Statutory basis.* The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, as amended, and particularly sections 17(a) and 23(a) thereof, deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby adopts Rule 17a–9 (17 CFR 240.17a–9) and Forms X–17A–9(1), X–17A–9(2) and X–17A–9(3) (17 CFR 249.917(1), 249.917(2) and 249.917(3)) as set forth below, effective January 4, 1965.

The action of the Commission follows:

1. Part 240 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding a new § 240.17a–9 to read as follows:

**§ 240.17a–9 Reports of market makers and other registered broker-dealers in securities traded on National Securities Exchanges.**

(a) Every broker or dealer registered pursuant to section 15 of the Act ("registered broker-dealer") who is a market maker in any common stock traded on a national securities exchange shall, not later than 10 days after the effective date of this section, file a report showing the name of each common stock traded on a national securities exchange in which he is a market maker on the effective date of this section and the principal exchange on which each such stock is traded.

(b) Every registered broker-dealer who commences or ceases making a market in any common stock traded on a national securities exchange shall file a report containing the information required by Form X–17A–9(1) (§ 249.917(1) of this chapter) not later than 10 days after such commencement or cessation; provided, however, that no Form X–17A–9(1) (§ 249.917(1) of this chapter) report need be filed because of a temporary cessation of market making in a particular security for a period of 3 or fewer consecutive business days. For purposes of this paragraph, a broker-dealer who is a market maker in a common stock before it becomes listed on a national securities exchange shall be deemed to have commenced making a market on the date of such listing if he continues to make a market in the stock after listing.

(c) Every registered broker-dealer who is a market maker in any common stock traded on a subject exchange (as defined in paragraph (f) of this section) shall file a report of transactions containing the information required by Form X–17A–9(2) (§ 249.917(2) of this chapter). Such report shall be filed—

(1) With respect to any calendar month ending before July 1, 1965 during any part of which he is such a market maker, not later than 15 days after the end of the calendar month, and

(2) With respect to any calendar quarter beginning on or after July 1, 1965 during any part of which he is such a market maker, not later than the end of the month immediately following the calendar quarter.

(d) Every registered broker-dealer who, at a time when he is not subject to paragraph (c) of this section, acts (other than as an underwriter or a member of a selling syndicate or group) as a sole broker or dealer intermediary between two public customers to effect, otherwise than on a national securities exchange, a transaction involving $25,000 or more in a common stock traded on a subject exchange, shall file a report containing the information required by Form X–17A–9(3) (§ 249.917(3) of this chapter). Such report shall be filed—

(1) With respect to transactions effected before July 1, 1965, not later than 15 days after the end of the calendar month in which the transaction is effected, and

(2) With respect to transactions effected on or after July 1, 1965, not later than the end of the month immediately following the calendar quarter in which the transaction is effected.

(e) All reports filed pursuant to paragraphs (c) and (d) of this section shall be deemed confidential, except that they shall be available for official use by any official or employee of the United States or any State and shall also be available to any other person to whom the Commission authorizes disclosure of such information as being in the public interest.

(f) For purposes of this section:

(1) The term "market maker" shall mean a dealer who, with respect to a particular security, holds himself out (by entering indications of interest in purchasing and selling in an inter-dealer quotations system or otherwise) as being willing to buy and sell for his own account on a continuous basis otherwise than on a national securities exchange.

(2) The term "common stock" shall not include rights or warrants to purchase common stock or securities which are convertible into common stock.

(3) The term "subject exchange" shall mean any national securities exchange whose sales of securities during the preceding calendar year exceeded $20,000,000.

(4) The term "public customer" shall include any person other than a registered broker-dealer.

(Secs. 17(a) and 23(a), 48 Stat. 897, 901, as amended, 15 U.S.C. 78q, 78w)

2. Part 249 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding a new Subpart J, as follows:

**Subpart J—Forms for Reports To Be Made by Market Makers and Certain Other Registered Broker-Dealers in Securities Traded on National Securities Exchanges**

Sec.
249.917(1) Form X–17A–9(1) notification by market makers in common stocks traded on National Securities Exchanges.
249.917(2) Form X–17A–9(2) report of transactions by market makers in common stocks traded on National Securities Exchanges.
249.917(3) Form X–17A–9(3) report of transactions by broker-dealers who acted as intermediary between public and public sellers.

AUTHORITY: The provisions of this Subpart J issued under secs. 17(a), 23(a), 48 Stat. 897, 901, as amended, 15 U.S.C. 78q, 78w.

## Subpart J—Forms for Reports To Be Made by Market Makers and Certain Other Registered Broker-Dealers in Securities Traded on National Securities Exchanges

### § 249.917(1) Form X–17A–9(1) notification by market makers in common stocks traded on National Securities Exchanges.

NOTE: Form filed as part of the original document. Copies may be obtained from the

[1] Broker-dealers subject to this provision are required to send in a list containing the required information. A specific reporting form has not been provided for this initial identification.

[2] In addition to the general provision described above, the rule makes reference to two special situations:

(1) A cessation report is not required of a broker-dealer who temporarily ceases making a market for a period of three or fewer consecutive business days.

(2) A broker-dealer who is a market maker in a common stock before its listing on a national securities exchange is required to file a report as of the date of such listing if he continues to make a market in the stock after listing.

[3] For 1963 this sales figure was exceeded by all national securities exchanges except the National, Salt Lake, San Francisco Mining and Spokane exchanges.

[4] Since the rule's effective date is January 4, 1965, the first monthly reports due thereunder are to be filed not later than February 15, 1965.

[5] This data is required for over-the-counter sales as principal, purchases as agent and sales as agent. In such transactions, the ultimate purchaser of the security, whether directly or indirectly through another broker-dealer or a bank, is, in the large majority of cases, a public customer. Accordingly, these figures will tend to reflect purchases by public customers in transactions effected in the third market. In order to avoid duplication, transactions in which the broker-dealer acted as agent for both buyer and seller are to be included only once.

[6] Even if a broker-dealer were a market maker in a particular common stock for only one week during the period, he would be required to report his transactions in that stock on Part I. For common stocks in which he was not a market maker during any part of the period, he would be required to report his transactions on Part II.

[7] In order to facilitate administration of this program by the market makers, the Commission plans to distribute periodically to them a list of market makers in common stocks traded on a subject exchange. This list will be taken from the Commission's files of broker-dealers who have identified themselves as such market makers under paragraphs (a) and (b) of the rule.

[8] Since the rule's effective date is January 4, 1965, the first monthly reports due thereunder are to be filed not later than February 15, 1965.

Commission's headquarters office or from its regional offices.

§ 249.917(2) Form X–17A–9(2) report of transactions market makers in common stocks traded on National Securities Exchanges.

NOTE: Form filed as part of the original document. Copies may be obtained from the Commission's headquarters office or from its regional offices.

§ 249.917(3) Form X–17AX9(3) report of transactions by broker-dealers who acted as intermediary between public buyers and public sellers.

NOTE: Form filed as part of the original document. Copies may be obtained from the Commission's headquarters office or from its regional offices.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 30, 1964.

[F.R. Doc. 64–12230; Filed, Dec. 3, 1964; 8:45 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), U.S. Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

## PART 722—COTTON

## Subpart—1965 Crop of Extra Long Staple Cotton—National Marketing Quota; National Allotment and Apportionment to the States and Counties; Referendum Date

STATE RESERVE AND COUNTY ALLOTMENT

(a) Section 722.353 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the State reserve and its allocation among uses for the 1965 crop of extra long staple cotton. It also establishes the county allotment. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

(b) Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on September 12, 1964 (29 F.R. 12878) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since the allocations under this section require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.353 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.353 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.353 State reserve and county allotment for the 1965 crop of Extra Long Staple cotton.

(a) *State reserve.* The State reserve for each State shall be established and allocated among uses as shown in the following table for the 1965 crop of extra long staple cotton pursuant to § 722.308 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton (28 F.R. 11034, as amended). It is hereby determined that no State reserve for trends, abnormal conditions, small farms or new farms is required. The allocation of State reserve for inequity and hardship cases to counties in New Mexico is required primarily to adjust allotments for farms which were new ELS cotton farms for 1963.

| State | Total State reserve | Allocations from State reserve for— | |
|---|---|---|---|
| | | Inequity and hardship cases | Set-aside for errors |
| Arizona | 25 | | 25 |
| California | | | |
| Florida | 30 | | 30 |
| Georgia | | | |
| New Mexico | 250 | 241 | 9 |
| Texas | | | |
| Puerto Rico | 6 | 3 | 3 |

(b) *County allotment.* The county allotment is established for the 1965 crop of extra long staple cotton in accordance with § 722.309 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton (28 F.R. 11034, as amended). The following table sets forth the county allotment and allocations from the State reserve:

ARIZONA

| County | County allotment (1) | Allocations from State reserve for inequity and hardship cases (2) |
|---|---|---|
| | (*Acres*) | (*Acres*) |
| Cochise | 189 | 0 |
| Gila | 12 | 0 |
| Graham | 9,366 | 0 |
| Maricopa | 14,004 | 0 |
| Pima | 2,629 | 0 |
| Pinal | 7,025 | 0 |
| Santa Cruz | 21 | 0 |
| Yuma | 322 | 0 |
| State | 33,570 | 0 |

CALIFORNIA

| | | |
|---|---|---|
| Imperial | 101 | 0 |
| Riverside | 408 | 0 |
| State | 509 | 0 |

FLORIDA

| | | |
|---|---|---|
| Alachua | 49 | 0 |
| Bradford | 3 | 0 |
| Hamilton | 4 | 0 |
| Jefferson | 1 | 0 |
| Lake | 29 | 0 |
| Madison | 23 | 0 |
| Marion | 75 | 0 |
| Putnam | 4 | 0 |
| Sumter | 39 | 0 |
| Suwannee | 2 | 0 |
| Union | 37 | 0 |
| Volusia | 1 | 0 |
| State | 267 | 0 |

GEORGIA

| | | |
|---|---|---|
| Berrien | 89 | 0 |
| Cook | 23 | 0 |
| Lanier | 1 | 0 |
| State | 113 | 0 |

NEW MEXICO

| | | |
|---|---|---|
| Chaves | 7 | 36 |
| Dona Ana | 14,994 | 73 |
| Eddy | 113 | 15 |
| Hidalgo | 4 | 20 |
| Luna | 57 | 62 |
| Otero | 25 | 10 |
| Sierra | 176 | 23 |
| State | 15,376 | 241 |

TEXAS

| | | |
|---|---|---|
| Brewster | 10 | 0 |
| Culberson | 237 | 0 |
| El Paso | 19,085 | 0 |
| Hudspeth | 2,395 | 0 |
| Loving | 9 | 0 |
| Pecos | 503 | 0 |
| Presidio | 96 | 0 |
| Reeves | 4,837 | 0 |
| Ward | 132 | 0 |
| State | 27,304 | 0 |

PUERTO RICO

| | | |
|---|---|---|
| North | 264 | 3 |
| South | 43 | 0 |
| State | 307 | 3 |

(Secs. 344, 347, 375, 68 Stat. 670, as amended. 63 Stat. 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

*Effective date.* Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1964.

H. D. GODFREY, *Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64–12362; Filed, Dec. 3, 1964; 8:45 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

## Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SEMIRIGID AND RIGID ACRYLIC AND MODIFIED ACRYLIC PLASTICS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by:

FAP 1219, 1220, American Cyanamid Co., Berdan Avenue, Wayne, N.J., 07470;
FAP 948, J. T. Baker Chemical Co., Phillipsburg, N.J.; and
FAP 901, Rohm and Haas Co., 222 West Washington Square, Philadelphia 5, Pa.,

and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of semirigid and rigid acrylic and modified acrylic plastics as articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2591 Semirigid and rigid acrylic and modified acrylic plastics.

Semirigid and rigid acrylic and modified acrylic plastics may be safely used as articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The optional substances used in the formulation of the semirigid and rigid acrylic and modified acrylic plastics include substances generally recognized as safe in food, substance used in accordance with a prior sanction or approval, substances permitted for use in such plastics by regulations in this Part 121, and substances identified in this paragraph. At least 50 weight-percent of the polymer content of the finished plastics shall consist of polymer units derived from one or more of the acrylic or methacrylic monomers listed in subparagraph (1) of this paragraph.

(1) Homopolymers and copolymers of the following monomers:

*n*-Butyl acrylate.
*n*-Butyl methacrylate.
Ethyl acrylate.
2-Ethylhexyl acrylate.
Ethyl methacrylate.
Methyl acrylate.
Methyl methacrylate.

(2) Copolymers produced by copolymerizing one or more of the monomers listed in subparagraph (1) of this paragraph with one or more of the following monomers:

Acrylonitrile.
Methacrylonitrile.
α-Methylstyrene.
Styrene.
Vinyl chloride.
Vinylidene chloride.

(3) Polymers identified in subparagraphs (1) and (2) of this paragraph containing no more than 5 weight-percent of total polymer units derived by copolymerization with one or more of the monomers listed in subdivisions (i) and (ii) of this subparagraph. Monomers listed in subdivision (ii) of this subparagraph are limited to use only in plastic articles intended for repeated use in contact with food.

(i) List of minor monomers:

Acrylamide.
Acrylic acid.
1,3-Butylene glycol dimethacrylate.
1,4-Butylene glycol dimethacrylate.
Diethylene glycol dimethacrylate.
Dipropylene glycol dimethacrylate.
Divinylbenzene.
Ethylene glycol dimethacrylate.
Itaconic acid.
Methacrylic acid.
*N*-Methylolacrylamide.
*N*-Methylolmethacrylamide.
4-Methyl-1,4-pentanediol dimethacrylate.
Propylene glycol dimethacrylate.
Trivinylbenzene.

(ii) List of minor monomers limited to use only in plastic articles intended for repeated use in contact with food:

*tert*-Butyl acrylate.
*tert*-Butylaminoethyl methacrylate.
*sec*-Butyl methacrylate.
*tert*-Butyl methacrylate.
Cyclohexyl methacrylate.
Dimethylaminoethyl methacrylate.
2-Ethylhexyl methacrylate.
Hydroxyethyl methacrylate.
Hydroxyethyl vinyl sulfide.
Hydroxypropyl methacrylate.
Isobornyl methacrylate.
Isobutyl methacrylate.
Isopropyl acrylate.
Isopropyl methacrylate.
Methacrylamide.
Methacrylamidoethylene urea.
Methacryloxyacetamidoethylethylene urea.
Methacryloxyacetic acid.
*n*-Propyl methacrylate.
3,5,5-Trimethylcyclohexyl methacrylate.

(4) Polymers identified in subparagraphs (1), (2), and (3) of this paragraph mixed together and/or with the following polymers, provided that no chemical reactions, other than addition reactions, occur when they are mixed:

Butadiene-acrylonitrile copolymers.
Butadiene-acrylonitrile-styrene copolymers.
Butadiene - acrylonitrile - styrene - methyl methacrylate copolymers.
Butadiene-styrene copolymers.
Butyl rubber.
Natural rubber.
Polybutadiene.
Poly(3-chloro-1,3-butadiene).
Polyesters identified in § 121.2514(b)(3)(vii).
Polyvinyl chloride.
Vinyl chloride-vinyl acetate copolymers.

(5) Antioxidants and stabilizers identified in § 121.2514(b)(3)(xxx) and the following:

Di-*tert*-butyl-*p*-cresol.
2-Hydroxy-4-methoxybenzophenone.
2 - Hydroxy - 4 - methoxy - 2 - carboxybenzophenone.
2(2′ - Hydroxy - 5′ - methylphenyl)benzotriazole.
3-Hydroxyphenyl benzoate.
*p*-Methoxyphenol.
Methyl salicylate.
Phenyl salicylate.

(6) Release agents: Fatty acids derived from animal and vegetable fats and oils, and fatty alcohols derived from such acids.

(7) Surface active agent: Sodium dodecylbenzenesulfonate.

(8) Miscellaneous materials:

Dimethyl phthalate.
Oxalic acid, for use only as a polymerization catalyst aid.
Tetraethylenepentamine, for use only as a catalyst activator at a level not to exceed 0.5 weight-percent based on the monomers.
Toluene.
Xylene.

(b) The semirigid and rigid acrylic and modified acrylic plastics, in the finished form in which they are to contact food, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature as determined from tables 1 and 2 of § 121.2526(c), shall yield extractives not to exceed the following, when tested by the methods prescribed in paragraph (c) of this paragraph:

(1) Total nonvolatile extractives not to exceed 0.3 milligram per square inch of surface tested.

(2) Potassium permanganate oxidizable distilled water and 8 and 50 percent alcohol extractives not to exceed an absorbance of 0.15.

(3) Ultraviolet-absorbing distilled water and 8 and 50 percent alcohol extractives not to exceed an absorbance of 0.30.

(4) Ultraviolet-absorbing *n*-heptane extractives not to exceed an absorbance of 0.10.

(c) *Analytical methods*—(1) *Selection of extractability conditions.* These are to be chosen as provided in § 121.2526(c).

(2) *Preparation of samples.* Sufficient samples to allow duplicates of all applicable tests shall be cut from the articles or formed from the plastic composition under tests, as strips about 2.5 inches by about 0.85-inch wide by about 0.125-inch thick. The total exposed surface should be 5 square inches ±0.5-square inch. The samples, after preparation, shall be washed with a clean brush under hot tapwater, rinsed under running hot tapwater (140° F. minimum), rinsed with distilled water, and air-dried in a dust-free area or in a desiccator.

(3) *Preparation of solvents.* The water used shall be double-distilled water, prepared in a still using a block tin condenser. The 8 and 50 percent (by volume) alcohol solvents shall be prepared from ethyl alcohol meeting the specifications of U.S.P. XVI and diluted with double-distilled water that has been prepared in a still using a tin block condenser. The *n*-heptane shall be spectrophotometric grade. Adequate precautions must be taken to keep all solvents dust-free.

(4) *Blank values on solvents.* (i) Duplicate determinations of residual solids shall be run on samples of each solvent that have been exposed to the

temperature-time conditions of the extraction test without the plastic sample. Sixty milliliters of exposed solvent is pipetted into a clean, weighed plastic dish, evaporated to 2–5 milliliters on a nonsparking, low-temperature hot plate and dried in 212° F. oven for 30 minutes. The residue for each solvent shall be determined by weight and the average residue weight used as the blank value in the total solids determination set out in subparagraph (6) of this paragraph. The residue for an acceptable solvent sample shall not exceed 0.5 milligram per 60 milliliters.

(ii) For acceptability in the ultraviolet absorbers test, a sample of each solvent shall be scanned in an ultraviolet spectrophotometer in 5-centimeter silica spectrophotometric absorption cells. The absorbance of the distilled water when measured versus air in the reference cell shall not exceed 0.03 at any point in the wavelength region of 245 to 310 mμ. The absorbance of the 8 percent alcohol when measured versus distilled water in the reference cell shall not exceed 0.01 at any point in the wavelength region of 245 to 310 mμ. The absorbance of the 50 percent alcohol when measured versus distilled water in the reference cell shall not exceed 0.05 at any point in the wavelength region of 245 to 310 mμ. The absorbance of the heptane when measured versus distilled water in the reference cell shall not exceed 0.15 at 245, 0.09 at 260, 0.04 at 270, and 0.02 at any point in the wavelength region of 280 to 310 mμ.

(iii) Duplicate ultraviolet blank determinations shall be run on samples of each solvent that have been exposed to the temperature-time conditions of the extraction test without the plastic sample. An aliquot of the exposed solvent shall be measured versus the unexposed solvent in the reference cell. The average difference in the absorbances at any wavelength in the region of 245 to 310 mμ shall be used as a blank correction for the ultraviolet absorbers measured at the same wavelength according to subparagraph (8)(ii) of this paragraph.

(iv) The acceptability of the solvents for use in the permanganate test shall be determined by preparing duplicate permanganate test blanks according to subparagraph (7)(iv) of this paragraph. For this test, the directions referring to the sample extract shall be disregarded. The blanks shall be scanned in 5-centimeter silica spectrophotometric cells in the spectrophotometer versus the appropriate solvent as reference. The absorbance in distilled water in the wavelength region of 544 to 552 mμ should be 1.16 but must not be less than 1.05 nor more than 1.25. The absorbance in the 8 and 50 percent alcohol must not be less than 0.85 nor more than 1.15.

(v) Duplicate permanganate test determinations shall be run on samples of distilled water and 8 and 50 percent alcohol solvents that have been exposed to the temperature-time conditions of the extraction test without the plastic sample. The procedure shall be as described in subparagraph (7)(iv) of this paragraph, except that the appropriate exposed solvent shall be substituted where the directions call for sample extract. The average difference in the absorbances in the region of 544 to 552 mμ shall be used as a blank correction for the determination of permanganate oxidizable extractives according to subparagraph (7)(iv) of this paragraph.

(5) *Extraction procedure.* For each extraction, place a plastic sample in a clean 25 millimeters x 200 millimeters hard-glass test tube and add solvent equal to 10 milliliters of solvent per square inch of plastic surface. This amount will be between 45 milliliters and 55 milliliters. The solvent must be preequilibrated to the temperature of the extraction test. Close the test tube with a ground-glass stopper and expose to the specified temperature for the specified time. Cool the tube and contents to room temperature if necessary.

(6) *Determination of total nonvolatile extractives.* Remove the plastic strip from the solvent with a pair of clean forceps and wash the strip with 5 milliliters of the appropriate solvent, adding the washings to the contents of the test tube. Pour the contents of the test tube into a clean, weighed platinum dish. Wash the tube with 5 milliliters of the appropriate solvent and add the solvent to the platinum dish. Evaporate the solvent to 2–5 milliliters on a nonsparking, low-temperature hotplate. Complete the evaporation in a 212° F. oven for 30 minutes. Cool the dish in a desiccator for 30 minutes and weigh to the nearest 0.1 milligram. Calculate the total nonvolatile extractives as follows:

$$\text{Milligrams extractives per square inch} = \frac{e-b}{s};$$

$$\text{Extractives in parts per million} = \left(\frac{e-b}{s}\right)(100),$$

where:

$e$ = Total increase in weight of the dish, in milligrams.
$b$ = Blank value of the solvent in milligrams, as determined in subparagraph (4)(i) of this paragraph.
$s$ = Total surface of the plastic sample in square inches.

(7) *Determination of potassium permanganate oxidizable extractives.* (i) Pipette 25 milliliters of distilled water into a clean 125-milliliter Erlenmeyer flask that has been rinsed several times with aliquots of distilled water. This is the blank. Prepare a distilled water solution containing 1.0 part per million of *p*-methoxyphenol (melting point 54–56° C., Eastman grade or equivalent). Pipette 25 milliliters of this *p*-methoxyphenol solution into a rinsed Erlenmeyer flask. Pipette exactly 3.0 milliliters of 154 parts per million aqueous potassium permanganate solution into the *p*-methoxyphenol and exactly 3.0 milliliters into the blank, in that order. Swirl both flasks to mix the contents and then transfer aliquots from each flask into matched 5-centimeter spectrophotometric absorption cells. The cells are placed in the spectrophotometer cell compartment with the *p*-methoxyphenol solution in the reference beam. Spectrophotometric measurement is conducted as in subdivision (iv) of this subparagraph. The absorbance reading in the region 544–552 mμ should be 0.24 but must be not less than 0.12 nor more than 0.36. This test shall be run in duplicate. For the purpose of ascertaining compliance with the limitations in paragraph (b)(2) of this section, the absorbance measurements obtained on the distilled water extracts according to subdivision (iv) of this subparagraph shall be multiplied by a correction factor, calculated as follows:

$$\frac{0.24}{\text{Average of duplicate } p\text{-methoxyphenol absorbance determinations according to this subdivision (i) of this subparagraph.}} = \text{Correction factor for water extracts.}$$

(ii) The procedure in subdivision (i) of this subparagraph is repeated except that, in this instance, the solvent shall be 8 percent alcohol. The absorbance in the region 544–552 mμ should be 0.26 but must be not less than 0.13 nor more than 0.39. This test shall be run in duplicate. For the purpose of ascertaining compliance with the limitations prescribed in paragraph (b)(2) of this section, the absorbance measurements obtained on the 8 percent alcohol extracts according to subdivision (iv) of this subparagraph shall be multiplied by a correction factor, calculated as follows:

$$\frac{0.26}{\text{Average of duplicate } p\text{-methoxyphenol absorbance determination according to this subdivision (ii) of this subparagraph.}} = \text{Correction factor for aqueous 8 percent alcohol extracts.}$$

(iii) The procedure in subdivision (i) of this subparagraph is repeated except that, in this instance, the solvent shall be 50 percent alcohol. The absorbance in the region 544–552 mμ should be 0.25 but must be not less than 0.12 nor more than 0.38. This test shall be run in duplicate. For the purpose of ascertaining compliance with the limitations prescribed in paragraph (b)(2) of this section, the absorbance measurements obtained on the 50 percent alcohol extracts according to subdivision (iv) of this subparagraph shall be multiplied by a correction factor, calculated as follows:

$$\frac{0.25}{\text{Average of duplicate } p\text{-methoxyphenol absorbance determinations according to subdivision (ii) of this subparagraph.}} = \text{Correction factor for 50 percent aqueous alcohol extracts.}$$

(iv) *Water and 8 and 50 percent alcohol extracts.* Pipette 25 milliliters of the appropriate solvent into a clean, 125-milliliter Erlenmeyer flask that has been rinsed several times with aliquots of the same solvent. This is the blank. Into another similarly rinsed flask, pipette 25 milliliters of the sample extract that has been exposed under the conditions specified in subparagraph (5) of this paragraph. Pipette exactly 3.0 milliliters of 154 parts per million aqueous potassium permanganate solution into the sample and exactly 3.0 milliliters into the blank, in that order. Before use, the potassium permanganate solution shall be checked as in subdivision (i) of this subparagraph. Both flasks are swirled to mix the contents, and then aliquots from each flask are transferred to matched 5-centimeter spectrophotometric absorption cells. Both cells are placed in the spectrophotometer cell compartment with the sample solution in the reference beam. The spectrophotometer is adjusted for 0 and 100 percent transmittance at 700 mμ. The spectrum is scanned on the absorbance scale from 700 mμ to 500 mμ in such a way that the region 544 mμ to 552 mμ is scanned within 5 minutes to 10 minutes of the time that permanganate was added to the solutions. The height of the absorbance peak shall be measured, corrected for the blank as determined in subparagraph (4)(v) of this paragraph, and multiplied by the appropriate correction factor determined according to subdivisions (i), (ii), and (iii) of this subparagraph. This test shall be run in duplicate and the two results averaged.

(8) *Determination of ultraviolet-absorbing extractives.* (i) A distilled water solution containing 1.0 part per million of *p*-methoxyphenol (melting point 54° C.–56° C. Eastman grade or equivalent) shall be scanned in the region 360 to 220 mμ in 5-centimeter silica spectrophotometric absorption cells versus a distilled water reference. The absorbance at the wavelength of maximum absorbance (should be about 285 mμ) is about 0.11 but must be not less than 0.08 nor more than 0.14. This test shall be run in duplicate. For the purpose of ascertaining compliance with the limitations prescribed in paragraph (b)(3) and (4) of this section, the absorbance obtained on the extracts according to subdivision (ii) of this subparagraph shall be multiplied by a correction factor, calculated as follows:

$$\frac{0.11}{\text{Average of duplicate } p\text{-methoxyphenol absorbance determinations according to this subdivision (i) of this subparagraph.}} = \text{Correction factor for ultraviolet absorbers test.}$$

(ii) An aliquot of the extract that has been exposed under the conditions specified in subparagraph (5) of this paragraph is scanned in the wavelength region 360 to 220 mμ versus the appropriate solvent reference in matched 5-centimeter silica spectrophotometric absorption cells. The height of any absorption peak shall be measured, corrected for the blank as determined in subparagraph (4)(iii) of this paragraph, and multiplied by the correction factor determined according to subdivision (i) of this subparagraph.

(d) In accordance with good manufacturing practice, finished semirigid and rigid acrylic and modified acrylic plastics intended for repeated use in contact with food shall be thoroughly cleansed prior to their first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 25, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-12416; Filed, Dec. 3, 1964; 8:48 a.m.]

SUBCHAPTER C—DRUGS

## PART 148x—LINCOMYCIN

### Miscellaneous Amendments

*Correction*

In F.R. Doc. 64-12035, appearing at page 15816 of the issue for Wednesday, November 25, 1964, the following changes should be made:

1. In § 148x.1(a)(4), the reference to "$12.000" in the fourth line should read "$12.00".

2. In § 148x.1(b)(1)(iii), the third line reading "quanity of the working standard and dis-" should be deleted.



# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

## PART 577—MEDICAL AND DENTAL ATTENDANCE

### Purpose and Scope; Correction

F.R. Document 64-11793, appearing at 29 F.R. 15483, November 19, 1964, is corrected to show paragraph (a)(3) of § 577.60 reading as follows:

**§ 577.60 Purpose and scope.**

(a) • • •

(3) Persons who at the time of their death were active duty members of the uniformed services.

• • • • • •

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-12388; Filed, Dec. 3, 1964; 8:45 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Emergency Planning

[Defense Mobilization Order 23]

## DMO-I-4—AGENCY RESPONSIBILITIES IN COMPLETING AND MAINTAINING THE MOBILIZATION BASE

### Revocation

Defense Mobilization Order 23 dated November 27, 1952 (17 F.R. 10720) redesignated DMO-I-4 at 18 F.R. 6737 is hereby revoked.

The responsibilities previously assigned under this order have been reassigned to the appropriate departments and agencies by Executive orders which prescribe the emergency preparedness responsibilities of the Federal government.

Dated: November 27, 1964.

EDWARD A. MCDERMOTT,
*Director,*
*Office of Emergency Planning.*

[F.R. Doc. 64-12389; Filed, Dec. 3, 1964; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 203—BRIDGE REGULATIONS

### Detroit River, Mich.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499),

§ 203.641 is hereby amended with respect to paragraph (f) by prescribing a new subparagraph (5-a) to govern the operation of the Wayne County highway bridge across Detroit River (Trenton Channel) between Trenton and Grosse Ile, Mich., effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 203.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.**

• • • • •

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

• • • • •

(5-a) Detroit River (Trenton Channel), Mich.; The Wayne County highway bridge between Trenton and Grosse Ile. During the winter months from December 15 to March 15, at least 5 hours' advance notice required.

• • • • •

[Regs., Nov. 16, 1964, 1507-32 (Detroit River (Trenton Channel), Mich.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-12390; Filed, Dec. 3, 1964; 8:45 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DISABILITY OR DEATH DUE TO HOSPITALIZATION, ETC.

In § 3.800(a), subparagraph (3) is added to read as follows:

**§ 3.800 Disability or death due to hospitalization, etc.**

(a) • • •

(3) If an administrative award was made or a settlement or compromise became final before December 1, 1962, compensation or dependency and indemnity compensation may not be authorized for any period after such award, settlement, or compromise whether before or after December 1, 1962. There is no bar to payment of compensation or dependency and indemnity compensation and no setoff because of a judgment which became final before December 1, 1962, unless specified in the terms of the judgment.

• • • • •

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective December 1, 1962.

Approved: November 30, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64-12405; Filed, Dec. 3, 1964; 8:47 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 21—FIRST CLASS

## PART 22—SECOND CLASS

## PART 25—FOURTH CLASS

### Miscellaneous Amendments

In § 21.2 *Classification,* make the following changes in paragraph (a)(8): Amend subdivisions (ii) and (viii) to read as follows:

**§ 21.2 Classification.**

(a) • • •

(8) • • •

(ii) Imitations or reproductions of handwritten or typewritten matter, unless mailed at a point designated by the postmaster in a minimum quantity of 20 identical copies.

• • • • •

(viii) Bills or statements of account produced by any photographic or mechanical process, unless presented in a minimum quantity of 20 identical copies. See § 24.2(a)(2) of this chapter.

• • • • •

NOTE: The corresponding Postal Manual sections are 131.218 b and h.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4251)

In § 22.4 *What may be mailed at the second-class rates,* paragraph (d) is amended to clarify what is meant by an independent publication. As so amended paragraph (d) reads as follows:

**§ 22.4 What may be mailed at the second-class rates.**

• • • • •

(d) *Supplements.* Issues may include supplements subject to the following conditions:

(1) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(2) Publications, including catalogs, circulars, handbills, posters, and other special advertisements, which are distinct from and independent of the regular issue, may not be inserted in publications as supplements.

(3) A supplement must bear the title of the publication preceded by the words "Supplement to".

(4) Supplements must be folded and mailed with the regular issue.

(5) Bound periodicals must observe the provisions of paragraph (h) of this section.

• • • • •

NOTE: The corresponding Postal Manual section is 132.44.

(R.S. 161, as amended; 5 U.S.C. 29, 39 U.S.C. 501, 4351-4370)

**§ 25.1 [Amended]**

a. In § 25.1 *Rates,* 29 F.R. 474, make the following changes:

1. Amend paragraph (a) by adding the following cross-reference to Exception a: "See § 25.3 of this chapter for size and weight restrictions".

2. In paragraph (b)(1) amend subdivision (i) to read as follows:

(i) *Postage.* Postage must be paid by permit imprints. Each imprint must show name of the post office, permit number, and the words "U.S. Postage Paid". The words "Bulk Catalog Rate" shall be printed within the permit imprint. The position of the imprint may be varied so that automatic data processing equipment may be utilized to simultaneously print the address, imprint and any other information.

NOTE: The corresponding Postal Manual sections are 135.11 and 135.121a.

b. In § 25.2 *Classification,* 29 F.R. 8007, amend subdivision (v) of paragraph (a)(4) to read as follows:

**§ 25.2 Classification.**

(a) • • •

(4) • • •

(v) Sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings. Miscellaneous advertisements, including trademarks, of persons or concerns other than the record manufacturer, are not permissible on title labels, protective sleeves, jackets, cartons, and wrappers, and such advertisements may not be mailed as enclosures. The identification statement "Special Fourth-Class Rate—Sound Recordings" must be placed conspicuously on the address side of each package.

• • • • •

NOTE: The corresponding Postal Manual section is 135.214e.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4551-4555)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-12391; Filed, Dec. 3, 1964; 8:45 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64-76]

## MISCELLANEOUS AMENDMENTS TO PROCUREMENT REGULATIONS

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), Chapter 11 of Title 41 is amended by renumbering § 11-2.201(a) (54) and (55) as § 11-2.201(a) (53) and (54) respectively and by adding Subpart 11-4.51, §§ 11-1.305-6, 11-1.305-50, 11-1.350, 11-1.1150, 11-1.1151 and subparagraphs 11-2.201(a)(55); 11-201(b) (54), (55) and (56) as follows:

## PART 11-1—GENERAL

### Subpart 11-1.3—General Policies

**§ 11-1.305-6 Military and departmental specifications.**

Military specifications are mandatory for Coast Guard use in the procurement of the items, materials, or services so



covered, except that the exemptions for Federal Specifications in § 1-1.305-2 are equally applicable to the mandatory use by the Coast Guard of Military Specifications.

**§ 11-1.305-50 Procurement of specifications, qualified products lists and standards.**

Procurement of indexes, specifications, standards and handbooks will be effected in accordance with instructions contained in the Department of Defense Index of Specifications and Standards and the Index of Federal Specifications, Standards and Handbooks. Initial distribution of new or revised indexes to authorized Coast Guard units will be effected by Coast Guard Headquarters.

**§ 11-1.350 Patents.**

This section authorizes and prescribes the use of contract clauses and procedures set forth in Part 9 of 32 CFR (ASPR) pertaining to patents, data and copyrights in connection with the procurement of supplies and services. In cases where it is necessary to use prescribed procedures which require departmental action, the matter will be referred to the Commandant (FS) for appropriate action.

### Subpart 11-1.11—Qualified Products

**§ 11-1.1150 General.**

Federal and Military Qualified Products Lists (FQPL or MQPL) are developed for items procured for Government and military use when one or more of the following conditions exist:

(a) The time required for testing after award would normally delay delivery of the supplies being purchased.

(b) The cost of repetitive testing would be excessive.

(c) The tests would require expensive or complicated testing apparatus not commonly available.

(d) The interest of the Government requires assurance, prior to award, that the product is satisfactory for its intended use.

(e) The determination of acceptability would require performance data to supplement technical requirements contained in the specification.

**§ 11-1.1151 Procurement of qualified products when inadequate competition exists.**

(a) *General.* It is not intended that the use of a qualified products list will impose unnecessary restrictions on a full and free competition in the procurement of such products. Therefore, appropriate requirements provide that (1) publicity be given to the intention to establish such lists; (2) lists always be open for inclusion of products of additional manufacturers; and (3) manufacturers be given the opportunity and be urged to submit their products for qualification. However, it will not always be possible to qualify products of sufficient suppliers in time to assure automatically that adequate competition will exist in any given procurement of their items. When these circumstances exist, procurements must be handled carefully to avoid restrictions which may later appear arbitary or unnecessary or which may not be sustainable as in the best interests of the Government.

(b) *Action by contracting officers.* If the contracting officer considers that the number of suppliers on a qualified products list is inadequate either (1) in view of the number of sources normally available for such items or (2) because of the current procurement volume for such items, he will notify the cognizant qualifying activity and request additional sources be developed. A copy of the correspondence will be forwarded to Commandant (FS). When specific procurements of qualified products are contemplated, the applicable qualified products list will be reviewed for adequacy prior to inviting bids or soliciting proposals. If, in the opinion of the contracting officer, the number of sources is inadequate, one of the following courses may be appropriate.

(1) *Status of tests.* The contracting officer may obtain from the cognizant qualifying activity the status of tests on additional products, either contemplated or in process at that time, and the date such tests will be completed. With this information, it may be possible to schedule the opening of bids or receipt of proposals to follow completion of the tests.

(2) *Substitution for qualification approval.* The contracting officer may request instructions from the cognizant qualifying activity regarding the possibility of substituting in any particular procurement, some means other than qualification approval to assure the requisite quality. As an example, it may be practicable to substitute a requirement for preproduction samples and thereby permit consideration of bids or proposals offering products which have not been tested to date. In no event, however, will the qualification requirement be waived without permission of the cognizant qualifying activity or custodian.

(3) *Negotiation of contract.* If there is only one supplier on the list and it is impossible to develop additional sources, the contracting officer will consider the use of negotiation under Subpart 11-3.2 of this title in lieu of formal advertising.

(c) *Action by qualifying activities.* Qualifying activities have been instructed to assist contracting officers in their endeavors to assure adequate competition by responding promptly and completely to requests for information or instructions pursuant to paragraph (b) above. Also, qualifying activities will seek qualification of products of additional sources whenever the number of such sources is considered insufficient to assure adequate competition. If such efforts are unsuccessful, other means of assuring the requisite quality (such as preproduction model testing, revised inspection and acceptance testing, etc.) will be sought in order that the qualification requirement of the specification may be cancelled.

## PART 11-2—PROCUREMENT BY FORMAL ADVERTISING

### Subpart 11-2.2—Solicitation of Bids

**§ 11-2.201 Preparation of invitations for bids.**

(a) • • •

(55) A provision for any required temporary services to be provided for or by the contractor, such as light and power, water, steam, heat, garbage disposal, telephone service, etc.

(b) • • •

(54) When the invitation involves the use of containers (drums, carboys, cylinders, reels, tanks, etc.) incident to the delivery terms, a provision substantially as follows:

(i) Cost of containers is to be included in the price quoted and containers are to remain property of the Government; or

(ii) Cost of containers is to be included in the price quoted and the contractor will allow a credit of $ (*to be completed by the contractor*) for each container returned to point of delivery within (*to be completed by the Government*) days.

(55) In invitations for preparation of household goods for shipment and storage, a provision that: The provisions of MIL-STD-212 as in effect on the date of this contract are applicable for supplies and services furnished under this contract.

(56) Invitations covering dry docking, or hauling out of vessels incident to repair work shall include an item for the cost of lay days.

## PART 11-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

### Subpart 11-4.51—Contracts for Care of Remains

Sec.

| | |
|---|---|
| 11-4.5100 | Scope of subpart. |
| 11-4.5101 | General. |
| 11-4.5102 | Schedule. |
| 11-4.5103 | General provisions. |
| 11-4.5103-1 | Definitions. |
| 11-4.5103-2 | Changes. |
| 11-4.5103-3 | Inspection. |
| 11-4.5103-4 | Payment. |
| 11-4.5103-5 | Assignment of claims. |
| 11-4.5103-6 | Federal, State and local taxes. |
| 11-4.5103-7 | Termination for convenience of the Government. |
| 11-4.5103-8 | Default. |
| 11-4.5103-9 | Disputes. |
| 11-4.5103-10 | Convict labor. |
| 11-4.5103-11 | Contract Work Hours Standards Act—Overtime Compensation. |
| 11-4.5103-12 | Walsh-Healey Public Contracts Act. |
| 11-4.5103-13 | Nondiscrimination in employment. |
| 11-4.5103-14 | Officials not to benefit. |
| 11-4.5103-15 | Covenant against contingent fees. |
| 11-4.5103-16 | Estimated requirements. |
| 11-4.5103-17 | Transportation. |
| 11-4.5103-18 | Inconsistent provisions. |

Sec.
11-4.5103-19 Advertising prohibited.
11-4.5103-20 Professional requirements.
11-4.5103-21 Facility requirements.
11-4.5103-22 Coordination.
11-4.5103-23 Time of delivery.
11-4.5103-24 Preparation of remains at other than contractor's establishment.
11-4.5103-25 Oversized casket.
11-4.5103-26 Major restorative art.
11-4.5103-27 Passenger car.

AUTHORITY: The provisions of this Subpart 11-4.51 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

### § 11-4.5100 Scope of subpart.

This subpart sets forth procedures and other requirements to be followed for the care of remains.

### § 11-4.5101 General.

(a) Where contracts of other Government agencies for the care of remains are not available for Coast Guard use, procurement of such services will be made by formal advertising except where time does not permit or anticipated requirements do not justify a formally advertised contract, contracts may be negotiated when authorized (See Part 11-3.2), consistent with limitations and requirements set forth in Chapter 11 of the Coast Guard Personnel Manual.

(b) The contract format, terms and conditions set forth in this Subpart 11-4.51, supplemented or modified as deemed necessary and appropriate by the contracting officer, will be used in effecting contracts for the care of remains.

### § 11-4.5102 Schedule.

The following will be used as the schedule:

(Contract for Care of Remains)

PART I

SUPPLIES, SERVICES AND TRANSPORTATION TO BE FURNISHED

The contractor shall furnish to the Government such supplies, services and transportation described in this schedule as may be called for by the contracting officer during the contract period.

(a) *Contract period.* The contract period shall extend from ---------- through ----------.

(b) *Area of performance.* This contract is established to provide for care of remains in the area within a radius of 30 miles of the contractor's establishment. The contractor will from time to time be required to go beyond the 30-mile radius in performance of this contract. When required to go beyond the 30-mile radius, the contractor will be paid on a per loaded mile basis for the distance traveled outside of the 30-mile radius.

(c) *Using activities.* Using activities, in addition to the installation making this contract, are as follows: ----------

---

(d) Invoices for payment shall be submitted to: ----------

---

(e) *Supplies, services and transportation.*

| Item No. | Supplies, services, and transportation | Quantity estimated | Unit | Price per unit |
|---|---|---|---|---|
| 1 | For a Type I Casket, supplies, services, and all transportation within a 30-mile radius of the contractor's establishment, in accordance with Specification MIL-C-9876 Care of Remains of Deceased Personnel. | ------- | Ea. | |
| 2 | For a Type II Casket, supplies, services, and all transportation within a 30-mile radius of the contractor's establishment, in accordance with Specification MIL-C-9876 Care of Remains of Deceased Personnel. | ------- | Ea. | |
| 3 | For transportation in a suitable funeral coach, ambulance, and/or service car when required to go beyond the 30-mile radius of the contractor's establishment, in accordance with Specification MIL-C-9876 Care of Remains of Deceased Personnel. | ------- | Ea. (loaded mile). | |

### § 11-4.5103 General provisions.

The following general provisions will be included in contracts for care of remains and will be entitled "Part II".

### § 11-4.5103-1 Definitions.

Insert the clause set forth in § 1-7.101-1 under the conditions and in the manner prescribed therein.

### § 11-4.5103-2 Changes.

Insert the clause set forth in § 1-7.101-2 under the conditions and in the manner prescribed therein.

### § 11-4.5103-3 Inspection.

INSPECTION

All services, material and workmanship shall be subject to inspection and test by the representatives of the Government. For this purpose, the contractor will allow at all reasonable times inspectors and other Government personnel free access to the plant and operations and shall furnish such facilities, supplies and services as may be required for this work.

### § 11-4.5103-4 Payment.

Insert the clause set forth in § 1-7.101-7 under the conditions and in the manner prescribed therein.

### § 11-4.5103-5 Assignment of claims.

Insert the clause set forth in § 1-30.703 under the conditions and in the manner prescribed therein.

### § 11-4.5103-6 Federal, State and local taxes.

Insert the clause set forth in § 1-11.401 under the conditions and in the manner prescribed therein.

### § 11-4.5103-7 Termination for convenience of the Government.

Insert the clause set forth in § 1-8.705-1 under the conditions and in the mnaner prescribed therein.

### § 11-4.5103-8 Default.

Insert the clause set forth in § 1-8.707 under the conditions and in the manner prescribed therein.

### § 11-4.5103-9 Disputes.

Insert the clause set forth in § 1-7.101-12 under the conditions and in the manner prescribed therein.

### § 11-4.5103-10 Convict labor.

Insert the clause set forth in § 1-12.203 under the conditions and in the manner prescribed therein.

### § 11-4.5103-11 Contract Work Hours Standards Act—Overtime Compensation.

Insert the clause set forth in § 1-12.303 under the conditions and in the manner prescribed therein.

### § 11-4.5103-12 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 1-12.605 under the conditions and in the manner prescribed therein.

### § 11-4.5103-13 Nondiscrimination in employment.

Insert the clause set forth in § 1-12.803-2 under the conditions and in the manner prescribed therein.

### § 11-4.5103-14 Officials not to benefit.

Insert the clause set forth in § 1-7.101-19 under the conditions and in the manner prescribed therein.

### § 11-4.5103-15 Covenant against contingent fees.

Insert the clause set forth in § 1-1.503 under the conditions and in the manner prescribed therein.

### § 11-4.5103-16 Estimated requirements.

ESTIMATED REQUIREMENTS

(a) The quantities of supplies and services which the Government estimates that the Government activity named in the Schedule will require during the period covered by this contract are set forth in the Schedule. These quantities are estimated only and are not purchased hereby.

(b) The Government agrees to call on the contractor for all the requirements for such supplies and services of the Government activity named in the Schedule. The contractor agrees to furnish such supplies and services when called for by the Government.

(c) In the event that the requirements of the Government activity named in the Schedule for the supplies and services described herein do not materialize in the quantities specified as either "estimated" or "maximum" in the Schedule, such failure shall not constitute grounds for equitable adjustment under this contract, except as may be specifically provided in the Schedule.



### § 11-4.5103-17 Transportation.

TRANSPORTATION

The contractor shall transport remains to the place where the preparation of remains is to be performed, to a common carrier, and to any other place specified by the contracting officer.

### § 11-4.5103-18 Inconsistent provisions.

INCONSISTENT PROVISIONS

In the event of any inconsistency in the provisions of any of the parts of this contract, the following order shall control: Schedule (Part I); General Provisions (Part II); and Military Specifications MIL-C-9876 as in effect on the date of this contract.

### § 11-4.5103-19 Advertising prohibited.

ADVERTISING PROHIBITED

The contractor shall not advertise in any way that he has a contractual relationship with the Government as a result of the award of this contract.

### § 11-4.5103-20 Professional requirements.

PROFESSIONAL REQUIREMENTS

(a) Preparation and transportation of remains shall be performed in accordance with all applicable Federal, State and local health laws, statutes and regulations. The contractor is responsible for insuring that all necessary health department permits are in order for disposition of remains.

(b) The funeral home shall be licensed by the State health department where required, and shall have a qualified manager and a competent staff to furnish the highest quality of professional services.

### § 11-4.5103-21 Facility requirements.

FACILITY REQUIREMENTS

(a) The funeral home shall have complete facilities for maintaining the highest standard of solemnity, reverence, assistance to the family and arrangements for prescribed ceremonial services.

(b) Preparation room shall be clean and sanitary with adequate equipment.

(c) Chapel and reposing room shall present an appearance of careful upkeep. The funeral home shall have, or be able to obtain catafalques, church trucks, and equipment for Protestant, Catholic and Jewish services.

(d) The general appearance of the funeral home, furnishings, grounds and surrounding area shall give the impression of a clean and well-kept establishment.

### § 11-4.5103-22 Coordination.

COORDINATION

Necessary coordination shall be effected with the contractor's funeral director on all funeral arrangements, which shall include the time remains will be ready for inspection, viewing and shipment, time and place of religious services, time and place of interment and shipping schedules or final disposition of remains.

### § 11-4.5103-23 Time of delivery.

TIME OF DELIVERY

The contractor shall furnish the supplies and services called for as soon as practicable after receipt of a call issued hereunder. In no case will shipment be made until the contractor certifies that the remains will be in an acceptable state of preservation upon final delivery. The contractor shall not be responsible for notifying the consignee of time of arrival of shipped remains.

### § 11-4.5103-24 Preparation of remains at other than contractor's establishment.

PREPARATION OF REMAINS AT OTHER THAN CONTRACTOR'S ESTABLISHMENT

Preparation of remains at a place other than the contractor's establishment shall require the concurrence of the contracting officer.

### § 11-4.5103-25 Oversized casket.

OVERSIZED CASKET

When an oversized casket is required for any remains prepared under this contract, and no price therefor has been established in the Schedule, the additional cost shall be allowed as approved by the contracting officer. Caskets exceeding either an inside length of 78 inches or an inside width of 23 inches shall be considered oversized.

### § 11-4.5103-26 Major restorative art.

MAJOR RESTORATIVE ART

The contractor shall advise the contracting officer promptly of any need for Major Restorative Art Technique (restoration of facial contours, such as nose, ears, mouth, chin, etc.) required for any remains prepared under this contract to permit the viewing of remains at final destination, and upon the direction of the contracting officer, shall perform such restoration. The cost of such restoration shall be allowed as approved by the contracting officer.

### § 11-4.5103-27 Passenger car.

PASSENGER CAR

When a passenger car is required to transport members of the immediate family to the funeral service and, if necessary, to the selected terminal and return, the cost shall be allowed as approved by the contracting officer.

Dated: November 27, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 64-12410; Filed, Dec. 3, 1964; 8:48 a.m.]

[CGFR 64-73]

## PART 11-1—GENERAL

## Subpart 11-1.8—Labor Surplus Area Concerns

REPORT ON PREFERENCE PROCUREMENT IN LABOR SURPLUS AREAS

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), Chapter 11 of Title 41 is amended by adding Subpart 11-1.8, Labor Surplus Area Concerns, as follows:

### § 11-1.807 Report on preference procurement in labor surplus areas.

Reports required by § 1-1.807 will be forwarded to the Commandant (FS) within 15 days following the close of each quarter identified by Reports Control Symbol FS-6131. The Commandant (FS) will submit a consolidated report for the Coast Guard, to the Office of Administrative Services, Treasury Department, by the 30th day of the month following the close of each reporting period.

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Dated: November 25, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard,*
*Commandant.*

[F.R. Doc. 64-12408; Filed, Dec. 3, 1964; 8:47 a.m.]

[CGFR 64-75]

## PART 11-2—PROCUREMENT BY FORMAL ADVERTISING

## PART 11-14—INSPECTION AND ACCEPTANCE

## Miscellaneous Amendments

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), Chapter 11 of Title 41 is amended by deleting § 11-2.407-3 and adding the implementing sections in Part 11-14 as follows:

SUBPART 11-14.1—INSPECTION

Sec.
11-14.101 General.
11-14.103 Use of Government inspection facilities.
11-14.103-1 General.
11-14.103-5 Reimbursement for services.

SUBPART 11-14.2—ACCEPTANCE

AUTHORITY: The provisions of Part 11-14 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

## Subpart 11-14.1—Inspection

### § 11-14.101 General.

Inspection requirements for classified contracts shall be handled in accordance with Chapter 16, Navy Security Manual, as amended for Coast Guard use.

### § 11-14.103 Use of Government inspection facilities.

### § 11-14.103-1 General.

When inspection is to be made by or for the Coast Guard, such inspection will be on a mutually acceptable basis at the operating level.

### § 11-14.103-5 Reimbursement for services.

Cost for inspection services will be charged to the appropriation and subhead defraying the cost of material.

## Subpart 11-14.2—Acceptance

### § 11-14.201 General.

DD Form 250, Material Inspection and Receiving Report and DD Form 250a, Material Inspection and Receiving Report (continuation sheet) may be utilized where desirable and appropriate.

Dated: November 27, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 64-12409; Filed, Dec. 3, 1964; 8:47 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte MC-40]

## PART 192—DRIVING OF MOTOR VEHICLES

### Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 27th day of November A.D. 1964.

The matter of driving of motor vehicles under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, being under consideration; and

It appearing, that on March 27, 1964, a notice of proposed rule making was issued followed by an amending order issued May 7, 1964, in the above-entitled proceeding, with respect to proposals to amend §§ 192.10 and 192.11 of Part 192 of the Motor Carrier Safety Regulations in their entirety;

It further appearing, that pursuant to such notice and the invitation contained therein, certain persons desiring to participate in the proceeding have submitted written statements containing data, views, and arguments concerning the proposed amendments, and that no useful purpose would be served by assignment of the matter for oral hearing and;

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor;

*It is ordered*, That §§ 192.10 and 192.11 of the Code of Federal Regulations (49 CFR 192.10 and 192.11) be, and they are hereby amended to read as follows:

**§ 192.10 Railroad grade crossings; stopping required.**

(a) Except as provided in paragraph (c) of this section, the driver of any motor vehicle described in subparagraphs (1) through (8) of this paragraph, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until such precautions have been taken and until he has ascertained that the course is clear.

(1) Every bus transporting passengers,

(2) Every motor vehicle transporting any quantity of explosives, Class A or Class B,

(3) Every motor vehicle transporting any quantity of poison gas, Class A,

(4) Every motor vehicle transporting any quantity of chlorine,

(5) Every motor vehicle which in accordance with the Commission's regulations is required to be marked or placarded with one of the following markings:

(i) Dangerous,

(ii) Compressed gas,

(iii) Dangerous—Radioactive Materials,

(iv) Chlorine.

(6) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any dangerous article as defined in the regulations of the Commission or for the transportation of any liquid having a flash point below 200° F, as determined by the Standard Method of Test for Flash Point of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania, 19103, as set forth in ASTM D–56–61, ASTM D–92–57, or ASTM D–93–62, and referenced by the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Massachusetts, in Pamphlet No. 385, 1964 edition.

(7) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point as determined by the same standard method of testing as prescribed in subparagraph (6) of this paragraph.

(8) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under special permit in accordance with the provision of § 73.22 of this chapter.

(b) On and after July 1, 1965, every motor vehicle described in subparagraph (1) through (8) of paragraph (a) of this section shall be equipped with a sign on the rear, in retroflective letters at least 3 inches high on a background of contrasting color, clearly indicating that the motor vehicle stops at railroad crossings.

(c) A stop need not be made at:

(1) A street car crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in § 190.12 of this chapter,

(2) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed,

(3) A railroad grade crossing where a stop and go traffic light controls movement of traffic,

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned,

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt Crossing." Such "Exempt Crossing" signs shall be erected only by or with the consent of the appropriate state or local authority.

**§ 192.11 Railroad grade crossings; slowing down required.**

The driver of any motor vehicle other than those listed in § 192.10, upon approaching a railroad grade crossing, not including those crossings listed in paragraph (c) (1) through (5) of § 192.10 shall drive at a speed not greater than 25 miles per hour at all distances between 200 feet and the nearest rail of such railroad and shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not drive upon or over such crossing until such precautions have been taken and until he has ascertained that the course is clear.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

*It is further ordered*, That this order shall become effective December 31, 1964, and shall remain in effect until the further order of the Commission.

*And it is further ordered*, That copies of this order shall be given to motor carriers, other persons of interest and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12401; Filed, Dec. 3, 1964; 8:46 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3474]

[Sacramento 076620]

## CALIFORNIA

### Order Opening Reclamation Lands to Location, Entry, and Patenting Under General Mining Laws

By virtue of the authority contained in the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following described national forest lands in the Shasta National Forest shall at 10 a.m. on January 5, 1965, be open to location, entry and patenting under the United States Mining Laws, subject to the stipulations quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, for their heirs, successors, and assigns, and recorded in the county records, and in the United States Land Office at Sacramento, California, before any rights attach by virtue of this Order:

MOUNT DIABLO MERIDIAN

T. 35 N., R. 4 W.,
Sec. 12, W½SW¼SE¼.

The area described contains approximately 20 acres.

The following stipulations are made a part of this Order:

1. The locator shall take such steps as are necessary to prevent silt, toxicants, or other pollutants from entering Shasta Lake. The Bureau of Reclamation will determine the steps that may be necessary.

2. All mining operations will be clean, neat, and orderly.

3. All debris as it is created will be removed from the subject land.

4. No milling or grinding operations will be allowed on the land.

5. Any road construction must be in accordance with established standards of the Forest Service, United States Department of Agriculture.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 30, 1964.

[F.R. Doc. 64-12392; Filed, Dec. 3, 1964; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 911, 915 ]

[Docket Nos. AO-267-A2 and AO-254-A3]

### LIMES AND AVOCADOS

### Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendments of the Marketing Agreements and Orders

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendments of the respective marketing agreements and orders (7 CFR Parts 911 and 915) regulating the handling of Florida limes and avocados. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing, on the record of which the proposed amendments hereinafter set forth are formulated, was held at Modello, Florida, on October 22, 1964, pursuant to notice thereof which was published in the FEDERAL REGISTER (29 F.R. 14121).

*Material issues.* The material issue presented on the record of the hearing was concerned with further amending the aforesaid marketing agreements and orders so as to provide that each grower member of the respective administrative committees, established under the marketing agreements and orders, may be a handler of his own fruit.

*Findings and conclusions.* The following findings and conclusions on the material issue are based upon the evidence adduced at the hearing and the record thereof:

The provisions of each of the said marketing agreements and orders require that the grower members of the respective administrative committees shall be growers of limes or avocados, as applicable, who are not handlers or employees of handlers. Such requirements have tended to restrict adversely the nomination and selection of the grower members of the committees as some of the more progressive and better informed growers handle all or a portion of the fruit that they produce.



The records of the administrative committees show that, for the 1963-64 season, there were 41 registered avocado handlers and 27 registered lime handlers. Thirty-one of these 41 avocado handlers handled less than 3,000 bushels of avocados, with 17 handling less than 500 bushels. Nineteen of the 27 lime handlers handled less than 3,000 bushels of limes, with 16 handling less than 500 bushels. The records of the committees do not indicate the source of the fruit handled by these handlers but it was the consensus of the hearing that few of such handers handle any fruit produced by others. These growers-handlers, because of their handling activities, have been excluded from serving as grower members of the administrative committees. Such exclusions are not in the best interests of the program. Growers who handle only fruit they have produced have little interest in handler functions except to the extent that they may improve their own positions as growers by handling fruit of their own production. As indicated, these growers generally are the more progressive and better informed growers, and their selection for service on the committee should contribute to more effective program operations.

There was some discussion at the hearing concerning placing a limitation on the quantity of a grower's limes or avocados, as applicable, of which he could be the handler, with any handling in excess of such quantity making such a grower ineligible to serve as a grower member of the particular committee. It was advanced that, at some indefinite volume of fruit handled, a grower-handler might become "handler oriented" and no longer primarily represent grower interests. On the other hand, it was contended that such a limitation was not necessary since any grower handling only fruit of his own production would, regardless of the quantity, be primarily interested in the returns he receives as a grower for his fruit. The evidence of record supports the latter views.

It is concluded, therefore, that the marketing agreements and orders should be further amended as hereinafter set forth.

*Rulings on proposed findings and conclusions.* Proposed findings and conclusions were filed within the prescribed time by W. Wipprecht, Jr., Chairman, Avocado Administrative Committee and Florida Lime Administrative Committee, and by L. E. Derryberry, President, Association of Avocado and Lime Growers. These proposed findings and conclusions, along with the evidence of record, were considered in making the findings and conclusion herein set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, they are denied for the reasons found and stated in connection with this decision.

*General findings.* (a) The said marketing agreements and orders, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The said marketing agreements and orders, as hereby proposed to be further amended, regulate the handling of limes and avocados, respectively, grown in the designated production areas in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, proposed marketing agreements upon which hearings have been held;

(c) The said marketing agreements and orders, as hereby proposed to be further amended, are limited in their applications to the smallest regional production areas that are practicable, consistently with carrying out the declared policy of the act, and the issuance of several marketing agreements and orders applicable to subdivisions of such production areas would not effectively carry out the declared policy of the act;

(d) There are no differences in the production and marketing of limes grown in the production area covered by the marketing agreement and order, as hereby proposed to be further amended, that make necessary different terms and provisions applicable to different parts of such area;

(e) The marketing agreement and order, as hereby proposed to be further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area covered thereby as are necessary to give due recognition to the differences in production and marketing of the avocados covered thereby; and

(f) All handling of limes and avocados, grown in the production areas covered thereby, are in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Recommended further amendments of the marketing agreements and orders.* The following amendments of the amended marketing agreements and orders are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. In Part 911—Limes Grown in Florida, § 911.20, the second and fourth sentences are revised to read as follows: "Five of the members and their respective alternates shall be growers who shall not be handlers of limes produced by others or employees of such handlers. • • • The five members of the committee who shall be growers who shall not be handlers of limes produced by others or employees of such handlers are referred to as 'grower' members of the committee; and the four members who shall be handlers or employees of handlers are referred to as 'handler' members of the committee."



1. In Part 915—Avocados Grown in South Florida, § 915.20, the second and fourth sentences are revised to read as follows: "Five of the members and their respective alternates shall be growers who shall not be handlers of avocados produced by others or employees of such handlers. • • • The five members of the committee who shall be growers who shall not be handlers of avocados produced by others or employees of such handlers are referred to as 'grower' members of the committee; and the four members who shall be handlers or employees of handlers are referred to as 'handler' members of the committee."

Dated: December 1, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-12421; Filed, Dec. 3, 1964; 8:49 a.m.]

### [ 7 CFR Part 1005 ]

[Docket No. AO-177-A23]

### MILK IN TRI-STATE MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Charleston, West Virginia, on November 13, 1964, pursuant to notice thereof issued on October 29, 1964 (29 F.R. 14933).

The material issues on the record of the hearing relate to:

(1) An increase in the Class I price; and

(2) Whether an emergency exists to warrant omission of a recommended decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) *Increase in the Class I price.* The Class I price differential should be increased by 20 cents from the date the order issued pursuant to this decision is effective through December 1964 and by 10 cents for January and February 1965.

Three cooperative associations jointly requested a 25-cent increase in the Class I price for December 1964 through March 1965. They maintain that drought conditions reduced the supply of feed grains and hay available in the area and that pasture conditions have been subnormal for a considerable time. Producers have been feeding supplies normally used during the winter during the recent summer and fall months. Substantial purchases of hay and grain will be necessary until pastures are available next spring.

Drought conditions exist generally throughout the milkshed. Rainfall during the 180-day growing season (the last week in April to the first of October) of this year was 35 percent below normal in the West Virginia portion of the production area. Comparably dry conditions also prevail in the Ohio and Kentucky portions of the milkshed. The counties wherein the major proportion of milk supplies for the market is produced have been approved for assistance under Federal drought disaster programs. Because the water supplies on their farms have dried up, a number of dairy farmers must haul water for their farm animals. The cost of water thus obtained is seven to nine dollars per load delivered to the farm.

Below normal rainfall reduced substantially the availability of pastures and the production of hay and feed grains. The poor pasture condition in July and August, a dry September and early frost will increase the winter feeding period to about 210 days this year from the 180 days that is normal for the area.

Drought relief as such cannot be granted to producers through amendments to orders issued under the Agricultural Marketing Agreement Act of 1937, as amended. The Secretary, under the Act, is required to establish prices at levels which will reflect factors affecting the supply and demand for milk in a marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest. The adequacy of milk supplies is a most important factor in fixing prices under an order.

In April through October 1964, 86 percent of producer milk under the Tri-State order was Class I compared to 87 percent in the same period last year. In October 1964, however, the Class I use was 91.8 percent of producer receipts, the highest Class I utilization percentage since inception of the order. Normally, Class I utilization is between 87 and 90 percent during the fall and winter months in this market.

Substantial quantities of milk have been imported from other areas. The 1.2 million pounds of other source milk classified in Class I imported in October 1964, compares to 1.6 million pounds imported in October last year. In addition, one cooperative that supplies several handlers has obtained (from a cooperative subject to the Columbus order) the production of a group of producers to help supplement the milk supply in the market. Producers claim that larger quantities of milk would have been needed from outside sources this year if the cooperatives had not worked together to bring about a better allocation of supplies among handlers.

Under these supply-sales conditions, the Class I price would normally be increased by its supply-demand adjustor to encourage an adequate supply of milk for the market. However, the Class I price is expected to be somewhat below the November level through February 1965 due to the action of the supply-demand adjustor in the order. The present supply-demand formula contains a table of "standard utilization percentages" based on conditions that existed a number of years ago. It is claimed that these percentages do not reflect a changed seasonality of production for the market and its relationship to the market's Class I needs. Producers, therefore, urge that action be taken to offset the immediate reduction in the Class I price which will occur because of the current supply-demand adjustor. Producers contemplate requesting a hearing in the near future to update the supply-demand formula.

Handlers oppose increasing the Class I price, contending that milk supplies currently and prospectively are adequate for Class I sales. They claim that any Class I price increase would create a misalignment with the prices in neighboring Federal order markets. The Class I price increase herein provided through February 1965, will yield prices under the Tri-State order comparable to a year ago and maintain the same comparability that has prevailed with Class I prices in nearby order markets. In effect, the Class I price increase provided in the Tri-State order through February 1965, will result in maintaining in a reasonable manner the historical relationship of Class I prices between order markets in this area.

A Class I price increase greater than here provided would be inappropriate. In this regard, the 25-cent Class I price increase requested by producers could result in placing Tri-State handlers at a disadvantage in competing with handlers regulated by other orders. The increase provided (20 cents through December and 10 cents in January and February) will maintain the Tri-State Class I price differential during this period at approximately the same level as a year ago. For December 1963, the Class I price, through suspension action was increased 19 cents and was raised 10 cents by an amendment for January and February 1964. The prospective production in relation to the Class I needs of the market through February 1965, is comparable to that for the same period a year ago.

Extending the emergency Class I price increase to include March 1965, is not warranted at this time. It was not established that the supply-demand adjustor aberrations or other factors applicable for the months of December through February will prevail similarly in March. Accordingly, the request to increase the Class I price for March must be denied.

The price increase should be made effective at the earliest possible date, even if such date is other than the first day of a month. There will be little difference in returns to producers between applying a weighted Class I price to the month's Class I utilization based on the number of days an applicable price is effective or establishing two accounting periods in the month. Each handler should, therefore, be afforded these alternatives.

(2) *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in the market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make inef-

fective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for the market.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the Tri-State Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of September 1964, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Tri-State marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 1, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area*

**§ 1005.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling. It is therefore ordered,* That on and after the effective date hereof the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

In § 1005.51(a), the introductory text preceding the table therein is revised to read as follows:

**§ 1005.51 Class I milk prices.**

* * * * *

(a) Add the following amounts for the months indicated, plus 20 cents from the effective date of this provision through December 1964, and plus 10 cents for January and February 1965.

* * * * *

[F.R. Doc. 64-12422; Filed, Dec. 3, 1964; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

## FEDERAL AVIATION AGENCY

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 64-CE-62]

### CONTROL ZONE AND TRANSITION AREA

**Proposed Alteration**

*Correction*

In F.R. Doc. 64-11650, appearing in the issue of Tuesday, November 17, 1964, at page 15376, the following changes should be made:

1. The reference "16 miles" appearing in the 16th line of paragraph (2) in the first column, should read "18 miles".

2. The reference "V-3S" appearing in the last line of paragraph (2) in the second column should read "V-8S".

# Notices

## DEPARTMENT OF THE TREASURY

**Coast Guard**

[CGFR 64-79]

### "USS BENJAMIN FRANKLIN" (SSBN640)

**New London Harbor Closed to Navigation During Launching**

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of F. V. Helmer, Captain, United States Coast Guard, Acting Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Force, U.S. Atlantic Fleet, U.S. Navy, and acting under the authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Chapter 1, Title 33, Code of Federal Regulations, I hereby order that the waters of New London Harbor, New London, Conn., between the latitudes of 41 degrees 20 min. 32 sec. North and 41 degrees 21 min. 03 sec. North, be closed to all persons and vessels on Saturday, 5 December 1964, from 10:00 a.m. e.s.t., until the "USS Benjamin Franklin" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corp., Groton, Conn. The launching of the "USS Benjamin Franklin" is scheduled for 10:30 a.m. e.s.t., on Saturday, 5 December 1964. The northern and southern limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shore line and the main ship channel.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, New London, Conn., and by U.S. Coast Guard vessels under his command. The aid of other Federal, State and Municipal agencies may be enlisted to assist in the enforcement of this order.

*Penalties for violation of the above order:* Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows: If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title * * * Or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.

Dated: November 30, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 64-12411; Filed, Dec. 3, 1964; 8:48 a.m.]

## DEPARTMENT OF JUSTICE

**Office of Alien Property**

### ANNA MARIA GEYER

**Notice of Intention To Return Vested Property**

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Anna Maria Geyer, 115 Trierertrasse, Koblenz-Metternich, Germany; Claim No. 61079; Vesting Order No. 17491; $1,651.00 in the Treasury of the United States.

Executed at Washington, D.C., on November 25, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director, Office of Alien Property.*

[F.R. Doc. 64-12379; Filed, Dec. 3, 1964; 8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

**Bureau of Land Management**

[BLM 080133, Survey Group 32]

### ALABAMA

**Notice of Filing of Plat of Survey**

NOVEMBER 27, 1964.

The plat of survey for two islands in the Tallapoosa River, approved and accepted on October 28, 1964, will be officially filed in this office effective at 10:00 a.m., on December 10, 1964.

ST. STEPHENS MERIDIAN, ELMORE COUNTY, ALABAMA

T. 19 N., R. 21 E.,
Sec. 1, lot 1—0.30 acre; lot 2—9.11 acres.

The areas described aggregate 9.41 acres.

The character of the islands and the timber growth thereon indicate their existence in 1819 when Alabama was granted statehood and at the time of the original survey. They are, therefore, determined to be public lands.

The islands are more than 50 percent upland in character within the meaning of the swamp land acts.

Except for valid existing rights, the islands will not be subject to use and disposition under the public land laws, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to the islands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA,
*Manager, Land Office.*

[F.R. Doc. 64-12393; Filed, Dec. 3, 1964; 8:46 a.m.]

[Oregon 015848]

### OREGON

**Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands**

NOVEMBER 27, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Portland, Oreg., effective at 10:00 a.m. on December 29, 1964.

OREGON

WILLAMETTE MERIDIAN

T. 8 S., R. 4 E.,
Sec. 31, lots 7 and 8;
Sec. 32, lot 1.

The area described aggregates 16.73 acres of public lands.

2. The land lies about one-half mile south of the Little North Santiam River at a point about 33 miles southeast of Salem, Oregon. The area supports a growth of Douglas fir, white fir, and associated minor species. The land is primarily valuable for the production of commercial timber. Elevation is about 1500 feet above sea level. Access is by foot from a public road which parallels the Little North Sanitam River about one-half mile north.

3. The land in sec. 31, T. 8 S., R. 4 E., is revested Oregon and California grant land and by this order is hereby opened to such forms of disposition as may by law be made of such land.

4. The land in sec. 32, T. 8 S., R. 4 E., affected by this order is public domain land and is hereby opened to the operation of the public land laws, subject to any valid existing withdrawals, and the requirements of applicable laws, rules, and regulations. No application for this land will be allowed under the nonmineral public land laws, unless or until the land has been classified. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

6. Inquiries concerning these lands shall be addressed to the Manager, Oregon Land Office, 710 Northeast Holladay Street, Portland, Oreg., 97232.

DOUGLAS E. HENRIQUES,
*Land Office Manager.*

[F.R. Doc. 64-12394; Filed, Dec. 3, 1964; 8:46 a.m.]

## WASHINGTON

### Amended Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Army, Corps of Engineers, has filed an amendment to their application, Washington 05056, for the withdrawal of lands described below, from all forms of location, prospecting, or entry under the general mining laws. The applicant desires the land for the construction of the Lower Monumental Lock and Dam Project on the Snake River, Washington.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The applicant agency desires to amend their application to include the following lands:

WILLAMETTE MERIDIAN

T. 13 N., R. 35 E.
Sec. 30: Part Lot 4.

The area described aggregates approximately 4.77 acres.

JOHN E. BURT, JR.,
*Officer in Charge.*

[F.R. Doc. 64-12395; Filed, Dec. 3, 1964; 8:46 a.m.]

[Utah 0142586]

## UTAH

### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 18, 1964.

The United States Army through the U.S. Army Engineer District, Corps of Engineers, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land to complete acquisition of lands required to accomplish the military mission of the Deseret Chemical Depot. The lands are landlocked by the Deseret Chemical Depot lands which were previously acquired by Public Land Order and by purchase. The subject lands were recently reconveyed to the United States by provisions of section 8 of the Taylor Grazing Act.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Utah State Director, Post Office Box 11505, Salt Lake City, Utah, 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 6 S., R. 5 W.
Sec. 23: S½SE¼;
Sec. 25: N½S½;
Sec. 26: NE¼.
Aggregating 400 acres more or less.

R. D. NIELSON,
*State Director.*

[F.R. Doc. 64-12423; Filed, Dec. 3, 1964; 8:49 a.m.]

## Bureau of Reclamation

[Public Announcement 36]

## COLUMBIA BASIN PROJECT, WASHINGTON

### Sale of Farm Units Suitable for Settlement Purposes

LANDS COVERED

NOVEMBER 19, 1964.

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2:00 p.m., December 7, 1964.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the Act of August 13, 1953 (67 Stat. 566).

a. *Farm units presently owned in entirety by the United States.* The farm units which are presently owned in entirety by the United States and hereby offered for sale are described as follows:

| Irrigation block | Farm unit | Gross acres | Tentative irrigable acreage | | | | Non-irrigable | Price |
|---|---|---|---|---|---|---|---|---|
| | | | Total | Cl 1 | Cl 2 | Cl 3 | | |
| 17 | 8 | 207.3 | 156.4 | ---------- | 124.3 | 32.1 | 50.9 | $4,114.20 |
| 17 | 12 | 227.0 | 138.0 | ---------- | 65.6 | 72.4 | 89.0 | 3,237.50 |
| 17 | 27 | 199.9 | 144.7 | 75.9 | 46.4 | 22.4 | 55.2 | 3,698.50 |
| 17 | 29 | 172.1 | 116.2 | 9.8 | 51.3 | 55.1 | 55.9 | 2,639.80 |
| 17 | 30 | 191.3 | 136.3 | 10.3 | 51.8 | 74.2 | 55.0 | 2,871.35 |

b. *Farm units presently owned by the United States and the Northern Pacific Railway Company.* There are several farm units hereby offered for sale, the major portions of which are owned by the United States and the minor portions are owned by the Northern Pacific Railway Company. Such units are described as follows:

| Irrigation block | Farm unit | Gross acres | | Tentative irrigable acreage | | | | Non-irrigable | Price | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | U.S. | N.P. | Total | Cl 1 | Cl 2 | Cl 3 | | U.S. | N.P. |
| 17 | 14 | 149.4 | 90.4 | 141.5 | ---------- | 52.2 | 89.3 | 98.3 | $1,958.50 | $3,332.30 |
| 17 | 17 | 170.8 | 12.3 | 155.4 | ---------- | 153.0 | 2.4 | 27.7 | 3,107.30 | 421.70 |
| 17 | 20 | 108.3 | 75.7 | 146.5 | ---------- | 140.1 | 6.4 | 37.5 | 1,544.95 | 2,543.40 |
| 17 | 28 | 240.1 | 1.9 | 147.7 | 57.3 | 51.1 | 39.3 | 94.3 | 3,943.25 | 43.70 |
| 17 | 44 | 142.3 | 50.5 | 133.1 | ---------- | 105.6 | 27.5 | 59.7 | 2,224.25 | 876.60 |
| 17 | 52 | 138.0 | 24.5 | 142.0 | ---------- | 39.6 | 102.4 | 20.5 | 2,167.55 | 318.80 |
| 17 | 60 | 144.4 | 81.0 | 132.2 | ---------- | 55.8 | 76.4 | 93.2 | 2,073.70 | 1,032.45 |



c. *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof, own additional farm units in the Columbia Basin Project which are suitable for settlement purposes and which are scheduled to receive water before the close of the 1965 irrigation season, such farm units may be offered for sale under the provisions of this announcement.

The official plat of Irrigation Block 17 is on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho. The prices of the farm units are subject to minor changes which may result from adjustments in the irrigable acreages due to changes in rights-of-way or other causes.

PREFERENCE OF APPLICANTS

SEC. 2. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the Act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants", preference right to purchase the farm units described above will be given to persons who submit applications during a 45-day period beginning at 2:00 p.m., December 7, 1964, and ending at 2:00 p.m., January 21, 1965.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 3. *Examining board.* An examining board of three members has been appointed by the Regional Director to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 4. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations after reaching the age of 17 years. At least one year of such experience must have been obtained after a date five years prior to the date of this announcement. Except for the above-mentioned one year of recent farm experience, time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which in the opinion of the Board will be of value to an applicant in operating a farm, may be substituted for full-time experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time experience of this type will be allowed.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* To be eligible for a certificate of qualification for farms listed in Section 1, applicants must possess in excess of liabilities either (1) at least $7,500 in cash or (2) various assets amounting to at least $8,500. No value will be allowed for a passenger car or household goods. At the time he moves to the Project to take possession of the farm unit selected, the applicant must re-establish to the satisfaction of the Project Manager that he possesses in excess of liabilities either (1) at least $7,500 in cash or (2) at least $5,000 in cash plus $3,500 in property such as livestock, farm machinery, or equipment which, in the opinion of the Board and the Project Manager, will be useful in the development and operation of a new, irrigated farm on the Columbia Basin Project. Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the Project to take possession of the farm unit selected and re-establish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's net worth.

SEC. 5. *Other qualifications required.* Each applicant must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or be acquiring under a contract to purchase, more than 10 acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. Not previously have purchased a farm unit from the United States under provisions of the Reclamation Law, excepting therefrom actions under the Act of August 13, 1953.

d. Not have outstanding a certificate of qualification for the purchase of a farm unit suitable for settlement purposes on the Columbia Basin Project.

e. Not own outright, or be acquiring under a contract to purchase, a farm unit or water delivery unit on the Columbia Basin Project.

f. If a married woman or a person under 21 years of age who is not a veteran with acceptable service, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 6. *Filing application blanks.* Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Boise, Idaho; or Washington, D.C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 7. *Priority of applications.* All applications, except those received from qualified exchange applicants prior to 2:00 p.m., Jan. 21, 1965, which shall be given prior preference, will be classified for priority purposes as follows:

a. First group. All complete applications filed prior to 2:00 p.m., Jan. 21, 1965. Such applications will be treated as simultaneously filed.

b. Second group. All complete applications filed after 2:00 p.m., Jan. 21, 1965. Such applications will be considered in the order in which they are filed if within two years following the date of this announcement any farm units offered hereunder are available for sale after all timely applications have been processed.

SEC. 8. *Public drawing.* After the close of the simultaneous filing period, the Board will conduct a public drawing of the names of the applicants in the First Group as defined in Subsection 7.a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board will notify each applicant of his respective standing as a result of the drawing.

SEC. 9. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 4 and 5 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 10. *Examination and interview.* After the information outlined in Section 9 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Project Manager, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Project Manager will promptly forward the appeal to the Regional Director. If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purposes of: (1) affording the Board any additional information it may desire relative to his qualifications, (2) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (3) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing. If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 11. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit and if additional applicants remain in the First Group, all said remaining applicants will be advised by the Board as to the number and nature of the unsold units. If any of the applicants so advised wish to be considered for the possible purchase of one of the remaining units, they must so advise the Board in writing within 20 days of the date of the notice. The Board will consider, in the order of their selection priority as established by drawing, only those applicants who make affirmative reply within the period stipulated.

If any farm units remain unselected after all qualified applicants in the First Group have had an opportunity to select a farm unit and if not more than two years have elapsed since the date of this announcement, such farm units will be offered to applicants in the Second Group in the order in which their applications are filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager may designate them as supplemental units and sell them in accordance with established policies and procedures, including preference to resident Project landowners.

SEC. 12. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his priority to select.

PURCHASE OF SELECTED UNIT

SEC. 13. *Execution of earnest money agreement and land sale contract*—a. *Units owned in entirety by the United States.* When a United States-owned farm unit is selected by an applicant as provided in Section 11 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit $200 or 5 percent of the purchase price of the United States-owned land, whichever amount is greater, with the Project Manager. The amount deposited with the earnest money agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before March 1 of the year water is first declared available to the irrigation block in which the farm unit is located or within six months of the earnest money agreement, whichever is later, and possesses the minimum capital assets required under Subsection 4.d., (2) pays the real or estimated amount of the irrigation charges which will be required by the irrigation district for the first year of the development period following the date of contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the four requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages. When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under Subsection 4.d., the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the Project area, a current financial statement, and where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to July 1 of any year during the development period, a deposit may be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.



b. *Units owned by the United States and the Northern Pacific Railway Company.* A successful applicant who selects a farm unit described in Subsection 1.b., owned by the United States and the Northern Pacific Railway Company, will be able to acquire, at the Government appraised value, the Company-owned portion. This is in accordance with a written agreement between the Company and the United States. When such unit is selected by an applicant, as provided in Section 11 of this announcement, the Project Manager will (1) promptly notify the Company of this action; (2) give the applicant written notice confirming the availability to him of the unit selected and will furnish, for the United States-owned portion, an earnest money agreement and land sale contract together with instructions concerning their execution and return, all in the manner and sequence described in the foregoing Subsection 13.a. The applicant shall thereafter, as promptly as possible, acquire or contract to acquire the Company-owned portion. To avoid forfeiture of the right to purchase the United States-owned portion, the applicant shall, within 60 days following receipt of the purchase contract from the Project Manager, provide the Project Manager with evidence of the acquisition of or contract to acquire the Company-owned portion.

SEC. 14. *Terms of sale.* Contracts for the sale of the United States-owned lands offered pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the price may be paid initially at the purchaser's option.

b. *Schedule for payment of balance: Interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of 4½ percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below and to maintain in crops thereafter the following percentages of irrigable land as tentatively or finally classified:

[Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year)]

| 2d year | 3d year | 4th year | 5th year |
|---|---|---|---|
| 35% | 50% | 65% | 75% |

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) within one year from the date of his contract or by March 1 of the year water is first declared available to the irrigation block in which the farm unit is located, whichever is later, he must initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above.

e. *Possession.* The purchaser may take possession of the United States-owned lands being purchased when he has complied with the requirements described in section 13 and the land sale contract has been executed by the Project Manager for the United States, except that if a farm unit is under lease when sold possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

f. *Copies of contract form.* The terms listed above and all other standard contract provisions are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 15. *Development period charges.* Pursuant to the provisions of the repayment contracts of October 9, 1945, as amended, between the United States and the three irrigation districts of the Columbia Basin Project, the Secretary of the Interior will establish a development period, normally ten years, for each irrigation block, during which time payment of construction charge installments will not be required. The Secretary has announced that the development period for Irrigation Block 17 will commence January 1, 1965, and terminate December 31, 1974.

During the development period, water rental charges, except as pointed out later in this section, will average an estimated $6.90 per year for each irrigable acre as tentatively or finally classified. This figure is an estimate and is subject to adjustment when the actual costs are determined. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Project Manager.

The present plans are: (1) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (2) to increase the minimum charge from 70 percent of the estimated cost for the first year to about 115 percent for the later years of the development period; and (3) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water, to be specified by the Project Manager, varying with the water requirement classification of the land and the size of the farm unit. In addition to the water rental charges, the irrigation district will levy a charge to cover administrative costs and probable delinquencies in collections and to accumulate reserve funds.

SEC. 16. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the Project irrigation system which will be uniform for the irrigation blocks throughout the irrigation district. These charges may be graduated among land classes, and there will be an annual minimum charge per acre. In order to encourage careful use of water, present regulations require that this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contracts with the irrigation districts. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis.

b. *Construction charges.* The amended repayment contracts between the United States and the irrigation districts require the payment of construction charges for the Project irrigation system during the fifty years following the end of the development period. Under the repayment contracts as amended, the total construction repayment obligation averages $131.60 per irrigable acre, which includes construction of authorized drainage works. The contracts further provide that the construction charges shall be graduated according to the relative repayment ability of the land; consequently, the

charge per irrigable acre will be higher for the better lands than for the poorer lands.

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 19, 1964.

[F.R. Doc. 64-12396; Filed, Dec. 3, 1964; 8:46 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-220]

## NIAGARA MOHAWK POWER CORP.

### Order Postponing Hearing and Notice of Prehearing Conference Regarding Application for Provisional Construction Permit

1. Upon the applicant's motion as amended by its letter dated November 30, 1964, and pursuant to § 2.752 of the Commission's rules of practice, notice is hereby given that a Prehearing Conference will be convened at 10 a.m. local time on December 15, 1964 in the Council Chambers, City Hall, West Second and Oneida Streets, Oswego, N.Y. to consider the procedural matters hereinafter set out.

2. Notice is hereby given that the hearing of evidence in this proceeding will not be commenced at the above-stated time and place, which were specified in the Commission's Notice of Hearing dated November 10 and published on November 13, at 29 F.R. 15267. Instead, the time and place for the evidentiary hearing in January of 1965 will be determined at the Prehearing Conference and will be announced then and in an order to be published thereafter.

3. Procedures for intervention and for limited participation in this proceeding by interested persons are set out in the referenced Notice of Hearing and in the Commission's rules of practice there cited. The parties will, and interested members of the public may, participate in the public Prehearing Conference herein notified to the extent required and reasonably allowable under the applicable rules. In view of this postponement of the hearing and in conformity with the Notice of Hearing, it is now specified that the time for filing petitions for leave to intervene is extended to December 18, 1964.

4. The matters to be considered at the Prehearing Conference are those relating to:

(1) Clarifying and simplifying the issues;

(2) Outlining the materials to be presented as part of the decisional record;

(3) The time and methods for the prehearing submission of prepared testimony and exhibits by the parties;

(4) The conduct of the hearing, including

(a) The time and manner of offering the statements and testimonial and documentary evidence on behalf of interested persons and the several parties;

(b) The time and methods for submission by the participants of posthearing pleadings, such as suggested transcript corrections, proposed findings and conclusions, briefs, etc.; and

(5) Such other matters as may aid in the orderly, fair and expeditious disposition of this proceeding.

*It is ordered,* This 1st day of December 1964, that this Order Postponing Hearing and Notice of Prehearing Conference be promptly published in the FEDERAL REGISTER.

Issued: December 1, 1964, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
J. D. BOND,
*Chairman.*

[F.R. Doc. 64-12445; Filed, Dec. 3, 1964; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14024; FCC 64-1082]

## COMMERCIALLY OPERABLE SPACE COMMUNICATIONS SYSTEMS

### Order Regarding Authorization

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of November 1964;

The Commission having before it the record of the above-entitled proceeding; and

It appearing, that with the enactment of the Communications Satellite Act of 1962 the purpose for which said proceeding was instituted has been served.

*It is ordered,* That said proceeding be and hereby is terminated.

Released: December 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12417; Filed, Dec. 3, 1964; 8:48 a.m.]

[Docket Nos. 14154, 15011; FCC 64M-1199]

## AMERICAN TELEPHONE AND TELEGRAPH CO.

### Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, regulations and charges for developmental line switched service, Docket No. 14154; American Telephone and Telegraph Company, charges, practices, classifications, and regulations for and in connection with Teletypewriter Exchange Service, Docket No. 15011.

The Hearing Examiner has for consideration a Motion for Continuance of Hearing filed by the Chief, Common Carrier Bureau on November 27, 1964;

It appearing, that the factors cited by the Bureau supply adequate ground for grant of its requested relief, and that the subject pleading avers that all counsel of record have stated to counsel for the Bureau that they interpose no objection to a grant thereof;

*It is ordered,* This 30th day of November 1964, that the subject petition is granted; that the hearing now scheduled to commence on December 14, 1964, is continued pending further order; and that a further prehearing conference herein shall be convened on December 14, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: December 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12418; Filed Dec. 3, 1964; 8:49 a.m.]

[Docket No. 15713; FCC 64-1094]

## TREE BROADCASTING CO.

### Order Designating Application for Hearing on Stated Issues

In re application of Oris Gowen & Howard Edwards d/b as Tree Broadcasting Co., Greensburg, Indiana, Docket No. 15713, File No. BP-15084; Requests: 1330kc, 500w, Day, Class III.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of November 1964;

The Commission having under consideration the above-captioned and described application and information submitted to the Commission by both the applicant and Clear Tone Broadcasting Corp., licensee of FM Station WTRE, Greensburg, Indiana, in response to the Memorandum Opinion and Order of July 22, 1963 (FCC 63-673), which denied, in part, Clear Tone's petition to deny;

It appearing, that except as indicated by the issues specified below the applicant is legally, technically, financially and otherwise qualified to operate as proposed; and

It further appearing, that the proposal may receive interference from existing operations that would result in a contravention of § 73.28(d)(3) of the Commission's rules; and

It further appearing, that Station WTRE, in its petition to deny, alleged, inter alia, that the applicant was not financially qualified because the estimates of cost of construction and annual operating expenses of $17,315 and $29,000, respectively, were unreasonably low; that the applicant was afforded, by the aforementioned Memorandum Opinion and Order, an opportunity to submit a statement justifying the above-specified estimates; that information was submitted justifying the estimated cost of construction ($17,315), but that applicant submitted no information in support of its estimated annual operating expenses ($29,000); and that, therefore, an issue will be specified to determine whether the applicant is financially qualified to operate the proposed station and whether its estimate of expected operating expense is reasonable; and

It further appearing, that WTRE has reiterated its request for an economic issue under the doctrine of Carroll Broadcasting Company v. F.C.C., 258 F. 2d 440, 17 R.R. 2066 (1958), but has not submitted any information not available to the Commission at the time of the aforementioned Memorandum Opinion and Order was adopted which denied the request for the Carroll issue; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

*It is ordered,* That the grant of the above-captioned application is set aside.

*It is further ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Tree Broadcasting Co., and the availability of other primary service to such areas and populations.

2. To determine whether interference received from all sources would affect more than 10 percent of the population within the normally protected primary service area of the proposed operation of Tree Broadcasting Co., in contravention of § 73.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the applicant is financially qualified to operate the proposed station and whether its estimate of expected operating expenses is reasonable.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

*It is further ordered,* That, Clear Tone Broadcasting Corp., licensee of FM broadcast Station WTRE, Greensburg, Indiana is made a party to the proceeding.

*It is further ordered,* That, in the event of a grant of the application, the construction permit shall contain the following conditions:

The transmitter may be operated by remote control from the main studio location which is to be determined.

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is prohibited.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12419; Filed, Dec. 3, 1964; 8:49 a.m.]

[Docket Nos. 15714, 15715; FCC 64-1091]

## TRINITY BROADCASTING CO. AND WARNER BROS. PICTURES, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In reapplications of Trinity Broadcasting Company, Fort Worth, Texas, Docket No. 15714, File No. BPCT-3172; Warner Bros. Pictures, Inc., Fort Worth, Texas, Docket No. 15715, File No. BPCT-3272; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of November 1964;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 20, Fort Worth, Texas; and

It appearing that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) Based on information contained in the application of Trinity Broadcasting Company, the cost of construction of the proposed new station will be approximately $834,000 and, a cash transaction being proposed, cash in the amount of $913,725 will be required for the construction and initial operation of the proposed station. The applicant proposes to meet the cost of construction and initial operation of the station through a loan of up to $915,000 from Mr. W. C. Windsor, Jr. The financial statement submitted by Mr. Windsor, however, shows that he has available to him cash of approximately $200,000 and current liabilities of approximately $40,000. Mr. Windsor's financial statement, therefore, fails to show current and liquid assets in excess of current liabilities in sufficient amount to meet his commitment to the applicant. It cannot be determined, therefore, that the applicant is financially qualified.

(b) Warner Bros. Pictures, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Delaware. No showing has been made that it is, or can be, authorized to do business in the State of Texas. It must be determined, therefore, whether the applicant is, or can be, authorized to do business in the State of Texas.

(c) Warner Bros. Pictures, Inc., is a publicly owned corporation having approximately 9,600 stockholders representing ownership of 4,835,898 shares of voting stock. Although the applicant states that, based on addresses of record, 99.71 percent of its stockholders are citizens of the United States, the Commission is of the view that the fact that stockholders may have resident addresses does not constitute a showing that such stockholders are citizens of the United States within the intent and meaning of section 310(a)(4) of the Communications Act of 1934, as amended. Moreover, approximately 788,000 shares of voting stock are owned by brokerage houses for and on behalf of persons unknown whose citizenship cannot, therefore, be determined. Accordingly, an issue is necessary to determine whether a grant of the application would be consistent with the provisions of section 310(a)(4) of the Communications Act of 1934, as amended.

(d) It appears that a significant portion of the voting stock of Warner Bros. Pictures, Inc., is owned by brokerage houses or others for and on behalf of persons unknown. Under these circumstances, it is not possible to determine whether, as stockholders, such nominal or beneficial owners have broadcast interests which, considered in connection with the application of Warner Bros. Pictures, Inc., would be inconsistent with the multiple ownership provisions of the Commission's rules. It must be determined, therefore, whether a grant of the application of Warner Bros. Pictures, Inc., would be consistent with the provisions of § 73.636 of the Commission's rules.

(e) Warner Bros. Pictures, Inc., is presently defendant in a civil antitrust matter brought by the State of Washington (State of Washington *v.* Sterling Theatre Co. et al., filed June 20, 1963, Superior Court of the State of Washington for King County, Case No. 604074) charging acts and practices in restraint of trade in the City of Seattle. The applicant has also been involved in numerous antitrust actions brought by the United States in which the applicant has been adjudged to be in violation of laws of the United States, including involvement in a criminal contempt action brought by the United States for violation of a decree of the United States District Court for the Northern District of Illinois. Pursuant to its policy as expressed in its "Report on Uniform Policy as to Violation by Applicants of Laws of United States" (Docket No. 9572, 1 R.R. [Part Three] Page 91:495-503, April, 1951), the Commission must determine in the light of the past history of Warner Bros. Pictures, Inc., whether the applicant possesses the requisite qualifications to be a broadcast licensee.

[1] Commissioners Lee and Loevinger absent.

[1] Commissioner Cox not participating.

(f) Warner Bros. Pictures, Inc., not having received a clearance from the Federal Aviation Agency with respect to the proposed antenna system and site, it cannot be determined that said antenna system and site would not constitute a hazard to air navigation.

It further appearing, that the proximity of the transmitter site proposed by Warner Bros. Pictures, Inc., to the site of Standard Radio Broadcast Station KPCN is such that, in the event of a grant of the application of Warner Bros. Pictures, Inc, such grant should be made subject to the condition that a skeleton proof (consisting of at least five field intensity measurements made on each of eight equally spaced radials about Station KPCN) shall be made before and after said construction to establish that the television tower has no adverse effect on the AM operation of KPCN, and that the television tower de-tuning devices, if any, shall be checked periodically to maintain a minimum reradiation of the signal of Standard Radio Broadcast Station KPCN.

It further appearing, that, in the event of a grant of the application of Warner Bros. Pictures, Inc., as a result of this proceeding, such grant should be subject to the condition that it is made without prejudice to such further action as the Commission may deem appropriate as a result of the pending civil antitrust proceeding in the State of Washington, aforesaid; and

It further appearing, that Trinity Broadcasting Company proposes to locate its main studio at its transmitter site, approximately 374 yards outside the corporate limits of Fort Worth, Texas; that Warner Bros. Pictures, Inc., proposes to locate its main studio at its transmitter site approximately three miles outside the corporate limits of Fort Worth, Texas; that both applicants have requested a waiver of § 73.613(a) of the Commission's rules; that good cause has been shown and a waiver of said rule appears warranted; and

It further appearing, that the application (BPCT-3271) of Warner Bros. Pictures, Inc., for a construction permit for a new television broadcast station to operate on Channel 38, Chicago, Illinois, has previously been designated for comparative hearing with mutually exclusive applications in Docket Nos. 15667-15669 and 15708; that the question as to its basic qualifications to be a broadcast licensee is in issue in that proceeding as well as in the instant proceeding; that it would be conducive to the efficient dispatch of the Commission's business for this common basic qualifications issue relative to Warner Bros. Pictures, Inc., to be heard at one time with all of the parties to the two proceedings participating; and

It further appearing, that, except as indicated above, Trinity Broadcasting Company is legally, technically, and otherwise qualified to construct, own and operate the proposed television broadcast station; and, except as indicated above, Warner Bros. Pictures, Inc., is financially and technically qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Trinity Broadcasting Company and Warner Bros. Pictures, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Trinity Broadcasting Company is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether Warner Bros. Pictures, Inc., is, or can be, authorized to do business in the State of Texas.

3. To determine whether a grant of the application of Warner Bros. Pictures, Inc., would be consistent with the provisions of section 310(a)(4) of the Communications Act of 1934, as amended.

4. To determine whether a grant of the application of Warner Bros. Pictures, Inc., would be consistent with the provisions of § 73.636 of the Commission's rules.

5. To determine, in the light of the past conduct of Warner Bros. Pictures, Inc., whether it has the requisite qualifications to be a broadcast licensee.

6. To determine whether there is a reasonable possibility that the tower height and location proposed by Warner Bros. Pictures, Inc., would constitute a hazard to air navigation.

7. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity, in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

*It is further ordered,* That, on the basis of good cause shown § 73.613(a) of the Commission's rules is hereby waived to permit Trinity Broadcasting Company or Warner Bros. Pictures, Inc., to locate its main studio outside the corporate limits of the City of Fort Worth, Texas; and

*It is further ordered,* That, in the event of a grant of the application of Warner Bros. Pictures, Inc., such grant shall be subject to the condition that a skeleton proof (consisting of at least five field intensity measurements made on each of eight equally spaced radials about Station KPCN) shall be made before and after said construction to establish that the television tower has no adverse effect on the AM operation of KPCN, and that the television tower de-tuning devices, if any, shall be checked periodically to maintain a minimum reradiation of the signal of Standard Radio Broadcast Station KPCN; and

*It is further ordered,* That, in the event of a grant of the application of Warner Bros. Pictures, Inc., such grant shall be subject to the condition that it is made without prejudice to such further action as the Commission may deem appropriate as a result of the pending civil antitrust suit of State of Washington v. Sterling Theatre Co. et al., Case No. 604074, Superior Court of the State of Washington for King County, filed June 20, 1963; and

*It is further ordered,* That, with respect to the common basic qualifications issue relative to Warner Bros. Pictures, Inc., this issue is hereby consolidated to the extent that all of the parties to the proceedings in Docket Nos. 15667-15669 and 15708 as well as the parties to the instant proceeding are to participate in the presentation of evidence before the Hearing Examiner and that the evidence adduced pursuant to this consolidated issue is to be considered and evaluated in the Initial Decision to be issued in both proceedings.

*It is further ordered,* That the issues in the above-captioned proceeding with respect to Warner Bros. Pictures, Inc., may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

*It is further ordered,* That, to avail themselves of the opportunity to be heard, Trinity Broadcasting Company and Warner Bros. Pictures, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-12420; Filed, Dec. 3, 1964; 8:49 a.m.]

[1] Commissioner Hyde absent.



# FEDERAL MARITIME COMMISSION

## AMERICAN MAIL LINE LTD. AND NEDLLOYD & HOEGH LINES

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. E. Sherwood,
Director of Market Research,
American Mail Line,
1010 Washington Building,
Seattle, Wash., 98101.

Agreement No. 9247-1 between the member lines of the India, Pakistan, Burma & Ceylon/West Coast United States Rate Agreement has been filed with the Commission for approval to modify the Admission, Withdrawal, and Expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523).

Dated: December 1, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-12407; Filed, Dec. 3, 1964; 8:47 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER THE LONG TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

### Announcement of ITAC Actions and Restraint Levels

DECEMBER 1, 1964.

The purpose of this notice is to announce certain actions taken by the United States Government in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962.

1. *Bilateral agreements.* A bilateral agreement has been concluded with the Government of Spain, effective as of October 1, 1964, which modifies an earlier agreement concluded on July 16, 1963 (TIAS 5427). The terms of this new agreement were reported in Department of State press release No. 474 of October 30, 1964.

Consultations are continuing with the Governments of Korea and Pakistan.

2. *Renewal of restraints.* In view of the continuing disruption of the domestic cotton textile market, the United States Government has renewed restraints for a further twelve-month period with respect to imports from Brazil and Pakistan in the Categories indicated below:

| Country | Category | Restraint level | Effective date of restraint renewal |
|---|---|---|---|
| | | (*yds.*) | |
| Brazil | 9 | 525,000 | Oct. 31, 1964 |
| Pakistan | 22 | 610,000 | Do. |

3. *Pending restraint.* Discussions are continuing with the Government of Brazil on the outstanding restraint request by the United States Government concerning exports of yarn in Category 1. The Long Term Arrangement provides for consultations on such requests. If no agreement is reached, the importing country, at the end of a 60-day consultation period, may decline to accept imports of the products in question above the requested restraint level.

THOMAS JEFF DAVIS,
*Acting Chairman, Interagency Textile Administrative Committee, and Acting Deputy to the Secretary of Commerce for Textile Programs.*

[F.R. Doc. 64-12412; Filed, Dec. 3, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1250]

## BALDWIN SECURITIES CORP.

### Notice of Filing of Application for Order Amending Order Exempting Relationship

NOVEMBER 30, 1964.

Notice is hereby given that Baldwin Securities Corporation ("Baldwin"), 15 Broad Street, New York, New York, a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a non-diversified closed-end investment company, has filed an application pursuant to section 6(c) of the Act for an order amending an Order of the Commission dated April 27, 1960 (Investment Company Act Release No. 3023) to extend until April 30, 1965 the period during which Baldwin's ownership of stock of, and relationship with, General Industrial Enterprises, Inc. ("General"), a Delaware corporation registered under the Act as a non-diversified closed-end investment company, shall be exempt from the prohibitions of section 12(d)(1) of the Act. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Baldwin presently owns approximately 93 percent of the issued and outstanding voting stock of General. Baldwin and General presently intend that General will be merged into Baldwin without a vote of stockholders pursuant to section 253 of the Delaware General Corporation Law. It is contemplated that the plan of merger will provide that each stockholder of General (other than Baldwin) will receive Baldwin stock equal in book value to the book value of his General stock, subject to the appraisal rights given by section 253(e) of the Delaware General Corporation Law. The application states that the plan of merger cannot be carried out unless Baldwin receives an exemptive order from the Commission pursuant to section 17(b) of the Act.

In connection with the merger, it is contemplated that the statement of policy of Baldwin will be amended to include various of the policies contained in the statement of policy of General. Such amendment will require action at a stockholders' meeting of Baldwin. The next annual meeting of Baldwin is scheduled for March 17, 1965. The period of exemption granted by the Commission's Order of April 27, 1960 will expire on December 31, 1964. The application states that the calling of a special meeting of stockholders prior to that date would involve Baldwin in substantial expense for printing, mailing and legal costs.

Notice is further given that any interested person may, not later than December 18, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-12387; Filed, Dec. 3, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 1, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39428: *Salt to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8648) for interested rail carriers. Rates on salt, in carloads, from specified points in Louisiana and Texas, to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 36 to Southwestern Freight Bureau, agent, tariff I.C.C. 4562.

FSA No. 39429: *Liquefied chlorine gas from Geismar, La.* Filed by O. W. South, Jr., agent (No. A4603), for interested rail carriers. Rates on liquefied chlorine gas, in tank carloads, from Geismar, La., to Demopolis and Green Tree, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 36 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 39430: *T.O.F.C. rates from and to Albert Lea, Minn.* Filed by Southwestern Freight Bureau, agent (No. B-8641), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flat cars, between Albert Lea, Minn., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 126 to Southwestern Freight Bureau, agent, tariff I.C.C. 4480.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12402; Filed, Dec. 3, 1964; 8:47 a.m.]

[Notice 1086]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67228. By order of November 27, 1964, the Transfer Board approved the transfer to Comonaldo Cicerone, doing business as John Cicerone and Son, Milford, Pa., of a portion of Certificate No. MC 105493 Sub 1, issued January 17, 1958, to Sol Saperstein, doing business as Saperstein Trucking Co., Woodridge, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in the New York, N.Y., Commercial zone, as defined by the Commission in 1 M.C.C. 665, and points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Sullivan County, N.Y., and lumber, between Monticello, N.Y., and New York, N.Y. Martin Werner, 2 West 45th Street, New York, N.Y., 10036, attorney for transferee. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., attorney for transferor.

No. MC-FC 67273. By order of November 25, 1964, the Transfer Board approved the transfer to Ken Clark, doing business as A. M. Harper Trucks, Alice Texas, of the operating rights in the Certificate in No. MC 106676, and those evidenced by a Certificate of Registration in No. MC 106676 Sub 2, issued October 24, 1949 and March 19, 1964, respectively to A. M. Harper, doing business as A. M. Harper Trucks, Alice, Texas, authorizing transportation under the said Certificate of machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between within a specified Texas territory; and under the Certificate of Registration, such transportation as authorized by the Railroad Commission of Texas in SMC Certificate No. 5051. Parker Ellzey, Post Office Box 250, Alice, Texas, 78332, attorney for applicants.

No. MC-FC 67306. By order of November 25, 1964, the Transfer Board approved the transfer to Chambers Moving & Storage Co., a Corporation, Phoenix, Ariz., of certificate in No. MC 60189, issued February 19, 1957, as amended, to E. E. Chambers and Ellis P. Breedlove, doing business as Chambers Moving & Storage Co., Phoenix, Ariz., authorizing the transportation of: Household goods, between points in Maricopa and Pinal Counties, Ariz., on the one hand, and, on the other, points in California as specified. Frank L. Snell, Security Building, Phoenix, Ariz., 85004, attorney for applicants.

No. MC-FC 67313. By order of November 25, 1964, the Transfer Board approved the transfer to Floyd Hill, doing business as Delta Transfer Lines, Jasper, Ala., of Certificate No. MC 15339, issued January 23, 1952, to Magic City Transfer & Storage Company, Inc., Birmingham, Ala., authorizing the transportation of household goods, over irregular routes, between Birmingham Ala., and points within 75 miles thereof, on the one hand, and, on the other, points in Mississippi, Louisiana, Tennessee, Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, and the District of Columbia. N. H. Hawkins, Jr., 501 Bank For Savings Building, Birmingham, Ala., attorney for transferor. John D. Petree, Jr., Bankhead-Long Building, Jasper, Ala., attorney for transferee.

No. MC-FC 67314. By order of November 25, 1964, the Transfer Board approved the transfer to Metropolitan Towing Company, a corporation, St. Louis 1, Mo., of Certificate No. MC 96093, issued October 18, 1962, to Cy's Wrecker Service, Inc., St. Louis, Mo., authorizing the transportation of abandoned, disabled, wrecked, or repossessed motor vehicles, by the towaway method, over irregular routes, between points in Missouri in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. B. W. LaTourette, Jr., 314 North Broadway, St. Louis 2, Mo., attorney for transferee.

No. MC-FC 67316. By order of November 25, 1964, the Transfer Board approved the transfer to A. O. Fenwick, St. Joseph, Mich., of Certificates Nos. MC 109106 Sub 1 and MC 109106 Sub 2, issued February 14, 1949 and October 9, 1950, to A. O. Fenwick and Harry Priebe, a partnership, doing business as Fenwick & Priebe, Benton Harbor, Mich., authorizing the transportation over irregular routes, of bathtubs, lavatories, sinks, closet combinations, and faucets and fittings used in connection therewith, from Kohler, Wis., to Fort Lauderdale, Miami, and West Palm Beach, Fla.; fresh fruits and vegetables, from points in Florida to points in Illinois, Indiana, Missouri, Ohio, Wisconsin, and Michigan, traversing Georgia, Tennessee, Kentucky, Alabama and Arkansas for operating convenience only; and plumbing fixtures and supplies and fittings used in connection therewith, from Kohler, Wis., to points in Florida, except Jacksonville, traversing Alabama, Georgia, Illinois, Indiana, Kentucky, and Tennessee for operating convenience only. James R. Davis, 1400 Michigan National Tower, Lansing, Michigan, 48933, representative for applicants.

No. MC-FC 67348. By order of November 30, 1964, the Transfer Board approved the transfer to Tri-State Moving Company, a corporation, Pittsburgh, Pa., of the operating rights in Certificate No. MC 21123, issued December 12, 1955, to Steven Olexen and Joseph A. Walcer, Jr., a partnership, doing business as Tri-State Moving Company, Pittsburgh, Pa., authorizing the transportation, over irregular routes, of: New and used pianos, between Pittsburgh, Pa., and points in a specified portion of Ohio and West Virginia, in a radial movement. Edward M. Larkin, 2409 Grant Building, Pittsburgh, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12403; Filed, Dec. 3, 1964; 8:47 a.m.]

[Notice 1086-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66844. By order of November 25, 1964, Division 3, acting as an Appellate Division, approved the transfer to Bowen Express, Inc., Paris, Texas, applicant in No. MC 99172 Sub 1, BOR-99 filed in the name of Bowen Express, Inc., jointly with H. O. Bowen, doing business as Bowen Express, Paris, Texas, for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Texas certificate No. 2745, as consolidated, authorizing the transportation of newspapers, theater films, moving picture films, and supplies, small shipments weighing not in excess of 50 pounds per shipment and cut flowers with no weight restrictions, from and to various specified points within the State of Texas. Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Texas, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12404; Filed, Dec. 3, 1964; 8:47 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

### 3 CFR

| | Page |
|---|---|
| PROCLAMATIONS: | |
| 3630 | 15941 |
| 3631 | 16243 |

### 7 CFR

| | Page |
|---|---|
| 15 | 16274 |
| 717 | 16184 |
| 719 | 16185 |
| 722 | 16248 |
| 724 | 16077 |
| 729 | 16185 |
| 910 | 16078 |
| 929 | 16078 |
| 1421 | 15943 |
| PROPOSED RULES: | |
| 911 | 16258 |
| 915 | 16258 |
| 1005 | 16259 |
| 1036 | 16197 |
| 1044 | 16200 |
| 1126 | 16198 |

### 9 CFR

| | Page |
|---|---|
| 74 | 15943 |

### 10 CFR

| | Page |
|---|---|
| PROPOSED RULES: | |
| Ch. I | 15957 |

### 12 CFR

| | Page |
|---|---|
| 217 | 15944 |
| 218 | 16065 |
| 329 | 15944 |

### 13 CFR

| | Page |
|---|---|
| 121 | 15945 |
| PROPOSED RULES: | |
| 107 | 16094 |

### 14 CFR

| | Page |
|---|---|
| 7 | 16149 |
| 27 [New] | 16065 |
| 29 [New] | 16149 |
| 39 [New] | 15945, 16065, 16066 |
| 71 [New] | 15945-15948, 16066, 16183, 16184, 16245 |
| 73 [New] | 15948, 16184 |
| 75 [New] | 16066 |
| 93 [New] | 15948 |
| 97 [New] | 16067 |

### 14 CFR—Continued

| | Page |
|---|---|
| PROPOSED RULES: | |
| 71 [New] | 15958, 16093, 16202-16204, 16260 |
| 73 [New] | 15958 |
| 91 [New] | 15959 |

### 15 CFR

| | Page |
|---|---|
| 365 | 16186 |

### 16 CFR

| | Page |
|---|---|
| 13 | 16186 |

### 17 CFR

| | Page |
|---|---|
| 200 | 16187 |
| 240 | 16245 |
| PROPOSED RULES: | |
| 15 | 15957 |
| 19 | 15957 |

### 18 CFR

| | Page |
|---|---|
| 501 | 16188 |
| 502 | 16189 |
| 503 | 16189 |
| 504 | 16190 |
| 505 | 16191 |
| 506 | 16192 |
| 507 | 16193 |
| 508 | 16194 |

### 19 CFR

| | Page |
|---|---|
| 4 | 15949 |

### 21 CFR

| | Page |
|---|---|
| 8 | 15949 |
| 14 | 16194 |
| 15 | 16194 |
| 16 | 16194 |
| 17 | 16194 |
| 18 | 16194 |
| 19 | 16194 |
| 20 | 16194 |
| 22 | 16194 |
| 27 | 16194 |
| 29 | 16194 |
| 37 | 16194 |
| 42 | 16194 |
| 45 | 16194 |
| 46 | 16194 |
| 51 | 16194 |
| 53 | 16194 |

### 21 CFR—Continued

| | Page |
|---|---|
| 121 | 16078, 16079, 16249 |
| 148x | 16251 |

### 24 CFR

| | Page |
|---|---|
| 1 | 16280 |

### 25 CFR

| | Page |
|---|---|
| 43d | 16080 |

### 26 CFR

| | Page |
|---|---|
| 1 | 16081 |
| 45 | 16083 |
| PROPOSED RULES: | |
| 1 | 15957, 16090 |

### 29 CFR

| | Page |
|---|---|
| 31 | 16284 |
| 689 | 15949 |

### 32 CFR

| | Page |
|---|---|
| 517 | 15949 |
| 577 | 16251 |
| 701 | 16194 |
| 710 | 16055 |
| 719 | 16194 |

### 32A CFR

| | Page |
|---|---|
| OEP (Ch. I) | |
| DMO I-4 | 16251 |

### 33 CFR

| | Page |
|---|---|
| 203 | 16251 |
| 206 | 15949 |

### 38 CFR

| | Page |
|---|---|
| 3 | 16252 |

### 39 CFR

| | Page |
|---|---|
| 16 | 16125 |
| 21 | 16252 |
| 22 | 16125, 16252 |
| 24 | 16125 |
| 25 | 16252 |
| 61 | 16125 |

### 41 CFR

| | Page |
|---|---|
| 11-1 | 16252, 16255 |
| 11-2 | 16253, 16255 |
| 11-4 | 16253 |
| 11-14 | 16255 |
| 101-6 | 15972, 16287 |

41 CFR—Continued Page

101–18 ..... 15973
101–19 ..... 15978
101–20 ..... 15984
101–25 ..... 15990
101–27 ..... 15997
101–28 ..... 15998
101–29 ..... 16002
101–30 ..... 16004
101–40 ..... 16008
101–43 ..... 16012
101–44 ..... 16027
101–45 ..... 16035
101–47 ..... 16126

42 CFR

57 ..... 15952

43 CFR

17 ..... 16293
PUBLIC LAND ORDERS:
3464 ..... 16084
3465 ..... 16084
3466 ..... 16084
3467 ..... 16085
3468 ..... 16085
3469 ..... 16085
3470 ..... 16086
3471 ..... 16086
3472 ..... 16087
3473 ..... 16087
3474 ..... 16256

44 CFR

55 ..... 15954
60 ..... 15954
100 ..... 15954
102 ..... 15954
110 ..... 16195

45 CFR

80 ..... 16298
150 ..... 15955
611 ..... 16305

46 CFR

506 ..... 16195

47 CFR

73 ..... 16196
81 ..... 16196
PROPOSED RULES:
21 ..... 16204
73 ..... 16205, 16207

49 CFR

0 ..... 16087
176 ..... 16125
192 ..... 16256

50 CFR

256 ..... 16088



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Pages 16273–16309

PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 236

Washington, Friday, December 4, 1964


Effectuation of Title VI of the Civil Rights Act of 1964

# Nondiscrimination in Federally-Assisted Programs of—

Department of the Interior
Department of Agriculture
Department of Labor
Department of Health, Education, and Welfare
General Services Administration
Housing and Home Finance Agency
National Science Foundation





ority, quality, quantity, methods or charges for service, and assurance of

regulations does not limit the applica-

(ii) Refusal or failure by a borrower

# Rules and Regulations

## Title 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

### PART 15—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF AGRICULTURE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Subtitle A, Title 7, CFR, is hereby amended by adding the following new Part 15:

Sec.


15.1 Purpose and application of regulations.
15.2 Definitions.
15.3 Discrimination prohibited.
15.4 Assurances required.
15.5 Compliance.
15.6 Complaints.
15.7 Intimidatory or retaliatory acts prohibited.
15.8 Procedure for effecting compliance.
15.9 Hearings.
15.10 Decisions and notices.
15.11 Judicial review.
15.12 Effect on other regulations; forms and instructions.


AUTHORITY: The provisions of this Part 15 are issued under Sec. 602, 78 Stat. 252, and the laws referred to in the Appendix.

**§ 15.1 Purpose and application of part.**

(a) The purpose of the regulations in this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Agriculture or any Agency thereof.

(b) The regulations in this part apply to any program for which Federal financial assistance is authorized under a law administered by the Department, including the federally assisted programs and activities listed in the Appendix to this part. They apply to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of the regulations pursuant to an application approved prior to such effective date. The regulations in this part do not apply to (1) any Federal financial assistance by way of insurance or guaranty contract, (2) money paid, property transferred, or other assistance extended under any such program before the effective date of the regulations in this part, (3) any assistance to any individual who is the ultimate beneficiary under any such program, or (4) any employment practice, under any such program, of any employer, employment agency, or labor organization, except where a primary objective of the Federal financial assistance is to provide employment. The fact that a program or activity is not listed in the Appendix, shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

**§ 15.2 Definitions.**

(a) "Department" means the Department of Agriculture, and includes each of its operating agencies and other organizational units.

(b) "Agency" means any service, bureau, agency, office, administration, instrumentality of or corporation within the United States Department of Agriculture extending Federal financial assistance to any program or activity.

(c) "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore delegated, or to whom the Secretary may hereafter delegate, the authority to act in his stead under the regulations in this part.

(d) "Hearing Officer" means a hearing examiner appointed pursuant to the Administrative Procedure Act (5 U.S.C. 1000 et seq.) and designated to hold hearings under the regulations in this part or any person authorized to hold a hearing and make a final decision under the regulations in this part.

(e) "Recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity or any individual in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(f) "Primary recipient" includes any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(g) "Federal financial assistance" or "financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease or furnishing of services to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(h) "Grant, loan or contract" includes any grant, loan agreement or commitment to loan, contract or agreement to provide financial assistance or any other arrangement between the Department or any Agency and a recipient of financial assistance.

(i) "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(j) "Applicant" means one who submits an application, request, or plan required to be approved by an Agency, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

(k) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(l) "Facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

**§ 15.3 Discrimination prohibited.**

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which these regulations apply.

These regulations apply, but are not restricted, to unequal treatment in priority, quality, quantity, methods or charges for service, use, occupancy or benefit, participation in the service or benefit available, or in the use, occupancy or benefit of any structure, facility, or improvement.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which the regulations in this part apply may not, directly or through contractual or other arrangements on the ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit, to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege, enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in these regulations does not limit the applicability of the provisions of paragraph (a) of this section.

(c) *Employment practices.* Where a primary objective of the Federal financial assistance to a program to which the regulations in this part apply is to provide employment, a recipient may not, directly or through contractual or other arrangements, subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under the program including recruitment or recruitment advertising, employment, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities. This paragraph applies to programs where a primary objective of the Federal financial assistance is (1) to reduce unemployment, (2) to assist individuals in meeting expenses incident to the commencement or continuation of their education or training, or (3) to provide work experience which contributes to education or training.

(d) *Examples.* In order that all parties may have a clear understanding of the applicability of the regulations in this part to their activities, there are listed in this section programs and activities together with illustrations, by way of example only, of types of activity covered by the regulations in this part. These illustrations and examples, however, are not intended to be all inclusive. The fact that a particular program is not listed does not, of course, indicate that it is not covered by the regulations in this part. Moreover, the examples set forth with respect to any particular listed program are not limited to that program alone and the prohibited actions described may also be prohibited in other progams or activities whether or not listed below.

(1) *Cooperative agricultural extension program.* (i) Discrimination in making available or in the manner of making available instructions, demonstrations, information, and publications offered by or through the Cooperative Extension Service;

(ii) Discrimination in the use in any program or activity of the Cooperative Extension Service of any facility, including offices, training facilities, lecture halls, or other structures or improvements; or

(iii) Discrimination in training activities, admission to or participation in fairs, competitions, field days, and encampments, conducted or sponsored by, or in which the Cooperative Extension Service participates.

(2) *Rural electrification and rural telephone programs.* (i) Refusal or failure by a borrower to accept applications for membership or applications to purchase shares of stock, or discrimination by a borrower in the terms and conditions of membership or stock ownership, where such membership or stock ownership is a condition pre-requisite to the furnishing of electric or telephone service by the borrower, or to the receipt of any benefits or advantages related to such service;

(ii) Refusal or failure by a borrower to extend, or discrimination by a borrower in the extension of, electric or telephone service to unserved persons;

(iii) Denial by a borrower to any person of the benefits of improvement, expansion or upgrading, or discrimination by a borrower among consumers or subscribers in improving, expanding or upgrading, of electric or telephone service;

(iv) Discrimination by a borrower in respect of rates, or terms or conditions of, service among consumers or subscribers;

(v) Exclusion by a borrower of any member or stockholder, if the borrower is a cooperative or mutual type of corporation, from participation in any meeting of members or stockholders of the borrower, discrimination among its members or stockholders in respect of the exercise of any of their rights as members or stockholders, or in the manner of the exercise of such rights; or

(vi) Exclusion by a borrower of any consumer or subscriber from, denial by a borrower to any consumer or subscriber of the use of, or discrimination by a borrower against any consumer or subscriber in his use of, any of the borrower's facilities.

(3) *Direct distribution program.* (i) Exclusion of an otherwise eligible recipient agency (school, summer camp for children, institution, welfare agency or disaster organization) or person from participation in the direct distribution program.

(ii) Discrimination in the allocation of food to eligible persons.

(iii) Discrimination in the manner in which or the place or times at which foods donated under the program are distributed by recipient agencies to eligible persons.

(iv) Segregation of persons served in different meal periods or by different seating or serving of different food or different size portions by recipient agencies serving prepared meals containing donated foods.

(4) *National school lunch program.* (i) Discrimination by a State agency in the selection of schools to participate in the program or in the assignment to schools of rates of reimbursement.

(ii) Exclusion of any child from participation in the program.

(iii) Discrimination by school officials in the selection of children to receive free or reduced price lunches.

(iv) Segregation of participating children in different lunch periods or different seating, and discrimination by serving different food or different size portions.

(v) Failure to offer free and reduced-price lunches, on an equitable basis in schools of a school district in which children are assigned to schools on the basis of race, color, or national origin.

(5) *Food stamp program.* (i) Discrimination by a State agency in certifying households as eligible for the program.

(ii) Segregation or other discrimination in the manner in which or the times at which eligible households are issued food coupons.

(6) *Special milk program for children.* (i) Discrimination by a State agency in

the selection of schools and child-care institutions to participate in the program.

(ii) Discrimination by a State agency in the selection of needy schools to receive reimbursement for milk served free.

(iii) Discrimination by a State agency in the assignment of reimbursement rates to schools and child-care institutions or in the adjustment of such rates, or in fixing allowable distribution costs.

(iv) Exclusion of any child from participation in the program and segregation of participating children in different serving periods or different places of service.

(v) Discrimination by school officials or child-care institutions in the selection of children to receive free milk.

(7) *Price support programs carried out through producer associations or cooperatives or through persons who are required to provide specified benefits to producers.* (i) Denial of the benefits of price support for a producers commodity.

(ii) Denial of membership or stock ownership to any producer by any association or cooperative.

(iii) Discrimination among producers in the manner of making or paying any price support advances, loans, or payments.

(iv) Discrimination in the fees or charges collected from or in the net gains distributed to producers.

(v) Discrimination in the use of facilities and services generally made available to members or patrons under the price support program.

(8) *Forest service programs.* (i) Refusal or failure by a recipient of a permit or lease to provide to any person the benefits from the use of land administered by the Forest Service, the resources therefrom, or improvements thereon.

(ii) Refusal or failure by any recipient to provide to any person the benefits from Federal payments based on a share of the receipts from lands administered by the Forest Service.

(iii) Refusal or failure by any recipient to provide to any person the benefits from Federal assistance in cooperative programs for the protection, development, management, and use of forest resources.

(iv) Refusal or failure by any cooperator or other recipient to provide to any person the benefits from Federal assistance through grants or advances of funds for research.

(9) *Farmers Home Administration programs*—(i) *Direct soil and water loans to association.* (a) A borrower's denial of, or discrimination in furnishing, services under a program or activity financed wholly or partially with the aid of the loan, as in the case of a water supply system.

(b) A borrower's denial of, or discrimination or segregation in permitting, the use of facilities which are part of a project financed wholly or partially with the aid of the loan, as in the case of a golf course, swimming pool, tennis courts, parking areas, lounges, dining rooms, and rest rooms of a recreation association.

(c) Discrimination by a borrower in the terms and conditions of membership or stock ownership, or refusal or failure of a borrower to accept applications for membership or for purchase of shares of stock, or discrimination by a borrower in acting or failing to act upon such applications, where such membership or stock ownership is a pre-requisite to the participation in services furnished by, or the use of facilities of, the borrower which are financed wholly or partially with the aid of the loan or to the receipt of any benefits or advantages related to such services or the use of such facilities.

(d) Denial or impairment by a borrower of any person's rights as a member or stockholder of the borrower, or borrower's discrimination against or segregation of persons in the exercise of their rights as members or stockholders of the borrower.

(ii) *Direct senior citizens rental housing loans to private nonprofit corporations and consumer cooperatives.* (a) A borrower's exclusion of any person from, discrimination in the terms and conditions of eligibility for, or discrimination against or segregation of any person in, the use and occupancy of the housing and related facilities financed wholly or partially with the aid of the loan.

(b) Discrimination by a borrower in the terms and conditions of membership or stock ownership, or refusal or failure of a borrower to accept applications for membership or for purchase of shares of stock, or discrimination by a borrower in acting or failing to act upon such applications, where such membership or stock ownership is a condition of eligibility for use and occupancy of the housing and related facilities financed wholly or partially with the aid of the loan or to the receipt of any benefits or advantages related to such housing or facilities.

(c) Denial or impairment by a borrower of any person's rights as a member or stockholder of the borrower, or a borrower's discrimination against or segregation of persons in the exercise of their rights as members or stockholders of the borrower.

(10) *Cooperative State research programs.* (i) Discrimination in making available information whether published or provided through public or private statement, correspondence, demonstration or field day.

(ii) Discrimination in participation in any cooperative research program or project.

(iii) Discrimination in the use of any facility, including offices, laboratories, or other structures, or research plots or fields.

(iv) Discrimination in employment of graduate students to conduct research when such students receive substantial research training benefits as a result of such employment.

### § 15.4 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which these regulations apply, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to the regulations in this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The Agency shall specify the form of the foregoing assurances for each program and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, successors in interest and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) The assurance required in the case of a transfer of real property, except where covered by subparagraph (3) of this paragraph, shall be inserted in the instrument effecting the transfer of any such land, together with any improvements located thereon, and shall consist of (i) a condition coupled with a right to be reserved to the Department to revert title to the property in the event of breach of such nondiscrimination condition during the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, and (ii) a covenant running with the land for the same period. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101–6.2).

(b) *Continuing State programs.* Every application by a State or a State agency, including a State Extension Service but not including an application for aid to an institution of higher education, to carry out a program involving continuing Federal financial assistance to which the regulations in this part apply shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to the regulations in this part, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Agency to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the regulations in this part, including methods of administration which give reasonable assurance that any noncompliance indicated in the statement under subparagraph (1) of this paragraph will be corrected.

(c) *Assurances from institutions.* The assurance required with respect to an institution of higher education, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the Agency, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

### § 15.5 Compliance.

(a) *Cooperation and assistance.* Each Agency shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with the regulations and this part and shall provide assistance and guidance to recipients to help them comply voluntarily with the regulations in this part. As a normal part of the administration of programs covered by the regulations in this part, designated personnel will in their program reviews and other activities or as specifically directed by the Agency, review the activities of recipients to determine whether they are complying with the regulations in this part. Reports by such personnel shall include statements regarding compliance and instances, if any, of noncompliance. In the event of noncompliance, the Agency shall seek to secure voluntary compliance by all appropriate means.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Agency timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Agency may determine to be necessary to ascertain whether the recipient has complied or is complying with the regulations in this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under the regulations in this part.

(c) *Access to sources of information.* Each recipient shall permit access by authorized employees of this Department during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with the regulations in this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of the regulations in this part and their applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Department or its Agencies finds necessary to apprise such persons of the protections against discrimination assured them by the Act and the regulations in this part.

### § 15.6 Complaints.

Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by the regulations in this part may by himself or by an authorized representative file with the Secretary or any Agency a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the Agency or the Secretary. Such complaint shall be promptly referred to the Office of the Inspector General. The complaint shall be investigated in the manner determined by the Inspector General and such further action taken by the Agency or the Secretary as may be warranted.

### § 15.7 Intimidatory or retaliatory acts prohibited.

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or the regulations in this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the regulations in this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of the regulations in this part, including the conduct of any hearing or judicial proceeding arising thereunder.

### § 15.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with the regulations in this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with the regulations in this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance, upon a finding, in accordance with the procedure hereinafter prescribed, or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other Titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 15.4.* If an applicant fails or refuses to furnish an assurance required under § 15.4 or otherwise fails or refuses to comply with the requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph, except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of the regulations in this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or to continue Federal financial assistance shall become effective until (1) the Agency has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with the requirement imposed by or pursuant to the regulations in this part, (3) the action has been approved by the Secretary pursuant to § 15.10(e), and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate, having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any

other means authorized by law shall be taken until (1) the Secretary has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least ten days from the mailing of such notice to the recipient or other person. During this period of at least ten days, additional efforts shall be made to persuade the recipient or other person to comply with the regulations in this part and to take such corrective action as may be appropriate.

**§ 15.9 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required under the regulations in this part, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Secretary or the Agency that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this subsection or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and the regulations in this part and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the hearing officer or by the Secretary unless it is determined that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before a hearing officer.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure promulgated by the Secretary as not inconsistent with this section, relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the hearing officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to these regulations in this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the hearing officer. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with these regulations with respect to two or more programs to which the regulations in this part apply, or noncompliance with the regulations in this part and the regulations of one or more other Federal Departments or Agencies issued under Title VI of the Act, the Secretary may, by agreement with such other Departments or Agencies, where applicable provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with the regulations in this part. Final decisions in such cases, insofar as the regulations in this part are concerned, shall be made in accordance with § 15.10.

**§ 15.10 Decisions and notices.**

(a) *Decision by hearing officer or Secretary.* (1) The hearing officer shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings, and proposed decision to the Secretary for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. The applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the Secretary his exceptions to the initial decision, with his reasons therefor.

(2) In the absence of exceptions, the Secretary may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Secretary.

(b) *Decisions on record or review.* Whenever a record is certified to the Secretary for decision or he reviews the decision of a hearing officer pursuant to paragraph (a), the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the Secretary shall be given in writing to the applicant or recipient, and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 15.9(a), a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to the regulations in this part with which it is found that the applicant or recipient has failed to comply.

(e) *Decision by Secretary.* The Secretary shall make any final decision which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under the regulations in this part or the Act.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and the regulations in this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to the regulations in this part, or to have otherwise failed to comply with the regulations in this part, unless and until it corrects its noncompliance and satisfies the Agency that it will fully comply with the regulations in this part.

**§ 15.11 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 15.12 Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which the regulations in this part apply, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by the regulations in this part, except that nothing in the regulations in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of the regulations in this part. Nothing in these regulations, however, shall be deemed to supersede any of the following including future amendments thereof: (1) Executive Orders 10925 and 11114 and regulations issued thereunder; or (2) Executive Order 11063 and regulations issued thereunder or any other regulations or instructions insofar as they prohibit discrimination on the ground of race, color, or national origin in any program or situation to which the regulations in this part are inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each Agency shall issue and promptly make available forms and such implementing instructions and procedures consistent with the regulations in this part as may be necessary. Each Agency in making available Federal financial assistance to any program or activity may utilize contractual commitments in obtaining compliance with the regulations in this part, including obtaining compliance by recipients other than the contracting recipient.

(c) *Supervision and coordination* The Secretary may from time to time assign to officials of other Departments or Agencies of the Government with the consent of such Department or Agency, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and the regulations in this part (other than responsibility for final decision as provided in § 15.10) including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI and these regulations to similar programs and in similar situations.

*Effective date:* The regulations in this part shall become effective on the 30th day following the date of publication in the FEDERAL REGISTER.

ORVILLE L. FREEMAN,
*Secretary of Agriculture.*

Approved: December 3, 1964.

LYNDON B. JOHNSON.

APPENDIX

PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF AGRICULTURE COVERED BY TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Payments for Marketing Service Work, 7 U.S.C. 1623.

Grants for basic scientific research, 42 U.S.C. 1891–1893.

Foreign Market Development Projects, 7 U.S.C. 1691–1724.

Research and Technical Assistance for Farmers' Cooperatives, 7 U.S.C. 451–457.

Cooperative Agricultural Extension Work, 7 U.S.C. 341–349.

Educational Aspects of Agricultural Marketing Act, 7 U.S.C. 1623–1624.

Direct loans and planning advances under the Soil and Water Association Loan Program pursuant to Sections 306 and 314 of the Consolidated Farmers Home Administration Act of 1961, 7 U.S.C. 1926, 1944.

Direct loans under the Senior Citizens Rental Housing loan program pursuant to Section 515(a) of the Housing Act of 1949, 42 U.S.C. 1485(a).

Loans, technical assistance, and preliminary advances under the Rural Renewal loan program pursuant to Section 32(e) of the Bankhead-Jones Farm Tenant Act, 7 U.S.C. 1011(e).

Loans under the Resource Conservation and Development loan program pursuant to Section 32(e) of the Bankhead-Jones Farm Tenant Act and the Agricultural Appropriation Acts, 7 U.S.C. 1011(e) P.L. 88–250 and subsequent Appropriation Acts.

Direct loans under the Farm Ownership and Operating loan programs made for the purpose of installing or improving on farms recreation facilities available to the public, 7 U.S.C. 1922, 1923, 1941.

Loans to cooperative associations under Section 303, Economic Opportunity Act of 1964, P.L. 88–452, 78 Stat. 524.

Disaster and distress assistance through State and other agencies, 7 U.S.C. 1427.

Loans under the Watershed Protection and Flood Prevention loan program in addition to assistance by the Soil Conservation Service, 16 U.S.C. 1001–1008.

Special Milk Program, Act of July 1, 1958, as amended, 7 U.S.C. 1446 note.

School Lunch Program, National School Lunch Act, 42 U.S.C. 1751 *et seq.*

Food Stamp Program, Section 32 of the Act of August 24, 1935, 7 U.S.C. 612c. Food Stamp Act of 1964, 78 Stat. 703.

Direct Distribution Program, Section 416 of the Agricultural Act of 1949, as amended 7 U.S.C. 1431. Section 32 of the Act of August 24, 1935, 7 U.S.C. 612c. Sections 6 and 9 of National School Lunch Act, 42 U.S.C. 1755, 1758.

Hatch Act Experiment Stations, 7 U.S.C. 361a *et seq.*

Section 204(b) of the Agricultural Marketing Act of 1946, 7 U.S.C. 1623.

Cooperative Forestry Research Act, P.L. 87–788.

Experiment Station Research Facilities, 7 U.S.C. 390–390k.

Watershed Protection Program, Watershed Protection and Flood Prevention Act of August 4, 1954, 16 U.S.C. 1001–1008.

Flood Prevention Program, Flood Control Act of December 22, 1944, 58 Stat. 887.

Resource Conservation and Development Program, Title III of the Bankhead-Jones Farm Tenant Act, as amended by Section 102 of the Food and Agriculture Act of 1962, 7 U.S.C. 1010–1012. Soil Conservation Act of April 27, 1935, 16 U.S.C. 590a–f.

Program of Technical Assistance, and Grants of Equipment and Material, and Plant Materials to Soil Conservation Districts, Soil Conservation Act of April 27, 1935, 16 U.S.C. 590a–f.

Rural Electrification and Rural Telephone Programs, Rural Electrification Act of 1936, as amended, 7 U.S.C. 901 *et seq.*

Cropland Conversion Program, 16 U.S.C. 590p(e).

Price support programs operating through producer associations, cooperatives, and other recipients in which the recipient is required to furnish specified benefits to producers (*e.g.*, tobacco, peanuts, naval stores, cotton, rice, honey, dry edible beans, cottonseed and soybeans price support programs), Agricultural Act of 1949, as amended, 7 U.S.C. 1421 *et seq.* Commodity Credit Corporation Charter Act, 15 U.S.C. 714 *et seq.*

Surplus removal programs operating through purchases or diversion payments under clause (2) of section 32 of the Act of August 24, 1935, as amended, in which the recipient under the program is required to provide specified benefits to producers, Section 32 of the Act of August 24, 1935.

Administration and management of National Forests and National Grasslands, and other lands administered by the Forest Service in which Federal assistance is rendered, including but not limited to the following activities:

a. Permits for use of National Forests and National Grasslands by other than individuals at a nominal or no charge, Act of June 4, 1897, as amended, 16 U.S.C. 551. Secretary's Regs. U–11, 36 C.F.R. 251.2. Time Permit Act of March 4, 1915, as amended, 16 U.S.C. 497. American Antiquities Act of June 8, 1906, 16 U.S.C. 433. Title III, Bankhead-Jones Farm Tenant Act of July 22, 1937, 7 U.S.C. 1011 (c), (d).

b. Permits for use of Government-owned improvements and land used therewith by other than individuals at a nominal charge, Section 7 of Granger-Thye Act of April 24, 1950, 16 U.S.C. 580d.

c. Easements for use of National Forests and National Grasslands by other than individuals at a nominal or no charge, Act of March 4, 1911, as amended, 16 U.S.C. 523. Act of May 13, 1946, as amended, 49 U.S.C. 1115. Title III, Bankhead-Jones Farm Tenant Act of July 22, 1937, 7 U.S.C. 1011(d).

d. Permits for disposal of common varieties of mineral materials from lands under Forest Service jurisdiction for use by other than individuals at a nominal or no charge, Act of July 31, 1947, as amended, 30 U.S.C. 601–603, 611. Act of June 11, 1960, 5 U.S.C. 511 note.

e. Timber granted free or at nominal cost to any group, Act of June 4, 1897, as amended, 16 U.S.C. 551. Title III, Bankhead-Jones Farm Tenant Act of July 22, 1937, 7 U.S.C. 1011(b). Secretary's Regs. S–24 and S–29, 36 C.F.R. 221.24, 221.29.

f. Road rights-of-way, Federal Highway Act of August 27, 1958, 23 U.S.C. 107.

g. Rights-of-way for wagon roads or railroads, Act of March 3, 1899, 16 U.S.C. 525.

h. Use of Federal land for airports, Federal Airport Act of May 13, 1946, as amended, 49 U.S.C. 1105, 1115.

i. Revenue sharing payment to States:

1. Payment of 25 percent of national forest receipts to States for schools and roads, Act of May 23, 1908, as amended, 16 U.S.C. 500.

2. Payment to Minnesota from national forest receipts of a sum based on a formula, Section 5 of the Act of June 22, 1948, as amended, 16 U.S.C. 577g–577g–1.

3. Payment to New Mexico and Arizona of proportion of national forest receipts for common-school fund, Sections 6 and 24 of Act of June 20, 1910, 36 Stat. 557, 562, 573.

4. Payment of 25 percent of net revenues from Title III, Bankhead-Jones Farm Tenant Act, lands to counties for school and road purposes or both, Section 33, Title III, of Bankhead-Jones Farm Tenant Act of July 22, 1937, 7 U.S.C. 1012.

Cooperation in the protection, development, management, utilization of forest resources administered by the Forest Service in which Federal assistance is rendered, including but not limited to the following activities:

a. Fire prevention and suppression, Section 2 of Clarke-McNary Act of June 7, 1924, as amended, 16 U.S.C. 565.

b. Forest seedling production and distribution, Section 4 of Clarke-McNary Act of June 7, 1924, as amended, 16 U.S.C. 567.

c. Assistance to States for tree planting, Title IV, Section 401, of Agricultural Act of 1956, as amended, 16 U.S.C. 568–e–g.

d. Technical assistance in forest management, Cooperative Forest Management Act of August 25, 1950, 16 U.S.C. 568 c, d.

e. General forestry assistance, Annual Appropriation Acts commencing with the Department Appropriation Act of 1905; Organic Act of 1862, 5 U.S.C. 511.

f. Control of white pine blister rust, White Pine Blister Rust Protection Act of April 26, 1940, 16 U.S.C. 594a.

g. Protections of forest resources from insects, pests and diseases, Forest Pest Control Act of June 25, 1947, 16 U.S.C. 594–1–5.

Research programs of the Forest Service in which Federal assistance is rendered, including but not limited to the following activities:

a. Advance of funds for cooperative research, Section 20 of Granger-Thye Act of April 24, 1950, added April 6, 1956, 16 U.S.C. 581i–1.

b. Grants for support of scientific research, Act of September 6, 1958, 42 U.S.C. 1891–1893.

c. Research cooperation, McSweeney-McNary Act of May 22, 1928, as amended, 16 U.S.C. 581 et seq.

[F.R. Doc. 64–12534; Filed, Dec. 3, 1964; 4:23 p.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Subtitle A—Office of the Administrator, Housing and Home Finance Agency

## PART 1—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE HOUSING AND HOME FINANCE AGENCY—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Subtitle A of Title 24 CFR is hereby amended by adding the following new Part 1:

Sec.
1.1 Purpose.
1.2 Definitions.
1.3 Application of Part 1.
1.4 Discrimination prohibited.
1.5 Assurances required.
1.6 Compliance information.
1.7 Conduct of investigations.
1.8 Procedure for effecting compliance.
1.9 Hearings.
1.10 Decisions and notices.
1.11 Judicial review.
1.12 Effect on other regulations; forms and instructions.

AUTHORITY: The provisions of this Part 1 are issued under sec. 602 of the Civil Rights Act of 1964, P.L. 88–352, 78 Stat. 252, 42 U.S.C. 2000d–1; sec. 502(a) of the Housing Act of 1948, 12 U.S.C. 1701c; and the laws listed in Appendix A to this Part 1.

### § 1.1 Purpose.

The purpose of this Part 1 is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Housing and Home Finance Agency.

### § 1.2 Definitions.

As used in this Part 1—

(a) The term "Agency" means the Housing and Home Finance Agency.

(b) The term "Administrator" means the Housing and Home Finance Administrator.

(c) The term "responsible Agency official" with respect to any program or activity receiving Federal financial assistance means the Administrator or other official of the Agency who by law or by delegation has the principal responsibility within the Agency for the administration of the law extending such assistance.

(d) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(e) The term "Federal financial assistance" includes (1) grants, loans, and advances of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. The term "Federal financial assistance" does not include a contract of insurance or guaranty.

(f) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program or activity, or who otherwise participates in carrying out such program or activity (such as a redeveloper in the Urban Renewal Program), including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program or activity.

(g) The term "applicant" means one who submits an application, contract, request, or plan requiring Agency approval as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, contract, request, or plan.

### § 1.3 Application of Part 1.

This Part 1 applies to any program or activity for which Federal financial assistance is authorized under a law administered by the Agency, including any program or activity assisted under the Agency programs listed in Appendix A of this Part 1. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program or activity after the effective date of this Part 1 pursuant to an application approved prior to such effective date. This Part 1 does not apply to (1) any Federal financial assistance by way of insurance or guaranty contracts, (2) money paid, property transferred, or other assistance extended under any such program or activity before the effective date of this Part 1, (3) any assistance to any person who is the ultimate beneficiary under any such program or activity, or (4) any employment practice, under any such program or activity, of any employer, employment agency, or labor organization, except to the extent described in § 1.4(c). The fact that a program or activity is not listed in Appendix A shall not mean, if Title VI of the Act is otherwise applicable, that such program or activity is not covered. Other programs or activities under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

### § 1.4 Discrimination prohibited.

(a) *General.* No person in the United States, shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity to which this Part 1 applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program or activity to which this Part 1 applies, may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny a person any housing, accommodations, facilities, services, financial aid, or other benefits provided under the program or activity;

(ii) Provide any housing, accommodations, facilities, services, financial aid, or other benefits to a person which are different, or are provided in a different manner, from those provided to others under the program or activity;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;

(iv) Restrict a person in any way in access to such housing, accommodations, facilities, services, financial aid, or other benefits, or in the enjoyment of any advantage or privilege enjoyed by others in connection with such housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;

(v) Treat a person differently from others in determining whether he satisfies any occupancy, admission, enrollment, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any housing, accommodations, facilities, services, financial aid, or other benefits provided under the program or activity;

(vi) Deny a person opportunity to participate in the program or activity through the provision of services or otherwise, or afford him an opportunity to do so which is different from that afforded others under the program or activity (including the opportunity to participate in the program or activity as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the location or types of housing, accommodations, facilities, services, financial aid, or other benefits which will be provided under any such program or activity, or the class of persons to whom, or the situations in which, such housing, accommodations, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in any such program or activity, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity as respect persons of a particular race, color, or national origin.

(3) As used in this Part 1 the housing, accommodations, facilities, services, financial aid, or other benefits provided under a program or activity receiving Federal financial assistance shall be deemed to include any housing, accommodations, facilities, services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in paragraphs (b) and (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.* Where a primary objective of the Federal financial assistance to a program or activity to which this Part 1 applies is to provide employment, a recipient may not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program or activity (including recruitment or recruitment advertising, employment, lay-off, or termination, up-grading, demotion, or transfer, rates of pay or other forms of compensation and use of facilities). The requirements applicable to construction employment under such program or activity shall be those specified in or pursuant to Executive Order 11114 (28 F.R. 6485).

(d) *Exception.* A person shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program or activity limited by Federal law to individuals of a particular race, color, or national origin different from his.

### § 1.5 Assurances required.

(a) *General.* Every contract for Federal financial assistance to carry out a program or activity to which this Part 1 applies, executed on or after the effective date of this Part 1, and every application for such Federal financial assistance submitted on or after such effective date, shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to such contract or application, contain or be accompanied by an assurance that the program or activity will be conducted and the housing, accommodations, facilities, services, financial aid, or other benefits to be provided will be operated and administered in compliance with all requirements imposed by or pursuant to this Part 1. In the case of a contract or application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the contract or application. The responsible Agency official shall specify the form of the foregoing assurance for such program or activity, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program or activity. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Pre-existing contracts—funds not disbursed.* In any case where a contract for Federal financial assistance, to carry out a program or activity to which this Part 1 applies, has been executed prior to the effective date of this Part 1, and the funds have not been fully disbursed by the Agency, the responsible Agency official shall, where necessary to effectuate the purposes of this Part 1, require an assurance similar to that provided in paragraph (a) of this section as a condition to the disbursement of further funds.

(c) *Pre-existing contracts—periodic payments.* In any case where a contract for Federal financial assistance, to carry out a program or activity to which this Part 1 applies, has been executed prior to the effective date of this Part 1, and provides for periodic payments for the continuation of the program or activity, the recipient shall, in connection with the first application for such periodic payments on or after the effective date of this Part 1, (1) submit a statement that the program or activity is being conducted in compliance with all requirements imposed by or pursuant to this Part 1, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and (2) provide such methods of administration for the program or activity as are found by the responsible Agency official to give reasonable assurance that the recipient will comply with all requirements imposed by or pursuant to this Part 1, or reasonable assurance that any noncompliance indicated in the statement under clause (1) will be corrected.

(d) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of persons as students, patients, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such persons, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible Agency official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

### § 1.6 Compliance information.

(a) *Cooperation and assistance.* Each responsible Agency official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this Part 1 and shall provide assistance and guidance to recipients to help them comply voluntarily with this Part 1.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Agency official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Agency official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this Part 1.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Agency official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this Part 1. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this Part 1 and its applicability to the program or activity under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Agency official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this Part 1.

### § 1.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Agency official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this Part 1.

(b) *Complaints.* Any person who believes himself or any specific class of

persons to be subjected to discrimination prohibited by this Part 1 may by himself or by a representative file with the responsible Agency official or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Agency official or his designee.

(c) *Investigations.* The responsible Agency official or his designee shall make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this Part 1. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this Part 1 occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this Part 1.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this Part 1, the responsible Agency official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 1.8.

(2) If an investigation does not warrant action pursuant to paragraph (d) (1) of this section the responsible Agency official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege secured by title VI of the Act of this Part 1, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Part 1. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this Part 1, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 1.8 Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this Part 1, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this Part 1 may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance, or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 1.5.* If an applicant fails or refuses to furnish an assurance required under § 1.5 or otherwise fails or refuses to comply with the requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Agency shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph, except that the Agency shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to a contract therefor approved prior to the effective date of this Part 1.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Agency official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this Part 1, (3) the action has been approved by the Administrator, and (4) the expiration of 30 days after the Administrator has filed with the committees of the House and Senate having legislative jurisdiction over the program or activity involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Agency official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Administrator, (3) the applicant or recipient has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least ten days from the mailing of such notice to the applicant or recipient. During this period of at least ten days additional efforts shall be made to persuade the applicant or recipient to comply with this Part 1 and to take such corrective action as may be appropriate.

**§ 1.9 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 1.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Agency official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph (a) or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 1.8(c) of this Part 1 and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Agency in Washington, D.C., at a time fixed by the responsible Agency official unless he determines that the convenience of the applicant or recipient or of the Agency requires that another place be selected. Hearings shall be held before the responsible Agency official or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Agency shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure issued by the Agency as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Agency and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this Part 1, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the Agency and the applicant or recipient, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts with respect to two or more programs or activities to which this Part 1 applies are asserted to constitute noncompliance with this Part 1 or noncompliance with this Part 1 and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Administrator may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this Part 1. Final decisions in such cases, insofar as this Part 1 is concerned, shall be made in accordance with § 1.10.

**§ 1.10 Decisions and notices.**

(a) *Decision by person other than the responsible Agency official.* If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Agency official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient by certified or registered mail, return receipt requested. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible Agency official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Agency official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible Agency official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Agency official.

(b) *Decisions on record or review by the responsible Agency official.* Whenever a record is certified to the responsible Agency official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Agency official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Agency official shall be given in writing to the applicant or recipient, and to the complainant, if any, by certified or registered mail, return receipt requested.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 1.9(a) a decision shall be made by the responsible Agency official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any, by certified or registered mail, return receipt requested.

(d) *Rulings required.* Each decision of a hearing examiner or responsible Agency official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this Part 1 with which it is found that the applicant or recipient has failed to comply.

(e) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program or activity involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this Part 1, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program or activity to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this Part 1, or to have otherwise failed to comply with this Part 1, unless and until it corrects its noncompliance and satisfies the responsible Agency official that it will fully comply with this Part 1.

**§ 1.11 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 1.12 Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Agency which impose requirements designed to prohibit any discrimination against persons on the ground of race, color, or national origin under any program or activity to which this Part 1 applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant or recipient of such assistance under such program or activity for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this Part 1, except that nothing in this Part 1 shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this Part 1. Nothing in this Part 1, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925 and 11114 and regulations issued thereunder, or (2) Executive Order 11063 and regulations issued thereunder, or any other regulations or instructions, insofar as such Order, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or activity or situation to which this Part 1 is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Agency official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this Part 1 as applied to programs and activities to which this Part 1 applies and for which he is responsible.

(c) *Supervision and coordination.* The Administrator may from time to time assign to officials of the Agency, or to officials of other departments or agencies of the Government with the consent of such department or agency, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this Part 1 (other than responsibility for final decision as provided in § 1.10), including the achievement of effective coordination and maximum uniformity within the Agency and within the Executive Branch of the Government in the application of title VI and this Part 1 to similar programs or activities and in similar situations.

This Part 1 shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

Dated: November 30, 1964.

ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

Approved: December 3, 1964.

LYNDON B. JOHNSON.

APPENDIX A

PROGRAMS OF THE HOUSING AND HOME FINANCE AGENCY TO WHICH THIS PART 1 APPLIES

1. Community Disposition Program—Atomic Energy Community Act of 1955, §§ 11–13, 21, 31–36, 41–43, 51–57, 61–66, 101–103, 111–119, 69 Stat. 471 (1955), 42 U.S.C. 2301; E.O. 11105, 28 F.R. 3909.

2. Low-Income Housing Demonstration Grant Program—§ 207, Housing Act of 1961, 75 Stat. 165 (1961), 42 U.S.C. 1436.

3. Mass Transportation Demonstration Grant Program—§ 303, Housing Act of 1961, 75 Stat. 166 (1961), 42 U.S.C. 1453(b).

4. Rehabilitation Direct Loan Program—§ 312, Housing Act of 1964, 78 Stat. 790 (1964), P.L. 88–560.

5. Training and Fellowship Programs—Title VIII, Housing Act of 1964, 78 Stat. 769 (1964), P.L. 88–560.

6. Urban Mass Transportation Programs—Urban Mass Transportation Act of 1964, 78 Stat. 302 (1964), P.L. 88–365.

7. Low-Rent Public Housing Program—United States Housing Act of 1937, 50 Stat. 888 (1937), 42 U.S.C. 1401.

8. Open Space Land Program—Title VII, Housing Act of 1961, 75 Stat. 183 (1961), 42 U.S.C. 1500.

9. Urban Renewal Demonstration Grant Program—§ 314, Housing Act of 1954, 68 Stat. 629 (1954), 42 U.S.C. 1452a.

10. Urban Renewal Program (Slum Clearance and Urban Renewal)—Title I, Housing Act of 1949, 63 Stat. 414 (1949), 42 U.S.C. 1450.

11. College Housing Loan Program—Title IV, Housing Act of 1950, 64 Stat. 77 (1950), 12 U.S.C. 1749.

12. Community Facilities Administration Liquidation Programs.

13. Program of Advances for Public Works Planning—§ 702, Housing Act of 1954, 68 Stat. 641 (1954), 40 U.S.C. 462.

14. Public Facility Loans Program—Title II, Housing Amendments of 1955, 69 Stat. 642 (1955), 42 U.S.C. 1491.

15. Public Works Acceleration Act Program—Public Works Acceleration Act, 76 Stat. 541 (1962), 42 U.S.C. 2641.

16. Senior Citizens Housing Loan Program—§ 202, Housing Act of 1959, 73 Stat. 667 (1959), 12 U.S.C. 1701q.

[F.R. Doc. 64-12535; Filed, Dec. 3, 1964; 4:23 p.m.]

# Title 29—LABOR

## Subtitle A—Office of the Secretary of Labor

## PART 31—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF LABOR—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Pursuant to the authority and direction contained in section 602 of Title VI of the Civil Rights Act of 1964 (P.L. 88-352, 78 Stat. 241), Title 29 of the Code of Federal Regulations is hereby amended by establishing a new Part 31 to read as set forth below.

The new 29 CFR Part 31 reads as follows:

Sec.
31.1 Purpose.
31.2 Definitions.
31.3 General standards.
31.4 Employment service programs.
31.5 Manpower Development and Training Act, Area Redevelopment Act, Work-Training under Economic Opportunity Act and other government-sponsored training.
31.6 State and Federal unemployment insurance programs; allowances under Trade Readjustment Assistance Program, Manpower Development and Training Act, and Area Redevelopment Act.
31.7 Compliance information.
31.8 Conduct of investigations.
31.9 Procedure for effecting compliance.
31.10 Hearings.
31.11 Decisions and notices.
31.12 Judicial review.
31.13 Effect on other regulations; supervision and coordination.

AUTHORITY: The provisions of this Part 31 issued under sec. 602, 78 Stat. 252; 42 U.S.C. 501, 29 U.S.C. 49k, and 5 U.S.C. 22.

### § 31.1 Purpose.

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Labor.

### § 31.2 Definitions.

For purposes of this part—

(a) The term "Act" means the Civil Rights Act of 1964 (78 Stat. 241).

(b) The term "applicant" means one who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such application, request, or plan.

(c) The term "Department" means the Department of Labor and includes each of its operating agencies and other organizational units.

(d) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(e) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(g) The term "program" includes any program, project or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(h) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or any other entity, or any individual in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) The term "Secretary" means the Secretary of Labor or any person specifically designated by him to perform any function provided for under this part, except that only the Secretary personally or a hearing examiner shall conduct hearings under § 31.10 of this part.

(j) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

### § 31.3 General standards.

(a) *General.* No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance from the Department of Labor.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this regulation applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program, or

(vii) Deny an individual an opportunity to participate in a program as an employee where a primary objective of the Federal financial assistance is to provide employment.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of race, color or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefit provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a).

(c) The application of the foregoing standards to programs administered by this Department is set forth in §§ 31.4-31.6. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Executive Order 11114. Nothing contained in those sections limits the general application of this § 31.3.

### § 31.4 Employment service programs.

In the administration of the Federal-State employment service program by a recipient of Federal financial assistance (as these terms are defined in § 31.2):

(a) The registration, counseling, testing, recruitment, selection and referral of individuals for job openings or training opportunities and all other activities performed by or through employment service offices financed in whole or in part from Federal funds, including the establishment and maintenance of physical facilities, shall be conducted without regard to race, color or national origin.

(b) No selection or referral of any individual for employment or training shall be made oh the basis of any job order or request containing discriminatory specifications with regard to race, color or national origin.

### § 31.5 Manpower Development and Training Act, Area Redevelopment Act, Work-Training Under Economic Opportunity Act and other government-sponsored training.

In the administration of the Manpower Development and Training Act, the Area Redevelopment Act, Title I B of the Economic Opportunity Act, and any other training sponsored by the Department of Labor:

(a) Any contract, subcontract, agreement or arrangement with a recipient of Federal financial assistance which provides for the registration, counseling, testing, guidance, selection, referral or training of any individual including employment as an enrollee under Title IB of the Economic Opportunity Act shall contain an assurance and provide that such service shall be furnished without discrimination because of race, color or national origin and that violation shall constitute grounds for termination of the contract, subcontract, agreement or arrangement and shall include provisions which give the United States a right to seek its judicial enforcement.

(b) Any such contract, subcontract, agreement or arrangement providing for training or employment with the contractor as a trainee or enrollee under the Manpower Development and Training Act, the Area Redevelopment Act, or the Economic Opportunity Act shall also contain an assurance and provide that the recruitment, examination, appointment, training, promotion, retention or any other personnel action with respect to any such trainee or enrollee while receiving training or employment thereunder, shall be without regard to race, color or national origin, and that violation shall constitute grounds for termination of the contract, subcontract, agreement or arrangement and shall include provisions which give the United States a right to seek its judicial enforcement.

### § 31.6 State and Federal Unemployment Insurance Programs; allowances under Trade Readjustment Assistance Program, Manpower Development and Training Act and Area Redevelopment Act.

In the administration of the Federal and State unemployment insurance programs, and in the payment of allowances under the Trade Expansion Act, the Manpower Development and Training Act and the Area Redevelopment Act by a recipient of Federal financial assistance:

(a) The filing for, adjudication and payment of benefits, establishment and maintenance of physical facilities and other application of the laws shall be without regard to race, color or national origin.

### § 31.7 Compliance information.

(a) *Cooperation and assistance.* The Secretary shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Secretary timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Secretary during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Secretary finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

### § 31.8 Conduct of investigations.

(a) *Periodic compliance reviews.* The Secretary shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

(c) *Investigations.* The Secretary will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragarph (c) indicates a failure to comply with this part, the Secretary will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 31.9.

(2) If an investigation does not warrant action pursuant to subparagraph (1) the Secretary will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainant shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

### § 31.9 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be

corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance, or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the Secretary has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary, and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(c) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the Secretary has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Secretary, (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

**§ 31.10 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 31.9(b), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Secretary that the matter be scheduled for hearing, or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 31.9(b) of this part and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the Secretary unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the Secretary or before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient, and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a), taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or Joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 31.11.

**§ 31.11 Decisions and notices.**

(a) *Decision by a hearing examiner.* If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Secretary for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient and the complainant. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the Secretary his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Secretary may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. The decision of the Secretary shall be mailed promptly to the applicant or recipient and the complainant, if any. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Secretary.

(b) *Decisions on record or review by the Secretary.* Whenever a record is certified to the Secretary for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a), or whenever the Secretary conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the Secretary shall be given in writing to the applicant or recipient and the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 31.10(a) a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.

**§ 31.12 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 31.13 Effect on other regulations; supervision and coordination.**

(a) *Effect on other regulations.* All regulations, orders or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925 and 11114, and regulations issued thereunder, (2) The "Standards for a Merit System of Personnel Administration," issued jointly by the Secretaries of Defense, of Health, Education, and Welfare, and of Labor, 28 F.R. 734, or (3) any other regulation or instruction insofar as it prohibits discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibits discrimination on any other ground.

(b) *Supervision and coordination.* The Secretary may from time to time assign to officials of other departments or agencies of the government (with the consent of such department or agency) responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 31.11), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive branch of the Government in the application of Title VI and this part to similar programs and in similar situations.

*Effective date.* The regulations contained in this Part 31 shall become effective on the 30th day following the date of publication in the FEDERAL REGISTER.

Dated: November 30, 1964.

W. WILLARD WIRTZ,
*Secretary of Labor.*

Approved: December 3, 1964.

LYNDON B. JOHNSON.

[F.R. Doc. 64-12536; Filed, Dec. 3, 1964; 4:23 p.m.]



# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM

## Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

## PART 101–6—MISCELLANEOUS REGULATIONS

### Subpart 101–6.2—Nondiscrimination in Federally-Assisted Programs of the General Services Administration—Effectuation of Title VI of the Civil Rights Act of 1964

Under Title VI of the Civil Rights Act of 1964, each Federal department or agency which is empowered to extend Federal financial assistance to any program or activity is authorized and directed to issue regulations to effectuate the provisions of section 601 of the Act prohibiting discrimination under such programs or activities on the ground of race, color, or national origin. The following new Subpart 101–6.2, setting forth the regulations of the General Services Administration on this subject, is added to Part 101–6 of Subchapter A:

Sec.

101–6.201 Scope of subpart.
101–6.202 Purpose.
101–6.203 Application of subpart.
101–6.204 Discrimination prohibited.
101–6.204–1 General.
101–6.204–2 Specific discriminatory actions prohibited.
101–6.204–3 Special programs.
101–6.205 Assurances required.
101–6.205–1 General.
101–6.205–2 Continuing State programs.
101–6.205–3 Elementary and secondary schools.
101–6.205–4 Applicability of assurances.
101–6.206 Illustrative applications.
101–6.207 Enforcement responsibility and information.
101–6.207–1 Agencies responsible.
101–6.207–2 Regulations applicable.
101–6.207–3 Agency instructions and reports.
101–6.208 Applicability of §§ 101–6.209 through 101–6.214.
101–6.209 Compliance information.
101–6.209–1 Cooperation and assistance.
101–6.209–2 Compliance reports.
101–6.209–3 Access to sources of information.
101–6.209–4 Information to beneficiaries and participants.
101–6.210 Conduct of investigations.
101–6.210–1 Periodic compliance reviews.
101–6.210–2 Complaints.
101–6.210–3 Investigations.
101–6.210–4 Resolution of matters.
101–6.210–5 Intimidatory or retaliatory acts prohibited.
101–6.211 Procedure for effecting compliance.
101–6.211–1 General.
101–6.211–2 Noncompliance with § 101–6.205.
101–6.211–3 Termination of or refusal to grant or to continue Federal financial assistance.
101–6.211–4 Other means authorized by law.
101–6.212 Hearings.
101–6.212–1 Opportunity for hearings.
101–6.212–2 Time and place of hearing.
101–6.212–3 Right to counsel.
101–6.212–4 Procedures, evidence, and record.
101–6.212–5 Consolidated or joint hearings.
101–6.213 Decisions and notices.
101–6.213–1 Decision by person other than the responsible GSA official.
101–6.213–2 Decisions on record or review by the responsible GSA official.
101–6.213–3 Decisions on record where a hearing is waived.
101–6.213–4 Rulings required.
101–6.213–5 Approval by Administrator.
101–6.213–6 Content of orders.
101–6.214 Judicial review.
101–6.215 Effect on other regulations; forms and instructions.
101–6.215–1 Effect on other regulations.
101–6.215–2 Forms and instructions.
101–6.215–3 Supervision and coordination.
101–6.216 Definitions.
101–6.217 Programs to which this Subpart 101–6.2 applies.


AUTHORITY: The provisions of this Subpart 101–6.2 issued under sec. 602, 78 Stat. 252; 42 U.S.C. 501.

**§ 101–6.201 Scope of subpart.**

This subpart provides the regulations of the General Services Administration (GSA) concerning nondiscrimination in Federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by GSA.

**§ 101–6.202 Purpose.**

The purpose of this subpart is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from GSA.

**§ 101–6.203 Application of subpart.**

(a) Subject to paragraph (b) and (c) of this section, this subpart applies to any program for which Federal financial assistance is authorized under a law administered in whole or in part by GSA, including the Federally-assisted programs and activities listed in § 101–6.217. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this subpart pursuant to an application approved prior to such effective date. This subpart does not apply to (1) any Federal financial assistance by way of insurance or guaranty contracts, (2) money paid, property transferred, or other assistance extended under any such program before the effective date of this subpart, except

to the extent otherwise provided by contract, (3) any assistance to any individual who is the ultimate beneficiary under any such program, or (4) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 101–6.204–2(d). The fact that a program or activity is not listed in § 101–6.217 shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

(b) The regulations issued by the Department of Health, Education, and Welfare pursuant to Title VI of the Act shall be applicable to the program involving the donation or transfer of surplus property for purposes of education or public health (§§ 101–6.217 (a) and (b)).

(c) The regulations issued by the Department of Defense pursuant to Title VI of the Act shall be applicable to the program involving the donation of surplus personal property for purposes of Civil Defense (§ 101–6.217(a)).

### § 101–6.204 Discrimination prohibited.

### § 101–6.204–1 General.

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this subpart applies.

### § 101–6.204–2 Specific discriminatory actions prohibited.

(a) (1) A recipient under any program to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) deny an individual any service, financial aid, or other benefit provided under the program;

(ii) provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise, or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (d) of this § 101–6.204–2).

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(b) As used in this § 101–6.204–2 the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(c) The enumeration of specific forms of prohibited discrimination in this § 101–6.204–2 does not limit the generality of the prohibition in § 101–6.204–1.

(d) Where a primary objective of the Federal financial assistance to a program to which this Subpart 101–6.2 applies is to provide employment, a recipient may not, directly or through contractual or other arrangements, subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including, but not limited to, recruitment or recruitment advertising; employment; lay-off or termination; up-grading, demotion, or transfer; rates of pay or other forms of compensation; selection for training, including apprenticeship, and use of facilities). Under existing law a primary objective of Federal financial assistance under the program covering stabilization payments to small domestic producers of lead and zinc ores and concentrates (§ 101–6.217(q)) is to provide employment.

### § 101–6.204–3 Special programs.

An individual shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program limited by Federal law to individuals of a particular race, color, or national origin different from his.

### § 101–6.205 Assurances required.

### § 101–6.205–1 General.

(a) Every application for Federal financial assistance to carry out a program to which this Subpart 101–6.2 applies, except a program to which § 101–6.205–2 applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this Subpart 101–6.2. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property, the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible GSA official shall specify the form of the foregoing assurances for each program and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) The assurance required in the case of a transfer of real property shall be inserted in the instrument effecting the transfer of any such land, together with any improvements located thereon, and shall consist of (1) a condition coupled with a right to be reserved to the agency having the enforcement responsibility (§ 101–6.207–1) to revert title to the property in the event of breach of such nondiscrimination condition, and (2) a covenant running with the land. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the head of the agency having the enforcement responsibility may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(c) The assurance required in the case of a transfer of personal property shall be inserted in the instrument effecting the transfer of the property.

(d) In the case of programs not involving a transfer of property, the assurance required shall be inserted in the agreement executed between the United States and the recipient covering the extension of Federal financial assistance.

### § 101–6.205–2 Continuing State programs.

Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this regulation applies shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (a) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this regulation, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and (b) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible official of the Federal agency concerned to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this regulation, including methods of administration which give reasonable assurance that any noncompliance indicated in the statement under clause (a) will be corrected.

### § 101–6.205–3 Elementary and secondary schools.

The requirements of §§ 101–6.205–1 and 101–6.205–2 with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (a) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (b) submits a plan for the desegregation of such school or school system which the United States Commissioner of Education determines is adequate to accomplish the purposes of the Act and applicable regulations thereunder, and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the Commissioner may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this Subpart 101–6.2. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

### § 101–6.205–4 Applicability of assurances.

(a) In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by this § 101–6.205 shall extend to admission practices and to all other practices relating to the treatment of students.

(b) The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible GSA official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

(c) Where an installation or facility (for example, a public airport, or park or recreation area) is comprised of real property for which application is made under a program, and, in addition, other real property of the applicant, the assurance required under this § 101–6.205 shall be applicable to the entire installation or facility.

### § 101–6.206 Illustrative applications.

The following examples will illustrate the application of the foregoing provisions of this subpart § 101–6.2 to certain programs of GSA (in all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin, prohibited by Title VI of the Act and this Subpart 101–6.2):

(a) In the programs involving the transfer of surplus property for airport, park or recreation, historic monument, wildlife conservation, or street widening purposes (§§ 101–6.217 (c), (d), (e), and (h)), the public generally is entitled to the use of the facility and to receive the services provided by the facility and to facilities operated in connection therewith, without segregation or any other discriminatory practices.

(b) In the program involving the loan of machine tools to nonprofit institutions or training schools (§ 101–6.217 (o)), discrimination by the recipient in the admission of students or trainees or in the treatment of its students or trainees in any aspect of the educational process is prohibited. In the case of an institution of higher education, the prohibition applies to the entire institution except as provided in paragraph (b) of § 101–6.205.4. In the case of elementary or secondary schools, the prohibition applies to all elementary and secondary schools of the recipient school district, consistent with § 101–6.205–3. In this and other illustrations the prohibition of discrimination in the treatment of students or trainees includes the prohibition of discrimination among the students or trainees in the availability or use of any academic, dormitory, eating, recreational, or other facilities of the recipient.

(c) In the programs involving the donation of personal property to public bodies or the American National Red Cross (§§ 101–6.217 (f) and (j)), discrimination in the selection or treatment of individuals to receive or receiving the benefits or services of the program is prohibited.

(d) In the program involving the donation of personal property to eleemosynary institutions (§ 101–6.217(*l*)), the assurance will apply to applicants for admission, patients, interns, residents, student nurses, and other trainees, and to the privilege of physicians, dentists, and other professionally qualified persons to practice in the institution, and will apply to the entire institution and to facilities operated in connection therewith, subject to the provisions of §§ 101–6.205–4(b).

(e) In the programs involving the allotment of space by GSA to Federal Credit Unions, without charge for rent or services, and the provision of free space and utilities for vending stands operated by blind persons (§§ 101–6.217 (i) and (k)), discrimination by segregation or otherwise in providing benefits or services is prohibited.

(f) In the program involving grants to State and local agencies and to nonprofit organizations and institutions for the collecting, describing, preserving, and compiling and publishing of documentary sources significant to the history of the United States (§ 101–6.217(n)), discrimination by the recipient in the selection of students or other participants in the program, and, with respect to educational institutions, in the admission or treatment of students, is prohibited.

(g) In the program involving stabilization payments to small domestic producers of lead and zinc ores and concentrates (§ 101–6.217(q)), discrimination against applicants for employment or employees is prohibited.

(h) A recipient may not take action that is calculated to bring about indirectly what this subpart forbids it to accomplish directly.

### § 101–6.207 Enforcement responsibility and information.

### § 101–6.207–1 Agencies responsible.

The responsibility for determining and enforcing compliance with this Subpart 101–6.2, including the assurances in the transfer instruments referred to in § 101–6.205–1, is as follows:

(1) The Administrator of the Federal Aviation Agency with respect to surplus real or personal property disposed of for public airport purposes (§ 101–6.217(c)).

(2) The Secretary of Interior in the case of surplus real property, including improvements, disposed of for use as a public park, public recreation area, or historic monument (§ 101–6.217(d)).

(3) The Administrator of General Services in the case of all other programs to which this Subpart 101–6.2 applies.

### § 101–6.207–2 Regulations applicable.

The regulations issued pursuant to Title VI of the Act by the head of each agency named in paragraph (a) of this § 101–6.207 shall be applicable to that agency's compliance and enforcement activities.

### § 101–6.207–3 Agency instructions and reports.

Notwithstanding paragraphs (b) and (c) of § 101–6.203, each agency, other than GSA, involved in the administration of the programs described in §§ 101–6.217 (a) through (d) shall furnish to GSA copies of all instructions and changes therein issued to implement, with respect to such programs, the regulations issued by such agency pursuant to

Title VI of the Act. In addition, each such agency shall promptly advise GSA of any sanctions imposed or removed by such agency with respect to said programs.

**§ 101–6.208 Applicability of §§ 101–6.209 through 101–6.214.**

Sections 101–6.209 through 101–6.214, relating to compliance and enforcement are applicable only to programs with respect to which GSA has the enforcement responsibility.

**§ 101–6.209 Compliance information.**

**§ 101–6.209–1 Cooperation and assistance.**

Each responsible GSA official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this Subpart 101–6.2 and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

**§ 101–6.209–2 Compliance reports.**

Each recipient shall keep such records and submit to the responsible GSA official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible GSA official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this Subpart 101–6.2. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

**§ 101–6.209–3 Access to sources of information.**

Each recipient shall permit access by the responsible GSA official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this subpart. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

**§ 101–6.209–4 Information to beneficiaries and participants.**

Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this Subpart 101–6.2 and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible GSA official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this Subpart 101–6.2.

**§ 101–6.210 Conduct of investigations.**

**§ 101–6.210–1 Periodic compliance reviews.**

The responsible GSA official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this regulation.

**§ 101–6.210–2 Complaints.**

Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this Subpart 101–6.2 may by himself or by a representative file with the responsible GSA official or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible GSA official or his designee.

**§ 101–6.210–3 Investigations.**

The responsible GSA official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this Subpart 101–6.2. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

**§ 101–6.210–4 Resolution of matters.**

(a) If an investigation pursuant to § 101–6.210–3 indicates a failure to comply with this Subpart 101–6.2, the responsible GSA official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 101–6.211.

(b) If an investigation does not warrant action pursuant to paragraph (a) of this section the responsible GSA official or his designee will so inform the recipient and the complainant, if any, in writing.

**§ 101–6.210–5 Intimidatory or retaliatory acts prohibited.**

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this Subpart 101–6.2, or because he has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 101–6.211 Procedure for effecting compliance.**

**§ 101–6.211–1 General.**

If there appears to be a failure or threatened failure to comply with this Subpart 101–6.2, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this subpart may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (a) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (b) any applicable proceeding under State or local law.

**§ 101–6.211–2 Noncompliance with § 101–6.205.**

If an applicant fails or refuses to furnish an assurance required under § 101–6.205 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of § 101–6.211–3. The GSA shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under § 101–6.211–3 except that GSA shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this Subpart 101–6.2.

**§ 101–6.211–3 Termination of or refusal to grant or to continue Federal financial assistance.**

No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (a) the responsible GSA official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (b) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this Subpart 101–6.2, (c) the action has been approved by the Administrator pursuant to § 101–6.213–5, and (d) the expiration of 30 days after the Administrator has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

**§ 101–6.211–4 Other means authorized by law.**

No action to effect compliance by any other means authorized by law shall be taken until (a) the responsible GSA official has determined that compliance



cannot be secured by voluntary means, (b) the action has been approved by the Administrator, (c) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (d) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with this Subpart 101–6.2 and to take such corrective action as may be appropriate.

**§ 101–6.212 Hearings.**

**§ 101–6.212–1 Opportunity for hearing.**

Whenever an opportunity for a hearing is required by § 101–6.211–3, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (a) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible GSA official that the matter be scheduled for hearing, or (b) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 101–6.211–3, and consent to the making of a decision on the basis of such information as is available.

**§ 101–6.212–2 Time and place of hearing.**

Hearings shall be held at the offices of GSA in Washington, D.C., at a time fixed by the responsible GSA official unless he determines that the convenience of the applicant or recipient or of GSA requires that another place be selected. Hearings shall be held before the responsible GSA official or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act, 5 U.S.C. 1010.

**§ 101–6.212–3 Right to counsel.**

In all proceedings under this § 101–6.212 the applicant or recipient and GSA shall have the right to be represented by counsel.

**§ 101–6.212–4 Procedures, evidence, and record.**

(a) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, 5 U.S.C. 1004–1007, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in § 101–6.212–1, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both GSA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(b) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart 101–6.2, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

**§ 101–6.212–5 Consolidated or joint hearings.**

In cases in which the same or related facts are asserted to constitute noncompliance with this Subpart 101–6.2 with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Administrator may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this regulation. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 101–6.213.

**§ 101–6.213 Decisions and notices.**

**§ 101–6.213–1 Decision by person other than the responsible GSA official.**

If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible GSA official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible GSA official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible GSA official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible GSA official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible GSA official.

**§ 101–6.213–2 Decisions on record or review by the responsible GSA official.**

Whenever a record is certified to the responsible GSA official for decision or he reviews the decision of a hearing examiner pursuant to § 101–6.213–1, or whenever the responsible GSA official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible GSA official shall be given in writing to the applicant or recipient, and to the complainant, if any.

**§ 101–6.213–3 Decisions on record where a hearing is waived.**

Whenever a hearing is waived pursuant to § 101–6.212 a decision shall be made by the responsible GSA official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

**§ 101–6.213–4 Rulings required.**

Each decision of a hearing officer or responsible GSA official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this Subpart 101–6.2 with which it is found that the applicant or recipient has failed to comply.

**§ 101–6.213–5 Approval by Administrator.**

Any final decision of a responsible GSA official (other than the Administrator) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this Subpart 101–6.2 or the Act, shall promptly be transmitted to the Administrator, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

**§ 101–6.213–6 Content of orders.**

The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this Subpart 101–6.2, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart, or to have otherwise failed to comply with this subpart, unless and until it corrects its noncompliance and

satisfies the responsible GSA official that it will fully comply with this subpart.

**§ 101–6.214 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 101–6.215 Effect on other regulations; forms and instructions.**

**§ 101–6.215–1 Effect on other regulations.**

All regulations, orders, or like directions heretofore issued by any officer of GSA which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this Subpart 101–6.2 applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this subpart, except that nothing in this subpart shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this subpart. Nothing in this subpart, however, shall be deemed to supersede any of the following (including future amendments thereof):

(a) Executive Order 10925, 26 F.R. 1977, 3 CFR 1959–1963 Comp., and regulations issued thereunder,

(b) Executive Order 11114, 28 F.R. 6485, 3 CFR 1963 Supp., and regulations issued thereunder, or

(c) Any other regulations or instructions insofar as such regulations or instructions prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this subpart is inapplicable, or prohibit discrimination on any other ground.

**§ 101–6.215–2 Forms and instructions.**

Each responsible GSA official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this Subpart 101–6.2 as applied to programs to which this subpart applies and for which he is responsible.

**§ 101–6.215–3 Supervision and coordination.**

The Administrator may from time to time assign to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this Subpart 101–6.2 (other than responsibility for final decision as provided in § 101–6.213), including the achievement of effective coordination and maximum uniformity within GSA and within the Executive Branch of the Government in the application of Title VI and this subpart to similar programs and in similar situations.

**§ 101–6.216 Definitions.**

As used in this subpart:

(a) The term "General Services Administration" or "GSA" includes each of its operating services and other organizational units.

(b) The term "Administrator" means the Administrator of General Services.

(c) The term "responsible GSA official" with respect to any program receiving Federal financial assistance means the Administrator or other official of GSA who by law or by delegation has the principal responsibility within GSA for the administration of the law extending such assistance.

(d) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(e) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or any other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(j) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible GSA official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

**§ 101–6.217 Programs to which this Subpart 101–6.2 applies.**

(a) Donation of surplus personal property for use in any State for purposes of education, public health, or civil defense, or for research for any such purposes (section 203(j) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(j)), and the making available to State agencies for surplus property, or the transfer of title to such agencies, of surplus personal property approved for donation for purposes of education, public health, or civil defense, or for research for any such purposes (section 203(n) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(n)).

(b) Disposal of surplus real and related personal property for purposes of education or public health, including research (section 203(k) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(k)).

(c) Disposal of surplus real or personal property for public airport purposes (section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. 1622(g)).

(d) Disposal of surplus real property, including improvements, for use as a public park, public recreational area, or historic monument (section 13(h) of the Surplus Property Act of 1944, 50 U.S.C. 1622(h)).

(e) Disposal of real property to States for wildlife conservation purposes (Act of May 19, 1948, 16 U.S.C. 667b–d).

(f) Donation of personal property to public bodies (section 202(h) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 483(h)).

(g) Grants of easements by the General Services Administration pursuant to the Act of October 23, 1962 (40 U.S.C. 319–319c), and grants by the General Services Administration of revocable licenses or permits to use or occupy Federal real property, if the consideration to the Government for such easement, licenses, or permits is less than estimated fair market value.

(h) Conveyance of real property or interests therein by the General Services Administration to States or political subdivisions for street widening purposes pursuant to the Act of July 7, 1960 (40 U.S.C. 345c), if the consideration to the Government is less than estimated fair market value.

(i) Allotment of space by the General Services Administration in Federal buildings to Federal Credit Unions, without charge for rent or services (section 25 of the Federal Credit Union Act, 12 U.S.C. 1770).

(j) Donation of surplus property to the American National Red Cross (section 203(l) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(l)).

(k) Provision by the General Services Administration of free space and utilities for vending stands operated by blind persons (§ 1 of the Randolph-Sheppard Act, 20 U.S.C. 107).

(l) Donation of forfeited distilled spirits, wine, and malt beverages to eleemosynary institutions (26 U.S.C. 5688).

(m) Donation of surplus Federal records (Federal Records Disposal Act of 1943, 44 U.S.C. 366–380).

(n) Grants to State and local agencies and to nonprofit organizations and institutions for the collecting, describing, preserving and compiling, and publishing of documentary sources significant to the history of the United States (section 503 of the Federal Property and Administrative Services Act of 1949, as amended by P.L. 88–383).

(o) Loan of machine tools and industrial manufacturing equipment in the national industrial reserve to nonprofit educational institutions or training schools (section 7 of the National Industrial Reserve Act of 1948, 50 U.S.C. 456).

(p) District of Columbia grant-in-aid hospital program (60 Stat. 896, as amended).

(q) Stabilization payments to small domestic producers of lead and zinc ores and concentrates (30 U.S.C. 681–689; Delegation of Authority from the Secretary of the Interior to the Administrator of General Services, 27 F.R. 3822).

(r) Payments in lieu of taxes on certain real property transferred from the Reconstruction Finance Corporation (Title VII of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 521–524).

(s) Conveyance of certain lands and property to the State of Hawaii without reimbursement (P.L. 88–233, 77 Stat. 472).

*Effective date:* This subpart shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

Dated: November 30, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

Approved: December 3, 1964.
LYNDON B. JOHNSON.

[F.R. Doc. 64–12537; Filed, Dec. 3, 1964; 4:23 p.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Subtitle A—Office of the Secretary of the Interior

## PART 17—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF THE INTERIOR—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Subtitle A of 43 CFR is hereby amended by adding a new Part 17 reading as follows:

Sec.
17.1 Purpose.
17.2 Application of this part.
17.3 Discrimination prohibited.
17.4 Assurances required.
17.5 Compliance information.
17.6 Conduct of investigation.
17.7 Procedure for effecting compliance.
17.8 Hearings.
17.9 Decisions and notices.
17.10 Judicial review.
17.11 Effect on other regulations; forms and instructions.
17.12 Definitions.

AUTHORITY: The provisions of this Part 17 are issued under sec. 602, 78 Stat. 252, and the laws referred to in Appendix A.

**§ 17.1 Purpose.**

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of the Interior.

**§ 17.2 Application of this part.**

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Department, including programs and activities that are Federally assisted under the laws listed in Appendix A of this part. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of the regulation pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) except to the extent described in § 17.3, any employment practice, under any such program, of any employer, employment agency, or labor organization. The fact that a statute under which Federal financial assistance is extended to a program or activity is not listed in Appendix A shall not mean, if Title VI is otherwise applicable, that such program or activity is not covered. Other statutes now in force or hereafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

**§ 17.3 Discrimination prohibited.**

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(3) References in this section to services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph (b) and paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.* Where a primary objective of the Federal financial assistance to a program to which this regulation applies is to provide employment, a recipient may not, directly or through contractual or other arrangements, subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities), including programs where a primary objective of the Federal financial assistance is (1) to reduce the unemployment of such individuals or to help them through employment to meet subsistence needs, (2) to assist such individuals in meeting expenses incident to the commencement or continuation of their education or training, or (3) to provide work experience which contributes to the education or training of such individuals. Assistance given programs under the following laws has one of the above purposes as a primary objective:

Department projects under the Public Works Acceleration Act, 42 U.S.C. 2641–2643.

Aid to education—Commercial fisheries, 16 U.S.C. 760d.

Water Resources Research Act of 1964, Title I, Public Law 88–379, 78 Stat. 329.

Programs under statutes listed in Appendix A as respects employment opportunities provided thereunder, or in facilities provided thereunder, which are limited or for which preference is given, to students, fellows, or other persons in training for the same or related employments.

The requirements applicable to construction employment under any such program shall be those specified in or pursuant to E.O. 11114.

(d) *Programs for Indians, natives of certain territories, and Alaska natives.* An individual shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program which, in accordance with Federal law, is limited to Indians, natives of certain territories, or Alaska natives, if the individual is not a member of the class to which the program is addressed. Such programs include those authorized by statutes listed in Appendix B of this part.

(e) *Medical emergencies.* Notwithstanding the foregoing provisions of this section, a recipient of Federal financial assistance shall not be deemed to have failed to comply with paragraph (a) of this section if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health, and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with paragraph (a) of this section.

**§ 17.4 Assurances required.**

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The head of the bureau or office administering the Federal financial assistance shall specify the form of the foregoing assurances for each program and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seeks its judicial enforcement.

(2) The assurance required in the case of a transfer of real property, except where covered by subparagraph (3) of this paragraph (a), shall be inserted in the instrument effecting the transfer of any such land, together with any improvements located thereon, and shall consist of (i) a condition coupled with a right to be reserved to the Department to revert title to the property in the event of breach of such nondiscrimination condition during the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, and (ii) a covenant running with the land for the same period. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101–6.2).

(b) *Continuing State programs.* (1) Every application by a State or any agency or political subdivision of a State to carry out a program involving continuing Federal financial assistance to which this regulation applies shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (i) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and (ii) provide or be accompanied by provision for such methods of administration for the program as are found by the head of the bureau or office administering the Federal financial assistance to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this regulation, including methods of administration which give reasonable assurance that any noncompliance indicated in the statement under subdivision (i) of this subparagraph will be corrected.

(2) With respect to some programs which are carried out by States or agencies or political subdivisions of States and which involve continuing Federal financial assistance administered by the Department, there has been no requirement that applications be filed by such recipients. From the effective date of this part no Federal financial assistance administered by this Department will be extended to a State or to an agency or a political subdivision of a State unless an application for such Federal financial assistance has been received from the State or State agency or political subdivision.

(c) *Elementary and secondary schools.* The requirements of paragraph (a) or (b) of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the United States Commissioner of Education determines is adequate to accomplish the purposes of the Act and this part, and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the Commissioner may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

(d) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education (including assistance for construction, for research, for a special training project, for a student assistance program, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the head of the bureau or office administering the Federal financial assistance, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

**§ 17.5 Compliance information.**

(a) *Cooperation and assistance.* The head of each bureau or office administering Federal financial assistance shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the head of the bureau or office administering the Federal financial assistance timely, complete and accurate compliance reports, at such times, and in such form and containing such information, as the head of the bureau or office or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the head of the bureau or office administering the Federal financial assistance or his designee or by an employee authorized by the Secretary or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the head of the bureau or office administering the Federal financial assistance finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

**§ 17.6 Conduct of investigations.**

(a) *Periodic compliance reviews.* The head of each bureau or office administering Federal financial assistance or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the head of the bureau or office administering the Federal financial assistance or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the head of the bureau or office or his designee.

(c) *Investigations.* The head of a bureau or office or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this regulation, the head of the bureau or office or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 17.7.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the head of the bureau or office or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 17.7 Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 17.4.* If an applicant fails or refuses to furnish an assurance required under § 17.4 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph, except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the head of the bureau or office administering the Federal financial assistance has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary pursuant to paragraph (e) of § 17.9, and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the

grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the head of the bureau or office administering the Federal financial assistance has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Secretary, (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

**§ 17.8 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by paragraph (c) of § 17.7, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the head of the bureau or office or the hearing examiner to whom the matter has been assigned that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and paragraph (c) of § 17.7 and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the head of the bureau or office or the hearing examiner to whom the matter has been assigned unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the head of the bureau or office administering the Federal financial assistance or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5 through 8 of the Administrative Procedure Act (5 U.S.C. 1004 through 1007) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent that the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 17.9.

**§ 17.9 Decisions and notices.**

(a) *Decision by a hearing examiner.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the head of the bureau or office administering the Federal financial assistance for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. If the initial decision is made by the hearing examiner, the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the head of the bureau or office his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the head of the bureau or office may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the head of the bureau or office shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence either of exceptions or of a notice of review, the initial decision shall constitute the final decision of the head of the bureau or office.

(b) *Decisions on record or review by the head of a bureau or office.* Whenever a record is certified to the head of the bureau or office for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the head of the bureau or office conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the head of the bureau or office shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to paragraph (a) of § 17.8, a decision shall be made by the head of the bureau or office on the record and a copy of such decision shall be given in writing to the applicant or recipient and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the head of a bureau or office shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this regulation with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Secretary.* Any final decision of the head of a bureau or office which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of decisions.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this regulation, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the head of the bureau or office that it will fully comply with this part.



**§ 17.10 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 17.11 Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this regulation applies and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this regulation. Nothing in this regulation, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925 and 11114 and regulations issued thereunder, (2) Executive Order 11063 and regulations issued thereunder, or any other regulations or instructions insofar as such Order, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The head of each bureau and office administering Federal financial assistance shall issue and promptly make available to interested persons instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to such officials of the Department as he deems appropriate, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 17.9), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI of the Act and this part to similar programs and in similar situations.

**§ 17.12 Definitions.**

As used in this part:

(a) The term "Act" means the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

(b) The term "Department" means the Department of the Interior, and includes each of its bureaus and offices.

(c) The term "Secretary" means the Secretary of the Interior.

(d) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(e) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) grants or donations of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale or lease of, or the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or any other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include the ultimate beneficiary under such program.

(i) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(j) The term "applicant" means one who submits an application, request, or plan required to be approved by the head of a bureau or office, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

This part shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 30, 1964.

Approved: December 3, 1964.

LYNDON B. JOHNSON.

APPENDIX A

Federal financial assistance subject to Part 17 includes, but is not limited to, that authorized by the following statutes:

I. *Public Lands and Acquired Lands.* (a) Grants and loans of Federal funds.

1. Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. secs. 181–287).

2. Mineral Leasing Act for Acquired Lands (30 U.S.C. secs. 351–359).

3. Alaska Grazing Act (44 Stat. 1452, 48 U.S.C. sec. 471, et seq.).

4. Proceeds of Certain Land Sales (R.S. sec. 3689, as amended, 31 U.S.C. sec. 711 (17)).

5. Taylor Grazing Act (48 Stat. 1269, as amended, 43 U.S.C. sec. 315 et seq.).

6. Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act (50 Stat. 874, 43 U.S.C. sec. 1181f).

7. Payment to States for Swamp Lands Erroneously Sold by U.S. (R.S. sec. 3689, as amended, 31 U.S.C. 711 (18)).

8. Alaska Statehood Act, sec. 6(f), (72 Stat. 341, 48 U.S.C. note preceding sec. 21).

(b) Sale, lease, grant, or other disposition of, or the permission to use, Federal property or any interest in such property at less than fair market value.

1. Materials Act (61 Stat. 681, as amended, 30 U.S.C. secs. 601–604).

2. Rights-of-way for Tramroads, Canals, Reservoirs (28 Stat. 635, as amended, 43 U.S.C. secs. 956, 957).

3. Highway Rights-of-way (R.S. sec. 2477, 43 U.S.C. sec. 932).

4. Small Tract Act (52 Stat. 609, as amended, 43 U.S.C. secs. 682a–682e).

5. Rights-of-way for Dams, Reservoirs, Water Plants, Canals, etc. (33 Stat. 628, 16 U.S.C. sec. 524).

6. Rights-of-way for Power and Communication Facilities (36 Stat. 1253, as amended, 43 U.S.C. sec. 961).

7. Rights-of-way for Electrical Plants, Poles, etc. (31 Stat. 790, as amended, 43 U.S.C. sec. 959).

8. Recreation and Public Purposes Act (44 Stat. 741, as amended, 43 U.S.C. secs. 869–869–4).

9. Stock-Watering Reservoirs (29 Stat. 434, as amended, 43 U.S.C. secs. 952–955).

10. Alaska Housing Authority Act (68 Stat. 60, 48 U.S.C. sec. 484c).

11. Railroad Rights-of-way in Alaska (30 Stat. 409, 48 U.S.C. secs. 411–419).
12. Grants to States in Aid of Schools (44 Stat. 1026, as amended, 43 U.S.C. sec. 870).
13. Carey Act (28 Stat. 422, as amended, 43 U.S.C. sec. 641).
14. Airports and Aviation Fields (45 Stat. 728, as amended, 49 U.S.C. secs. 211–214).
15. Special Land Use Permits (R.S. sec. 453, as amended, 43 U.S.C. sec. 2).
16. Rights-of-way for Irrigation and Drainage (26 Stat. 1101, as amended, 43 U.S.C. sec. 946).
17. Rights-of-way for Pipelines to Transport Oil or Natural Gas (41 Stat. 449, as amended, 30 U.S.C. sec. 185).
18. Townsite Laws (R.S. 2380 et seq., as amended, 43 U.S.C. sec. 711 et seq.).
19. Leases of Lands near Springs (43 Stat. 1133, 43 U.S.C. sec. 971).
20. Rights-of-way for Railroads (18 Stat. 482, 43 U.S.C. sec. 934).
21. Grants of Easements (76 Stat. 1129, 40 U.S.C. secs. 319–319c).

II. *Water and Power.* (a) Grants and loans of Federal funds.

1. Federal Reclamation Program (32 Stat. 388, 43 U.S.C. sec. 391, and Acts amendatory or supplementary thereto).
2. Reservation of Land for Park, Playground, or Community Center (38 Stat. 727, 43 U.S.C. sec. 569).
3. Distribution System Loan Program (69 Stat. 244, as amended, 43 U.S.C. secs. 421a–421d).
4. Rehabilitation and Betterment Loan Program (63 Stat. 724, as amended, 43 U.S.C. sec. 504).
5. Small Reclamation Project Loan Program (70 Stat. 1044, 43 U.S.C. sec. 422a–422k).
6. Assistance to School Districts on Reclamation Projects (62 Stat. 1108, 43 U.S.C. sec. 885a).
7. Payment from Colorado River Dam Fund, Boulder Canyon Project (54 Stat. 776, as amended, 43 U.S.C. 618(c)).
8. Payment on In Lieu of Taxes Lands Acquired Pursuant to Columbia Basin Project Act (57 Stat. 19, 16 U.S.C. sec. 835c–1).
9. Payment in Lieu of Taxes on Land to Trinity County, California (69 Stat. 729).
10. Saline Water Research Program (66 Stat. 328, as amended, 42 U.S.C. sec. 1951).
11. Water User Repayment Obligations on Reclamation Projects (43 Stat. 703, 43 U.S.C. sec. 501, 62 Stat. 273, 66 Stat. 754).
12. Water Resources Research Act (78 Stat. 329).

(b) Sale, lease, grant or other disposition of, or the permission to use Federal property or any interest in such property at less than fair market value.

1. Townsite Disposal on Reclamation Projects (34 Stat. 116, 43 U.S.C. sec. 566).
2. Transfer of Federal Property in Coulee Dam, Washington (71 Stat. 529, 16 U.S.C. sec. 835c note).
3. Transfer of Federal Property to Boulder City, Nevada (72 Stat. 1726, 43 U.S.C. sec. 617u note).
4. Reservation of Land for Park, Playground, or Community Center (38 Stat. 727, 43 U.S.C. sec. 569).
5. Saline Water Research Program-Donation of Laboratory Equipment (72 Stat. 1793, 42 U.S.C. sec. 1892).
6. Reclamation Program-Conveyance of Land to School Districts (41 Stat. 326, 43 U.S.C. sec. 570).
7. Recreation and Public Purposes Program (44 Stat. 741, as amended, 43 U.S.C. sec. 869–869a).
8. Dedication of Land for Public Purposes, Page, Arizona (72 Stat. 1686, 1688).
9. Removal of Sand, Gravel, and Other Minerals, and Building Materials from Reclamation Project Lands (53 Stat. 1196, as amended, 43 U.S.C. sec. 387).

III. *Mineral Resources.* Grants and loans of Federal funds.

1. Control of Coal Mine Fires (68 Stat. 1009, 30 U.S.C. sec. 551–558 et seq.).
2. Anthracite Mine Drainage and Flood Control and Sealing of Abandoned Mines and Filling Voids (69 Stat. 352, as amended, 30 U.S.C. secs. 571–576).

IV. *Fish and Wildlife.* (a) Grants and loans of Federal funds.

1. Pittman-Robertson Act (50 Stat. 917, as amended, 16 U.S.C. sec. 669).
2. Dingell-Johnson Act (64 Stat. 430, 16 U.S.C. sec. 777).
3. Sharing of Refuge Revenues (49 Stat. 383, as amended, 16 U.S.C. sec. 715s).
4. Aid to Alaska (Section 6(e) of the Alaska Statehood Act, 72 Stat. 340, and Act of February 28, 1944, 58 Stat. 101, 16 U.S.C. sec. 631e).
5. Commercial Fisheries Resource and Development Act (78 Stat. 197).
6. Aid to Education (70 Stat. 1126, 16 U.S.C. sec. 760d).
7. Development of Disease Resistant Oysters (76 Stat. 356, 16 U.S.C. secs. 760j–760l).

(b) Sale, lease, grant, or other disposition of, or the permission to use, Federal property or any interest in such property at less than fair market value.

1. Cooperative Research and Training Program for Fish and Wildlife Resources (74 Stat. 733, 16 U.S.C. sec. 753a).
2. Fishery Development in the South Pacific (61 Stat. 726, as amended, 16 U.S.C. sec. 758b).
3. Migratory Marine Fishery Program (73 Stat. 642, 16 U.S.C. sec. 760f).
4. Protection and Conservation of Bald and Golden Eagles (54 Stat. 251, as amended, 16 U.S.C. sec. 668a).
5. Wildlife Land Transfers (sec. 8 of Colorado River Storage Project Act of 1956, 70 Stat. 110, 43 U.S.C. sec. 620g).
6. Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. secs. 661–664).

(c) Furnishing of services of a type for which the recipient would otherwise pay.

1. Rice Land Fishery Program (72 Stat. 35, 16 U.S.C. sec. 776a).
2. Lampry Eradication Program (60 Stat. 930, as amended, 16 U.S.C. sec. 921).
3. Cooperative Research and Training Program for Fish and Wildlife Resources (74 Stat. 733, 16 U.S.C. sec. 753a).
4. Fishery Development in the South Pacific (61 Stat. 726, as amended, 16 U.S.C. sec. 758b).
5. Migratory Marine Fishery Program (73 Stat. 642, 16 U.S.C. sec. 760f).
6. Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. sec. 661 et seq.).

V. *Parks and Territories.* (a) Grants and loans of Federal funds.

1. Payments to School Districts—Yellowstone National Park (62 Stat. 336, 16 U.S.C. sec. 40a).
2. Payments in Lieu of Taxes—Grand Teton National Park (64 Stat. 851, 16 U.S.C. 406d–3).
3. Payments to North Dakota for International Peace Park (63 Stat. 888, as amended, 68 Stat. 300, 72 Stat. 985).
4. Bureau of Outdoor Recreation (77 Stat. 49, 16 U.S.C. 4601).
5. Revised Organic Act of the Virgin Islands (68 Stat. 497, as amended, 48 U.S.C. sec. 1541–1644).
6. Guam Rehabilitation Act (77 Stat. 302).
7. Organic Act of Guam (64 Stat. 384, as amended, 48 U.S.C. secs. 1421–1425 except sec. 9(a), 48 U.S.C. sec. 1422c(a)).
8. Guam Agricultural Act (P.L. 88–584, 78 Stat. 926).

(b) Sale, lease, grant or other disposition of, or the permission to use Federal property or any interest in such property at less than fair market value.

1. Puerto Rico Federal Relations Act (39 Stat. 964, 48 U.S.C. sec. 748).
2. Virgin Islands Corporation Act (63 Stat. 350, as amended, 48 U.S.C. sec. 1407 et seq.).
3. Territorial Submerged Lands Act (77 Stat. 338, 48 U.S.C., secs. 1701–1704).
4. Organic Act of Guam (64 Stat. 392, 48 U.S.C. 1421f(c)).

(c) Furnishing of services by the Federal Government of a type for which the recipient would otherwise pay.

1. Bureau of Outdoor Recreation (77 Stat. 49, 16 U.S.C. sec. 4601).

VI. *Indian Affairs.* (a) Grants and loans of Federal funds.

1. Menominee County, Wis. Educational Grants (76 Stat. 53).

(b) Sale, lease, grant, or other disposition of or the permission to use, Federal property or any interest in such property at less than fair market value.

1. Conveyance of School Property (67 Stat. 41, as amended, 25 U.S.C. sec. 293a).
2. Adult Vocational Training Act (70 Stat. 986, 25 U.S.C. sec. 309).

VII. *General.* 1. Department Projects under the Public Works Acceleration Act (76 Stat. 541, 42 U.S.C. secs. 2641–2643).
2. Grants for Support of Scientific Research (72 Stat. 1793, 42 U.S.C. secs. 1891–1893).
3. Special Use Permits (R.S. sec. 441, as amended, 5 U.S.C. sec. 485).
4. Land and Water Conservation Fund Act of 1964 (Public Law 88–578, 78 Stat. 897).

APPENDIX B

The following statutes authorize programs limited to individuals of a particular race, color, or national origin.

I. *Indians and Alaska Natives.* 1. Snyder Act (42 Stat. 208, 25 U.S.C. sec. 13).
2. Adult Vocational Training Act (70 Stat. 986, 25 U.S.C. sec. 309).
3. Vocational and Trade School Act (48 Stat. 986, 25 U.S.C. sec. 471).
4. Johnson-O'Malley Act (48 Stat. 596, as amended, 25 U.S.C. secs. 452–53).
5. Revolving Fund for Loan to Indians (48 Stat. 986, 25 U.S.C. sec. 470).
6. Revolving Fund for Loans to Tribes (77 Stat. 301).
7. Conveyance of Buildings, Improvements, or Facilities to Tribes (70 Stat. 1057, 25 U.S.C. sec. 443a).
8. Alaska Reindeer Act (50 Stat. 900, 48 U.S.C. secs. 250–250p).
9. Disposals to Alaskan Natives (44 Stat. 629, 48 U.S.C. secs. 355a and 355c).

II. *Natives of Certain Territories.* 1. Acceptance of Samoan Cession Agreement (45 Stat. 1253, as amended, 48 U.S.C. 1661).
2. Samoan Omnibus Act (76 Stat. 586, 48 U.S.C. 1666).
3. Guam Organic Act (64 Stat. 387, 48 U.S.C. 1422c).

[F.R. Doc. 64–12538; Filed, Dec. 3, 1964; 4:23 p.m.]

# Title 45—PUBLIC WELFARE

## Subtitle A—Department of Health, Education, and Welfare, General Administration

## PART 80—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Subtitle A 45 CFR is hereby amended by adding the following new Part 80:

Sec.
80.1 Purpose.
80.2 Application of this part.
80.3 Discrimination prohibited.



Sec.
80.4 Assurances required.
80.5 Illustrative applications.
80.6 Compliance information.
80.7 Conduct of investigations.
80.8 Procedure for effecting compliance.
80.9 Hearings.
80.10 Decisions and notices.
80.11 Judicial review.
80.12 Effect on other regulations; forms and instructions.
80.13 Definitions.

AUTHORITY: The provisions of this Part 80 are issued under sec. 602, 78 Stat. 252, and the laws referred to in Appendix A.

### § 80.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall; on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Health, Education, and Welfare.

### § 80.2 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Department, including the Federally-assisted programs and activities listed in Appendix A of this part. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of the regulation pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 80.3. The fact that a program or activity is not listed in Appendix A shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

### § 80.3 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph and paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.* Where a primary objective of the Federal financial assistance to a program to which this part applies is to provide employment, a recipient may not (directly or through contractual or other arrangements) subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities), including programs where a primary objective of the Federal financial assistance is (i) to reduce the unemployment of such individuals or to help them through employment to meet subsistence needs, (ii) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training, (iii) to provide work experience which contributes to the education or training of such individuals, or (iv) to provide remunerative activity to such individuals who because of severe handicaps cannot be readily absorbed in the competitive labor market. The following programs under existing laws have one of the above objectives as a primary objective:

(a) Department projects under the Public Works Acceleration Act, Public Law 87–658.

(b) Community work and training programs under title IV of the Social Security Act, 42 U.S.C. 609.

(c) Work-study program under the Vocational Education Act of 1963, P.L. 88–210, sec. 13.

(d) Programs listed in Appendix A as respects employment opportunities provided thereunder, or in facilities provided thereunder, which are limited, or for which preference is given, to students, fellows, or other persons in training for the same or related employments.

(e) Establishment of sheltered workshops under the Vocational Rehabilitation Act, 29 U.S.C. 32–34.

The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Executive Order 11114.

(d) *Indian Health and Cuban Refugee programs.* An individual shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program limited by Federal law to individuals of a particular race, color, or national origin different from his.

(e) *Medical emergencies.* Notwithstanding the foregoing provisions of this section, a recipient of Federal financial assistance shall not be deemed to have failed to comply with paragraph (a) of this section if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health, and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with paragraph (a) of this section.

### § 80.4 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used

for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible Department official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) The assurance required in the case of a transfer of surplus real property shall be inserted in the instrument effecting the transfer of any such surplus land, together with any improvements located thereon, and shall consist of (i) a condition coupled with a right to be reserved to the Department to revert title to the property in the event of breach of such nondiscrimination condition during the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, and (ii) a covenant running with the land for the same period. In the event a transferee of surplus real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies (including the programs listed in Part 2 of Appendix A) shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible Department official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part, including methods of administration which give reasonable assurance that any noncompliance indicated in the statement under subparagraph (1) of this paragraph will be corrected.

(c) *Elementary and secondary schools.* The requirements of paragraph (a) or (b) of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the Commissioner of Education determines is adequate to accomplish the purposes of the Act and this part, and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the Commissioner may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

(d) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education (including assistance for construction, for research, for a special training project, for a student loan program, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible Department official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

### § 80.5 Illustrative applications.

The following examples will illustrate the application of the foregoing provisions to some of the major programs of the Department. (In all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin prohibited by title VI of the Act and this part, as a condition of the receipt of Federal financial assistance.)

(a) In grant programs which support the provision of health or welfare services, discrimination in the selection or eligibility of individuals to receive the services, and segregation or other discriminatory practices in the manner of providing them, are prohibited. This prohibition extends to all facilities and services provided by the grantee under the program or, if the grantee is a State, by a political subdivision of the State. It extends also to services purchased or otherwise obtained by the grantee (or political subdivision) from hospitals, nursing homes, schools, and similar institutions for beneficiaries of the program, and to the facilities in which such services are provided, subject, however, to the provisions of § 80.3(e).

(b) In the Federally-affected area programs (P.L. 315 and P.L. 874) for construction aid and for general support of the operation of elementary or secondary schools, or in programs for more limited support to such schools such as for the acquisition of equipment, the provision of vocational education, or the provision of guidance and counseling services, discrimination by the recipient school district in any of its elementary or secondary schools in the admission of students, or in the treatment of its students in any aspect of the educational process, is prohibited. In this and the following illustrations the prohibition of discrimination in the treatment of students or other trainees includes the prohibition of discrimination among the students or trainees in the availability or use of any academic, dormitory, eating, recreational, or other facilities of the grantee or other recipient.

(c) In a research, training, demonstration, or other grant to a university for activities to be conducted in a graduate school, discrimination in the admission and treatment of students in the graduate school is prohibited, and the prohibition extends to the entire university unless it satisfies the responsible Department official that practices with respect to other parts or programs of the university will not interfere, directly or indirectly, with fulfillment of the assurance required with respect to the graduate school.

(d) In a training grant to a hospital or other nonacademic institution, discrimination is prohibited in the selection of individuals to be trained and in their treatment by the grantee during their training. In a research or demonstration grant to such an institution discrimination is prohibited with respect to any educational activity and any provision of medical or other services and any financial aid to individuals incident to the program.

(e) In grant programs to assist in the construction of facilities for the provision of health, educational or welfare services assurances will be required that services will be provided without discrimination, to the same extent that discrimination would be prohibited as a condition of Federal operating grants for the support of such services. Thus, as a condition of grants for the construction



of academic, research, or other facilities at institutions of higher education, assurances will be required that there will be no discrimination in the admission or treatment of students. In the case of hospital construction grants the assurance will apply to patients, to interns, residents, student nurses, and other trainees, and to the privilege of physicians, dentists, and other professionally qualified persons to practice in the hospital, and will apply to the entire facility for which, or for a part of which the grant is made, and to facilities operated in connection therewith. In other construction grants the assurances required will similarly be adapted to the nature of the activities to be conducted in the facilities for construction of which the grants have been authorized by Congress.

(f) Upon transfers of real or personal surplus property for health or educational uses, discrimination is prohibited to the same extent as in the case of grants for the construction of facilities or the provision of equipment for like purposes.

(g) Each applicant for a grant for the construction of educational television facilities is required to provide an assurance that it will, in its broadcast services, give due consideration to the interests of all significant racial or ethnic groups within the population to be served by the applicant.

(h) A recipient may not take action that is calculated to bring about indirectly what this part forbids it to accomplish directly. Thus a State, in selecting or approving projects or sites for the construction of public libraries which will receive Federal financial assistance, may not base its selections or approvals on criteria which have the effect of defeating or of substantially impairing accomplishment of the objectives of the Federal assistance program as respects individuals of a particular race, color, or national origin.

### § 80.6 Compliance information.

(a) *Cooperation and assistance.* Each responsible Department official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

### § 80.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) *Investigations.* The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 80.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

### § 80.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this regulation, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 80.4.* If an applicant fails or refuses to furnish an assurance required under § 80.4 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary pursuant to § 80.10(e), and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having

legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Secretary, (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

**§ 80.9 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 80.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date or such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 80.8 (c) of this part and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or Joint Hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this regulation with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Secretary may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 80.10.

**§ 80.10 Decisions and notices.**

(a) *Decision by person other than the responsible Department official.* If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

(b) *Decisions on record or review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 80.9(a) a decision shall be made by the responsible departmental official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible Department official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Secretary.* Any final decision of a responsible Department official (other than the Secretary) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this part.

**§ 80.11 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 80.12 Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925 and 11114 and regulations issued thereunder, (2) the "Standards for a Merit System of Personnel Administration," issued jointly by the Secretaries of Defense, of Health, Education, and Welfare, and of Labor, 28 F.R. 734, or (3) Executive Order 11063 and regulations issued thereunder, or any other regulations or instructions, insofar as such Order, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Department official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 80.10), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations.

As used in this part—



(a) The term "Department" means the Department of Health, Education, and Welfare, and includes each of its operating agencies and other organizational units.

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(c) The term "responsible Department official" with respect to any program receiving Federal financial assistance means the Secretary or other official of the Department who by law or by delegation has the principal responsibility within the Department for the administration of the law extending such assistance.

(d) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(e) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(j) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

*Effective date.* This part shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

Dated: November 27, 1964.

[SEAL] ANTHONY J. CELEBREZZE,
*Secretary of Health, Education, and Welfare.*

Approved: December 3, 1964.

LYNDON B. JOHNSON.

APPENDIX A

PROGRAMS TO WHICH THIS PART APPLIES

Part 1. *Programs other than State-administered continuing programs.*

1. Experimental hospital facilities (sec. 624, Public Health Service Act, 42 U.S.C. 291n).

2. Health research facilities (title VII, part A, Public Health Service Act, 42 U.S.C. 292–292j).

3. Teaching facilities for medical, dental, and other health personnel (title VII, part B, Public Health Service Act, 42 U.S.C. 293–293h; secs. 801–804, Public Health Service Act, 42 U.S.C. 296, 296a–c).

4. Mental retardation research facilities (title VII, part D, Public Health Service Act, 42 U.S.C. 295–295e).

5. University affiliated mental retardation facilities (part B, Mental Retardation Facilities Construction Act, 42 U.S.C. 2661–2665).

6. Heart disease laboratories and related facilities for patient care (sec. 412(d), Public Health Service Act, 42 U.S.C. 287a(d)).

7. Municipal sewage treatment works (sec. 6, Federal Water Pollution Control Act, 33 U.S.C. 466e).

8. Loans for acquisition of science, mathematics, and foreign language equipment (title III, National Defense Education Act, 20 U.S.C. 445).

9. Construction of facilities for institutions of higher education (Higher Education Facilities Act, 20 U.S.C. 701–757).

10. School construction in Federally-affected areas (20 U.S.C. 631–645).

11. Educational television broadcasting facilities (47 U.S.C. 390–397).

12. Surplus real and related personal property disposal (40 U.S.C. 484(k)).

13. George Washington University Hospital construction (76 Stat. 83, P.L. 87–460, May 31, 1962).

14. Loan service of captioned films for the deaf (42 U.S.C. 2491–2494).
15. Residential vocational education schools (20 U.S.C. 351).
16. Department projects under the Public Works Acceleration Act (P.L. 87–658).
17. Research projects, including conferences, communication activities and primate or other center grants (secs. 301, 303, 308, 624, Public Health Service Act, 42 U.S.C. 241, 242a, 242f, 291n; sec. 4, Federal Water Pollution Control Act, 33 U.S.C. 466c; sec. 3, Clean Air Act, 42 U.S.C. 1857b).
18. General research support (sec. 301(d), Public Health Service Act, 42 U.S.C. 241).
19. Community health studies and demonstrations (sec. 316, Public Health Service Act, 42 U.S.C. 247a).
20. Mental health demonstrations and administrative studies (sec. 303(a)(2), Public Health Service Act, 42 U.S.C. 242a).
21. Migratory workers health services (sec. 310, Public Health Service Act, 76 Stat. 592, P.L. 87–692, Sept. 25, 1962).
22. Intensive vaccination projects (sec. 317, Public Health Service Act, 42 U.S.C. 247b).
23. Tuberculosis and venereal disease control projects (current appropriation Act, P.L. 88–605).
24. Air pollution demonstration and survey projects and control programs (secs. 3 and 4, Clean Air Act, 42 U.S.C. 1857b, 1857c).
25. Water pollution demonstration grants (sec. 4(a)(2), Federal Water Pollution Control Act, 33 U.S.C. 466c).
26. Health research training projects and fellowship grants (secs. 301, 433, Public Health Service Act, 42 U.S.C. 241, 289c).
27. Categorical (heart, cancer, air pollution, etc.) grants for training, traineeships or fellowships (secs. 303, 433, etc., Public Health Service Act, 42 U.S.C. 242a, 289c, etc.; sec. 3, Clean Air Act, 42 U.S.C. 1875b; sec. 4, Federal Water Pollution Control Act, 33 U.S.C. 466c).
28. Advanced professional nurse traineeships, improvement in nurse training and partial reimbursement to diploma schools of nursing (secs. 805, 806, 821, Public Health Service Act, 42 U.S.C. 296d, 296e, 297).
29. Grants to institutions for traineeships for professional public health personnel (sec. 306, Public Health Service Act, 42 U.S.C. 242d).
30. Grants to schools for specialized training in public health (sec. 309, Public Health Service Act, 242g).
31. Grants for special vocational rehabilitation projects (sec. 4, Vocational Rehabilitation Act, 29 U.S.C. 34).
32. Experimental, pilot or demonstration projects to promote the objectives of title I, IV, X, XIV, or XVI of the Social Security Act (sec. 1115, Social Security Act, 42 U.S.C. 1315).
33. Social security and welfare cooperative research or demonstration projects (sec. 1110, Social Security Act, 42 U.S.C. 1310).
34. Child welfare research, training or demonstration projects (sec. 526, Social Security Act, 42 U.S.C. 726).
35. Research projects relating to maternal and child health services and crippled children's services (sec. 532, Social Security Act, 42 U.S.C. 729a).
36. Maternal and child health special project grants to institutions of higher learning (sec. 502(b), Social Security Act, 42 U.S.C. 702(b)).
37. Maternity and infant care special project grants to local health agencies (sec. 531, Social Security Act, 42 U.S.C. 726).
38. Special project grants to institutions of higher learning for crippled children's services (sec. 512(b), Social Security Act, 42 U.S.C. 712(b)).
39. Demonstration and evaluation projects and training of personnel in the field of juvenile delinquency (Juvenile Delinquency and Youth Offenses Control Act of 1961 (42 U.S.C. 2541, et seq.)).
40. Cooperative educational research (20 U.S.C. 331–332).
41. Language research (title VI, National Defense Education Act, 20 U.S.C. 512).
42. Research in new educational media (title VII, National Defense Education Act, 20 U.S.C. 541–542).
43. Research, training, and demonstration projects under Vocational Education Act of 1963 (sec. 4(c), 20 U.S.C. 35c(c)).
44. Grants for research and demonstration projects in education of handicapped children (20 U.S.C. 618).
45. Training grants for welfare personnel (sec. 705, Social Security Act, 42 U.S.C. 906).
46. Allowances to institutions training graduate fellows or other trainees (title IV, National Defense Education Act, 20 U.S.C. 461–465; sec. 4, Vocational Rehabilitation Act, 29 U.S.C. 34; secs. 301, 433, etc., Public Health Service Act, 42 U.S.C. 241, 289(c), etc.; sec. 3, Clean Air Act, 42 U.S.C. 1857b; sec. 4, Federal Water Pollution Control Act, 33 U.S.C. 466c).
47. Grants for teaching and the training of teachers for the education of handicapped children (20 U.S.C. 611–617).
48. Training persons in the use of films for the deaf (42 U.S.C. 2493(b)(4)).
49. Training for teachers of the deaf (20 U.S.C. 671–676).
50. Research in the use of educational and training films for the deaf (42 U.S.C. 2493(a)).
51. Operation and maintenance of schools in Federally-affected areas (20 U.S.C. 236–244).
52. Grants for teacher training and employment of specialists in desegregation problems (sec. 405, Civil Rights Act of 1964, P.L. 88–352).
53. Issuance to agencies or organizations of rent-free permits for operation, on Federal property in the custody of the Department, of vending stands for the blind, credit unions, Federal employee associations, etc. (Randolph-Sheppard Vending Stand Act, 20 U.S.C. 107–107f; 45 CFR Part 20; sec. 25, Federal Credit Union Act, 12 U.S.C. 1770; etc.)
54. Higher education student loan program (title II, National Defense Education Act, 20 U.S.C. 421–429).
55. Health professions school student loan program (title VII, Part C, Public Health Service Act, 42 U.S.C. 294; secs. 822–828, Public Health Service Act, 42 U.S.C. 297 a–g).
56. Land-grant college aid (7 U.S.C. 301–329).
57. Language and area centers (title VI, National Defense Education Act, 20 U.S.C. 511–513).
58. American Printing House for the Blind (20 U.S.C. 101–105).
59. Future Farmers of America (36 U.S.C. 271–291) and similar programs.
60. Science Clubs (20 U.S.C. 2 (note)).
61. Howard University (20 U.S.C. 121–131).
62. Gallaudet College (31 D.C. Code, Ch. 10).
63. Hawaii leprosy payments (sec. 331, Public Health Service Act, 42 U.S.C. 255).
64. Grants to schools of public health for provision of comprehensive training and specialized services and assistance (sec. 314(c), Public Health Service Act, 42 U.S.C. 246(c)).
65. Grants to agencies and organizations under Cuban Refugee program (22 U.S.C. 2601(b)(4)).
66. Grants for construction of hospitals serving Indians (P.L. 85–151, 42 U.S.C. 2005).
67. Indian Sanitation Facilities (P.L. 86–121, 42 U.S.C. 2004a).
68. Areawide planning of health facilities (sec. 318, Public Health Service Act, 42 U.S.C. 247c).
69. Training institutes under sec. 511 of the National Defense Education Act of 1958, as amended (20 U.S.C. 491) and under title XI of such Act as added by P.L. 88–665 (20 U.S.C. 591–592).

Part 2. *State-administered continuing programs.*

1. Grants to States for control of venereal disease, tuberculosis, and for public health services (heart, cancer, mental health, radiological health, etc.) (sec. 314, Public Health Service Act (42 U.S.C. 246), and current appropriation act).
2. Grants to States for water pollution control (sec. 5, Federal Water Pollution Control Act, 33 U.S.C. 466d).
3. Grants to States for vocational rehabilitation services (sec. 2, Vocational Rehabilitation Act, 29 U.S.C. 32).
4. Grants to States for projects to extend and improve vocational rehabilitation services (sec. 3, Vocational Rehabilitation Act, 29 U.S.C. 33).
5. Designation of State licensing agency for blind operators of vending stands (Randolph-Sheppard Vending Stand Act, 20 U.S.C. 107–107f).
6 Grants to States for old-age assistance and medical assistance for the aged (title I, Social Security Act, 42 U.S.C. 301–306).
7. Grants to States for aid and services to needy families with children (title IV, Social Security Act, 42 U.S.C. 601–609).
8. Grants to States for aid to the blind (title X, Social Security Act, 42 U.S.C. 1201–1206).
9. Grants to States for aid to the permanently and totally disabled (title XIV, Social Security Act, 42 U.S.C. 1351–1355).
10. Grants to States for aid to the aged, blind or disabled or for such aid and medical assistance for the aged (title XVI, Social Security Act, 42 U.S.C. 1381–1385).
11. Grants to States for maternal and child health services (title V, part 1, Social Security Act, 42 U.S.C. 701–705).
12. Grants to States for services for crippled children (title V, part 2, Social Security Act, 42 U.S.C. 711–715).
13. Grants to States for special projects for maternity and infant care (sec. 531, Social Security Act, 42 U.S.C. 729).
14. Grants to States for child welfare services (title V, part 3, Social Security Act, 42 U.S.C. 721–725, 727, 728).
15. Grants to States for public library services and construction (20 U.S.C. sec. 351–358; P.L. 88–269).
16. Grants to States for strengthening science, mathematics, and modern foreign language instruction (title III, National Defense Education Act, 20 U.S.C. 441–444).
17. Grants to States for guidance, counseling and testing of students (title V–A, National Defense Education Act, 20 U.S.C. 481–484).
18. Grants to States for educational statistics services (sec. 1009, National Defense Education Act, 20 U.S.C. 589).
19. Surplus personal property disposal donations for health and educational purposes through State agencies (40 U.S.C. 484(j)).
20. Grants to States for hospital and medical facilities (title VI, Public Health Service Act, 42 U.S.C. 291–291z).
21. Grants to States for community mental health centers construction (Community Mental Health Centers Act, 42 U.S.C. 2681–2688).
22. Grants to States for vocational education (Smith-Hughes Act, 20 U.S.C. 11–15, 16–28; George-Barden Act, 20 U.S.C. 151–15q, 15aa–15jj, 15aaa–15ggg; Supplementary Acts, 20 U.S.C. 30–34;
23. Grants to States for mental retardation facilities (Part C, Mental Retardation Facilities Construction Act, 42 U.S.C. 2671–2677).
24. Arrangements with State vocational education agencies for training under the Area Redevelopment Act and the Manpower Development and Training Act of 1962 (42 U.S.C. 2513(c), 2601, 2602).
25. Grants to States for comprehensive planning for mental retardation (title XVII, Social Security Act, 42 U.S.C. 1381–1394).

[F.R. Doc. 64–12659; Filed, Dec. 3, 1964; 4:23 p.m.]



## Chapter VI—National Science Foundation

## PART 611—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE NATIONAL SCIENCE FOUNDATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Part 611 reads as follows:

Sec.
611.1 Purpose.
611.2 Application of part.
611.3 Discrimination prohibited.
611.4 Assurances required.
611.5 Illustrative applications.
611.6 Compliance information.
611.7 Conduct of investigations.
611.8 Procedure for effecting compliance.
611.9 Hearings.
611.10 Decisions and notices.
611.11 Judicial review.
611.12 Effect on other regulations; forms and instructions.
611.13 Definitions.

AUTHORITY: The provisions of this Part 611 issued under sec. 602, 78 Stat. 252 and sec. 11(a), 64 Stat. 153.

### § 611.1 Purpose.

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the National Science Foundation.

### § 611.2 Application of part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Foundation, including the Federally-assisted programs and activities listed in Appendix A of this part. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of the regulation pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contract, (b) money paid, property transferred, or other assistance extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 611.3. The fact that a program or activity is not listed in the Appendix shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

### § 611.3 Discrimination prohibited.

(a) *General.* No person in the United States, shall, on grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program of an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph and paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.* (1) Where a primary objective of the Federal financial assistance to a program to which this part applies is to provide employment, a recipient may not directly or through contractual or other arrangements subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation and use of facilities), including programs where a primary objective of the Federal financial assistance is (i) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training or (ii) to provide work experience which contributes to the education or training of such individuals.

(2) Programs listed in Appendix A as respects employment opportunities provided thereunder, or in facilities provided thereunder, which are limited, or for which preference is given, to students, fellows, or other persons, including research associates, where in training for the same or related employments, have one of the above purposes as a primary purpose.

(3) The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Executive Order 11114.

(d) *Medical emergencies.* Notwithstanding the foregoing provisions of this section, a recipient of Federal financial assistance shall not be deemed to have failed to comply with paragraph (a) of this section if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health, and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with paragraph (a) of this section.

### § 611.4 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which

the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible Foundation official shall specify the form of the foregoing assurances for each program and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) The assurance required in the case of a transfer of real property except where covered by subparagraph (3) of this paragraph shall be inserted in the instrument effecting the transfer of any such land, together with any improvements located thereon, and shall consist of (i) a condition coupled with a right to be reserved to the Foundation to revert title to the property in the event of breach of such nondiscrimination condition during the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, and (ii) a covenant running with the land for the same period. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Director may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of the General Services Administration. (41 CFR 101–6.2.)

(b) *Elementary and secondary schools.* The requirements of paragraph (a) of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the Commissioner of Education determines is adequate to accomplish the purposes of the Act and this part, and provides reasonable assurance that it will carry out such plan. In any case of continuing Federal financial assistance the Commissioner may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

(c) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education (including assistance for construction, for research, for a special training project, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible Foundation official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

### § 611.5 Illustrative applications.

The following examples will illustrate the application of the foregoing provisions to some of the programs of the Foundation. (In all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin prohibited by Title VI of the Act and this part, as a condition of the receipt of Federal financial assistance.)

1. In programs for support to elementary or secondary schools such as for the acquisition of equipment discrimination by the recipient school district in any of its elementary or secondary schools, or by the recipient private institution, in the admission of students, or in the treatment of its students in any aspect of the educational process, is prohibited. In this and the following illustration the prohibition of discrimination in the treatment of students or other trainees includes the prohibition of discrimination among the students or trainees in the availability or use of any academic, dormitory, eating, recreational, or other facilities of the grantee or other recipient.

2. In a research, training, or other grant to a university for activities to be conducted in a graduate school, discrimination in the admission and treatment of students in the graduate school is prohibited, and the prohibition extends to the entire university unless it satisfies the responsible Foundation official that practices with respect to other parts or programs of the university will not interfere, directly or indirectly, with fulfillment of the assurance required with respect to the graduate school.

3. In a training grant to a hospital or other nonacademic institution, discrimination is prohibited in the selection of individuals to be trained and in their treatment by the grantee during their training. In a research or demonstration grant to such an institution, discrimination is prohibited with respect to any educational activity, any provision of medical or other services and any financial aid to individuals incident to the program.

4. In grant programs to assist in the construction of facilities for research or for the provision of educational services, assurances will be required that services will be provided without discrimination, to the same extent that discrimination would be prohibited as a condition of Federal operating grants for the support of such services. Thus, as a condition of grants for the construction of academic, research, or other facilities at institutions of higher education, assurances will be required that there will be no discrimination in the admission or treatment of students. In other construction grants the assurances required will similarly be adapted to the nature of the activities to be conducted in the facilities for construction of which the grants have been authorized by Congress.

5. Upon transfers of real or personal property for research or educational uses, discrimination is prohibited to the same extent as in the case of grants for the construction of facilities or the provision of equipment for like purposes.

### § 611.6 Compliance information.

(a) *Cooperation and assistance.* The responsible Foundation official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Foundation official timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Foundation official may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Foundation official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Foundation official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.



### § 611.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Foundation official shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Foundation official a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Foundation official.

(c) *Investigations.* The responsible Foundation official will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this regulation, the responsible Foundation official will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 611.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the responsible Foundation official will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

### § 611.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 611.4.* If an applicant fails or refuses to furnish an assurance required under § 611.4 or otherwise fails to comply with that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Foundation shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such subsection, except that the Foundation shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Foundation official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearings, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Director and the National Science Board pursuant to § 611.10(e), and (4) the expiration of thirty days after the Director has filed with the Committee of the House and the Committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Foundation official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Director and the National Science Board, (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least ten days from the mailing of such notice to the recipient or other person. During this period of at least ten days additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

### § 611.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 611.8(b), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than twenty days after the date of such notice within which the applicant or recipient may request of the responsible Foundation official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 611.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Foundation in Washington, D.C., at a time fixed by the responsible Foundation official unless he determines that the convenience of the applicant or recipient or of the Foundation requires that another place be selected. Hearings shall be held before the responsible Foundation official or, at the discretion of the Director, a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Foundation shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Foundation and the applicant or recipient shall be entitled to

introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Director may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 611.10.

**§ 611.10 Decisions and notices.**

(a) *Decision by a person or persons other than the responsible Foundation official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including recommended findings and proposed decision to the responsible Foundation official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible Foundation official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Foundation official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible Foundation official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Foundation official.

(b) *Decisions on record or review by the responsible Foundation official.* Whenever, after hearing, a record is certified to the responsible Foundation official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Foundation official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Foundation official shall be given in writing to the applicant or recipient, and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 611.9(a), a decision shall be made by the responsible Foundation official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer, panel, or responsible Foundation official shall set forth the ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Director and National Science Board.* Any final decision of a responsible Foundation official (other than the Director) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Director who may approve such decision, may vacate it, or remit or mitigate any sanction imposed. In the event that the imposition of a sanction is considered appropriate by the Director, such decision will be forwarded to the National Science Board for approval before any sanction is imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible Foundation official that it will fully comply with this part.

**§ 611.11 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 611.12 Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Foundation which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925 and 11114, and regulations issued thereunder, or (2) Executive Order 11063 and regulations issued thereunder or any other regulations or instructions insofar as such order, regulations or instructions prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Foundation official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Director may from time to time assign to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 611.10), including the achievement of effective coordination and maximum uniformity within the Executive Branch of the Government in the application of Title VI and this regulation to similar programs and in similar situations.

**§ 611.13 Definitions.**

As used in this part:

(a) The term "Foundation" means the National Science Foundation, and includes each of its organizational units.

(b) The term "Director" means the Director of the National Science Foundation.

(c) The term "responsible Foundation official" with respect to any program receiving Federal financial assistance means the Director or other official of the Foundation designated by the Director.

(d) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.



(e) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or the donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) The term "program" includes any program, project, or activity involving the provision of services, financial aid, or other benefits to individuals (including education or training, health, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(j) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Foundation official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

*Effective date.* This part shall become effective on the 30th day after the date of its publication in the FEDERAL REGISTER.

Dated: November 30, 1964.

LELAND J. HAWORTH,
*Director,*
*National Science Foundation.*

Approved: December 3, 1964.

LYNDON B. JOHNSON.

APPENDIX A

PROGRAMS TO WHICH THIS PART APPLIES[1]

1. Support of basic scientific research.
2. Development and implementation of institutional science programs.
A. Institutional base grants.
B. Instructional equipment for undergraduate education.
C. Graduate science facilities.
D. Science development.
3. Support of specialized research facilities.
4. Science education programs.
A. Institutes.
B. Research participation and science activities for teachers.
C. Science education for undergraduate students.
D. Science education for secondary students.
E. Specialized advanced science education projects.
F. Cost of education payments to universities.

[F.R. Doc. 64-12540; Filed, Dec. 3, 1964; 4:23 p.m.]

[1] All the above programs listed are conducted pursuant to authority contained in the National Science Foundation Act of 1950, as amended, 42 U.S.C. 1861-1875.

*Part II begins on page 16501*

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*Pages 16311–16771*

PART I

# FEDERAL REGISTER

VOLUME 29 NUMBER 237

*Washington, Saturday, December 5, 1964*

# Contents


## AGRICULTURAL MARKETING SERVICE

**Rules and Regulations**

Fruit:
- California and Arizona; handling limitations:
  - Lemons ... 16316
  - Oranges, navel ... 16315
- Florida; shipment limitations:
  - Grapefruit ... 16314
  - Oranges ... 16313
  - Tangelos ... 16315
  - Tangerines ... 16314

**Proposed Rule Making**

Milk in certain marketing areas; decisions:
- Chicago, Ill ... 16395
- Chicago, Ill., and South Bend-LaPorte-Elkhart, Ind ... 16417

**Notices**

Sioux City Stock Yards; petition for modification of rate order ... 16434

## AGRICULTURAL RESEARCH SERVICE

**Rules and Regulations**

Imports and exports; overtime services; commuted travel time allowances ... 16316

## AGRICULTURE DEPARTMENT

*See* Agricultural Marketing Service; Agricultural Research Service.

## AIR FORCE DEPARTMENT

**Rules and Regulations**

Administration; mortuary benefits ... 16323

## ATOMIC ENERGY COMMISSION

**Notices**

Walker Trucking Co.; amendment of byproduct, source and special nuclear material license ... 16435

## CANAL ZONE

**Rules and Regulations**

Air navigation; miscellaneous amendments ... 16328

## COMMERCE DEPARTMENT

*See also* International Commerce Bureau; National Bureau of Standards.

**Notices**

Vaughn, William E.; statement of changes in financial interests ... 16435

## CUSTOMS BUREAU

**Rules and Regulations**

Appraisement; antidumping ... 16320

## DEFENSE DEPARTMENT

*See* Air Force Department.

## EDUCATION OFFICE

**Notices**

Allotment ratios for Vocational Education Act of 1963 ... 16435

## FEDERAL AVIATION AGENCY

**Rules and Regulations**

Airworthiness directives:
- Douglas Models DC–8 and DC–8F Series aircraft ... 16317
- Marvel-Schebler carburetors; certain models ... 16317
- Vertol Models H–21 and 42 Series helicopters ... 16318

Control zone; alteration ... 16318
Federal airway; alteration ... 16318
Jet route; designation ... 16319

**Proposed Rule Making**

Airworthiness directives:
- Beech Model 35 Series aircraft ... 16429
- Mooney aircraft; certain models ... 16430
- United States Control, Inc.; Model F–542 Series flight data recorders ... 16430

Control zone; designation ... 16431
Control zones, alteration; and alteration and designation of transition areas ... 16431
Jet route; alteration ... 16432

**Notices**

Maine Radio and Television Co.; determination of no hazard to air navigation ... 16436

## FEDERAL COMMUNICATIONS COMMISSION

**Notices**

*Hearings, etc.:*
- Central Broadcasting Corp. and WCRB, Inc ... 16436
- Cleveland Telecasting Corp. and Superior Broadcasting Corp ... 16437
- Progress Broadcasting Corp. (WHOM) ... 16437
- Tree Broadcasting Co ... 16437
- Trinity Broadcasting Co. and Warner Bros. Pictures, Inc ... 16437
- Vaughn-Hanssen Co. and Cape Canaveral Broadcasters, Inc ... 16437
- Welch, Melvin S ... 16437

## FEDERAL MARITIME COMMISSION

**Proposed Rule Making**

Predated bills of lading ... 16433

**Notices**

Agreements filed for approval:
- Chilean Line, Inc., and Pittston Stevedoring Corp ... 16438
- Port of Seattle and Matson Terminals, Inc ... 16438

## FEDERAL POWER COMMISSION

**Notices**

Land withdrawals; Michigan; Consumers Power Co.:
- Cooke Hydroelectric Project ... 16441
- Loud Plant ... 16441

*Hearings, etc.:*
- Area rate proceedings et al ... 16438
- Arkansas Louisiana Gas Co ... 16440
- Atlantic Refining Co ... 16444
- Cities Service Gas Co. (2 documents) ... 16440
- El Paso Natural Gas Co. (3 documents) ... 16441, 16442
- Northern Natural Gas Co ... 16442
- Raton Natural Gas Co ... 16443
- Transwestern Pipeline Co ... 16443
- United Gas Pipe Line Co ... 16443


*(Continued on next page)*

**FEDERAL RESERVE SYSTEM**
Rules and Regulations
Payment of interest on deposits; maximum interest rates ..... 16317

**FISCAL SERVICE**
Proposed Rule Making
U.S. securities and savings bonds .. 16330

**FOOD AND DRUG ADMINISTRATION**
Proposed Rule Making
Peanut butter; definitions and standards of identity; extension of time for comments ..... 16429

**GENERAL ACCOUNTING OFFICE**
Rules and Regulations
Transportation services, passenger and freight, for account of U.S.; miscellaneous amendments ..... 16313

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
*See* Education Office; Food and Drug Administration.

**INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE**
Notices
Certain cotton textile products produced or manufactured in Poland; restriction on entry or withdrawal from warehouse ... 16444

**INTERIOR DEPARTMENT**
*See* Land Management Bureau.

**INTERNATIONAL COMMERCE BUREAU**
Notices
Newman & Newman et al.; related party determinations ..... 16434

**INTERSTATE COMMERCE COMMISSION**
Notices
Lehigh Valley Railroad Co. and Norfolk and Western Railway Co.; shortage of freight cars ... 16448
Missouri-Kansas-Texas Railroad Co.; rerouting of traffic ..... 16448
Motor carrier transfer proceedings ..... 16447

**LABOR DEPARTMENT**
*See* Wage and Hour Division.

**LAND MANAGEMENT BUREAU**
Notices
Wyoming; proposed withdrawal and reservation of lands ..... 16434

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
Rules and Regulations
Public contracts and property management ..... 16502

**NATIONAL BUREAU OF STANDARDS**
Rules and Regulations
Test fee schedules; electricity; miscellaneous amendments ..... 16319

**RAILROAD RETIREMENT BOARD**
Rules and Regulations
Plan of operation during national emergency ..... 16322

**SECURITIES AND EXCHANGE COMMISSION**
Notices
*Hearings, etc.:*
Genesee Valley Gas Co., Inc ... 16445
Household Finance Corp ..... 16445
Jersey Central Power & Light Co ..... 16446

**SMALL BUSINESS ADMINISTRATION**
Notices
Oklahoma; disaster area declaration ..... 16446

**TREASURY DEPARTMENT**
*See* Customs Bureau; Fiscal Service.

**VETERANS ADMINISTRATION**
Rules and Regulations
Adjudication; hospitalization adjustments ..... 16328
Public contracts; determination of responsibility, and award when only one bid is received ... 16323

**WAGE AND HOUR DIVISION**
Proposed Rule Making
Industry committees for various industries in Puerto Rico; appointment and hearings ..... 16428


## Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**4 CFR**
51 ..... 16313
52 ..... 16313

**7 CFR**
905 (4 documents) ..... 16313–16315
907 ..... 16315
910 ..... 16316
PROPOSED RULES:
1030 (2 documents) ..... 16395, 16417
1031 ..... 16417

**9 CFR**
97 ..... 16316

**12 CFR**
217 ..... 16317

**14 CFR**
39 [New] (3 documents) ... 16317, 16318
71 [New] (2 documents) ..... 16318
75 [New] ..... 16319
PROPOSED RULES:
39 [New] (3 documents) ... 16429, 16430
71 [New] (2 documents) ..... 16431
75 [New] ..... 16432

**15 CFR**
201 ..... 16319

**19 CFR**
14 ..... 16320

**20 CFR**
395 ..... 16322

**21 CFR**
PROPOSED RULES:
46 ..... 16429

**29 CFR**
PROPOSED RULES:
601 ..... 16428
670 ..... 16428
675 ..... 16428
720 ..... 16428

**31 CFR**
PROPOSED RULES:
306 ..... 16330
315 ..... 16330
316 ..... 16330
321 ..... 16330
332 ..... 16330

**32 CFR**
804 ..... 16323

**35 CFR**
5 ..... 16328

**38 CFR**
3 ..... 16328

**41 CFR**
8–1 ..... 16323
8–2 ..... 16323
Ch. 18 ..... 16502

**46 CFR**
PROPOSED RULES:
Ch. IV ..... 16433

# Rules and Regulations

## Title 4—ACCOUNTS

### Chapter I—General Accounting Office

SUBCHAPTER D—TRANSPORTATION

### PART 51—PASSENGER TRANSPORTATION SERVICE FOR THE ACCOUNT OF THE UNITED STATES

### PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

**Miscellaneous Amendments**

1. Section 51.4 is revised to read as follows:

**§ 51.4 Use of travel agencies.**

(a) Travel agencies may be utilized, when authorized under administrative regulations, to secure passenger transportation services by air, bus, rail or water, or any combination thereof, for travel (1) within foreign countries (except Canada or Mexico); (2) between foreign countries; or (3) from foreign countries to the United States and its possessions: *Provided:*

(i) The request for transportation is made first to a company branch office or a general agent of an American flag air or ocean carrier if the travel originates in a city or its contiguous carrier-servicing area in which such branch office or general agent is located and through ticketing arrangements for the transportation authorized cannot be secured, or

(ii) There is no company branch office or general agent of an American flag air or ocean carrier located in the city or its contiguous carrier-servicing area in which the official travel originates. (Information as to branch offices and general agents of American flag air and ocean carriers is available at overseas offices of the Department of State.)

(b) No payment is to be made to a travel agency in addition to that which would have been properly chargeable had the service requested been obtained from the carrier or carriers involved.

(Sec. 311, 42 Stat. 25 as amended; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

2. Paragraph (a) of § 52.26 is revised to read as follows:

**§ 52.26 Preparation by carriers of public voucher for transportation charges.**

(a) The arrangement of the voucher form requires the listing of the complete serial number and amount of each subvoucher (bill of lading, etc.); it does not provide for descriptive details of the service rendered. Except as provided in §§ 52.26a and 52.33, carriers are requested to make a special effort, when the charges are to be billed to the same office, to include as many subvouchers as possible on each voucher form, since such practice will materially reduce the number of forms used and the number of Government checks issued, and will expedite the payment and audit of transportation charges.

* * * * *

(Sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

3. A new § 52.26a is added, as follows:

**§ 52.26a Separate rate billing for household goods shipments.**

Each household goods shipment should be billed on a separate SF 1113, Public Voucher For Transportation Charges, except that domestic shipments of crated household goods shall not be subject to this requirement.

(Sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49)

[SEAL] JOSEPH CAMPBELL,
*Comptroller General of the United States.*

[F.R. Doc. 64-12475; Filed, Dec. 4, 1964; 8:48 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 44]

### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

**Limitation of Shipments**

**§ 905.440 Orange Regulation 44.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the periods beginning at 12:01 a.m., e.s.t., December 7, 1964, and ending at 12:01 a.m., e.s.t, December 23, 1964, and beginning at 12:01 a.m., e.s.t., December 31, 1964, and ending at 12:01 a.m., e.s.t., January 11, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet;

(iii) Any oranges, except Temple oranges, grown in the production area,

which are of a size smaller than 2⁸⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⁸⁄₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹⁄₁₆ inches in diameter or smaller;

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(v) Any Temple oranges, grown in the production area, which are of a size smaller than 2⁸⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(3) During the period beginning at 12:01 a.m., e.s.t., December 23, 1964, and ending at 12:01 a.m., e.s.t., December 31, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges, including Temple oranges, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 2, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12526; Filed, Dec. 4, 1964; 8:50 a.m.]

[Grapefruit Reg. 45]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 905.441 Grapefruit Regulation 45.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the periods beginning at 12:01 a.m., e.s.t., December 7, 1964, and ending at 12:01 a.m., e.s.t., December 23, 1964, and beginning at 12:01 a.m., e.s.t., December 31, 1964, and ending at 12:01 a.m., e.s.t., January 11, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3¹⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade; or

(v) Any seedless grapefruit grown in the production area, which are smaller than 3⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(3) During the period beginning at 12:01 a.m., e.s.t., December 23, 1964, and ending at 12:01 a.m., e.s.t., December 31, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada or Mexico, any variety of grapefruit, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 2, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12525; Filed, Dec. 4, 1964; 8:50 a.m.]

[Tangerine Reg. 24]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 905.442 Tangerine Regulation 24.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) During the periods beginning at 12:01 a.m., e.s.t., December 7, 1964, and ending at 12:01 a.m., e.s.t., December 23, 1964, and beginning at 12:01 a.m., e.s.t., December 31, 1964, and ending at 12:01 a.m., e.s.t., January 11, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2¹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(3) During the period beginning at 12:01 a.m., e.s.t., December 23, 1964, and ending at 12:01 a.m., e.s.t, December 31, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 2, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12528; Filed, Dec. 4, 1964; 8:50 a.m.]



[Tangelo Reg. 24]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 905.443 Tangelo Regulation 24.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the periods beginning at 12:01 a.m., e.s.t., December 7, 1964, and ending at 12:01 a.m., e.s.t., December 23, 1964, and beginning at 12:01 a.m., e.s.t., December 31, 1964, and ending at 12:01 a.m., e.s.t., January 11, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2⁸⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(3) During the period beginning at 12:01 a.m., e.s.t., December 23, 1964, and ending at 12:01 a.m., e.s.t., December 31, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos, grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 2, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12527; Filed, Dec. 4, 1964; 8:50 a.m.]

[Navel Orange Reg. 62]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 907.362 Navel Orange Regulation 62.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel

oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 3, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 6, 1964, and ending at 12:01 a.m., P.s.t., December 13, 1964, are hereby fixed as follows:

(i) District 1: 1,200,000 cartons;
(ii) District 2: 72,125 cartons;
(iii) District 3: 200,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 4, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12574; Filed, Dec. 4, 1964; 12:01 p.m.]

[Lemon Reg. 141]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 910.441 Lemon Regulation 141.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 1, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 6, 1964, and ending at 12:01 a.m., P.s.t., December 13, 1964, are hereby fixed as follows:

(i) District 1: 41,850 cartons;
(ii) District 2: 83,700 cartons;
(iii) District 3: 79,050 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 3, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12524; Filed, Dec. 4, 1964; 8:50 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

## PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

### Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Inspection and Quarantine Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective August 18, 1964 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318) prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective "lists" therein, as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Corpus Christi, Tex.; Port Arthur, Tex.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Gregory, Tex. (served from Corpus Christi, Tex.).

TWO HOURS

Add: Beaumont, Tex. (served from Port Arthur, Tex.); Orange, Tex. (served from Port Arthur, Tex).

THREE HOURS

Add: Lake Charles, La. (served from Port Arthur, Tex.).

FOUR HOURS

Add: New Bedford, Mass. (served from Boston, Mass.).

FIVE HOURS

Add: Astoria, Oreg. (served from Portland, Oreg.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Inspection and Quarantine Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238) it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

These revised administrative instructions shall be effective on and after December 7, 1964.

(64 Stat. 561; 5 U.S.C. 576)

Done at Hyattsville, Md., this 2d day of December 1964.

L. C. HEEMSTRA,
*Director, Animal Inspection and Quarantine Division.*

[F.R. Doc. 64–12487; Filed, Dec. 4, 1964; 8:49 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

## PART 217—PAYMENT OF INTEREST ON DEPOSITS

### Explanatory Statement Regarding Maximum Interest Rates on Deposits

§ 217.139 Explanatory statement regarding maximum interest rates on deposits.

(a) The following comments are intended to answer certain questions in connection with changes in the maximum permissible rates of interest that member banks may pay on time and savings deposits under the revision of § 217.6 (Supplement to Regulation Q) that became effective November 24, 1964.

(b) Time certificates of deposit issued prior to November 24, 1964, may be amended by a member bank, if desired, to bear interest up to the new applicable increased maximum rates for any period subsequent to that date. For example, a certificate dated July 1, 1964, maturing July 1, 1965, may be amended to bear interest up to a rate of 4½ percent for any period subsequent to November 24, 1964. (As hereafter noted, the rate would be subject to any restrictions imposed by applicable State law.)

(c) While the revised § 217.6, like the section previously in effect, fixes a maximum rate of interest that may be paid on any time deposit having a maturity of less than 90 days, the section must, of course, be read in connection with the other provisions of this part. A deposit with a maturity of less than 30 days would not constitute a "time deposit" within the meaning of the provisions of § 217.1 and, unless it met the definition of a savings deposit, the deposit would constitute a demand deposit upon which the payment of interest would not be permissible.

(d) The new maximum rates are not retroactive. Consequently, a savings deposit that has remained on deposit for less than 12 months prior to November 24, 1964, may bear interest at a rate up to not more than 4 percent for any period beginning with such date but may not bear interest at a rate in excess of 3½ percent for any period prior to such date, except that, if and when a savings deposit, which was in the bank prior to November 24, 1964, has remained in the bank for a full 12-month period, interest may then be adjusted to provide a yield of not more than 4 percent from the date of the deposit.

(e) It should be borne in mind that State member banks are subject also to any provisions of State law or regulations thereunder that prescribe maximum rates of interest that they may pay on time and savings deposits, and in some cases State-prescribed rates may be less than the maximum rates prescribed by the Board. In addition, under section 24 of the Federal Reserve Act (12 U.S.C. 371), national banks may not pay interest on time or savings deposits at a rate in excess of the highest rate authorized by State law to be paid upon such deposits by State banks or trust companies.

(f) It should be emphasized that § 217.6 prescribes only maximum rates of interest that member banks may pay on time and savings deposits. Member banks are free, of course, to pay lower interest rates if they so desire.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 371b)

Dated at Washington, D.C., this 27th day of November 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64–12452, Filed, Dec. 4, 1964; 8:47 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 6367; Amdt. 39–10]

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Douglas Models DC–8 and DC–8F Series Aircraft

Amendment 773, 29 F.R. 9962, AD 64–17–7, requires inspection of the bogie beams and rework of any found cracked on Douglas Models DC–8 and DC–8F Series aircraft. A subsequent investigation prompted by a request for an extension of the repetitive inspection period has shown that an increase in such inspection period from 100 to 150 hours' time in service can be granted without affecting the level of safety of the aircraft. Accordingly, Amendment 773 is being so revised.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is amended as follows:

Amendment 773, 29 F.R. 9962, AD 64–17–7, Douglas Models DC–8 and DC–8F Series aircraft, is amended by changing the inspection interval in paragraph (b) from "100 hours' time in service" to "150 hours' time in service".

This amendment shall become effective December 5, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 1, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64–12429; Filed, Dec. 4, 1964; 8:45 a.m.]

[Docket No. 6230; Amdt. 39–11]

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Marvel-Schebler Models MA–3, MA–3A, MA–3SPA, MA–4SPA, MA–4–5, MA–4–5AA and MA–6 Carburetors

A proposal to amend Party 507 of the regulations of the Administrator to supersede Amendment 30, 24 F.R. 5635, AD 59–13–7, and Amendment 400, 27 F.R. 1454, AD 62–4–2, with a new directive requiring inspection, parts replacement, installation of the positive retraction float valve assembly and safetying of the bowl screws by the use of safety wire on Marvel-Schebler Models MA–3, MA–3A, MA–3SPA, MA–4SPA, MA–4–5, MA–4–5AA, and MA–6 Carburetors was published in 29 F.R. 13976. Since the publication of that proposal, Part 507 has been recodified into Part 39 [New] of the Federal Aviation Regulations, effective November 20, 1964, therefore this amendment is being made to Part 39 [New].

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

MARVEL-SCHEBLER. Applies to Models MA-3, MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA and MA-6 carburetors used on various Franklin (Aircooled), Continental, Lycoming and Ranger engines, except the carburetors listed herein or having the number "64" stamped on the nameplate.

| Marvel-Schebler P/N | Serial number |
|---|---|
| A10-3859-1 | W-4-262 and up. |
| A10-3878 | G-6-1902 and up. |
| A10-3965-12 | H-11-4119 and up. |
| A10-4025-12 | Z-2-1400 and up. |
| A10-4164-1 | K-3-1697 and up. |
| A10-4218-1 | AK-2-368 and up. |
| A10-4401-1 | AC-3-1396 and up. |
| A10-4404 | R-6-3344 and up. |
| A10-4404 | AO-3-996 and up. |
| A10-4438-1 | AH-4-626 and up. |

Compliance required within 1,000 hours' time in service or when the carburetor is removed or disassembled, whichever occurs first, after the effective date of this AD.

Numerous operational malfunctions have occurred on these carburetors, including those complying with AD's 59-13-7 and 62-4-2. These have resulted in erratic engine operation and, in some cases, complete engine stoppage. Unless previously accomplished, design features contributing to these malfunctions are to be removed or corrected by accomplishing the following:

(a) Replace all float assemblies having metal float chambers, whether reinforced or not, with float assemblies having moulded cellular rubber float chambers of the appropriate part number for the carburetor involved.

(b) Visually inspect solder safety on float valve bracket attach screws for security. If it is intact and provides positive safety, no action is required. If an unsatisfactory condition is noted or if screws are removed for any cause, replace screws with long-lok insert screws, A15-A21.

NOTE. Before installing these screws, the tapped holes on the carburetor body should be chamfered or countersunk using a 45° countersink to the major diameter (0.112 inch) of the screw to facilitate starting the nylon insert into the hole and remove any sharp edges or incomplete threads which may cut the nylon insert. The thread depth of any holes which will not accept the full length of the screw should be increased by carefully tapping with 4-40 bottoming tap. Early carburetors of the MA-3 Series having 3-36 threads may be retapped to accept the 4-40 screw with a 4-40 bottoming tap after the chamfering or countersinking operation. The long-lok screws do not require solder safety.

(c) On Models MA-3, MA-3A, MA-3SPA and MA-4SPA, install P/N A233-615 float valve assembly having a positive retraction float valve clip, Marvel-Schebler P/N A29-184, and long-lok safety feature in accordance with instructions in Marvel-Schebler Service Bulletin No. A1-64. No solder safety is required.

(d) On Models MA-4-5, MA-4-5AA and MA-6 Series, install P/N A233-614 float valve assembly having a positive retraction float valve clip, Marvel-Schebler P/N A29-182, and long-lok safety feature in accordance with instructions in Marvel-Schebler Service Bulletin No. A6-63.

(e) Safety all bowl cover screws whether long-lok type or not, by the use of safety wire as described in Marvel-Schebler Bulletin No. A5-63 or standard procedure.

(f) After all modifications outlined in this AD have been accomplished, impression stamp or etch a small number "64" in the lower section of the nameplate to indicate compliance.

This supersedes Amendment 30, 24 F.R. 5635, AD 59-13-7, and Amendment 400, 27 F.R. 1454, AD 62-4-2.

This amendment shall become effective January 4, 1965.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 1, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12430; Filed, Dec. 4, 1964; 8:45 a.m.]

[Docket No. 6366; Amdt. 39-9]

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Vertol Models H-21 and 42 Series Helicopters

There has been a failure of one of the wood rotor blade root sockets on a Vertol Model H-21 helicopter. To correct this condition, an airworthiness directive is being issued to require inspection of the wood rotor blade root sockets and replacement of any found cracked, and establish a service life limitation for these wood rotor blade sockets.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

VERTOL. Applies to Models H-21 and 42 Series helicopters. Compliance required as indicated.

As a result of a fatigue failure of a wood rotor blade root socket, P/N 22R1364-1, accomplish the following:

(a) Conduct a daily visual inspection, using a magnifying glass of at least 8-power, of wood rotor blade root sockets, P/N 22R 1364-1, with 750 or more hours' time in service as of the effective date of this AD, for cracks in the slot area between the inboard clamp bolt and the relief hole at the inboard end of the slot while supporting the rotor blade tip so that the blade does not rest on the droop stop.

(b) Replace any cracked socket before further flight.

(c) Within 25 hours' time in service after the effective date of this AD retire from service all wood rotor blade root sockets, P/N 22R1364-1, having 725 or more hours' time in service on the effective date of this AD.

(d) Upon the accumulation of 750 hours' time in service, retire from service all wood rotor blade root sockets, P/N 22R1364-1, having less than 725 hours' time in service on the effective date of this AD.

This amendment shall become effective December 10, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 1, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12431; Filed, Dec. 4, 1964; 8:45 a.m.]

[Airspace Docket No. 64-AL-18]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to reduce the size of the Sitka, Alaska, Control Zone.

The Sitka control zone is presently designated as within a 5-mile radius of the Sitka Harbor Seaplane Base (latitude 57°03' N., longitude 135°21' W.), within 2 miles each side of the Sitka RR NE and SW courses, extending from the 5-mile radius zone to 2 miles SW of the RR, and within 2 miles each side of the Biorka, Alaska, VORTAC 027° and 207° radials, extending from the 5-mile radius zone to 2 miles SW of the VORTAC.

Instrument operations associated with this seaplane base are limited to single and twin-engine seaplanes. A 3-mile radius control zone would provide adequate protective airspace and be consistent with the requirement of instrument flight rule operations for the type aircraft employed.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective immediately. However, in order to provide sufficient time for charting purposes, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective February 4, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1153) the Sitka, Alaska, Control Zone is amended to read as follows:

SITKA, ALASKA

Within a 3-mile radius of Sitka Harbor Seaplane Base (latitude 57°03' N., longitude 135°21' W.), within 2 miles each side of the Sitka RR NE and SW courses, extending from the 3-mile radius zone to 2 miles SW of the RR, and within 2 miles each side of the Biorka, Alaska, VORTAC 027° and 207° radials, extending from the 3-mile radius zone to 2 miles SW of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on November 27, 1964.

JAMES G. ROGERS,
*Director, Alaskan Region.*

[F.R. Doc. 64-12426; Filed, Dec. 4, 1964; 8:45 a.m.]

[Airspace Docket 63-WE-123]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Transition Area and Federal Airway; Designation of Control Zone and Federal Airway; Correction

On October 17, 1964, Federal Register Document 64-10608 was published in the FEDERAL REGISTER (29 F.R. 14358) amending Part 71 of the Federal Aviation Regulations. This amendment will become effective December 10, 1964. In paragraph (c) (2) VOR Federal airway No. 211 was designated to terminate at the intersection of the Durango, Colo., 284° and Dove Creek, Colo., 147° radials. The point of termination should be the intersection of the Durango 284° and Dove Creek 148° radials. The point of termination would then fall on the centerline of VOR Federal airway No. 187 between Dove Creek, Colo., and Farmington, N. Mex. Accordingly, action is taken herein to correct the terminating point of V-211 by designating it on the Dove Creek 148° radial.

Since the alteration of the intersection by one degree is minor in nature, the public is not particularly interested in this alteration; therefore, the Administrator finds that compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary. The original date of effectiveness of December 10, 1964, may be retained since the Administrator finds that the availability of the controlled airspace and airways on the scheduled date of effectiveness is in the public interest, and no good cause would be served by delaying this date to provide a 30-day period preceding the alteration of the Dove Creek, Colo., radial by one degree.

In consideration of the foregoing, effective immediately, paragraph (c) (2) of Federal Register Document 64-10608 (29 F.R. 14358) is altered to read as follows:

V-211. From INT Alamosa, Colo., 232° and Durango, Colo., 110° radials via Durango; to INT Durango 284° and Dove Creek, Colo., 148° radials, excluding the airspace below 1,200 feet above the surface.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 30, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12427; Filed, Dec. 4, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-34]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Designation of Jet Route

On August 28, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12404) stating that the Federal Aviation Agency (FAA) proposed the designation of a jet route from the Los Angeles, Calif., VOR via the intersection of the Los Angeles VOR 319° and the Avenal, Calif., VOR 145° radials; Avenal VOR; Sacramento, Calif., VORTAC; Red Bluff, Calif., VORTAC; Medford, Oreg., VORTAC; Portland, Oreg., VORTAC; to the Seattle, Wash., VORTAC.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Departments of the Air Force and Navy commented that the proposed alignment between Avenal and Sacramento would seriously conflict with terminal procedures at Castle AFB, Calif., and Lemoore NAS, Calif., and suggested alignment of the jet route slightly to the west to permit en route operations on the jet route simultaneously with terminal operations at Castle AFB and Lemoore NAS. The FAA agrees with the position of the Air Force and Navy, and action is taken herein to designate that portion of the jet route between Avenal and Sacramento to avoid conflict with terminal procedures at Castle AFB and Lemoore NAS as follows: Avenal; via the intersection of the Avenal 329° and the Stockton, Calif., 164° radials; Stockton; to Sacramento.

All other comments received were favorable. Since this modification to the originally proposed route is minor in nature, adds only two miles to the distance between Avenal and Sacramento and causes no undue burden to any person, further notice and public procedure is deemed unnecessary.

The substance of the proposal having been published, therefore, for the reasons stated herein and in the notice, the following action is taken:

In § 75.100 (29 F.R. 1287) the following is added:

JET ROUTE NO. 126 (LOS ANGELES, CALIF., TO SEATTLE, WASH.)

From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; INT of the Avenal 329° and the Stockton, Calif., 164° radials; Stockton; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg.; to Seattle, Wash.

This amendment shall become effective 0001 e.s.t., February 4, 1965.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 30, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12428; Filed, Dec. 4, 1964; 8:45 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

## PART 201—ELECTRICITY

### Miscellaneous Amendments

Pursuant to authority contained in 15 U.S.C. 275a the following amendments are effective upon publication in the FEDERAL REGISTER.

Part 201 is amended by the following additions, revisions, and deletions.

1. Since July 1, 1964, all calibrations by the Electronic Calibration Center of the Radio Standards Laboratory at Boulder, Colorado, are normally being performed in a room environment of 40 percent relative humidity (±2%) at a temperature of 23° C. (±2°). Previously the calibrations were performed at 50 percent relative humidity at a temperature of 23° C.

This environment does not apply to saturated standard cells, resistance standards, and other standards that are calibrated in oil baths at specific temperatures that are usually above room temperature.

2. A new § 201.701 is added to read as follows:

**§ 201.701 Frequency stability calibration of signal sources.**

(Service available only at the Boulder Laboratories.)

(a) Frequency stability calibrations are made on signal sources up to 30 kHz. (See schedule 201.860 for calibration service at higher frequencies.)

(b) The signal source should have a power output of at least 10 milliwatts (into a matched load).

(c) Frequency stability of the signal source should be better than approximately one part in $10^7$.

| Item | Description | Fee |
|---|---|---|
| 201.701a..... | Measurement of frequency stability of signal sources, up to 30 kHz. | (*) |

§ 201.820 [Amended]

3. Section 201.820, item b, is amended to include the calibration of rf calorimeters at a frequency of 500 MHz.

§ 201.830 [Amended]

4. Section 201.830 is amended by the discontinuance of calibration service for capacitors with unshielded terminals, e.g., binding posts and banana-plug connectors.

§ 201.860 [Amended]

5. A new § 201.860 is added to read as follows:

**§ 201.860 Frequency stability calibration of signal sources.**

(Service available only at the Boulder Laboratories.)

(a) Frequency stability calibrations are made on signal sources in the frequency range from 30 kHz to 500 MHz.

(b) The signal source should have a power output of at least 10 milliwatts (into a matched load).

(c) Frequency stability of the signal source should be better than approximately one part in $10^7$.

| Item | Description | Fee |
|---|---|---|
| 201.860a..... | Measurement of frequency stability of signal sources, from 30 kHz to 500 MHz. | (*) |

§ 201.911 [Amended]

6. Section 201.911, item a, is amended to include power measurements on dry calorimeters at power values from 10 milliwatts to 1 watt (formerly the power range was from 10 to 100 milliwatts).

§ 201.920 [Amended]

7. Section 201.920 is amended to add a new item (a-2) to read as follows:

| Item | Description | Fee |
|---|---|---|
| 201.920a-2... | Measurement of reflective coefficient magnitude of waveguide reflectors (mismatches) in WR 62 waveguide (12.4-18.0 GHz) in the magnitude range of 0.025 to 1.0. | (*) |

*Fees. The fees to be charged for these calibration services performed by the National Bureau of Standards at its Boulder Laboratories, Boulder, Colo., are not fixed at this time. Charges will be made for actual costs incurred. Upon request, estimates will be furnished for specific tasks which should provide a close approximation of actual costs.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
*Director.*

[F.R. Doc. 64-12439; Filed, Dec. 4, 1964; 8:46 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56315]

## PART 14—APPRAISEMENT

### Antidumping

A notice was published in the FEDERAL REGISTER on December 24, 1963 (28 F.R. 14245), stating that the Treasury Department was reviewing its regulations (19 CFR 14.6–14.13) under the Antidumping Act of 1921, as amended (19 U.S.C. 160–173). All interested parties were afforded an opportunity to be heard on January 23, 1964, with regard to the regulations.

After consideration of all written submissions received and oral arguments made at the hearing, a notice of proposed rulemaking setting forth certain proposed amendments relating to procedures under the Antidumping Act was published in the FEDERAL REGISTER on April 23, 1964 (29 F.R. 5474), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and comments were invited to be submitted.

Due consideration now having been given to all comments, views, and other data received, the amendments as set forth below are hereby adopted. The amendments shall become effective, but not retroactively, 30 days after the date of their publication in the FEDERAL REGISTER. However, § 14.6a and the amendments to §§ 14.7(b) (1) and (3) and 14.9(a) shall not be effective with respect to antidumping proceedings in connection with which the question of dumping was raised or presented for the purposes of sections 201(b) and 202(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b) and 161(a)), before the 30th day following the date of publication of the amendments in the FEDERAL REGISTER.

Section 14.6 is amended as follows:

1. Paragraph (b) is amended;
2. Paragraph (c) is amended;
3. Paragraph (d)(1) is amended;
4. Paragraph (e) is amended.

The amended paragraphs read as follows:

**§ 14.6 Suspected dumping.**

* * * * *

(b) Any person outside the Customs Service who has information that merchandise is being, or is likely to be, imported into the United States under such circumstances as to bring it within the purview of the Antidumping Act, 1921, as amended,[14] may communicate such information in writing to the Commissioner of Customs. Every such communication shall contain or be accompanied by the following:

(1) A detailed description or sample of the merchandise; the name of the country from which it is being, or is likely to be, imported; the name of the exporter or exporters and producer or producers, if known; and the ports or probable ports of importation into the United States. If no sample is furnished, the Bureau of Customs may call upon the person who furnished the information to furnish samples of the imported and competitive domestic articles, or either.

(2) Such detailed data as are reasonably available with respect to values and prices indicating that such merchandise is being, or is likely to be, sold in the United States at less than its fair value, within the meaning of the Antidumping Act, 1921, as amended, including information as to any differences between the foreign market value or constructed value and the purchase price or exporter's sales price which may be accounted for by any difference in taxes, discounts, incidental costs such as those for packing or freight, or other items.

(3) Such information as is reasonably available to the person furnishing the information as to the total value and volume of domestic production of the merchandise in question.

(4) Such suggestions as the person furnishing the information may have as to specific avenues of investigation to be pursued or questions to be asked in seeking pertinent information.

(c) If any information filed pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the Commissioner shall return the communication to the person who submitted it with detailed written advice as to the respects in which it does not conform.

(d)(1) Upon receipt pursuant to paragraph (a) or (b) of this section of information in proper form:

(i) The Commissioner shall conduct a summary investigation. If he determines that the information is patently in error or that the merchandise is not being and is not likely to be imported in more than insignificant quantities he shall so advise the person who submitted the information and the case shall be closed. Otherwise, the Commissioner shall publish a notice in the FEDERAL REGISTER that information in proper form has been received pursuant to paragraph (a) or (b) of this section. This notice, which may be referred to as the "Antidumping Proceeding Notice," will specify whether the information relates to all shipments of the merchandise in question from an exporting country, or only to shipments by certain persons or firms; in the latter case, only the names of such persons and firms will be specified. The notice shall also specify the date on which information in proper form was received and that date shall be the date on which the question of dumping was raised or presented for purposes of sections 201(b) and 202(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b) and 161(a)). The notice shall also contain a summary of the information received. If a person outside the Customs Service raised or presented the question of dumping, his name shall be included in the notice unless a determination under § 14.6a of the regulations of this part requires that his name not be disclosed.

(ii) The Commissioner shall thereupon proceed promptly to decide whether or not reasonable grounds exist to believe or suspect that the merchandise is being, or likely to be, sold at less than its foreign market value (or, in the absence of such value, than its constructed value). To assist him in making this decision the Commissioner, in his discretion, may conduct a brief preliminary investigation into such matters, in addition to the invoice or other papers or information presented to him, as he may deem necessary.

* * * * *

(e) If the Commissioner determines pursuant to paragraph (d)(1)(ii) of this section, or in the course of an investigation under paragraph (d)(3)(i) of this section, that there are reasonable grounds to believe or suspect that any merchandise is being, or is likely to be, sold at less than its foreign market value (or, in the absence of such value, than its constructed value) under the Antidumping Act, he shall publish notice of that fact in the FEDERAL REGISTER, furnishing an adequate description of the merchandise, the name of each country of exportation, and the date of the receipt of the information in proper form, and shall advise all appraisers of his action. This notice may be referred to as the "Withholding of Appraisement Notice." If the belief or suspicion relates only to certain shippers or producers, the notice shall specify that this is the case and that the investigation is limited to the transactions of such shippers or producers. The notice shall also specify whether the appropriate basis of comparison for fair value purposes is purchase price or exporter's sales price if sufficient information is available to so state; otherwise a supplementary notice will be published in the FEDERAL REGISTER as soon as possible which will specify which of such prices is the appropriate basis of comparison for fair value purposes. Upon receipt of such advice, the appraisers shall proceed to withhold appraisement in accordance with the pertinent provisions of § 14.9.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Part 14 is amended by deleting present footnote 14; by redesignating present footnote 14a as footnote 14.

Part 14 is amended further by adding a new section designated 14.6a reading as follows:



**§ 14.6a Disclosure of information in antidumping proceedings.**

(a) *Information generally available.* In general, all information, but not necessarily all documents, obtained by the Treasury Department, including the Bureau of Customs, in connection with any antidumping proceeding will be available for inspection or copying by any interested person, such as the producer of the merchandise, any importer, exporter, or domestic producer of merchandise similar to that which is the subject of the proceeding. With respect to documents prepared by an officer or employee of the United States, factual material, as distinguished from recommendations and evaluations, contained in any such document will be made available by summary or otherwise on the same basis as information contained in other documents. Attention is directed to § 24.12 of this chapter relating to fees charged for providing copies of documents.

(b) *Requests for confidential treatment of information.* Any person who submits information in connection with an antidumping proceeding may request that such information, or any specified part thereof, be held confidential. Information covered by such a request shall be set forth on separate pages from other information; and all such pages shall be clearly marked "Confidential Treatment Requested." The Commissioner of Customs or the Secretary of the Treasury or the delegate of either will determine, pursuant to paragraph (c) of this section, whether such information, or any part thereof, shall be treated as confidential. If it is so determined, the information covered by the determination will not be made available for inspection or copying by any person other than an officer or employee of the United States Government or a person who has been specifically authorized to receive it by the person requesting confidential treatment. If it is determined that information submitted with such a request, or any part thereof, should not be treated as confidential, or that summarized or approximated presentations thereof should be made available for disclosure, the person who has requested confidential treatment thereof shall be promptly so advised and, unless he thereafter agrees that the information, or any specified part or summary or approximated presentations thereof, may be disclosed to all interested parties, the information will not be made available for disclosure, but to the extent that it is self-serving it will be disregarded for the purpose of the determination as to sales below fair value and no reliance shall be placed thereon in this connection.

(c) *Standards for determining whether information will be regarded as confidential.* (1) Information will ordinarily be considered to be confidential only if its disclosure would be of significant competitive advantage to a competitor or would have a significantly adverse effect upon a person supplying the information or upon a person from whom he acquired the information. Further, if disclosure of information in specific terms or with identifying details would be inappropriate under this standard, the information will ordinarily be considered appropriate for disclosure in generalized, summary or approximated form, without identifying details, unless the Commissioner of Customs or the Secretary of the Treasury or the delegate of either determines that even in such generalized, summary or approximated form, such disclosure would still be of significant competitive advantage to a competitor or would still have a significantly adverse effect upon a person supplying the information or upon a person from whom he acquired the information. As indicated in paragraph (b) of this section, however, the decision that information is not entitled to protection from disclosure in its original or in another form will not lead to its disclosure unless the person supplying it consents to such disclosure.

(2) Information will ordinarily be regarded as appropriate for disclosure if it

(i) Relates to price information;

(ii) Relates to claimed freely available price allowances for quantity purchases; or

(iii) Relates to claimed differences in circumstances of sale.

(3) Information will ordinarily be regarded as confidential if its disclosure would

(i) Disclose business or trade secrets;

(ii) Disclose production costs;

(iii) Disclose distribution costs, except to the extent that such costs are accepted as justifying allowances for quantity or differences in circumstances of sale;

(iv) Disclose the names of particular customers or the price or prices at which particular sales were made.

(Sec. 407, 42 Stat. 18; 19 U.S.C. 173.)

Section 14.7(b) is amended as follows:

1. Subparagraph (1) is amended;
2. Subparagraph (3) is amended;
3. Subparagraph (4) is amended;
4. A new subparagraph (9) is added.

The amended and added subparagraphs of § 14.7(b) read as follows:

**§ 14.7 Fair value.**

* * * * *

(b) *Calculations of fair value.* * * *

(1) *Quantities.* In comparing the purchase price or exporter's sales price, as the case may be, with such applicable criteria as sales or offers, on which a determination of fair value is to be based, reasonable allowances will be made for differences in quantities if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. In determining the question of allowances for differences in quantity, consideration will be given, among other things, to the practice of the industry in the country of exportation with respect to affording in the home market (or third country markets, where sales to third countries are the basis for comparison) discounts for quantity sales which are freely available to those who purchase in the ordinary course of trade. Allowances for price discounts based on sales in large quantities ordinarily will not be made unless (i) the exporter during the six months prior to the date when the question of dumping was raised or presented had been granting quantity discounts of at least the same magnitude with respect to 20 percent or more of such or similar merchandise which he sold in the home market (or in third country markets when sales to third countries are the basis for comparison) and that such discounts had been freely available to all purchasers, or (ii) the exporter can demonstrate that the discounts are warranted on the basis of savings specifically attributable to the quantities involved.

* * * * *

(3) *Similar merchandise.* In comparing the purchase price or exporter's sales price, as the case may be, with the selling price in the home market, or for exportation to countries other than the United States, in the case of similar merchandise described in subdivisions (C), (D), (E), or (F) of section 212(3), Antidumping Act, 1921, as amended (19 U.S.C. 170a(3)), due allowance shall be made for differences in the merchandise. In this regard the Secretary will be guided primarily by the effect of such differences upon the market value of the merchandise but, when appropriate, he may also consider differences in cost of manufacture if it is established to his satisfaction that the amount of any price differential is wholly or partly due to such differences.

(4) *Offering price.* In the determination of fair value, offers will be considered in the absence of sales, but an offer made in circumstances in which acceptance is not reasonably to be expected will not be deemed to be an offer.

* * * * *

(9) *Revision of prices or other changed circumstances.* Whenever the Secretary of the Treasury is satisfied that promptly after the commencement of an antidumping investigation either (i) price revisions have been made which eliminate the likelihood of sales below fair value and that there is no likelihood of resumption of the prices which prevailed before such revision, or (ii) sales to the United States of the merchandise have terminated and will not be resumed; or whenever the Secretary concludes that there are other changed circumstances on the basis of which it may no longer be appropriate to continue an antidumping investigation, the Secretary shall publish a notice to this effect in the FEDERAL REGISTER. The notice shall state the facts relied on by the Secretary in publishing the notice and that those facts are considered to be evidence that there are not and are not likely to be sales below fair value. The notice shall also state that unless persuasive evidence or argument to the contrary is presented within 30 days the Secretary will determine that there are not and are not likely to be sales below fair value.

(Sec. 407, 42 Stat. 18; 19 U.S.C. 173)

Part 14 is amended further by amending examples 4 and 5 under "Examples for Purposes of Illustration" in footnote 15 to read:

*Example 4.* A foreign producer makes all of his sales, other than those to the United States, for consumption in the country of exportation. The majority of the merchandise thus sold by him is sold in 50-ton lots at list prices, net. However, a discount of 5 percent is granted on sales of more than 500 tons and is freely available to those who purchase in the ordinary course of trade. During the six months preceding the date when the question of dumping was raised, the producer made sales of more than 500 tons each with respect to 15 percent of such or similar merchandise which he sold in the home market. Sales for exportation to the United States are at list prices less 5 percent and have been in quantities of over 500 tons. The 5 percent will not be allowed as a quantity discount because less than 20 percent of such or similar merchandise was sold in the home market in quantities to which such discount was applicable, unless the 5 percent discount can be justified by cost savings. Cost savings can also be used to justify a quantity discount where there were no sales in the home market in quantities sufficient to warrant the granting of the 5 percent discount, and no offers because there is no potential market for such quantities.

In determining whether a discount has been given, the presence or absence of a published price list reflecting such a discount is not controlling. In certain lines of trade, price lists are not commonly published and in others although commonly published they are not commonly adhered to.

The following example also relates to quantity allowances.

*Example 5.* A foreign producer has the following record of sales at or about the date of sale or exportation to the United States:

| Price per lb. for sales in units of 100 lbs. and 1,000 lbs. | Sales for consumption in country of exportation | Sales to the United States |
|---|---|---|
| $0.85 (100 lbs.) | 200,000 lbs. | |
| $0.80 (1,000 lbs.) | 20,000 lbs. | 100,000 lbs. |

Although the lower price in the home market appears to obtain for quantities the same as those sold for exportation to the United States at the same price, the quantity sold for home consumption at the lower price is less than 20 percent of the quantity sold in the home market. Accordingly, the price for exportation to the United States is not justified, unless cost savings can be shown to justify the lower price. If 44,000 pounds had been sold in the home market at the $.80 price, the lower price would have been justified for comparison with the price for exportation to the United States.

Section 14.8(a) is amended to read:

**§ 14.8 Determination of fact or likelihood of sales at less than fair value; determination of injury; finding of dumping.**

(a) Upon receipt from the Commissioner of Customs of the information referred to in § 14.6(d), the Secretary of the Treasury will proceed as promptly as possible to determine tentatively whether or not the merchandise in question is in fact being, or is likely to be, sold in the United States or elsewhere at less than its fair value. As soon as possible the Secretary will publish in the FEDERAL REGISTER a "Notice of Tentative Determination," which will include a statement of the reasons on which the tentative determination is based. Interested persons will be given an opportunity to make such written submissions as they desire, within a period which will be specified in the notice, with respect to the contemplated action. Appropriate consideration will be given to any new or additional information or argument submitted. If any person believes that any information obtained by the Bureau of Customs in the course of an antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard. Upon receipt of such a request the Secretary will notify the person who supplied any information, the accuracy of which is questioned and such other person or persons, if any, as he in his discretion may deem to be appropriate. If the Secretary is satisfied that the circumstances so warrant, an opportunity will be afforded by the Secretary or his delegate for all such persons to appear, through their counsel or in person, accompanied by counsel if they so desire, to make known their respective points of view and to supply such further information or argument as may be of assistance in leading to a conclusion as to the accuracy of the information in question. The Secretary or his delegate may at any time, upon appropriate notice, invite any such person or persons as he in his discretion may deem to be appropriate to supply him orally with information or argument. As soon as possible thereafter, the Secretary will make a final determination, except that the Secretary may defer making an affirmative determination of sales below fair value during the pendency of any other antidumping proceeding which relates to the same class or kind of merchandise imported from another foreign country. The Secretary will defer making an affirmative determination only if he is satisfied that deferral is appropriate under all of the circumstances. Circumstances which the Secretary will take into consideration will include the dates on which information relating to the various antidumping proceedings came to his attention, the volume of sales involved in each proceeding, elements of hardship, if any, and probable extent of delay which deferral would entail. No determination that sales are not below fair value will be deferred because of this provision. Whenever the Secretary makes a determination of sales at less than fair value he will so advise the United States Tariff Commission.

* * * * *

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Section 14.9 is amended as follows:

1. Paragraph (a) is amended;
2. Paragraph (f) is amended.

The amended paragraphs of § 14.9 read as follows:

**§ 14.9 Action by the appraiser.**

(a) Upon receipt of advice from the Commissioner of Customs pursuant to § 14.6(e), if the Commissioner's "Withholding of Appraisement Notice" shall specify that the proper basis of comparison for fair value purposes is exporter's sales price or if that notice does not specify the appropriate basis of comparison for fair value purposes, each appraiser shall withhold appraisement as to such merchandise entered, or withdrawn from warehouse, for consumption, on any date after the 120th day before the question of dumping was raised by or presented to the Secretary of the Treasury or his delegate. If the Commissioner's "Withholding of Appraisement Notice," including any supplementary notice, shall specify that the proper basis of comparison for fair value purposes is purchase price, the appraiser shall withhold appraisement as to such merchandise entered, or withdrawn from warehouse, for consumption, after the date of publication of the "Withholding of Appraisement Notice." Each appraiser shall notify the collector and importer immediately of each lot of merchandise with respect to which appraisement is so withheld. Upon advice of a finding made in accordance with § 14.8 (b), the appraiser shall give immediate notice thereof to the collector and the importer when any shipment subject thereto is imported after the date of the finding and information is not on hand for completion of appraisement of such shipment. Customs Form 6459 shall be used to notify the collector and importer whenever appraisement is withheld under this paragraph.

* * * * *

(f) In calculating purchase price or exporter's sales price, as the case may be, there shall be deducted the amount of any special dumping duties which are, or will be, paid by the manufacturer, producer, seller, or exporter, or which are, or will be, refunded to the importer by the manufacturer, producer, seller, or exporter, either directly or indirectly, but a warranty of nonapplicability of dumping duties granted to an importer with respect to merchandise which is (1) purchased, or agreed to be purchased, before publication of a "Withholding of Appraisement Notice" with respect to such merchandise and (2) exported before a determination of sales below fair value is made, will not be regarded as affecting purchase price or exporter's sales price.

(Secs. 201, 202, 203, 204, 208, 407, 42 Stat. 11, as amended, 12, 13, 14, 18, sec. 486, 46 Stat. 725, as amended; 19 U.S.C. 160, 161, 162, 163, 167, 173, 1486)

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

Approved: November 25, 1964.

JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-12449; Filed, Dec. 4, 1964; 8:47 a.m.]

# Title 20—EMPLOYEES' BENEFITS

## Chapter II—Railroad Retirement Board

### SUBCHAPTER D—EMERGENCY REGULATIONS

### PART 395—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

EDITORIAL NOTE: Subchapter D—Emergency Regulations is hereby established in Chapter II of this title, containing Part 395—Plan of Operation During a National Emergency.

To avoid a duplication of part numbers, Part 201—Plan of Operation During a National Emergency, published at page 15864 in the issue dated Thursday, Nov. 26, 1964, is redesignated Part 395 and transferred to Subchapter D of this chapter.



# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 8—Veterans Administration

### PART 8–1—GENERAL

### PART 8–2—PROCUREMENT BY FORMAL ADVERTISING

**Determination of Responsibility, and Award When Only One Bid Is Received**

1. Section 8–1.310–6 is revised to read as follows:

**§ 8–1.310–6 Determination of responsibility.**

(a) In each instance where the procurement exceeds $2,500 and the apparent low bidder or offeror, is unknown to the Contracting Officer, he (the Contracting Officer) shall, prior to making an award, conduct such investigations as may be necessary to ensure the responsibility of the prospective contractor. The standards set forth in FPR 1–1.310–5 shall be considered and when necessary the pre-award survey prescribed by FPR 1–1.310–9 shall be conducted. The results of such investigations, together with any other pertinent material shall be made a part of the contract file.

(b) A determination of nonresponsibility can only be applied to the immediate procurement, that is, the one currently being evaluated for award of contract. Each determination must be separate and distinct and may not be used as the basis to deny a contract for a subsequent procurement (43 C.G. 140).

(c) When a Contracting Officer has determined that a prospective contractor is not "responsible" he will also make a determination at that time, whether to initiate debarment action in accordance with § 8–1.606.

2. Section 8–2.407–50 is added to read as follows:

**§ 8–2.407–50 Award when only one bid is received.**

When only one bid is received in response to an invitation for bids, such bid may be considered and accepted if (a) the specifications used in the invitation were not restrictive, (b) adequate competition was solicited, (c) the price is reasonable, and (d) the bid is otherwise in accordance with the invitation for bids.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective 45 days following publication in the FEDERAL REGISTER, but may be observed earlier.

Approved: November 30, 1964.

By direction of the Administrator.

[SEAL] A. H. MONK,
*Associate Deputy Administrator.*

[F.R. Doc. 64-12451; Filed, Dec. 4, 1964; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

### SUBCHAPTER A—ADMINISTRATION

### PART 804—MORTUARY BENEFITS

A new Part 804 is added as follows:

Sec.
804.1 Scope.
804.2 Eligibility.
804.3 Disposition of remains—items and expenses authorized.
804.4 Person (next of kin) entitled to direct disposition of remains.
804.5 Disposition of remains.
804.6 Individuals AWOL and dropped from rolls.
804.7 Unclaimed remains.
804.8 Military prisoners.
804.9 Transportation authorized for shipment of remains.
804.10 Modes of transportation authorized for shipment of remains and escorts.
804.11 Stopover of remains en route to final destination.
804.12 Through shipment of remains by common carrier.
804.13 Removal of remains from common carrier terminal.
804.14 Shipment after interment.
804.15 Escorts for deceased military personnel.
804.16 National cemeteries; eligibility.
804.17 Interment policy for dependents.
804.18 Reservation of grave site.
804.19 Air Force base cemeteries; definitions.
804.20 Establishment, maintenance and disposal.
804.21 Eligibility for burial in base cemeteries.
804.22 Interment of remains and reservation of grave sites in base cemeteries.
804.23 Cemetery markers; types furnished.
804.24 Shipment and erection costs.
804.25 Furnishing mortuary services and supplies on reimbursable basis.
804.26 Arranging for transportation.
804.27 Furnishing military honors.

AUTHORITY: The provisions of this Part 804 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFM 143–1, July 20, 1961; AFM 143–1A, August 18, 1961; AFM 143–1B, October 22, 1962; AFM 143–1C, November 25, 1963.

**§ 804.1 Scope.**

Certain mortuary services and items, as described in this section, may be provided at Government expense or on a reimbursable basis to care for the remains of deceased persons cited in § 804.2. Certain other benefits to which entitlement exists for certain categories of personnel are also shown. The chart in § 804.3 combines the provisions of this section and § 804.2 and shows the extent of coverage for each category of personnel. Insofar as civilian employees are concerned § 804.1 covers only those benefits provided by the Air Force. Entitlement to other benefits derived from their status as Federal employees, veterans, or from participation in the Federal social security program, is explained in AFM 40–1 (Air Force Civilian Personnel Manual). The Mortuary Officer will insure that only those services and/or items authorized are provided (consult § 804.3).

(a) *Recovery.* Recovery includes search, recovery, segregation and identification of remains.

(b) *Removal.* Removal includes removing remains by hearse from place of death to a mortuary and delivery of remains to a common carrier or place designated by the commander concerned.

(c) *Notification.* Advising next of kin or other appropriate person concerning arrangements for preparation and disposition of remains.

(d) *Preparation.* Preparation includes embalming and other preservative measures, derma surgery, restorative art, dressing or wrapping, placing in casket, burial and shipping permits and other related items, some of which may be required to comply with laws or customs for shipment of remains to or from the CONUS.

(e) *Casket and outer case.* (1) Casket and outer case conforming to the specification in the Contract for Care of Remains.

(2) Casket and outer case suitable for shipment to place of interment.

(f) *Cremation.* Actual crematory charges including inexpensive casket and/or suitable urn and any costs necessary to transport the remains to the crematory.

(g) *Clothing.*

(h) *Transportation.* Transportation by common carrier, hearse or other suitable closed vehicle furnished by a funeral director, or by suitable Government vehicle or aircraft. Includes one removal of remains by hearse from the common carrier terminal at destination to a mortuary or other place of immediate delivery.

(i) *Escort travel.* Round trip transportation and prescribed allowances for an escort (one person) to accompany remains of deceased military personnel to final destination.

(j) *Flag.* One interment flag, with flag case, for each deceased military person.

(k) *Interment.* Interment in a Government cemetery as designated by the person authorized to direct disposition of the remains or, in the absence of such designation, a Government cemetery designated by the commander concerned.

(l) *Interment allowance.* The next of kin of a military person is entitled to an allowance toward payment of burial expenses. These expenses may be for a grave site; opening and closing of the grave; use of cemetery equipment; purchase of burial vault; flowers; obituary notices; services of a funeral director; clergy fee; transportation of relatives and friends to and from the funeral home, church and cemetery; and any other expenses incident to burial of the remains.

(1) When interment is in a Government cemetery, the Government furnishes the grave site, opens and closes the grave and provides cemetery equipment, as available, at no cost to the next of kin. The allowance toward payment of burial expenses is as follows:

(i) When remains are shipped or delivered direct to a Government cemetery for burial, a maximum allowance of $75.00 is authorized.

(ii) When remains are shipped to a funeral director designated by the next of kin and subsequently interred in a Government cemetery, a maximum allowance of $125.00 is authorized.

(2) When interment is in a private cemetery, a maximum of $200.00 is authorized. All expenses for burial are the responsibility of the next of kin.

(m) *Grave marker.* The Government furnishes an upright marble marker or a flat marker of marble, granite or bronze to mark certain graves (see §§ 804.23 and 804.24).

**§ 804.2 Eligibility.**

The following are authorized certain benefits listed in § 804.1:

(a) *Military personnel.* Even though such person may have been temporarily absent from active duty without leave at the time of death (provided he had not been dropped from the rolls of his organization before his death):

(1) Regulars of the Air Force (including cadets of the United States Air Force Academy), members of the Air Force Reserve, members of the Air National Guard of the United States, and members of the Air Force without component, who die while on active duty (other than active duty for training).

(2) Members of the Air Force Reserve, the Air National Guard, and the Air National Guard of the United States, who die while:

(i) On active duty for training for any period of time or performing authorized travel to or from such duty, or

(ii) On authorized inactive duty training, or

(iii) Hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while on that duty or training or while performing that travel.

(3) Members of the Air Force Reserve Officer's Training Corps who die while:

(i) Attending a training camp or performing authorized travel to or from such camp, or

(ii) While hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted while attending training camp or while performing travel to or from such camp.

(4) Accepted applicants for enlistment in the Air Force.

(5) Any person who has been discharged from an enlistment in the Air Force while a patient in a United States military hospital, and who continued to be such a patient to the date of death.

(6) Any retired member of the Air Force who became a patient in a United States military hospital while he was on active duty and who continued to be a patient in a U.S. military hospital to the date of death. (Note: Individual must have been a patient continuously and physically in the hospital. Those who have been medically treated in an outpatient status are not authorized mortuary services at Government expense.) (Disposition of remains of retired personnel, other than those indicated in this subparagraph, is the responsibility of relatives or the Veterans Administration if death occurs while the retired person is hospitalized in a Veterans Administration Hospital. Queries concerning payment of burial expenses for such personnel should be referred to the Veterans Administration.)

(b) *Air Force civilian employees paid from appropriated funds.* (1) Employees who die while traveling at Government expense on official business within and outside the CONUS.

(2) Employees whose homes are in the CONUS, who die while assigned to an official duty station outside the CONUS or in transit thereto or therefrom.

(3) Employees whose homes are in foreign countries, who die while performing official duties away from their homeland or in transit thereto or therefrom, provided the employee would have been entitled to travel to his home at Government expense upon termination of his employment.

(c) *Contract Technical Services personnel.* Contract Technical Services personnel as defined in AFM 66-18 (Contract Technical Services (CTS)).

(d) *Dependents.* (1) Dependents of members of the Armed Forces and dependents of civilian employees of the Armed Forces (paid from appropriated funds), who die while residing with such member or employee performing official duties outside the continental United States, or while traveling to or from such place of duty.

(e) *United States citizens who die outside the Continental United States.* (1) An employee of a humanitarian agency accredited to the Armed Forces of the United States such as the American National Red Cross and the United Services organization.

(2) Any civilian performing services directly for the Armed Forces because of employment by an agency under contract with the Armed Forces.

(3) Any person on duty with the Armed Forces of the United States paid from nonappropriated funds.

(4) Any officer or member of a crew of a merchant vessel operated by or for the United States through the Armed Forces.

(5) Any person for whom such services are requested by the Department of State.

(6) Any dependent of a United States citizen covered in this section provided the dependent is living outside the CONUS with that person at the time of death.

(f) *Indigent persons.* Indigent persons who die in Air Force hospitals and other persons who die on Air Force installations, when next of kin or local municipal authorities will not assume custody of the remains and disposition cannot otherwise be made.

(g) *Military prisoners.* Military prisoners (other than prisoners of war or internees) who die or are executed while in Air Force custody or confinement.

(h) *Enemy prisoners and aliens.* Prisoners of war and interned enemy aliens who die while in Air Force custody.

**§ 804.3 Disposition of remains—items and expenses authorized.**

| Decedents covered | Items and expenses authorized | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Recovery (§ 804.1 (a)) | Removal (§ 804.1 (b)) | Notification (§ 804.1 (c)) | Preparation (§ 804.1 (d)) | Casket with outer case (§ 804.1 (e)) | Cremation (§ 804.1 (f)) | Clothing (§ 804.1 (g)) | Transportation (§ 804.1(h)) | Escort (§ 804.1 (i)) | Flag (§ 804.1 (j)) | Interment Government cemetery (§ 804.1 (k)) | Interment allowance (§ 804.1 (l)) | Grave marker (§ 804.1 (m)) |
| Military personnel (§ 804.2(a) (1), (2), (3), (5), and (6)). | X | X | X | X | X | X | X | To place selected by next of kin. | X | X | X | X | X |
| Accepted applicants (§ 804.2(a) (4)). | X | X | X | X | X | X | X | ...do... | X | X | ---------- | X | |
| Civilian employees (§ 804.2(b)). | X | X | X | Cost of these items (excluding outer case) may not exceed $150 when death occurs in CONUS. | | | | To home, official station or another place no further distant.[1] | (2) | ---------- | X [3] | ---------- | X [3] |
| Contract Technical Services personnel (§ 804.2(c)). Death in CONUS. | ---------- | ---------- | ---------- | ---------- | | ---------- | | To place selected by next of kin. | (2) | | | | |
| Death outside CONUS. | ---------- | ---------- | ---------- | May be furnished on reimbursable basis. | | ---------- | | ...do... | (2) | | | | |
| Dependents (§ 804.2(d)). Death in CONUS. | ---------- | ---------- | ---------- | ---------- | | ---------- | | (4) | ---------- | | (5) | ---------- | (5) |
| Death outside CONUS. | ---------- | ---------- | ---------- | May be furnished on reimbursable basis. | | ---------- | | To place selected by by next of kin. | (2) | ---------- | (5) | ---------- | (5) |



| Decedents covered | Items and expenses authorized | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Recovery (§ 804.1 (a)) | Removal (§ 804.1 (b)) | Notification (§ 804.1 (c)) | Preparation (§ 804.1 (d)) | Casket with outer case (§ 804.1 (e)) | Cremation (§ 804.1 (f)) | Clothing (§ 804.1 (g)) | Transportation (§ 804.1(h)) | Escort (§ 804.1 (i)) | Flag (§ 804.1 (j)) | Interment Government cemetery (§ 804.1 (k)) | Interment allowance (§ 804.1 (l)) | Grave marker (§ 804.1 (m)) |
| U.S. Citizens (§ 804.2 (c)). Death in foreign country. | ---------- | ---------- | ---------- | ...do... | ---------- | ---------- | ---------- | May be furnished on reimbursable basis to CONUS port. | | | | | |
| Indigent persons. (§ 804.2(f)). | These items (including expenses for interment and transportation to a cemetery designated by AFSSS, Hq USAF) may be furnished provided disposition cannot otherwise be made. | | | | | | | | ---------- | ---------- | In Post section of National cemetery or base cemetery. | ---------- | (6) |
| Military prisoners (other than POW's and internees). (§ 804.2(g)). | X | X | X | X | X | X | X | To place selected by next of kin. | X | (7) | ...do... | ---------- | (6) |
| Enemy prisoners and aliens. (§ 804.2(h)). | These items (including expenses for interment and transportation to a cemetery designated by AFSSS, Hq USAF) may be furnished at reasonable cost. | | | | | | | | ---------- | ---------- | ...do... | ---------- | (6) |

[1] An outer case for shipment (including, when necessary, sealing of such case) is authorized as part of transportation expenses.
[2] Travel as escort is not authorized. However, if remains are shipped as baggage by rail, an individual may travel as attendant using one of the two tickets required for shipment of the remains. No return transportation is authorized for the attendant.
[3] If a veteran and honorably separated from military service.
[4] There is no legal authority for Air Force to care for remains of a dependent who dies in CONUS. However, costs for transportation of remains from place of death to place selected by next of kin is authorized if such dependent was in a travel statu to or from an assignment, outside the CONUS, of the sponsor.
[5] Wife, husband, widow, widower, minor child and in certain instances an unmarried adult child (see § 804.16(c)).
[6] If buried in a government cemetery.
[7] A military person who dies while in Air Force custody and whose approved sentence includes a discharge is not authorized a flag.

**§ 804.4 Person (next of kin) entitled to direct disposition of remains.**

The person entitled to direct disposition of the remains of military personnel and Department of the Air Force civilian employees covered by this part are recognized in the order listed in this paragraph:

(1) Widow or widower (if not divorced or remarried—see paragraphs (c) and (d) of this section).

(2) Sons over 21 years of age in order of seniority.

(3) Daughters over 18 years of age in order of seniority.

(4) Father (unless legal custody of the decedent when he was a minor had been granted to another person by reason of a court decree or statutory provision—see paragraph (d) of this section).

(5) Mother (unless legal custody of the decedent when he was a minor had been granted to another by reason of a court decree or statutory provision—see paragraph (d) of this section).

(6) Blood or adoptive relative of decedent who had been granted legal custody of the decedent by reason of court decree or statutory provision.

(7) Brothers over 21 years of age in the order of seniority.

(8) Sisters over 18 years of age in the order of seniority.

(9) Grandfather.

(10) Grandmother.

(11) Next of kin of legal age in order of relationship to the deceased in accordance with civil laws. Seniority controls where persons are of equal degree of relationship, except that males have priority over females.

(12) In the absence of persons listed in this section, a person standing in loco parentis to the deceased.

(b) The right to direct disposition of remains is considered a personal right and cannot be exercised by guardians, committees, or agents of any of the persons listed in this section solely by reason of their status as such.

(c) To invalidate the entitlement of a widow or widower, proof must be submitted that final decree of divorce was awarded or that the widow or widower has remarried.

(d) To invalidate the entitlement of any person cited in paragraph (a) of this section, the person claiming to have priority over another person must submit documentary evidence sufficient to establish his right.

**§ 804.5 Disposition of remains.**

(a) It is the right of the next of kin to select a funeral director of his choice rather than accepting the services of a funeral director who is under contract to the Air Force or accepting services provided in Government operated mortuaries outside CONUS.

(b) The tastes and desires of individuals regarding funeral services differ greatly. While some desire only a very simple funeral, others want elaborate and expensive services and merchandise. The funeral the Air Force provides is very adequate and in good taste. Therefore, if the next of kin wants services and merchandise more costly than the Air Force would provide, he must pay the additional expenses incurred.

**§ 804.6 Individuals AWOL and dropped from rolls.**

If an individual is found to have been absent without leave and dropped from the rolls of his organization prior to the date of death, care and disposition of remains is a responsibility of the next of kin and/or civil authorities. If there is any question as to whether or not the individual has been dropped from the rolls, Headquarters USAF will be contacted for this information. Occasionally, next of kin and civil authorities will not accept responsibility for care and disposition of remains. If the next of kin or civil authorities do refuse, and the remains are in the custody of the military authorities, only those funds necessary to provide a decent local burial will be expended.

**§ 804.7 Unclaimed remains.**

(a) Remains will be considered unclaimed when:

(1) No next of kin or other responsible person can be located.

(2) The next of kin states in writing (or telegram) that he is not concerned with disposition of the remains.

(b) Unclaimed remains will be prepared at Air Force expense and interred in a cemetery designated by Headquarters USAF (AFSSS).

**§ 804.8 Military prisoners.**

Military prisoners who die or are executed while in Air Force custody or

confinement are entitled to the burial benefits authorized active duty personnel, except that a flag is not authorized in the case of a prisoner whose sentence includes a discharge. All decorations, insignia or other evidence of membership in the Air Force must be removed when the regulation uniform is used for burial.

**§ 804.9 Transportation authorized for shipment of remains.**

(a) *At Government expense.* Transportation at Government expense is authorized for shipment of the remains of the following deceased personnel from the place of death to the destination specified in this section:

(1) Military personnel cited in § 804.2 (a) and (g) to place selected by the next of kin.

(2) Civilian employees cited in § 804.2 (b) to the home of official station of the deceased or to another place no further distant.

(3) Contract Technical Services personnel cited in § 804.2(c) to place selected by the next of kin.

(4) Dependents cited in § 804.2(d) to place selected by the next of kin.

(5) Indigent persons and enemy prisoners and aliens cited in § 804.2 (f) and (h) to a cemetery designated by Headquarters USAF (AFSSS).

(b) *On reimbursable basis.* Government transportation on a reimbursable basis is authorized for shipment of remains from place of death outside the CONUS to a CONUS aerial port of entry for U.S. citizens and their dependents cited in § 804.2(e).

**§ 804.10 Modes of transportation authorized for shipment of remains and escorts.**

Transportation of remains and escorts at Government expense is authorized as set forth in this section:

(a) *In the CONUS.* From the place of death to the place of interment; from the place of death to a CONUS aerial port of entry; from a CONUS aerial port of entry to the place of interment; and from an aerial port of entry to another port for reshipment, one of the following methods or combination of methods may be used:

(1) Railway Baggage Service procured by Government transportation requests.

(2) Commercial Air (Air Freight) procured by Government transportation requests or Government bill of lading as required by the carrier.

(3) Railway Express Agency: Transportation of remains without escort procured by Government bill of lading.

(4) Hearse or other suitable closed vehicle furnished by a funeral director provided:

(i) The cost of such transportation is not in excess of the cost of common carrier transportation.

(ii) Common carrier service is not available.

(iii) It is requested by the next of kin and the next of kin defrays any costs in excess of what it would have cost the Government to ship the remains by common carrier.

NOTE: Movement of remains by military aircraft within the CONUS is not authorized and should not be provided.

(b) *Outside the CONUS.* Between two oversea points and between oversea points and CONUS aerial ports of entry shipment will be made by the following methods:

(1) Government transportation facilities, whenever possible.

(2) Commercial transportation, when Government transportation facilities are not available or the use thereof is impractical.

(3) Hearse or other suitable closed vehicle furnished by a funeral director provided such service is requested by the next of kin and the next of kin defrays any costs in excess of what it would have cost the Government to ship the remains.

(c) *Between CONUS and overseas.* From the CONUS, shipment will be made by the following methods:

(1) Government transportation facilities, whenever possible.

(2) Commercial transportation, when Government transportation facilities are not available or the use thereof is impractical.

**§ 804.11 Stopover of remains en route to final destination.**

Upon request of the next of kin, arrangements may be made for a stopover of remains en route to final destination, either by direct or circuitous routing. Each such request will be analyzed with a view to providing the maximum amount of transportation authorized by law. The total cost to the Air Force will not exceed the amount the Air Force would have paid for direct shipment from the place of death to the destination selected by the next of kin. The next of kin will be required to make advance payment to the shipping installation for any amount in excess of that authorized. In addition, the next of kin will be advised that he is responsible for all costs incurred at the stopover point. For example, if the next of kin wants remains shipped from Philadelphia to Chicago for funeral services, with ultimate burial in Arlington National Cemetery, he should designate Chicago as the destination, rather than Arlington. Government transportation can then be furnished from Philadelphia to Chicago. The next of kin would be required to pay the transportation expenses from Chicago to Arlington National Cemetery. If the next of kin wants remains shipped from Philadelphia to San Francisco, with stopover in Chicago, Government transportation can be furnished from Philadelphia to San Francisco. All expenses incurred in Chicago, such as removal of the remains from the carrier, funeral services, and returning the remains to the carrier, would be a responsibility of the next of kin.

**§ 804.12 Through shipment of remains by common carrier.**

Remains will be routed through from point of origin, to destination. Local ticket agents will assist in making necessary arrangements for transfer of remains from one carrier to another.

**§ 804.13 Removal of remains from common carrier terminal.**

Transportation will include one removal of remains from the common carrier terminal at destination to a funeral home selected by the next of kin or a government cemetery.

**§ 804.14 Shipment after interment.**

(a) If temporary disposition is required because of local health laws or inability to contact the person recognized as having the right to direct disposition of remains, remains may subsequently be disinterred and shipped at Government expense.

(b) If the person recognized as having the right to direct disposition of remains states in writing that he is not concerned with disposition, and the remains are interred at Government expense, subsequent disinterment or shipment of the remains will not be made at Government expense.

(c) After remains are interred in accordance with instructions of the next of kin, subsequent disinterment or shipment of the remains will not be made at Government expense.

**§ 804.15 Escorts for deceased military personnel.**

An escort is authorized for personnel specified in § 804.2(a). An escort is also authorized for personnel specified in § 804.2(g), except that no escort will be furnished for persons who die after an approved court-martial sentence which includes a dishonorable or bad conduct discharge, or for persons who are executed following a sentence by court-martial.

**§ 804.16 National cemeteries; eligibility.**

Burial in national cemeteries of the following categories of persons is authorized:

(a) *Military.* (1) Members of the Armed Forces of the United States who die while on active duty (other than for training).

(2) Former members (veterans and retired) of the Armed Services of the United States who were honorably separated from last period of service. Subsequent conviction of a crime, the maximum penalty for which in the jurisdiction in which convicted, is death, or which equals or exceeds 15 years imprisonment, or results in the loss of U.S. nationality makes that person ineligible for burial in a national cemetery proper.

(3) Any member of a reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is:

(i) On active duty for training, or performing full-time service under sections 316, 503, 504, or 505 of Title 32, United States Code.

(ii) Performing authorized travel to or from that duty or service.

(iii) On authorized inactive duty training, including training performed as a member of the Army National Guard or the Air National Guard, or

(iv) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is:

(*a*) On that duty or service.

(*b*) Performing that travel or inactive duty training; or



(c) Undergoing that hospitalization or treatment at the expense of the United States.

(4) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is:

(i) Attending an authorized training camp or on an authorized practice cruise.

(ii) Performing authorized travel to or from that camp or cruise, or

(iii) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is:

(*a*) Attending that camp or on that cruise.

(*b*) Performing that travel; or

(*c*) Undergoing that hospitalization or treatment at the expense of the United States.

(b) *Citizens.* United States citizens who served in the Armed Services of any Government allied with the United States during any war in which the United States has been or may hereafter be engaged. However, they must have been honorably separated from the last period of such service.

(c) *Members of families of service or former service members.* The wife, husband, widow, widower, minor child and in certain instances the unmarried adult child of any of the persons listed in paragraphs (a) and (b) of this section.

**§ 804.17 Interment policy for dependents.**

(a) If a dependent dies before the service member, interment may be made in a national cemetery upon submission of a signed certificate by the service member that he will be interred eventually in the same grave. Such certificate, in the following format, will be presented or promptly mailed to the superintendent of the national cemetery concerned:

This is to certify that in consideration of the interment of the remains of my ----------, ----------, in the
(Spouse-child) (Name)
---------- National Cemetery, my
(Name)
remains shall, upon my demise, be interred in the same or adjoining grave.

(b) The remains of those persons listed in § 804.16(c) may be removed from a national cemetery proper and interred in the post section of a national cemetery if, upon death, the related service member is not buried in the same or adjoining grave. This will not apply when the service member is lost or buried at sea; officially determined to be permanently absent in a status of missing or missing in action; officially determined to be dead for the purpose of terminating his status of missing or missing in action; or determined to be nonrecoverable.

**§ 804.18 Reservation of grave site.**

Grave sites are not reserved or assigned in advance of actual interments. Adjoining grave sites are not available.

**§ 804.19 Air Force base cemeteries; definitions.**

(a) *Base cemetery.* A military cemetery located at an Air Force installation.

(b) *Civilian cemetery.* Any privately or publicly-owned cemetery or burial plot located within or without the boundaries of an Air Force installation.

**§ 804.20 Establishment, maintenance and disposal.**

New base cemeteries will not be established, and existing base cemeteries will not be expanded beyond present boundaries. Base cemeteries now in operation may be used for authorized burials, within present boundaries, until filled or discontinued.

(a) Base cemeteries will be maintained until disposition is effected by the procedures listed in paragraph (b) of this section. Those located on surplus installations which are not to be moved or otherwise disposed of will be maintained under the supervision of an active military installation to be designated by the Director of Civil Engineering, Headquarters USAF.

(b) When feasible and possible, base cemeteries will be disposed of by transfer to a State, county, municipality, or proper agency thereof, or by the removal of remains and reinterment in a national, private, or public cemetery or transfer of custody to next of kin or other relatives. Once a cemetery has been transferred to a local government, it will not be reacquired without prior approval of the Director of Civil Engineering, Headquarters USAF.

**§ 804.21 Eligibility for burial in base cemeteries.**

Burials in base cemeteries will be restricted to the following categories of personnel:

(a) Members of the Armed Services of the United States on the active and retired lists as published by the decedent's service.

(b) The wife, husband, widow, widower, minor child and in certain instances the dependent unmarried adult child of any person listed in paragraph (a) of this section. Dependent unmarried adult children include those who have never married, widows, widowers and divorcees provided the unmarried adult child, at time of death, was incapable of self-support because of physical or mental condition and was receiving over one-half of his support from the service-connected parent or surviving spouse, or had been receiving such support prior to the death of the parents and by reason of their death was receiving such support from some other source.

(c) General prisoners whose discharges have been executed, who die while under the jurisdiction of the Department of the Air Force.

(d) Prisoners of war and interned aliens, and unclaimed remains which cannot be transferred to the custody of civil authority, provided no other disposition of remains can be made under existing statutes.

(e) Veterans when a dependent of the deceased has been previously buried in such a cemetery.

(f) Individuals whose remains must be disposed of as directed by Headquarters USAF (AFSSS).

**§ 804.22 Interment of remains and reservation of grave sites in base cemeteries.**

(a) *Interment policies for dependents.* (1) If a dependent dies before the service member, interment may be made in a base cemetery upon submission of a signed certificate by the service member that he will be interred eventually in the same grave or an adjoining (side-by-side) grave. Such certificate, in the following format, will be presented or promptly mailed to the base commander concerned:

This is to certify that in consideration of the interment of the remains of my ----------, ----------, in the
(Spouse-child) (Name)
---------- Base Cemetery, my
(Name)
remains shall, upon by demise, be interred in the same or adjoining grave.

(2) When a deceased dependent child is interred prior to the death of either parent, the certificate in subparagraph (1) of this paragraph will be accomplished by the service members with the understanding that all available space in the occupied grave must be used for any future family interment, including that of the service member, before the second grave can be used. Additional eligible dependents may be interred before the death of the service member, provided not more than two side-by-side graves are used and that space is reserved for burial of the service member.

(b) *Procedure for effecting interment.* The procedure for effecting interment will conform in general with procedures for burial in national cemeteries.

(c) *Reservation of grave sites.* (1) Grave sites are not reserved or assigned in advance of actual interments except as provided in subparagraphs (2) and (3) of this paragraph.

(2) If the service member dies first, an adjoining grave may be reserved for the eventual interment of the surviving spouse. Such reservation must be requested by the spouse at the time arrangements are being made for the interment of the service member to insure availability of an adjoining grave site. The surviving spouse will receive an inquiry every two years to find out whether she wants to continue the reservation. Until she receives such an inquiry it will not be necessary for her to contact the base concerned in order to insure continuance of the reservation. Failure to reserve an adjoining grave site will not preclude burial of the spouse in the same grave with the service member or removal, at private expense, of the remains of the service member to a location where two adjoining graves are available.

(3) When arrangements are being made for the interment of a dependent of a service member, the surviving service member may request a reservation of an adjoining grave site for his future interment. However, provisions of paragraph (b) of this section are applicable irrespective of this reservation.

**§ 804.23 Cemetery markers; types furnished.**

(a) *Grave markers.* The Government will furnish an upright marble marker or

a flat marker of marble, granite or bronze, free of cost, to mark the graves of:

(1) Members of the Air Force who died in the service.

(2) Members of a reserve component of the Air Force, the Air National Guard or Air Force Reserve Officer Training Corps who died under conditions incident to service on behalf of the United States, provided the death, injury, illness or disease occurred or was contracted under honorable conditions.

(3) All persons buried in Government cemeteries.

(b) *Memorial markers.* The Government will furnish, free of cost, an appropriate marker for erection in a Government or civilian cemetery, to commemorate members of the Air Force who died in the service and whose remains have not been recovered or identified, or were buried at sea.

**§ 804.24 Shipment and erection costs.**

(a) *At civilian cemeteries.* The Government will prepay shipping charges for delivery to the consignee. Costs for transporting the marker to the cemetery, and erection, must be borne by the applicant.

(b) *At Government cemeteries.* All expense is borne by the Government.

**§ 804.25 Furnishing mortuary services and supplies on reimbursable basis.**

Mortuary services and supplies may be furnished on a reimbursable basis to care for the remains of the following when local commercial facilities and supplies are not available or, if available, the cost thereof is prohibitive:

(a) Dependents of members of the Armed Forces and dependents of civilian employees of the Armed Forces (paid from appropriated funds), who die while residing with such member or employee performing official duties outside the CONUS or while traveling to or from such place of duty.

(b) Other citizens of the United States who die outside CONUS as follows:

(1) Any employee of a humanitarian agency accredited to the Armed Forces of the United States such as the American Red Cross and the United Services Organization.

(2) Any civilian performing a service directly for the Armed Forces because of employment by an agency under contract with the Armed Forces.

(3) Any Contract Technical Services person as defined in AFM 66-18.

(4) Any officer or member of a crew of a merchant vessel operated by or for the United States through the Armed Forces.

(5) Any person on duty with the Armed Forces of the United States paid from nonappropriated funds.

(6) Any person for whom such services are requested by the Department of State.

(7) Any dependent of a United States citizen covered in this section provided the dependent is living outside the CONUS with that person at the time of death.

**§ 804.26 Arranging for transportation.**

(a) Transportation at government expense from the place of death to the destination selected by the next of kin is authorized for the remains of dependents listed in § 804.25(a) and Contract Technical Services personnel listed in § 804.25(b)(3).

(b) For the remains of other U.S. citizens listed in § 804.25(b), government transportation from the place of death to a CONUS aerial port of entry may be furnished on a reimbursable basis.

**§ 804.27 Furnishing military honors.**

(a) Air Force commanders of bases manned by active duty personnel are authorized to furnish military honors within their capabilities at the funeral of any member or former member of the Armed Forces of the United States whose last service terminated honorably by death or otherwise. Commanders of Air Reserve Training bases will coordinate the furnishing of military honors with the nearest capable Air Force installation manned by active duty personnel. Commanders at all echelons will place sufficient emphasis on this program to insure that honors are properly rendered in every instance when they are desired by the next of kin of the deceased or someone acting on behalf of the next of kin.

(b) Veterans' and patriotic organizations should be encouraged to furnish honors for veteran personnel. If the deceased was a member of other than the Air Force or Air Corps, an effort may be made to refer the request to a nearby activity of the service concerned. However, if honors for a deceased veteran cannot be obtained from a veterans' organization, or if there is no nearby activity to furnish honors for a member of another service, or if the next of kin specifically desires honors from an Air Force activity, Air Force commanders will furnish such honors within their capabilities.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-12229; Filed, Dec. 4, 1964; 8:45 a.m.]

# Title 35—PANAMA CANAL

## Chapter I—Canal Zone Regulations

[Canal Zone Order 70]

## PART 5—AIR NAVIGATION

### Miscellaneous Amendments

Effective on the 30th day after publication in the FEDERAL REGISTER, Subpart A of 35 CFR Part 5 is amended as follows:

1. Section 5.2 is amended to read as follows:

**§ 5.2 Canal Zone set apart as military airspace restricted area.**

(a) The airspace above the Canal Zone (including the territorial waters within the three-mile marine boundary at each end of the Canal) up to, but not including, 2,500 feet MSL is hereby set apart as and declared to be a military airspace restricted area, to be known as the "Canal Zone Military Airspace Restricted Area".

(b) As designated in § 99.43(c) of the Federal Aviation Regulations (14 CFR 99.43(c)), the airspace beginning at 2,500 feet MSL and extending upward over the Canal Zone (including the territorial water within the three-mile marine boundary at each end of the Canal) constitutes the "Panama Canal Zone Domestic ADIZ".

**§§ 5.11, 5.12, 5.22, 5.31, 5.32, 5.33, 5.34 [Amended]**

2. Sections 5.11, 5.12, 5.22, 5.31, 5.32, 5.33, and 5.34 are each amended by striking out the words "Canal Zone Military Airspace Reservation" wherever they appear therein and inserting in place thereof the words "Canal Zone Military Airspace Restricted Area."

3. Section 5.35 is amended to read as follows:

**§ 5.35 Areas in which aircraft may not be operated.**

No person may, while within the Canal Zone Military Airspace Restricted Area, operate any aircraft over any of the lock installations, dock installations (other than those in the traffic circuits for Old France Field airport), dams, drydocks, spillways, danger areas established by the Commander in Chief, U.S. Southern Command, or within any other part of the Canal Zone Military Airspace Restricted Area when so advised or directed by Air Traffic Control acting for U.S. Southern Command.

4. Section 5.37 is amended to read as follows:

**§ 5.37 Flight plans.**

Each person operating any aircraft departing from a base in the Canal Zone shall file a flight plan (and a flight plan for the return flight to a base in the Canal Zone, if intended) with the Federal Aviation Agency International Flight Service Station in the Canal Zone (Panama Radio). Each person who files a flight plan under this section shall, upon the termination of that flight, close that flight plan if facilities for closing are reasonably available to him.

(2 C.Z.C. sec. 701, 76A Stat. 29; E.O. 9746, 3 CFR 544, 1943-1948 Comp., as amended by E.O. 10595, 3 CFR 242, 1954-1958 Comp.; sec. 19, P.L. 87-845, 76A Stat. 700)

STEPHEN AILES,
*Secretary of the Army.*

NOVEMBER 25, 1964.

[F.R. Doc. 64-12443; Filed, Dec. 4, 1964; 8:46 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

HOSPITALIZATION ADJUSTMENTS

1. In § 3.501(i), subparagraph (1) is amended to read as follows:



**§ 3.501 Veterans.**

* * * * *

(i) *Hospitalization*—(1) *§ 3.551(b).* First day of seventh calendar month following admission if veteran without dependents, or first day of the month following the month in which the action is taken, whichever is later.

* * * * *

2. In § 3.502, paragraph (a) is amended to read as follows:

**§ 3.502 Widows.**

* * * * *

(a) *Additional allowance of dependency and indemnity compensation for children (§ 3.5(e)(3)).* (1) Day preceding child's 18th birthday or last day of month in which child's marriage occurred (see § 3.500(n)(2) and (3)), whichever is earlier.

(2) Last day of month in which increase was effective, when allowance is reduced or discontinued because of increase in old-age and survivor's insurance.

* * * * *

3. In § 3.551, paragraph (b) is amended to read as follows:

**§ 3.551 Reduction because of hospitalization.**

* * * * *

(b) *Reduction after 6 months.* Pension (except as provided in paragraph (c) of this section), compensation or retirement pay in excess of $30 monthly for a veteran who has neither wife, child nor dependent parent shall continue at the full monthly rate until the end of the sixth calendar month following the month of admission for hospitalization. The rate payable will be reduced effective the first of the seventh calendar month to $30 monthly or 50 percent of the amount otherwise payable, whichever is greater. The reduced rate will be effective the first day of the seventh calendar month following admission or the first day of the month following the month in which action is taken, whichever is later. Payment of the amount withheld may be as provided in § 3.556. (38 U.S.C. 3203 (a)(1))

* * * * *

4. In § 3.556, paragraph (a) is amended to read as follows:

**§ 3.556 Adjustment on discharge or release.**

(a) *Temporary absence—30 days.* (1) Where a competent veteran whose award was reduced under § 3.551(b) is placed on trial visit status or other authorized absence of 30 days or more the full monthly rate, excluding any allowance for regular aid and attendance, will be restored effective the date of reduction. The full monthly rate for an incompetent veteran, or for a competent veteran whose pension was reduced under § 3.551(c), will be restored effective the date of departure from the hospital unless it is determined that apportionment for an estranged wife should be continued. In all instances, any allowance for regular aid and attendance will be restored effective the date of departure from the hospital.

(2) Upon the veteran's return to the hospital, an award which is subject to reduction under § 3.551(b) will again be reduced effective the end of the month in which the action is taken; under § 3.551(c), the award will again be reduced effective the date of the veteran's return to the hospital. In all instances, any allowance for regular aid and attendance will be discontinued, if in order, effective the date of the veteran's return to the hospital.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: December 1, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64-12450; Filed, Dec. 4, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

**Fiscal Service**

**[ 31 CFR Parts 306, 315, 316, 321, 332 ]**

### UNITED STATES SECURITIES AND SAVINGS BONDS

### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in Treasury Department Circulars No. 300, Second Revision (31 CFR Part 306); No. 530, Eighth Revision, as amended (31 CFR Part 315); No. 653, Fifth Revision, as amended (31 CFR Part 316); No. 750, Revised, as amended (31 CFR Part 321); and Department Circular No. 905, Second Revision, as amended (31 CFR Part 332), are proposed to be further amended or revised as tentatively shown below. However, prior to their final adoption, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of the Public Debt, Washington, D.C., 20220, within the period of fifteen days from the date of this notice in the FEDERAL REGISTER. These proposed amendments or revisions of the regulations are to be issued under the authority of Revised Statutes, section 161 (5 U.S.C. 22), and the Second Liberty Bond Act (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, 754b, 757c and 757c–1), both as amended.

[SEAL] GEORGE F. STICKNEY,
*Deputy Fiscal Assistant Secretary.*

NOVEMBER 20, 1964.

Department Circular No. 300, Second Revision, dated April 19, 1963 (31 CFR 306), is hereby amended and issued as the Third Revision.

## PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

**Subpart A—General Information**

Sec.
306.0 Applicability of regulations.
306.1 Official agencies.
306.2 Definitions of words and terms as used in these regulations.
306.3 Transportation charges and risks in the shipment of securities.

**Subpart B—Registration**

306.10 General.
306.11 Forms of registration for transferable securities.
306.12 Nontransferable securities.
306.13 Errors in registration.

**Subpart C—Transfers, Exchanges and Reissues**

306.15 Transfers and exchanges of securities—closed periods.
306.16 Denominational exchanges of registered securities.
306.17 Exchanges of registered securities for coupon securities.
306.18 Exchanges of coupon securities for registered securities.
306.19 Denominational exchanges of coupon securities.
306.20 Reissue of registered transferable securities.
306.21 Reissue of nontransferable securities.
306.16 Denominational exchanges of registered securities.
306.22 Exchange of Treasury Bonds, Investment Series B–1975–80.

**Subpart D—Redemption or payment**

306.25 Presentation and surrender.
306.26 Redemption of registered securities at maturity, upon prior call, or for advance refunding.
306.27 Redemption of bearer securities at maturity, upon prior call, or for advance refunding.
306.28 Optional redemption of Treasury bonds at par (before maturity or call redemption date) and application of the proceeds in payment of Federal estate taxes.

**Subpart E—Interest**

306.35 Computation of interest.
306.36 Termination of interest.
306.37 Interest on registered securities.
306.38 Interest on bearer securities.

**Subpart F—Assignments of Registered Securities—General**

306.40 Execution of assignments or special endorsements.
306.41 Form of assignment.
306.42 Alterations and erasures.
306.43 Voidance of assignments.
306.44 Discrepancies in names.
306.45 Officers authorized to certify assignments.
306.46 Duties and responsibilities of certifying officer.
306.47 Evidence of certifying officer's authority.
306.48 Interested person not to act as certifying officer or witness.
306.49 Nontransferable securities.

**Subpart G—Assignments by or in Behalf of Individuals**

306.55 Signatures, minor errors and change of name.
306.56 Assignment of securities registered in the names of or assigned to two or more persons.
306.57 Minors and incompetents.
306.58 Nontransferable securities.

**Subpart H—Assignments in Behalf of Estates of Deceased Owners**

306.65 Special provisions applicable to small amounts of securities, interest checks or redemption checks.
306.66 Estates—administration.
306.67 Estates not administered.
306.70 Nontransferable securities.

**Subpart I—Assignments by or in Behalf of Trustees and Similar Fiduciaries**

306.75 Individual fiduciaries.
306.76 Fiduciaries acting as a unit.
306.77 Corepresentatives and fiduciaries.
306.78 Nontransferable securities.

**Subpart J—Assignments in Behalf of Private or Public Organizations**

306.85 Private corporations and unincorporated associations.
306.86 Change of name and succession of private organizations.
306.87 Partnerships.
306.88 Political entities and public corporations.
306.89 Public officers.
306.90 Nontransferable securities.

**Subpart K—Attorneys in Fact**

306.91 Attorneys in fact.
306.92 Nontransferable securities.

**Subpart L—Transfer Through Judicial Proceedings**

306.95 Transferable securities.
306.96 Evidence required.
306.97 Nontransferable securities.

**Subpart M—Requests for Suspension of Transactions**

306.100 Requests for suspension of transactions in securities.

**Subpart N—Claims on Account of Loss, Theft, Destruction, Mutilation or Defacement of Securities**

306.105 Statutory authority and requirements.
306.106 Reports of loss, theft, destruction, mutilation or defacement of securities.
306.107 Relief authorized for lost, stolen, destroyed, mutilated or defaced securities.
306.108 Type of relief granted.
306.109 Nontransferable securities.

**Subpart O—Miscellaneous Provisions**

306.115 Additional requirements.
306.116 Waiver of regulations.
306.117 Preservation of existing rights.
306.118 Supplements, amendments or revisions.

AUTHORITY: The provisions of this Part 306 issued under R.S. 3706, 40 Stat. 288, 290, 1309, 48 Stat. 343 and 50 Stat. 481; 31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a and 754b.

### Subpart A—General Information

#### § 306.0 Applicability of regulations.

These regulations apply to all United States transferable and nontransferable securities,[1] other than United States Savings Bonds, to the extent specified in these regulations, the offering circulars or special regulations governing such securities.

#### § 306.1 Official agencies.

(a) *Subscriptions—tenders-bids.* Securities subject to these regulations are issued from time to time pursuant to public offerings by the Secretary of the Treasury, through the Federal Reserve Banks, fiscal agents of the United States, and the Treasurer of the United States. Only the Federal Reserve Banks and Branches and the Treasury Department are authorized to act as official agencies, and subscriptions for securities, tenders for Treasury bills, and bids, to the extent provided in the regulations governing the sale of Treasury bonds through competitive bidding, may be made direct to them; however, banking institutions may assist customers with their subscriptions, tenders or bids.

(b) *Transactions after issue.* The Bureau of the Public Debt, Treasury Department, is charged with matters relating to transactions in securities after original issue. Correspondence concerning such transactions and requests for appropriate forms may be addressed to (1) the Federal Reserve Bank or Branch of the District in which the correspondent is located, or (2) the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C., 20226, or (3) the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, except where specific instructions are otherwise given in these regulations. The addresses of the Federal Reserve Banks and Branches are:

Federal Reserve Bank of Boston, Boston, Mass., 02106.
Federal Reserve Bank of New York, New York, N.Y., 10045.
Buffalo Branch, Buffalo, N.Y., 14240.
Federal Reserve Bank of Philadelphia, Philadelphia, Pa., 19101.
Federal Reserve Bank of Cleveland, Cleveland, Ohio, 44101.
Cincinnati Branch, Cincinnati, Ohio, 45201.
Pittsburgh Branch, Pittsburgh, Pa., 15230.
Federal Reserve Bank of Richmond, Richmond, Va., 23213.
Baltimore Branch, Baltimore, Md., 21203.
Charlotte Branch, Charlotte, N.C., 28201.
Federal Reserve Bank of Atlanta, Atlanta, Ga., 30303.
Birmingham Branch, Birmingham, Ala., 35202.
Jacksonville Branch, Jacksonville, Fla., 32201.
Nashville Branch, Nashville, Tenn., 37203.
New Orleans Branch, New Orleans, La., 70160.
Federal Reserve Bank of Chicago, Post Office Box 834, Chicago, Ill., 60690.
Detroit Branch, Post Office Box 1059, Detroit, Mich., 48231.
Federal Reserve Bank of St. Louis, Post Office Box 442, St. Louis, Mo., 63166.
Little Rock Branch, Post Office Box 1261, Little Rock, Ark., 72203.
Louisville Branch, Post Office Box 899, Louisville, Ky., 40201.
Memphis Branch, Post Office Box 407, Memphis, Tenn., 38101.
Federal Reserve Bank of Minneapolis, Minneapolis, Minn., 55440.
Helena Branch, Helena, Mont., 59601.
Federal Reserve Bank of Kansas City, Kansas City, Mo., 64106.
Denver Branch, Denver, Colo., 80217.
Oklahoma City Branch, Oklahoma City, Okla., 73101.
Omaha Branch, Omaha, Nebr., 68102.
Federal Reserve Bank of Dallas, Station K, Dallas, Tex., 75222.
El Paso Branch, Post Office Box 100, El Paso, Tex., 79999
Houston Branch, Post Office Box 2578, Houston, Tex., 77001.
San Antonio Branch, Post Office Box 1471, San Antonio, Tex., 78206.
Federal Reserve Bank of San Francisco, San Francisco, Calif., 94120.
Los Angeles Branch, Post Office Box 2077, Los Angeles, Calif., 90054.
Portland Branch, Post Office Box 3456, Portland, Oreg., 97206.
Salt Lake City Branch, Post Office Box 780, Salt Lake City, Utah, 84110.
Seattle Branch, Post Office Box 3567, Seattle, Wash., 98124.

#### § 306.2 Definitions of words and terms as used in these regulations.

(a) "Advance refunding offer" is an offer to a holder of a security, in advance of its call or maturity, to exchange it for another security.

(b) "Bearer securities" are those which are payable on their face at maturity or call for redemption before maturity in accordance with their terms to "bearer," the ownership of which is not recorded. Title to such securities may pass by delivery without endorsement and without notice. "Coupon securities" are bearer securities which are issued with interest coupons attached.

(c) "Bureau" refers to the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C., 20226.

(d) "Call date" or "date of call" is the date fixed in the official notice of call published in the FEDERAL REGISTER as the date on which the obligor will make payment before maturity in accordance with the terms of the security.

(e) "Court" means one which has jurisdiction over the parties and the subject matter.

(f) "Department" refers to the Treasury Department.

(g) "Face maturity date" is the payment date specified in the text of a security.

(h) "Incompetent" refers to a person under any legal disability except minority.

(i) "Joint owner" and "joint ownership" refer to any permitted form of ownership by two or more persons.

(j) "Nontransferable securities" are those issued only in registered form which according to their terms are payable only to the registered owners or recognized successors in title to the extent and in the manner provided in the offering circulars or special applicable regulations.

(k) "Payment" and "redemption," unless otherwise indicated by the context, are used interchangeably for payment at maturity or payment before maturity pursuant to a call for redemption in accordance with the terms of the securities.

(l) "Redemption-exchange" is any authorized redemption of securities for the purpose of applying the proceeds in payment for other securities offered in exchange.

(m) "Registered securities" refers to securities payable on their face at maturity or call for redemption before maturity in accordance with their terms to the persons whose names and addresses are inscribed thereon.

(n) "Securities assigned in blank" or "securities so assigned as to become, in effect, payable to bearer" refers to registered securities which are assigned by the owner or his authorized representative without designating the assignee. Registered securities assigned simply to "The Secretary of the Treasury" or in the case of Treasury Bonds, Investment Series B–1975–80, to "The Secretary of the Treasury for exchange for the current Series EA or EO Treasury notes" are considered to be so assigned as to become, in effect, payable to bearer.

(o) "Taxpayer identifying number" means the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security account number or an employer identification number. A social security account number is composed of nine digits separated by two hyphens, for example, 123-45-6789; an employer identification number is composed of nine digits separated by one hyphen, for example, 12-3456789. The hyphens are an essential part of the numbers and must be included.

(p) "Transferable securities," which may be in either registered or bearer form, refers to securities which may be sold on the market and transfer of title accomplished by assignment and delivery if in registered form, or by delivery only if in bearer form.

(q) "Treasurer's Office" refers to the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220.

(r) "Treasury securities," "Treasury bonds," "Treasury notes," "Treasury certificates of indebtedness," and "Treasury bills," or simply "securities," "bonds," "notes," "certificates" and "bills," unless otherwise indicated by the context, refer only to transferable securities.

#### § 306.3 Transportation charges and risks in the shipment of securities.

The following rules will govern transportation to, from and between the Treasury Department and the Federal Reserve Banks and Branches of securities issued on or presented for authorized transactions:

(a) The securities may be presented or received by the owners or their agents in person.

(b) Securities issued on original issue, unless delivered in person, will be delivered by registered mail or by other means at the risk and expense of the United States.

(c) The United States will assume the risk and expense of any transportation of securities which may be necessary between the Federal Reserve Banks and Branches and the Treasury.

(d) Securities submitted for any transaction after original issue, if not presented in person, must be forwarded at the owner's risk and expense.

(e) Bearer securities issued on transactions other than original issue will be delivered by registered mail, covered by insurance, at the owner's risk and expense, unless called for in person by the owner or his agent. Registered securities issued on such transactions will be delivered by registered mail at the risk of, but without expense to, the registered owner. Should delivery by other means be desired, advance arrangements should be made with the official agency to which the original securities were presented.

[1] Bonds and other securities issued by certain agencies of the United States and the former government of Puerto Rico are subject to these regulations, so far as applicable, under special arrangements with the issuing authorities. Information as to their application to any particular transaction in any designated security will be furnished by the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C., 20226, upon request.

## Subpart B—Registration

### § 306.10 General.

The registration used must express the actual ownership of a security, and may not include any restriction on the authority of the owner to dispose of it in any manner, except as otherwise specifically provided in these regulations. The Treasury Department reserves the right to treat the registration as conclusive of ownership. Requests for registration should be clear, accurate, and complete, conform with one of the forms set forth in this subpart, and include appropriate taxpayer identifying numbers.[2] The registration of all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in the case of a fiduciary, the description of the fiduciary capacity. Individual owners should be designated by the names by which they are ordinarily known or under which they do business, preferably including at least one full given name. The name of an individual may be preceded by any applicable title, such as "Dr." or "Rev.," or followed by "M.D.," "D.D." or other similar designation. "Sr." or "Jr." or any other similar suffix should be included when ordinarily used. The name of a woman must be preceded by "Miss" or "Mrs.," unless some other applicable title or designation is used. A married woman's own given name, not that of her husband, must be used, for example, "Mrs. Mary A. Jones," NOT "Mrs. Frank B. Jones." The address should include, where appropriate, the number and street, route, or any other local feature and the ZIP Code.

### § 316.11 Forms of registration for transferable securities.

The forms of registration described below are authorized for transferable securities:

(a) *Natural persons in their own right.* In the names of natural persons who are not under any legal disability, in their own right, substantially as follows:

(1) *One person.* In the name of one individual. Examples:

John A. Doe (123–45–6789).
Mrs. Mary C. Doe (123–45–6789).
Miss Elizabeth Jane Doe (123–45–6789).

An individual who is sole proprietor of a business conducted under a trade name may include a reference to the trade name. Examples:

John A. Doe, doing business as Doe's Home Appliance Store (12–3456789);
or
John A. Doe (123–45–6789), d/b/a Doe's Home Appliance Store.

(2) *Two or more persons—general.* Securities will not be registered in the name of one person payable on death to another, or in any form which purports to authorize transfer by less than all the persons named in the registration (or all the survivors).[3] Securities will not be registered in the forms "John A. Doe and Mrs. Mary C. Doe, or either of them" or "William C. Doe or Henry J. Doe, or either of them" and securities so assigned will be treated as though the words "or either of them" do not appear in the assignments. The taxpayer identifying number of any of the joint owners may be shown on securities registered in joint ownership form. However, if such owners are husband and wife, the husband's number should be shown. If the joint owners are a minor and an adult, the adult's number should be shown.

(i) *With right of survivorship.* In the names of two or more individuals with right of survivorship. Examples:

John A. Doe (123–45–6789) or Mrs. Mary C. Doe or the survivor.
Mrs. Mary C. Doe and John A. Doe (123–45–6789) or the survivor.
John A. Doe (123–45–6789) or Mrs. Mary C. Doe or Miss Mary Ann Doe or the survivors or survivor.
John A. Doe (123–45–6789) or Mrs. Mary C. Doe.
John A. Doe (123–45–6789) and Mrs. Mary C. Doe.

(ii) *Without right of survivorship.* In the names of two or more individuals in such manner as to preclude the right of survivorship. Examples:

John A. Doe (123–45–6789) and William B. Doe as tenants in common.
John A. Jones as natural guardian of Henry B. Jones, a minor, or Robert C. Jones (123–45–6789), without right of survivorship.

(b) *Minors and incompetents*—(1) *Natural guardians of minors.* A security may be registered in the name of a natural guardian of a minor for whose estate no legal guardian or similar representative has legally qualified. Example:

John R. Jones as natural guardian of Henry M. Jones, a minor (123–45–6789).

Either parent with whom the minor resides, or, if he does not reside with either parent, the person who furnishes his chief support, will be recognized as his natural guardian and will be considered a fiduciary. Registration in the name of a minor in his own right as owner or coowner is not authorized. Securities so registered, upon qualification of the natural guardian, will be treated as though registered in the name of the natural guardian in that capacity.

(2) *Custodian under statute authorizing gifts to minors.* A security may be purchased as a gift to a minor under a gifts to minors statute in effect in a state in which either the donor or the minor resides, in which case the security should be registered as provided in the statute, with the addition of a parenthetical reference identifying the statute if the registration does not clearly identify it. Examples:

William C. Jones, as custodian for John A. Smith, a minor (123–45–6789), under the California Uniform Gifts to Minors Act.
Robert C. Smith, as custodian, for Henry L. Brown, a minor (123–45–6789), under the laws of Georgia (Ch. 48–3, Code of Ga. Anno.)

(3) *Incompetents not under guardianship.* Registration in the form "John A. Brown, an incompetent (123–45–6789), under voluntary guardianship," is permitted only on reissue after a voluntary guardian has qualified for the purpose of collecting interest. (See §§ 306.37(c)(2) and 306.57(c)(2).) Otherwise, registration in the name of an incompetent not under legal guardianship is not authorized.

(c) *Executors, administrators, guardians and similar representatives or fiduciaries.* A security may be registered in the names of legally qualified executors, administrators, guardians, conservators or similar representatives or fiduciaries of a single estate. The names and capacities of all the representatives or fiduciaries, as shown in their letters of appointment, must be included in the registration and must be followed by an adequate identifying reference to the estate. Examples:

John Smith, executor of the will (or administrator of the estate) of Henry J. Jones, deceased (12–3456789).
William C. Jones, guardian (or conservator, etc.) of the estate of James D. Brown, a minor (or an incompetent) (123–45–6789).

(d) *Private trust estates.* A security may be registered in the name and title of the trustee or trustees of a single duly constituted private trust, followed by an adequate identifying reference to the authority governing the trust. Examples:

John Jones and Blank Trust Co., Albany, N.Y., trustees under the will of Sarah Jones, deceased (12–3456789).
John Doe and Richard Roe, trustees under agreement with Henry Jones dated February 9, 1950 (12–3456789).

The names of all trustees, in the form used in the trust instrument, must be included in the registration, except as follows:

(1) If there are several trustees designated as a board or authorized to act as a unit, their names should be omitted and the words "Board of Trustees" should be substituted for the word "trustees." Example:

Board of Trustees of Blank Co. Retirement Fund under collective bargaining agreement dated June 30, 1960 (12–3456789).

(2) If the trustees do not constitute a board or otherwise act as a unit, and are either too numerous to be designated in the inscription by names and title, or serve for limited terms, some or all of the names may be omitted. Examples:

John Smith, Henry Jones, et al., trustees under the will of Henry J. Smith, deceased (12–3456789).
Trustees under the will of Henry J. Smith, deceased (12–3456789).
Trustees of Retirement Fund of Industrial Manufacturing Co., under directors' resolution of June 30, 1950 (12–3456789).

(e) *Private organizations (corporations, unincorporated associations and partnerships).* A security may be registered in the name of any private corporation, unincorporated association or partnership. The full legal name of the organization, as set forth in its charter, articles of incorporation, constitution, partnership agreement or other authority from which its powers are derived, must be included in the registration, and may be followed, if desired, by a parenthetical reference to a particular account or fund other than a trust fund, in accordance with the rules and examples given below:

(1) *A corporation.* The name of a business, fraternal, religious or other private corporation must be followed by descriptive words indicating the corporate status unless the term "corporation" or the abbreviation "Inc." is part of the name or the name is that of a corporation or association organized under Federal law, such as National bank or a Federal savings and loan association. Examples:

Smith Manufacturing Co., a corporation (12–3456789).
The Standard Manufacturing Corp. (12–3456789).
Jones & Brown, Inc. (12–3456789) (Depreciation Account).
First National Bank of ---------- (12–3456789).

(2) *An unincorporated association.* The name of a lodge, club, labor union, veterans' organization, religious society or similar self-governing organization which is not incorporated (whether or not it is chartered by or affiliated with a parent organization which is incorporated) must be followed by the words "an unincorporated association." Examples:

American Legion Post No. ------, Department of the District of Columbia, an unincorporated association (12–3456789).
Local Union No. 100, Brotherhood of Locomotive Engineers, an unincorporated association (12–3456789).

Securities should not be registered in the name of an unincorporated association if the legal title to its property in general, or the legal title to the funds with which the securities are to be purchased, is held by trustees. In such a case the securities should be registered in the title of the trustees in accordance with paragraph (d) of this section. The term "unincorporated association" should not be used to describe a trust fund, a partnership or a business conducted under a trade name.

(3) *A partnership.* The name of a partnership must be followed by the words "a partnership." Examples:

Smith & Brown, a partnership (12–3456789).
Acme Novelty Co., a limited partnership 12–3456789).

(f) *States, public bodies and corporations and public officers.* A security may be registered in the name of a State or county, city, town, village, school district or other political entity, public body or corporation established by law (including a board, commission, administration, authority or agency) which is the owner or official custodian of public funds, other than trust funds, or in the full legal title of the public officer having custody. Examples:

State of Maine (12–3456789).
Town of Rye, N.Y. (12–3456789).
Maryland State Highway Commission (12–3456789).
Treasurer, City of Springfield, Ill. (12–345–6789).
Treasurer of Rhode Island (State Forestry Fund) (12–3456789).

(g) *States, public officers, corporations or bodies as trustees.* A security may be registered in the title of a public officer or in the name of a State or county, a public corporation or public body acting as trustee under express authority of law, followed by appropriate reference to the statute creating the trust. Examples:

Insurance Commissioner of Pennsylvania, trustee for the benefit of the policyholders of the Blank Insurance Co. (12–3456789), under Sec. ------, Pennsylvania statutes.
Rhode Island Sinking Fund Commission, trustee of the General Sinking Fund (12–3456789) under Chapter 35, General Laws of Rhode Island.

### § 306.12 Nontransferable securities.

Upon authorized reissue, Treasury Bonds, Investment Series B–1975–80, may be registered in the forms set forth in § 306.11.

### § 306.13 Errors in registration.

If an erroneously inscribed security is received it should not be altered in any respect, but the Bureau, a Federal Reserve Bank or Branch, or the Treasurer's Office should be furnished full particulars concerning the error and asked to furnish instructions.

## Subpart C—Transfers, Exchanges and Reissues

### § 306.15 Transfers and exchanges of securities—closed periods.

(a) *General.* The transfer of registered securities should be made by assignment in accordance with subpart F of this part. Transferable registered securities are eligible for denominational exchange and exchange for bearer securities. Bearer securities are eligible for denominational exchange, and when so provided in the offering circular, are eligible for exchange for registered securities. Specific instructions for issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. (Form PD 1642, 1643, 1644, or 1827, as appropriate, may be used.) Securities presented for transfer or for exchange for bearer securities of the same issue must be received by an official agency not less than one full month before the date on which the securities mature or become redeemable pursuant to a call for redemption before maturity, and any security so presented which is received too late to comply with this provision will be accepted for payment only.

(b) *Closing of transfer books.* The transfer books are closed for one full month preceding interest payment dates and call or maturity dates. If the date set for closing of the transfer books falls on Saturday, Sunday or a legal holiday, the books will be closed as of the close of business on the last business day preceding that date. If registered securities which have not matured or been called are received for transfer, reissue, or exchange for coupon securities, or coupon securities which have not matured or been called are received for exchange for registered securities during the time the books for that loan are closed, the transaction will not be completed until the first business day following the date on which interest falls due, when such books are reopened. If registered securities which have been called or which will mature are submitted for transfer or exchange during the time the books are closed, the transaction will be completed immediately after payment of the final interest, unless otherwise provided in the offering circular or notice of call. However, denominational exchanges, exchanges of Treasury Bonds, Investment Series B–1975–80, for the current series of EA or EO 1½ percent 5-year Treasury notes, and optional redemption of bonds at par as provided in § 306.28 may be made at any time.

### § 306.16 Denominational exchanges of registered securities.

No assignment will be required for the authorized exchange of registered securities for like securities in the same names in other authorized denominations.

### § 306.17 Exchanges of registered securities for coupon securities.

Registered securities submitted for exchange for coupon securities should be assigned to "The Secretary of the Treasury for exchange for coupon securities to be delivered to (inserting the name and address of the person to whom delivery of the coupon securities is to be made)." Assignments to "The Secretary of the Treasury for exchange for coupon securities," or assignments in blank will also be accepted. The coupon securities issued upon exchange will have all unmatured coupons attached.

### § 306.18 Exchanges of coupon securities for registered securities.

Coupon securities presented for exchange for registered securities should have all matured interest coupons detached. All unmatured coupons should be attached, except that if presented when the transfer books are closed (in which case the exchange will be effected on or after the date on which the books are reopened), the next maturing coupons should be detached and held for collection in ordinary course when due. If any coupons which should be attached are missing, the securities must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. The new registered securities will bear interest from the interest pay-

[2] Taxpayer identifying numbers are not required for foreign governments, nonresident aliens not engaged in trade or business within the United States, or international organizations and foreign corporations not engaged in trade or business and not having an office or place of business or a financial or paying agent within the United States.

[3] Warning: Difference between transferable Treasury securities registered in the names of two or more persons and United States savings bonds in coownership form. The effect of registering Treasury securities to which these regulations apply in the names of two or more persons differs decidedly from registration of savings bonds in coownership form. Savings bonds are virtually redeemable on demand at the option of either coowner on his signature alone. Transferable Treasury securities are redeemable only at maturity or upon prior call by the Secretary of the Treasury. Accordingly, if cash is needed before such time, it can be realized only by sale on the market. This involves a transfer of ownership which can be accomplished only upon proper assignment by or in behalf of all owners.

ment date next preceding the date on which the exchange is made.

**§ 306.19 Denominational exchanges of coupon securities.**

All matured interest coupons and all unmatured coupons likely to mature before an exchange can be completed should be detached from securities presented for denominational exchange. All unmatured coupons should be attached. If any are missing, the securities must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. The new coupon securities will have all unmatured coupons attached.

**§ 306.20 Reissue of registered transferable securities.**

Assignments are not required for reissue of registered transferable securities in the name(s) of (a) the surviving joint owner(s) of securities registered in the names of or assigned to two or more persons, unless the registration or assignment includes words which preclude the right of survivorship, (b) a succeeding fiduciary or other lawful successor, (c) an individual, corporation or unincorporated association whose name has been legally changed, (d) a corporation or unincorporated association which is the lawful successor to another corporation or unincorporated association, and (e) a successor in title to a public officer or body. Evidence of survivorship, succession, or change of name, as appropriate, must be furnished. The appropriate taxpayer identifying number also must be furnished if the registration of the securities submitted does not include such number for the person(s) or organization to be named on the reissued securities.

**§ 306.21 Reissue of nontransferable securities.**

(a) *Treasury Bonds, Investment Series A–1965.* Bonds of this series may be reissued only when (1) the name of an owner has been changed, (2) the trustees in whose names the bonds are registered have been succeeded by other trustees, and (3) the corporation, unincorporated association or fund in whose name the bonds are registered has been succeeded by another corporation or unincorporated association or fund, by operation of law or otherwise, whereby the business or activities of the original organization or fund are continued without substantial change in the successor. Bonds presented for reissue must be accompanied by pertinent evidence and an appropriate request for reissue. (Form PD 2168 should be used.)

(b) *Treasury Bonds, Investment Series B–1975–80.* Bonds of this series may be reissued only in the names of (1) lawful successors in title, (2) the legal representatives or distributees of a deceased owner's estate, or the distributees of a trust estate, and (3) State supervisory authorities in pursuance of any pledge required of the owner under State law, or upon termination of the pledge in the names of the pledgors or their successors. Bonds presented for reissue must be accompanied by evidence of entitlement.

**§ 306.22 Exchange of Treasury Bonds, Investment Series B–1975–80.**

Bonds of this series presented for exchange for 1½ percent 5-year Treasury notes must bear duly executed assignments to "The Secretary of the Treasury for exchange for the current series of EA or EO Treasury notes to be delivered to (inserting the name and address of the person to whom the notes are to be delivered)." The notes will bear the April 1 or October 1 date next preceding the date the bonds, duly assigned with supporting evidence, if necessary, are received by the Bureau or a Federal Reserve Bank or Branch. Interest accrued at the rate of 2¾ percent on the bonds surrendered from the next preceding interest payment date to the date of exchange will be credited, and interest at the rate of 1½ percent on the notes for the same period will be charged and the difference will be paid to the owner.

## Subpart D—Redemption or Payment

**§ 306.25 Presentation and surrender.**

(a) *General.* Securities, whether in registered or bearer form, are payable in regular course of business at maturity unless called for redemption before maturity in accordance with their terms, in which case they will be payable in regular course of business on the date of call. The Secretary of the Treasury may provide for the exchange of maturing or called securities, or in advance of call or maturity, may afford owners the opportunity of exchanging a security for another security pursuant to an advance refunding offer. Registered securities should be presented and surrendered for redemption to the Bureau, a Federal Reserve Bank or Branch, or the Treasurer's Office, and bearer securities to a Federal Reserve Bank or Branch or the Treasurer's Office.[4] No evidence, other than powers of attorney in appropriate cases, will ordinarily be required to support assignments for redemption for the account of the registered owner(s) or assignee(s), or for redemption-exchange or pursuant to an advance refunding offer if the securities offered in exchange are to be registered in the same names and forms. (See § 306.91(a).)

(b) *"Overdue" securities.* If a bearer security or a registered security assigned in blank, or to bearer or so assigned as to become, in effect, payable to bearer, is presented and surrendered for redemption after it has become overdue, the Secretary of the Treasury may require satisfactory proof of ownership. (Form PD 1071 may be used.) A security shall be considered to be overdue after the lapse of the following periods of time from its face maturity:

(1) One year for Treasury bonds.

(2) Six months for Treasury notes and certificates of indebtedness.

(3) Three months for Treasury bills.

(4) Other securities:

(i) One year for securities issued for a term of five years or longer.

(ii) Six months for securities issued for a term of one year or more but less than five years.

(iii) Three months for securities issued for a term of less than one year.

**§ 306.26 Redemption of registered securities at maturity, upon prior call, or for advance refunding.**

Registered securities presented and surrendered for redemption at maturity or pursuant to a call for redemption before maturity should be assigned to "The Secretary of the Treasury for redemption," unless the assignor desires that payment be made to some other person, in which case the assignments should be made to "The Secretary of the Treasury for redemption for the account of (inserting name and address of person to whom payment is to be made)." Assignments in blank or other assignments having a similar effect will be accepted but specific instructions for the issuance and delivery of the redemption check, signed by the owner or his authorized representative, must accompany the securities, unless included in the assignment. (Form PD 1705 may be used.) Payment of the principal will be made by check drawn on the Treasurer of the United States to the order of the person entitled and mailed in accordance with the instructions received. Securities presented for advance refunding should be assigned as provided in the advance refunding offer.

**§ 306.27 Redemption of bearer securities at maturity, upon prior call, or for advance refunding.**

All interest coupons due and payable on or before the date of maturity or date fixed in the call for redemption before maturity should be detached from coupon securities presented for redemption and should be collected separately in regular course. All coupons bearing dates subsequent to a date fixed in a call for redemption, or an offer of advance refunding, should be left attached to the securities. If any such coupons are missing the full face amount thereof will be deducted from the payment to be made upon redemption or the advance refunding adjustment unless satisfactory evidence of their destruction is submitted. Any amounts so deducted will be held in the Department to provide for adjustments or refunds in the event that the missing coupons should be subsequently presented or their destruction is later satisfactorily established. In the absence of other instructions, payment of bearer securities will be made by check drawn to the order of the person presenting and surrendering the securities and mailed to him at his address, as given in the advice which should accompany the securities. (Form PD 1704 may be used.) A Federal Reserve Bank, upon appropriate request, may make payment to a member bank from which bearer securities are received by crediting the amount in the member bank's account.

[4] See § 306.28 for presentation and surrender of securities eligible for use in payment of Federal estate taxes.



**§ 306.28 Optional redemption of Treasury bonds at par (before maturity or call redemption date) and application of the proceeds in payment of Federal estate taxes.**

(a) *General.* All Treasury bonds to be redeemed at par for the purpose of applying the proceeds to payment of Federal estate taxes on a decedent's estate[4] must be presented and surrendered to a Federal Reserve Bank or Branch or the Bureau. They should be accompanied by Form PD 1782, fully completed and duly executed in accordance with the instructions on the form, and evidence as described therein. Redemption will be made at par plus accrued interest from the last preceding interest payment date to the date of redemption, except that if registered bonds are received by a Federal Reserve Bank or Branch or the Bureau within one month preceding an interest payment date for redemption before that date a deduction will be made for interest from the date of redemption to the interest payment date, and a check for the full six months' interest will be paid in due course. The proceeds of redemption will be deposited to the credit of the District Director, Internal Revenue Service, designated in Form PD 1782, the representative of the estate will be notified of the deposit, and the District Director will forward a formal receipt.

(b) *Conditions.* The bonds presented for redemption under this section must have (1) been owned by the decedent at the time of his death and (2) thereupon constituted part of his estate, as determined by the following rules in the case of joint ownership, partnership and trust holdings:

(i) *Joint ownerships.* Bonds held by the decedent at the time of his death in joint ownership with another person or persons will be deemed to have met the above conditions either (a) to the extent to which the bonds actually became the property of the decedent's estate, or (b) in an amount not to exceed the amount of the Federal estate taxes which the surviving joint owner or owners are required to pay on account of such bonds and other jointly-held property.[5]

(ii) *Partnerships.* Bonds held at the time of the decedent's death by a partnership in which he had an interest will be deemed to have met the above conditions to the extent of his fractional share of the bonds so held proportionate to his interest in the assets of the partnership.

(iii) *Trusts.* Bonds held in trust at the time of the decedent's death will be deemed to have met the above conditions in an amount not to exceed: the amount of the Federal estate taxes which the trustee as such is required to pay under the terms of the trust instrument or otherwise; or, if the trust actually terminated in favor of the decedent's estate, the amount of such estate taxes.

(c) *Transactions permitted after owner's death.* If the bond or bonds are in excess of the amount of the taxes and are not in the lowest authorized denominations, they may be exchanged for bonds of lower denominations. Other transactions, involving no change of ownership, which may be conducted after the death of the owner without affecting the eligibility of the bonds for redemption at par, include (1) exchange of registered bonds for coupon bonds, (2) transfer to the names of the representative of his estate, and (3) exchange of coupon bonds for bonds registered in the name of the representative of the estate; but such transactions must be explained on Form PD 1782 or in a supplemental statement.

## Subpart E—Interest

**§ 306.35 Computation of interest.**

The interest on Treasury securities accrues and is payable on a semiannual basis unless otherwise provided in the circular offering them for sale or exchange. If the period of accrual is an exact six months, the interest accrual is an exact one-half year's interest, without regard to the number of days in the period. If the period of accrual is less than an exact six months, the accrued interest is computed by determining the daily rate of accrual on the basis of the exact number of days in the full interest period and multiplying the daily rate by the exact number of days in the fractional period for which interest has actually accrued. A full interest period does not include the day as of which the securities were issued or the day on which the last preceding interest became due, but does include the day on which the next succeeding interest payment is due. A fractional part of an interest period does not include the day as of which the securities were issued or the day on which the last preceding interest payment became due, but does include the day as of which the transaction terminating the accrual of interest is effected. The 29th of February in a leap year is included whenever it falls within either a full interest period or a fractional part thereof.[7]

**§ 306.36 Termination of interest.**

Securities will cease to bear interest on the date of their maturity unless they have been called for redemption before maturity in accordance with their terms, in which case they will cease to bear interest on the date of call.

**§ 306.37 Interest on registered securities.**

(a) *Method of payment.* The interest on registered securities is payable by checks drawn on the Treasurer of the United States to the order of the registered owners, except as otherwise provided herein. Interest checks are prepared by the Department in advance of the interest payment date and are ordinarily mailed in time to reach the addressees on that date. Interest on a registered security which has not matured or been called and which is presented for any transaction during the period the books for that loan are closed will be paid by check drawn to the order of the registered owner of record. Upon receipt of notice of the death or incompetency of an individual named as registered owner, a change in the name or in the status of a partnership, corporation or unincorporated association, the removal, resignation, succession or death of a fiduciary or trustee, delivery of interest checks will be withheld pending receipt and approval of evidence showing who is entitled to receive the interest checks. If the inscriptions on securities do not clearly identify the owners delivery of interest checks will be withheld pending reissue of the securities in the correct registration. The final installment of interest, unless otherwise provided in the offering circular or notice of call, will be paid by check drawn to the order of the registered owner of record and mailed in advance of the interest payment date in time to reach the addressee on or about that date.[8] Interest on securities presented for advance refunding will be adjusted as provided in the advance refunding offer.

(b) *Change of address.* To assure timely delivery of interest checks, owners should promptly notify the Bureau of any change of address. (Form PD 345 may be used.) The notification must be signed by the registered owner or a joint owner or an authorized representative, and should show the old and new addresses, the serial number and denomination of each security, the titles of the securities (for example 3¼-percent Treasury Bonds of 1978–83, dated May 1, 1953), and the registration of each security. Notifications by attorneys in fact, trustees or by the legal representatives of the estates of deceased, incompetent or minor owners should be supported by proof of their authority, unless in the case of trustees or legal representatives, they are named in the registration.

(c) *Collection of interest checks—(1) General.* Interest checks may be collected in accordance with the regula-

[4] Certain issues of Treasury bonds are redeemable at par and accrued interest upon the death of the owner, at the option of the representative of, or if none, the persons entitled to, his estate, for the purpose of having the entire proceeds applied in payment of the Federal estate taxes on the decedent's estate, in accordance with the terms of the offering circulars cited on the face of the bonds. A current list of eligible issues may be obtained from any Federal Reserve Bank or Branch, the Bureau of the Public Debt, or the Treasurer's Office.

[5] Substantially the same rule applies to community property except that upon the death of either spouse bonds which constitute part of the community estate are deemed to meet the required conditions to the extent of one-half of each loan and issue of bonds.

[7] The Appendix to the regulations in this part contains a complete explanation as to the method of computing interest on a semiannual basis on Treasury bonds, notes and certificates of indebtedness, and an outline of the method of computing the discount rates on Treasury bills. Also included are tables of computation of interest on quarterly and annual bases.

[8] See § 306.15(b) for presentation of securities during periods transfer books are closed.

tions governing the endorsement and payment of Government warrants and checks, which are contained in Department Circular No. 21, Revised, as amended. (Part 360 of this chapter.)

(2) *By voluntary guardians of incompetents.* Interest checks drawn to the order of an incompetent for whose estate no legal guardian or similar representative has been appointed should be returned to the Bureau with a full explanation of the circumstances. For collection of interest, the Department will recognize the relative responsible for the incompetent's care and support or some other person as voluntary guardian for the incompetent. (Application may be made on Form PD 1461.)

(d) *Nonreceipt, loss, theft or destruction of interest checks.* If an interest check is not received within a reasonable period after an interest payment date the Bureau should be notified. Should a check be lost, stolen, or destroyed after receipt, the Office of the Treasurer of the United States, Check Claims Division, Washington, D.C., 20226, should be notified. Notification should include the name and address of the owner, the serial number, denomination and titles of the securities upon which the interest was payable. If the check is subsequently received or recovered the latter office should also be advised.

**§ 306.38 Interest on bearer securities.**

Unless the offering circular and notice of call provide otherwise, interest on coupon securities is payable in regular course of business upon presentation and surrender of the interest coupons as they mature. Such coupons are payable at any Federal Reserve Bank or Branch, or the Treasurer's Office.* Interest on Treasury bills and any other bearer securities which may be sold and issued on a discount basis and which are payable at par at maturity, is represented by the difference between the purchase price and the par value, and no coupons are attached.

## Subpart F—Assignments of Registered Securities—General

**§ 306.40 Execution of assignments or special endorsements.**

(a) *Execution of assignments.* The assignment of a registered security should be executed by the owner or his authorized representative in the presence of an officer authorized to certify assignments. All assignments must be made on the backs of the securities, unless otherwise authorized by the Bureau, a Federal Reserve Bank or Branch, or the Treasurer of the United States. An assignment by mark (X) must be witnessed not only by a certifying officer but also by at least one other person, who should add an endorsement substantially as follows: "Witness to signature by mark," followed by his signature and address.

(b) *Special endorsements in lieu of assignments.* A security may be presented without assignment for any authorized transaction by a financial institution which is (1) a member of the Federal Reserve System, (2) a member of the Federal Home Loan Bank System, or (3) insured by the Federal Deposit Insurance Corporation, provided full instructions are furnished as to the transaction desired and the security bears the endorsement, under the official seal of the institution, as follows:

Presented in accordance with instructions of the owner(s).
Absence of assignment guaranteed.

---
(Name of financial institution)

By ---
(Signature and title of officer)

This form of endorsement will be an unconditional guarantee to the Treasury Department that the institution is acting as attorney-in-fact for the owner(s) of the security under proper authorization and that the officer is duly authorized to act.

**§ 306.41 Form of assignment.**

Registered securities may be assigned in blank, to bearer, to a specified transferee, to the Secretary of the Treasury for exchange for coupon securities, or to the Secretary of the Treasury for redemption or for exchange for other securities offered at maturity, upon call or pursuant to an advance refunding offer. Assignments to "The Secretary of the Treasury," "The Secretary of the Treasury for transfer," or "The Secretary of the Treasury for exchange" will not be accepted, unless supplemented by specific instructions by or in behalf of the owner.

**§ 306.42 Alterations and erasures.**

If an alteration or erasure has been made in an assignment, the assignor should appear before an authorized certifying officer and execute a new assignment to the same assignee. If the new assignment is to other than the assignee whose name has been altered or erased, a disclaimer from the first-named assignee should be obtained. Otherwise, an affidavit of explanation by the person responsible for the alteration or erasure should be submitted for consideration.

**§ 306.43 Voidance of assignments.**

An assignment of a security to or for the account of another person, not completed by delivery, may be voided by a disclaimer of interest from that person. The disclaimer should be executed in the presence of an officer authorized to certify assignments of securities. Unless otherwise authorized by the Bureau, a Federal Reserve Bank or Branch, or the Treasurer of the United States, the disclaimer must be written, typed or stamped on the back of the security in substantially the following form:

The undersigned as assignee of this security hereby disclaims any interest herein.

---
(Signature)

I certify that the above-named person as described, whose identity is well known or proved to me, personally appeared before me the ---- day of ----
(Month and year)

at ---- and signed the
(Place)
above disclaimer of interest.

[SEAL]

---
(Signature and official designation of certifying officer)

In the absence of a disclaimer, an affidavit or affidavits should be submitted for consideration explaining why a disclaimer cannot be obtained, reciting all other material facts and circumstances relating to the transaction, including whether or not the security was delivered to the person named as assignee and whether or not the affiants know of any basis for the assignee claiming any right, title or interest in the security.

After an assignment has been voided, in order to dispose of the security, an assignment by or on behalf of the owner will be required.

**§ 306.44 Discrepancies in names.**

The Department will ordinarily require an explanation of discrepancies in the names which appear in inscriptions, assignments, supporting evidence or in the signatures to any assignments. (Form PD 385 may be used for this purpose.) However, where the variations in the name of the registered owner, as inscribed on securities of the same or different issues, are such that both may properly represent the same person, for example, "J. T. Smith" and "John T. Smith," no proof of identity will be required if the assignments are signed exactly as the securities are inscribed and are duly certified by the same certifying officer.

**§ 306.45 Officers authorized to certify assignments.**

(a) *Officers authorized generally.* Officers authorized to certify assignments include:

(1) Officers and employees of banks and trusts companies chartered by or incorporated under the laws of the United States or those of any State, Commonwealth or Territory of the United States, and Federal Savings and Loan Associations or other organizations which are members of the Federal Home Loan Bank System, who have been authorized (i) generally to bind their respective institutions by their acts, (ii) to unqualifiedly guarantee signatures to assignments of securities, or (iii) expressly to certify assignments of securities.

(2) Officers of Federal Reserve Banks and Branches.

(3) Officers of Federal Land Banks, Federal Intermediate Credit Banks and Banks for Cooperatives, the Central Bank for Cooperatives, and Federal Home Loan Banks.

(4) United States Attorneys, Collectors of Customs, and Regional Commissioners and District Directors, Internal Revenue Service.

(5) Judges and Clerks of United States Courts.

(b) *Authorized officers in foreign countries.* The following officers are authorized to certify assignments in foreign countries:

(1) United States diplomatic or consular representatives.

(2) Managers, assistant managers and other officers of foreign branches of banks or trust companies chartered by or incorporated under the laws of the United States or any State, Commonwealth or Territory of the United States.

(3) Notaries public and other officers authorized to administer oaths. The official position and authority of any such officer must be certified by a United States diplomatic or consular representative under seal of his office.

(c) *Officers having limited authority.* The following officers are authorized to certify assignments to the extent set forth in connection with each class of officers:

(1) Postmasters, acting postmasters, assistant postmasters, inspectors-in-charge, chief and assistant chief accountants, and superintendents of stations of any post office, notaries public and justices of the peace in the United States, its territories and possessions, the Commonwealth of Puerto Rico and the Canal Zone, but only for assignment of securities for redemption for the account of the assignor, or for redemption-exchange, or pursuant to an advance refunding offer for other securities to be registered in his name, or in his name with a coowner. The signature of any post office official, other than a postmaster, must be in the following form: "John A. Doe, Postmaster, by Richard B. Roe, Superintendent of Station."

(2) Commissioned officers and warrant officers of the Armed Forces of the United States for assignments of securities of any class for any authorized transaction, but only with respect to assignments executed by (i) Armed Forces personnel and civilian field employees, and (ii) members of the families of such personnel or civilian employees.

(d) *Special provisions for certifying assignments.* The Commissioner of the Public Debt, the Chief of the Division of Loans and Currency, any Federal Reserve Bank or Branch, or the Treasurer of the United States, is authorized to make special provision for any case or class of cases.

**§ 306.46 Duties and responsibilities of certifying officer.**

A certifying officer who unqualifiedly guarantees the signature to an assignment must place his endorsement, under official seal or stamp, following such signature, in the form "Signature guaranteed, First National Bank of Jonesville, Jonesville, N.H., by A. B. Doe, President." Otherwise, he must require execution of the assignment in his presence after he has established the identity of the assignor. He must then complete the certification, show the title of his office and impress or imprint the official seal or stamp, if any. An employee who is not an officer should insert "Authorized signature" in the space provided for the title. The certifying officer and, if he is an officer or employee of an organization, the organization will be held responsible for any loss which the United States of America may suffer as the result of his fault or negligence.

**§ 306.47 Evidence of certifying officer's authority.**

The authority of the certifying officer is established by (a) affixing of the seal of the organization to the certification of an assignment, or (b) affixing of a legible imprint of the issuing agent's dating stamp, if the organization is an authorized issuing agent for United States Savings Bonds of Series E, use of which stamp shall result in the same responsibility on the part of the organization as if its official seal were used. If the certifying officer does not have access to the seal or the issuing agent's dating stamp, his authority to certify assignments or guarantee signatures must be certified, under seal, to the Bureau by an officer having access to the records and will be recognized until evidence is received that his authority has been terminated. (Form PD 835–2 may be used.) Any post office official must use the official stamp of his office. A commissioned or warrant officer of any of the armed forces of the United States should indicate his rank and state that the person executing the assignment is one of the class whose signature he is authorized to witness. A judge or clerk of court must use the seal of the court. Any other certifying officer must use his official seal or stamp, if any, but, if he has neither, his official position and a specimen of his signature must be certified by some other authorized officer under official seal or stamp or otherwise proved to the satisfaction of the Department.

**§ 306.48 Interested person not to act as certifying officer or witness.**

Neither the assignor, the assignee, nor any person having an interest in a security may act as a certifying officer, or as a witness to an assignment by mark. However, a bank officer may certify an assignment to the bank, or an assignment executed by another officer in its behalf.

**§ 306.49 Nontransferable securities.**

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

## Subpart G—Assignments by or in Behalf of Individuals

**§ 306.55 Signatures, minor errors and change of name.**

The owner's signature to an assignment should be in the form in which the security is inscribed or assigned, unless such inscription or assignment is incorrect or the name has since been changed. In case of a change of name, the signature to the assignment should show both names and the manner in which the change was made, for example, "John Young, changed by order of court from Hans Jung." Evidence of the change will be required. However, no evidence is required to support an assignment if the change resulted from marriage and the signature, which must be duly certified by an authorized officer, is written to show that fact, for example, "Mrs. Mary J. Brown, changed by marriage from Miss Mary Jones."

**§ 306.56 Assignment of securities registered in the names of or assigned to two or more persons.**

(a) *For transfer or exchange.* The transfer or exchange for coupon securities of securities registered in the names of or assigned to two or more persons may be made during the lives of all the joint owners only upon assignments by all or in their behalf by authorized representatives. Upon proof of the death of one, the Department will accept an assignment by or in behalf of the survivor or survivors, unless the registration or assignment includes words which preclude the right of survivorship. In the latter case, in addition to assignment by or in behalf of the survivor or survivors, an assignment in behalf of the decedent's estate will be required.

(b) *For advance refunding exchanges.* Securities registered in the names of or assigned to two or more persons, whether jointly or in the alternative, may be assigned by one where the securities offered in exchange are to be registered in the same names and form. If bearer securities or securities in a different form are to be issued, all persons named must assign, except that in case of death paragraph (a) of this section shall apply.

(c) *For redemption or redemption-exchange*—(1) *Alternative registration or assignment.* Securities registered in the names of or assigned to two or more persons in the alternative, for example, "John B. Smith or Mrs. Mary J. Smith" or "John B. Smith or Mrs. Mary J. Smith or the survivor," may be assigned by one of them at maturity or upon call, for redemption or redemption-exchange, for his own account or otherwise, whether or not the other joint owner or owners are deceased.

(2) *Joint registration or assignment.* Securities registered in the names of or assigned to two or more persons jointly, for example, "John B. Smith and Mrs. Mary J. Smith," "John B. Smith and Mrs. Mary J. Smith or the survivor," or "John B. Smith and Mrs. Mary J. Smith as tenants in common," may be assigned by one of them during the lives of all only for (i) redemption at maturity or upon call, and then only for redemption for the account of all, or (ii) redemption-exchange for securities to be registered in their names in the same form as appears in the registration or assignment of the securities surrendered. Upon proof of the death of one of the joint owners, the survivor or survivors may assign securities so registered or assigned for redemption or redemption-exchange for any account, except that, if the words "as tenants in common" or other words which preclude the right of survivorship appear in the registration or assignment, assignment in behalf of the decedent's estate also will be required.

**§ 306.57 Minors and incompetents.**

(a) *Assignments of securities registered in name of minor*—(1) *By minor.* Securities registered in the name of a minor for whose estate no guardian or similar representative is legally qualified, may be assigned by the minor at maturity or call for redemption if the total face amount of the matured or called

* Banking institutions will usually cash the coupons without charge as an accommodation to their customers.

securities so registered does not exceed $500, and if the minor, in the opinion of the certifying officer, is of sufficient competency to execute the assignments and understand the nature of the transaction.

(2) *By natural guardian.* Securities registered in the name of a minor for whose estate no legal guardian or similar representative has qualified may be assigned by the natural guardian upon qualification. (Form PD 2481 may be used for this purpose.)

(b) *Assignments of securities registered in name of natural guardian of minor.* Securities registered in the name of a natural guardian of a minor may be assigned by the natural guardian for any authorized transaction except one for the apparent benefit of the natural guardian. If the natural guardian in whose name the securities are registered is deceased or is no longer qualified to act as natural guardian, the securities may be assigned by the person then acting as natural guardian. The assignment by the new natural guardian should be supported by proof of the death or disqualification of the former natural guardian and by evidence of his own status as natural guardian. (Form PD 2481 may be used for this purpose.) No assignment by a natural guardian will be accepted after receipt of notice of the minor's attainment of majority, removal of his disability of minority, disqualification of the natural guardian to act as such, qualification of a legal guardian or similar representative, or the death of the minor.

(c) *Assignments by voluntary guardians of incompetents.* Registered securities belonging to an incompetent for whose estate no legal guardian or similar representative is legally qualified may be assigned by the relative responsible for his care and support or some other person as voluntary guardian:

(1) For redemption or exchange for bearer securities, if the proceeds of the securities are necessary and will be used for the care and support of the incompetent or that of his legal dependents and the total face amount of such securities for which redemption or exchange is requested in any 90-day period does not exceed $1,000.

(2) For redemption-exchange, if the securities are matured or have been called, or pursuant to an advance refunding offer, for reinvestment in other securities to be registered in the form "A, an incompetent (123–45–6789) under voluntary guardianship."

An application on Form PD 1461 by the person seeking authority to act as voluntary guardian will be required.

(d) *Assignments by legal guardians of minors or incompetents.* Securities registered in the name and title of the legal guardian or similar representative of the estate of a minor or incompetent may be assigned by the representative for any authorized transaction without proof of his qualification. Assignments by a representative of any other securities belonging to a minor or incompetent must be supported by properly certified evidence of qualification. The evidence must be dated not more than one year before the date of the assignments and must contain a statement showing the appointment is in full force unless it shows the appointment was made not more than one year before the date of the assignment or the representative or a corepresentative is a corporation. An assignment by the representative will not be accepted after receipt of notice of termination of the guardianship, except for transfer to the former ward.

### § 306.58 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

## Subpart H—Assignments in Behalf of Estates of Deceased Owners

### § 306.65 Special provisions applicable to small amounts of securities, interest checks or redemption checks.

Entitlement to, or the authority to dispose of, a small amount of securities and checks issued in payment thereof or in payment of interest thereon, belonging to the estate of a decedent, may be established through the use of certain short forms, according to the aggregate amount of securities and checks involved (excluding checks representing interest on the securities), as indicated by the following table:

| Amount | Circumstances | Form | To be executed by— |
|---|---|---|---|
| $100 | No administration | PD 2216 | Person who paid burial expenses. |
| $500 | Estate being administered | PD 2488 | Executor or administrator. |
| $500 | Estate settled | PD 2488–1 | Former executor or administrator, attorney or other qualified person. |

### § 306.66 Estates—administration.

(a) *Temporary or special administrators.* Temporary or special administrators may assign securities for any authorized transaction within the scope of their authority. The assignments must be supported by:

(1) *Temporary administrators.* A certificate, under court seal, showing the appointment in full force within thirty days preceding the date of receipt of the securities.

(2) *Special administrators.* A certificate, under court seal, showing the appointment in full force within six months preceding the date of receipt of the securities.

Authority for assignments for transactions not within the scope of appointment must be established by a duly certified copy of a special order of court.

(b) *In course of administration.* A security belonging to the estate of a decedent which is being administered by a duly qualified executor or general administrator will be accepted for any authorized transaction upon assignment by such representative. (See § 306.77.) If the security is not registered in the name of and does not show the capacity of the representative, the assignment must be supported by a certificate or a copy of the letters of appointment, under court seal. The certificate or certification, if required, must be dated not more than six months before the date of the assignment and must contain a statement that the appointment is in full force, unless (1) it shows the appointment was made not more than one year before the date of the assignment, or (2) the representative or a corepresentative is a corporation, or (3) redemption is being made for application of the proceeds in payment of Federal estate taxes as provided by § 306.28.

(c) *After settlement through court proceedings.* Securities belonging to the estate of a decedent which has been settled in court will be accepted for any authorized transaction upon assignments by the person or persons entitled, as determined by the court. The assignments should be supported by a copy, certified under court seal, of the decree of distribution, the representative's final account as approved by the court, or other pertinent court records.

### § 306.67 Estates not administered.

(a) *Special provisions under State laws.* If there is special provision under State law for the recognition or appointment of someone to receive or distribute the assets of a decedent's estate after compliance with the requirements of such law, the person authorized to receive or distribute the assets of the decedent's estate may submit appropriate evidence thereof, certified under court seal, as evidence of his authority to assign securities belonging to the estate.

(b) *Agreement of persons entitled.* When it appears that no legal representative of a decedent's estate has been or is to be appointed, securities belonging to the estate may be duly disposed of pursuant to an agreement and assignment by all persons entitled to share in the decedent's personal estate. (Form PD 1646 may be used.) However, all debts of the decedent and his estate must be paid or provided for and the interests of any minors or incompetents must be protected.

### § 306.70 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

## Subpart I—Assignments by or in Behalf of Trustees and Similar Fiduciaries

### § 306.75 Individual fiduciaries.

Securities registered in, or assigned to, the names and titles of individual fiduciaries will be accepted for any authorized transaction upon assignment by the designated fiduciaries without proof of their qualification. If the fiduciaries in whose names the securities are registered, or to whom they have been assigned, have been succeeded by other fiduciaries, evidence of successorship must be furnished. If the appointment of a successor is not required under the terms of the trust instrument or otherwise and is not contemplated, assignments by the surviving or remaining fiduciary or fiduciaries must be supported by appropriate proof. This requires (a) proof of the death, resignation, removal or disqualification of the former fiduciary and (b) evidence that the surviving or remaining fiduciary or fiduciaries are fully qualified to administer the fiduciary estate, which may be in the form of a certificate by them showing the appointment of a successor has not been applied for, is not contemplated and is not necessary under the terms of the trust instrument or otherwise. Assignments of securities registered in the titles, without the names of the fiduciaries, for example, "Trustees of the George E. White Memorial Scholarship Fund under deed of trust dated 11/10/40, executed by John W. White," must be supported by proof that the assignors are the qualified and acting trustees of the designated trust estate, unless they are empowered to act as a unit in which case the provisions of § 306.76 shall apply. (Form PD 2446 may be used to furnish proof of incumbency of fiduciaries.) Assignments by fiduciaries of securities not registered or assigned in such manner as to show that they belong to the estate for which the assignors are acting must also be supported by evidence that the estate is entitled to the securities.



### § 306.76 Fiduciaries acting as a unit.

Securities registered in the name of or assigned to a board, committee or other body authorized to act as a unit, which consists of fiduciaries of any public or private trust estate, may be assigned for any authorized transaction by anyone authorized to act in behalf of such body. Except as otherwise provided in this section, the assignments must be supported by a copy of a resolution adopted by the body, properly certified under its seal, or, if none, sworn to by a member of the body having access to its records. (Form PD 2495 may be used.) If the person assigning is designated in the resolution by title only, his incumbency must be duly certified by another member of the body. (Form PD 2446 may be used.) If the fiduciaries of any trust estate are empowered to act as a unit, although not designated as a board, committee or other body, securities registered in their names or assigned to them as such, or in their titles without their names, may be assigned by anyone authorized by the group to act in its behalf. Such assignments may be supported by a sworn copy of a resolution adopted by the group in accordance with the terms of the trust instrument, and proof of their authority to act as a unit may be required. As an alternative, assignments by all the fiduciaries, supported by proof of their incumbency if not named on the securities, will be accepted.

### § 306.77 Corepresentatives and fiduciaries.

If there are two or more executors, administrators, guardians or similar representatives, or trustees of an estate, all must unite in the assignment of any securities belonging to the estate. However, when a statute, a decree of court, or the instrument under which the representatives or fiduciaries are acting provides otherwise, assignments in accordance with their authority will be accepted. If the securities have matured or been called and are submitted for redemption for the account of all, or for redemption-exchange or pursuant to an advance refunding offer and the securities offered in exchange are to be registered in the names of all, only one representative or fiduciary need execute the assignment.

### § 306.78 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern assignments of Treasury Bonds, Investment Series B–1975–80.

## Subpart J—Assignments in Behalf of Private or Public Organizations

### § 306.85 Private corporations and unincorporated associations.

Securities registered in the name of, or assigned to, an unincorporated association, or a private corporation in its own right or in a representative of fiduciary capacity, may be assigned in its behalf for any authorized transaction by any duly authorized officer or officers. Evidence, in the form of a resolution of the governing body, authorizing the assigning officer to assign, or to sell, or to otherwise dispose of the securities will ordinarily be required to support assignments. Resolutions may relate to any or all registered securities owned by the organization or held by it in a representative or fiduciary capacity. (Form PD 1010, or any substantially similar form, may be used when the authority relates to specific securities; Form PD 1011, or any substantially similar form, may be used for securities generally.) If the officer or officers derive their authority from the charter, constitution or by-laws, a copy or a pertinent extract therefrom, properly certified, will be required in lieu of a resolution. If the resolution or other supporting document shows the title of an authorized officer, without his name, it must be supplemented by a certificate of incumbency. (Form PD 1014 may be used.)

### § 306.86 Change of name and succession of private organizations.

If a private corporation or unincorporated association changes its name or is lawfully succeeded by another corporation or unincorporated association, its securities may be assigned in behalf of the organization in its new name or that of its successor by an authorized officer in accordance with § 306.85. The assignment must be supported by evidence of the change of name or successorship.

### § 306.87 Partnerships.

An assignment of a security registered in the name of or assigned to a partnership must be executed by a general partner. Upon dissolution of a partnership, assignment by all living partners and by the persons entitled to assign in behalf of any deceased partner's estate will be required unless the laws of the jurisdiction authorize a general partner to bind the partnership by any act appropriate for winding up partnership affairs. In those cases where assignments by or in behalf of all partners are required this fact must be shown in the assignment; otherwise, an affidavit by a former general partner must be furnished identifying all the persons who had been partners immediately prior to dissolution. Upon voluntary dissolution, for any jurisdiction where a general partner may not act in winding up partnership affairs, an assignment by a liquidating partner, as such, must be supported by a duly executed agreement among the partners appointing the liquidating partner.

### § 306.88 Political entities and public corporations.

Securities registered in the name of, or assigned to, a State, county, city, town, village, school district or other political entity, public body or corporation, may be assigned by a duly authorized officer, supported by evidence of his authority.

### § 306.89 Public officers.

Securities registered in the name of, or assigned to, a public officer designated by title may be assigned by such officer, supported by evidence of incumbency. Assignments for the officer's own apparent individual benefit will not be recognized.

### § 306.90 Nontransferable securities.

The provisions of this subpart apply to Treasury Bonds, Investment Series B–1975–80.

## Subpart K—Attorneys in Fact

### § 306.91 Attorneys in fact.

(a) *General.* Assignments by an attorney in fact will be recognized if supported by an adequate power of attorney. Every power must be executed in the presence of an authorized certifying officer under the conditions specified in § 306.45 for certification of assignments. The original power, or a photocopy showing the grantor's autograph signature, properly certified by an authorized certifying officer, must be submitted, together with the security assigned on the owner's behalf by the attorney-in-fact. Powers need not be submitted in support of assignments for redemption-exchanges or advance refunding offers where the securities to be issued in exchange are to be registered in the same forms as appear in the inscriptions or assignments of the securities surrendered, and such securities are registered or assigned to (1) corporations, unincorporated associations, lodges, societies, or similar organizations, or their legal successors, or (2) individuals, and the assignments are executed on their behalf by corporate attorneys-in-fact. An assignment by a substituted attorney in fact must be supported by an authorizing power of attorney and power of substitution. An assignment by an attorney in fact or a substituted attorney in fact for the apparent benefit of either will not be accepted unless expressly authorized. (Form PD 1001, 1002, 1003 or 1004, as appropriate, may be used to appoint an attorney in fact. An attorney in fact may use Form PD 1006 or 1008 to appoint a substitute. However, any form sufficient

in substance may be used.) If there are two or more joint attorneys in fact or substitutes, less than all may assign for redemption for the account of the owner, or for redemption-exchange, or pursuant to an advance refunding offer provided the new securities are to be registered in the owner's name. Otherwise, all must unite in the assignment unless the power authorizes less than all to act. A power of attorney or of substitution not coupled with an interest will be recognized until the Bureau receives proof of revocation or proof of the grantor's death or incompetency.

(b) *For legal representatives of fiduciaries.* Assignments by an attorney in fact or substitute attorney in fact for a legal representative or fiduciary, in addition to the power of attorney and of substitution, must be supported by evidence, if any, as required by §§ 306.57(d), 306.66(b), 306.75, and 306.76. Powers must specifically designate the securities to be assigned.

(c) *For corporation or unincorporated association.* Assignments by an attorney in fact or a substitute attorney in fact in behalf of a corporation or unincorporated association, in addition to the power of attorney and power of substitution, must be supported by one of the following documents certified under seal of the organization, or, if it has no seal, sworn to by an officer who has access to the records:

(1) A copy of the resolution of the governing body authorizing an officer to appoint an attorney in fact, with power of substitution if pertinent, to assign, or to sell, or to otherwise dispose of, the securities, or

(2) A copy of the charter, constitution or bylaws, or a pertinent extract therefrom, showing the authority of an officer to appoint an attorney in fact, or

(3) A copy of the resolution of the governing body directly appointing an attorney in fact.

If the resolution or other supporting document shows only the title of the authorized officer, without his name, a certificate of incumbency must also be furnished. (Form PD 1014 may be used.) The power may not be broader than the resolution or other authority.

(d) *For public corporations.* A general power of attorney in behalf of a public corporation will be recognized only if it is authorized by statute.

**§ 306.92 Nontransferable securities.**

The provisions of this subpart shall apply to nontransferable securities, subject only to the limitations imposed by the terms of the particular issues.

## Subpart L—Transfer Through Judicial Proceedings

**§ 306.95 Transferable securities.**

The Department will recognize valid judicial proceedings affecting the ownership of or interest in transferable securities, upon presentation of the securities together with evidence of the proceedings. In the case of securities registered in the names of two or more persons, the extent of their respective interests in the securities must be determined by the court in proceedings to which they are parties or must otherwise be validly established.[10]

**§ 306.96 Evidence required.**

Copies of a final judgment, decree or order of court and of any necessary supplementary proceedings must be submitted. Assignments by a trustee in bankruptcy or a receiver of an insolvent's estate must be supported by evidence of his qualification. Assignments by a receiver in equity or a similar court officer must be supported by a copy of an order authorizing him to assign, or to sell, or to otherwise dispose of, the securities. Where the documents are dated more than six months prior to presentation of the securities, there must also be submitted a certificate dated within six months of presentation of the securities, showing the judgment, decree or order, or evidence of qualification, is in full force. Any such evidence must be certified under court seal.

**§ 306.97 Nontransferable securities.**

(a) *Treasury Bonds, Investment Series A–1965.* The provisions of this subpart shall apply to bonds of this series, except that reference to assignments shall be deemed only to refer to requests for payment. With the exception of a trustee in bankruptcy or a receiver of an insolvent's estate, payment will be limited to the redemption value current thirty days after termination of the judicial proceedings or current at the time the bonds are surrendered for redemption, whichever is less. No judicial proceedings will be recognized if they would give effect to an attempted voluntary transfer inter vivos of the bonds.

(b) *Treasury Bonds, Investment Series B–1975–80.* The provisions of this subpart shall apply to bonds of this series, except that prior to maturity any reference to assignments shall be deemed to refer to assignments of the bonds for exchange for the current series of 1½ percent 5-year EA or EO Treasury notes.

## Subpart M—Requests for Suspension of Transactions

**§ 306.100 Requests for suspension of transactions in securities.**

(a) *Registered securities—(1) Reports of loss, theft or destruction of registered securities.* Reports of lost, stolen or destroyed registered securities not so assigned as to become, in effect, payable to bearer, will be accepted from the owner or his authorized agent at any time and records will be maintained of the reports. If such a registered security is presented to the Department, the owner will be duly advised and given all available information.

(2) *Reports of assignments affected by fraud.* The Department reserves the right to suspend any transaction in a registered security bearing an apparently valid assignment, if prior to the time it is received in the Department a report is received from and a claim is filed by an assignor that his assignment was affected by fraud. The interested parties will be notified of the suspension and given a reasonable period of time within which to effect settlement by agreement or institute judicial proceedings. If subsequent to the time the Department has transferred, exchanged or redeemed a registered security in reliance on an apparently valid assignment, a report or claim is received that the assignment was affected by fraud, the Department will undertake only to furnish all available information.

(3) *Reports of forged assignments.* If it is claimed that the assignment of a registered security is a forgery, the Department will investigate the matter and if it is established that the assignment was forged and the owner did not authorize or ratify the assignment, or receive any benefits therefrom, the Department will recognize his ownership and grant appropriate relief.

(b) *Bearer securities or registered securities so assigned as to become, in effect, payable to bearer—(1) Securities not overdue.* Neither the Department nor any of its agents will accept notice of any claim or of pending judicial proceedings by any person for the purpose of suspending transactions in bearer securities, or registered securities so assigned as to become, in effect, payable to bearer which are not overdue as defined in § 306.25.[11]

However, if the securities are received and retired, the Department will undertake to notify persons who appear to be entitled to any available information concerning the source from which the securities were received.

(2) *Overdue securities.* Reports that bearer securities, or registered securities so assigned as to become, in effect, payable to bearer, were lost, stolen or possibly destroyed *after* they became overdue as defined in § 306.25 will be accepted by the Bureau for the purpose of suspending redemption of the securities if the claimant establishes his interest.

[10] A finder claiming the ownership of a bearer security or a registered security assigned in blank or so assigned as to become, in effect, payable to bearer, must perfect his title in accordance with the provisions of State law. If there are no such provisions, the Department will not recognize his title to the security.

[11] It has been the longstanding policy of the Department to assume no responsibility for the protection of bearer securities not in the possession of persons claiming rights therein and to give no effect to any notice of such claims. This policy was formalized on April 27, 1867 when the Secretary of the Treasury issued the following statement:

"In consequence of the increasing trouble, wholly without practical benefit, arising from notices which are constantly received at the Department respecting the loss of coupon bonds, which are payable to bearer, and of Treasury notes issued and remaining in blank at the time of loss, it becomes necessary to give this public notice, that the Government can not protect and will not undertake to protect the owners of such bonds and notes against the consequences of their own fault or misfortune.

"Hereafter all bonds, notes, and coupons, payable to bearer, and Treasury notes issued and remaining in blank, will be paid to the party presenting them in pursuance of the regulations of the Department, in the course of regular business; and no attention will be paid to caveats which may be filed for the purpose of preventing such payment."



If the securities are presented, their redemption will be suspended and the presenter and the claimant will each be given an opportunity to establish ownership.

## Subpart N—Claims on Account of Loss, Theft, Destruction, Mutilation or Defacement of Securities

**§ 306.105 Statutory authority and requirements.**

Section 8 of the Act of July 8, 1937 (50 Stat. 481), as amended (31 U.S.C. 738a), provides for relief, under certain conditions, on account of the loss, theft, destruction, mutilation or defacement of United States interest-bearing securities. To obtain relief the security must be fully identified and the pertinent facts proved to the satisfaction of the Secretary of the Treasury, and generally, a bond of indemnity in such form and with such surety, sureties or security as may be required to protect the interests of the United States, must be filed.

**§ 306.106 Reports of loss, theft, destruction, mutilation or defacement of securities.**

(a) *Loss or theft.* Report of the loss or theft of a security should be made promptly to the Bureau. The report should include:

(1) The name and present address of the owner, and his address at the time the security was issued, and, if the report is made by any other person, the capacity in which he represents the owner;

(2) The identification of the security by title of loan, issue date, interest rate, serial number and denomination, and in the case of a registered security, the exact form of inscription and a full description of any assignment, endorsement or other writing thereon; and

(3) A statement of the circumstances.

(b) *Destruction, mutilation or defacement.* If a security is destroyed, or becomes so mutilated or defaced as to impair its value to the owner, a report of the circumstances, as outlined in paragraph (a) of this section, must be made to the Bureau. All available portions of the mutilated or defaced security must also be submitted. In any appropriate case, a form for use in applying for relief will be furnished.

**§ 306.107 Relief authorized for lost, stolen, destroyed, mutilated or defaced securities.**

(a) *Registered securities.* Relief is authorized for a registered security not assigned in blank or not so assigned as to become, in effect, payable to bearer, when it has been established that the security has been lost, stolen, destroyed, mutilated or defaced. Relief is available in the same manner for bearer securities restrictively endorsed in accordance with the provisions of Department Circular No. 853, current revision (Part 328 of this chapter).

(b) *Bearer securities or registered securities so assigned as to become, in effect, payable to bearer.* Relief is authorized for bearer securities and registered securities so assigned as to become, in effect, payable to bearer, proved to have been destroyed, mutilated or defaced. Relief will also be granted for such securities if they were lost or stolen under such circumstances and have been missing for such period of time after they have matured or become redeemable pursuant to a call for redemption as in the judgment of the Secretary of the Treasury establishes that they (1) have been destroyed or have become irretrievably lost, (2) are not held by any person as his own property and (3) will never become the basis of a valid claim against the United States.

(c) *Interest coupons.* Relief is authorized for interest coupons if it is established they were attached to a security at the time they were destroyed, mutilated or defaced.

**§ 306.108 Type of relief granted.**

When relief is granted for a lost, stolen, destroyed, mutilated or defaced security, it will be in the form of either (a) a substitute security marked "Duplicate," bearing the same issue date and showing the serial number of the original security, if the security for which relief is being granted has not matured or become redeemable pursuant to a call for redemption before maturity in accordance with its terms, or (b) payment, if the security has matured or become redeemable pursuant to a call. When a substitute is issued to replace a destroyed, mutilated or defaced coupon security it will have attached all coupons corresponding to those proved to have been attached thereto at the time of the mishap, except that any matured coupons will not be attached but will be paid by check. Relief will not be granted in any case before the expiration of six months from date of loss or theft.

**§ 306.109 Nontransferable securities.**

The provisions of this subpart shall apply to all nontransferable securities, other than United States Savings Bonds, subject only to the limitations imposed by the terms of the particular issues.

## Subpart O—Miscellaneous Provisions

**§ 306.115 Additional requirements.**

In any case or any class of cases arising under these regulations the Secretary of the Treasury may require such additional evidence and a bond of indemnity with or without surety, as may in his judgment be necessary for the protection of the interests of the United States.

**§ 306.116 Waiver of regulations.**

The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of these regulations in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship, if such action is not inconsistent with law, does not impair any existing rights, and he is satisfied that such action would not subject the United States to any substantial expense or liability.

**§ 306.117 Preservation of existing rights.**

Nothing contained in these regulations shall limit or restrict existing rights which holders of securities heretofore issued may have acquired under the circulars offering such securities for sale or under the regulations in force at the time of acquisition.

**§ 306.118 Supplements, amendments or revisions.**

The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory or revised regulations with respect to United States securities.

## Appendix—Computation of Interest on Treasury Bonds, Treasury Notes, and Treasury Certificates of Indebtedness, and Computation of Discount on Treasury Bills

TREASURY BONDS, TREASURY NOTES, AND TREASURY CERTIFICATES OF INDEBTEDNESS

COMPUTATION OF INTEREST ON AN ANNUAL BASIS

ONE DAY'S INTEREST IS 1/365 OR 1/366 OF 1 YEAR'S INTEREST

Computation of interest will be made on an annual basis in all cases where interest is payable in one amount for the full term of the security, unless such term is an exact quarter-year (3 months) or an exact half-year (6 months), when it is provided that interest shall be computed on a quarterly or semiannual basis, respectively.

If the term of the securities is exactly one year, the interest is computed for the full period at the specified rate, regardless of the number of days in such period.

If the term of the securities is less than one full year, the annual interest period for purposes of computation is considered to be the full year from but not including the date of issue to and including the anniversary of such date.

If the term of the securities is more than one full year, computation is made on the basis of one full annual interest period, ending with the maturity date, and a fractional part of the preceding full annual interest period.

The computation of interest for any fractional part of an annual interest period is made on the basis of 365 actual days in any such period, or 366 days if February 29 falls within such annual period.

COMPUTATION OF INTEREST ON A SEMIANNUAL BASIS

ONE DAY'S INTEREST IS 1/181, 1/182, 1/183 OR 1/184 OF 1/2 YEAR'S INTEREST

Computation of interest will be made on a semiannual basis in all cases where interest is payable for one or more full half-year (6 months) periods, or for one or more full half-year periods and a fractional part of a half-year period. A semiannual interest period is an exact half-year or 6 months, for computation purposes, and many comprise 181, 182, 183 or 184 actual days.

An exact half-year's interest at the specified rate is computed for each full period of exactly 6 months, irrespective of the actual number of days in the half-year.

If the initial interest covers a fractional part of a half-year, computation is made on the basis of the actual number of days in the half-year (exactly 6 months) ending on the day such initial interest becomes due.

**If the initial interest covers a period in excess of 6 months, computation is made on the basis of one full half-year period, ending with the interest due date, and a fractional part of the preceding full half-year period.**

**Interest for any fractional part of a full half-year period is computed on the basis of the exact number of days in the full period, including February 29 whenever it falls within such a period.**

**The number of days in any half-year period is shown in the following table:**

| For the half-year | | Number of days | |
|---|---|---|---|
| Beginning from the 1st or 15th day of— | Ending on the 1st or 15th day of— | Regular year | Leap year |
| January | July | 181 | *182* |
| February | August | 181 | *182* |
| March | September | 184 | 184 |
| April | October | 183 | 183 |
| May | November | 184 | 184 |
| June | December | 183 | 183 |
| July | January | 184 | 184 |
| August | February | 184 | 184 |
| September | March | 181 | *182* |
| October | April | 182 | *183* |
| November | May | 181 | *182* |
| December | June | 182 | *183* |
| One year (any 2 consecutive half-years). | | 365 | 366 |

COMPUTATION OF INTEREST ON A QUARTERLY BASIS

ONE DAY'S INTEREST IS 1/92, 1/90, 1/91, OR 1/92 OF 1/4 YEAR'S INTEREST

**Computation of interest will be made on a quarterly basis in all cases where interest is payable for one or more full quarter-year periods, or for one or more full quarter-year periods and a fractional part of a quarter-year period.**

**A quarter-year interest period is an exact quarter-year of three months, and may comprise 89, 90, 91 or 92 days. An exact quarter-year's interest is computed for each full quarter-year period irrespective of the actual number of days in the quarter-year. For a fractional part of any quarter-year computation is on the basis of the actual number of days in such quarter-year (February 29 being included if it falls within any such quarter-year). If the initial interest covers a fractional part of a quarter-year (preceding a full quarter-year period), computation is on the basis of the actual number of days in the quarter-year (exactly 3 months) ending on the day such initial interest becomes due; if the final interest covers a fractional part of a quarter-year (following a full quarter-year period), computation is on the basis of the actual number of days in the quarter-year beginning on the day such final interest begins to accrue and ending exactly three months thereafter. The number of days in any quarter-year period is shown in the following table:**

| For the quarter-year | | Number of days | |
|---|---|---|---|
| Beginning from the 1st or 15th day of— | Ending on the 1st or 15th day of— | Regular year | Leap year |
| January | April | 90 | *91* |
| February | May | 89 | *90* |
| March | June | 92 | *92* |
| April | July | 91 | *91* |
| May | August | 92 | 92 |
| June | September | 92 | 92 |
| July | October | 92 | 92 |
| August | November | 92 | 92 |
| September | December | 91 | *91* |
| October | January | 92 | 92 |
| November | February | 92 | 92 |
| December | March | 90 | *91* |
| One year (any 4 consecutive quarters) | | 365 | 366 |

*Use of Interest Tables*

**In the appended tables decimals are set forth for use in computing interest for fractional parts of interest periods. The decimals cover interest on $1,000 for one day in each possible quarterly (table I), semiannual (table II), and annual (table III) interest period, at all rates of interest, in steps of ⅛ percent, from ⅛ to 6 percent. The amount of interest accruing on any date (for a fractional part of an interest period) on $1,000 face amount of any issue of Treasury bonds, Treasury notes, or Treasury certificates of indebtedness may be ascertained in the following way:**

**(1) The date of issue, the dates for the payment of interest, the basis (quarterly, semiannual or annual) upon which interest is computed, and the rate of interest (percent per annum) may be determined from the text of the security, or from the official circular governing the issue.**

**(2) Determine the interest period of which the fraction is a part, and calculate the number of days in the full period to determine the proper column to be used in selecting the decimal for one day's interest.**

**(3) Calculate the actual number of days in the fractional period from but not including the date of issue or the day on which the last preceding interest payment was made, to and including the day on which the next succeeding interest payment is due or the day as of which the transaction which terminates the accrual of additional interest is effected.**

**(4) Multiply the appropriate decimal (one day's interest on $1,000) by the number of days in the fractional part of the interest period. The appropriate decimal will be found in the appended table for interest payable quarterly, semiannually, or annually, as the case may be, opposite the rate borne by the security, and in the column showing the full interest period of which the fractional period is a part. (For interest on any other amount, multiply the amount of interest on $1,000 by the other amount expressed as a decimal of $1,000.)**

*Treasury Bills*

**The methods of computing discount rates on U.S. Treasury Bills are given below:**

**Computation will be made on an annual basis in all cases. The annual period for bank discount is a year of 360 days, and all computations of such discount for a fractional part of a year will be made on that basis. The annual period for true discount is one full year from but not including the date of issue to and including the anniversary of such date. Computation of true discount for a fractional part of a year will be made on the basis of 365 days in the year, or 366 days if February 29 falls within the year.**

*Bank Discount*

**The bank discount rate on a Treasury bill may be ascertained by (1) subtracting the sale price of the bill from its face value to obtain the amount of discount; (2) dividing the amount of discount by the number of days the bill is to run to obtain the amount of discount per day; (3) multiplying the amount of discount per day by 360 (the number of days in a commercial year of 12 months of 30 days each) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the face value of the bill to obtain the bank discount rate.**

For example:

91-day bill—dated April 1, 1954—due July 1, 1954:

| | |
|---|---|
| Principal amount—maturity value | $100.00 |
| Price at issue—amount received | 99.50 |
| Amount of discount | .50 |

$0.50÷91×360÷$100=1.978 percent.

*True Discount*

**The true discount rate on a Treasury bill of not more than one-half year in length may be ascertained by (1 and 2) obtaining the amount of discount per day by following the first two steps described under "Bank Discount;" (3) multiplying the amount of discount per day by the actual number of days in the year from date of issue (365 ordinarily, but 366 if February 29 falls within the year from date of issue) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the sale price of the bill to obtain the true discount rate.**

For example:

91-day bill—dated April 1, 1954—due July 1, 1954:

| | |
|---|---|
| Principal amount—maturity value | $100.00 |
| Price at issue—amount received | 99.50 |
| Amount of discount | .50 |

$0.50÷91×365÷$99.50=2.016 percent.



TABLE II—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE SEMIANNUALLY OR ON A SEMIANNUAL BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS

| Rate per annum | Interest period ending on the 1st or 15th of— | | | | | |
|---|---|---|---|---|---|---|
| | Half-year of 184 days—Regular year: January, February, March, April, May, June; Leap year: January, February, March, April, May, June | Half-year of 183 days—Regular year: April, May, June, July, August, September; Leap year: April, May, June, July, August, September | Half-year of 182 days—Regular year: April, May, June, July, August, September; Leap year: April, May, June, July, August, September | Half-year of 181 days—Regular year: March, April, May, June, July, August; Leap year: March, April, May, June, July, August | | |
| *Percent* | | | | | | |
| ⅛ | $0.009 366 739 | $0.009 413 301 | $0.009 434 066 | $0.009 453 099 | | |
| ⅛ | .009 732 478 | .009 826 602 | .009 868 132 | .009 905 077 | | |
| ⅜ | .010 190 217 | .010 245 902 | .010 302 198 | .010 359 116 | | |
| ½ | .010 556 957 | .010 659 203 | .010 736 264 | .010 812 155 | | |
| ⅝ | .010 923 696 | .011 072 503 | .011 170 330 | .011 265 193 | | |
| ¾ | .011 290 435 | .011 485 804 | .011 604 396 | .011 718 232 | | |
| ⅞ | .011 657 173 | .011 899 104 | .012 038 462 | .012 171 271 | | |
| 1 | .012 023 912 | .012 312 404 | .012 472 527 | .012 624 309 | | |
| 1⅛ | .012 390 650 | .012 725 705 | .012 906 593 | .013 077 348 | | |
| 1¼ | .012 757 389 | .013 139 005 | .013 340 659 | .013 530 387 | | |
| 1⅜ | .013 124 128 | .013 552 306 | .013 774 725 | .013 983 425 | | |
| 1½ | .013 490 867 | .013 965 607 | .014 208 791 | .014 436 464 | | |
| 1⅝ | .013 857 606 | .014 378 908 | .014 642 857 | .014 889 503 | | |
| 1¾ | .014 224 344 | .014 792 209 | .015 076 923 | .015 342 541 | | |
| 1⅞ | .014 591 083 | .015 205 510 | .015 510 989 | .015 795 580 | | |
| 2 | .014 957 822 | .015 618 811 | .015 945 055 | .016 248 619 | | |
| 2⅛ | .015 324 561 | .016 032 113 | .016 379 121 | .016 701 657 | | |
| 2¼ | .015 691 300 | .016 445 414 | .016 813 187 | .017 154 696 | | |
| 2⅜ | .016 058 039 | .016 858 715 | .017 247 253 | .017 607 735 | | |
| 2½ | .016 424 778 | .017 272 017 | .017 681 319 | .018 060 773 | | |
| 2⅝ | .016 791 517 | .017 685 318 | .018 115 385 | .018 513 813 | | |
| 2¾ | .017 158 256 | .018 098 620 | .018 549 451 | .018 966 851 | | |
| 2⅞ | .017 524 995 | .018 511 921 | .018 983 516 | .019 419 890 | | |
| 3 | .017 891 734 | .018 925 223 | .019 417 582 | .019 872 928 | | |
| 3⅛ | .018 258 473 | .019 338 524 | .019 851 648 | .020 325 967 | | |
| 3¼ | .018 625 212 | .019 751 826 | .020 285 714 | .020 779 006 | | |
| 3⅜ | .018 991 951 | .020 165 127 | .020 719 780 | .021 232 045 | | |
| 3½ | .019 358 690 | .020 578 429 | .021 153 846 | .021 685 083 | | |
| 3⅝ | .019 725 429 | .020 991 730 | .021 587 912 | .022 138 122 | | |
| 3¾ | .020 092 168 | .021 405 032 | .022 021 978 | .022 591 160 | | |
| 3⅞ | .020 458 907 | .021 818 333 | .022 456 044 | .023 044 199 | | |
| 4 | .020 825 646 | .022 231 635 | .022 890 110 | .023 497 238 | | |
| 4⅛ | .021 192 385 | .022 644 936 | .023 324 176 | .023 950 276 | | |
| 4¼ | .021 559 124 | .023 058 238 | .023 758 242 | .024 403 315 | | |
| 4⅜ | .021 925 863 | .023 471 539 | .024 192 308 | .024 856 354 | | |
| 4½ | .022 292 602 | .023 884 840 | .024 626 374 | .025 309 392 | | |
| 4⅝ | .022 659 341 | .024 298 142 | .025 060 440 | .025 762 431 | | |
| 4¾ | .023 026 080 | .024 711 443 | .025 494 505 | .026 215 470 | | |
| 4⅞ | .023 392 819 | .025 124 744 | .025 928 571 | .026 668 509 | | |
| 5 | .023 759 558 | .025 538 046 | .026 362 637 | .027 121 547 | | |
| 5⅛ | .024 126 297 | .025 951 347 | .026 796 703 | .027 574 586 | | |
| 5¼ | .024 493 036 | .026 364 648 | .027 230 769 | .028 027 625 | | |
| 5⅜ | .024 859 775 | .026 777 949 | .027 664 835 | .028 480 663 | | |
| 5½ | .025 226 514 | .027 191 251 | .028 098 901 | .028 933 702 | | |
| 5⅝ | .025 593 253 | .027 604 552 | .028 532 967 | .029 386 741 | | |
| 5¾ | .025 959 992 | .028 017 853 | .028 967 033 | .029 839 780 | | |
| 5⅞ | .026 326 731 | .028 431 155 | .029 401 099 | .030 292 818 | | |
| 6 | .026 693 470 | .028 844 456 | .029 835 165 | .030 745 856 | | |

TABLE I—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE QUARTERLY, OR ON A QUARTERLY BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS

| Rate per annum | Interest period ending on the 1st or 15th of— | | | |
|---|---|---|---|---|
| | Quarter-year of 92 days—Regular year: January, February, March, April, May, June, July, August, September, October, November, December; Leap year: January, February, March, April, May, June, July, August, September, October, November, December | Quarter-year of 91 days—Regular year: January, February, March, April, May, June, July, August, September, October, November, December; Leap year: January, February, March, April, May, June, July, August, September, October, November, December | Quarter-year of 90 days—Regular year: January, February, March, April, May, June, July, August, September, October, November, December; Leap year: January, February, March, April, May, June, July, August, September, October, November, December | Quarter-year of 89 days—Regular year: January, February, March, April, May, June, July, August, September, October, November, December |
| *Percent* | | | | |
| ⅛ | $0.003 398 739 | $0.003 423 208 | $0.003 434 066 | $0.003 443 836 |
| ⅛ | .006 793 478 | .006 842 222 | .006 868 132 | .006 887 671 |
| ⅜ | .010 190 217 | .010 264 427 | .010 302 198 | .010 331 507 |
| ½ | .013 586 957 | .013 686 633 | .013 736 264 | .013 775 343 |
| ⅝ | .016 983 696 | .017 108 838 | .017 170 330 | .017 219 178 |
| ¾ | .020 380 435 | .020 531 044 | .020 604 396 | .020 663 014 |
| ⅞ | .023 777 174 | .023 953 249 | .024 038 462 | .024 106 850 |
| 1 | .027 173 913 | .027 375 455 | .027 472 527 | .027 550 685 |
| 1⅛ | .030 570 652 | .030 797 660 | .030 906 593 | .030 994 521 |
| 1¼ | .033 967 391 | .034 219 865 | .034 340 659 | .034 438 356 |
| 1⅜ | .037 364 130 | .037 642 071 | .037 774 725 | .037 882 192 |
| 1½ | .040 760 870 | .041 064 276 | .041 208 791 | .041 326 028 |
| 1⅝ | .044 157 609 | .044 486 482 | .044 642 857 | .044 769 864 |
| 1¾ | .047 554 348 | .047 908 688 | .048 076 923 | .048 213 700 |
| 1⅞ | .050 951 087 | .051 330 894 | .051 510 989 | .051 657 536 |
| 2 | .054 347 826 | .054 753 100 | .054 945 055 | .055 101 372 |
| 2⅛ | .057 744 565 | .058 175 306 | .058 379 121 | .058 545 208 |
| 2¼ | .061 141 304 | .061 597 513 | .061 813 187 | .061 989 044 |
| 2⅜ | .064 538 043 | .065 019 719 | .065 247 253 | .065 432 880 |
| 2½ | .067 934 783 | .068 441 925 | .068 681 319 | .068 876 716 |
| 2⅝ | .071 331 522 | .071 864 131 | .072 115 385 | .072 320 552 |
| 2¾ | .074 728 261 | .075 286 337 | .075 549 451 | .075 764 388 |
| 2⅞ | .078 125 000 | .078 708 543 | .078 983 516 | .079 208 224 |
| 3 | .081 521 739 | .082 130 749 | .082 417 582 | .082 652 060 |
| 3⅛ | .084 918 478 | .085 552 955 | .085 851 648 | .086 095 896 |
| 3¼ | .088 315 217 | .088 975 161 | .089 285 714 | .089 539 732 |
| 3⅜ | .091 711 957 | .092 397 367 | .092 719 780 | .092 983 568 |
| 3½ | .095 108 696 | .095 819 573 | .096 153 846 | .096 427 404 |
| 3⅝ | .098 505 435 | .099 241 779 | .099 587 912 | .099 871 240 |
| 3¾ | .101 902 174 | .102 663 985 | .103 021 978 | .103 315 076 |
| 3⅞ | .105 298 913 | .106 086 192 | .106 456 044 | .106 758 912 |
| 4 | .108 695 652 | .109 508 398 | .109 890 110 | .110 202 747 |
| 4⅛ | .112 092 391 | .112 930 604 | .113 324 176 | .113 646 583 |
| 4¼ | .115 489 130 | .116 352 810 | .116 758 242 | .117 090 419 |
| 4⅜ | .118 885 870 | .119 775 017 | .120 192 308 | .120 534 255 |
| 4½ | .122 282 609 | .123 197 223 | .123 626 374 | .123 978 091 |
| 4⅝ | .125 679 348 | .126 619 430 | .127 060 440 | .127 421 927 |
| 4¾ | .129 076 087 | .130 041 636 | .130 494 505 | .130 865 763 |
| 4⅞ | .132 472 826 | .133 463 843 | .133 928 571 | .134 309 599 |
| 5 | .135 869 565 | .136 886 050 | .137 362 637 | .137 753 435 |
| 5⅛ | .139 266 304 | .140 308 256 | .140 796 703 | .141 197 271 |
| 5¼ | .142 663 043 | .143 730 463 | .144 230 769 | .144 641 107 |
| 5⅜ | .146 059 783 | .147 152 670 | .147 664 835 | .148 084 943 |
| 5½ | .149 456 522 | .150 574 877 | .151 098 901 | .151 528 779 |
| 5⅝ | .152 853 261 | .153 997 083 | .154 532 967 | .154 972 615 |
| 5¾ | .156 250 000 | .157 419 290 | .157 967 033 | .158 416 451 |
| 5⅞ | .159 646 739 | .160 841 497 | .161 401 099 | .161 860 287 |
| 6 | .163 043 478 | .164 263 705 | .164 835 165 | .165 304 123 |

TABLE III—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE ANNUALLY OR ON AN ANNUAL BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS.

| Rate per annum | Regular year, 365 days | Leap year, 366 days |
|---|---|---|
| *Percent* | | |
| ¼ | $0.003 424 658 | $0.003 415 301 |
| ⅜ | .006 849 315 | .006 830 601 |
| ½ | .010 273 973 | .010 245 902 |
| ⅝ | .013 698 630 | .013 661 202 |
| ¾ | .017 123 288 | .017 076 503 |
| ⅞ | .020 547 945 | .020 491 803 |
| 1 | .023 972 603 | .023 907 104 |
| 1⅛ | .027 397 260 | .027 322 404 |
| 1¼ | .030 821 918 | .030 737 705 |
| 1⅜ | .034 246 575 | .034 153 005 |
| 1½ | .037 671 233 | .037 568 306 |
| 1⅝ | .041 095 890 | .040 983 607 |
| 1¾ | .044 520 548 | .044 398 907 |
| 1⅞ | .047 945 205 | .047 814 208 |
| 2 | .051 369 863 | .051 229 508 |
| 2⅛ | .054 794 521 | .054 644 809 |
| 2¼ | .058 219 178 | .058 060 109 |
| 2⅜ | .061 643 836 | .061 475 410 |
| 2½ | .065 068 493 | .064 890 710 |
| 2⅝ | .068 493 151 | .068 306 011 |
| 2¾ | .071 917 808 | .071 721 311 |
| 2⅞ | .075 342 466 | .075 136 612 |
| 3 | .078 767 123 | .078 551 913 |
| 3⅛ | .082 191 781 | .081 967 213 |
| 3¼ | .085 616 438 | .085 382 514 |
| 3⅜ | .089 041 096 | .088 797 814 |
| 3½ | .092 465 753 | .092 213 115 |
| 3⅝ | .095 890 411 | .095 628 415 |
| 3¾ | .099 315 068 | .099 043 716 |
| 3⅞ | .102 739 726 | .102 459 016 |
| 4 | .106 164 384 | .105 874 317 |
| 4⅛ | .109 589 041 | .109 289 617 |
| 4¼ | .113 013 699 | .112 704 918 |
| 4⅜ | .116 438 356 | .116 120 219 |
| 4½ | .119 863 014 | .119 535 519 |
| 4⅝ | .123 287 671 | .122 950 820 |
| 4¾ | .126 712 329 | .126 366 120 |
| 4⅞ | .130 136 986 | .129 781 421 |
| 5 | .133 561 644 | .133 196 721 |
| 5⅛ | .136 986 301 | .136 612 022 |
| 5¼ | .140 410 959 | .140 027 322 |
| 5⅜ | .143 835 616 | .143 442 623 |
| 5½ | .147 260 274 | .146 857 923 |
| 5⅝ | .150 684 932 | .150 273 224 |
| 5¾ | .154 109 589 | .153 688 525 |
| 5⅞ | .157 534 247 | .157 103 825 |
| 6 | .160 958 904 | .160 519 126 |
| | .164 383 562 | .163 934 426 |

Department Circular No. 530, Eighth Revision, dated December 26, 1957, as amended (31 CFR 315), is hereby further amended and issued as the Ninth Revision.

## PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS


**Subpart A—General Information**

Sec.
315.0 Applicability of regulations.
315.1 Official agencies.
315.2 Definition of words and terms as used in these regulations.

**Subpart B—Registration**

315.5 General.
315.6 Restrictions on registration.
315.7 Authorized forms of registration.
315.8 Unauthorized registration.

**Subpart C—Limitations on Holdings**

315.10 Amount which may be held.
315.11 Computation of amount.
315.12 Disposition of excess.

**Subpart D—Limitation on Transfer or Pledge**

315.15 Limitation on tranafer or pledge.
315.16 Pledge under Department Circulars Nos. 154 and 657.

**Subpart E—Limitation on Judicial Proceedings—No Stoppage or Caveats Permitted**

315.20 General.
315.21 Payment to judgment creditors.
315.22 Payment or reissue pursuant to judgment.
315.23 Evidence necessary.

**Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bonds**

Sec.
315.25 After receipt by owner or his representative.
315.26 Procedure to be followed.
315.27 Nonreceipt of bond.
315.28 Recovery or receipt of bonds reported lost, stolen, destroyed or not received.

**Subpart G—Interest**

315.30 General.
315.31 Appreciation bonds.
315.32 Current income bonds.

**Subpart H—General Provisions for Payment and Redemption**

315.35 Provisions applicable both before and after maturity.
315.36 Before maturity.
315.37 At or after maturity.
315.38 Requests for payment.
315.39 Presentation and surrender.
315.40 Partial redemption.
315.41 Nonreceipt or loss of checks issued in payment.

**Subpart I—Certifying Officers**

315.42 Certifying officers.
315.43 General instructions to certifying officers.
315.44 Interested person not to certify.

**Subpart J—Reissue and Denominational Exchange**

315.45 General.
315.46 Requests for reissue.
315.47 Effective date.
315.48 Correction of errors.
315.49 Change of name.

**Subpart K—Minors, Incompetents, Aged Persons, Absentees, etc.**

315.50 Payment to representative of estate.
315.51 Payment to minors.
315.52 Payment to a parent or other person on behalf of a minor.
315.53 Payment or reinvestment upon request of voluntary guardian of incompetent.
315.54 Reissue.

**Subpart L—Natural Person as Sole Owner**

315.55 Payment.
315.56 Reissue for certain purposes.

**Subpart M—Two Natural Persons as Coowners**

315.60 Payment during the lives of both coowners.
315.61 Reissue during the lives of both coowners.
315.62 After the death of one or both coowners.
315.63 Upon death of both coowners in a common disaster, etc.

**Subpart N—Two Natural Persons as Owner and Beneficiary**

315.65 During the lifetime of the registered owner.
315.66 After the death of the registered owner.

**Subpart O—Deceased Owners**

315.70 General.
315.71 Special provisions applicable to small amounts of savings bonds, interest checks or redemption checks.
315.72 Estates administered.
315.73 Estates not administered.

**Subpart P—Fiduciaries**

315.75 Payment.
315.76 Reissue.
315.77 Requests for reissue or payment prior to maturity or extended maturity.
315.78 Requests for payment at or after maturity.

**Subpart Q—Private Organizations (Corporations, Associations, Partnerships, etc.) and Governmental Agencies, Units and Officers**

315.80 Payment to corporations or unincorporated associations.
315.81 Payment to partnerships.
315.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.
315.83 Reissue or payment on dissolution of corporation or partnership.
315.84 Payment to institutions (churches, hospitals, homes, schools, etc.).
315.85 Reissue in name of trustee or agent for investment purposes.
315.86 Reissue upon termination of investment agency.
315.87 Payment to governmental agencies and units.
315.88 Payment to Government officers.

**Subpart R—Miscellaneous Provisions**

315.90 Waiver of regulations.
315.91 Additional requirements; bond of indemnity; taxpayer identifying numbers.
315.92 Preservation of rights.
315.93 Supplements, amendments, or revisions.


AUTHORITY: The provisions of this Part 315 issued under secs. 22 and 25 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended, 73 Stat. 621 (31 U.S.C. 757c, 757c–1).

### Subpart A—General Information

#### § 315.0 Applicability to regulations.

The regulations in this part apply to all United States Savings Bonds of whatever series designation (hereinafter referred to as "savings bonds" or "bonds") bearing any issue dates whatever, to the extent specified herein and in the offering circulars governing such bonds. The provisions of these regulations with respect to bonds registered in the names of certain classes of individuals, fiduciaries, and organizations are equally applicable to bonds to which such individuals, fiduciaries, and organizations are otherwise shown to be entitled under these regulations. The provisions of Department Circular No. 300, current revision (Part 306 of this chapter), have no application to savings bonds.

#### § 315.1 Official agencies.

The Bureau of the Public Debt of the Treasury Department is charged with matters relating to savings bonds. Correspondence concerning transactions after original issue and requests for appropriate forms should be addressed to (a) the Federal Reserve Bank or Branch of the district in which the correspondent is located, or (b) the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill., 60605, or (c) the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, except where specific instructions are otherwise given in these regulations. Notices or documents not filed in accordance with instructions in these regulations will not be recognized. The addresses of the Federal Reserve Banks and Branches are:



Federal Reserve Bank of Boston,
Boston, Mass., 02106.
Federal Reserve Bank of New York,
New York, N.Y., 10045.
Buffalo Branch,
Buffalo, N.Y., 14240.
Federal Reserve Bank of Philadelphia,
Philadelphia, Pa., 19101.
Federal Reserve Bank of Cleveland,
Cleveland, Ohio, 44101.
Cincinnati Branch,
Cincinnati, Ohio, 45201.
Pittsburgh Branch,
Pittsburgh, Pa., 15230.
Federal Reserve Bank of Richmond,
Richmond, Va., 23213.
Baltimore Branch,
Baltimore, Md., 21203.
Charlotte Branch,
Charlotte, N.C., 28201.
Federal Reserve Bank of Atlanta,
Atlanta, Ga., 30303.
Birmingham Branch,
Birmingham, Ala., 35202.
Jacksonville Branch,
Jacksonville, Fla., 32201.
Nashville Branch,
Nashville Tenn., 37203.
New Orleans Branch,
New Orleans, La., 70160.
Federal Reserve Bank of Chicago,
Post Office Box 834,
Chicago, Ill., 60690.
Detroit Branch,
Post Office Box 1059,
Detroit, Mich., 48231.
Federal Reserve Bank of St. Louis,
Post Office Box 442,
St. Louis, Mo., 63166.
Little Rock Branch,
Post Office Box 1261,
Little Rock, Ark., 72203.
Louisville Branch,
Post Office Box 899,
Louisville, Ky., 40201.
Memphis Branch,
Post Office Box 407,
Memphis, Tenn., 38101.
Federal Reserve Bank of Minneapolis,
Minneapolis, Minn., 55440.
Helena Branch,
Helena, Mont., 59601.
Federal Reserve Bank of Kansas City,
Kansas City, Mo., 64106.
Denver Branch,
Denver, Colo., 80217.
Oklahoma City Branch,
Oklahoma City, Okla., 73101.
Omaha Branch,
Omaha, Nebr., 68102.
Federal Reserve Bank of Dallas,
Station K,
Dallas, Tex., 75222.
El Paso Branch,
Post Office Box 100,
El Paso, Tex., 79999.
Houston Branch,
Post Office Box 2578,
Houston, Tex., 77001.
San Antonio Branch,
Post Office Box 1471,
San Antonio, Tex., 78206.
Federal Reserve Bank of San Francisco,
San Francisco, Calif., 94120.
Los Angeles Branch,
Post Office Box 2077,
Los Angeles, Calif., 90054.
Portland Branch,
Post Office Box 3456,
Portland, Oreg., 97208.
Salt Lake City Branch,
Post Office Box 780,
Salt Lake City, Utah, 84110.
Seattle Branch,
Post Office Box 3567,
Seattle, Wash., 98124.

#### § 315.2 Definition of words and terms as used in these regulations.

(a) "Authorized issuing agent" means an incorporated bank, trust company, savings bank, savings and loan association, other organization, or instrumentality of the United States, qualified as an issuing agent under the provisions of Department Circular No. 657, current revision (Part 317 of this chapter).

(b) "Authorized paying agent" means an incorporated bank, trust company, savings bank, savings and loan association, or other organization qualified as a paying agent under the provisions of Department Circular No. 750, current revision (Part 321 of this chapter).

(c) "Court" means one which has jurisdiction over the parties and subject matter.

(d) "Extended maturity date" means the date on which any optional extension period ends.

(e) "Extended maturity value" means the value of a bond at the end of any optional extension period or periods under the terms of the circulars offering such bonds for sale.

(f) "Face value" of a bond refers to the value of the bond as shown on the face thereof.

(g) "Incompetent" refers to a person under any legal disability except minority.

(h) "Maturity date" means the date on which the bond will mature by the terms of the circular offering it for sale without regard to any optional extension period.

(i) "Optional extension period"[1] means any period after maturity during which the owner may retain the bonds and continue to earn interest on the maturity value in accordance with the terms of the circular offering such bonds for sale.

(j) "Payment" and "redemption" are used interchangeably, unless otherwise indicated. They refer to payment of a bond in accordance with these regulations.

(k) "Personal trust estate" means a trust estate established by natural persons in their own right for the benefit of themselves or other natural persons in whole or in part, and common trust funds comprised in whole or in part of such trust estates.

[1] All Series E bonds have a 10-year optional extension period. Those bearing issue dates of May 1, 1941, through May 1, 1949, have a second 10-year optional extension period. Series H bonds bearing issue dates of June 1, 1952, through January 1, 1957, have a 10-year optional extension period. Other bonds do not have this feature.

(l) "Presented and surrendered" and "presentation and surrender" mean the actual receipt of a bond, with an appropriate request for the particular transaction, by the Bureau of the Public Debt, Chicago or Washington offices, the Office of the Treasurer of the United States, Securities Division, or a Federal Reserve Bank or Branch, or, if the transaction is one which an authorized paying agent may handle, receipt by such authorized paying agent.

(m) "Representative of a minor's estate," "representative of an incompetent's estate," or "representative of an absentee's estate" means a guardian, conservator, or similar representative appointed by a court or otherwise legally qualified, regardless of the title by which designated. These terms do not refer to a voluntary guardian recognized under § 315.53, to a natural guardian, such as a parent, including a parent to whom custody of a child has been awarded through divorce proceedings or a parent by adoption, or to the executor or administrator of the estate of a decedent.

(n) "Reissue" means the cancellation and retirement of a bond and issue of a new bond or bonds of the same series, amount (face value) (or the remainder thereof in case of partial redemption), and issue date.

(o) "Taxpayer identifying number" means the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security account number or an employer identification number. The social security account number is composed of nine digits separated by two hyphens, for example, 123–45–6789; the employer identification number is composed of nine digits separated by one hyphen, for example, 12–3456789. The hyphens are an essential part of the numbers and must be included.

### Subpart B—Registration

#### § 315.5 General.

Savings bonds are issued only in registered form. The registration used on issue or reissue must express the actual ownership of and interest in the bond and, except as otherwise specifically provided in Subpart E and § 315.48, will be considered as conclusive of such ownership and interest. No designation of an attorney, agent, or other representative to request or receive payment on behalf of the owner or a coowner, nor any restriction on the right of the owner or a coowner to receive payment of the bond or interest, except as provided in these regulations, may be made in the registration or otherwise. Registrations requested in applications for purchase or reissue should be clear, accurate, and complete, conform with one of the forms set forth in this subpart, and include the appropriate taxpayer identifying num-

ber.[2] The registration of all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in the case of a fiduciary, the description of the fiduciary capacity. The owner, coowner, or beneficiary should be designated by the name by which he is ordinarily known or the one under which he does business, including preferably at least one full given name. The name may be preceded by any applicable title, such as "Dr." or "Rev.," or followed by "M.D.," "D.D.," or other similar designation. "Sr." or "Jr." or a similar suffix should be included, when ordinarily used. The name of a woman must be preceded by "Miss" or "Mrs.," unless some other applicable title or designation is used. A married woman's own given name, not that of her husband, must be used, for example, "Mrs. Mary A. Jones," not "Mrs. Frank B. Jones." The post office address should include, where appropriate, the number and street, route, or any other local feature, and the ZIP Code.

**§ 315.6 Restrictions on registration.**

(a) *Residence.* Registration of bonds is restricted on original issue, but not on authorized reissue, to persons (whether natural persons or others) who are:

(1) Residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone;

(2) Citizens of the United States temporarily residing abroad; and

(3) Civilian employees of the United States or members of its Armed Forces, regardless of their residence or citizenship.

However, other natural persons may be designated as coowners or beneficiaries with natural persons of the above classes, whether on original issue or reissue, except that registration is not permitted in any form which includes the name of any alien who is resident of any area with respect to which the Treasury Department restricts or regulates the delivery of checks drawn against funds of the United States or any agency or instrumentality thereof.[3]

(b) *Minority.* (1) Bonds purchased by another person with funds belonging to a minor should be registered in the name of the minor without a coowner or beneficiary. A minor may name a coowner or beneficiary on bonds he purchases with his wages, earnings, or other funds belonging to him or under his control. A minor, whether or not under legal guardianship, may be named as owner, coowner, or beneficiary on bonds purchased by another individual with funds other than those belonging to the minor.

(2) If there is a representative of the minor's estate, bonds should be registered in the name of the minor, or in the name of the representative, followed in either case by an appropriate reference to the guardianship. Bonds purchased by a representative of two or more minors, even though appointed in a single proceeding, should be registered separately in a form to show each guardianship estate. A bond may be purchased as a gift to a minor under a gifts to minors statute in effect in a state in which either the donor or the minor resides, in which case the bond should be registered as provided in the statute, with the addition of a parenthetical reference identifying the statute if the registration does not clearly identify it. Registration in the name of a natural guardian is not authorized. See examples of forms of registration under § 315.7(b).

(c) *Incompetency.* Bonds should not be registered in the name of an incompetent unless there is a legal representative of his estate, except under the provisions of § 315.53. If there is a legal representative, the provisions of paragraph (b) of this section apply as to registration in the name of the legal representative or in the name of the incompetent followed by reference to the guardianship.

**§ 315.7 Authorized forms of registration.**

Subject to any limitations or restrictions contained in these regulations on the right of any person to be named as owner, coowner, or beneficiary, bonds may be registered in the following forms: [3]

(a) *Natural persons.* In the names of natural persons in their own right.

(1) *Single owner.* Example: John A. Jones (123-45-6789).

(2) *Coownership form—two persons (only).* In the alternative as coowners. Examples:

John A. Jones (123-45-6789) or Mrs. Ella S. Jones.
Mrs. Ella S. Jones or John A. Jones (123-45-9876).

No other form of registration establishing coownership is authorized.

(3) *Beneficiary form—two persons (only).* Examples:

John A. Jones (123-45-6789) payable on death to Mrs. Ella S. Jones.
John A. Jones (123-45-6789) P.O.D. Mrs. Ella S. Jones.

"Payable on death" may be abbreviated to "P.O.D." as indicated in the last example. The first person named is hereinafter referred to as the owner and the second named person as the beneficiary.

(b) *Fiduciaries and private or public organizations.* Only the single owner form of registration is available for bonds owned by other than natural persons, and the registration must conform to the forms authorized in this subsection.

(1) *Fiduciaries.* In the names of any persons or organizations, public or private, as fiduciaries, but not where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation, or service.

(i) *Guardians, custodians, conservators, etc.* In the name and title or capacity of the legally appointed, designated or authorized representative or representatives of the estate of a minor, incompetent, aged person, absentee, etc., or in the name of such individual, followed by an appropriate reference to the estate and showing the nature of the legal disability or referring to the applicable statute. Examples:

William C. Jones, guardian (or conservator, trustee, etc.) of the estate of James F. Brown (123-45-6789), a minor (or an incompetent, aged person, infirm person, or absentee).
John Smith (123-45-6789), a minor (or an incompetent, aged person, infirm person, or absentee), under legal guardianship (or conservatorship or trusteeship, etc.) of Henry C. Smith.
John Smith (123-45-6789), an adult, under conservatorship of Henry Smith pursuant to Sec. 572, 1963 Iowa Probate Code.
John Smith (123-45-6789), a minor (or incompetent), under custodianship by designation of the Veterans Administration.
John Smith (123-45-6789), an incompetent for whom Henry C. Smith has been designated trustee by the Department of the Army pursuant to 37 U.S.C. 351-354.
William C. Jones, as custodian for John Smith (123-45-6789), under the California Uniform Gifts of Securities to Minors Act.
William C. Jones, as custodian for John Smith (123-45-6789), a minor, under the laws of Georgia (Chapter 48-3, Code of Georgia Ann.).
Richard Roe (123-45-6789), a minor (or an incapacitated adult), beneficiary for whom Reva Roe has been designated representative payee by the Secretary of Health, Education, and Welfare, pursuant to 42 U.S.C. 405(j).

(ii) *Executors, administrators, etc.* (a) In the name of the representative or representatives of the estate of a decedent appointed by a court or otherwise legally qualified. The registration should include the name of the decedent and the name or names of all representatives. The name and title of the representative must be followed by adequate identifying reference to the estate. Example:

John Smith, executor of the will (or administrator of the estate) of Henry J. Smith, deceased (12-3456789).

(b) In the name of an executor authorized to administer a trust under the terms of a will although he is not named as trustee. Example:

John Smith, executor of the will of Henry J. Smith, deceased, in trust for Mrs. Jane Smith, with remainder over (12-3456789).

(iii) *Trustees.* In the name and title or capacity (or title or capacity alone where hereinafter provided) of the trustee or trustees of a single duly constituted trust estate (which will be considered as an entity), substantially in accordance with the examples set forth in this paragraph. Unless otherwise indicated, an adequate identifying reference should be made to the trust instrument or other authority creating the trust. A common trust fund established and maintained according to law by a financial institution duly authorized to act as a fiduciary will be considered as a single duly constituted trust estate within the meaning of these regulations.

(a) *Will, deed of trust, agreement or similar instrument.* Examples:

John Smith and the First National Bank, trustees under the will of Henry J. Smith, deceased (12-3456789).
The Second National Bank, trustee under an agreement with George E. White, dated February 1, 1935 (12-3456789).

If the authority creating the trust designates by title only an officer of a board or an organization as trustee, only the title of the officer should be used in the registration. Example:

Chairman, Board of Trustees, First Church of Christ, Scientist, of Chicago, Ill., in trust under the will of Henry J. Smith, deceased (12-3456789).

If the trustees are too numerous to be designated in the inscription by names and capacity, the names or some of the names may be omitted. Examples:

John Smith, Henry Jones, et al., trustees under the will of Henry J. Smith, deceased (12-3456789).
Trustees under the will of Henry J. Smith, deceased (12-3456789).

(b) *Pension, retirement, or similar fund, or employees' savings plan.* In the name and title (or title alone) of the trustee or trustees of a pension, retirement, or similar fund, or an employees' savings plan. If the instrument creating the trust provides that the trustees shall serve for a limited term, the names of the trustees may be omitted. Examples:

First National Bank and Trust Company, trustee of the Employees' Savings Plan of Jones Company, Inc., U/A dated Jan. 17, 1959 (12-3456789).
Trustees of the Employees' Savings Plan of Johnson Company, Inc., U/A dated Jan. 20, 1964 (12-3456789).
First National Bank, trustee of pension fund of Industrial Manufacturing Company, under agreement with said company dated March 31, 1949 (12-3456789).
Trustees of Retirement Fund of Industrial Manufacturing Company, under resolution adopted by its board of directors on March 31, 1949 (12-3456789).

(c) *Funds of a lodge, church, society, or similar organization.* If the funds of a lodge, church, society, or similar organization, whether incorporated or not, are held in trust by a trustee or trustees or a board of trustees, only the capacity should be used in the registration. Examples:

Trustees of the First Baptist Church, Akron, Ohio, acting as a Board under Section 15 of its by-laws (12-3456789).
Trustees of Jamestown Lodge No. 1,000 Benevolent and Protective Order of Elks, under Section 10 of its by-laws (12-3456789).
Board of Trustees of the Lotus Club, Washington, Ind., under Article X of its constitution (12-3456789).

(d) *Public officers, corporations, or bodies.* If a public officer, public corporation, or public body acts as trustee under express authority of law, only the title should be used in the registration. Examples:

Rhode Island Sinking Fund Commission, trustee of the General Sinking Fund (12-3456789), under Chapter 35, General Laws of Rhode Island.
Superintendent of the Confederate Home for Men, in trust for the Benefit Fund (12-3456789), under section 3183c, Vernon's Civil Statutes of Texas Ann.

(e) *School, class, or activity fund.* If the principal or other officer of a public, private, or parochial school acts as trustee for the benefit of the student body or a class, group, or activity thereof, only the title should be used in the registration, and if the amount purchased for any one fund does not exceed $500 (face value), no reference need be made to a trust instrument. Examples:

Principal, Western High School, in trust for Class of 1955 Library Fund (12-3456789).
Director of Athletics, Western High School, in trust for Student Activities Association under resolution adopted May 12, 1955 (12-3456789).

(iv) *Life tenants.* In the name of a life tenant, followed by adequate identifying reference to the instrument creating the life tenancy. Example:

Mrs. Jane Smith, life tenant under the will of Henry J. Smith, deceased (12-3456789).

(v) *Investment agents.* In the name of a bank, trust company, or other financial institution, or individual, holding funds of a religious, educational, charitable, or nonprofit organization, whether or not incorporated, as agent under an agreement with the organization for the sole purpose of investing and reinvesting the funds and paying the income to the organization. The name and designation of the agent should be followed by an adequate identifying reference to the agreement. Examples:

Black County National Bank, fiscal agent (12-3456789), under agreement with the Evangelical Lutheran Church of The Holy Trinity, dated December 28, 1949.
First National Bank and Trust Company, investment agent (12-3456789), under agreement with Central City Post No. 1000, Department of Illinois, American Legion.

(2) *Private organizations (corporations, associations, and partnerships, etc.).* In the name of any private organization, but not in the names of commercial banks, which are defined for this purpose as those accepting demand deposits. The full legal name of the organization, without mention of any officer or member by name or title, should be used, as follows:

(i) *A corporation.* A business, fraternal, religious, or other private corporation, followed preferably by the words "a corporation" (unless the fact of incorporation is shown in the name). Examples:

Smith Manufacturing Company, a corporation (12-3456789).
Jones and Brown, Inc. (12-3456789).

(ii) *An unincorporated association.* An unincorporated lodge, society, or similar self-governing association, followed preferably by the words "an unincorporated association." The term "an unincorporated association" should not be used to describe a trust fund, a board of trustees, a partnership, or a business conducted under a trade name or as a sole proprietorship. If the association is chartered by or affiliated with a parent organization, the name or designation of the subordinate or local organization should be given first, followed by the name of the parent organization. The name of the parent or national organization may be placed in parentheses and, if it is well known, may be abbreviated. Examples:

The Lotus Club, an unincorporated association (12-3456789).
Local 447, Brotherhood of Railroad Trainmen, an unincorporated association (12-3456789).
Eureka Lodge No. 317 (A.F. & A.M.), an unincorporated association (12-3456789).

(iii) *A partnership.* A partnership (which will be considered as an entity), followed by the words "a partnership." Examples:

Smith and Brown, a partnership (12-3456789).
Acme Novelty Company, a partnership (12-3456789).

(iv) *Institutions (churches, hospitals, homes, schools, etc.).* In the name of a church, hospital, home, school, or similar institution conducted by a private organization or by private trustees, regardless of the manner in which it is organized or governed or title to its property is held. Examples:

Shriners' Hospital for Crippled Children, St. Louis, Mo. (12-3456789).
St. Mary's Roman Catholic Church, Albany, N.Y. (12-3456789).
Rodeph Shalom Sunday School, Philadelphia, Pa. (12-3456789).

(3) *Governmental units, agencies, and officers.* In the full legal name or title of the owner or official custodian of public funds, other than trust funds, as follows:

(i) Any governmental unit, as a state, county, city, town, village, or school district. Examples:

State of Maine (12-3456789).
Town of Rye, N.Y. (Street Improvement Fund) (12-3456789).

(ii) Any board, commission, government owned corporation, or other public body duly constituted by law. Example:

Maryland State Highway Commission (12-3456789).

[2] It is not mandatory to include taxpayer identifying numbers in registrations of Series E bonds. Issuing agents for Series E bonds issued under payroll savings plans who desire to place such numbers on the bonds should obtain instructions from the Bureau of the Public Debt, Washington, D.C., 20220. As the numbers must be included in Series H bond registrations, they are included in the examples in § 315.7 for guidance. Series H bonds inscribed in the name of an individual, with or without a beneficiary, must show the individual's social security account number. The social security account number of either coowner may be shown on bonds registered in coownership form, except that if the coowners are husband and wife, the husband's number should be shown. If the coowners are a minor and an adult, the adult's number should be shown. Questions concerning taxpayer identifying numbers and correct forms of registration should be submitted to the Federal Reserve Bank or Branch of the appropriate district, or to the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill., 60605, or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220.

[3] See Department Circular No. 655, as amended (Part 211 of this chapter).

(iii) Any public officer designated by title only. **Example:**

Treasurer, City of Chicago (12–3456789).

(c) *Treasurer of the United States as coowner or beneficiary.* Those who desire to do so may make gifts to the United States by designating the Treasurer of the United States as coowner or beneficiary. Bonds so registered may not be reissued to change the designation. **Examples:**

John A. Jones 123–45–6789 or the Treasurer of the United States of America
John A. Jones 123–45–6789 P.O.D. the Treasurer of the United States of America

**§ 315.8 Unauthorized registration.**

A savings bond inscribed in a form not substantially in agreement with one of those authorized by this subpart will not be considered as validly issued, except that once it is established that the bond can be reissued in a form of registration which is valid under these regulations it will be considered as having been validly issued from the date of original issue.

## Subpart C—Limitations on Holdings

**§ 315.10 Amount which may be held.**

The amounts of savings bonds of each series, issued in any one calendar year, which may be held by any one person at any one time, computed in accordance with the provisions of § 315.11, are limited as follows: [4]

(a) *Series E.* $5,000 (face value) for each calendar year up to and including the calendar year 1947; $10,000 (face value) for the calendar years 1948 to 1951, inclusive; $20,000 (face value) for the calendar years 1952 to 1956, inclusive; $10,000 (face value) for the calendar year 1957 [5] and each calendar year thereafter; except that trustees of an employees' savings plan (as defined in Department Circular No. 653, current revision) may purchase $2,000 (face value) multiplied by the highest number of employees participating in the plan at any time during the calendar year in which the bonds are issued.

(b) *Series H.* $20,000 (face value) for each calendar year up to and including the calendar year 1956; $10,000 (face value) for the calendar years 1957 [5] to 1961, inclusive; $20,000 (face value) for the calendar year 1962 and each calendar year thereafter.

[4] Bonds of Series F, G, J and K, no longer available for purchase, are subject to the limitations on holdings and rules for computation of holdings set forth in Secs. 315.8 and 315.9 of Department Circular No. 530, Seventh Revision.

[5] Effective May 1, 1957. Accordingly, investors who purchased $20,000 (face value) of bonds of Series E bearing issue dates of January 1 through April 1 were not entitled to purchase additional bonds of that series during 1957. The same limitation applies to bonds of Series H bearing those issue dates. Investors who purchased less than $10,000 (face value) of bonds of either series prior to May 1 were entitled only to purchase enough of either series to bring their total for that series for 1957 to $10,000 (face value).

**§ 315.11 Computation of amount.**

(a) *Definition of "person".* The term "person" for purposes of this section shall mean any legal entity and shall include but not be limited to natural persons, corporations (public or private), partnerships, unincorporated associations, and trust estates. The holdings of each person individually and his holdings in any fiduciary capacity authorized by these regulations, such as, for example, his holdings as a guardian of the estate of a minor, as a life tenant, or as trustee under a will or deed of trust, shall be computed separately. A pension or retirement fund or an investment, insurance, annuity or similar fund or trust will be regarded as an entity regardless of the number of beneficiaries or the manner in which their respective interests are established or determined. Segregation of individual shares as a matter of bookkeeping or as a result of individual agreements with beneficiaries or the express designation of individual shares as separate trusts will not operate to constitute separate trusts under these regulations.

(b) *Bonds that must be included in computation.* Except as provided in paragraph (c) of this section, there must be taken into account in computing the holdings of each person:

(1) All bonds registered in the name of that person alone;

(2) All bonds registered in the name of the representative of the estate of that person;

(3) All bonds originally registered in the name of that person as coowner or reissued at the request of the original owner to add the name of that person as coowner or to designate him as coowner instead of a beneficiary. However, the amount of bonds of Series E and H held in coownership form may be applied to the holdings of either of the coowners but will not be applied to both, or the amount may be apportioned between them.

(c) *Bonds that may be excluded from computation.* There need not be taken into account:

(1) Bonds on which that person is named beneficiary;

(2) Bonds in which his interest is only that of a beneficiary under a trust;

(3) Bonds to which he has become entitled under § 315.66 as surviving beneficiary upon the death of the registered owner, as an heir or legatee of the deceased owner, or by virtue of the termination of a trust or the happening of any other event;

(4) Bonds of Series E purchased with the proceeds of matured bonds of Series A, C–1938, and D, where such matured bonds were presented for that purpose:

(5) Bonds of Series E bearing issue dates from May 1, 1941, to December 1, 1945, inclusive, held by individuals in their own right which are not more than $5,000 (face value) in excess of the prescribed limit;

(6) Bonds of Series E or H reissued under § 315.61(a)(1);

(7) Bonds of Series E or H reissued in the name of a trustee of a personal trust estate which did not represent excess holdings prior to such reissue;

(8) Bonds of Series E or H purchased with the proceeds of bonds of Series F, G, J, or K, at or after maturity, where such matured bonds are presented for that purpose in accordance with the provisions of Department Circulars Nos. 653, current revision (Part 316 of this chapter), offering bonds of Series E, and 905, current revision (Part 332 of this chapter), offering bonds of Series H;

(9) Bonds of Series H issued in exchange for bonds of Series E, F, or J under the provisions of Department Circular No. 1036, as amended.

**§ 315.12 Disposition of excess.**

If any person at any time acquires savings bonds issued during any one calendar year in excess of the prescribed amount, the excess must be immediately surrendered for refund of the purchase price, less (in the case of current income bonds) any interest which may have been paid thereon, or for such other adjustment as may be possible. For good cause found the Secretary of the Treasury may permit excess holdings to stand in any particular case or class of cases.

## Subpart D—Limitation on Transfer or Pledge

**§ 315.15 Limitation on transfer or pledge.**

Savings bonds are not transferable and are payable only to the owners named thereon, except as specifically provided in these regulations, and then only in the manner and to the extent so provided. A savings bond may not be hypothecated, pledged as collateral, or used as security for the performance of an obligation, except as provided in § 315.16.

**§ 315.16 Pledge under Department Circulars Nos. 154 and 657.**

A bond may be pledged by the registered owner in lieu of surety under the provisions of Department Circular No. 154, Revised (Part 225 of this chapter) if the bond approving officer is the Secretary of the Treasury, in which case an irrevocable power of attorney shall be executed authorizing the Secretary of the Treasury to request payment. A bond may also be deposited as security with a Federal Reserve Bank under the provisions of Department Circular No. 657, current revision (Part 317 of this chapter), by an institution certified under that circular as an issuing agent for Series E bonds.

## Subpart E—Limitation on Judicial Proceedings—No Stoppage or Caveats Permitted

**§ 315.20 General.**

(a) No judicial determination will be recognized which would give effect to an attempted voluntary transfer inter vivos of a bond or would defeat or impair the rights of survivorship conferred by these regulations upon a surviving coowner or beneficiary, and all other provisions of this subpart are subject to this restriction. Otherwise, a claim against an owner or coowner of a savings bond and



conflicting claims as to ownership of, or interest in, such bond as between coowners or between the registered owner and beneficiary will be recognized, when established by valid judicial proceedings, upon presentation and surrender of the bond, but only as specifically provided in this subpart.

(b) Neither the Treasury Department nor any agency for the issue, reissue, or redemption of savings bonds will accept notices of adverse claims or of pending judicial proceedings or undertake to protect the interests of litigants who do not have possession of a bond.

**§ 315.21 Payment to judgment creditors.**

(a) *Creditors.* Payment (but not reissue) of a savings bond registered in single ownership, coownership, or beneficiary form will be made to the purchaser at a sale under a levy or to the officer authorized to levy upon the property of the registered owner or coowner under appropriate process to satisfy a money judgment. Payment will be made to such purchaser or officer only to the extent necessary to satisfy the judgment and will be limited to the redemption value current sixty days after the termination of judicial proceedings or current at the time the bond is received, whichever is smaller. Payment of a bond registered in coownership form pursuant to a judgment or levy against only one of the coowners will be limited to the extent of that coowner's interest in the bond; this interest may be established by an agreement between the coowners or by a judgment, decree, or order of court entered in a proceeding to which both coowners are parties.

(b) *Trustees in bankruptcy and receivers.* Payment of a savings bond will be made to a trustee in bankruptcy, a receiver of an insolvent's estate, a receiver in equity, or a similar officer of the court, under the applicable provisions of paragraph (a) of this section, except that payment will be made at the redemption value current on the date of payment.

**§ 315.22 Payment or reissue pursuant to judgment.**

(a) *Divorce.* A decree of divorce ratifying or confirming a property settlement agreement or otherwise settling the respective interests of the parties in a bond will not be regarded as a proceeding giving effect to an attempted voluntary transfer under the provisions of § 315.20. Consequently, reissue of a savings bond may be made to eliminate the name of one spouse as owner, coowner, or beneficiary, or to substitute the name of one spouse for that of the other as owner, coowner, or beneficiary pursuant to such a decree. The evidence required under § 315.23 must be submitted in any case. Where the decree does not set out the terms of the property settlement agreement a certified copy of the agreement must also be submitted. If bonds are registered with a person other than one of the spouses as owner or coowner there must be submitted either a request for reissue by such person or a certified copy of a judgment, decree, or order of court entered in a proceeding to which he was a party, determining the extent of the interest in the bond held by the spouse whose name is to be eliminated, and reissue will be permitted only to the extent of the spouse's interest in the bonds. Payment rather than reissue will be made if requested.

(b) *Gifts causa mortis.* A bond belonging solely to one person will be paid or reissued on the request of the person found by a court to be entitled thereto by reason of a gift causa mortis by the sole owner.

(c) *Date for determining rights.* For the purpose of determining whether or not reissue shall be made under this section pursuant to judicial proceedings, the rights of all parties involved shall be those existing under these regulations at the time of the entry of the final judgment, decree, or order.

**§ 315.23 Evidence necessary.**

To establish the validity of judicial proceedings, there must be submitted certified copies of a final judgment, decree, or order of court and of any necessary supplementary proceedings. If the judgment, decree, or order of court was rendered more than six months prior to the presentation of the bond, there must also be submitted a certificate from the clerk of the court, under its seal, dated within six months of the presentation of the bond showing that the judgment, decree, or order of court is in full force. A request for payment by a trustee in bankruptcy must be supported by duly certified evidence of his appointment and qualification. A request for payment by a receiver of an insolvent's estate must be supported by a copy of the order appointing him, certified by the clerk of the court, under its seal, as being in full force on a date not more than six months prior to the date of the presentation of the bond. A request for payment by a receiver in equity or a similar officer of the court, other than a receiver of an insolvent's estate, must be supported by a copy of an order authorizing him to present the bond for redemption, certified by the clerk of the court, under its seal, as being in full force on a date not more than six months prior to the presentation of the bond.

## Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bonds

**§ 315.25 After receipt by owner or his representative.**

Relief, either by the issue of a substitute bond marked "Duplicate" or by payment, may be given for the loss, theft, destruction, mutilation, or defacement of a bond after receipt by the owner or his representative, under section 8 of the Act of July 8, 1937, as amended (50 Stat. 481, as amended; 31 U.S.C. 738a). In granting relief under the act, the Secretary of the Treasury may require a bond of indemnity in such form and with such surety as may be deemed necessary for the protection of the United States of America. In all cases the bond must be identified and the applicant must submit satisfactory evidence of loss, theft, or destruction, or a satisfactory explanation of the mutilation or defacement. Relief on account of loss or theft ordinarily will not be granted until six months after the date of receipt by the Bureau of the Public Debt of the notice of such loss or theft.

**§ 315.26 Procedure to be followed.**

(a) Immediate notice of the facts concerning the loss, theft, destruction, mutilation, or defacement of a bond, together with its complete description (series, year and month of issue, serial number, name and address of the registered owner or coowners), should be given to the Bureau of the Public Debt, Division of Loans and Currency Branch. That office will furnish the proper application form and instructions.

(b) The application must be made by the person or persons (including both coowners, if living), authorized under these regulations to request payment of the bond, except as follows:

(1) If the bond is in beneficiary form and the owner and beneficiary are both living, both ordinarily will be required to join in the application.

(2) If a minor named on a bond as owner, coowner, or beneficiary is not of sufficient competency and understanding to request payment, both parents ordinarily will be required to join in the application.

**§ 315.27 Nonreceipt of bond.**

If a bond, on original issue or on reissue, is not received from the issuing agent by the registered owner or other person to whom delivery of the bond was directed, the issuing agent should be notified as promptly as possible and given all information available about the transaction. The agent will then obtain appropriate instructions and forms. After approval of the application for relief, relief will be granted by the issuance of a bond, bearing the same issue date as the bond which was not received.

**§ 315.28 Recovery or receipt of bonds reported lost, stolen, destroyed or not received.**

If a bond reported lost, stolen, destroyed, or not received, is recovered or received before relief is granted, the Bureau of the Public Debt, Division of Loans and Currency Branch, should be notified promptly. If recovered or received after relief is granted, the bond should be surrendered promptly to the same office for cancellation.

## Subpart G—Interest

**§ 315.30 General.**

Savings bonds are issued in two forms:

(a) Appreciation bonds, issued on a discount basis and redeemable before final maturity at increasing fixed redemption values; and

(b) Current income bonds, issued at par, bearing interest payable semian-

nually[4] and redeemable before final maturity at par or at fixed redemption values less than par.

**§ 315.31 Appreciation bonds.**

Bonds issued on a discount basis increase in redemption value at the end of the first half-year from issue date and at the end of each successive half-year period thereafter until their maturity date, when the full face amount becomes payable.[5] Bonds of Series E bearing issue dates of May 1, 1941, through May 1, 1949, will continue to increase in redemption value after original maturity for twenty years and those bearing issue dates beginning with June 1, 1949, for ten years after original maturity, in accordance with the provision of Department Circular No. 653, current revision.[6] The increment in value (interest) on appreciation bonds is payable only on redemption of the bonds, whether before, at, or after maturity or extended maturity.

**§ 315.32 Current income bonds.**

(a) *Interest rates.* The interest payable on a current income bond is fixed by the provisions of the Department circular offering the particular series of bonds to the public.[6]

(b) *Method of interest payments.* Interest due on a current income bond is payable semiannually beginning six months from its issue date and will be paid on each interest payment date by check drawn to the order of the person or persons in whose names the bond is inscribed, in the same form as their names appear in the inscription on the bond, and mailed to the address of record (that given for the delivery of interest checks in the application for purchase or the request for reissue or, if no instruction is given as to the delivery of interest checks, the address given for the owner or the first-named coowner), except that:

(1) In the case of a bond registered in the form "A payable on death to B" the check will be drawn to the order of "A" alone until the Bureau of the Public Debt, Division of Loans and Currency Branch, receives notice of A's death, from which time the payment of interest will be suspended until the bond is presented for payment or reissue. Interest so withheld will be paid to the person found to be entitled to the bond.

(2) Upon receipt of notice of the death of the coowner to whom interest is being mailed, payment of interest will be suspended until a request for change of address is received from the other coowner, if living, or, if not, until satisfactory evidence is submitted as to who is authorized to endorse and collect such checks on behalf of the estate of the last deceased coowner in accordance with the provisions of Subpart O of this part.

(3) Upon receipt of notice of the death of the owner of a bond, payment of interest on the bond will be suspended until satisfactory evidence is submitted as to who is authorized to endorse and collect such checks on behalf of the estate of the decedent, in accordance with the provisions of Subpart O of this part.

(4) Whenever practicable the accounts for all current income bonds of the same series, with the same inscription, on which interest is payable on the same dates, will be consolidated and a single check will be issued on each interest payment date for interest on all such bonds. The check inscription may vary from the inscriptions on the bonds in cases of very long inscriptions or where there is lack of uniformity in the inscriptions on the bonds.

(5) The interest due at maturity in the case of bonds for which an optional extension privilege has not been granted and at the final maturity for all bonds for which an optional extension privilege has been granted will be paid with the principal and in the same manner. However, if the registered owner of a bond in beneficiary form dies on or after the due date without having presented and surrendered the bond for payment or authorized reissue, and is survived by the beneficiary, the interest may be paid to the legal representative of or the person entitled to the registered owner's estate. To obtain such payment, the bonds with a request therefor by the beneficiary should be submitted together with evidence as required in Subpart O.

(c) *Notices affecting delivery of interest checks.* Notices affecting the delivery of interest checks, including changes in addresses, should be sent to the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill., 60605. Each bond should be described in the notice by issue date, serial number, series (including year of issue), and inscription appearing on the face of the bond. The bonds should not be submitted. The notice must be signed by the owner or a coowner, or in the case of a minor or incompetent as provided in paragraph (d) or (e) of this section. A notice which would affect delivery of an interest check will be acted upon as rapidly as possible, but if the notice is not received at least one month before an interest payment date, no assurance can be given that action can be taken in time to make the change, or suspend the mailing of the interest due on that date.

(d) *Representative appointed for the estate of a minor, incompetent, absentee, etc.* Interest on current income bonds will be paid to the representative appointed for the estate of the owner of such bonds who is a minor, incompetent, absentee, etc., in accordance with the provisions of § 315.50 relating to payment of the bonds. However, if the registration of the bonds does not include reference to the owner's status, the bonds should be submitted to the Bureau of the Public Debt, Division of Loans and Currency Branch, at the address shown in paragraph (c) of this section, or to a Federal Reserve Bank for appropriate reissue so that interest checks may be properly drawn and delivered. They must be accompanied by the proof of appointment required by § 315.50.

(e) *Adult incompetent's estate having no representative.* If an adult owner of a current income bond is incompetent to endorse and collect the interest checks and no legal guardian or similar representative is legally qualified to do so, the relative responsible for his care and support, or some other appropriate person, may apply to the Bureau of the Public Debt, Division of Loans and Currency Branch, for recognition as voluntary guardian for the purpose of receiving, endorsing, and collecting the checks. Form PD 2513 should be used in making application for this purpose.

(f) *Reissue during interest period.* Physical reissue of a bond will be made as soon as practicable without regard to interest payment dates. If a current income bond is reissued between interest payment dates, interest for the entire period will ordinarily be paid on the next interest payment date, by check drawn to the order of the person in whose name the bond is reissued. However, if reissue is made during the month preceding an interest payment date, the interest due on the first day of the next month may in some cases be paid to the former owner or the representative of his estate.

(g) *Termination of interest.* Interest on current income bonds will cease at maturity, or extended maturity in the case of bonds for which an optional extension period has been granted, or in case of redemption prior to maturity, on the last day of the interest period immediately preceding the date of redemption, except that, if the date of redemption falls on an interest payment date, interest will cease on that date. For example, if a bond on which interest is payable on January 1 and July 1 is redeemed on September 1, interest will cease on the preceding July 1, and no adjustment of interest will be made for the period from July 1 to September 1. The same rules apply in case of partial redemption with respect to the amount redeemed.

(h) *Endorsement of checks.* Interest checks may be collected upon the endorsement of the payee or his authorized representative in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in Department Circular No. 21, Revised, as amended (Part 360 of this chapter). A form for the appointment of an attorney in fact for this purpose may be obtained from the Office of the Treasurer of the United States or from any Federal Reserve Bank. If the owner is incompetent or deceased and no legal representative of his estate has been or will be appointed, the Bureau of the Public Debt, Division of Loans and Currency Branch (address given in paragraph (c) of this section), or a Federal Reserve Bank will furnish instructions upon request.

(i) *Nonreceipt or loss of check.* If an interest check is not received or is lost after receipt, the Bureau of the Public Debt, Division of Loans and Currency Branch, should be notified of the facts and given information concerning the amount, number, and inscription of the bonds, as well as a description of the check, if possible.

## Subpart H—General Provisions for Payment and Redemption

**§ 315.35 Provisions applicable both before and after maturity.[4]**

Payment of a savings bond will be made to the person or persons entitled thereto under the provisions of these regulations upon presentation of the bond with an appropriate request for payment, except that checks in payment will not be delivered to addresses in areas with respect to which the Treasury Department restricts or regulates the delivery of checks drawn against funds of the United States or any agency or instrumentality thereof.[7] Payment will be made without regard to any notice of adverse claims to a bond and no stoppage or caveat against payment in accordance with the registration will be entered.

**§ 315.36 Before maturity.**

(a) *At option of owner.* Pursuant to its terms, a savings bond may not be called for redemption by the Secretary of the Treasury prior to maturity, or extended maturity in case of bonds for which an optional extension period has been granted, but may be redeemed in whole or in part at the option of the owner prior to maturity, or extended maturity, under the terms and conditions set forth in the offering circular for each series and in accordance with the provisions of these regulations, following presentation and surrender as provided in this subpart.

(b) *Series E.* A bond of Series E will be redeemed at any time after two months from issue date without advance notice, at the appropriate redemption value as shown in the revision of Department Circular No. 653 current at the time of redemption.

(c) *Series H, J and K.* A bond of Series J or K will be redeemed on one calendar month's notice, and a bond of Series H will be redeemed after six months from issue date on one calendar month's notice, in writing to a Federal Reserve Bank or Branch, or the Bureau of the Public Debt, Division of Loans and Currency Branch, or the Office of the Treasurer of the United States, Securities Division. Such notice may be given separately or by presenting and surrendering the bond with a duly executed request for payment. Payment will be made as of the first day of the first month following by at least one full calendar month the date of receipt of notice. For example, if notice is received on June 1, payment will be made as of July 1, but if notice is received between June 2 and July 1, inclusive, payment ordinarily will be made as of August 1. If notice is given separately, the bond must be presented and surrendered with a duly executed request for payment to the same agency to which notice is given, not less than 20 days before the date on which payment is to be made. For example, if notice is received on June 15, the bond should be received not later than July 12. (See § 315.32(g) for provisions as to interest on current income bonds redeemed prior to maturity.) A bond of Series H will be redeemed at PAR. A bond of Series J or K will be redeemed at the appropriate redemption value as shown in the table printed on the bond, except as provided in paragraph (d), of this section. (See § 315.37 for provisions as to notice to redeem current income bonds for which an optional extension period has been granted.)

(d) *Series K: Redemption at par.* (1) A bond of Series K issued in exchange for matured bonds of Series E under the provisions of Department Circular No. 906 is payable at par.

(2) A bond of Series K registered in the name of a natural person or persons in their own right will be paid at par upon the request of the person entitled to the bond upon the death of the owner or either coowner.

(3) A bond of Series K held by a trustee, life tenant, or other fiduciary (exclusive of trustees of a pension, retirement, investment, insurance, annuity or similar fund, or employees' savings plan) will be paid at par upon appropriate request upon the termination, in whole or in part, of a trust, life tenancy, or other fiduciary estate by reason of the death of a natural person, but in the case of partial termination, redemption at par will be made to the extent of not more than the pro rata portion of the trust or fiduciary estate so terminated. Bonds of Series K held by a financial institution in its name as trustee of its common trust fund will be paid at par upon the request of the fiduciary upon the termination, in whole or in part, of a participating trust by reason of the death of a natural person, to the extent of not more than the pro rata portion of the common trust fund so terminated.

The option to receive payment at par under subparagraph (d) (2) and (3) of this section may be exercised by a signed request for payment or by express written notice, in either case specifying that redemption at par is desired. Payment may be postponed to the second interest payment date following the date of death, if so requested; otherwise, payment will be made in regular course. A death certificate or other acceptable evidence of death must be submitted. In no case of redemption at par before maturity under subparagraph (2) and (3) of this paragraph will interest be payable beyond the second interest payment date following the date of death.

(e) *Withdrawal of request for redemption.* An owner who has presented and surrendered a savings bond to the Treasury Department or a Federal Reserve Bank, or an authorized paying agent, for payment, with an appropriate request for payment, may withdraw such request if notice of intent to withdraw is given to and received by the same agency to which the bond was presented prior to the issuance of a check in payment by the Treasury Department or a Federal Reserve Bank, or payment by the authorized paying agent. Such request may be withdrawn under the same conditions by the executor or administrator of the estate of a deceased owner, or by the person or persons entitled to the bond under Subpart O of this part, or by the representative of the estate of a person under legal disability, unless presentation and surrender of the bond have cut off rights of survivorship under the provisions of Subpart M or Subpart N of this part.

**§ 315.37 At or after maturity.**

Pursuant to its terms, a savings bond of any series will be paid at or after maturity at the maturity value fixed by the terms of the Department Circular offering the particular series of bonds to the public, current at the time of redemption, and in no greater amount. No advance notice will be required for the redemption of matured savings bonds except that any current income bond for which an optional extension period has been provided will, beginning with the first day of the third calendar month following the calendar month in which the bond originally matured, be regarded as unmatured until it reaches its final maturity date, and the same notice prior to redemption will be required for it as required for bonds of the same series which have not reached original maturity.

**§ 315.38 Requests for payment.**

(a) *Form and execution of requests.* A request for payment of a bond must be executed on the form appearing on the back of the bond unless (1) the bond is accepted by an authorized paying agent for payment or for presentation to a Federal Reserve Bank for payment without the owner's signature to the request for payment under the provisions of Department Circular No. 888, current revision (Part 330 of this chapter), or (2) authority is given for the execution of a separate or detached request.

[4] The final interest on bonds of Series H bearing issue dates of June 1, 1952, through January 1, 1957, covers a period of two months, from 9½ years to 9 years, 8 months. Bonds so dated will continue to earn interest for a 10-year optional extension period, during which time interest will accrue and be paid beginning six months from the original maturity date, in accordance with the provisions of Department Circular No. 905, current revision. Since May 1, 1957, the only current income bonds on sale are those of Series H. See Department Circulars Nos. 654, Third Revision, as amended, for Series G, and 906, as amended, for Series K.

[5] Series E bonds issued on or before April 30, 1952, and Series F bonds, the sale of which was terminated April 30, 1952, increased in redemption value at the end of the first year from issue date; Series E Bonds issued on and after May 1, 1952, and Series J bonds, the sale of which began on May 1, 1952, increased in redemption value at the end of the first half-year from issue date. The last increase in redemption value of Series E bonds issued on or after May 1, 1952, prior to the start of the 10-year optional extension period covers these periods: Two months, from 9½ years through 9 years, 8 months, for bonds issued before February 1, 1957; five months, from 8½ years through 8 years, 11 months, for bonds issued on or after February 1, 1957, but before June 1, 1959; and three months, from 7½ years through 7 years, 9 months, for bonds issued on or after June 1, 1959.

[6] See Tables of Redemption Values at end of that circular for extended maturity values.

[7] Bonds of Series A through D and Series F and G have all now matured. They earn no interest after maturity. Any such bonds which have not been redeemed should be presented for payment.

(b) *Date of request.* Ordinarily, requests executed more than six months before the date of receipt of a bond for payment will not be accepted; nor will a bond, ordinarily, be accepted for redemption more than three calendar months prior to the date redemption is requested under these regulations.

(c) *Identification and signature of owner.* Unless the bond is presented under the provisions of paragraph (a) of this section or § 315.39(b), an owner in whose name the bond is inscribed or other person entitled to payment under the provisions of these regulations must appear before and establish his identity to an officer authorized to certify requests for payment (see Subpart I of this part), and in the presence of such officer sign the request for payment in ink, adding in the space provided the address to which the check issued in payment is to be mailed. A signature made by mark (X) must be witnessed by at least one disinterested person in addition to the certifying officer and must be attested by endorsement in the blank space, substantially as follows: "Witness to the above signature by mark," followed by the signature and address of the witness. If the name of the owner or other person entitled to payment as it appears in the registration or in evidence on file in the Bureau of the Public Debt, Division of Loans and Currency Branch, has been changed by marriage or in any other legal manner, the signature to the request for payment should show both names and the manner in which the change was made, for example, "Mrs. Mary T. Jones Smith (Mrs. Mary T. J. Smith or Mrs. Mary T. Smith), changed by marriage from Miss Mary T. Jones," or "John R. Young, changed by order of court from Hans R. Jung." (See § 315.49.) No request signed in behalf of the owner or person entitled to payment by an agent or a person acting under a power of attorney will be recognized by the Treasury Department, except when pledged in lieu of surety under Department Circular No. 154, Revised (Part 225 of this chapter), as provided in § 315.16.

(d) After the request for payment has been signed by the owner, the certifying officer should complete and sign the certificate following the request for payment and the bond should then be presented and surrendered as provided in § 315.39(a).

### § 315.39 Presentation and surrender.

(a) *All series.* Except for cases coming within the provisions of paragraph (b) of this section, after the request for payment has been duly signed by the owner and certified as provided in Subpart I of this part, the bond should be presented and surrendered to (1) a Federal Reserve Bank or Branch, (2) the Bureau of the Public Debt, Division of Loans and Currency Branch, or (3) the Office of the Treasurer of the United States, Securities Division. Usually payment will be expedited by surrender to a Federal Reserve Bank or Branch. In all cases presentation will be at the expense and risk of the owner. Payment will be made by check drawn to the order of the registered owner or other person entitled and mailed to the address given in the request for payment or, if no address is given, to the address shown in instructions accompanying the bond.

(b) *Optional procedure limited to bonds of Series A to E, inclusive, in the names of individual owners or coowners only.* A natural person whose name is inscribed on the face of a bond of Series A, B, C, D, or E, either as owner or coowner in his own right, may present such bond for redemption to an authorized paying agent. An owner who is not known to the paying agent must establish his identity to the agent. (See § 315.43.) The owner must sign the request for payment, and add his home or business address. Even though the request for payment may have been signed, or signed and certified, before presentation of the bond, the representative of the paying agent must be satisfied that the person presenting the bond for payment is the owner or coowner and may require him to sign the request for payment again. If the bond is in order for payment, the paying agent will make immediate payment at the appropriate redemption value without charge to the owner. This procedure is not applicable to partial redemption cases, or deceased owner cases, or other cases in which documentary evidence is required.

### § 315.40 Partial redemption.

A bond of any series may be redeemed in part at current redemption value but only in amounts corresponding to authorized denominations, upon presentation and surrender of the bond in accordance with § 315.39(a). In any case in which partial redemption is authorized, before the request for payment is signed the phrase "to the extent of $_____ (face value) and reissue of the remainder" should be added to the first sentence of the request. Upon partial redemption of the bond, the remainder will be reissued as of the original issue date, as provided in Subpart J of this part. For payment of interest on current income bonds in case of partial redemption, see Subpart G of this part.

### § 315.41 Nonreceipt or loss of checks issued in payment.

In case a check in payment of a bond surrendered for redemption is not received within a reasonable time or in case such check is lost after receipt, notice should be given to the same agency to which the bond was surrendered for payment, accompanied by a description of the bond by series, denomination, serial number, and registration. The notice should state whether or not the check was received and should give the date upon which the bond was surrendered for payment.

## Subpart I—Certifying Officers

### § 315.42 Certifying officers.

The following officers are authorized to certify requests for payment and forms with respect to bonds:

(a) *At United States post offices.* Any postmaster, acting postmaster, or inspector in charge or other post office official or clerk designated for that purpose. One or more of these officials will be found at every United States post office, classified branch, or station. A post office official or clerk other than a postmaster, acting postmaster, or inspector in charge should certify in the name of the postmaster or acting postmaster, followed by his own signature and official title, for example, "John Doe, postmaster, by Richard Roe, postal cashier." Signatures of these officers should be authenticated by a legible imprint of the post office dating stamp.

(b) *At banks, trust companies, and branches.* Any officer of any bank or trust company incorporated in the United States (including for this purpose its territories and possessions and the Commonwealth of Puerto Rico) or domestic or foreign branch of such bank or trust company; any officer of a Federal Reserve Bank, Federal Land Bank, and Federal Home Loan Bank; any employee of any such bank or trust company expressly authorized by the corporation for that purpose, who should sign over the title "Designated Employee"; and Federal Reserve Agents and Assistant Federal Reserve Agents located at the several Federal Reserve Banks. Certifications by any of these officers or designated employees should be authenticated by either a legible impression of the corporate seal of the bank or trust company or, in the case of banks or trust companies and their branches which are authorized issuing agents for bonds of Series E, by a legible imprint of the issuing agent's dating stamp.

(c) *Issuing agents not banks or trust companies.* Any officer of a corporation not a bank or trust company and of any other organization which is an authorized issuing agent for bonds of Series E. All certifications by such officers must be authenticated by a legible imprint of the issuing agent's dating stamp.

(d) *Commissioned and warrant officers of armed forces.* Commissioned and warrant officers of any of the armed forces of the United States, but only for members and the families of members of their respective services and civilian employees at Posts or Bases or Stations. Such certifying officer should indicate his rank and state that the person signing the request is one of the class whose request he is authorized to certify.

(e) *United States officials.* Judges, clerks, and deputy clerks of United States courts, including United States courts for the territories, possessions, the Commonwealth of Puerto Rico, and the Canal Zone; United States Commissioners; United States Attorneys; United States Collectors of customs and their deputies; Regional Commissioners and District Directors of Internal Revenue and Internal Revenue agents; the officer in charge of any home, hospital, or other facility of the Veterans Administration, but only for patients and employees of such facilities; certain officers of Federal penal institutions designated for that purpose by the Secretary of the Treasury; certain officers of the United States Public Health Service Hospitals at Lexington, Kentucky, and Fort Worth, Texas, and of United States Marine Hospitals at Fort Stanton, New Mexico, and Carville, Louisiana, designated for that purpose by the Secretary of the Treasury (in each case, however, only for inmates or employees of the institution involved).

(f) *Officers authorized in particular localities.* Certain designated officers in the Treasury Department; the Governor and Treasurer of Puerto Rico; the Governor and Commissioner of Finance of the Virgin Islands; the Governor and Director of Finance of Guam; the Governor and Director of Administrative Services of American Samoa; the Governor, paymaster, or acting paymaster and collector or acting collector of the Panama Canal; and postmasters and acting postmasters of the Bureau of Posts of the Canal Zone.

(g) *In foreign countries.* In a foreign country requests for payment may be signed in the presence of and be certified by any United States diplomatic or consular representative, or the manager or other officer of a foreign branch of a bank or trust company incorporated in the United States whose signature is attested by an impression of the corporate seal or is certified to the Treasury Department. If such an officer is not available, requests for payment may be signed in the presence of and be certified by a notary or other officer authorized to administer oaths, but his official character and jurisdiction should be certified by a United States diplomatic or consular officer under seal of his office.

(h) *Special provisions.* In the event none of the officers authorized to certify requests for payment of bonds is readily accessible, the Commissioner of the Public Debt, the Deputy Commissioner of the Public Debt in Charge of the Chicago Office, the Treasurer of the United States, or any Federal Reserve Bank or Branch is authorized to make special provision for any particular case.

### § 315.43 General instructions to certifying officers.

A certifying officer should require that a person presenting bonds, or forms with respect thereto, establish his identity by positive and reliable evidence before the bonds or forms are signed, unless the presenter is personally well known to the officer. Such officer and, if he is an officer or employee of an organization, the organization will be held fully responsible for the adequacy of the identification. The certifying officer should place an adequate notation on the back of the bond or form, or on a separate record, showing exactly how identification was established. The certifying officer must affix to the certification his official signature, title, seal or dating stamp, address (if not shown in the seal or stamp), and the date of execution. Officers of Veterans Administration Facilities, Public Health Service Hospitals, Marine Hospitals, and Federal penal institutions should use the seal of the particular institution or service, where such seal is available. A certifying officer other than a post office official, officer of a bank or trust company, or officer of an issuing agent, who does not possess an official seal should add a statement to that effect to his certification.

### § 315.44 Interested person not to certify.

A certifying officer may not certify a request for payment of a bond, or a form with respect to a bond, in which he has or is acquiring an interest, either in his own right or in a representative capacity.

## Subpart J—Reissue and Denominational Exchange

### § 315.45 General.

(a) Reissue of a bond may be made only under the conditions specified in these regulations. Reissue is not authorized solely for the purpose of effecting an exchange as between authorized denominations, but in case of authorized reissue the new bond or bonds may be issued in any authorized denomination or denominations.

(b) Reissue will not be made if the request therefor is received less than one full calendar month before the maturity date, except for bonds of Series E and H for which optional extension periods have been provided in Department Circulars Nos. 653 and 905, current revisions (Parts 316 and 332 of this chapter). In the case of such bonds, reissue will not be made if the request is received less than one full month before the extended maturity date. However, a request for reissue of a bond received prior to its maturity, or its extended maturity date, will be effective to establish ownership as though the requested reissue had been made.

(c) A request for reissue of a bond received on or after its maturity, or its extended maturity date, will not be effective to name a coowner or beneficiary or to promote a beneficiary to a coowner, but requests for reissue in the names of persons who have become entitled by operation of law will be recognized as establishing the right of those persons to receive payment.

(d) Reissues under the provisions of this subpart may be made only at (1) a Federal Reserve Bank or Branch, (2) the Bureau of the Public Debt, Division of Loans and Currency Branch, or (3) the Office of the Treasurer of the United States, Securities Division.

### § 315.46 Requests for reissue.

A request for reissue should be made on the prescribed form by the person authorized under these regulations to make such request. Appropriate forms may be obtained from any Federal Reserve Bank, the Office of the Treasurer of the United States, or the Bureau of the Public Debt, Division of Loans and Currency Branch.

### § 315.47 Effective date.

In any case of authorized reissue, the Treasury Department will treat the receipt by (a) a Federal Reserve Bank or Branch, or (b) the Bureau of the Public Debt, Division of Loans and Currency Branch, or (c) the Office of the Treasurer of the United States, Securities Division, of a bond and an appropriate request for reissue thereof as determining the date upon which the reissue is effective. If the owner or either coowner of a bond dies after he has presented and surrendered the bond for authorized reissue, the bond will be regarded as though reissued in the decedent's lifetime.

### § 315.48 Correction of errors.

Reissue of a bond may be made to correct an error in the original issue, upon appropriate request supported by satisfactory proof of the error.

### § 315.49 Change of name.

An owner, coowner, or beneficiary whose name is changed by marriage, divorce, annulment, order of court, or in any other legal manner after the issue of a bond should submit the bond with a request on Form PD 1474 for reissue to substitute the new name for the name inscribed on the bond. The signature to the request for reissue should show the new name, the manner in which the change was made and the former name. If the change of name was made other than by marriage, the request must be supported by satisfactory proof of the change.

## Subpart K—Minors, Incompetents, Aged Persons, Absentees, etc.

### § 315.50 Payment to representative of estate.

If the form of registration of a savings bond indicates that the owner is a minor, incompetent, aged person, absentee, etc., and there is a representative of his estate, payment will be made to such representative. The request for payment appearing on the back of the bond should be signed by the representative as such, for example, "John A. Jones, guardian (committee) of the estate of Henry W. Smith, a minor (incompetent, absentee)." Unless the form of registration gives the name of the representative requesting payment, a certificate or a certified copy of the letters of appointment from the court making the appointment, under court seal, or other proof of qualification if not appointed by a court, should be submitted. Except in the case of corporate fiduciaries, such evidence should state that the appointment is in full force and should be dated not more than one year prior to presentation of the bond for payment. Where the form of registration does not indicate that there is a representative of the estate of a minor owner, a notice that there is such a representative will not be accepted for the purpose of preventing payment to the minor or to a parent or other person on behalf of the minor, as provided in §§ 315.51 and 315.52. However, if the representative of the estate of a minor, incompetent, aged person, absentee, etc., presents for payment a bond registered in the name of his ward during the ward's lifetime, accompanied by proof of his qualification, payment will be made to such representative.

### § 315.51 Payment to minors.

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his estate, payment will be made to him upon his request, provided he is of sufficient competency to sign his

name to the request for payment and to understand the nature of the transaction. In general, the fact that the request for payment has been signed by a minor and duly certified will be accepted as sufficient proof of competency and understanding.

**§ 315.52 Payment to a parent or other person on behalf of a minor.**

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his estate, and if such minor owner is not of sufficient competency to sign his name to the request for payment and to understand the nature of the transaction, payment will be made to either parent of the minor with whom he resides or, if the minor does not reside with either parent, then to the person who furnishes his chief support. His parent or the person furnishing his chief support should execute the request for payment and furnish a certificate, which may be typed or written on the back of the bond, as to his right to act for the minor. If a parent signs the request, the certificate and signature thereto should be in substantially the following form:

"I certify that I am the mother (or father) of John C. Jones and the person with whom he resides. He is _____ years of age and is not of sufficient competency and understanding to make this request.

"Mrs. Mary Jones
on behalf of John C. Jones."

If a person other than a parent signs the request, the certificate and signature thereto, including a reference to the person's relationship, if any, to the minor, should be in substantially the following form:

"I certify that John C. Jones does not reside with either parent and that I furnish his chief support. He is _____ years of age and is not of sufficient competency and understanding to make this request.

"Mrs. Alice Brown, grandmother,
on behalf of John C. Jones."

**§ 315.53 Payment or reinvestment upon request of voluntary guardian of incompetent.**

If the adult owner of a bond is incompetent to request and receive payment thereof and no other person is legally qualified to do so, the relative responsible for his care and support or some other person may submit an application as voluntary guardian for redemption of the bond in the following cases:

(a) Where the proceeds of the bond are needed for the support of the incompetent or that of a person legally dependent upon him for support, and the total face amount of bonds belonging to the incompetent for which redemption is requested in any ninety-day period does not exceed $1,000;

(b) Where the bond has matured and it is desired to redeem it and reinvest the proceeds in savings bonds. The proceeds of any matured appreciation type bonds ordinarily will be required to be reinvested in Series E bonds. The proceeds of matured current income bonds may be invested in Series H or Series E bonds. The new bonds must be registered in the name of the incompetent followed by "an incompetent." A living coowner or beneficiary named on the matured bonds must be designated on the new bonds unless he is a competent adult and furnishes a certified statement consenting to omission of his name. If an amount insufficient to purchase an additional bond of any authorized denomination of any series remains after the reinvestment, the voluntary guardian may if he so desires, furnish additional funds sufficient to purchase another bond of either series in the lowest available denomination. If additional funds are not furnished, the remaining amount will be paid to the voluntary guardian for the use and benefit of the incompetent.

**§ 315.54 Reissue.**

A bond of which a minor or other person under legal disability is the owner or in which he has an interest may be reissued upon an authorized reissue transaction under the following conditions:

(a) A minor of sufficient competency to sign his name to the request and to understand the nature of the transaction may request reissue to add a coowner or beneficiary to a bond registered in his name alone or to which he is entitled in his own right.

(b) A bond on which a minor is named as beneficiary or coowner may be reissued in the name of a custodian for the minor under a statute authorizing gifts to minors upon the request of the adult whose name appears on the bond as owner or coowner.

(c) Except to the extent provided in paragraphs (a) and (b) of this section, reissue will be restricted to a form of registration which does not adversely affect the existing ownership or interest of the minor or such other person. Requests for reissue should be executed by the person authorized to request payment under §§ 315.50, 315.52 and 315.53, and in the same manner.

## Subpart L—Natural Person as Sole Owner

**§ 315.55 Payment.**

A savings bond registered in the name of a natural person in his own right, without a coowner or beneficiary, will be paid to him during his lifetime under Subpart H of this part. Upon the death of the owner such bond will be considered as belonging to his estate and will be paid under Subpart O of this part, except as otherwise provided in these regulations.

**§ 315.56 Reissue for certain purposes.**

A savings bond registered in the name of a natural person in his own right may be reissued upon appropriate request by him (subject to the provisions of § 315.54), upon presentation and surrender during his lifetime, for the following purposes:

(a) *Addition of a coowner or beneficiary.* To name another natural person as coowner or as beneficiary. Form PD 1787 should be used.

(b) *Divorce or annulment.* To name as registered owner the other party to a divorce or annulment occurring after issue of the bond. Form PD 3360 should be used.

(c) *Certain degrees of relationship.* To name as registered owner a person related to the owner as provided in § 315.61(a)(1)(i), with a beneficiary or coowner, if so desired. Form PD 3360 should be used.

(d) *Trustees.* To name the trustee of (1) a personal trust estate created by the owner, or (2) a trust created by other than the owner if the beneficiary of the trust and the owner are related as provided in § 315.61(a)(1)(i). Form PD 1851 should be used.

## Subpart M—Two Natural Persons as Coowners

**§ 315.60 Payment during the lives of both coowners.**

A savings bond registered in coownership form, for example, "John A. Jones or Mrs. Mary C. Jones," will be paid to either upon his separate request, and upon payment to him the other shall cease to have any interest in the bond. If both request payment jointly, payment will be made by check drawn to their order jointly, for example, "John A. Jones AND Mrs. Mary C. Jones."

**§ 315.61 Reissue during the lives of both coowners.**

(a) *General.* A bond registered in coownership form may be reissued upon its presentation and surrender during the lifetime and competency of both coowners, upon the request of both, as follows:

(1) In the name of either coowner, alone or with a new coowner or beneficiary—

(i) If the coowner whose name is to remain on the bond is related to the coowner whose name is to be eliminated as: husband, wife; parent, child (including stepchild); brother, sister (including the half blood, stepbrother, stepsister, or brother or sister through adoption); grandparent, grandchild; great grandparent, great grandchild; uncle, aunt, nephew, niece (including a child of a brother or sister of the present spouse); granduncle, grandaunt, grandnephew, grandniece; father-in-law, mother-in-law, son-in-law, daughter-in-law; brother-in-law, sister-in-law.

(ii) If one of them marries after issue of the bond.

(iii) If they are divorced or legally separated from each other, or their marriage is annulled, after issue of the bond.

(2) In the name of a third person related to either coowner, as provided in subparagraph (1)(i) of this paragraph, with a coowner or beneficiary, if so desired. (Form PD 1938 should be used for any of the above classes.)

(3) In the name of a trustee of (i) a personal trust estate created by either coowner, or (ii) a trust created by other than a coowner if the beneficiary of the trust is related to either coowner as provided in subparagraph (1)(i) of this paragraph. Form PD 1851 should be used.

(b) *Minor coowners.* A request for reissue signed by a minor coowner of sufficient competency to sign his name to the request and understand the nature



of the transaction, and for whose estate no representative has been appointed, will be recognized if the bond is to be reissued in his name alone, or in his name with a new coowner or beneficiary. A request for reissue to eliminate the other coowner, signed in behalf of a minor coowner by the representative of his estate will be recognized; however, a request to eliminate the name of the minor will be recognized only if supported by evidence that a court has ordered the representative to request such reissue (see § 315.23). A minor coowner for whose estate no representative has been appointed may be promoted to sole owner upon the request of the competent coowner. A competent coowner may, upon his own request, have the bond reissued to remove his name and name a custodian for the minor under a statute authorizing gifts to minors.

(c) *Incompetent coowners.* Reissue will not be made if one coowner is incompetent and a representative of the incompetent's estate has not been appointed, except to add "an incompetent" after his name or to eliminate the other coowner from the registration. If there is a representative, the provisions of paragraph (b) of this section apply as to his execution of a request for reissue.

**§ 315.62 After the death of one or both coowners.**

If either coowner dies without the bond having been presented and surrendered for payment or authorized reissue, the survivor will be recognized as the sole and absolute owner. Thereafter, payment or reissue will be made as though the bond were registered in the name of the survivor alone (see Subpart L of this part), except that a request for reissue by him must be supported by proof of death of the other coowner, and except further that after the death of the survivor proof of death of both coowners and of the order in which they died will be required. The presentation and surrender of a bond by one coowner for payment establishes his right to receive the proceeds of the bond, and if he should die before the transaction is completed, payment will be made to the legal representative of, or persons entitled to, his estate in accordance with the provisions of Subpart O of this part. If either coowner dies after the bond has been presented and surrendered for authorized reissue (see § 315.47), the bond will be regarded as though reissued during his lifetime.

**§ 315.63 Upon death of both coowners in a common disaster, etc.**

If both coowners die under such conditions that it cannot be established either by presumption of law or otherwise which died first, the bond will be considered as belonging to the estates of both equally, and payment or reissue will be made accordingly. (See Subpart O of this part.)

## Subpart N—Two Natural Persons as Owner and Beneficiary

**§ 315.65 During the lifetime of the registered owner.**

A savings bond registered in beneficiary form, for example, "John A. Jones payable on death to Mrs. Mary C. Jones," will be paid or reissued upon presentation and surrender during the lifetime of the registered owner, as follows:

(a) *Payment.* The bond will be paid to the registered owner during his lifetime upon his properly executed request as though no beneficiary had been named in the registration. The presentation and surrender of the bond by the registered owner for payment establishes his exclusive right to the proceeds of the bond, and if he should die before the transaction is completed, payment will be made to the legal representative of, or the persons entitled to, his estate upon receipt of proof of the appointment and qualification of the representative or the identity of the persons entitled, in accordance with the provisions of Subpart O of this part.

(b) *Reissue.* (1) The bond will be reissued on a duly certified request of the owner:

(i) To name the beneficiary designated on the bond as coowner. Form PD 1787 should be used.

(ii) To eliminate his name as owner and to name as owner a custodian for the beneficiary, if a minor, under a statute authorizing gifts to minors. Form PD 3360 should be used.

(iii) To eliminate the beneficiary, to substitute another person as beneficiary, or to name another person as coowner, if the request of the owner is supported by the beneficiary's duly certified consent to elimination of his name or by proof of his death.[10] Form PD 1787 should be used.

(iv) In the name of a trustee of (*a*) a personal trust estate created by the owner, or (*b*) a trust created by other than the owner if the owner and the beneficiary of the trust are related as provided in § 315.61(a)(1)(i), and the request of the owner is supported by the duly certified consent of the beneficiary, or by proof of his death.[10] Form PD 1851 should be used by the owner and the beneficiary.

**§ 315.66 After the death of the registered owner.**

If the registered owner dies without the bond having been presented and surrendered for payment or authorized reissue and is survived by the beneficiary, upon proof of death of the owner the beneficiary will be recognized as the sole and absolute owner, and payment or reissue will be made as though the bond were registered in his name alone (see Subpart L of this part).

## Subpart O—Deceased Owners

**§ 315.70 General.**

Upon the death of the owner of a savings bond who is not survived by a coowner or designated beneficiary and who had not during his lifetime presented and surrendered the bond for payment or an authorized reissue, the bond will be considered as belonging to his estate and will be paid or reissued accordingly as hereinafter provided, except that reissue under this subpart will not be permitted if otherwise in conflict with these regulations. If the person entitled is an alien who is a resident of an area with respect to which the Treasury Department restricts or regulates the delivery of checks drawn against funds of the United States of America or any agency or instrumentality thereof, payment of the principal of and interest on the bond will not be made to such person so long as the restriction applies.[3] A creditor is entitled only to payment of a bond to the extent of not more than the unpaid balance of his claim.

**§ 315.71 Special provisions applicable to small amounts of savings bonds, interest checks or redemption checks.**

Entitlement to, or the authority to dispose of, a small amount of bonds and checks issued in payment thereof or in payment of interest thereon, belonging to the estate of a decedent, may be established through the use of certain short forms, according to the aggregate face amount of bonds and checks involved (excluding checks representing interest on the bonds), as indicated by the following table:

| Amount | Circumstances | Form | To be executed by |
|---|---|---|---|
| $100 | No administration | PD 2216 | Person who paid burial expenses. |
| $500 | Estate being administered | PD 2488-1 | Executor or administrator. |
| $500 | Estate settled | PD 2458 | Former executor or administrator, attorney or other qualified person. |

**§ 315.72 Estates administered.**

(a) *In course of administration.* If the estate of a decedent is being administered in court, the bond will be paid to the duly qualified representative of the estate or will be reissued in the names of the persons entitled to share in the estate, upon the request of the representative and compliance with the following requirements:

(1) Where there are two or more legal representatives, all must join in the request for payment or reissue, except as provided in §§ 315.77 and 315.78.

(2) The request for payment or reissue should be signed in the form, for example, "John A. Jones, administrator of the estate (or executor of the will) of Henry W. Jones, deceased," and must be supported by proof of the representative's authority in the form of a court certificate or a certified copy of the representative's letters of appointment. The certificate or the certification to the letters must be under seal of the court and, except in the case of a corporate representative, must contain a statement that the appointment is in full force and should be dated within six months of the

[10] The provisions of this section do not apply to bonds on which the Treasurer of the United States of America is named as beneficiary.

[3] See Department Circular No. 655, as amended (Part 211 of this chapter).

date of presentation of the bond, unless the certificate or letters show that the appointment was made within one year immediately prior to such presentation.

(3) In case of reissue the legal representative of the estate should certify that each person in whose name reissue is requested is entitled to the extent specified for each and has consented to such reissue. A request for reissue by the legal representative should be made on Form PD 1455. If a person in whose name reissue is requested desires to name a coowner or beneficiary, such person should execute an additional request for that purpose, using Form PD 1787.

(b) *After settlement through court proceedings.* If the estate of the decedent has been settled in court, the bond will be paid to, or reissued in the name of, the person entitled thereto as determined by the court. The request for payment or reissue should be made by the person shown to be entitled, supported by a duly certified copy of the representative's final account as approved by the court, decree of distribution, or other pertinent court records, supplemented, if there are two or more persons having an apparent interest in the bond, by an agreement executed by them concerning the disposition of the bond. Form PD 1787 should be used.

**§ 315.73 Estates not administered.**

(a) *Special provisions under State laws.* When there is special provision under State law for the recognition or appointment of someone to receive or distribute the assets of a decedent's estate after compliance with the requirements of such law, the person authorized to receive or distribute the assets of the decedent's estate may submit appropriate evidence thereof, certified under court seal, for the purpose of receiving payment or making distribution of a bond.

(b) *Agreement of persons entitled.* When it appears that no legal representative of a decedent's estate has been or will be appointed, the bond will be paid to, or reissued in the name of, the person or persons entitled, including those entitled as donees of a gift causa mortis, pursuant to an agreement and request by all persons entitled to share in the decedent's personal estate. A form of agreement for settlement without administration, Form PD 1946–1, should be used for cases in which the total face amount of bonds and redemption and interest checks belonging to the decedent's estate is in excess of $500. Where the total face amount does not exceed $500, Form PD 1946 may be used. If the persons entitled to share in the personal estate include minors or incompetents, payment or reissue of the bond will not be permitted without administration except to them or in their names unless their interests are otherwise protected to the satisfaction of the Treasury Department.

## Subpart P—Fiduciaries

**§ 315.75 Payment.**

A savings bond registered in the name of a fiduciary or otherwise belonging to a fiduciary estate will be paid to the fiduciary or fiduciaries in accordance with the provisions of §§ 315.77 and 315.78.

**§ 315.76 Reissue.**

(a) *In the name of person entitled—*(1) *Distribution of trust estate in kind.* A bond to which a beneficiary of a trust estate has become lawfully entitled in his own right or in a fiduciary capacity, in whole or in part, under the terms of a trust instrument, will be reissued in his name to the extent of his interest, upon the request of the trustee or trustees and their certification that such person is entitled and has agreed to reissue in his name.

(2) *After termination of trust estate.* If the person who would be lawfully entitled to a bond upon the termination of a trust does not desire to have distribution made to him in kind, as provided in subparagraph (1) of this paragraph, the trustee or trustees should present the bond for payment before the estate is terminated. If, however, the estate is terminated without such payment or reissue having been made, the bond will thereafter be paid to or reissued in the name of the person lawfully entitled upon his request and satisfactory proof of ownership, supplemented, if there are two or more persons having any apparent interest in the bond, by an agreement executed by all such persons concerning the disposition of the bond.

(3) *Upon termination of guardianship estate.* If the estate of a minor or incompetent or of an absentee is terminated, during the ward's lifetime, a bond registered to show that there is a representative of the estate will be reissued in the name of the former ward upon the representative's request and certification that the former ward is entitled and has agreed to reissue in his name (Form PD 1455 should be used), or will be paid to or reissued in the name of the former ward upon his own request, supported in either case by satisfactory evidence that his disability has been removed or that an absentee has returned to claim his property. Certification by the representative that a former minor has attained his majority, that a former incompetent has been legally restored to competency, that a legal disability of a female ward has been removed by marriage, if the state law so provides, or that an absentee has appeared to claim his property, will ordinarily be accepted as sufficient (see § 315.77 if the representative's name is not shown in the registration). Upon the termination of the estate as the result of the death of the ward, a bond registered to show that there is a representative of his estate will be reissued in accordance with the provisions of Subpart O of this part.

(4) *Upon termination of life estate.* Upon the death of a life tenant, a bond registered in his name as life tenant may be reissued in the name of the person or persons entitled pursuant to an agreement and request of all of the persons having an interest in the remainder.

(b) *In the name of a succeeding fiduciary.* If a fiduciary in whose name a bond is registered has been succeeded by another, the bond will be reissued in the name of the succeeding fiduciary upon appropriate request and satisfactory evidence of successorship. Form PD 1455 should be used.

(c) *In the name of financial institution as trustee of common trust fund.* A bond held by a bank, trust company, or other financial institution as a trustee, guardian or similar representative, executor or administrator may be reissued in its name as trustee of its common trust fund to the extent that participation therein by the institution in such capacity is authorized by law or applicable regulations. A request for reissue to the institution as trustee of its common trust fund should be executed on its behalf in the capacity in which the bond is held and by the co-fiduciary, if any. Form PD 1455 should be used.

**§ 315.77 Requests for reissue or payment prior to maturity or extended maturity.**

The following rules apply to both requests for reissue and payment by fiduciaries: A request for reissue or payment prior to maturity, or extended maturity for bonds for which an optional extension period has been provided, must be signed by all acting fiduciaries unless by express statute, decree of court, or the terms of the instrument under which the fiduciaries are acting, some one or more of them may properly execute the request. If the fiduciaries named in the registration are still acting, no further evidence of authority will be required. Otherwise, a request must be supported by evidence as specified below:

(a) *Fiduciaries by title only.* If the bond is registered in the titles, without the names, of fiduciaries not acting as a board, satisfactory evidence of their incumbency must be furnished, except in the case of bonds registered in the title of public officers as trustees.

(b) *Succeeding fiduciaries.* If the fiduciaries in whose names the bond is registered have been succeeded by other fiduciaries, satisfactory evidence of successorship must be furnished.

(c) *Boards, committees, etc.* A savings bond registered in the name of a board, committee, commission, or other body, empowered to act as a unit and to hold title to the property of a religious, educational, charitable, or non-profit organization or public corporation will be paid upon a request for payment signed in the name of the board or other body by an authorized officer thereof. A request so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority. The check in payment of the bond will be drawn in the name of the board or other body as fiduciary for the organization named in the registration or shown by satisfactory evidence to be entitled as successor thereto.

(d) *Corporate fiduciaries.* If a public or private corporation or a political body, such as a state or county, is acting as a fiduciary, a request must be signed in the name of the corporation or other body in the fiduciary capacity in which it is acting, by an authorized officer thereof. A request so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority.

(e) *Registration not disclosing trust or other fiduciary estate.* If the registration of the bond does not show that it belongs to a trust or other fiduciary estate or does not identify the estate to which it belongs, satisfactory evidence of ownership must be furnished in addition to any other evidence required by this section.

**§ 315.78 Requests for payment at or after maturity.**

A request for payment at or after maturity, or extended maturity for bonds for which an optional extension period has been provided, signed by any one or more acting fiduciaries, will be accepted. Payment ordinarily will be made by check drawn as the bond is inscribed.

## Subpart Q—Private Organizations (Corporations, Associations, Partnerships, etc.) and Governmental Agencies, Units and Officers

**§ 315.80 Payment to corporations or unincorporated associations.**

A savings bond registered in the name of a private corporation or an unincorporated association will be paid to the corporation or unincorporated association upon request for payment on its behalf by a duly authorized officer thereof. The signature to the request should be in the form, for example, "The Jones Coal Company, a corporation, by John Jones, President," or "The Lotus Club, an unincorporated association, by William A. Smith, Treasurer." A request for payment so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority.

**§ 315.81 Payment to partnerships.**

A savings bond registered in the name of an existing partnership will be paid upon a request for payment signed by a general partner. The signature to the request should be in the form, for example, "Smith and Jones, a partnership, by John Jones, a general partner." A request for payment so signed and duly certified will ordinarily be accepted as sufficient evidence that the partnership is still in existence and that the person signing the request is duly authorized.

**§ 315.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.**

A savings bond registered in the name of a private corporation, an unincorporated association, or a partnership which has been succeeded by another corporation, unincorporated association, or partnership by operation of law or otherwise, as the result of merger, consolidation, incorporation, reincorporation, conversion, or reorganization, or which has been lawfully succeeded in any manner whereby the business or activities of the original organization are continued without substantial change, will be paid to or reissued in the name of the succeeding organization upon appropriate request on its behalf, supported by satisfactory evidence of successorship. Form PD 1540 should be used.

**§ 315.83 Reissue or payment on dissolution of corporation or partnership.**

(a) *Corporations.* A savings bond registered in the name of a private corporation which is in the process of dissolution will be paid to the authorized representative of the corporation upon a duly executed request for payment, supported by satisfactory evidence of the representative's authority. Upon the termination of dissolution proceedings, the bond may be reissued in the names of those persons, other than creditors, entitled to the assets of the corporation, to the extent of their respective interests. Reissue under this subsection will be made upon the duly executed request of the authorized representative of the corporation and upon proof that all statutory provisions governing the dissolution of the corporation have been complied with and that the persons in whose names reissue is requested are entitled and have agreed to the reissue. If the dissolution proceedings are under the direction of a court, a certified copy of an order of the court, showing the authority of the representative to make the distribution requested, must be furnished.

(b) *Partnerships.* A savings bond registered in the name of a partnership which has been dissolved by death or withdrawal of a partner, or in any other manner, will be paid upon a request for payment by any partner or partners authorized by law to act on behalf of the dissolved partnership, or will be paid to or reissued in the names of the persons, other than creditors, entitled thereto as the result of such dissolution to the extent of their respective interests, upon their request supported by satisfactory evidence of their title, including proof that the debts of the partnership have been paid or properly provided for. Form PD 2514 should be used.

**§ 315.84 Payment to institutions (churches, hospitals, homes, schools, etc.).**

A savings bond registered in the name of a church, hospital, home, school, or similar institution without reference in the registration to the manner in which it is organized or governed or to the manner in which title to its property is held will be paid upon a request for payment signed on behalf of such institution by an authorized representative. For the purpose of this section, a request for payment signed by a pastor of a church, superintendent of a hospital, president of a college, or by any official generally recognized as having authority to conduct the financial affairs of the particular institution will ordinarily be accepted without further proof of his authority. The signature to the request should be in the form, for example, "Shriners' Hospital for Crippled Children, St. Louis, Mo., by William A. Smith, superintendent," or "St. Mary's Roman Catholic Church, Albany, N.Y., by John Jones, pastor."

**§ 315.85 Reissue in name of trustee or agent for investment purposes.**

A savings bond registered in the name of a religious, educational, charitable or nonprofit organization, whether or not incorporated, may be reissued in the name of a bank, trust company or other financial institution, or an individual, as trustee or agent under an agreement with the organization under which the trustee or agent holds funds of the organization, in whole or in part, for the purpose of investing and reinvesting the principal and paying the income to the organization. Form PD 2177 should be used and should be signed on behalf of the organization by an authorized officer.

**§ 315.86 Reissue upon termination of investment agency.**

A savings bond registered in the name of a bank, trust company, or other financial institution, or individual, as agent for investment purposes only, under an agreement with a rellgious, educational, charitable, or nonprofit organization, may be reissued in the name of the organization upon termination of the agency. The former agent should request such reissue and should certify that the organization is entitled by reason of the termination of the agency, using Form PD 1455. If such request and certification are not obtainable, the bond will be reissued in the name of the organization upon its own request, supported by satisfactory evidence of the termination of the agency.

**§ 315.87 Payment to governmental agencies and units.**

A savings bond registered in the name of a state, county, city, town, or village, or in the name of a federal, state, or local governmental agency such as a board, commission, or corporation, will be paid upon a request signed in the name of the governmental agency or unit by a duly authorized officer thereof. A request for payment so signed and duly certified will ordinarily be accepted without further proof of the officer's authority.

**§ 315.88 Payment to Government officers.**

A savings bond registered in the official title of an officer of a governmental agency or unit will be paid upon a request for payment signed by the designated officer. The fact that the request for payment is so signed and duly certified will ordinarily be accepted as proof that the person signing is the incumbent of the designated office.

## Subpart R—Miscellaneous Provisions

**§ 315.90 Waiver of regulations.**

The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of these regulations in any particular case or class of cases for the convenience of the United States of America or in order to relieve any person or persons of unnecessary hardship, if such action would not be inconsistent with law and would not impair any existing rights, and if he is satisfied that such action would not

subject the United States of America to any substantial expense or liability.

**§ 315.91 Additional requirements; bond of indemnity; taxpayer identifying numbers.**

The Secretary of the Treasury may require (a) such additional evidence as he may consider necessary or advisable, (b) a bond of indemnity, with or without surety, in any case where he may consider such a bond necessary for the protection of the interests of the United States of America, and (c) without prior notice, that appropriate taxpayer identifying numbers be furnished for issue, reissue, or payment of any savings bond.

**§ 315.92 Preservation of rights.**

Nothing contained in these regulations shall be construed to limit or restrict existing rights which holders of savings bonds heretofore issued may have acquired under the circulars offering the bonds for sale or under the regulations in force at the time of purchase.

**§ 315.93 Supplements, amendments, or revisions.**

The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory, or revised rules and regulations governing United States Savings Bonds.

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## PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Department Circular No. 653, Fifth Revision, dated September 23, 1959, as amended (31 CFR 316), is hereby further amended and issued as the Sixth Revision.[1]

Sec.
- 316.1 Offering of bonds.
- 316.2 Description of bonds currently offered.
- 316.3 Governing regulations.
- 316.4 Registration.
- 316.5 Limitations on holdings.
- 316.6 Purchase of bonds.
- 316.7 Delivery of bonds by mail.
- 316.8 Extended terms and improved yields for outstanding bonds.
- 316.9 Taxation.
- 316.10 Payment or redemption.
- 316.11 Reservation as to issue of bonds.
- 316.12 Preservation of rights.
- 316.13 Fiscal agents.
- 316.14 Reservations as to terms of offer.

AUTHORITY: The provisions of this Part 316 issued under authority of sections 22 and 25 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended, and 73 Stat. 621 (31 U.S.C. 757c, 757c-1).

**§ 316.1 Offering of bonds.**

The Secretary of the Treasury offers for sale to the people of the United States, United States Savings Bonds of Series E, hereinafter generally referred to as Series E bonds. These bonds are substantially a continuation of the Series E bonds heretofore available, except as otherwise indicated herein. This offering of bonds will continue until terminated by the Secretary of the Treasury.

**§ 316.2 Description of bonds currently offered.**

(a) *General.* Series E bonds bear a facsimile of the signature of the Secretary of the Treasury and of the Seal of the Treasury Department. The bonds are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series E bonds are issued on a discount basis of 75 percent of their face values. The denominations and issue prices are:

| *Denomination (face value)* | *Issue (purchase) price* |
|---|---|
| $25 | $18.75 |
| $50 | 37.50 |
| $75 | 56.25 |
| $100 | 75.00 |
| $200 | 150.00 |
| $500 | 375.00 |
| $1,000 | 750.00 |
| $10,000 | 7,500.00 |
| $100,000 [2] | 75,000.00 |

(c) *Inscription and issue.* At the time of issue the issuing agent will (1) inscribe on the face of each Series E bond the name and address of the owner, and the name of the beneficiary, if any, or the name and address of one coowner, and the name of the other coowner, (2) enter in the upper right-hand portion of the bond the issue date, and (3) imprint the agent's dating stamp in the lower right-hand portion to show the date the bond is actually inscribed. A Series E bond shall be valid only if an authorized issuing agent receives payment therefor and duly inscribes, dates, stamps, and makes delivery of the bond in accordance with the purchaser's instructions. The Treasury Department may require, without prior notice, that the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service be furnished for inclusion in the inscription.

(d) *Term.* A Series E bond shall be dated as of the first day of the month in which payment of the issue price is received by an agent authorized to issue such bonds. This date is the issue date and the bond will mature and be payable at face value 7 years and 9 months from such issue date. The bond may not be called for redemption by the Secretary of the Treasury prior to maturity or the end of the extended maturity period (see § 316.8(a)(1)). The bond may be redeemed at the owner's option at any time after two months from issue date at fixed redemption values; however, the Treasury Department may require reasonable notice of presentation of a bond for redemption prior to maturity. The owner has the option of continuing to hold the bond for an extended maturity period at a rate of interest to be determined prior to the original maturity of such bond.

(e) *Investment yield (interest).* The investment yield (interest) on a Series E bond will be approximately 3.75 percent per annum compounded semiannually if the bond is held to maturity; [3] but the yield will be less if the bond is redeemed prior to maturity. The interest will be paid as a part of the redemption value. During the first six months from issue date the bonds will be redeemable only at issue price. The redemption value will increase at the end of the first half-year period from issue date and successive periods thereafter (see Table 1).

**§ 316.3 Governing regulations.**

Series E bonds are subject to the regulations of the Treasury Department, now or hereafter prescribed, governing United States Savings Bonds, contained in Department Circular No. 530, current revision (Part 315 of this chapter).[4]

**§ 316.4 Registration.**

(a) *General.* Generally, only residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Canal Zone and citizens of the United States temporarily residing abroad are eligible to be named as owners of Series E bonds. The bonds may be registered in the names of natural persons in their own right as provided in paragraph (b) of this section, and in the names and titles or capacities of fiduciaries and organizations as provided in paragraph (c) of this section. Full information regarding authorized forms of registration and restrictions with respect thereto will be found in the governing regulations.

(b) *Natural persons in their own right.* The bonds may be registered in the names of natural persons (whether adults or minors) in their own right, in single ownership, coownership, and beneficiary forms.

(c) *Others.* The bonds may be registered in single ownership form in the names of fiduciaries and private and public organizations, as follows:

(1) *Fiduciaries.* In the names of and showing the titles or capacities of any persons or organizations, public or private, as fiduciaries (including trustees, legal guardians or similar representatives, and certain custodians), but not where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation, or service.

(2) *Private and public organizations.* In the names of private or public organizations (including private corporations, partnerships, and unincorporated associations, and States, counties, public corporations, and other public bodies) in their own right, but not in the names of commercial banks.[5]

**§ 316.5 Limitations on holdings.**

The amount of Series E bonds originally issued during any one calendar year that may be held by any one person, at any one time, computed in accordance with the governing regulations, is limited, as follows:

(a) *General limitation.* $10,000 (face value) for the calendar year 1959 and each calendar year thereafter.

(b) *Special limitation for owners of savings bonds of Series F, G, J and K.* Owners, except commercial banks [6] in their own right (as distinguished from a representative or fiduciary capacity), of outstanding bonds of Series F and G, all of which are now matured, and bonds of Series J and K, at or after maturity, may purchase Series E bonds with the proceeds of redemption without regard to the general limitation on holdings, under the following restrictions and conditions:

(1) The bonds must be presented to a Federal Reserve Bank or Branch, the Office of the Treasurer of the United States, Securities Division, or the Bureau of the Public Debt, Division of Loans and Currency Branch, for the specific purpose of taking advantage of this privilege. The Series E bonds will be dated as of the first day of the month in which the bonds presented are received by the agency.

(2) Series E bonds may be purchased with the proceeds of the bonds presented only up to the denominational amounts that the proceeds thereof will fully cover. Any difference between such proceeds and the purchase price of the Series E bonds will be paid to the owner.

(3) The Series E bonds will be registered in the name of the owner in any authorized form of registration, subject to the restrictions prescribed by the governing regulations.

(4) This privilege will continue until terminated by the Secretary of the Treasury.

(c) *Special limitation for employees' savings plans.* $2,000 (face value) multiplied by the highest number of participants in an employees' savings plan, as defined in subparagraph (1) of this paragraph, at any time during the year in which the bonds are issued.[6]

(1) *Definition of plan and conditions of eligibility.* (i) The employees' savings plan must have been established by the employer for the exclusive and irrevocable benefit of his employees or their beneficiaries, afford employees the means of making regular savings from their wages through payroll deductions, and provide for employer contributions to be added to such savings.

(ii) The entire assets thereof must be credited to the individual accounts of participating employees and assets credited to the account of an employee may be distributed only to him or his beneficiary, except as otherwise provided herein.

(iii) Series E bonds may be purchased only with assets credited to the accounts of participating employees and only if the amount taken from any account at any time for that purpose is equal to the purchase price of a bond or bonds in an authorized denomination or denominations, and shares therein are credited to the accounts of the individuals from which the purchase price thereof was derived, in amounts corresponding with their shares. For example, if $37.50 credited to the account of John Jones is commingled with funds credited to the accounts of other employees to make a total of $7,500, with which a Series E bond in denomination of $10,000 (face value) is purchased in January 1965 and registered in the name and title of the trustee or trustees, the plan must provide, in effect, that John Jones' account shall be credited to show that he is the owner of a Series E bond in the denomination of $50 (face value) bearing the issue date of January 1, 1965.

(iv) Each participating employee shall have an irrevocable right at any time to demand and receive from the trustee or trustees all assets credited to his account or the value thereof, if he so prefers, without regard to any condition other than the loss or suspension of the privilege of participating further in the plan, except that a plan will not be deemed to be inconsistent herewith if it limits or modifies the exercise of any such right by providing that the employer's contribution does not vest absolutely until the employee shall have made contributions under the plan in each of not more than 60 calendar months succeeding the month for which the employer's contribution is made.

(v) Upon the death of an employee, his beneficiary shall have the absolute and unconditional right to demand and receive from the trustee or trustees all the assets credited to the account of the employee, or the value thereof, if he so prefers.

(vi) When settlement is made with an employee or his beneficiary with respect to any Series E bond registered in the name and title of the trustee or trustees in which the employee has a share (see subdivision (ii) of this subparagraph), the bond must be submitted for redemption or reissue to the extent of such share; if an employee or his beneficiary is to receive distribution in kind, bonds bearing the same issue dates as those credited to the employee's account will be reissued in the name of the distributee to the extent to which he is entitled, in authorized denominations, in any authorized form of registration, upon the request and certification of the trustee or trustees in accordance with the regulations governing United States Savings Bonds.

(2) *Definitions of terms used in this section and related provisions.* (i) The term "savings plan" includes any regulations issued under the plan with regard to Series E bonds; a copy of the plan and any such regulations, together with a copy of the trust agreement certified by a trustee to be true copies, must be submitted to the Federal Reserve Bank of the District in order to establish the eligibility of the trustee or trustees to purchase bonds in excess of the general limitation in any calendar year.

(ii) The term "assets" means all funds, including the employees'- contributions and employer's contributions and assets purchased therewith as well as accretions thereto, such as dividends on stock, the increment in value on bonds and all other income; but, notwithstanding any other provision of this section, the right to demand and receive "all assets" credited to the account of an employee shall not be construed to require the distribution of assets in kind when it would not be possible or practicable to make such distribution; for example, Series E bonds may not be reissued in unauthorized denominations, and fractional shares of stock are not readily distributable in kind.

(iii) The term "beneficiary" means the person or persons, if any, designated by the employee in accordance with the terms of the plan to receive the benefits of the trust upon his death or the estate of the employee, and the term "distributee" means the employee or his beneficiary.

**§ 316.6 Purchase of bonds.**

Series E bonds may be purchased, as follows:

(a) *Over-the-counter for cash*—(1) *Bonds registered in names of natural persons in their own right only.* At such incorporated banks, trust companies, and other agencies as have been duly qualified as issuing agents and at selected United States post offices.

(2) *Bonds registered in all authorized forms.* At Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220.

(b) *On mail order.* By mail upon application to any Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, accompanied by a remittance to cover the issue price. Any form of exchange, including personal checks, will be accepted subject to collection. Checks or other forms of exchange should be drawn to the order of the Federal Reserve Bank or the Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable. Any depositary qualified pursuant to the provisions of Treasury Department Circular No. 92, Revised, as amended (Part 203 of this chapter), will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

(c) *Savings stamps.* Savings stamps, in authorized denominations, may be purchased at any post office where Series E bonds are on sale and at such other

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[1] The basic terms of the bonds offered under the Fifth Revision have not been changed. The material in the Fifth Revision and its three amendments has been reorganized and edited in connection with the publication of the 1965 edition of Title 31 of the Code of Federal Regulations.

[2] The $100,000 denomination is available only for purchase by trustees of employees' savings plans as described in Sec. 316.5(c).

[3] Under authority of section 25, 73 Stat. 621 (31 U.S.C. 757c-1), the President of the United States on September 22, 1959, concluded that with respect to Series E bonds it was necessary in the national interest to exceed the maximum interest rate and investment yield prescribed by section 22 of the Second Liberty Bond Act, as amended (31 U.S.C. 757c).

[4] Copies may be obtained from any Federal Reserve Bank or Branch, or the Bureau of the Public Debt, Washington, D.C., 20220, or its Chicago office, 536 South Clark St., Chicago, Ill., 60605.

[5] Commercial banks, as defined in Section 315.7(d)(2) of Department Circular No. 530, current revision, the governing regulations, for this purpose are those accepting demand deposits.

[6] Savings and vacation plans may be eligible for this special limitation. Questions concerning eligibility of such plans should be addressed to the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark St., Chicago, Ill., 60605.

agencies as may be designated from time to time. The stamps may be used to accumulate credits for the purchase of Series E bonds. Albums for affixing the stamps will be available without charge, and such albums will be receivable by any authorized issuing agent in the amount of the affixed stamps on the purchase price of the bonds.

**§ 316.7 Delivery of bonds by mail.**

Issuing agents are authorized to deliver Series E bonds by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone. No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

**§ 316.8 Extended terms and improved yields for outstanding bonds.**

(a) *Optional extension privileges*—(1) *General.* The term "optional extension privilege," when used herein, means the privilege of retaining Series E bonds after maturity for a period, known as the extended maturity period," or as the "second extended maturity period," and of earning interest upon the maturity values or extended maturity values thereof, as the case may be.[7] The tables at the end of this circular, which are incorporated herein, show the redemption values and investment yields. No special action is required of owners desiring to take advantage of any optional extension privilege. Merely by continuing to hold their bonds after maturity, they will continue to earn further interest. Interest will accrue at the end of the first half-year period following maturity or extended maturity and at the end of each successive half-year period thereafter until final maturity.

(2) *For bonds with issue dates of May 1, 1941, through May 1, 1949.* Owners of Series E bonds with issue dates of May 1, 1941, through May 1, 1949, have the option of retaining their bonds for a second extended maturity period of ten years.

(3) *For bonds with issue dates of June 1, 1949, through April 1, 1957.* Owners of Series E bonds with issue dates of June 1, 1949, through April 1, 1957, have the option of continuing to hold their bonds for an extended maturity period of ten years.

(4) *For bonds with issue date of May 1, 1957, or thereafter.* Owners of Series E bonds with issue date of May 1, 1957, or thereafter have the option of continuing to hold such bonds for an extended maturity period of ten years at rates of interest to be determined prior to the original maturity of such bonds.

(b) *Improved yields*—(1) *For bonds with issue dates of May 1, 1941, through May 1, 1949.* The investment yields on outstanding Series E bonds with issue dates of May 1, 1941, through May 1, 1949, have been increased for the remaining period of their extended maturity by not less than six-tenths of one percent per annum on bonds with issue dates of May 1, 1941, through April 1, 1942, and five-tenths of one percent per annum on bonds with issue dates of May 1, 1942, through May 1, 1949, if held to the end of the extended maturity period, and by lesser amounts if redeemed earlier.[8] The resulting yields are in terms of rate percent per annum, compounded semiannually. The first increase accrued one-half year after June 1, 1959, for bonds with the issue month of June or December of any year prior to 1949. For any other bond referred to in this paragraph, the increase accrued one-half year from the next date, after June 1, 1959, on which, in accordance with its original terms, the redemption value increased. See Tables 2 through 19 for revised redemption values and investment yields.

(2) *For bonds with issue dates of June 1, 1949, through April 1 1957.*[9] The investment yields on outstanding Series E bonds with issue dates of June 1, 1949, through April 1, 1957, have been increased for the extended maturity period by approximately three-fourths of one percent per annum, compounded semiannually for bonds held at the end of that period and by lesser amounts if redeemed earlier. See Tables 20 through 37 for revised redemption values and investment yields.

(3) *For bonds with issue dates of May 1, 1957, through May 1, 1959.*[9] The investment yields on outstanding Series E bonds with issue dates of May 1, 1957, through May 1, 1959, have been increased by five-tenths of one percent per annum if held to original maturity and by lesser amounts if redeemed earlier. The resulting yields are in terms of rate percent per annum, compounded semiannually. The first increase accrued one-half year from June 1, 1959, for any bond with the issue month of June or December of any year prior to 1959. For any other bond referred to in this paragraph the increase accrued one-half year from the next date, after June 1, 1959, on which, in accordance with its original terms, its redemption value increased. See Tables 38 through 42 for the revised redemption values and investment yields.

**§ 316.9 Taxation.**

(a) *General.* For the purpose of determining taxes and tax exemptions, the increment in value represented by the difference between the price paid for Series E bonds (which are issued on a discount basis) and the redemption value received therefor shall be considered as interest. Such interest is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

(b) *Federal income tax on Series E bonds.* An owner of Series E bonds who is a cash basis taxpayer and accordingly not required to report the increase in redemption value of his bonds each year as it accrues is required to include such amount in gross income for Federal income tax purposes for the taxable year of final maturity, actual redemption, or other disposition, whichever is earlier. An owner not reporting the increase in redemption value of such bonds currently for income tax purposes may elect in any year prior to final maturity, subject to the provisions of Section 454 of the Internal Revenue Code of 1954 and the regulations prescribed thereunder, for such year and subsequent years to report such income annually. An owner who is required, or chooses, to report the increase in redemption value of his bonds each year as it accrues must continue to do so so long as he retains the bonds, unless in accordance with the income tax regulations he obtains permission from the Internal Revenue Service to change to a different method of reporting income from such obligations. Inquiry concerning further information on Federal taxes should be addressed to the District Director, Internal Revenue Service, of the taxpayer's district, or the Internal Revenue Service, Washington, D.C., 20224.

**§ 316.10 Payment or redemption.**

(a) *General.* A Series E bond may be redeemed in accordance with its terms at the appropriate redemption value as shown in the applicable tables hereof for bonds bearing various issue dates back to May 1, 1941. The redemption value of bonds in the denomination of $100,000[1] (which was authorized as of January 1, 1954) are not shown in the tables. However, the redemption values of bonds in that denomination will be equal to the total redemption values of ten $10,000 bonds bearing the same issue dates. The redemption values before maturity of bonds in the denominations of $75 (which was authorized as of May 1, 1964) are set forth in Table 1. A Series E bond in a denominaton higher than $25 (face value) may be redeemed in part but only in the amount of an authorized denomination or multiple thereof.

(b) *Federal Reserve Banks and Branches and Treasurer of the United States.* Owners of Series E bonds may obtain payment upon presentation and surrender of the bonds to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, with the requests for payment on the bonds duly executed and certified in accordance with the governing regulations.

(c) *Incorporated banks, trust companies and other financial institutions.* An individual (natural person) whose name is inscribed on a Series E bond either as owner or coowner in his own right may also present such bond to any incorporated bank or trust company or other financial institution which is qualified as a paying agent under Department Circular No. 750, current revision (Part 321 of this chapter). If such bond is in order for payment by the paying agent, the owner or coowner, upon establishing his identity to the satisfaction of the agent and upon signing the request for payment and adding his home or business address, may receive immediate payment of the current redemption value.

**§ 316.11 Reservation as to issue of bonds.**

The Secretary of the Treasury reserves the right to reject any application for Series E bonds, in whole or in part, and to refuse to issue or permit to be issued hereunder any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

**§ 316.12 Preservation of rights.**

Nothing contained herein shall limit or restrict rights which owners of Series E bonds heretofore issued may have acquired under offers previously in force.

**§ 316.13 Fiscal agents.**

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption, and payment of Series E bonds.

**§ 316.14 Reservations as to terms of offer.**

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds (Part 316 of this chapter), or of any amendments or supplements thereto.

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[7] The redemption value of any bond at original maturity is the base upon which interest will accrue during the extended maturity period. The redemption value of any bond at the end of the extended maturity period is the base upon which interest accrues during the second extended maturity period.

[8] The investment yields for the full extended maturity period of the bonds referred to in § 316.8 (a) (2) and (b) (1) were, according to issue dates, as follows:

| | |
|---|---|
| May 1, 1941, through April 1, 1942 | 2.90 |
| May 1, 1942, through May 1, 1949 | 3.00 |

percent per annum, compounded semiannually.

[9] The investment yields for the full original maturity period of bonds referred to in § 316.8(b) (2) and (3), were according to issue dates, as follows:

| | |
|---|---|
| December 1, 1949, through April 1, 1952 | 2.90 |
| May 1, 1952, through January 1, 1957 | 3.00 |
| February 1, 1957, through May 1, 1959 | 3.25 |

These yields were increased, effective one-half year from the next date after June 1, 1959, on which the redemption value increased, by not less than six-tenths of one percent for bonds with issue dates of December 1, 1949, through April 1, 1952, and by five-tenths of one percent for bonds with issue dates of May 1, 1952, through May 1, 1959. All of these yields are in terms of rate percent per annum, compounded semiannually.



TABLES OF REDEMPTION VALUES AND INVESTMENT YIELDS FOR UNITED STATES SAVINGS BONDS OF SERIES E

Each table shows: (1) How bonds of Series E bearing the issue dates covered by the table, by denominations, increase in redemption value during successive half-year periods following issue; (2) the approximate investment yield on the purchase price from issue date to the beginning of each half-year period; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

TABLE 1—BONDS BEARING ISSUE DATES BEGINNING JUNE 1, 1959

| Issue price / Maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $56.25 / 75.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-period[1] (Values increase on first day of period shown) | | | | | | | | (2) On purchase price from issue date to beginning of each half-year period[1] | (3) On current redemption value from beginning of each half-year period[1] to maturity |
| | | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $56.25 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.75 |
| ½ to 1 year | 18.91 | 37.82 | 56.73 | 75.64 | 151.28 | 378.20 | 756.40 | 7,564 | 1.71 | 3.89 |
| 1 to 1½ years | 19.19 | 38.38 | 57.57 | 76.76 | 153.52 | 383.80 | 767.60 | 7,676 | 2.33 | 3.96 |
| 1½ to 2 years | 19.51 | 39.02 | 58.53 | 78.04 | 156.08 | 390.20 | 780.40 | 7,804 | 2.67 | 4.01 |
| 2 to 2½ years | 19.90 | 39.80 | 59.70 | 79.60 | 159.20 | 398.00 | 796.00 | 7,960 | 3.00 | 4.01 |
| 2½ to 3 years | 20.28 | 40.56 | 60.84 | 81.12 | 162.24 | 405.60 | 811.20 | 8,112 | 3.16 | 4.03 |
| 3 to 3½ years | 20.66 | 41.32 | 61.98 | 82.64 | 165.28 | 413.20 | 826.40 | 8,264 | 3.26 | 4.05 |
| 3½ to 4 years | 21.07 | 42.14 | 63.21 | 84.28 | 168.56 | 421.40 | 842.80 | 8,428 | 3.36 | 4.06 |
| 4 to 4½ years | 21.50 | 43.00 | 64.50 | 86.00 | 172.00 | 430.00 | 860.00 | 8,600 | 3.45 | 4.06 |
| 4½ to 5 years | 21.95 | 43.90 | 65.85 | 87.80 | 175.60 | 439.00 | 878.00 | 8,780 | 3.53 | 4.04 |
| 5 to 5½ years | 22.40 | 44.80 | 67.20 | 89.60 | 179.20 | 448.00 | 896.00 | 8,960 | 3.59 | 4.03 |
| 5½ to 6 years | 22.86 | 45.72 | 68.58 | 91.44 | 182.88 | 457.20 | 914.40 | 9,144 | 3.64 | 4.02 |
| 6 to 6½ years | 23.32 | 46.64 | 69.96 | 93.28 | 186.56 | 466.40 | 932.80 | 9,328 | 3.67 | 4.01 |
| 6½ to 7 years | 23.79 | 47.58 | 71.37 | 95.16 | 190.32 | 475.80 | 951.60 | 9,516 | 3.70 | 4.01 |
| 7 to 7½ years | 24.27 | 48.54 | 72.81 | 97.08 | 194.16 | 485.40 | 970.80 | 9,708 | 3.72 | 3.99 |
| 7½ years to 7 years and 9 months | 24.75 | 49.50 | 74.25 | 99.00 | 198.00 | 495.00 | 990.00 | 9,900 | 3.74 | 4.06 |
| Maturity value (7 years and 9 months from issue date) | 25.00 | 50.00 | 75.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | 3.75 | ---------- |

*Approximate investment yield for entire period from issuance to maturity.
[1] 3-month period in the case of the 7½ year to 7 year and 9 month period.

TABLE 2—BONDS BEARING ISSUE DATE OF MAY 1, 1941

| Issue price / Original maturity value / First extended maturity value | $18.75 / 25.00 / 33.63 | $37.50 / 50.00 / 67.26 | $75.00 / 100.00 / 134.52 | $375.00 / 500.00 / 672.60 | $750.00 / 1,000.00 / 1,345.20 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $33.63 | $67.26 | $134.52 | $672.60 | $1,345.20 | 2.94 | 3.75 |
| ½ to 1 year | 34.26 | 68.52 | 137.04 | 685.20 | 1,370.40 | 2.96 | 3.75 |
| 1 to 1½ years | 34.90 | 69.80 | 139.60 | 698.00 | 1,396.00 | 2.98 | 3.75 |
| 1½ to 2 years | 35.56 | 71.12 | 142.24 | 711.20 | 1,422.40 | 3.00 | 3.75 |
| 2 to 2½ years | 36.22 | 72.44 | 144.88 | 724.40 | 1,448.80 | 3.02 | 3.75 |
| 2½ to 3 years | 36.90 | 73.80 | 147.60 | 738.00 | 1,476.00 | 3.03 | 3.75 |
| 3 to 3½ years | 37.60 | 75.20 | 150.40 | 752.00 | 1,504.00 | 3.05 | 3.75 |
| 3½ to 4 years | 38.30 | 76.60 | 153.20 | 766.00 | 1,532.00 | 3.06 | 3.75 |
| 4 to 4½ years | 39.02 | 78.04 | 156.08 | 780.40 | 1,560.80 | 3.08 | 3.75 |
| 4½ to 5 years | 39.75 | 79.50 | 159.00 | 795.00 | 1,590.00 | 3.09 | 3.75 |
| 5 to 5½ years | 40.50 | 81.00 | 162.00 | 810.00 | 1,620.00 | 3.10 | 3.75 |
| 5½ to 6 years | 41.25 | 82.50 | 165.00 | 825.00 | 1,650.00 | 3.12 | 3.75 |
| 6 to 6½ years | 42.03 | 84.06 | 168.12 | 840.60 | 1,681.20 | 3.13 | 3.75 |
| 6½ to 7 years | 42.82 | 85.64 | 171.28 | 856.40 | 1,712.80 | 3.14 | 3.75 |
| 7 to 7½ years | 43.62 | 87.24 | 174.48 | 872.40 | 1,744.80 | 3.15 | 3.75 |
| 7½ to 8 years | 44.44 | 88.88 | 177.76 | 888.80 | 1,777.60 | 3.16 | 3.75 |
| 8 to 8½ years | 45.27 | 90.54 | 181.08 | 905.40 | 1,810.80 | 3.17 | 3.75 |
| 8½ to 9 years | 46.12 | 92.24 | 184.48 | 922.40 | 1,844.80 | 3.18 | 3.75 |
| 9 to 9½ years | 46.98 | 93.96 | 187.92 | 939.60 | 1,879.20 | 3.19 | 3.75 |
| 9½ to 10 years | 47.86 | 95.72 | 191.44 | 957.20 | 1,914.40 | 3.20 | 3.76 |
| Second extended maturity value (20 years from original maturity date)[1] | 48.76 | 97.52 | 195.04 | 975.20 | 1,950.40 | 3.21 | ---------- |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 3—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1941

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 33.73 | 67.46 | 134.92 | 674.60 | 1,349.20 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $33.73 | $67.46 | $134.92 | $674.60 | $1,349.20 | 2.96 | 3.75 |
| ½ to 1 year | 34.36 | 68.72 | 137.44 | 687.20 | 1,374.40 | 2.98 | 3.75 |
| 1 to 1½ years | 35.01 | 70.02 | 140.04 | 700.20 | 1,400.40 | 3.00 | 3.75 |
| 1½ to 2 years | 35.66 | 71.32 | 142.64 | 713.20 | 1,426.40 | 3.01 | 3.75 |
| 2 to 2½ years | 36.33 | 72.66 | 145.32 | 726.60 | 1,453.20 | 3.03 | 3.75 |
| 2½ to 3 years | 37.01 | 74.02 | 148.04 | 740.20 | 1,480.40 | 3.05 | 3.75 |
| 3 to 3½ years | 37.71 | 75.42 | 150.84 | 754.20 | 1,508.40 | 3.06 | 3.75 |
| 3½ to 4 years | 38.41 | 76.82 | 153.64 | 768.20 | 1,536.40 | 3.07 | 3.75 |
| 4 to 4½ years | 39.13 | 78.26 | 156.52 | 782.60 | 1,565.20 | 3.09 | 3.75 |
| 4½ to 5 years | 39.87 | 79.74 | 159.48 | 797.40 | 1,594.80 | 3.10 | 3.75 |
| 5 to 5½ years | 40.62 | 81.24 | 162.48 | 812.40 | 1,624.80 | 3.12 | 3.75 |
| 5½ to 6 years | 41.38 | 82.76 | 165.52 | 827.60 | 1,655.20 | 3.13 | 3.75 |
| 6 to 6½ years | 42.15 | 84.30 | 168.60 | 843.00 | 1,686.00 | 3.14 | 3.75 |
| 6½ to 7 years | 42.94 | 85.88 | 171.76 | 858.80 | 1,717.60 | 3.15 | 3.75 |
| 7 to 7½ years | 43.75 | 87.50 | 175.00 | 875.00 | 1,750.00 | 3.16 | 3.75 |
| 7½ to 8 years | 44.57 | 89.14 | 178.28 | 891.40 | 1,782.80 | 3.17 | 3.75 |
| 8 to 8½ years | 45.40 | 90.80 | 181.60 | 908.00 | 1,816.00 | 3.18 | 3.76 |
| 8½ to 9 years | 46.26 | 92.52 | 185.04 | 925.20 | 1,850.40 | 3.19 | 3.75 |
| 9 to 9½ years | 47.12 | 94.24 | 188.48 | 942.40 | 1,884.80 | 3.20 | 3.76 |
| 9½ to 10 years | 48.01 | 96.02 | 192.04 | 960.20 | 1,920.40 | 3.21 | 3.75 |
| Second extended maturity value (20 years from original maturity date) [1] | 48.91 | 97.82 | 195.64 | 978.20 | 1,956.40 | 3.22 | |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 4—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1941, THROUGH APRIL 1, 1942

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 33.83 | 67.66 | 135.32 | 676.60 | 1,353.20 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $33.83 | $67.66 | $135.32 | $676.60 | $1,353.20 | 2.97 | 3.75 |
| ½ to 1 year | 34.46 | 68.92 | 137.84 | 689.20 | 1,378.40 | 2.99 | 3.75 |
| 1 to 1½ years | 35.11 | 70.22 | 140.44 | 702.20 | 1,404.40 | 3.01 | 3.75 |
| 1½ to 2 years | 35.77 | 71.54 | 143.08 | 715.40 | 1,430.80 | 3.03 | 3.75 |
| 2 to 2½ years | 36.44 | 72.88 | 145.76 | 728.80 | 1,457.60 | 3.04 | 3.75 |
| 2½ to 3 years | 37.12 | 74.24 | 148.48 | 742.40 | 1,484.80 | 3.06 | 3.75 |
| 3 to 3½ years | 37.82 | 75.64 | 151.28 | 756.40 | 1,512.80 | 3.07 | 3.75 |
| 3½ to 4 years | 38.53 | 77.06 | 154.12 | 770.60 | 1,541.20 | 3.09 | 3.75 |
| 4 to 4½ years | 39.25 | 78.50 | 157.00 | 785.00 | 1,570.00 | 3.10 | 3.75 |
| 4½ to 5 years | 39.99 | 79.98 | 159.96 | 799.80 | 1,599.60 | 3.12 | 3.75 |
| 5 to 5½ years | 40.74 | 81.48 | 162.96 | 814.80 | 1,629.60 | 3.13 | 3.75 |
| 5½ to 6 years | 41.50 | 83.00 | 166.00 | 830.00 | 1,660.00 | 3.14 | 3.75 |
| 6 to 6½ years | 42.28 | 84.56 | 169.12 | 845.60 | 1,691.20 | 3.15 | 3.75 |
| 6½ to 7 years | 43.07 | 86.14 | 172.28 | 861.40 | 1,722.80 | 3.16 | 3.75 |
| 7 to 7½ years | 43.88 | 87.76 | 175.52 | 877.60 | 1,755.20 | 3.17 | 3.75 |
| 7½ to 8 years | 44.70 | 89.40 | 178.80 | 894.00 | 1,788.00 | 3.18 | 3.75 |
| 8 to 8½ years | 45.54 | 91.08 | 182.16 | 910.80 | 1,821.60 | 3.19 | 3.75 |
| 8½ to 9 years | 46.39 | 92.78 | 185.56 | 927.80 | 1,855.60 | 3.20 | 3.75 |
| 9 to 9½ years | 47.26 | 94.52 | 189.04 | 945.20 | 1,890.40 | 3.21 | 3.75 |
| 9½ to 10 years | 48.15 | 96.30 | 192.60 | 963.00 | 1,926.00 | 3.22 | 3.74 |
| Second extended maturity value (20 years from original maturity date) [1] | 49.05 | 98.10 | 196.20 | 981.00 | 1,962.00 | 3.23 | |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.



TABLE 5—BONDS BEARING ISSUE DATE OF MAY 1, 1942

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.09 | 68.18 | 136.36 | 681.80 | 1,363.60 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.09 | $68.18 | $136.36 | $681.80 | $1,363.60 | 3.01 | 3.75 |
| ½ to 1 year | 34.73 | 69.46 | 138.92 | 694.60 | 1,389.20 | 3.03 | 3.75 |
| 1 to 1½ years | 35.38 | 70.76 | 141.52 | 707.60 | 1,415.20 | 3.05 | 3.75 |
| 1½ to 2 years | 36.04 | 72.08 | 144.16 | 720.80 | 1,441.60 | 3.06 | 3.75 |
| 2 to 2½ years | 36.72 | 73.44 | 146.88 | 734.40 | 1,468.80 | 3.08 | 3.75 |
| 2½ to 3 years | 37.41 | 74.82 | 149.64 | 748.20 | 1,496.40 | 3.09 | 3.75 |
| 3 to 3½ years | 38.11 | 76.22 | 152.44 | 762.20 | 1,524.40 | 3.11 | 3.75 |
| 3½ to 4 years | 38.82 | 77.64 | 155.28 | 776.40 | 1,552.80 | 3.12 | 3.75 |
| 4 to 4½ years | 39.55 | 79.10 | 158.20 | 791.00 | 1,582.00 | 3.13 | 3.75 |
| 4½ to 5 years | 40.29 | 80.58 | 161.16 | 805.80 | 1,611.60 | 3.15 | 3.75 |
| 5 to 5½ years | 41.05 | 82.10 | 164.20 | 821.00 | 1,642.00 | 3.16 | 3.75 |
| 5½ to 6 years | 41.82 | 83.64 | 167.28 | 836.40 | 1,672.80 | 3.17 | 3.75 |
| 6 to 6½ years | 42.60 | 85.20 | 170.40 | 852.00 | 1,704.00 | 3.18 | 3.75 |
| 6½ to 7 years | 43.40 | 86.80 | 173.60 | 868.00 | 1,736.00 | 3.19 | 3.75 |
| 7 to 7½ years | 44.22 | 88.44 | 176.88 | 884.40 | 1,768.80 | 3.20 | 3.75 |
| 7½ to 8 years | 45.04 | 90.08 | 180.16 | 900.80 | 1,801.60 | 3.21 | 3.76 |
| 8 to 8½ years | 45.89 | 91.78 | 183.56 | 917.80 | 1,835.60 | 3.22 | 3.75 |
| 8½ to 9 years | 46.75 | 93.50 | 187.00 | 935.00 | 1,870.00 | 3.23 | 3.75 |
| 9 to 9½ years | 47.63 | 95.26 | 190.52 | 952.60 | 1,905.20 | 3.24 | 3.74 |
| 9½ to 10 years | 48.52 | 97.04 | 194.08 | 970.40 | 1,940.80 | 3.25 | 3.75 |
| Second extended maturity value (20 years from original maturity date) [1] | 49.43 | 98.86 | 197.72 | 988.60 | 1,977.20 | 3.26 | |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 6—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1942

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.17 | 68.34 | 136.68 | 683.40 | 1,366.80 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.17 | $68.34 | $136.68 | $683.40 | $1,366.80 | 3.02 | 3.75 |
| ½ to 1 year | 34.81 | 69.62 | 139.24 | 696.20 | 1,392.40 | 3.04 | 3.75 |
| 1 to 1½ years | 35.46 | 70.92 | 141.84 | 709.20 | 1,418.40 | 3.06 | 3.75 |
| 1½ to 2 years | 36.13 | 72.26 | 144.52 | 722.60 | 1,445.20 | 3.07 | 3.75 |
| 2 to 2½ years | 36.81 | 73.62 | 147.24 | 736.20 | 1,472.40 | 3.09 | 3.75 |
| 2½ to 3 years | 37.50 | 75.00 | 150.00 | 750.00 | 1,500.00 | 3.10 | 3.75 |
| 3 to 3½ years | 38.20 | 76.40 | 152.80 | 764.00 | 1,528.00 | 3.12 | 3.75 |
| 3½ to 4 years | 38.92 | 77.84 | 155.68 | 778.40 | 1,556.80 | 3.13 | 3.75 |
| 4 to 4½ years | 39.64 | 79.28 | 158.56 | 792.80 | 1,585.60 | 3.14 | 3.75 |
| 4½ to 5 years | 40.39 | 80.78 | 161.56 | 807.80 | 1,615.60 | 3.16 | 3.75 |
| 5 to 5½ years | 41.15 | 82.30 | 164.60 | 823.00 | 1,646.00 | 3.17 | 3.75 |
| 5½ to 6 years | 41.92 | 83.84 | 167.68 | 838.40 | 1,676.80 | 3.18 | 3.75 |
| 6 to 6½ years | 42.70 | 85.40 | 170.80 | 854.00 | 1,708.00 | 3.19 | 3.75 |
| 6½ to 7 years | 43.50 | 87.00 | 174.00 | 870.00 | 1,740.00 | 3.20 | 3.75 |
| 7 to 7½ years | 44.32 | 88.64 | 177.28 | 886.40 | 1,772.80 | 3.21 | 3.75 |
| 7½ to 8 years | 45.15 | 90.30 | 180.60 | 903.00 | 1,806.00 | 3.22 | 3.75 |
| 8 to 8½ years | 46.00 | 92.00 | 184.00 | 920.00 | 1,840.00 | 3.23 | 3.74 |
| 8½ to 9 years | 46.86 | 93.72 | 187.44 | 937.20 | 1,874.40 | 3.24 | 3.74 |
| 9 to 9½ years | 47.74 | 95.48 | 190.96 | 954.80 | 1,909.60 | 3.25 | 3.74 |
| 9½ to 10 years | 48.63 | 97.26 | 194.52 | 972.60 | 1,945.20 | 3.26 | 3.74 |
| Second extended maturity value (20 years from original maturity date) [1] | 49.54 | 99.08 | 198.16 | 990.80 | 1,981.60 | 3.26 | |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 7—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1942, THROUGH MAY 1, 1943

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.26 | 68.52 | 137.04 | 685.20 | 1,370.40 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.26 | $68.52 | $137.04 | $685.20 | $1,370.40 | 3.04 | 3.75 |
| ½ to 1 year | 34.90 | 69.80 | 139.60 | 698.00 | 1,396.00 | 3.05 | 3.75 |
| 1 to 1½ years | 35.56 | 71.12 | 142.24 | 711.20 | 1,422.40 | 3.07 | 3.75 |
| 1½ to 2 years | 36.22 | 72.44 | 144.88 | 724.40 | 1,448.80 | 3.09 | 3.75 |
| 2 to 2½ years | 36.90 | 73.80 | 147.60 | 738.00 | 1,476.00 | 3.10 | 3.75 |
| 2½ to 3 years | 37.59 | 75.18 | 150.36 | 751.80 | 1,503.60 | 3.12 | 3.75 |
| 3 to 3½ years | 38.30 | 76.60 | 153.20 | 766.00 | 1,532.00 | 3.13 | 3.75 |
| 3½ to 4 years | 39.02 | 78.04 | 156.08 | 780.40 | 1,560.80 | 3.14 | 3.75 |
| 4 to 4½ years | 39.75 | 79.50 | 159.00 | 795.00 | 1,590.00 | 3.16 | 3.75 |
| 4½ to 5 years | 40.49 | 80.98 | 161.96 | 809.80 | 1,619.60 | 3.17 | 3.75 |
| 5 to 5½ years | 41.25 | 82.50 | 165.00 | 825.00 | 1,650.00 | 3.18 | 3.75 |
| 5½ to 6 years | 42.03 | 84.06 | 168.12 | 840.60 | 1,681.20 | 3.19 | 3.75 |
| 6 to 6½ years | 42.82 | 85.64 | 171.28 | 856.40 | 1,712.80 | 3.20 | 3.75 |
| 6½ to 7 years | 43.62 | 87.24 | 174.48 | 872.40 | 1,744.80 | 3.21 | 3.75 |
| 7 to 7½ years | 44.44 | 88.88 | 177.76 | 888.80 | 1,777.60 | 3.22 | 3.75 |
| 7½ to 8 years | 45.27 | 90.54 | 181.08 | 905.40 | 1,810.80 | 3.23 | 3.75 |
| 8 to 8½ years | 46.12 | 92.24 | 184.48 | 922.40 | 1,844.80 | 3.24 | 3.75 |
| 8½ to 9 years | 46.98 | 93.96 | 187.92 | 939.60 | 1,879.20 | 3.25 | 3.76 |
| 9 to 9½ years | 47.86 | 95.72 | 191.44 | 957.20 | 1,914.40 | 3.26 | 3.77 |
| 9½ to 10 years | 48.76 | 97.52 | 195.04 | 975.20 | 1,950.40 | 3.27 | 3.77 |
| Second extended maturity value (20 years from original maturity date)[1] | 49.68 | 99.36 | 198.72 | 993.60 | 1,987.20 | 3.27 | ---- |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 8—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1943

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.34 | 68.68 | 137.36 | 686.80 | 1,373.60 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.34 | $68.68 | $137.36 | $686.80 | $1,373.60 | 3.05 | 3.75 |
| ½ to 1 year | 34.98 | 69.96 | 139.92 | 699.60 | 1,399.20 | 3.07 | 3.75 |
| 1 to 1½ years | 35.64 | 71.28 | 142.56 | 712.80 | 1,425.60 | 3.08 | 3.75 |
| 1½ to 2 years | 36.31 | 72.62 | 145.24 | 726.20 | 1,452.40 | 3.10 | 3.75 |
| 2 to 2½ years | 36.99 | 73.98 | 147.96 | 739.80 | 1,479.60 | 3.11 | 3.75 |
| 2½ to 3 years | 37.68 | 75.36 | 150.72 | 753.60 | 1,507.20 | 3.13 | 3.75 |
| 3 to 3½ years | 38.39 | 76.78 | 153.56 | 767.80 | 1,535.60 | 3.14 | 3.75 |
| 3½ to 4 years | 39.11 | 78.22 | 156.44 | 782.20 | 1,564.40 | 3.15 | 3.75 |
| 4 to 4½ years | 39.84 | 79.68 | 159.36 | 796.80 | 1,593.60 | 3.17 | 3.75 |
| 4½ to 5 years | 40.59 | 81.18 | 162.36 | 811.80 | 1,623.60 | 3.18 | 3.75 |
| 5 to 5½ years | 41.35 | 82.70 | 165.40 | 827.00 | 1,654.00 | 3.19 | 3.75 |
| 5½ to 6 years | 42.13 | 84.26 | 168.52 | 842.60 | 1,685.20 | 3.20 | 3.75 |
| 6 to 6½ years | 42.92 | 85.84 | 171.68 | 858.40 | 1,716.80 | 3.21 | 3.75 |
| 6½ to 7 years | 43.72 | 87.44 | 174.88 | 874.40 | 1,748.80 | 3.22 | 3.75 |
| 7 to 7½ years | 44.54 | 89.08 | 178.16 | 890.80 | 1,781.60 | 3.23 | 3.75 |
| 7½ to 8 years | 45.37 | 90.74 | 181.48 | 907.40 | 1,814.80 | 3.24 | 3.75 |
| 8 to 8½ years | 46.23 | 92.46 | 184.92 | 924.60 | 1,849.20 | 3.25 | 3.74 |
| 8½ to 9 years | 47.09 | 94.18 | 188.36 | 941.80 | 1,883.60 | 3.26 | 3.75 |
| 9 to 9½ years | 47.98 | 95.96 | 191.92 | 959.60 | 1,919.20 | 3.27 | 3.74 |
| 9½ to 10 years | 48.87 | 97.74 | 195.48 | 977.40 | 1,954.80 | 3.27 | 3.77 |
| Second extended maturity value (20 years from original maturity date)[1] | 49.79 | 99.58 | 199.16 | 995.80 | 1,991.60 | 3.28 | ---- |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.



TABLE 9—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1943, THROUGH MAY 1, 1944

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.43 | 68.86 | 137.72 | 688.60 | 1,377.20 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.43 | $68.86 | $137.72 | $688.60 | $1,377.20 | 3.06 | 3.75 |
| ½ to 1 year | 35.08 | 70.16 | 140.32 | 701.60 | 1,403.20 | 3.08 | 3.75 |
| 1 to 1½ years | 35.73 | 71.46 | 142.92 | 714.60 | 1,429.20 | 3.09 | 3.75 |
| 1½ to 2 years | 36.40 | 72.80 | 145.60 | 728.00 | 1,456.00 | 3.11 | 3.75 |
| 2 to 2½ years | 37.09 | 74.18 | 148.36 | 741.80 | 1,483.60 | 3.12 | 3.75 |
| 2½ to 3 years | 37.78 | 75.56 | 151.12 | 755.60 | 1,511.20 | 3.14 | 3.75 |
| 3 to 3½ years | 38.49 | 76.98 | 153.96 | 769.80 | 1,539.60 | 3.15 | 3.75 |
| 3½ to 4 years | 39.21 | 78.42 | 156.84 | 784.20 | 1,568.40 | 3.16 | 3.75 |
| 4 to 4½ years | 39.95 | 79.90 | 159.80 | 799.00 | 1,598.00 | 3.18 | 3.75 |
| 4½ to 5 years | 40.70 | 81.40 | 162.80 | 814.00 | 1,628.00 | 3.19 | 3.75 |
| 5 to 5½ years | 41.46 | 82.92 | 165.84 | 829.20 | 1,658.40 | 3.20 | 3.75 |
| 5½ to 6 years | 42.24 | 84.48 | 168.96 | 844.80 | 1,689.60 | 3.21 | 3.75 |
| 6 to 6½ years | 43.03 | 86.06 | 172.12 | 860.60 | 1,721.20 | 3.22 | 3.75 |
| 6½ to 7 years | 43.83 | 87.66 | 175.32 | 876.60 | 1,753.20 | 3.23 | 3.75 |
| 7 to 7½ years | 44.66 | 89.32 | 178.64 | 893.20 | 1,786.40 | 3.24 | 3.75 |
| 7½ to 8 years | 45.49 | 90.98 | 181.96 | 909.80 | 1,819.60 | 3.25 | 3.75 |
| 8 to 8½ years | 46.35 | 92.70 | 185.40 | 927.00 | 1,854.00 | 3.26 | 3.74 |
| 8½ to 9 years | 47.22 | 94.44 | 188.88 | 944.40 | 1,888.80 | 3.27 | 3.74 |
| 9 to 9½ years | 48.10 | 96.20 | 192.40 | 962.00 | 1,924.00 | 3.28 | 3.75 |
| 9½ to 10 years | 49.00 | 98.00 | 196.00 | 980.00 | 1,960.00 | 3.28 | 3.76 |
| Second extended maturity value (20 years from original maturity date)[1] | 49.92 | 99.84 | 199.68 | 998.40 | 1,996.80 | 3.29 | ---- |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 10—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1944

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 13.80 | 34.51 | 69.02 | 138.04 | 690.20 | 1,380.40 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — Second extended maturity period | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $13.80 | $34.51 | $69.02 | $138.04 | $690.20 | $1,380.40 | 3.07 | 3.75 |
| ½ to 1 year | 14.06 | 35.16 | 70.32 | 140.64 | 703.20 | 1,406.40 | 3.09 | 3.75 |
| 1 to 1½ years | 14.33 | 35.82 | 71.64 | 143.28 | 716.40 | 1,432.80 | 3.11 | 3.75 |
| 1½ to 2 years | 14.60 | 36.49 | 72.98 | 145.96 | 729.80 | 1,459.60 | 3.12 | 3.75 |
| 2 to 2½ years | 14.87 | 37.17 | 74.34 | 148.68 | 743.40 | 1,486.80 | 3.13 | 3.75 |
| 2½ to 3 years | 15.15 | 37.87 | 75.74 | 151.48 | 757.40 | 1,514.80 | 3.15 | 3.75 |
| 3 to 3½ years | 15.43 | 38.58 | 77.16 | 154.32 | 771.60 | 1,543.20 | 3.16 | 3.75 |
| 3½ to 4 years | 15.72 | 39.30 | 78.60 | 157.20 | 786.00 | 1,572.00 | 3.17 | 3.75 |
| 4 to 4½ years | 16.02 | 40.04 | 80.08 | 160.16 | 800.80 | 1,601.60 | 3.19 | 3.75 |
| 4½ to 5 years | 16.32 | 40.79 | 81.58 | 163.16 | 815.80 | 1,631.60 | 3.20 | 3.75 |
| 5 to 5½ years | 16.62 | 41.55 | 83.10 | 166.20 | 831.00 | 1,662.00 | 3.21 | 3.75 |
| 5½ to 6 years | 16.93 | 42.33 | 84.66 | 169.32 | 846.60 | 1,693.20 | 3.22 | 3.75 |
| 6 to 6½ years | 17.25 | 43.13 | 86.26 | 172.52 | 862.60 | 1,725.20 | 3.23 | 3.75 |
| 6½ to 7 years | 17.58 | 43.94 | 87.88 | 175.76 | 878.80 | 1,757.60 | 3.24 | 3.75 |
| 7 to 7½ years | 17.90 | 44.76 | 89.52 | 179.04 | 895.20 | 1,790.40 | 3.25 | 3.75 |
| 7½ to 8 years | 18.24 | 45.60 | 91.20 | 182.40 | 912.00 | 1,824.00 | 3.26 | 3.75 |
| 8 to 8½ years | 18.58 | 46.45 | 92.90 | 185.80 | 929.00 | 1,858.00 | 3.27 | 3.76 |
| 8½ to 9 years | 18.93 | 47.33 | 94.66 | 189.32 | 946.60 | 1,893.20 | 3.28 | 3.75 |
| 9 to 9½ years | 19.28 | 48.21 | 96.42 | 192.84 | 964.20 | 1,928.40 | 3.28 | 3.76 |
| 9½ to 10 years | 19.65 | 49.12 | 98.24 | 196.48 | 982.40 | 1,964.80 | 3.29 | 3.75 |
| Second extended maturity value (20 years from original maturity date)[1] | 20.02 | 50.04 | 100.08 | 200.16 | 1,000.80 | 2,001.60 | 3.30 | ---- |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 11—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1944, THROUGH MAY 1, 1945

| Issue price / Original maturity value | $7.50 / 10.00 | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — First extended maturity period | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 538.00 | 1,076.00 | 2.91 | **3.02 |
| 3 to 3½ years | 10.92 | 27.30 | 54.60 | 109.20 | 546.00 | 1,092.00 | 2.91 | **3.02 |
| 3½ to 4 years | 11.08 | 27.70 | 55.40 | 110.80 | 554.00 | 1,108.00 | 2.91 | **3.03 |
| 4 to 4½ years | 11.24 | 28.10 | 56.20 | 112.40 | 562.00 | 1,124.00 | 2.91 | **3.04 |
| 4½ to 5 years | 11.40 | 28.50 | 57.00 | 114.00 | 570.00 | 1,140.00 | 2.91 | †3.55 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959 revision[1] | | | | | | | | |
| 5 to 5½ years | $11.58 | $28.96 | $57.92 | $115.84 | $579.20 | $1,158.40 | 2.92 | 3.58 |
| 5½ to 6 years | 11.77 | 29.43 | 58.86 | 117.72 | 588.60 | 1,177.20 | 2.93 | 3.62 |
| 6 to 6½ years | 11.96 | 29.91 | 59.82 | 119.64 | 598.20 | 1,196.40 | 2.94 | 3.67 |
| 6½ to 7 years | 12.16 | 30.41 | 60.82 | 121.64 | 608.20 | 1,216.40 | 2.95 | 3.71 |
| 7 to 7½ years | 12.37 | 30.92 | 61.84 | 123.68 | 618.40 | 1,236.80 | 2.96 | 3.77 |
| 7½ to 8 years | 12.58 | 31.46 | 62.92 | 125.84 | 629.20 | 1,258.40 | 2.98 | 3.83 |
| 8 to 8½ years | 12.80 | 32.00 | 64.00 | 128.00 | 640.00 | 1,280.00 | 2.99 | 3.93 |
| 8½ to 9 years | 13.05 | 32.62 | 65.24 | 130.48 | 652.40 | 1,304.80 | 3.02 | 3.95 |
| 9 to 9½ years | 13.30 | 33.25 | 66.50 | 133.00 | 665.00 | 1,330.00 | 3.04 | 3.99 |
| 9½ to 10 years | 13.58 | 33.90 | 67.80 | 135.60 | 678.00 | 1,356.00 | 3.06 | 4.07 |
| First extended maturity value (10 years from original maturity date)[2] | 13.84 | 34.59 | 69.18 | 138.36 | 691.80 | 1,383.60 | 3.09 | ---- |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | (b) to second extended maturity |
| First ½ year | $13.84 | $34.59 | $69.18 | $138.36 | $691.80 | $1,383.60 | 3.09 | 3.75 |
| ½ to 1 year | 14.10 | 35.24 | 70.48 | 140.96 | 704.80 | 1,409.60 | 3.10 | 3.75 |
| 1 to 1½ years | 14.36 | 35.90 | 71.80 | 143.60 | 718.00 | 1,436.00 | 3.12 | 3.75 |
| 1½ to 2 years | 14.63 | 36.57 | 73.14 | 146.28 | 731.40 | 1,462.80 | 3.13 | 3.75 |
| 2 to 2½ years | 14.90 | 37.26 | 74.52 | 149.04 | 745.20 | 1,490.40 | 3.15 | 3.75 |
| 2½ to 3 years | 15.18 | 37.96 | 75.92 | 151.84 | 759.20 | 1,518.40 | 3.16 | 3.75 |
| 3 to 3½ years | 15.47 | 38.67 | 77.34 | 154.68 | 773.40 | 1,546.80 | 3.17 | 3.75 |
| 3½ to 4 years | 15.76 | 39.39 | 78.78 | 157.56 | 787.80 | 1,575.60 | 3.18 | 3.75 |
| 4 to 4½ years | 16.05 | 40.13 | 80.26 | 160.52 | 802.60 | 1,605.20 | 3.20 | 3.75 |
| 4½ to 5 years | 16.35 | 40.88 | 81.76 | 163.52 | 817.60 | 1,635.20 | 3.21 | 3.75 |
| 5 to 5½ years | 16.66 | 41.65 | 83.30 | 166.60 | 833.00 | 1,666.00 | 3.22 | 3.75 |
| 5½ to 6 years | 16.97 | 42.43 | 84.86 | 169.72 | 848.60 | 1,697.20 | 3.23 | 3.75 |
| 6 to 6½ years | 17.29 | 43.23 | 86.46 | 172.92 | 864.60 | 1,729.20 | 3.24 | 3.75 |
| 6½ to 7 years | 17.62 | 44.04 | 88.08 | 176.16 | 880.80 | 1,761.60 | 3.25 | 3.75 |
| 7 to 7½ years | 17.94 | 44.86 | 89.72 | 179.44 | 897.20 | 1,794.40 | 3.26 | 3.75 |
| 7½ to 8 years | 18.28 | 45.71 | 91.42 | 182.84 | 914.20 | 1,828.40 | 3.27 | 3.74 |
| 8 to 8½ years | 18.62 | 46.56 | 93.12 | 186.24 | 931.20 | 1,862.40 | 3.27 | 3.75 |
| 8½ to 9 years | 18.98 | 47.44 | 94.88 | 189.76 | 948.80 | 1,897.60 | 3.28 | 3.74 |
| 9 to 9½ years | 19.33 | 48.32 | 96.64 | 193.28 | 966.40 | 1,932.80 | 3.29 | 2.75 |
| 9½ to 10 years | 19.69 | 49.23 | 98.46 | 196.92 | 984.60 | 1,969.20 | 3.30 | 3.74 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.06 | 50.15 | 100.30 | 200.60 | 1,003.00 | 2,006.00 | 3.31 | ---- |

*Calculated on basis of $1,000 bond (face value).

**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.

† Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.

[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.

[2] 20 years from issue date. [3] 30 years from issue date.



TABLE 12—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1945

| Issue price / Original maturity value | $7.50 / 10.00 | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — First extended maturity period | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 2.91 | **3.02 |
| 3 to 3½ years | 10.92 | 27.30 | 54.60 | 109.20 | 218.40 | 546.00 | 1,092.00 | 2.91 | **3.02 |
| 3½ to 4 years | 11.08 | 27.70 | 55.40 | 110.80 | 221.60 | 554.00 | 1,108.00 | 2.91 | **3.03 |
| 4 to 4½ years | 11.24 | 28.10 | 56.20 | 112.40 | 224.80 | 562.00 | 1,124.00 | 2.91 | †3.54 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 4½ to 5 years | $11.40 | $28.51 | $57.02 | $114.04 | $228.08 | $570.20 | $1,140.40 | 2.91 | 3.59 |
| 5 to 5½ years | 11.59 | 28.97 | 57.94 | 115.88 | 231.76 | 579.40 | 1,158.80 | 2.92 | 3.63 |
| 5½ to 6 years | 11.78 | 29.46 | 58.92 | 117.84 | 235.68 | 589.20 | 1,178.40 | 2.94 | 3.66 |
| 6 to 6½ years | 11.98 | 29.95 | 59.90 | 119.80 | 239.60 | 599.00 | 1,198.00 | 2.95 | 3.70 |
| 6½ to 7 years | 12.18 | 30.46 | 60.92 | 121.84 | 243.68 | 609.20 | 1,218.40 | 2.96 | 3.74 |
| 7 to 7½ years | 12.39 | 30.98 | 61.96 | 123.92 | 247.84 | 619.60 | 1,239.20 | 2.98 | 3.80 |
| 7½ to 8 years | 12.61 | 31.52 | 63.04 | 126.08 | 252.16 | 630.40 | 1,260.80 | 2.99 | 3.86 |
| 8 to 8½ years | 12.83 | 32.07 | 64.14 | 128.28 | 256.56 | 641.40 | 1,282.80 | 3.00 | 3.95 |
| 8½ to 9 years | 13.08 | 32.69 | 65.38 | 130.76 | 261.52 | 653.80 | 1,307.60 | 3.03 | 3.98 |
| 9 to 9½ years | 13.33 | 33.32 | 66.66 | 133.32 | 266.64 | 666.60 | 1,333.20 | 3.05 | 4.01 |
| 9½ to 10 years | 13.60 | 33.99 | 67.98 | 135.96 | 271.92 | 679.80 | 1,359.60 | 3.07 | 4.06 |
| First extended maturity value (20 years from original maturity date)[2] | 13.87 | 34.68 | 69.36 | 138.72 | 277.44 | 693.60 | 1,387.20 | 3.10 | ---- |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $13.87 | $34.68 | $69.36 | $138.72 | $277.44 | $693.60 | $1,387.20 | 3.10 | 3.75 |
| ½ to 1 year | 14.13 | 35.33 | 70.66 | 141.32 | 282.64 | 706.60 | 1,413.20 | 3.11 | 3.75 |
| 1 to 1½ years | 14.40 | 35.99 | 71.98 | 143.96 | 287.92 | 719.80 | 1,439.60 | 3.13 | 3.75 |
| 1½ to 2 years | 14.67 | 36.67 | 73.34 | 146.68 | 293.36 | 733.40 | 1,466.80 | 3.14 | 3.75 |
| 2 to 2½ years | 14.94 | 37.36 | 74.72 | 149.44 | 298.88 | 747.20 | 1,494.40 | 3.16 | 3.75 |
| 2½ to 3 years | 15.22 | 38.06 | 76.12 | 152.24 | 304.48 | 761.20 | 1,522.40 | 3.17 | 3.75 |
| 3 to 3½ years | 15.51 | 38.77 | 77.54 | 155.08 | 310.16 | 775.40 | 1,550.80 | 3.18 | 3.75 |
| 3½ to 4 years | 15.80 | 39.50 | 79.00 | 158.00 | 316.00 | 790.00 | 1,580.00 | 3.20 | 3.75 |
| 4 to 4½ years | 16.10 | 40.24 | 80.48 | 160.96 | 321.92 | 804.80 | 1,609.60 | 3.21 | 3.75 |
| 4½ to 5 years | 16.40 | 40.99 | 81.98 | 163.96 | 327.92 | 819.80 | 1,639.60 | 3.22 | 3.75 |
| 5 to 5½ years | 16.70 | 41.76 | 83.52 | 167.04 | 334.08 | 835.20 | 1,670.40 | 3.23 | 3.75 |
| 5½ to 6 years | 17.02 | 42.54 | 85.08 | 170.16 | 340.32 | 850.80 | 1,701.60 | 3.24 | 3.75 |
| 6 to 6½ years | 17.34 | 43.34 | 86.68 | 173.36 | 346.72 | 866.80 | 1,733.60 | 3.25 | 3.75 |
| 6½ to 7 years | 17.66 | 44.15 | 88.30 | 176.60 | 353.20 | 883.00 | 1,766.00 | 3.26 | 3.75 |
| 7 to 7½ years | 17.99 | 44.98 | 89.96 | 179.92 | 359.84 | 899.60 | 1,799.20 | 3.27 | 3.75 |
| 7½ to 8 years | 18.33 | 45.82 | 91.64 | 183.28 | 366.56 | 916.40 | 1,832.80 | 3.28 | 3.75 |
| 8 to 8½ years | 18.67 | 46.68 | 93.36 | 186.72 | 373.44 | 933.60 | 1,867.20 | 3.28 | 3.75 |
| 8½ to 9 years | 19.02 | 47.56 | 95.12 | 190.24 | 380.48 | 951.20 | 1,902.40 | 3.29 | 3.74 |
| 9 to 9½ years | 19.38 | 48.45 | 96.90 | 193.80 | 387.60 | 969.00 | 1,938.00 | 3.30 | 3.74 |
| 9½ to 10 years | 19.74 | 49.36 | 98.72 | 197.44 | 394.88 | 987.20 | 1,974.40 | 3.31 | 3.73 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.11 | 50.28 | 100.56 | 201.12 | 402.24 | 1,005.60 | 2,011.20 | 3.32 | ---- |

*Calculated on basis of $1,000 bond (face value).

**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.

†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.

[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.

[2] 20 years from issue date. [3] 30 years from issue date.

TABLE 13—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1945, THROUGH MAY 1, 1946

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 2.91 | **3.02 |
| 3 to 3½ years | 10.92 | 27.30 | 54.60 | 109.20 | 218.40 | 546.00 | 1,092.00 | 2.91 | **3.02 |
| 3½ to 4 years | 11.08 | 27.70 | 55.40 | 110.80 | 221.60 | 554.00 | 1,108.00 | 2.91 | †3.53 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 4 to 4½ years | $11.24 | $28.11 | $56.22 | $112.44 | $224.88 | $562.20 | $1,124.40 | 2.91 | 3.58 |
| 4½ to 5 years | 11.41 | 28.52 | 57.04 | 114.08 | 228.16 | 570.40 | 1,140.80 | 2.91 | 3.64 |
| 5 to 5½ years | 11.60 | 29.00 | 58.00 | 116.00 | 232.00 | 580.00 | 1,160.00 | 2.93 | 3.66 |
| 5½ to 6 years | 11.80 | 29.49 | 58.98 | 117.96 | 235.92 | 589.80 | 1,179.60 | 2.94 | 3.69 |
| 6 to 6½ years | 12.00 | 29.99 | 59.98 | 119.96 | 239.92 | 599.80 | 1,199.60 | 2.96 | 3.73 |
| 6½ to 7 years | 12.20 | 30.51 | 61.02 | 122.04 | 244.08 | 610.20 | 1,220.40 | 2.97 | 3.77 |
| 7 to 7½ years | 12.42 | 31.04 | 62.08 | 124.16 | 248.32 | 620.80 | 1,241.60 | 2.99 | 3.82 |
| 7½ to 8 years | 12.63 | 31.58 | 63.16 | 126.32 | 252.64 | 631.60 | 1,263.20 | 3.00 | 3.89 |
| 8 to 8½ years | 12.86 | 32.14 | 64.28 | 128.56 | 257.12 | 642.80 | 1,285.60 | 3.02 | 3.97 |
| 8½ to 9 years | 13.11 | 32.77 | 65.54 | 131.08 | 262.16 | 655.40 | 1,310.80 | 3.04 | 3.99 |
| 9 to 9½ years | 13.36 | 33.41 | 66.82 | 133.64 | 267.28 | 668.20 | 1,336.40 | 3.06 | 4.03 |
| 9½ to 10 years | 13.63 | 34.07 | 68.14 | 136.28 | 272.56 | 681.40 | 1,362.80 | 3.09 | 4.11 |
| First extended maturity value (20 years from original maturity date)[2] | 13.91 | 34.77 | 69.54 | 139.08 | 278.16 | 695.40 | 1,390.80 | 3.11 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $13.91 | $34.77 | $69.54 | $139.08 | $278.16 | $695.40 | $1,390.80 | 3.11 | 3.75 |
| ½ to 1 year | 14.17 | 35.42 | 70.84 | 141.68 | 283.36 | 708.40 | 1,416.80 | 3.13 | 3.75 |
| 1 to 1½ years | 14.44 | 36.09 | 72.18 | 144.36 | 288.72 | 721.80 | 1,443.60 | 3.14 | 3.75 |
| 1½ to 2 years | 14.70 | 36.76 | 73.52 | 147.04 | 294.08 | 735.20 | 1,470.40 | 3.16 | 3.76 |
| 2 to 2½ years | 14.98 | 37.45 | 74.90 | 149.80 | 299.60 | 749.00 | 1,498.00 | 3.17 | 3.75 |
| 2½ to 3 years | 15.26 | 38.15 | 76.30 | 152.60 | 305.20 | 763.00 | 1,526.00 | 3.18 | 3.75 |
| 3 to 3½ years | 15.55 | 38.87 | 77.74 | 155.48 | 310.96 | 777.40 | 1,554.80 | 3.19 | 3.76 |
| 3½ to 4 years | 15.84 | 39.60 | 79.20 | 158.40 | 316.80 | 792.00 | 1,584.00 | 3.21 | 3.75 |
| 4 to 4½ years | 16.14 | 40.34 | 80.68 | 161.36 | 322.72 | 806.80 | 1,613.60 | 3.22 | 3.75 |
| 4½ to 5 years | 16.44 | 41.10 | 82.20 | 164.40 | 328.80 | 822.00 | 1,644.00 | 3.23 | 3.75 |
| 5 to 5½ years | 16.75 | 41.87 | 83.74 | 167.48 | 334.96 | 837.40 | 1,674.80 | 3.24 | 3.75 |
| 5½ to 6 years | 17.06 | 42.65 | 85.30 | 170.60 | 341.20 | 853.00 | 1,706.00 | 3.25 | 3.75 |
| 6 to 6½ years | 17.38 | 43.45 | 86.90 | 173.80 | 347.60 | 869.00 | 1,738.00 | 3.26 | 3.75 |
| 6½ to 7 years | 17.71 | 44.27 | 88.54 | 177.08 | 354.16 | 885.40 | 1,770.80 | 3.27 | 3.75 |
| 7 to 7½ years | 18.04 | 45.10 | 90.20 | 180.40 | 360.80 | 902.00 | 1,804.00 | 3.28 | 3.74 |
| 7½ to 8 years | 18.38 | 45.94 | 91.88 | 183.76 | 367.52 | 918.80 | 1,837.60 | 3.29 | 3.75 |
| 8 to 8½ years | 18.72 | 46.80 | 93.60 | 187.20 | 374.40 | 936.00 | 1,872.00 | 3.29 | 3.75 |
| 8½ to 9 years | 19.07 | 47.68 | 95.36 | 190.72 | 381.44 | 953.60 | 1,907.20 | 3.30 | 3.75 |
| 9 to 9½ years | 19.43 | 48.58 | 97.16 | 194.32 | 388.64 | 971.60 | 1,943.20 | 3.31 | 3.73 |
| 9½ to 10 years | 19.80 | 49.49 | 98.98 | 197.96 | 395.92 | 989.80 | 1,979.60 | 3.32 | 3.72 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.16 | 50.41 | 100.82 | 201.64 | 403.28 | 1,008.20 | 2,016.40 | 3.32 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.



TABLE 14—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1946

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 2.91 | **3.02 |
| 3 to 3½ years | 10.92 | 27.30 | 54.60 | 109.20 | 218.40 | 546.00 | 1,092.00 | 2.91 | †3.52 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959 revision[1] | | | | | | | | | |
| 3½ to 4 years | $11.08 | $27.71 | $55.42 | $110.84 | $221.68 | $554.20 | $1,108.40 | 2.91 | 3.56 |
| 4 to 4½ years | 11.25 | 28.12 | 56.24 | 112.48 | 224.96 | 562.40 | 1,124.80 | 2.92 | 3.61 |
| 4½ to 5 years | 11.42 | 28.55 | 57.10 | 114.20 | 228.40 | 571.00 | 1,142.00 | 2.92 | 3.66 |
| 5 to 5½ years | 11.61 | 29.03 | 58.06 | 116.12 | 232.24 | 580.60 | 1,161.20 | 2.94 | 3.69 |
| 5½ to 6 years | 11.81 | 29.53 | 59.06 | 118.12 | 236.24 | 590.60 | 1,181.20 | 2.95 | 3.72 |
| 6 to 6½ years | 12.02 | 30.04 | 60.08 | 120.16 | 240.32 | 600.80 | 1,201.60 | 2.97 | 3.75 |
| 6½ to 7 years | 12.23 | 30.57 | 61.14 | 122.28 | 244.56 | 611.40 | 1,222.80 | 2.98 | 3.78 |
| 7 to 7½ years | 12.44 | 31.10 | 62.20 | 124.40 | 248.80 | 622.00 | 1,244.00 | 3.00 | 3.83 |
| 7½ to 8 years | 12.66 | 31.65 | 63.30 | 126.60 | 253.20 | 633.00 | 1,266.00 | 3.01 | 3.89 |
| 8 to 8½ years | 12.89 | 32.22 | 64.44 | 128.88 | 257.76 | 644.40 | 1,288.80 | 3.03 | 3.96 |
| 8½ to 9 years | 13.14 | 32.84 | 65.68 | 131.36 | 262.72 | 656.80 | 1,313.60 | 3.05 | 4.00 |
| 9 to 9½ years | 13.40 | 33.49 | 66.98 | 133.96 | 267.92 | 669.80 | 1,339.60 | 3.08 | 4.02 |
| 9½ to 10 years | 13.66 | 34.15 | 68.30 | 136.60 | 273.20 | 683.00 | 1,366.00 | 3.10 | 4.10 |
| First extended maturity value (20 years from original maturity date)[2] | 13.94 | 34.85 | 69.70 | 139.40 | 278.80 | 697.00 | 1,394.00 | 3.12 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $13.94 | $34.85 | $69.70 | $139.40 | $278.80 | $697.00 | $1,394.00 | 3.12 | 3.75 |
| ½ to 1 year | 14.20 | 35.50 | 71.00 | 142.00 | 284.00 | 710.00 | 1,420.00 | 3.14 | 3.75 |
| 1 to 1½ years | 14.47 | 36.17 | 72.34 | 144.68 | 289.36 | 723.40 | 1,446.80 | 3.15 | 3.75 |
| 1½ to 2 years | 14.74 | 36.85 | 73.70 | 147.40 | 294.80 | 737.00 | 1,474.00 | 3.17 | 3.75 |
| 2 to 2½ years | 15.02 | 37.54 | 75.08 | 150.16 | 300.32 | 750.80 | 1,501.60 | 3.18 | 3.75 |
| 2½ to 3 years | 15.30 | 38.24 | 76.48 | 152.96 | 305.92 | 764.80 | 1,529.60 | 3.19 | 3.75 |
| 3 to 3½ years | 15.58 | 38.96 | 77.92 | 155.84 | 311.68 | 779.20 | 1,558.40 | 3.21 | 3.75 |
| 3½ to 4 years | 15.88 | 39.69 | 79.38 | 158.76 | 317.52 | 793.80 | 1,587.60 | 3.22 | 3.75 |
| 4 to 4½ years | 16.17 | 40.43 | 80.86 | 161.72 | 323.44 | 808.60 | 1,617.20 | 3.23 | 3.75 |
| 4½ to 5 years | 16.48 | 41.19 | 82.38 | 164.76 | 329.52 | 823.80 | 1,647.60 | 3.24 | 3.75 |
| 5 to 5½ years | 16.78 | 41.96 | 83.92 | 167.84 | 335.68 | 839.20 | 1,678.40 | 3.25 | 3.75 |
| 5½ to 6 years | 17.10 | 42.75 | 85.50 | 171.00 | 342.00 | 855.00 | 1,710.00 | 3.26 | 3.75 |
| 6 to 6½ years | 17.42 | 43.55 | 87.10 | 174.20 | 348.40 | 871.00 | 1,742.00 | 3.27 | 3.75 |
| 6½ to 7 years | 17.75 | 44.37 | 88.74 | 177.48 | 354.96 | 887.40 | 1,774.80 | 3.28 | 3.75 |
| 7 to 7½ years | 18.08 | 45.20 | 90.40 | 180.80 | 361.60 | 904.00 | 1,808.00 | 3.29 | 3.75 |
| 7½ to 8 years | 18.42 | 46.05 | 92.10 | 184.20 | 368.40 | 921.00 | 1,842.00 | 3.29 | 3.75 |
| 8 to 8½ years | 18.76 | 46.91 | 93.82 | 187.64 | 375.28 | 938.20 | 1,876.40 | 3.30 | 3.75 |
| 8½ to 9 years | 19.12 | 47.79 | 95.58 | 191.16 | 382.32 | 955.80 | 1,911.60 | 3.31 | 3.75 |
| 9 to 9½ years | 19.48 | 48.69 | 97.38 | 194.76 | 389.52 | 973.80 | 1,947.60 | 3.32 | 3.74 |
| 9½ to 10 years | 19.84 | 49.60 | 99.20 | 198.40 | 396.80 | 992.00 | 1,984.00 | 3.32 | 3.75 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.21 | 50.53 | 101.06 | 202.12 | 404.24 | 1,010.60 | 2,021.20 | 3.33 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.

TABLE 15—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1946, THROUGH MAY 1, 1947

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | | |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 2.91 | †3.52 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959 revision[1] | | | | | | | | | |
| 3 to 3½ years | $10.92 | $27.31 | $54.62 | $109.24 | $218.48 | $546.20 | $1,092.40 | 2.91 | 3.55 |
| 3½ to 4 years | 11.09 | 27.72 | 55.44 | 110.88 | 221.76 | 554.40 | 1,108.80 | 2.92 | 3.59 |
| 4 to 4½ years | 11.26 | 28.14 | 56.28 | 112.56 | 225.12 | 562.80 | 1,125.60 | 2.92 | 3.64 |
| 4½ to 5 years | 11.43 | 28.58 | 57.16 | 114.32 | 228.64 | 571.60 | 1,143.20 | 2.93 | 3.69 |
| 5 to 5½ years | 11.63 | 29.07 | 58.14 | 116.28 | 232.56 | 581.40 | 1,162.80 | 2.94 | 3.71 |
| 5½ to 6 years | 11.83 | 29.58 | 59.16 | 118.32 | 236.64 | 591.60 | 1,183.20 | 2.95 | 3.74 |
| 6 to 6½ years | 12.04 | 30.09 | 60.18 | 120.36 | 240.72 | 601.80 | 1,203.60 | 2.98 | 3.77 |
| 6½ to 7 years | 12.25 | 30.62 | 61.24 | 122.48 | 244.96 | 612.40 | 1,224.80 | 2.99 | 3.81 |
| 7 to 7½ years | 12.47 | 31.17 | 62.34 | 124.68 | 249.36 | 623.40 | 1,246.80 | 3.01 | 3.84 |
| 7½ to 8 years | 12.69 | 31.72 | 63.44 | 126.88 | 253.76 | 634.40 | 1,268.80 | 3.03 | 3.91 |
| 8 to 8½ years | 12.92 | 32.29 | 64.58 | 129.16 | 258.32 | 645.80 | 1,291.60 | 3.04 | 3.98 |
| 8½ to 9 years | 13.17 | 32.92 | 65.84 | 131.68 | 263.36 | 658.40 | 1,316.80 | 3.07 | 4.01 |
| 9 to 9½ years | 13.43 | 33.57 | 67.14 | 134.28 | 268.56 | 671.40 | 1,342.80 | 3.09 | 4.04 |
| 9½ to 10 years | 13.69 | 34.23 | 68.46 | 136.92 | 273.84 | 684.60 | 1,369.20 | 3.11 | 4.15 |
| First extended maturity value (20 years from original maturity date)[2] | 13.98 | 34.94 | 69.88 | 139.76 | 279.52 | 698.80 | 1,397.60 | 3.14 | ---------- |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $13.98 | $34.94 | $69.88 | $139.76 | $279.52 | $698.80 | $1,397.60 | 3.14 | 3.75 |
| ½ to 1 year | 14.24 | 35.60 | 71.20 | 142.40 | 284.80 | 712.00 | 1,424.00 | 3.15 | 3.75 |
| 1 to 1½ years | 14.50 | 36.26 | 72.52 | 145.04 | 290.08 | 725.20 | 1,450.40 | 3.17 | 3.75 |
| 1½ to 2 years | 14.78 | 36.94 | 73.88 | 147.76 | 295.52 | 738.80 | 1,477.60 | 3.18 | 3.75 |
| 2 to 2½ years | 15.06 | 37.64 | 75.28 | 150.56 | 301.12 | 752.80 | 1,505.60 | 3.19 | 3.75 |
| 2½ to 3 years | 15.34 | 38.34 | 76.68 | 153.36 | 306.72 | 766.80 | 1,533.60 | 3.20 | 2.76 |
| 3 to 3½ years | 15.62 | 39.06 | 78.12 | 156.24 | 312.48 | 781.20 | 1,562.40 | 3.22 | 3.75 |
| 3½ to 4 years | 15.92 | 39.79 | 79.58 | 159.16 | 318.32 | 795.80 | 1,591.60 | 3.23 | 3.75 |
| 4 to 4½ years | 16.22 | 40.54 | 81.08 | 162.16 | 324.32 | 810.80 | 1,621.60 | 3.24 | 3.75 |
| 4½ to 5 years | 16.52 | 41.30 | 82.60 | 165.20 | 330.40 | 826.00 | 1,652.00 | 3.25 | 3.75 |
| 5 to 5½ years | 16.83 | 42.07 | 84.14 | 168.28 | 336.56 | 841.40 | 1,682.80 | 3.26 | 3.75 |
| 5½ to 6 years | 17.14 | 42.86 | 85.72 | 171.44 | 342.88 | 857.20 | 1,714.40 | 3.27 | 3.75 |
| 6 to 6½ years | 17.47 | 43.67 | 87.34 | 174.68 | 349.36 | 873.40 | 1,746.80 | 3.28 | 3.75 |
| 6½ to 7 years | 17.79 | 44.48 | 88.96 | 177.92 | 355.84 | 889.60 | 1,779.20 | 3.29 | 3.75 |
| 7 to 7½ years | 18.13 | 45.32 | 90.64 | 181.28 | 362.56 | 906.40 | 1,812.80 | 3.30 | 3.75 |
| 7½ to 8 years | 18.47 | 46.17 | 92.34 | 184.68 | 369.36 | 923.40 | 1,846.80 | 3.30 | 3.75 |
| 8 to 8½ years | 18.81 | 47.03 | 94.06 | 188.12 | 376.24 | 940.60 | 1,881.20 | 3.31 | 3.75 |
| 8½ to 9 years | 19.17 | 47.92 | 95.84 | 191.68 | 383.36 | 958.40 | 1,916.80 | 3.32 | 3.74 |
| 9 to 9½ years | 19.52 | 48.81 | 97.62 | 195.24 | 390.48 | 976.20 | 1,952.40 | 3.33 | 3.75 |
| 9½ to 10 years | 19.89 | 49.73 | 99.46 | 198.92 | 397.84 | 994.60 | 1,989.20 | 3.33 | 3.74 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.26 | 50.66 | 101.32 | 202.64 | 405.28 | 1,013.20 | 2,026.40 | 3.34 | ---------- |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.
[2] 20 years from issue date. [3] 30 years from issue date.



TABLE 16—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1947

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | | |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | †3.52 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959 revision[1] | | | | | | | | | |
| 2½ to 3 years | $10.76 | $26.91 | $53.82 | $107.64 | $215.28 | $538.20 | $1,076.40 | 2.91 | 3.54 |
| 3 to 3½ years | 10.93 | 27.32 | 54.64 | 109.28 | 218.56 | 546.40 | 1,092.80 | 2.92 | 3.58 |
| 3½ to 4 years | 11.10 | 27.74 | 55.48 | 110.96 | 221.92 | 554.80 | 1,109.60 | 2.92 | 3.62 |
| 4 to 4½ years | 11.27 | 28.17 | 56.34 | 112.68 | 225.36 | 563.40 | 1,126.80 | 2.93 | 3.66 |
| 4½ to 5 years | 11.44 | 28.61 | 57.22 | 114.44 | 228.88 | 572.20 | 1,144.40 | 2.94 | 3.71 |
| 5 to 5½ years | 11.64 | 29.11 | 58.22 | 116.44 | 232.88 | 582.20 | 1,164.40 | 2.95 | 3.73 |
| 5½ to 6 years | 11.85 | 29.63 | 59.26 | 118.52 | 237.04 | 592.60 | 1,185.20 | 2.97 | 3.76 |
| 6 to 6½ years | 12.06 | 30.15 | 60.30 | 120.60 | 241.20 | 603.00 | 1,206.00 | 2.99 | 3.78 |
| 6½ to 7 years | 12.27 | 30.68 | 61.36 | 122.72 | 245.44 | 613.60 | 1,227.20 | 3.01 | 3.82 |
| 7 to 7½ years | 12.49 | 31.23 | 62.46 | 124.92 | 249.84 | 624.60 | 1,249.20 | 3.02 | 3.85 |
| 7½ to 8 years | 12.72 | 31.79 | 63.58 | 127.16 | 254.32 | 635.80 | 1,271.60 | 3.04 | 3.91 |
| 8 to 8½ years | 12.94 | 32.36 | 64.72 | 129.44 | 258.88 | 647.20 | 1,294.40 | 3.05 | 3.99 |
| 8½ to 9 years | 13.20 | 33.00 | 66.00 | 132.00 | 264.00 | 660.00 | 1,320.00 | 3.08 | 4.00 |
| 9 to 9½ years | 13.46 | 33.65 | 67.30 | 134.60 | 269.20 | 673.00 | 1,346.00 | 3.10 | 4.03 |
| 9½ to 10 years | 13.73 | 34.32 | 68.64 | 137.28 | 274.56 | 686.40 | 1,372.80 | 3.12 | 4.08 |
| First extended maturity value (20 years from original maturity date)[2] | 14.01 | 35.02 | 70.04 | 140.08 | 280.16 | 700.40 | 1,400.80 | 3.15 | ---------- |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $14.01 | $35.02 | $70.04 | $140.08 | $280.16 | $700.40 | $1,400.80 | 3.15 | 3.75 |
| ½ to 1 year | 14.27 | 35.68 | 71.36 | 142.72 | 285.44 | 713.60 | 1,427.20 | 3.16 | 3.76 |
| 1 to 1½ years | 14.54 | 36.35 | 72.70 | 145.40 | 290.80 | 727.00 | 1,454.00 | 3.18 | 3.75 |
| 1½ to 2 years | 14.81 | 37.03 | 74.06 | 148.12 | 296.24 | 740.60 | 1,481.20 | 3.19 | 3.75 |
| 2 to 2½ years | 15.09 | 37.72 | 75.44 | 150.88 | 301.76 | 754.40 | 1,508.80 | 3.20 | 3.75 |
| 2½ to 3 years | 15.37 | 38.43 | 76.86 | 153.72 | 307.44 | 768.60 | 1,537.20 | 3.22 | 3.75 |
| 3 to 3½ years | 15.66 | 39.15 | 78.30 | 156.60 | 313.20 | 783.00 | 1,566.00 | 3.23 | 3.75 |
| 3½ to 4 years | 15.95 | 39.88 | 79.76 | 159.52 | 319.04 | 797.60 | 1,595.20 | 3.24 | 3.75 |
| 4 to 4½ years | 16.25 | 40.63 | 81.26 | 162.52 | 325.04 | 812.60 | 1,625.20 | 3.25 | 3.75 |
| 4½ to 5 years | 16.56 | 41.39 | 82.78 | 165.56 | 331.12 | 827.80 | 1,655.60 | 3.26 | 3.75 |
| 5 to 5½ years | 16.87 | 42.17 | 84.34 | 168.68 | 337.36 | 843.40 | 1,686.80 | 3.27 | 3.75 |
| 5½ to 6 years | 17.18 | 42.96 | 85.92 | 171.84 | 343.68 | 859.20 | 1,718.40 | 3.28 | 3.75 |
| 6 to 6½ years | 17.51 | 43.77 | 87.54 | 175.08 | 350.16 | 875.40 | 1,750.80 | 3.29 | 3.75 |
| 6½ to 7 years | 17.84 | 44.59 | 89.18 | 178.36 | 356.72 | 891.80 | 1,783.60 | 3.30 | 3.75 |
| 7 to 7½ years | 18.17 | 45.42 | 90.84 | 181.68 | 363.36 | 908.40 | 1,816.80 | 3.30 | 3.75 |
| 7½ to 8 years | 18.51 | 46.27 | 92.54 | 185.08 | 370.16 | 925.40 | 1,850.80 | 3.31 | 3.76 |
| 8 to 8½ years | 18.86 | 47.14 | 94.28 | 188.56 | 377.12 | 942.80 | 1,885.60 | 3.32 | 3.75 |
| 8½ to 9 years | 19.21 | 48.02 | 96.04 | 192.08 | 384.16 | 960.40 | 1,920.80 | 3.33 | 3.76 |
| 9 to 9½ years | 19.57 | 48.93 | 97.86 | 195.72 | 391.44 | 978.60 | 1,957.20 | 3.34 | 3.75 |
| 9½ to 10 years | 19.94 | 49.84 | 99.68 | 199.36 | 398.72 | 996.80 | 1,993.60 | 3.34 | 3.77 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.31 | 50.78 | 101.56 | 203.12 | 406.24 | 1,015.60 | 2,031.20 | 3.35 | ---------- |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.

TABLE 17—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1947, THROUGH MAY 1, 1948

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | †3.51 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 2 to 2½ years | $10.60 | $26.51 | $53.02 | $106.04 | $212.08 | $530.20 | $1,060.40 | 2.91 | 3.54 |
| 2½ to 3 years | 10.77 | 26.92 | 53.84 | 107.68 | 215.36 | 538.40 | 1,076.80 | 2.91 | 3.57 |
| 3 to 3½ years | 10.94 | 27.34 | 54.68 | 109.36 | 218.72 | 546.80 | 1,093.60 | 2.92 | 3.61 |
| 3½ to 4 years | 11.11 | 27.77 | 55.54 | 111.08 | 222.16 | 555.40 | 1,110.80 | 2.93 | 3.64 |
| 4 to 4½ years | 11.28 | 28.20 | 56.40 | 112.80 | 225.60 | 564.00 | 1,128.00 | 2.94 | 3.69 |
| 4½ to 5 years | 11.46 | 28.65 | 57.30 | 114.60 | 229.20 | 573.00 | 1,146.00 | 2.95 | 3.73 |
| 5 to 5½ years | 11.66 | 29.16 | 58.32 | 116.64 | 233.28 | 583.20 | 1,166.40 | 2.97 | 3.75 |
| 5½ to 6 years | 11.87 | 29.68 | 59.36 | 118.72 | 237.44 | 593.60 | 1,187.20 | 2.99 | 3.77 |
| 6 to 6½ years | 12.08 | 30.21 | 60.42 | 120.84 | 241.68 | 604.20 | 1,208.40 | 3.00 | 3.79 |
| 6½ to 7 years | 12.30 | 30.75 | 61.50 | 123.00 | 246.00 | 615.00 | 1,230.00 | 3.02 | 3.82 |
| 7 to 7½ years | 12.52 | 31.30 | 62.60 | 125.20 | 250.40 | 626.00 | 1,252.00 | 3.04 | 3.87 |
| 7½ to 8 years | 12.74 | 31.86 | 63.72 | 127.44 | 254.88 | 637.20 | 1,274.40 | 3.05 | 3.92 |
| 8 to 8½ years | 12.98 | 32.44 | 64.88 | 129.76 | 259.52 | 648.80 | 1,297.60 | 3.07 | 3.99 |
| 8½ to 9 years | 13.23 | 33.08 | 66.16 | 132.32 | 264.64 | 661.60 | 1,323.20 | 3.09 | 4.01 |
| 9 to 9½ years | 13.49 | 33.73 | 67.46 | 134.92 | 269.84 | 674.60 | 1,349.20 | 3.11 | 4.06 |
| 9½ to 10 years | 13.76 | 34.40 | 68.80 | 137.60 | 275.20 | 688.00 | 1,376.00 | 3.14 | 4.13 |
| First extended maturity value (20 years from original maturity date)[1] | 14.04 | 35.11 | 70.22 | 140.44 | 280.88 | 702.20 | 1,404.40 | 3.15 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $14.04 | $35.11 | $70.22 | $140.44 | $280.88 | $702.20 | $1,404.40 | 3.16 | 3.75 |
| ½ to 1 year | 14.31 | 35.77 | 71.54 | 143.08 | 286.16 | 715.40 | 1,430.80 | 3.18 | 3.75 |
| 1 to 1½ years | 14.58 | 36.44 | 72.88 | 145.76 | 291.52 | 728.80 | 1,457.60 | 3.19 | 3.75 |
| 1½ to 2 years | 14.85 | 37.12 | 74.24 | 148.48 | 296.96 | 742.40 | 1,484.80 | 3.20 | 3.75 |
| 2 to 2½ years | 15.13 | 37.82 | 75.64 | 151.28 | 302.56 | 756.40 | 1,512.80 | 3.21 | 3.75 |
| 2½ to 3 years | 15.41 | 38.53 | 77.06 | 154.12 | 308.24 | 770.60 | 1,541.20 | 3.23 | 3.75 |
| 3 to 3½ years | 15.70 | 39.25 | 78.50 | 157.00 | 314.00 | 785.00 | 1,570.00 | 3.24 | 3.75 |
| 3½ to 4 years | 16.00 | 39.99 | 79.98 | 159.96 | 319.92 | 799.80 | 1,599.60 | 3.25 | 3.75 |
| 4 to 4½ years | 16.30 | 40.74 | 81.48 | 162.96 | 325.92 | 814.80 | 1,629.60 | 3.26 | 3.75 |
| 4½ to 5 years | 16.60 | 41.50 | 83.00 | 166.00 | 332.00 | 830.00 | 1,660.00 | 3.27 | 3.75 |
| 5 to 5½ years | 16.91 | 42.28 | 84.56 | 169.12 | 338.24 | 845.60 | 1,691.20 | 3.28 | 3.75 |
| 5½ to 6 years | 17.23 | 43.07 | 86.14 | 172.28 | 344.56 | 861.40 | 1,722.80 | 3.29 | 3.75 |
| 6 to 6½ years | 17.55 | 43.88 | 87.76 | 175.52 | 351.04 | 877.60 | 1,755.20 | 3.30 | 3.75 |
| 6½ to 7 years | 17.88 | 44.70 | 89.40 | 178.80 | 357.60 | 894.00 | 1,788.00 | 3.31 | 3.75 |
| 7 to 7½ years | 18.22 | 45.54 | 91.08 | 182.16 | 364.32 | 910.80 | 1,821.60 | 3.31 | 3.75 |
| 7½ to 8 years | 18.56 | 46.39 | 92.78 | 185.56 | 371.12 | 927.80 | 1,855.60 | 3.32 | 3.75 |
| 8 to 8½ years | 18.90 | 47.26 | 94.52 | 189.04 | 378.08 | 945.20 | 1,890.40 | 3.33 | 3.75 |
| 8½ to 9 years | 19.26 | 48.15 | 96.30 | 192.60 | 385.20 | 963.00 | 1,926.00 | 3.34 | 3.75 |
| 9 to 9½ years | 19.62 | 49.05 | 98.10 | 196.20 | 392.40 | 981.00 | 1,962.00 | 3.34 | 3.76 |
| 9½ to 10 years | 19.99 | 49.97 | 99.94 | 199.88 | 399.76 | 999.40 | 1,998.80 | 3.35 | 3.76 |
| Second extended maturity value (20 years from original maturity date)[2] | 20.36 | 50.91 | 101.82 | 203.64 | 407.28 | 1,018.20 | 2,036.40 | 3.36 | |

*Calculated on basis of $1,000 bond (face value).

**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.

†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.

[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 22, 1959.

[2] 20 years from issue date. [3] 30 years from issue date.



TABLE 18—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1948

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **2.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | †3.50 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 1½ to 2 years | $10.46 | $26.14 | $52.28 | $104.56 | $209.12 | $522.80 | $1,045.60 | 2.91 | 3.53 |
| 2 to 2½ years | 10.61 | 26.52 | 53.04 | 106.08 | 212.16 | 530.40 | 1,060.80 | 2.91 | 3.57 |
| 2½ to 3 years | 10.77 | 26.93 | 53.86 | 107.72 | 215.44 | 538.60 | 1,077.20 | 2.92 | 3.60 |
| 3 to 3½ years | 10.94 | 27.36 | 54.72 | 109.44 | 218.88 | 547.20 | 1,094.40 | 2.93 | 3.63 |
| 3½ to 4 years | 11.12 | 27.80 | 55.60 | 111.20 | 222.40 | 556.00 | 1,112.00 | 2.94 | 3.66 |
| 4 to 4½ years | 11.30 | 28.24 | 56.48 | 112.96 | 225.92 | 564.80 | 1,129.60 | 2.95 | 3.70 |
| 4½ to 5 years | 11.48 | 28.69 | 57.38 | 114.76 | 229.52 | 573.80 | 1,147.60 | 2.96 | 3.75 |
| 5 to 5½ years | 11.68 | 29.21 | 58.42 | 116.84 | 233.68 | 584.20 | 1,168.40 | 2.98 | 3.76 |
| 5½ to 6 years | 11.89 | 29.73 | 59.46 | 118.92 | 237.84 | 594.60 | 1,189.20 | 3.00 | 3.79 |
| 6 to 6½ years | 12.10 | 30.26 | 60.52 | 121.04 | 242.08 | 605.20 | 1,210.40 | 3.01 | 3.81 |
| 6½ to 7 years | 12.32 | 30.81 | 61.62 | 123.24 | 246.48 | 616.20 | 1,232.40 | 3.03 | 3.84 |
| 7 to 7½ years | 12.55 | 31.37 | 62.74 | 125.48 | 250.96 | 627.40 | 1,254.80 | 3.05 | 3.87 |
| 7½ to 8 years | 12.77 | 31.93 | 63.86 | 127.72 | 255.44 | 638.60 | 1,277.20 | 3.07 | 3.93 |
| 8 to 8½ years | 13.00 | 32.51 | 65.02 | 130.04 | 260.08 | 650.20 | 1,300.40 | 3.08 | 4.01 |
| 8½ to 9 years | 13.26 | 33.15 | 66.30 | 132.60 | 266.20 | 663.00 | 1,326.00 | 3.10 | 4.05 |
| 9 to 9½ years | 13.52 | 33.81 | 67.62 | 135.24 | 270.48 | 676.20 | 1,352.40 | 3.13 | 4.06 |
| 9½ to 10 years | 13.79 | 34.48 | 68.96 | 137.92 | 275.84 | 689.60 | 1,379.20 | 3.15 | 4.15 |
| First extended maturity value (20 years from original maturity date)[1] | 14.08 | 35.20 | 70.39 | 140.78 | 281.56 | 703.90 | 1,407.80 | 3.17 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $14.08 | $35.20 | $70.39 | $140.78 | $281.56 | $703.90 | $1,407.80 | 3.17 | 3.75 |
| ½ to 1 year | 14.34 | 35.85 | 71.70 | 143.40 | 286.80 | 717.00 | 1,434.00 | 3.19 | 3.75 |
| 1 to 1½ years | 14.61 | 36.53 | 73.06 | 146.12 | 292.24 | 730.60 | 1,461.20 | 3.20 | 3.75 |
| 1½ to 2 years | 14.86 | 37.21 | 74.42 | 148.84 | 297.68 | 744.20 | 1,488.40 | 3.21 | 3.75 |
| 2 to 2½ years | 15.16 | 37.91 | 75.82 | 151.64 | 303.28 | 758.20 | 1,516.40 | 3.23 | 3.75 |
| 2½ to 3 years | 15.45 | 38.62 | 77.24 | 154.48 | 308.96 | 772.40 | 1,544.80 | 3.24 | 3.75 |
| 3 to 3½ years | 15.74 | 39.34 | 78.68 | 157.36 | 314.72 | 786.80 | 1,573.60 | 3.25 | 3.75 |
| 3½ to 4 years | 16.03 | 40.08 | 80.16 | 160.32 | 320.64 | 801.60 | 1,603.20 | 3.26 | 3.75 |
| 4 to 4½ years | 16.33 | 40.83 | 81.66 | 163.32 | 326.64 | 816.60 | 1,633.20 | 3.27 | 3.75 |
| 4½ to 5 years | 16.64 | 41.60 | 83.20 | 166.40 | 332.80 | 832.00 | 1,664.00 | 3.28 | 3.75 |
| 5 to 5½ years | 16.96 | 42.38 | 84.76 | 169.52 | 339.04 | 847.60 | 1,695.20 | 3.29 | 3.75 |
| 5½ to 6 years | 17.27 | 43.17 | 86.34 | 172.68 | 345.36 | 863.40 | 1,726.80 | 3.30 | 3.76 |
| 6 to 6½ years | 17.59 | 43.98 | 87.96 | 175.92 | 351.84 | 879.60 | 1,759.20 | 3.31 | 3.75 |
| 6½ to 7 years | 17.92 | 44.81 | 89.62 | 179.24 | 358.48 | 896.20 | 1,792.40 | 3.31 | 3.75 |
| 7 to 7½ years | 18.26 | 45.65 | 91.30 | 182.60 | 365.20 | 913.00 | 1,826.00 | 3.32 | 3.75 |
| 7½ to 8 years | 18.60 | 46.50 | 93.00 | 186.00 | 372.00 | 930.00 | 1,860.00 | 3.33 | 3.75 |
| 8 to 8½ years | 18.95 | 47.38 | 94.76 | 189.52 | 379.04 | 947.60 | 1,895.20 | 3.34 | 3.75 |
| 8½ to 9 years | 19.30 | 48.26 | 96.52 | 193.04 | 386.08 | 965.20 | 1,930.40 | 3.34 | 3.76 |
| 9 to 9½ years | 19.67 | 49.17 | 98.34 | 196.68 | 393.36 | 983.40 | 1,966.80 | 3.35 | 3.75 |
| 9½ to 10 years | 20.04 | 50.09 | 100.18 | 200.36 | 400.72 | 1,001.80 | 2,003.60 | 3.36 | 3.75 |
| Second extended maturity value (20 years from original maturity date)[2] | 20.41 | 51.03 | 102.06 | 204.12 | 408.24 | 1,020.60 | 2,041.20 | 3.37 | |

*Calculated on basis of $1,000 bond (face value).

**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.

†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.

[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.

TABLE 19—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1948, THROUGH MAY 1, 1949

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — First extended maturity period | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | *Percent* 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | †3.50 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 1 to 1½ years | $10.30 | $25.76 | $51.52 | $103.04 | $206.08 | $515.20 | $1,030.40 | 2.91 | 3.53 |
| 1½ to 2 years | 10.46 | 26.14 | 52.28 | 104.56 | 209.12 | 522.80 | 1,045.60 | 2.91 | 3.56 |
| 2 to 2½ years | 10.61 | 26.53 | 53.06 | 106.12 | 212.24 | 530.60 | 1,061.20 | 2.91 | 3.59 |
| 2½ to 3 years | 10.78 | 26.96 | 53.92 | 107.84 | 215.68 | 539.20 | 1,078.40 | 2.93 | 3.62 |
| 3 to 3½ years | 10.96 | 27.39 | 54.78 | 109.56 | 219.12 | 547.80 | 1,095.60 | 2.94 | 3.65 |
| 3½ to 4 years | 11.13 | 27.83 | 55.66 | 111.32 | 222.64 | 556.60 | 1,113.20 | 2.95 | 3.68 |
| 4 to 4½ years | 11.31 | 28.28 | 56.56 | 113.12 | 226.24 | 565.60 | 1,131.20 | 2.96 | 3.72 |
| 4½ to 5 years | 11.50 | 28.74 | 57.48 | 114.96 | 229.92 | 574.80 | 1,149.60 | 2.97 | 3.76 |
| 5 to 5½ years | 11.70 | 29.26 | 58.52 | 117.04 | 234.08 | 585.20 | 1,170.40 | 2.99 | 3.78 |
| 5½ to 6 years | 11.92 | 29.79 | 59.58 | 119.16 | 238.32 | 595.80 | 1,191.60 | 3.01 | 3.79 |
| 6 to 6½ years | 12.13 | 30.33 | 60.66 | 121.32 | 242.64 | 606.60 | 1,213.20 | 3.03 | 3.82 |
| 6½ to 7 years | 12.35 | 30.87 | 61.74 | 123.48 | 246.96 | 617.40 | 1,234.80 | 3.04 | 3.85 |
| 7 to 7½ years | 12.57 | 31.43 | 62.86 | 125.72 | 251.44 | 628.60 | 1,257.20 | 3.06 | 3.89 |
| 7½ to 8 years | 12.80 | 32.00 | 64.00 | 128.00 | 256.00 | 640.00 | 1,280.00 | 3.08 | 3.94 |
| 8 to 8½ years | 13.04 | 32.59 | 65.18 | 130.36 | 260.72 | 651.80 | 1,303.60 | 3.09 | 4.01 |
| 8½ to 9 years | 13.29 | 33.23 | 66.46 | 132.92 | 265.84 | 664.60 | 1,329.20 | 3.12 | 4.03 |
| 9 to 9½ years | 13.56 | 33.89 | 67.78 | 135.56 | 271.12 | 677.80 | 1,355.60 | 3.14 | 4.06 |
| 9½ to 10 years | 13.82 | 34.56 | 69.12 | 138.24 | 276.48 | 691.20 | 1,382.40 | 3.16 | 4.17 |
| First extended maturity value (20 years from original maturity date)[2] | 14.11 | 35.28 | 70.56 | 141.12 | 282.24 | 705.60 | 1,411.20 | 3.19 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $14.11 | $35.28 | $70.56 | $141.12 | $282.24 | $705.60 | $1,411.20 | 3.19 | 3.75 |
| ½ to 1 year | 14.38 | 35.94 | 71.88 | 143.76 | 287.52 | 718.80 | 1,437.60 | 3.20 | 3.75 |
| 1 to 1½ years | 14.65 | 36.62 | 73.24 | 146.48 | 292.96 | 732.40 | 1,464.80 | 3.21 | 3.75 |
| 1½ to 2 years | 14.92 | 37.30 | 74.60 | 149.20 | 298.40 | 746.00 | 1,492.00 | 3.22 | 3.75 |
| 2 to 2½ years | 15.20 | 38.00 | 76.00 | 152.00 | 304.00 | 760.00 | 1,520.00 | 3.24 | 3.75 |
| 2½ to 3 years | 15.48 | 38.71 | 77.42 | 154.84 | 309.68 | 774.20 | 1,548.40 | 3.25 | 3.75 |
| 3 to 3½ years | 15.78 | 39.44 | 78.88 | 157.76 | 315.52 | 788.80 | 1,577.60 | 3.26 | 3.75 |
| 3½ to 4 years | 16.07 | 40.18 | 80.36 | 160.72 | 321.44 | 803.60 | 1,607.20 | 3.27 | 3.75 |
| 4 to 4½ years | 16.37 | 40.93 | 81.86 | 163.72 | 327.44 | 818.60 | 1,637.20 | 3.28 | 3.75 |
| 4½ to 5 years | 16.68 | 41.70 | 83.40 | 166.80 | 333.60 | 834.00 | 1,668.00 | 3.29 | 3.75 |
| 5 to 5½ years | 16.99 | 42.48 | 84.96 | 169.92 | 339.84 | 849.60 | 1,699.20 | 3.30 | 3.75 |
| 5½ to 6 years | 17.31 | 43.28 | 86.56 | 173.12 | 346.24 | 865.60 | 1,731.20 | 3.31 | 3.75 |
| 6 to 6½ years | 17.64 | 44.09 | 88.18 | 176.36 | 352.72 | 881.80 | 1,763.60 | 3.32 | 3.75 |
| 6½ to 7 years | 17.97 | 44.92 | 89.84 | 179.68 | 359.36 | 898.40 | 1,796.80 | 3.32 | 3.75 |
| 7 to 7½ years | 18.30 | 45.76 | 91.52 | 183.04 | 366.08 | 915.20 | 1,830.40 | 3.33 | 3.75 |
| 7½ to 8 years | 18.65 | 46.62 | 93.24 | 186.48 | 372.96 | 932.40 | 1,864.80 | 3.34 | 3.74 |
| 8 to 8½ years | 19.00 | 47.49 | 94.98 | 189.96 | 379.92 | 949.80 | 1,899.60 | 3.35 | 3.75 |
| 8½ to 9 years | 19.35 | 48.38 | 96.76 | 193.52 | 387.04 | 967.60 | 1,935.20 | 3.35 | 3.75 |
| 9 to 9½ years | 19.72 | 49.29 | 98.58 | 197.16 | 394.32 | 985.80 | 1,971.60 | 3.36 | 3.74 |
| 9½ to 10 years | 20.08 | 50.21 | 100.42 | 200.84 | 401.68 | 1,004.20 | 2,008.40 | 3.37 | 3.74 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.46 | 51.15 | 102.30 | 204.60 | 409.20 | 1,023.00 | 2,046.00 | 3.37 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.

TABLE 20—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1949

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after issue date | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to maturity |
| First ½ year | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | *Percent* 0.00 | **2.90 |
| ½ to 1 year | 7.50 | 18.75 | 37.50 | 75.00 | 150.00 | 375.00 | 750.00 | .00 | 3.05 |
| 1 to 1½ years | 7.55 | 18.87 | 37.75 | 75.50 | 151.00 | 377.50 | 755.00 | .67 | 3.15 |
| 1½ to 2 years | 7.60 | 19.00 | 38.00 | 76.00 | 152.00 | 380.00 | 760.00 | .98 | 3.25 |
| 2 to 2½ years | 7.65 | 19.12 | 38.25 | 76.50 | 153.00 | 382.50 | 765.00 | .99 | 3.38 |
| 2½ to 3 years | 7.70 | 19.25 | 38.50 | 77.00 | 154.00 | 385.00 | 770.00 | 1.06 | 3.52 |
| 3 to 3½ years | 7.80 | 19.50 | 39.00 | 78.00 | 156.00 | 390.00 | 780.00 | 1.31 | 3.68 |
| 3½ to 4 years | 7.90 | 19.75 | 39.50 | 79.00 | 158.00 | 395.00 | 790.00 | 1.49 | 3.66 |
| 4 to 4½ years | 8.00 | 20.00 | 40.00 | 80.00 | 160.00 | 400.00 | 800.00 | 1.62 | 3.75 |
| 4½ to 5 years | 8.10 | 20.25 | 40.50 | 81.00 | 162.00 | 405.00 | 810.00 | 1.72 | 3.87 |
| 5 to 5½ years | 8.20 | 20.50 | 41.00 | 82.00 | 164.00 | 410.00 | 820.00 | 1.79 | 4.01 |
| 5½ to 6 years | 8.30 | 20.73 | 41.50 | 83.00 | 166.00 | 415.00 | 830.00 | 1.83 | 4.18 |
| 6 to 6½ years | 8.40 | 21.00 | 42.00 | 84.00 | 168.00 | 420.00 | 840.00 | 1.90 | 4.44 |
| 6½ to 7 years | 8.60 | 21.50 | 43.00 | 86.00 | 172.00 | 430.00 | 860.00 | 2.10 | 4.31 |
| 7 to 7½ years | 8.80 | 22.00 | 44.00 | 88.00 | 176.00 | 440.00 | 880.00 | 2.13 | 4.26 |
| 7½ to 8 years | 9.00 | 22.50 | 45.00 | 90.00 | 180.00 | 450.00 | 900.00 | 2.45 | 4.21 |
| 8 to 8½ years | 9.20 | 23.00 | 46.00 | 92.00 | 184.00 | 460.00 | 920.00 | 2.57 | 4.17 |
| 8½ to 9 years | 9.40 | 23.50 | 47.00 | 94.00 | 188.00 | 470.00 | 940.00 | 2.67 | 4.12 |
| 9 to 9½ years | 9.60 | 24.00 | 48.00 | 96.00 | 192.00 | 480.00 | 960.00 | 2.76 | 4.08 |
| 9½ to 10 years | 9.80 | 24.50 | 49.00 | 98.00 | 196.00 | 490.00 | 980.00 | 2.84 | |
| Maturity value (10 years from issue date) | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 2.90 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | †3.75 |
| Revised redemption values and investment yields | | | | | | | | | |
| ½ to 1 year | $10.18 | $25.44 | $50.88 | $101.76 | $203.52 | $508.80 | $1,017.60 | 2.93 | 3.76 |
| 1 to 1½ years | 10.36 | 25.89 | 51.78 | 103.56 | 207.12 | 517.80 | 1,035.60 | 2.95 | 3.77 |
| 1½ to 2 years | 10.54 | 26.35 | 52.70 | 105.40 | 210.80 | 527.00 | 1,054.00 | 2.98 | 3.79 |
| 2 to 2½ years | 10.73 | 26.83 | 53.66 | 107.32 | 214.64 | 536.60 | 1,073.20 | 3.01 | 3.80 |
| 2½ to 3 years | 10.92 | 27.31 | 54.62 | 109.24 | 218.48 | 546.20 | 1,092.40 | 3.03 | 3.81 |
| 3 to 3½ years | 11.12 | 27.81 | 55.62 | 111.24 | 222.48 | 556.20 | 1,112.40 | 3.06 | 3.82 |
| 3½ to 4 years | 11.33 | 28.32 | 56.64 | 113.28 | 226.56 | 566.40 | 1,132.80 | 3.08 | 3.83 |
| 4 to 4½ years | 11.54 | 28.84 | 57.68 | 115.36 | 230.72 | 576.80 | 1,153.60 | 3.10 | 3.85 |
| 4½ to 5 years | 11.75 | 29.38 | 58.76 | 117.52 | 235.04 | 587.60 | 1,175.20 | 3.12 | 3.86 |
| 5 to 5½ years | 11.97 | 29.93 | 59.86 | 119.72 | 239.44 | 598.60 | 1,197.20 | 3.14 | 3.87 |
| 5½ to 6 years | 12.20 | 30.49 | 60.98 | 121.96 | 243.92 | 609.80 | 1,219.60 | 3.16 | 3.88 |
| 6 to 6½ years | 12.43 | 31.07 | 62.14 | 124.28 | 248.56 | 621.40 | 1,242.80 | 3.18 | 3.89 |
| 6½ to 7 years | 12.66 | 31.66 | 63.32 | 126.64 | 253.28 | 633.20 | 1,266.40 | 3.20 | 3.90 |
| 7 to 7½ years | 12.90 | 32.26 | 64.52 | 129.04 | 258.08 | 645.20 | 1,290.40 | 3.22 | 3.93 |
| 7½ to 8 years | 13.15 | 32.89 | 65.78 | 131.56 | 263.12 | 657.80 | 1,315.60 | 3.24 | 3.94 |
| 8 to 8½ years | 13.41 | 33.53 | 67.06 | 134.12 | 268.24 | 670.60 | 1,341.20 | 3.26 | 3.96 |
| 8½ to 9 years | 13.67 | 34.18 | 68.36 | 136.72 | 273.44 | 683.60 | 1,367.20 | 3.27 | 3.98 |
| 9 to 9½ years | 13.94 | 34.85 | 69.70 | 139.40 | 278.80 | 697.00 | 1,394.00 | 3.29 | 3.98 |
| 9½ to 10 years | 14.22 | 35.54 | 71.08 | 142.16 | 284.32 | 710.80 | 1,421.60 | 3.31 | 4.00 |
| Extended maturity value (10 years from original maturity date)[1] | 14.50 | 36.25 | 72.50 | 145.00 | 290.00 | 725.00 | 1,450.00 | 3.32 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period from issuance to original maturity.
†Revised approximate investment yield for entire period from original maturity to extended maturity.
[1] 20 years from issue date.





TABLE 21—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1949, THROUGH MAY 1, 1950

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after issue date | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to maturity |
| First ½ year | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | *Percent* 0.00 | **2.90 |
| ½ to 1 year | 7.50 | 18.75 | 37.50 | 75.00 | 150.00 | 375.00 | 750.00 | .00 | 3.05 |
| 1 to 1½ years | 7.55 | 18.87 | 37.75 | 75.50 | 151.00 | 377.50 | 755.00 | .67 | 3.15 |
| 1½ to 2 years | 7.60 | 19.00 | 38.00 | 76.00 | 152.00 | 380.00 | 760.00 | .98 | 3.25 |
| 2 to 2½ years | 7.65 | 19.12 | 38.25 | 76.50 | 153.00 | 382.50 | 765.00 | .99 | 3.38 |
| 2½ to 3 years | 7.70 | 19.25 | 38.50 | 77.00 | 154.00 | 385.00 | 770.00 | 1.06 | 3.52 |
| 3 to 3½ years | 7.80 | 19.50 | 39.00 | 78.00 | 156.00 | 390.00 | 780.00 | 1.31 | 3.68 |
| 3½ to 4 years | 7.90 | 19.75 | 39.50 | 79.00 | 158.00 | 395.00 | 790.00 | 1.49 | 3.66 |
| 4 to 4½ years | 8.00 | 20.00 | 40.00 | 80.00 | 160.00 | 400.00 | 800.00 | 1.62 | 3.75 |
| 4½ to 5 years | 8.10 | 20.25 | 40.50 | 81.00 | 162.00 | 405.00 | 810.00 | 1.72 | 3.87 |
| 5 to 5½ years | 8.20 | 20.50 | 41.00 | 82.00 | 164.00 | 410.00 | 820.00 | 1.79 | 4.01 |
| 5½ to 6 years | 8.30 | 20.73 | 41.50 | 83.00 | 166.00 | 415.00 | 830.00 | 1.83 | 4.18 |
| 6 to 6½ years | 8.40 | 21.00 | 42.00 | 84.00 | 168.00 | 420.00 | 840.00 | 1.90 | 4.44 |
| 6½ to 7 years | 8.60 | 21.50 | 43.00 | 86.00 | 172.00 | 430.00 | 860.00 | 2.10 | 4.31 |
| 7 to 7½ years | 8.80 | 22.00 | 44.00 | 88.00 | 176.00 | 440.00 | 880.00 | 2.13 | 4.26 |
| 7½ to 8 years | 9.00 | 22.50 | 45.00 | 90.00 | 180.00 | 450.00 | 900.00 | 2.45 | 4.21 |
| 8 to 8½ years | 9.20 | 23.00 | 46.00 | 92.00 | 184.00 | 460.00 | 920.00 | 2.57 | 4.17 |
| 8½ to 9 years | 9.40 | 23.50 | 47.00 | 94.00 | 188.00 | 470.00 | 940.00 | 2.67 | 4.12 |
| 9 to 9½ years | 9.60 | 24.00 | 48.00 | 96.00 | 192.00 | 480.00 | 960.00 | 2.76 | 4.08 |
| 9½ to 10 years | 9.80 | 24.50 | 49.00 | 98.00 | 196.00 | 490.00 | 980.00 | 2.84 | |
| Maturity value (10 years from issue date) | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 2.90 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | †3.75 |
| Revised redemption values and investment yields | | | | | | | | | |
| ½ to 1 year | $10.03 | $25.08 | $50.16 | $100.32 | $200.64 | $501.60 | $1,003.20 | 2.93 | 3.75 |
| 1 to 1½ years | 10.21 | 25.52 | 51.04 | 102.08 | 204.16 | 510.40 | 1,020.80 | 2.96 | 3.77 |
| 1½ to 2 years | 10.39 | 25.97 | 51.94 | 103.88 | 207.76 | 519.40 | 1,038.80 | 2.98 | 3.79 |
| 2 to 2½ years | 10.58 | 26.44 | 52.88 | 105.76 | 211.52 | 528.80 | 1,057.60 | 3.01 | 3.80 |
| 2½ to 3 years | 10.76 | 26.91 | 53.82 | 107.64 | 215.28 | 538.20 | 1,076.40 | 3.03 | 3.81 |
| 3 to 3½ years | 10.96 | 27.40 | 54.80 | 109.60 | 219.20 | 548.00 | 1,096.00 | 3.06 | 3.82 |
| 3½ to 4 years | 11.16 | 27.90 | 55.80 | 111.60 | 223.20 | 558.00 | 1,116.00 | 3.08 | 3.83 |
| 4 to 4½ years | 11.36 | 28.41 | 56.82 | 113.64 | 227.28 | 568.20 | 1,136.40 | 3.10 | 3.83 |
| 4½ to 5 years | 11.57 | 28.93 | 57.86 | 115.72 | 231.44 | 578.60 | 1,157.20 | 3.12 | 3.84 |
| 5 to 5½ years | 11.79 | 29.47 | 58.94 | 117.88 | 235.76 | 589.40 | 1,178.80 | 3.14 | 3.85 |
| 5½ to 6 years | 12.01 | 30.02 | 60.04 | 120.08 | 240.16 | 600.40 | 1,200.80 | 3.16 | 3.86 |
| 6 to 6½ years | 12.24 | 30.59 | 61.18 | 122.36 | 244.72 | 611.80 | 1,223.60 | 3.18 | 3.87 |
| 6½ to 7 years | 12.47 | 31.16 | 62.32 | 124.64 | 249.28 | 623.20 | 1,246.40 | 3.20 | 3.88 |
| 7 to 7½ years | 12.70 | 31.76 | 63.52 | 127.04 | 254.08 | 635.20 | 1,270.40 | 3.22 | 3.89 |
| 7½ to 8 years | 12.95 | 32.37 | 64.74 | 129.48 | 258.96 | 647.40 | 1,294.80 | 3.24 | 3.91 |
| 8 to 8½ years | 13.20 | 32.99 | 65.98 | 131.96 | 263.92 | 659.80 | 1,319.60 | 3.25 | 3.93 |
| 8½ to 9 years | 13.45 | 33.63 | 67.26 | 134.52 | 269.04 | 672.60 | 1,345.20 | 3.27 | 3.94 |
| 9 to 9½ years | 13.72 | 34.29 | 68.58 | 137.18 | 274.32 | 685.80 | 1,371.60 | 3.29 | 3.95 |
| 9½ to 10 years | 13.98 | 34.96 | 69.92 | 139.84 | 279.68 | 699.20 | 1,398.40 | 3.31 | 3.97 |
| Extended maturity value (10 years from original maturity date)[1] | 14.26 | 35.66 | 71.32 | 142.64 | 285.28 | 713.20 | 1,426.40 | 3.32 | 3.98 |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 20 years from issue date.

TABLE 22—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1950

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | 0.00 | **2.90 |
| ½ to 1 year | 18.75 | 37.50 | 75.00 | 150.00 | 375.00 | 750.00 | .00 | **3.05 |
| 1 to 1½ years | 18.87 | 37.75 | 75.50 | 151.00 | 377.50 | 755.00 | .67 | **3.15 |
| 1½ to 2 years | 19.00 | 38.00 | 76.00 | 152.00 | 380.00 | 760.00 | .88 | **3.25 |
| 2 to 2½ years | 19.12 | 38.25 | 76.50 | 153.00 | 382.50 | 765.00 | .99 | **3.38 |
| 2½ to 3 years | 19.25 | 38.50 | 77.00 | 154.00 | 385.00 | 770.00 | 1.06 | **3.52 |
| 3 to 3½ years | 19.50 | 39.00 | 78.00 | 156.00 | 390.00 | 780.00 | 1.31 | **3.58 |
| 3½ to 4 years | 19.75 | 39.50 | 79.00 | 158.00 | 395.00 | 790.00 | 1.49 | **3.66 |
| 4 to 4½ years | 20.00 | 40.00 | 80.00 | 160.00 | 400.00 | 800.00 | 1.62 | **3.75 |
| 4½ to 5 years | 20.25 | 40.50 | 81.00 | 162.00 | 405.00 | 810.00 | 1.72 | **3.87 |
| 5 to 5½ years | 20.50 | 41.00 | 82.00 | 164.00 | 410.00 | 820.00 | 1.79 | **4.01 |
| 5½ to 6 years | 20.75 | 41.50 | 83.00 | 166.00 | 415.00 | 830.00 | 1.85 | **4.18 |
| 6 to 6½ years | 21.00 | 42.00 | 84.00 | 168.00 | 420.00 | 840.00 | 1.90 | **4.41 |
| 6½ to 7 years | 21.50 | 43.00 | 86.00 | 172.00 | 430.00 | 860.00 | 2.12 | **4.36 |
| 7 to 7½ years | 22.00 | 44.00 | 88.00 | 176.00 | 440.00 | 880.00 | 2.30 | **4.31 |
| 7½ to 8 years | 22.50 | 45.00 | 90.00 | 180.00 | 450.00 | 900.00 | 2.45 | **4.26 |
| 8 to 8½ years | 23.00 | 46.00 | 92.00 | 184.00 | 460.00 | 920.00 | 2.57 | **4.21 |
| 8½ to 9 years | 23.50 | 47.00 | 94.00 | 188.00 | 470.00 | 940.00 | 2.67 | **4.17 |
| 9 to 9½ years | 24.00 | 48.00 | 96.00 | 192.00 | 480.00 | 960.00 | 2.76 | †4.74 |
| **Revised redemption values and investment yields** | | | | | | | | |
| 9½ to 10 years | $24.54 | $49.08 | $98.16 | $196.32 | $490.80 | $981.60 | 2.85 | 4.97 |
| Maturity value (10 years from issue date) | 25.15 | 50.30 | 100.60 | 201.20 | 503.00 | 1,006.00 | 2.96 | |
| Period after maturity date | Extended maturity period | | | | | | | (b) to extended maturity |
| First ½ year | $25.15 | $50.30 | $100.60 | $201.20 | $503.00 | $1,006.00 | 2.96 | 3.75 |
| ½ to 1 year | 25.59 | 51.18 | 102.36 | 204.72 | 511.80 | 1,023.60 | 2.98 | 3.76 |
| 1 to 1½ years | 26.05 | 52.10 | 104.20 | 208.40 | 521.00 | 1,042.00 | 3.01 | 3.77 |
| 1½ to 2 years | 26.51 | 53.02 | 106.04 | 212.08 | 530.20 | 1,060.40 | 3.03 | 3.79 |
| 2 to 2½ years | 26.99 | 53.98 | 107.96 | 215.92 | 539.80 | 1,079.60 | 3.06 | 3.80 |
| 2½ to 3 years | 27.48 | 54.96 | 109.92 | 219.84 | 549.60 | 1,099.20 | 3.08 | 3.81 |
| 3 to 3½ years | 27.98 | 55.96 | 111.92 | 223.84 | 559.60 | 1,119.20 | 3.10 | 3.82 |
| 3½ to 4 years | 28.49 | 56.98 | 113.96 | 227.92 | 569.80 | 1,139.60 | 3.12 | 3.84 |
| 4 to 4½ years | 29.01 | 58.02 | 116.04 | 232.08 | 580.20 | 1,160.40 | 3.14 | 3.85 |
| 4½ to 5 years | 29.55 | 59.10 | 118.20 | 236.40 | 591.00 | 1,182.00 | 3.16 | 3.86 |
| 5 to 5½ years | 30.10 | 60.20 | 120.40 | 240.80 | 602.00 | 1,204.00 | 3.18 | 3.88 |
| 5½ to 6 years | 30.67 | 61.34 | 122.68 | 245.36 | 613.40 | 1,226.80 | 3.20 | 3.89 |
| 6 to 6½ years | 31.25 | 62.50 | 125.00 | 250.00 | 625.00 | 1,250.00 | 3.22 | 3.90 |
| 6½ to 7 years | 31.85 | 63.70 | 127.40 | 254.80 | 637.00 | 1,274.00 | 3.24 | 3.91 |
| 7 to 7½ years | 32.46 | 64.92 | 129.84 | 259.68 | 649.20 | 1,298.40 | 3.25 | 3.92 |
| 7½ to 8 years | 33.08 | 66.16 | 132.32 | 264.64 | 661.60 | 1,323.20 | 3.27 | 3.94 |
| 8 to 8½ years | 33.73 | 67.46 | 134.92 | 269.84 | 674.60 | 1,349.20 | 3.29 | 3.94 |
| 8½ to 9 years | 34.39 | 68.78 | 137.56 | 275.12 | 687.80 | 1,375.60 | 3.31 | 3.95 |
| 9 to 9½ years | 35.06 | 70.12 | 140.24 | 280.48 | 701.20 | 1,402.40 | 3.32 | 3.98 |
| 9½ to 10 years | 35.75 | 71.50 | 143.00 | 286.00 | 715.00 | 1,430.00 | 3.34 | 4.03 |
| Extended maturity value (10 years from original maturity date)[1] | 36.47 | 72.94 | 145.88 | 291.76 | 729.40 | 1,458.80 | 3.35 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 20 years from issue date.

TABLE 23—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1950, THROUGH MAY 1, 1951

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | 0.00 | **2.90 |
| ½ to 1 year | 18.75 | 37.50 | 75.00 | 150.00 | 375.00 | 750.00 | .00 | **3.05 |
| 1 to 1½ years | 18.87 | 37.75 | 75.50 | 151.00 | 377.50 | 755.00 | .67 | **3.15 |
| 1½ to 2 years | 19.00 | 38.00 | 76.00 | 152.00 | 380.00 | 760.00 | .88 | **3.25 |
| 2 to 2½ years | 19.12 | 38.25 | 76.50 | 153.00 | 382.50 | 765.00 | .99 | **3.38 |
| 2½ to 3 years | 19.25 | 38.50 | 77.00 | 154.00 | 385.00 | 770.00 | 1.06 | **3.52 |
| 3 to 3½ years | 19.50 | 39.00 | 78.00 | 156.00 | 390.00 | 780.00 | 1.31 | **3.58 |
| 3½ to 4 years | 19.75 | 39.50 | 79.00 | 158.00 | 395.00 | 790.00 | 1.49 | **3.66 |
| 4 to 4½ years | 20.00 | 40.00 | 80.00 | 160.00 | 400.00 | 800.00 | 1.62 | **3.75 |
| 4½ to 5 years | 20.25 | 40.50 | 81.00 | 162.00 | 405.00 | 810.00 | 1.72 | **3.87 |
| 5 to 5½ years | 20.50 | 41.00 | 82.00 | 164.00 | 410.00 | 820.00 | 1.79 | **4.01 |
| 5½ to 6 years | 20.75 | 41.50 | 83.00 | 166.00 | 415.00 | 830.00 | 1.85 | **4.18 |
| 6 to 6½ years | 21.00 | 42.00 | 84.00 | 168.00 | 420.00 | 840.00 | 1.90 | **4.41 |
| 6½ to 7 years | 21.50 | 43.00 | 86.00 | 172.00 | 430.00 | 860.00 | 2.12 | **4.36 |
| 7 to 7½ years | 22.00 | 44.00 | 88.00 | 176.00 | 440.00 | 880.00 | 2.30 | **4.31 |
| 7½ to 8 years | 22.50 | 45.00 | 90.00 | 180.00 | 450.00 | 900.00 | 2.45 | **4.26 |
| 8 to 8½ years | 23.00 | 46.00 | 92.00 | 184.00 | 460.00 | 920.00 | 2.57 | **4.21 |
| 8½ to 9 years | 23.50 | 47.00 | 94.00 | 188.00 | 470.00 | 940.00 | 2.67 | †4.77 |
| **Revised redemption values and investment yields** | | | | | | | | |
| 9 to 9½ years | $24.02 | $48.04 | $96.08 | $192.16 | $480.40 | $960.80 | 2.77 | 4.93 |
| 9½ to 10 years | 24.60 | 49.20 | 98.40 | 196.80 | 492.00 | 984.00 | 2.88 | 5.04 |
| Maturity value (10 years from issue date) | 25.22 | 50.44 | 100.88 | 201.76 | 504.40 | 1,008.80 | 2.99 | |
| Period after maturity date | Extended maturity period | | | | | | | (b) to extended maturity |
| First ½ year | $25.22 | $50.44 | $100.88 | $201.76 | $504.40 | $1,008.80 | 2.99 | 3.75 |
| ½ to 1 year | 25.86 | 51.32 | 102.64 | 205.28 | 513.20 | 1,026.40 | 3.01 | 3.76 |
| 1 to 1½ years | 26.12 | 52.24 | 104.48 | 208.96 | 522.40 | 1,044.80 | 3.04 | 3.77 |
| 1½ to 2 years | 26.58 | 53.16 | 106.32 | 212.64 | 531.60 | 1,063.20 | 3.06 | 3.79 |
| 2 to 2½ years | 27.06 | 54.12 | 108.24 | 216.48 | 541.20 | 1,082.40 | 3.08 | 3.80 |
| 2½ to 3 years | 27.55 | 55.10 | 110.20 | 220.40 | 551.00 | 1,102.00 | 3.10 | 3.81 |
| 3 to 3½ years | 28.05 | 56.10 | 112.20 | 224.40 | 561.00 | 1,122.00 | 3.12 | 3.83 |
| 3½ to 4 years | 28.57 | 57.14 | 114.28 | 228.56 | 571.40 | 1,142.80 | 3.14 | 3.83 |
| 4 to 4½ years | 29.09 | 58.18 | 116.36 | 232.72 | 581.80 | 1,163.60 | 3.16 | 3.85 |
| 4½ to 5 years | 29.63 | 59.26 | 118.52 | 237.04 | 592.60 | 1,185.20 | 3.18 | 3.86 |
| 5 to 5½ years | 30.19 | 60.38 | 120.76 | 241.52 | 603.80 | 1,207.60 | 3.20 | 3.87 |
| 5½ to 6 years | 30.76 | 61.52 | 123.04 | 246.08 | 615.20 | 1,230.40 | 3.22 | 3.88 |
| 6 to 6½ years | 31.34 | 62.68 | 125.36 | 250.72 | 626.80 | 1,253.60 | 3.24 | 3.90 |
| 6½ to 7 years | 31.94 | 63.88 | 127.76 | 255.52 | 638.80 | 1,277.60 | 3.25 | 3.91 |
| 7 to 7½ years | 32.55 | 65.10 | 130.20 | 260.40 | 651.00 | 1,302.00 | 3.27 | 3.92 |
| 7½ to 8 years | 33.18 | 66.36 | 132.72 | 265.44 | 663.60 | 1,327.20 | 3.29 | 3.93 |
| 8 to 8½ years | 33.82 | 67.64 | 135.28 | 270.56 | 676.40 | 1,352.80 | 3.30 | 3.95 |
| 8½ to 9 years | 34.48 | 68.96 | 137.92 | 275.84 | 689.60 | 1,379.20 | 3.32 | 3.96 |
| 9 to 9½ years | 35.16 | 70.32 | 140.64 | 281.28 | 703.20 | 1,406.40 | 3.34 | 3.97 |
| 9½ to 10 years | 35.85 | 71.70 | 143.40 | 286.80 | 717.00 | 1,434.00 | 3.35 | 4.02 |
| Extended maturity value (10 years from original maturity date)[1] | 36.57 | 73.14 | 146.28 | 292.56 | 731.40 | 1,462.80 | 3.37 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 20 years from issue date.



TABLE 24—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1951

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | 0.00 | **2.90 |
| ½ to 1 year | 18.75 | 37.50 | 75.00 | 150.00 | 375.00 | 750.00 | .00 | **3.05 |
| 1 to 1½ years | 18.87 | 37.75 | 75.50 | 151.00 | 377.50 | 755.00 | .67 | **3.15 |
| 1½ to 2 years | 19.00 | 38.00 | 76.00 | 152.00 | 380.00 | 760.00 | .88 | **3.25 |
| 2 to 2½ years | 19.12 | 38.25 | 76.50 | 153.00 | 382.50 | 765.00 | .99 | **3.38 |
| 2½ to 3 years | 19.25 | 38.50 | 77.00 | 154.00 | 385.00 | 770.00 | 1.06 | **3.52 |
| 3 to 3½ years | 19.50 | 39.00 | 78.00 | 156.00 | 390.00 | 780.00 | 1.31 | **3.58 |
| 3½ to 4 years | 19.75 | 39.50 | 79.00 | 158.00 | 395.00 | 790.00 | 1.49 | **3.66 |
| 4 to 4½ years | 20.00 | 40.00 | 80.00 | 160.00 | 400.00 | 800.00 | 1.62 | **3.75 |
| 4½ to 5 years | 20.25 | 40.50 | 81.00 | 162.00 | 405.00 | 810.00 | 1.72 | **3.87 |
| 5 to 5½ years | 20.50 | 41.00 | 82.00 | 164.00 | 410.00 | 820.00 | 1.79 | **4.01 |
| 5½ to 6 years | 20.75 | 41.50 | 83.00 | 166.00 | 415.00 | 830.00 | 1.85 | **4.18 |
| 6 to 6½ years | 21.00 | 42.00 | 84.00 | 168.00 | 420.00 | 840.00 | 1.90 | **4.41 |
| 6½ to 7 years | 21.50 | 43.00 | 86.00 | 172.00 | 430.00 | 860.00 | 2.12 | **4.36 |
| 7 to 7½ years | 22.00 | 44.00 | 88.00 | 176.00 | 440.00 | 880.00 | 2.30 | **4.31 |
| 7½ to 8 years | 22.50 | 45.00 | 90.00 | 180.00 | 450.00 | 900.00 | 2.45 | **4.26 |
| 8 to 8½ years | 23.00 | 46.00 | 92.00 | 184.00 | 460.00 | 920.00 | 4.57 | †4.82 |
| **Revised redemption values and investment yields** | | | | | | | | |
| 8½ to 9 years | $23.52 | $47.04 | $94.08 | $188.16 | $470.40 | $940.80 | 2.68 | 4.92 |
| 9 to 9½ years | 24.07 | 48.14 | 96.28 | 192.56 | 481.40 | 962.80 | 2.79 | 5.06 |
| 9½ to 10 years | 24.67 | 49.34 | 98.68 | 197.36 | 493.40 | 986.80 | 2.91 | 5.11 |
| Maturity value (10 years from issue date) | 25.30 | 50.60 | 101.20 | 202.40 | 506.00 | 1,012.00 | 3.02 | |
| Period after maturity date | Extended maturity period | | | | | | | (b) to extended maturity |
| First ½ year | $25.30 | $50.60 | $101.20 | $202.40 | $506.00 | $1,012.00 | 3.02 | 3.75 |
| ½ to 1 year | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 3.04 | 3.76 |
| 1 to 1½ years | 26.20 | 52.40 | 104.80 | 209.60 | 524.00 | 1,048.00 | 3.06 | 3.77 |
| 1½ to 2 years | 26.67 | 53.34 | 106.68 | 213.36 | 533.40 | 1,066.80 | 3.09 | 3.78 |
| 2 to 2½ years | 27.15 | 54.30 | 108.60 | 217.20 | 543.00 | 1,086.00 | 3.11 | 3.80 |
| 2½ to 3 years | 27.64 | 55.28 | 110.56 | 221.12 | 552.80 | 1,105.60 | 3.13 | 3.81 |
| 3 to 3½ years | 28.14 | 56.28 | 112.56 | 225.12 | 562.80 | 1,125.60 | 3.15 | 3.82 |
| 3½ to 4 years | 28.66 | 57.32 | 114.64 | 229.28 | 573.20 | 1,146.40 | 3.17 | 3.83 |
| 4 to 4½ years | 29.19 | 58.38 | 116.76 | 233.52 | 583.80 | 1,167.60 | 3.19 | 3.84 |
| 4½ to 5 years | 29.73 | 59.46 | 118.92 | 237.84 | 594.60 | 1,189.20 | 3.20 | 3.86 |
| 5 to 5½ years | 30.28 | 60.56 | 121.12 | 242.24 | 605.60 | 1,211.20 | 3.22 | 3.87 |
| 5½ to 6 years | 30.85 | 61.70 | 123.40 | 246.80 | 617.00 | 1,234.00 | 3.24 | 3.88 |
| 6 to 6½ years | 31.44 | 62.88 | 125.76 | 251.52 | 628.80 | 1,257.60 | 3.26 | 3.89 |
| 6½ to 7 years | 32.04 | 64.08 | 128.16 | 256.32 | 640.80 | 1,281.60 | 3.27 | 3.90 |
| 7 to 7½ years | 32.65 | 65.30 | 130.60 | 261.20 | 653.00 | 1,306.00 | 3.29 | 3.92 |
| 7½ to 8 years | 33.28 | 66.56 | 133.12 | 266.24 | 665.60 | 1,331.20 | 3.31 | 3.93 |
| 8 to 8½ years | 33.93 | 67.86 | 135.72 | 271.44 | 678.60 | 1,357.20 | 3.32 | 3.93 |
| 8½ to 9 years | 34.59 | 69.18 | 138.36 | 276.72 | 691.80 | 1,383.60 | 3.34 | 3.95 |
| 9 to 9½ years | 35.27 | 70.54 | 141.08 | 282.16 | 705.40 | 1,410.80 | 3.35 | 3.96 |
| 9½ to 10 years | 35.97 | 71.94 | 143.88 | 287.76 | 719.40 | 1,438.80 | 3.37 | 3.95 |
| Extended maturity value (10 years from original maturity date)[1] | 36.68 | 73.36 | 146.72 | 293.44 | 733.60 | 1,467.20 | 3.38 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield form effective date of revision to maturity.

TABLE 25—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1951, THROUGH APRIL 1, 1952

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | 0.00 | **2.90 |
| ½ to 1 year | 18.75 | 37.50 | 75.00 | 150.00 | 375.00 | 750.00 | .00 | **3.05 |
| 1 to 1½ years | 18.87 | 37.75 | 75.50 | 151.00 | 377.50 | 755.00 | .67 | **3.15 |
| 1½ to 2 years | 19.00 | 38.00 | 76.00 | 152.00 | 380.00 | 760.00 | .88 | **3.25 |
| 2 to 2½ years | 19.12 | 38.25 | 76.50 | 153.00 | 382.50 | 765.00 | .99 | **3.38 |
| 2½ to 3 years | 19.25 | 38.50 | 77.00 | 154.00 | 385.00 | 770.00 | 1.06 | **3.52 |
| 3 to 3½ years | 19.50 | 39.00 | 78.00 | 156.00 | 390.00 | 780.00 | 1.31 | **3.58 |
| 3½ to 4 years | 19.75 | 39.50 | 79.00 | 158.00 | 395.00 | 790.00 | 1.49 | **3.66 |
| 4 to 4½ years | 20.00 | 40.00 | 80.00 | 160.00 | 400.00 | 800.00 | 1.62 | **3.75 |
| 4½ to 5 years | 20.25 | 40.50 | 81.00 | 162.00 | 405.00 | 810.00 | 1.72 | **3.87 |
| 5 to 5½ years | 20.50 | 41.00 | 82.00 | 164.00 | 410.00 | 820.00 | 1.79 | **4.01 |
| 5½ to 6 years | 20.75 | 41.50 | 83.00 | 166.00 | 415.00 | 830.00 | 1.85 | **4.18 |
| 6 to 6½ years | 21.00 | 42.00 | 84.00 | 168.00 | 420.00 | 840.00 | 1.90 | **4.41 |
| 6½ to 7 years | 21.50 | 43.00 | 86.00 | 172.00 | 430.00 | 860.00 | 2.12 | **4.36 |
| 7 to 7½ years | 22.00 | 44.00 | 88.00 | 176.00 | 440.00 | 880.00 | 2.30 | **4.31 |
| 7½ to 8 years | 22.50 | 45.00 | 90.00 | 180.00 | 450.00 | 900.00 | 2.45 | †4.86 |
| **Revised redemption values and investment yields** | | | | | | | | |
| 8 to 8½ years | $23.01 | $46.02 | $92.04 | $184.08 | $460.20 | $920.40 | 2.58 | 4.94 |
| 8½ to 9 years | 23.56 | 47.12 | 94.24 | 188.48 | 471.20 | 942.40 | 2.70 | 5.00 |
| 9 to 9½ years | 24.13 | 48.26 | 96.52 | 193.04 | 482.60 | 965.20 | 2.82 | 5.07 |
| 9½ to 10 years | 24.74 | 49.48 | 98.96 | 197.92 | 494.80 | 989.60 | 2.94 | 5.09 |
| Maturity value (10 years from issue date) | 25.37 | 50.74 | 101.48 | 202.96 | 507.40 | 1,014.80 | 3.05 | |
| Period after maturity date | Extended maturity period | | | | | | | (b) to extended maturity |
| First ½ year | $25.37 | $50.74 | $101.48 | $202.96 | $507.40 | $1,014.80 | 3.05 | 3.75 |
| ½ to 1 year | 25.82 | 51.64 | 103.28 | 206.56 | 516.40 | 1,032.80 | 3.07 | 3.76 |
| 1 to 1½ years | 26.27 | 52.54 | 105.08 | 210.16 | 525.40 | 1,050.80 | 3.09 | 3.78 |
| 1½ to 2 years | 26.74 | 53.48 | 106.96 | 213.92 | 534.80 | 1,069.60 | 3.11 | 3.79 |
| 2 to 2½ years | 27.22 | 54.44 | 108.88 | 217.76 | 544.40 | 1,088.80 | 3.13 | 3.80 |
| 2½ to 3 years | 27.72 | 55.44 | 110.88 | 221.76 | 554.40 | 1,108.80 | 3.15 | 3.81 |
| 3 to 3½ years | 28.22 | 56.44 | 112.88 | 225.76 | 564.40 | 1,128.80 | 3.17 | 3.82 |
| 3½ to 4 years | 28.74 | 57.48 | 114.96 | 229.92 | 574.80 | 1,149.60 | 3.19 | 3.84 |
| 4 to 4½ years | 29.27 | 58.54 | 117.08 | 234.16 | 585.40 | 1,170.80 | 3.21 | 3.85 |
| 4½ to 5 years | 29.81 | 59.62 | 119.24 | 238.48 | 596.20 | 1,192.40 | 3.22 | 3.86 |
| 5 to 5½ years | 30.37 | 60.74 | 121.48 | 242.96 | 607.40 | 1,214.80 | 3.24 | 3.87 |
| 5½ to 6 years | 30.94 | 61.88 | 123.76 | 247.52 | 618.80 | 1,237.60 | 3.26 | 3.89 |
| 6 to 6½ years | 31.52 | 63.04 | 126.08 | 252.16 | 630.40 | 1,260.80 | 2.27 | 3.90 |
| 6½ to 7 years | 32.13 | 64.26 | 128.52 | 257.04 | 642.60 | 1,285.20 | 3.29 | 3.91 |
| 7 to 7½ years | 32.74 | 65.48 | 130.96 | 261.92 | 654.80 | 1,309.60 | 3.31 | 3.93 |
| 7½ to 8 years | 33.37 | 66.74 | 133.48 | 266.96 | 667.40 | 1,334.80 | 3.32 | 3.94 |
| 8 to 8½ years | 34.02 | 68.04 | 136.08 | 272.16 | 680.40 | 1,360.80 | 3.34 | 3.95 |
| 8½ to 9 years | 34.69 | 69.38 | 138.76 | 277.52 | 693.80 | 1,387.60 | 3.35 | 3.96 |
| 9 to 9½ years | 35.37 | 70.74 | 141.48 | 282.96 | 707.40 | 1,414.80 | 3.37 | 3.96 |
| 9½ to 10 years | 36.07 | 72.14 | 144.28 | 288.56 | 721.40 | 1,442.80 | 3.38 | 3.99 |
| Extended maturity value (10 years from original maturity date)[1] | 36.79 | 73.58 | 147.16 | 294.32 | 735.80 | 1,471.60 | 3.40 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 20 years from issue date.

TABLE 26—BONDS BEARING ISSUE DATE OF MAY 1, 1952

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *2.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *2.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *2.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *2.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *2.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *2.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *2.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | *2.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | *2.49 |
| 4½ to 5 years | 20.90 | 41.80 | 83.60 | 167.20 | 418.00 | 836.00 | 8,360 | 2.43 | *2.50 |
| 5 to 5½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 2.52 | *2.51 |
| 5½ to 6 years | 21.60 | 43.20 | 86.40 | 172.80 | 432.00 | 864.00 | 8,640 | 2.59 | *2.54 |
| 6 to 6½ years | 21.95 | 43.90 | 87.80 | 175.60 | 439.00 | 878.00 | 8,780 | 2.64 | *2.56 |
| 6½ to 7 years | 22.30 | 44.60 | 89.20 | 178.40 | 446.00 | 892.00 | 8,920 | 2.69 | †4.14 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 8 to 8½ years | $23.41 | $46.82 | $93.64 | $187.28 | $468.20 | $936.40 | $9,364 | 2.79 | 4.64 |
| 8½ to 9 years | 23.85 | 47.70 | 95.40 | 190.80 | 477.00 | 954.00 | 9,540 | 2.85 | 5.02 |
| 9 to 9½ years | 24.31 | 48.62 | 97.24 | 194.48 | 486.20 | 972.40 | 9,724 | 2.91 | 5.89 |
| 9½ years to 9 years and 8 months | 24.79 | 49.58 | 99.16 | 198.32 | 495.80 | 991.60 | 9,916 | 2.96 | 11.84 |
| Maturity value (9 years and 8 months from issue date) | 25.27 | 50.54 | 101.08 | 202.16 | 505.40 | 1,010.80 | 10,108 | 3.11 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.27 | $50.54 | $101.08 | $202.16 | $505.40 | $1,010.80 | $10,108 | 3.11 | 3.75 |
| ½ to 1 year | 25.71 | 51.42 | 102.84 | 205.68 | 514.20 | 1,028.40 | 10,284 | 3.13 | 3.76 |
| 1 to 1½ years | 26.17 | 52.34 | 104.68 | 209.36 | 523.40 | 1,046.80 | 10,468 | 3.15 | 3.77 |
| 1½ to 2 years | 26.64 | 53.28 | 106.56 | 213.12 | 532.80 | 1,065.60 | 10,656 | 3.17 | 3.79 |
| 2 to 2½ years | 27.12 | 54.24 | 108.48 | 216.96 | 542.40 | 1,084.80 | 10,848 | 3.19 | 3.80 |
| 2½ to 3 years | 27.61 | 55.22 | 110.44 | 220.88 | 552.20 | 1,104.40 | 11,044 | 3.21 | 3.81 |
| 3 to 3½ years | 28.11 | 56.22 | 112.44 | 224.88 | 562.20 | 1,124.40 | 11,244 | 3.22 | 3.82 |
| 3½ to 4 years | 28.62 | 57.24 | 114.48 | 228.96 | 572.40 | 1,144.80 | 11,448 | 3.24 | 3.84 |
| 4 to 4½ years | 29.15 | 58.30 | 116.60 | 233.20 | 583.00 | 1,166.00 | 11,660 | 3.25 | 3.85 |
| 4½ to 5 years | 29.69 | 59.38 | 118.76 | 237.52 | 593.80 | 1,187.60 | 11,876 | 3.27 | 3.86 |
| 5 to 5½ years | 30.25 | 60.50 | 121.00 | 242.00 | 605.00 | 1,210.00 | 12,100 | 3.29 | 3.87 |
| 5½ to 6 years | 30.82 | 61.64 | 123.28 | 246.56 | 616.40 | 1,232.80 | 12,328 | 3.30 | 3.88 |
| 6 to 6½ years | 31.40 | 62.80 | 125.60 | 251.20 | 628.00 | 1,256.00 | 12,560 | 3.32 | 3.90 |
| 6½ to 7 years | 32.00 | 64.00 | 128.00 | 256.00 | 640.00 | 1,280.00 | 12,800 | 3.33 | 3.91 |
| 7 to 7½ years | 32.61 | 65.22 | 130.44 | 260.88 | 652.20 | 1,304.40 | 13,044 | 3.35 | 3.92 |
| 7½ to 8 years | 33.24 | 66.48 | 132.96 | 265.92 | 664.80 | 1,329.60 | 13,296 | 3.36 | 3.93 |
| 8 to 8½ years | 33.89 | 67.78 | 135.56 | 271.12 | 677.80 | 1,355.60 | 13,556 | 3.38 | 3.94 |
| 8½ to 9 years | 34.55 | 69.10 | 138.20 | 276.40 | 691.00 | 1,382.00 | 13,820 | 3.39 | 3.95 |
| 9 to 9½ years | 35.23 | 70.46 | 140.92 | 281.84 | 704.60 | 1,409.20 | 14,092 | 3.41 | 3.96 |
| 9½ to 10 years | 35.93 | 71.86 | 143.72 | 287.44 | 718.60 | 1,437.20 | 14,372 | 3.42 | 3.96 |
| Extended maturity value (10 years from original maturity date) [2] | 36.64 | 73.28 | 146.56 | 293.12 | 732.80 | 1,465.60 | 14,656 | 3.44 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 10 years and 8 months after issue date.

TABLE 27—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1952

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *2.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *2.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *2.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *2.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *2.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *2.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *2.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | *2.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | *2.49 |
| 4½ to 5 years | 20.90 | 41.80 | 83.60 | 167.20 | 418.00 | 836.00 | 8,360 | 2.43 | *2.50 |
| 5 to 5½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 2.52 | *2.51 |
| 5½ to 6 years | 21.60 | 43.20 | 86.40 | 172.80 | 432.00 | 864.00 | 8,640 | 2.59 | *2.54 |
| 6 to 6½ years | 21.95 | 43.90 | 87.80 | 175.60 | 439.00 | 878.00 | 8,780 | 2.64 | *2.56 |
| 6½ to 7 years | 22.30 | 44.60 | 89.20 | 178.40 | 446.00 | 892.00 | 8,920 | 2.69 | †4.14 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 7½ to 8 years | $23.01 | $46.02 | $92.04 | $184.08 | $460.20 | $920.40 | $9,204 | 2.75 | 4.48 |
| 8 to 8½ years | 23.44 | 46.88 | 93.76 | 187.52 | 468.80 | 937.60 | 9,376 | 2.81 | 4.71 |
| 8½ to 9 years | 23.89 | 47.78 | 95.56 | 191.12 | 477.80 | 955.60 | 9,556 | 2.87 | 5.08 |
| 9 to 9½ years | 24.36 | 48.72 | 97.44 | 194.88 | 487.20 | 974.40 | 9,744 | 2.93 | 5.94 |
| 9½ years to 9 years and 8 months | 24.85 | 49.70 | 99.40 | 198.80 | 497.00 | 994.00 | 9,940 | 2.99 | 11.81 |
| Maturity value (9 years and 8 months from issue date) | 25.33 | 50.66 | 101.32 | 202.64 | 506.60 | 1,013.20 | 10,132 | 3.14 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.33 | $50.66 | $101.32 | $202.64 | $506.60 | $1,013.20 | $10,132 | 3.14 | 3.75 |
| ½ to 1 year | 25.78 | 51.56 | 103.12 | 206.24 | 515.60 | 1,031.20 | 10,312 | 3.16 | 3.76 |
| 1 to 1½ years | 26.23 | 52.46 | 104.92 | 209.84 | 524.60 | 1,049.20 | 10,492 | 3.17 | 3.78 |
| 1½ to 2 years | 26.70 | 53.40 | 106.80 | 213.60 | 534.00 | 1,068.00 | 10,680 | 3.19 | 3.79 |
| 2 to 2½ years | 27.18 | 54.36 | 108.72 | 217.44 | 543.60 | 1,087.20 | 10,872 | 3.21 | 3.80 |
| 2½ to 3 years | 27.67 | 55.34 | 110.68 | 221.36 | 553.40 | 1,106.80 | 11,068 | 3.22 | 3.81 |
| 3 to 3½ years | 28.18 | 56.36 | 112.72 | 225.44 | 563.60 | 1,127.20 | 11,272 | 3.24 | 3.82 |
| 3½ to 4 years | 28.69 | 57.38 | 114.76 | 229.52 | 573.80 | 1,147.60 | 11,476 | 3.26 | 3.84 |
| 4 to 4½ years | 29.22 | 58.44 | 116.88 | 233.76 | 584.40 | 1,168.80 | 11,688 | 3.27 | 3.85 |
| 4½ to 5 years | 29.76 | 59.52 | 119.04 | 238.08 | 595.20 | 1,190.40 | 11,904 | 3.29 | 3.86 |
| 5 to 5½ years | 30.32 | 60.64 | 121.28 | 242.56 | 606.40 | 1,212.80 | 12,128 | 3.30 | 3.87 |
| 5½ to 6 years | 30.89 | 61.78 | 123.56 | 247.12 | 617.80 | 1,235.60 | 12,356 | 3.32 | 3.89 |
| 6 to 6½ years | 31.48 | 62.96 | 125.92 | 251.84 | 629.60 | 1,259.20 | 12,592 | 3.33 | 3.89 |
| 6½ to 7 years | 32.07 | 64.14 | 128.28 | 256.56 | 641.40 | 1,282.80 | 12,828 | 3.35 | 3.91 |
| 7 to 7½ years | 32.69 | 65.38 | 130.76 | 261.52 | 653.80 | 1,307.60 | 13,076 | 3.36 | 3.92 |
| 7½ to 8 years | 33.32 | 66.64 | 133.28 | 266.56 | 666.40 | 1,332.80 | 13,328 | 3.38 | 3.94 |
| 8 to 8½ years | 33.97 | 67.94 | 135.88 | 271.76 | 679.40 | 1,358.80 | 13,588 | 3.39 | 3.94 |
| 8½ to 9 years | 34.63 | 69.26 | 138.52 | 277.04 | 692.60 | 1,385.20 | 13,852 | 3.41 | 3.96 |
| 9 to 9½ years | 35.31 | 70.62 | 141.24 | 282.48 | 706.20 | 1,412.40 | 14,124 | 3.42 | 3.98 |
| 9½ to 10 years | 36.01 | 72.02 | 144.04 | 288.08 | 720.20 | 1,440.40 | 14,404 | 3.43 | 4.00 |
| Extended maturity value (10 years from original maturity date) [2] | 36.73 | 73.46 | 146.92 | 293.84 | 734.60 | 1,469.20 | 14,692 | 3.45 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.



TABLE 28—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1952, THROUGH MAY 1, 1953

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [2] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | *3.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | *3.49 |
| 4½ to 5 years | 20.90 | 41.80 | 83.60 | 167.20 | 418.00 | 836.00 | 8,360 | 2.43 | *3.50 |
| 5 to 5½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 2.52 | *3.51 |
| 5½ to 6 years | 21.60 | 43.20 | 86.40 | 172.80 | 432.00 | 864.00 | 8,640 | 2.59 | *3.54 |
| 6 to 6½ years | 21.95 | 43.90 | 87.80 | 175.60 | 439.00 | 878.00 | 8,780 | 2.64 | *3.56 |
| 6½ to 7 years | 22.30 | 44.60 | 89.20 | 178.40 | 446.00 | 892.00 | 8,920 | 2.69 | †4.14 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 7 to 7½ years | $22.66 | $45.32 | $90.64 | $181.28 | $453.20 | $906.40 | $9,064 | 2.72 | 4.31 |
| 7½ to 8 years | 23.03 | 46.06 | 92.12 | 184.24 | 460.60 | 921.20 | 9,212 | 2.76 | 4.55 |
| 8 to 8½ years | 23.48 | 46.96 | 93.92 | 187.84 | 469.60 | 939.20 | 9,392 | 2.83 | 4.75 |
| 8½ to 9 years | 23.89 | 47.80 | 95.78 | 191.52 | 478.80 | 957.60 | 9,576 | 2.90 | 5.10 |
| 9 to 9½ years | 24.42 | 48.84 | 97.68 | 195.36 | 488.40 | 976.80 | 9,768 | 2.96 | 5.98 |
| 9½ years to 9 years and 8 months | 24.91 | 49.82 | 99.64 | 199.28 | 498.20 | 996.40 | 9,964 | 3.01 | 11.79 |
| Maturity value (9 years and 8 months from issue date) | 25.39 | 50.78 | 101.56 | 203.12 | 507.80 | 1,015.60 | 10,156 | 3.16 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.39 | $50.78 | $101.56 | $203.12 | $507.80 | $1,015.60 | $10,156 | 3.16 | 3.75 |
| ½ to 1 year | 25.84 | 51.68 | 103.36 | 206.72 | 516.80 | 1,033.60 | 10,336 | 3.18 | 3.76 |
| 1 to 1½ years | 26.29 | 52.58 | 105.16 | 210.32 | 525.80 | 1,051.60 | 10,516 | 3.19 | 3.77 |
| 1½ to 2 years | 26.76 | 53.52 | 107.04 | 214.08 | 535.20 | 1,070.40 | 10,704 | 3.21 | 3.79 |
| 2 to 2½ years | 27.24 | 54.48 | 108.96 | 217.92 | 544.80 | 1,089.60 | 10,896 | 3.23 | 3.80 |
| 2½ to 3 years | 27.74 | 55.48 | 110.96 | 221.92 | 554.80 | 1,109.60 | 11,096 | 3.25 | 3.81 |
| 3 to 3½ years | 28.24 | 56.48 | 112.96 | 225.92 | 564.80 | 1,129.60 | 11,296 | 3.26 | 3.82 |
| 3½ to 4 years | 28.76 | 57.52 | 115.04 | 230.08 | 575.20 | 1,150.40 | 11,504 | 3.28 | 3.83 |
| 4 to 4½ years | 29.29 | 58.58 | 117.16 | 234.32 | 585.80 | 1,171.60 | 11,716 | 3.29 | 3.85 |
| 4½ to 5 years | 29.83 | 59.66 | 119.32 | 238.64 | 596.60 | 1,193.20 | 11,932 | 3.30 | 3.86 |
| 5 to 5½ years | 30.39 | 60.78 | 121.56 | 243.12 | 607.80 | 1,215.60 | 12,156 | 3.32 | 3.87 |
| 5½ to 6 years | 30.96 | 61.92 | 123.84 | 247.68 | 619.20 | 1,238.40 | 12,384 | 3.33 | 3.88 |
| 6 to 6½ years | 31.55 | 63.10 | 126.20 | 252.40 | 631.00 | 1,262.00 | 12,620 | 3.35 | 3.89 |
| 6½ to 7 years | 32.15 | 64.30 | 128.60 | 257.20 | 643.00 | 1,286.00 | 12,860 | 3.36 | 3.90 |
| 7 to 7½ years | 32.77 | 65.54 | 131.08 | 262.16 | 655.40 | 1,310.80 | 13,108 | 3.38 | 3.91 |
| 7½ to 8 years | 33.40 | 66.80 | 133.60 | 267.20 | 668.00 | 1,336.00 | 13,360 | 3.39 | 3.93 |
| 8 to 8½ years | 34.05 | 68.10 | 136.20 | 272.40 | 681.00 | 1,362.00 | 13,620 | 3.41 | 3.94 |
| 8½ to 9 years | 34.71 | 69.42 | 138.84 | 277.68 | 694.20 | 1,388.40 | 13,884 | 3.42 | 3.95 |
| 9 to 9½ years | 35.40 | 70.80 | 141.60 | 283.20 | 708.00 | 1,416.00 | 14,160 | 3.43 | 3.94 |
| 9½ to 10 years | 36.10 | 72.20 | 144.40 | 288.80 | 722.00 | 1,444.00 | 14,440 | 3.45 | 3.93 |
| Extended maturity value (10 years from original maturity date) [3] | 36.81 | 73.62 | 147.24 | 294.48 | 736.20 | 1,472.40 | 14,724 | 3.46 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity valu prior to June 1, 1959 revision.
† Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.

TABLE 29—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1953

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | *3.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | *3.49 |
| 4½ to 5 years | 20.90 | 41.80 | 83.60 | 167.20 | 418.00 | 836.00 | 8,360 | 2.43 | *3.50 |
| 5 to 5½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 2.52 | *3.51 |
| 5½ to 6 years | 21.60 | 43.20 | 86.40 | 172.80 | 432.00 | 864.00 | 8,640 | 2.59 | *3.54 |
| 6 to 6½ years | 21.95 | 43.90 | 87.80 | 175.60 | 439.00 | 878.00 | 8,780 | 2.64 | †4.08 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 6½ to 7 years | $22.31 | $44.62 | $89.24 | $178.48 | $446.20 | $892.40 | $8,924 | 2.69 | 4.20 |
| 7 to 7½ years | 22.68 | 45.36 | 90.72 | 181.44 | 453.60 | 907.20 | 9,072 | 2.74 | 4.37 |
| 7½ to 8 years | 23.06 | 46.12 | 92.24 | 184.48 | 461.20 | 922.40 | 9,224 | 2.78 | 4.60 |
| 8 to 8½ years | 23.52 | 47.04 | 94.08 | 188.16 | 470.40 | 940.80 | 9,408 | 2.85 | 4.79 |
| 8½ to 9 years | 23.99 | 47.98 | 95.96 | 191.92 | 479.80 | 959.60 | 9,596 | 2.92 | 5.13 |
| 9 to 9½ years | 24.47 | 48.94 | 97.88 | 195.76 | 489.40 | 978.80 | 9,788 | 2.98 | 5.98 |
| 9½ years to 9 years and 8 months | 24.97 | 49.94 | 99.88 | 199.76 | 499.40 | 998.80 | 9,988 | 3.04 | 11.76 |
| Maturity value (9 years and 8 months from issue date) | 25.45 | 50.90 | 101.80 | 203.60 | 509.00 | 1,018.00 | 10,180 | 3.19 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.45 | $50.90 | $101.80 | $203.60 | $509.00 | $1,018.00 | $10,180 | 3.19 | 3.75 |
| ½ to 1 year | 25.90 | 51.80 | 103.60 | 207.20 | 518.00 | 1,036.00 | 10,360 | 3.20 | 3.76 |
| 1 to 1½ years | 26.36 | 52.72 | 105.44 | 210.88 | 527.20 | 1,054.40 | 10,544 | 3.22 | 3.77 |
| 1½ to 2 years | 26.83 | 53.66 | 107.32 | 214.64 | 536.60 | 1,073.20 | 10,732 | 3.23 | 3.78 |
| 2 to 2½ years | 27.31 | 54.62 | 109.24 | 218.48 | 546.20 | 1,092.40 | 10,924 | 3.25 | 3.80 |
| 2½ to 3 years | 27.80 | 55.60 | 111.20 | 222.40 | 556.00 | 1,112.00 | 11,120 | 3.26 | 3.81 |
| 3 to 3½ years | 28.31 | 56.62 | 113.24 | 226.48 | 566.20 | 1,132.40 | 11,324 | 3.28 | 3.82 |
| 3½ to 4 years | 28.83 | 57.66 | 115.32 | 230.64 | 576.60 | 1,153.20 | 11,532 | 3.29 | 3.83 |
| 4 to 4½ years | 29.36 | 58.72 | 117.44 | 234.88 | 587.20 | 1,174.40 | 11,744 | 3.31 | 3.85 |
| 4½ to 5 years | 29.90 | 59.80 | 119.60 | 239.20 | 598.00 | 1,196.00 | 11,960 | 3.32 | 3.86 |
| 5 to 5½ years | 30.46 | 60.92 | 121.84 | 243.68 | 609.20 | 1,218.40 | 12,184 | 3.34 | 3.87 |
| 5½ to 6 years | 31.04 | 62.08 | 124.16 | 248.32 | 620.80 | 1,241.60 | 12,416 | 3.35 | 3.88 |
| 6 to 6½ years | 31.62 | 63.24 | 126.48 | 252.96 | 632.40 | 1,264.80 | 12,648 | 3.36 | 3.90 |
| 6½ to 7 years | 32.23 | 64.46 | 128.92 | 257.84 | 644.60 | 1,289.20 | 12,892 | 3.38 | 3.90 |
| 7 to 7½ years | 32.84 | 65.68 | 131.36 | 262.72 | 656.80 | 1,313.60 | 13,136 | 3.39 | 3.92 |
| 7½ to 8 years | 33.48 | 66.96 | 133.92 | 267.84 | 669.60 | 1,339.20 | 13,392 | 3.41 | 3.93 |
| 8 to 8½ years | 34.13 | 68.26 | 136.52 | 273.04 | 682.60 | 1,365.20 | 13,652 | 3.42 | 3.94 |
| 8½ to 9 years | 34.80 | 69.60 | 139.20 | 278.40 | 696.00 | 1,392.00 | 13,920 | 3.43 | 3.94 |
| 9 to 9½ years | 35.48 | 70.96 | 141.92 | 283.84 | 709.60 | 1,419.20 | 14,192 | 3.45 | 3.96 |
| 9½ to 10 years | 36.18 | 72.36 | 144.72 | 289.44 | 723.60 | 1,447.20 | 14,472 | 3.46 | 3.98 |
| Extended maturity value (10 years from original maturity date) [2] | 36.90 | 73.80 | 147.60 | 295.20 | 738.00 | 1,470.00 | 14,760 | 3.47 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.

TABLE 30—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1953, THROUGH MAY 1, 1954

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | *3.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | *3.49 |
| 4½ to 5 years | 20.90 | 41.80 | 83.60 | 167.20 | 418.00 | 836.00 | 8,360 | 2.43 | *3.60 |
| 5 to 5½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 2.52 | *3.51 |
| 5½ to 6 years | 21.60 | 43.20 | 86.40 | 172.80 | 432.00 | 864.00 | 8,640 | 2.59 | 14.04 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 6 to 6½ years | $21.96 | $43.92 | $87.84 | $175.68 | $439.20 | $878.40 | $8,784 | 2.65 | 4.14 |
| 6½ to 7 years | 22.32 | 44.64 | 89.28 | 178.56 | 446.40 | 892.80 | 8,928 | 2.70 | 4.28 |
| 7 to 7½ years | 22.71 | 45.42 | 90.84 | 181.68 | 454.20 | 908.40 | 9,084 | 2.76 | 4.42 |
| 7½ to 8 years | 23.10 | 46.20 | 92.40 | 184.80 | 462.00 | 924.00 | 9,240 | 2.80 | 4.55 |
| 8 to 8½ years | 23.56 | 47.12 | 94.24 | 188.48 | 471.20 | 942.40 | 9,424 | 2.87 | 4.85 |
| 8½ to 9 years | 24.04 | 48.08 | 96.16 | 192.32 | 480.80 | 961.60 | 9,616 | 2.95 | 5.19 |
| 9 to 9½ years | 24.53 | 49.06 | 98.12 | 196.24 | 490.60 | 981.20 | 9,812 | 3.01 | 6.02 |
| 9½ years to 9 years and 8 months | 25.03 | 50.06 | 100.12 | 200.24 | 500.60 | 1,001.20 | 10,012 | 3.06 | 11.98 |
| Maturity value (9 years and 8 months from issue date) | 25.52 | 51.04 | 102.08 | 204.16 | 510.40 | 1,020.80 | 10,208 | 3.21 | |
| Period after maturity | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.52 | $51.04 | $102.08 | $204.16 | $510.40 | $1,020.80 | $10,208 | 3.21 | 3.75 |
| ½ to 1 year | 25.97 | 51.94 | 103.88 | 207.76 | 519.40 | 1,038.80 | 10,388 | 3.23 | 3.76 |
| 1 to 1½ years | 26.43 | 52.86 | 105.72 | 211.44 | 528.60 | 1,057.20 | 10,572 | 3.24 | 3.77 |
| 1½ to 2 years | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 10,760 | 3.26 | 3.79 |
| 2 to 2½ years | 27.38 | 54.76 | 109.52 | 219.04 | 547.60 | 1,095.20 | 10,952 | 3.27 | 3.80 |
| 2½ to 3 years | 27.88 | 55.76 | 111.52 | 223.04 | 557.60 | 1,115.20 | 11,152 | 3.29 | 3.81 |
| 3 to 3½ years | 28.39 | 56.78 | 113.56 | 227.12 | 567.80 | 1,135.60 | 11,356 | 3.30 | 3.82 |
| 3½ to 4 years | 28.91 | 57.82 | 115.64 | 231.28 | 578.20 | 1,156.40 | 11,564 | 3.32 | 3.83 |
| 4 to 4½ years | 29.44 | 58.88 | 117.76 | 235.52 | 588.80 | 1,177.60 | 11,776 | 3.33 | 3.85 |
| 4½ to 5 years | 29.99 | 59.98 | 119.96 | 239.92 | 599.80 | 1,199.60 | 11,996 | 3.34 | 3.86 |
| 5 to 5½ years | 30.55 | 61.10 | 122.20 | 244.40 | 611.00 | 1,222.00 | 12,220 | 3.36 | 3.87 |
| 5½ to 6 years | 31.12 | 62.24 | 124.48 | 248.96 | 622.40 | 1,244.80 | 12,448 | 3.37 | 3.88 |
| 6 to 6½ years | 31.71 | 63.42 | 126.84 | 253.68 | 634.20 | 1,268.40 | 12,684 | 3.38 | 3.89 |
| 6½ to 7 years | 32.32 | 64.64 | 129.28 | 258.56 | 646.40 | 1,292.80 | 12,928 | 3.40 | 3.90 |
| 7 to 7½ years | 32.94 | 65.88 | 131.76 | 263.52 | 658.80 | 1,317.60 | 13,176 | 3.41 | 3.91 |
| 7½ to 8 years | 33.57 | 67.14 | 134.28 | 268.56 | 671.40 | 1,342.80 | 13,428 | 3.42 | 3.93 |
| 8 to 8½ years | 34.22 | 68.44 | 136.88 | 273.76 | 684.40 | 1,368.80 | 13,688 | 3.43 | 3.94 |
| 8½ to 9 years | 34.89 | 69.78 | 139.56 | 279.12 | 697.80 | 1,395.60 | 13,956 | 3.45 | 3.96 |
| 9 to 9½ years | 35.58 | 71.16 | 142.32 | 284.64 | 711.60 | 1,423.20 | 14,232 | 3.46 | 3.95 |
| 9½ to 10 years | 36.28 | 72.56 | 145.12 | 290.24 | 725.60 | 1,451.20 | 14,512 | 3.47 | 3.97 |
| Extended maturity value (10 years from original maturity date) [3] | 37.00 | 74.00 | 148.00 | 296.00 | 740.00 | 1,480.00 | 14,800 | 3.49 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[3] 19 years and 8 months after issue date.

TABLE 31—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1954

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | *3.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | *3.49 |
| 4½ to 5 years | 20.90 | 41.80 | 83.60 | 167.20 | 418.00 | 836.00 | 8,360 | 2.43 | *3.60 |
| 5 to 5½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 2.52 | 14.01 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 5½ to 6 years | $21.61 | $43.22 | $86.44 | $172.88 | $432.20 | $864.40 | $8,644 | 2.60 | 4.09 |
| 6 to 6½ years | 21.97 | 43.94 | 87.88 | 175.76 | 439.40 | 878.80 | 8,788 | 2.66 | 4.19 |
| 6½ to 7 years | 22.35 | 44.70 | 89.40 | 178.80 | 447.00 | 894.00 | 8,940 | 2.72 | 4.31 |
| 7 to 7½ years | 22.74 | 45.48 | 90.96 | 181.92 | 454.80 | 909.60 | 9,096 | 2.78 | 4.46 |
| 7½ to 8 years | 23.14 | 46.28 | 92.56 | 185.12 | 462.80 | 925.60 | 9,256 | 2.82 | 4.66 |
| 8 to 8½ years | 23.61 | 47.22 | 94.44 | 188.88 | 472.20 | 944.40 | 9,444 | 2.90 | 4.87 |
| 8½ to 9 years | 24.09 | 48.18 | 96.36 | 192.72 | 481.80 | 963.60 | 9,636 | 2.97 | 5.21 |
| 9 to 9½ years | 24.59 | 49.18 | 98.36 | 196.72 | 491.80 | 983.60 | 9,836 | 3.04 | 6.01 |
| 9½ years to 9 years and 8 months | 25.09 | 50.18 | 100.36 | 200.72 | 501.80 | 1,003.60 | 10,036 | 3.09 | 11.95 |
| Maturity value (9 years and 8 months from issue date) | 25.58 | 51.16 | 102.32 | 204.64 | 511.60 | 1,023.20 | 10,232 | 3.24 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.58 | $51.16 | $102.32 | $204.64 | $511.60 | $1,023.20 | $10,232 | 3.24 | 3.75 |
| ½ to 1 year | 26.03 | 52.06 | 104.12 | 208.24 | 520.60 | 1,041.20 | 10,412 | 3.25 | 3.76 |
| 1 to 1½ years | 26.49 | 52.98 | 105.96 | 211.92 | 529.80 | 1,059.60 | 10,596 | 3.27 | 3.77 |
| 1½ to 2 years | 26.96 | 53.92 | 107.84 | 215.68 | 539.20 | 1,078.40 | 10,784 | 3.28 | 3.79 |
| 2 to 2½ years | 27.45 | 54.90 | 109.80 | 219.60 | 549.00 | 1,098.00 | 10,980 | 3.29 | 3.80 |
| 2½ to 3 years | 27.94 | 55.88 | 111.76 | 223.52 | 558.80 | 1,117.60 | 11,176 | 3.31 | 3.81 |
| 3 to 3½ years | 28.45 | 56.90 | 113.80 | 227.60 | 569.00 | 1,138.00 | 11,380 | 3.32 | 3.82 |
| 3½ to 4 years | 28.98 | 57.96 | 115.92 | 231.84 | 579.60 | 1,159.20 | 11,592 | 3.33 | 3.83 |
| 4 to 4½ years | 29.51 | 59.02 | 118.04 | 236.08 | 590.20 | 1,180.40 | 11,804 | 3.35 | 3.85 |
| 4½ to 5 years | 30.06 | 60.12 | 120.24 | 240.48 | 601.20 | 1,202.40 | 12,024 | 3.36 | 3.86 |
| 5 to 5½ years | 30.62 | 61.24 | 122.48 | 244.96 | 612.40 | 1,224.80 | 12,248 | 3.37 | 3.87 |
| 5½ to 6 years | 31.20 | 62.40 | 124.80 | 249.60 | 624.00 | 1,248.00 | 12,480 | 3.39 | 3.88 |
| 6 to 6½ years | 31.79 | 63.58 | 127.16 | 254.32 | 635.80 | 1,271.60 | 12,716 | 3.40 | 3.89 |
| 6½ to 7 years | 32.39 | 64.78 | 129.56 | 259.12 | 647.80 | 1,295.60 | 12,956 | 3.41 | 3.91 |
| 7 to 7½ years | 33.01 | 66.02 | 132.04 | 264.08 | 660.20 | 1,320.40 | 13,204 | 3.42 | 3.92 |
| 7½ to 8 years | 33.65 | 67.30 | 134.60 | 269.20 | 673.00 | 1,346.00 | 13,460 | 3.44 | 3.93 |
| 8 to 8½ years | 34.30 | 68.60 | 137.20 | 274.40 | 686.00 | 1,372.00 | 13,720 | 3.45 | 3.95 |
| 8½ to 9 years | 34.97 | 69.94 | 139.88 | 279.76 | 699.40 | 1,398.80 | 13,988 | 3.46 | 3.96 |
| 9 to 9½ years | 35.66 | 71.32 | 142.64 | 285.28 | 713.20 | 1,426.40 | 14,264 | 3.47 | 3.97 |
| 9½ to 10 years | 36.37 | 72.74 | 145.48 | 290.96 | 727.40 | 1,454.80 | 14,548 | 3.49 | 3.96 |
| Extended maturity value (10 years from original maturity date) [3] | 37.09 | 74.18 | 148.36 | 296.72 | 741.80 | 1,483.60 | 14,836 | 3.50 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[3] 19 years and 8 months after issue date.



TABLE 32—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1954, THROUGH MAY 1, 1955

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | *3.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | *3.49 |
| 4½ to 5 years | 20.90 | 41.80 | 83.60 | 167.20 | 418.00 | 836.00 | 8,360 | 2.43 | 14.00 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 5 to 5½ years | $21.26 | $42.52 | $85.04 | $170.08 | $425.20 | $850.40 | $8,504 | 2.53 | 4.05 |
| 5½ to 6 years | 21.62 | 43.24 | 86.48 | 172.96 | 432.40 | 864.80 | 8,648 | 2.61 | 4.14 |
| 6 to 6½ years | 21.99 | 43.98 | 87.96 | 175.92 | 439.80 | 879.60 | 8,796 | 2.67 | 4.23 |
| 6½ to 7 years | 22.38 | 44.76 | 89.52 | 179.04 | 447.60 | 895.20 | 8,952 | 2.74 | 4.34 |
| 7 to 7½ years | 22.78 | 45.56 | 91.12 | 182.24 | 455.60 | 911.20 | 9,112 | 2.80 | 4.48 |
| 7½ to 8 years | 23.19 | 46.38 | 92.76 | 185.52 | 463.80 | 927.60 | 9,276 | 2.85 | 4.69 |
| 8 to 8½ years | 23.66 | 47.32 | 94.64 | 189.28 | 473.20 | 946.40 | 9,464 | 2.93 | 4.88 |
| 8½ to 9 years | 24.15 | 48.30 | 96.60 | 193.20 | 483.00 | 966.00 | 9,660 | 3.00 | 5.20 |
| 9 to 9½ years | 24.65 | 49.30 | 98.60 | 197.20 | 493.00 | 986.00 | 9,860 | 3.06 | 5.99 |
| 9½ years to 9 years and 8 months | 25.16 | 50.32 | 100.64 | 201.28 | 503.20 | 1,006.40 | 10,064 | 3.12 | 11.67 |
| Maturity value (9 years and 8 months from issue date) | 25.64 | 51.28 | 102.56 | 205.12 | 512.80 | 1,025.60 | 10,256 | 3.26 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.64 | $51.28 | $102.56 | $205.12 | $512.80 | $1,025.60 | $10,256 | 3.26 | 3.75 |
| ½ to 1 year | 26.09 | 52.18 | 104.36 | 208.72 | 521.80 | 1,043.60 | 10,436 | 3.28 | 3.76 |
| 1 to 1½ years | 26.55 | 53.10 | 106.20 | 212.40 | 531.00 | 1,062.00 | 10,620 | 3.29 | 3.78 |
| 1½ to 2 years | 27.03 | 54.06 | 108.12 | 216.24 | 540.60 | 1,081.20 | 10,812 | 3.30 | 3.79 |
| 2 to 2½ years | 27.51 | 55.02 | 110.04 | 220.08 | 550.20 | 1,100.40 | 11,004 | 3.31 | 3.80 |
| 2½ to 3 years | 28.01 | 56.02 | 112.04 | 224.08 | 560.20 | 1,120.40 | 11,204 | 3.33 | 3.81 |
| 3 to 3½ years | 28.52 | 57.04 | 114.08 | 228.16 | 570.40 | 1,140.80 | 11,408 | 3.34 | 3.82 |
| 3½ to 4 years | 29.04 | 58.08 | 116.16 | 232.32 | 580.80 | 1,161.60 | 11,616 | 3.35 | 3.84 |
| 4 to 4½ years | 29.58 | 59.16 | 118.32 | 236.64 | 591.60 | 1,183.20 | 11,832 | 3.36 | 3.85 |
| 4½ to 5 years | 30.13 | 60.26 | 120.52 | 241.04 | 602.60 | 1,205.20 | 12,052 | 3.38 | 3.86 |
| 5 to 5½ years | 30.69 | 61.38 | 122.76 | 245.52 | 613.80 | 1,227.60 | 12,276 | 3.39 | 3.87 |
| 5½ to 6 years | 31.27 | 62.54 | 125.08 | 250.16 | 625.40 | 1,250.80 | 12,508 | 3.40 | 3.88 |
| 6 to 6½ years | 31.86 | 63.72 | 127.44 | 254.88 | 637.20 | 1,274.40 | 12,744 | 3.41 | 3.90 |
| 6½ to 7 years | 32.47 | 64.94 | 129.88 | 259.76 | 649.40 | 1,298.80 | 12,988 | 3.43 | 3.91 |
| 7 to 7½ years | 33.09 | 66.18 | 132.36 | 264.72 | 661.80 | 1,323.60 | 13,236 | 3.44 | 3.92 |
| 7½ to 8 years | 33.73 | 67.46 | 134.92 | 269.84 | 674.60 | 1,349.20 | 13,492 | 3.45 | 3.93 |
| 8 to 8½ years | 34.38 | 68.76 | 137.52 | 275.04 | 687.60 | 1,375.20 | 13,752 | 3.46 | 3.95 |
| 8½ to 9 years | 35.06 | 70.12 | 140.24 | 280.48 | 701.20 | 1,402.40 | 14,024 | 3.47 | 3.95 |
| 9 to 9½ years | 35.74 | 71.48 | 142.96 | 285.92 | 714.80 | 1,429.60 | 14,296 | 3.49 | 3.99 |
| 9½ to 10 years | 36.45 | 72.90 | 145.80 | 291.60 | 729.00 | 1,458.00 | 14,580 | 3.50 | 4.01 |
| Extended maturity value (10 years from original maturity date) [3] | 37.18 | 74.36 | 148.72 | 297.44 | 743.60 | 1,487.20 | 14,872 | 3.51 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[3] 19 years and 8 months after issue date.

TABLE 33—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1955

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | *3.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | 18.99 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 4½ to 5 years | $20.91 | $41.82 | $83.64 | $167.28 | $418.20 | $836.40 | $8,364 | 2.44 | 4.04 |
| 5 to 5½ years | 21.27 | 42.54 | 85.08 | 170.16 | 425.40 | 850.80 | 8,508 | 2.54 | 4.10 |
| 5½ to 6 years | 21.64 | 43.28 | 86.56 | 173.12 | 432.80 | 865.60 | 8,656 | 2.62 | 4.18 |
| 6 to 6½ years | 22.02 | 44.04 | 88.08 | 176.16 | 440.40 | 880.80 | 8,808 | 2.70 | 4.27 |
| 6½ to 7 years | 22.42 | 44.84 | 89.68 | 179.36 | 448.40 | 896.80 | 8,968 | 2.77 | 4.37 |
| 7 to 7½ years | 22.82 | 45.64 | 91.28 | 182.56 | 456.40 | 912.80 | 9,128 | 2.83 | 4.72 |
| 7½ to 8 years | 23.23 | 46.46 | 92.92 | 185.84 | 464.60 | 929.20 | 9,292 | 2.88 | 4.72 |
| 8 to 8½ years | 23.71 | 47.42 | 94.84 | 189.68 | 474.20 | 948.40 | 9,484 | 2.96 | 4.92 |
| 8½ to 9 years | 24.20 | 48.40 | 96.80 | 193.60 | 484.00 | 968.00 | 9,680 | 3.02 | 5.26 |
| 9 to 9½ years | 24.70 | 49.40 | 98.80 | 197.60 | 494.00 | 988.00 | 9,880 | 3.09 | 6.10 |
| 9½ years to 9 years and 8 months | 25.22 | 50.44 | 100.88 | 201.76 | 504.40 | 1,008.80 | 10,088 | 3.14 | 11.89 |
| Maturity value (9 years and 8 months from issue date) | 25.71 | 51.42 | 102.84 | 205.68 | 514.20 | 1,028.40 | 10,284 | 3.29 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.71 | $51.42 | $102.84 | $205.68 | $514.20 | $1,028.40 | $10,284 | 3.29 | 3.75 |
| ½ to 1 year | 26.16 | 52.32 | 104.64 | 209.28 | 523.20 | 1,046.40 | 10,464 | 3.30 | 3.76 |
| 1 to 1½ years | 26.63 | 53.26 | 106.52 | 213.04 | 532.60 | 1,065.20 | 10,652 | 3.32 | 3.77 |
| 1½ to 2 years | 27.10 | 54.20 | 108.40 | 216.80 | 542.00 | 1,084.00 | 10,840 | 3.33 | 3.79 |
| 2 to 2½ years | 27.59 | 55.18 | 110.36 | 220.72 | 551.80 | 1,103.60 | 11,036 | 3.34 | 3.80 |
| 2½ to 3 years | 28.09 | 56.18 | 112.36 | 224.72 | 561.80 | 1,123.60 | 11,236 | 3.35 | 3.81 |
| 3 to 3½ years | 28.60 | 57.20 | 114.40 | 228.80 | 572.00 | 1,144.00 | 11,440 | 3.36 | 3.82 |
| 3½ to 4 years | 29.12 | 58.24 | 116.48 | 232.96 | 582.40 | 1,164.80 | 11,648 | 3.37 | 3.84 |
| 4 to 4½ years | 29.66 | 59.32 | 118.64 | 237.28 | 593.20 | 1,186.40 | 11,864 | 3.38 | 3.85 |
| 4½ to 5 years | 30.21 | 60.42 | 120.84 | 241.68 | 604.20 | 1,208.40 | 12,084 | 3.40 | 3.86 |
| 5 to 5½ years | 30.77 | 61.54 | 123.08 | 246.16 | 615.40 | 1,230.80 | 12,308 | 3.41 | 3.88 |
| 5½ to 6 years | 31.35 | 62.70 | 125.40 | 250.80 | 627.00 | 1,254.00 | 12,540 | 3.42 | 3.89 |
| 6 to 6½ years | 31.95 | 63.90 | 127.80 | 255.60 | 639.00 | 1,278.00 | 12,780 | 3.43 | 3.89 |
| 6½ to 7 years | 32.56 | 65.12 | 130.24 | 260.48 | 651.20 | 1,302.40 | 13,024 | 3.44 | 3.91 |
| 7 to 7½ years | 33.18 | 66.36 | 132.72 | 265.44 | 663.60 | 1,327.20 | 13,272 | 3.45 | 3.92 |
| 7½ to 8 years | 33.82 | 67.64 | 135.28 | 270.56 | 676.40 | 1,352.80 | 13,528 | 3.47 | 3.93 |
| 8 to 8½ years | 34.48 | 68.96 | 137.92 | 275.84 | 689.60 | 1,379.20 | 13,792 | 3.48 | 3.94 |
| 8½ to 9 years | 35.16 | 70.30 | 140.60 | 281.20 | 703.00 | 1,406.00 | 14,060 | 3.49 | 3.96 |
| 9 to 9½ years | 35.84 | 71.68 | 143.36 | 286.72 | 716.80 | 1,433.60 | 14,336 | 3.50 | 3.98 |
| 9½ to 10 years | 36.55 | 73.10 | 146.20 | 292.40 | 731.00 | 1,462.00 | 14,620 | 3.51 | 3.99 |
| Extended maturity value (10 years from original maturity date) [3] | 37.28 | 74.56 | 149.12 | 298.24 | 745.60 | 1,491.20 | 14,912 | 3.53 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[3] 19 years and 8 months after issue date.

TABLE 34—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1955, THROUGH MAY 1, 1956

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield: (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | †3.91 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 4 to 4½ years | $20.55 | $41.12 | $82.24 | $164.48 | $411.20 | $822.40 | $8,224 | 2.32 | 4.03 |
| 4½ to 5 years | 20.92 | 41.84 | 83.68 | 167.36 | 418.40 | 836.80 | 8,368 | 2.45 | 4.08 |
| 5 to 5½ years | 21.29 | 42.58 | 85.16 | 170.32 | 425.80 | 851.60 | 8,516 | 2.56 | 4.13 |
| 5½ to 6 years | 21.67 | 43.34 | 86.68 | 173.36 | 433.40 | 866.80 | 8,668 | 2.65 | 4.20 |
| 6 to 6½ years | 22.06 | 44.12 | 88.24 | 176.48 | 441.20 | 882.40 | 8,824 | 2.73 | 4.28 |
| 6½ to 7 years | 22.45 | 44.90 | 89.80 | 179.60 | 449.00 | 898.00 | 8,980 | 2.79 | 4.40 |
| 7 to 7½ years | 22.86 | 45.72 | 91.44 | 182.88 | 457.20 | 914.40 | 9,144 | 2.85 | 4.54 |
| 7½ to 8 years | 23.28 | 46.56 | 93.12 | 186.24 | 465.60 | 931.20 | 9,312 | 2.91 | 4.75 |
| 8 to 8½ years | 23.76 | 47.52 | 95.04 | 190.08 | 475.20 | 950.40 | 9,504 | 2.98 | 4.93 |
| 8½ to 9 years | 24.26 | 48.52 | 97.04 | 194.08 | 485.20 | 970.40 | 9,704 | 3.05 | 5.24 |
| 9 to 9½ years | 24.76 | 49.52 | 99.04 | 198.08 | 495.20 | 990.40 | 9,904 | 3.11 | 6.09 |
| 9½ years to 9 years and 8 months | 25.28 | 50.56 | 101.12 | 202.24 | 505.60 | 1,011.20 | 10,112 | 3.17 | 11.86 |
| Maturity value (9 years and 8 months from issue date) | 25.77 | 51.54 | 103.08 | 206.16 | 515.40 | 1,030.80 | 10,308 | 3.32 | ---------- |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.77 | $51.54 | $103.08 | $206.16 | $515.40 | $1,030.80 | $10,308 | 3.32 | 3.75 |
| ½ to 1 year | 26.22 | 52.44 | 104.88 | 209.76 | 524.40 | 1,048.80 | 10,488 | 3.32 | 3.76 |
| 1 to 1½ years | 26.69 | 53.38 | 106.76 | 213.52 | 533.80 | 1,067.60 | 10,676 | 3.34 | 3.77 |
| 1½ to 2 years | 27.18 | 54.32 | 108.64 | 217.28 | 543.20 | 1,086.40 | 10,864 | 3.35 | 3.79 |
| 2 to 2½ years | 27.65 | 55.30 | 110.60 | 221.20 | 553.00 | 1,106.00 | 11,060 | 3.36 | 3.80 |
| 2½ to 3 years | 28.15 | 56.30 | 112.60 | 225.20 | 563.00 | 1,126.00 | 11,260 | 3.37 | 3.81 |
| 3 to 3½ years | 28.66 | 57.32 | 114.64 | 229.28 | 573.20 | 1,146.40 | 11,464 | 3.38 | 3.83 |
| 3½ to 4 years | 29.19 | 58.38 | 116.76 | 233.52 | 583.80 | 1,167.60 | 11,676 | 3.39 | 3.84 |
| 4 to 4½ years | 29.73 | 59.46 | 118.92 | 237.84 | 594.60 | 1,189.20 | 11,892 | 3.40 | 3.85 |
| 4½ to 5 years | 30.28 | 60.56 | 121.12 | 242.24 | 605.60 | 1,211.20 | 12,112 | 3.41 | 3.86 |
| 5 to 5½ years | 30.85 | 61.70 | 123.40 | 246.80 | 617.00 | 1,234.00 | 12,340 | 3.42 | 3.87 |
| 5½ to 6 years | 31.42 | 62.86 | 125.72 | 251.44 | 628.60 | 1,257.20 | 12,572 | 3.44 | 3.88 |
| 6 to 6½ years | 32.02 | 64.04 | 128.08 | 256.16 | 640.40 | 1,280.80 | 12,808 | 3.45 | 3.90 |
| 6½ to 7 years | 32.63 | 65.26 | 130.52 | 261.04 | 652.60 | 1,305.20 | 13,052 | 3.46 | 3.91 |
| 7 to 7½ years | 33.26 | 66.52 | 133.04 | 266.08 | 665.20 | 1,330.40 | 13,304 | 3.47 | 3.92 |
| 7½ to 8 years | 33.90 | 67.80 | 135.60 | 271.20 | 678.00 | 1,356.00 | 13,560 | 3.48 | 3.94 |
| 8 to 8½ years | 34.56 | 69.12 | 138.24 | 276.48 | 691.20 | 1,382.40 | 13,824 | 3.49 | 3.95 |
| 8½ to 9 years | 35.23 | 70.46 | 140.92 | 281.84 | 704.60 | 1,409.20 | 14,092 | 3.50 | 3.97 |
| 9 to 9½ years | 35.93 | 71.86 | 143.72 | 287.44 | 718.60 | 1,437.20 | 14,372 | 3.51 | 3.97 |
| 9½ to 10 years | 36.64 | 73.28 | 146.56 | 293.12 | 732.80 | 1,465.60 | 14,656 | 3.53 | 3.98 |
| Extended maturity value (10 years from original maturity date) [2] | 37.37 | 74.74 | 149.48 | 298.96 | 747.40 | 1,494.80 | 14,948 | 3.54 | ---------- |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.

TABLE 35—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1956

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield: (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | †3.84 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 3½ to 4 years | $20.31 | $40.62 | $81.24 | $162.48 | $406.20 | $812.40 | $8,124 | 2.30 | 3.94 |
| 4 to 4½ years | 20.57 | 41.14 | 82.28 | 164.56 | 411.40 | 822.80 | 8,228 | 2.33 | 4.06 |
| 4½ to 5 years | 20.93 | 41.86 | 83.72 | 167.44 | 418.60 | 837.20 | 8,372 | 2.46 | 4.11 |
| 5 to 5½ years | 21.31 | 42.62 | 85.24 | 170.48 | 426.20 | 852.40 | 8,524 | 2.58 | 4.16 |
| 5½ to 6 years | 21.70 | 43.40 | 86.80 | 173.60 | 434.00 | 868.00 | 8,680 | 2.67 | 4.23 |
| 6 to 6½ years | 22.09 | 44.18 | 88.36 | 176.72 | 441.80 | 883.60 | 8,836 | 2.75 | 4.31 |
| 6½ to 7 years | 22.50 | 45.00 | 90.00 | 180.00 | 450.00 | 900.00 | 9,000 | 2.82 | 4.41 |
| 7 to 7½ years | 22.91 | 45.82 | 91.64 | 183.28 | 458.20 | 916.40 | 9,164 | 2.88 | 4.55 |
| 7½ to 8 years | 23.33 | 46.66 | 93.32 | 186.64 | 466.60 | 933.20 | 9,332 | 2.94 | 4.75 |
| 8 to 8½ years | 23.82 | 47.64 | 95.28 | 190.56 | 476.40 | 952.80 | 9,528 | 3.01 | 4.92 |
| 8½ to 9 years | 24.31 | 48.62 | 97.24 | 194.48 | 486.20 | 972.40 | 9,724 | 3.06 | 5.27 |
| 9 to 9½ years | 24.82 | 49.64 | 99.28 | 198.56 | 496.40 | 992.80 | 9,928 | 3.14 | 6.07 |
| 9½ years to 9 years and 8 months | 25.34 | 50.68 | 101.36 | 202.72 | 506.80 | 1,013.60 | 10,136 | 3.20 | 11.68 |
| Maturity value (9 years and 8 months from issue date) | 25.83 | 51.66 | 103.32 | 206.64 | 516.60 | 1,033.20 | 10,332 | 3.34 | ---------- |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.83 | $51.66 | $103.32 | $206.64 | $516.60 | $1,033.20 | $10,332 | 3.34 | 3.75 |
| ½ to 1 year | 26.28 | 52.56 | 105.12 | 210.24 | 525.60 | 1,051.20 | 10,512 | 3.35 | 3.76 |
| 1 to 1½ years | 26.75 | 53.50 | 107.00 | 214.00 | 535.00 | 1,070.00 | 10,700 | 3.36 | 3.77 |
| 1½ to 2 years | 27.23 | 54.46 | 108.92 | 217.84 | 544.60 | 1,089.20 | 10,892 | 3.37 | 3.78 |
| 2 to 2½ years | 27.72 | 55.44 | 110.88 | 221.76 | 554.40 | 1,108.80 | 11,088 | 3.38 | 3.80 |
| 2½ to 3 years | 28.22 | 56.44 | 112.88 | 225.76 | 564.40 | 1,128.80 | 11,288 | 3.39 | 3.81 |
| 3 to 3½ years | 28.73 | 57.46 | 114.92 | 229.84 | 574.60 | 1,149.20 | 11,492 | 3.40 | 3.82 |
| 3½ to 4 years | 29.26 | 58.52 | 117.04 | 234.08 | 585.20 | 1,170.40 | 11,704 | 3.41 | 3.83 |
| 4 to 4½ years | 29.80 | 59.60 | 119.20 | 238.40 | 596.00 | 1,192.00 | 11,920 | 3.42 | 3.84 |
| 4½ to 5 years | 30.35 | 60.70 | 121.40 | 242.80 | 607.00 | 1,214.00 | 12,140 | 3.43 | 3.86 |
| 5 to 5½ years | 30.92 | 61.84 | 123.68 | 247.36 | 618.40 | 1,236.80 | 12,368 | 3.44 | 3.87 |
| 5½ to 6 years | 31.50 | 63.00 | 126.00 | 252.00 | 630.00 | 1,260.00 | 12,600 | 3.45 | 3.88 |
| 6 to 6½ years | 32.10 | 64.20 | 128.40 | 256.80 | 642.00 | 1,284.00 | 12,840 | 3.46 | 3.89 |
| 6½ to 7 years | 32.71 | 65.42 | 130.84 | 261.68 | 654.20 | 1,308.40 | 13,084 | 3.47 | 3.90 |
| 7 to 7½ years | 33.34 | 66.68 | 133.36 | 266.72 | 666.80 | 1,333.60 | 13,336 | 3.48 | 3.91 |
| 7½ to 8 years | 33.98 | 67.96 | 135.92 | 271.84 | 679.60 | 1,359.20 | 13,592 | 3.49 | 3.93 |
| 8 to 8½ years | 34.64 | 69.28 | 138.56 | 277.12 | 692.80 | 1,385.60 | 13,856 | 3.50 | 3.94 |
| 8½ to 9 years | 35.31 | 70.62 | 141.24 | 282.48 | 706.20 | 1,412.40 | 14,124 | 3.51 | 3.96 |
| 9 to 9½ years | 36.01 | 72.02 | 144.04 | 288.08 | 720.20 | 1,440.40 | 14,404 | 3.53 | 3.96 |
| 9½ to 10 years | 36.72 | 73.44 | 146.88 | 293.76 | 734.40 | 1,468.80 | 14,688 | 3.54 | 3.98 |
| Extended maturity value (10 years from original maturity date) [2] | 37.45 | 74.90 | 149.80 | 299.60 | 749.00 | 1,498.00 | 14,980 | 3.55 | ---------- |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.







TABLE 36—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1956, THROUGH JANUARY 1, 1957

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield: (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | †3.78 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 3 to 3½ years | $20.06 | $40.12 | $80.24 | $160.48 | $401.20 | $802.40 | $8,024 | 2.26 | 3.87 |
| 3½ to 4 years | 20.32 | 40.64 | 81.28 | 162.56 | 406.40 | 812.80 | 8,128 | 2.31 | 3.97 |
| 4 to 4½ years | 20.58 | 41.16 | 82.32 | 164.64 | 411.60 | 823.20 | 8,232 | 2.34 | 4.10 |
| 4½ to 5 years | 20.96 | 41.92 | 83.84 | 167.68 | 419.20 | 838.40 | 8,384 | 2.49 | 4.14 |
| 5 to 5½ years | 21.34 | 42.68 | 85.36 | 170.72 | 426.80 | 853.60 | 8,536 | 2.60 | 4.19 |
| 5½ to 6 years | 21.73 | 43.46 | 86.92 | 173.84 | 434.60 | 869.20 | 8,692 | 2.70 | 4.26 |
| 6 to 6½ years | 22.13 | 44.26 | 88.52 | 177.04 | 442.60 | 885.20 | 8,852 | 2.78 | 4.34 |
| 6½ to 7 years | 22.54 | 45.08 | 90.16 | 180.32 | 450.80 | 901.60 | 9,016 | 2.85 | 4.44 |
| 7 to 7½ years | 22.96 | 45.92 | 91.84 | 183.68 | 459.20 | 918.40 | 9,184 | 2.91 | 4.57 |
| 7½ to 8 years | 23.38 | 46.76 | 93.52 | 187.04 | 467.60 | 935.20 | 9,352 | 2.96 | 4.78 |
| 8 to 8½ years | 23.87 | 47.74 | 95.48 | 190.96 | 477.40 | 954.80 | 9,548 | 3.04 | 4.96 |
| 8½ to 9 years | 24.37 | 48.74 | 97.48 | 194.96 | 487.40 | 974.80 | 9,748 | 3.11 | 5.29 |
| 9 to 9½ years | 24.88 | 49.76 | 99.52 | 199.04 | 497.60 | 995.20 | 9,952 | 3.17 | 6.12 |
| 9½ years to 9 years and 8 months | 25.40 | 50.80 | 101.60 | 203.20 | 508.00 | 1,016.00 | 10,160 | 3.22 | 12.05 |
| Maturity value (9 years and 8 months from issue date) | 25.90 | 51.80 | 103.60 | 207.20 | 518.00 | 1,036.00 | 10,360 | 3.37 | ---------- |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.90 | $51.80 | $103.60 | $207.20 | $518.00 | $1,036.00 | $10,360 | 3.37 | 3.75 |
| ½ to 1 year | 26.36 | 52.72 | 105.44 | 210.88 | 527.20 | 1,054.40 | 10,544 | 3.38 | 3.76 |
| 1 to 1½ years | 26.82 | 53.64 | 107.28 | 214.56 | 536.40 | 1,072.80 | 10,728 | 3.38 | 3.77 |
| 1½ to 2 years | 27.30 | 54.60 | 109.20 | 218.40 | 546.00 | 1,092.00 | 10,920 | 3.39 | 3.79 |
| 2 to 2½ years | 27.79 | 55.58 | 111.16 | 222.32 | 555.80 | 1,111.60 | 11,116 | 3.40 | 3.80 |
| 2½ to 3 years | 28.29 | 56.58 | 113.16 | 226.32 | 565.80 | 1,131.60 | 11,316 | 3.41 | 3.81 |
| 3 to 3½ years | 28.81 | 57.62 | 115.24 | 230.48 | 576.20 | 1,152.40 | 11,524 | 3.42 | 3.82 |
| 3½ to 4 years | 29.34 | 58.68 | 117.36 | 234.72 | 586.80 | 1,173.60 | 11,736 | 3.43 | 3.83 |
| 4 to 4½ years | 29.88 | 59.76 | 119.52 | 239.04 | 597.60 | 1,195.20 | 11,952 | 3.44 | 3.84 |
| 4½ to 5 years | 30.43 | 60.86 | 121.72 | 243.44 | 608.60 | 1,217.20 | 12,172 | 3.45 | 3.86 |
| 5 to 5½ years | 31.00 | 62.00 | 124.00 | 248.00 | 620.00 | 1,240.00 | 12,400 | 3.46 | 3.87 |
| 5½ to 6 years | 31.59 | 63.18 | 126.36 | 252.72 | 631.80 | 1,263.60 | 12,636 | 3.47 | 3.88 |
| 6 to 6½ years | 32.18 | 64.36 | 128.72 | 257.44 | 643.60 | 1,287.20 | 12,872 | 3.48 | 3.90 |
| 6½ to 7 years | 32.80 | 65.60 | 131.20 | 262.40 | 656.00 | 1,312.00 | 13,120 | 3.49 | 3.90 |
| 7 to 7½ years | 33.43 | 66.86 | 133.72 | 267.44 | 668.60 | 1,337.20 | 13,372 | 3.50 | 3.91 |
| 7½ to 8 years | 34.07 | 68.14 | 136.28 | 272.56 | 681.40 | 1,362.80 | 13,628 | 3.51 | 3.93 |
| 8 to 8½ years | 34.73 | 69.46 | 138.92 | 277.84 | 694.60 | 1,389.20 | 13,892 | 3.52 | 3.94 |
| 8½ to 9 years | 35.41 | 70.82 | 141.64 | 283.28 | 708.20 | 1,416.40 | 14,164 | 3.53 | 3.95 |
| 9 to 9½ years | 36.11 | 72.22 | 144.44 | 288.88 | 722.20 | 1,444.40 | 14,444 | 3.54 | 3.95 |
| 9½ to 10 years | 36.82 | 73.64 | 147.28 | 294.56 | 736.40 | 1,472.80 | 14,728 | 3.55 | 3.97 |
| Extended maturity value (10years from original maturity date) [2] | 37.55 | 75.10 | 150.20 | 300.40 | 751.00 | 1,502.00 | 15,020 | 3.56 | ---------- |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.

TABLE 37—BONDS BEARING ISSUE DATES FROM FEBRUARY 1 THROUGH APRIL 1, 1957

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield: (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | *3.38 |
| 1½ to 2 years | 19.48 | 38.96 | 77.92 | 155.84 | 389.60 | 779.20 | 7,792 | 2.56 | *3.39 |
| 2 to 2½ years | 19.81 | 39.62 | 79.24 | 158.48 | 396.20 | 792.40 | 7,924 | 2.77 | *3.39 |
| 2½ to 3 years | 20.15 | 40.30 | 80.60 | 161.20 | 403.00 | 806.00 | 8,060 | 2.90 | †3.89 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 3 to 3½ years | $20.51 | $41.02 | $82.04 | $164.08 | $410.20 | $820.40 | $8,204 | 3.01 | 3.92 |
| 3½ to 4 years | 20.87 | 41.74 | 83.48 | 166.96 | 417.40 | 834.80 | 8,348 | 3.08 | 3.95 |
| 4 to 4½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 3.15 | 3.99 |
| 4½ to 5 years | 21.64 | 43.28 | 86.56 | 173.12 | 432.80 | 865.60 | 8,656 | 3.21 | 4.02 |
| 5 to 5½ years | 22.05 | 44.10 | 88.20 | 176.40 | 441.00 | 882.00 | 8,820 | 3.27 | 4.05 |
| 5½ to 6 years | 22.46 | 44.92 | 89.84 | 179.68 | 449.20 | 898.40 | 8,984 | 3.31 | 4.10 |
| 6 to 6½ years | 22.89 | 45.78 | 91.56 | 183.12 | 457.80 | 915.60 | 9,156 | 3.35 | 4.16 |
| 6½ to 7 years | 23.34 | 46.68 | 93.36 | 186.72 | 466.80 | 933.60 | 9,336 | 3.40 | 4.19 |
| 7 to 7½ years | 23.81 | 47.62 | 95.24 | 190.48 | 476.20 | 952.40 | 9,524 | 3.44 | 4.23 |
| 7½ to 8 years | 24.29 | 48.58 | 97.16 | 194.32 | 485.80 | 971.60 | 9,716 | 3.48 | 4.30 |
| 8 to 8½ years | 24.78 | 49.56 | 99.12 | 198.24 | 495.60 | 991.20 | 9,912 | 3.52 | 4.45 |
| 8½ years to 8 years and 11 months | 25.29 | 50.58 | 101.16 | 202.32 | 505.80 | 1,011.60 | 10,116 | 3.55 | 4.85 |
| Maturity value (8 years and 11 months from issue date) | 25.80 | 51.60 | 103.20 | 206.40 | 516.00 | 1,032.00 | 10,320 | 3.61 | ---------- |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.80 | $51.60 | $103.20 | $206.40 | $516.00 | $1,032.00 | $10,320 | 3.61 | 3.76 |
| ½ to 1 year | 26.25 | 52.50 | 105.00 | 210.00 | 525.00 | 1,050.00 | 10,500 | 3.61 | 3.76 |
| 1 to 1½ years | 26.72 | 53.44 | 106.88 | 213.76 | 534.40 | 1,068.80 | 10,688 | 3.60 | 3.77 |
| 1½ to 2 years | 27.20 | 54.40 | 108.80 | 217.60 | 544.00 | 1,088.00 | 10,880 | 3.60 | 3.79 |
| 2 to 2½ years | 27.68 | 55.36 | 110.72 | 221.44 | 553.60 | 1,107.20 | 11,072 | 3.60 | 3.80 |
| 2½ to 3 years | 28.19 | 56.38 | 112.76 | 225.52 | 563.80 | 1,127.60 | 11,276 | 3.60 | 3.81 |
| 3 to 3½ years | 28.70 | 57.40 | 114.80 | 229.60 | 574.00 | 1,148.00 | 11,480 | 3.60 | 3.82 |
| 3½ to 4 years | 29.22 | 58.44 | 116.88 | 233.76 | 584.40 | 1,168.80 | 11,688 | 3.61 | 3.84 |
| 4 to 4½ years | 29.76 | 59.52 | 119.04 | 238.08 | 595.20 | 1,190.40 | 11,904 | 3.61 | 3.85 |
| 4½ to 5 years | 30.32 | 60.64 | 121.28 | 242.56 | 606.40 | 1,212.80 | 12,128 | 3.61 | 3.86 |
| 5 to 5½ years | 30.88 | 61.76 | 123.52 | 247.04 | 617.60 | 1,235.20 | 12,352 | 3.62 | 3.87 |
| 5½ to 6 years | 31.46 | 62.92 | 125.84 | 251.68 | 629.20 | 1,258.40 | 12,584 | 3.62 | 3.89 |
| 6 to 6½ years | 32.06 | 64.12 | 128.24 | 256.48 | 641.20 | 1,282.40 | 12,824 | 3.63 | 3.90 |
| 6½ to 7 years | 32.67 | 65.34 | 130.68 | 261.36 | 653.40 | 1,306.80 | 13,068 | 3.63 | 3.91 |
| 7 to 7½ years | 33.30 | 66.60 | 133.20 | 266.40 | 666.00 | 1,332.00 | 13,320 | 3.64 | 3.92 |
| 7½ to 8 years | 33.94 | 67.88 | 135.76 | 271.52 | 678.80 | 1,357.60 | 13,576 | 3.65 | 3.93 |
| 8 to 8½ years | 34.60 | 69.20 | 138.40 | 276.80 | 692.00 | 1,384.00 | 13,840 | 3.65 | 3.94 |
| 8½ to 9 years | 35.27 | 70.54 | 141.08 | 282.16 | 705.40 | 1,410.80 | 14,108 | 3.66 | 3.97 |
| 9 to 9½ years | 35.97 | 71.94 | 143.88 | 287.76 | 719.40 | 1,438.80 | 14,388 | 3.67 | 3.96 |
| 9½ to 10 years | 36.68 | 73.36 | 146.72 | 293.44 | 733.60 | 1,467.20 | 14,672 | 3.68 | 3.98 |
| Extended maturity value (10 years from original maturity date) [2] | 37.41 | 74.82 | 149.64 | 299.28 | 748.20 | 1,496.40 | 14,964 | 3.69 | ---------- |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.
[2] 18 years and 11 months after issue date.

TABLE 38—BONDS BEARING ISSUE DATE OF MAY 1, 1957

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | *3.38 |
| 1½ to 2 years | 19.48 | 38.96 | 77.92 | 155.84 | 389.60 | 779.20 | 7,792 | 2.56 | *3.39 |
| 2 to 2½ years | 19.81 | 39.62 | 79.24 | 158.48 | 396.20 | 792.40 | 7,924 | 2.77 | †3.89 |
| Revised redemption values and investment yields | | | | | | | | | |
| 3 to 3½ years | $20.51 | $41.02 | $82.04 | $164.08 | $410.20 | $820.40 | $8,204 | 3.01 | 3.92 |
| 3½ to 4 years | 20.87 | 41.74 | 83.48 | 166.96 | 417.40 | 834.80 | 8,348 | 3.08 | 3.95 |
| 4 to 4½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 3.15 | 3.99 |
| 4½ to 5 years | 21.64 | 43.28 | 86.56 | 173.12 | 432.80 | 865.60 | 8,656 | 3.21 | 4.02 |
| 5 to 5½ years | 22.05 | 44.10 | 88.20 | 176.40 | 441.00 | 882.00 | 8,820 | 3.27 | 4.05 |
| 5½ to 6 years | 22.46 | 44.92 | 89.84 | 179.68 | 449.20 | 898.40 | 8,984 | 3.31 | 4.10 |
| 6 to 6½ years | 22.89 | 45.78 | 91.56 | 183.12 | 457.80 | 915.60 | 9,156 | 3.35 | 4.15 |
| 6½ to 7 years | 23.34 | 46.68 | 93.36 | 186.72 | 466.80 | 933.60 | 9,336 | 3.40 | 4.19 |
| 7 to 7½ years | 23.81 | 47.62 | 95.24 | 190.48 | 476.20 | 952.40 | 9,524 | 3.44 | 4.23 |
| 7½ to 8 years | 24.29 | 48.58 | 97.16 | 194.32 | 485.80 | 971.60 | 9,716 | 3.48 | 4.30 |
| 8 to 8½ years | 24.78 | 49.56 | 99.12 | 198.24 | 495.60 | 991.20 | 9,912 | 3.52 | 4.45 |
| 8½ years to 8 years and 11 months | 25.29 | 50.58 | 101.16 | 202.32 | 505.80 | 1,011.60 | 10,116 | 3.55 | 4.85 |
| Maturity value (8 years and 11 months from issue date) | 25.80 | 51.60 | 103.20 | 206.40 | 516.00 | 1,032.00 | 10,320 | 3.61 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.

TABLE 39—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1957

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | *3.38 |
| 1½ to 2 years | 19.48 | 38.96 | 77.92 | 155.84 | 389.60 | 779.20 | 7,792 | 2.56 | *3.39 |
| 2 to 2½ years | 19.81 | 39.62 | 79.24 | 158.48 | 396.20 | 792.40 | 7,924 | 2.77 | †3.89 |
| Revised redemption values and investment yields | | | | | | | | | |
| 2½ to 3 years | $20.16 | $40.32 | $80.64 | $161.28 | $403.20 | $806.40 | $8,064 | 2.92 | 3.92 |
| 3 to 3½ years | 20.52 | 41.04 | 82.08 | 164.16 | 410.40 | 820.80 | 8,208 | 3.03 | 3.95 |
| 3½ to 4 years | 20.88 | 41.76 | 83.52 | 167.04 | 417.60 | 835.20 | 8,352 | 3.10 | 3.99 |
| 4 to 4½ years | 21.27 | 42.54 | 85.08 | 170.16 | 425.40 | 850.80 | 8,508 | 3.18 | 4.01 |
| 4½ to 5 years | 21.67 | 43.34 | 86.68 | 173.36 | 433.40 | 866.80 | 8,668 | 3.24 | 4.04 |
| 5 to 5½ years | 22.08 | 44.16 | 88.32 | 176.64 | 441.60 | 883.20 | 8,832 | 3.30 | 4.08 |
| 5½ to 6 years | 22.51 | 45.02 | 90.04 | 180.08 | 450.20 | 900.40 | 9,004 | 3.35 | 4.10 |
| 6 to 6½ years | 22.94 | 45.88 | 91.76 | 183.52 | 458.80 | 917.60 | 9,176 | 3.39 | 4.15 |
| 6½ to 7 years | 23.38 | 46.76 | 93.56 | 187.12 | 467.80 | 935.60 | 9,356 | 3.43 | 4.20 |
| 7 to 7½ years | 23.86 | 47.72 | 95.44 | 190.88 | 477.20 | 954.40 | 9,544 | 3.47 | 4.24 |
| 7½ to 8 years | 24.34 | 48.68 | 97.36 | 194.72 | 486.80 | 973.60 | 9,736 | 3.51 | 4.32 |
| 8 to 8½ years | 24.84 | 49.68 | 99.36 | 198.72 | 496.80 | 993.60 | 9,936 | 3.55 | 4.44 |
| 8½ years to 8 years and 11 months | 25.35 | 50.70 | 101.40 | 202.80 | 507.00 | 1,014.00 | 10,140 | 3.58 | 4.84 |
| Maturity value (8 years and 11 months from issue date) | 25.86 | 51.72 | 103.44 | 206.88 | 517.20 | 1,034.40 | 10,344 | 3.64 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.



TABLE 40—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1957, THROUGH MAY 1, 1958

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | *3.38 |
| 1½ to 2 years | 19.48 | 38.96 | 77.92 | 155.84 | 389.60 | 779.20 | 7,792 | 2.56 | †3.89 |
| Revised redemption values and investment yields | | | | | | | | | |
| 2 to 2½ years | $19.82 | $39.64 | $79.28 | $158.56 | $396.40 | $792.80 | $7,928 | 2.79 | 3.92 |
| 2½ to 3 years | 20.17 | 40.34 | 80.68 | 161.36 | 403.40 | 806.80 | 8,068 | 2.94 | 3.95 |
| 3 to 3½ years | 20.53 | 41.06 | 82.12 | 164.24 | 410.60 | 821.20 | 8,212 | 3.05 | 3.99 |
| 3½ to 4 years | 20.91 | 41.82 | 83.64 | 167.28 | 418.20 | 836.40 | 8,364 | 3.14 | 4.01 |
| 4 to 4½ years | 21.30 | 42.60 | 85.20 | 170.40 | 426.00 | 852.00 | 8,520 | 3.21 | 4.04 |
| 4½ to 5 years | 21.70 | 43.40 | 86.80 | 173.60 | 434.00 | 868.00 | 8,680 | 3.27 | 4.07 |
| 5 to 5½ years | 22.12 | 44.24 | 88.48 | 176.96 | 442.40 | 884.80 | 8,848 | 3.33 | 4.10 |
| 5½ to 6 years | 22.55 | 45.10 | 90.20 | 180.40 | 451.00 | 902.00 | 9,020 | 3.38 | 4.13 |
| 6 to 6½ years | 22.99 | 45.98 | 91.96 | 183.92 | 459.80 | 919.60 | 9,196 | 3.43 | 4.17 |
| 6½ to 7 years | 23.44 | 46.88 | 93.76 | 187.52 | 468.80 | 937.60 | 9,376 | 3.46 | 4.22 |
| 7 to 7½ years | 23.91 | 47.82 | 95.64 | 191.28 | 478.20 | 956.40 | 9,564 | 3.50 | 4.28 |
| 7½ to 8 years | 24.40 | 48.80 | 97.60 | 195.20 | 488.00 | 976.00 | 9,760 | 3.54 | 4.34 |
| 8 to 8½ years | 24.90 | 49.80 | 99.60 | 199.20 | 498.00 | 996.00 | 9,960 | 3.58 | 4.47 |
| 8½ years to 8 years and 11 months | 25.41 | 50.82 | 101.64 | 203.28 | 508.20 | 1,016.40 | 10,164 | 3.61 | 4.92 |
| Maturity value (8 years and 11 months from issue date) | 25.93 | 51.86 | 103.72 | 207.44 | 518.60 | 1,037.20 | 10,372 | 3.67 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8-year and 11 month period.

TABLE 41—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1958

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | †3.88 |
| Revised redemption values and redemption yields | | | | | | | | | |
| 1½ to 2 years | $19.49 | $38.98 | $77.96 | $155.92 | $389.80 | $779.60 | $7,796 | 2.60 | 3.92 |
| 2 to 2½ years | 19.83 | 39.66 | 79.32 | 158.64 | 396.60 | 793.20 | 7,932 | 2.82 | 3.95 |
| 2½ to 3 years | 20.18 | 40.36 | 80.72 | 161.44 | 403.60 | 807.20 | 8,072 | 2.98 | 3.98 |
| 3 to 3½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 3.08 | 4.01 |
| 3½ to 4 years | 20.93 | 41.86 | 83.72 | 167.44 | 418.60 | 837.20 | 8,372 | 3.17 | 4.04 |
| 4 to 4½ years | 21.33 | 42.66 | 85.32 | 170.64 | 426.60 | 853.20 | 8,532 | 3.25 | 4.06 |
| 4½ to 5 years | 21.74 | 43.48 | 86.96 | 173.92 | 434.80 | 869.60 | 8,696 | 3.32 | 4.08 |
| 5 to 5½ years | 22.16 | 44.32 | 88.64 | 177.28 | 443.20 | 886.40 | 8,864 | 3.37 | 4.11 |
| 5½ to 6 years | 22.59 | 45.18 | 90.36 | 180.72 | 451.80 | 903.60 | 9,036 | 3.42 | 4.15 |
| 6 to 6½ years | 23.03 | 46.06 | 92.12 | 184.24 | 460.60 | 921.20 | 9,212 | 3.46 | 4.19 |
| 6½ to 7 years | 23.50 | 47.00 | 94.00 | 188.00 | 470.00 | 940.00 | 9,400 | 3.50 | 4.21 |
| 7 to 7½ years | 23.97 | 47.94 | 95.88 | 191.76 | 479.40 | 958.80 | 9,588 | 3.54 | 4.27 |
| 7½ to 8 years | 24.46 | 48.92 | 97.84 | 195.68 | 489.20 | 978.40 | 9,784 | 3.58 | 4.33 |
| 8 to 8½ years | 24.96 | 49.92 | 99.84 | 199.68 | 499.20 | 998.40 | 9,984 | 3.61 | 4.46 |
| 8½ years to 8 years and 11 months | 25.47 | 50.94 | 101.88 | 203.76 | 509.40 | 1,018.80 | 10,188 | 3.64 | 4.91 |
| Maturity value (8 years and 11 months from issue date) | 25.99 | 51.98 | 103.96 | 207.92 | 519.80 | 1,039.60 | 10,396 | 3.70 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.

TABLE 42—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1958, THROUGH MAY 1, 1959

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | †3.85 |
| **Revised redemption values and investment yields** | | | | | | | | | |
| 1 to 1½ years | $19.19 | $38.38 | $76.76 | $153.52 | $383.80 | $767.60 | $7,676 | 2.33 | 3.90 |
| 1½ to 2 years | 19.50 | 39.00 | 78.00 | 156.00 | 390.00 | 780.00 | 7,800 | 2.63 | 3.95 |
| 2 to 2½ years | 19.84 | 39.68 | 79.36 | 158.72 | 396.80 | 793.60 | 7,936 | 2.85 | 3.98 |
| 2½ to 3 years | 20.20 | 40.40 | 80.80 | 161.60 | 404.00 | 808.00 | 8,080 | 3.00 | 4.01 |
| 3 to 3½ years | 20.58 | 41.16 | 82.32 | 164.64 | 411.60 | 823.20 | 8,232 | 3.13 | 4.03 |
| 3½ to 4 years | 20.96 | 41.92 | 83.84 | 167.68 | 419.20 | 838.40 | 8,384 | 3.21 | 4.06 |
| 4 to 4½ years | 21.36 | 42.72 | 85.44 | 170.88 | 427.20 | 854.40 | 8,544 | 3.28 | 4.09 |
| 4½ to 5 years | 21.77 | 43.54 | 87.08 | 174.16 | 435.40 | 870.80 | 8,708 | 3.35 | 4.11 |
| 5 to 5½ years | 22.20 | 44.40 | 88.80 | 177.60 | 444.00 | 888.00 | 8,880 | 3.41 | 4.14 |
| 5½ to 6 years | 22.64 | 45.28 | 90.56 | 181.12 | 452.80 | 905.60 | 9,056 | 3.46 | 4.16 |
| 6 to 6½ years | 23.08 | 46.16 | 92.32 | 184.64 | 461.60 | 923.20 | 9,232 | 3.49 | 4.21 |
| 6½ to 7 years | 23.55 | 47.10 | 94.20 | 188.40 | 471.00 | 942.00 | 9,420 | 3.54 | 4.23 |
| 7 to 7½ years | 24.02 | 48.04 | 96.08 | 192.16 | 480.40 | 960.80 | 9,608 | 3.57 | 4.30 |
| 7½ to 8 years | 24.52 | 49.04 | 98.08 | 196.16 | 490.40 | 980.80 | 9,808 | 3.61 | 4.35 |
| 8 to 8½ years | 25.02 | 50.04 | 100.08 | 200.16 | 500.40 | 1,000.80 | 10,008 | 3.64 | 4.49 |
| 8½ years to 8 years and 11 months | 25.54 | 51.08 | 102.16 | 204.32 | 510.80 | 1,021.60 | 10,216 | 3.67 | 4.90 |
| Maturity value (8 years and 11 months from issue date) | 26.06 | 52.12 | 104.24 | 208.48 | 521.20 | 1,042.40 | 10,424 | 3.73 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.

## PART 321—PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

Paragraph (a) of § 321.4, Department Circular No. 750, Revised, dated June 30, 1945, as amended and supplemented (31 CFR, Part 321), is hereby further amended as follows:

**§ 321.4 Meaning of terms in this circular.**

* * * * *

(a) "Paying agent(s)" or "agent(s)" shall mean (1) any eligible financial institution duly qualified to act pursuant to the provisions of this part to make payments in connection with the redemption and redemption-exchange of United States Savings Bonds hereinafter specified, including branches of such institutions located within the United States, its territories and possessions, the Commonwealth of Puerto Rico and the Canal Zone, and (2) banking facilities of such institutions established at Armed Forces installations and other places with the specific approval of the Treasury Department.

## PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

Department Circular No. 905, Second Revision, dated September 23, 1959, as amended (31 CFR 332), is hereby further amended and issued as the Third Revision.[1]

Sec.
332.1 Offering of bonds.
332.2 Description of bonds currently offered.
332.3 Governing regulations.
332.4 Registration.
332.5 Limitations on holdings.
332.6 Purchase of bonds.
332.7 Delivery of bonds.
332.8 Improved yield and extension of term for outstanding bonds.
332.9 Taxation.
332.10 Payment or redemption.
332.11 Reservation as to issue of bonds.
332.12 Preservation of rights.
332.13 Fiscal agents.
332.14 Reservation as to terms of offer.

AUTHORITY: The provisions of this Part 332 issued under authority of sections 22 and 25 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended, and 78 Stat. 621 (31 U.S.C. 757c, 757c–1).

**§ 332.1 Offering of bonds.**

The Secretary of the Treasury offers for sale to the people of the United States, United States Savings Bonds of Series H, hereinafter generally referred to as Series H bonds. These bonds are substantially a continuation of the Series H bonds heretofore available, except as otherwise indicated herein. This offering of bonds will continue until terminated by the Secretary of the Treasury.

**§ 332.2 Description of bonds currently offered.**

(a) *General.* Series H bonds bear a facsimile of the signature of the Secretary of the Treasury and of the Seal of the Treasury Department. The bonds are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series H bonds are issued at par and are available in denominations of $500, $1,000, $5,000 and $10,000.

(c) *Inscription and issue.* At the time of issue the issuing agent will (1) inscribe on the face of each Series H bond the name, taxpayer identifying number,[2] and address of the owner, and the name of the beneficiary, if any, or the names of the coowners, the taxpayer identifying number of one coowner,[2] and the address of one coowner, (2) enter in the upper right-hand portion of the bond the issue date, and (3) imprint the agent's dating stamp in the lower right-hand portion to show the date the bond is actually inscribed. A Series H bond shall be valid only if an authorized issuing agent receives payment therefor and duly inscribes, dates, stamps, and makes delivery of the bond in accordance with the purchaser's instructions.

(d) *Terms.* A Series H bond will be dated as of the first day of the month in which payment therefor is received by an agent authorized to issue such bonds. This date is the issue date and the bond will mature and be payable ten years from such issue date. The bond may not be called for redemption by the Secretary of the Treasury prior to maturity, but may be redeemed at par after six months from issue date, at the owner's option, but only upon one calendar month's notice as provided in § 332.10.

(e) *Interest (investment yield).* The interest on a Series H bond will be paid semiannually by check drawn to the order of the registered owner or coowners, beginning six months from issue date. Interest payments will be on a graduated scale, fixed to afford an investment yield of approximately 3.75 percent per annum, compounded semiannually if the bond is held to maturity;[3] but the yield will be less if the bond is redeemed prior to maturity. (See Table 1 of the tables at the end of this circular, which are incorporated herein.) Interest will cease at maturity, or in the case of redemption before maturity, at the end of the interest period next preceding the date of redemption, except that if the date of redemption falls on an interest payment date, interest will cease on that date.

[1] The basic terms of the bonds offered under the Second Revision have not been changed. The material in the Second Revision and its four amendments has been reorganized and edited in connection with the publication of the 1965 edition of Title 31 of the Code of Federal Regulations.

[2] The number required to be used on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security account number or employer identification number). If the coowners are husband and wife, the husband's number should be furnished. If the coowners are a minor and an adult, the adult's number should be furnished.

[3] Under authority of section 25, 73 Stat. 621 (31 U.S.C. 757c–1), the President of the United States on September 22, 1959, concluded that with respect to Series H bonds it was necessary in the national interest to exceed the maximum interest rate and investment yield prescribed by Section 22 of the Second Liberty Bond Act, as amended (31 U.S.C. 757c).



**§ 332.3 Governing regulations.**

Series H bonds are subject to the regulations of the Treasury Department, now or hereafter prescribed, governing United States Savings Bonds, contained in Department Circular No. 530, current revision (Part 315 of this chapter).[4]

**§ 332.4 Registration.**

(a) *General.* Generally, only residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Canal Zone and citizens of the United States temporarily residing abroad are eligible to be named as owners of Series H bonds. The bonds may be registered in the names of natural persons in their own right as provided in paragraph (b) of this section, and in the names and titles or capacities of fiduciaries and organizations as provided in paragraph (c) of this section. Full information regarding authorized forms of registration and restrictions with respect thereto will be found in the governing regulations.

(b) *Natural persons in their own right.* The bonds may be registered in the names of natural persons (whether adults or minors) in their own right, in single ownership, coownership, and beneficiary forms.

(c) The bonds may be registered in single ownership form in the names of fiduciaries and private and public organizations, as follows:

(1) *Fiduciaries.* In the names of and showing the titles or capacities of any persons or organizations, public or private, as fiduciaries (including trustees, legal guardians or similar representatives, and certain custodians) but not where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation, or service.

(2) *Private and public organizations.* In the names of private or public organizations (including private corporations, partnerships, and unincorporated associations, and States, counties, public corporations, and other public bodies) in their own right, but not in the names of commercial banks.[5]

**§ 332.5 Limitations on holdings.**

The amount of Series H bonds originally issued during any one calendar year that may be held by any one person at any one time, computed in accordance with the governing regulations, is limited, as follows:

(a) *General limitation.* $20,000 (face value) for the calendar year 1962 and each calendar year thereafter.

[4] Copies may be obtained on application to any Federal Reserve Bank or Branch or the Bureau of the Public Debt, Washington, D.C., 20220, or its Chicago office, 536 South Clark St., Chicago, Ill., 60605.

See footnote 1 on page —.

[5] Commercial banks, as defined in § 315.7 (d) (2) of this chapter (Department Circular No. 530, current revision) the governing regulations, for this purpose are those accepting demand deposits.

(b) *Special limitation for owners of savings bonds of Series F, G, J and K.* Owners, except commercial banks[5] in their own right (as distinguished from a representative or fiduciary capacity), of outstanding bonds of Series F and G, all of which are now matured, and bonds of Series J and K, at or after maturity, may apply the proceeds of such bonds to the purchase of Series H bonds without regard to the general limitation on holdings, under the following restrictions and conditions:

(1) The bonds must be presented to a Federal Reserve Bank or Branch, the Office of the Treasurer of the United States, Securities Division, or the Bureau of the Public Debt, Division of Loans and Currency Branch, for the specific purpose of taking advantage of this privilege. The Series H bonds will be dated as of the first day of the month in which the bonds presented are received by the issuing agent.

(2) Series H bonds may be purchased with the proceeds of the bonds presented only up to the denominational amounts that the proceeds thereof will fully cover. Any difference between such proceeds and the purchase price of the Series H bonds will be paid to the owner.

(3) The Series H bonds will be registered in the name of the owner in any authorized form of registration subject to the restrictions prescribed by the governing regulations.

(4) This privilege will continue until terminated by the Secretary of the Treasury.

(c) *Exchanges pursuant to Department Circular No. 1036, as amended.* Series H bonds issued in exchange for bonds of Series E, Series F, or Series J under the provisions of Department Circular No. 1036, as amended (Part 339 of this chapter), are exempt from the annual limitation.

**§ 332.6 Purchase of bonds.**

(a) *Agents.* Only the Federal Reserve Banks and Branches and the Treasury Department are authorized to act as official issuing agents for the sale of Series H bonds. However, commercial banks and trust companies may forward applications for purchase of the bonds. The date of receipt of the application and payment to an issuing agent will govern the issue date of the bonds purchased.

(b) *Application for purchase and remittance.* The applicant for purchase of Series H bonds should furnish (1) instructions for registration of the bonds to be issued, which must be in an authorized form, (2) the appropriate taxpayer identifying number or numbers,[2] (3) the post office address of the owner or a coowner (preferably the first-named), (4) the address for delivery of the bonds, and (5) the address for mailing checks in payment of interest. The application should be forwarded to a Federal Reserve Bank or Branch or the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, accompanied by a remittance to cover the purchase price. Any form of exchange including personal checks will be accepted subject to collection. Checks or other forms of exchange should be drawn to the order of the Federal Reserve Bank or Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable. Any depositary qualified pursuant to Treasury Department Circular No. 92, Revised, as amended (Part 203 of this chapter), will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

**§ 332.7 Delivery of bonds.**

Authorized issuing agents will deliver the Series H bonds either in person, or by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone. No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

**§ 332.8 Improved yield and extension of term for outstanding bonds.**

(a) *Improved yield to maturity for outstanding bonds with issue dates of June 1, 1952, through May 1, 1959.* The investment yields on all outstanding Series H bonds with issue dates prior to June 1, 1959, were increased, for the remaining period to maturity, by not less than one-half of one percent, and by lesser amounts if redeemed earlier.[6] The resulting yields are in terms of rate percent per annum, compounded semiannually. See Tables 2 through 16 hereof for revised schedules of interest payments and investment yields. This increase became effective beginning with interest payments due December 1, 1959, for bonds with the issue month of June or December of any year prior to 1959, and for all other bonds on the next interest payment date after December 1, 1959.

(b) *Extended maturity period for bonds with issue dates of June 1, 1952, through January 1, 1957.* Owners of Series H bonds with these issue dates have the option of continuing to hold such bonds for an extended maturity period of ten years with an investment yield of approximately 3.75 percent pay-

[6] The investment yield to maturity heretofore prescribed for the bonds referred to in § 332.8(a) were (according to issue dates) as follows:

| | |
|---|---|
| June 1, 1952, through January 1, 1957 | 3.00 |
| February 1, 1957, through May 1, 1959 | 3.25 |

percent per annum compounded semiannually.

able semiannually. Bonds held after maturity will earn further interest which will accrue and be paid semiannually by check drawn to the order of the owner or coowners beginning six months from the original maturity dates. Interest payments will be made in the amounts shown in Tables 2 through 11 hereof.

### § 332.9 Taxation.

The income derived from Series H bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, by any of the possessions of the United States, or by any local taxing authority.

### § 332.10 Payment or redemption.

(a) *Prior to maturity.* Prior to maturity a Series H bond will be redeemed AT PAR, in whole or in part, in the amount of an authorized denomination or multiple thereof, at the option of the owner, after six months from the issue date upon one calendar month's notice in writing, to (1) a Federal Reserve Bank or Branch, (2) the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, or (3) the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill., 60605. Such notice may be given separately or by presenting and surrendering the bond with a duly executed request for payment. If notice is given separately, the bond must be presented with a duly executed request for payment to the same agent not less than twenty days before the redemption date fixed by the notice. Payment will be made as of the first day of the first month following by at least one full calendar month the date of the receipt of notice.

(b) *At maturity.* Upon maturity a Series H bond will be redeemed at par upon presentation of the bond with a duly executed request for payment to one of the agents designated in paragraph (a) of this section. Any Series H bond having an extended maturity period will be redeemed at par upon original maturity and for two calendar months following the month in which the bond originally matures without advance notice.[1]

(c) *During extended maturity period.* A Series H bond having an extended maturity period will, beginning with the first day of the third calendar month following the calendar month in which the bond originally matures, be regarded as unmatured until it reaches its final maturity date and may be redeemed in the same manner and subject to the same notice for redemption as provided in paragraph (a) of this section.

[1] For example, if a bond is dated June 1, 1955, the date of original maturity is February 1, 1965. The date on which the right to payment without advance notice will be suspended is May 1, 1965.

### § 332.11 Reservation as to issue of bonds.

The Secretary of the Treasury reserves the right to reject any application for Series H bonds, in whole or in part, and to refuse to issue or permit to be issued hereunder any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

### § 332.12 Preservation of rights.

Nothing contained herein shall limit or restrict rights which owners of Series H bonds heretofore issued may have acquired under offers previously in force.

### § 332.13 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption and payment of Series H bonds.

### § 332.14 Reservation as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds (Part 332 of this chapter), or of any amendments or supplements thereto.

TABLES OF CHECKS ISSUED AND INVESTMENT YIELDS FOR UNITED STATES SAVINGS BONDS OF SERIES H

Each table shows: (1) Amounts of interest checks paid on United States Savings Bonds of Series H bearing issue dates covered by the table, by denominations, on each interest payment date following issue; (2) the approximate investment yield on the face value from issue date to each interest payment date; and (3) the approximate investment yield on the face value from each interest payment date to maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

TABLE 1—BONDS BEARING ISSUE DATES BEGINNING JUNE 1, 1959

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity [2] |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | | |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80.00 | 1.60 | 3.88 |
| 1 year | 7.25 | 14.50 | 72.50 | 145.00 | 2.25 | 3.95 |
| 1½ years | 8.00 | 16.00 | 80.00 | 160.00 | 2.56 | 4.00 |
| 2 years | 10.00 | 20.00 | 100.00 | 200.00 | 2.91 | 4.00 |
| 2½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.12 | 4.00 |
| 3 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.26 | 4.00 |
| 3½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.36 | 4.00 |
| 4 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.44 | 4.00 |
| 4½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.49 | 4.00 |
| 5 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.54 | 4.00 |
| 5½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.58 | 4.00 |
| 6 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.61 | 4.00 |
| 6½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.64 | 4.00 |
| 7 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.66 | 4.00 |
| 7½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.68 | 4.00 |
| 8 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.70 | 4.00 |
| 8½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.71 | 4.00 |
| 9 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.72 | 4.00 |
| 9½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.74 | 4.00 |
| 10 years (maturity) | 10.00 | 20.00 | 100.00 | 200.00 | 3.75 | 4.00 |

[1] At all times, except that bond is not redeemable during first 6 months.
[2] Approximate investment yield for entire period from issuance to maturity is 3.75 percent per annum.

TABLE 2—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1952

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | (2) From issue date to each interest payment date | (3) From each interest payment date to extended maturity* |
| Period of time bond is held after maturity date | (1) Amounts of interest checks for each denomination | | | | | |
| | | | | | *Percent* | *Percent* |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.15 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.17 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.19 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.21 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.23 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.25 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.26 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.27 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.29 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.31 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 10 years—8 months from issue date.



TABLE 3—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1953, THROUGH MAY 1, 1954

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | (2) From issue date to each interest payment date | (3) From each interest payment date to extended maturity* |
| Period of time bond is held after maturity date | (1) Amounts of interest checks for each denomination | | | | | |
| | | | | | *Percent* | *Percent* |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.22 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.25 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.26 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.27 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.29 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.33 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 4—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1954

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | | |
| | | | | | *Percent* | *Percent* |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.54 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.28 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.26 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.31 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 5—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1952, THROUGH MAY 1, 1953

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | (2) From issue date to each interest payment date | (3) From each interest payment date to extended maturity* |
| Period of time bond is held after maturity date | (1) Amounts of interest checks for each denomination | | | | | |
| | | | | | *Percent* | *Percent* |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.17 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.19 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.21 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.23 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.25 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.26 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.29 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 4½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 7—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1954, THROUGH MAY 1, 1955

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment† yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date (a) to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.65 | *3.18 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | *3.34 |
| 3 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.21 | *3.41 |
| 3½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.25 | *3.49 |
| 4 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.28 | *3.58 |
| 4½ years | 8.50 | 17.00 | 85.00 | 170.00 | 2.40 | †4.10 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 5 years | $8.75 | $17.50 | $87.50 | $175.00 | 2.50 | 4.17 |
| 5½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.59 | 4.26 |
| 6 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.66 | 4.37 |
| 6½ years | 9.65 | 19.30 | 96.50 | 193.00 | 2.74 | 4.46 |
| 7 years | 9.65 | 19.30 | 96.50 | 193.00 | 2.81 | 4.58 |
| 7½ years | 9.65 | 19.30 | 96.50 | 193.00 | 2.87 | 4.75 |
| 8 years | 10.35 | 20.70 | 103.50 | 207.00 | 2.94 | 4.98 |
| 8½ years | 10.35 | 20.70 | 103.50 | 207.00 | 3.01 | 5.31 |
| 9 years | 10.35 | 20.70 | 103.50 | 207.00 | 3.06 | 6.21 |
| 9½ years | 10.35 | 20.70 | 103.50 | 207.00 | 3.11 | 12.68 |
| 9 years and 8 months (maturity) | 10.35 | 20.70 | 103.50 | 207.00 | 3.24 | |
| Period of time bond is held after maturity date | Extended maturity period | | | | | (b) to extended maturity** |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.26 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.28 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.33 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.78 |
| 10 years (extended maturity) [3] | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
‡Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[3] 19 years—8 months from issue date.

TABLE 8—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1955

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date (a) to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.65 | *3.18 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | *3.34 |
| 3 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.21 | *3.41 |
| 3½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.25 | *3.49 |
| 4 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.28 | †4.00 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 4½ years | $8.75 | $17.50 | $87.50 | $175.00 | 2.41 | 4.15 |
| 5 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.51 | 4.23 |
| 5½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.59 | 4.32 |
| 6 years | 9.55 | 19.10 | 95.50 | 191.00 | 2.69 | 4.39 |
| 6½ years | 9.55 | 19.10 | 95.50 | 191.00 | 2.77 | 4.49 |
| 7 years | 9.55 | 19.10 | 95.50 | 191.00 | 2.84 | 4.63 |
| 7½ years | 9.55 | 19.10 | 95.50 | 191.00 | 2.89 | 4.82 |
| 8 years | 10.50 | 21.00 | 105.00 | 210.00 | 2.97 | 5.02 |
| 8½ years | 10.50 | 21.00 | 105.00 | 210.00 | 3.02 | 5.26 |
| 9 years | 10.50 | 21.00 | 105.00 | 210.00 | 3.06 | 6.30 |
| 9½ years | 10.50 | 21.00 | 105.00 | 210.00 | 3.13 | 13.87 |
| 9 years and 8 months (maturity) | 10.50 | 21.00 | 105.00 | 210.00 | 3.27 | |
| Period of time bond is held after maturity date | Extended maturity period | | | | | (b) to extended maturity** |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.29 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.31 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 10 years (extended maturity) [3] | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
‡Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[3] 19 years—8 months from issue date.





TABLE 9—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1955, THROUGH MAY 1, 1956

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date (a) to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.65 | *3.18 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | *3.34 |
| 3 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.21 | *3.41 |
| 3½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.25 | †3.99 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 4 years | $6.50 | $13.00 | $65.00 | $130.00 | 2.29 | 4.13 |
| 4½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.42 | 4.20 |
| 5 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.52 | 4.28 |
| 5½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.60 | 4.38 |
| 6 years | 9.80 | 19.60 | 98.00 | 196.00 | 2.70 | 4.45 |
| 6½ years | 9.80 | 19.60 | 98.00 | 196.00 | 2.79 | 4.54 |
| 7 years | 9.80 | 19.60 | 98.00 | 196.00 | 2.86 | 4.66 |
| 7½ years | 9.80 | 19.60 | 98.00 | 196.00 | 2.92 | 4.85 |
| 8 years | 10.55 | 21.10 | 105.50 | 211.00 | 3.00 | 5.04 |
| 8½ years | 10.55 | 21.10 | 105.50 | 211.00 | 3.06 | 5.41 |
| 9 years | 10.55 | 21.10 | 105.50 | 211.00 | 3.11 | 6.33 |
| 9½ years | 10.55 | 21.10 | 105.50 | 211.00 | 3.16 | 12.93 |
| 9 years and 8 months (maturity) | 10.55 | 21.10 | 105.50 | 211.00 | 3.30 | |
| Period of time bond is held after maturity date | Extended maturity period | | | | | (b) to extended maturity** |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.32 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 10 years (extended maturity) [3] | 9.38 | 18.75 | 93.75 | 187.50 | 3.49 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
‡Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[3] 19 years—8 months from issue date.

TABLE 10—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1956

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date (a) to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.65 | *3.18 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | *3.34 |
| 3 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.21 | 13.91 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 3½ years | $6.50 | $13.00 | $65.00 | $130.00 | 2.26 | 4.03 |
| 4 years | 6.50 | 13.00 | 65.00 | 130.00 | 2.30 | 4.17 |
| 4½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.43 | 4.24 |
| 5 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.53 | 4.33 |
| 5½ years | 9.75 | 19.50 | 97.50 | 195.00 | 2.63 | 4.38 |
| 6 years | 9.75 | 19.50 | 97.50 | 195.00 | 2.74 | 4.45 |
| 6½ years | 9.75 | 19.50 | 97.50 | 195.00 | 2.82 | 4.55 |
| 7 years | 9.75 | 19.50 | 97.50 | 195.00 | 2.89 | 4.68 |
| 7½ years | 9.75 | 19.50 | 97.50 | 195.00 | 2.96 | 4.87 |
| 8 years | 10.60 | 21.20 | 106.00 | 212.00 | 3.02 | 5.07 |
| 8½ years | 10.60 | 21.20 | 106.00 | 212.00 | 3.08 | 5.44 |
| 9 years | 10.60 | 21.20 | 106.00 | 212.00 | 3.14 | 6.36 |
| 9½ years | 10.60 | 21.20 | 106.00 | 212.00 | 3.19 | 12.99 |
| 9 years and 8 months (maturity) | 10.60 | 21.20 | 106.00 | 212.00 | 3.33 | |
| Period of time bond is held after maturity date | Extended maturity period | | | | | (b) to extended maturity** |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.34 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.49 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.49 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.50 | 3.75 |
| 10 years (extended maturity) [3] | 9.38 | 18.75 | 93.75 | 187.50 | 3.50 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
‡Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[3] 19 years—8 months from issue date.

TABLE 12—BONDS BEARING ISSUE DATES FEBRUARY 1 THROUGH MAY 1, 1957

| Face value: Issue price / Redemption[1] and maturity value | $500 / 500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | *3.35 |
| 1 year | 7.25 | 14.50 | 72.50 | 145 | 2.25 | *3.38 |
| 1½ years | 8.45 | 16.90 | 84.50 | 169 | 2.62 | *3.38 |
| 2 years | 8.45 | 16.90 | 84.50 | 169 | 2.80 | †3.88 |
| 2½ years | 8.45 | 16.90 | 84.50 | 169 | 2.92 | *3.95 |
| Revised amounts of interest checks and investment yields | | | | | | |
| 3 years | $8.70 | $17.40 | $87.00 | $174 | 3.01 | 4.00 |
| 3½ years | 8.70 | 17.40 | 87.00 | 174 | 3.07 | 4.07 |
| 4 years | 8.70 | 17.40 | 87.00 | 174 | 3.12 | 4.21 |
| 4½ years | 8.70 | 17.40 | 87.00 | 174 | 3.16 | 4.29 |
| 5 years | 8.70 | 17.40 | 87.00 | 174 | 3.19 | 4.38 |
| 5½ years | 9.75 | 19.50 | 97.50 | 195 | 3.23 | 4.50 |
| 6 years | 9.90 | 19.80 | 99.00 | 198 | 3.30 | 4.58 |
| 6½ years | 9.90 | 19.80 | 99.00 | 198 | 3.35 | 4.70 |
| 7 years | 9.90 | 19.80 | 99.00 | 198 | 3.39 | 4.87 |
| 7½ years | 9.90 | 19.80 | 99.00 | 198 | 3.42 | 5.07 |
| 8 years | 10.50 | 21.00 | 105.00 | 210 | 3.46 | 5.44 |
| 8½ years | 10.50 | 21.00 | 105.00 | 210 | 3.50 | 6.36 |
| 9 years | 11.05 | 22.10 | 110.50 | 221 | 3.57 | 12.99 |
| 9½ years | 11.05 | 22.10 | 110.50 | 221 | 3.61 | ---- |
| 10 years (maturity) | 11.05 | 22.10 | 110.50 | 221 | ---- | ---- |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.25 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

TABLE 11—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1956, THROUGH JANUARY 1, 1957

| Face value: Issue price / Redemption[1] and maturity value | $500 / 500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | Approximate investment yield on face value[†] | |
|---|---|---|---|---|---|---|
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | †3.84 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 3 years | $6.50 | $13.00 | $65.00 | $130.00 | 2.22 | 3.95 |
| 3½ years | 6.50 | 13.00 | 65.00 | 130.00 | 2.28 | 4.07 |
| 4 years | 6.50 | 13.00 | 65.00 | 130.00 | 2.32 | 4.21 |
| 4½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.44 | 4.29 |
| 5 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.54 | 4.38 |
| 5½ years | 10.00 | 20.00 | 100.00 | 200.00 | 2.68 | 4.50 |
| 6 years | 10.00 | 20.00 | 100.00 | 200.00 | 2.77 | 4.58 |
| 6½ years | 10.00 | 20.00 | 100.00 | 200.00 | 2.85 | 4.70 |
| 7 years | 10.00 | 20.00 | 100.00 | 200.00 | 2.92 | 4.87 |
| 7½ years | 10.00 | 21.20 | 106.00 | 212.00 | 3.06 | 5.07 |
| 8 years | 10.60 | 21.20 | 106.00 | 212.00 | 3.12 | 5.44 |
| 8½ years | 10.60 | 21.20 | 106.00 | 212.00 | 3.17 | 6.36 |
| 9 years | 10.60 | 21.20 | 106.00 | 212.00 | 3.22 | 12.99 |
| 9½ years | 10.60 | 21.20 | 106.00 | 212.00 | 3.36 | ---- |
| 10 years (maturity) | | | | | | |

| Period of time bond is held after maturity date | Extended maturity period | | | | (b) to extended maturity** | |
|---|---|---|---|---|---|---|
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.37 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.49 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.79 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.50 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.60 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.51 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.61 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.62 | 3.75 |
| 10 years (extended maturity)[2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.62 | ---- |

[†]Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
†Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—6 months from issue date.



TABLE 13—BONDS BEARING ISSUE DATES JUNE 1 THROUGH NOVEMBER 1, 1957

| Face value: Issue price / Redemption[1] and maturity value | $500 / 500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | *3.35 |
| 1 year | 7.25 | 14.50 | 72.50 | 145 | 2.25 | *3.38 |
| 1½ years | 8.45 | 16.90 | 84.50 | 169 | 2.62 | *3.38 |
| 2 years | 8.45 | 16.90 | 84.50 | 169 | 2.80 | †3.88 |
| Revised amounts of interest checks and investment yields | | | | | | |
| 2½ years | $8.70 | $17.40 | $87.00 | $174 | 2.94 | 3.91 |
| 3 years | 8.70 | 17.40 | 87.00 | 174 | 3.02 | 3.95 |
| 3½ years | 8.70 | 17.40 | 87.00 | 174 | 3.08 | 3.99 |
| 4 years | 8.70 | 17.40 | 87.00 | 174 | 3.13 | 4.03 |
| 4½ years | 8.70 | 17.40 | 87.00 | 174 | 3.17 | 4.09 |
| 5 years | 9.75 | 19.50 | 97.50 | 195 | 3.24 | 4.11 |
| 5½ years | 9.75 | 19.50 | 97.50 | 195 | 3.29 | 4.14 |
| 6 years | 9.75 | 19.50 | 97.50 | 195 | 3.34 | 4.17 |
| 6½ years | 9.75 | 19.50 | 97.50 | 195 | 3.38 | 4.21 |
| 7 years | 9.75 | 19.50 | 97.50 | 195 | 3.41 | 4.27 |
| 7½ years | 10.45 | 20.90 | 104.50 | 209 | 3.45 | 4.29 |
| 8 years | 10.45 | 20.90 | 104.50 | 209 | 3.49 | 4.31 |
| 8½ years | 10.45 | 20.90 | 104.50 | 209 | 3.53 | 4.36 |
| 9 years | 10.90 | 21.80 | 109.00 | 218 | 3.57 | 4.36 |
| 9½ years | 10.90 | 21.80 | 109.00 | 218 | 3.60 | 4.36 |
| 10 years (maturity) | 10.90 | 21.80 | 109.00 | 218 | 3.63 | ---- |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.25 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

TABLE 14—BONDS BEARING ISSUE DATES DECEMBER 1, 1957, THROUGH MAY 1, 1958

| Face value: Issue price / Redemption[1] and maturity value | $500 / 500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | *3.35 |
| 1 year | 7.25 | 14.50 | 72.50 | 145 | 2.25 | *3.38 |
| 1½ years | 8.45 | 16.90 | 84.50 | 169 | 2.62 | †3.88 |
| Revised amounts of interest checks and investment yields | | | | | | |
| 2 years | $8.70 | $17.40 | $87.00 | $174 | 2.83 | 3.91 |
| 2½ years | 8.70 | 17.40 | 87.00 | 174 | 2.96 | 3.94 |
| 3 years | 8.70 | 17.40 | 87.00 | 174 | 3.04 | 3.98 |
| 3½ years | 8.70 | 17.40 | 87.00 | 174 | 3.10 | 4.02 |
| 4 years | 8.70 | 17.40 | 87.00 | 174 | 3.14 | 4.07 |
| 4½ years | 9.65 | 19.30 | 96.50 | 193 | 3.22 | 4.10 |
| 5 years | 9.65 | 19.30 | 96.50 | 193 | 3.28 | 4.12 |
| 5½ years | 9.65 | 19.30 | 96.50 | 193 | 3.33 | 4.15 |
| 6 years | 9.65 | 19.30 | 96.50 | 193 | 3.37 | 4.19 |
| 6½ years | 9.65 | 19.30 | 96.50 | 193 | 3.40 | 4.25 |
| 7 years | 10.35 | 20.70 | 103.50 | 207 | 3.45 | 4.27 |
| 7½ years | 10.35 | 20.70 | 103.50 | 207 | 3.49 | 4.29 |
| 8 years | 10.35 | 20.70 | 103.50 | 207 | 3.52 | 4.33 |
| 8½ years | 10.35 | 20.70 | 103.50 | 207 | 3.55 | 4.40 |
| 9 years | 11.00 | 22.00 | 110.00 | 220 | 3.59 | 4.40 |
| 9½ years | 11.00 | 22.00 | 110.00 | 220 | 3.63 | 4.40 |
| 10 years (maturity) | 11.00 | 22.00 | 110.00 | 220 | 3.66 | ---- |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.25 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

TABLE 15—BONDS BEARING ISSUE DATES JUNE 1 THROUGH NOVEMBER 1, 1958

| Face value | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Issue price | | | | | | |
| Redemption[1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | †3.35 |
| 1 year | 7.25 | 14.50 | 72.50 | 145 | 2.25 | †3.88 |
| Revised amounts of interest checks and investment yields | | | | | | |
| 1½ years | $8.70 | $17.40 | $87.00 | $174 | 2.65 | 3.91 |
| 2 years | 8.70 | 17.40 | 87.00 | 174 | 2.85 | 3.94 |
| 2½ years | 8.70 | 17.40 | 87.00 | 174 | 2.98 | 3.97 |
| 3 years | 8.70 | 17.40 | 87.00 | 174 | 3.06 | 4.01 |
| 3½ years | 8.70 | 17.40 | 87.00 | 174 | 3.11 | 4.06 |
| 4 years | 9.55 | 19.10 | 95.50 | 191 | 3.20 | 4.08 |
| 4½ years | 9.55 | 19.10 | 95.50 | 191 | 3.26 | 4.11 |
| 5 years | 9.55 | 19.10 | 95.50 | 191 | 3.31 | 4.14 |
| 5½ years | 9.55 | 19.10 | 95.50 | 191 | 3.35 | 4.18 |
| 6 years | 9.55 | 19.10 | 95.50 | 191 | 3.39 | 4.23 |
| 6½ years | 10.30 | 20.60 | 103.00 | 206 | 3.44 | 4.25 |
| 7 years | 10.30 | 20.60 | 103.00 | 206 | 3.48 | 4.27 |
| 7½ years | 10.30 | 20.60 | 103.00 | 206 | 3.52 | 4.31 |
| 8 years | 10.30 | 20.60 | 103.00 | 206 | 3.55 | 4.36 |
| 8½ years | 10.30 | 20.60 | 103.00 | 206 | 3.58 | 4.44 |
| 9 years | 11.10 | 22.20 | 111.00 | 222 | 3.62 | 4.44 |
| 9½ years | 11.10 | 22.20 | 111.00 | 222 | 3.66 | 4.44 |
| 10 years (maturity) | 11.10 | 22.20 | 111.00 | 222 | 3.69 | |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.25 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

TABLE 16—BONDS BEARING ISSUE DATES DECEMBER 1, 1958, THROUGH MAY 1, 1959

| Face value | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Issue price | | | | | | |
| Redemption[1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | †3.85 |
| Revised amounts of interest checks and investment yields | | | | | | |
| 1 year | $7.50 | $15.00 | $75.00 | $150 | 2.30 | 3.91 |
| 1½ years | 8.70 | 17.40 | 87.00 | 174 | 2.68 | 3.94 |
| 2 years | 8.70 | 17.40 | 87.00 | 174 | 2.88 | 3.97 |
| 2½ years | 8.70 | 17.40 | 87.00 | 174 | 3.00 | 4.01 |
| 3 years | 8.70 | 17.40 | 87.00 | 174 | 3.07 | 4.05 |
| 3½ years | 9.45 | 18.90 | 94.50 | 189 | 3.17 | 4.08 |
| 4 years | 9.45 | 18.90 | 94.50 | 189 | 3.24 | 4.10 |
| 4½ years | 9.45 | 18.90 | 94.50 | 189 | 3.30 | 4.14 |
| 5 years | 9.45 | 18.90 | 94.50 | 189 | 3.34 | 4.18 |
| 5½ years | 9.45 | 18.90 | 94.50 | 189 | 3.38 | 4.23 |
| 6 years | 10.25 | 20.50 | 102.50 | 205 | 3.43 | 4.24 |
| 6½ years | 10.25 | 20.50 | 102.50 | 205 | 3.48 | 4.26 |
| 7 years | 10.25 | 20.50 | 102.50 | 205 | 3.52 | 4.29 |
| 7½ years | 10.25 | 20.50 | 102.50 | 205 | 3.55 | 4.33 |
| 8 years | 10.25 | 20.50 | 102.50 | 205 | 3.58 | 4.40 |
| 8½ years | 10.25 | 20.50 | 102.50 | 205 | 3.61 | 4.50 |
| 9 years | 11.25 | 22.50 | 112.50 | 225 | 3.65 | 4.50 |
| 9½ years | 11.25 | 22.50 | 112.50 | 225 | 3.69 | 4.50 |
| 10 years (maturity) | 11.25 | 22.50 | 112.50 | 225 | 3.72 | |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: 3.25 percent per annum for entire period from issuance to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

[F.R. Doc. 64-12048; Filed, Dec. 4, 1964; 8:45 a.m.]



# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 1030 ]

[Docket No. AO-101-A29]

## MILK IN CHICAGO, ILLINOIS, MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, May 23–29, 1963, pursuant to notices thereof issued April 15, 1963 (28 F.R. 3858) and April 30, 1963 (28 F.R. 4463).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 26, 1964 (29 F.R. 7098; F.R. Doc. 64–5399) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the oportunity to file written exceptions thereto.

The order provided with this decision incorporates the order language necessary to implement the findings and conclusions in the Chicago order as set forth in the decision issued by the Assistant Secretary, June 19, 1964 (29 F.R. 9109, Part III), with respect to (1) the treatment to be accorded unregulated milk distributed in a regulated market or received at a regulated plant from a plant not regulated by any Federal milk order, and (2) the treatment of milk distributed in a federally regulated market or received at a federally regulated plant from a plant subject to another Federal order. The Assistant Secretary's June 19, 1964, decision provided that comprehensive revision of the Chicago order language resulting from the January 8–11, 1963, St. Louis hearing as it applies to route distribution in the marketing area by an unregulated distributor, receipts at regulated plants from unregulated sources, and movements of milk between the Chicago and other Federal order markets was reserved for inclusion in this decision in order to co-ordinate changes in the Chicago order provisions resulting from the two hearings. The amended order effective August 1, 1964, based on the January 8–11, 1963, St. Louis hearing provided only such changes in the order language necessary to effectuate the recommended changes in the transfer provisions of other Federal orders. Therefore, this decision and tentative order consolidates the complete revised order language resulting from both the January 8–11, 1963, St. Louis hearing and the May 23–29, 1963, Chicago hearing.

The material issues on the record relate to:

1. Eliminating three townships in Lake County, Indiana;

2. Changing the qualifications for attaining pool plant status;

3. Providing for a skim milk and butterfat basis of accounting;

4. Including in two classes the classifications now contained in Class I, Class II, and Class III;

5. Establishing butterfat differentials applicable to Class I and Class II and to the uniform price;

6. Revising location differentials applicable to class prices and in paying producers;

7. Discontinuing the base and excess plan in paying producers; and

8. Incidental and corollary changes.

Findings and conclusions on Issue 7 were included in an earlier decision on this record issued July 29, 1963 (28 F.R. 7844). Following approval by producers, the order was amended August 8, 1963, to discontinue the base and excess plan. Findings and conclusions on all issues except Issue 7 are contained in this decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Lake County, Indiana townships of Calumet, Hobart, and North should be removed from the Chicago marketing area.

Removal of the three Lake County townships (the Calumet area) from the Chicago marketing area for addition to the South Bend-La Porte-Elkhart marketing area was proposed by a producer association with a substantial number of producers in both markets and was supported by the principal handlers in the affected area. A separate decision recommends including the three townships in the South Bend-La Porte-Elkhart marketing area and redesignating it as the Northwestern Indiana marketing area.

The Calumet area handlers are associated more intimately in their competition for Class I sales with handlers who would be regulated by the recommended Northwestern Indiana order than with Chicago order handlers. There is substantial distribution by these Calumet handlers throughout each of the eight counties in the proposed Northwestern Indiana marketing area. These same Calumet handlers are not approved for and do not have any Class I business in the city of Chicago. The Chicago based handlers who distribute in the Calumet area have relatively little distribution in Indiana outside of Lake County, and their distribution there represents a small proportion of their total distribution.

Producers supplying Calumet area handlers are located in the milkshed overlapping the South Bend-La Porte-Elkhart milkshed. The different prices and utilizations of the Chicago and South Bend-La Porte-Elkhart orders have made it difficult for the Calumet area handlers to obtain adequate supplies in the local procurement area. The Chicago order uniform price applicable at plants in the Calumet area averaged $3.55 in 1962. Under the South Bend-La Porte-Elkhart order the average uniform price of $3.85 for the same period was 30 cents higher. Calumet handlers have had to pay more than the minimum prices prescribed by the Chicago order to obtain milk from local producers sufficient for their Class I sales plus a necessary reserve. This has placed Calumet area handlers at a disadvantage in competing with handlers able to buy supplies at the class prices under the South Bend-La Porte-Elkhart and other nearby orders.

A cooperative under the Chicago order opposed a shift of the Calumet area to the South Bend-La Porte-Elkhart marketing area. It claimed that the removal of Calumet area Class I sales from the Chicago pool would reduce the Chicago blend price 1 cent per hundredweight. However, the cooperative did not present testimony that would substantiate its position that operations of the Calumet area handlers in both distribution and procurement are more intimately associated with those of Chicago order handlers than with handlers regulated by the South Bend-La Porte-Elkhart order.

2. The pooling provisions of the order should be changed.

A distributing plant should be pooled during a month in which (1) not less than 30 percent of its total Grade A fluid milk product receipts is disposed of during the month either on routes or in the form of packaged fluid milk products to pool distributing plants, and (2) not less than 10 percent of such receipts is disposed of in the marketing area on routes from such plants or moved in the form of packaged fluid milk products to pool distributing plants and distributed from such plants in the marketing area on routes. As now provided in the order, distributing-type plants need only dispose of any portion of their receipts as Class I or Class II milk products in the marketing area to qualify as pool plants. A distributing plant would be defined as a plant from which a Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

A supply plant (or reload point, as now defined in the order) should be pooled during a month in which shipments of fluid milk products to pool distributing plants are at least 20 percent of the butterfat in or of the volume of Grade A milk received from dairy farmers. Such shipments should be comprised of fluid whole milk or skim milk, representing at least 10 percent of the volume of Grade A milk received from dairy farmers. A supply plant that met the monthly 20 percent shipping requirement in July through December would be permitted to pool without further shipment in the following January through June. A supply plant would be defined as a plant from which a Grade A fluid milk product is shipped during the month to a pool plant.

Presently a supply plant may attain pool plant status in any single month by shipping at least 30 percent of the butterfat in, or 30 percent of the volume of, milk received from dairy farmers to regulated plants bottling and disposing of Class I or Class II milk in the marketing area. If a supply plant ships monthly at least 30 percent of its receipts from

dairy farmers in July and December, 40 percent August through November, and 15 percent in January and February, it is accorded pool plant status in the following March through June.

A producer cooperative association proposed that a distributing plant should qualify for pooling if it utilizes during the month not less than 30 percent of its total Grade A milk receipts as Class I milk and disposes of at least 10 percent of such receipts as packaged Class I milk products in the marketing area.

The same association proposed that a supply plant (or reload point) should qualify for pooling if it ships during the month at least 30 percent of its milk receipts in fluid form to a pool distributing plant.

It was proposed, further, that a supply plant which qualified for pooling during the months of July through December would be pooled during the following months of January through June.

These proposals to change the pooling provisions of the order were supported by an association of milk dealers and an association of ice cream manufacturers in the Chicago area.

A proposal made by another producer cooperative association would pool a distributing plant that processes and packages any fluid milk products (as defined in the attached order) required to be made from inspected Grade A milk by a health authority having jurisdiction in the marketing area, all or a part of which is disposed of in the marketing area. The proposal, as modified at the hearing, would include ice cream as a fluid milk product. This would assure the continued pooling of plants which manufacture ice cream for disposition in Chicago.

The cooperative proposed, also, that a supply plant should be pooled during a month in which it ships to a pool distributing plant 30 percent of its Grade A producer receipts in the form of butterfat or skim milk. A formula was suggested for converting the weights of milk solids not fat to a whole milk equivalent for qualifying purposes.

Another proposal would provide automatic pooling for a plant that qualified as a supply plant for three consecutive months and the market administrator is notified of its willingness to dispose of 50 percent of its receipts during specified months for use in products required to be made from Grade A milk for sale in the marketing area.

The proposals made by the cooperatives are aimed primarily at:

(1) Pricing and pooling only Grade A milk under the order.

(2) Assuring milk for the market when it is needed for Class I use.

(3) Providing pooling standards that are based on plant performance in furnishing the Class I fluid milk needs of the market.

(4) Providing that all plants which supply the fluid milk needs of the market for a portion of the year shall participate in the pool during the remainder of the year. Producers supplying milk to such plants would share in the returns from the sale of Class I milk.

(5) Assuring that all milk used in products which must be made from Grade A milk in the Chicago area (such as ice cream) will be pooled.

(6) Eliminating the uneconomic movement of milk to the market for pool qualification when not needed for use in Grade A products.

Opposition to changing the pool plant provisions of the order was expressed by groups of producer cooperative associations and proprietary handlers. The opposition contends that historical sources of supply for Grade A milk used in ice cream and ice milk would be disrupted, other supply plants of long standing would be excluded from pool participation, and uneconomic shipment of milk for qualifying pool plants would increase.

The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk which is received from dairy farmers at plants substantially engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plants".

It is essential to the operation of an order to establish pool plant performance standards that will insure the maintenance of an adequate supply of pure and wholesome milk for the market. The basis for determining which plants shall be pool plants under the order, and thereby fully subject to regulation, should be clearly set forth and apply uniformly to all plants wherever located. Any plant, regardless of its location, should have equal opportunity to comply with the standards of regulation and have its producers share in the available Class I sales. Pool plant status should not be determined solely on an occasional shipment of milk or an approval by a health authority. Whether plants and producers choose to supply the market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs and alternative outlets.

Performance standards should be such that any plant which supplies a substantial proportion of its Grade A receipts to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually or incidentally associated with the order market should not be subject to complete regulation in this market. Neither should they be permitted nor required to equalize their sales with all plants in the market. If a milk plant were to be permitted to share on a prorata basis the Class I utilization of an entire market without bearing any responsibility for supplying the market's fluid milk needs, then the differentials paid by users of Class I milk could be dissipated without accomplishing their intended purpose.

Permitting a plant that is only casually or incidentally associated with the market to pool its surplus in this market would not assure its milk being available when needed for Class I purposes in the market. Such a distribution of equalization payments would reduce the blend prices to producers regularly supplying the market and tend to reduce the number of plants on which the market could depend as regular suppliers of its Class I needs.

Plants may be regulated on the basis of their performance either as distributing plants or as supply plants. To qualify specifically as a distributing plant, a plant must dispose of not less than 30 percent of its total Grade A fluid milk product receipts during the month on routes, and not less than 10 percent of such receipts should be disposed of in the marketing area on routes. This or similar qualifying techniques are generally in use throughout the Federal order program. To assist in the identification of those plants which are to be subject to full regulation, a route definition is provided. A route is defined as the delivery, either direct or through any distribution facility other than a plant (including disposition from a plant store, vendor or vending machine) of any fluid milk product classified as Class I.

If a plant that packages fluid milk products for distribution in the marketing area neither receives milk from producers nor operates routes, it should be permitted to qualify as a pool plant on the basis of the disposition of fluid milk products packaged at such plant. Because supply plant qualifications for pooling are based on receipts from producers, a plant of this type cannot qualify as a supply plant for pooling purposes. It is appropriate, therefore, that such plant's qualifications for pooling be based on route distribution either directly from such plant or from distributing plants that are pool plants and receive packaged fluid milk products from such plants.

It would not be practicable to include in the marketing area all territory wherein handlers who would be regulated because of their sales in the marketing area have Class I sales. Neither is it possible under this order to attempt to differentiate for the purpose of regulation between Class I sales by such handlers both inside and outside the marketing area. It is necessary that all producer milk be fully regulated regardless of where it is sold. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is subject to classification, pricing and pooling, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such handler is fully regulated, he would not be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and lead to a complete breakdown of the order.

As noted in the decision of June 19, 1964 (29 F.R. 9109) referred to previously, there is no way to treat unregulated milk equally with regulated milk other



than to regulate it fully. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize the marketing conditions within the regulated marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the regulated market and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers or a uniform basis of payments to the producers who supply the market.

It is absolutely essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Except for the status of ice cream plants, there is general agreement among proponents that distributing plants should be engaged in the processing or packaging of Grade A fluid milk products for distribution in the marketing area.

The effect of the provisions recommended herein will be to disqualify as pool plants those which specialize totally and exclusively as ice cream manufacturing operations. The classification of ice cream as a Class II product is discussed elsewhere in this decision. With such classification, it would be inappropriate and inaccurate to identify such plants as supplying the fluid milk needs of consumers in the marketing area.

Pooling standards for supply plants should not be so high that they force uneconomic shipments into the marketing area to qualify plants but not to supply fluid milk outlets. At the same time, an appropriate minimum standard is needed to avoid the possibility that plants will refrain or refuse to supply the market when such action is beneficial to the plant, but does not contribute toward servicing the Class I milk needs of consumers in the market.

It is inappropriate to include in the pool, to receive the benefit of uniform prices, those plants which are not a regular or dependable part of the market supply. Such plants, in which the principal operation is the manufacture of dairy products such as butter, cheese and nonfat dry milk may be attracted to the pool primarily to participate in the higher-valued Class I utilization of the fluid market without supplying the Class I fluid milk needs of consumers in the market.

A major function of the supply plant pooling standards is to insure that handlers who are bottling milk and distributing it for sale to consumers primarily in the Chicago area can regularly and dependably obtain milk from supply plants to meet their fluid milk requirements. Without such standards, supply plants would tend to keep milk at their plants for manufacturing when it was to their advantage to do so.

The order was amended September 1, 1961, to provide the present pooling standards for supply plants. They are the basis for determining which supply plants are an integral part of the market and constitute the source of regular and dependable supplies for the market. They are specifically intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

A number of supply plants qualify for pooling under the present order solely on the basis of cream shipments. When called upon to supply milk for bottling requirements of the market, operators of the plants have refused to do so because such plants already qualified for pooling on the basis of their cream shipments. The milk requested for Class I use was retained in the supply plants and used in manufactured milk products.

In recent years, producer receipts in nearby zones in relation to total market receipts have decreased while the market's Class I sales have increased. The recent reduction in the number of bottling days per week (to 5 or less) makes is more necessary than heretofore that milk from supply plants be available to the market on a continuing basis. The steadily increasing Class I sales and the reduced proportion of total market supplies available from nearby producers and plants requires that the performance standards for supply plants be strengthened to insure an adequate supply of milk for the market.

An exception to the recommended decision's pooling standards for supply plants claimed they are a barrier to qualifying such plants as pool plants. It should be emphasized and reiterated that performance standards for pool plants do not impede the shipment of milk to the Chicago market. Quite the contrary, because they require milk to be shipped to the market to share in the market pool funds, they encourage milk shipments for Class I use which otherwise would not be made. This incentive is achieved by preventing plants which do not ship milk in accordance with the prescribed standards from sharing in the pool funds. The performance standards are thus the opposite of a barrier to the shipment of milk to the market.

As now provided in the order, a supply plant may attain pool status during any month by shipping at least 30 percent of the butterfat in, or 30 percent of the volume of, milk received from dairy farmers to pool plants bottling and distributing Class I or Class II milk in the marketing area.

If a supply plant ships monthly at least 30 percent of its receipts from dairy farmers in July and December, 40 percent August through November and 15 percent in January and February, it is automatically accorded pool plant status for the following months of March through June. The months of July through February are generally referred to in the industry as the qualifying months for automatic pooling during March through June.

As provided in this decision, a supply plant would be pooled during a month in which shipments of fluid milk products to pool distributing plants are at least 20 percent of the butterfat in or of the volume of Grade A milk received from dairy farmers. A further requirement is that at least 10 percent of the volume of Grade A milk received from dairy farmers at such a plant be shipped as whole milk or skim milk. A supply plant that met the 20 percent shipping requirement in July through December would be permitted to pool without further shipment in the following January through June.

During each of the qualifying months of September, October, and November 1962, a total of from three to five plants were unable to qualify for pooling under the 40 percent standard. This had not happened the previous year and reflects a marketing problem which developed during that time. The plants did qualify for pooling, however, by meeting the alternative 30 percent standard for all subsequent months. The pooling standards recommended for the months of July through December will accommodate the pooling of supply plants that are regularly associated with the market during most of the months in which the market's needs for fluid milk in relation to supply is at its peak.

The greatest controversy among proponents was centered on the question of relating pooling standards to whole milk shipments only. Opposition to this view was expressed by a relatively large number of proprietary handlers and producer cooperative associations.

For many years supply plants have qualified for pooling by shipping cream, condensed skim and similar concentrated dairy products to processing and packaging plants in the market. The record is not clear on precisely how many plants would be affected by the proposal to qualify supply plants on the basis of 30 percent of their Grade A receipts being shipped as whole milk to pool distributing plants. Views ranged from "no change" to "widespread disruption."

Data were submitted estimating the impact on supply plants of the proposal for whole milk shipments. Shipments from supply plants in August and December 1962 were the basis for the estimate.

During August 1962, 17 supply plants shipped less than 30 percent of their receipts to distributing plants in the market. Receipts at these 17 plants were about 91 million pounds. This was about 26 percent of the 349 million pounds received in that month at 75 supply plants.

During December 1962, 22 supply plants shipped less than 30 percent of their receipts to distributing plants. The receipts at these plants, 147 million pounds, were 34 percent of the 435 million pounds of milk received in that month at 76 supply plants.

The proposal that a supply plant, to pool, must ship at least 30 percent of its receipts as whole milk to distributing plants that are pool plants could have a significant impact on the pool status of

some supply plants now serving the market. The record does not reveal, of course, what the current impact would be. With few exceptions, witnesses representing groups of handlers and cooperatives operating supply plants were reluctant or unable to present testimony concerning what the precise effect of the proposal on their operations would be.

A witness testified that unless supply plants ship the quantities of whole milk proposed, it cannot be said with justification that they are supplying the fluid milk needs of consumers in the Chicago area. As evidence of this, daily milk shipments of 34 supply plants during a week in each month of July 1961 through April 1963 were presented as being representative of the supply needs of about 70 distributing plants in the market. Within a single week, distributing plant requirements from supply plants generally varied more than 200 percent between the high and low day. This is because most bottling plants do not operate seven days a week and there is a significant variation in the number of days that the different bottling plants operate. Likewise, current distributing methods result in much variation in a plant's Class I needs for bottling on the various days of the week. Proponent contends that to furnish these needs supply plants serving Class I outlets must ship considerably more than 30 percent of their Grade A receipts.

The recommended decision provided that a supply plant (or reload point) should be pooled in a month when shipments of fluid milk products to pool distributing plants are at least 30 percent of the butterfat in or the volume of Grade A milk received from dairy farmers. In addition, it required that at least 10 percent of the volume of Grade A milk received from dairy farmers be shipped as fluid whole milk. Exceptors expressed concern that some supply plants could not meet the 30 percent shipping requirement and that the loss of producers at such plants would jeopardize the association of an adequate supply of milk with this market. In addition, they claimed that the integrity of the pool would not be compromised by reducing the shipping requirement to 20 percent. To prevent a possible disruption of the supply for the fluid needs of this market, the 30 percent shipping requirement for supply plants to qualify for pooling should be reduced to 20 percent.

Exceptions urged that because skim milk is a fluid milk product with increasing demand among consumers, it appropriately should be included with whole milk in determining the 10 percent shipping requirement for supply plants. Skim milk is an integral part of the Class I needs of consumers and, therefore, it should be included with whole milk in determining the 10 percent shipping requirements of supply plants for pool plant status.

The pooling standards recommended for supply plants will provide a suitable standard for plants having a continuing association with the market. They depart, somewhat, from past practice in that a portion of a supply plant's shipments to a distributing plant would need to be in the form of whole milk or skim milk. It is a reasonable standard and one which emphasizes the responsibility of supply plants associated with the market to contribute toward the Class I needs of consumers. Plants which may be considered an integral part of that supply should be able to meet these requirements without difficulty under foreseeable circumstances.

Some milk may be distributed in the marketing area from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under an order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. So that the market administrator may be fully apprised, however, of the continuing status of such a plant, the operator of it should, with respect to the total receipts and utilization or disposition of skim milk or butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

A definition of "nonpool plant" is provided to facilitate formulation of the various order provisions as they apply to such a plant. A nonpool plant would mean a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing, or bottling plant. Specific categories of nonpool plants would be further defined as follows:

(a) "Other order plant" would mean a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant under the Chicago order and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area pursuant to such other order.

(b) "Producer-handler plant" would mean a plant operated by a producer-handler as defined in any order issued pursuant to the Act.

(c) "Partially regulated distributing plant" would mean a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" would mean a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

The emphasis which the recommended pooling standards places on continuing performance obviates the need for a "call" provision in the order.

It was proposed that such provision be employed in conjunction with pooling standards for supply plants which would not require the shipment of whole milk to distributing plants that are pool plants. In fact, to pool a supply plant, practically no milk would need to be shipped. The proposal would tend to insure continued pool status for manufacturing plants which ship little or no milk to the market.

Proponents likened the Chicago market to two other Federal order markets which contain call provisions. The principal point made here, however, is that one characteristic these markets have in common is that they are large. The testimony presented about call provisions in other orders concerned only mechanics. There was no claim that marketing conditions in the Chicago area are comparable to the areas for which call provisions are provided in the orders. The testimony did not include cogent reasons for adopting such provisions in the Chicago order.

Proponents stated also that a call provision would guarantee the availability of milk to the market. However, it was not shown how this would be accomplished without lowering drastically the pool plant performance standards and thereby enabling plants with no real association with the market to share in the pool. Moreover, the availability of milk to the market is adequately guaranteed by the shipping requirements that supply plants must meet to qualify for pooling.

Obviously when distributing plants have access to all the milk required to furnish consumers' Class I needs, there is no need for a call provision. The pool plant provisions herein recommended will continue to facilitate the association of milk supplies with the market. In addition, the automatic pooling provisions will continue to accommodate supply plants which have regularly supplied milk to the market when needed. Such provisions will relieve bona fide supply plants of having to make uneconomic shipments of milk to the market for the sole purpose of maintaining pool status.

Similarly, a proposal should not be adopted which would pool a supply plant indefinitely. It was proposed that a supply plant which qualified for each of the preceding three months could continue to participate in the pool if it notifies the market administrator that it is willing to dispose of not less than 50 percent of its receipts for use in Grade A milk products in the marketing area. Such pooling would be contingent upon the plant maintaining, among other things, specified sanitary conditions.

Shipping standards are the basis for determining which supply plants are an integral part of the market and constitute the source of regular and dependable supplies for the market. They are specifically intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not. Unless adequate pool plant requirements are provided, there is no assurance that milk will be available to the market when needed.

As recommended, a supply plant, to pool for an entire year, would need ship only 20 percent of its receipts of milk or butterfat to pooled distributing plants in each of the 6 months of July through December. Only 10 percent of such shipments would need to be whole milk or skim milk. This will assure that every plant which regularly and dependably furnished milk to the market during the months of July through December will be included in the pool during the following months of January through June. This provision will obviate the need to ship milk to the market when it is not needed. What is more important, it will require plants to demonstrate their association with the market each ensuing year. This technique will afford market stability and be in the public interest.

The pooling standards recommended continue to provide that supply plants may ship cream, for instance, to distributing plants and have such shipments qualify the plant for pooling on the basis of the relationship of such shipments to the Grade A butterfat receipts from dairy farmers at the supply plant.

As presently provided, the order classifies separately milk as Grade A or Grade B. Separate prices apply to each such category of milk when used in Class I and Class II products. Both categories of milk, when received at a plant, are used in determining pool status for the plant.

Under present Illinois law, only Grade A milk may be sold for fluid consumption within the State. It is appropriate, therefore, in revising the pooling provisions of the order (as well as other provisions affected) to provide that only Grade A milk shall be priced and pooled under the order.

No change should be made in the unit system pooling provisions of the order. A handler proposed that distributing plants be permitted to qualify for pooling on a unit system basis. Another proposal would include direct receipts from producers at pool distributing plants in determining the pool status of supply plants under the unit system provisions.

The economic justification for pooling supply plants on a unit basis is to promote marketing efficiency by keeping transportation costs at a minimum. As provided in the order, unit system pooling maintains pool plant status for eligible supply plants by obviating the need to move milk to the market from each plant in a supply plant system to meet the pooling provisions of the order. Pooling such plant systems is accomplished by treating them as a unit in determining whether they meet the pooling standards provided in the order.

The proposals would change significantly the nature of the unit system pooling provisions. They would pool distributing plants as a unit as well as supply plants. Such proposals do not take into consideration, however, the separate and distinctive functions of distributing and supply plants.

Distributing plants are those at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on routes in the marketing area. The extent of such distribution measures a distributing plant's association with a particular marketing area. Any provision that would obscure the performance of individual plants would make it difficult to make the critical measurement necessary to determine a distributing plant's association with the market.

As proposed, distributing plants servicing consumers in entirely different markets, regulated or unregulated, could be pooled arbitrarily in the Chicago market. This could enhance financial returns to producers supplying them, but at the expense of the pool.

Supply plants, on the other hand, are those which furnish the daily, weekly, monthly and seasonal requirements of distributing plants. In performing this function, they generally retain the reserve milk associated with such supplies. Such reserves are often manufactured at the supply plant or sold to specialized manufacturing plants for processing. The point here is that in performing this supply function supply plants are often organized as systems. It was to accommodate such plant systems that the unit pooling provisions were adopted. It enables transport economies to be realized while applying aggregate pooling standards to the system. Thus, the tendency to attach more plants or milk to the pool than might otherwise be possible on an individual plant basis is minimized.

The other proposal would include direct receipts at a distributing plant as a means of pooling a "supply" of milk by applying the unit system pooling provisions. Proponent contends that this will enable handlers to close "reload points" and continue to qualify supply plant systems solely on the basis of direct receipts at distributing plants. The effect of this could be to pool a supply plant having no association with the market at any time, in any way. It could add milk to the pool without the marketing efficiencies sought by the provision. It could do this for a plant which otherwise would not be associated with the market and which could not meet the pooling standards provided for the months of July through December or for any other month.

Some handlers receive milk from both Grade A and ungraded sources. Proper safeguard should be provided in the order, therefore, to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. If a portion of a plant is physically apart from the Grade A portion of such plant and is not approved by any health authority for receiving, processing, or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

That portion of the pool plant provision which grants relief from the effects of a labor dispute during the qualifying months for automatic pooling should be revised to enable a plant to retain pool status if the work stoppage includes an entire month. Such plant would be considered to have met the minimum percentage shipping requirements in that month for pool plant status. Such relief, however, would not be granted for more than two consecutive months.

An exception to the recommended decision emphasized the need to revise the order provision concerning the pooling of a supply plant that made no shipments to pool distributing plants for a time during the delivery period because of a labor dispute. The present order requires the exclusion of a plant's receipts and utilization for each day of work stoppage in determining whether it met the shipping requirements for the month. Hence, in an instance in which a work stoppage extended for a full month, such plant would not be pooled.

It was proposed that if, during the qualifying period, a handler notifies the market administrator that a plant is unable to meet the established pooling standards because of a labor dispute, the market administrator, upon verification of the claim shall credit the plant with minimum pooling compliance for every day such condition exists.

As now provided, the order specifies the type of dispute upon which relief may be predicated. Proponent contends that the present provision can inflict economic loss to plants and producers involved in the dispute. The proposal would change the provision by expanding the scope of what would be considered a labor dispute and by extending minimum pooling compliance to the plant involved in such dispute.

Eliminating the provision which specifies that labor disputes shall mean those involving employers and employees would offer opportunities for evading pooling obligations. Such opportunities are prevented by present provisions.

There are many situations that under the proposal could be termed labor disputes and thus affect a plant's ability to meet performance standards. They could be of a direct and positive nature, or even indirect and remote, and could occur at places far distant from the plant itself or the market. Cases involving jurisdictional disputes between rival labor groups, disputes between haulers and their employees, organization disputes, picket lines for any reason and disputes in distributing plants to which the milk is shipped or in equipment factories are only a few of the many that might apply.

The change in type of relief which is requested would enable a plant to attain pool plant status under the performance standards even though it had not shipped any milk to the market during the entire qualifying period. The plant would likewise have to be credited with full compliance, although it may not have shipped any milk during any of the preceding months when there had not been a labor dispute. Thus, a plant could be a pool plant for the entire year, sharing in the pool, without having serviced the market at any time, regardless of the market's needs. If this occurred at other plants at the same time, it would become necessary to expand the market in order to replace the lost supply of milk that would continue to be pooled.

Permitting a plant to attain pool plant status in the event of work stoppage caused by a labor dispute will assist in keeping the milk supply at the plant associated with the market. Otherwise, an immediate reduction in returns to producers at the plant might result in

the interim period before another market outlet for the milk could be obtained. Limiting the period of relief to 2 consecutive months in the July-December qualifying period will provide reasonable time for the marketing adjustment required to retain such milk as a part of the market supply. The two-month maximum for pooling without shipment will insure that this work stoppage provision will not be used arbitrarily to pool a plant for an indefinite period at the expense of the pool.

3. The skim milk and butterfat components of milk and milk products received by handlers at each pool plant should be classified and accounted for separately. Separate classification of skim milk and butterfat recognizes that these components are not used in most products in the same proportion as received from producers and will make it possible to price skim milk and butterfat uniformly according to their respective uses. The order now provides for accounting for milk used in Class I on a product pounds basis and Class II and Class III milk are accounted for on the basis of the 3.5 percent milk equivalent of the butterfat used in each such class.

Under the classified use plan of a Federal order, it is necessary to insure that all milk and milk products are fully accounted for by the handler who is responsible for accounting and reporting to the market administrator and for making payments to producers on receipts of producer milk. Accounting for milk and milk products on a skim milk and butterfat basis at each individual plant and pricing in accordance with the form in which or the purpose for which such skim milk and butterfat is used or disposed of as either Class I milk or Class II milk is the most appropriate means of determining the classified value based on use of all fluid milk products involved in market transactions. Milk is disposed of in the market in a wide variety of forms, representing different proportions of skim milk and butterfat components of milk which may be greatly changed from the proportions of skim milk and butterfat as it is first received from producers.

Also, uniformity in accounting between markets is best accomplished by using the skim milk and butterfat method. There are now obvious difficulties in reconciling the quantities of product to be priced in Class I, particularly when consideration must be given to intermarket transfers of fluid milk products between the Chicago and other nearby markets. In all nearby Federal order markets, a handler's accounting is on the basis of the skim milk and butterfat contained in all milk and milk products handled. As noted above, Chicago handlers account for their utilizations on the basis of product pounds and milk equivalent of butterfat contained in various products. Meaningful uniformity of prices between markets depends upon a uniform measure of milk quantities involved. This can best be accomplished by adopting in the Chicago market separate accounting for the skim milk and butterfat components in fluid milk products.

The skim milk and butterfat accounting procedure herein provided is used in most Federal order markets for verification of the receipts and utilization of milk and milk products and will provide for uniformity in application of the accounting system to all handlers involved. Instituting the skim milk and butterfat method of accounting as proposed herein will not change the total value of the pool or returns to producers.

Handlers record their dispositions of fluid milk products in volumetric amounts (e.g. quarts and gallons) that must be converted to pounds at the end of each month in completing their reports to the market administrator. Equal volumes of fluid milk products with varying butterfat tests vary in weight. It was proposed that a table of standard conversion factors be specified in the order for the purpose of converting volumes to weights on a basis which would be uniform between the Chicago order and orders in Ohio, Michigan, and Wisconsin that use the same conversion factors. These standard conversion factors are not a part of the other Federal orders referred to above. Inclusion of such a table of conversion factors in this order could result in lack of uniformity in the event the other order markets were to adopt different conversion factors in the future. It was not shown in what way the conversion factors proposed are different or more desirable for use than the conversion factors now used by the market administrator and made available by him to handlers and other interested persons. Therefore, inclusion of the proposed table of conversion factors in the order should be denied.

4. The order should be amended to provide for two designated classifications. There are now three classifications in the order.

Class I is presently defined to include milk and milk products disposed of for fluid consumption, except dispositions for specified uses that are designated Class II or Class III. Disposition from a plant in the form of milk, skim milk, buttermilk, flavored milk and flavored milk drinks are included in the Class I category. The order designates as Class II the milk equivalent of butterfat disposed of in the form of cream, cream products of more than 6 percent butterfat, butter cream, filled cream, frozen cream, plastic cream, eggnog, yogurt, ice cream, ice cream mix, and cottage cheese.

Class III includes the milk and milk products used to produce manufactured dairy products such as butter, cheese, and nonfat dry milk. In effect, this classification includes the milk equivalent of butterfat in milk and milk products used to produce any manufactured dairy product that is not specifically designated in Class I or Class II. Class III also includes inventory variations, plant shrinkage (within limits), and dispositions to commercial food processors.

The price for Class III milk under the order is based on the average of prices paid for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported for the month by the Department. For 1962, the Class III price for milk containing 3.5 percent butterfat averaged $3.11.

The Class I and Class II prices are determined by adding specified differentials to the Class III price for the preceding month. Such differentials, which average on an annual basis 90 cents for the Class I price and 53 cents for the Class II price, are subject to adjustment by a supply-demand factor that may add or subtract up to a maximum of 24 cents (depending upon the supply of milk in relation to the market's utilization of milk and milk products for fluid use). In 1962, when the supply-demand adjustment was minus 24 cents throughout the year, the Class I and Class II prices for milk containing 3.5 percent butterfat averaged $3.78 and $3.42, respectively.

An average of 192.0 million pounds of producer milk was utilized monthly in Class I under the Chicago order in 1962. This was 39 percent of the average monthly receipts from producers of 488.5 million pounds. Monthly Class II utilization for 1962 averaged 13 percent (62.8 million pounds) and Class III 48 percent (233.7 million pounds).

A variety of proposals relating to changes in classification and pricing was presented at the hearing.

A proposal by producers in the hearing notice provided for three classes with frozen desserts and cottage cheese in Class II, priced at 15 cents above the Class III price. This proposal was modified by proponents at the hearing to provide for two classes with cottage cheese and frozen desserts included in the one reserve classification for all manufactured dairy products.

A number of bargaining and operating cooperatives, some proprietary handlers operating supply plants and some handlers operating plants devoted exclusively to ice cream production urged the retaining of three classes with frozen deserts and cottage cheese in the newly designated Class II, priced from 10 to 20 cents above the Class III price.

An organization of ice cream manufacturers in the Chicago area proposed that ice cream and cottage cheese be placed in the one reserve classification with all other manufactured products.

The Class I classification should include milk, skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, sour cream, and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream, and ice cream mix or frozen dessert mix, aerated cream products, evaporated, and condensed milk or skim milk and sterilized products in hermetically sealed containers). To facilitate reference to them throughout the order, all products whose disposition is Class I would be included in the "fluid milk product" definition.

There was general unanimity at the hearing with respect to which products should be designated Class I. Besides all products whose disposition is presently designated as Class I, the Class I category would include dispositions in fluid form of cream, mixtures of cream and milk or skim milk, and sour cream and sour cream products, which are now in the Class II classification in the order. The products included in the new Class I classification are those which are required most consistently by health authorities in the marketing area to be made from milk or milk products from Grade A sources.

All dispositions which are now in the Class III classification would be included in the newly designated Class II. Also included in this manufacturing use classification would be the milk and milk products used to produce frozen desserts (ice cream, ice cream mix, etc.) cottage cheese and eggnog.

(a) Milk used in the manufacture of cottage cheese should be classified and priced in the manufacturing use classification and the proposal to place it in a separate class priced above other manufacturing class uses should be denied

Milk used in the manufacture of cottage cheese in a Chicago approved Grade A plant must be from Grade A sources. However, cottage cheese that is made outside the city of Chicago from ungraded milk may be, and is, sold in Chicago. Chicago order handlers compete in the sale of cottage cheese both in and outside the marketing area with handlers regulated by other Federal orders and unregulated handlers. In all nearby Federal orders, milk used in making cottage cheese is priced at the manufacturing class utilization under the respective orders. These manufacturing class prices are comparable to the present Class III price of the Chicago order. There is no indication that unregulated handlers pay more than the prices for manufacturing grade milk for milk used in cottage cheese manufacture. Chicago handlers would be economically disadvantaged in being required to pay a higher price for milk used for cottage cheese than their competitors outside the order.

(b) The proposal to classify milk used for ice cream manufacture in a separate classification and price it above other manufacturing class uses should be denied.

The city of Chicago health ordinance and code requires that ice cream and ice cream mixes sold in Chicago be manufactured from Grade A milk. No such requirement exists in the marketing area outside Chicago. With few exceptions, the operators of plants producing ice cream, any of which is sold in the city of Chicago, utilize Grade A milk products in the manufacture of all ice cream at their plants. At least one major ice cream producer has a dual plant, in which the production of ice cream for Chicago is maintained separately as a Grade A operation; the ungraded portion of the plant is not Grade A and the ice cream produced there is sold outside the city of Chicago. Some ice cream manufacturers maintain separate Grade A plants to supply ice cream for their city of Chicago outlets and another plant using ungraded milk to supply their customers outside Chicago.

Almost half the population of the marketing area is outside the city of Chicago. The sales area of ice cream manufacturers who supply the marketing area is significantly greater than the marketing area under the order. The record was not complete with respect to the exact expanse of the territory outside the marketing area wherein Chicago handlers sell ice cream. It was indicated, however, that such territory includes locations in southern Wisconsin and northern Illinois. It was further indicated that these sales are made in competition with ice cream manufacturers located in areas under Federal milk orders as well as with ice cream made in unregulated areas.

One relatively large handler testified that 60 percent of his ice cream sales are outside the city of Chicago. Nevertheless, he maintains a complete Grade A operation in order to satisfy the requirements of the city of Chicago. The figures presented for a group of seven handlers show that of their total sales of 300,000 gallons of ice cream during 1 week in May 1963, 143,000 gallons (48 percent) were sold outside the city of Chicago in competition with handlers not required to use Grade A milk for the manufacture of ice cream.

One handler estimated that 92 percent of the ice cream produced by Chicago order handlers was sold in the city of Chicago. Among the basic data used to make this estimate were the market administrator's statistics showing the quantity of ice cream produced by Chicago order handlers. These statistics do not include, however, the ice cream produced from ungraded milk and sold in that portion of the marketing area outside the city of Chicago.

The order price of milk, the butterfat of which is used in the production of ice cream, presently averages, on an annual basis, about 30 cents per hundredweight above the manufacturing use classification in the order. Since the skim milk value in this classification is the same as the skim milk value under the order in the manufacturing use classification, the 30 cent additional cost is allocable to the butterfat. This is equivalent to approximately 10 cents per pound of butterfat or 5 cents per gallon of ice cream.

The ice cream manufacturer who is a multiple plant operator or operates a dual plant (so that ice cream production from Grade A milk is maintained separately from the ice cream production from ungraded milk) has a distinct advantage over his competitor with one plant, any portion of whose sales are in the city of Chicago. The latter must use Grade A milk for all his operations whether his sales are predominantly in the city of Chicago or predominantly outside.

The maintenance of a dual plant or of separate plants by the same handler for ice cream production requires the duplication of costly equipment. Such facilities, therefore, can be justified only by large scale operations and a significant spread between the cost of Grade A and ungraded milk used in ice cream production. The present pricing provisions of the order (whereby milk for ice cream manufacture is priced above other manufacturing class uses) have tended to encourage such separate operations by the same handler. A continuation of such pricing would tend to encourage an increase in such separate operations. In effect, the current pricing provisions have encouraged this economic waste at the expense of consumers and with little, if any, long range benefit to producers. Since any milk used for ice cream under the order must now be priced about 30 cents per hundredweight above the manufacturing class price, there is incentive for ice cream manufacturers without distribution in the city of Chicago to use milk from unregulated plants instead of that under the pool for their ice cream production. The present higher prices tend to lose outlets for Chicago order producers for milk for ice cream.

It was testified at the hearing that ice cream manufacturers are not able to obtain higher prices for ice cream made from Grade A milk outside the city of Chicago than for ice cream manufactured from milk from ungraded sources. Consumers have indicated no willingness to pay higher prices at retail for ice cream made from milk products from Grade A sources. Whether or not the milk products used in the manufacture of ice cream offered for sale are from Grade A sources the ice cream is not so labeled. Even in the city of Chicago, which requires that ice cream be made from milk from Grade A sources, no Grade A label appears on the ice cream sold there.

The multiple plant operator or the dual plant operator may use ungraded milk in making ice cream in his ungraded plant or in the ungraded portion of his dual plant. The cost of such ungraded milk may be expected to approximate the manufacturing use class price under the order. This is the class price for milk used for manufacturing purposes in other nearby Federal milk orders and is the price which handlers under such orders pay for milk used in the manufacture of ice cream and ice cream mix.

It was testified at the hearing that ice cream should not be included in the manufacturing use class because it is required by a health authority in the marketing area to be made from milk from Grade A sources. Other testimony at the hearing suggested that products required by a health jurisdiction in the marketing area to be made from Grade A sources should be classified as Class I. There was no support at the hearing for including milk used to produce ice cream in the Class I classification. In fact, proponents for a separate classification for ice cream were generally opposed to maintaining a separate classification for ice cream at the level of the present Class II price, which currently is about 30 cents above the manufacturing class price. Instead, proponents for a separate classification for ice cream urged that a classification priced at amounts ranging from 10 to 20 cents above the manufacturing use class be provided for the ice cream classification.

As now provided in the order, a plant shipping milk or specified milk products to a plant manufacturing ice cream for sale in Chicago may use such shipments to qualify as a pool plant under the order. Much of the testimony at the hearing for retaining a separate classification for milk used in the manufacture of ice

cream was linked to proposals enabling such shipping plants to continue to qualify as pool plants.

The requirements for pool plant status, which are contained in this decision, provide reasonable standards whereby any plant, wherever located, may qualify as a pool plant on a performance basis. These standards help insure that the market will be supplied with its Class I needs throughout the year. Producers who supply those plants which, by their performance qualify as pool plants, should share in the Class I sales of the market and in the burden of carrying the reserve supply of milk necessary to insure the maintenance of the market's Class I needs throughout the year. It would be uneconomical from a point of view of maintaining a reliable supply of milk for the market to provide that the benefits of the Class I market be shared with dairy farmers delivering to plants that are not a part of the market's Class I supply.

Classification in the manufacturing use class of milk used in ice cream production will provide additional outlets for the reserve supplies of milk under the order. At the present time, unregulated plants and plants under other orders pay prices approximating the manufacturing use class price under the Chicago order for milk used in ice cream production. Chicago order handlers presently, as indicated above, now pay approximately 30 cents per hundredweight above the manufacturing use class price for milk used in ice cream manufacture. The pricing of ice cream in the manufacturing use classification under the order will enable Chicago order handlers to compete more equitably with others in disposing of reserve supplies of milk for ice cream manufacture.

(c) Milk used to make eggnog should be included in the manufacturing use classification. The principal ingredient of eggnog is a low fat ice cream mix. Unless it is labeled Grade A, few, if any, jurisdictions in the marketing area require that eggnog be made from Grade A milk. Presently, however, the classification of milk used for eggnog under the Chicago order is the same as for a Grade A fluid milk product. This has placed Chicago order handlers at a disadvantage in competition with eggnog made from ungraded milk. The classification and pricing of milk used to make eggnog in the manufacturing use classification will tend to alleviate this inequity.

(d) Milk used to produce aerated cream products should be included in the manufacturing use classification. Aerated cream products are most frequently packaged in hermetically sealed containers. In such packages they may be distributed over a wide area and at great distances from the locations where they are packaged. This makes it possible for such products made from unregulated milk to be sold in the marketing area in competition with aerated cream products made from Grade A milk at regulated plants. Under all the nearby Federal orders, milk used in aerated cream products is classified in manufacturing use classifications. In addition, aerated cream products compete with similar products that are made with vegetable fat, the cost of which is substantially less than the cost of butterfat from either regulated or unregulated sources. To require that aerated cream be priced in a classification higher than the manufacturing use classification would tend to discourage the use of butterfat in this product and thereby lose this market for producers. It is concluded that the market will be served best by including milk used to produce aerated cream products in the manufacturing use classification.

(e) Inventories of the skim milk and butterfat in bulk and packaged fluid milk products on hand at the end of the month should be classified in the Class II classification. This was proposed by producers to replace the present order provision classifying "inventory variations" in Class III. Under this latter method any increase in a handler's inventory at the end of the month over that for the preceding month is added to his Class III utilization; conversely, a closing inventory decrease from the preceding month is subtracted from the handler's Class III utilization.

With the skim milk and butterfat method of accounting herein recommended the inventory of milk and milk products at the beginning and end of each month are significant factors in determining a handler's obligation for pool milk. The accounting procedure would be facilitated by providing that the month-end inventory of fluid milk products be classified in Class II. Such inventory would be subtracted from the available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. This would be computed at the difference between the Class I price for the current month and the Class II price for the preceding month. Although it is possible to build up inventory over a period of several months, it can be expected that any inventory reclassification would most likely be attributable to milk classified and priced as Class II in the immediately preceding month. In view of this and because there is relatively little change in the Class II price from month to month, it would be impractical to provide for a price adjustment of beginning inventory based on a Class II price for other than the preceding month.

Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for when used to produce a manufactured dairy product (and classified as Class II milk) such skim milk and butterfat should not be included in inventory. Likewise, when the Class I disposition of a fluid milk product has been established by a handler it may not be considered subsequently as a part of his inventory. Accordingly, a handler's closing inventory would be limited to the skim milk and butterfat in those fluid milk products at his plants at the end of the month for which a Class I or Class II utilization has not been established.

(f) The shrinkage provision should be revised to recognize current methods of handling milk in the market and to provide equitable division of shrinkage among handlers.

"Shrinkage" is that waste or loss of skim milk and butterfat experienced in plant operations of receiving, processing and packaging or manufacturing. Because shrinkage represents disappearance of milk for which the handler must account, but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II of each handler should be 2.0 percent of producer milk (except that diverted to a nonpool plant or for which a cooperative association is the handler), plus 1.5 percent of producer milk from a cooperative as a handler and bulk fluid milk products from pool plants of other handlers and less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler).

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to effectuate equitably the classified pricing plan.

There should be no limitation on the classification of shrinkage of other source milk in Class II. It was not shown that such limitation is necessary to adequately safeguard the classification of producer milk.

As provided elsewhere in this decision, a cooperative, at its election, may be the handler of milk of its member producers that is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is a handler under such conditions, the operator of a pool plant receiving this bulk tank milk directly from the farm would be responsible for the milk as though it were a receipt from producers. However, the full 2 percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and had so notified the market administrator. Otherwise, the maximum shrinkage in Class II allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders and provides a reasonable basis for the allocation of the shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

(g) Reconstituted fluid milk products should be classified as Class I and manufactured dairy products used to produce such fluid milk products should be accounted for on their fluid skim milk equivalent weight.

Nonfat milk solids added to a fluid milk product should be converted to their fluid skim milk equivalent weight and accounted for on that basis. Class I classification would apply to the weight of skim milk and butterfat contained in an equivalent volume of an unmodified fluid milk product. The remainder would represent added skim milk solids and should be classified as Class II milk on a skim milk equivalent basis.

Other source milk includes milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Other source milk products such as nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat milk solids content, thus making so-called "fortified" fluid milk products.

Proposals made by producer groups and considered at the hearing contemplated the classification and accounting for reconstituted and fortified fluid milk products on the basis herein recommended. There was no opposition to such proposals at the hearing.

Under the present order provisions the products included in Class I are accounted for on the weight of the product disposed of and are normally required to be made from Grade A milk supplies. The volume disposed of in each concentrated fluid milk product is converted to a weight on the basis of the volume of milk used to produce such fluid milk product rather than using the volume of the finished product. Only the butterfat component is now accounted for in Class II and Class III.

An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution of a manufactured dairy product, with a surplus value, would replace an equivalent amount of producer milk in a fluid milk product, the application of skim equivalent accounting in such circumstance is economically sound and necessary to maintain orderly marketing. The accounting procedure to be followed in the case of concentrated milk products used in reconstituted fluid milk products designated as Class I should be based on the pounds of milk or skim milk required to produce the concentrated product.

The same economic incentive to handlers is not present with respect to nonfat dry milk or condensed skim milk used to fortify a fluid milk product. The incentive for handlers to use nonfat milk solids in fortified products arises from the specific demands of consumers. The increased emphasis on lowfat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat solids in fluid milk products. Such products are distinguished from reconstituted products in that the resulting increased volume of fluid milk product is not attributable to the addition of water.

When the skim milk equivalent provision is applied to fortified fluid milk products, it inflates significantly the utilization and disposition of Class I milk. Proper recognition should be given to the role of fortified fluid milk products in the orderly marketing of producer milk in the market. The development of new fluid milk products in which producer milk may be used has had no evident adverse effect on total Class I sales in the market even though for some consumers they substitute for other fluid milk products. To the extent that fortification with nonfat solids adds to the total demand for fluid milk products, returns to producers are improved by a higher Class I utilization.

The use of nonfat milk solids in fortified fluid milk products represents an additional outlet for milk which would otherwise be surplus. Pricing the fluid skim equivalent of nonfat milk solids at the Class I price increases dealers' costs for resulting products. The higher cost inhibits the use of nonfat milk solids in fortified fluid milk products. In the long run, producer returns may be affected adversely.

For reasons previously stated, it is neither necessary nor appropriate to require handlers to account and pay for an inflated volume at the Class I price. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions may be reconciled by providing that fortified fluid milk products be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered to be Class II disposition.

(h) Proposals were made to extend the "surplus milk manufacturing area" (the territory in which fluid milk products may be moved to nonpool plants and be classified as Class II milk) to include all territory within the States of Illinois and Indiana.

The present "surplus milk manufacturing area" includes the State of Wisconsin, 65 specified counties in northern Illinois and Indiana, the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien in Michigan and Van Wert County in Ohio.

The area to which shipments of milk, skim milk and cream from pool plants to nonpool plants may, under specified conditions, be classified as Class II milk should be expanded to include all territory in Illinois and Indiana not now designated as a part of the surplus milk manufacturing area. Although in the hearing notice, the Michigan counties of Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien were proposed to be deleted, there was no support at the hearing for their removal; and they should be retained as a part of the surplus disposal area.

In the Chicago market, milk, skim milk, and cream are moving increasingly greater distances than heretofore to nonpool plants engaged in manufacturing dairy products. At the present time milk surplus to the fluid needs of an Illinois plant is periodically disposed of for manufacturing uses to a Wisconsin plant approximately 330 miles away. In the high production months it has been necessary to dispose of milk not needed for Class I uses to plants at even greater distances from the market than this Wisconsin plant.

There are several nonpool plants engaged in manufacturing dairy products in southern Illinois and Indiana that are potential outlets for reserve supplies of milk. Such manufacturing plants are potentially more desirable outlets for surplus milk economically, by reason of their proximity to the market than outlets available in the present surplus disposal area.

Expansion of the surplus milk manufacturing area as herein proposed, by permitting greater flexibility in disposing of reserve supplies of milk to manufacturing outlets, will contribute to orderly marketing of milk in the Chicago market. The larger area provided is adequate to dispose of supplies not needed by order handlers for Class I purposes in the marketing area.

(i) It was proposed that the annual average Class I differential over the basic formula price be changed from 90 cents to $1. It was testified that this increase is necessary to compensate for changes in classification and accounting for milk and in adjusting the location differential application so that the Class I price is announced f.o.b. marketing area.

The attached order provides that the Class I price will be announced f.o.b. marketing area instead of at the 55–70-mile zone as now provided. This revision, which was unopposed at the hearing, would cause no change in the cost of Class I milk to handlers or in returns to producers. Because of the change in location at which the prices would be announced, the effective price at each location zone would be unchanged. At the present time, no location differential adjustment is applicable in the 55–70-mile zone. A minus location adjustment of 2 cents for each 15-mile zone is applicable beyond 70 miles. Conversely, plus location adjustments of 4 and 2 cents, respectively, are applicable to milk received at plants in the marketing area and within the 55-mile zone outside the marketing area. As herein provided, the location adjustment would be zero in the marketing area and minus 2 cents for each presently designated zone. Consequently, the Class I and uniform prices as announced would be 4 cents higher than on the present basis and would be offset in the same amount by the location adjustment revision in each zone.

The market administrator was requested by industry representatives to estimate changes in returns to producers that would result from the changeover to the skim milk and butterfat method of accounting and in the proposed revised classification procedures. The data submitted by the market administrator established that an increase of 6 cents in the Class I price was necessary to maintain returns to producers at their present

level. That is, if the two-class system and skim milk and butterfat method of accounting herein recommended were in effect from September 1961 through August 1962 without any change in the Class I price, this would have resulted in a reduction in returns to producers approximating 6 cents per hundredweight on all Class I milk.

In view of the above, it is concluded that the annual average Class I differential over the basic formula price should be increased 10 cents to compensate for changes in classification and accounting procedures and for the changeover to f.o.b. marketing area pricing. This revision will maintain the present level of pricing under the order.

(j) Several witnesses offered statements at the hearing which would increase the level of the Class I price by changing the Class I supply-demand adjustment or by basing the Class I price level on the cost of producing milk or an economic formula relating the price to consumer purchasing power and the general level of the economy.

A producer association proposed to eliminate the supply-demand adjustment or to base the supply-demand ratio on the 1962 relationship of supplies to Class I sales. The proponent urged reduction of the present 72-percent norm in the Class I formula to 41 percent to eliminate the minus adjustment of 24 cents now effective or to 61 percent to maintain the present adjustment under the reclassification herein provided. There was considerable opposition by handlers to the proposal to increase the Class I price by changing the supply-demand adjustment.

The present supply-demand adjustment is centered on 28 percent of the supply as being an adequate reserve for Class I and II sales. For the past 3 years the supply-demand adjustment has deducted the maximum amount possible under the Class I price formula (24 cents). The amount by which the Class I price has been decreased would have been substantially larger if the automatic limit of 24 cents had not applied.

The 72-percent norm now used in the supply-demand computation should not be changed on the basis of this record. It has been a reasonable measure of supplies needed to fill Class I needs of the market. More information on receipts and utilization based on the new pooling, classification, and accounting procedures recommended herein is needed to justify a different supply-demand formula. Meanwhile, the present supply-demand formula, based on Class I sales and receipts, should be continued. This would have no immediate effect since the present supply-demand computation results in an amount well above the maximum provided in the order. However, after the market has operated under the revised order for a reasonable period of time, it would then be feasible to reexamine the supply-demand formula.

Exhibit 27, a copy of a letter from the Deputy Administrator of the Agricultural Marketing Service to a proponent, denied inclusion in the hearing notice of a proposal to increase the level of the Class I price. The letter pointed out: "There is no indication that the Class I price is not obtaining an adequate supply of milk relative to sales or is otherwise inappropriate under current or prospective conditions in the marketing area. In 1962, 52 percent of producer deliveries was used for Class I and II purposes compared to 56 percent in 1961. Producer deliveries increased 5 percent from 1961 to 1962 while Class I sales declined 2 percent. It is thus evident that the level of prices in the Chicago market has brought forth an adequate supply of milk. Accordingly, your request to include in the hearing notice a proposal to increase the Class I price is denied."

Except for the offsetting adjustments necessitated by various amendments (as indicated elsewhere in this decision), there is no basis for increasing the Class I price level of the Chicago order under the statutory requirements of the Act. The Agricultural Marketing Agreement Act of 1937, as amended, the authority under which milk marketing orders are issued, requires that prices be established at a level which will tend to obtain an adequate supply of milk to meet the fluid needs of the market plus a necessary reserve for fluctuations in demand. Of the approximately 6-billion pounds of milk pooled in 1962, less than half were required for fluid uses in the market. Thus, there is no indication that supplies are inadequate or tending to become inadequate for the Chicago market.

5. The separate classification of skim milk and butterfat herein recommended requires that the Class I and Class II prices be adjusted in accordance with the average butterfat content of milk in each class. This can be accomplished by using a butterfat differential which will reflect differences in value due to variation in the butterfat content of producer milk used in each class.

As proposed at the hearing, the butterfat differential applicable to Class I and Class II milk would be based on the average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department. This quantity would be computed for each month by the market administrator and defined in the order as the "butter price".

At the present time, the only butterfat differential provided in the order is that used for adjusting the uniform price in making payment to producers. This differential, which is obtained by multiplying the butter price for the preceding month by 12 percent, is applicable to each one-tenth percent variation in butterfat above or below 3.5 percent in a hundredweight of milk.

The accounting procedures now provided in the order utilize basically the milk equivalent of the butterfat in milk and milk products disposed of in each class to establish the pounds of milk in each class. The utilization thus determined, for the purpose of settlement with the pool, is on the basis of milk containing 3.5-percent butterfat. Consequently, it has been unnecessary to provide in the order for butterfat differentials applicable to milk in each class.

The butterfat differential applicable to Class I milk should be 12 percent of the butter price for the preceding month. This was the only Class I butterfat differential proposed at the hearing and there was no opposition to it. This rate has wide acceptance, being applicable in a number of nearby and other Federal order markets. There has been little variation in the amount of this differential from month to month in recent years because of the stability of butter price quotations on the Chicago market. From April 1962 through April 1963, the monthly butter price ranged from 57.94 cents to 58.28 cents. The butterfat differential of 12 percent of the butter price for each of these 13 months was 7.0 cents; and for each of the 15 months immediately preceding, January 1961 through March 1962, it was 7.3 cents. For 1962, this butterfat differential averaged 7.1 cents. Since the average Class I price for the year was $3.78, the value of the 3.5 pounds of butterfat in a hundred pounds of milk (assuming the market had been on a skim and butterfat basis) was $2.485 and the skim milk portion of such hundred pounds of milk would have been valued at $1.295.

Any higher Class I butterfat differential than herein recommended would allocate more value to the butterfat in Class I milk. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). With a Class I butterfat differential too high, producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential also would have the effect of pricing cream for Class I uses at a level which might tend to restrict its use by consumers and encourage the use of cream substitutes. The butterfat differential herein recommended will encourage the disposition of butterfat to Class I outlets.

There were no proposals at the hearing for a Class I butterfat differential lower than 12 percent of the butter price. It was indicated, however, that butterfat under the order for Class I should not be priced less than that provided for butterfat utilized in manufacturing. As indicated below, the butterfat differential on Class II milk would be 12 percent of the butter price for the current month and would, therefore, generally be the same as the butterfat differential for Class I milk.

A major producer association in the market proposed that the butterfat differentials for Class I and Class II milk be maintained at the same level. The witness for this association claimed that, in effect the order now provides for the same butterfat values for milk utilized in Class I and the present manufacturing class (Class III). In breaking down the butterfat and skim milk values in Class I and Class III under present order provisions, the producer butterfat differential of 12 percent of the butter price is used in determining the butterfat values in each of these classes. In view of this, it was indicated that there is no justification to establish different butterfat differentials for the newly designated Class I and Class II.

A proposal by another producer association would use a rate of 11.5 percent of the butter price as a Class II differential. This would have the effect of reducing by approximately 10 cents the value of butterfat in a hundredweight of milk containing 3.5-percent butterfat and increasing the value of the skim milk portion by the same amount. It was not shown what imbalance in pricing, if any, that this change was intended to correct. Neither was it indicated that handlers are experiencing abnormal difficulties in marketing the butterfat in reserve supplies of milk that are not needed for fluid consumption at prices based on 12 percent of the butter price. At this rate, the cost of butterfat for use in manufactured products will remain competitive with butterfat from alternative sources of supply. No testimony was presented indicating that butterfat in the form of fluid milk products was available from nonpool plants at lower prices. It is concluded that the Class II butterfat differential should be 12 percent of the butter price for the preceding month.

Whereas the Class I butterfat differential is based on the butter price for the preceding month, the Class II butterfat differential is based on the butter price for the current month. This is because the Class I price is announced on the 5th day of the month to which it applies so that handlers may know in advance what their Class I product costs are. The class price for milk for manufacturing purposes is announced on the 5th day following the month to which it applies. Thus the Class II butter differential will reflect the market value of butterfat in the most recent month for which such information is available.

Under conditions such as prevailed in recent years, there are infrequent changes in the butter price from month to month. In most instances, therefore, the butterfat differentials for Class I and Class II will be the same. However, when there are fluctuations in the butter market, this will be reflected without lag in a Class II butterfat differential based on the butter price for the most current month.

The butterfat differential for adjusting the uniform price to producers should be continued at 12 percent of the butter price for the current month. The only proposal other than this rate made at the hearing would use as the producer butterfat differential a weighted average obtained by multiplying the applicable butterfat differential for each class by the percent of butterfat of producer milk in such class. With the butterfat differentials herein recommended for Class I and II, wherein the differentials for both the classes will generally be the same or of negligible difference each month, there would be no advantage in replacing the method of determining the producer butterfat differential, which method has wide acceptance in the market, with a more complex method that would have no additional economic benefit to producers.

6. The location adjustment credit to handlers on fluid milk products moved between pool plants should be based on the Class I utilization at the transferee plant.



The order now provides a location adjustment credit on producer milk received at a plant and (1) moved in fluid form to a regulated plant within 70 miles of the Chicago City Hall or (2) classified as Class I or Class II without moving to a regulated plant within 70 miles of Chicago. The location adjustment rate on milk and skim milk is 2 cents per hundredweight for each 15-mile zone that the transferor plant is more than 70 miles from Chicago; the maximum location adjustment rate on milk and skim milk is 42 cents. The location adjustment rate on movements of cream varies according to the distance of the transferor plant from the Chicago City Hall. This rate for each hundredweight of cream containing 36 percent butterfat (or each 36 pounds of butterfat in cream) ranges from 5 cents at the 70–85-mile zone to a maximum of 50 cents at plants 310 miles from the Chicago City Hall and beyond.

A producer association proposal would provide a location adjustment credit on milk, skim milk and cream moved between pool plants at the rates now provided in the order, except that such credit would be applicable to not more than 110 percent of the Class I utilization at the transferee plant. The location differential credit would apply to bulk milk, skim milk and cream moved to plants f.o.b. the marketing area instead of the present basis which allows credit for such movements to plants within 70 miles of Chicago. The operator of the transferee plant would receive the location adjustment credit which would be computed in sequence beginning with the transferor plant located nearest the Chicago City Hall.

Another cooperative proposed retention of the present location adjustment provisions except that a rate of 1-cent per 15-mile zone would apply to the uniform price per hundredweight of milk received from producers.

The location differential should continue to be based on the distance that a plant where milk is received from producers is from the Chicago City Hall. No location adjustment would be applicable at plants in the marketing area; at plants outside the marketing area and within the 55-mile radius of the Chicago City Hall, the location differential would be 2 cents; the rate in the next zone, 55–70 miles, would be 4 cents; and the rates beyond 70 miles would be increased 2 cents for each 15-mile zone.

The location differential would be applicable to all milk classified as Class I that was not moved to another pool plant from the plant where it was received from producers. With respect to transfers the location adjustment would be applicable to the extent that such transfers represent not more than 110 percent of the skim milk and butterfat in the Class I classification at the transferee plant.

Currently, the location adjustment credit on shipments to pool plants, which is now limited to shipments in bulk of milk, skim milk, and cream, is not dependent on the utilization of such shipments. As provided in the attached order, the location adjustment credit is computed on the basis of the assignment of a shipment's utilization in Class I. It is appropriate, therefore, that the location differential apply to shipments between pool plants of any fluid milk product, which is defined in the attached order to include all products whose disposition is considered in the Class I category.

Exceptors requested that location differential credits be allowed on shipments of fluid milk products used in the manufacture of ice cream and cottage cheese and shipments of condensed milk and condensed skim milk.

As provided elsewhere in this decision, the skim milk and butterfat in fluid milk products used in the manufacture of ice cream, cottage cheese, condensed milk and condensed skim milk, are classified and priced in Class II. This price is based on the prices paid for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota.

To allow location adjustment credits on shipments of condensed milk or condensed skim milk and fluid milk products for ice cream and cottage cheese manufacture would result in returning to producers for the skim milk and butterfat so utilized a price lower than the price for manufacturing grade milk. For example, as proposed, a handler in the marketing area receiving milk or skim milk for cottage cheese manufacture from a plant 200 miles from the Chicago City Hall would receive a location differential credit of 22 cents per hundredweight. In effect, the milk or skim milk thus shipped and utilized would net the Chicago order pool 22 cents per hundredweight below the Class II price. Moreover, such a provision would result in pricing manufacturing grade milk in such residual uses as butter and nonfat milk solids at a higher price than milk used in cottage cheese, ice cream, condensed milk and condensed skim milk by the amount of the location adjustment credit.

While there was some support at the hearing for higher prices for the skim milk and butterfat used in cottage cheese and ice cream manufacture than that used in other outlets in the manufacturing category, no testimony supported a lower price for skim milk and butterfat used to produce cottage cheese, ice cream, condensed milk and condensed skim milk than that used to produce other manufactured products. Providing location differential credits on the Class II utilization shipments as requested would, in effect, accomplish the latter and the proposal therefore is denied.

Except for the limited quantity of Class II milk on which location adjustment credits would apply, no adjustment should be made to the Class II price for milk moved between pool plants for manufacturing use. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured dairy products.

Because of variations in daily demand, however, some milk that is moved to the market and intended for use as Class I milk cannot be so utilized and must be

processed into manufactured products. Providing a location differential credit for not more than 10 percent of the Class I utilization at the transferee plant for milk in the Class II classification which is moved from another pool plant should be sufficient margin for handlers in balancing their receipts from supply plants with day-to-day bottling requirements. However, to insure that milk will not be moved unnecessarily at the expense of producers, the assignment of available location credits should be made first to producer milk and fluid milk products received from other order plants and unregulated supply plants at a plant and then in sequence to transfers between pool plants beginning with the plant nearest the market.

The handler operating the transferee pool plant should receive the location adjustment credit on fluid milk products transferred in bulk between pool plants. Providing for such credit to the transferee handler will simplify administration of the order and provide the handler obtaining milk from supply plants individual control of such purchases in accordance with the utilization at his plant during the month. In computing the transferor handler's pool obligation, Class I transfer between pool plants will be priced at the f.o.b. marketing area price, irrespective of the location of the transferor plant. This is because the transferee handler will receive the location adjustment credit from the pool on such transfers.

Location differentials recognize that fluid milk similarly located with respect to the Chicago market and similarly used should be similarly priced. Milk available at locations nearest the market, by virtue of its location, is more valuable and should command a higher price than milk relatively more distant from it. The price for nearby milk should be higher than that for more distant milk by an amount which reflects the difference in cost of transporting milk to the Chicago marketing area. Since the location differentials provided for the various zones relate to transportation costs from such zones to the marketing area, no advantage will be afforded any handler or group of producers because of the location differential.

Economically, it is more feasible to meet the fluid needs of the market with milk from farms and plants nearest the market before requiring the transportation of milk from more distant plants. The value of milk for fluid purposes is greater at a packaging and distributing plant located in the marketing area than at a plant from which the milk must be moved to the area before it is processed and packaged for distribution. A location adjustment as recommended will give consideration to this difference in value. This rate is the same as that effective under the order and continues to closely approximate the cost of hauling milk to the market by an efficient means.

The uniform price paid producers supplying plants at which location differentials apply should continue to be adjusted at the present rates to reflect the value of milk f.o.b. the point to which it is delivered. Because a producer's association with the market is based primarily on his supplying Class I milk for the market, the uniform price returned to a producer should be adjusted at the same rate and for the same reason as the location adjustment credit is applied to the Class I price.

The proposal to reduce the location adjustment rate applicable to the uniform price from 2 cents for each zone to 1 cent should be denied because it would provide an adjustment in the uniform price that is less than the cost of transporting the milk to the market.

The present order establishes a maximum limit of 42 cents for the location differential adjustment. It was pointed out that as a result of changing to f.o.b. marketing area pricing, which would increase the announced price 4 cents, that the equivalent maximum location adjustment would need to be 46 cents to compensate for such change.

The record indicated that there is no need for a maximum limit on the amount of location differential adjustment. Although presently milk does not move from distances beyond the point where the present 42 cents is applicable, there is no reason why if such milk did move that it should not be entitled to the same location adjustment of 2 cents per hundredweight for each 15-mile zone from the Chicago City Hall.

8. The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

(a) A producer association proposed that a "producer-handler" be defined in the order. At the present time there are no operations in the market which would qualify under this category. A producer-handler definition should be included in the Chicago order so that appropriate treatment will be provided for any producer-handler who may come on the market. There was no opposition to including a definition of a producer-handler in the order.

"Producer-handler" would be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no fluid milk products from other dairy farmers or from sources other than pool plants. The order would exempt such operators from minimum pricing, but they should be required to make reports to the market administrator as required. Such reports are necessary to determine whether the operator is a producer-handler and to facilitate accounting with respect to the transfer of milk from other handlers.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. It is appropriate, therefore, that to qualify for producer-handler status, the maintenance, care, and management of the dairy animals and other resources necessary to produce milk and the processing and packaging of the milk shall be the personal enterprise and risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is bottled for sale.

(b) The handler definition should be changed to include:

(1) Any person in his capacity as the operator of one or more pool plants;

(2) Any person in his capacity as the operator of a partially distributing plant;

(3) Any person in his capacity as a broker buying from or selling fluid milk products to a person described in paragraphs (1) or (2);

(4) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(5) Any cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(6) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; and

(7) A producer-handler.

The order does not now contain the provisions specified in paragraphs (4), (5), (6), and (7) above.

The provisions recommended delete from the handler definition any person who processes or packages any Class II milk product which any health authority having jurisdiction in any portion of the marketing area requires to be made from approved milk and part or all of which is disposed of in the marketing area. This provision is no longer needed because handler status under the order would be determined on or related to Class I disposition in the marketing area.

Producer-handlers and operators of other order plants should be included in the handler definition. This will facilitate the market administrator's obtaining reports from and examining the records of such persons to verify their status under the order.

Two cooperatives, making essentially the same proposals, would provide handler status for cooperatives when they divert their members' milk from a pool plant to a nonpool plant or when they cause their members' milk to be delivered from farms in tank trucks to the pool plants of other handlers. One proposal was modified at the hearing to provide that milk diverted by a cooperative would be deemed to have been received at the plant from which diverted for determining pool plant status.

The objective of the principal proposal is to permit cooperatives to perform their obligations with greater efficiency when they assume the responsibility for marketing the milk of their members.

Proprietary handlers are sometimes unable to dispose of reserve milk to best advantage. When they locate outlets for reserve milk, such outlets may not be willing to pay as much as the manufacturing class price provided in the order. It would improve marketing efficiency if handlers could arrange with cooperative associations to market the milk to best advantage. To do this, however, cooperatives need to be included in the handler definition of the order.

Changed marketing conditions also demonstrate a need to provide handler status for cooperatives. Recently, the market's structure was changed as a result of negotiations between industry employers and employees. Work days and days included in plant processing schedules were reduced. New processing and bottling schedules changed the previously normal supply patterns for distributing plants affected by the negotiations. Cooperatives experienced additional and intensified marketing activity as a result of those supply patterns.

At the present time, if a handler receives milk from producers on 4 or 5 days a week and on the remaining days elects not to receive the milk or be responsible for its diversion, it must be received at a second pool plant in order to be pooled. Those receipts are now reported separately by handlers. By designating the cooperative as the handler for such milk, only one payroll report would be needed. Thus, administrative costs at the second pool plant would be eliminated.

In another marketing situation, the milk of certain producers may be delivered to different handlers on alternate days. By designating a cooperative as a handler, the order can provide a better working arrangement between proprietary handlers and cooperatives; and provide more marketing efficiency by saving both handling and administrative costs.

Under the terms of the order, the person receiving milk from producers is held responsible for accounting for such milk and for payments to producers. Once milk from a producer has been commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. The operator of a pool plant to which the load is delivered has an opportunity only to determine the weights and butterfat test of the total load. Where a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of the deliveries of individual producers. It is desirable, therefore, that the cooperative be held the responsible handler under such circumstances, if it so elects. The milk delivered by the cooperative as a handler would continue to be classified and allocated at each plant of receipt and the operator of the plant would be obligated to pay the cooperative the uniform price applicable at the plant.

Similarly, under existing order provisions, a cooperative association cannot acquire handler status except as the operator of a pool plant. The operator of a pool plant is held responsible for all milk received at his plant and, in addition, has the privilege of maintaining producer status, under specified conditions, for milk normally received at his plant but which he diverts from such plant to a nonpool plant for his account.

Some milk is necessarily moved to manufacturing outlets because of variations in day-to-day requirements and because milk is not bottled every day. The principal cooperative associations in the market assist handlers in the disposition of such milk. As an additional improvement, a cooperative association should also be accorded handler status on milk which it diverts from a pool plant to a nonpool plant for its account. As recommended, milk diverted to a nonpool plant by a cooperative association for its account would be treated as a receipt of producer milk by such association at the location of the pool plant to which it is customarily delivered.

The recommended decision provided for pricing diverted milk at the location of the nonpool plant to which diverted when such plant is farther from the Chicago City Hall than the pool plant from which diverted. Exceptions stated that administrative problems in accounting for and pricing milk of individual producers would be minimized in the months of unlimited diversion by considering all of a producer's deliveries as received at the location of the plant to which the greatest portion of his milk was delivered during the month.

If the quantity of a producer's milk diverted to nonpool plants in January through June (months of unlimited diversion) exceeds his deliveries to pool plants, such producer's total deliveries during the month (to both pool plants and to nonpool plants) should be deemed to have been received at the location of the nonpool plant to which the greatest portion of diverted milk is delivered. This will tend to prevent a handler from exploiting the pool by considering for pricing purposes the location of a pool plant in or near the marketing area as the location where milk was received from a producer when all or a greater portion of such producer's milk was diverted to a distant nonpool plant during the month.

(c) "Producer milk" should be defined to include all skim milk and butterfat contained in milk received at a pool plant directly from producers or from a cooperative in its capacity as a handler. Producer milk would also include milk diverted under certain conditions from a pool plant to a nonpool plant by either a handler operating a pool plant or a cooperative in its capacity as a handler diverting milk for its account. This revised definition will facilitate application of the various provisions of the order by specifying in a practical manner that milk which shall be priced and pooled under the order.

Under the present producer definition, diversion of milk from a pool plant is not permitted in the months of October and November. In all other months, diversion of unlimited quantities of a producer's milk to nonpool plants is permitted. Such milk is deemed to have been received at the pool plant from which diverted.

Various proposals were submitted by producer associations regarding the extent of producer milk diversions which should be provided under the order. One association suggested diversion with no limitation for that milk not needed for fluid purposes. Another association would limit diversions of producer milk in the months of September through November to not more than the quantity of such milk that is received directly from the farm at pool plants. Unlimited diversions would be permitted in all other months. Diversions to other pool plants, nonpool plants and other order plants would be permitted. Producer milk diverted would be deemed to have been received at the pool plant from which diverted. If the pool plant operator diverts milk to another plant on more days than milk is received from the producer at the pool plant, all of the producer's milk would be deemed to have been received at the plant to which delivered on the greater number of days during the month for the purpose of computing location adjustments.

Another cooperative's proposal would allow diversion to an unregulated plant or other order plant on any number of days in the January through June period and for not more than 15 days production in any month of the July–December period. The diverted milk would be deemed to have been received at the pool plant from which diverted unless over 50 percent of a producer's milk was diverted to a nonpool plant in a different zone than the pool plant. In such case, the location adjustment applicable to the uniform price would be that at the nonpool plant location. Diversions to an other order plant would be treated as a transfer for the purpose of determining the classification of such milk.

Producer milk should include milk diverted from a pool plant to a nonpool plant in the months of January through June and milk in a quantity not greater than the quantity of producer milk that was delivered from the farm to the pool plant in each month of the July through December period. Diverted milk should be deemed to be received at the plant location from which it is diverted. However, in each month of January through June if the quantity of milk of any producer diverted to a nonpool plant exceeds that delivered to pool plants, all milk of such producer delivered to both the pool plants and the nonpool plant should be deemed to be received at the nonpool plant for the purpose of location adjustments to the Class I and uniform prices. Such pricing of diverted milk will recognize its value according to location with respect to the market.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies are greatest will contribute to this end. Unlimited diversion is neither necessary nor desirable under a market pool during the other months of the year when milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed for Class I purposes. The diversion privilege is primarily intended to obtain efficiency in the marketing of milk not needed at pool plants for fluid uses. Instead of being physically received at the pool plant and then transferred to the nonpool plant, excess milk may be hauled directly from the farms to a nonpool plant without losing its pooling status under the order.

Milk moved from a farm directly to another order plant should not be considered as producer milk under the Chicago order. Without a provision in the order regulating the other order plant to exclude diversions of producer milk from a Chicago order plant, it would be treated as producer milk under the other order. This would result in pricing and pooling the same quantity of milk as producer milk under both orders. On the basis of this record, action may not be taken under other orders to obtain exclusion from the producer milk definition of milk diverted from pool plants under this order.

Although a proposal was made to permit diversion of milk between pool plants, it was not shown that such diversions are necessary for the orderly marketing of reserve milk in the area. Neither was it shown that there are compelling reasons to provide for the diversion of producer milk between pool plants at this time. The proposal, therefore, should be denied.

(d) It was proposed that if for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price that is required. Such a provision is commonly contained in Federal milk orders. Its inclusion in the Chicago order will provide a positive procedure to be followed in the absence of any price quotation customarily used and thereby prevent unnecessary interruption in the operation of the order.

(e) A proposal was made to distribute any value derived from "overrun" at a handler's plant to such handler's producers on a pro rata basis according to the pounds delivered by each producer. This would apply in lieu of including such value in the equalization pool for distribution to all producers. No testimony was presented at the hearing relative to this proposal. Accordingly, no action is taken on it in this decision.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions and petition for rehearing.* A cooperative association requested that its exceptions to the recommended decision be considered also as a petition for a rehearing or reopening of the hearing. The Deputy Administrator found on the basis of record evidence that issuance of the proposed order with the provisions recommended would promote orderly marketing and effectuate the policy of the Act. The petition for reopening the hearing contained no points not already considered at the time of the recommended decision to warrant taking such action. The findings of the Deputy Administrator are affirmed and the petition for rehearing or reopening the hearing is denied.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Referendum order; determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Chicago, Illinois, marketing area is approved or favored by the producers who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area. For the purpose of this referendum, a producer is any person defined as a producer under the terms of the order as hereby proposed to be amended or any person whose milk was delivered to a supply plant or reload point and who was a producer during the representative period under the order then in effect.

The month of August 1964, is hereby determined to be the representative period for the conduct of such referendum.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on November 30, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area*

DEFINITIONS


Sec.
1030.0 Findings and determinations.
1030.1 Act.
1030.2 Secretary.
1030.3 Department.
1030.4 Person.
1030.5 Cooperative association.
1030.6 Chicago, Illinois, marketing area.
1030.7 Fluid milk product.
1030.8 Route.
1030.9 Distributing plant.
1030.10 Supply plant.
1030.11 Reload point.
1030.12 Pool plant.
1030.13 Nonpool plant.
1030.14 Handler.
1030.15 Producer-handler.
1030.16 Producer.
1030.17 Producer milk.
1030.18 Other source milk.
1030.19 Butter price.

MARKET ADMINISTRATORS

1030.20 Designation.
1030.21 Powers.
1030.22 Duties.

REPORTS, RECORDS AND FACILITIES

1030.30 Reports of receipts and utilization.
1030.31 Other reports.
1030.32 Records and facilities.
1030.33 Retention of records.

CLASSIFICATION

1030.40 Skim milk and butterfat to be classified.
1030.41 Classes of utilization.
1030.42 Shrinkage.
1030.43 Transfers.


[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.




Sec.
1030.44 Computation of skim milk and butterfat in each class.
1030.45 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1030.50 Basic formula price.
1030.51 Class prices.
1030.52 Butterfat differentials to handlers.
1030.53 Location adjustments to handlers.
1030.54 Equivalent prices.
1030.55 Skim milk and butterfat prices.

APPLICATION OF PRICES

1030.60 Computation of the net pool obligation (or credit) of each handler.
1030.61 Computation of aggregate value used to determine uniform price.
1030.62 Computation of uniform price.
1030.63 Obligations of handler operating a partially regulated distributing plant.

PAYMENTS

1030.70 Time and method of payment.
1030.71 Butterfat differential to producers.
1030.72 Location differentials to producers and on nonpool milk.
1030.73 Producer-settlement fund.
1030.74 Payments to the producer-settlement fund.
1030.75 Payments from the producer-settlement fund.
1030.76 Adjustment of accounts.
1030.77 Marketing services.
1030.78 Expense of administration.
1030.79 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1030.80 Effective time.
1030.81 Suspension or termination.
1030.82 Continuing power and duty of the market administrator.
1030.83 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1030.90 Separability of provisions.
1030.91 Agents.


AUTHORITY: The provisions of this Part 1030 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

### § 1030.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own farm production), (ii) other source milk allocated to Class I pursuant to § 1030.45 (a) (4) and (8) and the corresponding steps of § 1030.45(b), and (iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

DEFINITIONS

### § 1030.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

### § 1030.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

### § 1030.3 Department.

"Department" means the U.S. Department of Agriculture.

### § 1030.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

### § 1030.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

### § 1030.6 Chicago, Illinois, marketing area.

"Chicago, Illinois, marketing area", hereinafter called the "marketing area" means the territory within the townships of Warren, Waukegan, Libertyville, Shields, Vernon, West Deerfield, Deerfield, and the city of Barrington, in Lake County; Cook and Du Page Counties; the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County; the townships of Wheatland, Du Page, Plainfield, Lockport, Homer, Troy, Joliet, New Lenox and Frankfort in Will County, all in the State of Illinois.

### § 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, sour cream, and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk: *Provided,* That eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section.

### § 1030.8 Route.

"Route" means a delivery, either direct or through any distribution facility other than a plant (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1030.41(a)(1).

### § 1030.9 Distributing plant.

"Distributing plant" means a plant from which a Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

### § 1030.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a pool plant.

### § 1030.11 Reload point.

"Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant operation.

### § 1030.12 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph

(a) or (b) of this section: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered a part of a pool plant pursuant to this section.

(a) A distributing plant from which:

(1) Not less than 30 percent of the total Grade A fluid milk products received during the month is either distributed on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants; and

(2) Not less than 10 percent of such receipts during the month is either distributed in the marketing area on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants and distributed in the marketing area on routes from such plants.

(b) A supply plant or reload point from which shipments in the form of fluid milk products during the month are physically received in pool plants pursuant to paragraph (a) of this section and are either at least 20 percent of the pounds of butterfat in or at least 20 percent of the volume of Grade A milk received from dairy farmers at such plant or reload point during the month and which shipments, in the form of milk and skim milk, include at least 10 percent of the volume of Grade A milk received from dairy farmers at such plant or reload point during the month: *Provided*, That:

(1) If, during July through December a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of milk at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of milk or butterfat shipped pursuant to this paragraph. When the work stoppage includes an entire month, the plant shall be considered to have met the minimum percentage shipping requirements in that month for pool plant status pursuant to this paragraph, but such relief shall not be granted for more than 2 consecutive months.

(2) A plant which was a pool plant in each of the immediately preceding months of July through December shall be a pool plant for the months of January through June, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and each subsequent month through June during which it would not otherwise qualify as a pool plant.

(3) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned and operated by a handler or are under his control with respect to the marketing of fluid milk products pursuant to a written contractual agreement submitted to the market administrator;

(ii) The handler establishing a unit notifies the market administrator in writing of the plants to be included therein prior to July 1 of each year and no additional plants shall be added to the unit prior to July 1 of the following year; and

(iii) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

### § 1030.13 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1030.12 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

### § 1030.14 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any person in his capacity as a broker buying from or selling fluid milk products to a person described in paragraph (a) or (b) of this section;

(d) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(e) Any cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator and the handler who is the operator of the pool plant where such milk is to be received are notified in writing that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered;

(f) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(g) A producer-handler.

### § 1030.15 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who received no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are the personal enterprise and risk of such person.

### § 1030.16 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1030.17 from a pool plant to a nonpool plant.

### § 1030.17 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1030.14(e); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted except that:

(1) In any of the months of July through December, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk; and

(2) In any of the months of January through June, if the quantity of milk of any producer so diverted exceeds the quantity delivered to pool plants during the month, the milk of such producer delivered to both pool plants and to nonpool plants shall be deemed to have been received at the location of the nonpool plant to which the greatest portion of diverted milk is delivered.



### § 1030.18 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products from pool plants, (2) producer milk, or (3) fluid milk products in inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

### § 1030.19 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

### MARKET ADMINISTRATOR

### § 1030.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

### § 1030.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report complaints of violations to the Secretary;

(c) Make rules and regulations to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

### § 1030.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1030.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1030.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1030.30 and 1030.31 or payments pursuant to §§ 1030.70, 1030.74, 1030.76, 1030.77 and 1030.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate for the benefit of producers, consumers and handlers such statistics and information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the Class I milk price pursuant to § 1030.51 (a) and the Class I butterfat differential pursuant to § 1030.52(a), both for the current month, and the Class II milk price pursuant to § 1030.51(b) and the Class II butterfat differential pursuant to § 1030.52(b), both for the preceding month; and

(2) The 14th day after the end of each month the uniform price pursuant to § 1030.62 and the butterfat differential pursuant to § 1030.71;

(k) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1030.45(a)(9) and the corresponding step of § 1030.45 (b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1030.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

### REPORTS, RECORDS AND FACILITIES

### § 1030.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler except a handler pursuant to § 1030.14 (f) and (g) shall report to the market administrator for such month, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Milk received from producers and from handlers pursuant to § 1030.14(e);

(2) Fluid milk products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1030.17; and

(5) Inventories of fluid milk products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

### § 1030.31 Other reports.

(a) Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler pursuant to § 1030.14(e) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 10th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

(d) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid

and the amount and nature of any deductions.

**§ 1030.32 Records and facilities.**

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

**§ 1030.33 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

**§ 1030.40 Skim milk and butterfat to be classified.**

The skim milk and butterfat required to be reported pursuant to § 1030.30 (excluding transfers from a pool plant to an other order plant(s) that are offset by receipt from the other order plant(s) pursuant to § 1030.43(e)) shall be classified each month pursuant to the provisions of §§ 1030.41 through 1030.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

**§ 1030.41 Classes of utilization.**

Subject to the conditions of § 1030.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product (except as provided in paragraphs (b)(2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to and used at commercial food establishments in the manufacture of bakery products, candy or processed foods in hermetically sealed containers;

(3) Skim milk and butterfat in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(5) Skim milk and butterfat in inventory of fluid milk products at the end of the month;

(6) Skim milk and butterfat, respectively, in shrinkage but not in excess of:

(i) 2.0 percent of producer milk (except that received from a handler pursuant to § 1030.14(e) or diverted to a nonpool plant pursuant to § 1030.17);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1030.14(e): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from pool plants of other handlers;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler); and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1030.42(b)(2).

**§ 1030.42 Shrinkage.**

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1030.41(b)(6); and

(2) Other source milk exclusive of that specified in § 1030.41(b)(6).

**§ 1030.43 Transfers.**

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler: *Provided*, That the skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1030.45(a)(9) and the corresponding step of § 1030.45(b);

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located outside Illinois, Indiana and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass and Berrien in Michigan and Van Wert, in Ohio;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located inside Illinois, Indiana and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass and Berrien in Michigan and Van Wert in Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to §1030.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess of receipts from such plant(s) in the same category as described in subparagraphs (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1030.41.

**§ 1030.44 Computation of skim milk and butterfat in each class.**

For each month, each handler shall compute the pounds of skim milk and butterfat in each class in the following manner:

(a) The pounds of butterfat shall be ascertained by multiplying the pounds of milk or milk product disposed of as Class I milk or used to produce a Class II milk product by its average butterfat content.

(b) The pounds of skim milk shall be ascertained by subtracting the pounds of butterfat computed pursuant to paragraph (a) of this section, from the weight of milk or a milk product disposed of as Class I milk or used to produce a Class II milk product: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

(c) A handler may claim, for classification purposes pursuant to §§ 1030.40 through 1030.45 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 1030.30(a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

**§ 1030.45 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 1030.44, each handler for each month shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in each class, pro rata to such quantities, the pounds of skim milk in milk received from such handler's own farm production;

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1030.41(b)(6);

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in receipts of fluid milk products in packaged form from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess of similar transfers to such plant(s), as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order.

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess of similar transfers to such plant(s), if Class II utilization was requested by both handlers;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (2) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess in each case of similar transfers to such plant(s), that were not subtracted pursuant to subparagraph (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1030.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received from pool plants of other handlers according to the classification of such products pursuant to § 1030.43(a); and

(11) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining

in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

**§ 1030.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the butter price times 0.12 and rounded to the nearest cent.

**§ 1030.51 Class prices.**

Subject to the provisions of § 1030.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.20 August through November, $0.80 March through June and $1.00 in other months, adjusted not more than 24 cents each month by plus or minus 2.0 cents, respectively, for each full percent that the adjusted supply-demand ratio computed as follows, is above or below 72 percent:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own-farm production) for the most recent 12-month period.

(2) Determine the total pounds of Grade A milk utilized in Class I milk during the most recent 12-month period.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent. The resulting percentage shall be known as the "current supply-demand ratio".

(4) If the current supply-demand ratio is greater or less than the current supply-demand ratio computed by the market administrator for the third month immediately preceding, add or subtract the difference, respectively, to or from the percentage computed pursuant to subparagraph (3) of this paragraph. The result shall be the "adjusted supply-demand ratio", and if the current supply-demand ratio does not differ from that computed for the third month preceding, the current supply-demand ratio shall be the "adjusted supply-demand ratio".

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

**§ 1030.52 Butterfat differentials to handlers.**

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1030.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.12.

(b) *Class II price.* Multiply the butter price for the month by 0.12.

**§ 1030.53 Location adjustments to handlers.**

(a) The market administrator shall determine the zone location of each plant at which milk is to be priced under this part on the following basis and the zone rates shall be as follows:

(1) Zone 1—adjustment rate—none. Zone 1 shall consist of the territory within the marketing area.

(2) Zone 2—adjustment rate—2 cents per hundredweight of milk. Zone 2 shall consist of the territory outside of the marketing area but not to exceed 55 miles from the City Hall in Chicago.

(3) For plants located beyond Zone 2, the adjustment rate shall be 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 55 miles. The territory beyond 55 miles, but not to exceed 70 miles, shall be Zone 3 and each successive 15-mile area shall be an additional zone.

(b) The mileages applicable pursuant to this section and § 1030.72 shall be determined by the market administrator and shall be the shorter of either the rail or highway distance, arrived at as follows:

(1) The rail distance shall be the sum of the following:

(i) The highway distance between the handler's plant or reload point and the railroad loading point (but not to exceed 25 miles);

(ii) The rail distance by the most direct single rail line between the loading point and the rail terminal in Chicago; and

(iii) The highway distance between the appropriate rail terminal and the Chicago City Hall.

(2) Mileage shall be subject to redetermination at all times. In the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after the receipt of such request. Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

(c) The market administrator shall notify each handler of the zone determination.

(d) A handler who operates a pool distributing plant shall receive a location adjustment credit computed as follows:

(1) Determine the aggregate quantity of Class I milk at all pool plants of the handler;

(2) Subtract the quantity of packaged fluid milk products received at the handler's pool plant(s) from the plants of other handlers and from nonpool plants;

(3) Subtract the quantity of bulk fluid milk products shipped from the handler's pool plant(s) to pool plants of other handlers and to nonpool plants that are classified as Class I;

(4) Multiply the remaining quantity by 110 percent;

(5) Subtract the quantity of fluid milk products received at the handler's pool distributing plant(s) from other order plants and unregulated supply plants that are assigned to Class I pursuant to § 1030.45;

(6) Subtract to the extent available from the remaining quantity in the following order:

(i) Producer milk received at the handler's pool distributing plant(s); and

(ii) Bulk fluid milk products received at the handler's pool distributing plant(s) from other pool plants in sequence beginning with the plant nearest the Chicago City Hall; and

(7) Multiply by the applicable zone rates the quantities subtracted pursuant to subparagraph (6) of this paragraph;

(8) Multiply by the applicable zone rates the quantity of bulk fluid milk products shipped from the handler's pool distributing plant(s) to nonpool plants and classified as Class I; and

(9) Add together the amounts obtained pursuant to subparagraphs (7) and (8) of this paragraph.

(e) A handler who operates a pool supply plant shall receive a location adjustment credit at the plant's zone rate on producer milk at such plant classified as Class I that is not shipped as a bulk fluid milk product to another pool plant.

**§ 1030.54 Equivalent prices.**

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

**§ 1030.55 Skim milk and butterfat prices.**

The prices per hundredweight of skim milk and butterfat in each class shall be computed as follows:

(a) *Skim milk price.* Subtract from the applicable class price per hundredweight of milk containing 3.5 percent butterfat the result obtained from multiplying the applicable butterfat differential pursuant to § 1030.52 by 35; and

(b) *Butterfat price.* Add to the applicable class price per hundredweight of milk containing 3.5 percent butterfat the result obtained from multiplying the applicable butterfat differential pursuant to § 1030.52 by 965.

APPLICATION OF PRICES

**§ 1030.60 Computation of the net pool obligation (or credit) of each handler.**

The net pool obligation (or credit) of each handler, pursuant to § 1030.14 (a), (d), and (e) during each month shall be a sum of money computed as follows:

(a) Multiply the quantity of skim milk and butterfat in producer milk in each class as computed pursuant to § 1030.45 by the applicable skim milk and butterfat prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1030.45(a)(11) and the corresponding step of § 1030.45 (b) by the applicable skim milk and butterfat prices;

(c) Add the amount obtained from multiplying the difference between the Class II skim milk and butterfat prices for the preceding month and the Class I skim milk and butterfat prices for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1030.45(a)(6) and the corresponding step of § 1030.45(b);

(d) Add an amount equal to the difference between the Class I and Class II skim milk and butterfat price values of the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1030.45(a)(4) and the corresponding step of § 1030.45(b);

(e) Add the value at the Class I skim milk and butterfat prices (after deducting the location adjustment rate for the zone in which the nearest nonpool plant is located from which an equivalent volume was received) of the skim milk and butterfat subtracted from Class I pursuant to § 1030.45(a)(8) and the corresponding step of § 1030.45(b); and

(f) Subtract an amount equal to the location adjustment credits computed pursuant to § 1030.53.

**§ 1030.61 Computation of aggregate value used to determine uniform price.**

For each month the market administrator shall correct for mathematical and obvious errors the reports of handlers submitted pursuant to § 1030.30 and shall compute an aggregate value from which to determine the uniform price as follows:

(a) Combine into one total the values obtained pursuant to § 1030.60 for all handlers who reported pursuant to § 1030.30 for such month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1030.71 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differential deductions to be made pursuant to § 1030.72;

(d) Subtract an amount equal to the total value of the location differential additions to be made pursuant to § 1030.72; and

(e) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund.

**§ 1030.62 Computation of uniform price.**

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1030.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1030.60(e); and

(b) Subtract not less than 4 nor more than 5 cents from the price computed pursuant to paragraph (a) of this section.





**§ 1030.63 Obligations of handler operating a partially regulated distributing plant.**

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1030.30 the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1030.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1030.60(e) and a credit in the amount specified in § 1030.74(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1030.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1030.12(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I skim milk and butterfat prices (after deducting the location adjustment rate for the zone in which the nonpool plant is located) subtract its value at the uniform price pursuant to § 1030.62 at the same location or at the Class II price, whichever is higher.

PAYMENTS

**§ 1030.70 Time and method of payment.**

(a) Each handler who operates a pool plant shall pay each producer on or before the 18th day after the end of the month not less than the uniform price pursuant to § 1030.62 adjusted pursuant to §§ 1030.71, 1030.72, and 1030.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section; and

(b) Each handler shall pay a cooperative association on or before the 15th day after the end of the month an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section for producer milk which is caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority.

**§ 1030.71 Butterfat differential to producers.**

The uniform price pursuant to § 1030.62 shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the butter price for the month by 0.12.

**§ 1030.72 Location differentials to producers and on nonpool milk.**

The uniform price pursuant to § 1030.62 shall be adjusted as follows:

(a) For producer milk received at a pool plant outside the marketing area and within 55 miles of the Chicago City Hall deduct 2 cents per hundredweight.

(b) For producer milk received at a plant which is 55 miles or more from the Chicago City Hall, deduct 4 cents per hundredweight for the first 70 miles or less and 2 cents per hundredweight for each additional 15 miles or fraction thereof that such plant is more than 70 miles from the Chicago City Hall.

(c) Add 4 cents per hundredweight for milk received from producers whose farms are located in the territory lying within the city of Kenosha, the townships of Pleasant Prairie, Bristol, and Salem in Kenosha County, all in the State of Wisconsin; the townships of

Richmond, Burton, Greenwood, McHenry, Seneca, Dorr, Nunda, Coral, Grafton, and Algonquin in McHenry County, Lake County, Kane County, Cook County, Du Page County, Kendall County, Will County; the townships of Saratoga, Aux Sable, Goose Lake, and Felix in Grundy County; and the townships of Rockville, Manteno, Sumner, Yellowhead, Bourbonnais, Ganeer, and Memonce in Kankakee County, all in the State of Illinois; and Lake County, and Porter County, except Pleasant Township, all in the State of Indiana, which territory shall be known as Zone A.

(d) Add 2 cents per hundredweight for milk received from producers whose farms are located in the territory lying within the city of Racine, the townships of Raymond, Caledonia, Burlington, Dover, Yorkville, and Mount Pleasant in Racine County; the townships of Brighton, Paris, Somers, Wheatland, and Randall in Kenosha County; the townships of Lyons, Linn, and Bloomfield, of Walworth County, all in the State of Wisconsin; the townships of Chemung, Alden, Hebron, Dunham, Hartland, Marengo, and Riley in McHenry County; the townships of Boone, Bonus, and Spring in Boone County; DeKalb County; the townships of Earl, Adams, Northville, Serena, Mission, Dayton, Rutland, Miller, and Manlius, in LaSalle County; the townships of Nettle Creek, Erienna, Norman, Morris, Wauponsee, Vienna, Mazon, Maine, Braceville, Good Farm, Garfield, and Greenfield in Grundy County; the townships of Essex, Salina, Limestone, Kankakee, Norton, Pilot, Otto, Aroma, St. Anne, and Pembroke, in Kankakee County; the townships of Chebanse, Papineau, and Beaverville, in Iroquois County, all in the State of Illinois; the townships of Lake, Lincoln, McClellan, Colfax, Beaver, and Jackson in Newton County; the townships of Keener, Union, Wheatfield, Walker, and Kankakee in Jasper County; Pleasant Township in Porter County; the townships of Dewey, Prairie, Cass, Hanna, Clinton, Noble, New Durham, Scipio, Coolspring, Center, Kankakee, Michigan, Springfield, and Galena in LaPorte County, all in the State of Indiana; and the townships of New Buffalo, Three Oaks, and Chikaming in Berrien County in the State of Michigan, which territory shall be known as Zone B.

**§ 1030.73 Producer-settlement fund.**

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such funds and out of which he shall make all payments from such fund pursuant to §§ 1030.63, 1030.74, 1030.75, and 1030.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

**§ 1030.74 Payments to the producer-settlement fund.**

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1030.60 for such handler; and

(b) the sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1030.60 (e).

**§ 1030.75 Payments from the producer-settlement fund.**

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1030.74(b) exceeds the amount computed pursuant to § 1030.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

**§ 1030.76 Adjustment of accounts.**

When verification by the market administrator of reports or payment of any handler discloses errors resulting in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

**§ 1030.77 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1030.70 shall deduct 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such monies, shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions as are authorized by such producers and, on or before the 18th day after the end of each month, pay over such deductions to the association rendering such services.

**§ 1030.78 Expense of administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 18th day after the end of each month 2 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (a) producer milk (including such handler's own farm production), (b) other source milk allocated to Class I pursuant to § 1030.45(a) (4) and (8) and the corresponding steps of § 1030.45(b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

**§ 1030.79 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligations, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 1030.80 Effective time.**

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1030.81 Suspension or termination.**

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

**§ 1030.82 Continuing power and duty of the market administrator.**

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

**§ 1030.83 Liquidation after suspension or termination.**

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 1030.90 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

**§ 1030.91 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F.R. Doc. 64-12397; Filed, Dec. 4, 1964; 8:45 a.m.]



## [ 7 CFR Parts 1030, 1031 ]

[Docket Nos. AO-101-A28 and AO-170-A15]

## MILK IN CHICAGO, ILLINOIS, AND SOUTH BEND-LaPORTE-ELKHART INDIANA, MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at South Bend, Indiana, May 7-8, 1963, pursuant to notice thereof issued April 15, 1963 (28 F.R. 3872).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service on May 26, 1964 (29 F.R. 7117; F.R. Doc. 64-5400) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

A separate decision to amend the Chicago order would remove from the marketing area defined therein territory added to the South Bend-LaPorte-Elkhart marketing area by this decision.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (29 F.R. 7117; F.R. Doc. 64-5400) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Three new paragraphs are inserted after the twelfth paragraph in issue 1.

2. The third and fifth paragraphs in issue 2 are revised.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.

2. The supply-demand adjustment applicable to the Class I price.

3. Class II and III milk; classification and pricing.

4. Revision of location differential adjustments.

5. Reduction of butterfat differential rates.

6. Discontinuing the base-excess plan in paying producers.

7. Increasing the marketing service assessment.

8. Conforming changes.

Findings and conclusions on issue 6 were included in an earlier decision on this record issued July 29, 1963 (28 F.R. 7845). Following approval by producers, the order was amended August 8, 1963, to discontinue the base and excess plan. Findings and conclusions on all issues on this record except issue 6 are contained in this decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The South Bend-La Porte-Elkhart marketing area should be redesignated the Northwestern Indiana marketing area and should include the eight Indiana counties of Elkhart, Kosciusko, Lake, La Porte, Marshall, Porter, St. Joseph and Starke. The presently designated marketing area is limited to Elkhart, La Porte and St. Joseph Counties.

The proposal to enlarge the marketing area was made by Pure Milk Association, which represents about 75 percent of the approximately 1,500 dairy farmers supplying 26 handlers who would be regulated by the recommended order. Of the 26 handlers, 17 are now under the South Bend-La Porte-Elkhart order, 5 are under the Chicago order and 4 are unregulated. In addition to the above, a plant that is now regulated by the Indianapolis order might become subject instead to the recommended Northwestern Indiana order.

The 1960 census population of the South Bend-La Porte-Elkhart marketing area was 440,000 and of the recommended marketing area 1.1 million. The population of Gary, the largest city in the proposed marketing area, was 178,000. The population of the next largest cities, South Bend, Hammond, East Chicago, Elkhart and Michigan City, ranged from 133,000 to 37,000. Because a substantial part of the fluid milk sales of handlers are in rural communities and because much of the population immediately surrounds the cities and towns, the marketing area should be defined on the basis of county lines.

Lake County (1960 population 513,000) is the most heavily populated county in the marketing area. The Lake County townships of Calumet, Hobart and North, known as the Calumet area, are now within the Chicago milk marketing area. A separate decision to amend the Chicago order recommends removing these townships from the Chicago marketing area.

The handlers who would be regulated by the proposed order are the principal distributors in Lake County. Estimates of their total distribution in Lake County, as presented at the hearing, ranged from 58 to 75 percent. The remaining Class I distribution in the county is primarily from plants in the city of Chicago.

The Calumet area handlers are associated more intimately in their competition for Class I sales with handlers who would be regulated by the recommended order than with Chicago order handlers. There is substantial distribution by these Calumet handlers throughout each of the eight counties in the proposed marketing area. These same Calumet handlers are not approved for and do not have any Class I business in the city of Chicago. The Chicago based handlers who distribute in the Calumet area have relatively little distribution in Indiana outside of Lake County, and their distribution there represents a small proportion of their total distribution.

Producers supplying Calumet area handlers are located in the milkshed overlapping the South Bend-La Porte-Elkhart milkshed. The different prices and utilizations of the Chicago and South Bend-La Porte-Elkhart orders have made it difficult for the Calumet area handlers to obtain adequate supplies in the local procurement area. The Chicago order uniform price applicable at plants in the Calumet area averaged $3.55 in 1962. Under the South Bend-La Porte-Elkhart order, the average uniform price of $3.85 for the same period was 30 cents higher. Calumet handlers, with relatively high Class I utilization, have had to pay more than the minimum prices prescribed by the Chicago order to obtain milk from local producers sufficient for their Class I sales plus a necessary reserve. This has placed Calumet area handlers at a disadvantage in competing with handlers able to buy supplies at the class prices under the South Bend-La Porte-Elkhart and other nearby orders.

Inclusion of Kosciusko, Marshall, Porter and Starke Counties in the recommended marketing area would result in bringing under regulation four handlers who are not now subject to regulation under a Federal order. Each of these four counties is contiguous to the present marketing area and the Class I distribution in this four-county area is by a wide majority from presently regulated handlers. Of the total Class I distribution in these counties 72 percent in Kosciusko, 63 percent in Marshall, 56 percent in Starke and 54 percent in Porter is from the plants of these regulated handlers.

The four presently unregulated handlers who would be regulated by the recommended order pay the approximately 25 dairy farmers supplying them a price based on and comparable to the South Bend-La Porte-Elkhart or Indianapolis order uniform price. They have a high proportion of fluid milk sales to receipts, ranging generally from 80 to 100 percent Class I utilization. Handlers now regulated by the order are at a price disadvantage in competing with unregulated handlers for Class I sales in the proposed marketing area because they are required to pay the higher Class I order price to which their competitors are not subject.

Benton, Carroll, Cass, Fulton, Jasper, Miami, Newton, Pulaski, and White Counties were also proposed to be added to the marketing area. The several South Bend-La Porte-Elkhart order handlers who currently have some Class I distribution in these nine counties are not the principal distributors in these counties and their distribution in them is not a substantial portion of their Class I business. The majority of the Class I distribution in this nine-county area is not by handlers now subject to the order. In some of the counties such as Cass, Carroll and Miami, the estimated distribution by handlers presently regulated by the order is less than 20 percent. Moreover, no evidence was submitted to show that the marketing conditions in this nine-county area are such as to show that presently regulated handlers are disadvantaged in competing with the several unregulated handlers operating in these counties.

The unregulated handler with the greatest distribution in the nine-county area receives milk from about 40 dairy farmers at his plant in Logansport in Cass County. From this plant he has Class I distribution in Cass, Carroll, Fulton, Miami, Pulaski, White, and Marshall Counties. Of these latter counties only Marshall is recommended for inclusion in the marketing area. However, this handler's Class I sales in Marshall County are limited to only a small area in the county and represent a small portion of his total Class I disposition. It is not expected that he would be subject to regulation because of this distribution.

A cooperative under the Chicago order opposed a shift of the Calumet area to the South Bend-La Porte-Elkhart marketing area. It claimed that the removal of Calumet area Class I sales from the Chicago pool would reduce the Chicago blend price 1 cent per hundredweight. However, the cooperative did not present testimony that would substantiate its position that operations of the Calumet area handlers in both distribution and procurement are more intimately associated with those of Chicago order handlers than with handlers regulated by the South Bend-La Porte-Elkhart order.

Exceptions to limiting the expansion of the marketing area as herein provided were filed by producer associations and handlers. In his exceptions, a handler with limited sales in Marshall County claimed he would in some months become regulated under the proposed order because of his sales in Starke County. Hence, he requested its deletion from the proposed marketing area. The record evidence shows no sales by this handler in Starke County. However, if such handler meets the pooling requirements of the order by virtue of sales in Starke and other counties associating him primarily with this market, it is appropriate that he be regulated by the Northwestern Indiana order.

Another handler and a cooperative requested in their exceptions that the proposed marketing area be reduced in size in order to avoid regulation under this order of handlers now regulated by the Ft. Wayne and Indianapolis orders. There is no basis for such action on the evidence of this record. If handlers now associated with another regulated market have more Class I sales in the proposed Northwestern Indiana marketing area than in any other marketing area, it is appropriate that they be regulated by this order. However, there is no positive indication in the record that such Indianapolis or Fort Wayne order handlers would be regulated instead by the Northwestern Indiana order.

Another cooperative association in its exceptions renewed its request that the counties of Benton, Carroll, Cass, Fulton, Jasper, Newton, Pulaski and White be included in the marketing area. The evidence in this record was insufficient to show the relative proportion of sales made in this area by handlers now regulated under the Chicago and South Bend-La Porte-Elkhart orders and those by handlers under the Indianapolis order. Any further expansion of the marketing area beyond that provided in the attached order cannot be justified at this time on the basis of the present record. However, in the event it can be shown at a later date that marketing conditions and sales in these counties are primarily associated with the Northwestern Indiana market, consideration may then be given to their inclusion in the marketing area.

The marketing area expansion herein recommended would promote orderly marketing by assuring Northwestern Indiana handlers that their competitors in the marketing area would be required to pay for milk at prices based on the minimums prescribed by the order.

The recommended Northwestern Indiana marketing area represents an area of uniform minimum health standards for Grade A milk products sold for fluid consumption. Fluid milk products sold under a Grade A label must be approved by local and State health ordinances, practices and procedures patterned after the U.S. Public Health Ordinance and Code. Shipments of Grade A milk, in bulk and packaged form, between various localities in the marketing area are through reciprocal approval of the responsible health authorities.

Territory within the boundaries of the designated marketing area which is occupied by government (municipal, State or Federal) reservations, installations, institutions or other similar establishments should be considered to be within the marketing area. Exemption of sales by a handler in any such territory could place regulated handlers at a disadvantage. So there will be no doubt as to the intent of the application of the marketing area definition, the order should clearly specify that all premises within the marketing area, as described above, will be included as part of the marketing area.



2. The Class I price supply-demand adjustment should be replaced with that used in the Chicago order.

The order presently provides a Class I price calculated by adding a differential to the Minnesota-Wisconsin price series basic formula with a supply-demand adjustment based on local sales and receipts data. This formula has reflected the relationship of supplies and demand in the present marketing area.

The South Bend - LaPorte - Elkhart Class I price is presently established at a level 20 cents above the Chicago order Class I price at the 55–70 mile zone prior to adjustment by the supply-demand factor in each market. In 1962, the South Bend-LaPorte-Elkhart Class I price averaged 38 cents higher than the Chicago order Class I price. Of this difference, 19 cents was due to the difference in the supply-demand adjustment in the two orders. The Chicago order supply-demand adjustment averaged minus 24 cents and that for the South Bend-LaPorte-Elkhart order minus 5 cents.

Class I prices under the Northwestern Indiana order must recognize that the Chicago order prices are an important factor in pricing milk in the region. Because of the proximity of the sales and procurement areas of Northwestern Indiana and Chicago order handlers, a close alignment of Class I prices is essential for orderly marketing conditions and to minimize uneconomic shifts of producers and plants between the markets. With the expansion of the marketing area to include Lake County and the consequent regulation under this order of several former Chicago handlers who compete for sales with handlers who will remain under Chicago regulation, the use of the current supply-demand adjustor would not be warranted under the close pricing relationship that is necessary between this and the Chicago market.

Replacing the present supply-demand adjustor with that now used in the Chicago order without otherwise adjusting the Class I price formula would have the immediate effect of reducing by about 19 cents the Class I price to handlers regulated by the present South Bend-LaPorte-Elkhart order. Such reduction at this time might tend to create a disalignment in Class I prices between this order and the nearby Indiana Federal order markets of Ft. Wayne and Indianapolis and would tend to jeopardize the maintenance of an adequate supply of milk for the market.

The Class I sales by Calumet handlers that would be pooled under the Northwestern Indiana order would be approximately half the Class I milk pooled under the proposed order. For the year ending August 31, 1962, Class I sales by those Calumet handlers who are now regulated by the Chicago order and who would become regulated as a result of this decision by the proposed Northwestern Indiana order were 146 million pounds. In this same period, Class I sales by handlers presently regulated by the South Bend-LaPorte-Elkhart order were 136 million pounds.

The differential in the Class I price formula should be increased 10 cents to compensate for the difference (which averaged 19 cents in 1962) in the supply-demand adjustment between the present and proposed orders. Such an adjustment would be equitable to all handlers and would tend to minimize any immediate Class I price changes for the presently regulated South Bend-La-Porte-Elkhart handlers and the other handlers who would become fully regulated under the new order. Moreover, it will tend to insure producers an overall return for Class I milk approximating that now required to be paid in the aggregate by Calumet area hundlers and those presently regulated by the South Bend-LaPorte-Elkhart order.

3. The utilizations now designated as Class II and Class III should be included in one class (Class II) and priced at the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the United States Department of Agriculture.

Under the present order provisions, Class II includes all skim milk and butterfat used to produce cottage cheese. Class III is all skim milk and butterfat used in condensed milk and skim milk, ice cream and frozen desserts and mixes, evaporated milk, butter, cheese, nonfat dry milk and other manufactured products.

The present Class II price is the higher of the Midwest Condensery price series or a butter-powder formula. The Class III price is the Midwest Condensery price. For the 12 months ending May 1963, the Class II price averaged $3.12 and the Class III price $2.98. During the same period the Class II price herein recommended averaged $3.07.

It is not practicable to retain a separate classification and pricing structure for milk used for cottage cheese. There is no uniform requirement throughout the expanded marketing area that cottage cheese must be made from Grade A milk. Moreover, cottage cheese made from ungraded milk can be distributed in most of the marketing area in competition with cottage cheese made from Grade A supplies.

Classification and pricing of skim milk and butterfat used to produce cottage cheese in the same class as all other manufactured products will assist in maintaining an important outlet for producer milk by assuring continued use of producer milk in the production of cottage cheese. Such classification and pricing is consistent with that recommended for cottage cheese in the Chicago order and will assure handlers under this order of prices for cottage cheese which are aligned with such prices in other nearby markets functioning as alternative supply sources for cottage cheese sold in this market.

Elsewhere in this decision, the need for maintaining alignment of the Class I price with the Chicago order is emphasized. Alignment of reserve milk prices between the orders is no less necessary. The Class II price herein recommended is the same as for reserve milk under the Chicago order and approximates the Class II price of the Fort Wayne and Indianapolis orders. In effect, the Class II price recommended herein will return producers a value for their milk consistent with the value of milk used in manufactured products in the nearby markets.

The recommended classification and pricing of reserve milk recognizes that prices for manufacturing grade milk tend to be reasonably uniform regardless of the use made of the milk and reflects the competitive value of reserve milk used for manufacturing purposes.

4. The Class I and uniform prices should be reduced 10 cents for the first 70 miles and 1.6 cents for each additional 10 miles or fraction thereof for milk received at plants not less than 60 miles from the nearest of the City Hall, Gary, Indiana; St. Joseph County Court House, South Bend, Indiana; or White County Court House, Monticello, Indiana. These cities are so located with respect to the overall sales area of regulated handlers that basing mileage zones from them will be equitable to all handlers and producers. The present order location differential at the same rate (10 cents plus 1.6 cents each additional 10 miles) is first applicable at pool plants between 55 and 60 miles from South Bend.

Practically all handlers obtain their milk supplies by direct delivery from farms in this nearby area. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area than at a plant from which milk must be moved to the marketing area for Class I uses. Beyond 60 miles from the nearest of the basing points milk has a lower value because of location with respect to the major consuming centers in the marketing area and the added cost of transportation.

These location adjustment rates and mileage zones are consistent with those used under nearby orders and are representative of the cost of transporting milk to the market by efficient means.

5. The butterfat differentials used to adjust the class prices should be reduced to more appropriately reflect the relative value of butterfat under current marketing conditions. The value resulting from multiplying the Chicago butter price by 0.120 for Class I milk and by 0.113 for Class II milk will provide appropriate means for adjusting the prices in the expanded marketing area for each one-tenth percent variation in the butterfat content of milk used in various products.

These butterfat differentials, which were proposed by both handlers and producers at the hearing, are the same as those used to adjust Class I and Class II prices in the Indianapolis order.

The present Class II (milk used to make cottage cheese) butterfat differential is 0.113 times the Chicago 92-score butter price. Class I and Class III butterfat differentials are 0.130 and 0.120 times such butter price.

The higher butterfat differential applicable to Class I milk allocates more value to the butterfat in the milk. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g.

fortified or modified skim milk). With too high a butterfat differential, producers do not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential has the effect of pricing cream for Class I uses at a high level. On the other hand, the butterfat differential herein recommended will encourage increased disposition of butterfat in Class I outlets.

A Class II butterfat differential of 11.3 percent of the Chicago butter price will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets. This would result in a lower price for butterfat in manufacturing uses than the Class II butterfat differential recommended for the Chicago order of 12 percent of the butter price. However, in this market there are no large scale manufacturing facilities at pool plants and excess milk must be collected in small lots for disposition to nonpool manufacturing outlets.

A handler testified that he had been unable to dispose of the butterfat in excess milk at the order prices and had incurred a loss of five cents per pound of butterfat in the first four months of 1963. In view of the pricing in nearby orders in Indiana and Michigan which provide for 11.3 to 11.5 percent of the butter price for reserve milk butterfat differentials, a Class II butterfat differential of 11.3 percent of the Chicago butter price is appropriate for this order.

The butterfat differential to producers should be revised to reflect the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the value of butterfat at the class prices provided by the order. This method also will tend to reduce the incentive to produce milk of a high butterfat test which has been provided by the relatively high butterfat differentials for Class I and Class III milk now in the order.

7. No increase in the marketing service assessment rate should be made at this time.

It was proposed that the rate be increased from four cents to six cents because of possible increased costs in providing services to nonmember producers by expansion of the marketing area. Comparison of the expected number of producers, the estimated quantity of milk produced for the expanded area, and the rates applicable in markets of comparable size indicates that the present maximum rate of four cents per hundredweight of producer milk is reasonable and should continue to provide the funds necessary to conduct the program.

8. Conforming and clarifying changes necessary to effectuate and facilitate application of the revised classification, pricing, pooling and other provisions recommended should be incorporated in the order. These changes, none of which is substantive in nature, include the following:

(a) "Fluid milk product" would be defined to mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk. These products are the same as those whose disposition is designated as Class I milk. Manufactured milk products such as eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed metal containers would be excluded from the fluid milk product definition. Inclusion of the fluid milk product definition in the order will provide a convenient reference for a category that is used several times in order provisions.

(b) A "butter price" would be defined as the simple average as computed by the market administrator of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department. This butter price is used in various pricing sections of the order and its specific definition will facilitate order references.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on exceptions and petition for rehearing.* A cooperative association requested that its exceptions to the recommended decision be considered also as a petition for a rehearing or reopening of the hearing. The Deputy Administrator found on the basis of record evidence that issuance of the proposed order with the provisions recommended would promote orderly marketing and effectuate the policy of the Act. The petition for reopening the hearing contained no facts not already considered at the time of the recommended decision to warrant taking such action. The findings of the Deputy Administrator are affirmed and the petition for rehearing or reopening the hearing is denied.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Northwestern Indiana Marketing Area", and "Order Amending the Order Regulating the Handing of Milk in the Northwestern Indiana Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Referendum order: Determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Northwestern Indiana marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of August 1964 is hereby determined to be the representative period for the conduct of such referendum.

Richard J. Connolly is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on November 30, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Northwestern Indiana Marketing Area*

DEFINITIONS


Sec.
1031.0 Findings and determinations.
1031.1 Act.
1031.2 Secretary.
1031.3 Department.
1031.4 Person.
1031.5 Market administrator.
1031.6 Northwestern Indiana marketing area.
1031.7 Route.
1031.8 Plant.
1031.9 Reload point.
1031.10 Pool plant.
1031.11 Nonpool plant.
1031.12 Producer.
1031.13 Cooperative association.
1031.14 Producer milk.
1031.15 Handler.
1031.16 Producer-handler.
1031.17 Other source milk.
1031.18 Fluid milk products.
1031.19 Butter price.

MARKET ADMINISTRATOR

1031.20 Designation.
1031.21 Powers.
1031.22 Duties.

REPORTS, RECORDS AND FACILITIES

1031.30 Monthly reports of receipts and utilization.
1031.31 Other reports.
1031.32 Records and facilities.
1031.33 Retention of records.

CLASSIFICATION

1031.40 Skim milk and butterfat to be classified.
1031.41 Classes of utilization.
1031.42 Shrinkage.
1031.43 Responsibility of handlers and reclassification of milk.
1031.44 Transfers.
1031.45 Computation of skim milk and butterfat in each class.
1031.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1031.50 Basic formula price.
1031.51 Class prices.
1031.52 Butterfat differentials to handlers.
1031.53 Location differentials to handlers.
1031.54 Computation of prices of skim milk and butterfat.
1031.55 Equivalent prices.

APPLICATION OF PROVISIONS

1031.60 Exempt milk.
1031.61 Producer-handlers.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

1031.70 Computation of the net pool obligation of each pool handler.
1031.71 Computation of uniform price.
1031.72 Obligations of handlers operating a partially regulated distributing plant.

PAYMENTS

1031.80 Time and method of payment.
1031.81 Producer butterfat and location differentials to producers and on nonpool milk.
1031.82 Producer-settlement fund.
1031.83 Payments to the producer-settlement fund.
1031.84 Payments out of the producer-settlement fund.
1031.85 Expense of administration.
1031.86 Marketing services.
1031.87 Adjustments of accounts.
1031.88 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1031.90 Effective time.
1031.91 Suspension or termination.
1031.92 Continuing obligations.
1031.93 Liquidation.

MISCELLANEOUS PROVISIONS

1031.100 Agents.
1031.101 Separability of provisions.


AUTHORITY: The provision of this Part 1031 issued under secs. 1–19, 48 Stat. 31; as amended; 7 U.S.C. 601–674.

**§ 1031.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the South Bend-LaPorte-Elkhart, Indiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1031.46(a) (3) and (6) and the corresponding steps of § 1031.46(b), and (iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Northwestern Indiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

**§ 1031.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

**§ 1031.2 Secretary.**

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

**§ 1031.3 Department.**

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture specified in this part.

**§ 1031.4 Person.**

"Person" means any individual, partnership, corporation, association, or any other business unit.

**§ 1031.5 Market administrator.**

"Market administrator" means the person designated pursuant to § 1031.20 as the agency for the administration of this part.

**§ 1031.6 Northwestern Indiana marketing area.**

"Northwestern Indiana marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Elkhart, Kosciusko, Lake, LaPorte, Marshall, Porter, St. Joseph and Starke, all in the State of Indiana, including all territory within such boundaries occupied by government (municipal, State or Federal)

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

reservations, installations, institutions or other similar establishments.

**§ 1031.7 Route.**

"Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop other than a plant (§ 1031.8), but excluding any disposition of skim milk or butterfat in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

**§ 1031.8 Plant.**

"Plant" means the entire land, building, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. This definition shall not include any building, premises, facilities, or equipment used primarily to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s).

**§ 1031.9 Reload point.**

"Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

**§ 1031.10 Pool plant.**

"Pool plant" means any plant meeting the conditions of paragraph (a) of this section, or any plant or reload point meeting the conditions of paragraph (b) of this section, but not any plant exempt pursuant to § 1031.60, or the plant of a person defined in § 1031.16:

(a) A plant in which milk is processed or packaged and from which not less than 10 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area is not less than 50 percent of such plant's total receipts of milk eligible for sale in fluid form as Grade A milk within the marketing area; or

(b) Any plant or reload point from which during any month 50 percent or more of its total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to a plant(s) which has qualified pursuant to paragraph (a) of this section: *Provided*, That if during each of any 5 consecutive months during the period August through March, inclusive, a plant meets the delivery requirements set forth in this paragraph, such plant shall be a pool plant for the immediately following months of April, May, June, and July, unless the plant is withdrawn from such status upon request of the handler, which withdrawal would become effective on the first day of the month following in which the market administrator is notified of the request for withdrawal. Any plant so withdrawn from pool plant status may not regain status prior to the following August.

**§ 1031.11 Nonpool plant.**

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a Grade A fluid milk product is shipped during the month to a pool plant.

**§ 1031.12 Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant(s), or (b) caused to be temporarily diverted by the handler for his account from a pool plant to a nonpool plant: *Provided*, That such diverted milk shall be deemed to be received by such handler at the location of the pool plant from which it was diverted.

**§ 1031.13 Cooperative association.**

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association, to be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

**§ 1031.14 Producer milk.**

Except as provided in § 1031.60, "producer milk" or "milk received from producers" means milk produced by one or more dairy farmers who are producers (as defined in § 1031.12).

**§ 1031.15 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s);

(b) Any cooperative association with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s) and milk customarily received as producer milk at a pool plant which is diverted by such association for its account to a nonpool plant;

(c) Any person who operates a partially regulated distributing plant;

(d) Any person in his capacity as the operator of an other order plant from which during the month fluid milk products are either distributed on routes in the marketing area or shipped to a pool plant; or

(e) A producer-handler.

**§ 1031.16 Producer-handler.**

"Producer-handler" means any handler who produces milk eligible for sale in fluid form as Grade A milk within the marketing area but receives no milk directly from other dairy farmers: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, or distribution of such milk are his personal enterprise and at his personal risk.

**§ 1031.17 Other source milk.**

"Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than producer milk and a pool plant(s).

**§ 1031.18 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk: *Provided*, That eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed metal containers shall not be fluid milk products pursuant to this section.

**§ 1031.19 Butter price.**

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

**§ 1031.20 Designation.**

The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

**§ 1031.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.



**§ 1031.22 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1031.85:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1031.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1031.30 and 1031.31 or (2) payments pursuant to §§ 1031.80 to 1031.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate on or before:

(1) The 7th day of each month the Class I milk price pursuant to § 1031.51 (a) and the Class I butterfat differential pursuant to § 1031.52(a), both for the current month, and the Class II milk price pursuant to § 1031.51(b) and the Class II butterfat differential pursuant to § 1031.52(b), both for the preceding month, and

(2) The 14th day after the end of each month the uniform price computed pursuant to § 1031.71 and the butterfat and location differentials pursuant to § 1031.81;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information;

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1031.46(a)(7) and the corresponding step of § 1031.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1031.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

**§ 1031.30 Monthly reports of receipts and utilization.**

(a) On or before the 9th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 1031.15 (a) or (b) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other handlers;

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products; and

(4) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Each handler specified in § 1031.15(c) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk.

**§ 1031.31 Other reports.**

(a) Each producer-handler who handles during the month only milk of his own production shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

(b) On or before the 25th day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (1) the total pounds of milk delivered with the average butterfat test thereof, (2) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

**§ 1031.32 Records and facilities.**

Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

**§ 1031.33 Retention of records.**

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

**§ 1031.40 Skim milk and butterfat to be classified.**

All skim milk and butterfat, in any form, received within the month by a handler, in producer milk in other source

milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 1031.41 to 1031.46, inclusive.

**§ 1031.41 Classes of utilization.**

Subject to the conditions of § 1031.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy or processed foods in hermetically sealed containers;

(3) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition;

(5) Skim milk and butterfat in monthly inventory variations;

(6) Skim milk and butterfat, respectively (except in milk diverted to a nonpool plant) in shrinkage but not in excess of:

(i) 2.0 percent of producer milk;

(ii) Plus 2.0 percent of receipts of fluid milk products in bulk from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(iii) Plus 2.0 percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(iv) Less 2.0 percent of fluid milk products transferred in bulk to other order plants; and

(7) In shrinkage assigned pursuant to § 1031.42(b)(2).

**§ 1031.42 Shrinkage.**

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of the skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1031.41(b)(6); and

(2) Other source milk exclusive of that specified in § 1031.41(b)(6).

**§ 1031.43 Responsibility of handlers and reclassification of milk.**

(a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

**§ 1031.44 Transfers.**

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1031.46(a)(7) and the corresponding step of § 1031.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1031.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1031.46(a)(6) or (7) and the corresponding steps of § 1031.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1031.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitutes regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(d) As producer milk in the transferee plant, if transferred as bulk milk to the pool plant of another handler by a cooperative association from its pool plant or in its capacity as a handler pursuant to § 1031.15(b). Such milk shall be excluded from producer milk to be classified as that of the cooperative association; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1031.41.

**§ 1031.45 Computation of skim milk and butterfat in each class.**

For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

**§ 1031.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 1031.45, the market administrator shall determine the classification of milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II, the pounds of skim milk classified as Class II pursuant to § 1031.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1031.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1031.44(a);

(9) If the pounds of skim milk remaining in each class exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

**§ 1031.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) computed at 0.12 times the butter price and rounded to the nearest cent.

**§ 1031.51 Class prices.**

Subject to the provisions of §§ 1031.52 and 1031.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.40 August through November, $1.00 March through June and $1.20 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio;

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

**§ 1031.52 Butterfat differentials to handlers.**

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1031.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.113.

**§ 1031.53 Location differentials to handlers.**

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) received at a plant or reload point located 60 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator from the nearest of the City Hall, Gary, Ind.; St. Joseph County Court House, South Bend, Ind.; and White County Court House, Monticello, Ind.; shall be reduced 10 cents for the first 70 miles or less and 1.6 cents for each additional 10 miles or fraction thereof that such plant or reload point is from the nearest of such places;

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of receipts at such plant from producers and handlers pursuant to § 1031.15(b) and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant beginning with the plant at which the lowest location differential is applicable.

**§ 1031.54 Computation of prices of skim milk and butterfat.**

The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month less the result of multiplying the applicable class butterfat differential for the month by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

**§ 1031.55 Equivalent prices.**

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

APPLICATION OF PROVISIONS

**§ 1031.60 Exempt milk.**

(a) Milk received at a plant qualified as a pool plant under § 1031.10(a) shall be exempt from the provisions of this part if the conditions of subparagraphs (1) and (2) of this section are met: *Provided*, That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 1031.32;

(1) The Secretary determines that a greater quantity of milk is disposed of in fluid form from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the Act either on a route(s) or through a plant(s) regulated by such other marketing agreement or order than is disposed of from such plant in the Northwestern Indiana marketing area either on a route(s) or through another pool plant(s); and

(2) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

(b) Milk received at a plant qualified as a pool plant under § 1031.10(b) shall be exempt from the provisions of this part as producer milk if such milk is subject to class prices at a plant regulated under another marketing agreement or order issued pursuant to the Act: *Provided*, That the proviso set forth in paragraph (a) of this section shall apply.

(c) In the case of producer milk received directly from a farm at a pool plant which milk (1) has been diverted (without being physically received therein) from a plant at which farm receipts of milk are subject to the class price provisions of another marketing agreement or order issued pursuant to the Act, (2) is reflected on the producer-payroll of the plant from which diverted, and (3) is not specifically exempt from class pricing by the terms of such other marketing agreement or order, the Secretary shall make a determination as to the extent to which the terms of this part shall apply to such milk.

**§ 1031.61 Producer-handlers.**

Sections 1031.40 to 1031.46, 1031.50 to 1031.54, 1031.70 and 1031.71, 1031.80 to 1031.84, and 1031.86 to 1031.88 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

**§ 1031.70 Computation of the net pool obligation of each pool handler.**

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) in each class, as computed pursuant to § 1031.46, by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1031.46(a)(9) and the corresponding step of § 1031.46(b) by the applicable class prices;

(c) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1031.46(a)(3) and the corresponding step of § 1031.46(b); and

(d) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1031.46(a)(6) and the corresponding step of § 1031.46(b).

**§ 1031.71 Computation of uniform price.**

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1031.70 for all handlers who filed the reports prescribed by § 1031.30 for the month and who made the payments pursuant to § 1031.83 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1031.81(b);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (a) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1031.81(a) and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1031.70(d); and

(f) Subtract not less than four cents nor more than 5 cents per hundredweight.

**§ 1031.72 Obligations of handler operating a partially regulated distributing plant.**

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1031.30(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1031.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pol plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1031.70(d) and a credit in the amount specified in § 1031.83(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1031.30(b) a similar report with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1031.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area.

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1031.71 at the same location or at the Class II price, whichever is higher.



PAYMENTS

**§ 1031.80 Time and method of payment.**

Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price adjusted by the producer butterfat and location differentials pursuant to § 1031.81, for all milk received from such producer during such month and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1031.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I and Class II milk allocated to producer milk pursuant to § 1031.46.

(c) On or before the 4th day after the end of such month each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such month shall be made on or before the 18th day after the end of such month pursuant to paragraphs (a) and (b) of this section:

| When the uniform price for the preceding month is— | *The amount of the partial payment shall be* |
|---|---|
| Under $1 | $0.00 |
| $1 to $1.99 | 1.00 |
| $2 to $2.99 | 2.00 |
| $3 to $3.99 | 3.00 |
| $4 to $4.99 | 4.00 |
| $5 to $5.99 | 5.00 |
| $6 to $6.99 | 6.00 |
| $7 and over | 7.00 |

**§ 1031.81 Producer butterfat and location differentials to producers and on nonpool milk.**

(a) The uniform price pursuant to § 1031.71 shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat allocated to Class I and Class II milk pursuant to § 1031.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of butterfat, and rounding the resulting figure to the nearest one-tenth cent.

(b) The uniform price for milk received at a plant shall be reduced according to the location of the plant at the rates set forth in § 1031.53.

**§ 1031.82 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to §§ 1031.72 and 1031.83 and payments related thereto pursuant to § 1031.87 and out of which he shall make all payments to handlers pursuant to § 1031.84 and payments related thereto pursuant to § 1031.87.

**§ 1031.83 Payments to the producer-settlement fund.**

On or before the 16th day after the end of the month, each handler shall pay to the market administrator the amount if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 1031.80(b), each cooperative association shall pay to the market administrator on or before the 16th day after the end of the month, the amount by which the utilization value of such milk is greater than the value computed at the uniform price:

(a) The net pool obligation computed pursuant to § 1031.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1031.70(d).

**§ 1031.84 Payments out of the producer-settlement fund.**

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount if any, by which the amount computed pursuant to § 1031.83(b) exceeds the amount computed pursuant to § 1031.83(a). The market administrator shall offset any payment due any handler against payments due from such handler: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 1031.80(b), the market administrator shall pay to such cooperative association on or before the 17th day after the end of the month, the amount by which the utilization value of such milk is less than the value computed at the uniform price: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

**§ 1031.85 Expense of administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1031.46(a)(3) and (6) and the corresponding steps of § 1031.46(b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

**§ 1031.86 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 1031.80(a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each month. Such moneys shall be expended by the market administrator for verification of weights, samples and tests of milk received from such producers and in providing market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer, except a producer for whom payments are collected by a cooperative association pursuant to § 1031.80(b), (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1031.80(a)

the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such month, such deduction to the association entitled to receive it under this paragraph.

**§ 1031.87 Adjustments of accounts.**

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator or, (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of 1 percent per month, such interest to accrue on the first day of the month next following the date of such obligation and on the first day of each month thereafter until such obligation is paid.

**§ 1031.88 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

**§ 1031.90 Effective time.**

The provisions of this part or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1031.91 Suspension or termination.**

The Secretary shall, whenever he finds that this part or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

**§ 1031.92 Continuing obligations.**

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

**§ 1031.93 Liquidation.**

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 1031.100 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 1031.101 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 64-12398; Filed, Dec. 4, 1964; 8:46 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

**[ 29 CFR Parts 601, 670, 675, 720 ]**

[Administrative Order 587]

## COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

### Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 70–A for the shoe and related products industry in Puerto Rico (as defined in 29 CFR 601.2); Industry Committee No. 70–B for the rubber products industry in Puerto Rico (as defined in 29 CFR 720.1); Industry Committee No. 70–C for the chemical, petroleum, and related products industry in Puerto Rico (as defined in 29 CFR 670.1); and Industry Committee No. 70–D for the lumber and wood products industry in Puerto Rico (as defined in 29 CFR 675.1).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above appointed industry committees;

(b) Refer to each of these industry committees the following: (1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce (except those industries and parts thereof described in 29 CFR 670.2(e), 670.2(f), 675.2(a), and 720.2(e), and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 70–A shall meet in executive session to commence its investigation at 10:00 a.m. on January 18, 1965, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing Industry Committees Nos. 70–B, 70–C, and 70–D shall meet seriatim at the same place at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.25 per hour, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.15 per hour for immediate effect and $1.25 per hour for effect on and after September 3, 1965, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare economic reports for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than January 8, 1965.

Signed at Washington, D.C., this 30th day of November 1964.

W. WILLARD WIRTZ,
*Secretary of Labor.*

[F.R. Doc. 64-12483; Filed, Dec. 4, 1964; 8:49 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

**[ 21 CFR Part 46 ]**

## PEANUT BUTTER; DEFINITIONS AND STANDARDS OF IDENTITY

### Extension of Time for Filing Comments on Proposed Modification of Standard of Identity

In the matter of establishing a definition and standard of identity for peanut butter:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of November 10, 1964 (29 F.R. 15173), and granted a period of 30 days for the filing of comments. The Commissioner of Food and Drugs has received a request for an extension of this time. Good reasons therefor appearing, the time for filing comments in this matter is extended to January 22, 1965.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: November 30, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-12472; Filed, Dec. 4, 1964; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

**[ 14 CFR Part 39 [New] ]**

[Docket No. 6362]

## AIRWORTHINESS DIRECTIVES

### Beech Model 35 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 [New] of the Federal Aviation Regulations to revise AD's 57–18–1, 62–8–3, and 63–25–1. It has been determined that a number of airworthiness directives for the Beech Model 35 Series aircraft should apply to the Model Super V aircraft, which is a twin-engine conversion of the Beech 35. However, as the earlier AD's listed specific models, compliance for the nonlisted models is not required. It is proposed to extend the applicability of AD's 57–18–1, 62–8–3, and 63–25–1 to cover model designations which did not exist at the time of original publication.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 4, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), as follows:

1. Amendment 3, 23 F.R. 438, AD 57–18–1, is amended by changing the applicability and compliance statements to read:

Applies to Model 35 Series aircraft and Model Super V conversions of standard Beech Models 35, A35 or B35.

A. Applies to Model 35 aircraft Serial Numbers D–1 through D–1500 and Model Super V aircraft Serial Numbers SV–XXX–D–1 through SV–XXX–D–1500.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished, and thereafter within 100 hours' time in service from the last inspection.

B. Applies to Models 35 and Super V aircraft.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

2. Amendment 421, 27 F.R. 3652, AD 62–8–3, is amended by changing the

applicability and compliance statements and by changing paragraph (c) to read:

Applies to Models 35, 50, 65, and 95 Series aircraft and Model Super V conversions of the standard Beech Models 35, A35, or B35 with white plastic rams horn control wheels installed as original equipment or by kit installation in the field.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

(c) Inspections may be discontinued when metal replacement control wheel, P/N 35-380057 for Models 35 and 95 Series and Model Super V, and P/N 50-350025 for Models 50 and 65 Series, or an FAA-approved equivalent is installed.

3. Amendment 652, 28 F.R. 12926, AD 63-25-1, as revised by Amendment 719, 29 F.R. 5542, is further amended by changing the applicability and compliance statements to read:

Applies to Model 35 aircraft Serial Numbers D-1 through D-1500, Model 35R aircraft Serial Numbers D-XXR1 and up (35R aircraft are remanufactured Model 35 aircraft and retain the original serial number in addition to the appropriate 35R serial number, and Model Super V conversions of the standard Beech Models 35, A35, or B35 Serial Numbers SV-XXX-D-1 through SV-XXX-D-1500.

Compliance required within 25 hours' time in service after the effective date of this amendment unless already accomplished within the last 75 hours' time in service and thereafter within 100 hours' time in service from the last inspection.

Issued in Washington, D.C., on November 27, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12432; Filed, Dec. 4, 1964; 8:45 a.m.]

## [ 14 CFR Part 39 [New] ]

[Docket No. 6360]

## AIRWORTHINESS DIRECTIVES

### Mooney Models M20E, M20C and M20D Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 [New] of the Federal Aviation Regulations to include an airworthiness directive for Mooney Models M20E, M20C and M20D aircraft. There have been failures of the Dukes electric fuel pumps attributed to uneven motor brush wear and to the pump vanes being made of breakable carbon which could break into small pieces as a result of the fuel pump rotor malfunctioning. To correct this condition, this AD requires replacement of the fuel pumps with redesigned fuel pumps.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C., 20553. All communications received on or before January 4, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), by adding the following airworthiness directive:

MOONEY. Applies to Model M20E, Serial Numbers 101 through 353, Model M20C, Serial Numbers 2623 through 2737, 2739 through 2741, and Model M20D, Serial Numbers 201 through 251.

Compliance required as indicated unless already accomplished.

As a result of service experience, it is necessary to replace Dukes fuel pumps now in service with a redesigned Dukes fuel pump as follows:

(a) For Model M20E aircraft equipped with Dukes fuel pump:

(1) Within 25 hours' time in service after the effective date of this AD, replace Dukes fuel pump, P/N 4140-00-19, Serial Numbers 101, 102, 103, and 150 through 312, with Dukes fuel pump, P/N 4140-00-19A, in accordance with Mooney Service Letter 20-121.

(2) Within 100 hours' time in service after the effective date of this AD, replace Dukes fuel pump, P/N 4140-00-19, Serial Numbers 313 through 613, with Dukes fuel pump, P/N 4140-00-19A, in accordance with Mooney Service Letter 20-121.

(b) For Models M20C and M20D aircraft equipped with Dukes fuel pump:

(1) Within 25 hours' time in service after the effective date of this AD, replace Dukes fuel pump, P/N 4140-00-21, Serial Numbers 100, 102, 103, and 150 through 244, with Dukes fuel pump, P/N 4140-00-21A, in accordance with Mooney Service Letter 20-121.

(2) Within 100 hours' time in service after the effective date of this AD, replace Dukes fuel pump, P/N 4140-00-21, Serial Numbers 245 through 409, with Dukes fuel pump, P/N 4140-00-21A, in accordance with Mooney Service Letter 20-121.

(c) For Model M20E, Serial Numbers 101 through 263, Model M20C, Serial Numbers 2623 through 2690, and Model M20D, Serial Numbers 201 through 226, concurrent with the fuel pump replacement in paragraphs (a) and (b), remove Mooney electric fuel pump mounting bracket, P/N 610032, and install redesigned pump bracket, P/N 610048, in accordance with Mooney Service Letter 20-120.

Issued in Washington, D.C., on November 27, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12433; Filed, Dec. 4, 1964; 8:45 a.m.]

## [ 14 CFR Part 39 [New] ]

[Docket No. 6361]

## AIRWORTHINESS DIRECTIVES

### United Data Control, Inc., Model F-542 Series Flight Data Recorders

The Federal Aviation Agency has under consideration a proposal to amend Part 39 [New] of the Federal Aviation Regulations to include an airworthiness directive for United Data Control, Inc. Model F-542 Series flight data recorders. It has been determined that modifications are necessary to improve the crash survivability of these flight data recorders. The manufacturer has completed design improvements which will provide greatly increased protection from impact damage. Accordingly, this AD requires modifications to insure containment of the magazine assembly within the frame of the recorder and to provide additional protection for the recording medium from crushing and puncturing forces.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 4, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), by adding the following airworthiness directive:

UNITED DATA CONTROL, INC. Applies to United Data Control, Inc. Model F-542 Series flight data recorders installed in aircraft as required by applicable operating rules.

Compliance required within six months time in service after the effective date of this AD, unless already accomplished.

To improve the crash survivability of the flight record, modify all United Data Control, Inc. Model F-542 Series flight data recorders, Serial Number 1399 and prior, in accordance with UDC Service Bulletin No. 10 as follows:

(a) Install UDC armor plates 100275 and 100276 and blocks 100277 and 100279 on the sides of the case.

(b) Replace the front panel assembly with a UDC P/N 100198 armored front panel assembly.

(c) Replace the magazine latch assembly with a UDC P/N 100168 magazine latch assembly.

(d) Remove the nameplate from the old door, and attach it to the new door. (United Data Control, Inc. Service Bulletin No. 10 applies to this subject.)

Issued in Washington, D.C., on November 27, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12434; Filed, Dec. 4, 1964; 8:45 a.m.]



## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-28]

## CONTROL ZONE

### Proposed Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention of International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Agency is considering the designation of a control zone at the Harry S. Truman Airport Charlotte Amalie, Saint Thomas, Virgin Islands. The control zone would be designated within a 5-mile radius of the Harry S. Truman Airport (latitude 18°-20'25" N., longitude 64°58'10" W.), effective from 0600 to 2200 hours, local time, daily. The control zone would provide protection for aircraft operating into, and out of, the Harry S. Truman Airport. Communications and weather service would be provided by an FAA control tower scheduled to be commissioned at the Harry S. Truman Airport in December 1964.

This amendment is proposed under the authority of section 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on November 30, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12435; Filed, Dec. 4, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SW-103]

## CONTROL ZONES AND TRANSITION AREAS

### Proposed Alteration and Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Tyler, Tex., terminal area.

The following controlled airspace is presently designated in the Tyler, Tex., terminal area:

1. The Tyler, Tex., control zone is designated as that airspace within a 5-mile radius of Pounds Field, Tyler, Tex. (latitude 32°21'17" N., longitude 95°23'55" W.); within 2 miles either side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to the OM and within 2 miles either side of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to the INT of the Pounds Field ILS localizer SE course and the Gregg County, Tex., VOR 265° radial.

2. The Longview, Tex., control zone is designated as that airspace within a 5-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.), within 2 miles each side of the Gregg County VOR 313° radial extending from the 5-mile radius zone to 8 miles NW of the VOR, within 2 miles each side of the Gregg County ILS localizer NW course extending from the 5-mile radius zone to the LOM, and within 2 miles each side of the Gregg County ILS localizer SE course extending from the 5-mile radius zone to the INT of the ILS localizer SE course and the Marshall, Tex., VOR 251° radial.

3. The Tyler, Tex., control area extension is designated as that airspace within a 25-mile radius of the Tyler RBN; the airspace N of Tyler bounded on the N by V-16, on the SE and E by V-289, on the S by a line 13 miles S of and parallel to the centerline of V-94 and on the W by the Dallas, Tex., control area extension; and within 10 miles NE and 7 miles SW of the Tyler ILS localizer SE course extending from the Tyler 25-mile radius area to 34 miles SE of the localizer.

4. The Dallas, Tex., control area extension is designated as that airspace bounded on the E by a line 5 miles E of and parallel to the Dallas VORTAC 133° radial, the Leona, Tex., VOR 353° and 140° radials, the Houston, Tex., VORTAC 353° radial and V-20, on the S by a line 5 miles N of and parallel to the Eagle Lake, Tex., VOR 106° radial, on the SW by a line 5 miles NE of and parallel to the Austin VOR 134° and Eagle Lake VOR 291° radials, on the NW by V-17 from Austin, Tex., VORTAC to the Waco, Tex., VORTAC and by V-15 from the Waco VORTAC to the Dallas VORTAC; including the airspace SE of Dallas extending from 44 miles N to 76 miles N of the Leona VOR, bounded on the E by a line 12 miles E of and parallel to the Leona VOR 353° radial and on the W by the Leona VOR 353° radial.

5. The Shreveport, La., control area extension is designated as that airspace bounded by a line beginning on the S boundary of V-278 at longitude 93°29'30" W., thence SE to the S boundary of V-18 at longitude 92°33'00" W., thence E along the S boundary of V-18 to the INT thereof with a line 5 miles SE of and parallel to the Monroe, La., VORTAC 237° radial, thence SW via this line to the INT thereof with V-114, thence NW along V-114 to the INT thereof with V-289, thence N along V-289 to the INT thereof with V-278, thence E along V-278 to the point of beginning.

6. The Longview, Tex., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Gregg County ILS localizer SE course extending from the INT of the Gregg County ILS localizer SE course and the Marshall, Tex., VOR 251° radial to 12 miles SE, and within 5 miles each side of the Marshall VOR 230° radial extending from the INT of the Gregg County VOR 181° radial and the Marshall VOR 230° radial to the INT of the Gregg County ILS localizer SE course and the Marshall VOR 230° radial, excluding the portion within Federal airways.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Tyler, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Tyler, Tex., control zone as that airspace within a 5-mile radius of Pounds Field, Tyler, Tex. (latitude 32°21'15" N., longitude 95°23'55"

W.); within 2 miles each side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to .5 mile SE of the OM, and within 2 miles each side of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

2. Redesignate the Longview, Tex., control zone as that airspace within a 5-mile radius of Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County VOR 313° radial extending from the 5-mile radius zone to 7 miles NW of the VOR, within 2 miles each side of the Gregg County ILS localizer NW course extending from the 5-mile radius zone to .5 mile southeast of the OM, and within 2 miles each side of the Gregg County ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

3. Designate the Tyler, Tex., transition area as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 32°07'00" N., longitude 95°14'00" W., to latitude 32°26'00" N., longitude 95°45'15" W., to latitude 32°36'00" N., longitude 95°33'30" to latitude 32°17'00" N., longitude 95°02'00" W., to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°43'00" N., longitude 95°39'00" W., to latitude 32°41'00" N., longitude 95°00'00" W., to latitude 32°17'00" N., longitude 94°19'00" W., to latitude 31°59'00" N., longitude 94°30'00" W., to latitude 31°59'00" N., longitude 95°31'00" W., to latitude 31°47'00" N., longitude 95°55'00" W., to latitude 32°30'00" N., longitude 95°53'00" W., to point of beginning.

4. Redesignate the Longview, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County ILS localizer NW course, extending from the 6-mile radius area to 8 miles NW of the OM, within 2 miles each side of the Gregg County ILS localizer SE course, extending from the 6-mile radius area to 14 miles SE of the airport, and within 2 miles each side of the Gregg County VOR 313° radial extending from the 6-mile radius area to 8 miles NW of the VOR.

5. Designate the Athens, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Glad Oaks Airport, Athens, Tex. (latitude 32°01'15" N., longitude 95°41'45" W.); and within 2 miles each side of the 348° bearing from the Glad Oaks RBN, extending from the 5-mile radius area to 8 miles N of the RBN.

The proposed Tyler and Longview control zones would provide protection for aircraft executing prescribed instrument approach and departure procedures at Pounds Field and Gregg County Airport.

The proposed designation of the 1,200 foot floor portion of the Tyler transition area would raise the floor of controlled airspace beyond the immediate vicinity of Pounds Field, Gregg County Airport, and Glad Oaks Airport from 700 to 1,200 feet above the surface, yet the transition areas proposed would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures in the Tyler terminal area.

The floors of the airways and the portions of the Tyler, Dallas, and Shreveport control area extensions that would traverse the transition areas proposed herein would automatically coincide with the floor of the transition areas. The revocation of the Tyler, Dallas, and Shreveport control area extensions will be accomplished at a later date as a part of the CAR Amendments 60-21/60-29 program proposed for the terminal areas which adjoin the Tyler terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 27, 1964.

PHILLIP M. SWATEK,
*Acting Director,*
*Southwest Region.*

[F.R. Doc. 64-12436; Filed, Dec. 4, 1964; 8:45 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-WA-54]

## JET ROUTES

### Notice of Proposed Rule Making

The Federal Aviation Agency is considering an amendment to Part 75 [New] of the Federal Aviation Regulations which would extend Jet Route No. 14 from the Richmond, Va., VOR to an intersection overlying the Kenton, Del., VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On June 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 8147) as Airspace Docket No. 64-EA-5 stating among other proposals that the Federal Aviation Agency (FAA) had under consideration the extension of Jet Route No. 14 from the Atlanta, Ga., VORTAC via the Spartanburg, S.C., VORTAC; the Greensboro, N.C., VOR; the Richmond, Va., VOR; to the Kenton, Del., VORTAC. Subsequent to the publication of the notice, it was determined that the Kenton VORTAC would be removed from the high altitude structure. On August 12, 1964, Airspace Docket No. 64-EA-5 was published in the FEDERAL REGISTER (29 F.R. 11527) as a final rule extending Jet Route No. 14 from Atlanta to Richmond, among other actions. That rule stated that action would be taken at a later date to extend Jet Route No. 14 beyond Richmond.

It has been determined that existing facilities can provide the required signal strength for navigation to an intersection overlying the site of the Kenton VORTAC. Since there is a requirement for a jet route between Richmond and Kenton in the high altitude structure, it is proposed to extend Jet Route No. 14 from Richmond, Va., to the intersection of the Richmond 039° and the Yardley, Pa., 205 True radials.

This amendment is proposed under section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 30, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12437; Filed, Dec. 4, 1964; 8:45 a.m.]



# FEDERAL MARITIME COMMISSION

## [ 46 CFR Ch. IV ]

[Docket No. 934]

## PREDATED BILLS OF LADING

### Notice of Discontinuance of Proceeding

A notice of proposed rule making with respect to the issuance of predated bills of lading by common carriers as defined under section 1, Shipping Act, 1916, as amended (46 U.S.C. 801) was published in the FEDERAL REGISTER on March 29, 1961, and amended by notice published on April 14, 1961 (26 F.R. 2647, 3203).

The Commission has considered all the written statements and comments submitted by interested parties in response to said notice and has found that the aforesaid proposed rule would be duplicative of provisions of the Federal Bills of Lading Act (49 U.S.C.), sometimes called the Pomerene Act, and that there is therefore no need for the issuance of the rule proposed.

It is therefore ordered that the proceeding in the matter of Predated Bills of Lading in Docket 934 be and is hereby discontinued.

By the Commission, November 24, 1964.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12486; Filed, Dec. 4, 1964; 8:49 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[W-0311814]

### WYOMING

### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 30, 1964.

The Bureau of Sport Fisheries and Wildlife, United States Department of the Interior, has filed an application, serial number Wyoming 0311814, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining, but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for use as part of the Pathfinder National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, United States Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyo., 82001.

The Department's regulations 43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 29 N., R. 84 W.,
Sec. 5, S½NW¼;
Sec. 7, lots 2, 3, and NE¼SW¼.
T. 27 N., R. 85 W.,
Sec. 13, W½;
Sec. 14, E½SE¼;
Sec. 23, E½NE¼;
Sec. 24, NW¼.
T. 29 N., R. 85 W.,
Sec. 6, lots 6, 7, and E½SW¼;
Sec. 7, lots 1, 2, N½NE¼, and E½NW¼;
Sec. 12, SE¼NE¼ and N½SE¼.
T. 30 N., R. 85 W.,
Sec. 25, S½SW¼ and SW¼SE¼;
Sec. 26, SW¼NW¼, NW¼SE¼, and SE¼SE¼;
Sec. 27, S½NE¼ and SE¼SW¼;
Sec. 30, S½SE¼.
T. 29 N., R. 86 W.,
Sec. 12, E½NE¼ and NE¼SE¼.

The areas described aggregate 1,971.97 acres.

ED PIERSON,
*State Director.*

[F.R. Doc. 64-12444; Filed, Dec. 4, 1964; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 425]

### SIOUX CITY STOCK YARDS

### Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 131 et seq.), an order was issued on May 9, 1963 (22 A.D. 489), authorizing the Sioux City Stock Yards Co., Sioux City, Iowa, to assess the current temporary schedule of rates and charges to and including December 31, 1964, unless modified or extended by further order before the latter date.

On November 23, 1964, a petition was filed on behalf of The Sioux City Stock Yards, a division of United Stockyards Corp., formerly the Sioux City Stock Yards Co., a corporation, requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below and to continue in effect after January 1, 1965, its present schedule, as so modified.

1. In Item 1, amend basic yardage charges, per head, as follows:

| | Present | Proposed |
|---|---|---|
| Cattle (except bulls 700 lbs. or over) | $0.96 | $1.02 |
| Bulls (minimum 700 lbs.) | 1.25 | 1.30 |
| Calves (400 lbs. or under) | .55 | .57 |
| Hogs | .34 | .36 |

2. In Item 2, amend yardage charges, per head, for livestock consigned direct to packers, as follows:

| | Present | Proposed |
|---|---|---|
| Cattle (except bulls 700 lbs. or over) | $0.48 | $0.51 |
| Bulls (minimum 700 lbs.) | .62 | .55 |
| Calves (400 lbs. or under) | .27 | .29 |
| Hogs | .17 | .18 |

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of December 1964.

DONALD A. CAMPBELL,
*Director, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12488; Filed, Dec. 4, 1964; 8:49 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[File No. 22-59]

### NEWMAN & NEWMAN ET AL.

### Notice of Related Party Determinations

In the matter of Newman & Newman, S. E. Newman, F. R. Newman, 408 Strand, London, W.C. 2, England; Fellgower Ltd., 37 Silkfield Road, London, N.W. 9, England; Jilcliffe Ltd., 27 Cottswold Gardens, London, N.W. 2, England; Ryelodge Ltd., 1 Hermitage Gardens, London, N.W. 2, England; Brentgreg Ltd., 34 Sussex Way, East Barnet, Hertfordshire, England; File No. 22-59.

By order dated November 15, 1963, the Bureau of International Commerce, United States Department of Commerce, entered an order against American British and Canadian Spare Parts Co., also known as ABC Spare Parts Company, Joseph W. Kent and J. W. Kent (Foreign Trade) Ltd., all of London, England, denying all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data. This order was published in the FEDERAL REGISTER on November 23, 1963 (28 F.R. 12591).

Section 382.1(b) of the Export Regulations provides in part that, to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to persons other than those named in the order with whom said named persons may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section the following firms and individuals are related parties to one or more of the respondents named in the order of November 15, 1963:

Newman & Newman, S. E. Newman, and F. R. Newman, 408 Strand, London, W.C. 2, England.

Fellgower Ltd., 37 Silkfield Road, London, N.W. 9, England.

Jilcliffe Ltd., 27 Cottswold Gardens, London, N.W. 2, England.

Ryelodge Ltd., 1 Hermitage Gardens, London, N.W. 2, England.

Brentgreg Ltd., 34 Sussex Way, East Barnet, Hertfordshire, England.

The said parties have been notified of these determinations and have been advised that they may apply to have the rulings reconsidered. Due notice will be given of any termination or change in these related party determinations.

Dated: November 24, 1964.

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64-12454; Filed, Dec. 4, 1964; 8:48 a.m.]

### Office of the Secretary

### WILLIAM E. VAUGHN

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: no change.
B. Additions: no change.

This statement is made as of November 18, 1964.

Dated: November 18, 1964.

WILLIAM E. VAUGHN.

[F.R. Doc. 64-12453; Filed, Dec. 4, 1964; 8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

### ALLOTMENT RATIOS FOR VOCATIONAL EDUCATION ACT OF 1963

Pursuant to section 3 of the Vocational Education Act of 1963 (77 Stat. 403, 20 U.S.C. 35b), the following allotment ratios for the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, as computed pursuant to said Act on the basis of the per capita incomes of the States of the Union and the District of Columbia for the years 1961, 1962, and 1963, being the three most recent consecutive fiscal years for which satisfactory data are available from the Department of Commerce, or as otherwise specified in said Act, are hereby promulgated for the fiscal year ending June 30, 1966.

| | |
|---|---|
| Alabama | 0.6000 |
| Alaska | .4185 |
| Arizona | .5533 |
| Arkansas | .6000 |
| California | .4000 |
| Colorado | .4677 |
| Connecticut | .4000 |
| Delaware | .4000 |
| Florida | .5065 |
| Georgia | .6000 |
| Hawaii | .4909 |
| Idaho | .6000 |
| Illinois | .4000 |
| Indiana | .5006 |
| Iowa | .5358 |
| Kansas | .5384 |
| Kentucky | .6000 |
| Louisiana | .6000 |
| Maine | .5863 |
| Maryland | .4386 |
| Massachusetts | .4179 |
| Michigan | .4915 |
| Minnesota | .5265 |
| Mississippi | .6000 |
| Missouri | .4920 |
| Montana | .5514 |
| Nebraska | .5224 |
| Nevada | .4000 |
| New Hampshire | .5262 |
| New Jersey | .4000 |
| New Mexico | .6000 |
| New York | .4000 |
| North Carolina | .6000 |
| North Dakota | .5900 |
| Ohio | .4907 |
| Oklahoma | .5946 |
| Oregon | .4924 |
| Pennsylvania | .4985 |
| Rhode Island | .5015 |
| South Carolina | .6000 |
| South Dakota | .5953 |
| Tennessee | .6000 |
| Texas | .5724 |
| Utah | .5552 |
| Vermont | .5682 |
| Virginia | .5823 |
| Washington | .4845 |
| West Virginia | .6000 |
| Wisconsin | .5129 |
| Wyoming | .4924 |
| District of Columbia | .4000 |
| American Samoa | .6000 |
| Guam | .6000 |
| Puerto Rico | .6000 |
| Virgin Islands | .6000 |

Dated: November 12, 1964.

[SEAL] FRANCIS KEPPEL,
*Commissioner of Education.*

Approved: November 30, 1964.

ANTHONY J. CELEBREZZE,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 64-12473; Filed, Dec. 4, 1964; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 27-5]

### WALKER TRUCKING CO.

### Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to License No. 6-3627-1, held by The Walker Trucking Company, 1283 East Street, New Britain, Connecticut. The initial issuance of the license was on March 18, 1959.

The license amendment provides for the following changes in the license:

1. Authorizes the possession of 500 grams of special nuclear material provided that not more than 350 grams is contained in any single shipment.

2. Deletes authorization for sea disposal of radioactive wastes.

3. Authorizes disposal of radioactive wastes by transfer to authorized land burial sites.

4. Deletes Brownstone Avenue, Portland, Connecticut as an authorized place of use.

5. Renews the license for a period of two years.

The license provides for the receipt, possession, and transportation of radioactive wastes which have already been packaged in containers that meet the specifications for containers set forth in the Interstate Commerce Commission regulations. Storage of the containers will be at The Walker Trucking Company Facility located at 1283-1285 East Street, New Britain, Connecticut.

The Commission has found that:

A. The applicant's equipment and procedures are adequate to protect health and minimize danger to life or property;

B. The applicant is qualified by training and experience to use the material in such manner as to protect health and minimize danger to life or property;

C. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, and is for a purpose authorized by that act.

The Commission has determined that prior public notice of proposed issuance of the amendment is not required since the amendment does not involve hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of this amendment is set forth below.

Dated at Bethesda, Md., November 27, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director, Division of Materials Licensing.*

BYPRODUCT, SOURCE AND SPECIAL NUCLEAR MATERIAL LICENSE

[License No. 6-3627-1, Amdt. 2]

In accordance with application dated February 27, 1961, and amendments thereto dated February 21, 1964; April 9, 1964; May 15, 1964; and July 17, 1964, License No. 6-3627-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, Parts 30, 40, and 70 and subject to the statements and representations contained in the application, a license is hereby issued to The Walker Trucking Company, 1283 East Street, New Britain, Connecticut to receive, possess, transport and store waste byproduct, source and special

nuclear material contained in sealed packages and to dispose of the packaged radioactive wastes by transfer to an authorized land burial site.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 50 curies of byproduct material.

B. 700 pounds of source material.

C. 500 grams of special nuclear material not to exceed 350 grams in any single shipment.

2. Conduct of activities performed under this license shall be by, or under the supervision and in the physical presence of, Robert E. Harris, Reynold L. Hoover or E. T. Borawski.

3. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. Specification 15A, 15B, 12B, 6A, 6B, 17C, 17H, 19A, or 19B, for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, tridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrem/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) or 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radioactive exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, and should contain sufficient information to support such a request.

4. The licensee shall store waste byproduct, source and special nuclear material only at 1283–1265 East Street, New Britain, Connecticut.

5. The licensee shall dispose of waste byproduct, source and special nuclear material only by transfer to authorized land burial sites in the United States.

6. Except as specifically provided otherwise by this license, the licensee shall conduct activities authorized in this license in accordance with the conditions, limitations, and procedures contained in the application dated February 27, 1961, and amendments thereto dated February 21, 1964; April 9, 1964; May 15, 1964; and July 17, 1964.

This amendment is effective as of the date of issuance. The license shall expire two (2) years from the last day of the month in which this amendment is issued.

Date of Issuance: November 27, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director,*
*Division of Materials Licensing.*

[F.R. Doc. 64–12424; Filed, Dec. 4, 1964; 8:45 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64–EA–9]

## MAINE RADIO AND TELEVISION CO.

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (EA–OE–5385) to determine its effect upon the safe and efficient utilization of navigable airspace.

The Maine Radio and Television Company, Portland, Maine, proposes to construct a television antenna structure near East Sebago, Maine, at latitude 43°51'33" N., longitude 70°42'43" W. The overall height of the proposed structure would be 2,527 feet above mean sea level (1,292 feet above ground).

The proposed structure would be located approximately 14.7 miles southeast of the Eastern Slopes Regional Airport and 9.7 miles southwest of the Naples Seaplane Base. It would exceed the standards as described in § 77.25(c)(1) of the Federal Aviation Regulations as applied to this seaplane base by its entire height. It would be located within the boundaries of VOR Federal airway No. 93 and would require an increase from 3,400 feet to 3,500 feet in the minimum obstruction clearance altitude (MOCA) between Concord, New Hampshire, VOR and Augusta, Maine, VOR.

The aeronautical study disclosed that the increase in MOCA on V93 would have no substantial adverse effect upon instrument flight rules (IFR) operations since the minimum en route altitude on this airway segment is 4,000 feet and there is no plan to reduce it.

The study further disclosed that the proposed structure would have no substantial adverse effect on visual flight rules (VFR) operations since it would not be located in proximity to a commonly used VFR route or in an area where there is a significant volume of VFR traffic.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on November 27, 1964.

RALPH H. FLETCHER,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64–12438; Filed, Dec. 4, 1964; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15419, 15420; FCC 64M–1212]

## CENTRAL BROADCASTING CORP. AND WCRB, INC.

### Order Continuing Hearing

In re applications of Central Broadcasting Corporation, Ware, Massachusetts, Docket No. 15419, File No. BPH–4243; WCRB, Inc., Springfield, Massachusetts, Docket No. 15420, File No. BPH–4319; for construction permits.

The Hearing Examiner having under consideration the possible effects of certain pleadings before the Review Board in the above-entitled matter which may obviate the necessity for a hearing, and

It appearing, that, in any event, no useful purpose would be served by convening the hearing now scheduled for December 4, 1964.

*It is ordered,* This first day of December 1964, on the Hearing Examiner's own motion, that the hearing scheduled for December 4, 1964 is cancelled and the matter continued without day.

Released: December 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–12476; Filed, Dec. 4, 1964; 8:49 a.m.]

[Docket Nos. 15249, 15250; FCC 64M–1206]

## CLEVELAND TELECASTING CORP. AND SUPERIOR BROADCASTING CORP.

### Order Scheduling Prehearing Conference

In re applications of Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT–3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT–3243; for construction permits for new television broadcast stations (Channel 65).

The Hearing Examiner having under consideration the request of the Broadcast Bureau, filed on October 29, 1964, for a further prehearing conference in the above-entitled proceeding; and

It appearing, that no comment or other pleading has been filed by either of the applicants relative to such request and the time for response thereto has expired; and

It further appearing, that, as suggested by the counsel for the Broadcast Bureau, a useful purpose would be served by a further prehearing conference in this proceeding;

*Accordingly, it is ordered,* This 30th day of November 1964, that a further prehearing conference in the above-styled proceeding will be held on December 15, 1964, at 10:00 a.m., in the offices of the Commission in Washington, D.C., for the purpose of scheduling further steps to be taken in the above-styled proceeding.

Released: December 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–12477; Filed, Dec. 4, 1964; 8:49 a.m.]



[Docket No. 14611; FCC 64M–1211]

## PROGRESS BROADCASTING CORP. (WHOM)

### Order Scheduling Prehearing Conference

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP–13915; for construction permit.

Pursuant to verbal request by counsel for the applicant: *It is ordered,* This 1st day of December 1964, that there will be a further prehearing conference in the above-entitled proceeding on December 29, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: December 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–12478; Filed, Dec. 4, 1964; 8:49 a.m.]

[Docket No. 15713; FCC 64M–1208]

## TREE BROADCASTING CO.

### Order Scheduling Hearing

In re application of Oris Gowen and Howard Edwards d/b as Tree Broadcasting Co., Greensburg, Indiana, Docket No. 15713, File No. BP–15084; for construction permit.

*It is ordered,* This 30th day of November 1964, that James D. Cunningham shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on January 5, 1965; and that a prehearing conference shall be convened at 9:00 a.m. on December 22, 1964: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: December 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–12479; Filed, Dec. 4, 1964; 8:49 a.m.]

[Docket Nos. 15714, 15715; FCC 64M–1205]

## TRINITY BROADCASTING CO. AND WARNER BROS. PICTURES, INC.

### Order Scheduling Hearing

In re applications of Trinity Broadcasting Company, Fort Worth, Texas, Docket No. 15714, File No. BPCT–3172; Warner Bros. Pictures, Inc., Fort Worth, Texas, Docket No. 15715, File No. BPCT–3272; for construction permit for new television broadcast station (Channel 20).

*It is ordered,* This 30th day of November 1964, that Chester F. Naumowicz, Jr., shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on January 25, 1965; and that a prehearing conference shall be convened at 10:00 a.m. on December 3, 1964; and: *It is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: December 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–12480; Filed, Dec. 4, 1964; 8:49 a.m.]

[Docket Nos. 15584, 15585; FCC 64M–1217]

## VAUGHN-HANSSEN CO. AND CAPE CANAVERAL BROADCASTERS, INC.

### Order Continuing Hearing

In re applications of R. A. Vaughn and Thomas R. Hanssen d/b as Vaughn-Hanssen Company, not incorporated, Melbourne, Florida, Docket No. 15584, File No. BP–14921; Cape Canaveral Broadcasters, Incorporated, Eau Gallie, Florida, Docket No. 15585, File No. BP–15570; for construction permits.

*It is ordered,* On the Hearing Examiner's own motion, that the procedural dates herein are rescheduled as follows:

(a) Informal exchange from January 4, 1965 to January 25, 1965;

(b) Formal exchange from January 11, 1965 to February 1, 1965;

(c) Notification of witnesses from January 20, 1965 to February 10, 1965; and,

(d) Commencement of hearing from January 25, 1965 to February 15, 1965.

Dated: December 1, 1964.

Released: December 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–12481; Filed, Dec. 4, 1964; 8:49 a.m.]

[Docket No. 15712; FCC 64M–1207]

## MELVIN S. WELCH

### Order Scheduling Hearing

In the matter of Melvin S. Welch, Stone Mountain, Georgia, Docket No. 15712; order to show cause why the license for radio station KDB–0264 in the citizens radio service should not be revoked.

*It is ordered,* This 1st day of December 1964, that Jay A. Kyle shall serve as presiding officer in the above-entitled proceeding, and that the hearings therein

shall be convened in Washington, D.C., at 10:00 a.m., January 5, 1965.

Released: December 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12482; Filed, Dec. 4, 1964; 8:49 a.m.]

# FEDERAL MARITIME COMMISSION

## CHILEAN LINE, INC., AND PITTSTON STEVEDORING CORP.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Kirlin, Campbell & Keating,
120 Broadway,
New York, N.Y.

Agreement No. T-118, as amended by Agreement No. T-602, between Chilean Line, Inc. (Chilean) and Pittston Stevedoring Corporation (Pittston), provides that the parties will perform terminal operations at the Columbia Street pier in New York. Chilean berths its vessels at one side of the pier and permits Pittston to operate from the other side. The agreement provides that Pittston may use the facility to stevedore vessels but Chilean retains the discretion to refuse vessels which Chilean determines will interfere with normal operations, and to select the berthing area for all vessels. Chilean agrees to perform certain services on behalf of Pittston and as compensation will receive a set amount per ton of cargo and per unboxed car. Any vessels which remain at the premises beyond loading or discharging time are assessed an additional daily charge for dockage.

The parties state that Pittston's operation will cost Chilean a certain dollar increase annually which Pittston agrees to attract in new business, based solely on all revenue from dockage and a certain amount per ton of cargo handled. If Pittston fails to attract this amount annually in new business, it agrees to pay 61.1 percent of the difference to Chilean. Chilean will absorb the remaining percentage. If there is an excess of new business over the set amount, Chilean will pay 61.1 percent of the excess to Pittston and retain the remaining percentage.

Dated: December 1, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12484; Filed, Dec. 4, 1964; 8:49 a.m.]

## PORT OF SEATTLE AND MATSON TERMINALS, INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Port of Seattle
P.O. Box 1209
Seattle, Wash., 98111

Agreement No. 9015-2, between the Port of Seattle (Port) and Matson Terminals, Inc. (Matson) modifies the basic agreement which provides for a five year lease of a certain portion of Pier 48 and adjacent terminal property in Seattle, Washington, for use as a general steamship terminal and stevedoring and warehousing business. The purpose of the modification is to establish the termination of the agreement as of midnight, December 31, 1964, instead of 90 days after notice by either party.

Dated: December 1, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12485; Filed, Dec. 4, 1964; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. AR64-1 etc.]

## RATE PROCEEDINGS ET AL.

### Order Prescribing Procedure

NOVEMBER 27, 1964.

With the issuance of the presiding examiner's report on September 18, 1964, of the prehearing conference held July 28, 1964, in Docket No. AR64-1, et al. (Hugoton-Anadarko Area), and Docket No. AR64-2, et al. (Texas Gulf Coast Area), we have before us the question of the next steps that should be appropriately taken in these proceedings and of the method of conducting the two proceedings so as to avoid the needless repetition of the same evidence presented in Docket Nos. AR61-1 (Permian Basin Area) and AR61-2 (Southern Louisiana Area).

In his report the examiner stated that the producers generally took the position that further action in the present dockets should be deferred until the Commission had issued a decision in AR61-1 or AR61-2, that none indicated clearly a willingness to participate in group presentations, and that they were opposed to any consolidation whatsoever of the two proceedings. Nevertheless, the examiner was of the opinion that the Commission should proceed with these cases and provide for the compilation concurrently of separate records in such a way as to avoid the necessity to duplicate cross-examination or rebuttal.

In addition, the examiner would have the Commission authorize the Chief Hearing Examiner and the hearing examiner designated in each of the two proceedings to coordinate and expedite the procedures. He contemplated that the hearing sessions in the two proceedings would be held separately, but where the evidence was identical in each proceeding, the separate hearings should be convened concurrently for the receipt of this evidence.

The examiner also recommended that each order setting these matters for hearing provide for the distribution and service in advance of the evidence to be presented and fix a date before which requests for data collection should be filed. The examiner noted that The Superior Oil Company requested that the staff undertake the collection of data on a broad survey basis from pipeline purchasers and gas distribution companies, but that the staff opposed this request.

The examiner added that his report was purely advisory and did not constitute a ruling or order within the purview of § 1.18(d) of the Commission's rules.

A vigorous protest to the examiner's report was filed on October 5, 1964, by Continental Oil Company, Humble Oil & Refining Company, and Texaco Inc. They contend that the report does come within § 1.18(d) of the rules and should have been circulated in advance. They argue at some length that, in view of the lengthy records already compiled in AR 61-1 and AR61-2, it would be wasteful to proceed with the present proceedings until the earlier proceedings are determined. In any case, scheduling of steps in the present proceedings should not be carried out without further conference with counsel for the various parties. Placid Oil Company joins in this protest, emphasizing the burdens placed on small producers by several area proceedings progressing at the same time.

In our opinion, the examiner's report of the prehearing conference was not required by § 1.18(d) of our rules to be submitted to the other parties. The examiner did not order the participants to do anything. He described what had taken place at the conference and made certain procedural recommendations. There was no requirement in our rules for submission of such a memorandum to the parties in advance.

We do not agree with the protesting parties that these proceedings should be halted until after we issue our decision in AR61-1 (Permian). The fact that the Commission expects shortly to decide the first of the area proceedings is a good reason for moving forward with the remaining proceedings. To proceed with the area proceedings on a seriatim basis would insure the additional delay that we are all trying to avoid. It is unrealistic and contrary to the public interest to delay these proceedings on the basis of an illusion that somehow a proceeding can be expedited by delaying the hearing. Our experience has been that postponements of hearings rarely dispose of cases and that the only sure road to progress is to proceed with the decision-making process. This we are determined to do.

The examiner's recommendations would be advantageous in eliminating duplicative presentations in these two proceedings, and some of his recommendations can be given effect. Moreover, we think it reasonable to go further and to try to avoid, to the extent possible, the de novo presentation of evidence that has already been presented in AR61-1 and AR61-2.

In the first two pending area rate proceedings, comprehensive evidentiary presentations were made on matters of nationwide significance. The presentations included voluminous case-in-chief and rebuttal testimony and exhibits and lengthy cross-examination of numerous witnesses. The character of the presentations was such that in many instances it is unlikely that their quality and effectiveness could be improved upon in any substantial way by a retrial of such matters in the new area proceedings, which are presently being scheduled for hearing. In addition, the Commission expects to make any necessary findings on such matters in its final decisions in AR61-1 and AR61-2 on the basis of the comprehensive records developed.

Under the circumstances, it would be completely contrary to the efficient administration of the Natural Gas Act and to the concept of area proceedings, as designed, among other things, to save time and money, if the parties were to present the same evidence de novo in each proceeding, even with small additions and improvements, and to repeat the cross-examination. Accordingly, by this order we are instructing the hearing examiners appointed in the present proceedings to hold joint prehearing conferences before the presentation of evidence and to use every effort at those conferences and at other times to induce the parties to stipulate to evidence or to incorporate evidence by reference from the record in AR61-2 (or from AR61-1, if necessary). Of particular importance in this connection would be matters of nationwide significance relating to the natural-gas industry and not related to the operating characteristics of any particular geographical area. Some examples, listed here by way of illustration, include the following: (1) Economic trend data on a nationwide basis (i.e., the national supply picture, the national demand picture, the trend toward deeper drilling, the contention that deeper drilling is more costly, and the like); (2) the controversy whether there is effective competition in the natural-gas production industry; (3) industry institutional practices and characteristics; (4) rate of return studies applicable to the industry on a nationwide basis.

The Commission is reluctant at this stage to take action which will force incorporation by reference. It is our hope that this will not be necessary, but that the parties will develop procedures for using the material from the previous records where it is feasible to do so. We are instructing the examiners in the proceedings to report back to us if they do not obtain the cooperation of the parties in this respect.

In those cases where there is evidence, particularly of a nationwide character, which is not incorporated by reference from AR61-1 or AR61-2, but is to be presented in both AR64-1 and AR64-2, techniques should be employed as suggested by the July 28, 1964, conference examiner in order to avoid duplicative trials of such matters in each of the two proceedings. Thus, while we shall appoint a separate examiner in each proceeding and provide for the compilation of separate records, we shall instruct the examiners to consider the problem of duplicative presentations at the joint prehearing conferences and to hold joint hearing sessions where this is appropriate. At such initial or at succeeding conferences, the examiners should determine which evidence proposed to be presented is susceptible of presentation in joint hearing sessions and should schedule such sessions for this purpose.

Except where convened jointly, the hearing sessions in the two proceedings should be held separately with the examiner assuming his normal role. Where hearings are convened jointly, the two examiners would rule upon the evidence offered with respect to each proceeding. The records in AR64-1 and AR64-2, however, would be separate records but would each contain the identical transcript of the joint sessions and the exhibits received jointly. These provisions should in no way prevent the examiners in each proceeding from scheduling other separate conferences, where needed, to delineate the issues, to consider the order of presenting the evidence, to provide for group presentations, and to do everything necessary to complete the proceedings as expeditiously as possible.

With respect to The Superior Oil Company's request that the staff undertake the collection of data from pipeline purchasers and gas distributors, we shall leave this matter for rulings by the examiner in each of the proceedings as to relevance and practicality.

Coming to the matter of scheduling the actual hearings, we are met with the difficulty that the cost evidence derived from questionnaires circulated to the producers will probably not be ready before June of 1965. This is true because the collection of the data must be completed; it must be compiled on computer tape; and finally, after appraisal of its significance, it must be presented as exhibits ready for inclusion in the record. The presentation of appropriate rate design evidence would accompany the completion of the parties' direct case. However, all other evidence should be ready at an earlier date. We shall therefore require that proposed evidence on all matters other than cost evidence based on the Commission's questionnaire and rate design evidence in both AR64-1 and AR64-2 be submitted to the examiners and served on the parties by May 15, 1965, and rebuttal evidence by August 2, 1965, and that the first session in each hearing be held on September 14, 1965, with the parties ready to go forward with cross-examination. Whether the first session or any following sessions will be held jointly in the two proceedings shall be directed by the examiners.

With respect to cost evidence derived from the questionnaires and rate design evidence constituting the second phase of these hearings, we shall leave scheduling of prehearing conferences, submittals, and hearing sessions to the examiners.

The Commission orders:

(A) Mr. Max L. Kane and Mr. Dyer J. Taylor duly qualified and appointed hearing examiners, or their successors legally qualified, appointed and designated, are designated to preside at the hearings in Docket Nos. AR64-1 and AR64-2, respectively, including prehearing conferences, and are authorized and directed, in so doing, to exercise all of the functions and authority prescribed by the Administrative Procedure Act and this Commission's rules of practice and procedure.

(B) The hearing examiners appointed in (A) above are instructed to use every effort to induce the parties to stipulate to evidence or to incorporate evidence by reference, including direct evidence, rebuttal and cross-examination, from the records in AR61-1 and AR61-2 instead of making a de novo presentation of the same or similar evidence. On their part, the parties are expected to cooperate in this objective. If they do not do so and progress is not made in incorporating such evidence where it is otherwise feasible, the examiners are directed to report this situation to the Commission with their recommendations.

(C) Separate records shall be compiled in AR64-1 and AR64-2, but in connection with matters not incorporated by reference but proposed for presentation in both AR64-1 and AR64-2, the examiners in both proceedings shall work out procedures under which there will be

avoided, to the extent possible, the separate and duplicative trial in both such proceedings of substantially identical evidentiary presentations on such matters. In order to accomplish this objective, the examiners in AR64–1 and AR64–2 may direct under such circumstances that one set of witnesses and one set of testimony and exhibits should be used for such a presentation in both hearings, and that the cross-examination of such witnesses shall take place at some appropriate stage in a joint hearing session involving all parties in both cases, held before the two examiners sitting en banc, who shall rule on any questions that may arise. The record thus made in any such joint hearing session shall become a part of the record in each of the two separate proceedings.

(D) The examiners in each proceeding shall call joint prehearing conferences at an appropriate time before the presentation of evidence to consider the incorporation of evidence by reference as provided in (B) above, and the holding of joint hearing sessions as provided in (C) above. The examiners in each proceeding are authorized to hold such other conferences as they deem desirable and shall consider and rule upon proposals for the required submission of additional data and questionnaires, proposals for the utilization in evidence of published data, and such other matters as will simplify the issues, will expedite the proceedings, and carry out the objectives of § 1.18(b) of our rules.

(E) Proposed evidence, other than cost evidence derived from the questionnaires circulated to the producers, and rate design evidence shall be submitted to the examiners in AR64–1 and AR64–2 on or before May 15, 1965, and rebuttal evidence by August 2, 1965. The first session in each hearing shall be held on September 14, 1965, and the parties at that time should be ready to go forward with cross-examination.

(F) The examiners in each proceeding are instructed to determine dates for the receipt of evidence derived from the cost questionnaires and evidence on rate design, for the submission of rebuttal evidence on these matters, and for the convening of hearing conferences and hearing sessions.

(G) In all respects other than those set forth herein the examiner in each proceeding shall have complete control of the conduct of the proceedings, the scheduling of hearing conferences and hearing sessions separate or concurrent, and the presentation of evidence.

By the Commission.[1]

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64–12455; Filed, Dec. 4, 1964; 8:48 a.m.]

[1] Commissioner Ross's dissenting statement filed as part of the original document.

[Docket No. CP65–133]

## ARKANSAS LOUISIANA GAS CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on November 9, 1964, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP65–133 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain facilities for the connection of additional supplies of gas in new and existing producing fields to Applicant's interstate pipeline systems during the calendar year 1965.

The application proposes total construction of $3,505,444, with no individual project to exceed $500,000. Applicant proposes to finance the cost of the subject facilities from funds on hand, from cash generated by operations and from internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12456; Filed, Dec. 4, 1964; 8:48 a.m.]

[Docket No. CP65–140]

## CITIES SERVICE GAS CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on November 16, 1964, Cities Service Gas Co. (Applicant), Post Office Box 1995, Oklahoma City, Okla., filed in Docket No. CP65–140 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the short-term sale of natural gas to Panhandle Eastern Pipe Line Co. (Panhandle) and the construction and operation of minor pipeline facilities incident thereto, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes sales to Panhandle pursuant to an agreement between the parties dated October 9, 1964, under which a total of 20 billion cubic feet of natural gas will be sold over a period of three years. The sale will take place at a point of interconnection in Morton County, Kans. Applicant seeks further authority to construct and operate metering and regulating facilities in connection with said sale.

The application shows that the purpose of the proposed sale arrangement is to assist in reducing the amount of accumulated excess allowables of wells located in the Kansas-Hugoton Field from which Applicant is purchasing gas.

The estimated cost of the facilities is $8,800, and will be financed with current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12457; Filed, Dec. 4, 1964; 8:48 a.m.]

[Docket No. CP65–152]

## CITIES SERVICE GAS CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on November 23, 1964, Cities Service Gas Co. (Applicant), Post Office Box 1995, Oklahoma City, Okla., filed in Docket No. CP65–152 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to install and operate, during the calendar year 1965, small field compressor units on its gathering laterals in various gas producing fields connected to Applicant's system, in order to take into its system supplies of gas which it has contracted to take from producers in these fields.

The compressor units to be installed will range from 200 to 500 horsepower, and the size and number of compressors units to be installed will vary from field to field.

The total estimated cost of the facilities to be installed will not exceed $500,000, nor will the cost of compressor units for any single producing field exceed $200,000. Applicant proposes to finance construction with treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12458; Filed, Dec. 4, 1964; 8:48 a.m.]

[Project No. 2450]

## CONSUMERS POWER CO., COOKE HYDROELECTRIC PROJECT

### Notice of Land Withdrawal; Michigan

DECEMBER 2, 1964.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the land hereinafter described, insofar as title thereto remains in the United States, is included in Project No. 2450 for which completed application for license (Major) was filed with the Commission on October 2, 1964, by the Consumers Power Co. Under said section 24 all lands of the United States lying within the boundary of the project, as delimited on maps, Exhibits, "K" sheets 2 and 3 (F.P.C. Nos. 2450–3 and 4) filed February 28, 1964 and amended "J" and "K" sheet 1 (F.P.C. Nos. 2450–7 and 8) filed October 2, 1964 are, from said date of completion of application (October 2, 1964), reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MICHIGAN MERIDIAN

T. 24 N., R. 7 E.,
Sec. 10: SW¼SW¼—0.17 acre;
Sec. 10: SE¼SW¼—1.26 acres.

The area of the United States land reserved pursuant to the filing of this application is approximately 1.43 acres, all of which is within the Huron National Forest.

Copies of project maps, F.P.C. Nos. 2450–3, 4, 7 and 8, are being transmitted to Geological Survey, Bureau of Land Management and Forest Service.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12459; Filed, Dec. 4, 1964; 8:48 a.m.]

[Project No. 2449]

## CONSUMERS POWER CO., LOUD PLANT

### Notice of Land Withdrawal; Michigan

DECEMBER 2, 1964.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are included in power Project No. 2449 for which completed application for license (major) was filed with the Commission October 2, 1964. Under said section 24 all lands of the United States lying within the boundary of the project, as delimited on maps, Exhibits "K"—sheet 2 (FPC No. 2449–3) filed February 28, 1964, and "J" and "K–1" (FPC Nos. 2449–6 and –7) filed October 2, 1964, in support of the application for license, are from said date of filing (October 2, 1964), reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MICHIGAN MERIDIAN

T. 24 N., R. 5 E.,
Sec. 24: NW¼SE¼—0.92 acre;
T. 24 N., R. 6 E.,
Sec. 20: SW¼SE¼—0.64 acre.

The total area of United States land reserved pursuant to the filing of this application for license is approximately 1.56 acres all of which is within the Huron National Forest.

Copies of project maps, Exhibits "J" and "K", sheets 1 and 2 (FPC Nos. 2449–6, –7 and –3, respectively) are being transmitted to the Geological Survey, Bureau of Land Management and Forest Service.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12460; Filed, Dec. 4, 1964; 8:48 a.m.]

[Docket No. CP65–127]

## EL PASO NATURAL GAS CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on November 5, 1964, El Paso Natural Gas Co. (Applicant), El Paso, Tex., filed in Docket No. CP65–127 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale and delivery of natural gas by means thereof by Applicant's Southern Division System, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain facilities for the sale and delivery of natural gas to its existing, authorized Southern Division distributor customers for resale and general distribution to residential, non-residential, and irrigation consumers situated in existing market areas, including rural, unincorporated areas within a franchise or service area of such customers, in the States of Texas, New Mexico, Arizona, and San Juan County, Utah. The application states that such sales and deliveries will not, however, be made to distributor customers for resale and general distribution in those market areas served, or proposed to be served, in whole or in part by another pipeline or in communities not then having natural gas service.

The application further states that such sales and deliveries will not exceed 100,000 Mcf annually through any given facility installed and the gas will not be used or resold for boiler fuel purposes.

The application further states that the proposed facilities will consist of thirty taps, together with standard appurtenances necessary for the operation thereof; twenty-five measuring and regulating stations, together with standard appurtenances necessary for the operation thereof; and three lateral or loop pipelines, together with standard appurtenances necessary for the operation thereof, including measuring and regulating facilities, not to exceed a maximum diameter of 8⅝ inch O.D. and a maximum length of 12 miles.

The total estimated cost of the proposed facilities is not to exceed $300,000, and will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practices and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public

convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12461; Filed, Dec. 4, 1964; 8:49 a.m.]

[Docket No. CP65-128]

## EL PASO NATURAL GAS CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on November 5, 1964, El Paso Natural Gas Co. (Applicant), El Paso, Tex., filed in Docket No. CP65-128 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale and delivery of natural gas by means thereof by Applicant's Northwest Division System, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain facilities for the sale and delivery of natural gas to its existing, authorized Northwest Division distributor customers for resale and general distribution to consumers situated in existing market areas, including rural, unincorporated areas within a franchise or service area of such customers, in the States of Colorado, Utah, Wyoming, Idaho, Oregon and Washington. The application states that such sales and deliveries will not, however, be made to distributor customers for resale and general distribution in those market areas served, or proposed to be served, in whole or in part by another pipeline company or in communities not then having natural gas service.

The application further states that such sales and deliveries will not exceed 100,000 Mcf annually through any given facility installed, and the gas will not be used or resold for boiler fuel purposes.

The application further states that the proposed facilities will consist of twenty taps, together with standard appurtenances necessary for the operation thereof; twenty measuring and regulating stations, together with standard appurtenances necessary for the operation thereof; and three lateral or loop pipelines, together with standard appurtenances necessary for the operation thereof, including measuring and regulating facilities, not to exceed a maximum diameter of 8⅝ inch O.D. and a maximum length of 12 miles.

The total estimated cost of the proposed facilities is not to exceed $300,000, and will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12462; Filed, Dec. 4, 1964; 8:48 a.m.]

[Docket No. CP65-153]

## EL PASO NATURAL GAS CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on November 24, 1964, El Paso Natural Gas Co. (Applicant), El Paso, Tex., filed in Docket No. CP65-153 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the short-term sale and delivery of natural gas and the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver to Northern Natural Gas Co. (Northern), on an exchange basis, such gas as may be delivered by Colorado Interstate Gas Co. (Colorado) to Northern at the existing interconnection of Colorado's facilities with the facilities of Northern in Moore County, Tex., for Applicant's account.

Applicant seeks further authorization to construct and operate a tap and sidegate valve situated on Applicant's 18-inch O.D. Panoma-Dumas pipeline at the point of intersection thereof with Colorado's 20-inch O.D. Fourway Kit Carson pipeline, for the purpose of receiving gas from Colorado.

The application states that the above authorizations are sought pursuant to a Letter Agreement between Applicant and Colorado, dated November 9, 1964, under which Colorado will sell and deliver and Applicant will purchase and receive, for a term continuing through February 29, 1968, such daily quantities of gas as Colorado may have available and Applicant may request.

The estimated cost of Applicant's facilities is $2,300, and will be financed with current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12463; Filed, Dec. 4, 1964; 8:48 a.m.]

[Docket No. CP65-147]

## NORTHERN NATURAL GAS CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on November 20, 1964, Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-147 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide firm natural gas service, through its Peoples Natural Gas Division (Peoples) to Clinton Engines Corp. (Clinton) and John Deere Dubuque Tractor Works of Deere and Co. (John Deere), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to provide firm volumes of natural gas, through its Peoples Division, to Clinton and John Deere at their manufacturing plants located a Maquoketa and Dubuque, Iowa, respectively, pursuant to agreements between Applicant and the respective parties, dated August 14, 1964 and October 22, 1964, respectively.

The application states that authorization to provide the firm volumes is sought because of the provisions of Paragraph 6 of Applicant's Rate Schedule R-3, as contained in its presently effective FPC Gas Tariff.

Peoples is presently serving both plants on an interruptible basis.

Deliveries are estimated as follows:

| | Clinton | John Deere |
|---|---|---|
| Annual (Mcf) | 156,000 | 173,000 |
| Peak day (Mcf) | 450 | 500 |

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12464; Filed, Dec. 4, 1964; 8:48 a.m.]

[Docket No. CP65-101]

## RATON NATURAL GAS CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on October 13, 1964, Raton Natural Gas Co. (Applicant), 1115 South Second Street, Raton, N. Mex., filed an application in Docket No. CP65-101, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station on the outskirts of the City of Raton, N. Mex., and the sale and delivery of natural gas to the San Morcol Pipeline, Inc. (San Morcol) for resale,[1] all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver natural gas to San Morcol for resale to the communities of Maxwell, Springer, Wagon Mound and Las Vegas. San Morcol proposes to construct and operate approximately 50 miles of 8-inch transmission pipeline extending from the point of connection with Applicant to a point near Colmor, New Mexico, at which point natural gas will be delivered into a proposed 50 miles of 8-inch pipeline to be constructed and operated by the City of Las Vegas, New Mexico, for further transportation to Las Vegas (City and Town). Annual and peak day requirements for three initial years are stated to be:

| | *1965* | *1966* | *1967* |
|---|---|---|---|
| Annual | 667,073 | 721,508 | 765,234 |
| | *1964-65* | *1965-66* | *1966-67* |
| Peak day | 4,200 | 6,000 | 6,490 |

Applicant proposes to make the sale to San Morcol under its proposed CD-1 Rate Schedule to be filed with the Commission upon the granting of certificate authorization. The rate schedule provides for a demand charge of $1.10 per Mcf and a commodity charge of 22.5 cents per Mcf, and for an interruptible service under a proposed Rate Schedule I-1 at a rate of 26 cents per Mcf.

Applicant was authorized in Docket No. CP62-131 to construct and operate approximately 20.5 miles of 8-inch line extending from a point of connection with Colorado Interstate Gas Company's (CIG) facilities at Trinidad, Colo., to Raton, New Mexico.

The cost of the proposed meter station at Raton is estimated at $7,490, and will be paid for from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 17, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12465; Filed, Dec. 4, 1964; 8:48 a.m.]

[Docket No. CP65-148]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on November 23, 1964, Transwestern Pipeline Co., First City National Bank Building, Houston, Tex., filed in Docket No. CP65-148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks to construct and operate a 6-inch tap valve and appurtenant facilities, to be located at the point where Applicant's existing 10-inch Mocane lateral crosses the 26-inch Oklahoma-Hugoton line of Cities Service Gas Co. (Cities Service).

Applicant seeks further authorization to sell such volumes of natural gas to Cities Service as Applicant may have available, up to 50,000 Mcf per day, pursuant to an agreement between the parties dated November 6, 1964. The application states that the proposed sales are to extend for a period ending six months after the date of first deliveries under said agreement, or after the date Applicant is ready to commence deliveries pursuant to authorization issued in Docket No. CP64-104, whichever is earlier.

The estimated cost of the proposed facilities is $1,860, which Applicant proposes to finance with funds made available from company operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12466; Filed, Dec. 4, 1964; 8:48 a.m.]

[Docket No. CP65-125]

## UNITED GAS PIPE LINE CO.

### Notice of Application

NOVEMBER 30, 1964.

Take notice that on November 5, 1964, United Gas Pipe Line Co. (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65-125 an applica-

[1] Application filed by San Morcol Pipeline, Inc., on October 13, 1964, in Docket No. CP65-100 pursuant to section 1(c) of the Natural Gas Act for an exemption from the provisions of the Act over its 8-inch line from Raton to Colmor, N. Mex.

tion pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Dallas County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately .13 mile of 4½-inch pipe line, a sales meter station and appurtenant facilities for the sale of natural gas to the Ruberoid Co. (Ruberoid) to be used in connection with Ruberoid's roofing manufacturing plant located at Dallas, Tex.

The estimated initial three year period of peak day and annual deliveries to Ruberoid are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf)---- | 362,000 | 362,000 | 362,000 |
| Peak day (Mcf)--- | 2,000 | 2,000 | 2,000 |

The estimated cost of the facilities is $9,375, and will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12467; Filed, Dec. 4, 1964; 8:48 a.m.]

[Docket No. G-9980, etc.]

## ATLANTIC REFINING CO.

### Notice of Applications

NOVEMBER 30, 1964.

Take notice that The Atlantic Refining Co. (Applicant) filed in each of the aforementioned dockets an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or to amend orders of the Commission issuing certificates by adding thereto authorization to sell natural gas from additional acreage, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

The details of each application are set forth in the Appendix below. In each case the Commission has issued a temporary certificate to Applicant and has accepted the related rate schedule for filing. The prices set forth in the Appendix below are those approved by the Commission in a settlement order issued October 8, 1964, in Docket No. G-9283, et al.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, further notice of a hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 24, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX

| Docket No. | Filing date | Related rate schedule | Purchaser | Location | Price (cents per Mcf) at 14.65 p.s.i.a. |
|---|---|---|---|---|---|
| G-9980..... | 7- 6-59 | 133<br>[1] Supplement 11 | Natural Gas Pipeline Co. of America. | Guymon-Hugoton Field, Texas and Beaver Counties, Okla. | 16.0 |
| C160-459..... | 4-11-60 | 216 | Tennessee Gas Transmission Co. | Englehart Field, Colorado County, Tex. | 16.0 |
| C161-291..... | 8-25-60<br>3-20-61 | 219<br>219<br>[1] Supplement 1 | Transwestern Pipeline Co. | Northeast Elmwood and southeast Griggs Fields, Cimarron and Beaver Counties, Okla. | 17.0 |
| C161-482..... | 10- 7-60 | 224 | Natural Gas Pipeline Co. of America. | Northeast Thompsonville Field, Webb and Jim Hogg Counties, Tex. | 15.0 |
| C163-1490..... | 6- 6-63 | 273 | Panhandle Eastern Pipe Line Co. | Northwest Midwell Field, Cimarron County, Okla. | [2] 17.0 |

[1] Application to sell natural gas from additional acreage.
[2] Plus B.t.u. adjustment.

[F.R. Doc. 64-12470; Filed, Dec. 4, 1964; 8:48 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

### Limitation on Entry or Withdrawal From Warehouse

DECEMBER 1, 1964.

On November 27, 1964, the United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to non-participants, informed the Government of Poland that, pending consultations between Poland and the United States regarding trade in cotton textiles, it was renewing for an additional twelve-month period, through December 3, 1965, the arrangements in effect between the two governments on the export of cotton textile products in Categories 19, 26, 28 and 34 produced or manufactured in Poland.

There is published below a letter of December 1, 1964, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that the amount in Categories 19, 26, 28 and 34 of cotton textile products produced or manufactured in Poland which may be entered, or withdrawn from warehouse, for consumption in the United States from December 4, 1964, through December 3, 1965, be limited to designated levels.

THOMAS JEFF DAVIS,
*Acting Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
*Washington 25, D.C.*
DECEMBER 1, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
*Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective December 4, 1964, and for the twelve-month period extending through December 3, 1965, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textile products in Categories 19, 26, 28 and 34 produced or manufactured in Poland, in excess of the following levels of restraint:



| Category: | 12-month level of restraint |
|---|---|
| 19---------- | 625,000 square yards. |
| 26---------- | 100,000 square yards. |
| 28---------- | 112,500 units. |
| 34---------- | 63,000 units. |

In carrying out this directive, entries of cotton textile products in Categories 19, 26, 28 and 34, produced or manufactured in Poland, which have been exported to the United States from Poland prior to December 4, 1964, shall to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the period December 4, 1963, through December 3, 1964. In the event that this level has been exhausted by previous entries, such goods shall be charged against the level established under the present directive.

A detailed description of the listed categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551) and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

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*Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64-12471; Filed, Dec. 4, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 31-441]

## GENESEE VALLEY GAS CO., INC.

### Notice of Filing of Application for Order Revoking Exemption

November 30, 1964.

Notice is hereby given that Genesee Valley Gas Co., Inc. ("Genesee"), 56 Main Street, Geneseo, N.Y., an exempt holding company, has filed an application, pursuant to section 3(c) of the Public Utility Holding Company Act of 1935 ("Act"), for an order revoking the exemption granted it by our order issued August 2, 1938 (Genesee Valley Gas Company, Inc., 3 S.E.C. 672), pursuant to section 3(a)(1) of the Act, on the ground that the circumstances which gave rise to such order no longer exist. All interested persons are referred to the application on file at the office of the Commission for a statement of the facts set forth as the basis for the application, which are summarized below:

At the time its exemption was granted, Genesee had two direct and one indirect gas utility subsidiary companies, i.e., The Pavilion Natural Gas Co. ("Pavilion"), Churchville Oil and Natural Gas Co. ("Churchville") and Valley Gas Corp. ("Valley"), all New York corporations; and one nonutility subsidiary company, Putnam Natural Gas Co. ("Putnam"), engaged in producing and selling natural gas at wholesale. Since 1938, Churchville has been dissolved and Putnam has been sold; and Genesee's only substantial asset now consists of the outstanding common stock of Pavilion, which, in turn, owns the outstanding common stock of Valley.

All of Genesee's bonds, debentures, and preferred stock which were outstanding in 1938 have been retired or otherwise eliminated, and Genesee's presently outstanding securities consist solely of 22,655 shares of $1 par value common stock. The retirement of Genesee's bonds removed a restriction, imposed by the related bond indenture, against direct financing by its subsidiary companies, and since 1954 Pavilion has financed its own and Valley's capital requirements by means of retained earnings and through the sale to institutional investors of first mortgage bonds, presently outstanding in the aggregate principal amount of $489,000. Pavilion also has outstanding 25,000 shares of common stock with a par value of $13.20 per share, all owned by Genesee; Valley's only outstanding securities consist of 50 shares of common stock, all owned by Pavilion. At December 31, 1963, the consolidated assets of Pavilion and Valley amounted to $1,822,358, after reserves for depreciation.

Genesee states further that for some years its activities have been limited to the receipt of dividends from Pavilion, the payment of dividends to Genesee's stockholders, the filing of required reports and returns, and the payment of its income and other taxes and fees; that it is not now serving, and will not hereafter serve, any useful purpose with respect to the operations of Pavilion and Valley; and that the circumstances under which the Commission's order of August 2, 1938, was issued no longer exist. Accordingly, Genesee requests that its exemption be revoked in order that it may register under the Act and submit, pursuant to section 11(e) thereof, a plan pursuant to which it will cease to be a holding company with respect to its public-utility subsidiary companies in compliance with the simplification standards of section 11(b)(2) of the Act.

Notice is further given that any interested person may, on or before December 21, 1964, request in writing that a hearing be held in respect of the application, stating the nature of his interest, the reasons for the request, and the issues of law or fact which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect of the application. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the application as filed or as it may be amended, may be granted or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F.R. Doc. 64-12440; Filed, Dec. 4, 1964; 8:46 a.m.]

[File No. 2-21774]

## HOUSEHOLD FINANCE CORP.

### Notice of Application and Opportunity for Hearing

NOVEMBER, 30, 1964.

Notice is hereby given that Household Finance Corp. (Company) has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship of The First National Bank of Chicago ("First National Bank") under an Indenture dated as of September 1, 1953 (1953 Indenture), and under an Indenture dated October 15, 1960 (1960 Indenture), which were heretofore qualified under the Act, and trusteeship by First National Bank under a proposed indenture to be dated as of November 1, 1964 (1964 Indenture), not to be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Trustee from acting as such under the 1953 Indenture, the 1960 Indenture, and the 1964 Indenture.

Section 310(b) of the Act, which is included in section 7.08 of the 1953 Indenture and 6.08 of the 1960 Indenture, provides in part that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of section 310(b) provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture of an issuer and becomes trustee under another indenture of the same issuer. However, pursuant to clause (ii) of subsection (1), an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing hereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that:

1. It proposes to issue $85,000,000 aggregate principal amount of 4¾ Debentures due January 1, 1989, under the 1964 Indenture under which First National Bank is named indenture trustee, and to sell the new debentures to a limited number of institutional investors, which will purchase the debentures for investment

and not with a view to distribution, as a result of which the securities will be exempt from the registration requirements of the Securities Act of 1933 and the 1964 Indenture will be exempt from qualification under the Trust Indenture Act of 1939;

2. The company has outstanding $15,000,000 principal amount of fifteen-year 4½ percent debentures due 1968, issued under the 1953 Indenture dated as of September 1, 1953 under which First National Bank is trustee. Debentures issued under the 1953 Debenture were registered under the Securities Act of 1933 and the 1953 Indenture was qualified under the Trust Indenture Act of 1939;

3. The company also has outstanding $50,000,000 principal amount of its 4⅞ percent Debentures due 1981, issued under the 1960 Indenture dated as of October 15, 1960, under which First National Bank is trustee. Debentures issued under the 1960 Indenture were registered under the Securities Act of 1933 and the 1960 Indenture was qualified under the Trust Indenture Act of 1939;

4. Each indenture referred to herein is wholly unsecured and the company is not in default under any such indentures.

5. The 1953 Indenture provides for debentures of two maturities while the 1960 and 1964 Indentures provide for debentures of one maturity. Except as to the foregoing and the differences as to amounts, dates, interest rates, redemption, and other procedural differences, most of the provisions of the three indentures are substantially alike. The definition of "quick assets" in the 1953 and 1960 Indenture has been changed to a definition of "Aggregate Assets" in the 1964 Indenture. Subordinated indebtedness of the company has been excluded from the definition of "liabilities" in the 1964 Indenture;

6. None of the provisions of the 1953, 1960 and 1964 Indentures are likely to involve a material conflict of interest in the trusteeship thereof.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after December 23, 1964, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than 5:30 p.m., e.s.t., on December 21, 1964, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission (Pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12441; Filed, Dec. 4, 1964; 8:46 a.m.]

[File No. 70-4243]

## JERSEY CENTRAL POWER & LIGHT CO.

### Notice of Filing of Declaration Regarding Proposed Sale of an Interest in Generating Station

DECEMBER 1, 1964.

Notice is hereby given that Jersey Central Power & Light Co. ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, N.J., 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated section 12(d) of the Act and Rule 44 thereunder as applicable to the transaction therein proposed. All interested persons are referred to the declaration on file at the office of the Commission for a statement of the proposed transaction, which is summarized as follows:

Jersey Central is the owner of an undivided 33.33 percent interest in certain land, land rights, engineering designs, preliminary construction work, equipment in the process of fabrication, contracts and related property and interests acquired or in the process of acquisition, for a steam electric generating station, known as the Keystone Generating Station ("Keystone"), which is in the process of design, construction and installation near Johnstown, Pennsylvania. Jersey Central proposes, not later than December 31, 1965, to sell and transfer to Public Service Electric and Gas Co. ("Public Service"), a nonaffiliated company, approximately one-half (i.e., a 16.66 percent undivided interest in the whole) of such 33.33 percent undivided interest in Keystone, leaving Jersey Central with an undivided interest of 16.67 percent therein. The price to be paid to Jersey Central by Public Service in cash is an amount equal to Jersey Central's cost, as at the date of transfer, of the interest being conveyed. Such cost as at November 30, 1964, plus interest during construction to January 15, 1965, is estimated to be $1,459,000. The transfer may be made in several installments as may be best suited to the status of the title to the property being transferred.

Keystone is to be jointly owned by seven nonaffiliated electric utility companies (including Jersey Central and Public Service) as tenants in common, each of which is to share in the output of the station in proportion to its respective undivided interest.

The declaration states that the Board of Public Utility Commissioners of New Jersey and the Pennsylvania Public Utility Commission have jurisdiction over the proposed transfers of assets to Public Service and that applications to said Commissions, and orders thereof approving the transactions, are to be supplied for the record by amendment. The fees and expenses to be incurred by Jersey Central are also to be supplied by amendment.

Notice is further given that any interested person may, not later than December 28, 1964, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-noted address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12442; Filed, Dec. 4, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 495]

## OKLAHOMA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Grant and Kay Counties in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about November 18, 1964.

OFFICES

Small Business Administration Regional Office, 1025 Elm Street, Dallas, Tex.
Small Business Administration Branch Office, 3d and Robinson Streets, Oklahoma City, Okla.

2. A temporary field office will be established in Blackwell, Oklahoma, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1965.

Dated: November 20, 1964.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 64-12425; Filed, Dec. 4, 1964; 8:45 a.m.]



# INTERSTATE COMMERCE COMMISSION

[Notice 1087]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67160. By order of November 27, 1964, the Transfer Board approved the transfer to Medway Trucking Corporation, Philadelphia, Pa., of Certificate in No. MC 11650, issued June 24, 1959, to Dominick Pardo, doing business as Dom's Motor Express, Philadelphia, Pa., authorizing the transportation of: Soap chemicals and textile and lubricating oils, in containers, from Philadelphia, Pa., to New York, N.Y., and Bayonne, Beverly, and Camden, N.J. Raymond A. Thistle, Jr., Suite 1408-09, 1500 Walnut Street, Philadelphia 2, Pa., attorney for applicants.

No. MC-FC 67289. By order of November 27, 1964, the Transfer Board approved the transfer to Salmo Transport Ltd., Salmo, British Columbia, Canada, of the operating rights in Certificates Nos. MC 114126 and MC 114126 Sub 2, issued February 11, 1955, and September 20, 1962, respectively, to Associated Enterprises Ltd., Salmo, British Columbia, Canada, authorizing the transportation, over irregular routes, of cement and soda ash, from Metaline Falls, Wash., to the United States-Canada international boundary line at or near Nelway, British Columbia, Canada, and ore concentrates, in bulk, from ports of entry on the United States-Canada boundary line at or near Oroville, Ferry, Danville, Laurier, Northport, and Metaline Falls, Wash., and Port Hill and Eastport, Idaho, to Tacoma, Wash., and Kellogg, Idaho. Joseph L. Thomas, Old National Bank Building, Spokane 1, Wash., attorney for applicants.

No. MC-FC 67310. By order of November 27, 1964, the Transfer Board approved the transfer to Coronado Rapid Transfer, Inc., San Diego, Calif., of the Certificate of Registration in No. MC 121227 Sub 1, issued March 9, 1964, to Robert M. Scully and Kathleen A. Scully, a partnership, doing business as Coronado Rapid Transfer, San Diego, Calif., authorizing transportation in interstate and foreign commerce corresponding to the grant of prescriptive operative rights stated in Decision No. 22090, and transferred to the partnership in Decision No. 62904 by the Public Utilities Commission of California. David S. Folsom, 233 A Street, Room 1211, San Diego 1, Calif., attorney for applicants.

No. MC-FC 67320. By order of November 25, 1964, the Transfer Board approved the transfer to M. C. Garment Delivery, a corporation, Hasbrouck Heights, N.J., of the operating rights in Certificate No. MC 63992, issued March 22, 1955, to John Maita, doing business as M. C. Garment Delivery, Hasbrouck Heights, N.J., authorizing the transportation, over irregular routes, of wearing apparel, and cut and uncut goods, trimmings, clips, clasps, and other articles, when to be utilized in the manufacture of wearing apparel, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Essex, Union, Middlesex, and Monmouth Counties, N.J., and of women's and children's garments, and cut and uncut goods, trimmings, and other articles used in the manufacture of such garments, between New York, N.Y., on the one hand, and, on the other, Summit and East Newark, N.J. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., attorney for applicants.

No. MC-FC 67322. By order of November 25, 1964, the Transfer Board approved the transfer to Givens Transfer Company, Inc., Savannah, Ga., of Certificate No. MC 1840, issued July 20, 1949 to L. T. Givens, Jr., doing business as Givens Storage Company, Savannah, Ga., authorizing the transportation of household goods, over irregular routes, between Savannah, Ga., and points in Georgia within 50 miles of Savannah, on the one hand, and, on the other, points in Georgia, South Carolina, and Florida. L. T. Givens, Jr., 127 East Broad Street, Savannah, Ga., representative for applicants.

No. MC-FC 67326. By order of November 27, 1964, the Transfer Board approved the transfer to Medway Trucking Corporation, Philadelphia, Pa., of Certificate in No. MC 59871, issued October 5, 1950, to Joseph B. Tiernan, Jr., and Francis Tiernan, a partnership, doing business as Joseph Tiernan, Philadelphia, Pa., authorizing the transportation of: Radios and television sets, incidental parts, batteries and supplies and electrical equipment, between points in Philadelphia County, Pa., and, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington and Dover, Del., Newark, Perth Amboy, Elizabeth, Trenton, Hammonton, Edgewater, Atlantic City, and Camden, N.J., and points in the New York, N.Y., Commercial Zone. Raymond A. Thistle, Jr., Suite 1408-09, 1500 Walnut Street, Philadelphia 2, Pa., attorney for applicants.

No. MC-FC 67328. By order of November 25, 1964, the Transfer Board approved the transfer to Jenkins Trucking, Inc., Miami, Fla., of Certificate No. MC 117890, issued November 4, 1964, to Arthur G. Jenkins, doing business as Jenkins Trucking, Miami, Fla., authorizing the transportation of bananas, over irregular routes, from Miami and Tampa, Fla., to points in Florida, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Indiana and Ohio. John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla., 33125, representative for applicants.

No. MC-FC 67373. By order of November 25, 1964, the Transfer Board approved the transfer to Eugene Stone, Cleveland, Ohio, of the operating rights issued by the Commission, March 11, 1963, under Permit No. MC 124539, to Clarence C. Crowthers, Brecksville, Ohio, authorizing the transportation, over irregular routes, of such equipment, materials and supplies as are usually dealt in by gasoline and oil service stations, except liquid commodities in bulk, equipment and supplies, used by oil refineries, petroleum products, in packages, sold to consumers of such products, in semitrailers, supplied by shipper; and frozen foods, and supplies, used in the dispensing and serving of frozen food at oil and gasoline service stations in shipper supplied semitrailers equipped with mechanical refrigeration, between points in Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, and the lower peninsula of Michigan. Richard H. Brandon, c/o Sanborn, Brandon and Evans, 79 East State Street, Columbus 15, Ohio, attorneys for applicants.

No. MC-FC 67383. By order of November 25, 1964, the Transfer Board approved the transfer to Pacific & Atlantic Trucking Co., Inc., New Providence, N.J., of the operating rights in Permit No. MC 2194, issued January 24, 1942, to Harry Shaffer, Hillside, N.J., authorizing the transportation, over irregular routes, of groceries and grocery supplies, from Newark, N.J., to points in Nassau, Orange, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., between New York, N.Y., and Newark, N.J.; and between Philadelphia, Pa., on the one hand, and, on the other, Camden, Trenton, and

Newark, N.J. Hylan Cooper, 450 Seventh Avenue, New York, N.Y., 10001.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12446; Filed, Dec. 4, 1964; 8:46 a.m.]

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[Rev. S.O. 562; Taylor's I.C.C. Order 177, Amdt. 1]

## MISSOURI-KANSAS-TEXAS RAILROAD CO.

### Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 177 (Missouri-Kansas-Texas Railroad Company) and good cause appearing therefor:

*It is ordered,* That,

Taylor's I.C.C. Order No. 177 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) ***Expiration date.*** This order shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., December 2, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 1, 1964.

INTERSTATE COMMERCE COMMISSION,

[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12447; Filed, Dec. 4, 1964; 8:46 a.m.]

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[S.O. 947; Second Revised Taylor's Car Distribution Order 11]

## LEHIGH VALLEY RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there continues to exist a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That,

(a) The Lehigh Valley Railroad Company shall deliver to the Norfolk and Western Railway Company a daily average of 40 plain serviceable box cars inside length less than 44'8".

(b) Cars received by the Norfolk and Western Railway Company under this order will be delivered to the Chicago, Burlington & Quincy Railroad Company.

*It is further ordered,* That the Lehigh Valley Railroad Company shall prepare empty car cards, tickets or movement slips for all cars delivered to the Norfolk and Western Railway Company. Such cards, tickets or slips to accompany cars and be delivered with cars to the Chicago, Burlington & Quincy Railroad Company.

(c) Effective date: This order shall become effective at 12:01 a.m. December 3, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m. December 8, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the director, Office of the Federal Register.

Issued at Washington, D.C., December 1, 1964.

INTERSTATE COMMERCE COMMISSION,

[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12448; Filed, Dec. 4, 1964; 8:46 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


**3 CFR** (Page)
PROCLAMATIONS:
3630 — 15941
3631 — 16243

**4 CFR**
51 — 16313
52 — 16313

**7 CFR**
15 — 16274
717 — 16184
719 — 16185
722 — 16248
724 — 16077
729 — 16185
905 — 16313–16315
907 — 16315
910 — 16078, 16816
929 — 16078
1421 — 15943
PROPOSED RULES:
911 — 16258
915 — 16258
1005 — 16259
1030 — 16395, 16417
1031 — 16417
1036 — 16197
1044 — 16200
1126 — 16198

**9 CFR**
74 — 15943
97 — 16316

**10 CFR**
PROPOSED RULES:
Ch. I — 15957

**12 CFR**
217 — 15944, 16317
218 — 16065
329 — 15944

**13 CFR**
121 — 15945
PROPOSED RULES:
107 — 16094

**14 CFR**
7 — 16149
27 [New] — 16065
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318
71 [New] — 15945–15948, 16065, 16066, 16317, 16318
73 [New] — 15948, 16184
75 [New] — 16066, 16319
93 [New] — 15948
97 [New] — 16067
PROPOSED RULES:
39 [New] — 16429, 16430
71 [New] — 15958, 16093, 16202–16204, 16260, 16431
73 [New] — 15958
75 [New] — 16432
91 [New] — 15959

**15 CFR**
201 — 16319
365 — 16186

**16 CFR**
13 — 16186

**17 CFR**
200 — 16187
240 — 16245
PROPOSED RULES:
15 — 15957
19 — 15957

**18 CFR**
501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194

**19 CFR**
4 — 15949
14 — 16320

**20 CFR**
395 — 16322

**21 CFR**
8 — 15949
14 — 16194
15 — 16194
16 — 16194
17 — 16194
18 — 16194
19 — 16194
20 — 16194
22 — 16194
27 — 16194
29 — 16194
37 — 16194
42 — 16194
45 — 16194
46 — 16194
51 — 16194
53 — 16194
121 — 16078, 16079, 16249
148x — 16251
PROPOSED RULES:
46 — 16429

**24 CFR**
1 — 16280

**25 CFR**
43d — 16080

**26 CFR**
1 — 16081
45 — 16083
PROPOSED RULES:
1 — 15957, 16090

**29 CFR**
31 — 16284
689 — 15949
PROPOSED RULES:
601 — 16428
670 — 16428
675 — 16428
720 — 16428

**31 CFR**
PROPOSED RULES:
306 — 16330
315 — 16330
316 — 16330
321 — 16330
332 — 16330

**32 CFR**
517 — 15949
577 — 16251
701 — 16194
710 — 16055
719 — 16194
804 — 16323

**32A CFR**
OEP (Ch. I)
DMO I-4 — 16251

**33 CFR**
203 — 16251
206 — 15949

**35 CFR**
5 — 16328

**38 CFR**
3 — 16252, 16328

**39 CFR**
16 — 16125
21 — 16252
22 — 16125, 16252
24 — 16125
25 — 16252
61 — 16125

**41 CFR**
8–1 — 16323
8–2 — 16323
11–1 — 16252, 16255
11–2 — 16253, 16255
11–4 — 16253
11–14 — 16255
Ch. 18 — 16502
101–6 — 15972, 16287
101–18 — 15973
101–19 — 15978
101–20 — 15984
101–25 — 15990
101–27 — 15997
101–28 — 15998
101–29 — 16002
101–30 — 16004
101–40 — 16008
101–43 — 16012
101–44 — 16027
101–45 — 16035
101–47 — 16126

**42 CFR**
57 — 15952

**43 CFR**
17 — 16293
PUBLIC LAND ORDERS:
3464 — 16084
3465 — 16084
3466 — 16084
3467 — 16085
3468 — 16085
3469 — 16085
3470 — 16086
3471 — 16086
3472 — 16087
3473 — 16087
3474 — 16256

**44 CFR**
55 — 15954
60 — 15954
100 — 15954

**44 CFR—Continued** Page

102 ..... 15954
110 ..... 16195

**45 CFR**

80 ..... 16298
150 ..... 15955
611 ..... 16305

**46 CFR**

506 ..... 16195

PROPOSED RULES:

Ch. IV ..... 16433

**47 CFR**

73 ..... 16196
81 ..... 16196

PROPOSED RULES:

21 ..... 16204
73 ..... 16205, 16207

**49 CFR**

0 ..... 16087
176 ..... 16125
192 ..... 16256

**50 CFR**

256 ..... 16088



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PART II

# FEDERAL REGISTER

VOLUME 29 NUMBER 237

*Washington, Saturday, December 5, 1964*


National Aeronautics and Space Administration

# Revision of NASA Procurement Regulations

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 18—National Aeronautics and Space Administration Procurement Regulations

### REVISION OF CHAPTER

Chapter 18 of Title 41 is revised in its entirety as set forth below.


Part
18–1 General provisions.
18–2 Procurement by formal advertising.
18–3 Procurement by negotiation.
18–4 Special types and methods of procurement.
18–5 Interdepartmental procurement.
18–6 Foreign purchases.
18–7 Contract clauses.
18–8 Termination of contracts.
18–9 Innovations, inventions, patents, data, and copyrights.
18–10 Bonds and insurance.
18–11 Federal, State, and local taxes.
18–12 Labor.
18–13 Government property.
18–14 Inspection and acceptance.
18–15 Contract cost principles and procedures.
18–16 Procurement forms.
18–17 Extraordinary contractual adjustments procedure.
18–50 Administrative policies and procedures.
18–51 Contract management procedures.
18–52 Priorities and allocations.
18–53 Reserved.
18–54 Contract appeal procedure.


## PART 18–1—GENERAL PROVISIONS

### Subpart 18–1.1—Introduction


Sec.
18–1.100 Scope of subpart.
18–1.101 Purpose of this chapter.
18–1.102 Applicability.
18–1.103 Arrangement of this chapter.
18–1.107 Dissemination and effective date of this chapter and revisions.
18–1.109 Deviations and other procurement publications.
18–1.109–1 Applicability.
18–1.109–2 Approval of deviations.
18–1.109–3 Requests for deviations.
18–1.110 Reports of contracts.
18–1.111 Reports of noncompetitive practices.
18–1.112 Relationship to ASPR and FPR.
18–1.113 Code of conduct.
18–1.114 Reporting of identical bids.
18–1.115 Noncollusive bids and proposals.


### Subpart 18–1.2—Definition of Terms


18–1.201 Definitions.
18–1.202 Administrator.
18–1.203 Change order.
18–1.204 Construction contractor.
18–1.205 Contract modification.
18–1.206 Contracting officer.
18–1.207 Contracts.
18–1.208 Director of procurement.
18–1.209 Executive agency.
18–1.210 Federal agency.
18–1.211 Field installation.
18–1.212 Field procurement office.
18–1.213 Government instrumentality.
18–1.214 Head of a field installation.
18–1.215 Head of the agency.
18–1.216 Includes.
18–1.217 Installation.
18–1.218 Manufacturer.
18–1.219 May.
18–1.220 NASA.
18–1.221 Negotiate and negotiation.
18–1.222 Office of procurement.
18–1.223 Possessions.
18–1.224 Procurement.
18–1.225 Procurement office.
18–1.226 Procurement officer.
18–1.227 Procuring activity and head of a procuring activity.
18–1.228 Regular dealer.
18–1.229 Service contractor.
18–1.230 Shall.
18–1.231 Small Business concern.
18–1.232 Supplemental agreement.
18–1.233 Supplies and property.
18–1.234 United States.


### Subpart 18–1.3—General Policies


18–1.300 Scope of subpart.
18–1.301 Methods of procurement.
18–1.302 Sources of supply.
18–1.302–1 Government agencies.
18–1.302–2 Sources outside the Government.
18–1.302–3 Production and research and development pools.
18–1.302–50 Contracts between NASA and Government employees.
18–1.302–51 Proposed subcontracts between NASA contractors and Government employees.
18–1.304 Selection of items involving proprietary data or other restrictive factors.
18–1.305 Time of delivery or performance.
18–1.305–1 Scope.
18–1.305–2 General.
18–1.305–3 Terms.
18–1.305–4 Time of delivery clauses.
18–1.306 Approval signature.
18–1.307 Priorities, allocations, and allotments.
18–1.307–1 NASA program.
18–1.307–2 Required use of priorities, allocations, and allotments clause.
18–1.308 Records of contract actions.
18–1.309 Solicitations for information or planning purposes.
18–1.310 Liquidated damages.
18–1.311 Construction contracts—Disclosure of Government estimate.
18–1.312 Voluntary refunds.
18–1.314 Contracting officer's decision under the disputes clause.
18–1.315 Security requirements.
18–1.316 Disclosure of contractor performance data to other government agencies and foreign governments.
18–1.350 Nondiscrimination clause—Government leases.
18–1.350–1 Policy.
18–1.350–2 Use of clause.
18–1.350–3 Lease amendments and renewals.
18–1.350–4 Invitation for bids or request for proposals involving leases.
18–1.350–5 Deviations.


### Subpart 18–1.5—Contingent or Other Fees


18–1.500 Scope of subpart.
18–1.502 Applicability.
18–1.503 Covenant against contingent fees clause.
18–1.504 Improper influence.
18–1.505 General principles and standards applicable to the covenant.
18–1.505–1 Contingent character of the fee.
18–1.505–2 Exceptions to the prohibition of the covenant.
18–1.505–3 Bona fide employee.
18–1.505–4 Bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business.
18–1.505–5 Fees for information.
18–1.506 Representation and agreement required from prospective contractors.
18–1.506–1 Interpretation of the representation.
18–1.507 Use of Standard Form 119.
18–1.507–1 Statement in lieu of form.
18–1.507–2 Exceptions.
18–1.507–50 Additional provision.
18–1.508 Enforcement.
18–1.508–1 Failure or refusal to furnish Standard Form 119.
18–1.508–2 Misrepresentations or violations of the covenant against contingent fees.
18–1.509 Preservation of records.
18–1.550 Responsibility for protecting information contained in completed Standard Form 119.


### Subpart 18–1.6—Debarred, Ineligible, and Suspended Bidders


18–1.600 Scope of subpart and definitions.
18–1.600–1 Scope.
18–1.600–2 Definition of affiliates.
18–1.601 Establishment and maintenance of a list of firms or individuals debarred or ineligible.
18–1.601–1 General.
18–1.601–2 Information contained in NASA list.
18–1.601–3 Joint consolidated list.
18–1.601–4 Protection of lists.
18–1.601–50 Authority for making determinations.
18–1.601–51 Compliance with NASA list and joint consolidated list.
18–1.602 Limitation.
18–1.603 Grounds for listing and treatment to be accorded listed concerns.
18–1.604 Debarment of bidders.
18–1.604–1 Authority in NASA to debar firms and individuals.
18–1.604–2 Causes for debarment.
18–1.604–3 Period and scope of debarment.
18–1.604–4 Notice of debarment.
18–1.604–50 Reporting procedures.
18–1.605 Suspension of bidders.
18–1.605–1 General.
18–1.605–2 Authority in NASA to suspend firms or individuals.
18–1.605–3 Causes for suspension.
18–1.605–4 Period and scope of suspension.
18–1.605–5 Restrictions during period of suspension.
18–1.605–6 Notice of suspension.
18–1.605–50 Reporting procedures.
18–1.606 Limited debarment or suspension.
18–1.607 Interchange of debarment information.


### Subpart 18–1.7—Small Business Concerns


18–1.700 Scope of subpart.
18–1.701 Definitions.
18–1.701–1 Small business concern.
18–1.701–4 Manufacturing industry employment size standards.
18–1.702 General policy.
18–1.703 Determination of status as small business concern.
18–1.704 Small business officials.
18–1.704–1 Headquarters.
18–1.704–2 Field installations.
18–1.705 Cooperation with the small business administration.
18–1.705–1 General.
18–1.705–2 Small business administration representatives.
18–1.705–3 Screening of procurements.
18–1.705–4 Access to procurement information.
18–1.705–5 Joint SBA–NASA small business class set-aside for construction, repair and alteration work.
18–1.705–6 Certificates of competency.
18–1.705–7 Performance of contract by small business administration.
18–1.706 Set-asides for small business.
18–1.706–1 General.
18–1.706–2 Review of small business administration set-aside proposals.
18–1.706–3 Withdrawal or modification of set-asides.
18–1.706–4 Reporting for department of commerce procurement synopsis.
18–1.706–5 Total set-asides.
18–1.706–6 Partial set-asides.
18–1.706–7 Automatic dissolution of set-asides.
18–1.706–8 Contract authority.
18–1.706–9 Maintenance of records.
18–1.707 Subcontracting with small business concerns.
18–1.707–1 General.
18–1.707–2 Small business subcontracting program.
18–1.707–3 Required clauses.
18–1.707–4 Responsibility for reviewing the subcontracting program.
18–1.707–5 Reports on NASA Form 524.
18–1.707–6 Subcontracting studies and surveys.
18–1.707–7 Small business administration review of agency records.


### Subpart 18–1.8—Labor Surplus Area Concerns


18–1.850 Screening of procurements with respect to labor surplus area concerns.


### Subpart 18–1.9—Responsible Prospective Contractors


18–1.900 Scope of subpart.
18–1.901 Applicability.
18–1.902 General policy.
18–1.903 Minimum standards for responsible prospective contractors.
18–1.903–1 General standards.
18–1.903–3 Ability to meet certain minimum standards.
18–1.903–4 Affiliated concerns.
18–1.904 Determinations of responsibility and nonresponsibility.
18–1.905 Procedures for determining responsibility of prospective contractors.
18–1.905–1 General.
18–1.905–2 When information will be obtained.
18–1.905–3 Sources of information.
18–1.905–4 Pre-award surveys.
18–1.905–50 Factors to be considered.
18–1.905–51 When surveys normally are not required.
18–1.905–52 Procedures for requesting pre-award surveys.
18–1.905–53 Procedures for accomplishing pre-award surveys.
18–1.906 Subcontractor responsibility.
18–1.907 Disclosure of pre-award data.
18–1.950 Format of Request for Pre-Award Survey (NASA Form 585)
18–1.951 Format of Financial Data Sheet (NASA Form 586)


### Subpart 18–1.10—Publicizing Procurement Actions


18–1.1001 General policy.
18–1.1002 Availability of invitations for bids and requests for proposals.
18–1.1003 Synopses of proposed procurements.
18–1.1003–1 General.
18–1.1003–3 Synopses of subcontract opportunities.
18–1.1003–4 Responsibility of small business specialists.
18–1.1003–5 Publication of procurements of less than $10,000.
18–1.1003–6 Pre-invitation notices.
18–1.1003–7 Information regarding specifications, plans, and drawings.
18–1.1003–8 Time of publicizing.
18–1.1003–9 Preparation and transmittal.
18–1.1003–10 Area redevelopment administration.
18–1.1004 Synopses of contract awards.
18–1.1004–1 Preparation and transmittal.
18–1.1005 Classification codes.
18–1.1005–1 Codes for services.
18–1.1005–2 Codes for supplies.
18–1.1006 Paid advertisements in newspapers and trade journals.
18–1.1050 Furnishing additional procurement information to public.


### Subpart 18–1.12—Specifications, Plans, and Drawings


18–1.1200 Application.


### Subpart 18–1.14—Preference or United States-Flag Air and Ocean Carriers


18–1.1400 Scope of subpart.
18–1.1402 General.
18–1.1404 Procedures.
18–1.1405 Responsibilities.


### Subpart 18–1.16—Novation Agreements


18–1.1600 Scope of subpart.
18–1.1601 Definition.
18–1.1602 Agreement to recognize a successor in interest.
18–1.1606 Agreement to recognize change of name of contractor.
18–1.1650 Procedures.
18–1.1651 Novation agreement formats and related NASA documents.
18–1.1651–1 Successor in interest agreement format.
18–1.1651–2 Change of name agreement format.
18–1.1651–3 Sample letter requesting issuance of change order.
18–1.1651–4 Sample change order format.


### Subpart 18–1.50—Integration of Quality Requirements in NASA Procurements


18–1.5000 Scope of subpart.
18–1.5001 Policy.
18–1.5002 Classification of NASA procurements.
18–1.5003 Responsibilities.
18–1.5004 Procedures.
18–1.5005 Technical factors.


### Subpart 18–1.51—Integration of Reliability Requirements into NASA Procurements


18–1.5100 Scope of subpart.
18–1.5101 Policy.
18–1.5102 Definitions.
18–1.5103 Application.
18–1.5104 Responsibilities.
18–1.5105 Procedures.
18–1.5106 Technical factors (requests for proposals and work statements).


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## Subpart 18–1.1—Introduction

**§ 18–1.100 Scope of subpart.**

This subpart sets forth introductory information pertaining to the purpose, applicability, and content of this chapter.

**§ 18–1.101 Purpose of this chapter.**

This chapter, issued by the Director of Procurement under authority delegated by the Administrator, establishes for the National Aeronautics and Space Administration (NASA) uniform policies and procedures relating to the procurement of property and services under the authority of the National Aeronautics and Space Act of 1958, as amended (Public Law 85–568; 42 U.S.C. 2451 et seq.), Chapter 137, Title 10, of the United States Code, or other statutory authority.

**§ 18–1.102 Applicability.**

This chapter applies to all purchases and contracts made by NASA, within or outside the United States, for the procurement of property or services which obligate appropriated funds, unless otherwise specified herein.

**§ 18–1.103 Arrangement of chapter.**

This chapter is divided into parts, each one of which covers a separate aspect of procurement; and each part is further subdivided into subparts, sections, and paragraphs.

**§ 18–1.107 Dissemination and effective date of this chapter and revisions.**

(a) The NASA Procurement Regulation, and Revisions thereof, will be distributed directly to NASA installations by the U.S. Government Printing Office. The number of copies of the Regulation, and Revisions thereof, will be distributed on the basis of the requirements furnished by each Headquarters Staff Office, Headquarters Program Office, and NASA field installation, to the Office of Procurement, NASA Headquarters (Code KDP).

(b) Heads of field installations will ensure that copies of the NASA Procurement Regulation are distributed to all interested NASA activities and individuals within their installation.

(c) Copies of the NASA Procurement Regulation, and Revisions thereof, may be purchased by private concerns and individuals from the Superintendent of Documents, United States Government Printing Office, Washington, D.C., 20402.

**§ 18–1.109 Deviations and other procurement publications.**

**§ 18–1.109–1 Applicability.**

A deviation shall be considered to be any of the following:

(a) When a prescribed contract clause is set forth verbatim in NASA procurement regulations, use of a contract clause or a schedule provision covering the same subject matter which varies from, or has the effect of altering, the prescribed NASA clause, or changing its application;

(b) When a Standard, NASA, or other form is prescribed by NASA procurement regulations, use of any other form for the same purpose;

(c) Alteration of a Standard or NASA form except as authorized by NASA procurement regulations;

(d) When limitations are imposed by NASA procurement regulations upon the use of a contract clause, form, procedure, type of contract, or any other procurement action, the imposition of lesser or greater limitations; or

(e) When a policy, procedure, method or practice of conducting procurement actions is prescribed in NASA procurement regulations, any policy, procedure, method or practice inconsistent therewith.

**§ 18–1.109–2 Approval of deviations.**

Deviations from NASA procurement regulations will be authorized only when it is essential to effect necessary procurement or where special circumstances make such deviations clearly in the best interest of the Government. Such deviations will be approved only by the Director of Procurement, or his authorized representative.

**§ 18–1.109–3 Requests for deviations.**

Requests for authority to deviate from the provisions of this chapter and other procurement publications shall be submitted to the Office of Procurement (Code KDR). Such requests shall be signed by the Procurement Officer of a field installation (or the Director in the case of the Headquarters Contracts Division and the Grants and Research Contracts Division) or his deputy. Such requests shall be submitted as far in advance as the exigencies of the situation will permit. Each request for a deviation shall contain the following:

(a) A clear statement of the deviation desired;

(b) The reasons the deviation is considered necessary or would be in the best interest of the Government;

(c) The name of the contractor and identification of the contract affected;

(d) A statement as to whether the deviation has been requested previously, and, if so, circumstances of the previous request; and

(e) Any pertinent background information which will contribute to a full understanding of the desired deviation.

**§ 18–1.110 Reports of contracts.**

(a) Special reports concerning NASA contracts prescribed by NASA Headquarters are designed to meet statutory and other Congressional requirements, requirements of other Government agencies, and to provide all levels of management with data on which to formulate procurement policy as well as to determine the extent of compliance with prescribed policy.

(b) Basic recurring reports are set forth in Subpart 18–16.9, and include the Individual Procurement Action Report (NASA Form 507) and the Procurement Status Report (NASA Form 561). The statistics furnished in these reports are also used in the preparation of reports furnished to the President, the Congress, other Government agencies, and management within NASA. The accuracy, completeness, and timeliness of all reports are fully dependent on careful preparation and prompt submission.

**§ 18–1.111 Reports of noncompetitive practices.**

(a) Unless bids or proposals are genuinely competitive, contract prices tend to be higher than they should be. If the Administrator, NASA, or his representative considers that any bid received after formal advertising evidences a violation of the antitrust laws, he is required by 10 U.S.C. 2305(d) to refer such bids to the Attorney General of the United States for appropriate action (see § 18–2.404–1(b)(6) of this chapter). Similarly, evidence of such violations in negotiated procurements will be referred to the Attorney General (see § 18–3.215–2 of this chapter). Practices which are designed to eliminate competition or restrain trade and which may evidence possible violations of such laws include collusive bidding, follow-the-leader pricing, rotated low bids, uniform estimating systems, sharing of the business, identical bids, or similar actions.

(b) When bids or proposals are received and, in the opinion of the contracting officer, are indicative of possible antitrust violations, he shall report such circumstances to the General Counsel, NASA, Headquarters, through the Office of Procurement (Code KDP). Reports of such bids or propbsals should not be submitted automatically, but only when there is some reason to believe that those bids or proposals may not have been arrived at independently. Such reports shall be submitted with conformed copies of bids or proposals, contract documents, and other supporting data, and shall set forth:

(1) The noncompetitive pattern or situation under consideration;

(2) Purchase experience in the same product or service for a reasonable period of time (one or more years) prior to the receipt of the bids or proposals under consideration, including unit and total contract price and abstracts of bids;

(3) Community of financial interest among bidders, insofar as it is known;

(4) The extent, if any, to which specification requirements or patents restrict competition;

(5) Information which may be available with respect to the pricing system employed in bids or proposals believed to reflect noncompetitive practices; and

(6) Any other information considered pertinent.

(c) Evidence of noncompetitive bid practices which, in the opinion of the General Counsel, NASA Headquarters, may violate the antitrust laws shall be forwarded to the Attorney General of the United States.

(d) The reports required by this § 18–1.111 are separate and apart from the reporting requirement contained in § 18–1.114.

**§ 18–1.112 Relationship to ASPR and FPR.**

(a) Since NASA is governed by the same procurement law as the Department of Defense (Chapter 137, Title 10 U.S.C.), and both agencies deal to a considerable extent with the same segment of industry, it is NASA policy to prescribe procurement regulations which, to the maximum practicable extent, are consistent with policies and procedures adopted by the Department of Defense in the Armed Services Procurement Regulation (ASPR).

(b) NASA and the General Services Administration have also reached agreement concerning the relationship between the Federal Procurement Regulation (FPR) and the NASA Procurement Regulation. NASA has agreed to participate in the publication program established by the FPR system. Therefore, portions of the NASA Procurement Regulation which require publication will be published in this chapter and will utilize the numbering system of the FPR system.

**§ 18–1.113 Code of conduct.**

(a) A number of Federal statutes prohibit certain acts by Government personnel and special Government employees as defined in 18 U.S.C. 202 in relation to procurement activities for the Government. Among these statutes are the following: (1) 18 U.S.C. 201 relating to bribes in order to secure a Government contract; (2) 18 U.S.C. 203 relating to compensation for services rendered in connection with any proceeding or claim in which the United States has an interest; (3) 18 U.S.C. 205 relating to acting as an agent or attorney for prosecuting any claim against the United States; (4) 18 U.S.C. 208 relating to transacting business as an officer or agent of the United States with firms of which such officer or agent, his spouse, minor child, or partner is an official or in which he has a pecuniary interest; and (5) 18 U.S.C. 209 relating to compensation from non-Government sources in connection with Government services. All procurement personnel shall become familiar with these statutory prohibitions. Any questions concerning them shall be referred to legal counsel. In addition to criminal penalties, the statutes provide that transactions entered into in violation of these prohibitions are voidable (18 U.S.C. 218).

(b) Aside from such statutory prohibitions, as set forth in paragraph (a), of this section, procurement personnel shall maintain the highest standards of conduct in connection with dealings on behalf of the Government. Such conduct must at all times be beyond reproach and must be such that each individual involved in NASA procurement activities would have no reticence in making a full public disclosure of all actions taken in connection with such activities.

**§ 18–1.114 Reporting of identical bids.**

(a) *General.* Executive Order 10936 (April 24, 1961, 3 C.F.R. 1961 Supp., p. 104), as implemented by the Department of Justice, requires that a report be submitted to the Attorney General on each formally advertised procurement (including small business restricted advertising) over $10,000 which involves identical bids.

(b) *Definitions.* (1) Identical bids are two or more bids for the same line item which:

(i) Are identical on their face (regardless of such evaluation factors as discount, transportation, etc.) either as to unit price or total line item amount; or

(ii) Are identical as evaluated as to either unit price or total line item amount.

(2) The term "line item" means each object of procurement specified in an invitation for bids which, under the terms of the invitation, is susceptible to a separate contract award. The reporting requirements herein established for line items are applicable to invitations calling for line item bidding, even though such bids contain qualifying or restrictive limitations on award (e.g., all-or-none bids; lump sum awards in the case of construction contracts; award on one item conditioned on award of other items).

(c) *Information to be obtained from bidders.* Each invitation for bids for a procurement estimated to exceed $10,000 will include substantially the following:

PARENT COMPANY AND EMPLOYER IDENTIFICATION NUMBER (MARCH 1963)

(a) Bidder represents that he [ ] is, [ ] is not, owned or controlled by a parent company. For this purpose a parent company is defined as one which either owns or controls the activities and basic business policies of the bidder. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company such ownership is not required; if another company is able to formulate, determine or veto basic business policy decisions of the bidder, such other company is considered the parent of the bidder. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.

(b) If the bidder is owned or controlled by a parent company, insert in the space below the name and main office of the parent company.

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(Name) (Address)

(c) Bidder will provide in the applicable space below, if he has no parent company, his own Employer's Identification Number (E.I. No.) (Federal Social Security Identification Number as used on Federal Tax Return); or, if he has a parent company, the E.I. No. of his parent company.

Bidder's E.I. No.----------

Parent Company's E.I. No.----------

The information required by this paragraph (c) will be included on reports of identical bids. If identical bids are involved and bidders fail to provide this information, one inquiry will be made to obtain such information. Failure on the part of bidders to provide the information in this paragraph on invitation for bids shall be indicated on all reports of identical bids, but shall not be considered a basis for rejection of bids.

(d) *Reportable bids.* All identical bids shall be reported when the bid value of all line items covered by the invitation for bids exceeds $10,000 (based on the apparent low bid for each line item), regardless of whether:

(1) They were the low bids;

(2) Award is made on the line item;

(3) The invitation was canceled; or

(4) Any other disposition was made subsequent to public opening of the bids.

(e) *Conditions under which identical bids are not reportable.* Reports shall not be submitted when:

(1) Bids are received only from foreign sources on invitations for bids involving delivery and performance outside the United States, its possessions, or Puerto Rico;

(2) There is no line item on which the apparent low bids exceed $2,500 (line item evaluation computations beyond those normally made to determine low bidders are not required); or

(3) No identical bids are discovered in the normal process of evaluating bids for award and no identical bids are apparent on the face of the bid.

(f) *Information to be reported.* When a procurement invitation results in the submission of identical bids to be reported under paragraph (d) of this section, a report shall be submitted showing the entire bid proceeding for each line item in which identical bids are received. A copy of the invitation for bids and a copy of the completed abstract of all bids received shall be filed with the report, except that an abstract will not be furnished if the number of line items on the invitation for bids exceeds 100. In such case, the report shall be annotated to indicate both the number of line items and the total number of bidders on the invitation.

(g) *Submission of reports.* (1) Identical Bid reports shall be submitted on Department of Justice Form DJ–1500 (Federal Stock No. 7540–823–7870), available from General Services Administration stores and depots. Instructions for completing this form are printed as the cover sheet of each pad of the forms. Reports shall be made within 20 days following the final disposition of all bids received in response to the invitation for bids involved. Two completed copies of the report, with attachments, and of the completed bid, shall be sent directly to the Attorney General (Code AT–IBR), Washington, D.C. One copy of the completed report (including abstract of bids, if appropriate) shall be retained by the reporting installation and one completed copy submitted to the Director of Procurement (Code KDP), NASA Headquarters.

(2) This reporting requirement is in addition to and will not be deemed a substitute for the reports of noncompetitive practices required by § 18–1.111.

**§ 18–1.115 Noncollusive bids and proposals.**

(a) In order to promote full and free competition for Government contracts, the following certification shall be included in all (1) invitations for bids and (2) requests for proposals or quotations (other than for small purchases made in accordance with Subpart 18–3.6 of this chapter and other than requests for technical proposals in connection with two-step formal advertising) involving

firm fixed-price contracts and fixed-price contracts with escalation:

CERTIFICATION OF NONCOLLUSION (OCTOBER 1963)

(a) By submission of this bid or proposal, the bidder or offeror certifies in connection with this procurement that:

(1) The price in this bid or proposal has been independently arrived at without collusion with any other bidder or offeror or with any competitor;

(2) Unless otherwise required by law, the price in this bid or proposal has not been knowingly disclosed and will not be knowingly disclosed prior to opening, in the case of a bid, or prior to award, in the case of a proposal, directly or indirectly to any other bidder or offeror or to any competitor; and

(3) No attempt has been or will be made to induce any other person or firm to submit or not to submit a bid or proposal.

(b) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification.

(c) This certification is not applicable to a foreign bidder or offeror submitting a bid or proposal for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(d) A bid or proposal will not be considered for award where (a)(1), (a)(3) or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified, the bid or proposal will not be considered for award unless the bidder or offeror furnishes with the bid or proposal a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or his designee, determines that the disclosure was not made with collusive intent.

(b) The authority to make the determination described in paragraph (d) of the certification in paragraph (a) of this section shall be exercised by the Director of the Installation or his deputy.

(c) Where a certification is suspected of being false or there is indication of collusion, the matter shall be processed in accordance with § 18–1.111. For rejection of bids which are suspected of being collusive and for the negotiation of procurements subsequent to such rejection, see §§ 18–2.404–1(b)(6) and 18–3.215–2 of this chapter.

## Subpart 18–1.2—Definition of Terms

### § 18–1.201 Definitions.

As used throughout this chapter, the words and terms defined in this subpart shall have the meanings set forth in this subpart, unless (a) the context in which they are used clearly requires a different meaning or (b) a different definition is prescribed for a particular part or portion thereof.

### § 18–1.202 Administrator.

"Administrator" means the Administrator or Deputy Administrator of NASA.

### § 18–1.203 Change order.

"Change order" means a written order signed by the contracting officer, directing the contractor to make changes which the changes clause of the contract authorizes the contracting officer to order without the consent of the contractor.

### § 18–1.204 Construction contractor.

"Construction contractor" means a person (or firm) who, before being awarded a contract, satisfies the contracting officer that he qualifies as one:

(a) Who owns, operates, or maintains a place of business regularly engaged in the construction, alteration, or repair of buildings, structures, communication facilities, or other engineering projects, including the furnishing and installing of necessary equipment; or

(b) Who, if newly entering into a construction activity, has made all necessary prior arrangements for personnel, construction equipment, and required licenses to perform construction work.

### § 18–1.205 Contract modification.

"Contract modification" means any written alteration in the specification, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of an existing contract, whether accomplished by unilateral action in accordance with a contract provision, or by mutual action of the parties to the contract. It includes (a) bilateral actions such as supplemental agreements, and (b) unilateral actions such as change orders, administrative changes, notces of termination, and notices of the exercise of a contract option.

### § 18–1.206 Contracting officer.

"Contracting officer" means any employee of NASA who is currently designated a contracting officer with the authority to enter into and administer contracts and make determinations and findings with respect thereto, or with any part of such authority. The term also includes the authorized representative of the contracting officer acting within the limits of his authority.

### § 18–1.207 Contracts.

"Contracts" means all types of agreements and orders for the procurement of supplies or services. It includes awards and notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job orders, task orders, or task letters thereunder; letter contracts; and purchase orders. It also includes supplemental agreements with respect to any of the foregoing.

### § 18–1.208 Director of procurement.

"Director of Procurement" means the Director, Office of Procurement, NASA Headquarters (Code KD).

### § 18–1.209 Executive agency.

"Executive agency" means any executive department or any independent establishment in the Executive Branch of the Government, including any wholly owned Government corporation, the National Aeronautics and Space Administration, and the Departments of the Army, Navy and Air Force.

### § 18–1.210 Federal agency.

"Federal agency" means any executive agency or any establishment in the Legislative or Judicial Branches of the Government (except the Senate, the House of Representatives, and the architect of the Capitol and any activities under his direction).

### § 18–1.211 Field installation.

"Field installation" means Ames Research Center; Electronics Research Center; Flight Research Center; Goddard Space Flight Center; Langley Research Center; John F. Kennedy Space Center, NASA; Lewis Research Center; Manned Spacecraft Center; George C. Marshall Space Flight Center; Pacific Launch Operation Center; North Eastern Office; Wallops Station; Western Operations Office, and any other field installation hereafter established by NASA.

### § 18–1.212 Field procurement office.

"Field procurement office" means any NASA procurement office other than procurement offices at NASA Headquarters.

### § 18–1.213 Government instrumentality.

"Government instrumentality" means any of the following:

(a) An instrumentality of the U.S. Government;

(b) An agency or instrumentality of a State or local government, possession, or Puerto Rico;

(c) An agency or instrumentality of a foreign government.

### § 18–1.214 Head of a field installation.

"Head of a field installation" means the Director of a field installation.

### § 18–1.215 Head of the agency.

"Head of the agency" means the Administrator or Deputy Administrator of NASA.

### § 18–1.216 Includes.

"Includes" means "includes but is not limited to."

### § 18–1.217 Installation.

"Installation" means NASA Headquarters and field installations.

### § 18–1.218 Manufacturer.

"Manufacturer" means a person (or firm):

(a) Who owns, operates, or maintains a factory or establishment that produces on the premises the materials, articles, or equipment required under the contract and of the general character described by the specifications; or

(b) Who, if newly entering into a manufacturing activity, has made all necessary prior arrangements for manufacturing space, equipment, and personnel to perform the manufacturing operations required for contract performance; and

(c) Who, before being awarded a contract, satisfies the contracting officer that he qualified under paragraphs (a) or (b) of this section.

### § 18–1.219 May.

"May" is permissive. However, the words "no person may * * *" mean that no person is required, authorized, or permitted to do the act prescribed.



### § 18–1.220 NASA.

"NASA" means the National Aeronautics and Space Administration.

### § 18–1.221 Negotiate and negotiation.

"Negotiate and negotiation," when applied to the making of purchases and contracts, refer to making purchases and contracts without formal advertising.

### § 18–1.222 Office of Procurement.

"Office of Procurement" means the Office of Procurement, NASA Headquarters.

### § 18–1.223 Possessions.

"Possessions" in a geographic sense includes the Virgin Islands, the Canal Zone, Swan Islands, Guantanamo Bay, Johnston Island, American Samoa, Guam, Wake Island, Midway Island, and the guano islands but does not include Puerto Rico, leased bases, occupied Japanese islands, or trust territories.

### § 18–1.224 Procurement.

"Procurement" includes purchasing, renting, leasing, or otherwise obtaining supplies or services.

### § 18–1.225 Procurement office.

"Procurement office" means the offices at NASA Headquarters and NASA field installations charged with the responsibility for making and administering purchases and contracts.

### § 18–1.226 Procurement officer.

"Procurement officer" means the Head of a procurement office.

### § 18–1.227 Procuring activity and head of a procuring activity.

The terms "procuring activity" and "Head of a procuring activity" as used in portions of ASPR or the FPR incorporated by reference in this chapter correspond to the terms "field installation" and "head of a field installation" as used in this chapter. The Director of Procurement, NASA Headquarters, also falls within the term "head of a procuring activity" insofar as procurements by NASA Headquarters are concerned.

### § 18–1.228 Regular dealer.

"Regular dealer" means a person (or firm):

(a) Who owns, operates, or maintains a store, warehouse, or other establishment in which materials, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business; or

(b) In the case of articles of particular kinds (lumber and timber products, coal, machine tools, raw cotton, petroleum, green coffee, tea, agricultural liming materials, or hay, grain, feed, or straw), who satisfies the requirements of the Regulations of the Secretary of Labor (41 CFR 201.101(b) and 201.603(f) under the Walsh-Healey Public Contracts Act; and

(c) Who, before being awarded a contract, satisfies the contracting officer that he is engaged in an established regular business, meeting all the criteria of paragraph (a) or (b) of this section.

It is not enough in the case of a regular dealer to show only that arrangements have been made to set up such a business. Before an award can be made, the dealer must show that he is an established going business regularly dealing in the particular articles, or articles of the general character sought by the Government.

### § 18–1.229 Service contractor.

"Service contractor" means a person (or firm) who, before being awarded a contract, satisfies the contracting officer that he qualifies as one:

(a) Who owns, operates, or maintains a place of business regularly engaged in performing nonpersonal services, such as the repair, maintenance, or rebuilding of personal property; the packing, crating, or moving of material; the operation of equipment or facilities; the rental of equipment or facilities; or the performance of administrative, professional, or technical functions; or

(b) Who, if newly entering into a service activity, has made all necessary prior arrangements for personnel, service equipment, and required licenses to perform services.

### § 18–1.230 Shall.

"Shall" is imperative.

### § 18–1.231 Small business concern.

See § 18–1.701–1.

### § 18–1.232 Supplemental agreement.

"Supplemental agreement" means any contract modification which is accomplished by the mutual action of the parties.

### § 18–1.233 Supplies and property.

(a) "Supplies" or "property" means all property except land or interests in land. It includes public works, buildings, and facilities; aircraft, missiles, satellites, and other aeronautical and space vehicles, together with related equipment, devises, components, and parts; machine tools; and the alteration or installation of any of the foregoing. "Supplies" as used in this chapter is synonymous with "property" as described in 10 U.S.C. 2303(b).

(b) The terms "supplies" and "property" are used interchangeably in this chapter unless otherwise specifically provided. These terms as used in this chapter have the same meaning as the term "supplies" used in ASPR. The terms "personal property and nonpersonal services" as used in the FPR have the same meaning as "supplies and services" or "property and services" used herein.

### § 18–1.234 United States.

"United States," when used in a geographic sense, means the 50 States and the District of Columbia.

## Subpart 18–1.3—General Policies

### § 18–1.300 Scope of subpart.

This subpart sets forth general policies with respect to the procurement of supplies and services by formal advertising and by negotiation.

### § 18–1.301 Methods of procurement.

(a) *General objective.* It is the objective of NASA to use that method of procurement which will be most advantageous to the Government, price, quality, and other factors considered.

(b) *Competition.* All procurements, whether by formal advertising or by negotiation, shall be made on a competitive basis to the maximum practicable extent.

(c) *Formal advertising.* Procurements shall be made by formal advertising in all cases in which the use of such method is feasible and practicable under the existing conditions and circumstances. Procurement by formal advertising shall be effected in accordance with Part 18–2 of this chapter.

(d) *Negotiation.* If the use of formal advertising is not feasible and practicable, procurements may be negotiated in accordance with Part 18–3 of this chapter.

### § 18–1.302 Sources of supply.

### § 18–1.302–1 Government agencies.

Before taking procurement action, in accordance with this chapter, installations shall ensure that they comply with applicable laws and regulations relative to obtaining supplies or services from Government sources and from contracts of other Government agencies. To the extent practicable, supplies shall be obtained from surplus property in the hands of disposal agencies and surplus or excess stocks in the hands of any government agency.

### § 18–1.302–2 Sources outside the Government.

Irrespective of whether the procurement of supplies or services from sources outside the Government is to be effected by formal advertising or by negotiation, competitive proposals ("bids" in the case of procurement by formal advertising, "proposals" in the case of procurement by negotiation) shall be solicited from all such qualified sources deemed necessary by the contracting officer to assure full and free competition consistent with the procurement of the types of supplies and services necessary to meet NASA's requirements.

### § 18–1.302–3 Production and research and development pools.

(a) *Description.* A production or research and development pool is a group of concerns (1) who have associated together for the purpose of obtaining and performing jointly, or in conjunction with each other, contracts for supplies or services or for research and development for defense use, or to effectuate the purposes of the Small Business Act; (2) who have entered into a pool agreement governing their organization, relationship, and procedure; and (3) whose agreement has been approved either in accordance with Section 708 of the Defense Production Act of 1950, as amended (Defense Production Pool), 50 U.S.C. App. 2158, or in accordance with Section

9(d) or 11 of the Small Business Act, 15 U.S.C. 631–647 (Small Business Pools). Pool participants are exempt from the "manufacturer or regular dealer" requirement of the Walsh-Healey Public Contracts Act (see 18–12.3), of this chapter.

(b) *General rule.* Except as provided in this section, a pool shall be treated for purposes of Government procurement on exactly the same basis as any other prospective or actual contractor.

(c) *Ascertainment of status.* The contracting officer is responsible for ascertaining whether a group of firms seeking to do business with the Government is a pool. In ascertaining the status of a group representing itself as a pool, contracting officers may rely on a copy of the Small Business Administration (SBA) or Office of Emergency Plans (OEP) (formerly OCDM) notification of approval of the pool. The Director of Procurement will expeditiously disseminate to field installations information received from SBA or OEP concerning the approval of production and research and development pools. In any case where the award of a contract to a group representing itself as a production or research and development pool is contemplated, and the contracting officer does not have data available as to the status of the pool, the group shall be requested to furnish to the contracting officer the following:

(1) A copy of the SBA or OEP notification of approval of the pool; and

(2) A list of the member companies of the pool and a statement regarding the type of organization and plan of operation of the pool.

(d) *Contracting with pools.* (1) A bid or proposal of a pool is not eligible for award to the pool unless submitted either by the pool in its own name or by an individual member expressly disclosing that it is on behalf of the pool. Except for contracts to be awarded to incorporated pools, the contracting officer shall, prior to award to a pool, require to be deposited with him a certified copy of a power of attorney from each member of the pool who is to participate in the performance of the contract authorizing an agent to execute the bid, proposal, or contract on behalf of such member. A copy of each such power of attorney shall be appended to each executed copy of the contract retained by the Government.

(2) Membership in a pool shall not of itself preclude individual members from submitting bids or proposals as individuals on appropriate procurements. Bids or proposals submitted by an individual member of a pool shall not be considered when the individual member has participated in the bid or proposal submitted by the pool.

(e) *Responsibility of pool member.* Where a member of a production pool has submitted a bid or proposal in his own name and not on behalf of a pool, the pool agreement shall be a factor to be considered in determining the pool member's responsibility, pursuant to Subpart 18–1.9.

### § 18–1.302–50 Contracts between NASA and Government employees.

(a) Procurement contracts between the Government and its employees or business organizations substantially owned or controlled by Government employees will not knowingly be entered into, except in those cases in which the needs of the Government cannot reasonably be otherwise supplied. The specific approval of the Director of Procurement must be obtained for any such contract.

(b) Surplus personal property shall not be sold to persons known to be officers or employees of the Federal Government, except as specifically authorized by the Director of Procurement.

### § 18–1.302–51 Proposed subcontracts between NASA contractors and government employees.

In the approval of subcontracts under NASA prime contracts, NASA contracting officers shall consider the policy restrictions of § 18–1.302–50 to apply to subcontracts.

### § 18–1.304 Selection of items involving proprietary data or other restrictive factors.

In some cases the procurement of an item would involve proprietary data (see § 18–9.201(b)) or other factors which would restrict sources of procurement or limit competition, but alternative items may be procured which would meet the needs of NASA. In such cases, consideration will be given, in selecting the item to be procured, to the relative advantages for aeronautical and space purposes of the item which involves such proprietary data or other factors as against the disadvantages of a restricted source of supply and possibly increased cost to the Government because of lack of competition. However, when a particular item best meets the needs of NASA, the contracting officer will not refrain from procuring the item solely because it would involve such restrictions or limitations.

### § 18–1.305 Time of delivery or performance.

### § 18–1.305–1 Scope.

This § 18–1.305 prescribes policy and procedure regarding requirements as to time of delivery or performance of contracts for supplies or services, excluding construction.

### § 18–1.305–2 General.

(a) The time of delivery or of performance is an essential element of a contract and must be clearly set forth in invitations for bids and requests for proposals. Time schedules for delivery or performance shall be designed to meet the requirements of the particular procurement, all relevant factors considered, and must be realistic. Schedules which are unreasonably tight or difficult of attainment tend to restrict competition, are inconsistent with small business policies, and may result in higher contract prices. Therefore, before issuing an invitation for bids or request for proposals, the contracting officer shall question any delivery or performance schedule which appears unrealistic, and, if necessary, initiate action to mak appropriate adjustments, with due attention to all relevant factors including one or more of the following:

(1) Urgency of need for the supplies or services;

(2) Production time in view of quantity, complexity of design, etc.;

(3) Market conditions;

(4) Transportation time;

(5) Industry practices;

(6) Capabilities of small business concerns;

(7) Time for obtaining and evaluating bids or offers, and for awarding contracts;

(8) Time for contractors to comply with any conditions precedent to performance; and

(9) Time for the Government to perform its obligations under the contract (e.g., furnishing of Government property to the contractor, approval of preproduction samples, and inspection.)

(b) Where timely delivery or performance is unusually important to the Government, a liquidated damages provision may be used as provided for in § 18–1.310.

(c) Except where clearly unnecessary, invitations for bids and requests for proposals shall inform bidders or offerors of the basis on which their bids or proposals will be evaluated with respect to time delivery or performance.

### § 18–1.305–3 Terms.

(a) Delivery schedules may be expressed in terms of:

(1) Specific calendar dates (e.g., on or before July 1, 1964);

(2) Specified periods from date of contract (i.e., date of award or acceptance by the Government, or date shown on contract document as effective date of contract); or

(3) Specified periods from date of receipt by contractor of notice of award or acceptance by the Government (including notice by receipt of contract document executed by the Government).

The full period which the Government holds out as being available for contract performance should not be curtailed to the prejudice of the contractor by delay in giving notice of award. Accordingly, one of the provisions in paragraph (b) or (c) of this section shall be used in advertised procurements and may be suitably modified and used in appropriate negotiated procurements (other than small purchases).

(b) Where the delivery schedule is in terms of specific calendar dates, invitations for bids shall include one of the following provisions:

(1) The foregoing delivery requirements are based on the assumption that the Government will make award by (contracting officer, insert calendar date). Each delivery date in the delivery schedule set forth herein will be extended by the number of calendar days after the above date that the contract is in fact awarded. Attention is directed to paragraph 8(d) of the Terms and Conditions of the Invitation for Bids, which provides that a written award mailed or otherwise furnished to the successful bidder results in a binding contract. Therefore, in computing the available time for performance, the bidder should take into consideration the time required for notice of award to arrive through the ordinary mails. (February 1962)

(ii) The foregoing delivery requirements are based on the assumption that the successful bidder will receive the notice of award by (contracting officer, insert calendar date). The Government will extend each delivery date in the delivery schedule set forth herein by the number of calendar days after the above date that the contractor receives notice of award: *Provided*, That the contractor promptly acknowledges such receipt. (February 1962)

(c) Where the delivery schedule is based on the date of contract (see paragraph (a) (2) of this section), the invitations for bids will include the following provision:

Attention is directed to paragraph 8(d) of the Terms and Conditions of the Invitation for Bids, which provides that a written award mailed or otherwise furnished to the successful bidder results in a binding contract. Any award hereunder, or a preliminary notice thereof, will be mailed or otherwise furnished to the bidder the day the award is dated. Therefore, in computing the time available for performance, the bidder should take into consideration the time required for the notice of award to arrive through the ordinary mails. However, a bid offering delivery based on date of receipt by the contractor of the contract or notice of award (rather than the contract date) will be evaluated by adding the maximum number of days normally required for delivery of the award through the ordinary mails. If, as so computed, the delivery date offered is later than the delivery date required in the invitation, the bid will be considered nonresponsive and rejected. (February 1962)

(d) Where the delivery schedule is based on the date of the contract (see paragraphs (a) (2) and (c) of this section), the contract, notice of award, acceptance of proposal, or other contract document executed by the Government shall be mailed or otherwise furnished the contractor on the day it is dated.

(e) Where the delivery schedule is based on date of receipt by the contractor of notice of award (see paragraph (a) (3) of this section), or where it is expressed in terms of specific calendar dates on the assumption that notice of award will be received by a specified date (see paragraph (b), clause ii of this section), the notice of award, acceptance of proposal, or other contract document executed by the Government shall be sent by certified mail, return receipt requested, or shall be accompanied by a date of receipt acknowledgment card.

(f) When the required delivery schedule in the invitations for bids is based on date of the contract (see paragraph (a) (2) of this section), a bid offering delivery based on date of receipt by the contractor of the contract or notice of award (see paragraph (a) (3) of this section):

(1) Shall be evaluated by adding the maximum number of days normally required for delivery of the award through the ordinary mails; and

(2) If the delivery date offered by the bid (computed in accordance with subparagraph (1) of this paragraph) is later than the delivery date required in the invitation for bids, the bid shall be considered nonresponsive and rejected; but

(3) If award is made under subparagraph (1) of this paragraph, under the terms of the contract the delivery date will be the number of days, after actual receipt by the contractor of the notice of award, which were specified in the bid.

### § 18–1.305–4 Time of delivery clauses.

(a) Examples of time of delivery clauses for invitations for bids are set forth in paragraphs (b) and (c) of this section. They may be modified or other clauses may be used to state particular delivery requirements or any special procedures to be used in the evaluation, rejection, or award process as regards time of delivery. These clauses also may be suitably modified and used as appropriate in negotiated procurements.

(b) The following clause may be used where delivery by a particular time is essential to meet the Government's requirements:

TIME OF DELIVERY (FEBRUARY 1962)

Delivery is REQUIRED to be made in accordance with the following schedule:

| Item No. | Quantity | Time (conditions to be specified by Contracting Officer (see (d) below)) |
|---|---|---|
| | | |

Bids offering delivery of each quantity within the applicable delivery period specified above will be evaluated equally as regards time of delivery. Bids offering delivery of a quantity under such terms or conditions that delivery will not clearly fall within the applicable delivery period specified above will be considered nonresponsive and will be rejected. Where a bidder offers an earlier delivery schedule than that called for above, the Government reserves the right to award either in accordance with the required schedule or in accordance with the schedule offered by the bidder. If the bidder offers no other delivery schedule, the delivery schedule stated above shall apply.

BIDDER'S PROPOSED DELIVERY SCHEDULE

(TO BE COMPLETED BY BIDDER)

| Item No. | Quantity | Time (conditions to be specified by Contracting Officer (see (d) below)) |
|---|---|---|
| | | |

(c) The following clause may be used where delivery by a certain time is DESIRED although not essential, but delivery by a specified later time is necessary to meet the Government's requirements.

TIME OF DELIVERY (FEBRUARY 1962)

Delivery is DESIRED by the Government in accordance with the following schedule:

| Item No. | Quantity | Time (conditions to be specified by Contracting Officer (see (d) below)) |
|---|---|---|
| | | |

If the bidder is unable to meet the above delivery schedule, he may, without prejudice to the evaluation of his bid, set forth his Proposed Delivery Schedule below; but such delivery schedule must not extend the delivery period beyond the time of delivery called for in the following REQUIRED delivery schedule:

REQUIRED DELIVERY SCHEDULE

| Item No. | Quantity | Time (conditions to be specified by Contracting Officer (see (d) below)) |
|---|---|---|
| | | |

Bids offering delivery of a quantity under such terms or conditions that delivery will not clearly fall within the applicable REQUIRED delivery period specified above will be considered nonresponsive and will be rejected.

If the bidder does not propose a different delivery schedule, the Government's DESIRED delivery schedule shall apply:

BIDDER'S PROPOSED DELIVERY SCHEDULE

(TO BE COMPLETED BY BIDDER)

| Item No. | Quantity | Time (conditions to be specified by Contracting Officer (see (d) below)) |
|---|---|---|
| | | |

(d) In the blank spaces entitled "Time" under the clauses set forth in pars. (b) and (c) of this section, the contracting officer shall insert one of the following phrases, as appropriate:

(1) "[On] (on or before) the date(s) specified below."

(2) "Within the number of days stated below after date of contract."

(3) "Within the number of days stated below after the date of receipt of a written notice of award."

(4) "Within the periods specified below." (When this phrase is inserted, the wording "during the month(s) of _____," or "not sooner than _____ and not later than _____" should be used to specify the periods.)

### § 18–1.306 Approval signature.

Approval signatures on contracts or purchase authorizations shall be minimized to the greatest practical extent and, in the event that multiple approval signatures are required, they shall, where possible, be obtained concurrently.

### § 18–1.307 Priorities, allocations and allotments.

### § 18–1.307–1 NASA program.

(a) *General.* In the interest of maintaining a minimum priorities and allocations system as a mobilization preparedness measure, it is national policy to require contractors to use ratings and allotment authority to support military procurement, to the extent required by the Business and Defense Services Administration (BDSA). In addition to direct procurement and construction of

the Department of Defense, the Office of Emergency Plans (formerly OCDM) has authorized BDSA to provide priorities authority for all procurement and construction programs of NASA. The Department of Defense is the claimant agency to the Office of Emergency Plans for NASA.

(b) *Implementation.* Department of Defense implementation of all rules and regulations published by BDSA, with respect to which the Department of Defense is delegated administrative responsibility, is contained in the DOD Priorities and Allocations Manual. NASA implementation is published in Part 18–52 of this chapter.

(c) *Operating responsibility.* NASA installations shall comply with the priorities and allocations program, including the Defense Materials System, as set forth in:

(1) The DOD Priorities and Allocations Manual;

(2) The rules and regulations published by BDSA; and

(3) Instructions set forth in Part 18–52 of this chapter.

**§ 18–1.307–2 Required use of priorities, allocations, and allotments clause.**

The following clause shall be inserted in or attached to all ratable contracts, except that no such clause need be attached to those purchase orders of less than $500 which are not rated. Ratable contracts are those contracts for supplies which are required to be supported with rating and allotment authority (see the DOD Priorities and Allocations Manual).

PRIORITIES, ALLOCATIONS, AND ALLOTMENTS (SEPTEMBER 1962)

The contractor shall follow the provisions of DMS Reg. 1 and all other applicable regulations and orders of the Business and Defense Services Administration in obtaining controlled materials and other products and materials needed to fill this order.

**§ 18–1.308 Records of contract actions.**

(a) Each contract file shall contain documentation of actions taken with respect to the contract, including final disposition, sufficient to constitute a full history of the transaction which will permit ready reconstruction of all of the stages of the transaction to:

(1) Support actions taken by various personnel in the procurement cycle;

(2) Provide information for reviews conducted by the field installation concerned, the General Accounting Office, or others;

(3) Supply data for use in preparing replies to Congressional inquiries; and

(4) Furnish essential facts in the event of litigation.

To the extent that retained copies of documents do not represent all actions taken, suitable memoranda or summary statements of undocumented actions should be prepared promptly and be retained in the contract file in chronological order.

(b) Each contract file shall include the following data, in the appropriate order and to the extent applicable:

(1) A copy of the procurement request;

(2) A copy of the Determination and Findings statement and justifications for authority to negotiate (see Subpart 18–3.3 of this chapter);

(3) A copy of the procurement plan (see § 18–3.852 of this chapter);

(4) The list of sources solicited or justification for limiting such sources;

(5) Any small business or labor surplus set-aside determinations;

(6) A copy of the invitation for bids or the request for proposals, including the drawings and specifications or an identifiable reference thereto;

(7) The Security Requirements Check List (DD Form 254);

(8) All bids or proposals received with an abstract thereof;

(9) The bidders' Statements of Contingent Fees;

(10) All pre-award surveys;

(11) Selection of the successful contractor, including—

(i) The reasons for selection;

(ii) Statement of the Source Evaluation Board (see § 18–3.856–2 of this chapter);

(iii) The contracting officer's determination of the contractor's responsibility; and

(iv) Any Small Business Administration Certificate of Competency (see § 18–1.705–6);

(12) All price and cost data submitted or used;

(13) A full record of negotiations, including but not limited to—

(i) Participants;

(ii) Dates of meetings or phone calls;

(iii) Government-furnished materials or facilities provided;

(iv) Subcontracting;

(v) Terms and conditions agreed to;

(vi) Deviations, if any, from prescribed contract clauses;

(vii) Technical recommendations; and

(viii) Justification for final price;

(14) Justification for type of contract used (see § 18–3.304 of this chapter);

(15) Any exceptions or exemptions from the Buy American Act or Appropriation Act restrictions (see Part 18–6 of this chapter);

(16) A copy of the contract or award;

(17) Required approvals of contract;

(18) All pertinent correspondence;

(19) Copies of all change orders, and supplements, with supporting documents;

(20) Comprehensive termination data;

(21) Copies of royalty reports received;

(22) Final release upon completion of the contract; and

(23) Evidence of legal review where required, and copy of comments, if any, made by legal counsel;

(24) Any additional documents considered necessary to present a complete résumé of the contract action.

(c) This does not apply in the case of small purchases (see § 18–3.603–2(c) of this chapter).

**§ 18–1.309 Solicitations for information or planning purposes.**

It is the general policy of NASA to solicit bids, proposals, or quotations only when there is a definite intention to award a contract. However, in some cases solicitation for information or planning purposes may be justified. Requests for quotations (Standard Form 18) will be used for this purpose. In such cases, the request for quotations shall clearly state its purposes, explaining that the Gevornment does not intend to award a contract on the basis of the request or otherwise pay for the information solicited. The foregoing does not prohibit the allowance, in accordance with § 18–15.205–3 of this chapter, of the cost of preparing such quotations.

**§ 18–1.310 Liquidated damages.**

(a) This applies to procurement by formal advertising and procurement by negotiation. Liquidated damages provisions normally will not be utilized but may be used where both (1) the time of delivery or performance is such an important factor in the award of the contract that the Government may reasonably expect to suffer damages if the delivery or performance is delinquent, and (2) the extent or amount of such damages would be difficult or impossible to ascertain or prove. Where a liquidated damages provision is to be used in a supply or service contract, insert the clause set forth in § 18–7.105–5 of this chapter.

(b) The rate of assessment of liquidated damages must be reasonable, considered in the light of procurement requirements on a case-by-case basis, since liquidated damages fixed without reference to probable actual damages may be held to be a penalty and therefore unenforceable.

(c) The law imposes the duty upon a party injured by another to mitigate the damages which result from such wrongful action. Therefore, where a liquidated damages provision is included in a contract and a basis for termination for default exists, appropriate action should be taken expeditiously by the Government to obtain performance by the contractor or to terminate the contract. If delivery or performance is desired after termination for default, efforts must be made to obtain either delivery or performance elsewhere within a reasonable time. For these reasons, particularly close administration over contracts containing liquidated damages provisions is imperative.

(d) When any contract includes a provision for liquidated damages for delay, the Comptroller General, on the recommendation of the Administrator, NASA, is authorized and empowered to remit the whole or any part of such damages as he may consider to be just and equitable. Recommendations concerning remissions of liquidated damages will be forwarded by the contracting officer, with appropriate documentation, via the Director of the field installation to the Director of Procurement for submission to the Administrator.



**§ 18–1.311 Construction contracts—disclosure of Government estimate.**

(a) Except as provided in paragraph (c) of this section, in contracting for construction, access to or disclosure of information concerning the Government estimate shall be limited to Government personnel whose official duties require knowledge of the estimate.

(b) If the nature of the information contained in the Government estimate requires security classification, it shall be handled in accordance with applicable security regulations.

(c) When the nature of the information contained in the Government estimate does not require security classification, access to or disclosure of information concerning the Government estimate shall be furnished in accordance with the following:

(1) If the procurement is to be made by means of formal advertising, a copy of the Government estimate shall be sealed and kept locked with the bids until bid opening. Immediately after the bids have been opened, read, and recorded, the estimate shall be opened, read, and recorded in the same manner as the bids.

(2) In the case of a negotiated procurement, after the award has been made, the Government estimate may be furnished to individuals or firms upon their request.

**§ 18–1.312 Voluntary refunds.**

(a) A voluntary refund is an unconditional payment or credit not required by any contract or other obligation made to the Government by a contractor or subcontractor either as a voluntary payment or as an adjustment under one or more contracts or subcontracts. Contracting officers and other authorized officials shall accept any voluntary refund which is offered. Prime contractors are encouraged to make voluntary refunds and to facilitate the making of such refunds by subcontractors.

(b) Voluntary refunds by a contractor or subcontractor should be made by check payable to the Treasurer of the United States. It is preferred that such checks be submitted to the cognizant contracting officer. In any event, the check shall immediately be forwarded by its recipient to the appropriate fiscal office. When the proper account has been determined, the cognizant contracting officer shall be so notified and the necessary supplementary contractual action will be taken to permit collection as an appropriation refund. Where the proper account cannot be identified, the refund will be transferred to the miscellaneous receipt account in accordance with current fiscal procedures.

**§ 18–1.314 Contracting officer's decision under the disputes clause.**

When a final decision of the contracting officer involves a dispute that is subject to the procedure of the Disputes clause, or where there is doubt as to whether the decision is subject to such procedure, a paragraph substantially as follows shall be included in such decision:

This is the final decision of the Contracting Officer on the question involved in this dispute. Decisions on disputed questions of fact and on other questions that are subject to the procedure of the Disputes clause may be appealed in accordance with the provisions of the Disputes clause. If you decide to make such an appeal from this decision, written notice thereof (in triplicate) must be mailed or otherwise furnished to the Contracting Officer within thirty days from the date you receive this decision. Such notice should indicate that an appeal is intended and should reference this decision and identify the contract by number. The NASA Board of Contract Appeals is the authorized representative of the Administrator for hearing and determining such disputes. The rules of the NASA Board of Contract Appeals are set forth in Part 18–54 of the NASA Procurement Regulation.

**§ 18–1.315 Security requirements.**

When NASA contractors or their employees require access to classified information, or originate classified information, at any stage in the performance of NASA contracts, the NASA installation shall follow the security procedures set forth in NASA Management Instruction 24–3–1.

**§ 18–1.316 Disclosure of contractor performance data to other government agencies and foreign governments.**

(a) Subject to any applicable security requirements, NASA installations shall honor the requests of other Government agencies for readily available information relating to the performance of prime contractors. The agency requesting the information shall be advised that it will be responsible for any further release of such information.

(b) Requests from foreign governments should similarly be honored. When such information is furnished to a foreign government, a copy of the request from the foreign government and the information furnished will be forwarded to the Assistant Administrator for International Programs, NASA Headquarters.

(c) If there is any question as to the propriety of divulging the information to other Government agencies or to any foreign government for any reason, including the security aspect, the request shall be forwarded to the Director of Procurement for consideration, with an explanation of the reasons why the release of such information is questioned. The Director of Procurement will, prior to approving the release of information, obtain the concurrence of:

(1) The General Counsel;

(2) The Assistant Administrator for International Programs, NASA Headquarters, if the request for information is from a foreign government; and

(3) The Director, Security Division, NASA Headquarters, if the information appears to involve a problem of security.

**§ 18–1.319 Renegotiation performance reports.**

The provisions of this § 18–1.319 are applicable to all controls except, (a) purchase orders made pursuant to the provisions of Subpart 18–3.6; (b) delivery orders placed under Federal Supply Schedule contracts; and (c) those contracts known to be exempt from renegotation.

**§ 18–1.319–1 Renegotiation board.**

Pursuant to the Renegotation Act of 1951, as amended (50 U.S.C. App. 1211–1233), the Renegotiation Board reviews profits of NASA contractors performing renegotiable contracts and subcontracts aggregating more than $1 million in a fiscal year in order to eliminate any excessive profits therefrom. Such review involves consideration of financial statements and other information furnished by both contractors and NASA.

**§ 18–1.319–2 Renegotiation information for contract file.**

The contracting officer shall include in the file of each contract information pertaining to the extent and effectiveness of competition obtained in the negotiation and award of the contract, the reasonableness of the prices, fees, and profits negotiated, any incentive and target formulae incorporated in the contract, the extent of risk assumed by the contractor, the contractor's efficiency in performance of the contract, and any other information which would facilitate compilation of the Renegotiation performance reports described in § 18–1.319–3. This is particularly important in the case of incentive-type contracts where the question may be raised as to whether additional profits paid to the contractor by operation of the incentive provisions have been earned. Incentive-type contract information should be complete but succinct. To insure the collection of accurate and detailed information, the aforementioned data shall be included in the contract file as soon as it becomes available.

**§ 18–1.319–3 Performance reports.**

(a) Performance reports should provide complete, accurate, and objective data to the Renegotiation Board. When the Board requests contractor performance reports, the procuring installation concerned shall furnish information substantially in accordance with the following checklist, including any favorable recommendations giving due credit for better than average contract performance and any unfavorable recommendations because of unsatisfactory performance. Extensive performance data shall be accumulated on incentive-type contracts in sufficient detail so that the report will clearly show, as to the basis for payment of any increments of profit or fee provided as a part of the incentive arrangement in the contract, whether such increments were earned as the result of the contractor's performance or as the result of unreliable cost estimates or unrealistic performance targets when the incentive arrangements were negotiated.

(1) Date of report;

(2) Installation making report;

(3) Source and date of request for report;

(4) Name and address of contractor (if subsidiary or division, show name of parent company);

(5) Period covered by report;

(6) List of contracts being performed during the period concerned, showing as to each:

(i) Contract number;

(ii) Date;

(iii) Total amount of contract;

(iv) Brief description of the scope of work, service, product, etc.;

(v) Method of procurement (advertised or negotiated, and extent of competition);

(vi) Type of contract;

(vii) Total billings during period, and

(viii) Principal place of performance.

(7) Brief description of manufacturing techniques and type of work normally performed by contractor (e.g., production, fabrication, assembly) and relative complexity of the work. State the percentage of work subcontracted;

(8) Information concerning contractor performance, including extent to which:

(i) The product or service exceeded, met, or fell below the contract requirements;

(ii) Delivery schedules were met (indicate reasons for failures to meet schedules, and compliance with requests for early deliveries, if any);

(iii) Rejections and spoilage rates were high or low and reasons therefor;

(iv) Contractor met targets under incentive contracts and reasons therefor;

(v) Contractor was economical in use of materials, facilities, and manpower, and was otherwise effective in controlling production costs;

(vi) Contractor made effective use of his facilities (state whether he expanded facilities to undertake renegotiable business, and if so, was such expansion excessive); and

(vii) Strikes, stoppages, or other significant developments in labor management affected contract performance;

(9) Information concerning reasonableness of costs and profits, including:

(i) The basis for use of a particular type of contract in significant contracts (if an incentive contract, describe also the basis for negotiation of target and cost sharing formulae);

(ii) Adequacy and reliability of cost information furnished by the contractor;

(iii) Unusual risks assumed by contractor in particular contracts, e.g., close pricing, labor and material cost increases, engineering changes, shortage of materials, inventory spoilage and obsolescence, cutbacks, terminations, and quality or performance guarantees (explain extent to which risks were reduced or minimized by types of contracts used);

(iv) Contingencies included in quoted prices;

(v) Experience as to profits received by contractor in significant contracts, especially incentive contracts, with appraisal as to whether or not profits were earned by contractor's efforts (state whether any important contracts were negotiated with no profit or at less than normal profit);

(vi) Significant refunds and voluntary price reductions, with circumstances of each;

(vii) Evaluation of contractor as a high, average, or low cost producer;

(viii) Partial financing by prompt payments under cost-plus-fixed-fee contracts;

(ix) Reasonableness of contractor's pricing policies;

(x) Return on invested capital (where applicable);

(xi) Comparison of prices with competitors' prices for same or similar products or services;

(xii) Reason for cost overruns and underruns in cost-reimbursement type contracts;

(xiii) Assistance given contractor by NASA technical and engineer personnel which reduces the contractor's risk;

(10) List of capital funds and facilities employed by contractor, with particular reference to their source, e.g., contractor's equity capital, borrowed or rented, government-financed, or government-furnished;

(11) Extent to which the contractor has complied with Government policies, such as the small business program, labor surplus area program, competition in subcontracting, "make-or-buy" program, and nondiscrimination;

(12) Full information as to any terminations for default or for the convenience of the Government, to include the status of appeals or claims, if any, and the extent to which payments were made during the period concerned;

(13) Status of price revision actions and the basis for any revision completed in the period concerned;

(14) Such pertinent information on subcontracts, as is available;

(15) Appraisal of contractor's contribution to the aerospace effort, with particular emphasis on work done by him in development of new material, invention of new devices, management of large systems contracts as prime or associate contractor;

(16) A current appraisal of contractor's performance and recommendation as to reasonableness of contractor's profits and fees for the period under consideration under the listed contracts, and

(17) Such other information as may be particularly requested by the Renegotiation Board.

**§ 18–1.319–4 Procedures for handling requests for performance reports.**

(a) The Renegotiation Board has been requested to submit its requests for performance reports to the Director of Procurement, NASA Headquarters.

(b) Requests for performance reports received by the Director of Procurement will be forwarded to the installation(s) concerned. Where only one installation is involved, that installation will be instructed to submit its report directly to the cognizant regional office of the Renegotiation Board. A copy of such performance report will be forwarded to the Director of Procurement (Code KDM).

(c) Where more than one installation is involved, such installations will be instructed to submit their reports to the Director of Procurement (Code KDM). The Director of Procurement (Code KDM) will review such reports prior to forwarding them to the Renegotiation Board to ensure that the reports are consistent with each other or that discrepancies are appropriately explained.

**§ 18–1.350 Nondiscrimination clause—government leases.**

**§ 18–1.350–1 Policy.**

It is NASA policy to include a "Facilities Nondiscrimination" clause in leases on which NASA is the lessee. This policy has been adopted because Federal employees belonging to minority groups and other members of minority groups doing business with the Federal Government in some parts of the country have been denied the use of public facilities located in buildings where the Government leases office space.

**§ 18–1.350–2 Use of clause.**

The following "Facilities Nondiscrimination" clause shall be incorporated in all future leases where (a) the total rental is in excess of $10,000 per year, or (b) the total rental under the new lease, combined with the total rental under all other NASA leases of space in the same building, exceeds $10,000 per year.

FACILITIES NONDISCRIMINATION (AUGUST 1963)

(1) As used in this clause, the term "facility" means stores, shops, restaurants, cafeterias, restrooms, and any other facility of a public nature in the building in which the space covered by this lease is located.

(2) The lessor agrees that he will not discriminate by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing, or by refusing to furnish, to such person or persons the use of any facility, including any and all services, privileges, accommodations, and activities provided thereby. Nothing herein shall require the furnishing to the general public of the use of any facility customarily furnished by the lessor solely to tenants, their employees, customers, patients, clients, guests, and invitees.

(3) It is agreed that the lessor's noncompliance with the provisions of this clause shall constitute a material breach of this lease. In the event of such noncompliance, the Government may take appropriate action to enforce compliance, may terminate this lease, or may pursue such other remedies as may be provided by law. In the event of termination, the lessor shall be liable for all excess costs of the Government in acquiring substitute space, including but not limited to the cost of moving to such space. Substitute space shall be obtained in as close proximity to the lessor's buildings as is feasible and moving costs will be limited to the actual expenses thereof as incurred.

(4) It is agreed that from and after the date hereof the lessor will, at such time as any agreement is to be entered into or a concession is to be permitted to operate, include or require the inclusion of, the foregoing provisions of this clause in every such agreement or concession pursuant to which any person other than the lessor operates or has the right to operate any facility. Nothing herein contained, however, shall be deemed to require the lessor to include or require the inclusion of the foregoing provisions of this clause in any existing agreement or concession arrangement or one in which the contracting party other than the lessor has the unilateral right to renew or extend the agreement or arrangement, until the expiration of the existing agreement or arrangement and the unilateral right to renew or extend. The lessor also agrees that he will take any and all lawful actions as expeditiously as possible, with respect to any such agreement as NASA may direct as a means of enforcing the intent of this clause, including, but not limited to, termination of the agreement or concession and institution of court action.

**§ 18–1.350–3 Lease amendments and renewals.**

(a) Prior to executing any amendment to a lease or exercising a lease renewal option, where the total rental exceeds $10,000 per year, the lessor shall be requested to enter into a supplemental agreement to incorporate in the lease, as part of the rental consideration, the "Facilities Nondiscrimination" clause set forth in § 18–1.350–2.

(b) The "Facilities Nondiscrimination" clause shall also be incorporated when the total aggregate rental of multiple NASA leases in a building is in excess of $10,000 per year.

(c) If agreement cannot be reached, the matter shall be submitted to the Director of Procurement with the recommendations of the Director of the installation, at least 30 days prior to the date on which the amendment is to be executed or the notice of renewal must be issued.

**§ 18–1.350–4 Invitation for bids or request for proposals involving leases.**

The "Facilities Nondiscrimination" clause, as set forth in § 18–1.350–2, shall be preceded by a paragraph substantially as follows, in all invitations for bids or requests for proposals involving leases:

If the total rental under this lease exceeds $10,000 per year, or if the total rental under this lease combined with the total rental under all other NASA leases of space in the building in which the space covered by this lease is located exceeds $10,000 per year, the lessor agrees to comply with the following provisions: (AUGUST 1963)

**§ 18–1.350–5 Deviations.**

Any proposed deletions or changes in the foregoing provisions required by this section shall be processed as deviations in accordance with § 18–1.109.

## Subpart 18–1.5—Contingent or Other Fees

**§ 18–1.500 Scope of subpart.**

This subpart sets forth the procedures to be followed and prescribes the form to be used for obtaining information concerning contingent or other fees paid by contractors for soliciting or securing contracts.

**§ 18–1.502 Applicability.**

This subpart applies to all contracts.

**§ 18–1.503 Covenant against contingent fees clause.**

Every contract, except when Standard Forms 19 and 19A are used for formally advertised construction contracts, shall contain the following clause:

COVENANT AGAINST CONTINGENT FEES (FEBRUARY 1962)

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

**§ 18–1.504 Improper influence.**

The term "improper influence" means influence, direct or indirect, which induces or tends to induce consideration or action by any employee or officer of the United States with respect to any Government contract on any basis other than the merits of the matter.

**§ 18–1.505 General principles and standards applicable to the covenant.**

The principles and standards set forth in this subpart are intended to be used as a guide in the negotiation, award, administration, and enforcement of all contracts.

**§ 18–1.505–1 Contingent character of the fee.**

Any fee, whether called commission, percentage, brokerage, or contingent fee, or otherwise denominated, is within the purview of the covenant if, in fact, any portion thereof is dependent upon success in obtaining or securing the Government contract or contracts involved. The fact, however, that a fee of a contingent nature is involved does not preclude a relationship which qualifies under the exceptions to the prohibition of the covenant.

**§ 18–1.505–2 Exceptions to the prohibition of the covenant.**

Excepted from the prohibition of the covenant are "bona fide employees" and "bona fide established or selling agencies maintained by the contractor for the purpose of securing business."

**§ 18–1.505–3 Bona fide employee.**

The term "bona fide employee," for the purpose of the exception to the prohibition of the covenant, means an individual (including a corporate officer) employed in good faith by a concern to devote his full time to such concern and no other concern and over whom the concern has the right to exercise supervision and control as to time, place, and manner of performance of work. It is recognized that a concern, especially a small business concern, may employ an individual who represents other concerns. The factors set forth in § 18–1.505–4, except paragraph (d) thereof, shall be applied to determine whether such an individual comes within the exception to the prohibition of the covenant. (However, in applying such factors, the word "employee" shall be substituted for the word or words "agent" and "selling agency" as they appear throughout § 18–1.505–4, except paragraph (d) thereof.)

(a) A person may be a bona fide employee whether his compensation is on a fixed salary basis or, when customary in the trade, on a percentage, commission, or other contingent basis or a combination of the foregoing.

(b) The hiring must contemplate some continuity and it may not be related only to the obtaining of one or more specific Government contracts.

(c) An employee is not "bona fide" who seeks to obtain any Government contract or contracts for his employer through the use of improper influence or who holds himself out as being able to obtain any Government contract or contracts through improper influence.

**§ 18–1.505–4 Bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business.**

In determining whether an agency is a "bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business," the factors set forth in paragraphs (a) through (e) of this section shall be considered. They are necessarily incapable of exact measurement or precise definition, and it is neither possible nor desirable to prescribe the relative weight to be given any single factor as against any other factor or as against all other factors. The conclusions to be reached in a given case will necessarily depend upon a careful evaluation of the agreement and other attendant facts and circumstances.

(a) The fees charged should not be inequitable and exorbitant in relation to the services actually rendered. That is, the compensation should be commensurate with the nature and extent of the services and should not be excessive as compared with the fees customarily allowed in the trade concerned for similar services related to commercial (non-Government) business. In evaluating reasonableness of the fee, the services of the agent other than actual solicitation should be considered; for example, technical, consultant, or managerial services, and assistance in the procurement of essential personnel, facilities, equipment, materials, or subcontractors for performance of the contract.

(b) The selling agency should have adequate knowledge of the products and the business of the concern represented, as well as other qualifications necessary to sell the products or services on their merits.

(c) There should ordinarily be a continuity of relationship between the contractor and the agency. The fact that the agency has represented the contractor over a considerable period of time is a factor for favorable consideration. It is not intended, however, to disqualify a newly established contractor-

agent relationship where a continuing relationship is contemplated by the parties.

(d) It should appear that the agency is an established concern. The agency may be either one which has been in business for a considerable period of time or a new agency which is a presently going concern and which is likely to continue in business as a commercial or selling agency in the future. The business of the agency should be conducted in the agency name and characterized by the customary indications of the conduct of a regular business.

(e) The fact that a selling agency confines its selling activities to the field of Government contracts does not, in and of itself, disqualify it under the covenant. The fact, however, that the selling agency is employed to secure business generally, that is, to represent the concern in connection with sales to the Government as well as regular commercial sales to non-Government activities, is a factor entitled to favorable consideration in evaluating the case as one coming within the authorized exception. Arrangements confined, however, to obtaining Government contracts, particularly those involving a selling agency organized immediately prior to or during periods of expanded procurement resulting from conditions of national emergency, must be closely scrutinized. However, any agency or agent is not "bona fide" which seeks to obtain any Government contract or contracts for its principals through the use of improper influence or which holds itself out as being able to obtain any Government contract or contracts through improper influence.

**§ 18–1.505–5 Fees for information.**

Contingent fees paid for information leading to obtaining a Government contract or contracts are included in the prohibition and, accordingly, are in breach of the covenant unless the agent qualifies under the exception as a bona fide employee or a bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business.

**§ 18–1.506 Representation and agreement required from prospective contractors.**

(a) Except as provided in § 18–1.507–2, contracting officers shall inquire of and secure a written representation from prospective contractors as to whether they have employed or retained any company or person (other than a full-time employee working solely for the prospective contractor) to solicit or secure the contract, and shall secure a written agreement to furnish information relating thereto as required by the contracting officer.

(b) When an invitation for bids is issued, the requirements of paragraph (a) of this section shall be accomplished by requiring the bidder to check the appropriate boxes in the following statement to be included in the invitation or bid form (also, see § 18–1.507–50):

Bidder or offeror represents: (a) that he [ ] has, [ ] has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder or offeror) to solicit or secure this contract, and (b) that he [ ] has, [ ] has not, paid or agreed to pay to any company or person (other than a full-time bona fide employee working solely for the bidder or offeror) any fee, commission, percentage, or brokerage fee, contingent upon or resulting from the award of this contract, and agrees to furnish information relating to (a) and (b) above as requested by the Contracting Officer. (For interpretation of the representation, including the term "bona fide employee," see Code of Federal Regulations, Title 44, Part 150.) (January 1964)

(c) When a procurement is to be effected by negotiation, the requirements of paragraph (a) of this section will be accomplished by requiring the offeror either to (1) check the appropriate boxes in the above statement, or (2) execute a written representation which substantially conforms with the above statement. This may be accomplished by including the above statement in the request for proposals or quotations or by obtaining an appropriate statement during the course of negotiations (also see § 18–1.507–50).

**§ 18–1.506–1 Interpretation of the representation.**

(a) For the purpose of the representation and agreement required from the prospective contractor, as described in § 18–1.506, the definition of "bona fide employee" is as specified in §18–1.505–3.

(b) The fact that the prospective contractor retains a person who does not devote his full time solely to the prospective contractor does not necessarily mean that the relationship involved is in violation of the covenant against contingent fees or that there is any stigma attached to the contractor-agent relationship. It does mean, however, that the prospective contractor must fill out the representation in the affirmative and, as required, furnish information with respect to such employment or retainer.

(c) If the representation would otherwise be answered in the affirmative, the fact that the person employed or retained by the bidder or contractor is an attorney, or a public relations consultant, or has any other special or professional title, does not permit answering in the negative.

**§ 18–1.507 Use of Standard Form 119.**

Except as provided in § 18–1.507–2, Standard Form 119 shall be used without deviation when either part of the inquiry provided for by § 18–1.506 is answered in the affirmative. The form shall also be used without deviation in any other case when the contracting officer desires to obtain such information. When, after use of the form, further information is required, it may be obtained in any appropriate manner. Normally, submission of the form will be required only of successful bidders and contractors.

**§ 18–1.507–1 Statement in lieu of form.**

Any bidder or proposed contractor who has previously furnished a Standard Form 119 to the office issuing the invitation or negotiating the contract may be permitted to accompany his bid with, or submit in connection with the proposed contract, a signed statement:

(a) Indicating when such completed form was previously furnished;

(b) Identifying by number the previous invitation or contract in connection with which such form was submitted; and

(c) Representing that the statements in such previously furnished form are applicable to such subsequent bid or contract. In such case, submission of an additional completed Standard Form 119 need not be required. See § 18–1.507–50.

**§ 18–1.507–2 Exceptions.**

The inquiry and agreement specified in § 18–1.506 need not be made and submission of Standard Form 119 need not be requested in connection with the following:

(a) Any advertised contract in which the aggregate amount involved does not exceed $25,000;

(b) Any negotiated contract in which the aggregate amount involved does not exceed $5,000;

(c) Any negotiated contract for perishable subsistence supplies in which the aggregate amount involved does not exceed $25,000;

(d) Any contract for services which are required to be performed by an individual contractor in person under Government supervision and paid for on a time basis;

(e) Any contract for public utility services furnished by a public utility company where the utility company's rates for the services furnished are subject to regulation by Federal, State, or other regulatory body and the public utility company is the sole source of supply; and

(f) Contracts to be made in foreign countries.

**§ 18–1.507–50 Additional provision.**

(a) In addition to the statement to be included in the invitation or bid form required by § 18–1.506, contracting officers may add the following provision to the invitation or bid form:

If the bidder, by checking the appropriate box provided therefor in his bid, has represented that he has employed or retained a company or person (other than a full-time bona fide employee) to solicit or secure this contract, he may be requested by the Contracting Officer to furnish with his bid a completed Standard Form No. 119 (Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract). If the bidder has previously furnished a complete Standard Form No. 119 to the office issuing this invitation for bids, he may accompany his bid with a signed statement, in lieu of Standard Form 119, (a) indicating when such completed Form was previously furnished; (b) identifying by number the previous invitation or contract in connection with which such Form was submitted; and (c) representing that the statements in such previously furnished Form are applicable to this bid. (February 1962)

(b) The statement, in paragraph (a) of this section, suitably modified, may be included in the request for proposals or quotations, in addition to the statement provided for in § 18–1.506(c).

**§ 18–1.508 Enforcement.**

The contracting officer shall take the necessary steps to ensure that the indicated successful bidder or proposed contractor has furnished a representation (negative or affirmative) and agreement as prescribed in § 18–1.506.

(a) If the indicated successful bidder or proposed contractor makes such representation in the negative, such representation may be accepted and award made or offer accepted in accordance with the procedures set forth in this chapter.

(b) If the indicated successful bidder or proposed contractor makes such representation in the affirmative, a completed Standard Form 119 shall be requested from the bidder or proposed contractor. In the case of formal advertising, the making of an award in accordance with the procedures set forth in this chapter need not be delayed pending receipt of the form. In the case of negotiation, if the proposed contractor makes such representation in the affirmative, he shall be required to file a completed Standard Form 119 prior to acceptance of the offer or execution of the contract, unless the Director of Procurement considers that the interest of the Government will be prejudiced by the suspension of negotiations pending receipt and consideration of an executed Standard Form 119.

(c) If the indicated successful bidder or proposed contractor fails to furnish the representation and agreement as set forth in § 18–1.506, such failure shall be considered a minor informality and, prior to award, such bidder or proposed contractor shall be afforded a further opportunity to furnish such representation and agreement. A refusal or failure to furnish such representation and agreement after such opportunity has been afforded shall require rejection of the bid or offer.

**§ 18–1.508–1 Failure or refusal to furnish Standard Form 119.**

If the otherwise successful bidder or contractor, upon request, fails or refuses to furnish a completed Standard Form 119, or a statement in lieu thereof as provided in § 18–1.507–1, one of the following actions shall be taken:

(a) If an award has not been made or an offer accepted, the matter shall be referred to the procurement officer for a determination as to whether the bid or offer should be rejected; or

(b) If the contract has been awarded or offer accepted, the matter shall be referred to the Director of Procurement, supported by a statement and summary of all pertinent facts and appropriate recommendations, for a determination as to what actions should be taken, such as making an independent investigation or considering the eligibility of the contractor as a future contractor.

**§ 18–1.508–2 Misrepresentations or violations of the covenant against contingent fees.**

In case of misrepresentation, or violation or breach of the covenant against contingent fees, or some other relevant impropriety, one or more of the following actions shall be taken:

(a) If an award has not been made or an offer accepted, the matter shall be referred to the procurement officer for a determination as to whether the bid or offer should be rejected; or

(b) If an award has been made or an offer accepted, the matter shall be referred to the Director of Procurement, supported by a statement and summary of all pertinent facts and appropriate recommendations, for a determination as to what actions should be taken, such as—

(1) Enforcing the covenant in accordance with its terms; that is, as the best interest of the Government may appear, annul the contract without liability or recover the full amount of the fee involved;

(2) Considering the eligibility of the contractor as a future contractor; or

(3) Referring the case to the Department of Justice.

**§ 18–1.509 Preservation of records.**

Contracting officers shall preserve, for enforcement or report purposes, at least one executed copy of any representation and completed Standard Form 119, or statement in lieu of the form, with a record of any other pertinent data, including data as to action taken.

**§ 18–1.550 Responsibility for protecting information contained in completed Standard Form 119.**

Information contained in completed Standard Form 119 shall be considered private and personal. Personnel having access to this information shall not discuss or transmit the information gained by them to any other person not entitled or authorized to have access to such information.

## Subpart 18–1.6—Debarred, Ineligible, and Suspended Bidders

**§ 18–1.600 Scope of subpart and definitions.**

**§ 18–1.600–1 Scope.**

This subpart prescribes policies and procedures relating to the debarment of bidders for any cause, ineligibility of bidders under section 1(a) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(a)), and the suspension of bidders for alleged fraud or other criminal conduct.

**§ 18–1.600–2 Definition of affiliates.**

Business concerns are considered affiliates of each other when, either directly or indirectly:

(a) One concern or individual controls or has the power to control another; or

(b) A third party controls or has the power to control both.

In determining whether concerns are independly owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors, including common ownership, common management, and contractual relationships.

**§ 18–1.601 Establishment and maintenance of a list of firms or individuals debarred or ineligible.**

**§ 18–1.601–1 General.**

NASA shall establish and maintain a list of firms and individuals whom it has debarred or suspended, to whom contract awards of any character, including sales, will not be made, and from whom bids or proposals will not be solicited as provided in this subpart. This list will supplement the Joint Consolidated List referred to in § 18–1.601–3. The Office of Procurement (Code KDP) is responsible for the establishment and maintenance of the NASA list and will issue copies of this list to each procurement office.

**§ 18–1.601–2 Information contained in NASA list.**

The NASA list shall show as a minimum the following information:

(a) The names (in alphabetical order) of those firms or individuals debarred, ineligible, or suspended with appropriate cross-references where more than one name is involved in a single action;

(b) The basis of authority for each action;

(c) The extent of restrictions imposed; and

(d) The termination date for each debarred listing.

**§ 18–1.601–3 Joint consolidated list.**

The Department of the Army is responsible, as prescribed in 32 CFR 1.601–3, for the issuance of a Joint Consolidated List of firms and individuals ineligible, disqualified, debarred, suspended, or otherwise prohibited from entering into contractual relationship with the Departments of the Army, the Navy, and the Air Force. For the purposes of economy and uniformity, since the Military Departments contract essentially with the same segments of industry as NASA, the Joint Consolidated List is hereby adopted by NASA for its use, as supplemented by the list established and maintained by NASA. The Joint Consolidated List contains, as a minimum, the same type of information included in the NASA list (see § 18–1.601–2). Arrangements have been made with the Department of the Army to furnish NASA Headquarters with copies of the Joint Consolidated List. The Office of Procurement (Code KDP) will issue copies of this list to each procurement office.

**§ 18–1.601–4 Protection of lists.**

The NASA list shall be marked with and treated in accordance with the protective term, "Limit Access to Government Personnel," unless details are

included which require a security classification. The Joint Consolidated List shall be treated in accordance with the protective term set forth thereon and shall be protected to prevent inspection of the contents by anyone other than Government personnel required to have access thereto. All correspondence relating to the NASA list and the Joint Consolidated List shall be marked and treated in accordance with the protective term, "Limit Access to Government Personnel," unless details are included which require a security classification, except that correspondence furnished to firms or individuals in accordance with § 18–1.604–4 or § 18–1.605–6 will not include any protective markings.

**§ 18–1.601–50 Authority for making determinations.**

(a) The Administrator or his authorized representative shall, upon appropriate recommendation, determine whether a firm or individual will be administratively debarred or suspended and included in the NASA list. The Administrator, by NASA Management Instruction 3–3–5, has designated the Director of Procurement as an authorized representative of the Administrator for the purpose of making final determinations in respect to NASA debarments made pursuant to §§ 18–1.603(a)(1)(iii) and 18–1.604–1(b) and suspensions made pursuant to §§ 18–1.603(a)(4) and 18–1.605–2(b), including modifications and removals thereto. The debarment or suspension of firms or individuals is an administrative determination within the discretion of the Administrator or his authorized representative and each case will be decided upon its individual merits. The placement of a firm or individual on the list will be for the purpose of protecting the interest of the Government and not for punishment.

(b) In taking any action to debar or suspend a firm or an individual, the Director of Procurement will refer the proposed action to the Director, Inspections Division, NASA Headquarters, for comment and any necessary investigation. In addition, such action will be coordinated with the General Counsel and other staff offices or divisions, as appropriate.

**§ 18–1.601–51 Compliance with NASA list and joint consolidated list.**

NASA procurement personnel shall comply with the prohibitions contained in the NASA list and the Joint Consolidated List.

**§ 18–1.602 Limitation.**

No firm or individual will be included on the NASA list for causes or conditions other than those set forth in this subpart.

**§ 18–1.603 Grounds for listing and treatment to be accorded listed concerns.**

(a) A firm or individual may be listed for any of several reasons. The particular reason for listing determines the consequences thereof. The various types of listing and the treatment to be accorded each type are set forth below:

(1) Type A includes debarments in any of the following categories:

(i) Those listed by the Comptroller General pursuant to section 3 of the Walsh-Healey Public Contracts Act (41 U.S.C. 37) for violating the requirements of that Act;

(ii) Those listed by the Comptroller General pursuant to section 3 of the Davis-Bacon Act (40 U.S.C. 276a–2(a)) for violating the requirements of that Act; and

(iii) Those whom the Administrator or his authorized representative has determined to debar for any of the causes and under all of the conditions set forth in § 18–1.604.

Bids or proposals shall not be solicited from, nor invitations for bids or requests for proposals furnished to, nor contracts awarded to, firms or individuals who are listed as Type A and who are debarred because of Walsh-Healey or Davis-Bacon violations (subdivisions (i) and (ii) of this subparagraph). The same rules apply with respect to Type A listings within subdivision (iii) of this subparagraph, except as set forth in paragraph (d) of this section, or unless the listing indicates that the debarment is not to apply to procurement contracts or sales contracts (see § 18–1.606).

(2) Type B includes firms or individuals whom the Secretary of Labor has determined to be ineligible because they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1(a) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(a)). Under that Act, procurement contracts in excess of $10,000 shall not be awarded to firms or individuals under Type B listings for those materials, articles, or equipment with respect to which the firm or individual has been found to be ineligible. NASA, as a matter of policy, applies the same rule to contracts of $10,000 or less. However, bids or proposals may be solicited, and contracts in any amount may be awarded, for commodities with respect to which the firm or individual has not been declared ineligible. In connection with ineligibility under the Walsh-Healey Act (Type B listings only), the name of an individual may be listed as affiliated with an ineligible firm. This listing is intended only to prevent such individuals from evading ineligibility merely by changing their business names and addresses. It does not prohibit other firms in which such individuals have an interest, and which are qualified manufacturers or regular dealers, from receiving contracts subject to the Walsh-Healey Public Contracts Act.

(3) Type C includes firms or individuals whom the Administrator, pursuant to section 3(b) of the Buy American Act (41 U.S.C. 10b(b)), has found to have failed to comply with the Buy American Act clause required for construction contracts (see § 18–6.205 of this chapter). Bids or proposals for the construction, alteration, or repair of public buildings or public works in the United States or elsewhere shall not be solicited from firms or individuals under Type C listings; nor shall contracts for such work be awarded to such firms or individuals. However, firms or individuals under Type C listings may be solicited for bids or proposals and may be awarded contracts for other than the construction, alteration, or repair of public buildings or public works.

(4) Type D includes firms or individuals whom the Administrator or his authorized representative has determined to suspend for any of the causes and under all of the conditions set forth in § 18–1.605. Firms or individuals under Type D listings shall not be solicited for bids or proposals, nor awarded contracts, except as set forth in paragraph (d) of this section, or where the listing indicates that the suspension does not apply to procurement contracts or sales contracts (see § 18–1.606).

(5) Type E includes firms or individuals who have been reported by the Secretary of Labor to have violated labor standards provisions of any of the following statutes:

(i) Anti-Kickback Act (48 Stat. 948) as amended (40 U.S.C. 276(c));

(ii) Work Hours Act of 1962 (40 U.S.C. 327–332);

(iii) National Housing Act (53 Stat. 804) as amended (12 U.S.C. 1703);

(iv) Hospital Survey and Construction Act (60 Stat. 1040);

(v) Federal Airport Act (60 Stat. 170) as amended (49 U.S.C. 1101);

(vi) Housing Act of 1949 (63 Stat. 413) (42 U.S.C. 1441);

(vii) School Survey and Construction Act of 1950 (64 Stat. 967) (20 U.S.C. 251);

(viii) Federal Civil Defense Act of 1950 (64 Stat. 1245) as amended (50 U.S.C. 1245);

(ix) Defense Housing and Community Facilities and Services Act of 1951 (65 Stat. 293) as amended (42 U.S.C. 1591); and

(x) Area Redevelopment Act of 1961 (75 Stat. 47) (42 U.S.C. 2501).

Concerns under Type E listings shall not be awarded contracts which are subject to any of the foregoing statutes.

(6) Type F includes firms or individuals who have been designated by notification from the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity (hereinafter, in this subpart, called "the Chairman") as ineligible for Government contracts for noncompliance with the Equal Opportunity in Federally Assisted Contracts clause or Equal Opportunity clause. See § 18–12.802 of this chapter (and §§ 60–1.26, 60–1.27, and 60–1.31 of the rules and regulations of the President's Committee on Equal Employment Opportunity, as amended December 14, 1961, hereinafter in this Subpart 18–1.6 called "the Rules"). Except as otherwise provided in the notification from the Chairman, no contracts with such firms or individuals shall be entered into, extended, or modified until notification has been received from the Chairman that the eligibility of such



No. 237—Pt. II——3

firms or individuals has been reestablished (Section 312(e), Subpart D, E.O. 10925, March 7, 1961 (3 CFR 1959–1963 Comp.).

(b) Administration of current contracts in all phases may be continued with a firm or individual, notwithstanding the listing of such firm or individual, unless otherwise prescribed by the Administrator or his authorized representative. However, payment of all or any part of funds due or to become due shall be withheld when such action is determined to be in the best interest of the Government by the Administrator or his authorized representative. When it appears necessary to withhold payments to protect the interests of the Government, action to withhold payment under the contract shall be initiated promptly by the contracting officer and the matter shall be referred to the Office of Procurement for decision. No payments shall be made pending this decision.

(c) When a listed firm or an individual is proposed as a subcontractor, the contracting officer shall decline to consent to subcontracting with such firm or individual in any instance in which consent is required of the Government before the subcontract is made. If award of a subcontract to a listed firm or individual is considered in the best interest of the Government, the contracting officer, prior to approving such award, shall submit a written recommendation to the Office of Procurement, citing complete and detailed justification for the award. Based on such justification, the Director of Procurement may authorize an exception to the restrictions imposed by the listings. In the case of subcontracts already in effect, prime contractors may not be required to terminate subcontracts with a listed firm or individual unless provisions of the prime contract reserve to the Government such control over subcontracting permitting the Government to require their termination. If the Government has such control, the contracting officer shall decide whether such subcontracts should be continued or terminated and forward his recommendations to the procurement officer (see § 18–1.226) for an appropriate determination. The procurement officer shall decide whether it is in the best interests of the Government to continue or terminate such subcontracts, unless otherwise prescribed by the Director of Procurement.

(d) The Administrator or his authorized representative may authorize exceptions to the restrictions imposed by Type A(iii) listings and Type D listings, including Type A(iii) listings and Type D listings contained in the Joint Consolidated List, when it is determined that such action is in the best interest of the Government. In such cases, when it is considered necessary or advisable to solicit bids or proposals from, or to award a contract to, a listed firm or individual, the contracting officer shall submit a written recommendation to the Office of Procurement, citing complete and detailed justification for the proposed action. The recommendation will be based on such factors as (1) urgent delivery or performance schedules, or (2) inability to secure the supplies or services from other sources due to lead time, proprietary data, or lack of procurement data.

**§ 18–1.604 Debarment of bidders.**

**§ 18–1.604–1 Authority in NASA to debar firms and individuals.**

(a) The Administrator may, in the public interest, debar a firm or individual for any of the causes set forth in § 18–1.604–2.

(b) The Director of Procurement, as an authorized representative of the Administrator, is authorized to debar in the public interest a firm or an individual for any of the causes set forth in § 18–1.604–2, except for paragraph (c) thereof, in accordance with the procedures set forth in this Subpart 18–1.6.

**§ 18–1.604–2 Causes for debarment.**

(a) Conviction by or a judgment obtained in a court of competent jurisdiction for:

(1) Commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract;

(2) Violation of the Federal antitrust statutes arising out of the submission of bids or proposals; or

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty, which seriously and directly affects the question of present responsibility as a Government contractor.

If the conviction or judgment is reversed on appeal, the debarment shall be removed upon receipt of notification thereof. The foregoing does not necessarily require that a firm or individual be debarred. The decision to debar is discretionary; the seriousness of the offense and all mitigating factors shall be considered in making the decison to debar.

(b) Clear and convincing evidence of violation of contract provisions, as set forth below, when the violation is of a character so serious as to justify debarment action:

(1) Willful failure to perform in accordance with the specifications or delivery requirements in a contract;

(2) A history of failure to perform, or of unsatisfactory performance, in accordance with the terms of one or more contracts: *Provided*, That such failure or unsatisfactory performance is within a reasonable period of time preceding the determination to debar (failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered as a basis for debarment); or

(3) Violation of the contractual provision against contingent fees.

(c) Any other causes affecting responsibility as a Government contractor of such serious and compelling nature as may be determined by the Administrator to justify debarment: *Provided*, That no firm or individual shall be debarred for failure to comply with the Equal Opportunity in Federally Assisted Construction clause or Equal Opportunity clause, except upon notification by the Chairman (41 CFR 60–1.24(b)(3)).

(d) Debarment for any of the above causes by some other executive agency of the Government. Such debarment may be based entirely upon the record of facts obtained by the original debarring agency, or upon a combination of additional facts with the record of facts of the original debarring agency.

**§ 18–1.604–3 Period and scope of debarment.**

(a) *Period of debarment.* All debarments by NASA shall be for a reasonable, specified period of time, commensurate with the seriousness of the cause therefor. As a general rule, a period of debarment will not exceed three years. In the event debarment is preceded by suspension, consideration shall be given to such period of suspension in determining the period of debarment. Prior to the expiration of the debarment period of any firm or individual who has been debarred by NASA for any of the causes set forth in § 18–1.604–2, the Director of Procurement will cause all of the facts and circumstances relating to the debarment to be reviewed. The debarment shall be removed at the expiration of the specified period, unless, on the basis of an evaluation of newly developed facts, it is determined that debarment for an additional period is required in order to protect the Government's interests. Where debarment for an additional period is considered necessary, notice of the proposed debarment shall be furnished the firm or individual in accordance with § 18–1.604–4. The debarment of a firm or individual may be modified by reducing the period thereof when the circumstances justify such action. With respect to debarment for violation of the Equal Opportunity in Federally Assisted Construction clause or Equal Opportunity clause (Type F), the names of such firms or individuals shall be removed from the NASA list (§ 18–1.601–1) upon receipt of notification from the Chairman that the eligibility of such firms or individuals has been reestablished (41 CFR 60–1.28 and 60–1.31).

(b) *Scope of debarment.* (1) Debarment may include all known affiliates of a firm or individual. For the definition of an affiliate, see § 18–1.600–2.

(2) An attempt shall be made to determine who are the affiliates of any firm or individual who is proposed to be debarred. Consideration shall be given to intiating debarment against such affiliates whenever the facts and circumstances justify debarment of the firm or individual concerned would also justify debarment of such affiliates.

(3) The fraud or criminal conduct of an individual may be imputed to the business firm with which he is connected whenever the impropriety involved was performed in the course of official duty or with the knowledge or approval of the business firm.

§ 18–1.604–4 Notice of debarment.

(a) The firm or individual proposed for debarment shall be furnished with a written notice of the proposed debarment by the Director of Procurement, stating as a minimum:

(1) The fact that debarment is being considered;

(2) The reasons for the proposed debarment; and

(3) The period of time to be afforded to present information for consideration.

Information in opposition to a proposed debarment may be presented in person, in writing, or through representation. The period of time to be afforded to present information for consideration shall be limited to 30 days unless the firm or individual requests and justifies additional time. When no additional time is requested, the debarment determination, including the notice to the firm or individual, shall be completed within 90 days. When additional time is requested and it is determined to grant such additional time, the 90-day period shall be adjusted accordingly. If the firm or individual is not under suspension, pursuant to § 18–1.605, the notice of proposed debarment will inform the firm or individual that no contracts shall be awarded to such firm or individual pending the debarment determination.

(b) If the firm or individual proposed for debarment has affiliates who are also proposed to be debarred, the procedures set forth in paragraph (a) of this section shall be applied to such affiliates.

(c) If debarment is effected, the firm or individual and the affiliates that have been debarred will be notified by the Director of Procurement, in writing, within 10 days after determination of debarment has been made. This notice will:

(1) Reference the earlier notice of proposed debarment;

(2) Specify the reasons for debarment; and

(3) State the period of debarment, including effective dates.

If, following the notice of proposed debarment, a determination is made that debarment will not be effected, the Director of Procurement will notify the firm or individual in writing accordingly.

(d) Copies of the notice of debarment and of any removals from such debarment will be furnished to the General Services Administration.

(e) All inquiries or correspondence from or in behalf of debarred contractors concerning their status, reasons for debarment action, etc., shall be forwarded to the Office of Procurement (Code KDP) for appropriate action.

§ 18–1.604–50 Reporting procedures.

(a) Procurement officers may submit reports recommending debarment of a firm or individual for any of the causes set forth in § 18–1.604–2. Such actions shall be coordinated with local counsel.

(b) Reports recommending debarment shall be submitted in triplicate to the Office of Procurement (Code KDP). Each such report shall contain a complete statement of the facts concerning the firm's or individual's dereliction, including affidavits, depositions, records of action, if applicable, and any other relevant data. Names and addresses of all persons having knowledge of the circumstances shall be included. Such reports shall include the names and addresses of all known affiliates of reported firms or individuals, together with the nature of such affiliation.

§ 18–1.605 Suspension of bidders.

§ 18–1.605–1 General.

Suspension of a firm or an individual is a drastic action which must be based upon adequate evidence rather than mere accusation. In assessing adequate evidence, consideration should be given to how much credible information is available, its reasonableness in view of surrounding circumstances, corroboration or lack thereof as to important allegations, and inferences which may be drawn from the existence or absence of affirmative facts. This assessment should include an examination of basic documents, such as contracts, inspection reports, and correspondence. The suspension of a firm or individual is an administrative determination which may be modified when determined to be in the interest of the Government.

§ 18–1.605–2 Authority in NASA to suspend firms or individuals.

(a) The Administrator may, in the interest of the Government, suspend a firm or individual for any of the causes set forth in § 18–1.605–3.

(b) The Director of Procurement, as an authorized representative of the Administrator, is authorized to suspend in the interest of the Government a firm or individual for any of the causes set forth in § 18–1.605–3, except for paragraph (2) thereof, in accordance with the procedures set forth in this Subpart 18–1.6.

§ 18–1.605–3 Causes for suspension.

A firm or individual may be suspended, whenever such suspension is determined to be in the interest of the Government, for the following causes:

(a) Whenever the firm or individual is suspected of—

(1) Commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract;

(2) Violation of the Federal antitrust statutes arising out of the submission of bids and proposals; or

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a Government contractor.

(b) Any other causes of such serious and compelling nature as may be determined to justify suspension: *Provided*, That no firm or individual shall be suspended for failure to comply with the Equal Opportunity in Federally Assisted Construction Contracts clause or Equal Opportunity clause, except upon notification by the Chairman (41 CFR 60–1.24(b)(3)).

§ 18–1.605–4 Period and scope of suspension.

(a) *Period of suspension.* All suspensions made by NASA shall be for a temporary period pending the completion of investigations and such legal proceedings as may ensue.

(1) In the event a firm or individual is suspended for any cause set forth in § 18–1.605–3(1) and prosecutive action is not initiated by the Department of Justice within 12 months from the date of the notice of suspension, the suspension shall be terminated unless an Assistant Attorney General requests continuation of the suspension. If such a request is received, the suspension may be continued for an additional 6 months. Notice of the proposed removal of the suspension shall be given to the Department of Justice 30 days prior to the expiration of the 12-month period. In no event shall suspension continue beyond 18 months unless prosecutive action has been initiated within that period. Where prosecutive action is initiated, the suspension may continue until legal proceedings are completed.

(2) In the event a firm or an individual is suspended by the Administrator for any cause in accordance with § 18–1.605–3(2), the period of suspension shall not exceed 90 days. The period of suspension may be extended for additional periods of 90 days upon a determination by the Administrator of the reasons and necessity therefor. However, in no event shall the total of any suspension under this § 18–1.605–4 exceed one year or be in addition to any period of suspension under subparagraph (1) of this paragraph.

(3) Upon the completion of the legal proceedings under subparagraph (1) of this paragraph or investigation under subparagraph (2) of this paragraph the suspension shall be removed and, if appropriate, changed to a debarment in accordance with § 18–1.604–2(a). Firms or individuals released from suspension and not debarred shall be replaced on appropriate bidders lists.

(b) *Scope of suspension.* (1) Suspension may include all known affiliates of a firm or individual. For the definition of an affiliate, see § 18–1.600–2.

(2) An attempt shall be made to determine who are the affiliates of any firm or individual who is proposed to be suspended. Consideration shall be given to suspending such affiliates whenever the facts and circumstances justifying suspension of the firm or individual concerned would also justify suspension of such affiliates.

(3) The fraud or criminal conduct of an individual may be imputed to the business firm with which he is connected whenever the impropriety involved was performed in the course of official duty or with the knowledge or approval of the business firm.



§ 18–1.605–5 Restrictions during period of suspension.

Suspended firms or individuals shall be subject to the provisions of §18–1.603 (a) (4), (b), and (c).

§ 18–1.605–6 Notice of suspension.

(a) The firms or individuals who have been suspended will be furnished a written notice, by the Director of Procurement, of the suspension within 10 days after the effective date of the suspension. The notice of suspension will state:

(1) That the suspension is based on information that the firm or individual has committed irregularities of a serious nature in business dealings with the Government or that the suspension is based on irregularities which seriously reflect on the propriety of further dealings of the firm or individual with the Government, together with a description of the nature of those irregularities, in general terms, without disclosing the Government's evidence;

(2) That the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue; and

(3) That bids and proposals will not be solicited from such firms or individuals and if received will not be considered, and awards of contracts may not be made, unless it is determined to be in the best interest of the Government by the Administrator or his authorized representative to do so.

(b) Copies of the notice of suspension and of any removal from such suspension shall be furnished to the Department of Justice.

(c) All inquiries or correspondence from or in behalf of suspended firms and individuals concerning their status, reasons for suspension, and so forth, shall be forwarded to the Office of Procurement (Code KDP) for appropriate action. Information beyond that stated in the notice of suspension concerning the reasons for suspension shall not be furnished to the contractor or his representatives until the Department of Justice has been advised of the inquiry.

§ 18–1.605–50 Reporting procedures.

(a) Procurement officers may submit reports recommending suspension of a firm or individual for any of the causes set forth in § 18–1.605–3. Such actions shall be coordinated with local counsel.

(b) Reports recommending suspension shall be submitted in triplicate to the Office of Procurement (Code KDP). Such reports shall contain a complete statement of the pertinent facts indicating alleged criminal conduct, fraudulent activity, or suspicion thereof, and shall be supported by appropriate exhibits, including copies of any contracts involved and any assignments of claims thereunder. Such reports shall include the names and addresses of all known affiliates of reported firms or individuals, together with the nature of such affiliation.

§ 18–1.606 Limited debarment or suspension.

When it is determined to debar or suspend a concern pursuant to § 18–1.604 or 18–1.605, the Administrator or his authorized representative shall decide whether the debarment or suspension should extend to procurement contracts or sales contracts or to both. If the debarment or suspension is limited to either procurement contracts or sales contracts, the listing should so indicate.

§ 18–1.607 Interchange of debarment information.

(a) The General Services Administration, in accordance with FPR 1–1.607(a), is charged with compiling from the notice of debarments furnished it by NASA and other executive agencies a combined list of such debarments, including the basis of action, and distributing a copy of such list to NASA and all other executive agencies.

(b) The list furnished by General Services Administration shall be for information purposes only; it is not intended to take the place of, or be an addition to, the lists used by NASA.

(c) The Office of Procurement will check the combined list of debarred bidders furnished by the General Services Administration and consider firms or individuals listed thereon for inclusion upon the NASA list, in accordance with the provisions of this Subpart 18–1.6.

(d) On specific request of the Director of Procurement, the General Services Administration has agreed to furnish to NASA, in accordance with FPR 1–1.607 (b), a copy of the notice reflecting the basis for debarment action taken by another agency pursuant to its regulations or under the Buy American Act (41 U.S.C. 10a–d) (see § 18–1.603(a)(3) Type C listing). If desired, the Director of Procurement may make a direct inquiry concerning any debarment case to the agency which originated the action.

## Subpart 18–1.7—Small Business Concerns

§ 18–1.700 Scope of subpart.

(a) To implement the Small Business Act of 1958, as amended (15 U.S.C. 631–647), and the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451–2459), this subpart sets forth:

(1) Policy regarding small business concerns;

(2) Policy governing relationships with the Small Business Administration;

(3) Small business set-aside procedures;

(4) Small business subcontracting policies;

(5) Procedures concerning use of Small Business Administration certificates of competency; and

(6) Information concerning size standards of the Small Business Administration.

(b) This Subpart § 18–1.7 applies only in the United States, its possessions and Puerto Rico.

§ 18–1.701 Definitions.

The definitions of small business concerns are promulgated by the Small Business Administration (SBA). As used throughout this subpart, the following terms shall have the meanings set forth below.

§ 18–1.701–1 Small business concern.

(a)(1) *General definition.* A small business concern is a concern that is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, can further qualify under the criteria set forth in subparagraphs (2) and (3) of this paragraph. "Concern" means any business entity organized for profit with a place of business in the United States, its possessions or Puerto Rico, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative.

(2) *Industry small business size standards.* In addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet the appropriate small business size standards established for the industries set forth in subdivisions (i) through (v) of this subparagraph. Contracting officers shall use the Standard Industrial Classification Manual, including the 1963 supplement thereto, prepared by the Bureau of the Budget, as a guide to determine the appropriate industry classification for each item or service to be procured. When an item is classified into two or more industries with different small business size standards, the smallest of such size standards shall be used. When more than one item is being procured and two or more industries with different size standards are involved, the bidder must meet the small business size standard for each item for which he submits a bid. Contracting officers may obtain advice from the SBA Regional Office serving the area in which the procurement office is located, when in doubt concerning the appropriate small business size standard to be prescribed for a particular procurement. The term "annual receipts" as used throughout this Part 18–1 means the annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(i) *Construction industries.* In bidding on a contract for construction, alteration, or repair (including painting and decorating) of buildings, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding three fiscal years must not exceed $7,500,000, except that if the concern is located in Alaska, such receipts must not exceed $9,375,000. In bidding on a contract for dredging, the average annual receipts of the concern and its affiliates for its preceding, three fiscal years must not exceed $5,000,000, except that if the concern is located in Alaska, such receipts must not exceed $6,250,000.

(ii) *Manufacturing industries—(a) Food canning and preserving industry.* In bidding on a contract for food canning and preserving, the number of employees

of the concern and its affiliates must not exceed 500 persons exclusive of "agricultural labor" as defined in 26 U.S.C. 3306(K).

(b) *Petroleum industry.* In bidding on a contract for petroleum, other than lubricants and miscellaneous petroleum products, the number of employees of the concern and its affiliates must not exceed 1,000 employees and it must not have more than 30,000 barrels per day crude oil capacity from owned or leased facilities. ("Crude oil capacity" means the maximum daily average crude throughput of a refinery in complete operation with allowances for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.)

(c) *Manufacturing industries listed in § 18–1.701–4.* In bidding on a contract for a product classified within an industry listed in § 18–1.701–4, the number of employees of the concern and its affiliates must not exceed the small business size standard established therein for that industry.

(d) *Manufacturing industries not listed in § 18–1.701–4.* In bidding on a contract for a product classified within an industry not set forth in this subdivision (ii) or in § 18–1.701–4, the number of employees of the concern and its affiliates must not exceed 500 persons.

(iii) *Nonmanufacturing industry.* One who submits bids or offers in his own name but who proposes to furnish a product not manufactured by himself shall be deemed to be a small business concern only if (*a*) he is a small business concern within the meaning of § 18–1.701–1, (b) he employs not more than 500 persons, and (c) in the case of a procurement set-aside for small business (see § 18–1.706) or involving equal low bids (see § 18–2.407–6 of this chapter), or otherwise involving the preferential treatment of small business, he agrees to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this subdivision does not apply to construction or service contracts. However, if the goods to be furnished are wool, worsted, knitwear, duck, webbing, and thread (spinning and finishing), nonmanufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

(iv) *Services industries.* In bidding on a contract for services not elsewhere defined in this section, the average annual sales or receipts of the concern and its affiliates for the preceding three fiscal years must not exceed $1,000,000 ($1,250,000 if located in Alaska).

(v) *Transportation industry*—(*a*) *General.* Except as provided in (*a*) and (*b*) of this subdivision, in bidding on a contract for passenger or freight transportation the number of employees of the concern and its affiliates must not exceed 500 persons.

(*b*) *Air transportation.* In bidding on a contract for air transportation, the number of employees of the concern and its affiliates must not exceed 1,000 persons.

(c) *Trucking and/or warehousing industry.* In bidding on a contract for trucking and/or warehousing, the annual receipts of the concern and its affiliates must not exceed $3,000,000 except that if the concern is located in Alaska, such receipts must not exceed $3,750,000. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its relationship with an interstate van line, if (I) the concern's annual receipts have not exceeded $3,000,000 during its most recently completed fiscal year ($3,750,000 if located in Alaska), and (II) not more than fifty percent (50%) of such annual receipts are directly attributable to the concern's relationship with an interstate van line.

(3) *Small business subcontractors.* In connection with subcontracts of $2,500 or less, any concern shall be considered a small business concern if it, with its affiliates, has not more than 500 employees. In connection with subcontracts exceeding $2,500, any concern shall be considered a small business concern if it qualifies as such under subparagraphs (1) and (2) of this paragraph.

(b) *Dominance in field of operations.* A concern is not "dominant in its field of operations" when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration is given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, facilities, sales territory, and nature of business activity.

(c) *Affiliates.* Business concerns are affiliates of each other when either directly or indirectly (1) one concern controls or has the power to control the other, or (2) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship.

(d) *Number of employees.* In connection with the determination of small business status, except as the SBA otherwise determines in a particular industry or part thereof, "number of employees" means the average employment of any concern including the employees of its domestic and foreign affiliates based on the number of persons employed on a full-time, part-time, temporary, or any other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "numbers of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

### § 18–1.701–4 Manufacturing industry employment size standards.

The Standard Industrial Classification Manual (and the 1963 supplement thereto) index provides an alphabetical list of products and the industry with which the product is associated. The following schedule sets forth the industry size standards for the purpose of Government procurements.

| Classification code | Industry | Employment Size Standard (Number of employees)[1] |
|---|---|---|
| | **Major Group 19—Ordnance and Accessories** | |
| 1925 | Guided missiles and space vehicles, completely assembled | 1000 |
| 1931 | Tanks and tank components | 1000 |
| 1951 | Small arms | 1000 |
| 1961 | Small arms ammunition | 1000 |
| | **Major Group 20—Food and Kindred Products** | |
| 2032 | Canned specialties | 1000 |
| 2043 | Cereal preparations | 1000 |
| 2046 | Wet corn milling | 750 |
| 2052 | Biscuit, crackers, and pretzels | 750 |
| 2062 | Cane sugar refining | 750 |
| 2063 | Beet sugar | 750 |
| 2085 | Distilled, rectified, and blended liquors | 750 |
| 2093 | Vegetable oil mills, except cottonseed and soybean | 1000 |
| 2096 | Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified | 750 |
| | **Major Group 21—Tobacco Manufacturers** | |
| 2111 | Cigarettes | 1000 |
| | **Major Group 22—Textile Mill Products** | |
| 2211 | Broad woven fabric mills, cotton | 1000 |
| 2271 | Woven carpets and rugs | 750 |
| 2296 | Tire cord and fabric | 1000 |
| | **Major Group 26—Paper and Allied Products** | |
| 2611 | Pulp mills | 750 |
| 2621 | Paper mills, except building paper mills | 750 |
| 2631 | Paperboard mills | 750 |
| 2646 | Pressed and molded pulp goods | 750 |
| 2654 | Sanitary food containers | 750 |
| 2661 | Building paper and building board mills | 750 |
| | **Major Group 28—Chemicals and Allied Products** | |
| 2812 | Alkalies and chlorine | 1000 |
| 2813 | Industrial gases | 1000 |
| 2815 | Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners) | 750 |
| 2816 | Inorganic pigments | 1000 |
| 2818 | Industrial organic chemicals, not elsewhere classified | 1000 |
| 2819 | Industrial inorganic chemicals, not elsewhere classified | 750 |
| 2821 | Plastics materials, synthetic resins, and nonvulcanizable elastomers | 750 |
| 2822 | Synthetic rubber (vulcanizable elastomers) | 1000 |
| 2823 | Cellulose man-made fibers | 1000 |
| 2824 | Synthetic organic fibers, except cellulosic | 1000 |
| 2833 | Medicinal chemicals and botanical products | 750 |
| 2834 | Pharmaceutical preparations | 750 |
| 2841 | Soap and other detergents, except specialty cleaners | 750 |
| 2892 | Explosives | 750 |

See footnote at end of table.



| Classification code | Industry | Employment Size Standard (Number of employees)[1] |
|---|---|---|
| | **Major Group 29—Petroleum Refining and Related Industries** | |
| 2911 | Petroleum refining[2] | 1000 |
| 2952 | Asphalt felts and coatings | 750 |
| | **Major Group 30—Rubber and Miscellaneous Plastics Products** | |
| 3011 | Tires and inner tubes | 1000 |
| 3021 | Rubber footwear | 1000 |
| 3031 | Reclaimed rubber | 750 |
| | **Major Group 32—Stone, Clay, and Glass Products** | |
| 3211 | Flat glass | 1000 |
| 3221 | Glass containers | 750 |
| 3229 | Pressed and blown glass and glassware, not elsewhere classified | 750 |
| 3241 | Cement, hydraulic | 750 |
| 3261 | Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories | 750 |
| 3275 | Gypsum products | 1000 |
| 3292 | Asbestos products | 750 |
| 3296 | Mineral wool | 750 |
| 3297 | Nonclay refractories | 750 |
| | **Major Group 33—Primary Metal Industries** | |
| 3312 | Blast furnaces (including coke ovens), steel works, and rolling mills | 1000 |
| 3313 | Electrometallurgical products | 750 |
| 3315 | Steel wire drawing and steel nails and spikes | 1000 |
| 3316 | Cold rolled sheet, strip and bars | 1000 |
| 3317 | Steel pipe and tubes | 1000 |
| 3331 | Primary smelting and refining of copper | 1000 |
| 3332 | Primary smelting and refining of lead | 1000 |
| 3333 | Primary smelting and refining of zinc | 750 |
| 3334 | Primary production of aluminum | 1000 |
| 3339 | Primary smelting and refining of nonferrous metals, not elsewhere classified | 750 |
| 3351 | Rolling, drawing, and extruding of copper | 750 |
| 3352 | Rolling, drawing, and extruding of aluminum | 750 |
| 3356 | Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum | 750 |
| 3357 | Drawing and insulating of nonferrous wire | 1000 |
| 3399 | Primary metal industries, not elsewhere classified | 750 |
| | **Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment** | |
| 3411 | Metal cans | 1000 |
| 3431 | Enameled iron and metal sanitary ware | 750 |

See footnotes at end of table.

| Classification code | Industry | Employment Size Standard (Number of employees)[1] |
|---|---|---|
| | **Major Group 35—Machinery, Except Electrical** | |
| 3511 | Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units | 1000 |
| 3519 | Internal combustion engines, not elsewhere classified | 1000 |
| 3531 | Construction machinery and equipment | 750 |
| 3562 | Ball and roller bearings | 750 |
| 3571 | Computing and accounting machines, including cash registers | 1000 |
| 3572 | Typewriters | 1000 |
| 3585 | Refrigerators; refrigeration machinery, except household; and complete air conditioning units | 750 |
| | **Major Group 36—Electrical Machinery, Equipment, and Supplies** | |
| 3612 | Power, distribution, and specialty transformers | 750 |
| 3613 | Switchgear and switchboard apparatus | 750 |
| 3621 | Motors and generators | 1000 |
| 3622 | Industrial controls | 750 |
| 3624 | Carbon and graphite products | 750 |
| 3631 | Household cooking equipment | 750 |
| 3632 | Household refrigerators and home and farm freezers | 1000 |
| 3633 | Household laundry equipment | 1000 |
| 3634 | Electric housewares and fans | 750 |
| 3635 | Household vacuum cleaners | 750 |
| 3636 | Sewing machines | 750 |
| 3641 | Electric lamps | 1000 |
| 3651 | Radio and television receiving sets, except communication types | 750 |
| 3652 | Phonograph records | 750 |
| 3661 | Telephone and telegraph apparatus | 1000 |
| 3662 | Radio and television transmitting, signaling, and detection equipment and apparatus | 750 |
| 3671 | Radio and television receiving type electron tubes, except cathode ray | 1000 |
| 3672 | Cathode ray picture tubes | 750 |
| 3673 | Transmitting, industrial, and special purpose electron tubes | 750 |
| 3692 | Primary batteries, dry and wet | 1000 |
| 3694 | Electrical equipment for internal combustion engines | 750 |
| | **Major Group 37—Transportation Equipment** | |
| 3717 | Motor vehicles and parts[3] | 1000 |
| 3721 | Aircraft[4] | 1000 |
| 3722 | Aircraft engines and engine parts[4] | 1000 |
| 3723 | Aircraft propellers and propeller parts | 1000 |
| 3729 | Aircraft parts and auxiliary equipment, not elsewhere classified[4] | 1000 |
| 3731 | Ship building and repairing | 1000 |
| 3741 | Locomotives and parts | 1000 |
| 3742 | Railroad and street cars | 750 |

| Classification code | Industry | Employment Size Standard (Number of employees)[1] |
|---|---|---|
| | **Major Group 39—Miscellaneous Manufacturing Industries** | |
| 3982 | Linoleum, asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified | 750 |

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[3] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations: "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance." "'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

### § 18–1.702 General policies.

(a) It is the policy of NASA to place a fair proportion of its total purchases and contracts for supplies and services with small business concerns, and to afford small business concerns an equitable opportunity to compete for contract awards. In the area of research and development contracts, it is NASA policy to award such contracts to those organizations determined by responsible personnel to have a high degree of competence in the specific branch of science or technology required for the successful conduct of the work. It is in the national interest that the number of firms engaged in research and development work for NASA be expanded and that there be an increase in the extent of participation in such work by competent small business firms.

(b) Each NASA installation having procurement authority shall implement this policy by:

(1) Maintaining bidders lists on a current basis and reviewing them to ensure that all small business firms who have made acceptable application to NASA or who appear from other information (including recommendation by the SBA) to be qualified are included therein;

(2) Acquiring descriptive data, brochures, or other information concerning small business firms who appear competent to perform research and development work in fields in which NASA is interested and furnish such information to technical personnel;

(3) To the extent feasible—

(i) Dividing procurements of supplies and services into reasonably small lots of not less than economic production runs in order to permit bidding on quantities less than the total requirements;

(ii) Allowing the maximum amount of time practicable for preparation and submission of bids and proposals; and

(iii) Establishing delivery schedules suitable for small business participation.

(4) Providing to authorized SBA representatives, upon request, information necessary to understand NASA needs concerning research and development programs under consideration for specific future procurement actions. The SBA may provide pertinent information concerning potential small business sources developed through its investigation of the capabilities of specific firms in the particular field of research and development covered by the programs. Full evaluation shall be given to any such information in selecting qualified sources;

(5) Disseminating widely information relating to NASA purchasing methods and practices; and

(6) Freely interchanging ideas and information, including statistical data, with appropriate SBA levels, relating to programs for limiting suitable procurements to small business concerns; and making maximum use of the capacity of small firms in such programs in order to accomplish the purpose of this policy. As to subcontracting, see § 18–1.707.

(c) Records of the total value of all contracts placed with small business concerns during each fiscal year, and reports based thereon, are maintained by NASA through its agencywide procurement reporting system described in

Subpart 18-16.9 of this chapter. Accordingly, each NASA procurement office shall, when soliciting bids or proposals, state the applicable small business size standard (or standards in the case where more than one item is being procured and two or more industries with different size standards are involved) and request from any bidder or offeror, a statement as to whether such bidder or offeror meets the prescribed size standard(s).

**§ 18-1.703 Determination of status as small business concern.**

(a) Except as provided in paragraph (b) of this section, the contracting officer shall accept at face value, for the particular procurement involved, a statement by the bidder or offeror that he is a small business concern (see §§ 18-1.701-1 and 1.701-4).

(b) Statements by a bidder or offeror that he is a small business concern shall be effective, even though questioned in accordance with the terms of this paragraph (b), unless the SBA, in response to such question and pursuant to the procedures in subparagraph (3) of this paragraph, determines that the bidder or offeror in question is not a small business concern. The controlling point in time for a determination concerning the size status of a questioned bidder or offeror shall be the date of award, except that no bidder or offeror shall be eligible for award as a small business concern unless he has in good faith represented himself as small business prior to the opening of bids or closing date for submission of offers (see § 18-2.405 of this chapter with respect to minor informalities and irregularities in bids).

(1) Any responsive bidder or offeror may, prior to award, question the small business status of the apparently successful bidder or offeror by sending a written protest to the contracting officer. The contracting officer shall forward the protest to the SBA Regional Office for the region in which the questioned bidder or offeror has his principal place of business. SBA will promptly notify the contracting officer of the date of its receipt of any such protest and will advise the questioned bidder or offeror that his small business status is under review.

(2) A contracting officer may, prior to award, question the small business status of the apparently successful bidder or offeror by sending a written notice to the SBA Regional Office for the region in which the bidder or offeror has his principal place of business. Such notice shall contain a statement of the basis for questioning and of available supporting facts. The SBA will promptly notify the contracting officer of the date such notice was received and will advise the bidder or offeror in question that his small business status is under review.

(3) The SBA will determine the small business status of the questioned bidder or offeror and notify the contracting officer and the bidder or offeror of its decision. If the SBA determination is not received by the contracting officer within 10 workdays after the SBA's receipt of the protest or notice questioning small business status, it shall be presumed that the questioned bidder or offeror is a small business concern. This presumption will not be used as a basis for making an award to the questioned bidder or offeror without first ascertaining when a size determination can be expected from the SBA, and, where practicable, waiting for such determination, unless further delay in award would be disadvantageous to the Government. Pending SBA determination or expiration of the 10-day period, whichever is earlier, procurement action shall be suspended: *Provided*, That such 10-day suspension period shall not apply to any urgent procurement action which, as determined by the contracting officer, must, in order to protect the public interest, be awarded without delay and as to which he inserts in the contract file a statement signed by him justifying this determination.

(4) Any prospective bidder or offeror may, prior to the opening of bids or closing date for submission of offers, question the validity of the small business size standard established for the proposed procurement by sending a written protest to the contracting officer and to the SBA Regional Office servicing the area in which the procurement office is located. SBA will promptly notify the contracting officer of the date of its receipt of any such protest. SBA will determine the current small business size standard applicable to the procurement and notify the contracting officer and the bidder or offeror of its decision. If the SBA determination is not received by the contracting officer within 5 workdays after SBA's receipt of the protest questioning the validity of the small business size standard, it shall be presumed that the contracting officer's initial determination was correct. In the event that the SBA small business size determination differs from that originally made by the contracting officer, the bid (proposal) shall be appropriately amended to reflect such determination. When the SBA determination also results in a higher small business size standard, such action shall be publicized and the opening of bids and closing date for submission of offers extended to permit competition from additional eligible small business sources. Pending SBA determination or expiration of the 5-day period, whichever is earlier, procurement action shall be suspended provided that such 5-day suspension period shall not apply to any urgent procurement action which, as determined by the contracting officer, must, in order to protect the public interest, be awarded without delay and as to which he inserts in the contract file a statement signed by him justifying this determination.

**§ 18-1.704 Small business officials.**

**§ 18-1.704-1 NASA Headquarters.**

The Director of Procurement is responsible for the general supervision and coordination of the NASA Small Business Program. Within the Office of Procurement the Small Business Advisor is responsible for developing the NASA small business program, advising the Director of Procurement and other NASA officials on small business problems, and representing NASA before other Government agencies on matters primarily affecting small business.

**§ 18-1.704-2 Field installations.**

The Director of each field installation having procurement responsibilities shall designate a qualified individual in the procurement office as a "Small Business Specialist" to provide a central point of contact to which small business concerns may direct inquiries concerning participation in the NASA procurement program and small business matters. The small business specialist shall also perform such other functions as he is specifically directed to perform by this Subpart 18-1.7 or which the Procurement Officer may prescribe for the purpose of implementing the small business program. When the Director of a field installation considers that the volume of procurement or the functions relating to procurement at the installation does not warrant a full-time small business specialist, he may assign such duties to procurement personnel on a part-time basis.

**§ 18-1.705 Cooperation with the Small Business Administration.**

**§ 18-1.705-1 General.**

All NASA procurement offices are responsible for consulting and cooperating with the SBA in carrying out the purposes of the Small Business Act.

**§ 18-1.705-2 Small Business Administration representatives.**

The SBA may assign one or more representatives on a full or part-time basis to any NASA procurement office to act in its behalf in carrying out SBA responsibilities under the Small Business Act, as amended.

**§ 18-1.705-3 Screening of procurements.**

(a) *Individual set-asides.* The SBA representatives (cleared for security where classified procurements are to be screened) shall, upon request, promptly be afforded an opportunity at the procurement office to review all proposed procurements for the purpose of recommending set-asides if it is anticipated that the resulting contract or contracts will exceed $2,500 unless, in the case of procurements which are not expected to exceed $10,000, the procurement officer determines that such review would unduly delay the procurement process. A copy of the determination and the justification therefor shall be furnished to the SBA representative. Where it is anticipated that the resulting contract or contracts will exceed $2,500, such SBA representative shall, upon request, promptly be afforded an opportunity to make recommendations concerning proposed procurements, including that they be exclusively or partially set aside for small business concerns. The contracting officer shall afford the SBA representative an opportunity to recommend, within a reasonable time, appropriate names of small business concerns for inclusion in lists of bidders for firms to be solicited in connection with current and future procurements.

(b) *Class set-asides.* (1) The SBA representatives shall be afforded an opportunity to make recommendations that current and future procurements, or portions thereof, of selected items or services, or groups of like items or services, shall be set aside as provided in § 18-1.706, for exclusive small business participation. Such set-asides, when approved by the contracting officer, shall be known as class set-asides. Concurrence in a class set-aside shall not be dependent upon the existence of a current procurement if future procurements can be clearly foreseen.

(2) The SBA representatives, upon request, shall be furnished such available or reasonably obtainable information as may be required for the SBA to determine whether or not to recommend a class set-aside.

(c) When no SBA representative is available to screen proposed procurements, the small business specialist is responsible for making appropriate recommendations to the contracting officer that procurements be set aside for small business concerns.

**§ 18-1.705-4 Access to procurement information.**

Upon request, and subject to applicable security regulations, SBA representatives will be given access to available or reasonably obtainable information, including technical data (including drawings and specifications), procurement history, bidders lists, and planned requirements immediately upon receipt by the procurement office. The SBA representative will be furnished such other available or reasonably obtainable information as may be required for the SBA referral program.

**§ 18-1.705-5 Joint SBA-NASA small business class set-aside for construction, repair and alteration work.**

A joint class set-aside for small business is considered to have been made for each proposed procurement for construction, repair and alteration work in an estimated amount ranging from $2,500 to $500,000. Accordingly, the contracting officer shall set aside for small business each such proposed procurement. If, in his judgment, the particular procurement falling within the dollar limits specified in this section is unsuitable for a set-aside for exclusive small business participation, he shall notify the appropriate SBA representative of this decision. Unless SBA appeals the decision, pursuant to the provisions of § 18-1.706-2, the contracting officer shall proceed to process the procurement on an unrestricted basis. Proposed procurements for construction, repair and alteration work in an estimated amount of more than $500,000 shall be processed on a case-by-case basis pursuant to § 18-1.705-3(a).

**§ 18-1.705-6 Certificates of competency.**

(a) The SBA has statutory authority to certify the competency of any small business concern as to capacity and credit. "Capacity" means the overall ability of a prospective small business contractor to meet quality, quantity, and time requirements of a proposed contract and includes ability to perform, organization, experience, technical knowledge, skills, "know-how," technical equipment, and facilities. Contracting officers shall accept SBA certificates of competency as conclusive of a prospective contractor's responsibility as to capacity (see § 18-1.903-1(d)) and credit (see § 18-1.903-1(b)), unless the contracting officer has substantial doubts as to the firm's ability to perform, in which case he shall, prior to award, promptly refer the matter through normal channels to the Director of Procurement, including all supporting facts and an indication of the degree of urgency of the proposed award. In such cases, the SBA may be requested to consider the withdrawal of the certificate and, in any event, the contracting officer will be informed by the Director of Procurement of the final decision.

(b) If a small business concern has submitted an otherwise acceptable bid or proposal but has been found by the contracting officer to be nonresponsible as to capacity or credit and, if the bid or proposal is to be rejected for this reason alone, (1) the contracting officer shall notify the SBA of the circumstances so as to permit it to issue a certificate of competency, and (2) award shall be withheld pending either SBA action concerning issuance of a certificate of competency or the expiration of 15 workdays after the SBA is so notified, whichever is earlier, subject to the following:

(i) This procedure is not mandatory where the contracting officer certifies in writing that award must be made without delay and promptly advises the SBA representative thereof, and includes in the contract file a statement signed by him which justifies the certificate. A copy of the statement shall be furnished to the SBA representative.

(ii) This procedure does not apply to proposed awards of not more than $2,500.

(iii) This procedure is optional, within the discretion of the contracting officer, as to proposed awards of more than $2,500, but less than $10,000.

(iv) This procedure does not apply where the contracting officer has found a small business concern nonresponsible for a reason other than lack of capacity of credit. Thus, it does not apply where a concern does not satisfy the criteria of responsibility in § 18-1.903-1 (a), (f), (g), and (h). Where the contracting officer determines that a concern does not meet the requirements of § 18-1.903-1(e) as to a satisfactory record of performance, the procedure is mandatory only if the unsatisfactory record of performance was due solely to inadequate capacity or credit. However, if the contracting officer has any doubt as to whether the unsatisfactory record of performance can reasonably be attributed solely to lack of capacity or credit, the matter shall be discussed with the local SBA representative. If the local SBA representative is of the opinion that the unsatisfactory record of performance is attributable solely to a lack of capacity or credit, and the contracting officer disagrees, the contracting officer shall forward the matter to the Director of Procurement for resolution and final decision. The contracting officer will be informed of the final decision by the Director of Procurement.

To assist the SBA in determining the capacity and credit of small business concerns involved in a particular procurement, the procurement office shall make available to the SBA all pertinent technical and financial information with respect to the small business concern involved, including but not limited to copies of the invitation for bids or request for proposals, drawings, specifications, preaward surveys, and abstracts of bids.

(c) In procurements where the highest competence obtainable or the best scientific approach is needed, such as in certain negotiated procurements of research and development, highly complex equipment, or personal or professional services, the certificate of competency procedure is not applicable to the selection of the source offering the highest competence obtainable or the best scientific approach. However, if a small business concern has been selected on the basis of the highest competence obtainable or best scientific approach and, prior to award, the contracting officer determines that the concern is not responsible because of lack of capacity or credit, the certificate of competency procedure in paragraph (b) of this section is applicable.

**§ 18-1.705-7 Performance of contract by Small Business Administration.**

In accordance with section 8a of the Small Business Act (15 U.S.C. 637(a)), in any case in which the Administrator, SBA, certifies to the Administrator, NASA, that the SBA is competent to perform any specific contract, the contracting officer is authorized, in his discretion, to award the contract to the SBA upon such terms and conditions, consistent with these regulations, as may be agreed upon between the SBA and the contracting officer.

**§ 18-1.706 Set-asides for small business.**

**§ 18-1.706-1 General.**

Subject to any applicable preference for labor surplus area set-asides, any individual procurement or class of procurements or an appropriate part thereof shall be set aside for the exclusive participation of small business concerns when such action is (a) jointly determined by a Small Business Administration representative and the contracting officer upon the initiation of either agency, or (b), if no SBA representative is available, is unilaterally determined by the contracting officer to be in the interest of maintaining or mobilizing the Nation's full productive capacity, or in

the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. Insofar as practicable, joint determinations shall be used as a basis for set-asides rather than unilateral determinations; but the impracticability of obtaining a joint determination should not be treated as an obstacle to making a set-aside based on a unilateral determination in an otherwise appropriate case.

**§ 18–1.706–2 Review of Small Business Administration set-aside proposals.**

(a)(1) Upon the recommendation of a SBA representative that an individual procurement or class of procurements, or portions thereof, be set aside for small business, the contracting officer shall promptly either (i) concur in the recommendation, or (ii) disapprove the recommendation, stating in writing his reasons for disapproval. The SBA representative shall be allowed 2 workdays to appeal any such disapproval to the Director of the field installation involved or his designee for decision. During consideration of such appeal there shall be full and free interchange of all pertinent facts between the SBA representative and the procurement office concerned. Within 1 workday after receipt of a decision of the Director of the field installation or his designee disapproving a recommended set-aside, the SBA representative may request the contracting officer to suspend any procurement action affected by the recommended set-aside pending a further appeal by the Administrator, SBA, to the Administrator, NASA, for determination. The SBA shall be allowed 7 workdays after making any such request within which (a) the Administrator of SBA may appeal the decision of the Director of the field installation or his designee to the Administrator, NASA, and (b) to notify the contracting officer whether such an appeal has in fact been taken. If such notification is not received by the contracting officer within the 7-day period, it shall be deemed that the SBA request to suspend procurement action has been withdrawn and that no appeal to the Administrator, NASA, was taken. When an appeal to the Administrator, NASA, has been taken and the contracting officer has been notified of that fact within the 7-day period, the Director of the field installation shall forward to the Administrator, NASA, via the Director of Procurement, a full justification of his decision.

(2) Any procurement action affected by a set-aside recommendation which has been disapproved by the contracting officer and appealed by the SBA representative shall be suspended pending the decision of the Director of the field installation or his designee. If the decision sustains the disapproval and if the SBA representative requests further suspension in accordance with subparagraph (1) of this paragraph, the suspension shall continue until (i) the SBA appeal is deemed to have been withdrawn (as provided in subparagraph (1) of this paragraph) or (ii) the matter is determined by the Administrator, NASA: *Provided*, That such suspension shall not apply to any particular procurement action which, as determined by the contracting officer, must, in order to protect the public interest, be initiated without delay and as to which he inserts in the contract file a statement signed by him setting forth the facts and circumstances justifying the determination. The contracting officer shall promptly notify the SBA representative of any procurement action initiated pursuant to the proviso of the preceding sentence by supplying him with a copy of the justification.

(b) None of the following is, in itself, sufficient cause for not making a set-aside:

(1) A large percentage of previous procurements of the item in question has been placed with small business concerns;

(2) The item to be purchased is on a Qualified Products List except that a total set-aside shall not be authorized when the products of one or more large businesses are on the Qualified Products List (unless it has been confirmed that none of such large businesses desire to participate in the procurement);

(3) A period of less than 30 days from the date of issuance of the invitation for bids or request for proposals is prescribed for the submission of bids or proposals;

(4) The procurement is classified;

(5) Small business concerns are receiving a fair proportion of the total contracts for supplies or services;

(6) A class set-aside of the item or service concerned has been made at some other NASA field installation; or

(7) The item will be described by "brand name or equal."

(c) In approving a proposed class set-aside, the contracting officer shall make sure that the set-aside determination (1) specifically identifies the items or services subject thereto, (2) provides that it will, at least once each year, be reviewed jointly by a SBA representative and the contracting officer to determine whether it should be withdrawn (see § 18–1.706–3 for withdrawal procedure), (3) provides that it does not apply to any individual procurement for which small purchase procedures are to be used, and (4) provides that such class set-aside applies only to the installation making or participating in the set-aside determination. Any class of procurements proposed to be totally set aside shall satisfy the requirements of § 18–1.706–5(a). With respect to any class of procurements proposed to be partially set aside, the set-aside determination shall specify that it is not applicable to any individual procurement which is not severable into two or more economic production runs or reasonable lots.

**§ 18–1.706–3 Withdrawal or modification of set-asides.**

(a) Each individual procurement governed by a class set-aside shall be carefully reviewed to ensure that any changes in the magnitude of anticipated requirements, specifications for the items or services, delivery requirements, or competitive market conditions, since the initial approval of the class set-aside, are not of such material nature as to result in the probable payment of an unreasonable price by the Government or in a change in small business capability.

(b)(1) If, prior to the award of a contract involving an individual or class set-aside for small business, the contracting officer considers that procurement of the set-aside from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price), the contracting officer may withdraw a unilateral set-aside determination or initiate the withdrawal of a joint set-aside determination by giving to the SBA representative written notice containing the reasons for withdrawing a joint determination. Similarly, a class set-aside may be modified so as to withdraw one or more individual procurements therefrom. In the case of a joint set-aside determination, if the SBA representative does not agree to a withdrawal or modification, the SBA representative shall be allowed 2 workdays to appeal the matter to the Director of the field installation involved or his designee for decision. Within one workday after receipt of a decision of the Director of the field installation or his designee approving such a withdrawal or modification, the SBA representative may request the contracting officer to suspend any procurement actions which would be affected by the withdrawal or modification pending a further appeal by the Administrator, SBA, to the Administrator, NASA, for determination. The SBA shall be allowed 7 workdays after making any such request within which (i) the Administrator, SBA, may appeal the decision of the Director of the field installation or his designee to the Administrator, NASA, and (ii) to notify the contracting officer whether such an appeal has in fact been taken. If such notification is not received by the contracting officer within the 7-day period, it shall be deemed that the SBA request to suspend procurement action has been withdrawn and that no appeal to the Administrator, NASA, was taken. Where an appeal to the Administrator, NASA, has been taken and the contracting officer has been notified of that fact within the 7-day period, the Director of the field installation shall forward to the Administrator, NASA, via the Director of Procurement, a full justification of his decision.

(2) Any procurement action affected by a proposed withdrawal or modification which has been appealed by the SBA representative shall be suspended pending the decision of the Director of the field installation or his designee. If the decision sustains the withdrawal or modification, and if the SBA representative requests further suspension in accordance with subparagraph (1) of this paragraph, the suspension shall continue until (i) the SBA appeal is deemed to have been withdrawn (as provided in







subparagraph (1) of this paragraph, or (ii) the matter is determined by the Administrator, NASA: *Provided*, That such suspension shall not apply to any particular procurement action which, as determined by the contracting officer, must, in order to protect the public interest, be initiated without delay and as to which he inserts in the contract file a statement signed by him justifying the determination. The contracting officer shall promptly notify the SBA representative of any procurement action initiated pursuant to the proviso of the preceding sentence.

(3) A record of any withdrawal or modification shall be made by the contracting officer and retained in the contract file.

**§ 18–1.706–4 Reporting for Department of Commerce procurement synopsis.**

See § 18–1.1003–4.

**§ 18–1.706–5 Total set-asides.**

(a) Subject to any applicable preference for labor surplus area set-asides the entire amount of an individual procurement or class of procurements (including but not limited to contracts for maintenance, repair, and construction) shall be set aside for exclusive small business participation (see § 18–1.706–1) where there is a reasonable expectation that bids or proposals will be obtained from a sufficient number of responsible small business concerns so that awards will be made at reasonable prices. Total set-asides shall not be made unless such a reasonable expectation exists; however, see § 18–1.706–6 as to partial set-asides. While the past procurement history of the item or similar items is important, it is not the only controlling factor which should be considered in determining whether a reasonable expectation exists.

(b) Contracts for total small business set-asides may be entered into by conventional negotiation or by a special method of procurement known as "Small Business Restricted Advertising." The latter method shall be used whenever possible. Invitations for bids shall be restricted to small business concerns. Small Business Restricted Advertising, including awards thereunder, shall be conducted in the same way as prescribed for formal advertising in Part 18–2 of this chapter, except that bids and awards shall be restricted to small business concerns. Bids received from firms which do not qualify as small business concerns shall be considered nonresponsive and shall be rejected.

(c) In procurements involving total set-asides for small business, each invitation for bids or request for proposals shall contain substantially the following Notice:

NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE (SEPTEMBER 1963)

(a) *Restriction.* Bids or proposals under this procurement are solicited from small business concerns only and this procurement is to be awarded only to one or more small business concerns. This action is based on a determination by the contracting officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. Bids or proposals received from firms which are not small business concerns shall be considered nonresponsive and shall be rejected.

(b) *Definition.* A "small business concern" is a concern that is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, has not more than (----*) employees, except that where a concern is a regular dealer or nonmanufacturer, such concern must have not more than 500 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

Where the definition of a small business concern for a given industry, as prescribed by SBA and promulgated by NASA, differs from that set forth in the above Notice, the Notice shall be appropriately modified to reflect such definition.

**§ 18–1.706–6 Partial set-asides.**

(a) Subject to any applicable preference for labor surplus area set-asides, a portion of a procurement (including but not limited to contracts for maintenance, repair, and construction) shall be set aside for exclusive small business participation (see § 18–1.706–1) where:

(1) The procurement is not appropriate for total set-aside pursuant to § 18–1.706–5;

(2) The procurement is severable into two or more economic production runs or reasonable lots; and

(3) One or more small business concerns are expected to have the technical competency and productive capacity to furnish a severable portion of the procurement at a reasonable price.

Similarly, a class of procurements (including but not limited to contracts for maintenance, repair, and construction) may be partially set aside in accordance with § 18–1.706–2(c).

(b) Where a portion of a procurement is to be set aside for small business pursuant to paragraph (a) of this section, the procurement shall be divided into a set-aside portion and a non-set-aside portion, each of which shall be not less than an economic production run or reasonable lot. Insofar as practical, the set-aside portion will be such as to make the maximum use of small business capacity. Delivery and other terms applicable to the set-aside portion of an item and those applicable to the non-set-aside portion of that item shall be comparable.

(c) In advertised procurements involving partial set-asides for small business, invitations for bids shall contain substantially the following Notice:

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE (SEPTEMBER 1963)

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more small business concerns. Negotiations for award of this set-aside portion will be conducted only with responsible small business concerns who have submitted responsive bids on the non-set-aside portion at a unit price within 120 percent of the highest award made on the non-set-aside portion. Negotiations shall be conducted with such small business concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders elegible for the set-aside portion. The partial set-aside of this procurement for small business concerns is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of assuring that a fair portion of Government procurement is placed with small business concerns.

(b) *Definitions.*

(1) A *"small business concern"* is a concern that is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, has not more than (----*) employees, except that where a concern is a regular dealer or nonmanufacturer, such concern must have not more than 500 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(2) A *"labor surplus area"* is a geographical area which is:

(i) classified by the Department of Labor as an "Area of Substantial Labor Surplus" or as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and listed as such by that Department in conjunction with its publication, "Area Labor Market Trends"; or

(ii) not classified as in (1) above, but which is individually certified as an area of persistent or substantial labor surplus by the Department of Labor at the request of any prospective contractor.

*The appropriate number of employees (500, 750, or 1,000) shall be inserted in accordance with §§ 18–1.701–1 and 18–1.701–4.

*The number of employees (500, 750, or 1,000) shall be inserted in accordance with §§ 18–1.701–1 and 18–1.701–4.

(3) *Labor surplus area concern* includes:

(i) persistent labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment"); and

(ii) substantial labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas or in "Areas of Substantial or Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") amount—to more than 50 percent of the contract price.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided,* That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus area; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

Where the definition of a small business concern for a given industry, as prescribed by SBA and promulgated by NASA, differs from that set forth in the above Notice, the Notice shall be appropriately modified to reflect such definition.

(d) Where it is anticipated that bids may be received which appear designed to take unfair advantage of bona fide bidders, by devices such as unrealistically low bids on mere token quantities, the Notice set forth below may be used instead of that in paragraph (c) of this section.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE
(SEPTEMBER 1963)

(a) *General.* This procurement has been divided into two parts. All concerns, whether small business or not, may participate in accordance with customary procedures in that portion of this procurement herein called the "non-set-aside" portion. The quantities of the non-set-aside portion are set forth elsewhere in this Schedule. The other portion of the items to be procured has been set aside for participation by small business concerns. This is called the "set-aside portion" and awards therefor are made in accordance with special procedures set forth in paragraph (c) of this Notice. This apportionment is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full production capacity, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. "Small business concern" is defined in paragraph (d) of this Notice.

(b) *Non-set-aside portion and award procedure.*

(1) A bidder which is not a small business concern shall submit a bid only for the non-set-aside portion of the procurement. Award thereof will be made in accordance with customary procedures.

(2) A bidder which is a small business concern and is interested in receiving an award for a quantity of an Item not exceeding the quantity set forth in the non-set-aside portion of the procurement, should submit a bid in the same maner as other concerns bidding only on the non-set-aside portion. If such a bidder is interested in receiving an award for a quantity of an Item in addition to the quantity set forth in the non-set-aside portion, he must bid the entire quantity of the non-set-aside portion of the Item, and indicate such additional quantity of the Item as he desires by so specifying on the Bidder's Statement of Set-Aside Quantity Desired. Thus, the Bidder's Statement of Set-Aside Quantity Desired is not to be used unless the bidder has bid the entire quantity of an Item under the non-set-aside portion. However, a small business concern which receives no award, or receives an award for less than the total quantity of an Item for which it submitted a bid under the non-set-aside portion, may be eligible for an award of the quantity it bid, or the unawarded quantity thereof, under the following procedure governing the set-aside portion.

(c) *Set-aside portion and award procedure.* Award of the set-aside portion of this procurement will be made after award has been completed on the non-set-aside portion. It will be made only to small business concerns which are found to be eligible in accordance with (1) below; on the basis of priorities for award set forth in (2) below; for quantities as provided in (3) below; and at prices determined in accordance with (4) below.

(1) *Eligibility.* To be eligible for consideration for the set-aside portion of an Item, the small business concern must have submitted a responsive bid on such Item in accordance with the requirements of (b) (2) above at a unit price no greater than 120 percent of the highest unit price for such Item awarded under the non-set-aside portion. However, see (5) below when separate quantities are offered at different prices, (6) below when separate quantities are offered at tie-in prices, and (7) below when all-or-none bids are offered for more than one Item.

(2) *Priorities.* Negotiations for the set-aside portion will be conducted with eligible concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiation for each Item will be conducted with eligible concerns in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. However, see (5) below for the method of determining the bid when separate quantities are offered at different prices, (6) below when separate quantities are offered at tie-in prices, and (7) below when all-or-none bids are offered for more than one Item.

(3) *Quantity.* The quantity of the set-aside portion of an Item which may be awarded to an eligible concern shall be as follows:

(i) Where a concern has not specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the quantity of such concern's bid on the non-set-aside portion of that Item, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(ii) Where a concern has specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the total of the entire non-set-aside portion of the Item and the quantity thereof specified on the Bidder's Statement of Set-Aside Quantity Desired, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(4) *Price.* The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, see (5) and (7) below for the highest unit price when the highest award is made as a result of tie-in bids or all-or-none type of qualification.

(5) *Separate quantities at different prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, without conditioning the Government's right to accept one or more such quantities upon its concurrent acceptance of another quantity of the Item, each separate quantity shall be considered as a separate bid for the purpose of determining the eligibility of the concern with respect to the 120-percent limit prescribed in (c) (1) above, and for the purpose of determining under (c) (2) above the standing of that bid in the order of negotiations for the set-aside portion of that Item.

(6) *Separate quantities at tie-in prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, and has conditioned the Government's right to accept any one or more of such quantities upon its concurrent acceptance of another quantity of the Item, the weighted average of the prices for such conditioned quantities shall be considered the unit price for the purpose of determining, with respect to such conditioned quantities, (i) the eligibility of the firm with respect to the 120 percent limit of (c) (1) above, (ii) the priority status of the firm under (c) (2) above, and (iii) the highest unit price for awards under (c) (4) above if the highest award on the non-set-aside portion was made on such conditioned bid.

(7) *All-or-none bids.* Where a concern has submitted an "all-or-none" bid for more than one Item and thereby has conditioned the Government's right to award any item upon its concurrent award of another Item, the unit price for each Item on an "all-or-none" basis shall be considered independent unit prices for the purpose of determining the eligibility and priority status of the concern for the set-aside portion of each Item. In no event will a set-aside award be made for an Item to such bidder at a higher unit price than his "all-or-none" unit price for the Item on the non-set-aside portion.

(d) *Definitions.*

(1) A "small business concern" is a concern that is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and, with its affiliates, has not more than (----*) employees, except that where a concern is a regular dealer or nonmanufacturer, such concern must have not more than 500 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided,* That this additional requirement does not apply in connection with construction or service contracts.

(2) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(3) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(e) *Identification of areas of performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided,* That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(f) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(g) *Token bids.* Notwithstanding the provisions of this Notice, the Government reserves the right, in determining eligibility or priority for set-aside negotiations, not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(h) *Instruction for indicating portion of set-aside quantity desired.* The quantity of each item which has been set aside is set forth on the attached Bidder's Statement of Set-Aside Quantity Desired, which is to be filled in only by small business concerns, as provided in (b) (2) above. Furthermore, it is to be used by such a bidder only when (1) he has submitted a bid for the entire non-set-aside quantity of an Item, and (2) he desires a total quantity in excess of the non-set-aside quantity thereof. Whether or not a small business concern may participate in the set-aside portion is dependent on its eligibility in accordance with (c) above. It should be noted, however, that to be eligible for the set-aside portion the bidder need not have filled in the Bidder's Statement of Set-Aside Quantity Desired. The latter should only be filled in where the bidder desires a quantity in excess of the non-set-aside quantity.

BIDDER'S STATEMENT OF SET-ASIDE QUANTITY DESIRED

| 1 | 2 | 3 |
|---|---|---|
| Item No. | Quantity set-aside | Portion of set-aside quantity desired |
| | | |

[The issuing office will identify by line item number the supplies being procured as to which a portion is set aside and will designate the quantity set aside for each such item. The portion of set-aside quantity desired column will be left blank for the bidder or offeror to fill in. Where the definition of a small business concern for a given industry, as prescribed by the Small Business Administration and promulgated within the Department of Defense, differs from that set forth in the Notice above, the Notice shall be appropriately modified to reflect such definition.]

(e) (1) After the award price for the non-set-aside portion has been determined, negotiations may be conducted for the set-aside portion. Procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made or to be made on the non-set-aside portion and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted with small business concerns in the order of priority as indicated in the foregoing notices: *Provided,* That, where equal low bids are received on the non-set-aside portion from concerns which are equally eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 18–2.407–6 of this chapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion will be awarded at the highest unit price awarded or to be awarded for the non-set-aside portion.

(2) When the award price for the non-set-aside portion has been determined and where an award will be made to a small business concern and the same small business concern is entitled to receive the set-aside portion of a solicitation, the set-aside portion may be added to the basic contract by supplemental agreement. The supplemental agreement shall include the Examination of Records clause, applicable to the set-aside portion only.

### § 18–1.706–7 Automatic dissolution of set-asides.

If the entire set-aside portion is not procured by the method set forth in § 18–1.706–5, as to total set-asides, or in § 18–1.706–6, as to partial set-asides, the determination referred to in § 18–1.706–1 is automatically dissolved as to the unawarded portion of the set-aside and such unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with existing regulations. (See § 18–3.201–2(c) of this chapter as to negotiation.)

### § 18–1.706–8 Contract authority.

Contracts for total or partial set-asides entered into by conventional negotiation (see §§ 18–1.706–5(b) and 18–1.706–6(d)) or by "Small Business Restricted Advertising" (see § 18–1.706–5(b)) are negotiated procurements and shall cite as authority 10 U.S.C. 2304(a)(17) and Section 15 of the Small Business Act in the case of a joint determination, or 10 U.S.C. 2304(a)(1) in the case of a unilateral determination. (See § 18–3.201–2(b) of this chapter.)

### § 18–1.706–9 Maintenance of records.

Records pertaining to the initiation of individual procurements under each class set-aside shall be maintained by small business specialists at each procurement office. Such records shall include:

(a) Invitation for bids or request for proposals number and date;

(b) Item or service;

(c) Unilateral or joint class set-aside and number;

*The appropriate number of employees (500, 750, or 1,000) shall be inserted in accordance with §§ 18–1.701–1 and 18–1.701–4.

(d) Estimated amount of procurement; and

(e) Estimated amount of set-aside.

A copy of each such record shall be made available by each procurement office to SBA upon request.

### § 18–1.707 Subcontracting with small business concerns.

### § 18–1.707–1 General.

(a) It is the policy of the Government to enable small business concerns to be considered fairly as subcontractors to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts, and to ensure that prime contractors and subcontractors having small business subcontracting programs will consult through the procurement office with the SBA upon its request.

(b) The SBA is not authorized, however, to prescribe the extent to which any contractor or subcontractor shall subcontract or specify the concerns to which subcontracts shall be granted, nor is authority vested in the SBA respecting the administration of individual prime contracts or subcontracts.

### § 18–1.707–2 Small business subcontracting program.

The Government's small business subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with small business concerns. In contracts which range from $5,000 to $500,000, the contractor undertakes the obligation of accomplishing the maximum amount of small business subcontracting which is consistent with the efficient performance of the contract. This undertaking is set forth in the contract clause prescribed in § 18–1.707–3 (a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 18–1.707–3(b), to undertake a number of specific responsibilities designed to ensure that small business concerns are considered fairly in the subcontracting role and to impose similar responsibilities on major subcontractors. (The liaison officer required by the latter clause also may serve as liaison officer for labor surplus area matters.)

### § 18–1.707–3 Required clauses.

(a) The "Utilization of Small Business Concerns" clause set forth below shall be included in all contracts in amounts which may exceed $5,000 except:

(1) Contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico; and

(2) Contracts for services which are personal in nature.

UTILIZATION OF SMALL BUSINESS CONCERNS (JULY 1962)

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

(b) The "Small Business Subcontracting Program" clause set forth in this paragraph shall be included in all contracts which may exceed $500,000, which contain the clause required by paragraph (a) of this section and which, in the opinion of the contracting officer, offer substantial subcontracting possibilities. Prime contractors who are to be awarded contracts that do not exceed $500,000 but which, in the opinion of the contracting officer, offer substantial subcontracting possibilities, shall be urged to accept the clause.

SMALL BUSINESS SUBCONTRACTING PROGRAM (SEPTEMBER 1963)

(a) The Contractor agrees to establish and conduct a small business subcontracting program which will enable small business concerns to be considered fairly as subcontractors and suppliers under this contract. In this connection, the Contractor shall:

(1) Designate a liaison officer who will (i) maintain liaison with the Government on small business matters, (ii) supervise compliance with the "Utilization of Small Business Concerns" clause, and (iii) administer the Contractor's "Small Business Subcontracting Program."

(2) Provide adequate and timely consideration of the potentialities of small business concerns in all "make-or-buy" decisions.

(3) Assure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns. Where the Contractor's lists of potential small business subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(4) Maintain records showing (i) whether each prospective subcontractor is a small business concern (ii) procedures which have been adopted to comply with the policies set forth in this clause and (iii) with respect to the letting of any subcontract (including purchase orders) exceeding $10,000 information substantially as follows:

(A) Whether the award went to large or small business.

(B) Whether less than three or more than two small business concerns were solicited.

(C) The reason for non-solicitation of small business if such was the case.

(D) The reason for small business failure to receive the award if such was the case when small business was solicited.

The records maintained in accordance with (iii) above may be in such form as the individual Contractor may determine, and the information shall be summarized quarterly and submitted by the purchasing department of each individual plant or division to the Contractor's cognizant small business liaison officer. Such quarterly summaries will be considered to be management records only and need not be submitted routinely to the Government; however, records maintained pursuant to this clause will be kept available for review.

(5) Notify the Contracting Officer before soliciting bids or quotations on any subcontract (including purchase orders) in excess of $10,000 if (i) no small business concern is to be solicited, and (ii) the Contracting Officer's consent to the subcontract (or ratification) is required by a "Subcontracts" clause in this contract. Such notice will state the Contractor's reasons for non-solicitation of small business concerns, and will be given as early in the procurement cycle as possible so that the Contracting Officer may give the Small Business Administration timely notice to permit the SBA a reasonable period to suggest potentially qualified small business concerns through the Contracting Officer. In no case will the procurement action be held up when to do so would, in the Contractor's judgment delay performance under the contract.

(6) Include the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial small business subcontracting opportunities.

(7) Cooperate with the Contracting Officer in any studies and surveys of the Contractor's subcontracting procedures and practices that the Contracting Officer may from time to time conduct.

(8) Submit NASA Form 524 reports each month, in triplicate, to the Office of Procurement, NASA Headquarters, Washington, D.C., 20546, in accordance with the instructions contained therein. The reporting requirements of this subparagraph (8) do not apply to small business contractors or subcontractors.

(b) A "small business concern" is a concern that meets the pertinent criteria established by the Small Business Administration and set forth in paragraph 1.701 of the NASA Procurement Regulation.

(c) The Contractor agrees that, in the event he fails to comply with his contractual obligations concerning the small business subcontracting program, this contract may be terminated, in whole or in part, for default.

(d) The Contractor further agrees to insert, in any subcontract hereunder which is in excess of $500,000 and which contains the "Utilization of Small Business Concerns" clause, provisions which shall conform substantially to the language of this clause, including this paragraph (d), and to notify the Contracting Officer of the names of such subcontractors; except that the subcontractor will submit the NASA Form 524 reports, in triplicate, to NASA Headquarters, Washington, D.C., 20546, in accordance with the instructions contained therein.

### § 18–1.707–4 Responsibility for reviewing the subcontracting program.

To achieve compliance with § 18–1.707–3, the Small Business Advisor, NASA Headquarters, will assign responsibility for reviewing the adequacy of the contractor's small business subcontracting program to a Small Business Specialist at one of the NASA field installations, except that where the preponderance of Government contracts in a contractor's plant is with the Military Departments, the Small Business Advisor, NASA Headquarters, may arrange to utilize the reviews conducted by the cognizant Military Departments (as determined under 32 CFR 1.700–4). In those cases where NASA conducts the review, reports of findings shall be forwarded to the Small Business Advisor, NASA Headquarters, and any deficiencies in the contractor's small business subcontracting program will be brought to the attention of the contractor's designated small business liaison officer with a request for corrective action.



### § 18–1.707–5 Reports on NASA Form 524.

In accordance with § 18–1.707–3, all business concerns which participate in the Small Business Subcontracting Program shall provide monthly the prescribed information on NASA Form 524, to be submitted in duplicate, in accordance with the instructions provided on the form. The reports shall be submitted directly to the Office of Procurement, NASA Headquarters, Washington, D.C., 20546. Copies of the reports will be furnished to the small business specialists at the appropriate NASA field installations.

### § 18–1.707–6 Subcontracting studies and surveys.

Each procurement office shall assist the SBA to obtain such reasonably obtainable information and records concerning the subcontracting of its prime contractors and its subcontractors having contracts that contain the Small Business Subcontracting Program clause, as the SBA may deem necessary. Accordingly, the contracting officer or his representative, separately, or together with a representative of the SBA, may periodically conduct studies and surveys of the contractor's subcontracting procedures and practices and those of his subcontractors. Such studies and surveys may originate with the procurement office in order to have available the pertinent data concerning subcontracting by its primes, or, if such data is not currently available, the studies and surveys may originate upon the request of the SBA for such data. On the basis of the foregoing studies, surveys, and records, the SBA may make recommendations to the procurement office regarding methods for increasing small business participation in subcontract awards. The SBA and the procurement office will freely interchange, at the operating level, information resulting from these surveys.

### § 18–1.707–7 Small Business Administration review of agency records.

To the extent that subcontracting records are maintained in procurement offices, such records shall be made available to the Small Business Administration, upon request, for review.

## Subpart 18–1.8—Labor Surplus Area Concerns

### § 18–1.850 Screening of procurements with respect to labor surplus area concerns.

(a) *Forwarding of information.* Procurement offices shall forward to the Office of Procurement, Industry Assistance Officer (Code KD–2), the following information with respect to all proposed unclassified procurements in excess of $250,000, including sole-source procurements, at the earliest possible date, and, in any event, not less than 10 days prior to issuance of the invitation for bids or request for proposals:

(1) A detailed description of the item or work and the quantity involved (a copy of the purchase request may be forwarded in lieu of the detailed description);

(2) Estimated value of the procurement;

(3) Names and locations of firms to be solicited;

(4) Estimated date of issuance of invitation for bids or request for proposals;

(5) Whether a small business or labor surplus set-aside will be made; and

(6) Any special requirements or unusual aspects to be included in the solicitation, e.g., those which will require special capabilities or facilities for development, manufacture, or test purposes.

(b) *Action of Office of Procurement.* The Industry Assistance Officer shall:

(1) Review such proposed procurements to determine if adequate consideration has been given to qualified firms in labor surplus areas;

(2) Suggest additions of qualified firms, when considered feasible, to the proposed source list of firms in labor surplus areas; and

(3) Serve as a central point of contact for representatives of the Area Redevelopment Administration, the Small Business Administration, and for special State representatives on proposed NASA procurements, and afford such representatives opportunities to suggest additions of qualified firms to the proposed source list.

The Industry Assistance Officer shall promptly inform the procurement office concerned of any suggested additional sources, for appropriate consideration.

## Subpart 18–1.9—Responsible Prospective Contractors

### § 18–1.900 Scope of subpart.

This Subpart sets forth:

(a) General policy with respect to responsibility of prospective contractors;

(b) Minimum standards for responsible prospective contractors;

(c) Procedures for determining responsibility of prospective contractors;

(d) Policy and procedures with respect to pre-award surveys; and

(e) Policy concerning subcontractor responsibility.

### § 18–1.901 Applicability.

This Subpart applies to procurements from contractors located in the United States, its possessions, and the Commonwealth of Puerto Rico; and will be applied in other places except where it is inconsistent with the laws and customs of the place where the prospective contractor is located. It is not applicable to procurements from:

(a) Other governments, including State and local governments;

(b) Canadian Commercial Corporation;

(c) Other United States Government agencies or their instrumentalities (such as Federal Prison Industries, Inc.); or

(d) National Industries for the Blind.

### § 18–1.902 General policy.

Contracts shall be awarded only to responsible prospective contractors. A responsible prospective contractor is one who meets the minimum standards set forth in § 18–1.903, and such additional standards as may be prescribed for specific procurements.

### § 18–1.903 Minimum standards for responsible prospective contractors.

### § 18–1.903–1 General standards.

A prospective contractor must meet the following minimum standards as they relate to the particular procurement under consideration:

(a) Be a manufacturer, regular dealer, construction contractor, or service contractor, as defined in §§ 18–1.218, 18–1.228, 18–1.204, and 18–1.229 respectively;

(b) Have adequate financial resources or the ability to obtain such resources as required during performance of the contract (see §§ 18–1.903–3 and 18–1.905–2, and for Small Business Administration (SBA) certificates of competency, see § 18–1.705–6);

(c) Have the necessary experience, organization, operational controls, technical qualifications, skills, and facilities, or the ability to obtain them, including the ability to subcontract effectively;

(d) Be able to comply with the required or proposed delivery or performance schedule (for SBA certificates of competency, see § 18–1.705–6);

(e) Have a satisfactory record of performance (contractors who are seriously delinquent in current contract performance, when the number of contracts and the extent of delinquencies of each are considered, shall, in the absence of evidence to the contrary or circumstances properly beyond the control of the contractor, be presumed to be unable to fulfill this requirement);

(f) Have a satisfactory record of integrity;

(g) Display a willingness to conform to the Equal Opportunity clause, or, if applicable, the Equal Opportunity in Federally Assisted Construction Contracts clause (see § 18–12.802 of this chapter); and

(h) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

### § 18–1.903–3 Ability to meet certain minimum standards.

Except to the extent that a prospective contractor proposes to perform the contract by subcontracting (see § 18–1.906), acceptable evidence of his ability to obtain financial resources, experience, organization, technical qualifications, skills and facilities (see § 18–1.903–1 (b) and (c)) generally shall be a commitment or explicit arrangement which will be in existence at the time the contract is to be awarded.

### § 18–1.903–4 Affiliated concerns.

Affiliated concerns (see § 18–1.701–1 (c)) shall be considered as separate entities in determining whether the one which is to perform the contract meets the applicable standards for a responsible prospective contractor.

**§ 18–1.904 Determinations of responsibility and nonresponsibility.**

(a) Prior to the award of a contract to any person or firm, the contracting officer shall first determine that such person or firm is responsible within the meaning of §§ 18–1.902 and 18–1.903. The signing of the contract shall be considered to be a certification by the contracting officer that he has determined that the prospective contractor is responsible with respect to that contract.

(b) When the contract is estimated to exceed $10,000 and the contracting officer considers that a statement of responsibility is advisable, the contracting officer shall prepare a written statement of the facts upon which he bases his determination of responsibility. Relevant factors for consideration in determining whether such a statement is advisable would include the value, importance, or technical aspects of the procurement, or lack of previous experience with the prospective contractor. However, when a pre-award survey is made in connection with a contract that exceeds $10,000, the contracting officer shall prepare a written statement of the facts upon which he bases his determination of responsibility. When the contracting officer prepares a statement, any supporting documents or records, including pre-award surveys, SBA certificates of competency, and other information to support determinations of the responsibility of subcontractors will be attached to the statement.

(c) When a bid or offer, on which an award would otherwise be made, is rejected because the prospective contractor is found to be nonresponsible, a statement of nonresponsibility shall be made.

**§ 18–1.905 Procedures for determining responsibility of prospective contractors.**

**§ 18–1.905–1 General.**

(a) Generally, determinations of responsibility and nonresponsibility shall be made only on those prospective contractors who are within the range of consideration for award of the contract.

(b) Before making determinations of responsibility, the contracting officer shall have in his possession, or obtain, information sufficient to satisfy himself that a prospective contractor currently meets the minimum standards set forth in § 18–1.903 to the extent that such standards are applicable to a specific procurement.

(c) Maximum practicable use shall be made of current information on file or within the knowledge of personnel within NASA and, when practicable, within other Government agencies. Free interchange with other Government agencies of information pertinent to determinations of responsibility is encouraged. NASA installations shall develop and maintain such pertinent records and experience data as may be useful for the guidance of contracting officers and other personnel concerned. Special attention shall be paid to contractors whose past performance is questionable and new contractors whose reliability is yet unestablished. Upon the request of any NASA contracting officer, information available in such records and data shall be expeditiously furnished.

**§ 18–1.905–2 When information will be obtained.**

Generally, information regarding the responsibility of a prospective contractor (including, in accordance with § 18–1.905–4, pre-award survey information when considered necessary) shall be obtained promptly after bid opening or receipt of proposals. However, in negotiated procurements, especially those involving research and development, such information may be obtained before the issuance of requests for proposals. Notwithstanding the foregoing, information regarding financial resources and performance capability shall be obtained on as current a basis as feasible with relation to the date of contract award.

**§ 18–1.905–3 Sources of information.**

Information regarding the responsibility of prospective contractors shall be requested from the following sources before considering performance of a pre-award survey:

(a) From the prospective contractor—including representations and other information contained in or attached to bids and proposals; replies to questionnaires; financial data, such as balance sheets, profit and loss statements, cash forecasts, financial history of the contractor and affiliated concerns; current and past records of research and development and facilities; written statements or commitments concerning financial assistance and subcontracting arrangements; and analyses of operational control procedures. When it is considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition, or for other reasons, prospective contractors may be required to submit affidavits concerning their ability to meet any of the minimum standards set forth in § 18–1.903, and concerning company ownership and control.

(b) Existing information within NASA—including records on file and personal knowledge of NASA procurement and other personnel; audit agencies; offices concerned with contract financing; Consolidated List of Debarred, Ineligible, and Suspended Contractors; and experience data maintained by NASA Headquarters and field installations.

(c) Publications — including credit ratings; trade and financial journals; business directories and registers; and Synopses of U.S. Government Proposed Procurements, Sales, and Contract Awards.

(d) Other sources—including suppliers, subcontractors, and customers of the prospective contractor; banks and financial companies; commercial credit agencies; Government departments and agencies; purchasing and trade associations; better business bureaus and chambers of commerce.

**§ 18–1.905–4 Pre-award surveys.**

(a) *General.* A pre-award survey consists of an inspection of the plants and facilities with which the prospective contractor proposes to perform a contract, including personal interviews with contractor personnel. It is made at the direction of the contracting officer, generally by one or more Government specialists (hereafter referred to collectively as the pre-award survey officer) to provide needed responsibility information.

(b) *Circumstances under which performed.* Generally, pre-award surveys should be requested by the contracting officer only when other sources do not yield sufficient information to enable the contracting officer to make a determination regarding the responsibility of the prospective contractor. Contracting officers shall limit requests for pre-award surveys to the specific items of information required to reach a conclusion as to the responsibility of the prospective contractor. The pre-award survey officer, in turn, normally will inspect only those items requested by the contracting officer. However, the pre-award officer will determine the need for expanding the limits of the survey if he finds conditions, of which the contracting officer may be unaware, which may affect the prospective contractor's ability to perform.

(c) *Coordination.* Pre-award surveys should be conducted by one NASA installation for another or by other Government agencies for NASA, when this will achieve economy, increase efficiency, or eliminate duplication of effort. In this regard, agreements have been entered into by NASA with the Departments of the Army (NASA Management Instruction 2–3–9), Navy (NASA Management Instruction 2–3–6), and the Air Force (NASA Management Instruction 2–3–4), relating to the performance of field service functions, including pre-award surveys, in support of NASA contracts.

**§ 18–1.905–50 Factors to be considered.**

In conducting a pre-award survey of a firm, the pre-award survey officer shall consider the following factors, in accordance with the criteria stated in § 18–1.905–4:

(a) Organization—form of company (corporation, partnership, etc.); status of company (manufacturer, regular dealer, etc.); affiliates or parent company (business, organization, and relationship); small business status; intra-organizational assignment of functions important to the assurance of contract performance (e.g., reliability and quality assurance, purchasing and materials control, production planning control, project cost control, and research and development);

(b) Management and labor—titles, experience, and citizenship of management force; skill, competence, and adequacy of working force; company's working policy; company's labor relations; company's status as a labor surplus area concern;



(c) Financial capacity—financial stability; credit ratings; additional financing required; advance or progress payments with other Government agencies;

(d) Production—production experience with the same or similar products; extent and adequacy of production control techniques; extent of subcontracting; inspection and quality control procedures;

(e) Facilities—size, number, and types of buildings; apportionment of space; evaluation of laboratory and testing facilities; adequacy and condition of equipment and tooling; extent of required conversion of existing facilities; availability of facilities (owned, leased, Government-furnished, etc.);

(f) Delivery performance—backlog, and delivery performance of current and past contracts; size and effect of commercial and other Government contracts;

(g) Purchasing materials control—adequacy of company's purchasing system; make-or-buy program; inventory control procedures;

(h) Accounting—adequacy of accounting system to permit administration of the type of contract proposed and for control of progress or advance payments;

(i) Nondiscrimination—capability for conformance with the requirements of the Equal Employment Opportunity clause or, if applicable, the Equal Employment Opportunity in Federally Assisted Construction Contracts clause;

(j) Utilities—availability and adequacy of utilities (electricity, gas, water, etc.);

(k) Transportation—availability of transportation; plant accessibility;

(l) Property control—adequacy of property control records and procedures;

(m) Security—adequacy of security measures. If a firm has previous clearance, give cognizant agency, date, and type of approval; and

(n) Safety—adequacy of a safety program designed to provide safety controls for protection to the life and health of employees and other persons; for prevention of damage to property, materials, supplies, and equipment; and for avoidance of work interruptions in the performance of the contract.

**§ 18–1.905–51 When surveys normally are not required.**

Normally, preaward surveys are not required under the following conditions:

(a) If the data is available from other sources;

(b) If the contract is for study or research only;

(c) When the contract will be a fixed-price contract for off-the-shelf items when the contract amount is less than $100,000;

(d) If the pending contract will be a definitive contract superseding a letter contract;

(e) For orders under existing Government contracts;

(f) If the prospective contractor has proved his reliability by recent and sustained or existing satisfactory performance; and

(g) If the source has been recommended by the NASA Source Evaluation Board Manual (NPC 402) and § 18–3.804–3 of this chapter.

**§ 18–1.905–52 Procedures for requesting pre-award surveys.**

(a) When the contracting officer determines that a pre-award survey is required, he shall prepare and submit two copies of the Request for Pre-Award Survey (NASA Form 585), with a copy of the invitation for bid or request for proposal, to the pre-award survey officer (see § 18–1.950).

(b) In addition, if a complete survey of financial responsibilities is required, the contracting officer shall prepare three copies of the Financial Data Sheet (NASA Form 586, see § 18–1.951), completing Items 1 through 11 as appropriate, and forward the copies to the pre-award survey officer with NASA Form 585.

(c) Requests for surveys may be submitted to any Military Department with which NASA has a service agreement (see § 18–1.905–4) or to the NASA installation located nearest to the prospective contractor. When pre-award surveys are requested from a Military Department, the survey shall be requested by letter.

**§ 18–1.905–53 Procedures for accomplishing pre-award surveys.**

(a) Upon receipt of the request for pre-award survey, the pre-award survey officer shall:

(1) Familiarize himself with the terms of the invitation for bid or request for proposal;

(2) Review information available from other sources relative to the contractor;

(3) Physically make a survey of the plant concerned; and

(4) Complete NASA Form 586 when required.

(b) Upon completion of the survey, the pre-award survey officer shall prepare three copies of a narrative report of survey information and conclusions. In preparing the report, the pre-award survey officer should ensure that all the information required by the contracting officer and, in each area of investigation, a definite statement as to responsibility and capability of the contractor have been included. The reports should be brief, clear, and complete, and should not include matters other than those specifically requested by the contracting officer except as indicated in § 18–1.905–4. Two copies of the report and NASA Form 586 (when required) shall be furnished to the contracting officer and one copy of each retained in the local files.

**§ 18–1.906 Subcontractor responsibility.**

To the extent that a prospective contractor proposes to perform the contract by subcontracting, determination of prospective subcontractors' responsibility may be necessary in order to determine the responsibility of the prospective prime contractor. It is generally the prospective contractor's function to make these determinations concerning the responsibility of the prospective subcontractors. Prospective prime contractors may be required to (a) indicate in writing the responsibility of the proposed subcontractors, or (b) show evidence of an acceptable and effective purchasing and subcontracting system encompassing a method for determining subcontractor capability.

**§ 18–1.907 Disclosure of pre-award data.**

Data, including information obtained from a pre-award survey, leading to a determination of the responsibility of prospective contractors shall not be released outside the Government and shall not be made available for inspection by individuals, firms, or trade organizations. However, such data may be disclosed to, or summarized for, other elements within the Government on their request. Such information shall be made available to procurement personnel of NASA and other Government agencies upon request in accordance with § 18–1.905–1. In connection with making a determination of responsibility, information disclosed by such data may be discussed with the prospective contractor, as necessary.

**§ 18–1.950 Format of request for pre-award survey (NASA Form 585).**

[ ] Complete [ ] Limited

| | |
|---|---|
| 1. To: name, installation | 2. Date received (to be filled in by Pre-Award Survey Officer): |
| 3. Buyer's name, installation, and telephone No. | |
| 4. Proposed contractor's name and address | 5. Sole source [ ] Yes [ ] No |
| 6. [ ] RFP [ ] IFB Number and date | 7. Order number |
| 8. Contract type (including type, price redetermination clause, if any) | 9. Small business or approved pool, if known: |
| 10. Brief description of the procurement: | |
| 11. Proposed time schedule for delivery of performance: | |

| | |
|---|---|
| 12. Expected date for awarding contract | 13. Requested date for return of survey report |
| 14. Previous experience with proposed contractor: | |
| 15. Items requiring investigation (if only limited survey is required): | |
| 16. Remarks: | |
| 17. Date: | 18. Signature: |

NASA Form 585 (September 1961)

**§ 18–1.951 Format of financial data sheet (NASA Form 586).**

| | | |
|---|---|---|
| 1. Contractor's name and address | | |
| 2. Echelon of company (parent, division, subsidiary) | | |
| 3. Originating activity | 4. Buyer's name | 5. Date of request for Pre-Award Survey, if any: |
| 6. Address orig. activity | 7. Buyer's phone No. | 8. Order No. |
| 9. Description of procurement: | | |
| 10. Approximate schedule: | | |
| 11. Previous experience with contractor: | | |
| 12. Financing necessary (comments on reverse or separate sheet): [ ] Own capital [ ] Borrowing [ ] Progress payments [ ] Advance payments | | |
| 13. Source of information: [ ] Prior clearance list [ ] Contractor's financial statement dated [ ] Other (specify) | | |
| 14. Cash | 21. Backlog as of<br>Commercial<br>Government<br>Delivery schedule | |
| 15. Current assets | | |
| 16. Current liabilities | | |
| 17. Working capital | | |
| 18. Net worth | 22. Ratio total debt to net worth<br>Company<br>Dun & Bradstreet | |
| 19. Total liabilities | | |
| 20. Fixed expenses at computed BEP | | |
| 23. Does the firm have the financial capability to perform in accordance with the proposed contract? | | |
| 24. Date: | 25. Signature: | |

NASA Form 586 (September 1961)

## Subpart 18–1.10—Publicizing Procurement Actions

**§ 18–1.1001 General policy.**

It is NASA policy to increase competition by publicizing procurements which offer competitive opportunities for prospective prime contractors or subcontractors, thus assisting small business and labor surplus area concerns and broadening industry participation in NASA procurement programs.

**§ 18–1.1002 Availability of invitations for bids and requests for proposals.**

A reasonable number of copies of invitations for bids and requests for proposals publicized in the Department of Commerce Synopsis, including specifications and other pertinent information, shall be maintained by the issuing office. If the invitations for bids or requests for proposals reveal no classified information (and, accordingly, bear no classified markings), they shall, if available, be provided at the procurement office to manufacturers, construction contractors, and regular dealers and to others having a legitimate interest therein, such as publishers, trade associations, procurement information services, and others who disseminate information concerning invitations for bids and requests for proposals; otherwise the procurement office may limit the availability of invitations for bids and requests for proposals to perusal at such office.

**§ 18–1.1003 Synopses of proposed procurements.**

**§ 18–1.1003–1 General.**

Every proposed advertised or negotiated procurement made in the United States, which may result in an award in excess of $10,000, will be publicized promptly in the Department of Commerce publication, Commerce Business Daily, Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards except that the following need not be publicized in the Synopsis:

(a) Procurement of a classified nature where the information necessary to be included or referenced in the solicitation (invitation for bids or request for proposals) is in itself of a classified nature and the public disclosure of this information would violate security requirements; all other classified procurements shall be published in the Synopsis if sufficient unclassified information can be provided in or with the solicitation to enable a prospective contractor to submit a bid or proposal without access to classified information;

(b) Procurement of perishable subsistence;

(c) Procurement of electric power or energy, gas (natural or manufactured), water or other utility services;

(d) Procurement (whether advertised or negotiated) which is of such urgency that the Government would be adversely affected by the delay involved in permitting the date set for receipt of bids, proposals, or quotations to be more than 15 calendar days from the date of transmittal of the synopsis or the date of issuance of the solicitation, whichever is earlier;

(e) Procurement to be made by an order placed under an existing contract;

(f) Procurement to be made from or through another Government department or agency, or a mandatory source of supply such as an agency for the blind under the blind-made products program;

(g) Procurement of personal or professional services to be negotiated under § 18–3.204 of this chapter;

(h) Procurement from educational institutions to be negotiated under § 18–3.205 of this chapter; and

(i) Procurement in which only foreign sources are to be solicited.

**§ 18–1.1003–3 Synopses of subcontract opportunities.**

(a) *Research and development procurements.* Within the security limitations of § 18–1.1003–1(a), all proposed NASA research and development procurements made in the United States which may result in an award of $100,000 or more, except proposed study contracts or proposed contracts with educational or nonprofit institutions, shall be publicized in the Commerce Business Daily. The information shall be sent by teletype directly to Synopsis, U.S. Department of Commerce, Administrative Service Office, Chicago, Illinois, simultaneously with the mailing of the requests for proposals. The procurement will be publicized by the Department of Commerce under the heading "Research and Development Proposals" (National Aeronautics and Space Administration). In addition to the information normally included in a synopsis, the names and addresses of all firms which have been invited by NASA to submit proposals shall be furnished to the Department of Commerce. This procedure will offer opportunity to small business concerns and others interested in subcontracting in current research and development procurements to contact prospective prime contractors directly during the early stages of procurement. A copy of each synopsis sent to the Department of Commerce shall be furnished to the Office of Procurement (Code KD–2) and to the Office of Public Information, NASA Headquarters (Attn: News Division).

(b) *Technical proposals received under two-step formal advertising.* Contracting officers shall, unless not in the Government's interest or subcontracting opportunities do not exist, publish in the Commerce Business Daily the names and addresses of firms which have submitted acceptable technical proposals in the first step of two-step formal advertising and will therefore be issued invitations for bids in the second step (see § 18–2.503 of this chapter). Such lists should be followed by a statement substantially as follows:

It is suggested that small business firms or others interested in subcontracting opportunities in connection with this procurement make direct contact with the above firms.

(c) *Prime contractors and subcontractors.* Prime contractors and subcontractors should be encouraged to use the Department of Commerce Synopsis to publicize opportunities in the field of subcontracting stemming from their Government business, if this can be done without disclosing classified information. Prime contractors and their subcontractors will be advised to mail subcontract information directly to the U.S. Department of Commerce, Admininstrative Service Office, Room 1300, 433 W. Van Buren St., Chicago 7, Illinois, under the heading "Subcontracting Leads (Subcontracting Assistance Wanted)," and in the form of the following example:

XYZ Co., Attn John Z. Smith, Tel. No. RAndolph 6–1111, 102 First Ave., Chicago 7, Ill., seeks Subcontractor on items to be used in connection with Contract No. ------ awarded ---------- Coils, Induction, Dwg. No. 10–742 ------- 10,000 ea. (Name, description, and quantity of other items or services may be included as long as contract assistance is desired under the same contract number)—if interested, make inquiry before ---------- to above Contractor.
(Date)

**§ 18–1.1003–4 Responsibility of small business specialists.**

Small business specialists in each procurement office are responsible for screening all proposed procurements and for recommending action to be taken with respect to publicizing such procurements in accordance with the requirements of § 18–1.1003. In those offices where no small business specialist is assigned, the contracting officer or other designated representative shall accomplish the foregoing.

**§ 18–1.1003–5 Publication of procurements of less than $10,000.**

When recommended by procurement personnel or the small business specialist, and approved by the contracting officer, proposed procurements of less than $10,000 may be publicized in the Commerce Business Daily.

**§ 18–1.1003–6 Pre-invitation notices.**

Where pre-invitation notices (see § 18–2.205–4(c)) of this chapter are used, the pre-invitation information shall be included in the synopsis. This information need not be republished in the synopsis when the invitation for bids is issued.

**§ 18–1.1003–7 Information regarding specifications, plans, and drawings.**

(a) Where distribution of applicable specifications, plans, or drawings with the solicitation is impracticable, the synopsis shall contain notice of this fact and of the locations at which the specifications, plans, or drawings may be examined or obtained (see § 18–1.1003–9 (c) and (d)).

(b) Where the specifications, plans, and drawings available do not fully provide manufacturing or construction details necessary to describe a requirement, the synopsis will contain notice of this fact (see § 18–1.1003–9 (c) and (d)).

**§ 18–1.1003–8 Time of publicizing.**

To allow concerns which are not on current bidders lists ample time to prepare bids, proposals, or quotations, procurement offices should, when feasible, synopsize proposed procurements at least 10 days before issuance of invitations for bids and requests for proposals. Prompt reporting is particularly important where a short time for submitting bids or proposals is involved.

**§ 18–1.1003–9 Preparation and transmittal.**

(a) Each procurement office shall transmit a synopsis of proposed procurements as follows:

(1) When teletypewriter service is available, all synopses shall be forwarded daily as soon as practical via teletypewriter to the following address: Synopsis, U.S. Department of Commerce, Administrative Service Office, Chicago, Illinois.

(2) When teletypewriter service is not available, synopses normally shall be sent by airmail or ordinary mail, whichever is considered more expeditious, addressed as follows: U.S. Department of Commerce (Synopsis), Administrative Service Office, Room 1300, 433 West Van Buren, Street, Chicago, Ill., 60607. This address should be used also when commercial telegraph facilities are used.

(b) Each synopsis message shall be prepared as described below:

(1) Spacing—Except as provided in § 18–1.1003–9(b)(4), lines of the text will begin flush with the left margin and will not exceed 69 typewritten spaces in length. Double-spaced lines will be used in the text. Each procurement shall be described in a separate paragraph.

(2) Message number—The first line of the message text will state the "transmittal number" of the message being sent. Synopses will be numbered consecutively by the reporting activity during the calendar year, using a new series of numbers beginning with number one for the first message of each calendar year.

(3) Contracting office and address—The name and address of the contracting office will begin on the second line of the message text and continue straight across the page and on the subsequent line or lines if necessary. No abbreviations are to be used except for the name of the State. The address may include an attention phrase directed to an official by name, title, or reference code.

(4) Description of procurements—The appropriate classification code (see § 18–1.1005 and subparagraph (5) of this paragraph) for each proposed procurement of supplies and services shall begin 5 spaces from the left margin followed by two hyphens and the description of the procurement. As used in this Subpart the term "supplies" includes materials and equipment. The description shall be in narrative form, double spaced, with each succeeding line commencing flush with the left margin. The description shall be clear, concise, and in such detail that it will be understood by interested parties. Descriptions shall include, as appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, citations of specification and drawing numbers, quantities, units of measure, invitation for bid or request for proposal numbers, opening dates, places of delivery, and other pertinent data. Where a term or indefinite quantity contract is involved, the description should so indicate and, where applicable, include a statement as to the duration of the contract period. If an item is covered by one or more specifications requiring qualification testing and approval, and such requirement has not been waived, the notation "QPL" shall be inserted immediately following the specification number. Federal stock numbers should be included where one has been assigned. Only standard, commonly understood abbreviations may be used. For purposes of clarity, two hyphens should be used instead of punctuation marks to separate quantities, purchase reference numbers, opening dates, and other elements of the description. Copies of the Commerce Business Daily will be helpful as a guide in preparing messages.

(5) Several items on one invitation for bids or request for proposals—Where several items are included in the same invitation for bids or request for proposals, a blanket statement such as "The following described items are to be procured under Invitation for Bids (or Request for Proposals) No. ---------- Opening Date ----------" should be inserted following the classification code and preceding the description of the items. If more than one class of sup-

plies or services is involved, enter the code for the class accounting for the largest dollar volume of the procurement.

(6) Procurements involving set-asides—If the proposed procurement involves a small business set-aside or labor surplus area set-aside, the synopsis message shall:

(i) Where there is a 100 percent small business set-aside, state that "The proposed procurement(s) listed herein is (are) totally set aside for small business." Separate messages should be sent covering those proposed procurements which involve 100 percent small business set-asides in order to facilitate proper identification in the synopsis.

(ii) Where there is a partial small business or labor surplus area set-aside, state that "An additional quantity of _____ is
(Insert number of units and description)
being reserved for _____
(Insert "small business" or "labor surplus area," as appropriate)
concerns under a partial set-aside determination."

(c) Certain procurements involve demands on the contractor which may make it virtually impossible for concerns not having special capabilities or qualifications to compete realistically for the contract, as for example, when:

(1) It is impracticable to distribute plans, drawings, or specifications;

(2) Adequate plans, drawings, or specifications to describe requirements are not available;

(3) Security clearance is required; or

(4) Other circumstances exist which should be brought to the attention of prospective sources for consideration in order to indicate clearly those qualifying factors affecting the procurement.

(d) To alert concerns to the need for special capabilities or qualifications and thus permit them to avoid improvident expenditures for bid preparation and the like, procurements of the kind described in paragraph (c) of this section should be so identified in the synopsis. Appropriate notations for inclusion in the synopsis, such as set forth below, should be devised to meet the needs of specific situations.

(1) *Availability of specifications, plans, or drawings.* It will be impracticable to distribute the applicable _____
(Insert "specifications," "plans," "drawings," or other appropriate words) with the solicitation. This data may be examined or obtained at _____
(Be specific)

(2) *Complete data not available.* Available specifications, plans, or drawings relating to the procurement described below do not fully provide all necessary manufacturing and construction details.

(3) *Security requirements.* Security clearance will be required of successful bidder or offeror.

(4) *Availability of background research report.* This procurement of basic research is a continuation of an effort conducted for the past _____
(Insert period)
A research report containing findings to date is not available to the Government.

(5) *Production requirements.* The production of the supplies listed requires a substantial initial investment or an extended period of preparation for manufacture.

### § 18–1.1003–10 Area Redevelopment Administration.

To provide wider dissemination of NASA procurement information to labor surplus area concerns, a copy of all synopses of proposed procurements transmitted to Chicago for publication in the Commerce Business Daily will be sent at the same time to the Federal Procurement Division, Area Redevelopment Administration, U.S. Department of Commerce, Washington, D.C.

### § 18–1.1004 Synopses of contract awards.

Awards of all unclassified contracts to be performed in whole or in part within the United States, exceeding $25,000 in amount, shall be publicized in the "Commerce Business Daily Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards." This dollar amount is not a prohibition against publicizing smaller awards where it is determined that such publication would be advantageous to industry or to the Government.

### § 18–1.1004–1 Preparation and transmittal.

(a) Procurement offices shall transmit single copies of synopses of contract awards by airmail or ordinary mail, whichever is considered more expeditious, before the close of business at the end of each week, addressed as follows: U.S. Department of Commerce, Administrative Service Office, Ref. CA, Room 1300, 433 West Van Buren Street, Chicago, Illinois, 60607.

(b) Each synopsis message shall be prepared as described below:

(1) Spacing shall be as stated in § 18–1.1003–9(b)(1).

(2) The contracting office and address will be shown as described in § 18–1.1003–9(b)(3).

(3) The appropriate classification code (see § 18–1.1005) for each contract award shall begin 5 spaces from the left margin and be followed by two hyphens and the common name of the supplies or services. If a contract covers more than one class of supplies or services, enter the code for the class which accounts for the largest dollar amount. Immediately following the common name, using full lines across the page, enter the contract number, the number of the invitation for bids or request for proposals (in parentheses), the quantity, unit, and dollar amount for each item, and the name and address of the contractor. The quantity, unit, and dollar amount for individual items of $25,000 or less in a single award need not be shown. In lieu thereof, a statement, such as "various items" or "20 items" or "items 3, 5, 6, 7, 9, 16, 20, and 23," followed by the total dollar amount of the award for such items, may be used.

(4) When requested by the prime contractor, a statement shall be included regarding the industries, crafts, processes, or component items in or for which subcontracts are available and subcontractors are desired, together with the general area, if any, indicated by the prime contractor, such as Southeast States, West Coast, New England.

(c) Procurement offices shall forward, by mail, one copy of the synopsis of contract award, as prepared in paragraph (b) of this section, to the Director of Procurement (Code KD–2).

### § 18–1.1005 Classification codes.

The classification codes to be shown in synopses messages, as required by § 18–1.1003–9(b)(4) for proposed procurements and § 18–1.1004–1(b)(3) for contract awards, shall be in accordance with this § 18–1.1005. Services (including construction and experimental, developmental, test, and research work) shall be coded with the applicable letter code set forth in § 18–1.1005–1. Supplies shall be coded with the applicable two-digit numerical code set forth in § 18–1.1005–2.

### § 18–1.1005–1 Codes for services.

The code letters to be used for services are as follows:

| Code | Description of services |
|---|---|
| A. | Experimental, developmental, test, and research work (research includes both basic and applied research). |
| J. | Maintenance and repair of equipment. |
| K. | Modification, alteration, and rebuilding of equipment. |
| L. | Technical representative services (Example: Services of technical specialists required to advise and assist with respect to the installation, checking, operation, and maintenance of complex equipment). |
| M. | Operation and maintenance of Government-owned facility. |
| N. | Installation of equipment (use code K if the procurement also involves modification, alteration, or rebuilding of the equipment). |
| P. | Salvage services (services required to salvage property of any kind). |
| Q. | Medical services. |
| R. | Architect, engineer, expert, and consultant services. |
| S. | Housekeeping services. Examples: Utility services (gas, electric, telephone, etc.). Laundry and dry cleaning services. Custodial—janitorial service. Insect and rodent control. Packing and crating. Storage services. Garbage and trash collection. Food service. Fueling service. Fire protection. Building and grounds maintenance. Care of remains—funeral services. Guard services. |
| T. | Photographic, mapping, printing, and publication services. Examples: Film processing. Cataloging. Charting. Reproduction. Technical writing. Art. Printing. |
| U. | Training services. |
| V. | Transportation services. Examples: Passenger and cargo transportation. Vessel charter. Vessel operation. Tug service. Stevedoring service. Vehicle hire. Railway equipment charter. |



| Code | Description of Services |
|---|---|
| W. | Lease or rental, except transportation equipment. Examples: Lease of ADP or EAM equipment. Lease of earth-moving equipment. |
| Y. | Construction (includes construction, alteration, and repair of buildings, structures, and improvements to real property, including roads, bridges, tunnels, sewers, power lines, railways, docks, levees and canals). |
| Z. | Miscellaneous (includes services which do not fall within any of the above). |

### § 18–1.1005–2 Codes for supplies.

The two-digit code numbers to be used for supplies are as set forth below. The numbers and descriptions used are the same as the 76 assigned commodity groups of the Federal Supply Classification system as shown in the Cataloging Handbook, H 2–1, Federal Supply Classification, Part 1, Groups and Classes. This handbook, together with Cataloging Handbooks H 2–2 (Numeric Index of Classes) and H 2–3 (Alphabetic Index), will be helpful in determining the proper code to be assigned to supply items in synopses messages. These handbooks may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

| Code | Description of Supplies |
|---|---|
| 10. | Weapons. |
| 11. | Nuclear ordnance. |
| 12. | Fire control equipment. |
| 13. | Ammunition and explosives. |
| 14. | Guided missiles. |
| 15. | Aircraft; and airframe structural components. |
| 16. | Aircraft components and accessories. |
| 17. | Aircraft launching, landing, and ground handling equipment. |
| 18. | Space vehicles. |
| 19. | Ships, small craft, pontoons, and floating docks. |
| 20. | Ship and marine equipment. |
| 22. | Railway equipment. |
| 23. | Motor vehicles, trailers, and cycles. |
| 24. | Tractors. |
| 25. | Vehicular equipment components. |
| 26. | Tires and tubes. |
| 28. | Engines, turbines, and components. |
| 29. | Engine accessories. |
| 30. | Mechanical power transmission equipment. |
| 31. | Bearings. |
| 32. | Woodworking machinery and equipment. |
| 34. | Metalworking machinery |
| 35. | Service and trade equipment. |
| 36. | Special industry machinery. |
| 37. | Agricultural machinery and equipment. |
| 38. | Construction, mining, excavating, and highway maintenance equipment. |
| 39. | Materials handling equipment. |
| 40. | Rope, cable, chain, and fittings. |
| 41. | Refrigeration and air-conditioning equipment. |
| 42. | Fire-fighting, rescue, and safety equipment. |
| 43. | Pumps and compressors. |
| 44. | Furnace, steam plant, and drying equipment; and nuclear reactors. |
| 45. | Plumbing, heating, and sanitation equipment. |
| 46. | Water purification and sewage treatment equipment. |
| 47. | Pipe, tubing, hose, and fittings. |
| 48. | Valves. |
| 49. | Maintenance and repair shop equipment. |
| 51. | Hand tools. |
| 52. | Measuring tools. |
| 53. | Hardware and abrasives. |
| 54. | Prefabricated structures and scaffolding. |
| 55. | Lumber, millwork, plywood, and veneer. |
| 56. | Construction and building materials. |
| 58. | Communication equipment. |
| 59. | Electrical and electronic equipment components. |
| 61. | Electric wire, and power and distribution equipment. |
| 62. | Lighting fixtures and lamps. |
| 63. | Alarm and signal systems. |
| 65. | Medical, dental, and veterinary equipment and supplies. |
| 66. | Instruments and laboratory equipment. |
| 67. | Photographic equipment. |
| 68. | Chemicals and chemical products. |
| 69. | Training aids and devices. |
| 71. | Furniture. |
| 72. | Household and commercial furnishings and appliances. |
| 73. | Food preparation and serving equipment. |
| 74. | Office machines and data processing equipment. |
| 75. | Office supplies and devices. |
| 76. | Books, maps, and other publications. |
| 77. | Musical instruments, phonographs, and home-type radios. |
| 78. | Recreational and athletic equipment. |
| 79. | Cleaning equipment and supplies. |
| 80. | Brushes, paints, sealers, and adhesives. |
| 81. | Containers, packaging, and packing supplies. |
| 83. | Textiles, leather, and furs. |
| 84. | Clothing and individual equipment. |
| 85. | Toiletries. |
| 87. | Agricultural supplies. |
| 88. | Live animals. |
| 89. | Subsistence. |
| 91. | Fuels, lubricants, oils, and waxes. |
| 93. | Nonmetallic fabricated materials. |
| 94. | Nonmetallic crude materials. |
| 95. | Metal bars, sheets, and shapes. |
| 96. | Ores, minerals, and their primary products. |
| 99. | Miscellaneous. |

### § 18–1.1006 Paid advertisements in newspapers and trade journals.

Use of paid advertisements for procurement purposes is not currently authorized within NASA (§ 18–2.203–3 of this chapter).

### § 18–1.1050 Furnishing additional procurement information to public.

(a) In addition to publicizing procurements and contract awards in the Commerce Business Daily, it is NASA policy to furnish the public, upon request, through the public information office of the NASA installation receiving the request, information on specific current NASA procurements, including:

(1) The names of firms invited to submit bids or proposals;

(2) The names of firms which attended pre-proposal briefing conferences when held; and

(3) After the date established for receipt of bids or proposals, the names of firms which submitted bids or proposals.

(b) Exceptions to this policy will be permitted only when the Director of Procurement or the Director of the field installation concerned determines that the disclosure of such information would be prejudicial to the interests of NASA.

## Subpart 18–1.12—Specifications, Plans, and Drawings

### § 18–1.1200 Application.

The policies and procedures of 32 CFR Part 12, Subpart A, and of FPR 1–1.305 through 1–1.307, inclusive, are hereby made applicable to NASA, except that:

(a) Military specifications approved by the Department of Defense for its use, as set forth in 32 CFR 1.1202, are not mandatory for use by the National Aeronautics and Space Administration; and

(b) The Defense Standardization Program, established by the Department of Defense, and referenced in 32 CFR 1.1202, is not applicable to the National Aeronautics and Space Administration.

## Subpart 18–1.14—Preference for United States-Flag Air and Ocean Carriers

### § 18–1.1400 Scope of subpart.

This Subpart sets forth NASA policy regarding the use of United States-flag services for the transocean movement of cargo for which NASA assumes the transportation costs, either directly (movement on Government bill of lading) or indirectly (FOB destination purchases).

### § 18–1.1402 General.

United States-flag commercial aircraft and ocean vessels shall be used for all NASA transocean shipments when the services offered are timely, adequate, and reasonable. When United States-flag carriers operate between the air or water ports serving the origin and destination, foreign-flag carriers shall not be used without the approval of the cognizant installation Director of Administration or his designated representative. Questionable cases shall be referred to a competent transportation source to ensure that United States-flag carriers cannot meet the shipping requirements. Examples of conditions justifying the use of foreign-flag carriers include:

(a) United States-flag steamship or airline companies cannot meet the realistic deadline delivery date established for the shipment,

(b) the rates charged by United States-flag carriers are disproportionately high by comparison with those of available foreign-flag carriers; and

(c) property has been purchased FOB destination from a foreign contractor.

### § 18–1.1404 Procedures.

When determined by the procurement officer to be necessary to ensure proper implementation of the policy expressed in § 18–1.1402, the following clause shall be included in each contract which may involve overseas shipments.

PREFERENCE FOR UNITED STATES-FLAG AIR AND OCEAN SERVICES (SEPTEMBER 1962)

(a) After the date of this award, the Contractor shall use United States-flag services, and no others, in the overseas transportation by ocean or air if any supplies to be furnished hereunder: *Provided*, however, that if such services are not available for timely shipment at fair and reasonable rates, the

Contractor shall so notify the Contracting Officer and request authorization in writing to ship by foreign-flag air or ocean carriers or for designation of available United States-flag services. The contract price shall be equitably adjusted to reflect the difference in cost to the Contractor, if any, between shipping by United States-flag services and by foreign-flag services.

(b) Copies of the bill of lading covering each shipment by foreign-flag carrier will be forwarded to the Contracting Officer immediately after the property has been shipped.

### § 18–1.1405 Responsibilities.

A copy of the bill of lading covering each shipment by foreign-flag carrier shall be forwarded promptly to the Director, Transportation and Logistics (Code BL), NASA Headquarters, with a brief statement justifying the use of the foreign-flag service. Blanket exceptions to this reporting requirement may be requested from NASA Headquarters for repetitive movements for which a foreign-flag service must be used.

### § 18–1.1410 None-use of foreign-flag vessels engaged in Cuban trade.

(a) Supplies owned by or procured under any contract of NASA will not be shipped from any United States port on a foreign-flag vessel which has called at a Cuban port on or after January 1, 1963, unless the Secretary of Commerce has made an exception applicable to such vessel.

(b) Procurement offices shall include the following clause in any contract which may involve the use of foreign-flag vessels in the ocean transportation from a United States port of supplies to be delivered under the contract or to be incorporated in supplies or other end product of the contract:

NON-USE OF FOREIGN-FLAG VESSELS ENGAGED IN CUBAN TRADE (MAY 1964)

(a) If, after the date of award, any supplies to be furnished or any materials to be incorporated in such supplies or in a construction project will require ocean transportation from the United States in the performance of this contract, the Contractor shall not use any foreign-flag vessel which the Maritime Commission has listed in the FEDERAL REGISTER as having called at a Cuban port on or after 1 January 1963 unless an exception has been made by the Secretary of Commerce.

(b) For purposes of this clause, the term "United States" includes the fifty States, Puerto Rico, possessions of the United States, and the District of Columbia.

(c) The Contractor shall include the substance of this clause, including this paragraph (c), in each subcontract or purchase order hereunder which may involve ocean transportation from the United States.

## Subpart 18–1.16—Novation Agreements

### § 18–1.1600 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or the part of his assets involved in the performance of the contracts, (b) a change of name of a contractor, and (c) single installation execution of novation agreements affecting more than one installation.

### § 18–1.1601 Definition.

For the purposes of this subpart, the following definition applies. A novation agreement is a contractual amendment by which the Government recognizes a successor in interest to a Government contract or a change of name of a contractor. The successor in interest assumes all the obligations under the contract and the transferor guarantees the performance of the contract by the transferee. Where only a change of name is made the rights and obligations of the parties remain unaffected.

### § 18–1.1602 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract when the third party's interest is incidental to the transfer of all the assets of the contractor, or all of that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(1) Sale of such assets;

(2) Transfer of such assets pursuant to merger or consolidation of corporations; and

(3) Incorporation of a proprietorship or partnership.

(b) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the designated installation shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond from either the transferor or the transferee may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

A format for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth in § 18–1.1651–1. This format may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

(c) Prior to the execution of such agreement, one copy of each of the following, as applicable, shall be deposited by the contractor with the designated installation:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as, for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts which have not been finally settled between NASA and the transferor, showing for each contract the contract number, the name and address of the installation involved, the total dollar value of the contract as amended, the type of contract, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the Boards of Directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) An opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets;

(9) Evidence of security clearance requirements; and

(10) Consent of sureties on all contracts listed under subparagraph (2) of this paragraph on which bonds were required.

### § 1.1603 Agreement to recognize change of name of contractor.

(a) When only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement between the designated installation and the contractor shall be executed effecting the amendment of all existing contracts between the parties so as to reflect the contractor's change of name. A format for such an agreement, which shall be adapted for specific cases, is set forth in § 18–1.1651–2.

(b) Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the designated installation:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) An opinion of counsel for the contractor that the change of name was properly effected in accordance with applicable law; and

(3) A list of all contracts which have not been finally settled between NASA and the contractor, showing for each contract the contract number and the name and address of the installation involved.

### § 18–1.1650 Procedures.

(a) Any NASA installation within the continental United States, upon being notified of a successor in interest to, or change in name of, one of its contractors, shall promptly report such information by letter to the Director of Procurement.

(b) To avoid duplication of effort on the part of NASA installations in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between NASA and the contractor involved. The Director of Procurement will, in each case, designate the installation responsible for taking all necessary and appropriate action with respect to either recognizing or not recognizing a successor in interest, or recognizing a change of name, including without limitation the following:

(1) Obtaining from the contractor a list of the affected contracts, the names and addresses of the installations responsible for these contracts, and the required documentary evidence;

(2) Drafting and executing a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name; and

(3) Instituting and monitoring procedures for security clearance.

A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. Each supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the installations having contracts subject to the supplemental agreement.

(c) The agreement and supporting documents shall be reviewed for legal sufficiency by the legal office at the designated installation.

(d) After execution of the supplemental agreement, the designated installation shall:

(1) Forward an authenticated copy of the supplemental agreement to the Office of Procurement (Code KDR); and

(2) Advise each of the affected installations, by letter, of the consummation of the supplemental agreement and request that a change order be issued for each affected contract. (A copy of the supplemental agreement should be enclosed—see § 18–1.1651–3.)

(e) For each such affected contract, the contracting officer shall prepare a change order (see § 18–1.1651–4) acknowledging the change in name or successor in interest. The change order will receive the same distribution as the affected contract. The change order will indicate the nature of the transaction, the result attained, and will cite the number of the contract with which the original relevant documents and supplemental agreement are filed.

### § 18–1.1651 Novation agreement formats and related NASA documents.

### § 18–1.1651–1 Successor in interest agreement format.

The following form may be used as appropriate to recognize a corporate successor in interest, in accordance with § 18–1.1602:

AGREEMENT ( 196 )

This Agreement, entered into as of ----------, 19 --, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the City of ---------- (hereinafter referred to as the "Transferor"); the XYZ Corporation [formerly known as the LMN Corporation], a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the City of ---------- (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

WITNESSETH:

Whereas, the Government, represented by Contracting Officers of the National Aeronautics and Space Administration, has entered into certain contracts, letter contracts, and purchase orders with the Transferor [namely: ----------] or [as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;] and the term "the contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, heretofore made between the Government, represented by Contracting Officers of the National Aeronautics and Space Administration, and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties, or obligations thereunder), and including amendments and change orders thereto hereafter made between the Government and the Transferee;

Whereas, as of ----------, 19 --, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a [term descriptive of the legal transaction involved] between the Transferor and the Transferee;

Whereas, the Transferee, by virtue of said assignment, conveyance, and transfer, has acquired all the assets of the Transferor;

Whereas, by virtue of said assignment, conveyance, and transfer, the Transferee has assumed all the duties, obligations, and liabilities of the Transferor under the Contracts;

Whereas, the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

Whereas, there has been filed with the Government evidence of said assignment, conveyance, or transfer [add if desired, "in the form of a certified copy of the list of the documents required by NASA Procurement Regulation § 18–1.1602"];

[Where a change of name is also involved, such as a prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:

Whereas, there has been filed with the Government a certificate dated ----------, 19 --, signed by the Secretary of State of the State of ----------, to the effect that the corporate name of LMN Corporation was changed to XYZ Corporation on ----------, 19--;]

Now therefore, in consideration of the premises, the parties hereto agree as follows:

1. The Transferor hereby confirms said assignment, conveyance, and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the Contracts.

2. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants, and conditions contained in the contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts in all respects as if the Transferee were the original party to the Contracts.

3. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

4. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed to refer to the Transferee rather than to the Transferor.

5. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

6. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the Contracts, shall be deemed to have discharged pro tanto the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the Contracts to the extent of the amounts so paid or reimbursed.

7. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes, or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance, and transfer, or (ii) this Agreement, other than those which the Government, in the absence of said assignment, conveyance, and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the Contracts.

8. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified; and the Transferor hereby waives notice of and consents to any such amendment or modification.

9. Except as herein modified, the Contracts shall remain in full force and effect.

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By ----------
Title ----------

[CORPORATE SEAL] ABC CORPORATION
By ----------
Title ----------

[CORPORATE SEAL] XYZ CORPORATION
By ----------
Title ----------

CERTIFICATE

I, ----------, certify that I am the Secretary of ABC Corporation, named above, that ----------, who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness by hand and seal of said corporation this ---- day of ----------, 19--.

By ----------
(CORPORATE SEAL)

CERTIFICATE

I, ----------, certify that I am the Secretary of XYZ Corporation, named above, that ----------, who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and within the scope of its corporate powers.

Witness my hand and the seal of said corporation this ---- day of ----------, 19--.

By ----------
(CORPORATE SEAL)

### § 1.1651–2 Change of name agreement format.

The following form may be used as appropriate to recognize a change in name, in accordance with § 18–1.1603:

AGREEMENT (---------- 196 )

This Agreement, entered into as of ---------- 19--, by and between the ABC Corporation (formerly the XYZ Corporation and hereinafter sometimes referred to as the "Contractor"), a corporation duly organized and existing under the laws of the State of ----------, and the United States of America, represented by the National Aeronautics and Space Administration, (hereinafter referred to as the "Government").

WITNESSETH:

Whereas, the Government, represented by Contracting Officers of the National Aeronautics and Space Administration, has entered into certain contracts, letter contracts, and purchase orders with the XYZ Corporation [namely: ----------] or [as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;] and the term "the Contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, entered into between the Government, represented by Contracting Officers of the National Aeronautics and Space Administration, and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties, or obligations thereunder);

Whereas, the XYZ Corporation, by an amendment to its certificate of incorporation, dated ----------, 19--, has changed its corporate name to the ABC Corporation;

Whereas, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now therefore, in consideration of the premises, the parties hereto agree that the Contracts covered by this Agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation."

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By----------
Title----------
[CORPORATE SEAL]

ABC CORPORATION
By----------
Title----------

CERTIFICATE

I, ----------, certify that I am the Secretary of ABC Corporation, named above; that ----------, who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and the seal of said corporation this ------ day of ----------, 19--.

By----------
[Corporate Seal]

### § 18–1.1651–3 Sample letter requesting issuance of change order.

The following sample letter format is appropriate to give notice of execution of a novation agreement and to request issuance of a change order, in accordance with § 18–1.1650(d).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
GODDARD SPACE FLIGHT CENTER,
*Greenbelt, Maryland, October 15, 1963.*

Subject: Novation Agreement.
To: Procurement Officer, Langley Research Center.

1. Your attention is invited to the attached supplemental agreement wherein a transfer of the business of ABC Corporation to XYZ Corporation is recognized.

2. In accordance with NASA Procurement Regulation 1.1650 contracting officer(s) presently responsible for affected contracts placed by your installation, which are listed in the supplemental agreement, should imediately issue a Change Order to each such contract to reflect the change.

JOHN J. JONES,
*Procurement Officer,*
*Goddard Space Flight Center.*

### § 18–1.1651–4 Sample change order format.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Change Order

Contract No:

Change Order No:

Date:

Contractor:

Subject:
(Insert type of transaction—merger, etc.)

Pursuant to the provisions of the clause of Modification No. ------ of Contract No. ------ (This reference will be to the Modification actually recognizing the transfer.)

It is hereby acknowledged that said Contract Modification (insert, as appropriate, "effecting recognition of XYZ Corporation as a successor in interest applies in accordance with all of its terms and conditions to this contract," or "effecting recognition of a change of the contractor's name from ABC Corporation to XYZ Corporation applies in accordance with all of its terms and conditions to this contract").

Except as hereby modified, all the terms, covenants, and conditions of said contract as heretofore modified or amended shall remain in full force and effect.

THE UNITED STATES OF AMERICA

By ----------
(Signature)

----------
(Contracting Officer)

## Subpart 18–1.50—Integration of Quality Requirements in NASA Procurements

### § 18–1.5000 Scope of subpart.

(a) This Subpart sets forth procurement procedures for implementing NASA quality assurance policies of NASA Management Instruction 4–2–2 and detailing the application of the following NASA Quality Publications:

(1) "Quality Program Provisions for Space System Contractors (NPC 200–2)"; and

(2) "Inspection System Provisions for Suppliers of Space Materials, Parts, Components, and Services (NPC 200–3)."

(b) Arrangements for use of Government inspection agencies for quality assurance functions at NASA suppliers' plants are described in Part 18–14 of this chapter, including application of "Quality Assurance Provisions for Government Agencies (NPC 200–1A)."

### § 18–1.5001 Policy.

(a) Quality is a factor for consideration in each step of the procurement process. The inclusion in procurements of realistic quality requirements and the appropriate technical application of the NASA Quality Publications are essential to accomplish NASA program objectives.

(b) Quality requirements shall be definitized and included in the procurement documents as early as posible.

### § 18–1.5002 Classification of NASA procurements.

For purposes of quality requirements, procurements by NASA are classified in the following three general categories:

(a) Category 1—Space systems, major subsystems, and complex assemblies, as described in Quality Publication NPC 200–2; and test and check-out equipment, instrumentation, and launch facilities used in launching, operating, and maintaining vehicles or craft in space, including those for static test.

(b) Category 2—Materials, parts, components, and services for the space systems listed in Category 1; and test equipment used for ground testing but not included in Category 1.

(c) Category 3—All other procurements.



### § 18–1.5003 Responsibilities of NASA personnel.

(a) *Originators of procurement requests.* Originators of procurement requests shall consult as early as possible with installation personnel responsible for quality assurance to determine or obtain appropriate quality assurance provisions for incorporation in such requests.

(b) *Installation personnel responsible for quality assurance.* Installation personnel responsible for quality assurance shall:

(1) For category 1 procurements—Prepare quality program requirements in accordance with applicable provisions of NPC 200–2. Prepare pertinent portions of the work statement using available quality data, pertinent NASA quality information, and the provisions of § 18–1.5005(a).

(2) For category 2 procurements—Prepare inspection system requirements in accordance with applicable provisions of NPC 200–3, applicable portions of 200–2, available quality data, high-reliability specification guidelines, pertinent NASA quality information, and the provisions of § 18–1.5005(b).

(3) For category 3 procurements—Cite applicable quality requirements, such as portions of the Quality Publication(s), Government or non-Government specifications and standards, or other criteria prepared especially for the procurement being requested.

(4) For all categories—

(i) Cite the applicable specifications, quality standards, design quality criteria, and other documents which identify and quantify quality requirements, including standard contract clauses established in this chapter, or as appropriate by the NASA installations; and

(ii) Cite the appropriate types and places of performance of Government quality assurance functions (i.e., quality or inspection system evaluation, in-process inspection, end-item inspection, and acceptance inspection), indicating whether their accomplishment shall be by the NASA installation or an inspection agency or both. (See Part 18–14 of this chapter (b) for application of NPC 200–1A.)

(c) *Contracting officers.* In accordance with paragraph (1) of this section, officers, with or through installation personnel responsible for quality assurance shall:

(1) Review each procurement document to ensure that definitive quality requirements are included;

(2) Determine, if quality requirements have been omitted or appear to be inadequate, the applicable quality requirements by consultation and verification with quality assurance personnel and the originator of the procurement;

(3) Advise all prospective contractors of the quality requirements for the particular procurement;

(4) Ensure that the provisions of the contract are specific as to the contractor's responsibility for meeting quality requirements;

(5) Ensure that the contractor meets the terms and conditions of the contract relative to quality requirements;

(6) Ensure that responsibility is assigned for performance of Government quality assurance functions at suppliers' plants to a NASA installation or to an inspection agency, or both; and

(7) Notify the contractor, the inspection agency, and the assigned representatives of the NASA installation as to quality assurance functions delegated to an inspection agency and the functions to be performed by the NASA installation in accordance with Part 18–14 of this chapter. Letters outlining delegated functions shall be specific as to the quality assurance effort required, and those outlining functions to be performed by the NASA installation at plant sites shall set forth the duties, responsibilities, and authority of installation personnel assigned to perform these functions.

(d) *Detailed implementation.* Detailed procedures (e.g., for routing of procurement requests and quality assurance documents, specifying the copies required for review and comment and the means of obtaining and distributing the Quality Assurance Provisions) shall be established by the individual NASA installations.

### § 18–1.5004 Procedures.

This section specifies certain required actions with regard to quality assurance at different stages of the procurement process.

(a) *Procurement requests.* Each procurement request shall contain the quality requirements established for that procurement and be complete with respect to the requirements of § 18–1.5003.

(b) *Procurement plan.* The procurement plan shall include:

(1) The general quality requirements intended to be made a part of the contract; and

(2) A statement as to the type and extent of Government quality assurance functions to be performed by the NASA installation and, as applicable, the inspection agency.

(c) *Invitations for bids and requests for proposals.* Invitations for bids and requests for proposals shall include:

(1) The detailed quality requirements applicable to the procurement with reference to the specific provisions of NASA Quality Publications and other applicable documents;

(2) A requirement, in requests for proposals, that prospective contractors briefly describe the quality system to be used. Where NPC 200–2 is to be invoked for a major system, proposals should include a preliminary quality program plan with details matching the degree of definitization in the technical proposal; and

(3) Copies of NASA Quality Publications NPC 200–2 and 200–3, as applicable, and a statement that the quantity of these publications required for performance of the contract will be furnished to the Contractor by the contracting officer. (Installations receiving requests for these publications from individuals or firms other than as specified herein should advise the requesters that the publications are available from the Superintendent of Documents, Washington, D.C.)

(d) *Bidders' conferences.* When bidders' conferences or oral briefings are held, installation personnel responsible for quality assurance will present quality requirements of the procurement.

(e) *Evaluation of proposals.* Technical evaluation shall include consideration of each prospective contractor's quality system, capability, and past performance prior to final recommendation for award. In addition, these quality factors are items to be considered during preaward surveys in accordance with § 18–1.905–50. Prospective contractors not meeting minimum quality standards may be considered nonresponsive. These actions are required regardless of the evaluation method used. Installation personnel responsible for quality assurance will participate.

(f) *Contract negotiations.* Installation personnel responsible for quality assurance should participate in contract negotiation meetings to provide technical support in the quality area to NASA contract negotiators.

(g) *Preparation of contract.* The contract is the only instrument which binds the contractor and the Government. Therefore, the contract will include the specific terms and conditions of all NASA quality requirements that have been established for the procurement.

(h) *Inspection and acceptance.* (See Part 18–14 of this chapter.)

### § 18–1.5005 Technical factors.

The following shall be considered and appropriate provisions made in the work statement when NPC 200–2 and 200–3 or portions thereof are invoked.

(a) *NASA NPC 200–2.*

| *Paragraph number* | *Description of action* |
|---|---|
| 1.2 | NPC 200–2 shall be invoked by reference (e.g., "The contractor shall establish and maintain an effective quality program to satisfy, as a minimum, the requirements of NASA Quality Publication NPC 200–2"). |
| 1.4 | Detailed reliability requirements shall be stated. |
| 1.5 | The prime contractor may be required to submit quality program plans for major subcontractors to the NASA installation for review, notwithstanding the requirement for the contractor's quality program to cover the full scope of contracted work. Major subcontractors may be defined in generic terms for a particular procurement. |
| 2.2 | Any deviations from Appendix B for documents requiring approval, review, or information shall be considered. |
| 2.2.1 | The time for submission and approval of all documents requiring NASA approval shall be specified. |
| 4.2.2 | Existing preferred parts lists desired to be cited in the contract, or required to be established by the contractor, shall be identified or described. |
| 4.3.1 | Any additional requirements for documentation and submission of qualification test procedures shall be specified. |

| Paragraph number | Description of action |
|---|---|
| 4.3.5 | The agreed-upon intervals desired for submission of the qualification status list shall be specified. |
| 4.4, 14.2.1 | Requirements for mechanized or electronic data processing shall be stated. |
| 5.3.1 | When the prime contractor invokes NPC 200–2 or 200–3 in subcontracts, the subcontractor shall furnish required documentation to him. The prime contractor shall forward copies to the NASA installation and designated representatives as specified in the contract. The use of a contractor's equivalent specification in lieu of NPC 200–3 is permissible, provided that it has been submitted to the NASA installation for review two weeks prior to its use in procurement documents. |
| 14.3 | The extent of laboratory facilities to be established and failure analysis function to be performed by the contractor at the launch site shall be stated. Time periods for notification of failures and malfunctions and for initiation of corrective action shall be stated. |

(b) *NASA NPC 200–3.*

| Paragraph number | Description of action |
|---|---|
| 1.2 | NPC 200–3 should be invoked by reference (e.g., "The supplier shall establish and maintain an inspection system which satisfies the requirements of NASA Quality Publication NPC 200–3"). |
| 1.4 | Detailed reliability requirements shall be stated. |
| 1.5 | Inspection plans for major subcontractors (major subcontracts may be defined in generic terms for a particular procurement) may be required to be submitted by the prime contractor to the NASA installation for review notwithstanding the requirement for the contractor's inspection plan to cover the full scope of contracted work. |
| 3.1 | When the prime contractor invokes NPC 200–3 in subcontracts, the subcontractor shall furnish required documentation to him. The prime contractor shall forward copies to the NASA installation and designated representatives as specified in the contract. The use of a contractor's equivalent specification in lieu of NPC 200–3 is permissible, provided that it has been submitted to the NASA installation for review two weeks prior to its use in procurement documents. |
| 3.5 | Requirements for test specimens of raw materials to be provided with fabricated articles shall be stated. |
| 3.6 | Inspections and tests desired but not contained in specifications and standards referenced in the contract shall be stated. |
| 3.12 | Requirements for sampling inspection, if applicable, or special instructions for screening inspection in lieu of sampling, shall be stated. |
| 3.13 | Requirements for mechanical or electronic processing of data shall be stated. |

## Subpart 18–1.51—Integration of Reliability Requirements Into NASA Procurements

### § 18–1.5100 Scope of subpart.

This subpart establishes procedures for implementing reliability policies prescribed in NASA Management Instruction 4–2–1 with the procurement of systems, by:

(a) Establishing general principles of systematic reliability assurance actions on NASA procurements;

(b) Detailing the application of NASA Reliability Publication "Reliability Program Provisions for Space Systems Contractors" (NPC 250–1); and

(c) Defining the level at which reliability program requirements are to be placed on contractors.

### § 18–1.5101 Policy.

NASA reliability policy, as reflected in NASA Management Instruction 4–2–1, is that:

(a) Every practical means shall be employed to achieve high system reliability at the earliest possible stage of system development;

(b) Reliability program requirements shall be placed on NASA system contractors; and

(c) Contractor performance in achieving system reliability will be guided and monitored by the cognizant NASA field installation.

### § 18–1.5102 Definitions.

For the purpose of this subpart, the following definitions apply:

(a) Major system element—Any element of a system considered by the cognizant NASA installation to be sufficiently critical to reliability of the system to require use of a formal reliability program from its design through end use.

(b) Reliability—The probability that a system, subsystem, component, or part will perform its required functions under defined conditions at a designated time and for a specified operating period.

(c) Reliability program—A series of tasks, systematized under a comprehensive plan, which is designed to achieve the required level of reliability in the design and development of a hardware end item.

(d) Reliability assurance—A planned and systematic pattern of all actions necessary to provide adequate confidence that a space system or portion thereof (including test equipment) will perform reliably in actual operation. This includes actions to—

(1) Plan for achievement of satisfactory reliability when formulating procurement documents;

(2) Plan and execute reliability programs pertinent to each phase of the work from design through end use of the system hardware;

(3) Monitor and guide contractor reliability efforts; and

(4) Ascertain and ensure that the necessary level of reliability is being attained.

### § 18–1.5103 Application.

(a) The procedures prescribed in this subpart are applicable to:

(1) New procurements of complete space systems; principal systems making up a space system (e.g., launch vehicles, spacecraft, test equipment, etc.); critical subsystems; or critical components; where the cost of the procurement is estimated in the Procurement Plan to exceed $1,000,000. (See paragraph (b) of this section for smaller procurements of critical items.) It is not necessarily applicable to smaller procurements, to procurements of noncritical subsystems, or to procurements where the contractor does not have design responsibility.

(2) Amendments to existing contracts of the types stated in subparagraph (1) of this paragraph above which after amendment exceed $1,000,000. In applying NPC 250–1 to existing contracts, cognizant personnel shall exercise discretion to prescribe only those program requirements still considered timely in light of project completion status and to prescribe them to the extent that anticipated benefits are considered to be commensurate with cost.

(b) For procurements of $1,000,000 or less where the contractor has design responsibility for a space system or for critical hardware, end items, or equipment to serve as part of a space system (including critical test equipment), the cognizant NASA installation shall:

(1) Determine and impose selected applicable reliability program requirements (e.g., design review, design specifications, failure analysis, parts and materials program, qualification and flight assurance testing); and

(2) Follow those procedures set forth in § 18–1.5104(a) considered by the installation to be applicable.

### § 18–1.5104 Responsibilities.

(a) *Originators of procurement requests.* Originators of procurement requests shall consult as early as possible with appropriate reliability assurance personnel to determine the extent of applicability of NASA Reliability Publication 250–1 to the procurement and shall:

(1) Summarize, in the procurement request, the extent to which the reliability program provisions of NPC 250–1 will be placed on the contractor;

(2) Cite, in the procurement request, applicable specifications, standards, design reliability criteria, or other documents which further define reliability requirements;

(3) Assist contracting officers in the preparation of procurement plans to ensure that the plans include necessary provisions for reliability assurance;

(4) Provide in the Statement of Work detailed guidance on the extent of applicability of the provisions of NPC 250–1 and other reliability documents of the contract (for technical factors requiring definitization, see § 18–1.5106); and

(5) Provide to the contracting officer necessary copies of items described in subparagraph (2) of this paragraph for inclusion in the request for proposal, or advise the contracting officer as to where they can be obtained.

(b) *Contracting officers.* Contracting officers, with or through appropriate reliability assurance personnel, shall:



(1) Review the reliability assurance requirements established by the originator of each procurement;

(2) Determine the applicable requirements where reliability assurance requirements appear to be inadequate or have been omitted (this will be accomplished in coordination with, and with verification by, the originator);

(3) Advise all prospective contractors for the procurement in question of reliability requirements and reliability program requirements for the particular procurement;

(4) Ensure that the provisions of the contract are specific as to the contractor's responsibility for meeting reliability requirements; and

(5) Ensure that the contractor meets the terms and conditions of the contract relative to reliability requirements.

(c) *Reliability assurance personnel.* Reliability assurance personnel shall:

(1) Advise and assist originators of procurement requests in performing the functions prescribed in paragraph (a) of this section;

(2) Advise and assist contracting officers in the functions prescribed in paragraph (b) of this section;

(3) Advise and assist installation project personnel in guidance and monitorship of contractor reliability programs; and

(4) Take other actions as necessary to ensure that the system being procured meets required levels of reliability.

### § 1.5105 Procedures.

(a) *Processing of procurement documents for procurements of systems expected to exceed $1,000,000*—(1) *Procurement requests.* The procurement request for a system will include, in the description of the procurement, a statement of reliability requirements, in accordance with § 18–1.5104(a) (1) and (2).

(2) *Procurement plans.* The procurement plans for a system will contain provisions for reliability assurance, including a summary of reliability program requirements.

(3) *Review of procurement plans.* Section 18–3.852–4(a)(3) of this chapter provides for review by the Deputy Associate Administrator for Programming, NASA Headquarters, of procurement plans to be approved by the Associate Administrator (where the contract is anticipated to exceed $5,000,000).

(4) *Requests for proposals.* Requests for proposals will include:

(i) Detailed definitization of the reliability program requirements and reliability goals for the contract, including extent of applicability of NPC 250–1, and copies of other pertinent documents which define reliability program requirements. (For technical factors requiring decisions or elaboration in work statements, see §§ 18–1.5104(a)(iv) and 18–1.5106.)

(ii) Definition of the degree of detail desired in the proposal to describe the contractor's qualifications in the reliability area and his proposed reliability program. Where only limited detail is desired in the proposal, a requirement for an intermediate reliability program plan will be included for the prospective contractor(s) selected for negotiation.

(iii) Directions for obtaining additional copies (if available) of documents provided in subdivision (ii) of this subparagraph. This will include a statement that the quantity of NPC 250–1 required for performance of the contract will be provided to the contractor by the contracting officer and that additional copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office.

(5) *Proposal evaluation documentation.* Section 18–3.804–2(b) of this chapter relating to source evaluation procedures in procurements not involving source evaluation boards, specifies that the documentation of technical evaluations of proposals shall include an evaluation of the company's proposed method of achieving the reliability required.

(6) *Reliability representation on source evaluation boards.* Paragraph 300 of the Source Evaluation Board Manual (NPC 402) provides for the participation of the designee of the Director of Reliability and Quality Assurance, NASA Headquarters, in Source Evaluation Board proceedings.

(b) *Monitoring of reliability effort.* The following measures, used in appropriate combinations, are considered effective tools for use by cognizant NASA installations in the guidance and monitoring of contractor reliability efforts:

(1) Use of resident NASA technical representatives in hardware contractor facilities (or, as a minimum, use of frequent reliability surveys by nonresident NASA teams);

(2) Conducting in-house reliability studies; and

(3) Use of independent reliability assessment contractors to assist NASA in assessment of system reliability or evaluation of the effectiveness of the hardware contractor's reliability program.

(c) *Inclusion of NPC 250–1 in the contract.* NASA Reliability Publication NPC 250–1 will be invoked in the contract via an appropriate contract clause designed to clarify any ambiguities which may exist. A sample clause is as follows:

> In performance of work under the contract, the Contractor shall implement a reliability program in accordance with NASA Reliability Publication NPC 250–1 [indicate edition] as further definitized in the Statement of Work. Guidance and monitoring of the Contractor's reliability effort, as well as approval or review authority for reliability program documentation, shall be the responsibility of the Contracting Officer, his authorized technical representatives, or their designees. The Contracting Officer will advise the Contractor, as well as appropriate NASA representatives and the Government inspection agency, by letter as to the identity (title, organization, and location) of his authorized technical representatives and the specific office or offices to which various items of required reliability program documentation shall be submitted.

### § 18–1.5106 Technical factors (requests for proposals and work statements).

Procurement requests and work statements will provide guidance on the following technical factors when NASA Reliability Publication NPC 250–1 is invoked:

(a) NASA Reliability Publication NPC 250–1 prescribes that the contractor's reliability organization will monitor certain tasks, the actual conduct of which is a part of the overall technical project effort. In the preparation of Statements of Work, the originator of the procurement request shall specify that these tasks are requirements unless specifically modified or waived. Paragraph references to NPC 250–1 in this category where additional guidance should be included in the Statement of Work are as follows:

| *NASA NPC 250–1 paragraph number* | *Description of action* |
|---|---|
| 3.5—Maintainability and elimination of human-induced failure. | Define the extent of effort required in these areas with respect to the overall space system and each of its various elements (requirements will often differ from element to element within the system). Where the system involves subsystems capable of being maintained by personnel while in use or where flight safety of personnel is involved, append, or otherwise provide, appropriate documents giving detailed guidance to the contractor on requirements in this area. |
| 3.8—Standardization of design practices... | Make clear that the standards effort will be limited to that required to modify existing contractor standards to meet system requirements and that it is not necessarily intended to have the contractor set up a complete new standards system at NASA expense. Also, provide any NASA design criteria which the contractor will be required to use. |

| NASA NPC 250–1 paragraph number | Description of action |
|---|---|
| 4.3—Testing | The Statement of Work should clearly specify the requirement for:<br>(A) An integrated test program which includes all tests (with specified exceptions) under the contract. Also indicate that tests (except reliability demonstrations) which include reliability inputs, or produce, along with other results, data for evaluation of reliability, should be referred to as the appropriate type of performance test, and not be termed a "reliability" test.<br>(B) Qualification testing of all elements of the system (consistent with project requirement). Indicate required levels of overstress to be employed in these tests where appropriate and specifically require the contractor to submit separate test specifications for each qualification test (containing appropriate overstress requirements), which will be subject to NASA review prior to use.<br>(C) Flight assurance testing requirements at appropriate levels of assembly, together with guidance on required levels of stress to be employed, and configuration control requirements. Require the contractor to submit a separate specification for each flight assurance test, which will be subject to NASA review prior to use. |
| 5.1—General documentation | State whether the contractor is required to establish a data center, and clearly define the scope of effort required of the prime contractor and of subcontractors (as required to be consistent with the system data center). Also make clear that the "unified file" of reliability information is a requirement only where the overall data center is not required. |

(b) Additional guidance as to the extent of applicability of reliability task requirements will be given for the following paragraphs of NPC 250–1:

| NASA NPC 250–1 paragraph number | Description of action |
|---|---|
| 2.2.2—Preliminary reliability program plan (see also Appendix B). | Indicate the degree of detail desired in the proposed reliability program and in the submittal of information on the contractor's qualifications. |
| 2.2.3—Intermediate reliability program plan (see also Appendix C). | Indicate any desired variations from the procedure prescribed in NPC 250–1. Where it is desired to omit this submittal, prescribe that the requirements of this paragraph be combined with those of paragraph 2.2.2 in preparing the proposal. |
| 2.4—Reliability program control | Give specific guidance on those aspects of control for which the NASA installation has special requirements and, if appropriate, for the preferred system of control. |
| 2.6—Subcontractor and supplier control | List those elements of the system considered by NASA to be "major" in terms of the need for reliability control by a formal reliability program. The list may be identified as "suggested" where it is desired to obtain contractor inputs for subsequent negotiation. |
| 2.6.3—Resident representatives | Indicate those of the system elements listed as "major" which are considered by NASA to require use of resident prime contractor representatives in subcontractor facilities. This list may be identified as "suggested" where it is desired to defer the final decision until specific information on subcontracts is proposed. |
| 2.7—Government-furnished property | Indicate which elements, if any, of the system will be Government-furnished property and provide information on the characteristics, including reliability, of each to enable the contractor to plan and propose his reliability program with appropriate consideration for Government-furnished property. |
| 3.3—Reliability prediction and estimation. | Specify the milestone or time at which the initial prediction is required and the succeeding major or intermediate milestone at which revised predictions are required. Also, if appropriate to installation or program requirements, prescribe the method of prediction to be used and furnish detailed supplemental guidance. |
| 3.7—Failure reports | If a specific format and numbering system is to be prescribed by NASA, so indicate. |
| 3.9.2—Parts selection | Where the requirements of the program dictate use of parts already proven for other systems, data on such parts should be provided to enable the contractor to limit the scope of his parts selection effort. |
| 3.9.3—Parts and materials specifications | Provide or cite available specifications for proven parts. Where it is desired to limit the scope of contractor effort in this area, provide appropriate guidance. |
| 4.3.4—Reliability demonstration tests | Provide specific guidance as to type, conditions, and duration of demonstration testing consistent with program requirements. |
| 4.4—Reliability assessment | Make clear that the "assessment" is an evolution of the "prediction" and not an overlapping task. Indicate major and intermediate milestones at which initial and revised assessments are required. |
| 5—Documentation of reliability program | Indicate the specific documentation requirements appropriate to the program (see Appendix F of NPC 250–1), including the number of copies of each document required for submittal. |



## PART 18–2—PROCUREMENT BY FORMAL ADVERTISING


Sec.
18–2.000 Scope of part.

Subpart 18–2.1—Use of Formal Advertising

18–2.101 Meaning of formal advertising.
18–2.102 Policy.
18–2.103 General requirements for formally advertised contracts.
18–2.104 Types of contracts.
18–2.104–1 General.
18–2.104–2 Fixed-price contracts with escalation.

Subpart 18–2.2—Solicitation of Bids

18–2.200 Scope of subpart.
18–2.201 Preparation of invitations for bids.
18–2.202 Miscellaneous rules for solicitation of bids.
18–2.202–1 Bidding time.
18–2.202–2 Telegraphic bids.
18–2.202–3 Place and method of delivery of supplies.
18–2.202–4 Bid samples.
18–2.202–5 Descriptive literature.
18–2.203 Methods of soliciting bids.
18–2.203–1 Mailing or delivering to prospective bidders.
18–2.203–2 Displaying in public place.
18–2.203–3 Publicity in newspapers and trade journals.
18–2.203–4 Synopses of invitations for bids.
18–2.204 Records of invitations for bids and records of bids.
18–2.205 Bidders mailing lists.
18–2.205–1 Establishment of lists.
18–2.205–2 Removal of names from bidders mailing lists.
18–2.205–3 Reinstatement on bidders mailing lists.
18–2.205–4 Excessively long bidders lists.
18–2.205–5 Release of bidders mailing lists.
18–2.207 Amendment of invitations for bids.
18–2.208 Cancellation of invitations before opening.

Subpart 18–2.3—Submission of Bids

18–2.301 Responsiveness of bids.
18–2.302 Time of bid submission.
18–2.303 Late bids.
18–2.303–1 Definition.
18–2.303–2 Consideration for award.
18–2.303–3 Mailed bids.
18–2.303–4 Telegraphic bids.
18–2.303–5 Hand-carried bids.
18–2.303–6 Notification to late bidders.
18–2.303–7 Disposition of late bids.
18–2.303–8 Records.
18–2.303–9 Inconsistencies in standard forms.
18–2.304 Modification or withdrawals of bids.
18–2.305 Late modifications and withdrawals.

Subpart 18–2.4—Opening of Bids and Award of Contract

18–2.401 Receipt and safeguarding of bids.
18–2.402 Opening of bids.
18–2.403 Recording of bids.
18–2.404 Rejection of bids.
18–2.404–1 Cancellation of invitation after opening.
18–2.404–2 Rejection of individual bids.
18–2.404–3 Notice to bidders of rejection of all bids.
18–2.404–4 Restrictions on disclosure of descriptive literature.
18–2.404–5 All or none qualification.
18–2.405 Minor informalities or irregularities in bids.
18–2.406 Mistakes in bids.
18–2.406–1 General.
18–2.406–2 Apparent clerical mistakes.
18–2.406–3 Other mistakes disclosed before award.
18–2.406–4 Disclosure of mistakes after award.
18–2.407 Award.
18–2.407–1 General.
18–2.407–2 Responsible bidder.
18–2.407–3 Discounts.
18–2.407–4 Price escalation.
18–2.407–5 Other factors to be considered.
18–2.407–6 Equal low bids.
18–2.407–7 Statement of award.
18–2.407–9 Protests against award.
18–2.408 Information to bidders.
18–2.409 Synopses of contract awards.

Subpart 18–2.5—Two-Step Formal Advertising

18–2.501 General.
18–2.502 Conditions for use.
18–2.503 Procedures.
18–2.503–1 Step one.
18–2.503–2 Step two.


AUTHORITY: The provisions of this Part 18–2 issued under 42 U.S.C. 2473(b)(1).

### § 18–2.000 Scope of part.

(a) This Part 18–2 sets forth the (1) basic requirements for procurement of supplies and services (including construction) by formal advertising, (2) information to be contained in solicitations of bids, (3) methods of soliciting bids, (4) policies with respect to the submission of bids, and (5) requirements with respect to the opening and evaluation of bids and the awarding of contracts.

### Subpart 18–2.1—Use of Formal Advertising

### § 18–2.101 Meaning of formal advertising.

(a) Formal advertising means procurement by competitive bids and awards, as prescribed in this part, and involves the following basic steps:

(1) Preparation of the invitation for bids, by describing the requirements of the Government clearly, accurately, and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders. The term "invitation for bids" means the complete assembly of related documents, whether attached or incorporated by reference, provided prospective bidders for the purpose of bidding;

(2) Publicizing the invitation for bids, through distribution to prospective bidders, posting in public places, and such other means as may be appropriate, in sufficient time to enable prospective bidders to prepare and submit bids before the time set for public opening;

(3) Submission of bids by prospective contractors; and

(4) Awarding the contract, after bids are publicly opened, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered (or rejecting all bids).

### § 18–2.102 Policy.

(a) Chapter 137 of Title 10 of the United States Code (see 10 U.S.C. 2304 (a)), which is applicable to procurements by NASA, provides that purchases of and contracts for property or services shall be made by formal advertising in all cases in which the use of such method is feasible and practicable under the existing conditions and circumstances. It further provides that, if the use of formal advertising is not feasible and practicable, negotiation of contracts is authorized under certain circumstances enumerated therein. The circumstances are set forth in Subpart 18–3.2 of this chapter.

(b) Chapter 137 of Title 10 of the United States Code (10 U.S.C. 2306(f)) provides that a contractor or subcontractor shall be required to submit cost or pricing data for certain contract modifications, and shall be required to certify that, to the best of his knowledge and belief, the cost or pricing data he submits is accurate, complete, and current. To insure compliance with this requirement, contracting officers shall follow the instructions set forth in § 18–3.807–3 of this chapter before agreeing to a price adjustment of a formally advertised contract.

### § 18–2.103 General requirements for formally advertised contracts.

No contract shall be made as a result of formal advertising unless:

(a) Bids have been solicited as required by Subpart 18–2.2;

(b) Bids have been submitted as required by Subpart 18–2.3;

(c) Determination has been made as to the responsible bidder whose bid is responsive to the invitation for bids and is most advantageous to the Government, price and other factors considered, and award is made as prescribed in Subpart 18–2.4; and

(d) Such clearances and approvals, if any, required under Subpart 18–50.1 of this chapter have been obtained.

### § 18–2.104 Types of contracts.

### § 18–2.104–1 General.

Contracts awarded after formal advertising shall be of the firm fixed-price type, except that fixed-price contracts with escalation may be used, subject to the provisions of §§ 18–2.104–2 and 18–2.407–4, where such flexibility is necessary and feasible. In circumstances in which their use is appropriate, such fixed-price contracts may be of the following types:

(a) Definite Quantity Contracts,
(b) Requirements Contracts, or
(c) Indefinite Quantity Contracts.

### § 18–2.104–2 Fixed-price contracts with escalation.

Escalation clauses are not normally desirable, but in appropriate cases clauses providing for upward and downward revision of prices may be used in order to protect the interest of both the Government and the supplier, particularly in long-term contracts where potential increased costs might otherwise cause suppliers to bid at unreasonable prices. Where the contracting officer, on the basis of his knowledge of the market or previous advertisements for like items,

expects that a requirement for firm fixed-price bids will unnecessarily restrict competition, or unreasonably increase bid prices, he may include an approved escalation clause in the invitations for bids, Any escalation clause shall provide an escalation ceiling identical for all bidders, so that each bidder is afforded an equal opportunity to bid on the escalation basis. The policy governing the evaluation of bids providing for price escalation is set forth in § 18–2.407–4.

**§ 18–2.105 Review of the procurement request for property utilization.**

If the proposed procurement is for an item of supply, the procurement office will review the procurement request for compliance with the property utilization requirements set forth in NASA Management Instructions 20–4–2 and 20–4–5.

## Subpart 18–2.2—Solicitation of Bids

**§ 18–2.200 Scope of subpart.**

This subpart prescribes procedures for the (a) preparation of invitations for bids, (b) solicitation of bids, and (c) publicizing of proposed procurements.

**§ 18–2.201 Preparation of invitations for bids.**

Invitations for bids shall contain the applicable information called for in this §18–2.201 and any other information required for a particular procurement. Invitations for bids shall permit such full and free competition as is consistent with the procurement of the types of supplies and services required.

(a) For supply and service contracts, including construction, invitations for bids shall contain the following information if applicable to the procurement involved.

(1) Invitation number. Invitations for bids shall be numbered consecutively, preceded by the applicable letter symbol of the installation concerned.

(2) Name and address of issuing installation.

(3) Date of issuance.

(4) Description of supplies and services to be furnished under each item, in sufficient detail to permit proper competition.

(5) Date, hour, and place of opening. Prevailing local time shall be used and appropriate identification of the local time system under which the installation is operating shall be included; e.g., 11:00 a.m., e.d.s.t. See § 18–2.202–1 concerning bidding time.

(6) Time of delivery or performance requirements.

(7) Permission, if any, to submit telegraphic bids. (See § 18–2.202–2.)

(8) Permission, if any, to submit alternative bids, including alternative material or design.

(9) Bid guarantee, performance and payment bond requirements, if any.

(10) In situations where it is likely that Government property will be used, a provision that if the bidder plans to use, in performing the work bid upon, any items of Government property in the bidder's possession under a facilities contract or other agreement independent of the invitation for bids, the bidder shall so state in the bid and, upon request of the contracting officer, shall submit evidence that a facilities contract or other separate agreement authorizes the bidder to use each item of such Government property for performing the work bid upon. The invitation for bids shall describe any property expected to be furnished by the Government for performance of the contract.

(11) When considered necessary by the contracting officer, a requirement that all bids must allow a period for acceptance by the Government of not less than a minimum period stipulated in the invitation for bids, and that bids offering less than the minimum stipulated period shall be rejected. The minimum period so stipulated should be no more than reasonably required for evaluation of bids and other pre-award processing. To accomplish the foregoing, a paragraph subtantially as follows may be included in the invitation for bids:

BID ACCEPTANCE PERIOD (JANUARY 1964)

Bids offering less than _____ days for acceptance by the Government from the date set for opening of bids will be considered nonresponsive and will be rejected.

(12) In unusual cases, where bidders are required to have special technical qualifications or experience due to the complexity of the proposed procurement or other reason, a statement of such qualifications or experience.

(13) Any authorized special provisions necessary for the particular procurement, relating to such matters as progress payments, patent licenses, liquidated damages, profit limitations, escalation, Government property, etc.

(14) Any additional contract provisions or conditions required by law or regulation.

(15) Directions for obtaining copies of any documents, such as plans, drawings, and specifications, which have been incorporated by reference.

(16) Any applicable wage determinations of the Secretary of Labor (for construction, alteration, or repair contracts).

(17) Basis upon which award will be made, particularly where alternate bids are invited.

(18) Pending revision of paragraph 4 of the Terms and Conditions of the Invitation for Bids on the back of Standard Form 30 (October 1957 edition) and Standard Form 33 (October 1957 edition), and of paragraph 7 of Standard Form 22 (January 1961 edition), the following provision shall be substituted, as to each form, in lieu of the cited paragraph:

LATE BIDS AND MODIFICATIONS OR WITHDRAWALS (MARCH 1964)

(a) Bids and modifications or withdrawals thereof received at the office designated in the invitation for bids after the exact time set for opening of bids will not be considered unless: (i) they are received before award is made; and either (ii) they are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph if authorized; and it is determined by the Government that the late receipt was due solely to delay in the mails, or delay by the telegraph company, for which the bidder was not responsible; or (iii) if submitted by mail (or by telegram if authorized), it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt at such installation (if readily available) within the control of such installation or of the post office serving it. However, a modification which makes the terms of the otherwise successful bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Bidders using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late bid was timely mailed.

(c) The time of mailing of late bids submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is (i) where the Receipt for Certified Mail identifies the post office station of mailing, evidence furnished by the bidder which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (ii) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the bid shall not be considered.

(19) Requisition or other purchase authority or appropriation and accounting data.

(20) A statement substantially as follows (prominently placed in the invitation):

CAUTION TO BIDDERS—LATE BIDS (JUNE 1963)

See the special provision entitled "Late Bids, Modifications, or Withdrawals" which provides that late bids, modifications, or withdrawals thereof sent through the mails will be considered only if sent by registered or certified mail for which a postmarked receipt has been obtained unless the delay in receipt of the bid at the designated office is due solely to mishandling by the Government.

(21) If the resulting contract is expected to exceed $100,000, the "Contractor and Subcontractor Cost or Pricing Data" clause (see § 18–3.807–4 of this chapter).

(22) The Certification of Noncollusion as required by § 18–1.115 of this chapter.

(23) The representation pertaining to equal opportunity participation required by § 18–12.802–4 of this chapter.



(b) For supply and service contracts, excluding construction, the invitation for bids shall contain the following in addition to the information required by paragraph (a) of this section if applicable to the procurement involved.

(1) Discount provisions. See § 18–2.407–3, requiring the establishment of standards of evaluation to be applied to offer discounts prior to issuance of an invitation for bids.

(2) The quantity of supplies or services to be furnished under each item, and any provision for quantity variation.

(3) Any requirement for prior testing and qualification of a product, for example, where the item to be purchased is on a qualified products list.

(4) When needed for the purpose of bid evaluation, pre-award surveys, or inspection, a requirement that bidders state the place (including the street address) from which the supplies will be furnished or where the services will be performed. Where it is reasonably anticipated that producing facilities will be used in the performance of the contract, or where the Government requires the information, bidders will be required to state (i) the full address of principal producing facilities (if designation of such address is not feasible, a full explanation should be required) and (ii) names and addresses of owners and operators, if other than bidder.

(5) Place and method of delivery (see § 18–2.202–3).

(6) Preservation, packaging, packing, and marking requirements, if any.

(7) Quality assurance requirements applicable to the procurement in accordance with Subpart 18–1.50 of this chapter and place, method, and conditions of inspection.

(8) If no award will be made for less than the full quantities advertised, a statement to this effect. Otherwise, in accordance with Condition 8 on the reverse of Standard Forms 30 and 33, bids may be submitted for quantities less than those specified.

(9) If award is to be made by specified groups of items or in the aggregate, a statement to that effect.

(10) If a provision is included to give the Government an option to increase or decrease quantities specified, a maximum percentage of such increase or decrease also should be stated.

(11) Any applicable requirements for samples or descriptive material.

**§ 18–2.202 Miscellaneous rules for solicitation of bids.**

**§ 18–2.202–1 Bidding time.**

(a) *Policy.* Consistent with the needs of the Government for obtaining the supplies or services, all invitations for bids shall allow sufficient bidding time (i.e., the period of time between the date of distribution of an invitation for bids and the date set for opening of bids) to permit prospective bidders to prepare and submit bids. This will facilitate competition on reasonable and equal terms. Undue limitation of bidding time tends to restrict competition. Also, when prospective bidders do not have adequate time for computing prices and obtaining needed information on which to base their bids, higher prices to the Government may result from inclusion of unnecessary contingency allowances or the unwillingness of some to submit bids.

(b) *Factors to be considered.* The urgency of the Government's need for the items or services, the complexity of the invitation, the extent of subcontracting anticipated, the use of pre-invitation notices, the geographic distribution of bidders, the normal time for mail transmission of both invitations and bids, and other related factors must be considered in establishing bidding time. For example, a bidding time of 30 days may be inadequate when bidders are required to prepare special drawings, designs, and samples, or to obtain quotations from several suppliers and subcontractors, as frequently is the case in construction and production contracts. Conversely, a bidding time of 15 days may be adequate when bids would reasonably be expected to be based on stocks on hand, or current regular production, or service personnel and facilities regularly available (as in the case of maintenance and repair of structures, and similar work).

(c) *Minimum bidding time.* As a general rule, bidding time shall be not less than 15 calendar days when procuring standard commercial articles and services and not less than 30 calendar days when procuring other than standard commercial articles or services. This rule need not be observed in special circumstances, or where the urgency for the supplies or services does not permit such delay.

**§ 18–2.202–2 Telegraphic bids.**

As a general rule, telegraphic bids will not be authorized. However, when in the judgment of the contracting officer the date for the receipt of bids will not allow bidders sufficient time to prepare and submit bids on the prescribed forms, of when prices are subject to frequent changes, telegraphic bids may be authorized. When such bids are authorized, the invitation for bids shall require the bidder to include in the telegraphic bid specific reference to the invitation, the items or sub-items, quantities, and unit prices for which the bid is submitted, the delivery offered by the bidder, and a statement that the bidder agrees to all the terms, conditions, and provisions of the invitation. In order that the contract may be executed on the proper form, the invitation for bids will also provide that telegraphic bids must be confirmed on the prescribed form and submitted promptly to the contracting officer.

**§ 18–2.202–3 Place and method of delivery of supplies.**

(a) *FOB origin.* Invitations for bids solicited FOB origin shall state that bids will be evaluated on the basis of bid price plus transportation cost to the Government from point of origin to one or more designated destinations.

(b) *FOB destination.* Invitations for bids solicited FOB destination should inform prospective suppliers of any known lack of transportation facilities at destination or other factors which may affect the supplier's transportation costs.

(c) *FOB origin or destination.* Invitations for bids shall include as much of the following information as is pertinent to the particular procurement and shall require bidders to furnish the Government such of the following information as may be appropriate:

(1) Method of shipment, such as rail, water, air, or truck;

(2) Minimum quantities or lots, such as less than carload, less than truckload, carload, or truckload. Where appropriate, the invitation should elicit information of the minimum size of shipments which the prospective supplier will make so that freight evaluation may be on a realistic basis. The bidder should be cautioned that if he tenders shipment in lesser quantities, he may be charged with any resultant excess costs;

(3) Guaranteed shipping weight. Bidders should be required to furnish information regarding shipping weight and cube of items to be procured so that proper transportation costs can be computed. The bidder should be cautioned that, if actual shipping weights or cubes vary from the guarantees, he may be charged with resultant excess costs;

(4) Packing, crating, and other preparations;

(5) Transit privileges (traffic management personnel can furnish necessary information and analyses of situations where transit privileges may be beneficial); and

(6) Any other shipping information required for evaluation.

(d) *Destination unknown.* When the exact destination of the supplies being purchased is not known at the time bids are solicited, but the general geographical section in which delivery will be made is known, such as East Coast, Middle West, or West Coast, for purposes of evaluation of bids only, a definite place or places shall be designated in the known geographical sector of delivery as the point to which transportation costs will be computed in determining the low bidder. However, the invitation should specify that bids will be submitted FOB origin and that shipment will be made on Government bill of lading. So that prospective bidders may understand the method of evaluation, the invitation shall contain a provision substantially as follows:

For the purpose of evaluating bids (and for no other purpose) the final destinations for the supplies will be considered to be as follows [insert destination(s)].

**§ 18–2.202–4 Bid samples.**

(a) *Definition.* The term "bid sample" means a sample required by the invitation for bids to be furnished by a bidder as a part of his bid to show the characteristics of a product offered in his bid. The term does not include any type of sample submitted after bid opening such as one submitted to evidence a manufacturer's ability to produce.

(b) *Policy.* Bidders shall not be required to furnish a bid sample of a product they propose to furnish unless there are certain characteristics of the product which cannot be described adequately in the applicable specification or purchase description, thus necessitating the submission of a sample to assure procurement of an acceptable product. It may be appropriate to require bid samples, for example, where the procurement is of products that must be suitable from the standpoint of balance, facility of use, general "feel," color, or pattern, or that have certain other characteristics which cannot be described adequately in the applicable specifications. However, where more than a minor portion of the characteristics of the product cannot be adequately described in the specification, the product should be procured by negotiation.

(c) *Justification.* The reason why acceptable products cannot be procured without the submission of bid samples shall be set forth and filed in the contract file, except where such submission is required by the formal specifications (Federal, Military, or other) applicable to the procurement.

(d) *Requirements of invitation for bids.* When bid samples are required, the invitation for bids shall (1) state the number and, if appropriate, the size of the samples to be submitted and otherwise fully describe the samples required, (2) state clearly the purpose for which the samples are needed and the criteria against which they will be tested or evaluated, and (3) include a provision in accordance with paragraph (e) of this section. Where samples are not considered necessary and a waiver of the sample requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, samples will not be required.

(e) *Invitation for bids provision.* When bid samples are required, a provision substantially as follows (modified, if appropriate, in accordance with paragraph (f) of this section), shall be included in the invitation for bids:

BID SAMPLES (JANUARY 1964)

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this Invitation for Bids, must be furnished as a part of the bid and must be received before the time set for opening bids. Samples will be evaluated to determine compliance with the specifications or other requirements of this Invitation for Bids.

(b) Failure of samples to conform to the requirements of this Invitation for Bids will require rejection of the bid. Failure to furnish samples by the time specified in the Invitation for Bids will require rejection of the bid, except that a late sample transmitted by mail may be considered under the provision for considering late bids, as set forth elsewhere in this Invitation for Bids.

(c) Products delivered under any resulting contract shall conform to the approved sample as to the characteristics for which the sample was required and shall conform to the specifications as to all other characteristics.

(f) *Waiver of requirement for bid samples.* (1) The provision prescribed in paragraph (e) of this section may be modified to provide that the requirement for furnishing samples may be waived as to a bidder who offers a product previously or currently being procured or tested by NASA and found to comply with specification requirements conforming in every material respect with those in the current invitation for bids so that further evaluation or testing would not add to the Government's knowledge of the acceptability of the product. When provision is to be made for such waiver, the invitation for bids provision in paragraph (e) of this section shall be modified by adding substantially the following at the end of paragraph (b) of this section:

However, the requirement for furnishing samples may be waived as to a bidder if (i) the bidder states in his bid that the product he is offering to furnish is the same as a product he has offered to [insert name of the NASA installation] on a previous procurement and (ii) the Contracting Officer determines that such product was previously procured or tested by the [insert name of the NASA installation] and found to comply with specification requirements conforming in every material respect to those in this Invitation for Bids. (January 1964)

(2) Where considered necessary because of the nature of the products, the provision in subparagraph (1) of this paragraph may be limited to provide for waiving the requirement only if the product offered is produced at the same plant at which the product previously procured or tested was produced.

(g) *Unsolicited samples.* If bid samples are not required by the invitation for bids, but samples are furnished with a bid, they will not be considered as qualifying the bid and will be disregarded, unless it is clear from the bid or accompanying papers that it was the bidder's intention so to qualify the bid.

(h) *Disposition of samples.* Samples, if not destroyed in testing, shall be returned to bidders at their request and expense, unless otherwise specified in the invitation for bids. See paragraph 2(b) of the Terms and Conditions of the Invitation for Bids of Standard Forms 30 and 33.

**§ 18–2.202–5 Descriptive literature.**

(a) *Definition.* As used in this § 18–2.202–5, the term "descriptive literature" means information, such as cuts, illustrations, drawings, and brochures, which show the characteristics or construction of a product or explain its operation, furnished by a bidder as a part of his bid to describe the products offered in his bid. The term includes only information required to determine acceptability of the product, and excludes other information such as that furnished in connection with the qualifications of a bidder or for use in operating or maintaining equipment.

(b) *Policy.* Bidders shall not be required to furnish descriptive literature as a part of their bids unless the procurement office deems that such literature is needed to enable it to determine before award whether the products offered meet the specification requirements of the invitation for bids and to establish exactly what the bidder proposes to furnish. It may be appropriate to require descriptive literature in the procurement of highly technical or specialized equipment, or where considerations such as design or style are important in determining acceptability of the product.

(c) *Justification.* The reasons why acceptable products cannot be procured without the submission of descriptive literature shall be set forth and filed in the contract file, except where such submission is required by the formal specifications (Federal, Military, or other) applicable to the procurement.

(d) *Requirements of invitation for bids.* (1) When descriptive literature is required, the invitation for bids shall clearly state what descriptive literature is to be furnished, the purpose for which it is required, the extent to which it will be considered in the evaluation of bids, and the rules which will apply if a bidder fails to furnish it before bid opening or if the literature furnished does not comply with the requirements of the invitation for bids. Where descriptive literature is not considered necessary and a waiver of the literature requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, descriptive literature will not be required.

(2) Except as provided in subparagraph (3) of this paragraph, if bidders are to furnish descriptive literature as a part of their bids, a provision substantially as follows (modified, if appropriate, in accordance with paragraph (e) (1) of this section) shall be included in the invitation for bids:

REQUIREMENT FOR DESCRIPTIVE LITERATURE (JANUARY 1964)

(a) Descriptive literature as specified in this Invitation for Bids must be furnished as a part of the bid and must be received before the time set for opening bids. The literature furnished must be identified to show the item in the bid to which it pertains. The descriptive literature is required to establish, for the purposes of bid evaluation and award, details of the products the bidder proposes to furnish as to [------*].

(b) Failure of descriptive literature to show that the product offered conforms to the specifications and other requirements of this Invitation for Bids will require rejection of the bid. Failure to furnish the descriptive literature by the time specified in the Invitation for Bids will require rejection of the bid, except that if the material is transmitted by mail and is received late, it may be considered under the provisions for considering late bids, as set forth elsewhere in this Invitation for Bids.

(3) When brand names or equal descriptions are used, the requirements of this § 18–2.202–5 are met by inserting in the invitation for bids the brand names provision set forth in 32 CFR 1.1206, as authorized by Subpart 18–1.12 of this chapter.

*The contracting officer shall insert significant elements such as design, materials, components, or performance characteristics; or methods of manufacture, construction, assembly, or operation, as appropriate.



(e) *Waiver of requirements for descriptive literature.* (1) The provision prescribed in paragraph (d) (1) of this section may be modified to provide that the requirements for furnishing descriptive literature may be waived as to a particular bidder if (i) the bidder states in his bid that the product he is offering to furnish is the same as a product previously or currently being furnished NASA, and (ii) it is determined by the contracting officer that such product complies with the specification requirements of the current invitation for bids. When provision is to be made for such waiver, the invitation for bids provision in paragraph (d) (2) of this section shall be modified by adding substantially the following at the end of paragraph (b) of this section:

However, the requirements for furnishing descriptive literature may be waived as to a bidder if (i) the bidder states in his bid that the product he is offering to furnish is the same as a product he has previously furnished to [insert name of the NASA installation] under a prior contract and the bidder identifies the contract, and (ii) the Contracting Officer determines that such product meets the requirements of this Invitation for Bids. (January 1964)

(2) If the invitation for bids contains a provision for waiver in accordance with subparagraph (1) of this paragraph, a bidder may submit his bid either on the basis of the descriptive literature to be furnished or on the basis of a previously procured product. If he elects to submit his bid on one basis, he is precluded from having his bid considered on the alternative basis after bids are opened.

(f) *Unsolicited descriptive literature.* If the furnishing of descriptive literature is not required by the invitation for bids, but such literature is furnished with a bid, it will not be considered as qualifying the bid, and will be disregarded, unless it is clear from the bid or accompanying papers that it was the bidder's intention so to qualify the bid.

(g) See § 18–2.404–4 for requirements with respect to restrictions on the public disclosure of descriptive literature submitted by a bidder.

**§ 18–2.203 Methods of soliciting bids.**

**§ 18–2.203–1 Mailing or delivering to prospective bidders.**

Invitations for bids or pre-invitation notices (see § 18–2.205–4(c)) shall be mailed (or delivered) to a sufficient number of prospective bidders so as to elicit adequate competition. Invitations for bids may be mailed for informational purposes to other Government agencies, including procurement information offices. In the case of construction contracts, copies of the invitation for bids, including plans and specifications, if available, may be furnished upon request to nonbidders having a direct interest in the bidding, such as subcontractors, materialmen, and suppliers of equipment for installation or use by the prime contractor on the project. Such copies may also be furnished to any established trade publication or association requesting them, provided that the activities of the publications or associations are not restricted to publishing bid information for which a charge is made.

**§ 18–2.203–2 Displaying in public place.**

Copies of unclassified invitations for bids shall be displayed at the procurement office of the installation and at such other public places as are determined to be appropriate and desirable.

**§ 18–2.203–3 Publicity in newspapers and trade journals.**

(a) *Free publicity.* A brief announcement of the proposed procurement, or copies of unclassified invitations for bids, may be made available for free publication to newspapers and to trade journals and magazines.

(b) *Paid advertisements.* Use of paid advertisements for procurement purposes is not currently authorized within NASA.

**§ 18–2.203–4 Synopses of invitations for bids.**

Synopses of invitations for bids shall be prepared and publicized in the Department of Commerce publication, Commerce Business Daily, in accordance with § 18–1.1003 of this chapter.

**§ 18–2.204 Records of invitations for bids and records of bids.**

Each procurement office shall retain a record of every invitation for bids issued and distributed by it and of each abstract or record of bids. The file of the invitation for bids should show the distribution which was made and the date thereof.

**§ 18–2.205 Bidders mailing lists.**

**§ 18–2.205–1 Establishment of lists.**

(a) Bidders mailing lists shall be established by each NASA procurement office to ensure access to adequate sources of supplies and services except where the requirements of the procurement office can be obtained within the local trade area through utilization of the simplified small purchase procedures (Subpart 18–3.6 of this chapter), or are nonrecurring.

(b) All qualified suppliers or contractors who have submitted bidders mailing list applications or whom the procurement office considers capable of filling the requirements of a particular procurement shall be placed on the appropriate bidders mailing list.

(c) Bidders Mailing List Application (Standard Form 129) shall be used for obtaining information needed in the establishment and maintenance of bidders mailing lists.

**§ 18–2.205–2 Removal of names from bidders mailing lists.**

(a) The name of each concern failing to respond to an invitation for bids or pre-invitation notice (see § 18–2.205–4 (c)) may be removed from the bidders mailing list without notice to the concern, but only for the item or items involved in such invitation or notice. When a concern fails to respond to two consecutive invitations for bids or pre-invitation notices, its name shall be removed from the bidders mailing list to the extent indicated, except that, in individual cases, concerns thus failing to respond may be retained on a bidders mailing list if such retention is considered to be in the best interests of the Government. Both actual bids and written requests for retention on the bidders mailing lists are "responses" to invitations for bids or pre-invitation notices.

(b) The names of concerns which have been (1) debarred from entering into Government contracts or (2) otherwise determined to be ineligible to receive an award of a Government contract shall be removed from the bidders mailing lists to the extent required by such debarment or determination of ineligibility.

**§ 18–2.205–3 Reinstatement on bidders mailing lists.**

Concerns which have been removed from bidders mailing lists may be reinstated upon request or by filing a new application on Standard Form 129. No concern which is debarred or ineligible shall be reinstated during the period of debarment or ineligibility.

**§ 18–2.205–4 Excessively long bidders lists.**

(a) *General.* To prevent excessive administrative costs of a procurement in relation to the dollar value of the procurement, bidders mailing lists should be used in a way which will promote competition commensurate with the dollar value of the purchase to be made. As much of the mailing list will be used as is compatible with efficiency and economy in securing adequate competition as required by law. Where the number of bidders on a mailing list is considered excessive in relation to a specific procurement, the list may be reduced by any method consistent with the foregoing, including those described in paragraphs (b) and (c) of this section. The fact that less than an entire mailing list is used shall not in itself preclude furnishing of sets to others upon request therefor, or consideration of bids received from bidders who were not invited to bid.

(b) *Rotation of lists.* Mailing lists may be rotated, but to do so will require considerable judgment as to whether the size of the transaction justifies the rotation. In rotating a list, the interests of small business and the existence of labor surplus areas shall be considered.

(c) *Pre-invitation notices.* In lieu of forwarding complete bid sets in the first instance, the procurement office may send pre-invitation notices to concerns on the mailing list. The notice shall:

(1) Specify the date by which bidders should return the notice in order to receive a complete bid set;

(2) Describe the requirement, or include the schedule of the invitation for bids, so as to furnish a complete item description and a condensation of other essential information which will provide concerns with an intelligible basis for judging whether they have an interest in the procurement; and

(3) Expressly notify the concern that if no bid is to be submitted, it should notify the issuing office in writing if future invitations are desired for the type of supplies or services involved.

Drawings, plans, and specifications normally will not be furnished with the pre-invitation notice. The return date of the notice must be sufficiently in advance of the mailing date of the invitation for bids to permit an accurate estimate of the number of bid sets required. Bid sets will be provided to qualified concerns which request them. This procedure is particularly suitable in procurements where lengthy invitations for bids and long bidders lists are common.

**§ 18–2.205–5 Release of bidders mailing lists.**

(a) When invitations for bids for construction contracts have been issued, trade journals, prospective subcontractors, and material suppliers, and others having a bona fide interest in such information may be supplied, upon request, with a list of all prospective bidders furnished copies of the plans and specifications.

(b) A list of firms which have submitted acceptable technical proposals in the first step of two-step formal advertising will be listed in the Commerce Business Daily for the benefit of prospective subcontractors in accordance with §18–1.1003–3(b) of this chapter.

**§ 18–2.207 Amendment of invitations for bids.**

(a) If, after issuance of invitations for bids but before the time set for opening, it becomes necessary to make changes in quantities, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous invitation, such changes shall be accomplished by issuance of an amendment to the invitation for bids.

(b) Each amendment to an invitation for bids shall:

(1) Be serially numbered, using a separate series of numbers for each invitation for bids concerned;

(2) Include the number of the invitation for bids concerned;

(3) Clearly state the changes made in the invitation for bids and the extension of the opening date, if any (if no extension of opening date is involved, the amendment shall so state); and

(4) Include instructions to bidders for acknowledging receipt of the amendment and information concerning the effect of failure to acknowledge or return the amendment.

(c) Before issuing an amendment to an invitation for bids, the period of time remaining until bid opening and the need for extending this time for opening must be considered. When only a short time remains before the time set for opening, consideration should be given to notifying bidders of an extension of time by telegraph or telephone. Such notification should be confirmed in writing.

(d) Any information given to a prospective bidder concerning an invitation for bids shall be furnished promptly to all other prospective bidders, as an amendment to the invitation, if such information is necessary to bidders in submitting bids on the invitation, or if the lack of such information would be prejudicial to uninformed bidders. No award shall be made on the invitation unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

**§ 18–2.208 Cancellation of invitations before opening.**

(a) Cancellation of an invitation for bids usually involves the loss of time, effort, and money spent by the Government and bidders in carrying the procurement process up to the point of cancellation. Invitations for bids should not be canceled unless cancellation is clearly in the public interest, for instance, when there is no longer a requirement for the material or service, or amendments to the invitation would be of such magnitude that a new invitation is desirable. When an invitation is canceled, bids which have been received shall be returned unopened to the bidders and a notice of cancellation shall be sent to all prospective bidders to whom invitations for bids were issued.

(b) The notice of cancellation shall identify the invitation for bids; briefly explain the reason the invitation is being canceled; and, when appropriate, assure prospective bidders that they will be given an opportunity to bid on the resolicitation of bids for any future requirements for the type of material or services involved. The cancellation of an invitation for bids shall be recorded in accordance with § 18–2.403, which requires that a record be made of the fact of cancellation together with a statement of the number of concerns invited to bid and the number of bids received.

## Subpart 18–2.3—Submission of Bids

**§ 18–2.301 Responsiveness of bids.**

(a) To be considered for award, a bid must comply in all material respects with the invitation for bids, so that, both as to the method and timeliness of submission and as to compliance with the specifications and other requirements, all bidders may stand on an equal footing and the integrity of the competitive bidding system may be maintained.

(b) Telegraphic bids shall not be considered unless permitted by the invitation for bids.

(c) Bids should be filled out, executed, and submitted in accordance with the instructions which are contained in the invitation for bids. If a bidder uses his own bid form or a letter to submit a bid, the bid may be considered only if (1) the bidder accepts all the terms and conditions of the invitation, and (2) award on the bid would result in a binding contract, the terms and conditions of which do not vary from the terms and conditions of the invitation.

**§ 18–2.302 Time of bid submission.**

Bids shall be submitted so as to be received in the office designated in the invitation for bids not later than the exact time set for opening of bids. Where telegraphic bids are authorized, a telegraphic bid received by telephone from the receiving telegraph office before the time set for opening of bids shall be considered if such bid is confirmed by the telegraph company with a written telegram.

**§ 18–2.303 Late bids.**

**§ 18–2.303–1 Definition.**

Bids which are received in the office designated in the invitation for bids after the exact time set for opening are "late bids."

**§ 18–2.303–2 Consideration for award.**

A late bid shall not be considered for award unless:

(a) It is received before award and it is determined that the bid was received at the Government installation in sufficient time to be received at the office designated in the invitation by the time set for opening, and, except for delay due solely to mishandling on the part of the Government at the installation, would have been received on time at the office designated; or

(b) It is received before award and—

(1) In the case of a mailed bid, it was sent by registered mail, or by certified mail for which an official post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, and it is determined that the lateness was due solely to a delay in the mails (based on evidence pursuant to § 18–2.303–3); or

(2) In the case of a telegraphic bid, where the invitation authorized telegraphic bids, the delay was due solely to the telegraph company, for which the bidder was not responsible.

**§ 18–2.303–3 Mailed bids.**

(a) *Registered mail.* The time of mailing of a late bid mailed by registered mail may be determined by the date in the postmark on the registered mail receipt or registered mail wrapper. The time of mailing shall be deemed to be the last minute of the date shown in such postmark unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. Such evidence, if appropriately varified in writing by the post office station of mailing, may consist of an entry in ink on the registered mail receipt showing the time of mailing and the initials of the postal employee receiving the item and making the entry. If the postmark does not show a date, the bid shall be deemed to have been mailed too late unless the bidder furnishes evidence from the post office station of mailing which establishes timely mailing.

(b) *Certified mail.* The time of mailing of a late bid mailed by certified mail for which a postmarked Receipt for Certified Mail was obtained shall be deemed to be the last minute of the date shown in the postmark on such receipt except where:

(1) The Receipt for Certified Mail identifies the post office station of mailing and the bidder furnishes evidence from such station that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or

(2) An entry in ink on the Receipt for Certified Mail, showing the time of mailing and the initials of the postal employee receiving the item and making the entry, is appropriately verified in writing by the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark does not show a date, the bid shall be deemed to have been mailed too late.

(c) *Delivery time.* Information concerning the normal time for mail delivery shall be obtained by the contracting officer from the postmaster, superintendent of mails, or a duly authorized representative for that purpose, of the post office servicing that installation. When time permits, such information shall be obtained in writing.

**§ 18–2.303–4 Telegraphic bids.**

A late telegraphic bid shall be presumed to have been filed with the telegraph company too late to be received in time, except where the bidder demonstrates by clear and convincing evidence, which includes substantiation by an authorized official of the telegraph company, that the bid, as received at the office designated in the invitation for bids, was filed with the telegraph company in sufficient time to have been delivered by normal transmission procedure so as not to have been late.

**§ 18–2.303–5 Hand-carried bids.**

A late hand-carried bid, or any other late bid not submitted by mail or telegraph, shall not be considered for award.

**§ 18–2.303–6 Notification to late bidders.**

Where a late bid is received and it is clear from available information that under § 18–2.303–2 such late bid cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his bid was received late and will not be considered. However, where a late bid is transmitted by registered mail and received before award but it is not clear from available information whether the bid can be considered, or in any case of a late bid transmitted by certified mail received before award, the bidder shall be promptly notified substantially as follows:

Your bid in response to Invitation for Bids No. ——, dated ——, was received after the time for opening specified in the Invitation. Accordingly your bid will not be considered for award unless (1) there is received from you by —— clear and convincing evidence from the post office station of mailing which establishes the date (and time, if possible) that the bid was deposited with that station and (2) it is determined by the Government that late receipt was due solely to a delay in the mail for which you are not responsible. In the case of certified mail, the original postmarked Receipt for Certified Mail must be furnished and is the only evidence acceptable under (1) above, except that, where the Receipt for Certified Mail identifies the post office station of mailing, evidence from such station of its closing time or written verification by such station of an approved time entry on the receipt is also acceptable.

(Date)

(March 1964)

The foregoing notification shall be appropriately modified in the case of late telegraphic bids.

**§ 18–2.303–7 Disposition of late bids.**

A late bid which is not considered for award shall be held unopened until after award and then returned to the bidder, unless other disposition is requested or agreed to by the bidder. However, an unidentified late bid may be opened solely for identification purposes, but it shall be resealed immediately and no information contained therein disclosed. Opening under these circumstances shall be accomplished only by a contracting officer who shall write on the envelope, after resealing, an adequate explanation of the action, the date and time opened, and his signature.

**§ 18–2.303–8 Records.**

The following shall, if available, be included in the files of the procurement office with respect to each late bid:

(a) A statement of the date and hour of mailing or filing;

(b) A statement of the date and hour of receipt;

(c) The determination whether the late bid was considered, with supporting facts;

(d) A statement of the disposition of the late bid; and

(e) The envelope, or other covering, if the late bid was considered for award.

**§ 18–2.303–9 Inconsistencies in standard forms.**

Pending the revision of Standard Form 22, Instructions to Bidders (Construction Contracts), January 1961 edition; Standard Form 30, Invitation and Bid (Supply Contract), October 1957 edition; and Standard Form 33, Invitation, Bid, and Award (Supply Contract), October 1957 edition; this § 18–2.303 shall govern to the extent that the provisions of these forms are inconsistent with this section and the provisions set forth in § 18–2.201(a)(18) shall be included to satisfy the requirements of this § 18–2.303.

**§ 18–2.304 Modification or withdrawal of bids.**

(a) Bids may be modified or withdrawn by written or telegraphic notice received prior to the exact time set for opening of bids. A telegraphic modification or withdrawal of a bid received by telephone from the receiving telegraph office prior to the time fixed for opening of bids shall be considered if such message is confirmed by the telegraph company with a written telegram. Modifications received by telegram shall be sealed in an envelope and no information contained therein shall be disclosed prior to the time set for bid opening.

(b) A bid may be withdrawn in person by a bidder or his authorized representative: *Provided*, His identity is made known and he signs a receipt for the bid, but only if the withdrawal is prior to the exact time set for opening of bids.

**§ 18–2.305 Late modifications and withdrawals.**

(a) Modifications of bids and requests for withdrawal of bids which are received in the office designated in the invitation for bids after the exact time set for opening are "late modifications" and "late withdrawals," respectively. A late modification or late withdrawal shall be subject to the rules applicable to late bids set forth in § 18–2.303. However, a modification received from an otherwise successful bidder which is favorable to the Government and which would not be prejudicial to other bidders shall be considered at any time that such modification is received.

(b) Where a late modification or late withdrawal is received and it is clear from available information that under paragraph (a) of this section such late modification or late withdrawal cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his modification or withdrawal was received late and will not be considered. However, where a late modification or late withdrawal is transmitted by registered mail and received before award but it is not clear from available information whether the modification or withdrawal can be considered, or in any case of a late modification or withdrawal transmitted by certified mail and received before award, the bidder shall be promptly notified substantially as follows:

Your (modification) (request for withdrawal) or your bid in response to Invitation for Bids No. ——, dated ——, was received after the time for opening specified in the Invitation. Accordingly, your (modification) (request for withdrawal) will not be considered effective unless (1) there is received from you by —— clear and convincing evidence from the post office of mailing which establishes the date (and hour, if possible) and the (modification) (request for withdrawal) was deposited with that post office, and (2) it is determined by the Government that late receipt was due solely to a delay in the mail for which you are not responsible. In the case of certified mail, the original postmarked Receipt for Certified Mail must be furnished and is the only evidence acceptable under (1) above, except that, where the Receipt for Certified Mail identifies the post office station of mailing, evidence of the time of closing of that station is also acceptable.

(Date)

(June 1963)

The foregoing notification shall be appropriately modified in the case of late telegraphic modifications or withdrawals.

(c) Late modifications or late withdrawals, which are not considered as being effective, shall be held unopened until after award and then returned to

the bidder, unless other disposition is requested or agreed to by the bidder, except that:

(1) An unidentified modification or request for withdrawal may be opened solely for purposes of identification, as provided in § 18.2.401; and

(2) Any modification received from an otherwise successful bidder shall be opened, so as to determine whether it should be considered as stated in the proviso in paragraph (a) of this section.

(d) Records of late modifications and late withdrawals shall be maintained in accordance with the record requirements for late bids set forth in § 18–2.303–8.

(e) Pending the revision of Standard Form 22, Instructions to Bidders (Construction Contract), January 1961 edition; Standard Form 30, Invitation and Bid (Supply Contract), October 1957 edition; and Standard Form 33 Invitation, Bid, and Award (Supply Contract), October 1957 edition; this § 18–2.305 shall govern to the extent that the provisions of these forms are inconsistent with this § 18–2.305 and the provision set forth in § 18–2.201(a)(18) shall be included to satisfy the requirements of this § 18–2.305.

## Subpart 18–2.4—Opening of Bids and Award of Contract

### § 18–2.401 Receipt and safeguarding of bids.

(a) All bids (including modifications) received prior to the time of opening shall be kept unopened except as stated in paragraph (b) of this section, and secured in a locked bid box or other locked receptacle. Until the bid opening, information concerning the identity and number of bids received shall be made available only to Government employees who have a proper need for such information. When bid samples are submitted with bids, they shall be handled with the same degree of care as the bids; i.e., they shall be handled to prevent disclosure of characteristics before bid opening.

(b) Prior to bid opening, unidentified bids may be opened solely for the purpose of identification and then only by a contracting officer or a representative specifically authorized by a contracting officer to open bids. When such a representative is designated, the contracting officer shall nevertheless remain responsible for action taken. If a sealed bid is opened by mistake, the person who opens the bid shall immediately write his signature and position on the envelope and deliver it to the contracting officer, who shall immediately write on the envelope an explanation for the opening, the date and time opened, the invitation for bid number, and his signature. Bids opened by mistake or for identification purposes shall be resealed in the envelope and no information contained therein shall be disclosed prior to bid opening time.

### § 18–2.402 Opening of bids.

(a) Only NASA contracting officers or representatives specifically authorized by them to open bids shall act as bid opening officers. The bid opening officer shall decide when the time specified for bid opening has arrived and shall so declare to those present. All bids received prior to the time specified for receipt shall then be publicly opened, and, when practicable, read aloud to the persons present and recorded. If it is impracticable to read the entire bid, as where many items are involved, the total amount bid shall be read, if feasible. The original of each bid shall be carefully safeguarded, particularly until the abstract of bids required by § 18–2.403 has been made and its accuracy verified.

(b) Access to the bid opening where a classified procurement is involved shall not be afforded the general public, and no public record shall be made of the bid price. However, the bid opening may be witnessed, and the results recorded, by properly cleared representatives of suppliers, if the suppliers concerned were invited to bid on the invitation.

(c) Examination of unclassified bids by interested persons shall be permitted if it does not interfere unduly with the conduct of Government business. Normally, original bids shall not be allowed to pass out of the hands of a Government official. However, in special cases where duplicate copies of unclassified bids are not available, the original unclassified bids may be examined by the public if under the immediate supervision of a Government official and then only under conditions which preclude the possibility of a substitution, addition, deletion, or alteration in the bids. These policies are subject to the prohibition in § 18–2.404–4 with respect to public disclosure of descriptive literature or material submitted by a bidder on a restrictive basis.

### § 18–2.403 Recording of bids.

The invitation number, bid opening date, general description of the procurement item, names of bidders, prices bid, and any other information required for bid evaluation shall be entered in an abstract or record which, except in the case of a classified procurement, shall be available for public inspection. The abstract shall set forth all qualifications to the invitation made by bidders and included in their bids. When the items are too numerous to warrant the recording of all bids completely, an entry shall be made of the invitation number, opening date, general description of the procurement items, and the total price bid where definite quantities are involved. The record or abstract shall be completed as soon as practicable after the bids have been opened and read. The contracting officer or his designee (other than the bid opening officer) shall review the record or abstract for accuracy and shall indicate his concurrence thereon. If the invitation for bids is canceled before the time set for bid opening, this fact shall be recorded, together with a statement of the number of concerns invited to bid and the number of bids received.

### § 18–2.404 Rejection of bids.

### § 18–2.404–1 Cancellation of invitation after opening.

(a) The preservation of the integrity of the competitive bid system dictates that, after bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and cancel the invitation. Every effort shall be made to anticipate changes in a requirement prior to the date of opening and to notify all prospective bidders of any resulting modification or cancellation, thereby permitting bidders to change their bids and preventing unnecessary exposure of bid prices. As a general rule, after opening, an invitation for bids should not be canceled and readvertised due solely to increased requirements for the items being procured; award should be made on the initial invitation for bids and the additional quantity should be treated as a new procurement.

(b) Invitations for bids may be canceled after opening but prior to award where such action is consistent with paragraph (a) of this section and the contracting officer determines in writing that cancellation is in the best interest of the Government for reasons such as the following:

(1) Inadequate, ambiguous, or otherwise deficient specifications were cited in the invitation for bids;

(2) The supplies or services being procured are no longer required;

(3) The invitation did not provide for consideration of all factors of cost to the Government, such as cost of transporting Government-furnished property to bidder's plant.

(4) Bids received indicate that the needs of the Government can be satisfied by a less expensive article differing from that on which the bids were invited;

(5) All otherwise acceptable bids received are at unreasonable prices; or

(6) The bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith. (Reports of possible violation of antitrust laws must be made by NASA Headquarters to the Attorney General.)

Determinations to cancel invitations for bids shall state the reasons therefor.

(c) Should administrative difficulties be encountered after bid opening which will delay award beyond bidders' acceptance periods, extension of the several lowest responsible bidders' bid acceptance periods shall be requested before the expiration thereof, in order to avoid, when possible, the need for readvertisement.

### § 18–2.404–2 Rejection of individual bids.

(a) Any bid which fails to conform to the essential requirements of the invitation for bids, such as specifications, delivery schedule, or permissible alternates thereto, shall be rejected as nonresponsive.

(b) Ordinarily, a bid shall be rejected where the bidder imposes conditions which would modify requirements of the invitation for bids or limit his liability to the Government so as to give him an advantage over other bidders. For example, bids shall be rejected in which the bidder:

(1) Attempts to protect himself against future changes in conditions, such as increased costs if total price to the Government cannot be determined for bid evaluation;

(2) Fails to state a price and, in lieu thereof, states that price shall be "price in effect at time of delivery";

(3) States a price but qualifies such price as being subject to "price in effect at time of delivery";

(4) Conditions or qualifies his bid by stipulating that the bid is to be considered only if, prior to date of award, bidder receives (or does not receive) award under a separate procurement; or

(5) Limits rights of Government under any contract clause. However, a low bidder may be requested to delete objectionable conditions from his bid if these conditions do not go to the substance as distinguished from the form, of the bid. A condition goes to the substance of a bid when it affects price, quantity, quality, or delivery of the items offered.

(c) Any bid may be rejected if the contracting officer determines in writing that it is unreasonable as to price.

(d) Bids received from any person or concern debarred or ineligible shall be rejected if the period of debarment or ineligibility has not expired (see Subpart 18–1.6 of this chapter).

(e) Low bids received from concerns determined to be not responsible shall be rejected.

(f) Where an invitation for bids requires that bids be supported by a bid guarantee, noncompliance with such requirement will require rejection of the bid, except that rejection of the bid is not required in these situations:

(1) Where only a single bid is received (in such cases the Government may or may not require the furnishing of the bid guarantee before award);

(2) Where the amount of the bid guarantee submitted, though less than the amount required by the invitation for bids, is equal to or greater than the difference between the price stated in the bid and the price stated in the next higher acceptable bid;

(3) Where the bid guarantee is received late and the late receipt may be waived under the rules established in § 18–2.303 for consideration of late bids; and

(4) Where an otherwise adequate bid guarantee becomes inadequate as a result of the correction of a mistake in bid under § 18–2.406, if the bidder will increase the amount of the bid guarantee in proportion to the authorized bid correction.

(g) The originals of all rejected bids and any written findings with respect to such rejections shall be preserved with the papers relating to the procurement.

### § 18–2.404–3 Notice to bidders of rejection of all bids.

When the contracting officer determines to reject all bids, each bidder shall be notified that all bids have been rejected and the reason for such action.

### § 18–2.404–4 Restrictions on disclosure of descriptive literature.

When a bid is accompanied by descriptive literature or material which is submitted with a restriction that the literature or material is to be used only for evaluating the bid and is not to be disclosed publicly, such restriction shall not render the bid nonresponsive if (a) the restriction does not prevent public disclosure of those elements of the bid which relate to quantity, price, discount, and delivery, and (b) the literature or material does not vary the terms of the invitation for bids. Descriptive literature and material so restricted shall be used in accordance with the policy set forth in § 18–2.202–5 only to evaluate bids and shall not be disclosed outside the Government in a manner which would contravene the restriction, without the written permission of the bidder.

### § 18–2.404–5 All or none qualification.

Unless the invitation for bids so provides, a bid is not rendered nonresponsive by the fact that the bidder specifies that award will be accepted only on all, or a specified group, of the items included in the invitation for bids. However, bidders shall not be permitted to withdraw or modify "all or none" qualifications after bid opening since such qualification is substantive and affects the rights of other bidders.

### § 18–2.405 Minor informalities or irregularities in bids.

A minor informality or irregularity is one which is merely a matter of form, or is some immaterial variation from the exact requirements of the invitation for bids, not affecting the price, quality, quantity, or delivery of the supplies or performance of the services being procured, the correction or waiver of which would not be prejudicial to other bidders. The contracting officer shall either give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or shall waive such deficiency where this is to the advantage of the Government. Examples of minor informalities or irregularities include:

(a) Failure of bidder to return the number of copies of signed bids required by the invitation for bids;

(b) Failure to furnish required information concerning the number of bidder's employees;

(c) Failure of bidder to sign his bid, but only if the unsigned bid is accompanied by other material indicating the bidder's intention to be bound by the unsigned bid document, such as a bid guarantee, or a letter signed by the bidder referring to and clearly identifying the bid itself. Where a firm submitting a bid has formally adopted or authorized, before the date of opening of bids, the execution of documents by typewritten, printed, or rubber-stamped signature and submits evidence of such authorization and the bid carries such a signature, it shall be regarded as duly signed;

(d) Failure of a bidder to acknowledge receipt of an amendment to invitations for bids, but only if—

(1) The bid received clearly indicates that the bidder received the amendment, such as where the amendment added another item to the invitation for bids and the bidder submitted a bid thereon; or

(2) The amendment clearly would have no effect on price, quality, quantity, or delivery, such as an amendment correcting a typographical mistake in the name of the NASA installation.

### § 18–2.406 Mistakes in bids.

### § 18–2.406–1 General.

After the opening of bids, contracting officers shall examine all bids for mistakes. In cases of apparent mistakes, and in cases where the contracting officer has reason to believe that a mistake may have been made, he shall request from the bidder a verification of the bid, calling attention to the suspected mistake. If the bidder alleges a mistake, the matter shall be processed in accordance with this § 18–2.406. Such actions shall be taken prior to award.

### § 18–2.406–2 Apparent clerical mistakes.

Any clerical mistake apparent on the face of a bid may be corrected by the contracting officer prior to award, if he has first obtained from the bidder verification of the bid actually intended. Examples of such apparent mistakes are obvious misplacement of a decimal point; obvious incorrect discounts (for example, 1 percent 10 days, 2 percent 20 days, 5 percent 30 days); obvious reversal of the price FOB destination and the price FOB factory; an obvious mistake in designation of unit. Correction shall be reflected in the award document.

### § 18–2.406–3 Other mistakes disclosed before award.

(a) In lieu of submission to the General Accounting Office for decision, the Comptroller General, by Decision B–140233, has granted to NASA the authority to make the administrative determinations set forth in subparagraphs (1) through (4) of this paragraph in connection with mistakes in bids, other than apparent clerical mistakes, alleged after opening of bids and prior to award.

(1) Where the bidder requests permission to withdraw a bid, and clear and convincing evidence establishes the existence of a mistake, a written determination permitting withdrawal of the bid may be made.

(2) Where the bidder requests permission to correct a mistake in his bid, and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended, a written determination permitting the correction of the mistake may be made: *Provided*, That in the event such correction would result in displacing one or more lower acceptable bids, the determination shall not be made unless the existence of the mistake and bid actually intended are ascertainable substantially from the invitation and the bid itself. If the evidence is

clear and convincing only as to the mistake, but not as to the intended bid, a written determination permitting withdrawal of the bid may be made.

(3) Where the evidence is not clear and convincing that the bid as submitted was not the bid intended, a written determination requiring that the bid be considered for award in the form submitted may be made.

(4) In cases where a mistake other than an apparent mistake is suspected or is otherwise brought to the attention of the contracting officer, he shall obtain from the bidder, prior to award, either a verification of the bid or evidence in support of the mistake. If the bidder verifies the bid, or fails or refuses to furnish evidence in support of a suspected or alleged mistake, no administrative determination shall be necessary, and the contracting officer shall consider the bid for award in the form submitted.

(b) Mistakes in bid cases covered by paragraph (a) (1), (2), or (3) of this section shall be referred by the contracting officer to the Office of Procurement (Code KDG) for determination. If the time for acceptance of the bids may expire before a determination can be made, arrangements shall be made by the contracting officer to extend the time for acceptance. Referrals of cases involving mistakes in bids to the Office of Procurement shall include the following data:

(1) A signed copy of the bid involved;

(2) A copy of the invitation for bids and any specifications or drawings relevant to the alleged mistake;

(3) An abstract or record of the bids received;

(4) A written request by the bidder to withdraw or modify the bid, together with the bidder's written statement and supporting evidence (such as work sheets or other data used in preparing the bid) of the existence of the mistake and the manner in which it occurred, and, if modification is sought, supporting evidence of the intended bid; and

(5) A written statement by the contracting officer (i) describing the supplies or services involved, (ii) stating the expiration date of the bid in question and of the other bids submitted, (iii) specifying how and when the mistake was alleged, (iv) summarizing the evidence submitted by the bidder, (v) submitting, in cases where only one bid was received, the most recent contract price for the supplies involved, or in the absence of a recent contract for the item, the contracting officer's estimate of a fair price for the item, and (vi) submitting any additional evidence considered pertinent. The statement shall recommend that the bid be considered for award in the form submitted, or the bidder be authorized to withdraw the bid, or the bidder be authorized to modify the bid.

Ordinarily, contracting officers should not refer mistakes in bid cases by telegraph or telephone to the Office of Procurement when the determinations set forth in paragraph (a) (2) or (3) of this section are applicable, since actual examination is generally necessary to determine whether the evidence presented is clear and convincing. However, when time is of the essence, the contracting officer may refer the case by telegraph or telephone.

(c) A record shall be kept of all administrative determinations made in accordance with this § 18–2.406–3, together with a complete statement of the facts of each case.

**§ 18–2.406–4 Disclosure of mistakes after award.**

(a) When a mistake in a contractor's bid is not discovered until after the award, the mistake may be corrected by supplemental agreement if correcting the mistake would make the contract more favorable to the Government without changing the essential requirements of the contract. All other cases shall be referred to the Office of Procurement. They will either be decided by the Director of Procurement under paragraphs (b) and (c) of this section, be referred by the Director of Procurement to the Comptroller General, or be processed in accordance with Part 18–17 of this chapter.

(b) In lieu of submission to the General Accounting Office for decision, the Comptroller General, by Decision B–140233, dated February 3, 1961, has granted to NASA the authority to make the administrative determinations in subparagraphs (1) through (3) in connection with mistakes in bids alleged or disclosed after award.

(1) A determination may be made to rescind a contract where the original contract price does not exceed $1,000.

(2) A determination may be made to reform a contract, irrespective of amount—

(i) To delete the item or items involved in the mistake where such deletion does not reduce the contract price by more than $1,000; or

(ii) To increase the price where such increase does not exceed $1,000 and if the contract price, as corrected, does not exceed that of the next lowest acceptable bid under the original invitation for bids.

(c) The Director of Procurement, with the advice of the Office of the General Counsel, is the NASA official authorized to make the administrative determinations described in paragraph (b) of this section. This authority may not be redelegated. Determinations may be made only on the basis of clear and convincing evidence that a mistake in bid was made, and either that the mistake was mutual or that the unilateral mistake made by the contractor was so apparent as to have charged the contracting officer with notice of the probability of the mistake.

(d) Mistakes disclosed after award shall be processed as follows:

(1) Whenever a mistake in bid is alleged or disclosed after award, the contracting officer shall advise the contractor to support the alleged error by written statements and by all pertinent evidence, such as the contractor's file copy of the bid, his original work sheets and other data used in preparing the bid, subcontractors' and suppliers' quotations, if any, published price lists, and any other evidence which will serve to establish the mistake, the manner in which it occurred, and the bid actually intended.

(2) Where the contractor furnishes evidence in support of an alleged mistake, the contracting officer may either correct the mistake if authorized under paragraph (a) of this section, or refer the case to the Office of Procurement.

(3) Where a case is referred to the Office of Procurement, the file submitted shall include the following data:

(i) All evidence furnished by the contractor;

(ii) A copy of the contract, including a copy of the bid and any specifications or drawings relevant to the alleged mistake, and any change orders or supplemental agreements thereto;

(iii) An abstract or record of the bids received;

(iv) A written statement by the contracting officer setting forth—

(*a*) Specific information as to how and when the mistake was alleged or disclosed;

(*b*) A summary of the evidence submitted by the contractor;

(*c*) His opinion whether a bona fide mistake was made in the bid and whether he was, or should have been, on constructive notice of the mistake before the award, together with the reasons or data upon which his opinion is based;

(*d*) In the event that only one bid was received, a quotation of a recent contract price for the supplies or services involved, or, in the absence of a recent comparable contract, the contracting officer's estimate of a fair price for the supplies or services, and the basis for such estimate;

(*e*) Any additional evidence considered pertinent, including copies of all relevant correspondence between the contracting officer and the contractor concerning the alleged mistake;

(*f*) The course of action with respect to the alleged mistake that the contracting officer considers proper on the basis of the evidence and, if other than a change in contract price is recomended, the manner by which the item will otherwise be procured; and

(*g*) The status of performance and payments under the contract, including contemplated performance and payments.

(e) The Office of Procurement shall maintain a record of all administrative determinations made in accordance with this § 18–2.406–4, the facts involved, and the action taken in each case. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

(f) When administrative determination is precluded by the limitations set forth in paragraph (b) of this section, the matter may be considered in accordance with Part 18–17 of this chapter, or submitted to the Comptroller General for decision.

(g) Nothing contained in this § 18–2.406–4 prevents the submission by the Director of Procurement of any doubtful case to the Comptroller General. If a contractor's request for correction of an alleged mistake is denied by the Director of Procurement, the contracting officer shall so notify the contractor.



(h) Nothing contained in this § 18–2.406–4 shall deprive the Comptroller General of his statutory right to question the correctness of any administrative determination made hereunder or deprive any contractor of his right to have the matter determined by the Comptroller General should he so request.

**§ 18–2.407 Award.**

**§ 18–2.407–1 General.**

Unless all bids are rejected, award shall be made by the contracting officer by written notice, within the time for acceptance specified in the bid or extension thereof, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered. Award shall not be made until all required approvals have been obtained. Awards shall be made by mailing or delivering to the successful bidder a properly executed award document or notice of award. When a notice of award is issued, it shall be followed as soon as possible by the formal documents. When more than one contract results from any single invitation for bids, separate award documents shall be executed, each bearing its own separate number. When an award is made to a bidder for less than all the items which may be awarded to that bidder and additional items are being withheld for subsequent award, the first award to that bidder shall state that the Government may make subsequent awards on such additional items within the bidder's bid acceptance period. All provisions of the invitation for bids, including any acceptable additions or changes made by a bidder in the bid, shall be clearly and accurately set forth (either expressly or by reference) in the award document, since the award is an acceptance of the bid, and the bid and the award constitute the contract.

**§ 18–2.407–2 Responsible bidder.**

Before awarding the contract, the contracting officer shall determine that a prospective contractor is responsible.

**§ 18–2.407–3 Discounts.**

(a) Prior to issuing an invitation for bids (other than for a construction contract), a determination shall be made as to what minimum period for prompt payment discounts will be considered in the evaluation of bids and such minimum period shall be stated in the invitation for bids. In determining the minimum period for a particular procurement, consideration shall be given to:

(1) The place of delivery, inspection, and acceptance in relation to the place of payment of invoices or vouchers;

(2) The number of days required to process invoices or vouchers from receipt through payment in the normal course of business; and

(3) The need for prolonged acceptance testing or other unusual circumstances tending to retard the normal processing of invoices or vouchers.

Generally, the minimum period will be expressed in multiples of 10 days; e.g., "10 calendar days," "20 calendar days," or "30 calendar days," since these time intervals coincide with the discount terms generally offered by industry.

(b) In determining which of several bids received is the lowest, any discount offered shall be deducted from the bid price on the assumption that the discount will be taken, unless the discount offered is for a lesser period than the minimum number of days specified in the invitation for bids. Where otherwise equal bids offer the same discount rate, the bid offering the longer discount period shall be considered as being the most advantageous to the Government. If a bid offers a prompt payment discount, but fails to specify the period in which the discount may be taken, the discount may be considered since award to the bidder gives the Government the right to deduct the discount from any payments made with reasonable promptness.

(c) If a bid offers a prompt payment discount for a period less than that specified in the invitation for bids, the discount shall not be considered in the evaluation of bids. If a bid would have been the lowest bid received if the discount offered were considered, but award is not made thereon because the offered discount cannot be considered, a notation to that effect shall be made upon the abstract or record of bids.

(d) In any case, the offered discount of the successful bidder shall form a part of the award, whether or not such discount was considered in the evaluation of his bid, and such discount shall be taken if payment is made within the discount period.

**§ 18–2.407–4 Price escalation.**

(a) The use of price escalation clauses shall be strictly limited in accordance with the provisions of § 18–2.104–2.

(b) Where an invitation for bids does not contain a price escalation clause, bids received which quote a price and contain a price escalation provision with a ceiling (usually expressed in terms of a maximum percentage increase) above which the price will not escalate, shall be evaluated on the maximum possible escalation of the quoted base price. Under such invitations, bids which contain escalation with no ceiling shall be rejected.

(c) Where an invitation for bids contains a price escalation clause and no bidder takes exception to the escalation provisions, bids shall be evaluated on the basis of the quoted prices without the allowable escalation being added. Where a bidder increases the maximum percentage of escalation stipulated in the invitation for bids or limits the downward escalation provisions of the invitation, the bid will be rejected as nonresponsive. Where a bidder deletes the escalation clause from his bid, the bid shall be rejected as nonresponsive since the downward escalation provisions are thereby limited. Where a bidder decreases the maximum percentage of escalation stipulated in the invitation for bids, the bid shall be evaluated at the base price on an equal basis with bids that do not reduce the stipulated ceiling. However, if after evaluation the bidder offering the lower ceiling is in a position to receive the award, the award shall reflect the lower ceiling.

**§ 18–2.407–5 Other factors to be considered.**

Among other factors in addition to the price bid that may be considered in evaluating an award are the following:

(a) Foreseeable cost or delays to the Government resulting from differences in inspection, location of supplies, transportation, etc.; and

(b) Advantages or disadvantages to the Government that might result from making multiple awards.

**§ 18–2.407–6 Equal low bids.**

(a) When two or more low bids are equal in all respects (taking into consideration cost of transportation, cash discounts, and all other factors) award shall be made by a drawing by lot which shall be witnessed by at least three persons and which may be attended by the bidders or their representatives, *provided:*

(1) Subject to subparagraphs (2), (3), and (4) of this paragraph, (i) in the case of equal low bids, one of which is submitted by a small business concern, award shall be made to the small business concern, and (ii) in the case of equal low bids, two or more of which are submitted by small business concerns, award shall be made by a drawing by lots limited to the small business concerns.

(2) Where two or more equal low bids are received from small business concerns, one of which is submitted by a bidder who will perform the contract in a labor surplus area, award shall be made to the small business concern which will perform the contract in such labor surplus area.

(3) In the case of equal low bids, two or more of which are submitted by small business concerns which will perform the contract in a labor surplus area, award shall be made by a drawing by lot limited to the small business concerns in the labor surplus area.

(4) Where two or more equal low bids are received, one bid being from a business concern (whether small or not) not in a labor surplus area and the other being from a bidder who, although not a small business concern, will perform the contract in a labor surplus area, award shall be made to the latter.

(b) When award is to be made by lot and the information available shows that the product of a particular manufacturer is offered by more than one bidder, a preliminary drawing by lot shall be made to ascertain which of the bidders offering the product of a particular manufacturer will be included in the final drawing to determine the award.

**§ 18–2.407–7 Statement of award.**

Each installation shall maintain records which either state that the accepted bid was the lowest bid received or list all lower bids and set forth reasons for their rejection. Standard Form 1036 is not currently used within NASA for this purpose. The reasons shall be set forth in such detail as is necessary to justify the award. For the purpose of these records, the lowest bid received is considered to be that responsive bid which is lowest after a consideration of price factors only. The cost of transportation to the destination indicated in the invitation for bids, any acceptable discount offered by a bidder and, if the invitation so specifies, any other Government cost factor, shall be considered price factors in determining the lowest bidder for purposes of these records. In each case where an award is made after receipt of equal low bids, the record shall set forth the manner in which the tie was broken. Where an award involves a mistake in bid and the matter has been resolved by administrative action, a copy of the bidder's verification in the case of an apparent or obvious mistake or the written administrative determination concerned shall be retained in the contract file. Where an award involves a mistake in bid on which the Comptroller General has rendered a decision, the record shall contain a citation by number and date of the decision and a copy thereof shall be attached to the record.

**§ 18–2.407–9 Protests against award.**

(a) *General.* (1) Contracting officers shall consider all protests or objections to the award of a contract, whether received before or after award. If the protest is oral and the matter cannot otherwise be resolved, written confirmation of the protest shall be requested. The protester shall be notified in writing of the final decision on the written protest.

(2) Every effort shall be made to resolve protests at the field installation. It is the responsibility of the contracting officer to decide whether a protest has a valid basis and to take appropriate action when possible without referral to NASA Headquarters. Such action may be taken only with the concurrence of local counsel and shall be followed by a written explanation to NASA Headquarters accompanied by a copy of any pertinent correspondence. However, in the following cases written protests received by the contracting officer should be referred to NASA Headquarters:

(i) The protesting party requests referral to higher authority;

(ii) The protest is known to have been lodged directly with the Comptroller General, a member of Congress, the Small Business Administration, or NASA Headquarters;

(iii) The contracting officer entertains some doubt as to proper action regarding the protest or believes it to be in the best interest of the Government that the protest be considered by NASA Headquarters or the Comptroller General.

(3) In referring a protest to NASA Headquarters, a completely documented case shall be submitted to the Office of Procurement (Code KDG) including the following:

(i) The letter or other document which initiated the protest, together with all supporting evidence submitted by the person making the protest;

(ii) Relevant letters or other written statements, received from other persons or bidders affected by or involved in the protest, that set forth the facts with respect to their position in the matter, together with any additional supporting evidence;

(iii) A copy of the bid of the protesting bidder and, a copy of the bid of the bidder to whom award has been made or who is being considered for award, if relevant to the protest;

(iv) A copy of the invitation for bids, including, where practicable, pertinent specifications, if relevant to the protest;

(v) A copy of the abstract of bids;

(vi) Any other documents which are relevant to the protest; and

(vii) A statement signed by the contracting officer setting forth his findings, actions, and recommendations in the matter, together with any additional information and evidence considered to be necessary in determining the validity of the protest. If the award of a contract was made pending resolution of the protest, the contracting officer's statement shall include the determination prescribed in paragraph (b)(2) of this section.

(4) Where protests are made directly to NASA Headquarters or where NASA Headquarters receives notice of protests made directly to the Comptroller General, a member of Congress, or the Small Business Administration, the contracting officer shall be requested to furnish information. This will usually require submittal of a completely documented case as prescribed in paragraph (3) above.

(5) Protests received by NASA Headquarters, in accordance with subparagraphs (2) and (4) of this paragraph, will be acted upon by the Office of Procurement. Where substantial doubt exists as to the validity of a protest, the views of the Comptroller General will be obtained.

(6) Where a protest affects another bidder, a contractor, or any other party having a legitimate interest, the contracting officer normally should give prompt notice of the protest to such parties in order that they may take appropriate action on their own behalf. The extent of information to be furnished the affected parties in any particular case will be governed by such matters as legal considerations, the interest of the Government, equitable consideration for the interests of affected parties, and mitigation of losses or other injuries to any and all parties concerned. Affected parties shall be advised that such a notice of protest in no way relieves them of any obligations, under a contract or otherwise, but is intended primarily to afford them a fair opportunity to be heard by, and to present evidence for the consideration of, the agency which will render a decision in the case.

(b) *Protests before award.* (1) If an oral protest is received before award, the contracting officer may require written confirmation by a specified time and inform the protesting party that award will be withheld until that time. If the written confirmation is not received by the specified time, the oral protest may be disregarded and award made in the normal manner, unless the contracting officer finds it necessary to take remedial action.

(2) If a written protest is received before award or if it is known before award that a protest has been made to the Comptroller General, a member of Congress, the Small Business Administration, or NASA Headquarters, award shall not be made until the matter is resolved, unless the contracting officer determines that:

(i) The items to be procured are urgently required;

(ii) Delivery or performance will be unduly delayed by failure to make award promptly; or

(iii) A prompt award will otherwise be advantageous to the Government.

Such determination shall be referred to the Office of Procurement for approval prior to award if an unresolved protest against such award has been, or is expected to be, referred to NASA Headquarters in accordance with paragraph (a)(2) of this section, or if information on a protest is being prepared by the contracting office at the request of NASA Headquarters in accordance with paragraph (a)(4) of this section. Before proceeding with an award prior to final disposition of a protest under consideration by the Comptroller General, a notice of intent to make award, with the reasons therefor, shall be furnished the Comptroller General and formal or informal advice obtained concerning the status of the case prior to making award. In all cases where award is made under subdivision (i), (ii), or (iii) of this subparagraph, the contracting officer shall document the file to explain the need for an immediate award and shall give written notice of the decision to proceed with the award to the protesting party and any others concerned.

(3) Where an award is to be withheld pending disposition of a protest, any bidders whose bids might become eligible for award should be informed of the protest and, where appropriate, requested to extend the time for acceptance of their bids (with consent of sureties, if any) in order to avoid the need for readvertisement. Failure to obtain such an extension is a factor to be taken into account in making a determination under subparagraph (2)(iii) of this paragraph (b).

(c) *Protests after award.* The general instructions in paragraph (a) of this section are applicable to protests after award.



**§ 18–2.408 Information to bidders.**

(a) Where feasible, procurement offices should:

(1) Notify unsuccessful bidders promptly of the fact that their bids were not accepted; and

(2) Extend the appreciation of the procurement office for the interest the unsuccessful bidder has shown in submitting a bid.

(b) Notification to unsuccessful bidders may be accomplished either orally or in writing through the use of a form, postal card, or other appropriate means. Should an unsuccessful bidder request such information, the procurement office shall either provide him with the name and address of the successful bidder, together with the contract price, or when work load does not permit, inform him as to the location where a copy of the abstract of bids is available for inspection. In addition, when an inquiry is made by an unsuccessful bidder whose bid price was lower than the successful bidder's, sufficient information shall be furnished in the reply to the unsuccessful bidder to fully explain the basis for award. If a request is received from an inquirer who is not a bidder or a representative of a bidder, the procurement office may furnish the name of the successful bidder(s) and, if requested, the price(s) at which award(s) were made. However, where such requests require so large an amount of work as to interfere with the normal operations of the procurement office, the inquirer shall be advised where a copy of the abstract of bids may be seen. In the case of classified invitations, information regarding the name of the successful bidder and the contract price shall be furnished only to unsuccessful bidders or suppliers invited to bid, and then only upon request. No information regarding a classified opening may be furnished by telephone.

**§ 18–2.409 Synopses of contract awards.**

See § 18–1.1004 of this chapter.

## Subpart 18–2.5—Two-Step Formal Advertising

**§ 18–2.501 General.**

Two-step formal advertising is a method of procurement designed to promote the maximum competition practicable when available specifications are not sufficiently definitive to permit a formally advertised procurement in accordance with Subparts 2, 3, and 4 of this Part 18–2. It is a flexible procedure and is especially useful in the procurement of complex and technical items, to prevent the elimination of potentially qualified producers from the competitive base. It is conducted in two phases. The first step consists of the request, submission, evaluation, and, if necessary, discussion of a technical proposal, without pricing, to determine the acceptability of the supplies or services offered. As used in this context, the word "technical" has a broad connotation and, among other things, includes engineering approach, special manufacturing processes, and special testing techniques. Also, when required to clarify basic technical requirements, other related requirements such as management approach, manufacturing plan, or facilities to be utilized may be clarified in this step. The second step consists of a formally advertised procurement, confined to those offerors who submitted an acceptable technical proposal in Step One. This method of procurement requires that the contracting officer work closely with technical personnel and rely on their specialized knowledge in determining the technical requirements of the procurement and the criteria to be used in evaluating technical proposals, and in making such evaluation. An objective of the two-step of a sufficiently descriptive statement of the Government's requirement, including the definition of a technical data package, so that subsequent procurements may be made by straight formal advertising.

**§ 18–2.502 Conditions for use.**

The two-step formal advertising method of procurement may be used when its use has been approved by the Procurement Officer and when all of the following conditions are present:

(a) Available specifications or purchase descriptions are not sufficiently definite or complete to permit full and free competition without engineering evaluation and any necessary discussion of the technical aspects of the requirement to ensure mutual understanding between each source and the Government;

(b) Definite criteria exist for evaluating technical proposals, such as applicable design, manufacturing, testing, and performance requirements, and special requirements for operational suitability and ease of maintenance; however, such criteria shall not include consideration of capacity or credit (see § 18–1.705–6 of this chapter);

(c) More than one technically qualified source is expected to be available both initially and after technical evaluation; and

(d) A firm fixed-price contract or a fixed-price contract with escalation will be used.

**§ 18–2.503 Procedures.**

**§ 18–2.503–1 Step one.**

(a) *Requests for technical proposals.* A request for technical proposals shall be distributed to qualified sources. In addition, the request shall be synopsized in accordance with Subpart 18–1.10 of this chapter. The request may be in the form of a letter and shall contain, as a minimum, the following information:

(1) The best practicable description of the supplies or services required;

(2) Notification of the intent to conduct the procurement in two steps and the actions involved;

(3) The requirements of the technical proposal, i.e., the necessary details such as drawings, data, presentations, etc., to be submitted;

(4) The criteria for evaluating the technical proposal (§ 18–2.502(b));

(5) A statement that the technical proposals shall not include prices or pricing information;

(6) The date by which the proposal must be received and a statement substantially as follows:

LATE TECHNICAL PROPOSALS. (JANUARY 1964)

The Government reserves the right to consider technical proposals or modifications thereof received after the date specified for receipt.

(7) A statement that the Government may discuss the technical aspects of the proposal with the concern submitting the proposal;

(8) A statement that in the second step of the procurement only bids based upon technical proposals determined to be acceptable, either initially or as a result of discussions, will be considered for award, and that each bid in the second step must be based on the bidder's own technical proposal;

(9) A statement that sources submitting unacceptable technical proposals will be so notified upon completion of the technical evaluation; and

(10) A statement either that only one technical proposal may be submitted by each offeror or that multiple technical proposals may be submitted. When compliance with specifications permits utilization of essentially different technical approaches, it is generally in the interest of the Government to authorize the submission of multiple proposals. If multiple proposals are authorized the request shall include a statement substantially as follows:

MULTIPLE TECHNICAL PROPOSALS. (JANUARY 1964)

In the first step of this two-step procurement, offerors are authorized and encouraged to submit multiple technical proposals presenting different basic approaches. Each technical proposal submitted will be separately evaluated and the offeror will be notified as to its acceptability.

(b) *Receipt and evaluation of technical proposals.* The following actions shall be taken with respect to receipt and evaluation of technical proposals:

(1) Every precaution shall be taken to safeguard technical proposals against disclosure to unauthorized persons;

(2) Technical proposals submitting data marked in accordance with § 18–3.109 of this chapter will be accepted and handled in accordance with § 18–3.109 of this chapter;

(3) Any references to price or cost will be removed;

(4) Technical evaluation of the proposals will be based upon the criteria contained in the request for technical proposals and such evaluation will not include consideration of capacity or credit;

(5) Technical proposals will be categorized as acceptable or unacceptable. Proposals should not be categorized as unacceptable when a reasonable effort on the part of the Government could bring the proposals to an acceptable status and increase competition. The contracting officer shall arrange for any necessary discussions with sources submitting technical proposals for the purpose of obtaining additional information

or clarification which may be required. When, after discussion and submission of necessary information and clarification, technical proposals are determined to be acceptable, they will be so categorized. If, however, it is determined that a technical proposal is not reasonably susceptible of being made acceptable, it should be classified as unacceptable and no discussions of it need thereafter be initiated; and

(6) Upon final determination that a technical proposal is unacceptable, the contracting officer shall promptly notify the source submitting the proposal of that fact. The notice shall indicate, in general terms, the basis for such determination including a statement of whether rejection was based on failure to furnish sufficient information or on an unacceptable engineering approach.

(c) *Discontinuance.* If, as a result of the evaluation of technical proposals, it appears necessary to discontinue the two-step advertising method of procurement, the full facts and circumstances will be set forth in writing and submitted to the office which originally approved the method of procurement. If that office approves the discontinuance, each source will be notified in writing of the discontinuance and the reasons therefor.

**§ 18–2.503–2 Step two.**

Upon completion of Step one, a formally advertised procurement in accordance with Subparts 2, 3, and 4 of this Part 18–2 will be conducted, except that invitations for bids—

(a) Will be issued only to those sources whose technical proposals have been evaluated and determined to be acceptable under Step one;

(b) Will include the following statement:

This invitation for bids is issued pursuant to two-step formal advertising set forth in Part 2, Subpart 5, of the NASA Procurement Regulation.

Bids will be accepted and considered only from those firms who have submitted acceptable technical proposals pursuant to the first step of such procedures, as initiated by

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(Identify the request for technical proposals) Any bidder who has submitted multiple technical proposals in the first step of this two-step procurement may submit a separate bid covering each technical proposal which has been determined acceptable by the Government. (January 1964)

(c) Will prominently state that the supplies or services to be procured will be in accordance with the specifications and the bidder's technical proposal, as finally accepted, under the request for technical proposals. This may be accomplished in the Schedule item description by a provision substantially in the form of the following example:

Radio Antenna, in accordance with Exhibit No. ------ dated ---------- (use other description of specification as appropriate) and your Technical Proposal ---------- (insert specific identification of the bidder's proposal including any revision thereof as finally accepted) incorporated herein by reference. Nothing contained in said Technical Proposal shall constitute a waiver of any of the provisions of said Exhibit (or specifications).

(d) Will not be synopsized or publicly posted except that the names of firms which have submitted acceptable technical proposals in the first step of two-step formal advertising will be listed in the Commerce Business Daily for benefit of prospective subcontractors in accordance with § 18–1.1003–3 of this chapter.

## PART 18–3—PROCUREMENT BY NEGOTIATION


Sec.
18–3.000 Scope of part.

Subpart 18–3.1—Use of Negotiation

18–3.100 Scope of subpart.
18–3.101 General requirements for negotiation.
18–3.102 Factors to be considered in negotiated procurements.
18–3.103 Records and reports of negotiated contracts.
18–3.104 Aids to small business in negotiated procurement.
18–3.105 Aids to labor surplus area concerns in negotiated procurement.
18–3.106 Dissemination of procurement information.
18–3.106–1 Synopses of proposed procurements.
18–3.106–2 Synopses of contract awards.
18–3.106–3 Award information to unsuccessful offerors.
18–3.106–4 Disclosure of information prior to selection of contractor.
18–3.109 Restrictions on disclosure of data in proposals.
18–3.110 Solicitations for informational or planning purposes.
18–3.111 Protests against award.
18–3.112 Disclosure of mistakes after award.

Subpart 18–3.2—Circumstances Permitting Negotiation

18–3.200 Scope of subpart.
18–3.201 National emergency.
18–3.201–1 Authority.
18–3.201–2 Application.
18–3.201–3 Limitation.
18–3.202 Public exigency.
18–3.202–1 Authority.
18–3.202–2 Application.
18–3.202–3 Limitation.
18–3.203 Purchases not in excess of $2,500.
18–3.203–1 Authority.
18–3.203–2 Application.
18–3.204 Personal or professional services.
18–3.204–1 Authority.
18–3.204–2 Application.
18–3.204–3 Limitation.
18–3.205 Services of educational institutions.
18–3.205–1 Authority.
18–3.205–2 Application.
18–3.205–3 Limitation.
18–3.206 Purchases outside the United States.
18–3.206–1 Authority.
18–3.206–2 Application.
18–3.207 Medicines or medical supplies.
18–3.207–1 Authority.
18–3.207–2 Application.
18–3.207–3 Limitation.
18–3.209 Perishable or nonperishable subsistence supplies.
18–3.209–1 Authority.
18–3.210 Supplies or services for which it is impracticable to secure competition by formal advertising.
18–3.210–1 Authority.
18–3.210–2 Application.
18–3.210–3 Limitation.
18–3.211 Experimental, developmental, or research work.
18–3.211–1 Authority.
18–3.211–2 Application.
18–3.211–3 Limitation.
18–3.211–4 Reports.
18–3.212 Classified purchases.
18–3.212–1 Authority.
18–3.212–2 Application.
18–3.212–3 Limitation.
18–3.213 Technical equipment requiring standardization and interchangeability of parts.
18–3.213–1 Authority.
18–3.213–2 Application.
18–3.213–3 Limitation.
18–3.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.
18–3.214–1 Authority.
18–3.214–2 Application.
18–3.214–3 Limitation.
18–3.215 Negotiation after advertising.
18–3.215–1 Authority.
18–3.215–2 Limitation.
18–3.217 Otherwise authorized by law.
18–3.217–1 Authority.
18–3.217–2 Application.
18–3.218 Construction Work.
18–3.218–1 Application.
18–3.218–2 Limitation.
18–3.218–3 Citation of authority to negotiate.

Subpart 18–3.3—Determinations and Findings

18–3.300 Scope of subpart.
18–3.301 Nature of determinations and findings.
18–3.302 Determinations and findings to be made by the Administrator.
18–3.303 Determinations and findings to be made by the Director of Procurement.
18–3.304 Determinations and findings to be made by a contracting officer.
18–3.305 Forms of determinations and findings.
18–3.305–1 Individual contracts under 10 U.S.C. 2304 (a) (11).





Sec.
18–3.305–2 Class of contracts under 10 U.S.C. 2304(a)(11).
18–3.305–3 Individual contract under 10 U.S.C. 2304(a)(14).
18–3.306 Procedure with respect to determinations and findings.
18–3.306–1 Justification required.
18–3.306–2 Preparation and submission.
18–3.307 Filing of determinations and findings.
18–3.308 Retention of data with respect to negotiation.

Subpart 18–3.4—Types of Contracts

18–3.400 Application.
18–3.450 Incentive contracts.

Subpart 18–3.6—Small Purchases

18–3.600 Scope of subpart.
18–3.601 Purpose.
18–3.602 Policy.
18–3.603 Competition.
18–3.603–1 Solicitation.
18–3.603–2 Data to support small purchases.
18–3.604 Imprest Fund.
18–3.605 Purchase order forms.
18–3.605–1 Standard Form 44.
18–3.605–2 Standard Forms 147 and 148.
18–3.605–3 NASA Form 177.
18–3.605–4 Ship and Quote Form.
18–3.606 Blanket purchase agreement method.
18–3.606–1 General.
18–3.606–2 Establishment of blanket purchase agreement.
18–3.606–3 Conditions for use.
18–3.606–4 Fiscal control.
18–3.606–5 Further guidance.
18–3.607 Use of other NASA Forms.

Subpart 18–3.7—Negotiated Overhead Rates

18–3.700 Scope of subpart.
18–3.701 Definitions.
18–3.701–1 Negotiated final overhead rate.
18–3.701–2 Provisional overhead rate.
18–3.701–3 Overhead (indirect costs).
18–3.701–50 Negotiating authority.
18–3.702 Purpose.
18–3.703 Primary use.
18–3.704 Contract clauses.
18–3.704–1 Contracts with concerns other than educational institutions.
18–3.704–2 Contracts with educational institutions.
18–3.705 Policy.
18–3.706 Procedure.
18–3.707 Coordination.
18–3.708 Ceilings on indirect costs.

Subpart 18–3.8—Price Negotiation Policies and Techniques

18–3.800 Scope of subpart.
18–3.801 Basic policy.
18–3.801–1 General.
18–3.801–2 Responsibility of contracting officers.
18–3.801–3 Responsibility of other personnel.
18–3.802 Preparation for negotiation.
18–3.802–1 Product or service.
18–3.802–2 Selection of sources.
18–3.802–3 Requests for proposals.
18–3.803 Type of contract.
18–3.804 Evaluation of proposals.
18–3.804–1 General.
18–3.804–2 Evaluation procedures not involving source evaluation board.
18–3.804–3 Evaluation procedures—use of source evaluation board.
18–3.804–4 Disclosure of information prior to selection of contractor.
18–3.805 Conduct of negotiations.
18–3.805–1 General.
18–3.806 Cost, profit, and price relationships.
18–3.807 Pricing techniques.
18–3.807–1 General.
18–3.807–2 Requirement for price or cost analysis.
18–3.807–3 Cost and pricing data.
18–3.807–4 Contractor and subcontractor cost or pricing data clause.
18–3.807–5 Defective cost or pricing data.
18–3.807–6 Refusal to provide cost or pricing data.
18–3.807–7 Unacceptable substitutes for pricing negotiations.
18–3.807–8 Evaluation and pricing of individual contracts.
18–3.807–9 Specified contingencies.
18–3.807–10 Subcontracting considerations in cost analysis.
18–3.808 Profit or fee.
18–3.808–1 General.
18–3.808–2 Factors for determining fee or profit.
18–3.808–4 Minimal fees or cost-sharing arrangements.
18–3.808–5 Fee limitation for experimental, developmental, or research work.
18–3.809 Audit as a pricing aid.
18–3.810 Exchange of information.
18–3.811 Record of negotiation.
18–3.813 Pre-contract planning and startup and other nonrecurring costs.
18–3.850 Initiation of the procurement request.
18–3.851 Review of the procurement request and preparation of statements of work.
18–3.852 Preparation and approval of procurement plans.
18–3.852–1 Contents of the procurement plan.
18–3.852–2 Justification for noncompetitive procurement.
18–3.852–3 Requirement for preparation of procurement plans.
18–3.852–4 Assistance in providing for reliability assurance in procurement plans.
18–3.852–5 Approval of procurement plans.
18–3.852–6 Requests for proposals.
18–3.853 Award and preparation of the contract.
18–3.854 Release of contract award information.
18–3.854–1 General.
18–3.854–2 Definitive contracts.
18–3.854–3 Letter contracts.
18–3.854–4 Unsuccessful offerors.

Subpart 18–3.9—Subcontracting Policies and Procedures

18–3.900 Scope of subpart.
18–3.901 General.
18–3.902 "Make-or-Buy" program.
18–3.902–1 General.
18–3.902–2 Price adjustments.
18–3.902–50 Special considerations research and development contracts.
18–3.903 Review of subcontracting and contractor's purchasing systems.
18–3.903–1 Contract clauses.
18–3.903–2 Consent to subcontracts.
18–3.903–3 Approval of purchasing system.
18–3.903–4 Review of individual subcontracts.
18–3.903–50 Headquarters review of major subcontracts.


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### § 18–3.000 Scope of part.

This part sets forth policies and procedures to be followed in procurements by negotiation, pursuant to the provisions of sections 203(b)(5) and 301(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(b)(5) and 10 U.S.C. 2303(a)(5), respectively) and Chapter 137 of Title 10 (10 U.S.C. 2301–2313). The following policies and procedures are included:

(a) The basic requirements for the procurement of supplies and services by means of negotiation;

(b) The different circumstances under which negotiation is permitted;

(c) Determinations and findings that may be required before a contract is entered into by negotiation;

(d) Approved types of negotiated contracts and their use;

(e) Procedures for effecting purchases of not more than $2,500;

(f) Price negotiation policies and techniques; and

(g) Subcontracting policies and procedures.

## Subpart 18–3.1—Use of Negotiation

### § 18–3.100 Scope of subpart.

This subpart deals with the nature and use of negotiation as distinguished from formal advertising, and with limitations upon that use.

### § 18–3.101 General requirements for negotiation.

(a) Procurement shall be made by formal advertising whenever such method is feasible and practicable under the existing conditions and circumstances, even though negotiation may be authorized under Subpart 18–3.2. Among the factors to be considered in determining whether formal advertising is feasible and practicable are:

(1) The number and location of potential suppliers;

(2) The adequacy of the specifications for advertising;

(3) The nature of the items being purchased;

(4) The time available; and

(5) The type of contract contemplated.

(b) No contract shall be entered into by negotiation unless or until the following requirements have been satisfied.

(1) Formal advertising is not feasible and practicable;

(2) The contemplated procurement comes within one of the circumstances permitting negotiation set forth in 10 U.S.C. 2304(a);

(3) Any necessary determinations and findings have been made;

(4) Prescribed clearances or approvals have been obtained;

(5) The prospective contractor has been determined to be responsible; and

(6) Other requirements of this chapter have been met.

### § 18–3.102 Factors to be considered in negotiated procurements.

(a) In all negotiated procurements in excess of $2,500 in which rates or prices are not fixed by law or regulation and in which time of delivery will permit, proposals shall be solicited from the maximum number of qualified sources

consistent with the nature and requirements of the supplies or services to be procured. Such proposals shall be supported by statements and analyses of estimated costs or other evidence of reasonable prices and other matters deemed necessary by the contracting officer. In all such negotiated procurements, including those subject to Source Evaluation Board procedures (see § 18–3.804–3), written or oral discussions shall be conducted with all responsible offerors who submit proposals within a competitive range, price and other factors considered: *Provided, however,* That written or oral discussions need not be conducted for:

(1) Procurements in implementation of authorized set-aside programs; or

(2) Procurements where it can be clearly demonstrated, from the existence of adequate competition or accurate prior cost experience with the product, that acceptance of an initial proposal without discussion would result in fair and reasonable prices and where the request for proposals notifies all offerors of the possibility that award may be made without discussion.

For procurements of $2,500 or less, see Subpart 18–3.6.

(b) During the course of negotiations, contracting officers and their negotiators shall give due attention to the following and any other appropriate factors:

(1) Comparison of prices quoted, and consideration of other prices for the same or similar supplies or services, with due regard to production costs, including extra-pay shift, multi-shift and overtime costs, and any other factor relating to price, such as profits, costs of transportation, and cash discounts;

(2) Comparison of the business reputations, capabilities, and responsibilities of the respective persons or firms who submit proposals;

(3) Consideration of the quality of the supplies or services offered, or of the quantity of the same or similar supplies or services previously furnished, with particular regard to the satisfaction of technical requirements;

(4) Consideration of delivery requirements;

(5) Discriminating use of price and cost analyses;

(6) Investigation of price aspects of any important subcontract;

(7) Individual bargaining, by mail or by conference;

(8) Consideration of cost sharing;

(9) Effective utilization in general of the most desirable type of contract;

(10) Consideration of the size of the business concern;

(11) Consideration as to whether the prospective supplier requires expansion or conversion of plant facilities;

(12) Consideration as to whether the prospective supplier is located in a surplus labor area;

(13) Consideration as to whether the prospective supplier will have an adequate supply of qualified labor;

(14) Consideration of the extent of subcontracting;

(15) Consideration of the existing and potential workload of the prospective supplier;

(16) Consideration of broadening the industrial base by the development of additional suppliers;

(17) Consideration of whether the contractor requires Government-furnished property, machine tools, or facilities; or Government-operated test facilities; and

(18) Advantages or disadvantages to the Government that might result from making multiple awards.

**§ 18–3.103 Records and reports of negotiated contracts.**

See § 18–1.110 of this chapter.

**§ 18–3.104 Aids to small business in negotiated procurement.**

See Subpart 18–1.7 of this chapter.

**§ 18–3.105 Aids to labor surplus area concerns in negotiated procurement.**

See Subpart 18–1.8 of this chapter.

**§ 18–3.106 Dissemination of procurement information.**

**§ 18–3.106–1 Synopses of proposed procurements.**

Procedures with regard to synopses of proposed procurements are set forth in § 18–1.1003 of this chapter.

**§ 18–3.106–2 Synopses of contract awards.**

Procedures with regard to preparation of synopses of contract awards are set forth in § 18–1.1004.

**§ 18–3.106–3 Award information to unsuccessful offerors.**

Subject to the provisions of NASA regulations governing classified information, the following policies and procedures shall be observed in making information available to unsuccessful offerors:

(a) Except as provided in paragraph (b) of this section, and subject to the provisions of § 18–3.854, as soon as final contract action has been taken with the successful offeror, the contracting officer shall give written notice to unsuccessful offerors for procurements in excess of $10,000 that their proposals were not accepted; and

(b) In the case of procurements for which a Source Evaluation Board has been appointed, as soon as an offeror has been selected with whom to open final contract negotiations, all offerors shall be notified of this fact in writing. The time for notifying any company and the issuance of any news release shall be coordinated in advance with the Assistant Administrator for Legislative Affairs and the Assistant Administrator for Public Affairs, NASA Headquarters.

**§ 18–3.106–4 Disclosure of information prior to selection of contractor.**

The policies and procedures governing the disclosure of information prior to selection of a contractor are set forth in § 18–3.804–4.

**§ 18–3.109 Restrictions on disclosure of data in proposals.**

(a) Requests for proposals may require the offeror to submit with his proposal data which may include a design or plan for accomplishing the objectives of the procurement. Such data may include information which the offeror does not want disclosed to the public or used by the Government for any purpose other than evaluation of the proposals. Offerors shall mark each sheet of data which they so wish to restrict with the legend set forth below:

This data, furnished in response to RFP No. ————, shall not be disclosed outside the Government or be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate the proposal *provided*, that if a contract is awarded to this offeror as a result of or in connection with the submission of such data, the Government shall have the right to duplicate, use, or disclose this data to the extent provided in the contract. This restriction does not limit the Government's right to use information contained in such data if it is obtained from another source. (DECEMBER 1962)

Contracting officers shall not refuse to consider any proposal merely because data submitted with that proposal is so marked. Data so marked shall be used only to evaluate proposals and shall not be disclosed outside the Government without the written permission of the offeror except under the conditions provided in the legend. If it is desired to duplicate, use, or disclose the data of the offeror to whom the contract is awarded, for purposes other than to evaluate the proposal, the contract should so provide.

(b) The provisions of paragraph (a) of this section do not apply to procurement by formal advertising. However, see § 18–2.404–4 of this chapter with respect to public disclosure of descriptive literature or material submitted by a bidder on a restrictive basis.

**§ 18–3.110 Solicitations for informational or planning purposes.**

See § 18–1.309 of this chapter.

**§ 78–3.111 Protests against award.**

Protests against award of negotiated procurements shall be treated substantially in accordance with § 18–2.407–9 of this chapter and will be acted upon by the Director of Procurement with the concurrence of the Office of General Counsel. However, when the selection of a contractor has been made by the Administrator, either after proceedings of a Source Evaluation Board or otherwise, the final action will be directed by the Administrator.

**§ 18–3.112 Disclosure of mistakes after award.**

When a mistake in a contractor's proposal is not discovered until after award, the authority to correct mistakes contained in § 18–2.406–4 of this chapter may be utilized in accordance with the limitations and procedure set forth therein.



### *Subpart 18–3.2—Circumstances Permitting Negotiation*

**§ 18–3.200 Scope of subpart.**

Subject to the limitations prescribed in Subpart 18–3.1 and pursuant to the authority of 10 U.S.C. 2304(a), procurement may be effected by negotiation under any one of the exceptions contained in 10 U.S.C. 2304(a)(1) through (17) set forth and discussed in this Subpart 18–3.2.

**§ 18–3.201 National emergency.**

**§ 18–3.201–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(1), purchases and contracts may be negotiated if:

it is determined that such action is necessary in the public interest during a national emergency declared by Congress or the President.

**§ 18–3.201–2 Application.**

For the duration of the national emergency declared pursuant to Presidential Proclamation 2914, the Administrator, by NASA Management Instruction 3–3–12, has determined that it is necessary in the public interest to negotiate purchases and contracts without formal advertising during the period of the national emergency if they fall within one of the following three categories:

(a) Procurements made in furtherance of the policy of encouraging the placing of contracts in labor surplus areas as enunciated in current Defense Manpower Policy No. 4;

(b) Procurement made in furtherance of the NASA Small Business Program after a unilateral determination by the contracting officer to set aside all or a part of the procurement for the exclusive participation of small business concerns; or

(c) Procurement of the unawarded portion of the total requirement set aside for small business concerns when no other negotiating authority is appropriate.

**§ 18–3.201–3 Limitation.**

(a) This authority shall not be used when negotiation is authorized by the provisions of § 18–3.206.

(b) Each procurement negotiated pursuant to the determination referred to in § 18–3.201–2 shall be supported by a memorandum for the contract file, signed by the contracting officer, specifying the pertinent provision of the determination used as authority for negotiating the contract.

**§ 18–3.202 Public exigency.**

**§ 18–3.202–1 Authority.**

Pursuant to the authority of 10 U.S.C. 2304(a)(2), purchases and contracts may be negotiated if:

the public exigency will not permit the delay incident to advertising.

**§ 18–3.202–2 Application.**

This authority may be used only where the need is compelling and of unusual urgency, as when the Government would be seriously injured, financially or otherwise, if the supplies or services were not furnished by a certain date, and when they could not be procured by that time by means of formal advertising. This authority may be used in appropriate cases even though the urgency could or should have been foreseen. Examples of situations where this authority could be invoked are:

(a) Supplies or services needed at once because of a fire, explosion, or other disaster; and

(b) The breakdown of a piece of operating machinery or equipment requiring immediate repair or replacement in order that a critical research program will not be delayed.

**§ 18–3.202–3 Limitation.**

Every contract negotiated under this authority shall be accompanied with a determination and findings signed by the contracting officer justifying its use, which shall become part of the contract file. The findings shall set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable. The authority of 10 U.S.C. 2304(a)(2) shall not be used if negotiation is authorized under 10 U.S.C. 2304(a)(3) or 2304(a)(6).

**§ 18–3.203 Purchases not in excess of $2,500.**

**§ 18–3.203–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(3), purchases and contracts may be negotiated if:

the aggregate amount involved is not more than $2,500.

**§ 18–3.203–2 Application.**

Contracts or purchases aggregating $2,500 or less shall be made under this authority rather than under any other authority for negotiation which might otherwise be applicable, except that this authority shall not be used where 10 U.S.C. 2304(a)(6) is applicable. In arriving at the "aggregate amount involved" there must be included all supplies and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising. Purchases or contracts aggregating more than $2,500 shall not be broken down into several purchases or contracts of less than $2,500. (However, see § 18–3.606 for guidance in connection with the use of blanket purchase orders.)

**§ 18–3.204 Personal or professional services.**

**§ 18–3.204–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(4), purchases and contracts may be negotiated if:

for personal or professional services.

**§ 18–3.204–2 Application.**

(a) This authority shall be used only when all of the following conditions have been satisfied:

(1) If personal services, they are required to be performed by an individual contractor in person (not by a concern); if professional services, they may be performed either by an individual contractor in person or a concern;

(2) The services are of a professional nature or are to be performed under Government supervision and paid for on a time basis; and

(3) Procurement of the services is authorized by law and is effected in accordance with the requirements of any such law.

(b) Under section 203(b)(9) of the National Aeronautics and Space Act of 1958 (42 USC 2473(b)(9)), NASA is authorized:

to obtain services as authorized by 5 U.S.C. 55a, at rates not to exceed $100 per diem for individuals.

5 U.S.C. 55a, in turn, provides authority to procure:

the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract * * *.

**§ 18–3.204–3 Limitation.**

For NASA policy with respect to outside experts or consultants, see NASA Management Instructions 17–3–16.1 and 17–3–16.2A. Any contract for personal services requires prior approval of the Director of Procurement. (See Subpart 18–50.1 of this chapter.)

**§ 18–3.205 Services of educational institutions.**

**§ 18–3.205–1 Authority.**

Pursuant to the authority of 10 U.S.C. 2304(a)(5), purchases and contracts may be negotiated if:

for any service to be rendered by any university, college, or other educational institution.

**§ 18–3.205–2 Application.**

The following are illustrative of circumstances with respect to which this authority may be used:

(a) Educational or vocational training services to be rendered by any university, college, or other educational institution in connection with the training and education of personnel, and for necessary material, services, and supplies furnished by any such institution in connection therewith;

(b) Experimental, developmental, or research work (including services, tests, and reports necessary or incidental thereto) to be conducted by any university, college, or other educational institution, and reports furnished in connection therewith; and

(c) Analyses, studies, or reports (statistical or otherwise) to be conducted by any university, college, or other educational institution.

**§ 18–3.205–3 Limitation.**

This authority shall not be used when negotiation is authorized by the provisions of §§ 18–3.203 and 18–3.206.

**§ 18–3.206 Purchases outside the United States.**

**§ 18–3.206–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(6), purchases and contracts may be negotiated if:

for property or services to be procured and used outside the United States, its possessions, and Puerto Rico.

**§ 18–3.206–2 Application.**

This authority shall be used only for the procurement of property or services which are actually purchased from sources outside, and used outside, the United States, its possessions, and Puerto Rico (irrespective of the place of negotiation or execution of the contract), such as property or services (including construction) for overseas installations or for the use of overseas personnel. When this authority is available for the negotiation of a contract, no other negotiating authority shall be used.

**§ 18–3.207 Medicines or medical supplies.**

**§ 18–3.207–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(7), purchases and contracts may be negotiated if:

for medicine or medical supplies.

**§ 18–3.207–2 Application.**

This authority shall be used only when the following two requirements have been satisfied:

(a) Such supplies are peculiar to the field of medicine, including technical equipment such as surgical instruments, surgical and orthopedic appliances, X-ray supplies and equipment, and the like, but not including prosthetic equipment; and

(b) Whenever it is determined to be practicable, such advance publicity as is considered suitable with regard to the supplies involved and other relevant considerations shall be given for a period of at least 15 days before making a purchase of or contract for supplies or services under this authority for more than $10,000.

**§ 18–3.207–3 Limitation.**

Every contract negotiated under this authority shall be accompanied with a determination and findings, signed by the contracting officer, justifying its use, which shall become part of the contract file. The findings shall set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable. This authority shall not be used when negotiation is authorized by the provisions of § 18–3.203 or § 18–3.206.

**§ 18–3.209 Perishable or nonperishable subsistence supplies.**

**§ 18–3.209–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(9), purchases and contracts may be negotiated if:

for perishable or nonperishable subsistence supplies.

**§ 18–3.210 Supplies or services for which it is impracticable to secure competition by formal advertising.**

**§ 18–3.210–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(10), purchases and contracts may be negotiated if:

for property or services for which it is impracticable to obtain competition.

**§ 18–3.210–2 Application.**

The following are illustrative of circumstances with respect to which this authority may be used:

(a) When supplies or services can be obtained from only one person or firm ("sole source of supply");

(b) When competition is precluded because of the existence of patent rights, copyrights, secret processes, control of basic raw material, or similar circumstances;

(c) When bids have been solicited pursuant to the requirements of formal advertising, and no responsive bid has been received from a responsible bidder;

(d) When bids have been solicited pursuant to the requirements of formal advertising, and the responsive bid or bids do not cover the quantitative requirements of the solicitation of bids, in which case negotiation is permitted for the remaining requirements of the solicitation of bids;

(e) When the contemplated procurement is for electric power or energy, gas (natural or manufactured), water, or other utility services;

(f) When the contemplated procurement is for training film, motion picture productions, or manuscripts;

(g) When the contemplated procurement is for technical, nonpersonal services in connection with the assembly, installation, or servicing (or the instruction of personnel therein) of equipment of a highly technical specialized nature;

(h) When the contemplated procurement is for studies or surveys other than those which may be negotiated under § 18–3.205 or § 18–3.211;

(i) When the contemplated procurement involves maintenance, repair, alterations, or inspection, in connection with any one of which types of services the exact nature or amount of the work is not known;

(j) When the contemplated procurement is for stevedoring, terminal, warehousing, or switching services, and when either the rates are established by law or regulation or the rates are so numerous or complex that it is impracticable to set them forth in the specifications of a formal solicitation of bids;

(k) When the contemplated procurement is for commercial ocean or air transportation, including time charters, space charters, and voyage charters over trade routes not covered by common carriers (as to which, negotiation is authorized under the provisions of § 18–3.217 and section 321 of the Transportation Act of September 18, 1940, 49 U.S.C. 65), and including services for the operation of Government-owned vessels or aircraft;

(l) When the contract is for services related to the procurement of perishable subsistence such as protective storage, icing, processing, packaging, handling, and transportation, whenever it is impracticable to advertise for such services a sufficient time in advance of the delivery of the perishable subsistence;

(m) When it is impossible to draft, for a solicitation of bids, adequate specifications or any other adequately detailed description of the required supplies or services;

(n) When the contract is for storage (and related services) of household goods; or

(o) When the contemplated procurement is for parts or components being procured as replacement parts in support of equipment specially designed by the manufacturer, where data available is not adequate to assure that the part or component will perform the same function in the equipment as the part or component it is to replace.

**§ 18–3.210–3 Limitation.**

Every contract that is negotiated under this authority shall be accompanied with a determination and findings signed by the contracting officer justifying its use, which shall become part of the contract file. The findings shall set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable. This authority shall not be used when negotiation is authorized by any other authority set forth in §§ 18–3.201 through 18–3.217, except that this authority shall be used in preference to § 18–3.212.

**§ 18–3.211 Experimental, developmental, or research work.**

**§ 18–3.211–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(11), purchases and contracts may be negotiated if:

for property or services that he [the Administrator] determines to be for experimental, developmental, or research work, or for making or furnishing property for experiment, test, development, or research.

**§ 18–3.211–2 Application.**

The following are illustrative of procurements with respect to which this authority may be used:

(a) Contracts relating to theoretical analysis, exploratory studies, and experiment in any field of science or technology;

(b) Developmental contracts calling for the practical application of investigative findings and theories of a scientific or technical nature;

(c) Contracts for such quantities and kinds of equipment, supplies, parts, accessories, or patent rights thereto, and drawings or designs thereof, as are necessary for experiment, development, research, or test; or

(d) Contracts for services, tests, and reports necessary or incidental to experimental, developmental, or research work.



**§ 18–3.211–3 Limitation.**

(a) This authority shall not be used for negotiated contracts with educational institutions where the authority provided by 10 U.S.C. 2304(a)(5) is applicable.

(b) This authority shall not be used for quantity production, except that such quantities may be purchased hereunder as are necessary to permit complete and adequate experiment, development, research, or test. Accordingly, research or development contracts which call for the production of a reasonable number of experimental or test models, or prototypes, shall not be regarded as contracts for quantity production.

(c) This authority shall not be used when negotiation is authorized by the provisions of § 18–3.203 or § 18–3.206.

(d) In order for this authority to be used, the required determination must be made in accordance with the requirements of Subpart 18–3.3. Where property or supplies are procured under this authority, the findings required by Subpart 18–3.3 shall set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable.

**§ 18–3.211–4 Reports.**

For implementation of the statutory reporting requirement to Congress, see § 18–1.110 of this chapter.

**§ 18–3.212 Classified purchases.**

**§ 18–3.212–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(12), purchases and contracts may be negotiated if:

for property or services whose procurement he [the Administrator] determines should not be publicly disclosed because of their character, ingredients, or components.

**§ 18–3.212–2 Application.**

This authority may be used for purchases or contracts classified "Confidential" or higher.

**§ 18–3.212–3 Limitation.**

In order for this authority to be used, the required determination and findings must be made in accordance with the requirements of Subpart 18–3.3. The determination and findings shall set forth those facts and circumstances that are clearly illustrative of the conditions described for use of this authority. The determination and findings shall also set forth those facts and circumstances that clearly and convincingly establish that formal advertising would not be feasible and practicable. This authority shall not be used when negotiation is authorized by any other authority set forth in §§ 18–3.201 through 18–3.217.

**§ 18–3.213 Technical equipment requiring standardization and interchangeability of parts.**

**§ 18–3.213–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(13), purchases and contracts may be negotiated if:

for equipment that he [the Administrator] determines to be technical equipment whose standardization and the interchangeability of whose parts are necessary in the public interest and whose procurement by negotiation is necessary to assure that standardization and interchangeability.

**§ 18–3.213–2 Application.**

(a) This authority may be used for procuring additional units and replacement items of technical equipment and spare parts by negotiation in order to assure standardization of equipment and interchangeability of parts where, in special situations or in particular localities, such standardization and interchangeability are determined necessary. For example, this authority could be utilized whenever it is necessary:

(1) To limit the variety and quantity of spare parts that must be carried in stock;

(2) To make possible, by standardization, the availability of spare parts that may be interchanged among items of damaged or worn equipment; or

(3) To procure from selected suppliers technical equipment which is available from a number of suppliers, but which would have such varying performance characteristics (notwithstanding detailed specifications and rigid inspection) as would prevent standardization and interchangeability of parts.

(b) Before making a determination to procure specified makes and models under this authority, consideration shall be given to:

(1) The practicability of interchanging parts and cannibalizing equipment;

(2) The probability that future procurement of the selected item of equipment can be effected at reasonable prices;

(3) Whether the standardization will appreciably reduce the variety and quantity of parts that must be carried in stock;

(4) The value of similar equipment and its supporting parts on hand;

(5) Possible savings in training personnel and publishing technical literature;

(6) Whether the standardization will adversely affect existing specifications and standards; and

(7) The degree to which the current design of the specified make and model has been changed from the design of equipment of the same make and model now in the supply system.

(c) Actions taken under this authority shall be reviewed at least once every two years to determine whether the standardization should be continued, revised, or canceled.

(d) This authority may be used in situations where only one or a limited quantity of a particular item is to be purchased and where compatibility with existing equipment and interchangeability of parts is essential. The fact that this authority is used in such a case does not mean that a subsequent purchase of similar equipment will necessarily require the use of negotiation for purposes of standardization. The facts involved in each such case must be examined to determine whether compatibility with other equipment and interchangeability of parts are essential objectives.

**§ 18–3.213–3 Limitation.**

This authority shall not be used for initial procurements of equipment and spare parts, or for the purpose of selecting arbitrarily the equipment of certain suppliers; nor shall it be used unless the Administrator has determined, in accordance with the requirements of Subpart 18–3.3 that:

(a) The equipment constitutes technical equipment;

(b) Standardization of such equipment and interchangeability of its parts are necessary in the public interest; and

(c) Procurement of such equipment or of its parts by negotiation is necessary to assure that standardization and interchangeability.

**§ 18–3.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.**

**§ 18–3.214–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(14), purchases and contracts may be negotiated if:

for technical or special property that he [the Administrator] determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property.

**§ 18–3.214–2 Application.**

This authority may be used for the procurement of technical or specialized supplies or equipment or major components thereof, and any supplies of a technical or specialized nature which may be necessary for the use or operation of such supplies or equipment. Such procurement generally involves:

(a) High starting costs which already have been paid for by the Government or by the supplier;

(b) Preliminary engineering and development work that would not be useful to or usable by any other supplier;

(c) Elaborate special tooling already acquired;

(d) Substantial time and effort already expended in developing a prototype or an initial production model; and

(e) Important design changes which will continue to be developed by the supplier.

In general, this authority shall be used in situations where it is preferable to place a production contract with the supplier who had developed the equipment, and thereby either assure to the Government the benefit of the techniques, tooling, and equipment already acquired by that supplier, or avoid undue delay arising from a new supplier having to acquire such techniques, tooling, and equipment. However, this exception should not be used to avoid duplication of private investment unless this

duplication would be likely to result in additional cost to the Government or would result in duplication of necessary preparation which would unduly delay the procurement.

**§ 18–3.214–3 Limitation.**

This authority shall not be used unless and until the Administrator has determined, in accordance with the requirements of Subpart 18–3.3, that:

(a) The supplies are of a technical or specialized nature requiring a substantial investment or an extended period of preparation for manufacture; and

(b) Procurement by formal advertising either—

(1) Would be likely to result in additional cost to the Government by reason of duplication of investment; or

(2) Would result in duplication of necessary preparation which would unduly delay procurement.

**§ 18–3.215 Negotiation after advertising.**

**§ 18–3.215–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(15), purchases and contracts may be negotiated if:

for property or services for which he [the Administrator] determines that the bid prices received after formal advertising are unreasonable as to all or part of the requirements, or were not independently reached in open competition, and for which (i) he has notified each responsible bidder of intention to negotiate and given him reasonable opportunity to negotiate; (ii) the negotiated price is lower than the lowest rejected bid of any reasonable bidder, as determined by the head of the agency; and (iii) the negotiated price is the lowest negotiated price offered by any responsible supplier.

**§ 18–3.215–2 Limitation.**

This authority shall not be used unless the Administrator has determined, in accordance with the requirements of Subpart 18–3.3, that the bid prices, after formal advertising for such supplies or services, are unreasonable or were not independently reached in open competition. Also, after such determination by the Administrator and after rejection of all bids, no contract shall be negotiated under this authority unless:

(a) Prior notice of intention to negotiate and a reasonable opportunity to negotiate have been given by a contracting officer to each responsible bidder who submitted a bid in response to the invitation for bids;

(b) The negotiated price is lower than the lowest rejected bid price of a responsible bidder, as determined by the Administrator; and

(c) The negotiated price is the lowest negotiated price offered by any responsible supplier.

Moreover, any evidence of bids not independently reached shall be forwarded to the Department of Justice (see § 18–1.111 of this chapter).

**§ 18–3.217 Otherwise authorized by law.**

**§ 18–3.217–1 Authority.**

Pursuant to 10 U.S.C. 2304(a)(17), purchases and contracts may be negotiated if:

otherwise authorized by law.

**§ 18–3.217–2 Application.**

The following are examples of other statutes which authorize negotiation:

(a) *Small Business Act (Public Law 85–536 as amended—15 U.S.C. 631–647).* Contracts for partial or total set-asides for small business made pursuant to a joint determination by the NASA and Small Business Administration (including contracts entered into pursuant to "Small Business Restricted Advertising") shall cite as authority 10 U.S.C. 2304(a)(17) and Section 15 of the Small Business Act (15 U.S.C. 642).

(b) *Section 321 of the Transportation Act of 1940 (49 U.S.C. 65).* This law permits negotiation for transportation services when the services required can be procured from any common carrier.

**§ 18–3.218 Construction work.**

**§ 18–3.218–1 Application.**

Contracts to construct or repair any building, road, sidewalk, sewer, main, or similar item are subject to 10 U.S.C. 2304(c).

**§ 18–3.218–2 Limitation.**

(a) *Work in the United States.* Contracts for construction work to be performed within the United States shall be formally advertised and may not be negotiated unless authorized pursuant to 10 U.S.C. 2304(a)(1), (2), (3), (10), (11), or (15).

(b) *Work outside of the United States.* Contracts for construction work to be performed outside of the United States shall be formally advertised and may not be negotiated unless authorized pursuant to subsections (1) through (17) of 10 U.S.C. 2304(a), as appropriate (note that such contracts to be performed in possessions of the United States or Puerto Rico may not be negotiated pursuant to 10 U.S.C. 2304(a)(6)).

**§ 18–3.218–3 Citation of authority to negotiate.**

Negotiated contracts for construction work shall cite as authority for their negotiation the applicable subsection of 10 U.S.C. 2304(a).

## Subpart 18–3.3—Determinations and Findings

**§ 18–3.300 Scope of subpart.**

This subpart enumerates the procedures to be followed in making the determinations and findings referred to in 10 U.S.C. 2304(a) and Subpart 18–3.2.

**§ 18–3.301 Nature of determinations and findings.**

(a) Determinations and findings required in connection with negotiated contracts fall into three categories, based on the official authorized to make such determinations and findings:

(1) Those which the Administrator or Deputy Administrator of NASA must make;

(2) Those to be made by the Director of Procurement; and

(3) Those which may be made by a contracting officer.

The determinations and findings which fall into each of the above categories are listed in §§ 18–3.302, 18–3.303, and 18–3.304.

(b) Determinations and findings ordinarily will be made only with respect to individual purchases or contracts. However, in special cases, based on the recommendation of the head of a field installation and with the concurrence of the Director of Procurement, the Administrator may make determinations and findings for classes of purchases or contracts. Class determinations and findings shall be restricted to circumstances where greater operational flexibility in the processing of determinations and findings is necessary to minimize delays to a research and development project or program where several negotiated contracts may be issued in furtherance of the project or program. Before negotiating a contract under the authority of a class determination and findings, for procurements under 10 U.S.C. 2304(a)(11) for property and supplies, and for any procurements under 10 U.S.C. 2304(a)(12), the contracting officer shall establish that procurement by formal advertising is not feasible and practical (see § 18–3.101(b)). Each class determination and findings shall specify an effective period, which shall not exceed one year.

**§ 18–3.302 Determinations and findings to be made by the Administrator.**

The following determinations (or similar approvals) and written findings in support thereof are required to be made by the Administrator or Deputy Administrator:

(a) The determinations required by 10 U.S.C. 2304(a)(1) and (11) through (16) except that determinations under Section 2304(a)(11) with respect to contracts requiring the expenditure of not more than $100,000 may be made by the contracting officer (see § 18–3.304);

(b) Within the limitations imposed by 10 U.S.C. 2306(d), approval of fixed fees in excess of—

(1) 10 percent of the estimated cost, exclusive of fee, of any cost-plus-fixed-fee contract for experimental, developmental, or research work; or

(2) 7 percent of the estimated cost, exclusive of fee, of any other cost-plus-fixed-fee contract.

(c) The determinations required under 10 U.S.C. 2306(f) with respect to waiving the requirement for submission by contractors and subcontractors of cost and pricing data and the certification thereof; and

(d) Determinations and findings for classes of purchases or contracts.

**§ 18–3.303 Determinations and findings to be made by the Director of Procurement.**

The following individual determinations (or similar approvals) and written findings in support thereof are authorized to be made by the Director of Procurement:

(a) Determinations with respect to advance payments as required by 10 U.S.C. 2307(c) and 2310(b); and

(b) Any other determinations and findings not required to be made by higher authority.

**§ 18–3.304 Determinations and findings to be made by a contracting officer.**

The following individual determinations and findings may be made by a contracting officer, subject to any limitations imposed by the designating official:

(a) Determinations and findings under 10 U.S.C. 2304(a)(11) with respect to contracts requiring the expenditure of not more than $100,000;

(b) Determinations and findings justifying negotiations on the basis of public exigency under 10 U.S.C. 2304(a)(2) as required by § 18–3.202–3.

(c) Determinations and findings justifying negotiation under 10 U.S.C. 2304(a)(7) as required by § 18–3.207–3.

(d) Determinations and findings required by 10 U.S.C. 2306(c) prior to the making of any cost, cost-plus-fixed-fee, or incentive contract shall set forth those facts and circumstances that clearly indicate why the type of contract selected is likely to be less costly than any other type or that it is impracticable to obtain property or services of the kind or quality required except under such a contract;

(e) Determinations and findings required by 10 U.S.C. 2306(d) of the estimated costs of contracts or projects on the basis of which maximum allowable fee percentages are measured;

(f) Determinations and findings required by 10 U.S.C. 2306(f) with respect to significant sums by which contracts may be adjusted; and

(g) Any other determinations and findings called for by this chapter and not required to be made by higher authority.

**§ 18–3.305 Forms of determinations and findings.**

Each determination and findings authorizing negotiation under the authority of 10 U.S.C. 2304(a)(11)–(15) shall set forth the facts and circumstances that are clearly illustrative of the conditions described for use of the particular authority. Determinations and findings authorizing negotiation shall set forth those facts and circumstances that clearly and convincingly establish that formal advertising would not be feasible and practicable. Instructions for the preparation of determinations and findings and sample determinations and findings under 10 U.S.C. 2304(a)(11) and 10 U.S.C. 2304(a)(14) are set forth in this § 18–3.305.

**§ 18–3.305–1 Individual contracts under 10 U.S.C. 2304(a)(11). (See §§ 18–3.211 and 18–3.301(b).)**

(a) *Findings.* In the first paragraph under "Findings" describe briefly and clearly the scope and nature of the work to be performed. In the second paragraph, set forth the facts and circumstances that are clearly illustrative of the conditions set forth in 10 U.S.C. 2304(a)(11) for use of this authority. (See §§ 18–3.211 and 18–3.211–2.) In the third paragraph, set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable.

(b) *Determination.* Following the format set forth in the sample below, use the appropriate terms to state precisely whether the proposed procurement is for experimental, developmental, or research work or the making or furnishing of property for experiment, test, development, or research; or for a combination of these.

(c) *Sample format.*

DETERMINATION AND FINDINGS

Decision To Negotiate an Individual Contract Under 10 U.S.C. 2304(a)(11)

FINDINGS

1. The proposed procurement is to develop and obtain a compressor unit to provide high pressure helium to the hypervelocity jets of the Hypersonic Aerothermal Dynamics Facility for the investigation of the aeroelastic problems of Dynasoar-type vehicles during exit and reentry and the reentry problems of other vehicles, such as Apollo or lunar space vehicles, where the largest flight dynamic pressures may be encountered.

2. The proposed contract will require the contractor to do development work in the design and engineering of the compressor unit. Research work will be necessary to support the development stage of the work, primarily to determine the type of components to be included in the unit to insure performance requirements.

3. Formal advertising is not feasible and practicable for this procurement because it is impossible to describe in precise detail or by definite drawings and specifications the nature of the work to be done; only the ultimate objectives and the general scope of the work can be outlined.

DETERMINATION

On the basis of the above findings, I hereby determine that the proposed procurement is for developmental and research work, and for the making of property for research.

Upon the basis of the determination and findings above, I hereby decide that this contract will be negotiated pursuant to 10 U.S.C. 2304(a)(11).

DATE ----------

**§ 18–3.305–2 Class of contracts under 10 U.S.C. 2304(a)(11). (See §§ 18–3.211 and 18–3.301(b).)**

(a) *Findings.* In the first paragraph identify the program, the project, and the project number (using the NASA Financial Management Manual, Agency-Wide Coding Structure, NPC 300–4) to which the contemplated procurements are oriented. A statement also will be included in the first paragraph that the determination and findings cover only the procurement requirements that are provided for and further defined under the program/project cited, except for such items of property or supplies for which formal advertising is feasible and practicable. In the second paragraph, under "Findings," describe briefly and clearly the scope and nature of the work to be performed. When property and services are to be procured under a "Class Determination and Findings," a statement will be made that the "Determination and Findings" does not apply to those items of property or supplies for which formal advertising is feasible and practicable. In the third paragraph, set forth the facts and circumstances that are clearly illustrative of the conditions set forth in 10 U.S.C. 2304(a)(11) for use of this authority (see §§ 18–3.211 and 18–3.211–2). In the fourth paragraph, set forth facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable.

(b) *Determination.* Following the format set forth in the sample below, use the appropriate terms to state whether the proposed class of contracts will be for experimental, developmental, or research work; or the making or furnishing of property or supplies for experiment, test, development, or research; or for a combination of these. A statement of the period (not to exceed one year) for which the determination and findings will be effective will be included.

(c) *Sample format.*

DETERMINATION AND FINDINGS

Decision to Negotiate a Class of Contracts under 10 U.S.C. 2304(a)(11)

FINDINGS

1. This procurement will consist of one or more contracts for the accomplishment of the Advanced Technology Program for Liquid Propellant Rocket Engines, except for such items of property or supplies for which formal advertising is feasible and practicable and will cover only procurement requirements that are provided for and further defined under the following project citation:

RA Engine Project
Project Nr XX-XX-XXX-XXX

2. The proposed class of contracts is for the Advanced Technology Program for Liquid Propellant Rocket Engines, which has as its goal the development of the necessary technology for reliable rocket engines that are needed for launch vehicles and for spacecraft, except for such items of property or supplies for which formal advertising is feasible and practicable. These procurements will involve study and analysis of problems and possible solutions relating to new and unproven concepts in the field of liquid propellant rocket engine systems, subsystems, components, instruments, propellants, fabrication techniques, materials, storage and environmental factors, and aerothermochemistry and heat transfer properties. The procurements will also involve the experimental demonstration of the feasibility of new and unproven concepts and development of the technology required to bring new or unproven concepts into practical use.

3. The proposed procurements will require contractors to study, analyze, and investigate problems in the field of liquid propellant rocket engine systems, and, on the basis of experiments, demonstrate the feasibility of the new concepts which result from these studies.

4. Formal advertising is not feasible and practicable for these procurements because it is impossible to describe in precise detail, or by any definite drawings or specifications, the nature of the work to be performed under

the proposed contracts; only the ultimate objective and the general scope of the work can be outlined.

DETERMINATION

On the basis of the above findings, I hereby determine that the proposed class of contracts is for experimental and research work and for the making or furnishing of property for experiment, test, and research.

Upon the basis of the determination and findings above, I hereby decide that this class of contracts will be negotiated pursuant to 10 U.S.C. 2304(a)(11).

This class determination shall remain in effect until June 30, 1963.

DATE ----------.

**§ 18–3.305–3 Individual contract under 10 U.S.C. 2304(a)(14). (See § 18–3.214).**

(a) *Findings.* In the first paragraph, under "Findings," describe briefly and clearly the supplies or property being procured. Such description must include a statement that the supplies or property are technical or specialized in nature and must explain why they are so categorized. The second paragraph must establish either one or, preferably, both of the following:

(1) That furnishing the supplies or property requires a substantial initial investment and that such investment (or a substantial part of it) has already been made by one source (or by the Government in such source), so that procurement by formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment;

(2) That furnishing the supplies or property requires an extended period of preparation for manufacture, that one source has already made such preparation (or a large part of it), and that procurement by formal advertising would result in duplication of necessary preparation which would unduly delay the procurement of the supplies or property.

In the case of subparagraph (1) of this paragraph, provide estimates of the original investment and the amount that would have to be duplicated at the expense of the Government. In the case of subparagraph (2) of this paragraph, show that such delay would be prejudicial to the mission of NASA. In both cases, use specific facts relating to the particular procurement, not unsupported statements of general applicability.

(b) *Determination.* Use the following Determination in its entirety, where applicable; otherwise delete the inapplicable portions. For example, the supplies might be either technical or specialized, in which case only one term would be used; or the procurement might involve substantial investment but not an extended period of preparation, in which case irrelevant language would be deleted and the remainder combined in one sentence.

DETERMINATION

On the basis of the above findings, I hereby determine that the proposed contract is for supplies or property of a technical and specialized nature requiring a substantial initial investment and an extended period of preparation for manufacture and that procurement by formal advertising:

(1) Would be likely to result in additional cost to the Government by reason of duplication of investment; and

(ii) Would result in duplication of necessary preparation which would unduly delay the procurement.

**§ 18–3.306 Procedure with respect to determinations and findings.**

Determinations and Findings for authority to negotiate required by §§ 18–3.202, 18–3.207 and 18–3.210 through 18–3.215 shall be signed by the appropriate official prior to issuance of a request for proposals or quotations. Any modifications of such Determinations and Findings subsequently found to be necessary will not require cancellation of the request for proposals or quotations, provided the Determinations and Findings as modified, support negotiation under any one of the authorities cited in §§ 18–3.201 through 18–3.217. Where the facts continue to support the negotiation but under an exception for which Determination and Findings is not required, cancellation of the Determination and Findings will not require cancellation of the request for proposals or quotations. Where a Determination and Findings is executed by the Administrator or Deputy Administrator, NASA, and is not used, the initiating activity should return the Determination and Findings to the Director of Procurement (Code KDR), explaining the circumstances why the Determination is no longer required.

**§ 18–3.306–1 Justification required.**

(a) When a determination is required to be made in NASA Headquarters pursuant to the provisions of Subparts 18–3.2 and 18–3.3, and preparation of a procurement plan is not required (see § 18–3.852–2), field installations shall prepare a memorandum setting forth a detailed justification (including supporting documents or information) of the reasons why it is necessary to place a contract by negotiation rather than by formal advertising. The following information shall be included in the justification:

(1) A brief and concise description in nontechnical language of the supplies or services to be procured.

(2) The authority selected for negotiation and a complete statement of the facts and circumstances which clearly illustrates the conditions described for use of this authority.

(3) Identification of the program with which the proposed procurement is associated, name of the project, project approval number, and the date and authority by which the project approval was granted, and the technical office with which this program and project information was coordinated; a statement that the technical office initiating the requirement has concurred in the technical description of the work as set forth in the proposed determination and findings; identification of the technical office that will be responsible for technical monitoring of the contract once it is placed.

(4) The names and addresses of all sources to which requests for proposals will be issued. If negotiation is to be conducted with only one source, a Justification for Noncompetitive Procurement will be prepared in accordance with § 18–3.802–2(d).

(5) Any pertinent information obtained, where circumstances required preliminary discussions with potential sources.

(6) The estimated cost of the proposed contract.

(7) A detailed statement setting forth those facts and circumstances that clearly and convincingly establish why formal advertising is not feasible and practicable for the particular procurement.

(8) The proposed type of contract.

(b) When a determination is required to be made in NASA Headquarters pursuant to the provisions of Subparts 18–3.2 and 18–3.3, and preparation of a procurement plan is also required (see § 18–3.852–2), field installations shall use the procurement plan as the detailed justification required by paragraph (a) of this section.

(c) In addition to the above, an original and one copy of NASA Form 543, "Justification for Negotiation," shall be submitted with the proposed determination and findings. The original shall be returned to the installation with the determination and findings and the copy shall be retained for Headquarters files.

**§ 18–3.306–2 Preparation and submission.**

(a) When § 18–3.306–1(a) is applicable, installations shall submit four copies of the proposed determination and findings with two copies of the justification (and any other supporting documents considered necessary) to the Director of Procurement for review and signature of appropriate authorities.

(b) When § 18–3.306–1(b) is applicable, installations shall submit four copies of the proposed determination and findings with two copies of the procurement plan to the Director of Procurement for review and signature of appropriate authorities. When approval of the procurement plan by NASA Headquarters is required (see § 18–3.852–4), the submission under the preceding sentence shall be made concurrently with the submission of the proposed procurement plan for approval by NASA Headquarters, with two copies of the proposed procurement plan designated as the justification for the proposed determination and findings.

**§ 18–3.307 Filing of determinations and findings.**

A copy of each determination and findings shall be filed with the contract to which it applies. Each determination and findings made pursuant to the authority of sections 2304(a)(11) through (16), 2306(c), and 2307(c) of Title 10 U.S.C. shall be retained in the files of the NASA installation concerned for a period of six years following the date of each respective determination.



No. 237—Pt. II——9

**§ 18–3.308 Retention of data with respect to negotiation.**

In each case where a purchase or contract is negotiated except under §§ 18–3.202 to 18–3.206 inclusive, data with respect to the negotiation shall be preserved in the files of the NASA installation concerned for a period of six years following final payment on such contract. With respect to the retention of data to support small purchases, see § 18–3.603–2(c).

## Subpart 18–3.4—Types of Contracts

**§ 18–3.400 Application.**

The provisions of 32 CFR Part 3 (Subpart D) are incorporated herein by reference except as to the use of incentive type contracts. Policies and procedures to be followed in the use of incentive contracts are set forth in § 18–3.450. Where special approvals are required under the ASPR provisions incorporated herein by reference the approval of the Director of Procurement is required. (See also § 18–3.302 requiring approval by the Administrator of fixed fees in excess of limitations specified therein.)

**§ 18–3.450 Incentive contracts.**

(a) *Policy.* It is NASA policy to make judicious and effective use of incentive contracts of both the cost and the performance type. Particular care and judgment are required in choosing procurements appropriate for incentive contracts, and in framing and negotiating the specific incentive terms. The procedures set forth below in this § 18–3.450 are established to:

(1) Effectively seek out procurements that lend themselves to the use of contract incentive provisions;

(2) Avoid the use of incentive provisions in situations where they are unsuited and where their use could have adverse results; and

(3) Ensure, in connection with contracts in which incentive provisions are to be included, that the skills necessary to draft and negotiate the appropriate incentive provisions are available to NASA procurement offices.

(b) *Responsibilities of the Director of Procurement.* In order to implement the policy objectives of paragraph (a) of this section for use of incentive contracts, the Director of Procurement will perform the following functions:

(1) Review, with Headquarters Program Offices and with NASA field installations, as necessary, forthcoming procurements in order to select, well in advance, those procurements which appear to lend themselves to the inclusion of incentive features;

(2) Provide or arrange for guidance and technical assistance to procurement offices in connection with the drafting and negotiation of incentive provisions in those contracts approved in advance by the Director of Procurement, for application of incentive provisions;

(3) Review and make recommendations to field installations with regard to proposals made by them as to the use of incentive provisions in forthcoming contracts;

(4) Appraise the capability within NASA to select, negotiate, and administer incentive contracting and assist in making required training arrangements;

(5) Study, in conjunction with the Directors of Management Information Systems Division and the Financial Management Division, Office of Administration, NASA Headquarters, the linking of incentive provisions to PERT-Cost;

(6) Maintain close contact with the Department of Defense in the incentives field and keep informed of other studies, literature, or developments within the Government and industry bearing on incentive contracting;

(7) Develop more precise policy guidelines governing use of incentive provisions; and

(8) Report quarterly to the Associate Administrator regarding the progress being made within NASA to utilize incentive provisions.

In carrying out the functions specified in this paragraph (b), the Director of Procurement will utilize the assistance of the Headquarters Program Offices, the General Counsel, and the Audit Division.

(c) *Approvals required before selection of contracts for inclusion of incentive provisions.*

(1) No procurement will be selected for the inclusion of an incentive provision until such inclusion has been recommended or approved in advance by the Director of Procurement. However, such advance recommendation or approval shall not be construed as requiring the preparation of a contract with incentive features if it appears, in the course of negotiations that the exercise of good business judgment requires a different contractual arrangement. Every procurement plan shall contain a discussion of the feasibility of applying incentive provisions, as well as a recommendation regarding the use of such provisions in the particular procurement.

(2) The Director of Procurement will, in the case of each procurement for which incentives have been recommended or approved, provide such assistance as may be necessary to ensure that the procurement office in question has the requisite capability to draft, negotiate, and administer the incentive provisions. The degree to which Headquarters personnel participate in any phase of the preparation or negotiation of such a provision will be determined by the Director of Procurement.

(3) Due to the difficulties inherent in incentive contracting, any proposed contract containing an incentive provision will require the approval of the Director of Procurement before it becomes a contract binding on the parties, regardless of whether the contract requires approval at NASA Headquarters under other provisions of this chapter or whether advance authorization under subparagraph (1) of this paragraph was obtained.

(d) *Technical assistance.* The selection, drafting, negotiation, and administration of contract incentives require a team effort in which substantial technical assistance must be provided to procurement and legal personnel. The contracting officer shall obtain such assistance from technical personnel in his organization and shall be satisfied that the project director or comparable official is in agreement with the incentive approach being followed in any given case. Any differences of opinion shall be brought to the attention of the Director of Procurement.

(e) *Contract clause.* Section 18–7.108 of this chapter sets forth a standard incentive price revision clause for fixed-price incentive contracts with cost incentives.

## Subpart 18–3.6—Small Purchases

**§ 18–3.600 Scope of subpart.**

This subpart prescribes policies and procedures for the purchase of supplies and nonpersonal services from commercial sources when the aggregate amount involved in any one transaction does not exceed $2,500. Such purchases shall be termed "small purchases." This Subpart 18–3.6 is not applicable to the procurement of supplies or services initially estimated to exceed $2,500 even though awards under such procurements do not exceed $2,500.

**§ 18–3.601 Purpose.**

The objectives of the simplified purchase methods prescribed herein are to reduce the administrative costs in accomplishing small purchases, to improve opportunities for small business concerns to obtain a fair proportion of Government purchases and contracts, and to eliminate costly and time-consuming paper processes.

**§ 18–3.602 Policy.**

(a) Small purchases shall be made by negotiation, except under special circumstances where it is clearly in the best interest of the Government to accomplish such purchases by more formal methods.

(b) The objective of helping small concerns to participate in Government contracting has wide potential application where small purchases are concerned, and, accordingly, placement of small purchases with small concerns is specifically encouraged, consistent, of course, with other valid considerations, such as price feasibility.

(c) When quotations are received on a number of related items (such as hardware items, spare parts for vehicles, or office supplies, etc.), one purchase order shall normally be issued to the firm quoting the lowest aggregate prices rather than issuing more than one purchase order on the basis of accepting the lowest quotation on each item.

(d) In arriving at the aggregate amount involved in any one transaction, there must be included all supplies and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising.

Requirements aggregating more than $2,500 shall not be broken down into several purchases which are less than $2,500 merely for the purpose of permitting negotiation or utilizing the small purchase methods authorized under this Subpart 18–3.6.

(e) Any one of the purchase forms or methods set forth in this Subpart 18–3.6 which is determined the most suitable to the immediate requirement and which will accomplish the procurement in the most efficient and economical manner shall be utilized.

**§ 18–3.603 Competition.**

**§ 18–3.603–1 Solicitation.**

(a) Reasonable competition means obtaining a sufficient number of quotations from qualified sources of supply so as to assure that the procurement is fair to the Government, price and other factors considered, including the administrative cost of the purchase. In arriving at the number of quotations to be solicited, due consideration will be given to the cost of the proposed solicitation in relation to the potential benefits to be derived by the Government consistent with good business.

(b) Reasonable coverage of the market for small purchases does not ordinarily require going outside the trade area in which the procurement office is located to obtain quotations. However, competition shall not be limited to suppliers of well-known and widely distributed makes or brands, nor shall quotations be solicited purely on a selective personal preference basis. New supply sources, disclosed through trade journals or other media, shall be continuously reviewed and, when appropriate, added to the list of available sources.

(c) The following factors influence the number of quotations required in connection with any particular purchase:

(1) The nature of the article or service to be procured, and whether highly competitive and readily available in several makes or brands, or relatively noncompetitive;

(2) Information obtained in making recent purchases of the same or similar item;

(3) The urgency of the proposed purchase;

(4) The dollar value of the proposed purchase; and

(5) Past experience concerning specific dealers' prices.

(d) Solicitation of quotations may be effected orally or in writing. Written solicitation should be used only in circumstances where:

(1) The suppliers are located outside the local area;

(2) Special specifications are involved;

(3) A large number of items is included in a single proposed procurement; or

(4) Obtaining oral quotations is not considered efficient.

(e) Where it is the practice for suppliers to furnish standing price quotations on supplies or services required on an intermittent and recurring basis, this information may be used in lieu of obtaining individual quotations each time a purchase is contemplated. In such cases, the purchaser shall assure that the price information is current and that the Government obtains the benefit of maximum discounts.

**§ 18–3.603–2 Data to support small purchases.**

(a) The manner of securing quotations and the nature and extent of information to be required for small purchases should be limited to only that deemed necessary to conclude purchase action.

(b) The following are illustrative of the extent to which quotation information should be recorded:

(1) Oral solicitations—When oral price quotations are obtained, informal records should be established which will reflect clearly the propriety of placing the order at the price paid with the supplier concerned. In most cases, this will consist merely of showing the names of the suppliers contacted and the prices and other terms and conditions quoted by each. Handwritten notations on the Government purchase action request form, or whatever medium the purchaser is using as his basis for making the purchase, are satisfactory for this purpose.

(2) Written solicitations—Retention in the purchase files of written quotations received, or references to printed price lists used, will usually suffice as the record supporting the price paid.

(c) Purchase data collected or compiled during the course of arranging the purchase are for administrative and guidance value in making the purchase and issuing the appropriate purchase document. The retention of such data in the purchase files for use in subsequent reference, or as administratively required for management review, should be limited in time and quantity to the minimum necessary for such use.

**§ 18–3.604 Imprest Fund.**

For use of Imprest Funds, see NASA Management Instruction 7–3–4.

**§ 18–3.605 Purchase order forms.**

**§ 18–3.605–1 Standard Form 44.**

(a) *General.* Purchase Order-Invoice-Voucher (Standard Form 44) consists of four copies; i.e., a seller's invoice, seller's copy of invoice, receiving report, and memorandum copy. The use of an additional copy is authorized when essential to operating procedures.

(b) *Limitations on use.* Standard Form 44 is authorized for accomplishing small purchases only when all of the following conditions are satisfied:

(1) The transaction is not in excess of $2,500;

(2) The supplies or services are immediately available from the local trade area;

(3) One delivery and one payment will be made; and

(4) Its use is determined to be more economical and efficient than other small purchase methods.

(c) *Examples of use.* Examples as to the appropriate use of Standard Form 44 are as follows:

(1) Over-the-counter purchases;

(2) Purchases made by authorized individuals while away from the purchasing office; and

(3) Purchases at isolated stations.

**§ 18–3.605–2 Standard Forms 147 and 148.**

(a) *Authorized forms.* Order-Invoice-Voucher (Standard Form 147) and Order-Invoice-Voucher, Continuation Sheet (Standard Form 148), provide in one set of forms a purchase or delivery order, vendor's invoice, receiving report, and public voucher, with requisite space for purchase data, vendor's invoicing, and allied budget, accounting, and voucher payment data. These forms are designated primarily for use when single delivery, single payment transactions are contemplated at the time of issuance, and are for use when, in the judgment of the procuring office, the use of a combined order-invoice, receiving report, and voucher will simplify the procurement process. Primary uses of Standard Form 147 are (1) as a purchase order for small purchases and (2) as a delivery order for ordering or scheduling delivery against an established contract. The use of Standard Form 147 as a delivery order against a blanket purchase order is in keeping with its intended use.

(b) *Availability of form.* (1) Standard Form 147 is available in 6-part sets from General Services Administration regional offices, where overprinting is not required and may be ordered in the same manner as other standard forms.

(2) Standard Forms 147 and 148 may be ordered overprinted with agency name, address, and serial number; and with special weight paper, length of carbons, or other items as specified by the ordering agency. The format of the form, the color of the paper, and the number of copies shall not be changed.

(c) *Special instructions.* (1) The use of the forms contemplates that the vendor will utilize copy 1 (original) as his invoice in billing the Government. However, in furtherance of the policy of encouraging vendors to make consolidated periodic billings in instances where several orders have been placed with the same dealer in the same billing period, agencies are requested to instruct vendors to make consolidated periodic billings on their own invoices or statement forms supported by originals of the Standard Forms.

(2) When procurement documented on the forms is paid for in cash, copy 1 of Standard Form 147 should be marked paid and signed and dated by the vendor or agent on the face thereof in the usual commercial manner. The vendor's certificate need not be signed when the form is receipted for cash payment. Cash register receipts or other commercial receipts may be attached in lieu of signature by the vendor.

**§ 18–3.605–3 NASA Form 177.**

NASA Form 177 may be used to make small purchases in lieu of Standard Form 44 or 147 where its use is determined to be more efficient or economical by the procuring installation.



**§ 18–3.605–4 Ship and quote form.**

The NASA Ship and Quote form may be used to make small purchases in lieu of Standard Form 44, 147, or NASA Form 177 where the following conditions apply:

(a) The material or supplies to be ordered to not exceed $250, except that the procurement officer may authorize use of this form for small purchases in excess of $250 where he determines in writing that its use is more efficient or economical than other methods;

(b) The current price can be established with reasonable accuracy by reference to catalogs, price lists, recent purchases, or advertisements;

(c) The specifications are clear and capable of only one interpretation; and

(d) The order is for supplies or minor equipment (tools, etc.) or for minor services, and the supplier's standard commercial guarantee is acceptable.

**§ 18–3.606 Blanket purchase agreement method.**

**§ 18–3.606–1 General.**

The blanket purchase agreement method provides a means of establishing "charge accounts" with qualified sources of supply to cover anticipated small purchases, as required, of readily available items of the same general category. It obviates the need for the issuance of a multiplicity of individual purchase instruments for small quantities of supplies. To the extent practicable, blanket purchase agreements for like items should be placed concurrently with more than one supplier. All potential sources in the local trades area shall be given an equal opportunity to furnish supplies or services under blanket purchase agreements. In carrying out this policy, the following procedures should be followed:

(a) Generally, not less than three or more than four blanket purchase agreements should be placed concurrently for like items; and

(b) Requests exceeding $250 should be placed after negotiating with each blanket purchase agreement holder, unless special circumstances do not permit. In such instances the file should indicate the nature of these special circumstances.

**§ 18–3.606–2 Establishment of blanket purchase agreement.**

Blanket purchase agreements may be established by the issuance of a purchase order which shall provide that:

(a) The supplier shall furnish the supplies or services, described therein in general terms, if and when requested by the contracting officer or his authorized representative during a specified period and within a stipulated aggregate amount: *Provided*, However, that no individual request shall exceed $2,500;

(b) The Government is obligated only to the extent of such requests as are actually made against the blanket purchase agreement;

(c) The supplier's established price lists and discounts shall apply to all requests issued against the blanket purchase agreement;

(d) Requests shall generally be made orally, except that informal correspondence may be used when more convenient;

(e) All delivery tickets issued by the supplier shall fully identify the blanket purchase agreement, the date the request was made, the items, the prices, and other relevant data, and be signed by the Government employee who received the items; and

(f) The supplier shall submit an itemized invoice not less frequently than once each month, or upon expiration of the blanket purchase agreement, whichever occurs first, covering all deliveries made under the blanket purchase agreement not previously invoiced and paid for, with payment to be made on the basis of this invoice.

**§ 18–3.606–3 Conditions for use.**

Blanket purchase agreements are authorized when:

(a) There is a repetitive need for small quantities of supplies or services of closely related types, such as electrical supplies, plumbing supplies, repair parts or services, or miscellaneous items of hardware;

(b) The maximum period of time covered by one blanket purchase agreement shall not exceed 3 months or extend beyond the fiscal quarter in which issued and the maximum aggregate amount of requests to be issued against one blanket purchase agreement shall not exceed $15,000;

(c) No individual request issued against one blanket purchase agreement shall exceed $2,500; and

(d) The use of individual purchase instruments is deemed administratively costly to the Government.

**§ 18–3.606–4 Fiscal control.**

The contracting officer shall maintain informal records of the requests made against each blanket purchase agreement, so as to ensure that the value of requests made does not exceed available funds and that the designated monetary limitations are not exceeded.

**§ 18–3.606–5 Further guidance.**

For further guidance in connection with the use of blanket purchase agreements, see FPR 1–3.606.

**§ 18–3.607 Use of other NASA forms.**

Where necessary, small purchases may also be effected by the use of a negotiated (two-party) formal contract, as, for example, where the procurement is (a) classified or (b) requires specific contract provision relating to technical inspection or test, specifications changes, Government-furnished property, insurance, patents, price adjustments, or the like.

## Subpart 18–3.7—Negotiated Overhead Rates

**§ 18–3.700 Scope of subpart.**

This subpart prescribes policy and procedures with respect to the establishment and use of negotiated overhead rates in NASA cost-reimbursement type contracts and subcontracts.

**§ 18–3.701 Definitions.**

**§ 18–3.701–1 Negotiated final overhead rate.**

The term negotiated final overhead rate as used in this Part 18–3, means a percentage or dollar factor which expresses the ratio mutually agreed upon by NASA and the contractor, at the close of a regularly stated period (preferably the contractor's fiscal year), of allowable indirect expense incurred in the period to direct labor, manufacturing cost, cost of sales, or other appropriate base of this same period. Such rates are used as a means of determining the amount of reimbursement under a contract for the applicable indirect cost and are designated "postdetermined" overhead rates. In certain circumstances involving educational institutions, negotiated final overhead rates may be used as a means of determining the amount of reimbursement for the applicable indirect costs to be incurred during a future period of contract performance; in such cases, they are termed "predetermined" overhead rates. (See § 18–3.704–2(b).)

**§ 18–3.701–2 Provisional overhead rate.**

The term provisional overhead rate as used in this Part 18–3, means a tentative overhead rate established for interim billing purposes pending negotiation of the final overhead rate. Provisional overhead rates are incorporated in the contract and require an amendment to change.

**§ 18–3.701–3 Overhead (indirect costs).**

The term overhead (indirect costs) as used in this Part 18–3, includes, but is not limited to, the general groups of indirect expenses such as those generated in manufacturing departments, engineering departments, tooling departments, general and administrative departments, and, if applicable, indirect costs accumulated by cost centers within these general groups. In the case of contractors using fund accounting systems (e.g., educational institutions), the term includes, but is not limited to, the general groups of expenses, such as general administration and general expense, maintenance and operation of physical plant, library expenses, and use charges for buildings and equipment.

**§ 18–3.701–50 Negotiating authority.**

The term negotiating authority as used in this Part 18–3, means the office designated by the Office of Procurement to conduct the negotiation of final overhead rates with a contractor.

**§ 18–3.702 Purpose.**

The major purposes of negotiated final overhead rates are: (a) to effect uniformity of approach in cases where more than one contract or one or more field installations and the Department of Defense are involved with the same contractor; (b) to effect economy in administrative effort; and (c) to promote timely settlement of reimbursement claims.

**§ 18–3.703 Primary use.**

Negotiated final overhead rates are authorized for use primarily in cost-reimbursement type contracts for research and development with commercial organizations and non-profit or educational institutions. They may also be used in other cost-reimbursement type contracts after a determination is made by the procurement officer that their use is advantageous to the Government. Where it is not apparent that any one of the major purposes enumerated in § 18–3.702 results, or will result, by the use of negotiated final overhead rates, indirect costs will be negotiated on the basis of an advisory audit report.

**§ 18–3.704 Contract clauses.**

**§ 18–3.704–1 Contracts with concerns other than educational institutions.**

When it has been determined that negotiated overhead rates are to be used pursuant to this Part 18–3, insert the following clause:

NEGOTIATED OVERHEAD RATES (JANUARY 1964)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties as specified below.

(b) The contractor, as soon as possible but not later than ninety (90) days after the expiration of each period specified in the Schedule, shall submit to the Contracting Officer, with a copy to the cognizant audit activity and the Office of Procurement, NASA Headquarters, a proposed final overhead rate or rates for that period based on the contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the contractor and the negotiating authority shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Part 15, Subpart 2, of the NASA Procurement Regulation as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract which shall specify (i) the agreed final rates, (ii) the bases to which the rates apply, and (iii) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the contractor shall be reimbursed either at negotiated provisional rates as provided in the Schedule or at billing rates acceptable to the Contracting Officer subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in the Schedule shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

**§ 18–3.704–2 Contracts with educational institutions.**

(a) Insert the following clause in contracts with educational institutions where postdetermined overhead rates are to be used pursuant to this Part 18–3.

NEGOTIATED OVERHEAD RATES (POSTDETERMINED) (JANUARY 1964)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The contractor, as soon as possible but not later than six (6) months after the expiration of each period specified in the Schedule shall submit to the Contracting Officer, with a copy to the cognizant audit activity and the Office of Procurement, NASA Headquarters, a proposed final overhead rate or rates for that period based on the contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the contractor and the negotiating authority shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Part 15, Subpart 3, of the NASA Procurement Regulation as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract which shall specify (i) the agreed final rates, (ii) the bases to which the rates apply, and (iii) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the contractor shall be reimbursed either at negotiated provisional rates as provided in the Schedule or at billing rates acceptable to the Contracting Officer subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over- or under-payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement either retroactively or prospectively. Any such revision of negotiated provisional rates provided in the Schedule shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(b) Provision may be made in cost reimbursement type research and development contracts with educational institutions for payment of reimbursable indirect costs on the basis of predetermined overhead rates, provided that this basis is used with respect to all contracts with an institution. Insert the following clause in contracts with educational institutions where such negotiated overhead rates are to be used pursuant to this Part 18–3.

NEGOTIATED OVERHEAD RATES (PREDETERMINED) (JANUARY 1964)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying predetermined overhead rates to bases agreed upon by the parties as specified below.

(b) The contractor, as soon as possible but not later than three (3) months after the expiration of his fiscal year, shall submit to the Contracting Officer, with a copy to the cognizant audit activity and the Office of Procurement, NASA Headquarters, a proposed predetermined overhead rate or rates based on the contractor's actual cost experience during that fiscal year, together with supporting cost data. Negotiation of predetermined overhead rates by the contractor and the negotiating authority shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

(c) Allowability of cost and acceptability of cost allocation methods shall be determined in accordance with Part 15, Subpart 3, of the NASA Procurement Regulation.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (i) the agreed predetermined overhead rates, (ii) the bases to which the rates apply, (iii) the fiscal year unless the parties agree to a different period for which the rates apply, and (iv) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs.

(e) Pending establishment of predetermined overhead rates for any fiscal year or different period agreed to by the parties, the contractor shall be reimbursed either at the rates fixed for the previous fiscal year or other period or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that fiscal year or other period are established.

(f) Any failure by the parties to agree on any predetermined overhead rate or rates under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period specified in the Schedule of this contract the parties fail to agree to a predetermined overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates (Postdetermined)" clause set forth in 3.704–2 of the NASA Procurement Regulation as in effect on the date of this contract.

(g) Allowable indirect costs for the period until the end of the contractor's fiscal year during which performance begins shall be obtained by applying the predetermined overhead rate set forth in the Schedule to the bases set forth therein.

(c) When predetermined overhead rates are to be used and no such rate or rates have been established for the contractor's current fiscal year, the contracting officer shall obtain from the contractor during the contract negotiations a proposal for a predetermined overhead rate or rates to be applied until the end of such fiscal year. As far as practicable, such proposal should be based on the contractor's cost experience under similar contracts together with supporting cost data. The overhead rate or rates for such initial period shall be predetermined by negotiation and set forth in the contract schedule. The schedule shall also include the bases to which the rates apply and the period for which the rates apply. Pending establishment of predetermined overhead rates for the initial period, the contractor shall be reimbursed at billing rates acceptable to the contracting officer subject to appropriate adjustment when the final rates for that period are established.

**§ 18–3.705 Policy.**

Since many NASA contractors are under the negotiated overhead rate procedure with the Department of Defense, it is the policy of NASA to participate in joint negotiations with the Department of Defense. The NASA participant will be the Office of Procurement (Code KDC), or the NASA procurement office designated by the Office of Procurement, NASA Headquarters.

(a) NASA contractors not under the Department of Defense negotiated overhead rate procedure will be under NASA cognizance and the negotiations will be conducted by the Office of Procurement, or by the procurement office designated as the negotiating authority by the Office of Procurement (Code KDC), with selected field installations participating.

(b) A contractor currently under Department of Defense cognizance may eventually be transferred to NASA cognizance because of the shift in procurement predominance. Such transfer will be arranged by the Office of Procurement (Code KDC) which will designate the negotiating authority.

**§ 18–3.706 Procedure.**

(a) When a contractor is under NASA cognizance, the procedure for the establishment and use of negotiated final overhead rates will generally consist of submission by the contractor of an overhead rate proposal, obtaining an advisory audit report from the cognizant auditor, holding a prenegotiation conference for review of the contractor's proposal and the advisory audit report, conduct of negotiation, preparation of a negotiation report or summary, and execution of contract amendments.

(b) The contractor shall submit a copy of his proposal to the contracting officers of each NASA installation with which he has contracts, with a copy to the cognizant audit activity and the Office of Procurement (Code KDC).

(c) The cognizant audit activity will review the contractor's overhead rate proposal using Part 18–15 of this chapter as a basis for determining allowable costs. An advisory audit report will be submitted to the Procurement Officer of each NASA field installation having a contract with the contractor and a copy to the cognizant NASA Regional Audit Office and to the Office of Procurement (Code KDC). Such report shall set forth the findings of the audit activity including the results of discussion of such findings with the contractor.

(d) A prenegotiation conference will be held by the negotiating authority with attendance by the auditor, representatives of NASA field installations, as designated by the Office of Procurement, and other Government procurement and audit activities interested in/or planning to attend the negotiations. This conference will relate to the areas of difference between the advisory audit report and the contractor's proposal, any other factors pertaining to the negotiations, decide upon the approach to the negotiations and establish a consolidated negotiation position. As a further aid to the negotiating authority, a representative of the audit activity and/or a representative of the NASA Audit Division will, upon request, attend the negotiation conference.

(e) The negotiation conference will be conducted by the negotiating authority designated by the Office of Procurement (Code KDC). The allowability of costs and methods of cost allocation will be governed by Part 18–15 of this chapter. An agreement will be negotiated on final overhead rates, the specific items treated as direct charges and the provisional overhead rates if such rates are to be specified in the contract.

(f) At the completion of the negotiation, the NASA negotiating authority will prepare a negotiation report listing the names, titles, and organizations of those in attendance, the rates negotiated, the reasons for variation from the audit report, if any, the period of rate applicability, the basis for the determination of such rates and, where applicable, the provisional rates agreed upon for application in the succeeding period. Such report shall become the basis for amending the affected contracts and shall become a part of the contract file. Sufficient copies of the report shall be forwarded by the negotiating authority to the Office of Procurement (Code KDC), for distribution to all interested activities.

(g) Contract amendments will incorporate the negotiated final overhead rates, the bases to which they apply, and the period of rate applicability.

**§ 18–3.707 Coordination.**

(a) Because of the preponderance of contractors now subject to the negotiated overhead rate procedure with the Department of Defense, arrangements have been made with the Department of Defense to advise the Office of Procurement (Code KDC), of a pending overhead rate negotiation. All NASA field installations having an interest will be notified by the Office of Procurement of the scheduled negotiation. The notification will designate the NASA participant in such negotiations. The Grants and Research Contracts Division, Office of Space Science and Applications, generally will be the designated NASA participant in negotiations with educational institutions and nonprofit organizations. Should it be impossible for the designated participant to attend, the Office of Procurement (Code KDC) shall be notified and arrangements will be made to ensure that a NASA participant is in attendance.

(b) In cases where NASA becomes the sponsoring agency and has the responsibility for conducting the negotiation, the Office of Procurement, or a designee of that office, will be responsible for notifying all interested NASA field installations, the Office of Naval Material, Navy Department; The Chief, Pricing and Financial Division, Air Force Systems Command, Department of the Air Force; and the Chief, Procurement Support Division, Army Material Command, Department of the Army; who will, in turn, notify the respective procurement activities within their agencies.

(c) Currently, the Department of Defense prepares and distributes a "Master List of Commercial Contractors, Nonprofit Institutions and Educational Organizations Operating Under Negotiated Overhead Rates for Cost Type Contracts" which indicates the Government agency sponsoring the negotiation. This list will be supplemented by the Office of Procurement (Code KDC) to include those contractors for which NASA becomes the sponsoring agency. As changes are made in the list, the field installations will be advised.

**§ 18–3.708 Ceilings on indirect costs.**

(a) Cost-sharing arrangements are occasionally made wherein cost participation by the contractor is evidenced by an agreement to accept overhead rates which are lower than the anticipated actual overhead rates. In such cases, a negotiated ceiling overhead rate may be used for application prospectively.

(b) In other cases, it may be desirable to provide for a ceiling on overhead rates beyond which the contractor will absorb the costs. For example: (1) The proposed contractor is a new company or has been recently reorganized and there may be no past record of indirect costs incurred, or (2) the proposed contractor may have a recent record of rapidly increasing overhead rates due, perhaps, to a declining volume of sales without a commensurate decline in indirect expense, or (3) the proposed contractor may be seeking to enhance its competitive position in a particular procurement by basing its proposal on overhead rates lower than those which reasonably may be expected to occur during contract performance and which would likely cause a cost overrun. When any of the foregoing circumstances are apparent with either a proposed prime or subcontractor, reasonable, realistic and equitable ceilings should be negotiated on overhead rates.

(c) In the cases cited in paragraphs (a) and (b) of this section, the Government will not be obligated to pay any additional amount on account of overhead above the negotiated ceiling rates. In the event overhead rates resulting from an audit of allowable costs are less than the negotiated ceiling rates, the ceiling rates will be reduced in conformity with the lower rates.

(d) A copy of each contract providing for a ceiling on overhead rates will be forwarded to the Office of Procurement (Code KDC).

## Subpart 18–3.8—Price Negotiation Policies and Techniques

**§ 18–3.800 Scope of subpart.**

This subpart sets forth the price negotiation policies and techniques applicable to negotiated prime contracts and those subcontracts which are subject to consent or review and policies and procedures applicable to the initiation of procurement requests and solicitation and evaluation of proposals. The principles in this subpart apply to negotiation of prices on all types of contracts

and to revised prices as well as initial prices.

**§ 18–3.801 Basic policy.**

**§ 18–3.801–1 General.**

It is the policy of NASA to procure supplies and services from responsible sources at fair and reasonable prices calculated to result in the lowest ultimate overall cost to the Government. Sound pricing depends primarily upon the exercise of sound judgment by all personnel concerned with the procurement.

**§ 18–3.801–2 Responsibility of contracting officers.**

(a) Contracting officers acting within the scope of their appointments (and in some cases acting through their authorized representatives) are the exclusive agents of NASA to enter into and administer contracts on behalf of the Government in accordance with NASA procurement instructions. Each contracting officer is responsible for performing or having performed all administrative actions necessary for effective contracting. The contracting officer shall exercise reasonable care, skill, and judgment and shall avail himself of all organizational tools (such as the advice of specialists in the fields of contracting, finance, law, contract audit, program management, system reliability, engineering, traffic management, and cost analysis) necessary to accomplish the purpose as, in his discretion, will best serve the interests of the Government.

(b) To the extent services of specialists are utilized in the negotiation of contracts, the contracting officer must coordinate a team of experts, requesting advice from them, evaluating their counsel, and availing himself of their skills as much as possible. The contracting officer shall obtain simultaneous coordination of the specialist efforts to the greatest practical extent. He shall not, however, transfer his own responsibilities to them. Thus, the final negotiation of price, including price redetermination and evaluation of cost estimates, remains the responsibility of the contracting officer.

(c) When a contractor insists on a price or demands a profit or fee which the contracting officer considers unreasonable, the contracting officer shall, in coordination with the initiator of the purchase request, determine the feasibility of developing an alternate source of supply and take such action within his authority may be appropriate in the circumstances. If, after exhausting this course of action, a satisfactory solution has not been obtained, the contracting officer shall refer the prospective procurement to higher echelons of the procurement organization. Such referral shall include a complete statement of the attempt made to resolve the matter. With regard to a contractor's refusal to provide cost or pricing data, see § 18–3.807–6.

**§ 18–3.801–3 Responsibility of other personnel.**

Personnel, other than the contracting officer, who establish the requirements for the product or services to be procured, can influence the degree of competition obtainable as well as have a material effect upon prices. Failure to finalize requirements in sufficient time to allow (a) a reasonable period for preparation of requests for proposals; (b) preparation of quotations by offerors; (c) contract negotiation and preparation; and (d) adequate performance lead time, causes delinquency in performance and uneconomical prices. Requirements issued on an urgent basis or with unrealistic performance schedules should be avoided since they generally increase price or restrict desired competition. Personnel determining requirements, specification, reliability and quality assurance, adequacy of sources of supply, and like matters, have responsibility in such areas, equal to that of the contracting officer, for timely, sound, and economical procurement.

**§ 18–3.802 Preparation for negotiation.**

**§ 18–3.802–1 Product or service.**

Knowledge of the product or service, and its use is essential to sound pricing. Before soliciting quotations, every contracting officer should develop, where feasible, an estimate of the proper price level or value of the product or service to be purchased. Such estimates may be based on a physical inspection of the product and review of such items as drawings, specifications, job process sheets, and prior procurement data. When necessary, requirements and technical specialists should be consulted. The primary responsibility for the adequacy of specifications and for the delivery requirements must necessarily rest with requirements and technical groups. However, the contracting officer should be aware of the effect which these factors may have on prices and competition and should, prior to award, inform requirements and technical groups of any unsatisfactory effect which their decisions have on prices or competition.

**§ 18–3.802–2 Selection of sources.**

(a) *Competition.* It is NASA policy that competition will be obtained whenever possible. Companies that have indicated their interest by filing Standard Form 129, "Bidder's Mailing List Application," and any other companies that are known to be competent in the field involved, should be considered for a pending procurement. No company shall be precluded from submitting a proposal merely because it was not initially furnished a request for proposals.

(b) *Locating prospective contractors.* There shall be a continuing effort by NASA procurement and technical personnel to search for and develop information on potential sources. The negotiator shall submit proposed procurements in excess of $2,500, which are to be awarded on a competitive basis, to the small business specialist for screening before requests for proposals are issued, in order that small business concerns may be given an equitable opportunity to compete for procurements for which they might qualify. However, see § 18–1.705–3 of this chapter. Prior to making a determination as to which firms will be solicited, the negotiator shall review the source list of companies which have filed Standard Form 129 and any other information, including brochures, surveys, discussions, or correspondence, indicating the companies' interest and ability in the field of procurement. The names of additional companies which are known to be interested and competent in the field shall be added.

(c) *Appraising prospective contractors.* When the preparation of proposals requires extensive work and expense to companies, especially in the case of research and development, the source list should be screened by technical personnel, the negotiator, and small business personnel, and requests for proposals sent only to those companies which not only are technically qualified but are known to have the experience, management capabilities, and facilities to perform the contract. In those circumstances where the number of eligible companies is excessively large, proposal requests need only be sent to a representative number of companies which will assure effective competition: *Provided, however,* That in subsequent procurements the list will be rotated to provide all qualified firms an equal opportunity to submit proposals.

(d) *Noncompetitive procurement.* (1) While competition must be obtained whenever it is available, there are instances where only one institution or company is qualified by reason of experience, specialized facilities, or technical competency to perform the work within the time required and at reasonable prices. In such an instance, the initiating technical office may recommend to the contracting officer that only one institution or company be selected for negotiation. This recommendation shall be in writing and will be contained in a separate document entitled "Justification for Noncompetitive Procurement" and shall set forth full and complete justification for the selection (see § 18–3.852–2). Such written justification will be approved by the procurement officer of the installation with the concurrence of the chief of the installation's cognizant technical division, except as otherwise authorized in subparagraph (2) of this paragraph, and will be included in the contract file. Where a procurement plan is required by § 18–3.852 for the particular procurement contemplated, the Justification for Noncompetitive Procurement will be prepared and submitted in accordance with § 18–3.852–2.

(2) The provisions of this paragraph (d) are not applicable to: (i) Procurements of $250 or less; (ii) purchases through or from other Government agencies; (iii) purchases of utility services where the services are available from only one source, or (iv) procurements of architect-engineer services. For small purchases in excess of $250, but not to exceed $2,500, a statement justifying the noncompetitive procurement, signed by the contracting officer, will be placed in the purchase order file. For procurements in excess of $2,500 but not in excess of $100,000, the procurement officer may delegate, in writing, to appropriate individuals the authority to approve the Justification for Noncompetitive Procurement statement.

**§ 18–3.802–3 Requests for proposals.**

(a) *Preparation and submission.* Requests for proposals, including modifications thereof, shall be prepared by the procurement office, with assistance from technical or other offices as required and be signed by the contracting officer. The Sample Request for Proposals (NASA Form 529) shall be utilized for general guidance in preparing requests for proposals for major research and development contracts. The request for proposals has a twofold purpose: (1) to convey to prospective contractors the information they need to prepare a proposal properly, and (2) to solicit the information that procurement and technical personnel need to appraise the proposals of prospective contractors. The request for proposals shall be as explicit and complete as possible in stating:

(i) Item description or statement of work;

(ii) Required delivery or performance schedule;

(iii) Government-furnished property, special tooling, or facilities, if any;

(iv) Method and format price of quotation desired (fixed-price or cost type, if known at the time), including a reference to the necessity for cost or price breakdown;

(v) Contract clauses, including copies of applicable Standard or NASA Forms, which will form a part of the contract, and any report forms or handbooks required to be used or followed in complying with the terms of the contract;

(vi) The factors that will be considered in evaluating the proposals together with an indication of the relative importance to be given to the factors, where applicable;

(vii) Requirements for reliability and quality assurance programs;

(viii) When the NASA PERT System is to be applicable to the procurement, the following provision will be included in the request for proposal:

NASA PERT System (April 1962)

A proposed time schedule for performance of the work should be set out by phases or parts of the project, and show interrelationships among phases. This proposed schedule should be supported by an accompanying PERT network, prepared in general conformity with the instructions of the NASA PERT Handbook.

Prospective contractors are advised that the successful contractor will be required to implement the NASA PERT System and report program progress biweekly.

(ix) If a firm fixed-price contract or fixed-price contract with escalation is to be awarded, see § 18–1.115 of this chapter;

(x) The requirement for furnishing the representation set forth in § 18–12.802–4 of this chapter, and

(xi) Requirements for the contractor to furnish data, when the requirement for data is known in advance of making the contract and delivery of data is definitely to be required in the performance of the contract. See Subpart 18–9.2 of this chapter for detailed instructions and the required clauses.

(xii) Any other pertinent information (such as the requirement for the submission of a proposed "make-or-buy" program).

Requests for proposals, including requests for revised proposals, shall be in writing and shall specify a date for their submission. When advisable, particularly in the case of research and development, proposals shall be requested in two parts: (a) An unpriced technical proposal, and (b) a cost proposal cross-referenced to the technical proposal. Any extension of time granted to one prospective contractor shall be granted uniformly to all. Each request for proposals shall be issued to prospective contractors at the same time, and no contractor shall be given an advantage.

(b) *Advance information copies.* Two copies of each request for proposals and changes to such request for proposals prepared pursuant to a procurement plan approved under § 18–3.852–5(a)(3) shall be forwarded to the Director of Procurement (Code KDR). These copies shall be forwarded at the earliest practicable date following completion of the final draft of the request for proposals. However, submission to the Director of Procurement shall in no event be later than the date the request for proposals is mailed to prospective proposers. The transmittal to the Director of Procurement shall identify the procurement plan to which the request for proposals applies. This requirement is in addition to the requirements of § 18–50.104 of this chapter.

(c) *Late proposals and late unsolicited revisions to proposals.* (1) Except with respect to procurements estimated not to exceed $2,500, written requests for proposals shall contain the following provision:

Late Proposals (June 1963)

The Government reserves the right to consider proposals or modifications thereof received after the date indicated for such purpose, but before award is made, should such action be in the interest of the Government.

(2) Proposals, or modifications thereof, received from qualified firms after the latest date specified for receipt may be considered if there is a probability of a significant reduction in cost to the Government, or technical improvements, as compared with proposals previously received. In such case, the negotiator shall investigate the circumstances surrounding the submission of the late proposal or modification and evaluate its content. He shall then submit his recommendations and findings to the contracting officer, in writing, as to whether, in his opinion:

(i) The company submitting the proposal has an excusable reason for late submission;

(ii) There is an advantage to the Government to consider the proposal;

(iii) All companies submitting proposals should be resolicited; and

(iv) Time of performance permits such resolicitation.

The contracting officer shall thereupon determine whether the proposal should be considered or rejected, or a resolicitation of proposals should be made.

(3) When the failure of a proposal to arrive on time is due solely to delay in the mails for which the offeror was not responsible or when only one proposal is received, the contracting officer may consider the proposal.

(4) Offerors submitting late proposals that will not be considered will be notified by the contracting officer that his proposal was received late and will not be considered.

(5) The provisions of subparagraphs (1) through (4) of this paragraph are also applicable to late quotations. In the case of a request for quotations, the provisions set forth in subparagraph (1) of this paragraph will be appropriately modified.

**§ 18–3.803 Type of contract.**

(a) The selection of an appropriate type of contract and the negotiation of prices, or estimated costs and fee, are related and should be considered together. The objective is to negotiate a type of contract and a price that includes reasonable contractor risk and provides the contractor with the greatest incentive for efficient and economical performance. When negotiations indicate the need for using other than a firm fixed-price contract, there should be compatibility between the type of contract selected and the contractor's accounting system. In view of the exploratory nature of research and development, and the uncertainties inherent in its successful accomplishment, cost-reimbursement type contracts normally will be utilized in accomplishing such procurements. Exception may be made when negotiating contracts of low monetary value where audit is impracticable or in contracts where the work to be performed can be described with a reasonable degree of definiteness and sufficient cost or pricing information is available to ensure that the contract price will be fair and reasonable.

(b) In the course of a procurement program, a series of contracts, or a single contract running for a lengthy term, the circumstances which make for selection of a given type of contract at the outset will frequently change so as to make a different type more appropriate during later periods. In particular, the repetitive or unduly protracted use of a cost-plus-a-fixed-fee or time and materials contract is to be avoided where experience has provided a basis for firmer pricing which will promote more efficient performance and will place a more reasonable degree of risk on the contractor. Thus, in the case of a time

and materials contract, continuing consideration should be given to converting to another type of contract as early in the performance period as practicable.

**§ 18–3.804 Evaluation of proposals.**

**§ 18–3.804–1 General.**

Evaluation of proposals by all personnel concerned with the procurement will be completed expeditiously. The evaluation of proposals received may be accomplished in a number of different ways. The various methods of evaluation used by NASA, together with policies and procedures regarding their use, are set forth in §§ 18–3.804–2 and 18–3.804–3.

**§ 18–3.804–2 Evaluation procedures not involving source evaluation board.**

The evaluation procedures set forth in paragraphs (a) through (d) shall be utilized except where the procedures set forth in § 18–3.804–3 apply.

(a) *Responsibility of contracting officer.* (See § 18–3.801–2).

(b) *Technical evaluation.* Generally, procurement personnel are not qualified to evaluate proposals from a technical viewpoint and must rely on scientific and engineering personnel for this function. In research and development contracting, awards should usually be made to those companies that have the highest competence in the specific field of science or technology involved, although awards should not be made on the basis of research and development capabilities that exceed those needed for the successful performance of the work. It is imperative therefore that technical evaluations and recommendations be fully documented and reviewed by responsible personnel. Technical evaluation should include the following:

(1) The contractor's understanding of the scope of the work as shown by the scientific and technical approach proposed;

(2) Availability and competence of experienced engineering, scientific, or other technical personnel;

(3) Availability of necessary research, test, and production facilities;

(4) Experience or pertinent novel ideas in the specific branch of science or technology involved;

(5) The contractor's willingness to devote his resources to the proposed work with appropriate diligence; and

(6) The contractor's proposed method of achieving the reliability required.

In making this evaluation, technical personnel may be given access to portions of the business proposals upon request. After evaluation and preparation of written recommendations as to selection of source by the technical personnel, proposals shall be returned to the negotiator. The contracting officer is responsible for reviewing the justification in support of the recommendations of technical personnel to determine that the justification is adequate and that the documentation is complete.

(c) *Business evaluation*—(1) *Price and cost analysis.* Each proposal requires some form of price or cost analysis. The contracting officer must exercise judgment in determining the extent of analysis in each case. On high-dollar value procurements, particularly where effective competition has not been obtained, the analysis should be thorough, and the record carefully documented to disclose the extent to which the various elements of costs, fixed fee, or profit contained in the contractor's proposals were analyzed. The negotiation memorandum should also reflect the consideration given to the recommendations of the price analyst and the basis for nonacceptance or departure from the recommendations during the course of negotiations.

(2) *Other factors.* The contracting officer must appraise the management capability of the offeror to perform the required work in a timely manner. In making this appraisal, he must consider such factors as the company's management organization, past performance, reputation for reliability, and availability of the required facilities, manpower, and financial resources.

**§ 18–3.804–3 Evaluation procedures—use of source evaluation board.**

(a) Source Evaluation Board procedures are appropriate for competitively negotiated procurements, except Architect-Engineer services and contracts for which the procedures have been specifically waived when:

(1) The estimated cost of the contract will exceed $1,000,000;

(2) The estimated cost of the contract will not exceed $1,000,000, but it is likely that the source selected will receive other contracts for later phases of the same project which, cumulatively, would total more than $1,000,000. (Examples of this category include feasibility studies and project definition contracts under approved programs or programs for which approval will be requested.); or

(3) A Source Selection Official determines the use of the Source Evaluation Board procedures are desirable.

(b) The detailed procedures regarding the designation and operation of Source Evaluation Boards are set forth in NPC 402.

**§ 18–3.804–4 Disclosure of information prior to selection of contractor.**

During the course of evaluation proceedings, whether or not a Source Evaluation Board is utilized, NASA personnel participating in any way in evaluating proposals shall not reveal any information concerning the evaluation under way to anyone who is not also participating in the same evaluation proceedings, and then only to the extent that such information is required in connection with such proceedings. When other Government or Jet Propulsion Laboratory personnel participate in evaluation proceedings, they will be instructed to observe these restrictions. Following selection of a contractor, information will be provided to unsuccessful offerors in accordance with § 18–3.106–3.

**§ 18–3.805 Conduct of negotiations.**

**§ 18–3.805–1 General.**

(a) After evaluation of proposals written or oral discussions shall be conducted with all responsible offerors who submit proposals within a competitive range, price and other factors considered, in accordance with § 18–3.102(a), and due attention will be given to the factors cited in § 18–3.102(b).

(b) Procurement personnel, as well as other personnel concerned with the procurement, shall ensure that contract negotiations are completed expeditiously. However, all details of the negotiation must be completed before the contract is actually placed. This includes, to the extent applicable:

(1) Arrangements regarding Government-furnished property;

(2) Determination that the prospective contractor is responsible, including completion of pre-award surveys where required;

(3) Arrangements with other Government agencies for the use of facilities under their control;

(4) Where the contract will be administered by another Government agency, any necessary arrangements with the responsible activity of that agency; and

(5) Where the contract will involve access to classified information, verification that required security clearance has been obtained.

(6) The requirement for the furnishing of data by the contractor in the performance of the contract, both for technical evaluation purposes and for competitive reprocurement where follow-on procurement is probable, in those situations where the appropriate technical office has requested that the contracting officer obtain such data.

(7) If the offeror's proposal contains technical data marked with a restrictive legend, whether the Government desires rights to use such data (§§ 18–3.109 and 18–9.202–6).

(c) Whenever negotiations are conducted with more than one offeror, no indication shall be made to any offeror of a price which must be met to obtain further consideration since such practice constitutes an auction technique which must be avoided. After receipt of proposals, no information regarding the number or identity of the offerors participating in the negotiations shall be made available to the public or to anyone whose official duties do not require such knowledge (see § 18–1.1050 of this chapter). Whenever negotiations are conducted with several offerors, while such negotiations may be conducted successively, all offerors selected to participate in such negotiations (see paragraph (a) of this section) shall be offered an equitable opportunity to submit such price, technical, or other revisions in their proposals as may result from the negotiations. All such offerors shall be informed of the specified date (and time if desired) of the closing of negotiations and that any revisions to their proposals must be submitted by that date. All such offerors shall be informed that any





revision received after such date shall be treated as a late proposal in accordance with the "Late Proposals" provisions of the request for proposals.

(d) In selecting the contractor for a cost-reimbursement type contract, estimated costs of contract performance and proposed fees should not be considered as controlling, since in this type of contract advance estimates of cost may not provide valid indicators of final actual costs. There is no requirement that cost-reimbursement type contracts be awarded on the basis of either (1) the lowest proposed cost, (2) the lowest proposed fee, or (3) the lowest total estimated cost plus proposed fee. This is not to say that potential contract cost is to be ignored. Potential costs should be based on what knowledge can be derived of the costliness of a particular contractor's operations and should not rely principally on the contractor's submitted cost estimate. The award of cost-reimbursement type contracts primarily on the basis of estimated costs may encourage the submission of unrealistically low estimates and increase the likelihood of cost overruns. The cost estimate is important to determine the prospective contractor's understanding of the project and ability to organize and perform the contract. The agreed fee must be within the limits prescribed by law and regulation and appropriate to the work to be performed (see § 18–3.808). Beyond this, however, the primary consideration in determining to whom the award shall be made is which contractor can perform the contract in a manner most advantageous to the Government.

**§ 18–3.806 Cost, profit, and price relationships.**

(a) Where products are sold in the open market, costs are not necessarily the controlling factor in establishing a particular seller's price. Similarly, where competition may be ineffective or lacking, estimated costs plus estimated profit are not the only pricing criteria. In some cases, the price appropriately may represent only a part of the seller's cost and include no estimate for profit or fee, as in research and development projects where the contractor is willing to share part of the costs. In other cases, price may be controlled by competition as set forth in § 18–3.805–1. The objective of the contracting officer shall be to negotiate fair and reasonable prices in which due weight is given to all relevant factors, including those in § 18–3.102.

(b) Profit or fee is only one element of price and represents a much smaller proportion of the total price than do such other estimated elements as labor and material. While the public interest requires that excessive profits be avoided, the contracting officer should not become so preoccupied with particular elements of a contractor's estimate of cost and profit that the most important consideration, the total price itself, is distorted or diminished in its significance. Government procurement is concerned primarily with the reasonableness of the price which the Government ultimately pays, and only secondarily with the eventual cost and profit to the contractor.

**§ 18–3.807 Pricing techniques.**

**§ 18–3.807–1 General.**

Policies set forth in this § 18–3.807 may be applied in a variety of ways in the evaluation of offerors' or contractors' proposals and in the negotiation of contract prices. Section 18–3.807 describes the principal price and cost evaluation techniques and the circumstances under which each may be used. They are equally applicable to initial and subsequent price negotiations.

**§ 18–3.807–2 Requirement for price or cost analysis.**

(a) *General.* Some form of price or cost analysis should be made in connection with every negotiated procurement action. The presence of adequate price competition, however, limits considerably the degree of analysis required. Cost data need not be requested when the contracting officer anticipates that there will be adequate price competition. However, if he determines, after proposals have been submitted, that there is not, in fact, adequate price competition, cost data may then be requested, unless there are other bases (e.g., pricing data) available for evaluating the reasonableness of the quoted price. When there is not adequate price competition and cost analysis is necessary, the extent of the analysis should be limited to that necessary to establish a sound basis for negotiation, taking into consideration the amount of the proposed contract and the cost and time needed to accumulate the necessary data for analysis.

(b) *Price analysis.* (1) Price analysis is the process of examining and evaluating a prospective price by the use of price data, not including a contractor's or subcontractor's cost data. Price analysis may be accomplished in various ways including the following:

(i) The comparison of the price quotations submitted;

(ii) The comparison of prior quotations and contract prices with current quotations for the same or similar end items (to provide a suitable basis for comparison, appropriate allowances must be made for differences in such factors as specifications, quantities ordered, time for delivery, Government-furnished materials, and the general level of business and prices);

(iii) The use of rough yardsticks (such as dollars per pound, per horsepower, or other units) to point up apparent gross inconsistencies which should be subjected to more intensive pricing inquiry;

(iv) The comparison of prices set forth in published price lists issued on a competitive basis, published market prices of commodities and similar indicia, together with discount or rebate arrangements; and

(v) The comparison of proposed prices with estimates of costs independently developed by personnel within the purchasing activity.

(2) Price analysis, without resort to cost analysis, may be used to support the reasonableness of awards when there is adequate price competition or when price analysis in accordance with subparagraph (1) of this paragraph, by itself, provides a reasonable basis for award.

(c) *Cost analysis.* (1) Cost analysis, as distinguished from price analysis, is the process of:

(i) Obtaining a breakdown of cost from prospective contractors or subcontractors;

(ii) The appropriate verification of cost data;

(iii) The evaluation of specific elements of costs; and

(iv) The projection of this data to determine the effect on prices of such factors as—

(a) The necessity for certain costs;

(b) The reasonableness of amounts estimated for the necessary costs;

(c) Allowances for contingencies;

(d) The basis used for allocation of overhead costs and the reasonableness of contractor's sales forecast and the pool of indirect expenses associated with the cost of those sales; and

(e) The appropriateness of allocations of particular overhead costs to the proposed contract.

(2) Among the evaluations that should be made where the necessary data is available, are comparisons of a contractor's or offeror's current estimated costs with:

(i) Actual costs previously incurred by the contractor or offeror;

(ii) His last prior cost estimate for the same or similar item or a series of prior estimates;

(iii) Current cost estimates from other possible sources; and

(iv) Prior estimates or historical costs of other contractors manufacturing the same or similar items.

(3) Forecasting future trends in costs from historical cost experience is of primary importance in pricing. In periods of either rising or declining costs, an adequate cost analysis must include some evaluation of the trends. In costs involving production of recently developed, complex equipment, even in periods of relative price stability, trend analysis of basic labor and materials costs should be undertaken. Similarly, in contracts extending over a period of several years, a budgeted overhead forecast should be obtained for the life of the contract.

**§ 18–3.807–3 Cost and pricing data.**

(a) When there is adequate price competition, cost data need not be requested. However, in the absence of adequate price competition or other basis for assuring reasonableness of price, the negotiating team must analyze the contractors' proposals and must be in possession of accurate, complete, and current cost or pricing data before decisions are made on contract prices. Accordingly, the contractor should be required to furnish such data promptly as it becomes available throughout the negotiation process.

(b) Title 10 U.S.C. Section 2306(f) (PL 87–653, September 10, 1962) requires that, in certain cases, contractors and

subcontractors certify as to the accuracy, completeness, and currency of cost or pricing data submitted to the Government in support of contract negotiations and price adjustments and prescribes that any prime contract, or change or modification thereunder, under which a certificate is required, will contain a provision that the price, including profit or fee, will be adjusted to exclude any significant sums by which such price was increased because the contractor, or any subcontractor required to furnish such a certificate, furnished cost or pricing data which was inaccurate, incomplete, or noncurrent.

(c) Contracting officers shall require contractors and subcontractors to submit, in the situations described below, accurate, complete, and current cost or pricing data and to certify, using the certificate form set forth in paragraph (b) of the Contractor and Subcontractor Cost or Pricing Data clause set forth in § 18-3.807-4, as to the accuracy, completeness, and currency of such data, except where the price or price adjustment is based on adequate price competition, as determined by the contracting officer, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation prior to:

(1) The award of any negotiated prime contracts where the price is expected to exceed $100,000;

(2) The pricing of any change or modification to a prime contract, both formally advertised and negotiated, where the price adjustment is expected to exceed $100,000;

(3) The award of any subcontract at any tier where the prime contractor and each higher tier subcontractor have been required to furnished a certificate, if the price of such subcontract is expected to exceed $100,000; and

(4) The pricing of any change or modification to a subcontract for which the price adjustment is expected to exceed $100,000 and where the prime contractor and each higher tier subcontractor have been required to furnish a certificate.

(d) The requirement for submission and certification of data may be waived in exceptional cases where the Administrator, NASA, authorizes it through a written determination in accordance with § 18-3.302(c).

(e) Where it is reasonably expected that a resulting contract will be in excess of $100,000, the request for proposals shall include, in addition to the information required by § 18-3.802-3(a), the Contractor and Subcontractor Cost or Pricing Data clause set forth in § 18-3.807-4. Offerors will be advised that pursuant to the provisions of 10 U.S.C. 2306(f), the successful contractor will be required to certify (using the form of certificate set forth in paragraph (b) of the Contractor and Subcontractor Cost or Pricing Data clause); except where the price negotiated is based on adequate price competition, as determined by the contracting officer, or established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation; that the cost or pricing data which he is required to furnish is accurate, complete, and current.

(f) The certificate required to be submitted by a contractor under the provisions of the Contractor and Subcontractor Cost or Pricing Data clause shall be obtained immediately prior to agreement on the related negotiated price or price adjustment.

### § 18-3.807-4 Contractor and subcontractor cost or pricing data clause.

The following clause shall be inserted in all contracts over $100,000 and in all contract modifications over $100,000 even though the original amount of the contract is $100,000 or less:

CONTRACTOR AND SUBCONTRACTOR COST OR PRICING DATA (NOVEMBER 1962)

(a)(1) The Contractor shall require, under the situations described in (2) below, unless exempted under the exceptions set forth in (3) below, each subcontractor under this contract to submit cost or pricing data and to certify that, to the best of his knowledge and belief, such cost or pricing data are accurate, complete, and current.

(2) The cost or pricing data called for under (1) above shall be submitted prior to (i) the award of each subcontract the price of which is expected to exceed $100,000 and (ii) the pricing of each change or modification to a subcontract under this contract for which the price adjustment is expected to exceed $100,000.

(3) Cost or pricing data need not be furnished pursuant to this paragraph (a) where (i) the Contractor has not been required to furnish cost or pricing data and to certify that it is accurate, complete, and current; or (ii) the price or price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(4) In submitting the cost or pricing data, the subcontractor shall use the form of certificate set forth in paragraph (b) below and certify that the data are accurate, complete, and current as of a date prior to and as close as practicable to the date of award of the subcontract or to the date of the price adjustment of any change or modification. Such cost or pricing data and certificate of current cost or pricing data shall be submitted by subcontractors to the prime Contractor (or to their immediate next higher tier subcontractor, for delivery to the Contractor through successive higher tiers of subcontractors). Such data and certificates shall become a part of the prime contract records.

(b) The certificates required by this clause shall be in the form set forth below. The second date shown in the certificate shall be prior to and as close as practicable to the date of agreement of the related negotiated price or price adjustment. When the certificate is to be submitted by a subcontractor, the words "Contracting Officer or his representative" shall be deleted and the name of the firm requiring the certificate shall be inserted. Title 18 U.S.C. Section 1001 prescribes criminal penalties for making false representations to the Government.

CONTRACTOR'S CERTIFICATE OF CURRENT COST OR PRICING DATA (NOVEMBER 1962)

This is to certify that, to the best of my knowledge and belief:

(i) complete pricing data or cost data current as of ---------- have been considered
(Date)
in preparing the ----------
(Describe the proposal, quotation, request for price adjustment, or other submission involved giving appropriate identifying number, e.g., RFP No.)
and submitted to the Contracting Officer or his representative;

(ii) all significant changes in the above data through ---------- have been
(Date)
similarly submitted; and no more recent significant change in such data was known to the undersigned at the time of executing this certificate; and

(iii) all of the data submitted are accurate.

Name ----------
Title ----------
Firm ----------

(Date of Execution)

(c) For purposes of verifying that cost or pricing data required to be submitted and certified to, either during negotiation of this contract or pursuant to the provisions of this clause, are accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall—until the expiration of three years from the date of final payment under this contract—have access to and the right to examine those books, records, documents, and other evidence which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of the Contractor's Certificate of Current Cost or Pricing Data.

(d) Whenever the price of any change or modification to this contract is expected to exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the Contractor agrees to furnish the Contracting Officer cost or pricing data and shall certify, using the certificate set forth in paragraph (b) above, that to the best of his knowledge and belief such cost or pricing data are accurate, complete, and current as of a date prior to and as close as practicable to the date of agreement of the price adjustment.

(e) The Contractor agrees to insert paragraph (c), without change and the substance of paragraphs (a), (b), (d), and (e) of this clause in each subcontract hereunder in excess of $100,000, and in each subcontract of $100,000 or less at the time of making a change or modification thereto in excess of $100,000.

(f) Whenever the Contractor was required to furnish a certificate of current cost or pricing data, either during negotiation of this contract or pursuant to the provisions of this clause, or whenever a subcontractor hereunder was required to furnish such a certificate pursuant to the provisions of this clause or of a clause in the subcontract, and the Contracting Officer determines that the price of this contract, including any profit or fee, or that any price adjustment negotiated for any change or modification to this contract, has been increased by any significant sums because such cost or pricing data was inaccurate or incomplete or was not current as of the date set forth in the certificate applicable to such data, such price or price adjustment shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(g) Failure of the Contractor and the Contracting Officer to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this contract.

### § 18-3.807-5 Defective cost or pricing data.

Where any price to the Government, including profit or fee and including price adjustments, must be negotiated largely on the basis of cost or pricing data furnished by the contractor, it is essential that all data that might reasonably affect the price negotiations be disclosed and that such data be accurate, complete, and current. If an agreed price includes amounts which can only be attributed to erroneous or incomplete cost or pricing data, it is not a fair price and the resultant profits are not earned profits. Where negotiations are to be conducted on the basis of full disclosure, failure of one party to proceed on that basis undercuts full mutual assent to the price negotiated so that, in this sense, the price is not fully agreed to, and fairness warrants its adjustment. Paragraph (f) of the Contractor and Subcontractor Cost or Pricing Data clause set forth in § 18-3.807-4 is designed to give the Government in such a case an enforceable contract right to a price adjustment, that is, to a reduction in the price to what it demonstrably would have been if the contractor had not failed to disclose significant and reasonably available data or had not furnished defective data.

### § 18-3.807-6 Refusal to provide cost or pricing data.

(a) If cost or pricing data from the contractor is required to permit adequate analysis of the contractor's proposal in accordance with § 18-3.807-3 and the contractor has refused to provide such data, the contracting officer shall use those means available to him to attempt to secure such data. If the contractor persists in his refusal to provide necessary data, the contracting officer shall withhold making the award or price adjustment. In such event, he shall refer the procurement action to higher echelons of the procurement organization (see § 18-3.807-3(d)). Such referral shall include a complete statement of the attempts made to resolve the matter, including (1) steps taken to secure essential cost data, (2) efforts to secure the contractor's cooperation in the establishment of a satisfactory business relationship, (3) any assurances offered, such as agreements to adequately safeguard information furnished, and (4) a statement concerning the practicability of obtaining the supplies or services from another source of supply.

### § 18-3.807-7 Unacceptable substitutes for pricing negotiations.

A certificate of Current Cost or Pricing Data shall not be considered a substitute for examination and analysis of the contractor's proposal. Nor shall contracting officers rely on profit-limiting statutes as remedies for ineffective pricing.

### § 18-3.807-8 Evaluation and pricing of individual contracts.

Each contract shall be priced separately and independently, and no consideration shall be given to losses or profits realized or anticipated in the performance of other contracts. This prohibition neither prevents the negotiation of overhead and other rates applicable to several contracts during annual or other specific periods nor prohibits forward pricing agreements applicable to several contracts. A proposed price reduction under another contract or other contracts shall not, however, be used as an evaluation factor.

### § 18-3.807-9 Specified contingencies.

When a contract is to include a provision for adjustment of price upon the happening of a specified contingency (*e.g.*, escalation clauses, Government-furnished property clauses, tax clauses), the contract price should not include any amount on account of such contingency.

### § 18-3.807-10 Subcontracting considerations in cost analysis.

(a) The amount and quality of subcontracting may be a major factor influencing price. Since a large proportion of the procurement dollar is spent by prime contractors in subcontracting for work, raw materials, parts, and components, efficient purchasing practices by a contractor will contribute heavily toward efficient and economic production. While basic responsibility rests with the prime contractor for decisions to make or buy, for selection of subcontractors, and for subcontract prices and subcontract performance, the contracting officer must have adequate knowledge of these elements and their effect on prime contract prices. Therefore, contractors' "make-or-buy" programs and proposed subcontracts should be reviewed in accordance with Subpart 18-3.9 and the information derived from such review should be used in negotiating prime contract prices. Even when not specifically required by Subpart 18-3.9, the contracting officer should, where appropriate, elicit from the offeror or contractor information concerning:

(1) The purchasing and subcontract management practices of the prime contractor;

(2) The principal subsystems or components to be subcontracted and the contemplated subcontractors, including (i) the degree of competition obtained, (ii) cost or price analyses or price comparisons accomplished, including accurate, complete, and current cost or pricing data, and (iii) the extent of subcontract supervision;

(3) The types of subcontracts; i.e., firm fixed-price or other; and

(4) The estimated total extent of subcontracting, including procurement of purchased parts and materials.

(b) In the review of subcontracting, there should be assurance that the contractors obtain competition, if available, from qualified sources in their award of subcontracts to the extent consistent with the procurement of the required services or supplies. Contractors shall be required to undertake appropriate price analysis (see § 18-3.807-2(b)) in all significant subcontract transactions, and to undertake cost analysis (see § 18-3.807-2(c)) if competition is not available or does not yield reasonable subcontract prices.

(c) It is particularly important in negotiating revisions of prime contract prices under price redetermination contracts that there be substantial assurance that there was initial close pricing of subcontracts placed on a price redetermination or fixed-price incentive basis. Where the prime contract provides for price redetermination, contracting officers should be alert to the risk of establishing firm redetermined prime contract prices while a major subcontract is still subject to price redetermination and may eventually be redetermined at a price far lower than that ascribed to it in redetermining the prime contract price, with consequent profits to the contractor far in excess of those contemplated in the prime contract price negotiation. However, in some cases, it may be appropriate to negotiate firm contract prices even though the contractor has not yet established final subcontract prices, if the contracting officer can justify as reasonable the amount included for subcontracting, e.g., where fairly definite cost data on subcontract prices is available. In other cases, where certain subcontracts are subject to redetermination and available cost data on these subcontracts is highly indefinite but other circumstances require prompt negotiation of revised prime contract prices, the contract modification which evidences the revised contract prices should provide for adjustment of the total amount paid or to be paid under the contract on account of subsequent redetermination of the specified subcontracts. This may be done by including in the contract modification a provision substantially as follows:

Promptly upon the establishment of firm prices for each of the subcontracts listed below, the Contractor shall submit, in such form and detail as the Contracting Officer may reasonably require, a statement of costs incurred in the performance of such subcontract and the firm price established therefor. Thereupon, notwithstanding any other provisions of this contract as amended by this modification, the Contractor and the Contracting Officer shall negotiate an equitable adjustment in the total amount paid or to be paid under this contract to reflect such subcontract price revision. The equitable adjustment shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer.
(List subcontracts) (October 1963)

(d) In negotiating prime contracts where the award is not determined by adequate price competition and in consenting to cost-plus-fee subcontracts, the contracting officer shall make every effort to insure that fees (target fees in the case of cost-plus-incentive-fee subcontracts) under such subcontracts never exceed—

(1) 10 percent of the estimated cost, exclusive of fee, in the case of any subcontract for experimental, developmental, or research work; or

(2) 7 percent of the estimated cost, exclusive of fee, in the case of any other subcontract;

unless the payment of higher fees is approved by the procurement officer. (For cost-plus-incentive-fee subcontracts, the maximum fees shall not exceed 15 percent in the case of experimental, developmental, or research work, or 10 percent for any other subcontract.) These limits should not be inserted in the prime contract because such action might tend to inflate fees customarily negotiated at lower rates.

**§ 18–3.808 Profit or fee.**

**§ 18–3.808–1 General.**

A fair and reasonable provision for profit or fee cannot be made by simply applying a certain predetermined percentage to the cost estimate or selling price of a product. Rather, the profit or fee should be first established as a dollar amount, after considering the factors set forth in this § 18–3.808. Therefore, where a fee is involved and it is necessary to determine the percentage relationship between the fee and the estimated cost of the contract in order to comply with administrative and statutory limitations on fees for cost-reimbursement type contracts, the percentage shall be determined only after the dollar amount of the fee has been established for negotiation purposes and the negotiation memorandum shall adequately reflect this process.

**§ 18–3.808–2 Factors for determining fee or profit.**

The factors set forth in paragraphs (a) through (i) below should be considered in determining profit or fee in all contracts, whether for supplies or services; for construction work; or for experimental, developmental, or research work; and whether of the fixed-price type or of the cost-reimbursement type unless otherwise specified in the particular factor. All of the following factors, as set forth in paragraphs (a) through (i) of this section, should be evaluated in the light of the basic policy set forth in § 18–3.801–1 which provides that supplies and services shall be procured from responsible sources at fair and reasonable prices calculated to result in the lowest overall cost to the Government.

(a) *Effect of competition.* When competition is effective and proposals are on a firm fixed-price basis, the contracting officer normally need not consider in detail the amount of estimated profit included in a price. When effective competition is lacking and in all cases where cost analysis is performed in accordance with § 18–3.807–2(c), the estimate for profit, target profit or fee, or the proposed fixed fee should be analyzed in the same manner as all other elements of price, evaluating the factors set forth in this § 18–3.808.

(b) *Degree of risk.* (1) The degree of risk assumed by the contractor should influence the amount of profit or fee a contractor is entitled to anticipate. For example, where a portion of the risk has been shifted to the Government through cost-reimbursement or price redetermination provisions, unusual contingency provisions, or other risk-reducing measures, the amount of profit or fee should be less than where the contractor assumes all risk.

(2) Some cost-plus-a-fixed-fee contracts and task orders for research and development call for the delivery of prototypes or other "hardware." Other such contracts or task orders require only that the contractor exert his "best efforts" to deliver the required end item. Frequently this is because the contractor is not willing to assume the additional burden of incurring substantial cost overruns without additional fee in order to complete performance. When the contract calls for delivery of developed models in accordance with well-defined performance or design characteristics or a predetermined delivery schedule, or both, in contrast to an obligation only to exert his "best efforts" to develop and deliver such models, payment of the fee should be conditioned on performance in accordance with the contractor's obligation to deliver, and in such cases the contractor may be entitled to a larger fee both because of the risk inherent in his commitment and because of the successful completion of the work.

(c) *Nature of work to be performed.* A major consideration in the determination of the amount of profit or fee, particularly in connection with experimental, developmental, or research work, is the difficulty or complexity of the work to be performed and any unusual demands of the contract, such as whether the project involves a new approach unrelated to existing equipment or only refinements on existing equipment, whether the caliber or class of engineer involved is that of an "ideaman," or whether the contractor is to be required by the contract to assign to the work unusually skilled talent.

(d) *Extent of government assistance.* NASA encourages its contractors to perform their contracts with the minimum of financial, facilities, or other assistance from the Government. Where extraordinary financial, facilities, or other assistance must be furnished to a contractor by the Government, such extraordinary assistance should have an influence in determining what constitutes a fair and reasonable profit or fee.

(e) *Extent of the contractor's investment.* The extent of a contractor's total investment (*i.e.*, both equity and borrowed capital) in the performance of the contract will be taken into consideration in determining the amount of the fee or profit.

(f) *Character of contractor's business.* Recognition must be given to the type of business normally carried on by the contractor, the complexity of manufacturing techniques, the rate of capital turnover, and the effect of each individual procurement upon such business. For example, where a contractor is engaged in an industry where the turnover of working capital is slow, generally the profit objective on individual contracts is higher than in those industries where the turnover is more rapid.

(g) *Contractor's performance.* In addition to the factors set forth in § 18–3.102, the contractor's past and present performance should be evaluated in such areas as quality of product, quality control, scrap and spoilage, efficiency in cost control (including need for and reasonableness of cost incurred), meeting performance schedules, timely compliance with contractual provisions, creative ability in product development (giving consideration to commercial potential of product), engineering (including inventive, design simplification, and development contributions), management of subcontract programs, management of Government property, and any unusual services furnished by the contractor. Where a contractor has consistently achieved excellent results in the foregoing areas in comparison with other contractors in similar circumstances, such performance merits a proportionately greater opportunity for profit or fee. Conversely, a poor record in this regard should be reflected in determining what constitutes a fair and reasonable profit or fee.

(h) *Subcontracting.* (1) In negotiating the profit or fee, subcontracting as a factor shall be segregated for separate evaluation, particularly as it bears on the contractor's technical supervision and management responsibility, financial investment, and degree of risk, as outlined in § 18–3.808. The degree and nature of subcontract programs vary on a broad spectrum. While it is not possible to define the exact profit or fee treatment to be accorded each situation, the general guidelines in subparagraph (2) of this paragraph shall be taken into consideration.

(2) The evaluation of a contractor's subcontracting program should not consist merely of applying arbitrary percentages of profit to subcontract prices in negotiating the prime contract price. A relatively large amount of subcontracting by itself need not result in negotiation of correspondingly lesser profit or fee since the character and circumstances of the subcontracting must be taken into account. Although purchased material and subcontracted work are usually properly included in the base upon which profit or fee is computed, instances may arise in which a significant portion or portions of a contract are subtracted in such a way that only a minimum amount of responsibility or risk remains with the prime contractor. In such case, in order to prevent unreasonable pyramiding of profit or fee, the amount of profit or fee attributable to the subcontracted work should be substantially less than where the contractor uses his own resources and retains substantial responsibility or risk. Of primary importance is the degree to which the subcontracting provides a better component or subsystem and lower costs, with timely performance (recognizing the distinction between the prime contractor who elects to buy rather than make in the interest of providing a better and less expensive component or subsystem than the prime contractor who buys because he has no in-house capability) and in which the contractor assumes heavy managerial and technical effort, responsibility, and risk. Particular attention should be given to the contractor's managerial and technical effort, responsibility and risk with respect to subcontracts under major systems contracts where a substantial portion of total contract cost is attributable to subcontracting of major components or subsystems. Consideration must be given to the relationship which the prime contractor's estimated profit or fee on subcontracted work bears to his cost of placing and managing such subcontracted work.

(3) In establishing a contractor's fee or profit, favorable consideration shall be given to:

(i) The company's policies and procedures which energetically support Government Small Business and Labor Surplus Area Programs;

(ii) Any unusual efforts which the contractor displays in subcontracting with small business and labor surplus area concerns, particularly for developmental type work likely to result in later production opportunities; and

(iii) Effectiveness of the company in subcontracting with and furnishing assistance to such concerns, as compared to other comparable contractors. In this connection, it is the responsibility of the contracting officer to examine the contractor's past and present effectiveness and plans for seeking out qualified small business and labor surplus area concerns, and to require the contractor during negotiations to document his past, present, and planned performance in these areas.

(i) *Unrealistic estimates.* If records reveal that a contractor's actual costs are consistently lower than his estimated costs (indicating a practice of excessive estimates), and if the contractor refuses to provide what seems to be a reasonable estimate of costs, a lower profit or fee should be considered.

**§ 18–3.808–4 Minimal fees or cost sharing arrangements.**

In certain circumstances, as where experimental, developmental, or research work is attractive because of direct or potential commercial applications, consideration should be given to using a contract providing for only a nominal or token fee, or no fee, or on a cost-sharing basis.

**§ 18–3.808–5 Fee limitation for experimental, developmental, or research work.**

In connection with the administrative and statutory limitations on fixed fees set forth in § 18–3.302(2), the existence of the administrative limitation of 10 percent for research and development work should not prevent the negotiation of fixed fees up to the level of the statutory limitation of 15 percent in the appropriate circumstances. Such cases, however, shall be fully documented through factual support including specific details of prior experience with the contractor, the complexity of the work to be performed, and the details in connection with all of these factors. Contractors proposing such fees should be required to support their proposals in a similar manner.

**§ 18–3.809 Audit as a pricing aid.**

(a) *General.* Audit services should be utilized as a pricing aid by the contracting officer to the fullest extent appropriate when the dollar amount involved is sufficiently large, or special circumstances exist, to warrant the time and expense required for the particular type of advisory audit, special survey, or audit analysis of price or cost desired. Judicious use of audit services will expedite proper pricing. The determination as to the necessity of an audit report for pricing purposes is the responsibility of the contracting officer. When requesting audit services, the contracting officer shall state the purpose for which the report is to be used and define any specific areas of audit examination which should be given special attention.

(b) *Application.* Except for contracts containing retroactive price revision clauses, pricing techniques are concerned mainly with estimates of future costs. Therefore, audit reports for either retroactive or prospective pricing should not only establish costs accrued to a specific cutoff point for price proposal purposes but also should include cost trends and other available information which would be of assistance to the contracting officer in price negotiation. Such audit reports will serve a useful purpose in:

(1) The evaluation of contingency allowances, overhead allocations, purchasing management efficiency, and similar cost elements;

(2) Both the initial and subsequent pricing of contracts containing price revision clauses;

(3) Establishing limitations on costs and price revision adjustments; and

(4) Establishing negotiated overhead rates for cost-reimbursement type contracts.

(c) *Conditions for use.* Close coordination between audit and procurement personnel will assist in determining the necessity of special surveys relating to contractors' accounting or purchasing systems. Some of the conditions under which the contracting officer should consider the use of audit services include:

(1) Inadequate knowledge concerning the contractor's accounting policies, cost systems, or substantially changed methods or levels of operation;

(2) Previous unfavorable experience indicating doubtful reliability of the contractor's estimating, accounting, or purchasing methods;

(3) Procurement of a new product for which cost experience is lacking; and

(4) Contract performance requiring a substantial period of time.

**§ 18–3.810 Exchange of information.**

In appropriate cases it is desirable to exchange and coordinate specialized information regarding a contractor between NASA procurement offices and between NASA and other Government agencies, since it will provide uniformity of treatment of major issues and it may aid in the resolution of particularly difficult or controversial issues.

**§ 18–3.811 Record of negotiation.**

At the conclusion of each negotiation of an initial or revised price, the negotiator shall promptly prepare a memorandum setting forth the principal elements of the contract negotiations for inclusion in the contract file and for the use of any reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of the price, estimated costs and fee, and other terms of the contract. In this connection, see Subpart 18–50.1 of this chapter, which prescribes the type of information to be included.

**§ 18–3.813 Pre-contract planning and startup and other nonrecurring costs.**

(a) Estimates of pre-contract planning and startup costs include such costs as preproduction engineering, special tooling, special plant rearrangement, training programs, and such nonrecurring costs as initial rework, initial spoilage, and pilot runs.

(b) Since an offeror may propose a price which does not include all nonrecurring costs for the purpose of obtaining the initial contract and of gaining an advantage over competitors in negotiations for future procurements, it is important to know whether the offeror intends to absorb any portion of these costs or whether he plans to recover them in connection with subsequent pricing actions under the proposed or future contracts. This information is needed in evaluating competing proposals to determine which proposal is most likely to result in the lowest overall cost to the Government, particularly where the successful offeror is likely to become in effect, a sole source for follow-on procurements (including spare parts or other support items).

(c) When it is anticipated that such costs will be a significant factor in the evaluation of proposals for the procurement of an item, the request for proposals shall require the offeror to provide the following information:

(1) An estimate of the total of such costs;

(2) The extent to which these costs are included in the proposed price; and

(3) The intent to absorb, or plan for recovery of, any remaining costs. When entering into a contract with an offeror who has indicated that he intends to absorb any portion of these costs, the contract shall expressly provide that such portion will not be charged to the Government in any future noncompetitive procurement or other pricing action.

**§ 18–3.850 Initiation of the procurement request.**

(a) The technical office requiring a contract to be made shall initiate the procurement request (NASA Form 404, or similar form). The request shall contain a proposed statement of the work to be performed and an estimate of

the dollar amount of the procurement. Background information, including documentation of any previous discussions by technical personnel with potential contractors relating to the work, also will be included. If the proposed procurement will involve access to classified information, NASA Form 446, "Request for Contractor Clearance," must be completed in accordance with NASA Management Instruction 24–3–1. If the procurement is to be subject to the NASA Financial Management Reporting System (see NASA Management Instruction 6–2–4A, and § 18–7.204–56 of this Chapter), the number of copies of NASA Form 533 to be required will be stated. After approval by responsible technical officials, any request involving an item of supply will be processed through the installation property officer for possible utilization of available excess personal property in accordance with NASA Management Instructions 20–4–2 and 20–4–5. When personal property is not available from these sources to meet the requirements of the procurement request, certification of nonavailability will be indicated thereon by the property officer. The procurement request will then be routed through budgetary channels (and fiscal, where required), for coordination as to availability of funds and sent to the procurement office for procurement action. Except for processing NASA Form 446, no action shall be taken by the procurement office toward effecting the procurement until a properly approved procurement request has been received. Where it is determined by the technical office initiating the procurement request that data (as defined in § 18–9.201 of this chapter) is to be furnished by the contractor in the performance of the contract, the procurement request will contain a statement as to the types of data that the contractor will be required to furnish. It is especially important that where follow-on procurement is contemplated, consideration be given to obtaining data in sufficient detail to permit competitive reprocurement. In any event, the contracting officer will review the procurement request to ascertain whether or not consideration has been given to the requirement for the furnishing of data by the contractor and will discuss this matter with the technical office in any instance where it is apparent that proper consideration has not been given to this requirement.

(b) In submitting procurement requests, technical personnel responsible should allow a reasonable period for :

(1) Preparation and issuance of requests for proposals;

(2) Preparation of proposals by contractors;

(3) Contract negotiation and preparation; and

(4) Timely contract performance.

Failure to do so may result in delayed performance by the contractor and in increased costs to the Government. Accordingly, the issuance of procurement requests on an urgent basis or with unrealistic delivery or performance schedules should be avoided.

(c) Only a contracting officer may bind the Government to a contract or orally direct or authorize a contractor to proceed with work. For this reason, technical discussions with potential contractors shall be conducted in such a manner as to preclude any assumption on the part of potential contractors that a commitment on behalf of the Government has been made.

### § 18–3.851 Review of the procurement request and preparation of statements of work.

The procurement request shall be assigned within the procurement office to a negotiator who will be responsible to the contracting officer for handling the business aspects of the transaction. The negotiator will review the procurement request (a) for compliance with the property utilization requirements set forth in NASA Management Instructions 20–4–2 and 20–4–5; and (b), in conjunction with the initiator of the request, will make every effort to clarify uncertain requirements or correct inconsistencies which might cause contractors to take exceptions to the statement of work or to include unwarranted contingency charges. The drafting of statements of work and specifications is the primary responsibility of technical project personnel. However, procurement personnel, reliability and quality assurance personnel, and legal personnel, as appropriate, will participate in the preparation of statements of work and specifications at an early stage to facilitate timely review and assistance.

### § 18–3.852 Preparation and approval of procurement plans.

Although adequate planning prior to procurement action is always a prerequisite, the preparation of a more formal procurement plan is required in certain cases. A description of what such a procurement plan should contain and the situations in which preparation and approval of such a plan are required are set forth in §§ 18–3.852–1 through 18–3.852–5.

### § 18–3.852–1 Contents of the procurement plan.

(a) A procurement plan is a detailed outline of the method by which the contracting officer expects to accomplish the procurement task. The plan is an administrative tool designed to enable the contracting officer to plan effectively for the placement and accomplishment of assigned procurements by analyzing the requirement for, and determining the method to be used in, placing the procurement. It also furnishes justification for the contemplated method of procurement for use in connection with the review and approval of higher authority, when applicable.

(b) A procurement plan shall contain:

(1) A description of the proposed procurement, including identification of the related program or project; the date, and authority project approval was granted; and the office that will be responsible for technical monitoring of the contract.

(2) A comprehensive list of known sources prepared in accordance with § 18–3.802–2 and a discussion of the competitive situation believed to exist. When it is not intended to solicit all known sources, the procurement plan should indicate those sources to be solicited and the basis for their selection. When it is intended to solicit a proposal from only one source the procurement plan will be accompanied by the document prescribed in § 18–3.852–2.

(3) A recommendation as to the type of contract that should be used and the reasons for the choice. When applicable, a copy of the Determination and Findings under 10 U.S.C. 2306(c), prepared in accordance with § 18–3.304(d), should be attached.

(4) A recommendation as to which method of evaluating proposals set forth in § 18–3.804 should be utilized, and the reasons for this choice, including any special problems believed to exist in making the evaluation, except that in the case of a procurement plan required to be approved by the Director of a field installation, pursuant to § 18–3.852–5 (a)(2), the plan will contain requirements for a Source Evaluation Board.

(5) A realistic time schedule for completing each major phase of the procurement action, stated in terms of the length of time allotted to each phase.

(6) A statement setting forth facts and circumstances that clearly and convincingly establish why formal advertising is neither feasible nor practicable for the particular procurement, and a complete statement of the facts and circumstances which are clearly illustrative of the conditions which authorize negotiations under the authority being used in the particular instance, and a copy of the required Determination and Findings under 10 U.S.C. 2304(a) (See Subpart 18–3.3).

(7) Provisions for reliability assurance including a summary of reliability program requirements as set forth in Subpart 18–1.51 of this chapter.

(8) A recommendation as to whether an oral briefing of prospective contractors should be held, and whether this briefing should take place before or after the issuance of requests for proposals.

(9) A statement as to whether or not it is probable that the Government will desire to make follow-on procurements of the item being procured at this time and, if so, a requirement for the kinds and amounts of data that the contractor will be required to furnish. (See Subpart 18–9.2 of this chapter.) When a follow-on procurement is contemplated and manufacturing data will not be required, the procurement plan shall contain a statement setting forth the reasons why such data will not be required.

(10) Any other pertinent data that would be helpful to the approving authority in appraising the plan for carrying out the procurement.



### § 18–3.852–2 Justification for noncompetitive procurement.

(a) *Preparation.* Procurement plans which contemplate noncompetitive negotiation shall be accompanied with a separate document entitled "Justification for Noncompetitive Procurement." This separate document shall:

(1) Fully express the circumstances which operate to make competitive negotiation impractical or not feasible;

(2) Explain with particularity the exclusive or predominant capability of the selected contractor to meet the requirements of the procurement; and

(3) Contain, in the first sentence of the document, an appropriate recommendation (e.g., "I recommend that we negotiate with the _____ only
(name of company)
for the detailed documentation and fabrication of _____").
(Item being procured)

A "Justification for Noncompetitive Procurement" shall be submitted in accordance with this chapter regardless of which exception of 10 U.S.C. 2304(a) is being cited and relied on as authority to negotiate. Each justification shall reflect the degree of consideration which has been given to other firms in the field and cite reasons why they lack the particular capability which the proposed contractor evidences.

(b) *Considerations.* The following factors should be considered in preparing the justification:

(1) What capability does the contractor have which is important to the specific effort and makes him clearly more desirable than another firm in the same general field?

(2) What prior experience of a highly specialized nature does he possess which is vital to the proposed effort?

(3) What facilities and test equipment does he have which are specialized and vital to the effort?

(4) Does he have a substantial investment of some kind which would have to be duplicated at Government expense by another firm entering the field?

(5) If schedules are involved, why are they critical and why can the selected contractor best meet them?

(6) If lack of drawings or specifications is a guiding factor, why is the proposed contractor best able to perform under these conditions? Why are drawings and specifications lacking? What is the lead-time required to get drawings and specifications suitable for competition?

(7) Are Government-owned facilities involved?

(8) Is the effort a continuation of previous effort performed by the proposed contractor?

(9) Does the proposed contractor have personnel considered predominant experts in the particular field?

(c) *Approval.* The Justification shall be approved as follows:

(1) If the contract is not to exceed $1,000,000 such Justification shall be prepared as a recommendation of the chief of the cognizant technical division and approved by the procurement officer of the installation.

(2) If the contract is to exceed $1,000,000 but not to exceed $5,000,000, the "Justification" shall be approved by the Director of the installation.

(3) If the contract will exceed $5,000,000, the "Justification for Noncompetitive Procurement" shall be signed by the Director of the field installation and shall contain additional signature blocks for the approval of the Administrator and for the concurrences of the Deputy Administrator and the Associate Administrator. The submitting installation will ensure that sufficient space is left on the document for concurrences by the Office of Procurement, Deputy Associate Administrator for Industry Affairs, and cognizant Headquarters Program Offices. The justification shall be forwarded with the procurement plan to the Administrator through the Director of Procurement.

### § 18–3.852–3 Requirement for preparation of procurement plans.

On each negotiated procurement which it is estimated will exceed $100,000, the NASA contracting officer shall prepare a procurement plan with the advice and assistance of the cognizant technical division. Such plan shall be prepared prior to solicitation of proposals. Field installations may prescribe the preparation of a procurement plan for negotiated procurements that are not anticipated to exceed $100,000.

### § 18–3.852–4 Assistance in providing for reliability assurance in procurement plans.

When system hardware costing over $1,000,000 is involved, as defined in Part 18–1.51, of this chapter reliability personnel at the field installation involved shall assist in the preparation of the procurement plan with respect to arrangements to be made for reliability monitoring. In the absence of such reliability personnel, the field installation shall seek the advice and assistance of the Director of Reliability and Quality Assurance, NASA Headquarters, or his designee, in the preparation of procurement plans.

### § 18–3.852–5 Approval of procurement plans.

(a) Procurement plans require the following approval:

(1) If the contract is not anticipated to exceed $1,000,000, the procurement plan shall be approved by the procurement officer of the installation, after concurrence by the chief of the cognizant technical division.

(2) If the contract is anticipated to exceed $1,000,000 but not to exceed $5,000,000, the procurement plan shall be approved by the Director of the field installation. If the Director of the field installation considers that a Source Evaluation Board is not appropriate for a particular procurement, he may waive the requirement for such a board, provided that he does so in writing with a statement of his reasons for the waiver. Where factors exist which make review at Headquarters desirable, the Director of the field installation may forward the procurement plan with his recommendation to NASA Headquarters for approval in accordance with subparagraph (3) of this paragraph. Referral of procurement plans to Headquarters is desirable where technical responsibility remains in Headquarters.

(3) If the contract is anticipated to exceed $5,000,000 or is for services and the estimated cost of such services over a 3-year period is expected to exceed $5,000,000, the procurement plan shall be forwarded by the Director of the field installation, with his concurrence in the plan, to the Associate Administrator for approval via the Director of Procurement. The Director of Procurement will refer the procurement plan for review simultaneously to the Director of the cognizant Headquarters Program Office(s), to the General Counsel, to the Deputy Associate Administrator for Programming, and to any other office appropriate under the circumstances of the particular case. After receipt of comments and recommendations from the reviewing offices, the Director of Procurement will revise, modify, or concur in the procurement plan, as necessary, and forward it to the Associate Administrator for approval.

(b) In the case of contracts for feasibility studies or preliminary work where it is likely that the source selected will receive other contracts for later phases of the same project, for purposes of applying the provisions of paragraph (a) of this section, the dollar amount of such contracts shall be considered to be the total dollar amount estimated for the entire project rather than the amount estimated for the initial contract.

### § 18–3.852–6 Requests for proposals.

For requests for proposals prepared pursuant to a procurement plan approved under § 18–3.852–5(a)(3), see § 18–3.802–3(b).

### § 18–3.853 Award and preparation of the contract.

When negotiations have been completed, a contract embodying the agreement will be prepared by the procurement office for execution by the contracting officer and the contractor.

### § 18–3.854 Release of contract award information.

### § 18–3.854–1 General.

Because of public and Congressional interest in NASA contracts, a particular effort must be made to furnish information to the public and Congress concerning firms which receive contract awards and their geographical locations.

### § 18–3.854–2 Definitive contracts.

Contracts requiring approval by the Director of Procurement, in accordance with Subpart 18–50.1 of this chapter, will not be distributed, or information given to any source outside of NASA that the contract has been approved, until 24 hours after the Assistant Administrator

for Public Affairs and the Assistant Administrator for Legislative Affairs, NASA Headquarters, have been advised that the contract has been consummated.

**§ 18–3.854–3 Letter contracts.**

(a) *Policy.* Notification of the issuance of letter contracts shall be furnished immediately to the Assistant Administrator for Public Affairs and the Assistant Administrator for Legislative Affairs, NASA Headquarters, in accordance with the procedures in paragraph (b) of this section, when:

(1) It is estimated that the total amount of the definitive contract will exceed $50,000; or

(2) It is estimated that the total amount of the definitized supplemental agreement will exceed $50,000 (where a letter contract initiates additional work or services to be definitized by a supplemental agreement under an existing contract).

(b) *Procedures.*—(1) *Contracting offices.* When a proposed letter contract as described above has been signed by the contracting officer, the contracting office will furnish to the installation Public Information Office, at the time the letter contract is transmitted to the contractor for signature, the following information:

(i) Date and hour letter contract is transmitted to contractor;

(ii) Whether the letter contract initiates a new contract or additional work or services under an existing contract;

(iii) Dollar amount authorized for the letter contract and estimated total cost of the contract or supplemental agreement;

(iv) Name and address of the contractor;

(v) Location where the work is to be performed, if known; and

(vi) Brief description of the work, including identification of the program and project.

(2) *Public information office.* Upon receipt of the information described in subparagraph (1) of this paragraph, the installation Public Information Office will transmit the information immediately, by TWX or more expeditious means (if appropriate), to the Assistant Administrator for Legislative Affairs and the Assistant Administrator for Public Affairs, NASA Headquarters. The information will not be otherwise released by the installation Public Information Office until clearance has been received from NASA Headquarters.

**§ 18–3.854–4 Unsuccessful offerors.**

For releasing information to unsuccessful offerors, see § 18–3.106–3.

## Subpart 18–3.9—Subcontracting Policies and Procedures

**§ 18–3.900 Scope of subpart.**

This subpart sets forth policies and procedures for the evaluation, review, and approval of contractors' "make-or-buy" programs, purchasing systems, and proposed subcontracts.

**§ 18–3.901 General.**

(a) Information as to the contractor's "make-or-buy" program, purchasing system, and proposed subcontracts may be important to:

(1) Negotiation of reasonable contract prices;

(2) Assurance of satisfactory contract performance; or

(3) Carrying out of Government policies regarding small business (see Subpart 18–1.7 of this chapter), labor surplus areas, acquisition and use of Government facilities, or other policies which may be appropriate to the particular procurement.

Therefore, Government surveillance of contractors' "make-or-buy" programs and proposed subcontracts is required, as set forth in this Subpart. Where "make-or-buy" decisions and subcontracting will have a substantial impact on any of the above-mentioned factors, the contractor's "make-or-buy" program and subcontracting should, to the extent practicable, be evaluated and agreed upon during negotiations.

(b) The subcontracting policies and procedures in this Subpart should generally be applied to those procurements where (1) the item, system, or work is complex, the dollar value is substantial, or competition is restricted, and (2) either (i) a cost-reimbursement, price redetermination, or incentive type contract is to be used, or (ii) "make-or-buy" decisions are expected to have a substantial impact on negotiations.

**§ 18–3.902 "Make-or-buy" program.**

**§ 18–3.902–1 General.**

(a) A "make-or-buy" program is that part of a contractor's written plan for the development or production of an end item which outlines the subsystems and major components, assemblies, subassemblies, and parts to be manufactured (including testing, treating, and assembling) in its own facilities and those which will be obtained elsewhere by subcontract. A "make" item is any item produced, or work performed, by the contractor or his affiliate, subsidiary, or division.

(b) (1) Where the nature of the procurement is such that, in view of the factors referred to in § 18–3.901(b), review of the "make-or-buy" program is appropriate or is otherwise considered essential, the prospective contractor will be required to submit his proposed "make-or-buy" program, together with sufficient data to permit the contracting officer to evaluate such factors in paragraph (e) of this section as are pertinent.

(2) At the time a request for proposal is issued, contracting officers will request potential suppliers to furnish "make-or-buy" programs on all negotiated procurements, except as otherwise provided in subparagraph (3), (4), or (5) of this paragraph.

(3) A "make-or-buy" program will not be required when a proposed contract has a total estimated cost of less than $1,000,000, unless the contracting officer specifically determines that a "make-or-buy" program is appropriate.

(4) Except where their performance involves significant fabrication of hardware items, research and development contracts are not subject to the "make-or-buy" requirements of this Subpart.

(5) A "make-or-buy" program will not be required if the contracting officer determines that none of the factors in § 18–3.901(b) is applicable.

(6) The requirement for submission of a "make-or-buy" program is an important factor to be considered in establishing a realistic date for submission of proposals.

(c) The contractor will be informed that the program he submits should be confined to important items which, because of their complexity, quantity, cost, or requirement for additional Government facilities, normally would require company management review of the "make-or-buy" decision. "Detail parts" or "off-the-shelf" items will not be incorporated in a "make-or-buy" program unless their potential impact on program or schedule makes their inclusion necessary. If the design status of the end item being procured is not sufficiently advanced to permit accurate precontract identification of all items that may be subject to "make-or-buy" decisions, the contractor shall be notified that such items must be submitted, when identifiable, under the terms of the contract clause entitled "Changes to Make-or-Buy Program."

(d) The contractor will submit, with his proposal, a "make-or-buy" program of important items, including, in addition to information required by paragraph (b)(1) of this section:

(1) A description by which each such item can be readily identified;

(2) A recommendation to make or buy the item or defer the decision, and the reasons therefor;

(3) When feasible, the names of proposed subcontractors, including the specific division, plant, and plant location in which the subcontractor proposes to perform the work; and

(4) The important items to be made by the contractor, including a designation of the specific division, plant, and plant location in which the contractor proposes to perform the work.

(e) "Make-or-buy" programs will be evaluated and agreed upon by the contractor and the contracting officer at the earliest practicable time during negotiations. In reviewing the "make-or-buy" program during negotiations, the effect of the following factors on the interests of the Government shall be considered:

(1) The effect of the contractor's plan to make or buy, as the case may be, on price, quality, delivery, and performance;

(2) Whether the contractor plans to broaden his base of subcontractors through competition;

(3) Whether the contractor has properly considered the competence, abilities, experience, and capacities available within other firms;

(4) Whether small business and labor surplus area concerns are given an equitable opportunity to compete for subcontracts;





(5) Whether the contractor or major subcontractors propose to do work in plant, the nature of which differs significantly from their normal in-plant operations or for which they are not historically suited;

(6) Whether production of the item or performance of the work will create a requirement, either directly or indirectly, for additional facilities to be furnished by the Government, or for the continued use of Government-owned facilities by the contractor or by subcontractors;

(7) Whether the contractor proposes to ask the Government to furnish additional facilities to do a type of work in plant for which there is capacity elsewhere which is competitive in quality, delivery, and overall cost, and is acceptable as a source to the contractor;

(8) Whether the item or work has been subcontracted on this or previous contracts; and

(9) Other factors, such as the nature of the item, experience with similar items, future requirements, engineering, tooling, starting load costs, market conditions, and the availability of personnel and material.

(f) The contracting officer will review the "make-or-buy" program to determine if all appropriate items are included and if it contains items that should be deleted because of their relatively minor importance. In all considerations relative to a "make-or-buy" program, the contracting officer will obtain the advice and assistance of all appropriate personnel (including technical, pricing, and small business personnel) whose knowledge would contribute to the adequacy of all facets of the review. Before agreeing to a "make-or-buy" program (or consenting to any changes therein which, in the opinion of the contracting officer, would reduce the anticipated participation of small business), the contracting officer shall invite the advice and counsel of the SBA by permitting SBA representatives regularly assigned to the installation to review all pertinent facts and make recommendations thereon. Such review should be concurrent with the review by the contracting officer. Where urgent circumstances do not permit such a current review, or where SBA fails to respond on a timely basis, the contracting officer shall include an explanatory statement in the contract file and shall furnish a copy to the SBA representative.

(g) Proposed "make" items shall not be agreed to when the products or service under consideration:

(1) Are not regularly manufactured or provided by the contractor, and in the opinion of the contracting officer are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices no higher than if the contractor should make or provide the product or service; or

(2) Are regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices lower than if the contractor should make or provide the product or services:

*Provided,* That such items may be agreed to, notwithstanding subparagraphs (1) and (2) of this paragraph, if in the opinion of the contracting officer the overall cost of the contract to the Government would be increased if the item were "bought."

(h) After agreement on the program is reached, the contracting officer shall notify the contractor of the Government's approval of the program and shall inform the contractor of any requirement for further review during performance of the contract. For example, if follow-on procurement occurs, the contracting officer and the contractor will review the existing "make-or-buy" program to determine whether it should be revised.

(i) The following clause shall be incorporated in all cost reimbursement, price redetermination, or incentive type contracts as to which a "make-or-buy" program has been agreed upon:

CHANGES TO MAKE-OR-BUY PROGRAM (MARCH 1963)

The Contractor agrees to perform this contract in accordance with the "make-or-buy" program attached to this contract except as hereinafter provided. If the Contractor desires to change the "make-or-buy" program, he shall notify the Contracting Officer in writing of the proposed change reasonably in advance and shall submit justification in sufficient detail to permit evaluation of the proposed change. Changes in the place of performance of work or any "make" item in the "make-or-buy" program are subject to this requirement. With respect to items deferred at the time of negotiation of this contract for later additions to the "make-or-buy" program, the Contractor shall notify the Contracting Officer of each proposed addition at the earliest possible time, together with justification in sufficient detail to permit evaluation. The Contractor shall not, without the written consent of the Contracting Officer, make changes or additions to the program: *Provided,* That in his discretion the Contracting Officer may ratify in writing any changes or additions and such ratification shall constitute the consent of the Contracting Officer required by this clause. The "make-or-buy" program attached to this contract shall be deemed to be modified in accordance with the written consent or ratification by the Contracting Officer.

(j) On applicable contracts, the office responsible for performing contract administration will establish a procedure with the contractor to ensure timely compliance with the terms of the contract clause. This procedure will include provisions for processing changes to the established "make-or-buy" program and for obtaining "make-or-buy" decisions for items reserved for deferred decisions or unidentified at the time of contract negotiation. The responsible contract administration officer will (1) receive requests from the contractor for changes in, or additions to, the established "make-or-buy" structure, (2) evaluate the contractor's proposals, and (3) forward them, with his recommendations, to the appropriate NASA contracting officer. When reviewing proposed changes in, or additions to, the established "make-or-buy" program, the NASA contracting officer shall consult with appropriate personnel, as provided in paragraph (f) of this section.

(k) Approval of the contractor's purchasing system shall not constitute approval of the "make-or-buy" program where the latter is required.

(l) When a "make-or-buy" program is agreed upon with a contractor, or there are changes or additions to a "make-or-buy" program, the consideration given each item on such program will be documented in the contract file. If a contract (including supplemental agreements for new procurement), except those specifically exempted by paragraph (b) of this section, does not include the clause entitled "Changes to Make-or-Buy Program," the contracting officer will document the contract file with a written statement of facts to sustain and make clear the appropriateness of the determination not to include the clause. Such determination will be based on one of the following:

(1) The contract is on a firm fixed-price basis;

(2) The contract is not exempt but there are no items which can be identified as requiring a "make-or-buy" program as defined in paragraph (a) of this section; or

(3) A deviation has been approved pursuant to § 18–1.109.

**§ 18–3.902–2 Price adjustments.**

(a) There may be cases where it is proper to agree that an item of significant value will be "bought" even though it would usually be more economical to have it "made" or vice versa. For instance, the contractor may have a unique capability for low-cost manufacture of a substantial component but his capacity may already be full during the period necessary for contract performance, so the component must be subcontracted. Therefore, the agreed-upon "make-or-buy" program may specifically call for what would usually be the more costly treatment of the item and the consequent higher costs may be explicitly recognized in establishing the best obtainable contract price. Unforeseen changes in the circumstances, however, may arise during contract performance and may induce the contractor to propose changing the item from "buy" to "make" (or vice versa). If such a change is made, the element of the contract price which was intended to compensate the contractor for the higher costs flowing from the initial "make-or-buy" decision will instead constitute windfall profits to the contractor and unwarranted costs to the Government.

(b) In procurements where the prospective contractor's "make-or-buy" program is reviewed pursuant to § 18–3.902, if a situation of the kind described in paragraph (a) of this section obtains, the clause set forth below shall be included in the contract (unless it is a cost-reimbursement type contract) and any "make-or-buy" items of the kind described in paragraph (a) of this section shall be specifically designated in the schedule (or elsewhere in the contract)

THE UNIVERSITY OF MICHIGAN

both as being either a "make" item or a "buy" item and as being subject to this clause.

PRICE ADJUSTMENT FOR MAKE-OR-BUY CHANGES (MARCH, 1963)

This clause applies only to items that are designated elsewhere in the contract as being "make" items or "buy" items subject to this clause. If the Contractor desires to "make" any designated "buy" item or to "buy" any designated "make" item, he will give written notice to the Contracting Officer of the proposed change reasonably in advance and will include significant and reasonably available cost and pricing data in sufficient detail to permit evaluation of the proposed change. Promptly thereafter, if the Contractor proceeds with the change, the Contractor and the Contracting Officer will negotiate an equitable reduction in the contract price to reflect any decrease in costs which should reasonably result from the change, and the contract will be modified in writing accordingly. Failure to agree on an equitable reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

**§ 18–3.902–50 Special considerations research and development contracts.**

Research and development contracts shall, when source selection has been substantially predicated upon the possession by a given contractor of special capabilities, as represented by either key personnel or facilities, contain a schedule setting forth the designated personnel and facilities and the following clause shall be incorporated in such contracts:

KEY PERSONNEL AND FACILITIES (MARCH 1963)

The personnel and/or facilities specified in the schedule attached to this contract are considered to be essential to the work being performed hereunder. Prior to diverting any of the specified individuals or facilities to other programs the Contractor shall notify the Contracting Officer reasonably in advance and shall submit justification (including proposed substitutions) in sufficient detail to permit evaluation of the impact on the program. No diversion shall be made by the Contractor without the written consent of the Contracting Officer: *Provided*, That the Contracting Officer may ratify in writing such diversion and such ratification shall constitute the consent of the Contracting Officer required by this clause. The schedule attached to this contract may, with the consent of the contracting parties, be amended from time to time during the course of the contract to either add or delete personnel and/or facilities, as appropriate.

**§ 18–3.903 Review of subcontracting and contractor's purchasing systems.**

Examination of the contractor's purchasing system and plans for subcontracting, review of proposed subcontract sources and prices in the light of the factors indicated in § 18–3.901, and discussions with the contractor to bring about any adjustments which may be needed to clear the way for formal subcontract approval should generally be accomplished as part of the negotiation of the prime contract. Any resulting purchasing system approvals will be granted in accordance with § 18–3.903–3.

**§ 18–3.903–1 Contract clauses.**

(a) The "Subcontracts" clauses, covering Government consent to subcontracts, are set forth in this chapter as follows:

(1) For fixed-price supply contracts which include a price redetermination or incentive provision, in § 18–7.104–23(a) of this chapter;

(2) For cost-reimbursement type supply contracts, in § 18–7.203–8 of this chapter;

(3) For fixed-price research and development contracts which include a price redetermination or incentive provision, in § 18–7.303–12 of this chapter;

(4) For cost-reimbursement type research and development contracts, § 18–7.402–8 of this chapter; and

(5) For cost-reimbursement type research and development contracts with nonprofit institutions (including educational institutions), § 18–7.451–8 of this chapter.

(b) § 18–7.104–23(b) sets forth a subcontract clause which may be used in fixed-price supply contracts which do not include a price redetermination or incentive provision. Such clause may also be used in fixed-price research and development contracts which do not include a price redetermination or incentive provision (see § 18–7.303–12 of this chapter).

**§ 18–3.903–2 Consent to subcontracts.**

(a) The contracting officer's consent to subcontracts, required by the subcontract clause set forth in the contract, shall be accorded by individual consent on a subcontract-by-subcontract basis. However, where the contractor's purchasing system has been approved, in whole or in part, such consent is not required for subcontracts within the scope of such approval, except in the case of cost-reimbursement type contracts containing one of the contract clauses set forth in § 18–7.203–8, § 18–7.402–8, or § 18–7.451–8 of this chapter; individual consent cannot be waived with respect to those types of subcontracts for which individual consent is specifically required to be obtained pursuant to such clauses.

(b) The purposes of subcontract consent requirements are usually best served if review and analysis of the contractor's purchasing system and of his proposed subcontracts are carried out in conjunction with negotiation of the prime contract (and concurrently with any review of the contractor's "make-or-buy" program as required by § 18–3.902). Although consent to subcontracts cannot always be formally accomplished prior to execution of the prime contract (since definitive subcontracts are not generally entered into until after execution of the prime), the review, analysis, and discussion leading up to such formal consent should, where feasible, be conducted during the negotiation process.

(c) Purchases by a contractor from General Services Administration supply sources under a written authorization by the contracting officer (see § 18–5.906 of this chapter) shall be treated as having been made with the consent of the contracting officer.

**§ 18–3.903–3 Approval of purchasing system.**

(a) The effectiveness of a potential contractor's purchasing system and his system for management of subcontracts will be regarded as one of the essential criteria in determining responsibility pursuant to § 18–1.903 of this chapter. Performance during the course of a contract, in the areas of purchasing and subcontract management, will be a relevant consideration in determining future awards. When an award is contemplated, the NASA contracting officer shall assure himself as to the adequacy of a contractor's purchasing system and subcontractor management either by reference to a survey previously conducted or by a review in accordance with the minimum standards prescribed in § 18–3.903–3(g) to the extent appropriate in the light of the contractor's proven procurement ability and the dollar value of the proposed contract.

(b) The Director of Procurement will establish a list of major contractors whose purchasing systems will be surveyed, and he will be responsible for directing the accomplishment of such surveys. Normally, performance of surveys will be assigned to a field installation, taking into consideration such factors as availability and qualifications of personnel, dollar volume of contracts with the contractor, and location of facilities to be surveyed. When unusual or special problems are expected or known to exist, the Director of Procurement may elect to have representatives of the Office of Procurement perform or participate in the survey. Selection of a contractor to be surveyed will be based on the dollar volume of current and anticipated contracts with NASA and the factors set forth in § 18–3.901(b).

(c) Procurement officers desiring to have a contractor's purchasing system approved by NASA shall forward a request for such approval to the Director of Procurement with appropriate justification therefor. The Director of Procurement will notify the procurement office whether or not the recommended contractor's purchasing system will be surveyed and, if the survey is to be accomplished, he will also notify other procurement officers of such action.

(d) Prior to the initiation of a survey, the Director of Procurement will ascertain whether another agency of the Government has surveyed the particular contractor's purchasing system. Where such a survey has been conducted, the agency conducting the survey will be requested to furnish NASA with a copy of the survey and the results thereof (including any updating accomplished). Maximum use shall be made of such evaluation to determine the need for further action by NASA and to preclude needless multiplicity of surveys.

(e) A list of those contractors who have had their purchasing systems approved and those to be reviewed by the Director of Procurement, as well as those contractors who have had their purchasing systems approved by other Government agencies where such approvals are to be used by NASA, will be maintained by the Office of Procurement and distributed to all procurement offices.

(f) A survey and approval of a contractor's purchasing system, as contemplated by this § 18–3.903–3, will not be made in conjunction with the review established by § 18–3.903. The survey and approval for individual contracts prescribed by this paragraph will be a part of the continuing systems survey which relates to the contractor's performance under all NASA contracts.

(g) A survey of a contractor's purchasing system shall include a review of such factors as:

(1) The degree of competition obtained by the contractor's purchasing methods (competition implies not only the solicitation of a sufficient number of sources supplemented by procedures calling for continuing exploration of potential new sources, but also the establishment of procedures providing for all other elements of free and open competition. Government experience has demonstrated that notification to unsuccessful bidders of awards of contracts on which they bid, of the names of the successful bidders, and, to the extent feasible, of the factors upon which selection and rejection were based, tends to develop more responsive bidding and minimizes the discouragement of potential sources because of failure to receive an award);

(2) The contractor's pricing policies and techniques, including, when necessary, his methods of obtaining current, complete, and accurate cost and pricing data and his use of available techniques, such as price, cost, and value analysis;

(3) The contractor's method of evaluating subcontractors' responsibility, including provision for continuing evaluation of existing subcontractors and the development of additional sources;

(4) The extent to which the purchasing system is consistent with any contract requirements covering small business and labor surplus area concerns;

(5) The treatment accorded affiliates of the contractor or other concerns having close working arrangements with the contractor;

(6) The effectiveness of the contractor's subcontract management, including, but not limited to, the extent to which the contractor obtains assurance that his principal subcontractors apply sound pricing practices and a satisfactory purchasing system in dealing with lower-tier subcontractors and the extent to which coordination with subcontractors is effected to assure rigid adherence to quality standards and maintenance of required delivery schedules;

(7) Types of contracts used;

(8) The extent to which the contractor's purchasing department is integrated within the contractor's operations and whether adequate coordination exists with other departments, particularly engineering, accounting, and estimating; and

(9) The contractor's procurement policies and procedures pertaining to such items as "make-or-buy" program, control of property, administration of subcontracts, etc.

(h) Approval of a contractor's purchasing system may be unqualified or may be limited. For example, the purchasing system may be approved except for subcontracts in excess of a stated amount or except for subcontracts for stated work which is of such critical nature that extraordinary Government surveillance is called for. (Or it may be decided to either raise or lower the dollar limitation on subcontracts to be submitted for contracting officer consent as provided for in § 18–3.903–4 or to retain the contractually stated limitation.) In no case shall approval of the contractor's purchasing system waive the requirement for consenting to individual subcontracts under cost-reimbursement type contracts where such individual consent is required by the Subcontracts clause contained in the contract (see § 18–3.903–2(a)).

(i) Upon completion of the survey and evaluation of the results thereof, the contractor shall be notified in writing of the conclusions developed, recommendations for resolution of any discovered deficiencies, and any limitations on the approval. The notice shall state that the approval does not (1) relieve the prime contractor of any of his obligations under the contract, (2) restrict the Government from subsequently withdrawing the approval in whole or in part, or (3) cover any changes of a material nature which the contractor may subsequently make in his purchasing system.

(j) After approval of the contractor's purchasing system, periodic examination of the contractor's operations under such system shall be conducted regularly to determine whether any substantial changes in procedures, initiated by the contractor or as a result of recommendations by the Government, have occurred, as well as to evaluate the contractor's performance under the purchasing system.

(k) Surveys of contractors' purchasing systems and the results thereof (including periodic updatings as contemplated by paragraph (j) of this section) conducted by NASA, as well as those conducted by other Government agencies that are being utilized by NASA, shall be distributed to all procurement offices.

**§ 18–3.903–4 Review of individual subcontracts.**

(a) In reviewing or consenting to individual subcontracts, the contracting officer should give appropriate consideration to the following:

(1) Whether the decision to enter into the proposed subcontract is consistent with the contractor's approved "make-or-buy" program, if any (see § 18–3.902);

(2) Whether the proposed subcontract will require the use of Government-furnished facilities;

(3) The responsibility of the proposed subcontractor (§ 18–1.906 of this chapter);

(4) Basis for selecting proposed subcontractor, including the degree of competition obtained;

(5) Cost or price analysis or price comparisons accomplished, with particular attention to whether cost or pricing data is current, complete, and correct;

(6) Extent of subcontract supervision;

(7) Type of contract used (see § 18–3.400);

(8) Estimated total extent of subcontracting, including procurement of parts and materials; and

(9) The extent to which the prime contractor has assured the adequacy of the subcontractor's purchasing system.

(b) In reviewing subcontracts, careful and thorough evaluation is particularly necessary when:

(1) The prime contractor's purchasing system or performance thereunder is considered inadequate;

(2) Subcontracts are for items for which there is no competition or for which the proposed prices appear unreasonable;

(3) Close working arrangements or business or ownership affiliations exist between the prime and the subcontractor which may preclude the free use of competition or result in higher subcontract prices than would otherwise be obtained;

(4) A subcontract is being proposed at a price less favorable than that which has been given by the subcontractor to the Government, all other factors such as manufacturing period and quantity being comparable; or

(5) A subcontract is to be placed on a cost-reimbursement, time and materials, labor-hour, fixed-price incentive, or fixed-price redeterminable basis.

Where subcontracts have been placed on a cost-reimbursement, time and materials, or labor-hour basis, contracting officers should be skeptical of approving the repetitive or unduly protracted use of such types of subcontacts.

(c) Consent to the placement of individual subcontracts will be limited or qualified to the extent deemed appropriate by use of the following statement:

Consent to the placement of this subcontract is hereby given, but such consent shall not relieve the prime Contractor of any obligation under the prime contract, shall be without prejudice to any right or claim of the Government thereunder, and shall not create any obligation on the part of the Government to the subcontractor under this subcontract, nor shall it be interpreted to constitute approval for the subcontractor to receive classified information.

**§ 18–3.903–50 Headquarters review of major subcontracts.**

(a) Procurement officers shall furnish advance notification to the Director of Procurement of the placement, under NASA prime contracts, of all first-tier subcontracts, the dollar value of which is either estimated to be $5,000,000 or more, or which may be anticipated to aggregate $5,000,000 or more with add-ons.

(b) *Procedures.* (1) When a field installation intends to consent to a proposed subcontract of the type described in paragraph (a) of this section, the information prescribed by subparagraph

(4) of this paragraph shall be transmitted to the Director of Procurement by electrical means, immediately subsequent to completion of review and prior to the issuance of consent.

(2) In the case of subcontracts contemplated under a prime contract issued by the Headquarters Contracts Division (Code BC), such information shall be forwarded to the Director of Procurement by the most expeditious means.

(3) Prime contracts shall be advised that no arrangement as to subcontract award is to be made prior to receipt of consent from the NASA contracting officer or his authorized representative.

(4) The following information shall be transmitted to the Director of Procurement:

(i) Identification of the prime contract—contractor, contract number, type of contract, status (definitive or letter contract), price or estimated cost, and brief description of items or services to be provided;

(ii) Identification of the subcontract—subcontractor, type of subcontract, price or estimated cost, brief description of items or services to be provided, and scope of subcontract work (to be described in clear and concise language);

(iii) Verification of consistency of subcontracted effort with the "make-or-buy" program of the prime contractor (proposed deviation from such program will be briefly justified);

(iv) Enumeration of sources considered or solicited for the subcontract;

(v) Justification of the selected source; and

(vi) Brief summarization of installation findings, highlighting unusual or sensitive aspects and commenting on adequacy of pricing.

(5) Immediately upon receipt of the information prescribed above, the Director of Procurement will forward a copy of such information to the appropriate Headquarters Program Office(s) for review.

(6) The Director of the appropriate Headquarters Program Office(s) and the Director of Procurement wil review such information within the purview of their assigned responsibilities. This review will be accomplished with the minimum of delay so that the installation concern may be advised within 7 work days following the transmission of the subcontract data whether there are any limitations or objections to consenting to the placement of the subcontract.

(7) Upon expiration of 7 work days following transmission of the information specified in subparagraph (4) of this paragraph, or upon receipt of notification from the Director of Procurement, whichever is sooner, and unless otherwise advised, the NASA contracting officer or his authorized representative may consent to the placement of the proposed subcontract.

(8) Nothing contained herein is intended to relieve the contracting officer of his primary responsibilities in the review of proposed subcontracts.

(9) The procedures specified herein shall be made equally applicable to Department of Defense contracting officers performing contract administration functions on behalf of NASA in accordance with field service agreements entered into between NASA and the Military Departments. In order to accomplish this objective, requests made pursuant to such agreements for the performance of contract administration functions which include review of subcontracts will specify this requirement. For the agreement with the Department of the Army, see NASA Management Instruction 2–3–9; with the Department of the Navy, see NASA Management Instruction 2–3–6; and with the Department of the Air Force, see NASA Management Instruction 2–3–4.

## PART 18–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 18–4.1—Construction [Reserved]

Subpart 18–4.2—Architect-Engineer Services

Sec.


18–4.200 Scope of subpart.
18–4.201 Definitions.
18–4.202 Policy.
18–4.203 Architect-engineer selection board.
18–4.203–1 Establishment.
18–4.203–2 Functions.
18–4.203–3 Action by director of field installations.
18–4.203–4 Simplified procedures for procurement estimated to cost $10,000 or less.
18–4.203–5 Selection of architect-engineers for master planning.
18–4.204 Negotiation procedures.
18–4.204–1 General.
18–4.204–2 Conduct.
18–4.204–3 Independent government estimate.
18–4.204–4 Architect-engineer's estimate.
18–4.204–5 Fair and reasonable fee.
18–4.204–6 Procurements requiring headquarters approval.
18–4.204–7 Record of negotiation.
18–4.205 Contracting with architect-engineer firms for construction work.
18–4.205–1 Policy.
18–4.205–2 Procedure.
18–4.205–3 Exceptions.


Subpart 18–4.50—Utility Services


18–4.5000 Scope of subpart.
18–4.5001 Definition.
18–4.5002 Policy.
18–4.5003 Determination of requirements.
18–4.5004 Headquarters participation in negotiation.
18–4.5005 Contract requirements.
18–4.5005–1 Procurement without contract.
18–4.5005–2 Memorandum of understanding.
18–4.5005–3 GSA area-wide public utility contracts.
18–4.5004–4 Negotiated utility services contracts.
18–4.5006 Contracts requiring headquarters approval.
18–4.5007 Headquarters requirement for copies of contracts.
18–4.5008 Changes in rates.
18–4.5009 Sales of utility services.
18–4.5009–1 Eligible purchasers.
18–4.5009–2 Conditions affecting sales of services.
18–4.5009–3 Requirement for headquarters approval.
18–4.5009–4 Disposition of proceeds from sales.


Subpart 18–4.51—Negotiation, Award, and Administration of Basic Research Grants

Sec.


18–4.5100 Scope of subpart.
18–4.5101 Authority.
18–4.5102 Definitions.
18–4.5103 Policy.
18–4.5104 Criteria for selecting the grant as the instrument for research support.
18–4.5104–1 Selection.
18–4.5104–2 Payments.
18–4.5104–3 Simplicity and economy in execution and administration.
18–4.5104–4 Cost-sharing.
18–4.5104–5 Control of purchases.
18–4.5105 Vesting of title to research equipment.
18–4.5106 Administration of grants.
18–4.5106–1 Grant agreement.
18–4.5106–2 Determination of amount.
18–4.5106–3 Detailed procedures.
18–4.5107 Reporting of grants.
Appendix A—Administration of research grants.


Subpart 18–4.52—Management Consultant or Advisory Services


18–4.5200 Scope of subpart.
18–4.5201 Applicability.
18–4.5202 Definitions.
18–4.5203 Policy.
18–4.5204 Scope.
18–4.5205 Procedures.
18–4.5205–1 Request for project approval.
18–4.5205–2 Negotiation of contracts.
18–4.5205–3 Contract award and approval.
18–4.5205–4 Copies of reports and recommendations.
18–4.5206 Format for requesting project approval for use of management consultant or advisory services.


AUTHORITY: The provisions of this Part 18–4 issued under 42 U.S.C. 2473(b)(1).

### Subpart 18–4.1—Construction [Reserved]

### Subpart 18–4.2—Architect-Engineer Services

**§ 18–4.200 Scope of subpart.**

This subpart prescribes procedures for the procurement by contract of professional services of architects and engineers (referred to hereafter as architect-engineer services). Procedures for procuring architect-engineer services through the construction organization of the Corps of Engineers, Department of the Army, are set forth in NASA Management Instruction 2–3–7.



**§ 18–4.201 Definitions.**

As used in this Subpart 18–4.1, the following terms shall apply:

(a) "Architect-engineer services" consist of services required in connection with:

(1) Preparation of designs, plans, drawings, and specifications for a proposed construction project (referred to as Title I Services); and

(2) Supervision and inspection of the construction work (referred to as Title II Services).

(b) Title I Services include:

(1) Preparation of necessary topographical and other field surveys, test borings, and other subsurface investigations;

(2) Preparation of preliminary studies, sketches, layout plans, and reports, including estimates of cost of the proposed project and of all structures, utilities, and appurtenances thereto;

(3) Adaptation of Government designs, drawings, specifications, and standards for buildings and other structures as necessary;

(4) Preparation of final designs, working drawings, specifications, and cost estimates of the proposed project;

(5) Assistance to the contracting officer in preparing invitations for bids or requests for proposals for the required construction work and in evaluating bids or proposals received;

(6) Review and approval of all shop and working drawings submitted by the construction contractor; and

(7) Advice during the construction period relative to interpreting the plans and specifications in the event inspection of the construction is performed by the Government.

(c) Title II Services include complete supervision and inspection of the construction work and preparation of record drawings to show the construction as actually accomplished.

**§ 18–4.202 Policy.**

The selection of architects-engineers for professional services shall be based on the professional qualifications necessary for satisfactory performance of the required services and not on the basis of the evaluation of competitive bids or proposals.

**§ 18–4.203 Architect-engineer selection board.**

**§ 18–4.203–1 Establishment.**

The director of each field installation shall establish an architect-engineer selection board to be composed of not less than three members who, collectively, have experience in engineering, construction, and procurement matters. Members shall be appointed from employees from within the field installation, one of whom shall be designated as chairman.

**§ 18–4.203–2 Functions.**

(a) Except as otherwise provided in § 18–4.203–4, the architect-engineer selection board shall perform the following functions:

(1) Collect and maintain data on architect-engineer firms, including information on the qualifications of their members and key employees, past experience on various types of construction projects, and standing in the profession. (U.S. Government Architect-Engineer Questionnaire—Standard Form 251—will be used for this purpose.)

(2) When procurement by contract of architect-engineer services for a particular project is contemplated, review the qualifications of an adequate number of architect-engineer firms and evaluate the architect-engineer firms in accordance with paragraph (b) below. (In making this review and technical evaluation, correspondence and conferences with architect-engineer firms under consideration shall be conducted to the extent deemed necessary.)

(3) Prepare a report for submission to the director of the field installation, recommending, in the order of preference, a minimum of three firms which, after careful evaluation, are considered the best qualified to perform the required services. (This report shall include sufficient details as to the extent of the evaluation and review made and the considerations upon which the recommendations were based.)

(b) In evaluating architect-engineer firms, the architect-engineer selection board shall consider the following factors:

(1) Specialized experience of the firm in the field or fields required;

(2) Capacity of the firm to perform the work within the required time;

(3) Past record of performance on contracts with NASA, other Government agencies, and private industry including such factors as control of costs, quality of work, and ability to meet schedules; and

(4) Geographic location of the firm and its familiarity with the area in which the project is located.

Since it is NASA policy to encourage additional firms to participate in the performance of architect-engineer services for NASA, the architect-engineer selection board shall, to the fullest extent practicable, give favorable consideration to qualified firms not having prior performance experience with NASA.

**§ 18–4.203–3 Action by directors of field installations.**

Except as otherwise provided in § 18–4.203–4, the director of the field installation shall review the recommendations of the architect-engineer selection board and shall:

(a) Approve the recommended list of qualified architect-engineer firms as submitted;

(b) Rearrange the order of preference; or

(c) Return the recommendations to the board for such action as he may consider necessary.

The director of the field installation shall advise the board of the final action and shall furnish the contracting officer with a copy of the report and final action thereon which will serve as authorization to commence negotiation. The list of qualified firms in order of preference is for internal use of NASA, and such information shall not be made known to the firms under consideration.

**§ 18–4.203–4 Simplified procedures for procurement estimated to cost $10,000 or less.**

When authorized by the director of the field installation, one of the simplified procedures set forth in this § 18–4.203–4 may be used in selecting architect-engineer firms to perform services that are estimated to cost $10,000 or less, in lieu of the architect-engineer selection board performing the functions prescribed by § 18–4.203–2(a) (2) and (3), and actions prescribed by § 18–4.203–3.

(a) *Selection by the board.* After reviewing and evaluating architect-engineer firms in accordance with §§ 18–4.203–2(a)(2) and 18–4.203–2(b), the board will prepare a report for submission to the contracting officer listing, in the order of preference, a minimum of three firms which, after careful evaluation, are considered the best qualified to perform the required services. (This report will include sufficient details as to the extent of the evaluation and review made and the considerations upon which the selections were based.) This report will be forwarded to the contracting officer and will serve as authorization to commence negotiation.

(b) *Selection by the chairman of the board.* When, in the judgment of the chairman of the board, it is considered that board action is not required in connection with a particular selection of architect-engineer firms, the following procedures will be followed:

(1) The chairman of the board will perform the functions required by § 18–4.203–2(a)(2).

(2) The chairman of the board will prepare a report in the same manner as that prescribed by § 18–4.203–2(a)(3), except that the report will be submitted to the director of the field installation or his designee for concurrence.

(3) The Director of the field installation or his designee will review the report from the chairman of the board, and concur with the selection made by the chairman, or return the report to the chairman for such action as may be considered necessary.

(4) Upon receipt of a concurred report, the chairman of the board will furnish the contracting officer with a copy of the report. Such report will serve as authorization to commence negotiation.

**§ 18–4.203–5 Selection of architect-engineers for master planning.**

(a) *Definition of master plan.* A master plan is an integrated series of documents which present in graphic, narrative, and tabular form the present composition of the installation and the plan for its orderly and comprehensive development to perform its various missions in the most efficient and economical manner.

(b) *Selection.* Where it is proposed to select an architect-engineer to develop a master plan in connection with the establishment of a new NASA activity

or installation, the report prepared by the architect-engineer selection board, in accordance with § 18–4.203–2(a)(3), will be forwarded by the director of the field installation, with his concurrence in the selection, to the cognizant Institutional Director, NASA Headquarters, for the approval of the Administrator and the concurrences of the Deputy Administrator and the Associate Administrator. The cognizant Institutional Director will refer the report for review to the Office of Procurement (Code KD), the Office of Construction (Code KC), and to other offices as appropriate under the circumstances. After receipt of comments and recommendations from the reviewing offices, the cognizant Institutional Director will revise, modify or concur in the report, as appropriate, and forward it to the Administrator via the Associate Administrator.

**§ 18–4.204 Negotiation procedures.**

**§ 18–4.204–1 General.**

(a) The contracting officer is responsible for conducting the negotiations and for the results thereof. In discharging his responsibilities, the contracting officer shall use the services of technical, legal, financial, pricing, and other specialists in NASA, as required. Negotiations shall be directed toward:

(1) Making certain that the proposed contractor has a clear understanding of the essential details of the required work;

(2) Determining that the proposed contractor will make available the necessary personnel and organization to accomplish the work within the required time; and

(3) Effecting mutual agreement on the provisions of the contract and on a fair and reasonable fee (contract price) for the required work.

(b) *Limitation on fee.* Pursuant to 10 U.S.C. 2306(d), the amount of the fee that may be paid to an architect-engineer under a cost-plus-a-fixed-fee contract for the production and delivery of the designs, plans, drawings, and specifications required for the accomplishment of any public works or utilities project may not exceed 6 percent of the estimated cost of such project, exclusive of the amount of such fee. In addition, it is NASA policy to apply this statutory limitation to the fee paid to an architect-engineer for the performance of such services under a fixed-price contract. The architect-engineer services subject to this limitation are those described in § 18–4.201(b) (1), (3), and (4). This limitation shall be applied on an individual contract basis.

**§ 18–4.204–2 Conduct.**

Negotiations shall be conducted initially with the architect-engineer firm given first preference under the procedures set forth in § 18–4.203. If a mutually satisfactory contract cannot be negotiated with such firm, the negotiations shall be terminated and the firm notified. Negotiations then shall be initiated with the firm given second preference and this procedure shall be continued until a mutually satisfactory contract has been negotiated.

**§ 18–4.204–3 Independent government estimate.**

Prior to the initiation of negotiations, the contracting officer shall develop an independent Government estimate of the cost of the required architect-engineer services, based on a detailed analysis of the costs expected to be generated by the work. Information, such as hourly pay rates and overhead and general and administrative expense loading factors, may be requested from the architect-engineer firm under consideration to the extent required in preparing the Government estimate. The independent Government estimate shall be revised as required during negotiations to reflect changes in, or clarification of, the scope of the work to be performed by the architect-engineer. A cost estimate, based on the application of percentage factors to cost estimates of the various segments of the construction project, may be developed for comparison purposes, but such a cost estimate shall not be used as a substitute for the independent Government estimate.

**§ 18–4.204–4 Architect-engineer's estimate.**

The contracting officer shall request the architect-engineer firm to submit its proposed fee and supporting detailed cost breakdown. Such request shall be made prior to the initiation of negotiations, where practicable, or promptly after agreement on the scope of the work to be performed has been reached during negotiations. Revisions of the proposed fee and supporting detailed cost breakdown shall be requested as required during negotiations to reflect changes in, or clarification of, the scope of the work to be performed by the architect-engineer.

**§ 18–4.204–5 Fair and reasonable fee.**

The contracting officer shall negotiate a fee considered fair and reasonable based on a comparative study of the independent Government estimate and the architect-engineer's estimate. Significant differences between elements of the two estimates and between the overall estimates shall be investigated, and the contracting officer shall satisfy himself as to the reasons therefor.

**§ 18–4.204–6 Procurements requiring headquarters approval.**

Contracts for architect-engineer services that require the prior approval of the Director of Procurement are specified in § 18–50.105(b)(iii) of this chapter. The request for approval shall include all information required to be developed by this § 18–4.204 and, in particular, shall set forth the detailed cost breakdown on which the determination was based that the proposed fee is fair, reasonable and consistent with the provisions of § 18–4.204–1(b).

**§ 18–4.204–7 Record of negotiation.**

Promptly at the conclusion of each negotiation, the contracting officer shall prepare a memorandum, setting forth the principal elements of the contract negotiations, for use of reviewing authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the establishment of the fee and other terms of the contract. § 18–50.106 of this chapter prescribes the type of information to be included.

**§ 18–4.205 Contracting with architect-engineer firms for construction work.**

**§ 18–4.205–1 Policy.**

Except as provide in § 18–4.205–3, the award of a contract for architect-engineer services for a particular facility and the award of a contract for the related construction work to the same firm, its subsidiaries, or affiliates is prohibited. This policy prevents the development of situations where architect-engineer firms might be discouraged from furnishing their best professional services and from rendering unbiased decisions during the design and construction periods. Accordingly, bids or proposals for the construction of a facility shall not be solicited from the firm furnishing architect-engineer services for that facility, its subsidiaries, or affiliates; and unsolicited bids or proposals from that firm, its subsidiaries, or affiliates shall not be considered.

**§ 18–4.205–2 Procedure.**

An architect-engineer firm, selected for negotiation of an architect-engineer services contract under the procedures set forth in § 18–4.203, shall be advised of the policy set forth in § 18–4.205–1 prior to the initiation of negotiations, if that firm possesses construction capabilities either within its own organization or through subsidiaries or affiliates. The firm shall have the option of either:

(a) Declining to enter into contract negotiations in order to be eligible to compete for the related construction contract; or

(b) Entering into contract negotiations with the clear understanding that, if such negotiations are successful, the firm, its subsidiaries or affiliates will be ineligible to compete for the related construction contract.

**§ 18–4.205–3 Exceptions.**

The policy set forth in § 18–4.205–1 is not applicable to:

(a) Those cases where the Director of Procurement specifically authorizes, prior to the initiation of negotiations, the use of a cost-plus-a-fixed-fee contract for both the design and construction of a specialized facility; or

(b) Those cases in which a contract is awarded on the basis of performance specifications for the construction of a facility, and the contract requires the contractor to furnish construction drawings, specifications, or site adaptation drawings of the facility.

Requests for authorization, pursuant to paragraph (a) of this section, shall be in sufficient detail to establish the need for procuring both design and construction under one contract. In neither of the excepted cases in paragraphs (a) and



(b) of this section shall the firm that prepared the drawings and specifications be engaged to supervise and inspect, on behalf of the Government, the construction of the facility involved.

## Subpart 18–4.50—Utility Services

**§ 18–4.5000 Scope of subpart.**

This subpart prescribes policy and procedures for the procurement and sale of utility services.

**§ 18–4.5001 Definition.**

As used in this subpart, the term "utility services" includes electric, gas, water, steam, and sewage services.

**§ 18–4.5002 Policy.**

It is NASA policy to obtain required utility services from existing sources when such sources are adequate and economical arrangements can be made for their use. In each case, the required services shall be obtained, at the lowest possible cost to the Government, after fully investigating all sources. To the extent consistent with this policy, use should be made (a) of General Services Administration area-wide public utility contracts (see Subpart 18–5.8 of this chapter); and (b) on a cross-servicing basis, of utility services available from other Government agencies.

**§ 18–4.5003 Determination of requirements.**

Installation requirements for utility services shall be determined by technically qualified personnel. They will furnish the contracting officer with a full description of the services required and with as complete a description of the load data pertaining thereto as is necessary for the contracting officer to procure the services required.

**§ 18–4.5004 Headquarters participation in negotiations.**

(a) Except as provided in paragraph (c) of this section, the contracting officer shall submit the following information on a proposed procurement to the Office of Procurement (Code KDF), prior to initiating negotiation procedures:

(1) A full description of the services required, including data on estimated maximum demand, average monthly consumption, and duty cycle;

(2) Identification of all available sources of supply and a statement as to the ability of each source to provide the required services;

(3) Location and description of each proposed supplier's facilities at the nearest point of service;

(4) A description of the facilities needed by each proposed supplier and by the Government to obtain the required services from each source of supply;

(5) Copies of all applicable published rate schedules and any special rate schedules accorded by contract to users with similar requirements;

(6) Date initial service is required;

(7) Known or estimated time schedule for growth of requirements;

(8) An estimate of the annual cost of the services to be procured; and

(9) Identification of any unusual factors affecting the procurement.

(b) Based upon a review of the information submitted in paragraph (a) of this section, the Office of Procurement will determine whether NASA Headquarters participation in the negotiation proceedings in an advisory capacity to the contracting officer is considered desirable. The contracting officer will be informed promptly of the decision of the Office of Procurement.

(c) The requirements of paragraph (a) of this section are not applicable when:

(1) The estimated annual cost of the services to be procured is $50,000 or less; or

(2) The contract period will be less than six months and the proposed contract will not require the Government to pay a nonrecurring, nonrefundable fee of more than $1,000 to cover the costs of connecting the contractor's facilities to, and disconnecting them from, the Government's facilities.

**§ 18–4.5005 Contract requirements.**

**§ 18–4.5005–1 Procurement without contract.**

Utility services may be procured without a written contract when all the following conditions apply:

(a) The services are to be furnished at rates, terms, and conditions of an established rate schedule approved by a Federal, State, or other public regulatory body;

(b) The estimated annual cost of the services to be procured is $2,500 or less;

(c) Neither a connection, termination, installation, or similar charge, nor a deposit, other than a meter deposit required of all customers, is involved;

(d) The utility supplier does not require the execution of a contract or application form; and

(e) It is not deemed advantageous to the Government to negotiate and execute a contract.

**§ 18–4.5005–2 Memorandum of understanding.**

A memorandum of understanding, specifying the services to be provided and the conditions under which they will be supplied, shall be used when procuring utility services from another Government agency by cross-servicing.

**§ 18–4.5005–3 GSA area-wide public utility contracts.**

For the procurement of utility services by use of General Services Administration area-wide public utility contracts, see Subpart 18–5.8 of this chapter.

**§ 18–4.5005–4 Negotiated utility services contracts.**

When the conditions of §§ 18–4.5005–1 through 18–4.5005–3 do not apply, see Subpart 18–7.50 of this chapter for the clauses and § 18–16.501 of this chapter for the forms to be used in the procurement of utility services by negotiation.

**§ 18–4.5006 Contracts requiring headquarters approval.**

A proposed contract or memorandum of understanding for utility services, or modifications thereto, shall be submitted to the Office of Procurement (Code KDF) for approval in accordance with Subpart 18–50.1 of this chapter when it falls in any of the following categories:

(a) It involves an annual cost in excess of $50,000;

(b) It involves payment of a connection charge, deposit (other than a meter deposit or membership fee, in the case of a cooperative, required of all customers), termination charge, installation charge, or other special service charge, except as provided in § 18–4.5004(c)(2);

(c) It involves services available from two or more sources of supply;

(d) It uses NASA Form 550 (see § 18–16.501–50 of this chapter) and involves proposed deviations from the provisions of the form other than deviations required to be used when applicable or authorized by Subpart 18–7.50 of this chapter; and

(e) It involves exchange or interchange of utility services.

**§ 18–4.5007 Headquarters requirement for copies of contracts.**

The contracting officer shall forward to the Office of Procurement (Code KDF), one copy of each contract, service authorization form, memorandum of understanding, or modification thereto, promptly after execution thereof. When contractual approval by NASA Headquarters is required (in accordance with § 18–4.5006), the requirement for copies of the contractual document, set forth in Subpart 18–50.1, of this chapter shall be increased by one copy.

**§ 18–4.5008 Changes in rates.**

(a) When the contractor furnishes written notice to the contracting officer of a filing of an application for rate changes, as provided for in the clause entitled "Public Regulation and Change of Rates" of § 18–7.5001–11 of this chapter, or whenever the contractor requests that rate changes be negotiated, as provided for in the clause entitled "Change of Rates," of § 18–7.5003–2 of this chapter, the contracting officer will notify the Office of Procurement. The notification shall include sufficient information to permit a determination of the monetary effect of the proposed changes and a recommendation of action to be taken under subparagraph (1) or (2) of this paragraph, and the basis therefor.

(1) When a notice is received of a filing of an application for rate changes before the local regulatory body, the contracting officer will make a recommendation as to whether the Government should intervene in the hearing on the application, the basis for such intervention, and the extent to which the installation can support intervention through the presentation of testimony, preparation of exhibits, and the furnishing of legal counsel.

(2) When a notice is received that the contractor requests that rate changes be

negotiated, the contracting officer will make a recommendation of the position to be taken with respect to the rate changes and the extent to which installation personnel are available to support this position.

(b) The Office of Procurement will furnish the contracting officer a recommendation concerning the proposed rate changes and the extent to which NASA Headquarters will participate in the intervention before the local regulatory body or in negotiations with the contractor. Prior to recommending any action concerning the proposed rate changes, the Office of Procurement will, as necessary, coordinate with other staff offices or divisions, or other Government agencies. The contracting officer shall await the recommendations of the Office of Procurement for at least 15 days prior to taking any action concerning the proposed rate changes.

### § 18–4.5009 Sales of utility services.

### § 18–4.5009–1 Eligible purchasers.

An installation may furnish utility services to any Federal agency, mixed ownership (Government) corporation (as defined in the Government Corporation Control Act (31 U.S.C. 856)), or any bureau or office thereof, located at or in the immediate vicinity of that installation. Requests for furnishing utility services to other purchasers, together with complete justification, shall be forwarded to the Office of Procurement for decision.

### § 18–4.5009–2 Conditions affecting sales of services.

All the following conditions must be met before an installation is authorized to enter into a memorandum of understanding for the sale of utility services to an eligible purchaser:

(a) The sale will not disrupt present or contemplated service to the installation;

(b) All modifications to existing facilities and installations of additional facilities required to provide service to the purchaser will be made at the purchaser's expense;

(c) The rate charged to the purchaser will cover at least the increased cost to the installation of supplying the service.

(d) The sale of utility services is not prohibited by the contract under which the installation purchases the services; and

(e) The sale of utility services is confined to sales for consumption, not for resale.

### § 18–4.5009–3 Requirement for headquarters approval.

Each proposed memorandum of understanding for the sale of utility services shall be submitted to the Director of Procurement for approval. The accompanying information will establish that the requirements set forth in § 18–4.5009–2 have been met.

### § 18–4.5009–4 Disposition of proceeds from sales.

Funds derived from the sale of utility services shall be deposited as appropriation reimbursements to the credit of the appropriation or appropriations currently available for the supply of such services.

## Subpart 18–4.51 — Negotiation, Award, and Administration of Basic Research Grants

### § 18–4.5100 Scope of subpart.

(a) This subpart establishes policies and procedures for (1) the negotiation, award, and administration of basic research grants to nonprofit educational institutions and to nonprofit organizations operated primarily for scientific purposes; and (2) the vesting of title to research equipment, purchased with grant or contract funds, in nonprofit institutions or organizations.

(b) Except with regard to vesting of title to research equipment, the policies and procedures applicable to the negotiation, award, and administration of research contracts, including prescribed forms and clauses, and administrative requirements regarding approval of such contracts, are set forth in other parts of this chapter.

### § 18–4.5101 Authority.

Under the Act of September 6, 1958 (42 U.S.C. 1891–1893), entitled "An Act To Authorize the Expenditure of Funds Through Grants for Support of Scientific Research and for Other Purposes," NASA is authorized to make grants for basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research. This Act also provides discretionary authority for vesting title to equipment purchased with grant or contract funds in these institutions and organizations, under grants or contracts for the conduct of basic or applied scientific research, without further obligation to the Government, or on such terms and conditions as NASA deems appropriate.

### § 18–4.5102 Definitions.

For purposes of this subpart, the following terms shall have the meanings set forth below.

(a) *Grant.* An award of funds included in a written agreement executed by the Administrator or his duly authorized representative.

(b) *Basic research.* Research directed toward the increase of knowledge in science wherein the primary aim of the investigator is to gain a fuller knowledge or understanding of the subject under study.

(c) *Nonprofit institution or organization.* Any corporation, foundation, trust, or institution operated for educational or primarily scientific purposes which is not organized for profit and no part of whose net earnings inures to the profit of any private shareholder or individual.

### § 18–4.5103 Policy.

(a) NASA policy is to use the grant instrument to sponsor required basic research at nonprofit institutions or organizations when it is desired (1) to provide latitude to investigators that will encourage maximum creativity, and (2) to have the minimum administration consistent with the public interest.

(b) In addition, it is NASA policy to provide appropriate continuity of support in research sponsored under grants. In general, initial obligation of funds shall not be made for a period of more than five years. Insofar as is practicable, notice of termination or extension of support shall be given at least one year in advance.

### § 18–4.5104 Criteria for selecting the grant as the instrument for research support.

### § 18–4.5104–1 Selection.

Selection of the grant as the instrument of research support shall be made after full consideration is given to the nature of the proposed research, the manner in which it will be performed, and the magnitude and extent of the support. Grants may be made only to support basic scientific research. Some of the significant factors to be considered in selecting the instrument of research support are set forth in §§ 18–4.5104–2 through 18–4.5104–5.

### § 18–4.5104–2 Payments.

Use of a grant as the instrument of research support permits payments to be made automatically in advance—either on a lump-sum or a periodic basis, depending on the size of the total grant and the estimated timing of financial requirements. Submission of vouchers by grantees is unnecessary. In contrast, under contracts the contractors must submit vouchers or invoices, and special Government determination and administrative requirements apply if advance payments are to be made.

### § 18–4.5104–3 Simplicity and economy in execution and administration.

Under a NASA grant the need for Government supervision and for periodic progress reports by the investigator will be minimal. Economies also result from modification of accounting and auditing procedures normally applicable to research contracts.

### § 18–4.5104–4 Cost-sharing.

Use of a grant simplifies administrative procedures, both prior to and after award, in cases in which other governmental and nongovernmental organizations will make contributions to the basic research project.

### § 18–4.5104–5 Control of purchases.

The grant instrument should not be used, however, when it is practicable and desirable to have close control of purchases of research equipment and capital property items.

### § 18–4.5105 Vesting of title to research equipment.

(a) Title to all or any part of the equipment purchased with basic research grant funds, or basic or applied research contract funds, may be vested in the nonprofit institution or organization that has conducted or will conduct the research.



(b) Contracting officers, in conjunction with cognizant technical personnel, shall:

(1) Determine in writing those instances where it is desirable to vest title to equipment purchased with grant or applicable contract funds in grantees or contractors; and

(2) Be responsible for determining, after the conclusion of research and after appropriate coordination (including consideration of the needs of NASA installations), those instances in which NASA will require a transfer of title to NASA of items of equipment costing in excess of $1,000, or, in certain cases, as specified in the contract "Government Property" clause, of research equipment costing a contractor in excess of $3,000 (see § 18–13.506–2 of this chapter).

(c) Vesting of title may be effected in the grant agreement or in the contract and may be inclusive or specific. Prior to the vesting of title in the grantee or contractor, it must be determined that such action furthers the objectives of NASA. This determination may be based on, but is not restricted to, consideration of such factors as the following:

(1) That the equipment will continue to be utilized on research of interest to the Government;

(2) That the retention of title in NASA will create an administrative burden not warranted by the value of the equipment;

(3) That the administration and keeping of records by the nonprofit institution or organization will become prohibitively complicated or expensive; or

(4) That the expense involved in redistributing or relocating particular equipment will be excessive as compared to the value of the equipment.

(d) In connection with a contract, when it is anticipated that title to equipment may be vested in the contractor in accordance with this Subpart 18–4.51, the alternate paragraph (c) of the "Government-Furnished Property" clause in § 18–13.505–2 of this Chapter shall be included in fixed-price contracts using the long form clause, and the addition to paragraph (c)(1) of the "Government Property" clause in § 18–13.506–2 of this Chapter shall be included in cost-reimbursement contracts using the long form clause.

### § 18–4.5106 Administration of grants.

### § 18–4.5106–1 Grant agreement.

(a) The grant agreement shall be brief in format, containing only those provisions necessary to protect the fundamental interests of the Government, including provision for acquisition by the Government of title to and rights in inventions arising out of the research, and for revocation of the grant, if necessary, after consultation between the grantee institution and NASA.

(b) The grant agreement shall provide for audit of grants by NASA or its representatives at all reasonable times during the life of the grant and for three years thereafter. In this connection, the NASA audit program for grants shall involve sample audits on a selective basis. The Government's audit of NASA grants shall be for the purpose of appraising and evaluating the grantee's performance from a business management standpoint and not for the purpose of adjustment of grant amounts..

### § 18–4.5106–2 Determination of amount.

(a) Regulations governing contracts generally are not appropriate for application to grants. However, in general, in determining the initial amount of a grant the same factors shall be taken into consideration as are considered in making a contract. Accordingly, the cost principles set forth in Subpart 18–15.3 of this chapter shall be used as a guide.

(b) In no case shall an indirect cost rate used for determining grant amounts exceed, in equivalence, the most recently determined proper indirect cost rate at the grantee institution for comparable research contracts of the Government.

(c) Grant amounts determined at the time of the award shall not be adjusted other than in case of revocation or in the event grant funds are not committed by the grantee prior to completion of the research involved.

### § 18–4.5106–3 Detailed procedures.

The procedures set forth in Appendix A to this Subpart 18–4.51 shall be used in the detailed administration of grants in accordance with the policies of this subpart.

### § 18–4.5107 Reporting of grants.

Pursuant to section 3 (42 U.S.C. 1893) of the Act of September 6, 1958 (P.L. 85–934), an annual report shall be made to the appropriate committees of both Houses of Congress on or before June 30 of each year. Such report shall set forth for the preceding year:

(a) The number of grants made pursuant to Section 1 of the Act (42 U.S.C. 1891);

(b) The dollar amount of such grants; and

(c) The institutions in which title to equipment was vested pursuant to section 2 of the Act (42 U.S.C. 1891).

### Appendix A: Administration of Research Grants

1. *General.* NASA assumes that, once a grant is made, the principal investigator, operating within the policies of the grantee institution, is in the best position to determine the means by which the research may be conducted most effectively. Accordingly, the primary responsibility for the administration of any grant is one that is shared by the grantee and the principal investigator. NASA wishes to avoid any action that might diminish the responsibility of the grantee and the investigator for making sound scientific and administrative judgments. Grantees and investigators are encouraged to seek the advice and opinions of NASA on problems that may arise. Unless otherwise stated, the giving of such advice should not imply that the responsibility for final decisions has shifted to NASA. The primary concern of NASA is that granted funds be used in a manner that will make a maximum contribution to the progress of science—and it is expected that grantees and investigators will also direct their efforts to this end. Grant funds may not be used to purchase land, or any interest therein, to acquire or construct facilities, or to procure passenger-carrying vehicles or other articles of nonscientific nature.

2. *Grant agreement.* A NASA grant is consummated by an agreement signed by the Administrator, NASA, or his duly authorized representative. (See Attachment 1 to this Appendix.) Normally, this agreement will contain a minimum of express conditions which, upon acceptance of the grant, will bind the grantee. These conditions may relate to the general nature and scope of the research, revocation of the grant, and patent rights. The simplicity of the NASA grant agreement does not preclude the possibility of collateral understandings and informal agreements which may, in special instances, accompany the formal grant or accumulate, as the occasion demands, during the life of the grant.

3. *Grant period.*

(a) Normally, NASA grants are made for periods up to five years. As stated in the grant instrument, the period is approximate; the beginning and ending dates are not specified. The grant period begins approximately on the date of the grant and extends for approximately the length of time specified. However, when progress of research under the grant is delayed and circumstances make it necessary to request an extension of the grant period without additional funds, the policy of NASA is to permit extensions in time, upon written request.

(b) When it appears that the research contemplated will be completed within a reasonably short period of time after the approximate ending date, a request for extension of the grant period will be unnecessary. If it appears, however, that the time required for completion of the research will exceed four to six months, it is requested that NASA be informed and an extension requested.

4. *Grant payments.* Payments will be made in a lump-sum payment in advance or on a periodic basis depending on the relative size of the total grant and the estimated timing of financial requirements. If payments are to be made on a periodic basis, the schedule of payments will be set forth in the grant instrument. NASA will, at any time, consider a request initiated by the grantee or the principal investigator for a revised schedule of payments.

5. *Adherence to original budget estimates.* NASA believes that the principal investigator, operating within the established policies of the grantee institution, is the individual best qualified to determine the manner in which the grant funds may be used most effectively to accomplish the proposed research. Therefore, once the grant has been made, the investigator and the institution are free to spend the funds for the proposed research without strict adherence to the original budget estimates, except that under no circumstances may grant funds be used to acquire any interest in land. NASA will, however, appreciate being kept informed of contemplated major deviations from the budget estimates and the reasons therefor.

6. *Reports and publications.*

(a) *Technical reports.* (1) Status reports, comprising a concise statement of the research performed and appropriate expenditures under the grant in such reasonable detail as may be desired by NASA, are required semiannually unless otherwise agreed.

(2) Upon completion of the research supported by a NASA grant, a complete report

(or reports) of the work is required. Citation of publications resulting from the research may serve as all or part of this final report. Research results not intended for publication in technical journals must be in the format prescribed for NASA Technical Notes. In addition, the grantee will report to NASA whether or not any inventions required to be reported under the grant have been made in the performance of work under the grant.

(b) *Fiscal reports.* A final fiscal report for information purposes is required for each grant. Report forms for this purpose are forwarded to the business office of the grantee institution, together with the copy of the grant instrument; additional forms may be requested. Two copies of the final fiscal report should be forwarded to NASA after work under the grant has been completed.

(c) *Publication.* (1) It is the intent of NASA that all useful research information obtained as a result of NASA sponsorship be given the widest practicable dissemination through publication media, as the author of the report may elect.

(2) Reports for publication as NASA Technical Notes should be submitted in three copies, one of which is the original typed manuscript suitable for photo-offset reproduction without further editing or retyping. The style and format must correspond closely to the editorial standards of NASA Technical Notes, and all illustrations must be on glossy photographic prints, with an image of 6½ x 8½ inches.

(3) If the author elects publication in a learned journal, three copies of the manuscript are required by NASA in advance of submission to the journal, for information purposes only, since permission to publish is not required. Proper acknowledgement of NASA sponsorship will be included. Twenty reprints of published articles are also required. It is understood that illustrations and texts of such reports, research notes, and other information and scientific data resulting from a grant may be published, reproduced, or used by or for the Government for governmental purposes without limitation.

7. *Equipment.* Title to equipment purchased with grant funds will vest in the grantee institution subject to the right of NASA to require transfer to it, at the conclusion of the research, of items costing in excess of $1,000.

8. *Security.* When the principal investigator judges that information developed should be classified, he should notify NASA immediately.

9. *Patents.* Disposition of patent and other rights in any inventions or discoveries made or conceived during the research shall be the responsibility of NASA; the grantee shall give NASA reasonable notice of any invention and cooperate with NASA to secure any patent rights which may flow therefrom.

10. *Acknowledgment.* The following acknowledgment of NASA support will be made in publications based on work aided by NASA:

"This research was supported in whole or in part by the National Aeronautics and Space Administration under Grant No. ---------."

11. *Revocation of grants.*

(a) NASA grants may be revoked in whole or in part by NASA after consultation with the principal investigator and the grantee, except that a revocation shall not affect any financial commitment which in the judgment of NASA and the grantee had become firm prior to the effective date of the revocation. Upon revocation, the grantee shall reduce, insofar as is possible, the amount of outstanding commitments and repay to NASA, by check made payable to the Treasurer of the United States, the uncommitted balance of all funds that have been paid to the grantee by NASA under the terms of the particular grant concerned.

(b) The grantee shall communicate with NASA whenever he has reason to believe that circumstances may necessitate revocation of the grant. It is expected that the most common cause for revocation will be the inability of the grantee to carry out the research for which the grant is made or to adhere to the other conditions set forth in the grant instrument. As a general rule, the availability of the services of the principal investigator named in the grant instrument is one of the conditions of the grant. Consequently, NASA should be informed immediately whenever it appears that the principal investigator will find it impossible to continue to direct the research.

12. *Transfer of grants to other institutions.* When the principal investigator changes his organizational affiliation and desires support for his research at his new location, he must submit a new proposal via the appropriate officials of the new institution. Although such proposal will be reviewed in the normal manner, every effort will be made to expedite a decision. Regardless of the action taken on the new proposal, final reports on the original grant, describing the scientific progress and expenditure to date, will be required.

13. *Accounting procedures.* While no particular classification of accounts is required, it is expected that grantees will maintain records for each grant, in accordance with generally accepted accounting practices, that will permit preparation of the required fiscal report and make possible the determination that grant funds were used for the general purpose for which the grant was made.

## Attachment 1 to Appendix A

(COVER)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

*Washington, D.C. 20546*

Research Grant

No. NsG-------

TO

---

(Institution)

---

(Address)

This grant is for research to be conducted for a period of

Approximately _____
Beginning About_____
Total Amount of Grant $____

The purpose of this grant is to support basic scientific research in furtherance of the objectives of the National Aeronautics and Space Administration, and it is awarded in accordance with the authority to make such grants as set forth in P.L. 85-934 (72 Stat. 1793).

(COVER)

THE UNITED STATES OF AMERICA

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

*Washington, D.C. 20546*

Research Grant

No. NsG-------

The National Aeronautics and Space Administration (NASA) hereby grants the sum of

$---------
to

---

for the support of basic scientific research entitled:

---

under the direction of

---

for a period of approximately _____
beginning about _____

This grant will be administered in accordance with NASA policies and procedures for research grants as set forth in "NASA Policy for Administration of Research Grants," attached hereto and incorporated herein by reference, and in conformity with other understandings between NASA and the grantee relating to this grant.

Title to all equipment purchased with funds supplied herewith shall vest in the grantee. It is a condition of this grant that the grantee promptly inform NASA of the purchase with grant funds of items of research equipment costing in excess of one thousand dollars ($1,000). The Government reserves the right to require transfer to it of items purchased at a cost in excess of this amount. This right may be exercised only within the ninety (90) days next following receipt of the final report on the research supported herewith; any charges for packing, crating, and shipping which may be involved will be at the expense of the Government.

It is a condition of this grant that it may be revoked in whole or in part by NASA after consultation with the principal investigator(s) and the grantee. In the event of revocation, the grantee shall refund to NASA any unexpended grant funds, except such portion thereof as may be required by the grantee to meet commitments which, in the judgment of NASA and the grantee, had become firm prior to the effective date of revocation and are otherwise appropriate.

Since this grant is subject to section 305 of the National Aeronautics and Space Act of 1958, it is a further condition of this grant that the grantee shall furnish a written report containing full and complete technical information concerning any invention made in the performance of any work under this grant to NASA promptly upon the making of such invention. The term invention includes any invention, discovery, improvement, or innovation (whether or not patentable). The Administrator, NASA, shall have the sole power to determine the disposition of the title to and rights under any such invention. The grantee agrees to furnish such additional factual information required by NASA concerning the circumstances under which such invention was made, and to take such further steps as are necessary to enable the Administrator, NASA, to file patent applications on any such inventions.

Finally, it is a condition hereof that the grantee grant to the Government, wherever he has the power to do so, the right to publish, translate, reproduce, deliver, and dispose of all data, including reports, drawings, blueprints, and technical information, which are delivered to the Government under this grant, and to authorize others to do so.

Until further notice, it is contemplated that this grant will be paid in accordance with the following schedule:

---

(Date)

---

(Amount)

THE UNITED STATES OF AMERICA

By _____

(Name)

---

(Title)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ACCEPTANCE

---- is pleased to accept
(Grantee)
this research grant.

By _____
(Signature of Authorized Official)

---

(Title)



## Subpart 18-4.52—Management Consultant or Advisory Services

### § 18-4.5200 Scope of subpart.

This subpart sets forth the policy and procedures for negotiating contracts with firms and organizations for management consultant or advisory services for NASA. The policies and procedures for obtaining the services of individual experts and consultants are set forth in NASA Management Instructions 17-3-16.1 and 17-3-16.2A.

### § 18-4.5201 Applicability.

The provisions of this subpart are applicable to NASA Headquarters offices and field installations. In addition, the Western Operations Office shall follow the procedures set forth herein in administering Jet Propulsion Laboratory contracts requiring approval of the Western Operations Office.

### § 18-4.5202 Definitions.

The following definitions apply to this subpart.

(a) The term firms and organizations includes:

(1) Any business enterprise, association, foundation, or educational institution; and

(2) Any unit of government outside the Federal Government of the United States.

(b) The term management consultant or advisory services includes:

(1) Any examination, survey, study, review, analysis, assistance, consultation, or advice having as its purpose improvement in the effectiveness, efficiency, and economy of NASA management operations; and

(2) Any effort to improve the NASA organizational structure, business systems, industrial processes, performance standards, methods, procedures, plant or office layout, managerial skills, or general administration, as well as research leading directly to any of these services.

The term "management consultant or advisory services" does not include services for research and development; nor does it include reliability studies, plant operation and maintenance services, architect-engineering services, stenographic services, or services of consulting physicians.

### § 18-4.5203 Policy.

It is NASA policy to utilize firms and organizations outside the Government for management consultant or advisory services to improve NASA management, and to contract for such services when such requirements are necessary and:

(a) Comparable services are not obtainable within the NASA organization or from other Government organizations; or

(b) An assessment of NASA management practices by firms or organizations outside the Government organizational structure would prove more beneficial than an intragovernmental study.

### § 18-4.5204 Scope.

The functions for which management consulting firms and other organizations may be of valuable assistance to NASA include, but are not limited to, the following:

(a) Conducting training programs to increase the competence and effectiveness of NASA employees;

(b) Reviewing NASA support and operating programs (for example, procurement and supply) to increase the responsiveness of such programs to NASA needs;

(c) Modernizing NASA systems and procedures;

(d) Strengthening NASA organization and management structure, planning, and controls; and

(e) Organizing new programs or services.

### § 18-4.5205 Procedures.

### § 18-4.5205-1 Request for project approval.

(a) When an office in NASA Headquarters or field installations considers that management consultant or advisory services are necessary and desirable, in accordance with the policy stated in § 18-4.5203, the office will prepare and submit a request for such services (in an original and five copies) using the "Request for Project Approval for Management Consultant or Advisory Services" format set forth in § 18-4.5206. The "Request for Project Approval for Management Consultant or Advisory Services" must be approved, in addition to other approvals that may be required, by the division chief of the initiating office and (1) in the case of Headquarters-initiated requests, by the NASA Headquarters Program or Staff Office, or (2) in the case of installation-initiated requests, by the Director of the installation. All requests for project approvals shall be forwarded to the Office of Procurement. The Office of Procurement (Code KDR) will forward all field installation project approval requests to the appropriate Headquarters Program Office for approval prior to any action.

(b) The Office of Procurement will:

(1) Review the procurement and contractual aspects of project approval requests (for example, a request may seek to have a contract with a specific firm and the review could indicate that competitive proposals could and should be obtained); and

(2) Forward a copy of the project approval request to the Management Analysis Division, NASA Headquarters.

(c) The Management Analysis Division, NASA Headquarters, will analyze and evaluate the request as to:

(1) The necessity for the task (taking into account, for example, whether the task is required to be initiated immediately or should be deferred; and whether the problem involved is likely to be affected by other current NASA plans);

(2) The proposed method of accomplishment as compared to alternative feasible methods (whether, for example, instead of contracting for management consultant or advisory services, it would be more expeditious and less costly for NASA to hire experts temporarily on a per diem basis);

(3) The significance of the problem and the extent it relates to NASA functions generally and different NASA organizational elements; and

(4) Other pertinent considerations.

(d) Upon completion of its review and evaluation, the Management Analysis Division will return the project approval requests with recommendations and comments to the Office of Procurement.

(e) When a request is approved by the Office of Procurement and by the Management Analysis Division, it will be forwarded to the appropriate procurement office for action.

### § 18-4.5205-2 Negotiation of contracts.

(a) Unless sole-source negotiation is authorized, negotiation of contracts for management and consultant services must be conducted with a number of firms or organizations that will permit NASA to evaluate, prior to making award, the comparative merits of qualified sources and of different approaches to the task.

(b) Contracting officers shall include in the request for proposal a requirement that each offeror furnish the following information with his price quotation:

(1) The name(s) of principal members of the contractor organization who will be responsible for the project;

(2) The title of each official and the number of employees who will participate;

(3) The estimated number of man-hours that each official and employee will contribute to the proposed project; and

(4) The standard billing rate per hour for each official and employee.

The contract shall establish requirements to ensure that the proposal of the successful offeror will be adhered to (as negotiated and agreed to) in each of these respects.

(c) In addition, the request for proposals and contract shall contain the following:

(1) A clause whereby the contractor warrants that the rates quoted are not in excess of those charged nongovernmental clients for the same services performed by the same individuals;

(2) A clause which states that the Government has the right to the working papers used by the participating officials and employees of the firm or organization in connection with the project;

(3) A clause which states that if the estimated number of man-hours of participating officials or employees is not used in the performance of the contract, the total contract price shall be reduced accordingly;

(4) A clause whereby the contractor agrees that any reports regarding organi-

zational matters (as required by the contract) shall include, when feasible, in addition to the recommendations, alternative methods to be considered and the pros and cons of each alternative; and

(5) All other applicable contract clauses.

**§ 18–4.5205–3 Contract award and approval.**

Contracting officers shall evaluate all proposals and make awards in accordance with the procedures applicable to negotiating contracts as set forth in Part 18–3 of this chapter. Prior to the award of any contract for management consultant or advisory services, the approval of the Director of Procurement shall be obtained in accordance with Subpart 18–50.1 of this chapter.

**§ 18–4.5205–4 Copies of reports and recommendations.**

Upon completion of the services required, the initiating office shall forward copies of all reports or recommendations made by the consulting firm or organization to the Management Analysis Division, Office of Administration, NASA Headquarters.

**§ 18–4.5206 Format for requesting project approval for use of management consultant or advisory services.**

REQUEST FOR PROJECT APPROVAL FOR MANAGEMENT CONSULTANT OR ADVISORY SERVICES

Date ----------

1. It is requested that approval be granted to contract with (check appropriate block):
   [ ] Commercial Organization
   [ ] Noncommercial Organization
   [ ] University
   [ ] Other

2. To: (Give detailed description of statement of work to be performed.)

3. The desired goals or results of this work are:

4. It is believed that this work will be beneficial to NASA and the Government for the following reasons (list reasons in concise language):

5. Statement of those organizational groups within NASA or other Government agencies known to originator or approving authority having any degree of capability in the field this work encompasses.

6. Give reasons or opinions why this work could or should not be conducted by NASA or other Government personnel.

7. State type and extent of agency participation necessary; that is, if agency personnel will have to work with those providing service, describe how many, types, tasks, etc. Also give description of type of support required, if any, such as office or other space, supplies, materials, etc.

8. Describe any travel anticipated or required in connection with the service.

9. Give estimate of time and number of personnel (all types) and any additional things or facilities required to produce desired results.

10. Give estimated costs and source of funds.

11. If request is for one designated organization to undertake the work, identify the organization in detail, give special qualifications, and conclusive reasons for the selection.

12. If request is not limited to one organization, list possible sources from whom posals might be solicited.

13. Give opinion of effect on NASA if request is not approved.

14. Signature, and organizational relationship of initiator of request.

Initiator -----
---
---
Division Head
---
---

## PART 18–5—INTERDEPARTMENTAL PROCUREMENT

Subpart 18–5.7—Procurement Under the Economy Act From or Through Another Federal Agency

Subpart 18–5.8—Procurement of Certain Utility Services by Use of General Services Administration Area-Wide Public Utility Contracts

Sec.


18–5.800 Scope of subpart.
18–5.801 General.
18–5.802 Distribution of GSA area-wide public utility contracts and related publications.
18–5.803 Use of GSA area-wide public utility contracts.
18–5.804 Ordering under GSA area-wide public utility contracts.


Subpart 18–5.9—Use of General Services Administration Supply Sources


18–5.900 Scope and applicability of subpart.
18–5.901 Policy.
18–5.902 Limitation.
18–5.903 Authorization.
18–5.903–1 Basic authority.
18–5.903–2 Use of forms.
18–5.903–3 Distribution.
18–5.904 Procedure.
18–5.904–1 Purchase orders under Federal Supply Schedule contracts.
18–5.904–2 Purchase orders for GSA stores stock.
18–5.905 Furnishing information to contractors.
18–5.906 Form of authorization to contractors.
18–5.907 Contract clause.


Subpart 18–5.10—Procurement Through the Military Departments


18–5.1000 Scope of subpart.
18–5.1001 Authorization and policy.
18–5.1002 NASA-defense purchase request and acceptance.
18–5.1002–1 Preparation and use of form.
18–5.1002–2 Retention of property.
18–5.1002–3 Acceptance by Military Department.
18–5.1003 Changes in estimated total prices.
18–5.1004 Inquiries.
18–5.1005 Payments.


AUTHORITY: The provisions of this Part 18–5 issued under 42 U.S.C. 2473(b)(1).

### Subpart 18–5.7—Procurement Under the Economy Act From or Through Another Federal Agency

**§ 18–5.703 Procurement of helium under PL 86–777.**

(a) NASA is required under the provisions of P.L. 86–777 (50 U.S.C. 161 et seq.; 74 Stat. 918) to obtain its major requirements for helium from the Secretary of the Interior.

(b) Each procurement office shall attempt to obtain their requirements (gaseous or liquid) from the Secretary of the Interior (Bureau of Mines) prior to placing contracts with a private contractor for supply of helium.

(c) Questions regarding the application of this policy should be directed to the Office of Procurement (Code KDF), NASA Headquarters.

### Subpart 18–5.8—Procurement of Certain Utility Services by Use of General Services Administration Area-Wide Public Utility Contracts

**§ 18–5.800 Scope of subpart.**

This subpart prescribes policy and procedures for the procurement of certain utility services by use of General Services Administration (GSA) area-wide public utility contracts.

**§ 18–5.801 General.**

The General Services Administration enters into indefinite delivery type area-wide contracts with various utility companies for the furnishing of electric, natural and manufactured gas distributed by pipes, steam, sewage, or water service to all, or substantially all, Government agencies located within specified areas. GSA area-wide public utility contracts provide that the contractor will, upon receipt of an order in the form prescribed by the contract, furnish, without further negotiation as to rates and charges, the services involved in accordance with such of his established and filed rate schedules as are applicable to the service.

**§ 18–5.802 Distribution of GSA area-wide public utility contracts and related publications.**

A list of the utility services obtainable under GSA area-wide public utility contracts, including the area served and the name of the contractor involved, is contained in GSA Circular No. 61, Revised. GSA also has available copies of the area-wide public utility contracts which include the required order form. Copies of GSA Circular No. 61 and GSA area-wide public utility contracts may be obtained, upon request, from General Services Administration, Transportation and Communication Service, Public Utilities Division, Washington, D.C., 20405.

**§ 18–5.803 Use of GSA area-wide public utility contracts.**

(a) Where GSA area-wide public utility contracts are adequate to meet the requirements of NASA installations for utility services, such services will be procured thereunder. In determining whether a GSA area-wide public utility contract is adequate to meet the requirements of the using installation, consideration should be given to (1) the area-wide contract rates viewed in light of the magnitude of the service required, (2) any unusual characteristics of the service required, (3) any special equipment or facility requirements, (4) any special technical contract provisions required, and (5) any other special circumstances.

(b) Where an installation considers that a separately negotiated contract is more advantageous to the Government than the GSA area-wide public utility contract, a request will be submitted to the Director of Procurement (Code KDF), for a waiver of the requirement to use the GSA area-wide public utility contract. The request shall explain why the separately negotiated contract is considered to be more advantageous to the Government than the area-wide contract.

**§ 18–5.804 Ordering under GSA area-wide public utility contracts.**

When utility services are procured under GSA area-wide public utility contracts, the method of ordering prescribed in the appropriate GSA area-wide contract will be used. The form prescribed for ordering may be modified to satisfy fiscal and administrative requirements of NASA, and to contain such additional contract provisions as may be contemplated or permitted by the GSA area-wide contract, except that it shall not be modified for use as a public voucher in lieu of Standard Form 1034.

### Subpart 18–5.9—Use of General Services Administration Supply Sources by Prime Contractors in Performing Cost-Reimbursement Type Contracts

**§ 18–5.900 Scope and applicability of subpart.**

(a) This subpart prescribes policies and procedures for the guidance of contracting officers in authorizing the use of General Services Administration (GSA) supply sources (Federal Supply Schedule contracts and GSA stores stock) by prime contractors in performing cost-reimbursement type contracts.

(b) This subpart applies only to the procurement of supplies to be delivered in the United States, its possessions, or Puerto Rico.

**§ 18–5.901 Policy.**

In appropriate cases, the contracting officer may authorize contractors to utilize GSA supply sources in performing cost-reimbursement type contracts. Before issuing such an authorization, the contracting officer will determine that it is in the best interest of the Government, considering price, delivery, contract administration, and any other significant factors, including recommendations of the contractor.

**§ 18–5.902 Limitation.**

Contractors shall not be authorized to utilize GSA supply sources in connection with the performance of fixed-price type contracts, even though such contracts provide for price adjustment, escalation, redetermination, or cost-reduction incentive.

**§ 18–5.903 Authorization.**

**§ 18–5.903–1 Basic authority.**

Contractors shall be authorized to utilize GSA supply sources only when:

(a) Title to property ordered under Federal Supply Schedule contracts will pass to and vest in the Government directly from the Federal Supply Schedule contractor (rather than through the prime contractor); or

(b) Title to Government owned property ordered from GSA stores stock will remain in the Government.

**§ 18–5.903–2 Use of forms.**

Authorizations shall be in writing and shall cite the contract number, specify any applicable limitations on the authority, such as the period of eligibility, and contain any other pertinent information, including requirements relative to ordering, receiving, inspection, and payment. The written authorization shall be in substantially the same form as that set forth in § 18–5.906.

**§ 18–5.903–3 Distribution.**

Copies of each authorization shall be forwarded by the contracting officer to the General Services Administration, Federal Supply Service, Office of Supply Operation, General Services Building, Washington, D.C., 20405, and to the GSA regional office serving the geographical area in which the facilities of the authorized prime contractor are located.

**§ 18–5.904 Procedure.**

**§ 18–5.904–1 Purchase orders under Federal Supply Schedule contracts.**

Orders by contractors under Federal Supply Schedule contracts shall be placed in accordance with the provisions of the applicable Federal Supply Schedule and the authorization. Such orders shall be accompanied with a copy of the authorization (unless a copy was previously furnished to the Federal Supply Schedule contractor) and shall contain the statement set forth in § 18–5.906, paragraph (2) of the form.

**§ 18–5.904–2 Purchase orders for GSA stores stock.**

Orders by contractors for GSA stores stock shall be placed in accordance with the authorization. Such orders shall contain the statement set forth in § 18–5.906, paragraph 3 of the form.

**§ 18–5.905 Furnishing information to contractors.**

Contracting officers shall assist contractors in obtaining pertinent Federal Supply Schedules, the GSA Stores Stock Catalog and appropriate supplements thereto, and other relevant information.

**§ 18–5.906 Form of authorization to contractors.**

Subject: Authorization to Purchase from General Services Administration Supply Sources

---
(*Contractor's name*)
---
(*Address*)

1. You are hereby authorized to act for the Government as follows:

a. The purchasing of property for acquisition under Contract No. ---------- which is available for purchase by Government agencies either directly from the General Services Administration Stores Depots or under Federal Supply Schedules, subject to the limitations set forth herein.

b. The issuance of tax exemption certificates in lieu of the payment of State or other taxes for which the Government is not liable on property purchased under this authorization.

2.a. *Purchase Orders Under Federal Supply Schedule Contracts.* Order shall be placed in accordance with the terms and conditions of the attached Federal Supply Schedule and this authorization. A copy of the authorization shall be attached to the order (unless a copy was previously furnished to the Federal Supply Schedule contractor) and shall contain the following statement:

This order is placed on behalf of the National Aeronautics and Space Administration, in furtherance of United States Government Contract No. (Insert contract number), pursuant to written authorization dated ---------- *[ ]. Title to property delivered hereunder shall vest in the United States Government. In the event of any inconsistency between the terms and conditions of this order and those of your Federal Supply Schedule contract, the latter will govern.

b. *Purchase Orders for Items in the General Services Administration Stores Stock Catalog.* Orders shall be placed in accordance with the attached General Services Administration Stores Stock Catalog and this authorization. Include the address to which billings are to be sent. Bills are not issued by General Services Administration until after shipment has been made, and should therefore be paid promptly. Necessary adjustments, if any, will be made by General Services Administration subsequent to payment. All orders shall contain the following statement:

This order is placed on behalf of the National Aeronautics and Space Administration, in furtherance of United States Government Contract No. (Insert contract number), pursuant to written authorization dated ---------- *[ ]. Title to property delivered hereunder shall remain in the United States Government.

3. (Other provisions.)

4. This authority hereby granted is not transferable or assignable.

---
(*Contracting Officer*)

*Insert "a copy of which is attached," or "a copy of which you have on file," or other suitable language, as appropriate.

### § 18–5.907 Contract clause.

The following clause shall be included in all cost-reimbursement type contracts which, in the opinion of the contracting officer, offer opportunities for contractors to obtain supplies from GSA supply sources (Federal Supply Schedule Contracts and GSA stores stock). The last sentence of paragraph (b) of the clause shall be deleted in the case of facilities contracts which do not contain one of the "Government Property" clauses set forth in § 18–13.5 of this chapter.

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES (FEBRUARY, 1962)

(a) The Contracting Officer may at any time, when he determines that it is in the best interest of the Government to do so, issue to the Contractor and the Contractor agrees to accept, an authorization to utilize General Services Administration supply sources in the performance of this contract. Such authorization shall be in writing and shall cite the number of this contract; specify any applicable limitations on the authority, including the period of eligibility; and contain any other pertinent information, such as requirements relative to ordering, receiving, inspection, and payment.

(b) Title to all property acquired from General Services Administration stores stock pursuant to an authorization issued under paragraph (a) above, for the cost of which the Contractor is entitled to be reimbursed under this contract, shall remain in the Government. Title to all property purchased from Federal Supply Schedule contractors pursuant to an authorization issued under paragraph (a) above, for the cost of which the Contractor is entitled to be reimbursed under this contract, shall pass to and vest in the Government upon delivery of such property to the Contractor by the Federal Supply Schedule contractor. All property acquired by the Contractor pursuant to paragraph (a) above shall be subject to the provisions of paragraphs (b) through (k) of the clause of this contract entitled "Government Property," unless this contract is for research and development with a nonprofit institution executed on a no-fee basis using the "Government-Furnished Property (Long Form)" clause in which case paragraphs (c) through (n) of that clause shall apply.

## Subpart 18–5.10—Procurement Through the Military Departments

### § 18–5.1000 Scope of subpart.

This subpart sets forth policies and procedures, developed jointly by the National Aeronautics and Space Administration and the Department of Defense, with reference to procurement of supplies or services by NASA from or through the Military Departments.

### § 18–5.1001 Authorization and policy.

(a) NASA is authorized by the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) to use the procurement services, personnel, equipment, and facilities of the Military Departments with their consent, with or without reimbursement, and on a similar basis to cooperate with the Military Departments in the use of procurement services, equipment and facilities.

(b) The Military Departments have agreed to cooperate fully with NASA in making their procurement services, equipment, personnel, and facilities available on the basis of mutual agreement.

(c) The Military Departments have agreed not to claim reimbursement for administrative costs incident to procurements for NASA, except as may be otherwise agreed prior to the time the services are performed.

(d) When procuring supplies or services for NASA or performing field service functions in support of NASA contracts, the Military Department concerned has agreed to use its own methods, except when otherwise required by the terms of the agreement involved.

(e) The Military Departments normally will use their own funds when procuring supplies or services for NASA, or performing services, and will not cite NASA funds on any Defense obligation or payment document.

### § 18–5.1002 NASA-Defense Purchase Request and acceptance.

### § 18–5.1002–1 Preparation and use of form.

(a) The NASA-Defense Purchase Request (NASA Form 532) shall be used by NASA procurement offices for requesting procurement of supplies or services from all activities of the Military Departments. The form shall not be used for requesting:

(1) Block transfers of excess property between NASA and the Military Departments; or

(2) Performance by the Military Departments of field service functions related to NASA contracts. Individual NASA-Defense Purchase Requests shall be prepared in accordance with the instructions on the reverse of NASA Form 523 and shall be numbered in accordance with 50.303.

(3) Stock items which the military departments normally purchase and stock for military use. Supplies of this nature may be requisitioned using appropriate DOD forms when they are provided by and are acceptable to or preferred by the military department supplying activity or as otherwise mutually agreed upon by the parties.

(b) When procurement from or through the Air Force is requested, NASA Form 523 shall be sent to Headquarters, AF Systems Command, SCCPR, Andrews Air Force Base, Washington, D.C., 20331.

(c) *Instructions For Completing NASA Form 523.* The NASA-Defense Purchase Request is to be used by NASA to request the procurement of supplies or services by any activity of the Department of Defense. These instructions pertain to preparation and use of the form by NASA activities.

(1) *Block 5.* The original and five copies of the purchase request, each complete with all attachments, shall be forwarded to the DOD activity shown in this block.

(2) *Block 7b.* Describe the required services or supplies accurately and in sufficient detail to enable the purchasing activity to understand the requirement. When applicable, the particular NASA program and/or project to which the request or amendement pertains shall be indicated. Attachments may be used as required. For items of hardware stocked by the DOD, the item identification of the Army, Navy, or Air Force and the federal stock number shall be entered if known. When applicable, give the specification number, manufacturer's part number, and other descriptive data, such as the desired grade, style, type, color, size, rating, etc.

(3) *Block 8.* Attachments should be prepared in sufficient quantity so that each copy of a request is complete with a copy of every attachment listed therein.

(i) Shipping instructions. When names and addresses of consignees of all supplies to be delivered are not contained herein, or otherwise furnished, request for the issuance of shipping instructions shall be made to the appropriate NASA originating office not less than 30 days prior to date on which any of the articles is to be ready for shipment. Three copies of shipping documents shall be forwarded to the NASA originating office and each consignee.

(ii) Disposition of property. Include instructions for the disposition of any non-expendable or other residual property purchased with NASA funds.

(iii) Priority rating. Include applicable priority rating and claimant program identification (example: Priority Rating DO–A2). In procurement for DX programs, identification shall also include the unclassified program name.

(4) *Block 10.* If this request or any part of the supplies or services covered thereby is subject to section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457), copies of required clauses relating to "Property Rights in Inventions" together with appropriate instructions for the inclusion of such clauses in contracts shall be furnished the purchasing activity.

(5) *Block 12.* Cite appropriation symbol, cost coding, or any other accounting data to be included in the ensuing documentation.

(6) *Security Classification.* If the purchase request or any part thereof is classified, DD Form 254, "Security Requirements Check List," or other written notice of security requirements shall be prepared.

(7) *Changes.* All changes that affect the contents of the purchase request must be processed as a purchase request amendment. This includes such changes as a decrease in quantity, increase or decrease in funds, change in the specifications or in the part, stock or drawing numbers, etc. Such changes may be made initially by expeditious means such as telegraph or telephone communication, but each change shall be confirmed by a purchase request amendment. The original and five copies of purchase request amendments shall be forwarded to the DOD recipient of the original purchase request. In preparing an amendment, Blocks 1 through 6 must always be completed. Only those remaining blocks of the form that are applicable to the change or revision of the data in the purchase request or prior amendments thereto need be filled in. The unused blocks, however, should have "N/C" inserted to reflect no change.

### § 18–5.1002–2 Retention of property.

In preparing a NASA-Defense Purchase Request, consideration shall be given to NASA's subsequent need for any non-expendable equipment items acquired by the Military Departments which are reimbursed from NASA funds. When it is determined that retention of such equipment would be to NASA's advantage, the following clause shall be incorporated in the purchase request:

Title to all nonexpendable equipment having a unit cost in excess of $100 acquired in connection with this purchase request and for which reimbursement is made from NASA funds shall remain in NASA. All such items shall be identified and marked as NASA property. Records shall be maintained to the extent that periodic inventory reports can be submitted to NASA upon request. Listings of all excess, residual, and termination inventories shall be submitted to the NASA originating office for disposition instructions. (May 1961)

### § 18–5.1002–3 Acceptance by Military Department.

(a) Within 30 days after receipt of a NASA Form 523, the Military Department concerned will forward to the initiator of the request a DOD Acceptance of MIPR Form (DD Form 448–2) in quadruplicate in accordance with instructions contained in 32 CFR 5.1109. Each DOD Acceptance Form will show the action being taken or to be taken to fill the requirement and the name and complete address of the Department of Defense procuring activity for future direct contact by the initiator.

(b) To the extent feasible, all documents including acceptances, contracts, correspondence, shipping documents, work or project orders, and Standard Form 1080 (Voucher for Transfer Between Appropriations and/or Funds) shall reference the NASA-Defense Purchase Request number and the item number when appropriate.

### § 18–5.1003 Changes in estimated total prices.

When a Military Department determines that the estimated total price (Block 9, NASA Form 523) of the items to be procured for NASA is not sufficient to cover the required reimbursement, or is in excess of the amount required, a request for an amendment will be forwarded to the NASA originating office. The request will indicate a specific dollar amount, rather than a percentage, and will include justification for any upward adjustment requested. Upon approval of the request, an amendment to the NASA-Defense Purchase Request shall be forwarded by the NASA procurement office concerned to the DOD procuring activity.

### § 18–5.1004 Inquiries.

Inquiries and correspondence shall be directed to the DOD procuring activity referenced on the DD Form 448–2.

### § 18–5.1005 Payments.

Except when agreements provide that reimbursement is not required, payments to the Military Departments for supplies and services furnished to or procured for NASA shall be effected on the basis of Standard Form 1080 billings submitted to the NASA office designated in Block 11 of the NASA-Defense Purchase Request. Billings shall be supported in the same manner as billings between Military Departments.



## PART 18–6—FOREIGN PURCHASES

### Subpart 18–6.1—Buy American Act—Supply and Service Contracts


Sec.
18–6.100 Scope of subpart.
18–6.101 Definitions.
18–6.102 Statutory requirements.
18–6.103 Exceptions.
18–6.103–1 Use outside the United States.
18–6.103–2 Nonavailability in the United States.
18–6.103–3 Unreasonable cost or inconsistency with the public interest.
18–6.103–4 Scrap.
18–6.103–5 Canadian supplies.
18–6.104 Procedures.
18–6.104–1 Applicability.
18–6.104–2 Solicitation of bids and proposals.
18–6.104–3 Certificate.
18–6.104–4 Evaluation of bids and proposals.
18–6.104–5 Contract clause.
18–6.105 List of excepted articles, materials, and supplies.


### Subpart 18–6.2—Buy American Act—Construction Contracts


18–6.200 Scope of subpart.
18–6.201 Definitions.
18–6.201–1 Construction.
18–6.201–2 Construction materials.
18–6.201–3 Components.
18–6.201–4 United States.
18–6.201–5 Domestic construction material.
18–6.201–6 Nondomestic construction material.
18–6.202 Statutory requirements.
18–6.203 Exceptions.
18–6.203–1 Nonavailability in the United States.
18–6.203–2 Unreasonable costs or impracticability.
18–6.204 Procedures.
18–6.204–1 Applicability.
18–6.204–2 Solicitation of bids and proposals.
18–6.204–3 Evaluation of bids and proposals.
18–6.204–4 Small business.
18–6.205 Penalty for violation.
18–6.206 List of excepted articles, materials, and supplies.
18–6.207 Contract clauses.


### Subpart 18–6.4—Purchases from Soviet-Controlled Areas


18–6.401 Restrictions.
18–6.401–1 General policy.
18–6.401–2 Soviet-controlled areas.
18–6.401–3 Certain supplies of foreign origin.
18–6.401–4 Certain supplies from Hong Kong, Macao, and Soviet-controlled areas.
18–6.401–5 Supplies from North Korea or China.
18–6.402 Exceptions.
18–6.403 Contract clause.


### Subpart 18–6.6—Duty and Customs


18–6.601 Customs, duties on foreign purchases.


### Subpart 18–6.7—Foreign Contract Procurement


18–6.700 Scope of subpart.
18–6.701 Definition.
18–6.702 Policy.
18–6.703 Assignment of responsibility for contract negotiation.
18–6.704 Procedure.
18–6.705 Assignment of contract administration.
18–6.706 Contracts with foreign nationals.


AUTHORITY: The provisions of this Part 18–6 issued under 42 U.S.C. 2473(b)(1).

## Subpart 18–6.1—Buy American Act—Supply and Service Contracts

### § 18–6.100 Scope of subpart.

This subpart implements the Buy American Act (41 U.S.C. 10a–d) and the policies set forth in Executive Order 10582, dated December 17, 1954, with respect to supply and service contracts.

### § 18–6.101 Definitions.

As used in this subpart, the terms and meanings are set forth below.

(a) "End products" means articles, materials, and supplies which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts.

(b) "Components" means those articles, materials, and supplies which are directly incorporated in end products.

(c) "United States" means the States, the District of Columbia, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, Guam, and any areas subject to the complete sovereignty of the United States.

(d) "Domestic source end product" means an unmanufactured end product which has been mined or produced in the United States, or an end product manufactured in the United States if the cost

of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind (1) determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (2) as to which the Administrator has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act.

(e) "Canadian end product" means an unmanufactured end product, mined or produced in Canada, or an end product manufactured in Canada if the cost of its components which are mined, produced, or manufactured in Canada or the United States exceeds 50 percent of the cost of all its components.

(f) "Foreign end product" means an end product other than a domestic source end product.

(g) "Domestic bid" means a bid or offered price for a domestic source end product, including transportation to destination.

(h) "Foreign bid" means a bid or offered price for a foreign end product, including transportation to destination, and duty (whether or not a duty-free entry certificate may be issued).

### § 18–6.102 Statutory requirements.

Except as provided in § 18–6.103, the Buy American Act requires that in the procurement of supplies and services only domestic source end products shall be acquired for public use. In determining whether an end product is a domestic source end product, only the end product and its components shall be considered.

### § 18–6.103 Exceptions.

### § 18–6.103–1 Use outside the United States.

The restrictions of the Buy American Act do not apply to articles, materials or supplies for use outside the United States.

### § 18–6.103–2 Nonavailability in the United States.

(a) The Buy American Act does not apply to articles, materials or supplies of a class or kind which the Government has determined are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. Such classes or kinds of articles, materials, or supplies are included in the list set forth in § 18–6.105.

(b) Contracting officers are authorized to make additional determinations of nonavailability both prior to entering into contracts and in the course of contract administration: *Provided, however,* That in the latter case the Government receives adequate consideration. A copy of each determination of nonavailability will be included in the contract file.

(c) The following is the format for nonavailability determinations made by contracting officers:

**Determination of Nonavailability**

Pursuant to the authority contained in Section 2, Title III, of the Act of March 3, 1933 (popularly called the Buy American Act (41 U.S.C. 10a–d)), and authority delegated to me by 6.103–2(b), I hereby find:

a. (Insert a description of the item or items to be procured, including unit, quantity, and estimated cost inclusive of duty and transportation costs to destination.)

b. (Enter the name and address of proposed contractor or supplier, and country of origin of the item or items.)

c. (Include a brief statement of the necessity for the procurement.)

d. (Include a statement of facts establishing the nonavailability of a similar item or items of domestic origin. If there is no known domestic item or items which can be used as a reasonable substitute, a statement to this effect will be made.)

Based upon these findings, it is determined that the above described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available quantities and of a satisfactory quality.

Accordingly, the requirement of the Buy American Act that procurement be made from domestic sources and that it be of domestic origin is not applicable to this procurement, since said procurement is within the nonavailability exception stated in the Buy American Act. Authority is granted to procure the above-described item(s) of foreign origin (country of origin) at an estimated total cost of $_____, including duty and transportation costs to destination.

_____
(Date)

_____
(Contracting Officer)

### § 18–6.103–3 Unreasonable costs or inconsistency with the public interest.

When it is determined by the Administrator that the cost of a domestic source end product would be unreasonable or that its acquisition would be inconsistent with the public interest, the restrictions of the Buy American Act do not apply (see §§ 18–6.103–5 and 18–6.104–4).

### § 18–6.103–4 Scrap.

Scrap generated in, collected in, and prepared for processing in the United States shall be considered as of domestic origin.

### § 18–6.103–5 Canadian supplies.

(a) The Administrator, by NASA Management Instruction 3–3–11, has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of certain supplies mined, produced, or manufactured in Canada. Accordingly, contracting officers shall:

(1) Evaluate all bids and proposals offering Canadian end products on a parity with bids and proposals offering domestic source end products, except that applicable duty (whether or not a duty-free entry certificate may be issued) shall be included in evaluating such bids and proposals offering Canadian end products; and

(2) Treat all components mined, produced, or manufactured in Canada as though they were mined, produced, or manufactured in the United States, except that, in evaluating bids and proposals containing such components, applicable duty (whether or not a duty-free entry certificate may be issued) shall be included.

(b) The procedures set forth in paragraph (a) of this section do not apply to or affect (1) items listed in § 18–6.105 or (2) items determined to be nonavailable in accordance with the procedures set forth in § 18–6.103–2.

### § 18–6.104 Procedures.

### § 18–6.104–1 Applicability.

The procedures in this § 18–6.104 apply to all contracts involving the procurement of supplies, except contracts exclusively for articles, materials, or supplies for use outside the United States. For Canadian supplies, see § 18–6.103–5(a).

### § 18–6.104–2 Solicitation of bids and proposals.

Invitations for bids and requests for proposals shall state that specific information as to articles, materials, and supplies excepted from the Buy American Act (see § 18–6.105) is available to prospective contractors upon request.

### § 18–6.104–3 Certificate.

Invitations for bids and requests for proposals shall require that each bid or proposal include a certificate substantially as follows:

BUY AMERICAN CERTIFICATE (JANUARY 1964)

The bidder or offeror hereby certifies that each end product, except the end products excluded below, is a domestic source end product (as defined in the contract clause entitled Buy American Act); and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

Excluded Items: _____

### § 18–6.104–4 Evaluation of bids and proposals.

(a) The Administrator, by NASA Management Instruction 3–3–10, has determined that where the procedures outlined in paragraphs (b), (c), and (d) of this section, result in the acquisition of foreign end products, the acquisition of domestic source end products would be (1) unreasonable in cost or (2) inconsistent with the public interest (see § 18–6.103–3). These procedures do not apply to the evaluation of bids and proposals offering Canadian end products; such bids and proposals shall be evaluated as provided in § 18–6.103–5(a)(1).

(b) Except as provided in § 18–6.103–5(a)(1), bids and proposals shall be evaluated so as to give preference to domestic bids. Award shall be made to the low acceptable bidder, after applying the procedures set forth in paragraph (c)





of this section, except for bids or proposals requiring decision of the Administrator, in accordance with paragraph (d) below. When more than one line item is offered in response to an invitation for bids or request for proposals, the appropriate percentage factor set forth in paragraph (c) below shall be applied, for evaluation purposes, on an item-by-item basis, except that such percentage factor may be applied to any group of items when the invitation for bids or request for proposals specifically provides that award may be made on a particular group of items.

(c) For purposes of evaluating bids and proposals, a factor of 6 percent of the amount of each foreign bid or proposal (which does not offer Canadian end products) shall be added to such bid or proposal. If, after applying such 6 percent factor, the low acceptable domestic bid or proposal is the low bid or proposal, award shall be made to the low domestic bidder or offeror. If, after applying such 6 percent factor, the low acceptable foreign bid or proposal is the low bid or proposal, award shall be made to such low foreign bidder or offeror, except that:

(1) When the firm submitting the low acceptable domestic bid or proposal is a small business or labor surplus area concern, or both, and its bid or proposal exceeds $100,000, the proposed award shall be submitted through the Office of Procurement to the Administrator for decision; or

(2) When the firm submitting the low acceptable domestic bid or proposal is a small business or labor surplus area concern, or both, and its bid or proposal is $100,000 or less, a factor of 12 percent (in lieu of the 6 percent factor) of the amount of the low foreign bid or proposal shall be added to such low foreign bid or proposal, and award made to the low bidder or offeror: *Provided, however,* That when small purchase procedures (see Subpart 18–3.6) are used, the 6 percent factor shall apply.

(d) The proposed award shall be submitted to the Administrator for decision if:

(1) Required by paragraph (c)(1) above;

(2) Rejection of an acceptable low foreign bid or proposal is considered necessary to protect essential national security interests, such as maintenance of a mobilization base; or

(3) Rejection of any bid or proposal is considered necessary for other reasons of the national interest.

(e) The following are examples of evaluation of bids and proposals in accordance with the provisions of paragraphs (b) and (c) of this section:

*Example 1:* Price differential of 6 percent or less between low foreign (non-Canadian) and low domestic bid or proposal:

| | Low domestic bid | Low foreign bid |
|---|---|---|
| Cost to destination | $20,000 | $19,000 |
| Import duty | | 600 |
| Total | 20,000 | 19,600 |
| 6 percent differential | | 1,176 |
| Total | 20,000 | 20,776 |

The low domestic bid is not unreasonable; award would be made to the low domestic bidder (see paragraph (c) of this section).

*Example 2:* Price differential in excess of 6 percent between low foreign (non-Canadian) and low domestic bid or proposal, and small business and/or labor surplus area concerns are not involved.

| | Low domestic bid | Low foreign bid |
|---|---|---|
| Cost to destination | $20,000 | $17,000 |
| Import duty | | 500 |
| Total | 20,000 | 17,500 |
| 6 percent differential | | 1,050 |
| Total | 20,000 | 18,550 |

The low domestic bid is unreasonable; award would be made to the low foreign bidder (see paragraph (c) of this section).

*Example 3:* Low domestic bidder or offeror is a small business and/or labor surplus area concern; the low domestic bid or proposal exceeds the low foreign (non-Canadian) bid or proposal by more than 6 percent, and small purchase procedures are not involved.

| Item | Low Foreign Bids (Include transportation to destination and duty) A Company | B Company | Low Domestic Bids (Include transportation to destination) C Company | D Company | E Company | Difference (percent) |
|---|---|---|---|---|---|---|
| 1 | $20,000 | | $24,000 | | | 20 |
| 2 | 40,000 | | 46,000 | | | 15 |
| 3 | | $20,000 | | $22,200 | | 11 |
| 4 | 20,000 | | | | $22,600 | 13 |
| 5 | | 30,000 | | 32,700 | | 9 |
| 6 | 20,000 | | 22,000 | | | 10 |
| 7 | 10,000 | | 10,700 | | | 7 |
| 8 | 5,000 | | | | 6,500 | 30 |
| | | | 102,700 | | | |

A. In the case of Items 1, 2, 6 and 7 in the example, proposed awards would be submitted to the Director of Procurement for decision by the Administrator since (1) the low acceptable domestic bid exceeds the low acceptable foreign bid plus 6 percent on an item-by-item basis, (2) the low domestic bidder is a small business or labor surplus area concern, and (3) its bid exceeds $100,000 (see paragraph (c)(1) of this section).

B. In the case of Items 3 and 5 in the example, award would be made to the low domestic bidder, since (1) the differential is less than 12 percent on an item-by-item basis, (2) the low domestic bidder is a small business or labor surplus area concern, and (3) its bid is less than $100,000 (see paragraph (c)(2) of this section).

C. In the case of Items 4 and 8 in the example, award would be made to the low foreign bidder, since (1) the differential exceeds 12 percent on an item-by-item basis, (2) the low domestic bidder is a small business or labor surplus area concern and (3) its bid is less than $100,000 (see paragraph (c)(2) of this section).

### § 18–6.104–5 Contract clause.

In accordance with the requirements of Subpart 18–6.1, insert the clause set forth below.

BUY AMERICAN ACT (SEPTEMBER 1961)

(a) In acquiring end products, the Buy American Act (41 U.S.C. 10a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "components" means those articles, materials, and supplies which are directly incorporated in the end products;

(ii) "end products" means those articles, materials, and supplies which are to be acquired under this contract for public use; and

(iii) a "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States or Canada exceeds 50 percent of the cost of all its components. For the purposes of this (a)(iii)(B), components of foreign origin of the same type or kind as the products referred to in (b)(ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) which are for use outside the United States;

(ii) which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) as to which the Administrator determines the domestic preference to be inconsistent with the public interest; or

(iv) as to which the Administrator determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

### § 18–6.105 List of excepted articles, materials and supplies.

The articles, materials, and supplies listed below may be acquired for public use without regard to country of origin, except as provided in Subpart 18–6.4. The Administrator, by NASA Management Instruction 3–3–10, has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act to petroleum included in the list below. The remaining articles, materials, and supplies in the list below are included on the

basis of nonavailability (see § 18–6.103–2(a)).

Acetylene, black.
Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Books, trade, text, technical, or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the United States and for which domestic editions are not available.
Cadmium, ores and flue dust.
Calcium cyanamide.
Chalk, English.
Chrome ore or chromite.
Cobalt, in cathodes, rondelles, or other primary forms.
Cork, wood or bark and waste.
Diamonds, industrial.
Graphite, natural, crystalline, crucible grade.
Jute and jute burlaps.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Petroleum, crude oil; petroleum, finished products; and petroleum, unfinished oils.
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Quartz crystals.
Rubber, crude and latex.
Shellac.
Tin, in bars, blocks, and pigs.
Wax, carnauba.

## Subpart 18–6.2—Buy American Act—Construction Contracts

### § 18–6.200 Scope of subpart.

This subpart implements the Buy American Act (41 U.S.C. 10 a–d) and the policies set forth in Executive Order 10582, dated December 17, 1954, with respect to construction contracts.

### § 18–6.201 Definitions.

As used in this subpart, the terms and meanings are set forth below.

### § 18–6.201–1 Construction.

"Construction" means construction, alteration, or repair of any public building or public work in the United States.

### § 18–6.201–2 Construction materials.

"Construction materials" means articles, materials, and supplies which are brought to the construction site for incorporation in the building or work.

### § 18–6.201–3 Components.

"Components" means those articles, materials, and supplies which are directly incorporated in construction materials.

### § 18–6.201–4 United States.

"United States" means the States, the District of Columbia, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, Guam, and any areas subject to the complete sovereignty of the United States.

### § 18–6.201–5 Domestic construction material.

"Domestic construction material" means an unmanufactured construction material which has been mined or produced in the United States, or a manufactured construction material which has been manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the construction material in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

### § 18–6.201–6 Nondomestic construction material.

"Nondomestic construction material" means a construction material other than a domestic construction material.

### § 18–6.202 Statutory requirements.

Except as provided in § 18–6.203, the Buy American Act requires that in the performance of contracts for construction, only domestic construction materials shall be used. In determining whether construction material is domestic construction material, only the construction material and its components shall be considered.

### § 18–6.203 Exceptions.

### § 18–6.203–1 Nonavailability in the United States.

(a) The Buy American Act does not apply to articles, materials, or supplies of a class or kind which the Government has determined are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality (see § 18–6.206).

(b) The authority to make additional determinations of nonavailability, is described in § 18–6.103–2(b).

(c) The format for nonavailability determinations is set forth in § 18–6.103–2(c).

### § 18–6.203–2 Unreasonable costs or impracticability.

The restrictions of the Buy American Act do not apply when it is determined by the Administrator that the use of a particular domestic construction material would (1) unreasonably increase the cost, or (2) be impracticable (see § 18–6.204–3).

### § 18–6.204 Procedures.

### § 18–6.204–1 Applicability.

The procedures in this § 18–6.204 apply to all contracts for construction in the United States, except contracts executed on Standard Form 19.

### § 18–6.204–2 Solicitation of bids and proposals.

Invitations for bids and requests for proposals for construction shall include the following provision:

INFORMATION REGARDING BUY AMERICAN ACT (JANUARY 1964)

(a) The Buy American Act (41 U.S.C. 10a–d) generally requires that only domestic construction materials be used in the performance of this contract. This requirement does not apply to construction materials or their components as set forth below:
(Insert list here including the items set forth in § 18–6.206)

(b)(1) Furthermore, bids or proposals offering the use of additional nondomestic construction materials may be acceptable for award if the Government determines that the use of comparable domestic construction materials is impracticable or would unreasonably increase the cost or that domestic construction materials (in sufficient and reasonably available commercial quantities and of a satisfactory quality) are unavailable. Reliable evidence shall be furnished justifying such use of additional nondomestic construction materials.

(2) Where it is alleged that the use of domestic construction materials would unreasonably increase the cost:

(i) data shall be included, based on a reasonable canvass of suppliers, demonstrating that the cost of each such domestic construction material would exceed by more than 6 percent the cost of the comparable nondomestic construction material. (All costs of delivery to the construction site shall be included, as well as any applicable duty.)

(ii) for evaluation purposes, 6 percent of the cost of all additional nondomestic construction materials which qualify under (i) above will be added to the bid or proposal.

(3) When offering additional nondomestic construction materials, bids or proposals may also offer, at stated prices, any available comparable domestic construction materials, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable under (1) above will cause rejection of the entire bid.

### § 18–6.204–3 Evaluation of bids and proposals.

(a) *Determination.* The Administrator, by NASA Management Instruction 3–3–10, has determined that where the procedures set forth in paragraph (b) below result in the use of nondomestic construction materials, the use of domestic construction materials would unreasonably increase the cost (see § 18–6.203–2).

(b) *Unreasonable cost.* If a bid or proposal is submitted in accordance with paragraph (b) of the provision set forth in § 18–6.204–2, and if such bid or proposal would be the low acceptable bid or proposal but for the Buy American Act, award shall be made on such bid or proposal if all the following conditions are satisfied:

(1) The bid or proposal specifically designates the nondomestic construction materials (not listed as exceptions in the invitation for bids or request for proposals) proposed for use;

(2) As to each such nondomestic construction material, accompanying data show that the cost of any available acceptable domestic construction material, delivered at the construction site, would exceed by more than six percent the cost of the designated nondomestic construction material delivered at the construction site (including any applicable duty);



(3) As to each such nondomestic construction material, the contracting officer is satisfied that the showing required by subparagraph (2) of this paragraph is correct as of the date of the opening of bids or proposals; and

(4) The bid or proposal is low after adding, for evaluation purposes, to such bid or proposal six percent of the cost of all nondomestic construction materials (delivered at the construction site and including any applicable duty) which are offered in such bid or proposal and which qualify under subparagraphs (1) through (3) of this paragraph.

(c) *Impracticability.* If a bid or proposal is submitted in accordance with paragraph (b) of the provisions set forth in § 18–6.204–2, and if such bid or proposal would be the low acceptable bid or proposal but for the Buy American Act, the proposed award shall be submitted together with all pertinent information and full justification for such action to the Director of Procurement for decision by the Administrator, if the following conditions exist:

(1) The bid or proposal specifically designates the nondomestic construction materials (not listed as exceptions in the invitation for bids or request for proposals) proposed for use; and

(2) As to each such nondomestic construction material, accompanying data show that it would be impracticable to use domestic construction materials.

(d) If a contract is to be awarded under paragraph (b) or (c) of this section, the contracting officer shall place in the contract file (1) a copy of the data and justification in the case of an exception under paragraph (b) above, or (2) a copy of the Administrator's finding of impracticability in the case of an exception under paragraph (c) of this section, and copies thereof shall be available for public inspection.

### § 18–6.204–4 Small business.

Nothing in § 18–6.204–3 shall affect the authority or responsibility of the NASA to place a fair proportion of its total contracts with small business concerns.

### § 18–6.205 Penalty for violation.

If the Administrator finds that in the performance of a construction contract there has been a failure to comply with the clause in the contract entitled "Buy American Act," he shall make public his findings, including therein the name of the contractor obligated under the contract, and no other contract for construction in the United States or elsewhere shall be awarded to such contractor, or to subcontractors, materialmen, or suppliers with whom such contractor is associated or affiliated within a period of three years after such finding is made public.

### § 18–6.206 List of excepted articles, materials, and supplies.

The articles, materials, and supplies listed below may be used in construction without regard to country of origin, except as provided in Subpart 18–6.4, on the basis of the nonavailability provision of the Buy American Act (see § 18–6.203–1).

Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Cadmium, ores and flue dust.
Chalk, English.
Chrome ore or chromite.
Cobalt, in cathodes, rondelles, or other primary forms.
Cork, wood or bark and waste.
Damar gum.
Graphite, natural, crystalline, crucible grade.
Jute and jute burlap.
Kaurigum.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Rubber, crude and latex.
Shellac.
Tin, in bars, blocks, and pigs.

### § 18–6.207 Contract clauses.

(a) The clause set forth below shall be included in all contracts for construction, and any articles, materials, and supplies which have been the subject of additional determinations pursuant to § 18–6.203–1 shall be listed thereunder.

NONDOMESTIC CONSTRUCTION MATERIALS (SEPTEMBER 1962)

The requirements of the clause of this contract entitled "Buy American Act" do not apply to construction materials or their components as set forth below:
(Insert list here including the items set forth in § 18–6.206)

(b) If a contract is to be awarded under § 18–6.204–3 (b) or (c) and the use of designated nondomestic construction materials is to be permitted, the designated nondomestic construction materials shall be listed under the clause required by paragraph (a) of this section.

(c) The clause set forth below shall be inserted in all contracts for construction except those executed on Standard Form 19 and NASA Form 177.

BUY AMERICAN (SEPTEMBER 1962)

(a) *Agreement.* In accordance with the Buy American Act (41 U.S.C. 10a–d) and Executive Order 10582, December 17, 1954 (3 CFR Supp.), the Contractor agrees that only domestic construction material will be used (by the Contractor, subcontractors, materialmen, and suppliers) in the performance of this contract, except for nondomestic material listed in the contract.

(b) *Domestic construction material.* "Construction material" means any article, material, or supply brought to the construction site for incorporation in the building or work. An unmanufactured construction material is a "domestic construction material" if it has been mined or produced in the United States. A manufactured construction material is "domestic construction material" if it has been manufactured in the United States and if the cost of its components which have been mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. "Component" means any article, material, or supply directly incorporated in a construction material.

(c) *Domestic component.* A component shall be considered to have been "mined, produced or manufactured in the United States" (regardless of its sources in fact) if the article, material, or supply in which it is incorporated was manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

## Subpart 18–6.4—Purchases From Soviet-Controlled Areas

### § 18–6.401 Restrictions.

### § 18–6.401–1 General policy.

Generally, supplies originating from sources within Soviet-controlled areas shall not be acquired for public use, notwithstanding the provisions of Subparts 18–6.1 and 18–6.2 and NASA contractors and subcontractors shall not acquire for use in the performance of any NASA contract or subcontract thereunder any supplies or services originating from Soviet-controlled areas.

### § 18–6.401–2 Soviet-controlled areas.

For the purpose of this subpart, Soviet-controlled areas are the following:

Albania.
Bulgaria.
China, excluding Taiwan (Formosa), but including Manchuria, Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, the former Kwantung Leased Territory, the present Port Arthur Naval Base Area, and Liaoning Province.
Communist-controlled area of Viet Nam and Communist-controlled area of Laos.
Cuba.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Poland and Danzig.
Rumania.
Union of Soviet Socialist Republics.

### § 18–6.401–3 Certain supplies of foreign origin.

The following supplies, if of foreign origin and however processed, shall be presumed to have originated from Soviet-controlled (Chinese) sources and shall not be acquired for public use unless (a) such supplies have been lawfully imported into the United States, its possessions, or Puerto Rico, or (b) the supplies are acquired directly from the countries indicated:

| | |
|---|---|
| Bamboo, split | None. |
| Braids, straw | Italy, Japan. |
| Bristles, hog, including such bristles in knots or other processed condition. | None. |

| | |
|---|---|
| Brushes, paint (including parts thereof) containing hog bristles, if any such bristle is more than 1½ inches in total length or more than 1¼ inches in length out of the ferrule. | None. |
| Eggs, poultry: | |
| Whole in the shell, other than chicken | None. |
| Whole, dried | None. |
| Albumen, dried | None. |
| Yolks, dried | None. |
| Floor coverings, grass and straw, including sea-grass mats and squares. | Japan. |
| Fur skins: | |
| Goat and kid | Argentina, Ethiopia (including Eritrea), Iran, Iraq. |
| Kolinsky | Republic of Korea. |
| Weasel | Canada. |
| Garments, Chinese type | None. |
| Jade, stones, cut but not set and suitable for use in jewelry. | None. |
| Menthol, natural and synthetic (other than racemic) | Brazil. |
| Silk, piece goods, tussah and muga | None. |
| Silk, tussah and muga | None. |
| Tea, Chinese type | Formosa. |
| Tung oil | Argentina, Brazil, Paraguay. |
| Walnuts | France, Iran, Italy, Turkey. |

**§ 18–6.401–4 Certain supplies from Hong Kong, Macao, and Soviet-controlled areas.**

The following supplies, however processed, which are or were located in or transported from or through Hong Kong, Macao, or any Soviet-controlled area (see § 18–6.401–2), shall be presumed to have originated from Soviet-controlled (Chinese) sources, and shall not be acquired for public use unless such supplies have been lawfully imported into the United States, its possessions, or Puerto Rico:

Agar-agar.
Bamboo:
  Bags, baskets, and other manufactures, excluding furniture.
  Poles and sticks.
Brocades and brocade articles.
Camphor, natural and synthetic.
Camphor oil, natural and synthetic.
Carpets.
Castor oil.
Chinaware, other than Dresden ware and Meissen ware.
Citronella oil.
Cotton manufactures.
Cotton waste.
Earthenware.
Edible marine products.
Embroideries and embroidered articles.
Feather manufactures.
Glass, sheet (window).
Graphite.
Hair nets, regardless of the material from which made.
Handkerchiefs.
Hardware manufactures, including furniture other than bentwood furniture.
Hats, paper.
Honey.
Ivory manufactures.
Lace and lace articles.
Linen manufactures, excluding wearing apparel other than wearing apparel made in whole or in part of brocade, embroidery, or lace.
Ores and metals:
  Antimony.
  Bismuth.
  Quicksilver.
  Molybdenum.
  Tin.
  Tungsten.
Peanuts and peanut products.
Poultry, including pigeons, frozen or otherwise prepared or preserved.
Ramie.
Rugs.
Sea-grass and straw manufactures, excluding floor covering.
Sesame, oil and seed.
Shoes, leather-soled with non-leather upper, except ladies' high-heel shoes.
Silk:
  Raw and manufactures other than Western style suits and Indian saris.
  Waste.
Skins, deer and goat.
Stones, semiprecious, and manufacture thereof, including jewelry.
Tapestries, including needlework tapestries.
Tapioca, including tapioca flour.

**§ 18–6.401–5 Supplies from North Korea or China.**

All supplies, however processed, which are or were located in or transported from or through North Korea or China (as described in § 18–6.401–2) shall be presumed to have originated from Soviet-controlled (Chinese) sources, and shall not be acquired for public use unless such supplies have been lawfully imported into the United States, its possessions, or Puerto Rico.

**§ 18–6.402 Exceptions.**

(a) Exceptions from the general policy will be made only in accordance with paragraphs (b) and (c) below. Moreover, such exceptions shall be made only in cases of emergency, or where supplies are not available from any other source and a substitute supply is not acceptable, or in other unusual situations.

(b) Supplies other than those whose procurement is prohibited by §§ 18–6.401–3, 18–6.401–4, and 18–6.401–5, originating from sources within Soviet-controlled areas (see § 18–6.401–2), may be procured only when:

(1) The purchase is for $2,500 or less and the contracting officer determines there is a need for an exception in accordance with the procedures set forth in paragraphs (d)(1)(i) or (2)(i) of this section; or

(2) The purchase is for more than $2,500 and an exception is approved by the Administrator in accordance with the procedures set forth in paragraph (d)(1)(ii) or (2)(ii) of this section.

(c) Supplies whose procurement is prohibited by §§ 18–6.401–3, 18–6.401–4, and 18–6.401–5 may be acquired if the acquisition is approve by an authorized Treasury Department representative. Where a request for such approval has been denied by a Treasury Department representative, an appeal may be made by the Administrator to the Secretary of the Treasury when unusual circumstances appear to warrant a departure from the general policy. Such appeals, with all pertinent information, shall be submitted through the Office of Procurement (Code KDR).

(d) *Procedures.* (1) When it is proposed to procure supplies originating from sources within Soviet-controlled areas for public use within the United States (as defined in § 18–6.101(c)), or when a construction contractor proposes to use such supplies in the performance of a contract for construction within the United States (as defined in § 18–6.201–1), the following procedures shall be followed:

(i) If the proposed procurement of such supplies does not exceed $2,500, the contracting officer shall make a determination of nonavailability, as authorized in § 18–6.103–2 or § 18–6.203–1. This determination shall include, in addition to the findings outlined in the determination format set forth in § 18–6.103–2(c), a finding to the effect that there is no known item or items from sources within non-Soviet-controlled areas which can be used as a reasonable substitute. Such determination shall be made a part of the contract file.

(ii) If the proposed procurement of such supplies exceeds $2,500, the contracting officer shall prepare a determination of nonavailability for signature by the Administrator. The format of the determination set forth in § 18–6.103–2(c) shall be used and such determination shall include, as an additional finding, a statement to the effect that there is no known item or items from sources within non-Soviet-controlled areas which can be used as a reasonable substitute. Such determination shall be forwarded, in triplicate, to the Office of Procurement.

(2) When it is proposed to procure supplies originating from sources within Soviet-controlled areas for public use elsewhere than within the United States (as defined in § 18–6.101(c)), or when a construction contractor proposes to use such supplies in the performance of a contract for construction elsewhere than within the United States, the following procedures shall be followed:

(i) If the proposed procurement of such supplies does not exceed $2,500, the contracting officer shall make a written finding setting forth the unusual situation, such as an emergency or the nonavailability of acceptable substitute supplies of domestic or non-Soviet-controlled area origin, which justifies the procurement of supplies originating in a Soviet-controlled area. Such finding shall be made a part of the contract file.



(ii) If the proposed procurement of such supplies exceeds $2,500, the contracting officer shall make a written finding, as described in subdivision (i) of this subparagraph. Such finding shall be forwarded, in triplicate, to the Office of Procurement for approval by the Administrator of the exception authorizing the proposed procurement.

**§ 18–6.403 Contract clause.**

(a) Except as provided in paragraph (b) of this section, in contracts for supplies, services, or construction, where acceptance is to take place outside the United States, its possessions, or Puerto Rico, the Soviet-controlled areas listed in § 18–6.401–2 shall be set forth in the contract schedule and the following clause shall be included in the contract:

SOVIET-CONTROLLED AREAS (SEPTEMBER 1962)

(a) The Contractor shall not acquire for use in the performance of this contract any supplies or services originating from sources within Soviet-controlled areas, as listed in the Scehdule of this contract, or transported from or through Hong Kong or Macao, without the written approval of the Contracting Officer.

(b) The Contractor agrees to insert the provisions of this clause, including this subparagraph (b) and the Soviet-controlled areas listed in the Schedule, in all subcontracts hereunder.

(b) The requirements of paragraph (a) of this section do not apply to purchase orders for small purchases (see Subpart 18–3.6) when there is other reasonable assurance of compliance with the policy set forth in this subpart.

## Subpart 18–6.6—Duty and Customs

**§ 18–6.601 Customs, duties on foreign purchases.**

(a) Duty must ordinarily be paid in connection with the importation of supplies purchased by NASA outside the United States. However, the Military Departments have authority to exempt purchases from the payment of duty under 10 U.S.C. 2383, permitting "emergency purchases of war materials abroad." Furthermore, certain supplies (not including equipment) for vessels or aircraft operated by the United States are also exempt from duty under 19 U.S.C. 1309. Accordingly, when a Military Department makes a purchase on behalf of NASA, or when NASA is making a purchase for a Military Department, the above duty-free exemption authorities shall be used to the maximum extent practicable. The policies and procedures for effecting duty-free entry are set forth in 32 CFR Part 6, Subpart F.

(b) In addition, in the case of articles intended solely for testing, experimental, or review purposes, which are not imported for sale or sale on approval, use of 19 U.S.C. 1308(4) should be considered. This authority permits duty-free entry of the aforementioned items for a a period up to three years, at which time the imported article must be either exported or destroyed. The imported article itself must be the object of the test, experiment, or review; it is not sufficient that the article be used as an aid in the performance of tests, experiments, or reviews.

## Subpart 18–6.7—Foreign Contract Procurement

**§ 18–6.700 Scope of subpart.**

This subpart prescribes policy and procedures relating to the negotiation of foreign contracts.

**§ 18–6.701 Definition of foreign contract procurement.**

The term "foreign contract procurement" as used in this subpart means the procurement by negotiation of supplies or services, including construction work and contracts for research and development, where the work is to be performed outside the United States, its possessions, and the Commonwealth of Puerto Rico, by a foreign government or instrumentality thereof, or a foreign private contractor. The term does not include the following:

(a) Negotiation of government-to-government agreements;

(b) Negotiation of contracts with domestic concerns which involves work to be performed outside the United States, its possessions, and the Commonwealth of Puerto Rico;

(c) Contracts with the Canadian Commercial Corporation pursuant to Basic Agreement No. NASw–301; or

(d) Procurement of books and periodicals from foreign sources of supply.

**§ 18–6.702 Policy.**

Foreign contract procurement is a specialized area which often requires involved negotiation with instrumentalities of foreign governments. Some of the requirements for contract clauses imposed by United States laws conflict with statutory prohibitions imposed by foreign countries. The resolution of these issues generally involves close coordination between the Office of International Programs and the Office of General Counsel, NASA Headquarters, and the Department of State. Accordingly, it is the policy of NASA that the responsibility for foreign contract procurement be centralized at NASA Headquarters.

**§ 18–6.703 Assignment of responsibility for contract negotiation.**

The Headquarters Contracts Division (Code BC) in conjunction with the Offices of International Programs and General Counsel is responsible for negotiating and executing contracts with foreign governments and private foreign organizations. This assignment of responsibility is specifically limited to foreign contract procurement, as defined in § 18–6.701.

**§ 18–6.704 Procedure.**

A Headquarters or field installation technical office requiring a foreign contract procurement to be made will submit a properly approved Purchase Request (NASA Form 404 or similar form), through channels, to the Headquarters Contracts Division, NASA Headquarters (Code BC), for procurement action. In accordance with §18–7.000, contract forms and clauses to be used in foreign contract procurement will be as prescribed on a case-by-case basis by the Director of Procurement.

**§ 18–6.705 Assignment of contract administration.**

Assignment of contract administration responsibility will be made by agreement between the initiating office and the Headquarters Contracts Division. Since principal responsibility for the monitoring of contractor progress and performance generally rests with a field installation, the Headquarters Contracts Division normally will designate the procurement officer of the cognizant field installation as his authorized representative for purposes of contract administration.

**§ 18–6.706 Contacts with foreign nationals.**

(a) Proposals by NASA staff members which involve program or contract possibilities with foreign nationals shall be coordinated with the Office of International Programs, NASA Headquarters, before any contacts are made with foreign nationals.

(b) Informal discussions between NASA staff members and foreign nationals could give rise to expectations concerning program or contract possibilities which are not supported by program requirements. Such situations must be avoided to preclude possible embarrassment to the United States, as well as to NASA.

(c) Requests or offers by foreign nationals to NASA staff members on program or contract matters shall be reported promptly to the Office of International Programs.

## PART 18–7—CONTRACT CLAUSES


Sec.
18–7.000 Scope of part.

Subpart 18–7.1—Clauses for Fixed-Price Supply Contracts

18–7.100 Scope of subpart.
18–7.102 Applicability.
18–7.103 Required clauses.
18–7.103–1 Definitions.
18–7.103–2 Changes.
18–7.103–3 Extras.
18–7.103–4 Variation in quantity.
18–7.103–5 Inspection.
18–7.103–6 Responsibility for supplies.
18–7.103–7 Payments.
18–7.103–8 Assignment of claims.
18–7.103–9 Additional bond security.
18–7.103–10 Federal, State, and local taxes.
18–7.103–11 Default.
18–7.103–12 Disputes.
18–7.103–13 Renegotiation.
18–7.103–15 Soviet-controlled areas.
18–7.103–16 Work Hours Act of 1962—overtime compensation.
18–7.103–17 Walsh-Healey Public Contracts Act.
18–7.103–18 Equal opportunity.
18–7.103–19 Officials not to benefit.
18–7.103–20 Covenant against contingent fees.
18–7.103–21 Termination for convenience of the Government.
18–7.103–22 Authorization and consent.
18–7.103–23 Notice and assistance regarding patent and copyright infringement.
18–7.103–53 Interest.
18–7.103–54 Order of precedence.
18–7.104 Clauses required to be used when applicable.
18–7.104–1 Clauses for contracts involving construction work.
18–7.104–3 Buy American Act.
18–7.104–4 Notice to the Government of labor disputes.
18–7.104–5 Patent indemnity.
18–7.104–6 Filing of patent applications.
18–7.104–7 New technology.
18–7.104–9 Rights in data.
18–7.104–12 Security requirements.
18–7.104–14 Utilization of small business concerns.
18–7.104–15 Examination of records.
18–7.104–17 Convict labor.
18–7.104–18 Priorities, allocations, and allotments.
18–7.104–20 Utilization of concerns in labor surplus areas.
18–7.104–21 Limitation on withholding of payments.
18–7.104–22 Small business subcontracting program.
18–7.104–23 Subcontracts.
18–7.104–24 Government-furnished property.
18–7.104–25 Special tooling.
18–7.104–26 Changes to make-or-buy program.
18–7.104–27 Payment for overtime and shift premiums.
18–7.104–35 Progress payments.
18–7.104–36 Preference for United States-flag air and ocean services.
18–7.104–40 Competition in subcontracting.
18–7.104–41 Contractor and subcontractor cost or pricing data.
18–7.104–50 Data requirements.
18–7.104–51 Approval of contract.
18–7.104–57 Implied licenses.
18–7.105 Additional clauses.
18–7.105–1 Alterations in contract.
18–7.105–5 Liquidated damages.
18–7.105–6 Bill of materials.
18–7.105–55 Warranty.
18–7.105–56 Guaranty.
18–7.106 Price escalation clauses (established prices).
18–7.106–1 Escalation clause for basic steel, aluminum, brass, bronze, or copper mill products.
18–7.106–2 Escalation clause for nonstandard steel items.
18–7.106–3 Escalation clause for standard supplies.
18–7.106–4 Escalation clause for semistandard supplies.
18–7.107 Price escalation clause (labor and material).
18–7.108 Incentive price revision clause.
18–7.109 Price redetermination.

Subpart 18–7.2—Clauses for Cost-Reimbursement Type Supply Contracts

18–7.200 Scope of subpart.
18–7.202 Applicability.
18–7.203 Required clauses.
18–7.203–1 Definitions.
18–7.203–2 Changes.
18–7.203–3 Limitation of cost.
18–7.203–4 Allowable cost, fixed fee and payment.
18–7.203–5 Inspection of supplies and correction of defects.
18–7.203–6 Assignment of claims.
18–7.203–7 Records.
18–7.203–8 Subcontracts.
18–7.203–9 Utilization of small buisness concerns.
18–7.203–10 Termination.
18–7.203–11 Excusable delays.
18–7.203–12 Disputes.
18–7.203–13 Renegotiation.
18–7.203–15 Convict labor.
18–7.203–16 Work Hours Act of 1962—Overtime compensation.
18–7.203–17 Walsh-Healey Public Contracts Act.
18–7.203–18 Equal opportunity.
18–7.203–19 Officials not to benefit.
18–7.203–20 Covenant against contingent fees.
18–7.203–21 Government property.
18–7.203–22 Insurance—liability to third persons.
18–7.203–23 Authorization and consent.
18–7.203–24 Notice and assistance regarding patent and copyright infringement.
18–7.203–25 Soviet-controlled areas.
18–7.203–26 Utilization of concerns in labor surplus areas.
18–7.203–27 Payment for overtime and shift premiums.
18–7.203–28 Competition in subcontracting.
18–7.203–29 Audit and records.
18–7.203–50 Payment of royalties.
18–7.203–51 Estimated cost and fixed fee.
18–7.203–52 Payment of fixed fee.
18–7.203–53 Interest.
18–7.204 Clauses required to be used when applicable.
18–7.204–1 Clauses for contracts involving construction work.
18–7.204–3 Buy American Act.
18–7.204–4 Notice to the Government of labor disputes.
18–7.204–6 Filing of patent applications.
18–7.204–7 New technology.
18–7.204–9 Rights in data.
18–7.204–12 Security requirements.
18–7.204–15 Priorities, allocations, and allotments.
18–7.204–16 Negotiated overhead rates.
18–7.204–18 Limitation on withholding of payments.
18–7.204–19 Small business subcontracting program.
18–7.204–20 Changes to make-or-buy program.
18–7.204–26 Preference for United States-flag air and ocean services.
18–7.204–28 GSA supply sources.
18–7.204–30 Contractor and subcontractor cost or pricing data.
18–7.204–50 Data requirements.
18–7.204–51 Approval of contract.
18–7.204–53 Limitation of Government's obligation.
18–7.204–55 NASA PERT System.
18–7.204–56 NASA financial management reporting.
18–7.204–57 Implied licenses.
18–7.205 Additional clauses.
18–7.205–1 Alterations in contract.
18–7.205–4 Bill of materials.
18–7.205–5 Federal, State, and local taxes.
18–7.205–50 Notice of delay.
18–7.205–51 Program progress reports.
18–7.205–52 Date of incurrence of costs.
18–7.205–53 Contractor's independent research program.
18–7.205–54 Reports of work.

Subpart 18–7.3—Clauses for Fixed-Price Research and Development Contracts

Sec.
18–7.300 Scope of subpart.
18–7.301 Applicability.
18–7.302 Required clauses.
18–7.302–1 Definitions.
18–7.302–2 Payments.
18–7.302–3 Standards of work.
18–7.302–4 Inspection.
18–7.302–5 Assignment of claims.
18–7.302–6 Examination of records.
18–7.302–7 Federal, State, and local taxes.
18–7.302–8 Utilization of small business concerns.
18–7.302–9 Default.
18–7.302–10 Termination for the convenience of the Government.
18–7.302–11 Disputes.
18–7.302–12 Renegotiation.
18–7.302–13 Buy American Act.
18–7.302–14 Convict labor.
18–7.302–15 Walsh-Healey Public Contracts Act.
18–7.302–16 Work Hours Act of 1962—overtime compensation.
18–7.302–17 Equal opportunity.
18–7.302–18 Officials not to benefit.
18–7.302–19 Covenant against contigent fees.
18–7.302–21 Authorization and consent.
18–7.302–22 Notice and assistance regarding patent and copyright infringement.
18–7.302–23 New technology or property rights in inventions.
18–7.302–24 Rights in data.
18–7.302–25 Security requirements.
18–7.302–26 Utilization of concerns in labor surplus areas.
18–7.302–53 Interest.
18–7.302–54 Reports of work.
18–7.302–55 Implied licenses.
18–7.303 Clauses required to be used when applicable.
18–7.303–1 Clauses for contracts involving construction work.
18–7.303–2 Filing of patent applications.
18–7.303–6 Priorities, allocations, and allotments.
18–7.303–7 Government-furnished property.
18–7.303–8 Soviet-controlled areas.
18–7.303–9 Notice to the Government of labor disputes.
18–7.303–10 Limitation on withholding of payments.
18–7.303–11 Small business subcontracting program.
18–7.303–12 Subcontracts.
18–7.303–13 Changes to make-or-buy program.
18–7.303–14 Payment for overtime and shift premiums.
18–7.303–23 Progress payments.
18–7.303–27 Competition in subcontracting.





Sec.
18–7.303–28 Contractor and subcontractor cost or pricing data.
18–7.303–29 Audit and records.
18–7.303–50 Data requirements.
18–7.303–51 Approval of contract.
18–7.303–52 Preference for United States-flag air and ocean services.
18–7.303–54 Materials reports.
18–7.303–55 NASA PERT System.
18–7.303–56 NASA financial management reporting.
18–7.304 Additional Clauses.
18–7.304–1 Changes.
18–7.304–2 Alterations in contract.
18–7.304–4 Bill of materials.
18–7.304–50 Notice of delay.
18–7.304–51 Program progress reports.
18–7.304–59 Price escalation.
18–7.304–60 Incentive price revision.
18–7.304–61 Special tooling.
18–7.350 Short form clauses for fixed-price research contracts with nonprofit institutions.
18–7.350–1 Definitions.
18–7.350–2 Payment.
18–7.350–3 Technical reports and data.
18–7.350–4 Government-furnished property.
18–7.350–5 Release of information.
18–7.350–6 Security.
18–7.350–7 Property rights in inventions.
18–7.350–8 Disputes.
18–7.350–9 Termination at the option of the Government.
18–7.350–10 Authorization and consent.
18–7.350–11 Notice and assistance regarding patent and copyright infringement.
18–7.350–12 Buy American Act.
18–7.350–13 Examination of records.
18–7.350–14 Equal opportunity.
18–7.350–15 Covenant against contingent fees.
18–7.350–16 Officials not to benefit.
18–7.350–17 Convict labor.
18–7.350–18 Audit and records.
18–7.350–19 Additional clauses.

Subpart 18–7.4—Clauses for Cost-Reimbursement Type Research and Development Contracts

18–7.400 Scope of subpart.
18–7.401 Applicability.
18–7.402 Required clauses for contracts with fee.
18–7.402–1 Definitions.
18–7.402–2 Limitation of cost.
18–7.402–3 Allowable cost, fixed fee and payment.
18–7.402–4 Standards of work.
18–7.402–5 Inspection and correction of defects.
18–7.402–6 Assignment of claims.
18–7.402–7 Records.
18–7.402–8 Subcontracts.
18–7.402–9 Utilization of small business concerns.
18–7.402–10 Termination.
18–7.402–11 Disputes.
18–7.402–12 Renegotiation.
18–7.402–13 Buy American Act.
18–7.402–14 Convict labor.
18–7.402–15 Walsh-Healey Public Contracts Act.
18–7.402–16 Work Hours Act of 1962—overtime compensation.
18–7.402–17 Equal opportunity.
18–7.402–18 Officials not to benefit.
18–7.402–19 Covenant against contingent fees.
18–7.402–20 Authorization and consent.
18–7.402–21 Notice and assistance regarding patent and copyright infringement.
18–7.402–22 New technology.
18–7.402–23 Rights in data.
18–7.402–24 Security requirements.
18–7.402–25 Government property.
18–7.402–26 Insurance—liability to third persons.
18–7.402–27 Utilization of concerns in labor surplus areas.
18–7.402–28 Payment for overtime and shift premiums.
18–7.402–29 Competition in subcontracting.
18–7.402–50 Payment of royalties.
18–7.402–51 Estimated cost and fixed fee.
18–7.402–52 Payment of fixed fee.
18–7.402–53 Interest.
18–7.402–54 Reports of work.
18–7.402–55 Implied licenses.
18–7.403 Clauses required to be used when applicable.
18–7.403–1 Clauses for contracts involving construction work.
18–7.403–2 Filing of patent applications.
18–7.403–5 Excusable delays.
18–7.403–7 Priorities, allocations, and allotments.
18–7.403–8 Soviet-controlled areas.
18–7.403–9 Negotiated overhead rates.
18–7.403–10 Notice to the Government of labor disputes.
18–7.403–11 Contractor and subcontractor cost or pricing data.
18–7.403–12 Limitation on withholding of payments.
18–7.403–13 Small business subcontracting program.
18–7.403–14 Changes to make-or-buy program.
18–7.403–23 GSA supply sources.
18–7.403–50 Data requirements.
18–7.403–51 Approval of contract.
18–7.403–52 Preference for United States-flag air and ocean services.
18–7.403–53 Limitation of Government's obligation.
18–7.403–54 Materials reports.
18–7.403–55 NASA PERT system.
18–7.403–56 Financial management reporting.
18–7.404 Additional clauses.
18–7.404–1 Changes.
18–7.404–2 Alterations in contract.
18–7.404–4 Bills of materials.
18–7.404–50 Notice of delay.
18–7.404–51 Program progress reports.
18–7.404–52 Date of incurrence of costs.
18–7.404–53 Contractor's independent research program.
18–7.404–57 Federal, State, and local taxes.
18–7.450 Clauses for Cost-Reimbursement Research and Development Contracts With Nonprofit Institutions (Including Educational Institutions).
18–7.450–1 Applicability.
18–7.451 Required clauses.
18–7.451–1 Definitions.
18–7.451–2 Limitation of cost.
18–7.451–3 Allowable cost and payment.
18–7.451–4 Standards of work.
18–7.451–5 Inspection.
18–7.451–6 Assignment of claims.
18–7.451–7 Records.
18–7.451–8 Subcontracts.
18–7.451–9 Utilization of small business concerns.
18–7.451–10 Termination for the convenience of the Government.
18–7.451–11 Disputes.
18–7.451–12 Renegotiation.
18–7.451–13 Buy American Act.
18–7.451–14 Convict labor.
18–7.451–15 Walsh-Healey Public Contracts Act.
18–7.451–16 Work Hours Act of 1962—overtime compensation.
18–7.451–17 Equal opportunity.
18–7.451–18 Officials not to benefit.
18–7.451–19 Covenant against contingent fees.
18–7.451–20 Authorization and consent.
18–7.451–21 Notice and assistance regarding patent and copyright infringement.
18–7.451–22 New technology or property rights in inventions.
18–7.451–23 Rights in data.
18–7.451–24 Security requirements.
18–7.451–25 Government property.
18–7.451–26 Insurance—liability to third persons.
18–7.451–27 Utilization of concerns in labor surplus areas.
18–7.451–28 Payment for overtime and shift premiums.
18–7.451–29 Competition in subcontracting.
18–7.451–50 Payment of royalties.
18–7.451–51 Estimated cost.
18–7.451–54 Reports of work.
18–7.451–55 Implied licenses.
18–7.452 Clauses required to be used when applicable.
18–7.452–1 Clauses for contracts involving construction work.
18–7.452–2 Filing of patent applications.
18–7.452–7 Priorities, allocations, and allotments.
18–7.452–8 Soviet-controlled areas.
18–7.452–9 Negotiated overhead rates.
18–7.452–10 Notice to the Government of labor disputes.
18–7.452–11 Contractor and subcontractor cost of pricing data.
18–7.452–12 Limitation on withholding of payments.
18–7.452–13 Small business subcontracting program.
18–7.452–14 Changes to make-or-buy program.
18–7.452–23 GSA supply sources.
18–7.452–50 Data requirements.
18–7.452–51 Approval of contract.
18–7.452–52 Preference for United States-flag air and ocean services.
18–7.452–53 Limitation of Government's obligation.
18–7.452–54 Materials reports.
18–7.452–55 NASA PERT System.
18–7.452–56 NASA financial management reporting.
18–7.453 Additional clauses.
18–7.453–1 Changes.
18–7.453–2 Alterations on contract.
18–7.453–4 Bill of materials.
18–7.453–50 Notice of delay.
18–7.453–51 Program progress reports.
18–7.453–52 Date of incurrence of costs.
18–7.453–53 Contractor's independent research program.
18–7.453–57 Federal, State, and local taxes.
18–7.453–58 Excusable delays.
18–7.460 Short Form Clauses for Cost-Reimbursement Type Research Contract With Nonprofit Institutions (Including Educational Institutions).
18–7.460–1 Definitions.
18–7.460–2 Limitation of cost—allowable cost and payment.
18–7.460–3 Government property.
18–7.460–4 Subcontracts.
18–7.460–5 Insurance—liability to third persons.
18–7.460–6 Records.
18–7.460–7 Release of information.
18–7.460–8 Property rights in inventions.
18–7.460–9 Data and inspection.
18–7.460–10 Authorization and consent.
18–7.460–11 Notice and assistance regarding patent and copyright infringement.
18–7.460–12 Security.
18–7.460–13 Disputes.
18–7.460–14 Termination.
18–7.460–15 Buy American Act.
18–7.460–16 Equal opportunity.

| Sec. | |
|---|---|
| 18–7.460–17 | Covenant against contingent fees. |
| 18–7.460–18 | Officials not to benefit. |
| 18–7.460–19 | Convict labor. |
| 18–7.461 | Additional clauses. |

**Subpart 18–7.7—Clauses for Facilities Contracts**

| | |
|---|---|
| 18–7.701 | Applicability. |
| 18–7.702 | Required clauses for facilities acquisition contracts. |
| 18–7.702–1 | Definitions. |
| 18–7.702–2 | Representations and warranties. |
| 18–7.702–3 | Inspection. |
| 18–7.702–4 | Government bills of lading. |
| 18–7.702–5 | Limitation of cost. |
| 18–7.702–6 | Records. |
| 18–7.702–7 | Title. |
| 18–7.702–8 | Access. |
| 18–7.702–9 | Liability for the facilities. |
| 18–7.702–10 | Indemnification of the Government. |
| 18–7.702–11 | Failure to perform. |
| 18–7.702–12 | Disputes. |
| 18–7.702–13 | Security requirements. |
| 18–7.702–14 | Assignment of claims. |
| 18–7.702–15 | Officials not to benefit. |
| 18–7.702–16 | Covenant against contingent fees. |
| 18–7.702–17 | Payment for overtime and shift premiums. |
| 18–7.702–18 | Convict labor. |
| 18–7.702–19 | Equal opportunity. |
| 18–7.702–20 | Work Hours Act of 1962—overtime compensation. |
| 18–7.702–21 | Interest. |
| 18–7.702–22 | Supersedure. |
| 18–7.702–23 | Competition in subcontracting. |
| 18–7.702–24 | Facilities to be provided. |
| 18–7.702–25 | Late delivery, diversion, and substitution. |
| 18–7.702–26 | Changes. |
| 18–7.702–27 | Excusable delays. |
| 18–7.702–28 | Allowable cost and payment. |
| 18–7.702–29 | Insurance—liability to third persons. |
| 18–7.702–30 | Stop work orders. |
| 18–7.702–31 | Termination of work. |
| 18–7.702–32 | Authorization and consent. |
| 18–7.702–33 | Notice and assistance regarding patent and copyright infringement. |
| 18–7.702–34 | License for subsequent use. |
| 18–7.702–35 | Subcontracts. |
| 18–7.702–36 | Small business subcontracting program. |
| 18–7.702–37 | Utilization of concerns in labor surplus areas. |
| 18–7.702–38 | Buy American Act. |
| 18–7.702–39 | Renegotiation. |
| 18–7.702–40 | Notice to the Government of labor disputes. |
| 18–7.702–41 | Walsh-Healey Public Contracts Act. |
| 18–7.702–42 | GSA supply sources. |
| 18–7.702–43 | Limitation on withholding of payments. |
| 18–7.702–44 | Utilization of small business concerns. |
| 18–7.702–45 | Payment of royalties. |
| 18–7.703 | Required clauses for facilities use contracts. |
| 18–7.703–1 | Definitions. |
| 18–7.703–2 | Representations and warranties. |
| 18–7.703–3 | Inspection. |
| 18–7.703–4 | Government bills of lading. |
| 18–7.703–5 | Limitation of cost. |
| 18–7.703–6 | Records. |
| 18–7.703–7 | Title. |
| 18–7.703–8 | Access. |
| 18–7.703–9 | Liability for the facilities. |
| 18–7.703–10 | Indemnification of the Government. |
| 18–7.703–11 | Failure to perform. |
| 18–7.703–12 | Disputes. |
| 18–7.703–13 | Security requirements. |
| 18–7.703–14 | Assignment of claims. |
| 18–7.703–15 | Officials not to benefit. |
| 18–7.703–16 | Covenant against contingent fees. |
| 18–7.703–17 | Payment for overtime and shift premiums. |
| 18–7.703–18 | Convict labor. |
| 18–7.703–19 | Equal opportunity. |
| 18–7.703–20 | Work Hours Act of 1962—overtime compensation. |
| 18–7.703–21 | Interest. |
| 18–7.703–22 | Supersedure. |
| 18–7.703–23 | Competition in subcontracting. |
| 18–7.703–24 | Use and charges. |
| 18–7.703–25 | Costs and payment. |
| 18–7.703–26 | Location of the facilities. |
| 18–7.703–27 | Maintenance. |
| 18–7.703–28 | Property control. |
| 18–7.703–29 | Notice of use of the facilities. |
| 18–7.703–30 | Period of this contract. |
| 18–7.703–31 | Termination of the use of the facilities. |
| 18–7.703–32 | Disposition of the facilities. |
| 18–7.703–33 | Property reporting. |
| 18–7.704 | Required clauses for consolidated facilities contracts. |
| 18–7.704–1 | Definitions. |
| 18–7.704–2 | Representations and warranties. |
| 18–7.704–3 | Inspection. |
| 18–7.704–4 | Government bills of lading. |
| 18–7.704–5 | Limitation of cost. |
| 18–7.704–6 | Records. |
| 18–7.704–7 | Title. |
| 18–7.704–8 | Access. |
| 18–7.704–9 | Liability for the facilities. |
| 18–7.704–10 | Indemnification of the Government. |
| 18–7.704–11 | Failure to perform. |
| 18–7.704–12 | Disputes. |
| 18–7.704–13 | Security requirements. |
| 18–7.704–14 | Assignment of claims. |
| 18–7.704–15 | Officials not to benefit. |
| 18–7.704–16 | Covenant against contingent fees. |
| 18–7.704–17 | Payment for overtime and shift premiums. |
| 18–7.704–18 | Convict labor. |
| 18–7.704–19 | Equal opportunity. |
| 18–7.704–20 | Work Hours Act of 1962—overtime compensation. |
| 18–7.704–21 | Interest. |
| 18–7.704–22 | Supersedure. |
| 18–7.704–23 | Competition in subcontracting. |
| 18–7.704–24 | Facilities to be provided. |
| 18–7.704–25 | Late delivery, diversion, and substitution. |
| 18–7.704–26 | Changes. |
| 18–7.704–27 | Excusable delays. |
| 18–7.704–28 | Allowable cost and payment. |
| 18–7.704–29 | Insurance—liability to third persons. |
| 18–7.704–30 | Stop work orders. |
| 18–7.704–31 | Termination of work. |
| 18–7.704–32 | Authorization and consent. |
| 18–7.704–33 | Notice and assistance regarding patent and copyright infringement. |
| 18–7.704–34 | License for subsequent use. |
| 18–7.704–35 | Subcontracts. |
| 18–7.704–36 | Small business subcontracting program. |
| 18–7.704–37 | Utilization of concerns in labor surplus areas. |
| 18–7.704–38 | Buy American Act. |
| 18–7.704–39 | Renegotiation. |
| 18–7.704–40 | Notice to the Government of labor disputes. |
| 18–7.704–41 | Walsh-Healey Public Contracts Act. |
| 18–7.704–42 | GSA supply sources. |
| 18–7.704–43 | Limitation on withholding of payments. |
| 18–7.704–44 | Utilization of small business concerns. |
| 18–7.704–45 | Payment of royalties. |
| 18–7.704–46 | Use and charges. |
| 18–7.704–47 | Location of the facilities. |
| 18–7.704–48 | Maintenance. |
| 18–7.704–49 | Property control. |
| 18–7.704–50 | Notice of use of the facilities. |
| 18–7.704–51 | Termination of use of the facilities. |
| 18–7.704–52 | Period of this contract. |
| 18–7.704–53 | Disposition of the facilities. |
| 18–7.704–54 | Property reporting. |
| 18–7.705 | Clauses required to be used when applicable. |
| 18–7.705–1 | Rights in data. |
| 18–7.705–2 | Filing of patent applications. |
| 18–7.705–3 | Priorities, allocations, and allotments. |
| 18–7.705–4 | Contractor and subcontractor cost and pricing data. |
| 18–7.705–5 | Labor standards for construction work. |
| 18–7.705–6 | Improvements to buildings or land owned by the Government. |
| 18–7.705–7 | New technology or property rights in inventions. |
| 18–7.705–8 | Implied licenses. |
| 18–7.705–9 | Changes to make-or-buy program. |

**Subpart 18–7.50—Clauses for Negotiated Utility Service Contracts**

| | |
|---|---|
| 18–7.5000 | Scope of subpart. |
| 18–7.5001 | Required clauses—contracts for more than $2,500. |
| 18–7.5001–1 | Definitions. |
| 18–7.5001–2 | Payments. |
| 18–7.5001–3 | Assignment of claims. |
| 18–7.5001–4 | Disputes. |
| 18–7.5001–5 | Equal opportunity. |
| 18–7.5001–6 | Officials not to benefit. |
| 18–7.5001–7 | Covenant against contingent fees. |
| 18–7.5001–8 | Termination. |
| 18–7.5001–9 | Convict labor. |
| 18–7.5001–10 | Rates. |
| 18–7.5001–11 | Public regulation and change of rates. |
| 18–7.5001–12 | Change in class of service. |
| 18–7.5001–13 | Contractor's facilities. |
| 18–7.5001–14 | Technical provisions. |
| 18–7.5002 | Clauses required to be used when applicable. |
| 18–7.5002–1 | Federal, State, and local taxes. |
| 18–7.5002–2 | Work Hours Act of 1962—overtime compensation. |
| 18–7.5002–3 | Examination of records. |
| 18–7.5002–4 | Approval of contract. |
| 18–7.5003 | Additional clauses. |
| 18–7.5003–1 | Renewal of contract. |
| 18–7.5003–2 | Public regulation and change of rates. |
| 18–7.5003–3 | Connection charge. |
| 18–7.5003–4 | Termination charge. |
| 18–7.5003–5 | Multiple service locations. |
| 18–7.5004 | Required clauses—contracts for $2,500 or less annually. |
| 18–7.5004–1 | Definitions. |
| 18–7.5004–2 | Payments. |
| 18–7.5004–3 | Assignment of claims. |
| 18–7.5004–4 | Disputes. |
| 18–7.5004–5 | Equal opportunity. |
| 18–7.5004–6 | Officials not to benefit. |
| 18–7.5004–7 | Covenant against contingent fees. |
| 18–7.5004–8 | Termination. |
| 18–7.5004–9 | Convict labor. |
| 18–7.5004–10 | Rates. |
| 18–7.5004–11 | Public regulation and change of rates. |
| 18–7.5004–12 | Contractor's facilities. |


AUTHORITY: The provisions of this Part 18–7 issued under 42 U.S.C. 2473(b)(1).





§ 18–7.000 Scope of part.

This part sets forth uniform clauses to be used in contracts for property and services entered into by NASA, except in contracts to be performed outside the United States, its possessions, and Puerto Rico (hereafter referred to as foreign contracts). The clauses to be used in foreign contracts shall be as prescribed on a case-by-case basis in accordance with the provisions of Subpart 18–6.7.

## Subpart 18–7.1—Clauses for Fixed-Price Supplys Contract

§ 18–7.100 Scope of subpart.

This subpart sets forth uniform clauses for use in fixed-price supply contracts as defined in § 18–7.102.

§ 18–7.102 Applicability.

As used throughout this subpart, the term "fixed-price supply contract" means any contract entered into either by formal advertising or by negotiation, including letter contracts (except notices of award, contracts placed under Small Purchases Procedures, and amendments or supplemental agreements which do not effect new procurement), at a fixed price (with or without provision for price redetermination, escalation, or other form of price revision), and for supplies other than construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property; experimental, developmental, or research work, or facilities to be provided by the Government under a facilities contract as defined in § 18–13.101–17.

§ 18–7.103 Required clauses.

The following clauses shall be inserted in all fixed-price supply contracts.

§ 18–7.103–1 Definitions.

DEFINITIONS (SEPTEMBER 1962)

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Administrator" means the Administrator or Deputy Administrator of the National Aeronautics and Space Administration; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Administrator.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

(d) The term "NASA" means the National Aeronautics and Space Administration.

Additional definitions may be included, provided they are not inconsistent with the foregoing clause or the provisions of this chapter.

§ 18–7.103–2 Changes.

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date or receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause the period of "30 days" within which any claim for adjustment must be asserted may be varied not to exceed "60 days."

§ 18–7.103–3 Extras.

EXTRAS (SEPTEMBER 1962)

Except as otherwise provided in this contract, no payment for extras shall be made unless such extras and the price therefor have been authorized in writing by the Contracting Officer.

§ 18–7.103–4 Variation in quantity.

VARIATION IN QUANTITY (SEPTEMBER 1962)

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

§ 18–7.103–5 Inspection.

INSPECTION (SEPTEMBER 1962)

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance.

(b) In case any supplies or lots of supplies are defective in material or workmanship or otherwise not in conformity with the requirements of this contract, the Government shall have the right either to reject them (with or without instructions as to their disposition) or to require their correction. Supplies or lots of supplies which have been rejected or required to be corrected shall be removed or, if permitted or required by the Contracting Officer, corrected in place by and at the expense of the Contractor promptly after notice, and shall not thereafter be tendered for acceptance unless the former rejection or requirement of correction is disclosed. If the Contractor fails promptly to remove such supplies or lots of supplies which are required to be removed, or promptly to replace or correct such supplies or lots of supplies, the Government either (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor the cost occasioned the Government thereby, or (ii) may terminate this contract for default as provided in the clause of this contract entitled "Default." Unless the Contractor corrects or replaces such supplies within the delivery schedule, the Contracting Officer may require the delivery of such supplies at a reduction in price which is equitable under the circumstances. Failure to agree to such reduction of price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor without additional charge shall provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If Government inspection or test is made at a point other than the premises of the Contractor or a subcontractor, it shall be at the expense of the Government except as otherwise provided in this contract, *provided,* that in case of rejection the Government shall not be liable for any reduction in value of samples used in connection with such inspection or test. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when supplies are not ready at the time such inspection and test is requested by the Contractor or when reinspection or retest is necessitated by prior rejection. Acceptance or rejection of the supplies shall be made as promptly as practicable after delivery, except as otherwise provided in this contract; but failure to inspect and accept or reject supplies shall neither relieve the Contractor from responsibility for such supplies as are not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any supplies or lots thereof does not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

§ 18–7.103–6 Responsibility for supplies.

RESPONSIBILITY FOR SUPPLIES (SEPTEMBER 1962)

Except as otherwise provided in this contract, (i) the Contractor shall be responsible for the supplies covered by this contract until they are delivered at the designated delivery point, regardless of the point of inspection; (ii) after delivery to the Government at the designated point and prior to acceptance by the Government or rejection and giving notice thereof by the Government, the Government shall be responsible for the loss or destruction of or damage to

the supplies only if such loss, destruction, or damage results from the negligence of officers, agents, or employees of the Government acting within the scope of their employment; and (iii) the Contractor shall bear all risks as to rejected supplies after notice of rejection, except that the Government shall be responsible for the loss, or destruction of, or damage to the supplies only if such loss, destruction, or damage results from the gross negligence of officers, agents, or employees of the Government acting within the scope of their employment.

**§ 18–7.103–7 Payments.**

Insert the following clause except that in letter contracts insert clause 4 of NASA Form 551–3 set forth in § 18–16.859–4(d).

PAYMENTS (SEPTEMBER 1962)

The Contractor shall be paid, upon the submission of proper invoices or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or 50 percent of the total amount of this contract.

In contracts for the furnishing of transportation and accessorial services, the words "properly certified" shall be substituted for the word "proper" in the clause set forth in this section.

**§ 18–7.103–8 Assignment of claims.**

ASSIGNMENT OF CLAIMS (SEPTEMBER 1962)

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

In negotiated procurement, where a contractor is indebted to the Government as a result of dealings with NASA or other Government agencies, the last sentence before the sentence in parentheses of paragraph (a) of the "Assignment of Claims" clause, which is commonly referred to as the "no-set-off" provision, shall be omitted if such action is requested by other Government agencies or if it otherwise appears to be appropriate to protect the interests of the Government.

**§ 18–7.103–9 Additional bond security.**

ADDITIONAL BOND SECURITY (SEPTEMBER 1962)

If any surety upon any bond furnished in connection with this contract becomes unacceptable to the Government, or if any such surety fails to furnish reports as to his financial condition from time to time as requested by the Government, the Contractor shall promptly furnish such additional security as may be required from time to time to protect the interests of the Government and of persons supplying labor or materials in the prosecution of the work contemplated by this contract.

**§ 18–7.103–10 Federal, State, and local taxes.**

Insert the appropriate clause set forth in § 18–11.401–1 or § 18–11.401–2(b) of this chapter.

**§ 18–7.103–11 Default.**

In accordance with the requirements of § 18–8.707, insert the clause set forth therein.

**§ 18–7.103–12 Disputes**

DISPUTES (SEPTEMBER 1962)

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within thirty (30) days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Administrator. The decision of the Administrator or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the decision of the Contracting Officer.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above, *provided*, that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

**§ 18–7.103–13 Renegotiation.**

RENEGOTIATION (SEPTEMBER 1962)

(a) To the extent required by law, this contract is subject to the Renegotiation Act of 1951 (50 U.S.C. App. 1211, *et seq.*), as amended, and to any subsequent act of Congress providing for the renegotiation of contracts. Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of Congress heretofore or hereafter enacted. Subject to the foregoing, this contract shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951, and by any such other act, without subsequent contract amendment specifically incorporating such provisions.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts, as that term is defined in Section 108g of the Renegotiation Act of 1951, as amended.

**§ 18–7.103–15 Soviet-controlled areas.**

In accordance with the requirements of §18–6.403, insert the clause set forth therein and include, in the Schedule of the contract, the list of Soviet-controlled areas set forth in § 18–6.401–2.

**§ 18–7.103–16 Work Hours Act of 1962—overtime compensation.**

Insert the clause set forth in § 18–12.303–1. Note the prefatory language required by § 18–12.303–2 for use in contracts with a State or political subdivision thereof.

**§ 18–7.103–17 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 18–12.604.

**§ 18–7.103–18 Equal opportunity.**

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–1, or (b) the Equal Opportunity clause set forth in § 18–12.802–2.

**§ 18–7.103–19 Officials not to benefit.**

OFFICIALS NOT TO BENEFIT (SEPTEMBER 1962)

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

**§ 18–7.103–20 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503.

**§ 18–7.103–21 Termination for convenience of the Government.**

Insert the clause set forth in § 18–8.701.

**§ 18–7.103–22 Authorization and consent.**

Insert the clause set forth in § 18–9.103(a).



**§ 18–7.103–23 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 18–9.105.

**§ 18–7.103–53 Interest.**

INTEREST (JANUARY 1963)

Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of six percent per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract, (ii) the date of the first demand for payment, (iii) the date of a supplemental agreement fixing the amount, or (iv) if this contract provides for revision of prices, the date of written notice to the contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

**§ 18–7.103–54 Order of precedence.**

ORDER OF PRECEDENCE (SEPTEMBER 1962)

To the extent of any inconsistency between any of the following, which are listed in the order of their precedence, the item of higher precedence governs, unless otherwise specified:

(a) The Schedule;
(b) The Terms and Conditions of the Invitation for Bids;
(c) The Additional General Provisions;
(d) The General Provisions;
(e) The Specifications; and
(f) The Drawings.

**§ 18–7.104 Clauses required to be used when applicable.**

**§ 18–7.104–1 Clauses for contracts involving construction work.**

(a) In accordance with the requirements of Subpart 18–12.4, insert in fixed-price supply contracts which involve construction work the clauses listed below, which are set forth in § 18–12.403–1:

Davis-Bacon Act
Work Hours Act of 1962—Overtime Compensation
Apprentices
Payroll Records and Payrolls
Copeland ("Anti-Kickback") Act—Nonrebate of Wages
Subcontracts—Termination
Withholding of Funds to Assure Wage Payment

(b) In accordance with the requirements of § 18–6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 177W, the clause entitled "Buy American," as set forth in § 18–6.207(c).

**§ 18–7.104–3 Buy American Act.**

In accordance with the requirements of Subpart 18–6.1, insert the clause set forth in § 18–6.104–5.

**§ 18–7.104–4 Notice to the Government of labor disputes.**

Wherever work is to be performed and a work stoppage would result in delay in an urgent NASA program, insert the following clause:

NOTICE TO THE GOVERNMENT OF LABOR DISPUTES (SEPTEMBER 1962)

(a) Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential labor dispute, the subcontractor shall immediately notify his next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

**§ 18–7.104–5 Patent indemnity.**

Under the circumstances specified in § 18–9.104, the clause set forth therein may be included in the contract.

**§ 18–7.104–6 Filing of patent applications.**

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

**§ 18–7.104–7 New technology.**

In accordance with the requirements of § 18–9.101–2, insert the clause set forth in § 18–9.101–2(c).

**§ 18–7.104–9 Rights in data.**

In accordance with the requirements of § 18–9.203, insert the clause set forth in § 18–9.203–2 and, if applicable, paragraph (j) from § 18–9.203–3.

**§ 18–7.104–12 Security requirements.**

Insert the following clause in all contracts which are classified "Confidential" or higher and in other contracts which may require access to classified information or material:

SECURITY REQUIREMENTS (SEPTEMBER 1962)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" or higher.

(b) NASA shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Checklist (DD Form 254), or other written notification.

(c) The Contractor agrees to execute, if he has not already done so, a Security Agreement (DD Form 441) with the Government, represented by the Military Department assigned security cognizance over the Contractors' facility. To the extent the Government has indicated, as of the date of this contract, or thereafter indicates a security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within his own organization in accordance with the requirements of:

(i) The Security Agreement (DD Form 441), including the Industrial Security Manual for Safeguarding Classified Information in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) Any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department assigned security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility, and representatives of NASA, shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any such equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause of this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

**§ 18–7.104–14 Utilization of small business concerns.**

In accordance with the instructions in § 18–1.707–3(a), insert the clause contained therein.

**§ 18–7.104–15 Examination of records.**

Insert the following clause in all negotiated fixed-price supply contracts in excess of $2,500.

EXAMINATION OF RECORDS (SEPTEMBER 1962)

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three (3) years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three (3) years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase

THE UNIVERSITY OF MICHIGAN



orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

**§ 18–7.104–17 Convict labor.**

In accordance with the requirements in Subpart 18–12.2, insert the clause set forth in § 18–12.203.

**§ 18–7.104–18 Priorities, allocations, and allotments.**

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

**§ 18–7.104–20 Utilization of concerns in labor surplus areas.**

Insert the "Utilization of Concerns in Labor Surplus Areas" clause set forth in this section in all contracts in amounts which may exceed $5,000, except in:

(a) Contracts with foreign contractors which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico;

(b) Contracts for services which are personal in nature; and

(c) Contracts for construction.

UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS (SEPTEMBER 1962)

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (i) persistent labor surplus area concerns which are also small business concerns; (ii) other persistent labor surplus area concerns; (iii) substantial labor surplus area concerns which are also small business concerns; (iv) other substantial labor surplus area concerns; (v) small business concerns which are not labor surplus area concerns.

**§ 18–7.104–21 Limitation on withholding of payments.**

(a) Except as provided in paragraph (b) of this section, insert the following clause in contracts which include more than one clause or Schedule provision authorizing the temporary withholding of amounts otherwise payable to the contractor for supplies delivered or services performed:

LIMITATION ON WITHHOLDING OF PAYMENTS (SEPTEMBER 1962)

If more than one clause or Schedule provision of this contract authorizes the temporary withholding of amounts otherwise payable to the Contractor for supplies delivered or services performed, the total of the amounts so withheld at any one time shall not exceed the greatest amount which may be withheld under any one such clause or Schedule provision at that time: *Provided*, That this limitation shall not apply to—

(i) withholdings pursuant to any clause relating to wages or hours of employees;

(ii) withholdings not specifically provided for by this contract; and

(iii) the recovery of overpayments.

(b) The clause set forth in paragraph (a) of this section is not required in letter contracts or where:

(1) The contracting officer determines that the withholding limitation in the said clause is incompatible with the purpose of the particular withholding provisions involved; or

(2) All of the contract clauses or Schedule provisions (in excess of one) which provide for the withholding of payments either (i) are exempt from the limitations in the clause set forth in paragraph (a) of this section under the proviso thereof, or (ii) provide that their withholding provisions do not require any additional withholdings where the amounts required to be withheld under them are being withheld under other provisions of the contract.

If it is determined that the withholding limitation in the clause set forth in paragraph (a) of this section is incompatible with the purpose of particular withholding provisions, the said clause may be omitted or modified to make it inapplicable to such withholding provisions.

**§ 18–7.104–22 Small business subcontracting program.**

In accordance with the requirements of § 18–1.707, insert the clause set forth in § 18–1.707–3(b).

**§ 18–7.104–23 Subcontracts.**

(a) The clause set forth below shall be included in contracts which include a price redetermination or incentive provision.

SUBCONTRACTS (SEPTEMBER 1962)

(a) The Contractor shall give specific advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is on a cost or cost-plus-a-fixed-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total amount of this contract.

(b) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is on a cost or cost-plus-a-fixed-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total amount of this contract, or (iii) provides for the fabrication, purchase, rental, installation or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) is on a time and material or labor-hour basis. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (b).

(c) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-percentage-of-cost basis.

(d) The Contracting Officer may, in his discretion, specifically approved in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitue a determination of the acceptability of the subcontract price, unless such approval specifically provides that it constitutes a determination of the acceptability of the subcontract price.

(e) The Contracting Officer may approve all or any part of the contractor's purchasing system and from time to time rescind or reinstate such approval. Such approval shall be deemed to fulfill the requirements for obtaining the Contracting Officer's consent to subcontracts as prescribed in paragraph (b) above.

(b) If the contract does not include a price redetermination or incentive provision, the clause set forth below may be included in the contract:

SUBCONTRACTS (SEPTEMBER 1962)

No contract shall be made by the Contractor with any other party for furnishing any of the completed or substantially completed articles, spare parts, or work herein contracted for without the written approval of the Contracting Officer as to sources.

**§ 18–7.104–24 Government - furnished property.**

In accordance with the requirements of § 18–13.502, insert the appropriate clause set forth therein.

**§ 18–7.104–25 Special tooling.**

In accordance with the requirements of § 18–13.504, insert the clause therein.

**§ 18–7.104–26 Changes to make-or-buy program.**

In accordance with the requirements of Subpart 18–3.9, insert the clause set forth in § 18–3.902(a).

**§ 18–7.104–27 Payment for overtime and shift premiums.**

In accordance with the requirements of § 18–12.102, insert the clause set forth in § 18–12.102–3(h)(2).

**§ 18–7.104–35 Progress payments.**

The policies and procedures set forth in 32 CFR 163.73 concerning the use of progress payments in formally advertised procurements shall be followed by NASA procurement offices. The provisions to be included in the invitation for bids and the "Progress Payments" clauses authorized for use pursuant to 32 CFR 163.73 are authorized for use in accordance with the instructions contained therein, except that the short form "Progress Payments" clauses set forth in paragraphs (a) and (b) of this section may be used in lieu of the ASPR clauses whenever it is estimated that the procurement will be less than $100,000.

(a) *Progress payments labor and material clause (short form).*

PROGRESS PAYMENTS (SHORT FORM CLAUSE BASED ON BOTH DIRECT LABOR AND MATERIAL COSTS OR WHEN LIMITED TO EITHER LABOR OR MATERIAL) (SEPTEMBER 1962)

Upon request of the Contractor, progress payments shall be made to the Contractor from time to time as work progresses, in amounts approved by the Contracting Officer, upon the following terms and conditions:

(a) *Computation of Amounts.*

(1) Unless a smaller amount is requested, each progress payment shall be 85 percent of the Contractor's cumulative costs of direct labor performed and material acquired [strike out inapplicable language if limited to a single direct cost] for performance of this contract; less the sum of previous progress payments. In no event, however, may the amount of unliquidated progress payments exceed ____ percent of the total contract price of items and services not yet delivered, invoiced to and accepted by the Government; also, the aggregate amount of progress payments made may not exceed ____ percent of the total contract price. [These percentages shall be the same as in (b) below.]

(2) Contractor's costs above mentioned must be reasonable, allocable to this contract, and consistent with generally accepted accounting principles.

(b) *Recovery of Progress Payments.* Except as otherwise provided in this contract, payment by the Government for materials delivered, invoiced to, and accepted by the Government shall be reduced by ____ percent and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been liquidated. [The percentage to be inserted here and in (a)(1) above should be calculated as those in the following example: If the base for progress payments is 85 percent of the cost of direct labor and material and if estimated costs of direct labor and material are 70 percent of total estimated costs, liquidation would be at a rate not less than 59.5 percent (85 x 70) of the contract price or delivered items.]

(c) *Reduction or Suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the Contracting Officer the Contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to Material and Work.* When any progress payment is made under this contract, title to material acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the Contractor and properly chargeable to this contract under generally accepted accounting practices shall vest in the Government. The Contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed, or damaged. Upon completion of performance of all obligations of the Contractor under this contract, title to all property not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the Contractor.

(e) *Records and Reports.* The Contractor shall maintain reasonable controls for proper administration of this clause and shall furnish such statements and information as may reasonably be requested by the Contracting Officer. The Government shall be afforded reasonable opportunity to examine the Contractor's books, records, and accounts.

(f) *Default.* If this contract is terminated for default, the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the Contractor in accordance with the Default clause.

(g) *Reservation of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(b) *Progress payments total costs clause (short form).*

PROGRESS PAYMENTS (SHORT FORM "TOTAL COSTS" CLAUSE) (SEPTEMBER 1962)

Upon request of the Contractor, progress payments shall be made to the Contractor from time to time as work progresses, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.*

(1) Unless a smaller amount is requested, each progress payment shall be 70 percent of the Contractor's cumulative total costs under this contract, less the sum of any previous progress payments. In no event, however, may the aggregate amount of progress payments made exceed 70 percent of the total contract price.

(2) The Contractor's costs must be reasonable, allocable to this contract, consistent with sound and generally accepted accounting principles, and may include depreciation or amortization allowance. Such costs shall exclude amounts for materials to which the Contractor has not acquired title.

(3) At no time shall unliquidated progress payments exceed 70 percent of the total contract price of the items and services not yet delivered and invoiced to and accepted by the Government.

(b) *Recovery of Progress Payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced, and accepted shall be reduced by 70 percent of the contract price of such items and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been recovered.

(c) *Reduction or Suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the Contracting Officer the Contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to Material and Work.* When any progress payment is made under this contract, title to material acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the Contractor and properly chargeable to this contract under generally accepted accounting principles shall vest in the Government. The Contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed, or damaged. Upon completion of performance of all obligations of the Contractor under this contract, title to all property and work not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the Contractor.

(e) *Records and Reports.* The Contractor shall maintain reasonable controls for proper administration of this clause and shall furnish such statements and information as may reasonably be requested by the Contracting Officer. The Government shall be afforded reasonable opportunity to examine the Contractor's books, records, and accounts.

(f) *Default.* If this contract is terminated for default, the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the Contractor in accordance with the default clause.

(g) *Reservation of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

**§ 18–7.104–36 Preference for United States-flag air and ocean services.**

Under the circumstances stated in Subpart 18–1.14, insert the clause set forth in § 18–1.1403 in the contract.

**§ 18–7.104–40 Competition in subcontracting.**

Insert the following clause in all negotiated contracts over $10,000, except in firm fixed-price contracts where award is on the basis of effective price competition, or where prices are established by law or regulation.

COMPETITION IN SUBCONTRACTING (SEPTEMBER 1962)

The Contractor shall select subcontractors (including suppliers) on a competitive basis to the maximum practical extent consistent with the objectives and requirements of the contract.

**§ 18–7.104–41 Contractor and subcontractor cost or pricing data.**

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

**§ 18–7.104–42 Audit and records.**

Insert the following clause in all fixed-price incentive contracts and fixed-price contracts providing for price redetermination.

AUDIT AND RECORDS (AUGUST 1964)

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative.

(c) The Contractor shall preserve and make available his records (i) until the expiration of three years from the date of final payment under this contract, and (ii) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract or (ii) litigation or the settlement of claims arising out of the performance of this contract, shall be retained until such appeals, litigation, or claims have been disposed of.

(d) The Contractor shall insert the substance of this clause in each subcontract hereunder that is not on a firm fixed-price basis.

**§ 18–7.104–50 Data requirements.**

In accordance with the requirements of § 18–9.202, insert the clause set forth in § 18–9.202–1(e).

**§ 18–7.104–51 Approval of contract.**

Insert the following clause in the contract when approval thereof by the Director of Procurement is required.

APPROVAL OF CONTRACT (SEPTEMBER 1962)

This contract shall be subject to the written approval of the Director of Procurement, NASA Headquarters, or his duly authorized representative, and shall not be binding until so approved.

**§ 18–7.104–57 Implied licenses.**

In accordance with the requirements of § 18–9.110, insert the clause set forth therein.

**§18–7.105 Additional clauses.**

The clauses set forth in this § 18–7.105 shall be inserted in fixed-price supply contracts if it is desired to cover the subject matter thereof.

**§ 18–7.105–1 Alterations in contract.**

Alterations in contract provisions may be made only in accordance with the provisions of § 18–1.109. When alterations are necessary, they shall be set forth either in the Schedule or on an attachment sheet, preceded by the following clause:

ALTERATIONS IN CONTRACT (SEPTEMBER 1962)

The following alterations have been made in the provisions of this contract.

**§ 18–7.105–5 Liquidated damages.**

When a liquidated damages provision is to be included in the contract, the following clause shall be inserted as paragraph (f) of the "Default" clause (see § 18–8.707) and the present paragraph (f) of that clause redesignated "(g)." In addition, an appropriate implementing provision setting forth the amount of liquidated damages shall be included in the Schedule.

(f) (i) In the event the Government exercises its right of termination as provided in paragraph (a) above, the Contractor shall be liable to the Government for excess costs as provided in paragraph (b) above and, in addition, for liquidated damages, in the amount set forth elsewhere in this contract, as fixed, agreed, and liquidated damages for each calendar day of delay, until such time as the Government may reasonably obtain delivery or performance of similar supplies or services.

(ii) If the contract is not so terminated, notwithstanding delay as provided in paragraph (a) above, the Contractor shall continue performance and be liable to the Government for such liquidated damages for each calendar day of delay until the supplies are delivered or services performed.

(iii) The Contractor shall not be liable for liquidated damages for delays due to causes which would relieve him from liability for excess costs as provided in paragraph (c) of this clause. (September 1962)

**§ 18–7.105–6 Bill of materials.**

A bill of materials consist of a report by a supplier which specifies the quantities of various materials required to produce a designated quantity of supplies of a particular kind. A bill of materials, with respect to all or part of the supplies to be furnished pursuant to a contract, will be required only if the contracting officer determines that such bill is necessary to develop materials or components requirements for production and maintenance programs, or for other specified purposes. In such event, the contract shall specify, with respect to such bill, the following:

(a) The supplies or parts thereof to be covered by the bill of materials;

(b) The type of bill or bills (detailed, modified, expanded summary, or abbreviated summary) to be furnished, with applicable instructions;

(c) The compensation to be paid the contractor for furnishing such bill and any revisions thereto, or a statement that the price of the item to which the bill relates includes compensation for the furnishing of such bill;

(d) The number and kind of copies of such bill to be furnished; and

(e) Delivery dates.

In such event, the contract shall also include the following clause:

BILL OF MATERIALS (SEPTEMBER 1962)

(a) With respect to the supplies to be delivered pursuant to the contract, for which a Bill of Materials is required, the Contractor shall furnish a Bill of Materials in the required number of copies on Department of Defense Forms 346 and 347, if applicable, or authorized reproductions thereof, in accordance with the instructions specified in the Schedule.

(b) The contractor shall furnish to the Government, at such intervals as designated in the Schedule, revised pages of the Bill of Materials incorporating the effect of any changes, pursuant to the clause hereof entitled "Changes," in the quantity of any material or part, or any other information contained in the Bill of Materials, or a statement that no revision is necessary. A final revision, or statement that no revision is necessary, shall be furnished upon completion of performance of the contract.

(c) The Bill of Materials and all revisions or statements subsequent thereto shall be subject to inspection and acceptance by the Government.

Where a bill of materials is procured by contract separate from the supplies to which such bill of materials relates, such contract shall include such of the terms mentioned above as may be appropriate and shall specify that the bill of materials shall be furnished on DD Forms 346 and 347, if applicable, or authorized reproductions thereof. The contractor shall not be required to obtain data for the bill of materials in greater detail from a subcontractor than he is to furnish under the terms of the above clause.

**§ 18–7.105–55 Warranty.**

The clauses set forth in this section are authorized for use when, in the discretion of the contracting officer, the benefits of warranties normally granted to a contractor's commercial customers should be obtained by the Government. Use of either clause (a) or clause (b), as appropriate, is authorized.

WARRANTY (SEPTEMBER 1962)

(a) Notwithstanding the provisions of the "Inspection" clause of this contract, the Contractor agrees that the articles delivered under this contract shall be covered by the same warranties as the Contractor customarily offers in connection with the sale of these articles on the commercial market. In the event that differing warranties covering these articles are customarily offered to other purchasers by the Contractor, it is agreed that such warranties shall apply to this contract as are available to the Contractor's most favored purchaser.

WARRANTY (SEPTEMBER 1962)

(b) Notwithstanding the provisions of the "Inspection" clause of this contract, the Contractor agrees that the articles delivered under this contract shall be covered by the same warranties as the Contractor customarily offers in connection with the sale of these articles on the commercial market. In the event that differing warranties covering these articles are customarily offered to other purchasers by the Contractor, it is agreed that such warranties shall apply to this contract as are available to the Contractor's most favored purchaser. In addition to any other obligations imposed upon the Contractor under any such warranties, and regardless of whether a similar right is customarily offered to other purchasers, the Contractor shall, if so required by the Government within a reasonable time after the giving of notice of defect in accordance with such warranties, correct or replace the defective or nonconforming article with all possible speed at the Contractor's cost, including shipping costs, not exceeding usual charges, from the delivery point to the Contractor's plant and return.

**§ 18–7.105–56 Guaranty.**

The clause set forth in this section is authorized for use when, in the discretion of the contracting officer, the need for such a guaranty is felt to outweigh the price increase, if any, which the inclusion of such a clause might entail. The period of time within which notice of defect must be given may be varied.

GUARANTY (SEPTEMBER 1962)

Notwithstanding the provisions of the "Inspection" clause of this contract, the Contractor guarantees that at the time of delivery thereof the articles provided for under this contract will be free from any defects in material or workmanship and will conform to the requirements of this contract. Notice of any such defect or nonconformance shall be given by the Government to the Contractor within one (1) year of the delivery of the defective or nonconforming article. If required by the Government within a reasonable time after such notice, the Contractor shall with all possible speed correct or replace the defective or nonconforming article or part thereof. When such correction or replacement requires transportation of the article or part thereof, shipping costs, not exceeding usual charges, from the delivery point to the Contractor's plant and return, shall be borne by the Contractor; the Government shall bear all other shipping costs. This guaranty shall then continue as to corrected or replacing articles or if only parts of such articles are corrected or replaced, to such corrected or replacing parts, until one (1) year after date of redelivery. If the Government does not require correction or replacement of a defective or nonconforming article, the Contractor, if required by the Contracting Officer within a reasonable time after the notice of defect or nonconformance, shall repay such portion of the contract price of the article as is equitable in the circumstances.

**§ 18–7.106 Price escalation clauses (established prices).**

This § 18–7.106 sets forth uniform clauses for use when it is desired to provide for price escalation in the event of changes in the contractor's established prices. Each clause is preceded by a statement of the conditions under which it may be used.



**§ 18–7.106–1 Escalation clause for basic steel, aluminum, brass, bronze, or copper mill products.**

The "Price Escalation" clause set forth in this § 18–7.106–1 is authorized for use in advertised or negotiated fixed-price supply contracts for basic steel, aluminum, brass, bronze, or copper mill products, such as sheets, plates and bars, when an established price exists for the particular supply being procured. The percentage figure to be used in paragraph (d) (3) of this clause shall not exceed 10 percent.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor warrants that the unit prices stated herein, excluding any part of the prices which reflects requirements for preservation, packaging and packing, beyond standard commercial practice, are not in excess of the Contractor's applicable established prices in effect on the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by means of formal advertising) for like quantities of the supplies covered by this contract.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any established price, and each applicable unit price shall be decreased by the amount of the decrease in the applicable established price. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by formal advertising), or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions.

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by means of formal advertising).

(2) No unit price shall be increased by an amount greater than the amount of the increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ____ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, but if the Contractor's request for adjustment is received by the Contracting Officer more than ten (10) days after the effective date of the increase in the Contractor's applicable rate, no adjusted unit price shall be effective earlier than the date of receipt by the Contracting Officer of such request.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, within 30 days after receipt of the Contractor's request, cancel without liability to either party the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify were completed or in the process of manufacture at the time of receipt of notice of such cancellation. In such event the Government shall pay for all supplies so delivered at the applicable unit price contained in the Contractor's request, and the contract shall be amended accordingly: *Provided*, That such certification is made within 10 days after receipt of notice of such cancellation, *And provided further*, That such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (d). In the event this contract is for standard steel supplies, they shall be deemed to be in the process of manufacture when the steel therefor is in any state of processing after the beginning of the furnace melt.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or cancellation of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested: *Provided*, That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d), *And provided further*, That if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor cancels the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested: *Provided*, That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

**§ 18–7.106–2 Escalation clause for nonstandard steel items.**

The "Price Escalation" clause set forth in this § 18–7.106–2 is authorized for use in advertised or in negotiated fixed-price supply contracts when:

(a) The contractor is a steel producer and actually manufactures the standard steel mill item referred to in paragraph (d) of the clause; and

(b) The items being procured are nonstandard steel items made wholly or in major part of standard steel mill items.

When this clause is included in invitations for bids, Note (8) of the clause is inapplicable and shall be omitted. Invitations for bids or requests for proposals shall instruct bidders or offerors, as appropriate, to complete all blanks in accordance with the applicable notes.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor represents that the unit prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (i) the Contractor's rates of pay for labor employed by it, or (ii) the prices which the Contractor charges his manufacturing shops for the steel required in the performance of this contract.

(b) Each contract unit price shall be subject to revision, pursuant to the provisions of this clause, to reflect changes in the cost of labor and steel. For the purpose of any such price revision, the proportion of the contract unit price attributable to costs of labor not otherwise included in the price of the steel item identified in paragraph (d) below shall be ____ percent, and the proportion of the contract unit price attributable to the cost of steel shall be ____ percent. [See Note (1).]

(c) For the purposes of this paragraph, the term "labor index" shall mean the average straight time hourly earnings of the Contractor's employees in the _____ shop of the Contractor's plant [see Note (2)] for any particular month. The word "month" as used herein means "calendar month": *Provided, however*, That if the Contractor's accounting period does not coincide with the calendar month, then such accounting period shall be used throughout the clause in lieu of "month." Unless otherwise specified in this contract, the labor index shall be computed by dividing the total straight time earnings of the Contractor's employees in the particular shop identified above for any given month by the total number of straight time hours worked by such employees in that month. Any revision in a contract unit price to reflect changes in the cost of labor shall be computed solely by reference to the "base labor index," which shall be the average of the labor indices for the three months consisting of the month of _____, 19__, [see Note (3)] the month immediately preceding, and the month immediately following, and to the "current labor index," which shall be the average of the labor indices for the month in which delivery of supplies is required to be made in accordance with the terms of the contract and the month preceding.

(d) Any revision in a contract unit price to reflect changes in the cost of steel shall be computed solely by reference to the "base steel index," which shall be the Contractor's established or published price to the public [see Note (8)] including all applicable extras of $_____ per _____ [see Note (4)] for _____ [see Note (5)] on _____, 19__ [see Note (6)] and the "current steel index," which shall be the Contractor's established or published price to the public [see Note (8)] of said item including all applicable extras in effect __ days [see Note (7)] prior to the first day of the month in which delivery of supplies is required to be made in accordance with the terms of the contract.

(e) Each contract unit price shall be revised for each month in which, by the terms of this contract, delivery of supplies is required to be made, and such revised contract unit price shall apply to the deliveries of those quantities of supplies required to be made in that month regardless of when actual delivery be made of said quantities of supplies. Each revised contract unit price for any month shall be computed by adding together the following three amounts: (i) the amount (representing the adjusted cost of labor) obtained by multiplying ____ percent of the contract unit price by a fraction, the numerator of which shall be the current labor index and the denominator of which shall be the base labor index; (ii) the amount (representing the adjusted cost of steel) obtained by multiplying ____ percent of the contract unit price by a fraction, the numerator of which shall be the current steel index and the denominator of which shall be the base steel index; and (iii) the amount equal to ____ percent of the original contract unit price (representing that portion of such unit price which relates neither to the cost of labor nor to the cost of steel and which is therefore not subject to revision) [see Note (1)]: *Provided, however,* That any revised contract unit price made pursuant to the provisions of this clause shall in no event exceed 110 percent of the original contract unit price. All computations shall be made to the nearest one-hundredth of one cent.

(f) Pending revisions of the contract unit prices, if any, to be made pursuant to this clause, the Contractor shall be paid the contract unit prices for deliveries made. Within thirty (30) days after the final delivery of supplies, or within such further period of time as may be authorized by the Contracting Officer, the Contractor shall furnish a statement setting forth and certifying the correctness of (i) the average straight time hourly earnings of the Contractor's employees in the shop of the Contractor identified in paragraph (c) above which earnings are relevant to the computations of the "base labor index" and the "current labor index," and (ii) the Contractor's established or published prices to the public [see Note (8)] including all applicable extras, for like quantities of the item identified in paragraph (d) above, which prices are relevant to the computation of the "base steel index" and the "current steel index." Upon request of the Contracting Officer or his duly authorized representative, the Contractor shall make available his records used in the computation of the labor indices. After the receipt of such certificate by the Contracting Officer, the revised contract unit prices shall be computed in accordance with the provisions of this clause, and this contract shall be amended accordingly.

(g) In the event of any total or partial termination of any item of this contract for the convenience of the Government, the month in which notice of such termination is received by the Contractor, if prior to the month in which delivery is required by this contract, shall be considered the month in which delivery of such terminated or partially terminated item is required for the purpose of determining the current labor and materials indices under paragraphs (c) and (d) hereof: *Provided, however,* That as to the quantity of such item which is not terminated for convenience, the month in which delivery is required by this contract shall continue to apply for determining said indices. In the case of termination of any item for default on the part of the Contractor, any price revision shall be limited to the quantity of each item which has been delivered by the Contractor and accepted by the Government prior to receipt by the Contractor of notice of termination for default.

(h) As used in this clause the phrase "the month in which delivery of supplies is required to be made in accordance with the terms of this contract" shall mean any month in which under the terms of this contract a specific quantity of units of the supplies called for by this contract is required to be delivered: *Provided, however,* That in case the failure of the Contractor to make delivery of such quantity shall have arisen out of causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," the quantity not delivered shall be required to be delivered as promptly as possible after the cessation of the cause of such failure, and the delivery schedule set forth in this contract shall be amended accordingly.

(i) Failure to agree upon any determination to be made under this clause shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

NOTES

(1) Bidder insert the same percentage figures for the corresponding blanks in paragraphs (b) and in (e) (i) and (ii). In paragraph (e) (iii), bidder insert the percentage representing the difference between the sum of the percentages inserted in paragraph (b) and 100 percent.

(2) Bidder identify the shop and plant in which the standard steel mill item identified in paragraph (d) will be finally fabricated or processed into the contract item.

(3) Bidder insert the month of bid opening, or the month in which the Contractor submitted his proposal if this is a negotiated contract.

(4) Bidder insert the unit price and unit of measure of the standard steel mill item used by the Contractor in the manufacture of the contract item.

(5) Bidder identify the standard steel mill item used by the Contractor in the manufacture of the contract item.

(6) Bidder insert the date set for bid opening, or the date of the Contractor's quotation if this is a negotiated contract.

(7) Bidder insert the number of days which represents the Contractor's best estimate of the period of time required for processing the standard steel mill item in the shop identified in paragraph (c).

(8) In negotiated procurements of nonstandard steel items, when there is no established or published price to the public, or when it is not desirable to use such price this paragraph may refer to another appropriate price basis, such as an established interplant price.

### § 18-7.106-3 Escalation clause for standard supplies.

The "Price Escalation" clause set forth in this § 18-7.106-3 is authorized for use in negotiated fixed-price supply contracts for standard supplies for which established prices exist. This clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within six months after the contract date. The percentage figure to be used in paragraph (d) (3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the contractor against his list or catalog price are taken into account in negotiating the contract unit price, the contracting officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor warrants that the unit prices stated herein, excluding any part of the prices which reflects requirements for preservation, packaging, and packing beyond standard commercial practice, are not in excess of the Contractor's applicable established prices in effect on the contract date for like quantities of the supplies covered by this contract. The term "established price" as used in this clause is the net price after applying any applicable standard trade discounts offered by the Contractor from his list or catalog price.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any applicable established price, and each applicable contract unit price shall be decreased by the same percentage that the applicable established price is decreased. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the contract date, or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ____ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, within 30 days after receipt of the Contractor's request, cancel without liability to either party the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such cancellation.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or cancellation of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested: *Provided,* That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d), *And provided further,* That if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor cancels the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested: *Provided,* That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).



### § 18-7.106-4 Escalation clause for semistandard supplies.

The "Price Escalation" clause set forth in this § 18-7.106-4 is authorized for use in negotiated fixed-price supply contracts for semistandard supplies, the prices of which can be reasonably related to the prices of nearly equivalent standard supplies for which established prices exist. This clause may be used only when the total contract price is over $5,000 and delivery is not to be completed within six months after the contract date. A clear understanding should be set forth in writing prior to making the contract as to the identity of the standard supply items which are applicable. The percentage figure to be used in paragraph (d) (3) of the clause shall not exceed 10 percent. If any standard trade discounts offered by the contractor against his list or catalog price are taken into account in negotiating the contract unit price, the contracting officer's file should contain a statement setting forth the list or catalog price and the discounts. The discounts referred to do not include prompt payment or cash discounts. When the supplies being purchased are standard supplies in all respects except for preservation, packaging, and packing requirements, the following clause should not be used; in such cases the escalation clause for standard supplies in § 18-7.106-3 is the appropriate clause.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor warrants that the supplies covered by this contract are supplies which the Contractor customarily offers for sale commercially except for modifications in accordance with the specifications of this contract, and that as of the contract date any differences between the unit prices stated herein and the Contractor's established prices for like quantities of the supplies which are the nearest commercial equivalents of the supplies covered by this contract (herein referred to as "the established prices") are due to compliance with such specifications, and to compliance with any requirements which this contract may contain for preservation, packaging, and packing beyond standard commercial practice. The term "established price" as used in this clause is the net price after applying any applicable standard trade discounts offered by the Contractor from his list or catalog price.

(b) The Contractor shall promptly notify the Contracting Officer as to the amount and effective date of each decrease in any applicable established price, and each applicable contract unit price shall be decreased by the same percentage that the applicable established price is decreased. Any such decrease in a unit price shall apply to those supplies delivered on and after the effective date of each applicable decrease in the Contractor's established price, and this contract shall be amended accordingly. The Contractor shall certify on each invoice submitted under the contract that each unit price stated therein reflects all decreases, if any, which the Contractor had made in the established price applicable thereto, since the contract date, or shall certify on the final invoice that all such decreases have been applied to supplies delivered on and after the effective date of each such decrease in the Contractor's established prices.

(c) The Contractor may from time to time after the date of this contract and during the performance hereof, by written notice to the Contracting Officer, request an upward adjustment in any of the contract unit prices to be effective as of a date to be specified by the Contractor. Such request shall be acted upon in accordance with the following provisions of this clause.

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ____ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(e) In the event the requested upward adjustment in any contract unit price is acceptable to the Contracting Officer, he shall so notify the Contractor, and the contract shall be amended accordingly. In the event the requested upward adjustment is not acceptable to the Contracting Officer, or if the Contracting Officer does not reach an agreement with the Contractor with respect to a price increase, the Contracting Officer may, pursuant to the clause of the contract entitled "Termination for Convenience of the Government," terminate the Contractor's right to proceed with performance of that portion of the contract which is undelivered at the time of such termination.

(f) During the period after the Contractor has requested an upward adjustment, and prior to an agreement between the parties with respect to the request, or termination of the contract pursuant to paragraph (e), the Contractor shall continue deliveries according to the terms of the contract. The Contractor shall be paid for such deliveries at the applicable increased unit prices as requested: *Provided,* That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d), *And provided further,* That if the parties agree on an increase less than that requested, payments previously made at the requested amount shall be adjusted accordingly. If the Contracting Officer neither reaches an agreement with the Contractor on the requested adjustment, nor terminates the contract, the Contractor shall continue deliveries according to the terms of the contract, and the Contractor shall be paid therefor at the applicable increased unit prices as requested: *Provided,* That such requested increases satisfy all the conditions and do not exceed the limitations of paragraph (d).

### § 18-7.107 Price escalation clause (labor and material).

(a) The "Price Escalation" clause set forth in this § 18-7.107 is authorized for use in negotiated fixed-price supply contracts where (1) the price exceeds $50,000, (2) the period of performance exceeds six months, (3) there is no major element of design engineering or developmental work involved in producing the items being procured, and (4) one or more identifiable labor or material cost factors are subject to change.

(b) The Schedule shall describe in detail the types of labor and materials subject to escalation, the labor rates (including fringe benefits, if any), and unit prices of materials, which may be increased or decreased, and the quantities of labor and specified materials allocable to each unit of supplies to be delivered under the contract. The following sample format illustrates a type of schedule description that may be used:

The following types of labor and material are subject to price escalation pursuant to clause—of this contract.

CONTRACT ITEM NO. 1

| Types of labor and materials | Rates of pay and material prices | Quantities and direct costs per unit of procurement |
|---|---|---|
| Drill press operator. | $3.00/hour—no fringe benefits included. | 20 min—$1.00. |
| Welder | $2.75/hour.<br>0.05/hour—vacation pay.<br>0.20/hour—pension plan. | |
| Copper sheet | $3.00 | 10 min—$0.50. |
| Purchased parts: | $0.40 lb | 2 lb.—$0.80. |
| (1) ABC tube X5721. | $1.00 each | 3 ea.—$3.00. |
| (2) XYZ part No. 9348. | $0.50 each | 10 ea.—$5.00. |

The percentage figure to be used in subparagraph (d) (vi) of the clause will not exceed 10 percent.

(c) In negotiating adjustments under the clause, the contracting officer will consider work in process and materials on hand at the time of changes in labor rates or materials prices since these elements may have a significant impact on equitable price adjustments.

PRICE ESCALATION (SEPTEMBER 1962)

(a) The Contractor warrants that the prices set forth in this contract do not include any allowance for any contingency to cover increased costs of performance resulting from increases in (i) the Contractor's rates of pay for labor or (ii) the unit prices for materials, set forth in the Schedule.

(b) If at any time during the performance of this contract there is an increase or decrease in the rates of pay for labor or unit prices for materials set forth in the Schedule, the Contractor shall notify the Contracting Officer thereof within 60 days of such increase or decrease or within such further period as may be approved in writing by the Contracting Officer, but in any event not later than final payment under the contract. Such notice shall include the Contractor's proposal for an equitable adjustment in the contract unit prices to be negotiated in accordance with paragraph (c) below and shall be accompanied by data, in such form as the Contracting Officer may require, explaining (i) the causes, (ii) the effective date, and (iii) the amount, both of the increase or decrease and of the Contractor's proposal for an equitable adjustment.

(c) Promptly upon receipt of any notice and date described in (b) above, the Contractor and the Contracting Officer shall negotiate an equitable adjustment, and the effective date thereof, in the contract unit prices to reflect any change in the cost of performance of this contract due to the increase or decrease in rates of pay for labor or unit prices for materials set forth in the Schedule: *Provided, however,* That such negotiations may be postponed by the Contracting Officer until an accumulation of such increases and decreases results in an adjustment allowable under (d)(v). The equitable adjustment, and the effective date thereof, shall be set forth in an amendment or supplemental agreement to this contract. Such amendment or supplemental agreement shall also revise the rates of pay for labor or unit prices for materials set forth in the Schedule to reflect the increase or decrease therein. Failure of the parties to agree to an adjustment under this clause shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." Pending agreement on, or determination of, any such adjustment and its effective date, the Contractor shall continue performance.

(d) Notwithstanding any other provision of this clause, any price adjustment under this clause shall be subject to the following limitations:

(i) There shall be no adjustment for supplies whose production cost is not affected by a change in the rates of pay for labor or unit prices for materials set forth in the Schedule;

(ii) There shall be no adjustment other than for increases or decreases in the rates of pay for labor or unit prices for materials set forth in the Schedule;

(iii) There shall be no adjustment for any increase or decrease in the quantities of labor or materials set forth in the Schedule for each item to be delivered hereunder;

(iv) No upward adjustment shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the adjustment, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor within the meaning of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule;

(v) Except as provided in (e) below, there shall be no adjustment for any change in rates of pay for labor or unit prices for materials which would not result in a net change of at least three percent of the then current total contract price; and

(vi) There shall be no adjustment upward which would cause any adjusted contract unit price to exceed ____ percent of the corresponding original contract unit price.

(e) If, after delivery of the last unit called for by this contract, either party requests negotiation pursuant to (c) above, the limitations of (d)(v) shall not apply.

(f) The final invoice submitted under this contract shall include a certification that the Contractor has not experienced a decrease in rates of pay for labor or unit prices for materials set forth in the Schedule or that he has given notice of all such decreases in compliance with (b) above.

(g) The Contracting Officer may examine the contractor's books, records, and other supporting data relevant to the costs of labor and materials during all reasonable times until three years after final payment under this contract.

### § 18–7.108 Incentive price revision clause.

When, in accordance with the provisions of Subpart 18–3.4, the fixed-price incentive contract described in 32 CFR 3.404(a)(2) is to be used, the clause set forth in this § 18–7.108 shall be made a part of the contract. As to each item which is to be subject to incentive price revision, the contract schedule shall set forth the target cost, target profit, and target price. Paragraph (d)(2) of the following clause may be modified to provide, within the price ceiling, for a ceiling, a floor, or both on the final profit.

INCENTIVE PRICE REVISION (SEPTEMBER 1962)

(a) *Definitions.* As used in this clause, the following terms shall have the meanings set forth below:

(i) The term "target price" means the unit price of any supplies or services under this contract, which is subject to adjustment in accordance with this clause, and is composed of "target cost" and "target profit."

(ii) The term "target cost" means that part of the target price which, at the time of its negotiation, was agreed to as the estimate of the unit cost of the supplies or services being procured.

(iii) The term "target profit" means that part of the target price which, at the time of its negotiation, was agreed to as the unit profit for furnishing the supplies or services at a cost equal to the target cost.

(iv) The term "total target price" means the sum of the target prices.

(v) The term "total target cost" means the sum of the target costs.

(vi) The term "total target profit" means the sum of the target profits.

(vii) The term "total adjusted cost" means the final negotiated cost of all supplies or services which are subject to price revision under this clause.

(viii) The term "total adjusted price" means the final contract price, as computed in accordance with this clause, for all supplies or services which are subject to price revision under this clause.

(b) *General.* The supplies or services identified in the Schedule as Items _____ are subject to price revision in accordance with the provisions of this clause: *Provided,* That in no event shall the total adjusted price of such items exceed ____ percent (____%) of the total target cost. Any supplies or services which are to be ordered separately under, or otherwise added to, this contract, and which are to be subject to price revision in accordance with the provisions of this clause, shall be identified as such in a modification to this contract.

(c) *Submission of Data.* Within _____ (__) days after the end of the month in which the Contractor has delivered the last unit of supplies and completed the services called for by those items listed in paragraph (b) above, the Contractor shall submit, in such form as the Contracting Officer may require, (i) a detailed statement of all costs incurred up to the end of that month in performing all work under such items, and (ii) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work with respect to such items.

(d) *Price Revision.* Upon submission of the data required by paragraph (c) above, the Contractor and the Contracting Officer shall promptly establish the total adjusted price in accordance with the following:

(1) On the basis of the information required by paragraph (c) above, together with any other pertinent information, there shall be established by negotiation the total adjusted cost reasonably incurred or to be incurred for and properly allocable to the supplies delivered (or services performed) and accepted by the Government, which are subject to price revision under this clause.

(2) The total adjusted price shall be established by adding to the total adjusted cost an allowance for profit determined as follows:

| WHEN THE TOTAL ADJUSTED COST IS: | THE ALLOWANCE FOR PROFIT IS: |
|---|---|
| Equal to the total target cost | Total target profit. |
| Greater than the total target cost | Total target profit less ____ percent (__%) of the amount by which the total adjusted cost exceeds the total target cost. |
| Less than the total target cost | Total target profit plus ____ percent (__%) of the amount by which the total adjusted cost is less than the total target cost. |

(e) *Records.* (1) The Contractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The Contractor shall segregate the costs of any supplies or services for which the price is fixed and not subject to revision under this clause. Each subcontract placed by the Contractor hereunder on other than a firm fixed-price basis in connection with the furnishing of the supplies or services identified in paragraph (b) above as being subject to price revision (i) shall provide that the subcontractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of such subcontract, and (ii) shall require each such subcontractor to insert the entire substance of this subparagraph, including this



(ii), in all his subcontracts which are on other than a firm fixed-price basis.

(2) The Government may at all reasonable times make such examination or audit as the Contracting Officer may require of the Contractor's books, records, documents, and other evidence, pertinent to the performance of this contract.

(f) *Certification.* An authorized responsible official of the Contractor shall certify on each statement of costs submitted to the Contracting Officer pursuant to (c) above that the incurred costs are based upon records of the Contractor, that such records reflect generally accepted accounting principles and practices normally followed by the Contractor, that such costs are correct to the best of his knowledge and belief, and that the accompanying estimate of costs to complete is considered reasonable.

(g) *Subcontracts.* (1) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve a total price in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this subparagraph (1).

(2) Each subcontract placed by the Contractor hereunder (i) shall provide that the Government may at all reasonable times make such examination or audit as the Contracting Officer may require of the subcontractor's books, records, documents, and other evidence, pertinent to the performance of the subcontract, and (ii) shall require each such subcontractor whose subcontract is on other than a firm fixed-priced basis to insert the entire substance of this subparagraph, including this (ii), in all his subcontracts. The term "subcontract," as used in this subparagraph (2) only, excludes firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public.

(h) *Contract Modifications.* The total adjusted price, as determined in accordance with paragraph (d) above, shall be evidenced by a modification to this contract signed by the Contractor and the Contracting Officer and shall apply to supplies delivered and to services performed under this contract.

(i) *Adjustment of Payments.* Pending execution of the contract modification referred to in paragraph (h) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the target prices set forth in this contract: *Provided,* That if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (j)(3) below, the parties may agree to revise billing prices, which shall be reflected in a modification to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the determination of the total adjusted price under paragraph (d) above. After execution of the contract modification referred to in paragraph (h) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the total adjusted price and any additional payments, refunds, or credits resulting therefrom shall be promptly made.

(j) *Limitation on Payments.* (1) This paragraph (j) shall not apply after final price revison to the full extent permitted by this contract.

(2) Within forty-five (45) days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer a cumulative statement setting forth:

(i) the total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) the total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) that portion of the total target profit which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established, increased or decreased in accordance with the incentive profit formula set forth in (d)(2) above when the amount of costs stated under (ii) above differs from the aggregate target costs of such supplies or services; and

(iv) the total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments).

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2)(i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4) modified as outlined in (i) above.

(k) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon the total adjusted price within 60 days after the date on which the data required by (c) above are to be submitted, or within such further time as may be specified by the Contracting Officer, such failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder.

(l) *Termination.* If this contract is terminated prior to establishment of the total adjusted price, prices of supplies or services subject to price revision under this clause shall be established pursuant to this clause for (i) completed supplies accepted by the Government and services performed and accepted by the Government, and (ii) in the event of a partial termination, supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

In the event the contract calls for spare parts or other supplies or services, which are to be ordered under a provisioning document or Government option, and the prices of such supplies or services are to be made subject to incentive price revision in accordance with the above clause, the following provision (m) shall be included in such clause;

(m) *Spare Parts.* Spare parts, other supplies, or services, which are to be furnished under this contract pursuant to a provisioning document or Government option, shall be subject to price revision in accordance with the provisions of this clause, and any prices established for such spare parts, other supplies, or services, pursuant to such provisioning document or Government option, shall be deemed to be target prices. Target cost and profit covering such spare parts, other supplies, or services may be established either separately, in the aggregate, or in any combination thereof, as the parties may agree.

### § 18–7.109 Price redetermination.

Pending publication of regulations covering price redetermination, the clauses set forth in 32 CFR 7.109 may be used in accordance with instructions set forth therein.

## Subpart 18–7.2—Clauses for Cost-Reimbursement Type Supply Contracts

### § 18–7.200 Scope of subpart.

This subpart sets forth uniform contract clauses for use in cost-reimbursement type supply contracts as defined in § 18–7.202.

### § 18–7.202 Applicability.

As used throughout this subpart, the term "cost-reimbursement type supply contract" means any contract, including letter contracts (except notices of award, contracts placed under Small Purchases Procedures, and amendments or supplemental agreements which do not effect new procurement), entered into on a cost or cost-plus-fixed-fee basis (see § 18–3.400) for supplies other than (a) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property; (b) experimental, developmental, or research work; or (c) facilities to be provided by the Government under a facilities contract as defined in § 18–13.101–17.

### § 18–7.203 Required clauses.

The clauses set forth in this § 18–7.203 shall be inserted in all cost-reimbursement type supply contracts.

### § 18–7.203–1 Definitions.

Insert the clause set forth in § 18–7.103–1. Additional definitions may be included, provided they are not inconsistent with such clause or the provisions of this chapter.

### § 18–7.203–2 Changes.

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; (iii) place of delivery; and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made (i) in the estimated cost or delivery schedule, or both, (ii) in the amount of any fixed fee to be paid to the Contractor, and (iii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

### § 18–7.203–3 Limitation of cost.

Insert the following clause except that in letter contracts insert clause 3 of NASA Form 551–3 set forth in § 18–16.859–4(d).

LIMITATION OF COST (SEPTEMBER 1962)

(a) It is estimated that the total cost to the Government, exclusive of any fixed fee, for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding thirty (30) days, when added to all costs previously incurred, will exceed eighty-five percent (85%) of the estimated cost then set forth in the Schedule, or if at any time the Contractor has reason to believe that the total cost to the Government, exclusive of any fixed fee, for the performance of this contract will be substantially greater or less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

### § 18–7.203–4 Allowable cost, fixed fee and payment.

Insert the following clause except that in letter contracts insert clause 4 of NASA Form 551–3 set forth in § 18–16.859–4(d).

ALLOWABLE COST, FIXED FEE, AND PAYMENT (JANUARY 1964)

(a) For the performance of this contract, the Government shall pay to the Contractor:

(i) the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) such fixed fee, if any, as may be provided for in the Schedule.

(b) Once each month (or at more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incured by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule: *Provided, however,* That after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be witheld until a reserve of either fifteen percent (15%) of the total fixed fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release: *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one-year period after final payment.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

In paragraph (f)(ii)(B) of the above clause the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor: *Provided,* That a corresponding increase is made in the period for retention of records required in paragraph (a)(4) of the "Records" clause set forth in § 18–7.203–7.

### § 18–7.203–5 Inspection of supplies and correction of defects.

INSPECTION OF SUPPLIES AND CORRECTION OF DEFECTS (SEPTEMBER 1962)

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies, fabricating methods, and special tooling hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, acceptance of any supplies or lots of supplies shall be made as promptly as practicable after delivery thereof and shall be deemed to have been made no later than sixty (60) days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the Schedule) after acceptance of the supplies or lots of supplies last delivered in accordance with the requirements of this contract, the Government may require the Contractor to remedy by correction or replacement as directed by the Contracting Officer, any supplies or lots of supplies which at the time of delivery thereof are defective in material or workmanship or otherwise not in conformity with the requirements of this contract. Except as otherwise provided in paragraph (c) hereof, the cost of any such replacement or correction shall be included in Allowable Cost determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment," but no additional fee shall be payable with respect thereto. Such supplies or lots of supplies shall not be tendered thereafter for acceptance unless the former requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to replace or correct such supplies or lots of supplies, the Government (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under this contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (ii) in the case of supplies not delivered, may require the delivery of such supplies, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (iii) may terminate this contract for default as provided in the clause of this contract entitled "Termination." Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b) hereof, the Government may at any time require the correction or replacement by the Contractor, without cost to the Government, of supplies or lots of supplies which are defective in material or workmanship, or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to fraud, lack of good faith, or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require correction or replacement by the Contractor, without cost to the Government, of any such defective supplies or lots of supplies if the defects or failures are caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) Corrected supplies or replaced supplies shall be subject to the provisions of this clause in the same manner and to the same extent as supplies originally delivered under this contract.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace supplies or lots of supplies which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the clause of this contract entitled "Government Property."

### § 18–7.203–6 Assignment of claims.

In accordance with the requirements of § 18–7.103–8, insert the clause set forth therein.

### § 18–7.203–7 Records.

(a) Except as provided in paragraph (b) of this section, insert the following clause.

RECORDS (AUGUST 1964)

(a)(1) The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract and in the case of Facilities contracts the use of and charges for the use of Facilities (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract and in the case of Facilities contracts all use of the Facilities, and all charges to be made for the use of the Facilities.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any of the records for inspection, audit or reproduction by any authorized representative of the Comptroller General.

(3) In the event the Comptroller General or any of his duly authorized representatives determines that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within two years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the Contracting Officer, such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records (i) for a period of three years from the date of final payment under this contract, and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.

(B) Records which relate to (i) appeals under the Disputes clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4)(B) above, the Contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of two years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a)(6) above, a provision to the effect that the subcontractor agrees that the Comptroller General or any of his duly authorized representatives, shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract," as used in this paragraph (b) only, excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

((b) In the case of contracts which establish separate periods of performance, the following alternate paragraph (a)(4) may be substituted for the corresponding paragraph of the clause prescribed by paragraph (a) of this section.

(a)(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall

preserve and make available his records (i) for a period of three years from the date of payment of the voucher or invoice submitted by the Contractor after the completion of the work performed during any separate period of performance established by this contract or by any amendment or supplemental agreement, without regard to former or subsequent periods of performance, and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (A), (B), or (C) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

(C) If the Contractor plans to destroy any records sooner than three years after the date of the voucher or invoice to be submitted after the completion of the work performed during the total of the periods of performance established by this contract and all amendments and supplemental agreements thereto, which voucher or invoice shall be designated "completion voucher" or "completion invoice," he shall give written notice to the Contracting Officer and to the Comptroller General of the United States, specifying any records which he plans to destroy after the expiration of 90 days from the receipt of such notice, and shall retain any records which either the Contracting Officer or the Comptroller General, by written notice within 90 days after receipt of the Contractor's notice, requires to be retained for a further specified period of time. (September 1962)

**§ 18–7.203–8 Subcontracts.**

SUBCONTRACTS (JANUARY 1963)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract.

(b) In the case of a proposed subcontract which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis and which would involve an estimated amount in excess of $10,000, including any fee; or (ii) is proposed to exceed $100,000; or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate, are expected to exceed $100,000; the advance notification required by (a) above shall include:

(i) a description of the supplies or services to be called for by the subcontract;

(ii) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(iii) the proposed subcontract price, together with the Contractor's cost or price analysis thereof and a statement as to whether the price is based on catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation; and

(iv) identification of the type of contract proposed to be used.

(c) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is on a cost or cost-plus-a-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) is on a time and material or labor-hour basis. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (ii), or, if the subcontract is for special tooling, within (iii), of (c) above, without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing, approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" provision set forth in paragraph (j) of the clause prescribed by paragraph 7.108 of the NASA Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

In paragraph (c) of the "Subcontracts" clause set forth in this section, the percentage and amount set forth in subparagraph (a) (ii) thereof may be varied, the dollar amount in subparagraph (a) (iii) may be increased, and in subparagraphs (a) (i) and (iv) thereof dollar amounts not in excess of $10,000 may be established below which the prior written consent of the contracting officer need not be obtained.

**§ 18–7.203–9 Utilization of small business concerns.**

In accordance with the requirements set forth in § 18–1.707–3(a), insert the clause contained therein.

**§ 18–7.203–10 Termination.**

Insert the clause set forth in § 18–8.702.

**§ 18–7.203–11 Excusable delays.**

Insert the clause set forth in § 18–8.708.

**§ 18–7.203–12 Disputes.**

Insert the clause set forth in § 18–7.103–12.

**§ 18–7.203–13 Renegotiation.**

Insert the clause set forth in § 18–7.103–13.

**§ 18–7.203–15 Convict labor.**

In accordance with the requirements of Subpart 18–12.2, insert the clause set forth in § 18–12.203.

**§ 18–7.203–16 Work Hours Act of 1962—overtime compensation.**

Insert the clause set forth in § 18–12.303–1. Note the introductory language required by § 18–12.302–2 for use in contracts with a State or political subdivision thereof.

**§ 18–7.203–17 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 18–12.604.

**§ 18–7.203–18 Equal opportunity.**

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity in Federally-Assisted Construction Contract clause set forth in § 18–12.802–1, or (b) the Equal Opportunity clause set forth in § 18–12.802–2.

**§ 18–7.203–19 Officials not to benefit.**

Insert the clause set forth in § 18–7.103–19.

**§ 18–7.203–20 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503.

**§ 18–7.203–21 Government property.**

Insert the clause set forth in § 18–13.503.

**§ 18–7.203–22 Insurance—liability to third persons.**

INSURANCE—LIABILITY TO THIRD PERSONS (SEPTEMBER 1962)

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury) and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance under this contract: *Provided*, That the Contractor may with the approval of the Contracting Officer maintain a self-insurance program: *And provided further*, That with respect to workmen's compensation the Contractor is qualified pursuant to statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amounts, and for such periods of time as the Contracting Officer may from time to time require or approve, and with insurers approved by the Contracting Officer.

(b) The Contractor agrees, to the extent and in the manner required by the Contracting Officer, to submit for the approval of the Contracting Officer any other insurance maintained by the Contractor in connection with the performance of this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed: (i) for the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (ii) for liabilities to third persons for loss of or damage to property (other than property (A) owned, occupied, or used by the Contractor or rented to the Contractor, or (B) in the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, his agents, servants, or employees: *Provided*, Such liabilities are represented by final judgments or by settlements approved in writing by the Government, and expenses incidental to such liabilities, except liabilities (I) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (II) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer, or (III) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (1) all or substantially all of the Contractor's business, or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (3) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause: *Provided*, Such cost would constitute allowable cost under the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment."

(d) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of coverage. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. If the amount of the liability claimed exceeds the amount of coverage, the Contractor shall authorize representatives of the Government to collaborate with counsel for the insurance carrier, if any, in settling or defending such claim. If the liability is not insured or covered by bond, the Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith: *Provided, however*, That the Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

**§ 18–7.203–23 Authorization and consent.**

Insert the clause set forth in § 18–9.103(a).

**§ 18–7.203–24 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 18–9.105.

**§ 18–7.203–25 Soviet-controlled areas.**

In accordance with the requirements of § 18–6.403, insert the clause set forth therein and include in the Schedule of the contract the list of Soviet-controlled areas set forth in § 18–6.401–2.

**§ 18–7.203–26 Utilization of concerns in labor surplus areas.**

In accordance with the requirements of § 18–7.104–20, insert the clause set forth therein.

**§ 18–7.203–27 Payment for overtime and shift premiums.**

In accordance with the requirements of § 18–12.102, insert the clause set forth in § 18–12.102–3(h)(1).

**§ 18–7.203–28 Competition in subcontracting.**

Insert the clause set forth in § 18–7.104–40.

**§ 18–7.203–29 Audit and records.**

Insert the clause set forth in § 18–7.104–42.

**§ 18–7.203–50 Payment of royalties.**

Insert the clause set forth in § 18–9.108–1, except that in contracts with members of the Manufacturers Aircraft Association the clause set forth in § 18–9.108–2 may be substituted therefor.

**§ 18–7.203–51 Estimated cost and fixed fee.**

Normally, the clause set forth below will be used as the Schedule provision covering the estimated cost and fixed fee. However, the clause may be modified at the discretion of the contracting officer.

ESTIMATED COST AND FIXED FEE (SEPTEMBER 1962)

The estimated cost of this contract is ------ exclusive of the fixed fee of ------. The total of estimated cost and fixed fee is -------.

**§ 18–7.203–52 Payment of fixed fee.**

Normally, the clause set forth below will be used as the Schedule provision covering the payment of fixed fees. However, at the discretion of the contracting officer, the clause may be modified.

PAYMENT OF FIXED FEE (SEPTEMBER 1962)

The fixed fee shall be paid in monthly installments based upon the percentage of completion of work as determined by the Contracting Officer.

**§ 18–7.203–53 Interest.**

Insert the clause set forth in § 18–7.103–53.

**§ 18–7.204 Clauses required to be used when applicable.**

**§ 18–7.204–1 Clauses for contracts involving construction work.**

(a) In accordance with the requirements of Subpart 18–12.4, insert in cost-reimbursement type supply contracts which involve construction work the clauses listed below which are set forth in § 18–12.403–1:

Davis-Bacon Act.
Work Hours Act of 1962—Overtime Compensation.
Apprentices.
Payroll Records and Payrolls.
Copeland ("Anti-Kickback") Act—Nonrebate of wages.
Subcontracts—Termination.
Withholding of Funds to Assure Wage Payment.

(b) In accordance with the requirements of § 18–6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 177W, the clause entitled "Buy American" set forth in § 18–6.207(c).

**§ 18–7.204–3 Buy American Act.**

In accordance with the requirements of Subpart 18–6.1 insert the clause set forth in § 18–6.104–5.

**§ 18–7.204–4 Notice to the Government of labor disputes.**

In accordance with the requirements of § 18–7.104–4, insert the clause set forth therein.

**§ 18–7.204–6 Filing of patent applications.**

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

**§ 18–7.204–7 New technology.**

In accordance with the requirements of § 18–9.101–2, insert the clause set forth in § 18–9.101–2(c). Where the work to be performed is not the type described in § 18–9.101–2(b) the "New Technology" clause may be deleted when contained in a printed contract form.

**§ 18–7.204–9 Rights in data.**

In accordance with the requirements of § 18–9.203, insert the clause set forth in § 18–9.203–2 and, if applicable, paragraph (j) from § 18–9.203–3.

**§ 18–7.204–12 Security requirements.**

Insert the clause set forth in this § 18–7.204–12 in all contracts which are classified "Confidential" or higher and in other contracts which may require access to classified information or material:

SECURITY REQUIREMENTS (SEPTEMBER 1962)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" or higher.

(b) The NASA shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) The Contractor agrees to execute, if he has not already done so, a Security Agreement (DD Form 441) with the Government, represented by the Military Department assigned security cognizance over the Contractor's facility. To the extent the Government has indicated as of the date of this contract, or thereafter indicates, a security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of:

(i) the Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility, and representatives of NASA, shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost and fixed fee (if any) shall, to the extent appropriate, be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause of this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding paragraph (e) of this clause. The Contractor may insert in any such subcontract, and any such subcontract entered into thereunder may contain, in lieu of paragraph (e) of this clause, provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee (if any) of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved.

(g) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

**§ 18–7.204–15 Priorities, allocations, and allotments.**

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

**§ 18–7.204–16 Negotiated overhead rates.**

Where negotiated overhead rates are to be used pursuant to Subpart 18–3.7, the appropriate clause set forth in § 18–3.704 shall be included in the contract.

**§ 18–7.204–18 Limitation on withholding of payments.**

In accordance with the requirements in § 18–7.104–21, insert the clause set forth therein.

**§ 18–7.204–19 Small business subcontracting program.**

In accordance with the requirements of § 18–1.707, insert the clause set forth in § 18–1.707–3(b).

**§ 18–7.204–20 Changes to make-or-buy program.**

In accordance with the requirements of Subpart 18–3.9, insert the clause set forth in § 18–3.902(a).

**§ 18–7.204–26 Preference for United States-flag air and ocean services.**

In accordance with the requirements of Subpart 18–1.14, insert the clause set forth in § 18–1.1403.

**§ 18–7.204–28 General Services Administration supply sources.**

The clause set forth in § 18–5.907 shall be included in contracts in accordance with the instructions set forth therein.

**§ 18–7.204–30 Contractor and subcontractor cost or pricing data.**

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

**§ 18–7.204–50 Data requirements.**

In accordance with the requirements of § 18–9.202, insert the clause set forth in § 18–9.202–1(e).

**§ 18–7.204–51 Approval of contract.**

Insert the clause set forth in § 18–7.104–51 when approval of the contract by the Director of Procurement is required.

**§ 18–7.204–53 Limitation of Government's obligation.**

Where funding to complete the entire contract is not available at the time it is entered into and specific approval of the Director of Procurement has been obtained for the use of such a clause, insert the clause set forth below in the contract, together with an implementing Schedule provision.

LIMITATION OF GOVERNMENT'S OBLIGATION (SEPTEMBER 1962)

(a) It is estimated that the total cost to the Government, inclusive of any fixed fee, for the performance of this contract will not exceed the estimated cost and fixed fee set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. The fixed fee for complete performance of this contract is specified in the Schedule.

(b) The sum presently available for payment and allotted to this contract, the items covered thereby, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is anticipated that from time to time additional funds will be allotted to this contract up to the full estimated cost, including any fixed fee. When additional funds are allotted from time to time for continued performance of the work, the parties shall agree as to the applicable estimated period of contract performance which shall be covered by such funds and the contract Schedule amended accordingly. The Contractor agrees to perform or have performed work on this contract up to the point at which in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to any settlement including cost and fixed fee under paragraph (e) of such clause would, in the exercise of reasonable judgment by the Contractor, approximate the total amount at the time allotted to this contract. The Contractor shall not be obligated to continue performance of the work beyond such point.

(c) The Government shall not be obligated to reimburse the Contractor for costs incurred (including amounts payable in respect to subcontracts and termination settlement costs) and to pay any fixed fee to which the Contractor may be entitled in excess of the total amount from time to time allotted to this contract. However, when and to the extent that the total amount allotted to this contract has been increased, any costs incurred by the Contractor and any fixed fee to which the Contractor may be entitled, prior to the increase and in excess of the amount previously allotted, shall be allowable to the same extent as if such costs had been incurred and fee earned after such increase in amount allotted.

(d) In the event funds allotted are considered by the Contractor to be inadequate to cover the work to be performed for the period set forth in the Schedule, the Contractor shall notify the Contracting Officer in writing when within the next thirty (30) days the work will reach a point at which, in the event of termination of this contract for the convenience of the Government pursuant to the clause of this contract entitled "Termination," the total amount paid and payable by the Government pursuant to a settlement including cost and fixed fee under paragraph (e) of such clause will approximate eighty-five percent (85%) of the total amount then allotted to the contract. The notice shall state the estimated date when such point will be reached and the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. The Contractor shall, thirty (30) days prior to the end of the period specified in the Schedule, advise the Contracting Officer in writing as to the estimated amount of additional funds which will be required on the basis of the obligation for performance in accordance with paragraph (b) of this clause for the timely performance of the work under the contract for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule, or an agreed date in substitution therefor, the Contracting Officer will, upon written request of the Contractor, terminate this contract on such date, or on a date to be





specified in such request, on which the Contractor, in the exercise of his reasonable judgment, estimates that he will have discharged his obligation to perform hereunder in accordance with paragraph (b) of this clause, whichever is later, pursuant to the provisions of the clause of this contract entitled "Termination."

(e) When additional funds are allotted from time to time for continued performance of the work under this contract, the parties shall agree as to the applicable period of contract performance which shall be covered by such funds, and the provisions of paragraphs (b), (c), and (d) of this clause shall apply in like manner to such additional allotted funds and substituted date pertaining thereto, and the contract shall be amended accordingly.

(f) The Government may at any time prior to termination allot additional funds for this contract, and, with the consent of the Contractor, after notice of termination, may rescind such termination in whole or in part, and allot additional funds for this contract.

(g) In the event that sufficient amounts are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled, subject to the limitations of paragraph (c) of this clause, to a percentage of the fixed fee set forth in the Schedule equivalent to the percentage of completion of the work contemplated by this contract.

(h) Nothing in this clause shall affect the right of the Government to terminate this contract pursuant to the clause of this contract entitled "Termination."

(i) For the purpose of this clause, the allotment or allotments specified in the Schedule shall not be decreased without the consent of the Contractor.

(j) This clause shall be applicable and the clause of this contract entitled "Limitation of Cost" inapplicable until such time as an amount equal to the total estimated cost and fee set forth in the Schedule is allotted to this contract, and thereafter the clause of this contract entitled "Limitation of Cost" shall be applicable and this clause inapplicable.

**§ 18–7.204–55 NASA PERT System.**

In contracts to which the NASA PERT System (see NASA Management Instruction 4–1–5 and the NASA PERT Handbook) is applicable, insert the following clause:

NASA PERT SYSTEM (MARCH 1962)

(a) The NASA PERT system shall be implemented and maintained in accordance with the NASA PERT Handbook as in effect on the date of this contract and as it may be amended from time to time.

(b) In the event of an amendment to the NASA PERT Handbook which changes substantially the amount of detail required to be reported or the system of reporting, such amendment shall be treated as a change under the clause of this contract entitled "Changes."

(c) The system shall be implemented by a PERT team consisting of representatives of the Contractor and the NASA. Implementation by the PERT team will commence within 30 days after the date of this contract. The number of networks required and the scope of each network will be established by NASA, after giving due consideration to recommendations of the PERT team. The Contractor's participation, as a member of this team, shall include but not be limited to the following:

Formulation of recommendations as to the number and scope of networks required, development of the networks required, identification of events and activities comprising each of the networks required, and initial estimates of activity time supported by initial estimates of direct labor (in man-hours) associated with each activity time. Implementation of NASA PERT will be complete within 90 days after the date of this contract. Reporting against and updating of individual networks shall commence as soon as individual networks are developed and not await completion of all networks.

(d) Reporting against networks established shall be as described in the NASA PERT Handbook. These reports shall be submitted on alternate Fridays (the reporting date) specified by NASA via mail, TWX, telephone, or such other manner as necessary to reach the NASA Project Manager by the Monday (a.m.) following the report date. The computer input data reported shall be current as of the reporting date.

In the case of major contracts, the requirement for completion of the implementation of the NASA PERT System within three months after the date of the contract may be extended up to six months.

**§ 18–7.204–56 NASA financial management reporting.**

When financial management reporting on NASA Form 533 is required by NASA Management Instruction 6–2–4A, insert the appropriate clause set forth in paragraph (a) or (b) of this section. The number of copies of NASA Form 533 to be submitted by the contractor shall be specified in the Schedule of the contract.

(a) The following clause shall be used when the NASA PERT System is not applicable to the contract.

NASA FINANCIAL MANAGEMENT REPORTING (WITHOUT PERT) (MARCH 1962)

Financial Management Report shall be submitted by the Contractor on NASA Form 533 in accordance with the instructions on the reverse of the form and in the number of copies set forth in the contract Schedule. The line entries for subdivisions of work and elements of cost to be reported within the total contract shall be determined by NASA, after giving due consideration to the recommendations of the Contractor. Subsequent changes and/or additions in the line entries to be reported shall be similarly determined. The Contracting Officer shall notify the Contractor of each change and addition and the reporting period to which each shall apply. Financial Management Reporting shall commence with a report for the first calendar month following the date of this contract.

(b) When the NASA PERT System is applicable to the contract, the following clause shall be used:

NASA FINANCIAL MANAGEMENT REPORTING (WITH PERT) (MARCH 1962)

(a) Financial Management Reports shall be submitted by the Contractor on NASA Form 533 in accordance with the instructions on the reverse of the form and in the number of copies set forth in the contract Schedule. The line entries for subdivisions of work and elements of cost to be reported within the total contract shall be determined by NASA, after giving due consideration to the recommendations of a combined PERT/Financial Report implementation team consisting of Contractor and NASA representatives. Subsequent changes and/or additions in the line entries to be reported will be similarly determined. The Contracting Officer will notify the Contractor of each change and addition and the reporting period to which each will apply.

(b) The line entries for subdivisions of work selected for reporting shall be compatible with NASA PERT networks in order to permit integrated time/cost management control and reporting. Establishment of these subdivisions of work shall proceed simultaneously with the development of NASA PERT networks.

(c) Financial Management reporting shall commence with a report for the first calendar month following the date of this contract. Until completion of the implementation of PERT, the line entries of the report shall reflect a summarized breakdown which it is anticipated will approximate the more detailed entries based on PERT networks. Beginning with the first calendar month following completion of the implementation of PERT, the report shall be submitted with line entries fully compatible with PERT networks.

**§ 18–7.204–57 Implied licenses.**

In accordance with the requirements of § 18–9.110, insert the clause set forth therein.

**§ 18–7.205 Additional clauses.**

The following clauses shall be inserted if it is desired to cover the subject matter thereof.

**§ 18–7.205–1 Alterations in contract.**

The clause set forth in § 18–7.105–1 may be inserted.

**§ 18–7.205–4 Bill of materials.**

Under the circumstances stated in § 18–7.105–6, the clause set forth therein may be inserted.

**§ 18–7.205–5 Federal, State, and local taxes.**

At the discretion of the contracting officer and when requested by the contractor, the clause set forth in § 18–11.402 is authorized for use in cost-reimbursement type contracts.

**§ 18–7.205–50 Notice of delay.**

The clause set forth in this § 18–7.205–50 is authorized for use in situations where it is desirable to provide for notice by the contractor of anticipated delays in performance.

NOTICE OF DELAY (SEPTEMBER 1962)

If the Contractor becomes unable to complete the contract work at the time specified because of technical difficulties, notwithstanding the exercise of good faith and diligent efforts in the performance of the work called for hereunder, the Contractor shall give the Contracting Officer written notice of the anticipated delay and the reasons therefor. Such notice and reasons shall be delivered promptly after the condition creating the anticipated delay becomes known to the Contractor but in no event less than forty-five (45) days before the completion date specified in this contract, unless otherwise directed by the Contracting Officer. When notice is so required, the Contracting Officer may, in his discretion, extend the time specified in the Schedule for such period as he deems advisable.

**§ 18–7.205–51 Program progress reports.**

Where the procedures set forth in NASA Management Instruction 6–2–3 relating to the NASA Program Management System are applicable, the clause set forth in this § 18–7.205–11 is author-

§ 18–7.302–3 Standards of work.

STANDARDS OF WORK (SEPTEMBER 1962)

The Contractor agrees that the performance of work and services pursuant to the requirements of this contract shall conform to high professional standards.

§ 18–7.302–4 Inspection.

INSPECTION (SEPTEMBER 1962)

The Government, through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

Where a more detailed provision covering inspection is desired, as where the primary contract objective is delivery of end items other than designs, drawings, or reports, the clause set forth below shall be substituted for the above clause, unless the contracting officer determines that use of the longer clause is impracticable.

INSPECTION (SEPTEMBER 1962)

(a) All work under this contract shall be subject to inspection and test by the Government, to the extent practicable, at all times (including the period of performance) and places, and in any event prior to acceptance. The Government through any authorized representative may inspect the premises of the Contractor or any subcontractor engaged in the performance of this contract.

(b) The Government may reject any work that is defective or otherwise not in conformity with the requirements of this contract. If the Contractor fails or is unable to correct or to replace such work the Contracting Officer may accept such work at a reduction in price which is equitable under the circumstances. Failure to agree on the reduction in price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide, without additional charge, all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If the Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government. All inspections and tests by the Government shall be performed in such a manner as not unduly to delay the work. Final inspection and acceptance or rejection of the work shall be made as promptly as practicable after delivery except as otherwise provided in this contract; but failure to inspect and accept, or reject the work shall neither relieve the Contractor from responsibility for such of the work as is not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any work shall not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

§ 18–7.302–5 Assignment of claims.

In accordance with the instructions in § 18–7.103–8, insert the clause set forth therein.

§ 18–7.302–6 Examination of records.

Insert the clause set forth in § 18–7.104–15.

§ 18–7.302–7 Federal, State, and local taxes.

Insert the clause set forth in § 18–11.401–1 or § 18–11.401–2(b) in accordance with the requirements of § 18–11.401.

§ 18–7.302–8 Utilization of small business concerns.

In accordance with the requirements of § 18–1.707–3(a), insert the clause set forth therein.

§ 18–7.302–9 Default.

In accordance with the requirements of § 18–8.710, insert the clause set forth therein.

§ 18–7.302–10 Termination for the convenience of the government.

In accordance with the requirements of § 18–8.701 or § 18–8.704–1, insert the appropriate clause.

§ 18–7.302–11 Disputes.

Insert the clause set forth in § 18–7.103–12.

§ 18–7.302–12 Renegotiation.

Insert the clause set forth in § 18–7.103–13.

§ 18–7.302–13 Buy American Act.

In accordance with the requirements of Subpart 18–6.1, insert the clause set forth in § 18–6.104–5.

§ 18–7.302–14 Convict labor.

In accordance with the requirements of Subpart 18–12.2, insert the clause set forth in § 18–12.203.

§ 18–7.302–15 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 18–12.604.

§ 18–7.302–16 Work Hours Act of 1962—overtime compensation.

Insert the clause set forth in § 18–12.303–1. Note the introductory language required by § 18–12.303–2 for inclusion in contracts with a State or political subdivision thereof.

§ 18–7.302–17 Equal opportunity.

Insert one of the clauses as required by and in accordance with the instructions in § 18–12.802: (a) the "Equal Opportunity in Federally Assisted Construction Contracts" clause set forth in § 18–12.802–1, or (b) the "Equal Opportunity" clause set forth in § 18–12.802–2.

§ 18–7.302–18 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

§ 18–7.302–19 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

§ 18–7.302–21 Authorization and consent.

In accordance with the requirements in § 18–9.103, insert the clause set forth in § 18–9.103(b).

§ 18–7.302–22 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 18–9.105.

§ 18–7.302–23 New technology or property rights in inventions.

In accordance with the requirements of § 18–9.101–2, insert the "New Technology" or "Property Rights in Inventions" clause, as appropriate.

§ 18–7.302–24 Rights in data.

If data is to be delivered under the contract, insert the clause set forth in § 18–9.203 for requirements.

§ 18–7.302–25 Security requirements.

Insert the clause set forth in § 18–7.104–12, except that if the contract is with an educational institution and is awarded on the basis of no profit, insert the clause set forth in § 18–7.451–24.

§ 18–7.302–26 Utilization of concerns in labor surplus areas.

In accordance with the requirements of § 18–7.104–20, insert the clause set forth therein.

§ 18–7.302–53 Interest.

Insert the clause set forth in § 18–7.103–53.

§ 18–7.302–54 Reports of work.

A clause requiring the contractor to furnish reports of work shall be included in the Schedule of the contract. An approved clause is set forth in this § 18–7.302–54. Changes in this clause may be made to meet the particular requirements of a procurement. Consideration should be given in each case to the desirability of providing for reports on the completion of significant units or phases of the work, in addition to periodic reports and reports on the completion of the entire contract.

REPORTS OF WORK (SEPTEMBER 1962)

(a) *Monthly Progress Reports.* The Contractor shall submit separate monthly progress reports of all work accomplished during each month of contract performance. Reports shall be in narrative form, and brief and informal in content. Monthly reports shall include:

(i) a quantitative description of overall progress;

(ii) an indication of any current problems which may impede performance, and proposed corrective action; and

(iii) a discussion of the work to be performed during the next monthly reporting period.

Monthly reports shall be submitted in ---- ---------- copies, plus a reproducible copy.

(b) *Quarterly Progress Reports.* The Contractor shall submit separate quarterly reports of all work accomplished during each three-month period of contract performance. In addition to factual data, these reports shall include a separate analysis section which interprets the results obtained, recommends further action, and relates occurrences to the ultimate objectives of the contract work. Sufficient diagrams, sketches, curves, photographs, and drawings shall be included to convey the intended meaning. Quarterly reports shall be submitted in ---- ---------- copies, plus a reproducible copy.

(c) *Final Report.* The Contractor shall submit a final report which documents and summarizes the results of the entire contract work, including recommendations and conclusions based on the experience and results obtained. The final report shall include tables, graphs, diagrams, curves, sketches, photographs, and drawing in sufficient detail to comprehensively explain the results achieved under the contract. The final report shall be submitted in ---- ---------- copies, plus a reproducible copy.

§ 18–7.302–55 Implied licenses.

In accordance with the requirements of § 18–9.110, insert the clause set forth therein.

§ 18–7.303 Clauses required to be used when applicable.

The following clauses shall be inserted when applicable in all fixed-price research and development contracts except as indicated in this subpart. See § 18–7.350 for short form clauses.

§ 18–7.303–1 Clauses for contracts involving construction work.

(a) In accordance with the requirements of Subpart 18–12.4, insert in fixed-price research and development contracts which involve construction work the clauses listed below, which are set forth in § 18–12.403–1:

Davis-Bacon Act.
Work Hours Act of 1962—Overtime Compensation.
Apprentices.
Payrolls Records and Payrolls.
Copeland ("Anti-Kickback") Act—Nonrebate of Wages.
Subcontracts—Termination.
Withholding of Funds To Assure Wage Payments.

(b) In accordance with the requirements of § 18–6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 177W, the clause entitled "Buy American," as set forth in § 18–6.307(c).

§ 18–7.303–2 Filing of patent applications.

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

§ 18–7.303–6 Priorities, allocations, and allotments.

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

§ 18–7.303–7 Government-furnished property.

In accordance with the requirements of § 18–13.502–2 or § 18–13.505–2, insert the appropriate clause.

§ 18–7.303–8 Soviet-controlled areas.

In accordance with the requirements of § 18–6.403, insert the clause set forth therein and include in the Schedule of the contract the list of Soviet-controlled areas set forth in § 18–6.401–2.

§ 18–7.303–9 Notice to the government of labor disputes.

In accordance with the requirements of § 18–7.104–4, insert the clause set forth therein.

§ 18–7.303–10 Limitation on withholding of payments.

In accordance with the requirements of § 18–7.104–21, insert the clause set forth therein.

§ 18–7.303–11 Small business subcontracting program.

In accordance with the provisions of § 18–1.707, insert the clause set forth in § 18–1.707–3(b).

§ 18–7.303–12 Subcontracts.

Insert the clause set forth in § 18–7.104–23(a) when required under the circumstances stated therein; if the clause set forth in § 18–7.104–23(a) is not required, the clause set forth in § 18–7.104–23(b) may be inserted.

**§ 18–7.303–13 Changes to make-or-buy program.**

In accordance with the requirements of Subpart 18–3.9, insert the clause set forth in § 18–3.902(a).

**§ 18–7.303–14 Payment for overtime and shift premiums.**

In accordance with the requirements of § 18–12.102, insert the clause set forth in § 18–12.102–3(h)(2).

**§ 18–7.303–23 Progress payments.**

In accordance with the requirements of § 18–7.104–35, insert the appropriate clause as set forth therein.

**§ 18–7.303–27 Competition in subcontracting.**

In accordance with the requirements of § 18–7.104–40, insert the clause set forth therein.

**§ 18–7.303–28 Contractor and subcontractor cost or pricing data.**

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

**§ 18–7.303–29 Audit and records.**

In accordance with the requirements of § 18–7.104–42, insert the clause set forth therein.

**§ 18–7.303–50 Data requirements.**

In accordance with the requirements of § 18–9.202, insert the clause set forth in § 18–9.202–1(e).

**§ 18–7.303–51 Approval of contract.**

In accordance with the requirements of § 18–7.104–51, insert the clause set forth therein.

**§ 18–7.303–52 Preference for United States-Flag air and ocean services.**

Under the circumstances described in Subpart § 18–1.14, insert the clause set forth in § 18–1.1403.

**§ 18–7.303–54 Materials reports.**

In all research and development contracts calling for hardware or for research and development on materials, the clause set forth in this § 18–7.303–54 shall be inserted in the Schedule of the contract. Generally, the Schedule provision shall be required in all contracts calling for space vehicles, satellites, rockets, propulsion units, rocket motors, satellite and rocket components, instrumentation, and payloads. Contracting officers should discuss the need for such a clause with the project officers and the New Technology Representative (see § 18–9.150) in each instance where it appears that the contract may call for research and development on materials, regardless of whether or not the contract falls within one of the categories enumerated above. The New Technology Representative is assigned the responsibility for administering this clause.

MATERIALS REPORTS (SEPTEMBER 1962)

The Contractor shall furnish to the Contracting Officer, within 30 days after the end of each six-month period of the contract and within 60 days after the completion of the work for the final period of the contract, a separate technical report, prepared in the form of a reproducible master copy suitable for reproduction by multilith, describing in summary form those tests, experiments, developments, studies, and other efforts of the Contractor relating to materials and their processing for use in fulfilling the technical requirements of this contract, which are either conducted or planned during the six-month or final period of this contract to be covered by the report. Such technical report shall include not only positive results, but also negative results which the Contractor considers significant to record, i.e., discarded efforts, unsuccessful tests, experiments, or developments. If no such tests, experiments, developments, studies, or other efforts are conducted or planned during any six-month or final period, the Contractor shall so notify the Contracting Officer in writing in lieu of furnishing the technical report.

**§ 18–7.303–55 NASA PERT System.**

In accordance with the requirements of § 18–7.204–55, insert the clause set forth therein.

**§ 18–7.303–56 NASA financial management reporting.**

In accordance with the requirements of § 18–7.204–56, insert the appropriate clause set forth therein.

**§ 18–7.304 Additional clauses.**

Insert the following clauses if it is desired to cover the subject matter.

**§ 18–7.304–1 Changes.**

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications, (ii) method of shipment or packing, (iii) place of inspection, delivery, or acceptance, and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or the time required for performance of, this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the contract price or time of performance, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change; *Provided, however*, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

**§ 18–7.304–2 Alterations in contract.**

The clause set forth in § 18–7.105–1 may be inserted.

**§ 18–7.304–4 Bill of materials.**

In accordance with the instructions in § 18–7.105–6, the clause set forth therein may be used.

**§ 18–7.304–50 Notice of delay.**

In accordance with the instructions in § 18–7.205–50, the clause set forth therein is authorized for use.

**§ 18–7.304–51 Program progress reports.**

In accordance with the instructions in § 18–7.205–51, insert the clause set forth therein.

**§ 18–7.304–59 Price escalation.**

The clauses set forth in §§ 18–7.106 and 18–7.107 are authorized for use in accordance with the instructions set forth therein.

**§ 18–7.304–60 Incentive price revision.**

The clause set forth in § 18–7.108 is authorized for use in accordance with the instructions set forth therein, provided that the advance approval of the Director of Procurement has been obtained.

**§ 18–7.304–61 Special tooling.**

Where special tooling is to be acquired by the contractor, the clause set forth in § 18–13.504 is authorized for use in accordance with instructions contained therein.

**§ 18–7.350 Short form clauses for fixed-price research contracts with nonprofit institutions.**

Notwithstanding the provisions of §§ 18–7.302 and 18–7.303, the short form clauses set forth or referred to in this § 18–7.350 shall be used in fixed-price contracts for basic or applied research with nonprofit institutions of higher education, or with nonprofit institutions whose primary purpose is the conduct of scientific research, when a short form contract is desired.

**§ 18–7.350–1 Definitions.**

Insert the clause set forth in § 7.103–1.

**§ 18–7.350–2 Payment.**

PAYMENT (SEPTEMBER 1962)

(a) Payment will be made to the Contractor as set forth in the Schedule upon submission of status reports indicating the portion of the work which has been performed and after acceptance by the Contracting Officer. The status reports shall also contain a concise statement of the work which has been performed.

(b) A prerequisite to final payment is the submission by the Contractor of a statement of the amount of funds expended in the performance of this contract and the furnishing to the Contracting Officer, and his acceptance, of the technical reports and patent reports required by this contract.

(c) Status reports, statements of funds expended, and technical reports required by this contract shall be submitted by the Contractor directly to the Chief of the NASA Office of Research Grants and Contracts, Washington, D.C., who is the representative of the Contracting Officer for the purpose of determining the acceptability of such reports and statements.

**§ 18–7.350–3 Technical reports and data.**

TECHNICAL REPORT AND DATA (SEPTEMBER 1962)

(a) Upon completion of the work under this contract, the Contractor shall submit the number of copies required in the Schedule of a complete and final technical report of his findings and conclusions together with any original illustrations and photographic negatives. With the prior approval of the Contracting Officer, the Contractor may submit interim technical reports in lieu of the final report at such intervals as may be agreed upon.

(b) The Government may publish, reproduce, or use, and have others so do, for any purpose, without limitation, drawings, studies, research notes, technical information, and other scientific data resulting from this contract.

**§ 18–7.350–4 Government-furnished property.**

Insert the appropriate clause set forth in § 18–13.505.

**§ 18–7.350–5 Release of information.**

RELEASE OF INFORMATION (SEPTEMBER 1962)

It is the intent of NASA that the useful research information obtained under this contract be published either by NASA or in technical journals. Reports to be published by NASA should be prepared insofar as practicable in accordance with NASA editorial form. Three (3) copies of the manuscript containing research information obtained under this contract shall be furnished to NASA prior to release of the information by formal oral presentation or for publication in a technical journal. Appropriate credits to NASA will be included in any formal oral presentation or published article. Twenty (20) reprints of articles published in journals shall be furnished to NASA.

**§ 18–7.350–6 Security.**

SECURITY (SEPTEMBER 1962)

If the subject matter of this contract is classified in the interest of national security, or if it appears that performance on the contract will require access to classified information, the Contractor shall be governed by a Department of Defense Security Agreement (DD Form 441), and the attachment thereto, "The Industrial Security Manual for Safeguarding Classified Information." Further, if information or material is developed pursuant to this contract which appears to require protection in the interest of national security, the Contractor shall notify NASA immediately in order that the appropriate classification category may be assigned, and a Security Agreement executed, if necessary.

**§ 18–7.350–7 Property rights in inventions.**

Insert the clause set forth in § 18–9.101–2(d).

**§ 18–7.350–8 Disputes.**

Insert the clause set forth in § 18–7.103–12.

**§ 18–7.350–9 Termination at the option of the Government.**

TERMINATION AT THE OPTION OF THE GOVERNMENT (SEPTEMBER 1962)

The performance of work under this contract may be terminated by the Government in whole or in part, whenever the Contracting Officer shall determine that such action is in the best interest of the Government. If this contract is so terminated, fair compensation for work performed will be provided for the Contractor.

**§ 18–7.350–10 Authorization and consent.**

Insert the clause set forth in § 18–9.103(b).

**§ 18–7.350–11 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 18–9.105.

**§ 18–7.350–12 Buy American Act.**

Insert the clause set forth in § 18–6.104–5.

**§ 18–7.350–13 Examination of records.**

Insert the clause set forth in § 18–7.104–15.

**§ 18–7.350–14 Equal opportunity.**

Insert one or the other of the following clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–1, or (b) the Equal Opportunity clause set forth in § 18–12.802–2.

**§ 18–7.350–15 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503.

**§ 18–7.350–16 Officials not to benefit.**

Insert the clause set forth in § 18–7.103–19.

**§ 18–7.350–17 Convict labor.**

Insert the clause set forth in § 18–12.203.

**§ 18–7.350–18 Audit and records.**

In accordance with the requirements of § 18–7.104–42, insert the clause set forth therein.

**§ 18–7.350–19 Additional clauses.**

When circumstances justify it, the clauses prescribed in §§ 18–7.302, 18–7.303, and 18–7.304 may be added to or substituted for the clauses set forth in §§ 18–7.350–1 through 18–7.350–17; however, care should be exercised to ensure that there are no inconsistencies.

## Subpart 18–7.4—Clauses for Cost-Reimbursement Type Research and Development Contracts

**§ 18–7.400 Scope of subpart.**

This subpart sets forth uniform clauses for use in NASA cost-reimbursement type research and development contracts as defined in § 18–7.401.

**§ 18–7.401 Applicability.**

As used throughout this subpart, the term "cost-reimbursement type research and development contract" means any contract, including letter contracts (except notices of award, contracts placed under "Small Purchases Procedures," and amendments or supplemental agreements which do not effect new procurement), which (a) is entered into on a cost, cost-sharing, or cost-plus-a-fixed-fee basis, and (b) is for experimental, developmental, or research work.

**§ 18–7.402 Required clauses for contracts with fee.**

The clauses set forth in this § 18–7.402 shall be inserted in all cost-reimbursement type research and development contracts providing for a fee.

**§ 18–7.402–1 Definitions.**

Insert the clause set forth in § 18–7.103–1. Additional definitions may be included provided they are not inconsistent with such clause or the provisions of this chapter.

**§ 18–7.402–2 Limitation of cost.**

Insert the following clause except that in letter contracts insert clause 3 of NASA Form 551–3 set forth in § 18–16.859–4(d).

LIMITATION OF COST (JANUARY 1964)

(a) It is estimated that the total cost to the Government, exclusive of any fixed fee, for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost then set forth in the Schedule, or if at any time the Contractor has reason to believe that the total cost to the Government, exclusive of any fixed fee, for the performance of this contract will be substantially greater or less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

**§ 18–7.402–3 Allowable cost, fixed fee, and payment.**

In accordance with the instructions set forth in § 18–7.203–4, insert the clause set forth therein.

**§ 18–7.402–4 Standards of work.**

Insert the clause set forth in § 18–7.302–3.

**§ 18–7.402–5 Inspection and correction of defects.**

INSPECTION AND CORRECTION OF DEFECTS (SEPTEMBER 1962)

(a) All work under this contract shall be subject to inspection and test by the Government (to the extent practicable) at all times (including the period of performance) and places, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. The Government, through any authorized representative, may inspect the plant or plants of

the Contractor or of any of its subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, final inspection and acceptance shall be made at the place of delivery as promptly as practicable after delivery and shall be deemed to have been made no later than ninety (90) days after the date of such delivery, if final acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the Schedule) after acceptance of all the end items (other than designs, drawings, or reports) to be delivered under this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any failure by the Contractor to comply with the requirements of this contract. Any time devoted to such correction or replacement shall not be included in the computation of the period of time specified in the preceding sentence, except as provided in (d) below. Except as otherwise provided in paragraph (c) below, the allowability of the cost of any such replacement or correction shall be determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," but no additional fee shall be payable with respect thereto. Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, the Government (i) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under this contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (ii) in the case of articles not delivered, may require the delivery of such articles, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (iii) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b) above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract if such failure is due to fraud, lack of good faith, or willful misconduct on the part of any one of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) The provisions of paragraph (b) above shall apply to any corrected or replacement end item or component until six (6) months after its acceptance.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace articles which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the clause of this contract entitled "Government Property."

In the foregoing clause, the words "Task Order" or other suitable designation may be substituted for "Schedule," as appropriate.

**§ 18–7.402–6 Assignment of claims.**

In accordance with the requirements in § 18–7.103–8, insert the clause set forth therein.

**§ 18–7.402–7 Records.**

Insert the clause set forth in § 18–7.203–7. In the case of contracts which establish separate periods of performance, alternate subparagraph (a)(4), set forth in § 18–7.203–7(b), may be substituted for the corresponding subparagraph of the clause prescribed in § 18–7.203–7(a).

**§ 18–7.402–8 Subcontracts.**

(a) Insert the clause set forth in § 18–7.203–8, substituting for paragraph (c) thereof the following paragraph (c):

(c) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is on a cost or cost-plus-a-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) is on a time and material or labor-hour basis, or (v) has experimental, developmental, or research work as one of its purposes. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c). (September 1962)

(b) The following changes may be made in paragraph (c) of the above clause:

(1) The percentage and amount in subparagraph (ii) may be varied;

(2) The dollar amount in subparagraph (iii) may be increased; and

(3) Dollar amounts not in excess of $10,000 may be established in subparagraphs (i), (iv) and (v) below which the prior written consent of the contracting officer need not be obtained.

**§ 18–7.402–9 Utilization of small business concerns.**

In accordance with the requirements of § 18–1.707–3(a), insert the clause set forth therein.

**§ 18–7.402–10 Termination.**

In accordance with the requirements of § 18–8.702, insert the appropriate clause set forth therein.

**§ 18–7.402–11 Disputes.**

Insert the clause set forth in § 18–7.103–12.

**§ 18–7.402–12 Renegotiation.**

Insert the clause set forth in § 18–7.103–13.

**§ 18–7.402–13 Buy American Act.**

In accordance with the requirements of Subpart 18–6.1, insert the clause set forth in § 18–6.104–5.

**§ 18–7.402–14 Convict labor.**

In accordance with the requirements in Subpart 18–12.2, insert the clause set forth in § 18–12.203.

**§ 18–7.402–15 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 18–12.604.

**§ 18–7.402–16 Work Hours Act of 1962—overtime compensation.**

Insert the clause set forth in §18–12.303–1. Note the introductory language required by § 18–12.303–2 for inclusion in contracts with a State or political subdivision thereof.

**§ 18–7.402–17 Equal opportunity.**

Insert one of the following clauses as required by and in accordance with the instructions in § 18–12.802: (a) the "Equal Opportunity in Federally-Assisted Construction Contracts" clause set forth in § 18–12.802–1, or (b) the "Equal Opportunity" clause set forth in § 18–12.802–2.

**§ 18–7.402–18 Officials not to benefit.**

Insert the clause set forth in § 18–7.103–19.

**§ 18–7.402–19 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503

**§ 18–7.402–20 Authorization and consent.**

Insert the clause prescribed in § 18–9.103(b).

**§ 18–7.402–21 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 18–9.105.



**§ 18–7.402–22 New technology.**

In accordance with the requirements of § 18–9.101–2, insert the clause set forth in § 18–9.101–2(c).

**§ 18–7.402–23 Rights in data.**

In accordance with the requirements of § 18–9.203, insert the clause set forth in § 18–9.203–1.

**§ 18–7.402–24 Security requirements.**

Insert the clause set forth in § 18–7.204–12.

**§ 18–7.402–25 Government property.**

Insert the clause set forth in § 18–13.503.

**§ 18–7.402–26 Insurance—liability to third persons.**

(a) Except under the circumstances stated in paragraph (b) or (c) of this section, insert the clause set forth in § 18–7.203–22.

(b) If the contractor claims total immunity from tort liability as a State agency or as a charitable institution, the following clause shall be used in lieu of the clause contained in § 18–7.203–22.

LIABILITY TO THIRD PERSONS (SEPTEMBER 1962)

(a) The Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for his liability to third persons with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract thereunder.

(b) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. The Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith. The Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

(c) If the contractor claims partial immunity from tort liability as a State agency or as a charitable institution (as where work may be performed under the contract in a place or under the conditions where the contractor is not immune from tort liability), the paragraph (c) clause set forth below may be added to the "Insurance—Liability to Third Persons" clause contained in § 18–7.203–22.

(c) Notwithstanding paragraphs (a) and (c) of this clause, (i) the Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for his liability to third persons, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract hereunder; and (ii) the Contractor need not procure or maintain insurance coverage as provided in paragraph (a) of this clause: *Provided*, The Contractor may obtain any insurance coverage he deems necessary subject to approval by the Contracting Officer as to form, amount, and duration, in which event the Contractor shall be reimbursed (A) for the cost of such insurance and (B) to the extent provided in paragraph (c) above, for liabilities to third persons for which the Contractor has obtained insurance coverage as provided in this paragraph, but for which such coverage is insufficient in amount. (September 1962)

**§ 18–7.402–27 Utilization of concerns in labor surplus areas.**

In accordance with the requirements of § 18–7.104–20, insert the clause set forth therein.

**§ 18–7.402–28 Payment for overtime and shift premiums.**

In accordance with the requirements of § 18–12.102–3(d), insert the clause set forth in § 18–12.102–3(h)(1).

**§ 18–7.402–29 Competition in subcontracting.**

Insert the clause set forth in § 18–7.104–40.

**§ 18–7.402–30 Audit and records.**

Insert the clause set forth in § 18–7.104–42.

**§ 18–7.402–50 Payment of royalties.**

In accordance with the instructions in § 18–7.203–51, insert the clause set forth in § 18–9.108–1, except that if the contractor is a member of the Manufacturers Aircraft Association, the clause set forth in § 18–9.108–2 may be substituted therefor.

**§ 18–7.402–51 Estimated cost and fixed fee.**

In accordance with the requirements of § 18–7.203–51, insert the clause set forth therein.

**§ 18–7.402–52 Payment of fixed fee.**

In accordance with the requirements of § 18–7.203–52, insert the clause set forth therein.

**§ 18–7.402–53 Interest.**

Insert the clause set forth in § 18–7.103–53.

**§ 18–7.402–54 Reports of work.**

See § 18–7.302–54 for guidance and a clause approved for use.

**§ 18–7.402–55 Implied licenses.**

In accordance with the requirements of § 18–9.110, insert the clause set forth therein.

**§ 18–7.403 Clauses required to be used when applicable.**

The clauses set forth in this § 18–7.403 shall be inserted, when applicable, in all cost-reimbursement type research and development contracts providing for a fee.

**§ 18–7.403–1 Clauses for contracts involving construction work.**

(a) In accordance with the requirements of Subpart 18–12.4, insert in cost-reimbursement type research and development contracts which involve construction work the clauses listed below which are set forth in § 18–12.403–1:

Davis-Bacon Act.
Work Hours Act of 1962—Overtime Compensation.
Apprentices.
Payroll Records and Payrolls.
Copeland ("Anti-Kickback") Act—Nonrebate of Wages.
Subcontracts—Termination.
Withholding of Funds to Assure Wage Payment.

(b) In accordance with the requirements of § 18–6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 177W, the clause entitled "Buy American," as set forth in § 18–6.207(c).

**§ 18–7.403–2 Filing of patent applications.**

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

**§ 18–7.403–5 Excusable delays.**

Insert the clause set forth in § 18–8.708.

**§ 18–7.403–7 Priorities, allocations, and allotments.**

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

**§ 18–7.403–8 Soviet-controlled areas.**

In accordance with the requirements of §18–6.403, insert the clause set forth therein and include in the Schedule of the contract the list of Soviet-controlled areas set forth in § 18–6.401–2.

**§ 18–7.403–9 Negotiated overhead rates.**

In accordance with the requirements of § 18–3.704, insert the appropriate clause set forth therein.

**§ 18–7.403–10 Notice to the Government of labor disputes.**

Whenever work is to be performed and a work stoppage would result in delay in an urgent NASA program, insert the clause set forth in § 18–7.104–4.

**§ 18–7.403–11 Contractor and subcontractor cost or pricing data.**

In accordance with the requirements of § 18–3.802–3, insert the clause set forth in § 18–3.807–4.

**§ 18–7.403–12 Limitation on withholding of payments.**

In accordance with the requirements of § 18–7.104–21, insert the clause set forth therein.

**§ 18–7.403–13 Small business subcontracting program.**

In accordance with the requirements of § 18–1.707, insert the clause set forth in § 18–1.707–3(b).

**§ 18–7.403–14 Changes to make-or-buy program.**

In accordance with the requirements of Subpart 18–3.9, insert the clause set forth in § 18–3.902(a).

**§ 18–7.403–23 GSA supply sources.**

The clause set forth in § 18–5.907 shall be included in contracts in accordance with instructions contained therein.

**§ 18–7.403–50 Data requirements.**

In accordance with the requirements of § 18–9.202, insert the clause set forth in § 18–9.202–1(e).

**§ 18–7.403–51 Approval of contract.**

The clause set forth in § 18–7.104–51 shall be included in contracts which require approval by the Director of Procurement.

**§ 18–7.403–52 Preference for United States-flag air and ocean services.**

Under the circumstances described in Subpart 18–1.14 insert the clause set forth in § 18–1.1403.

**§ 18–7.403–53 Limitation of Government's obligation.**

Where funding to complete the entire contract is not available at the time it is entered into, the clause set forth in § 18–7.204–53 shall be included in the contract, with an implementing Schedule provision.

**§ 18–7.403–54 Materials reports.**

In accordance with the requirements of § 18–7.303–54, insert the clause set forth therein.

**§ 18–7.403–55 NASA PERT system.**

In accordance with the requirements of § 18–7.204–55, insert the clause set forth therein.

**§ 18–7.403–56 Financial management reporting.**

In accordance with the requirements of § 18–7.204–56, insert the appropriate clause set forth therein.

**§ 18–7.404 Additional clauses.**

The clauses set forth in this § 18–7.404 shall be inserted in cost-reimbursement type research and development contracts providing for a fee, when it is desired to cover the subject matter.

**§ 18–7.404–1 Changes.**

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications; (ii) method of shipment or packing; (iii) place of inspection, delivery, or acceptance; and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of this contract, or otherwise affects any other provision of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the estimated cost or delivery schedule, or both, (ii) in the amount of any fee to be paid to the Contractor, and (iii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

**§ 18–7.404–2 Alterations in contract.**

The clause set forth in § 18–7.105–1 may be inserted.

**§ 18–7.404–4 Bill of materials.**

The clause set forth in § 18–7.105–6 may be inserted pursuant to the provisions thereof.

**§ 18–7.404–50 Notice of delay.**

In accordance with the instructions in § 18–7.205–51, the clause set forth therein is authorized for use.

**§ 18–7.404–51 Program progress reports.**

The clause set forth in § 18–7.205–51 may be inserted.

**§ 18–7.404–52 Date of incurrence of costs.**

The clause set forth in § 18–7.205–52 may be inserted.

**§ 18–7.404–53 Contractor's independent research program.**

When the "New Technology" or "Property Rights in Inventions" clause is included in the contract (see § 18–9.101–2) and it is determined that the contractor maintains an independent research program, the clause set forth in § 18–9.101–6 may be included in the Schedule at the contractor's request.

**§ 18–7.404–57 Federal, State, and local taxes.**

At the discretion of the contracting officer and when requested by the contractor, the clause set forth in § 18–11.402 may be inserted in cost-reimbursement type contracts.

**§ 18–7.450 Clauses for cost-reimbursement research and development contracts with nonprofit institutions (including educational institutions).**

**§ 18–7.450–1 Applicability.**

Sections 18–7.541, 18–7.452, and 18–7.453, including their subparagraphs, are applicable to cost-reimbursement type research and development contracts with nonprofit institutions (including educational institutions), as defined in § 18–4.5102(c), which involve no fee or profit.

**§ 18–7.451 Required clauses.**

Except as otherwise provided in § 18–7.460, the clauses set forth in this § 18–7.451 shall be inserted in all contracts specified in § 18–7.450–1.

**§ 18–7.451–1 Definitions.**

Insert the clause set forth in § 18–7.103–1. Additional definitions may be included provided they are not inconsistent with such clause or the provisions of this chapter.

**§ 18–7.451–2 Limitation of cost.**

Insert the following clause:

LIMITATION OF COST (SEPTEMBER 1962)

(a) It is estimated that the total cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost then set forth in the Schedule, or if at any time the Contractor has reason to believe that the total cost to the Government for the performance of this contract will be substantially greater or less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

**§ 18–7.451–3 Allowable cost and payment.**

Insert the following clause:

ALLOWABLE COST AND PAYMENT (JANUARY 1964)

(a) For the performance of this contract, the Government shall pay to the Contractor the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(i) Part 15, Subpart 3, of the NASA Procurement Regulation as in effect on the date of this contract, except that if the Contractor is not an educational institution the allowable costs shall be determined in accordance with Part 15, Subpart 2, of said Regulation; and

(ii) the terms of this contract.

(b) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c)(1) Promptly after receipt of each invoice or voucher, the Government shall, subject to the provisions of paragraph (d) below, make payment thereon as approved by the Contracting Officer.

(2) After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or ten thousand dollars ($10,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment therefore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release, and *Provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one (1) year period after final payment.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

**§ 18–7.451–4 Standards of work.**

Insert the clause set forth in § 18–7.302–3.

**§ 18–7.451–5 Inspection.**

Insert the first clause set forth in § 18–7.302–4(a). However, where a more detailed provision covering inspection is desired, as where the primary contract objective is the delivery of end items, rather than designs, drawings, or reports, the "Inspection" clause set forth in § 18–7.402–5 shall be used.

**§ 18–7.451–6 Assignment of claims.**

In accordance with the requirements of § 18–7.103–8, insert the clause set forth therein.

**§ 18–7.451–7 Records.**

Insert the clause set forth in § 18–7.203–7. Pursuant to procedures approved by the Comptroller General, original documentary evidence in support of costs of the transportation of things shall not be required pursuant to paragraph (a)(3) of said Records clause. In the case of contracts which establish separate periods of performance, the alternate paragraph (a)(4) clause set forth in § 18–7.203–7(b) may be submitted for the corresponding paragraph of the clause prescribed in § 18–7.203–7(a).

**§ 18–7.451–8 Subcontracts.**

SUBCONTRACTS (JANUARY 1963)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is on a cost, cost-plus-a-fee, time and material or labor-hour basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract.

(b) In the case of a proposed subcontract which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis and which would involve an estimated amount in excess of $10,000, including any fee; or (ii) is proposed to exceed $100,000; or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate, are expected to exceed $100,000; the advance notification required by (a) above shall include:

(i) a description of the supplies or services to be called for by the subcontract;

(ii) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(iii) the proposed subcontract price, together with the Contractor's cost or price analysis thereof and a statement as to whether the price is based on catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation; and

(iv) identification of the type of contract proposed to be used.

(c) (1) Except as provided in subparagraph (2) below, the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which:

(i) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract;

(ii) is on a cost or cost-plus-a-fixed-fee basis;

(iii) is on a time and material or labor-hour basis;

(iv) has experimental, developmental, or research work as one of its purposes; or

(v) provides for the fabrication, purchase, rental, installation, or other acquisition of any item of industrial facilities, or of special tooling having a value in excess of $1,000.

The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(2) If this contract is with an educational institution, then provision (v) above is not applicable, but provisions (vi) and (vii) set forth below are added to the list of provisions included in subparagraph (1) and considered a part thereof.

(vi) provides for the construction, purchase, rental, installation, or other acquisition of nonseverable industrial facilities, or

(vii) provides for the fabrication, purchase, rental, installation, or other acquisition of any item of either (A) severable industrial facilities having a value in excess of $1,000 or the amount, if any, specified in the Schedule or Task Order, whichever is the lesser, or (B) special tooling having a value in excess of $1,000.

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (ii), or, if the subcontract is for special tooling, within (iii), of (c) above, without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing, approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" provision set forth in paragraph (j) of the clause prescribed by paragraph 7.108 of the NASA Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and

of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors that are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

The percentage and amount set forth in subparagraph (i) of paragraph (c) (1) of the clause set forth in this § 18–7.451–8 may be varied, and in subparagraphs (ii), (iii) and (iv) of paragraph (c) (1), dollar amounts not in excess of $10,000 may be established below which the prior written consent of the contracting officer need not be obtained. In addition to the foregoing authorized variations, in contracts with nonprofit institutions (other than educational institutions), the dollar amount set forth in subparagraph (v) may be increased.

**§ 18–7.451–9 Utilization of small business concerns.**

In accordance with the requirements of § 18–1.707–3(a), insert the clause set forth therein.

**§ 18–7.451–10 Termination for the convenience of the Government.**

In accordance with the requirements of § 18–8.704–1, insert the clause set forth therein.

**§ 18–7.451–11 Disputes.**

Insert the clause set forth in §18–7.103–12.

**§ 18–7.451–12 Renegotiation.**

Insert the clause set forth in § 18–7.103–13.

**§ 18–7.451–13 Buy American Act.**

In accordance with the requirements of Subpart 18–6.1, insert the clause set forth in § 18–6.104–5.

**§ 18–7.451–14 Convict labor.**

In accordance with the requirements of Subpart 18–21.2, insert the clause set forth in § 18–12.203.

**§ 18–7.451–15 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 18–12.604.

**§ 18–7.451–16 Work Hours Act of 1962—overtime compensation.**

Insert the clause set forth in § 18–12.303–1. Note the introductory language required by § 18–12.303–2 for inclusion in contracts with a State or political subdivision thereof.

**§ 18–7.451–17 Equal opportunity.**

Insert one or the other of the clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–1, or (b) the Equal Opportunity clause set forth in § 18–12.802–2.

**§ 18–7.451–18 Officials not to benefit.**

Insert the clause set forth in § 18–7.103–19.

**§ 18–7.451–19 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503.

**§ 18–7.451–20 Authorization and consent.**

Insert the clause set forth in § 18–9.103(b).

**§ 18–7.451–21 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 18–9.105.

**§ 18–7.451–22 New technology or property rights in inventions.**

In accordance with the requirements of § 18–9.101–2, insert the New Technology or Property Rights in Inventions clause, as appropriate.

**§ 18–7.451–23 Rights in data.**

In accordance with the requirements of § 18–9.203 insert the clause set forth in § 18–9.203–1.

**§ 18–7.451–24 Security requirements.**

Insert the clause set forth in this § 18–7.451–24 only in contracts without fee with educational institutions. In contracts with nonprofit institutions which are not educational institutions, insert the clause set forth in § 18–7.204–12.

SECURITY REQUIREMENTS (SEPTEMBER 1962)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential," or higher.

(b) NASA shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) To the extent the Government has indicated as of the date of this contract, or thereafter indicates, security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within his own organization in accordance with the requirements of:

(i) the Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of NASA shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) In the event a change in security requirements, as provided in paragraphs (b) and (c), results (i) in a change in the security classification of this contract or any element thereof from a nonclassified status to a classified status or from a lower classification to a higher classification or (ii) in more restrictive area controls than previously required, the Contractor shall exert every reasonable effort compatible with his established policies to continue the performance of work under the contract in compliance with such change in security classification or requirements. If, despite such reasonable efforts, the Contractor determines that the continuation of work under this contract is not practicable because of such change in security classification or requirements he shall so notify the Contracting Officer in writing.

(f) After receiving such written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in security classification or requirements and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, upon the expiration of fifteen (15) days after receipt by the Contracting Officer of the notification of the Contractor's stated inability to proceed, (i) the application to this contract of such change in security classification or requirements has not been withdrawn, or (ii) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in whole or in part. Thereupon the Contracting Officer shall terminate the contract in whole or in part, as may be appropriate, and such termination shall be deemed a termination under the provisions of the clause of this contract entitled, "Termination for the Convenience of the Government."

(h) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (h) but excluding paragraphs (e), (f), and (g) of this clause. In addition, the Contractor may insert in any subcontract, not involving fee or profit, with an educational institution, and any like lower-tier subcontract entered into thereunder may contain, in lieu of paragraphs (e), (f), and (g) of this clause, appropriate provisions extending to such subcontracts relief consistent with that provided for in those paragraphs, on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved. With respect to subcontracts other than those covered by the preceding



sentence, "the mutually satisfactory method" provided for in paragraph (f) above may include a provision amending this contract to provide for an equitable adjustment on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved; and the Contractor may insert in any such subcontract, and any like lower-tier subcontract entered into thereunder may contain, in lieu of paragraphs (e), (f), and (g) of this clause, appropriate provisions with respect to such equitable adjustment. Failure of the Contractor and Contracting Officer to agree to any adjustment pursuant to the preceding sentence shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(i) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the performance of a subcontract hereunder which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance which is still in effect, prior to being accorded access to such classified information.

**§ 18–7.451–25 Government property.**

In accordance with the requirements of § 18–13.506, insert the appropriate clause set forth therein.

**§ 18–7.451–26 Insurance—liability to third persons.**

In accordance with the requirements of § 18–7.402–26, insert either the clause set forth in § 18–7.203–22 or the appropriate clause indicated in § 18–7.402–26. When the clause in § 18–7.203–22 is used, the title "Allowable Cost, Fixed Fee, and Payment" in paragraph (c) of the clause will be changed to read "Allowable Cost and Payment."

**§ 18–7.451–27 Utilization of concerns in labor surplus areas.**

In accordance with the requirements of § 18–7.104–20, insert the clause set forth therein.

**§ 18–7.451–28 Payment for overtime and shift premiums.**

In accordance with the requirements of § 18–12.102–3(d), insert the clause as set forth in § 18–12.102–3(h)(1).

**§ 18–7.451–29 Competition in subcontracting.**

Insert the clause set forth in § 18–7.104–40.

**§ 18–7.451–30 Audit and records.**

Insert the clause set forth in § 18–7.104–42.

**§ 18–7.451–50 Payment of royalties.**

PAYMENT OF ROYALTIES (SEPTEMBER 1962)

Payments by the Contractor of any sum for royalties or patent rights not included in the ordinary purchase price of supplies, materials, or components, shall not constitute items of Allowable Cost hereunder, unless and until approved by the Contracting Officer. Reimbursement to the Contractor on account of any such payments shall not be construed as an admission by the Government of the enforceability, validity or scope of, or title to any of the patents involved, nor shall any such reimbursement constitute a waiver of any rights or defenses respecting such patents.

**§ 18–7.451–51 Estimated cost.**

Normally, the clause set forth below will be used as the Schedule provision covering the estimated cost. However, the clause may be modified at the discretion of the contracting officer.

ESTIMATED COST (SEPTEMBER 1962)

The estimated cost of this contract is $_____.

**§ 18–7.451–54 Reports of work.**

See § 18–7.302–54 for guidance and a clause approved for use.

**§ 18–7.451–55 Implied licenses.**

In accordance with the requirements of § 18–9.110, insert the clause set forth therein.

**§ 18–7.452 Clauses required to be used when applicable.**

Except as otherwise provided in § 18–7.460, the clauses set forth in this § 18–7.452 shall be inserted, when applicable, in all contracts specified in § 18–7.450–1.

**§ 18–7.452–1 Clauses for contracts involving construction work.**

(a) In accordance with the requirements of Subpart 18–12.4, insert in cost-reimbursement type research and development contracts with educational or nonprofit institutions where construction work is involved the clauses listed below, which are set forth in § 18–12.403–1:

Davis-Bacon Act.
Work Hours of 1962—Overtime Compensation.
Apprentices.
Payroll Records and Payrolls.
Copeland ("Anti-Kickback") Act—Nonrebate of Wages.
Withholding of Funds to Assure Wage Payment.
Subcontracts—Termination.

(b) In accordance with the requirements of § 18–6.207, insert in all contracts for construction, except those executed on Standard Form 19 and NASA Form 177W, the clause entitled "Buy American," as set forth in § 18–6.207(c).

**§ 18–7.452–2 Filing of patent applications.**

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

**§ 18–7.452–7 Priorities, allocations, and allotments.**

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

**§ 18–7.452–8 Soviet-controlled areas.**

In accordance with the requirements of § 18–6.403, insert the clause set forth therein and include in the Schedule of the contract the list of Soviet-controlled areas set forth in § 18–6.401–2.

**§ 18–7.452–9 Negotiated overhead rates.**

Where negotiated overhead rates are to be used pursuant to Subpart 18–3.7, the appropriate clause set forth in § 18–3.704 shall be included in the contract.

**§ 18–7.452–10 Notice to the Government of labor disputes.**

Whenever work is to be performed and a work stoppage would result in delay in an urgent NASA program, insert the clause set forth in § 18–7.104–4.

**§ 18–7.452–11 Contractor and subcontractor cost or pricing data.**

In accordance with the requirements of § 18–3.807–3, insert the clause set forth in § 18–3.807–4.

**§ 18–7.452–12 Limitation on withholding of payments.**

In accordance with the requirements of § 18–7.104–21, insert the clause set forth therein.

**§ 18–7.452–13 Small business subcontracting program.**

In accordance with the requirements of § 18–1.707, insert the clause set forth in § 18–1.707–3(b).

**§ 18–7.452–14 Changes to make-or-buy program.**

In accordance with the requirements of Subpart 18–3.9, insert the clause set forth in § 18–3.902(a).

**§ 18–7.452–23 GSA supply sources.**

In accordance with the requirements of § 18–5.907, the clause set forth therein shall be included in the contract.

**§ 18–7.452–50 Data requirements.**

In accordance with the requirements of Subpart 18–9.2, insert the clause set forth in § 18–9.202–1(e).

**§ 18–7.452–51 Approval of contract.**

The clause set forth in § 18–7.104–51 shall be included when approval of the contract by the Director of Procurement is required.

**§ 18–7.452–52 Preference for United States-flag air and ocean services.**

Under the circumstances described in Subpart 18–1.14, insert the clause set forth in § 18–1.1403.

**§ 18–7.452–53 Limitation of Government's obligation.**

Where funding to complete the entire contract is not available at the time it is entered into, the clause set forth in § 18–7.204–53 shall be included in the contract, with an implementing Schedule provision.

**§ 18–7.452–54 Materials reports.**

In accordance with the requirements of § 18–7.303–54, insert the clause set forth therein.

**§ 18–7.452–55 NASA PERT System.**

In accordance with the requirements of § 18–7.204–55, insert the clause set forth therein.

**§ 18–7.452–56 NASA financial management reporting.**

In accordance with the requirements of § 18–7.204–56, insert the appropriate clause set forth therein.

**§ 18–7.453 Additional clauses.**

Except as otherwise provided in § 18–7.460, the clauses set forth in this § 18–7.453 shall be inserted in all contracts prescribed in § 18–7.450–1 if it is desired to cover the subject matter.

**§ 18–7.453–1 Changes.**

CHANGES (SEPTEMBER 1962)

The Contracting Officer may at any time, by a written order and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications; (ii) method of shipment or packing; (iii) place of inspection, delivery, or acceptance; and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of this contract, or otherwise affects any other provision of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the estimated cost or delivery schedule, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

**§ 18–7.453–2 Alterations in contract.**

The clause set forth in § 18–7.105–1 may be inserted.

**§ 18–7.453–4 Bill of materials.**

The clause set forth in § 18–7.105–6 may be inserted pursuant to the provisions thereof.

**§ 18–7.453–50 Notice of delay.**

The clause set forth in § 18–7.205–50 is authorized for use when it is desirable to provide for notice by the contractor to the Government of anticipated delays in performance.

**§ 18–7.453–51 Program progress reports.**

The clause set forth in § 18–7.205–51 may be inserted.

**§ 18–7.453–52 Date of incurrence of costs.**

The clause set forth in § 18–7.205–52 is authorized for use where specific coverages of anticipatory costs is considered desirable.

**§ 18–7.453–53 Contractor's independent research program.**

In accordance with the instructions in § 18–7.205–53, the clause set forth in § 18–9.101–6 may be inserted.

**§ 18–7.453–57 Federal, State, and local taxes.**

The clause set forth in § 18–11.402 is authorized for use at the discretion of the contracting officer and when requested by the contractor.

**§ 18–7.453–58 Excusable delays.**

The clause set forth in § 18–8.708 may be inserted in the contract.

**§ 18–7.460 Short form clauses for cost-reimbursement type research contracts with nonprofit institutions (including educational institutions).**

Notwithstanding the provisions of §§ 18–7.402, 18–7.403, 18–7.451, and 18–7.452, the clauses set forth or referred to in this § 18–7.460 shall be used in contracts for basic or applied scientific research at nonprofit institutions of higher education or at nonprofit institutions whose primary purpose is the conduct of scientific research when a short form contract is desired. (See § 18–4.5102(c) for the definition of nonprofit institution.)

**§ 18–7.460–1 Definitions.**

Insert the clause set forth in § 18–7.103–1.

**§ 18–7.460–2 Limitation of cost—allowable cost and payment.**

Insert the following clause.

LIMITATION OF COST—ALLOWABLE COST AND PAYMENT (JANUARY 1964)

(a) It is estimated that the total cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the total estimated cost of this contract, including any amendments hereto, or if at any time the Contractor has reason to believe that the total cost to the Government for the performance of this contract will be substantially greater or less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall specify the new revised estimated cost. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase.

(c) For the performance of this contract, the Government shall pay to the Contractor the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(i) Part 15, Subpart 3, of the NASA Procurement Regulation as in effect on the date of this contract, except that if the Contractor is not an educational institution the allowable costs shall be determined in accordance with Part 15, Subpart 2, of said Regulation; and

(ii) the terms of this contract.

(d) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost. Promptly after receipt of each invoice or voucher, the Government shall, subject to the provisions of paragraph (e) below, make payment thereon as approved by the Contracting Officer.

(e) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(f) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the below-listed provisions), the Government shall promptly pay to the Contractor any balance of allowable costs otherwise not paid to the Contractor.

(g) Prior to final payment under this contract, the Contractor shall deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release, *And provided further* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier;

(C) claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents; and

(D) when there is included in the Schedule of this contract a clause entitled "Data Requirements," claims pursuant to such clause when a written request by the Contracting Officer to furnish data is made within the one (1) year period after final payment.



**§ 18–7.460–3 Government property.**

Insert the appropriate clause set forth in § 18–13.506.

**§ 18–7.460–4 Subcontracts.**

Insert the clause set forth in § 18–7.451–8. See instructions following the clause for authorized changes.

**§ 18–7.460–5 Insurance—liability to third persons.**

In accordance with the requirements of § 18–7.402–26, insert either the clause set forth in § 18–7.203–22 or the appropriate clause indicated in § 18–7.402–26. When the clause in § 18–7.203–22 is used, the title "Allowable Cost, Fixed Fee, and Payment" in paragraph (c) of the clause shall be changed to read "Limitation of Cost—Allowable Cost and Payment."

**§ 18–7.460–6 Records.**

Insert the clause set forth in § 18–7.203–7. Pursuant to procedures approved by the Comptroller General, original documentary evidence in support of costs of the transportation of things will not be required pursuant to paragraph (a)(3) of said "Records" clause. In the case of contracts which establish separate periods of performance, alternate paragraph (a)(4) clause, set forth in § 18–7.203–7(b), may be substituted for the corresponding paragraph of the clause prescribed in § 18–7.203–7(a).

**§ 18–7.460–7 Release of information.**

Insert the clause set forth in § 18–7.350–5.

**§ 18–7.460–8 Property rights in inventions.**

Insert the clause set forth in § 18–9.101–2(d).

**§ 18–7.460–9 Data and inspection.**

DATA AND INSPECTION (SEPTEMBER 1962)

The Government may publish, reproduce, and use, and have others so do, for any purpose, without limitation, drawings, studies, research notes, technical information, and other scientific data resulting from this contract. The Government has the right, at all reasonable times, to inspect or otherwise evaluate the work being performed under this contract.

**§ 18–7.460–10 Authorization and consent.**

Insert the clause set forth in § 18–9.103(b).

**§ 18–7.460–11 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 18–9.105.

**§ 18–7.460–12 Security.**

Insert the clause set forth in § 18–7.350–6.

**§ 18–7.460–13 Disputes.**

Insert the clause set forth in § 18–7.103–12.

**§ 18–7.460–14 Termination.**

Insert the clause set forth in § 18–8.705–50(b).

**§ 18–7.460–15 Buy American Act.**

Insert the clause set forth in § 18–6.104–5.

**§ 18–7.460–16 Equal opportunity.**

Insert one of the clauses as required by and in accordance with the instructions in § 18–12.802: (a) the "Equal Opportunity in Federally Assisted Construction Contracts" clause set forth in § 18–12.802–1, or (b) the "Equal Opportunity" clause set forth in § 18–12.802–2.

**§ 18–7.460–17 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503.

**§ 18–7.460–18 Officials not to benefit.**

Insert the clause set forth in § 18–7.103–19.

**§ 18–7.460–19 Convict labor.**

Insert the clause set forth in § 18–12.203.

**§ 18–7.460–20 Audit and records.**

Insert the clause set forth in § 18–7.104–42.

**§ 18–7.461 Additional clauses.**

When circumstances justify it, the clauses prescribed in §§ 18–7.402, 18–7.403, 18–7.404, 18–7.451, 18–7.452, and 18–7.453 may be added to or substituted for the clauses set forth in §§ 18–7.460–1 through 18–7.460–19; however, care should be exercised to ensure that there are no inconsistencies.

## Subpart 18–7.7—Clauses for Facilities Contracts

**§ 18–7.701 Applicability.**

As used throughout this Subpart 18–7, the term "facilities contract" has the meaning given in § 18–13.101–17. Facilities contracts may take any of the following forms:

(a) Facilities acquisition contracts, which provide for the acquisition, construction, and installation of facilities;

(b) Facilities use contracts, which provide for the use, maintenance, accountability, and disposition of facilities; or

(c) Consolidated facilities contracts, which provide for both (1) the acquisition, construction, and installation of facilities, and (2) the use, maintenance, accountability, and disposition of facilities.

**§ 18–7.702 Required clauses for facilities acquisition contracts.**

The clauses set forth in this § 18–7.702 shall be inserted in all facilities acquisition contracts.

**§ 18–7.702–1 Definitions.**

DEFINITIONS (MARCH 1963)

As used throughout this Contract the following terms shall have the meanings set forth below:

(a) The term "Administrator" means the Administrator or Deputy Administrator of the National Aeronautics and Space Administration; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Administrator.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this Contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this Contract, the term "Subcontracts" includes purchase orders under this Contract.

(d) The term "NASA" means the National Aeronautics and Space Administration.

(e) "Related Procurement Contract" means a Government contract or subcontract for furnishing supplies or services of any description for the performance of which the use of the facilities is or may be authorized.

(f) "Material" means property which may be incorporated into or attached to an end item to be delivered under a contract or which may be consumed or expended in the performance of a contract. It includes but is not limited to raw and processed material, parts, components, assemblies, small tools, and supplies which may be consumed in normal use in the performance of the contract.

(g) "Special tooling" means all jigs, dies, fixtures, molds, patterns, special taps, special gauges, special test equipment, other special equipment and manufacturing aids, and replacements therefor, acquired or manufactured by the contractor for use in the performance of a contract or subcontract, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the production of such supplies or parts thereof, or the performance of such services, as are peculiar to the needs of the Government. The term does not include:

(i) items of tooling or equipment acquired by the contractor prior to the contract, or replacements thereof, where minor alteration is required for use in the performance of the contract, or

(ii) consumable small tools, or

(iii) general or special machine tools, or similar capital items.

(h) "Facilities" means property, other than material and special tooling, to be used for the performance of a contract or subcontract, including but not limited to real property and rights therein, buildings, structures, improvements, and plant equipment.

**§ 18–7.702–2 Representations and warranties.**

REPRESENTATIONS AND WARRANTIES (MARCH 1963)

(a) The Government makes no warranty, express or implied, regarding the condition of fitness for use of any item of the Facilities. To the extent practicable, the Contractor shall be afforded an opportunity to inspect all items of Facilities that are to be furnished by the Government prior to the shipment of such Facilities to the Contractor. In the event that any item of such Facilities is received by the Contractor in a condition not suitable for the intended use the Contractor shall, within thirty (30) days after receipt and installation thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer and at Government expense, either (i) return such item or otherwise dispose of it, or (ii) effect repairs or modifications.

(b) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by the return or disposition, or the repair or modification, of

any item of Facilities under paragraph (a) above.

### § 18–7.702–3 Inspection.

INSPECTION (MARCH 1963)

(a) The Facilities and work called for by this contract shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the Facilities and work called for by this contract. The Government, through any authorized representative, may inspect such Facilities and work at the plant or plants of the Contractor or any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work to be performed by the Contractor under this contract or any related procurement contract.

(b) The Contracting Officer may at any time require the Contractor to remedy by correction or replacement any Facilities or work which are defective or otherwise not in conformity with the requirements of this contract. Except as otherwise provided in paragraph (c) below, such corrections and replacements shall be carried out at Government expense if under the terms of this contract the Facilities or work thus corrected or replaced were initially provided or required to be performed at Government expense.

(c) The Contracting Officer may at any time require the Contractor, without cost to the Government hereunder or under any of his related procurement contracts or subcontracts, to correct or replace any Facilities or work which are defective or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives who has supervision or direction of:

(i) all or substantially all of the Contractor's business; or

(ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed; or

(iii) a separate and complete major industrial operation in connection with the performance of this contract.

(d) Corrected or replaced Facilities or work shall be subject to the provisions of this clause in the same manner and to the same extent as Facilities or work originally completed under this contract.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer periods as may be specified in this contract.

### § 18–7.702–4 Government bills of lading.

GOVERNMENT BILLS OF LADING (MARCH 1963)

All shipments of the Facilities shall be made on Government bills of lading, unless otherwise authorized by the Contracting Officer. The required number of such Government bills of lading will be furnished to the Contractor by, and the Contractor shall be accountable therefor to, the transportation activity designated by the Contracting Officer.

### § 18–7.702–5 Limitation of cost.

LIMITATION OF COST (MARCH 1963)

(a) It is estimated that the total cost to the Government for the performance of work under the Schedule of this contract which is provided herein to be at Government expense will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform such work within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of such work in the next succeeding thirty (30) days, when added to all costs previously incurred, will exceed eighty-five percent (85%) of the estimated cost then set forth in the Schedule, or if at any time the Contractor has reason to believe that the total cost to the Government for the performance of such work will be substantially greater or less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving his revised estimate of such total cost for the performance of such work.

(b) The Government shall not be obligated to reimburse the Contractor under this contract for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue the performance of work under this contract which is provided herein to be at Government expense, or to incur costs therefor, in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performing such work. When and to the extent that the estimated cost set forth in the Schedule has been increased any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

### § 18–7.702–6 Records.

Insert the clause set forth in § 18–7.203–7.

### § 18–7.702–7 Title.

TITLE (MARCH 1963)

(a) Title to all Facilities and components furnished by the Government shall remain in the Government. Title to all Facilities and components purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs.

(b) Title to the Facilities shall not be affected by their incorporation in or attachment to any property not owned by the Government, nor shall any item of the Facilities be or become a fixture or lose its identity as personalty by reason of affixation to any realty. Except as otherwise authorized by this contract or by the Contracting Officer, the Contractor (i) shall keep the Facilities free and clear of all liens and encumbrances, and (ii) shall not remove or otherwise part with possession of, or permit the use by others of any of the Facilities.

(c) The Contractor may, with the written approval of the Contracting Officer, install, arrange, or rearrange on premises furnished by the Government hereunder, readily movable machinery, equipment, and other items belonging to the Contractor. Title to any such item shall remain in the Contractor even though it is affixed to realty owned by the Government, unless it is so permanently attached to such realty as to be nonremovable without substantial injury, as determined by the Contracting Officer, to the property of the Government.

### § 18–7.702–8 Access.

ACCESS (MARCH 1963)

The Government and any persons designated by it shall at all reasonable times have access to the premises where any of the Facilities are located.

### § 18–7.702–9 Liability for the facilities.

LIABILITY FOR THE FACILITIES (MARCH 1963)

(a) The Contractor shall not be liable for any loss or damage to the Facilities, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) which results from:

(i) a risk expressly required to be insured pursuant to paragraph (c) of this clause, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater;

(ii) a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of said insurance or reimbursement;

(iii) willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the Contractor's business, (B) all or substantially all of the Contractor's operations at any one plant or separate location in which the Facilities are installed or located, or (C) any separate and complete major industrial operation in connection with which the Facilities are used;

(iv) a failure, due to willful misconduct or lack of good faith on the part of any of the Contractor's directors, officers, or other representatives mentioned in (iii) above, (A) to maintain a program for the protection and preservation of the Facilities, or (B) to take all reasonable steps to comply with any appropriate written directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Facilities;

(v) a risk for which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

*Provided* That, if more than one of the exceptions numbered (i) through (v) above shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(b) This clause shall not be construed as relieving a subcontractor hereunder from liability for loss or destruction of or damage to Facilities in his possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, may provide for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provision requiring the return of all Facilities in as good condition as when received except for reasonable wear and tear or for the utilization of the property



in accordance with the provisions of the prime contract.

(c) Unless expressly directed in writing by the Contracting Officer, the Contractor shall not include as an element of price or cost under any contract with the Government any amount on account of the cost of insurance (including self-insurance) against any form of loss or damage to the facilities. Any insurance required under this clause shall be in such form, in such amounts, for such periods of time and with such insurers (including the Contractor as self-insurer in appropriate circumstances, if so approved) as the Contracting Officer shall require or approve. Such insurance shall contain provision for thirty (30) days prior notice to the Contracting Officer, in the event of cancellation or material change in the policy coverage on the part of the insurer. A certificate of insurance or a certified copy of each policy of insurance taken out hereunder shall be deposited promptly with said Contracting Officer. The Contractor shall, not less than thirty (30) days prior to the expiration of any insurance required by this contract to be carried by the Contractor on the Facilities, deliver to said Contracting Officer a certificate of insurance or a certified copy of each renewal policy to cover the same risks. The insurance shall be in the name of the United States of America (National Aeronautics and Space Administration), the Contractor, and such other interested parties as the Contracting Officer shall approve, and shall contain a loss payable clause reading substantially as follows:

"Loss, if any, under this policy shall be adjusted with the Contractor and the proceeds, at the direction of the Government, shall be paid to the Contractor. Proceeds not paid to the Contractor shall be paid to the Treasurer of the United States of America."

(d) Upon the happening of any loss or destruction of or any damage to the Facilities:

(i) the Contractor shall promptly notify the Contracting Officer thereof, and with the assistance of the Contracting Officer shall take all reasonable steps to protect the Facilities from further damage, separate the damaged and undamaged Facilities, put all the Facilities in the best possible order, and promptly furnish to the Contracting Officer (and in any event within thirty (30) days after the Contractor has determined that loss or destruction of, or damage to, the Facilities has occurred) a statement of (A) the lost, destroyed, and damaged Facilities, (B) the time and origin of the loss, destruction or damage, (C) all known interests in commingled property of which the Facilities are a part, and (D) the insurance, if any, covering any part of or interest in such commingled property;

(ii) the Contractor shall make such repairs, replacements and renovations of the lost, destroyed or damaged Facilities, or take such other action, as the Contracting Officer may direct in writing.

The Contractor shall perform his obligations under this paragraph (d) at Government expense, except to the extent that the Contractor is responsible for such damage, loss or destruction under the terms of this clause, and except as any damage, loss, or destruction is compensated by insurance.

(e) The Government is not obligated to replace or repair the Facilities which have been lost, destroyed or damaged. In such event the right of the parties to an equitable adjustment in delivery or performance dates, or price, or both, and in any other contractual condition of the related procurement contracts affected thereby shall be governed by the terms and conditions of such contracts.

(f) Except to the extent of any loss or destruction of or damage to the Facilities for which the Contractor is relieved of liability, the Facilities shall be returned to the Government or otherwise disposed of under the terms of this contract in as good condition as when received by the Contractor, as subsequently improved or as they should have been subsequently improved under the terms of this contract, less ordinary wear and tear.

(g) In the event the Contractor is indemnified, reimbursed, or otherwise compensated (excepting proceeds from use and occupancy insurance, the cost of which is not borne directly or indirectly by the Government) for any loss or destruction of, or damage to, the Facilities, he shall, to the extent and as directed by the Contracting Officer (i) use the proceeds to repair, renovate, or replace the Facilities involved, or (ii) pay such proceeds to the Government.

(h) The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any loss or destruction of, or damage to, the Facilities, and upon the request of the Contracting Officer shall furnish to the Government, at Government expense, all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

### § 18–7.702–10 Indemnification of the Government.

INDEMNIFICATION OF THE GOVERNMENT (MARCH 1963)

Except as provided in the "Insurance—Liability to Third Persons" clause, the Contractor shall indemnify and hold the Government harmless against claims for injury to persons or damage to property of the Contractor or others arising from the Contractor's possession or use of the Facilities. However, the provisions of the Contractor's related procurement contracts shall govern the Government's assumption of liability for such claims arising out of or related to the performance of each such related procurement contract and involving the possession or use of the Facilities.

### § 18–7.702–11 Failure to perform.

FAILURE TO PERFORM (MARCH 1963)

(a) Subject to the provisions of the clause hereof entitled "Excusable Delays," if the Contractor shall fail to perform this contract in accordance with its terms, the Contracting Officer shall give the Contractor written notice thereof. Thereafter, notwithstanding any other provision of this contract, the Contractor shall not be entitled to an equitable adjustment under either this contract or any related procurement contract, to the extent that such equitable adjustment arises out of the Contractor's failure to perform or such reasonable remedial action as may be taken by the Contracting Officer predicated upon such failure.

(b) The failure of the Government to insist, in any one or more instances, upon the performance of any term or terms of this contract shall not be construed as a waiver or relinquishment of the Government's right to the future performance of such term or terms, and the Contractor's obligation in respect of such future performance shall continue in full force and effect.

(c) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

### § 18–7.702–12 Disputes.

Insert the clause set forth in § 18–7.103–12.

### § 18–7.702–13 Security requirements.

SECURITY REQUIREMENTS (MARCH 1963)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" or higher.

(b) NASA shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) The Contractor agrees to execute, if he has not already done so, a Security Agreement (DD Form 441) with the Government, represented by the Military Department assigned security cognizance over the Contractor's facility. To the extent the Government has indicated, as of the date of this contract, or thereafter indicates, a security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of:

(i) the Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for safeguarding Classified Information in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department assigned security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility, and representatives of NASA, shall have the right to inspect at reasonable intervals the procedures, methods and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost and fixed fee (if any) shall, to the extent appropriate, be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause of this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph. The Contractor may insert in any such subcontract, and any such subcontract entered into thereunder may contain provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee (if any) of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved.

(g) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

**§ 18–7.702–14 Assignment of claims.**

Insert the clause set forth in § 18–7.103–8.

**§ 18–7.702–15 Officials not to benefit.**

Insert the clause set forth in § 18–7.103–19.

**§ 18–7.702–16 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503.

**§ 18–7.702–17 Payment for overtime and shift premiums.**

Insert the clause set forth in § 18–12.102–3(h)(1).

**§ 18–7.702–18 Convict labor.**

Insert the clause set forth in § 18–12.203.

**§ 18–7.702–19 Equal opportunity.**

Insert one of the clauses as required by and in accordance with the instructions in § 18–12.802; (a) the "Equal Opportunity in Federally Assisted Construction Contracts" clause set forth in § 18–12.802–1, or (b) the "Equal Opportunity" clause set forth in § 18–12.802–2.

**§ 18–7.702–20 Work Hours Act of 1962—overtime compensation.**

Insert the appropriate clause set forth in § 18–12.303.

**§ 18–7.702–21 Interest.**

Insert the clause set forth in § 18–7.103–53.

**§ 18–7.702–22 Supersedure.**

SUPERSEDURE (MARCH 1963)

When the acquisition, construction, or installation of the Facilities called for by this contract, or any usable increment thereof, is completed and accepted by the Government, such Facilities shall thereafter be subject to the provisions of a Facilities Use Contract by which the use of such items by the contractor is authorized.

**§ 18–7.702–23 Competition in subcontracting.**

Insert the clause set forth in § 18–7.104–40.

**§ 18–7.702–24 Facilities to be provided.**

FACILITIES TO BE PROVIDED (MARCH 1963)

(a) The Contractor shall, at Government expense and subject to the terms and conditions of this contract, acquire, construct, or install the Facilities, and perform the work related thereto, described in the Schedule.

(b) The Government shall, subject to the terms and conditions of this contract, furnish to the Contractor the Facilities identified in the Schedule as Government-furnished Facilities. The Contractor shall, at Government expense, perform such work with respect to these Government-furnished Facilities as may be described in the Schedule.

**§ 18–7.702–25 Late delivery, diversion, and substitution.**

LATE DELIVERY, DIVERSION, AND SUBSTITUTION (MARCH 1963)

(a) The Government shall not be liable to the Contractor for breach of contract by reason of nondelivery or of any delay in the delivery of the Facilities to be furnished by the Government hereunder.

(b) The Government may, if it is determined by the Contracting Officer to be in the best interest of the Government, divert the Facilities by directing:

(i) delivery of any or all of the Facilities acquired by or furnished to the Contractor hereunder to locations other than those specified in the Schedule; and

(ii) assignment, to the Government or to third parties, of purchase orders or subcontracts of the Contractor for any or all of the Facilities hereunder.

**§ 18–7.702–26 Changes.**

CHANGES (MARCH 1963)

(a) The Contracting Officer may at any time, by written order and without notice to the sureties, if any, make changes, within the general scope of this contract, in the Facilities or work described in the Schedule. Work performed by the Contractor in complying with any such order shall be at Government expense. If any such change causes an increase or decrease in the estimated cost of this contract, in the time required for its performance, or otherwise affects any other provision of this contract, an equitable adjustment shall be made in the estimated cost, the completion schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(b) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such change.

**§ 18–7.702–27 Excusable delays.**

Insert the clause set forth in § 18–8.708.

**§ 18–7.702–28 Allowable cost and payment.**

ALLOWABLE COST AND PAYMENT (JANUARY 1964)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract which is provided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer to be allowable in accordance with (i) Part 15, Subpart 5, of the NASA Procurement Regulation as in effect on the date of this contract and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

(c) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to the Contracting Officer or the Contracting Officer's authorized representative, in such form and reasonable detail as such representative may require an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(d) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of paragraph (f) below, make payment thereon as approved by the Contracting Officer.

(e) After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(f) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(g) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all relevant provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (h) below), the Government shall promptly pay to the Contractor any balance of allowable cost. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of (i) all work under this contract, or (ii) such work involving acquisition, construction or installation of the Facilities as may then be specified in the Schedule, but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(h) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts





are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release; *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) claims for reimbursement of costs including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

**§ 18–7.702–29 Insurance—liability to third persons.**

INSURANCE—LIABILITY TO THIRD PERSONS (MARCH 1963)

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury) and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance of work at Government expense under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance of work at Government expense under this contract; *Provided,* That the Contractor may with the approval of the Contracting Officer, maintain a self-insurance program, *And provided further,* That with respect to workmen's compensation the Contractor is qualified pursuant to statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amounts, and for such periods of time, as the Contracting Officer may from time to time require or approve, and with insurers approved by the Contracting Officer.

(b) The Contractor agrees, to the extent and in the manner required by the Contracting Officer to submit for the approval of the Contracting Officer any other insurance maintained by the Contractor in connection with the performance of work at Government expense under this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed: (i) for the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (ii) for liabilities to third persons for loss of or damage to property (other than property (A) owned, occupied, or used by the Contractor or rented to the Contractor, or (B) in the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of work at Government expense under this contract, whether or not caused by the negligence of the Contractor, his agents, servants, or employees, provided such liabilities are represented by final judgments or by settlements approved in writing by the Government, and expenses incidental to such liabilities, except liabilities (I) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (II) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer, or (III) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (1) all or substantially all of the Contractor's business, or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (3) a separate and complete major industrial operation in connection with the performance of work at Government expense under this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of work at Government expense under this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause, provided such cost would constitute allowable cost under the clause of this contract entitled "Allowable Cost and Payment".

(d) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of work at Government expense under this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of coverage. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. If the amount of the liability claimed exceeds the amount of coverage, the Contractor shall authorize representatives of the Government to collaborate with counsel for the insurance carrier, if any, in settling or defending such claim. If the liability is not insured or covered by bond, the Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith: *Provided, however,* That the Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

**§ 18–7.702–30 Stop work orders.**

STOP WORK ORDERS (MARCH 1963)

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the acquisition, construction, or installation work called for by the Schedule for a period of ninety (90) days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall, at Government expense, forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90) days after a Stop Work Order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either—

(i) cancel the Stop Work Order, or

(ii) terminate the work covered by such order as provided in the "Termination of Work" clause of this contract.

(b) If a Stop Work Order issued under this clause is canceled or the period of the order or any extension thereof expires the Contractor shall resume work. An equitable adjustment shall be made in the delivery completion schedule, the estimated cost, or both, and the contract shall be modified in writing accordingly, if—

(i) the Stop Work Order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract, and

(ii) the Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage; *provided* that, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract.

(c) If a Stop Work Order is not canceled and the work covered by such order is terminated, the reasonable costs resulting from the Stop Work Order shall be allowed in arriving at the termination settlement.

(d) Appropriate equitable adjustment may be made in any related contract of the Contractor which so provides and which is affected by any Stop Work Order under this clause. In no event shall the Government be liable to the Contractor for damages or loss of profits because of a Stop Work Order issued under this clause.

**§ 18–7.702–31 Termination of work.**

TERMINATION OF WORK (MARCH 1963)

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a written Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) stop work in performance of the contract on the date and to the extent specified in the Notice of Termination;

(ii) place no further orders or subcontracts for materials, services or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(iii) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) assign to the Government, in the manner and to the extent directed by the Contracting Officer, all of the right, title and interest of the Contractor under the orders or subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable in whole or in part, in accordance with the provisions of this contract;

(vi) transfer title (to the extent that title has not already been transferred) and, in the manner, to the extent, and at the times directed by the Contracting Officer, deliver to the Government (A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination, and (B) the completed or partially completed plans, drawings,

information, and other property which, if the contract had been completed, would be required to be furnished to the Government;

(vii) use his best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however,* That the Contractor (A) shall not be required to extend credit to any purchaser, and (B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(viii) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining any item of reimbursable cost under this clause. At any time after expiration of the plant clearance period, as defined in Part 8, NASA Procurement Regulation, as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer, upon request of the Contractor made in writing within such 1 year period of authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by NASA Regulation in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by Part 8 of the NASA Procurement Regulation in effect as of the date of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (1)d, as to the amounts with respect to costs to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by Part 8 of the NASA Procurement Regulation in effect as of the date of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the teamination and shall pay to the Contractor the amount determined as follows:

(i) there shall be included therein all costs and expenses reimbursable in accordance with this contract, not previously paid to the Contractor for the performance of this contract prior to the effective date of the Notice of Termination, and such of these costs as may continue for a reasonable time thereafter with the approval of or as directed by the Contracting Officer; *Provided, however,* That the Contractor shall proceed as rapidly as practicable to discontinue such costs;

(ii) there shall be included therein so far as not included under (i) above, the cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(v) above, which are properly chargeable to the terminated portion of the contract;

(iii) there shall be included therein the reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory.

(f) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes", from any determination made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above the Government shall pay to the Contractor the following:

(i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer;

(ii) if an appeal has been taken, the amount finally determined on such appeal.

(g) In arriving at the amount due the Contractor under this clause there shall be deducted (i) all unliquidated, advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this contract, (ii) any claim which the Government may have against the Contractor in connection with this contract, and (iii) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(h) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of six percent (6%) per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten (10) days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(i) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by a Notice of Termination under this clause. In no event shall the Government be liable to the Contractor for damages or loss of profits by reason of a Notice of Termination issued pursuant to this clause.

**§ 18–7.702–32 Authorization and consent.**

Insert the clause set forth in § 18–9.103(b).

**§ 18–7.702–33 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 18–9.105.

**§ 18–7.702–34 License for subsequent use.**

Insert the clause set forth in § 18–9.109.

**§ 18–7.702–35 Subcontracts.**

Insert the clause set forth in § 18–7.203–8.

**§ 18–7.702–36 Small business subcontracting program.**

SMALL BUSINESS SUBCONTRACTING PROGRAM (MARCH 1963)

(a) The Contractor agrees to establish and conduct a program to afford small business concerns an equitable opportunity to compete for NASA subcontracts within their capabilities. In this connection, the Contractor shall—

(i) designate a small business liaison officer, who will (A) maintain liaison with duly authorized representatives of the Government on small business matters, (B) supervise compliance with the clause of this contract entitled "Utilization of Small Business Concerns," and (C) administer the Contractor's Small Business Program;

(ii) provide adequate and timely consideration of the potentialities of small business concerns in all "make-or-buy" decisions;

(iii) ensure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate small business participation;



(iv) maintain records showing (A) whether each prospective subcontractor is a small business concern, and (B) procedures which have been adopted to comply with the policies set forth in this clause;

(v) include the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial small business subcontracting opportunities; and

(vi) submit NASA Form 524 reports, in triplicate, to NASA in accordance with the instructions contained therein.

(b) A "small business concern" is a concern that—

(i) is independently owned and operated, is not dominant in its field of operations and, with its affiliates, employs fewer than 500 employees; or

(ii) is certified as a small business concern by the Small Business Administration.

(c) The Contractor further agrees to insert in any subcontract hereunder which is in excess of $1,000,000 and which contains the clause entitled "Utilization of Small Business Concerns" provisions which shall conform substantially to the language of this clause, including this paragraph (c).

**§ 18–7.702–37 Utilization of concerns in labor surplus areas.**

Insert the clause set forth in § 18–7.104–20.

**§ 18–7.702–38 Buy American Act.**

Insert the clause set forth in § 18–6.104–5.

**§ 18–7.702–39 Renegotiation.**

Insert the clause set forth in § 18–7.103–13.

**§ 18–7.702–40 Notice to the Government of labor disputes.**

Insert the clause set forth in § 18–7.104–4.

**§ 18–7.702–41 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 18–12.604.

**§ 18–7.702–42 GSA supply sources.**

The clause set forth in § 18–5.907 will be included in contracts in accordance with the instructions set forth therein.

**§ 18–7.702–43 Limitation on withholding of payments.**

LIMITATION ON WITHHOLDING OF PAYMENTS (MARCH 1963)

If more than one clause or schedule provision of this contract authorizes the temporary withholding of amounts otherwise payable to the Contractor for work performed under this contract, the total of the amounts so withheld at any one time shall not exceed the greatest amount which may be withheld under any one such clause or schedule provision at that time: *Provided,* That this limitation shall not apply to:

(i) Withholdings pursuant to any clause relating to wages or hours of employees;

(ii) Withholdings not specifically provided for by this contract; and

(iii) The recovery of overpayments.

**§ 18–7.702–44 Utilization of small business concerns.**

Insert the clause set forth in § 18–1.707–3(a).

**§ 18–7.702–45 Payment of royalties.**

In accordance with the instructions in § 18–9.108, insert the appropriate clause set forth therein.

**§ 18–7.702–46 Audit and records.**

Insert the clause set forth in § 18–7.104–42.

**§ 18–7.703 Required clauses for facilities use contracts.**

The clauses set forth in this § 18–7.703 shall be inserted in all facilities use contracts.

**§ 18–7.703–1 Definitions.**

Insert the clause set forth in § 18–7.702–1.

**§ 18–7.703–2 Representations and warranties.**

Insert the clause set forth in § 18–7.702–2.

**§ 18–7.703–3 Inspection.**

Insert the clause set forth in § 18–7.702–3.

**§ 18–7.703–4 Government bills of lading.**

Insert the clause set forth in § 18–7.702–4.

**§ 18–7.703–5 Limitation of cost.**

Insert the clause set forth in § 18–7.702–5.

**§ 18–7.703–6 Records.**

Insert the clause set forth in § 18–7.203–7.

**§ 18–7.703–7 Title.**

Insert the clause set forth in § 18–7.702–7, substituting for paragraph (a) thereof the following paragraph (a):

(a) Title to the Facilities shall remain in the Government. Title to parts replaced by the Contractor in carrying out his normal maintenance obligations pursuant to the clause of this contract entitled "Maintenance" shall pass to and vest in the Government upon completion of their installation in the Facilities. (March 1963)

**§ 18–7.703–8 Access.**

Insert the clause set forth in § 18–7.702–8.

**§ 18–7.703–9 Liability for the facilities.**

Insert the clause set forth in § 18–7.702–9, substituting for paragraph (a) (iv) thereof the following paragraph (a) (iv):

(a) (iv) A failure, due to willful misconduct or lack of good faith on the part of any of the Contractor's directors, officers, or other representatives mentioned in (iii) above, (A), to maintain and administer, in accordance with the clause of the contract entitled "Maintenance", a program for the maintenance, repair, protection, and preservation of the Facilities, or (B) to take all reasonable steps to comply with any appropriate written directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Facilities. (March 1963)

**§ 18–7.703–10 Indemnification of the Government.**

Insert the clause set forth in § 18–7.702–10.

**§ 18–7.703–11 Failure to perform.**

Insert the clause set forth in § 18–7.702–11, substituting for the first sentence in paragraph (a) thereof the following sentence:

(a) If the Contractor shall fail to perform this contract in accordance with its terms, the Contracting Officer shall give the Contractor written notice thereof. (March 1963)

**§ 18–7.703–12 Disputes.**

Insert the clause set forth in § 18–7.103–12.

**§ 18–7.703–13 Security requirements.**

Insert the clause set forth in § 18–7.702–13, deleting paragraph (e) of this clause and reletter paragraphs (f) and (g) as paragraphs (e) and (f), respectively.

**§ 18–7.703–14 Assignment of claims.**

Insert the clause set forth in § 18–7.103–8.

**§ 18–7.703–15 Officials not to benefit.**

Insert the clause set forth in § 18–7.103–19.

**§ 18–7.703–16 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503.

**§ 18–7.703–17 Payment for overtime and shift premiums.**

In accordance with the requirements of § 18–12.102, insert the clause set forth in § 18–12.102–3(h)(1).

**§ 18–7.703–18 Convict labor.**

In accordance with the requirements of § 18–12.201, insert the clause set forth in § 18–12.203.

**§ 18–7.703–19 Equal opportunity.**

Insert one of the clauses as required by and in accordance with the instructions in § 18–12.802:

(a) the "Equal Opportunity in Federally Assisted Construction Contracts" clause set forth in § 18–12.802–1, or (b) the "Equal Opportunity" clause set forth in § 18–12.802–2.

**§ 18–7.703–20 Work Hours Act of 1962—overtime compensation.**

Insert the appropriate clause set forth in § 18–12.303.

**§ 18–7.703–21 Interest.**

Insert the clause set forth in § 18–7.103–53.

**§ 18–7.703–22 Supersedure.**

Insert the clause set forth in § 18–7.702–22.

**§ 18–7.703–23 Competition in subcontracting.**

Insert the clause set forth in § 18–7.104–40.

**§ 18–7.703–24 Use and charges.**

USE AND CHARGES (MARCH 1963)

(a) The Contractor may use the Facilities without charge in the performance of:

(i) Prime contracts with the Government which specifically authorize use without charge;

(ii) Subcontracts held by the Contractor under Government prime contracts or subcontracts of any tier thereunder if the Contracting Officer having cognizance of the prime contract concerned has authorized use without charge by approving a subcontract

specifically authorizing such use or has otherwise authorized such use in writing; and

(iii) Other work with respect to which the Contracting Officer has authorized use without charge in writing.

(b) Subject to the payment of a rental therefor, the Contractor may use all or part of the Facilities in the performance of work other than that specified in paragraph (a) above, as authorized by the Contracting Officer or as specifically provided in the Schedule. The amount of rentals to be paid for the right to use the Facilities under this paragraph (b) shall be determined in accordance with the following procedure:

(1) The following bases are or shall be established in writing for the rental computation prescribed in subparagraph (2) below in advance of any use of the Facilities under this paragraph:

(i) The rental rates for the right to use the Facilities shall be those set forth in Exhibit A.

(ii) The acquisition cost of the Facilities shall be the total cost to the Government, as determined by the Contracting Officer, of each item of the Facilities, including the costs of transportation and installation, if such costs are borne by the Government. When Government-owned special tooling or accessories are rented with any item of the Facilities, the acquisition cost shall be increased to include the price charged the Government for such tooling or accessories. When any item of the Facilities has been modernized by substantial rebuilding at Government expense so as to enhance its original capability, the acquisition cost for that item shall include the increased value, as determined by the Contracting Officer, that such rebuilding and modernization represent. The determination made by the Contracting Officer under this subparagraph shall be final.

(iii) The rental period shall be not less than one month nor more than six months, as may be mutually agreed to.

(iv) For the purpose of computing any credit under subparagraph (2) below, the measurement unit for determining the amount of use of the Facilities by the Contractor shall be direct labor hours, sales, hours of use, or any other measurement unit which will result in an equitable apportionment of the rental charge, as may be mutually agreed to.

(2) The Contractor shall compute the amount of rentals to be paid for each rental period, using the bases established pursuant to subparagraph (1) above. The rental rates shall be applied to the acquisition cost of the Facilities or such part thereof as may have been authorized for use in advance pursuant to this paragraph (b), for each rental period. The full charge for each rental period, so determined, shall be reduced by a credit in the amount of such rental as would otherwise be properly allocable to work with respect to which the use of the Facilities without charge is authorized in accordance with paragraph (a) above. Such credit shall be computed by multiplying the full rental for the rental period by a fraction whose numerator is the amount of use of the Facilities by the Contractor without charge during such period, and whose denominator is the total amount of use of the Facilities by the Contractor during such period.

(3) The Contractor shall submit to the Contracting Officer within ninety (90) days after the close of each rental period a written statement of the use made of the Facilities by the Contractor and the rental due the Government hereunder, and shall make available such records and data as are determined by the Contracting Officer to be necessary to verify the information contained in the statement.

(4) If the Contractor fails to submit the statement within the prescribed ninety (90) day period, the Contractor shall be liable for the full rental for the period in question, subject to the exception stated in subparagraph (5) below.

(5) If the Contractor's failure to submit the statement within the prescribed ninety (90) day period arose out of causes beyond the control and without the fault or negligence of the Contractor, the Contracting Officer shall grant to the Contractor in writing a reasonable extension of time in which to make such submission.

(c) Unless otherwise directed in writing by the Contracting Officer, the Contractor shall give priority in the use of the Facilities to the performance of contracts and subcontracts of NASA, and shall not undertake any work involving the use of the Facilities which would interefere with the performance of existing Government contracts or subcontracts.

(d) Concurrently with the submission of the written statement prescribed by subparagraph (b) (3) above, the Contractor shall pay the rental due the Government under this clause by check made payable to the Treasurer of the United States. Each check shall be mailed or delivered to the Contracting Officer. Receipt and acceptance by the Government of the Contractor's checks pursuant to this paragraph shall constitute an accord and satisfaction of the final amount due the Government hereunder, unless the Contractor is notified in writing within six (6) months following such receipt that the amount received is not regarded by the Government as the final amount due.

(e) If the Contractor uses any item of the Facilities without authorization, the Contractor shall be liable for the full monthly rental, without credit, for such item for each month or part thereof in which such unauthorized use occurs. However, the Contracting Officer may waive the Contractor's liability for such unauthorized used if he determines that the Contractor exercised reasonable care to prevent such unauthorized use. In this latter event, the Contractor shall be liable only for the rental that would otherwise be due under this clause. The acceptance of any rental by the Government hereunder shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor growing out of the Contractor's unauthorized use of the Facilities or any other failure to perform this contract according to its terms.



EXHIBIT A

RENTAL RATES

The following rental rates are the rental rates referred to in the clause of this contract entitled "Use and Charges":

1. For land and land preparation, buildings, building installations, and land installations other than those items specified in 2 below, a fair and reasonable rental shall be established, based on sound commercial practice.

2. For machinery and production equipment of the type covered by the following classes of Production Equipment:

| *Equipment code number* | *Description* |
|---|---|
| PEC/SCC 3191 | Dynamometers. |
| FSC 3411 through 3419 | Machine tools. |
| PEC/SCC 3421 through 3429 | Portable machine tools. |
| PEC/SCC 3431 through 3433 and 3439 | Primary metalforming machinery. |
| FSC 3441 through 3449 | Secondary metalforming machinery. |
| FSC 3431 through 3438 | Welding equipment. |
| PEC/SCC 3521 through 3527 and 3529 | Textile machinery. |
| PEC/SCC 3562 through 3567 and 3569 | Woodworking machinery. |
| PEC/SCC 3571 through 3574, 3575, 3577 through 3579. | Furnaces. |
| PEC/SCC 3581 through 3587 and 3589 | Foundry equipment. |
| PEC/SCC 3593, 3595 through 3597 | Special industries machinery. |
| PEC/SCC 3598 | Special machines for manufacturing ammunition and ordnance. |
| PEC/SCC 3911 through 3915 and 3919 | Crushing, pulverizing, and screening machinery. |
| PEC/SCC 3991 | Miscellaneous general purpose industrial machinery. |
| PEC/SCC 5631 through 5636 and 5638 | Measuring and control instruments. |
| PEC/SCC 563908 | Profilometers. |
| PEC/SCC 563914 | Magnetic particle inspection machines. |
| PEC/SCC 56391405 | Demagnetizers. |
| PEC/SCC 5651 through 5659 | Physical properties testing equipment. |
| PEC/SCC 5693 | Electronic research devices. |
| PEC/SCC 6814 | Industrial X-ray equipment. |

NOTE.—PEC/SCC means Production Equipment Classification Codes formerly Standard Commodity Classification Codes. FSC means Federal Stock Classification.

The following rates shall apply:

| *Age of equipment (years)* | *Monthly rental rate (percent)* |
|---|---|
| 0 to 2 | 1¾ |
| Over 2 to 6 | 1½ |
| Over 6 to 10 | 1 |
| Over 10 | ¾ |

The age of each item of the Facilities shall be based on the year in which it was manufactured, with an annual birthday on 1 January of each year thereafter. On 1 January following the date of manufacture, the item shall be considered 1 year old, and on each succeeding January 1st it shall become 1 year older. For example, if an item of equipment is manufactured on 15 July 1958, it will be considered to be 1 year old on 1 January 1959, 2 years old on 1 January 1960, 3 years old on 1 January 1961, and so forth. The item of equipment will be considered "over 2 years old" on and after 1 January 1960, "over 6 years old" on and after 1 January 1964, and "over 10 years old" on and after 1 January 1968.

3. For electronic test equipment, and automotive equipment, 25 percent per annum; and

4. For personal property and equipment not covered in 1, 2, or 3 above, a rental shall be established at not less than the prevailing commercial rate, if any, or, in the absence of such rate, not less than 1 percent per month.

## § 18–7.703–25 Costs and payment.

COSTS AND PAYMENT (JANUARY 1964)

(a) In consideration of the use of the Facilities to which the provisions of this contract are applicable, the Contractor shall be responsible for all duties and obligations assigned to the Contractor hereunder, and shall perform all work called for herein, except that which is specifically designated to be at Government expense, without payment therefor under this contract.

(b) The Contractor shall be obligated to perform the work provided in this contract to be at Government expense, when so directed in writing by the Contracting Officer, to the extent provision is made either in this contract or in other contracts for reimbursement of the allowable costs thereof, without fee or profit; and, accordingly, the "Limitation of Cost" clause of this contract shall be applicable only to provisions for reimbursement, if any, under this contract.

(c) Only those costs may be reimbursed which are determined to be allowable in accordance with (i) Part 15, Subpart 5, of the NASA Procurement Regulation as in effect on the date of this contract, and (ii) the terms of this contract.

(d) The failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost, under any other Government contract or subcontracts, an allocable portion of the costs incurred in performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

## § 18–7.703–26 Location of the facilities.

LOCATION OF THE FACILITIES (MARCH 1963)

The Contractor may use the Facilities at any of the locations specified in the Schedule, and, with the prior written approval of the Contracting Officer, at any other location. In granting this approval, the Contracting Officer may prescribe such terms and conditions as he may deem necessary for the protection of the Government's interest in the Facilities involved. Notwithstanding any inconsistency with the provisions of this contract, such terms and conditions shall prevail.

## § 18–7.703–27 Maintenance.

MAINTENANCE (MARCH 1963)

(a) Except as otherwise provided in the Schedule, the Contractor shall perform normal maintenance of the Facilities in accordance with sound industrial practice, including protection, preservation, maintenance and repair of the Facilities and, with respect to equipment, normal parts replacement.

(b) As soon as practicable after the execution of this contract, the Contractor shall submit to the Contracting Officer in writing a proposed normal maintenance program, including an appropriate maintenance records system, in sufficient detail to show its adequacy as a normal maintenance program. To the extent that the Contracting Officer and the Contractor agree upon such a program, it shall become the normal maintenance obligation of the Contractor, and the Contractor shall carry it out in satisfaction of (i) his normal maintenance obligation under paragraph (a) above, and (ii) his obligation to maintain records under paragraph (e) below. To the extent that any such program does not cover any aspect of normal maintenance, the Contractor's general obligation under paragraph (a) above shall apply.

## § 18–7.703–28 Property control.

PROPERTY CONTROL (JANUARY 1964)

The Contractor shall maintain adequate property control procedures and records, and a system of identification of the Facilities, in accordance with the provisions of the applicable "Manual for Control of Government Property in Possession of Nonprofit Research and Development Contractors" (Appendix C, Armed Services Procurement Regulation, or the "NASA Industrial Property Control Manual" (NPC–105), as may be appropriate), in effect on the date of this contract.

## § 18–7.703–29 Notice of use of the facilities.

NOTICE OF USE OF THE FACILITIES (MARCH 1963)

The Contractor shall notify the Contracting Officer in writing whenever:

(i) Use of the Facilities for Government work is less than seventy-five percent (75%) of the total use of the Facilities,

(ii) A substantial part of the Facilities is no longer needed or usable for the purpose of performing Government contracts or subcontracts.

## § 18–7.730–30 Period of this contract.

PERIOD OF THIS CONTRACT (MARCH 1963)

If not previously terminated pursuant to the "Termination of the Use of the Facilities" clause of this contract, the use of the Facilities authorized under this contract shall terminate five (5) years after its effective date. Thereafter, if continued use of the Facilities by the Contractor is mutually desired, the parties shall enter into a new contract which shall incorporate such provisions as may then be required by applicable laws and regulations. The parties may, by written agreement, extend the use of the Facilities hereunder beyond this five (5) year period to permit the completion of then existing related procurement contracts and subcontracts.

## § 18–7.703–31 Termination of the use of the facilities.

TERMINATION OF THE USE OF THE FACILITIES (MARCH 1963)

(a) The Contractor may at any time, upon written notice to the Contracting Officer terminate his authority to use any or all of the Facilities. Termination under this paragraph (a) shall not relieve the Contractor of any of his obligations or liabilities under any related procurement contract or subcontract affected thereby.

(b) The Contracting Officer may at any time, upon written notice, terminate or limit the Contractor's authority to use any or all of the Facilities. Except as otherwise provided in the "Failure to Perform" clause of this contract, appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such notice.

## § 18–7.703–32 Disposition of the facilities.

DISPOSITION OF THE FACILITIES (MARCH 1963)

(a) Except as the Contracting Officer otherwise directs, or until use of all the facilities under this contract is terminated, the provisions of this clause shall not be applicable to those Facilities, the use of which has been terminated by the Contractor by a notice of termination under paragraph (a) of the "Termination of the Use of the Facilities" clause of this contract if—

(i) such Facilities comprise less than all of the Facilities in the possession of the Contractor, and

(ii) the Contracting Officer determines that continued retention of such Facilities would not interfere with the Contractor's operations.

(b) Within two (2) months after the effective date of any notice of termination given pursuant to the "Termination of the Use of the Facilities" clause of this contract, or within such longer period as the Contracting Officer may approve in writing, the Contractor shall submit to the Contracting Officer, in form satisfactory to him, an accounting for all the Facilities covered by such notice.

(c) Within six (6) months after the Contractor accounts for any Facilities pursuant to paragraph (b) above, the Contracting Officer shall give written notice to the Contractor as to the disposition thereof, except as otherwise provided in paragraph (e) below. In effecting such disposition, the Government may either—

(i) abandon any such Facilities in place, and thereupon all obligations of the Government regarding such abandoned Facilities shall cease; or

(ii) require the Contractor to comply, at Government expense, with such written directions as the Contracting Officer may give with respect to:

(A) the preparation, protection, removal or shipment of the affected Facilities,

(B) the retention or storage of the affected Facilities: *Provided*, That the Contracting Officer will not direct the Contractor to retain or store any items of Facilities in or on real property not owned by the Government if such retention or storage will interfere with the Contractor's operations,

(C) the restoration of Government-owned land or buildings incident to the removal therefrom of Government-owned Facilities, and

(D) the sale of any affected Facilities in such manner, at such times, and at such price or prices, as may be approved by the Contracting Officer, except that the Contractor shall not be required to extend credit to any purchaser.

(d) If the Contracting Officer fails to give the written notice required by paragraph (c) above within the prescribed six (6) month period, or within thirty (30) days after notice as hereinafter provided, the Contractor may, upon not less than thirty (30) days' written notice to the Government and at Government risk and expense, (i) retain the Facilities in place or (ii) remove any of the affected severable Facilities located in Contractor-owned buildings or property and store them elsewhere, at the Contractor's plant or in a public insured warehouse, in accordance with sound industrial practice and in a manner compatible with their security classification, if any. Except as provided in this paragraph, the Government shall not be liable to the Contractor for failure to give the written notice required by paragraph (c) above.

(e) Nonseverable items of the Facilities or items of the Facilities subject to patent or proprietary rights shall be disposed of in such manner as the parties may have agreed to in writing.

(f) The Government, either directly or by third persons engaged by it, may remove or otherwise dispose of any Facilities with respect to which the Contractor's authority to use has been terminated, other than those for which specific provision is made in paragraph (e) above.

(g) The Contractor shall, within a reasonable time after the expiration of the six (6) month period specified in paragraph (c) above, remove all property owned by him from land or buildings owned or acquired by the Government and take such action as the Contracting Officer may direct in writing with respect to restoring such land or buildings, insofar as they are affected by the installation therein of the Contractor's property, to their condition prior to such installation.

(h) Unless otherwise specifically provided in this contract, the Government shall not be obligated to the Contractor to restore or rehabilitate any property at the Contractor's plant which may be damaged by the installation, use, removal, or storage of the Facilities, except any such damage as may be occasioned by the negligence of the Government, its agents, employees, or independent contractors. The Contractor agrees to indemnify the Government against all suits or claims arising out of the Government's

failure to restore or rehabilitate any property at the Contractor's plant or property of its subcontractors, except any such damage as may be occasioned by the negligence of the Government, its agents, employees, or independent contractors.

**§ 18–7.703–33 Property reporting.**

PROPERTY REPORTING (JANUARY 1964)

(a) Promptly after the effective date of this contract, the Contractor shall furnish a report of all Facilities for which he is accountable under this contract. The report shall contain the following information:

(i) Real property—total acquisition cost;

(ii) Buildings, structures and improvements—total acquisition cost;

(iii) Plant equipment costing $200 or more per item (excluding electronic test equipment and automotive equipment)—number of items and total acquisition cost;

(iv) Electronic test equipment and automotive equipment—number of items and total acquisition cost;

(v) Other plant equipment costing less than $200 per item—number of items and total acquisition cost; and

(vi) Production equipment—number of items and total acquisition cost of those Facilities in each of the following age categories: 0–2 years; 2–6 years; 6–10 years; and over 10 years of age.

(b) On or before 31 January of the year subsequent to the effective date of this contract, and annually thereafter, during the life of the contract, the Contractor shall submit an up-to-date report, containing the above required information prepared as of 1 January of each such year.

(c) All such reports required pursuant to paragraphs (a) and (b) above shall be signed by the Contractor and submitted to the cognizant Government Property Administrator for verification and forwarding to the Contracting Officer.

(d) In addition to the reports required by paragraphs (a) and (b) above, the Contractor agrees to furnish a current itemized listing of all Government-owned property accountable under this contract, within thirty (30) days of receipt of written request from the Contracting Officer for such a listing.

**§ 18–7.703–34 Audit and records.**

Insert the clause set forth in § 18–7.104–42.

**§ 18–7.704 Required clauses for consolidated facilities contracts.**

The clause set forth in this § 18–7.704 shall be inserted in all consolidated facilities contracts.

**§ 18–7.704–1 Definitions.**

Insert the clause set forth in § 18–7.702–1.

**§ 18–7.704–2 Representations and warranties.**

Insert the clause set forth in § 18–7.702–2.

**§ 18–7.704–3 Inspection.**

Insert the clause set forth in § 18–7.702–3.

**§ 18–7.704–4 Government bills of lading.**

Insert the clause set forth in § 18–7.702–4.

**§ 18–7.704–5 Limitation of cost.**

Insert the clause set forth in § 18–7.702–5.

**§ 18–7.704–6 Records.**

Insert the clause set forth in § 18–7.703–7.

**§ 18–7.704–7 Title.**

Insert the clause set forth in § 18–7.702–7.

**§ 18–7.704–8 Access.**

Insert the clause set forth in § 18–7.702–8.

**§ 18–7.704–9 Liability for the facilities.**

Insert the clause set forth in § 18–7.702–9, substituting for paragraph (a) (iv) thereof the following paragraph (a) (iv):

(a) (iv) A failure, due to willful misconduct or lack of good faith on the part of any of the Contractor's directors, officers, or other representatives mentioned in (iii) above, (A) to maintain and administer, in accordance with the clause of the contract entitled "Maintenance," a program for the maintenance, repair, protection, and preservation of the Facilities, or (B) to take all reasonable steps to comply with any appropriate written directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Facilities. (March 1963)

**§ 18–7.704–10 Indemnification of the Government.**

Insert the clause set forth in § 18–7.702–10.

**§ 18–7.704–11 Failure to perform.**

Insert the clause set forth in § 18–7.702–11.

**§ 18–7.704–12 Disputes.**

Insert the clause set forth in § 18–7.702–12.

**§ 18–7.704–13 Security requirements.**

Insert the clause set forth in § 18–7.702–13.

**§ 18–7.704–14 Assignment of claims.**

Insert the clause set forth in § 18–7.103–8.

**§ 18–7.704–15 Officials not to benefit.**

Insert the clause set forth in § 18–7.103–19.

**§ 18–7.704–16 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503.

**§ 18–7.704–17 Payment for overtime and shift premiums.**

In accordance with the requirements of § 18–12.102, insert the clause set forth in § 18–12.102–3(h)(1).

**§ 18–7.704–18 Convict labor.**

In accordance with the requirements of § 18–12.201, insert the clause set forth in § 18–12.203.

**§ 18–7.704–19 Equal opportunity.**

Insert one of the clauses as required by and in accordance with the instructions in § 18–12.802:

(a) The "Equal Opportunity in Federally Assisted Construction Contracts" clause set forth in § 18–12.802–1, or (b) the "Equal Opportunity" clause set forth in § 18–12.802–2.

**§ 18–7.704–20 Work Hours Act of 1962—overtime compensation.**

Insert the appropriate clause set forth in § 18–12.303.

**§ 18–7.704–21 Interest.**

Insert the clause set forth in § 18–7.103–53.

**§ 18–7.704–22 Supersedure.**

Insert the clause set forth in § 18–7.702–22.

**§ 18–7.704–23 Competition in subcontracting.**

Insert the clause set forth in § 18–7.104–40.

**§ 18–7.704–24 Facilities to be provided.**

Insert the clause set forth in § 18–7.702–24.

**§ 18–7.704–25 Late delivery, diversion, and substitution.**

Insert the clause set forth in § 18–7.702–25.

**§ 18–7.704–26 Changes.**

Insert the clause set forth in § 18–7.702–26.

**§ 18–7.704–27 Excusable delays.**

Insert the clause set forth in § 18–8.708.

**§ 18–7.704–28 Allowable cost and payment.**

Insert the clause set forth in § 18–7.702–28.

**§ 18–7.704–29 Insurance—liability to third persons.**

Insert the clause set forth in § 18–7.702–28.

**§ 18–7.704–30 Stop work orders.**

Insert the clause set forth in § 18–7.702–30.

**§ 18–7.704–31 Termination of work.**

Insert the clause set forth in § 18–7.702–31.

**§ 18–7.704–32 Authorization and consent.**

Insert the clause set forth in § 18–9.103(b).

**§ 18–7.704–33 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 18–9.105.

**§ 18–7.704–34 License for subsequent use.**

Insert the clause set forth in § 18–7.702–34.

**§ 18–7.704–35 Subcontracts.**

The instructions set forth in §18–7.702–35 apply.

**§ 18–7.704–36 Small business subcontracting program.**

Insert the clause set forth in § 18–7.702–36.



**§ 18–7.704–37 Utilization of concerns in labor surplus areas.**

Insert the clause set forth in § 18–7.104–20.

**§ 18–7.704–38 Buy American Act.**

Insert the clause set forth in § 18–6.104–5.

**§ 18–7.704–39 Renegotiation.**

Insert the clause set forth in § 18–7.103–13.

**§ 18–7.704–40 Notice to the Government of labor disputes.**

Insert the clause set forth in § 18–7.104–4.

**§ 18–7.704–41 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 18–12.604.

**§ 18–7.704–42 GSA supply sources.**

The clause set forth in § 18–5.907 will be included in contracts in accordance with the instructions set forth therein.

**§ 18–7.704–43 Limitation on withholding of payments.**

Insert the clause set forth in § 18–7.702–43.

**§ 18–7.704–44 Utilization of small business concerns.**

Insert the clause set forth in § 18–1.707–3(a).

**§ 18–7.704–45 Payment of royalties.**

In accordance with the instructions in § 18–9.108, insert the appropriate clause set forth therein.

**§ 18–7.704–46 Use and charges.**

Insert the clause set forth in § 18–7.703–24.

**§ 18–7.704–47 Location of the facilities.**

Insert the clause set forth in § 18–7.703–26.

**§ 18–7.704–48 Maintenance.**

Insert the clause set forth in § 18–7.703–27.

**§ 18–7.704–49 Property control.**

Insert the clause set forth in § 18–7.703–28.

**§ 18–7.704–50 Notice of use of the facilities.**

Insert the clause set forth in § 18–7.703–29.

**§ 18–7.704–51 Termination of use of the facilities.**

Insert the clause set forth in § 18–7.703–30.

**§ 18–7.704–52 Period of this contract.**

Insert the clause set forth in § 18–7.703–31.

**§ 18–7.704–53 Disposition of the facilities.**

Insert the clause set forth in § 18–7.703–32.

**§ 18–7.704–54 Property reporting.**

Insert the clause set forth in § 18–7.703–33.

**§ 18–7.704–55 Audit and records.**

Insert the clause set forth in § 18–7.104–42.

**§ 18–7.705 Clauses required to be used when applicable.**

The clauses set forth in this § 18–7.705 are to be used with the clauses required for use in (a) Facilities Acquisition Contracts (§ 18–7.702), (b) Facilities Use Contracts (§ 18–7.703), and (c) Consolidated Facilities Contracts (§ 18–7.704).

**§ 18–7.705–1 Rights in data.**

In accordance with the requirements of § 18–9.203, insert the clause in § 18–9.203–1.

**§ 18–7.705–2 Filing of patent applications.**

In accordance with the requirements of § 18–9.107, insert the clause set forth therein.

**§ 18–7.705–3 Priorities, allocations, and allotments.**

In accordance with the requirements of § 18–1.307–2, insert the clause set forth therein.

**§ 18–7.705–4 Contractor and subcontractor cost and pricing data.**

Insert the clause set forth in § 18–3.807–4 in all contracts over $100,000 and in all contract modifications over $100,000 even though the original amount of the contract is $100,000 or less.

**§ 18–7.705–5 Labor standards for construction work.**

Except as provided in §§ 18–12.403–2, 18–12.403–3, and 18–12.403–4, every construction contract shall include the following.

LABOR STANDARDS FOR CONSTRUCTION WORK (JANUARY 1964)

(a) In the event that construction, alteration, or repair (including painting and decorating) of public buildings or public works is to be performed hereunder the Contractor shall, prior to commencing the work, request the determination of the Contracting Officer as to the applicability of the Davis-Bacon and Copeland Acts and shall not perform any of said items hereunder without receipt of such determination.

(b) The Contractor shall, in the performance of items of work so determined to be subject to the Davis-Bacon Act, comply with the following clauses set forth in 12.403–1 of the NASA Procurement Regulation in effect as of the date of this contract:

(i) Davis-Bacon Act (40 U.S.C. 276a–276a–7).

(ii) Apprentices.

(iii) Payroll Records and Payrolls.

(iv) Copeland ("Anti-Kickback") Act—Nonrebate of Wages.

(v) Withholding of Funds to Assure Wage Payment.

(vi) Subcontracts—Termination.

(c) Upon determination that the Davis-Bacon Act is applicable to any item of work to be performed hereunder, the Contractor shall submit a request for a predetermination of the prevailing wage rates to be made applicable to such work. Upon receipt of such request the Contracting Officer shall, as soon as possible, obtain a predetermination of the applicable prevailing wage rates and publish such rates and incidental instructions in numbered exhibits to this contract. Upon publication thereof such exhibits shall be considered the wage determination decision of the Secretary of Labor referred to in paragraph (a) of the "Davis-Bacon Act" clause. Each such exhibit shall indicate to what work the rates set forth therein shall apply, including the period of time within which subcontracts subject to such rates may be issued.

**§ 18–7.705–6 Improvements to buildings or land owned by the Government.**

Where necessary to assure that Government buildings or land will not be modified in a manner detrimental to the interests of the Government, the following clause shall be inserted.

IMPROVEMENTS TO BUILDINGS OR LAND OWNED BY THE GOVERNMENT (JANUARY 1964)

(a) The Contractor shall not construct or make, at his expense, any fixed improvement to, or structural alteration in the nature of, buildings or land owned or leased by the Government, without the prior written approval of the Contracting Officer.

(b) For the purposes of paragraph (a), the terms "fixed improvement" and "structural alteration" mean any improvement to or alteration in the nature of buildings or land which, after completion, cannot be removed without substantial loss of value or damage to the premises. Such terms do not include foundations for production equipment.

**§ 18–7.705–7 New technology or property rights in inventions.**

In accordance with the requirements of § 18–9.101–2, insert the "New Technology" or "Property Rights in Inventions" clause, as appropriate.

**§ 18–7.705–8 Implied licenses.**

In accordance with § 18–9.110, insert the clause set forth therein.

**§ 18–7.705–9 Changes to make-or-buy program.**

In accordance with the requirements of § 18–3.902–1, insert the clause set forth therein.

## Subpart 18–7.50—Clauses for Negotiated Utility Service Contracts

**§ 18–7.5000 Scope of subpart.**

This subpart sets forth uniform contract clauses for use in negotiated utility service contracts as defined in § 18–4.5001.

**§ 18–7.5001 Required clauses—contracts for more than $2,500.**

Insert the clauses set forth in this § 18–7.5001 in all negotiated utility service contracts which involve an estimated annual cost of more than $2,500, or whenever the negotiated utility service contract form prescribed by § 18–16.501–50(a) is to be used.

**§ 18–7.5001–1 Definitions.**

Insert the clause set forth in § 18–7.103–1. Additional definitions may be included, provided they are not inconsistent with such clause or the provisions of these regulations.

**§ 18–7.5001–2 Payments.**

PAYMENTS (JULY 1963)

(a) Payments for the service rendered under this contract shall be made monthly by the designated disbursing office or officer for the service herein contracted for, under the terms and conditions herein set forth, upon the submission of proper invoices.

(b) All bills shall be paid without penalty or interest and the Government shall be entitled to any discounts customarily applicable to payment of bills by all customers of the Contractor.

(c) Invoices for service rendered hereunder shall contain statements of the meter readings at the beginning of the billing period, meter constants, consumption during the billing period, and such other pertinent data as shall be required by the Government.

**§ 18–7.5001–3 Assignment of claims.**

ASSIGNMENT OF CLAIMS (JULY 1963)

No claim under this contract shall be assigned.

When requested by a prospective contractor and determined by the contracting officer to be in the public interest, the above clause may be deleted and the clause set forth in § 18–7.103–8 shall be included in the contract.

**§ 18–7.5001–4 Disputes.**

Insert the clause set forth in § 18–7.103–12.

**§ 18–7.5001–5 Equal opportunity.**

Insert one or the other of the clauses, as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–1, or (b) the Equal Opportunity clause set forth in § 18–802–2.

**§ 18–7.5001–6 Officials not to benefit.**

Insert the clause set forth in § 18–7.103–19.

**§ 18–7.5001–7 Covenant against contingent fees.**

Insert the clause set forth in § 18–1.503.

**§ 18–7.5001–8 Termination.**

TERMINATION (JULY 1963)

This contract may be terminated at the option of the Government by the giving of not less than thirty (30) days advance written notice of the effective date of termination.

In the foregoing clause the period of 30 days may be varied not to exceed 90 days.

**§ 18–7.5001–9 Convict labor.**

Insert the clause set forth in § 18–12.203.

**§ 18–7.5001–10 Rates.**

RATES (JULY 1963)

(a) For and in consideration of the faithful performance of the stipulations of this contract, the Contractor shall be paid at the rates set out in Appendix A: *Provided*, That the Government shall be liable for the minimum monthly charge, if any, specified in this contract commencing with the billing period in which service is initially furnished thereto, and continuing until this contract is terminated, except that the minimum monthly charge, if any, specified in this contract shall be equitably prorated for the billing periods in which commencement and termination of this contract shall become effective.

(b) The Contractor hereby declares that the rates applicable to the service furnished under this contract are not in excess of the lowest rates available to any prospective customer under like conditions, and agrees that during the life of this contract the Government shall continue to be billed at the lowest rates applicable for similar conditions of service.

**§ 18–7.5001–11 Public regulation and change of rates.**

PUBLIC REGULATION AND CHANGE OF RATES (JULY 1963)

(a) Rates established under this contract shall be subject to regulation in the manner and to the extent prescribed by law by any Federal, State, or local regulatory agency having jurisdiction. The Contractor agrees to give the Contracting Officer written notice of the filing of an application for rate changes concurrently with the filing of the application. Such notice shall fully describe the proposed rate change. If during the term of this contract the public regulatory agency having jurisdiction approves rates that are higher or rates that are lower than those stipulated herein, for like conditions of service, the Contractor agrees to continue to furnish service as stipulated in this contract and the Government agrees to pay for such service at the higher or lower rates from and after the date when such rates are made effective. In the event that the regulatory agency promulgates any regulation concerning matters other than rates which affects this contract, the Contractor shall immediately notify the Contracting Officer. The Government shall not be bound to accept any new regulation inconsistent with Federal laws or regulations.

(b) In the event the Contractor, during the term of this contract, shall make effective any new rate schedule or amended rate schedule applicable to the class of service furnished the Government at the service location, which may contain a lower rate or conditions more favorable to the Government for such class of service, the Contractor shall forward to the Contracting Officer a copy of such rate schedule or amended rate schedule within fifteen (15) days after the effective date thereof, and, upon receipt of written request from the Government, shall substitute such rate schedule or amended rate schedule for the rate schedule then in effect hereunder for such service location, commencing with the billing period in which such written request is received.

**§ 18–7.5001–12 Change in class of service.**

CHANGE IN CLASS OF SERVICE (JULY 1963)

(a) In the event of a permanent change in the class of service furnished the Government at the service location, service shall be furnished to such service location at the lowest available rate schedule of the Contractor which is applicable to the class of service furnished following such permanent change subject to the clause hereof entitled "Rates."

(b) Where the Contractor's rate schedule on file with the regulatory agency and applicable to services provided by the Contractor does not contain a schedule applicable to the class of service furnished the Government, no clause in this contract shall preclude the parties from negotiating a rate schedule applicable to the class of service furnished.

**§ 18–7.5001–13 Contractor's facilities.**

CONTRACTOR'S FACILITIES (JULY 1963)

(a) The Contractor, at his expense, shall furnish, install, operate, and maintain all facilities required to furnish service hereunder to, and measure such service as of, the point of delivery specified in the Service Specifications. Title to all such facilities shall be and remain in the Contractor and the Contractor shall be responsible for all loss of or damage to such facilities.

(b) The Government hereby grants to the Contractor, free of any rental or similar charge, but subject to the limitations specified in this contract, a revocable permit or license to enter the service location for any proper purpose under this contract, including use of the site or sites agreed upon by the parties hereto for the installation, operation, and maintenance of the facilities of the Contractor required to be located upon Government premises, all of which facilities shall be and remain the sole property of the Contractor and shall, at all times during the life of this contract, be operated and maintained by the Contractor at his expense; and all taxes and other charges in connection therewith, together with all liability of the Contractor in construction, operation, or maintenance of such facilities, shall be assumed by the Contractor. Authorized representatives of the Contractor will be allowed access to the facilities of the Contractor at suitable times to perform the obligations of the Contractor with respect to such facilities. Such facilities shall be removed and Government premises restored to their original condition by the Contractor at his expense within a reasonable time after the Government shall revoke the permit or license herein granted and in any event within a reasonable time after termination of this contract, *Provided*, That in the event of termination of this contract due to the fault of the Contractor such facilities may be retained in place at the option of the Government until service comparable to that provided for hereunder is obtained elsewhere. It is expressly understood, however, that proper Governmental authority may limit or restrict the right of access herein granted in any manner considered by such authority to be necessary for the national security.

**§ 18–7.5001–14 Technical provisions.**

TECHNICAL PROVISIONS (JULY 1963)

(a) *Measurement of Service.*

(i) All service furnished by the Contractor shall be measured by suitable metering equipment of standard manufacture, to be furnished, installed, maintained, calibrated, and read by the Contractor at his expense. When more than a single meter is installed at the service location, the readings thereof shall be billed conjunctively. In the event any meter fails to register or registers incorrectly the service furnished therethrough, the parties shall agree upon the length of period during which such meter failed to register or registered incorrectly and the quantity of service delivered therethrough during such period and, upon agreement, an appropriate adjustment based thereon shall be made in the Government's bills. For the purpose of the preceding sentence, any meter which registers not more than two (2) percent slow or fast shall be deemed correct.

(ii) The Contractor shall read meters on the same day of each month; if, however, that day falls on a Saturday, Sunday, or legal holiday, or if the Contractor is otherwise prevented from reading the meters on that day, he shall read the meters on the next succeeding business day on which he is able to do so: *Provided*, That all bills based on meter readings of less than twenty-seven (27) days or more than thirty-three (33) days shall be prorated accordingly: *And provided further*, That there shall be not more than twelve (12) billings in any one year.

(b) *Meter Test.* The Contractor, at his expense, shall periodically inspect and test the meters installed by him at intervals not exceeding one (1) year. At the written request of the Contracting Officer the Contractor shall make additional tests of any or all of such meters in the presence of Government representatives. The cost of such additional tests shall be borne by the Government if the percentage of errors is found to be not more than two (2) percent slow or fast. No meter shall be placed in service or allowed to remain in service which has an error in registration in excess of two (2) percent under normal operating conditions.

(c) *Change in Volume or Character.* Reasonable notice shall, so far as possible, be





given by the Contracting Officer to the Contractor respecting any material changes proposed in the volume or characteristics of the utility service required at each location.

(d) *Continuity of Service and Consumption.*

(i) The Contractor shall use reasonable diligence to provide a regular and uninterrupted supply of service at the service location, but shall not be liable for damages, breach of contract or otherwise to the Government for failure, suspension, diminution, or other variations of service occasioned by or in consequence of any cause beyond the control of the Contractor, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes or other catastrophes, strikes, or failure or breakdown of transmission or other facilities: *Provided*, That when any such failure, suspension, diminution, or variation of service shall aggregate more than ten (10) hours during any billing period hereunder, an equitable adjustment shall be made in the monthly rates specified in this contract (including the minimum monthly charge).

(ii) In the event the Government is unable to operate the service location in whole or in part for any cause beyond its control, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes, or other catastrophes, or strikes, an equitable adjustments shall be made in the monthly rates specified in this contract (including the minimum monthly charge) if the period during which the Government is unable to operate such service location in whole or in part shall exceed fifteen (15) days during any billing period hereunder.

Minor changes may be made in the above clause when insisted upon by the contractor to conform with established procedure or with procedures contained in the contractor's published rates filed with a regulatory agency. The following types of changes, when made for this purpose, are not considered within the intent of § 18–4.5006(d) relating to contracts requiring NASA Headquarters approval.

(a) *Measurement of Service.*

(1) The words "billed conjunctively" in the second sentence of paragraph (a)(i) refer to the combination of similar quantities measured by two or more meters into a single quantity for the purpose of billing as if the bill were prepared for a single meter. This sentence may be deleted, or the word "separately" may be inserted in lieu of the word "conjunctively," to conform to the contractor's regulated practice and/or when the schedule under which bills are computed is such that billing separately will be more economical than billing conjunctively.

(2) In paragraph (a)(ii), the periodic intervals prescribed between meter readings may be changed to conform to the contractor's regulated practice.

(b) *Meter Test.*

(1) The first sentence of paragraph (b), requiring testing at intervals not exceeding one year, may be changed to provide for meter tests in accordance with the Contractor's regulated practice.

(2) In the third sentence of paragraph (b), the percentage error (shown as 2 percent) may be changed to comply with the contractor's regulated practice.

(c) *Continuity of Service and Consumption.*

(1) In paragraph (d)(i), the adjustment proviso may be deleted or changed, if necessary, to conform with the provisions of the contractor's filed rate schedules. This paragraph may be ended after the word "facilities" and before the word "provided," or the period "ten hours" may be changed.

(2) Paragraph (d)(ii) may be deleted or changed, if the contractor's filed rates contain a provision requiring a continuation of demand, or similar charges, on a ready-to-serve basis during a period that the Government is unable to operate the service location for any cause beyond its control.

**§ 18–7.5002 Clauses required to be used when applicable.**

**§ 18–7.5002–1 Federal, State, and local taxes.**

In accordance with the requirements of § 18–11.401–2, insert the clause set forth therein.

**§ 18–7.5002–2 Work Hours Act of 1962—overtime compensation.**

Insert the clause set forth in § 18–12.303–1. Note the prefatory language required by § 18–12.303–2 for use in contracts with a State or political subdivision thereof.

**§ 18–7.5002–3 Examination of records.**

Insert the clause in § 18–7.104–15 except where the public utility services are to be furnished at rates not in excess of those established for uniform applicability to the general public or at such rates plus reasonable service or connection charges incident to such utility services.

**§ 18–7.5002–4 Approval of contract.**

When contractual approval by NASA Headquarters is required by § 18–4.5006, insert the clause set forth in § 18–7.104–51.

**§ 18–7.5003 Additional clauses.**

The clauses set forth in this § 18–7.5003 will be inserted in negotiated utility service contracts referred to in § 18–7.5001 when it is desired to cover the subject matter thereof. In addition, any other clause authorized by this chapter, in accordance with the instructions pertaining thereto, may be inserted in such contracts when it is necessary or desirable to cover the subject matter contained in such clauses.

**§ 18–7.5003–1 Renewal of contract.**

It is permissible to provide that a contract may be renewed annually for a number of years upon the execution by the Government of a renewal notice, provided that the number of successive years for which the contract is in effect does not exceed five. In any contract in which it is desirable that the service be provided under the same terms and conditions for a number of years, insert the following clause:

RENEWAL OF CONTRACT (JULY 1963)

This contract is renewable on an annual basis at the option of the Government, by the Contracting Officer giving written notice of renewal to the Contractor at least _____ days before this contract is to expire. If the Government exercises this option for renewal, the contract as renewed shall be deemed to include this option provision. However, the total duration of this contract, including the exercise of any options under this clause, shall not exceed _____ years.

In selecting the expiration date to be stated on NASA Form 550, consideration should be given to the selection of a date sufficiently past the end of the fiscal year to assure that appropriations will be available for the renewal period of the contract at the time the renewal notice is issued. The exercise of the option is a new procurement and the contract file shall be documented accordingly. (For guidance, see 32 CFR 1.1505.)

**§ 18–7.5003–2 Public regulation and change of rates.**

If the rates applicable to the service furnished under the contract are negotiated between the contractor and the Government without recourse to the approval of any Federal, State, or local regulatory agency, or if the service to be furnished under the contract is otherwise not subject to regulation by any Federal, State, or local regulatory agency, or if the contractor also acts as the local public regulatory agency and his decisions are not subject to review by a higher regulatory agency, the following clause will be used in lieu of the clause set forth in § 18–7.5001–11.

CHANGE OF RATES (JULY 1963)

(a) If at any time during the term of this contract either of the parties hereto considers it appropriate that all or part of the rates applicable to the service furnished under this contract be changed, the parties agree to promptly negotiate such rates upon receipt by one party of a written request from the other (i) specifying the rates as to which a change is considered appropriate, (ii) setting forth the proposed change in rates, and (iii) stating in detail the reasons for the proposed change. Any rate changes agreed to by the parties as the result of such negotiations shall be made a part of this contract by the issuance of a supplemental agreement hereto and shall become effective as of the date of the request for a change in rates, unless otherwise agreed to by the parties. Failure of the parties to agree upon the appropriate adjustment of rates, if any, shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) The Contractor agrees that a duly authorized representative of NASA shall have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor relating to costs which form the basis for the rates.

**§ 18–7.5003–3 Connection charge.**

When (a) a connection charge is to be paid by the Government and (b) the conditions permitting the incorporation of a nonrecurring, nonrefundable fee in (§ 18–16.501–52(a)) do not exist, attach Appendix C required by (§ 18–16.501–52(c)) to the contract, and insert the following clause in the contract:

CONNECTION CHARGE (JULY 1963)

(a) *Charge.* The Government, in consideration of the furnishing and installation by the Contractor at his expense of the New Facilities described in Appendix C, attached hereto and made a part hereof, shall pay the Contractor, as a connection charge, after receipt of satisfactory evidence of completion of the facilities, the sum of $_____, representing the sum of $_____, less the agreed salvage value in the amount of $_____, as shown in Appendix C: *Provided*, That, as a condition precedent to final payment, the Contractor shall, if required by the Contracting Officer, execute a release in terms acceptable to the Contracting Officer, of claims

against the Government arising under or by virtue of such installation.

(b) *Ownership, operation, and maintenance of new facilities to be provided hereunder.* The facilities to be supplied by the Contractor under this clause, notwithstanding the payment by the Government of a connection charge, shall be and remain the property of the Contractor and shall, at all times during the life of this contract or any renewals thereof, be operated and maintained by the Contractor at his expense, and all taxes and other charges in connection therewith, together with all liability arising out of the construction, operation, or maintenance of such facilities, shall be the obligation of the Contractor.

(c) *Credits.*

(1) The Contractor agrees to allow the Government on each monthly bill for service furnished under this contract to the Service Location, a credit of ____ percent of the amount of each such bill as rendered until the accumulation of credits shall equal the amount of such connection charge, provided that the Contractor may at any time so allow a credit up to 100 percent of the amount of each such bill.

(2) In the event the Contractor, prior to any termination of this contract but subsequent to completion of the facilities provided for in this clause, serves any customer other than the Government (regardless of whether the Government is being served simultaneously, intermittently, or at all) by means of such facilities, the corresponding benefit to the Contractor is hereby recognized. It is, therefore, agreed that upon initiation of such service, the Contractor shall promptly pay in full to the Government the uncredited balance of the connection charge, or accelerate the credits provided for under paragraph (c)(1) of this clause to 100 percent of each monthly bill until there is fully credited a sum equitably representing the same proportion of the uncredited balance of the connection charge as of the date of initiation of such service, as agreed upon by the parties hereto, as the portion of the facilities utilized in serving such customer bears to complete facilities described in Appendix C.

(d) *Termination Prior to Completion of Facilities.* The Government reserves the right to terminate this contract at any time prior to completion of the facilities provided for herein with respect to which the Government is to pay a connection charge. In the event the Government exercises this right, the Contractor shall be paid fair compensation, exclusive of profit, with respect to such facilities.

(e) *Termination Subsequent to Completion of Facilities.*

(1) *Termination by the Government.* In the event the Government terminates this contract subsequent to completion of the facilities provided for herein with respect to which the Government is to pay a connection charge, but prior to the crediting in full by the Contractor of any connection charge in accordance with the terms of this contract, the possible continued usefulness of such facilities is hereby recognized. It is, therefore, agreed that upon such termination the Contractor shall have the following options:

(A) To retain in place for twelve months or more after the notice of termination by the Government such facilities on condition that (i) if, during such twelve-month period, the Contractor serves any other customer by means of such facilities, the Contractor shall, in lieu of allowing credits, pay the Government during such period installments in like amount, manner, and extent as the credits provided for under paragraph (c) of this clause prior to such termination; (ii) immediately after such twelve-month period the Contractor shall promptly pay in full to the Government the uncredited balance of the connection charge.

(B) To remove such facilities at his own expense within twelve months after the effective date of the termination by the Government: *Provided*, That if the Contractor elects to so remove such facilities, the Government shall then have the option of purchasing such facilities at the agreed salvage value set forth in Appendix C hereto: *And provided further*, That the Contractor will, at the request of the Government, leave in place such facilities located on Government property which the Contractor elects to so remove and which the Government elects to purchase at the agreed salvage value.

(2) *Termination by the Contractor.* In the event the Contractor terminates service under, or otherwise defaults in performance of, this contract prior to the crediting in full, in accordance with the terms of this contract, of any connection charge paid by the Government, the Contractor shall pay to the Government an amount equal to the uncredited balance of the connection charge as of the date of such termination.

### § 18–7.5003–4 Termination charge.

When a payment is to be made to the contractor upon termination of service in lieu of a connection charge upon completion of the facilities, attach Appendix C required by § 18–16.501–52(c) to the contract, and insert the following clause in the contract:

TERMINATION CHARGE (JULY 1963)

In consideration of the furnishing and installation by the Contractor at his expense of the New Facilities described in Appendix C, attached hereto and made a part hereof, the Government shall, in the event of termination of this contract by the Government prior to ____ months from the date on which service commences, pay the Contractor as a termination charge _____ less _____ multiplied by the number of months service has been received prior to the date of such termination.

The length of time, not in excess of 60 months, as negotiated with the contractor will be entered in the first blank. In the second blank enter the amount of the maximum termination charge as negotiated with the contractor, but not in excess of cost of facilities furnished and installed by the contractor less the agreed salvage value as shown in § 18–16.501(c). Enter in the third blank the figure obtained by dividing the figure in the second blank by the figure in the first blank. The use of this clause does not affect the term of the contract; however, its use is subject to Headquarters approval in accordance with § 18–4.5006(b).

### § 18–7.5003–5 Multiple service locations.

When it is desired to provide for possible alternative service locations, insert the following clause:

MULTIPLE SERVICE LOCATIONS (JULY 1963)

(a) The Contracting Officer may at any time, by written order, designate any service location within the service area of the Contractor at which service shall be furnished or discontinued thereunder, and the contract shall be modified in writing accordingly by adding to or deleting from the Service Specifications the name and location of the appropriate service location, by specifying a different rate if applicable, the appropriate point of delivery, different service specification if applicable, and any other appropriate terms and conditions.

(b) The minimum monthly charge specified in this contract shall be equitably prorated for the billing period in which commencement or discontinuance of service at any service location designated under the Service Specifications shall become effective.

### § 18–7.5004 Required clauses—contracts for $2,500 or less annually.

The clauses set forth in this § 18–5004 shall be inserted in all negotiated utility service contracts of $2,500 or less annually whenever the negotiated utility service contract form prescribed by § 18–16.501–51 is to be used.

### § 18–7.5004–1 Definitions.

Insert the clause set forth in § 18–7.103–1.

### § 18–7.5004–2 Payments.

Insert the clause set forth in § 18–7.5001–2.

### § 18–7.5004–3 Assignment of claims.

Insert the clause set forth in § 18–7.5001–3.

### § 18–7.5004–4 Disputes.

Insert the clause set forth in § 18–7.103–12.

### § 18–7.5004–5 Equal opportunity.

Insert one or the other of the clauses as required by and in accordance with the instructions in § 18–12.802: (a) the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–1, or (b) the Equal Opportunity clause set forth in § 18–12.802–2.

### § 18–7.5004–6 Officials not to benefit.

Insert the clause set forth in § 18–7.103–19.

### § 18–7.5004–7 Covenant against contingent fees.

Insert the clause set forth in § 18–1.503.

### § 18–7.5004–8 Termination.

Insert the clause set forth in § 18–7.5001–8.

### § 18–7.5004–9 Convict labor.

Insert the clause set forth in § 18–12.203.

### § 18–7.5004–10 Rates.

Insert subclause (b) of the clause set forth in § 18–7.5001–10.

### § 18–7.5004–11 Public regulation and change of rates.

Insert the clause set forth in § 18–7.5001–11.

### § 18–7.5004–12 Contractor's facilities.

CONTRACTOR'S FACILITIES (JULY 1963)

The Contractor, at his expense, shall furnish, install, operate, maintain, retain title to, and be responsible for all loss of or damage to all facilities required to furnish the service provided for herein. The Contractor will be allowed access to his facilities on Government premises at suitable times and he shall, at his expense, remove them and restore the premises to original condition within a reasonable time after termination of this contract.



## PART 18–8—TERMINATION OF CONTRACTS


Sec.
18–8.000 Scope and applicability of part.

Subpart 18–8.1—Definition of Terms

18–8.101 Definitions.

Subpart 18–8.2—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of all Terminated Cost-Reimbursement Type Contracts

18–8.200 Scope of subpart.
18–8.201 Authority of contracting officers.
18–8.202 Notice of termination.
18–8.203 Methods of settlement.
18–8.204 Duties of prime contractor after receipt of notice of termination.
18–8.205 Duties of contracting officer after issuance of notice of termination.
18–8.205–50 Utilization of services of military departments or of other NASA installations.
18–8.205–51 Procedures for requesting services of military repartments.
18–8.206 Fraud or other criminal conduct.
18–8.207 Audit of prime contract settlement proposals and of subcontract settlements.
18–8.208 Settlement of subcontract claims.
18–8.209 Settlement agreements.
18–8.210 Contracting officer's negotiation memorandum.
18–8.211 Review and approval of proposed settlements.
18–8.211–1 Settlement review boards.
18–8.211–2 Required review and approval.
18–8.211–3 Scope of review.
18–8.211–4 Action by board.
18–8.212 Payment.
18–8.213 Cost principles applicable to the settlement of research and development contracts with educational institutions.

Subpart 18–8.3—Additional Principles Applicable to the Settlement of Terminated Fixed-Price Type Contracts

18–8.300 Applicability.

Subpart 18–8.4—Additional Principles Applicable to the Settlement of Terminated Cost-Reimbursement Type Contracts

18–8.400 Applicability.

Subpart 18–8.5—Disposition of Termination Inventory

18–8.501 General.
18–8.502 Contractor-acquired property—purchase or retention at cost, or return to suppliers.
18–8.503 Inventory schedules.
18–8.504 Scrap and salvage.
18–8.505 Screening of serviceable and usable property.
18–8.506 Government-furnished property.
18–8.507 Sale or other disposition of termination inventory.
18–8.507–1 General.
18–8.507–2 Competitives sales.
18–8.507–3 Other sales.
18–8.507–4 Proceeds of sale.
18–8.507–5 Applicability of antitrust laws.
18–8.507–6 Foreign contractor inventory.
18–8.508 Donations.
18–8.509 Destruction or abandonment.
18–8.510 Special machinery, tooling, and equipment.
18–8.511 Removal and storage.
18–8.513 Subcontractor termination inventory.
18–8.514 Adjustment prior to final settlement.
18–8.515 Accounting for termination inventory.

Subpart 18–8.6—Termination for Default

18–8.600 Scope of subpart.
18–8.601 General.
18–8.601–50 Utilization of services of Military Departments or of other NASA installations.
18–8.602 Termination of fixed-price supply contracts for default.
18–8.603 Termination of fixed-price construction contracts for default.

Subpart 18–8.7—Clauses

18–8.700 Scope of subpart.
18–8.701 Termination clause for fixed-price contracts.
18–8.702 Termination clause for cost-reimbursement type contracts.
18–8.703 Termination clause for fixed-price construction contracts.
18–8.704 Research and development contracts with nonprofit institutions (including educational institutions).
18–8.704–1 Termination clause.
18–8.704–2 Suggested clause for subcontracts.
18–8.705 Short form termination clauses.
18–8.705–1 Supply and service contracts.
18–8.705–2 Construction contracts.
18–8.705–50 Research contracts with nonprofit institutions (including educational institutions).
18–8.706 Subcontract termination clause.
18–8.707 Default clause for fixed-price supply contracts.
18–8.708 Excusable delays clause for cost-reimbursement type contracts.
18–8.709 Default clause for fixed-price construction contracts.
18–8.710 Default clause for fixed-price research and development contracts.

Subpart 18–8.8—Forms

18–8.800 Applicability.

Subpart 18–8.50—Contract Termination Status Report

18–8.5000 Scope of subpart.
18–8.5001 Responsibility and procedure.


AUTHORITY: The provisions of this Part 18–8 issued under 42 U.S.C. 2473(b)(1).

### § 18–8.000 Scope and applicability of part.

(a) This Part 18–8—

(1) Establishes uniform policies and procedures relating to the complete or partial termination of contracts for the convenience of the Government or for default.

(2) Prescribes uniform contract clauses with respect to termination and excusable delay.

(3) Applies to contracts which by their terms provide for termination for the convenience of the Government or for the default of the contractor, whether or not the clauses in the contract with respect to termination and excusable delay are those prescribed by subpart 18–8.7. (If the clauses actually used in the contract are inconsistent with the provisions of this part, the clauses actually used shall control to the extent of the inconsistency. Contracts which do not contain the applicable clauses may, when it is in the best interest of the Government, be amended by agreement prior to or after termination of the contract, to include or substitute such a clause.)

(4) Applies to the disposal of contractor inventory arising out of any modification of a cost-reimbursement type contract pursuant to the "Changes" clause.

(5) Shall be used in:

(i) The disposal of any property which has become obsolete or excess for any reason under a contract, when the cost of such property is made the basis of a claim by the contractor against the Government; or

(ii) The disposal of contractor inventory generally.

(b) The provisions of to the extent indicated in this Part 18–8 are hereby incorporated by reference as Part 18–8 of this Chapter. References in 32 CFR Part 8, to the Department of Defense or the Military Departments shall be considered as references to "NASA." Where special approvals are required under the provisions of 32 CFR Part 8, the approval of the Director of Procurement, NASA Headquarters is required.

(c) Pursuant to agreements with the Military Departments (see § 18–8.205–50(b)), NASA may request assistance from the Military Departments in performing certain functions of contract administration, including terminations. §§ 18–8.205–50 and 18–8.601–50 establish, for NASA, policy and instructions as to when, and to what extent, the services of the Military Departments shall be requested in the termination of contracts for the convenience of the Government or for default.

## Subpart 18–8.1—Definition of Terms

### § 18–8.101 Definitions.

(a) See 32 CFR Part 8, Subpart A for all definitions contained therein except for "plant clearance period" as defined in 32 CFR 8.101–12. References in 32 CFR 8.101–14 and 8.101–23 to 1.201–4 shall be considered as references to 32 CFR 1.208 of this chapter.

(b) "Plant clearance period" means a period beginning with the effective date of the termination for convenience and ending, for each particular property classification (such as raw materials, purchased parts, and work in process) at any one plant or location, 180 days after receipt by the contracting officer of acceptable inventory schedules covering all items of that particular property classification in the termination inventory at that plant or location, or ending on such later date as may be agreed to by the contracting officer and the contractor. Final phase of a plant clearance period means that part of a plant clearance period after the receipt of acceptable inventory schedules covering all items of the particular property classified at the plant or location.

## Subpart 18–8.2—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

**§ 18–8.200 Scope of subpart.**

See 32 CFR 8.200.

**§ 18–8.201 Authority of contracting officers.**

The authority of contracting officers to terminate contracts for convenience, and for default in the case of cost-reimbursement type contracts, and to enter into settlement agreements under this Chapter, is found in the "Termination" clause or other provisions of the contract. Contracts shall be terminated for the convenience of the Government or for default only when such action is in the best interest of the Government. The decisions as to whether to terminate the contract and the type of termination action to be taken shall be made only after a review by cognizant procurement, technical, and legal personnel. Notices of termination shall not be furnished to the contractor until this review has been made.

**§ 18–8.202 Notice of termination.**

See 32 CFR 8.202.

**§ 18–8.203 Methods of settlement.**

See 32 CFR 8.203.

**§ 18–8.204 Duties of prime contractor after receipt of notice of termination.**

See 32 CFR 8.204.

**§ 18–8.205 Duties of contracting officer after issuance of notice of termination.**

See 32 CFR 8.205 when the NASA contracting officer either of the procurement office which issued the contract or of another NASA procurement office administering the contract is to conduct the entire termination proceedings. However, see § 18–8.205–50 for guidance as to when another NASA installation or one of the Military Departments is to be requested to assist in conducting the termination proceedings.

**§ 18–8.205–50 Utilization of services of military departments or of other NASA installations.**

(a) *Determination as to how termination proceedings shall be conducted.* After issuing the Notice of Termination (see ASPR 8–200), the NASA contracting officer shall determine, in accordance with the policy set forth in subparagraph (c) below, whether:

(1) To conduct the termination proceedings himself;

(2) To request another NASA installation to conduct all or a part of the termination proceedings; or

(3) To request one of the Military Departments to assist him in conducting the termination proceedings.

(b) *Agreements with the military departments.* NASA has entered into agreements with the Military Departments which provide that these Departments will perform certain functions for NASA in connection with the administration of NASA contracts, including terminations, pursuant to the procedures set forth in those agreements. For the agreement with the Department of the Army, see NASA Management Instruction 2–3–9; with the Department of the Navy, see NASA Management Instruction 2–3–6; and with the Department of the Air Force, see NASA Management Instruction 2–3–4.

(c) *Policy.*

(1) Normally, the NASA contracting officer shall conduct the termination proceedings himself when:

(i) It is determined that the circumstances of the contract being terminated require that the termination proceedings be conducted by the procuring office responsible for issuing the contract; or

(ii) Administration of the contract is not being performed by another NASA installation or a Military Department and the installation of which he is a member is adequately staffed to conduct the termination proceedings.

(2) When another NASA installation is assisting in the administration of the contract, and is adequately staffed and in a position to assist in or conduct the termination proceedings, the contracting officer normally will arrange with the contracting officer of that installation to assist in or conduct the termination proceedings. The contracting officer will delegate to the contracting officer of that installation such authority as is necessary to perform the services requested in connection with the termination proceedings, with any limitations on such authority that are agreed upon.

(3) Except as may be otherwise determined in particular instances, in all other situations not covered by subparagraphs (1) and (2) of this paragraph, it is the policy of NASA to utilize the services of the Military Departments in connection with termination proceedings, including such related functions as plant clearance and audit of settlement proposals and subcontractor settlements. § 18–8.205–51 establishes guidance as to the services to be requested of the Military Departments.

**§ 18–8.205–51 Procedures for requesting services of military departments.**

(a) When it is determined, in accordance with § 18–8.205–50(c)(3), to utilize the services of one of the Military Departments, a request for such services shall be made by letter prepared in accordance with the agreement with the Military Department concerned (see § 18–8.205–50(b)). The letter shall specify those duties in 32 CFR 8.205, as well as any other duties, which the Military Department is requested to perform, but shall not, without the approval of the Director of Procurement, include the duties listed in 32 CFR 8.205(a) (3) and (4), which are to be reserved for performance by the NASA contracting officer. In addition, the Military Department normally shall be requested to:

(1) Audit the prime contractor's settlement proposal and subcontractor settlements;

(2) Supervise plant clearance of the contractor's plant;

(3) Approve or ratify subcontractor settlements, subject to reviews required by 32 CFR Part 8, and by Part 18–8 of this chapter; and

(4) Dispose of all prime and subcontractor termination inventories, subject to first priority screening by NASA and reviews required by 32 CFR Part 8, and by Part 18–8 and § 18–13.151 of this chapter.

(b) The Military Department also shall be requested to submit the following material to the NASA contracting officer:

(1) The contractor's settlement proposal with recommendations as to whether such proposal should be accepted;

(2) All inventory schedules, as required by 32 CFR 8.503; and

(3) All settlement and property disposal files generated during the termination proceedings.

**§ 18–8.206 Fraud or other criminal conduct.**

When the contracting officer has reason to suspect fraud or other criminal conduct in connection with the settlement of a terminated contract, he shall discontinue all negotiations with the contractor and shall report the facts to the General Counsel, NASA Headquarters, through the Office of Procurement.

**§ 18–8.207 Audit of prime contract settlement proposals and of subcontract settlements.**

See 32 CFR 8.207.

**§ 18–8.208 Settlement of subcontract claims.**

For settlement of subcontract claims, see 32 CFR 8.208. References therein to 32 CFR 8.211 and 8.505, and to 32 CFR Part 8, Subpart G, shall be considered as references to §§ 18–8.211 and 18–8.505, and to Subpart 18–8.7, respectively, of this chapter. Reference to 32 CFR Part 8 shall be considered to include reference to Part 18–8 of this chapter.

**§ 18–209 Settlement agreements.**

See 32 CFR 8.209.

**§ 18–8.210 Contracting officer's negotiation memorandum.**

See 32 CFR 8.210.

**§ 18–8.211 Review and approval of proposed settlements.**

**§ 18–8.211–1 Settlement review boards.**

The Director of Procurement will establish a Settlement Review Board at NASA Headquarters to review proposed settlements as required by § 18–8.211–2 (a). The Settlement Review Board (hereinafter referred to as the Board) will be composed of at least three members who are qualified in accounting, business, and contracting fields. One member will be designated to serve as Chairman. Alternate members also will be designated to serve, when necessary, in the place of regular members. The membership of the Board should include at least one lawyer, one accountant, and one contract specialist, and, in appropriate cases, an engineer or technical specialist. No person shall serve as a member of the Board in reviewing a settlement in which he has participated.

**§ 18–8.211–2 Required review and approval.**

(a) *When required.* Prior to executing a supplemental agreement, or issuing a determination of the amount due under the "Termination" clause of a contract, or approving or ratifying a subcontract settlement, the contracting officer shall submit each such settlement or determination for review and approval by the Board if:

(1) The settlement or determination involves $50,000 or more (see 32 CFR 8.101–1);

(2) The settlement or determination is limited to adjustment of the fee of a cost-reimbursement contract or subcontract and—

(i) In the case of a complete termination, the fee, as adjusted, is $50,000 or more; or

(ii) In the case of a partial termination, the fee as adjusted, with respect to the terminated portion of the contract or subcontract, is $50,000 or more; or

(3) The contracting officer desires review by the Board, in cases other than in (1) and (2) of this section.

(b) *Submission of information.* The contracting officer shall submit directly to the Board a statement of the settlement, supported by such detailed information as is required for an adequate review. This information normally should include copies of the:

(1) Contractor's or subcontractor's settlement proposal;

(2) Audit report;

(3) Property disposal report and any required approvals in connection therewith; and

(4) Contracting officer's memorandum explaining the settlement (see 32 CFR 8.210).

The Board may, at its discretion, require the submission of additional information.

**§ 18–8.211–3 Scope of review.**

The function of the Board is to determine the overall reasonableness of the proposed settlement agreement or determination from the standpoint of protecting the Government's interest.

**§ 18–8.211–4 Action by board.**

The Board shall submit to the contracting officer a written opinion with respect to the proposed settlement agreement or determination and any other matter considered by the Board setting forth its approval or disapproval thereof, or other decision thereon, signed by each Board member present. Failure of the Board to submit a written opinion as to any proposal settlement agreement or determination within 30 days after receipt by the Board of all the information required pursuant to § 18–8.211–2(b) shall operate as an approval by the Board.

**§ 18–8.212 Payment.**

See 32 CFR 8.212.

**§ 18–8.213 Cost principles applicable to the settlement of research and development contracts with educational institutions.**

See 32 CFR 8.213.

## Subpart 18–8.3—Additional Principles Applicable to the Settlement of Terminated Fixed-Price Type Contracts

**§ 18–8.300 Applicability.**

For this Subpart 18–8.3, see 32 CFR Part 8, Subpart C. References therein to 32 CFR 8.701 and 8.703 shall be considered as references to §§ 18–8.701 and 18–8.703 of this Chapter, respectively.

## Subpart 18–8.4—Additional Principles Applicable to the Settlement of Terminated Cost-Reimbursement Type Contracts

**§ 18–8.400 Applicability.**

For this Subpart 18–8.4, see 32 CFR Part 8, Subpart D. References therein to 32 CFR 8.702, 8.704, and 7.203–5 shall be considered as references to §§ 18–8.702, 18–8.704, and 18–7.203–5 of this Chapter, respectively.

## Subpart 18–8.5—Disposition of Termination Inventory

**§ 18–8.501 General.**

See 32 CFR 8.501. The reference therein to 32 CFR Part 8, Subpart E shall be considered to include a reference to Subpart 18–8.5 of this chapter.

**§ 18–8.502 Contractor-acquired property—purchase or retention at cost, or return to suppliers.**

See 32 CFR 8.502.

**§ 18–8.503 Inventory schedules.**

See 32 CFR 8.503. The reference in 32 CFR 8.503–7(b)(1) to 8.101–12 shall be considered as a reference to § 18–8.101 (b) of this chapter.

**§ 18–8.504 Scrap and salvage.**

See 32 CFR 8.504. References therein to 32 CFR 8.505–3 and 8.509 shall be considered as references to §§ 18–8.505 and 18–8.509 of this chapter, respectively, and the reference therein to 32 CFR 8.507 shall be considered to include a reference to § 18–8.507.

**§ 18–8.505 Screening of serviceable and usable property.**

NASA contracting officers shall submit all termination inventory schedules to the cognizant NASA property officer for screening and utilization in accordance with NASA Management Instruction 20–4–2.

**§ 18–8.506 Government-furnished property.**

Government-furnished property included in termination inventory, return of which has not been required by the Government, may be disposed of in the same manner as other termination inventory after screening in accordance with the requirements of NASA Management Instruction 20–4–2. The contracting officer is required to approve all such dispositions and may specify methods for preparing and routing inventory schedules covering such property.

**§ 18–8.507 Sale or other disposition of termination inventory.**

**§ 18–8.507–1 General.**

See 32 CFR 8.507–1. References therein to 32 CFR 8.505–3 and 8.512 shall be considered as references to §§ 18–8.505 and 18–8.512 of this Chapter, respectively.

**§ 18–8.507–2 Competitives sales.**

See 32 CFR 8.507–4.

**§ 18–8.507–3 Other sales.**

See 32 CFR 8.507–4.

**§ 18–8.507–4 Proceeds of sale.**

See 32 CFR 8–507–4.

**§ 18–8.507–5 Applicability of antitrust laws.**

(a) When any termination inventory which has or may cost the Government $3,000,000 or more is to be sold or otherwise disposed of to private interests, the National Aeronautics and Space Administration is required to promptly notify the Attorney General and the Administrator of General Services of the proposed disposal and the probable terms or conditions thereof, and await advice from the Attorney General as to whether, so far as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws.

(b) Pursuant to the paragraph (a) of this section, when property with a total acquisition cost of $3,000,000 or more is offered for sale by a competitive bid, a provision comparable to the following statement shall be included in the invitation for bids:

If, under this invitation, a bidder is the successful bidder on property with a total acquisition cost of $3,000,000 or more, the award shall be subject to a determination by the Attorney General that the award will not be inconsistent with the antitrust laws.

(c) In a negotiated sale of property with a total acquisition cost of $3,000,000 or more, the prospective purchaser shall be informed that final consummation of the sale is subject to a determination by the Attorney General that the sale would not be inconsistent with the antitrust laws.

(d) The contracting officer shall, after ascertaining the prospective purchaser, forward the following information, in triplicate, to the Office of Administration, NASA Headquarters, (Code BD):

(1) With respect to the prospective purchaser—

(i) Full name and address;

(ii) If a corporation, State and date of incorporation;

(iii) If a partnership, name and address of partners, and date when organized;

(iv) Name and address of affiliates, if any;

(v) Nature of business (products produced or handled);

(vi) Geographical area of operations;

(vii) Dollar sales volume for latest calendar or fiscal year;

(viii) Net worth; and

(ix) Intended use of property.

(2) Other data—

(i) Location and brief description of the property covered by the proposed disposition;

(ii) Acquisition cost to the Government of the property;

(iii) If the property is scrap, the tonnage;

(iv) If the proposed disposition is by competitive bids, the invitation number, the number of bids solicited, and the number of bids received; and

(v) If the proposed disposition is by negotiation, the extent of competition obtained, and the amount to be paid by and other consideration to be received from, the prospective purchaser for the property.

(e) The Office of Administration, NASA Headquarters, shall forward the information received to the Attorney General, Department of Justice, Attention: Antitrust Division; and the Administrator of General Services. The Attorney General has agreed to advise both the Administrator of General Services and the Administrator, NASA, within a reasonable period of time, in no event to exceed 60 days after receipt of such information whether, so far as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws. Before consummating the sale, the contracting officer shall await notification from the Office of Administration, NASA Headquarters, that the Attorney General has determined that the sale is not inconsistent with the antitrust laws.

**§ 18–8.507–6 Foreign contractor inventory.**

See 32 CFR 8.507–6.

**§ 18–508 Donations.**

See NASA Management Instruction 20–4–4.

**§ 18–8.509 Destruction or abandonment.**

See NASA Management Instruction 20–4–4.

**§ 18–8.510 Special machinery, tooling, and equipment.**

See 32 CFR 8.510.

**§ 18–8.511 Removal and storage.**

See 32 CFR 8.511.

**§ 18–8.513 Subcontractor termination inventory.**

For subcontractor termination inventory, see 32 CFR 8.513. References therein to 32 CFR as shown in the following table shall be considered as references to the corresponding section of this chapter as follows:

| 32 CFR | § 18– |
|---|---|
| 8.505 | 8.505 |
| 8.506 | 8.506 |
| 8.508 | 8.508 |
| 8.509 | 8.509 |
| 8.512 | 8.512 |

**§ 18–8.514 Adjustment prior to final settlement.**

See 32 CFR 8.514.

**§ 18–8.515 Accounting for termination inventory.**

For accounting for termination inventory, see 32 CFR 8.515. References therein to 32 CFR 8.505–3, 8.508 and 8.509 shall be considered as references to §§ 18–8.505, 18–8.508, and 18–8.509 of this chapter, respectively.

## Subpart 18–8.6—Termination for Default

**§ 18–8.600 Scope of subpart.**

This Subpart 18–8.6 sets forth policies and procedures for the use and application of the "Default" clause prescribed in § 18–8.707 for fixed-price supply contracts, and the "Termination for Default—Damages for Delay—Time Extensions" clauses prescribed in § 18–8.709 for fixed-price construction contracts. (For cost-reimbursement type contracts, see 32 CFR 8.407.)

**§ 18–8.601 General.**

See 32 CFR 8.601. References therein to 32 CFR 8.707 and 8.709 shall be considered as references to §§ 18–8.707 and 18–8.709 of this chapter, respectively.

**§ 18–8.601–50 Utilization of services of Military Departments or of other NASA installations.**

(a) It is the general policy of NASA that when a fixed-price type contract is to be terminated for default, the contracting officer of the NASA installation responsible for issuing the contract normally shall accomplish the termination for default. However, another NASA installation or one of the Military Departments may be requested to assist in the termination for default when it is considered to be economical and practicable.

(b) When it is proposed to utilize the services of another NASA installation, the contracting officer shall arrange with the contracting officer of that installation to perform those duties that are appropriate.

(c) When it is proposed to utilize the services of one of the Military Departments, a request for such services shall be made by letter prepared in accordance with the agreement with the Military Department concerned (see § 18–8.205–50(b)).

**§ 18–8.602 Termination of fixed-price supply contracts for default.**

See 32 CFR 8.602. References therein to 32 CFR 8.707, 3.201 through 3.217, and 7–105.5 shall be considered as references to §§ 18–8.707, 18–3.201 through 18–3.217, and 18–7.101–4(b) of this chapter, respectively.

**§ 18–8.603 Termination of fixed-price construction contracts for default.**

See 32 CFR 8.603. The reference therein to 32 CFR 8.709 shall be considered as a reference to § 18–8.709 of this chapter.

## Subpart 18–8.7—Clauses

**§ 18–8.700 Scope of subpart.**

This Subpart 18–8.7 sets forth the contract clauses that are used in the termination of contracts for the convenience of the Government and for default.

**§ 18–8.701 Termination clause for fixed-price contracts.**

(a) *General.* Except as otherwise required by paragraph (b) of this section and by § 18–8.705–1, the following clause shall be used in any long-form fixed-price type contract, in excess of $2,500, for supplies or experimental, developmental, or research work other than (1) construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property, or (2) experimental, developmental or research work with educational or other nonprofit institutions, where no profit is contemplated.

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (JANUARY 1964)

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(ii) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(iii) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all the purposes of this clause;

(vi) Transfer title and deliver to the Government, in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (B) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government;

(vii) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however,* That the Contractor (A) shall not



be required to extend credit to any purchaser, and (B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(viii) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

At any time after expiration of the plant clearance period, as defined in Part 8, NASA Procurement Regulation as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or, if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim, in the form and with certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one (1) year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer, upon request of the Contractor made in writing within such one (1) year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one (1) year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done: *Provided,* That such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined as follows:

(i) For completed supplies accepted by the Government (or sold or acquired as provided in paragraph (b)(vii) above) and not theretofore paid for, a sum equivalent to the aggregate price for such supplies computed in accordance with the price or prices specified in the contract, appropriately adjusted for any saving of freight or other charges;

(ii) The total of—

(A) the costs incurred in the performance of the work terminated, including initial costs and preparatory expense allocable thereto, but exclusive of any costs attributable to supplies paid or to be paid for under paragraph (e) (i) hereof;

(B) the cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(v) above, which are properly chargeable to the terminated portion of the contract (exclusive of amounts paid or payable on account of supplies or materials delivered or services furnished by subcontractors or vendors prior to the effective date of the Notice of Termination, which amounts shall be included in the costs payable under (A) above); and

(C) a sum, as a profit, equal to 2 percent of that part of the amount determined under (A) above: *Provided, however,* That if it cles and materials not processed by the Contractor, plus a sum equal to 8 percent of the remainder of such amount, but the aggregate of such sums shall not exceed 6 percent of the whole of the amount determined under (A) above; *Provided, however,* That if it appears that the Contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (C) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

(iii) The reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of property allocable to this contract.

The total sum to be paid to the Contractor under (i) and (ii) of this paragraph (e) shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in (e) (i) and (ii) (A) above, the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b)(vii).

(f) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the principles for consideration of costs set forth in Part 15, Subpart 2, of the NASA Procurement Regulation as in effect on the date of this contract.

(g) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted (i) all unliquidated advance or other payments on account theretofore made to the Contractor, applicable to the terminated portion of this contract, (ii) any claim which the Government may have against the Contractor in connection with this contract, and (iii) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(i) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as de-

termined by the Contracting Officer by reason of the circumstances.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

(b) *Fixed-price type letter contracts.* In accordance with the requirements of § 18–16.550–3, the following clause shall be included in letter contracts which are expected to be converted to fixed-price type definitive contracts.

TERMINATION (JANUARY 1964)

(a) In case a definitive contract is not executed by the date specified in Article VI of the Schedule, because of the inability of the parties to agree upon a definitive contract, this Letter Contract may be terminated in its entirety by either party by delivering to the other party a notice in writing specifying the effective date of termination, which date shall not be earlier than thirty (30) days after receipt of such notice.

(b) The performance of work under this Letter Contract also may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under this Letter Contract is terminated, and the date upon which such termination becomes effective.

(c) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) Stop work under this Letter Contract on the date and to the extent specified in the Notice of Termination;

(ii) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under this Letter Contract as is not terminated;

(iii) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) With the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts;

(vi) Transfer title and, in the manner, to the extent, and at the times directed by the Contracting Officer, deliver to the Government (A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of the work terminated by the Notice of Termination, and (B) the completed or partially completed plans, drawings, information, and other property which, if this Letter Contract had been completed, would be required to be furnished to the Government;

(vii) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however,* That the Contractor (A) shall not be required to extend credit to any purchaser, and (B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this Letter Contract or shall otherwise be credited to the price or cost of the work covered by this Letter Contract or paid in such other manner as the Contracting Officer may direct;

(viii) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this Letter Contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

At any time after expiration of the plant clearance period, as defined in the NASA Procurement Regulation, Part 8, as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusively of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(d) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly, but in no event later than one (1) year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one (1) year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one (1) year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by NASA Regulations in effect on the date of the execution of this Letter Contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination, and shall thereupon pay to the Contractor the amount so determined.

(e) Subject to the provisions of paragraph (d) hereof, and subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this Letter Contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. In the event of any termination pursuant to paragraph (a) hereof, such amount or amounts shall not include any allowance for profit. In the event of any termination pursuant to paragraph (b) hereof, such amount or amounts may include a reasonable allowance for profit, but only on work actually done in connection with the terminated portion of this Letter Contract. Any such amount shall not exceed the maximum amount specified in Article IIIa of the Schedule. Any such agreement shall be embodied in an amendment to this Letter Contract, and the Contractor shall be paid the agreed amount.

(f) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (e), as to the amount or amounts to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this Letter Contract, determine, on the basis of information available to him, and in accordance with the applicable cost principles of the NASA Procurement Regulation as in effect on the date of this Letter Contract, the amount, if any, due to the Contractor by reason of the termination and shall pay such amount to the Contractor. In the event of the termination of this Letter Contract pursuant to paragraph (a) hereof, no allowance for profit shall be included in the amount to be paid the Contractor.

(g) The Contractor shall have the right of appeal, under the clause of this Letter Contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (d) or (f) above (including any disputes as to whether termination has in fact taken place pursuant to paragraph (a) hereof), except that if the Contractor has failed to submit a claim within the time provided in paragraph (d) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination or the amount due under paragraph (d) or (f) above, the Government shall pay to the Contractor the following:

(i) If there is no right or appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or

(ii) If an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted:

(i) All unliquidated advance or other payments on account theretofore made to the Contractor, applicable to the terminated portion of this Letter Contract;

(ii) Any claim which the Government may have against the Contractor in connection with this Letter Contract; and

(iii) The agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this Letter Contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(j) Unless otherwise provided in this Letter Contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three (3) years after final settlement under this Letter Contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor, without direct charge to the Government, all his books, records, documents, and other evidence bearing on the cost and expenses of the Contractor under this Letter Contract and relating to the work terminated hereunder or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

### § 18–8.702 Termination clause for cost-reimbursement type contracts.

(a) *General.* Except as otherwise required by paragraph (b) of this section, the following clause shall be used in any long form cost-reimbursement type contract for supplies and experimental, developmental, or research work other than (1) construction, alterations, or repair of buildings, bridges, roads, or other kinds of real property; or (2) experimental, developmental, or research work with educational or other nonprofit institutions, where no fee is contemplated.

TERMINATION (SEPTEMBER 1962)

(a) The performance of work under the contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part:

(1) Whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of ten days (or such longer periods as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

(ii) Whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government.

Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this contract for default under (1) above, it is determined for any reason that the Contractor was not in default pursuant to (1), or that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this contract relating to excusable delays, the Notice of Termination shall be deemed to have been issued under (ii) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(b) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(ii) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(iii) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) Assign to the Government, in the manner and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders or subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) With the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable in whole or in part, in accordance with the provisions of this contract;

(vi) Transfer title (to the extent that title has not already been transferred) and in the manner, to the extent, and at the times directed by the Contracting Officer, deliver to the Government (A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination, (B) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would be required to be furnished to the Government, and (C) the jigs, dies, and fixtures, and other special tools and tooling acquired or manufactured for the performance of this contract for the cost of which the Contractor has been or will be reimbursed under this contract;

(vii) Use his best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however,* That the Contractor (A) shall not be required to extend credit to any purchaser, and (B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(viii) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining or adjusting the amount of the fee, or any item of reimbursable cost, under this clause. At any time after expiration of the plant clearance period, as defined in Part 8, NASA Procurement Regulation, as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one (1) year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer, upon request of the Contractor made in writing within such one (1) year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one (1) year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid (including an allowance for the fee) to the Contractor by reason of the total or partial termination of work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (d), as to the amounts with respect to costs and fee, or as to the amount of the fee, to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amount determined as follows:

(1) If the settlement includes cost and fee—

(A) there shall be included therein all costs and expenses reimbursable in accordance with this contract, not previously paid to the Contractor for the performance of this contract prior to the effective date of the Notice of Termination, and such of these costs as may continue for a reasonable time thereafter with the approval of or as directed by the Contracting Officer: *Provided, however,* That the Contractor shall proceed as rapidly as practicable to discontinue such costs;

(B) there shall be included therein, so far as not included under (A) above, the cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(v) above, which are properly chargeable to the terminated portion of the contract;

(C) there shall be included therein the reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage transportation, and other costs incurred in connection with the protection or disposition of termination inventory: *Provided, however,* That if the termination is for default of the Contractor there shall not be included any amounts for the preparation of the Contractor's settlement proposal; and

(D) there shall be included therein a portion of the fee payable under the contract determined as follows—

(I) in the event of the termination of this contract for the convenience of the Government and not for the default of the Contractor, there shall be paid a percentage of the fee equivalent to the percentage of the completion of work contemplated by the contract, less fee payments previously made hereunder; or

(II) in the event of the termination of this contract for the default of the Contractor, the total fee payable shall be such proportionate part of the fee (or, if this contract calls for articles of different types, of such part of the fee as is reasonably allocable to the type of article under consideration) as the total number of articles delivered to and accepted by the Government bears to the total number of articles of a like kind called for by this contract;

if the amount determined under this subparagraph (1) is less than the total payment theretofore made to the Contractor, the Contractor shall repay to the Government the excess amount; or

(ii) If the settlement includes only the fee, the amount thereof will be determined in accordance with subparagraph (1)(D) above.

(f) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(g) In arriving at the amount due the Contractor under this clause there shall be deducted (i) all unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this contract, (ii) any claim which the Government may have against the Contractor in connection with this contract, and (iii) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(h) In the event of a partial termination, the portion of the fee which is payable with respect to the work under the continued portion of the contract shall be equitably adjusted by agreement between the Contractor and the Contracting Officer, and such adjustment shall be evidenced by an amendment to this contract.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten (10) days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(j) The provisions of this clause relating to the fee shall be inapplicable if this contract does not provide for payment of a fee.

(b) *Cost-reimbursement type letter contracts.* In accordance with the requirements of § 18–16.550–2, the following clause shall be included in letter contracts which are expected to be converted to cost-reimbursement type definitive contracts:

TERMINATION (JANUARY 1964)

(a) In case a definitive contract is not executed by the date specified in Article VI of the Schedule, because of the inability of the parties to agree upon a definitive contract, this Letter Contract may be terminated in its entirety by either party by delivering to the other party a notice in writing specifying the effective date of termination, which date shall not be earlier than thirty (30) days after receipt of such notice.

(b) The performance of work under this Letter Contract also may be terminated by the Government in accordance with this clause in whole, or from time to time in part:

(i) Whenever the Contractor shall default in performance of this Letter Contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of ten days (or such longer period as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

(ii) Whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government.

Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under this Letter Contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this Letter Contract for default under (i) above, it is determined for any reason that the Contractor was not in default pursuant to (i) above, or that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this Letter Contract relating to excusable delays, the Notice of Termination shall be considered to have been issued under (ii) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(c) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer the Contractor shall:

(i) Stop work under this Letter Contract on the date and to the extent specified in the Notice of Termination;

(ii) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under this Letter Contract as is not terminated;

(iii) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) With the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable in whole or in part, in accordance with the provisions of this Letter Contract;

(vi) Transfer title (to the extent that title has not already been transferred) and, in the manner, to the extent, and at the times, directed by the Contracting Officer, deliver to the Government: (A) The fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination; (B) The completed or partially completed plans, drawings, information, and other property which, if this Letter Contract had been completed, would be required to be furnished to the Government; and (C) The jigs, dies, and fixtures, and other special tools, and tooling acquired or manufactured for the performance of this Letter Contract for the cost of which the Contractor has been or will be reimbursed under this Letter Contract;

(vii) Use his best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however,* That the Contractor (A) shall not be required to extend credit to any purchaser, and (B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this Letter Contract or shall otherwise be credited to the price or cost of the work covered by this Letter Contract or paid in such other manner as the Contracting Officer may direct;

(viii) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this Letter Contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining the amount of any items of reimbursable cost, under this clause. At any time after expiration of the plant clearance period, as defined in Part 8, NASA Procurement Regulation, as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept such items and remove them or enter into a storage agreement covering the same; *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(d) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly, but in no event later than one (1) year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one (1) year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one (1) year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by NASA Regulations in effect on the date of the execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination, and shall thereupon pay to the Contractor the amount so determined.

(e) Subject to the provisions of paragraph (d) hereof, and subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this Letter Contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. In the event of any termination pursuant to paragraph (a) or (b)(i) hereof, such amount or amounts shall not include any allowance for fee. In the event of any termination pursuant to paragraph (b)(ii) hereof, such amount or amounts may include a reasonable allowance for fee, but only on work actually done in connection with the terminated portion of this Letter Contract. Any such amount shall not exceed the maximum amount specified in Article IIIa of the Schedule. Any such agreement shall be embodied in an amendment to this Letter Contract and the Contractor shall be paid the agreed amount.

(f) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (e) above, as to the amount or amounts to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this Letter Contract, determine, on the basis of information available to him, and in accordance with the applicable cost principles of the NASA Procurement Regulation as in effect on the date of this Letter Contract, the amount, if any, due to the Contractor by reason of the termination and shall pay such amount to the Contractor. In the event of the termination of this Letter Contract pursuant to paragraph (a) or (b)(i) hereof, no allowance for fee shall be included in the amount to be paid the Contractor.

(g) The Contractor shall have the right of appeal, under the clause of this Letter Contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (d) or (f) above (including any disputes as to whether termination has in fact taken place pursuant to paragraph (a) or (b)(i) hereof), except that if the Contractor has failed to submit a claim within the time provided in paragraph (d) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (d) or (f) above, the Government shall pay to the Contractor the following:

(i) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or

(ii) If an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause, there shall be deducted:

(i) All unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this Letter Contract;

(ii) Any claim which the Government may have against the Contractor in connection with this Letter Contract; and

(iii) The agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this Letter Contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

### § 18–8.703 Termination clause for fixed-price construction contracts.

The following clause shall be used in any fixed-price type construction contract in excess of $10,000.

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (JANUARY 1964)

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(ii) Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(iii) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all the purposes of this clause;

(vi) Transfer title and deliver to the Government, in the manner, at the times, and to the extent, if any, directed by the Contracting Officer—

(A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination; and

(B) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government;

(vii) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however,* That the Contractor—

(A) shall not be required to extend credit to any purchaser, and

(B) may acquire any such property under the conditions prescribed and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(viii) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

At any time after expiration of the plant clearance period as defined in Part 8, NASA Procurement Regulation, as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim, in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one (1) year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer, upon request of the Contractor made in writing within such one (1) year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one (1) year period or extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done: *Provided,* That such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined as follows:

(i) With respect to all contract work performed prior to the effective date of the Notice of Termination, the total (without duplication of any items) of—

(A) the cost of such work;

(B) the cost of settling and paying claims arising out of the termination of work under subcontracts or orders as provided in paragraph (b)(v) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the Notice of Termination of work under this contract, which amounts shall be included in the cost on account of which payment is made under (A) above, and

(C) a sum, as a profit, equal to 2 percent of the part of the amount determined under (A) above which represents the cost of articles or materials delivered to the site but not incorporated in the work in place on the effective date of the Notice of Termination, plus a sum equal to 8 percent of the remainder of such amount, but the aggregate of such sums shall not exceed 6 percent of the whole of the amount determined under (A) above, which amount for purposes of this subdivision (C) shall exclude any charges for interest on borrowings: *Provided, however,* That if it appears that the Contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (C) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

(ii) The reasonable cost of the preservation and protection of property incurred pursuant to paragraph (b)(ix); and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the Contractor as the result of the termination of work under this contract.

The total sum to be paid to the Contractor under (i) above shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor under (i) above, the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b)(vii).

(f) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the principles for consideration of costs set forth in Part 15, Subpart 4 of the NASA Procurement Regulation as in effect on the date of this contract.

(g) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following:

(i) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or

(ii) If an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted:

(i) All unliquidated advance or other payments on account theretofore made to the Contractor, applicable to the terminated portion of this contract;

(ii) Any claim which the Government may have against the Contractor in connection with this contract; and

(iii) The agreed price for, or the proceeds of sale of, any materials, supplies, or other things kept by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(i) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices; however, nothing contained herein shall limit the right of the Government and the Contractor to agree upon the amount or amounts to be paid to the Contractor for the completion of the continued portion of the contract when said contract does not contain an established contract price for such continued portion.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date when such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later



date as determined by the Contracting Officer by reason of the circumstances.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor, but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

### § 18–8.704 Research and development contracts with nonprofit institutions (including educational institutions).

#### § 18–8.704–1 Termination clause.

Except as otherwise required by § 18–8.705–50, the following clause shall be used in any contract for experimental, developmental, or research work (whether fixed-price or cost-reimbursement type) with a nonprofit institution: *Provided,* That such contract is placed on a no-profit or no-fee basis.

TERMINATION FOR THE CONVENIENCE OF THE GOVERNMENT (JANUARY 1964)

(a) The performance of work under this contract may be terminated, in whole or from time to time in part, by the Government whenever for any reason the Contracting Officer shall determine that such termination is in the best interests of the Government. Termination of work hereunder shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated and the date upon which such termination becomes effective.

(b) After receipt of the Notice of Termination the Contractor shall cancel his outstanding commitments hereunder covering the procurement of materials, supplies, equipment and miscellaneous items. In addition, the Contractor shall exercise all reasonable diligence to accomplish the cancellation or diversion of his outstanding commitments covering personal services and extending beyond the date of such termination to the extent that they relate to the performance of any work terminated by the notice. With respect to such canceled commitments, the Contractor agrees to (i) settle all outstanding liabilities and all claims arising out of such cancellation of commitments with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all purposes of this clause, and (ii) assign to the Government, in the manner, at the time, and to the extent directed by the Contracting Officer, all of the right, title and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts.

(c) The Contractor shall submit his termination claim to the Contracting Officer promptly after receipt of a Notice of Termination, but in no event later than one year from the effective date thereof, unless one or more extensions in writing are granted by the Contracting Officer upon written request of the Contractor within such one year period or authorized extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Any determination of costs under paragraph (c) shall be governed by the cost principles set forth in Part 15, Subpart 3, of the NASA Procurement Regulation as in effect on the date of this contract, except that if the Contractor is not an educational institution the determination shall be governed by Part 15, Subpart 2, thereof.

(e) Subject to the provisions of paragraph (c) above, and subject to any Settlement Review Board approvals required by NASA Regulations in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the termination under this clause, which amount or amounts may include any reasonable cancellation charges thereby incurred by the Contractor and any reasonable loss upon outstanding commitments for personal services which he is unable to cancel: *Provided, however,* That in connection with any outstanding commitments for personal services which the Contractor is unable to cancel, the Contractor shall have exercised reasonable diligence to divert such commitments to its other activities and operations. Any such agreement shall be embodied in an amendment to this contract and the Contractor shall be paid the agreed amount.

(f) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments against costs incurred by the Contractor in connection with the terminated portion of this contract, whenever, in the opinion of the Contracting Officer, the aggregate of such payments is within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand: *Provided,* That if such excess is not so paid upon demand, interest thereon shall be payable by the Contractor to the Government at the rate of 6 percent per annum, beginning thirty (30) days from the date of such demand.

(g) The Contractor agrees to transfer title and deliver to the Government, in the manner, at the time and to the extent, if any, directed by the Contracting Officer, such information and items which, if the contract had been completed, would have been required to be furnished to the Government, including:

(i) Completed or partially completed plans, drawings, and information; and

(ii) Materials or equipment produced or in process or acquired in connection with the performance of the work terminated by the notice.

Other than the above, any termination inventory resulting from the termination of the contract may, with the written approval of the Contracting Officer, be sold or acquired by the Contractor under the conditions prescribed by and at a price or prices approved by the Contracting Officer. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of work covered by this contract or paid in such other manner as the Contracting Officer may direct. Pending final disposition of property arising from the termination, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(h) Any disputes as to questions of fact which may arise hereunder shall be subject to the "Disputes" clause of this contract.

#### § 18–8.704–2 Suggested clause for subcontracts.

The clause set forth in § 18–8.704–1, suitably altered to indicate the relationship between the prime contractor and subcontractor, is suggested for use in subcontracts placed with nonprofit institutions: *Provided,* That such subcontracts with educational institutions incorporate, or are negotiated on the basis of the cost principles set forth in Subpart 18–15.3 of this Chapter: *And provided further,* That such subcontracts are placed on a no-fee or no-profit basis.

### § 18–8.705 Short form termination clauses.

#### § 18–8.705–1 Supply and service contracts.

The following clause is authorized for use in any fixed-price type supply contract not in excess of $10,000 and in any fixed-price contract for services (other than experimental, developmental, or research work) where it is intended that a termination claim will not be made in the event of termination for the convenience of the Government: *Provided,* That such contract obligates the Government to order or otherwise be liable for a minimum quantity.

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (SEPTEMBER 1962)

The Contracting Officer, by written notice, may terminate this contract, in whole or in part, when it is in the best interest of the Government. If this contract is for supplies and is so terminated, the Contractor shall be compensated in accordance with Part 8 of the NASA Procurement Regulation and Section VIII of the Armed Services Procurement Regulation in effect on the date of this contract. To the extent that this contract is for services and is terminated, the Government shall be liable only for payment in accordance with the payment provisions of this contract for services rendered prior to the effective date of termination.

#### § 18–8.705–2 Construction contracts.

Generally, there is no need for a termination clause in construction contracts not in excess of $10,000. However, where the contracting officer determines that a termination clause should be included in such a contract, the following clause shall be used.

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (SEPTEMBER 1962)

The Contracting Officer, by written notice, may terminate this contract, in whole or in part, when it is in the interest of the Government. If this contract is terminated, the Contractor shall be compensated in accordance with Part 8 of the NASA Procurement Regulation and Section VIII of the Armed Services Procurement Regulation in effect on the date of this contract.

**§ 18–8.705–50 Research contracts with nonprofit institutions (including educational institutions).**

(a) *Fixed-price type.* The following clause shall be used in any short form fixed-price research contract with a nonprofit institution.

TERMINATION AT THE OPTION OF THE GOVERNMENT (SEPTEMBER 1962)

The performance of work under this contract may be terminated by the Government, in whole or in part, whenever the Contracting Officer shall determine that such action is in the best interest of the Government. If this contract is so terminated, fair compensation for work performed will be provided the Contractor.

(b) *Cost - reimbursement type.* The following clause shall be used in any short form cost-reimbursement type research contract with a nonprofit institution.

TERMINATION (JANUARY 1964)

The performance of work under this contract may be terminated in whole or in part by the Government whenever the Contracting Officer shall determine that such action is in the best interests of the Government. Such termination shall be effected by written notice to the Contractor describing the extent of the termination and the date upon which it becomes effective. Upon receipt of such notice, the Contractor shall take necessary action to cancel outstanding subcontracts and/or purchase orders and any other commitment relating to costs which would be chargeable to this contract; and shall exercise reasonable diligence to cancel or direct commitments for personal services to his other activities and operations. The Contractor shall submit a termination claim to the Contracting Officer as promptly as possible after receipt of the notice of termination, describing in detail those commitments which will involve costs incident to cancellation. The Contractor and the Contracting Officer shall agree on the amounts to be paid as a result of a termination under this clause, and such agreement shall be evidenced by a supplemental agreement to this contract. Payment of the Contractor's termination claim shall be governed by the cost principles set forth in Part 15, Subpart 3, of the NASA procurement Regulation, except that if the Contractor is not an educational institution, payment shall be governed by Part 15, Subpart 2 thereof.

**§ 18–8.706 Subcontract termination clause.**

The following termination clause is suggested for use in fixed-price subcontracts.

TERMINATION (SEPTEMBER 1962)

(a) The performance of work under this contract may be terminated, in whole or from time to time in part, by the buyer in accordance with this clause. Termination of work hereunder shall be effected by delivery to the seller of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination and except as otherwise directed by the buyer, the seller shall:

(i) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(ii) Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portions of the work under the contract as may not be terminated;

(iii) Terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination;

(iv) Assign to the buyer, in the manner, and to the extent directed by the buyer, all of the right, title, and interest of his seller under the orders of subcontracts so terminated;

(v) Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts subject to the approval or ratification of the buyer to the extent he may require, which approval or ratification shall be final for all the purposes of this clause;

(vi) Transfer title and deliver to the buyer in the manner, to the extent, and at the times directed by the buyer (A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (B) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would be required to be furnished to the buyer;

(vii) Use his best efforts to sell in the manner, to the extent, at the time, and at the price or prices directed or authorized by the buyer, any property of the types referred to in (vi) above: *Provided, however,* That the seller (A) shall not be required to extend credit to any purchaser and (B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the buyer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the buyer to the seller under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the buyer may direct;

(viii) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) Take such action as may be necessary or as the buyer may direct for protection and preservation of the property related to this contract which is in the possession of the seller and in which the buyer or the Government has or may acquire an interest.

(c) After receipt of a Notice of Termination, the seller shall submit to the buyer his termination claim, in the form and with the certification prescribed by the buyer. Such claim shall be submitted promptly, but not later than six (6) months from the effective date of termination. Upon failure of the seller to submit his termination claim within the time allowed, the buyer may determine, on the basis of information available to him, the amount, if any, due to the seller in respect to the termination and such determination shall be final. After the buyer has made a determination under this paragraph, he shall pay the seller the amount so determined.

(d) Subject to the provisions of paragraph (c) the seller and the buyer may agree upon the whole or any part of the amount or amounts to be paid to the seller by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done and the buyer shall pay the agreed amount or amounts: *Provided,* That such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Nothing in paragraph (e) below prescribing the amount to be paid to the seller in the event of the failure of the seller and the buyer to agree upon the whole amount to be paid to the seller by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the seller pursuant to this paragraph (d).

(e) In the event of the failure of the seller and the buyer to agree as provided in paragraph (d) upon the whole amount to be paid to the seller by reason of the termination of work pursuant to this clause, the buyer, but without duplication of any amounts agreed upon in accordance with paragraph (d), shall pay to the seller the following amounts:

(i) For completed supplies accepted by the buyer (or sold or acquired as provided in paragraph (b)(vii) above) and not theretofore paid for, forthwith a sum equivalent to the aggregate price for such supplies computed in accordance with the price or prices specified in the contract, appropriately adjusted for any saving of freight or other charges;

(ii) In respect of the work terminated as permitted by this clause, the total (without duplication of any item) of—

(A) the cost of such work, including initial costs and preparatory expenses allocable thereto, exclusive of any costs attributable to supplies paid to or to be paid for under (i) above; and

(B) the cost of settling and paying claims arising out of the termination work under subcontracts or orders as provided in paragraph (b)(v) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the Notice of Termination of work under this contract, which amount shall be included in the cost on account of which payment is made under (A) above; and

(C) a sum, as a profit, equal to 2 percent of the part of the amount determined under (A) above which represents the cost of articles and materials not processed by the seller, plus a sum equal to 6 percent of the remainder of such amount, but the aggregate of such sum shall not exceed 6 percent of the whole of the amount determined under (A) above, which amount for the purpose of this subdivision (C) shall exclude any charges for interest on borrowings: *Provided, however,* That if it appears that the seller would have sustainted a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (C), and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

(iii) The reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of the property allocable to this contract.

The total sum to be paid to the seller under (i) and (ii) above shall not exceed the total contract price reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage and except to the extent that the buyer or the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the seller under (i) and (ii)(A) above the fair value, as determined by the buyer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the buyer or to a purchaser pursuant to paragraph (b)(vii).

(f) The obligation of the buyer to make any payments under this clause shall be subject to deductions with respect to (i) all unliquidated advance or other payments on account theretofore made to the seller applicable to the terminated portion of this contract, (ii) any claim which the buyer may have against the seller, in connection with this contract, and (iii) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things retained by the seller or sold, and not otherwise recovered by or credited to the buyer.

(g) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the seller may file with the buyer a request in writing that an equitable adjustment be made in the price or prices specified in the contract for the work in connection with the continued portion not terminated by the Notice of Termination, and the appropriate equitable adjustment shall be made in such price or prices.

(h) The buyer may, from time to time, under such terms and conditions as he may prescribe, make partial payments and payments on account against costs incurred by the seller in respect to the terminated portion of the contract, whenever in the opinion of the buyer the aggregate of such payments shall be within the amount to which the seller will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed upon or determined to be due under this clause, such excess shall be payable by the seller to the buyer upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the seller to the date on which such excess is repaid: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the seller's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as determined by the buyer by reason of the circumstances.

(i) For the purpose of paragraphs (c) and (e) above, the amounts of the payments to be made by the buyer to the seller shall be determined in conformity with the policies and principles set forth in Part 8 of the NASA Procurement Regulation and Section VIII of the Armed Services Procurement Regulation in effect at the date of this contract. Unless otherwise provided for in this contract, or by applicable statute, the seller, for a period of three years after final settlement under the contract, shall make available to the buyer and the Government at all reasonable times at the office of the seller all his books, records, documents, or other evidence bearing on the costs and expenses of the seller under the contract and in respect of the termination of work hereunder or, to the extent approved by the Government, photographs, microphotographs, or other authentic reproductions thereof.

**§ 18–8.707 Default clause for fixed-price supply contracts.**

The following clause shall be included in all formally advertised fixed-price type supply contracts and in all negotiated fixed-price type supply contracts in excess of $2,500.

DEFAULT (SEPTEMBER 1962)

(a) The Government may, subject to the provisions of paragraph (c) below, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances:

(i) If the Contractor fails to make delivery of the supplies or to perform the services within the time specified herein or any extension thereof; or

(ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, supplies or services similar to those so terminated, and the Contractor shall be liable to the Government for any excess costs for such similar supplies or services: *Provided,* That the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer, (i) any completed supplies and (ii) such partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (hereinafter called "manufacturing materials") as the Contractor has specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon direction of the Contracting Officer, protect and preserve property in possession of the Contractor in which the Government has an interest. Payment for completed supplies delivered to and accepted by the Government shall be at the contract price. Payment for manufacturing materials delivered to and accepted by the Government and for the protection and preservation of property shall be in an amount agreed upon by the Contractor and Contracting Officer; failure to agree to such amount shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If this contract contains a clause providing for termination for convenience of the Government and if, after notice of termination of the contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the clause of this contract providing for termination for convenience of the Government. If this contract does not contain such a clause and if, after notice of termination of the contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, the contract shall be equitably adjusted to compensate for such termination, and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

**§ 18–8.708 Excusable delays clause for cost-reimbursement type contracts.**

The following clause shall be used in all cost-reimbursement type contracts that contain the "Termination" clause in § 18.8.702 (a) or (b), and may be used in contracts containing the clause set forth in § 18–8.704–1.

EXCUSABLE DELAYS (SEPTEMBER 1962)

Except with respect to defaults of subcontractors, the Contractor shall not be in default by reason of any failure in performance of this contract in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to: acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform or make progress, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to be in default, unless (i) the supplies or services to be furnished by the subcontractor were obtainable from other sources, (ii) the Contracting Officer shall have ordered the Contractor in writing to procure such supplies or services from such other sources, and (iii) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that any failure to perform was occasioned by any one or

more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the clause of this contract providing for termination.

### § 18–8.709 Default clause for fixed-price construction contracts.

(a) The following clause shall be used in all fixed-price construction contracts in excess of $10,000.

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS (SEPTEMBER 1962)

(a) If the Contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the Contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor. Whether or not the Contractor's right to proceed with the work is terminated, he and his sureties shall be liable for any damage to the Government resulting from his refusal or failure to complete the work within the specified time.

(b) If fixed and agreed liquidated damages are provided in the contract and if the Government so terminates the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until such reasonable time as may be required for final completion of the work together with any increased costs occasioned the Government in completing the work.

(c) If fixed and agreed liquidated damages are provided in the contract and if the Government does not so terminate the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until the work is completed or accepted.

(d) The Contractor's right to proceed shall not be so terminated nor the Contractor charged with resulting damage if:

(i) The delay in the completion of the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government in either its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the Contractor and such subcontractors or suppliers; and

(ii) The Contractor, within 10 days from the beginning of any such delay (unless the Contracting Officer grants a further period of time before the date of final payment under the contract), notifies the Contracting Officer in writing of the causes of delay.

The Contracting Officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when, in his judgment, the findings of fact justify such an extension, and his findings of fact shall be final and conclusive on the parties, subject only to appeal as provided in the clause of this contract entitled "Disputes."

(e) If this contract contains a clause providing for termination for convenience of the Government and if, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the clause providing for termination for convenience of the Government. If this contract does not contain such a clause, and if, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

(b) During a period of national emergency, paragraph (d) (i) of the clause set forth in paragraph (a) of this section shall be amended by deleting the words "unforeseeable causes" in the two places where they appear and substituting the words "causes, other than normal weather." Where Standard Form 23A is used, the words "the clause of this contract entitled Disputes" in paragraph (d) of the clause set forth in paragraph (a) of this section need not be substituted for "Clause 6 of these General Provisions."

(c) The following clause shall be used in all fixed-priced construction contracts not in excess of $10,000.

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS (SEPTEMBER 1962)

(a) If the Contractor does not prosecute the work so as to insure completion, or fails to complete it, within the time specified, the Government may, by written notice to the Contractor, terminate his right to proceed. Thereafter, the Government may have the work completed, and the Contractor shall be liable for any resulting excess cost to the Government. If the Government does not terminate the Contractor's right to proceed, he shall continue the work and shall be liable to the Government for any actual damages occasioned by such delay unless liquidated damages are stipulated.

(b) The Contractor's right to proceed shall not be terminated nor the Contractor charged with actual or liquidated damages under (a) above because of any delays in completion of the work due to causes other than normal weather, beyond his control and without his fault or negligence, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government (in either its sovereign or contractual capacity), acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors or suppliers due to causes beyond their control and without their fault or negligence: *Provided*, That the Contractor shall, within 10 days from the beginning of any such delay, unless the Contracting Officer shall grant a further period of time prior to the date of final settlement of the contract, notify the Contracting Officer in writing of the causes of delay. The Contracting Officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when in his judgment the findings of fact justify such an extension, and his findings of fact shall be final and conclusive on the parties hereto, subject only to appeal as provided in the clause of this contract entitled "Disputes."

(d) When Standard Form 19 is used, the words "the clause of this contract entitled Disputes" in paragraph (b) of the clause set forth in paragraph (c) of this section need not be substituted for "Clause 3 hereof."

### § 18–8.710 Default clause for fixed-price research and development contracts.

The following clause shall be used in all fixed-price research and development contracts as defined in § 18–7.301, except contracts with nonprofit institutions (including educational institutions) which are awarded on the basis of no profit.

DEFAULT (SEPTEMBER 1962)

(a) The Government may, subject to the provisions of paragraph (c) of this clause, by written Notice of Default to the Contractor terminate the whole or any part of this contract in any one of the following circumstances:

(i) If the Contractor fails to perform the work called for by this contract within the time(s) specified herein or any extension thereof; or

(ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to prosecute the work as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, work similar to the work so terminated and the Contractor shall be liable to the Government for any excess costs for such similar work: *Provided*, That the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform unless the supplies or service to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule or other performance requirements.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the





Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer any of the completed or partially completed work not theretofore delivered to, and accepted by, the Government and any other property, including contract rights, specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon the direction of the Contracting Officer, protect and preserve property in the possession of the Contractor in which the Government has an interest. The Government shall pay to the Contractor the contract price, if separately stated, for completed work accepted by the Government and the amount agreed upon by the Contractor and the Contracting Officer for (i) completed work for which no separate price is stated, (ii) partially completed work, (iii) other property described above which is accepted by the Government, and (iv) the protection and preservation of property. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If this contract contains a clause providing for termination for convenience of the Government, and if, after notice of termination of the contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the clause of this contract providing for termination for convenience of the Government. If this contract does not contain such a clause and if, after notice of termination of the contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

## Subpart 18–8.8—Forms

### § 18–8.800 Applicability.

See 32 CFR Part 8, Subpart H.

## Subpart 18–8.50—Contract Termination Status Report

### § 18–8.5000 Scope of subpart.

This Subpart 18–8.50 prescribes the preparation and submission of monthly reports indicating the status of fixed-price type contracts terminated for convenience and all terminated cost-reimbursement type contracts.

### § 18–8.5001 Responsibility and procedure.

NASA contracting officers responsible for issuing the notice of termination shall prepare and submit the Monthly Contract Termination Status Report, in duplicate, to the Director of Procurement. The report shall be prepared for each fixed-price type contract terminated for convenience and for each terminated cost-reimbursement type contract at the end of the month in which such contract is terminated and at the end of each month thereafter until a final closing report is submitted. Such report shall be prepared in accordance with the format and instructions set forth in paragraphs (a) and (b) of this section.

(a) *Monthly contract termination status report.*

MONTHLY CONTRACT TERMINATION STATUS REPORT

Date: _____

1. Contract Number _____
2. Procurement Office _____
3. Contractor _____
4. Agency or Installation Conducting Termination _____
5. Date of Termination _____

MONTHLY CONTRACT TERMINATION STATUS REPORT—Continued

| | | |
|---|---|---|
| 6. Type of Termination | | |
| 7. Contract Amount | (Partial) $ | (Complete) $ |
| 8. Contract Price of Items Terminated (If Partial Termination) | $ | |
| 9. Type of Contract | | |
| 10. Amount of Contractor's Settlement Proposal | $ | |
| 11. Date Settlement Proposal Submitted | | |
| 12. Date Audit Requested | | |
| 13. Date Audit Report Received | | |
| 14. Date Final Settlement Negotiated | | |
| 15. Net Settlement Cost | | |
| 16. Date Settlement Submitted to Review Board | | |
| 17. Date Settlement Supplemental Agreement Submitted to Contractor | | |
| 18. If Cost-Reimbursement Type Contract: Contractor Vouchering Out Remaining Cost | (Yes) | (No) |
| GAO Audit Status Date Established | | |
| 19. Number of Subcontract Claims Submitted and Approved | | |
| 20. Amount of Subcontract Claims Submitted and Approved | $ | |
| 21. Prime Contractor Termination Inventory Received | (Date) $ | |
| 22. Date Prime Contractor Termination Inventory Cleared | | |
| 23. Remarks: | | |

(Contracting Officer)

(b) *Instructions for the preparation of the monthly contract termination status report.* The Monthly Contract Status Report shall be prepared in accordance with the following instructions:

| *Item* | *Explanation* |
|---|---|
| 1. Contract Number | Enter the basic contract number. |
| 2. Procurement Office | Enter sufficient detail to establish the identity and address of procurement office submitting the report. |
| 3. Contractor | Enter the complete name and address of the contractor as it appears on the contract. |
| 4. Agency or Installation Conducting Termination. | Enter the name and address of the Military Department or other NASA installation, if the termination proceedings have been delegated to a Military Department or another NASA installation. |
| 5. Date of Termination | Enter the month, day, and year the contract is actually terminated. |
| 6. Type of Termination | Indicate whether partial or complete termination by deleting appropriate word. |
| 7. Contract Amount | Enter the total amount of funds obligated by the contract. |
| 8. Contract Price of Items Terminated (If Partial Termination). | Enter the total amount of those items terminated if action is a partial termination of the contract. |
| 9. Type of Contract | Enter whether fixed-price type contract (indicating whether escalation, redetermination, or incentive, and type thereof); cost-reimbursement type contract (indicating whether cost, cost-plus-a-fixed-fee, or cost-plus-incentive-fee contract); time and materials contract; labor-hour contract; letter contract; or other type. |
| 10. Amount of Contractor's Settlement Proposal. | Enter total amount of the contractor's termination claim. |
| 11. Date Settlement Proposal Submitted. | Enter the month, day, and year the contractor submits his settlement proposal. |

| Item | Explanation |
|---|---|
| 12. Date Audit Requested | Enter the month, day, and year the contractor's settlement proposal is submitted to the cognizant audit agency for examination. |
| 13. Date Audit Report Received | Enter the month, day, and year the comments and recommendations of the audit agency are received. |
| 14. Date Final Settlement Negotiated. | Enter the month, day, and year a final settlement agreement is negotiated with the contractor. |
| 15. Net Settlement Cost | Enter the total amount of the settlement negotiated with the contractor. |
| 16. Date Settlement Submitted to Review Board. | Enter the month, day, and year the settlement agreement is submitted to the Settlement Review Board at NASA Headquarters for review. |
| 17. Date Settlement Supplemental Agreement Submitted to Contractor. | Enter the month, day, and year the settlement agreement is submitted to the contractor for signature. |
| 18. If Cost-Reimbursement Type Contract. | Indicate whether contractor elects to continue to submit vouchers for reimbursement of costs by deleting appropriate word. If contractor does not elect to continue to submit vouchers for reimbursement of costs, enter the month, day, and year the "Audit Status Date" is established. |
| 19. Number of Subcontractor Claims Submitted and Approved. | Enter the total number of all subcontractor claims that were submitted and subsequently approved. |
| 20. Amount of Subcontractor Claims Submitted and Approved. | Enter the total amount of all subcontractor claims submitted and subsequently approved. |
| 21. Prime Contractor Termination Inventory received. | Enter the month, day, and year the contractor's final termination inventory schedule is received and the total dollar value of all termination inventory. |
| 22. Date Prime Contractor Termination Inventory Cleared. | Enter the month, day, and year of the final disposal action of the contractor's termination inventory. |
| 23. Remarks | Enter any other data to explain further the information furnished under the above items. |

## PART 18–9—PATENTS, DATA, AND COPYRIGHTS


Sec.
18–9.000 Scope of part.

Subpart 18–9.1—Innovations, Inventions, and Patents

18–9.100 Scope of subpart.
18–9.101 Property rights in inventions made in the performance of work under NASA contracts.
18–9.101–1 General.
18–9.101–2 Use of new technology and property rights in inventions clause.
18–9.101–3 Special instructions for waived inventions.
18–9.101–4 "New technology" clause.
18–9.101–5 Property rights in inventions clause.
18–9.101–6 Contracts relating to atomic energy.
18–9.101–7 Patent rights under product improvement programs or independent research and development programs.
18–9.102 Reserved.
18–9.103 Authorization and consent.
18–9.104 Patent indemnification of government by contractor.
18–9.105 Notice and assistance.
18–9.106 Processing of infringement claims.
18–9.107 Classified contracts.
18–9.108 Payment of royalties.
18–9.108–1 Payment of royalties—standard clause.
18–9.108–2 Payment of royalties—manufacturers aircraft association deviation.
18–9.109 Facilities license.
18–9.110 Proposals of equivalent merit.
18–9.150 Designation of representatives for new technology and for patents.
18–9.151 Contract review.
18–9.152 Contract clearance.
18–9.153 Consultation with patent representative.
18–9.154 Sample designation letters.

Subpart 18–9.2—Data and Copyrights

18–9.200 Scope of subpart.
18–9.201 Definitions.
18–9.202 Acquisition and use of data.
18–9.202–1 Acquisition of data.
18–9.202–2 Use of data.
18–9.202–3 Reserved.
18–9.202–4 Reserved.
18–9.202–5 Reserved.
18–9.202–6 Data furnished on a restricted basis in support of a proposal.
18–9.203 Rights in data clauses.
18–9.203–1 Rights in data clause for use in contracts for experimental, developmental, or research work.
18–9.203–2 Rights in data clause for use in supply contracts.
18–9.203–3 Limited rights in data provision for use in supply contracts.
18–9.204 Contract clauses—special.
18–9.204–1 Reserved.
18–9.204–2 Production of motion pictures.
18–9.204–3 Histories and other works.
18–9.204–50 Short form clause, fixed-price, research contract with nonprofit institutions (including educational institutions).
18–9.204–51 Short form clause, cost-reimbursement, research contract with nonprofit institutions (including educational institutions).
18–9.205 Contracts for acquisition of existing works.
18–9.205–1 Off-the-shelf purchase of books and similar items.
18–9.205–2 Contracts for existing motion pictures.
18–9.206 Contracts to be performed outside the United States.


AUTHORITY: The provision of this Part 18–9 issued under 42 U.S.C. 2473(b)(1).

### § 18–9.000 Scope of part.

This part sets forth policies and procedures pertaining to innovations, inventions, patents, data, and copyrights in connection with the procurement of supplies and services.

## Subpart 18–9.1—Innovations, Inventions, and Patents

### § 18–9.100 Scope of subpart.

(a) This subpart prescribes contract clauses and instructions which define and implement the policy of NASA with respect to:

(1) Inventions and innovations made in the performance of work under contract with NASA;

(2) Patent and copyright infringement liability of the United States resulting from work performed under contract with NASA;

(3) Security requirements covering patent applications containing classified subject matter; and

(4) Patent and copyright royalties payable in connection with the performance of contracts with NASA.

(b) The Office of General Counsel, NASA Headquarters, should be consulted for policies, instructions, and contract clauses concerning innovations, inventions, patents, data, and copyrights for use in contracts which are to be performed outside the United States, its possessions, and Puerto Rico.

### § 18–9.101 Property rights in inventions made in the performance of work under NASA contracts.

### § 18–9.101–1 General.

(a) Except for any invention made in the performance of any work under any contract with NASA, it is the policy of NASA to pay reasonable compensation for the acquisition of rights in any invention covered by a valid patent issuing thereon and enforceable against the Government. Such rights in "background" patents will not be acquired in contracts for supplies and services except by specific negotiation for such rights, unless the patents and the rights thereunder are listed and priced as a separate contract item. Questions of validity, enforceability and infringement of patents will be determined by the Office of the General Counsel, NASA Headquarters.

(b) It is also the policy of NASA to refer to the NASA Inventions and Contributions Board for consideration for an award each invention made by an employee of a NASA contractor or subcontractor to which NASA has acquired title and with respect to which an application for patent by NASA has been filed. In addition, the Administrator, upon his own initiative, may make monetary award on any such invention in such amount and upon such terms as he shall determine to be warranted.

(c) It is the policy of NASA to require reports of innovations and inventions which are made in the performance of work done under NASA contracts in order to protect the Government's interest therein and to provide for the widest practicable and appropriate dissemination thereof to the scientific and industrial communities.

### § 18–9.101–2 Use of new technology and property rights in inventions clauses.

Except as provided in § 18–9.101–5, the "New Technology" clause set forth in § 18–9.101–4 will be included in every NASA contract (made by or on behalf of NASA) or modification thereof where the performance of research, experimental, design, engineering or developmental work is contemplated. As illustrative, but without limitation, contracts for the following purposes are considered to contemplate work of the type described above:

(a) Conduct of basic or applied research;

(b) Design, or development, or manufacture for the first time of any machine, article of manufacture, or composition of matter to satisfy NASA specifications or special requirements;

(c) Development of any process or technique for attaining a NASA objective not readily attainable through the practice of a previously developed process or technique; or

(d) Testing or experimenting with a machine, process, or technique to determine whether the same is suitable or could be made suitable for a NASA objective.

Architect-Engineer (A–E) contracts and construction contracts which require only "state of the art" or "brick and mortar" construction need not include the clause in § 18–9.101–4.

### § 18–9.101–3 Special instructions for waived inventions.

(a) The "New Technology" clause set forth in § 18–9.101–4 contains a Section IV pertaining to "Waived Inventions." When the conditions set forth in this § 18–9.101–3 are met, Section IV will be made operative to implement the waiver of title to inventions made in the performance of certain contracts and subcontracts made by the Administrator and published in the NASA Patent Waiver Regulations (14 CFR § 1245.104). Section IV, although an integral part of the "New Technology" clause, is not applicable to a prime contract or subcontract containing the clause except under the conditions set forth in paragraph (b) of this section and if there is included in the Schedule of the contract or subcontract the following statement:

The Contracting Officer has made the findings required for Section IV of the New Technology clause to be applicable to this contract. (September 1964)

(b) The contracting officer shall not insert the statement set forth in paragraph (a) of this section in any contract, or approve its insertion in any subcontract, unless at the time of or prior to the execution of the contract or subcontract, he shall have made in writing each of the six findings set forth below with respect to the contract or subcontract concerned. As used in this paragraph (b), the term "contract" includes "subcontract of any tier."

(1) It is not a principal purpose of the contract to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations.

(2) It is not a principal purpose of the contract to explore into fields which directly concern the public health or public welfare.

(3) The contract is not in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, with respect to which the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position.

(4) The contract is not for services of the contractor for (i) the operation of a Government owned research or production facility; or (ii) coordinating and directing the work of others.

(5) The purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the Government.

(6) The work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as knowhow, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position.

(c) These special instructions for waived inventions are designed to afford an opportunity to settle questions of rights in inventions at the time of contracting, in cases where the facts are readily determinable. However, the matter is not to be the subject of negotiation. The contracting officer shall consider and evaluate the facts readily available to him, including any facts submitted by the contractor or subcontractor who is awarding the subcontract concerned, if any, in order to determine whether the findings set forth in paragraph (b) of this section can be made. He is not, however, obliged to conduct independent investigations where to do so would unduly delay negotiation or execution of the contract or subcontract. However, he should avail himself of patent, technical or other counsel, as necessary, to assist him in evaluating the facts and making the findings required by paragraph (b) above. Where the necessary information is not readily available, the contracting officer may simply decide not to consider the matter further. Such a decision, or a finding differing from those set forth in paragraph (b) of this section, may be made a part of the prime contract file. In cases where the finding set forth in paragraph (b) of this section is not made, the contractor or subcontractor may, within 60 days after the date of execution of the contract or subcontract concerned, petition for waiver of title as provided in the NASA Patent Waiver Regulations (14 CFR § 1245.105).

(d) If the contracting officer makes the findings specified in paragraph (b) of this section with respect to the prime contract or any subcontract of any tier, he shall:

(1) Make such findings a part of the prime contract file;

(2) Furnish a copy to the contractor and subcontractor, if any, concerned;

(3) Furnish a copy to the patent representative appointed pursuant to § 18–9.150 of these regulations;

(4) Include the statement set forth in paragraph (a) of this section in the Schedule of the contract, or in the case of subcontracts of any tier, require the contractor to include the statement in any subcontract with respect to which the contracting officer has made such findings; and

(5) Furnish a copy of the findings together with a copy of the statement of work of the contract or subcontract concerned to the NASA Invention and Contributions Board, NASA Headquarters.

(e) It will be noted from Section IV of the "New Technology" clause and

from the NASA Patent Waiver Regulations that, although the title to inventions may have been waived to a contractor or subcontractor, such waiver is subject to a number of conditions, reservations, and obligations on the part of the contractor or subcontractor concerned.

### § 18–9.101–4 "New technology" clause.

NEW TECHNOLOGY (SEPTEMBER 1964)

The "New Technology" clause is comprised of five sections; Section I—Definitions, Section II—Reporting and Subcontracts, Section III—Rights, Section IV—Waived Inventions and Section V—Withholding; the clause paragraphs are lettered consecutively throughout the sections.

I—DEFINITIONS

(a) As used in this clause, the following terms shall have the meanings set forth below:

(i) "Reportable item" means any invention, discovery, improvement or innovation, whether or not the same is susceptible of protection under the United States patent laws, which is made in the performance of any work done upon an understanding in writing that this contract would be awarded or made in the performance of any work which is reimbursable under the clause, if any, in this contract providing for reimbursement of costs incurred prior to the date of this contract;

(ii) "Made" means conceived or first actually reduced to practice, and "making" means conceiving or first actually reducing to practice;

(iii) "Invention" means any reportable item which, in the opinion of the Administrator, falls within a statutory class of patentable subject matter (35 U.S.C. 101, 161, and 171);

(iv) "Person" means any individual, partnership, group, corporation, association, institution or other entity;

(v) When this clause is included in any subcontract, "contractor" means subcontractor and "contract" means subcontract; and

(vi) "Administrator" means the Administrator of NASA or his duly authorized representative.

II—REPORTING AND SUBCONTRACTS

(b) The Contractor shall furnish to the Contracting Officer a written report concerning each reportable item promptly upon the making thereof. Such report shall include such technical detail as is necessary to identify and to describe fully the nature, purpose, operation and physical (electrical, chemical, etc.) characteristics of the reportable item.

(c) In addition to the reports required in paragraph (b) above, the Contractor shall conduct frequent periodic reviews of the work performed by the Contractor to assure that all reportable items have been reported to the Contracting Officer. Within one month following each annual anniversary date of this contract, until completion of the contract work, and within one month following completion of the contract work, the Contractor shall furnish to the Contracting Officer a written summary of the review activities performed, including a report as required by paragraph (b) above for each reportable item not previously reported, or certifying that there are no reportable items.

(d)(1) The Contractor shall include Sections I through IV (paragraphs (a) through (p)) of this clause in each subcontract he awards under this contract where the performance of research, experimental, design, engineering, or developmental work is contemplated and shall set forth in each subcontract the identification of the prime contract and the identification and mailing address of the Contracting Officer.

(2) As to each subcontract of any tier for which the Contracting Officer makes the findings referred to in paragraph (k) of this clause, the Contractor shall include in the Schedule or elsewhere in such subcontract the statement set forth in said paragraph (k).

(3) In the event of refusal by a subcontractor to accept any of the provisions of this clause other than paragraph (q), the Contractor shall promptly notify the Contracting Officer of such refusal and shall not execute the subcontract in question until provisions have been approved in writing by the Contracting Officer for inclusion in said subcontract.

(4) The Contractor shall furnish promptly to the Contracting Officer a statement listing each subcontract he awards under this contract of over fifty thousand dollars ($50,000) of the type described in paragraph (d)(1) above, stating the name and address of the subcontractor, describing the work to be performed, stating the estimated cost, and giving the estimated completion date of the subcontract. Within one month following each annual anniversary date of this contract, until completion of the contract work, and within one month following completion of the contract work, the Contractor shall furnish to the Contracting Officer a written report listing each such subcontract not previously reported or certifying that no such subcontracts were awarded during the reporting period.

(e) With respect to each subcontract awarded by the Contractor of over fifty thousand dollars ($50,000) of the type described in paragraph (d)(1) above, the Contractor shall, within one month following completion of the work under such subcontract:

(i) Obtain from an official having authority to execute such subcontract on behalf of the subcontractor a letter certifying compliance by the subcontractor with the paragraphs of this "New Technology" clause included in such subcontracts; and

(ii) Submit a copy of such letter directly to the Contracting Officer upon receipt from the subcontractor.

III—RIGHTS

(f)(1) An invention reported under this clause shall be presumed to have been made in the manner specified in paragraph (1) or (2) of section 305(a) of the National Aeronautics and Space Act of 1958 [42 U.S.C. 2457(a) (1958)] (hereinafter called "the Act").

(2) The presumption of paragraph (f)(1) above shall be conclusive unless the Contractor at the time of reporting the invention submits to the Contracting Officer a written statement, containing supporting details, demonstrating that the invention was not made in the manner specified in paragraph (1) or (2) of section 305(a) of the Act.

(3) Regardless of whether the Contracting Officer has considered the matter, if the Schedule of this contract does not include the statement set forth in paragraph (k) below, the Contractor may, within 60 days from the date of execution of this contract, petition the Administrator for waiver of title to inventions, pursuant to 14 CFR § 1245.105, or, after reporting an invention, may petition for waiver of title to that invention, pursuant to 14 CFR § 1245.106.

(g) Regardless of whether title to a given invention would otherwise be subject to a waiver or is the subject of a petition for waiver, the Contractor may nevertheless file the statement described in paragraph (f)(2) above. The Administrator will review the information furnished by the Contractor in any such statement and any other available information relating to the circumstances surrounding the making of the invention and will notify the Contractor whether the Administrator has determined that the invention was made in the manner specified in paragraph (1) or (2) of section 305(a) of the Act.

(h) With respect to each invention which becomes the exclusive property of the United States, the Contractor shall:

(1) Inform the Contracting Officer at the earliest practicable date of any public use or sale by the Contractor of the invention or of any publication by the Contractor describing the invention; and

(2) Furnish, upon written request by the Contracting Officer, such full and complete technical and other information available to the Contractor as is necessary for the preparation of a patent application and for prosecution of such patent application, and, in addition, shall execute or endeavor to secure execution of all lawful documents and instruments determined by the Administrator to be necessary for the preparation and prosecution of applications for Letters Patent covering the invention.

(i) Regardless of any other disposition of rights in the invention, in the case of each reported invention which is determined to have been made in the manner specified in paragraph (1) or (2) of section 305(a) of the Act, 14 CFR § 1245.112 provides that the Contractor is granted a nonexclusive, irrevocable, royalty-free license to practice such invention together with the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. Such license and right will be nontransferable except to a successor of that part of the Contractor's business to which the invention pertains.

(j)(1) The Government may duplicate, use and disclose in any manner and for any purpose whatsoever, and have others do so, all reports furnished pursuant to paragraphs (b), (c), and (h)(2) of this clause.

(2) Nothing contained in this "New Technology" clause shall be deemed to grant any license under any invention as to which rights of the Government are not expressly obtained pursuant to the Act, as implemented by this clause.

IV—WAIVED INVENTIONS

(k) This section IV (paragraphs (k) through (p)) of this clause shall be applicable to this contract only if the Contracting Officer has made the findings set forth in NASA Patent Waiver Regulations 14 CFR § 1245.104, which are also set forth in paragraph 9.101–3(b) of the NASA Procurement Regulations, and if there is included in the Schedule of this contract the following statement:

"The Contracting Officer has made the findings required for Section IV of the New Technology clause to be applicable to this contract."

(l) When this section is applicable to the contract, as provided in paragraph (k) above, the title to any invention made in the performance of this contract is subject to the waiver granted by the Administrator in 14 CFR § 1245.104 and to the conditions, reservations and obligations contained in paragraphs (m), (n) and (o) below.

(m) With respect to any particular invention, the waiver referred to in paragraph (l) above is subject to the following conditions:

(1) That the Contractor report the invention during the term of this contract;

(2) That the invention is determined to have been made in the manner specified in paragraph (1) or (2) of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)) in the performance of work under this contract; and



(3) That the invention is designated at the time of reporting as being an invention upon which the Contractor intends to file or has filed a United States patent application.

(n) With respect to any particular invention, the waiver referred to in paragraph (l) above is subject to the following reservations:

(1) The reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the United States or any agency thereof, state, or domestic municipal government, or any foreign government pursuant to any existing or future treaty or agreement with the United States;

(2) The reservation by the Administrator of the right to require the granting of a license to any applicant on a nonexclusive, royalty-free basis unless the Contractor, his licensee, or his assignee has taken effective steps within three years after a patent issues on the invention to manufacture the invention in the case of a composition or product, to practice the invention in the case of a process, or to operate the invention in the case of a machine, and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public, or has made the invention available for licensing royalty-free or on the terms that are reasonable in the circumstances, or the Contractor shows cause why he should retain the full benefits of waiver for a further period of time; and

(3) The reservation by the Administrator of the right to require the granting of a license to any applicant royalty-free or on terms that are reasonable in the circumstances for such practice of the invention as may be appropriate to satisfy the requirements which may be made by governmental regulations for public use of the invention, or as may be necessary to fulfill health needs, or for other public purposes, if any, stipulated in the Schedule of this contract.

(o) With respect to any particular invention, the waiver referred to in paragraph (l) above is voidable at the option of the Administrator unless the contractor shall:

(1) File within eight months from the date of reporting of such an invention, an application for United States Letters Patent disclosing and claiming the invention, and include within the first paragraph of the specification of such application and any patent issuing thereon the following statement:

The invention described herein was made in the performance of work under a NASA contract and is subject to the provisions of Section 305 of the National Aeronautics and Space Act of 1958, Public Law 85–568 (72 Stat. 435; 42 U.S.C. 2457).

(2) Furnish to the Administrator a copy of each patent application, domestic or foreign, filed thereon, together with identifying serial number and filing date promptly upon receipt thereof;

(3) Execute and furnish to the Administrator instruments fully confirmatory of the rights herein reserved by the Government;

(4) In the event the Contractor elects not to continue prosecution of any application filed thereon, notify the Administrator within sufficient time to allow assumption of prosecution by the Government, and deliver to the Administrator such duly executed instruments as are necessary to vest in the Administrator title thereto, including an instrument of assignment to such application;

(5) Convey to the United States Government, on written request, the Contractor's entire right, title and interest in any foreign country in which the Contractor has not filed an application on said invention within—

(i) Nine months from the date a corresponding U.S. application is filed;

(ii) Six months from the date permission is granted to file foreign applications where such filing has been prohibited for security reasons; or

(iii) Such longer periods as may be expressly approved by the Administrator.

(6) Grant any license which the Administrator may require to be granted pursuant to paragraph (n)(2) or (3) above.

(7) Report, upon written request not more often than annually, the commercial use that is being made or is intended to be made of the invention.

(p) Before either of the rights set forth in paragraph (n)(2) or (3) above are exercised, notice shall be given to the Contractor that he may show cause before the Inventions and Contributions Board of NASA why he should not be required to grant such a license.

V—WITHHOLDING

(q)(1) Except as provided in subparagraphs (3) and (4) below, if the Contractor fails to comply with the provisions of this clause after receipt of a written decision of the Contracting Officer, pointing out wherein the Contractor has failed to comply and setting a time limit for compliance, there shall be withheld from payment, unless such failure has been corrected within the time limit set, either five percent (5%) of the amount of this contract as from time to time amended, or fifty thousand dollars ($50,000), whichever is less.

(2) Without regard to whether a written decision as described in subparagraph (1) above has been issued, after payment of eighty-five percent (85%) of the amount of this contract, as from time to time amended, payment shall be withheld until a reserve of either five percent (5%) of such amount, or fifty thousand dollars ($50,000), whichever is less, shall have been set aside, such reserve or balance to be retained until the Contractor shall have complied with the provisions of this clause, as well as with such written decision or decisions as may have been issued pursuant to subparagraph (1) above and not withdrawn or successfully challenged on appeal pursuant to the "Disputes" clause.

(3) The maximum amount which may be withheld under this paragraph (q) shall not exceed five percent (5%) of the amount of this contract or fifty thousand dollars ($50,000), whichever is less. If this contract is a no fee contract with a contractor other than an educational institution, the amount which may be withheld shall not exceed one percent (1%) of the amount of the contract or fifty thousand dollars ($50,000), whichever is less. No amount shall be withheld pursuant to this Section V so long as an equivalent amount is being withheld under other provisions of this contract.

(4) The withholding provisions of subparagraphs (1) through (3) of this paragraph (q) do not apply to the provisions of paragraph (e) or Section IV of this clause, or to no fee contracts with an educational institution. Nothing herein shall be interpreted as prohibiting the Contractor from including a withholding provision in his subcontracts.

### § 18–9.101–5 Property rights in inventions clause.

The clause set forth below shall be used in contracts for basic or applied scientific research at nonprofit institutions of higher education or at nonprofit institutions whose primary purpose is the conduct of research.

PROPERTY RIGHTS IN INVENTIONS (NOVEMBER 1962)

This contract and all subcontracts hereunder are subject to Section 305 of the National Aeronautics and Space Act of 1958 relating to property rights in inventions. The term "invention" includes any invention, discovery, improvement, or innovation. Any invention made in performance of work under this contract shall be presumed to have been made under the conditions described in paragraphs (1) or (2) of Section 305(a) of the Act. The Contractor shall furnish to the Contracting Officer a written report containing full and complete technical information concerning any invention made in the performance of any work under this contract promptly upon the making of such invention and shall require all subcontractors to do so. Upon written request of the Contracting Officer, the Contractor shall furnish additional information available to him, and shall secure the execution of such documents as may be necessary to enable the Administrator, NASA, to file and prosecute patent applications on any such invention. Prior to completion of this contract, the Contractor shall furnish to NASA a report as to whether or not any inventions of the type referred to herein have been made in the performance of work under this contract.

### § 18–9.101–6 Contracts relating to atomic energy.

Whenever any contract is entered into with or for the benefit of the Atomic Energy Commission, the Office of General Counsel, NASA Headquarters, shall be consulted for policies, instructions and contract clauses relating to innovations, inventions, patents, data and copyrights.

### § 18–9.101–7 Patent rights under product improvement programs or independent research and development programs.

Where NASA under its established procedures provides, as an item in the computation of overhead, financial support to (i) a contractor's product improvement program, or (ii) a contractor's independent research and development program, the inventions resulting from such programs are not subject to the "New Technology" or the "Property Rights in Inventions" clauses merely by virtue of the provision of such financial support. The clause set forth below may be included in the Schedule of a cost-reimbursement type contract wherein NASA is providing such support to the contractor's product improvement program or independent research and development program.

INVENTIONS MADE UNDER CONTRACTOR'S INDEPENDENT RESEARCH AND DEVELOPMENT PROGRAMS (AUGUST 1963)

Any invention made in the performance of any work by the Contractor under the Contractor's own product improvement program, or the Contractor's independent research and development program, even though supported by an allowance of costs for such program as a part of the overhead costs hereof, will not be subject to the "New Technology" clause or the "Property Rights in Inventions" clause (whichever is included in this contract) unless said work is identified in writing as being required in the performance of this contract.

### § 18–9.102 [Reserved]

### § 18–9.103 Authorization and consent.

(a) Under 28 U.S.C. 1498, any suit for infringement of a patent or copyright based on the manufacture or use of a patented invention or copying of copy-

righted material for the Government by a contractor or by a subcontractor (including lower tier subcontractors) can be maintained only against the Government in the Court of Claims, and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to such infringement. Accordingly, in order that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent will be given as herein provided. The "Authorization and Consent" clause set forth below shall be included in all contracts for supplies (including construction work), and construction contracts, as follows:

AUTHORIZATION AND CONSENT (JANUARY 1963)

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance.

(b) Since greater latitude in the use of patented inventions is to be allowed in a contract for research, experimental, design, engineering or developmental work than in a contract for supplies, the "Authorization and Consent" clause set forth below shall be used in contracts, including Facilities contracts, involving such work.

AUTHORIZATION AND CONSENT (SEPTEMBER 1962)

The Government hereby gives its authorization and sent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower tier subcontract).

### § 18–9.104 Patent indemnification of Government by contractor.

(a) NASA's mission is directed to:

(1) Research into the solution of problems of flight within and outside the atmosphere;

(2) The development, construction, testing, and operation for research purposes of aeronautical and space vehicles; and

(3) Such other activities as may be required for the exploration of space.

A patent indemnity clause is not appropriate in contracts for experimental, developmental, or research work.

(b) When it is known that an item being procured is protected, or probably will be protected, by a United States patent or patents, the inclusion of a "Patent Indemnity" clause may be appropriate. In such case, where the patent owner informs a prospective bidder or otherwise contends that the item being procured would infringe his patent or patents, the patent indemnity clause set forth below, limited to the specifically designated patents in question, may be included in the contract if its use is approved by Patent Counsel.

PATENT INDEMNITY (AUGUST 1963)

(a) If the amount of this contract is in excess of five thousand dollars ($5,000), the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of the United States letters patent designated in paragraph (b) below and the United States letters patents which may mature on the patent applications, if any, designated in paragraph (b) below, arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply if: (i) the infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; or (ii) the infringement results from the addition to, or change in, the supplies furnished or construction work performed, which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) the claimed infringement is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

(b) This "Patent Indemnity" clause is applicable to such United States patents and patent applications as are next designated (*here designate the patents or patent applications*).

### § 18–9.105 Notice and assistance.

The Government should be notified by the contractor of all claims of infringement in connection with the performance of a contract which come to the contractor's attention, especially where the Government has given its authorization and consent for the use and manufacture of any patented invention in the performance of the contract or where the contract calls for the delivery to the Government of supplies, models, or prototypes. The contractor should also assist the Government, to the extent of evidence and information in the possession of the contractor, in connection with any suit against the Government, or any claim against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of or resulting from the performance of the contract. Accordingly, the "Notice of Assistance Regarding Patent and Copyright Infringement" clause set forth below shall be included in contracts in excess of $10,000.

NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (SEPTEMBER 1962)

The provisions of this clause shall be applicable only if the amount of this contract exceeds ten thousand dollars ($10,000).

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any suit against the Government, or any claim against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, upon request, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except in those cases in which the Contractor has agreed to indemnify the Government against the claim being asserted.

### § 18–9.106 Processing of infringement claims.

Any claim for infringement of a patent or a copyright should be addressed to or brought to the attention of the Office of General Counsel, NASA Headquarters, and should identify (i) the United States copyright, patent, or patent application, (ii) the interest of the claimant, and (iii) the acts alleged to constitute the infringement.

### § 18–9.107 Classified contracts.

Unauthorized disclosure of classified subject matter, whether in patent applications or resulting from an issuance of a patent, may be a violation of 18 U.S.C. 791 et seq. (Espionage and Censorship) and related statutes and may be contrary to the interest of national security. Accordingly, the "Filing of Patent Applications" clause set forth below shall be included in every classified contract and in every unclassified contract which covers or is likely to cover classified subject matter.

FILING OF PATENT APPLICATIONS (SEPTEMBER 1962)

(a) Before filing or causing to be filed a patent application disclosing any subject matter of this contract, which subject matter is classified "Secret" or higher, the Contractor shall, citing the thirty (30) day provision below, transmit the proposed application to the Contracting Officer for determination whether, for reasons of national security, such application should be placed under an order of secrecy or sealed in accordance with the provisions of 35 U.S.C. 181–188 or the issuance of a patent should be otherwise delayed under pertinent statutes or regulations; and the Contractor shall observe any instructions of the Contracting Officer with respect to the manner of delivery of the patent application to the United States Patent Office for filing, but the Contractor shall not be denied the right to file such patent application. If the Contracting Officer shall not have given any such instructions within thirty (30) days from the date of mailing or other transmittal of the proposed application, the Contractor may file the application.

(b) The Contractor shall furnish to the Contracting Officer, at the time of or prior to the time when the Contractor files or causes



to be filed a patent application disclosing any subject matter of this contract, which subject matter is classified "Confidential," a copy of such application for determination whether, for reasons of national security, such application should be placed under an order of secrecy or the issuance of a patent should be otherwise delayed under pertinent statutes or regulations.

(c) In filing any patent application coming within the scope of this clause, the Contractor shall observe all applicable security regulations covering the transmission of classified subject matter.

### § 18–9.108 Payment of royalties.

The Government has acquired license and other rights under a large number of inventions as the result of Government-sponsored research and development. In order that the Government may determine whether the approval as an item of allowable cost of the payment of royalties by the contractor under license agreement is consistent with the rights which the Government has acquired, these payments of royalties by the contractor are allowable only to the extent authorized by the contracting officer. Accordingly, the "Payment of Royalties" clause set forth in § 18–9.108–1 shall be included in all NASA cost-reimbursement type contracts. This clause may be omitted from contracts with members of the Manufacturers Aircraft Association and the clause set forth in § 18–9.108–2 substituted therefor.

### § 18–9.108–1 Payment of royalties—standard clause.

PAYMENT OF ROYALTIES (SEPTEMBER 1962)

Payment by the Contractor of any sum for royalties or patent rights not included in the ordinary purchase price of supplies, materials, or components shall not constitute items of Allowable Cost hereunder, unless and until approved by the Contracting Officer. Reimbursement to the Contractor on account of any such payments shall not be construed as an admission by the Government of the enforceability, validity or scope of, or title to any of the patents involved, nor shall any such reimbursement constitute a waiver of any rights or defenses respecting such patents.

### § 18–9.108–2 Payment of royalties—manufacturers aircraft association deviation.

PAYMENT OF ROYALTIES (SEPTEMBER 1962)

Payment by the Contractor of any sum for royalties or patent rights not included in the ordinary purchase price of standard commercial supplies shall not constitute items of Allowable Cost hereunder, unless and until approved by the Contracting Officer. Reimbursement to the Contractor on account of any such payments shall not be construed as an admission by the Government of the enforceability, validity or scope of, or title to any of the patents involved, nor shall any such reimbursement constitute a waiver of any rights or defenses respecting such patents: *Provided, however,* That the approval of the Contracting Officer shall not be required for the payment of royalties pursuant to the terms of licenses issued under patents awarded compensation in accordance with that agreement known as the Cross-Licensing Agreement or the Manufacturers Aircraft Association, Inc., in effect as of December 31, 1928, as supplemented by the Agreement of September 30, 1935.

### § 18–9.109 Facilities license.

Where facilities are being constructed or acquired for the first time under a contract, the following clause shall be included therein.

LICENSE FOR SUBSEQUENT USE (AUGUST 1963)

Whenever the Contractor directly or by any subcontractor intends under this contract either (i) to acquire facilities for the account of the Government and to install such facilities or (ii) to fabricate facilities, or to do both (i) and (ii), which facilities are for the purpose either (1) of producing a patented product, or (2) of producing a product in accordance with a patented or proprietary process, the Contractor, before doing so, shall notify the Contracting Officer of his intention, so that consideration can be given to negotiating a license agreement for the use of such facilities by persons to whom the Government may subsequently sell or transfer the facilities. Such negotiation shall be for the purpose of determining the terms and conditions under which the Contractor will grant to or obtain for the Government (in addition to the rights granted by any clause which may be included in this contract entitled "New Technology") the right to convey to any purchaser or transferee of all or a part of the facilities under this contract an irrevocable license to practice and cause to be practiced solely in the maintenance or operation of the facilities any and all inventions (whether or not patented) of the Contractor or a subcontractor hereunder incorporated in, or used by the Contractor or subcontractor in the operation of, the facilities acquired or fabricated by the Contractor for the account of the Government under this contract.

### § 18–9.110 Proposals of equivalent merit.

When two or more potential contractors are judged to have presented proposals of equivalent merit, willingness to permit the Government to acquire and retain title to resulting inventions will be an additional factor in the evaluation of the proposals.

### § 18–9.150 Designation of representative for new technology and for patents.

(a) (1) When a NASA contract contains the clause entitled "New Technology" set forth in § 18–9.101–4 (hereinafter referred to as "the clause") the contracting officer shall designate representatives (hereinafter referred to as the "New Technology Representative" and the "Patent Representative") to administer the clause.

(2) When a NASA contract contains the "Property Rights in Inventions" clause set forth in § 18–9.101–5, the contracting officer shall designate a New Technology Representative and a Patent Representative to administer that clause. The respective responsibilities and authorities of these representatives in administering that clause shall be commensurate with those set forth in paragraphs (e), (f), and (g) of this section and §§ 18–9.151, 18–9.152, and 18–9.153, with respect to the "New Technology" clause, to the extent applicable in view of the more limited requirements of the "Property Rights in Inventions" clause.

(b) Designation of these representatives shall be by letter to the contractor, unless accomplished in the contract, with a copy to each representative so designated. The notification to the contractor shall state that all correspondence and other matters relating to the clause should be addressed to the New Technology Representative unless transmitted in response to correspondence from the Patent Representative. Letters to be used for these purposes are set forth in § 18–9.154.

(c) Except as provided in paragraph (d) of this section, the New Technology Representative shall be the Technology Utilization Officer or the staff member (by titled position) having cognizance of technology utilization matters for the NASA installation concerned; and the Patent Representative shall be the Patent Counsel or the staff member (by titled position) having cognizance of patent matters for the NASA installation concerned.

(d) The staff members having cognizance of technology utilization matters and of patent matters for the Western Operations Office normally will be designated as New Technology Representative and Patent Representative respectively for NASA contracts as assigned by Headquarters or field installations, in accordance with established policies.

(e) The New Technology Representative shall be furnished a copy of the contract, modifications thereto, progress reports, and other pertinent material by the contracting officer, and shall be notified by the contracting officer of the organizational unit of the NASA installation having technical cognizance of the contract.

(f) The Patent Representative shall be furnished a copy of the contract, and modifications thereto, by the contracting officer, as well as copies of findings pursuant to § 18–9.101–3.

(g) The New Technology Representative and the Patent Representative shall maintain complete files of correspondence and other actions involving their respective administration of the clause. Copies of documents which are appropriate for inclusion in the general contract files shall be furnished the contracting officer.

### § 18–9.151 Contract review.

(a) The New Technology Representative shall review, as necessary, the technical progress of work performed under the contract to ascertain whether the contractor and his subcontractors, where appropriate, are complying with paragraphs (b), (c), (d), and (e) contained in section II of the clause.

(b) The New Technology Representative shall forward to the Patent Representative copies of all contractors' and subcontractors' written reports, and a copy of the written statement, if any, submitted with the report of the reportable item. All correspondence relating to inventions and waivers will also be forwarded to the Patent Representative. The Patent Representative shall review each reported item to determine the presence of inventions and notify the contractor and the New Technology Representative if he determines that any reportable item constitutes an invention.

(c) Consultations will be held by the New Technology Representative and the Patent Representative with cognizant technical personnel and others con-

cerned, where required, to determine the relationship of inventions, discoveries, improvements and innovations made under contracts and subcontracts to work performed under the contract, and the value thereof to NASA or other Government agencies.

(d) No action shall be taken by either the New Technology Representative or the Patent Representative which would involve a change or increase in the work required to be performed under the contract, or which otherwise is outside the scope of obligations imposed upon the contractor by the contract. Any written decision pursuant to paragraph (q) of the clause or other correspondence relating thereto shall be prepared for and signed by the contracting officer.

(e) Upon completion of the contract work, the New Technology Representative shall determine whether the contractor and his subcontractor, where appropriate, have complied with paragraphs (b), (c), (d), and (e), contained in Section II of the clause. Such determinations generally will require consultation with the cognizant technical personnel.

(f) Upon completion of the contract work, the Patent Representative shall determine whether the contractor, and his subcontractors, where appropriate, have complied with paragraph (h) and Section IV of the clause.

**§ 18–9.152 Contract clearance.**

(a) Upon submission by the contractor of the final reports required by paragraphs (c) and (d) (3) of the clause, the New Technology Representative shall determine whether the contractor has complied with paragraphs (b), (c), and (d) of the clause and, if so, shall certify such compliance promptly to the contracting officer, with copy to the Patent Representative.

(b) Upon receipt of the copy of the New Technology Representative's certification of compliance, the Patent Representative shall determine whether the contractor has complied with paragraph (h) of the clause and, if so, shall certify such compliance to the contracting officer.

(c) Pursuant to the withholding provisions of the clause, final payment under the contract shall not be approved by the contracting officer until he has received the certifications of compliance referred to in paragraphs (a) and (b) of this section.

**§ 18–9.153 Consultation with patent representative.**

The New Technology Representative shall consult with the Patent Representative whenever a question arises as to:

(1) Whether a given invention, discovery, improvement, or innovation was made in the performance of work under the contract;

(2) Whether a given subcontract is of the type for which section 305(b) of the National Aeronautics and Space Act of 1958 requires insertion of effective provisions for the reporting of reportable items;

(3) Whether a proposed modification of the New Technology clause for insertion in a given subcontract meets the requirements of section 305(b) of the National Aeronautics and Space Act of 1958; and

(4) The identity of inventors or other originators of a reportable item.

**§ 18–9.154 Sample designation letters.**

(a) Sample letter to be used for designations under "New Technology" clause.

NASA LETTERHEAD STATIONERY

Date ----------

Re: ----------
(Contract Number)

(Contractor's Name
and Address)

GENTLEMEN:

The (title and address of the Technology Utilization Officer or the staff member having cognizance of technology utilization matters for the NASA installation concerned) has been designated as the New Technology Representative and the (title and address of the Patent Counsel or the staff member having cognizance of patent matters for the NASA installation concerned) has been designated as the Patent Representative to represent the contracting officer in administering the "New Technology" clause in this contract. In this capacity, they are responsible for monitoring compliance with that clause.

Correspondence with respect to the clause should be directed to the New Technology Representative unless transmitted in response to correspondence from the Patent Representative.

The requirement in the New Technology clause that there be set forth in subcontracts containing the clause the identification and mailing address of the contracting officer may be satisfied by including in such subcontracts these three paragraphs.

(To be signed by the Contracting Officer)

(b) Sample letter to be used for designations under Property Rights in Inventions clause.

NASA LETTERHEAD STATIONERY

Date ----------

Re: ----------
(Contract Number)

(Contractor's Name
and Address)

GENTLEMEN:

The (title and address of the Technology Utilization Officer or the staff members having cognizance of technology utilization matters for the NASA installation concerned) has been designated as the New Technology Representative and the (title and address of the Patent Counsel or the staff member having cognizance of patent matters for the NASA installation concerned) has been designated as the Patent Representative to represent the contracting officer in administering the "Property Rights in Inventions" clause in this contract. In this capacity, they are responsible for monitoring compliance with that clause.

Correspondence with respect to the clause should be directed to the New Technology Representative unless transmitted in response to correspondence from the Patent Representative.

(To be signed by the Contracting Officer)

## Subpart 18–9.2—Data and copyrights

**§ 18–9.200 Scope of subpart.**

This subpart sets forth NASA policy, implementing instructions, and contract clauses with respect to acquisition and use of data and copyrights. The policy and procedures set forth in this subpart apply to all data required to be delivered to the Government under a contract whether such data originates with the contractor or a subcontractor.

**§ 18–9.201 Definitions.**

For the purpose of this subpart, the following terms have the meanings set forth below:

(a) "Data" means writings, sound recordings, pictorial reproductions, drawings, or other graphic representations and works of any similar nature whether or not copyrighted. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) "Proprietary data" means data providing information concerning the details of a contractor's secrets of manufacture, such as may be contained in but not limited to his manufacturing methods or processes, treatment and chemical composition of materials, plant layout, and tooling, to the extent that such information is not readily disclosed by inspection or analysis of the product itself and to the extent that the contractor has protected such information from unrestricted use by others.

(c) "Other data" means all data other than "proprietary data" and includes:

(1) Operational data which provides information suitable, among other things, for instruction, operation, maintenance, evaluation or testing; and

(2) Descriptive data which provides descriptive or design drawings or descriptive material in the nature of design specifications which, although not including any "proprietary data," may nevertheless be adequate to permit manufacture by other competent firms.

(d) "Standard commercial items" means supplies or services which normally are or have been sold or offered to the public commercially by any supplier.

**§ 18–9.202 Acquisition and use of data.**

**§ 18–9.202–1 Acquisition of data.**

(a) *General.* NASA generally subscribes to and follows the policy and procedures with respect to the acquisition of data set forth in ASPR 9–202.1. However, NASA's needs for data are different from those of the Department of Defense since NASA is concerned principally with research and development. In a research and development program the needs for data may not always be determinable at the time of contracting. NASA has developed a general clause designed to preserve a contractual right to call for such data as is retained in the normal course of business at any time up to one year after final payment under the contract. The "Data Requirements" clause set forth in paragraph (e) of this section has been developed to serve this need of NASA, and the instructions for its use are set forth in paragraph (d) of this section. Discussion of known requirements for data, in general, is set forth in paragraph (d) of this section and the requirements for data in supply contracts are treated in (c) below.

(b) *Known requirements for data.* Use of a "Rights in Data" clause does not obtain for the Government the delivery of any data whatsoever, but only rights to use that data which is specified elsewhere in the contract to be delivered. When the requirements for data are known in advance of making the contract and delivery of data is definitely to be required in the performance of the contract, the requirements for data must be specified in the Schedule of the contract. These data requirements should be made known to the contracting officer prior to the preparation of invitations for bids in the case of formally advertised procurements or prior to the preparation of requests for proposals in the case of contracts to be awarded by negotiation. Also, in the case of contracts to be awarded by negotiation, the requirements for data should be discussed as a part of the negotiation proceedings.

(c) *Requirements for data in supply contracts.* "Proprietary data" will not be requested by the Government in formally advertised procurements and procurements for standard commercial items. The requirements for data in a supply contract should be know in advance of making the contract and should be specifically set forth in the purchase request. If the negotiator feels that the data requirements furnished him are inadequate to obtain all the data which the Government should have, he should obtain further guidance from the cognizant technical office. If further data is then believed to be necessary, the services of legal counsel should be requested in drafting a suitable Schedule provision requiring the furnishing of such data, using the "Data Requirements" clause set forth in paragraph (e) of this section as a guide, where appropriate.

(d) *Requirements for data in contracts for experimental, developmental, or research work.* (1) If the contract calls for the development and delivery of hardware, or for the development of a practical process, the clause set forth in paragraph (e) of this section shall be included in the contract. Subparagraphs (a)(2) (ii) and (iii) of the clause may be deleted or modified in accordance with NASA's requirements as indicated by the project engineer. Also, upon request of the contractor, provision (2) of paragraph (c) may be deleted, in which case the identification "(1)" for provision (1) should also be deleted.

(2) In addition to the "Data Requirements" clause of paragraph (e) of this section, the Schedule of the contract may contain such specific provisions for the furnishing of data as may have been requested by the cognizant technical office or the contracting officer. If the contract does not call for the development and delivery of hardware, or for the development of a practical process, the instructions as to what data the contractor is to be required to furnish should ordinarily be set forth in the work statement or be included in a Schedule provision calling for reports. In any event, the contractor shall be required to furnish to the Government for the price of the work all data resulting directly from performance of the contract, whether or not it would otherwise be "proprietary data." The "Data Requirements" clause set forth in paragraph (e) of this section is not appropriate for use in research or study contracts unless hardware is to be furnished or a practical process is to be developed in the performance of the contract. However, nothing herein shall preclude the use of a data requirements clause in such contracts, but if such a clause is to be used, the assistance of legal counsel shall be obtained in drafting the clause.

(e) *Data requirements clause.*

DATA REQUIREMENTS (AUGUST 1963)

(a) To the extent that the following data is not elsewhere required to be furnished to the Government under this contract, and is of the type customarily retained in the normal course of business, the Contractor, upon written request of the Contracting Officer at any time during contract performance or within one year after final payment, shall furnish the following:

(1) A set of engineering drawings necessary to enable reproduction or, where appropriate, manufacture of any equipment or items furnished under the contract (other than components or items of standard commercial design or items fabricated heretofore); or a set of flow sheets and engineering drawings necessary to enable performance of any process developed under the contract. Such set or sets of drawings and flow sheets shall be reproducible copies incorporating all changes made in the equipment or process in the form in which it was delivered to the Government.

(2) Any of the following data which is necessary to explain or help Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government:

(i) A copy (which shall be a reproducible master if one is so requested) of drawings and other technical data used in or prepared in connection with the development, practice, and testing of any process or processes required under the contract, or with the development, fabrication, and testing of prototype models of equipment or items (other than items of standard commercial design or items fabricated heretofore), if required under the contract.

(ii) A report of all studies made in planning the work, and in developing background research for the work, including citation references to all such background research, and a copy of all compilations, digests, or analyses of such background research compiled in connection with the performance of this contract.

(iii) A copy (which shall be a reproducible master if one is so requested) of design studies, research notes, parameter and tolerance studies, drawings, including Contractor's identification of symbols and markings, specifications, test results, and any other technical information used in any research, development, design, engineering, and testing required in the performance of this contract, including test equipment and related items, together with any information as to safety precautions which may be necessary in connection with the manufacture, storage, or use of the equipment, material, or process, if any, in the event that an equipment, material, or process is the subject of research under this contract.

The Contractor shall not be required to furnish any background data which may be described in (ii) or (iii) above unless such data is essential and closely related to the contract work.

(b) All reports, data, and recorded information which are required to be furnished by the Contractor under this provision, as well as all other reports of a technical nature required to be furnished under this contract, are "Subject Data" within the meaning of the clause of the General Provisions of this contract entitled "Rights in Data."

(c) Nothing contained in this "Data Requirements" clause shall require the Contractor to deliver (1) any data, the delivery of which is excused by paragraph (1) of the clause of the General Provisions of this contract entitled "Rights in Data"; or (2) data previously developed by parties other than the Contractor, independently of this contract and acquired by the Contractor prior to this contract under conditions restricting the Contractor's right to disclose the same. If any of the data requested is in the public domain or copyrighted, it will be sufficient for the Contractor to identify the data and furnish a citation as to where it may be found.

(d) Any reproducible copies requested under this "Data Requirements" clause shall be of a type and prepared in accordance with good commercial practice.

(e) In the event the Contracting Officer requests the delivery of data by the Contractor, as contemplated by (a) above, prior to final payment, such request shall be treated as a change under the clause of this contract entitled "Changes" and an equitable adjustment in the price, if this is a fixed-price contract, or estimated cost and any fixed fee, if this is a cost-type contract, shall be made to cover the cost of preparing drawings called for in (a)(1) above, and of collecting, preparing, editing, duplicating, assembling, and shipping the data requested under (a) above, but only to the extent that the Contractor warrants that such costs were not included in the price (or estimated cost and fixed fee) of the contract. The Contractor shall comply with requests of the Contracting Officer made under (a) above, within one year following final payment, *provided*, That suitable provision is made for reimbursement of the additional costs of complying with such request, together with a reasonable fee or profit thereon, such additional costs being limited to the costs set forth above, and warranted to have been excluded from the price (or estimated cost and fixed fee) of the contract. Any adjustment or payment under this paragraph (e) shall not include any amount for the value of the data, as distinguished from the costs set forth above.

**§ 18–9.202–2 Use of data.**

(a) *Other data.* When data other than "proprietary data" is obtained, it shall be obtained without any limitation on its use by the Government.

(b) *"Proprietary data."*

(1) *Supply contracts.* When "proprietary data" is obtained by negotiation under a supply contract, in accordance with § 18–9.202–1, the purposes for obtaining it will govern its use. If it is obtained for the purpose of enabling the Government to establish additional sources of supply, it shall be obtained without limitation as to its use; in such case the "Rights in Data" clause defined and prescribed in §18–9.203–2 shall be included in the contract and the requirement for the "proprietary data" shall be specified in the contract Schedule. However, where it has been determined to be necessary to obtain "proprietary

data" for some limited purpose, such as emergency manufacture by the Government, such data may be obtained subject to limitation as to its use; in such case the "Rights in Data" clause required by § 18–9.203–2 together with the paragraph (j) set forth in § 18–9.203–3 shall be included in the contract, and the contract Schedule shall suitably identify the data which shall be subject to limited use.

(2) *Contracts for experimental, developmental, or research work.* When "proprietary data" is obtained under a contract having as one of its principal purposes experimental, developmental, or research work, it shall be obtained without limitation as to its use; in such case the "Rights in Data" clause set forth in § 18–9.203–1 shall be included in the contract.

§ 18–9.202–3 [Reserved]

§ 18–9.202–4 [Reserved]

§ 18–9.202–5 [Reserved]

**§ 18–9.202–6 Data furnished on a restricted basis in support of a proposal.**

When an offeror has submitted data on a restricted basis in accordance with § 18–3.109 in response to a request for a proposal, and it is proposed to award the contract to such offeror, the contracting officer shall ascertain whether it is desired to acquire rights to use all or part of the data furnished with the proposal. If it is desired to acquire such rights, the contracting officer shall determine in accordance with § 18–9.201 whether such data is proprietary in nature, and shall negotiate with the offeror in accordance with the policy prescribed in § 18–9.202 for the acquisition and use of such data. If the offeror agrees to furnish such data under the contract, the appropriate clause of § 18–9.203 shall be inserted in the contract, and the Schedule shall identify the data to be covered by such clause.

**§ 18–9.203 Rights in data clauses.**

(a) If data is to be delivered under the contract, the appropriate "Rights in Data" clause set forth below shall be added to the "General Provisions." However, a "Right in Data" clause does not in itself specify the data with respect to which the Government will obtain the rights set forth in that clause. Therefore, Schedule provisions are necessary to specify the specific data which the Government wants to have furnished. (See § 18–9.202–1 for instructions concerning suitable Schedule provisions.) The rights prescribed in the "Rights in Data" clause attach only to the data specified to be delivered. Except for the cases noted in paragraph (b) of this section, when data is to be delivered the "Rights in Data" clause set forth in § 18–9.203–1 shall be included in the contract if it involves experimental, developmental, or research work; and if the contract is for supplies the clause defined and prescribed in § 18–9.203–2, together with paragraph (j) set forth in § 18–9.203–3, if applicable, shall be included in the contract.

(b) In the case of contracts for the acquisition of existing works, the provisions of § 18–9.205 are applicable. In contracts for the production of motion pictures, preparation of scripts, musical compositions, sound tracks, translations, adaptations, and the like; or the histories and works described in § 18–9.204–3; the provisions of § 18–9.204–2 are applicable. Section 18–9.206 is applicable in contracts for performance outside the United States, its territories or possessions, or Puerto Rico. In contracts for research with a nonprofit institution using NASA Form 246, the provisions of § 18–9.204–50 are applicable; and in those for research with an educational or nonprofit institution using NASA Form 419S, the provisions of § 18–9.204–51 are applicable.

**§ 18–9.203–1 Rights in data clause for use in contracts for experimental, developmental or research work.**

RIGHTS IN DATA (SEPTEMBER 1964)

(a) The term "Subject Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings, or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive, and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all Subject Data now or hereafter covered by copyright.

(c) The Contractor shall not include in the Subject Data any copyrighted matter, without the written approval of the Contracting Officer, unless he provides the Government with the written permission of the copyright owner for the Government to use such copyrighted matter in the manner provided in paragraph (b) above.

(d) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of copyright infringement received by the Contractor with respect to all Subject Data delivered under this contract.

(e) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) Unless otherwise limited below, the Government may duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data delivered under this contract.

(g) The Contractor recognizes that the Government, or a foreign government with funds derived through the Mutual Security Program or otherwise through the United States Government, may contract for property or services with respect to which the vendor may be liable to the Contractor for charges for the use of Subject Data on account of such a contract. The Contractor further recognizes that it is the policy of the Government not to pay in connection with its contracts, or to allow to be paid in connection with contracts made with funds derived through the Mutual Security Program or otherwise through the United States Government, charges for data which the Government has a right to use and disclose to others, or which is in the public domain, or with respect to which the Government has been placed in possession without restrictions upon its use and disclosure to others. This policy does not apply to reasonable reproduction, handling, mailing, and similar administrative costs incident to the furnishing of such data. In recognition of this policy, the Contractor agrees to participate in and make appropriate arrangements for the exclusion of such charges from such contracts or for the refund of amounts received by the Contractor with respect to any such charges not so excluded.

(h) Notwithstanding any provisions of this contract concerning inspection and acceptance, the Government shall have the right at any time to modify, remove, obliterate, or ignore any marking not authorized by the terms of this contract on any piece of Subject Data furnished under this contract.

(i) Data need not be furnished for standard commercial items or services which are normally or have been sold or offered to the public commercially by any supplier and which are incorporated as component parts in or to be used with the product or process being developed if in lieu thereof identification of source and characteristics (including performance specifications, when necessary) sufficient to enable the Government to procure the part or an adequate substitute, are furnished; and further, proprietary data need not be furnished for other items which were developed at private expense and previously sold or offered for sale, including minor modifications thereof, which are incorporated as component parts in or to be used with the product or process being developed, if in lieu thereof the Contractor shall identify such other items and that "proprietary data" pertaining thereto which is necessary to enable reproduction or manufacture of the item or performance of the process. For the purpose of this clause, "proprietary data" means data providing information concerning the details of a Contractor's secrets of manufacture, such as may be contained in but not limited to his manufacturing methods or processes, treatment and chemical composition of materials, plant layout and tooling, to the extent that such information is not readily disclosed by inspection or analysis of the product itself and to the extent that the Contractor has protected such information from unrestricted use by others.

**§ 18–9.203–2 Rights in data clause for use in supply contracts.**

In all supply contracts where data is to be delivered, paragraph (i) of the "Rights in Data" clause in § 18–9.203–1 shall be omitted and the following paragraph (i) shall be substituted therefor.

(i) Notwithstanding any Tables or Specifications included or incorporated in the contract by reference, "proprietary data" need not be furnished unless suitably identified in the Schedule of the Contract as being required. For the purpose of this clause, "proprietary data" means data providing information concerning the details of a Contractor's secrets of manufacture, such as may be contained in but not limited to his manufacturing methods or processes, treatment and chemical composition of materials, plant layout and tooling, to the extent that such information is not readily disclosed by inspection or analysis of the product itself and to the extent that the Contractor has protected such information from unrestricted use by others. (July 1962)

In negotiated supply procurements, when "proprietary data" as defined in § 18–9.201 is to be obtained, the Schedule of the contract shall specify the extent of the "proprietary data" to be furnished.



**§ 18–9.203–3 Limited rights in data provision for use in supply contracts.**

In negotiated supply contracts where "proprietary data" is to be acquired and such data is needed only for a limited purpose, such as maintenance, the clause set forth in § 18–9.203–2 should be supplemented by the additional paragraph (j) set forth below. The Schedule of the contract must state the extent of the "proprietary data" to be furnished subject to such limitations. Paragraph (j) below is not authorized for use in a contract having as one of its principal purposes experimental, research, or developmental work.

(j) That portion of the Subject Data delivered under this contract which is identified in the Schedule as being subject to limitations shall not be released outside the Government, nor be duplicated, used, or disclosed in whole or in part for procurement or manufacturing purposes (other than for manufacture required in connection with repair or overhaul where an item is not procurable commercially so as to enable the timely performance of the overhaul or repair work; *provided*, when Data is released by the Government to a Contractor for such purposes, the release shall be made subject to the limitation of this clause; *provided further*, such Data shall not be used for manufacture or procurement of spare parts for stocks), without permission of the Contractor, if the following legend is marked on each piece of Data so limited either in its entirety or only partially as to its content:

Furnished under United States Government Contract No. _____ and only those portions hereof which are marked (for example, by circling, underscoring, or otherwise) and indicated as being subject to this legend shall not be released outside the Government (except to foreign governments, subject to these same limitations), nor be disclosed, used, or duplicated, for procurement or manufacturing purposes, except as otherwise authorized by contract, without the permission of _____. This legend shall be marked on any reproduction hereof in whole or in part.

*Provided*, that such Data may be delivered to foreign governments as the national interest of the United States may require, subject to the limitations specified in this paragraph. The Contractor shall not impose limitations on the use of any piece of Data, or any portion thereof, which the Contractor has previously delivered to the Government without limitations. (July 1962)

**§ 18–9.204 Contract clauses—special.**

§ 18–9.204–1 [Reserved]

**§ 18–9.204–2 Production of motion pictures.**

The clause set forth below is approved for use in contracts for the production of motion pictures with or without accompanying sound, and in all contracts for the preparation of motion picture scripts, musical compositions, sound tracks, translations, adaptations, and the like.

RIGHTS IN DATA (AUGUST 1963)

(a) The term "Subject Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) All Subject Data first produced in the performance of this contract shall be the sole property of the Government. The Contractor agrees not to assert any rights at common law or equity and not to establish any claim to statutory copyright in such Data. The Contractor shall not publish or reproduce such Data in whole or in part or in any manner or form, nor authorize others so to do, without the written consent of the Government until such time as the Government may have released such Data to the public.

(c) The Contractor agrees to grant and does hereby grant to the Government and its officers, agents and employees acting within the scope of their official duties, a royalty-free, nonexclusive, and irrevocable license throughout the world (i) to publish, translate, reproduce, deliver, perform, use and dispose of, in any manner, any and all Data not first produced or composed in the performance of this contract but which is incorporated in the work furnished under this contract; and (ii) to authorize others so to do.

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents and employees acting within the scope of their official duties against any liability, including costs and expenses, (i) for violation of proprietary rights, copyright, or right of privacy, arising out of the publication, translation, reproduction, delivery, performance, use or disposition of any Data furnished under this contract, or (ii) based upon any libelous or other unlawful matter contained in such Data.

(e) License rights under patents which might otherwise be implied to the parties hereto by virtue of this clause or as a result of the furnishing to the Government of Subject Data under this contract shall be in accordance with the clause of this contract entitled "Implied Licenses."

(f) Paragraphs (c) and (d) above are not applicable to material furnished to the Contractor by the Government and incorporated in the work furnished under the contract; *provided*, such incorporated material is identified by the Contractor at the time of delivery of such work.

**§ 18–9.204–3 Histories and other works.**

The contract clause set forth in § 18–9.204–2 is suggested for use in contracts for:

(1) Histories of NASA activities or installations;

(2) Works pertaining to recruiting, morale, training, or career guidance;

(3) Surveys of Government establishments, and

(4) Works pertaining to the instruction or guidance of Government officers and employees in the discharge of their official duties.

When the "Rights in Data" clause set forth in § 18–9.204–2 is used in contracts of the kinds listed above, there shall be added to the end of the first sentence of paragraph (a) of that clause, the following:

"or which are in fact delivered to the Government in the performance of this contract." (August 1963)

**§ 18–9.204–50 Short form clause, fixed-price, research contract with nonprofit institutions (including educational institutions).**

In contracts of the kind described in the heading, which are executed using NASA Form 246, the following clause shall be included in the contract.

TECHNICAL REPORTS AND DATA (JULY 1962)

(a) Upon completion of the work under this contract, the Contractor shall submit the number of copies required in the Schedule of a complete and final technical report of his findings and conclusions together with any original illustrations and photographic negatives. With the prior approval of the Contracting Officer, the Contractor may submit interim technical reports in lieu of the final report at such intervals as may be agreed upon.

(b) The Government may publish, reproduce or use, and have others so do, for any purpose, without limitation, drawings, studies, research notes, technical information and other scientific data resulting from this contract.

**§ 18–9.204–51 Short form clause, cost-reimbursement, research contract with nonprofit institutions (including educational institutions).**

In contracts of the kind described in the heading, which are executed using NASA Form 419S, the following clause shall be included in the contract.

DATA AND INSPECTION (JULY 1962)

The Government may publish, reproduce, and use, and have others so do, for any purpose, without limitation, drawings, studies, research notes, technical information, and other scientific data resulting from this contract. The Government has the right, at all reasonable times, to inspect or otherwise evaluate the work being performed under this contract.

**§ 18–9.205 Contracts for acquisition of existing works.**

**§ 18–9.205–1 Off-the-shelf purchase of books and similar items.**

Notwithstanding the instructions of any other paragraph of this Subpart, no contract clause contained in this Subpart need be included in contracts for the separate, sole procurement of data, other than motion pictures, in the exact form in which such material exists prior to the initiation of a request for purchase (such as the off-the-shelf purchases of existing products) unless the right to reproduce such data is an objective of the contract.

**§ 18–9.205–2 Contracts for existing motion pictures.**

Contracts for the procurement of existing motion pictures or for the modification of existing motion pictures will be made only after consultation with legal counsel.

**§ 18–9.206 Contracts to be performed outside the United States.**

(a) Except as otherwise provided in §§ 18–9.204 and 18–9.205, the clause set forth below shall be included in all contracts under which (i) technical information including reports, drawings, blueprints, or other data is specified to be delivered to the Government, and (ii) the work is to be performed outside the United States, its possessions, or Puerto Rico, regardless of the place of delivery.

TECHNICAL INFORMATION (JULY 1962)

The Government may duplicate, use and disclose, in any manner for its Government purposes, including delivery to other governments for the furtherance of mutual defense of the United States Government and such other governments, all or any part of the technical information including reports, drawings, blueprints, and other data specified to be delivered by the Contractor to the Government under this contract.

(b) The above clause may be modified by substituting "the United States Government" for "Government"; however, when the contractor is a foreign government, the above clause shall be modified by substituting "the United States Government" for "Government" and by substituting the name of the foreign government for "Contractor."

## PART 18–10—BONDS AND INSURANCE


Subpart 18–10.1—Bonds

Sec.
18–10.100 Scope of subpart.
18–10.101 Definitions.
18–10.101–1 Bid bond.
18–10.101–2 Performance bond.
18–10.101–3 Payment bond.
18–10.101–4 Advance payment bond.
18–10.101–5 Patent infringement bond.
18–10.101–6 Construction contract.
18–10.102 Bid bonds.
18–10.102–1 Bid bonds on other than construction contracts.
18–10.102–2 Bid bonds on construction contracts.
18–10.103 Performance bonds.
18–10.103–1 Performance bonds for contracts other than construction contracts.
18–10.103–2 Performance bonds for construction contracts.
18–10.104 Payment bonds.
18–10.104–1 Payment bonds in connection with contracts other than construction contracts.
18–10.104–2 Payment bonds in connection with construction contracts.
18–10.105 Advance payment bonds.
18–10.106 Patent infringement bonds.
18–10.107 Other types of bonds.
18–10.108 Execution and administration of bonds.
18–10.108–1 Execution.
18–10.108–2 Administration of bonds.
18–10.108–3 Responsibility of contracting officers.
18–10.108–4 Bond forms.

Subpart 18–10.2—Sureties on Bonds

18–10.201 General requirements of sureties.
18–10.201–1 Corporate sureties.
18–10.201–2 Individual sureties.
18–10.201–3 Partnerships as sureties.
18–10.201–4 Substitution or replacement of a surety.
18–10.202 Options in lieu of sureties.
18–10.202–1 United States bonds or notes.
18–10.202–2 Certified or cashier's checks, bank drafts, money orders, or currency.
18–10.203 Consent of surety.
18–10.203–1 Forms.

Subpart 18–10.3—Insurance—General

18–10.300 Scope of subpart.
18–10.301 General.
18–10.301–1 Definition.
18–10.302 Notice of cancellation or change.
18–10.303 Responsibility for loss of or damage to Government property.
18–10.304 Insurance against loss of or damage to Government property.
18–10.305 Procedures to be followed in the event of loss of or damage to Government property.
18–10.350 Indemnification.

Subpart 18–10.4—Insurance Under Fixed-Price Contracts

18–10.400 Scope of subpart.
18–10.401 Policy.
18–10.402 Government-furnished property.
18–10.403 Workmen's compensation insurance overseas.

Subpart 18–10.5—Insurance Under Cost-Reimbursement Type Contracts

18–10.500 Scope of subpart.
18–10.501 Policy.
18–10.501–1 Workmen's compensation and employers' liability insurance.
18–10.501–2 General liability insurance.
18–10.501–3 Automobile liability insurance.
18–10.501–4 Aircraft public and passenger liability insurance.
18–10.501–50 Group insurance.
18–10.501–51 Use and occupancy insurance.
18–10.502 Self-insurance.
18–10.503 Government property.
18–10.550 Administration.

Subpart 18–10.6—Insurance of Industrial Facilities Under Leases or Facilities Contracts

18–10.600 Scope of subpart.
18–10.601 Responsibility for liabilities to third persons.
18–10.602 Responsibility for loss or damage to facilities.
18–10.602–1 Facilities contracts.

Subpart 18–10.50—Safety and Health

18–10.5000 Scope of subpart.
18–10.5001 Policy.
18–10.5002 Responsibility.
18–10.5003 Hazardous materials and operations.
18–10.5004 Contract provisions.


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### Subpart 18–10.1—Bonds

**§ 18–10.100 Scope of subpart.**

This Subpart 18–10.1 sets forth the policies and procedures relating to bonds in connection with NASA contracts.

**§ 18–10.101 Definitions.**

(As used in this Subpart 18–10.1, the following terms have the meanings set forth in this section).



**§ 18–10.101–1 Bid bond.**

A bid bond is a bond accompanying a bid in which the obligor obligates himself in an amount stated (the penal sum), which obligation is to be void if (a) the bid is not withdrawn after the opening within the period specified in the bid, or, if no shorter period is specified, within 60 days; and (b) a written contract, with such bond or bonds as may be required is executed within 10 days after the prescribed forms are presented for signature.

**§ 18–10.101–2 Performance bond.**

A performance bond is a bond which is executed in connection with a contract and which secures the performance and fulfillment of all the undertakings, covenants, terms, conditions, and agreements contained in the contract.

**§ 18–10.101–3 Payment bond.**

A payment bond is a bond which is executed in connection with a contract and which secures the payment of all persons supplying labor and material in the prosecution of the work provided for in the contract.

**§ 18–10.101–4 Advance payment bond.**

An advance payment bond is a bond which secures the performance and the fulfillment of a contractual provision for the making of advance payments.

**§ 18–10.101–5 Patent infringement bond.**

A patent infringement bond is a bond which secures the performance and fulfillment of the undertakings contained in a patent clause.

**§ 18–10.101–6 Construction contract.**

The term construction contract means any contract for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. It does not include any contract for the manufacturing, producing, furnishing, construction, alteration, repair, processing, or assembling of vessels, aircraft, or other kinds of personal property, regardless of the terms of any such contract as to payment or title.

**§ 18–10.102 Bid bonds.**

**§ 18–10.102–1 Bid bonds on other than construction contracts.**

Bid bonds may be required only when the solicitation of bids for a contract to be entered into as a result of formal advertising specifies that the contract is to be supported by a performance bond or by performance and payment bonds. When a bid bond is required, the penal sum thereof should not be less than the amount of the required performance or payment bond.

**§ 18–10.102–2 Bid bonds on construction contracts.**

A bid bond is required on any construction contract in excess of $2,000 entered into as a result of formal advertising, where the invitation for bids specifies that the contract shall be supported by performance and payment bonds. The penal sum of a bid bond shall be in an amount deemed adequate for the protection of the Government, ordinarily in the amount of 20 percent of the bid.

**§ 18–10.103 Performance bonds.**

**§ 18–10.103–1 Performance bonds for contracts other than construction contracts.**

(a) Generally, performance bonds will not be required in connection with other than construction contracts. Performance bonds shall not be used as a substitute for determinations of contractor responsibility as required by Subpart 18–1.9.

(b) Performance bonds may be required in individual procurements when the contracting officer determines in writing that the circumstances are such that a performance bond is necessary to protect the interest of the Government. Where such bonds are authorized, the penal sum will usually be no less than 20 percent and only rarely will it exceed 40 percent of the total amount of the contract.

(c) Performance bonds shall not be required unless the invitation for bids or request for proposals requires such a bond, or the requirement of such a bond is in the interest of the Government and not prejudicial to other bidders. The requirement for a performance bond shall not be waived when the invitation for bids requires such bond.

(d) When the contract terms contain a requirement for a performance bond but the bond is not furnished by the contractor within the time specified, the contracting officer shall notify the contractor that the contract will be terminated for default if the bond is not furnished within the time specified in the contract clause providing for such termination.

(e) Where a performance bond is required as a condition precedent to the formation of the contract but is not furnished within the time specified, if the making of the award can be delayed without prejudice to other bidders and to the public interest, the contracting officer shall notify the bidder that if the bond is not furnished within 10 days (or such other period as the contracting officer may specify) after receipt of the notice, his bid will not be considered for award.

**§ 18–10.103–2 Performance bonds for construction contracts.**

(a) Pursuant to the Miller Act, as amended (40 U.S.C. 270(a)–270(e)), a performance bond is required on any construction contract exceeding $2,000 in amount. If the construction contract initially does not exceed $2,000 but is subsequently increased beyond $2,000, a performance bond will be required based on the total contract price as increased. Generally, the penal amount of each performance bond shall be 100 percent of the contract price at the time of award. But where the contracting officer finds that to require a 100 percent performance bond would be disadvantageous to the Government, he may prescribe a lesser penal amount.

(b) Additional performance bond protection shall be required in connection with any modification effecting an increase in price under any contract for which a bond is required pursuant to paragraph (a) of this section if:

1. The modification is for new or additional work which is beyond the scope of the existing contract; or

2. The modification is pursuant to an existing provision of the contract and is expected to increase the contract price by $50,000 or 25 percent of the basic contract price, whichever is less.

The penal amount of the bond protection should generally be increased so that the total performance bond protection is 100 percent of the contract price as revised by (i) the modification requiring such additional protection, and (ii) the aggregate of any previous modifications: *Provided*, That lesser penal amounts may be authorized by the contracting officer as indicated in paragraph (a) of this section. The increased penal amount may be secured either by increasing the bond protection provided by the existing surety or sureties or by obtaining an additional performance bond from a new surety. See § 18–10.203 with respect to requiring consent of surety.

(c) The contracting officer may waive the requirement for a performance bond for that work under the contract which is to be performed in a foreign country provided he finds it impracticable for the contractor to furnish such bond. However, the authority available to the Military Departments to waive performance bonds under the Miller Act in cost-type contracts is not available at the present time to NASA.

**§ 18–10.104 Payment bonds.**

**§ 18–10.104–1 Payment bonds in connection with contracts other than construction contracts.**

The provisions of § 18–10.103–1 apply equally in the case of payment bonds. However, when a payment bond is required, the penal sum thereof shall be in an amount considered adequate by the contracting officer for the protection of the Government.

**§ 18–10.104–2 Payment bonds in connection with construction contracts.**

(a) Pursuant to the Miller Act, as amended (40 U.S.C. 270(a)–270(e)), a payment bond is required in connection with any construction contract exceeding $2,000 in amount, in a penal sum as follows:

(1) When the contract price is not more than $1,000,000, the penal sum shall be 50 percent of the contract price;

(2) When the contract price is more than $1,000,000, but not more than $5,000,000, the penal sum shall be 40 percent of the contract price; and

(3) When the contract price is more than $5,000,000, the penal sum shall be $2,500,000.

(b) Additional payment bond protection shall be required in connection with any modification effecting an increase in price under any contract for which a

bond is required pursuant to paragraph (a) of this section if:

(1) The modification is for new or additional work which is beyond the scope of the existing contract; or

(2) The modification is pursuant to an existing provision of the contract and is expected to increase the contract price by $50,000 or 25 percent of the basic contract price, whichever is less.

The penal amount of the additional bond protection should generally be such that the total payment bond protection is 50 percent of the contract price as revised by (i) the modification requiring such additional protection, and (ii) the aggregate of any previous modifications: *Provided*, That when the contract price as so revised is more than $1,000,000 but not more than $5,000,000, the total payment bond protection shall be in a penal amount of 40 percent of the revised contract price: *Provided further*, That when the contract price as so revised is more than $5,000,000, the total payment bond protection shall be in the penal amount of $2,500,000. The additional protection may be secured either by increasing the bond protection provided by the existing surety or sureties or by obtaining an additional payment bond from a new surety. See § 18–10.203 with respect to requiring consent of surety.

(c) The contracting officer may waive the requirement for a payment bond for that work under the contract which is to be performed in a foreign country provided he finds it impracticable for the contractor to furnish such bond. However, the authority available to the Military Departments to waive payment bonds under the Miller Act in cost-type contracts is not available at the present time to NASA.

**§ 18–10.105 Advance payment bonds.**

Generally, the security provisions of an advance payment agreement should make it unnecessary to require a bond to protect the interests of the Government. Advance payment bonds shall not be used without the approval of the Deputy Associate Administrator for Administration, who shall prescribe the penal sum thereof.

**§ 18–10.106 Patent infringement bonds.**

Patent infringement bonds are used in NASA contracts only in the limited conditions in which NASA uses a patent indemnity, as set forth in § 18–9.104, and then only if a performance bond has not been executed and if the financial responsibility of the contractor is unknown or doubtful. Such bonds shall be in a penal sum deemed adequate by the contracting officer for the protection of the Government.

**§ 18–10.107 Other types of bonds.**

Other types of bonds may be used only when, in the opinion of the Director of Procurement, such bonds are necessary or desirable in connection with the procurement of particular supplies and services.

**§ 18–10.108 Execution and administration of bonds.**

**§ 18–10.108–1 Execution.**

All bonds shall be executed in duplicate.

**§ 18–10.108–2 Administration of bonds.**

The Treasury Department list of corporate sureties certified by the Secretary of the Treasury as being acceptable as sureties on Federal bonds, and provision for the distribution of up-to-date copies of the list, are discussed in § 18–10.201–1. As stated therein, listing of a surety by the Treasury Department will be accepted as establishing the qualification of the surety within the limits specified. Upon receipt of the bonds required in connection with a NASA contract, the contracting officer shall determine whether the corporate surety which executed the bonds appears on the latest Treasury Department list of acceptable sureties. If the name of the surety does not appear on the list, the bonds shall be forwarded by letter to the Office of Procurement to determine from the Surety Bond Section, Treasury Department, whether the corporate surety has been approved subsequent to the issuance of the latest list. When the surety on a bond is not acceptable, the contracting officer shall return the bond to the bidder by letter, advising that the surety on the bond is not acceptable because of lack of Treasury Department approval. When time permits and when it would be to the best interest of the Government, the bidder may be permitted a specific period of time in which to submit an acceptable bond.

**§ 18–10.108–3 Responsibility of contracting officers.**

It is the responsibility of the contracting officer to obtain all bonds required by law and regulations.

**§ 18–10.108–4 Bond forms.**

Bond forms applicable to NASA procurements are listed in § 18–16.805.

## Subpart 18–10.2—Sureties on Bonds

**§ 18–10.201 General requirements of sureties.**

Every bond required or used in connection with NASA procurements shall be supported by good and sufficient surety (corporate or individual).

**§ 18–10.201–1 Corporate sureties.**

In order to be acceptable, the corporate surety must have obtained from the Secretary of the Treasury authority to do business under the Act of August 13, 1894 (28 Stat. 279), as amended by the Acts of March 23, 1910 (36 Stat. 241), July 30, 1947 (61 Stat. 646), and the Act of August 9, 1955 (69 Stat. 620) (6 U.S.C. 6–13). A list of the corporations approved by the Secretary of the Treasury is published annually by the Treasury Department (T.D. Circular 570). This list indicates the maximum penal sum in which any corporate surety may underwrite any one obligation. Any corporation whose name is on this list is acceptable within the limits specified. The Director of Procurement will secure and distribute up-to-date copies of this list. When the bond is to be executed by two or more corporate sureties, Standard Form 27 should be used in the case of a performance bond, and Standard Form 27A in the case of a payment bond. Each corporate surety may limit its liability in the bond to a specified sum. The sureties must bind themselves "jointly and severally" for the purpose of allowing a joint action or actions against any or all of them.

**§ 18–10.201–2 Individual sureties.**

Individual sureties are acceptable for bid, performance or payment bonds: *Provided*, That (a) they are citizens of the United States, or, if given to secure a contract to be performed outside the United States, they shall be domiciled in such place, and (b) each individual surety will justify in an amount not less than the penal sum of the bond. When individual sureties are used, there shall be at least two responsible individuals on each bond and the liability of each individual surety shall extend to the entire penal amount of the bond. In connection with any bond of which a corporation is the principal obligor, a stockholder of that corporation is acceptable as a co-surety on the bond, provided that his net worth exclusive of his stockholdings in the corporation is equal to the amount for which he justified and that such fact is expressly stated in his affidavit of justification. Standard Form 28 should be used in connection with the justification of an individual surety.

**§ 18–10.201–3 Partnerships as sureties.**

A partnership or other unincorporated association as such, shall not be accepted as a surety. The individual members of the partnership or association may, if they meet the requirements of § 18–10.201–2, qualify as sureties. Individual members of a partnership or association shall not, however, be acceptable as sureties on bonds under which the partnership or association, or any co-partner or member thereof, is the principal obligor.

**§ 18–10.201–4 Substitution or replacement of a surety.**

In case of financial embarrassment, failure, or other disqualifying cause on the part of a surety under a bond, the contracting officer shall require the substitution of a new surety which is satisfactory to him.

**§ 18–10.202 Options in lieu of sureties.**

Any one or more of the sureties listed in § 18–10.202 may be deposited by the contractor in lieu of furnishing corporate or individual sureties on bonds. Any such surety accepted by the contracting officer shall be promptly turned over to the fiscal officer concerned, and such security or its equivalent shall be returned to the contractor when the obligation of the bond has by its terms ceased.

**§ 18–10.202–1 United States bonds or notes.**

In accordance with the provisions of the Act of February 24, 1919, as amended (6 U.S.C. 15), and Treasury Department Circular No. 154 (February 6, 1935), any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of depositing United States bonds or notes in an amount equal at their par value to the penal sum of the bond together with an agreement authorizing the collection or sale of such United States bonds or notes in the event of default on the penal bond.

**§ 18–10.202–2 Certified or cashier's checks, bank drafts, money orders, or currency.**

Any person required to furnish a bond has the option, in lieu of furnishing surety or sureties thereon, of depositing a certified or cashier's check, a bank draft, a Post Office money order, or currency in an amount equal to the penal sum of the bond: *Provided*, That the penal sum of the bond is not in excess of $50,000. Certified or cashier's checks, bank drafts, or Post Office money orders shall be drawn to the order of the National Aeronautics and Space Administration.

**§ 18–10.203 Consent of surety.**

In connection with any amendment, modification, or supplemental agreement which would otherwise effect the release of a surety, the contracting officer shall obtain the written consent thereto of the surety or sureties on the existing bond or bonds (notwithstanding the fact that there may be an additional bond supported by a new surety): *Provided*, That no such consent need be obtained if there is an increased or additional bond supported by the same surety or sureties.

**§ 18–10.203–1 Forms.**

The following forms of consent of surety are authorized for use.

(a) Consent of surety to a modification providing for an increase in the penal sums of bonds previously given.

SURETIES ON BONDS

CONSENT OF SURETY

Date ----------
Contract No. ----------
Supplemental Agreement No. ----------
Change Order No. ----------

Consent of surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby. The principal and surety further agree that on and after the execution of this consent the penalty of the aforementioned performance bond or bonds is hereby increased by ---------* dollars, and the penalty of the aforementioned payment bond or bonds is hereby increased by ---------*

(Seal)

---------- (Individual principal)**

---------- (Address)

---------- (Business address)

---------- (Corporate principal)**

---------- (Business address)

Attest:

---------- By ---------- (Affix corporate seal)

---------- (Corporate surety)

---------- (Business address)

---------- By ---------- (Affix corporate seal)

* The amount of increase entered will be at least in the same proportion that the penalty on the original bond bears to the contract price on the original contract. The penalty of the payment bond shall not be increased beyond $2,500,000.

** This consent shall be executed concurrently with the execution of the contract modification by the same person who executed the modification.

(b) *Consent of Surety where the penal sums of bonds previously given are not increased.*

CONSENT OF SURETY

Date ----------
Contract No. ----------
Supplemental Agreement No. ----------
Change Order No. ----------

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

Attest:

----------

---------- (Corporate surety)

---------- (Business address)

By ---------- (Affix corporate seal)

## Subpart 18–10.3—Insurance—General

**§ 18–10.300 Scope of subpart.**

This Subpart 18–10.3 sets forth the general principles and policy applicable to insurance under NASA contracts.

**§ 18–10.301 General.**

Insurance will be required where (a) it is mandatory by law, (b) it is considered desirable to utilize the facilities and services of the insurance industry, or (c), in special instances, it is considered necessary or desirable in connection with the performance of a contract. The Director of Procurement may authorize or require the purchase of insurance where commingling of property, circumstances of ownership, or degree of responsibility imposed by the contract makes the purchase of insurance reasonably necessary for the protection of the several interests concerned.

**§ 18–10.301–1 Definition.**

The term "insurance" includes but is not limited to the following forms of coverage, whether provided under an insurance policy issued by privately operated insurance companies or underwriters, or under a State-operated insurance fund, or under an approved self-insurance plan.

(a) Workmen's Compensation and Employers' Liability;
(b) General Liability;
(c) Automobile Liability;
(d) Aircraft Liability;
(e) Physical Damage (Property);
(f) Employees' Group Insurance (Life, Hospitalization, Accident and Health, Surgical, etc.); and
(g) Extrahazardous Accident.

**§ 18–10.302 Notice of cancellation or change.**

Where insurance is required by the contract, or required or approved under a contract by the Director of Procurement or his designee, the policies evidencing such insurance shall contain an endorsement to the effect that cancellation of, or any material change in, the policies which adversely affect the interests of the Government in such insurance shall not be effective unless a 30-day written notice of cancellation or change is given to the Director of Procurement.

**§ 18–10.303 Responsibility for loss of or damage to Government property.**

NASA's policy with respect to Government assumption of risk for loss of or damage to Government property in the possession of contractors is set forth in §§ 18–13.104–1 and 18–13.411. This policy is implemented by the Government property clauses set forth in Subpart 18–13.5, and the facilities contract clauses set forth in Subpart 18–7.7. Except for advertised fixed-price contracts, and except in accordance with § 18–13.502–1 for fixed-price contracts under $25,000 where contractor responsibility for risk of loss or damage would not result in the inclusion of contingency charges in the contract, it is NASA policy to assume the risk of loss or damage. This policy is based on the principle that it is less costly for the Government to

act as a self-insurer than to permit the contractor to take out property damage insurance. However, when, due to the commingling of the Government's and the contractor's property, or for other reasons, relief of the contractor from liability will not result in a reduction of the contract price or contract cost to the Government, this policy may be waived and the contractor held fully responsible. Such a waiver, unless otherwise authorized by §§ 18–13.104 and 18–13.411, constitutes a deviation to be processed in accordance with § 18–1.109–3.

**§ 18–10.304 Insurance against loss of or damage to Government property.**

When insurance is required or approved to cover loss of or damage to Government property, such insurance may be provided either by specific insurance policies or by inclusion of such risks in the contractor's existing insurance policies. In either event, the insurance policies shall make formal disclosure of the Government's interest in the property.

**§ 18–10.305 Procedures to be followed in the event of loss of or damage to Government property.**

Upon the happening of loss of or damage to any Government property for which the contractor is relieved of responsibility by contract provision, the procedures set forth in the applicable "Government-Furnished Property" clause of the contract involved shall be followed.

**§ 18–10.350 Indemnification.**

(a) The indemnification authority available to the Military Departments under 10 U.S.C. 2354, which applies to contracts for research or development, is not applicable to contracts of NASA. Furthermore, the exercise of the broad authority contained in Public Law 85–804 (50 U.S.C. 1431–1435) is by Executive Order 10789 (November 14, 1958) made subject to the availability of funds, and, accordingly, provides no broad indemnification authority. Although limited indemnification arrangements may be legally possible, provided they are made subject to the availability of appropriations, it is NASA policy to avoid indemnification provisions. Moreover, in view of the narrow indemnification coverage which may legally be made available by NASA, there are few instances where providing such coverage is really of benefit to a contractor. No indemnification clause may be used in NASA contracts without the authorization of the Director of Procurement.

(b) An exception to the foregoing exists in connection with contracts employing nuclear material where, pursuant to a license obtained from the Atomic Energy Commission, indemnification authorized under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq., as amended) may be extended to contractors engaged in work under the license.

## Subpart 18–10.4—Insurance Under Fixed-Price Contracts

**§ 18–10.400 Scope of subpart.**

This Subpart 18–10.4 sets forth the policy of NASA with respect to insurance under fixed-price contracts of NASA.

**§ 18–10.401 Policy.**

Ordinarily, NASA is not concerned with the insurance programs of fixed-price contractors. However, NASA may be concerned with a contractor's insurance program where special circumstances exist. Examples of special circumstances are:

(a) Where the contractor is engaged principally in Government work;

(b) Where the contractor has a segregated operation which is engaged principally in Government work;

(c) Where Government-furnished property is involved;

(d) Where the work is performed within a Government establishment; and

(e) Where the Government may desire to assume risks for which the contractor ordinarily obtains commercial insurance.

**§ 18–10.402 Government-furnished property.**

The contractor's responsibilities for loss of or damage to Government-furnished property under fixed-price contracts are set forth in the applicable Government-Furnished Property clause (see § 18–13.502).

**§ 18–10.403 Workmen's compensation insurance overseas.**

(a) The Defense Base Act, as amended (42 U.S.C. 1651 et seq.), extends the application of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901) to any employee engaged in public work outside the United States. As used in this § 18–10.403, a public work contract includes any contract for a fixed improvement or any project, whether or not fixed, involving construction, alteration, removal, or repair for the public use of the United States or its allies, including projects or operations under service contracts and projects in connection with the National Defense or with war activities, dredging, harbor improvements, dams, roadways, and housing, as well as preparatory and ancillary work in connection therewith at the site or on the project. The following clause shall be included in all construction contracts to be performed outside the United States.

WORKMEN'S COMPENSATION INSURANCE (DEFENSE BASE ACT) (APRIL 1960)

The Contractor before commencing performance under this contract shall provide and theretafter maintain such Workmen's Compensation Insurance or security as is required by the Defense Base Act, as amended (42 U.S.C. 1651). The Contractor further agrees to insert in all subcontracts hereunder to which the Defense Base Act is applicable a clause similar to this clause, including this sentence, imposing on all such subcontractors a like requirement to comply with the Defense Base Act.

(b) Upon the recommendation of the Administrator, the Secretary of Labor may waive the applicability of the Act with respect to any contract, subcontract, or subordinate contract, work location under such contract, or classification of employees. Applications for waivers shall be submitted to the Administrator, through the Director of Procurement, together with an adequate statement justifying the need for such waiver.

## Subpart 18–10.5—Insurance Under Cost-Reimbursement Type Contracts

**§ 18–10.500 Scope of subpart.**

This Subpart 18–10.5 sets forth the policy of NASA with respect to insurance under NASA cost-reimbursement type contracts.

**§ 18–10.501 Policy.**

The kinds of insurance listed in this § 18–10.501 shall ordinarily be required under cost-reimbursement type contracts and under those subcontracts where the provisions of the prime contract are extended to the subcontract. A program of self-insurance approved by the Director of Procurement or his designee, as provided in § 18–10.502, may be substituted for any of the kinds of insurance ordinarily required.

**§ 18–10.501–1 Workmen's compensation and employers' liability insurance.**

(a) Compliance with applicable workmen's compensation and occupational disease statutes shall be required. Related to workmen's compensation and included in the same insurance policy, are (1) Employers' Liability; (2) Workmen's Compensation for Occupational Disease; and (3) Employers' Liability for Occupational Disease.

(b) Workmen's compensation is an obligation imposed upon an employer by the workmen's compensation law of a State or by the United States Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901). An employer subject to a workmen's compensation law can provide for his obligation by insuring either with a commercial insurance company or a State fund, or by self-insuring. In a few States, commercial insurance is not permitted and the State fund is the exclusive carrier. If the employer desires to self-insure, he must qualify himself as a self-insurer with the appropriate State authority. However, such approval is only one of the elements considered by NASA in its approval of a self-insurance plan. Information may be required as to the procedures followed in operating the self-insurance plan and the method of accruing the operating costs thereof prior to granting NASA approval of the self-insurance plan.

(c) Occupational disease insurance is related to workmen's compensation insurance, and is usually required under applicable law. In jurisdictions where all occupational diseases are not compensable under applicable law, insurance for occupational diseases shall be required under the employers' liability section of the insurance policy. However, such additional insurance will not be required where contract operations are commingled with the contractor's commercial operations so that it would be impracticable to require such coverage.



(d) Employers' liability is the liability imposed upon the employer by law for damages on account of personal injuries, including death resulting therefrom, sustained by his employees by reason of accidents.

(e) The insurance coverage with respect to employers' liability and occupational disease shall be required with a minimum limit of $100,000 per incident.

(f) With respect to workmen's compensation insurance overseas, pursuant to the Defense Base Act, as amended (42 U.S.C. 1651), the clause set forth in § 18–10.403(a) shall be included in all construction contracts, as defined in § 18–10.101–6, to be performed outside the United States.

**§ 18–10.501–2 General liability insurance.**

(a) Liability insurance, commonly referred to as third-party liability insurance, protects the insured against his liability to members of the public for bodily injury or death or for damage to or destruction of the property of others. An insurance policy may be obtained to insure the several general liability hazards separately or in various combinations. The advantage of a comprehensive general liability policy is that the insurance afforded protects the insured from loss arising from any cause other than those causes specifically excluded. This contrasts with the ordinary policy, which names the hazards insured against. In this manner the danger of "uninsured gaps" in the insured's insurance program is minimized. Comprehensive general (bodily injury) liability insurance shall be required with minimum limits of $50,000 per person and $100,000 per accident.

(b) Property damage liability insurance will be required only in special circumstances. Examples of such special circumstances are:

(1) Where a commingling of operations permits property damage coverage at a nominal cost to NASA under insurance carried by a contractor in the course of his commercial operations; and

(2) Where the contractors are engaged in the handling of high explosives or in extrahazardous research and development activities undertaken in populated areas.

Otherwise, prior approval for purchase of property damage liability insurance must be obtained from the Director of Procurement.

(c) The Government normally will assume the risk of a contractor's uninsured third-party liability to the extent provided for by the clause entitled "Insurance—Liability to Third Persons," contained in § 18–7.203–22.

**§ 18–10.501–3 Automobile liability insurance.**

(a) Automobile liability insurance shall be required on the comprehensive form of policy and shall provide for bodily injury liability and property damage liability covering the operation of all automobiles used in connection with the performance of a contract. Such insurance will protect the contractor against (1) his liability to members of the public because of bodily injury or property damage arising out of the operations, maintenance, or use of the insured vehicles; and (2) financial loss resulting from damage to and loss or destruction of insured vehicles.

(b) An insurance policy for automobiles can be written to apply to specific vehicles, classes of vehicles, or to all vehicles in which the insured may have an insurable interest. The comprehensive automobile liability policy is generally chosen by a contractor, since it can minimize the possibility of an uninsured loss. A comprehensive automobile liability insurance policy may or may not include coverage (comprehensive physical damage and collision) for damage to and loss or destruction of insured vehicles.

(c) Automobile bodily injury liability and property damage liability insurance shall be required with minimum limits of $50,000 per person and $100,000 per accident for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, non-owned, hired, and Government-furnished motor vehicles which will be used in the contract operations where use will not be limited exclusively to the premises on which the work under such contract is performed. Where such insurance relates to contracts to be performed outside the United States, its possessions, and Puerto Rico, the contracting office may revise downward the monetary limits prescribed herein. The Government shall normally assume the risk of a contractor's uninsured third-party liability to the extent provided for by the clause entitled "Insurance—Liability to Third Persons" contained in § 18–7.203–22.

**§ 18–10.501–4 Aircraft public and passenger liability insurance.**

(a) This type of insurance covers the liability imposed by law upon the aircraft owner and operator. The basic coverages are bodily injury liability, property damage liability, and passenger liability. Where aircraft are used in connection with the performance of a contract, aircraft liability insurance shall be carried by the contractor to cover bodily injury, including passenger liability (if the exposure exists), and property damage coverage. The minimum limits of liability shall be $50,000 per person and $100,000 per accident for bodily injury and $50,000 per accident for property damage. The Government will normally assume the risk of contractor's uninsured third-party liability to the extent provided for by the clause entitled "Insurance—Liability to Third Persons," contained in § 18–7.203–22.

(b) Aircraft hull insurance covers the insured for damage to or loss of the insured aircraft when loss or damage results from an insured peril. This type of insurance will not be purchased at Government expense to cover aircraft manufactured, modified, or serviced, under a cost-reimbursement type contract, against risks which are assumed by the Government under the "Government-Furnished Property" clause or other clauses in a contract. Such insurance is appropriate and will be required for aircraft not owned by the Government and used in connection with operations under a cost-reimbursement type contract.

**§ 18–10.501–50 Group insurance.**

(a) *General.* (1) Group insurance plans provide various types of benefits for employees and their dependents. Usually, these benefits are provided through one or more group insurance policies with life or casualty insurance companies. Also, these benefits may be provided through individual insurance policies or through hospital association plans.

(2) Group insurance plans are either contributory, where the employees and the contractor jointly pay the costs of the benefits, or noncontributory, where the total costs of the benefits are paid by the contractor. Some group insurance plans provide for hospital and surgical benefits for the dependents of employees, and under these plans the employee usually pays all or a portion of the cost. Employees are usually eligible to participate in group insurance plans after one to three months of service.

(3) It is recognized that group insurance plans providing life insurance, surgical, hospitalization, major medical, and nonoccupational accident insurance coverages are important to industrial relations programs. Considerations which influence the benefits and the costs for benefits under a particular group insurance plan are (i) the geographical locality of the operations of the contractor, (ii) wage levels, (iii) amount of other fringe benefits, (iv) benefits available under applicable workmen's compensation laws, (v) union negotiations, (vi) the costs of the group insurance benefits, and (vii) the effects of such costs in competitive prices.

(b) *Approval of group insurance plans.* The contracting officer will determine whether the group insurance benefits are reasonable in amonut and necessary in connection with the performance of NASA contracts. Such plans will generally be approved where they are comparable to those of competing employers or industries in the contractor's operational areas. Where a contractor is working primarily on Government contracts, the restraints imposed by competition may be lacking, and a careful review will be made, including a determination that the contractor does not furnish his employees greater benefits under cost-reimbursement type contracts than are granted his employees engaged in regular commercial operations of the contractor. In addition, the experience of the Military Departments or other Government agencies with the particular contractor shall be investigated. Changes in previously approved group insurance plans (including changes in premium rates) must be submitted for approval by the contracting officer.

(c) The contractor is required to credit to the NASA account a share of

No. 237—Pt. II——2

all premium refunds or other credits paid or otherwise allowed to the contractor by the insurance company. This share shall be proportionate to the premium costs reimbursed under NASA contracts which gave rise to such refunds or other credits.

(d) The contractor is required to furnish full information concerning his group insurance program, and NASA reserves the right to examine the program at any time.

**§ 18–10.501–51 Use and occupancy insurance.**

(a) "Use and Occupancy" or "Business Interruption Insurance" is a form of insurance which indemnifies the contractor for certain losses incurred during a period of interruption or suspension of business operations resulting from physical damage to property essential to the conduct of business. Under such insurance, the contractor is protected against loss on account of fixed charges and other expenses which accrue during such period and for loss of net profit which the contractor is prevented from earning. The amount of coverage purchased under this form of insurance is based on the probable loss the contractor would sustain during the period of interruption or suspension of business operations. The premium charge is based on the aggregate indemnity under the policy.

(b) (1) When costs in connection with use and occupancy insurance are presented for allowance, the aggregate coverage available will be analyzed. Only that percentage of total insurance cost which is identifiable with insurance benefits determined to be acceptable within the intent of paragraph (b) (2) of this section will be allowed.

(2) Costs of insuring those items of fixed charges and other expenses which are allowable items of costs in NASA contracts will be considered allowable. Such fixed charges and other expenses include but are not limited to salaries of employees under contract and other key employees, rents, most insurance premiums, and charges for noncancellable contracts for light, heat, or power.

(3) The cost of insuring the net profit a contractor is prevented from earning during a period of business interruption or suspension is unallowable. Similarly, the costs of insuring certain items of fixed charges such as interest, Federal income taxes, donations, and certain advertising expenses are unallowable.

**§ 18–10.502 Self-insurance.**

Self-insurance may be approved by the contracting officer in lieu of the insurance requirement for one or more of the mandatory coverages required by §§ 18–10.501–1, 18–10.501–2, 18–10.501–3, and 18–10.501–4, *Provided*, That:

(a) The contractor has maintained the practice of self-insurance in respect to such coverage or risk for a period of not less than 3 years;

(b) Adequate safety inspection and engineering programs are carried on by the contractor;

(c) The contractor has an effective and established policy for claims investigation;

(d) The contractor has established a plan of funding so that the annual cost of "loss payments" remains reasonably constant;

(e) The charges to be made against the contract for the cost of the self-insurance program may reasonably be expected to be less than the charge for an equivalent program of insurance; and

(f) The Government contracts will share equitably in any release of reserve funds.

Self-insurance programs which do not meet the foregoing conditions shall be submitted for approval to the Director of Procurement.

**§ 18–10.503 Government property.**

The contractor's responsibility for loss of or damage to Government property under cost-reimbursement type contracts is set forth in the applicable Government property clause.

**§ 18–10.550 Administration.**

(a) In approving a contractor's insurance program under a cost-reimbursement contract, it is desirable to determine whether this program is identical with a program already approved in connection with similar contracts with the Military Departments or other Government agencies. The possibility of combining insurance coverage under the NASA contract with insurance pertaining to contracts with such other agencies, thereby effecting savings in reimbursable insurance premium costs, should be explored.

(b) Where minimum limits are prescribed in this subpart, higher limits may be approved by the contracting officer where the circumstances so justify. Interference with a contractor's established commercial insurance program should be avoided to the maximum extent possible. Where NASA contract operations are commingled with a contractor's commercial operations, all operations should normally be insured together.

## Subpart 18–10.6—Insurance of Industrial Facilities Under Leases or Facilities Contracts

**§ 18–10.600 Scope of subpart.**

This Subpart 18–10.6 sets forth NASA policy with respect to insurance of industrial facilities held by a contractor.

**§ 18–10.601 Responsibility for liabilities to third persons.**

When industrial facilities are provided by the Government under a facilities contract or a lease, the contract or lease shall require that during the period of construction, installation, alteration, repair, or use, and at any other time as directed by the Department concerned, the contractor or lessee shall insure or otherwise provide approved security for liabilities to third persons (including employees of the contractor or lessee) in the same manner and to the same extent as required in § 18–10.501.

**§ 18–10.602 Responsibility for loss or damage to facilities.**

**§ 18–10.602–1 Facilities contracts.**

Facilities contracts shall provide that the contractor shall not include the cost of insurance in any contract except to the extent of insurance required or approved by NASA or the Department or agency concerned. If a facilities contract or lease does not restrict the use of the facilities to work performed for the Government, provision shall be made that the contractor shall procure and maintain insurance as NASA or the Department or agency concerned may require against loss or damage to the industrial facilities (see § 18–13.411).

## Subpart 18–10.50—Safety and Health

**§ 18–10.5000 Scope of subpart.**

This Subpart 18–10.50 sets forth the policy, responsibility, and requirements for contract provisions relating to NASA's Safety and Health Programs and implements NASA Management Instruction 23–1–6A.

**§ 18–10.5001 Policy.**

It is NASA policy that contractors and subcontractors will:

(a) Protect the life and health of NASA and contractor employees during their work on NASA programs;

(b) Avoid accidental work interruptions which could delay NASA programs;

(c) Prevent damage to property supplies and equipment;

(d) Assure proper protection of the public from hazards introduced by NASA contractors and subcontractors; and

(e) Provide data whereby risks and loss factors in space technology related to NASA programs can be accumulated and evaluated.

**§ 18–10.5002 Responsibility.**

(a) *Safety officer.* The Safety Officer will advise and assist the contracting officer in:

(1) Evaluating prospective contractors' safety and health programs pursuant to Subpart 18–1.9;

(2) Determining whether safety and health provisions should be included in a proposed procurement; and

(3) Selecting contract provisions which define the safety and health requirements applicable to a particular contract.

(b) *Contracting officer.* The contracting officer will obtain the advice, assistance, and recommendations from the safety officer in the following proposed procurements:

(1) Construction of facilities on Government installations;

(2) Manufacture of boosters, engines, liquid and solid fuels, oxidizers, and/or propellants;

(3) Transportation of fuels, oxidizers, space-related chemicals, and other hazardous materials; and

(4) Research, development or test of engines, related components and propellants which involve hazardous operations or the use of hazardous materials.

**§ 18–10.5003 Hazardous materials and operations.**

Hazardous materials and operations for the purpose of this subpart are those involved in or concerned with nonnuclear detonations and explosions (e.g., overpressures, fireballs, and fragmentation), fire and heat, acoustics, toxicity, nuclear radiation, electromagnetic radiation, light, fuels, acids, propellants, and environmental factors.

**§ 18–10.5004 Contract provisions.**

General safety and health requirements will be prescribed by the safety officer as set for in § 18–10.5002(a)(3). The following clause may be used as a guide:

SAFETY AND HEALTH (FEBRUARY 1964)

(a) In order to provide safety controls for protection to the life and health of employees and other persons; for prevention of damage to property, materials, supplies, and equipment; and for avoidance of work interruptions in the performance of the contract; the Contractor will comply with the following standards:

(Insert the standards, codes, criteria prescribed by the Safety Officer)

Further, the Contractor shall take or cause to be taken such additional safety measures as the Contracting Officer may determine to be reasonably necessary provided, that if compliance with such additional safety measures results in a material increase in the cost or time of performance of the contract, an equitable adjustment will be made in accordance with the clause of this contract entitled "Changes."

(b) Prior to commencement of work the Contractor will submit in writing his plan for complying with the Safety and Health provisions of this contract, and will meet with the representative of the Contracting Officer to discuss and develop mutual understandings relative to administration of the overall safety program.

(c) During the performance of work under this contract, the Contractor shall comply with all procedures prescribed by the Contracting Officer for the control and safety of persons visiting the job site and will comply with such requirements to prevent accidents as may be prescribed by the Contracting Officer.

(d) The Contractor will maintain an accurate record of, and will report to the Contracting Officer in such manner as the Contracting Officer may prescribe all accidents and incidents resulting in death, traumatic injury, occupational disease, and/or damage to property, materials, supplies and equipment incident to work performed under the contract.

(e) The Contracting Officer will notify the Contractor of any noncompliance with the provisions of this clause and corrective action to be taken. The Contractor shall, after receipt of such notice, immediately take such corrective action. (Such notice, when delivered to the Contractor or his representative at the site of the work, shall be deemed sufficient for the purpose.) If the Contractor fails or refuses to comply promptly, the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action has been taken. No part of the time lost due to any such stop work order shall be the subject of claim for extension of time or for costs or damages by the Contractor.

(f) Compliance with the provisions of this clause by subcontractors will be the responsibility of the Contractor.



# PART 18–11—FEDERAL, STATE, AND LOCAL TAXES


Sec.
18–11.000 Scope of part.
18–11.001 Resolution of tax problems.

Subpart 18–11.1—Federal Excise Taxes

18–11.100 Scope of subpart.
18–11.101 Retailers excise taxes.
18–11.101–1 Jewelry and related items.
18–11.101–2 Furs.
18–11.101–3 Toilet preparations.
18–11.101–4 Luggage and handbags.
18–11.101–5 Special fuels (diesel fuel, benzol, benzene, naphtha, liquefied petroleum gas, and certain other liquid fuels).
18–11.102 Manufacturers excise taxes.
18–11.102–1 Motor vehicles.
18–11.102–2 Tires and tubes.
18–11.102–3 Gasoline.
18–11.102–4 Lubricating oils.
18–11.102–5 Household type equipment (refrigerators, self-contained air conditioning units, electric, gas, and oil appliances, and electric light bulbs and tubes).
18–11.102–8 Radio and television receiving sets, phonographs and records, and musical instruments.
18–11.102–10 Photographic equipment.
18–11.102–11 Firearms, shells, and cartridges.
18–11.102–12 Business machines.
18–11.102–13 Pens, mechanical pencils, and lighters.
18–11.102–14 Matches.
18–11.103 Excise taxes on facilities and services.
18–11.103–1 Communications.
18–11.103–2 Transportation of persons.
18–11.104 Use tax on highway motor vehicles.
18–11.105 Selective list of supplies and services subject to Federal excise taxes.

Subpart 18–11.2—Exemptions From Federal Excise Taxes

18–11.200 Scope of subpart.
18–11.201 Supplies for exportation or shipment to a possession or to Puerto Rico.
18–11.201–1 Retailers excise taxes.
18–11.201–2 Manufacturers excise taxes.
18–11.201–50 Method of qualification for exemption for sales for export, or shipment to a possession or to Puerto Rico.
18–11.202 Supplies and services for the exclusive use of the United States.
18–11.203 Supplies sold for further manufacture.
18–11.205 Exemptions from other Federal taxes.
18–11.206 Tax exemption forms.

Subpart 18–11.3—State and Local Taxes

18–11.301 Applicability.
18–11.302 Tax exemption forms.

Subpart 18–11.4—Contract Clauses

18–11.401 Fixed-price type contracts.
18–11.401–1 Clause for advertised and certain negotiated contracts.
18–11.401–2 Alternate clause for certain negotiated contracts.
18–11.402 Cost-reimbursement type contracts.


AUTHORITY: The provisions of this Part 18–11 issued under 42 U.S.C. 2473(b)(1).

**§ 18–11.000 Scope of part.**

This Part 18–11 deals with Federal taxes imposed by the Internal Revenue Code upon certain supplies and services procured by NASA, exemptions from such Federal taxes, and policy for obtaining exemptions from State and local taxes. Except as otherwise indicated, references are to the Internal Revenue Code of 1954 (26 U.S.C.). (References to the Internal Revenue Code of 1939 are for convenience in disposing of cases to which the Internal Revenue Code of 1954 is not applicable.)

**§ 18–11.001 Resolution of tax problems.**

(a) It is essential that uniform and consistent tax policies and procedures be maintained throughout NASA and that NASA effectively cooperate with other Government agencies on tax matters of mutual interest. Except as provided in § 18–11.302(b), the General Counsel, NASA Headquarters, will represent NASA in all negotiations with Federal, State, or local authorities, for the purpose of determining the applicability of, or for obtaining exemption from, or refund of, any tax. The General Counsel shall keep the Director of Procurement fully informed of the status of any such negotiations.

(b) Communications with the Department of Justice for representation or intervention in proceedings concerning taxes shall be made only by the General Counsel.

(c) Matters involving foreign taxes requiring the assistance of other executive departments shall be forwarded to

the General Counsel for appropriate action.

(d) Tax problems which cannot be solved readily by reference to this Part shall be forwarded to the General Counsel. The forwarding of tax problems to the General Counsel is particularly important where:

(1) The amount of tax actually or potentially involved is substantial;

(2) The legal incidence of a tax appears to be upon the United States or its property, a specific exemption pertinent to the transaction appears to exist, or a State or local tax appears to have a direct effect upon a transaction in interstate commerce;

(3) Judicial or administrative action against a contractor is threatened;

(4) The imposition, or potential imposition, of a tax is the result of an amendment of a tax law or a change of position by the tax authorities; or

(5) The possibility exists of obtaining refunds of taxes previously paid.

(e) Tax problems forwarded to the General Counsel shall be accompanied by the following material, which shall be furnished by the initiating office or by intervening offices:

(1) A comprehensive statement of pertinent facts, including documents and correspondence;

(2) A copy of the contract;

(3) A thorough review of the legal issues involved and recommended action to be taken; and

(4) If appropriate, a statement of the problem's effect(s) on procurement policies and procedures, with recommendations.

(f) The initiating office shall furnish an information copy of any submission (and the General Counsel shall furnish a copy of his reply) to the Director of Procurement.

## Subpart 18–11.1—Federal Excise Taxes

### § 18–11.100 Scope of subpart.

This subpart 18–11.1 deals with Federal excise taxes imposed by the Internal Revenue Code upon certain supplies and services which are procured by NASA. The availability of exemptions from these taxes is set forth in Subpart 18–11.2. It should be noted that the scope and rates of these taxes are subject to change from time to time by amendments to the Internal Revenue Code and Treasury Regulations.

### § 18–11.101 Retailers excise taxes.

Chapter 31 of the Internal Revenue Code (which supersedes Chapters 9A, 19, and 20, I.R.C. 1939), as implemented by Treasury Regulations 51 and 119, imposes retailers excise taxes upon various types of supplies, enumerated in § 18–11.101–1 through § 18–11.101–5, sold at retail. The tax is not imposed on sales for resale. The sale of taxable supplies to the Government for use or consumption is a taxable retail sale. In general, the tax attaches at the time title passes from the seller and is based on the sale price. A lease of supplies is treated as a sale for the purpose of these taxes, in which event the tax is measured by the rental payments. The sale (or rental) price:

(a) Excludes the retailers excise tax itself, whether or not separately stated;

(b) Excludes, if separately stated, any retail sales tax imposed by any State or political subdivision thereof, or the District of Columbia, irrespective of whether liability for such tax is imposed on the vendor or vendee;

(c) Includes any charges for packaging or packaging materials; and

(d) Excludes all other service charges, such as for transportation, delivery, insurance, and installation.

If, after the tax has been paid, the sale price is adjusted for any reason, such as by discount, rebate, allowance, or return of containers, the amount of the tax applicable to such sale price also shall be adjusted by credit or refund. The retailer, in turn, is entitled to a refund or credit from the Internal Revenue Service for such tax adjustment.

### § 18–11.101–1 Jewelry and related items.

See 32 CFR 11.101–2 or FPR 1–11.101–1.

### § 18–11.101–2 Furs.

See 32 CFR 11.101–3 or FPR 1–11.101–2.

### § 18–11.101–3 Toilet preparations.

See 32 CFR 11.101–4 or FPR 1–11.101–3.

### § 18–11.101–4 Luggage and handbags.

See 32 CFR 11.101–5 or FPR 1–11.101–4.

### § 18–11.101–5 Special fuels (diesel fuel, benzol, benzene, naphtha, liquefied petroleum gas, and certain other liquid fuels).

When required by the contractor, evidence of a nontaxable use of a special fuel may be provided by executing the certificates set forth in § 18–11.206(a). These exemptions shall be taken whenever their use appears economically advantageous. They shall be taken by adjustment of contract price or purchase on a tax-exclusive basis. If fuel which has been procured tax-free is used for a taxable purpose, the installation so using the fuel must make quarterly payment of the tax directly to the Internal Revenue Service on TD Form 720, "Quarterly Federal Excise Tax Return."

### § 18–11.102 Manufacturers excise taxes.

Chapter 32 of the Internal Revenue Code imposes manufacturers excise taxes upon various types of supplies sold by a manufacturer, producer, or importer. In general, the tax attaches when title passes from the manufacturer. The amount of the tax is based on the amount of the sale price. A lease of supplies is treated as a sale for the purpose of these taxes, in which event the tax is measured by the rental payments until such payments equal the price or fair value of the article. (However, see § 18–11.102–12 with respect to lease of business machines by the Government.) The sale price or rental payment excludes the tax itself and all service charges connected with the sale, such as transportation, delivery, insurance, or installation charges. However, charges for packaging materials are included. If, after the tax has been paid, the sale price is adjusted for any reason, such as by discount, rebate, allowance, or return of containers, the amount of the tax applicable to such sale price also should be adjusted. The manufacturer, in turn, is entitled to a refund or credit from the Internal Revenue Service for such tax adjustment. Articles subject to the retailers excise tax on jewelry (see § 18–11.101–1) are not subject to manufacturers excise taxes, except any clock or watch, or any case or movement for a clock or watch, sold as a part or accessory, or sold on or in connection with or with the sale of any article.

### § 18–11.102–1 Motor vehicles.

A tax at the rates indicated is imposed upon the following articles (including parts and accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Chassis and bodies of trucks, buses, truck and bus trailers and semitrailers, and tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer—10 percent; except that this tax does not apply to equipment designed for off-the-road use, such as certain military vehicles, construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms (a sale of a truck, bus, automobile, truck or bus trailer or semitrailer, and trailer or semitrailer is considered to be a sale of the chassis and the body thereof);

(b) Chassis and bodies of automobiles, and trailers and semitrailers (other than house trailers) suitable for use with passenger automobiles—7 percent (a sale of a truck, bus, automobile, truck or bus trailer or semitrailer, and trailer or semitrailer is considered to be a sale of the chassis and the body thereof); and

(c) Parts or accessories when sold separately from an automobile, truck, or other item taxable as indicated in subparagraphs (a) and (b) of this paragraph—5 percent; parts or accessories are defined to include any article—

(1) The primary use of which is to improve, repair, replace, or serve as a component part of a motor vehicle;

(2) Designed to be attached to or used in connection with a motor vehicle or to add to its utility or ornamentation; or

(3) The primary use of which is in connection with a motor vehicle whether or not essential to its operation or use.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, a taxable motor vehicle, are treated as parts or accessories whether or not primarily adapted for such use. However, the term "parts or accessories" does not include tires, inner tubes, or automobile radio and television receivers. The tax on parts or accessories does not apply to any article sold for use (or for a single resale for use) as material in the manufacture of, or as a component part of, any article, whether or not such article is subject to a manufacturers excise tax. The contract price of supplies purchased by NASA shall not include an amount for the manufacturers excise tax on automotive parts or accessories purchased for use in the manufacture of any article.



### § 18–11.102–2 Tires and tubes.

See 32 CFR 11.102–3 or FPR 1–11.102–2.

### § 18–11.102–3 Gasoline.

See 32 CFR 11.102–4 or FPR 1–11.102–3. The rate of tax is 4 cents per gallon. Refunds referred to in 32 CFR Chapter 1 and FPR will not be claimed.

### § 18–11.102–4 Lubricating oils.

(a) A tax at the indicated rates is imposed upon the following classes of lubricating oils sold, other than to another manufacturer or producer for resale, by a manufacturer or producer (but not upon oil sold by an importer):

(1) Cutting oils, which means oils sold for use in cutting and machining operations, including forging, drawings, rolling, shearing, punching, and stamping on metals—3 cents per gallon; and

(2) Other lubricating oils, which means all oils, regardless of origin, which are sold as lubricating oil or are suitable for use as a lubricant, not including products commonly known as grease—6 cents per gallon. Certain products other than those commonly known as grease are not considered to be lubricating oils, and accordingly are not subject to the tax. These include petrolatum and fatty oils of vegetable, animal, fish, and marine origin which in their natural state are not sold as lubricating oils.

(b) An exemption is available for lubricating oils sold by a manufacturer directly to a purchaser who uses the oil for nonlubricating purposes. In applying this exemption, oils can be grouped into two classes:

(1) Oils which are exempted if the manufacturer obtains an exemption certificate from the purchaser in the form prescribed by the Treasury Regulations; and

(2) Oils which are exempted without an exemption certificate. Oils of this class include crude neatsfoot oil; electrical transformer insulating oil; white oil; and lubricating oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes.

(c) With the exception of oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes, oils of neither class may be sold tax-free to dealers for resale even though it is known that the oil will be used for nonlubricating purposes. If, however, oil upon which a tax has been paid is used for nonlubricating purposes, the manufacturer is entitled to a refund or credit, irrespective of whether the oil was sold directly to the consumer by the manufacturer or was sold through a dealer. A refund or credit is also allowed when lubricating oil, upon which the 6-cent-per-gallon tax has been paid, is used as a cutting oil taxable at 3 cents per gallon. An exemption certificate is available when lubricating oils are sold by the manufacturer for nonlubricating purposes: *Provided*, That (1) the manufacturer has definite knowledge, prior to or at the time of sale, that the product is purchased for such purposes, and (2) an appropriate certificate is furnished the manufacturer. The format of an exemption certificate for this purpose is set forth in § 18–11.206(b). An exemption certificate is also available when lubricating oils are sold by the manufacturer for use in cutting and machining operations on metals. This certificate is required to be furnished to the manufacturer to enable him to sell the oil subject to tax at the 3-cent rate rather than the 6-cent rate. The format of the exemption for this purpose is set forth in § 18–11.206(c). These exemptions will be used in any case in which such use appears advantageous by a tax-exclusive purchase.

### § 18–11.102–5 Household type equipment (refrigerators, self-contained air conditioning units, electric, gas, and oil appliances, and electric light bulbs and tubes).

See 32 CFR 11.102–6.

### § 18–11.102–8 Radio and television receiving sets, phonographs and records, and musical instruments.

No tax is imposed upon these articles if they are communication, detection, or navigation equipment of the type used in commercial, military, or marine installations. For any other type of purchase in this category, see 32 CFR 11.102–7 and 11.102–8, and FPR 1–11.102–8.

### § 18–11.102–10 Photographic equipment.

See 32 CFR 11.102–10 and FPR 1–11.102–10.

### § 18–11.102–11 Firearms, shells, and cartridges.

See 32 CFR 11.102–11 and FPR 1–11.102–11.

### § 18–11.102–12 Business machines.

See 32 CFR 11.102–12.

### § 18–11.102–13 Pens, mechanical pencils, and lighters.

See 32 CFR 11.102–13 and FPR 1–11.102–13.

### § 18–11.102–14 Matches.

See 32 CFR 11.102–14 and FPR 1–11.102–14.

### § 18–11.103 Excise taxes on facilities and services.

See 32 CFR 11.103 and FPR 1–11.103.

### § 18–11.103–1 Communications.

See FPR 1–11.103–1.

### § 18–11.103–2 Transportation of persons.

See FPR 1–11.103–2.

### § 18–11.104 Use tax on highway motor vehicles.

See 32 CFR 11.104.

### § 18–11.105 Selective list of supplies and services subject to Federal excise taxes.

See FPR 1–11.105.

## Subpart 18–11.2—Exemptions From Federal Excise Taxes

### § 18–11.200 Scope of subpart.

This Subpart 18–11.2 sets forth the applicability and scope of general exemptions, credits, and refunds from the Federal excise taxes outlined in 32 CFR Part 11, Subpart A and in FPR 1–11.1 (which are incorporated by reference in Subpart 18–11.1), and the policy governing when such exemptions, credits, and refunds are to be claimed.

### § 18–11.201 Supplies for exportation or shipment to a possession or to Puerto Rico.

Exemption is available from the retailers and manufacturers excise taxes on the sale of supplies for export or for shipment to a possession of the United States or to Puerto Rico.

### § 18–11.201–1 Retailers excise taxes.

Pursuant to Section 4056 of the Internal Revenue Code (which supersedes Section 2406, I.R.C. 1939) and applicable Treasury Regulations, exemption is available from the retailers excise taxes on sales of supplies for export or for shipment to a possession of the United States or to Puerto Rico. This exemption shall be utilized by purchasing on a tax-exclusive basis and furnishing the required proof of exportation, or shipment to a possession or to Puerto Rico, if (a) the purchase is substantial, and (b) exportation, or shipment to a possession or to Puerto Rico, is intended to follow not more than 6 months after title passes to the Government.

### § 18–11.201–2 Manufacturers excise taxes.

Pursuant to Section 4221 of the Internal Revenue Code (which supersedes Sections 3449 and 2705, I.R.C. 1939) and applicable Treasury Regulations, exemption is available from the manufacturers excise taxes on sales of supplies for export, or for shipment to a possession of the United States or to Puerto Rico. This exemption shall be obtained only when (a) the purchase is substantial, and (b) exportation, or shipment to a possession or to Puerto Rico, is intended to follow not more than 6 months after title passes to the Government. This exemption is limited to sales by a manufacturer, and is not applicable to sales for export, or shipment to a possession or to Puerto Rico, from the stock of a dealer who was not the manufacturer producer, or importer.

### § 18–11.201–50 Method of qualification for exemption for sales for export, or shipment to a possession or to Puerto Rico.

(a) In order to qualify for the exemption of sales for export, or for shipment to a possession or to Puerto Rico,

the two conditions in subparagraphs (1) and (2) of this paragraph must be met.

(1) The supplies must be certified as having been sold by the manufacturer (if the tax is a manufacturers excise tax) or the retailer (if the tax is a retailers excise tax) for export, or shipment to a possession or to Puerto Rico. The words "for export, or shipment to a possession or to Puerto Rico," incorporated into or stamped on a contract or purchase order is acceptable to the Internal Revenue Service as satisfactory evidence that the sale has been made for export or for shipment to a possession or to Puerto Rico.

(2) The supplies must be exported, or shipped to a possession or to Puerto Rico, in due course. The responsible officer at the port of embarkation will furnish a certificate of export, or shipment to a possession or to Puerto Rico, to the contracting officer, together with a statement of where the shipping documents are being retained. Proof of the export or shipment shall be furnished by the contracting officer to the contractor in the following form:

CERTIFICATE OF EXPORT OR SHIPMENT TO A POSSESSION OR TO PUERTO RICO

---------- 19--

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(Name of Contractor)

The undersigned does hereby certify that ----------

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(Quantity and description of supplies) which were purchased for export, or for shipment to a possession of the United States or to Puerto Rico, under Contract No. ----------, were in fact exported to a foreign country or shipped to a possession of the United States or to Puerto Rico, and a copy of the export bill of lading No. ---------- or loading manifest No. ------ ---------- pursuant to which the supplies were shipped, is being retained in the files of----------

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(Official address of office)

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(Signed)

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(Title)

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(Official address)

(b) The intention to export, or to ship the supplies to a possession or to Puerto Rico, should be specified in the contract or by amendment thereto. If such specification is included initially in a fixed-price contract, the contract price must exclude the retailers or manufacturers excise tax; if such specification is included by an amendment to the contract, a downward adjustment of the contract price may be required, particularly if the contract contains the Federal, State, and Local Taxes clause.

**§ 18–11.202 Supplies and services for the exclusive use of the United States.**

(a) By virtue of action taken by the Secretary of the Treasury, pursuant to Sections 4293 and 4483 of the Internal Revenue Code, exemption is available, and shall be obtained to the extent indicated, from the following Federal excise taxes:

(1) The tax on communication services and facilities furnished directly to the United States (as distinguished from being furnished to a Government contractor) and paid for directly by the Government;

(2) The tax on transportation of persons for transportation furnished the United States upon a Government transportation request;

(3) The tax on the rental of business machines (see § 18–11.102–12);

(4) The tax on transportation of property for which a Government bill of lading has been issued; and

(5) The tax on the use of highways by vehicles used by the United States whether or not such vehicles are owned by the United States. Vehicles leased to the United States and operated by Government personnel are considered to be in use by the United States and are thus exempt; vehicles operated by a Government contractor's personnel are not exempt whether such vehicles are Government-owned or not.

(b) The exemption from the tax on communication services furnished the Government is obtained by excluding it from the price. This exemption is not available when communication or transportation services are furnished directly to Government contractors. Exemption from the tax on transportation of persons is obtained without use of exemption certificates by use of a Transportation Request (Standard Form 1169). The exemption from the tax on business machine rental requires following the procedures specified in § 18–11.102–12. Exemption from the tax on transportation of property is obtained without use of exemption certificates by use of a U.S. Government Bill of Lading (Standard Form 1103). Exemption from the Highway Use Tax is available to the United States without any action on its part with regard to Government-owned vehicles. Exemption with regard to vehicles leased to the United States is available to the lessor only if the vehicle in question has had a tax-free use throughout the current fiscal year. This exemption shall be taken, to the extent feasible, by leasing on a tax-exclusive basis.

**§ 18–11.203 Supplies sold for further manufacture.**

(a) Pursuant to Section 4221 of the Internal Revenue Code (which supersedes Section 3442, I.R.C. 1939) and applicable Treasury Regulations, supplies (other than tires, inner tubes, and automobile radios and television receivers) are exempt from manufacturers excise taxes if sold for use by the vendee in the manufacture of, or as a component part of, another article; or for resale by the vendee for such further manufacture by his vendee, if the article is resold in due course. In applying this exemption, there are two classes of supplies:

(1) Automobile parts or accessories, refrigerator components, radio or television components, and camera lenses, the sale of which is exempt whether or not the article to be manufactured is subject to a manufacturers excise tax. (The manufacturer is entitled to a credit or refund for the amount of the tax paid on such parts, accessories, components, or lenses if this exemption has not been utilized and if such parts, accessories, components, or lenses upon which a manufacturers excise tax has been paid are used in the manufacture of, or as a component part of, any article, whether or not taxable.);

(2) All other articles (other than tires, inner tubes, automobile radio and television receivers) subject to manufacturers excise tax, the sale of which is exempt only if the article to be manufactured is subject to a manufacturers excise tax. (The manufacturer is entitled to a credit or refund of the amount of tax paid on any such article used for further manufacture if this exemption has not been utilized and if such article, upon which a manufacturers excise tax has been paid, is used in the manufacture of, or as a component of, another article upon which a manufacturers excise tax is subsequently paid, or which subsequently is sold tax-free as a sale for further manufacture pursuant to Section 4221 of the Internal Revenue Code.)

(b) These exemptions, credits, and refunds under paragraph (a) (1) and (2) of this section are obtainable by the manufacturer without any action by the contracting officer. The contract price for supplies shall not include an amount for any manufacturers excise tax from which these exemptions, credits, or refunds are available.

**§ 18–11.205 Exemptions from other Federal taxes.**

*Distilled spirits and alcohol.* Distilled spirits of 160 degrees or more proof alcohol, and specially denatured alcohol, may be withdrawn tax-free by the United States or any Government agency thereof.

(a) The authority to sign applications to the Treasury Department, Commissioner of Internal Revenue, for permits to procure, tax-free, spirits and specially denatured alcohol (TD Form 1444, "Alcohol for Use of United States," and TD Form 1486, "Specially Denatured Alcohol for Use of United States") has been delegated by the Administrator to certain officers of NASA installations.

(b) TD Forms 1444 and 1486 shall be submitted to the Treasury Department in accordance with the instructions printed thereon. The letter of transmittal shall contain the following information:

(1) That the appropriate form is submitted in triplicate according to Internal Revenue Regulations for permit to procure tax-free or specially denatured alcohol;

(2) Name and location of supplier;

(3) Name and location of consignee;

(4) Purpose for which alcohol will be used; and

(5) Address to which permit is to be sent (requesting installation).

**§ 18–11.206 Tax exemption forms.**

Tax exemption certificates which may be reproduced locally are to be utilized in the following forms, as applicable.

(a) *Special fuel exemption certificates.* The form of exemption certificate to be used is shown as follows:

EXEMPTION CERTIFICATE

Certificate Serial No. ----------

(For use by purchasers of diesel fuel, benzol, benzene, naphtha, liquefied petroleum gas, or other taxable liquid, for other than as a fuel for the propulsion of motor vehicles, motorboats, or airplanes, and otherwise than in the manufacture or production of such fuel.)

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(Date)

Contract No.:
Contractor:
Product:
End Use:

The undersigned hereby certifies that he is officially authorized to issue tax exemption certificates for the National Aeronautics and Space Administration under the above-described contract and that the product indicated above, being purchased under said contract, will not be used as a fuel for the propulsion of motor vehicles, motorboats, or airplanes, and will not be used in the manufacture or production of such fuel, but will be used for the purpose shown.

The undersigned understands that if the benzol, benzene, naphtha, or other taxable liquid is used, sold, or otherwise disposed of except as above stated, the National Aeronautics and Space Administration will be liable for the tax upon such use, sale, or other disposition of such product. It is understood that the fraudulent use of this certificate to secure exemption will subject all guilty parties to a fine of not more than $10,000 or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The undersigned also understands that the Government must be prepared to establish by competent evidence that the product was actually used for the purpose or purposes for which purchased as stated in this certificate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contract period ----------
By ----------
Name
Title
Address
Identification Card No.

(b) *Lubricating oils exemption certificates.* The exemption certificate to be used is shown as follows:

EXEMPTION CERTIFICATE

Certificate Serial No. ----------

(For use by purchasers of lubricating oil for nonlubricating purposes.) ----------

(Date)

Contract No.:
Contractor:
Product:
End Use:

The undersigned hereby certifies that he is officially authorized to issue tax-exemption certificates for the National Aeronautics and Space Administration under the above-described contract, and that the product indicated above, being purchased under said contract, will not be used or resold for lubrication, but will be used for the purpose shown.

The undersigned understands that if the nonlubricating oil is used, sold, or otherwise disposed of except as above stated, he is required to notify the manufacturer. It is understood that the fraudulent use of this certificate to secure exemption will subject all guilty parties to a fine of not more than $10,000 or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The undersigned also understands that the Government must be prepared to establish by competent evidence that the product was actually used for the purpose or purposes for which purchased as stated in this certificate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contract period ----------
By ----------
Name
Title
Address
Identification Card No.

(c) *Cutting oil certificates.* The exemption certificate to be used is shown as follows:

EXEMPTION CERTIFICATE

Certificate Serial No. ----------

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(Date)

Contract No.:
Contractor:
Product:
End Use:

The undersigned hereby certifies that he is officially authorized to issue tax-exemption certificates for the National Aeronautics and Space Administration under the above-described contract, and that the product indicated above, being purchased under said contract, is purchased for the following use as a lubricant in cutting and machining operations on metals:

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The undersigned understands that the National Aeronautics and Space Administration must be prepared to establish by satisfactory evidence the actual use or disposition made of such oil, and that upon his use of the oil for a lubricating purpose other than in cutting and machining operations on metals, or upon his sale or other disposition of oil, he is required to notify the manufacturer.

The undersigned understands that he and all guilty parties will, for fraudulent use of this certificate for the purpose of purchasing oil subject to tax at the rate of 3 cents a gallon, rather than 6 cents a gallon, be subject to a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, together with the costs of prosecution.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contract Period ----------
By ----------
Name
Title
Address
Identification Card No.

(d) Where only occasional purchases of cutting oil or lubricating oil for nonlubricating use are made, a separate certificate is required for each order. However, when such purchases are frequent, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable.

## Subpart 18–11.3—State and Local Taxes

**§ 18–11.301 Applicability.**

As a general rule, Government purchases are exempt from State and local taxes. This exemption shall be made use of to the fullest extent available, by means of purchase on a tax-exclusive basis and execution of an approved tax exemption certificate.

**§ 18–11.302 Tax exemption forms.**

(a) When a State or local sales tax attaches at the time of a sale to the United States and the vendor sells to the United States at a price which is exclusive of the tax, Standard Form 1094 shall be furnished to the vendor where the vendor or dealer requires evidence of the tax-exempt sale for use in claiming exemption from payment of the tax to the taxing authority.

(b) When a State or local tax attaches at the time of sale to the consumer but the vendor refuses to sell at a price exclusive of the tax, Standard Form 1094 shall be used to obtain a record of the transaction for use by the United States Government in billing the taxing authority for refund of the taxes paid. In case of vendor refusal to sell on a tax-exclusive basis, the relevant payment voucher and Standard Form 1094 shall contain mutual cross-references of serial numbers so that the transaction may be identified for refund purposes. The installation shall bill the relevant local or State taxing authority for refund in case of vendor refusal to sell on a tax-exclusive basis. Uncollectible claims shall be referred to the Office of General Counsel, NASA.

(c) Tax exemption forms shall be issued only to contracting officers or their designees. Each NASA office receiving the forms shall maintain an adequate accounting record of the forms to show at all times (1) the number of U.S. tax exemption certificate books received, (2) the number of each book issued and to whom issued, (3) the numbers of those returned for reissue, or cancellation, or as completely used book covers, and (4) the balances on hand and available for distribution to persons authorized to use them.

## Subpart 18–11.4—Contract Clauses

**§ 18–11.401 Fixed-price type contracts.**

**§ 18–11.401–1 Clause for advertised and certain negotiated contracts.**

The following clause shall be inserted in (a) all formally advertised contracts (other than construction contracts not in excess of $10,000), and (b) negotiated fixed-price type contracts in excess of $10,000 where the contracting officer is satisfied that the contract price, by virtue of competition or otherwise, excludes contingencies for State and local taxes. In negotiated fixed-price type contracts in excess of $2,500 but not in excess of $10,000, the clause may, at the discretion of the contracting officer, be inserted.

FEDERAL, STATE, AND LOCAL TAXES (SEPTEMBER 1962)

(a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and—

(1) results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by the amount of such tax or duty

or rate increase: *Provided*, The Contractor warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property or which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or that amount shall be paid to the Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden of, or does not obtain a refund or drawback of, any such Federal excise tax or duty.

(c) No adjustment of less than one hundred dollars ($100) shall be made in the contract price pursuant to paragraph (b) above.

(d) As used in paragraph (b) above, the term "contract date" means the date set for bid opening, or, if this is a negotiated contract, the contract date. As to additional supplies or services procured by modification to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government upon the request of the Contractor shall, without further liability, furnish evidence appropriate to establish exemption from any Federal, State, or local tax: *Provided*, That evidence appropriate to establish exemption from any Federal excise tax or duty which may give rise to either an increase or decrease in the contract price will be furnished only at the discretion of the Government.

(f) The Contractor shall promptly notify the Contracting Officer of matters which will result in either an increase or decrease in the contract price, and shall take action with respect thereto as directed by the Contracting Officer.

### § 18–11.401–2 Alternate clause for certain negotiated contracts.

(a) *Use of clause.* (1) The clause set forth in paragraph (b) of this section shall be inserted in all negotiated fixed-price type contracts in excess of $10,000 where the contracting officer is not satisfied that the contract price, by virtue of competition or otherwise, excludes contingences for State and local taxes. Guidelines for using the clause are set forth in subparagraphs (2) through (5) of this paragraph.

(2) Subparagraphs (d)(1) and (d)(2) of the clause, respectively, provide for upward and downward escalation for certain taxes. Subparagraph (d)(4) of the clause prohibits upward and downward escalation for social security, income, franchise, excess profit, capital stock, unemployment compensation, and property taxes, except:

(i) Income and franchise taxes levied on or measured by (A) sales or receipts from sales, or (B) the contractor's possession of, interest in, or use of Government-owned property; and

(ii) Property taxes allocable to the contract which are assessed on completed supplies covered by the contract, or on the contractor's possession of, interest in, or use of property, title to which is in the Government.

(3) Paragraph (e) of the clause provides for the furnishing by the Government of evidence of exemption from taxes which the contractor warrants were excluded from the contract price. Evidence of exemption shall be issued only where there is a reasonable basis therefor.

(4) Paragraph (f)(1) of the clause obligates the contractor to notify the contracting officer of any tax matters (e.g., unexpected tax assessments or new legislation) which reasonably may be expected to result in an increase or decrease in the contract price. Paragraph (f)(2) of the clause obligates the contractor to follow instructions of the contracting officer when an adjustment in the contract price may be required, and provides for adjustment of the contract price to cover the costs of such action.

(5) Paragraph (b) of the clause furnishes criteria for determining the taxes included in the contract price. However, the contract may provide for the exclusion of a specific tax from the contract price. Where the contracting officer has doubt as to the applicability or allocability of any tax, language appropriate to the particular circumstances should be included in the contract after consultation with the Office of General Counsel or Chief Counsel, as appropriate. Special consideration should be accorded taxes assessed on the contractor's possession of, interest in, or use of Government-owned real and personal property. The following provision may be inserted in any contract under which the contractor has possession of property to which the Government has title on the tax assessment date, pursuant to progress payment clauses or otherwise:

All property taxes assessed on the Contractor's possession of, interest in, or use of property, title to which is in the Government, are excluded from the contract price. (SEPTEMBER 1962)

(6) Where Government property is furnished under a facilities contract, the contracting officer shall review the facilities contract when negotiating a subsequent supply contract to assure that the contractor is not reimbursed twice for the same taxes.

(b) *Clause.*

FEDERAL, STATE, AND LOCAL TAXES (SEPTEMBER 1962)

(a) As used throughout this clause, the term "contract date" means the date of this contract. As to additional supplies or services procured by modification to this contract, the term "contract date" means the date of such modification.

(b) Except as may be otherwise provided in this contract, the contract price includes, to the extent allocable to this contract, all Federal, State, and local taxes which, on the contract date:

(1) By Constitution, statute, or ordinance, are applicable to this contract, or to the transactions covered by this contract, or to property or interests in property; or

(ii) Pursuant to written ruling or regulation, the authority charged with administering any such tax is assessing or applying to, and is not granting or honoring an exemption for, a contractor under this kind of contract, or the transactions covered by this contract, or property or interests in property.

(c) Except as may be otherwise provided in this contract, duties in effect on the contract date are included in the contract price, to the extent allocable to this contract.

(d)(1) If the Contractor is required to pay or bear the burden:

(i) Of any tax or duty which either was not to be included in the contract price pursuant to the requirements of paragraphs (b) and (c), or of a tax or duty specifically excluded from the contract price by a provision of this contract; or

(ii) Of an increase in rate of any tax or duty, whether or not such tax or duty was excluded from the contract price; or

(iii) Of any interest or penalty on any tax or duty referred to in (i) or (ii) above; the contract price shall be increased by the amount of such tax, duty, interest, or penalty allocable to this contract: *Provided*, That the Contractor warrants in writing that no amount of such tax, duty, or rate increase was included in the contract price as a contingency reserve or otherwise: *And provided further*, That liability for such tax, duty, rate increase, interest, or penalty was not incurred through the fault or negligence of the Contractor or his failure to follow instructions of the Contracting Officer.

(2) If the Contractor is not required to pay or bear the burden, or obtains a refund or drawback, in whole or in part, of any tax, duty, interest, or penalty which:

(i) Was to be included in the contract price pursuant to the requirements of paragraphs (b) and (c);

(ii) Was included in the contract price; or

(iii) Was the basis of an increase in the contract price; the contract price shall be decreased by the amount of such relief, refund, or drawback allocable to this contract, or the allocable amount of such relief, refund, or drawback shall be paid to the Government as directed by the Contracting Officer. The contract price also shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden, or does not obtain a refund or drawback of, any such tax, duty, interest, or penalty. Interest paid or credited to the Contractor incident to a refund of taxes shall inure to the benefit of the Government to the extent that such interest was earned after the Contractor was paid or reimbursed by the Government for such taxes.

(3) Invoices or vouchers covering any adjustment of the contract price pursuant to this paragraph (d) shall set forth the amount thereof as a separate item and shall identify the particular tax or duty involved.

(4) This paragraph (d) shall not be applicable to social security taxes; income and franchise taxes, other than those levied on or measured by (i) sales or receipts from sales, or (ii) the Contractor's possession of, interest in, or use of property, title to which is in the Government; excess profits taxes; capital stock taxes; unemployment compensation taxes; or property taxes, other than such property taxes, allocable to this contract, as are assessed either on completed supplies covered by this contract, or on the Contractor's possession of, interest in, or use of property, title to which is in the Government.

(5) No adjustment of less than one hundred dollars ($100) is required to be made in the contract price pursuant to this paragraph (d).

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government, upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price. In addition, the Contracting Officer may furnish evidence appropriate to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the discretion of the Contracting Officer.

(f)(1) The Contractor shall promptly notify the Contracting Officer of all matters pertaining to Federal, State, and local taxes, and duties, that reasonably may be expected to result in either an increase or decrease in the contract price.

(2) Whenever an increase or decrease in the contract price may be required under this clause, the Contractor shall take action as directed by the Contracting Officer, and the contract price shall be equitably adjusted to cover the costs of such action, including any interest, penalty, and reasonable attorneys' fees.

### § 18–11.402 Cost-reimbursement type contracts.

No specific tax clause is required in cost-reimbursement type contracts since the problem of Federal, State, and local taxes presents solely a question of allowability of costs which is covered by the "Contract Cost Principles and Procedures" set forth in Part 18–15. However, if, during the course of negotiations, the contractor requests inclusion of a contract provision for Federal, State, and local taxes, the following clause is authorized for use.

FEDERAL, STATE, AND LOCAL TAXES (SEPTEMBER 1962)

Except as otherwise provided in this contract, Federal, State, and local taxes (other than (i) Federal taxes on income and excess profits, (ii) taxes in connection with financing, refinancing, or refunding operations, and (iii) Federal excise taxes from which exemption is obtainable under Sections 4221–4223 of the Internal Revenue Code of 1954 or for which a credit is obtainable under Section 6416(c) thereof) paid by the Contractor or any cost or cost-plus-a-fixed-fee subcontractor hereunder (provided that there was no fixed-price subcontractor intervening between such subcontractor and the Contractor) and incident to the performance of this contract, shall constitute items of allowable cost under this contract or such cost or cost-plus-a-fixed-fee subcontract if (i) the Contractor has requested NASA to furnish tax exemption certificates or other similar evidence of exemption for use by the Contractor and such cost or cost-plus-a-fixed-fee subcontractor in obtaining exemption from such Federal, State, or local taxes, and (ii) NASA has notified the Contractor that it will not furnish such evidence of exemption. Payments of taxes for which evidence of exemption has been furnished hereunder shall constitute items of Allowable Cost under this contract (i) if the Federal taxing authorities have refused to recognize such evidence of exemption, or (ii) if the State or local taxing authorities have refused to recognize such evidence of exemption and the Contractor has notified the Contracting Officer of such refusal and has taken such steps as may have been requested by the Government to cause such taxes to be paid in such manner as to preserve all rights to refund thereof, to preserve and to cause to be assigned to the Government any and all rights to any refund of such taxes, to permit the Government to prosecute any claim, litigation, or proceeding in the name of the Contractor, and to furnish to the Government all reasonable assistance and cooperation requested by the Government in the prosecution of any such claim, litigation, or proceeding for the recovery of such taxes.

No. 237—Pt. II——24



## PART 18–12—LABOR


Sec.
18–12.000 Scope of part.

Subpart 18–12.1—Basic Labor Policies

18–12.101 Labor relations.
18–12.101–1 Communications regarding labor matters.
18–12.101–2 Labor-management disputes.
18–12.101–3 Admission of labor representatives to contract sites.
18–12.102 Overtime, extra-pay shifts, and multi-shift work.
18–12.102–1 Definitions.
18–12.102–2 Policy.
18–12.102–3 Procedures.
18–12.102–4 Approvals.
18–12.102–5 Exceptions.
18–12.102–50 Overtime work on space programs at test sites.
18–12.102–51 Monitoring of overtime (general).
18–12.103 Federal and State labor requirements.
18–12.103–1 Policy.
18–12.103–2 Administration.
18–12.104 Meeting manpower requirements.

Subpart 18–12.2—Convict Labor

18–12.201 Basic requirement.
18–12.202 Applicability.
18–12.203 Contract clause.

Subpart 18–12.3—Work Hours Act of 1962

18–12.300 Scope of subpart.
18–12.301 General.
18–12.302 Applicability.
18–12.302–1 Statutory exemptions.
18–12.302–2 Exemptions by the Secretary of Labor.
18–12.302–3 Prospective application.
18–12.303 Contract clause.
18–12.303–1 Clause for general use.
18–12.303–2 Clause for contracts with a State or political subdivision.

Subpart 18–12.4—Labor Standards in Construction Contracts

18–12.400 Scope of subpart.
18–12.401 Statutes and regulations.
18–12.401–1 Definitions.
18–12.402 Applicability.
18–12.403 Contract clauses.
18–12.403–1 Clauses for general use.
18–12.403–2 Contracts for $2,000 or less.
18–12.403–3 Overseas contracts.
18–12.403–4 Contracts with a State or political subdivision.
18–12.403–5 Contracts for work at the Mississippi Test Facility (MTF) area.
18–12.404 Administration and enforcement.
18–12.404–1 General.
18–12.404–2 Wage determinations.
18–12.404–3 Additional classifications.
18–12.404–4 Apprentices.
18–12.404–5 Subcontracts.
18–12.404–6 Payrolls and statements.
18–12.404–7 Investigations.
18–12.404–8 Enforcement reports.
18–12.404–9 Suspensions and deductions of contract payments.
18–12.404–10 Restitution.
18–12.404–11 Contract terminations.
18–12.404–12 Cooperation with Department of Labor.
18–12.404–13 Reporting construction contract awards.

Subpart 18–12.6—Walsh-Healey Public Contracts Act

18–12.601 Statutory requirements.
18–12.602 Applicability.
18–12.602–1 General.
18–12.602–2 Department of Labor regulations and interpretations.
18–12.602–3 Procedure for obtaining exemptions with respect to stipulations required by the Act.
18–12.603 Responsibility of contracting officers.
18–12.604 Contract clause.

Subpart 18–12.7—Fair Labor Standards Act of 1938

18–12.701 Basic statute.
18–12.703 Rulings on applicability or interpretation.

Subpart 18–12.8—Equal Employment Opportunity

18–12.800 Scope of subpart.
18–12.801 Policy.
18–12.802 Clauses for contracts, grants, or other arrangements.
18–12.802–1 NASA contracts.
18–12.802–2 Federally assisted construction under grants and arrangements.
18–12.802–4 Requirements for invitation for bids or requests for proposals.
18–12.803 Applicability and exemptions.
18–12.804 Requests for exemptions.
18–12.805 Posting of nondiscrimination notices.

Subpart 18–12.9—Employment Restrictions for Security Purposes

18–12.901 Hiring restrictions on classified contracts.
18–12.902 Responsibilities of contractors to employees.


AUTHORITY: The provisions of this Part 18–12 issued under 42 U.S.C. 2473(b)(1).

§ 18–12.000 Scope of part.

This Part 18–12 (*a*) deals with general policies regarding labor, insofar as they relate to procurement, (*b*) sets forth certain pertinent labor laws and requirements, indicating in connection with each its applicability and any procedures thereunder, and (c) prescribes contact clauses.

## Subpart 18–12.1—Basic Labor Policies

§ 18–12.101 Labor relations.

Is is NASA policy to maintain and encourage the best possible relations with industry and labor in order that the Government may procure needed supplies and services without delay. All problems arising out of labor relations of private contractors and all communications with labor organizations or Federal agencies relative thereto will be handled in accordance with procedures which are consistent with the following general policy.

(a) NASA contracting officers, in taking any of the actions prescribed or authorized in this Part 18–12, will consult with and secure advice from the labor relations advisor or other NASA official assigned such function at the installation concerned.

(b) NASA officials will remain impartial in, and will refrain from taking a position on the merits of, a dispute between labor and private management and will not undertake the conciliation, mediation, or arbitration of a labor dispute. NASA must, however, take any action that may be open to it under the circumstances to protect the Government's interest and to prevent, where possible, interruptions, in NASA schedules.

(c) NASA will, insofar as is practicable, exchange information concerning labor matters with other affected Government agencies in order to maintain a uniform Government labor policy in a particular plant or labor-management dispute.

(d) NASA officials will not take any independent action with respect to labor matters which involve major policy determinations which have a substantial impact on the activities of NASA or other Government agencies without the prior approval of the NASA Office of Labor Relations. A full report concerning any labor relations problem, particularly where a labor dispute significantly threatens to affect important NASA procurement, should be furnished to the NASA Office of Labor Relations, in accordance with § 18–12.101–2.

(e) The NASA Office of Labor Relations will take action in connection with labor relations problems consistent with its responsibilities, for example:

(1) Giving notice of the existence of a labor dispute, which affects or threatens to affect procurement of supplies or services, to the Government agency which has responsibility for conciliation, mediation, arbitration, or other action with respect thereto;

(2) Advising the Government agency responsible for action with respect to labor disputes, or the parties to a labor dispute, of factual information pertaining to procurement of the supplies or services involved to the extent consistent with security regulations; or

(3) Seeking to obtain such voluntary agreement between management and labor as will permit, notwithstanding the general continuance of the dispute, uninterrupted procurement of supplies and services, provided such activity does not involve NASA in the merits of a labor difference or dispute.

§ 18–12.101–1 Communications regarding labor matters.

Direct communication is not authorized with the national headquarters or national offices of any labor organization or Federal agency except with the specific prior approval of the NASA Office of Labor Relations. Contracting officers are authorized to communicate directly with local labor organizations and local offices of Federal agencies as required to carry out their responsibilities set forth in § 18–12.101–2 below.

§ 18–12.101–2 Labor-management disputes.

(a) *Reports.* Reports of actual or incipient labor-management disputes affecting NASA procurement, operations, or services shall be submitted as specified by the Director, Office of Labor Relations, NASA. These reports shall describe, but need not be limited to:

(1) The nature of the actual or incipient dispute, including whether a strike, lockout, slow-down, shut-down, or picketing is involved, and the degree of emergency presented;

(2) The character, quantity, and importance of the supplies, operations, or services involved, including scheduled performance and delivery dates and the relation of the production involved to the total procurement program;

(3) The identity and location of the parties to the dispute and their representatives, including the approximate number of employees involved;

(4) The need for and availability of alternative facilities to furnish the items involved within the time required;

(5) The critical items, if any, which should be removed from the plant or work site or should be continued to be processed there with the consent of the parties to the dispute; and

(6) Recommended action to be taken by NASA.

Reports shall be made as early as possible and shall include immediately available information. Supplemental reports shall be made, as appropriate, to provide full information and cover new developments. Reports shall be sent by the most expeditious means required in view of the seriousness of the situation. When an immediate critical effect on NASA procurement is probable, the initial report shall be made by telephone and followed by an electrically transmitted message or a confirming letter.

(b) *Other action by the contracting officer.* When a strike which may have an adverse effect on NASA programs is imminent or in progress at a prime or subcontractor's plant, contracting officers shall:

(1) Advise both the prime contractor and the head of the union local in writing of the expected impact of the strike on NASA programs and, where appropriate, of the actions which NASA is considering to protect the Government's interest and prevent delay in the accomplishment of NASA's mission; however, if the strike is in a subcontractor's plant, the subcontractor will only be approached through the prime contractor;

(2) Explore the possibility of locating other sources for the supplies and services to have been provided by the struck or strike-threatened plant;

(3) Consider removing finished items from the plant and seeking resumption of work by the contractor on those items to be furnished which are critical to NASA programs;

(4) Where it appears likely that the work stoppage cannot be prevented, consider removing from the plant work in process, components, and materials which are critical to the NASA program, with a view to continuing the work elsewhere.

(c) NASA Headquarters approval required for removal of items from affected plants or facilities. When the contracting officer determines that it would be in the best interest of the Government to remove items or to press for resumption of work as provided in paragraph (b) of this section, he shall first request approval from the NASA Office of Labor Relations and then take such action as shall be approved.

(d) *Inspection of material during labor disputes.* Despite the existence of a labor dispute, inspection functions at contract plants or sites shall be performed as normally required during contract performance except where the safety of the inspector may be endangered.

§ 18–12.101–3 Admission of labor representatives to contract sites.

NASA activities shall not prevent the access of labor union representatives to contract sites for the conduct of union business if their activities are compatible with performance of the contract work involved and applicable safety and security regulations.

§ 18–12.102 Overtime, extra-pay shifts, and multi-shift work.

§ 18–12.102–1 Definitions.

As used throughout this § 18–12.102, the following terms shall have the meanings set forth in this section:

(a) "Normal workweek and normal workday" mean, generally, a workweek of 40 hours and a workday of 8 hours, respectively. In any area outside the United States, its possessions, and Puerto Rico, a workweek longer than 40 hours or a workday longer than 8 hours will be considered normal (1) if such workweek or workday does not exceed that which is normal for such area as determined by local custom, tradition, or law, and (2) if hours worked in excess of 40 hours in such workweek or 8 hours in such workday are not compensated at a premium rate of pay.

(b) "Overtime" means time worked by a contractor's employee in excess of the employee's normal workweek or normal workday.

(c) "Shift premium" means the difference between the compensation paid to an employee at the contractor's regular rate of pay for the base shift and that paid at the regular rate of pay for extra-pay-shift work.

(d) "Overtime premium" means the difference between the compensation paid to an employee at the contractor's regular rate of pay for the shift involved and that paid for hours worked overtime.

(e) "Test site": A test site is any Government test or launch site jointly used by NASA and DoD for the purpose of conducting static or operational tests of a space vehicle or its components.



§ 18–12.102–2 Policy.

(a) While it is important that NASA space programs meet established schedules, it is equally important that such schedules be accomplished with maximum efficiency at reasonable cost and that employment opportunities be expanded wherever possible.

(b) Since overtime deals with the hours an individual works rather than the hours a facility is in operation, the use of excessive overtime results in reduced efficiency, unreasonable cost, and unreasonable restriction of employment opportunities.

(c) As a general principle, use of overtime will not be a regular practice; it will be authorized only when necessary to keep high priority and essential programs on schedule.

(d) Therefore, NASA contracts will be performed in the most economical manner consistent with procurement requirements. Multiple shifts will be used when determined to conform to this policy. Insofar as practicable, performance will be accomplished without the use of overtime. When required, overtime will be limited to and be the minimum needed for the accomplishment of specific work.

§ 18–12.102–3 Procedures.

(a) To the extent practicable, invitations for bids and requests for proposals shall not specify delivery or performance schedules which may be reasonably anticipated to necessitate overtime at Government expense.

(b) In the negotiation of contracts in excess of $10,000, the contracting officer, consistent with the nature and size of the procurement, shall use his best efforts (1) to ascertain the extent to which proposals and quotations are based on the payment of overtime premiums and shift premiums, and (2) to negotiate contract prices or estimated costs which are not based on the payment of overtime premiums or shift premiums, taking into consideration the practicability of procurement from other sources of all or part of the requirement.

(c) To prevent uneconomical use of overtime, extra-pay shifts, or multi-shifts at Government expense, or of any one of these where another would be more economical, all contracts in excess of $10,000, except those contracts listed below, shall contain a "Payment for Overtime and Shift Premiums" clause. The excepted contracts are:

(1) Firm fixed-price contracts;

(2) Fixed-price contracts with escalation not providing for labor escalation; and

(3) Fixed-price contracts providing for price redetermination prospectively only.

(d) The "Payment for Overtime and Shift Premiums" clause for use in cost-reimbursement type contracts is set forth in paragraph (h) (1) of this section. The clause set forth in paragraph (h) (2) of this section shall be used in the following contracts:

(1) Advertised and negotiated fixed-price supply contracts in excess of $10,000, containing a labor escalation clause;

(2) Negotiated fixed-price supply contracts in excess of $10,000, containing a clause providing for retroactive price redetermination; and

(3) Fixed-price research and development contracts in excess of $10,000, containing a labor escalation clause or a clause providing for retroactive price redetermination.

(e) Overtime for which overtime premiums will be at Government expense shall not be approved under a contract where the contractor is already obligated, without the right to additional compensation, to meet the required delivery date.

(f) Where overtime premiums or shift premiums are being paid in connection with the performance of Government contracts, the continued need therefor shall be subject to periodic review.

(g) When NASA and one or more of the Military Departments have concurrent contracts at a single facility, NASA officials will work closely with officials of the Military Department concerned in managing contractor's use of overtime, extra-pay shifts, and multi-shifts.

(h) *Payment for overtime and shift premium clauses.* (1) Clause for cost-reimbursement type contracts.

PAYMENT FOR OVERTIME AND SHIFT PREMIUMS (SEPTEMBER 1962)

(a) Allowable cost shall not include any amount on account of overtime premiums or shift premiums, except to the extent that they either (i) are approved in writing on behalf of the Government; or (ii) are paid for work—

(A) Necessary to cope with emergencies, such as those resulting from accidents, natural disasters, or breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower overall cost to the Government.

(b) The cost of overtime premiums or shift premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under this contract.

(2) Clause for fixed-price supply contracts and research and development contracts enumerated in paragraph (d) (1), (2), and (3) of this section.

PAYMENT FOR OVERTIME AND SHIFT PREMIUMS (SEPTEMBER 1962)

The contract price shall not include any amount on account of overtime premiums or shift premiums except to the extent that they either (i) are approved in writing on behalf of the Government; or (ii) are paid for work—

(A) necessary to cope with emergencies, such as those resulting from accidents, natural disasters, or breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) by indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(C) in the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) which will result in lower overall cost to the Government.

§ 18–12.102–4 Approvals.

(a) Overtime premiums and shift premiums at Government expense may be approved by the contracting officer by his written determination that such approval:

(1) Is necessary to meet delivery or performance schedules and such schedules are determined to be extended to the maximum consistent with essential NASA objectives;

(2) Is necessary to make up for delays beyond the control and without the fault or negligence of the contractor and, in construction contracts, which result from unforeseeable causes; or

(3) Is necessary to eliminate foreseeable production bottlenecks of an extended nature which cannot be eliminated in any other way.

(b) Approvals shall ordinarily be prospective but may be retroactive where justified by circumstances.

(c) Such approvals may be for an individual contract, project, or program, or for a plant, division, or company, as most practicable.

§ 18–12.102–5 Exceptions.

The approvals required by § 18–12.102–4 do not apply to overtime premiums or shift premiums which are paid for work:

(a) Necessary to cope with emergencies, such as those resulting from accidents, natural disasters, or breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(b) By indirect labor employees, such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(c) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation

media, and operations in flight or afloat which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(d) Which will result in lower overall cost to the Government. However, the cost of such overtime or shift premiums may be allowed or considered in pricing (on the same basis as other indirect costs) only to the extent that the amount thereof is reasonable and properly allocable to the work involved.

**§ 18–12.102–50 Overtime work on space programs at test sites.**

(a) *General.* In order to eliminate excessive overtime work on space and missile programs at test sites, the Department of Defense and NASA have jointly agreed to the overtime management policy and guidelines set forth in paragraphs (b) and (c) of this section.

(b) *Management and control of overtime.* The following principles shall be used as guidelines in the management and control of contractor use of premium pay overtime in space programs at test sites:

(1) The use of multi-shifts, compensable at reasonable shift premium rates, shall be considered and, if practicable, substituted immediately for any work currently being performed on an excessive overtime basis;

(2) Overtime of 20 hours in any one week by any employee shall be the maximum approvable overtime except under compelling exigencies involving the national interest; and

(3) Any amounts regularly paid by contractors for overtime, at overtime premium rates of pay, and without regard to the Government's requirement for such overtime, are to be considered "unreasonable" within the meaning of the cost principles of Part 18–15 of this chapter.

(c) *Informing contractors or other parties of policy.* (1) The contracting officer authorized to approve overtime in accordance with § 18–12.102–4 shall inform, by letter, NASA contractors to be engaged in work on space programs at test sites of the NASA overtime management policy set forth in § 18–12.102.

(2) Such information also may be made available to any other interested party.

**§ 18–12.102–51 Monitoring of overtime (general).**

(a) Effective monitoring of overtime presupposes verification that the contractor has established an internal system of control which includes a requirement for approval by management of overtime upon proper justification by the user, and follow-up by management to ascertain the amount of overtime actually used within the approved amount. The existence of such system may properly be regarded as an essential prerequisite for compliance with the clause specified in the contract and with the requirements of § 18–1.905–50 with respect to pre-award surveys.

(b) A necessity for monitoring overtime utilization (or exercising surveillance over the contractor's efforts to control overtime) will arise in the following instances:

(1) Excepted overtime (see § 18–12.102–5);

(2) Overtime requiring approval, where no stipulated amount has been contractually authorized (see § 18–12.102–4);

(3) Overtime requiring approval and approved (sometimes with limitations);

(4) Overtime in space programs at test sites (see § 18–12.102–50); and

(5) Subcontractor overtime.

(c) The following controls shall be applicable in each of the situations referenced in paragraph (b) of this section.

(1) *Excepted overtime.* The exemption from the approval requirements of § 18–12.102–4 contained in § 18–12.102–5 does not obviate the necessity for review to determine that it is truly excepted overtime, and that it is reasonable in amount and allocable to the contract. Contracting officers shall consequently maintain or cause to be maintained when contract administration functions are delegated) a record of overtime expenditures in this category every 60 days (dates of performance of overtime hours, straight time, and premium dollars) with an explanation as to the applicability of one or more of the exceptions. Audit assistance shall be utilized to verify the existence and adequacy of the contractor's system of control. Technical assistance (e.g., a production specialist) shall be utilized to verify that overtime is truly excepted, that it is reasonable, and that it is allocable to the contract to which it is sought to be charged.

(2) *Overtime requiring approval where no stipulated amount has been contractually authorized.* Verification of the adequacy of the contractor's system of control shall be required to ensure that, under normal circumstances, requests for approval are made on a prospective basis to provide for prior approval. Contractors shall be instructed that requests for overtime authorization will be supported, at a minimum, with answers to the following questions:

(i) Why is overtime required? How much (period of time including an estimate of the number of direct and indirect hours expected to be utilized during the requested overtime period)? What type (skill)? Contract item(s) involved?

(ii) How did the situation arise? What corrective action will be taken to prevent recurrence?

(iii) Was situation foreseeable? If not, why not?

(iv) What is the impact if the overtime is not approved (schedule and cost)?

(v) Has an overtime request been previously made for the same or similar reasons?

Submissions by contractors in support of requests for overtime authorization shall be evaluated in accordance with the criteria in § 18–12.102–4. Review shall be performed every 60 days to ensure that overtime is utilized within the approved limits, in judicious fashion, and in connection with the situation or circumstances which gave rise to the original authorization.

(3) *Overtime requiring approval and approved.* The procedures governing verification of the adequacy of the contractor's system of control and review of overtime utilization referred to in subparagraphs (1) and (2) of this paragraph are equally applicable in this instance. When contract administration functions are being performed by another NASA installation or by one of the Military Departments, and the contracting officer has authorized the use of overtime by contractual provision, a copy of the memorandum reflecting the basis for this authorization will accompany the letter of delegation so that an opportunity will be afforded for determining, on periodic review, whether the circumstances which justified the original authorization continue to prevail.

(4) *Overtime in space programs at test sites.* Management and control of overtime utilization in this category will be governed by provisions of § 18–12.102–50(b). Nothing contained therein, however, is intended to obviate the necessity for prudent use of overtime by contractors. A periodic review of such overtime utilization will consequently be required.

(5) *Subcontractor overtime.* In a complex systems contract involving multiple subcontract tiers, the efficacy of any attempt to control costs, overtime or other, will hinge on the efficiency of the prime contractor in managing his subcontractors. Contracting officers shall be responsible for surveillance over the prime contractor's efforts. They shall ensure that administrative functions have been properly assigned in connection with every significant cost-reimbursement or fixed-price incentive or redeterminable type subcontract and that the assignment specifically refers to the monitoring of overtime as detailed in this section. Subcontracts containing an authorization for overtime shall not be approved where the basic prime contract contains no such authorization and no separate approval under the prime contract has been given.

**§ 18–12.103 Federal and State labor requirements.**

**§ 18–12.103–1 Policy.**

It is the policy of NASA to cooperate with and to require contractors to cooperate to the fullest extent possible with Federal and State agencies responsible for enforcing labor requirements with respect to such matters as safety, health, and sanitation, maximum hours and minimum wages, equal pay for women, and child and convict labor.

**§ 18–12.103–2 Administration.**

(a) NASA will not initiate applications to State agencies or officials for the suspension or relaxation of State labor standards.

(b) Contracting officers may support applications of contractors or suppliers when relaxation of State labor standards does not conflict with applicable Federal Labor Laws, such as the Fair Labor Standards Act of 1938 (29 U.S.C. 201–219), the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45), the Davis-Bacon Act (40 U.S.C. 276a), the Work Hours Act of 1962 (40 U.S.C. 327–332), and when all of the following circumstances are present:

(1) The required products or services are in short supply and failure to meet production schedules for critically needed end items will result unless the suspension or relaxation of State labor standards is approved;

(2) There are no alternative sources of supply for such products or services available within the required delivery schedule;

(3) Remedial action (such as recruitment, training, and more effective utilization of manpower) is not practicable; and

(4) The granting of the application will not result in impairment of working conditions to the extent that productivity at the facility will be adversely affected.

(c) NASA letters of support will be addressed to the appropriate State agency and will indicate:

(1) The facilities and services affected; and

(2) The extent of relaxation of the particular State labor standard required to complete the specific work in conformity with the procurement schedule.

**§ 18–12.104 Meeting manpower requirements.**

It is the policy of NASA to cooperate with and to encourage contractors to utilize, to the fullest extent practicable, the United States Employment Services (USES) and its affiliated Local State Employment Service Offices in matters pertaining to meeting contractors' manpower (labor supply) requirements, including the recruitment of workers in all occupations and skills, both from local labor market areas and through the Federal-State manpower clearance system, to staff new or expanding plant facilities. Local State Employment Service Offices are operated in every State and in the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. In addition to providing recruitment assistance to contractors who need and desire it, cooperation with the Local State Employment Service Offices will further the national program of maintaining continuous assessment of manpower requirements and resources on a national and local basis.

## Subpart 18–12.2—Convict Labor

**§ 18–12.201 Basic requirement.**

Pursuant to the policy set forth in the Act of February 23, 1887 (18 U.S.C. 436), and in accordance with the requirements of Executive Order 325A, dated May 18, 1905, all contracts entered into by NASA involving the employment of labor within the United States shall, unless otherwise provided by law, contain a clause prohibiting the employment of persons undergoing sentences of imprisonment at hard labor imposed by State or municipal criminal courts. The requirement does not prohibit the employment of persons on parole or probation or of persons who have been pardoned or who have served their terms.

**§ 18–12.202 Applicability.**

The requirement set forth in § 18–12.201 applies to all contracts involving the employment of labor within the United States except the following kinds:

(a) Any contract subject to the provisions of the Walsh-Healey Public Contracts Act (see Subpart 18–12.6 of this chapter) which contains its own requirement that "no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract";

(b) Any contract for the purchase of supplies or services from Federal Prison Industries, Inc.; and

(c) Any contract for the purchase from any State prison of finished supplies which may be secured in the open market or from existing stocks as distinguished from supplies requiring special fabrication.

**§ 18–12.203 Contract clause.**

The following clause shall be inserted in NASA contracts as required by this Subpart 18–12.2:

CONVICT LABOR (SEPTEMBER 1962)

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

## Subpart 18–12.3—Work Hours Act of 1962

**§ 18–12.300 Scope of subpart.**

This Subpart 18–12.3 deals with the requirements of the Work Hours Act of 1962 (40 U.S.C. 327–332; Public Law 87–581 approved August 13, 1962; 76 Stat. 357–360).

**§ 18–12.301 General.**

The Work Hours Act of 1962 repealed the Eight Hour Law of 1912, as amended (40 U.S.C. 324–326), and the Eight Hour Law applicable to construction contracts (40 U.S.C. 321, 322). The Work Hours Act of 1962, among other things, establishes a standard workday of 8 hours and a standard workweek of 40 hours for laborers and mechanics employed on Government contracts and requires payment for all hours worked in excess of the standard workday or workweek at one and one-half times the basic rate of pay. The Department of Labor has issued implementing instructions by its Memorandum No. 42 dated October 15, 1962, and amendment thereto, dated April 22, 1963 (42 F.R. 4251, April 30, 1963). Comprehensive regulations implementing the Work Hours Act are scheduled for issuance by the Department of Labor, which may require further revisions of current policy.

**§ 18–12.302 Applicability.**

**§ 18–12.302–1 Statutory exemptions.**

The Work Hours Act of 1962 is applicable to construction contracts and to other contracts involving the employment of laborers and mechanics either by a contractor or any subcontractor in the United States, and in other areas under the jurisdiction of the United States not exempted by the Secretary of Labor (see §18–12.302–2), except:

(a) Contracts for transportation by land, air, or water;

(b) Contracts for the transmission of intelligence;

(c) Contracts for purchase of supplies or materials or articles ordinarily available in the open market; or

(d) Contracts to which the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) is applicable.

**§ 18–12.302–2 Exemptions by the Secretary of Labor.**

The Secretary of Labor has exempted (29 CFR 5.14(b)) from all provisions of the Work Hours Act of 1962 the following classes of contracts:

(a) Construction contracts of $2,000 or less;

(b) Purchases and contracts other than construction contracts in the aggregate amount of $2,500 or less. In arriving at the aggregate amount involved there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising; and

(c) Contracts (or portions thereof) to be performed in a foreign country or within territory under the jurisdiction of the United States other than the following: a state of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act; American Samoa; Guam; Wake Island; and the Canal Zone, to the extent that such contracts (or portions thereof) may require or involve the employment of laborers or mechanics there.

**§ 18–12.302–3 Prospective application.**

The Act does not apply to contracts in existence on October 12, 1962, or entered into pursuant to invitations for bids outstanding on October 12, 1962, and to subcontracts made thereafter under such contracts, if the contracts have not been subsequently amended to include the Work Hours Act of 1962—Overtime Compensation clause. However, the Act does apply to bilateral modifications of such contracts executed on or after October 12, 1962. (See Comptroller General Decision B–151068, dated April 8, 1963.)

**§ 18–12.303 Contract clause.**

**§ 18–12.303–1 Clause for general use.**

The following clause shall be included in all contracts to which the Act applies, except construction contracts. The applicable clause for construction contracts is set forth in § 18–12.403–1(b).

WORK HOURS ACT OF 1962—OVERTIME COMPENSATION (DECEMBER 1962)

This contract, to the extent that it is of a character specified in the Work Hours Act of 1962 (Public Law 87–581, 76 Stat. 357–360) and is not covered by the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45), is subject to the following provisions and to all other provisions and exceptions of said Work Hours Act of 1962.

(a) *Overtime Requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic to be employed on such work in excess of eight hours in any calendar day or in excess of forty hours in any workweek unless such laborer or mechanic receives compensation at a rate of not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any such calendar day or in excess of forty hours in any such workweek, as the case may be.

(b) *Violations; Liability for Unpaid Wages; Liquidated Damages.* In the event of any violation of the provisions set forth in paragraph (a) of this clause, the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the provisions set forth in paragraph (a) of this clause, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the provisions set forth in paragraph (a) of this clause.

(c) *Withholding for Unpaid Wages and Liquidated Damages.* The Contracting Officer may withhold, or cause to be withheld, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions set forth in paragraph (b) of this clause.

(d) *Insertion of Clause in Subcontracts.* The Contractor agrees to insert this clause including this paragraph (d) in all subcontracts.

### § 18–12.303–2 Clause for contracts with a State or political subdivision.

In the case of contracts with a State or political subdivision thereof, the clause required by § 18–12.303–1 shall be the clause set forth therein, except that it shall be prefaced by the following provision:

The Contractor agrees to insert the following clause in all subcontracts hereunder with private persons or firms.

(SEPTEMBER 1962)

## Subpart 18–12.4—Labor Standards in Construction Contracts

### § 18–12.400 Scope of subpart.

This Subpart 18–12.4 deals with labor standards for construction contracts as prescribed by the statutes and regulations set forth in this section.

### § 18–12.401 Statutes and regulations.

(a) *Davis-Bacon Act.* The Davis-Bacon Act (Act of March 3, 1931, as amended, 40 U.S.C. 276a) provides that certain contracts over $2,000 entered into by any Department for the construction, alteration, or repair (including painting and decorating) of public buildings or public works shall contain a provision to the effect that no laborer or mechanic employed directly upon the site of the work contemplated by the contract shall receive less than the prevailing wages as determined by the Secretary of Labor.

(b) *Copeland Act.* The Copeland ("Anti-Kickback") Act (18 U.S.C. 874 and 40 U.S.C. 276c) makes it unlawful to induce, by force or otherwise, any person employed in the construction or repair of public buildings or public works (including those financed in whole or in part by loans or grants from the United States) to give up any part of the compensation to which he is entitled under his contract of employment. In accordance with regulations of the Secretary of Labor issued pursuant to the Copeland Act, certain contracts entered into by any Department shall contain a provision to the effect that the contractor and any subcontractor shall comply with the regulations of the Secretary of Labor under the Act.

(c) *Work Hours Act of 1962* (see Subpart 18–12.3).

(d) *Department of Labor regulations.* Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950 (15 F.R. 3176), the Secretary of Labor has issued Regulations Part 3, Title 29, Subtitle A, Code of Federal Regulations (7 CFR 686, as amended), and Regulations Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 CFR 4430, as amended), providing for the administration and enforcement of these statutes in construction contracts. The requirements under the Davis-Bacon Act and the Copeland Act apply only to the United States, while the Work Hours Act of 1962 applies also to other areas over which the United States has direct legislative control.

### § 18–12.401–1 Definitions.

For purposes of the acts cited in § 18–12.401, the following definitions apply.

(a) The terms "building" and "work" refer to construction activity, including, without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, streets, tunnels, sewers, mains, power lines, pumping stations, railways, airports, terminals, docks, piers, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing, and landscaping.

(b) The terms "public building" or "public work" include building or work of which the construction, alteration, or repair is carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public, regardless of whether title thereto is in the United States.

(c) The terms "construction," "alteration," or "repair" include all types of work done on a particular building or work at the site thereof, including without limitation, altering, remodeling, painting, and decorating; transporting materials and supplies to or from the building or work by the employees of the construction contractor, or construction subcontractor; and manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work by persons employed by the contractor or subcontractor. Demolition of existing structures not related to new construction is not included.

(d) A construction contract for purposes of this Subpart 18–12.4 is in excess of $2,000 if the contract is in an actual amount (not merely an estimated amount) in excess of $2,000. A contract initially $2,000 or less which is later increased over that amount by supplemental agreement or change order is in excess of $2,000 from the effective date of such a change in the contract amount, and the requirements of the Davis-Bacon Act, if otherwise applicable, are applicable to that part of the contract which has not been performed on such date.

### § 18–12.402 Applicability.

The statutory requirements referred to in § 18–12.401 apply to construction contracts. They do not apply to the following kinds of contracts:

(a) Contracts for supplies (including installations or maintenance work which is only incidental to the furnishing of such supplies); however, the requirement does apply—

(1) Where installation involves a substantial amount of construction at the site, such as for heavy generators and large refrigerators;

(2) To the transportation of supplies to or from the site of the work by employees of the construction contractor or of a construction subcontractor; and

(3) To the manufacturing or furnishing of supplies, such as window frames and other millwork, on the site of the work by the contractor or subcontractor on a construction, alteration, or repair contract otherwise subject to the Act, and to the manufacturing or furnishing of supplies under a contract based upon the specifications, and at the site of the work of a construction, alteration, or repair contract otherwise subject to the Act;

(b) Contracts for servicing or maintenance work (including installation or movement of machinery or other equipment and incidental plant rearrangement) which involve only an incidental amount of construction, alteration, or repair; however, the requirement does apply to—

(1) Installation, movement, or rearrangement of machinery or other equipment involving a substantial amount of construction or repair; and

(2) Servicing or maintenance work based upon the specifications of a construction contract otherwise subject to



the Act and which is performed at the site of the construction work involved;

(c) Contracts for the construction or repair of vessels, aircraft, or other kinds of personal property;

(d) Contracts to be performed at a place not known or not reasonably ascertainable at the time the contract is entered into.

### § 18–12.403 Contract clauses.

### § 18–12.403–1 Clauses for general use.

Except as provided in § 18–12.403–4, every construction contract in excess of $2,000 for work within the United States shall include the following clauses:

(a) *Davis-Bacon Act (40 U.S.C. 276a–276a–7).*

DAVIS-BACON ACT (40 U.S.C. 276a–276a–7) (SEPTEMBER 1962)

(a) All mechanics and laborers employed or working directly upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Copeland Act ("Anti-Kickback") Regulations (29 C.F.R. Part 3)) the full amounts due at time of payment, computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics; and a copy of the wage determination decision shall be kept posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(b) In the event it is found by the Contracting Officer that any laborer or mechanic employed by the Contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by paragraph (a) of this clause, the Contracting Officer may (i) by written notice to the Government prime Contractor terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (ii) prosecute the work to completion by contract or otherwise, whereupon such Contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(c) Paragraphs (a) and (b) of this clause shall apply to this contract to the extent that it is a prime contract with the Government subject to the Davis-Bacon Act or a subcontract under such prime contract.

(b) *Work Hours Act of 1962—overtime compensation.*

WORK HOURS ACT OF 1962—OVERTIME COMPENSATION (JULY 1963)

(a) *Overtime Requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic to be employed on such work in excess of eight hours in any calendar day or in excess of forty hours in any workweek unless such laborer or mechanic receives compensation at a rate of not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any such calendar day or in excess of forty hours in any such workweek, as the case may be.

(b) *Violations; Liability for Unpaid Wages; Liquidated Damages.* In the event of any violation of the provisions set forth in paragraph (a) of this clause, the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the provisions set forth in paragraph (a) of this clause in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the provisions set forth in paragraph (a) of this clause.

(c) *Withholding for Unpaid Wages and Liquidated Damages.* The Contracting Officer may withhold or cause to be withheld, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions set forth in paragraph (b) of this clause.

(c) *Apprentices.*

APPRENTICES (SEPTEMBER 1962)

Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U.S. Department of Labor.

(d) *Payroll records and payrolls.*

PAYROLL RECORDS AND PAYROLLS (SEPTEMBER 1962)

(a) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid. The Contractor will make his employment records available for inspection by authorized representatives of the Contracting Officer and the U.S. Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(b) A certified copy of all payrolls will be submitted weekly to the Contracting Officer. The Government prime Contractor will be responsible for the submission of certified copies of the payrolls of all subcontractors. The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the applicable rates contained in the wage determination decision of the Secretary of Labor attached to this contract, and that the classifications set forth for each laborer or mechanic conform with the work he performed.

(e) *Copeland ("Anti-Kickback") Act—nonrebate of wages.*

COPELAND ("ANTI-KICKBACK") ACT—NONREBATE OF WAGES (SEPTEMBER 1961)

The regulations of the Secretary of Labor applicable to Contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended (40 U.S.C. 276c) and to aid in the enforcement of the Anti-Kickback Act (18 U.S.C. 874) are made a part of this contract by reference. The Contractor will comply with these regulations and any amendments or modifications thereof and the Government prime Contractor will be responsible for the submission of statements required of subcontractors hereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions.

(f) *Withholding of funds to assure wage payments.*

WITHHOLDING OF FUNDS TO ASSURE WAGE PAYMENT (SEPTEMBER 1962)

There may be withheld from the Contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the Contractor or any subcontractor the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic all or part of the wages required by this contract, the Contracting Officer may take such action as may be necessary to cause the suspension, until such violations have ceased, of any further payment, advance, or guarantee of funds to or for the Government prime Contractor.

(g) *Subcontracts—termination.*

SUBCONTRACTS—TERMINATION (JULY 1963)

The Contractor agrees to insert the clauses hereof entitled "Davis-Bacon Act," "Work Hours Act of 1962—Overtime Compensation," "Apprentices," "Payroll Records and Payrolls," "Copeland ('Anti-Kickback') Act—Nonrebate of Wages," "Withholding of Funds to Assure Wage Payment," and "Subcontracts—Termination" in all subcontracts, and the Contractor further agrees that a breach of any of the requirements of these clauses may be grounds for termination of this contract. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor except in the phrase "Government prime Contractor."

When using Standard Form 19A, the "Subcontracts—Termination" clause therein shall be used in lieu of the clause set forth in paragraph (g) of this section and the clause set forth in § 18–12.403–1 (b) entitled "Work Hours Act of 1962—Overtime Compensation" shall be substituted for the "Eight-Hour Law—Overtime Compensation" clause.

### § 18–12.403–2 Contracts for $2,000 or less.

Except as provided in § 18–12.403–4, every construction contract for $2,000 or less for work within the United States shall include the following clauses:

(a) *Nonrebate of wages.*

NONREBATE OF WAGES (JANUARY 1964)

The Regulations issued by the Secretary of Labor (29 C.F.R., Part 3) pursuant to the Anti-Kickback Act, as amended (40 U.S.C. 276c, 18 U.S.C. 874), are applicable to this contract. (In substance they provide that no deductions may be made from wages except those required by law or permitted by the Regulations, that contractors and subcontractors shall preserve for 3 years after completion of the work payrolls which contain for each employee, his name, address, correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid, and shall submit weekly a statement of compliance, the form of which is stated in the Regulations.)

(b) *Subcontractors—termination.*

SUBCONTRACTORS—TERMINATION (JANUARY 1964)

The Contractor agrees to insert the clause hereof entitled "Nonrebate of Wages" in all subcontracts under this contract. The term "Contractor" as used in such clause in any subcontract shall be deemed to refer to the subcontractor. Breach of the requirements of this clause may be grounds for the termination of this contract.

When using Standard Form 19, delete paragraphs (a), (b), and (c) of clause 10 thereof, "Labor Standards Provisions Applicable to Contracts Not in Excess of $2,000," and substitute the clauses set forth in paragraphs (a) and (b) of this section.

**§ 18–12.403–3 Overseas contracts.**

Every construction contract for work outside the United States but within any area within United States jurisdiction as stated in § 18–12.302–2(c) shall include (a) the "Work Hours Act of 1962—Overtime Compensation" clause set forth in § 18–12.403–1(b), and (b) the "Subcontracts—Termination" clause set forth in § 18–12.403–1(g), except that the first sentence thereof shall be modified to refer only to the clauses entitled "Work Hours Act of 1962—Overtime Compensation," and "Subcontracts—Termination."

**§ 18–12.403–4 Contracts with a State or political subdivision.**

In the case of construction contracts with a State or political subdivision thereof, the contract clauses required by § 18–12.403–1 or § 18–12.403–2, whichever is applicable, shall be inserted therein and each clause shall be prefaced by the following provisions.

The Contractor agrees to insert the following in all subcontracts hereunder with private persons or firms. (SEPTEMBER 1962)

**§ 18–12.403–5 Contracts for work at the Mississippi Test Facility (MTF) area.**

(a) *Project stabilization agreement.* (1) A Project Stabilization Agreement applicable to the NASA Mississippi Test Facility has been negotiated by the Contractors' Associations and other local and national associations of contractors, the Gulf Coast Mississippi Building and Construction Trades Council, and the Building and Construction Trades Department, AFL–CIO.

(2) The Agreement, effective July 1, 1963, contains, among other factors, certain money provisions (i.e., rates and amounts for wages and other compensation, including but not limited to fringe benefits, overtime and shift premiums, and holiday and travel pay) which have been agreed upon for the period of the Project Stabilization Agreement.

(b) *Administrator's determination.* On September 26, 1963, pursuant to the authority of Public Law 85–804 (50 U.S.C. 1431–35) the Administrator, NASA, determined for the performance of construction work at Mississippi Test Facility, that in order to facilitate the national defense it is necessary to include in all contracts, and amendments and modifications thereof a clause requiring all contractors and all subcontractors to abide by the money provisions of the Project Stabilization Agreement. This determination will remain in effect until June 30, 1966, unless sooner terminated or extended by the Administrator.

(c) *Requirements for use of clause.* All applicable invitations for bids, requests for proposals, and contracts and modifications thereto issued by or on behalf of NASA shall include the "Employee Compensation" clause, the "Table of Employee Compensation" and the "Schedule of Wages and Fringe Benefits" as prescribed in paragraphs 5a and 3d, respectively, of the NASA Management Instruction 3–3–17.

(d) *Contracting authority.* Because use of the clause identified in paragraph (c) of this section is based on a determination pursuant to Public Law 85–804 (50 U.S.C. 1431–1435), the requirements of § 18–17.108 shall be complied with in making contracts and modifications containing such clause.

**§ 18–12.404 Administration and enforcement.**

**§ 18–12.404–1 General.**

(a) *Preconstruction conference or letter.* The contracting officer administering the contract shall ascertain that the contractor is fully aware of and understands an employer's responsibilities imposed by the contract labor standards provisions by conducting a preconstruction conference or, as an alternate method, by submitting a preconstruction letter to the contractor. When a preconstruction conference is held, a memorandum containing a summary of the information and guidance given to the contractor shall be placed in the contract file.

(b) *Examination of records.* The contracting officer administering the contract shall initiate such examinations into the records and activities of the contractor and his subcontractor(s) as are necessary to ensure full compliance with the applicable labor statutes and labor standards provisions in this Subpart 18–12.4.

**§ 18–12.404–2 Wage determinations.**

(a) *General.* The wage determination, issued by the Department of Labor pursuant to the Davis-Bacon Act, is a schedule of the minimum hourly rates of wages to be paid laborers and mechanics employed by the contractor and his subcontractors performing work called for by the contract. It normally includes all the classifications of laborers and mechanics expected to be employed on the work. There are three types of determination: area determinations, limited area determinations, and individual determinations.

(1) *Area (54A) determinations.* Area (54A) Determinations provide wage rates for all kinds of construction contracts which may be awarded at an installation or within a given geographical area (usually a county) during the 120-day life of the determination. This type of determination is issued only for installations where continuing construction activity is anticipated. Area determinations must be renewed on a continuous basis by submission of Department of Labor Form DB–11, "Request for Determination," to the Department of Labor approximately 30 days prior to the expiration of each current area determination (see paragraph (c)(2) of this section).

(2) *Limited area (54A) determinations.* In some States, the Department of Labor does not include in the area type determination wage rates applicable to heavy or highway construction. In these States, the wage rates issued are for all classifications for either "Building Construction" only, or "Building, Utilities, and Incidental Paving." This type of determination is known as a limited area determination; where the Department of Labor issues this type of determination, the requesting office must submit requests for individual determinations for heavy and highway construction projects as described in subparagraph (3) of this paragraph. This type of determination is applicable in the following States:

| | |
|---|---|
| Alabama. | Nebraska. |
| Arkansas. | New Mexico. |
| Florida. | North Carolina. |
| Georgia. | North Dakota. |
| Iowa. | Oklahoma. |
| Kansas. | South Carolina. |
| Louisiana. | South Dakota. |
| Maryland. | Texas. |
| Mississippi. | Virginia. |
| Maine. | |

(3) *Individual determinations.* Individual determinations are provided by the Department of Labor for a single contract. Such a determination must be obtained for each contract subject to the Davis-Bacon Act unless an Area (54A) Determination is applicable. The classifications of laborers and mechanics in individual wage determinations are limited to those classes employed in the type of work required by the contract, as indicated in the request.

(b) *Limitations.* Wage determinations initially issued shall be effective for 120 calendar days from the date of such determinations. If such a wage determination is not used in the period of its effectiveness, it is void. If it appears that a wage determination may expire between bid opening and award, a new wage determination should be requested sufficiently in advance of the bid opening to assure receipt prior thereto. However, when due to unavoidable circumstances a determination expires before award and after bid opening, the Solicitor of Labor, upon a written finding to that effect by the Administrator or his representative in individual cases, may extend the expiration date of a determination whenever he finds it necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment in the conduct of Government business. Whenever it is considered necessary to extend the expiration date of a wage determination, a proposed finding shall be prepared for the signature of the Director of Procurement and sent with supporting documentation to NASA Headquarters (Code KDP).



(c) *Processing requests—(1) Responsibility for obtaining determinations.* The Office of Procurement is responsible for obtaining from the Secretary of Labor and for furnishing to the particular installation concerned all determinations of prevailing wage rates under the Davis-Bacon Act required in the awarding of construction contracts of NASA.

(2) *Preparation of requests.* For those installations covered by area determinations, requests for wage rates on Department of Labor Form DB–11 will be prepared by the Office of Procurement and submitted to the Department of Labor thus providing, in effect, continuous wage rate coverage. Requests for individual wage determinations will be submitted by the installation concerned on Department of Labor Form DB–11 (in original and two copies) to the Office of Procurement (Code KDP) at least 30 calendar days before required for the advertisement or negotiation of the contract for which the determination is sought. In preparing the request, only the original copy of the Department of Labor Form DB–11 will be typed with a reversed carbon which will make an impression on the back of the form. The original will be submitted to the Department of Labor by NASA Headquarters. For area determinations, the description of the work will be: Area (54A) Determination—Building, Heavy and Highway Construction. Do not check any classifications as all classifications are contained in the area type determinations. In those States where the Department of Labor issues a limited 54A Area Determination, the description will be: Area (54A) Determination—For Building Construction Only or Building, Utilities, and Incidental Paving. In these cases, a Department of Labor Form DB–11 must be submitted on an individual basis for determinations for Heavy and Highway Construction Projects, with the work to be accomplished in detail. For individual determinations, the description of the work shall be sufficiently detailed to enable the Department of Labor to determine that the work is one of the three categories; namely, Building, Heavy or Highway Construction. In the block entitled "Location," the name of the municipality nearest to the site of the work will be inserted. The State and County in which the work is to take place will be inserted in the spaces provided. Classifications of laborers and mechanics needed to perform the work will be checked by typed X. Needed classifications which are generally used in the area but which do not appear on the Department of Labor Form DB–11 will be typed in the blank spaces. The Apprentice Schedule is to be left blank as the Department of Labor will furnish these rates.

(d) *Use of wage rate determinations.* (1) The specifications of every contract subject to the Davis-Bacon Act shall include a copy of a current wage rate determination. If the wage rate determination is not available when invitations for bids are issued, the specifications shall contain a statement that wage rates will be supplied by addenda to the specifications. Contracting officers shall not open bids on procurements subject to the Davis-Bacon Act until the requested determination of wage rates has been incorporated in the specifications.

(2) Wage rates properly included in the contract at the time of award are applicable to the contract for its duration except as specified in subparagraph (ii) of this paragraph. These same rates may be used for additional or new work not included in the specifications if an area determination was used in the invitations for bids or requests for proposals and that determination is still in effect at the time of change. If the area determination has expired or if an individual determination was used, a new wage determination must be used for such new or additional work unless it is clear that the new or additional work is so much a part of the work originally contracted for that it is reasonably impossible of performance by other than the original contractor. (An apparent probability that the new work may be done more conveniently or even at less expense by the original contractor does not in itself justify use of the original determination for such work. The original determination should be used for new work only if the new work does not reflect a change or modification which materially alters the scope or character of the original contract requirements and is so closely related to the original work, both in nature and in timing, that it cannot reasonably be regarded as a separate and distinct undertaking.)

(i) *Fixed-price contracts (formally advertised or negotiated).* Once a contract is awarded, the wage rates contained in the specifications are the minimum rates that can be paid by the contractor or his subcontractors during the life of the contract.

(ii) *Cost-reimbursement type, time and material, and labor-hour contracts and subcontracts.* The wage rates established for and included in cost-reimbursement type prime or subcontracts (including time and material contracts and labor-hour contracts), according to the Davis-Bacon Act, are the minimum rates that can be paid during the life of the contract. Reimbursement to contractors and subcontractors holding the foregoing types of contracts for wages paid to laborers and mechanics are based on this wage schedule; all applications of prime and subcontractors to use higher wage rates require specific approval by the contracting officer. The contracting officer's approval shall be based upon substantiating data in support of the contractor's request, such as: proposed wage rates were established as a result of bona fide collective bargaining in which the contractor participated or to which he adheres as a general practice or as a result of membership in contractors' organizations; proposed wage rates have approval of any existing wage-stabilizing body established pursuant to Federal law; or payment of wages at higher rates is required to man the job. Subcontracts awarded pursuant to a cost-reimbursement type, time and material, or labor-hour contract shall include wage rates prevailing at the time of the subcontract award, except where the subcontracted work is included in the specifications of the prime contract and is a part of the particular work for which the wage rate determination attached to the prime contract was obtained.

(e) *Modification and superseding determinations.* During the 120-day life of a determination, the Department of Labor may issue a modification thereto, changing the wage rate for one or more classifications or adding or deleting a classification; or the Department of Labor may issue a new determination which entirely supersedes the original determination for the duration of the 120-day period. The word "modification" as used in this § 18–12.404 includes new or superseding wage determinations. Modifications do not change the expiration date of the original determination. Modifications by the Secretary of Labor of an original wage determination shall be made part of the proposed contract if received prior to the award of the contract, *provided* that, in a formally advertised procurement, any modification received less than 10 calendar days before the opening of bids may be disregarded.

(f) *Posting.* The contracting officer shall ascertain that a copy of the wage determination is kept posted at the site of the work in a prominent place where it can be easily seen by the workers.

**§ 18–12.404–3 Additional classifications.**

If any laborers or mechanics not listed in the wage determination attached to the contract are to be employed, their classifications and minimum wage rates shall be established by the contractor or subcontractor, with the approval of the contracting officer, conformably to the attached wage determination. A report of any such determination shall be transmitted to the Secretary of Labor. If the interested parties cannot agree upon any such additional classification and wage rate, the matter accompanied by the recommendation of the contracting officer shall be referred via the Director of Procurement to the Secretary of Labor for final determination.

**§ 18–12.404–4 Apprentices.**

(a) In accordance with Section 5.5(a)(4) of the Department of Labor Regulations (29 CFR Part 5) as implemented by Memorandum No. 59 issued on June 24, 1964, from the Office of the Solicitor, the Labor Department will no longer list apprentice rates on wage determinations under the Davis-Bacon Act and related acts. Future determinations will contain the following notation:

Before using apprentices on the job, the contractor shall present to the Contracting Officer written evidence of registration of such employees in a program of a State apprenticeship and training agency approved and recognized by the U.S. Bureau of Apprenticeship and Training. In the absence of such a State agency, the contractor shall submit evidence of approval and registration

by the U.S. Bureau of Apprenticeship and Training.

The contractor shall submit to the Contracting Officer written evidence of the established apprentice-journeyman ratios and wage rates in the project area, which will be the basis for establishing such ratios and rates for the project under the applicable contract provisions.

(b) Any employee of a contractor listed on a payroll at an apprentice wage rate who is not registered as an apprentice and within an established apprentice-journeyman ratio, as provided in paragraph (a) of this section, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed.

**§ 18–12.404–5 Subcontracts.**

The contracting officer shall obtain a list of all subcontracts, together with a description of the work to be performed thereunder, and such list shall be kept current during the performance of the contract.

**§ 18–12.404–6 Payrolls and statements.**

(a) *Submission.* Within 7 calendar days after the regular payment date of the payroll week covered, the prime contractor will submit and cause all his subcontractors to submit through him to the contracting officer, copies of certified weekly payrolls showing all laborers and mechanics engaged on the contract at the site of the work, including the name and address of each employee, his correct classification, daily and weekly number of hours worked, rate of pay, deductions made, and actual wages paid. Each payroll shall contain or be accompanied by a statement of the contractor (or subcontractor) that he has complied with the labor standards provisions of the contract. The receipt of these payrolls and statements is a condition precedent to final payment under the contract. Contracting officers should encourage contractors to make use of optional payroll Forms SOL–184 and 185, developed by the Department of Labor for voluntary use on Federal construction contracts subject to the Davis-Bacon Act and related Acts.

(b) *Payroll Deductions.* (1) No payroll deductions are authorized except as follows:

(i) Where required by Federal, State, or local statute or ordinance to be made by the employer from the wages earned by the employee;

(ii) Bona fide prepayment of wages without discount or interest;

(iii) Deductions required by court process: *Provided*, That the contractor or subcontractor will not be permitted to make such a deduction in favor of the contractor, subcontractor, or any affiliated person, or where collusion or collaboration exists; and

(iv) As permitted by subparagraphs (2), (3), and (4) of this paragraph.

(2) Deductions which meet the standards set forth in subparagraphs (1) through (iv) of this paragraph are permissible provided the contractor or subcontractor has made written application by registered mail to the Secretary of Labor (copies must be furnished the contracting officer) indicating that:

(i) The deduction is not prohibited by law;

(ii) The employee has consented voluntarily to the deduction in writing, prior to the payroll period, and the consent is neither a condition for obtaining employment nor for continuation of employment or that the deduction is provided for in a bona fide collective bargaining agreement and is for the benefit of the employee or the labor organization which represents the employee;

(iii) No profit, benefit, or payment is obtained directly or indirectly by the contractor, subcontractor, or any affiliated person from the deduction and that no portion of the funds, whether in the form of a commission or otherwise, will be returned to the contractor, subcontractor, or any affiliated person; and

(iv) The deduction is for the convenience and in the interests of the employee and that the deductions are customary in this or comparable situations. However, if the Secretary of Labor decides on his own motion or on the motion of an affected person or agency that the deduction does not meet these standards, he will give written notice to the contractor or subcontractor and request additional supporting evidence for the deduction. If, on the basis of such additional evidence, the deduction still does not meet these standards, the deduction will cease to be permissible 7 days after the contractor or subcontractor and NASA have been notified of the Secretary's decision.

(3) Upon application to and receipt of written permission from the Secretary of Labor and subject to the standards set forth in subparagraph (2) (i), (ii), and (iii) of this paragraph, deductions may be made by a contractor or subcontractor or any affiliated person for membership fees in group benefit or retirement associations, for board and lodging, or for other purposes where the Secretary of Labor concludes the deduction is required by compelling circumstances: *Provided*, However, that the contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction. A copy of the Secretary's decision will be sent to the applicant and NASA.

(4) According to and subject to the standards set forth in subparagraph (2) of this paragraph, general permission is hereby granted to make payroll deductions for:

(i) The payment of the purchase price of United States Savings Stamps and Bonds and United States Tax Savings Notes;

(ii) The repayment of loans to or the purchase of shares in credit unions organized and operated according to District of Columbia, Federal, or State credit union statutes;

(iii) Contributions to a Federal Government or quasi-governmental agency;

(iv) The payment of dues or premiums to unaffiliated insurance companies or associations for medical or hospitalization insurance where the employer is not required by Federal, State, or local laws to supply such insurance or benefits;

(v) Contribution to bona fide charities, such as the Red Cross or United Givers Fund; and

(vi) Regular union initiation fees and membership dues where a collective bargaining agreement provides for such deductions. This does not include work permits or special assignments.

(5) When the employee does not have full and actual freedom of disposition of his wage payment, whether made in cash or by check, any restricted payment made to the employee is considered a deduction under this Subpart.

(6) Nothing herein will be construed to permit any deduction which the contractor or subcontractor knew or, in exercise of good faith, should have known did not meet the standards in subparagraph (2) (i) through (iv) of this paragraph. The Secretary of Labor may notify the contractor or subcontractor that a deduction will be permitted only if certain conditions with respect thereto are observed. The contractor or subcontractor or any affiliated persons will comply with such general rules and regulations concerning the deductions as the Secretary of Labor will make from time to time, notice of which will have been given to the contractor or subcontractor or any affiliated person making the deduction and to NASA either directly or through publication in the FEDERAL REGISTER.

(c) *Preservation.* Certified payrolls and statements shall be preserved by the installation concerned for a period of 3 years from completion of the contract and shall be produced at the request of the Secretary of Labor at any time during such period.

**§ 18–12.404–7 Investigations.**

(a) Investigations necessary to assure compliance with contract, statutory, and regulatory requirements shall be made. If feasible, contracts of 6 months or less duration shall be investigated before final payment is made. Contracts of longer duration shall be investigated as frequently as may be necessary. Such investigations shall include interviews of employees on a sampling basis.

(b) Special investigations in detail shall be made when required by complaints or other evidence of violations. Complaints of violations shall be given priority.

(c) Statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to the employer without the consent of the employee.

**§ 18–12.404–8 Enforcement reports.**

(a) Where underpayments total $500 or more, or are willful, the contracting officer concerned shall furnish to the Department of Labor, through the Office of Labor Relations, NASA Headquarters (Code KL), as soon as practicable, a detailed enforcement report. Such reports shall include a statement of the findings as to the violations and information as to restitution made, payment deductions, contract terminations, and the names and addresses of the workers, contractors and subcontractors concerned. (For willful violations of a criminal statute, see § 18–12.404–8(c).)

(b) Where underpayments total less than $500 and are nonwilliful, and where restitution has been effected and future compliance assured, no report need be furnished the Department of Labor, unless the Department of Labor has expressly requested that the investigation be made. In the latter case, the contracting officer shall submit through the Office of Labor Relations (Code KL), a factual summary report in accordance with 29 CFR 5.7(a)(1).

(c) Where there is substantial evidence that violations are willful and in breach of the False Affidavits Act (18 U.S.C. 1001) or other criminal statute, the matter shall be forwarded to the Attorney General for prosecution, and the Secretary of Labor shall be informed of such action.

**§ 18–12.404–9 Suspensions and deductions of contract payments.**

In the event of failure or refusal to pay all or any part of the wages due workers, the contracting officer may suspend further contract payments to the contractor in amounts equal to such unpaid wages and liquidated damages which may be due until either restitution has been made directly by the contractor or subcontractor concerned or deductions against payment vouchers are made as provided in this § 18–12.404. If such failure or refusal appears continuing or willful, or in the event of any other failure and refusal to comply with contract, statutory, and regulatory requirements, the contracting officer may suspend all future contract payments to the contractor until such violations have ceased. If restitution is not made directly by the contractor or subcontractor within a reasonable time or, in any event, prior to final payment under the contract, the contracting officer shall submit with the contractor's payment voucher or vouchers a "Schedule of Withholdings Under the Davis-Bacon Act" (40 U.S.C. 276a) (Standard Form 1093), and a statement of the amount to be withheld as liquidated damages. These amounts shall be deducted from the payments made to the contractor, and the amounts shown to be due the workers shall be deposited in the Treasury.

**§ 18–12.404–10 Restitution.**

Restitution of amounts due workers may be permitted at any time at the volition of the contractor or subcontractor and may be ordered by NASA whenever wage underpayments are found to be nonwilliful.

**§ 18–12.404–11 Contract terminations.**

Whenever a contract is terminated for violation of the labor standards provisions, a report shall be made by the NASA contracting officer to the Director of Procurement for submission to the Secretary of Labor and the Comptroller General. The report shall include the name and address of the terminated contractor or subcontractor, the name and address of the contractor or subcontractor who is to complete the work, the amount and number of the latter's contract, and a description of the work thereunder.

**§ 18–12.404–12 Cooperation with Department of Labor.**

NASA will cooperate with representatives of the Department of Labor in the inspection of records, interviews with workers, and all other aspects of investigations undertaken by the Department of Labor. When requested, NASA contracting officers shall furnish to the Secretary of Labor any available information with respect to contractors, subcontractors, their contracts, and the nature of the contract work.

**§ 18–12.404–13 Reporting construction contract awards.**

The contracting officer shall promptly report all construction contract awards of $25,000 and over subject to the Davis-Bacon Act to the Bureau of the Census, Department of Commerce, on Census Bureau Form 16–19 (Construction Contract Award Notification).

## Subpart 18–12.6—Walsh-Healey Public Contracts Act

**§ 18–12.601 Statutory requirements.**

In accordance with the requirements of the Walsh-Healey Public Contracts Act (Act of June 30, 1936, as amended, 41 U.S.C. 35–45), all contracts subject to said Act entered into by NASA for the manufacture or furnishing of supplies in any amount exceeding $10,000:

(a) Shall be with manufacturers or regular dealers (§§ 18–1.218 and 18–1.228); and

(b) Shall incorporate by reference the representations and stipulations required by said Act pertaining to such matters as minimum wages, maximum hours, child labor, convict labor, and safe and sanitary working conditions.

**§ 18–12.602 Applicability.**

**§ 18–12.602–1 General.**

The requirement set forth in § 18–12.601 applies to contracts for the manufacture or furnishing of "materials, supplies, articles, and equipment" which are to be performed within the United States, Puerto Rico, the Virgin Islands, or the District of Columbia, and which exceed or may exceed $10,000 in amount.

**§ 18–12.602–2 Department of Labor regulations and interpretations.**

Pursuant to the Walsh-Healey Act, the Secretary of Labor has issued detailed regulations and interpretations as to the coverage of the Act, and exemptions and procedures thereunder. These regulations and interpretations are compiled in a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations." In addition to the interpretations stated in the document, attention is directed to an opinion of the Department of Labor that contracts which are originally $10,000 or less, but are subsequently modified to increase the price to an amount in excess of $10,000, are subject to the Walsh-Healey Act; and that contracts in an amount exceeding $10,000, which are subsequently modified to a figure of $10,000 or less, are not subject to the said Act with respect to work performed after such modification if the modification is effected by mutual agreement.

**§ 18–12.602–3 Procedure for obtaining exemptions with respect to stipulations required by the act.**

Section 6 of the Walsh-Healey Public Contracts Act permits the Secretary of Labor to make exceptions to the requirement that the representations and stipulations of Section 1 of the Act be included in proposals or contracts which are subject to the Act. All requests of present or prospective contractors for exceptions under Section 6 of the Act will be addressed to the Director of Procurement. Such requests shall be in writing, shall be transmitted through the contracting officer, and shall set forth all pertinent information, including the nature of the requested exception, the need therefor, and any action already taken by the contractor to avoid the necessity for the exception.

**§ 18–12.603 Responsibility of contracting officers.**

Whenever the Walsh-Healey Public Contracts Act is applicable, the contracting officer, pursuant to regulations or instructions issued by the Secretary of Labor, shall:

(a) Inform prospective contractors of the possible applicability of minimum wage determinations;

(b) Furnish to the contractor a poster (Form PC 13);

(c) Furnish to the contractor a form letter (Form PC 12) explaining application of the Walsh-Healey Public Contracts Act and giving instructions for display of the poster;

(d) Prepare and transmit to the Department of Labor 3 copies of Standard Form 99 (Notice of Award of Contract) immediately upon award of contract; and

(e) Report to the Department of Labor any violation of the representations or stipulations required by the Walsh-Healey Public Contracts Act.

**§ 18–12.604 Contract clause.**

The contract clause required by this Subpart 18–12.6 is as follows:

WALSH-HEALEY PUBLIC CONTRACTS ACT
(SEPTEMBER 1962)

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35–45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect.

## Subpart 18–12.7—Fair Labor Standards Act of 1938

**§ 18–12.701 Basic statute.**

The Fair Labor Standards Act of 1938 (Act of June 30, 1938; 29 U.S.C. 201–219), as amended, provides for the estab-

lishment of minimum wage and maximum hour standards, creates a Wage and Hour Division in the Department of Labor for purposes of interpretation and enforcement (including investigations and inspections of Government contractors), and prohibits oppressive child labor. The Fair Labor Standards Act applies to all employees, unless otherwise exempted, who are engaged in (a) interstate commerce or foreign commerce, (b) the production of goods for such commerce, or (c) any closely related process or occupation essential to such production.

**§ 18–12.703 Rulings on applicability or interpretation.**

Contractors or contractor employees who inquire concerning applicability or interpretation of the Fair Labor Standards Act of 1938 shall be advised that rulings concerning such matters fall within the jurisdiction of the Department of Labor and shall be given the address of the appropriate Regional Director of the Wage and Hour and Public Contracts Divisions of the Department of Labor.

## Subpart 18–12.8—Equal Employment Opportunity

**§ 18–12.800 Scope of subpart.**

This Subpart 18–12.8 sets forth the policies, procedures, and clauses for use in contracts and grants to carry out the rules and regulations of the President's Committee on Equal Employment Opportunity. (Nondiscrimination provisions applicable to Government leases are set forth in Subpart 18–1.3.)

**§ 18–12.801 Policy.**

Executive Order 10925, dated March 6, 1961, as amended by Executive Order 11114, dated June 22, 1963, states that discrimination because of race, creed, color, or national origin is contrary to the constitutional principles and policies of the United States, and that it is the plain and positive obligation of the U.S. Government to promote and insure equal opportunity for all qualified persons, without regard to race, creed, color, or national origin, employed by, or seeking employment with, Government contractors. To carry out this policy, the President's Committee on Equal Employment Opportunity was created by Executive Order 10925 to provide regulations, guidelines, and instructions to Government agencies. The head of each contracting agency was made primarily responsible for obtaining compliance by any contractor or subcontractor with the provisions of the Executive Order and the rules, regulations, and orders of the President's Committee.

**§ 18–12.802 Clauses for contracts, grants or other arrangements.**

**§ 18–12.802–1 NASA contracts.**

All NASA contracts, including bilateral modifications thereof, shall include the "Equal Opportunity" clause set forth below unless exempt under the provisions of § 18–12.803, or exempted pursuant to § 18–12.804. Government bills of lading may incorporate the clause by reference.

EQUAL OPPORTUNITY (JULY 1964)

(The following clause is applicable unless this contract is exempt under the rules and regulations of the President's Committee on Equal Employment Opportunity issued pursuant to Executive Order 10925 of March 6, 1961 (26 F.R. 1977), as amended by Executive Order 11114 of June 22, 1963 (28 F.R. 6485).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(e) The Contractor will furnish all information and reports required by Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with this Equal Opportunity clause or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to Section 303 of Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, so that such provisions will be binding upon each subcontractor or vendor.* The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

**§ 18–12.802–2 Federally assisted construction under grants and arrangements.**

Unless exempt under the provisions of § 18–12.803 or exempted pursuant to § 18–12.804, each NASA grant or arrangement other than a contract, and bilateral modifications thereof, involving a Federally assisted construction contract shall include the following "Equal Opportunity in Federally Assisted Construction Contracts" clause:

EQUAL OPPORTUNITY IN FEDERALLY ASSISTED CONSTRUCTION CONTRACTS (JANUARY 1964)

(The following clause is applicable unless this contract is exempt under the rules and regulations of the President's Committee on Equal Employment Opportunity issued pursuant to Executive Order 10925 of March 6, 1961 (26 F.R. 1977), as amended by Executive Order 11114 of June 22, 1963 (28 F.R. 6485).)

(a) As used in this clause, the following terms have the meanings set forth below:

(1) *Applicant* means an applicant for Federal assistance or, as determined by regulation of an administering agency, other program participant, with respect to whom an application for any grant, loan, insurance, or guarantee, or change therein, is not finally acted upon prior to July 22, 1963, and it includes such an applicant after becoming a recipient of such Federal assistance.

(2) *Construction work* means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services.

(3) *Modification* means any written alteration in terms and conditions of a contract accomplished by bilateral action of the parties to the contract, including supplemental agreements and amendments.

(4) *Federally assisted construction contract* means any binding legal agreement or modification thereof between an applicant and a Contractor for construction work which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to any Federal program involving a grant, contract, loan, insurance or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance or guarantee; or any approved application or modification thereof for a grant, contract, loan, insurance or guarantee under which the applicant itself performs construction work other than through the permanent work force directly employed by an agency of Government.

(5) *Administering agency* means the Government agency administering this Federally assisted construction contract.

(6) *Subcontract* means any agreement made or purchase order executed by a prime Contractor where a material part of the supplies or services covered by such agreement or purchase order is being obtained for use in the performance of a contract.

(7) *Prime Contractor* means any person holding a contract.

(8) *Subcontractor* means any person holding a subcontract. *First-tier subcontractor* refers to a subcontractor holding a subcontract with a prime Contractor. *Second-tier subcontractor* refer to a subcontractor holding a subcontract with a first-tier subcontractor.

(9) *Site of construction* means the physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition or repair, and any temporary location or facility established by a Contractor or subcontractor specifically to meet the demands of his contract or subcontract.

(b) The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the President's Committee on Equal Employment Opportunity, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance or guarantee, the Equal Opportunity clause set forth in paragraph (c) below.

(c) The Equal Opportunity clause is as follows:

EQUAL OPPORTUNITY (JANUARY 1964)

(The following clause is applicable unless this contract is exempt under the rules and regulations of the President's Committee on Equal Employment Opportunity issued pursuant to Executive Order 10925 of March 6, 1961 (26 F.R. 1977), as amended by Executive Order 11114 of June 22, 1963 (28 F.R. 6485).) During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(5) The Contractor will furnish all information and reports required by Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with this Equal Opportunity clause or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally assisted construction contracts in accordance with procedures authorized in Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to Section 303 of Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(d) The applicant further agrees that it will be bound by the above Equal Opportunity clause in any Federally assisted construction work which it performs itself other than through the permanent work force directly employed by an agency of the Government.

(e) The applicant agrees that it will cooperate actively with the administering agency and the President's Committee on Equal Employment Opportunity in obtaining the compliance of Contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Committee, that it will furnish the administering agency and the Committee such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance. The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11114 with a Contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to Part III, Subpart D, of Executive Order 10925 and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Committee pursuant to Part III, Subpart D, of Executive Order 10925.

(f) In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may cancel, terminate, or suspend in whole or in part this grant (loan, insurance, guarantee), may refrain from extending any further assistance under any of its programs subject to Executive Order 11114 until satisfactory assurance of future compliance has been received from such applicant, or may refer the case to the Department of Justice for appropriate legal proceedings.

**§ 18–12.802–4 Requirements for invitations for bids or requests for proposals.**

Each invitation for bids or request for proposals not exempt from the provisions of the "Equal Opportunity" clause under § 18–12.803 or exempted pursuant to § 18–12.804 shall include the following representation to be accomplished by the bidder or offeror:

The bidder (or offeror) represents that he ☐ has, ☐ has not participated in a previous contract or subcontract subject to either the Equal Opportunity clause herein or the clause originally contained in Section 301 of Executive Order 10925; that he ☐ has, ☐ has not filed all required compliance reports; and that representations indicating submissions of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. (*The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.*) (May 1964.)

In any case where a bidder or offeror indicates that such reports have not been filed, award should be withheld, pending the receipt of a representation from the bidder of offeror that he has submitted all required compliance reports and that he will not make awards to proposed subcontractors until he has obtained signed statements from them that they have submitted required compliance reports, unless the circumstances in the particular case will not permit the award to be withheld. The contract file should be documented to show the basis upon which it was determined to make the award to the bidder or offeror without submission by him of the representation. This should not be interpreted to permit award to concerns known to be in established violation.

**§ 18–12.803 Applicability and exemptions.**

Subject to the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity or the Executive Vice Chairman thereof, or such further rules, regulations, and relevant orders as they may hereafter issue, the "Equal Opportunity" clause or the "Equal Opportunity in Federally Assisted Construction Contracts" clause need not be included in the following:

*Unless otherwise provided, the "Equal Opportunity" clause is not required to be inserted in subcontracts below the second tier, except for subcontracts involving the performance of "construction work" at the "site of construction" (as those terms are defined in the Committee's rules and regulations) in which case the clause must be inserted in all such subcontracts. Subcontracts may incorporate by reference the "Equal Opportunity" clause.

(a) Contracts or subcontracts or grants not involving the employment of persons;

(b) Contracts or subcontracts or grants not exceeding $10,000, except Government bills of lading. In determining the applicability of this exemption to any Federally assisted construction contract, or subcontract thereunder, the amount of such contract or subcontract rather than the amount of the Federal financial assistance shall govern;

(c) Contracts or subcontracts for standard commercial supplies or raw materials not in excess of $100,000;

(d) Contracts or subcontracts or grants to be performed outside the United States where no recruitment of workers within the United States is involved (where a contract involves performance of work or recruitment of workers both within and outside the United States, the "Equal Opportunity" and/or the "Equal Opportunity in Federally Assisted Construction Contracts" clause will be included in the contract but will be applicable only to work and recruitment within the United States—United States as used herein includes the Commonwealth of Puerto Rico, the Panama Canal Zone, and the possessions of the United States);

(e) Contracts for the sale of Government property, where no appreciable amount of work is involved;

(f) Contracts and subcontracts for an indefinite quantity (including, without limitation, open-end, requirement type, Federal Supply Schedule, and "call-type" contracts, and purchase notice agreements) which are not to extend beyond one year, if the contracting officer (or in the case of subcontracting, the prime contractor or subcontractor issuing the subcontract) determines that the amounts to be ordered are not reasonably expected to exceed $100,000 for standard commercial supplies and raw materials, or $10,000 for all other contracts and subcontracts; or

(g) Contracts or subcontracts exempted pursuant to § 18–12.804.

**§ 18–12.804 Requests for exemptions.**

Where special circumstances indicate that use in a contract of the Equal Opportunity clause set forth in § 18–12.802–1, or that the use in a grant or arrangement other than a contract of the Equal Opportunity in Federally Assisted Construction Contracts clause set forth in § 18–12.802–2, would not be in the national interest, the contracting officer should submit a request through the Director of Procurement to the Administrator for authority to omit or modify the clause. Under such circumstances, the Administrator may request an exemption from the requirements of the clause. Such requests will be directed to the Executive Vice Chairman of the President's Committee, who will rule upon the request in accordance with the Committee's regulations. Prior to the submission of such requests, the Director of the NASA installation concerned or his designee for the purpose will, in appropriate cases, personally discuss with the head of the company concerned, the inclusion of the clause in the procurement under consideration.

**§ 18–12.805 Posting of nondiscrimination notices.**

In the case of each contract or grant containing the applicable clause, the contracting officer will furnish to the contractor or grantee an appropriate number of copies of the notice entitled "Equal Employment Opportunity" (listed in the GSA Stores Stock Catalog as Item No. 7530–338–5437 for the 12½ x 18¼-inch size, and as Item No. 7530–338–5448 for the 8½ x 12-inch size) and Standard Form 38, June 1961, entitled "Nondiscrimination in Employment," for notification to labor unions or other organizations of workers. The procurement offices shall obtain these documents from appropriate Federal Supply Service Regional Stores Stock Depots; contractors and grantees shall obtain from the procurement offices copies for subcontractors.

## Subpart 18–12.9—Employment Restrictions for Security Purposes

**§ 18–12.901 Hiring restrictions on classified contracts.**

By virtue of an agreement between NASA and the Department of Defense, the Department of Defense Industrial Security Program has been made applicable to NASA. Accordingly, the regulations of such program shall apply to the employment of any individual on any contract classified "Top Secret," "Secret," or "Confidential."

**§ 18–12.902 Responsibilities of contractors to employees.**

In connection with all classified contracts, it shall be the policy of NASA to require that a contractor shall be responsible for furnishing to the contracting officer (a) any requested information with respect to his employees, and (b) information and reports regarding any subversive activities of his employees.



# PART 18–13—GOVERNMENT PROPERTY


Sec.
18–13.000 Scope of part.

Subpart 18–13.1—General

18–13.100 Scope of subpart.
18–13.101 Definitions.
18–13.101–1 Property.
18–13.101–2 Government property.
18–13.101–3 Contractor-furnished property.
18–13.101–4 Material.
18–13.101–5 Special tooling.
18–13.101–6 Industrial facility.
18–13.101–7 Industrial property.
18–13.101–8 Nonseverable industrial facility.
18–13.101–9 Plant equipment.
18–13.101–10 Production equipment.
18–13.101–11 Machine tools.
18–13.101–12 Accessory item.
18–13.101–13 Auxiliary item.
18–13.101–14 Salvage.
18–13.101–15 Scrap.
18–13.101–16 Related procurement contract.
18–13.101–17 Facilities contract.
18–13.101–18 Nonprofit institution or organization.
18–13.102 General policy.
18–13.102–1 Materials.
18–13.102–2 Special tooling.
18–13.102–3 Facilities.
18–13.103 Control of Government property.
18–13.104 Responsibility and liability for Government property.
18–13.104–1 Responsibility of prime contractors for Government property.
18–13.104–2 Liability of subcontractors for Government property.
18–13.150 Designation of property administrators.
18–13.150–1 Designation of Military Department property administrators.
18–13.150–2 Designation of NASA property administrators.
18–13.150–3 Designation of secondary property administrators for subcontracts or secondary sites.
18–13.151 Disposition of excess property and residual inventories.

Subpart 18–13.2—Material

18–13.200 Scope of subpart.
18–13.201 Fixed-price contracts.
18–13.202 Cost-reimbursement type contracts.
18–13.203 Disposal.

Subpart 18–13.3—Special Tooling

Sec.
18–13.300 Scope of subpart.
18–13.301 Fixed-price procurement—Government-furnished special tooling.
18–13.302 Fixed-price procurement—contractor-furnished or acquired special tooling.
18–13.303 Fixed-price procurement—general policy on acquiring special tooling.
18–13.304 Fixed-price procurement—special tooling furnished or acquired by subcontractors.
18–13.305 Cost-reimbursement type contract—Government-furnished special tooling.
18–13.306 Fixed-price or cost-reimbursment type contract—special consideration for tooling with commercial use.
18–13.307 Disposal of Government-owned special tooling.

Subpart 18–13.4—Industrial Facilities

18–13.400 Scope of subpart.
18–13.401 Award of related procurement contracts.
18–13.401–1 Contract provisions where facilities are provided under related procurement contracts.
18–13.401–2 Related procurement contracts requiring the use of Government facilities in possession of a contractor.
18–13.401–3 Related procurement contracts requiring the provision of additional facilities.
18–13.401–4 Facilities clause for inclusion in related procurement contracts requiring the provision of additional facilities under separate contracts.
18–13.401–5 Facilities for subcontractors on a no-charge basis.
18–13.401–6 Procurement by other Government agencies requiring the use of NASA facilities already with the contractor.
18–13.402 Separate facilities contracts.
18–13.402–1 General requirements for separate facilities contracts.
18–13.402–2 Acquisition, use, and consolidated facilities contracts.
18–13.403 Application of acquisition, use, and consolidated facilities contracts.
18–13.405 Title.
18–13.406 Nonseverable industrial facilities.
18–13.407 Right of contractor to use.
18–13.408 Maintenance.
18–13.409 Identification and records.
18–13.410 Late delivery diversion and substitution.
Sec.
18–13.411 Risk of loss or damage and liability.
18–13.412 Unusable or unneeded facilities.
18–13.413 Termination of facilities contracts.
18–13.413–1 Termination by the Government.
18–13.413–2 Termination by contractor.
18–13.414 Standby provisions.
18–13.415 Disposition.
18–13.416 Facilities contract clauses.

Subpart 18–13.5—Contract Clauses

18–13.500 Scope of subpart.
18–13.501 Applicability.
18–13.502 Government-furnished property clause for fixed-price supply contracts.
18–13.502–1 Short form clause.
18–13.502–2 Long form clause.
18–13.503 Government property clause for cost - reimbursement type contracts.
18–13.504 Special tooling clause for fixed-price contracts.
18–13.505 Government-furnished property clauses for fixed-price type research and development contracts with nonprofit institutions.
18–13.505–1 Short form clause.
18–13.505–2 Long form clause.
18–13.506 Government property clauses for cost-reimbursement type research and development contracts with nonprofit institutions.
18–13.506–1 Short form clause.
18–13.506–2 Long form clause.

Subpart 18–13.6—Use of Government-Owned Industrial Facilities on Work Other Than for NASA

18–13.600 Scope of subpart.
18–13.601 Rental.
18–13.601–1 General.
18–13.601–2 Rental rates.
18–13.603 Production equipment.

Subpart 18–13.7—Government-Owned Industrial Facilities and Special Tooling on Work for Foreign Governments

18–13.700 Scope of subpart.
18–13.701 Use without charge.

Subpart 18–13.8—Vesting of Title to Equipment in Nonprofit Educational or Research Institutions

18–13.800 Scope.

Subpart 18–13.50—Utilization of Idle Production Equipment

18–13.5000 Scope of subpart.
18–13.5002 Procedures.
18–13.5003 Transfers from NASA to the military departments.

Subpart 18–13.51—Industrial Facilities Expansion Application and Approval

Sec.
18–13.5100 Scope of subpart.
18–13.5101 Consideration of facilities expansion applications.
18–13.5102 Procedure for determining facilities expansion.
18–13.5103 Processing the application.
18–13.5104 Administration of approved facilities application.
18–13.5105 Format for industrial facilities application.
18–13.5106 Format for presenting justification data.


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**§ 18–13.000 Scope of part.**

This Part 18–13 sets forth the general policies of NASA with respect to providing property for use by contractors in connection with procurement by NASA and sets forth applicable contract clauses.

## Subpart 18–13.1—General

**§ 18–13.100 Scope of subpart.**

This Subpart 18–13.1 contains definitions of terms used throughout this Part 18–13 and a statement of general policy.

**§ 18–13.101 Definitions.**

As used in this Part 18–13 the following terms have the meaning stated in this section.

**§ 18–13.101–1 Property.**

"Property" includes all physical property, both real and personal. For the purpose of this Part 18–13, property consists of and is treated under three separate categories—material, special tooling, and industrial facilities.

**§ 18–13.101–2 Government property.**

"Government property" means all property owned by, or leased to, the Government or acquired by the Government under the terms of a contract; except that property to which the Government has acquired a lien or title solely as a result of partial, advance, or progress payments shall not, for the purpose of this Part, be classified as Government property. With this exception, Government property includes both Government-furnished property and contractor-acquired property as defined in paragraphs (a) and (b) of this section.

(a) "Government-furnished property" is property in the possession of or acquired directly by the Government and subsequently delivered or otherwise made available to the contractor; and

(b) "Contractor-acquired property" is property procured or otherwise provided by the contractor for the performance of a contract, pursuant to the terms of which title is vested in the Government.

The term "provide" as used in the context of such phrases as "Government property provided to the contractor" and "Government-provided property" is intended to include both Government-furnished property and contractor-acquired property.

**§ 18–13.101–3 Contractor-furnished property.**

"Contractor-furnished property" means all property other than Government property used by the contractor in the performance of a contract.

**§ 18–13.101–4 Material.**

"Material" means property which may be incorporated into or attached to an end item to be delivered under a contract or which may be consumed or expended in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, and small tools and supplies which may be consumed in normal use in the performance of the contract.

**§ 18–13.101–5 Special tooling.**

"Special tooling" means all jigs, dies, fixtures, molds, patterns, special taps, special gauges, special test equipment, other special equipment and manufacturing aids, and replacements thereof, acquired or manufactured by the contractor for use in the performance of a contract or subcontract, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the production of such supplies or parts thereof, or the performance of such services, as are peculiar to the needs of the Government. The term does not include (a) items of tooling or equipment acquired by the contractor prior to the contract, or replacements thereof, whether or not altered or adapted for use in the performance of the contract; (b) consumable small tools; or (c) general or special machine tools, or similar capital items.

**§ 18–13.101–6 Industrial facility.**

"Industrial facility" means property, other than material and special tooling, of use for the performance of a contract or subcontract, including real property and rights therein, buildings, structures, improvements, and plant equipment. Industrial facility is further defined for contracting and costing purposes as including all property acquired for the performance of a contract, and not incorporated in the contract end items, of a type which normally would be capitalized for the contractor's Federal income tax purposes if the contractor retained title thereto. For this purpose the term "property" includes improvements and attachments and any other items the cost of which would be so capitalized.

**§ 18–13.101–7 Industrial property.**

"Industrial property," as distinguished from other NASA property, means any contractor-acquired or Government-furnished property, including materials special tooling, and industrial facilities, furnished or acquired in the performance of a contract or subcontract.

**§ 18–13.101–8 Nonseverable industrial facility.**

"Nonseverable industrial facility" means an industrial facility which, after erection or installation, cannot be removed without substantial loss of value or damage thereto, or to the premises where installed.

**§ 18–13.101–9 Plant equipment.**

"Plant equipment" means personal property of a capital nature (consisting of machinery, equipment, furniture, vehicles, machine tools, and accessory and auxiliary items, but excluding special tooling) which:

(a) Has a unit cost in excess of $200;

(b) Has a life expectancy of one year or longer; and

(c) Will not be substantially modified so as to lose its identity or will not be incorporated into other equipment.

**§ 18–13.101–10 Production equipment.**

"Production equipment" means those items of plant equipment located within a manufacturing, processing, assembly, or service establishment and used for cutting, abrading, grinding, shaping, forming, joining, measuring, testing, heating, or treating production materials or work in process.

**§ 18–13.101–11 Machine tools.**

"Machine tools" means those items of production equipment which are power-driven, nonportable machines used for cutting, abrading, grinding, shaping, or forming metal.

**§ 18–13.101–12 Accessory item.**

"Accessory item" means an item which facilitates or enhances the operation of plant equipment but which is not essential for its operation, such as remote control devices.

**§ 18–13.101–13 Auxiliary item.**

"Auxiliary item" means an item without which the basic unit of plant equipment cannot operate, such as motors for pumps and machine tools.

**§ 18–13.101–14 Salvage.**

"Salvage" means personal property that has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect of use for any purpose as a unit and its repair or rehabilitation for use as a unit is clearly impracticable. Repairs or rehabilitation estimated to cost in excess of 65 percent of acquisition cost would be considered "clearly impracticable" for purposes of this definition.

**§ 18–13.101–15 Scrap.**

"Scrap" means property that has no reasonable prospect of being sold except for the recovery of value of its basic material content.

**§ 18–13.101–16 Related procurement contract.**

"Related procurement contract" means a Government contract for furnishing supplies or services of any description for the performance of which the use of the facilities is or may be authorized.

**§ 18–13.101–17 Facilities contract.**

"Facilities contract" means a contract under which industrial facilities may either be acquired, be furnished, and/or be used in connection with the performance of a separate contract or contracts for supplies or services.

**§ 18–13.101–18 Nonprofit institution or organization.**

"Nonprofit institution or organization" means any corporation, foundation, trust, or institution operated for educational or primarily scientific purposes which is not organized for profit and no part of whose net earnings inures to the profit of any private shareholder or individual.

**§ 18–13.102 General policy.**

**§ 18–13.102–1 Materials.**

Contractors will furnish all materials required for the performance of Government contracts. Exceptions to this policy may be made by a NASA installation when the procurement officer considers that it will be in the best interest of the Government to furnish materials in a particular case, or with respect to a particular type of procurement, by reason of economy, standardization, expediting production, or other circumstances.

**§ 18–13.102–2 Special tooling.**

NASA shall furnish special tooling under NASA control which is determined by NASA to be available, when such furnishing does not interfere with essential production or program schedules and the cost of such furnishing is less than the cost to the Government of the contractor acquiring or furnishing new special tooling. In determining the cost to the Government of furnishing special tooling to a contractor, consideration shall be given to:

(a) The cost of the preparation of such special tooling and the shipment thereof to the plant of the contractor;

(b) The cost of adapting such special tooling to meet the requirements of the contract;

(c) The cost incident to any delays which may be occasioned; and

(d) The cost of new special tooling.

**§ 18–13.102–3 Facilities.**

(a) Contractors shall furnish all facilities required for the performance of Government contracts. However, facilities may be provided by the Government for use by contractors when such providing is determined by the Director of the NASA installation concerned to be necessary to meet essential production





or program schedules, or when otherwise determined by the Administrator, NASA, to be in the best interest of the Government. Before any Government facilities are provided to a contractor, careful consideration must be given to the full utilization of subcontractors possessing adequate and available capacity to meet NASA requirements. Consistent with the policy that contractors shall not be given competitive advantage through use of Government-provided facilities, the willingness of a contractor to provide and use his own facilities in lieu of Government-provided facilities will be a major factor of consideration during the negotiation process.

(b) Each contract, lease, or other agreement under which Government-owned industrial facilities may be used shall require periodic payment or credit of rent or use charge or, when such facilities are provided by the Government without charge, shall:

(1) Provide that no charge for the use of such facilities shall be included in the price or prices of Government supply or service contracts for which such facilities are used; and

(2) Be documented to show the supply and service contracts for which such facilities are used on the basis of no charge being made in the supply or service contract price or prices.

The agreement shall specify a rental or use charge as a periodic dollar amount or, where this is inappropriate under the circumstances, it shall set forth the method of computing the amount due. The amount of the rental or use charge shall be determined in accordance with § 18–13.601–2. In pricing supply and service contracts for which the use of such facilities is authorized on a no-charge basis, care must be taken to screen out any element of cost, whether direct or indirect, on account of rentals charged for such facilities under other supply or service contracts.

(c) In those cases where a contractor is authorized to acquire facilities at Government expense, the contract shall contain a clause which limits the contractor's reimbursement to his actual cost of acquiring the facilities, exclusive of profit or fee

**§ 18–13.103 Control of Government property.**

The "Manual for Control of Government Property in Possession of Nonprofit Research and Development Contractors," Appendix C, ASPR, (32 CFR § 30.3) and the NASA Industrial Property Control Manual (NPC–105) are incorporated by reference into this Part 18–13 and made a part hereof.

**§ 18–13.104 Responsibility and liability for Government property.**

**§ 18–13.104–1 Responsibility of prime contractors for Government property.**

Except with respect to advertised fixed-price contracts and contracts of the type set forth in § 18–13.502–1, it is the basic policy of the Government not to hold the prime contractor responsible for loss of or damage to Government property caused by certain perils. This policy, as applied in facilities contracts, is set forth in § 18–13.411, and as implemented for use in other types of contracts, is contained in contract clauses set forth in Subpart 18–13.5.

**§ 18–13.104–2 Liability of subcontractors for Government property.**

The prime contractor will be required to hold a subcontractor liable for loss or destruction of, or damage to, Government property in the possession or control of such subcontractor (the prime contractor, nevertheless, remaining responsible to the Government to maintain the records required by NASA Industrial Property Control Manual (NPC–105) or 32 CFR § 30.3): *Provided, however,* That:

(a) A prime contractor on a negotiated fixed-price basis may, with the prior approval of the contracting officer, include in any subcontracts thereunder provisions similar to those contained in Subpart 18–13.5 and designated for use in negotiated fixed-price contracts, with respect to Government property previously furnished to the prime contractor but in the possession or control of the subcontractor; and

(b) A prime contractor on a cost-reimbursement basis may, with the prior approval of the contracting officer—

(1) Include in any cost-reimbursement type subcontract thereunder provisions similar to those contained in the prime contract with respect to Government property in the possession or control of such subcontractor; and

(2) Include in any fixed-price subcontract thereunder provisions similar to those designated for use in negotiated fixed-price contracts, with respect to Government property in the possession or control of such subcontractor.

Contracting officers shall, prior to approving the inclusion in any subcontract of the provisions referred to in this § 18–13.104–2, satisfy themselves that the degree of protection and care to be afforded Government property in the possession or control of any such subcontractor is sufficient at all times to protect the interests of the Government.

**§ 18–13.150 Designation of property administrators.**

A property administrator shall be designated for each NASA contract involving Government property.

**§ 18–13.150–1 Designation of military department property administrators.**

(a) *Background.* NASA has entered into agreements with the Military Departments which provide that the Departments will perform for NASA certain functions, including property administration, in connection with the administration of NASA contracts pursuant to the procedures set forth in those agreements. Each of the agreements provides that requests for performance of the functions covered by the agreements will be submitted in writing. For the agreement with the Department of the Army, see NASA Management Instruction 2–3–9; with the Department of the Navy, see NASA Management Instruction 2–3–6; and with the Department of the Air Force, see NASA Management Instruction 2–3–4.

(b) *Policy.* Except as provided in § 18–13.150–2, a property administrator of one of the Military Departments will be requested to administer property for each NASA contract involving Government property.

(c) *Procedure.* (1) The request for designation of a Military Department property administrator will be processed pusuant to the procedures contained in the overall agreements as referenced in paragraph (a) of this section. If other functions in connection with the administration of the contract are not required, the letter should request property administration only. A copy of the contract for which property administration is requested shall be attached to the letter of request and the letter shall include:

(i) A statement regarding NASA utilization, screening, and submission of excess and residual lists pursuant to the requirements of § 18–13.151 and NASA Management Instruction 20–4–2;

(ii) A request that the Military Department furnish to the NASA installation concerned a copy of the letter designating the property administrator.

(2) Appropriate liaison shall be maintained with the Military Department property administrator by the cognizant NASA installation during the life of the contract. When the value of the property so warrants, liaison should include:

(i) A letter to the property administrator calling attention to the inclusion of the NASA Industrial Property Control Manual (NPC–105) in the contract and setting forth any special NASA conditions or requirements with respect to property matters on such contract;

(ii) Personal contact with the property administrator; and

(iii) Periodic visits to the contractor's plant. Such visits should serve the purpose of developing satisfactory working relations, reviewing and evaluating actions taken by the property administrator with respect to NASA property, and resolving any problems which may develop.

(3) A separate file shall be maintained by the cognizant NASA installation for each contract under which property administration has been assigned to a Military Department. Each file shall contain the following:

(i) A copy of the letter designating the property administrator;

(ii) A copy of any letter designating a secondary property administrator in connection with cost-type subcontracts;

(iii) A copy of any letter of the kind described in subparagraph (2)(i) of this paragraph;

(iv) A record of any deviations from standard practice granted by NASA Headquarters;

(v) A record of property audits performed by NASA or the cognizant Military Department;

(vi) A record of deficiencies which required resolution on the part of the contracting officer;

(vii) Copies of correspondence pertaining to property matters; and

(viii) Final clearance data for Government property.

**§ 18–13.150–2 Designation of NASA property administrators.**

(a) *Policy.* Cognizant contracting officers may designate NASA employees as property administrators pursuant to the following criteria:

(1) Availability of a qualified industrial property specialist;

(2) Dollar value of the property to be administered; and

(3) Geographic location of the property.

(b) *Procedure.* Designation of a NASA property administrator will be effected by a letter, signed by the contracting officer, addressed to the individual by name, designating him as property administrator for the contract specified.

**§ 18–13.150–3 Designation of secondary property administrators for subcontracts or secondary sites.**

(a) When it is determined to designate a secondary property administrator for a subcontract or a contractor's secondary site, the NASA property administrator assigned to the prime contract will request such designation. The letter of request for the secondary appointment should be directed to the Military Department cognizant of the subcontractor's plant or, in the event that a NASA property administrator has been assigned to the subcontractor's plant, to the cognizant NASA field installation.

(b) When the prime contractor establishes a secondary site of contract work for which secondary designation is not required, "courtesy surveillance" may be requested of the Military Department cognizant of such site. However, in such cases, property administration should be retained by the NASA property administrator, and no formal designation should be requested of the Military Department concerned.

**§ 18–13.151 Disposition of excess property and residual inventories.**

Excess property and residual inventories shall be disposed of in accordance with the procedures contained in Part 18.8 of this chapter and NASA Management Instruction 20–4–2.

## Subpart 18–13.2—Material

**§ 18–13.200 Scope of subpart.**

This Subpart 18–13.2 sets forth policies governing material furnished to contractors in connection with the performance of contracts for supplies or services.

**§ 18–13.201 Fixed-price contracts.**

Where supplies or services are contracted for on a fixed-price basis, material may be furnished to the contractor in accordance with the policy stated in § 18–13.102. Where a contract is to be entered into as a result of formal advertising, material to be furnished by the Government shall be set forth in the invitation for bids. At any time after a fixed-price contract has been entered into, whether as a result of formal advertising or negotiation, the contract may be amended by the parties to provide for the furnishing of Government material or to increase the amount to be furnished: *Provided*, The Government receives adequate consideration for such amendment. Pursuant to the clauses set forth in §§ 18–13.502–1 and 18–13.502–2, the Government may decrease the material furnished or to be furnished under the contract, with equitable adjustment, if appropriate, in the delivery terms, prices, or other contractual provisions affected thereby. When a contracting officer determines that a contemplated decrease in material would render it inequitable to require performance of the contract, in lieu of issuance of a notice in writing providing for such a decrease he may terminate the contract, in whole or in part, pursuant to the clause entitled "Termination for the Convenience of the Government."

**§ 18–13.202 Cost-reimbursement type contracts.**

Where supplies or services are procured under a cost-reimbursement type contract, material may be furnished to the contractor in accordance with the policy stated in § 18–13.102. At any time after a cost-reimbursement type contract has been entered into, the contract may be amended by the parties to provide for the furnishing of Government material, or to increase or decrease the amount to be furnished under the contract, with equitable adjustment, if appropriate, in delivery terms, fixed-fee, or other contractual provisions affected thereby.

**§ 18–13.203 Disposal.**

Disposal of residual Government material shall be in accordance with NASA Management Instruction 20–4–2, pursuant to the Federal Property and Administrative Services Act of 1949, as amended.

## Subpart 18–13.3—Special Tooling

**§ 18–13.300 Scope of subpart.**

This Subpart 18–13.3 sets forth policies governing the acquisition, furnishing, and disposition of special tooling required for the performance of contracts for supplies or services.

**§ 18–13.301 Fixed-price procurement—Government-furnished special tooling.**

Where supplies or services are contracted for on a fixed-price basis, special tooling required for performance of the contract may be furnished to the contractor in accordance with the policy stated in § 18–13.102–2. Where a contract is to be entered into as a result of formal advertising, special tooling to be furnished by the Government shall be stated in the invitation for bids. At any time after a fixed-price contract has been entered into, whether as a result of formal advertising or of negotiation, the contract may be amended by the parties to provide for the furnishing by the Government of special tooling, or to increase the Government-furnished special tooling: *Provided*, Such furnishings or increase is for the benefit of the Government and the Government receives adequate consideration for such amendment. Pursuant to the clauses set forth in §§ 18–13.502–1 and 18–13.502–2, the Government may decrease the special tooling furnished or to be furnished under the contract, with equitable adjustment, if appropriate, in the delivery terms, price, or other contractual provisions affected thereby. When a contracting officer determines that a contemplated decrease in special tooling would render it inequitable to require performance of the contract, in lieu of issuance of a notice in writing providing for such a decrease he may terminate the contract, in whole or in part, pursuant to the clause entitled "Termination for the Convenience of the Government."

**§ 18–13.302 Fixed-price procurement—contractor-furnished or acquired special tooling.**

Where special tooling required for the performance of a fixed-price contract for supplies or services is not furnished by the Government, newly made or acquired special tooling may be furnished or acquired by the contractor under one of the following arrangements:

(a) The contract may provide for the acquisition of such special tooling by the contractor and the delivery thereof to the Government as an end item under the contract. In any such case, the rights of the parties in special tooling shall be governed by the provisions of the contract and the Schedule; or

(b) Where the contract does not provide for deliver of such special tooling as an end item under the contract, the clause set forth in § 18–13.504 shall be used.

**§ 18–13.303 Fixed-price procurement—general policy on acquiring special tooling.**

In determining whether special tooling should be acquired by the Government as a separate end item under the contract or Schedule, or in exercising the Government's rights under the "Special Tooling" clause set forth in § 18–13.504, the contracting officer shall take into consideration the following factors:

(a) The current or probable future need of the Government for the items of special tooling involved;

(b) The residual value of such items;

(c) Administrative and other expense incident to preparation, handling, and storage of such items;

(d) The probable cost of reproduction of such items in event of future procurement;

(e) The probable cost of making such items available in the event of future procurement, and the probable reduction in price of such future procurement; and

(f) The amount offered by the contractor for the right to retain such items.

**§ 18–13.304 Fixed-price procurement—special tooling furnished or acquired by subcontractors.**

In the event the prime contractor enters into subcontracts or issues purchase orders, the performance of which involves the use of special tooling to be furnished or acquired by the subcontractor or vendor, there shall be included in such subcontracts or purchase orders appropriate provisions to the extent required by paragraph (k) (or by alternate paragraph (k)) of the "Special Tooling" clause set forth in § 18–13.504 giving the prime contractor rights comparable to those granted to the Government by such clause. The prime contractor shall exercise his rights in such special tooling for the benefit of the Government in accordance with directions issued by the contracting officer, who shall be guided by the policies set forth in § 18–13.303.

**§ 18–13.305 Cost-reimbursement type contract—Government-furnished special tooling.**

Where supplies or services are contracted for on a cost-reimbursement basis, special tooling may be furnished to the contractor in accordance with the policy stated in § 18–13.102–2. At any time after a cost-reimbursement type contract has been entered into, the contract may be amended by the parties to provide for the furnishing by the Government of special tooling, or to increase or decrease the amount to be furnished under the contract, with equitable adjustment, if appropriate, in delivery terms, fixed-fee, or other contractual provisions affected thereby. Special tooling furnished by the Government or acquired by the contractor shall be subject to the provisions of the "Government Property" clause set forth in § 18–13.503.

**§ 18–13.306 Fixed-price or cost-reimbursement type contract—special consideration for tooling with commercial use.**

When performance of a fixed-price or cost-reimbursement type contract requires a contractor to acquire tooling as defined in § 18–13.101–5 except that it has commercial use, the contract may appropriately provide therefor, giving due consideration to the best interest of the Government and the equities of the contractor.

**§ 18–13.307 Disposal of Government-owned special tooling.**

Special tooling furnished by the Government or to which the Government has taken title under the applicable contract clause shall be disposed of in accordance with NASA Management Instruction 20–4–2, pursuant to the Federal Property and Administrative Services Act of 1949, as amended.

## Subpart 18–13.4—Industrial Facilities

**§ 18–13.400 Scope of subpart.**

This Subpart 18–13.4 sets forth policies with respect to providing industrial facilities for use by contractors in connection with procurement by NASA and for other incidental uses.

**§ 18–13.401 Award of related procurement contracts.**

Related procurement contracts (see § 18–13.101–16) based upon the use of industrial facilities to be provided by the Government should not be awarded until the scope and magnitude of the facilities required have been determined and authorized in accordance with § 18–13.102–3.

**§ 18–13.401–1 Contract provisions where facilities are provided under related procurement contracts.**

(a) Where facilities are to be provided to the contractor under a related procurement contract, the requirements in subparagraphs (1) and (2) of this paragraph shall apply.

(1) The appropriate Government Property clause set forth in Subpart 18–13.5 shall be included in the contract.

(2) The following clause, with the Schedule terms called for therein, shall be included in the contract:

FACILITIES ACQUIRED OR FABRICATED (JANUARY 1964)

Subject to the approval of the contracting officer, the contractor may acquire or fabricate the facilities listed in the Schedule of the contract. Costs incurred therefor will be allowable costs, provided that the contractor shall have no obligation to acquire or fabricate facilities and the Government shall have no obligation to reimburse any amount for such facilities in excess of the total estimated facilities costs set forth in the Schedule, unless this contract is amended to increase such amount. No fee will be payable based on the cost of facilities acquired or fabricated hereunder, except that the price to be charged the Government for facilities fabricated by the contractor may include a reasonable fee. The facilities acquired or fabricated shall be considered Government property and subject to the provisions of the Government Property clause of this contract.

(3) If the facilities are nonseverable, the contract shall include, as a part thereof or as an ancillary written document signed by the contractor and incorporated by reference in the contract, an agreement as to the manner in which the facilities will be disposed of upon completion or termination of the contract. Detailed instructions concerning the provisions which should be contained in the agreement for facilities other than nonseverable facilities are set forth in § 18–13.415. § 18–13.406(b) and (d) (1) and (2) require an advance written agreement covering the disposition of nonseverable facilities to be disposed of under the authority of those provisions.

(4) If the contractor fabricates the facilities utilizing his own plant and technical capability, the contracting officer may allow a reasonable fee as a part of the cost of the facilities to the Government. Normally, such fee will be less than that allowed for the work constituting the subject matter of the contract and will be negotiated solely on the basis of the fabrication effort to construct the facilities. The contractor shall not be permitted to include the actual or estimated cost of facilities which are acquired by him for the Government in the base cost of the contract on which his fee is negotiated. The contract file shall be documented to justify any fee allowance agreed upon.

(5) A copy of the executed contract or modification shall be forwarded to the Office of Procurement (Code KDF).

(b) The agreement for the disposition of facilities, made in accordance with paragraph (a)(3) of this section, shall be incorporated by reference in each subsequent cost-type related procurement contract utilizing the facilities covered by the agreement, and in any separate facilities contract to which the facilities may be transferred.

**§ 18–13.401–2 Related procurement contracts requiring the use of Government facilities in possession of a contractor.**

When a related procurement contract or modification thereto is negotiated on the basis of the use of facilities which have been previously provided (or are currently being provided) by NASA or another Government agency to the prime contractor or his subcontractors, the procedures set forth in this section shall apply.

(a) Prior to award, the contracting officer shall obtain permission for use from the contracting officer administering the contract which covers use of the facilities and shall document each contract file accordingly. This documentation shall accompany each contract file submitted to NASA Headquarters for review.

(b) Facilities which are authorized for use by the prime contractors shall be identified by facilities contract number(s).

(c) Where no-charge use of facilities is authorized for subcontract work which will support the prime related procurement contract, the names of subcontractors, with the respective facilities contract numbers and items to be produced, shall be inserted in the related procurement contract or modification thereto pursuant to § 18–13.401–5.

(d) If the use of the facilities is authorized on a no-charge basis, the contract shall contain the following clause:

USE OF GOVERNMENT FACILITIES ON A NO-CHARGE BASIS (MAY 1963)

The Contractor is authorized to use on a no-charge basis, in the performance of this contract, the Government-owned facilities provided to him under the facilities contract identified by number in the Schedule of this contract and in effect on the date of this contract.

**§ 18–13.401–3 Related procurement contracts requiring the provision of additional facilities.**

Prior to executing a related procurement contract in which it is agreed that additional Government facilities shall be provided, the contracting officer shall determine whether the proposed contractor has in existence a facilities contract with NASA. If so, the contracting officer shall arrange with the contracting officer ad-

ministering the facilities contract to have the proposed additional facilities included under the facilities contract and the related procurement contract shall specify such arrangement. If the proposed contractor does not have a facilities contract with NASA, the contracting officer shall either enter into a separate facilities contract or provide the required facilities under the related procurement contract, subject to the limitations set forth in § 18–13.402.

**§ 18–13.401–4 Facilities clause for inclusion in related procurement contracts requiring the provision of additional facilities under separate contracts.**

(a) When a related procurement contract, or a modification thereof, is negotiated on the basis that additional facilities will be provided to the contractor under a separate facilities contract (either directly by the Government or by contractor acquisition at Government expense), the following Facilities clause shall be inserted in the Schedule of such related procurement contract:

FACILITIES (JULY 1963)

(a) The terms and conditions of the contract are based on the providing to the Contractor, under separate facilities contract, of certain facilities which are described in ___. Such facilities, as determined by the Contracting Officer, shall be either furnished to the Contractor directly by the Government, or the Contractor shall be authorized to acquire them at Government expense. The parties hereby agree to enter into such a separate facilities contract, or to supplement an existing facilities contract to cover such additional facilities, as the case may be, at the earliest practicable date. Any separate facilities contract shall be made using such applicable contract form, if any, as is prescribed by the NASA Procurement Regulation in effect on the date such facilities contract is executed and shall provide for rent-free use of the facilities in the performance of this contract.

(b) It is agreed that if such facilities are not provided at the time and to the extent as indicated in paragraph (a) above, an equitable adjustment shall, upon timely written request of the Contractor, be made in the terms and conditions of this contract to the extent required by reason of the Government's failure to provide such facilities.

(b) In the blank in paragraph (a) of the clause in paragraph (a) of this section, specifically identify the facilities to be provided, either (1) by referencing the contractor's proposal or that portion thereof which describes the additional facilities to be provided, or (2) by referencing any other document which identifies and describes the facilities, or (3) by identifying and describing in the clause itself the facilities which have been agreed upon as those to be provided. Unless deviations have been granted by the Director of Procurement, NASA Headquarters, all items having an acquisition cost of $500 or less will not be provided by the Government and shall be eliminated from the description inserted in paragraph (a) of the clause in paragraph (a) of this section.

**§ 18–13.401–5 Facilities for subcontractors on a no-charge basis.**

If it is desired to permit a contractor to let certain of his subcontractors have the benefit of the use of Government facilities in the possession of such subcontractors on a no-charge basis, whether or not the prime contractor is to have the use of facilities on a no-charge basis, the Use of Government Facilities by Subcontractors clause set forth in this section shall be included in the related procurement contract: *Provided*, That (a) the price or the fee of the prime contract is negotiated on the specific understanding that the use of the facilities on a no-charge basis will be permitted in the performance of the specified subcontract items by the specified subcontractors to be set forth in subparagraph (a) of the "Use of Government Facilities by Subcontractors" clause and (b) the subcontractor is not placed in a favored competitive position.

USE OF GOVERNMENT FACILITIES BY SUBCONTRACTORS (APRIL 1962)

(a) The following subcontractors having Government-owned facilities provided under the Facilities contracts set forth below, in effect on the date of this contract, are authorized to use such facilities on a no-charge basis for the subcontract items listed below, and the subcontract shall so provide:

| Subcontractor | Facilities contract number | Subcontract item |
|---|---|---|
| | | |
| | | |

(b) If the Contractor enters into other subcontracts with subcontractors who have Government-owned facilities provided to them under Facilities contracts which provide that no-charge use may be authorized, the Contracting Officer may authorize the use of such facilities on a no-charge basis: *Provided*,

(i) He determines that such use will not give the subcontractor a favored competitive position; and

(ii) This contract is amended to reflect adequate consideration to the Government for the use of such facilities on a no-charge basis.

Such subcontracts shall specifically authorize the no-charge use, and require the written approval of the Contracting Officer. No modification to this contract will be required, as provided in (ii) above, if the Contracting Officer determines that an elimination of charge for use of such facilities will, of itself, result in an adequate decreased cost to the Government under this contract.

(c) If the Government-owned facilities provided to the Contractor or any subcontractor hereunder on a no-charge basis are increased or decreased or do not remain available during the performance of this contract, or if any change is made in the terms and conditions under which they are made available, such equitable adjustments as may be appropriate will be made in the terms of this contract, unless such increase or decrease was contemplated in the establishment of the price of this contract or a subcontract.

(d) The Contractor agrees that he will not directly or indirectly, through overhead charges or otherwise, include in the price of this contract, or seek reimbursement under this contract for, any rental charge paid by the Contractor for the use on other contracts of the facilities referred to herein. Any subcontract hereunder which authorizes the subcontractor to use Government facilities on a no-charge basis shall contain a provision to the same effect as this paragraph (d).

**§ 18–13.401–6 Procurement by other Government agencies requiring the use of NASA facilities already with the contractor.**

Use of NASA facilities in the possession of the contractor on contracts of other agencies of the Government may be authorized to the extent that such use will not:

(a) Interfere with the primary NASA purpose of the facilities;

(b) Require the use of the facilities beyond the anticipated date of completion of the primary purpose; and

(c) If, in the case of non-Defense use, the requirements of § 18–13.407(c) are followed.

In such cases, approval for use may be given by the NASA contracting officer administering the facilities contract involved, as required by the terms of such contract. A copy of each such approval granted by the NASA contracting officer administering the facilities contract shall be forwarded to the Office of Procurement (Code KDF).

**§ 18–13.402 Separate facilities contracts.**

**§ 18–13.402–1 General requirements for separate facilities contracts.**

Industrial facilities shall be provided only under a NASA facilities contract separate from any related procurement contract, except that industrial facilities may be provided under suitable clauses in a related procurement contract when:

(a) The cumulative total acquisition cost (actual or estimated) of the industrial facilities provided to a contractor at one plant or general location does not exceed $50,000;

(b) The contract is for the performance of construction work;

(c) The contract is for the performance of work within establishments or installations operated by the Government; or

(d) The contract is for the performance of services, involving the operation of a Government-owned plant or installation, for a period of 6 months or less, and the facilities provided are to be used only in connection with such contract.

**§ 18–13.402–2 Acquisition, use, and consolidated facilities contracts.**

(a) A facilities acquisition contract is a facilities contract which contains terms and conditions covering Government provision of facilities to a contractor. It covers (1) contractor acquisition, construction, and installation of the facilities described in the contract schedule and (2) NASA furnishing of facilities when work, such as installation work, will be performed by the contractor at direct expense to the Government under the contract. A facilities acquisition contract does not contain authority for contractor use of facilities. When the facilities under the acquisition contract are acquired, installed, and accepted by the Government, accountability is transferred to a facilities contract governing use.

(b) A facilities use contract is a facilities contract which contains terms and conditions covering the contractor's use of Government-owned facilities for which he is accountable. Facilities, in addition, are furnished to a contractor by the Government under a facilities use contract in the circumstances set forth in § 18–13.403(b).

(c) A consolidated facilities contract is a facilities contract which provides for both acquisition and use of facilities.

**§ 18–13.403 Application of acquisition, use, and consolidated facilities contracts.**

(a) When a separate facilities contract is required to provide facilities under § 18–13.402–1, the acquisition type of facilities contract, rather than a consolidated facilities contract, shall be used, if there is a preexisting facilities contract covering use of Government-owned facilities by the contractor. If there is no preexisting facilities contract covering use of facilities by the contractor, the acquisition type of facilities contract shall be used in conjunction with a new facilities use contract, except that a consolidated facilities contract may be used if it is anticipated that all foreseeable work with the contractor will continue to remain solely under the cognizance of the NASA installation entering into the facilities contract.

(b) A facilities use contract shall be employed, in preference to employing either a facilities acquisition contract or a consolidated facilities contract, to cover Government furnishing of facilities to a contractor when the contract does not provide direct reimbursement thereunder in connection with the furnishing of such facilities.

(c) Except as otherwise provided by § 18–13.402, all industrial facilities provided to a contractor shall be accountable under a single facilities contract governing use, modified from time to time as necessary, and covering only the facilities at that plant or general location, except that the contracting officer may authorize the temporary use of the facilities at a location other than that covered by the contract. Except for such temporary use and except for facilities for the performance of subcontracts under a construction contract or under contracts for work within establishments or installations operated by the Government, industrial facilities provided to a subcontractor shall be provided, and their use shall be covered, by a separate contract or lease between the Government and the subcontractor.

(d) When a single facilities contract has been entered into under this § 18–13.403, no additional facilities shall be provided a contractor at the plant or general location unless (1) prior written advice regarding the proposed increase in the facilities assistance is furnished to the contracting officer of the single facilities contract, and (2) the contract instrument covering the additional facilities provides for transfer of such facilities to the use provisions of the single facilities contract.

(e) The original and 5 copies (3 executed and 2 conformed) of each proposed facilities contract or modification thereto which provides facilities having a total acquisition value exceeding $50,000, or provides real property regardless of amount, shall be forwarded to the Office of Procurement (Code KDR) for review and approval prior to award. Such contract or modification shall contain the approval provision set forth in § 18–7.104–51. One copy of all other contracts or modifications thereto which provide facilities to a contractor shall be forwarded promptly upon execution to the Office of Procurement (Code KDF).

**§ 18–13.405 Title.**

Each facilities contract shall provide that title to all industrial facilities furnished to the contractor will remain in the Government and that title to industrial facilities acquired by a contractor, the cost of which is reimbursable to the contractor, shall vest in the Government at the earliest practicable time.

**§ 18–13.406 Nonseverable industrial facilities.**

Nonseverable industrial facilities shall be located on land owned or controlled by the Government, unless the Director (or other head) of a NASA installation determines that such location is not feasible. The determination to locate nonseverable industrial facilities on land not owned or controlled by the Government shall be made only when all of the conditions in paragraphs (a) through (d) of this section have been met:

(a) Consideration has been given to any nonrecoverable costs involved, including transportation and installation;

(b) Consideration has been given to locating the facilities on a portion of the land where the facilities can be segregated from existing contractor-owned and Government-owned nonseverable facilities and where the new facilities are readily accessible to public thoroughfares, where it is practical to do so, and in such cases consideration has been given to obtaining a written agreement by the contractor on whose land the facilities are to be placed that either the Government or another Government contractor will have the right to operate the facilities upon termination or completion of the work for which the facilities were acquired; and in cases where such an agreement is not obtained, the negotiation effort shall be documented to justify the alternate proposal;

(c) The contractor agrees that the Government will have the right to abandon in place all nonseverable industrial facilities furnished under the contract located on land not owned or controlled by the Government, and that the Government in such event will not be subject to any obligation to restore or rehabilitate the premises on which the facilities are located unless otherwise provided in the contract with the prior approval of the Director (or other head) of a NASA installation (this appoval authority shall not be delegated); and

(d) One of the circumstances in subparagraphs (1) through (4) of this paragraph has been met—

(1) The facilities are disposable, after the Government's need therefor has ceased, to parties other than the contractor for commercial or industrial operations. Such right of disposition must be unencumbered and will be evidenced by written agreement or other legal instrument signed by the contractor;

(2) The contractor agrees, in writing, that he will purchase the facilities upon the expiration of the facilities contract, or at any time prior thereto, at a price equal to the acquisition cost of the facilities less depreciation at the rate or rates specified in the contract (which rate or rates shall take into consideration the estimated useful life of the facilities), or credit an amount equal to such price against any amounts due the contractor under the contract;

(3) The estimated useful life of the facilities will not extend beyond the expiration of the facilities contract or the completion of the work for which facilities were provided; or

(4) The Administrator, NASA, specifically approves other provisions which he considers adequate to protect the interests of the Government in the facilities.

**§ 18–13.407 Right of contractor to use.**

(a)(1) Each facilities contract which provides for use of facilities shall limit the right of the contractor to use the industrial facilities to the performance of the contracts and subcontracts specified or otherwise identified in the facilities contract, added thereto by modifications, or approved in writing by the contracting officer cognizant of the facilities contract. In the latter event, a record of approved contracts and subcontracts shall be included in the facilities contract file. Where a facilities contract authorizes the use of industrial facilities in the performance of contracts entered into by formal advertising, the facilities contract shall specify a cash rental to be paid in such cases. Facilities contracts may authorize the use of industrial facilities without charge in the performance of contracts other than those entered into by formal advertising if:

(i) The user is not thereby placed in a favored competitive position; and

(ii) The Government receives adequate consideration through reduced cost for supplies or services or otherwise (see § 18–13.601). Such reduced cost may be established in the initial negotiation of new contracts, or by the readjustment of prices (including fixed fees and allowable costs) of existing contracts, or by price redetermination in the case of negotiated fixed-price contracts where the saving to the contractor cannot be accurately forecast.

(2) Where a facilities contract authorizes the use of industrial facilities without charge to perform subcontracts, it is likewise important to assure that the waiver of a use charge is consistent with the requirements that:

(i) The subcontractor is not thereby placed in a favored competitive position; and

(ii) The Government receives adequate consideration through reduced cost for the supplies or services or otherwise (see § 18–13.601).

Therefore, the use of industrial facilities without charge to perform a particular subcontract shall not be authorized unless the contracting officer determines that these requirements are met.

(3) In order to ensure that a concern possessing Government facilities on a no-charge basis is not thereby placed in a favored position in competing for Government business, either as a prime contractor or a subcontractor, with relation to other concerns possessing either a lesser amount of Government facilities or possessing their own facilities, a suitable method for eliminating any competitive pricing advantage shall be employed. This may be accomplished:

(i) By charging a rental in the manner prescribed in § 18–13.601;

(ii) In the price evaluation of competitive proposals, by adding to the proposed contract price of a concern possessing Government facilities without charge an evaluation factor consisting of an amount estimated to equal such rental charge; or

(iii) By any other method or technique which will give effect to the basic policy set forth in this paragraph.

It is recognized that there may be situations in which there is no need for charging rental or applying equalization factors to assure that the user possessing Government facilities is not thereby placed in a favored competitive position, for example, where all competing concerns possess substantially the same amount of Government facilities on a no-charge basis which may be used in the performance of a proposed contract; where the procurement is to be made from a sole source; or where the award is to be made on a basis in which the rental cost of Government-owned facilities is not a controlling factor. The contract file shall be documented to show the method employed to eliminate competitive advantage in making award.

(b) When a contractor is not authorized to use the facilities on a no-charge basis by paragraph (a) of this section, because of the competitive aspects, or because of administrative difficulties, or other considerations, the contract shall require the contractor to pay a fair and reasonable use charge. Such fair and reasonable use charge shall be established on the basis of sound commercial practice, including any prevailing commercial rates, and shall be such as to prevent the contractor from obtaining an unfair competitive advantage by reason thereof. The use charge for production equipment and for other personal property and equipment constituting industrial facilities will conform to the rates prescribed in § 18–13.601.

(c) A contractor may be authorized by the contracting officer in writing to make incidental use of all or part of the facilities covered by the facilities contract for work other than for NASA. Prior approval of the Office of Emergency Planning must be obtained through the Director of Procurement before authorizing over 25 percent non-Defense use of Government-owned machine tools (Production Equipment Code Nos. 3411–341999 and 3441–34490) having a unit acquisition cost of $500 or more. (The term non-Defense use means work on other than DOD, AEC, or NASA contracts and subcontracts.) Where a facilities contract is no longer required in connection with the performance of a Government contract or contracts, it shall not be continued solely for the purpose of authorizing commercial use of all or any part of the facilities covered by the facilities contract. The rental rates applicable to Government facilities as provided in § 18–13.601 shall apply to facilities under a facilities contract for the period that such facilities are authorized for use for commercial purposes.

### § 18–13.408 Maintenance.

(a) Pursuant to the Maintenance clause required in each facilities use contract and each consolidated facilities contract by §§ 18–7.703–27 and 18–7.704–48, the contractor shall perform normal maintenance of the facilities in accordance with sound industrial practice, including protection, preservation, maintenance, and repair of the facilities and, with respect to equipment, normal parts replacement. The contractor shall submit to the contracting officer or his designated representative a proposed maintenance program in sufficient detail to show its adequacy as a normal maintenance program. However, on direction or approval by the contracting officer, the following may be authorized:

(1) A specified degree of protection, preservation, maintenance, and repair that is less than sound industrial practice as to any part of the facilities which is determined by the contracting officer to be nonessential to future utilization of the facilities as a whole;

(2) Reimbursement by the Government for the cost of protecting, maintaining, preserving, and repairing facilities not authorized for use by the Government; and

(3) Reimbursement by the Government for maintenance work in excess of normal maintenance when such work is in the Government's best interest.

(b) The contracting officer shall order a decrease in maintenance requirements when current normal maintenance is in excess of that required in the Government's interest and sound industrial practices.

(c) A facilities contract shall contain no warranty, expressed or implied, regarding the condition of fitness for use of any item of Government facilities. Nothing in this § 18–13.408 shall limit the contractor's rights with respect to costs properly allocable under other contracts.

### § 18–13.409 Identification and records.

Each facilities contract which governs use of industrial facilities shall require the contractor, without cost to the Government thereunder, to maintain adequate property control records and a system of identification of such industrial facilities in accordance with the provisions of the "Manual for Control of Government Property in Possession of Nonprofit Research and Development Contractors," Appendix C, ASPR, and the NASA Industrial Property Control Manual (NPC 105) in effect on the date of the contract.

### § 18–13.410 Late delivery, diversion, and substitution.

Each contract under which industrial facilities are furnished shall provide that:

(a) The Government will not be liable to the contractor for breach of contract by reason of nondelivery or of any delay in the delivery of industrial facilities to be provided by the Government. Provisions for appropriate equitable adjustment should be made in related procurement contracts which may be affected by any such nondelivery or delay.

(b) The Government will have the right, when it is determined to be in the best interest of the Government, to direct—

(1) delivery of any industrial facility or facilities acquired by or furnished to the contractor under the contract to locations other than those specified in the contract; and

(2) assignment, to the Government or to third parties, of purchase orders or subcontracts of the contractors for any industrial facility or facilities covered by the contract.

Provisions for appropriate equitable adjustment should be made in related procurement contracts which may be affected by such modifications.

(c) The Government shall have the right to furnish any of the industrial facilities, in lieu of acquisition thereof by the contractor. Where facilities are acquired by the contractor, provisions will be made for reimbursement of proper cost incurred by him, including the cost of terminating purchase orders or subcontracts therefor.

### § 18–13.411 Risk of loss or damage and liability.

Each contract which includes industrial facilities:

(a) shall provide that the contractor will not be liable for any loss or damage to the industrial facilities, or for expenses incidental to such loss or damage, except that the contractor shall be responsible for any such loss or damage (including expenses incidental thereto)—

(1) which results from a risk expressly required to be insured under the facilities contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater;

(2) which results from a risk which is in fact covered by insurance or for which the contractor is otherwise reimbursed, but only to the extent of said insurance or reimbursement;

(3) which results from willful misconduct or lack of good faith on the part of any of the contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who have supervision or direction of (i) all or substantially all of the contractor's business, (ii) all or substantially all of the contractor's operations at the industrial facility if such facility is a complete plant or unit, (iii) all or substantially all of the contractor's operations at any one plant or separate location in which such industrial facilities are installed or located, or (iv) any separate or complete major industrial operation in connection with which the facilities are used; or

(4) which results from a failure on the part of any of the contractor's directors, officers, or other representatives mentioned in subparagraph (3) of this paragraph (i) to maintain and administer, in accordance with the contractor's approved maintenance procedures, a program for the maintenance, repair, protection, and preservation of the industrial facilities, to assure their full availability and usefulness at all times, or (ii) to take all reasonable steps to comply with any appropriate written directions or instructions which the contracting officer may prescribe as reasonably necessary for the protection of the industrial facilities; *Provided*, That, with respect to any such loss or damage caused by an excepted peril, the contractor shall be liable under subparagraph (4) of this paragraph only where such failure of the contractor's representative, as described herein, results from his willful misconduct or lack of good faith. (As used herein, the term "excepted peril" shall mean any peril set forth in § 18–13.502–2(f) (1) and also may include additional provisions for liability in specific cases, in which case such additional provisions shall be included, or specifically referred to, in the general liability clause.)

(b) Shall require the contractor to hold the Government harmless against claims for injury to persons or damage to property of the contractor or others arising from the contractor's possession or use of the industrial facilities: *Provided, however*, That as long as there is in effect one or more contracts for supplies or services which require the use of such facilities, the provisions of such contracts shall govern the assumption of liability for such claims arising out of or related to the performance of each such contract and involving the possession or use of Government-provided industrial facilities;

(c) Shall require the contractor to carry insurance in accordance with Subpart 18–10.6. Where justified by the circumstances of any particular contract, NASA may require the contractor to assume greater risks than those enumerated in subparagraph (a) of this section.

### § 18–13.412 Unusable or unneeded facilities.

Each facilities contract which governs use of facilities shall provide that the contractor shall notify the contracting officer in writing whenever a substantial part of the facilities is no longer needed or usable for the purpose of performing Government contracts or subcontracts.

### § 18–13.413 Termination of facilities contracts.

### § 18–13.413–1 Termination by the Government.

(a) Facilities contracts shall provide that the Government shall have the right, upon notice, to terminate such contracts with respect to all or any part of the facilities covered thereby, or to terminate or limit the contractor's right to use any or all of such facilities. Provisions for equitable adjustment should be made in related procurement contracts which may be affected by such termination or limitation of right to use.

(b) Facilities contracts governing use of facilities shall be limited in duration to 5 years. Thereafter, if continued use of the facilities by the contractor is mutually desired, the parties shall enter into a new contract incorporating such provisions as may be required by applicable laws and regulations. However, the parties by written agreement may extend the use of the facilities under the facilities contract beyond the 5-year period to permit the completion of then existing procurement contracts and subcontracts. The contractor shall not be granted the unilateral right to extend the time during which the contractor is entitled to use the facilities provided under the contract.

### § 18–13.413–2 Termination by contractor.

(a) Facilities contracts governing use of facilities shall provide that the contractor shall have the right to terminate his authority to use the facilities at any time, upon written notice.

(b) Termination at the option of the contractor shall not relieve the contractor of his obligations or liabilities under any related procurement contract affected thereby.

### § 18–13.414 Standby provisions.

Upon approval of the Director of Procurement, facilities contracts may include appropriate provisions for maintenance or storage of the industrial facilities, or other suitable standby provisions, upon completion or termination, in whole or in part, of such contract or of the contractor's right to use any or all of the facilities covered thereby.

### § 18–13.415 Disposition.

Except as to those nonseverable industrial facilities for which specific provision is made in § 18–13.406, the disposition of industrial facilities shall be in accordance with Part 18–8 of this chapter and NASA Management Instruction 20–4–2. Each facilities contract covering use of facilities shall provide that within the period specified in the contract following the effective date of partial or complete termination, the contractor will account for all facilities with respect to which the contract is terminated. Within 180 days after the contractor accounts for the facilities, the contracting officer will notify the contractor as to disposition thereof. The contractor will be required to prepare, protect, remove, or ship the facilities as directed by the contracting officer. Provision may be made for equitable reimbursement to the contractor for expenses so incurred. If the contracting officer fails to notify the contractor as to disposition of the facilities within the 180-day period, herein provided, the contractor may, upon reasonable notice to the Government, remove and store elsewhere at Government risk and expense those facilities located within the plant of the contractor. (See § 18–8.101(b).)

### § 18–13.416 Facilities contract clauses.

Clauses for facilities acquisition use, and consolidated facilities contracts are set forth in Subpart 18–7.7.

## Subpart 18–13.5—Contract Clauses

### § 18–13.500 Scope of subpart.

This Subpart 18–13.5 sets forth uniform contract clauses relating to Government property provided for use in connection with the performance of contracts for supplies or services.

### § 18–13.501 Applicability.

(a) As used in this Subpart 18–13.5, the term "fixed-price contract for supplies or services" shall mean any contract entered into:

(1) Either by formal advertising or by negotiation, but excluding purchase orders for $5,000 or less, letter contracts, notices of award, and modifications to contracts or purchase orders;

(2) At a fixed price (with or without provisions for price adjustment); and

(3) For supplies or services other than the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property.

(b) As used in this Subpart 18–13.5, the term "cost-reimbursement type contract for supplies or services" shall mean any contract (other than a letter contract, notice of award, or modification of a contract) entered into by negotiation on a cost or cost-plus-a-fixed-fee basis for supplies or services other than the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property.

### § 18–13.502 Government-furnished property clause for fixed-price supply contracts.

Either the clause set forth in § 18–13.502–1 or in § 18–13.502–2 shall be used in fixed-price contracts for supplies or services (except contracts for experimental, developmental, or research work with educational or nonprofit institutions, where no profit to the contractor is contemplated) under which NASA is to fur-

nish to the contractor materials, special tooling, or industrial facilities.

**§ 18–13.502–1 Short form clause.**

Where the total cost of the contract is less than $25,000, and where, in the judgment of the contracting officer, the risk of loss or damage to such property would not result in the inclusion of contingency charges in the contractor's price, a short form clause shall be included in the contract, as follows:

GOVERNMENT-FURNISHED PROPERTY (SHORT FORM) (OCT. 1960)

(a) The Government shall deliver to the Contractor at the specified time or times the property described in the Schedule or specifications, together with such related data and information as the Contractor may reasonably request. In the event the Government fails to make timely delivery of such Government-furnished property, and upon timely written request of the Contractor, the Government shall make an equitable adjustment of delivery or performance dates or contract price, or both, pursuant to the "Changes" clause of this contract.

(b) By notice in writing, the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, the Contracting Officer, upon the written request of the Contractor, shall equitably adjust the delivery or performance dates or the contract price, or both, pursuant to the "Changes" clause of this contract.

(c) Title to all property furnished by the Government, hereinafter referred to as "Government-furnished" property, shall remain in the Government. Title to Government-furnished property shall be unaffected by the incorporation or attachment thereof to any property not owned by the Government, nor shall Government-furnished property, or any part thereof, be or become a fixture or lose its identity as personalty by reason or affixation to any realty. Except as otherwise specifically provided in this contract, the Contractor (i) shall not pledge, assign, or transfer title to any Government-furnished property, nor do or suffer anything to be done whereby any Government-furnished property may be seized, taken in execution, attached, destroyed, or injured, and (ii) shall not remove or otherwise part with possession of, or permit the use by others of, any Government-furnished property.

(d) Unless otherwise provided in this contract, the Contractor, upon delivery to him of any Government-furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear, and except to the extent that such property is consumed in the performance of this contract. In lieu of payment of damages to the Government, the Contractor, if so instructed by the Contracting Officer, shall accomplish, at his own expense, the repair or replacement of Government-furnished property for the loss or damage of which the Contractor is responsible.

(e) The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection, and preservation of Government-furnished property.

(f) Government-furnished property shall, unless otherwise provided herein, be used only for the performance of this contract.

**§ 18–13.502–2 Long form clause.**

In all other cases where Government-furnished property is involved, the following long form clause shall be used:

GOVERNMENT-FURNISHED PROPERTY (LONG FORM) (OCTOBER 1963)

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished Property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished Property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished Property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event the Government-furnished Property is received by the Contractor in a condition not suitable for the intended use the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property, or (ii) effect repairs or modifications. Upon the completion of (i) or (ii) above the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by the repair or modification, in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) By notice in writing the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, the Contracting Officer upon the written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provisions affected by the decrease, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

(c) Title to the Government-furnished Property shall remain in the Government. Title to Government-furnished Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished Property, or any part thereof, be or become a fixture or loes its identity as personalty by reason of affixation to any realty. The Contractor shall comply with the provisions of the NASA Industrial Property Control Manual (NPC–105) as in effect on the date of the contract, which Manual is hereby incorporated by reference and made a part of this contract.

(d) The Government-furnished Property shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection, and preservation of Government-furnished Property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government-furnished Property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-furnished Property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

The following provision (f) is for use in advertised fixed-price contracts:

(f) Unless otherwise provided in this contract, the Contractor, upon delivery to him of any Government-furnished Property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear, and except to the extent that such property is consumed in the performance of this contract.

The following provision (f) is for use in negotiated fixed-price contracts except those contracts involving Government-furnished Property relating to labor surplus area or small business set-asides for which the provision (f) for advertised contracts shall be used:

(f)(1) Except for loss, destruction, or damage resulting from a failure of the Contractor due to willful misconduct or lack of good faith of any of the Contractor's managerial personnel as defined herein, to maintain and administer the program for the maintenance, repair, protection, and preservation of the Government-furnished Property, as required by paragraph (e) hereof, and except as specifically provided in the clause or clauses of this contract designated in the Schedule, the Contractor shall not be liable for loss or destruction of or damage to the Government-furnished Property—

(i) caused by any peril while the property is in transit off the Contractor's premises or

(ii) caused by any of the following perils while the property is on the Contractor's or subcontractor's premises, or on any other premises where such property may properly be located, or by removal therefrom because of any of the following perils—

(A) fire; lightning, windstorm, cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; sabotage; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of a body of water; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval, or air





forces; or by an agent of any such government, power, authority, or forces; or

(B) other peril, of a type not listed above, if such other peril is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor, or the prevailing practice in the industry in which the Contractor is engaged with respect to similar property in the same general locale.

The perils as set forth in (i) and (ii) above are hereinafter called "excepted perils."

This clause shall not be construed as relieving a subcontractor from liability for loss or destruction of or damage to the Government-furnished Property while in his possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, may provide for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government-furnished Property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

The term "Contractor's managerial personnel" as used herein means the Contractor's directors, officers, and any of his managers, superintendents, or other equivalent representatives who have supervision or direction of:

(i) All or substantially all of the Contractor's business;

(ii) All or substantially all of the Contractor's operation at any one plant or separate location at which the contract is being performed;

(iii) A separate and complete major industrial operation in connection with the performance of this contract.

(2) The Contractor represents that he is not including in the price hereunder, and agrees that he will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserve) covering loss or destruction of or damage to the Government-furnished Property caused by any excepted peril.

(3) Upon the happening of loss or destruction of or damage to any Government-furnished Property caused by an excepted peril, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has directed that no such organization be employed), shall take all reasonable steps to protect the Government-furnished Property from further damage, separate the damaged and undamaged Government-furnished Property, put all the Government-furnished Property in the best possible order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government-furnished Property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government-furnished Property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be reimbursed for the expenditures made by him in performing his obligations under this subparagraph (3) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed directly), to the extent approved by the Contracting Officer and set forth in a Supplemental Agreement.

(4) With the approval of the Contracting Officer after loss or destruction of or damage to Government-furnished Property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government-furnished Property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(5) Except to the extent of any loss or destruction of or damage to Government-furnished Property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government-furnished Property in accordance with the provisions of this contract, the Government-furnished Property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (e) above.

(6) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-furnished Property, caused by an excepted peril, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to the Government-furnished Property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government-furnished Property for the benefit of the Government.

*(7) If this contract is for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the "Ground and Flight Risk" clause of this contract shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.

(g) The Government shall at all reasonable times have access to the premises wherein any Government-furnished Property is located.

(h) Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished Property not consumed in the performance of this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government-furnished Property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(i) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

**§ 18–13.503 Government property clause for cost-reimbursement type contracts.**

The following clause shall be used in cost-reimbursement type contracts for supplies and services (except contracts for experimental, developmental, or research work with educational or nonprofit institutions, where no profit to the contractor is contemplated) when NASA is to furnish to the contractor, or the contractor is to acquire for the account of the Government, material, special tooling, or industrial facilities.

GOVERNMENT PROPERTY (OCTOBER 1963)

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished Property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished Property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished Property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished Property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provision affected by the return or disposition, or the repair or modification, in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this

*This subparagraph may be omitted where it is clearly inapplicable and shall be deleted when the Ground and Flight Risk clause is omitted.

contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. All Government-furnished Property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property."

(c) Title to the Government Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall comply with the provisions of the NASA Industrial Property Control Manual (NPC–105) as in effect on the date of the contract, which Manual is hereby incorporated by reference and made a part of this contract.

(d) The Government Property provided or furnished pursuant to the terms of this contract shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection, and preservation of Government Property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of Government Property.

(f) (1) The Contractor shall not be liable for any loss of or damage to the Government Property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) all or substantially all of the Contractor's business; or

(B) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or

(C) a separate and complete major industrial operation in connection with the performance of this contract;

(ii) which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) to maintain and administer, in accordance with sound industrial practice, the program for maintenance, repair, protection, and preservation of Government Property as required by paragraph (e) hereof; or

(B) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (e) hereof;

(iii) for which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) which results from a risk expressly required to be insured under this contract but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) which results from a risk which in in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement;

*Provided*, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. This clause shall not be construed as relieving a subcontractor from liability for loss or destruction of or damage to Government Property in his possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, may provide for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government Property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(2) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government Property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(3) Upon the happening of loss or destruction of or damage to the Government Property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government Property from further damage, separate the damaged and undamaged Government Property, put all the Government Property in the best possible order, and furnish to the Contracting Officer a statement of—

(i) the lost, destroyed, and damaged Government Property,

(ii) the time and origin of the loss, destruction, or damage,

(iii) all known interests in commingled property of which the Government Property is a part, and

(iv) the insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government Property or take such other action as the Contracting Officer directs.

(4) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government Property, he shall use the proceeds to repair, renovate, or replace the Government Property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government Property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government Property for the benefit of the Government.

*(5) If this contract is for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the clause of this contract entitled "Flight Risks" shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.

(g) The Government shall at all reasonable times have access to the premises where any of the Government Property is located.

(h) The Government Property shall remain in the possession of the Contractor for such period of time as is required for the performance of this contract unless the Contracting Officer determines that the interests of the Government require removal of such property. In such case the Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of Government Property. In any such instance, the contract may be amended to accomplish an equitable adjustment in the terms and provisions thereof.

(i) Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government Property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government Property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government Property: *Provided, however*, That the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of general overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

(j) Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the removal of any Government Property.

(k) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

*This subparagraph may be omitted where it is clearly inapplicable and shall be deleted when the Flight Risks clause is omitted.

As provided in paragraph (i) of the above clause, the contracting officer may authorize or approve use of the contractor's established scrap disposal and accounting procedures whenever the amount and recoverable value of scrap from the Government property are relatively minor and the contractor's established procedures for accumulating and disposing of scrap and crediting the proceeds thereof to general overhead or other general cost will permit the Government to share equitably in such scrap recovery through a reduction of overhead or other cost factor affecting reimbursement under the contract.

### § 18–13.504 Special tooling clause for fixed-price contracts.

The following clause shall be used in fixed-price contracts for supplies or services for the performance of which the contractor furnishes special tooling, under the conditions set forth in § 18–13.302(b), but is not for use in contracts in which special tooling is called for as a separate end item in the Schedule (see § 18–13.302(a)).

SPECIAL TOOLING (APRIL 1962)

(a) The term "special tooling," as used in this clause, means all jigs, dies, fixtures, molds, patterns, special taps, special gauges, special test equipment, other special equipment and manufacturing aids, and replacements thereof, acquired or manufactured by the Contractor for use in the performance of this contract, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the production of such supplies or parts thereof, or the performance of such services, as are peculiar to the needs of the Government. The term does not include (i) items of tooling or equipment heretofore acquired by the Contractor, or replacements thereof, whether or not altered or adapted for use in the performance of this contract; (ii) consumable small tools; or (iii) general or special machine tools, or similar capital items.

(b) The Contractor agrees not to use any items of special tooling except in the performance of this contract, or except as otherwise provided by this clause, without prior written approval of the Contracting Officer. The Contractor may, with the approval of the Contracting Officer, use the special tooling in the performance of other contracts with the Government, or subcontracts under Government contracts: *Provided*, That the Contractor agrees not to include in the price or prices for any such contracts or subcontracts, involving the use of such special tooling, the cost of such tooling or any allowance or charge to cover depreciation or amortization which has previously been charged against this contract.

(c) Within 60 days after delivery of the first-production end items under this contract, or such later date as may be prescribed by the Contracting Officer, the Contractor shall, if the Contracting Officer so requests, furnish the Contracting Officer a list of all special tooling acquired or manufactured by the Contractor for use in the performance of this contract. The list shall specify the nomenclature, tool number and related product part number or service, and unit or group cost of the special tooling. Upon completion or termination of all or a substantial part of the work under this contract the Contractor shall furnish a final list in the same form covering all items not previously reported under this paragraph: *Provided, however*, That the Contracting Officer may by written notice waive this requirement or extend it until the completion of this contract and other contracts and subcontracts as to which approval has been obtained under paragraph (b) above. Special tooling which has become obsolete as a result of changes in design or specifications need not be reported, except as provided for in paragraph (d).

(d) In the event of any changes in design or specifications which affect interchangeability of parts, the Contractor shall, unless otherwise agreed to by the Contracting Officer, give the Contracting Officer notice of any part which is not interchangeable with the new or superseding part, and the usable special tooling for each part covered in such notice shall be retained by the Contractor subject to the provisions of paragraph (i), pending disposition under paragraph (f).

(e) At the time he furnishes any list or notice under (c) or (d) above, the Contractor may designate those items of special tooling (either specifically or by listing the particular products, parts, or services for which such items were used or designed) which he desires to retain, together with a written offer (i) to retain any or all of such items, free and clear of any Government interest, for an amount designated therein, which should ordinarily not be less than the then fair value of such items (which fair value takes into account, among other things, the value of such items to the Contractor for use in further work by him); or (ii) to retain any or all such items for such period of time and subject to such terms and conditions as may be agreed to by the parties hereto, subject to ultimate retention or disposition of such items in accordance with paragraph (f) hereof.

(f) Within 90 days after receipt of any list or notice under paragraph (c) or (d) hereof, or such further period as may be agreed upon by the parties, the Contracting Officer shall furnish to the Contractor (i) a list specifying the particular products, parts or services for which the Government may require special tooling, together with a request that the Contractor transfer title (to the extent not previously transferred under any other clause of this contract) and deliver to the Government all usable items of special tooling which were used or designed for the manufacture or performance of any designated portion of such products, parts, or services, and which were on hand when production of such products or parts, or performance of such services, ceased; or (ii) an acceptance or rejection of any offer made by the Contractor under paragraph (e) above, or a request for further negotiation with respect thereto; or (iii) subject to the provisions of paragraph (j) hereof, a direction to the Contractor to sell, or to dispose of as scrap, for the account of the Government, any or all of the special tooling covered by such list; or (iv) a statement with respect to any or all of the special tooling covered by such list that the Government has no further interest therein and waives its rights therein; or (v) any combination of the foregoing, as the circumstances warrant. The Contractor shall promptly comply with any request by the Contracting Officer under this paragraph to transfer title to any items of special tooling, and shall, subject to the provisions of paragraph (j) hereof, (1) immediately prepare such items for shipment by proper packaging, packing, and marking, in accordance with any instructions which may be issued by the Contracting Officer, and shall promptly deliver such items to the Government, as directed by the Contracting Officer; or (2) if a storage agreement has been entered into, prepare such items for storage in accordance therewith, as directed by the Contracting Officer. Any items of special tooling so delivered or stored shall be accompanied by such operation sheets or other appropriate data as are necessary to show the manufacturing operations or processes for which such items were used or designed. If the Contracting Officer has requested further negotiations under (ii) of this paragraph, the Contractor agrees that he will enter into such negotiations in good faith with the Contracting Officer. Any items of special tooling which are not disposed of by transfer of title and delivery to the Government, or by acceptance of an offer of the Contractor made under paragraph (e), or of such offer as modified in the course of negotiations, shall be disposed of in the manner set forth in (iii) or (iv) of this paragraph.

(g) If the Contracting Officer accepts an offer of the Contractor to retain any items of special tooling, or if any such items are sold to third parties or disposed of as scrap, the net proceeds shall (i) be deducted from the amounts due to the Contractor under this contract and the contract amended accordingly; or (ii) be otherwise paid as the Contracting Officer may direct.

(h) The Contractor agrees that he will follow his normal industrial practice in maintaining property control records on all the special tooling, and that he will make such records available for inspection by the Government at all reasonable times. The Contractor further agrees that, to the extent practicable, he will identify by appropriate stamp, tag, or other mark all special tooling subject to this clause.

(i) The Contractor agrees that between the date any usable items of special tooling are no longer needed by him, within the meaning of this clause, and the date of final disposition of such items under this clause, he will take all reasonable steps necessary to maintain the identity and existing conditions of such items, unless the Contracting Officer has directed that such items be disposed of as scrap or has given notice under (f)(iv). The Contractor shall not be required to keep any such items in place.

(j) Any preparation of items for shipment required of the Contractor under paragraph (f) of this clause, or any disposal as scrap under paragraph (f)(iii), or any action required of the Contractor under paragraph (i), shall be taken pursuant to written instructions of the Contracting Officer, which shall (i) provide for an equitable adjustment of the contract price to cover any additional cost to the Contractor, not taken into account in the negotiation of this contract, of complying with such instructions, which adjustment shall be made in accordance with the procedure set forth in the clause of this contract entitled "Changes," or (ii) otherwise provide for payment to the Contractor of any such additional cost. Any failure of the Contracting Officer to issue the Contractor specific disposition instructions shall be construed as an instruction to the Contractor to take the action required under paragraph (i) with provision for equitable adjustment or payment as provided for above.

The following paragraph relating to subcontracts shall be used in cases where the Contracting Officer deems the use of such paragraph to be necessary in order to protect the Government's interest in special tooling which may be acquired under such subcontracts:

(k) The Contractor agrees, in placing any subcontracts or purchase orders under this contract which involve the use of special tooling, the full cost of which is charged to such subcontract or purchase order, he will include therein appropriate provisions to obtain rights comparable to those granted to the Government by this clause, and agrees that he will exercise such rights for the benefit of the Government, as the Contracting Officer may direct. (April 1962)

In appropriate cases, the following alternative provision relating to subcontracts be used:

(k) The Contractor agrees that, in placing any subcontracts or purchase orders under this contract which involve the use of special tooling, the full cost of which is charged to such subcontract or purchase order, he will to the extent consistent with his normal business practice include appropriate provisions therein to obtain rights comparable to those granted to the Government by this clause, and agrees that he will exercise such rights for the benefit of the Government, as

the Contracting Officer may direct. (April 1962)

### § 18–13.505 Government-furnished property clauses for fixed-price type research and development contracts with nonprofit institutions.

Where property is furnished by the Government to a nonprofit institution under a fixed-price research and development contract (provided that the contract is executed on a nonprofit basis), one of the clauses set forth in § 18–13.505–1 or § 18–13.505–2 shall be used.

#### § 18–13.505–1 Short form clause.

When the total cost of the contract is less than $25,000, the following short form clause shall be included in the contract:

GOVERNMENT-FURNISHED PROPERTY (SHORT FORM) (APRIL 1962)

The Government agrees to furnish to the Contractor such research equipment as is set forth in the Schedule. Upon final payment, the Contractor agrees to transfer to the Government, without charge, any items of equipment listed in the Schedule which the Contracting Officer may request to be transferred in accordance with instructions issued at that time. The packing, crating, and shipping charges incident to delivery to the Government will be borne by the Government.

#### § 18–13.505–2 Long form clause.

In all other fixed-price research and development contracts of $25,000 and over with nonprofit institutions where Government-furnished property is involved, the following long form clause shall be included in the contract:

GOVERNMENT-FURNISHED PROPERTY (LONG FORM) (APRIL 1962)

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished Property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished Property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished Property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by the delay. In the event that Government-furnished Property is received by the Contractor in a condition not suitable for its intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of such property, or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by the return, disposition, repair, or modification. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) By notice in writing the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provisions affected by the decrease.

(c) Title to the Government-furnished Property shall remain in the Government. Title to Government-furnished Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

In accordance with § 18–13.803, the following alternate paragraph (c) may be used:

(c) Title to Government-furnished Property shall remain in the Government, except for that equipment the title to which is transferred to the Contractor pursuant to this paragraph. The Contracting Officer may at any time during the term of this contract, or upon completion or termination, transfer title to equipment to the Contractor upon such terms and conditions as may be agreed upon: *Provided*, That the Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such equipment as is donated under this paragraph. Upon the transfer of title to equipment under this paragraph, such equipment shall cease to be Government-furnished Property. Title to Government-furnished Property, not otherwise transferred to the Contractor, shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. (April 1962)

(d) The Government-furnished Property shall, unless otherwise provided herein, and except as may be otherwise approved by the Contracting Officer, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection, and preservation of Government-furnished Property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government-furnished Property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however*, That if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-furnished Property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(f) The provisions of Part III, Appendix C, Armed Services Procurement Regulation, "Manual for Control of Government Property in Possession of Nonprofit Research and Development Contractors," as in effect on the date of this contract, are hereby incorporated by reference and made a part of the contract, insofar as they relate to Government-furnished Property. The Contractor agrees to comply with the provisions thereof relating to the keeping of property control records, identification and marking, segregation and commingling, taking of inventories, and control of salvage and scrap, and the Contractor also accepts the responsibilities set forth in said Part III with respect to Government-furnished Property.

(g) The Contractor agrees to make available to authorized representatives of the Contracting Officer at all reasonable times at the office of the Contractor all of his property records under this contract, and access to any premises where any of the Government-furnished Property is located.

(h)(1) The Contractor shall not be liable for any loss of or damage to the Government-furnished Property, or for expenses incidental to such loss or damage, except that the Contractor shall be liable for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed; or

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above, to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection, and preservation of Government-furnished Property as required by subparagraph (e) above; or

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule; or

(iv) Which results from a risk expressly required to be insured under some other provision of this contract, or of the schedules or task orders thereunder, but only to the extent of the insurance so required to be procured and maintained or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement;

*Provided*, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) The Contractor represents that he is not including in the price hereunder, and agrees that he will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government-furnished Property, except to the extent that the risk of loss is imposed on the Contractor under (1)(iii) above, or insurance has been required under (1)(iv) above.

(3) Upon the happening of loss or destruction of or damage to any Government-furnished Property, the Contractor shall notify the Contracting Officer thereof and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has directed that no such organization be employed) shall take all reasonable steps to protect the Government-furnished Property from further damage, separate the damaged and undamaged Government-furnished Property, put all the Government-furnished Property in the best possible order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government-furnished Property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interest in commingled property of which the Government-furnished Property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be reimbursed for the expenditures made by him in performing his obligations under this subparagraph (3) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, as its option, assumed directly) to the extent approved by the Contracting Officer and set forth in a modification to this contract.

(4) With the approval of the Contracting Officer after loss or destruction of or damage to Government-furnished Property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government-furnished Property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(5) Except to the extent of any loss or destruction of or damage to Government-furnished Property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government-furnished Property in accordance with the provisions of this Contract, the Government-furnished Property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (e) above.

(6) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-furnished Property, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

*(7) If this contract is for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the "Ground and Flight Risk" clause of this contract shall control, to the extent it is applicable in the case of loss or destruction of, or damage to, aircraft.

(i) Upon completion or expiration of this contract, any Government Property which has not been consumed in the performance of this contract, or which has not been disposed of as hereinafter provided in subparagraph (i) of this article, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in subparagraph (g) of the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the price or costs of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(j) If the Contracting Officer determines that the interests of the Government require removal of any Government-furnished Property, or if the Contractor determines any Government-furnished Property to be in excess of his needs under this contract, such Government-furnished Property shall be disposed of in the same manner as covered by paragraph (i) above. In the event that the Contracting Officer requires the removal of any Government-furnished Property under this subparagraph (j) or subparagraph (i) above, upon timely written request of the Contractor, an equitable adjustment shall be made in the contract price to cover the direct cost to the Contractor of such removal and any property damage occasioned thereby.

*This subparagraph may be omitted where it is clearly inapplicable and shall be deleted when the Ground and Flight Risk clause is omitted.

### § 18–13.506 Government property clauses for cost-reimbursement type research and development contracts with nonprofit institutions.

Where property is furnished by the Government to, or is acquired by a nonprofit institution, under a cost-reimbursement type research and development contract (provided that the contract is executed on a nonprofit basis), one of the clauses set forth in § 18–13.506–1 or § 18–13.506–2 shall be used.

#### § 18–13.506–1 Short form clause.

When the total cost of the contract is less than $25,000, the clause set forth below shall be included in the contract:

GOVERNMENT PROPERTY (SHORT FORM) (APRIL 1962)

All property furnished to or purchased by the Contractor in connection with work under this contract shall be and remain the property of the Contractor, except as provided below, even though the Contractor is entitled to be reimbursed for the cost of the property as a direct item of cost under this contract. If the Contractor acquires individual items of equipment exceeding $1,000 in value for any single item, the Contractor shall report such items to the Contracting Officer from time to time as they are procured and maintain a control system which will permit their ready identification and location. Upon final payment, the Contractor agrees to transfer to the Government, without charge, any items of equipment furnished to the Contractor or required to be reported hereunder, which the Contracting Officer may request to be transferred in accordance with instructions issued at that time. The packing, crating, and shipping charges incident to delivery to the Government will be borne by the Government.

#### § 18–13.506–2 Long form clause.

In all other cost-reimbursement type research and development contracts of $25,000 or over with nonprofit institutions where Government property is involved, the clause set forth below shall be included in the contract.

GOVERNMENT PROPERTY (LONG FORM) (APRIL 1962)

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished Property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished Property suitable for use will be delivered to the Contractor at the times stated in the Schedule of this contract or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished Property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and shall equitably adjust the estimated cost, or delivery or performance dates, or both, and any other contractual provisions affected by such delay. In the event that the Government-furnished Property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of such property, or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the estimated cost, or delivery or performance dates, or both, and any other contractual provision affected by the return, disposition, repair, or modification. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) The Government may deliver to the Contractor Government-furnished Property in addition to that set forth in this contract. Upon such delivery this contract may be amended, if appropriate, to accomplish an equitable adjustment in its terms and provisions.

(c)(1) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, except for that covered by (c)(2) below, for the cost of which the contractor is to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is to be reimbursed to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing

or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. All Government-furnished Property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(c)(2) All research equipment purchased by the Contractor in connection with work under this contract shall be and remain the property of the Contractor, even though the Contractor is entitled to be reimbursed for the cost of the research equipment as a direct item of cost under this contract. If the Contractor acquires individual items of research equipment exceeding $3,000 in value for any single item, the Contractor shall report such items to the Contracting Officer from time to time as they are procured and maintain a control system which will permit their ready identification and location. Upon final payment, the Contractor agrees to transfer to the Government, without charge, any item of research equipment required to be reported hereunder which the Contracting Officer may request be transferred in accordance with instructions issued at that time. The packing, crating, and shipping charges incident to delivery to the Government will be borne by the Government.

In accordance with § 18–13.803, the following additional language may be added to paragraph (c)(1) of the clause:

Notwithstanding the provisions of this paragraph (c)(1) relative to title, the Contracting Officer may at any time during the term of this contract, or upon completion or termination, transfer title to equipment to the Contractor upon such terms and conditions as may be agreed upon: *Provided*, That the Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such equipment as is donated under this paragraph. Upon the transfer of title to equipment under this paragraph, such equipment shall cease to be Government property. (APRIL 1962)

(d) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(e) The Government property provided or furnished pursuant to the terms of this contract shall, unless otherwise provided herein and except as may be otherwise approved by the Contracting Officer, be used only for the performance of this contract.

(f) The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Government property.

(g) The provisions of Part III, Appendix C, Armed Services Procurement Regulation, "Manual for Control of Government Property in Possession of Nonprofit Research and Development Contractors," as in effect on the date of this contract, are herein incorporated by reference and made a part of this contract. The Contractor agrees to comply with the provisions thereof relating to the keeping of property control records, identification and marking, segregation and commingling, taking of inventories, and control of salvage and scrap, and the Contractor also accepts the responsibilities set forth in said Part III with respect to Government property.

(h) The Contractor agrees to make available to authorized representatives of the Contracting Officer at all reasonable times at the office of the Contractor all of his property records under this contract, and access to any premises where any of the Government property is located.

(i)(1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in (i) above—

(A) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection, and preservation of Government property as required by (f) above or

(B) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under (f) above;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under some other provision of this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided*, That if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(3) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action as the Contracting Officer directs.

(4) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

*(j) If this contract is for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the "Ground and Flight Risk" clause of this contract shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.

(j) The Government property shall remain in the possession of the Contractor for such period of time as is required for the performance of this contract unless the Contracting Officer determines that the interests of the Government require removal of such property. In such case the Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of Government property. In any such instance, this contract may be amended to accomplish an equitable adjustment in its terms and provisions.

(k) Upon completion or expiration of this contract, any Government property which has not been consumed in the performance of this contract, or which has not been disposed of as hereinafter provided in subparagraph (l) of this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in subparagraph (g) of the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the cost of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(l) If the Contracting Officer determines that the interests of the Government require removal of any Government property, or if the Contractor determines any Government property to be in excess of his needs under this contract, such Government property shall be disposed of in the same manner as provided by subparagraph (k) above. In the event that the Contracting Officer requires the removal of any Government property under this subparagraph (l) or subparagraph (k) above, the direct cost to the Contractor of such removal and of any property damage occasioned thereby shall constitute an allowable cost thereunder.

(m) Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the removal of any Government property.

(n) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

*This subparagraph may be omitted where it is clearly inapplicable and shall be deleted when the Ground and Flight Risk clause is omitted.





## Subpart 18–13.6—Use of Government-Owned Industrial Facilities on Work Other Than for NASA

**§ 18–13.600 Scope of subpart.**

Subparts 18–13.1 through 18–13.5 are intended to be applicable only to those situations in which Government property is provided to contractors or subcontractors of any tier for use in connection with procurement by NASA. This Subpart 18–13.6 relates to making available to contractors, or former contractors, or to other parties, Government-owned industrial facilities under the control of NASA for use solely or principally on work other than for NASA. (As to making industrial facilities available principally for use in connection with procurement by NASA and incidentally for use on work other than for NASA, see § 18–13.407.) The question of making industrial facilities available for use on work other than for NASA may arise with respect to such property in the possession of the Government (e.g., machine tools in reserve storage) or in the possession of the potential user (e.g., where a contractor has completed the contract under which the property was originally provided). Basic authority to permit the use of Government property on work other than for NASA is found in statutes authorizing NASA to lease property under its control (see 42 U.S.C. 2473 (b)(3)).

**§ 18–13.601 Rental.**

**§ 18–13.601–1 General.**

When industrial facilities are made available for use on work other than for NASA, the user shall be charged a fair and reasonable rental: *Provided*, That under NASA procedures consistent with § 18–13.407(a), rental may be waived with regard to such property furnished solely for use in performing work for other Government agencies. Such rental unless otherwise specified herein shall be established on the basis of sound commercial practice, including any prevailing commercial rates. Except as otherwise provided in § 18–13.601–2, such rental may, where permitted by the law under which the contract or agreement is executed, take into consideration obligations assumed by the user to protect and maintain the property as well as to perform other services as all or part of the consideration for the contract or agreement. The rental shall, in any event, be such as to prevent the user from obtaining an unfair competitive advantage by reason thereof over competitors who own their facilities or obtain them from private sources. The rental shall be charged on the basis of the time during which the property is available for use rather than on the basis of the time during which the property is actually used, except in the case of facilities, other than those covered by § 18–13.601–2, where it is determined by the Director of Procurement to be impracticable or contrary to the best interest of the Government. The Government shall make no warranty, express or implied, regarding the condition or fitness for use of any item of property.

**§ 18–13.601–2 Rental rates.**

Except as authorized by the Director of Procurement, rentals charged for industrial facilities shall conform to the following rates:

(a) As to production equipment of the types listed in § 18–13.603, rent shall be at the appropriate rate set forth below regardless of the extent and value of any obligations undertaken by the user to provide maintenance or other services.

| *Age of equipment* | *Monthly rental rate* |
|---|---|
| 0 to 2 years | 1¾ percent of acquisition cost. |
| Over 2 to 6 years | 1½ percent of acquisition cost. |
| Over 6 to 10 years | 1 percent of acquisition cost. |
| Over 10 years | ¾ percent of acquisition cost. |

The acquisition cost to be used in determining rental shall be the purchase price of the equipment charged the Government plus costs of transportation to, and installation in, the place where the equipment will be used under the contract or agreement if such costs are borne by the Government. Transportation and installation costs may be estimated by the contracting officer where the actual costs are not known. When special tooling or accessories are rented with the equipment, equipment acquisition cost shall be increased to include the price charged the Government for such tooling or accessories. When equipment is modernized by substantial rebuilding at Government expense so as to enhance the original capability of the tool, the acquisition cost of the equipment shall be adjusted upward to take into account the increased value that such rebuilding and modernization represents. If the purchase price is not available or cannot be obtained from the manufacturer of the equipment, the installation concerned shall obtain an estimated purchase price from the Office of Procurement (Code KDF). On January 1 following the date of manufacture of each item of equipment, such item shall be considered one year old, and on each succeeding January 1 it shall become one year older; and contracts or agreements shall so provide. For example, if an item of equipment is manufactured on July 15, 1958, it will be considered to be one year old on January 1, 1959, two years old on January 1, 1960, three years old on January 1, 1961, etc. The item of equipment will be considered "over two years old" on and after January 1, 1960, "over six years old" on and after January 1, 1964, and "over ten years old" on and after January 1, 1968.

(b) Rent at the rate of not less than 1 percent per month of the original acquisition cost of such property or equipment shall be charged for property and equipment constituting industrial facilities other than production equipment covered in (i) above, and for equipment for which there are no prevailing commercial rates.

(c) Charges to be made under the provisions of paragraphs (a) and (b) of this section shall be computed as follows—

(1) For any period in which use of personal property and equipment constituting industrial facilities is authorized, the contractor, regardless of the character and extent of his use of the facilities, shall be charged a full month's rental for each month or fraction thereof, computed in accordance with the above rates, reduced by the amount of rental which would be properly allocable to Government contracts and subcontracts on which use of the facilities without charge has been authorized. The portion of the rental charge properly allocable to such Government contracts and subcontracts may be determined either prospectively or retroactively, as provided in the facilities contract, and shall be computed by multiplying the full rental for the period by a fraction whose numerator is the amount of use of the facilities by the contractor on a no-charge basis and whose denominator is the total amount of use of the facilities on both a rental and no-charge basis.

(2) For the purpose of the above formula, amounts of use may be determined on the basis of direct labor hours, sales, hours of use, or any other method which the contracting officer determines will result in an equitable apportionment of the rental charge.

(d) As to real property constituting industrial facilities, a fair and reasonable rent shall be charged.

Except to the extent otherwise permitted by NASA procedures in the case of property covered by paragraph (b) of this section, the contract or agreement under which property covered by this § 18–13.601–2 is made available shall require the user to protect, preserve, maintain, and repair the property in accordance with sound industrial practice without cost to the Government under such contract or agreement.

**§ 18–13.603 Production equipment.**

The production equipment to which the provisions of § 18–13.601–2(a) shall be applicable are:

| Production equipment code number | Description |
|---|---|
| 3411–341999 | Machine tools. |
| 3441–34490 | Secondary metal forming and cutting machines. |
| 34510–34519 | Electric arc welding machines. |
| 34520–3452129<br>345220–34529 | Electric resistance welding machines. |
| 345380–345839 | Gas (flame) cutting machines—excluding hand torches. |
| 357211–357219 | Metal heat treating furnaces—box type. |
| 357221–3572249 | Metal heat treating furnaces—bath type. |
| 357231–357239 | Metal heat treating furnaces—basket type. |
| 357241–3572439 | Metal heat treating furnaces—bell type. |
| 357261–357269 | Metal heat treating furnaces—pit type. |
| 357271–357279 | Metal heat treating furnaces—pot type. |
| 3572841–3572849 | Induction heating devices. |
| 54160000 | Transformers, power, uninstalled, 501 Kva and above, 50 and 60 cycle only. |
| 5561–556159 | Powered trucks, industrial. |
| 5563–5563994 | Tractors, industrial. |
| 5564–556420162 | Trailers for industrial tractors. |
| 563908 | Profilometers. |
| 563914 | Magnetic particle inspection machines. |
| 5651–56519 | Hardness testing machines. |
| 5653–56539 | Pressure testing machines. |
| 5656–5656323 | Balancing machines. |
| 56572–565729 | Gear measuring and treating machines. |
| 56573–565739 | Hob, worn and cutter measuring machines. |
| 565742 | Surface finish measuring machines. |

## Subpart 18–13.7—Government-Owned Industrial Facilities and Special Tooling on Work for Foreign Governments

### § 18–13.700 Scope of subpart.

This Subpart 18–13.7 covers use by contractors of Government-owned industrial facilities and special tooling on work for foreign governments.

### § 18–13.701 Use without charge.

Upon request of a foreign government, industrial facilities and special tooling located within the United States, its possessions, or Puerto Rico may be authorized for use, without charge, on contracts of the foreign government or subcontracts thereunder, if:

(a) Such use is approved by the Director of Procurement;

(b) Such use is legally authorized by an agreement with the foreign government;

(c) The foreign government's placing of the contract directly with the contractor is consistent with the best interest of the United States;

(d) Such use will not interfere with foreseeable United States requirements;

(e) Such use does not place the user in a favored competitive position; and

(f) The contractor agrees that no charge for the use of the facilities or tooling will be included in the price charged the foreign government under the contract.

## Subpart 18–13.8—Vesting of Title to Equipment in Nonprofit Educational or Research Institutions

### § 18–13.800 Scope.

For vesting of title to equipment in nonprofit institutions or organizations, see Subpart 18–4.51.

## Subpart 18–13.50—Utilization of Idle Production Equipment

### § 18–13.5000 Scope of subpart.

This Subpart 18–13.50 establishes the procedures to be followed by NASA installations in acquisition of idle production equipment listed in the Production Equipment Redistribution Inventory (PERI) of the Department of Defense pursuant to the DOD–NASA Letter of Agreement for Utilization of Idle Production Equipment set forth as Attachment A to NASA Management Instruction 2–3–8.

### § 18–13.5002 Procedures.

(a) Prior to submitting a request for an item of production equipment from the Production Equipment Redistribution Inventory, the procurement officer shall determine that:

(1) Suitable equipment is not available at any other NASA installation for loan or transfer as applicable; and

(2) Current excess property listings promulgated by the Department of Defense and the General Services Administration have been screened and the requirement cannot be satisfied therefrom.

(b) Requests for item(s) of idle production equipment shall be forwarded in duplicate to the Office of Procurement (Code KDF) for processing. The request shall contain the following information:

(1) Brief description of the item desired, as well as any alternate items that may be acceptable, including make and model number and applicable Production Equipment Code Number (see Production Equipment Directory, Metal Working Machinery D–1, Volumes 1 and 2, 1960 Edition, available from the Government Printing Office);

(2) Quantity;

(3) Proposed use of the item desired;

(4) Required delivery date;

(5) Statement as to which of the following apply—

(i) The item is required to perform a particular operation only for a short duration, and is not required for continued use for an indefinite period;

(ii) Funds are available to purchase, but the same or equivalent item cannot be obtained from a commercial source within the time required to meet product completion schedule; or

(iii) Funds are not available to purchase.

(6) Funding citation to cover packing, handling, and shipping charges; and

(7) Detailed shipping instructions.

(c) Upon receipt of a request, the Office of Procurement will:

(1) Ascertain the availability of the equipment from the Department of Defense, including condition code, location of the equipment, and pertinent conditions of the loan or transfer;

(2) Advise the installation as to availability;

(3) Arrange for inspection of the item, if desired; and

(4) Prepare the necessary correspondence to effect the loan or transfer from the Department of Defense.

### § 18–13.5003 Transfers from NASA to the military departments.

Requests for NASA idle production equipment received by NASA installations from the military departments through the Production Equipment Reserve Group shall be referred to the Office of Procurement (Code KDF) for appropriate action.

## Subpart 18–13.51—Industrial Facilities Expansion Application and Approval

### § 18–13.5100 Scope of subpart.

This Subpart 18–13.51 sets forth the procedures for providing Government-owned industrial facilities (hereinafter referred to in this Subpart 18–13.51 as "facilities"), to contractors and subcontractors for the performance of NASA related procurement contracts for supplies, services, and research and development.

### § 18–13.5101 Consideration of facilities expansion applications.

(a) Facilities expansion will be subject to the policy set forth in § 18–13.102–3 and Subpart 18–13.4 to the extent approved and authorized therein. In determining action or recommendations in regard to the expansion of facilities, the procuring office will be guided by applicable regulations;

(b) It is the continuing obligation of NASA personnel who are: (1) sponsoring the development of NASA programs, (2) selecting sources, or (3) negotiating related procurement contracts, to give due consideration to utilization of existing capacity. Where additional facilities are required, every effort will be made to select those sources that demonstrate a willingness and ability to provide their own facilities. NASA contractors and subcontractors are expected to furnish all facilities unless it is otherwise determined to be in the best interests of the Government. Contractors should be informed of the possible advantages to be gained in providing their own facilities because of depreciation now authorized for Federal income tax purposes. The extent to which NASA contractors





furnish their own facilities will be one of the factors considered in establishing the amount of profit or fee to which the contractors are entitled.

(c) Facilities expansion normally will be initiated pursuant to one of the following conditions:

(1) When Government procurement personnel are unable to locate qualified contractors having or willing to provide the required capacity;

(2) When prime contractors are unable to locate subcontractors having or willing to provide the required capacity; or

(3) After an exhaustive search has failed to disclose a source or supplier having or willing to provide the required capacity.

### § 18–13.5102 Procedure for determining facilities expansion.

The following procedures will be applied in determining the need for facilities expansion, to the extent applicable:

(a) When prime contractors are being selected or requested to submit proposals pursuant to § 18–3.802–3, for each procurement, the contracting officer will require all potential sources to state in writing whether additional facilities will be required, the estimated cost and nature of such facilities, and whether the contractor will furnish the facilities with contractor funds or will request the Government to provide the facilities. The contracting officer will insure that all potential sources are given consideration and that no other suitable source is available requiring fewer Government-provided facilities.

(b) When the selected contractor has stated that additional Government facilities will be required, the contracting officer will advise the contractor to submit a formal application for facilities, furnishing the information indicated in §§ 18–13.5105 and 18–13.5106. The contractor may request assistance in preparing his application for facilities. In order to expedite processing the application, it is important that full and complete justification be given for the required facilities. When the application for facilities is prepared in conjunction with contract proposal for an end-item, 9 copies of the facility application should be forwarded together with the proposal, or as soon as practicable thereafter. Any facilities requirements by subcontractors shall be prepared in accordance with the procedures and provisions of this Subpart 18–13.51 and submitted through the prime contractor to the contracting officer for comments and evaluations. All facilities approved for subcontractors will be provided under separate facilities contracts except as may be provided under § 18–13.5102 (d).

(c) If a facilities project involves construction work, approval of the Associate Administrator must have been obtained by the cognizant NASA Headquarters Program Director prior to the initiation of the procurement action, in accordance with the policies and procedures set forth in NASA Management Instruction 4–1–1.

(d) Facilities provided under a related procurement contract pursuant to § 18–13.401–1 will be controlled by a facilities action control number. Before providing facilities (not in excess of $50,000) under a related procurement contract, the contracting officer must obtain the facilities action control number from the Office of Procurement (Code KDF). The contracting officer will obtain the facilities action control number by letter or telegram as the urgency of each case demands. Such communications will include as a minimum:

(1) The proposed contract number;

(2) Name of contractor and plant location;

(3) A brief description of the facilities and purpose of expansion, and

(4) Total estimated cost of the additional Government facilities to be provided.

Application for and justification of facilities so provided will be in accordance with this Subpart 18–13.51. When the related procurement contract is awarded, the contracting officer will insure that an appropriate facilities clause is included according to § 18–13.401–1.

### § 18–13.5103 Processing the application.

(a) Upon receipt of a formal facilities application, the contracting officer will:

(1) Forward 3 copies of the application to the appropriate installation technical office for review and request comments and recommendations as to the technical aspects and overall scope of application.

(2) Forward 1 copy to the Office of Procurement (Code KDF) for information.

(3) Forward 1 copy to the appropriate small business specialist for review pursuant to the provision of Subpart 18–1–702.

(4) Initially appraise and obtain correction for any proposal deficiencies, including;

(i) Review facilities application for adequacy and completeness;

(ii) Delete items which duplicate contractor facilities having open time available;

(iii) Investigate the possibility of increasing subcontracting to reduce or eliminate the need for Government-provided facilities;

(iv) Examine loading methods used by the contractor in developing facilities requirements;

(v) Analyze the validity of the justification;

(vi) Process nonseverable facilities in accordance with § 18–13.406 and eliminate where not justified, and

(vii) Appraise the contractor's statement of the availability of local service (utilities, labor, housing, transportation, etc.) which may be necessary to support a proposed expansion.

(b) Based upon his evaluation of the application, and the comments and recommendations of the appropriate installation technical office, the contracting officer will forward his findings and recommendations together with 1 copy of the application to the cognizant installation project manager for review and approval. In making the request, the contracting officer will include the dollar amount recommended for approval and a request that a purchase request in that monetary amount be furnished to him for supporting the facilities contract.

### § 18–13.5104 Administration of approved facilities application.

After negotiation of a facilities contract or amendment thereto providing for the furnishing of Government facilities, NASA Headquarters approval will be obtained pursuant to § 18–13.403 and the administrative phase of the procurement will be treated as follows:

(a) The contracting officer or his authorized representative assigned to administer the facilities contract will determine necessity for the individual items listed on the approved application. The determination of necessity will be made on the basis of the installation technical office confirmation of requirements.

(b) The contracting officer or his authorized representative will identify equipment which may be available from existing Government inventories and will request assistance of the Office of Procurement (Code KDF) in screening idle inventories. Allocation of idle equipment will be requested by the contractor through and with the concurrence of the NASA contracting officer pursuant to Subpart 18–13.50. If screening of any item of idle production equipment on an approved application cannot be completed prior to the required release for procurement date, the contracting officer or his representative may approve purchase of the item without further screening.

(c) Revisions to the approved application to conform to determination of necessity will be subject to the approval of the contracting officer. The determination of necessity will be made as expeditiously as possible and normally will be made on the basis of the contractor's statement that the justification as delineated in the approved application remains valid; the contracting officer may, however, request additional justification, if, in his judgment, such a request is justified.

(d) Substitution of items for similar items listed on an approved application may be considered when necessitated by engineering changes, technological changes, or nonavailability in reserve inventories, and may be approved by the contracting officer or his authorized representative when the substituted item either:

(1) Falls within the same schedule subcategory as the previously approved item, or

(2) Is justified for the same intended function and remains within the estimated cost of the previously approved item, or

(3) In cases of justified necessity, exceeds such amount provided that the approved dollar amount of the Appendix A schedule category is not exceeded.

Proposed substitutions not meeting the foregoing standard will be processed as

facilities expansions in accordance with this Subpart 18–13.5104.

### § 18–13.5105 Format for industrial facilities application.

(APPENDIX A, CONTRACT NO. ------)

Date: ----------

NAME AND ADDRESS OF COMPANY

Nature of facilities: (Insert here the types of proposed facilities such as laboratories, warehouses, machine tools, etc.).

Location: (Address where facilities are to be located).

For the support of: (Give brief statement covering work to be performed).

SUMMARY SHEET

Schedule I—Land and Land Preparation

| | Estimated cost |
|---|---|
| (a) Land | $xxx, xxx |
| (b) Land Preparation | xxx, xxx |
| | xxx, xxx |

Schedule II—Buildings and Structures

| | |
|---|---|
| (a) New Construction | $xxx, xxx |
| (b) Rehabilitation Only | xxx, xxx |
| (c) Installations (not mechanical) | xxx, xxx |
| (d) Improvements on Government Property | xxx, xxx |
| (e) Improvements on non-Government Property | xxx, xxx |
| (f) Architect - Engineering Services | xxx, xxx |
| | xxx, xxx |

Schedule III—Machinery, Equipment and Instrumentation

| | |
|---|---|
| (a) Machine Tools | $xxx, xxx |
| (b) Related Production Equipment | xxx, xxx |
| (c) Rehabilitation of Machine Tools Only | xxx, xxx |
| (d) Building Installations (mechanical) | xxx, xxx |
| (e) Laboratory and Testing Equipment | xxx, xxx |
| (f) Furniture and Equipment | xxx, xxx |
| Total | xxx, xxx |

Schedule IV—Portable Tools and Materials Handling and Automotive Equipment

| | |
|---|---|
| (a) Portable Tools | $xxx, xxx |
| (b) Material Handling and Automotive Equipment | xxx, xxx |
| Total | xxx, xxx |

Schedule V—Machinery and Equipment Installation Costs

| | |
|---|---|
| Total | $xxx, xxx |
| Grand total | xx, xxx, xxx |

DETAILED DESCRIPTIONS OF SCHEDULES

Schedule I—Land and Land Preparation

Item No.: (a) Land: Give legal description acreage, location and estimated cost. A map, print, or drawing must be furnished as Exhibit I showing location of plant in relation to adjacent terrain features such as: airports, highways, railroads, power lines, etc., with appropriate identifying designation of each. Cost of land will include all estimated costs of sales which are payable by purchasers.

| | Estimated cost |
|---|---|
| Total Schedule I(a) | $xxx, xxx |

(b) Land Preparation: Include improvements such as clearing, leveling, grading and drainage, and any other items not subject to depreciation by item and estimated cost of each item.

| | |
|---|---|
| Total Schedule I(b) | xxx, xxx |
| Total Schedule I | xxx, xxx |

Schedule II—Buildings and Structures

Item No.: (a) New Construction: Include a full list of structures, with complete description and estimated cost of each unit. One or more prints or sketches must be furnished as an exhibit for each building (showing relation to complete plant); the proposed type of structure, floor plan and elevations, with brief memorandum specifications cross referencing appropriate exhibits. (Architect-Engineer Services $xxx,xxx.)

| | |
|---|---|
| Total Schedule II(a) | x, xxx, xxx |

(b) Rehabilitation Only: Cover all rehabilitation of structure, electrical systems, plumbing, heating, water lines, etc., within structures with estimated cost of each item. (Architect-Engineer Services $xx,xxx.)

| | |
|---|---|
| Total Schedule II(b) | xxx, xxx |

Schedule II—Buildings and Structures—Con.

(c) Installations (not mechanical): Cover all items and materials and cost therefore, including charges for installation, used in connection with installations of electrical power and illumination, plumbing, heating, air conditioning, sprinkler systems, etc., usually included in building costs with the exception of power lines, water lines, etc., outside of the building itself which are to be included in Schedule II (d) and (e). Items listed here should refer to the individual building as listed in Schedule II (a) above, and must be described in sufficient detail for cost evaluation. (Architect-Engineer Services $xxx,xxx.)

| | |
|---|---|
| Total Schedule II (c) | xxx, xxx |

(d) Improvements on Government Property: This includes paving of yards, runways, parkings areas, etc., fencing of property, utilities improvements, and spur tracks on areas outside of buildings but on property owned or controlled by the Government and leased to the contractor. Give full details including costs and installation charges, of each item and the location of each on an appropriate plot plan. (Architect-Engineer Services $xxx,xxx.)

| | |
|---|---|
| Total Schedule II (d) | xxx, xxx |

(e) Improvements on non-Government Property: Same as (d) above.

| | |
|---|---|
| Total Schedule II (e) | xxx, xxx |

Schedule II—Buildings and Structures—Con.

(f) Architect-Engineer Services.

| | |
|---|---|
| Total Schedule II (f) (a, b, c, d, and e) | xxx, xxx |
| Total Schedule II | xxx, xxx |

SPECIAL INSTRUCTIONS PERTAINING TO SCHEDULES I AND II

Estimated Architect-Engineer Services Costs are to be established for each construction or rehabilitation project but excluded from Schedule II subtotals for other items of Schedule II. Total estimated cost of Architect-Engineer Services should be entered under Schedule II(f).

If there are costs for utilities, railroad extensions, etc., but not on property owned or controlled by the Government and leased to the contractor, such costs must be included in II(e).

Every effort should be made to pursuade utility companies, railroad companies, or other owners of the realty, to absorb all or part of the costs of such items. If no portion of the cost of such items will be paid by the utility, railroad company, or land owner, a statement to that effect, signed by an official of such company, must be included.

Where the Government is requested to pay for all or part of such off site installation costs, a definite statement from the applicant justifying the necessity for such costs must be included. Cross reference from descriptions to Exhibits must be made in order that details may be made clear. In the event Government expenditure is authorized for any off site land installation, an agreement protecting the interest of the Government must be negotiated.

Sufficient information shall be provided so as to permit a reviewer to not only analyze and evaluate the requirements for each item but also to analyze and evaluate all items as a total requirement.

Schedule III—Machinery, Equipment, and Instrumentation

| Item No. | Quantity | Description | Estimated cost | Date required |
|---|---|---|---|---|
| x | x | (a) Machine Tools (new and used). Include welders, presses, and hammers. Specify if item is used. | $xx, xxx | x |
| x | x | Costs of installation will be entered parenthetically under description but not added in group or Schedule III(a) subtotal. This charge will be included in Schedule V. (Example: Installation Cost $------ each). | | |
| | | Total Schedule III(a) | xx, xxx | |
| x | x | (b) Related Production Equipment: Sheet metal equipment, foundry equipment anodizing and plating equipment, and other production equipment of a permanent nature necessary for production. Show installation cost as indicated in Schedule III(a) instructions. | | |
| | | Total Schedule III(b) | xxx, xxx | x |

Schedule III—Machinery, Equipment, and Instrumentation—Continued

| Item No. | Quantity | Description | Estimated cost | Date required |
|---|---|---|---|---|
| x | x | (c) Rehabilitation of Machine Tools Only: Rehabilitation of machine tools only are to be included in this item. Show installation costs as indicated in Schedule III(a) instructions. | xxx, xxx | x |
| | | Total Schedule III(c) | xxx, xxx | |
| x | x | (d) Building Installations (Mechanical): Stokers, motors, and their mechanical systems, installed in buildings, including cranes, hoists, conveyor systems, etc. Show installation costs as indicated in Schedule III(a) instructions. | xxx, xxx | x |
| | | Total Schedule III(d) | xxx, xxx | |
| x | x | (e) Laboratory and Testing Equipment: Show installation costs, if any, as indicated in Schedule III(a) instructions. | xxx, xxx | x |
| | | Total Schedule III(e) | xxx, xxx | |
| x | x | (f) Furniture and Equipment: Office furniture and equipment, cafeteria furniture and equipment, standard work benches, stock bins, lockers, fire protection devices not part of building, etc. Show installation cost, if any, as indicated in Schedule III(a) instructions. | xxx, xxx | x |
| | | Total Schedule III(f) | xxx, xxx | |
| | | Total Schedule III | xxx, xxx | |

SPECIAL INSTRUCTIONS PERTAINING TO SCHEDULE III ITEMS

1. These instructions are to establish a standard for listing all proposed items of machinery and equipment. In order to properly evaluate such a listing, it is absolutely necessary for items to be described so that they can be easily identified. Also, itemize and give sufficient description to justify cost. However, like items may be combined as a single entry, so long as purpose and justification remain the same.

2. A satisfactory description should include the following data:

a. Manufacturer's name.

b. Manufacturer's model number.

c. Complete nomenclature and description of size and capacity, type (plain universal, knee or bed, vertical, horizontal, etc.) number of spindles, working heads or units, etc. (where applicable), including any special features.

d. Electrical characteristics (110 v, 220 v, 440 v, 3 phase, 60-cycle, AC or DC, etc.).

e. Any other information necessary to completely identify items desired.

f. Possible substitutions in order of desirability.

g. Date of delivery for each item as required to meet delivery schedule of the contract in question.

h. Estimated delivery cost of each item.

i. Full Commodity Classification Code (i.e., PEC, FSC, or SCC, as applicable) as set forth in Appendix A to the NASA Industrial Property Control Manual (NPC 105).

j. Give specific nomenclature in all cases. For example: welders—indicate whether spot, arc, butt, flash, the manufacturer, throat size, electrical characteristics, frame size; furnaces—manufacturer, model, size and capacity, electrical specifications, whether gas, oil, or electrically fired, etc. Size and capacity can be given, along with complete nomenclature, even though model may not be applicable, for all items of related production equipment.

3. Purpose and detailed justification.

4. Costs of installation, entered parenthetically and excluded from Schedule III Subtotals and Totals, should be entered as Schedule V, Machinery and Equipment Installation Costs.

Schedule IV—Portable Tools and Material Handling and Automotive Equipment

| Item No. | Quantity | Description | Estimated cost | Date required |
|---|---|---|---|---|
| x | x | (a) Portable Tools: Portable electric and pneumatic tools. | $xxx, xxx | x |
| | | Total Schedule IV(a) | $xxx, xxx | |
| x | x | (b) Material Handling and Automotive Equipment: All automobiles, trucks, and tractors used for transportation, and material handling vehicles such as lift trucks, trailers, etc. | | |
| | | Total Schedule IV(b) | $xxx, xxx | |
| | | Total Schedule IV | $xxx, xxx | |

Schedule V—Machinery and Equipment Installation Costs

| | |
|---|---|
| Schedule III(a) | $xx, xxx |
| Schedule III(b) | xxx, xxx |
| Schedule III(c) | xx, xxx |
| Schedule III(d) | xxx, xxx |
| Schedule III(e) | xx, xxx |
| Schedule III(f) | xx, xxx |
| Total Schedule V | x, xxx, xxx |

NOTE: Individual item installation costs as set forth in Schedule III (a, b, c, d, e, and f) are to be excluded from Schedule III subtotals and totals. Such totals should be entered as Schedule V, Machinery and Equipment Installation Costs.

### § 18–13.5106 Format for presenting justification data.

(a) *Contractor.* Contractor (or subcontractor) name (legal name), and address, company representative to contact, telephone number and extension; type of company organization (corporation, partnership, etc.); State in which incorporated, if applicable.

(b) *Location.* Location of proposed facilities expansion; indicate whether site is privately owned or Government-owned; if Government-owned, list the Government agency that has jurisdiction. Describe briefly the availability of labor, power, fuel, water, sewage disposal, housing, transportation, etc.

(c) *Purpose of expansion.* Identify item or system to be developed, tested and/or produced.

(d) *Basis of need.* Reference approved NASA program from which need for facilities directly arises. Also cite the relationship of this project to other elements of the approved program.

(e) *Subcontracting.* Percentage of subcontracting planned by dollar amount and/or percent of total effort. Justify level of planned subcontracting. To the degree possible, identify subcontractors and the items to be subcontracted. Justify reasons for not subcontracting additional work. If facilities are anticipated for subcontractors, so identify.

(f) *Financial progress.* Provide a 5-year summary of the contractor's financial progress as follows (by company division, if appropriate):

| Year | Net profit | Dividends paid | Invested in facilities | Depreciation charged | Net company owned facilities after depreciation | Retained income |
|---|---|---|---|---|---|---|
| 19— | | | | | | |
| 19— | | | | | | |
| 19— | | | | | | |
| 19— | | | | | | |
| 19— | | | | | | |
| Etc. | | | | | | |

(g) *Dollar comparison.* Provide a dollar comparison of:

| Schedules | All facilities provided previously (at proposed location) | | Facilities to be provided this proposal | |
|---|---|---|---|---|
| | Contractor | Government | Contractor | Government |
| I | | | | |
| II | | | | |
| III | | | | |
| IV | | | | |
| V | | | | |
| Total | | | | |

(h) *Financing.* The contractor will justify his reasons for not financing the proposed expansion with corporate or company funds.

(i) *Other uses.* State the portion or percentage of the expanded capacity that will be used by other NASA Procurement Offices, or other Federal agencies. Identify the specific items and the NASA Procurement Offices of Federal agencies.

(j) *Complete facility.* If the proposed expansion does not constitute a complete facility, cite the elements that are not included and how they will be provided.

## PART 18–14—INSPECTION AND ACCEPTANCE

Sec.

18–14.000 Scope of part.

Subpart 18–14.1—Inspection

18–14.100 Definitions.
18–14.101 General.
18–14.102 Activities responsible for inspection.
18–14.103 Inspection agreements.
18–14.104 Contractor responsibility.
18–14.105 Places of inspection.
18–14.105–1 General.
18–14.105–2 Inspection at source.
18–14.105–3 Inspection at destination.
18–14.106 Inspection of small purchases ($2,500 or less).
18–14.107 Rejection of nonconforming supplies or services.
18–14.108 Government inspection under subcontracts.

Subpart 18–14.2—Acceptance

18–14.201 General.
18–14.202 Delivery under F.O.B. origin contracts.
18–14.203 Point of acceptance.
18–14.204 Responsibility for acceptance.
18–14.205 Acceptance of supplies or services not conforming with contract requirements.

Subpart 18–14.50—Procedures for Utilization of Government Inspection Agencies for Quality Assurance Functions at NASA Suppliers' Plants

18–14.5000 Scope of subpart.
18–14.5001 Definitions.
18–14.5002 Procedures.
18–14.5003 Guidelines for use in arranging for quality assurance functions at NASA suppliers' plants.

AUTHORITY: The provisions of this Part 18–14 issued under 42 U.S.C. 2473(b)(1).

### § 18–14.000 Scope of part.

This Part 18–14 covers instructions concerning inspection and acceptance of supplies or services under NASA contracts (other than construction contracts).

## Subpart 18–14.1—Inspection

### § 18–14.100 Definitions.

(a) "Inspection" means the examination (including testing) of supplies and services (including, when appropriate, raw materials, components, and intermediate assemblies) to determine whether the supplies and services conform to contract requirements, including all applicable drawings, specifications, and purchase descriptions.

(b) "Testing" is an element of inspection and generally denotes the determination by technical means of the physical and chemical properties or elements of materials, supplies, or components thereof, involving not so much the element of personal judgment as the application of established scientific principles and procedures.

### § 18–14.101 General.

(a) Except as permitted by § 18–14.204, inspection on behalf of the Government shall be conducted in all cases prior to acceptance. Inspection shall be accomplished by or under the supervision of Government personnel. Except as otherwise provided in the contract, test requirements may be performed in the contractor's or subcontractor's laboratory or any other commercial laboratory acceptable to the Government. The contractor may be required under the terms of the contract to establish and maintain an acceptable inspection or quality control system to ensure compliance with contract specifications with a minimum of Government inspection supervision. A manufacturer's certificate or other statement of quality or quantity may be considered in determining whether supplies or services are in conformity with the contract; but no provision of the contract shall preclude the Government from performing inspection.

(b) The type and extent of inspection needed depend on the particular procurement. For example, on items which would involve small losses in the event of defects and which would probably be replaced by suppliers without contest, inspection may consist only of checks for identity, quantity, and shipping damage. Detailed requirements for spare systems and elements thereof are contained in "Quality Assurance Provisions for Government Agencies" (NPC 200–1A), and Subpart 18–14.50.

### § 18–14.102 Activities responsible for inspection.

Inspection, or the arrangement therefor, is the responsibility of the installation effecting or administering the procurement. When a NASA installation uses the inspection services of another executive agency, the agency performing the inspection has primary inspection responsibility and its determinations relative thereto are binding on the NASA installation for which the services are performed. However, whenever NPC 200–1A applies, the NASA installation retains primary inspection responsibility.

### § 18–14.103 Inspection agreements.

(a) In the interest of achieving economy and efficiency in the inspection of contract items, procurement offices shall utilize the inspection services of other executive agencies to ensure the most economical inspection consistent with the best interests of the Government. The purpose of inspection interchange agreements is to eliminate duplication, overlapping, or multiple assignments of inspection activity in any one plant.

(b) Agreements have been entered into by NASA with the Departments of the Air Force (see NASA Management Instruction 2–3–4), the Navy (see NASA Management Instruction 2–3–6), and the Army (see NASA Management Instruction 2–3–9), relating to the performance of field service functions, including inspection, test, and acceptance, in support of NASA contracts. The procedures set forth in these agreements shall be observed by all NASA procurement offices in arranging for performance of inspection by these Departments. Inspection agreements may also be used between NASA field installations in order to achieve maximum economy and efficiency.

### § 18–14.104 Contractor responsibility.

The inspection clauses included in NASA contracts require the contractor to maintain an inspection system acceptable to the Government and records of all inspection work performed by the contractor. The contractor's inspection system should be such as to provide reasonable assurance that the supplies and work under the contract will conform to contract requirements and should include any quality control procedures necessary to this end. In any case, when Federal or Military specifications are used to establish requirements in the contract, the supplier shall be required to perform all examinations and tests called for by the specifications except those which the Government is expressly required to make.

### § 18–14.105 Places of inspection.

### § 18–14.105–1 General.

Each contract shall designate the place or places of inspection. Inspection of supplies and services shall be made at such times and places (including any stage during the period of manufacture and including subcontractors' plants) as are necessary to determine that the supplies and services conform to contract requirements. When the contract provides for inspection at source, shipment prior to inspection may be authorized if it is determined to be in the best interest of the Government. In such cases, to the extent appropriate, the contract should be modified prior to shipment with respect to (a) risk of loss in transit and (b) shipping and other expenses incurred in the event of rejection at destination.

### § 18–14.105–2 Inspection at source.

Supplies and services shall be inspected at source when:

(a) Inspection at any other point would require uneconomical disassembly or destructive testing;

(b) Considerable loss would result from the manufacture and shipment of unacceptable supplies or from the delay in making necessary corrections;

(c) Special instruments, gauges, or facilities required for inspection are available only at source;

(d) Inspection at any other point would destroy or require the replacement of costly special packing and packaging;

(e) Quality control and inspection are closely related to production methods;

(f) Supplies requiring technical inspection are destined for points of embarkation for overseas shipment; or

(g) Otherwise determined to be in the best interest of the Government.

### § 18–14.105–3 Inspection at destination.

Supplies and services shall be inspected at destination when:

(a) Deliveries of supplies purchased "off the shelf" are made from a point other than that of manufacture;

(b) Necessary testing equipment is located only at destination;

(c) Biologicals being purchased are processed under direct control of the National Institutes of Health or the Federal Food and Drug Administration;

(d) The volume of procurement at a given plant is not sufficient to warrant the increased cost of inspection at origin; or

(e) Otherwise determined to be in the best interest of the Government.

### § 18–14.106 Inspection of small purchases ($2,500 or less).

(a) This § 18–14.106 applies to all small purchases, including items described in Federal and Military specifications, and qualified products. In determining the type and extent of Government inspection to be required on small purchases, the smallness of possible losses and the likelihood of uncontested replacement of defective articles shall be considered.

(b) Generally, inspection of small purchases shall be at destination. Purchasers, users, and installers may be considered inspectors for small purchase inspection purposes.

(c) Unless detailed technical inspection is necessary, inspection shall consist of examination of (1) type and kind; (2) quantity; (3) damage; (4) operability, if readily determinable; and (5) packaging and marking, if applicable.

(d) Detailed technical inspection shall be performed if special specifications are involved or if defective supplies can harm personnel or equipment.

(e) Detailed technical inspection may be limited to a check of characteristics that require separate specifications and of those likely to cause harm. Such inspection may be limited to inspection of occasional purchases of the same item from the same manufacturing source when there is good reason to rely upon the integrity of the manufacturer because of known safeguards and a significant history of defect-free purchases.

(f) Adjustments for short shipments or defective supplies shall be requested from suppliers when recovery will benefit the Government.

### § 18–14.107 Rejection of nonconforming supplies or services.

Contractors ordinarily shall be given an opportunity to correct or replace nonconforming supplies or services if this can be done within the required delivery schedule. Unless the contract provides otherwise, such correction or replacement shall be without additional cost to the Government. Notices of rejection of nonconforming supplies or services need not be in writing unless (a) the supplies have been delivered to a point other than the contractor's plant, (b) the contractor persists in offering nonconforming supplies or services for acceptance, or (c) delivery or performance is overdue without excusable cause. The reasons for rejection normally shall be stated, and the contractor may be given any suggestions that might help in eliminating the cause of rejection. If timely notice of rejection is not furnished to the contractor, acceptance may, in certain cases, be implied as a matter of law from such omission. Therefore, notices of rejection should be furnished promptly to contractors whenever rejection is intended.

### § 18–14.108 Government inspection under subcontracts.

Government inspection of subcontracted supplies or services shall be made only when required in the interest of the Government. The primary purpose of subcontract inspection is to assist the Government inspector at the prime contractor's plant in determining the conformance of supplies or services with contract requirements. It does not relieve the prime contractor of any of his responsibilities under the contract. Supplies and services that do not qualify under the criteria in § 18–14.105–2 for Government inspection at source shall not be inspected by the Government at the subcontractor's plant. Supplies and workmanship for which certificates, records, reports, and similar evidence of quality are available at the prime contractor's plant shall not be Government-inspected at the subcontractor's plant except occasionally to verify such evidence. However, Government inspection shall be performed at a subcontractor's plant whenever the Government contract requires. All oral and written statements and contract provisions relating to the inspection of subcontracted supplies shall be so worded as not to (a) affect the contractual relationship between the prime contractor and the Government or between the prime contractor and the subcontractor, (b) establish a contractual relationship between the Government and the subcontractor, or (c) constitute a waiver of the Government's right to inspect or reject supplies.

## Subpart 18–14.2—Acceptance

### § 18–14.201 General.

As used in NASA contracts "Acceptance" generally means the act of an authorized representative of the Government by which the Government assents to ownership by it of existing and identified supplies, or approves specific services rendered as partial or complete performance of the contract. Except as provided in § 18–14.205, and subject to other terms and conditions of the contract, the Government thereby acknowledges that the supplies or services are in conformity with contract requirements, including those of quality, quantity, packaging, and marking. Depending upon the provisions of the contract, acceptance may be effected prior to, at the time of, or after delivery. However, supplies and services shall not be accepted prior to inspection, except as stated in § 18–14.204. Acceptance shall ordinarily be accomplished by execution of an acceptance certification on the applicable inspection and receiving report form. When acceptance is accomplished at a point other than destination, supplies shall not be reinspected at destination for acceptance purposes.

### § 18–14.202 Delivery under F.O.B. origin contracts.

(a) Satisfactory evidence of delivery is required before payment other than progress or advance payments may be made under fixed-price supply contracts. Under contracts calling for deliveries F.O.B. origin, the contracting officer or his authorized representative, in certifying that delivery has been made, may, at his discretion, rely on the contractor's signed statement on the invoice that delivery has been made on a specified date to a named carrier or to a representative of the Government. When necessary to protect the Government's interest, the contracting officer may require either that the contractor furnish a receipted copy of the bill of lading or postal receipt, or that a representative of the Government certify as to actual delivery on the applicable inspection and receiving report form. Invoicing instructions to F.O.B. origin contractors shall require that the contractor state on all invoices (1) the date of shipment, name of carrier, and bill of lading number, or (2) the name and title of the Government representative to whom delivery was made and the date of such delivery.

(b) When payment has been made on the basis of a certificate and the supplies have not been received at destination, prompt follow-up and remedial action shall be initiated.

### § 18–14.203 Point of acceptance.

Each contract shall specify the point of acceptance. Contracts which provide for delivery F.O.B. destination shall provide for acceptance at destination whether inspection is to occur at destination or at origin. Contracts which provide for delivery F.O.B. origin ordinarily shall provide for acceptance (and inspection) at origin.

### § 18–14.204 Responsibility for acceptance.

(a) Acceptance is the responsibility of the contracting officer or his authorized representative. When a NASA installation utilizes the services of another executive agency for the purpose of acceptance, acceptance by the other agency is binding on the NASA installation for which the services are performed. (See § 18–14.103 regarding performance for NASA of field service functions, including acceptance, by the Departments of the Army, Navy, and Air Force.) For Category 1 and 2 procurements (as defined in § 18–1.5002), final acceptance may be deferred, under appropriate contract provisions, until satisfactory system integration is accomplished, or until other special conditions are fulfilled.

(b) A supplier's certificate of conformance with requirements may be considered a proper element incident to acceptance of supplies or services. A contractor's certificate may be used for Government acceptance prior to inspection on selected Category 3 procurements (as defined in § 18–1.5002). At the discretion of the contracting officer, a clause may be inserted in contracts requiring the contractor to certify that supplies comply with contract requirements. However, when acceptance precedes inspection, a clause will be used to reserve the Government's right after

acceptance to inspect the supplies within a reasonable time after delivery and to reject defective items. Certificates of conformance shall be required by the contract when the value of supplies or the condition of purchase, delivery, receipt, or use thereof makes it desirable to have additional assurance that supplies conform to contract requirements.

**§ 18–14.205 Acceptance of supplies or services not conforming with contract requirements.**

When supplies or services tendered for acceptance do not conform with contract requirements, the applicable contract provisions shall govern the action to be taken (see § 18–14.107). For reasons of economy or the urgency of the requirement, acceptance of supplies or services which do not meet all contract requirements may occasionally be desirable. Prior to such acceptance, the contracting officer shall obtain the approval of the requiring activity where the nonconformity with contract requirements (a) affects matters such as safety, durability, performance, or interchangeability of parts or assemblies, (b) results in material increases in weight where weight is a significant consideration, or (c) affects the basic objectives of the specifications. Acceptance of these types of nonconforming supplies or services shall be covered by an appropriate modification of the contract. Acceptance of other types of nonconforming supplies and services shall be covered by contract modification if determined necessary by the contracting officer.

## Subpart 18–14.50—Procedures for Utilization of Government Inspection Agencies for Quality Assurance Functions at NASA Suppliers' Plants

**§ 18–14.5000 Scope of subpart.**

This Subpart 18–14.50 establishes procedures and guidelines for utilizing Government inspection agencies to assist NASA installations in judging contractor performance of the quality assurance aspects of contracts for space systems and parts thereof.

**§ 18–14.5001 Definitions.**

(a) *Quality assurance.* A planned and systematic pattern of all actions necessary to provide adequate confidence that the end items will perform satisfactorily in actual operations.

(b) *Space system.* A system which includes launch vehicle(s), spacecraft, ground support equipment, and test hardware which are used in ground testing, launching, operating, and maintaining vehicles or craft in space.

**§ 18–14.5002 Procedures.**

(a) In arranging for inspection, NASA installations shall designate the Government inspection agency, as appropriate, and:

(1) Provide a definitive statement of quality and related engineering effort required of the inspection agency (see Subpart 18–1.50);

(2) Review NASA requirements with the Government inspection agency early in the procurement procedure and periodically as the contract work progresses;

(3) Determine the work requirements to be delegated to the inspection agency and at the same time provide for—

(i) NASA engineering representation and technical liaison at the plant and test sites;

(ii) NASA performance of quality assurance functions which are not delegated; and

(iii) Designation of individuals at the NASA installation responsible for quality, engineering, and documentation matters for the contract;

(4) Request the Government inspection agency to prepare and document a quality assurance and inspection plan on the basis of NASA requirements and NPC 200–1;

(5) Review such plans as early as possible and whenever revisions or additions are made during the progress of the work;

(6) Provide for continuous assessment of actual product quality by the installation through (i) plant visits, (ii) quality surveys, and (iii) review of quality data, regular reports, and trouble reports, including pertinent investigations and analyses by contractors and suppliers, and by the Government inspection agency;

(7) Provide the Government inspection agency with program information to enable planning for technically competent field personnel to be trained and available when required for assigned work; and

(8) Provide, as required, for training of Government inspection agency and contractor quality assurance personnel as an integral part of the quality assurance program.

(b) Each installation shall reimburse Government agencies performing work for NASA in accordance with current procedures.

**§ 18–14.5003 Guidelines for use in arranging for quality assurance functions at NASA suppliers' plants.**

(a) *General.* (1) Circumstances will vary the timing, order, and selection of pertinent items. For major space systems, it is desirable to initiate as many arrangements as possible during the precontract negotiation period.

(2) Since the contracting officer is the only official of the Government authorized to bind the Government contractually in dealings with contractors, it is essential that all actions which affect the contract be taken through the contracting officer.

(3) NASA representatives visiting plants where inspection services are being performed for NASA by a Government inspection agency shall notify the inspection agency in advance of the purpose of the visit. Any instructions, decisions, or advice to the contractor shall be provided either simultaneously to the contractor and inspection agency, or via the inspection agency. All oral commitments shall be confirmed in writing.

(b) *Initial arrangements.* (1) Furnish a letter (which may confirm telephone conversation) to the Government inspection agency indicating intent to discuss inspection assignment or, after formal assignment, to provide details.

(2) Provide the Government inspection agency with NASA documents pertinent to the purchase of contract involved, and the following additional documents:

(i) "Quality Assurance Provisions for Government Agencies" (NPC 200–1A); and

(ii) Pertinent NASA technical direction for use by the Government inspection agency in product and process verification, quality system evaluations, and technical data documentation (or indicate when and where these will be available).

(3) Arrange for a pre-inspection conference between the Government inspection agency and the NASA installation to finalize NASA requirements.

(4) Arrange for a post-award conference between the supplier, the Government inspection agency, and the NASA installation.

(c) *Pre-inspection conference with Government inspection agency.* (1) Review NASA requirements for quality assurance and technical representation at plant and test sites, including:

(i) Review of contract requirements;

(ii) Review of separate technical direction to Government inspection agency;

(iii) Clarification of quality requirements in subparagraphs (i) and (ii) of this paragraph, and determination of any omissions or conflicts for NASA resolution;

(iv) Specification of NASA criteria applicable to the contract for selection of subcontract items requiring Government inspection at source; and

(v) Arranging for providing NASA documents not already on hand.

(2) Review Government inspection agency's quality assurance and inspection plan, including:

(i) Determination of the adequacy of proposed Government action;

(ii) Review of the numbers and qualifications of proposed Government inspection agency manpower for various stages of contract;

(iii) Determination of work to be delegated to the Government inspection agency;

(iv) Where a Material Review Board at a supplier's plant is authorized to act on nonconforming material, making certain that the Government inspection agency representative is technically qualified to make decisions within the scope delegated to the Government inspection agency (otherwise, the NASA installation shall provide the Government representative on this board); and

(v) Arranging for the NASA installation to provide—

(A) NASA performance of quality assurance functions not delegated;

(B) NASA engineering representation and technical liaison at the plant and test sites; and

(C) Designation (by the contracting officer, in writing) of individuals at the responsible NASA installation to be contacted directly for quality, engineering, and documentation matters for the contract.

(3) Review and discuss past quality history of supplier including:

(i) Government inspection agency quality system evaluation results, known supplier quality system deficiencies, and supplier's progress in correcting these deficiencies; and

(ii) Government inspection agency quality performance records for similar items, particularly troubles, product or process deficiencies, and supplier's corrective action.

(4) Arrange for a NASA-directed quality system evaluation, if desired by NASA installation.

(5) If more than one Government inspection agency is involved in research and development work at a plant, determine as early as possible which agency should perform desired inspection.

(d) *Post-award conference with supplier and Government inspection agency.* (1) Review and discuss applicable items from paragraph (c) of this section.

(2) Review supplier's quality program planning, including:

(i) A flow chart or tabulation showing supplier's quality assurance operations in general terms (i.e., what, where and how);

(ii) Revisions or additions to present quality operations to satisfy quality assurance provisions of the contract;

(iii) The time schedule for supplier-prepared technical documents satisfying quality assurance needs of Government inspection agency and NASA installation;

(iv) The contract time schedule or planned events affecting quality assurance operations;

(v) The inspection and testing equipment and facilities available and planned;

(vi) The preliminary system and subsystem interface relationships affecting quality assurance operations;

(vii) Other arrangements necessary to assure system compatibility; and

(viii) The supplier's organizational structure.

(3) In connection with the review of the supplier's quality program, determine the location of proposed Government inspection and control stations.



## PART 18–15—CONTRACT COST PRINCIPLES AND PROCEDURES


Sec.
18–15.000 Scope of part.

Subpart 18–15.1—Applicability

18–15.101 Scope of subpart.
18–15.102 Cost-reimbursement supply and research contracts with concerns other than educational institutions.
18–15.103 Cost-reimbursement research contracts with educational institutions.
18–15.104 Construction contracts.
18–15.105 Contracts for industrial facilities.
18–15.106 Use of cost principles for fixed-price contracts.
18–15.107 Advance understandings on particular cost items.

Subpart 18–15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

18–15.201 Basic considerations.
18–15.201–1 Composition of total cost.
18–15.201–2 Factors affecting allowability of costs.
18–15.201–3 Definition of reasonableness.
18–15.201–4 Definition of allocability.
18–15.201–5 Credits.
18–15.202 Direct costs.
18–15.203 Indirect costs.
18–15.204 Application of principles and procedures.
18–15.205 Selected costs.
18–15.205–1 Advertising costs.
18–15.205–2 Bad debts.
18–15.205–3 Bidding costs.
18–15.205–4 Bonding costs.
18–15.205–5 Civil defense costs.
18–15.205–6 Compensation for personal services.
18–15.205–7 Contingencies.
18–15.205–8 Contributions and donations.
18–15.205–9 Depreciation.
18–15.205–10 Employee morale, health, and welfare costs and credits.
18–15.205–11 Entertainment costs.
18–15.205–12 Excess facility costs.
18–15.205–13 Fines and penalties.
18–15.205–14 Food service and dormitory costs and credits.
18–15.205–15 Fringe benefits.
18–15.205–16 Insurance and indemnification.
18–15.205–17 Interest and other financial costs.
18–15.205–18 Labor relations costs.
18–15.205–19 Losses on other contracts.
18–15.205–20 Maintenance and repair costs.
18–15.205–21 Manufacturing and production engineering costs.
18–15.205–22 Material costs.
18–15.205–23 Organization costs.
18–15.205–24 Other business expenses.
18–15.205–25 Overtime, extra-pay shift, and multishift premiums.
18–15.205–26 Patent costs.
18–15.205–27 Pension plans.
18–15.205–28 Plant protection costs.
18–15.205–29 Plant reconversion costs.
18–15.205–30 Precontract costs.
18–15.205–31 Professional service costs—legal, accounting, engineering, and other.
18–15.205–32 Profits and losses on disposition of plant, equipment, or other capital assets.
18–15.205–33 Recruitment and relocation costs.
18–15.205–34 Rental costs (including sale and leaseback of facilities).
18–15.205–35 Research and development costs.
18–15.205–36 Royalties and other costs for use of patents.
18–15.205–37 Selling costs.
18–15.205–38 Service and warranty costs.
18–15.205–39 Severance pay.
18–15.205–40 Special tooling costs.
18–15.205–41 Taxes.
18–15.205–42 Termination costs.
18–15.205–43 Trade, business, technical, and professional activity costs.
18–15.205–44 Training and educational costs.
18–15.205–45 Transportation costs.
18–15.205–46 Travel costs.
18–15.205–47 Economic planning costs.

Subpart 18–15.3—Research Contracts With Educational Institutions

18–15.301 General.
18–15.302 Definitions.
18–15.302–1 Research agreements.
18–15.302–2 Apportionment.
18–15.302–3 Allocation.
18–15.302–4 Sponsoring agency.
18–15.302–5 Original complement.
18–15.302–6 Other institutional activities.
18–15.303 Direct costs.
18–15.304 Indirect costs.
18–15.305 Applicable costs.
18–15.306 Determination of indirect costs.
18–15.306–1 General.
18–15.306–2 Apportionment.
18–15.306–3 Allocation.
18–15.306–4 Overhead determinations acceptable under special circumstances.
18–15.307 General standards for selected items of cost.
18–15.307–1 Purpose and applicability.
18–15.307–2 Costs applicable to instruction.
18–15.307–3 Allowable and unallowable costs.

Subpart 18–15.4—Construction Contracts


Sec.
18–15.400 Scope of subpart.
18–15.401 Basic consideration.
18–15.401–1 Applicable cost principles.
18–15.401–2 Special factors affecting the allowability of costs of construction contracts.
18–15.402 Selected costs.
18–15.402–1 Construction plant and equipment.
18–15.402–2 Construction plant and equipment rented from others.
18–15.402–3 Home office expense.
18–15.402–4 Job site expenses.
18–15.402–5 Temporary use of land, structures, and facilities.


Subpart 18–15.5—Contracts for Industrial Facilities


18–15.501 Applicable cost principles.
18–15.502 Factors affecting allowability of costs.
18–15.503 Allocation of indirect manufacturing and plant operational cost.
18–15.504 General and administrative costs (including home office allocations).
18–15.505 Contractor's commercial products.


Subpart 18–15.6—Guidelines for Application in the Negotiation and Administration of Fixed-Price Type Contracts and in the Negotiation of Termination Settlements


18–15.600 Scope of subpart.
18–15.601 Definition of fixed-price type contracts.
18–15.602 Basic considerations.
18–15.603 Cost principles and their use.


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### § 18–15.000 Scope of part.

This Part 18–15 contains general cost principles and procedures for the determination and allowance of costs in connection with the negotiation and administration of cost-reimbursement type contracts and contains guidelines for use, where appropriate, in the evaluation of costs in connection with certain negotiated fixed-price type contracts and contracts terminated for the convenience of the Government.

## Subpart 18–15.1—Applicability

### § 18–15.101 Scope of subpart.

This Subpart 18–15.1 describes the applicability of Part 18–15 to the various types of contracts in connection with which cost principles and procedures are used.

### § 18–15.102 Cost-reimbursement supply and research contracts with concerns other than educational institutions.

This category includes all cost-reimbursement type contracts for supplies, services, or experimental, developmental, or research work (other than with educational institutions, as to which § 18–15.103 applies) except that it does not include facilities contracts (see § 18–15.105) or construction contracts (see § 18–15.104). The cost principles and procedures set forth in Subpart 18–15.2 shall be incorporated by reference in cost-reimbursement supply and research contracts with other than educational institutions as the basis for:

(a) Determination of reimbursable costs under such contracts, including cost-reimbursement type subcontracts thereunder, and the cost-reimbursement portion of time-and-materials contracts except in such contracts where material is priced on a basis other than at cost;

(b) The negotiation of overhead rates; and

(c) The determination of costs of terminated cost-reimbursement type contracts where the contractor elects to "voucher out" his costs, and for settlement of such contracts by determination.

### § 18–15.103 Cost-reimbursement research contracts with educational institutions.

This category includes all cost-reimbursement type contracts for experimental, developmental, or research work with educational institutions. The cost principles and procedures set forth in Subpart 18–15.3 shall be incorporated by reference in cost-reimbursement research contracts with educational institutions as the basis for:

(a) The determination of reimbursable costs under cost-reimbursement type contracts, including cost-reimbursement type subcontracts thereunder;

(b) The negotiation of overhead rates; and

(c) The determination of costs of terminated cost-reimbursement type contracts where the contractor elects to "voucher out" his costs, and for settlement of such contracts by determination.

In addition, Subpart 18–15.3 is to be used in determining the allowable costs of research and development performed by educational institutions under grants.

### § 18–15.104 Construction contracts.

(a) Subpart 18–15.4 contains principles and procedures for the evaluation and determination of costs in connection with contracts and subcontracts for construction. This category includes all contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. It also includes contracts for architect-engineer services related to such construction. It does not include contracts for vessels, aircraft, or other kinds of personal property.

(b) The applicability of Subpart 18–15.4 to fixed-price type contracts and subcontracts is set forth in Subpart 18–15.6.

(c) Subpart 18–15.4 applies to all cost-reimbursement type contracts for construction, as described in paragraph (a) of this section. The cost principles and procedures set forth in Subpart 18–15.4 shall be incorporated by reference in cost-reimbursement construction contracts as the basis for:

(1) The determination of reimbursable costs under cost-reimbursement type contracts, including cost-reimbursement type subcontracts thereunder;

(2) The negotiation of overhead rates; and

(3) The determination of costs of terminated cost-reimbursement type contracts where the contractor elects to "voucher out" his costs, and for settlement of such contracts by determination.

### § 18–15.105 Contracts for industrial facilities.

This category includes all cost-reimbursement type contracts providing for the acquisition, construction, fabrication, installation, rehabilitation, or removal of industrial facilities as defined in § 18–13.101–6 (whether the Government already owns the facilities or acquires title under the contract), where the facilities are furnished to or acquired by the contractor for use in the performance of a Government contract or contracts. This category also includes those portions of fixed-price type contracts which provide for the furnishing by the contractor of facilities at cost. The cost principles and procedures set forth in Subpart 18–15.5 shall be incorporated by reference in cost-reimbursement type facilities contracts, and in fixed-price type contracts which provide for the furnishing by the contractor of facilities at cost as the basis for:

(a) The determination of reimbursable costs under cost-reimbursement type contracts, including cost-reimbursement type subcontracts thereunder;

(b) The determination of reimbursable costs under facilities-at-cost provisions of fixed-price type contracts;

(c) The negotiation of overhead rates; and

(d) The determination of costs of terminated cost-reimbursement type contracts or the terminated facilities-at-cost portion of fixed-price type contracts, where the contractor elects to "voucher out" his costs, and for settlement of such contracts by determination.

### § 18–15.106 Use of cost principles for fixed-price contracts.

Subpart 18–15.6 provides guidance for the use of the provisions of Subparts 18–15.2, 18–15.3 and 18–15.4 where appropriate, in the evaluation of costs in connection with the negotiation of certain fixed-price type contracts and termination settlements.

### § 18–15.107 Advance understandings on particular cost items.

The extent of allowability of the selected items of cost covered in Subparts 18–15.2 through 18–15.5 has been stated to apply broadly to many accounting systems in varying contract situations. Thus, as to any given contract, the reasonableness and allocability of certain items of cost may be difficult to determine, particularly in connection with firms or separate divisions thereof which may not be subject to effective competitive restraints. In order to avoid possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is important that prospective contractors, particularly those whose work is predominantly or substantially with the Government, seek agreement with the Government in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability is difficult to determine. Such agreement may also be initiated by contracting officers individually or jointly, for all defense work of the contractor, as appropriate. Any such agreement should be incorporated in cost-reimbursement type contracts, or made a part of the contract file in the case of negotiated fixed-price type contracts, and should govern the cost treatment covered thereby throughout the performance of the contract. But the absence of such an advance agreement on any element of cost will not, in itself, serve to make that element either allowable or unallowable. Examples of costs on which advance agreements may be particularly important are:

(a) Compensation for personal services;

(b) Use charge for fully depreciated assets;

(c) Deferred maintenance costs;

(d) Precontract costs;

(e) Research and development costs;

(f) Royalties;

(g) Selling and distribution costs; and

(h) Travel costs, as related to special or mass personnel movement.





## Subpart 18–15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

### § 18–15.201 Basic considerations.

### § 18–15.201–1 Composition of total cost.

The total cost of a contract is the sum of the allowable direct and indirect costs allocable to the contract, incurred or to be incurred, less any allocable credits. In ascertaining what constitutes costs, any generally accepted method of determining or estimating costs that is equitable under the circumstances may be used, including standard costs properly adjusted for applicable variances.

### § 18–15.201–2 Factors affecting allowability of costs.

Factors to be considered in determining the allowability of individual items of cost include (a) reasonableness, (b) allocability, (c) application of those generally accepted accounting principles and practices appropriate to the particular circumstances, and (d) any limitations or exclusions set forth in this Subpart 18–15.2, or otherwise included in the contract as to types or amounts of cost items.

### § 18–15.201–3 Definition of reasonableness.

A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business. The question of the reasonableness of specific costs must be scrutinized with particular care in connection with firms or separate divisions thereof which may not be subject to effective competitive restraints. What is reasonable depends upon a variety of considerations and circumstances involving both the nature and amount of the cost in question. In determining the reasonableness of a given cost, consideration shall be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the conduct of the contractor's business or the performance of the contract;

(b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arm's-length bargaining, Federal and State laws and regulations, and contract terms and specifications;

(c) The action that a prudent businessman would take in the circumstances, considering his responsibilities to the owners of the business, his employees, his customers, the Government, and the public at large; and

(d) Significant deviations from the established practices of the contractor which may unjustifiably increase the contract costs.

### § 18–15.201–4 Definition of allocability.

A cost is allocable if it is assignable or chargeable to a particular cost objective, such as a contract, product, product line, process, or class of customer or activity, in accordance with the relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a Government contract if it:

(a) Is incurred specifically for the contract;

(b) Benefits both the contract and other work, or both Government work and other work, and can be distributed to them in reasonable proportion to the benefits received; or

(c) Is necessary to the overall operation of the business, although a direct relationship to any particular cost objective cannot be shown.

### § 18–15.201–5 Credits.

The applicable portion of any income, rebate, allowance, and other credit relating to any allowable cost, received by or accruing to the contractor, shall be credited to the Government either as a cost reduction or by cash refund, as appropriate.

### § 18–15.202 Direct costs.

(a) A direct cost is any cost which can be identified specifically with a particular cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with the contract are direct costs of the contract and are to be charged directly thereto. Costs identified specifically with other work of the contractor are direct costs of that work and are not to be charged to the contract directly or indirectly. When items ordinarily chargeable as indirect costs are charged to Government work as direct costs, the cost of like items applicable to other work of the contractor must be eliminated from indirect costs allocated to Government work.

(b) This definition shall be applied to all items of cost of significant amount unless the contractor demonstrates that the application of any different current practice achieves substantially the same results. Direct cost items of minor amount may be distributed as indirect costs as provided in § 18–15.203.

### § 18–15.203 Indirect costs.

(a) An indirect cost is one which, because of its incurrence for common or joint objectives, is not readily subject to treatment as a direct cost. Minor direct cost items may be considered to be indirect costs for reasons of practicality. After direct costs have been determined and charged directly to the contract or other work, as appropriate, indirect costs are those remaining to be allocated to the several classes of work.

(b) Indirect costs shall be accumulated by logical cost groupings with due consideration of the reasons for incurring the costs. Each grouping should be determined so as to permit distribution of the grouping on the basis of the benefits accruing to the several cost objectives. Commonly, manufacturing overhead, selling expenses, and general and administrative expenses are separately grouped. Similarly, the particular case may require subdivisions of these groupings, e.g., building occupancy costs might be separable from those of personnel administration within the manufacturing overhead group. The number and composition of the groupings should be governed by practical considerations and should be such as not to complicate unduly the allocation where substantially the same results are achieved through less precise methods.

(c) Each cost grouping shall be distributed to the appropriate cost objectives. This necessitates the selection of a distribution base common to all cost objectives to which the grouping is to be allocated. The base should be selected so as to permit allocation of the grouping on the basis of the benefits accruing to the several cost objectives. This principle for selection is not to be applied so rigidly as to complicate unduly the allocation where substantially the same results are achieved through less precise methods.

(d) The method of allocation of indirect costs must be based on the particular circumstances involved. The method shall be in accord with those generally accepted accounting principles which are applicable in the circumstances. The contractor's established practices, if in accord with such accounting principles, shall generally be acceptable. However, the method used by the contractor may require re-examination when:

(1) Any substantial difference occurs between the cost patterns of work under the contract and other work of the contractor; or

(2) Any significant change occurs in the nature of the business, the extent of subcontracting, fixed asset improvement programs, the inventories, the volume of sales and production, manufacturing

processes, the contractor's products, or other relevant circumstances.

(e) A base period for allocation of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed in that period. Normally, the base period will be the contractor's fiscal year; however, use of a shorter period may be appropriate in case of (1) contracts whose performance involves only a minor portion of the fiscal year, or (2) where it is general practice in the industry to use a shorter period. In any event, the base period or periods shall be so selected as to avoid inequities in the allocation of costs. When the contract is performed over an extended period of time, as many such base periods will be used as will be required to represent the period of contract performance.

(f) Other considerations with respect to overhead are set forth in Subpart 18–3.7.

**§ 18–15.204 Application of principles and procedures.**

(a) Costs shall be allowed to the extent that they are reasonable (see § 18–15.201–3), allocable (see § 18–15.201–4), and determined to be allowable in view of the other factors set forth in §§ 18–15.201–2 and 18–15.205. These criteria apply to all of the selected items of cost which follow, notwithstanding that particular guidance is provided in connection with certain specific items for emphasis or clarity.

(b) Costs incurred as reimbursements to a subcontractor under a cost-reimbursement type subcontract of any tier above the first fixed-price subcontract are allowable to the extent that allowance is consistent with the provisions of this Part 18–15 which is apropriate to the subcontract involved. Thus, if the subcontract is for supplies, such costs are allowable to the extent that the subcontractor's costs would be allowable if this Subpart 18–15.2 were incorporated in the subcontract; if the subcontract is for construction, such costs are allowable to the extent that the subcontractor's costs would be allowable if § 18–15.4 were incorporated in the subcontract.

(c) Selected items of cost are treated in § 18–15.205. However, § 18–15.205 does not cover every element of cost and every situation that might arise in a particular case. Failure to treat any item of cost in § 18–15.205 is not intended to imply that it is either allowable or unallowable. With respect to all items, whether or not specifically covered, determination of allowability shall be based on the principles and standards set forth in this Subpart 18–15.2 and, where appropriate, the treatment of similar or related selected items.

**§ 18–15.205 Selected costs.**

**§ 18–15.205–1 Advertising costs.**

(a) Advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, trade papers, outdoor advertising, dealer cards and window displays, conventions, exhibits, free goods and samples, and the like.

(b) The only advertising costs allowable are those which are solely for (1) the recruitment of personnel required for the performance by the contractor of obligations arising under the contract, when considered in conjunction with all other recruitment costs, as set forth in § 18–15.205–33; (2) the procurement of scarce items for the performance of the contract; or (3) the disposal of scrap or surplus materials acquired in the performance of the contract. Costs of this nature, if incurred for more than one NASA contract or for both NASA work and other work of the contractor, are allowable to the extent that the principles in §§ 18–15.201–3, 18–15.201–4, and 18–15.203 are observed.

**§ 18–15.205–2 Bad debts.**

Bad debts, including losses (whether actual or estimated) arising from uncollectible customers' accounts and other claims, related collection costs, and related legal costs, are unallowable.

**§ 18–15.205–3 Bidding costs.**

Bidding costs are the costs of preparing bids or proposals on potential Government and non-Government contracts or projects, including the development of engineering data and cost data necessary to support the contractor's bids or proposals. Bidding costs of the current accounting period of both successful and unsuccessful bids and proposals normally will be treated as allowable indirect costs, in which event no bidding costs of past accounting periods shall be allowable in the current period to the Government contract. However, if the contractor's established practice is to treat bidding costs by some other method, the results obtained may be accepted only if found to be reasonable and equitable.

**§ 18–15.205–4 Bonding costs.**

(a) Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the contractor. They arise also in instances where the contractor requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

(b) Costs of bonding required pursuant to the terms of the contract are allowable.

(c) Costs of bonding required by the contractor in the general conduct of his business are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

**§ 18–15.205–5 Civil defense costs.**

(a) Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first aid training and supplies, fire-fighting training and equipment, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the contractor's premises pursuant to suggestions or requirements of civil defense authorities are allowable when allocated to all work of the contractor.

(b) Costs of capital assets under paragraph (a) of this section are allowable through depreciation in accordance with § 18–15.205–9.

(c) Contributions to local civil defense funds and projects are unallowable.

**§ 18–15.205–6 Compensation for personal services.**

(a) *General.* (1) Compensation for personal services includes all remuneration paid currently or accrued, in whatever form and whether paid immediately or deferred, for services rendered by employees to the contractor during the period of contract performance. It includes, but is not limited to, salaries, wages, directors' and executive committee members' fees, bonuses (including stock bonuses), incentive awards, employee stock options, employee insurance fringe benefits, and contributions to pension, annuity, and management employee incentive compensation plans. Except as otherwise specifically provided in § 18–15.205–6, such costs are allowable to the extent that the total compensation of individual employees is reasonable for the services rendered and they are not in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder.

(2) Compensation is reasonable to the extent that the total amount paid or accrued is commensurate with compensation paid under the contracor's established policy and conforms generally to compensation paid by other firms of the same size, in the same industry, or in the same geographic area, for similar services. In the administration of this principle, it is recognized that not every compensation case need be subjected in detail to the above test. Such test need be applied only to those cases in which a general review reveals amounts or types of compensation which appear unreasonable or otherwise out of line. However, certain conditions give rise to the need for special consideration and possible limitation as to allowability for contract cost purposes where amounts appear excessive. Among such conditions are the following:

(i) Compensation to owners of closely held corporations, partners, sole proprietors, or members of the immediate families thereof, or to persons who are contractually committed to acquire a substantial financial interest in the contractor's enterprise. Determination should be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of profits.

(ii) Any change in a contractor's compensation policy resulting in a substantial increase in the contractor's level of compensation, particularly when it was concurrent with an increase in the ratio of Government contracts to other business, or any change in the treatment of allowability of specific types of compensation due to changes in Government policy.

(iii) The contractor's business is such that his compensation levels are not subject to the restraints normally occurring in the conduct of competitive business.

(3) Compensation in lieu of salary for services rendered by partners and sole proprietors will be allowed to the extent that it is reasonable and does not constitute a distribution of profits.

(4) Notwithstanding any other provisions of this § 18–15.205–6, costs of compensation are not allowable to the extent that they result from provisions of labor-management agreements that, as applied to work in the performance of Government contracts, are determined to be unreasonable either because they are unwarranted by the character and circumstances of the work or because they are discriminatory against the Government. The application of the provisions of a labor-management agreement designed to apply to a given set of circumstances and conditions of employment (for example, work involving extremely hazardous activities or work not requiring recurrent use of overtime) is unwarranted when applied to a Government contract involving significantly different circumstances and conditions of employment (for example, work involving less hazardous activities or work continually requiring use of overtime). It is discriminatory against the Government if it results in individual personnel compensation (in whatever form or name) in excess of that being paid for similar non-Government work under comparable circumstances. Disallowance of costs will not be made under this subparagraph (4) unless:

(i) The contractor has been permitted an opportunity to justify the costs; and

(ii) Due consideration has been given to whether unusual conditions pertain to the Government contract work, imposing burdens, hardships, or hazards on the contractor's employees, for which compensation that might otherwise appear unreasonable is required to attract and hold necessary personnel.

(5) In addition to the general requirements set forth in subparagraphs (1) through (4) of this paragraph, certain forms of compensation are subject to further requirements as specified in paragraphs (b) through (i) of this section.

(b) *Salaries and wages.* Salaries and wages for current services include gross compensation paid to employees in the form of cash, products, or services, and are allowable. However, premiums for overtime, extra-pay shifts, and multi-shift work are allowable to the extent approved pursuant to § 18–12.102.

(c) *Cash bonuses and incentive compensation.* Incentive compensation for management employees, cash bonuses, suggestion awards, safety awards, and incentive compensation based on production, cost reduction, or efficient performance are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the contractor and the employees before the services were rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payment (but see § 18–15.107). Bonuses, awards, and incentive compensation when any of them are deferred are allowable to the extent provided in paragraph (f) of this section.

(d) *Bonuses and incentive compensation paid in stock.* Costs of bonuses and incentive compensation paid in the stock of the contractor or of an affiliate are allowable to the extent set forth in paragraph (c) of this section (including the incorporation of the principles of paragraph (f) of this section for deferred bonuses and incentive compensation), subject to the following additional requirements:

(1) Valuation placed on the stock transferred shall be the fair market value at the time of transfer, determined upon the most objective basis available; and

(2) Accruals for the cost of stock prior to the issuance of such stock to the employees shall be subject to adjustment according to the possibilities that the employees will not receive such stock and their interest in the accruals will be forfeited.

Such costs otherwise allowable are subject to adjustment according to the principles set forth in paragraph (f)(3) of this section (but see § 18–15.107).

(e) *Stock options.* The cost of options to employees to purchase stock of the contractor or of an affiliate is unallowable.

(f) *Deferred compensation.* (1) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals. It includes (i) contributions to pension, annuity, stock bonus, and profit-sharing plans; (2) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans; and (iii) other deferred compensation, whether paid in cash or in stock.

(2) Deferred compensation is allowable to the extent that (1) except for past service pension and retirement costs, it is for services rendered during the contract period; (2) it is, together with all other compensation paid to the employee, reasonable in amount; (3) it is paid pursuant to an agreement entered into in good faith between the contractor and employees before the services are rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payments; and (4) for a plan which is subject to approval by the Internal Revenue Service, it falls within the criteria and standards of the Internal Revenue Code and the regulations of the Internal Revenue Service (but see § 18–15.107).

(3) In determining the cost of deferred compensation allowable under the contract, appropriate adjustments shall be made for credits or gains, including those arising out of both normal and abnormal employee turnover, or any other contingencies that can result in a forfeiture by employees of such deferred compensation. Adjustments shall be made only for forfeitures which directly or indirectly inure to the benefit of the contractor; forfeitures which inure to the benefit of other employees covered by a deferred compensation plan with no reduction in the contractor's costs will not normally give rise to adjustment in contract costs. Adjustments for normal employee turnover shall be based on the contractor's experience and on foreseeable prospects, and shall be reflected in the amount of cost currently allowable. Such adjustments will be unnecessary to the extent that the contractor can demonstrate that his contributions take into account normal forfeitures. Adjustments for possible future abnormal forfeitures shall be effected according to the following rules:

(i) Abnormal forfeitures that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation, shall be reflected by an adjustment of current costs otherwise allowable; and

(ii) Abnormal forfeitures, not within subparagraph (i) of this paragraph, may be made the subject of agreement between the Government and the contractor either as to an equitable adjustment or a method of determining such adjustment.

(4) In determining whether deferred compensation is for services rendered during the contract period or is for future services, consideration shall be given to conditions imposed upon eventual payment, such as requirements of continued employment, consultation after retirement, and covenants not to compete.

(g) *Fringe benefits.* Fringe benefits are allowances and services provided by the contractor to his employees as compensation in addition to regular wages and salaries. Costs of fringe benefits, such as pay for vacations, holidays, sick leave, military leave, employee insurance, and supplemental unemployment benefit plans are allowable to the extent required by law, employer-employee agreement, or an established policy of the contractor.

(h) *Severance pay.* See § 18–15.205–39.

(i) *Training and education expenses.* See § 18–15.205–44.

(j) *Location allowances.* "Location allowances," sometimes called "supplemental pay" or "incentive pay," are allowable to the extent consistent with 32 CFR 12.105.

**§ 18–15.205–7 Contingencies.**

(a) A contingency is a possible future event or condition arising from presently known or unknown causes, the outcome of which is indeterminable at the present time.

(b) In historical costing, contingencies are not normally present since such costing deals with costs which have been

incurred and recorded on the contractor's books. Accordingly, contingencies are generally unallowable for historical costing purposes. However, in some cases, as, for example, terminations, a contingency factor may be recognized which is applicable to a past period to give recognition to minor unsettled factors in the interest of expeditious settlement.

(c) In connection with estimates of future costs, contingencies fall into two categories:

(1) Those which may arise from presently known and existing conditions, the effects of which are foreseeable within reasonable limits of accuracy; e.g., anticipated costs of rejects and defective work; in such situations where they exist, contingencies of this category are to be included in the estimates of future cost so as to provide the best estimate of performance costs; and

(2) Those which may arise from presently known or unknown conditions, the effect of which cannot be measured so precisely as to provide equitable results to the contractor and to the Government; e.g., results of pending litigation, and other general business risks. Contingencies of this category are to be excluded from cost estimates under the several items of cost, but should be disclosed separately, including the basis upon which the contingency is computed, in order to facilitate the negotiation of appropriate contractual coverage. (See, for example, §§ 18–15.205–16, 18–15.205–20, and 18–15.205–39.)

**§ 18–15.205–8 Contributions and donations.**

Contributions and donations are unallowable.

**§ 18–15.205–9 Depreciation.**

(a) Depreciation is a charge to current operations which distributes the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular contractor's operations as distinguished from physical life.

(b) Normal depreciation on a contractor's plant, equipment, and other capital facilities is an allowable element of contract cost: *Provided*, That the amount thereof is computed:

(1) Upon the property cost basis used by the contractor for Federal income tax purposes (see Section 167 of the Internal Revenue Code of 1954); or

(2) In the case of nonprofit or tax-exempt organizations, upon a property cost basis which could have been used by the contractor for Federal income tax purposes, had such organizations been subject to the payment of income tax; and, in either case,

(3) By the consistent application to the assets concerned of any generally accepted accounting method, and subject to the limitations of the Internal Revenue Code of 1954, as amended, including:

(i) The straight line method;

(ii) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in subdivision (i) of this subparagraph;

(iii) The sum of the years-digits method; and

(iv) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the use of the property and including the current year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in subdivision (ii) of this subparagraph.

(c) Depreciation should usually be allocated to the contract and other work as an indirect cost. The amount of depreciation allowed in any accounting period may, consistent with the basic objectives set forth in paragraph (a) of this section, vary with volume of production or use of multishift operations.

(d) In the case of emergency facilities covered by certificates of necessity, a contractor may elect to use normal depreciation without requesting a determination of "true depreciation" or may elect to use either normal or "true depreciation" after a determination of "true depreciation" has been made by an Emergency Facilities Depreciation Board. The method elected must be followed consistently throughout the life of the emergency facility. Where an election is made to use normal depreciation, the amount thereof for both the emergency period and the post-emergency period shall be computed in accordance with paragraph (b) of this section. Where an election is made to use "true depreciation," the amount allowable as depreciation:

(1) With respect to the emergency period (5 years), shall be computed in accordance with the determination of the Emergency Facilities Depreciation Board and allocated ratably over the full 5-year emergency period: *Provided*, No other allowance is made which would duplicate the factors, such as extraordinary obsolescence, covered by the Board's determination; and

(2) After the end of the emergency period, shall be computed by distributing the remaining undepreciated portion of the cost of the emergency facility over the balance of its useful life (but see paragraph (e) of this section): *Provided*, The remaining undepreciated portion of such cost shall not include any amount of unrecovered "true depreciation."

(e) Depreciation on idle or excess facilities shall not be allowed except on such facilities as are reasonably necessary for standby purposes.

(f) No depreciation, rental, or use charge shall be allowed on the contractor's assets which have been fully depreciated when a substantial portion of such depreciation was on a basis that represented, in effect, a recovery thereof as a charge against Government contracts or subcontracts. Otherwise, a reasonable use charge may be agreed upon and allowed (but see § 18–15.107). In determining this charge, consideration should be given to cost, total estimated useful life at time of negotiation, and effect of any increased maintenance charges or decreased efficiency due to age.

**§ 18–15.205–10 Employee morale, health, and welfare costs and credits.**

Reasonable costs of health and welfare activities, such as house publications, health or first aid clinics, recreational activities, and employee counseling services, incurred, in accordance with the contractor's established practice or custom in the industry or area, for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Income generated from any of these activities shall be credited to the costs thereof unless such income has been irrevocably set over to employee welfare organizations.

**§ 18–15.205–11 Entertainment costs.**

Costs of amusement, diversion, social activities, and incidental costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable (but see §§ 18–15.205–10 and 18–15.205–43).

**§ 18–15.205–12 Excess facility costs.**

Costs of maintaining, repairing, and housing idle and excess contractor-owned facilities, except those reasonably necessary for standby purposes, are unallowable. Costs of excess plant capacity reserved for defense mobilization production are generally unallowable on a NASA contract, since they should be covered by a separate contract with the Department of Defense.

**§ 18–15.205–13 Fines and penalties.**

Costs of fines and penalties resulting from violations of, or failure of the contractor to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the contract, or instructions in writing from the contracting officer.

**§ 18–15.205–14 Food service and dormitory costs and credits.**

Food and dormitory services include operating or furnishing facilities for cafeterias, dining rooms, canteens, lunch wagons, vending machines, living accommodations, or similar types of services for the contractor's employees at or near the contractor's facilities. Reasonable losses from the operation of such services are allowable if they are allocated to all activities served. Profits (except profits irrevocably set over to an employee welfare organization of the contractor in amounts reasonably useful for the benefit of the employees at the site or sites of contract performance) accruing to the contractor from the operation of these services, whether operated by the contractor or by a concessionaire, shall be treated as a credit and allocated to all activities served.



**§ 18–15.205–15 Fringe benefits.**

See § 18–15.205–6(g).

**§ 18–15.205–16 Insurance and indemnification.**

(a) Insurance includes insurance which the contractor is required to carry, or which is approved, under the terms of the contract; and any other insurance which the contractor maintains in connection with the general conduct of his business.

(1) Costs of insurance require or approved, and maintained, pursuant to the contract, are allowable.

(2) Costs of other insurance maintained by the contractor in connection with the general conduct of his business are allowable subject to the following limitations:

(i) Types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances;

(ii) Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of profit;

(iii) Costs of insurance or of any provision for a reserve covering the risk of loss of or damage to Government property are allowable only to the extent that the contractor is liable for such loss or damage and such insurance or reserve does not cover loss or damage which results from willful misconduct or lack of good faith on the part of any of the contractor's directors or officers, or other equivalent representatives, who has supervision or direction of (*a*) all or substantially all of the contractor's business, or (*b*) all or substantially all of the contractor's operations at any one plant or separate location in which the contract is being performed, or (*c*) a separate and complete industrial operation in connection with the performance of the contract;

(iv) Provisions for a reserve under an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks; and

(v) Costs of insurance on the lives of officers, partners, or proprietors are allowable only to the extent that the insurance represents additional compensation (see § 18–15.205–6).

(3) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the contract except:

(i) Costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice, are allowable; and

(ii) Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of doing business, are allowable.

(b) Indemnification includes securing the contractor against liabilities to third persons and any other loss or damage not compensated by insurance or otherwise. The Government is obligated to indemnify the contractor only to the extent expressly provided for in the contract, except as provided in paragraph (a)(3) of this section.

**§ 18–15.205–17 Interest and other financial costs.**

Interest on borrowings (however represented), bond discounts, costs of financing and refinancing operations, legal and professional fees paid in connection with the preparation of prospectuses, costs of preparation and issuance of stock rights, and costs related thereto, are unallowable except for interest assessed by State or local taxing authorities under the conditions set forth in § 18–15.205–41 (but see § 18–15.205–24).

**§ 18–15.205–18 Labor relations costs.**

Costs incurred in maintaining satisfactory relations between the contractor and his employees, including costs of shop stewards, labor management committees, employee publications, and other related activities, are allowable.

**§ 18–15.205–19 Losses on other contracts.**

An excess of costs over income under any other contract (including the contractor's contributed portion under cost-sharing contracts), whether such other contract is of a supply, research and development, or other nature, is unallowable.

**§ 18–15.205–20 Maintenance and repair costs.**

(a) Costs necessary for the upkeep of property (including Government property unless otherwise provided for), which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are to be treated as follows (but see § 18–15.205–9):

(1) Normal maintenance and repair costs are allowable; and

(2) Extraordinary maintenance and repair costs are allowable; provided such are allocated to the periods to which applicable for purposes of determining contract costs (but see § 18–15.107).

(b) Expenditures for plant and equipment, including rehabilitation thereof, which, according to generally accepted accounting principles as applied under the contractor's established policy, should be capitalized and subjected to depreciation, are allowable only on a depreciation basis.

**§ 18–15.205–21 Manufacturing and production engineering costs.**

Costs of manufacturing and production engineering, including engineering activities in connection with the following, are allowable:

(a) Current manufacturing processes such as motion and time study, methods analysis, job analysis, and tool design and improvement; and

(b) Current production problems, such as materials analysis for production suitability and component design for purposes of simplifying production.

**§ 18–15.205–22 Material costs.**

(a) Material costs include the costs of such items as raw materials, parts, subassemblies, components, and manufacturing supplies, whether purchased outside or manufactured by the contractor, and may include such collateral items as inbound transportation and in-transit insurance. In computing material costs, consideration will be given to reasonable overruns, spoilage, or defective work (concerning correction of defective work, see the provisions of the contract relating to inspection and correction of defective work). These costs are allowable subject, however, to the provisions of paragraphs (b) through (e) of this section.

(b) Costs of material shall be suitably adjusted for applicable portions of income and other credits, including available trade discounts, refunds, rebates, allowances, and cash discounts, and credits for scrap and salvage and material returned to vendors. Such income and other credits shall either be credited directly to the cost of the material involved or be allocated (as credits) to indirect costs. However, where the contractor can demonstrate that failure to take cash discounts was due to reasonable circumstances, such lost discounts need not be so credited.

(c) Reasonable adjustments arising from differences between periodic physical inventories and book inventories may be included in arriving at costs, provided such adjustments relate to the period of performance of the contract.

(d) When the materials are purchased specifically for and identifiable solely with performance under a contract, the actual purchase cost thereof should be charged to the contract. If material is issued from stores, any generally recognized method of pricing such material is acceptable if that method is consistently applied and the results are equitable. When estimates of material costs to be incurred in the future are required, either current market price or anticipated acquisition cost may be used, but the basis of pricing must be disclosed.

(e) Charges for materials, services, and supplies sold or transferred between plants, divisions, or organizations, under a common control, ordinarily shall be allowable to the extent of the lower of cost to the transferor or current market price. However, a departure from this basis is permissible where (1) the item is regularly manufactured and sold by the contractor through commercial channels, and (2) it is the contractor's long-established practice to price inter-organizational transfers at other than cost for commercial work: *Provided*, That the charge to the contract is not in excess of the transferor's sales price to his most favored customer for the same item in like quantity, or the current market price, whichever is lower.

**§ 18–15.205–23 Organization costs.**

Expenditures, such as incorporation fees, attorneys' fees, accountants' fees, brokers' fees, fees to promoters and or-

ganizers, in connection with (a) organization or reorganization of a business, or (b) raising capital, are unallowable.

**§ 18–15.205–24 Other business expenses.**

Included in this item are such recurring expenses as registry and transfer charges resulting from changes in ownership of securities issued by the contractor, cost of shareholders' meetings, normal proxy solicitations, preparation and publication of reports to shareholders, preparation and submission of required reports and forms to taxing and other regulatory bodies, and incidental cost of directors' and committee meetings. The above and similar costs are allowable when allocated on an equitable basis.

**§ 18–15.205–25 Overtime, extra-pay shift, and multishift premiums.**

Premiums for overtime, extra-pay shifts, and multishift work are allowable to the extent approved pursuant to § 18–12.102.

**§ 18–15.205–26 Patent costs.**

Costs of preparing disclosures, reports, and other documents required by the contract and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the contract relating to patents, costs of preparing documents and any other patent costs in connection with the filing of a patent application where title is conveyed to the Government are allowable (see § 18–15.205–36).

**§ 18–15.205–27 Pension plans.**

See § 18–15.205–6.

**§ 18–15.205–28 Plant protection costs.**

Costs of items such as (a) wages, uniforms, and equipment of personnel engaged in plant protection, (b) depreciation on plant protection capital assets, and (c) necessary expenses to comply with security requirements, are allowable.

**§ 18–15.205–29 Plant reconversion costs.**

Plant reconversion costs are those incurred in the restoration or rehabilitation of the contractor's facilities to approximately the same condition existing immediately prior to the commencement of the NASA contract work, fair wear and tear excepted. Reconversion costs are allowable except for the cost of removing Government property and the restoration or rehabilitation costs caused by such removal. However, in special circumstances where equity so dictates, additional costs may be allowed to the extent agreed upon before the costs are incurred. Whenever such costs are given consideration, care should be exercised to avoid duplication through allowance as contingencies, as additional profit or fee, or in other contracts.

**§ 18—15.205—30 Precontract costs.**

Precontract costs are those incurred prior to the effective date of the contract directly pursuant to the negotiation and in anticipation of the award of the contract where such incurrence is necessary to comply with the proposed contract delivery schedule. Such costs are allowable to the extent that they would have been allowable if incurred after the date of the contract and to the extent authorized by the contracting officer (see §§ 18–7.205–52, 18–7.404–52, and 18–7.453–52).

**§ 18–15.205–31 Professional service costs—legal, accounting, engineering, and other.**

(a) Costs of professional services rendered by the members of a particular profession who are not employees of the contractor are allowable, subject to (b) and (c) below, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government (but see § 18–15.205–23).

(b) Factors to be considered in determining the allowability of costs in a particular case include:

(1) The past pattern of such costs, particularly in the years prior to the award of Government contracts;

(2) The impact of Government contracts on the contractor's business (i.e., what new problems have arisen);

(3) The nature and scope of managerial services expected of the contractor's own organizations; and

(4) Whether the proportion of Government work to the contractor's total business is such as to influence the contractor in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government contracts.

Retainer fees to be allowable must be reasonably supported by evidence of bona fide services available or rendered.

(c) Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization, defense of antitrust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the contract.

**§ 18–15.205–32 Profits and losses on disposition of plant, equipment, or other capital assets.**

Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short- or long-term investments, shall be excluded in computing contract costs (but see § 18–15.205–9(b) as to basis for depreciation).

**§ 18–15.205–33 Recruitment and relocation costs.**

(a) *Recruitment costs.* (1) Subject to the provisions of subparagraphs (2) and (3) of this paragraph and provided that the size of the staff recruited and maintained is in keeping with work-load requirements, costs of help wanted advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, and travel costs of applicants for interviews for prospective employment are allowable to the extent that such costs are incurred pursuant to a well-managed recruitment program. Where the contractor uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(2) In publications, costs of help wanted advertising that (i) includes color, (ii) includes advertising material for other than recruitment purposes, or (iii) is excessive in size (taking into consideration recruitment purposes for which intended and normal business practices in this respect) are unallowable.

(3) Costs of (i) help wanted advertising and (ii) excessive salaries, fringe benefits, and special emoluments that have been offered to prospective employees, designed to "pirate" personnel from another contractor, or in excess of the standard practices in the industry, are unallowable.

(b) *Employee relocation costs.* (1) Employee relocation costs, for the purpose of this Subpart 18–15.2, are those expenses of employees reimbursed by the contractor which are associated with a permanent change in duty assignment, whether incurred in conjunction with the transfer of existing employees or the movement of new hires. NASA considers that the customary industry tendency is to treat a transfer which is in excess of 12 months duration as a "permanent change in duty assignment." Employee relocation costs are allowable as indirect charges to the extent allocable and reasonable under the limitations and procedures established in § 18–15.205–33(b). Direct charging of these costs is authorized in special circumstances in accordance with subparagraph (3) of this paragraph. Retransfer costs are unallowable) i.e., a NASA contract should not normally bear both the cost of transferring an employee to a new location and the cost of returning an employee to his "home" site or some other gaining activity), although it is recognized that special circumstances, e.g., an abrupt termination, may justify acceptance of some portion of the costs associated with retransfer.

(2) Allowable relocation costs are limited to those reimbursed expenses incurred in relocating which are directly and commonly associated with relocation. NASA does not allow such costs when they (i) are an additional form of compensation, (ii) are designed to improve an employee's living standards, or (iii) are reimbursement for purely personal expenses incurred for the employee's pleasure or convenience. In addition, relocation costs should generally be reimbursed by a contractor only under an established company policy, as described in subparagraph (4) of this paragraph; whenever practicable such costs





should be made subject to an advance understanding (see § 18–15.107) in accordance with subparagraph (5) of this paragraph; and the allowability of the costs for specific categories of expenses associated with relocation is limited, in accordance with paragraph (6) of this paragraph. Further, contractors are expected to tap the personnel resources of the area in which the contract work is being performed to the fullest extent feasible consistent with the company's overall personnel policy and to the extent that contractual performance will not thereby be adversely affected.

(3) Indirect charging of relocation costs is generally required, since the permanent relocation of employees occurs as part of the company's overall management operations and it is reasonable to assume that employees involved in a permanent relocation will continue in the company's employ. However, in special circumstances, certain relocation costs may be recognized as a direct charge, where, for example, they are specifically related to the performance under a NASA contract and incurred because of request of NASA: *Provided*, In all cases, that direct charging is consistent with the contractor's and generally accepted accounting practices and that like costs applicable to other work of the contractor are eliminated from the indirect costs allocated to Government work (see §§ 18–15.201–4 and 18–15.201–5).

(4) Generally, the application of relocation costs to NASA contracts should be pursuant to an established company policy which specifies the particular relocation expenses the contractor will reimburse. The company policy must provide for consistent treatment of company employees but may appropriately recognize that expenses may reasonably differ among the various levels of employees. The company should also have adequate internal controls to assure compliance with its policy.

(5) The wide diversity of relocation costs and the difficulties involved in determining their reasonableness make it particularly desirable to arrive at advance understandings with contractors (see § 18–15.107). Such advance understandings will generally be of two types: an agreement which sets forth the extent to which NASA will recognize costs under the contractor's general relocation policies; and where applicable, an agreement governing the allowability of costs which result from mass movements or special requirements in connection with a particular contract. Such advance agreements should include, but are not necessarily to be limited to (i) an enumeration of those categories of expenses which will be recognized as allowable and those to be disallowed; (ii) in accordance with subparagraph (7) of this paragraph, a dollar limitation for each category of expense or, in lieu thereof, limitations which have the indirect effect of establishing dollar ceilings on specific relocation actions; (iii) reference to a procedure for approving expenses and for validation of expenses incurred; (iv) a listing of the categories of employees to whom the policy is to be applicable; and (v) an indication as to whether the expense is to a direct charge to a contract, or, in accordance with subparagraph (3) of this paragraph, an indirect charge. All proposed advance understandings shall be submitted to the Director of Procurement for approval in order to ensure consistency of approach among the NASA installations.

(6) Company policies, though subject to wide variation, generally cover payment of expenses which may be categorized as pre-moving, moving, post-moving, and dislocation expenses which do not readily fit into any of these categories.

(i) Pre-moving expenditures may include such items as:

(*a*) Visits by the employee and his spouse to seek new quarters prior to the moving date and associated incidental expenses such as for baby sitters, care of house pets, and phone calls;

(*b*) Establishment of temporary quarters prior to effecting a permanent move;

(*c*) Visits and calls home where an employee reports alone prior to moving other members of the household; and

(*d*) Expenses incident to disposition of housing, such as costs of canceling an unexpired lease, brokerage and legal fees, etc., and the loss that may result from the price at which the home is sold.

Costs incident to (*a*) and (*b*) of this subdivision are allowable to the extent reasonable and allocable. Costs incident to (*c*) of this subdivision are normally unallowable but exceptions may be recognized in special circumstances (e.g., in the event of unreasonably long separations when the established company policy provides for such calls and visits). Costs incident to (*d*) of this subdivision are unallowable, except for realtors' commissions incurred in the sale of a transferred employee's home.

(ii) Moving expenditures may include transportation of the employee and members of his household (including house pets), meals and lodging en route to the new location, packing, transportation of household and other effects, storage, and insurance. Such costs are allowable to the extent they are reasonable and allocable.

(iii) Post-moving expenditures may include:

(*a*) Losses incurred on theft or damage during move;

(*b*) Closing costs on purchase of new home; and

(*c*) Automobile owner's expense, such as registration and other expenses incurred by transfer to a new location.

Costs incident to (*a*) of this subdivision are allowable if not covered by insurance. Costs incident to (*b*) of this subdivision are unallowable. Costs incident to (*c*) of this subdivision are allowable.

(iv) Dislocation expenses may include:

(a) Removing carpets and drapes at the previous location and reinstalling at the new location;

(b) Disconnecting and reconnecting appliances and television;

(c) Prepaid fees on unexpired medical and dental plans, food locker contracts, and other miscellaneous but normal out-of-pocket expenses.

These expenses, exclusive of cleaning carpets or drapes, are allowable to the extent they are reasonable and allocable but only if they are incurred by existing employees rather than newly hired workers.

(7) Evaluation of the proposed application of a given company plan may result in the delineation of three questionable categories of expenses: (i) those which are clearly unallowable; (ii) those which may be normally allowable but are not appropriate for reimbursement under the specific circumstances; and (iii) those considered allowable but as to which the amount of reimbursement claimed may be excessive. Such an evaluation may indicate the desirability of establishing a ceiling to limit the amount of expenses in each category which will be reimbursed to the contractor. The ceiling may, as appropriate, be established indirectly by limitations on specific actions.

(8) Contractors shall be required to refund payments made by the Government in reimbursement for employee relocation costs if employment is terminated voluntarily by the employee or by virtue of discharge for cause within 12 months after appointment or transfer.

**§ 18–15.205–34 Rental costs (including sale and leaseback of facilities).**

(a) Rental costs of land, building, and equipment and other personal property are allowable if the rates are reasonable in light of such factors as rental costs of comparable facilities and market conditions in the area, the type, life expectancy, condition, and value of the facilities leased, options available, and other provisions of the rental agreement. Application of these factors, in situations where rentals are extensively used, may involve, among other considerations, comparison of rental costs with the amount which the contractor would have received had he owned the facilities.

(b) Charges in the nature of rent between plants, divisions, or organizations under common control are allowable to the extent such charges do not exceed the normal costs of ownership, such as depreciation, taxes, insurance, and maintenance; *Provided*, That no part of such costs shall duplicate any other allowed costs.

(c) Unless otherwise specifically provided in the contract, rental costs specified in sale and leaseback agreements, incurred by contractors through selling plant facilities to investment organizations, such as insurance companies, or to private investors, and concurrently leasing back the same facilities, are allowable only to the extent that such rentals do not exceed the amount which the contractor would have received had he retained legal title to the facilities.

(d) The allowability of rental costs under unexpired leases in connection with terminations is treated in § 18–15.205–42(e).

### § 18–15.205–35 Research and development costs.

(a) Basic research, for the purpose of § 18–15.2, is that type of research which is directed toward increase of knowledge in science. In such research, the primary aim of the investigator is a fuller knowledge or understanding of the subject under study, rather than any practical application thereof. Applied research, for the purpose of this § 18–15.2, consists of that type of effort which (1) normally follows basic research, but may not be severable from the related basic research; (2) attempts to determine and expand the potentialities of new scientific discoveries or improvements in technology, materials, processes, methods, devices, and techniques; and (3) attempts to "advance the state of the art." Applied research does not include any such efforts when their principal aim is the design, development, or test of specific articles or services to be offered for sale, which are within the definition of the term development as hereinafter provided.

(b) Development is the systematic use of scientific knowledge which is directed toward the production of, or improvements in, useful products to meet specific performance requirements, but exclusive of manufacturing and production engineering.

(c) A contractor's independent research and development is that research and development which is not sponsored by a contract, grant, or other arrangement.

(d) An unsolicited proposal is a written offer to perform work which does not result from a formal written request for proposals issued by NASA.

(e) Except under a contract for research awarded in response to an unsolicited proposal, a contractor's costs of independent research as defined in paragraphs (a) and (c) of this section shall be allowable as indirect costs (subject to the provisions of § 18–15.205–35): *Provided*, They are allocated to all work of the contractor. A contractor's costs of independent research are unallowable under any contract for research awarded in response to an unsolicited proposal (see paragraph (j) of this section).

(f) Except under a contract for research awarded in response to an unsolicited proposal, costs of a contractor's independent development, as defined in paragraphs (b) and (c) of this section (and subject to the provisions of this section § 18–15.205–35), are allowable to the extent that such development is related to the product lines for which the Government has contracts: *Provided*, The costs are reasonable in amount and are allocated as indirect costs to all work of the contractor on such product lines. In cases where a contractor's normal course of business does not involve production work, the cost of independent development is allowable (except under a contract for research awarded in response to an unsolicited proposal) to the extent that such development is related and allocated as an indirect cost to the field of effort of Government research and development contracts. A contractor's costs of independent development are unallowable under any contract for research awarded in response to an unsolicited proposal (see paragraph (j) of this section).

(g) Independent research and development costs shall include an amount for the absorption of their appropriate share of indirect and administrative costs, unless the contractor, in accordance with his accounting practices consistently applied, treats such costs otherwise.

(h) Research and development costs (including amounts capitalized), regardless of their nature, which were incurred in accounting periods prior to the award of a particular contract, are unallowable except where allowable as precontract costs (see § 18–15.205–30).

(i) The reasonableness of expenditures for independent research and development when otherwise allowable in accordance with the provisions of § 18–15.205–35 should be determined in light of all pertinent considerations, such as previous contractor research and development activity, cost of past programs, and changes in science and technology. Such expenditures should be pursuant to a broad planned program, which is reasonable in scope and well managed. Such expenditures (especially for development) should be scrutinized with great care in connection with contractors whose work is predominantly or substantially with the Government. Advance agreements as described in § 18–15.107 are particularly important in this situation. In recognition that cost sharing of the contractor's independent research and development program may provide motivation for more efficient accomplishment of such program, it is desirable in some cases that the Government bear less than an allocable share of the total cost of the program. Under these circumstances, the following are among the approaches which may be used as the basis for agreement:

(1) Review of the contractor's proposed independent research and development program and agreement to accept the allocable costs of specific projects;

(2) Agreement on a maximum dollar limitation of costs, an allocable portion of which will be accepted by the Government; and

(3) An agreement to accept the allocable share of a percentage of the contractor's planned research and development program.

(j) Independent research and development costs are not allowable in research contracts which (1) result from unsolicited proposals and (2) are placed with commercial organizations or nonprofit institutions (other than educational institutions). Each contract awarded on the basis of an unsolicited proposal shall be considered as a contract for research unless otherwise stated in the contract that the contract is for development work or work other than research.

### § 18–15.205–36 Royalties and other costs for use of patents.

(a) Royalties on a patent or amortization of the cost of acquiring by purchase a patent or rights thereto, necessary for the proper performance of the contract and applicable to contract products or processes, are allowable unless:

(1) The Government has a license or the right to free use of the patent;

(2) The patent has been adjudicated to be invalid, or has been administratively determined to be invalid;

(3) The patent is considered to be unenforceable; or

(4) The patent has expired.

(b) Special care should be exercised in determining reasonableness where the royalties may have been arrived at as a result of less than arm's-length bargaining; e.g.:

(1) Royalties paid to persons, including corporations, affiliated with the contractor;

(2) Royalties paid to unaffiliated parties, including corporations, under an agreement entered into in contemplation that a Government contract would be awarded; or

(3) Royalties paid under an agreement entered into after the award of the contract.

(c) In any case involving a patent formerly owned by the contractor, the amount of royalty allowed should not exceed the cost which would have been allowed had the contractor retained title thereto.

(d) See § 18–15.107 regarding advance understandings.

### § 18–15.205–37 Selling costs.

(a) Sellings costs arise in the marketing of the contractor's products and include costs of sales promotions, negotiation, liaison between Government representatives and contractor's personnel, and other related activities.

(b) Selling costs are allowable to the extent they are reasonable and are allocable to Government business (but see §§ 18–15.107 and 18–15.205–1). Allocability of selling costs will be determined in the light of reasonable benefit to the Government arising from such activities as technical, consulting, demonstration, and other services which are for purposes such as application or adaptation of the contractor's products to Government use.

(c) Notwithstanding paragraph (b) of this section, salesmen's or agents' compensation, fees, commissions, percentages, or brokerage fees, which are contingent upon the award of contracts, are allowable only when paid to bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

### § 18–15.205–38 Service and warranty costs.

Such costs include those arising from fulfillment of any contractual obligation of a contractor to provide services, such an installation, training, correcting defects in the products, replacing defective parts, making refunds in the case of inadequate performance, etc. When not inconsistent with the terms of the contract, such service and warranty costs are allowable. However, care should be exercised to avoid duplication of the allowance as an element of both estimated product cost and risk.



### § 18–15.205–39 Severance pay.

(a) Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages by contractors to workers whose employment is being terminated. Costs of severance pay are allowable only to the extent that, in each case, it is required by (1) law, (2) employer-employee agreement, (3) established policy that constitutes, in effect, an implied agreement on the contractor's part, or (4) circumstance of the particular employment.

(b) Cost of severance payments is divided into two categories, as follows:

(1) Actual normal turnover severance payments shall be allocated to all work performed in the contractor's plant; or, where the contractor provides for accrual of pay for normal severances, such method will be acceptable if the amount of the accrual is reasonable in light of payments actually made for normal severances over a representative past period, and if amounts accrued are allocated to all work performed in the contractor's plant; and

(2) Abnormal or mass severance pay is of such a conjectural nature that measurement of costs by means of an accrual will not achieve equity to both parties. Thus accruals for this purpose are not allowable. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis in the event of occurrence.

### § 18–15.205–40 Special tooling costs.

The term "special tooling" means all jigs, dies, fixtures, molds, patterns, special taps, special gauges, special test equipment, other special equipment and manufacturing aids, and replacements thereof, acquired or manufactured by the contractor for use in the performance of a contract, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the production of such supplies or parts thereof, or the performance of such services, as are peculiar to the needs of the Government. The term does not include (a) items of tooling or equipment acquired by the contractor prior to the contract, replacements thereof, whether or not altered or adapted for use in the performance of the contract, (b) consumable small tools, or (c) general or special machine tools, or similar capital items. The cost of special tooling, when it is acquired for and its usefulness is limited to one or more Government contracts, is allowable and shall be allocated to the specific Government contract or contracts for which acquired.

### § 18–15.205–41 Taxes.

(a) Taxes are charges levied by Federal, State, or local governments. They do not include fines and penalties except as otherwise provided herein. In general, taxes (including State and local income taxes) which the contractor is required to pay and which are paid or accrued in accordance with generally accepted accounting principles are allowable, except for:

(1) Federal income and excess profits taxes;

(2) Taxes in connection with financing, refinancing, or refunding operations (see § 18–15.205–17);

(3) Taxes from which exemptions are available to the contractor directly or available to the contractor based on an exemption afforded the Government except when the contracting officer determines that the administrative burden incident to obtaining the exemption outweighs the corresponding benefits accruing to the Government;

(4) Special assessments on land which represent capital improvements; and

(5) Taxes on any category of property which is used solely in connection with work other than on Government contracts. (Taxes on property used solely in connection with either non-Government or Government work should be considered directly applicable to the respective category of work unless the amounts involved are insignificant or comparable results would otherwise be obtained; e.g., taxes on contractor-owned work in process which is used solely in connection with non-Government work should be allocated to such work, and taxes on contractor-owned work-in-process inventory, and Government-owned work-in-process inventory when taxed, used solely in connection with Government work, should be charged to such work.)

(b) Taxes otherwise allowable under paragraph (a) of this section, but upon which a claim of illegality or erroneous assessment exists, are allowable: *Provided*, That the contractor prior to payment of such taxes:

(1) Promptly requests instructions from the contracting officer concerning such taxes; and

(2) Takes all action directed by the contracting officer arising out of subparagraph (1) of this paragraph or an independent decision of the Government as to the existence of a claim of illegality or erroneous assessment, including cooperation with and for the benefit of the Government to (i) determine the legality of such assessment or (ii) secure a refund of such taxes.

Reasonable costs of any such action undertaken by the contractor at the direction or with the concurrence of the contracting officer are allowable. Interest and penalties incurred by a contractor by reason of the nonpayment of any tax at the direction of the contracting officer or by reason of the failure of the contracting officer to assure timely direction after prompt request therefor, are also allowable.

(c) Any refund of taxes, interest, or penalties, and any payment to the contractor of interest thereon, attributable to taxes, interest, or penalties which were allowed as contract costs, shall be credited or paid to the Government in the manner directed by the Government: *Provided*, Any interest actually paid or credited to a contractor incident to a refund of tax, interest, or penalty shall be paid or credited to the Government only to the extent that such interest accrued over the period during which the contractor had been reimbursed by the Government for the taxes, interest, or penalties.

### § 18–15.205–42 Termination costs.

Contract terminations generally give rise to the incurrence of costs, or the need for special treatment of costs, which would not have arisen had the contract not been terminated. Cost principles covering these items are set forth in this § 18–15.205–42. They are to be used in conjunction with this Subpart 18–15.2 in termination situations.

(a) Common items: The cost of items reasonably usable on the contractor's other work shall not be allowable unless the contractor submits evidence that he could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the contractor, the contracting officer should consider the contractor's plans and orders for current and scheduled production. Contemporaneous purchases of common items by the contractor shall be regarded as evidence that such items are reasonably usable on the contractor's other work. Any acceptance of common items as allocable to the terminated portion of the contract should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(b) Costs continuing after termination. If, in a particular case, despite all reasonable efforts by the contractor, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this Subpart, except that any such costs continuing after termination due to the negligent or willful failure of the contractor to discontinue such costs shall be considered unallowable.

(c) Initial costs, including starting load and preparatory costs, are allowable, subject to the conditions in subparagraphs (1) through (6) of this paragraph.

(1) Starting load costs are costs of a nonrecurring nature arising in the early stages of production and not fully absorbed because of the termination. Such costs may include the cost of labor and material, and related overhead attributable to such factors as:

(i) Excessive spoilage resulting from inexperienced labor;

(ii) Idle time and subnormal production occasioned by testing and changing methods of processing;

(iii) Employee training; and

(iv) Unfamiliarity or lack of experience with the product, materials, manufacturing processes, and techniques.

(2) Preparatory costs are costs incurred in preparing to perform the terminated contract including costs of initial plant rearrangement and alterations, management and personnel organization, production planning, and similar activities, but excluding special machinery and equipment and starting load costs.

(3) If initial costs are claimed and have not been segregated on the contractor's books, segregation for settlement purposes shall be made from cost reports and schedules which reflect the high unit cost incurred during the early stages of the contract.

(4) When the settlement proposal is on the inventory basis, initial costs should normally be allocated on the basis of total end items called for by the contract immediately prior to termination; however, if the contract includes end items of a diverse nature, some other equitable basis may be used, such as machine or labor hours.

(5) When initial costs are included in the settlement proposal as a direct charge, such costs shall not also be included in overhead.

(6) Initial costs attributable to only one contract shall not be allocated to other contracts.

(d) Loss of useful value of special tooling, special machinery, and equipment in general allowable: *Provided:*

(1) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the contractor;

(2) The interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer; and

(3) The loss of useful value as to any one terminated contract is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the contract bears to the entire terminated contract and other Government contracts for which the special tooling, special machinery, and equipment was acquired.

(e) Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated contract, less the residual value of such leases, if:

(1) The amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the contract and such further period as may be reasonable; and

(2) The contractor makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease.

There also may be included the cost of alterations of such leased property: *Provided*, Such alterations were necessary for the performance of the contract, and of reasonable restoration required by the provisions of the lease.

(f) Settlement expenses, including the following, are generally allowable:

(1) Accounting, legal, clerical, and similar costs reasonably necessary for—

(i) The preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract; and

(ii) The termination and settlement of subcontracts; and

(2) Reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the contract.

(g) Subcontractor claims, including the allocable portion of claims which are common to the contract and to other work of the contractor, are generally allowable.

### § 18–15.205–43 Trade, business, technical, and professional activity costs.

(a) *Memberships.* This category includes costs of memberships in trade, business, technical, and professional organizations. Such costs are allowable.

(b) *Subscriptions.* This item includes costs of subscriptions to trade, business, professional, or technical periodicals. Such costs are allowable.

(c) *Meetings and conferences.* This item includes cost of meals, transportation, rental of facilities for meetings, and costs incidental thereto, when the primary purpose of the incurrence of such costs is the dissemination of technical information or stimulation of production. Such costs are allowable.

### § 18–15.205–44 Training and educational costs.

(a) Costs of preparation and maintenance of a program of instruction at noncollege level, designed to increase the vocational effectiveness of bona fide employees, including training materials, textbooks, salaries or wages of trainees (excluding overtime compensation which might arise therefrom), and (1) salaries of the director of training and staff when the training program is conducted by the contractor, or (2) tuition and fees when the training is in an institution not operated by the contractor, are allowable.

(b) Costs of part-time education, at an undergraduate or postgraduate college level, related to the job requirements of bona fide employees, including only (1) training materials; (2) textbooks; (3) fees charged by the educational institution; (4) tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of indirect cost of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution; and (5) straight-time compensation of each employee for time spent attending classes during working hours not in excess of 156 hours per year where circumstances do not permit the operation of classes or attendance at classes after regular working hours, are allowable.

(c) Costs of tuition, fees, training materials, and textbooks (but not subsistence, salary, or any other emoluments) in connection with full-time scientific and engineering education at a postgraduate (but not undergraduate) college level related to the job requirements of bona fide employees for a total period not to exceed one school year for each employee so trained, are allowable. In unusual cases where required by military technology, the period may be extended.

(d) Maintenance expense and normal depreciation or fair rental on facilities owned or leased by the contractor for training purposes are allowable to the extent set forth in §§ 18–15.205–20, 18–15.205–9, and 18–15.205–34, respectively.

(e) Grants to educational or training institutions, including the donation of facilities or other properties, scholarships, or fellowships, are considered contributions and are unallowable.

### § 18–15.205–45 Transportation costs.

Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. These costs are allowable. When such costs can readily be identified with the items involved, they may be directly costed as transportation costs or added to the cost of such items (see § 18–15.205–22). Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the contractor follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the contract, shall be treated as a direct cost.

### § 18–15.205–46 Travel costs.

(a) Travel costs include costs of transportation, lodging, subsistence, and incidental expenses, incurred by contractor personnel in a travel status while on official company business.

(b) Travel costs may be based upon actual costs incurred, or on a per diem or mileage basis in lieu of actual costs, or on a combination of the two: *Provided*, The method used does not result in an unreasonable charge.

(c) Travel costs incurred in the normal course of overall administration of the business are allowable and shall be treated as indirect costs.

(d) Travel costs directly attributable to specific contract performance are allowable and may be charged to the contract in accordance with the principle of direct costing (see § 18–15.202).

(e) Necessary, reasonable costs of family movements and personnel movements of a special or mass nature are allowable, subject to the policy with respect to relocation costs set forth in § 18–15.205–33(b).

(f) The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class accommodations are not reasonably available to meet necessary requirements, such as, where less than first-class accommodations would:

(1) Require circuitous routing,

(2) Require travel during unreasonable hours,



(3) Greatly increase the duration of the flight,

(4) Result in additional costs which would offset the transportation savings,

(5) Offer accommodations which are not reasonably adequate for the physical or medical needs of the traveler.

### § 18–15.205–47 Economic planning costs.

(a) This category includes costs of generalized long-range management planning which is concerned with the future overall development of the contractor's business and which may take into account the eventual possibility of economic dislocations of fundamental alterations in those markets in which the contractor currently does business.

(b) Economic planning costs are allowable as indirect costs to be properly allocated. Research and development and engineering costs designed to lead to new products for sale to the general public are not allowable under this provision.

## Subpart 18–15.3—Research Contracts With Educational Institutions

### § 18–15.301 General.

(a) It is the intent of these principles to provide NASA and educational institutions with a common basis for determining the allowable costs of research sponsored by the Federal Government. Application of these principles should enable such agencies and institutions to identify the allowable direct costs of such research, plus the allocable portion of the allowable indirect costs, less applicable credits. The tests of allowability of costs applied in these principles are reasonableness and allocability under consistently applied, generally accepted cost accounting principles and practices; however, these provisions are subject to any limitations as to types or amounts of costs set forth in the research agreement.

(b) These principles do not attempt to identify the circumstances or dictate the extent of NASA and institution participation in the financing of a particular research and development project, but rather are confined to the subject of cost determination. Arrangements concerning financial participation are properly the subject of negotiation between the contracting officer and the educational institution concerned.

(c) These principles should be applied to all NASA-sponsored research at an educational institution, including research conducted at locations other than the main campus of the institution.

(d) A negotiated fixed amount in lieu of indirect costs may be appropriate in certain instances for off-campus or segregated research projects where (1) research agreements are charged directly for the cost of many of their administrative or housekeeping services, (2) the cost of benefits derived from an institution's indirect services cannot be readily determined by use of apportionment or allocation bases normally employed, or (3) the costs of apportioning and allocating expenses to research agreements are excessive. The negotiated amount should not exceed a conservative estimate of anticipated indirect costs.

### § 18–15.302 Definitions.

As used in this Subpart 18–15.3, the following terms have the meanings stated in this section.

### § 18–15.302–1 Research agreements.

Research agreements are agreements to perform Federally sponsored research through grants, cost-reimbursement type contracts, cost-reimbursement type subcontracts, and fixed-price contracts and subcontracts for research.

### § 18–15.302–2 Apportionment.

Apportionment is the process by which the indirect costs of the institution are assigned to (i) instruction and research, and (ii) other institutional activities.

### § 18–15.302–3 Allocation.

Allocation is the process by which the indirect costs apportioned to instruction and research are distributed to research agreements.

### § 18–15.302–4 Sponsoring agency.

Sponsoring agency means the Federal agency for which the institution is performing research. Its use in this document does not imply a change in concept or intent for those agencies that have traditionally used a grant rather than a contractual instrument.

### § 18–15.302–5 Original complement.

Original complement means the complement of equipment initially placed in buildings to perform the functions currently being performed in such buildings. If a permanent change in the function of a building takes place, a redetermination of the original complement of equipment may be made at that time to establish a new original complement.

### § 18–15.302–6 Other institutional activities.

Other institutional activities means all organized activities of an institution not directly related to the instruction and research functions, such as residence halls, dining halls, student hospitals, student unions, intercollegiate athletics, bookstores, faculty housing, student apartments, guest houses, chapels, theaters, public museums, financial campaigns, and other similar activities or auxiliary enterprises. Also included under this definition is any category of cost treated as "unallowable": *Provided*, Such category of cost identifies a function or activity to which a portion of the institution's general overhead expenses are properly allocable.

### § 18–15.303 Direct costs.

Direct costs are those identified as having been specifically incurred to perform a particular research agreement. The general types of direct costs are as follows:

(a) Direct salaries and wages, including employee benefit expenses and pension plan costs (see § 18–15.307) to the extent that they are consistently treated by the educational institution as a direct rather than an indirect cost, are those applicable directly to the performance of a research agreement. Such salaries and wages should be charged at the actual rates paid by the institution. Where professional staff paid on a salary basis work directly part time on a research agreement, current and reasonable estimates of time spent may be used in the absence of actual time records.

(b) Direct material costs include raw materials, purchased or supplied from stock, which are directly consumed or expended in the performance of a research agreement, or are otherwise applicable directly to a research agreement.

(c) Other direct costs include other expenses related directly to a particular research agreement or project, including abnormal utility consumption. This may include services purchased from institution service operations: *Provided*, Such are consistently treated as direct rather than indirect costs and are priced under a recognized method of costing or pricing designed to recover only actual costs and conforming to generally accepted cost accounting practices consistently followed by the institution. Purchases of equipment will be included under this heading only to the extent expressly provided for in the research agreement or approved pursuant to such agreement.

### § 18–15.304 Indirect costs.

Indirect costs are those which, because of their incurrence for common or joint objectives, are not readily subject to treatment as direct costs of research agreements or other activities. The general types of indirect costs are as follows:

(a) General administration and general expenses are those incurred for the general executive and administrative offices of educational institutions and other expenses of a general character which do not relate solely to any specific division of the institution. Employee benefit expenses and pension plan costs may be included in this category to the extent that they are consistently treated by the educational institution as an indirect rather than a direct cost.

(b) Research administration expenses are those which apply to research administered in whole or in part by a separate organization or an identifiable administrative unit. Examples of work relating to research which is sometimes performed under such organizational arrangement are contract administration, security, purchasing, personnel administration, and editing and publishing of research data.

(c) Operation and maintenance expenses are those incurred for operating and maintaining the institution's physical plant. They include expenses normally incurred by the institution for administration or supervision of the physical plant; janitorial service; repairs and ordinary or normal alterations of buildings, furniture, and equipment; care and maintenance of grounds; utilities; and other expenses customarily associated with the operation, maintenance, preservation, and protection of the physical plant.

(d) Library expenses are those incurred for direct operation of the library plus a use allowance for library books. The use allowance shall not exceed 8 cents per volume per year.

(e) Use allowance is a means of compensation for the use of buildings, capital improvements, and equipment over and above the expenses for operation and maintenance when depreciation or other equivalent costs are not considered. The use allowance for buildings and improvements shall be computed at an annual rate not to exceed two percent (2%) of acquisition cost. The use allowance for equipment shall be computed at an annual rate not exceeding six and two-thirds percent (6⅔%) of acquisition cost of usable equipment in those cases where the institution maintains current records with respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance shall be computed at an annual rate not exceeding 10 percent (10%) of such cost. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable equipment which may be used to compute the use allowance at an annual rate not exceeding six and two-thirds percent (6⅔%) of such estimate. Computation of the use allowance shall exclude the portion of the cost of buildings and equipment paid for out of Federal funds and the cost of grounds.

(f) Indirect department expenses are those incurred for departmental administration, such as salaries of deans or heads of colleges, schools, departments, or divisions, and related secretarial and other administrative expenses.

**§ 18–15.305 Applicable costs.**

(a) The cost of a research agreement is comprised of the allowable direct costs incident to its performance, plus the allocable portion of the allowable indirect costs of the institution, less applicable credits.

(b) When any types of expense ordinarily treated as indirect costs are charged to a research agreement as direct costs, the costs of similar items applicable to other activities of the institution must be eliminated from indirect costs allocable to the research agreement.

(c) Where a particular understanding has been reached regarding specific items of cost to be reimbursed, the research agreement should clearly state such understanding.

(d) In determining the allowability of certain items of cost, § 18–15.307 provides standards to be applied and also identifies certain types of expenditures which relate solely to instruction; such costs of instruction, including applicable overhead, do not enter into the costs of research agreements as either direct costs or indirect costs.

**§ 18–15.306 Determination of indirect costs.**

**§ 18–15.306–1 General.**

(a) In determining the indirect costs applicable to NASA-sponsored research agreements, the allowable indirect costs should first be apportioned equitably between (1) instruction and research activity and (2) other institutional activities, as provided in § 18–15.306–2.

(b) The amounts of indirect costs apportioned to instruction and research should then be allocated in an equitable manner to research agreements, as provided in § 18–15.306–3.

(c) Actual conditions must be taken into account in determining the most suitable method or methods to be used in the apportionment and allocation of indirect costs. The objectives should be the selection of a method or methods which will distribute the indirect costs in a fair and equitable manner to the Government research and development work and other work of the institution, giving due consideration to the nature and extent of the use of the institution's facilities by research personnel, academic staff, students, and other personnel or activities, and to the materiality of the amounts involved. The methods used should conform with generally accepted cost accounting practices, provide uniformity of treatment for like cost elements, be applied consistently, and produce equitable results. Any significant change, such as in the nature or extent of Government work or other activities sponsored or conducted by the institution, may require reconsideration of the methods previously in use to determine whether they continue to be equitable.

**§ 18–15.306–2 Apportionment.**

Indirect costs shall be apportioned as between instruction and research activities, and other institutional activities as defined in § 18–15.302–6. The apportionment shall be made as follows:

(a) General administration and general expenses, on the basis of total expenditures (exclusive of capital expenditures and use allowances), direct salaries and wages, or other bases appropriate in the circumstances; and

(b) Operation and maintenance of the physical plant, if not separately costed, on the basis of total square or cubic footage of the buildings.

Other types of indirect costs normally do not require apportionment; where they do, an equitable basis for making the apportionment should be selected.

**§ 18–15.306–3 Allocation.**

(a) After determination of the total amount of indirect costs applicable to instruction and research activities, such indirect costs shall in turn be allocated between instruction activities and research agreements as described in paragraphs (b), (c), (d), and (e) of this section.

(b) The following criteria should be used with such appropriate modifications as will under the circumstances produce reasonably equitable allocation of the indirect costs associated with research agreements:

(1) General administration and general expenses should normally be allocated on the basis of total expenditures (exclusive of capital expenditures and use allowances) if equitable, direct salaries and wages, or other bases appropriate in the circumstances;

(2) Research administration expenses should be allocated to (i) applicable research agreements and (ii) other research benefiting therefrom on the basis of records reflecting the proportion fairly applicable to each, or, in the absence of such records, on the basis of a reasonable estimate;

(3) Operation and maintenance expenses should be allocated on a basis that gives primary emphasis to space utilization. The amount allocated may be developed as follows—

(i) Where actual space and related cost records are or can readily be maintained without significant change in the accounting practices, the amount allocated to research agreements should be based on such data;

(ii) Where the space and related cost records maintained are not sufficient for purposes of subdivision (i) of this subparagraph, a reasonable estimate of the proportion of total space assigned to research agreements normally will suffice, and this proportion of operation and maintenance expense should be allocated to research agreements. Where it can be established that the cost of maintaining space assigned to research varies significantly from the cost of maintaining other space, appropriate weighting factors may be used to give effect to such variations;

(iii) Where more definitive information is not available, either of the following simplified techniques for determining space may be used, as most appropriate—

(a) Reduce the total space identified with instruction and research by the amount of space occupied by undergraduate students, including appropriate portions of classrooms and access and related space. Reduce by the same proportion the amount of maintenance and operation expense that has been apportioned to instruction and research, and then allocate to research agreements on the basis of the relationship that direct salaries and wages of research agreements bears to direct salaries and wages of instruction and research; or

(b) Prepare a reasonable estimate of the average gross space assigned per research worker, and extend to the equivalent annual number of research workers under research agreements. The resulting product should then be related to total space assigned to instruction and research in order to obtain the proportion of space utilized for research agreements. The resulting proportion should then be applied to operation and maintenance expense to obtain the amount allocable to research agreements; or

(c) Where it can be demonstrated that an area or volume of space basis of allocation is impractical or inequitable, other bases may be used provided consideration is given to the use of facilities



by research personnel and others, including students;

(4) Library expenses should normally be allocated to research agreements on the basis of population, including students and other users. Where appropriate, consideration may be given to weighting segments of the population figures as necessary to produce equitable results;

(5) Use allowance for buildings and equipment should, if depreciation or other equivalent costs are not considered, be computed in accordance with § 18–15.304(e). The cost of buildings and equipment used by "other institutional activities" (as defined in § 18–15.302–6) should be excluded from any computation of use allowances. If available records permit, use allowances may be specifically allocated in whole or in part to research agreements. In the absence of such usable records, use allowance may be allocated to research agreements on the same basis as that used for allocating operation and maintenance expenses; and

(6) Indirect departmental expenses, as defined in § 18–15.304(f), which jointly benefit both research agreements and other activities, should be allocated between research agreements administered or supervised by the department and other work of the department on any equitable basis, possibly direct salaries and wages, total direct expenditures, or approximate time so devoted. Where equitable results would be obtained, the distribution may be made on a composite base which would include all schools and departments.

(c) Indirect costs allocated to research agreements normally should be treated as a common pool. The costs in such common pool should then be distributed to individual research agreements benefiting therefrom on a single rate basis. This rate will be the percentage which the indirect cost pool is of direct salaries and wages of the applicable research agreements. If appropriate, total direct expenditures may be used rather than salaries and wages.

(d) It is recognized that in certain cases, due to the nature of the work, the facilities or personnel involved, or other considerations, the application of a single indirect expense rate on research agreements may produce inequitable results to the institution or to the Government. In such cases, it may be necessary to develop two or more indirect expense rates by means of (1) appropriate adjustment to the basic indirect expense rate developed through use of the common pool, or (2) segregation of the indirect expenses allocated to research agreements into two or more indirect expense pools. In the latter case, the costs in each such pool will be distributed to the specific research agreements benefiting therefrom on the basis of direct wages and salaries or total direct expenditures, as appropriate. Examples of conditions which may justify the development of two or more pools of indirect expense are:

(1) Where the nature of a particular type of overhead cost requires a different basis of allocation to produce equitable results;

(2) Where a research agreement or group of agreements or the facility in which such agreement(s) is performed provides its own services to a significant degree, as may be in the case of a hospital or a segregated or off-campus facility;

(3) Where a research agreement requires significantly different degrees of indirect services from the institution. For example, such conditions may exist where (i) significant amounts of Government-owned facilities or equipment are provided in lieu of that normally furnished by the institution, (ii) a research agreement requires an unusual amount of power or other utilities, (iii) the cost of a special library provided in lieu of regular library services is reimbursed by the Government, or (iv) construction constitutes a significant portion of the work; and

(4) Where it is appropriate to associate certain costs more directly with the activities benefited, such as where the research work is performed on one campus of a multicampus university.

(e) Where research is separately administered, in whole or in part, or separate services are provided in lieu of those services normally provided by the institution, the cost of the normal institutional administration or other services replaced thereby shall be excluded from allocation to such research.

**§ 18–15.306–4 Overhead determinations acceptable under special circumstances.**

(a) Indirect costs may be claimed at a rate which is anticipated to be less than that which would otherwise be allowable, with provisions made in the research agreement for adjustment if actual costs subsequently proved to be less than the claimed rate.

(b) Where the total direct cost of Government-sponsored research and development work at an institution does not exceed $250,000 in a year, the use of the following abbreviated procedure may be acceptable in the determination of allowable indirect costs. Under this abbreviated procedure, data taken directly from the institution's most recent annual financial report and immediately available supporting information will be utilized as a basis for dividing total expenditures (exclusive of expenditures for capital items and unallowable costs, as defined in § 18–15.307, and expenditures for student aid and for annuity payments) between expenditures applicable to the indirect expense pool, and all other expenditures. The indirect expense pool shall be limited to the following categories of expense:

(1) General administration and general expenses, inclusive of allocable salaries and expenses of deans of schools and department heads (where the allocable portion of the salaries and expenses of deans of schools and department heads is not available, a maximum of 20 percent of the total of such salaries and expenses may be included in the indirect expense pool);

(2) Operation and maintenance expenses; and

(3) Library operating expenses.

All categories of expense not specifically cited above will be grouped under "all other expenditures," including the expenses of research, education (including the items cited in § 18–15.307–2(a) and (c), and other institutional activities (as defined in § 18–15.302–6). The indirect expense rate will then be computed as the percentage relationship of the indirect expense pool to all other expenditures (as defined above). If the information required for this abbreviated procedure cannot be obtained from an analysis of the most recent annual financial report and immediately available supporting information, the regular procedure shall be used for the determination of indirect costs.

**§ 18–15.307 General standards for selected items of cost.**

**§ 18–15.307–1 Purpose and applicability.**

(a) Section 18–15.307 provides standards to be applied to the extent deemed practicable in determining the allowability of certain items of cost. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular cost in the standards should not imply that it is either allowable or unallowable; rather, determination as to allowability in such case should be based on the treatment or standards provided for similar or related items of cost.

(b) In case of discrepancy between the provisions of a specific research agreement and the applicable standards, the provisions of the research agreement should govern.

**§ 18–15.307–2 Costs applicable to instruction.**

Except as specifically noted, the following types of costs apply only to instruction and therefore do not enter into the costs of research agreements, either as direct costs or indirect costs, unless, notwithstanding § 18–15.305(d), specific provision is made therefor in the research agreement:

(a) Commencement and convocation costs;

(b) Scholarships, fellowships, tuition, and other forms of student aid costs (however, in certain cases such costs may be allocable in part to research agreements under the conditions set forth in § 18–15.307–3(b)); and

(c) Student services costs, including such activities as deans of students, administration of student affairs, registrar, placement offices, student advisers, student health and infirmary services, and such other activities as are identifiable with student services. (However, in the case of students actually engaged in work under research agreements, a proportion of student service costs measured by the relationship between hours of work by students on such research work

and total student hours including all research time may be allowed as a part of research administration expenses.)

**§ 18–15.307–3 Allowable and unallowable costs.**

(a) Advertising costs include the cost of advertising media and related technical and administrative costs. Only the following advertising costs are allowable: (1) help wanted advertising, and (2) other advertising necessary for the performance of the research agreement to the extent authorized.

(b) Bad debts including losses (whether actual or estimated) arising from uncollectible accounts and other claims, related collection costs, and related legal costs are unallowable.

(c) Capital expenditures are unallowable except as provided for in the research agreement. This includes costs of books, equipment, and buildings, as well as repairs which materially increase the value or useful life of such equipment or buildings.

(d) Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first aid training and supplies, fire-fighting training, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises, pursuant to suggestions or requirements of civil defense authorities, are allowable when apportioned to all activities of the institution. Capital expenditures for civil defense purposes shall not be allowed, but a use allowance may be permitted in accordance with provisions set forth elsewhere. Costs of local civil defense projects not on the institution's premises are unallowable.

(e) Communication costs including telephone services, local and long distance telephone calls, telegrams, radiograms, postage, and the like are allowable.

(f) Compensation for personal services: Each institution shall maintain control over its salary and wage rates according to its established policy consistently applied; *provided*, however, that the excess of salary and wage rates paid to personnel working on Government research agreements over salary and wage rates paid to personnel working on the institution's departmental research or other research will not be allowed unless specifically provided in the agreement or approved by the contracting officer. This principle does not prohibit the charging of the full salary of any temporary employee in whose favor a salary differential exists solely by virtue of the nature of his employment in accordance with the regular practice of the institution concerned. Faculty members shall be considered as employed for the period represented by the sum of all semesters and other periods during which they are required to work under the practice of the institution concerned. (Example: Professor of X institution is required to work 2 semesters of 4½ months each, or a total of 9 months out of the academic year. His compensation is $5,400. During the summer months, July, August, and September, he works full time on Government research projects in the institution laboratory. Unless the established practice of the institution relating to summer compensation, not based on Government contract experience, would result in a different computation, his compensation for that period, chargeable by the institution to the Government research agreement, will be $1,800, computed as follows: ($5,400÷9=$600; $600×3=$1,800).)

(g) Contingency provisions to provide for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable.

(h) Deans of faculty and graduate schools, or their equivalents, including their staffs and related expenses, are allowable.

(i) Employee morale, health, and welfare costs and credits, such as house publications, health or first aid clinics and/or infirmaries, recreational activities, and employees' counseling services, incurred in accordance with the institution's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Such costs shall be equitably apportioned to all activities of the institution. Income generated from any of these activities shall be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organization.

(j) Entertainment costs including costs of amusement, social activities, entertainment, and incidental costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable.

(k) Equipment and other facilities: The cost of equipment or other facilities, including books purchased specifically for use on the project, are allowable where such purchases are approved by the sponsoring agency concerned or provided for by the terms of the research agreement.

(l) Fines and penalties: Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of the research agreement or instructions in writing from the contracting officer.

(m) Insurance and indemnification:

(1) Insurance includes those types of insurance which the institution is required to carry, or which is approved, under the terms of the research agreement, and any other insurance which the institution maintains in the general conduct of its activities. Indemnification includes securing the institution against liabilities to third persons and other losses not compensated by insurance or otherwise.

(2) Costs of insurance required or approved, and maintained, pursuant to the research agreement, are allowable.

(3) Costs of other insurance maintained by the institution in connection with the general conduct of its activities are allowable subject to the following limitations:

(i) Types and extent and cost of coverage shall be in accordance with sound institutional practice;

(ii) Costs of insurance or of any contributions to any reserve covering the risk of loss or damage to Government-owned property are unallowable except to the extent that the Government shall have required or approved such costs;

(iii) Contributions to a reserve for an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks;

(iv) Costs of insurance on the lives of officers or trustees are unallowable except where such insurance is part of an employee plan which is not unduly restricted; and

(v) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the research agreement, except (*a*) costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice are allowable; and (*b*) minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of doing business, are allowable.

(n) Interest costs for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

(o) Investment counsel and staff costs are unallowable.

(p) Labor relations costs incurred in maintaining satisfactory relations between the institution and its employees, including costs of labor management committees, employees' publications, and other related activities, are allowable.

(q) Losses on other research agreements or contracts: Any excess of costs over income under any other research agreement or contract of any nature is unallowable. This includes, but is not limited to, the institution's contributed portion by reason of cost-sharing agreements or any under-recoveries through negotiation of flat amounts for overhead.

(r) Maintenance and repair costs necessary for the upkeep of property (including Government property unless otherwise provided for), which neither add to the permanent value of the property nor appreciably prolong its intended life but keep it in an efficient operating condition, are allowable.

(s) Material costs of purchased materials, supplies, and fabricated parts directly or indirectly related to the research agreement are allowable. Purchases made specifically for the research





agreement should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the institution. Withdrawals from general stores or stockrooms should be charged at their cost under any recognized method of pricing stores withdrawals conforming to sound accounting practices consistently followed by the institution. Incoming transportation charges are a proper part of material cost. Direct material cost should include only the materials and supplies actually used for the performance of the research agreement, and due credit should be given for any excess materials retained, or returned to vendors. Due credit should be given for all proceeds or value received for any scrap resulting from work under the research agreement. Where Government-donated or furnished material is used in performing the research agreement, such material will be used without charge.

(t) Memberships, subscriptions, and professional activity costs:

(1) Membership costs of the institution's membership in civic, business, technical, and professional organizations are allowable.

(2) Subscription costs of the institution's subscriptions to civic, business, professional, and technical periodicals are allowable, excepting those obtained for the library, for which a use allowance is made.

(3) Meetings and conferences. This item includes cost of meals, transportation, rental of facilities for meetings, and costs incidental thereto, when the primary purpose of the incurrence of such costs is the dissemination of technical information. Such costs are allowable.

(u) Patent costs: Costs of preparing disclosures, reports, and other documents required by the research agreement, and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the research agreement relating to patents, costs of preparing documents and any other patent costs, in connection with the filing of a patent application where title is conveyed to the Government, are allowable (see also paragraph (ff) of this section).

(v) Pension plan costs are allowable if in accordance with the established policies of the institution: *Provided*, Such policies meet the test of reasonableness and the methods of cost allocation are not discriminatory: *And provided*, Appropriate adjustments are made for credits or gains arising out of normal and abnormal employee turnover or any other contingencies that can result in forfeitures by employees which inure to the benefit of the institution.

(w) Plant security costs, including wages, uniforms, and equipment of personnel engaged in plant protection, and necessary expenses to comply with Government security requirements, are allowable.

(x) Pre-research agreement costs are those which are incurred prior to the effective date of the research agreement whether or not they would have been allowable thereunder if incurred after such date. Such costs are unallowable unless specifically set forth and identified in the research agreement.

(y) Professional service costs—legal, accounting, engineering, and other.

(1) Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable, subject to subparagraphs (2) and (3) of this paragraph, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. Retainer fees to be allowable must be reasonably supported by evidence of services rendered.

(2) Factors to be considered in determining the allowability of costs in a particular case include:

(i) The past pattern of such costs, particularly in the years prior to the award of Government research agreements;

(ii) The impact of Government research agreements on the institution's total activity;

(iii) The nature and scope of managerial services expected of the institution's own organization; and

(iv) Whether the proportion of Government work to the institution's total activity is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government research agreements.

(3) Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the research agreement.

(z) Profits and losses on disposition of plant, equipment, or capital assets: Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short- or long-term investments, shall be excluded in computing research agreement costs.

(aa) Proposal costs are the costs of preparing bids or proposals on potential Government and non-Government research agreements or projects, including the development of engineering data and cost data necessary to support the institution's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs and allocated currently to all activities of the institution; and no proposal costs of past accounting periods shall be allocable in the current period to the Government research agreement. However, the institution's established practices may be to treat proposal costs by some other recognized method. Regardless of the method used, the results obtained may be accepted only if found to be reasonable and equitable.

(bb) Public information services costs, such as news releases pertaining to specific research or scientific accomplishment, are unallowable unless specifically authorized by the sponsoring agency.

(cc) Rearrangement and alteration costs: Ordinary or normal rearrangement and alteration costs are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the sponsoring agency concerned.

(dd) Reconversion costs are those incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to commencement of Government research agreement work, fair wear and tear excepted. Reconversion costs are allowable only to the extent of the cost of removing Government property and the restoration or rehabilitation costs caused by such removal.

(ee) Recruiting costs such as help wanted advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, travel costs of employees while engaged in recruiting personnel, and travel costs of applicants for interviews for prospective employment, are allowable. Where the institution uses employment agencies, costs not in excess of standard commercial rates for such services are also allowable. Costs of special benefits or emoluments offered to prospective employees beyond recognized practices for recruiting such personnel are unallowable.

(ff) Royalties and other costs for use of patents: Royalties on a patent or amortization of the cost of acquiring a patent or invention or rights thereto, necessary for the proper performance of the research agreement and applicable to tasks or processes thereunder, are allowable unless:

(i) The Government has a license or the right to free use of the patent;

(ii) The patent has been adjudicated to be invalid or has been administratively determined to be invalid;

(iii) The patent is considered to be unenforceable; or

(iv) The patent has expired.

(gg) Severance pay is a payment, in addition to regular salaries and wages, by institutions to employees whose services have been terminated. Severance pay is allowable as a cost only to the extent that it is required by law, employer-employee agreement, established policy that constitutes in effect an implied agreement on the institution's part, or circumstances of the particular employment. Severance payments are divided into two categories, as follows:

(i) Those due to normal, recurring turnover: The actual costs of such severance payments shall be regarded as expense applicable to the current fiscal year and equitably apportioned to the

institution's activities during that period; and

(ii) Those due to abnormal or mass terminations: Abnormal or mass severance pay is of such a conjectural nature that measurement of cost by means of an accrual will not achieve equity to both parties. Thus accruals for this purpose are not allowable. However, the Government recognizes its obligaton to participate, to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis.

(hh) Special services costs, such as general public relations activities, catalogs, and alumni activities, are unallowable.

(ii) Staff benefits are allowances and services provided by the institution to its employees as compensation in addition to regular wages and salaries. Costs of such staff benefits are allowable and include vacations, holidays, sick leave, military leave, employee insurance, social security taxes, and workmen's compensation insurance. The payment of tuition or remission of tuition for employees and their families is allowable to the extent that such payments or remissions are made under established policies consistently applied.

(jj) Taxes: In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for:

(i) Taxes from which exemptions are available to the institution directly or which are available to the institution based on an exemption afforded the Government and in the latter case when the sponsoring agency makes available the necessary exemption certificates; and

(ii) Special assessments on land which represent capital improvements.

Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon attributable to taxes, interest, or penalties which were allowed as research agreement costs, shall be credited or paid to the Government in the manner directed by the Government provided any interest actually paid or credited to an institution incident to a refund of tax, interest, and penalty shall be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest, and penalties.

(kk) Transportation costs: Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. These costs are allowable. When such costs can readily be identified with the items involved, they may be direct costed as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the research agreement, should be treated as a direct cost.

(ll) Travel costs:

(1) Travel costs consist of transportation, lodging, subsistence, and incidental expenses.

(2) Travel costs incurred by institution personnel in a travel status while on specific research business are allowable.

(3) Travel costs incurred in the normal course of overall administration of the institution and applicable to the entire institution are allowable. Such costs shall be equitably apportioned to all work of the institution.

(4) Subsistence and lodging, including tips or similar incidental costs, are allowable either on an actual or per diem basis. The basis selected shall apply to an entire trip and not selected days of the trip.

(5) Costs of personnel movement of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency or its authorized representative.

(mm) Termination costs:

(1) Contract termination generally gives rise to the incurrence of costs or to the need for special treatment of costs which would not have arisen had the contract not been terminated. Items peculiar to termination are set forth below. They are to be used in conjunction with all other provisions of this subpart in the case of contract termination.

(2) The cost of common items of material reasonably usable on the institution's other work shall not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, consideration should be given to the institution's plans and orders for current and scheduled work. Contemporaneous purchases of common items by the institution shall be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allowable to the terminated portion of the contract should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(3) If in a particular case, despite all reasonable efforts by the institution, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this subpart, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs shall be considered unacceptable.

(4) Loss of useful value of special tooling, and special machinery and equipment, is generally allowable, *Provided:*

(i) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the institution;

(ii) The interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer; and

(iii) The loss of useful value as to any one terminated contract is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the contract bears to the entire terminated contract and other Government contracts for which the special tooling, special machinery, and equipment was acquired.

(5) Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated contract, less the residual value of such leases, if:

(i) The amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the contract and such further period as may be reasonable; and

(ii) The institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease.

There also may be included the cost of alterations of such leased property: *Provided,* Such alterations were necessary for the performance of the contract, and of reasonable restoration required by the provisions of the lease.

(6) Settlement expenses including the following are generally allowable:

(i) Accounting, legal, clerical, and similar costs reasonably necessary for—

(a) The preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract; and

(b) The termination and settlement of subcontracts; and

(ii) Reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the contract.

(7) Subcontractor claims, including the allocable portion of claims which are common to the contract and to other work of the contractor, are generally allowable.

(nn) Sabbatical leave costs: Sabbatical leave costs, including leave of absence to employees for performance of graduate work or sabbatical study, travel, or research, are allowable as indirect costs of the period in which paid: *Provided,* The institution has a uniform policy on sabbatical leave for persons engaged in instruction and persons engaged in research. Such costs shall be allocated on an equitable basis among all appertaining activities of the institution.



No. 237—Pt. II——31

### Subpart 18–15.4—Construction Contracts

**§ 18–15.400 Scope of subpart.**

This Subpart 18–15.4 prescribes general principles and procedures for the evaluation and determination of costs in connection with contracts and subcontracts for construction and architect-engineer services related to construction. The applicability of this subpart to cost-reimbursement type contracts is set forth in § 18–15.104 and its applicability to fixed-price type contracts is prescribed in Subpart 18–15.6. In addition, because of the unique nature of certain aspects of construction contracts, guidance is provided with respect to some elements of cost wherein the basis for determination of cost under cost-reimbursement type contracts differs from that used for evaluation of cost under fixed-price type contracts.

**§ 18–15.401 Basic considerations.**

**§ 18–15.401–1 Applicable cost principles.**

Except as otherwise provided in this subpart, because of the specialized nature of construction contracts the allowability of costs shall be determined in accordance with Subpart 18–15.2, except to the extent that the provisions of that subpart are clearly inappropriate to construction contracts.

**§ 18–15.401–2 Special factors affecting the allowability of costs of construction contracts.**

The scope of the work required under construction contracts may vary from routine projects of short duration to be performed within the contractor's home office locality to the erection of complex military installations at remote overseas locations over a period of several years. Climate and terrain may vary greatly among construction sites. All of these factors involving the nature, size, duration, and location of a construction project generally affect the basic determination of the Government as to the type of contract to be awarded and the operating practices, techniques, and procedures employed by the contractor, particularly with respect to the incurrence of the selected costs set forth in §§ 18–15.402–1 and 18–15.402–3. Advance understandings as set forth in § 18–15.107 are particularly important in construction contracts in order to assure complete understanding of the parties and avoid possible subsequent disputes or disallowances.

**§ 18–15.402 Selected costs.**

**§ 18–15.402–1 Construction plant and equipment.**

(a) The widely varying conditions of climate, terrain, etc., applicable to individual Government construction projects make it impracticable to determine accurately the actual costs of depreciation of construction plant and equipment used on individual contracts. In addition, in certain cases it may be extremely difficult to determine or allocate accurately the cost of overhaul or repairs applicable in an individual contract since the period of incidence of such cost may not correspond with the period of benefit derived therefrom. Therefore, uniform rates covering depreciation and, where appropriate, overhaul and repair costs shall be used to provide equitable average compensation to contractors for the use of construction plant and equipment under Government contracts. Two separate rate schedules are available for this purpose. The rate schedule contained in DOD Instruction 4105.2, "Uniform Rental Rates for Construction Plant Owned or Controlled and Furnished by a Cost-Plus-a-Fixed-Fee Contractor or by a Cost-Plus-a-Fixed-Fee Subcontractor," referred to in paragraph (b) of this section, is generally appropriate to the types of construction projects awarded under cost-reimbursement type contracts; whereas the rate schedule referred to in paragraph (c) of this section, published by the Associated General Contractors of America, Inc., is generally appropriate to the types of construction projects awarded under fixed-price type contracts. Accordingly, unless the contract specifically provides to the contrary, usage costs for construction plant and equipment under cost-reimbursement type contracts and fixed-price type contracts shall be determined as provided in paragraph (b) and (c) of this section, respectively.

(b) Allowable costs for construction plant and equipment in sound workable condition owned or controlled and furnished by a contractor or subcontractor with the approval of the contracting officer for use under cost-reimbursement type contracts shall be based on the provisions of DOD Instruction 4105.2 in effect as of the date of the contract with respect to (1) uniform rental rates in lieu of depreciation, overhead, and profit, and (2) the costs incident to major, minor, and running repairs, complete and thorough overhaul, and loss or destruction of equipment.

(c) Evaluation of costs for the use of construction plant and equipment, in sound and workable condition, which are owned or controlled by a contractor or subcontractor and are furnished for the proper and economical performance of a fixed-price type contract shall be based upon the "Contractors' Equipment Ownership Expense Schedule" published by the Associated General Contractors of America, Inc., in effect as of the date of the contract. This represents a percentage of acquisition cost per working month or fraction thereof for the period of time the equipment is required for the job. If the equipment has already exceeded the assigned service life indicated by the percentage used for depreciation, one year shall be added to the actual age of the equipment and the depreciation percentage shall be revised accordingly. The allowance for equipment ownership expense, computed as provided herein shall be considered to include all costs of depreciation, major repairs and overhaul, and overhead applicable to the equipment. Accordingly, there shall be eliminated from all direct and indirect charges under the contract all costs applicable to items of equipment which are included in the allowance for ownership expense. In considering total costs under any contract, no allowance for overhead shall be applied to the allowance for equipment ownership expense. Since costs incident to maintenance and minor and running repairs are not reflected in the ownership Schedule, separate allowance shall be made therefor. In periods of suspension of work for the convenience of the Government under an appropriate contract clause, the allowance for equipment ownership expense shall not exceed 50 percent of the amount computed as herein indicated. Notwithstanding any sale and lease back, or the acquisition of construction plant and equipment by individuals, firms, corporations, or trusts other than the contractor, and the leasing or rental of such construction plant and equipment to the contractor, the amount to be considered as a cost covering the use of such equipment shall not exceed the allowance for ownership expenses computed as indicated herein. Under certain circumstances, because of the long duration, special nature, or location of the work, it may be more economical to charge the net cost of items of construction plant and equipment directly against a contract in lieu of use of the ownership Schedule. In such cases, where the contract, record of negotiations, or attendant circumstances indicate that particular items of construction plant and equipment were purchased for use solely under a specific contract, the cost of such items, less their proper resale or salvage value, may be charged to the contract as a direct charge, together with costs of repairs, overhaul, and maintenance incident thereto.

**§ 18–15.402–2 Construction plant and equipment rented from others.**

Costs incurred in connection with rental of construction plant and equipment from others (not under sale and leaseback arrangements) are allowable. Under cost-reimbursement type contracts, rental arrangements are subject to approval by the contracting officer. Costs, such as maintenance and minor or running repairs incident to the operation of such rented equipment, that are not included in the rental rate are allowable. Costs incident to major repair and overhaul are not allowable.

**§ 18–15.402–3 Home office expense.**

The extent to which a contractor utilizes his home office or central office organization for the performance of general, administrative, and management functions applicable to individual Government construction contracts is dependent upon the geographical location of the job site in relation to the contractor's home office, the magnitude and duration of the project, and other similar factors. Under the types of construction projects awarded on a cost-reimbursement type contract basis, most general, administrative, management, and other indirect cost functions are usually performed at the job site rather than at the

contractor's home or central office. Other minor or incidental services otherwise provided are considered to be compensated for in the fixed fee. Accordingly, expenses incurred in the contractor's central or home office, including compensation and traveling expenses of officers and central office employees, are not allowable under cost-reimbursement type contracts except to the extent authorized by the contract or approved by the contracting officer. Under fixed-price type construction contracts which are performed at least in part through the use of the contractor's central office organization, the costs incurred by the contractor's central office are acceptable to the extent that they are allocable and reasonable in relation to the contract, and provided they do not exceed any limitations of cost stated in the contract or an advance understanding.

**§ 18–15.402–4 Job site expenses.**

Costs incurred at the job site incident to the performance of the work, such as the cost of superintendence, time-keeping and clerical work, engineering, utility costs, supplies, material handling, restoration and cleanup, etc., are allowable as a direct charge.

**§ 18–15.402–5 Temporary use of land, structures, and facilities.**

(a) Rental and any other costs, less any applicable credits, incurred in acquiring the temporary use of land, structures, and facilities, are allowable.

(b) Costs, less any applicable credits, incurred in the construction or fabrication of structures and facilities of a temporary nature, are allowable.

## Subpart 18–15.5—Contracts for Industrial Facilities

**§ 18–15.501 Applicable cost principles.**

Except as otherwise provided in this Subpart 18–15.5, the allowability of cost will be determined in accordance with Subpart 18–15.2, 18–15.3, or 18–15.4, as appropriate.

**§ 18–15.502 Factors affecting allowability of costs.**

A contractor's established accounting system and procedures are normally directed to the equitable allocation of costs to the types of products which he produces or services which he renders in the course of his normal operating activities. The acquisition of, or work on, facilities for the Government normally does not involve the manufacturing processes, plant departmental operations, cost patterns of work, administrative and managerial control, or clerical effort usual to production of the contractor's normal products or services. These operating and administrative differences affect the equitable allocation of indirect costs to facility contracts and make it desirable that advance understandings, as provided in § 18–15.107, be agreed to between the contractor and the contracting officer as to such indirect cost items to be applied to the facilities acquisition. A contractor's normal accounting practice for allocating indirect costs to the acquisition of his own facilities may range from charging all such costs to this acquisition to not charging any such costs thereto. Where necessary to produce an equitable result, the contractor's usual method of allocating indirect cost will be varied, and appropriate adjustment will be made to the pools of indirect cost and the bases of their distribution.

**§ 18–15.503 Allocation of indirect manufacturing and plant operational cost.**

(a) Facilities contract operations may involve:

(1) The purchase of facilities, or services in connection therewith, on a completed basis from outside sources;

(2) The purchase of completed facilities from outside sources, installation to be accomplished by the contractor's own employees;

(3) Rehabilitation of existing facilities by the contractor's own employees; or

(4) Construction or manufacture of facilities by the contractor from purchased components.

Guidelines for the allocation of indirect costs in these particular circumstances are set forth in paragraphs (b) through (d) of this section.

(b) The purchase of facilities, or services in connection therewith, from outside sources on a completed basis does not involve the contractor's direct labor or indirect plant maintenance personnel. Accordingly, indirect manufacturing and plant overhead costs, which are primarily incurred or generated by reason of direct labor or maintenance labor operations, are not allocable to the acquisition of such facilities.

(c) Contracts providing for the installation of new facilities or the rehabilitation of existing facilities may involve the use of contractor's plant maintenance labor, as distinguished from direct labor engaged in the production of the company's normal products. In such instances, only those types of indirect manufacturing and plant operating costs that are related to or incurred by reason of the expenditure of the classes of labor utilized for the performance of the facilities work may be allocated to the facilities work. Thus, a facilities contract which involves the use of plant maintenance labor only would not be subject to an allocation of such cost items as direct productive labor supervision, depreciation and maintenance expense applicable to productive machinery and equipment, or raw material and finished goods storage costs.

(d) Where a facilities contract calls for the construction, production, or rehabilitation of equipment or other items which are involved in the regular course of the contractor's business by the use of the contractor's direct labor and manufacturing processes, the indirect costs normally allocated to all such work may be allocated to the facilities contract.

**§ 18–15.504 General and administrative costs (including home office allocations).**

General and administrative costs consist of items of cost attributable to the overall management, supervision, and conduct of the business. General and administrative costs in connection with the acquisition of or work on industrial facilities shall be allowed only when and to the extent specifically provided for in the contract. In allocating general and administrative costs, consideration should be given to (a) all work to which such costs are common, including acquisition of or work on facilities by the contractor for his own account, and (b) any difference in the amount of administrative effort expended by the contractor on his various activities, such as between production and fixed asset improvement programs or between the acquisition of facilities by purchase and by construction or manufacture. However, in no event will prices charged pursuant to § 18–15.505 be increased by the allocation of additional general and administrative costs.

**§ 18–15.505 Contractor's commercial products.**

If facilities which constitute the contractor's usual commercial products (or only minor modifications thereof) are acquired by the Government under the contract, the Government shall not pay any amount in excess of the contractor's most favored customer price or the price of other supplies for like quantities of the same or substantially the same items, whichever is lower.

## Subpart 18–15.6—Guidelines for Application in the Negotiation and Administration of Fixed-Price Type Contracts and in the Negotiation of Termination Settlements

**§ 18–15.600 Scope of subpart.**

This subpart 18–15.6 provides guidance for the use of Subparts 18–15.2, 18–15.3, and 18–15.4 (a) in the evaluation of costs in pricing of negotiated fixed-price type contracts and subcontracts where such evaluation is required to establish prices for such contracts, (b) in the negotiation of termination settlements, and (c) in the negotiation of any adjustment in price required by the contract, such as issuance of change orders, a suspension of work for the convenience of the Government under an appropriate contract clause, and equitable adjustments under the Government-Furnished Property clause.

**§ 18–15.601 Definition of fixed-price type contracts.**

"Fixed-price type" contracts include, for purposes of this subpart, the following:

(a) Firm fixed-price contracts;

(b) Fixed-price contracts with escalation;

(c) Fixed-price contracts providing for the redetermination of price;

(d) Fixed-price incentive contracts;

(e) Non-cost-reimbursable portion of time and materials contracts; and

(f) Labor-hour contracts.





**§ 18–15.602 Basic considerations.**

(a) Under fixed-price type contracts, the negotiated price is the basis for payment to a contractor, whereas allowable costs are the basis for reimbursement under cost-reimbursement type contracts. Cost and accounting data may provide guides for ascertaining fair compensation in the negotiation of fixed-price type contracts but are not rigid measures of it. Other types of data, criteria, or standards may furnish reliable guides to fair compensation. The ability to apply standards of business judgment as distinct from strict accounting principles is at the heart of a negotiated price or settlement.

(b) Among the different types of fixed-price type contracts, the need for consideration of costs varies considerably, as indicated in this paragraph:

(1) *Retrospective pricing and settlements.* In negotiating firm fixed prices or settlements for work which has been completed at the time of negotiation (e.g., final negotiations under fixed-price incentive contracts, redetermination of price after completion of the work, or negotiation of a settlement agreement under a contract terminated for the convenience of the Government), the treatment of costs is a major factor in arriving at the amount of the price or settlement. However, even in these situations, the finally agreed-on price or settlement may represent something other than the sum total of acceptable cost plus profit, since the final price accepted by each party does not necessarily reflect agreement on the evaluation of each element of cost, but rather a final resolution of all issues in the negotiation process.

(2) *Forward pricing.* The extent to which costs influence forward pricing varies greatly from case to case. In negotiations covering future work, actual costs cannot be known and the importance of cost estimates depends on the circumstances. The contracting officer must consider all the factors affecting the reasonableness of the total proposed price, such as the technical, production, or financial risk assumed, the complexity of work, the extent of competitive pricing, and the contractor's record for efficiency, economy, and ingenuity, as well as available cost estimates. He must be free to bargain for a total price which equitably distributes the risks between the contractor and the Government and provides incentives for efficiency and cost reduction. In negotiating such a price, it is not possible to identify the treatment of specific cost elements since the bargaining is on a total price basis. Thus, while cost data is often a valuable aid, it will not control negotiation of prices for work to be performed, or a target price under an incentive contract.

**§ 18–15.603 Cost principles and their use.**

(a) When, pursuant to § 18–15.602, costs are to be considered in the negotiation of fixed-price type contracts, the appropriate subpart of this Part 18–15 shall be used as a guide in the evaluation of cost data required to establish a fair and reasonable price in conjunction with other pertinent negotiation considerations.

(b) In retrospective pricing, whenever an occasion arises in which acceptability of a specific item of cost becomes an issue, the appropriate subpart of this Part 18–15 will serve as a guide for the contracting officer in his conduct of negotiations.

(c) In applying this Part 18–15 to fixed-price contracts, contracting officers will (1) not be expected to negotiate agreement on every individual element of cost; and (2) be expected to use their judgment as to the degree of detail in which they consider the individual elements of cost in arriving at their evaluation of total cost, where such evaluation is appropriate. However, the negotiation record should fully substantiate and justify the reasoning leading to any negotiated price.

(d) In order to permit the proper evaluation of cost data submitted by contractors for use in negotiating prices, it may be necessary to obtain breakdowns or account analyses with respect to some cost items, particularly those whose treatment may be dependent upon special circumstances as stated in the principles. Contractors will be expected to be responsive to reasonable requests for data of this kind.

# PART 18–16—PROCUREMENT FORMS

Sec.


18–16.000 Scope of part.
18–16.001 Index of procurement forms for NASA use.

Subpart 18–16.1—Forms for Advertised Supply Contracts

18–16.100 Scope of subpart.
18–16.101 Separate award type (Standard Forms 30, 31, 32, 26, and 36, and NASA Form 250).
18–16.101–1 General.
18–16.101–2 Conditions for use.
18–16.102 Combination type (Standard Form 33).
18–16.102–1 General.
18–16.102–2 Conditions for use.

Subpart 18–16.2—Forms for Negotiated Procurements

18–16.200 Scope of subpart.
18–16.201 Request for quotations (Standard Form 18).
18–16.201–1 General.
18–16.201–2 Conditions for use.
18–16.202 Negotiated contract forms.
18–16.202–1 Contracts in excess of $2,500 (Standard Form 32, NASA Form 250).
18–16.202–2 Contracts not in excess of $2,500 (NASA Form 177, Standard Forms 44 and 147).
18–16.202–3 Proposal and acceptance (NASA Forms 147, 177).
18–16.202–4 Cost-reimbursement type supply contracts (NASA Form 418).
18–16.202–5 Fixed-price research and development contracts (NASA Form 247).
18–16.202–6 Fixed-price research contracts with nonprofit institutions—short form (NASA Form 246).
18–16.202–7 Cost-reimbursement research and development contracts (NASA Form 417).
18–16.202–8 Cost-reimbursement research and development contracts with educational or nonprofit institutions (NASA Form 419).
18–16.202–9 Cost-reimbursement research contracts with nonprofit institutions including educational institutions (NASA Form 419S).
18–16.202–10 Facilities contracts (NASA Forms 746, 747, and 748).
18–16.206 Cost and price analysis.
18–16.207 Cost and price analysis for contract price redetermination.

Subpart 18–16.3—Purchase and Delivery Order Forms

18–16.300 Scope of subpart.
18–16.301 Receipt for cash—subvoucher (Standard Form 1165).
18–16.302 Purchase order forms (Standard Forms 44, 147; NASA Form 177; NASA "Ship and Quote" Form).

Subpart 18–16.4—Forms for Construction Contracts

18–16.400 Scope of subpart.
18–16.401 Standard Forms 19, 19A, 20, 21, 22, 23, 23A, NASA Form 604, and DD Form 1260.
18–16.401–1 General.
18–16.401–2 Use of forms for negotiated construction contracts.
18–16.401–3 Conditions for use.
18–16.401–4 Terms, conditions, and provisions.

Subpart 18–16.5—Special Contract and Order Forms

18–16.500 Scope of subpart.
18–16.501 Negotiated utility service contract forms.
18–16.501–50 NASA Form 550, Negotiated Utility Service Contract
18–16.501–51 NASA Form 550S, Negotiated Utility Service Contract (Short Form).
18–16.501–52 Appendices to contract forms.
18–16.501–53 Contents of a negotiated utility service contract.
18–16.501–54 Terms, conditions, and provisions.

Subpart 18–16.6—Forms for Coordinated Procurement

18–16.600 Scope of subpart.
18–16.601 NASA-Defense Purchase Request (NASA Form 523).
18–16.602 Acceptance of NASA-Defense Purchase Request.
18–16.603 Payments (Standard Form 1080).

Subpart 18–16.7—Contract Termination Forms

18–16.700 Scope of subpart.
18–16.701 Notices of termination.
18–16.702 Settlement proposal forms.
18–16.702–1 Settlement Proposal—Inventory Basis (DD Form 540).
18–16.702–2 Settlement Proposal—Total Cost Basis (DD Form 541).
18–16.702–3 Settlement Proposal for Cost-Reimbursement Type Contracts (DD Form 547).
18–16.702–4 Settlement Proposal—Short Form (DD Form 831).
18–16.702–5 Inventory Schedules (DD Forms 542, 543, 544, 545, and 832).

Sec.
18-16.702-6 Schedule of Accounting Information (DD Form 546).
18-16.703 Application for Partial Payment (DD Form 548).
18-16.704 Notice of Audit Status Date (DD Form 5478).
18-16.705 Forms of settlement agreement.
18-16.706 Instructions for use of Termination Forms (DD Form 1114).

Subpart 18-16.8—Miscellaneous Forms

18-16.800 Scope of subpart.
18-16.802 Statement of Contingent Fees (Standard Form 119).
18-16.803 Compliance with labor laws, regulations, and clauses.
18-16.803-1 Construction Contracts (DB 11, Standard Form 1093, CB 16-19).
18-16.803-2 Supply Contracts (PC 12, PC 13, Standard Form 99).
18-16.804 U.S. Government Tax Exemption (Standard Form 1094, TD 1444, TD 1486).
18-16.805 Bond forms.
18-16.810 Bidders Mailing List Application (Standard Form 129).
18-16.810-1 General.
18-16.810-2 Conditions for use.
18-16.811 Security Requirements (DD Forms 441 and 254).
18-16.811-1 Security agreement.
18-16.811-2 Security requirements checklist.
18-16.812 Release and assignment forms (NASA Forms 778, 779, 780, and 781).
18-16.814 Architect-Engineer Questionnaire Form (Standard Form 251).
18-16.815 Contract modification forms (NASA Forms 450, 449, 449-1, and 449-2).
18-16.815-1 Change Order (NASA Form 450).
18-16.815-2 Supplemental Agreement (NASA Form 449).
18-16.816 Identical Bid Report for Procurement (DJ 1500).
18-16.850 Semiannual Report of Participating Companies (NASA Form 524).
18-16.851 Pre-Award Surveys (NASA Forms 585 and 586).
18-16.852 Procurement Request (NASA Form 404).
18-16.853 Requests for Proposals (NASA Form 529).
18-16.854 Request for Contractor Clearance (NASA Form 446).
18-16.855 Nonpersonal Services Contracts (NASA Form 610).
18-16.856 Contractor Financial Management Report (NASA Form 533).
18-16.857 Bill of Material (DD Forms 346 and 347).
18-16.858 Tax forms.
18-16.859 Letter contracts.
18-16.859-1 General.
18-16.859-2 Cost-reimbursement type letter contract.
18-16.859-3 Fixed-price type letter contract.
18-16.859-4 Letter contract forms.
18-16.860 Processing payments under cost-reimbursement contracts.
18-16.861 Withholdings under Davis-Bacon Act (S.F. 1093).
18-16.862 Unitary Plan Wind Tunnel Facilities (NASA Form 362).

Subpart 18-16.9—Procurement Action and Status Reports

18-16.900 Scope of subpart.
18-16.901 Purpose.
18-16.902 Applicability.
18-16.903 Definition.
18-16.904 Reports required.
18-16.904-1 Individual Procurement Action Report (NASA Form 507).
18-16.904-2 NASA Procurement Status Report (NASA Form 561).
18-16.904-3 Geographic Distribution of NASA Subcontracts (NASA Form 667).


AUTHORITY: The provisions of this Part 18-16 issued under 42 U.S.C. 2473(b)(1).

### § 18-16.000 Scope of part.

(a) This Part 18-16 prescribes forms for use in connection with the procurement by NASA of supplies and services and provides instructions and guidance for their use.

(b) Contract forms authorized by this Part 18-16, which contain General Provisions, have been designed as a matter of convenience for NASA procurement personnel and, notwithstanding § 18-1.109-1(a)(3), clauses contained in such forms may be deleted and other clauses added or substituted by appropriate reference in the "Alterations in Contracts" clause: *Provided*, That the deletions, additions, and substitutions are in compliance with or supported by this chapter.

### § 18-16.001 Index of procurement forms for NASA use.

Listed in this section, in numerical sequence, are NASA forms, U.S. Standard Forms, DOD forms, and certain miscellaneous forms that are authorized for use in NASA procurement. The current edition of each form is shown in parentheses under the column headed "Date"; prior editions shall not be used. References to form numbers are to the current editions of the forms identified in the list below, unless otherwise specifically indicated.

(a) *NASA Forms.*

| Number | Date | Title |
|---|---|---|
| 147 | 5-63 | Proposal and Acceptance (Negotiated Supply Contract). |
| 177 | 6-61 | Purchase Order. |
| 246 | 1-63 | General Provisions for Short Form Fixed-Price Contract with Nonprofit Institutions. |
| 247 | 1-63 | General Provisions for Fixed-Price Research and Development Contract. |
| 250 | 1-63 | Additional General Provisions to U.S. Standard Form 32 (9-61 Ed.). |
| 362 | 11-58 | Agreement for Use of NASA Unitary Plan Wind Tunnel Facilities. |
| 404 | 3-62 | Procurement Request. |
| 417 | 1-63 | General Provisions for Cost-Type Research and Development Contract. |
| 418 | 1-63 | General Provisions for Cost-Plus-a-Fixed-Fee Supply Contract. |
| 419 | 1-63 | General Provisions for Cost-Reimbursement Research and Development Contracts with Educational or Nonprofit Institutions. |
| 419S | 8-61 | General Provisions for Short Form Reimbursement Research Contract with Educational or Nonprofit Institutions. |
| 437 | 4-59 | Cover Page for Negotiated Contract. |
| 437-1 | 4-59 | Signature Page for Negotiated Contract. |
| 446 | 5-59 | Request for Contractor Clearance. |
| 449 | 5-59 | Supplemental Agreement. |
| 449-1 | 6-63 | Contract Modification Continuation Sheet. |
| 449-2 | 5-59 | Signature Page for Supplemental Agreement. |
| 450 | 5-59 | Change Order. |
| 456 | 9-59 | Notice of Costs Suspended and/or Disapproved. |
| 456-1 | 9-59 | Notice of Costs Suspended and/or Disapproved Continuation Sheet. |
| 507 | 6-63 | Individual Procurement Action Report. |
| 523 | 4-61 | NASA—Defense Purchase Request. |
| 524 | 6-63 | Semiannual Report of Participating Companies. |
| 529 | 1-61 | Sample Request for Proposal—Soliciting Proposals for Major R&D Contracts. |
| 533 | 2-62 | Contractor Financial Management Report. |
| 550 | 7-62 | Negotiated Utility Service Contract. |
| 550S | 7-62 | Negotiated Utility Service Contract (Short Form). |
| 550A-1 | 7-62 | Electric Service Specifications. |
| 550A-2 | 7-62 | Gas Service Specifications. |
| 550A-3 | 7-62 | Water Service Specifications. |
| 550A-4 | 7-62 | Steam Service Specifications. |
| 550A-5 | 7-62 | Sewage Service Specifications. |
| 551 | 4-62 | Cover Page for Letter Contracts. |
| 551-1 | 4-62 | Letter of Transmittal for Letter Contracts. |
| 551-2 | 4-62 | Schedule Format for Letter Contracts. |
| 551-3 | 4-62 | General Provisions for Letter Contracts. |
| 561 | 7-62 | Procurement Status Report. |
| 585 | 9-61 | Request for Pre-Award Survey. |
| 586 | 9-61 | Financial Data Sheet. |
| 604 | 10-61 | Additional General Provisions to U.S. Standard Form 23-A (4-61Ed.). |
| 610 | 12-61 | General Provisions for Fixed-Price Nonpersonal Services Contract. |
| 746 | 3-63 | General Provisions for Cost-Reimbursement Facilities Acquisition Contract. |
| 747 | 3-63 | General Provisions for Facilities Use Contract. |
| 748 | 3-63 | General Provisions for Cost-Reimbursement Consolidated Facilities Contract. |
| 778 | 1-63 | Contractor's Release. |
| 779 | 1-63 | Assignee's Release. |
| 780 | 1-63 | Contractor's Assignment of Refunds, Rebates, Credits, and Other Amounts. |
| 781 | 1-63 | Assignee's Assignment of Refunds, Rebates, Credits, and Other Amounts. |



(b) *U.S. Standard Forms.*

| Number | Date | Title |
|---|---|---|
| 18 | 5-59 | Request for Quotation. |
| 19 | 1-59 | Invitation, Bid, and Award (Construction, Alteration, or Repair). |
| 19A | 1-59 | Labor Standards Provisions Applicable to Contracts in Excess of $2,000. |
| 20 | 1-61 | Invitation for Bid (Construction Contract). |
| 21 | 1-61 | Bid Form (Construction Contract). |
| 22 | 1-61 | Instructions to Bidders (Construction Contract). |
| 23 | 1-61 | Construction Contract. |
| 23A | 4-61 | General Provisions (Construction Contract). |
| 24 | 11-50 | Bid Bond. |
| 25 | 11-50 | Performance Bond. |
| 25A | 11-50 | Payment Bond. |
| 26 | 11-49 | Award (Supply Contract). |
| 27 | 11-50 | Performance Bond—Corporate Co-Surety Form. |
| 27A | 11-50 | Payment Bond—Corporate Co-Surety Form. |
| 27B | 11-50 | Continuation Sheet—Corporate Co-Surety Bond. |
| 28 | 11-50 | Affidavit of Individual Surety. |
| 30 | 10-57 | Invitation and Bid (Supply Contract). |
| 31 | 11-49 | Schedule (Supply Contract). |
| 32 | 9-61 | General Provisions (Supply Contract). |
| 33 | 10-57 | Invitation, Bid, and Award. |
| 34 | 11-50 | Annual Bid Bond. |
| 35 | 11-50 | Annual Performance Bond. |
| 36 | 11-49 | Continuation Sheet (Supply Contract). |
| 44 | 6-54 | Purchase Order—Invoice—Voucher. |
| 99 | 6-58 | Notice of Award of Contract. |
| 119 | 12-52 | Contractor's Statement of Contingent or Other Fees. |
| 129 | 8-57 | Bidders Mailing List Application. |
| 147 | 2-55 | Order—Invoice—Voucher. |
| 148 | 7-53 | Order—Invoice—Voucher Continuation Sheet. |
| 251 | 6-61 | Architect-Engineer Questionnaire. |
| 1034 | 5-61 | Public Voucher for Purchases and Services Other than Personal. |
| 1034A | 5-61 | Public Voucher for Purchases and Services Other than Personal—Memorandum Copy. |
| 1035 | 5-61 | Public Voucher for Purchases and Services Other than Personal—Continuation Sheet. |
| 1035A | 5-61 | Public Voucher for Purchases and Services Other than Personal Continuation Sheet—Memorandum Copy. |
| 1080 | 8-59 | Voucher for Transfers Between Appropriations and/or Funds. |
| 1093 | 3-57 | Schedule of Withholdings under the Davis-Bacon Act. |
| 1094 | 7-61 | U.S. Tax Exemption Certificate. |
| 1103 | Rev. 7-62 | U.S. Government Bill of Lading. |
| 1165 | 7-61 | Receipt for Cash—Subvoucher. |
| 1169 | 8-58 | Transportation Request. |

(c) *Department of Defense Forms.*

| Number | Date | Title |
|---|---|---|
| 254 | 5-60 | Security Requirements Checklist. |
| 346 | 7-62 | Raw (Basic Processed) and Semifabricated Stock Form. |
| 347 | 7-62 | Bill of Materials for Subcontracted Parts—Purchased Parts—Government-Furnished Property. |
| 396 | 1-56 | Notice of Costs Suspended and/or Disapproved. |
| 441 | 5-54 | Security Agreement. |
| 448-2 | 3-61 | Acceptance of MIPR. |
| 540 | 4-57 | Settlement Proposal (Inventory Basis). |
| 541 | 4-57 | Settlement Proposal (Total Cost Basis). |
| 542 | 4-57 | Inventory Schedule A (Metals in Mill Product Form). |
| 543 | 4-57 | Inventory Schedule B (Raw Materials). |
| 543C | 4-57 | Inventory Schedule B (Continuation Sheet). |
| 544 | 4-57 | Inventory Schedule C (Work in Process). |
| 544C | 4-57 | Inventory Schedule C (Continuation Sheet). |
| 545 | 4-57 | Inventory Schedule D (Dies, Jigs, Fixtures, etc., and Special Tools). |
| 545C | 4-57 | Inventory Schedule D (Continuation Sheet). |
| 546 | 4-57 | Schedule of Accounting Information. |
| 547 | 4-57 | Settlement Proposal for Cost-Reimbursement Type Contracts. |
| 5478 | 4-57 | Notice of Audit Status Date. |
| 548 | 7-58 | Application for Partial Payment. |
| 831 | 10-59 | Settlement Proposal (Short Form). |
| 832 | 4-57 | Termination Inventory Schedule E (Short Form). |
| 1114 | 10-59 | Instructions for Use of Contract Termination Settlement and Inventory Schedule Forms. |
| 1260 | 12-58 | Amendment to Invitation for Bid. |

(d) *Miscellaneous Forms.*

| Number | Date | Title |
|---|---|---|
| DB 11 | 10-63 | Request for Determination. |
| PC 12 | 3-49 | Form Letter Explaining Walsh-Healey Act. |
| PC 13 | 1-50 | Poster. |
| CB 16-19 | 6-62 | Construction Contract Award Notification. |
| TD 720 | 1-63 | Quarterly Federal Excise Tax Return. |
| TD 1444 | 1-62 | Alcohol for Use of the United States. |
| TD 1486 | 10-62 | Specially Denatured Alcohol for Use of the United States. |
| DJ 1500 | 6-61 | Identical Bid Report for Procurement. |

## Subpart 18-16.1—Forms for Advertised Supply Contracts

### § 18-16.100 Scope of subpart.

This Subpart 18-16.1 sets forth instructions concerning forms used in procuring supplies by formal advertising.

### § 18-16.101 Separate award type (Standard Forms 30, 31, 32, 26, and 36, and NASA Form 250).

### § 18-16.101-1 General.

Except as provided in § 18-16.102, the following supply contract forms shall be used by NASA procurement offices in effecting procurement by formal advertising:

(a) Invitation and Bid (Supply Contract) (Standard Form 30);

(b) Schedule (Supply Contract) (Standard Form 31);

(c) General Provisions (Supply Contract (Standard Form 32);

(d) NASA Form 250 (Additional General Provisions to U.S. Standard Form 32 (9-61 Ed.));

(e) Any other special terms for the Invitation for Bids or additional contract provisions prescribed by this Regulation;

(f) Award (Supply Contract) (Standard Form 26);

(g) Continuation Sheet (Supply Contract) (Standard Form 36) (when needed with Standard Form 31 or 26); and

(h) Amendment to Invitation for Bids (DD 1260), when needed.

### § 18-16.101-2 Conditions for use.

(a) The Invitation for Bids (Standard Form 30) and the Schedule (Standard Form 31) shall be prepared in accordance with § 18-2.201.

(b) Standard Form 32 and NASA Form 250 (Additional General Provisions) may be attached to each copy of the Invitation for Bids. Alternatively, only one copy of Standard Form 32 and NASA Form 250 need be furnished to each bidder for retention, if such provisions are specifically incorporated by reference (including each form title, number, and date) in Standard Form 30 or 31.

(c) Award of contracts shall be accomplished by furnishing a completed Standard Form 26 to each successful bidder. Documents previously supplied bidders will not accompany the successful bidder's copy of Standard Form 26. The requirement for use of Standard Form 26 does not preclude the additional use of informal documents, including telegrams, as notices of award.

### § 18-16.102 Combination Type (Standard Form 33).

### § 18-16.102-1 General.

Standard Form 33, which is a combination Invitation for Bids, Bid, Schedule, and Award, may be used in lieu of Standard Forms 30, 31, and 26, as prescribed in § 18-16.101-1, whenever the space available on Standard Form 33 for the Schedule and the Award is sufficient. The following forms are prescribed for use with Standard Form 33:

(a) General Provisions (Supply Contract) (Standard Form 32);

(b) NASA Form 250 (Additional General Provisions to U.S. Standard Form 32 (9-61 Ed.));

(c) Any other special terms for the Invitation for Bids or additional contract provisions prescribed by this Regulation;

(d) Continuation Sheet (Standard Form 36), when needed; and

(e) Amendment to Invitation for Bids (DD Form 1260) when needed.

### § 18-16.102-2 Conditions for use.

(a) The Invitation for Bids and Schedule portion of Standard Form 33

shall be prepared in accordance with § 18–2.201.

(b) Standard Form 32 and any additional general provisions shall be utilized in accordance with the conditions specified in § 18–16.102–1.

(c) Award of contract shall be accomplished by completing the award portion of Standard Form 33 and furnishing a copy of the completed form to each successful bidder. The required use of the Award portion of Standard Form 33 does not preclude the additional use of informal documents, including telegrams, as notices of award.

(d) DD Form 1260 (Amendment to Invitation for Bids) shall be used when it is necessary to issue an amendment.

### Subpart 18–16.2—Forms for Negotiated Procurements

**§ 18–16.200 Scope of subpart.**

This Subpart 18–16.2 sets forth instructions concerning the forms used in procuring supplies or services by negotiation.

**§ 18–16.201 Request for quotations (Standard Form 18).**

**§ 18–16.201–1 General.**

Standard Form 18 is prescribed for use in obtaining price, delivery, and related information from suppliers.

**§ 18–16.201–2 Conditions for use.**

(a) Standard Form 18 is authorized for use when it appears reasonably certain that the procurement will result in a fixed-price contract involving extensive negotiations or in a cost-reimbursement type contract.

(b) Standard Form 36 (Continuation Sheet) may be used as required.

(c) Standard Form 18 shall be used for negotiated procurements of $2,500 or less (including purchase orders) and may be used in procurements in excess of $2,500 when a written informational quotation, rather than a binding quotation, is desired (see § 18–1.309).

(d) Except when firm offers must be obtained, Standard Form 18 is authorized for use when written quotations are solicited.

(e) A quotation submitted on Standard Form 18 is only informational and is not to be construed as a legal offer, acceptance of which would result in a binding contract. Accordingly, issuance of a purchase order (or other document) pursuant to a supplier's quotation on Standard Form 18 does not constitute acceptance but an offer to buy certain goods or services upon certain specified terms and conditions. Under the procedure of obtaining a quotation on Standard Form 18 and issuing a purchase order, the Government may, at any time prior to acceptance by the contractor of the purchase order, withdraw, amend, or cancel its offer, thereby minimizing disputes and administrative costs. In such cases, a written notice should be given the supplier. Since substantial performance by the supplier, prior to cancellation, may constitute acceptance and hence create a contract, the contracting officer should verify whether or not acceptance of the offer has taken place prior to cancellation of the offer.

**§ 18–16.202 Negotiated contract forms.**

The forms described in this section are authorized for use in negotiated procurements. Instructions for their use are set forth in this chapter as indicated in this section.

**§ 18–16.202–1 Contracts in excess of $2,500 (Standard Form 32, NASA Form 250).**

For contracts in excess of $2,500, Standard Form 32 (General Provisions (Supply Contract)) shall be used, supplemented by NASA Form 250 (Additional General Provisions to U.S. Standard Form 32 (Sept. 1961 Edition)). Standard Form 36 (Continuation Sheet) may be used as required.

**§ 18–16.202–2 Contracts not in excess of $2,500 (NASA Form 177, Standard Forms 44 and 147).**

(a) For negotiated purchases not in excess of $2,500, NASA Form 177 may be used in lieu of Standard Form 44 or 147. See § 18–3.605–3 for instructions on the use of NASA Form 177.

(b) Standard Form 44 (Purchase Order—Invoice—Voucher) is a small purchases form for transactions not in excess of $2,500 and is authorized for use in accordance with the instructions and limitations set forth in § 18–3.605–1. It is especially useful in over-the-counter transactions, purchases at isolated stations, and purchases away from the purchasing office. See § 18–16.302 for use of Standard Form 44 for small purchases.

(c) Standard Form 147 (Order—Invoice—Voucher) is a combination purchase or delivery order, vendor's invoice, receiving report, and public voucher with space for purchase data, vendor's invoicing, and allied budget, accounting, and voucher payment data. It is designed primarily for use when single delivery payment transactions involving amounts not in excess of $2,500 are contemplated. See § 18–3.605–2 for instructions for its use. Standard Form 148 (Order—Invoice—Voucher Continuation Sheet) is authorized for use as required.

**§ 18–16.202–3 Proposal and acceptance (NASA Forms 147, 177).**

NASA Form 147 will normally be used in negotiated supply contracts for standard or commercial type items unless a purchase order form (NASA Form 177) is appropriate for use.

**§ 18–16.202–4 Cost-reimbursement type supply contracts (NASA Form 418).**

The General Provisions contained in NASA Form 418 shall be used in all cost-reimbursement supply contracts, together with a Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1).

**§ 18–16.202–5 Fixed-price research and development contracts (NASA Form 247).**

Except when NASA Form 246 is used pursuant to § 18–7.350, NASA Form 247 shall be used in all fixed-price research and development contracts, together with a Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1).

**§ 18–16.202–6 Fixed-price research contracts with nonprofit institutions—short form (NASA Form 246).**

The General Provisions contained in NASA Form 246 are authorized for use in fixed-price contracts for basic or applied research with nonprofit institutions of higher education, or with nonprofit institutions whose primary purpose is the conduct of scientific research, when a short form is desired. Additional clauses may be added to or substituted for the clauses contained in NASA Form 246 in accordance with § 18–7.350–18. A Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1) shall be used with NASA Form 246.

**§ 18–16.202–7 Cost-reimbursement research and development contracts (NASA Form 417).**

Except when NASA Form 419 or 419S is used pursuant to § 18–16.202–8 or § 18–16.202–9, NASA Form 417 shall be used in NASA cost-reimbursement type research and development contracts. A Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1) shall be used with NASA Form 417.

**§ 18–16.202–8 Cost-reimbursement research and development contracts with educational or nonprofit institutions (NASA Form 419).**

Except when NASA Form 419S is used pursuant to § 18–16.202–9, NASA Form 419 shall be used in cost-reimbursement type research and development contracts with educational or nonprofit institutions which involve no fee or profit, together with a Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1).

**§ 18–16.202–9 Cost-reimbursement research contracts with nonprofit institutions including educational institutions (NASA Form 419S).**

NASA Form 419S is authorized for use in contracts for basic or applied scientific research at institutions of higher education, or at nonprofit institutions whose primary purpose is the conduct of scientific research, when a short form of contract is desired. A Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1) shall be used with NASA Form 419S. Additional clauses may be added to or substituted for the clauses contained in NASA Form 419S, in accordance with § 18–7.461.

**§ 18–16.202–10 Facilities contracts (NASA Forms 746, 747, and 748).**

(a) NASA Form 746 (General Provisions for Cost-Reimbursement Facilities Acquisition Contract) shall be used for the acquisition by the contractor on a cost-reimbursement basis of facilities for the account of the Government (see § 18–13.402).



(b) NASA Form 747 (General Provisions for Facilities Use Contract) provides for the use by the contractor of Government-owned facilities in those instances where no direct Government funding is applied (see § 18–13.402).

(c) NASA Form 748 (General Provisions for Cost-Reimbursement Consolidated Facilities Contract) shall be used as a combination of both the acquisition and use of facilities (see §§ 18–13.402 and 18–13.403).

**§ 18–16.206 Cost and price analysis.**

Except as provided in § 18–16.207, when cost data are required in connection with a proposal, DD Form 633 shall be used. However, when the contractor's accounting system or the type of procurement involved makes the use of this form impracticable or inappropriate, the contractor may submit the necessary data in a format acceptable to the contracting officer.

**§ 18–16.207 Cost and price analysis for contract price redetermination.**

DD Form 784 shall be prepared by the contractor for the submission of cost data required for contract price redetermination except when the contractor and the contracting officer have agreed upon an alternative method of cost analysis presentation. Contractor reproduction of DD Form 784 is authorized. However, no alternative form for general application shall be used.

### Subpart 18–16.3—Purchase and Delivery Order Forms

**§ 18–16.300 Scope of subpart.**

This Subpart 18–16.3 prescribes forms for use when purchases are authorized or required to be made by the purchase order or imprest fund method, and as delivery orders.

**§ 18–16.301 Receipt for Cash—Subvoucher (Standard Form 1165).**

Standard Form 1165 may be used in connection with procurement by the imprest fund (petty cash) method in accordance with § 18–3.604.

**§ 18–16.302 Purchase order forms (Standard Forms 44, 147; NASA Form 177; NASA "Ship and Quote" Form).**

(a) Standard Form 44 (Purchase Order—Invoice—Voucher) is authorized for use to accomplish small purchases in accordance with § 18–3.605.

(b) Standard Form 147 (Order—Invoice—Voucher) and Standard Form 148 (Order—Invoice—Voucher Continuation Sheet) are authorized for use as purchase orders for small purchases and as delivery orders for ordering and scheduling deliveries against an established contract (see § 18–3.605–2).

(c) NASA Form 177 (Purchase Order) is authorized for use in accomplishing small purchases in lieu of Standard Form 44 or 147, in accordance with the instructions in § 18–3.605–3.

(d) The NASA Ship and Quote form may be used to make small purchases in lieu of Standard Form 44, Standard Form 147, or NASA Form 177, in accordance with the instructions in § 18–3.605–4.

### Subpart 18–16.4—Forms for Construction Contracts

**§ 18–16.400 Scope of subpart.**

This Subpart 18–16.4 prescribes forms for use in construction contracts, which are defined for the purposes of this Subpart as contracts for the construction, alteration, or repair (including painting and decorating) of buildings, bridges, roads, or other kinds of real property.

**§ 18–16.401 Standard Forms 19, 19A, 20, 21, 22, 23, 23A, NASA Form 604, and DD Form 1260.**

**§ 18–16.401–1 General.**

The following forms are prescribed for use in formally advertised construction contracts where the work is to be performed in the United States and its possessions:

(a) Standard Form 19—Invitation, Bid, and Award (Construction, Alteration, or Repair);

(b) Standard Form 19A—Labor Standards Provisions—Applicable to Contracts in Excess of $2,000;

(c) Standard Form 20—Invitation for Bids (Construction Contract);

(d) Standard Form 21—Bid Form (Construction Contract);

(e) Standard Form 22—Instructions to Bidders (Construction Contract);

(f) Standard Form 23—Construction Contract;

(g) Standard Form 23A—General Provisions (Construction Contract);

(h) NASA Form 604—Additional General Provisions to U.S. Standard Form 23A (April 1961 Edition);

(i) DD Form 1260—Amendment to Invitation for Bids, on an optional basis; and

(j) Continuation Sheet—There is no prescribed form of Continuation Sheet for construction contracts. A blank sheet, incorporating the contract or invitation number, as appropriate; page number and number of pages; and name of bidder or contractor, may be used for this purpose. Standard Form 36, Continuation Sheet (Supply Contract), shall not be used for construction contracts.

**§ 18–16.401–2 Use of forms for negotiated construction contracts.**

Use of the forms prescribed in § 18–16.401–1 is optional for negotiated construction contracts. When used for negotiated contracts, the forms shall be adapted by lining out or obliterating the words "sealed" and "publicly opened" and adding language to indicate the authority for negotiation, and to provide that wherever the words "invitation" and "bid" occur they will be deemed to refer to "solicitation" and "offer," respectively.

**§ 18–16.401–3 Conditions for use.**

(a) *Advertised contracts not to exceed $2,000.* Standard Form 19 shall be used for construction contracts not in excess of $2,000 executed as a result of formal advertising. Standard Form 22 may also be used.

(b) *Negotiated contracts not exceeding $2,000.* Either Standard Form 19 or NASA Form 177W shall be used for construction contracts of $2,000 or less executed as a result of negotiation.

(c) *Contracts estimated to exceed $2,000, but not to exceed $10,000.* Standard Forms 19 and 19A shall be used for construction contracts estimated to exceed $2,000 but not to exceed $10,000, executed as a result of formal advertising. Standard Form 22 also may be used. The following language shall be inserted in the bid portion of Standard Form 19 prior to issuance of the Invitation for Bids:

If this bid exceeds $2,000, the bidder shall furnish with his bid a bid guaranty in an amount equal to ____ percent of his bid; failure to submit the guaranty on time is cause for rejection of the bid. The undersigned further agrees, if this bid exceeds $2,000, (i) to comply with the Labor Standards Provision Applicable to Contracts in Excess of $2,000 (Standard Form 19A) in lieu of Provision 10 hereof; (ii) to pay not less than the minimum hourly rates of wages set forth in the specifications; and (iii) to furnish a performance bond in an amount equal to ____ percent and a payment bond in an amount equal to 50 percent of the contract price with surety or sureties acceptable to the Government. (January 1964)

(d) Contracts estimated to exceed $10,000. Standard Forms 19A, 20, 21, 22, 23, and 23A shall be used for contracts estimated to exceed $10,000 executed as a result of formal advertising and may be used for negotiated construction contracts estimated to exceed $10,000. NASA Form 604 shall be used to provide additional general provisions in connection with Standard Form 23A.

**§ 18–16.401–4 Terms, conditions, and provisions.**

(a) The use of additional contract provisions consistent with those contained in the above forms is authorized and, where required elsewhere in this chapter, the use of such additional clauses is mandatory. NASA Form 604 shall be used to supplement Standard Form 23A. The NASA "New Technology" and "Property Rights in Inventions" clauses shall be used as additional required clauses under the circumstances set forth in § 18–9.101–2.

(b) Changes or additional provisions inconsistent with those contained in the standard forms shall be incorporated when required by this Chapter or when approved by the Office of Procurement (Code KDR) pursuant to § 18–1.109. A copy of any such approval pursuant to § 18–1.109–2 shall be forwarded by the Office of Procurement to the General Services Administration.

(c) The provisions of paragraphs (a) and (b) of this section shall not be construed as authorizing the reinstatement in Standard Form 19 of clauses which appear in Standard Form 23A and which have either been condensed or omitted in the development of Standard Form 19 in the interests of uniformity or simplification. Where such reinstatement is deemed essential, it shall be treated as a deviation in accordance with § 18–1.109. Deviations are not required for the use, with Standard Form 19, of clauses which,

although not properly a part of Standard Form 23A, may accompany it when printed for use within NASA.

(d) Clause 3 of Standard Form 19, entitled "Disputes," may be changed by inserting in the Schedule or Specifications the following:

*Alterations.* As used in Clause 3 of the General Provisions, "the head of the Federal Agency" means "the Administrator, NASA." (January 1964)

(e) Deletion or modification of clauses in the forms in this § 18-16.401-4 shall be accomplished in the "Alterations" paragraph of Standard Form 23, or in an "Alterations" paragraph added to the Schedule of Standard Form 19, or in the Specifications, as appropriate.

(f) Whenever Standard Forms 19 and 19A are used for formally advertised contracts, the "Covenant Against Contingent Fees" provision need not be included.

(g) Where the "Equal Opportunity" clause set forth in § 18-12.802 is required by that section, the clause set forth therein, including the footnote thereto, shall be substituted for the "Nondiscrimination in Employment" clause in Standard Form 23A.

(h) When NASA Form 604 is used for negotiated construction contracts, the "Examination of Records" clause set forth in § 18-7.104-15 shall be included in the contract. Consideration should also be given to deleting Clause 29, "Federal, State, and Local Taxes," from NASA Form 604 and substituting the clause set forth in § 18-11.401-2(b), in accordance with § 18-11.401-2(a).

## Subpart 18-16.5—Special Contract and Order Forms

**§ 18-16.500 Scope of subpart.**

This Subpart 18-16.5 prescribes special forms for procuring certain supplies and services.

**§ 18-16.501 Negotiated utility service contract forms.**

This section prescribes the contract forms to be used for utility service contracts negotiated pursuant to the policy and procedures set forth in Subpart 18-4.50 except where such services are procured under GSA area-wide public utility contracts as provided in Subpart 18-5.8.

**§ 18-16.501-50 NASA Form 550, negotiated utility service contract.**

(a) *Required form.* NASA Form 550 (Negotiated Utility Service Contract) shall be used in all negotiated utility service contracts, except those for which NASA Form 550S (Negotiated Utility Service Contract—Short Form) is used, as authorized by § 18-16.501-51,a).

(b) *Instructions for completion of form.* The required information to be inserted in the various blanks on the first page is self-explanatory, except for the following:

(1) *Term of contract.* The term of the contract shall not exceed 12 months (see also § 18-7.5003-1).

(2) *Service location.* The information to be inserted in the blank designating the service location should consist of the name of the installation to which service is to be furnished and, as appropriate, any further designation; for example, "Plum Brook Facility," "Area B," or "Building 434."

**§ 18-16.501-51 NASA Form 550S, negotiated utility service contract (short form).**

(a) *Optional form.* NASA Form 550S (Negotiated Utility Service Contract—Short Form) may be used, without any alteration, addition, or deviation whatsoever, for a negotiated utility service contract, whenever all the following conditions exist:

(a) The utility service is taken under an established rate schedule approved by a Federal, State, or other public regulatory body;

(b) The annual cost of the utility service to be procured is $2,500 or less;

(c) No connection, termination, installation, or similar charge, except a meter deposit (or a membership fee in the case of a cooperative) required of all customers, is involved; and

(d) The supplier requires or requests the execution of a contract or application form, and/or it is deemed advantageous to the Government to negotiate and execute a contract.

(b) *Instructions for completion of form.* The required information to be inserted in the various blanks on the first page is self-explanatory, except for the following:

(1) The information to be inserted in the blank designating the service location should consist of the name of the installation to which service is to be furnished, and, as appropriate, any further designation; for example, "Plum Brook Facility," "Area B," or "Building 434."

(2) The number or other identification of the contractor's applicable rate schedule should be inserted in the blank after the words "Rate Schedule."

(3) A description of the service to be rendered should be set forth in the last blank (see NASA Forms 550A-1 through 5 and § 18-16.501-52(b)).

**§ 18-16.501-52 Appendices to contract forms.**

(a) *Appendix A, rate schedule.* Appendix A, the rate schedule applicable to the contract, shall consist of:

(1) The printed or otherwise published rate schedule of the contractor which has been approved or established by a Federal, State, or other regulatory body; or

(2) The rate schedule negotiated between the contractor and the Government. In either event the rate schedule shall bear the legend "Appendix A, attached to and made a part of Contract No. ------," and be entitled "Rate Schedule." Each page shall indicate its numerical order in the total number of pages comprising Appendix A, as, for example, "page 1 of 3." In addition to setting forth the rate applicable to the contract, Appendix A shall include, where applicable, any rules or regulations (whether established by the regulatory body, the contractor, or by negotiation between the contractor and the Government), which pertain to the Rate Schedule. Appendix A may provide for payment to the contractor of a nonrecurring, nonrefundable fee of not more than $1,000 to cover the costs of connecting the contractor's facilities to, and disconnecting them from, the Government's facilities, whenever the contract period is less than six months. In all instances where a connection charge other than the fee described above is involved, the "Connection Charge" clause (§ 18-7.5003-3) and Appendix C (§ 18-16.501-52(c)) shall be included in the contract.

(b) *Appendix B, service specifications.* Appendix B, the service specifications applicable to the contract, shall consist of:

(1) NASA Form 550A-1 (Electric Service Specifications), NASA Form 550A-2 (Gas Service Specifications), NASA Form 550A-3 (Water Service Specifications), NASA Form 550A-4 (Steam Service Specifications), NASA Form 550A-5 (Sewage Service Specifications), whichever is applicable, appropriately completed; or

(2) A specially drafted attachment to the contract bearing the legend Appendix B, attached to and made a part of Contract No. ----," and the title of the appropriate service specifications.

Each page shall indicate its numerical order in the total number of pages comprising Appendix B, as, for example, "page 1 of 3." Such appendix shall set forth as a minimum as follows:

(i) The premises to be served;

(ii) An estimate of the service requirements;

(iii) The point of delivery to the Government;

(iv) A description of the service;

(v) A statement of how the service is to be measured for purposes of billing;

(vi) The quality of service to be rendered; and

(vii) A statement of the capacity and flow of the service.

(c) *Appendix C, connection charge schedule.* Appendix C, the schedule required whenever the contract includes the connection charge clause prescribed by § 18-7.5003-3 or the termination charge clause prescribed by § 18-7.5003-4, shall bear the legend "Appendix C, attached to and made a part of Contract No. ----," and be entitled "Connection Charge Schedule." Each page shall indicate its numerical order in the total number of pages comprising Appendix C, as, for example, "page 1 of 3." The appendix shall set forth as a minimum:

(1) A detailed description of the new facilities to be furnished by the contractor; and

(2) The agreed salvage value of such facilities.

**§ 18-16.501-53 Contents of a negotiated utility service contract.**

(a) *Contract using NASA Form 550.* Any contract for which § 18-16.501-50 (a) prescribes the use of NASA Form 550 shall consist of:

(1) NASA Form 550, together with any alterations and/or additions thereto (i) required by §§ 18-7.5001 and 18-7.5002, (ii) authorized by § 18-7.5003, or (iii) approved by the Director of Procurement, pursuant to § 18-4.5006(d);

(2) An Appendix A, Rate Schedule (see § 18-16.501-52(a));

(3) An Appendix B, Service Specifications (see § 18-16.501-52(b)); and

(4) An Appendix C, Connection Charge Schedule (see § 18-16.501-52(c) and § 18-7.5003-3).

(b) *Contract using NASA Form 550S.* Any contract for which § 18-16.501-51 (a) allows the use of NASA Form 550S shall consist of:

(1) NASA Form 550S without any alteration, addition, or deviation whatsoever; and

(2) An Appendix A, which will be the established rate schedule of the contractor applicable to the contract and the rules and regulations pertaining thereto.

**§ 18-16.501-54 Terms, conditions, and provisions.**

Detailed instructions for use of the clauses contained in NASA Forms 550 and 550S are set forth in Subpart 18-7.50.

## Subpart 18-16.6—Forms for Coordinated Procurement

**§ 18-16.600 Scope of subpart.**

This Subpart 18-16.6 prescribes forms to be used for the procurement of supplies or services by NASA from or through the Military Departments.

**§ 18-16.601 NASA-Defense purchase request (NASA Form 523).**

NASA - Defense Purchase Request (NASA Form 523) shall be used by NASA procurement offices for requesting procurement of supplies or services from all activities of the Military Departments, in accordance with § 18-5.1002.

**§ 18-16.602 Acceptance of NASA-Defense purchase request.**

Acceptance by the procuring department of NASA's request for supplies or services (NASA Form 523) shall be made on a DD Form 448-2, Acceptance of MIPR Form (see § 18-5.1002-3).

**§ 18-16.603 Payments (Standard Form 1080).**

Standard Form 1080, Voucher for Transfer Between Appropriations and/or Funds, shall be used in connection with payments to the Military Departments for supplies and services furnished to or procured for NASA (see § 18-5.1005).

## Subpart 18-16.7—Contract Termination Forms

**§ 18-16.700 Scope of subpart.**

This subpart 18-16.7 prescribes forms for use in connection with terminated contracts (see Part 18-8).

**§ 18-16.701 Notices of termination.**

There are no specific forms prescribed for use in issuing termination notices. However, 32 CFR 8.801 sets forth texts of telegraphic and letter notices of termination which may be used.

**§ 18-16.702 Settlement proposal forms.**

The forms prescribed in this § 18-16.702 are designed for use by prime contractors but are equally suitable for use by subcontractors.

**§ 18-16.702-1 Settlement proposal—inventory basis (DD Form 540).**

DD Form 540 is prescribed for use by contractors in presenting claims resulting from the termination of fixed-price contracts when such claims are computed on the inventory basis.

**§ 18-16.702-2 Settlement proposal—total cost basis (DD Form 541).**

DD Form 541 is prescribed for use by contractors in presenting claims resulting from the termination of either fixed-price or cost-reimbursement type contracts when such claims are computed on the total cost basis.

**§ 18-16.702-3 Settlement proposal for cost-reimbursement type contracts (DD Form 547).**

DD Form 547 is prescribed for use by contractors in submitting claims resulting from the termination of cost-reimbursement contracts.

**§ 18-16.702-4 Settlement proposal—short form (DD Form 831).**

DD Form 831 is authorized for use by contractors in submitting claims resulting from the termination of fixed-price contracts when the total claim is less than $2,500.

**§ 18-16.702-5 Inventory schedules (DD Forms 542, 543, 544, 545, and 832).**

(a) The following forms are prescribed for use by contractors to support settlement proposals submitted on DD Form 540, 541, or 547:

(1) DD Form 542 (Inventory Schedule A—Metals in Mill Product Form) and DD Form 542C (Continuation Sheet);

(2) DD Form 543 (Inventory Schedule B—Raw Materials) and DD Form 543C (Continuation Sheet);

(3) DD Form 544 (Inventory Schedule C (Work in Process)) and DD Form 544C (Continuation Sheet); and

(4) DD Form 545 (Inventory Schedule D—Dies, Jigs, Fixtures, etc., and Special Tools) and DD Form 545C (Continuation Sheet),

In addition, the inventory schedule forms may be used for reporting inventory in connection with adjustments under the "Changes" clause and inventory excess to completed contracts.

(b) DD Form 832 (Termination Inventory Schedule E—Short Form) is prescribed for use by contractors to support settlement proposals submitted on DD Form 831.

**§ 18-16.702-6 Schedule of accounting information (DD Form 546).**

DD Form 546 is prescribed for use by contractors in connection with settlement proposals (see 32 CFR 8.307-1).

**§ 18-16.703 Application for partial payment (DD Form 548).**

DD Form 548 is prescribed for use by contractors when applying for partial payments (see 32 CFR 8.212-1(a)).

**§ 18-16.704 Notice of audit status date (DD Form 547S).**

DD Form 547S is prescribed for use by disbursing officers to fix the audit status date in accordance with 32 CFR 8.405-4.

**§ 18-16.705 Forms of settlement agreement.**

There are no specific forms prescribed for settlement agreements. However, appropriate approved texts for settlement agreements are set forth in 32 CFR 8.806.

**§ 18-16.706 Instructions for use of termination forms (DD Form 1114).**

DD Form 1114 consists of instructions for the use of contract termination settlement and inventory schedule forms.

## Subpart 18-16.8—Miscellaneous Forms

**§ 18-16.800 Scope of subpart.**

This Subpart 18-16.8 prescribes certain miscellaneous forms authorized for use in connection with the procurement of supplies and services.

**§ 18-16.802 Statement of Contingent Fees (Standard Form 119).**

Standard Form 119 is prescribed for use in accordance with §§ 18-1.507 through 18-1.509.

**§ 18-16.803 Compliance with labor laws, regulations, and clauses.**

**§ 18-16.803-1 Construction Contracts (DB 11, Standard Form 1093, CB 16-19).**

(a) Department of Labor Form DB 11, Request for Determination, shall be used in accordance with the provisions of § 18-12.404-2.

(b) Standard Form 1093, Schedule of Withholdings Under the Davis-Bacon Act, shall be used in accordance with the provisions of § 18-12.404-9.

(c) Census Bureau Form 16-19, Construction Contract Award Notification, shall be used for reporting construction contract awards in accordance with the provisions of § 18-12.404-13.

**§ 18-16.803-2 Supply Contracts (PC 12, PC 13, Standard Form 99).**

(a) Department of Labor Form PC 12 (Rev. 3-49), a form letter explaining the Walsh-Healey Act, shall be furnished to the contractor in accordance with the provisions of § 18-12.603.

(b) Department of Labor Form PC 13 (Rev. 1-50), a poster, shall be furnished to the contractor in accordance with § 18-12.603.

(c) Standard Form 99 (Rev. 6-58), Notice of Award of Contract, shall be used in accordance with the provisions of § 18-12.603.

**§ 18–16.804 U.S. Government Tax Exemption (Standard Form 1094, TD 1444, TD 1486).**

(a) Tax Exemption Certificate (Standard Form 1094—Revised) shall be used as prescribed in § 18–11.302.

(b) Treasury Department Form 1444 (Alcohol for Use of United States) and Treasury Department Form 1488 (Specially Denatured Alcohol for Use of United States) shall be used in accordance with the provisions of § 18–11.205.

**§ 18–16.805 Bond forms.**

The bond forms listed below are available for use in accordance with the provisions of Part 10 of this Regulation.

(a) Bid Bond (Standard Form 24);

(b) Annual Bid Bond (Standard Form 34);

(c) Performance Bond (Standard Form 25);

(d) Annual Performance Bond (Standard Form 35);

(e) Payment Bond (Standard Form 25A);

(f) Performance Bond (Corporate Co-Surety) Standard Form 27A);

(g) Payment Bond (Corporate Co-Surety) (Standard Form 27A);

(h) Continuation Sheet (Corporate Co-Surety) (Standard Form 27B); and

(i) Affidavit of Individual Surety (Standard Form 28).

**§ 18–16.810 Bidders Mailing List Application (Standard Form 129).**

**§ 18–16.810–1 General.**

Standard Form 129, Bidders Mailing List Application shall be used in connection with the establishment and maintenance of bidders lists as prescribed by § 18–2.205.

**§ 18–16.810–2 Conditions for use.**

The application shall be submitted and signed by the supplier (the manufacturer or regular dealer), as distinguished from an agent of the supplier. However, suppliers are not precluded from designating on Standard Form 129 their agents to receive invitations for bids and requests for proposals.

**§ 18–16.811 Security requirements (DD Forms 441 and 254).**

**§ 18–16.811–1 Security agreement.**

DD Form 441, Security Agreement, is authorized for use in connection with the requirements of § 18–7.104–12.

**§ 18–16.811–2 Security requirements checklist.**

DD Form 254, Security Requirements Checklist, is authorized for use in connection with the notice required by the "Security Requirements" clause (see §§ 18–7.104–12, 18–7.204–12, 18–7.304–25, and 18–7.402–24), which is included in all contracts classified "Confidential" or higher and in other contracts the performance of which may require access to classified information or material. Instructions for preparation are included in the form.

**§ 18–16.812 Release and assignment forms (NASA Forms 778, 779, 780, and 781).**

The forms identified in this section are approved for use in complying with the release and assignment provisions of paragraph (f) of the allowable cost clause of a cost-reimbursement type contract (see §§ 18–7.203–4, 18–7.402–3, and 18–7.451–3) and the requirements of § 18–51.405:

(a) Contractor's Release (NASA Form 778);

(b) Assignee's Release (NASA Form 779);

(c) Contractor's Assignment of Refunds, Rebates, Credits, and Other Amounts (NASA Form 780); and

(d) Assignee's Assignment of Refunds, Rebates, Credits, and Other Amounts (NASA Form 781).

Forms differing from the above approved forms may be used if the contracting officer determines that such forms meet the applicable requirements of the clause.

**§ 18–16.814 Architect-Engineer Questionnaire Form (Standard Form 251).**

U.S. Government Architect-Engineer Questionnaire (Standard Form 251, June 1961 edition) may be used in accordance with the provisions of § 18–3.1503–2(a)(1). This form is designed to assure the uniform submission of experience and organizational data by architect-engineer firms.

**§ 18–16.815 Contract modification forms (NASA Forms 450, 449, 449–1, and 449–2).**

**§ 18–16.815–1 Change Order (NASA Form 450).**

(a) This form shall be used for:

(1) Any change order issued pursuant to the Changes clause of a contract;

(2) Any other unilateral contract modification, except notices of termination (see § 18–16.701), issued pursuant to a contract provision authorizing such modification without the consent of the contractor; and

(3) Administrative changes, such as the correction of typographical errors, changes in the paying office, and changes in accounting and appropriation data.

(b) NASA Form 449–1 (Contract Modification Continuation Sheet) may be used as required.

**§ 18–16.815–2 Supplemental Agreement (NASA Form 449).**

The following forms are authorized for use in connection with supplements to NASA contracts.

(a) NASA Form 449 (Supplemental Agreement);

(b) NASA Form 449–1 (Contract Modification Continuation Sheet); and

(c) NASA Form 449–2 (Signature Page for Supplemental Agreement).

**§ 18–16.816 Identical Bid Report for Procurement (DJ 1500).**

DJ 1500, Identical Bid Report for Procurement, shall be used in reporting identical bids in accordance with the requirements of § 18–1.114.

**§ 18–16.850 Semiannual Report of Participating Companies (NASA Form 524).**

NASA Form 524, Semiannual Report of Participating Companies, shall be used for the submission of semiannual reports by all NASA contractors who participate in the NASA Subcontracting Small Business Program, as required by § 18–1.707–5. Instructions for its use are printed on the form.

**§ 18–16.851 Pre-Award Surveys (NASA Forms 585 and 586).**

(a) NASA Form 585, Request for Pre-Award Survey, shall be used in accordance with the instructions contained in § 18–1.905–52.

(b) NASA Form 586, Financial Data Sheet, shall be used as required by § 18–1.905–52.

**§ 18–16.852 Procurement Request (NASA Form 404).**

NASA Form 404, Procurement Request, shall be used for initiating procurements in accordance with § 18–3.850.

**§ 18–16.853 Request for Proposals (NASA Form 529).**

NASA Form 529, Request for Proposals in Soliciting Proposals for Major NASA Research and Development Contracts, is authorized for use as a general guide in preparing requests for proposals for major research and development contracts in accordance with § 18–3.854.

**§ 18–16.854 Request for Contractor Clearance (NASA Form 446).**

NASA Form 446, Request for Contractor Clearance, shall be used in accordance with NASA Management Instruction 24–3–1, if the proposed procurement will involve access to classified information.

**§ 18–16.855 Nonpersonal Services Contracts (NASA Form 610).**

The General Provisions contained in NASA Form 610, together with a Cover Page (NASA Form 437), a Schedule, and a Signature Page (NASA Form 437–1), are authorized for use in contracts for nonpersonal services.

**§ 18–16.856 Contractor Financial Management Report (NASA Form 533).**

NASA Form 533, Contractor Financial Management Report, is designed for use by the contractor in providing certain financial projections and experience through the reporting period. NASA Management Instruction 6–2–4A sets forth details for use of the form. Instructions for completing NASA Form 533 are printed on the reverse of the form.

**§ 18–16.857 Bill of Material (DD Forms 346 and 347).**

DD Form 346, Raw (Basic Process) and Semi-Fabricated Stock Form, and DD Form 347, Bill of Material—Subcontracted Parts—Purchased Parts—Government-Furnished Property, are authorized for use to describe the materials required for furnishing the supplies to be



delivered under contract, in accordance with § 18–7.105–6.

**§ 18–16.858 Tax forms.**

(a) *Special Fuels Tax (Standard Forms 1169, 1103).* Treasury Department Form 720 (Quarterly Federal Excise Tax Return) shall be used in accordance with § 18–11.101–5 in making quarterly payments of tax on tax-free special fuels used for a taxable purpose.

(b) *Transportation of persons tax.* Standard Form 1169, Transportation Request, is designed for obtaining exemption from tax on transportation of persons, in accordance with § 18–11.202(b).

(c) *Transportation of property tax.* Standard Form 1103, U.S. Government Bill of Lading, is authorized for use to obtain exemption from tax on transportation of property, in accordance with § 18–11.202(b).

**§ 18–16.859 Letter contracts.**

**§ 18–16.859–1 General.**

This § 18–16.859 prescribes the forms to be used in connection with letter contracts contemplating cost-reimbursement type or fixed-price type definitive contracts.

**§ 18–16.859–2 Cost-reimbursement type letter contract.**

The following forms are prescribed for use in letter contracts contemplating cost-reimbursement type definitive contracts:

(a) Cover Page—NASA Form 551;

(b) Letter of Transmittal—NASA Form 551–1;

(c) Schedule Format—NASA Form 551–2;

(d) General Provisions—NASA Form 551–3; and

(e) NASA Form 417 or 418, as appropriate, in accordance with the instructions contained in Article V of the Schedule Format—NASA Form 551–2. In addition, the prescribed clauses set forth in NASA Form 417 or 418 shall be modified or deleted and additional clauses, applicable to the kinds of such contracts for which such forms were designed, shall be included in the contracts as required or authorized by §§ 18–7.402 through 18–7.404, or §§ 18–7.203 through 18–7.205, respectively. Also, see instructions contained in Article Vb of the Schedule Format—NASA Form 551–2.

**§ 18–16.859–3 Fixed-price type letter contract.**

The following forms are prescribed for use in letter contracts contemplating fixed-price type definitive contracts:

(a) Cover Page—NASA Form 551;

(b) Letter of Transmittal—NASA Form 551–1;

(c) Schedule Format—NASA Form 551–2;

(d) General Provisions—NASA Form 551–3, except that Clause 5, "Termination," shall be deleted and the "Termination" clause set forth in § 18–8.701(b) shall be substituted therefor; and

(e) NASA Form 247, or Standard Form 32 and NASA Form 250, as appropriate, in accordance with the instructions contained in Article V of the Schedule Format—NASA Form 551–2. In addition, the prescribed clauses set forth in NASA Form 247, Standard Form 32, or NASA Form 250 shall be modified or deleted and additional clauses, applicable to the kinds of such contracts for which such forms were designed, shall be included in the contract as required or authorized by §§ 18–7.302 through 18–7.304, or §§ 18–7.102 through 18–7.108, respectively. Also, see instructions contained in Article Vb of the Schedule Format.

**§ 18–16.859–4 Letter contract forms.**

(a) *Format cover page for letter contracts (NASA Form 551, April 1962).*

Contract No. ----------

LETTER CONTRACT

BETWEEN

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

AND

---

(Contractor)

Contract for:
Installation:
Office to Make Payment:
is designated as the office to make payments, if any, in accordance with this contract.
The sums to be expended by the Government hereunder are chargeable to the following appropriations, the available balances of which are sufficient to cover the same:
The office having overall administrative responsibility for this contract is:
Purchase Request No:
Negotiator:
Priority Rating ---------- is certified for national defense use under DMS Regulation No. 1
Program:
This instrument has been negotiated pursuant to 10 U.S.C. 2304(a)( )

(b) *Format letter of transmittal for letter contracts (NASA Form 551–1, April 1962).*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Date: ----------
*Letter Contract*
Contract No: ----

To:
Gentlemen:

1. This letter, when accepted by you, will constitute a Letter Contract bearing the contract number above indicated, whereby you, as Contractor, agree to furnish to the Government the supplies or services set forth in the attached Contract Schedule in accordance with the terms, conditions, and administrative provisions set forth in the Schedule and in the current edition of the NASA Forms identified in the Enclosures listed below, and such NASA Forms, if any, as are referenced therein, all of which are attached hereto and made a part hereof. This letter, Schedule, and the Forms are submitted to you in quadruplicate.

2. If you agree to the terms set forth in the attached Schedule and in the NASA Forms listed in the Enclosures, please indicate your acceptance by signing the original and two copies of this Letter in the place provided in the lower left corner and return the executed copies to the Contracting Officer who signed this letter on behalf of the United States.

3. It is understood by your acceptance hereof that you will undertake, without delay, to enter into negotiations with the National Aeronautics and Space Administration looking to the execution of a definitive contract and to furnish all cost and price information requested by the Contracting Officer. The form and provisions of the definitive contract which the National Aeronautics and Space Administration intends to use as the basis for negotiation are set forth in the Schedule.

3 Enclosures
1. Schedule—NASA Form 551–2
2. NASA Form 551–3
3. NASA Form ------

THE UNITED STATES OF AMERICA
By----------

---

(Contracting Officer)

(c) *Schedule format for letter contracts (NASA Form 551–2, September 1962).*

SCHEDULE FORMAT

Article I—*Statement of work:*

a. (Include a complete description of the supplies to be furnished or work to be done in the same detail as in a definitive contract.)

b. (Include all pertinent specifications or references thereto in the same detail as in a definitive contract.)

Article II—*Delivery or performance schedule:* (Self-explanatory, but state, by item, whether delivery will be f.o.b. origin or transportation prepaid to destination. If f.o.b. origin, include statement "for shipment ----------" on G.B.L.)

Article III—*Consideration and payment:*

a. The maximum amount for which the Government will be liable if this Letter Contract is terminated is $---------.

b. Contractor's invoices or vendor's shipping documents used as invoices shall be made out to the Office designated to make payment marked, "Attention: Fiscal Officer," and delivered to the Contracting Officer. Payment will be made as provided in the Payment clause of NASA Form 551–3, except as otherwise stated below:

c. (Set forth any prices or rates of payment which the Government and Contractor may have agreed to or which the Government is offering to pay for supplies to be delivered or services to be performed under this Letter Contract or for identified portions of such work or services.)

Article IV—*Inspection and acceptance:* (Name the place where inspection is to be made and specify details concerning inspection and acceptance in the same detail as in a definitive contract.)

Article V—*Clauses incorporated:*

a. There are incorporated by reference in this Letter Contract all the clauses contained in NASA Form -------- (--------) except for the following clauses, which are to be deleted for the purpose of this Letter Contract:

(i) (Where a fixed-price R & D contract is contemplated, insert NASA Form 247 and date of the current form in the blank above, and list as the clauses to be deleted "Payments" and "Termination for convenience of the Government."

(ii) (Where a fixed-price supply contract is contemplated, the reference in the blank above should be to Standard Form 32 and NASA Form 250 and dates to the current forms, and list as the clauses to be deleted "Payments" and "Termination for Convenience of the Government"; or

(iii) Where a cost-remburement type contract is contemplated, insert NASA Form 417 or 418 and the date of the current form, as appropriate, in the blank above, and list as the clauses to be deleted "Limitation of Cost," "Allowable Cost, Fixed-Fee, and Payment," "Termination," and "Limitation on Withholding of Payments.")

b. (Identify and reference any other clause appropriate to the contract and attach such clause to the Schedule.)

Article VI—*Definitive contract:*

a. The definitive contract will be negotiated and executed on or before ----------, unless such date is extended in writing by the Contracting Officer.

b. It is contemplated that the definitive contract will be negotiated on the basis of NASA Form -------- (--------) and such additional clauses as are appropriate to the subject matter of this contract. However, the parties are not hereby committed to the negotiation of this type of contract.

(d) *General provisions for letter contracts (NASA Form 551–3, 1963).*

GENERAL PROVISIONS FOR LETTER CONTRACTS

INDEX OF CLAUSES

1. Direction to proceed.
2. Contract clauses incorporated.
3. Authority to obligate funds.
4. Payments.
5. Termination.

1. *Directions to proceed:* Except as otherwise expressly provided to the contrary in this Letter Contract, the Contractor is directed, upon his acceptance to this Letter Contract, to proceed immediately to procure the necessary materials, and to commence the manufacture of the supplies or performance of the services called for herein, and to pursue such work with all diligence to the end that the supplies or services called for under Article I of the Schedule will be delivered or performed in accordance with Article II of the Schedule and all other terms of this Letter Contract.

2. *Contract clauses incorporated:* The contract clauses set forth in the NASA Contract form identified in the Schedule, subject to the alterations in such form shown in the Schedule, and including any other clauses referenced in the Schedule as applicable to this Letter Contract and attached to the Schedule, are hereby incorporated into this Letter Contract and made a part hereof.

3. *Authority to obligate funds:* The maximum amount for which the Government shall be liable if this contract is terminated is specified in the Schedule, and any expenditure or obligation by the Contractor in excess of that amount, in furtherance of performance hereunder, shall be at the Contractor's own risk.

4. *Payments:*

(a) If this Letter Contract is on a fixed-price basis, and is governed generally by the provisions of a fixed-price contract form (SF–32 and NASA Form 250, or NASA Form 247), the Government will pay to the Contractor, not to exceed the maximum amount specified in Article IIIa of the Schedule, upon the submission of proper invoices or vouchers, the prices, if any, specified in Article III of the Schedule for supplies delivered and accepted or services rendered and accepted, less deductions, if any, provided for in this Letter Contract. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government.

(b) If this Letter Contract is on a cost-reimbursement basis and is governed generally by the provisions of a cost-reimbursement type contract form (NASA Form 417 or 418) referenced in the Schedule, the Government will pay to the Contractor, not to exceed the maximum amount specified in Article IIIa of the Schedule, upon the submission of proper invoices or vouchers, his costs for the performance of this contract determined by the Contracting Officer to be allowable in accordance with (i) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this Letter Contract, and (ii) any special provisions concerning allowable costs or payment set forth in the Schedule.

(c) Nothing shall be paid under this Letter Contract to the Contractor for profit or fee, except as provided in the Termination clause of this Letter Contract.

5. *Termination:*

(a) In case a definitive contract is not executed by the date specified in Article VI of the Schedule, because of the inability of the parties to agree upon a definitive contract, this Letter Contract may be terminated in its entirety by either party by delivering to the other party a notice in writing specifying the effective date of termination, which date shall not be earlier than thirty (30) days after receipt of such notice.

(b) The performance of work under this Letter Contract also may be terminated by the Government in accordance with this clause in whole, or from time to time in part:

(i) whenever the Contractor shall default in performance of this Letter Contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of ten days (or such longer period as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

(ii) whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government.

Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under this Letter Contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this Letter Contract for default under (i) above, it is determined for any reason that the Contractor was not in default pursuant to (i) above, or that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this Letter Contract relating to excusable delays, the Notice of Termination shall be considered to have been issued under (ii) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(c) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) stop work under this Letter Contract on the date and to the extent specified in the Notice of Termination;

(ii) place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under this Letter Contract as is not terminated;

(iii) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable in whole or in part, in accordance with the provisions of this Letter Contract;

(vi) transfer title (to the extent that title has not already been transferred) and, in the manner, to the extent, and at the times directed by the Contracting Officer, deliver to the Government (A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination, (B) the completed or partially completed plans, drawings, information, and other property which, if this Letter Contract had been completed, would be required to be furnished to the Government, and (C) the jigs, dies, and fixtures, and other special tools, and tooling acquired or manufactured for the performance of this Letter Contract, for the cost of which the Contractor has been or will be reimbursed under this Letter Contract;

(vii) use his best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however,* That the Contractor (A) shall not be required to extend credit to any purchaser, and (B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer; and *Provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this Letter Contract or shall otherwise be credited to the price or cost of the work covered by this Letter Contract or paid in such other manner as the Contracting Officer may direct;

(viii) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) take such action as may be necessary or as the Contracting Officer may direct, for the protection and preservation of the property related to this Letter Contract which is in the possession of the Contractor in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining the amount of any items of reimbursable cost, under this clause. At any time after expiration of the plant clearance period, as defined in Part 8 of the NASA Procurement Regulation as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept such items and remove them or enter into a storage agreement covering the same, *provided* that the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(d) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly, but in no event later than one (1) year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one (1) year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one (1) year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by NASA regulations in effect on the date of the execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination, and shall thereupon pay to the Contractor the amount so determined.

(e) Subject to the provisions of paragraph (d) hereof, and subject to any Settlement Review Board approvals required by NASA regulations in effect as of the date of execution of this Letter Contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. In the event of any termination pursuant to paragraph (a) or (b)(i) hereof, such amount or amounts shall not include any allowance for fee. In the event of any termination pursuant to paragraph (b)(ii) hereof, such amount or amounts may include a reasonable allowance for fee, but only on work actually done in connection with the terminated portion of this Letter Contract. Any such amount shall not exceed the maximum amount specified in Article IIIa of the Schedule. Any such agreement shall be embodied in an amendment to this Letter Contract and the Contractor shall be paid the agreed amount.

(f) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (e) above, as to the amount or amounts to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by NASA regulations in effect as of the date of execution of this Letter Contract, determine, on the basis of information available to him, and in accordance with the applicable cost principles of the NASA Procurement Regulation as in effect on the date of this Letter Contract, the amount, if any, due to the Contractor by reason of the termination and shall pay such amount to the Contractor. In the event of the termination of this Letter Contract pursuant to paragraph (a) or (b)(i) hereof, no allowance for fee shall be included in the amount to be paid the Contractor.

(g) The Contractor shall have the right of appeal, under the clause of this Letter Contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (d) or (f) above (including any disputes as to whether termination has in fact taken place pursuant to paragraph (a) or (b)(i) hereof), except that if the Contractor has failed to submit a claim within the time provided in paragraph (d) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (d) or (f) above, the Government shall pay to the Contractor the following:

(i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or

(ii) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted:

(i) all unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this Letter Contract;

(ii) any claim which the Government may have against the Contractor in connection with this Letter Contract; and

(iii) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this Letter Contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

### § 18–16.860 Processing payments under cost-reimbursement contracts.

The following forms are authorized for processing payment under cost-reimbursement type contracts in accordance with Subpart 18–51.4.

(a) NASA Form 456, Notice of Costs Suspended and/or Disapproved;

(b) NASA Form 456–1, Notice of Costs Suspended and/or Disapproved Continuation Sheet;

(c) DD Form 396, Notice of Costs Suspended and/or Disapproved;

(d) Standard Form 1034, Public Voucher for Purchases and Services Other than Personal;

(e) Standard Form 1034A, Public Voucher for Purchases and Services Other than Personal—Memorandum Copy;

(f) Standard Form 1035, Public Voucher for Purchases and Services Other than Personal Continuation Sheet; and

(g) Standard Form 1035A, Public Voucher for Purchases and Services Other than Personal Continuation Sheet—Memorandum.

### § 18–16.861 Withholdings under Davis-Bacon Act (S.F. 1093).

Standard Form 1093, Schedule of Withholdings Under the Davis-Bacon Act, shall be used in accordance with § 18–12.404–9.

### § 18–16.862 Unitary Plan Wind Tunnel Facilities (NASA Form 362).

NASA Form 362, Agreement for Use of NASA Unitary Plan Wind Tunnel Facilities, shall be used in connection with the use of the NASA unitary plan wind tunnel facilities for company projects. The form shall be executed by authorized representatives of NASA and the company on all company projects, as defined in NASA Management Instruction 7–8–1. The symbol "NAS (UP)" shall be placed on each agreement, followed by the numerical designation of the field installation, and consecutive numbers assigned (for example, "NAS (UP)–1"). Billings shall be rendered by and payments made to the NASA laboratory concerned in accordance with applicable fiscal regulations.

## Subpart 18–16.9—Procurement Action and Status Reports

### § 18–16.900 Scope of subpart.

This Subpart 18–16.9 describes procurement action and status reports required by NASA Headquarters from all NASA procurement offices.

### § 18–16.901 Purpose.

The reports prescribed herein are designed to provide records and statistics necessary for procurement management purposes and to serve as a basis for required recurring and special reports to the President, the Congress, the General Accounting Office, the Small Business Administration, and other Federal agencies.

### § 18–16.902 Applicability.

Individual Procurement Action Reports (NASA Form 507) and Procurement Status Reports (NASA Form 561) shall be prepared by all offices at Headquarters and NASA field installations charged with the responsibility for making and administering purchases and contracts.

### § 18–16.903 Definition.

(a) "Procurement actions" means contractual actions to obtain supplies, services, or construction which obligate or de-obligate funds, including:

(1) Preliminary contractual instruments, e.g., letter contracts;

(2) Definitive contracts (including notices of award);

(3) Purchase orders;

(4) Job orders;

(5) Task orders;

(6) Delivery orders; and

(7) Any other orders against existing contracts, including debit and credit actions that modify a contract, such as amendments, change orders, supplemental agreements, cancellations, and terminations.

The term does not include contracts which do not obligate a firm total dollar amount or do not name a fixed quantity, such as indefinite delivery type contracts. However, orders against such contracts shall be reported as procurement actions.

(b) "Proposed procurements" means purchase requests received by NASA procurement offices to issue orders and enter into contracts.

(c) "Procurement status" means any of the 11 steps involved in the processing of a proposed procurement as set forth for columns G through Q of § 18–16.904–2(c)(2).

**§ 18–16.904 Reports required.**

**§ 18–16.904–1 Individual procurement action report (NASA Form 507).**

Pending the formal issuance of instructions in this Chapter, Individual Procurement Action Reports (NASA Form 507 (6–63)) shall be prepared and submitted in accordance with the instructions contained in the letter from NASA Headquarters addressed to procurement officers, dated June 20, 1963; subject, "Revised Individual Procurement Action Report (NASA Form 507)."

**§ 18–16.904–2 NASA Procurement Status Report (NASA Form 561).**

(a) *Preparation.* NASA Form 561 (or work sheets, see paragraph (b) of this section) shall be prepared monthly showing the procurement status of all proposed procurements which may result in purchase orders or contracts of $500,000 or more by all procurement offices at NASA Headquarters and NASA field installations. The report shall include proposed procurements of $500,000 or more which represent proposed modifications of existing contracts or purchase orders and shall be prepared in accordance with paragraph (c) of this section.

(b) *Submission.* (1) NASA Form 561 may be used for submitting the report required in paragraph (c) of this section. However, copies of work sheets maintained by the procurement offices may be submitted in lieu of NASA Form 561 provided that all of the data required by paragraph (c) of this section is included on the work sheets or on attachments thereto.

(2) Two copies of the report shall be submitted to the Office of Procurement (Code KDS) in time to arrive by the tenth of the month following the month for which the report is being made. A negative report shall be submitted where a procurement office has no action to report for a given month.

(3) Classified information required by a report shall be transmitted under separate cover in accordance with NASA Management Instruction 24–1–1.

(c) *Instructions for preparation of NASA procurement status report (NASA Form 561).*—(1) *General.* (i) NASA Form 561 (or installation work sheets) shall be used by NASA procurement offices for each monthly procurement status report. Each report shall list (1) all previously reported proposed procurements on which procurement action had not been reported as completed in the previous month's report, and (2) all new proposed procurements of $500,000 or more received during the month, whether or not procurement actions on such new procurements had been completed by the end of the month.

(ii) NASA Form 561 (paragraph (d) of this section) has been developed so that retyping of the data listed on previous reports is not required; i.e., copies of the previous report may be submitted and proposed procurements on which action had been reported as completed in the previous report may be lined out and new proposed procurements may be added.

(iii) The individual line items on the report shall be listed in the order most convenient to the respective procurement offices.

(iv) "Proposed procurements" means purchase requests received by NASA procurement offices to issue orders and enter into contracts.

(v) "Procurement status" means any of the 11 steps involved in the processing of a proposed procurement as set forth for columns G through Q of subparagraph (2).

(vi) NASA Form 561 (or installation work sheets) shall be submitted to NASA Headquarters in accordance with § 18–16.904–2(b).

(2) *Detailed Instructions.*

| Column | Caption | Explanation of Entries |
|---|---|---|
| A | Purchase Request No. | Enter the number of the purchase request identifying the proposed procurement. Procurement offices utilizing requisition numbers to identify proposed procurements may enter such numbers in lieu of the purchase request numbers. |
| B | Existing Contract No./Modification No. | If the proposed procurement represents a modification of an existing contract or purchase order, enter the number of the contract or purchase order in the top block and the number of the modification in the block below. |
| C | Program/Project | Enter the number(s) of the program(s) and project(s) from which the proposed procurement is to be funded. These numbers will be obtained from the NASA agency-wide coding structure (Financial Management Manual Vol. 4). If the proposed procurement is to be funded from more than one program or project, list all applicable numbers, using additional lines as necessary. |
| D | Description | Enter a brief description of the proposed procurement. |
| E | Cost/Committed | If the proposed procurement involves incremental funding, enter the estimated total cost of the contract in the top block. Enter the commitments and the last 2 digits of the fiscal year in which the committed funds were appropriated in the second block.<br>If the proposed procurement is to be funded from more than one program or project, enter the commitments against each program or project. |
| F | Advertised or negotiated | If the proposed procurement is to be formally advertised, enter the letter "A"; if it is to be negotiated, enter the letter "N." |
| G–Q | | Columns G through Q pertain to steps in the procurement process. In each column enter the month and day, in numerals, when the designated step was accomplished.<br>If the last action had been accomplished more than a year prior to the date of the report, enter also the last 2 digits of the calendar year.<br>Cross out steps not applicable to a specific proposed procurement.<br>Use footnotes to modify columnar designations, where required.<br>In some instances, completion of procurement action may be delayed by reasons not within the control of procurement personnel. When applicable, use the following code designations and enter the applicable letter in the column immediately following the last step accomplished.<br>P—Awaiting action by program offices.<br>F—Awaiting funding action.<br>C—Awaiting contractor action.<br>When, in the judgment of the respective procurement office, a procurement action is requiring more than a normal period of processing time for reasons other than those stated above, provide an explanation on attached sheets. |
| G | Received from technical programs offices. | Enter the date only if the purchase request was received by the procurement office prior to the date necessary funds had been committed. |
| H | Received from fiscal office | Enter the date the purchase request was received by the procurement office with necessary funds committed. |
| I | D&F or procurement plan approved. | If both actions are to be taken with respect to a specific proposed procurement, enter only the date the last required action was accomplished. |
| J | IFB or RFP issued | Self-explanatory. (For modifications, use this column to indicate date quotation was requested. For actions placed with or through other Government agencies, use this column to indicate date purchase request or order was forwarded to the Government agency.) |
| K | Bid or proposal opened—scheduled/actual. | Enter the scheduled date in the top block. Enter the actual date in the block below. (For modifications, enter in the lower block the date the quotation was received.) |
| L | Contractor Selected | Enter the date. Also enter the name and address (city and State only) of the contractor in column(s). |
| M | Letter Contract Issued | Self-explanatory. |
| N | Notice of Award Issued | Self-explanatory. |
| O | Definitive Contract Mailed to Contractor for Signature. | Self-explanatory. |
| P | Approved by Headquarters | Enter the date when approval is required. |
| Q | Signed Copies Distributed | Self-explanatory. (For actions placed with or through other Government agencies, use this column to indicate date acceptance was received.) |
| R | New Contract No./Amount Obligated. | Enter in the top block the number of the contract or purchase order. Enter in the block below the amount obligated. If the contract or purchase order is funded from more than one program or project (see column E), enter the obligations against each program or project. |
| S | Contractor | Enter the name and address (city and State) of the contractor. |

**§ 18–16.904–3 Geographic distribution of NASA subcontracts (NASA Form 667).**

In order to obtain information relating to the geographic distribution of subcontracts awarded under certain NASA contracts, the following clause will be inserted in all NASA contracts of $500,000 or more:

REPORT ON NASA SUBCONTRACTS (JANUARY 1964)

(a) The Contractor agrees to submit information on NASA Form 667 to the National Aeronautics and Space Administration (Code: KDS), Washington, D.C., substantially as follows with respect to each subcontract or modification thereof exceeding $10,000 as soon as possible after execution thereof:

(i) the name and address of the prime contractor and the NASA prime contract number;

(ii) the name and address of the subcontractor;

(iii) whether the subcontractor is a large or small business concern;

(iv) whether the type of effort being performed involves research and development;

(v) a brief description of the subcontract work;

(vi) the amount of the subcontract; and

(vii) the principal location where the subcontract work is to be performed, if known.

(b) The term "subcontract" as used herein means procurement in excess of $10,000 by the Contractor or first-tier subcontractor of articles, materials, or services entering into the performance of this contract, except purchases, regardless of amount, of stock items, materials, or services which cannot be specifically identified with this contract.

(c) The term "research and development" as used herein means basic and applied research, and design and development of prototypes and processes to (1) pursue a planned search for new knowledge, with or without reference to a specific application, (2) apply existing knowledge in the creation of new products or processes and (3) apply existing knowledge in the improvement or modification of present products and processes. It excludes subcontracts for the purchase of standard commercial items and services.

(d) The Contractor further agrees to insert the provisions of paragraphs (a), (b) and (c) of this Clause in each subcontract in excess of $50,000. The Contractor will instruct his subcontractors to submit their reports directly to the National Aeronautics and Space Administration (Code: KDS), Washington, D.C., and will provide his subcontractors with the number of the NASA prime contract.

## PART 18–17—EXTRAORDINARY CONTRACTUAL ADJUSTMENTS PROCEDURE

Sec.


18–17.000 Scope of part.
18–17.101 Authority.
18–17.102 General policy.
18–17.103 Standards for deciding cases.
18–17.103–1 General.
18–17.103–2 Amendments without consideration.
18–17.103–3 Mistakes.
18–17.103–4 Informal commitments.
18–17.104 Limitations upon deciding cases.
18–17.105 Procedures for filing requests.
18–17.105–1 Filing requests.
18–17.105–2 Form of requests.
18–17.105–3 Additional facts and evidence.
18–17.106 Processing contractor requests.
18–17.106–1 Investigation.
18–17.106–2 Submission of requests to the contract adjustment board.
18–17.106–3 Action by contract adjustment board.
18–17.107 Implementation of board's decision.
18–17.108 Contractual requirements.
18–17.109 Records and reports.
18–17.110 Interdepartmental coordination.


AUTHORITY: The provisions of this Part 18–17 issued under 42 U.S.C. 2473(b)(1).

**§ 18–17.000 Scope of part.**

This Part 18–17 establishes standards and procedures for the disposition of requests for extraordinary contractual adjustments by contractors of the National Aeronautics and Space Administration (hereinafter referred to as "NASA" or the "Administration") pursuant to the Act of August 28, 1958 (Public Law 85–804; 50 U.S.C. 1431–35) (hereinafter referred to as "the Act"), and Executive Order No. 10789 (CFR Comp. 1954–1958) (hereinafter referred to as "the Executive Order"). It does not extend to advance payments or the so-called "residual powers" under the Act.

**§ 18–17.101 Authority.**

(a) The Act empowers the President to authorize Departments and agencies exercising functions in connection with the national defense to enter into contracts or into amendments or modifications of contracts and to make advance payments, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense.

(b) The Executive Order authorizes the Administrator of NASA (hereinafter referred to as "the Administrator"), to exercise the authority conferred by the Act, and to prescribe regulations for the carrying out of such authority.

(c) NASA Management Instruction 2–4–4 establishes the Contract Adjustment Board (hereinafter referred to as "the Board") to consider and dispose of requests for extraordinary contractual adjustments by NASA contractors.

**§ 18–17.102 General policy.**

The authority conferred by the Act shall be utilized primarily as an aid to procurement but shall not be utilized so as to encourage carelessness and laxity on the part of contractors or NASA personnel, nor be relied upon by NASA where other adequate legal authority exists. The actions authorized under the Act shall be processed as expeditiously as practicable but with the care, restraint, and sound judgment appropriate to the exercise of such extraordinary authority.

**§ 18–17.103 Standards for deciding cases.**

**§ 18–17.103–1 General.**

The mere fact that losses occur under a Government contract is not, by itself, a sufficient basis for the exercise of the authority conferred by the Act. Whether, in a particular case, appropriate action (such as amendment without consideration, correction of a mistake or ambiguity in a contract, or formalization of an informal commitment) will facilitate the national defense is a matter of sound judgment to be made on the basis of all of the facts of the case. Although it is obviously impossible to predict or enumerate all types of cases with respect to which action may be appropriate, examples of cases or types of cases where action may be proper are set forth in §§ 18–17.103–2, 18–17.103–3, and 18–17.103–4. Even if all of the factors contained in any of the examples are present, other factors or considerations in a particular case may result in a denial of the request. These examples are not intended to exclude other cases where the

Board determines that the circumstances warrant action.

**§ 18–17.103–2 Amendments without consideration.**

(a) Where an actual or threatened loss under a Government contract, however caused, will impair the productive ability of a contractor whose continued operation as a source of supply is found to be essential to the national defense, the contract may be adjusted, but only to the extent necessary to avoid such impairment to the contractor's productive ability.

(b) Where a contractor suffers a loss (not merely a diminution of anticipated profits) on a Government contract as a result of Government action, the character of the Government action will generally determine whether any adjustment in the contract will be made and its extent. Where the Government action is directed primarily at the contractor and is taken by the Government in its capacity as the other contracting party, the contract may be adjusted if fairness so requires; thus, where such Government action, although not creating any liability on the part of the Government, increases the cost of performance, considerations of fairness may make some adjustment in the contract appropriate.

**§ 18–17.103–3 Mistakes.**

A contract may be amended or modified to correct or mitigate the effect of a mistake. Examples of cases where such action may be appropriate include the following:

(a) A mistake or ambiguity which consists of the failure to express or to express clearly in a written contract the agreement as both parties understood it;

(b) A mistake on the part of the contractor which is so obvious that it was or should have been apparent to the contracting officer; and

(c) A mutual mistake as to a material fact.

Amending contracts to correct mistakes with the least possible delay normally will facilitate the national defense by expediting the procurement program and by giving contractors proper assurance that such mistakes will be corrected expeditiously and fairly.

**§ 18–17.103–4 Informal commitments.**

Informal commitments may be formalized under certain circumstances to permit payment to persons who have taken action without a formal contract; for example, where any person, pursuant to written or oral instructions from an official of NASA and relying in good faith upon the apparent authority of the official to issue such instructions, has arranged to furnish or has furnished property or services to NASA or to a Government contractor or subcontractor without formal contractual coverage for such property or services. Formalization of commitments under such circumstances normally will facilitate the national defense by assuring such persons that they will be treated fairly and paid expeditiously.

**§ 18–17.104 Limitations upon deciding cases.**

(a) The Act is not authority for:

(1) The use of the cost-plus-a-percentage-of-cost system of contracting;

(2) The execution of any contract in violation of existing law relating to limitation of profit or fees;

(3) The negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(4) The waiver of any bid, payment, performance, or other bond required by law;

(5) The amendment of a contract negotiated under 10 U.S.C. 2304(a)(15) to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(6) The formalization of an informal commitment, unless it is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

(b) No contract, amendment, or modification shall be entered into under the authority of the Act:

(1) Unless a finding is made that the action will facilitate the national defense;

(2) Unless other legal authority in the Administration is deemed to be lacking or inadequate;

(3) Unless the request therefor has been filed before all obligations have been discharged and final payment made; and

(4) Except within the limits of the amounts appropriated and the statutory contract authorization.

**§ 18–17.105 Procedures for filing requests.**

**§ 18–17.105–1 Filing requests.**

Any person or company seeking an adjustment under the standards set forth in § 18–17.103 (hereinafter called the "contractor") may file a request in duplicate with the cognizant contracting officer or his duly authorized representative. If such filing is impracticable, requests will be deemed to be properly filed if filed with the Board or the Administrator for forwarding to the cognizant contracting officer.

**§ 18–17.105–2 Form of requests.**

The contractor's request shall normally consist of a statement, dated and signed by the contractor, containing as a minimum the following information:

(a) A chronological narrative of the essential facts, showing in detail the chain of events leading up to the request;

(b) The contractor's conclusions based on such facts, showing in terms of the standards set forth in § 18–17.103 and the limitations set forth in § 18–17.104 why the contractor considers himself entitled to the adjustment requested;

(c) The precise adjustment requested, showing how it was formulated or computed and the consequences of granting or denying the request, including whether any proceeds from the request, if granted, will be subject to any assignment or other transfer, and to whom;

(d) If a written contract is involved, a statement of the contractor's understanding of why the subject matter of the request cannot now and could not at the time it arose be disposed of under the terms of the contract itself;

(e) If a written contract is involved, a complete copy of or a brief description of the contract, indicating the dates of execution and amendments thereto, the items being procured, the price or prices, the delivery schedule or revisions thereof, and such other special contractual provisions as may be relevant to the request;

(f) If a written contract is involved, whether all obligations, including final payment under the contract have been discharged; and

(g) Whether the contractor has sought the same, or a similar or related, adjustment from the General Accounting Office or any other agency of the Government, or anticipates doing so.

**§ 18–17.105–3 Additional facts and evidence.**

(a) *General.* The cognizant contracting officer or the Contract Adjustment Board may, where considered pertinent, request the contractor to furnish additional facts and evidence in support of his request, of the nature set forth in this paragraph. In complying with such requests, the contractor may also submit other statements and evidence which he may consider helpful to his case:

(1) The best evidence available to the contractor in support of any facts alleged by the contractor, including contemporaneous memoranda, correspondence, affidavits, and any other material tending to establish matters of fact;

(2) A history of performance indicating when work under the contracts or commitments was begun, the progress made to the present, and exact statement of the contractor's remaining obligations, and the contractor's expectations regarding completion thereof;

(3) A statement of payments received, payments due, and payments yet to be received or to become due, including advance and progress payments and amounts withheld by the Government, and formation as to other obligations of the Government, if any, which are yet to be performed under the contract;

(4) A statement giving a detailed analysis of the monetary elements of the request, including precisely how the actual or estimated dollar amount of the request was arrived at, the effect of approval or denial on the contractor's profits before Federal income taxes, and whether the costs for which reimbursement is requested have been included as a part of his gross costs in statutory renegotiation proceedings, together with the contractor's renegotiation status for the relevant years;

(5) Relevant financial statements, cost analyses, or other such data, preferably certified by a certified public accountant, including such additional financial data as is necessary to explain fully and to support the monetary elements of the request for adjustment;

(6) A list of persons (in the employ of the Government, in the employ of the contractor, or otherwise connected with the contract) who have some factual knowledge of the subject matter, including, where possible, the name, office or title, address, and telephone number of each such person;

(7) A statement and evidence of steps taken to mitigate loss and reduce claims to a minimum; and

(8) Such other statements or evidence as may be requested.

(b) *Amendments without consideration under § 18–17.103–2(a).* In addition to the facts and evidence enumerated in paragraph (a) of this section, where a request involves possible amendment without consideration, and "essentiality" is a factor, the contractor may be asked to furnish:

(1) A statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances and profit;

(2) A statement and evidence of the contractor's present estimate of total costs under the contracts involved if enabled to complete, broken down between costs accrued to date of request and run-out costs, and between costs for which the contractor has made payment and those for which he is indebted at the time of the request;

(3) A statement and evidence of the contractor's estimate of the final price of the contracts involved, giving effect to all escalation, changes, extras, and the like, known or contemplated by the contractor;

(4) A statement of any claims known or contemplated by the contractor against the Government involving the contracts in question, other than those stated in response to subparagraph (3) of this paragraph;

(5) An estimate of the contractor's total profit or loss under the contracts involved if enabled to complete at the final contract price (see subparagraph (3) of this paragraph) broken down between profit or loss to date and run-out profit or loss;

(6) An estimate of the total profits from other Government business and all other sources during the period from the date of the first contract involved to the estimated date of completion of all the contracts involved;

(7) A statement of the amount of any tax refunds and an estimate of those anticipated during or for the period from the date of the first contract involved through the estimated completion date of all the contracts involved;

(8) A statement in detail as to efforts the contractor has made to obtain funds from commercial sources to enable him to complete performance of the contracts involved;

(9) A statement of the minimum amount necessary as an amendment without consideration to enable the contractor to complete performance of the contracts involved, and the detailed basis for that amount;

(10) An estimate of the time required to complete each contract if the request is granted;

(11) A statement of the factors which have caused the loss under the contracts involved;

(12) A statement as to the course of events anticipated if the request is denied;

(13) Balance sheets, preferably certified by a certified public accountant, as of the end of the contractor's fiscal year first preceding the date of the first contract, as of the end of each subsequent fiscal year, as of the date of the request, and projected as of the date of completion of all the contracts involved, assuming the contractor is enabled to complete the contracts at the final prices estimated pursuant to subparagraph (3) of this paragraph, together with income statements for annual periods subsequent to the date of the first balance sheet. Balance sheets and income statements should be both consolidated, and by affiliates, and should show all transactions between the contractor and his affiliates, stockholders, and partners including loans to the contractor guaranteed by any stockholder or partner; and

(14) A list of all salaries, bonuses, and all other forms of compensation of the principal officers or partners and of all dividends and other withdrawals, and all payments to stockholders in any form since the date of the first contract involved.

(c) *Amendments without consideration under § 18–17.103–2(b).* In addition to the facts and evidence enumerated in paragraph (a) of this section, where a request involves possible amendment without consideration because of Government action, and "essentiality" is not a factor, the contractor may be asked to furnish:

(1) A detailed statement of the precise Government action which the contractor considers caused a loss under the contract, with evidence to support each essential fact;

(2) A statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances and profit;

(3) The estimated total loss suffered under the contract, with detailed supporting analysis; and

(4) The estimated loss resulting from the Government action, with detailed supporting analysis.

(d) *Correction of mistakes under § 18–17.103–3.* In addition to the facts and evidence enumerated in paragraph (a) of this section, where a request involves possible correction of a mistake, the contractor may be asked to furnish:

(1) A statement and evidence of the precise mistake or error that was made, the ambiguity that exists, or the misunderstanding that arose, showing of what it consisted and how it occurred, and the intention of the parties;

(2) A statement explaining when the mistake was discovered, when notice of mistake was given to the contracting officer, and whether given before completion of work under, or the effective date of termination of, the contract;

(3) An estimate of loss or profit under the contract with detailed supporting analysis; and

(4) An estimate of the increase in cost to the Government resulting from the adjustment requested, with detailed supporting analysis.

(e) *Formalization of informal commitments under § 18–17.103–4.* In addition to the facts and evidence enumerated in paragraph (a) of this section, where a request involves possible formalization of an informal commitment, the contractor may be asked to furnish:

(1) Copies of any written instructions or assurances, or a statement under oath of any oral instructions or assurances made to the contractor, with identification of the Government officer or official making such statement;

(2) A statement as to when the property or services were furnished or arranged to be furnished, and to whom;

(3) Evidence that the contractor relied upon the instructions or assurances, with a full description of the circumstances which led him so to rely, and that the contractor intended, at the time of performing the work, to be compensated directly for it by the Government and did not anticipate recovery of the costs in some other way;

(4) A cost breakdown supporting the amount claimed as a fair compensation for the work performed; and

(5) A statement and evidence of why it was impracticable to provide for the work performed in an appropriate contractual instrument.

**§ 18–17.106 Processing contractor requests.**

**§ 18–17.106–1 Investigation.**

Upon receipt of a contractor's request for an extraordinary contractual adjustment, the cognizant contracting officer shall be responsible for making a thorough investigation of all facts and issues relevant to the request. Facts and evidence shall be obtained from contractor and Government personnel, including signed statements of material facts within the knowledge of individuals where documentary evidence is lacking, and audits where considered necessary to establish financial or cost facts. The investigation shall establish the facts essential to meeting the standards required for a decision on the request.

**§ 18–17.106–2 Submission of request to the Contract Adjustment Board.**

(a) *Statements and information to board.* (1) After completing the investigation of the facts and issues relevant to the contractor's request, the cognizant contracting officer shall forward the request to the Chairman, Contract Adjustment Board, NASA Headquarters, and shall state the following in his forwarding letter:

(i) The nature of the case; and

(ii) The disposition recommended for the request, and, if contractual action is recommended, the opinion of the contracting officer that such action will facilitate the national defense.

(2) The forwarding letter shall enclose the contractor's request, and all

material submitted by the contractor in support of such request, together with such additional material as the contracting officer has obtained from Government sources or personnel in the course of his investigation of the facts and issues relevant to the request. The contracting officer's forwarding letter and all enclosures shall be submitted in duplicate. Any classified information included in the material forwarded shall be identified as such.

(b) *Amendments without consideration under § 18-17.103-2(a).* Where an amendment without consideration under the standards of § 18-17.103-2(a) is recommended by the cognizant contracting officer, the forwarding letter shall include, in addition to the statements and information described in paragraph (a) (1) and (2) of this section, a statement of the contracting officer's findings as to:

(1) The contractor's performance record, including the quality of product, rate of production, and promptness of deliveries;

(2) The importance to the Government of the performance of the contract by the contractor and the importance of the contractor to the national defense;

(4) The forecast of future contracts with the contractor; and

(5) Other available sources of supply for the supplies or services covered by the contract, and the time and cost of having contract performance completed by such other sources.

(c) Formalization of informal commitments under § 18-17.103-4. Where the formalization of an informal commitment under the standards of § 18-17.103-4 is recommended by the cognizant contracting officer, the forwarding letter shall include, in addition to the statements and information described in paragraph (a) (1) and (2) of this section, a statement that the contracting officer has determined that at the time the informal commitment was made, it was impracticable to use normal procurement procedures.

**§ 18-17.106-3 Action by Contract Adjustment Board.**

(a) *Investigation.* Upon receipt of a request which is forwarded by the cognizant contracting officer, the Board, acting through its Counsel, may make such further investigation of the facts and issues involved in the request, and obtain such additional facts and evidence relating to the request, either from the contractor or the contracting officer, or others, as is necessary to make a determination as to the contractor's entitlement to the relief requested, or to other equitable relief.

(b) *Decision.* The Board, acting in accordance with its own procedures, will render its decision on a request as expeditiously as practicable. A Memorandum of Decision disposing of the case shall be prepared for the signature of the Chairman of the Board, and shall be dated and contain the following information:

(1) The name and address of the contractor, the contract identification, and the nature of the request;

(2) The decision reached and the actual cost or estimated potential cost, if any, of the decision;

(3) A concise description of the property or services involved;

(4) A statement of the circumstances justifying the decision; and

(5) If some adjustment action is approved, a statement in substantially the following form: "The Board finds that the action authorized herein will facilitate the national defense."

(c) The Memorandum of Decision shall omit any of the foregoing information classified "Confidential" or higher.

**§ 18-17.107 Implementation of Board's decision.**

(a) Copies of the Board's decision will be transmitted to the cognizant contracting officer, who will take such action as is authorized by the decision. Where the Board's decision is to reject the contractor's request for relief, the cognizant contracting officer will advise the contractor of such decision.

(b) Except as provided in paragraph (c) of this section, immediately upon execution of a contract or contract amendment which implements the decision of the Board, the contracting officer shall forward two copies of the contractual document to the Chairman, Contract Adjustment Board, marked for the attention of the Counsel to the Board, for retention with the Board's permanent files.

(c) Contracts or contract amendments for which approval of NASA Headquarters is otherwise required under the provisions of this chapter shall be forwarded for approval as provided in this chapter. After approval has been received, the provisions of paragraph (b) of this section will be complied with.

**§ 18-17.108 Contractual requirements.**

Every contract entered into or amended or modified pursuant to this Part 18-17 shall contain:

(a) A citation of the Act and Executive Order;

(b) A brief statement of the circumstances justifying the action;

(c) A recital of the finding that the action will facilitate the national defense;

(d) The contract clause entitled "Covenant Against Contingent Fees" (see § 18-7.103);

(e) The contract clause entitled "Examination of Records" (see § 18-7.104-15);

(f) The contract clause entitled "Nondiscrimination in Employment" (see § 18-12.802);

(g) The contract clause entitled "Assignment of Claims" (see § 18-7.103-8);

(h) If otherwise applicable, the contract clauses entitled "Walsh-Healey Public Contracts Act" (41 U.S.C. 35), "Davis-Bacon Act" (40 U.S.C. 276a), "Copeland ('Anti-Kickback') Act—Nonrebate of Wages" (18 U.S.C. 874), and "Work Hours Act of 1962—Overtime Compensation" (76 Stat. 357) (see §§ 18-12.403 and 18-12.604); and

(i) Any other clauses which are appropriate to the particular procurement.

**§ 18-17.109 Records and reports.**

(a) The following documents shall be maintained in the permanent files of the Board:

(1) The original copy of the Memorandum of Decision; and

(2) Copies of the contractual document implementing the Board's decision.

(b) The Board shall prepare reports for submission to Congress in accordance with the Act.

**§ 18-17.110 Interdepartmental coordination.**

(a) *General.* Where a case involves matters of interest to more than one Department or agency, the Board may take such joint action as may be proper under the circumstances, including holding joint meetings or hearings. Liaison with the Military Departments and other Departments and agencies of the Government in connection with all such cases shall be the responsibility of the Board.

(b) *Amendments under § 18-17.103-2(a).* Requests for amendments without consideration under § 18-17.103-2(a) where "essentiality" is an issue involving another Department or agency shall not be finally determined by NASA until advice on the "essentiality" issue is requested and received from such other Department or agency. When such advice is received, the responsibility for taking the appropriate action, if any, shall be with NASA.

(c) *Funds of other departments or agencies.* Requests for adjustment within any category, where the funds of other than NASA may be required, shall not be approved by NASA until advice is requested and received from the other department or agency involved that additional funds will be made available. The request for such advice shall disclose the following data:

(1) Contractor's name;

(2) Contract number;

(3) Amount of proposed relief;

(4) Brief description of the procurement; and

(5) Account classification—fund citation.



## PART 18-50—ADMINISTRATIVE POLICIES AND PROCEDURES

**Subpart 18-50.1—Administrative Requirements for Advance Information and for Obtaining Approval of Contracts and Modifications**

Sec.


18-50.100 Scope of subpart.
18-50.101 Contract review function.
18-50.102 General authority of contracting officers.
18-50.103 Prerequisites for contracting.
18-50.104 Advance information.
18-50.104-1 Procurements in excess of $10,000.
18-50.104-2 Information for consideration of labor surplus area concerns.
18-50.105 Approval of contracts and modifications.
18-50.106 Information to be furnished when requesting approval of contracts and modifications.


**Subpart 18-50.3—Numbering and Distribution of Contracts and Grants**


18-50.300 Scope of subpart.
18-50.301 Applicability.
18-50.302 Contracts and modifications.
18-50.302-1 Contracts requiring numbering.
18-50.302-2 Assignment of numbers.
18-50.302-3 Symbol identification.
18-50.302-4 Serial numbers.
18-50.302-5 Modifications.
18-50.303 Purchase orders and requests.
18-50.303-1 General.
18-50.303-2 Symbol identification.
18-50.303-3 Serial numbers.
18-50.304 Grants and supplements.
18-50.304-1 Grants.
18-50.304-2 Supplements.
18-50.305 Distribution of contracts, grants, and purchase orders.
18-50.306 Retention of documents for onsite audit.


AUTHORITY: The provisions of this Part 18-50 issued under 42 U.S.C. 2473(b)(1).

### Subpart 18-50.1—Administrative Requirements for Advance Information and for Obtaining Approval of Contracts and Modifications

**§ 18-50.100 Scope of subpart.**

This Subpart 18-50.1 sets forth administrative requirements for furnishing advance contract information to NASA Headquarters and to specified field installations of certain proposed procurements expected to exceed $10,000; and for obtaining the approval of NASA Headquarters, prior to award, of specified categories of contracts and modifications. This subpart further prescribes information to be furnished by contracting officers in submitting contracts and modifications that require NASA Headquarters approval. The requirements of this subpart are in addition to other approval and review requirements, such as those with respect to approval of procurement plans (see § 18-3.852) and those made in connection with source evaluation procedures (see § 18-3.856).

**§ 18-50.101 Contract review function.**

The primary purpose of contract review and approval by NASA Headquarters of certain categories of contractual actions is to provide an independent review and analysis for the purpose of determining whether the procurements:

(a) Were competently negotiated;

(b) Are based on adequate information;

(c) Are in conformance with law, established policies and procedures, and sound business practices; and

(d) Will result in contracts that adequately protect the interest of the Government.

**§ 18-50.102 General authority of contracting officers.**

Contracting officers may enter into, amend, modify, and take other action with respect to contracts for property or services subject to the limitations and requirements set forth in this chapter and in letters designating them as contracting officers.

**§ 18-50.103 Prerequisites for contracting.**

Whether the procurement is to be effected by formal advertising or by negotiation, a contract or amendment may be entered into by a contracting officer only if:

(a) All applicable requirements of law, NASA regulations, and instructions of the installation have been met;

(b) Required approvals have been obtained from the technical and management authorities at the installation concerned; this includes, prior to the incurrence of an obligation, obtaining approval as to the availability of funds;

(c) The contract is written on a standard or an approved form of contract; and

(d) Approval of deviations from standard or authorized contract clauses has been obtained from the Director of Procurement (see § 18-1.109). In the case of advertised procurements, approval of deviations should be obtained prior to solicitation of bids; and in the case of negotiated procurements, approval of deviations should be secured prior to the conclusion of negotiations.

**§ 18-50.104 Advance information.**

**§ 18-50.104-1 Procurements in excess of $10,000.**

The procedures set forth in this § 18-50.104-1 shall be followed by procurement offices in connection with procurements expected to exceed $10,000. (The information required is used primarily for the purpose of carrying out the policies described in Subpart 18-1.10.)

(a) A copy of each unclassified preinvitation notice, invitation for bids (IFB), request for proposals (RFP), or request for quotations (RFQ), including specifications but not drawings, shall be forwarded to the Office of Procurement (Code KD-2), the North Eastern Office, and the Western Operations Office, at the time the notice is issued or bids or proposals are solicited. If the proposed procurement is classified, only a copy of the notice or solicitation of bids or proposals shall be forwarded to NASA Headquarters.

(b) The pre-invitation notice will contain the information prescribed by § 18-2.205-4(c). Each copy of the IFB, RFP, or RFQ shall be accompanied by a statement of the estimated cost of the proposed procurement and a complete list of firms or persons solicited or invited to submit bids or proposals. This information is for internal use.

(c) Changes in or amendments to the original pre-invitation notice, IFB, RFP, or RFQ will be distributed in the same manner as the original documents.

**§ 18-50.104-2 Information for consideration of labor surplus area concerns.**

For information required for consideration of labor surplus area concerns see § 18-1.8.

**§ 18-50.105 Approval of contracts and modifications.**

(a) All contractual documents, regardless of dollar value, require a complete review by the contracting officer, notwithstanding that further review and approval may be required.

(b) Proposed contracts and modifications in the following categories shall be submitted to the Director of Procurement for approval:

(1) All incentive type contracts (see Subpart 18-3.4);

(2) Contracts for utility service when they fall within any of the categories set forth in § 18-4.5006;

(3) For architect-engineer services when:

(i) The total dollar value is $250,000, or

(ii) The work to be performed under a cost-plus-fixed-fee contract includes services of the types described in § 18-4.201(b) (2), (3), and (4), and the fee, inclusive of the architect-engineer's costs, to be paid to the architect-engineer for the performance of such services exceeds 6% of the estimated cost of the related construction project, exclusive of the amount of such fee.

(4) All contracts for personal services (see § 18-3.204);

(5) All contracts for management consultant or advisory services (see § 18-4.5205-3);

(6) All contracts involving advance payments by the Government;

(7) All facilities contracts which provide facilities having a total acquisition value exceeding $50,000, or which provide real property regardless of amount (see § 18-13.403(e));

(8) All leases for real property where the annual rental is more than $25,000 or where a certificate of necessity under 40 U.S.C. 278b is required or where the lease deviates from the forms and clauses prescribed by NASA Headquarters (see NASA Management Instruction 3-8-2A (29 F.R. 4148) concerning delegations of authority for real property transactions);

(9) Each negotiated contract or modification which by itself would obligate the Government in an amount in excess of the dollar values set forth below for the installation making the award—

(i) $200,000: Wallops Station.

(ii) $500,000: Flight Research Center.

(iii) $1,000,000: Headquarters Contracts Division, Kennedy Space Center, Space Nuclear Propulsion Office (Germantown), and Western Operations Office.

(iv) $2,500,000: Ames Research Center, Langley Research Center, Lewis Research Center, Goddard Space Flight Center, Manned Spacecraft Center, and Marshall Space Flight Center.

(10) Each proposed award in excess of the amount of contract approval authority set forth in (9) above for the installation proposing to make the award when only one responsive bid has been received after formal advertising.

(c) *Authorization to issue letter contracts.* All letter contracts require advance NASA Headquarters authorization for issuance. Such prior authorization shall be obtained in accordance with the procedures set forth in paragraph D5, Section VII of the "NASA Basic Administrative Processes" (NPC 107).

(d) *Approval Provision.* All negotiated definitive instruments which require the approval of the Director of Procurement, pursuant to paragraph (b) of this section, shall contain the clause set forth in § 18–7.104–51.

**§ 18–50.106 Information to be furnished when requesting approval of contracts and modifications.**

(a) General: Requests for approval of negotiated definitive contracts and modifications submitted to Headquarters for approval by the Director of Procurement, in accordance with § 18–50.105 and the procedures in NPC 107, Section VII, paragraphs D5 1 through k, shall include the information set forth in this paragraph and shall be forwarded in sufficient time to allow a minimum of 15 days for review. The official contract file (which will be returned with the notice of approval, or disapproval) will be submitted with the request for approval and will include NASA Form 1098, "Check List for Contract File Content," in an original and three copies. NASA Form 1098 and the contract file will be completed and documented in accordance with the "Instructions" block on NASA Form 1098.

(b) Formal advertising: Each request for approval of a contract or modification to be entered into by formal advertising shall be accompanied by the official contract file and NASA Form 1098, completed in accordance with paragraph (a) of this section, and, to the extent not otherwise required, will include:

(1) A copy of the invitation for bids, specifications, and all addenda thereto;

(2) A list of persons or firms invited to bid;

(3) A copy of the bid received from the bidder to whom award is proposed, together with his bid bond, if any;

(4) A complete statement justifying reasons for the award, to include the basis for the determination of reasonableness of the proposed contract price; and

(5) Accounting data indicating availability of funds, and appropriate project and subproject chargeable.

(c) Negotiation: Each request for approval of a contract or modification to be entered into as a result of negotiation will contain, in the letter of transmittal, the information required by subparagraphs (1) through (4) of this paragraph and shall be accompanied by the official contract file and NASA Form 1098, completed in accordance with paragraph (a) of this section, and, to the extent not otherwise required, will include:

(1) Name and address of the proposed contractor;

(2) Location of plant or work site for performance of the contract;

(3) Contract number, including amendment number if applicable;

(4) Type of contract action (letter contract; conversion of letter contract to definitive contract, firm fixed-price, CPFF, etc.);

(5) A statement by the contracting officer justifying the use of negotiation or reference to the findings and determination authorizing negotiation, citing the appropriate subsection of 10 U.S.C. 2304(a);

(6) A copy of the request for proposals, the specifications and any addenda thereto, or a description of the property or services being procured, including delivery schedule, quantities, and estimated cost;

(7) A copy of the proposal for which award is recommended;

(8) An original and three copies of the contract, executed by the contractor and the contracting officer; in addition, for those contracts under the program cognizance of the Office of Manned Space Flight, five unexecuted copies of the contract;

(9) A list of firms invited to submit proposals and the names of firms quoting, together with copies of their respective quotations; if no competition was solicited, furnish a statement of "Justification for Noncompetitive Procurement";

(10) The history of negotiations, indicating the consideration given to appropriate factors, and the basis upon which it is concluded that the results of the negotiations are advantageous to the Government, including—

(i) The basis and reasons for selection of the firm to which award of contract is recommended—with evidence of the degree to which the capabilities of various firms were investigated prior to the final selection;

(ii) A brief summary of principal points involved in negotiations and the final results thereof, indicating price change, if any, during negotiations and explanations therefor;

(iii) A comparison of the proposed contract with previous procurements of the same or similar property or services, including dates of previous procurements, quantities, changes in specifications from last purchases, if any, and justification for change in price;

(iv) A cost breakdown representing the final negotiation and indicating:

(*a*) Direct materials—the amounts of raw materials, purchased parts, and subcontracting. Include material handling expense if the contractor's accounting system provides a separate rate therefor. State basis for determining material handling expense or rate. Comment on the complexity of items to be procured by the contractor and whether or not the NASA technical personnel consider the quantities and prices reasonable.

(*b*) Direct labor—the number of hours, hourly rate, and total cost for each class of direct labor to the extent deemed practicable. Include a statement by NASA technical personnel as to reasonableness.

(*c*) Overhead—burden applicable to the contract, including a brief statement of the basis for determining the overhead rate or amount.

(*d*) Special tooling and/or plant facilities—costs directly chargeable to the contract and necessary for the performance of the work, including a statement of how the contract will provide for protection of the Government's interest therein.

(*e*) Other direct costs—the nature and reasons therefor.

(*f*) Other indirect expenses—the amounts for general and administrative expense, selling expense, engineering or research and development burden, etc., including the basis for determining rates or amounts and methods of allocation and reason for inclusion in contract price or estimated cost.

(*g*) Profit or fixed fee—the dollar amount and percentage of profit or fixed fee, including a statement as to the basis for determining the profit or fixed fee (if the fixed fee, in addition to providing for profit, includes any allowance for costs properly allocable to work under the contract and not otherwise reflected in the breakdown, furnish a complete explanation of the nature and amounts of such costs).

(*h*) Contingencies—the nature and reason therefor.

(v) Names and locations, when available, of prospective subcontractors and estimated amounts of respective subcontracts which will exceed $25,000; state whether competition was obtained in selecting such subcontracts; if not, cite reasons for absence of competition;

(vi) A statement as to whether the contract will contain any form of price redetermination or escalation, including reasons for inclusion;

(vii) General types of Government property to be furnished, and facilities to be provided, and property already provided the proposed contractor, which will be used in performance of the work;

(viii) Statement as to whether the financial condition of the proposed contractor is considered satisfactory;

(ix) Statement of make-or-buy program agreed to with the contractor; if no make-or-buy program is established, state reasons therefor;

(x) Statement as to the technical ability and past performance of the proposed contractor;

(xi) Amount of funds available for proposed contract, including citation to appropriation, project number, and subproject breakdown;

(xii) Any other pertinent data in the form of explanations, comments, or comparisons concerning any unusual or new phases of the procurement or negotiation relating thereto (comments or audit report as to the financial and pricing aspects of the proposed contract should be included under this subparagraph 10 of this paragraph.

(11) Reasons for any deviation from standard or approved contract clauses; if deviation has been approved previously, include copy of request and approval document (see § 18–1.109); and

(12) If an amendment, brief summary of the basic contract and previous amendments issued.

(d) In order to comply with the provisions of § 18–3.854 (in notifying the Office of Legislative Affairs and the Office of Public Affairs, NASA Headquarters) contracting officers shall prepare and submit an original and three copies of the "Memorandum of Contract Award" with the contract file being forwarded to the Director of Procurement.

(e) The Director of Procurement shall, at the time of approving a proposed contract or amendment, forward copies of the "Memorandum of Contract Award" to the Assistant Administrator for Public Affairs and the Assistant Administrator for Legislative Affairs.

(f) Distribution of contract documents: Upon approval (or disapproval) of the proposed contract or modification, the Director of Procurement will forward the original and two executed copies of the contract and the contract file to the Installation Director via the Program Director. An information copy of the approval letter will be sent directly to the Institutional Director. An executed copy of the contract will be retained by the Director of Procurement. Contracting officers shall make prompt distribution of approved contracts, subject to the provisions of § 18–3.854. Contracting officers shall report to the Bureau of Census, Department of Commerce, contract awards subject to the Davis-Bacon Act on CB Form 16–19 (Construction Contract Award Notification) in accordance with § 18–12.404–13. Contracting officers shall report to the Department of Labor contract awards subject to the Walsh-Healey Public Contracts Act on Standard Form 99 (Notice of Award of Contract) in accordance with § 18–12.603 (d).

## Subpart 18–50.3—Numbering and Distribution of Contracts and Grants

**§ 18–50.300 Scope of subpart.**

This Subpart 18–50.3 sets forth procedures with respect to numbering and distribution of NASA contracts, grants, and purchase orders.

**§ 18–50.301 Applicability.**

Contracts and grants are numbered with approved letter symbols and serial numbers for identification, audit, and filing purposes. Documents coming within the scope of this Subpart include contracts for the purchase or sale of property or services (including construction and facilities contracts), grants, purchase orders, letters of intent, letter contracts, leases, easements, or other documents evidencing in whole or in part an agreement between the parties which involves the payment of appropriated funds or collection of funds for credit to the Treasurer of the United States.

**§ 18–50.302 Contracts and modifications.**

**§ 18–50.302–1 Contracts requiring numbering.**

The following contracts shall be numbered in accordance with the uniform numbering system prescribed in §§ 18–50.302–2, 18–50.302–3 and 18–50.302–4:

(a) All contracts, letters of intent, or letter contracts for procurement or sale of supplies or services involving or likely to involve the payment or receipt of $2,500 or more ($2,000 in the case of construction work);

(b) All indefinite delivery type contracts involving more than one payment and estimated to involve payment or receipt of more than $2,500 during the fiscal year;

(c) All facilities contracts;

(d) All leases of real property and renewals thereof;

(e) All easements; and

(f) All other written agreements involving payment or receipt of funds not covered by §§ 18–50.303 and 18–50.304.

**§ 18–50.302–2 Assignment of numbers.**

The Comptroller General of the United States has prescribed the letter symbol "NAS" for NASA-wide use on contract documents. A complete contract number shall consist of the following and will be assigned to NASA contracts designated in § 18–50.302–1:

(a) One of the identification letter symbols set forth in § 18–50.302–3 followed by a hyphen; and

(b) A serial number (assigned in accordance with § 18–50.302–4) for the particular procurement or sale.

**§ 18–50.302–3 Symbol identification.**

| Headquarters: | *Symbol* |
|---|---|
| All Headquarters contracts except those issued by the Office of Research Grants and Contracts | NASw– |
| Contracts issued by the Office of Research Grants and Contracts | NASr– |
| Field Installations and Space Nuclear Propulsion Offices (SNPO): | |
| Langley Research Center | NAS1– |
| Ames Research Center | NAS2– |
| Lewis Research Center | NAS3– |
| Flight Research Center | NAS4– |
| Goddard Space Flight Center | NAS5– |
| Wallops Station | NAS6– |
| Western Operations Office | NAS7– |
| George C. Marshall Space Flight Center | NAS8– |
| Manned Spacecraft Center | NAS9– |
| John F. Kennedy Space Center | NAS10– |
| SNPO, Germantown | SNP– |
| SNPO, Cleveland Extension | SNPC– |
| SNPO, Nevada Extension | SNPN– |

**§ 18–50.302–4 Serial numbers.**

Contracts shall be numbered serially by the organization unit authorized to assign such numbers, commencing with the number 1 and continuing in succession without regard to fiscal year or type of contract, for example: NAS5–300; NAS5–301. If the contract is a facilities contract, the letter "F," in parentheses, shall be added at the end of the serial number for identification purposes, for example: NAS1–600(F). When the series of numbers under a symbol exceeeds five digits (99,999), a new series of numbers will be used beginning the series with number 1 and followed by the capital letter "A." Should additional series become necessary, they will be distinguished by the capital letters "B," "C," "D," etc., as may be required.

**§ 18–50.302–5 Modifications.**

Supplemental agreements, change orders, and renewals of leases shall bear the same identification as the original contract. The same series of consecutive numbers will be used for each contract even though it is modified or amended by both supplemental agreements and change orders.

**§ 18–50.303 Purchase orders and requests.**

**§ 18–50.303–1 General.**

Purchase orders and requests to other Government agencies to furnish supplies or services will be assigned a complete identifying number consisting of:

(a) One of the letter symbols set forth in § 18–50.303–2 followed by a hyphen; and

(b) A serial number, assigned in accordance with § 18–50.303–3.

**§ 18–50.303–2 Symbol identification.**

| Headquarters: | *Symbol* |
|---|---|
| Headquarters purchase orders or requests except those issued by the Office of Research Grants and Contracts | W– |
| Purchase orders or requests issued by the Office of Research Grants and Contracts | R– |
| Field Installations and Space Nuclear Propulsion Offices: | |
| Langley Research Center | L– |
| Ames Research Center | A– |
| Lewis Research Center | C– |
| Flight Research Center | E– |
| Goddard Space Flight Center | S– |
| Wallops Station | P– |
| Western Operations Office | WO– |
| George C. Marshall Space Flight Center | H– |
| Manned Spacecraft Center | T– |
| John F. Kennedy Space Center | CC– |
| Pacific Launch Operations Office | PL– |
| SNPO, Germantown | SN– |
| SNPO, Cleveland Extension | SNC |
| SNPO, Nevada Extension | SNN– |

**§ 18–50.303–3 Serial numbers.**

The same series of consecutive numbers will be used for both purchase orders and requests to other Government agencies. The series of numbers will commence with the number 1 and continue in succession without regard to the fiscal year. The number will follow the letter symbol, separated by a hyphen, for example: Order Number L–350; Order Number W–1,000. When the series of numbers under a symbol ex-

ceeds 5 digits (99,999), a new series will be used beginning the series with number 1 and followed by the capital letter "A." Should additional series become necessary they will be distinguished by the capital letters "B," "C," "D," etc., as may be required.

**§ 18–50.304 Grants and supplements.**

**§ 18–50.304–1 Grants.**

Grants shall be identified by letter symbols for the various types of grants, followed by a hyphen and a serial number. The serial numbers for each type of grant will begin with the number 1 and continue in succession without regard to fiscal year. The symbols for the types of grants and examples of each are set forth below:

(a) *Research Grants.* Research grants shall be identified by the letter symbol "NsG." (Example: NsG–25.)

(b) *Training Grants.* Training grants shall be identified by the letter symbol "NsG(T)." (Example: NsG(T)–300.)

(c) *Facilities Grants.* Facilities grants shall be identified by the letter symbol "NsG(F)." (Example: NsG(F)–150.)

**§ 18–50.304–2 Supplements.**

Supplements to a grant shall bear the same identification as the original grant and shall be numbered consecutively. (Example: Grant NsG–25, Supplement No. 1.)

**§ 18–50.305 Distribution of contracts, grants, and purchase orders.**

Distribution of contracts, grants, purchase orders, and modifications or supplements thereto shall be made by the initiating office in accordance with its requirements, except that in all cases not less than two copies will be furnished to paying offices, one of which will support the payment file and be retained for audit purposes in accordance with § 18–50.306. One copy of all contracts and modifications thereto requiring the approval of the Director of Procurement will be retained by the Office of Procurement.

**§ 18–50.306 Retention of documents for on-site audit.**

NASA contracts, grants, and purchase orders are subject to on-site audit by the General Accounting Office. The originals or a signed copy of these documents and supporting data shall be retained by the installation to be available to the General Accounting Office for audit purposes.

## PART 18–51—CONTRACT MANAGEMENT PROCEDURES

**Subpart 18–51.4—Processing Payments Under Cost-Reimbursement Type Contracts**

Sec.


18–51.400 Scope of subpart.
18–51.401 Definitions.
18–51.402 Initial conference.
18–51.403 Vouchers—general.
18–51.404 Provisional approval of vouchers.
18–51.405 Completion voucher.
18–51.406 Withholding pursuant to contract terms.
18–51.407 Alteration of vouchers.
18–51.408 Distribution of vouchers.
18–51.409 Cost-reimbursement type subcontracts and billings.
18–51.410 Suspension and disapproval.
18–51.411 Procedure when current claim is insufficient to cover credit.


**Subpart 18–51.27—Closing Completed Contracts**


18–51.2700 Scope of subpart.
18–51.2701 General.
18–51.2702 Definition—completed contract.
18–51.2703 Closing checklist.
18–51.2704 Special considerations.


### Subpart 18–51.4—Processing Payments Under Cost-Reimbursement Type Contracts

**§ 18–51.400 Scope of subpart.**

This Subpart 18–51.4 prescribes procedures pertaining to the processing of vouchers and invoices under cost-reimbursement type contracts and subcontracts.

**§ 18–51.401 Definitions.**

As used in this Subpart 18–51, the following terms have the meaning stated below:

(a) "Cost-reimbursement type contracts" include cost, cost-plus-a-fixed-fee, cost-plus-an-incentive-fee, cost-sharing, labor-hour, and time and material contracts.

(b) "Completion voucher or completion invoice" are terms used to identify a voucher or invoice which includes the entire or remaining contract costs and/or fee upon completion of work under a Government contract.

**§ 18–51.402 Initial conference.**

To establish a basis for a cooperative and efficient relationship, a conference should be arranged, when deemed necessary by the contracting officer, between representatives of the contractor and cognizant Government personnel, including the cognizant audit agency auditor and financial management personnel, to acquaint the contractor with contractual requirements and NASA procedures for administering the contract. The Government representatives should explain the procedures to be followed in presenting claims and obtaining reimbursement, the requirements as to documentary evidence, the administrative approvals required, the manner in which administrative approvals are given, and reporting requirements under the terms of the contract. Specific items which should be discussed include:

(a) Audit of the contractor's records and examination of his procedures;

(b) Withholding of contractual reserves;

(c) Allowability of costs under applicable contract cost principles and the segregation of unallowable costs thereunder:

(d) Subcontracting policies; and

(e) Procedures and contractor's rights under the "Disputes" clause.

**§ 18–51.403 Vouchers—general.**

(a) The frequency of submission of claims for payment is generally specified in the contract. In the absence of a contract provision to the contrary, the contractor should be requested to submit reimbursement claims once each month, or at more frequent intervals if approved by the contracting officer or his authorized representative. The contracting officer will request the contractor to consolidate claims under one contract as much as possible to minimize the number of vouchers. Only charges pertaining to one contract may be included on the same voucher.

(b) As a part of each voucher submission, the contracting officer shall request the contractor to provide an analysis of the total vouchered charges. Where data is readily available from the contractor's records, a limited analysis may be placed on the face of Public Voucher for Purchases and Services Other Than Personal (Standard Form 1034): *Provided*, The reliability of the contractor has otherwise been established. As a minimum, the analysis shall include fee and cumulative and current costs broken down by cost elements. When a more detailed analysis is required, the Continuation Sheet (Standard Form 1035) or an attachment may be used.

(c) Where the amount of fee claimed depends on a computation based on physical progress or rate of delivery of the completed item, the contracting officer shall request the contractor to show the basis for computing the fee installment on the voucher (face or reverse of Standard Form 1035) or on an attachment. Prior to approving the voucher for payment, the contracting officer shall, as appropriate, verify the status of the contract by coordinating with cognizant Government personnel (i.e., technical, audit, and financial personnel).

(d) As an aid to administration, the contracting officer shall direct the contractor to submit separate vouchers for each of the categories of charges enumerated below:

(1) Reclaim vouchers covering items of cost initially allowed and reimbursed to the contractor, but subsequently deducted administratively or refunded by the contractor, due to the issuance of a General Accounting Office exception;

(2) Costs reserved in final settlement (these reservations are ordinarily set forth in the final release of the settlement agreement under a terminated contract; the contractor should clearly indicate on the voucher the specific exception in the final release or settlement agreement under which the amount sought to be reimbursed is claimed); and

(3) Abatement of disapproved costs for income taxes paid thereon (see Section 1481 of the Revenue Code of 1954). The voucher should be accompanied by an authenticated copy of the applicable tax reduction as calculated by the cognizant Director of Internal Revenue.

**§ 18–51.404 Provisional approval of vouchers.**

(a) The eligibility for reimbursement of claims submitted by a contractor for costs or payment of fee shall be determined pursuant to the terms of the contract. Authority for payment must be established before any reimbursements under the contract are approved. In no event will a reimbursement claim be processed by the contracting officer for payment which would result in cumulative payment in excess of the maximum amount payable as limited by the contract.

(b) Normally, the contractor shall be instructed to submit reimbursement vouchers under cost-type contracts directly to the contracting officer for approval prior to payment. All vouchers, with the exception of the completion voucher, shall be marked "Provisionally Approved Subject to Final Audit," signed by the contracting officer, and forwarded to the NASA fiscal or financial management office designated in the administrative recitals of the contract. Questionable costs of significant amounts determined through periodic audit or otherwise shall be suspended or disapproved prior to approval of the voucher. In those situations where (1) there is reason to question the reliability or accuracy of the contractor's claim, (2) there is an indication of cost overrun, or (3) the submission is the contractor's initial claim and the contractor is not then receiving reimbursement under a cost-reimbursement type prime contract, the recommendations of the cognizant auditor should be requested prior to approval.

**§ 18–51.405 Completion voucher.**

Upon receipt of a completion voucher, the contracting officer shall furnish a copy, with supporting forms, to the cognizant auditor for final audit prior to payment. The completion voucher shall be supported by the contractor's (or assignee's) release and assignment forms, and the final schedule of cumulative cost under the contract. Completion vouchers shall not be approved until the results of the final audit have been received by the contracting officer.

**§ 18–51.406 Withholding pursuant to contract terms.**

Unless the contractor has deducted from his claims amounts required to be withheld pursuant to the provisions of the contract, the contracting officer shall make the deduction therefor. Such deductions shall be treated as suspensions and be covered by Notice of Costs Suspended and/or Disapproved (NASA Form 456 or DD Form 396). Amounts deducted may be resubmitted by the contractor at such time as the contractor has evidenced compliance with the requirements necessary to permit payment and may, in any event, be claimed on the completion voucher.

**§ 18–51.407 Alteration of vouchers.**

Vouchers which have not been properly prepared by the contractor should be returned for revision. No erasures will be made on a voucher or a continuation sheet. However, a voucher and/or continuation sheet or its equivalent which requires alteration may be changed by striking out the incorrect item and writing in the correct item. An alteration made by the contractor must be initialed by the contractor. An alteration made by the contracting officer must be initialed by the contracting officer and may be made only in accordance with 36 Comp. Gen. 769 which provides that when errors in computations or extensions are detected, where the payee has clearly made claim for the full quantity of materials or services and at the proper unit price, the claim may be altered upward or downward prior to approval *provided* the adjustment does not exceed $10. Vouchers may be adjusted by contracting officers: *Provided*, NASA Form 456 or DD Form 396 is not otherwise required for costs suspended and/or disapproved and the errors are not too numerous to correct. The incorrect computation or extension may be altered by drawing a line through the incorrect amount and inserting the corrected amount on the original and all copies of the voucher. Each alteration must be initialed. The amount of the error will be deducted from or added to the total of Standard Form 1035, if submitted, and will also be deducted from or added to the total by use of the "Differences" block on Standard Form 1034. Contractors will be notified, by NASA Form 456 or DD Form 396, of mathematical errors which overstate the total amount claimed in excess of $10. If an underclaim is in excess of $10, the actual amount claimed, if otherwise proper, may be processed for payment. Contractors should be notified of any errors detected or of any adjustments made according to this policy.

**§ 18–51.408 Distribution of vouchers.**

(a) The following is the minimum distribution to be made of vouchers.

| | SF 1034 | SF 1034A | SF 1035 (if any) | SF 1035A (if any) |
|---|---|---|---|---|
| NASA contracting officer's file copy | ..... | 1 | ..... | 1 |
| Through NASA contracting officer to NASA financial management office: | | | | |
| Financial management office | 1 | 1 | 1 | 1 |
| Project management office (when required) | ..... | 1 | ..... | 1 |
| Contractor (paid copy) | ..... | 1 | ..... | 1 |
| Cognizant audit agency (paid copy) | ..... | 1 | ..... | 1 |

(b) After processing and approval of vouchers by the contracting officer, all copies of the vouchers except the contracting officer's file copy shall be forwarded to the installation fiscal or financial management office for certification, payment, and distribution.

**§ 18–51.409 Cost-reimbursement type subcontracts and billings.**

(a) The contracting officer shall advise the contractor who placed a cost-reimbursement type subcontract of his responsibility for the proper performance of the subcontractor and the financial settlement with the subcontractor. While the prime contractor's or upper-tier subcontractor's responsibility for a proper financial settlement includes the obligation to perform an adequate audit of the subcontractor, in appropriate circumstances audit by a Government auditor may be advisable. Adherence to this policy will ensure consistent treatment of subcontractor's cost, reduce duplicate auditing of the same records by two or more groups of auditors, and reduce the costs incurred by the prime contractor.

(b) The contracting officer shall advise the contractor to request the subcontractors to prepare their claims or commercial invoices and submit them directly to the prime contractor or upper-tier subcontractor who placed the subcontract with copies to the Government auditor and the contracting officer's authorized representative cognizant of the subcontractor. Charges should be itemized in the same detail and manner re-

quired of the prime contractor. Each claim or commercial invoice should identify the prime contract and/or upper-tier subcontract to which it relates.

(c) The Government auditor cognizant to the prime contract or upper-tier subcontract under which the cost-reimbursement type subcontract was issued is primarily responsible for determining the need for audit of such subcontract. The following criteria should be considered when determining whether the prime contractor or the Government should perform the audit of the subcontract:

(1) Whether the subcontractor objects to an accounting review of his records by the prime contractor for valid business reasons;

(2) Whether the Government Audit Agency is currently performing audit work at the subcontractor's plant or can do so more economically or efficiently;

(3) Whether the audit by the Government Audit Agency is necessary for consistent audit treatment and orderly administration; and

(4) Whether the prime contractor has a substantial or controlling financial interest in the subcontractor.

**§ 18–51.410 Suspension and disapproval.**

(a) The determination as to the suspension or disapproval of an item of cost is the responsibility of the contracting officer. Suspended costs are those costs which appear questionable but upon which a final determination cannot be made based upon available information; suspended costs also include amounts which the contractor claims but which are required to be withheld pursuant to the provisions of the contract (see § 18–51.406). Disapproved costs are those costs which have been determined by the contracting officer to be unallowable under the provisions of the contract.

(b) Auditors, during the course of contract audit, may recommend to the contracting officer the suspension or disapproval of items of cost included in a contractor's voucher through the issuance of NASA Form 456 or DD Form 396. In such cases, an original and six unnumbered copies of the notice are sent to the contracting officer for his action.

(c) Upon receipt of the notice of suspension or disapproval from the auditor, the contracting officer will review pertinent data and consult with appropriate personnel to determine what further action should be taken as to the items of cost in question.

(1) Where the contracting officer is in agreement with the notice issued by the auditor, he will assign a Notice Number to the form and distribute the original and two copies to the contractor, two copies (one copy each attached to SF 1034 and SF 1034A) to the Financial Management Office, one copy to the auditor, and one copy for his own file. The original and the copies for the contractor and one copy to the Financial Management Office will be signed by the contracting officer. Other copies may bear typed or stamped signatures. Amounts deducted from the contractor's claim by the contracting officer will be shown in the "Difference" block on the face of the voucher, using one line for the amount deducted and one line for the new approved amount. In all cases, the contracting officer must be satisfied that the explanation and reasoning given for suspension or disapproval are complete and accurate. If DD Form 396 is used to disapprove an item of cost, numbered paragraph 3 of the form will be appropriately modified to show that the disapproved costs apply to a NASA contract.

(2) Where the contracting officer does not agree with the notice issued by the auditor, he shall state his reasons therefor and shall furnish to the auditor a copy of his statement, with an unsigned and unnumbered copy of the applicable NASA Form 456 or DD Form 396. Subsequent thereto, he should consult with the auditor and other Government personnel, as may be necessary, and the contractor, if appropriate, to dispose of any remaining items in question.

(d) Where a notice of suspension or disapproval is issued by the contracting officer, the contractor shall be given sufficient time to present additional information or justification in support of the items of cost suspended or disapproved. Normally, this period should not exceed 30 days. The contracting officer shall inform the contractor that issuance of NASA Form 456 or DD Form 396 is not a decision by the Contracting officer with respect to the Disputes clause of the contract. However, the contractor shall be advised that failure to reply within the time limit set by the contracting officer, or any authorized extension thereof, may result in the contracting officer issuing a final decision on the items of cost suspended or disapproved, pursuant to the Disputes clause of the contract, except for those items of cost suspended in accordance with § 18–51.406.

(e) If, after receipt of NASA Form 456 or DD Form 396, the contractor requests, in writing, an extension of time in which to present additional information or justification in support of the items of cost suspended or disapproved, the contracting officer may, if he decides that the facts justify such action, grant such additional time to the contractor, by separate letter. Where the contractor fails to submit additional data within the time specified, and fails to obtain an extension of time for submitting such data, the contracting officer may receive and act upon any data received from the contractor at any time prior to final payment under the contract, if he decides that the circumstances warrant such action.

(f) Upon receipt of the contractor's reply, the contracting officer will consult with the Government auditor, and such other personnel as may be appropriate, concerning the additional information and justification submitted.

(1) If the contracting officer decides to withdraw the notice of suspension or disapproval, action shall be taken to reinstate the items of cost involved, and the contractor's voucher, if otherwise authorized, may be processed for payment.

(2) For those items of cost which, after reexamination, the contracting officer determines are unallowable and the contractor has continued to claim, the contracting officer shall prepare and process a final decision pursuant to the Disputes clause (see § 18–1.314). Resolution of questions regarding suspended costs also may be effected by an appropriate statement from the contractor evidencing his acceptance of the suspension.

(3) When sufficient information is not available to change the status of items of cost that have been suspended, such items shall be held in a suspended status until an appropriate decision can be made. During the period of the contract, mere passage of time does not change the basic reimbursable or nonreimbursable nature of the item of cost in question. Accordingly, costs suspended will not be converted to costs disapproved when there is no reason for the conversion other than the failure of the contractor to resubmit costs. However, a final decision concerning the status of all suspended items shall be made prior to or at the time the completion voucher under the contract is processed for payment.

**§ 18–51.411 Procedure when current claim is insufficient to cover credit.**

(a) When the current claim is not in an amount sufficient to satisfy a credit due the Government under the contract, the contracting officer shall follow one or a combination of the procedures outlined in this paragraph to effect collection in the most expeditious and practicable manner:

(1) Deduct the amounts necessary to satisfy the credit from the current and succeeding vouchers (expected to be received within a reasonable length of time). The deductions on any voucher shall not exceed the amount thereof to avoid processing of a voucher in a credit amount. Notwithstanding that a voucher may be in a zero amount, it will be processed to the fiscal or financial management office via the usual channels to provide a record of the voucher action.

(2) Obtain from the contractor his check for the amount of the credit, payable to the Treasurer of the United States.

(3) When the credit cannot be recovered by deductions from the current and succeeding vouchers and the contractor declines to make refund thereof, the contracting officer shall accomplish or cause to be accomplished the collection by a setoff deducted from voucher(s) submitted by the contractor under any of his other contracts with the contracting officer concerned, unless otherwise precluded, such as by the no-setoff provisions of the Assignment of Claims clause. Where the contracting officer has no other contracts under which a setoff may be accomplished, he shall refer the matter to the installation fiscal or financial management office for collection by setoff or any other method.

(b) When the collection is effected by setoff, there will be shown on the voucher from which the deduction is made a notation identifying the contract and appropriation to which the credit is applicable and identifying the related NASA Form 456 or DD Form 396.



No. 237—Pt. II——34

## Subpart 18–51.27—Closing Completed Contracts

**§ 18–51.2700 Scope of subpart.**

This Subpart 18–51.27 establishes policy and procedures governing the closing of files on completed contracts and is applicable to all NASA contracts. However, not every item listed is applicable to all contracts or all contract types. Contracting officers, in the exercise of their best judgment and discretion, will utilize those guidelines which are applicable to the particular contract, deviating from or expanding them where appropriate. The provisions of 18–8 shall be followed in closing terminated contracts.

**§ 18–51.2701 General.**

The procedures for closing completed contracts are a primary tool of contract management. The closing review should be painstaking and exhaustive and should ensure that the contract file is completely documented. A comprehensive closing review serves the following purposes, among others:

(a) Timely closing action ensures that records and files will not be unnecessarily encumbered and consequently permits more effective handling of current active contracts;

(b) The review identifies all uncompleted actions which might previously have been overlooked and thus facilitates expeditious final disposition action; and

(c) The review is an essential step, supplementing active contract management during performance, to ensure that all contractual obligations have been fulfilled and that the interests of the Government have been adequately protected.

**§ 18–51.2702 Definition — completed contract.**

A completed contract is one which is both physically and administratively complete and with respect to which all aspects of contractual performance have been either accomplished or formally waived. A contract is physically complete only after all articles and services called for under the contract, including such related items as reports, spare parts, and exhibits, have been delivered to and accepted by the Government (including those articles and services with respect to which no specific compensation may have been stipulated). A contract is administratively complete when all payments have been made and all administrative actions accomplished.

**§ 18–51.2703 Closing checklist.**

(a) The closing review will focus on a verification that (1) all actions necessary to complete the contract (as defined in § 18–51.2702) have been consummated; and (2) actions have been fully documented to the extent practicable. When the review indicates that the contract may be incomplete in any respect, the surrounding circumstances shall be investigated to determine whether some necessary action has been omitted. Where prior actions have been taken but not documented, the closing memorandum shall, to the extent practicable, provide proper documentation; if this is not practicable, the closing memorandum shall be annotated to reflect the fact. When a contractual matter remains in an open status, completion action shall be initiated to the extent feasible (see § 18–51.2704(b)).

(b) The following list represents the more significant items of contract closing which should be reflected by proper documentation. (Listing these actions in connection with the closing review of the contract, contract file, and other pertinent data is not intended to indicate the order in which the actions should be taken.)

(1) Determine the status of deliveries and billings. If necessary to reconcile deliveries and payments, a letter should be obtained from the contractor showing total deliveries by items, total billings, and total payments. This data should be related to administrative records and such action to be taken may be required to reconcile differences in billings and payments and to resolve discrepancies in delivery or performance.

(2) Verify that all contract changes have been formalized. If such verification cannot be established by Government personnel, a letter may be obtained from the contractor indicating that all contractual changes have been covered by contract modification. The file should be further documented to support all equitable adjustments completed or in process.

(3) Examine the contract file to ensure that adequate documentation exists (in the form of receiving reports or other documents) to evidence receipt, inspection, and acceptance of all contract items, accomplishment of all corrections, and appropriate refund or credit when nonconforming supplies are accepted at a reduced price, in accordance with the "Inspection" clause.

(4) Verify the proper disposition of all property matters. Examination should focus on documentation evidencing:

(i) Screening of excess materials and recording of proceeds received from disposal of any surplus;

(ii) Full accounting for all Government property and, as appropriate, its transfer or removal;

(iii) Resolving of all reports of survey or other evidence of property shortages or damage, supported in each instance by administrative determination and, as appropriate, by a record of proper remittance;

(iv) Taking of proper action with respect to special tooling (review should determine whether, in those instances where the Government has paid for special tooling, including subcontractor tooling, title has been taken or disposal proceeds received);

(v) Taking of proper action to ensure that contractor use of Government-owned facilities does not extend beyond the date of authorized use (files shall be documented to show that the Government has been reimbursed in full for all rentals due for use of facilities); and

(vi) Conducting of final review of all property records by the Property Administrator, supported by a statement from the contractor that all property has been disposed of.

(5) A final review of all security requirements should be made by the Security Officer, supported by his statement that all security matters have been disposed of, to include:

(i) Declassification or downgrading, where required;

(ii) Return or disposal, where required; and

(iii) Certification by the contractor that the contractor and subcontractors have satisfied all security requirements.

(6) When a renegotiation report has been made, verify that the contract file contains a copy of the report and all supporting documents.

(7) Verify that price revision or redetermination action when called for, has been accomplished and examine the adequacy of supporting data. Files should be documented in sufficient detail when price revision has been waived.

(8) Verify that consent to subcontracts has been obtained in all instances required by the contract. The absence of consent, where contractually required, shall be the subject of appropriate comment.

(9) Ensure that all advance or progress payments have been liquidated and that action has been initiated to recover any overpayments.

(10) Ensure that in all instances where performance of contract administration functions has been delegated the actions required have been performed.

(11) Ensure that the contractor has been alerted to the contract requirement for maintenance of books and records.

(12) Confirm that appropriate and fully documented action was taken with respect to violations of standard contract clauses based on acts of Congress or Executive Orders concerning labor laws, contingent fees, domestic articles, officials not to benefit, etc., or in lieu thereof that the file contains a memorandum that cognizant administrative personnel know of no such violation.

(13) Ascertain whether any questions arose regarding exemptions from Federal or State tax laws and ensure that such questions have been properly resolved, with adequate documentation.

(14) Examine the contract and contract files to ascertain the possible existence of pending disputes, contingent liabilities, or circumstances out of which future claims of litigation might arise, potential credits, or refunds or other future recoveries. Ensure that adequate reserves have been set aside to provide for contingent liabilities. Maintain sus-

pense and follow-up on any matters which remain unresolved. Coordinate with legal personnel, where appropriate.

(15) Determine that all administrative reviews and approvals have been accomplished and documented (regarding wages and salaries, insurance, accounting, purchasing, etc.).

(16) Review all notices of cost suspension or disallowance to determine that the issues have been properly resolved, in accordance with § 18–51.410, and see that reductions of fee which are appropriate under the contract have been obtained.

(17) Determine that all reports under clauses relating to patents, inventions, and royalties have been received.

(18) Determine that all required data has been delivered. A review of the data should be made by cognizant technical personnel to ensure that the drawings, specifications, etc., reflect the most recent design changes and modifications. The review should also determine whether it is necessary or desirable that NASA have possession of the complete technical data package, including production procedures, tooling setup, quality control procedures, test reports, etc. If plans call for turning the data over to another contractor for production purposes, the technical representative should ensure that the applicable Government-furnished equipment, machine tools, and associated jigs, fixtures, and special tooling are identified and readily usable.

(19) Ensure that all investigations of fraud or suspicion of same, and reports on General Accounting Office or similar type investigations, have been completed and documented. Proper action also should be reflected with respect to delinquencies or failures in performance.

(20) Confirm that assignment and subrogation have been accomplished in favor of the Government in connection with all contractor's rights and claims, other than those against the Government, pursuant to contract terms.

(21) Establish that the final fee voucher is supported by the necessary cumulative claim and reconciliation, assignment of refunds, rebates, credits and other amounts, and final release of claims by the contractor.

(22) Ensure that the contractor performance evaluation report has been furnished, where required, and that a copy is retained in the contract file.

**§ 18–51.2704 Special considerations.**

(a) In the absence of full performance and compliance with all contract terms, as disclosed by the closing review, the contract file shall be examined to ensure that the documentation contained therein adequately reflects that proper action has been taken with respect to deviations, omissions, or waivers.

(b) Under appropriate circumstances, a contract may be treated as complete (when complete in all other respects) despite the existence of one or more unresolved contingencies (e.g., litigation between a prime and subcontractor). The determination that such contract will be closed will be made by the procurement officer of the installation from which the contract was issued. The contract files shall be fully documented by memoranda detailing the circumstances connected with the open item(s). No closing action shall be taken when:

(1) A matter awaiting disposition may be anticipated to have a significant impact on performance or consideration; or

(2) Complete disposition may call for substantive action on the part of the Government.

## PART 18–52—PRIORITIES AND ALLOCATIONS

Sec.


18–52.000 Scope of part.
18–52.001 General.

Subpart 18–52.1—Reporting of Controlled Materials Requirements

18–52.101 Data to be reported.
18–52.102 Scope of reports.
18–52.103 Basis for developing materials requirements.
18–52.104 Requirements coordination with other Government agencies.
18–52.105 Report due dates.
18–52.106 Requirements review, assembly, and submission to DOD.
18–52.107 List of controlled materials.

Subpart 18–52.2—Allocations and Allotments

18–52.201 Allocations to installations.
18–52.202 Allotments.
18–52.203 Ledger accounts of controlled materials.
18–52.204 Report of allotments and authorized controlled materials orders.

Subpart 18–52.3—Special Expediting Assistance

18–52.301 Purpose and applicability.
18–52.302 Policy.
18–52.303 Criteria for special assistance requests.
18–52.304 Forms, preparation, and routing of requests.
18–52.305 Action by NASA Headquarters.


AUTHORITY: The provisions of this Part 18–52 issued under 42 U.S.C. 2473(b)(1).

**§ 18–52.000 Scope of part.**

This Part 18–52 contains procedures relating to NASA administration of the Defense Materials System (DMS). These procedures supplement the Department of Defense Priorities and Allocations Manual (PAM) and § 18–1.307. Subpart 18–52.1 contains procedures for field installation quarterly reporting of estimates of requirements for DMS controlled materials (see § 18–52.107, which lists controlled materials by their codes, forms, shapes, and subdivisions); the field installation quarterly reports described in Subpart 18–52.1 are the basis of NASA's consolidated estimates to DOD (which acts as the claimant agency for NASA) and to the Office of Emergency Planning. Subpart 18–52.2 contains procedures for (a) NASA apportionment to field installations of controlled materials allocations received from DOD and (b) allotment of controlled materials by field installations to contractors. Subpart 18–52.3 provides procedures whereby field installations may obtain special assistance in expediting raw materials, supplies, and equipment from commercial sources on NASA programs.

**§ 18–52.001 General.**

The Defense Materials System is maintained by the Government to assure priorities and allocation support of current production, construction, and research and development programs of selected Government agencies. The system has been declared by the Office of Emergency Planning as an essential mobilization preparedness measure. The Defense Materials System operates in NASA under a delegation of authority from the Department of Defense. The system provides priorities authority for NASA and its contractors in obtaining raw materials, supplies and equipment from industry on a preferential basis. Contractors and field installations acquire priority authority to purchase controlled materials by obtaining allotments of materials. Allotments are required for all contractors producing Class A products including construction, except for those contractors who qualify under the small order procedure as described in Section 3–4.7 of the PAM and for direct purchase of controlled materials by field installations. Allotments are not required when placing orders for Class A products with distributors, with GSA, or against a GSA schedule contract. A priority rating is used to obtain materials (other than controlled materials) and equipment in support of NASA programs.

### Subpart 18–52.1—Reporting of Controlled Materials Requirements

**§ 18–52.101 Data to be reported.**

Field installations shall submit quarterly estimates of controlled materials requirements by the codes, forms, shapes, and subdivisions listed in § 18–52.107 for the applicable claimant programs as described in PAM 2–2. Reports will be submitted on DD Form 614, Materials Requirements—Steel and Nickel Alloys, and DD Form 614.1, Materials Requirements—Copper and Aluminum.



**§ 18–52.102 Scope of reports.**

(a) Requirements to be reported shall include the controlled materials needed for all NASA procurements, as follows: (1) materials to be purchased by contractors for production of Class A products, including construction, and materials for research and development, and (2) materials to be purchased by field installations for in-house operations. Materials required for production of Class B products are not to be reported. (Section 1–4 of the PAM sets forth the definition of Class A and B products.)

(b) In addition to reports for the separate claimant programs of paragraph (a) of this section, a summary or total report of such requirements of all programs shall be submitted.

(c) A separate report shall also be submitted of estimates for the materials required for items and projects which are of highest national priority. Such programs as are authorized for the special DX priority rating may be found in the DOD Master Urgency List. Requirements set forth in this separate report should also be included in the data called for in paragraphs (a) and (b) of this section.

**§ 18–52.103 Basis for developing materials requirements.**

The reports submitted in accordance with this instruction shall be based on the research and development, end-item, and construction programs which take into consideration all funds available or anticipated to become available. Estimates shall reflect the best judgment of the installation, and should, if possible, be derived by multiplying unit weight per item by scheduled production, with due consideration of production and purchasing lead times. When this approach is not feasible, other methods, such as factoring a relationship of materials to dollar value, engineering estimates, contractor estimates, or actual past usage of materials, may be utilized in preparing the requirements. Records shall be maintained by the field installations of the methods and data used in preparing the reports, for review upon request by NASA Headquarters.

**§ 18–52.104 Requirements coordination with other Government agencies.**

Field installations shall *not* report materials requirements for those items which are purchased by other Government agencies (such as the Air Force, Corps of Engineers, etc.) for NASA use. However, end-item quantitative requirements for Class A products will, if requested, be furnished to the purchasing department in order that the purchasing department may compute and include the required materials in its submission of reports to DOD.

**§ 18–52.105 Report due dates.**

Reports for the first quarter of each calendar year shall be forwarded to reach the Office of Procurement by the preceding September 1, for the second calendar quarter by the preceding December 1, for the third calendar quarter by the preceding March 1, and for the fourth calendar quarter by the preceding June 1.

**§ 18–52.106 Requirements review, assembly, and submission to DOD.**

NASA Headquarters, Office of Procurement, will:

(a) Review field installation reports for accuracy of computations and reasonableness of computed quantities in relation to authorized program procurements;

(b) Summarize data received from field installation into an overall NASA report for submission to the Department of Defense; and

(c) Justify and defend NASA estimates as may be necessary before DOD and the Office of Emergency Planning.

**§ 18–52.107 List of controlled materials—Defense Materials System Regulation I.**

| *DOD Code* | *Material* |
|---|---|
| 1200 | Carbon steel (including wrought iron) total (exchange castings) |
| 1212 | Ingots, billets, blooms, slabs, and related products (excluding wire rods and stock for projectile and shell bodies) |
| 1215 | Billets, stock for projectile and shell bodies |
| 1221 | Bars, cold-finished |
| 1222 | Bars, hot-rolled (excluding stock for projectile and shell bodies and reinforcing bars) |
| 1223 | Bars, reinforcing |
| 1225 | Bars, hot-rolled, stock for projectile and shell bodies |
| 1231 | Structural shapes |
| 1232 | Piling |
| 1240 | Pipe and tubing (including threaded couplings) |
| 1251 | Plates (excluding tin, terne, and tin mill black plate) |
| 1252 | Sheet and strip (excluding galvanized) |
| 1261 | Sheet, galvanized |
| 1262 | Tin plate, terne plate, and tin mill black plate |
| 1270 | Rails and track accessories |
| 1280 | Wheels, tires, and axles |
| 1290 | Wire rods, wire, and wire products |
| 1300 | Alloy steel (excluding stainless steel) total (excluding castings) |
| 1312 | Ingots, billets, blooms, slabs, and related products (excluding wire rods) |
| 1321 | Bars, cold-finished |
| 1322 | Bars, hot-rolled |
| 1331 | Structural shapes |
| 1340 | Pipe and tubing (including threaded couplings) |
| 1351 | Plates (excluding rolled armor) |
| 1352 | Sheet and strip |
| 1355 | Plates, rolled armor |
| 1370 | Track accessories |
| 1380 | Wheels, tires, and axles |
| 1390 | Wire rods, wire, and wire products |
| 1000 | Stainless steel—non-nickel-bearing total (excluding castings) |
| 1400 | Stainless steel—nickel-bearing total (exoluding castings) |
| 1510 | Brass mill copper base alloy products total |
| 1511 | Plate, sheet and strip (excluding ammunition cups and discs) |
| 1512 | Rods, bars and wire (including extruded shapes) |
| 1513 | Tube and pipe |
| 1514 | Ammunition cups and discs |
| 1520 | Brass mill unalloyed copper products total |
| 1530 | Wire mill products (copper) |
| 1540 | Foundry products (copper and copper-base alloys) |
| 1550 | Powder (copper and copper-base alloys) |
| 1600 | Aluminum total |
| 1611 | Rods and bars, rolled (excluding stock for wire, forgings, impact extrusions, rolled structural shapes and electrical cable) |
| 1612 | Rods and bars, rolled (forging stock and impact extrusion stock) |
| 1620 | Wire and cable (excluding rivet wire) |
| 1630 | Rivets and rivet wire |
| 1651 | Sand castings |
| 1652 | Permanent and semipermanent (plaster) mold castings |
| 1653 | Die castings |
| 1654 | Rotor, centrifugal, investment, and other castings not specifically classified |
| 1661 | Shapes, rolled structural |
| 1662 | Shapes, extruded (excluding forging and tube stock) |
| 1663 | Shapes, extruded, forging stock |
| 1670 | Sheet, strip and plate (including stock for forgings, pressings and impact extrusions, but excluding stock for foil) |
| 1680 | Tubing |
| 1691 | Powder |
| 1692 | Ingot |
| 1693 | Foil (0.005" and thinner) |
| 0600 | Nickel Alloys Total (excluding castings) |
| 0601 | 5% to 29.9% nickel content inclusive |
| 0602 | 30% to 49.9% nickel content inclusive |
| 0603 | 50% to 100% nickel content inclusive |

### Subpart 18–52.2—Allocations and Allotments

**§ 18–52.201 Allocations to installations.**

(a) *Apportionment.* The Office of Procurement will apportion the allocation of controlled materials received from the Department of Defense between the various field installations. These allocations to field installations will be made on DD Form 529, Allocation Determination (in duplicate), on the basis of requirement estimates submitted by the field installations on DD Forms 614 and 614.1. DMS officers at field installations shall acknowledge receipt of allocations by signing and returning one copy of the DD Form 529 to the Office of Procurement. Appropriate entries reflecting the transaction shall be made in DMS ledger accounts. Supplemental allocations will be processed in the same manner. Field installations may request additional allocations by letter, telephone, or telegraph. Allocations issued by telephone or telegraph will be confirmed by the Office of Procurement using the DD Form 529.

(b) *Return of unused allocations.* Not later than the fifth day of each month, field installations shall review their controlled materials ledgers, together with their anticipated allotment requirements,

to determine whether they have an excess allocation of materials. Allocated quantities determined to be excess shall be returned promptly to the Office of Procurement. Returns of excess allocated controlled materials will be accepted by the Office of Procurement at any time up to the 10th day of the third month of each quarter. Return of excess allocations will be made on DD Form 530 in duplicate.

**§ 18–52.202 Allotments.**

Field installations shall make allotments of controlled materials to prime contractors who produce Class A products, except as noted in the PAM Section 3–4.7. Effort should be made to assure that prime consumers apply for and receive allotments. A form letter similar to that shown in Section 3–4.1 (Exhibit 3) of the PAM may be used for this purpose. Allotments should normally be issued to contractors for the full period of the contract unless the period is beyond the one-year period within which NASA has been authorized to allot materials. Allotments shall be issued on Form DMS–10, Allotment of Controlled Materials (Production), or DMS–13, Allotment of Controlled Materials (Construction). Decreases of allotments will be made on Forms DMS–11, Allotment Decrease (Production), and DMS–14, Allotment Decrease (Construction). Form DMS–12, Applicant's Return of Allotment, should be used by contractors to return unused portions of allotments. Contractor applications should be screened to determine their reasonable accuracy as to quantities of materials and delivery schedule requested.

**§ 18–52.203 Ledger accounts of controlled materials.**

(a) Ledger accounts will be maintained by field installations and NASA Headquarters for recording DMS transactions. The ledgers are necessary to assure that no allotments are issued without proper authority; to record purchases of controlled materials for internal consumption; and to provide data for reports of actions taken.

(b) The following account ledgers shall be maintained as a minimum requirement:

(1) By the Office of Procurement—

(i) A ledger which reflects DMS transactions for each field installation, showing the allocation given, allotments issued, returns received and remaining balance; and

(ii) A master ledger which summarizes the transactions of all field installations and headquarters for each DMS material;

(2) By field installations—ledgers for each quarter and each material by program (A1, A2, C2), as appropriate, which reflects the allocations received from Headquarters, allotments issued, returns to Headquarters, and remaining balances.

(c) Detailed information regarding the various types of ledgers which may be established and instructions for recording transactions are set forth in the PAM, Sections 5–6 and 5–7. All prime contractors who received allotments from NASA must maintain allotment accounts, in accordance with DMS Regulation I and Section 5–6 of the PAM.

**§ 18–52.204 Report of allotments and authorized controlled materials orders.**

(a) The Defense Materials System Officer of each field installation which issues allotments shall provide the Office of Procurement with a cumulative monthly report showing, for each controlled material and each calendar quarter, the allocations received, allotments made by claimant programs, amounts issued (with breakout for DX programs), and the unused balances. DD Form 492 will be used for this purpose. The report shall be as of the end of the calendar month and be forwarded so as to reach the Office of Procurement (Code KDF) on or before the 10th day of the next month. The report shall reflect data contained in the ledger accounts.

(b) The Office of Procurement will review and check field installation reports with NASA master ledger transactions, after which a consolidated report shall be prepared and submitted to the Department of Defense. The Office of Procurement report will be made to DOD by the 15th of the month, for the transactions of the preceding month.

## Subpart 18–52.3—Special Expediting Assistance

**§ 18–52.301 Purpose and applicability.**

This Subpart 18–52.3 provides a procedure whereby field installations and contractors may obtain special assistance in expediting delivery of raw materials, supplies, and equipment from commercial sources for NASA programs. The procedure is applicable to NASA Headquarters and field installations.

**§ 18–52.302 Policy.**

In most instances, with the use of priority rating and timely procurement action, it is possible to obtain satisfactory deliveries of materials and equipment to meet program schedules. However, conflicts occasionally occur between priority-rated programs competing for the same resources. A number of factors may cause such a conflict, such as a shortage of capacity to produce a material or product, or placement by different sources of similar orders on a supplier which require delivery within the same time period. Resolution of problems of this type are accomplished by using the special assistance procedure described herein if their solution cannot be arranged at the field level. Detailed explanation, in addition to that of this Subpart, with regard to the special assistance procedure is contained in Section 7 of the PAM.

**§ 18–52.303 Criteria for special assistance requests.**

(a) Requests for special assistance may be submitted by field installations if there is, at a minimum, a clear demonstration:

(1) Of the relationship and importance of the applicant's requirements to NASA programs;

(2) Of the inability of the applicant to divert materials or equipment from other production to meet requirements;

(3) That failure to obtain the supplies will delay NASA program schedules; and

(4) That satisfactory arrangements cannot be accomplished by the field installation.

(b) Requests may be submitted for assistance in placement of orders, as well as to improve deliveries of orders already placed.

**§ 18–52.304 Forms, preparation, and routing of requests.**

(a) Form BDSAF–138 shall be used for all special assistance requests. Copies of this form may be obtained from Department of Commerce field offices, the addresses of which are listed in Section 9 of the PAM.

(b) The form shall be prepared in accordance with the instructions set forth in Section 7–2, Exhibit 2, of the PAM. Block 23C through Block 26D of the form should be left vacant for use of NASA Headquarters and DOD offices. The form may be prepared by any authorized field installation representative or by the prime contractor or subcontractors. Prime contractors may prepare forms for their subcontractors if expedient. However, all forms prepared by contractors must be endorsed by a NASA representative who preferably shall be the DMS Officer of the installation administering the contract. Technical offices of field installations having need for expediting assistance are urged to utilize the services of their local DMS Officer in preparing and processing special assistance requests.

(c) Special assistance requests on BDSAF–138 shall be transmitted in quintuplicate to the Office of Procurement (Code KDF). For emergency cases involving programs of highest national priority (DX), which warrant special handling to obtain immediate deliveries, requests will be accepted by telephone. Data transmitted by phone shall be confirmed by submission of a Form BDSAF–138 through regular mail channels.

**§ 18–52.305 Action by NASA Headquarters.**

(a) After receipt of the Form BDSAF–138, a thorough exploration of the case will be undertaken with a view toward determining the specific deficiency (*e.g.*, lack of capacity, prior higher priority orders, shortage of materials or parts, etc.). On the basis of the information developed, action will be taken to resolve the case by informal arrangements with the supplier and applicant. If this is not successful, the case will be endorsed, through DOD, to the Business and Defense Services Administration. One of the following actions will be taken by BDSA:

(1) Arrangement of improved delivery dates by informal agreement with the supplier;

(2) Issuance of a DX rating; or

(3) Issuance of a directive requiring the supplier to produce or deliver the specified item by a specific date.

(b) The Office of Procurement will maintain a follow-up of all cases received and notify field installations as to final disposition of individual cases.



## PART 18–54—CONTRACT APPEAL PROCEDURE


Sec.
18–54.000 Scope of part.
18–54.101 Authority.
18–54.102 Notice of appeal.
18–54.103 Action by contracting officer.
18–54.104 Designation of Government counsel.
18–54.105 Petition.
18–54.106 Answer.
18–54.107 Reply.
18–54.108 Appeal file—inspection of file.
18–54.109 Amendments to petition and answer.
18–54.110 Trial briefs.
18–54.111 Motions to dismiss for lack of jurisdiction.
18–54.112 Failure to state a case.
18–54.113 Depositions.
18–54.114 Stipulations.
18–54.115 Prehearing conference.
18–54.116 Settlement.
18–54.117 Filing of papers.
18–54.118 Hearing.
18–54.119 Representation of the contractor.
18–54.120 Decisions.
18–54.121 Reconsideration.
18–54.122 Rescinded instructions.
18–54.123 Form for notice of appeal.


AUTHORITY: The provisions of this Part 18–54 issued under 42 U.S.C. 2473(b)(1).

**§ 18–54.000 Scope of part.**

This Part 18–54 establishes procedures for the review and adjudication of appeals arising from NASA contracts.

**§ 18–54.101 Authority.**

Under provisions of NASA Management Instruction 2–4–1, June 25, 1959, the Board of Contract Appeals is authorized to act for the Administrator in hearing, considering, and deciding appeals by contractors from findings of fact or decisions of NASA contracting officers or their representatives.

**§ 18–54.102 Notice of appeal.**

An appeal from findings of fact or decision of a NASA contracting officer shall be made by submitting a notice in writing, addressed to the Board of Contract Appeals (hereinafter referred to as the Board), National Aeronautics and Space Administration, Washington, D.C., 20546. Such notice shall be filed within 30 days from the date of receipt of the written decision of the contracting officer, unless otherwise provided in the contract. The original notice, together with two copies thereof, shall be mailed to or filed with the contracting officer from whose decision the appeal is taken. The notice of appeal shall indicate that an appeal is thereby intended, and shall identify the contract (by number), the contracting officer, and specify the portion of the findings of fact or decision from which the appeal is taken: *Provided, however,* That an appeal shall not be deemed invalid if the notice expresses a desire for a review of the adverse decision. The notice shall be signed by the contractor or his attorney. A suggested form of notice of appeal is set forth in § 18–54.123.

**§ 18–54.103 Action by contracting officer.**

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing or the date of receipt if otherwise filed, and shall forward such notice immediately to the Chairman of the Board for docketing. Within 10 days from the date of receipt of the notice of appeal, the contracting officer shall transmit one copy of the notice of appeal to the General Counsel for use of Government counsel and one copy to the Board. The Board's copy shall be accompanied by a file consisting of:

(a) The findings of fact and the decision from which the appeal is taken;

(b) All documents relied upon in making findings or decision;

(c) A copy of the contract and specifications, pertinent plans, amendments, and change orders;

(d) All correspondence between the parties relating to the dispute;

(e) Transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the notice of appeal; and

(f) Such additional information as the contracting officer may consider material.

True copies may be substituted for originals in this file.

**§ 18–54.104 Designation of government counsel.**

Upon receipt of the copy of notice of appeal from the contracting officer, the General Counsel shall promptly designate counsel to represent the interests of the Government. Government counsel

shall file a notice of appearance with the Board, and notice thereof shall be given promptly to the contractor by the Board.

**§ 18–54.105 Petition.**

A petition in support of the appeal shall be filed by the appellant with the Board within 30 days after the mailing or filing of the notice of appeal or within such longer period of time as may be allowed by the Board. A supporting brief may also be filed. The petition shall set forth:

(a) A summary of the decision of the contracting officer on the dispute from which the appeal is taken; and

(b) A simple, concise, and direct statement of each claim upon which the contractor relies and the reasons why the findings or decision are deemed erroneous.

Documentary evidence in support of claims may be filed as exhibits to the petition. Exhibits shall be plainly listed and identified in the petition. An original and two copies of the petition and exhibits shall be filed. Upon receipt thereof the Board shall forward a copy of the petition to counsel for the Government and a copy to the contracting officer.

**§ 18–54.106 Answer.**

(a) Within 30 days after receipt of the petition, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise, and direct statements of the Government's position on each claim asserted by the contractor. A supporting brief may also be filed.

(b) Documentary evidence in support of the Government's position may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and two copies of the answer and exhibits shall be filed with the Board. Upon receipt thereof the Board shall forward a copy of the answer to the contractor or his attorney and a copy to the contracting officer.

**§ 18–54.107 Reply.**

The contractor may file a reply within 15 days after receipt of the answer of counsel for the Government.

**§ 18–54.108 Appeal file—inspection of file.**

The appeal file shall consist of the notice of appeal, documents required to be filed pursuant to § 18–54.103, the petition and exhibits thereto, the answer and exhibits attached thereto, all papers filed by the parties with the Board pursuant to instructions contained herein, and all correspondence exchanged between the Board and the parties or their attorneys. The appeal file shall be available for inspection by the appellant and Government counsel at the offices of the Board or the office of the contracting officer.

**§ 18–54.109 Amendments to petition and answer.**

At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board at its discretion may permit a party, within the proper scope of the appeal, to amend its petition or answer, upon conditions just to both parties. The Board, at its discretion or upon application by a party, may order a party to make a more definite statement of its petition or answer, or to reply to an answer. When issues within the proper scope of the appeal but not raised by the complaint and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues made by the petition and answer, the Board may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the Board that the admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The Board may, however, grant a continuance to enable the objecting party to meet such evidence.

**§ 18–54.110 Trial briefs.**

The Board at its discretion may order the submission of trial briefs prior to oral hearing.

**§ 18–54.111 Motions to dismiss for lack of jurisdiction.**

Defenses which go to the jurisdiction of the Board shall be raised by motion. Filing of motions to dismiss for lack of jurisdiction shall not be unreasonably delayed. Motions to dismiss for lack of jurisdiction shall, upon application of either party, be heard and determined before oral hearing on the merits. The Board, however, has the right at any time to recognize its lack of authority to proceed in a particular case.

**§ 18–54.112 Failure to state a case.**

If, after completion of the pleadings, the Board finds that the appellant has failed to state a case on which any relief could be granted by the Board, the Board may give notice to the appellant to show cause why the appeal should not be dismissed on the ground that no useful purpose would be served by setting the case for oral hearing on the merits. The appellant, in such event, will be afforded an opportunity to be heard orally for the purpose of showing cause why the appeal should not be dismissed on that ground and, if the appellant so desires, to move to amend the complaint within the proper scope of the appeal. If the Board thereafter finds that the appellant has failed to show cause, and finds that the complaint, with such amendments as may be offered by the appellant, fails to state a case on which the Board could grant relief, the appeal shall be dismissed.

**§ 18–54.113 Depositions.**

(a) Depositions shall be limited to those situations where there is reason to believe that the witness will not be available for the hearing, and shall be permitted in evidence only when in fact the witness is not present at the hearing. Subject to the foregoing limitation, depositions upon oral examination or written interrogatories may be taken by either party and used as evidence at the hearing when relevant and material to the case.

(b) Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

(c) The taking of a deposition shall be preceded by giving the opposite party at least 15-day notice in writing of the time and place where such deposition will be taken. The notice shall state the name and address of the witness, and the name, official title, and address of the person before whom the deposition is to be taken; and shall indicate whether the deposition will be taken on oral examination or written interrogatories. The parties may stipulate in writing the requirements of the notice, in which case no notice is required. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice or stipulation.

(d) Within 10 days after receipt of the interrogatories, the opposing party may serve cross-interrogatories to be propounded to the witness by forwarding them to the officer designated to take the deposition and simultaneously forwarding a copy to the other party.

(e) Each deposition shall show the docket number and caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and shall enclose the original deposition and exhibits in a sealed packet with postage and other transportation prepaid and forward same to the Board.

(f) A deposition taken under the provisions of this section may be offered by either party to the appeal. Depositions will not be considered as evidence until they have been offered and received as such. All objections made at the time of the taking of the deposition will be passed on at the hearing by the Board, which may exclude any part determined to be irrelevant, immaterial, or otherwise not admissible as evidence in the proceedings. The entire deposition must be offered unless otherwise stipulated by the parties or directed by the Board.

**§ 18–54.114 Stipulations.**

The parties may stipulate in writing to any facts that are relevant and material to the issues involved, and to those documents or facts which may be received in evidence without formal proof.



**§ 18–54.115 Prehearing conference.**

The Board, upon its own initiative or upon application of one of the parties, may direct the parties or their attorneys to appear before the Board or a member designated by the Chairman at a specified time and place for a conference to consider:

(a) Simplification of the issues;

(b) The possibility of obtaining stipulations as to admissions of fact and introduction of documents which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, if a hearing is to be held; and

(d) Such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the Board or the member designated by the Chairman and made part of the record.

**§ 18–54.116 Settlement.**

A dispute may be settled at any time by the contractor's filing written notice withdrawing his appeal or by written stipulation between the contractor and the Government counsel approved by the Board settling either the entire dispute or any part thereof. If only part of the dispute is settled, the appeal shall continue as to any issues remaining in dispute.

**§ 18–54.117 Filing of papers.**

The parties shall file with the Board an original and two copies of all papers, subsequent to the petition and answer. Upon receipt thereof, the Board shall forward a copy to the opposing party.

**§ 18–54.118 Hearing.**

(a) The contractor may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. The parties shall be given at least 15-day notice of the time and place of hearing.

(b) Hearings will be held at NASA Headquarters, Washington, D.C., unless otherwise ordered by the Board.

(c) Hearings shall be as informal as may be reasonably allowable and appropriate under all the circumstances. Both parties may offer oral and written evidence, subject to the exclusion by the Chairman of any irrelevant, immaterial, or repetitious evidence. The general procedure as to the introduction of evidence and the calling of witnesses shall be at the discretion of the Chairman.

(d) Testimony shall be under oath or affirmation, unless the facts are stipulated or the Chairman shall otherwise order. Attention of witnesses shall be invited to the provisions of 18 U.S.C. 1621 relating to false testimony under oath. If the testimony of a witness is not given under oath the Board shall invite the attention of the witness to the provisions of Title 18, United States Code, Sections 287, 1001; Section 19 of the Contract Settlement Act of 1944 (41 U.S.C. 119); and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(e) The Board shall make provision for a verbatim transcript of the hearing.

(f) After a decision has become final, the Board may, upon request and after notice to the other party, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board at its discretion as a condition of granting permission for such withdrawal.

**§ 18–54.119 Representation of the contractor.**

An individual appellant may appear before the Board in person; a corporation may be represented by an officer thereof, a partnership or joint venture by a member thereof; or an organization may be represented by an attorney-at-law duly licensed in any State, Commonwealth, or in the District of Columbia. In special cases, the Board may authorize contractors to be represented by persons other than those mentioned.

**§ 18–54.120 Decisions.**

Decisions of the Board shall be made in writing and shall reflect the opinion of a majority of the members. Copies of the decision shall be forwarded simultaneously to both parties. All final orders and decisions (except those required for good cause to be held confidential) shall be available for public inspection at the offices of the Board, NASA Headquarters, Washington, D.C.

**§ 18–54.121 Reconsideration.**

A request for reconsideration by the Board may be filed within 30 days after the date of the decision. Such request shall set forth specifically the ground or grounds relied upon to sustain the request.

**§ 18–54.122 Rescinded instructions.**

This Part 18–54 incorporates the Instruction entitled "Contract Appeal Procedure" issued by the Administrator and effective on June 25, 1959. The procedures set forth supersede the contract appeal procedures established under NASA (NACA) General Regulation No. 6, November 14, 1955; they do not apply to appeals filed prior to June 25, 1959, unless otherwise directed by the Board with the contractor's consent.

**§ 18–54.123 Form for notice of appeal.**

The following is a suggested form for Notice of Appeal.

Date _____

BOARD OF CONTRACT APPEALS,
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
*Washington, D.C., 20546.*

Appeal of _____
(Name of Contractor)

Address _____
(Street No.) (City) (Zone/State)

Contract No. (Invitation No.) _____
Specification No. _____
_____
(Name and Location of Project)
_____
(Name of NASA Office or Field Installation)
The undersigned contractor appeals to the NASA Board of Contract Appeals from the decision or findings of fact dated _____ by _____
(Name of Contracting Officer)
The decision or findings of fact is erroneous because:

(State specific facts and circumstances and the contractual provisions involved. Use additional pages as necessary.)

_____
(Signature)

_____
(Title)

*Effective date.* The provision of Chapter 18 set forth a recodification of the National Aeronautics and Space Administration Procurement Regulation in effect as of September 1, 1964.

GEORGE J. VECCHIETTI,
*Director of Procurement, National Aeronautics and Space Administration.*

[F.R. Doc. 64–12400; Filed, Dec. 4, 1964; 8:45 a.m.]

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# FEDERAL REGISTER

VOLUME 29 NUMBER 238

Washington, Tuesday, December 8, 1964

## Contents

**AGRICULTURAL MARKETING SERVICE**

**Rules and Regulations**

General information and definitions; participation of State agencies and eligible households ..... 16784

**Proposed Rule Making**

Lettuce grown in Lower Rio Grande Valley in South Texas; expenses and rate of assessment ..... 16833

**AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE**

**Rules and Regulations**

Cotton; State reserve and county allotment ..... 16775

**AGRICULTURE DEPARTMENT**

*See* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

**Notices**

Farmers Home Administration; assignment and reservation of functions ..... 16840

**ALIEN PROPERTY OFFICE**

**Notices**

Ofner, Rosa et al.; vested property, intention to return ..... 16839

**ATOMIC ENERGY COMMISSION**

**Rules and Regulations**

Initial decisions in facility license cases ..... 16831

**Notices**

Washington State University; issuance of facility license amendment ..... 16841

**CIVIL AERONAUTICS BOARD**

**Notices**

*Hearings, etc.:*

Southern Airways, Inc ..... 16841

Trans-Texas Airways, Inc ..... 16841

**CIVIL SERVICE COMMISSION**

**Notices**

Positions for which there is determined to be a manpower shortage; listing ..... 16842

**FEDERAL AVIATION AGENCY**

**Rules and Regulations**

Designation:

Federal airway ..... 16788

Reporting points ..... 16788

Standard instrument approach procedures; miscellaneous amendments ..... 16789

**Proposed Rule Making**

Control zones, transition areas, and control area extensions; alteration, designation and revocation (3 documents) .. 16833–16835

Jet routes; designation ..... 16836

Restricted area; reopening of comment period ..... 16836

Star route mail carrying operations ..... 16836

**FEDERAL COMMUNICATIONS COMMISSION**

**Proposed Rule Making**

Contracts of broadcast licensees with newswire services ..... 16837

**Notices**

Trinity Broadcasting Co., and Warner Bros. Pictures, Inc.; application for construction permit ..... 16842

**FEDERAL POWER COMMISSION**

**Notices**

Amerada Petroleum Corp. et al.; hearing regarding rates (2 documents) ..... 16842, 16843

**FEDERAL TRADE COMMISSION**

**Rules and Regulations**

American Education Society, Inc., et al.; prohibited trade practices ..... 16826

**GENERAL SERVICES ADMINISTRATION**

**Rules and Regulations**

Archives and records; Federal property management regulations ..... 16797

Public property and works; archives and records management; recodification ..... 16832

**HOUSING AND HOME FINANCE AGENCY**

**Rules and Regulations**

Nondiscrimination in certain federally assisted programs and activities; cross reference ..... 16832

**INTERIOR DEPARTMENT**

*See* Land Management Bureau; National Park Service.

**INTERSTATE COMMERCE COMMISSION**

**Notices**

Finance applications ..... 16847

Motor carrier transfer proceedings ..... 16847

Organization; assignment of duties to individual Commissioners ..... 16846

(*Continued on next page*)

**JUSTICE DEPARTMENT**

*See* Alien Property Office.

**LAND MANAGEMENT BUREAU**

**Rules and Regulations**

Public Land Orders:
- Alaska (2 documents) ... 16830, 16831
- Arkansas ... 16828
- California (6 documents) ... 16827–16830
- Colorado ... 16827
- Idaho (2 documents) ... 16827, 16830
- Montana ... 16827
- Nevada ... 16829
- North Dakota ... 16828
- Utah (2 documents) ... 16828, 16831
- Wyoming ... 16829

**Notices**

Colorado; filing of protraction diagrams ... 16839

Idaho; opening of public lands ... 16839

**NATIONAL PARK SERVICE**

**Notices**

Assistant Superintendent et al., Glacier National Park; delegation of authority regarding contracts ... 16840

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

*Hearings, etc.:*
- Associated Oil & Gas Co., et al ... 16845
- Imperial Fund, Inc., et al ... 16845
- Rockwell-Standard Corp ... 16846

**SMALL BUSINESS ADMINISTRATION**

**Rules and Regulations**

Small business investment companies; miscellaneous amendments ... 16825

**Notices**

Branch Offices; notice of creation and transfer ... 16846


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**3 CFR**

EXECUTIVE ORDERS:
- Dec. 31, 1912 (revoked in part by PLO 3487) ... 16829
- 5289 (revoked in part by PLO 3486) ... 16830

**7 CFR**
- 722 ... 16775
- 1600 ... 16784
- 1601 ... 16784

PROPOSED RULES:
- 971 ... 16833

**10 CFR**
- 2 ... 16831

**13 CFR**
- 107 ... 16825

**14 CFR**
- 71 [New] (2 documents) ... 16788
- 97 [New] ... 16789

PROPOSED RULES:
- 71 [New] (3 documents) ... 16833–16835
- 73 [New] ... 16836
- 75 [New] ... 16836
- 135 [New] ... 16836

**16 CFR**
- 13 ... 16826

**41 CFR**
- 101–7 ... 16797
- 101–8 ... 16800
- 101–9 ... 16800
- 101–10 ... 16801
- 101–11 ... 16807
- 101–12 ... 16824
- 101–13 ... 16824

**43 CFR**

PUBLIC LAND ORDERS:
- 3359 (revoked in part by PLO 3478) ... 16827
- 3447 (revoked in part by PLO 3485) ... 16829
- 3475 ... 16827
- 3476 ... 16827
- 3477 ... 16827
- 3478 ... 16827
- 3479 ... 16828
- 3480 ... 16828
- 3481 ... 16828
- 3482 ... 16828
- 3483 ... 16829
- 3484 ... 16829
- 3485 ... 16829
- 3486 ... 16830
- 3487 ... 16829
- 3488 ... 16830
- 3489 ... 16830
- 3490 ... 16830
- 3491 ... 16831
- 3492 ... 16831

**44 CFR**
- 1 ... 16832
- 2 ... 16832
- 3 ... 16832
- 4 ... 16832
- 5 ... 16832
- 6 ... 16832
- 7 ... 16832
- Ch. VII ... 16832

**47 CFR**

PROPOSED RULES:
- 73 ... 16837


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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service, (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

### PART 722—COTTON

### Subpart—1965 Crop of Upland Cotton—National Marketing Quota; National Allotment and National Reserve and Apportionment to the States and Counties; National Domestic Acreage Allotment; Referendum Date

STATE RESERVE AND COUNTY ALLOTMENT

(a) Section 722.261 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.). This section establishes the State reserve and its allocation among uses for the 1965 crop of upland cotton. It also allocates the State's share of the national reserve among counties and establishes the county allotment. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

(b) Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on September 12, 1964 (29 F.R. 12878) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since the allocations under this section require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.261 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.261 shall be effective upon filing this document with the Director, Office of the Federal Register.

**§ 722.261 State reserve and county allotment for the 1965 crop of upland cotton.**

(a) *State reserve.* The State reserve for each State shall be established and allocated among uses as shown in the following table for the 1965 crop of upland cotton pursuant to § 722.208 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041):

[Acres]

| State | Total State reserve | Allocations from State reserve for— | | | |
|---|---|---|---|---|---|
| | | Trends | Small farms | Inequity and hardship cases | New farms and set-aside for errors |
| Alabama | 125 | | | | 125 |
| Arizona | 25 | | | | 25 |
| Arkansas | 132,785 | 132,785 | | | |
| California | 50 | | | | 50 |
| Florida | 300 | | | | 300 |
| Georgia | 40,630 | 40,630 | | | 300 |
| Illinois | 50 | | | 40 | 10 |
| Kansas | | | | | |
| Kentucky | 697 | 547 | 100 | 50 | |
| Louisiana | 55,815 | 55,815 | | | |
| Maryland | | | | | |
| Mississippi | 153,031 | 153,006 | | | 25 |
| Missouri | 4,500 | | | 4,476 | 24 |
| Nevada | | | | | |
| New Mexico | 506 | | | 436 | 70 |
| North Carolina | 43,706 | | | 43,506 | 200 |
| Oklahoma | 111,521 | | | 110,821 | 700 |
| South Carolina | 66,620 | 66,120 | | | 500 |
| Tennessee | 53,151 | 53,021 | | | 130 |
| Texas | 679,990 | | | 678,990 | 1,000 |
| Virginia | 465 | | 225 | 225 | 15 |

(b) *Explanation of allocations of State reserve among uses*—(1) *State reserve for minimum farms.* It is hereby determined that the State's share of the national reserve will meet the requirements for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the act and accordingly, the State committee is not required to establish a State reserve for minimum farm allotments.

(2) *State reserve for abnormal conditions.* It is hereby determined that no State reserve for abnormal conditions is required.

(3) *State reserve for trends.* It is hereby determined that State reserves in substantial amounts are required for trend adjustments in applicable counties of Arkansas, Georgia, Kentucky, Louisiana, Mississippi, South Carolina and Tennessee. Cotton producers in such counties generally plant the entire farm allotment each year and the size of available farm allotments is the limiting factor on the acreage planted to cotton in such counties. Cotton producers in other areas of these States fail to fully utilize farm allotments because of a trend away from cotton production. The following formulas for trend adjustments in county allotments in these States shall be used:

(i) *Arkansas.* An average decimal ratio shall be computed for each county by dividing the total preliminary county allotments for each of the three years, 1963, 1964 and 1965 by the preceding year's county allotment. Each county with a ratio of 0.98 or more shall be eligible for a trend adjustment from the State reserve. A trend base acreage for apportioning the State reserve for trend adjustments shall be determined for each eligible county by multiplying the 1961–1963 average history acreage for each eligible county according to the following weights:

| County average decimal ratio: | Weight |
|---|---|
| 0.98–0.986 | 1.00 |
| 0.987–0.996 | 1.25 |
| 0.997 and over | 1.40 |

(ii) *Kentucky.* It is hereby determined that the entire State reserve for trend adjustments shall be allocated to Fulton County which is the only county in Kentucky where cotton allotments are a limiting factor on the acreage planted for cotton. Producers in all other counties of Kentucky are trending from cotton production.

(iii) *Georgia.* A decimal ratio shall be computed for each county by dividing the county total of the 1965 farm base acreages by the 1964 county allotment. Each county with a decimal ratio of 0.970 shall be eligible for a trend adjustment from the State reserve. A trend base acreage for each eligible county for apportioning the State reserve for trend shall be determined by multiplying the three year average, 1962–1964, of the total farm base acreages for the county by the following weights:

| County decimal ratio: | Weight |
|---|---|
| 0.970–0.974 | 1.00 |
| 0.975–0.979 | 1.10 |
| 0.980–0.984 | 1.20 |
| 0.985–0.989 | 1.30 |
| 0.990–0.994 | 1.40 |
| 0.995 and over | 1.50 |

(iv) *Louisiana.* A decimal ratio shall be computed for each parish by dividing the parish total of the preliminary 1965 farm base acreages by the 1964 parish allotment for upland cotton, excluding released allotments allocated to the parish by the State committee. Each parish for which such ratio is 95.1 or more shall be eligible for a trend adjustment from the State reserve. The State reserve for trend adjustments shall be apportioned to eligible parishes in such manner that the 1965 allotments for such parishes shall be in the same relationship for such parishes as has been in effect since 1961.

(v) *Mississippi.* An average decimal ratio for the three years, 1963–1965, shall be computed for each county by dividing the county total of the farm base acreages for the respective years by the county allotment for the year preceding each of such three years. Each county for which a decimal ratio of 0.93 or more is determined shall be eligible for an adjustment from the State reserve for trends as follows:

(*a*) Each eligible county for which the decimal ratio is in the ratio range of 0.930 through 0.960 shall be given a preliminary trend adjustment equal to the additional acreage that the county would have received in the absence of a State reserve for trends.

(*b*) The acreage remaining in the State reserve for trends after preliminary adjustments have been made in accordance with (*a*) of this subdivision shall be apportioned to eligible counties for which the decimal ratio is in the ratio range of 0.970 and above for the county on the basis of county trend base acreages computed by multiplying the five-year (1959–1963) average history acreage for each eligible county according to the following range of county decimal ratios and weights:

| County decimal ratio: | *Weight* |
|---|---|
| 0.970–0.979 | 2.0 |
| 0.980 and up | 5.0 |

(vi) *South Carolina.* A decimal ratio for each county shall be computed by dividing the total 1965 preliminary farm base acreage by the total 1964 county allotment. Each county with a decimal ratio of 0.970 or more shall be eligible for a trend adjustment from the State reserve. The State reserve for trends shall be apportioned to eligible counties on the basis of trend base acreages computed by multiplying the average county allotment base acreages for the three years, 1962–1964, by the following weights:

| County decimal ratio: | *Weight* |
|---|---|
| 0.97–0.979 | 1.0 |
| 0.980–0.987 | 2.0 |
| 0.988–0.995 | 3.0 |
| 0.996–1.000 | 3.5 |

(vii) *Tennessee.* Each county shall be allocated a portion of the State reserve for trends equal to an acreage resulting by subtracting the sum of the 1964 computed county allotment and the allocation to the county from the State's share of the national reserve from the county total of the 1965 preliminary farm allotment bases. A State total of such allocations to counties from the State reserve for trends shall be deducted from the State reserve for trends. Such remainder of the State reserve for trends shall be apportioned to those counties for which the sum of the computed county allotment and the allocation from the national reserve equals the county total of 1965 preliminary farm allotment bases on the basis of the computed county allotments for such counties.

(4) *State reserve to correct inequities and prevent hardship.* It is hereby determined that State reserves in substantial amounts are required to correct inequities in farm allotments and to prevent hardships on farms in applicable counties of North Carolina, Oklahoma, and Texas as shown in paragraph (c) of this section. Cotton producers in such counties generally plant the entire farm allotment each year and the size of available farm allotments is the limiting factor on the acreage planted to cotton in such counties. Cotton producers in other areas of these States fail to fully utilize farm allotments. In addition, in certain areas of these States, the reduction of the number of farms eligible for allotments as old cotton farms has resulted in inequitable allotments on the remaining old cotton farms in such areas. Allocation of State reserves for inequities and hardships so as to reduce excessive farm allotments in such areas will also tend to eliminate inequities in farm allotments between areas of these States and between farms within the areas.

(5) *State reserve for new farms, missed and reconstituted farms and correction of errors.* It is hereby determined that a State reserve for new farms shall be established only for Oklahoma and Tennessee. Such reserve is included with the State reserve for missed and reconstituted farms and correction of errors.

(c) *County allotment.* The county allotment is established for the 1965 crop of upland cotton in accordance with § 722.209 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041). The county allotment consists of the computed county allotment, allocation from the State's share of the national reserve and allocation from the State reserve for trends. The following table sets forth the county allotment, allocations from the State's share of the national reserve and allocations from the State reserve.

ALABAMA

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Autauga | 8,664 | 241 | 0 | 8,905 | 0 |
| Baldwin | 2,714 | 89 | 0 | 2,803 | 0 |
| Barbour | 13,682 | 500 | 0 | 14,182 | 0 |
| Bibb | 3,657 | 85 | 0 | 3,742 | 0 |
| Blount | 16,445 | 303 | 0 | 16,748 | 0 |
| Bullock | 8,513 | 118 | 0 | 8,631 | 0 |
| Butler | 9,104 | 226 | 0 | 9,330 | 0 |
| Calhoun | 6,495 | 130 | 0 | 6,625 | 0 |
| Chambers | 8,996 | 223 | 0 | 9,119 | 0 |
| Cherokee | 19,978 | 852 | 0 | 20,830 | 0 |
| Chilton | 9,262 | 310 | 0 | 9,572 | 0 |
| Choctaw | 6,201 | 190 | 0 | 6,391 | 0 |
| Clarke | 5,783 | 60 | 0 | 5,843 | 0 |
| Clay | 4,138 | 0 | 0 | 4,138 | 0 |
| Cleburne | 2,667 | 0 | 0 | 2,667 | 0 |
| Coffee | 18,194 | 427 | 0 | 18,621 | 0 |
| Colbert | 20,616 | 488 | 0 | 21,104 | 0 |
| Conecuh | 11,973 | 354 | 0 | 12,327 | 0 |
| Coosa | 1,651 | 0 | 0 | 1,651 | 0 |
| Covington | 15,325 | 468 | 0 | 15,793 | 0 |
| Crenshaw | 10,543 | 241 | 0 | 10,784 | 0 |
| Cullman | 31,574 | 1,005 | 0 | 32,579 | 0 |
| Dale | 7,961 | 211 | 0 | 8,172 | 0 |
| Dallas | 25,521 | 760 | 0 | 26,281 | 0 |
| DeKalb | 30,189 | 1,541 | 0 | 31,730 | 0 |
| Elmore | 14,155 | 353 | 0 | 14,508 | 0 |
| Escambia | 10,028 | 304 | 0 | 10,332 | 0 |
| Etowah | 11,629 | 485 | 0 | 12,114 | 0 |
| Fayette | 8,413 | 254 | 0 | 8,667 | 0 |
| Franklin | 12,621 | 275 | 0 | 12,896 | 0 |
| Geneva | 19,396 | 719 | 0 | 20,115 | 0 |
| Greene | 12,492 | 451 | 0 | 12,943 | 0 |
| Hale | 14,504 | 413 | 0 | 14,917 | 0 |
| Henry | 14,907 | 473 | 0 | 15,380 | 0 |
| Houston | 25,294 | 877 | 0 | 26,171 | 0 |
| Jackson | 23,220 | 993 | 0 | 24,213 | 0 |
| Jefferson | 3,633 | 0 | 0 | 3,633 | 0 |
| Lamar | 10,260 | 258 | 0 | 10,518 | 0 |
| Lauderdale | 26,455 | 620 | 0 | 27,075 | 0 |
| Lawrence | 36,513 | 1,632 | 0 | 38,145 | 0 |
| Lee | 9,018 | 174 | 0 | 9,192 | 0 |
| Limestone | 48,452 | 1,857 | 0 | 50,309 | 0 |
| Lowndes | 10,012 | 231 | 0 | 10,243 | 0 |
| Macon | 15,687 | 550 | 0 | 16,237 | 0 |
| Madison | 56,126 | 1,835 | 0 | 57,961 | 0 |
| Marengo | 15,524 | 291 | 0 | 15,815 | 0 |
| Marion | 12,388 | 320 | 0 | 12,708 | 0 |
| Marshall | 28,432 | 1,154 | 0 | 29,586 | 0 |
| Mobile | 3,212 | 118 | 0 | 3,330 | 0 |
| Monroe | 16,968 | 563 | 0 | 17,531 | 0 |
| Montgomery | 10,188 | 150 | 0 | 10,338 | 0 |
| Morgan | 26,918 | 836 | 0 | 27,754 | 0 |
| Perry | 10,553 | 296 | 0 | 10,849 | 0 |
| Pickens | 14,155 | 339 | 0 | 14,494 | 0 |
| Pike | 15,895 | 342 | 0 | 16,237 | 0 |
| Randolph | 9,152 | 321 | 0 | 9,473 | 0 |
| Russell | 9,618 | 254 | 0 | 9,872 | 0 |
| St. Clair | 5,214 | 0 | 0 | 5,214 | 0 |
| Shelby | 5,705 | 101 | 0 | 5,806 | 0 |
| Sumter | 13,366 | 294 | 0 | 13,660 | 0 |
| Talladega | 11,971 | 407 | 0 | 12,378 | 0 |
| Tallapoosa | 6,602 | 167 | 0 | 6,769 | 0 |
| Tuscaloosa | 15,586 | 329 | 0 | 15,915 | 0 |
| Walker | 6,767 | 0 | 0 | 6,767 | 0 |
| Washington | 2,327 | 97 | 0 | 2,424 | 0 |
| Wilcox | 10,980 | 241 | 0 | 11,221 | 0 |
| Winston | 6,867 | 198 | 0 | 7,065 | 0 |



ARKANSAS—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Polk | 38 | 0 | 0 | 38 | 0 |
| Pope | 2,493 | 0 | 0 | 2,493 | 0 |
| Prairie | 9,019 | 61 | 0 | 9,080 | 0 |
| Pulaski | 14,579 | 0 | 1,568 | 16,147 | 0 |
| St. Francis | 56,771 | 16 | 0 | 56,787 | 0 |
| Saline | 57,577 | 311 | 7,476 | 65,364 | 0 |
| Scott | 81 | 0 | 0 | 81 | 0 |
| Searcy | 187 | 0 | 0 | 187 | 0 |
| Sebastian | 146 | 0 | 0 | 146 | 0 |
| Sevier | 598 | 0 | 0 | 598 | 0 |
| Sharp | 2,184 | 0 | 0 | 2,184 | 0 |
| Stone | 153 | 0 | 0 | 153 | 0 |
| Union | 2,202 | 0 | 0 | 2,202 | 0 |
| Van Buren | 780 | 2 | 0 | 780 | 0 |
| Washington | 2 | 0 | 2 | 4 | 0 |
| White | 18,725 | 168 | 0 | 18,893 | 0 |
| Woodruff | 32,508 | 0 | 4,170 | 36,678 | 0 |
| Yell | 5,673 | 0 | 0 | 5,673 | 0 |

CALIFORNIA

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Fresno | 187,782 | 751.7 | 0 | 188,533.7 | 0 |
| Imperial | 46,773 | 122.2 | 0 | 46,895.2 | 0 |
| Kern | 173,136 | 118.1 | 0 | 173,254.1 | 0 |
| Kings | 98,630 | 191.5 | 0 | 98,821.5 | 0 |
| Los Angeles | 205 | 0 | 205.0 | 410.0 | 0 |
| Madera | 44,906 | 154.8 | 0 | 45,060.8 | 0 |
| Riverside | 28,230 | 151.7 | 0 | 28,381.7 | 0 |
| Tulare | 19,235 | 77.4 | 0 | 19,312.4 | 0 |
| San Benito | 235 | 2.0 | 0 | 237.0 | 0 |
| San Bernardino | 383 | 4.1 | 0 | 387.1 | 0 |
| San Diego | 288 | 2.0 | 0 | 290.0 | 0 |
| Stanislaus | 80 | 6.1 | 0 | 86.1 | 0 |
| Tulare | 138,972 | 548.0 | 0 | 139,520.0 | 0 |

FLORIDA

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Alachua | 113 | 16.0 | 0 | 129.0 | 0 |
| Baker | 7 | 0 | 0 | 7.0 | 0 |
| Bay | 45 | 5.0 | 0 | 50.0 | 0 |
| Calhoun | 631 | 0 | 0 | 631.0 | 0 |
| Clay | 8 | 1.5 | 0 | 9.5 | 0 |
| Columbia | 294 | 57.8 | 0 | 351.8 | 0 |
| Dixie | 6 | 37.5 | 0 | 43.5 | 0 |
| Duval | 1,397 | 69.6 | 0 | 1,466.6 | 0 |
| Escambia | 182 | 30.0 | 0 | 212.0 | 0 |
| Gadsden | 3 | 0 | 0 | 3.0 | 0 |
| Gilchrist | 1,166 | 71.7 | 0 | 1,237.7 | 0 |
| Hamilton | 4,522 | 594.7 | 0 | 5,116.7 | 0 |
| Holmes | 7,345 | 596.8 | 0 | 5,941.8 | 0 |
| Jackson | 1,708 | 172.3 | 0 | 1,880.3 | 0 |
| Lafayette | 231 | 0 | 0 | 231.0 | 0 |
| Leon | 677 | 50.0 | 0 | 727.0 | 0 |
| Levy | 14 | 0 | 0 | 6.0 | 0 |
| Liberty | 2,739 | 3.6 | 0 | 17.6 | 0 |
| Madison | 5 | 364.1 | 0 | 3,103.1 | 0 |
| Nassau | 1,374 | 35.9 | 0 | 1,409.9 | 0 |
| Putnam | 2 | 0 | 0 | 2.0 | 0 |
| Santa Rosa | 5,779 | 359.7 | 0 | 6,138.7 | 0 |
| Suwannee | 641 | 169.5 | 0 | 810.5 | 0 |
| Taylor | 26 | 14.0 | 0 | 40.0 | 0 |
| Walton | 2,019 | 258.0 | 0 | 2,277.0 | 0 |
| Washington | 2,146 | 131.3 | 0 | 945.9 | 0 |

ARIZONA

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Cochise | 13,960 | 80 | 0 | 13,940 | 0 |
| Gila | 37 | 0 | 0 | 37 | 0 |
| Graham | 8,805 | 55 | 0 | 8,860 | 0 |
| Greenlee | 1,672 | 32 | 0 | 1,704 | 0 |
| Maricopa | 120,885 | 262 | 0 | 121,147 | 0 |
| Mohave | 280 | 0 | 0 | 280 | 0 |
| Pima | 21,760 | 4 | 0 | 21,764 | 0 |
| Pinal | 130,798 | 32 | 0 | 130,830 | 0 |
| Santa Cruz | 1,857 | 0 | 0 | 1,857 | 0 |
| Yavapai | 12 | 0 | 0 | 12 | 0 |
| Yuma | 30,103 | 92 | 0 | 30,195 | 0 |

ARKANSAS

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Arkansas | 8,841 | 0 | 813 | 9,654 | 0 |
| Ashley | 22,043 | 89 | 2,529 | 24,661 | 0 |
| Baxter | 45 | 0 | 0 | 45 | 0 |
| Benton | 2 | 0 | 0 | 2 | 0 |
| Boone | 8 | 0 | 0 | 8 | 0 |
| Bradley | 4,849 | 0 | 0 | 4,849 | 0 |
| Calhoun | 3,444 | 0 | 0 | 3,444 | 0 |
| Chicot | 26,458 | 0 | 3,423 | 29,881 | 0 |
| Clark | 3,790 | 0 | 0 | 3,790 | 0 |
| Clay | 32,759 | 0 | 4,479 | 37,238 | 0 |
| Cleburne | 2,758 | 0 | 0 | 2,758 | 0 |
| Cleveland | 4,121 | 0 | 0 | 4,121 | 0 |
| Columbia | 10,094 | 0 | 0 | 10,094 | 0 |
| Conway | 5,883 | 0 | 0 | 5,883 | 0 |
| Craighead | 70,320 | 0 | 9,095 | 79,415 | 0 |
| Crawford | 305 | 4 | 0 | 309 | 0 |
| Crittenden | 83,935 | 605 | 10,826 | 94,966 | 0 |
| Cross | 32,653 | 39 | 4,238 | 36,932 | 0 |
| Dallas | 1,858 | 236 | 0 | 1,858 | 0 |
| Desha | 37,599 | 0 | 4,896 | 42,691 | 0 |
| Drew | 12,627 | 0 | 1,158 | 13,785 | 0 |
| Faulkner | 10,472 | 0 | 0 | 10,472 | 0 |
| Franklin | 645 | 0 | 0 | 645 | 0 |
| Fulton | 670 | 0 | 0 | 670 | 0 |
| Garland | 9 | 0 | 0 | 9 | 0 |
| Grant | 742 | 0 | 0 | 742 | 0 |
| Greene | 33,596 | 289 | 3,872 | 37,717 | 0 |
| Hempstead | 8,657 | 0 | 0 | 8,657 | 0 |
| Hot Spring | 411 | 0 | 0 | 411 | 0 |
| Howard | 2,011 | 0 | 0 | 2,011 | 0 |
| Independence | 5,348 | 65 | 0 | 5,413 | 0 |
| Izard | 1,985 | 0 | 0 | 1,985 | 0 |
| Jackson | 37,825 | 225 | 4,897 | 42,947 | 0 |
| Jefferson | 68,548 | 398 | 7,591 | 66,323 | 0 |
| Johnson | 717 | 65 | 0 | 782 | 0 |
| Lafayette | 12,717 | 0 | 1,168 | 13,966 | 0 |
| Lawrence | 17,904 | 0 | 2,055 | 19,959 | 0 |
| Lee | 50,736 | 0 | 6,545 | 57,350 | 0 |
| Lincoln | 29,119 | 103 | 3,767 | 32,898 | 0 |
| Little River | 4,778 | 0 | 0 | 4,891 | 0 |
| Logan | 4,775 | 0 | 0 | 4,775 | 0 |
| Lonoke | 44,305 | 0 | 4,068 | 48,373 | 0 |
| Marion | 35 | 0 | 0 | 35 | 0 |
| Miller | 9,212 | 35 | 0 | 9,247 | 0 |
| Mississippi | 156,683 | 1,127 | 20,314 | 178,124 | 0 |
| Monroe | 33,799 | 227 | 4,372 | 38,398 | 0 |
| Montgomery | 67 | 0 | 0 | 67 | 0 |
| Nevada | 4,098 | 0 | 0 | 4,098 | 0 |
| Newton | 34 | 2 | 0 | 36 | 0 |
| Ouachita | 2,361 | 0 | 0 | 2,361 | 0 |
| Perry | 961 | 0 | 0 | 961 | 0 |
| Phillips | 69,594 | 327 | 9,014 | 78,135 | 0 |
| Pike | 358 | 0 | 0 | 358 | 0 |
| Poinsett | 74,198 | 271 | 9,615 | 84,084 | 0 |

GEORGIA—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Heard | 2,209 | 3.4 | 0 | 2,212.4 | 0 |
| Henry | 2,844 | 218.2 | 0 | 3,062.2 | 0 |
| Houston | 4,739 | 164.2 | 457.9 | 5,361.1 | 9 |
| Irwin | 3,911 | 342.6 | 260.4 | 4,514.0 | 0 |
| Jackson | 9,811 | 113.0 | 0 | 9,924.0 | 0 |
| Jasper | 2,700 | 82.3 | 0 | 2,782.3 | 0 |
| Jeff Davis | 2,104 | 41.0 | 0 | 2,145.0 | 0 |
| Jefferson | 4,139 | 267.6 | 1,041.3 | 5,447.9 | 0 |
| Johnson | 10,479 | 366.2 | 1,194.6 | 12,039.8 | 0 |
| Jones | 4,148 | 451.2 | 0 | 4,599.2 | 0 |
| Lamar | 2,408 | 1.1 | 0 | 2,409.1 | 0 |
| Lanier | 2,250 | 80.5 | 0 | 2,330.5 | 0 |
| Laurens | 8,592 | 14.8 | 2,571.7 | 11,178.5 | 0 |
| Lee | 3,139 | 168.9 | 253.3 | 3,561.2 | 0 |
| Liberty | 121 | 0.2 | 0 | 121.2 | 0 |
| Lincoln | 2,042 | 10.7 | 0 | 2,052.7 | 0 |
| Long | 458 | 10.8 | 0 | 468.8 | 0 |
| Lowndes | 3,009 | 96.6 | 0 | 3,105.6 | 0 |
| Lumpkin | 58 | 0 | 0 | 58.0 | 0 |
| McDuffie | 5,695 | 145.5 | 0 | 5,840.5 | 0 |
| McIntosh | 3 | 0 | 0 | 3 | 2.0 |
| Macon | 10,474 | 364.5 | 1,042.9 | 11,881.4 | 0 |
| Madison | 9,060 | 203.3 | 0 | 9,263.3 | 0 |
| Marion | 3,340 | 130.2 | 315.5 | 3,785.7 | 0 |
| Meriwether | 10,233 | 282.0 | 571.5 | 11,086.5 | 0 |
| Miller | 3,314 | 138.7 | 454.1 | 3,907.3 | 0 |
| Mitchell | 647 | 27.1 | 861.6 | 1,535.7 | 0 |
| Monroe | 1,961 | 24.6 | 0 | 1,985.6 | 0 |
| Montgomery | 3,672 | 123.8 | 0 | 3,795.8 | 0 |
| Morgan | 12,494 | 398.3 | 1,343.3 | 14,235.6 | 0 |
| Murray | 3,253 | 4.9 | 0 | 3,257.9 | 0 |
| Muscogee | 175 | 128.5 | 0 | 303.5 | 0 |
| Newton | 6,614 | 204.4 | 0 | 6,818.4 | 0 |
| Oconee | 7,118 | 218.0 | 0 | 7,336.0 | 0 |
| Oglethorpe | 6,671 | 0 | 0 | 6,894.0 | 0 |
| Paulding | 2,308 | 66.2 | 206.2 | 2,578.4 | 0 |
| Peach | 2,074 | 0 | 0 | 2,074.0 | 0 |
| Pickens | 2,098 | 3.7 | 0 | 2,101.7 | 0 |
| Pierce | 5,669 | 177.2 | 598.9 | 6,445.1 | 0 |
| Pike | 5,619 | 29.1 | 781.1 | 6,429.2 | 0 |
| Polk | 7,832 | 7.1 | 0 | 7,839.1 | 0 |
| Pulaski | 1,351 | 106.2 | 392.9 | 1,850.1 | 0 |
| Putnam | 1,382 | 68.2 | 0 | 1,450.2 | 0 |
| Quitman | 2,132 | 6.8 | 0 | 2,138.8 | 0 |
| Rabun | 2,606 | 121.4 | 319.9 | 3,047.3 | 0 |
| Randolph | 3,453 | 473.2 | 1,361.9 | 5,288.1 | 0 |
| Richmond | 14,502 | 148.8 | 1,160.2 | 15,811.0 | 0 |
| Rockdale | 2,819 | 0.1 | 0 | 2,819.1 | 0 |
| Schley | 1,552 | 81.2 | 221.1 | 1,854.3 | 0 |
| Screven | 2,819 | 0.1 | 0 | 2,819.1 | 0 |
| Seminole | 1,404 | 49.4 | 0 | 1,453.4 | 0 |
| Spalding | 7,941 | 228.7 | 0 | 8,169.7 | 0 |
| Stephens | 14,919 | 525.5 | 1,146.8 | 16,591.3 | 0 |
| Stewart | 4,315 | 41.6 | 0 | 4,356.6 | 0 |
| Sumter | 2,975 | 41.9 | 0 | 3,016.9 | 0 |
| Talbot | 6,280 | 103.5 | 0 | 6,383.5 | 0 |
| Taliaferro | 1,661 | 1.2 | 0 | 1,662.2 | 0 |
| Tattnall | 6,739 | 171.7 | 0 | 6,910.7 | 0 |
| Taylor | 1,707 | 3.0 | 0 | 1,710.0 | 0 |
| Telfair | 3 | 138.6 | 334.2 | 476.8 | 0 |
| Terrell | 9,042 | 123.3 | 0 | 9,165.3 | 0 |
| Thomas | 3,383 | 66.0 | 0 | 3,449.0 | 0 |
| Tift | 2,589 | 20.3 | 0 | 2,558.3 | 0 |
| Toombs | 3,366 | 0.6 | 0 | 3,366.6 | 0 |
| Treutlen | 582 | 0.9 | 0 | 582.9 | 0 |
| Troup | 1,845 | 200.3 | 0 | 1,805.3 | 0 |
| Turner | 7,825 | 200.3 | 0 | 8,025.3 | 0 |
| Twiggs | 2,255 | 2.2 | 0 | 2,257.2 | 0 |
| Upson | 1,373 | 35.1 | 0 | 1,408.1 | 0 |
| Walker | 10,417 | 331.3 | 0 | 10,748.3 | 0 |
| Walton | 10,417 | 331.3 | 0 | 10,748.3 | 0 |

LOUISIANA—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Jefferson Davis | 2 | 0 | 0 | 2 | 0 |
| Lafayette | 265 | 0 | 0 | 265 | 0 |
| LaSalle | 11,277 | 19 | 116 | 11,412 | 0 |
| Lincoln | 2,880 | 0 | 0 | 2,880 | 0 |
| Livingston | 801 | 0 | 0 | 801 | 0 |
| Madison | 18,240 | 506 | 3,909 | 22,197 | 0 |
| Morehouse | 28,433 | 739 | 4,500 | 33,672 | 0 |
| Natchitoches | 20,044 | 284 | 1,729 | 22,107 | 0 |
| Orleans | 1 | 0 | 0 | 1 | 0 |
| Ouachita | 12,662 | 350 | 2,163 | 15,180 | 0 |
| Pointe Coupee | 8,207 | 0 | 0 | 8,207 | 0 |
| Rapides | 16,936 | 497 | 3,024 | 20,457 | 0 |
| Red River | 9,272 | 86 | 414 | 9,754 | 0 |
| Richland | 44,889 | 1,060 | 6,634 | 51,583 | 0 |
| Sabine | 1,767 | 0 | 0 | 1,767 | 0 |
| St. Helena | 1,769 | 0 | 0 | 1,769 | 0 |
| St. James | 1 | 0 | 0 | 1 | 1 |
| St. John the Baptist | 29,857 | 492 | 2,963 | 33,312 | 0 |
| St. Landry | 6,894 | 0 | 0 | 6,894 | 0 |
| St. Martin | 249 | 0 | 0 | 249 | 0 |
| St. Mary | 1,145 | 442 | 2,601 | 21,228 | 0 |
| Tangipahoa | 18,183 | 0 | 0 | 4,587 | 0 |
| Tensas | 4,587 | 0 | 0 | 4,063 | 0 |
| Union | 4,063 | 921 | 0 | 921 | 0 |
| Vermilion | 921 | 0 | 0 | 4,667 | 0 |
| Vernon | 4,667 | 0 | 0 | 4,667 | 0 |
| Washington | 4,667 | 0 | 0 | 6,029 | 0 |
| Webster | 6,029 | 0 | 0 | 926 | 0 |
| West Baton Rouge | 926 | 0 | 0 | 1,968 | 0 |
| West Carroll | 1,968 | 0 | 0 | 855 | 0 |
| West Feliciana | 855 | 0 | 0 | | |
| Winn | | | | | |

MARYLAND

| | | | | | |
|---|---|---|---|---|---|
| Caroline | 6 | 0 | 0 | 6 | 0 |

MISSISSIPPI

| | | | | | |
|---|---|---|---|---|---|
| Adams | 2,291 | 0 | 0 | 2,291 | 0 |
| Alcorn | 11,859 | 598 | 1,318 | 13,775 | 0 |
| Amite | 7,478 | 0 | 0 | 7,478 | 0 |
| Attala | 11,930 | 449 | 1,291 | 13,720 | 0 |
| Benton | 10,247 | 437 | 1,261 | 11,945 | 0 |
| Bolivar | 104,041 | 290 | 14,833 | 119,164 | 0 |
| Calhoun | 14,011 | 876 | 1,567 | 16,444 | 0 |
| Carroll | 13,082 | 517 | 1,612 | 15,161 | 0 |
| Chickasaw | 12,097 | 622 | 1,344 | 14,063 | 0 |
| Choctaw | 3,543 | 0 | 0 | 3,543 | 0 |
| Claiborne | 4,111 | 0 | 0 | 4,111 | 0 |
| Clarke | 4,081 | 0 | 0 | 4,081 | 0 |
| Clay | 6,611 | 411 | 735 | 7,757 | 0 |
| Coahoma | 76,909 | 107 | 10,943 | 87,959 | 0 |
| Copiah | 7,228 | 0 | 0 | 7,228 | 0 |
| Covington | 8,008 | 0 | 0 | 8,008 | 0 |
| De Soto | 28,969 | 800 | 4,019 | 33,028 | 0 |
| Forrest | 1,221 | 0 | 0 | 1,221 | 0 |
| Franklin | 0 | 0 | 0 | 0 | 0 |
| George | 998 | 0 | 0 | 998 | 0 |
| Greene | 992 | 0 | 0 | 992 | 0 |
| Grenada | 10,172 | 239 | 1,208 | 11,619 | 0 |
| Hancock | 23 | 0 | 0 | 23 | 0 |
| Harrison | 27 | 0 | 0 | 27 | 0 |
| Hinds | 22,295 | 51 | 0 | 22,346 | 0 |
| Holmes | 29,744 | 723 | 4,241 | 34,708 | 0 |
| Humphreys | 41,146 | 285 | 5,868 | 47,299 | 0 |

GEORGIA—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Ware | 725 | 20.7 | 0 | 745.7 | 0 |
| Warren | 9,540 | 224.3 | 0 | 10,184.3 | 0 |
| Washington | 12,539 | 411.7 | 1,536.1 | 14,486.8 | 0 |
| Wayne | 2,310 | 64.6 | 119.0 | 2,493.6 | 0 |
| Webster | 3,119 | 99.7 | 0 | 3,218.7 | 0 |
| Wheeler | 468 | 0.4 | 0 | 468.4 | 0 |
| White | 1,992 | 0.3 | 0 | 1,992.3 | 0 |
| Whitfield | 9,973 | 321.2 | 1,000.4 | 11,295.6 | 0 |
| Wilcox | 2,908 | 77.7 | 0 | 2,985.7 | 0 |
| Wilkinson | 2,305 | 84.7 | 0 | 2,389.7 | 0 |
| Worth | 16,885 | 649.4 | 1,683.6 | 19,218.0 | 0 |

ILLINOIS

| | | | | | |
|---|---|---|---|---|---|
| Alexander | 1,728 | 6 | 0 | 1,734 | 22 |
| Madison | 3 | | 0 | 3 | |
| Massac | 15 | 15 | 0 | 1,206 | 0 |
| Pulaski | 1,193 | | | | 18 |

KANSAS

| | | | | | |
|---|---|---|---|---|---|
| Cowley | 20 | 2 | 0 | 22 | 0 |
| Montgomery | | | | | |

KENTUCKY

| | | | | | |
|---|---|---|---|---|---|
| Ballard | 13 | 0 | 0 | 13 | 0 |
| Calloway | 80 | 0 | 0 | 80 | 0 |
| Carlisle | 40 | 3.0 | 0 | 82 | 0 |
| Fulton | 5,071 | 236.0 | 547 | 5,854 | 90 |
| Graves | 146 | 4.0 | 0 | 150 | 0 |
| Hickman | 866 | 0.6 | 0 | 866 | 0 |
| Marshall | 4 | 6.0 | 0 | 10 | 0 |
| | 33 | 0 | 0 | 33 | 0 |

LOUISIANA

| | | | | | |
|---|---|---|---|---|---|
| Acadia | 9,851 | 94 | 570 | 10,515 | 0 |
| Allen | 455 | 0 | 0 | 455 | 0 |
| Ascension | 412 | 0 | 0 | 412 | 0 |
| Assumption | 6 | 0 | 0 | 6 | 0 |
| Avoyelles | 20,881 | 149 | 910 | 21,940 | 0 |
| Beauregard | 223 | 0 | 0 | 223 | 0 |
| Bienville | 3,498 | 0 | 0 | 3,498 | 0 |
| Bossier | 13,687 | 254 | 1,554 | 15,495 | 0 |
| Caddo | 28,960 | 450 | 2,804 | 32,214 | 0 |
| Calcasieu | 139 | 0 | 0 | 139 | 0 |
| Caldwell | 6,953 | 200 | 1,219 | 8,372 | 0 |
| Cameron | 138 | 0 | 0 | 138 | 0 |
| Catahoula | 10,559 | 338 | 2,062 | 12,959 | 0 |
| Claiborne | 7,215 | 0 | 0 | 7,215 | 0 |
| Concordia | 6,232 | 248 | 1,407 | 7,787 | 0 |
| DeSoto | 7,701 | 0 | 0 | 7,701 | 0 |
| East Baton Rouge | 626 | 0 | 0 | 626 | 0 |
| East Carroll | 24,715 | 800 | 4,899 | 30,419 | 0 |
| East Feliciana | 2,792 | 0 | 0 | 2,792 | 0 |
| Evangeline | 14,226 | 104 | 631 | 14,961 | 0 |
| Franklin | 56,702 | 1,195 | 7,795 | 64,692 | 0 |
| Iberia | 1,303 | 0 | 0 | 1,303 | 0 |
| Iberville | 470 | 0 | 0 | 470 | 0 |
| Jackson | 804 | | | 804 | |

MISSISSIPPI—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Issaquena | 8,963 | 97 | 1,279 | 10,339 | 0 |
| Itawamba | 9,199 | 366 | 1,022 | 10,587 | 0 |
| Jackson | 47 | 0 | 0 | 47 | 0 |
| Jasper | 5,914 | 0 | 0 | 5,914 | 0 |
| Jefferson | 4,327 | 0 | 0 | 4,327 | 0 |
| Jefferson Davis | 13,121 | 557 | 0 | 13,678 | 0 |
| Jones | 6,994 | 0 | 0 | 6,994 | 0 |
| Kemper | 8,851 | 320 | 0 | 9,171 | 0 |
| Lafayette | 14,568 | 404 | 1,619 | 16,591 | 0 |
| Lamar | 3,209 | 0 | 0 | 3,209 | 0 |
| Lauderdale | 4,921 | 0 | 0 | 4,921 | 0 |
| Lawrence | 6,387 | 0 | 0 | 6,387 | 0 |
| Leake | 14,566 | 418 | 0 | 14,949 | 0 |
| Lee | 23,189 | 502 | 2,574 | 26,245 | 0 |
| Leflore | 63,305 | 118 | 9,026 | 72,449 | 0 |
| Lincoln | 4,710 | 0 | 0 | 4,710 | 0 |
| Lowndes | 13,827 | 496 | 1,536 | 15,859 | 0 |
| Madison | 28,216 | 522 | 3,490 | 32,231 | 0 |
| Marion | 8,294 | 93 | 0 | 8,387 | 0 |
| Marshall | 30,017 | 639 | 4,279 | 34,935 | 0 |
| Monroe | 25,472 | 712 | 2,930 | 29,014 | 0 |
| Montgomery | 6,595 | 295 | 733 | 7,623 | 0 |
| Neshoba | 12,442 | 0 | 0 | 12,442 | 0 |
| Newton | 7,241 | 0 | 0 | 7,241 | 0 |
| Noxubee | 13,941 | 450 | 1,549 | 15,940 | 0 |
| Oktibbeha | 3,892 | 0 | 0 | 3,892 | 0 |
| Panola | 34,385 | 541 | 4,903 | 39,929 | 0 |
| Pearl River | 299 | 0 | 0 | 299 | 0 |
| Perry | 1,602 | 0 | 0 | 1,602 | 0 |
| Pike | 4,873 | 0 | 0 | 4,873 | 0 |
| Pontotoc | 17,040 | 1,261 | 1,893 | 20,194 | 0 |
| Prentiss | 14,611 | 1,019 | 1,623 | 17,253 | 0 |
| Quitman | 51,906 | 209 | 7,400 | 59,514 | 0 |
| Rankin | 7,973 | 0 | 0 | 7,973 | 0 |
| Scott | 9,201 | 53 | 0 | 9,254 | 0 |
| Sharkey | 23,872 | 80 | 3,403 | 27,355 | 0 |
| Simpson | 10,510 | 0 | 0 | 10,510 | 0 |
| Smith | 8,479 | 0 | 0 | 8,479 | 0 |
| Stone | 140 | 0 | 0 | 140 | 0 |
| Sunflower | 106,421 | 84 | 15,030 | 120,535 | 0 |
| Tallahatchie | 50,757 | 285 | 7,259 | 58,301 | 0 |
| Tate | 20,622 | 504 | 2,940 | 24,066 | 0 |
| Tippah | 13,741 | 1,010 | 1,527 | 16,278 | 0 |
| Tishomingo | 8,071 | 771 | 897 | 9,739 | 0 |
| Tunica | 41,740 | 77 | 5,952 | 47,769 | 0 |
| Union | 15,208 | 869 | 1,690 | 17,767 | 0 |
| Walthall | 10,433 | 5 | 0 | 10,438 | 0 |
| Warren | 5,392 | 109 | 599 | 6,100 | 0 |
| Washington | 71,805 | 286 | 10,237 | 82,328 | 0 |
| Wayne | 5,320 | 0 | 0 | 5,320 | 0 |
| Webster | 7,193 | 555 | 796 | 8,544 | 0 |
| Wilkinson | 3,368 | 0 | 0 | 3,368 | 0 |
| Winston | 10,779 | 480 | 0 | 11,259 | 0 |
| Yalobusha | 10,549 | 488 | 1,172 | 12,209 | 0 |
| Yazoo | 37,013 | 269 | 5,279 | 42,561 | 0 |
| **MISSOURI** | | | | | |
| Bollinger | 148 | 3 | 0 | 18,151 | 0 |
| Butler | 18,053 | 551 | 0 | 18,605 | 198 |
| Cape Girardeau | 108 | 7 | 0 | 115 | 0 |
| Carter | 12 | 6 | 0 | 18 | 0 |
| Dunklin | 78,021 | 271 | 0 | 78,292 | 635 |
| Howell | 33 | 18 | 0 | 51 | 0 |
| Jefferson | 2 | 1 | 0 | 3 | 0 |
| Mississippi | 25,603 | 48 | 0 | 25,651 | 427 |
| New Madrid | 84,387 | 106 | 0 | 84,493 | 1,079 |
| Oregon | 108 | 18 | 0 | 126 | 0 |
| Ozark | 14 | 5 | 0 | 19 | 0 |

MISSOURI—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Pemiscot | 86,702 | 183 | 0 | 86,885 | 1,530 |
| Ripley | 2,103 | 124 | 0 | 2,227 | 63 |
| Scott | 15,883 | 77 | 0 | 15,960 | 189 |
| Stoddard | 35,732 | 408 | 0 | 36,196 | 368 |
| Vernon | 5 | 0 | 0 | 5 | 0 |
| Wayne | 8 | 3 | 0 | 11 | 0 |
| **NEVADA** | | | | | |
| Clark | 72 | 29 | 0 | 101 | 0 |
| Nye | 2,450 | 971 | 0 | 3,421 | 0 |
| **NEW MEXICO** | | | | | |
| Bernalillo | 3 | 0 | 0 | 3 | 0 |
| Chaves | 30,330 | 42 | 0 | 30,372 | 0 |
| Curry | 1,489 | 10 | 0 | 1,499 | 8 |
| DeBaca | 481 | 13 | 0 | 494 | 12 |
| Dona Ana | 38,007 | 245 | 0 | 38,252 | 182 |
| Eddy | 26,447 | 45 | 0 | 26,492 | 92 |
| Grant | 109 | 0 | 0 | 109 | 3 |
| Guadalupe | 13 | 0 | 0 | 13 | 0 |
| Hidalgo | 6,945 | 8 | 0 | 6,953 | 8 |
| Lea | 26,522 | 17 | 0 | 26,539 | 9 |
| Luna | 13,290 | 8 | 0 | 13,298 | 3 |
| Otero | 2,171 | 7 | 0 | 2,178 | 13 |
| Quay | 2,735 | 24 | 0 | 2,759 | 24 |
| Roosevelt | 18,522 | 99 | 0 | 18,621 | 26 |
| Sierra | 2,495 | 23 | 0 | 2,518 | 23 |
| Socorro | 1,943 | 32 | 0 | 1,975 | 23 |
| Valencia | 27 | 0 | 0 | 27 | 0 |
| **NORTH CAROLINA** | | | | | |
| Alamance | 58 | 0 | 0 | 58.0 | 0 |
| Alexander | 588 | 0 | 0 | 588.0 | 0 |
| Anson | 11,719 | 499.3 | 0 | 12,218.3 | 88.1 |
| Beaufort | 1,060 | 41.9 | 0 | 1,101.9 | 17.7 |
| Bertie | 5,911 | 191.8 | 0 | 6,102.8 | 1,793.7 |
| Bladen | 3,317 | 246.8 | 0 | 3,563.8 | 43.6 |
| Brunswick | 268 | 0 | 0 | 268.0 | 0 |
| Burke | 61 | 0 | 0 | 61.0 | 0 |
| Cabarrus | 3,666 | 0 | 0 | 3,666.0 | 0 |
| Caldwell | 18 | 0 | 0 | 18.0 | 0 |
| Camden | 278 | 0.8 | 0 | 278.8 | 6.1 |
| Carteret | 49 | 0 | 0 | 49.0 | 0 |
| Catawba | 2,121 | 0 | 0 | 2,121.0 | 0 |
| Chatham | 408 | 0 | 0 | 408.0 | 0 |
| Cherokee | 2,123 | 63.9 | 0 | 2,186.9 | 612.1 |
| Chowan | 28,348 | 1,638.0 | 0 | 29,986.0 | 268.8 |
| Cleveland | 2,848 | 428.7 | 0 | 2,776.7 | 68.4 |
| Columbus | 398 | 0 | 0 | 398.0 | 0 |
| Craven | 11,195 | 1,312.7 | 0 | 12,507.7 | 214.0 |
| Cumberland | 274 | 0 | 0 | 274.0 | 0 |
| Currituck | 777 | 0 | 0 | 777.0 | 0 |
| Davidson | 1,507 | 0 | 0 | 1,507.0 | 0 |
| Davie | 3,541 | 0 | 0 | 3,541.0 | 0 |
| Duplin | 113 | 3.3 | 0 | 116.3 | 8.5 |
| Durham | 11,123 | 250.6 | 0 | 11,373.6 | 2,586.1 |
| Edgecombe | 111 | 0 | 0 | 111.0 | 0 |
| Forsyth | 8,292 | 2,100.3 | 0 | 10,392.3 | 394.3 |
| Franklin | 2,545 | 0 | 0 | 2,545.0 | 0 |
| Gaston | 1,889 | 42.7 | 0 | 1,931.7 | 332.6 |
| Granville | 302 | 10.4 | 0 | 312.4 | 98.3 |
| Greene | 3,703 | 691.1 | 0 | 4,394.1 | 106.2 |



NORTH CAROLINA—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Guilford | 64 | 0.4 | 0 | 64.4 | 1.1 |
| Halifax | 20,234 | 638.1 | 0 | 20,872.1 | 5,973.9 |
| Harnett | 12,737 | 181.0 | 0 | 12,918.0 | 1,418.3 |
| Hartford | 4,079 | 166.9 | 0 | 4,245.9 | 1,505.6 |
| Hoke | 13,313 | 1,964.2 | 0 | 15,277.2 | 285.8 |
| Hyde | 199 | 0 | 0 | 199.0 | 0 |
| Iredell | 7,547 | 0 | 0 | 7,547.0 | 0 |
| Johnston | 18,276 | 2,753.0 | 0 | 21,029.0 | 425.4 |
| Jones | 278 | 0 | 0 | 278.0 | 0 |
| Lee | 995 | 0 | 0 | 995.0 | 0 |
| Lenoir | 2,011 | 147.0 | 0 | 2,158.0 | 31.1 |
| Lincoln | 6,337 | 0 | 0 | 6,337.0 | 0 |
| Martin | 2,468 | 75.5 | 0 | 2,533.5 | 721.9 |
| Mecklenburg | 5,726 | 0 | 0 | 5,726.0 | 0 |
| Montgomery | 1,742 | 39.5 | 0 | 1,781.5 | 408.5 |
| Moore | 2,281 | 159.5 | 0 | 2,440.5 | 27.7 |
| Nash | 12,285 | 364.0 | 0 | 12,649.0 | 3,465.5 |
| New Hanover | 11 | 0 | 0 | 11.0 | 0 |
| Northampton | 18,045 | 922.0 | 0 | 18,967.0 | 5,724.5 |
| Onslow | 298 | 0 | 0 | 298.0 | 0 |
| Orange | 72 | 0 | 0 | 72.0 | 0 |
| Pamlico | 187 | 0 | 0 | 187.0 | 0 |
| Pasquotank | 208 | 0 | 0 | 208.0 | 0 |
| Pender | 304 | 0 | 0 | 304.0 | 0 |
| Perquimans | 1,117 | 12.8 | 0 | 1,129.8 | 16.8 |
| Person | 3 | 0.7 | 0 | 3.7 | 0.1 |
| Pitt | 6,648 | 1,143.9 | 0 | 7,791.9 | 166.0 |
| Polk | 1,189 | 0 | 0 | 1,189.0 | 0 |
| Randolph | 50 | 0 | 0 | 50.0 | 0 |
| Richmond | 5,762 | 226.9 | 0 | 5,988.9 | 46.9 |
| Robeson | 42,188 | 1,027.0 | 0 | 43,215.0 | 8,996.6 |
| Rockingham | 1 | 0 | 0 | 1.0 | 0 |
| Rowan | 4,924 | 0 | 0 | 4,924.0 | 0 |
| Rutherford | 7,393 | 0 | 0 | 7,393.0 | 0 |
| Sampson | 22,443 | 590.1 | 23 | 23,033.1 | 4,496.4 |
| Scotland | 15,601 | 2,568.1 | 0 | 18,169.1 | 375.1 |
| Stanly | 1,594 | 0 | 0 | 1,594.0 | 0 |
| Tyrrell | 224 | 0 | 0 | 224.0 | 0 |
| Union | 13,235 | 0 | 0 | 13,235.0 | 0 |
| Vance | 2,819 | 143.0 | 0 | 2,962.0 | 1,248.9 |
| Wake | 4,555 | 0 | 0 | 4,555.0 | 0 |
| Warren | 6,781 | 174.5 | 0 | 6,955.5 | 1,334.1 |
| Washington | 566 | 1.8 | 0 | 567.8 | 15.2 |
| Wayne | 10,318 | 1,166.6 | 0 | 11,484.6 | 179.1 |
| Wilkes | 65 | 0 | 0 | 65.0 | 0 |
| Wilson | 7,927 | 1,214.2 | 0 | 9,141.2 | 173.5 |
| Yadkin | 34 | 0 | 0 | 34.0 | 0 |
| **OKLAHOMA** | | | | | |
| Adair | 56 | 0 | 0 | 56 | 0 |
| Atoka | 1,527 | 91 | 0 | 1,618 | 145 |
| Beaver | 37 | 0 | 0 | 37 | 13 |
| Beckham | 50,809 | 167 | 0 | 50,976 | 9,923 |
| Blaine | 10,269 | 389 | 0 | 10,658 | 1,826 |
| Bryan | 13,900 | 706 | 0 | 14,606 | 2,420 |
| Caddo | 38,980 | 1,151 | 0 | 39,731 | 7,307 |
| Canadian | 10,921 | 308 | 0 | 11,229 | 1,936 |
| Carter | 1,218 | 57 | 0 | 1,275 | 307 |
| Cherokee | 40 | 1 | 0 | 41 | 15 |
| Choctaw | 2,794 | 95 | 0 | 2,889 | 78 |
| Cimarron | 43 | 0 | 0 | 43 | 22 |
| Cleveland | 1,352 | 65 | 0 | 1,417 | 106 |
| Coal | 2,677 | 59 | 0 | 2,736 | 548 |
| Comanche | 10,273 | 356 | 0 | 10,629 | 1,704 |
| Cotton | 15,291 | 261 | 0 | 15,552 | 2,023 |
| Craig | 59 | 5 | 0 | 64 | 13 |
| Creek | 1,905 | 103 | 0 | 1,908 | 52 |
| Custer | 19,315 | 375 | 0 | 19,690 | 2,859 |

OKLAHOMA—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Dewey | 6,783 | 314 | 0 | 7,097 | 1,034 |
| Ellis | 518 | 45 | 0 | 663 | 107 |
| Garfield | 50 | 0 | 0 | 50 | 0 |
| Garvin | 4,393 | 281 | 0 | 4,674 | 710 |
| Grady | 14,072 | 556 | 0 | 14,628 | 2,699 |
| Grant | 31 | 2 | 0 | 33 | 14 |
| Greer | 33,381 | 135 | 0 | 33,516 | 6,748 |
| Harmon | 39,244 | 94 | 0 | 39,338 | 7,657 |
| Harper | 13 | 0 | 0 | 13 | 2 |
| Haskell | 2,538 | 0 | 0 | 2,538 | 0 |
| Hughes | 3,593 | 0 | 0 | 3,593 | 0 |
| Jackson | 46,374 | 196 | 0 | 46,570 | 9,279 |
| Jefferson | 14,484 | 162 | 0 | 14,646 | 2,943 |
| Johnston | 2,903 | 116 | 0 | 3,019 | 606 |
| Kay | 173 | 0 | 0 | 173 | 0 |
| Kingfisher | 1,360 | 0 | 0 | 1,360 | 0 |
| Kiowa | 45,401 | 409 | 0 | 45,810 | 9,264 |
| Latimer | 205 | 0 | 0 | 205 | 0 |
| Le Flore | 2,486 | 52 | 0 | 2,538 | 52 |
| Lincoln | 1,086 | 0 | 0 | 1,086 | 20 |
| Logan | 2,449 | 140 | 0 | 2,589 | 331 |
| Love | 6,682 | 147 | 0 | 6,829 | 1,583 |
| McClain | 6,963 | 301 | 0 | 7,264 | 1,457 |
| McCurtain | 5,486 | 66 | 0 | 5,552 | 957 |
| McIntosh | 9,313 | 0 | 0 | 9,313 | 0 |
| Major | 1,784 | 0 | 0 | 1,784 | 1 |
| Marshall | 3,694 | 78 | 0 | 3,772 | 663 |
| Mayes | 539 | 0 | 0 | 539 | 0 |
| Murray | 337 | 12 | 0 | 349 | 97 |
| Muskogee | 14,841 | 573 | 0 | 15,414 | 2,252 |
| Noble | 698 | 35 | 0 | 733 | 72 |
| Nowata | 646 | 29 | 0 | 675 | 82 |
| Okfuskee | 4,398 | 0 | 0 | 4,398 | 0 |
| Oklahoma | 356 | 7 | 0 | 363 | 100 |
| Okmulgee | 8,098 | 461 | 0 | 8,559 | 790 |
| Osage | 2,281 | 30 | 0 | 2,291 | 279 |
| Pawnee | 2,606 | 158 | 0 | 2,764 | 586 |
| Payne | 1,933 | 143 | 0 | 2,076 | 302 |
| Pittsburg | 4,291 | 0 | 0 | 4,291 | 0 |
| Pontotoc | 946 | 46 | 0 | 992 | 65 |
| Pottawatomie | 582 | 0 | 0 | 582 | 9 |
| Pushmataha | 395 | 0 | 0 | 395 | 0 |
| Roger Mills | 17,327 | 328 | 0 | 17,655 | 3,372 |
| Rogers | 679 | 0 | 0 | 679 | 0 |
| Seminole | 1,143 | 73 | 0 | 1,216 | 13 |
| Sequoyah | 1,396 | 28 | 0 | 1,424 | 275 |
| Stephens | 4,745 | 223 | 0 | 4,968 | 951 |
| Texas | 5 | 1 | 0 | 6 | 3 |
| Tillman | 57,313 | 222 | 0 | 57,535 | 11,170 |
| Tulsa | 1,287 | 0 | 0 | 1,287 | 0 |
| Wagoner | 6,875 | 256 | 0 | 7,131 | 840 |
| Washington | 7 | 0 | 0 | 7 | 0 |
| Washita | 60,918 | 418 | 0 | 61,336 | 11,608 |
| Woodward | 594 | 20 | 0 | 614 | 52 |
| **SOUTH CAROLINA** | | | | | |
| Abbeville | 6,551 | 529 | 0 | 7,080 | 0 |
| Aiken | 16,926 | 413 | 1,972 | 19,311 | 0 |
| Allendale | 8,177 | 154 | 1,637 | 9,968 | 0 |
| Anderson | 21,902 | 541 | 0 | 22,443 | 0 |
| Bamberg | 10,669 | 488 | 1,832 | 12,989 | 0 |
| Barnwell | 12,069 | 310 | 2,060 | 14,439 | 0 |
| Beaufort | 924 | 0 | 0 | 924 | 0 |
| Berkeley | 7,384 | 235 | 0 | 7,599 | 0 |
| Calhoun | 13,019 | 398 | 2,230 | 15,647 | 0 |
| Charleston | 900 | 0 | 0 | 900 | 0 |
| Cherokee | 9,963 | 298 | 0 | 10,261 | 0 |
| Chester | 8,471 | 91 | 505 | 9,067 | 0 |

SOUTH CAROLINA—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Chesterfield | 26,455 | 669 | 1,546 | 28,670 | 0 |
| Claremdon | 28,296 | 1,124 | 5,609 | 35,028 | 0 |
| Colleton | 7,927 | 160 | 0 | 8,087 | 0 |
| Darlington | 25,705 | 280 | 5,144 | 31,129 | 0 |
| Dillon | 18,927 | 789 | 3,725 | 23,441 | 0 |
| Dorchester | 7,853 | 577 | 0 | 8,430 | 0 |
| Edgefield | 8,102 | 115 | 945 | 9,162 | 0 |
| Fairfield | 3,876 | 0 | 0 | 3,876 | 0 |
| Florence | 26,855 | 1,846 | 3,047 | 31,748 | 0 |
| Georgetown | 2,320 | 9 | 0 | 2,329 | 0 |
| Greenville | 11,408 | 0 | 0 | 11,408 | 0 |
| Greenwood | 3,315 | 21 | 0 | 8,336 | 0 |
| Hampton | 6,799 | 416 | 397 | 7,612 | 0 |
| Horry | 7,890 | 0 | 0 | 7,890 | 0 |
| Jasper | 2,130 | 8 | 0 | 2,138 | 0 |
| Kershaw | 16,041 | 1,526 | 0 | 17,567 | 0 |
| Lancaster | 6,719 | 11 | 0 | 6,730 | 0 |
| Laurens | 14,080 | 670 | 0 | 14,750 | 0 |
| Lee | 29,390 | 1,338 | 5,835 | 36,557 | 0 |
| Lexington | 9,348 | 287 | 556 | 10,191 | 0 |
| McCormick | 2,908 | 0 | 0 | 2,908 | 0 |
| Marion | 9,861 | 350 | 1,687 | 11,898 | 0 |
| Marlboro | 33,077 | 154 | 6,637 | 39,868 | 0 |
| Newberry | 6,822 | 36 | 0 | 6,858 | 0 |
| Oconee | 5,812 | 0 | 0 | 5,812 | 0 |
| Orangeburg | 48,667 | 1,091 | 8,347 | 58,105 | 0 |
| Pickens | 4,419 | 0 | 0 | 4,419 | 0 |
| Richland | 5,464 | 388 | 0 | 5,852 | 0 |
| Saluda | 6,509 | 183 | 387 | 7,099 | 0 |
| Spartanburg | 17,539 | 89 | 0 | 17,628 | 0 |
| Sumter | 33,267 | 844 | 5,715 | 39,826 | 0 |
| Union | 4,564 | 12 | 0 | 4,576 | 0 |
| Williamsburg | 28,080 | 1,457 | 5,545 | 35,082 | 0 |
| York | 12,787 | 126 | 762 | 13,675 | 0 |

TENNESSEE

| | | | | | |
|---|---|---|---|---|---|
| Bedford | 1,220 | 0 | 0 | 1,220 | 0 |
| Benton | 2,138 | 27 | 107 | 2,272 | 0 |
| Bradley | 728 | 0 | 0 | 728 | 0 |
| Cannon | 24 | 0 | 0 | 24 | 0 |
| Carroll | 16,653 | 667 | 2,106 | 19,366 | 0 |
| Chester | 9,490 | 373 | 1,287 | 11,150 | 0 |
| Coffee | 1,241 | 0 | 0 | 1,241 | 0 |
| Crockett | 27,544 | 1,112 | 3,828 | 32,484 | 0 |
| Cumberland | 1 | 0 | 0 | 1 | 0 |
| Davidson | 8 | 0 | 0 | 8 | 0 |
| Decatur | 2,910 | 27 | 109 | 3,046 | 0 |
| De Kalb | 28 | 0 | 0 | 28 | 0 |
| Dyer | 27,412 | 1,096 | 3,775 | 32,283 | 0 |
| Fayette | 36,381 | 1,480 | 4,994 | 42,855 | 0 |
| Franklin | 4,445 | 0 | 0 | 4,455 | 0 |
| Gibson | 38,298 | 1,545 | 5,315 | 45,153 | 0 |
| Giles | 7,216 | 0 | 0 | 7,216 | 0 |
| Grundy | 136 | 0 | 0 | 136 | 0 |
| Hamilton | 423 | 0 | 0 | 423 | 0 |
| Hardeman | 18,161 | 542 | 1,911 | 20,614 | 0 |
| Hardin | 7,528 | 98 | 383 | 8,009 | 0 |
| Haywood | 36,323 | 1,481 | 5,095 | 42,899 | 0 |
| Henderson | 14,907 | 390 | 1,389 | 16,686 | 0 |
| Henry | 4,121 | 59 | 230 | 4,410 | 0 |
| Hickman | 16 | 0 | 0 | 16 | 0 |
| Humphreys | 14 | 0 | 0 | 14 | 0 |
| Lake | 17,604 | 691 | 2,384 | 20,679 | 0 |
| Lauderdale | 30,172 | 1,223 | 4,207 | 35,602 | 0 |
| Lawrence | 16,390 | 284 | 1,063 | 17,737 | 0 |
| Lewis | 266 | 0 | 0 | 266 | 0 |
| Lincoln | 10,710 | 111 | 455 | 11,276 | 0 |
| Loudon | 4 | 0 | 1 | 5 | 0 |

TENNESSEE—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| McMinn | 466 | 0 | 0 | 466 | 0 |
| McNairy | 16,515 | 417 | 1,494 | 18,426 | 0 |
| Madison | 27,927 | 1,113 | 3,835 | 32,876 | 0 |
| Marion | 244 | 0 | 0 | 244 | 0 |
| Marshall | 260 | 0 | 0 | 260 | 0 |
| Maury | 171 | 0 | 0 | 171 | 0 |
| Meigs | 475 | 0 | 0 | 475 | 0 |
| Monroe | 140 | 0 | 0 | 140 | 0 |
| Moore | 62 | 0 | 0 | 62 | 0 |
| Obion | 8,400 | 237 | 839 | 9,476 | 0 |
| Perry | 144 | 0 | 0 | 144 | 0 |
| Polk | 588 | 0 | 0 | 588 | 0 |
| Rhea | 16 | 0 | 0 | 16 | 0 |
| Roane | 1 | 0 | 0 | 1 | 0 |
| Robertson | 1 | 0 | 0 | 1 | 0 |
| Rutherford | 3,691 | 0 | 0 | 3,691 | 0 |
| Shelby | 35,580 | 533 | 2,042 | 38,155 | 0 |
| Tipton | 39,466 | 1,574 | 5,424 | 46,464 | 0 |
| Van Buren | 22 | 0 | 0 | 22 | 0 |
| Warren | 440 | 0 | 0 | 440 | 0 |
| Wayne | 2,445 | 0 | 0 | 2,445 | 0 |
| Weakley | 8,591 | 588 | 748 | 9,927 | 0 |
| White | 35 | 0 | 0 | 35 | 0 |
| Williamson | 83 | 0 | 0 | 83 | 0 |
| Wilson | 59 | 0 | 0 | 59 | 0 |

TEXAS

| | | | | | |
|---|---|---|---|---|---|
| Anderson | 9,840 | 4 | 0 | 9,844 | 0 |
| Andrews | 3,294 | 7 | 0 | 3,301 | 383 |
| Angelina | 3,086 | 1 | 0 | 3,087 | 0 |
| Aransas | 1,014 | 0 | 0 | 1,014 | 118 |
| Archer | 1,780 | 9 | 0 | 1,789 | 208 |
| Armstrong | 1,603 | 40 | 0 | 1,643 | 191 |
| Atascosa | 8,926 | 1,002 | 0 | 9,928 | 0 |
| Austin | 16,618 | 504 | 0 | 17,122 | 1,944 |
| Bailey | 86,011 | 34 | 0 | 86,045 | 10,007 |
| Bandera | 2 | 0 | 0 | 2 | 0 |
| Bastrop | 10,282 | 126 | 0 | 10,387 | 0 |
| Baylor | 15,772 | 133 | 0 | 15,905 | 1,846 |
| Bee | 12,282 | 129 | 0 | 12,411 | 1,437 |
| Bell | 59,946 | 209 | 0 | 60,155 | 7,017 |
| Bexar | 3,457 | 7 | 0 | 3,464 | 403 |
| Blanco | 101 | 19 | 0 | 120 | 14 |
| Borden | 16,027 | 8 | 0 | 16,035 | 1,860 |
| Bosque | 9,570 | 96 | 0 | 9,666 | 1,095 |
| Bowie | 9,773 | 1,184 | 0 | 10,957 | 0 |
| Brazoria | 6,517 | 68 | 0 | 6,585 | 763 |
| Brazos | 16,039 | 45 | 0 | 16,084 | 1,877 |
| Brewster | 50 | 0 | 0 | 50 | 5 |
| Briscoe | 22,784 | 16 | 0 | 22,800 | 2,666 |
| Brooks | 2,830 | 36 | 0 | 2,866 | 332 |
| Brown | 6,272 | 698 | 0 | 6,970 | 0 |
| Burleson | 23,468 | 411 | 0 | 23,879 | 2,748 |
| Burnet | 4,257 | 38 | 0 | 4,295 | 0 |
| Caldwell | 18,086 | 39 | 0 | 18,075 | 2,112 |
| Calhoun | 15,103 | 26 | 0 | 15,129 | 1,708 |
| Callahan | 7,152 | 835 | 0 | 7,987 | 0 |
| Cameron | 139,596 | 2,544 | 0 | 142,140 | 16,341 |
| Camp | 1,917 | 69 | 0 | 1,986 | 0 |
| Carson | 651 | 943 | 0 | 1,594 | 76 |
| Cass | 7,763 | 159 | 0 | 7,922 | 0 |
| Castro | 47,140 | 74 | 0 | 47,214 | 5,518 |
| Chambers | 84 | 0 | 0 | 84 | 0 |
| Cherokee | 11,070 | 0 | 0 | 11,070 | 0 |
| Childress | 46,984 | 64 | 0 | 47,048 | 5,500 |
| Clay | 5,777 | 54 | 0 | 5,831 | 1,027 |
| Cochran | 65,618 | 10 | 0 | 65,628 | 7,682 |
| Coke | 6,231 | 31 | 0 | 6,262 | 692 |



TEXAS—Continued

[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Coleman | 27,786 | 106 | 0 | 27,842 | 3,247 |
| Collin | 71,283 | 597 | 0 | 71,852 | 8,341 |
| Collingsworth | 56,975 | 49 | 0 | 57,024 | 6,670 |
| Colorado | 8,716 | 18 | 0 | 8,734 | 1,020 |
| Comal | 280 | 7 | 0 | 287 | 0 |
| Comanche | 8,034 | 244 | 0 | 8,278 | 0 |
| Concho | 21,769 | 31 | 0 | 21,800 | 2,548 |
| Cooke | 6,159 | 27 | 0 | 6,186 | 721 |
| Coryell | 16,749 | 200 | 0 | 16,949 | 1,960 |
| Cottle | 47,447 | 5 | 0 | 47,453 | 5,554 |
| Crockett | 55 | 0 | 0 | 55 | 0 |
| Crosby | 103,939 | 9 | 0 | 103,948 | 12,166 |
| Culberson | 4,438 | 0 | 0 | 4,438 | 519 |
| Dallam | 38 | 0 | 0 | 38 | 0 |
| Dallas | 30,479 | 127 | 0 | 30,606 | 3,568 |
| Dawson | 173,554 | 46 | 0 | 173,600 | 20,315 |
| Deaf Smith | 9,143 | 260 | 0 | 9,403 | 1,070 |
| Delta | 32,360 | 52 | 0 | 32,412 | 3,788 |
| Denton | 18,631 | 238 | 0 | 18,869 | 2,181 |
| De Witt | 14,948 | 14 | 0 | 14,962 | 1,749 |
| Dickens | 46,437 | 35 | 0 | 46,472 | 5,436 |
| Dimmit | 1,811 | 204 | 0 | 2,015 | 0 |
| Donley | 25,642 | 30 | 0 | 25,672 | 3,001 |
| Duval | 12,033 | 1,442 | 0 | 13,475 | 0 |
| Eastland | 4,307 | 484 | 0 | 4,791 | 0 |
| Ector | 188 | 0 | 0 | 183 | 0 |
| Ellis | 113,207 | 189 | 0 | 113,396 | 13,252 |
| El Paso | 21,696 | 448 | 0 | 22,143 | 2,540 |
| Erath | 7,396 | 697 | 0 | 8,093 | 0 |
| Falls | 67,399 | 248 | 0 | 67,647 | 7,890 |
| Fannin | 59,229 | 407 | 0 | 59,936 | 6,999 |
| Fayette | 25,229 | 345 | 0 | 25,577 | 2,963 |
| Fisher | 71,390 | 66 | 0 | 71,456 | 8,358 |
| Floyd | 83,600 | 55 | 0 | 83,655 | 9,786 |
| Foard | 10,965 | 1 | 0 | 10,966 | 1,284 |
| Fort Bend | 55,101 | 501 | 0 | 55,602 | 6,460 |
| Franklin | 3,266 | 0 | 0 | 3,266 | 0 |
| Freestone | 18,042 | 19 | 0 | 18,061 | 2,002 |
| Frio | 4,156 | 75 | 0 | 4,231 | 486 |
| Gaines | 67,891 | 24 | 0 | 67,915 | 7,947 |
| Galveston | 20 | 0 | 0 | 20 | 2 |
| Garza | 34,894 | 7 | 0 | 34,901 | 4,049 |
| Gillespie | 1,130 | 0 | 0 | 1,130 | 133 |
| Glasscock | 8,849 | 1 | 0 | 8,850 | 1,036 |
| Goliad | 3,947 | 1 | 0 | 3,948 | 462 |
| Gonzales | 12,873 | 2 | 0 | 12,875 | 0 |
| Gray | 3,189 | 36 | 0 | 3,228 | 374 |
| Grayson | 29,807 | 386 | 0 | 29,993 | 3,484 |
| Gregg | 1,264 | 1 | 0 | 1,265 | 0 |
| Grimes | 13,459 | 54 | 0 | 13,513 | 0 |
| Guadalupe | 16,862 | 97 | 0 | 16,959 | 1,974 |
| Hale | 141,052 | 62 | 0 | 141,114 | 16,512 |
| Hall | 82,534 | 0 | 0 | 82,534 | 9,661 |
| Hamilton | 9,129 | 119 | 0 | 9,248 | 1,069 |
| Hansford | 657 | 408 | 0 | 1,065 | 77 |
| Hardeman | 28,859 | 44 | 0 | 28,903 | 3,378 |
| Hardin | 37 | 0 | 0 | 37 | 0 |
| Harris | 3,452 | 5 | 0 | 3,457 | 403 |
| Harrison | 9,673 | 8 | 0 | 9,681 | 0 |
| Hartley | 80 | 123 | 0 | 203 | 0 |
| Haskell | 103,651 | 66 | 0 | 103,717 | 12,133 |
| Hays | 6,720 | 14 | 0 | 6,734 | 787 |
| Hemphill | 1,418 | 21 | 0 | 1,439 | 166 |
| Henderson | 8,076 | 1 | 0 | 8,077 | 0 |
| Hidalgo | 165,658 | 2,772 | 0 | 168,430 | 19,158 |
| Hill | 102,566 | 214 | 0 | 102,780 | 12,007 |
| Hockley | 159,924 | 39 | 0 | 159,963 | 18,720 |
| Hood | 2,981 | 15 | 0 | 2,996 | 0 |
| Hopkins | 23,359 | 2,621 | 0 | 25,980 | 0 |
| Houston | 21,774 | 76 | 0 | 21,850 | 0 |

| | | | | | |
|---|---|---|---|---|---|
| Howard | 64,186 | 0 | 0 | 64,186 | 7,512 |
| Hudspeth | 14,790 | 1 | 0 | 14,791 | 1,731 |
| Hunt | 78,260 | 578 | 0 | 78,838 | 9,161 |
| Irion | 586 | 6 | 0 | 592 | 69 |
| Jack | 1,697 | 35 | 0 | 1,732 | 198 |
| Jackson | 15,737 | 130 | 0 | 15,867 | 1,842 |
| Jasper | 451 | 0 | 0 | 451 | 0 |
| Jeff Davis | 294 | 0 | 0 | 294 | 34 |
| Jefferson | 21 | 0 | 0 | 21 | 0 |
| Jim Hogg | 1,277 | 0 | 0 | 1,277 | 0 |
| Jim Wells | 19,826 | 93 | 0 | 19,919 | 2,321 |
| Johnson | 30,800 | 98 | 0 | 30,898 | 3,605 |
| Jones | 94,046 | 103 | 0 | 94,151 | 11,010 |
| Karnes | 26,601 | 66 | 0 | 26,667 | 3,115 |
| Kaufman | 50,062 | 251 | 0 | 50,313 | 5,554 |
| Kendall | 29 | 0 | 0 | 29 | 0 |
| Kent | 17,757 | 11 | 0 | 17,768 | 2,080 |
| Kerr | 47 | 0 | 0 | 47 | 6 |
| Kimble | 172 | 4 | 0 | 176 | 0 |
| King | 8,327 | 0 | 0 | 8,327 | 975 |
| Kinney | 403 | 0 | 0 | 403 | 47 |
| Kleberg | 7,597 | 60 | 0 | 7,657 | 888 |
| Knox | 50,232 | 46 | 0 | 50,278 | 5,881 |
| Lamar | 50,162 | 126 | 0 | 50,288 | 5,871 |
| Lamb | 166,677 | 26 | 0 | 166,703 | 19,499 |
| Lampasas | 2,067 | 289 | 0 | 2,356 | 0 |
| LaSalle | 2,795 | 356 | 0 | 3,151 | 0 |
| Lavaca | 30,679 | 197 | 0 | 30,876 | 3,593 |
| Lee | 8,781 | 54 | 0 | 8,835 | 1,028 |
| Leon | 9,602 | 3 | 0 | 9,605 | 1,076 |
| Liberty | 2,462 | 0 | 0 | 2,462 | 288 |
| Limestone | 59,582 | 214 | 0 | 59,796 | 6,974 |
| Live Oak | 16,366 | 56 | 0 | 16,412 | 1,915 |
| Llano | 386 | 129 | 0 | 387 | 0 |
| Loving | 412 | 0 | 0 | 412 | 47 |
| Lubbock | 193,390 | 171 | 0 | 193,561 | 22,527 |
| Lynn | 158,716 | 19 | 0 | 158,738 | 18,480 |
| McCulloch | 14,567 | 637 | 0 | 15,204 | 1,709 |
| McLennan | 74,021 | 149 | 0 | 74,170 | 8,668 |
| McMullen | 1,096 | 0 | 0 | 1,096 | 127 |
| Madison | 6,963 | 666 | 0 | 6,627 | 0 |
| Marion | 2,128 | 0 | 0 | 2,128 | 0 |
| Martin | 75,153 | 19 | 0 | 78,172 | 9,148 |
| Mason | 1,622 | 5 | 0 | 1,627 | 0 |
| Matagorda | 15,470 | 152 | 0 | 15,622 | 1,812 |
| Maverick | 5,461 | 2 | 0 | 5,463 | 636 |
| Medina | 1,534 | 37 | 0 | 1,571 | 178 |
| Menard | 842 | 8 | 0 | 850 | 94 |
| Midland | 23,229 | 21 | 0 | 23,250 | 2,719 |
| Milam | 44,667 | 221 | 0 | 44,888 | 5,229 |
| Mills | 2,398 | 59 | 0 | 2,457 | 266 |
| Mitchell | 59,996 | 38 | 0 | 59,991 | 7,019 |
| Montague | 3,818 | 48 | 0 | 3,566 | 411 |
| Montgomery | 1,046 | 1 | 0 | 1,047 | 0 |
| Moore | 283 | 169 | 0 | 452 | 33 |
| Morris | 565 | 0 | 0 | 1,565 | 0 |
| Motley | 29,818 | 29 | 0 | 29,847 | 3,491 |
| Nacogdoches | 5,274 | 0 | 0 | 5,274 | 0 |
| Navarro | 98,428 | 184 | 0 | 98,612 | 10,937 |
| Newton | 516 | 0 | 0 | 516 | 0 |
| Nolan | 37,150 | 41 | 0 | 37,191 | 4,348 |
| Nueces | 85,182 | 152 | 0 | 85,334 | 9,971 |
| Ochiltree | 325 | 79 | 0 | 404 | 38 |
| Oldham | 74 | 49 | 0 | 123 | 0 |
| Palo Pinto | 2,834 | 11 | 0 | 2,845 | 331 |
| Panola | 7,449 | 2 | 0 | 7,451 | 0 |
| Parker | 3,172 | 5 | 0 | 3,177 | 351 |
| Parmer | 86,619 | 207 | 0 | 86,826 | 4,521 |
| Pecos | 22,143 | 88 | 0 | 22,231 | 2,591 |
| Polk | 4,203 | 11 | 0 | 4,214 | 0 |

VIRGINIA
[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for | |
|---|---|---|---|---|---|---|
| | | | | | Small farms (5) | Inequity and hardship cases (6) |
| Accomack | 6 | 0.1 | 0 | 6.1 | 0.1 | 0.1 |
| Alexandria | 1 | .5 | 0 | 1.5 | 0 | 0 |
| Brunswick | 1,782 | 186.6 | 0 | 1,968.6 | 26.6 | 26.6 |
| Caroline | 1 | 0 | 0 | 1.0 | 0 | 0 |
| Charlotte | 6 | 4.3 | 0 | 10.3 | .1 | .1 |
| Chesapeake | 13 | 4.5 | 0 | 17.5 | .2 | .2 |
| Chesterfield | 1 | .5 | 0 | 1.5 | 0 | 0 |
| Dinwiddie | 211 | 27.4 | 0 | 238.4 | .1 | .1 |
| Franklin | 10 | 2.7 | 0 | 12.7 | .2 | 3.1 |
| Greensville | 3,969 | 354.3 | 0 | 4,323.3 | .2 | 69.2 |
| Halifax | 1 | 1.2 | 0 | 2.2 | 0 | 0 |
| Henrico | | .3 | 0 | .3 | 0 | 0 |
| Isle of Wight | 239 | 43.3 | 0 | 282.3 | 3.5 | 3.5 |
| Lunenburg | 200 | 18.6 | 0 | 218.6 | 3.0 | 3.0 |
| Mecklenburg | 1,670 | 169.0 | 0 | 1,845.0 | 23.0 | 23.0 |
| Nansemond | 1,384 | 199.2 | 0 | 1,583.2 | 19.9 | 19.9 |
| Patrick | 1 | 1.7 | 0 | 1.7 | 0 | 0 |
| Prince Edward | 5 | 9.6 | 0 | 61.7 | .1 | .1 |
| Prince George | 42 | 9.7 | 0 | 51.7 | .6 | .6 |
| Southampton | 4,124 | 382.6 | 0 | 4,506.6 | 61.5 | 61.5 |
| Surry | 6 | 1.4 | 0 | 7.4 | .1 | .1 |
| Sussex | 1,453 | 160.5 | 0 | 1,613.5 | 21.7 | 21.7 |
| Virginia Beach | 2 | 3.4 | 0 | 5.4 | 0 | 0 |

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1376)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 27, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12359; Filed, Nov. 30, 1964; 2:28 p.m.]

TEXAS—Continued
[Acres]

| County | Computed county allotment (1) | Allocation from State's share of national reserve (2) | Adjustment from State reserve for trends (3) | County allotment, sum of columns (1), (2), and (3) (4) | Allocation from State reserve for Inequity and hardship cases (5) |
|---|---|---|---|---|---|
| Potter | 100 | 56 | 0 | 156 | 12 |
| Presidio | 2,755 | 46 | 0 | 2,801 | 322 |
| Rains | 7,241 | 12 | 0 | 7,253 | 847 |
| Randall | 1,467 | 1,388 | 0 | 2,855 | 166 |
| Reagan | 969 | 3 | 0 | 972 | 112 |
| Real | 14 | 0 | 0 | 14 | 1 |
| Red River | 23,641 | 49 | 0 | 23,690 | 2,766 |
| Reeves | 50,276 | 33 | 0 | 50,309 | 5,883 |
| Refugio | 11,057 | 33 | 0 | 11,090 | 1,294 |
| Roberts | 164 | 124 | 0 | 288 | 19 |
| Robertson | 22,184 | 75 | 0 | 22,676 | 2,646 |
| Rockwall | 172,247 | 61 | 0 | 172,308 | 2,019 |
| Runnels | 73,058 | 72 | 0 | 73,130 | 8,552 |
| Rusk | 10,589 | 0 | 0 | 10,589 | 0 |
| Sabine | 2,301 | 0 | 0 | 2,301 | 0 |
| San Augustine | 5,492 | 0 | 0 | 5,492 | 0 |
| San Jacinto | 3,520 | 0 | 0 | 3,520 | 0 |
| San Patricio | 68,004 | 132 | 0 | 68,136 | 8,078 |
| San Saba | 6,168 | 17 | 0 | 6,185 | 723 |
| Schleicher | 7,892 | 8 | 0 | 7,900 | 924 |
| Scurry | 68,794 | 43 | 0 | 68,837 | 6,883 |
| Shackelford | 3,339 | 24 | 0 | 3,363 | 393 |
| Shelby | 7,580 | 6 | 0 | 7,586 | 887 |
| Smith | 6,225 | 14 | 0 | 6,239 | 729 |
| Somervell | 22,753 | 290 | 0 | 23,043 | 2,695 |
| Starr | 1,136 | 29 | 0 | 1,165 | 136 |
| Stephens | 387 | 8 | 0 | 395 | 46 |
| Sterling | 23,258 | 16 | 0 | 23,274 | 2,720 |
| Stonewall | 15 | 0 | 0 | 15 | 1 |
| Sutton | 45,676 | 51 | 0 | 45,727 | 5,342 |
| Swisher | 8,463 | 79 | 0 | 8,542 | 998 |
| Taylor | 29,911 | 112 | 0 | 30,023 | 3,509 |
| Terrell | 7 | 0 | 0 | 7 | 1 |
| Terry | 126,484 | 45 | 0 | 126,529 | 14,790 |
| Throckmorton | 10,082 | 45 | 0 | 10,127 | 1,183 |
| Titus | 2,967 | 0 | 0 | 2,967 | 347 |
| Tom Green | 47,092 | 119 | 0 | 47,211 | 5,518 |
| Travis | 30,966 | 60 | 0 | 31,026 | 3,625 |
| Trinity | 4,337 | 0 | 0 | 4,337 | 0 |
| Tyler | 412 | 0 | 0 | 412 | 0 |
| Upshur | 2,658 | 2 | 0 | 2,660 | 0 |
| Upton | 3 | 19 | 0 | 22 | 0 |
| Uvalde | 1,025 | 12 | 0 | 1,037 | 120 |
| Val Verde | 118 | 0 | 0 | 118 | 14 |
| Van Zandt | 19,375 | 151 | 0 | 19,526 | 2,283 |
| Victoria | 21,442 | 177 | 0 | 21,619 | 2,526 |
| Walker | 4,409 | 55 | 0 | 4,464 | 517 |
| Waller | 1,737 | 30 | 0 | 1,767 | 0 |
| Ward | 10,947 | 286 | 0 | 11,233 | 2,335 |
| Washington | 1,867 | 19 | 0 | 1,886 | 196 |
| Webb | 61,480 | 467 | 0 | 61,947 | 7,241 |
| Wharton | 24,395 | 48 | 0 | 24,443 | 2,855 |
| Wheeler | 5,357 | 76 | 0 | 5,433 | 621 |
| Wichita | 43,991 | 84 | 0 | 44,075 | 5,114 |
| Wilbarger | 78,435 | 261 | 0 | 78,696 | 9,181 |
| Willacy | 93,077 | 188 | 0 | 93,265 | 10,903 |
| Williamson | 5,259 | 901 | 0 | 5,160 | 1 |
| Wilson | 2,313 | 153 | 0 | 2,466 | 280 |
| Winkler | 3,648 | 91 | 0 | 3,739 | 0 |
| Wise | 29,569 | 92 | 0 | 29,661 | 3,461 |
| Wood | 10,249 | 46 | 0 | 10,295 | 1,200 |
| Young | 1,835 | 35 | 0 | 1,870 | 0 |
| Zapata | 7,468 | 19 | 0 | 7,487 | 875 |
| Zavala | | | | | |

## Chapter XVI—Agricultural Marketing Service (Food Stamp Program), Department of Agriculture

## PART 1600—GENERAL INFORMATION AND DEFINITIONS

## PART 1601—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Regulations are hereby issued for the operation of the Food Stamp Program pursuant to the authority contained in the Food Stamp Act of 1964 (P.L. 88-525, 78 Stat. 703, approved August 31, 1964).

Sec.
1600.1 General purpose and scope.
1600.2 Definitions.
1600.3 Administration.
1600.4 Coupons as obligations of the United States, crimes and offenses.
1600.5 Miscellaneous provisions.

AUTHORITY: The provisions of this Part 1600 issued under Public Law 88-525, 78 Stat. 703.

### § 1600.1 General purpose and scope.

The Food Stamp Act of 1964 (P.L. 88-525, 78 Stat. 703) authorizes the Secretary of Agriculture to formulate and administer a food stamp program for the purpose of encouraging the increased utilization of the nation's abundance of food by raising levels of nutrition among low-income households. The regulations in this chapter are issued for the purpose of effectuating the provisions of the Act. These regulations prescribe the policies and procedures governing the participation in the Program of State agencies, eligible households, retail food stores, wholesale food concerns, banks and other persons concerned with the issuance, possession, negotiation and redemption of coupons under the Program. This Part 1600 contains general information, definitions, and other material applicable to the program as a whole. Part 1601 of this chapter sets forth policies and procedures governing the manner in which State agencies desiring to participate in the Program will carry out the administrative responsibilities assumed by them under the provisions of the Food Stamp Act of 1964, and further prescribes the manner in which eligible households can obtain and use coupons issued to them by such State agencies. Part 1602 of this chapter, to be published at a later date, will set forth additional terms and conditions relating to the participation of retail food stores, wholesale food concerns and banks.



### § 1600.2 Definitions.

For the purpose of this chapter, the term:

(a) "AMS" means the Agricultural Marketing Service of the United States Department of Agriculture.

(b) "Application form" means AMS forms "Retailer Application for Authorization to Participate in the Food Stamp Program" or "Wholesaler Application for Authorization to Participate in the Food Stamp Program", or both as required by the context.

(c) "Authorization" means the approval by AMS of retail food stores and wholesale food concerns to participate in the Program.

(d) "Authorization card" means the AMS form which evidences approval of a retail food store or a wholesale food concern to participate in the Program.

(e) "Bank" means member and nonmember banks of the Federal Reserve System.

(f) "Board" means the Food Stamp Appeals Board.

(g) "Coupon" means any coupon, stamp, or type of certificate issued pursuant to the provisions of this chapter for the purchase of eligible food.

(h) "Coupon allotment" means the total value of coupons issued to a household during each month or other time period not in excess of one month.

(i) "Department" means the United States Department of Agriculture.

(j) "Eligible food" means any food or food product for human consumption except alcoholic beverages, tobacco, those foods which are identified on the package as being imported, and meat and meat products which are imported.

(k) "Eligible household" means a household that lives in a project area and whose income and resources are determined to be a substantial limiting factor in the attainment of a nutritionally adequate low-cost diet.

(l) "Federal fiscal year" means a period of twelve calendar months beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(m) "Federally aided public assistance programs" means any of the following programs authorized in the Social Security Act of 1935, as amended: Old-age Assistance, Aid to Families with Dependent Children, Aid to the Blind, and Aid to the Permanently and Totally Disabled.

(n) "Federal reserve banks" means the 12 Federal Reserve Banks and their 24 branches.

(o) "Firm" means a retail food store or a wholesale food concern.

(p) "Food retailer" means any individual, partnership, corporation or other legal entity owning or operating a retail food store.

(q) "Food wholesaler" means any individual, partnership, corporation or other legal entity owning or operating a wholesale food concern.

(r) "Free coupon(s)" mean(s) that portion of the coupon allotment that is in excess of the amount paid by an eligible household for its coupon allotment.

(s) "Head of the household" means the member of the household in whose name application is made for participation in the Program.

(t) "Household" means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. It shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption.

(u) "Program" means the Food Stamp Program conducted under the Food Stamp Act of 1964 (Public Law 88-525, 78 Stat. 703) and the provisions of this chapter.

(v) "Project area" means the political subdivision within a State which has been approved for participation in the Program by the Department.

(w) "Purchase requirement" means the amount to be paid by an eligible household for its coupon allotment.

(x) "Redemption certificate" means AMS forms: "Retail Merchants Food Stamp Program Redemption Certificate"; or "Wholesalers Food Stamp Program Redemption Certificate", or both as required by the context.

(y) "Retail food store" means an establishment, including a recognized department thereof, or a house-to-house trade route which sells eligible food to households for home consumption.

(z) "State" means any one of the fifty States or the District of Columbia.

(aa) "State agency" means the agency of the State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within the State, and, in those States where such assistance programs are operated on a decentralized basis, it includes the counterpart local agencies which administer such assistance programs for the State agency.

(bb) "State issuing agency" means another agency of the State government to which the State agency delegates its Statewide administrative responsibilities in connection with the issuance of coupons.

(cc) "Wholesale food concern" means an establishment which sells eligible food to retail food stores for resale to households.

### § 1600.3 Administration.

(a) Within the Department, AMS shall act on behalf of the Department in the administration of the Program.

(b) The State agency shall, except as provided in this chapter, be responsible for the administration of the Program within the State, including, but not limited to, the certification of applicant households; the acceptance, storage and protection of coupons after their delivery to receiving points within the State, and the issuance of coupons to eligible households and the control and accountability therefor: *Provided*, That the State agency may, subject to State law, and under agreement or contract, delegate its Statewide administrative responsibility in connection with the issuance of coupons to another agency of the State government. In the event such administrative responsibility in connection with the issuance of coupons is delegated as permitted by this paragraph, the provisions of this chapter applicable thereto shall be carried out by such other agency of the State government under the direction of the State agency and the State agency shall be responsible to the Department for the carrying out of the delegated responsibilities and for the payment of any claims arising out of any failure of the other agency of the State government to carry out any such delegated responsibilities.

### § 1600.4 Coupons as obligations of the United States, crimes and offenses.

(a) Coupons are an obligation of the United States within the meaning of 18 U.S.C. 8. The provisions of Title 18 of the U.S. Code, "Crimes and Criminal Procedure," relative to counterfeiting and alteration of obligations of the United States and the uttering, dealing in, etc., of counterfeit obligations of the United States are applicable to coupons.

(b) Any unauthorized issuance, use, transfer, acquisition, possession or presentation of coupons may subject any individual, partnership, corporation, or other legal entity involved to prosecution under sections 14 (b) and (c) of the Food Stamp Act of 1964 (Public Law 88-525, 78 Stat. 703). These sections of the Act read as follows:

(b) Whoever knowingly uses, transfers, acquires, or possesses coupons in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons are of the value of $100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred,

or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(c) All individuals, partnerships, corporations, or other legal entities including State agencies and their delegatees (referred to in this paragraph as "persons") having custody, care and control of coupons, shall at all times use care and caution in receiving, storing, transmitting, or otherwise handling coupons to avoid acceptance, transfer, negotiation, or use of spurious, altered, or counterfeit coupons and to avoid any unauthorized transfer, negotiation, or use of coupons. Such persons shall also use care and caution in safeguarding coupons from theft, embezzlement, loss, damage or destruction. Any false statement made by any person, in any application of certification required by this chapter, by the Plan of Operation of any State agency, or by instructions of AMS, may subject such person to criminal prosecution under any applicable provision of federal law or to civil liability under the provisions of 31 U.S.C. 231 or either, or both, as well as to any legal action as may be maintained under State law.

**§ 1600.5 Miscellaneous provisions.**

(a) AMS shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim arising under the provisions of this chapter.

(b) Persons or agencies desiring information concerning the Program should write to the appropriate Area Office of the Food Distribution Division of AMS as follows:

(1) For project areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia: U.S. Department of Agriculture, Food Distribution Division, AMS, 346 Broadway, Room 604, New York, N.Y., 10013;

(2) For project areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia: U.S. Department of Agriculture, AMS, Food Distribution Division, 50 Seventh Street NE., Room 252, Atlanta, Ga., 30323;

(3) For project areas in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin: U.S. Department of Agriculture, AMS, Food Distribution Division, 536 South Clark Street, Chicago, Ill., 60605;

(4) For project areas in Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas: U.S. Department of Agriculture, AMS, Food Distribution Division, 500 South Ervay Street, Room 3-127, Dallas, Tex., 75201;

(5) For project areas in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming: U.S. Department of Agriculture, AMS, Food Distribution Division, Appraisers' Building, Room 734, 630 Sansome Street, San Francisco, Calif., 94111.

(c) *Saving Clause.* The Department reserves the right at any time to withdraw, modify or amend this chapter.

(d) *Effective date.* The provisions of this chapter shall become effective on publication thereof in the FEDERAL REGISTER: *Provided, however,* That in the case of those geographic areas in which Pilot Food Stamp Projects are presently operating under the provisions of 6 CFR Part 540 the provisions of this chapter shall not be operative or effective until further notice is published in the FEDERAL REGISTER specifying the effective date(s) for the provisions of this chapter for each such geographic area and until such notice(s) the provisions of 6 CFR Part 540 shall continue to govern the operation of the Pilot Food Stamp Program in such areas.

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Sec.

1601.1 General terms and conditions for State agencies.
1601.2 Payments for certain costs of the State agency.
1601.3 Household eligibility.
1601.4 Certification of households.
1601.5 Basis for issuing coupons to eligible households.
1601.6 Methods of distributing and accounting for coupons and receipts.
1601.7 Financial liabilities of the State agency.
1601.8 Plans of operation.
1601.9 Use or redemption of coupons by eligible households.

AUTHORITY: The provisions of this Part 1601 issued under P.L. 88-525, 78 Stat. 703.

**§ 1601.1 General terms and conditions for State agencies.**

(a) In project areas there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a natural or other disaster as determined by the Secretary of Agriculture.

(b) In the certification of applicant households for the Program there shall be no discrimination against any household by reason of race, religious creed, national origin, or political beliefs.

(c) States or the governing officials of project areas shall not decrease welfare grants or other similar aid extended to any person or persons as a consequence of such person's or persons' participation in benefits made available under the provisions of this chapter.

(d) Free coupons provided to any eligible household shall not be considered to be income or resources for any purpose under the Social Security Act of 1935, as amended, or under any other Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(e) Except as provided for in § 1601.2, each State shall finance, or cause to be financed, from funds available to the State or political subdivision thereof, the costs of carrying out the administrative responsibilities assigned to it under the provisions of this chapter.

(f) Each State agency shall establish specific standards to be used in determining the eligibility of applicant households. Such standards shall include maximum income limitations consistent with income standards used by the State agency in administration of its federally aided public assistance programs. Such standards also shall place a limitation on the resources to be allowed eligible households. The standards of eligibility to be used by each State for the Program shall be subject to the approval of AMS.

(g) Each State agency shall undertake the certification of applicant households in accordance with the general procedures and merit system personnel standards used by it in the certification of applicants for benefits under its federally aided public assistance programs.

(h) Each State agency shall submit for the approval of AMS a Plan of Operation, prepared in accordance with the provisions of § 1601.8 and instructions issued by AMS. Such Plan shall cover a federal fiscal year and may be extended for succeeding federal fiscal years at the option of AMS unless sooner terminated or suspended in accordance with the provisions of this part.

(i) If AMS determines that, in the administration of the Program, a State agency has failed to comply substantially with the provisions of this chapter, with instructions issued pursuant to this chapter, or with the State Plan of Operation, AMS shall inform such State agency of such failure and shall allow the State agency a reasonable period of time, as determined by AMS, for the correction of such failure. If, prior to the expiration of such period, corrective action has not been taken, AMS shall direct that there be no further issuance of coupons in the project areas where such failure has occurred until such time as satisfactory corrective action has been taken.

**§ 1601.2 Payments for certain costs of the State agency.**

(a) AMS shall make payments to State agencies for certain costs incurred by such agencies in the certification of the type of households described in § 1601.3(c). The amount of any such payment to any one State agency shall be 50 per centum of the sum of the following: (1) The direct salary costs (including the cost of such fringe benefits as are normally paid to its personnel by the State agency) of the personnel used to make such interviews and such post interview field investigations as are necessary to certify the eligibility of such households, and of the immediate supervisor of such personnel, for such periods of time as they are employed in certifying the eligibility of such households; (2) travel and related costs incurred by such personnel in post interview field investigations of such households; and (3) an amount equal to 25 per centum of the costs computed under subparagraphs (1) and (2) of this paragraph.

(b) The State agency shall submit claims to AMS for such payments in accordance with instructions issued by AMS.



**§ 1601.3 Household eligibility.**

(a) Eligibility for and participation in the Program shall be on a household basis.

(b) Households in which all members thereof are recipients of welfare assistance under (1) federally aided public assistance programs, or (2) State or local general assistance programs applying the criteria of need which are the same as, or similar to, those applied under any such federally aided programs, shall be determined to be low-income households and, therefore, eligible to participate in the Program while receiving such benefits.

(c) Other households, including those in which some members are recipients of the types of assistance set forth in paragraph (b) of this section, shall be determined to be low-income households and, therefore, eligible to participate in the Program if the economic status of the members who are not recipients of welfare assistance meet the standards of eligibility established in accordance with § 1601.1(f).

(d) Any other households meeting criteria of eligibility specifically approved by AMS may be determined to be low-income households and, therefore, eligible to participate in the Program while meeting such criteria.

**§ 1601.4 Certification of households.**

(a) In carrying out its responsibilities for the certification of applicant households the State agency shall:

(1) Provide for adequate documentation and verification of certification information obtained from applicant households.

(2) Make periodic reviews of certification of households to determine changes in status, which would affect the continued eligibility of the household, the amount of its coupon allotment, or its purchase requirement. In the case of households of the category described in § 1601.3(c) reviews shall be made at least on a quarterly basis, except that a Plan of Operation may be submitted for approval which provides a different schedule of review, but no less often than once every six months, for certain categories of such households based upon the probability of changes in the status of such households. Reviews for households of the category described in § 1601.3(b) shall be made whenever there is a redetermination of such household's assistance grant. The schedule of reviews for households of the category described in § 1601.3(d) shall be specifically approved by AMS.

(3) Issue an identification card to each household certified as eligible to participate in the Program.

(4) Issue written instructions to personnel responsible for the certification of applicant households. Such instructions shall be submitted to AMS for review and approval.

(b) If any eligible household is found to have failed to participate regularly, such household shall be eligible to continue to participate in the Program only if the State agency determines that such household failed to participate regularly because of emergency circumstances of a temporary and substantial nature.

**§ 1601.5 Basis for issuing coupons to eligible households.**

(a) The face value of the coupon allotment which State agencies shall be authorized to issue to households certified as eligible to participate in the Program shall be in such amount as will provide such households with an opportunity more nearly to obtain a low-cost nutritionally adequate diet and the purchase requirement for such households shall be in such amount as is determined to be equivalent to their normal expenditures for food.

(b) AMS, after consultation with the State agency, shall establish various classes of eligible households according to such factors as income, and family size and composition, and shall prepare a schedule showing the coupon allotments to be provided the various classes established, and the purchase requirements for such classes.

**§ 1601.6 Methods of distributing, issuing and accounting for coupons and receipts.**

(a) AMS will distribute coupons, printed in such denominations as it may determine necessary, directly to the receiving points designated by the State agency in the Plan of Operation. While in the course of shipment to receiving points coupons shall be considered to be at the risk of the Department.

(b) The State agency shall arrange for the prompt verification of and receipting for the contents of each coupon shipment, in accordance with instructions issued by AMS. Thereafter, the State agency shall be accountable to AMS for the coupons distributed to it and for the sums authorized to be collected from households as payment for the coupon allotments issued to such households.

(c) The State agency shall arrange for: (1) The adequate safekeeping of its supplies of coupons; (2) the maintenance of a reasonable working inventory of coupons; (3) the ordering of coupons in accordance with AMS instructions; and (4) the maintenance of proper inventory and accounting controls for such coupons in accordance with instructions issued by AMS.

(d) The State agency shall arrange for the issuance of coupons to eligible households and for the collection of the sum required from eligible households as payment therefor. The frequency of the issuance of coupons shall be such as to encourage participation of eligible households, but, in any event, shall be no less often than monthly. The coupon allotment to be issued to any household, and the payments therefor, shall be in the amounts determined in accordance with § 1601.5.

(e) The State agency may authorize, under written agreement with public or private agencies, the acceptance of vouchers or warrants issued by such agencies in payment for coupon allotments issued to eligible households. Such vouchers or warrants shall be converted into cash as soon as practicable thereafter in accordance with instructions issued by AMS.

(f) The State agency shall arrange for the reconciliation of coupon inventories, coupon issuances, sums collected from eligible households, vouchers, or warrants accepted from public or private agencies, or other receipts, in accordance with instructions issued by AMS. All such receipts shall be properly safeguarded at all times and deposited in accordance with instructions issued by AMS.

(g) The State agency shall issue written instructions to personnel responsible for the issuance of coupons. Such instructions shall be submitted to AMS for review and approval.

(h) Every official or employee who is responsible for receiving and issuing coupons or accepting cash or other receipts from eligible households shall be covered by an appropriate form of surety bond in favor of the State agency or the State issuing agency.

**§ 1601.7 Financial liabilities of the State agency.**

(a) If AMS determines that there has been gross negligence or fraud on the part of the State agency in the initial certfication of applicant households, or in the periodic review of the eligibility of such households as provided in § 1601.4(a)(2) and the provisions of the Plan of Operation relating thereto, the State shall, on demand by AMS, deposit in accordance with instructions issued by AMS, a sum equal to the amount of any free coupons issued as a result of such negligence or fraud.

(b) If AMS determines that there has been a failure on the part of the State agency to account fully for coupons distributed to it, or the sums authorized to be collected by it in payment of the purchase requirement including the cash equivalent of any vouchers or warrants accepted by it in accordance with § 1601.6(c), the State agency shall, on demand by AMS, pay to AMS, in accordance with instructions issued by AMS, the amount due as a result of such failure.

(c) Upon a determination by the State agency that a participating household has fraudulently obtained coupons, the State agency, on behalf of AMS, shall make demand upon such household for repayment of the value of the free coupons issued to such household as a result of such fraud. Such actions shall be documented in the files of the State agency, and any funds collected as a result of such actions shall be deposited by the State agency in accordance with instructions issued by AMS. Demand and payment of any such amounts shall not relieve or discharge such household of any liability, either civil or criminal, for such additional amounts as may be due under any other applicable provisions of law.

**§ 1601.8 Plans of operation.**

(a) The State agency shall submit a Plan of Operation to AMS for its ap-

proval and there shall be no issuance of coupons prior to the date on which the Plan of Operation is approved by AMS.

(b) The proposed Plan of Operation of each State agency shall be prepared and submitted to AMS in accordance with instructions issued by AMS. Such AMS instructions shall, among other things, require that the State agency: (1) Agree to carry out the Program in accordance with the provisions of this chapter; (2) specify the standards to be used by it in determining the eligibility of applicant households and the policies, procedures, and methods it will follow, and the forms and records it will use in carrying out the administrative responsibilities assigned to it under the provisions of this chapter; (3) specify safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act of 1964 or this chapter; (4) agree to keep such records and submit such reports and other information as may from time to time be required by AMS; (5) agree that such Program records shall be available for review or audit by the Department for a period of three years following the close of the federal fiscal year to which they pertain; and (6) specify the project areas within the State in which it desires to conduct the Program and the effective dates on which it proposes to begin operation of the Program in each such project area.

(c) No amendment to the Plan of Operation of any State agency shall be made without prior written approval of AMS, and AMS may require amendment of any agency's Plan of Operation as a condition of continuing approval.

**§ 1601.9 Use or redemption of coupons by eligible households.**

(a) The head of the eligible household, or such other person as may be authorized to act on his behalf in accordance with instructions issued by AMS, shall sign each book of coupons provided to the head of the household in his coupon allotment. The coupons may be used only by the head of the household or other persons selected by him to purchase eligible food for such households. Except for those uncancelled and unendorsed coupons of fifty-cent denomination returned to him as change by authorized retail food stores, coupons shall be detached from the book only at the time such coupons are used for payment of eligible food purchased in or delivered by authorized retail stores.

(b) Upon request, the head of the eligible household or his selected representative shall present the identification card of the head of the household in the retail food store when exchanging food coupons for eligible food.

(c) Coupons shall not be used to pay for any eligible food purchased prior to the time at which the coupons are used to pay for eligible food purchased in or delivered by authorized retail food stores.

(d) If after investigation the State agency finds that any eligible household has failed substantially to comply with the provisions of this part, the Plan of Operation, or any procedure or instructions issued by the State agency or AMS relating to the use of coupons issued to them, such household shall be disqualified from further participation by the State agency for such period as the State agency shall determine.

(e) In the event any eligible household which holds coupons properly issued to such household elects to discontinue participation in the Program, unused coupons may be returned for cash refund from AMS in the same ratio of cash to coupons as was applied by the State agency in the issuance of the coupons to the household. Application for such refund shall be made in accordance with instructions issued by AMS.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and further such requirements that may be established will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The provisions of this part shall become effective as provided in § 1600.5(f) of this chapter.

S. R. SMITH,
*Administrator.*

Approved: December 3, 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12545; Filed, Dec. 7, 1964; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-CE-36]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Federal Airway

On September 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13209) stating that the Federal Aviation Agency proposed to designate a Federal airway between Dunoir, Wyo., and Billings, Mont.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 1009), V-485 is amended by adding to the beginning of the text "From Dunoir, Wyo., direct Billings, Mont."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 1, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12493; Filed, Dec. 7, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-44]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Reporting Points

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to designate the San Juan, Puerto Rico, VORTAC as a domestic reporting point at all altitudes and to designate the San Juan RBN and the Ramey AFB, Puerto Rico, RBN as high altitude reporting points.

The San Juan VORTAC is an integral part of the en route structure and is presently utilized extensively in the movement of IFR traffic within the San Juan domestic controlled area. Additionally, this facility is the basic approach and departure aid for San Juan approach control and is required as a compulsory reporting point at all altitudes for efficient air traffic control.

The San Juan and Ramey radio beacons are presently utilized as noncompulsory reporting points to facilitate the movement of IFR traffic in and about their respective areas. There is a requirement that they be made compulsory reporting points for the high altitude structure.

Designation of these reporting points do not involve the assignment of airspace and their use as compulsory reporting points in the San Juan area is presently required. Since the public is not particularly interested in this matter, the Administrator finds that compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken, effective 0001 e.s.t., February 4, 1965.

In § 71.207 (29 F.R. 1223) the following is added.

Ramey AFB, P.R., RBN.
San Juan, P.R., RBN.

In § 71.209 (29 F.R. 1226) the following is added.

San Juan, P.R.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 1, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12493; Filed, Dec. 7, 1964; 8:45 a.m.]



SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6299; Amdt. 402]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| CID VOR | LOM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| IOW VOR | LOM | Direct | 2500 | C-dn | 400-1 | 500-1 | 500-1½ |
| Watkins Int | LOM (final) | Direct | 1900 | S-dn-8 | 400-1 | 400-1 | 400-1 |
| Belle Plaine Int | Watkins Int | Direct | 2500 | A-dn | 800-2 | 800-2 | 800-2 |
| Vinton Int | LOM | Direct | 2700 | | | | |
| Lisbon Int | LOM | Direc | 2500 | | | | |
| Solon Int | LOM | Direct | 2400 | | | | |
| Guernsey Int | LOM | Direct | 2500 | | | | |

Radar vectoring to final approach crs authorized in accordance with patterns.
Procedure turn N side of crs, 265° Outbnd, 085° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 058°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing CI LOM, climb to 2500' on crs 085° within 15 miles o', when directed by ATC, make right-climbing turn to 2000' and proceed to LOM.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from CI LOM: 0 to 10 miles CW, 235° to 300°—2000'; 10 to 20 miles CW, 235° to 300°—2500'; 0 to 10 miles CW, 300° to 060°—2900'; 0 to 25 miles CW, 060° to 210°—2500'; 0 to 20 miles CW, 210° to 235°—2500'.
MSA within 25 miles of facility: 000°-090°—2900'; 090°-180°—2100'; 180°-270°—2200'; 270°-360°—3400'.

City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids Municipal; Elev., 863'; Fac. Class., LOM; Ident., CI; Procedure No. 1, Amdt.1; Eff. Date, 5 Dec.64; Sup. Amdt. No. Orig.; Dated, 30 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Alberton FM | RBn (final) | Direct | 6500 | T-dn% | 2500-2 | 2500-2 | 2500-2 |
| | | | | C-dn | 3000-2 | 3000-2 | 3000-2 |
| | | | | A-dn | 3500-3 | 3500-3 | 3500-3 |

Procedure turn N side of crs, 276° Outbnd, 096° Inbnd, 8000' within 10 miles. Beyond 10 miles not authorized. Nonstandard due to terrain S.
Minumum altitude over facility on final approach crs, 6500'.
Crs and distance, facility to airport, 119°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing MSO RBn, turn right and climb to 9000' on a crs of 276° from MSO RBn within 10 miles.
NOTE: Final approach from holding pattern at the RBn not authorized. Procedure turn required.
MSA within 25 miles of facility: 045°-135°—8800'; 135°-225°—10,600'; 225°-315°—9000'; 315°-045°—11,000'.
%Takeoff all runways: Aircraft departing via airways climb in a right-hand shuttle within 6 miles of the VOR on R-282 or within 5 miles of the RBn on 280° magnetic bearing from the RBn to depart the facility on crs at 7500' or above. All turns S of crs.

City, Missoula; State, Mont.; Airport Name, Missoula-County; Elev., 3203'; Fac. Class., H-SAB; Ident., MSO; Procedure No. 1, Amdt. 2; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 1; Dated, 24 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Manchester VOR | MHT RBn | Direct | 2200 | T-d | 500-1 | 500-1 | NA |
| | | | | C-d | 800-1 | 800-1 | NA |
| | | | | S-dn | NA | NA | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport 238°—7.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing MHT-RBn, make an immediate right-climbing turn to Manchester RBn at 2200'. Hold E of MHT RBn, 237° Inbnd, 1-minute right turns.
NOTE: No weather reporting available.
Facility owned and operated by State of New Hampshire.
Facility must be monitored aurally during approach.
MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—1800'; 180°-270°—2600'; 270°-360°—3400'.

City, Nashua; State, N.H.; Airport Name, Boire Field; Elev., 193'; Fac. Class., MHW; Ident., MHT; Procedure No. 1, Amdt. 2; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 1; Dated, 19 Nov. 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| NUN VOR | PNS RBn | Direct | 1600 | T-dn | 300-1 | 300-1 | 200-½ |
| Harold Int | PNS RBn | Direct | 1700 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-34 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 163° Outbnd, 343° Inbnd, 1600′ within 10 miles. Beyond 10 miles not authorized due warning area.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 343°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing RBn, climb to 2000′ on 343° crs from RBn within 15 miles or, when directed by ATC, turn right, climb to 2000′ on crs of 030° from Pensacola RBn within 15 miles.
CAUTION: Warnig area beyond 10 miles S of PNS RBn.
MSA within 25 miles of facility: 000°-090°—1400′; 090°-180°—1200′; 180°-270°—1500′; 270-360°—1600′.

City, Pensacola; State, Fla.; Airport Name, Pensacola Municipal (Hagler); Elev., 118′; Fac. Class., H-SAB; Ident., PNS; Procedure No. 2, Amdt. 4; Eff.Date, 5 Dec. 64; Sup. Amdt. No. 3; Dated, 29 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| RNO VOR | RNO RBn | Direct | 9000 | T-dn# | 1000-2 | 1000-2 | 1000-2 |
| Mustang Int | RNO RBn | Direct | 9000 | C-dn | 2000-2 | 2000-2 | 2000-2 |
| Verdi Int | RNO RBn | Direct | 10,500 | A-dn | 2500-3 | 2500-3 | 2500-3 |
| Pyramid Int | Sparks RBn | Direct | 9000 | | | | |
| Sparks RBn | Reno RBn (final) | Direct | 7000 | | | | |

Procedure turn E side of crs, 341° Outbnd, 161° Inbnd, 9000′ within 10 miles.
Procedure turn E side of crs, high terrain W.
Minimum altitude over facility on final approach crs, 7000′.
Crs and distance, facility to airport, 161°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing RNO RBn, turn right, climb to 9000′ on 341° crs from RNO RBn within 15 miles.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local conditions not authorized for takeoff or landing.
# IFR departures must comply with published Reno SID's.
MSA within 25 miles of facility: 000°-090°—9400′; 090°-180°—11,000′; 180°-270°—11,800′; 270°-360°—9300′.

City, Reno; State, Nev.; Airport Name, Reno Municipal; Elev., 4411′; Fac. Class., SBH; Ident., RNO; Procedure No. 1, Amdt. 2; Eff. Date, 5 Dec 64; Sup. Amdt. No. 1; Dated, 28 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| F8D RBn | LOM | Direct | 2700 | T-dn* | 300-1 | 300-1 | 200-½ |
| F8D-VOR | LOM | Direct | 2700 | C-dn | 500-1 | 500-1 | 500-1½ |
| Bestland INT | LOM | Direct | 2700 | S-dn-3 | 500-1 | 500-1 | 500-1 |
| Lennox Int | LOM | Direct | 2700 | A-dn | 800-2 | 800-2 | 800-2 |
| Russell Int | LOM | Direct | 2700 | | | | |

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 026°—3.8 miles. Within 3.8 miles after passing LOM, climb to 2900′ on crs 026° bearing from LOM within 15 miles.
Other changes: Deletes caution note.
*200-1 required for takeoff Runway 15.
MSA's within 25 miles of facility: 000°-090°—2800′; 090°-180°—3400′; 180°-360°—3000′.

City, Sioux Falls; State, S. Dak.; Airport Name, Joe Foss Field; Elev., 1428′; Fac. Class., LOM; Ident., FS; Procedure No. 1, Amdt. 9; Eff. Date, 5 Dec 1964; Sup. Amdt. No. 8; Dated, 4 Jan. 1964

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| HUF VOR | HUF RBn | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Clinton Int | HUF RBn | Direct | 2200 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-23 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 225°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing HUF RBn, climb to 2000′ on crs of 225° and return to HUF RBn or, when directed by ATC, make left turn and proceed to Lewis VOR at 2500′.
MSA within 25 miles of facility: 140°-230°—2600′; 230°-140°—2100′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BH; Ident., HUF; Procedure No. 1, Amdt. 4; Eff. Date, 5 Dec 64; Sup. Amdt. No. 3; Dated, 20 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| HUF RBn | LOM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| HUF VOR | LOM | Direct | 2000 | C-dn | 400-1 | 500-1 | 500-1½ |
| LEU VOR | LOM | Direct | 2200 | S-dn-5 | 400-1 | 400-1 | 400-1 |
| Fairbanks Int | LOM (final) | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |
| Sanford Int | LOM | Direct | 2200 | | | | |
| Clinton Int | LOM | Direct | 2200 | | | | |
| Spencer Int | LOM | Direct | 2200 | | | | |

Procedure turn W side of crs, 225° Outbnd, 045° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 045°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, proceed direct to HUF RBn, climbing to 2000′ or, when directed by ATC, make climbing right turn to 2500′ and proceed direct to LEU-VOR.
NOTE: 1. All turns to be made on W side of crs, high tower to S.
MSA within 25 miles of facility: 140°-230°—2600′; 230°-140°—2100′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., LOM; Ident., HU; Procedure No. 2, Amdt. 4; Eff. Date, 5 Dec 64; Sup. Amdt. No. 3; Dated, 20 June 64



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| TUS VOR | TUS RBn | Direct | 5000 | T-dn% | 300-1 | 300-1 | 200-½ |
| | | | | C-dn* | 700-2 | 700-2 | 700-2 |
| | | | | A-dn* | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 263° Outbnd, 083° Inbnd, 5000′ within 10 miles.
Minimum altitude over TUS RBn on final approach crs, 5000′; over Mission FM, *4200′.
Crs and distance TUS RBn to airport, 083°—10.6 miles; Mission FM, 083°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.6 miles after passing TUS RBn (or 3.6 miles after passing Mission FM), turn right, climbing direct to TUS RBn. Cross TUS RBn at 5000′ minimum.
MSA within 25 miles of facility: 000°-090°—9700′; 090°-180°—9100′; 180°-270°—7900′; 270°-360°—5700′.
*If Mission FM not received, maintain 4200′ and minimums are 1600-2.
%All directions (except V-16 and V-105 westbound) IFR departures must comply with published Tucson SID's.

City, Tucson; State, Ariz.; Airport Name, Tucson International; Elev., 2630′; Fac. Class., HSABZ; Ident., TUS; Procedure No. 1 ,Amdt. 1; Eff. Date, 5 Dec. 64; Sup. Amdt. No. Orig.; Dated, 13 Oct 62

## 2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Lisbon Int | Ely Int (final) | Via crs 200°—1.9 miles to CID VOR R-067. | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | 2500 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-26# | 400-1 | 400-1 | 400-1 |
| Solon Int | Ely Int (final) | Via crs 340°—1.8 miles to CID VOR R-067. | | A-dn | 800-2 | 800-2 | 800-2 |
| CID VOR | Ely Int | Direct | 2500 | | | | |
| IOW VOR | Ely Int | Direct | 2500 | | | | |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 087° Outbnd, 267° Inbnd, 2500′ within 10 miles of Ely Int.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, Ely Int to airport 267°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Ely Int, proceed to CID VOR via R-067, climbing to 2000′ or, when directed by ATC, make right turn, climbing to 2500′ and return to Ely Int.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification. Operating dual VOR equipment required to execute this procedure.
Minimum radar altitudes from Ely Int: 0 to 25 miles CW, 060° to 290°—2500′; 0 to 15 miles CW, 290° to 310°—2500′; 0 to 10 miles CW, 310° to 060°—2900′.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2900′; 090°-180°—2100′; 180°-270°—2200′; 270°-360°—3400′.

City, Cedar Rapids; State, Iowa, Airport Name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. 2, Amdt. 2; Eff. Date, 5 Dec 64; Sup. Amdt. No. 1; Dated, 30 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| IOW VOR | CID VOR | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| Belle Plaine Int | Watkins Int | Direct | 2500 | C-dn | 400-1 | 500-1 | 500-1½ |
| Watkins Int | CID VOR (final) | Direct | 1700 | S-dn-6# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 260° Outbnd, 080° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport 080°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing CID VOR, climb to 2500′ on R-088 CID VOR within 15 miles or, when directed by ATC, make right turn, climbing to 2000′ and proceed to CID VOR.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from CID VOR: 0 to 10 miles CW, 235° to 300°—2000′; 10 to 20 miles CW, 235° to 300°—2500′; 0 to 10 miles CW, 300° to 060°—2900′; 0 to 25 miles CW, 060° to 210°—2500′; 0 to 20 miles CW, 210° to 235°—2500′.
MSA within 25 miles of facility: 000°-090°—2900′; 090°-180°—2100′; 180°-270°—2200′; 270°-360°—3400′.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
#400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.

City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. 1, Amdt. 7; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 6; Dated 30 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 1000-2 | 1000-2 | 1000-2 |
| | | | | T-n | 2000-2 | 2000-2 | 2000-2 |
| | | | | C-d | 1300-2 | 1300-2 | 1300-2 |
| | | | | C-n | 2000-2 | 2000-2 | 2000-2 |
| | | | | A-dn | 2500-2 | 2500-2 | 2500-2 |

Procedure turn S side of crs, 067° Outbnd, 247° Inbnd, 4500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport 247°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LEB VOR, climb to 3000′ on R-247. Make a climbing right turn within 10 miles and return to LEB VOR at 5000′. Hold on R-067, right turns, 1 minute, 247° Inbnd.
Sliding scale not authorized. No reduction in takeoff or landing visibility minimums authorized for local conditions.
CAUTION: High terrain in vicinity of airport and all directions from airport.
Other change: Deletes air carrier note.
MSA within 25 miles of facility: 000°-090°—5400′; 090°-180°—4200′; 180°-270°—4200′; 270°-360°—4700′.

City, Lebanon; State, N.H.; Airport Name, Lebanon Regional; Elev., 580; Fac. Class., BVOR; Ident., LEB; Procedure No. 1, Amdt. 6; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 5; Dated, 18 Nov. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Alberton FM | Primrose Int (final) | Direct | 6500 | T-dn% | 2500–2 | 2500–2 | 2500–2 |
| MSO RBn | VOR | Direct | 8000 | C–dn | 3300–2 | 3300–2 | 3300–2 |
| | | | | A–dn | 3500–3 | 3500–3 | 3500–3 |
| | | | | If aircraft equipped with VOR and ADF and Primrose Int received the following minimums apply: | | | |
| | | | | C–dn | 3000–2 | 3000–2 | 3000–2 |

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 8000′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to terrain S.
Minimum altitude over Primrose Int on final approach crs, 6500′.
Crs and distance, Primrose Int to airport, 098°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right and climb to 9000′ on R-278 MSO–VOR, within 15 miles.
CAUTION: High terrain SW of missed approach turn area.
NOTE: Final approach from holding pattern at the VOR not authorized. Procedure turn required.
% Takeoff all runways: Aircraft departing via airways climb in a right-hand shuttle within 6 miles of the VOR on R-282 or within 5 miles of the RBn on 280° magnetic bearing from the RBn to depart the facility on crs at 7000′ or above. All turns S of crs.
MSA within 25 miles of the facility: 045°–135°—8800′; 135°–225°—10,600′; 225°–315°—9000′; 315°–045°—11,000′.

City, Missoula; State, Mont.; Airport Name, Missoula-County; Elev., 3203′; Fac. Class., BVORTAC; Ident., MSO; Procedure No. 1, Amdt. 4; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 3; Dated, 24 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–d | 500–1 | 500–1 | NA |
| | | | | C–d | 800–1 | 800–1 | NA |
| | | | | S–dn | NA | NA | NA |
| | | | | A–dn | NA | NA | NA |
| | | | | After passing 3.0-mile DME fix on MHT VOR R-245, the following minimums will apply: | | | |
| | | | | C–dn | 500–1 | 500–1 | NA |

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 245°—8.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing MHT VOR, make an immediate right-climbing turn to the Manchester VOR at 2200′. Hold N of MHT VOR, R-065, 1 minute, right turns, 245° Inbnd.
NOTES: No weather reporting available.
Other changes: Deletes transition.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—1800′; 180°–270°—2600′; 270°–360°—3400′.

City, Nashua; State, N.H.; Airport Name, Boire Field; Elev., 193′; Fac. Class., BVORTAC; Ident., MHT; Procedure No. 1, Amdt. 2; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 1; Dated, 10 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn% | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 1500–1 | 1500–1 | 1500–1½ |
| | | | | A–dn | 1500–2 | 1500–2 | 1500–2 |

Procedure turn S side of crs, 070 Outbnd, 250 Inbnd, 3500 within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 250°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing OTH VOR, climb to 3500′ on R-250 from OTH–VOR within 15 miles.
Shuttle on R-250 to 3500′ within 10 miles.
CAUTION: Bridge tower 90′—0.2 mile E of airport and bridge tower 265′—0.8 mile E of airport.
Other changes: Procedure turn note deleted.
% Takeoffs Runways 31, 34, and 4 turns left; Takeoffs Runways 16, 22, and 13 turn right: Intercept R-250 and climb westbound on R-250 OTH VOR to 500′, thence return to OTH VOR via R-250 climbing to cross OTH VOR at or above 1000′.
MSA within 25 miles of facility: 000°–090°—3300′; 090°–180°—3600′; 180°–270°—2600′; 270°–360°—2000′.

City, North Bend; State, Oreg.; Airport Name, North Bend Municipal; Elev., 14′; Fac. Class., L–BVOR; Indent., OTH; Procedure No. 1, Amdt 2; Eff. Date, 5 Dec 64; Sup. Amdt. No. 1; Dated, 2 July 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | NA |
| | | | | C–dn | 600–1 | 600–1 | NA |
| | | | | A–dn | NA | NA | NA |

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 146°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing PCU–VOR, climb to 1700′, turn right and return direct to PCU–VOR. Hold NW on R-326, 146° Inbnd, 1-minute right turns.
NOTES: 1. No weather service available at this airport. 2. Flight plan must be closed with MSY FSS when visual contact established.
Major change: Deletes Caution Note.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–180°—1400′; 180°–270°—1400′; 270°–360°—1700′.

City, Picayune; State, Miss; Airport Name, Picayune Municipal; Elev., 60′; Fac. Class., BVOR; Ident., PCU; Procedure No. 1; Amdt. 3; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 2; Dated, 10 Oct. 64



VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Pyramid Int/DME fix | RNO VOR | Direct | 9000 | T–dn | 1000–2 | 1000–2 | 1000–2 |
| Wadsworth Int/DME fix | RNO VOR | Direct | 9500 | C–dn | 2000–2 | 2000–2 | 2000–2 |
| Verdi Int/DME fix* | RNO VOR | Direct | 10,500 | A–dn | 2500–3 | 2500–3 | 2500–3 |
| Steamboat Int/DME fix | RNO VOR | Direct | 9000 | | | | |
| Mustang Int/DME fix | RNO VOR (final) | Direct | 7900 | | | | |

Procedure turn S side crs, 049° Outbnd, 229° Inbnd, 9000′ within 10 miles.
Procedure turn S side of crs, high terrain N.
Minimum altitude over facility on final approach crs, 7900′.
Crs and distance, facility to airport, 229°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing RNO VOR, turn right, climb to 9000′ on RNO VOR R-039 to Mustang Int.
CAUTION: If contact not established at minimums, missed approach must be started immediately due to high terrain W.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local conditions not authorized for takeoff and landing.
NOTE: When authorized by ATC, DME may be used within 10 to 15 miles at 10,000 between RNO R-330 clockwise to RNO R-117 to position aircraft for straight-in approach with the elimination of procedure turn.
*9000′ authorized if DME used to identify Verdi DME fix.
#IFE departures must comply with published Reno SID's.
MSA within 25 miles of facility: 000°–180°—9500′; 180°–270°—11,800′; 270°–360°—9200′.

City, Reno; State, Nev.; Airport Name, Reno Municipal; Elev., 4411′; Fac. Class., BVORTAC; Ident., RNO; Procedure No. 1, Amdt. 13; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 12; Dated, 19 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| Brasil Int | HUF VOR (final) | Direct | 1500 | C–dn | 400–1 | 400–1 | 500–1¾ |
| HUF RBn | HUF VOR | Direct | 2000 | S–dn–23* | 400–1 | 400–1 | 400–1 |
| Clinton Int | HUF VOR | Direct | 2200 | A–dn | 800–2 | 800–2 | 800–2 |
| Spencer Int | HUF VOR | Direct | 2200 | | | | |

Procedure turn N side of final approach crs, 049° Outbnd, 229° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 229°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing HUF VOR, make climbing left turn to 2500′ and proceed direct to Lewis VOR or, when directed by ATC, make climbing right turn and return to HUF VOR, at 2000′.
NOTES: 1. Final approach from holding pattern not authorized. Procedure turn required. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs at 2200′ via 10-mile DME arc, 229° clockwise to 180° from HUF VOR with the elimination of the procedure turn.
*400–¾ authorized, except for turbojet aircraft, with operative high-intensity lights.
MSA within 25 miles of facility: 140°–230°—2600′; 230°–140°—2100′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 555′; Fac. Class., BVORTAC; Ident., HUF; Procedure No. 1, Amdt. 6; Eff. Date, 5 Dec 64; Sup. Amdt No. 5; Dated, 10 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| HUF RBn | HUF VOR | Direct | 2000 | C–dn | 400–1 | 400–1 | 500–1¾ |
| LEU VOR | Riley Int | Direct | 2200 | S–dn–5* | 400–1 | 400–1 | 400–1 |
| HUF VOR | Riley Int | Direct | 2000 | A–dn | 800–2 | 800–2 | 800–2 |
| Sanford Int | Riley Int | Direct | 2200 | | | | |

Procedure turn W side of crs, 228° Outbnd, 048° Inbnd, 2000′ within 10 miles of Riley Int.
Minimum altitude over Riley Int on final approach crs, 1700′.
Crs and distance, Riley Int to airport, 048°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Riley Int, climb to 2500′ and proceed to Manhattan Int or, when directed by ATC, make climbing right turn to 2500′ and proceed direct to LEU VOR.
NOTES: 1. Procedure restricted to aircraft equipped with dual omi. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs at 2500′ via 13-mile DME arc; 180° clockwise to 280° from HUF VOR with the elimination of the procedure turn. 3. All turns to be made W side of crs, high tower to S.
*400–¾ authorized, except for turbojet aircraft, with operating high-intensity runway lights.
MSA within 25 miles of facility: 140°–230°—2600′; 230°–140°—2100′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 555′; Fac. Class., BVORTAC; Ident., HUF; Procedure No. 2, Amdt. 4; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 3; Dated, 10 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cashmere VHF Int | EAT VOR | Direct | 7300 | T–dn% | 1000–1 | 1000–1 | 1000–1 |
| Beehive Mountain VHF Int | EAT VOR | Direct | 6000 | C–dn* | 1900–1 | 1900–1 | 1900–1¼ |
| | | | | A–dn | 2000–2 | 2000–2 | 2000–2 |
| | | | | If Malaga FM received the following minimums apply: | | | |
| | | | | C–d* | 1000–1 | 1000–1 | 1000–1¼ |
| | | | | C–n* | 1000–1½ | 1000–1½ | 1000–2 |

Procedure turn N side of crs, 102° Outbnd, 282° Inbnd, 4500′ within 10 miles.
Minimum altitude over Malaga FM on final approach crs, 3100′; over EAT VOR 2200′.
Crs and distance, Malaga FM to airport, 282°–3.5 miles, EAT VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of EAT VOR, make an immediate left climbing turn, climb to 4500′ on R-102 within 15 miles of EAT VOR.
CAUTION: High terrain in all quadrants.
*Terrain to 1800′ 1.7 miles NW through NE of airport. All circling and maneuvering S of Runway 11–29.
% Takeoffs all runways: Climb visually over the airport to 2200′. Then climb southeastbound on EAT VOR R-102 to 3300; thence return to EAT VOR climbing to cross VOR at: 4000′ eastbound V–2N; 4500′ southbound V–25; 4500′ westbound V–2N.
All turns N side of R-102. Upon reaching 3300′ on R-102, eastbound aircraft may proceed to intercept V–2N via magnetic heading 060°.
MSA within 25 miles of facility: 000–090°—4700′; 090–180°—6900′; 180–270°—9700′; 270–360°—8900′.

City, Wenatchee; State, Wash.; Airport Name, Pangborn Field; Elev., 1245′; Fac. Class., L–BVOR; Ident., EAT; Procedure No. 1, Amdt. 4; Eff. Date, 5 Dec. 64; Sup Amdt. No. 3; Dated, 14 Nov. 64

**3. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:**

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | More than 2-engine, more than 65 knots |
| 19.0-mile DME fix R-087 | 9.0-mile DME fix R-087 | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| 9.0-mile DME fix R-087 | 6.0-mile DME fix R-087 | Direct | 1400 | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-26# | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 087° Outbnd, 267° Inbnd, 2500′ between 9.0 and 19.0 miles.
Minimum altitude over 6.0-mile DME fix on final approach crs 1400′.
Crs and distance, 6.0-mile DME fix to airport 087°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.9-mile DME fix R-087 proceed to CID VOR via R-087 climbing to 2000′ or, when directed by ATC, make right turn climbing to 2500′ and return to 9.0-mile DME fix R-087.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 2500′ between radials 060° clockwise to 160° via 19.0-mile DME arc, with elimination of procedure turn.
Minimum radar altitudes from 9.0-mile DME fix: 0 to 25 miles CW, 060° to 290° 2500′; 0 to 15 miles CW, 290° to 310° 2500′; 0 to 10 miles CW, 310° to 060° 2900′.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—2100′; 180°–270°—2200′; 270°–360°—3400′.
#400–¼ authorized, except for turbojet aircraft with operative high-intensity runway lights.

City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 2; Dated, 30 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MSO VOR | 6 mile-DME fix R-282 | Direct | 8300 | T-dn %% | 1500–2 | 1500–2 | 1500–2 |
| MSO RBn | MSO VOR | Direct | 8300 | C-dn** | 1500–2 | 1500–2 | 1500–2 |
| | | | | A-dn | 2000–3 | 2000–3 | 2000–3 |

Procedure turn W side of crs, 282° Outbnd, 102° Inbnd, 8300′ between 6- and 16-mile DME fix R282.
Minimum altitude over 6-mile DME fix R-282 on final approach crs 6300′.
Crs and distance, 6-mile DME fix R-282 to airport, 102°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 0.9-mile DME fix R-282, make right shuttle climb to 8300′ between the 6-mile DME fix R-282 and the VOR, all turns 8 of crs.
NOTES: 1. When authorized by ATC, DME may be used to position aircraft on final approach crs at 8300′ between radials 270° CW to 282° via 16-mile DME arc with the elimination of procedure turn. 2. Final approach from holding pattern at the 6-mile DME fix R-282 NA. Procedure turn required.
%Takeoff all runways: Aircraft departing via airways climb in a right-hand shuttle within 6 miles of the VOR on R-282 or within 5 miles of the RBn on 280° magnetic bearing from the RBn to depart the facility on crs at 7500′ or above. All turns 8 of crs.
**Circling N of airport not authorized.
MSA within 25 miles of the facility: 045–135°—8800′; 135–225°—10,600′; 225–315°—9000′; 315–045°—11,000′.

City, Missoula; State, Mont.; Airport Name, Missoula County; Elev., 3203′; Fac. Class., BVORTAC; Ident., MSO; Procedure No. VOR/DME No. 1, Amdt. Orig; Eff. Date, 5 Dec. 64

**4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | More than 2-engine, more than 65 knots |
| Shafter Int | Int of FLW R-029 and BFL localizer B. C. | Direct | 4000 | T-dn% | 300–1 | 300–1 | 200–½ |
| PVT VOR | Int of PTV R-183 and BFL localizer B. C. | Direct | 3000 | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-12L | 400–1 | 400–1 | 400–1 |
| Int of BFL R-322 and PVT R-183 | Int of PTV R-183 and BFL localizer B. C. | Direct | 3000 | A-dn | 800–2 | 800–2 | 800–2 |
| Int of FLW R-029 and BFL localizer B. C. | Lerdo Int (final) | Direct | 2000 | | | | |
| Int of PTV R-183 and BFL localizer B. C. | Lerdo Int (final) | Direct | 2000 | | | | |

Procedure turn not authorized.
Minimum altitude over Lerdo Int on final approach crs 2000′.
Crs and distance, Lerdo Int to airport 119°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Lerdo Int, climb straight ahead to 1900′ within 5 miles, turn right, climb via localizer crs to Lerdo Int, at 3000′.
NOTE: When authorized by ATC, DME may be used at 9 miles from BFL VOR at 3000′ from BFL R-121 CW R-352 to position aircraft on BFL R-296/localizer back crs for a straight-in approach with the elimination of the procedure turn.
%Eastbound and southbound (015° through 210°) IFR departures must comply with published Bakersfield SID's.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488′; Fac. Class., ILS; Ident., I-BFL; Procedure No. ILS-12L, Amdt. Orig.; Eff. Date, 5 Dec. 64



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | More than 2-engine, more than 65 knots |
| CID VOR | LOM | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| 10W VOR | LOM | Direct | 2500 | C-dn | 400–1 | 500–1 | 500–1½ |
| Watkins Int | LOM (final) via loc. crs) | 025°–0.5 | 1900 | S-dn-8# | 200–½ | 200–½ | 200–½ |
| Belle Plaine Int | Watkins Int | Direct | 2500 | A-dn | 600–2 | 600–2 | 600–2 |
| Vinton Int | LOM | Direct | 2700 | | | | |
| Lisbon Int | LOM | Direct | 2500 | | | | |
| Solon Inlet | LOM | Direct | 2400 | | | | |
| Guernsey Int | LOM | Direct | 2500 | | | | |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs 265° Outbnd, 085° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope intercepton Inbnd 1900′.
Altitude of glide slope and distance to approach end of runway at OM 1838′—3.6 miles at MM 1047′—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on 085° bearing from CI LOM within 15 miles or, when directed by ATC, make right climbing turn to 2000′ and proceed to LOM.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from CI LOM: 0 to 10 miles CW, 235° to 300°—2500′; 0 to 10 miles CW, 300° to 060°—2900′; 0 to 25 miles CW, 060° to 210°—2500′; 0 to 20 miles CW, 210° to 235°—2500′.
#400–¼ required when glide slope inoperative.

City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., ILS; Ident., I-CID; Procedure No. ILS-8, Amdt. 4; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 3; Dated, 30 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SVM VOR | DW LOM | Direct | 2700 | T-dn | 300–1 | 300–1 | 200–½ |
| YIP VOR | DW LOM | Direct | 2700 | C-dn | 400–1 | 500–1 | 500–1½ |
| CRL VOR | DW LOM | Direct | 2700 | S-dn-21R# | 200–½ | 200–½ | 200–½ |
| QG VOR | DW LOM | Direct | 2700 | A-dn | 700–2 | 700–2 | 700–2 |
| Royal Int | DW LOM (final) | Direct | 2300 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of NE crs, 032° Outbnd, 212° Inbnd, 2700′ within 10 miles. Final approach from holding pattern at LOM not authorized. Procedure turn required.
Minimum altitude at glide slope intercepton Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2289′—5.2 miles; at MM, 860′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right climbing turn to 2400′ and proceed to YI LOM or as directed by ATC, climb to 2200′, proceed direct to DT LOM.
NOTE: Aircraft executing missed approach may after being reidentified, be radar controlled.
#400–¼ required when glide slope not utilized.

City, Detroit; State, Mich.; Airport Name, Detroit Metropolitan Wayne Co.; Elev., 639′; Fac. Class., ILS; Ident., I-DWC; Procedure No. ILS-21R, Amdt. 2; Eff. Date, 5 Dec 64; Sup. Amdt. No. 1; Dated, 1 Feb 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| FI LFR | Cache INT | Direct | 2400 | T-dn | 300–1 | 300–1 | 200–½ |
| AI LMM | Cache INT | Direct | 2400 | C-dn* | 400–1 | 500–1 | 500–1½ |
| Alder RBn | Cache INT | Direct | 3500 | S-dn-1 | 400–1 | 400–1 | 400–1 |
| Beaver INT | Hadley INT | Direct | 2200 | A-dn | 800–2 | 800–2 | 800–2 |
| Hadley INT | Cache INT (final) | Direct | 1500 | | | | |

Radar transitions to final approach crs authorized. Radar transitions and vectoring using Fairbanks Radar authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 189° Outbnd, 009° Inbnd 2400′ within 10 miles of Cache INT.
No glide slope, outer marker, or middle marker.
Minimum altitude over Hadley Int on final approach crs 2200′; over Cache INT, 1500′; over Ester INT, 1000′.
Crs and distance, Hadley INT to airport 009°—8.8 miles; Cache INT to airport; 009°—4.7 miles; Ester INT to airport, 009°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing Ester INT, turn right, climb to 2400′ proceeding direct to FI LFR, then on E crs (060°) to Chena INT.
NOTE: This procedure authorized only for aircraft equipped with both ADF and ILS receivers.
*All maneuvering E of airport: 800′ terrain within 1½ miles W of airport rising to 1000′ within 2 miles.

City, Fairbanks; State, Alaska; Airport Name, Fairbanks International; Elev., 434′; Fac. Class., ILS; Ident., IFAI; Procedure No. ILS-I, Amdt. 2; Eff. Date, 21 Oct. 64; Sup. Admt. No. 1; Dated, 21 Oct. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Sioux Falls RBn | LOM | Direct | 2700 | T-dn* | 300–1 | 300–1 | 200–½ |
| Sioux Falls VORTAC | LOM | Direct | 2700 | C-dn | 500–1 | 500–1 | 500–1½ |
| Bestland Int | LOM | Direct | 2700 | S-dn-3**# | 200–½ | 200–½ | 200–½ |
| Lennox Int | LOM | Direct | 2700 | A-dn | 600–2 | 600–2 | 600–2 |
| Russell Int | LOM | Direct | 2700 | | | | |

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2526′—3.8 miles; at MM, 1623′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2900′ on NE crs of ILS within 15 miles.
NOTE: When authorized by ATC, FSD DME may be used to position aircraft for straight-in approach at 3000′ between R-200 clockwise to R-300 via 14-mile DME arc with the elimination of procedure turn.
*300–1 required for takeoff Runway 15.
#500–1 required when glide slope not utilized. **400–¾ authorized for aircraft equipped to receive ILS and VOR simultaneously and R-168 FSD identified on final when glide slope not utilized.

City, Sioux Falls; State, S. Dak.; Airport Name, Joe Foss Field; Elev., 1428′; Fac. Class., ILS; Ident., I-FSD; Procedure No. ILS-3, Amdt. 10; Eff. Date, 5 Dec. 64, or upon commissioning of approach lights; Sup. Amdt. No. 9; Dated, 29 Feb. 64



ILS STANDARD INSTRUMENT APPROACH PROCEDURE

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | More than 2-engine, more than 65 knots |

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| HUF RBn | LOM | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| HUF VOR | LOM | Direct | 2000 | C-dn | 400–1 | 500–1 | 500–1½ |
| LEU VOR | LOM | Direct | 2200 | S-dn-6° | 300–¾ | 300–¾ | 300–¾ |
| Fairbanks Int | LOM | Direct | 2000 | A-dn | 600–2 | 600–2 | 600–2 |
| Sanford Int | LOM | Direct | 2200 | | | | |
| Int R-248 LEU-VOR and HUF ILS SW crs. | Prairie Creek Int | Direct | 2400 | | | | |
| Prairie Creek Int | LOM (final) | Direct | 1900 | | | | |
| Spencer Int | LOM | Direct | 2200 | | | | |
| Clinton Int | LOM | Direct | 2200 | | | | |

Procedure turn W side crs, 228° Outbnd, 048° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope Int, Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at LOM 1848′, 4.7 miles, at LMM 761′, 0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ on NE crs HUF ILS and proceed direct to Carbon Int or, when directed by ATC, make climbing right turn to 2500′ and proceed direct to LEU-VOR.
NOTE: 1. No approach lights. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs at 2500′ via 13-mile DME arc, 180° clockwise to 280° from HUF VOR with the elimination of the procedure turn. 3. All turns to be made on W side of crs, high tower to S.
*400–1 required when glide slope not utilized.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., ILS; Ident., I–HUF; Procedure No. ILS–5, Amdt. 6; Eff. Date, 5 Dec. 64; Sup. Amdt. No. 5; Dated, 10 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int HUF R–009 and SCJ R–339 | Carbon Int | Via SCJ | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| | | R–339 | | C-dn | 400–1 | 500–1 | 500–1½ |
| Carbon Int | HUF RBn (final) | Direct | 1500 | S-dn-23° | 400–1 | 400–1 | 400–1 |
| Carbon Int | HUF VOR (final) | Direct | 1500 | A-dn | 800–2 | 800–2 | 800–2 |
| Clinton Int | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| Spencer Int | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| Sandford Int | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| Fairbanks Int | HUF VOR or HUF RBn | Direct | 2500 | | | | |
| Manhattan Int | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| LEU VOR | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| HUF LOM | HUF VOR or HUF RBn | Direct | 2000 | | | | |

Procedure turn N side localizer crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 miles of HUF RBn or HUF VOR.
Minimum altitude over HUF RBn, 1500′; over HUF VOR, 1500′.
Crs and distance, HUF RBn to airport, 225°—4 miles; HUF VOR to airport, 229°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing HUF RBn or 3 miles after passing HUF VOR, climb to 2200′ southwestbound on SW crs HUF ILS to Prairie Creek Int or, when directed by ATC, make climbing left turn to 2500′ and proceed direct to LEU VOR.
*400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 2200′ via 10-mile DME arc, 320° clockwise to 180° from HUF VOR, with elimination of the procedure turn.
NOTE: 1. No glide slope. 2. No approach lights. 3. This procedure not authorized unless aircraft equipped to receive ILS and ADF or ILS and VOR simultaneously. 4. Final approach from holding pattern not authorized. Procedure turn required.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., ILS; Ident., I–HUF; Procedure No. ILS–23, Amdt. 6; Eff. Date, 5 Dec. 64 (Back Course); Sup. Amdt. No. 5; Dated, 10 Oct. 64

**5. By amending the following radar procedures prescribed in § 97.19 to read:**

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Within 20 miles of Houston radar site | Within 5 miles of LaPorte Airport | Direct | *1600 | T-dn | 300–1 | 300–1 | 200–½ |
| Within 5 miles of LaPorte Airport | LaPorte Airport (final) | Direct | **700 | | | | |
| | | | | Surveillance approach | | | |
| | | | | C-dn | 700–1 | 700–1 | 700–1½ |
| | | | | A-dn | NA | NA | NA |

Procedure turn not authorized.
If visual contact not established upon descent to authorized landing minimums at radar fix over LaPorte Airport, climb to 1500′ on V–208 and proceed to LaPorte Int, hold E; or when directed by ATC, climb to 2500′ and proceed direct to Houston VOR.
*Houston radar control must provide 1000′ vertical clearance or 3-mile lateral clearance from 1549′ tower 13.7 miles SW; 1051′ tower 11.0 miles SW; and 1235′ tower 10.7 miles SSE of HOU radar site.
**HOU radar control must provide 300′ vertical clearance or restrict descent to 900′ until 1 mile past 610′ monument, 4.5 miles NNW of LaPorte Airport, on final approach from 5-mile radar fix.

City, LaPorte; State, Tex.; Airport Name, LaPorte Municipal; Elev., 30′; Fac. Class., and Ident., Radar HOU; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Dec. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 29, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64–11281; Filed, Dec. 7, 1964; 8:45 a.m.]



# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 101—Federal Property Management Regulations

### SUBCHAPTER B—ARCHIVES AND RECORDS

### ADDITION OF SUBCHAPTER

Subchapter B is added to Chapter 101 of Title 41 of the Code of Federal Regulations, reading as follows:

Part
101–7 National Archives.
101–8 National Historical Publications Commission. [Reserved]
101–9 Federal records centers.
101–10 Presidential libraries.
101–11 Records management.
101–12 Current records created by General Services Administration.
101–13 [Reserved]

## PART 101–7—NATIONAL ARCHIVES

Subpart 101–7.1—Public Use of Records and Facilities of the National Archives

Sec.
101–7.100 Scope of subpart.
101–7.101 General provisions.
101–7.101–1 Meaning of terms.
101–7.101–2 Legal custody.
101–7.101–3 Availability of records in general.
101–7.101–4 Access to classified and restricted records.
101–7.102 Photography in the National Archives Exhibition Hall. [Reserved]
101–7.103 [Reserved]
101–7.104 Admission to research rooms.
101–7.104–1 Application for admission to research rooms.
101–7.104–2 Granting and withdrawal of admission card to research rooms.
101–7.104–3 Hours of admission to research rooms.
101–7.104–4 Admission and use of the National Archives Theater.
101–7.106 Research room rules.
101–7.105–1 Register of researchers.
101–7.105–2 Researcher's responsibility.
101–7.105–3 Protection of records.
101–7.105–4 Keeping records in order.
101–7.105–5 Night and Saturday use.
101–7.105–6 Removal or mutilation of records.
101–7.105–7 Disturbances.
101–7.105–8 Smoking and eating.
101–7.106 Reproduction services.
101–7.106–1 Reproduction fees.
101–7.106–2 Reproduction equipment and personnel.
101–7.106–3 Authentication and attestation.
101–7.107 Information service.
101–7.107–1 Information about records.
101–7.107–2 Information derived from records.
101–7.108 Legal demands.
101–7.108–1 Service of subpoena or other legal demand; compliance.

AUTHORITY: The provisions of this Part 101–7 issued under sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c).

Subpart 101–7.1—Public Use of Records and Facilities of the National Archives

§ 101–7.100 Scope of subpart.

The provisions of this subpart apply to the public use of records deposited with the National Archives of the United States.

§ 101–7.101 General provisions.

§ 101–7.101–1 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377; 40 U.S.C. 472, 44 U.S.C. 391).

§ 101–7.101–2 Legal custody.

The Administrator has legal custody of all records deposited with the National Archives of the United States.

§ 101–7.101–3 Availability of records in general.

(a) Records deposited with the National Archives of the United States will be made available for use subject to restrictions and limitations imposed by law, by Executive order, by the regulations in this Part 101–7, by the agency from which they have been transferred, or by the Archivist of the United States.

(b) The following general practices will be observed:

(1) Records will not ordinarily be made available for purposes that can be as well served by a public library.

(2) Persons wishing to examine records will, as a rule, be required to do so in the research rooms of the National Archives Building.

(3) The National Archives and Records Service will also render services with regard to reproductions, information, motion pictures, and sound recordings in accordance with the provisions of this Part 101–7.

§ 101–7.101–4 Access to classified and restricted records.

Access to records bearing security classification will be governed by the terms of Executive Order 10501 of November 5, 1953 (3 CFR) as amended. Access to records subject to other forms of restriction will be governed by the conditions set forth by the Archivist in the pertinent Restriction Statements.

§ 101–7.101–5 Photography in the National Archives Exhibition Hall.

Visitors are permitted to take photographs in the National Archives Exhibition Hall without restriction if flash equipment or other special photolighting devices are not used and if the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photo lighting devices or for commercial purposes must obtain special permission from the Archivist. Application for such permission should be made to the Exhibits and Publications Division.

§ 101–7.102 [Reserved]

§ 101–7.103 [Reserved]

§ 101–7.104 Admission to research rooms.

§ 101–7.104–1 Application for admission to research rooms.

Persons desiring permission to examine records in the National Archives Building must make application on a form provided for that purpose, on which they will clearly state the subject or nature of their research. The application must show a definite and serious purpose. Permission to examine records will not be given to persons under the age of 16 years unless accompanied by an adult who will undertake in writing to remain with the applicant while records are in use and to be responsible for the applicant's compliance with all National Archives and Records Service regulations. Officers or employees of foreign governments who wish to examine records must apply for permission through the Department of State. Forms will be provided and applications received at the Central Research Room Branch, National Archives Building, Eighth and Pennsylvania Avenue, NW., Washington, D.C. 20408, or the World War II Reference Branch Research Room, Federal Records Center, Building 10, Alexandria, Va. 22314.

§ 101–7.104–2 Granting and withdrawal of admission card to research rooms.

(a) If an application is approved, a card of admission to research rooms will be issued. This card will be valid for

a period not longer than one year but may be renewed upon application. It is not transferable and must be produced when required. Possession of this card does not entitle a researcher to examine records whose use is restricted. The Archivist of the United States may withdraw the privilege of admission to research rooms from any one who violates the regulations in this Part 101–7 or disregards the instructions of a research room supervisor.

(b) A person whose application for admission to research rooms has been approved and who has been issued a card of admission described in this § 101–7.104–2 shall be considered a researcher for the purpose of regulations in this part.

**§ 101–7.104–3 Hours of admission to research rooms.**

The research rooms and the library will be open to persons authorized to use them from 8:45 a.m. to 5:00 p.m. Monday through Friday, Federal holidays excepted. The central research room will also remain open from 5:00 to 9:50 p.m. Monday through Friday, and from 8:45 a.m. to 5:00 p.m. on Saturdays, Federal holidays excepted. In special circumstances, by direction of the Archivist of the United States, the research rooms may be closed during any of the hours specified in this section or may be opened at other times.

**§ 101–7.104–4 Admission and use of the National Archives Theater.**

(a) Applications for admission to the National Archives Theater for the purpose of viewing motion pictures or hearing sound recordings deposited with the National Archives and Records Service shall be made to the Chief, Audio-Visual Branch. Applications should be made long enough in advance to permit the completion of necessary arrangements. A group of persons must be represented by an authorized spokesman, who in making application for their admission, must identify the group he represents. On approval of the application, a time will be fixed for the rendering of the service, and the applicant will be notified.

(b) As indicated in paragraph (a) of this section, the theater in the National Archives Building was designed to be used for the furnishing of reference services on the motion picture holdings of the National Archives, and its facilities are utilized primarily for that purpose. Assignments to any other agencies of the Federal Government, to agencies of the Government of the District of Columbia, or to private organizations may be made, but only when the theater is not required for the furnishing of reference services on those motion picture films or for other official use of the National Archives and Records Service. No application for the use of the theater by either a Federal or District of Columbia agency or a private organization will be approved unless the purpose for which use is requested is related to the work of the National Archives and Records Service. Meetings in the theater shall not in any event be sponsored by profitmaking organizations, promote commercial enterprises or commodities, or have a political, sectarian, or similar nature or purpose. The National Archives Theater will not be authorized for use by any organization or group of individuals which practices discrimination as defined in the Civil Rights Act of 1964 (P.L. 88–352).

(c) Each application for the use of the theater will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the use for which the assignment is requested. Each application for use should be addressed and delivered to General Services Administration, National Archives and Records Service, Administrative Officer, The National Archives Building, Washington, D.C. 20408, and shall include the following information:

(1) The name of the governmental agency or private organization requesting the assignment.

(2) The date on which assignment is requested, and the hours of contemplated use.

(3) A brief description of the program of the scheduled meeting or performance.

(4) The approximate number of persons expected to attend the meeting or performance (the capacity of the National Archives Theater is 216 persons).

(5) A statement as to whether it is the intention to exhibit at the meeting or performance motion pictures or lantern slides and, if so, the size of the film (35 mm. or 16 mm.) or of the lantern slides; and whether the film to be shown, if any, is on nitrate or safety base.

(6) Samples of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

(d) No program will be permitted to continue beyond 10:00 p.m.

(e) Assignments will not be made, unless specifically justified, for Saturdays, Sundays, Holidays, or other days or at hours during which the building is normally closed.

(f) No admission fee will be charged, no indirect assessment will be made for admission, and no collection will be taken. Commercial advertising or the sale of articles of any character will not be permitted.

(g) The serving or consumption of food or beverages within the theater will be prohibited.

(h) Smoking will be prohibited within the theater.

(i) If the projection of motion pictures or lantern slides is a part of the program, competent operators will be furnished by the National Archives and Records Service on a reimbursable basis.

(j) Posting of any material about the premises will be subject to the approval of the GSA building superintendent.

(k) All persons attending meetings or performances will be required to go directly to the theater which is on the fifth floor of the building. No one will be admitted to other parts of the building closed to the general public.

(l) All persons attending meetings or performances will be subject to the "Rules and Regulations Governing Public Buildings and Grounds" issued by the Administrator of General Services (Subpart 101–19.3).

**§ 101–7.105 Research room rules.**

**§ 101–7.105–1 Register of researchers.**

Each day that a researcher uses records in a research room he must sign the register maintained there.

**§ 101–7.105–2 Researcher's responsibility.**

When a researcher has completed his use of records or leaves the research room for more than a short period of time, he must notify the supervisor. A researcher is responsible for all records delivered to him until he returns them to the supervisor. The researcher must at no time leave loose or unprotected papers on desks or tables while he is absent from the room.

**§ 101–7.105–3 Protection of records.**

Researchers must exercise all possible care to prevent damage to the records delivered to them. They must not use ink at desks upon which there are records, except when a supervisor authorizes the use of a fountain pen or a ball point pen. Bottled liquids may not be placed on desks where there are records. Records may not be leaned on, written on, folded anew, traced, or handled in any way likely to damage them. Application to the records of paper clips, rubber bands, or other fasteners not on them when they are delivered to a researcher is prohibited. The use of records of exceptional value or in fragile condition will be subject to such special safeguards as the supervisor may deem necessary.

**§ 101–7.105–4 Keeping records in order.**

The researcher must keep unbound papers in the order in which they are delivered to him. If records appear to be in disorder, the researcher must not attempt to restore them to order but should call the fact to the attention of a supervisor. The supervisor may place a limitation on the use of records from more than one container at one time and may limit the quantity of records delivered to a researcher at one time.

**§ 101–7.105–5 Night and Saturday use.**

Requests for records or library books to be used at night must be submitted to the supervisor in charge of the central research room before 4:00 p.m. on the day on which they are to be used, and those for records or books to be used on Saturdays must be submitted before 3:00 p.m. on the preceding Friday.

**§ 101–7.105–6 Removal or mutilation of records.**

No records or other property of the National Archives and Records Service may be taken from the research rooms except by members of the Service staff acting in their official capacities or by others having written authorization from a research room supervisor. The unlawful removal or mutilation of records is forbidden by law and is punishable by fine or imprisonment or both (18 U.S.C. 2071). When so requested by a guard or a research room supervisor, a researcher must present for examination any briefcase, notebook, package, envelope, book, or other article that could be used to carry records.



**§ 101–7.105–7 Disturbances.**

Loud talking and other actions likely to disturb researchers are prohibited. Persons desiring to use typewriters, to read proof aloud, or to do other work that may disturb others in the research rooms will, where possible, be assigned desks in a room designated for such purposes.

**§ 101–7.105–8 Smoking and eating.**

Smoking and eating in the research rooms are prohibited, and food may not be brought into the research rooms except in sealed containers.

**§ 101–7.106 Reproduction services.**

**§ 101–7.106–1 Reproduction fees.**

The National Archives and Records Service will, for a fee, furnish reproductions of records in its custody to which no restriction has been attached. Fees must be paid in advance except in cases where the Chief of a Reference Branch approves an order for handling them on an "accounts receivable basis." Fees may be paid to the National Archives and Records Service in coin or currency of the United States, by postal money order, by check drawn on a bank in the United States or one of its possessions and made payable to GSA, or by international money order or check drawn in United States dollars on a bank in the United States and payable to GSA.

**§ 101–7.106–2 Reproduction equipment and personnel.**

Insofar as practicable the reproduction of records in the National Archives Building will be done by personnel of the National Archives and Records Service with equipment belonging to the Service. Exceptions to this rule may be made by the Chief of a Reference Branch only when it has been determined by proper authority that the equipment proposed to be used is safe for use in the place and manner intended, and that the equipment is used under the supervision of responsible personnel of the Service.

**§ 101–7.106–3 Authentication and attestation.**

Upon request and the payment of appropriate fees, authentication certificates in the name of the Archivist of the United States will be prepared and attached to reproductions of records deposited with the National Archives. Authority to issue such certificates is redelegated to the Director, Office of the Federal Register; the Assistant Archivists for Civil and Military Archives; the Chief, Central Research Room Branch; and the Chief of any Reference Branch of the Offices of Civil and Military Archives.

**§ 101–7.107 Information service.**

**§ 101–7.107–1 Information about records.**

Upon request, information about the overall holdings of the National Archives and Records Service or information about the presence of specific records among its holdings will be furnished, provided that the time required to service such requests is not excessive.

**§ 101–7.107–2 Information derived from records.**

Information contained in the records will not ordinarily be furnished by the National Archives and Records Service except in the form of photo-copies of the records themselves subject to the provisions of § 101–7.101–4.

**§ 101–7.108 Legal demands.**

**§ 101–7.108–1 Service of subpoena or other legal demand; compliance.**

(a) A subpoena duces tecum or other legal demand for the production of records or other material deposited with the National Archives may be served on the Administrator of General Services, the Archivist of the United States, or the cognizant Assistant Archivist, or if such records or material are deposited outside Washington, D.C., on the Regional Administrator, the Regional Director of the National Archives and Records Service, or the Manager of the Federal Records Center.

(b) Such served official will, so far as legally practicable, comply with the subpoena or demand by submitting authenticated copies of the records or material, or the original records or material if necessary, unless he or the Administrator of General Services determines that disclosure of the information contained therein is contrary to law, Executive order, or other governing restriction or would prejudice the national interest or security.

(c) When such subpoena or demand is served on any other officer or employee of GSA, except the General Counsel or Regional Counsel, he will, unless otherwise directed by the Administrator, respectfully decline to produce such records or material on the ground that he is without authority under this Part 101–7 to do so.

(d) The General Counsel and, with respect to records or material outside Washington, D.C., the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this section.

## PART 101–8—NATIONAL HISTORICAL PUBLICATIONS COMMISSION [RESERVED]

## PART 101–9—FEDERAL RECORDS CENTERS

**Subpart 101–9.1—Preservation and Use of Records in Regional Federal Records Centers**

Sec.
101–9.100 Scope of subpart.
101–9.101 Definitions.
101–9.102 Legal custody.
101–9.103 Availability of records.
101–9.104 Location of Federal Records Centers.
101–9.105 Penalty for unlawful removal or mutilation.
101–9.106 Photocopying by regional Federal records centers.
101–9.107 Authentication and attestation of copies; costs.
101–9.108 Service of subpoena or other legal demand; compliance.

AUTHORITY: The provisions of this Part 101–9 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### Subpart 101–9.1—Preservation and Use of Records in Regional Federal Records Centers

**§ 101–9.100 Scope of subpart.**

The provisions of this subpart apply to records in regional Federal records centers of the GSA.

**§ 101–9.101 Definitions.**

As used in this subpart, unless the context otherwise requires:

(a) The term "regional Federal records center" means a records center operated by GSA primarily to serve other Federal agencies.

(b) The term "Regional Administrator" means the Administrator of a region established by GSA.

(c) The term "Manager" means the manager of a regional Federal records center.

**§ 101–9.102 Legal custody.**

The Administrator of General Services has legal custody of records in regional Federal records centers.

**§ 101–9.103 Availability of records.**

Upon written request to the Manager of the Federal Records Center, he will make available records in Federal Records Centers to persons properly and directly concerned, subject to the approval of the agency whose records are involved and other conditions or restrictions imposed by law, the regulations in this Part 101–9, or the Regional Administrator. If a request is denied, a brief statement of reasons will be furnished the applicant.

**§ 101–9.104 Location of Federal Records Centers.**

GSA Federal records centers and the areas they serve are listed in § 101–11.410–1.

**§ 101–9.105 Penalty for unlawful removal or mutilation.**

The unlawful removal or mutilation of records is forbidden and is punishable by fine or imprisonment or both (18 U.S.C. 2071).

**§ 101–9.106 Photocopying by regional Federal records centers.**

Requests for photographic copies of records in regional Federal records centers and requests for certification or authentication of such copies should be made to the manager of the appropriate regional Federal records center.

**§ 101–9.107 Authentication and attestation of copies; costs.**

The managers of the several regional Federal records centers are authorized to authenticate and attest, for and in the name of the appropriate Regional Administrator of GSA, copies or reproductions of records in regional Federal records centers. Such copies or reproductions of records will be furnished in appropriate cases upon payment of costs.

**§ 101–9.108 Service of subpoena or other legal demand; compliance.**

(a) A subpoena duces tecum or other legal demand for the production of records deposited in a Federal Records Center should be served on the Federal agency whose records are involved (*cf.* 40 U.S.C. 397(b)).

(b) However, when a subpoena duces tecum or other legal demand for such records is served on the Administrator of General Services, the Archivist of the United States, the Regional Administrator, or the Manager of the Federal Records Center, such official will, so far as legally practicable, after obtaining the approval of the agency whose records are involved, comply with the subpoena or demand by submitting authenticated copies of the records, or the original records if necessary, unless he or the Administrator of General Services determines that disclosure of the information contained therein is contrary to law. Executive order, or other governing restriction or would prejudice the national interest or security.

(c) When such subpoena or demand is served on any other officer or employee of GSA, except the General Counsel or the Regional Counsel, he will, unless otherwise directed by the Administrator, respectfully decline to produce such records on the ground that he is without authority under this Part 101–9 to do so.

(d) The General Counsel and the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (b) of this section.



## PART 101–10—PRESIDENTIAL LIBRARIES

Sec.
101–10.000 Scope of part.

**Subpart 101–10.1—Herbert Hoover Library**

101–10.100 Scope of subpart.
101–10.101 General provisions.
101–10.101–1 Definitions.
101–10.101–2 Legal custody.
101–10.101–3 General conduct.
101–10.101–4 Photography by visitors.
101–10.102 Availability and use of historical materials.
101–10.102–1 Inquiries regarding use.
101–10.102–2 Restricted materials.
101–10.103—101–10.105 [Reserved]
101–10.106 Legal demands.
101–10.106–1 Service of subpoena or other legal demand; compliance.
101–10.107 Museum areas and grounds.
101–10.107–1 Admission fee.
101–10.107–2 Free admissions.
101–10.107–3 Hours of admission to museum areas and library grounds.
101–10.107–4 Eating and smoking prohibited.
101–10.107–5 Supplemental rules.

**Subpart 101–10.2—Franklin D. Roosevelt Library**

101–10.200 Scope of subpart.
101–10.201 General provisions.
101–10.201–1 Definitions.
101–10.201–2 Legal custody.
101–10.201–3 General conduct.
101–10.201–4 Photography by visitors.
101–10.202 Availability and use of historical material.
101–10.202–1 Application for permission to use.
101–10.202–2 Admission card.
101–10.202–3 Withdrawal of admission card.
101–10.202–4 Restricted materials.
101–10.202–5 Hours of admission.
101–10.203 Research room rules.
101–10.203–1 Requests for historical material.
101–10.203–2 Researcher's responsibility for historical material.
101–10.203–3 Prevention of damage to historical material.
101–10.203–4 Limitation on quantity.
101–10.203–5 Removal prohibited.
101–10.203–6 Disturbance prohibited.
101–10.203–7 Smoking and eating prohibited.
101–10.204 Loans, reproduction fees, and publication.
101–10.204–1 Loans.
101–10.204–2 Reproduction fees.
101–10.204–3 Publication of historical material.
101–10.204–4 Authentication and attestation of copies; costs.
101–10.205 Legal demands.
101–10.205–1 Service of subpoena or other legal demand; compliance.
101–10.206 Museum.
101–10.206–1 Admission fee.
101–10.206–2 Free admission.
101–10.206–3 Hours of admission.
101–10.206–4 Checking of certain personal property.

**Subpart 101–10.3—Harry S. Truman Library**

101–10.300 Scope of subpart.
101–10.301 General provisions.
101–10.301–1 Definitions.
101–10.301–2 Legal custody.
101–10.301–3 General conduct.
101–10.301–4 Photography by visitors.
101–10.302 Availability and use of historical material.
101–10.302–1 Application for permission to use.
101–10.302–2 Admission card.
101–10.302–3 Withdrawal of admission card.
101–10.302–4 Restricted materials.
101–10.302–5 Hours of admission.
101–10.303 Research room rules.
101–10.303–1 Requests for historical material.
101–10.303–2 Researcher's responsibility for historical material.
101–10.303–3 Prevention of damage to historical material.
101–10.303–4 Limitation on quantity.
101–10.303–5 Removal prohibited.
101–10.303–6 Disturbance prohibited.
101–10.303–7 Eating and smoking prohibited.
101–10.304 Loans, reproduction fees, and publication.
101–10.304–1 Loans.
101–10.304–2 Reproduction fees.
101–10.304–3 Publication of historical material.
101–10.304–4 Authentication and attestation of copies; costs.
101–10.305 Legal demands.
101–10.305–1 Service of subpoena or other legal demand; compliance.
101–10.306 Museum.
101–10.306–1 Admission fee.
101–10.306–2 Free admission.
101–10.306–3 Hours of admission.
101–10.307 Auditorium.
101–10.307–1 Primary uses.
101–10.307–2 Standards for other uses.
101–10.307–3 Application procedure.
101–10.307–4 General provision.

**Subpart 101–10.4—Dwight D. Eisenhower Library**

101–10.400 Scope of subpart.
101–10.401 General provisions.
101–10.401–1 Definitions.
101–10.401–2 Legal custody.
101–10.401–3 General conduct.
101–10.401–4 Photography by visitors.
101–10.402 Availability and use of historical material.
101–10.402–1 Inquiries regarding use.
101–10.402–2 Restricted materials.
101–10.403—101–10.405 [Reserved]
101–10.406 Legal demands.
101–10.406–1 Service of subpoena or other legal demand; compliance.
101–10.407 Auditorium.
101–10.407–1 Primary uses.
101–10.407–2 Standards for other uses.
101–10.407–3 Application procedure.
101–10.407–4 General provisions.

AUTHORITY: The provisions of this Part 101–10 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

**§ 101–10.000 Scope of part.**

The provisions of this part apply to the Presidential libraries under the jurisdiction of GSA.

## Subpart 101–10.1—Herbert Hoover Library

**§ 101–10.100 Scope of subpart.**

The provisions of this subpart apply to the Herbert Hoover Library and adjacent buildings and grounds, West Branch, Iowa 52358.

**§ 101–10.101 General provisions.**

**§ 101–10.101–1 Definitions.**

As used in this subpart, unless the context otherwise requires:

(a) The term "Library" means the Herbert Hoover Library, West Branch, Iowa.

(b) The term "adjacent buildings" means the Hoover Birthplace Cottage and the "blacksmith shop" located on the grounds of the Library.

(c) The term "historical material" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

**§ 101–10.101–2 Legal custody.**

The Administrator of General Services has legal custody of historical material in the Library and adjacent buildings.

**§ 101–10.101–3 General conduct.**

All persons entering in or upon Library property are subject to the general regulations covering public buildings and grounds issued by the Administrator of General Services (Subpart 101–19.3).

**§ 101–10.101–4 Photography by visitors.**

Visitors are permitted to take photographs in the Library and adjacent buildings without restriction if flash bulbs or other special photolighting devices are not used, and the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photolighting devices, tripods or other elaborate equipment or for commercial purposes, must obtain special permission from the Director of the Library. Applications for such permission should be made to the Director of the Library.

**§ 101–10.102 Availability and use of historical material.**

**§ 101–10.102–1 Inquiries regarding use.**

Historical material in the Library, except for items displayed in exhibit areas, will not be available for use until restricted material has been identified and segregated. When unrestricted materials are opened to research this section will be revised accordingly. In the interim, questions regarding access to historical material should be addressed to the Director of the Library.

**§ 101–10.102–2 Restricted materials.**

In accordance with the provisions of section 507(f)(3) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397(f)(3)), materials on which availability and use restrictions have been specified in writing by the donors or depositors will be made available subject to the restrictions specified. The following classes of material will not be made available for examination or use:

(a) Materials on which the Archivist of the United States has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

**§§ 101–10.103—101–10.105 [Reserved]**

**§ 101–10.106 Legal demands.**

**§ 101–10.106–1 Service of subpoena or other legal demand; compliance.**

(a) A subpoena duces tecum or other legal demand for the production of historical material in the library may be served upon the Administrator of General Services, the Archivist of the United States, the cognizant Assistant Archivist, or the Director of the Library.

(b) Such served official will, so far as legally practicable, comply with the subpoena or demand by submitting authenticated copies of the material, or the original material if necessary, unless he or the Administrator of General Services determines that disclosure of the information contained therein is contrary to law, Executive order, or other governing restriction or would prejudice the national interest or security.

(c) When a subpoena or demand is served on any other officer or employee of GSA, except the General Counsel or Regional Counsel, he will, unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he is without authority under this Subpart 101–10.1 to do so.

(d) The General Counsel and, where the Director of the Library is named, the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this section.

**§ 101–10.107 Museum areas and grounds.**

**§ 101–10.107–1 Admission fee.**

A charge of 50 cents shall be collected from every person visiting and viewing the museum portion of the Library building, except as provided in § 101–10.107–2. Admission to adjacent buildings is free.

**§ 101–10.107–2 Free admissions.**

The following persons will be admitted to the museum portion of the Library building free of charge provided that the applicable tax, if any, will be collected from such persons unless exempt by law:

(a) *Without prior application.* (1) Children 12 years of age or under when accompanied by an adult assuming responsibility for their safety and orderly conduct.

(2) Uniformed members of the Armed Forces of the United States.

(3) Persons in the support or care of charitable institutions and their attendants.

(b) *When prior application has been made.* Persons from educational institutions when such persons are accompanied by officers or instructors of such institutions.

(c) *Special cases.* Persons engaged in business affecting the Library and other persons when specifically authorized by the Director of the Library.

**§ 101–10.107–3 Hours of admission to museum areas and Library grounds.**

The Library museum rooms and adjacent buildings will be open from 9:00 a.m. to 4:30 p.m., Monday through Saturday, and from 2:00 p.m. to 5:00 p.m. on Sundays, including Federal legal holidays except Thanksgiving Day, Christmas Day, and New Year's Day, and at such other times as the Director may authorize. From June 1 to September 15 the museum rooms and adjacent buildings will be open from 10:00 a.m. to 5:00 p.m. on Sundays. The Library grounds will be open from 8:30 a.m. to 10:00 p.m. daily, except as otherwise authorized by the Director of the Library.

**§ 101–10.107–4 Eating and smoking prohibited.**

Eating and smoking are prohibited in the museum rooms of the Library and within the immediate vicinity of adjacent buildings.

**§ 101–10.107–5 Supplemental rules.**

The Director of the Library is authorized to establish and post such rules as he may deem necessary regarding the reservation and use of the grounds and shelters, the conduct of persons therein, the admission of pets, the playing of games, or any other subjects on which, in his judgment, rules are required.



## Subpart 101–10.2—Franklin D. Roosevelt Library

**§ 101–10.200 Scope of subpart.**

The provisions of this subpart apply to the Franklin D. Roosevelt Library, Hyde Park, New York 12538.

**§ 101–10.201 General provisions.**

**§ 101–10.201–1 Definitions.**

As used in this subpart, unless the context otherwise requires:

(a) The term "Library" means the Franklin D. Roosevelt Library, Hyde Park, New York.

(b) The term "historical material" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

**§ 101–10.201–2 Legal custody.**

The Administrator of General Services has legal custody of historical material in the Library.

**§ 101–10.201–3 General conduct.**

All persons entering in or upon Library property are subject to the general regulations covering public buildings and grounds issued by the Administrator of General Services (Subpart 101–19.3).

**§ 101–10.201–4 Photography by visitors.**

Visitors are permitted to take photographs in the Library without restriction if flash bulbs or other special photolighting devices are not used, and the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photolighting devices, tripods or other elaborate equipment, or for commercial purposes, must obtain special permission from the Director of the Library. Applications for such permission should be made to the Director of the Library.

**§ 101–10.202 Availability and use of historical material.**

**§ 101–10.202–1 Application for permission to use.**

Permission to use unrestricted historical material may be obtained by making advance written application to the Director of the Library on a form provided for the purpose, and stating clearly therein the specific subject of the applicant's interest, and the purpose of his study. An applicant must satisfy the Director of the Library that he is qualified to do research, and that his proposed study has a serious and useful purpose.

**§ 101–10.202–2 Admission card.**

If the application is approved, a card will be issued permitting the applicant to use in the Research Room those unrestricted historical material that bears on the subject of the applicant's interest as stated in his application. This card is valid for a period not in excess of one year, but may be renewed on application.

**§ 101–10.202–3 Withdrawal of admission card.**

The card of admission may be withdrawn by the Director of the Library for any violation of the provisions of this subpart, or for disregarding the authority of the supervisor in charge.

**§ 101–10.202–4 Restricted materials.**

In accordance with the provisions of section 507(f)(3) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397(f)(3)), materials on which restrictions on availability have been specified in writing by the donors or depositors will be made available subject to the restrictions specified. The following classes of material will not be made available for examination or use:

(a) Materials on which the Archivist of the United States has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

**§ 101–10.202–5 Hours of admission.**

The Research Room will be open from 9 a.m. to 5 p.m. Monday through Friday, Federal legal holidays excepted, and at such other times as the Director of the Library may authorize.

**§ 101–10.203 Research room rules.**

**§ 101–10.203–1 Requests for historical material.**

Requests for historical material must be made to the Research Room supervisor on a form provided for that purpose.

**§ 101–10.203–2 Researcher's responsibility for historical material.**

When a researcher has completed his use of historical material or leaves the Research Room other than for short periods of time, he must notify the supervisor. A researcher is responsible for all historical material delivered to him until it has been returned by him to the supervisor.

**§ 101–10.203–3 Prevention of damage to historical material.**

The research is required to exercise all possible care to prevent damage to historical material, and to maintain papers in the order in which they are delivered to him. Except when a supervisor authorizes the use of a fountain pen, the use of ink at desks upon which there is historical material is prohibited. Historical material may not be leaned upon, written upon, folded anew, traced or handled in any way likely to damage it. The use of historical material of exceptional value or in fragile condition is subject to such special restrictions as the supervisor may deem necessary.

**§ 101–10.203–4 Limitation on quantity.**

The supervisor in charge of the Research Room may limit the quantity of historical material to be delivered to a researcher at any one time.

**§ 101–10.203–5 Removal prohibited.**

Researchers may not take historical material from the Research Room.

**§ 101–10.203–6 Disturbance prohibited.**

Loud talking and other activities likely to disturb researchers are prohibited. Persons wishing to use typewriters or sound recording devices may be requested to work in specially designated areas.

**§ 101–10.203–7 Smoking and eating prohibited.**

Smoking and eating in the Research Room are prohibited.

**§ 101–10.204 Loans, reproduction fees, and publication.**

**§ 101–10.204–1 Loans.**

Historical material may not be borrowed for use outside the Library except upon authorization in each instance by the Archivist of the United States.

**§ 101–10.204–2 Reproduction fees.**

The Library will, for a fee, furnish reproductions of unrestricted historical material. Fees must be paid in advance except when payment on an "accounts receivable" basis is approved by the Director of the Library.

**§ 101–10.204–3 Publication of historical material.**

Historical material made available to researchers may not be published except upon the written authorization of the Director of the Library.

**§ 101–10.204–4 Authentication and attestation of copies; costs.**

The Director of the Library is authorized to authenticate and attest, for and in the name of the Archivist of the United States, copies or reproductions of unrestricted historical material. Such copies or reproductions will be furnished upon payment of costs.

**§ 101–10.205 Legal demands.**

**§ 101–10.205–1 Service of subpoena or other legal demand; compliance.**

(a) A subpoena duces tecum or other legal demand for the production of historical material in the library may be served upon the Administrator of General Services, the Archivist of the United States, the cognizant Assistant Archivist, or the Director of the Library.

(b) Such served official will, so far as legally practicable, comply with the subpoena or demand by submitting authenticated copies of the material, or the original material if necessary, unless he or the Administrator of General Services determines that disclosure of the information contained therein is contrary to law, Executive order, or other governing restriction or would prejudice the national interest or security.

(c) When a subpoena or demand is served on any other officer or employee of GSA, except the General Counsel or Regional Counsel, he will, unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he is without

authority under this Subpart 101–10.2 to do so.

(d) The General Counsel and, where the Director of the Library is named, the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this section.

**§ 101–10.206 Museum.**

**§ 101–10.206–1 Admission fee.**

A charge of 40 cents shall be collected from each person visiting and viewing the museum portion of the Library, except as provided in the following § 101–10.206–2.

**§ 101–10.206–2 Free admissions.**

The following persons will be admitted to the museum free of charge after any applicable tax is collected from such persons unless exempt by law:

(a) *Without prior application.* (1) Children 12 years of age or under when accompanied by an adult assuming responsibility for their safety and orderly conduct.

(2) Uniformed members of the Armed Forces of the United States.

(3) Persons in the support or care of charitable institutions and their attendants.

(b) *When prior application has been made.* (1) Persons from educational institutions when such persons are accompanied by officers or instructors of such institutions.

(c) *Special cases.* Persons engaged in business affecting the Library and other persons when specifically authorized by the Director of the Library.

**§ 101–10.206–3 Hours of admission.**

The museum portion of the Library will be open from 10 a.m. to 5 p.m., Tuesday through Sunday, including Federal legal holidays, except Christmas, and at such other times as the Director of the Library may authorize. The museum will also be open each Monday that is a Federal legal holiday other than Christmas.

**§ 101–10.206–4 Checking of certain personal property.**

Visitors to the museum rooms shall check, at a place designated by the Director of the Library, all parcels, luggage, and such other personal property as may be determined by the Director of the Library.

## Subpart 101–10.3—Harry S. Truman Library

**§ 101–10.300 Scope of subpart.**

The provisions of this subpart apply to the Harry S. Truman Library, Independence, Missouri 64050.

**§ 101–10.301 General provisions.**

**§ 101–10.301–1 Definitions.**

As used in this subpart, unless the context otherwise requires:

(a) The term "Library" means the Harry S. Truman Library, Independence, Missouri.

(b) The term "historical material" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

**§ 101–10.301–2 Legal custody.**

The Administrator of General Services has legal custody of historical material in the Library.

**§ 101–10.301–3 General conduct.**

All persons entering in or upon Library property are subject to general regulations covering public buildings and grounds issued by the Administrator of General Services (Subpart 101–19.3).

**§ 101–10.301–4 Photography by visitors.**

Visitors are permitted to take photographs in the Library without restriction if flash bulbs or other special photolighting devices are not used, and the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photolighting devices, tripods or other elaborate equipment, or for commercial purposes, must obtain special permission from the Director of the Library. Applications for such permission should be made to the Director of the Library.

**§ 101–10.302 Availability and use of historical material.**

**§ 101–10.302–1 Application for permission to use.**

Permission to use unrestricted historical material may be obtained by making advance written application to the Director of the Library on a form provided for the purpose, stating clearly therein the specific subject of the applicant's interest and the purpose of his study. An applicant must satisfy the Director of the Library that he is qualified to do research, and that his proposed study has a serious and useful purpose.

**§ 101–10.302–2 Admission card.**

If the application is approved, a card will be issued permitting the applicant to use in the Research Room those unrestricted historical material that bears on the subject of the applicant's interest as stated in his application. This card is valid for a period not in excess of one year, but may be renewed on application.

**§ 101–10.302–3 Withdrawal of admission card.**

The card of admission may be withdrawn by the Director of the Library for any violation of the provisions of this subpart, or for disregarding the authority of the supervisor in charge.

**§ 101–10.302–4 Restricted materials.**

In accordance with the provisions of section 507(f)(3) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397(f)(3)), materials on which restrictions on availability have been specified in writing by the donors or depositors will be made available subject to the restrictions specified. The following classes of materials will not be made available for exmaination or use:

(a) Materials on which the Archivist of the United States has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

**§ 101–10.302–5 Hours of admission.**

The Research Room of the Library will be open from 8:45 a.m. to 4:45 p.m., Monday through Friday, Federal legal holidays excepted, and at such other times as the Director of the Library may authorize.

§ 101–10.303 Research room rules.





**§ 101–10.303–1 Requests for historical material.**

Requests for historical material must be made to the Research Room supervisor on a form provided for that purpose.

**§ 101–10.303–2 Researcher's responsibility for historical material.**

When a researcher has completed his use of historical material or leaves the Research Room other than for short periods of time, he must notify the supervisor. A researcher is responsible for all historical material delivered to him until it has been returned by him to the supervisor.

**§ 101–10.303–3 Prevention of damage to historical material.**

The researcher is required to exercise all possible care to prevent damage to historical material, and to maintain papers in the order in which they are delivered to him. The use of ink at desks upon which there is historical material is prohibited. Historical material may not be leaned upon, written upon, folded anew, traced or handled in any way likely to damage it. The use of historical material of exceptional value or in fragile condition is subject to such special restrictions as the supervisor may deem necessary.

**§ 101–10.303–4 Limitation on quantity.**

The supervisor in charge of the Research Room may limit the quantity of historical materials to be delivered to a researcher at any one time.

**§ 101–10.303–5 Removal prohibited.**

Researchers may not take historical material with them from the Research Room.

**§ 101–10.303–6 Disturbance prohibited.**

Loud talking and other activities likely to disturb researchers are prohibited. Persons wishing to use typewriters or sound recording devices may be requested to work in specially designated areas.

**§ 101–10.303–7 Eating and smoking prohibited.**

Eating in the Research Room is prohibited. Smoking is prohibited except in the designated smoking area at the end of the Research Room, to which historical material may not be taken.

**§ 101–10.304 Loans, reproduction fees, and publication.**

**§ 101–10.304–1 Loans.**

Historical material may not be borrowed for use outside the Library except upon authorization in each instance by the Archivist of the United States, with the exception that certain materials may be loaned through established interlibrary loan procedure.

**§ 101–10.304–2 Reproduction fees.**

The Library will, for a fee, furnish reproductions of unrestricted historical material. Fees must be paid in advance except when payment on an "accounts receivable" basis is approved by the Director of the Library.

**§ 101–10.304–3 Publication of historical material.**

Historical material made available to researchers may not be published except upon the written authorization of the Director of the Library.

**§ 101–10.304–4 Authentication and attestation of copies; costs.**

The Director of the Library is authorized to authenticate and attest, for and in the name of the Archivist of the United States, copies or reproductions of unrestricted historical material. Such copies or reproductions will be furnished upon the payment of costs.

**§ 101–10.305 Legal demands.**

**§ 101–10.305–1 Service of subpoena or other legal demand; compliance.**

(a) A subpoena duces tecum or other legal demand for the production of historical material in the library may be served upon the Administrator of General Services, the Archivist of the United States, the cognizant Assistant Archivist, or the Director of the Library.

(b) Such served official will, so far as legally practicable, comply with the subpoena or demand by submitting authenticated copies of the material, or the original material if necessary, unless he or the Administrator of General Services determines that disclosure of the information contained therein is contrary to law, Executive order, or other governing restriction or would prejudice the national interest or security.

(c) When a subpoena or demand is served on any other officer or employee of GSA, except the General Counsel or Regional Counsel, he will, unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he is without authority under this Subpart 101–10.3 to do so.

(d) The General Counsel and, where the Director of the Library is named, the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this section.

**§ 101–10.306 Museum.**

**§ 101–10.306–1 Admission fee.**

A charge of 50 cents shall be collected from every person visiting and viewing the museum portion of the Library, except as provided in the following § 101–10.306–2.

**§ 101–10.306–2 Free admissions.**

The following persons will be admitted to the museum free of charge after any applicable tax is collected from such persons unless exempt by law:

(a) *Without prior application.* (1) Children 12 years of age or under when accompanied by an adult assuming responsibility for their safety and orderly conduct.

(2) Uniformed members of the Armed Forces of the United States.

(3) Persons in the support or care of charitable institutions and their attendants.

(b) *When prior application has been made.* Persons from educational institutions when such persons are accompanied by officers or instructors of such institutions.

(c) *Special cases.* Persons engaged in business affecting the Library and other persons when specifically authorized by the Director of the Library.

**§ 101–10.306–3 Hours of admission.**

The museum portion of the Library will be open from 9 a.m. to 4:30 p.m., Monday through Saturday, and from 2:00 p.m. to 5:00 p.m., Sunday, including Federal legal holidays except Thanksgiving Day, Christmas Day, and New Year's Day, and at such other times as the Director of the Library may authorize. From June 1 to September 15 the Museum will be open from 10:00 a.m. to 5:00 p.m. on Sundays.

**§ 101–10.307 Auditorium.**

**§ 101–10.307–1 Primary uses.**

The auditorium is designed primarily to serve the purposes of the Library in the presentation or discussion of historical materials, through lectures, seminars, meetings of professional societies, projection of historical motion pictures, and the like.

**§ 101–10.307–2 Standards for other uses.**

(a) When the auditorium is not required for library purposes, applications for the following uses will be considered:

(1) Meetings of Federal Government organizations or recognized Federal employee groups.

(2) For meetings (including meetings of civic or veterans organizations and professional, scientific, educational, and other similar societies or organizations) that are sponsored by or related to the activities of the Library or the Harry S. Truman Library Institute.

(3) For the presentation to the public of lectures, concerts, and similar performances sponsored by the Library or in which its employees participate.

(4) For other uses at the discretion of the Director of the Library.

(b) In no case will the use of the auditorium be authorized for any event, meeting, or performance sponsored by a profit making organization, or those promoting commercial enterprises or commodities, or those having political, sectarian, or similar nature or purpose.

(c) Assignment will not be made for Saturdays, Sundays, or holidays, unless specifically justified.

**§ 101–10.307–3 Application procedure.**

Each application for use of the auditorium will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the proposed use. Each application should be directed to the Director of the Library and should include the following information:

(a) The name of the organization requesting the assignment.

(b) The date on which assignment is requested, and the hours of contemplated use.

(c) A brief description of the scheduled meeting or performance.

(d) The approximate number of persons expected to attend (capacity of the auditorium is 250).

(e) A statement as to whether or not it is the intention to exhibit at the meeting or performance motion pictures or slides and, if so, the size of the film or slides and whether the film to be shown, if any, is on nitrate or safety base.

(f) Samples or description of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

**§ 101–10.307–4 General provisions.**

(a) No program will be permitted to continue beyond 10:00 p.m.

(b) No admission fee may be charged, except by the Library, no indirect assessment fee may be made for admission, and no collection may be taken. Commercial advertising or the sale of articles of any character is not permitted.

(c) The serving or consumption of food or beverages within the auditorium is prohibited.

(d) Smoking is prohibited within the auditorium.

(e) Music racks, ushers, and attendants for checking wraps, if needed, will be furnished and paid for by the applying organization.

(f) If the projecting of motion pictures or slides is part of the program, a competent operator, if available, will be furnished by the Library for a fee. The using organization may provide its own operator with the approval of the Director.

(g) The posting of any material about the premises is subject to the approval of GSA's Building Manager.

(h) All persons attending meetings or performances are required to go directly to the auditorium. No one is admitted to other parts of the building closed to the general public.

## Subpart 101–10.4—Dwight D. Eisenhower Library

**§ 101–10.400 Scope of subpart.**

The provisions of this subpart apply to historical material in the Dwight D. Eisenhower Library, Abilene, Kansas 67410.

**§ 101–10.401 General provisions.**

**§ 101–10.401–1 Definitions.**

As used in this subpart, unless the context otherwise requires:

(a) The term "Library" means the Dwight D. Eisenhower Library, Abilene, Kansas.

(b) The term "building" means the building occupied by the Library at Abilene, Kansas.

(c) The term "historical material" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

**§ 101–10.401–2 Legal custody.**

The Administrator of General Services has legal custody of historical material in the Library.

**§ 101–10.401–3 General conduct.**

All persons entering in or upon Library property are subject to the general regulations covering public buildings and grounds issued by the Administrator of General Services (Subpart 101–19.3).

**§ 101–10.401–4 Photography by visitors.**

Visitors are permitted to take photographs in the Library without restriction if flash bulbs or other special photolighting devices are not used, and if the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photolighting devices, tripods, or other elaborate equipment, or for commercial purposes, must obtain special permission from the Director of the Library. Applications for such permission should be made to the Director of the Library.

**§ 101–10.402 Availability and use of historical material.**

**§ 101–10.402–1 Inquiries regarding use.**

Historical material in the Library, except for items displayed in the exhibit rooms, will not be available for use until restricted material has been identified and segregated. When unrestricted materials are opened to research, this § 101–10.402–1 will be revised accordingly. In the interim, questions regarding access to historical material should be addressed to the Director of the Library.

**§ 101–10.402–2 Restricted materials.**

In accordance with the provisions of section 507(f)(3) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397(f)(3)), materials on which availability and use restrictions have been specified in writing by the donors or depositors will be made available subject to the restrictions specified. The following classes of material will not be made available for examination or use:

(a) Materials on which the Archivist of the United States has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

**§§ 101–10.403—101–10.405 [Reserved]**

**§ 101–10.406 Legal demands.**

**§ 101–10.406–1 Service of subpoenas or other legal demand; compliance.**

(a) A subpoena duces tecum or other legal demand for the production of historical material in the library may be served upon the Administrator of General Services, the Archivist of the United States, the cognizant Assistant Archivist, or the Director of the Library.

(b) Such served official will, so far as legally practicable, comply with the subpoena or demand by submitting authenticated copies of the material, or the original material if necessary, unless he or the Administrator of General Services determines that disclosure of the information contained therein is contrary to law, Executive order, or other governing restriction or would prejudice the national interest or security.

(c) When a subpoena or demand is served on any other officer or employee of GSA, except the General Counsel or Regional Counsel, he will, unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he is without authority under this Subpart 101–10.4 to do so.

(d) The General Counsel and, where the Director of the Library is named, the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this section.

**§ 101–10.407 Auditorium.**

**§ 101–10.407–1 Primary uses.**

The auditorium is designed primarily to serve the purposes of the Library in the presentation or discussion of historical materials, through lectures, seminars, meetings of professional societies, projection of historical motion pictures, and the like.

**§ 101–10.407–2 Standards for other uses.**

(a) When the auditorium is not required for library purposes, applications for the following uses will be considered:

(1) For meetings of Federal Government organizations or recognized Federal employee groups.

(2) For meetings (including meetings of civic or veterans organizations and professional, scientific, educational, and other similar societies or organizations) that are sponsored by or related to the activities of the Library.

(3) For the presentation to the public of lectures, concerts, and similar performances sponsored by the Library or in which its employees participate.

(4) For other uses at the discretion of the Director of the Library.

(b) In no case will the use of the auditorium be authorized for any meeting, event, or performance sponsored by a profitmaking organization, or those promoting commercial enterprise or commodities, or those having political, sectarian, or a similar nature or purpose.

(c) Assignment will not be made for Saturdays, Sundays, or holidays, unless specifically justified.

**§ 101–10.407–3 Application procedure.**

Each application for use of the auditorium will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the proposed use. Each application should be directed to the Director of the Library and should include the following information:

(a) The name of the organization requesting the assignment.

(b) The date on which assignment is requested, and the hours of contemplated use.

(c) A brief description of the scheduled meeting or performance.

(d) The approximate number of persons expected to attend (capacity of the auditorium is 165).

(e) A statement as to whether or not it is the intention to exhibit at the meeting or performance motion pictures or slides and, if so, the size of the film or slides and whether the film to be shown, if any, is on nitrate or safety base.

(f) Samples or description of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

**§ 101–10.407–4 General provisions.**

(a) No program will be permitted to continue beyond 10 p.m.

(b) No admission fee may be charged, no indirect assessment fee may be made for admission, and no collection may be taken. Commercial advertising or the sale of articles of any character is prohibited.

(c) The serving or consumption of food or beverages within the auditorium is prohibited.

(d) Smoking is prohibited within the auditorium.

(e) Music racks, ushers, and attendants for checking wraps, if needed, will be furnished and paid for by the applying organization.

(f) If the projecting of motion pictures or slides is part of the program, a competent operator, if available, will be furnished by the Library for a fee. The using organization may provide its own operator with the approval of the Director of the Library.

(g) The posting of any material about the premises is subject to the approval of GSA's Building Manager.

(h) All persons attending meetings or performances are required to go directly to the auditorium. No one shall be admitted to other parts of the building closed to the general public.



## PART 101–11—RECORDS MANAGEMENT


Sec.
101–11.000 Scope of part.

Subpart 101–11.1—Federal Records; General

101–11.101 General provisions.
101–11.101–1 Authority.
101–11.101–2 Applicability.
101–11.101–3 Records defined.
101–11.101–4 Reports to the President and the Congress.
101–11.102 Agency records management programs.
101–11.102–1 Authority.
101–11.102–2 Program content.
101–11.102–3 Creation of records.
101–11.102–4 Organization, maintenance, and use of records.
101–11.102–5 Disposition of records.
101–11.102–6 Liaison offices.
101–11.102–7 Biennial summary of records holdings.
101–11.103 Agency program evaluation.
101–11.103–1 Authority.
101–11.103–2 Evaluation by National Archives and Records Service.
101–11.103–3 Agency internal evaluation.

Subpart 101–11.2—Creation of Records

101–11.200 Scope of subpart.
101–11.201 General provisions.
101–11.201–1 Agency action.
101–11.202 Adequate and proper documentation.
101–11.202–1 Statutory responsibilities.
101–11.202–2 Documentation standards.
101–11.203 Creating records essential for current business.
101–11.203–1 Statutory responsibilities.
101–11.203–2 General requirements.
101–11.204 [Reserved]
101–11.205 [Reserved]
101–11.206 Correspondence—agency program responsibilities.
101–11.206–1 Correspondence management function.
101–11.206–2 Correspondence defined.
101–11.206–3 Program requirements.
101–11.206–4 Program implementation.
101–11.207 Reports—agency program responsibilities.
101–11.207–1 Reports management function.
101–11.207–2 Reports defined.
101–11.207–3 Program requirements.
101–11.207–4 Program implementation.
101–11.208 Forms—agency program responsibilities.
101–11.208–1 Forms management function.
101–11.208–2 Forms defined.
101–11.208–3 Program requirements.
101–11.208–4 Program implementation.
101–11.209 Directives—agency program responsibilities.
101–11.209–1 Directives management function.
101–11.209–2 Directives defined.
101–11.209–3 Program requirements.
101–11.209–4 Program implementation.

Subpart 101–11.3—Organization, Maintenance, and Use of Current Records

101–11.301 General provisions.
101–11.301–1 Authority.
101–11.301–2 Agency action.
101–11.302 [Reserved]
101–11.303 [Reserved]
101–11.304 Mail—agency program responsibilities.
101–11.304–1 Mail management function.
101–11.304–2 Mail defined.
101–11.304–3 Program requirements.
101–11.304–4 Program implementation.
101–11.305 Files—agency program responsibilities.
101–11.305–1 Files management function.
101–11.305–2 Files defined.
101–11.305–3 Program requirements.
101–11.305–4 Program implementation.
101–11.306 Records equipment and supplies—agency program responsibilities.
101–11.306–1 Managing records equipment and supplies.
101–11.306–2 Records equipment and supplies defined.
101–11.306–3 Program requirements.
101–11.306–4 Program implementation.

Subpart 101–11.4—Disposition of Federal Records

101–11.401 Records control schedules.
101–11.401–1 Records scheduling programs.
101–11.401–2 Basic elements in records scheduling programs.
101–11.401–3 Formulation of records control schedules.
101–11.401–4 Provisions of records control schedules.
101–11.401–5 Application of records control schedules.
101–11.402 [Reserved]
101–11.403 Standards for the selective retention of records.
101–11.403–1 Authority.
101–11.403–2 Records retention and disposal standards.
101–11.403–3 Permanently valuable records retention program.
101–11.403–4 Application of records retention plans.
101–11.404 General retention and disposal schedules.
101–11.404–1 Authority.
101–11.404–2 Approved general records schedules.
101–11.405 [Reserved]
101–11.406 Agency disposal authority.
101–11.406–1 Authority.

Sec.
101–11.406–2 Submission of disposal requests.
101–11.406–3 Certification.
101–11.406–4 General Accounting Office clearance.
101–11.406–5 Approval of requests for disposal authority.
101–11.406–6 Mutilation and destruction of records.
101–11.406–7 Extension of retention periods.
101–11.406–8 Withdrawal of disposal authority.
101–11.406–9 Supersession of disposal authority.
101–11.407 Emergency authorization for the disposal of records.
101–11.407–1 General provisions.
101–11.407–2 Menaces to human health or life or to property.
101–11.407–3 State of war or threatened war.
101–11.408 Methods of disposal.
101–11.408–1 Authority.
101–11.408–2 Sale or salvage.
101–11.408–3 Donation for preservation and use.
101–11.408–4 Destruction.
101–11.409 Transfer of records from the custody of one executive agency to another.
101–11.409–1 Authority.
101–11.409–2 Approval.
101–11.409–3 Agency request.
101–11.409–4 Agency concurrences.
101–11.409–5 Records of terminated agencies.
101–11.409–6 Equipment.
101–11.409–7 Costs of transfers.
101–11.409–8 Restrictions on use of records.
101–11.409–9 Exceptions.
101–11.410 Transfer of records to Federal Records Centers.
101–11.410–1 Authority.
101–11.410–2 Procedures for transfers to regional Federal Records Centers.
101–11.410–3 Procedures for transfer to the Federal Records Center, St. Louis.
101–11.410–4 Vital operating records.
101–11.410–5 Surveys of records available for transfer.
101–11.410–6 Release of equipment.
101–11.410–7 Use of records transferred to Federal Records Centers.
101–11.410–8 Disposal clearances.
101–11.411 Transfer of records to the National Archives.
101–11.411–1 Authority.
101–11.411–2 Transfers via Records Centers.
101–11.411–3 Direct transfers.
101–11.411–4 Release of equipment.
101–11.411–5 Use of records transferred to the National Archives.
101–11.411–6 Disposal clearances.
101–11.411–7 Transfer of audiovisual records.
101–11.411–8 Transfer of cartographic records.
101–11.412 Agency records centers; establishment.
101–11.412–1 Authority.
101–11.412–2 Existing records centers.
101–11.412–3 Requests for authority to establish or relocate records centers.
101–11.412–4 Annual agency records center report.

Subpart 101–11.5 [Reserved]

Subpart 101–11.6—Records Equipment and Supplies

101–11.601 [Reserved]
101–11.602 [Reserved]
101–11.603 Stationery standards.
101–11.603–1 General provisions.
101–11.603–2 Standard specifications.
101–11.603–3 Letterhead stationery.
101–11.603–4 Memorandum stationery.
101–11.603–5 Continuation sheets.
101–11.603–6 Manifold (tissue) sheets.
101–11.603–7 [Reserved]
101–11.603–8 Envelopes (printing).
101–11.603–9 Envelopes; borders, markings, etc.
101–11.603–10 Procurement forms.
101–11.603–11 Optional Form 10, United States Government Memorandum, May 1962.
101–11.603–12 Standard Form 63, Memorandum of Call, Nov. 1961.
101–11.603–13 Standard Form 65, U.S. Government Messenger Envelope, Nov. 1961.
101–11.603–14 Optional Form 27, United States Government 2-way Memo.

Subpart 101–11.7—Vital Records: Records During an Emergency

101–11.701 Emergency preparedness program; vital records protection status report.
101–11.701–1 Purpose.
101–11.701–2 Authority.
101–11.701–3 Background.
101–11.701–4 Forms.
101–11.701–5 Definitions.
101–11.701–6 Preparing offices and coverage.
101–11.701–7 Security.
101–11.701–8 Reporting periods and due dates.
101–11.701–9 Copies and distribution.
101–11.701–10 Availability of forms.

Subpart 101–11.49—Forms and Reports

101–11.4900 Scope of subpart.
101–11.4901 Standard Form 136: Biennial Summary of Records Holdings.
101–11.4902 Standard Form 115: Request for Authority to Dispose of Records.
101–11.4903 Standard Form 115a: Request for Authority to Dispose of Records—Continuation Sheet.
101–11.4904 Instructions for preparing Standard Forms 115 and 115a.
101–11.4905 Standard Form 137: Agency Records Center Annual Report.
101–11.4906 Standard Form 127: Request for Official Personnel Folder (Separated Employee).
101–11.4907 Standard Form 135: Records Transmittal and Receipt.
101–11.4908 Standard Form 135a: Records Transmittal and Receipt—(Continuation).
101–11.4909 GSA Form 439: Report of Disposition of Records.
101–11.4910 Optional Form 11: Reference Request—Federal Records Centers.
101–11.4911 GSA Form 10: United States Government Memorandum.
101–11.4912 Optional Form 10: United States Government Memorandum.
101–11.4913 Standard Form 63: Memorandum of Call.
101–11.4914 Standard Form 65: U.S. Government Messenger Envelope.
101–11.4915 Optional Form 27: United States Government 2-Way Memo.
101–11.4916 "Guides to Simplified Informal Correspondence".
101–11.4917 GSA Form 2034: Vital Records Protection Status Report (Part I—Emergency Operating Records).
101–11.4918 GSA Form 2035: Vital Records Protection Status Report (Part II—Rights and Interests Records).
101–11.4919 Instruction for preparing GSA Forms 2034 and 2035.

AUTHORITY: The provisions of this Part 101–11 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

## § 101–11.000 Scope of part.

This part prescribes policies and promulgates standards, procedures, and techniques for the economical and efficient management of records of Federal agencies.



### Subpart 101–11.1—Federal Records; General

#### § 101–11.101 General provisions.

#### § 101–11.101–1 Authority.

The regulations in this subpart are issued pursuant to the authority contained in the Act of July 7, 1943, as amended (44 U.S.C. 366–376, 378–380), hereinafter referred to as the Records Disposal Act, and the records provisions of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 391–396, 397–401).

#### § 101–11.101–2 Applicability.

The regulations in this subpart apply to all Federal agencies to the extent provided in the Acts cited in § 101–11.101–1, except that the disposal of court records shall be in accordance with the provisions of 28 U.S.C. 457. Section 3 of the Federal Property and Administrative Services Act (40 U.S.C. 472) defines "Federal agency" as "any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, House of Representatives, and the Architect of the Capitol and any activities under his direction)." The same section defines "executive agency" as "any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation."

#### § 101–11.101–3 Records defined.

(a) Section 1 of the Records Disposal Act (44 U.S.C. 366) defines the term "records," as applied to the disposition of records, to include "all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word 'records' • • •."

(b) This definition also applies to the term "records" when used in the Federal Records Act of 1950, by virtue of section 511(a) thereof (44 U.S.C. 401(a)). The Federal Records Act of 1950 was enacted as Title V (sections 501–511) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 391–396, 397–401).

#### § 101–11.101–4 Reports to the President and the Congress.

Section 508(b) of the Federal Records Act of 1950 (44 U.S.C. 398(b)) provides: "The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress."

### § 101–11.102 Agency records management programs.

#### § 101–11.102–1 Authority.

Section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)) requires the head of each Federal agency to establish and maintain an active, continuing program for the economical and efficient management of the records of the agency.

#### § 101–11.102–2 Program content.

Agency programs shall, among other things, provide for:

(a) Effective controls over the creation, the organization, maintenance and use, and the disposition of all agency records.

(b) Cooperation with GSA in developing and applying standards, procedures, and techniques designed to improve the management of records, assure the maintenance and security of records of continuing value, and facilitate the segregation and disposal of all records of temporary value.

(c) Compliance with the provisions of the Federal Records Act of 1950 and with the regulations issued thereunder.

#### § 101–11.102–3 Creation of records.

Adequate records management controls over the creation of agency records shall be instituted to insure that important policies and decisions are adequately recorded; that routine operational paper work is kept to a minimum; and that the accumulation of unnecessary files is prevented. Effective techniques to be applied in this area include the application of systems for the control of correspondence, forms, directives and issuances, and reports; the minimizing of duplicate files; and the disposal without filing of transitory material that has no value for record purposes.

#### § 101–11.102–4 Organization, maintenance, and use of records.

Provision shall be made for the continued analysis and improvement of such matters as mail handling and routing, record classification and indexing systems, the use of filing equipment and supplies, the reproduction and transportation of records, and work production standards relating thereto, to insure that records are maintained economically and efficiently and in such a manner that their maximum usefulness is attained.

#### § 101–11.102–5 Disposition of records.

Provision shall be made to insure that records of continuing value are preserved but that records no longer of current use to an agency are promptly disposed of or retired. Effective techniques for accomplishing these ends are the development of records control schedules; the transfer of records to records centers and to the National Archives; the microfilming of appropriate records; and the disposal of valueless records.

#### § 101–11.102–6 Liaison offices.

Responsibility for the development of the records management program shall be specifically assigned to an office or offices within each Federal agency. The office to which the major responsibility is assigned shall be reported for liaison purposes to the National Archives and Records Service.

#### § 101–11.102–7 Biennial summary of records holdings.

Each Federal agency shall submit to the National Archives and Records Service within 30 days after the close of each even numbered fiscal year a summary of its records holdings on Standard Form 136 (§ 101–11.4901). Instructions for the preparation of the report are set forth on the form. The summary may be consolidated for the entire agency, or, if more practical, individual reports may be submitted for bureaus or comparable organizational units.

### § 101–11.103 Agency program evaluation.

#### § 101–11.103–1 Authority.

Section 505(c) of the Federal Records Act of 1950 (44 U.S.C. 395(c)) authorizes the Administrator of General Services to inspect or survey, personally or by deputy, the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies.

#### § 101–11.103–2 Evaluation by National Archives and Records Service.

Agency programs for controlling the creation, maintenance, and use of current records; for the selective retention of records of continuing value; and for the disposal of noncurrent records will be inspected periodically by the National Archives and Records Service. The objectives of these inspections are to:

(a) Determine agency compliance with the provisions of the Records Disposal Act and the Federal Records Act of 1950.

(b) Determine agency observance of the regulations set forth in this Subpart 101.11.1.

(c) Evaluate the effectiveness of agency records management programs.

#### § 101–11.103–3 Agency internal evaluation.

Each agency should periodically inspect their records management programs within the agency, with the frequency and depth permitted by the agency's resources. These inspections should have objectives similar to those listed in § 101–11.103–2, and should be designed to complement the inspections performed by the National Archives and Records Service. Criteria for agency self-inspection are available from the National Archives and Records Service.

## Subpart 101–11.2—Creation of Records

**§ 101–11.200 Scope of subpart.**

(a) Sections 505 and 506 of the Federal Records Act of 1950 (44 U.S.C. 395, 396) place upon the Administrator of General Services and the heads of Federal agencies responsibility for the development and implementation of standards and programs for the economical and efficient management of Federal records. Specifically, the Act requires that each Federal agency provide for effective controls over the creation of records, including the making of records containing adequate and proper documentation of agency administration and operations.

(b) Effective controls over records creation must encompass all types of records at all levels of organization, central office and field. Specifically, there are four types of records which require continuing attention. These types—correspondence, reports, forms, and directives—are common to all agencies. Generally these records are created on sheets of paper, but they may also appear on punch cards, film, tape, and other media.

**§ 101–11.201 General provisions.**

**§ 101–11.201–1 Agency action.**

(a) The head of each Federal agency, in meeting the requirements of section 506 of the Federal Records Act of 1950 for controlling the creation of records, is expected to observe the program responsibilities and standards set forth in this Subpart 101–11.2. These responsibilities and standards are basic to the Government-wide control of records creation; however, the application of the program responsibilities by individual agencies may be influenced by factors such as agency size, organization, mission, and paperwork activity.

(b) Each Federal agency is expected to:

(1) Assign to an office(s) of the agency the responsibility for the development and implementation of agencywide management programs for correspondence, reports, forms, and directives and for adequate and proper documentation. When organization arrangement, size, or complexity requires, actual control may be established at bureau, service, or office level. Programs at these control points will operate within the framework of the overall agency plan.

(2) Issue a directive(s) establishing program objectives, responsibilities, and authorities. A copy of each directive issued (and subsequent amendments or supplements) should be readily available for inspection by the National Archives and Records Service, GSA.

**§ 101–11.202 Adequate and proper documentation.**

**§ 101–11.202–1 Statutory responsibilities.**

(a) Section 505(a) of the Federal Records Act of 1950 (44 U.S.C. 395(a)) vests in the Administrator of General Services responsibility for developing and issuing standards to improve the management of records.

(b) Section 506(a) of the Federal Records Act of 1950 (44 U.S.C. 396(a)) requires that the head of each Federal agency "shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities."

**§ 101–11.202–2 Documentation standards.**

To insure that adequate and proper records are made and preserved in the Federal Government, the following documentation standards will apply in each Federal agency:

(a) The record of the transaction of public business by any Federal official or employee is to be complete to the extent required (1) to facilitate informed action by the incumbents and their successors in office; (2) to make possible a proper scrutiny by the Congress, other duly authorized agencies of the Government, and other persons properly and directly concerned, of the manner in which public business has been discharged; and (3) to protect the financial, legal, and other rights of the Government and of persons affected by the Government's actions.

(b) With particular regard to the formulation and execution of basic Government policy, Federal officials are responsible for incorporating in the records of their agencies all essential information on their major actions. Significant decisions and commitments reached orally (person to person, by telephone, or in conference) should be reduced to writing and included in the record. Minutes should be taken at important board, committee, and staff meetings, and these, together with a copy of the agenda and all documents considered at or resulting from such meetings, should be made a part of the record.

(c) The programs, policies, and procedures of Federal agencies are to be adequately documented in appropriate directives. A record copy of each such directive (including those superseded) will be maintained as a part of the official files.

(d) Papers of a private or nonofficial character which pertain only to an individual's personal affairs that are kept in the office of a Federal official will be clearly designated by him as nonofficial and will at all times be filed separately from the official records of his office. In cases where matters requiring the transaction of official business are received in private personal correspondence, the portion of such correspondence that pertains to official business will be extracted and made a part of the official files (see § 101–11.406–6).

**§ 101–11.203 Creating records essential for current business.**

**§ 101–11.203–1 Statutory responsibilities.**

(a) Section 505(a) of the Federal Records Act of 1950 (44 U.S.C. 395(a)), vests in the Administrator of General Services responsibility for developing and issuing standards to improve the management of records and for promoting the efficient utilization of space, equipment, and supplies needed for records.

(b) Section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b) requires that the head of each Federal agency "shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation * * * of records in the conduct of current business * * *" Correspondence, reports, forms, and directives are the principal types of records created on a current basis by Federal agencies.

**§ 101–11.203–2 General requirements.**

Positive action is to be taken to prevent the making of unnecessary records. Existing and proposed office procedures are to be subject to continuing examination by agency management with a view to determining their effect on record making. Where justified, such procedures will be revised, consolidated, or eliminated so as to keep record making to a necessary minimum. In addition, the detailed program requirements for correspondence, reports, forms, and directives management set forth in the following sections of this subpart are to be observed.

**§ 101–11.204 [Reserved]**

**§ 101–11.205 [Reserved]**

**§ 101–11.206 Correspondence—agency program responsibilities.**

**§ 101–11.206–1 Correspondence management function.**

The objectives of correspondence management are to limit correspondence to essential requirements, to improve the quality of necessary correspondence, and to provide for its creation in an economical and efficient manner.

**§ 101–11.206–2 Correspondence defined.**

Correspondence is a generic term including letters, form letters, telegrams, memorandums, endorsements, summary sheets, postal cards, memo routing slips, and other written communications.

**§ 101–11.206–3 Program requirements.**

(a) Each Federal agency, in providing for effective controls over the creation of records, is expected to establish an appropriate program for the management of agency correspondence (§ 101–11.201–1). The program will:

(1) Prescribe the types of correspondence to be used in official agency communications.

(2) Establish and implement agency standards concerning the number and kind of copies required, their distribution and purpose.

(3) Implement the correspondence standards set forth in the U.S. Government Correspondence Manual and in pertinent GSA Records Management Handbooks, with such modifications as may be necessary for specialized agency practices.

(4) Implement the Government-wide standards issued by GSA for the procurement and use of letterheads, manifold paper, memorandum forms, and envelopes.

(5) Review, on a continuing basis, agency correspondence practices and procedures to find opportunities for improvement and simplification.

(b) Standards, guides, and instructions developed for the agency correspondence management program are to be in published form, designed for easy reference and revision. They should be readily available to those who write, review, sign, type, and file correspondence.

**§ 101–11.206–4 Program implementation.**

The following actions are generally basic to a correspondence management program:

(a) Prepare only necessary correspondence and essential copies.

(b) Use form letters to the maximum extent possible following the standards, guides, and principles set forth in the GSA Records Management Handbook, Form Letters.

(c) Employ guide letters and paragraphs where practical, following the standards, guides, and principles set forth in the GSA Records Management Handbook, Guide Letters.

(d) Originate letters that are carefully planned, easily read and understood, and responsive to the needs of the recipient by applying the standards, guides, and principles set forth in the GSA Records Management Handbook, Plain Letters.

(e) Prepare correspondence that is consistent in style and format, neat and attractive in appearance, and editorially correct by applying the standards, guides, and principles set forth in the U.S. Government Correspondence Manual.

(f) Develop and implement procedures that expedite the clearance and handling of correspondence.

(g) Provide for periodic spotchecks of agency correspondence to determine compliance with standards.

**§ 101–11.207 Reports—agency program responsibilities.**

**§ 101–11.207–1 The reports management function.**

The primary objectives of reports management are to provide agency management officials with needed information at times and places, and in the format most useful to them, and to furnish this information as economically and efficiently as possible. The reports management function is also concerned with the review, approval, and clearance with the Bureau of the Budget of reporting plans and forms, as required by the Federal Reports Act (Bureau of the Budget Circular No. A–40, Revised, May 25, 1962).

**§ 101–11.207–2 Reports defined.**

(a) A report is data or information, generally summarized, transmitted for use in determining policy; planning, controlling, and evaluating operations and performance; and preparing other reports. The data or information may be in narrative, statistical, graphic, or other form.

(b) Most reports of an agency can be classified as belonging to one of several well defined families or groups of reports. Each group of related reports is generally the product of an information system serving a specific administrative or operational area, such as personnel, budget, or procurement. Consequently, the analysis of reports on a systems basis provides the best means of establishing reports relationships and evaluating information need and adequacy.

(c) Certain categories of reports normally are exempted from review and clearance in an agency reports management program. These usually include: inspection and audit reports; security classified documents; copies of operating documents such as individual supply and procurement transactions; and information presentations such as research findings, technical summaries, special studies, and surveys. Reports to be exempted should be determined by an analysis of agency information requirements.

(d) Reports to and from other agencies, as well as those for internal management, are included in agency review and clearance procedures.

**§ 101–11.207–3 Program requirements.**

(a) Each Federal agency, in providing for effective controls over the creation of records, is expected to establish an appropriate program for the management of agency reports (§ 101–11.201–1). The program will:

(1) Establish and implement standards and procedures for the identification of management information needed for planning and control.

(2) Establish and implement standards and procedures for the design of management information systems.

(3) Establish and implement standards and procedures for the initiation, identification, review, approval, preparation, and distribution of agency reports.

(4) Provide essential management information concerning the number and types of reports in use and, for reports which require a significant amount of manpower, the estimated cost of obtaining, using, and maintaining them.

(5) Provide for the periodic review of approved reports for need, adequacy, design, and economy of preparation and use.

(b) Standards, guides, and instructions developed for the reports management program are to be published, designed for easy reference and revision. They should be readily available to reports originators and users.

**§ 101–11.207–4 Program implementation.**

The following actions are generally basic to a reports management program:

(a) Establish and maintain an inventory of reports for each agency management information system.

(b) Determine, from the inventory of agency reports, whether information available is adequate for management purposes.

(c) Determine the kinds of management information systems that best serve management.

(d) Analyze all reports inventoried and all reports submitted for approval in the future to determine that:

(1) The information is adequate, necessary, meaningful, and useful.

(2) The information is obtained from the best available source and in the simplest manner.

(3) The estimated cost of gathering the information does not exceed its management value.

(e) Require that each request for a new or revised report explain how the report will be used.

(f) Require that each report be supported by a directive setting forth instructions for preparation and submission.

**§ 101–11.208 Forms—agency program responsibilities.**

**§ 101–11.208–1 The forms management function.**

The objectives of forms management are to increase the usefulness of forms through proper design and accurate using procedures; to reduce costs incident to filling in, using, and filing forms; and to achieve savings in designing, printing, storing, and distributing forms.

**§ 101–11.208–2 Forms defined.**

A form is any document, including letters, post cards, and memorandums, printed or otherwise reproduced with space for filling in information, descriptive material, or addresses. Certain printed items without fill-in space, such as contract provisions, instruction sheets, notices, tags, labels, and posters, may be considered as forms when it is advantageous to identify and control them as forms for purposes of reference, printing, stocking, distribution, and use with other forms.

**§ 101–11.208–3 Program requirements.**

(a) Each Federal agency, in providing for effective controls over the creation of records, is expected to establish an appropriate program for the management of agency forms (§ 101–11.201–1). The program will:

(1) Establish and implement standards and procedures for the submission, review, approval, and identification of agency forms.

(2) Implement the forms analysis and design standards set forth in pertinent GSA Records Management Handbooks.

(3) Establish and implement standards for the reproduction, stocking, and distribution of approved blank forms.

(4) Provide essential management information concerning the number, types, and the reproduction and stocking costs of forms in use.

(5) Provide for the periodic review of all approved forms for need and design, and for possible economies in reproduction, stocking, and distribution.

(b) Standards, guides, procedures, and instructions developed for the forms management program are to be in published form, designed for easy reference and review. They should be readily available to those who initiate, design, and approve forms.

**§ 101–11.208–4 Program implementation.**

The following actions are generally basic to a forms management program:

(a) Establish and maintain an inventory of all agency forms.

(b) Analyze all forms inventoried and all forms submitted for approval in the future in accordance with standards, guides, and principles set forth in the GSA Records Management Handbook, Forms Analysis.

(c) Review all forms inventoried and all forms prepared in the future for adequacy of design, maintaining the standards, guides, and principles set forth in the GSA Records Management Handbook, Forms Design.

(d) Assign a form number and edition date to each approved form.

(e) Review all requests for new forms and reprints of approved forms to determine that the forms are produced and made available quickly and cheaply. Specifically determine that:

(1) The most effective and economical methods of printing and distributing the form are employed, commensurate with required quality and intended use of the form.

(2) Proper and adequate inventory level standards have been established.

(3) The quantity of the form requested is compatible with procedural and inventory requirements.

(4) An acceptable distribution plan exists for making the form available when and where needed.

(f) Require that each form be supported by a directive setting forth instructions for preparing, submitting, and using. (Not applicable to self-explanatory forms used by a single organizational element such as an office, division, or region.)

(g) Require that each request for a new form justify the form's essentiality.

**§ 101–11.209 Directives—agency program responsibilities.**

**§ 101–11.209–1 The directives management function.**

The objectives of directives management are to facilitate agency administration and operations by providing the right employee with the right instructions; by producing instructions that are complete, easily understood, readily accessible, and revisable; and by developing and distributing instructions promptly and economically.

**§ 101–11.209–2 Directives defined.**

(a) A directive is a written communication which initiates or governs action, conduct, or procedure. Directives are usually printed as circulars, notices, regulations, orders, and handbooks, and include material for insertion in policy, administrative, and operations manuals.

(b) Certain materials normally are exempted from agency directives management programs. These include public information materials such as professional publications, news releases and announcements of programs, catalogs, and pricelists.

(c) Both internal and external directives are included in a directives management program.

**§ 101–11.209–3 Program requirements.**

(a) Each Federal agency, in providing for effective controls over the creation of records, is expected to establish an appropriate program for the management of agency directives (§ 101–11.201–1). The program will:

(1) Establish and maintain a system for the classification, codification, and supplementation of agency directives.

(2) Establish and implement standards and procedures for the initiation, preparation, review, approval, reproduction, and distribution of proposed agency directives.

(3) Establish and implement standards for the format and editorial style of agency directives.

(4) Review periodically the directives in the system for need and currency and to identify subject voids that should be filled by the origination of new directives.

(5) Review, on a continuing basis, the directives system to find opportunities for design and operational improvements.

(6) Maintain a collection of significant directives which document the organization, functions, policies, decisions, and procedures of the agency. This collection will be an integral part of agency documentation deserving permanent preservation. (See §§ 101–11.202(c) and 101–11.403.)

(b) Standards, guides, and instructions developed for the directives management program are to be in published form, designed for easy reference and revision. They should be readily available to those responsible for originating and approving directives.

**§ 101–11.209–4 Program implementation.**

The following actions are generally basic to a directives management program:

(a) Standardize the format, typography, organization, assembly, and distribution of agency directives. Specifically:

(1) Use 8" x 10½" page size as a norm.

(2) Use looseleaf pages for easy revision.

(3) Print on both sides of paper.

(4) Number and letter directives for easy page revision and supplementation.

(5) Identify temporary and permanent material by a feature that will readily distinguish one from another.

(6) Prepunch all pages—3-hole punch, ⅜" recommended.

(7) Restrict use of pen and ink changes.

(8) Distribute on a need-to-know and need-to-act basis.

(b) Analyze all directives proposed for inclusion in the system to determine that:

(1) The directive is necessary.

(2) No duplication, overlap, or conflict with other directives exists.

(3) The directive conforms with pertinent laws, Executive orders, regulations, and agency policy.

(4) Appropriate coordination and clearances have been completed.

(5) The proposed distribution includes appropriate using sources, but is limited to those who "need to know."

(c) Review all directives proposed for inclusion in the system for conformance with agency style, format, and editorial criteria.



No. 238——6

## *Subpart 101–11.3—Organization, Maintenance, and Use of Current Records*

**§ 101–11.301 General provisions.**

**§ 101–11.301–1 Authority.**

Section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)) requires that the head of each Federal agency "shall establish and maintain an active continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the * * * maintenance and use of records in the conduct of current business; * * *".

**§ 101–11.301–2 Agency action.**

Each Federal agency is expected to:

(a) Assign to an office(s) of the agency the responsibility for the development and implementation of agencywide management programs for mail, files, and records equipment and supplies. When organization arrangement, size, or complexity requires, actual control may be established at bureau, service, or office level. Programs at these control points will operate within the framework of the overall agency plan.

(b) Issue a directive(s) establishing program objectives, responsibilities, and authorities. A copy of each directive (and subsequent amendments or supplements) should be readily available for inspection by the National Archives and Records Service, GSA.

**§ 101–11.302 [Reserved]**

**§ 101–11.303 [Reserved]**

**§ 101–11.304 Mail—agency program responsibilities.**

**§ 101–11.304–1 The mail management function.**

The objective of mail management is to provide rapid handling and accurate delivery of mail throughout the agency at minimum cost. To do this processing steps are kept to a necessary minimum; sound principles of work flow are applied; modern equipment, supplies, and devices are used; and, in general, operations are kept as simple as possible, so as to increase efficiency.

**§ 101–11.304–2 Mail defined.**

Mail consists of letters, telecommunications, memorandums, post cards, documents, packages, publications, and other communications received for distribution or dispatch.

**§ 101–11.304–3 Program requirements.**

(a) Each Federal agency, in providing for effective controls over the creation of records, is expected to establish an appropriate program for the management of agency mail (§ 101–11.301–2). The program will:

(1) Establish and implement standards and procedures for the receipt, delivery, collection, and dispatch of mail.

(2) Implement the mail management standards set forth in the GSA Records Management Handbook, Agency Mail Operations.

(3) Provide essential management information concerning the volume and types of mail processed and time requirements for internal delivery and mailing.

(4) Review, on a continuing basis, agency mail practices and procedures to find opportunities for improvement and simplification.

(b) Standards, guides, and instructions developed for the agency mail management program are to be in published form, designed for easy reference and revision. They should be readily available to those concerned with mail and messenger operations. In addition, pertinent information for users of mail and messenger services should be given the widest possible dissemination.

**§ 101–11.304–4 Program implementation.**

The following actions are generally basic to a mail management program:

(a) Deliver mail to the action office within shortest possible time after receipt. (Objective should be 4- to 6-hour delivery.)

(b) Establish realistic time limits for replying to White House and Congressional mail, and to public correspondence. Limit preparing letters of a purely acknowledgment nature to cases in which a considerable time may be needed for a substantive reply.

(c) Limit mail followup control to security mail or mail important because of its source or content.

(d) Make maximum and proper use of Post Office Department services and facilities.

(e) Develop and install procedures that expedite and limit mail clearance, reviews, and signing.

(f) Provide central control with established schedules for messenger services.

**§ 101–11.305 Files—agency program responsibilities.**

**§ 101–11.305–1 The files management function.**

The objectives of files management are to organize agency files so that needed records can be found rapidly, complete records are ensured, the selection and retention of records of archival value are facilitated, and the disposition of noncurrent records is accomplished promptly. All services are to be performed with maximum economy in personnel, equipment, and supplies.

**§ 101–11.305–2 Files defined.**

A file is basically a paper or folder of papers, but the term is used to denote papers, photographs, photographic copies, maps, or other recorded information regardless of physical form or characteristics, accumulated or maintained in filing equipment, boxes, or on shelves, and occupying office or storage space. Stocks of publications and blank forms are excluded.

**§ 101–11.305–3 Program requirements.**

(a) Each Federal agency, in providing for effective controls over the creation of records, is expected to establish an appropriate program for the management of agency files (§ 101–11.301–2). The program will:

(1) Establish and implement standards and procedures for:

(i) Classifying, indexing, and filing records.

(ii) Providing reference services to filed records.

(iii) Locating active files to facilitate agency use of records.

(2) Implement the files classification, operations, and placement standards set forth in pertinent GSA Records Management Handbooks.

(3) Review the program periodically to determine the adequacy of the system and its effectiveness in meeting requests.

(b) Standards, guides, and instructions developed for the files management program are to be in published form, designed for easy reference and revision. They should be readily available to all employees concerned with files operations. In addition, pertinent information for users of files and reference services should be given the widest possible dissemination.

**§ 101–11.305–4 Program implementation.**

The following actions are generally basic to a files management program:

(a) Standardize classification and filing schemes to:

(1) Achieve maximum uniformity and ease in maintaining and using agency records.

(2) Facilitate disposal of records in accordance with applicable records disposal schedules.

(3) Facilitate possible later consolidation of identical type files presently maintained at different locations.

(b) Formally authorize official file locations. Prohibit the maintenance of files at other than authorized locations.

(c) Standardize reference service procedures to facilitate the finding, chargeout, and refiling of agency records.

(d) File accumulations of papers received at file locations on a daily basis.

(e) Standardize, to the maximum extent possible, the equipment and supplies used in filing and reference service operations. Use standard items stocked by the Federal Supply Service.

(f) Audit periodically a representative sample of the files for duplication, misclassification, or misfiles.

**§ 101–11.306 Records equipment and supplies—agency program responsibilities.**

**§ 101–11.306–1 Managing records equipment and supplies.**

The objectives of a records equipment and supplies management program are to ensure that equipment and supplies necessary and suitable to agency records operations, procedurally and economically, are available and are put to proper use. Modern equipment and supplies are now manufactured in a wide variety of types which, in most instances, are designed for special uses. Competent advice should be continuously available

to assure that the correct item is obtained for a given purpose.

**§ 101–11.306–2 Records equipment and supplies defined.**

Equipment and supplies include file cabinets, shelf files, visible files, mechanized files, file guides, folders, jackets, wallets, and similar items used in the creation and maintenance of records and in mail handling. A program for managing equipment and supplies may also cover desk-top office machines, dictating and recording equipment, and data recording equipment.

**§ 101–11.306–3 Program requirements.**

(a) Each Federal agency, in providing for effective controls over the creation of records, is expected to establish an appropriate program for the management of agency records equipment and supplies (§ 101–301–2). The program will:

(1) Establish and implement standards and procedures for:

(i) Standardization of records equipment and supplies used by the agency.

(ii) Submission, review, and approval of requests for the purchase of records equipment and supplies.

(iii) Proper utilization of presently owned records equipment.

(2) Review, on a continuing basis, the utilization of records equipment to ensure adequate and proper application.

(3) Provide for a continuing review of new developments in the field of records equipment and supplies and their possible application to agency records systems.

(b) Standards, guides, and instructions for managing records equipment and supplies are to be in published form, designed for easy reference and revision. They should be readily available to program officials responsible for operations using records equipment and supplies.

**§ 101–11.306–4 Program implementation.**

The following actions are generally basic to a records equipment and supplies management program:

(a) Minimize equipment and supplies needs by providing for prompt disposition of records. Reduce or eliminate the need for additional equipment by freeing equipment on hand for reuse.

(b) Use, to the maximum extent possible, standard items listed in GSA Stores Stock Catalog and Federal Supply Schedules. Prohibit the purchase of nonstandard items unless justification for exception is submitted and approved.

(c) Review requests for purchase of equipment and supplies to determine essentiality and usability.

(d) Review use of currently owned and rented equipment to determine that it is essential, suitable, properly utilized and maintained, and updated as required.

(e) Analyze record keeping procedures and techniques to determine if requirements for equipment and supplies are realistic and if requirements can be reduced or eliminated through improved or changed procedures or techniques.

## Subpart 101–11.4—Disposition of Federal Records

**§ 101–11.401 Records control schedules.**

**§ 101–11.401–1 Records scheduling programs.**

A records scheduling program is essential to promote a prompt and orderly reduction in the quantity of records in each Federal agency in accordance with the provisions of section 505(a) and 506 (b) of the Federal Records Act of 1950 (44 U.S.C. 395(a), 396(b)) and the Records Disposal Act (44 U.S.C. 366).

**§ 101–11.401–2 Basic elements in records scheduling programs.**

Three basic elements are present in a records scheduling program:

(a) The taking of a complete inventory of the records in the custody of the agency.

(b) The formulation of policy as to the disposition of each type or series of records and its statement in the form of a records control schedule.

(c) The application of the records control schedule to effect the elimination or removal of records.

**§ 101–11.401–3 Formulation of records control schedules.**

The following steps shall be taken in the development of records control schedules:

(a) Each Federal agency shall compile a records control schedule for all major groups of records in its custody having importance in terms of content, bulk, or space and equipment occupied. For all Federal agencies in existence on June 30, 1964 (other than the judiciary, for which special arrangements will be made), such records control schedules shall be completed by June 30, 1965. For all Federal agencies created after June 30, 1964, such schedules shall be completed within one year after the creation of the agency.

(b) Schedules shall clearly identify and describe the series of records covered, and shall contain instructions that, when approved, can be readily applied. Schedules must be readily adaptable to use along organizational lines, so that each office will have standing instructions for the disposition of records in its custody.

(c) All schedules shall take into account the actual filing arrangements in existence, so that disposition of records can be physically accomplished in the largest blocks possible.

(d) Nonrecord materials, such as extra copies of documents preserved for convenience of reference, stocks of processed documents, preliminary worksheets, and similar papers that need not be made a matter of record, shall not be incorporated in the official files of the agency. To the maximum extent possible, material not required for record purposes shall be disposed of; it should not be sent to file. In cases where transitory files of such materials are established and maintained in filing equipment, such files shall be controlled by means of instructions in the records control schedule.

(e) Schedules shall be reviewed at least once annually to effect changes necessary to maintain their current status.

**§ 101–11.401–4 Provisions of records control schedules.**

Records control schedules shall provide for:

(a) The disposal after minimum retention periods of those records not having sufficient value to justify their further retention. Procedures for obtaining disposal authorization are prescribed in §§ 101–11.404 and 101–11.406.

(b) The removal to a Federal Records Center (or to an agency records center approved under the provisions of § 101–11.412) of those records which cannot be disposed of immediately but which need not be maintained in office space and equipment. Such records will be maintained by the records center pending their transfer or disposal.

(c) The retention as current records in office space and equipment of the minimum volume of records consistent with efficient operation.

**§ 101–11.401–5 Application of records control schedules.**

The head of each Federal agency shall take necessary action to obtain the application of records control schedules to provide for the maximum economy of space, equipment, and personnel. Two copies of each directive or other issuance (including the text of schedules as



issued) affecting the agency's records disposition program at the division or higher organizational level shall be transmitted to the National Archives and Records Service upon its promulgation.

**§ 101–11.402 [Reserved]**

**§ 101–11.403 Standards for the selective retention of records.**

**§ 101–11.403–1 Authority.**

Section 506(a) of the Federal Records Act of 1950 (44 U.S.C. 396(a)) requires the head of each Federal agency to have "made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency." Section 505(b) of this Act (44 U.S.C. 395(b)) directs the Administrator to establish standards for the selective retention of those records having continuing value, and to "assist Federal agencies in applying such standards to records in their custody."

**§ 101–11.403–2 Records retention and disposal standards.**

The following standards govern the retention and disposal of agency records:

(a) *Records control schedules.* These disposition schedules, developed by each Federal agency for all records in its custody as provided by § 101–11.401, designate classes of records of continuing value identified in the records retention plans. The schedules also specify retention periods for records not of continuing value. Formulation and application of these schedules, to provide for the orderly retirement and reduction of records in each agency, is mandatory as provided by § 101–11.401–3.

(b) *General records schedules.* The schedules, issued by the Administrator, govern the retention and disposal of certain types of records common to all agencies. The schedules are permissive as provided by § 101–11.404.

(c) *Records retention plans.* A separate plan for each agency or subdivision thereof governs the selective retention of records of continuing value. The plans, which are developed by the National Archives and Records Service in cooperation with the agency, are integral parts of agency programs for records retention and disposal as provided for by § 101–11.403–3.

**§ 101–11.403–3 Permanently valuable records retention program.**

In an agency program to select permanently valuable records, the following four basic elements are present:

(a) The taking of a complete inventory of records in the custody of the agency as provided by § 101–11.401.

(b) The development by the National Archives and Records Service in cooperation with the agency, of a records retention plan designating the permanently valuable classes of records arising from agency functions.

(c) The identification by the agency of the specific records or segments of files allocated to the classes specified for retention by the plan developed by the National Archives and Records Service.

(d) The orderly maintenance and segregation by the agency of the records identified under paragraph (c) of this section.

**§ 101–11.403–4 Application of records retention plans.**

Pursuant to the authority cited in § 101–11.403–1:

(a) The National Archives and Records Service will furnish agencies with records retention plans as rapidly as they are developed.

(b) Within 6 months after receipt of a plan, an agency will revise its records control schedules in accordance with the provisions of the plan to assure that all records designated in the plan are retained and periodically transferred to the National Archives or to a Federal Records Center, as appropriate.

(c) Until such time as an agency's records retention plan is prepared, existing records control schedules remain in effect.

(d) Records retention plans are to be reviewed annually by the agency, in order to recommend necessary changes to the National Archives and Records Service.

(e) The National Archives and Records Service will conduct periodic inspections to assure that the provisions of § 101–11.403–3(d) are being carried out (§ 101–11.103).

**§ 101–11.404 General retention and disposal schedules.**

**§ 101–11.404–1 Authority.**

(a) Section 505(b) of the Federal Records Act of 1950 (44 U.S.C. 395(b)) directs the Administrator of General Services to establish standards for the selective retention of records of continuing value.

(b) Section 15 of the Records Disposal Act (44 U.S.C. 380) prescribes that no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of the Act.

(c) Section 4 of the Records Disposal Act (44 U.S.C. 369) authorizes the Administrator of General Services to submit to the Congress schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. (For other schedules for submission to the Congress, see § 101–11.406.)

(d) These General Records Schedules, when reported upon favorably by the Joint Committee on Disposition of Executive Papers, constitute authority to dispose of the records included therein. Agencies may apply this authority subject to approval of the Comptroller General of the United States when required by section 9 of the Records Disposal Act (44 U.S.C. 374). Such common records disposal authority is permissive and not mandatory. Provisions of the General Records Schedules may be applied to records in the custody of the Archivist of the United States at his discretion. Agencies desiring authority to dispose of records covered by such schedules after different periods of time than the periods set forth in the General Records Schedules shall make request therefor in the manner prescribed by § 101–11.406. In addition, since the staff agencies involved have approved the standards embodied in these schedules, such requests shall be supported by an explanation of the basis for the shorter retention period proposed.

**§ 101–11.404–2 Approved general records schedules.**

The General Records Schedules governing the retention and disposal of the following types of records common to several or all agencies, and instructions for using the schedules, are available at the Office of Federal Records Centers, National Archives and Records Service, GSA. All new schedules, as they are prepared, will be distributed by GSA Bulletins issued and signed by the Archivist of the United States.

(a) Schedule 1, Civilian Personnel Records.

(b) Schedule 2, Payrolling and Pay Administration Records.

(c) Schedule 3, Procurement and Supply Records.

(d) Schedule 4, Property Disposal Records.

(e) Schedule 5, Budget Preparation, Presentation, and Apportionment Records.

(f) Schedule 6, Accountable Officers' Accounts.

(g) Schedule 7, Expenditure Accounting Records.

(h) Schedule 8, Stores, Plant and Cost Accounting Records.

(i) Schedule 9, Travel and Transportation Records.

(j) Schedule 10, Motor Vehicle Maintenance and Operation Records.

(k) Schedule 11, Space and Maintenance Records.

(l) Schedule 12, Communications Records.

(m) Schedule 13, Printing, Binding, Duplication and Distribution Records.

(n) Schedule 14, Informational Services Records.

(o) Schedule 15, Housing Records.

(p) Schedule 16, Administrative Management Records.

(q) Schedule 17, Cartographic, Photogrammetric, and Related Records.

(r) Schedule 18, Security and Protective Service Records.

(s) Schedule 19, Research and Development Records.

**§ 101–11.405 [Reserved]**

**§ 101–11.406 Agency disposal authority.**

**§ 101–11.406–1 Authority.**

Section 15 of the Records Disposal Act (44 U.S.C. 380) prescribes that no

records of the United States Government shall be alienated or destroyed except in accordance with the provisions of the Act. It further requires the Administrator of General Services to establish procedures to be followed by Federal agencies in compiling and submitting lists and schedules of records proposed for disposal.

**§ 101–11.406–2 Submission of disposal requests.**

Requests for authorization to dispose of records shall be initiated by Federal agencies by submitting records disposal lists or schedules to the National Archives and Records Service on Standard Forms 115 and 115a, Continuation Sheet, as revised (§§ 101–11.4902 through 101–11.4904). Standard Form 115 may be used for submitting either a list or schedule, by checking either A or B, respectively, under entry 6. Authority contained in an approved list is limited to records already in existence and should be used only when records of the types described are no longer accumulating. A schedule gives continuing authorization, and will be used in all cases where the types of records described in the request will continue to accumulate.

**§ 101–11.406–3 Certification.**

The signing of Standard Form 115 by a properly authorized agency representative shall constitute certification that the records described do not have, or will not have after the expiration of the retention period indicated, sufficient administrative, legal, or fiscal value to the agency itself to warrant further retention. Appraisal by the National Archives and Records Service will be limited to review for possible value to other agencies of the Government, and for research or historical value.

**§ 101–11.406–4 General Accounting Office clearance.**

Each Federal agency shall obtain the approval of the Comptroller General of the United States, as required by section 9 of the Records Disposal Act (44 U.S.C. 374), for the disposal of certain classes of records relating to claims and demands by or against the Government or to accounts in which the Government is concerned. Such approval shall be obtained either prior to or concurrently with the submission of the disposal request to the National Archives and Records Service.

**§ 101–11.406–5 Approval of requests for disposal authority.**

After review by the National Archives and Records Service, the request, with the Archivist's recommendation, is transmitted to the Congress as required by the Records Disposal Act. If the Joint Committee on Disposition of Executive Papers makes a favorable report on the request, the Archivist shall notify the agency thereof by returning one copy of completed Standard Form 115. This constitutes the disposal authorization, which is mandatory. (For extension of retention periods or withdrawal of disposal authority, see §§ 101–11.406–7, 101–11.406–8.) Such authorized disposal shall be accomplished as prescribed in § 101–11.408.

**§ 101–11.406–6 Mutilation and destruction of records.**

(a) Sections 505(b) and 506(f) of the Federal Records Act of 1950 (44 U.S.C. 395(b), 396(f)) impose upon the Administrator of General Services and the heads of Federal agencies responsibilities for preventing the unlawful removal, defacing, alteration, or destruction of records.

(b) The penalties for the willful and unlawful destruction, damage, or alienation of Federal records are contained in the U.S. Criminal Code (18 U.S.C. 2071).

(c) Private files are not governed by these provisions.

**§ 101–11.406–7 Extension of retention periods.**

Pursuant to section 505(f) of the Federal Records Act of 1950 (44 U.S.C. 395(f)), in cases of emergency or when it is in the interest of economy, the head of a Federal agency may retain records authorized by Congress for disposal after the specified retention period. When records are so retained, a copy of the directive directing such retention shall be furnished to the Administrator and such records shall be disposed of as soon as is administratively practicable.

**§ 101–11.406–8 Withdrawal of disposal authority.**

In cases of emergency or when it is in the interest of efficiency of Government operations, GSA pursuant to section 505(f) of the Federal Records Act of 1950 (44 U.S.C. 395(f)), will withdraw disposal authorizations contained in disposal schedules approved by the Congress. Such withdrawal may apply to particular items on schedules submitted by agencies, or may apply to all existing authorizations for the disposal of a specified type of record obtained by any or all agencies of the Government. If the withdrawal is applicable to only one agency, that agency will be notified of such action by letter signed by the Archivist of the United States; if applicable to more than one agency, notification may be by GSA Bulletin issued and signed by the Archivist of the United States.

**§ 101–11.406–9 Supersession of disposal authority.**

Disposal authorizations contained in disposal schedules approved by the Congress are automatically superseded by Congressional approval of a later schedule applicable to the same records, unless the later schedule specifically provides that both the earlier and later schedules shall be applicable, at the agency's discretion.

**§ 101–11.407 Emergency authorization for the disposal of records.**

**§ 101–11.407–1 General provisions.**

Under certain conditions, records may be disposed of without regard to the provisions of § 101–11.406.

**§ 101–11.407–2 Menaces to human health or life or to property.**

(a) Section 10 of the Records Disposal Act (44 U.S.C. 375) authorizes disposal whenever it is determined that records constitute a continuing menace to human health or life or to property. Whenever the head of an agency has determined that records constitute such a menace, he shall notify the National Archives and Records Service, specifying the nature of the records, their location and quantity, and the nature of the menace. If the National Archives and Records Service concurs in the determination, the immediate removal of the menace by the destruction of the records or by other appropriate means will be directed. However, if the determination is with respect to still or motion picture film on nitrocellulose base that has deteriorated to the extent described in paragraph (b) of this section, the head of the agency may follow the procedures therein provided.

(b) Whenever any radar scope, aerial, or other still or motion picture film on nitrocellulose base has deteriorated to the extent that it is soft, is emitting a noxious odor, contains gas bubbles, or has retrograded into an acrid powder, and the head of the agency having custody of it determines that it constitutes a menace to human health or life or to property, he may cause such menace to be eliminated immediately by—

(1) Arranging for its destruction in a manner that will salvage its silver content;

(2) Burning, in the event the quantity is not sufficiently large to justify the salvaging of its silver content; or

(3) Other appropriate methods in the event that the methods provided in subparagraph (1) or (2) of this paragraph are not feasible.

(c) Such films should be removed from inhabited buildings as soon as possible.

(d) Those to be burned should be submerged in water-filled drums and conveyed to a remote spot, approved by fire authorities, for burning. Preferably, only one reel should be burned at a time, but in no event should more than 25 pounds be burned at the same time. The rapid production of gases by burning film makes it extremely dangerous, particularly if burned in a furnace or other confined space. Within thirty days after the destruction of the film as provided in this section, the head of the agency who directed its destruction shall submit a written statement to the National Archives and Records Service describing the film and showing when, where, and in what manner the destruction was accomplished.

**§ 101–11.407–3 State of war or threatened war.**

(a) Section 11 of the Records Disposal Act (44 U.S.C. 376) authorizes the destruction of records outside the territorial limits of the continental United States whenever, during the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears immi-



nent, the head of the agency that has custody of the records determines that their retention would be prejudicial to the interests of the United States, or that they occupy space urgently needed for military purposes and are without sufficient value to warrant continued preservation.

(b) Within 6 months after the disposal of any records under this authorization, a written statement describing the character of the records and showing when and where the disposal was accomplished shall be submitted to the National Archives and Records Service by the agency official who directed the disposal.

**§ 101–11.408 Methods of disposal.**

**§ 101–11.408–1 Authority.**

Under the provisions of section 15 of the Records Disposal Act (44 U.S.C. 380), Federal agencies are required to follow regulations issued by the Administrator of General Services governing the methods for use in disposing of records. Only the methods set forth in this § 101–11.408 shall be used.

**§ 101–11.408–2 Sale or salvage.**

Paper records to be disposed of shall normally be sold as wastepaper. If the records are security classified, their disposal is governed by the provisions of Executive Order 10501 of November 5, 1953 (3 CFR) as amended. If the records are privileged, that is, if laws or regulations forbid their use by the public, the wastepaper contractor shall be required to pulp, macerate, or shred them. The contracting officer shall name a Federal employee to witness the disposal. For all other records the contract for sale shall prohibit their resale or use as records or documents. Records other than paper records (film, plastic recordings, etc.) may be salvaged or sold in the same manner and under the same conditions as paper records. All sales shall be in accordance with the established procedures for the sale of surplus personal property.

**§ 101–11.408–3 Donation for preservation and use.**

(a) Whenever the public interest will be served thereby, a Federal agency may, at its discretion, transfer records authorized for disposal to an eligible government (including a foreign government), organization, institution, corporation, or person that has made application for them, provided, (1) the applicant agrees not to sell the records as records or documents, (2) the transfer is made without cost to the U.S. Government, (3) no transfer shall be approved if the records contain information the revelation of which is prohibited by law or would be contrary to the public interest, (4) no transfer to a foreign government shall be approved unless such government has an official interest in the records, and (5) no transfer to a person or commercial business shall be approved unless the records are directly pertinent to the custody or operation of properties acquired from the Government.

(b) Each donation of records under this authority shall be reported to GSA, National Archives and Records Service, Washington, D.C. 20408. This report shall contain:

(1) The name of the department or agency and the name of the major and minor subdivision thereof concerned.

(2) The name and address of the recipient of the records.

(3) A list of the records containing (i) an identification by series of the records transferred; (ii) the inclusive dates of each series; and (iii) the National Archives and Records Service job and item numbers of the disposal authorizations as indicated on Standard Form 115, Request for Authority to Dispose of Records (§ 101–11.4902), or other disposal authority.

**§ 101–11.408–4 Destruction.**

If the records cannot advantageously be sold or otherwise salvaged, the records may be destroyed by burning or pulping.

**§ 101–11.409 Transfer of records from the custody of one executive agency to another.**

**§ 101–11.409–1 Authority.**

Section 505(e) of the Federal Records Act of 1950 (44 U.S.C. 395(e)) provides that, subject to applicable provisions of law, the Administrator of General Services shall issue regulations governing the transfer of records from the custody of one executive agency to that of another.

**§ 101–11.409–2 Approval.**

No records shall be transferred from one executive agency to the custody of another without the prior written approval of the National Archives and Records Service except as provided in § 101–11.409–9.

**§ 101–11.409–3 Agency request.**

The head of any executive agency may request the transfer of records to or from his agency. Approval shall be requested by letter addressed to the National Archives and Records Service, in which are included:

(a) A concise description of the records to be transferred, including the volume in cubic feet.

(b) A statement of the restrictions imposed on the use of records.

(c) A statement of the number of reference requests per month made on the records, with information as to the agencies and persons using the records and the purpose of such use.

(d) A statement of the number of persons, if any, assigned to the administration of the records.

(e) A statement of the current and proposed physical and organizational locations of the records.

(f) Information as to why the proposed transfer is in the best interests of the Government.

(g) A justification for the transfer of records more than 5 years old.

**§ 101–11.409–4 Agency concurrences.**

Copies of the concurrence or nonconcurrence in the transfer by the heads of any agencies concerned shall be attached to the agency request.

**§ 101–11.409–5 Records of terminated agencies.**

Transfers of records of executive agencies whose functions are terminated or are in process of liquidation are expressly subject to this Subpart 101–11.4 and no such transfers shall be made except in accordance with its provisions.

**§ 101–11.409–6 Equipment.**

Records storage equipment shall be transferred with the records contained therein in accordance with arrangements previously agreed to by the agencies concerned.

**§ 101–11.409–7 Costs of transfers.**

Approved transfers shall be made without reimbursement to the agency of original custody for any cost involved, except when such reimbursement is previously agreed to by the agencies concerned.

**§ 101–11.409–8 Restrictions on use of records.**

Whenever any records that are transferred are subject to restrictions upon their use, imposed pursuant to statute, Executive order, or agency determination, such restrictions shall continue in effect after the transfer. Restrictions imposed by agency determination may be removed by agreement between the agencies concerned.

**§ 101–11.409–9 Exceptions.**

Prior written approval of the National Archives and Records Service is not required:

(a) When records are transferred to the Federal Records Centers or the National Archives in accordance with §§ 101–11.410 and 101–11.411.

(b) When records are loaned for official use.

(c) When the transfer of records or functions or both is required by statute, Executive order, or Presidential reorganization plan, or by specific determinations made thereunder.

**§ 101–11.410 Transfer of records to Federal Records Centers.**

**§ 101–11.410–1 Authority.**

Section 505(d) of the Federal Records Act of 1950 (44 U.S.C. 395(d)) authorizes the Administrator of General Services to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies. Such centers are known as Federal Records Centers. A list of their locations and the areas served is set forth in this § 101–11.410–1. In addition, a Military Personnel Records Center is maintained for designated records of the Department of Defense.

GSA FEDERAL RECORDS CENTERS

A. NATIONAL

| GSA region | Area served | Mailing address |
|---|---|---|
| | Entire Federal Government (for personnel records of separated Federal employees; pay records of all Federal employees; and medical records of civilian employees of the Army, Navy, and Air Force). | Federal Records Center, GSA<br>111 Winnebago St.<br>St. Louis, Mo. 63118 |
| | Designated records of the Department of Defense and the U.S. Coast Guard. | Military Personnel Records Center, GSA<br>9700 Page Blvd.<br>St. Louis, Mo. 63132 |

B. REGIONAL

| | | |
|---|---|---|
| 1 | Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. | Federal Records Center, GSA<br>Section A, 6th Floor<br>Boston Army Base<br>Boston, Mass. 02210 |
| 2 | New York, New Jersey except areas south of Trenton, Puerto Rico, and the Virgin Islands. | Federal Records Center, GSA<br>641 Washington St.<br>New York, N.Y. 10014 |
| | New Jersey south of Trenton, Delaware, and Pennsylvania east of Lancaster. | Federal Records Center, GSA<br>5000 Wissahickon Ave.<br>Philadelphia, Pa. 19144 |
| | Pennsylvania except areas east of Lancaster | Federal Records Center, GSA<br>Naval Supply Depot, Bldg. 308<br>Mechanicsburg, Pa. 17055 |
| 3 | District of Columbia, Maryland, West Virginia, and Virginia. | Federal Records Center, GSA<br>Cameron and Union Sts.<br>Alexandria, Va. 22314 |
| 4 | North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, and Florida. | Federal Records Center, GSA<br>1557 St. Joseph Ave.<br>East Point, Ga. 30044 |
| 5 | Kentucky, Illinois, Wisconsin, Michigan, Indiana, and Ohio. | Federal Records Center, GSA<br>7201 South Leamington Ave.<br>Chicago, Ill. 60638 |
| 6 | Kansas, Iowa, Nebraska, North Dakota, South Dakota, Minnesota, and Missouri except greater St. Louis area. | Federal Records Center, GSA<br>2306 East Bannister Rd.<br>Kansas City, Mo. 64131 |
| | Greater St. Louis area (Missouri only) | Federal Records Center, GSA<br>111 Winnebago St.<br>St. Louis, Mo. 63118 |
| 7 | Texas, Oklahoma, Arkansas, and Louisiana | Federal Records Center, GSA<br>4900 Hemphill St.<br>Post Office Box 6216<br>Fort Worth, Tex. 76115 |
| 8 | Colorado, Wyoming, Utah, Arizona, and New Mexico. | Federal Records Center, GSA<br>Building 48, Denver Federal Center<br>Denver, Colo. 80225 |
| 9 | Nevada except Clark County, California except Southern California, and Pacific Ocean areas. | Federal Records Center, GSA<br>Building 1, 100 Harrison St.<br>San Francisco, Calif. 94105 |
| | Clark County, Nevada, and Southern California (Counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, Imperial, Inyo, and San Diego). | Federal Records Center, GSA<br>5555 Eastern Ave.<br>Bell, Calif. 90201 |
| 10 | Washington, Oregon, Idaho, Montana, and Alaska | Federal Records Center, GSA<br>6125 Sand Point Way<br>Seattle, Wash. 98115 |

NOTE: Certain records are transferred to designated centers for the convenience of administration and reference. The records to be centralized are listed in the agencies' directives for transfer to the designated center.

**§ 101–11.410–2 Procedures for transfers to regional Federal Records Centers.**

Procedures governing the transfer of records to Federal Records Centers are set forth in this § 101–11.410. They also appear in detail in the Administration's Records Management Handbook, "Federal Records Centers."

(a) Regional Federal Records Centers will accept for transfer any records offered by Federal agencies, subject to the following conditions:

(1) That the records are not authorized for immediate disposal and that transportation costs are not in excess of the resulting savings, and

(2) That facilities for storing and providing reference service on the records are available.

(b) Priority will be given to the removal of records from office space, from space convertible to office use, from leased space, and from filing equipment which can be reused.

(c) Transfers may be initiated by either oral or written request to the manager of the Federal Records Center in GSA region in which the records are located. Requests shall specify the nature and quantity of the records proposed for transfer.

(d) Transfers of records on an agency-wide basis may be initiated by central or headquarters offices of agencies by either oral or written request to the National Archives and Records Service, Office of Federal Records Centers, National Archives Building, Washington, D.C. 20408. Requests shall specify the nature and quantity of the records proposed for transfer.

(e) Transfers to the Federal Records Center in Alexandria, Va., shall be accompanied by Standard Form 135, Records Transmittal and Receipt (§ 101–11.4907), and Standard Form 135A continuation sheet (§ 101–11.4908), in quadruplicate. Transfers to all other regional Federal Records Centers shall be accompanied by these forms in triplicate. When feasible, records should be transferred in standard corrugated boxes used by the Centers.

(f) Regional Federal Records Centers will furnish agencies with a receipt acknowledging the transfer of records by returning to the transferring agency a signed copy of the standard form required by paragraph (e) of this section. The returned copy will serve as a future aid in requesting reference service, as it will be annotated with the numbers of the Federal Records Center containers in which the records are stored.

**§ 101–11.410–3 Procedures for transfer to the Federal Records Center, St. Louis.**

General Records Schedules 1 and 2 specify that certain civilian personnel and pay records shall be centralized at the Federal Records Center at St. Louis, Mo.

(a) The following three types of records are so specified:

(1) Official personnel folders of separated employees;

(2) Service record cards of separated or transferred employees; and

(3) Audited individual earnings and service cards and comprehensive payrolls.

(b) Official personnel folders should be transferred to the Center by transmittal letter specifying the number of folders and the month and year of separation of employees. Receipts will not be furnished for official personnel folders or loose papers intended for inclusion in such folders.

(c) Loose papers being prepared for transfer for inclusion in official personnel folders previously sent to the Center shall be screened of temporary material, as defined in the Federal Personnel Manual, and only the papers prescribed as permanent and essential for inclusion in each individual's folder shall be forwarded. A separate copy of Standard Form 127, Request for Official Personnel Folder (Separated Employee) (§ 101–11.4906), shall be used to transmit the papers for each individual. In preparing the copy of Standard Form 127, the entries shall be completed in blocks, 2, 4, 5, and 6c, and the date of separation shall be entered in block 5 thereof.

(d) Transfer of fiscal records shall be accompanied by Standard Form 135, Records Transmittal and Receipt (§ 101–11.4907), in triplicate. When feasible, records shall be transferred in standard corrugated boxes used by the Federal Records Centers.

(e) Standard Form 127, Request for Official Personnel Folder (Separated Employee) (§ 101–11.4906) shall be used by agencies in requesting transmission of personnel records of separated employees from the Center. Use of this form insures prompt transmission of the desired folders. It should be submitted to the Center in duplicate. A memorandum in lieu of Standard Form 127 should be used to request information from the folders.

**§ 101–11.410–4 Vital operating records.**

The Administration has established a single, centrally located depository suitable for the storage and protection of records described in Subpart 101–11.7. The depository is accessible to rail, motor, and air transportation. It has temperature and humidity controls allowing the safe storage of both paper records and film. Agencies may make arrangements through GSA, National Archives and Records Service, Office of Federal Records Centers, The National Archives Building, Washington, D.C. 20408, for the transfer of indispensable records to this depository and for their use.

**§ 101–11.410–5 Surveys of records available for transfer.**

The GSA regional National Archives and Records Service will conduct surveys of the records accumulations of field offices of those agencies not operating approved records centers for the purpose of recommending records for transfer to Federal Records Centers. Such recommendations will be submitted to the field office concerned and to the National Archives and Records Service, Central Office, for coordination with the appropriate agency headquarters. Surveys of records of agency headquarters normally will be made by the National Archives and Records Service, Central Office.

**§ 101–11.410–6 Release of equipment.**

File equipment received with the transfer of records to a Federal Records Center will normally be disposed of in accordance with applicable excess personal property regulations. An agency desiring return of the equipment should make such request prior to transfer of the records to Federal Records Centers.

**§ 101–11.410–7 Use of records transferred to Federal Records Centers.**

Restrictions lawfully imposed on the use of transferred records will be observed and enforced by all Federal Records Centers, subject to the provisions of section 507(b) of the Federal Records Act of 1950 (44 U.S.C. 397(b)). The regulations in this Part 101–11, insofar as they concern the use of records in the Federal Records Centers, apply to official use of the records by Federal agencies as well as to the public. Subject to any restrictions on their use, such records may be borrowed by Federal agencies and the Congress for official use outside the Federal Records Centers. Although no special form is needed to make written requests for Center reference service, agencies wishing to do so may use Optional Form No. 11, Reference Request—Federal Records Centers (§ 101–11.4910).

**§ 101–11.410–8 Disposal clearances.**

Records at the St. Louis Federal Records Center, authorized for disposal by General Records Schedules Numbers 1 and 2, will be destroyed in accordance with these schedules without further agency clearance. No other records of a Federal agency still in existence will be disposed of by any Federal Records Center except with the concurrence of the agency concerned. Agency approval will be requested for each disposal action by use of GSA Form 439, Report of Disposition of Records (§ 101–11.4909), or its authorized equivalent, unless prior written concurrence has been given by the agency concerned.

**§ 101–11.411 Transfer of records to the National Archives.**

**§ 101–11.411–1 Authority.**

The Administrator of General Services is authorized by section 507(a) of the Federal Records Act of 1950 (44 U.S.C. 397(a)) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government.

**§ 101–11.411–2 Transfers via Records Centers.**

Records will normally be transferred to the National Archives from a Federal Records Center or an approved agency records center. When such transfers are made, the agencies concerned will be furnished an inventory of the records transferred.

**§ 101–11.411–3 Direct transfers.**

The classes of Federal records listed in this § 101–11.411–3 may be offered for direct transfer to the National Archives. Such transfers shall be initiated by Federal agencies by written request to the National Archives and Records Service, specifying the nature and quantity of the records proposed for transfer. Existing arrangements for the transfer of records of the Congress of the United States will be continued.

(a) Records of the Executive Office of the President and of Presidential boards, commissions and committees.

(b) Records of the Congress of the United States.

(c) Records of the Supreme Court of the United States.

(d) Audiovisual records (motion pictures, still photographs, sound recordings, etc.).

(e) Cartographic records (maps, charts, etc.).

(f) Series of records of unquestionable value that are not susceptible to screening or other processing (such as microfilming) to reduce their bulk.

(g) Records that have been in existence 25 or more years and that are considered to have enduring value.

**§ 101–11.411–4 Release of equipment.**

Equipment received with the transfer of records to the National Archives will, when emptied and if needed, be returned on request to the agency from which the records were received. If the return of such equipment is not required, it will be disposed of in accordance with applicable excess property regulations.

**§ 101–11.411–5 Use of records transferred to the National Archives.**

(a) Restrictions lawfully imposed on the use of transferred records will be observed and enforced by the National Archives and Records Service, subject to the provisions of section 507(b) of the Federal Records Act of 1950 (44 U.S.C. 397(b)). The regulations in this Part 101–11, insofar as they concern the use of records in the search rooms of the National Archives Building, apply to official use of the records by Federal agencies as well as to the public.

(b) In cases of demonstrated need and subject to any restrictions on their use records deposited with the National Archives may be borrowed for official use outside the National Archives Building by Federal agencies and the Congress, provided:

(1) Documents of exceptionally intrinsic value shall not be removed from the National Archives Building except with the written approval of the Archivist.

(2) Records in fragile condition, or otherwise deteriorated to an extent that further handling will endanger them, will not be loaned.

(3) Each official who borrows records shall provide a receipt for them at the time they are delivered, and that he shall assume responsibility for their prompt return upon the expiration of the time for which they are borrowed.

**§ 101–11.411–6 Disposal clearances.**

No records of a Federal agency still in existence shall be disposed of by the National Archives and Records Service except with the concurrence of the agency concerned.

**§ 101–11.411–7 Transfer of audiovisual records.**

The following policies shall govern the transfer of audiovisual records to the National Archives:

(a) *Motion pictures.* Government-owned motion picture records on nitrocellulose film normally will not be accepted for deposit with the National Archives. Federal agencies having nitrate motion pictures, deemed to have sufficient value to warrant transfer to the National Archives for permanent preservation, will obtain from the National Archives and Records Service agreement to accession the motion pictures prior to converting the nitrate film to safety acetate film. Normally, the following shall be considered the minimum number of copies of motion picture film necessary for security, duplication, and use by the National Archives: The negative (original or duplicate) that most nearly represents the action originally photographed in pictures of actual events, or that best represents the edited production of a picture for which action is staged, with a master positive print and one "use" or projection print. In most cases these will be the negative after laboratory cutting is done, or the composite negative of sound film, the master fine-grain positive print, and one other print.

(b) *Still photographs.* A negative and a captioned print (whether on film, glass, paper, or other medium) of each still photographic image are necessary for security, duplication, and use by the National Archives, and such copies, when available, shall be included in collections of still photographs offered for transfer.

(c) *Sound recordings.* The following copies, when available, shall be included in collections of sound recordings offered for transfer to the National Archives:

(1) For conventional disc recordings, the matrix or stamper of each sound recording unit or the original instantaneous recording if no matrix or stamper is made, and a pressing or dubbing of the recording, if one has been made.

(2) For magnetic sound recordings on wire or tape, for scribed or embossed recordings on tape, or for recordings photographically reproduced on sensitized film, a "dubbing" if one has been made; otherwise the original magnetic embossed or photographed recording.

(d) *Finding aids.* Copies of existing finding aids (such as data sheets, continuities, review sheets, scripts, or indexes) that are necessary or helpful in the proper identification and the use of audiovisual records shall be transferred with these materials.

**§ 101–11.411–8 Transfer of cartographic records.**

The following classes of cartographic records when no longer needed for purposes of current administration will be offered for appraisal and, if accepted, for direct transfer to the National Archives.

(a) Manuscript maps; printed and processed maps on which manuscript changes, additions, or annotations have been made for record purposes, or which bear manuscript signatures to indicate official approval; single printed or processed maps that have been attached to or interfiled with other documents of a record character or in any way made an integral part of a record.

(b) Master sets of printed or processed maps in the custody of the agency by which they were issued. Such master sets should be kept segregated from the stock of maps held for distribution and from maps received from other agencies. A master set should include one copy of each edition of a printed or processed map issued.

(c) Index maps, card indexes, lists, catalogs, or other finding aids that may be helpful in using the cartographic records transferred.

(d) Preliminary or intermediate materials such as manuscript field notebooks of surveys, triangulation and other computations, "fair drawings" for individual color plates, and aerial photographs for mapping purposes.

(e) Related records that bear on the preparation, compilation, editing, or printing of maps, such as projects folders containing specifications to be followed and appraisals of source materials to be used.

**§ 101–11.412 Agency records centers; establishment.**

**§ 101–11.412–1 Authority.**

Section 506(c) of the Federal Records Act of 1950 (44 U.S.C. 396(c)) authorizes Federal agencies to maintain and operate records centers for the storage, processing, and servicing of records that are appropriate therefor, when such centers are approved by the Administrator of General Services. Such centers operated by Federal agencies are referred to in this § 101–11.412 as "agency records centers."

**§ 101–11.412–2 Existing records centers.**

Agency records centers in operation as of the date of this Part 101–11 are provisionally approved, pending their inspection by GSA.

**§ 101–11.412–3 Requests for authority to establish or relocate records centers.**

No agency records center shall be established or relocated from one city to another without the prior written approval of GSA.

(a) *Exclusions.* For purposes of this § 101–11.412 the term "agency records center" excludes:

(1) Staging areas containing less than 5,000 square feet of space used by agencies for the temporary storage of materials preparatory to their transfer to a records center or other disposition; provided that no records are held in the staging area in excess of 5 years.

(2) Areas of less than 5,000 square feet used solely for the storage of records to which occasional reference is made but on which no processing activity (screening, microfilming, etc.) is performed.

(b) *Content of requests.* Requests for authority to establish or relocate an agency records center shall be submitted in writing to the Administrator of General Services. Such requests shall specify:

(1) Proposed location of the agency records center.

(2) Space to be occupied in gross square feet.

(3) Nature and quantity of records to be stored.

(4) Total personnel to be employed.

(5) Justification of the proposed center.

(c) *Approval of requests.* Requests for the establishment or relocation of an agency records center will be approved by the Administrator of General Services when greater economy or efficiency can be achieved through its operation than by use of a Federal Records Center operated by GSA.

**§ 101–11.412–4 Annual agency records center report.**

Each Federal agency operating one or more agency records centers shall submit to the National Archives and Records Service, within 60 days after the close of each fiscal year, a report on Standard Form 137 (§ 101–11.4905), for each center.





## Subpart 101–11.5 [Reserved]

## Subpart 101–11.6—Records Equipment and Supplies

**§ 101–11.601 [Reserved]**

**§ 101–11.602 [Reserved]**

**§ 101–11.603 Stationery standards.**

**§ 101–11.603–1 General provisions.**

This § 101–11.603 prescribes the standards for the specifications and use of blank and printed papers and mailing envelopes used by executive agencies for official Government correspondence. Standards are also prescribed for the United States Government Memorandum, Messenger Envelope, and Memorandum of Call. The standards are mandatory unless approval for exception is obtained from GSA. Nothing in these standards shall be construed as superseding in any manner the provisions of "Government Paper Specification Standards" issued by the Joint Committee on Printing.

**§ 101–11.603–2 Standard specifications.**

A Table of Standard Specifications prescribes the color, size, and quality of paper and color of ink for stationery used for Government correspondence, as follows:

TABLE OF STANDARD SPECIFICATIONS

| Item | Color | | Size | Qualities of paper shall not exceed | |
|---|---|---|---|---|---|
| | Paper | Printing | | Grade | Substance [1] |
| STATIONERY | | | | | |
| Letterhead stationery | White | Black or blue | 8″ x 10½″<br>or<br>8″ x 7″<br>8″ x 5¼″ | 50 percent rag<br>or<br>25 percent rag | 32<br>40 |
| Continuation sheets | White | None | 8″ x 10½″ | 50 percent rag<br>or<br>25 percent rag | 32<br>40 |
| Manifold (tissue) sheets containing letterhead. | White | Black or blue | 8″ x 10½″ | 25 percent rag | 18 |
| Memorandum stationery | White or blue | Black | 8″ x 10½″<br>or<br>8″ x 7″<br>8″ x 5¼″ | CW (writing)<br>or<br>25 percent rag | 40<br>32 |
| Continuation sheets | White or blue | None | 8″ x 10½″ | CW (writing)<br>or<br>25 percent rag | 40<br>32 |
| Manifold (tissue) sheets not containing letterhead. | White [2] | None | 8″ x 10½″ | 25 percent rag | 18 |
| FORMS | | | | | |
| United States Government Memorandum (Optional Form 10). | White | Black | 8″ x 10½″<br>8″ x 5¼″ | CW (writing) | 40 |
| Memorandum of call (S.F. 63 (pads)). | At discretion of GPO | | 4″ x 5¼″ | At discretion of GPO | |
| Messenger envelope (S.F. 65) | Brown | Dark brown | 9½″ x 12″<br>12″ x 16″ | Kraft | 100 |

[1] Substance weight is pounds per 1000 sheets, 17″ x 22″.
[2] Other colors may be used pursuant to par. 3(d) but quality shall not exceed 25 percent rag—Sub. 18.

**§ 101–11.603–3 Letterhead stationery.**

Letterhead stationery is used in formal correspondence where a quality paper identifying the agency is needed. The style and format for letterhead stationery may be selected by the ordering agency provided they meet the standard specifications in § 101–11.603–2 and the printing requirements of the Government Printing and Binding Regulations.

**§ 101–11.603–4 Memorandum stationery.**

Memorandum stationery is on paper of less expensive quality and easily distinguishable from letterhead stationery. It is to be used, when suitable, for informal intra-agency and interagency communications, including agency-numbered forms and form letters. It is also used for correspondence with State and local government agencies in the administration of cooperative programs, and for other informal correspondence. It will be used where Optional Form 10, United States Government Memorandum (§ 101–11.4912), will not adequately serve agency needs. (See § 101–11.603–11.) Memorandum stationery shall contain the masthead "United States Government Memorandum" at the top left half of the sheet (§ 101–11.4911). Printing of the agency name is optional; when included, the name shall be in the space indicated at the top right. If needed, multiple-address communications and designated fill-in spaces may be arranged and printed on memorandum stationery for transmittal and reference. The form may be designed for multiple-address communications and use in window envelopes.

**§ 101–11.603–5 Continuation sheets.**

Continuation sheets, for use with either letterhead or memorandum stationery, shall bear no printing.

**§ 101–11.603–6 Manifold (tissue) sheets.**

Manifold sheets, commonly called tissues, are for use in making carbon copies. Tissues containing printed letterheads are for use in making carbon copies that are sent outside the agency when identification of the agency is necessary. The printing shall be in the same format and ink color as used on letterheads. Tissues used for internal copies of correspondence, including continuation sheets, shall contain no printing. Distinctive colors may be used for internal reference file purposes.

**§ 101–11.603–7 [Reserved]**

**§ 101–11.603–8 Envelopes (printing).**

Agency identification or address, the penalty or postage and fees paid clause, and the designation "official business" shall be printed in either black or blue ink.

**§ 101–11.603–9 Envelopes; borders, markings, etc.**

Borders, markings, slogans, or designs shall not be printed on mailing envelopes except when specifically approved by GSA and in conformity with postal laws and regulations. As a general policy, both to reduce costs and to prevent undue publicizing of some activities of the Government in contrast to others, the use of borders, markings, slogans, or designs to support an agency or its program shall not be authorized in any form, whether printed, stamped, or otherwise affixed.

**§ 101–11.603–10 Procurement forms.**

The optional and standard forms prescribed in §§ 101–11.603–11—101–11.603–14 shall be procured from the Federal Supply Service, GSA. Existing stocks of old Standard Forms 63, 64, and 65 and Optional Form 10 shall be used until supplies are exhausted.

**§ 101–11.603–11 Optional Form 10, United States Government Memorandum, May 1962.**

This form is designed to facilitate informal intra- or interagency correspondence, including correspondence with State and local government agencies in the administration of cooperative programs. It provides designated spaces for the insertion of names or identification of addressee and sender along with description of subject matter and date, following the format of discontinued Standard Form 64. Optional Form 10 is printed without agency name. It is intended for use by those agencies whose needs are met by a simple format and whose requirements, if any, for the agency name or special fill-in data on memorandum stationery do not justify a special printing. (See § 101–11.4912.)

**§ 101–11.603–12 Standard Form 63, Memorandum of Call, Nov. 1961.**

This form serves as notification of an incoming telephone call or of a visitor when the person called or visited is not available. It also is used in referring a visitor to an appropriate person. (See § 101–11.4913.)

**§ 101–11.603–13 Standard Form 65, U.S. Government Messenger Envelope, Nov. 1961.**

This form is for repetitive use in transmitting communications and printed matter between offices within the same city. Consecutive spaces are provided for inserting the name and address for the current transmittal. The "Stop" number space is used primarily in the Washington, D.C., area but may be used elsewhere, if appropriate. (See § 101–11.4914.)

§ 101–11.603–14 Optional Form 27, United States Government 2-Way Memo.

This form is a 3-part snap-out set with interleaved carbon for informal communications. The message and reply are placed on the same page in brief informal language. It can be sent and returned in a window envelope, if an envelope is necessary. Each packet of 100 forms is accompanied by "Guides to Simplified Informal Correspondence." (See §§ 101–11.4915 and 101–11.4916.)

## Subpart 101–11.7—Vital Records: Records During an Emergency

§ 101–11.701 Emergency preparedness program; vital records protection status report.

§ 101–11.701–1 Purpose.

This § 101–11.701 provides for reporting the status of Federal agency emergency preparedness programs for the selection and protection of vital operating records.

§ 101–11.701–2 Authority.

Executive Order No. 11093 of February 26, 1963 (28 F.R. 1851; 3 CFR 1959–1963 Comp.), assigns certain emergency preparedness functions to the Administrator of General Services, including the providing of instructions on the appraisal, selection, and preservation of essential records. The Office of Emergency Planning, in accordance with that agency's responsibilities prescribed in Executive Order No. 11051 of September 27, 1962 (27 F.R. 9683; 3 CFR 1959–1963 Comp.), has reviewed and approved the requirements set forth in this Subpart 101–11.7.

§ 101–11.701–3 Background.

(a) *Reporting requirements.* The original reporting requirements for vital operating records protection programs were set forth in Bureau of the Budget Bulletins No. 51–14, May 22, 1951, and No. 52–5, September 6, 1951. These bulletins were rescinded on March 23, 1954, when they were replaced by the Office of Defense Mobilization's non-Military Defense Program Memorandum VI–2. Program Memorandum X–1, issued by ODM on December 23, 1954, further defined the reporting requirements originally set forth in non-Military Defense Program Memorandum VI–2. Memorandum X–1 rescinded by the Office of Emergency Planning on June 25, 1964, was the basis for the semiannual agency reports on vital records programs since 1954.

(b) *Protection criteria and guides.* The GSA Records Management Handbook, Protecting Vital Operating Records, presents the basic assumptions and mechanics for protecting vital records.

§ 101–11.701–4 Forms.

The report is in two parts. Part I will be prepared on GSA Form 2034, Vital Records Protection Status Report (Part I—Emergency Operating Records) and Part II will be prepared on GSA Form 2035,Vital Records Protection Status Report (Part II—Rights and Interests Records). (See §§ 101–11.4917 and 101–11.4918.)

§ 101–11.701–5 Definitions.

(a) The following definitions are pertinent to preparation of the report:

(1) Emergency operating records are records vital to the essential functions of the Federal Government for the duration of an emergency if the country is attacked. Such records include those necessary to the military effort; the mobilization and protection of material and manpower resources, of services, and of systems; the maintenance of public health, safety, and order; and the conduct of essential civil defense activities. These records must be available as needed at or in the vicinity of emergency operating centers.

(2) Rights and interests records are records essential to the preservation of the legal rights and interests of individual citizens and their Government. These records include such groups as Social Security records, retirement records, payroll records, insurance records, and valuable research records. These records require protection, but storage points do not have to be at or in the vicinity of emergency operating centers. The determination as to whether a given type of record is vital and which category it fits is often a difficult decision to make.

(b) GSA Records Management Handbook entitled "Protecting Vital Operating Records" provides further clarification of the two categories of records.

§ 101–11.701–6 Preparing offices and coverage.

(a) All departments and agencies will submit both Parts I and II of the report.

(b) A report is required for each individual vital records program. Generally, this means that each bureau, service, or office of a department or large agency will prepare a report. Where separate and distinct programs exist for regional or field offices, reports will be submitted for these programs as well as for headquarters programs. If the department or agency operates a centralized program covering all organizational elements, only one report is required.

(c) Each report will be complete in itself and will supersede the previous report.

(d) The description of records called for on both parts of the report should adequately portray the type of records involved. The description should be more definitive than a merely broad category such as "Administrative." It should not, on the other hand, list every individual record or form. Generally, the entry will be a file or series having a similarity in arrangement, physical type, or substantive relationship to subject or activity.

(e) A department or agency may consider that a particular type of record falls into both the emergency operating and the rights and interests categories. These records should be listed on both Parts I and II of the report and be cross-referenced.

(f) All reports for a department or agency will be transmitted as a package together. No overall summary will be prepared for the agency.

§ 101–11.701–7 Security.

A detailed description of the records and their locations are considered a security matter; hence, the reports should be classified "Confidential" unless the information referred to warrants a higher classification.

§ 101–11.701–8 Reporting periods and due dates.

(a) Reports will be submitted annually, as of June 30, and will be due 10 workdays thereafter.

(b) A special advisory report also will be prepared and submitted whenever there is a change in the location of the records or whenever a significant change occurs in the status of the program or in the type of records protected. These reports will be submitted as soon as possible after such changes occur. Only that portion of the report form applicable to the change need be filled out.

§ 101–11.701–9 Copies and distribution.

All reports will be submitted in duplicate to the:

General Services Administration,
National Archives and Records Service,
Office of Federal Records Centers,
Washington, D.C. 20408.

§ 101–11.701–10 Availability of forms.

The reporting forms illustrated in (§§ 101–11.4917 and 101–11.4918) are available from GSA Region 3, Office of Regional Manpower and Administration, ORFA, Printing and Publications Division, Washington, D.C. 20407.

## Subpart 101–11.49—Forms and Reports

§ 101–11.4900 Scope of subpart.

This Subpart 101–11.49 contains forms and reports used in connection with the regulations on records management prescribed in this Part 101–11.

NOTE: Forms in §§ 101–11.4901—101–11.4919 filed as part of the original document. Copies may be obtained from Central Office, GSA.

§ 101–11.4901 Standard Form 136: Biennial Summary of Records Holdings.

§ 101–11.4902 Standard Form 115: Request for Authority to Dispose of Records.

§ 101–11.4903 Standard Form 115a: Request for Authority to Dispose of Records—Continuation Sheet.

§ 101–11.4904 Instructions for Preparing Standard Forms 115 and 115a.

§ 101–11.4905 Standard Form 137: Agency Records Center Annual Report.

§ 101–11.4906 Standard Form 127: Request for Official Personnel Folder (Separated Employee).

§ 101–11.4907 Standard Form 135: Records Transmittal and Receipt.

§ 101–11.4908 Standard Form 135a: Records Transmittal and Receipt—(Continuation).

§ 101–11.4909 GSA Form 439: Report of Disposition of Records.

§ 101–11.4910 Optional Form 11: Reference Request—Federal Records Centers.

§ 101–11.4911 GSA Form 10: United States Government Memorandum.

§ 101–11.4912 Optional Form 10: United States Government Memorandum.

§ 101–11.4913 Standard Form 63: Memorandum of Call.

§ 101–11.4914 Standard Form 65: U.S. Government Messenger Envelope.

§ 101–11.4915 Optional Form 27: United States Government 2-Way Memo.

§ 101–11.4916 "Guides to Simplified Informal Correspondence".

§ 101–11.4917 GSA Form 2034: Vital Records Protection Status Report (Part I—Emergency Operating Records).

§ 101–11.4918 GSA Form 2035: Vital Records Protection Status Report (Part II—Rights and Interests Records).

§ 101–11.4919 Instructions for preparing GSA Forms 2034 and 2035.

wise directed by the Administrator, respectfully decline to produce such records on the ground that he is without authority under this Part 101-12 to do so.

(d) The General Counsel and, with respect to records in a GSA regional office, the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this section.

## PART 101-13 [RESERVED]

*Effective date.* These regulations are effective December 22, 1964.

Dated: November 30, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-12413; Filed, Dec. 7, 1964; 8:45 a.m.]

## PART 101-12—CURRENT RECORDS OF THE GENERAL SERVICES ADMINISTRATION

Subpart 101-12.1—Availability of Current Records of the General Services Administration

Sec.
101-12.100 Scope of subpart.
101-12.101 General provisions.
101-12.101-1 Definitions.
101-12.101-2 Legal custody.
101-12.101-3 Policy.
101-12.101-4 Requests.
101-12.101-5 Authentication and attestation of copies; costs.
101-12.101-6 Service of subpoena or other legal demand; compliance.

AUTHORITY: The provisions of this Part 101-12 issued under sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c).

### Subpart 101-12.1—Availability of Current Records of the General Services Administration

**§ 101-12.100 Scope of subpart.**

The provisions of this subpart apply to records of GSA located in the operational offices of GSA which are needed to transact the current business of GSA.

**§ 101-12.101 General provisions.**

**§ 101-12.101-1 Definitions.**

As used in this subpart, unless the context otherwise requires:

(a) The term "current records" means records as defined in section 1 of the Records Disposal Act (44 U.S.C. 366) which are located in the operational offices of GSA and are needed to transact the current business of GSA. This does not include GSA records stored in Federal record centers or the National Archives.

**§ 101-12.101-2 Legal custody.**

The Administrator of General Services has legal custody of all current records located in the operational offices of GSA.

**§ 101-12.101-3 Policy.**

Current records of GSA will be made available to persons properly and directly concerned, except records relating solely to internal management or otherwise requiring nondisclosure in the public interest.

**§ 101-12.101-4 Requests.**

(a) Requests for access to such records shall be addressed in writing to the head of the service or staff office whose records are involved, or his superiors, or if the records are in a GSA regional office, to the head of the regional service or staff office concerned, or his superiors.

(b) The request shall (1) explain why the applicant believes he is properly and directly concerned and (2) identify as exactly as may be the particular documents desired.

(c) Such official or the Administrator of General Services will judge each request on its specific merits, taking into account the applicant's concern, the records sought, and the public interest.

(d) If a request is denied, a brief statement of reasons will be furnished the applicant.

**§ 101-12.101-5 Authentication and attestation of copies; costs.**

The head of the service or staff office whose records are involved, or his superiors, or if the records are in a GSA regional office, the head of the regional service or staff office concerned, or his superiors, are authorized to authenticate and attest, for and in the name of the Administrator of General Services, copies or reproductions of GSA current records. Such copies or reproductions will be furnished in appropriate cases upon payment of costs.

**§ 101-12.101-6 Service of subpoena or other legal demand; compliance.**

(a) A subpoena duces tecum or other legal demand for the production of current records of GSA may be served on the Administrator of General Services or the head of the service or staff office whose records are involved, or if such records are in a GSA regional office, on the Regional Administrator or the head of the regional service or staff office concerned.

(b) Such served official will, so far as legally practicable, comply with the subpoena or demand by submitting authenticated copies of the records, or the original records if necessary, unless he or the Administrator of General Services determines that disclosure of the information contained therein is contrary to law, Executive order, or other governing restriction or would prejudice the national interest or security.

(c) When such subpoena or demand is served on any other officer or employee of GSA, except the General Counsel or Regional Counsel, he will, unless otherwise directed by the Administrator, respectfully decline to produce such records on the ground that he is without authority under this Part 101-12 to do so.

(d) The General Counsel and, with respect to records in a GSA regional office, the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this section.



# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Amdt. 11 (Rev. 2)]

## PART 107—SMALL BUSINESS INVESTMENT COMPANIES

### Miscellaneous Amendments

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754, and amended in 28 F.R. 681, 1627, 3021, 10868, 12250 and 29 F.R. 5223, 7144, 10499, 12109, and 29 F.R. 14221, by amending §§ 107.704 and 107.713 and adding a new § 107.650.

*Information and effective date.* On October 17, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14369) concerning (1) the amendment of §§ 107.704 and 107.713 to authorize two or more Licensees whose paid-in capital and paid-in surplus (excluding organizational expenses) do not in the aggregate exceed $800,000 to employ, with prior SBA approval, common general managers, and (2) the addition of a new § 107.650 dealing with commitments.

After due and careful consideration of the comments and expression of views received with respect to these proposals, the Administration has determined to adopt the formal amendments, set forth below, as being in furtherance of the best interest of the SBIC program.

Because of the necessity of promptly applying these amendments to the program authorized under the Small Business Investment Act of 1958, they shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By deleting paragraph (c)(5) of § 107.704, *Activities of Licensee*, in its entirety, and substituting a new paragraph (c)(5). As amended, § 107.704 (c)(5) reads as follows:

**§ 107.704 Activities of Licensee.**

* * * * * * *

(c) * * *

(5) Without the prior written consent of SBA, a Licensee shall not have an officer or a director who at the same time is either an officer or director of any other Licensee, nor shall 10 or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by an officer or director of, or by any party owning or controlling, directly or indirectly, 10 or more percent of the stock of another Licensee, with the following exceptions:

(i) *Attorneys.* An attorney performing legal services for Licensees may serve as secretary or clerk for more than one Licensee; and

(ii) *Common Managers.* Subject to prior SBA approval, two or more Licensees, may employ an individual or a non-Licensee concern to serve as their common general manager. The aggregate paid-in capital and paid-in surplus from private sources of such Licensees shall not exceed $800,000, unless it is demonstrated to the satisfaction of SBA that a greater amount will better serve the interests of the SBIC program. An individual serving as manager shall be deemed an officer of each Licensee for all purposes of SBA Regulations. Notwithstanding the provisions of § 107.708 (b), at least 50 percent of the total amount of joint financing participated in by Licensees under common management during any fiscal year shall consist of loans or equity investments of $150,000 or less.

The revision of §§ 107.704 and 107.713, as finalized in the formal amendments published herewith, incorporates the text of the proposal published on October 17, 1964, with regard to employment of common general managers, except for the following changes: (1) The first sentence of subdivision (ii) of § 107.704(c)(5), which would have restricted applicability of the amendment to two or more Licensees "having paid-in capital and paid-in surplus from private sources aggregating not more than $800,000 (exclusive of organization expense)", has been revised so that the reference to aggregate capitalization has been deleted and, in lieu thereof, a new second sentence has been added: "The aggregate paid-in capital and paid-in surplus from private sources of such Licensees shall not exceed $800,000, unless it is demonstrated to the satisfaction of SBA that a greater amount will better serve the interests of the SBIC program"; and (2) the statement in subdivision (ii) that an individual serving as common manager shall be deemed an officer of each Licensee "for the purposes of these Regulations" has been revised to read, "for all purposes of SBA Regulations".

In several instances, textual changes were necessarily made in proposed § 107.650 and were incorporated as part of the formal amendment, set forth below, regulating commitments; for example, the words "in accordance with the conditions of the commitment" have been added to paragraph (b) of § 107.650 immediately following the phrase "* * * disbursement of the whole or any part thereof to be made on the request of such concern." Paragraph (c) dealing with stock options and warrants issued by a small concern to a Licensee entering into a commitment to provide it with financing, has been revised so that the Licensee's privilege of acquiring options or warrants up to 25 percent of the undisbursed portion of the commitment-obligation is no longer limited to 5-year commitments: "Where a Licensee enters into a commitment to provide financing to a small business concern, and the financing agreement calls for the issuance of stock options or warrants, it shall be lawful for the Licensee to acquire such stock options or warrants on or after the date of the commitment (1) up to the full amount of any funds disbursed and (2) up to 25 percent of the undisbursed portion of any commitment obligation. Such 25 percent amount shall, for the purposes of § 107.501(k), be deemed to constitute equity capital provided by the Licensee."

The proposed employment agreement submitted for SBA approval shall set forth relevant particulars pertaining to the identity and qualifications of the manager, the basis of compensation, effective period of employment, and such other factors bearing on the transaction as may assist SBA in determining whether approval would be consonant with the purposes of the Act. The agreement shall include adequate provision requiring the manager to refer each potential loan or investment to all Licensees of the group and afford them equal opportunity to participate in or otherwise provide the necessary financing.

2. By adding a new § 107.650 reading as follows:

**§ 107.650 Commitments.**

(a) *General.* A Licensee is authorized to enter into a loan commitment or a commitment to furnish equity financing to a small business concern. A reasonable commitment fee may be charged.

(b) *Repayment period as to funds advanced pursuant to 5-year commitment.* Where a Licensee enters into a 5-year commitment to finance an eligible small business concern up to a stipulated maximum amount, disbursement of the whole or any part thereof to be made on the request of such concern in accordance with the conditions of the commitment, it shall be lawful (notwithstanding the maturity provisions of §§ 107.501 and 107.601) to provide for repayment as follows:

(1) Any funds advanced during the first two years may have a common maturity date coinciding with the termination date of the commitment; and

(2) Any funds subsequently advanced during the commitment period may be for a period of three years from respective dates of disbursement.

Repayment of each advance made shall not be required at an annual average rate in excess of the principal amount thereof divided by the number of years of the applicable repayment period.

(c) *Stock options and warrants.* Where a Licensee enters into a commitment to provide financing to a small business concern, and the financing agreement calls for the issuance of stock options or warrants, it shall be lawful for the Licensee to acquire such stock options or warrants on or after the date of the commitment: (1) Up to the full amount of any funds disbursed and (2) up to 25 percent of the undisbursed portion of any commitment obligation. Such 25 percent amount shall, for the purposes of § 107.501(k), be deemed to constitute equity capital provided by the Licensee.

3. By deleting § 107.713 in its entirety and substituting a new § 107.713. As amended, § 107.713 reads as follows:

§ 107.713 **Common Tenancy.**

(a) **A Licensee shall not establish or maintain an office or place of doing business which is located in the same physical premises or place of business of any other Licensee. A Licensee shall not have a common private entrance or a private connecting door or entrance with any other Licensee. Nothing contained herein shall prevent two or more Licensees from occupying space in the same office building.**

(b) **Licensees employing a common general manager pursuant to § 107.704 (c) (5) may apply to SBA for an exemption from the provisions of this section.**

Dated: December 4, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64-12626; Filed, Dec. 7, 1964; 10:18 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-859]

## PART 13—PROHIBITED TRADE PRACTICES

### American Education Society, Inc., and Noel N. Marder

Subpart—Advertising falsely or misleadingly: § *13.15 Business status, advantages, or connections:* 13.15–125 Individual being corporation: 13.15–125(m) Educational or research institution; 13.15–235 Producer status of dealer: 13.15–235 (p) Publisher, printer, etc. Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § *13.1450 Individual or private business as educational, religious;* § *13.1530 Producer status of dealer:* Misrepresenting oneself and goods—Goods: § *13.1663 Individual's special selection or situation;* § *13.1740 Scientific or other relevant facts:* § *13.1747 Special or limited offers;* § *13.1757 Surveys.* Misrepresenting oneself and goods—Prices: § *13.1825 Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Education Society, Inc., et al., Yonkers, N.Y., Docket C-859, Nov. 19, 1964]

Consent order requiring Yonkers, N.Y., sellers of books including the "Universal World Reference Encyclopedia" through door-to-door salesmen whom they supplied with printed sales presentations for use in soliciting purchase of their books by church members whose names were obtained under their "Church Lead" program, to cease making to such prospects, through their said sales representatives such false claims as that the salesmen were calling at the suggestion of the pastor or other church representative or organization, that they were conducting a survey, that prospects were specially selected, that prices at which books were offered were special introductory or reduced, that college scholarships were available to purchasers of books, that they donated monies to the establishment of such scholarships, and that they were publishers of the books they offered; and to cease representing falsely by use of their corporate name or otherwise, that they were a society of educators.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent American Education Society, Inc., a corporation, and its officers, and respondent Noel N. Marder, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of encyclopedias or other books or publications, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the respondents' sales representatives are calling on prospective customers at the suggestion, recommendation, instructions or under other sponsorship of the prospective customer's pastor or any other person or organization, other than respondents unless respondents establish that such is the fact, and, in immediate conjunction with any representation respecting pastoral or other ascribed suggestion, recommendation, instruction, sponsorship, a full, truthful and nondeceptive disclosure is made to prospective purchasers of the amount and type of any consideration theretofore and thereafter to be accorded for such suggestion, recommendation, instruction or sponsorship.

2. That respondents' sales representatives or sales agents or employees are engaged in conducting a survey or research or that the purpose of the call or interview by respondents' sales representatives or sales agents relates to other than the sale of books, merchandise or services; or that any other of respondents' representatives or agents are engaged in conducting a survey or research unless respondents establish that such is the fact.

3. That respondents are publishers of the Universal World Reference Encyclopedia; or representing, directly or by implication, that respondents are publishers of, or have compiled or prepared, any other book or publication offered for sale by them unless respondents establish that such is the fact.

4. That prospective purchasers of respondents' merchandise have been specially selected: *Provided, however,* That nothing herein shall prohibit respondents from making a full truthful and nondeceptive statement of the reasons why such prospect is being solicited and stating when such is the case, that a prospect's name was obtained from a designated person or organization and that respondents' sales solicitation has been inspired by information respecting the prospect's race and his financial ability to purchase respondents' merchandise.

5. That any price at which respondents' books are offered for sale is a special introductory price or a reduced price, unless respondents establish that it is less than the price to which the respondents in good faith expected to increase the price at a later date; or that the price at which the books are offered for sale is a price which is lower than the genuine former price at which the said books were actually sold; or is lower than the bona fide price at which the said books were offered to the public on a regular basis for a substantial period of time.

6. That respondents or respondents' agents, representatives or employees are representatives of, or are sent to call on prospective customers by, or are offering respondents' books pursuant to the suggestion of, the "Council of Christian Education".

7. That scholarship funds and scholarship programs have been established in the churches of prospective customers, or that by purchasing respondents' books, the children of the prospect or other children will be able to secure a college education, unless respondents establish that such is the fact.

8. That respondents donate to scholarship funds and scholarship programs the monies which they would otherwise expend in advertising and promoting their books; and

*It is further ordered,* That respondent American Education Society, Inc., a corporation, and its officers, and respondent Noel N. Marder, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of encyclopedias or other books or publications, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the corporate name "American Education Society, Inc." or any other name of similar import to designate or refer to respondents' business, or otherwise representing that their business is a society of educators.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 19, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64-12499; Filed, Dec. 7, 1964; 8:46 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3475]

[Kalispell 04865]

[69356]

### MONTANA

### Restoring Land to Tribal Ownership of Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation

Whereas, pursuant to authority contained in the Act of June 21, 1906 (34 Stat. 354), certain townsites and villa sites were established within the Flathead Indian Reservation, Montana, and

Whereas, the records show that no disposition has been made of Lot 3, Block 19, Townsite of Camas, and

Whereas, the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the land to tribal ownership,

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the Act of June 18, 1934 (48 Stat. 984), I hereby find that restoration to tribal ownership of the above-described townsite lot will be in the public interest and the said lot is hereby restored to tribal ownership for the use and benefit of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, Montana, and is added to and made a part of the existing reservation, subject to any valid existing rights.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12504; Filed, Dec. 7, 1964; 8:46 a.m.]

[Public Land Order 3476]

[Idaho 015369]

### IDAHO

### Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of June 22, 1915, withdrawing lands for the Boise Project, is hereby revoked so far as it affects the following-described land:

BOISE MERIDIAN

T. 2 N., R. 3 W.,
Sec. 17, SE¼NW¼SE¼ and NE¼SW¼SE¼.

The area described contains 20 acres.

2. The land is situated about 4 miles south of Deer Flat Reservoir (Lake Powell). It is steep and rough, with a minor area more gentle in relief composed of stream bed alluvium. The tract is about 1½ miles above the Mora Canal.

3. Until 10 a.m. on June 3, 1965, the State of Idaho shall have a preferred right of application to select the land as provided by R.S. 2276, as amended (43 U.S.C. 852). On and after that date and hour the land shall become subject to application, petition and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State received at or prior to 10 a.m. on June 3, 1965, shall be considered as simultaneously filed at that time. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The land has been open to applications and offers under the mineral leasing laws. It will be open to location under the United States mining laws at 10 a.m. on June 3, 1965.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, JR.
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12505; Filed, Dec. 7, 1964; 8:46 a.m.]

[Public Land Order 3477]

[Sacramento 076612]

### CALIFORNIA

### Withdrawal for National Forest Recreation Sites

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following-described national forest lands in the Toiyabe National Forest are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

GREEN CREEK RECREATION AREA

T. 3 N., R. 24 E.,
Sec. 12, S½SE¼SE¼.

BUCKEYE CAMPGROUND

T. 4 N., R. 24 E.,
Sec. 4, S½ lot 2, SW¼NE¼;
Sec. 5, S½ lot 1, S½ lot 2, SE¼NE¼.

ROBINSON CREEK—TWIN LAKES RECREATION AREA

T. 4 N., R. 24 E.,
Sec. 15, S½NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, NW¼SE¼NW¼, W½NW¼SW¼;
Sec. 21, E½E½E½;
Sec. 22, NW¼NW¼, W½SW¼NW¼, W½NW¼SW¼;
Sec. 28, E½E½NE¼, NE¼SE¼.

VIRGINIA CREEK RECREATION AREA

T. 2 N., R. 25 E.,
Sec. 4, lot 2, lot 3, SW¼NW¼, N½SE¼NW¼, N½NW¼SW¼, SW¼NW¼SW¼;
Sec. 5, NE¼NE¼SW¼, S½NE¼SW¼, SE¼SW¼, N½SE¼, N½S½SE¼;
Sec. 7, NE¼SE¼NW¼.
T. 3 N., R. 25 E.,
Sec. 33, S½SW¼SE¼, SE¼SE¼.

The areas described total 908.98 acres.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12506; Filed, Dec. 7, 1964; 8:46 a.m.]

[Public Land Order 3478]

[Colorado 096885]

### COLORADO

### Withdrawal for Reclamation Uses; Colorado-Big Thompson Project; Partly Revoking Public Land Order No. 3359

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws including the mining laws, and reserved for use by the Bureau of Reclamation in connection with the Green Mountain afterbay and dam of the Colorado-Big Thompson Project:

SIXTH PRINCIPAL MERIDIAN

T. 2 S., R. 80 W.
Sec. 3, W½SW¼.

Containing 80 acres.

2. The lands shall be administered by the Bureau of Land Management until such time as they or any portion thereof are needed for project works or irrigation purposes.

3. Public Land Order No. 3359 of April 2, 1964, withdrawing lands for subject project is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 2 S., R. 80 W.
Sec. 3, E½SW¼.

Containing 80 acres.

4. The land described in paragraph 3 is withdrawn for water power purposes. At 10:00 a.m. on January 7, 1965 it will be subject to location under the Mining Laws, subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

5. Neither this order nor Public Land Order No. 3359 affects the leasability of the lands under the mineral leasing laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12507; Filed, Dec. 7, 1964; 8:46 a.m.]

[Public Land Order 3479]

[Montana 064832 (N.D.)]

## NORTH DAKOTA

### Partly Revoking Certain Reclamation Withdrawals (Lower Yellowstone Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental orders of August 24, 1903, and July 27, 1908, which withdrew lands for reclamation purposes are hereby revoked so far as they affect the following-described lands:

FIFTH PRINCIPAL MERIDIAN

T. 152 N., R. 104 W.
Sec. 27, lot 5, SE¼NW¼, NE¼SW¼ and NW¼SE¼.

Containing 155.30 acres.

The lands are included in an allowed homestead entry.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12508; Filed, Dec. 7, 1964; 8:46 a.m.]

[Public Land Order 3480]

[Utah 069197]

## UTAH

### Withdrawal for National Forest Administrative Sites and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

UINTAH NATIONAL FOREST

SALT LAKE MERIDIAN

*Balsam Campground*

T. 7 S., R. 5 E. (Unsurveyed),
A tract of land containing 11.82 acres which when surveyed will probably be Sec. 20, SW¼NE¼, S½NW¼, and NW¼SE¼.

*Birch Campground*

T. 7 S., R. 4 E.,
Sec. 26, N½SW¼NW¼, and SW¼SW¼NW¼;
Sec. 27, SE¼SE¼NE¼.

*Cherry Picnic Area*

T. 7 S., R. 4 E.,
Sec. 34, E½E½SW¼NW¼, and all of lot 3 except S½.

*Hobble Creek Administrative Site*

T. 7 S., R. 4 E.,
Sec. 34, E½SW¼SW¼NW¼ and W½SE¼SW¼NW¼.

*Mill Hollow Administrative Site*

T. 4 S., R. 8 E.,
Sec. 6, SW¼NE¼SE¼SW¼, S½NW¼SE¼SW¼, SW¼SE¼SW¼, and NW¼SE¼SE¼SW¼.

*Sulphur Campground*

T. 7 S., R. 4 E.,
Sec. 27, SW¼SE¼NE¼ and SE¼SW¼NE¼ (part of lot 1).

ASHLEY NATIONAL FOREST

UINTAH SPECIAL MERIDIAN

SOUTH FORK RECREATION AREA

T. 2 N., R. 7 W.,
Sec. 20, S½NE¼SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 21, SW¼NW¼SW¼ and W½SW¼SW¼.

The areas described total approximately 230 acres.

2. The withdrawal for the South Fork Recreation Area made by this order shall be subject to the condition that in the event the land is required for reclamation purposes any improvements or structures placed thereon which shall be found to interfere with such purposes shall be removed or relocated at no cost to the Department of the Interior.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12509; Filed, Dec. 7, 1964; 8:46 a.m.]

[Public Land Order 3481]

[Sacramento 076310]

## CALIFORNIA

### Withdrawal for National Forest Scenic Roadside Zone

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights the following described lands in the Modoc National Forest are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

A strip of land 150 feet wide on each side of the centerline of Forest Service Road No. 44N-22-1 and 44N-22-A through the following legal subdivisions:

T. 44 N., R. 5 E.,
Sec. 2, SE¼SW¼ and SW¼SE¼;
Sec. 6, lots 4, 5, SE¼NW¼ and E½SW¼;
Sec. 7, W½NE¼, NE¼NW¼, E½SE¼, and NW¼SE¼;
Sec. 8, S½SW¼, E½SE¼, and SW¼SE¼;
Sec. 9, N½SW¼, SW¼SW¼, and SE¼;
Sec. 10, S½NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 11, N½N½;
Sec. 12, NE¼, N½NW¼, and SE¼NW¼.
T. 44 N., R. 6 E.,
Sec. 7, lots 2, 3, E½SW¼, SW¼SE¼;
Sec. 17, S½NW¼, N½SW¼, NW¼SE¼, and S½SE¼;
Sec. 18, N½NE¼ and SE¼NE¼.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12510; Filed, Dec. 7, 1964; 8:46 a.m.]

[Public Land Order 3482]

[BLM 079468]

## ARKANSAS

### Withdrawal for National Forest Scenic and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands in the Ouachita National Forest are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

FIFTH PRINCIPAL MERIDIAN

T. 1 S., R. 30 W.,
Sec. 31, W½SE¼, E½SW¼, Frl. SW¼SW¼ SW¼, Frl. SW¼NE¼NW¼, Frl. N½ NW¼NW¼.
T. 1 S., R. 31 W.,
Sec. 7, S½N½SE¼, NE¼SW¼, Frl. SW¼ SW¼NW¼.
T. 1 S., R. 31 W.,
Sec. 8, SW¼NW¼SW¼, SW¼SW¼;
Sec. 15, SW¼SE¼, S½SW¼, SW¼NE¼ SW¼;
Sec. 17, N½S½NW¼;
Sec. 18, NE¼NE¼, Frl. N½NW¼NW¼;
Sec. 22, NE¼, NE¼SE¼, NE¼NW¼, NE¼SE¼NW¼, NE¼NW¼NW¼;
Sec. 23, SE¼, N½SW¼, N½S½SW¼, S½ S½NW¼;
Sec. 25, SE¼, SW¼SE¼NE¼, NW¼, SW¼ NE¼, NE¼SW¼, NE¼NW¼SW¼;
Sec. 26, N½SE¼NE¼, NE¼NE¼, NE¼ NW¼NE¼;
Sec. 36, E½NE¼, E½NW¼NE¼.
T. 1 S., R. 32 W.,
Sec. 7, N½NE¼, Frl. N½NW¼;
Sec. 8, S½NE¼, N½S½NW¼, NW¼NE¼;
Sec. 10, N½N½SE¼;
Sec. 11, S½S½NW¼NW¼.
T. 2 S., R. 30 W.,
Sec. 6, Frl. E½NE¼NW¼.

The areas described aggregate 2104.54 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12511; Filed, Dec. 7, 1964; 8:47 a.m.]



[Public Land Order 3483]

[Wyoming 0308959]

## WYOMING

### Revoking Addition to Stock Driveway Withdrawal No. 78

By virtue of the authority vested in the Secretary of the Interior by section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental Order of March 29, 1948, which withdrew the following-described land for addition to Stock Driveway Withdrawal No. 78, Wyoming No. 11, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 12 N., R. 117 W.,
Sec. 8.

Containing 640 acres.

2. The land is situated in the south-central portion of Uinta County, western Wyoming. Topography ranges from steep and broken at the lower elevations, to rugged and mountainous at the higher elevations. Vegetative cover is characterized by big sagebrush-grassland associations at the lower levels, and aspen-lodgepole associations in the higher areas.

3. Until 10:00 a.m., on June 3, 1965, the State of Wyoming shall have a preferred right of application to select the land as provided by section 2276(c) of the Revised Statutes as amended by section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852(c)). On and after that date and hour the land shall become subject to application, petition, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirement of applicable law. All valid applications except preference right applications from the State received at or prior to 10 a.m. on June 3, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The land has been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the regulations in 43 CFR 2400.3 (formerly 43 CFR 185.35).

5. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their application setting forth all facts relevant to their claims.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12512; Filed, Dec. 7, 1964; 8:47 a.m.]



[Public Land Order 3484]

[Sacramento 068417]

## CALIFORNIA

### Withdrawal for National Forest Roadside Zone

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands in the Tahoe National Forest, are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

A strip of land 200 feet on each side of the centerline of California Highway 49 through the following legal subdivisions:

T. 18 N., R. 8 E.,
Sec. 2, SE¼NW¼;
Sec. 11, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 15, E½NW¼;
Sec. 22, E½ lot 1, lots 15 and 16;
Sec. 28, NE¼NE¼, SW¼NE¼, N½SE¼NE¼, N½SW¼SE¼NE¼, SE¼SW¼SE¼NE¼, SE¼SE¼NE¼, W½NW¼SE¼, N½SW¼SE¼, and SE¼SW¼SE¼.
T. 19 N., R. 8 E.,
Sec. 24, SE¼SW¼SW¼;
Sec. 25, NW¼NW¼ and SW¼SW¼;
Sec. 26, NE¼NE¼;
Sec. 35, SE¼NE¼ and E½SE¼.

The areas described aggregate approximately 210 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12513; Filed, Dec. 7, 1964; 8:47 a.m.]

[Public Land Order 3485]

[Nevada 059256]

## NEVADA

### Correcting Public Land Order No. 3447 of September 23, 1964

Public Land Order No. 3447 of September 23, 1964, appearing as Federal Register Document No. 64-9809 (29 F.R. 13426) in the issue of September 29, 1964, is hereby corrected as follows:

a. The description "T. 26, R. 63 E.," is corrected to read "T. 26 S., R. 63 E.,".

b. The description "SW¼NW¼NE¼ NE¼S½N½NW¼NE¼" is corrected to read "SW¼NW¼NE¼NE¼, S½N½ NW¼NE¼".

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12514; Filed, Dec. 7, 1964; 8:47 a.m.]

[Public Land Order 3487]

[Sacramento 076428]

## CALIFORNIA

### Powersite Restoration No. 605; Powersite Cancellation No. 193; Partial Revocation of Powersite Reserve No. 329, and Powersite Classification No. 295 (Projects No. 32 and 2079)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-1015-California, it is ordered as follows:

1. The Executive Order of December 31, 1912, and the Departmental Order of May 29, 1936, establishing Powersite Reserve No. 329 and Powersite Classification No. 295, respectively, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 12 E.,
Sec. 12, SW¼SE¼;
Sec. 14, SE¼NE¼, E½SW¼, and W½SE¼.
T. 11 N., R. 13 E.,
Sec. 4, lots 11 and 12;
Sec. 5, lots 10, 11, 14, 15, and E½SE¼;
Sec. 7, lots 5, 6, 10, 11, and 12.
T. 12 N., R. 13 E.,
Sec. 25, NE¼SE¼ and S½SE¼;
Sec. 28, NW¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 29, NE¼SE¼;
Sec. 32, SE¼SE¼;
Sec. 34, N½ and N½S½;
Sec. 35, N½.
T. 11 N., R. 14 E.,
Sec. 1, E½SW¼ and S½SE¼;
Sec. 2, E½W½, NW¼NW¼, and SW¼SW¼;
Sec. 11, NW¼NE¼.
T. 12 N., R. 14 E.,
Sec. 27, NE¼SW¼, S½SE¼, and NW¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, SW¼SW¼.
T. 11 N., R. 15 E.,
Sec. 6, SE¼SW¼.

The areas described, including both nonpublic and national forest lands in the Eldorado National Forest aggregate 2,856.69 acres, of which the S½SE¼, sec.

25, T. 12 N., R. 13 E.; the E½SW¼ and S½SE¼, sec. 1, T. 11 N., R. 14 E., and the SE¼SW¼, sec. 6, T. 11 N., R. 15 E., are the nonpublic lands.

2. At 10 a.m. on January 7, 1965, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

In DA–1015–California, the Federal Power Commission vacated the withdrawals created pursuant to the filing of applications for preliminary permits for Projects Nos. 32 and 2079, so far as they affect the lands described in paragraph 1 above.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64–12516; Filed, Dec. 7, 1964; 8:47 a.m.]

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[Public Land Order 3486]

[Fairbanks 031015]

## ALASKA

### Partly Revoking Executive Order of March 4, 1930

By virtue of the authority contained in the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. Executive Order No. 5289 of March 4, 1930, withdrawing lands in Alaska for educational purposes, is hereby revoked so far as it affects the following-described lands:

KOKRINES

U.S. SURVEY 2033

Containing 4.6 acres.

PILOT STATION

U.S. SURVEY 2041

Containing 3.64 acres.

2. Until 10:00 a.m. on March 4, 1965, the State of Alaska shall have a preferred right to select the land as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9.

3. This order shall not otherwise become effective to change the status of the land until after 10:00 a.m. on March 4, 1965. After that time the land shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference rights applications from the State, received at or prior to 10:00 a.m. on March 4, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64–12515; Filed, Dec. 7, 1964; 8:47 a.m.]

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[Public Land Order 3488]

[Sacramento 077193]

## CALIFORNIA

### Partly Revoking Reclamation Withdrawal, American River Investigations

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental order of September 14, 1942, withdrawing lands for reclamation purposes in connection with American River Investigations, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 10 E.,
Sec. 22, NW¼SE¼ and SW¼;
Sec. 25, SW¼.

The areas described aggregate approximately 360 acres.

All of the lands described in sec. 22 are withdrawn for power purposes. Some of the lands in sec. 25 are patented and the remainder were restored from power withdrawals subject to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

The SW¼ of sec. 22 is included in a project operating under a license issued under the Federal Power Act and is therefore affected by the third proviso to section 2 of the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621), as amended.

2. Until 10:00 a.m. on June 3, 1965, the State of California shall have a preferred right of application to select the public lands in sec. 25 described in paragraph 1 of this order, as provided by Rev. Stat. 2276, as amended (43 U.S.C. 852). On and after that date and hour the lands shall become subject to application, petition, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the State, received at or prior to 10:00 a.m. on June 3, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The public lands have been open to applications and offers under the mineral leasing laws. The pubic lands in sec. 25 and NW¼SE¼ of sec. 22 will be open to location under the United States mining laws at 10:00 a.m. on June 3, 1965.

4. Any disposal of the lands described in paragraph 1 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Sacramento, Calif.

JOHN A. CARVER, Jr.
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64–12517; Filed, Dec. 7, 1964; 8:47 a.m.]

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[Public Land Order 3489]

[Idaho 014845]

## IDAHO

### Entirely Revoking Air Navigation Site Withdrawals No. 106 and No. 214

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental order of July 29, 1936, establishing Air Navigation Site Withdrawal No. 106, to the extent it was not revoked by Public Land Order No. 29 of August 14, 1942, and the Departmental order of December 30, 1943, establishing Air Navigation Site Withdrawal No. 214, are hereby revoked. The lands affected are described as follows:

BOISE MERIDIAN

Air Navigation Site No. 106:
T. 5 S., R. 9 E.,
Sec. 26, SW¼SE¼SE¼NW¼ and SE¼SW¼SE¼NW¼.
Air Navigation Site No. 214:
T. 4 S., R. 4 E.,
Sec. 11, W½NW¼NE¼.
T. 4 S., R. 5 E.,
Sec. 19, NE¼NE¼SE¼.

The areas described aggregate approximately 35 acres, of which the W½NW¼NE¼, sec. 11, T. 4 S., R. 4 E., containing 20 acres, remains withdrawn for reclamation purposes in connection with the Mountain Home Project.

2. Until 10:00 a.m. on June 3, 1965, the State of Idaho shall have a preferred right of application to select the above-described lands which are not withdrawn for reclamation purposes, as provided by R.S. 2276, as amended (43 U.S.C. 852). On and after that date and hour such non-reclamation lands shall become subject to application, petition, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference-right applications from the State received at or prior to 10:00 a.m. on June 3, 1965, shall be considered as simultaneously filed at that time.

3. All the above-described lands have been open to applications and offers under the mineral leasing laws. The nonreclamation lands will be open to location under the United States mining laws at 10:00 a.m. on June 3, 1965.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64–12518; Filed, Dec. 7, 1964; 8:47 a.m.]

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[Public Land Order 3490]

[Sacramento 076331]

## CALIFORNIA

### Withdrawal for National Forest and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

ROGUE RIVER NATIONAL FOREST

*Stateline Campground*

T. 48 N., R. 11 W.,
Sec. 17, lots 3 and 4.

*Lick Gulch Campground*

T. 48 N., R. 11 W.,
Sec. 19, E½SE¼NE¼ and NE¼ NE¼ SE¼.

*Elliot Creek Campground*

T. 48 N., R. 11 W.,
Sec. 22, S½NW¼NE¼ and NW¼SW¼ NE¼.

The areas described aggregate approximately 128 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64–12519; Filed, Dec. 7, 1964; 8:47 a.m.]

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[Public Land Order 3491]

[Utah 0115839]

## UTAH

### Withdrawal for Forest Service Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Ashley National Forest, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as campgrounds, overlooks, and picnic grounds, as indicated:

SALT LAKE MERIDIAN

CARMEL, MOENKOPI, AND NAVAJO CLIFFS CAMPGROUNDS

T. 2 N., R. 19 E.,
Sec. 1, SW 10 acres of lot 7, NE¼SW¼SW¼, W½SE¼SW¼, and SE¼SE¼SW¼;
Sec. 12, lot 1 and North 20 acres of lot 2.

BROWNE LAKE CAMPGROUND

T. 2 N., R. 19 E.
Sec. 32, NE¼SW¼SW¼ and NW¼SE¼SW¼.

FLAMING GORGE OVERLOOK AND PICNIC GROUND

T. 2 N., R. 20 E.,
Sec. 4, SE¼NE¼.

CANYON GLEN PICNIC GROUND

T. 2 N., R. 22 E.,
Sec. 3, SW¼SW¼NW¼ and NW¼NW¼SW¼.

MUSTANG RIDGE CAMPGROUND

T. 2 N., R. 22 E.,
Sec. 9, S½NE¼ and E½SE¼NW¼.

PINE GROVE CAMPGROUND AND OVERLOOK

T. 2 N., R. 22 E.,
Sec. 13, SW¼SW¼ and W½SE¼SW¼.
Sec. 24, lots 1 and 2.

CEDAR SPRINGS CAMPGROUND

T. 2 N., R. 22 E.,
Sec. 16, S½SW¼NW¼ and N½NW¼SW¼.

DEER RUN CAMPGROUND

T. 2 N., R. 22 E.,
Sec. 16, S½SW¼NW¼ and N½NW¼SW¼.

HIDEAWAY CAMPGROUND

T. 2 N., R. 22 E.,
Sec. 21, S½SW¼NE¼ and NW¼NW¼SE¼.

GREENDALE CAMPGROUND

T. 2 N., R. 22 E.,
Sec. 29, West 20 acres of lot 5 and NE¼SE¼NW¼.

DRIPPING SPRINGS CAMPGROUND

T. 2 N., R 23 E.,
Sec. 8, SW¼NE¼SW¼, NW¼NW¼SW¼, S½NW¼SW¼, NE¼SW¼SW¼ and NW¼SE¼SW¼.

LITTLE HOLE CAMPGROUND

T. 2 N., R. 23 E.,
Sec. 15, lots 3, 4 and E½NW¼NW¼.

The areas described aggregate 672.46 acres.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64–12520; Filed, Dec. 7, 1964; 8:48 a.m.]

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[Public Land Order 3492]

## ALASKA

### Withdrawing Public Lands for Use of the Bureau of Indian Affairs for School Purposes

By virtue of the authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for use of the Bureau of Indian Affairs, Department of the Interior, for school purposes, as indicated:

[Fairbanks 031591]

YUKON DELTA AREA

ALAKANUK SCHOOL RESERVE

U.S. Survey 4092, Unapproved, lot 1.

Containing 6.63 acres.

[Fairbanks 031602]

YUKON DELTA AREA

EMMONAK SCHOOL RESERVE

U.S. Survey 4095, Unapproved.

Containing 5.19 acres.

[Fairbanks 031605]

BAIRD INLET AREA

NEWKTOK SCHOOL RESERVE

U.S. Survey 4042, Unapproved.

Containing 6.27 acres.

The areas described aggregate 18.09 acres.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64–12521; Filed, Dec. 7, 1964; 8:48 a.m.]



# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 2—RULES OF PRACTICE

### Review of Initial Decisions in Facility Licensing Cases

*Statement of considerations.* On October 21, 1964, the Atomic Energy Commission published for public comment (29 F.R. 14442) a proposed amendment of 10 CFR Part 2, Rules of Practice, to extend from the present period of thirty days to a period of forty-five days the time within which the Commission may review on its own motion initial decisions in facility licensing cases, including decisions which grant or amend construction permits or operating licenses under 10 CFR Part 50 and construction or operating authorizations under 10 CFR Part 115. The Commission has directed that the amendments be made effective.

The following rule is published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

1. 10 CFR § 2.760(a) is amended to read as follows:

**§ 2.760 Initial decision and its effect.**

(a) After hearing, the presiding officer will render an initial decision which will constitute the final action of the Commission forty-five days after its date when it authorizes the issuance or amendment of a license for a facility, or thirty days after its date in any other case, unless a timely petition for review is filed or the Commission directs that the record be certified to it for final decision.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 2d day of December 1964.

For the Atomic Energy Commission.

W. B. MCCOOL,
*Secretary to the Commission.*

[F.R. Doc. 64–12599; Filed, Dec. 7, 1964; 8:49 a.m.]

# Title 44—PUBLIC PROPERTY AND WORKS

## Chapter I—General Services Administration

### SUBCHAPTER A—ARCHIVES AND RECORDS MANAGEMENT

### TRANSFER OF REGULATIONS

The regulations published in Subchapter A of Title 44 are transferred, with new material, to a new Subchapter B, Chapter 101 of Title 41, appearing in this issue of the FEDERAL REGISTER.

Therefore, Subchapter A (Parts 1–7) of Title 44 is hereby deleted.

*Effective date.* This deletion is effective December 22, 1964.

Dated: November 30, 1964.

LAWSON B. KNOTT, Jr.,
*Acting Administrator of General Services.*

[F.R. Doc. 64–12414; Filed, Dec. 7, 1964; 8:45 a.m.]

## Chapter VII—Office of the Administrator, Housing and Home Finance Agency (Community Facilities)

### NONDISCRIMINATION IN CERTAIN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

CROSS REFERENCE: For Housing and Home Finance Administrator's regulations relating to nondiscrimination in certain Federally assisted programs and activities administered within the Housing and Home Finance Agency, to effectuate title VI of the Civil Rights Act of 1964, see 24 CFR, Subtitle A, Part 1 (29 F.R. 16280, December 4, 1964).

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 971 ]

### LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

### Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment for the fiscal period ending July 31, 1965, and the amended expenses for the fiscal period ending July 31, 1964, hereinafter set forth, which were recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971), herein referred to collectively as the order. The order regulates the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 971.205 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1964, through July 31, 1965, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $16,975.00.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one cent ($0.01) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

§ 971.204 **Expenses amended.**

(a) The reasonable expenses incurred by the South Texas Lettuce Committee enabling such committee to perform its functions during the fiscal period ended July 31, 1964, amounted to $16,869.82. The budget for such fiscal period shall be and is hereby amended, pursuant to § 971.42(c), and the recommendations of the committee, to approve expenses for $16,869.82. No change in the rate of assessment is necessary.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: December 3, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12546; Filed, Dec. 7, 1964; 8:49 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63–SW–57]

### CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Big Spring, Tex., terminal area.

The following controlled airspace is presently designated in the Big Spring, Tex., terminal area:

1. The Big Spring, Tex., control zone is designated as that airspace within a 5-mile radius of Webb AFB, Big Spring, Tex. (latitude 32°12′53″ N., longitude 101°31′25″ W.); within 2 miles either side of the 251° bearing from the Big Spring RBN extending from the 5-mile radius zone to 10 miles W of the RBN, and within 2 miles either side of the Big Spring VOR 191° radial extending from the 5-mile radius zone to the VOR.

2. The Big Spring, Tex., control area extension is designated as that airspace within a 35-mile radius of the Big Spring VOR; the airspace NW of Big Spring bounded on the NE by V–76 N and on the W by V–81 and V–76; including the airspace N of Big Spring within 12 miles W and 12 miles E of the Webb AFB TACAN 014° radial extending from the 35-mile radius area to 61 miles N of the TACAN. The portion of this control area extension which coincides with R–6309 shall be used only after obtaining prior approval from the appropriate authority.

3. The Abilene, Tex., control area extension is designated as that airspace within a 35-mile radius of the Abilene VOR, the airspace N of Abilene bounded on the E by V–77, on the N by V–278 E of Guthrie, Tex., VOR and V–102 W of Guthrie VOR, on the SW by a line 5 miles NE of the Lubbock VOR 101° and the Abilene VOR 327° radials; the airspace NW of Abilene within 8 miles W of the Abilene VOR 344° radial extending from the VOR to 46 miles NW, the airspace SE, S and SW of Abilene bounded on the N by V–94, on the E by V–163, on the S by V–76 N and on the SW by V–76, excluding the portion that coincides with the arc of a 35-mile radius circle centered on the San Angelo, Tex., VOR and on the NW by V–66, and including the airspace W of Abilene within 8 miles N and 12 miles S of the Abilene VOR 266° radial extending from the VOR to the arc of a 35-mile radius circle centered on the Big Spring, Tex., VOR.

The Federal Aviation Agency having completed a comprehensive review of the terminal airspace structure requirements in the Big Spring, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. Redesignate the Big Spring control zone as that airspace within a 5-mile radius of Webb AFB, Big Spring, Tex. (latitude 32°12′50″ N., longitude 101°31′25″ W.), within a 5-mile radius of Howard County Airport, Big Spring, Tex. (latitude 32°18′05″ N., longitude 101°26′20″ W.), within 2 miles each side of the Big Spring VOR 191° radial, extending from the 5-mile radius zone to 1 mile S of the VOR, within 2 miles each side of the Big Spring VOR 155° radial, extending from the 3-mile radius zone to the VOR, within 2 miles each side of the Webb TACAN 355° radial, extending from the 5-mile radius zone to 7.5 miles north of the TACAN, and within 2 miles each side of the Webb TACAN 190° radial extending from the 5-mile radius zone to 7.5 miles south of the TACAN.

2. Revoke the Big Spring control area extension.

3. Designate the Big Spring, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°12′55″ N., longitude 101°31′06″ W.; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 33°11′00″ N., longitude 101°07′00″ W.; thence to latitude 33°12′00″ N., longitude 100°35′00″ W.; to latitude 31°-59′30″ N., longitude 100°13′20″ W.; to latitude 31°40′00″ N., longitude 100°-39′30″ W.; to latitude 31°50′00″ N., longitude 101°22′00″ W.; to latitude 31°-39′00″ N., longitude 101°27′20″ W.; to latitude 31°28′40″ N., longitude 100°-59′40″ W.; to latitude 31°28′40″ N., longitude 102°00′00″ W.; thence N via longitude 102°00′00″ W. to and counterclockwise along the arc of a 30-mile radius circle centered on the Midland, Tex., VOR to latitude 31°40′00″ N., longitude 101°52′30″ W.; thence to latitude 31°36′35″ N., longitude 101°47′20″ W.; to latitude 31°37′25″ N., longitude 101°35′15″ W.; to latitude 31°55′00″ N., longitude 101°29′40″ W.; to latitude 32°-36′30″ N., longitude 102°07′20″ W.; to latitude 32°59′00″ N., longitude 102°-43′30″ W., to point of beginning; and that airspace extending upward from 7,500 feet MSL within the area bounded on the N by latitude 31°28′40″ N., on the E by longitude 101°00′00″ W., on the S by latitude 31°00′00″ N., and on the

W by longitude 102°00'00" W.; excluding the portion of the transition area with a floor of 7,500 feet MSL that lies within federal airways.

The proposed alteration of the Big Spring control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at Webb AFB and Howard County Airport.

The proposed 23-mile radius 700-foot floor portion of the Big Spring transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures, including radar procedures, below 1500 feet above the surface outside the proposed control zone. The proposed designation of the 1,200 foot floor portion of the transition area and the revocation of the Big Spring control area extension would raise the floor of controlled airspace from 700 to 1200 feet above the surface beyond the 23-mile radius area, yet would provide adequate protection for aircraft executing prescribed instrument holding, arrival and departure procedures at or above 1500 feet above the surface within the Big Spring terminal area. The portion of the transition area proposed with a floor of 7,500 feet MSL would provide protection for aircraft executing the higher altitude portion of instrument arrival and departure procedures prescribed for Webb AFB.

The floors of the airways and the portion of the Abilene control area extension that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area with the exception of those airways within the 7,500 foot MSL portion. The revocation of the Abilene control area extension will be accomplished at a later date as a part of the CAR Amendments 60–21/60–29 program proposed for the terminal areas which adjoin the Big Spring terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Texas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

These amendments are proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 25, 1964.

PHILLIP M. SWATEK,
*Acting Director,*
*Southwest Region.*

[F.R. Doc. 64–12494; Filed, Dec. 7, 1964; 8:45 a.m.]

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## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63–SW–68]

## CONTROL ZONE, TRANSITION AREAS, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Baton Rouge, La., terminal area.

The following controlled airspace is presently designated in the Baton Rouge, La., terminal area:

1. The Baton Rouge, La., control zone is designated as that airspace within a 5-mile radius of Ryan Airport, Baton Rouge, La. (latitude 30°31'53" N., longitude 91°09'00" W.); within a 3-mile radius of Downtown Airport, Baton Rouge, La. (latitude 30°26'45" N., longitude 91°06'25" W.); within 2 miles either side of the 313° and 133° bearings from the Baton Rouge LOM extending from the Ryan Airport 5-mile radius zone to 10 miles NW and 19 miles SE of the LOM, and within 2 miles either side of the Baton Rouge VOR 071° and 251° radials extending from the Ryan Airport 5-mile radius zone to 10 miles SW of the VOR.

2. The Lafayette, La., control area extension is designated as that airspace bounded on the NE by V–114, on the S by V–20, on the SW by V–20 N and on the NW by V–222.

3. The Woodville, La., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the McComb, Miss., VOR 251° radial, extending from 48 miles to 80 miles SW of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Baton Rouge, La., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. Redesignate the Baton Rouge, La., control zone as that airspace within a 5-mile radius of Ryan Airport, Baton Rouge, La. (latitude 30°31'55" N., longitude 91°09'00" W.); within a 2-mile radius of Downtown Airport, Baton Rouge, La. (latitude 30°26'45" N., longitude 91°06'25" W.); within 2 miles each side of the Baton Rouge ILS localizer SE course extending from the 5-mile radius zone to 6.5 miles SE of Ryan Airport, and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 5-mile radius zone to 1 mile E of the VORTAC.

2. Revoke the Woodville, La., transition area.

3. Revoke the Lafayette, La., control area extension.

4. Designate the Baton Rouge, La., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport, Baton Rouge, La. (latitude 30°31'55" N., longitude 91°09'00" W.); within 2 miles each side of the Baton Rouge ILS localizer SE course extending from the 7-mile radius area to 7.5 miles SE of Ryan Airport, within 5 miles NE and 8 miles SW of the Baton Rouge ILS localizer NW course extending from the OM to 12 miles NW and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°07'40" N., longitude 91°36'45" W.; to latitude 30°46'20" N., longitude 91°50'40" W.; to latitude 30°53'40" N., longitude 91°29'10" W.; to latitude 31°04'00" N., longitude 91°29'20" W.; to latitude 31°04'40" N., longitude 91°14'20" W.; to latitude 30°38'00" N., longitude 90°48'00" W.; to latitude 30°17'00" N., longitude 90°45'00" W.; to latitude 30°13'00" N., longitude 90°57'00" W.; to point of beginning, excluding the portion within the McComb, Miss., transition area.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The proposed alteration to the Baton Rouge control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at Ryan Airport. Due to the proximity of the Downtown Airport to the AL–40–ILS–RWY 31 final approach course for Ryan Airport, the proposed control zone would include a 2-mile radius area of the Downtown airport.

The proposed designation of the 1,200 foot floor portion of the Baton Rouge transition area and the revocation of the Lafayette, La., control area extension would raise the floor of controlled airspace from 700 to 1,200 feet above the surface beyond the immediate vicinity of the Ryan and Downtown Airports, yet sufficient controlled airspace would be retained to provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures within the Baton Rouge terminal area.



Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 25, 1964.

PHILLIP M. SWATEK,
*Acting Director,*
*Southwest Region.*

[F.R. Doc. 64–12495; Filed, Dec. 7, 1964; 8:45 a.m.]

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## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63–SW–114]

## CONTROL ZONE, TRANSITION AREAS, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Texarkana, Ark., terminal area.

The following controlled airspace is presently designated in the Texarkana, Ark., terminal area:

1. The Texarkana, Ark., control zone is designated as that airspace within a 5-mile radius of Texarkana Municipal Airport (latitude 33°27'20" N., longitude 93°59'15" W.), and within 2 miles either side of the Texarkana VORTAC 129° and 309° radials extending from the 5-mile radius zone to 10 miles NW of the VORTAC.

2. The Texarkana, Ark., control area extension is designated as that airspace within 5 miles either side of the Texarkana VORTAC 309° radial, extending from the VORTAC to 15 miles NW.

3. The Tyler, Tex., control area extension is designated as that airspace within a 25-mile radius of the Tyler RBN; the airspace N of Tyler bounded on the N by V–16, on the SE and E by V–289, on the S by a line 13 miles S of and parallel to the centerline of V–94 and on the W by the Dallas, Tex., control area extension; and within 10 miles NE and 7 miles SW of the Tyler ILS localizer SE course extending from the Tyler 25-mile radius area to 34 miles SE of the localizer.

4. The Shreveport, La., control area extension is designated as that airspace bounded by a line beginning on the S boundary of V–278 at longitude 93°29'30" W., thence SE to the S boundary of V–18 at longitude 92°33'00" W., thence E along the S boundary of V–18 to the INT thereof with a line 5 miles SE of and parallel to the Monroe, La., VORTAC 237° radial, thence SW via this line to the INT thereof with V–114, thence NW along V–114 to the INT thereof with V–289, thence N along V–289 to the INT thereof with V–278, thence E along V–278 to the point of beginning.

5. The Dierks, Ark., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Texarkana, Ark., VORTAC 355° radial, extending from 10 miles N to 22 miles S of the INT of the Page, Okla., VOR 144° and the Texarkana VORTAC 355° radials.

6. The Pike, Ark., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 12 miles, SE and 8 miles NW of the Texarkana, Ark., VORTAC 033° radial, extending from 10 miles NE to 22 miles SW of the INT of the Texarkana VORTAC 033° and the El Dorado, Ark., VORTAC 317° radials.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Texarkana, Ark., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. Redesignate the Texarkana, Ark., control zone as that airspace within a 5-mile radius of the Texarkana, Ark., Municipal Airport (latitude 33°27'20" N., longitude 93°59'15" W.); and within 2 miles each side of the 129° radial of the Texarkana VORTAC extending from the 5-mile radius zone to .5 mile southeast of the VORTAC.

2. Revoke the Texarkana, Ark., control area extension.

3. Revoke the Dierks, Ark., transition area.

4. Revoke the Pike, Ark., transition area.

5. Designate the Texarkana, Ark., transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Texarkana VORTAC 129° and 309° radials extending from .5 mile southeast to 8 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°25'00" N., longitude 94°39'30" W.; to latitude 33°49'00" N., longitude 95°18'00" W.; to latitude 33°08'00" N., longitude 95°18'00" W.; to latitude 33°07'00" N., longitude 95°-41'00" W.; to latitude 33°09'00" N., longitude 95°54'00" W.; to latitude 33°-00'00" N., longitude 95°45'00" W.; to latitude 32°43'00" N., longitude 95°39'00" W.; to latitude 32°41'10" N., longitude 95°00'00" W.; to latitude 33°14'00" N., longitude 94°11'00" W.; to latitude 33°-30'00" N., longitude 93°36'00" W.; to latitude 33°22'50" N., longitude 93°02'-30" W.; to latitude 34°17'00" N., longitude 93°26'00" W.; to latitude 34°26'00" N., longitude 93°31'00" W.; to latitude 34°25'00" N., longitude 94°00'00" W.; to point of beginning.

6. Designate the Lone Star, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lone Star Airport (latitude 32°55'40" N., longitude 94°44'50" W.); and within 2 miles each side of the 316° bearing from the Lone Star RBN, extending from the 5-mile radius area to 8 miles NW of the RBN.

The floors of the airways and the portions of the Tyler, Tex., and Shreveport, La., control area extensions that would traverse the transition areas proposed herein would automatically coincide with the floor of the transition areas.

The proposed control zone for Texarkana, Ark., would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Texarkana Municipal Airport.

The proposed designation of the 1,200 foot floor portion of the Texarkana transition area and the revocation of the Texarkana control area extension would raise the floor of the controlled airspace beyond the immediate vicinity of the Texarkana Municipal and Lone Star Airports from 700 to 1,200 feet above the surface, yet the transition areas proposed would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures and enroute radar vectoring within the Texarkana terminal area.

The revocation of the Tyler, Tex., and Shreveport, La., control area extensions will be accomplished at a later date as a part of the CAR Amendments 60–21/60–29 program proposed for the terminal areas which adjoin the Texarkana terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required

may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 25, 1964.

PHILLIP M. SWATEK,
*Acting Director,*
*Southwest Region.*

[F.R. Doc. 64-12496; Filed, Dec. 7, 1964; 8:46 a.m.]

## [ 14 CFR Part 73 [New] ]

[Airspace Docket No. 64-SO-53]

## RESTRICTED AREA

### Reopening of Comment Period

On October 8, 1964, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (29 F.R. 13906) stating that the Federal Aviation Agency was considering a proposal submitted by the United States Air Force which would establish a restricted area southwest of Nashville, Tenn. to encompass a joint U.S. Air Force-U.S. Army exercise referred to as GOLD FIRE II.

The Director, Tennessee Aeronautics Commission, has requested that the comment period associated with the notice be reopened since a number of interested persons became aware of the problems raised by the proposal only after the close of such comment period. Because of the size of the proposed area and the effects it would have on civil aviation, good cause exists for granting the request. Further, a special informal airspace meeting to discuss the joint military exercise will be held December 10, 1964 at Nashville. Reopening of the comment period will provide the attendees with the opportunity to submit comments for the official docket after the meeting. Therefore, the time period for the submission of comments on the notice in Airspace Docket No. 64-SO-53 is reopened from the date of publication of this document in the FEDERAL REGISTER until December 18, 1964.

Comments should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All comments received will be available for examination by interested persons, before and after the closing date for comments, in an official docket at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Issued in Washington, D.C., on December 4, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12548; Filed, Dec. 7, 1964; 8:49 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-WA-71]

## JET ROUTES

### Proposed Designation

The Federal Aviation Agency is considering amendments to Part 75 [New] of the Federal Aviation Regulations which would establish jet routes from within the Northeastern United States to the U.S.-Canadian border.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket; 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The proposed jet routes would be designated as follows:

1. From the Millinocket, Maine, VOR via the intersection of the Millinocket VOR 114° and the St. John, N.B., VOR 267° True radials; thence via the St. John VOR 267° True radial to the U.S.-Canadian border.

2. From the Massena, N.Y., VOR to the U.S.-Canadian border via the direct radials between the Massena and Stirling, Ont., VORs.

3. From the Massena VOR to the U.S.-Canadian border via the direct radials between the Massena and St. Johns, Quebec, VORs.

4. From the intersection of the Massena VOR 163° and the St. Eustache, Quebec, VOR 200° True radials via the St. Eustache VOR 200° True radial to the U.S.-Canadian border.

Sufficient air traffic exists on each of these four routes to justify their designation as jet routes. The proposed jet routes from Millinocket and Massena to the U.S.-Canadian border are presently in use as regularly scheduled off-airway air carrier routes.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 27, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12497; Filed, Dec. 7, 1964; 8:46 a.m.]

## [ 14 CFR Part 135 [New] ]

[Docket No. 6368; Notice 64-52]

## STAR ROUTE MAIL CARRYING OPERATIONS

### Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending § 135.1 of Part 135—Air Taxi Operators and Commercial Operators of Small Aircraft [New] of the Federal Aviation Regulations. The purpose of this amendment is to include within the applicability of Part 135 the "star route" mail carrying operations presently covered by Special Civil Air Regulation 402.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before 30 days after the date of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comment, in the Rules Docket for examination by interested persons.

In the preamble to Part 135 [New], the Agency expressed ts intention to issue a notice of proposed rule making to amend Special Civil Air Regulation 402 to require "star route" carriers using small aircraft to conduct their operations under Part 135 [New]. The Agency now believes that rather than amending the SR a better approach would be to include the subject operations specifically within the applicability of Part 135.

SR 402 presently requires that "Persons engaged in * * * 'star route' * * * operations, be certificated in accordance with and comply with the provisions of Part 42 of the Civil Air Regulations." At the time SR 402 was adopted Part 42 contained the rules applicable to air taxi operations. Subsequently, revised Part 42 was issued effective November 11, 1963. Since revised Part 42 did not cover operations with small aircraft, and pending the adoption of Part 135 [New], SR 395B was issued preserving temporarily the provisions of former Part 42 applicable to operations with small aircraft by commercial operators and air taxi operators. SR 395B was rescinded when Part 135 was adopted.

Accordingly, the reference in SR 402 to Part 42 no longer accomplishes the desired result since most "star route" operations are conducted with small aircraft and present Part 42 does not cover such operations.

The Agency believes that by including "star route" operations within the applicability of Part 135 the original intent of SR 402 will be retained. The Agency understands that star route operations are generally carried out with small aircraft and therefore Part 135 is the appropriate part for such operations. However, in the event that a large aircraft is used in such an operation, the Administrator may pursuant to § 135.13 (b)(2) amend the operator's operations specifications to require that the large aircraft operations be conducted under those requirements of revised Part 42 considered necessary for safety.

In consideration of the foregoing, it is proposed to amend § 135.1 of Part 135 [New], by deleting the "and" at the end of subparagraph (1); by renumbering subparagraph (2) of paragraph (a) as subparagraph (3); and by adding a new subparagraph (2) reading as follows:

§ 135.1 **Applicability.**

(a) * * *

(2) The transportation of mail by aircraft conducted under a "star route" contract awarded purusant to section 6303 of Title 39, United States Code; and,)

* * * * *

This amendment is proposed under the authority of sections 313(a) and 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421-1430).

Issued in Washington, D.C., on December 1, 1964.

G. S. MOORE,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12498; Filed, Dec. 7, 1964; 8:46 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 73 ]

[Docket No. 15721; FCC 64-1108]

## RADIO BROADCAST SERVICES

### Contracts of Broadcast Licensees With Newswire Services; Notice of Inquiry

1. Notice is hereby given of inquiry and proposed rule making in the above-entitled matter.

2. The Commission has received a number of complaints from broadcast licensees concerning the newswire service contracts of the Associated Press (AP) and United Press International (UPI). It is alleged, among other things, that AP and UPI require five-year contracts which are not subject to cancellation by the broadcaster. Following these complaints, the Commission wrote AP and UPI requesting full information as to the length of their contract terms and provisions for renewal, termination and cancellation. Both AP and UPI replied by letter, enclosing sample copies of contracts.

3. From the information submitted by AP and UPI it appears that five-year contracts are encouraged by the newswire services, though not required. UPI states that its standard contract term is five years and that shorter terms are negotiated in exhange for a higher rate. AP indicates that approximately 1300 of its 2400 broadcast members have contracts with terms of five years and that an additional 1000 have contracts which continue until termination by the member on two-years' notice, with an adjusted (presumably lower) rate if such notice is not given prior to a specified date. Moreover, both the AP and UPI contracts contain provisions requiring the contracting broadcaster to guarantee, or cause any assignee of the broadcast license to agree in writing, that the assignee will fulfill the contract during its term.[1]

4. The encouragement of long-term contracts by the newswire services, the provisions binding assignees of the broadcast licensees, and the general acceptance of such contracts by the broadcasters are matters of concern to the Commission to the extent that these practices may affect the broadcast licensees' ability to operate in the public interest under the Communications Act. The newswire services are not within the direct regulatory jurisdiction of the Commission under the Communications Act and they do not hold any Commission-issued broadcast licenses. However, the Commission is properly concerned with a broadcaster's business or contractual relationship with third parties insofar as the licensee's ability to serve the public may be affected. National Broadcasting Company v. United States, 319 U.S. 190; Metropolitan Television Company v. Federal Communications Commission, 289 F. 2d 874 (C.A.D.C.).

5. The main thrust of our concern here goes to the impact long-term newswire service contracts (including the assignee provisions) may have on the licensee's freedom of action in news programming. A five-year contract term exceeds the maximum three-year period for which broadcast licenses may be granted under section 307(d) of the Communications Act. At the end of three years the licensee must account to the Commission for the past operation of the station and, in order to obtain a renewal of license, must demonstrate that he has met, and will meet, his obligation under the public interest standard. The "principal ingredient of such obligation" is the duty "to make a positive, diligent and continuing effort, in good faith, to determine the tastes, needs and desires of the public in his community and to provide programming to meet those needs and interests"—a duty "personal to the licensee" which "may not be avoided by delegation of the responsibility to others." Programming Policy Statement, FCC 60-970, Public Notice 91874 (July 29, 1960), 20 Pike & Fischer, R.R. 1901, 1912-1913. A contract with a particular news source which exceeds the statutory license period would not appear to be consistent with this obligation if the practical effect is to preclude the licensee from following his judgment as to what news programming would best meet community interests and needs in the renewal period, or, for that matter, within a major portion of the preceding license period.

6. Although the broadcasters may subscribe to a particular newswire service, there does not appear to be any contractual provision requiring them to broadcast any or all of the news they receive or precluding them from substituting, or supplementing with, news obtained from other sources, including a contract with the other newswire service. However, it would be unrealistic to assume that broadcasters can afford or will choose to pay for two newswire services, or that they will seek out other news sources rather than use a service for which they are contractually bound to pay. Moreover, since both the AP and UPI contracts contain provisions requiring the contracting broadcaster to guarantee, or cause any assignee of the broadcast license to agree in writing, that the assignee will fulfill the contract during its term, the long-term contracts may similarly operate to deprive such assignees of an initial choice of news sources for a substantial period of time. Thus, the long-term contracts may be unduly restrictive of licensee freedom of action in news programming and prevent full compliance with non-delegable licensee responsibilities under the Communications Act. See Programming

[1] The pertinent provisions of the sample contracts submitted by AP and UPI are filed as part of the original document.

Policy Statement, FCC 60-970, Public Notice 91874 (July 29, 1960), 20 Pike & Fischer, R.R. 1901, 1911, 1913.

7. In the Report on Chain Broadcasting (1941), which formed the basis for the chain broadcasting regulations sustained in National Broadcasting Co. v. United States, 319 U.S. 190, the Commission concluded that station licensees would best serve the public interest if they refrained from entering into five-year network affiliation contracts and held themselves free to negotiate with the networks at more frequent intervals. This was largely because the "station licensee is unable to follow his conception of the public interest until the end of the 5-year contract term", regardless of any changes in the community and despite any deterioration in network service (Report on Chain Broadcasting, p. 61). See also, National Broadcasting Co., v. United States, 319 U.S. at 201–202. Our conclusion that "a station is not operating in the public interest when it so limits its freedom of action" (Report, p. 62), may well apply with equal force here in light of the considerations set forth in par. 6, above.

8. While the probable impact on licensee freedom of action in news programming is the immediate reason for our concern with newswire contracts, we note that the two-year limitation on network affiliation contracts stems also from our conclusion that long-term contracts prevent any real competition between existing networks, as well as the establishment and development of new networks, thereby depriving the public of improved service it might otherwise obtain from competition in the network field. Report on Chain Broadcasting, pp. 61–62.[2] We cannot determine without further information whether long-term newswire contracts have a significant, similar effect. It may be that such arrangements have a tendency to lessen competition between the newswire services for broadcast customers and to discourage the development of other broadcast news sources. However, the fact that the newswire services have many customers other than broadcasters, such as newspapers, may have a crucial bearing on overall competition between them and the caliber of service provided. In short, additional information would be necessary to determine whether five-year newswire contracts deprive the listening public of improved news service which might otherwise derive from the possibility of enhancing competition in the newswire field for broadcast customers through shorter-term contracts. Since an inquiry is called for because of the considerations discussed in pars. 5–7, we believe that interested persons should also be afforded the opportunity to comment on this aspect also.

9. In the Chain Broadcasting Report, the Commission found no merit in a claim by the networks that long-term contracts were "indispensable to stable and efficient network operations" (Report, pp. 60–61). Although AP did not attempt to justify long-term contracts in its reply to the Commission's inquiry, UPI asserted that it must have the stability they allegedly afford in order to plan continued improvements and expansions of news service and to provide quality service at competitive rates; and further that these benefits to the broadcasters would be lost if the term were made shorter. The validity of this assertion cannot be appraised on the basis of the information presently available to the Commission concerning newswire service operations. This is therefore a further matter for investigation and comment by interested persons.

10. In sum, upon the basis of the complaints of the broadcasters and the information submitted by AP and UPI, a question exists as to whether station licensees would better serve the public interest embodied in the Communications Act if they refrained from entering into long-term newswire service contracts (including such long-term provisions binding license assignees), and held themselves free to negotiate with the newswire services at more frequent intervals. That question cannot be resolved without additional information, and its resolution is of sufficient importance to the Commission's responsibilities under the Communications Act to warrant further investigation.

11. Accordingly, there is instituted herewith, pursuant to the provisions of section 403 of the Communications Act, an inquiry into the following matters:

(1) The extent to which long-term newswire contracts may limit the broadcast licensees' exercise of their programming responsibilities in the news field (including the appropriateness under the Communications Act of such long-term contract provisions requiring any assignee of the license to fulfill the contract during its term);

(2) The extent to which each newswire service provides service to broadcasters under contract to the other or may refuse to provide service to broadcasters having unfulfilled contracts or contractual disputes with the other;

(3) The effect of long-term contracts with broadcasters on competition between the newswire services and the development of other news sources, and the nature of any resulting detriment to the public interest embodied in the Communications Act; and

(4) The extent, if any, to which short-term contracts with broadcasters might inhibit effective newswire service operations and result in a deterioration of newswire service to the licensees.

It is not our intention to limit the responses of interested persons to the specified areas of inquiry; any background material which would assist the Commission in making a determination as to the over-all public interest in this matter may also be submitted. However, responses should be documented with specific factual data and should not be in the form of unsupported general assertions of opinion.

12. In the absence of the requested information, we do not have a sound and reasonable basis for making a specific rule-making proposal. However, in order to be in a position to take any rule-making action found warranted at the conclusion of this proceeding, the Commission is inviting comments on the desirability of adopting rules, similar to the network affiliation rules (§§ 73.133, 73.233, and 73.658(c) of the Commission's rules, 47 CFR 73.133, 73.233, and 73.658(c)), to the effect that no station shall have a contract with a newswire service for a period longer than (for example) two years. While it is not contemplated that any such rules would permit a contract term of longer than three years, comments are requested on what time period within this range would be appropriate.

13. Authority for the rule amendments proposed herein is contained in sections 4(i), 303, 307, 308, 309 and 310 of the Communications Act of 1934, as amended.

14. All interested persons are invited to respond in writing to the inquiry herein and to file written comments on the proposed rules on or before January 25, 1965. Replies to such responses and comments may be filed on or before February 10, 1965. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this Notice.

15. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished the Commission.

Adopted: December 2, 1964.

Released: December 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12541; Filed, Dec. 7, 1964; 8:48 a.m.]

[2] See also, H. Rept. No. 1297 of the Committee on Interstate and Foreign Commerce, 85th Cong., 2d Sess., pp. 254–263, setting forth the basis for the Network Study Staff's recommendation that the maximum permissible network affiliation contract term of two years not be extended.

[3] Commissioners Hyde, Bartley, and Lovinger absent.

# Notices

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### ROSA OFNER ET AL.

### Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959, and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservators expenses:

*Claimant, Claim No., Property, and Location*

Rosa Ofner, St. Marein 23, Post Neumarkt, Styria, Austria, $241.98 in the Treasury of the United States; and Hugo Weissenboeck, Hochsteingasse 85, Graz III, Styria, Austria, $241.98 in the Treasury of the United States; Claim No. 41207.

Anna Maria Krassl, Nibelungengasse 8, Vienna I, Austria, Claim No. 58789; $9,313.67 in the Treasury of the United States.

Executed at Washington, D.C., on December 2, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-12529; Filed, Dec. 7, 1964; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### COLORADO

### Notice of Filing of Protraction Diagrams

DECEMBER 1, 1964.

Notice is hereby given that effective January 18, 1965, the following approved protraction diagrams are officially filed of record in the Colorado Land Office. In accordance with Title 43 CFR, these protractions will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m., on the above effective date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

COLORADO PROTRACTION DIAGRAM NO. 12

(Approved October 28, 1964)

SIXTH PRINCIPAL MERIDIAN

T. 8 S., R. 90 W.
T. 9 S., R. 90 W.
T. 9 S., R. 92 W.,
Sec. 1 through 4;
Sec. 9 through 16;
Sec. 21 through 23.
T. 10 S., R. 90 W.,
Sec. 1 through 12;
Sec. 15 through 22;
Sec. 27 through 34.
T. 10 S., R. 91 W.
T. 10 S., R. 92 W.
T. 11 S., R. 91 W.
T. 11 S., R. 92 W.
T. 11 S., R. 93 W.,
Sec. 1 through 28;
Sec. 30 and 31;
Sec. 33 through 36.
T. 12 S., R. 92 W.

COLORADO PROTRACTION DIAGRAM NO. 31

(Approved October 28, 1964)

NEW MEXICO PRINCIPAL MERIDIAN

T. 32 N., R. 13½ W.
T. 32 N., R. 14 W.
T. 32 N., R. 15 W.
T. 32 N., R. 16 W.
T. 33 N., R. 14 W.
T. 33½ N., R. 15 W.,
Sec. 3 through 10;
Sec. 15 through 22;
Sec. 27 through 30.
T. 33½ N., R. 16 W.,
Sec. 2 through 11;
Sec. 14 through 23;
Sec. 26 through 35.
T. 34 N., R. 13 W. north of Ute Line,
Sec. 6: W½.
T. 34 N., R. 14 W. north of Ute Line,
Sec. 1: E½E½;
Sec. 2 through 11.
T. 34 N., R. 15 W. north of Ute Line.

COLORADO PROTRACTION DIAGRAM NO. 32

(Approved October 28, 1964)

NEW MEXICO PRINCIPAL MERIDIAN

T. 33 N., R. 19 W.
T. 33 N., R. 20 W.
T. 33½ N., R. 17 W.,
Sec. 1, 2, 11 through 14;
Sec. 23 through 26;
Sec. 35, 36.
T. 33½ N., R. 18 W.,
Sec. 1 through 24;
Sec. 27 through 34;
T. 34 N., R. 18 W. North of Ute Line.

Copies of all diagrams are for sale at the Colorado Land Office, Bureau of Land Management, Insurance Exchange Building, 910–15th Street, Denver, Colorado, 80202.

W. F. MEEK,
*Land Office Manager.*

[F.R. Doc. 64-12522; Filed, Dec. 7, 1964; 8:48 a.m.]

[Idaho 015757]

### IDAHO

### Order Providing for Opening of Public Lands

NOVEMBER 30, 1964.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1964 (48 Stat. 1272; 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

BOISE MERIDIAN, IDAHO

PARCEL 1

T. 3 N., R. 18 E.,
Sec. 10, lots 1 and 2;
Sec. 11, S½NW¼ and NW¼SW¼.

PARCEL 2

T. 13 N., R. 23 E.,
Sec. 6, lot 7;
Sec. 7, E½E½, NW¼NE¼ and SW¼SE¼;
Sec. 8, S½N½ and S½;
Sec. 17, N½N½;
Sec. 18, SW¼NE¼, SE¼SW¼ and W½SE¼;
Sec. 24;
Sec. 25, N½NW¼ and SW¼NW¼;
Sec. 26, NE¼NE¼.
T. 13 N., R. 24 E.,
Sec. 19, lots 1, 2, 3, 4 and E½SW¼;
Sec. 30 lot 1 and NE¼NW¼.

PARCEL 3

T. 1 N., R. 34 E.,
Sec. 4, lots 3, 4 and S½NW¼.
T. 2 N., R. 34 E.,
Sec. 33, SW¼.

PARCEL 4

T. 58 N., R. 2 W.,
Sec. 29, SW¼NW¼, N½SW¼.

The areas described aggregate 2835.08 acres.

2. Parcel 1 is located in Blaine County about 7 miles north of Hailey in the Ohio Gulch drainage. The topography is fairly steep. Soils are shallow, gravelly loam. Vegetative cover is a sagebrush-grass type. No potential for agriculture. Ohio Gulch road provides access across the land.

3. Parcel 2 is located in Custer County about 5 miles south of Patterson in the Pahsimeroi River Valley. The topography is fairly level, gently sloping to the west. Vegetative cover varies from a sagebrush-grass type to salt resistant species of saltbrush, shadscale and budsage. Goldberg Creek, a perennial stream, crosses the land in Sec. 18. Generally the land lacks suitability for farming.

4. Parcel 3 is located in Bonneville County approximately 22 miles west of Idaho Falls on the west side of a large expanse of lava rock. The land is quite remote. Access is poor by means of an unimproved range road. The topography is undulating to gently rolling. Soil is a light colored silt loam overlaying lava. Because of the depth to underground water agricultural development is very questionable. Vegetative cover is a sagebrush-grass type.

5. Parcel 4 is located in Bonner County approximately 6 miles northwest of Sandpoint. The land is rough and mountainous at an elevation from 4,500 feet to 5,300 feet above sea level. Soil is gravelly and stony. No potential for agricultural development. Approximately 75 percent is covered by timber species. The lands are valuable for timber production and watershed management.

6. The land in Parcel 1 has been subject to the operation of the mining and mineral leasing laws at all times.

7. Pursuant to the authority delegated to me by Bureau Order No. 701, § 2.5, dated July 23, 1964, of the Associate Director, the lands described in paragraph 1 hereof shall become subject to application, petition and selection generally, but excepting applications under the Small Tract Act, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, effective 10:00 a.m. on January 5, 1965. All valid applications received at or prior to 10:00 a.m. on January 5, 1965, shall be considered as simultaneously filed at that time.

8. The lands described in Parcels 2, 3 and 4 shall be open to mineral leasing and to location under the United States mining laws at 10:00 a.m. on January 5, 1965. Any offers received at or prior to this time and date will be considered as simultaneously filed.

9. Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho, 83701.

ORVAL G. HADLEY,
*Manager, Land Office.*

[F.R. Doc. 64-12523; Filed, Dec. 7, 1964; 8:48 a.m.]

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### National Park Service

[Order 3, Amdt. 1]

### ASSISTANT SUPERINTENDENT ET AL., GLACIER NATIONAL PARK

### Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment or Services

Section 3 of Order No. 3, issued June 21, 1963 (28 F.R. 9268) is amended in its entirety to read as follows:

SEC. 3. Foreman III Shop, Supply Requirements Assistant, Stock Control Clerk, Storekeeping Clerk, Park Ranger (Waterton Ranger Station) and District Ranger (Hudson Bay District). The Foreman III Shop, Supply Requirements Assistant, Stock Control Clerk, Storekeeping Clerk, Park Ranger (Waterton Ranger Station) and District Ranger (Hudson Bay District) may issue purchase orders not in excess of $300 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 F.R. 8624), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Midwest Region Order No. 3 (21 F.R. 1494))

Dated: November 9, 1964.

KEITH NEILSON,
*Superintendent, Glacier National Park.*

[F.R. Doc. 64-12503; Filed, Dec. 7, 1964; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### FARMERS HOME ADMINISTRATION

### Assignment and Reservation of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953 (5 U.S.C. 133z-15), sections 145 and 146 of the Secretary's Order dated November 27, 1964 (29 F.R. 16210), are amended to assign additional functions and revised to read as follows:

Section 145 *Assignment of functions.* Subject to the reservations in section 146, there are hereby assigned and transferred to the Farmers Home Administration all of the functions, powers, duties, and assets under or with respect to:

(a) The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), except those contained in section 342 of said Act (7 U.S.C. 1013a). These assigned functions, powers, duties, and assets pertain to programs authorized under said Act as well as to prior programs and authorities of the Farmers Home Administration and its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C.

(b) Title V of the Housing Act of 1949 (42 U.S.C. 1471), except those pertaining to research.

(c) The Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation and other agreements entered into pursuant thereto.

(d) Section 8, and those with respect to repayment of the obligations under section 4, of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a, 1004).

(e) Rural Areas Development Program activities consisting of (1) furnishing technical information and services in initiating and implementing projects, (2) certifying individual overall economic development programs in rural areas as being consistent with the general objectives of the economic development of rural areas of the United States, and (3) certifying industrial and commercial water facility projects and community facility projects as being consistent with approved overall economic development programs for the areas involved. The foregoing are part of the functions, powers, and duties under the Area Redevelopment Act (42 U.S.C. 2501), delegated by the Secretary of Commerce to the Secretary of Agriculture (26 F.R. 9933).

(f) Rural Renewal Program activities consisting of making loans, making advances for technical assistance, coordination, direction, and supervision of Rural Renewal Projects, and assistance in planning, developing and carrying out such projects under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(g) Section 51(a) of the Alaska Omnibus Act (Note preceding 48 U.S.C. 21).

(h) Loan programs under Part A of Title III and the necessarily related functions in Title VI of the Economic Opportunity Act of 1964 (42 U.S.C. 2841-2854, 2942, 2946) delegated by the Director of the Office of Economic Opportunity to the Secretary of Agriculture (29 F.R. 14764).

(i) Servicing, collection, settlement, and liquidation of:

(1) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

(j) Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture is authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 486).

Section 146 *Reservations.* (a) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and Title V of the Housing Act of 1949 (42 U.S.C. 1484, 1485(b)), and requesting advances of funds evidenced by said notes and any similar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x-3(d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed $135,000,000, or to exceed $25,000,000 thereof for domestic farm labor housing, or $10,000,000 thereof for rental housing for elderly persons and families.

(b) With respect to the functions assigned in section 145(h):

(1) Prescribing rules and regulations jointly with the Director of the Office of Economic Opportunity.

(2) Requesting the Director of the Office of Economic Opportunity to make advances to the revolving fund established pursuant to Section 606 of the Economic Opportunity Act of 1964.

(3) Requesting reimbursements from the Director of the Office of Economic Opportunity for the performance of such assigned functions.

(c) Designation of areas in which Emergency loans may be made (7 U.S.C. 1961).

Done at Washington, D.C., this 3d day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12547; Filed, Dec. 7, 1964; 8:49 a.m.]



## ATOMIC ENERGY COMMISSION

[Docket No. 50-27]

### WASHINGTON STATE UNIVERSITY

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Facility License No. R-76. The license authorizes Washington State University (the licensee) to operate its pool-type nuclear reactor located on its campus in Pullman, Washington. The amendment authorizes the licensee (1) to modify the reactor scram circuitry in order to reduce scram delay times, in accordance with the procedures described in the application for license amendment dated August 12, 1964, and (2) to make certain revisions in the operating procedures as described in the application.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, and (2) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of November 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

WASHINGTON STATE UNIVERSITY

[Docket No. 50-27]

FACILITY LICENSE AMENDMENT

License No. R-76
Amendment No. 2

1. Pursuant to the application for license amendment dated August 12, 1964, Facility License No. R-76, as amended, which authorizes Washington State University to operate its pool-type nuclear reactor located on its campus in Pullman, Wash., is further amended as follows:

A. Washington State University is authorized to modify the reactor scram circuitry to reduce scram delay times, in accordance with the procedures described in the application dated August 12, 1964.

B. The second paragraph a. of section 3 of Washington State University's report dated February 2, 1961; which is incorporated in the license, is revised to read:

"No experiment shall have a reactivity worth of more than 66 cents (0.005). In the fuel bearing portion of the reactor, that is, the region bounded by the inside surface of the graphite reflector elements on the sides and by water above and below the 24-inch vertical dimension of the fuel elements containing the uranium fuel, experiments shall be inserted and removed only when the reactor is subcritical as indicated in section 1, second paragraph b, above. In locations outside the above designated region, experiments having a reactivity worth of 10 cents or less may be inserted or removed while the reactor is critical provided that (1) the unknown worth of the sample has been determined in a fixed experiment at the position in question, or (2) the reactivity worth of a cadmium absorber having at least as great a surface area as the sample has been determined to have a worth of 10 cents or less by a fixed experiment at the position in question. Experiments having a reactivity worth of more than 10 cents shall be inserted or removed only during shutdown as in section 1, second paragraph b, above."

C. Paragraph 1. of section 1 of Washington State University's report dated February 2, 1961, is revised to read:

"No control blade shall be raised manually while fuel is in the core. No one shall be present on the reactor bridge when the magnets are disengaged from the control blades and separated from them by a distance of more than 4 inches."

D. Section 4.2.2, first paragraph, second sentence of Safeguard Report (GEAP-3100), dated February 16, 1959, and section 4.1.3, Item 2, second sentence of Safeguard Report supplement dated March 1959, which are incorporated in the license, are deleted and the following substituted therefor:

"Improper functioning of any component shall be reported immediately to the Senior Operator who shall decide what action to take. The reactor shall not be operated with any significant known defects in fuel elements, control rods or control circuitry."

E. Section 4.2.2, Item 4, first sentence of Safeguard Report dated February 16, 1959, is deleted and the following substituted therefor:

"When the proper indicators, as outlined above, approach the set power level, the servo control system may be activated by the operator. If desired, the reactor may be operated under manual control at all power levels."

2. This amendment is effective as of the date of issuance.

Date of issuance: November 30, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-12489; Filed, Dec. 7, 1964; 8:45 a.m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 15493]

### SOUTHERN AIRWAYS, INC., AND ANNISTON, ALABAMA

### Notice of Prehearing Conference

Renewal of Southern Airways, Inc., Segments 1(b), 6, 8, 9, and 10 and Anniston, Ala. on Segment 1.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 17, 1964, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., December 3, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-12543; Filed, Dec. 7, 1964; 8:48 a.m.]

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[Docket No. 14828]

### TRANS-TEXAS AIRWAYS, INC.

### Notice of Prehearing Conference

Renewal of Trans-Texas Airways, Inc., Segment 7.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 17, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., December 3, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-12544; Filed, Dec. 7, 1964; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15714, 15715; FCC 64R-1214]

## TRINITY BROADCASTING CO. AND WARNER BROS. PICTURES, INC.

### Order Continuing Prehearing Conference

In re applications of Trinity Broadcasting Company, Fort Worth, Texas, Docket No. 15714, File No. BPCT-3172; Warner Bros. Pictures, Inc., Fort Worth, Texas, Docket No. 15715, File No. BPCT-3272; for construction permit for new television broadcast station (Channel 20).

The Hearing Examiner having for consideration the Chief Hearing Examiner's order herein of November 30, 1964, wherein the presiding officer was appointed and a prehearing conference was scheduled for December 3, 1964;

It appearing, that certain of the issues in this proceeding are identical to those designated in the Commission's order released November 20, 1964 in Kaiser Industries Corporation, Docket No. 15667, et al. (FCC 64-1076, Mimeo. 59333), and that a more expeditious and economical disposition of such issues may be accomplished through the consolidation of hearing procedures insofar as hearing is to be conducted on the common issues:

*It is ordered*, This 1st day of December 1964, on the Hearing Examiner's own motion, that the prehearing conference now scheduled to commence on December 3, 1964, is continued to December 11, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C., and that, insofar as this proceeding involves issues in common with Kaiser Industries Corporation et al., the said prehearing conference will be consolidated with a prehearing conference to be held in Kaiser Industries Corporation.

Released: December 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12542; Filed, Dec. 7, 1964; 8:48 a.m.]

# CIVIL SERVICE COMMISSION

## POSITIONS FOR WHICH THERE IS DETERMINED TO BE MANPOWER SHORTAGE

### Notice of Listing

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

| Series and grade | Positions | Location | Effective date |
|---|---|---|---|
| GS-1965-12 | Supervisory Materials Treatment Processes Quality Control Specialist (Nondestructive Testing). | Portsmouth Naval Shipyard, Portsmouth, N.H. | July 9, 1964 |
| GS-230-15 | Chief, Employee-Management Cooperation Staff, a position requiring experience in negotiations with unions and in management of a company program at headquarters level. | Federal Aviation Agency, Washington, D.C. | July 13, 1964 |
| GS-1530-17 | Assistant Commissioner for Educational Statistics. | Department of Health, Education, and Welfare, Washington, D.C. | Aug. 5, 1964 |
| GS-331-9/12 | Digital Computer Programer | Washington, D.C., Metropolitan Area and Ft. Meade, Md. | Aug. 28, 1964 |
| GS-334-9/12 | Digital Computer Systems Analyst | do | Do. |

If comparable positions exist which are not subject to the Classification Act, they are covered.

Travel and transportation expenses may be paid for appointees to their duty stations for the positions as listed above. Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12530; Filed, Dec. 7, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI65-332 etc.]

## AMERADA PETROLEUM CORP. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 30, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds.* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

*The Commission orders.*

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.



APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-332 | Amerada Petroleum Corp., Post Office Box 2040, Tulsa 2, Okla. Attn: Mr. W. H. Bourne. | 2 | 5 | El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area). | $15,777 | 11-4-64 | 12-5-64 [2] | 12-6-64 [3] | [4] [7] 13.2295 | [4] [5] [7] 14.2486 | RI64-58. |
| | Amerada Petroleum Corp. | 49 | 6 | El Paso Natural Gas Co. (San Juan Field, Rio Arriba County, N. Mex.) (San Juan Basin Area). | 35,093 | 11-4-64 | 12-5-64 [2] | 12-6-64 [3] | [4] [7] 13.2295 | [4] [5] [7] 14.2486 | RI64-58. |
| | do | 76 | 5 | El Paso Natural Gas Co. (Bisti Area, San Juan County, N. Mex.) (San Juan Basin Area). | 7,602 | 11-4-64 | 12-5-64 [2] | 12-6-64 [3] | [7] 13.2486 | [4] [5] [7] 14.2678 | RI64-58. |
| | do | 99 | 2 | El Paso Natural Gas Co. (Ignacio Field, LaPlata County, Colo.). | 67 | 11-4-64 | 12-5-64 [2] | 12-6-64 [3] | [8] [9] 13.0 | [8] [9] 14.0 | |
| RI65-333 | Vierson & Cochran, Post Office Box 290, Okmulgee, Okla. | 3 | 1 | Cities Service Gas Co. (Grant County, Okla.) (Oklahoma "Other" Area). | 720 | 10-30-64 | 1-1-65 [6] | 1-2-65 [3] | [11] [12] 13.0 | [4] [10] [11] [12] 14.0 | |

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[7] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[8] Settlement rate was 12.0 cents per Mcf, inclusive of 1.0 cent per Mcf minimum guarantee for liquids.
[9] The stated effective date is the effective date requested by Respondent.
[10] Pressure base 14.65 p.s.i.a.
[11] Subject to a downward B.t.u. adjustment.
[12] Subject to 0.75 cent per M.c.f. deduction by buyer for dehydration and 1.75 cents per Mcf deduction by buyer for compression.

Amerada Petroleum Corporation (Amerada) requests an effective date of November 1, 1964, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Amerada's rate filings and such request is denied.

Supplements Nos. 5, 6 and 5 to Amerada's FPC Gas Rate Schedules Nos. 2, 49 and 76, respectively, include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax and a 1.0 cent per Mcf minimum guarantee for liquids. Amerada previously filed for this tax and the buyer, El Paso Natural Gas Company (El Paso) protested the filings in accordance with its policy of protesting all New Mexico Emergency School Tax reimbursement in excess of 0.55 percent. A similar protest was filed by El Paso on November 13, 1964, in connection with the present filings. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing provided for herein for Amerada's rate increases shall concern itself with the contractual basis as well as the statutory lawfulness thereof. The proposed rates for these three sales, which are in the San Juan Basin Area, exceed the 13.0 cents per Mcf ceiling applicable to such area by the amount of the tax reimbursement and the 1.0 cent per Mcf minimum guarantee for liquids. Since the proposed increases reflect tax reimbursement, the suspension period for each may be shortened to one day from December 5, 1964, the date of expiration of the statutory notice.

Amerada's proposed rate increase for a sale in Colorado and contained in Supplement No. 2 to Amerada's FPC Gas Rate Schedule No. 99, did not include as part of its proposed rate the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate results in a total rate in excess of the 13.0 cents per Mcf ceiling price for the area involved by the 1.0 cent per Mcf liquid guarantee and should be suspended for one day from December 5, 1964, the date of expiration of the statutory notice. Amerada's contract relating to this sale was executed after September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rate of 14.0 cents per Mcf is less than the 15.0 cents per Mcf initial service ceiling for Colorado, and for this reason, the rate is also suspended for one day.

Vierson & Cochran's related contract was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rate is above the applicable area ceiling for increased rates but does not exceed applicable ceiling price for initial rates in the area involved. We believe, in this situation, that Vierson & Cochran's proposed rate increase should be suspended for one day from January 1, 1965, the proposed effective date.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-12468; Filed, Dec. 7, 1964; 8:45 a.m.]

[Docket No. RI65-334 etc.]

## AMERADA PETROLEUM CORP. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 30, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds.* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

*The Commission orders.*

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter

[1] Does not consolidate for hearing or dispose of the several matters herein.

until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate scehdules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-334 | Amerada Petroleum Corp., Post Office Box 2040, Tulsa 2, Okla. Attn: Mr. W. H. Bourne. | 25 | [1] 4 | El Paso Natural Gas Co. (Ignacio Field, La Plata County, Colo.). | $23,239 | 11- 4-64 | [2] 12-5-64 | 5-5-65 | 13.0 | [3] [4] 14.0 | |
| | Amerada Petroleum Corp. | 26 | [1] 3 | do | 81 | 11- 4-64 | [2] 12-5-64 | 5-5-65 | 13.0 | [3] [4] 14.0 | |
| | do | 54 | [1] 4 | do | 2,601 | 11- 4-64 | [2] 12-5-64 | 5-5-65 | 13.0 | [3] [4] 14.0 | |
| | do | 97 | 2 | Lone Star Gas Co. (Stage Stand Field, Stephens County, Okla.) (Oklahoma "Other" Area). | 918 | 11- 4-64 | [2] 12-5-64 | 5-5-65 | [7] [8] 15.0 | [8] [9] 16.0 | |
| | do | 94 | 2 | Lone Star Gas Co. (W. Velma Field, Stephens County, Okla.) (Oklahoma "Other" Area). | 924 | 11- 4-64 | [2] 12-5-64 | 5-5-65 | [8] 15.0 | [8] [9] 16.0 | |
| | do | 93 | 4 | Colorado Interstate Gas Co. (S.W. Camp Creek Field, Beaver County, Okla.) (Panhandle Area). | 497 | 11- 4-64 | [2] 12-5-64 | 5-5-65 | [7] [8] 17.0 | [8] [9] 18.1 | |
| | do | 87 | 5 | Texas Esstern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. Dist. No. 6). | 811 | 11- 4-64 | [2] 12-5-64 | 5-5-65 | [8] 14.6 | [8] [9] 15.6 | |
| | do | 75 | 3 | Panhandle Eastern Pipe Line Co. (Hopewell Field, Pratt County, Kans.). | 176 | 11- 4-64 | [2] 12-5-64 | 5-5-65 | [8] 15.0 | [8] [9] 16.0 | |
| | do | 52 | 6 | Colorado Interstate Gas Co. (Hugoton Field, Kearney County, Kans.). | 227 | 11- 4-64 | [2] 12-5-64 | 5- 5-65 | [7] [8] 11.0 | [8] [9] [7] 13.5 | |
| | do | 42 | 6 | Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans., and Baca County, Colo.). | 5,968 | 11- 4-64 | [2] 12-5-64 | 5- 5-65 | [8] 15.0 | [8] [9] 17.0 | |
| | do | 23 | 15 | Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.). | 8,185 | 11- 4-64 | [2] 12-5-64 | 5- 5-65 | [7] [10] 12.0 | [8] [9] [7] 17.0 | |
| RI65-335 | Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex., 76101. Attn: Mr. J. K. Smith. | 396 | 1 | Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area). | 350 | 11- 2-64 | [11] 12-3-64 | 5- 3-65 | 13.0 | [8] [4] 14.0 | |
| | Pan American Petroleum Corp. | 134 | 4 | Panhandle Eastern Pipe Line Co. (Southeast Liberal Field, Seward County, Kans.). | 4,233 | 10-30-64 | [11] 12-1-64 | 5- 1-65 | [7] 15.0 | [7] [8] [9] 16.0 | R160-271 |
| RI65-336 | Amerada Petroleum Corp. (Operator), et al. | 71 | 3 | Natural Gas Pipeline Co. of America (West Cement Field, Caddo County, Okla.) (Oklahoma "Other" Area). | 36,331 | 11- 4-64 | [2] 12-5-64 | 5- 5-65 | [7] [8] 15.0 | [8] [9] [7] 17.0 | |
| RI65-337 | Petroleum, Inc. (Operator), et al., 352 North Broadway, Wichita, Kans. | 22 | 2 | Panhandle Eastern Pipe Line Co. (Beaver County, Okla.) (Panhandle Area). | 650 | 11- 2-64 | [11] 12-3-64 | 5- 3-65 | 16.0 | [8] 17.0 | |
| RI65-338 | Union Texas Petroleum, a Division of Allied Chemical Corp. et al., Post Office Box 2120, Houston, Tex. | 46 | 4 | Cities Service Gas Co. (Northeast Vining Field, Grant and Alfalfa Counties, Okla.) (Oklahoma "Other" Area). | 996 | 11- 2-64 | [11] 1-1-65 | 6- 1-65 | [7] [12] 13.0 | [8] [9] [7] [12] 14.0 | G-20436 |
| RI65-339 | Viersen & Cochran Poperator), et al., 280st Office Box O, Okmulgee, Okla. | 1 | 2 | Cities Service Gas Co. (Eureka Field, Grant and Alfalfa Counties, Okla.) (Oklahoma "Other" Area). | 3,410 | 10-30-64 | [11] 1-1-65 | 6- 1-65 | [7] [13] 13.0 | [8] [9] [7] [13] 14.0 | G-20427. |
| RI65-340 | Viersen & Cochran | 2 | 1 | Cities Service Gas Co. (Southwest Wakita Area, Grant County, Okla.) (Oklahoma "Other" Area). | 850 | 10-30-64 | [11] 1-1-65 | 6- 1-65 | [7] [13] 13.0 | [8] [9] [7] [13] 14.0 | |
| RI65-341 | Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. | 28 | 2 | Panhandle Eastern Pipe Line Co. (Hugoton Field, Seward County, Kans.). | 21 | 11- 2-64 | [11] 1-1-65 | 6- 1-65 | [7] 12.0 | [8] [9] [7] 13.0 | R160-318. |
| RI65-342 | Jocelyn-Varn Oil Co. (Operator), et al., 310 Sutton Place, Wichita, Kans. | 2 | 1 | Arkansas Louisiana Gas Co. (South Hunter Field, Garfield County, Okla.) (Oklahoma "Other" Area). | 600 | 10-30-64 | [11] 12-1-64 | 5- 1-65 | [7] 11.0 | [8] [9] [7] 12.0 | |
| | Jocelyn-Varn Oil Co. (Operator), et al. | 5 | 1 | Arkansas Louisiana Gas Co. (East Kremlin Field, Garfield County, Okla.) (Oklahoma "Other" Area). | 360 | 11- 2-64 | [2] 12-3-64 | 5- 3-65 | [7] 11.0 | [8] [9] [7] 12.0 | |
| RI65-343 | Mapco Production Co., 800 Oil Center Building, Tulsa, Okla. | 7 | 10 | Colorado Interstate Gas Co. (Hugoton Field, Kans.). | 5,681 | 11- 6-64 | [11] 12-7-64 | 5- 7-65 | [7] 11.0 | [8] [7] [14] 13.5 | |
| RI65-344 | Tidewater Oil Co., Post Office Box 1404, Houston, Tex., 77001. Attn: Mr. A. M. Mouser. | 5 | 18 | Natural Gas Pipeline Co. of America (East Bay City Field, Matagorda County, Tex.) (R.R. Dist. No. 3). | 23,196 | 11- 2-64 | [11] 12-3-64 | 5- 3-65 | [7] [15] 15.1440 | [8] [7] [15] 16.1536 | |
| | Tidewater Oil Co | 18 | 20 | Natural Gas Pipeline Co. of America (West Bernard Field, Wharton County, Tex.) (R.R. Dist. No. 3). | 15,757 | 11- 2-64 | [11] 12-3-64 | 5- 3-65 | [7] [15] 15.1440 | [8] [7] [15] 16.1536 | |

See footnotes at end of table.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-345 | General American Oil Co. of Texas, Meadows Building Dallas 6, Tex. | 31 | 1 | Southern Natural Gas Co. (Dexter Field, Walthall and Marion Counties, Miss.). | 9,325 | 11- 2-64 | [11] 12-3-64 | 5-3-65 | [17] 21.55277 | [8] [4] 23.66358 | |
| RI65-346 | Newton Naval Stores Co., Inc., Wiggins, Miss. | 1 | 1 | United Gas Pipe Line Co. (Maxie-Pistol Ridge Area, Forest, Lamar and Pearl River Counties, Miss.). | 10,670 | 11- 5-64 | [1] 12-6-64 | 5-6-65 | [17] 20.1324 | [4] [18] 22.8 | |
| RI65-347 | Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001. Attn: Mr. John J. Carter. | 300 | 2 | Tennessee Gas Transmission Co. (Northeast Loma Novia and South Lundell Fields, Duval County, Tex.) (R.R. District No. 4). | 17,786 | 11- 5-64 | [1] 12-6-64 | 5-6-65 | [7] [17] [21] 17.24347 | [7] [19] [20] 18.0 | |

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Covers 1.0 cent per Mcf periodic increase contractually due January 1, 1964, but not filed for due to settlement approved in Docket No. G-9385, et al., Amerada Petroleum Corp.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[8] Rate before and after acceptance of offer of settlement by Commission Order issued February 1, 1963, in Docket No. G-9385, et al. Settlement order imposed a moratorium on rate increases which exceed the area ceiling until November 1, 1964.
[9] Settlement rate.
[10] Settlement rate. Order approving settlement issued February 1, 1963, in Docket No. G-9385, et al.
[11] The stated effective date is the effective date requested by Respondent.
[12] Includes 0.75 cent per Mcf deducted by buyer for dehydration.
[13] Includes 0.75 cent per Mcf deducted by buyer for dehydration and 1.75 cents per Mcf deducted by buyer for compression.
[14] Renegotiated rate increase.
[15] Tidewater's companywide settlement proposal, accepted by Commission order issued June 15, 1962, in Docket Nos. G-13310, et al., permitted filing for rate increases not to exceed 1.0 cent per Mcf after June 30, 1964, plus applicable tax reimbursement.
[16] Settlement rate established by Commission's order issued June 15, 1962, in Docket Nos G-13310, et al., approving Tidewater's companywide settlement.
[17] Initial rate.
[18] Redetermined rate increase.
[19] Contract provides for 1.0 cent per Mcf periodic increase. Instant filing reflects only a portion of the contractual due increase.
[20] Contractually due rate is 18.24347 cents per Mcf. Opinion No. 422, issued March 23, 1964, in Docket No. CI62-704, provides a moratorium on filing for increased rates exceeding 18.0 cents per Mcf pending final decision on area rate proceeding in Docket No. AR64-2, or January 1, 1968, whichever is earlier. Such proposed 18.0 cents per Mcf rate is considered "fractured."
[21] Opinion No. 422, issued March 23, 1964, conditioned initial rate to not exceed 16.0 cents per Mcf. Order was stayed pending judicial review by Opinion No. 422-A, issued May 27, 1964, Docket No. CI62-704.

Amerada Petroleum Corporation and Amerada Petroleum Corporation (Operator), et al. (both referred to herein as Amerada), request an effective date of November 1, 1964, for their proposed rate increases. Jocelyn-Varn Oil Company (Operator), et al., request an effective date of December 2, 1964, for Supplement No. 1 to their FPC Gas Rate Schedule No. 5, and Humble Oil & Refining Company (Humble) request waiver of notice to make its proposed rate increase effective as of November 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers rate filings and such requests are denied.

Tidewater Oil Company's (Tidewater) proposed rate increases are filed pursuant to the terms of Tidewater's general rate settlement approved by the Commission's order issued June 15, 1962, in Docket Nos. G-13310, et al. The order allows Tidewater to place into effect after June 30, 1964, rate increases of not more than 1.0 cent per Mcf under the rate schedules involved, plus a proportionate increase in tax reimbursement. Since the proposed rates exceed the area increased ceiling of 14.0 cents per Mcf, such increases are suspended as hereinbefore ordered.

Humble's proposed rate filing contains a "fractured" rate increase to 18.0 cents per Mcf, which represents a portion of its contractually due periodic increase (this sale by Humble was excluded from Humble's company-wide rate settlement). Humble previously filed a periodic increase to 18.24347 cents per Mcf for this sale, which was rejected as being in conflict with Opinion No. 422, issued March 23, 1964, in the matter entitled Amerada Petroleum Corporation, et al., Docket Nos. CI62-1544, et al. The Opinion provides for a moratorium on the filing of rate increases in excess of 18.0 cents per Mcf, inclusive of tax reimbursement, pending the issuance of a final decision in the area rate proceeding in Docket No. AR64-2, or until January 1, 1968, whichever is earlier. The instant increase is acceptable for filing because it does not exceed the 18.0 cents per Mcf moratorium level. However, since the proposed rate exceeds the applicable rate increase ceiling of 14.0 cents per Mcf, it is suspended as hereinbefore ordered.

All of the proposd increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-12469; Filed, Dec. 7, 1964; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2412, etc.]

### ASSOCIATED OIL & GAS CO. ET AL.

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 2, 1964.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Associated Oil & Gas Co., File 7-2412, Communications Satellite Corporation, File 7-2413, G. D. Searle & Co., File 7-2414, Syntex Corporation, File 7-2415, Texaco, Inc., File 7-2416.

Upon receipt of a request, on or before December 18, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12500; Filed, Dec. 7, 1964; 8:46 a.m.]

[File No. 812-1725]

### IMPERIAL FUND, INC., ET AL.

### Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

DECEMBER 2, 1964.

In the matter of Imperial Fund, Inc., 10709 Wayzata Boulevard, Minnetonka

26, Minnesota; Gold Eagle Corporation, 4725 Highway 7, Minneapolis 16, Minnesota; and Frank A. Warner, 4725 Highway 7, Minneapolis 16, Minnesota; File No. 812-1725.

Notice is hereby given that Imperial Fund, Inc. ("Imperial"), a Minnesota corporation and a registered open-end, diversified investment company, Gold Eagle Corporation ("Gold Eagle"), a Minnesota corporation, and Frank A. Warner ("Warner"), chairman of the board of directors of Gold Eagle, have filed a joint application under section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed sale by Imperial to Warner of 77,000 shares of the common stock of Gold Eagle at a cash price of 7½ cents per share, or an aggregate price of $5,775. All interested persons are referred to the application on file with the Commission for a complete statement of applicants' representations which are summarized below.

Imperial owns 77,000 (8.9 percent) of the outstanding shares of the common stock of Gold Eagle, and Warner owns of record and beneficially 63,861 (7.4 percent) of the outstanding shares of common stock of Gold Eagle. Warner also controls the Frank Warner Corporation which owns 79,653 (9.3 percent) of the outstanding shares of common stock of Gold Eagle. Accordingly, Warner is an affiliated person of an affiliated person (Gold Eagle) of Imperial.

Gold Eagle is engaged directly and through subsidiaries in the business of establishing and operating coin-operated laundry and dry-cleaning service centers. Imperial acquired its holdings of 77,000 shares of Gold Eagle common stock during the period September 17, 1960, through March 28, 1962, at an aggregate cost of $120,736.90.

At June 30, 1964, the consolidated book value of the common stock of Gold Eagle and its subsidiaries amounted to 66 cents per share. Gold Eagle and its subsidiaries have sustained consolidated net operating losses for the fiscal years ended August 31, 1961, 1962 and 1963, and for the 10 months ended June 30, 1964, in the amounts of $50,555, $38,146, $225,666 and $76,381.30 respectively. The application states that the statement of consolidated earnings of Gold Eagle and its subsidiaries for the fiscal year ended August 31, 1964, is not available; and that it is estimated that the company will incur a net loss of approximately $117,000 (approximately 12 cents a share).

The application also states that Gold Eagle common stock is not listed on any securities exchange, that it is traded inactively, and that on September 9, 1964, the market quotations on such stock were bid —5 cents, asked —10 cents. The proposed sale price of 7½ cents a share was determined by taking the average of such bid and asked prices. The application further states that Imperial received only two other offers for the purchase of its holdings of Gold Eagle common stock; one firm offered Imperial 2 cents a share for such stock in June 1964, and another firm offered Imperial 3 cents a share for the stock in August 1964.

The application states that Imperial desires to dispose of its holdings of Gold Eagle stock because Gold Eagle "has suffered severe financial reverses"; that Imperial's board of directors and investment adviser are of the opinion that "the proposed sale represents the best disposition of the Gold Eagle shares possible under the circumstances"; and that the proposed sale was approved by Imperial's board of directors at its meeting held on September 9, 1964.

Notice is further given that any interested person may, not later than December 21, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

Upon receipt of a request, on or before December 18, 1964, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12502; Filed, Dec. 7, 1964; 8:46 a.m.]

[File No. 7-2417]

## ROCKWELL-STANDARD CORP.

### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 2, 1964.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange, for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Rockwell-Standard Corporation (Delaware), File 7-2417.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE T. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12501; Filed, Dec. 7, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

## BRANCH OFFICES

### Notice of Creation and Transfers

Pursuant to Section 4(a) of the Small Business Act, as amended, the Cleveland Regional Office is hereby designated as and shall perform the functions of a branch office. The Cleveland and Columbus Branch Offices are transferred to the jurisdiction of the Richmond Regional Office. The Louisville Branch Office is transferred to the jurisdiction of the Atlanta Regional Office.

Effective date: December 1, 1964.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 64-12491; Filed, Dec. 7, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## ORGANIZATION

### Assignment of Duties to Individual Commissioners

NOVEMBER 25, 1964.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991 and 12789; 27 F.R. 1234, 1747, 2500, 3830 and 9997; 28 F.R. 198, 896 and 8185; and 29 F.R. 3027, 4935, 11401, 12503 and 14517) as follows:

Under the heading Assignment of Duties to Individual Commissioners, paragraph (c) of Item 6.2, assignments to Chairman, is amended to read as follows:

Approval for publication of all publicly issued documents by a bureau or office, except (1) publications authorized or adopted by the Commission, a division, or a single Commissioner which involve decisions and/or orders resulting from a formal proceeding; (2) decisions and/or orders, informal opinions of any bureau or office, or any recommended report and order of any hearing officer, and any matters directly related thereto; (3) documents prepared for court cases or for introduction into evidence in formal proceedings; (4) material of a transitory or personal nature, such as speeches, articles, etc.; (5) publications authorized and adopted by the entire Commission; and (6) reports made by the Director of Locomotive Inspection pursuant to section 7 of the Locomotive Inspection Act.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12531; Filed, Dec. 7, 1964; 8:48 a.m.]

[Notice 7]

## FINANCE APPLICATIONS

DECEMBER 3, 1964.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23400—By application filed November 27, 1964, Ringsby-Pacific Ltd. (formerly Fortier Transportation Company), 3201 Ringsby Court, Denver 5, Colo., seek authority to (1) issue a promissory note in the amount of $750,000 payable to Ringsby Truck Lines, Inc., (2) issue a promissory note in the amount of $3,275.83 payable to Donald J. Fortune, (3) issue a promissory note in the amount of $112,099.17 payable to Evelyn Margaret Bernard, as Trustee for Donald J. Fortune; and (4) assume the obligations of Interstate Freight Lines, Inc., as follows: a promissory note payable to the estate of Harold H. Mallory, with the face amount of $382,000, balance due as of May 31, 1964, $248,580. Applicant's attorney: Bruce R. Geernaert, Berol, Loughran & Geernaert, 100 Bush Street, San Francisco, Calif., 94104. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

NOTE: This application is directly related to MC-F-8856, Fortier Transportation Company—Purchase—Interstate Freight Lines, Inc., published in the FEDERAL REGISTER issue of August 26, 1964.

F.D. No. 23407—By application filed November 30, 1964, Eazor Express, Inc., Eazor Square, Allegheny County, Pittsburgh, Pa., 15201, seeks authority to issue 125,000 shares of common stock, $1.00 par value, as a stock dividend on a share for share basis. Applicant's attorney: Frank J. Pohl, Burgwin, Ruffin, Perry & Pohl, 2323 Grant Building, Pittsburgh, Pa., 15219. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12532; Filed, Dec. 7, 1964; 8:48 a.m.]

[Notice 1088]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 3, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 23381. By order of November 27, 1964, The Transfer Board approved the transfer to The Callanan Marine Corporation, South Bethlehem, N.Y., of the operating rights in Second Amended Certificate and Order entered February 5, 1948, in No. W-103 (Joseph R. Hutton—Contract Carrier Application) embracing the water carrier operating rights of The Callanan Road Improvement Company, a corporation, South Bethlehem, N.Y., authorizing the transportation of commodities generally, by self-propelled and nonself-propelled vessels, serving New York Harbor and harbors contiguous thereto, as defined by the Commission in the proceeding Ex Parte No. 140, and points along the Hudson River below and including Waterford, N.Y. James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C., attorney for applicants.

No. MC-FC 67158. By order of November 30, 1964, The Transfer Board approved the transfer to Maurice S. Ausley II, doing business as Ausley Motor Freight, El Reno, Okla., of portion of the operating rights claimed in No. MC 99088 Sub 1, under the "grandfather" clause of Section 206(a)(7)(B), Interstate Commerce Act by Stanley P. Carter, doing business as El Reno-Guthrie Motor Freight, Oklahoma City, Okla., and the substitution of transferee as applicant for a Certificate of Registration from this Commission, corresponding to the grant of intrastate authority to transferor issued originally by the Oklahoma Corporation Commission in No. A-888, now assigned No. A-1072. Roy L. Sullivan, McInnis and Sullivan, Liberty Bank Building, Oklahoma City, Okla., attorney for applicants.

No. MC-FC 67225. By order of November 25, 1964, The Transfer Board approved the transfer to Distributors Transit, Inc., Glassport, Pa., of a portion of Certificates in Nos. MC 52464 and MC 52464 Sub 2, issued June 4, 1958 and April 1, 1959, respectively, to Richards Transport, Inc., Glassport, Pa., authorizing the transportation of: Glassware, from Glassport, Pa., to points in New York, Ohio, West Virginia, and Maryland; and such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, between points in Pennsylvania within 50 miles of Greensburg, Pa., including Greensburg. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., attorney for applicants.

No. MC-FC 67241. By order of November 27, 1964, The Transfer Board approved the transfer to A. L. Harris and George Degrella, a partnership, doing business as Hobbs Distributing Company, Nashville, Tenn., of Certificate No. MC 117791, issued April 10, 1964, to R. E. Hobbs, doing business as Hobbs Distributing Company, Nashville, Tenn., authorizing the transportation of bananas, over irregular routes, from Mobile, Ala., New Orleans, La., Tampa and Miami, Fla., to Nashville, Tenn., with private carrier restrictions. Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn., attorney for applicants.

No. MC-FC 67281. By order of November 27, 1964, The Transfer Board approved the transfer to Clyde B. Didlake, doing business as Clyde's Charter Bus Service, Glen Burnie, Md., of the operating rights in Certificate No. MC 36788, issued October 24, 1952, to James Milton Johnson, doing business as Johnson Motor Bus Service, Pasadena, Md., authorizing the transportation, over irregular routes, of: Passengers and their baggage, subject to certain restrictions, in charter operations, from points in Anne Arundel County, Md., to points in Maryland, the District of Columbia, Virginia, Pennsylvania, and Delaware, and return. S. Harrison Kahn, Investment Building, Washington, D.C., attorney for applicants.

No. MC-FC 67287. By order of November 30, 1964, The Transfer Board approved the transfer to Pines E. Dunn, doing business as Franklin's Moving & Storage, Medford, Oreg., of Certificate No. MC 112523, issued June 3, 1959, to Dave M. Franklin, doing business as Franklin's Moving & Storage, Grants Pass, Oreg., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between points in Josephine County, Oreg. William B. Adams, 624 Pacific Building, Portland, Oreg., 97204, attorney for applicants.

No. MC–FC 67318. By order of November 27, 1964, The Transfer Board approved the transfer to Eugene J. Kane, 101–111 East Market Street, Scranton, Pa., of the operating rights in Certificate No. MC 48694, issued July 9, 1964, to Benjamin F. Rozelle, 1215 Pettibone Street, Scranton, Pa., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Scranton, Pa., and points within eight miles of Scranton.

No. MC–FC 67340. By order of November 30, 1964, The Transfer Board approved the transfer to Ronald W. Nathan, doing business as Chandler's Auto Express, Chandler Street, Duxbury, Mass., of the operating rights in Certificate of Registration No. MC 120416 Sub 1, issued April 23, 1964, to Richard H. Marshall, doing business as Chandler's Auto Express, Bay Road, Duxbury, Mass., corresponding to the grant of intrastate authority to transferor, issued by the Massachusetts Department of Public Utilities in Regular Route Common Carrier Certificate No. 204, dated October 22, 1959.

No. MC–FC 67341. By order of November 27, 1964, The Transfer Board approved the transfer to Willard Borum, doing business as Appleton City Truck Line, Appleton City, Mo., of Certificate No. MC 59437, issued April 23, 1954, to James B. Tredway, doing business as Tredway Truck Line, Appleton City, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Montrose, Mo., and Kansas City, Kans., serving the intermediate and off-route points of Butler, Kansas City, and Appleton City, Mo., and those within 12 miles of Appleton City; and household goods, over irregular routes, between Appleton City, Mo., and points within 12 miles thereof, on the one hand, and, on the other, points in Kansas and Iowa. Willard Borum, 105 East 4th Street, Appleton City, Mo., representative for applicants.

No. MC–FC 67344. By order of November 30, 1964, The Transfer Board approved the transfer to Vernon Roberts, doing business as Roberts Trucking Co., Poteau, Okla., of Certificate No. MC 32777, issued August 6, 1958, to Lofton H. Cline and William E. Cline, a partnership, doing business as Hester Motor Company, Poteau, Okla., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular route, between Heavener, Okla., and Fort Smith, Ark., serving the intermediate points of Spiro, Okla., and those south of Spiro, without restriction; and those north of Spiro restricted to northbound traffic. Max G. Morgan, 450 American National Building, Oklahoma City, Okla., representative for transferee and L. H. Cline, 111 North McKenna, Poteau, Okla., representative for transferor.

No. MC–FC 67357. By order of November 30, 1964, The Transfer Board approved the transfer to Edward Duff Murray, doing business as Quick Service Transfer Company, Chehalis, Wash., of the operating rights in Certificate No. MC 1405, issued March 14, 1942, to John C. Nowadnick and George W. Nowadnick, doing business as Quick Service Transfer Company, Chehalis, Wash., authorizing the transportation, over irregular routes, of: General commodities, with the usual exceptions, and authorizing the transportation of household goods, as defined by the Commission, in radial movements, between specified points in Washington, and points in Oregon. Robert F. Murray, Doneen Building, Wenatchee, Wash., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12533; Filed, Dec. 7, 1964; 8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


**3 CFR** (Page)
PROCLAMATIONS:
3630 — 15941
3631 — 16243
EXECUTIVE ORDER:
Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
5289 (revoked in part by PLO 3486) — 16830

**4 CFR**
51 — 16313
52 — 16313

**7 CFR**
15 — 16274
717 — 16184
719 — 16185
722 — 16248, 16775
724 — 16077
729 — 16185
905 — 16313–16315
907 — 16315
910 — 16078, 16316
929 — 16078
1421 — 15943
1600 — 16784
1601 — 16784
PROPOSED RULES:
911 — 16258
915 — 16258
971 — 16833
1005 — 16259
1030 — 16395, 16417
1031 — 16417
1036 — 16197
1044 — 16200
1126 — 16198

**9 CFR**
74 — 15943
97 — 16316

**10 CFR**
2 — 16831
PROPOSED RULES:
Ch. I — 15957

**12 CFR**
217 — 15944, 16317
218 — 16065
329 — 15944

**13 CFR**
107 — 16825
121 — 15945
PROPOSED RULES:
107 — 16094

**14 CFR**
7 — 16149
27 [New] — 16065
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318
71 [New] — 15945–15948, 16065, 16066, 16317, 16318, 16788
73 [New] — 15948, 16184
75 [New] — 16066, 16319
93 [New] — 15948
97 [New] — 16067, 16789

**14 CFR—Continued** (Page)
PROPOSED RULES:
39 [New] — 16429, 16430
71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835.
73 [New] — 15958, 16836
75 [New] — 16432, 16836
91 [New] — 15959
135 [New] — 16836

**15 CFR**
201 — 16319
365 — 16186

**16 CFR**
13 — 16186, 16826

**17 CFR**
200 — 16187
240 — 16245
PROPOSED RULES:
15 — 15957
19 — 15957

**18 CFR**
501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194

**19 CFR**
4 — 15949
14 — 16320

**20 CFR**
395 — 16322

**21 CFR**
8 — 15949
14 — 16194
15 — 16194
16 — 16194
17 — 16194
18 — 16194
19 — 16194
20 — 16194
22 — 16194
27 — 16194
29 — 16194
37 — 16194
42 — 16194
45 — 16194
46 — 16194
51 — 16194
53 — 16194
121 — 16078, 16079, 16249
148x — 16251
PROPOSED RULES:
46 — 16429

**24 CFR**
1 — [illegible]280

**25 CFR**
43d — [illegible]080

**26 CFR** (Page)
1 — 16081
45 — 16083
PROPOSED RULES:
1 — 15957, 16090

**29 CFR**
31 — 16284
689 — 15949
PROPOSED RULES:
601 — 16428
670 — 16428
675 — 16428
720 — 16428

**31 CFR**
PROPOSED RULES:
306 — 16330
315 — 16330
316 — 16330
321 — 16330
332 — 16330

**32 CFR**
517 — 15949
577 — 16251
701 — 16194
710 — 16055
719 — 16194
804 — 16323

**32A CFR**
OEP (Ch. I)
DMO I–4 — 16251

**33 CFR**
203 — 16251
206 — 15949

**35 CFR**
5 — 16328

**38 CFR**
3 — 16252, 16328

**39 CFR**
16 — 16125
21 — 16252
22 — 16125, 16252
24 — 16125
25 — 16252
61 — 16125

**41 CFR**
8–1 — 16323
8–2 — 16323
11–1 — 16252, 16255
11–2 — 16253, 16255
11–4 — 16253
11–14 — 16255
Ch. 18 — 16502
101–6 — 15972, 16287
101–7 — 16797
101–8 — 16800
101–9 — 16800
101–10 — 16801
101–11 — 16807
101–12 — 16824
101–13 — 16824
101–18 — 15973
101–19 — 15978
101–20 — 15984
101–25 — 15990
101–27 — 15997

41 CFR—Continued


| | Page |
|---|---|
| 101–28 | 15998 |
| 101–29 | 16002 |
| 101–30 | 16004 |
| 101–40 | 16008 |
| 101–43 | 16012 |
| 101–44 | 16027 |
| 101–45 | 16035 |
| 101–47 | 16126 |


42 CFR


| | Page |
|---|---|
| 57 | 15952 |


43 CFR


| | Page |
|---|---|
| 17 | 16293 |
| PUBLIC LAND ORDERS: | |
| 3359 (revoked in part by PLO 3478) | 16827 |
| 3447 (revoked in part by PLO 3485) | 16829 |
| 3464 | 16084 |
| 3465 | 16084 |
| 3466 | 16084 |
| 3467 | 16085 |
| 3468 | 16085 |
| 3469 | 16085 |
| 3470 | 16086 |
| 3471 | 16086 |
| 3472 | 16087 |
| 3473 | 16087 |
| 3474 | 16256 |
| 3475 | 16827 |
| 3476 | 16827 |
| 3477 | 16827 |
| 3477 | 16827 |
| 3478 | 16827 |
| 3479 | 16828 |
| 3480 | 16828 |
| 3481 | 16828 |
| 3482 | 16828 |
| 3483 | 16829 |
| 3484 | 16829 |
| 3485 | 16829 |
| 3486 | 16830 |
| 3487 | 16829 |
| 3488 | 16830 |
| 3489 | 16830 |
| 3490 | 16830 |
| 3491 | 16831 |
| 3492 | 16831 |


44 CFR


| | Page |
|---|---|
| 1 | 16832 |
| 2 | 16832 |
| 3 | 16832 |
| 4 | 16832 |
| 5 | 16832 |
| 6 | 16832 |
| 7 | 16832 |
| 55 | 15954 |
| 60 | 15954 |
| 100 | 15954 |
| 102 | 15954 |
| 110 | 16195 |
| Ch. VII | 16832 |


45 CFR


| | Page |
|---|---|
| 80 | 16298 |
| 150 | 15955 |
| 611 | 16305 |


46 CFR


| | Page |
|---|---|
| 506 | 16195 |
| PROPOSED RULES: | |
| Ch. IV | 16433 |


47 CFR


| | Page |
|---|---|
| 73 | 16196 |
| 81 | 16196 |
| PROPOSED RULES: | |
| 21 | 16204 |
| 73 | 16205, 16207, 16837 |


49 CFR


| | Page |
|---|---|
| 0 | 16087 |
| 176 | 16125 |
| 192 | 16256 |


50 CFR


| | Page |
|---|---|
| 256 | 16088 |



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Pages 16851–16903

# FEDERAL REGISTER

VOLUME 29 NUMBER 239

Washington, Wednesday, December 9, 1964


## Contents


AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Milk in Tri-State marketing areas; Class I prices 16855

Pears, Bartlett, and plums and Elberta peaches grown in California; expenses and assessment rate, 1964–65 16854

Tobacco, Pennsylvania Seedleaf; standard grades; miscellaneous amendments 16854

Proposed Rule Making

Milk in Central Arizona marketing area; hearing 16866

Notices

Kennamer Livestock Co. et al.; changes in names of stockyards 16871

AGRICULTURE DEPARTMENT

*See also* Agricultural Marketing Service.

Notices

Designation of areas for emergency loans:

Arkansas 16872

Kansas; extension 16872

ARMY DEPARTMENT

*See* Engineers Corps.

CIVIL AERONAUTICS BOARD

Proposed Rule Making

Air carriers and foreign air carriers; tariffs; extension of time for comments 16867

Notices

*Hearings, etc.:*

Bonanza Air Lines, Inc 16871

Eastern Air Lines, Inc 16869

Falcon Air Freight, Inc 16870

Pan American World Airways, Inc 16870

CIVIL SERVICE COMMISSION

Notices

Certain specializations in technology series; cancellation of special rates 16875

COMMERCE DEPARTMENT

*See* International Commerce Bureau; Maritime Administration.

DEFENSE DEPARTMENT

*See* Engineers Corps.

ENGINEERS CORPS

Rules and Regulations

Anchorages; San Juan Harbor, P.R.; correction 16859

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Aviation services; transmitters used at aircraft survival stations; exemption from type acceptance procedures 16865

Notices

*Hearings, etc.:*

Kaiser Industries Corp. et al 16875

Triad Stations, Inc., and Marshall Broadcasting Co 16875

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Operations; educational loans by Federal savings and loan associations 16856

FEDERAL MARITIME COMMISSION

Notices

Alaska Lower Yukon River Area; increased freight rates; investigation and suspension; amendment 16875

State of Connecticut and Connecticut Terminal Co., Inc.; agreement filed for approval 16875

Transcarloading Corp.; rate changes, South Atlantic/Puerto Rico trade; investigation and suspension 16876

West Coast Freight Tariff Bureau, Inc.; application for freight forwarding license 16876

FEDERAL POWER COMMISSION

Notices

*Hearings, etc.:*

Alabama Power Co 16876

Duke Power Co. and Carolina Power & Light Co 16877

El Paso Natural Gas Co 16877

El Paso Natural Gas Co. and Northern Natural Gas Co 16877

Florida Gas Transmission Co. and Texas Eastern Transmission Corp 16878

Manufacturers Light and Heat Co 16878

FEDERAL RESERVE SYSTEM

Rules and Regulations

Discount rates; changes 16855

FEDERAL TRADE COMMISSION

Rules and Regulations

Wayne Golf Ball Co. et al.; prohibited trade practices 16856

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; polyethylene terephthalate film 16858

Macaroni and noodle products; optional ingredient 16858

Proposed Rule Making

Fruit juice beverages, nectars and drinks; extension of time for comments 16866

Notices

Food additives; filing of petitions:

American Turpentine Farmers Association Cooperative 16868

Dow Chemical Co 16868

S. E. Massengill Co 16869

Margarine deviating from identity standards; extension of temporary permit for market testing (2 documents) 16868, 16869


(*Continued on next page*)

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See* Food and Drug Administration.

## HOUSING AND HOME FINANCE AGENCY

**Notices**

Acting Regional Director of Administration, Philadelphia; designation ---------- 16878
Assistant Administrator, Transportation; delegation of authority regarding urban mass transportation ---------- 16879

## INTERIOR DEPARTMENT

*See also* Land Management Bureau.

**Notices**

Porter, William C., Jr.; statement of changes in financial interests ---------- 16871

## INTERNATIONAL COMMERCE BUREAU

**Notices**

Moens & Co. and Marcel Moens; order extending temporary denial of export privileges ---------- 16872

## INTERSTATE COMMERCE COMMISSION

**Notices**

Fourth section applications for relief ---------- 16901
Motor carrier:
Alternate route deviation notices ---------- 16882
Applications and certain other proceedings ---------- 16886
Broker, water carrier and freight forwarder applications ---------- 16890
Intrastate applications ---------- 16900
Transfer proceedings (2 documents) ---------- 16900, 16901
Movers' and Warehousemen's Association of America, Inc.; application for approval of amendments to agreement ---------- 16882

## LAND MANAGEMENT BUREAU

**Rules and Regulations**

Public land orders:
Alaska; revocation of withdrawal, and withdrawal of lands for school purposes ---- 16863
Arizona; modifying stock driveway withdrawal to permit grant of right-of-way ---------- 16863
California; revocation of departmental order ---------- 16860
Colorado; withdrawal for Frying Pan-Arkansas Project ---- 16861
Nevada:
Partial revocation of reclamation withdrawal; Newlands Project ---------- 16864
Withdrawal for proposed Moapa Valley Pumping Project ---------- 16862
Withdrawal for national forest recreation area ---------- 16864
New Mexico:
Power site restoration and cancellation, revocation of power site reserves, and water power designation ---- 16864
Withdrawal for national forest scenic and recreation area ---------- 16859
Withdrawal for national forest recreation areas ---------- 16860
Oregon:
Partial revocation of reclamation withdrawal ---------- 16863
Partial revocation of withdrawal for Forest Service administrative site ---------- 16863
Withdrawal for national forest recreation area ---------- 16860
Withdrawal for national forest recreation areas and administrative site ---------- 16860
Withdrawal of national forest lands for use of Forest Service ---------- 16862
Utah; addition of lands to Wasatch and Uinta National Forests ---------- 16861
Washington; power site restoration and cancellation; revocation of withdrawals, and opening of lands ---------- 16859

**Notices**

Utah; filing of plat of survey and opening of public lands; correction ---------- 16871

## MARITIME ADMINISTRATION

**Notices**

List of free world and Polish flag vessels arriving in Cuba since Jan. 1, 1963 ---------- 16873

## POST OFFICE DEPARTMENT

**Rules and Regulations**

Special handling, rates and conditions, and international mail; miscellaneous amendments ---- 16858

## SECURITIES AND EXCHANGE COMMISSION

**Rules and Regulations**

Securities; miscellaneous amendments ---------- 16856

**Notices**

*Hearings, etc.:*
Eastern Utilities Associates et al ---------- 16879
Realsite, Inc ---------- 16880
Tilecast Corp ---------- 16880

## SMALL BUSINESS ADMINISTRATION

**Notices**

Delegations of authority to conduct program activities in certain regional areas:
Atlanta ---------- 16880
Richmond ---------- 16880

## TREASURY DEPARTMENT

**Notices**

Beef steaks from Canada; fair value determination ---------- 16868




Ref.
Ref.
G.P.O.
5-12-65-Replace,

# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

### 3 CFR

EXECUTIVE ORDERS:
Mar. 31, 1911 (revoked in part by PLO 3493) ---------- 16859
Sept. 30, 1916 (revoked in part by PLO 3508) ---------- 16864
May 21, 1920 (revoked in part by PLO 3508) ---------- 16864

### 7 CFR

29 ---------- 16854
917 ---------- 16854
1005 ---------- 16855
PROPOSED RULES:
1131 ---------- 16866

### 12 CFR

224 ---------- 16855
545 ---------- 16856

### 14 CFR

PROPOSED RULES:
221 ---------- 16867

### 16 CFR

13 ---------- 16856

### 17 CFR

239 ---------- 16856
240 ---------- 16856

### 21 CFR

16 ---------- 16858
121 ---------- 16858
PROPOSED RULES:
27 ---------- 16866
31 ---------- 16866

### 33 CFR

202 ---------- 16859

### 39 CFR

57 ---------- 16858
112 ---------- 16858
168 ---------- 16858

### 43 CFR

PUBLIC LAND ORDERS:
3493 ---------- 16859
3494 ---------- 16859
3495 ---------- 16860
3496 ---------- 16860
3497 ---------- 16860
3498 ---------- 16860
3499 ---------- 16861
3500 ---------- 16861
3501 ---------- 16862
3502 ---------- 16862
3503 ---------- 16863
3504 ---------- 16863
3405 ---------- 16863
3506 ---------- 16863
3507 ---------- 16864
3508 ---------- 16864
3509 ---------- 16864

### 47 CFR

87 ---------- 16865


*5-year Compilations*

*Presidential Documents*

**CODE OF FEDERAL REGULATIONS**

**[ Supplements to Title 3 ]**

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

### PART 29—TOBACCO INSPECTION

#### Subpart C—Standards

MISCELLANEOUS AMENDMENTS

A notice of proposed rule making covering amendments to the Official Standard Grades for Pennsylvania Seedleaf Tobacco, U.S. Type 41, was published in the FEDERAL REGISTER of October 28, 1964 (29 F.R. 14668). Interested persons were given 30 days following publication of the notice in the FEDERAL REGISTER in which to submit written data, views, or arguments with respect to the proposed amendments. No data, views, or arguments were received.

After consideration of all relevant matters concerning the proposal, the proposed amendments, as so published, are adopted without change.

*Effective date.* In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), these amendments shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

The amendments are set forth below.

Done at Washington, D.C., this 3d day of December, 1964.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

1. The parenthetical references in §§ 29.4257, 29.4259, and 29.4286 are revoked.

2. The following sentence is added at the end of § 29.4269: "Throwout leaves not meeting C-group grade specifications will be included in the X and Y groups.".

3. Section 29.4277 is revoked.

4. In the second sentence of § 29.4301, the words "frozen or" are deleted from item (b).

5. In § 29.4302 the second sentence is revoked.

6. Section 29.4335 is revoked.

7. In the last sentence of § 29.4336 the word "graded" is substituted for the word "designated."

8. Section 29.4346 is deleted and the following is substituted therefor:

**§ 29.4346 Rule 15.**

Frozen or frostbitten tobacco shall be included only in N1 or N2.

9. In § 29.4347 the word "designated" is deleted and the word "graded" is substituted therefor; and the last two words "any group" are deleted and "the C, X, and Y groups" are substituted therefor.

10. In § 29.4362 the tolerances for grade X3 are amended to read: "Tolerances: less than 20 percent crude and 30 percent waste.".

11. In § 29.4363 the heading and first sentence are deleted and the following is substituted therefor:

**§ 29.4363 Farm Filler (Y Group).**

This group consists of tied tobacco and normally is tobacco from the lower portion of the stalk.

12. The text of § 29.4364 is deleted and the following is substituted therefor:

**§ 29.4364 Nondescript (N Group).**

Frozen or frostbitten tobacco or tobacco which does not meet the minimum specifications or exceeds either tolerance of the lowest grade of any other group.

| *U.S. Grades* | *Grade Names and Specifications* |
|---|---|
| N1 | Field frozen or frostbitten tobacco in safe-keeping order or case. |
| N2 | Frozen or frostbitten tobacco which is wet or in doubtful-keeping order or case. |
| No-G | Tobacco which contains chicken dust, stone dust, or other foreign matter; is hail-cut or wasted in excess of the tolerances for X3 or Y2; is damaged, dirty, nested, offtype, semicured, wet, shingled or otherwise improperly packed; has an odor foreign to the type; contains 20 percent or more crude; or does not meet the minimum specifications of the lowest grade of the C, X, or Y groups. |

13. In § 29.4386 delete:

*1 Grade of Nondescript*
N

and substitute therefor:

*3 Grades of Nondescript*
N1
N2
No-G

14. The sentence "Tobacco not covered by standard grades is designated 'No-G.'" is also deleted from § 29.4386.

(49 Stat. 734; 7 U.S.C. 511m)

[F.R. Doc. 64-12575; Filed, Dec. 8, 1964; 8:46 a.m.]

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

### PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

#### Expenses and Rates of Assessment for 1964–65 Season

Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that the expenses for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) • • •;
(2) Early varieties of plums, $24,000;
(3) Late varieties of plums, $24,000; and
(4) • • •.

*It is therefore, ordered,* That paragraph (a) of § 917.203 *Expenses and rates of assessment for the 1964–65 season* (29 F.R. 7452) is hereby amended by deleting therefrom in subparagraphs (2) the amount $20,939.23 and (3) the amount $20,939.22 and substituting in lieu thereof the amount $24,000. As amended paragraph (a) of § 917.203 reads as follows:

**§ 917.203 Expenses and rates of assessment for the 1964–65 season.**

(a) *Expenses.* The expenses likely to be incurred by the Control Committee during the 1964–65 season beginning March 1, 1964, and ending February 28, 1965, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $19,477.97;
(2) Early varieties of plums, $24,000;
(3) Late varieties of plums, $24,000; and
(4) Elberta peaches, $13,481.58.

• • • • • •

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in rule making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The increase in the budget set forth above does not involve an increase in the rates of assessment heretofore established by the Secretary (29 F.R. 7452); and (2) the said committee in the performance of its duties and functions has incurred obligations in excess of the expenses previously thought likely to be incurred. Therefore, it is essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 4, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12576; Filed, Dec. 8, 1964; 8:46 a.m.]





### Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 5]

### PART 1005—MILK IN TRI-STATE MARKETING AREA

#### Order Amending Order

**§ 1005.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective on the date of its publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued December 1, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on the date of its publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.—It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1005.51(a), the introductory text preceding the table therein is revised to read as follows:

**§ 1005.51 Class I milk prices.**

• • • • • •

(a) Add the following amounts for the months indicated, plus 20 cents from the effective date of this provision through December 1964, and plus 10 cents for January and February 1965.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 4, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-12612; Filed, Dec. 8, 1964; 8:49 a.m.]

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

### PART 224—DISCOUNT RATES

#### Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

**§ 224.2 Advances and discounts for member banks under sections 13 and 13a.**

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

| | Rate | Effective |
|---|---|---|
| Federal Reserve Bank of: | | |
| Boston | 4 | Nov. 24, 1964 |
| New York | 4 | Do. |
| Philadelphia | 4 | Do. |
| Cleveland | 4 | Nov. 27, 1964 |
| Richmond | 4 | Do. |
| Atlanta | 4 | Nov. 25, 1964 |
| Chicago | 4 | Nov. 24, 1964 |
| St. Louis | 4 | Do. |
| Minneapolis | 4 | Nov. 30, 1964 |
| Kansas City | 4 | Do. |
| Dallas | 4 | Nov. 27, 1964 |
| San Francisco | 4 | Do. |

2. Section 224.3 is amended to read as follows:

**§ 224.3 Advances to member banks under section 10(b).**

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

| | Rate | Effective |
|---|---|---|
| Federal Reserve Bank of: | | |
| Boston | 4½ | Nov. 24, 1964 |
| New York | 4½ | Do. |
| Philadelphia | 4½ | Do. |
| Cleveland | 4½ | Nov. 27, 1964 |
| Richmond | 4½ | Do. |
| Atlanta | 4½ | Nov. 25, 1964 |
| Chicago | 4½ | Nov. 24, 1964 |
| St. Louis | 4½ | Do. |
| Minneapolis | 4½ | Nov. 30, 1964 |
| Kansas City | 4½ | Do. |
| Dallas | 4½ | Nov. 27, 1964 |
| San Francisco | 4½ | Do. |

3. Section 224.4 is amended to read as follows:

**§ 224.4 Advances to persons other than member banks.**

The rates for advances to individuals, partnerships, or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

| | Rate | Effective |
|---|---|---|
| Federal Reserve Bank of: | | |
| Boston | 5½ | Nov. 24, 1964 |
| New York | 5 | Do. |
| Philadelphia | 5 | Do. |
| Cleveland | 5½ | Nov. 27, 1964 |
| Richmond | 5 | Do. |
| Atlanta | 6 | Nov. 25, 1964 |
| Chicago | 5 | Nov. 24, 1964 |
| St. Louis | 5 | Do. |
| Minneapolis | 5 | Nov. 30, 1964 |
| Kansas City | 5 | Do. |
| Dallas | 5 | Nov. 27, 1964 |
| San Francisco | 5 | Do. |

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

Dated at Washington, D.C., this 30th day of November 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.
[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-12490; Filed, Dec. 8, 1964; 8:45 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 18,634]

## PART 545—OPERATIONS

### Educational Loans

DECEMBER 3, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 13834) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) to implement section 910 of the Housing Act of 1964 and to authorize Federal savings and loan associations to invest in loans for the payment of expenses of college or university education, and for the purpose of effecting such amendment, hereby amends said Part 545 as hereinafter set forth, effective December 9, 1964.

Part 545 is hereby amended by adding after § 545.8 a new section as follows:

**§ 545.8–1 Educational loans.**

Any Federal association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to in this section as "loans") made for the payment of expenses of college or university education, but no Federal association shall make any investment in loans under this section if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 percent of its assets. Such loans may be secured, partly secured, or unsecured, and the association may require a comaker or comakers, insurance, guaranty under a governmental student loan guarantee plan, or other protection against contingencies. The borrower shall certify to the association that the proceeds of the loan are to be used by a full-time student solely for the payment of expenses of college or university education. For the purpose of this section, the term "college or university education" means education at an institution which provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp)

Resolved further that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64-12604; Filed, Dec. 8, 1964; 8:49 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-860]

## PART 13—PROHIBITED TRADE PRACTICES

### Wayne Golf Ball Co. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Wayne Golf Ball Company et al., Docket C-860, Nov. 25, 1964.]

*In the Matter of Wayne Golf Ball Company, a corporation, and Raymond S. Zack, and Albert Asselin, individually and as officers of said corporation*

Consent order requiring a Roseville, Mich., corporation engaged in rebuilding used golf balls, to cease selling or distributing such golf balls without conspicuously disclosing that they are previously used golf balls which have been rebuilt or reconstructed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Wayne Golf Ball Co., a corporation, and its officers, and Raymond S. Zack and Albert Asselin, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of used, rebuilt, reconstructed or re-covered golf balls in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to clearly and conspicuously disclose on the boxes or bags in which the respondents' rebuilt or reconstructed golf balls are packaged, on the wrapper and on said golf balls themselves, that they are previously used balls which have been rebuilt or reconstructed. Provided, however, that disclosure need not be made on the golf balls themselves if respondents establish that the disclosure on the boxes, bags and/or wrappers is such that retail customers, at the point of sale, are informed that the golf balls are previously used and have been rebuilt, reconstructed or re-covered.

2. Placing any means or instrumentalities in the hands of others whereby they may mislead the public as to the prior use and rebuilt or re-covered nature and construction of their golf balls.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 25, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-12550; Filed, Dec. 8, 1964; 8:45 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release No. 33-4733, 34-7467]

## PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

### Miscellaneous Amendments

The Securities and Exchange Commission has adopted amendments to Form S-8 under the Securities Act of 1933 (Securities Act) (set forth in full as 17 CFR 239.16b) and to Rule 10b-6 and Rule 16b-3 under the Securities Exchange Act of 1934 (Exchange Act) (17 CFR 240.10b-6 and 240.16b-3). The purpose of the amendments is to revise Form S-8 to authorize that form for registration of stock to be offered pursuant to options which meet the conditions set forth in section 424(b) of the Internal Revenue Code for "restricted stock options" except for the fact that the options are granted after January 1, 1964, and to extend the exemptive provisions of Rule 16b-3 and paragraph (e) of Rule 10b-6 to such options.

Form S-8 may be used for the registration under the Securities Act of 1933 of securities offered pursuant to certain unincorporated stock purchase, savings or similar plans and interests in such plans. Previously, however, it could be used for the registration of stock to be offered pursuant to a stock option plan only if the options were "qualified," "restricted" or "employee stock purchase plan" stock options as those terms are defined in sections 422 through 424 of the Internal Revenue Code of 1954 as amended.

Rule 10b-6 was adopted pursuant to section 10(b) of the Exchange Act which makes it unlawful for any person by use of the mails, any instrumentality of interstate commerce, or any facility of a national securities exchange, in connection with the purchase or sale of any security, to use any manipulative or deceptive device or contrivance "in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors." Rule 10b-6 makes it unlawful for participants in a distribution of securities, including the issuer of the securities, to purchase any such security, or any security of the same class or series, until completion of their participation in the distribution, subject to specified exceptions. Paragraph (e) of Rule 10b-6 provides that the prohibitions of the rule do not apply, inter alia, to any distribution of securities by an issuer to its employees, or to employees of its subsidiaries, or to a trustee or other person acquiring securities for the account of such employees, pursuant to a stock option plan involving only "qualified stock options" or "restricted stock options" or qualifying as an "employee stock purchase plan." Previously these terms were defined only by reference to sections 422 through 424 of the Internal Revenue Code of 1954, as amended.

Rule 16b-3 was adopted pursuant to section 16(b) of the Exchange Act, which was enacted for the purpose of preventing the unfair use of information in short-term trading by persons owing beneficially more than 10% of any class of equity security which is registered pursuant to section 12 of the Exchange Act and by directors and officers of the issuer of such security. Section 16(b) provides that profits realized by such persons from the purchase and sale, or the sale and purchase, of any equity security of the company, within a period of less than six months, inure to and are recoverable by or on behalf of the company. Rule 16b-3 provides an exemption from section 16(b) for shares of stock (other than stock acquired upon the exercise of an option, warrant, or right) acquired by an officer or director pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings or similar plan meeting specified conditions. The rule also exempts the acquisition of a "qualified" or a "restricted" stock option pursuant to a qualified or a restricted stock option plan, or a stock option pursuant to an "employee stock purchase plan." The terms "qualified stock option," "restricted stock option" and "employee stock purchase plan" previously were defined only by reference to sections 422 through 424 of the Internal Revenue Code, as amended.

Before August 27, 1964 Form S-8 was available for registration of stock to be offered pursuant to "restricted stock options" as defined in former section 421 of the Internal Revenue Code, and the aforementioned exemptive provisions of Rules 10b-6 and 16b-3 applied to such options. On August 27, 1964 the Commission adopted certain amendments to various of its forms, including Form S-8, and to Rules 10b-6 and 16b-3 with respect to stock options which are eligible for special tax benefits (Securities Act Release No. 4718, Securities Exchange Act Release No. 7403, 29 F.R. 12676). These amendments were adopted to make the Commission's forms and rules consistent with the Internal Revenue Code, as amended by the Revenue Act of 1964, i.e., to provide for all tax-favored options the same exemptive or other favorable treatment as had been extended to the previous tax-favored options.

It has now been brought to the attention of the Commission that certain companies desire to continue to grant options which meet the former requirements for "restricted stock options" but which are not eligible for special tax benefits as the result of the amendments to the Internal Revenue Code. The effect of the amendments on Form S-8 and Rules 10b-6 and 16b-3 is to make the Form S-8 available for registration of stock offered pursuant to these "restricted stock options" and to make the exemptive provisions of Rule 16b-3 and paragraph (e) of Rule 10b-6 applicable to such options if they meet the requirements of section 424(b) for "restricted stock options" except for the fact such options are granted after January 1, 1964.

*Commission action.* The Securities and Exchange Commission hereby amends §§ 239.16b, 240.10b-6 and 240.16b-3 as follows:

**§ 239.16b Form S-8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.**

(a) *General instructions*—(1) *Rule as to use of Form S-8.* Any issuer which at the time of filing a registration statement on this form is required to file reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 may use this form for registration under the Securities Act of 1933 of the following securities:

* * * * * * *

(iii) Stock to be offered pursuant to "qualified," or "employee stock purchase plan" stock options as those terms are defined in sections 422 and 423 of the Internal Revenue Code of 1954, as amended, or "restricted stock options" as defined in section 424(b) thereof, provided however, that for the purposes of this paragraph an option which meets all of the conditions of that section other than the date of issuance shall be deemed to be "restricted stock options."

* * * * * * *

(d) *Information required in the prospectus.* * * *

* * * * * * *

NOTE. Items 1 to 11, inclusive, apply only to plans other than qualified or restricted stock option plans and need not be answered if the plan is a qualified or restricted stock option plan as defined in subsection (1)(iii) of the General Instructions.

* * * * * * *

NOTE. Items 12 to 18, inclusive, apply only to qualified or restricted stock option plans and need not be answered if the plan is not a qualified or restricted stock option plan as defined in subsection (1)(iii) of the General Instructions.

* * * * * * *

**§ 240.10b–6 Prohibition against trading by persons interested in a distribution.**

* * * * * * *

(e) The provisions of this rule shall not apply to any distribution of securities by an issuer to its employees, or to employees of its subsidiaries, or to a trustee or other person acquiring such securities for the account of such employees, pursuant to (1) a stock option plan involving only "qualified stock options," or qualifying as an "employee stock purchase plan" as those terms are defined in sections 422 and 423 of the Internal Revenue Code of 1954, as amended or "restricted stock options" as defined in section 424(b) of the Internal Revenue Code of 1954, as amended, provided however, that for the purposes of this paragraph an option which meets all of the conditions of that section other than the date of issuance shall be deemed to be "restricted stock options"; or (2) a savings, investment, or stock purchase plan providing for both (i) periodic payments (or payroll deductions) for acquisition of securities by participating employees and (ii) periodic purchases of the securities by participating employees, or the person acquiring them for the account of such employees.

* * * * * * *

**§ 240.16b–3 Exemption from section 16(b) of acquisitions of shares of stock and stock options under certain stock bonus, stock option or similar plans.**

Any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings or similar plan, or any acquisition of a qualified or a restricted stock option pursuant to a qualified or a restricted stock option plan, or of a stock option pursuant to an employee stock purchase plan, by a director or officer of the issuer of such stock or stock option shall be exempt from the operation of section 16(b) of the Act if the plan meets the following conditions:

* * * * * * *

(c) As to each participant or as to all participants the plan effectively limits the aggregate dollar amount or the aggregate number of shares of stock which may be allocated, or which may be subject to qualified, restricted, or employee stock purchase plan stock options granted, pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date; and may be determined either by fixed or maximum dollar

amounts or fixed or maximum numbers of shares or by formulas based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding from time to time, or similar factors which will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable or options outstanding thereunder to prevent dilution or enlargement of rights.

(d) Unless the context otherwise requires, all terms used in this rule shall have the same meaning as in the Act or elsewhere in the general rules and regulations thereunder. In addition, the following definitions apply:

(1) The term "plan" includes all plans, whether or not set forth in any formal written document or documents and whether or not approved in its entirety at one time.

(2) The definition of the terms "qualified stock option" and "employee stock purchase plan" that are set forth in sections 422 and 423 of the Internal Revenue Code of 1954, as amended, are to be applied to those terms where used in the rule. The term "restricted stock option" as defined in section 424(b) of the Internal Revenue Code of 1954, as amended, shall be applied to that term as used in this rule, provided however, that for the purposes of this rule an option which meets all of the conditions of that section other than the date of issuance shall be deemed to be a "restricted stock option."

(Secs. 6, 7, 10 and 19, 48 Stat. 78, 81 and 85, as amended, 15 U.S.C. 77f, 77g, 77j and 77s; secs. 3, 10, 16 and 23, 48 Stat. 882, 891, 896 and 901, 15 U.S.C. 78c, 78j, 78p and 78w)

The Commission deems that the foregoing amendments to the rules and form are necessary and appropriate and are not inconsistent with the public interest or the protection of investors. Accordingly, the Commission finds that notice and procedure pursuant to the Administrative Procedure Act with respect thereto is not necessary in the public interest or for the protection of investors, that such action has the effect of granting exemption or relieving restrictions, and that such amended rules and form should be made effective immediately. However, the Commission will consider all views and comments submitted with respect to the rules and form by interested persons and will make such changes, if any, as it may deem necessary or appropriate in the light of such views and comments. In view of the foregoing, the rules and amended form shall become effective November 20, 1964.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

NOVEMBER 20, 1964.

[F.R. Doc. 64-12551; Filed, Dec. 8, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 16—MACARONI AND NOODLE PRODUCTS

### Concentrated Glyceryl Monostearate as Optional Ingredient; Confirmation of Effective Date of Amendment

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that no objections were filed to the order of October 13, 1964 (29 F.R. 14074), permitting the use of up to 2 percent of concentrated glyceryl monostearate to improve the cooking properties of macaroni and noodle products. Accordingly, the amendment promulgated by that order will become effective December 12, 1964.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12613; Filed, Dec. 8, 1964; 8:49 a.m.]

### PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE TEREPHTHALATE FILM

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1381) filed by E. I. du Pont de Nemours & Company, Inc., 1007 Market Street, Wilmington 98, Delaware, and other relevant material, has concluded that the food additive regulations (21 CFR 121.2524) should be amended to provide for the use of certain additional substances, hereinafter specified, in the production of the base sheet of polyethylene terephthalate film used as an article or component of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2524(d)(4) is amended by inserting alphabetically in the list in subdivision (i) a new item, as follows:

§ 121.2524 Polyethylene terephthalate film.

* * * * * *

(d) * * *
(4) * * *

(i) Base sheet:

Ethylene terephthalate copolymers: Prepared by the copolymerization of dimethyl terephthalate or terephthalic acid with ethylene glycol, modified with one or more of the following: Azelaic acid, dimethyl azelate, dimethyl sebacate, sebacic acid.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12614; Filed, Dec. 8, 1964; 8:49 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 57—SPECIAL HANDLING

### PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

### PART 168—DIRECTORY OF INTERNATIONAL MAIL

### Miscellaneous Amendments

The following amendments are made to Chapter I of Title 39:

§ 57.2 [Amended]

In § 57.2 *Special-handling fees*, amend the language "Not more than 2 pounds", which appears under Weight, to read "One pound but not more than 2 pounds".

NOTE: The corresponding Postal Manual section is 167.2.

(R.S. 161, as amended; 39 U.S.C. 501, 507, 6008)



§ 112.4 [Amended]

In § 112.4 *Printed matter*, amend the table in paragraph (b)(1) so as to change the printed matter weight limitation for Paraguay from 11 pounds to 33 pounds.

NOTE: The corresponding Postal Manual section is 222.421.

§ 168.5 [Amended]

In § 168.5 *Individual country regulations*, make the following amendment under China: Respecting the Republic of China, under Postal Union Mail change "Small packets. Not accepted" to read "Small packets. Accepted".

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-12554; Filed, Dec. 8, 1964; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

### PART 202—ANCHORAGE REGULATIONS

### San Juan Harbor, P.R.

*Correction*

In F.R. Doc. 64-11965, appearing at page 15757 of the issue for Tuesday, November 24, 1964, the following correction is made in § 202.240: The fourth line of paragraph (a)(3) should read "thence along a line 269°00'', 550 yards;" instead of "thence along a line 29°00'', 550 yards;".

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3493]

[Washington 05048]

### WASHINGTON

### Power Site Restoration No. 612; Power Site Cancellation No. 202; Revoking Certain Power Withdrawals; Opening Lands Under Section 24 of the Federal Power Act

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-173-Washington, it is ordered as follows:

1. The Executive order of March 31, 1911, establishing Power Site Reserve No. 179, the Departmental order of June 19, 1920, creating Power Site Classification No. 149, and the order of the Geological Survey, dated March 29, 1950, creating Power Site Classification No. 407, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 38 N., R. 25 E.,
Sec. 12, lot 1 and SW¼NE¼.
T. 40 N., R. 26 E.,
Sec. 4, lots 5 and 7 (now lot 6);
Sec. 8, lots 2 and 4;
Sec. 10, lots 7 and 8;
Sec. 11, lots 5, 6, 7, 8 (now lot 11);
Sec. 13, NE¼NE¼ and SW¼SE¼;
Sec. 24, NW¼NE¼.
T. 40 N., R. 27 E.,
Sec. 19, lot 6 and SE¼NE¼.
T. 38 N., R. 40 E.,
Sec. 1, SE¼SW¼.
T. 39 N., R. 40 E.,
Sec. 13, SW¼SE¼;
Sec. 23, SW¼ and W½SE¼;
Sec. 24, NE¼NE¼, W½E½ and E½SW¼;
Sec. 25, NE¼NW¼;
Sec. 26, N½NW¼, SE¼NW¼ and NE¼SW¼;
Sec. 35, SW¼NW¼, NE¼SW¼ and NE¼SE¼.
T. 38 N., R. 41 E.,
Sec. 9, SW¼SW¼;
Sec. 20, SE¼NE¼ and SW¼SW¼;
Sec. 29, NW¼NW¼ and SE¼SW¼.
T. 39 N., R. 41 E.,
Sec. 23, SE¼NW¼ and SE¼SW¼;
Sec. 27, lot 9;
Sec. 34, NW¼NW¼.

The areas described, including the public, nonpublic, and national forest lands aggregate approximately 1,901 acres.

2. In DA-173-Washington, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for license for Project No. 2062, for the following-described lands:

WILLAMETTE MERIDIAN

T. 40 N., R. 26 E.,
Sec. 4, lots 5, and 7 (now lot 6);
Sec. 8, lots 2 and 4;
Sec. 10, lots 7 and 8;
Sec. 11, lots 5, 6, 7, and 8 (now lot 11);
Sec. 13, SW¼SE¼;
Sec. 24, NW¼NE¼.
T. 40 N., R. 27 E.,
Sec. 19, lot 6 and SE¼NE¼.

The areas described aggregate 538.33 acres. The lands are patented.

3. In DA-173-Washington, the Federal Power Commission determined that the power value of the following-described lands will not be injured or destroyed by restoration to location, entry or selection under appropriate public land laws, subject to the provisions of Section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN

T. 40 N., R. 25 E.,
Sec. 27, SW¼SW¼;
Sec. 34, W½SE¼.
T. 39 N., R. 26 E.,
Sec. 19, lot 1.
T. 40 N., R. 26 E.,
Sec. 8, NE¼NE¼.
T. 40 N., R. 27 E.,
Sec. 19, lot 13.

The areas described aggregate 190.29 acres.

4. The lands lie generally along the Similkameen River from the international boundary between the United States and Canada to a point near Oroville, Washington.

5. Until 10:00 a.m. on June 3, 1965, the State of Washington shall have a preferred right of application to select the restored public lands for school indemnity purposes, as provided by section 2276 of the Revised Statutes as amended by the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The State of Washington also has a more limited preferred right of application for the restored lands for highway easement or for highway material site purposes, as provided by Section 24 of the Federal Power Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

6. At 10:00 a.m. on June 3, 1965, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications except preference right applications from the State received at or prior to 10:00 a.m. on June 3, 1965, will be considered as simultaneously filed at that time. Those filed thereafter will be considered in the order of filing.

7. The national forest lands shall be open to such forms of disposition as may by law be made of such lands at 10:00 a.m. on January 7, 1965.

8. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

9. Any disposals of the lands described in paragraph 3 of this order shall be subject to the provisions of Section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Wash.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12555; Filed, Dec. 8, 1964; 8:45 a.m.]

[Public Land Order 3494]

[New Mexico 0397628]

### NEW MEXICO

### Withdrawal for National Forest Scenic and Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

CIBOLA NATIONAL FOREST

*Sandia Crest Scenic Area*

T. 11 N., R. 5 E. (Unsurveyed),
Sec. 6, W½NW¼NE¼NW¼, SW¼NE¼NW¼, E½NW¼NW¼, NW¼NW¼NW¼, E½SW¼NW¼NW¼, E½SW¼NW¼, NE¼NW¼SW¼NW¼, W½SE¼NW¼, S½SE¼SE¼NW¼, NE¼SW¼, E½NE¼NW¼SW¼, NE¼SE¼NW¼SW¼, E½NE¼SW¼, E½NW¼SE¼SW¼, W½NW¼SE¼, W½SW¼SE¼, SE¼SW¼SE¼, SW¼NE¼SW¼SE¼, and S½SW¼SE¼SE¼;
Sec. 7, N½NE¼, NE¼SW¼NE¼, E½SE¼NE¼, NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, and E½NE¼NE¼NW¼;
Sec. 8, S½SW¼NW¼NW¼, W½NE¼SW¼NW¼, W½SW¼NW¼, W½SE¼SW¼NW¼, SE¼SE¼SW¼NW¼, E½NW¼SW¼, NW¼NW¼SW¼, N½SE¼SW¼, NW¼NW¼NE¼SW¼, S½NW¼NE¼SW¼, S½NE¼SW¼, S½SW¼NW¼SE¼, SW¼SE¼, NW¼NW¼SE¼SE¼, S½NW¼SE¼SE¼, SW¼SE¼SE¼, NW¼SE¼SE¼SE¼, and S½SE¼SE¼SE¼;
Sec. 16, W½NW¼NW¼NW¼, SW¼NW¼NW¼, W½SE¼NW¼NW¼, N½SW¼NW¼, NE¼SE¼SW¼NW¼, W½NE¼SE¼NW¼, NW¼SE¼NW¼, N½SW¼SE¼NW¼, and NW¼SE¼SE¼NW¼;
Sec. 17, N½NE¼NE¼, N½NE¼NW¼NE¼, SE¼NE¼NE¼, and NE¼SW¼NE¼NE¼.
T. 12 N., R. 5 E.,
Sec. 30, S½N½SW¼, S½SW¼, SW¼NW¼SE¼, and NW¼SW¼SE¼;
Sec. 31, W½W½W½NE¼, NW¼, SW¼, W½W½SE¼.

The areas described aggregate 1,142.5 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12556; Filed, Dec. 8, 1964; 8:45 a.m.]

[Public Land Order 3495]

[Sacramento 078461]

## CALIFORNIA

### Revoking Departmental Order of November 27, 1908

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Departmental Order of November 27, 1908, which withdrew the following-described national forest lands in the Rogue River National Forest for use of the Forest Service is hereby revoked:

MOUNT DIABLO MERIDIAN

PERCHES PASTURE ADMINISTRATIVE SITE

T. 48 N., R. 10 W.,
Sec. 24, W½NW¼.

The area described contains approximately 80 acres.

2. Public Land Order No. 3150 of July 30, 1963, withdrew the NW¼NW¼, sec. 24 from prospecting, entry, and purchase under the mining laws for use as the Perks Pasture Guard Station.

3. At 10:00 a.m. on January 7, 1965, the lands not otherwise withdrawn shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12557; Filed, Dec. 8, 1964; 8:45 a.m.]

[Public Land Order 3496]

[Oregon 013982]

## OREGON

### Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN
MALHEUR NATIONAL FOREST

*Magone Lake Recreation Area*

T. 12 S., R. 32 E.,
Sec. 6, lots 7 to 11, incl.;
Sec. 7, lots 1 and 2.

The areas described aggregate 233.55 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12558; Filed, Dec. 8, 1964; 8:45 a.m.]

[Public Land Order 3497]

[Oregon 015085]

## OREGON

### Withdrawal for National Forest Recreation Areas and Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN, OREGON

ROGUE RIVER NATIONAL FOREST

*Beaver Sulphur Campground Addition*

T. 40 S., R. 3 W.,
Sec. 3, S½S½SE¼SE¼;
Sec. 11, N½N½NW¼NW¼.

*Mill Creek Administrative Site Addition*

T. 31 S., R. 3 E.,
Sec. 33, E½SW¼NE¼.

*Bessie Creek Campground*

T. 32 S., R. 4 E.,
Sec. 25, S½S½SE¼NW¼ and N½NE¼SW¼.

*Willow Prairie Campground*

T. 36 S., R. 4 E.,
Sec. 30, SE¼NW¼SE¼ and E½SW¼SE¼.

The areas described aggregate 100 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12559; Filed, Dec. 8, 1964; 8:45 a.m.]

[Public Land Order 3498]

[New Mexico 0450823]

## NEW MEXICO

### Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

CIBOLA NATIONAL FOREST

*Dry Camp Picnic Ground*

T. 11 N., R. 5 E. (Unsurveyed),
Sec. 3, S½SW¼SW¼;
Sec. 4, S½SE¼SE¼;
Sec. 9, N½NE¼NE¼;
Sec. 10, N½NW¼NW¼.

*Balsam Glade Picnic Ground*

T. 11 N., R. 5 E. (Unsurveyed),
Sec. 4, SE¼NW¼NE¼ and S½NE¼NE¼.

*Sandia Crest Observation Recreation Site*

T. 11 N., R. 5 E. (Unsurveyed),
Sec. 6, NW¼SW¼NE¼, S½SW¼NE¼, E½NE¼NW¼, E½NW¼NE¼NW¼, NE¼SE¼NW¼, and N½SE¼SE¼NW¼.

*Kiwanis Point Picnic Ground*

T. 11 N., R. 5 E. (Unsurveyed),
Sec. 6, W½NE¼SE¼, E½NW¼SE¼, NW¼SE¼SE¼, N½NE¼SW¼SE¼, SE¼NE¼SW¼SE¼, and N½SW¼SE¼SE¼.

*Tree Spring Picnic Ground*

T. 11 N., R. 5 E. (Unsurveyed),
Sec. 9, SE¼NE¼.



*Capulin Spring Picnic Ground*

T. 11 N., R. 5 E. (Unsurveyed),
Sec. 4, NE¼NW¼NW¼ and NW¼NE¼NW¼.
T. 12 N., R. 5 E.,
Sec. 33, SE¼SE¼SW¼ and S½SW¼SE¼.

*Sandia Man Cave Recreation Site*

T. 12 N., R. 5 E.,
Sec. 22, E½SW¼NW¼ (parts of lot 1 and SHC 2386), W½NW¼SW¼ (lot 2 and parts of lot 3 and SHC 2386), and E½E½NW¼SW¼ (part of lot 3).

*La Madera Winter Sports Area*

T. 11 N., R. 5 E. (Unsurveyed),
Sec. 4, SW¼SW¼NE¼, S½SW¼NW¼, S½SE¼NW¼, N½SW¼, N½SW¼SW¼, SW¼SW¼SW¼, and W½NW¼SE¼;
Sec. 5, S½SW¼SW¼, E½SE¼SW¼, SW¼SE¼SW¼, NE¼SE¼, SE¼NW¼SE¼, and S½SE¼;
Sec. 6, SE¼SE¼SE¼;
Sec. 8, NW¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, NE¼NW¼, N½NW¼NW¼, N½SW¼NW¼NW¼, SE¼NW¼NW¼, E½NE¼SW¼NW¼, and NW¼SE¼NW¼.

The areas described aggregate 882.5 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12560; Filed, Dec. 8, 1964; 8:45 a.m.]

[Public Land Order 3499]

[Utah 0124796]

## UTAH

### Addition of Land to Wasatch and Uinta National Forests

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), and section 1 of the Act of June 4, 1897 (30 Stat. 34; 16 U.S.C. 475), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following-described public lands are hereby added to and made a part of the national forests indicated, subject to existing valid rights, and hereafter shall be subject to all laws and regulations applicable to such national forests, and the boundaries of the said forests are adjusted accordingly:

SALT LAKE MERIDIAN

UINTA NATIONAL FOREST

T. 4 S., R. 1 E.,
Sec. 1, that portion within Utah County.

WASATCH NATIONAL FOREST

T. 1 N., R. 1 E.,
Sec. 10, lots 9, 10, 11, and 12;
Sec. 14, S½SW¼;
Sec. 20, S½SE¼;
Sec. 22, N½, N½S½ and SE¼SE¼;
Sec. 28, S½NW¼, NE¼NW¼ and NW¼NE¼.
T. 2 S., R. 1 E.,
Sec. 36, NE¼ and E½SE¼.
T. 3 S., R. 1 E.,
Sec. 12, lots 1, 2, 3, 4, 5, S½SE¼, SE¼SW¼, and N½S½N½SE¼;
Sec. 13, S½NE¼ and SE¼;
Sec. 23, SE¼NE¼, N½SE¼ and SE¼SE¼;
Sec. 24, S½NW¼, NE¼ and S½;
Sec. 25, NE¼NW¼, NE¼ and S½;
Sec. 26, W½NE¼, SE¼NE¼ and NE¼SE¼;
Sec. 33, NE¼SE¼;
Sec. 34, lots 1, 2, 6, 7, 8, 9, 10, S½NE¼, and SE¼;
Sec. 35, S½ and S½N½.
T. 4 S., R. 1 E.,
Sec. 1, that portion within Salt Lake County;
Sec. 3, lots 3, 5, 6, 7, 8, and S½NE¼.
T. 1 S., R. 2 E.,
Sec. 17, SE¼NW¼.
T. 1 S., R. 6 E.,
Sec. 22, S½NE¼ and E½SE¼.
T. 2 S., R. 6 E.,
Sec. 10, NE¼SE¼;
Sec. 25, N½NW¼ and W½NE¼.

The area described in the Uinta National Forest contains approximately 524 acres. The areas described in the Wasatch National Forest aggregate approximately 4,920 acres.

2. The boundaries of the Wasatch National Forest are hereby extended to the extent necessary to include the following-described nonpublic lands:

T. 3 S., R. 1 E.,
Sec. 12, lots 6, 7, N½SE¼NE¼, S½S½NE¼, and N½N½SE¼;
Sec. 12, mining claims, metes and bounds survey;
Sec. 13, N½NE¼;
Sec. 23, SW¼SE¼;
Sec. 25, NW¼NW¼ and S½NW¼;
Sec. 26, NE¼NE¼, NW¼SE¼ and S½SE¼;
Sec. 35, N½N½;
Sec. 36.
T. 4 S., R. 1 E.,
Sec. 3, lot 4.
T. 2 S., R. 6 E.,
Sec. 25, E½NE¼.

The areas described aggregate approximately 1,481 acres.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12561; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3500]

[Colorado 0102703]

## COLORADO

### Withdrawal for the Frying Pan-Arkansas Project

By virtue of the authority contained in the Act of June 17, 1902 (32 Stat. 338; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following-described public lands and national forest lands in the White River and San Isabel National Forests are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for use in connection with the Frying Pan-Arkansas Project:

SIXTH PRINCIPAL MERIDIAN

T. 18 S., R. 69 W.,
Sec. 1, SE¼SE¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, SE¼SW¼, NE¼SW¼SW¼, S½SW¼SW¼, and S½SE¼;
Sec. 3, lots 1, 2, S½NE¼, and NE¼SE¼;
Sec. 5, S½;
Sec. 6, lots 6, 7, E½SW¼, and SE¼;
Sec. 9, N½NW¼, and W½NE¼.
T. 17 S., R. 70 W.,
Sec. 31, lot 4;
Sec. 32, N½SW¼, SE¼SW¼, and SE¼.
T. 18 S., R. 70 W.,
Sec. 1, N½SE¼, and SE¼SE¼;
Sec. 2, lots 3, 4, S½NW¼, W½SE¼;
Sec. 3, lots 1, 2, SE¼NE¼, and NE¼SE¼.
T. 19 S., R 71 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and SW¼;
Sec. 2, S½;
Sec. 3, N½SW¼, and SE¼;
Sec. 9, SE¼SW¼;
Sec. 17, SE¼, exclusive of Mineral Survey 13053;
Sec. 20, NE¼, S½, exclusive of Mineral Survey 13066.
T. 15 S., R. 78 W.,
Sec. 17, SW¼NW¼;
Sec. 18, NE¼SE¼.
T. 12 S., R. 79 W.,
Sec. 7, lot 1, NE¼NW¼, and N½NE¼;
Sec. 8, N½NW¼.
T. 13 S., R. 79 W.,
Sec. 2, SW¼SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼NW¼.
T. 9 S., R. 80 W.,
Sec. 20, NW¼SW¼.
T. 10 S., R. 80 W.,
Sec. 18, lots 3, 4, SW¼NE¼, E½SW¼, and SE¼;
Sec. 19, E½, and SW¼SE¼;
Sec. 20, S½N½, and W½SW¼;
Sec. 28, N½N½SW¼, and W½SW¼;
Sec. 29, N½NE¼, W½, and SE¼;
Sec. 30, SE¼SW¼, SW¼SE¼, and E½SE¼;
Sec. 31, lot 1, E½SW¼, and W½SE¼;
Sec. 32, NE¼, N½NW¼, and SE¼NW¼;
Sec. 33, SW¼NW¼, and N½SW¼.
T. 11 S., R. 80 W.,
Sec. 16, S½.
T. 9 S., R. 81 W.,
Sec. 18;
Sec. 19;
Sec. 24, SE¼SE¼, exclusive of Mineral Surveys 4528, 7344 and 20317;
Sec. 25, NE¼, W½SE¼, exclusive of Mineral Surveys 666, 1293, 2082, 4384, 4528, 12198 and 20317.
T. 10 S., R. 81 W.,
Sec. 2, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 11, NW¼NE¼, and NE¼SE¼;
Sec. 12, N½SE¼, SW¼SE¼, and S½SW¼;
Sec. 13, E½, NE¼SW¼, and S½SW¼;
Sec. 36, SE¼NE¼, and NE¼SE¼.
T. 7 S., R. 82 W.,
Secs. 18, 19, 30, and 31.
T. 8 S., R. 82 W.,
Secs. 4, 5, 6, 7, 8, 9, and 10;
Secs. 14, 15, 16, 17, 18, 19, 20, 21, and 22;
Secs. 27, 28, 29, 30, 31, 32, and 33.
T. 9 S., R. 82 W.,
Secs. 4, 5, 6, 7, 8, and 9;
Secs. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24;
Secs. 26, 27, 28, 29, and 30.
T. 7 S., R. 83 W.,
Sec. 13, exclusive of Mineral Survey 7825;
Sec. 23, N½NE¼NE¼, NW¼NE¼, N½NW¼, SW¼NW¼, N½SE¼NW¼, NW¼NW¼SW¼, SE¼SE¼SW¼, E½NE¼SE¼, and S½SE¼;
Sec. 24, exclusive of Mineral Surveys 7824 and 7825;
Secs. 25, 26, and 34;
Sec. 35, exclusive of Mineral Survey 7824;
Sec. 36.

T. 8 S., R. 83 W.,
Secs. 1, 2, and 3;
Secs. 10, 11, 12, 13, 14, and 15;
Sec. 23, N½N½, and S½;
Sec. 24, E½, N½NW¼, SE¼NW¼, and SW¼;
Sec. 25, N½, N½SW¼, SW¼SW¼, N½SE¼SW¼, N½N½SE¼, and SW¼NW¼SE¼;
Sec. 35;
Sec. 36, NE¼NW¼, SW¼, and S½SE¼.
T. 9 S., R. 83 W.,
Sec. 2;
Secs. 11, 13, 14, 23, 24, 25, 26, 34, 35, and 36.
T. 10 S., R. 83 W.,
Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, and 21;
Sec. 22, NW¼.
T. 8 S., R. 84 W.,
Sec. 5, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 7, W½W½, and E½SW¼;
Sec. 8, N½NE¼NW¼, and NW¼ NW¼;
Sec. 10.
T. 8 S., R. 84 W.,
Sec. 11, S½SW¼, N½SW¼SE¼, N½SW¼SW¼SE¼, and NW¼SE¼SW¼SE¼;
Sec. 13, lots 1, 3, SW¼NW¼, NW¼SW¼, S½SW¼, and W½SE¼;
Sec. 14, N½SE¼, and SW¼SE¼;
Sec. 15, NW¼SW¼, and S½S½;
Sec. 16, N½NE¼NE¼, N½NE¼NW¼NE¼, NW¼NW¼NE¼, S½SW¼NW¼, S½N½SW¼NW¼, SW¼SE¼NW¼, S½SE¼SE¼NW¼, and S½;
Sec. 17, S½NE¼, W½, and SE¼;
Sec. 18.
T. 10 S., R. 84 W.,
Sec. 1;
Sec. 2, except Homestead Entry Survey 248;
Sec. 3, lots 5, 7, and the area that would be if surveyed, the NE¼, N½NW¼, E½SE¼, and SW¼SE¼;
Secs. 12 and 13;
Sec. 24, exclusive of Mineral Survey 5276;
Sec. 25.
T. 8 S., R. 85 W.,
Sec. 12, lots 3, 4, E½SW¼, and SE¼;
Sec. 13, N½.

NEW MEXICO PRINCIPAL MERIDIAN

T. 51 N., R. 8 E.,
Sec. 22, W½NW¼, W½SE¼ and SW¼SW¼, E½SW¼, exclusive of Mineral Survey 20515;
Sec. 27, W½E½, SE¼NW¼, SE¼SE¼ and SW¼, exclusive of Mineral Survey 20515.

The areas described aggregate approximately 79,903 acres of which approximately 5,175 acres are public lands and the remainder national forest lands.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12562; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3501]

[Nevada 058648]

## NEVADA

### Withdrawal for the Proposed Moapa Valley Pumping Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 338; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for the proposed Moapa Valley Pumping Project:

MOUNT DIABLO MERIDIAN

T. 14 S., R. 65 E.,
Sec. 13, NE¼, E½NW¼, NW¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 15, N½NE¼;
Sec. 16, SW¼;
Sec. 22, SE¼NE¼;
Sec. 24, E½NE¼, SW¼NE¼, SE¼SW¼, and SE¼;
Sec. 25, NE¼SE¼;
Sec. 35, W½NW¼;
Sec. 36, lots 6 and 7.
T. 13 S., R. 66 E.,
Sec. 32, S½;
Sec. 33, S½.
T. 14 S., R. 66 E.,
Secs. 4 and 5;
Sec. 8, E½;
Sec. 9;
Sec. 10, W½;
Secs. 15 and 16;
Sec. 17, E½;
Sec. 18, lots 1, 2, 3, 4, and E½W½;
Sec. 19;
Sec. 20, N½ and N½S½;
Sec. 21, N½ and SE¼;
Sec. 22, E½;
Sec. 23, W½NW¼, SW¼, and SW¼SE¼;
Sec. 25, SW¼SW¼;
Sec. 26, W½NE¼, E½NW¼, NW¼NW¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 27, S½NW¼, SW¼, and S½SE¼;
Sec. 28, N½NE¼ and SE¼NE¼;
Sec. 31, lot 2, SE¼NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 34, N½, SW¼, and W½SE¼;
Sec. 35, N½ and NE¼SW¼;
Sec. 36, W½ and SW¼SE¼.
T. 15 S., R. 66 E.,
Sec. 1, lot 2, SW¼NE¼, SE¼NW¼, NW¼SE¼, and SE¼SE¼;
Sec. 3, lots 3, 4, and S½NW¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, N½ SW¼, and SW¼SW¼;
Sec. 5, lots 1, 2, 3, 4, S½NE¼, SW¼NW¼, and N½SE¼;
Sec. 6, lots 1 and 7;
Sec. 8, S½NE¼ and NW¼NW¼;
Sec. 9, S½NE¼.
T. 15 S., R. 67 E.,
Sec. 7, lot 1, SE¼NE¼, SW¼SE¼, and NE¼SE¼;
Sec. 8, SW¼NW¼, NW¼SW¼, and E½SW¼;
Sec. 14, W½;
Sec. 15, NE¼ and N½NW¼;
Sec. 16, SW¼SE¼ and NE¼SE¼;
Sec. 17, N½NW¼, SW¼NW¼, NW¼SW¼, and SE¼SW¼;
Sec. 20, N½NE¼;
Sec. 21, N½NW¼ and W½E½;
Sec. 23, SE¼NW¼;
Sec. 26, N½NW¼ and SE¼NW¼;
Sec. 28, E½E½;
Sec. 34, SW¼NW¼ and W½SW¼;
Sec. 35, NE¼SE¼;
Sec. 36, NW¼SE¼ and SE¼SE¼.
T. 16 S., R. 67 E.,
Sec. 3, lot 3, SW¼NE¼, and W½ SE¼.
T. 15 S., R. 68 E.,
Sec. 31, lot 4, and SE¼SE¼.
T. 16 S., R. 68 E.,
Sec. 6, lots 3 to 7 inclusive, SE¼NW¼, and E½SW¼;
Sec. 7, lots 1, 2, and E½NW¼.

The areas described aggregate approximately 15,176 acres.

2. The use and administration of the lands affected by this order will become subject to the provisions of the reclamation laws (Act of June 17, 1902, supra, as amended and supplemented), including the use of the lands under lease, license, or permit, at such time as the Moapa Valley Project is authorized by the Congress.

3. Pending authorization of the Moapa Valley Pumping Project, the withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit or the disposal of their mineral and vegetative resources, other than under the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purposes for which the lands are withdrawn.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12563; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3502]

## OREGON

### Withdrawing National Forest Lands for Use of Forest Service

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands in the Deschutes, Umpqua, and Willamette National Forests, Oregon, are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, 30 U.S.C.), in aid of programs of the Department of Agriculture:

[Oregon 02851]

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

*Sisters Administrative Site*

T. 15 S., R. 10 E.,
Sec. 5, SE¼SE¼, and SE¼NE¼SE¼.

UMPQUA NATIONAL FOREST

*South Umpqua Experimental Forest*

T. 29 S., R. 1 E.,
Sec. 15;
Sec. 16, S½ and S½S½N½;
Sec. 20, E½SE¼;
Sec. 21;
Sec. 22, S½, NW¼, and SW¼NE¼;
Sec. 23, SW¼SW¼;
Sec. 26, W½W½;
Secs. 27 and 28;
Sec. 29, E½, and E½SW¼;
Sec. 32, NE¼NW¼, and NE¼;
Sec. 33, N½N½;
Sec. 34, NW¼NE¼, and N½NW¼.

WILLAMETTE NATIONAL FOREST

Little North Fork Road Zone (Forest Road No. 580). A strip of land 200 feet on each side of the center line of the existing road through the following-described legal subdivisions:

T. 8 S., R. 4 E.,
Sec. 23, S½SE¼;
Sec. 24, SW¼, W½SE¼, and SE¼SE¼;
Sec. 26, N½N½, SW¼NW¼, and NW¼SW¼;
Sec. 27, SW¼SW¼, SW¼SE¼, and E½SE¼;
Sec. 28, lots 1, 2, 3, and S½SE¼;
Sec. 32, E½NE¼;
Sec. 33, lots 1, 2, and N½NE¼;
Sec. 34, NW¼NW¼, E½NW¼, and W½NE¼.



T. 8 S., R. 5 E.,
Sec. 19, lots 10, 11, 12, and SE¼SW¼;
Sec. 26, W½NW¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 27, S½NW¼, NW¼SW¼, and NE¼;
Sec. 28, SW¼, and N½SE¼;
Sec. 29, N½S½, SE¼SW¼ except Patented Mineral Survey 887, and SW¼SE¼;
Sec. 30, lots 1, 2, NE¼NW¼, NE¼SE¼, and NE¼;
Sec. 35, NE¼NW¼, W½E½, and E½SE¼

Fall Creek Road Zone (Forest Road No. 181). A strip of land 200 feet on each side of the center line of the existing road through the following-described legal subdivision:

T. 18 S., R. 3 E.,
Sec. 24, SE¼NE¼, and S½.

The areas aggregate approximately 5,885 acres.

[Oregon 013403]

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

*Lavacicle Cave Area*

T. 21 S., R. 16 E.,
Sec. 33, SE¼NE¼SW¼SW¼, SE¼SW¼SW¼SW¼, and SE¼SW¼SW¼.
T. 22 S., R. 16 E.,
Sec. 4, E½W½ lot 4, W½E½ lot 4, NW¼SW¼NW¼, and NW¼SW¼SW¼NW¼;
Sec. 5, E½SE¼NE¼, NE¼NE¼SE¼, and NE¼SE¼NE¼SE¼.

The areas aggregate approximately 80 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12564; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3503]

[Fairbanks 012485]

## ALASKA

### Revoking Withdrawal of July 22, 1957 and Withdrawing Lands for School Purposes

By virtue of the authority contained in the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353 a); it is ordered as follows:

1. The order of the Bureau of Land Management of July 22, 1957, withdrawing by metes and bounds an area of 2.10 acres as the Chevak School Reserve is hereby revoked.

2. Subject to existing valid rights, the following described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the Mining Laws but not from leasing under the Mineral Leasing Laws and reserved for school purposes:

CHEVAK

U.S. SURVEY NO. 4034 (UNAPPROVED)

Lots 1 and 2.

Containing 3.774 acres.

A portion of its lands released from withdrawal by paragraph 1 of this order is included in that withdrawal made by paragraph 2.

3. Until 10:00 a.m. on March 4, 1965, the State of Alaska shall have a preferred right to select the restored lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b); Section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9 (formerly 43 CFR part 76).

4. This order shall not otherwise become effective to change the status of the restored lands until 10:00 a.m. on March 4, 1965. At that time they shall be open to the operation of the public land laws generally, including the Mining Laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference rights applications from the State received at or prior to 10:00 a.m. on March 4, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the Mineral Leasing Laws.

Inquiries concerning the lands should be addressed to the Manager Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12565; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3504]

[Oregon 015066]

## OREGON

### Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental Order of March 25, 1924, withdrawing lands for reclamation purposes is hereby revoked so far as it affects the following-described land:

WILLAMETTE MERIDIAN

T. 39 S., R. 12 E.,
Sec. 17, SE¼NW¼.

The area described contains 40 acres.

2. The land is grazing land, accessible over paved State, county, and country roads, and located near the town of Bonanza. Soils are a shallow, silty clay loam mixed with rock and gravel of basaltic origin. Vegetation generally consists of mixed sagebrush and associated species of bluebunch wheatgrass, Sandberg's bluegrass, along with other native grasses, shrubs, and forbs.

3. At 10:00 a.m. on January 7, 1965, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on January 7, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

4. The land has been open to applications and offers under the mineral leasing laws. It will be open to location under the United States mining laws at 10:00 a.m. on January 7, 1965.

The State of Oregon has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12566; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3505]

[Arizona 033459]

## ARIZONA

### Modifying Stock Driveway Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority vested in the Secretary of the Interior by Section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The Departmental order of February 4, 1919, creating Stock Driveway Withdrawal No. 56, Arizona No. 2, as modified and defined by the Departmental order of August 19, 1941, is hereby further modified to the extent necessary to permit the grant of a highway right-of-way under Section 2477, U.S. Revised Statutes (43 U.S.C. 932), to the County of Yavapai, Arizona, over the following-described land, as delineated on a map on file with the Bureau of Land Management in Arizona 033459, entitled "Map of Greyhound Lane":

GILA AND SALT RIVER MERIDIAN

T. 9 N., R. 2 E.,
Sec. 27, SW¼NE¼SW¼.

Containing 10 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12567; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3506]

[Oregon 014969]

## OREGON

### Partial Revocation of Withdrawal for Forest Service Administrative Site

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Departmental Order of November 23, 1933, so far as it withdrew the following-described national forest lands in the Mount Hood National Forest as a lookout station, is hereby revoked:

WILLAMETTE MERIDIAN

LOOKOUT ADMINISTRATIVE SITE

T. 4 S., R. 5 E.,
Sec. 15, W½E½NE¼SW¼, NE¼NE¼NE¼SW¼, SE¼SE¼NE¼SW¼, E½W½NW¼SE¼, NW¼NW¼NW¼SE¼ and SW¼SW¼NW¼SE¼.

The areas described aggregate approximately 30 acres.

At 10 a.m. on January 7, 1965, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12568; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3507]

[Nevada 064862]

## NEVADA

### Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

TOIYABE NATIONAL FOREST

*Alum Creek Campground and Picnic Area*

T. 6 N., R. 30 E.,
Sec. 6, N¼ of lot 3, and SW¼ of lot 3.

Containing 30.17 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12569; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3508]

[New Mexico 0553721]

## NEW MEXICO

### Powersite Restoration No. 618; Powersite Cancellation No. 208; Partly Revoking Powersite Reserves Nos. 548 and 740 and Water Power Designation No. 1

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the act of June 20, 1910 (36 Stat. 557, 564, 575), and consistent with the determination of the Federal Power Commission in DA-53-New Mexico, it is ordered as follows:

1. The departmental order of August 7, 1916, creating Water Power Designation No. 1, the Executive Order of September 30, 1916, creating Powersite Reserve No. 548, and the Executive Order of May 21, 1920, creating Powersite Reserve No. 740, are hereby revoked so far as they affect the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 N., R. 12 E.,
Sec. 1, lots 5, 6, 7, 8, 9, 10 and S½S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, 6, 9, 10 and S½N½;
Sec. 4, lots 1, 2, S½NE¼, SE¼NW¼, S½;
Sec. 9;
Sec. 10;
Sec. 11, N½, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 12, N½;
Sec. 15, NW¼NE¼, W½;
Sec. 16;
Sec. 17, NE¼SE¼, S½SE¼;
Sec. 20, E½, E½W½, SW¼SW¼;
Sec. 21, N½, SW¼, NW¼SE¼;
Sec. 22, NW¼NW¼.

T. 29 N., R. 12 E.,
Sec. 33, E½SE¼;
Sec. 34, NE¼NE¼, S½N½, S½;
Sec. 35.

T. 28 N., R. 13 E.,
Sec. 5, lots 1, 2, 3, 4, 5, SW¼NE¼, S½NW¼, N½SW¼;
Sec. 6, lots 8, 9, 10, 11, 12, 14, SE¼SW¼, N½SE¼, SW¼SE¼;

And all unsurveyed lands of the United States which when surveyed will lie within ½ mile of Red River or its tributary, Columbine Creek (by protraction, probably in Secs. 2, 3, 4, 10, W½; Sec. 11, E½; Sec. 12, E½; Sec. 13, W½; Sec. 14, W½ and SE¼; Sec. 23, E½ and SW¼; Sec. 24; Secs. 25, 26, 27, 34 and 35).

T. 29 N., R. 13 E.,
Sec. 13, S½S½;
Sec. 21, S½;
Sec. 22, S½;
Sec. 23, S½NE¼, SE¼NW¼, S½;
Sec. 24;
Sec. 28, N½;
Sec. 29, lots 2, 3, 4, 5, NE¼SE¼, S½SE¼;
Sec. 31, lots 2, 4, 5, 6, 7, 8, 9 and 10;
Sec. 32, lots 1, 2, 3, 4, 5, 6, 7, 8, NW¼NE¼;
Sec. 33, lot 1;

And all unsurveyed lands of the United States which when surveyed will lie within ½ mile of Red River (by protraction, probably in Secs. 32, 33 and 34).

T. 28 N., R. 14 E.,
All unsurveyed lands of the United States which when surveyed will lie within ½ mile of Red River (by protraction probably Secs. 1, 4, E½ and SW¼; Sec. 5, S½; Sec. 6, Secs. 24, 25 and 36).

T. 29 N., R. 14 E.,
Sec. 25, lot 1;
Sec. 34, lots 1, 2, 3, 4, NW¼ and S½;
Sec. 35, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, N½SW¼, SW¼SW¼, SE¼;
Sec. 36, lots 1, 2, 3, 4, 5, 6, 7, W½NE¼, SE¼NE¼, N½NW¼, SW¼SW¼, E½SE¼;

And all unsurveyed lands of the United States which when surveyed will lie within ½ mile of Red River or Cabresto Creek (by protraction probably Secs. 1, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 30 and N½; Sec. 31).

The areas described, including public and nonpublic lands aggregate 40,344 acres, more or less, most of which are in the Carson National Forest.

The lands are located adjacent to the Red River, beginning at the point where it empties into the Rio Grande, and reaching to a point about 23 miles upstream just above the town of Red River. Much of the land is rough and mountainous. Vegetative cover is composed of pine, spruce, fir, and other trees, with a fair cover of native perennial grasses and shrubs.

2. Until 10 a.m. on June 3, 1965, the State of New Mexico shall have the preferred right of application to select the lands outside the Carson National Forest as provided by section 2276(c) of the Revised Statutes as amended by the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. At 10 a.m. on June 3, 1965, the public lands outside of the Carson National Forest shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications, except preference right applications from the State, received at or prior to 10 a.m. on June 3, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

4. At 10 a.m. January 7, 1965 the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

All of the public lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12570; Filed, Dec. 8, 1964; 8:46 a.m.]

[Public Land Order 3509]

[Nevada 042819]

## NEVADA

### Partly Revoking Reclamation Withdrawal; Newlands Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental order of July 2, 1902, withdrawing lands for reclamation purposes is hereby revoked so far as it affects the following-described lands:

MT. DIABLO MERIDIAN

T. 16 N., R. 24 E.,
Secs. 7 and 8;
Secs. 11 to 36 incl.

The areas described aggregate 17,953.41 acres, of which 320 acres are nonpublic.

The lands are located about 30 miles southeast of Reno. Predominant vegetation is sagebrush.

2. Subject to valid existing rights and to the provisions of existing withdrawals and procedures, the lands shall, at 10 a.m. on January 7, 1965, become subject to disposition under the public land laws, including locations under the United States mining laws. All valid applications received at or prior to 10 a.m. on January 7, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be directed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 2, 1964.

[F.R. Doc. 64-12571; Filed, Dec. 8, 1964; 8:46 a.m.]



# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 15599; FCC 64-1111]

## PART 87—AVIATION SERVICES

### Transmitters Used at Aircraft Survival Stations

In the matter of amendment of Part 87 of the Commission's rules to exempt transmitters used at aircraft survival stations from type acceptance procedures; Docket No. 15599, RM-479.

*Report and order.* 1. The Commission on August 3, 1964 adopted a notice of proposed rule making in the above-entitled matter (FCC 64-776) which made provision for the filing of comments and was duly published in the FEDERAL REGISTER on August 7, 1964 (29 F.R. 11423).

2. The notice, issued in response to a petition (RM-479) from Aeronautical Radio Inc. (ARINC) and the Air Transport Association of America (ATA), proposed to amend the type acceptance requirements in Part 87—Aviation Services to allow types of non-type accepted equipment used in survival craft stations prior to January 1, 1965 to continue to be used without being type accepted.

3. Comments were filed by Alaska Aeronautical Radio Inc., Garrett Manufacturing Co., National Pilots Association, the State of Minnesota and the petitioners (ARINC/ATA). In general, the comments support the exemption from type acceptance for types of equipment in use prior to January 1, 1965. The National Pilots Association (NPA), however, asks that the Commission "eliminate the requirement for type acceptance for survival equipment in use after January 1, 1965". This request is based on the allegation that survival equipment is very seldom used and the need to protect others from harmful interference would be quite remote. Further, the larger objective to develop equipment of high reliability, and at a cost which would make it acceptable to many general aviation owners, should take precedence over detailed requirements for type acceptance.

4. With respect to the NPA comment, the Commission does not propose to require all survival craft transmitters to be type accepted after January 1, 1965. This type acceptance requirement only applies to types of equipment not in use prior to January 1, 1965. There is nothing to indicate that the type acceptance requirement will have a substantial effect on the price of survival craft transmitters and it should give greater assurance of reliability. The feasibility and practicability of having this type of equipment type accepted is supported by the fact that a manufacturer of survival craft equipment has applied for and received type acceptance of its survival craft transmitter.

5. For the purpose of establishing a list of licenseable non-type accepted equipment, it has been determined from information submitted and the Commission's records that the following equipment has been in use prior to January 1, 1965.

Garrett Corporation: Model RESCU/1.
Granger Associates: Model 117.
Philharmonic Radio & Television Corp.: AN/URC 11, AN/URC 14.
Telephonic: PRC-17.
Military: AN/CRT-3 (also designated: SRC-578 (A, B, or C) BC 778 (A, B, or C), and Gibson Girl).

Any request for use of a non-type accepted transmitter in a survival craft station after January 1, 1965, other than those listed above, must be accompanied by a showing sufficient to establish that the transmitter was in use prior to January 1, 1965.

In view of the foregoing: *It is ordered,* Pursuant to the authority contained in section 303 (e), (f) and (r) of the Communications Act of 1934, as amended, that effective December 31, 1964, Part 87 of the Commission's rules is amended as set forth below.

*It is further ordered,* That this proceeding is hereby terminated.

(Sec. 4, 48 Stat. 1066 as amended; 47 U.S.C. 154. Interprets or applies sec. 303 48 Stat. 1082 as amended; 47 U.S.C. 303)

Adopted: December 2, 1964.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 87.73(a) is amended to read as follows:

[1] Commissioners Hyde, Bartley, and Loevinger absent.

**§ 87.73 Modulation requirements.**

(a) When double sideband full carrier amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 percent on peaks but shall not exceed 100 percent: *Provided, however,* That this requirement does not apply to transmitters carried aboard aircraft in such a manner as to be available for use only under emergency and distress conditions for survival purposes.

• • • • • •

2. Section 87.77(b) is amended and a new paragraph (d) is added to read as follows:

**§ 87.77 Acceptability of transmitters for licensing.**

• • • • • •

(b) Except as provided in paragraph (d) of this section, each transmitter used in the Aviation Services must be of a type which has been type accepted by the Commission for use in these services: *Provided, however,* That until January 1, 1965, types of equipment in use by a licensee prior to July 1, 1959 may continue to be used by the same licensee, his successors or assigns provided that such types of HF transmitting equipment in excess of 1,000 watts power in the aeronautical mobile and aeronautical fixed services at international gateway stations and stations in Alaska may continue to be used in these stations until January 1, 1970.

• • • • • •

(d) The following exceptions to the provisions of paragraph (b) of this section are provided on the express condition that the operation of stations using transmitting equipment not type accepted by the Commission shall not result in harmful interference due to the failure of such equipment to comply with the current technical standards of Subpart A of this part.

(1) Type accepted equipment is not required at developmental stations.

(2) Type accepted equipment is not required at Civil Air Patrol stations.

(3) Equipment which has not been type accepted may be used at flight test stations for limited periods where justified on the basis of good cause shown.

(4) Equipment which is to be used exclusively under emergency and distress conditions for survival purposes and which is carried aboard aircraft in such a manner as to only be available under these conditions need not be type accepted by the Commission if it is a type which was in use prior to January 1, 1965.

[F.R. Doc. 64-12609; Filed, Dec. 8, 1964; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 1131 ]

[Docket No. AO 271-A8]

### MILK IN CENTRAL ARIZONA MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Ramada Inn, 3801 East Van Buren, Phoenix, Ariz., beginning at 9:30 a.m., local time, on December 17, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Arizona marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by United Dairymen of Arizona, Federated Producers Association, and Co-op Dairy, Inc.:

*Proposal No. 1.* Delete the provisions of § 1131.51(a) and substitute therefore the following:

(a) The price for Class I milk shall be the basic formula price for the preceding month plus $2.40 and shall be increased or decreased by a supply-demand adjustment of not more than 25 cents computed as follows:

*Proposal No. 2.* Delete the provisions of § 1131.51(a) (1) through (3) and substitute therefor the following:

(1) Compute an average Class I utilization percentage by:

(i) Dividing the total volume of Class I milk (excluding interhandler transfers that otherwise would result in the same milk being accounted for a second time as Class I milk) for the immediately preceding month by total receipts of producer milk for the same month and multiplying the result by two;

(ii) Adding an amount computed by dividing the total Class I milk (excluding interhandler transfers that otherwise would result in the same milk being accounted for a second time as Class I milk) for the twelve-month period ending with the immediately preceding month by the total receipts of producer milk for the same months; and

(iii) Dividing by three and rounding to the nearest whole number.

(2) For each percentage by which the Class I utilization percentage calculated pursuant to subparagraph (1) of this paragraph exceeds 82, add to, or for each percentage by which it is less than 78, deduct from the Class I price two cents per hundredweight, provided, the adjustment is four cents or less per hundredweight the amount of the adjustor shall be zero.

*Proposal No. 3.* Renumber § 1131.71 (e) as (g), (f) as (h), and add the following:

(e) Subtract for each of the months of March through June 1965 an amount computed by multiplying the total hundredweight of producer milk included in these computations by 10 cents per hundredweight and for the months of December 1965 through June 1966, and for the same period each year thereafter, subtract an amount computed by multiplying the total hundredweight of producer milk included in these computations by seven cents per hundredweight to be set aside by the market administrator in a special fund;

(f) For the month of August add an amount representing 30 percent of the monies withheld pursuant to paragraph (e) of this section, for September an amount representing 40 percent of the monies withheld pursuant to paragraph (e) of this section, and for October the balance of the monies withheld pursuant to paragraph (e) of this section.

*Proposal No. 4.* Delete from § 1131.22 (k)(1) the number "6" and substitute therefor the number "12".

*Proposal No. 5.* Amend § 1131.46(4) (b)(ii) to include equivalent use classification in cases where classification differs between orders.

*Proposal No. 6.* Provision should be made to authorize the market administrator to set up a special fund for the monies involved in carrying out the terms of proposal number three and such other conforming changes made as are necessary to effectuate the provisions of proposal number three.

Proposed by Dairy Division, Agricultural Marketing Service:

*Proposal No. 7.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Wilson M. Haverfield, 2617 North 24th Street, Phoenix, Ariz., or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on December 4, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator,*
*Regulatory Programs.*

[F.R. Doc. 64-12577; Filed, Dec. 8, 1964; 8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Parts 27, 31 ]

### DILUTED FRUIT JUICE BEVERAGES; FRUIT-FLAVORED NONCARBONATED BEVERAGES; CANNED FRUIT NECTARS; CANNED PINEAPPLE-GRAPEFRUIT JUICE DRINK

### Notice of Extension of Time for Filing Comments on Proposed Definitions and Standards of Identity

There was published in the FEDERAL REGISTER of August 13, 1964 (29 F.R. 11621), proposals by Sunkist Growers, Inc., and the Commissioner of Food and Drugs to adopt definitions and standards of identity for diluted fruit juice beverages. There was also published in that same issue of the FEDERAL REGISTER (29 F.R. 11627) a proposal to adopt definitions and standards of identity for fruit-flavored noncarbonated beverages.

There was published in the FEDERAL REGISTER of October 1, 1964 (29 F.R. 13535), a proposal of the National Canners Association for definitions and standards of identity for canned fruit nectars, and a republication of a proposal made by the California Packing Company, et al., for a definition and standard of identity for canned pineapple-grapefruit juice drink (29 F.R. 13536). A period of 60 days from the date of publication was provided for comment on the two proposals published October 1, 1964, and the time for filing comments on the diluted fruit juice beverages proposal was extended for 60 days to coincide with that of the other proposals.

There was published in the FEDERAL REGISTER of October 14, 1964 (29 F.R. 14126), in response to a request, a notice of an extension of time for filing comments on the proposal for a definition and standard of identity for fruit-flavored noncarbonated beverages to December 1, 1964, to coincide with that of the other related proposals.

The Commissioner has now received a request from the Association of Fruit Juice Beverage and Base Producers for a 60-day extension of the time for filing comments on the diluted fruit juice beverages and the fruit-flavored noncarbonated beverages on the grounds that it is conducting a survey by questionnaires to obtain detailed comments on the proposals and that the time required to receive and collate the information will not permit the filing of the results within the allotted time.

The Food and Drug Administration is conducting investigations that will require more time to complete than anticipated. In view of this and the request of the Association of Fruit Juice Beverage and Base Producers, the Commissioner of Food and Drugs concludes that it is in the public interest to extend the time for filing comments on the proposals for definitions and standards of identity for diluted fruit juice beverages and fruit-flavored noncarbonated beverages and the related proposals for canned fruit nectars and canned pineapple-grapefruit juice drinks to February 1, 1965.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner*
*of Food and Drugs.*

[F.R. Doc. 64-12615; Filed, Dec. 8, 1964; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[ 14 CFR Part 221 ]

[Docket No. 15657]

### CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

### Supplemental Notice of Proposed Rule Making

DECEMBER 4, 1964.

The Board in 29 F.R. 15174 and by circulation of a Notice of Proposed Rule Making, EDR-73, dated November 2, 1964, gave notice that it had under consideration proposed amendments of Part 221 of the Board's Economic Regulations as set out in the Proposed Rule. Interested persons were invited to participate in this rule making proceeding by the submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before December 7, 1964.

A request has been received from a number of air carriers and foreign air carriers asking that the time for filing such data, views, or arguments be extended to February 1, 1965. It appears to the undersigned that good cause has been shown for extending the filing date. The undersigned finds that it is in the public interest to extend the date for the filing of comments as requested.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposals until February 1, 1965. All relevant matter in communications received on or before such date will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958; 72 Stat. 743, 788; 49 U.S.C. 1324 and 1481)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
*Associate General Counsel,*
*Rules and Special Counsel Division.*

[F.R. Doc. 64-12628; Filed, Dec. 8, 1964; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[AA 643.3–G]

### BEEF STEAKS FROM CANADA

### Fair Value Determination

DECEMBER 2, 1964.

A complaint was received that beef steaks packed 12 packs to a carton or case, each pack weighing 18 ounces net, from Canada, produced by Holiday Farms Ltd., Chippawa, Ontario, Canada, were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that beef steaks packed 12 packs to a carton or case, each pack weighing 18 ounces net, from Canada, produced by Holiday Farms Ltd., Chippawa, Ontario, Canada, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The information developed revealed that the relationship existing between the exporter and importers was no more than that of buyer and seller. Purchase price, accordingly, applies with respect to the sales for exportation to the United States. Identical merchandise was not sold in the home market. A type similar to the export types was, however, produced and sold by this manufacturer in Canada. No sales were made to countries other than the United States and Canada. The home market price of the similar type was, therefore, after adjustments as noted below, compared for fair value purposes with the purchase price of the types sold for exportation to the United States.

Purchase price was based on the import duty paid, delivered selling price of each export type, less included charges for freight and United States import duty.

Home market price was computed by deducting the included freight costs from the delivered selling price of the home market type. In addition, adjustments were made for differences in included commission and packing costs. In the comparison between the purchase price of each export type and the adjusted home market price of the similar product, an appropriate adjustment was also made to allow for differences in production costs, due to differences in ingredients used.

The comparison disclosed that in no case was the purchase price less than the adjusted home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES D. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–12588; Filed, Dec. 8, 1964; 8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### AMERICAN TURPENTINE FARMERS ASSOCIATION COOPERATIVE

### Notice of Filing of Petition Regarding Food Additive Chewing Gum Base

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A1606) has been filed by American Turpentine Farmers Association Cooperative, 1204 North Patterson Street, Valdosta, Ga., proposing the issuance of an amendment to § 121.1059 to provide for the safe use of glycerol ester of partially hydrogenated gum rosin, glycerol ester of gum rosin, pentaerythritol ester of partially hydrogenated gum rosin, and pentaerythritol ester of gum rosin, as plasticizing materials in chewing gum base.

Dated: December 2, 1964.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 64–12617; Filed, Dec. 8, 1964; 8:50 a.m.]

### DOW CHEMICAL CO.

### Notice of Filing of Petitions Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346(d)(1)), notice is given that two petitions (PP 5F0426, 5F0427) have been filed by Dow Chemical Co., Post Office Box 512, Midland, Mich., 48641, proposing the establishment of tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities grown in soil fumigated with combinations of chloropicrin, propargyl bromide, and methyl bromide. No tolerances are requested for chloropicrin on the basis of a showing that no residues of this chemical carry over to crops from the treated soil.

The proposed tolerances from the use of propargyl bromide are:

20 parts per million in or on eggplants.
15 parts per million in or on cauliflower, tomatoes.
5 parts per million in or on broccoli, muskmelons, peppers, pineapples, strawberries.

The proposed tolerances from the use of methyl bromide are:

40 parts per million in or on eggplants.
25 parts per million in or on cauliflower, tomatoes.
15 parts per million in or on broccoli, muskmelons, peppers, pineapples, strawberries.

The analytical method proposed in these petitions for determining residues of inorganic bromides is the method of Shrader, Beshgetoor, and Stenger, Industrial and Engineering Chemistry, Analytical Edition, Volume 14, page 1 (1942).

The method proposed for propargyl bromide is a gas chromatographic system with an electron capture detector. Total bromide may be measured by an X-ray fluorescence method.

Dated: December 2, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–12618; Filed, Dec. 8, 1964; 8:50 a.m.]

### MARGARINE DEVIATING FROM IDENTITY STANDARD

### Notice of Extension of Temporary Permit for Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that the temporary permit held by Lever Brothers Co., 390 Park Avenue, New York, N.Y., has been extended. This permit covers interstate shipments of margarine for market testing with added delta-decalactone and delta-dodecalactone. These ingredients are artificial flavoring substances which are not listed as optional ingredients in the standard for the product (21 CFR 45.1). The margarine containing these ingredients is labeled to show that it is "artificially flavored."

This permit is extended until the effective date of an order that is to be issued ruling on a proposed amendment to include the delta-lactones among the optional flavoring ingredients of margarine, or until February 1, 1965, whichever occurs first.

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–12619; Filed, Dec. 8, 1964; 8:50 a.m.]





### MARGARINE DEVIATING FROM IDENTITY STANDARD

### Notice of Issuance of Temporary Permit for Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Corn Products Company, 717 Fifth Avenue, New York, N.Y. The margarine covered by this permit deviates from the requirements of the standard of identity (21 CFR 45.1) in two respects. First, under the standard margarine contains either a milk or cream ingredient or a suspension of finely ground soybeans. The margarine to be market tested will not contain any milk, cream, or ground soybeans. Second, the standard lists the artificial flavoring substances which are recognized as optional ingredients of margarine. The margarine to be market tested will contain safe artificial flavorings in addition to those listed in the standard. The labels will show that the margarine contains no milk, cream, or ground soybeans, and that it is artificially flavored.

This permit expires November 1, 1965.

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–12620; Filed, Dec. 8, 1964; 8:50 a.m.]

### S. E. MASSENGILL CO.

### Notice of Filing of Petition for Food Additives for Use in Milk-Producing Animals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1541) has been filed by The S. E. Massengill Company, Bristol, Tenn., proposing an amendment to § 121.249 of the food additive regulations to provide for the safe use of a formulation for the treatment of bovine mastitis. Such formulation is to contain per 25-milliliter treatment: Neomycin (as neomycin sulfate), 140 milligrams; polymyxin B sulfate, 50,000 units; potassium sorbate, 28.75 milligrams; and methylcellulose, 187.5 milligrams.

Dated: December 2, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–12621; Filed, Dec. 8, 1964; 8:50 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15728; Order E–21556]

### EASTERN AIR LINES, INC.

### Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of December 1964.

Group tour-basing fare between New York/Newark and San Juan proposed by Eastern Air Lines, Inc., Docket No. 15728.

By tariff revisions[1] marked to become effective December 7, 1964, Eastern Air Lines, Inc. (Eastern), proposes to establish a group tour-basing fare applicable at all times between New York/Newark and San Juan in thrift-class service in jet aircraft. The proposed round-trip fare of $104.00 is applicable to each passenger for groups of 50 or more passengers traveling together on the outbound flight when tickets are purchased as part of an "Advertised Air Tour."[2] The proposed fare is equal to an existing group (50 persons) fare offered by Eastern and Pan American without the ground tie-in feature[3] and represents a 14.4 percent reduction from individually ticketed standard thrift-class service. Neither the proposed group tour-basing fare nor the existing group fares are restricted as to days of travel or length of stay.

Complaints requesting investigation and suspension of the Eastern proposal have been filed by Pan American World Airways, Inc. (Pan American), and Trans Caribbean Airways, Inc. (Trans Caribbean). In support of its complaint, Pan American alleges that the inclusion of the tour-basing aspect in the proposal makes it unjustly discriminatory. It maintains that the Board has consistently held that benefit to a particular area does not justify discriminatory rates, and that no reasons have been advanced for departure from the public utility concept embraced in the "rule of equality." Pan American notes that there is currently pending before the Board in Docket 14901, an investigation of Trans Caribbean's group tour-basing fares between New York and San Juan,[4] and that the orderly promotion of air transportation requires that the instant filing be suspended pending a determination of the legal principles involved in that proceeding. In addition, Pan American notes that Eastern's contention (that its proposal would tend to shift traffic from peak week-end periods) would not necessarily obtain, in view of the lack of restriction in the tariff as to days of applicability.

In its complaint, Trans Caribbean states that it is a supporter of the tour-basing fare principle, but that it is opposed to Eastern's proposal because the provisions governing the proposed fare do not exclude peak week-end travel times. It maintains that the failure to make this exclusion will result in substantial dilution of revenues and will defeat one of the primary purposes of tour-basing fares, that is, the generation of new traffic to fill empty seats. In contrast, Trans Caribbean claims that its group tour-basing fare in this market[5] is designed to avoid dilution, to prevent self-diversion, and to develop additional tour traffic to Puerto Rico.

In support of its filing Eastern claims its proposal will be of significant advantage to travelers in the market, to the economy of the Commonwealth of Puerto Rico, and to Eastern itself. It notes that the only modifications to its present group travel tariff in this market are (1) the requirement that $60.00 of other than air transportation services be purchased, and (2) that travel as a group is liberalized so as to require group travel in the outbound direction only. Eastern maintains that the liberalization of the travel-together rule provides greater flexibility for the traveler and that the lack of restriction on length of stay would tend to shift some traffic from peak week-end periods to less heavily-traveled days.

Eastern's instant proposal presents essentially the same issues of justness and reasonableness, discrimination, and preference and prejudice, that the Board noted in regard to other group tour-basing fares which have been ordered investigated.[6] Accordingly, the instant proposal shall also be investigated. The Board will not suspend the effectiveness of the proposed fare for its does not appear prima facie unreasonably low, is equal to existing group fares now offered in the market involved without the

[1] Eastern Air Lines, Inc., C.A.B. No. 144.

[2] An "Advertised Air Tour" is defined in Eastern's tariff as a fully-prepaid complete vacation package consisting of round-trip air transportation plus lodgings, transfers, sightseeing, or car rental. The total price of the tour for each passenger must not be less than the fare of $104.00, plus at least $60.00 of ground accommodation expenses.

[3] Eastern is also proposing to cancel its existing round-trip group fare of $104.00, but is retaining its one-way group fare of $52.00 in the New York/Newark-San Juan market.

[4] Briefs to the Examiner are now due on December 18, 1964.

[5] Trans Caribbean Airways, Inc., C.A.B. No. 26, provides for a round-trip air fare of $95.00, and to it is tied the purchase of a minimum of $45.00 of hotel accommodations, ground transportation, and other elements of a tour package. The fare involves a minimum group of 100 passengers, must be sold by tour agents, is restricted as to days on which transportation can be performed, provides for a minimum stay of five days, and allows passengers to return individually no later than 30 days after date of departure from point of origin.

[6] E.g., Orders E–18790, September 17, 1962; E–18838, September 28, 1962; E–19584, May 15, 1963; E–20276, December 18, 1963; and E–20410, January 29, 1964. See also Orders E–20998, June 26, 1964 and E–21148, August 5, 1964.

ground tie-in feature and without restriction as to days of travel or length of stay, and is higher than the more restricted round-trip group tour-basing fare currently in effect in the New York-San Juan market. This action is consistent with the Board's decisions in the more recent past to permit to become effective fares in which similar issues of discrimination are present.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

*It is ordered*, That:

1. An investigation be instituted to determine whether the provisions of Rule 6(A)(2) on 1st Revised Page 15 and 2d Revised Page 16 and the fares and provisions in Part A–3 on 2nd Revised Page 39 of Eastern Air Lines, Inc., C.A.B. No. 144 (including subsequent revisions and reissues of such fares and provisions) and the rules, regulations or practices affecting such fares and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions and the rules, regulations or practices affecting such fares and provisions;

2. Except to the extent granted herein, the complaints of Trans Caribbean Airways, Inc., in Docket 15705, and Pan American World Airways, Inc., in Docket 15708, are dismissed;

3. This investigation be set for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served upon Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., which are made parties to the investigation ordered herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–12622; Filed, Dec. 8, 1964; 8:50 a.m.]

[Order E–21559]

## FALCON AIR FREIGHT, INC.

### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of December 1964.

Falcon Air Freight, Inc. (Falcon), holds Air Freight Forwarder Operating Authorization No. 75, issued July 31, 1962. In recent months the Board has received several complaints alleging that Falcon has gone out of business without fulfilling commitments to shippers or satisfying the claims of its creditors. As further indication that Falcon has discontinued air freight forwarder operations, our records show that Falcon has failed to file periodic reports for the first six months of 1964, and that Falcon's automobile liability insurance has expired. In addition, the Board has been notified by the Aetna Insurance Company that Falcon's cargo liability insurance has been canceled.

A member of the Board's staff visited the last known address of Falcon to determine if the company had gone out of business, and learned that the terminal facilities formerly occupied by Falcon are now occupied by another air freight forwarder.

By letter of September 28, 1964, Falcon was requested to advise within thirty days whether it intended to continue air freight forwarder operations. Falcon was also requested to tender its operating authorization for cancellation, without prejudice to a subsequent application for authority, in the event it has discontinued operations. Falcon has not responded to this letter. As further evidence that Falcon's operating authorization is dormant, a Receiver has been appointed by the Superior Court of New Jersey for the protection of Falcon's creditors pursuant to a bankruptcy proceeding.

It is the Board's policy, as reflected in § 296.49 of the Economic Regulations, to revoke dormant air freight forwarder operating authorizations. Although Falcon's discontinuance of operations does not fall precisely within the scope of § 296.49, the fact that Falcon has ceased operations as an air freight forwarder and has not continued the insurance protection required by the Economic Regulations, indicates that Falcon's operating authorization is dormant. Thus, a continuation of Falcon's present situation would be inconsistent with the Board's policy and the public interest. In view of these considerations, we tentatively find that Falcon has discontinued its air freight forwarder activities and that it is in the public interest to revoke Falcon's air freight forwarder authorization.

Therefore, we shall direct Falcon to show cause why the Board should not issue an order making final the above tentative findings and conclusions and revoke its Air Freight Forwarder Operating Authorization No. 75. All interested persons who desire to be heard in connection with this matter may file objections to the tentative findings and conclusions within fifteen days of the date of this order.

*Accordingly, it is ordered:*

1. That Falcon Air Freight, Inc., and any other interested persons be and they hereby are directed to show cause within 15 days of the date of this order why the Board should not make final the above tentative findings and conclusions and revoke Falcon's Air Freight Forwarder Operating Authorization No. 75; [1]

2. That if no objections are filed, further procedural steps shall be deemed waived and the matter shall stand submitted to the Board for issuance of a final order;

3. That if timely objections are filed, further consideration will be accorded any matters or issues raised by the objections before further action is taken by the Board; and

4. That a copy of this order be served upon Falcon and the Receiver in Bankruptcy of Falcon and be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–12623; Filed, Dec. 8, 1964; 8:50 a.m.]

[1] Since our action provides for the filing of objections, we will not entertain petitions for reconsideration.

[Docket 15381, etc.; Order E–21553]

## PAN AMERICAN WORLD AIRWAYS, INC.

### Order Establishing Temporary International Service Mail Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of December 1964.

The Board, on September 10, 1964, adopted Order E–21267 directing all interested parties, and particularly Delta Air Lines, Inc., Pan American World Airways, Inc., and the Postmaster General to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine and publish the temporary rates proposed therein for the mail transportation described.

No timely notice of objection to the order was filed. TWA, however, filed a telegraphic notice of objection on September 22, 1964, and on September 28, 1964, filed a supporting answer. The objection of TWA concerned Atlanta-London, Los Angeles-London, New Orleans-London, and San Francisco-London routes, but it did not object to the Board's proposal concerning a Houston-Mexico City adjustment.

On November 19, 1964, the Board issued Order E–21514 (Docket 15176, et al.) establishing a new service mail rate formula for transatlantic and transpacific routes. The rate formula proposed therein provides the relief sought by Pan American in Docket 15282, with the exception of the Houston-Mexico City market. Thus, Order E–21514 dismissed as moot the petition of Pan American in Docket 15282, except as it related to Pan American's service mail rate between Houston and Mexico City.[1]

Since no person has objected to the equalization proposed in the Houston-Mexico City market, all parties have waived the right to a hearing and all other procedural steps before a final decision of the Board and we will, therefore, establish the temporary service mail rate proposed by Order E–21267 as stated herein.

The Board, upon consideration of the record, hereby reaffirms and makes final the findings set forth in Order E–21267, but only insofar as they pertain to the priority service mail rate for the Houston-Mexico City market.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

*It is ordered*, That:

1. The fair and reasonable temporary rate of compensation to be paid to Pan American World Airways, Inc., on and after the date of this order, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Houston, Texas, and Mexico City, Mexico, is 17.65075 cents per pound.

2. Such temporary service mail rate shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

3. This proceeding shall remain open pending entry of an order fixing final rates, retroactive to such date as the Board may determine, which final rates may be lower or higher than or equal to the temporary rate fixed herein.

4. This order shall be served upon the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–12624; Filed, Dec. 8, 1964; 8:50 a.m.]

[1] Insofar as it relates to the Houston-Mexico City market, Docket 15282 has been consolidated into Docket 15381, et al. (Petition of Postmaster General reopening Latin American service mail rates).



[Docket No. 13377]

## BONANZA AIR LINES, INC.

### Notice of Prehearing Conference

Renewal of Bonanza Air Lines, Inc., Segment 4.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on January 5, 1965, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., December 4, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64–12625; Filed, Dec. 8, 1964; 8:50 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## UTAH

### Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands; Correction

1. F.R. Doc. 64–5066, appearing at page 6654 of the issue for Thursday, May 21, 1964, is corrected as follows:

a. In paragraph 2 the lands for Sec. 16, T. 13 S., R. 17 E., Salt Lake Meridian, should read "SW¼, W½SE¼."

b. A new paragraph 4(a) is added after paragraph 4, to read as follows: "The following lands are withdrawn by Power Site Reserve No. 42 of August 27, 1909:

SALT LAKE MERIDIAN

T. 13 S., R. 17 E.,
Sec. 16, E½SE¼."

2. In F.R. Doc. 64–7058, appearing at page 9634 of the issue for Thursday, July 16, 1964, the lands in paragraph 4 for Sec. 25, T. 10 S., R. 18 E., should read as follows: "Lots 5, 6, 7, 8, 9, NW¼SE¼, N½SW¼."

J. E. KEOGH,
*Manager, Utah Land Office.*

DECEMBER 1, 1964.

[F.R. Doc. 64–12572; Filed, Dec. 8, 1964; 8:46 a.m.]

### Office of the Secretary

### WILLIAM C. PORTER, JR.

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 24, 1964.

Dated: November 24, 1964.

WILLIAM C. PORTER, JR.

[F.R. Doc. 64–12573; Filed, Dec. 8, 1964; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## KENNAMER LIVESTOCK CO. ET AL.

### Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

| *Original name of stockyard, location, and date of posting* | *Current name of stockyard and date of change in name* |
|---|---|
| **ALABAMA** | |
| Kennamer Livestock Co., Guntersville, July 10, 1959. | Kennamer Livestock Co., Inc., Sept. 1, 1962. |
| **ARKANSAS** | |
| White County Commission Co., Inc., Searcy, Feb. 17, 1959. | Taylor Auction Co., Sept. 8, 1964. |
| **KANSAS** | |
| Overbrook Livestock Sale Co., Overbrook, May 27, 1959. | Overbrook Livestock Auction, Inc., Oct. 16, 1964. |
| **MISSISSIPPI** | |
| Fairchilds Livestock Commission, Inc., Hazlehurst, Feb. 17, 1959. | Fairchild Livestock Commission, Inc., Feb. 17, 1959. |
| L & L Commission Co., Liberty, Feb. 17, 1959 | Ballew's Stockyards, Oct. 1, 1964. |
| **MISSOURI** | |
| Butler Community Sale, Butler, June 5, 1959 | Tuesday Community Sale, Oct. 29, 1964. |
| **NEBRASKA** | |
| Chadron Sales Co., Chadron, Feb. 16, 1940 | Chadron Sales Co., July 1, 1964. |
| Ericson Livestock Market, Ericson, June 9, 1959. | Ericson Livestock Commission Co., Oct. 10, 1964. |
| **OREGON** | |
| Baker Livestock Auction, Baker, Oct. 15, 1959 | Baker Livestock Auction, Inc., Sept. 1, 1964. |
| **TENNESSEE** | |
| Lincoln County Live Stock Market, Fayetteville, Nov. 27, 1961. | Tennessee Producers Livestock Marketing Association, Aug. 1, 1964. |
| **TEXAS** | |
| Keeton Livestock Commission Co., Lubbock, Nov. 5, 1956. | Farmers and Ranchers Commission Co. of Lubbock, Aug. 5, 1964. |
| Caldwell County Livestock Exchange, Luling, May 11, 1960. | Caldwell County Livestock Exchange, Inc., July 28, 1964. |
| East Texas Livestock Commission Co., Palestine, Nov. 29, 1962. | Palestine Livestock Commission Co., May 26, 1964. |
| **WASHINGTON** | |
| Snohomish Auction Market, Snohomish, Sept. 22, 1959. | Britton Brothers Snohomish Auction Market, Oct. 22, 1964. |

Done at Washington, D.C., this 3d day of December 1964.

K. A. POTTER,
*Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12578; Filed, Dec. 8, 1964; 8:47 a.m.]





FLAG OF REGISTRY, NAME OF SHIP—Continued FLAG OF REGISTRY, NAME OF SHIP—Continued

### Office of the Secretary

## ARKANSAS

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arkansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

| | |
|---|---|
| Clay. | Mississippi. |
| Craighead. | Monroe. |
| Crittenden. | Phillips. |
| Cross. | Poinsett. |
| Greene. | Prairie. |
| Jackson. | Randolph. |
| Lee. | St. Francis. |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12579; Filed, Dec. 8, 1964; 8:47 a.m.]

## KANSAS

### Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Kansas the disasters for which such counties are presently designated have caused a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

| Kansas: | *Present designation* |
|---|---|
| Greeley | 29 F.R. 441 |
| Hamilton | 29 F.R. 5324 |
| Morton | 29 F.R. 441 |
| Stanton | 29 F.R. 5324 |
| Wallace | 29 F.R. 4686 |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12580; Filed, Dec. 8, 1964; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[File No. 24-63]

## MOENS & CO. AND MARCEL MOENS

### Order Extending Temporary Denial of Export Privileges

In the matter of Moens & Company, Marcel Moens, 141 Tourhoutsebaan, Schilde, Antwerp, Belgium, File No. 24-63; respondents.

An order temporarily denying export privileges for a period of sixty days was issued in the above matter on October 12, 1964 (29 F.R. 14371). Said order was issued in connection with an investigation by the Investigations Division, Office of Export Control, Bureau of International Commerce, which had presented evidence on the basis of which there were reasonable grounds to believe that respondents were engaged in activities in violation of the U.S. Export Control Act and regulations thereunder. On the evidence presented there were reasonable grounds to believe that a number of items of U.S.-origin agricultural equipment, some of advanced design, had been exported from Canada to Antwerp, consigned to Moens & Company; that additional items of U.S.-origin of a similar nature were scheduled to be exported in the near future from Canada to said Moens & Company; that said commodities were ultimately intended to be delivered to a Soviet bloc destination in contravention of the U.S. Export Control Act and regulations thereunder; and that respondents were knowingly participating in a scheme to reexport said commodities whereby said illegal purpose would be accomplished.

The Director of said Investigations Division has applied under § 382.11 of the export regulations for an extension of the temporary denial order. On the basis of evidence presented as to developments subsequent to the issuance of the temporary denial order there are reasonable grounds to believe that respondents are continuing their activities in violation of the U.S. Export Control Act and regulations thereunder, and that they are persisting in their efforts to effect reexportation of said commodities to an unauthorized destination.

The application for extension of the temporary denial order has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary denial order be extended until the completion of administrative compliance proceedings. He has found that such extension is reasonably necessary to protect the public interest pending final disposition of the proceedings and is necessary for the effective enforcement of the law. I confirm these findings.

*Accordingly, it is hereby Ordered,*

I. The provisions and restrictions of the temporary denial order issued on October 12, 1964 (29 F.R. 14371) are hereby continued in full force and effect.

II. The respondents, their successors or assigns, partners, directors, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the provisions and restrictions of the temporary denial order of October 12, 1964 and shall remain in effect until the completion of administrative compliance proceedings unless it is hereafter amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C. at the earliest convenient date.

This order extends the temporary denial order which was entered on October 12, 1964.

Dated: December 2, 1964.

WILSON E. SWEENEY,
*Acting Director,*
*Office of Export Control.*

[F.R. Doc. 64-12597; Filed, Dec. 8, 1964; 8:48 a.m.]

### Maritime Administration

[Report No. 46]

## LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through November 30, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

| | *Gross tonnage* |
|---|---|
| Total all flags (234 ships) | 1,603,587 |
| British (77 ships) | 567,485 |
| Amalia | 7,189 |
| Amazon River | 7,234 |
| Antarctica | 8,785 |
| Ardenode | 7,036 |
| Ardgem | 6,981 |
| Ardmore | 4,664 |
| Ardpatrick | 7,054 |
| Ardrowan | 7,300 |
| Ardsirod | 7,025 |
| **Arlington Court (now Southgate—British flag). | |
| Athelcrown (Tanker) | 11,149 |
| Athelduke (Tanker) | 9,089 |
| Athelmere (Tanker) | 7,524 |
| Athelmonarch (Tanker) | 11,182 |
| Athelsultan (Tanker) | 9,149 |
| Avisfaith | 7,868 |
| Baxtergate | 8,813 |
| Canuk Trader | 7,151 |
| Cedar Hill | 7,156 |
| Chipbee | 7,271 |
| **Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag). | |
| Dairen | 4,939 |
| East Breeze | 8,708 |
| Eastfortune | 8,789 |
| Eirini | 7,402 |
| Free Enterprise | 6,807 |
| Free Merchant | 5,237 |
| **Garthdale (now Jeb Lee—British flag) | 7,542 |
| Grosvenor Mariner | 7,026 |
| Hazelmoor | 7,907 |
| Helka | 2,111 |
| Hemisphere | 8,718 |
| Ho Fung | 7,121 |
| Inchstaffa | 5,255 |
| **Ivy Fair (now Cosmo Trader—British flag) | 7,201 |
| **Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag). | |
| Kinross | 5,388 |
| **Kirriemoor (now Jhelum—Pakistani flag) | 5,923 |
| La Hortensia | 9,486 |
| Linkmoor | 8,236 |
| Maratha Enterprise | 7,166 |
| Muswell Hill | 7,131 |
| Nancy Dee | 6,597 |
| Newdene | 7,181 |
| Newforest | 7,185 |
| Newgate | 6,743 |
| Newglade | 7,368 |
| Newgrove | 7,172 |
| Newheath | 5,891 |
| Newhill | 7,855 |
| Newlane | 7,043 |
| Newmeadow | 5,654 |
| Oceantramp | 6,185 |
| Oceantravel | 10,477 |
| Peony | 9,037 |
| Redbrook | 7,388 |
| Ruthy Ann | 7,361 |
| St. Antonio | 6,704 |
| Sandsend | 7,236 |
| Santa Granda | 7,229 |
| Sea Coral | 10,421 |
| Sea Empress | 10,074 |
| Shienfoon | 7,127 |
| Shun Fung | 7,148 |
| Socivve | 7,291 |
| **Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag) | 9,662 |
| Stanwear | 8,108 |
| Sudbury Hill | 7,140 |
| Suva Breeze | 4,970 |
| Swift River | 7,251 |
| Thames Breeze | 7,878 |
| **Timios Stavros (previous trips to Cuba under Greek flag) | 5,269 |
| Venice | 8,611 |
| Vercharmian | 7,265 |
| Vergmont | 7,381 |
| West Breeze | 8,718 |
| Woldingham Hill | 7,113 |
| Yungfutary | 5,388 |
| Yunglutaton | 5,414 |
| Zela M | 7,237 |
| Lebanese (56 ships) | 374,207 |
| Agia Sophia | 3,106 |
| Aiolos II | 7,256 |
| Ais Giannis | 6,997 |
| Akamas | 7,285 |
| Al Amin | 7,186 |
| Alaska | 6,989 |
| Anthas | 7,044 |
| Antonis | 6,259 |
| Ares | 4,557 |
| Areti | 7,176 |
| Aristefs | 6,995 |
| Astir | 5,324 |
| Athamas | 4,729 |
| Carnation | 4,884 |
| **Christos (trip to Cuba under ex-name, Pamit—Greek flag). | |
| Claire | 5,411 |
| Cris | 6,032 |
| Dimos | 7,187 |
| Free Trader | 7,067 |
| Giorgos Tsakiroglou | 7,240 |
| Granikos | 7,282 |
| Ilena | 5,925 |
| Ioannis Aspiotis | 7,297 |
| Kalliopi D. Lemos | 5,103 |
| Katerina | 9,357 |
| Leftric | 7,176 |
| Malou | 7,145 |
| Mantric | 7,255 |
| Marichristina | 7,124 |
| Marymark | 4,383 |
| Mersinidi | 6,782 |
| Mimosa | 7,314 |
| Mousse | 6,984 |
| Nictric | 7,296 |
| Noelle | 7,251 |
| Noemi | 7,070 |
| Olga | 7,199 |
| Panagos | 7,133 |
| Parmarina | 6,721 |
| **Razani (broken up) | 7,253 |
| Rio | 7,194 |
| St. Anthony | 5,349 |
| St. Nicolas | 7,165 |
| San George | 7,267 |
| San John | 5,172 |
| San Spyridon | 7,260 |
| Stevo | 7,066 |
| Taxiarhis | 7,349 |
| Tertric | 7,045 |
| Theodoros Lemos | 7,198 |
| Theologos | 6,529 |
| Toula | 4,561 |
| Troyan | 7,243 |
| Vassiliki | 7,192 |
| Vastric | 6,453 |
| Vergolivada | 6,339 |
| Yanxilas | 10,051 |
| Greek (40 ships) | 287,898 |
| Agios Therapon | 5,617 |
| Akastos | 7,331 |
| Alice | 7,189 |
| **Ambassade (sold Hong Kong shipbreakers) | 8,600 |
| Americana | 7,104 |
| Anacreon | 7,359 |
| Anatoli | 7,178 |
| **Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag) | 6,712 |
| Antonia | 5,171 |
| Apollon | 9,744 |
| Armathia | 7,091 |
| Athanassios K | 7,216 |
| Barbarino | 7,084 |
| Calliopi Michalos | 7,249 |
| Capetan Petros | 7,291 |
| **Embassy (broken up) | 8,418 |
| Everest | 7,031 |
| Flora M | 7,244 |
| Galini | 7,266 |
| **Gloria (now Helen—Greek flag) | 7,128 |
| **Helen (trip to Cuba under ex-name, Gloria—Greek flag). | |
| Irena | 7,232 |
| Istros II | 7,275 |
| Kapetan Kostis | 5,032 |
| Kyra Hariklia | 6,888 |
| Maria Theresa | 7,245 |
| Marigo | 7,147 |
| Maroudio | 7,369 |
| Mastro-Stelios II | 7,282 |
| **Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag). | |
| **Nicolaos Frangistas (now Nicolaos F.—Greek flag) | 7,199 |
| **Pamit (now Christos—Lebanese flag) | 3,929 |
| Pantanassa | 7,131 |
| Paxoi | 7,144 |
| **Penelope (now Andromachi—Greek flag). | |

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| Greek—Continued | |
| **Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag). | |
| **Presvis (broken up) | 10,820 |
| Propontis | 7,128 |
| Radestos | 5,911 |
| **Seirios (broken up) | 7,239 |
| Sophia | 7,030 |
| **Stylianos N. Vlassopulos (now Plate Trader—Greek flag) | 7,244 |
| **Timios Stavros (now British flag). | |
| Tina | 7,362 |
| Western Trader | 9,268 |
| Polish (14 ships) | 94,647 |
| Baltyk | 6,963 |
| Bialystok | 7,173 |
| Bytom | 5,967 |
| Chopin | 6,987 |
| Chorzow | 7,237 |
| Huta Florian | 7,258 |
| Huta Labedy | 7,221 |
| Huta Ostrowiec | 7,175 |
| Huta Zgoda | 6,840 |
| *Kopalnia Bobrek | 7,221 |
| Kopalnia Miechowice | 7,223 |
| Kopalnia Siemianowice | 7,165 |
| Kopalnia Wujek | 7,033 |
| Piast | 3,184 |
| Italian (12 ships) | 102,013 |
| Achille | 6,950 |
| Agostino Bertani | 8,380 |
| Andrea Costa (Tanker) | 10,440 |
| Aspromonte | 7,154 |
| Giuseppe Giulietti (Tanker) | 17,519 |
| Montiron | 1,595 |
| Nazareno | 7,173 |
| Nino Bixio | 8,427 |
| San Francesco | 9,284 |
| San Nicola (Tanker) | 12,461 |
| Santa Lucia | 9,278 |
| Somalia | 3,352 |
| Yugoslav (7 ships) | 49,926 |
| Bar | 7,233 |
| Cavtat | 7,266 |
| Cetinje | 7,200 |
| Dugi Otok | 6,997 |
| Mojkovac | 7,125 |
| Promina | 6,960 |
| **Trebisnjica (wrecked) | 7,145 |
| French (6 ships) | 16,391 |
| Circe | 2,874 |
| Enee | 1,232 |
| Foulaya | 3,739 |
| Mungo | 4,820 |
| Nalee | 2,874 |
| Neve | 852 |
| Spanish (5 ships) | 6,193 |
| Escorpion | 999 |
| Sierra Andia | 1,596 |
| Sierra Aranzazu | 1,600 |
| Sierra Madre | 999 |
| Sierra Maria | 999 |
| Moroccan (5 ships) | 35,828 |
| Atlas | 10,392 |
| Banora | 3,082 |
| Marrakech | 3,214 |
| Mauritania | 10,392 |
| Toubkal | 8,748 |

*Added to Report No. 45, appearing in the FEDERAL REGISTER issue of November 26, 1964.
**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| Finnish (4 ships) | 33,849 |
| Augusta Paulin | 7,096 |
| Ragni Paulin | 6,823 |
| Susan Paulin | 7,239 |
| Valny (Tanker) | 11,691 |
| Swedish (3 ships) | 17,123 |
| Amfred | 2,828 |
| **Atlantic Friend (now Atlantic Venture—Liberian flag) | 7,805 |
| Dagmar | 6,490 |
| Norwegian (2 ships) | 10,002 |
| Ole Bratt | 5,252 |
| **Tine (now Jezreel—Panamanian flag) | 4,750 |
| Kuwait (1 ship): | |
| Maha | 1,392 |
| Cypriot (1 ship): | |
| Adelphos Petrakis | 7,134 |
| Netherlands (1 ship): | |
| Tempo | 499 |
| Liberian: | |
| **Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag). | |
| Panamanian: | |
| **Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag). | |
| Pakistani: | |
| **Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag). | |

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessel having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

| a. Since last report: | Gross tonnage |
|---|---|
| Lebanese (1 ship): | |
| **Kapetanissa (now National Strength—Nationalist Chinese flag) | 7,281 |
| Greek (1 ship): | |
| Aldebaran (Tanker) | 12,897 |
| b. Previous reports: | Number of ships |
| Flag of registry (total) | 62 |
| British | 29 |
| Danish | 1 |
| French | 1 |
| German (West) | 1 |
| Greek | 19 |
| Italian | 5 |
| Japanese | 1 |
| Norwegian | 4 |
| Spanish | 1 |

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through November 30, 1964:

| Flag of registry | Number of trips | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1963 | 1964 | | | | | | | | | Total |
| | | Jan.–Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | |
| British | 133 | 43 | 20 | 13 | 19 | 18 | 18 | 13 | 14 | 6 | 302 |
| Lebanese | 64 | 23 | 8 | 8 | 10 | 8 | 9 | 12 | 1 | 1 | 144 |
| Greek | 99 | 9 | | 6 | 1 | 1 | 5 | 3 | 1 | 1 | 126 |
| Italian | 16 | 2 | 3 | 1 | 4 | 3 | 2 | | | 3 | 34 |
| Spanish | 8 | 3 | 3 | | 2 | 2 | 2 | 2 | 2 | 1 | 23 |
| Norwegian | 14 | 3 | 1 | 2 | 1 | | 1 | | 1 | 1 | 24 |
| Moroccan | 9 | 2 | | 2 | 1 | 3 | 1 | 2 | 2 | | 22 |
| Yugoslav | 12 | 3 | 1 | | | 3 | | 2 | | | 21 |
| French | 8 | | 1 | | | 2 | 2 | | 1 | 1 | 15 |
| Swedish | 3 | | | | 2 | | | | | | 5 |
| Finnish | 1 | | | | 1 | | 1 | 1 | | | 4 |
| Kuwaiti | | | | | | 1 | | 1 | | | 2 |
| Netherlands | | | | | | | | 1 | 1 | | 2 |
| Cypriot | | | | | | 1 | | | | | 1 |
| Danish | 1 | | | | | | | | | | 1 |
| German (West) | 1 | | | | | | | | | | 1 |
| Japanese | 1 | | | | | | | | | | 1 |
| Subtotal | 370 | 88 | 37 | 37 | 41 | 42 | 41 | 37 | 23 | 14 | 730 |
| Polish | 18 | 5 | 2 | | 2 | 1 | | 2 | | 1 | 31 |
| Grand total | 388 | 93 | 39 | 37 | 43 | 43 | 41 | 39 | 23 | 15 | 761 |

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

By order of the Deputy Maritime Administrator.

Dated: December 3, 1964.

JAMES S. DAWSON, JR.,
*Secretary.*

[F.R. Doc. 64-12636; Filed, Dec. 8, 1964; 8:45 a.m.]



# CIVIL SERVICE COMMISSION

## CERTAIN SPECIALIZATIONS IN TECHNOLOGY SERIES

### Notice of Cancellation of Special Rates

Effective upon the reclassification of the affected positions special rates are cancelled for the following specializations in the Technology Series, GS-1390-0: Rubber, Plastics, and Rubber and Plastics. This action is taken because these specializations are being rescinded upon publication of new classification standards for the Materials Engineering Series, GS-806-0.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12589; Filed, Dec. 8, 1964; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15667 etc.; FCC 64M-1213]

## KAISER INDUSTRIES CORP. ET AL.

### Order Continuing Prehearing Conference

In re applications of Kaiser Industries Corporation, Chicago, Illinois, Docket No. 15667, File No. BPCT-3092; Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Illinois, Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 15669, File No. BPCT-3271; Chicago Federation of Labor and Industrial Union Council, Chicago, Illinois, Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station (Channel 38).

The Hearing Examiner having for consideration the Chief Hearing Examiner's orders herein of November 27, and December 1, 1964, wherein a prehearing conference was scheduled for December 3, 1964, and the present Hearing Examiner was appointed to serve as presiding officer;

It appearing, that certain of the issues in this proceeding are identical to those designated in the Commission's order released December 1, 1964 in Trinity Broadcasting Company, Docket No. 15714, et al. (FCC 64-1091, Mimeo. 59453), and that a more expeditious and economical disposition of such issues may be accomplished through the consolidation of hearing procedures insofar as hearing is to be conducted on the common issues;

*It is ordered*, This 1st day of December 1964, on the Hearing Examiner's own motion, that the prehearing conference now scheduled to commence on December 3, 1964 is continued to December 11, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C., and that, insofar as this proceeding involves issues in common with Trinity Broadcasting Company, et al., the said prehearing conference will be consolidated with a prehearing conference to be held in Trinity Broadcasting Company, et al.

Released: December 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12610; Filed, Dec. 8, 1964; 8:49 a.m.]

[Docket Nos. 15548, 15614; FCC 64M-1218]

## TRIAD STATIONS, INC., AND MARSHALL BROADCASTING CO.

### Memorandum of Ruling

In re applications of Triad Stations, Inc., Marshall, Mich., Docket No. 15548, File No. BPH-4131; Marshall Broadcasting Co., Marshall, Mich., Docket No. 15614, File No. BPH-4327; for construction permits.

This will formalize rulings made at the December 2, 1964, further prehearing conference, the transcript of which is incorporated herein by reference, as follows:

1. Joint motion to postpone date of exchange of exhibits and date of hearing, filed by applicants on November 27, 1964, is granted to the extent indicated hereinafter and is denied in all other respects;

2. Marshall Broadcasting Co. shall file a petition for leave to amend its application (necessitated by the Review Board's enlargement of issues through addition of a financial qualifications issue—see Memorandum Opinion and Order released November 27, 1964 (FCC 64R-540)) not later than by December 8, 1964; and

3. The following changes in procedure are effected:

a. Date of final exchange of all exhibits is continued to January 12, 1965;

b. Date of notification of witnesses, if desired, is continued to January 19, 1965; and

c. Date of commencement of hearing is continued from December 14, 1964 to 10:00 a.m., February 1, 1965.

Dated: December 2, 1964.

Released: December 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12611; Filed, Dec. 8, 1964; 8:49 a.m.]

# FEDERAL MARITIME COMMISSION

[Docket No. 1188]

## ALASKA LOWER YUKON RIVER AREA

### Increased Freight Rates; Amendment of Notice of Investigation and Suspension

This proceeding was instituted by Commission Notice of Investigation and Suspension served June 16, 1964. The order of investigation embraces all rates, charges, rules, regulations, classifications and practices published in nine tariffs filed with the Commission by respondent Northern Commercial Co. River Lines. The Commission's order also suspended four items in respondent's Local Freight Tariff No. 2-K, FMC-F No. 53.

An examination of the nine tariffs of the respondent indicates that only four of them may apply to traffic moving between the State of Alaska and the other states. Under the Alaska Statehood Act (72 Stat. 339), and the subsequent enactment of the Alaska Omnibus Act (73 Stat. 141), it is clear that the Federal Maritime Commission has no jurisdiction over purely intra-Alaska commerce.

*Therefore, it is ordered*, That the Notice of Investigation and Suspension served June 16, 1964, is hereby amended by deleting the first two pages and modifying the first paragraph of page 3 to read as follows:

*It is ordered*, That an investigation be, and it hereby is instituted into and concerning the lawfulness of all rates, charges, rules, regulations, classifications and practices published in the following tariffs of Northern Commercial Co. River Lines including subsequent reissues thereof or amendments thereto: USMC No. F-6; FMC-F Nos. 45, 49 and 50.

By the Commission.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12600; Filed, Dec. 8, 1964; 8:48 a.m.]

## STATE OF CONNECTICUT AND CONNECTICUT TERMINAL CO., INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John Cunningham
Attorney for Connecticut Terminal Co., Inc.
Tower Building
1400 K Street NW.
Washington, D.C.

Agreement No. T-1721, between the State of Connecticut Commissioners of Steamship Terminals (Authority) and

Connecticut Terminal Co. (Company), provides for Company's five-year lease of New London State Pier No. 1 to be operated as a public marine terminal. Company may issue tariffs and enter into agreements covering rates and charges to be assessed at the pier. These are subject to regulation and change by the Authority.

Company will collect all revenue from the operation of the pier for the account of the Authority. From this income Authority will pay Company's expenses including salaries, repairs and certain rentals as provided in the agreement. If after payment of the operating costs specified in the agreement there remains a profit, Company will receive a certain percentage of such profit, and additional sums as specified.

Dated: December 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12601; Filed, Dec. 8, 1964; 8:48 a.m.]

[Docket No. 1215]

## TRANSCARLOADING CORP.

### Rate Changes on General Commodities in South Atlantic/Puerto Rico Trade; Notice of Investigation and Suspension

It appearing, that there have been filed with the Federal Maritime Commission by Transcarloading Corp. tariff schedules naming northbound and southbound amended rates on general commodities in the South Atlantic/Puerto Rico trade to become effective November 28, 1964, designated as follows:

TRANSCARLOADING CORP.

LOCAL FREIGHT TARIFF NO. 1, FMC-F NO. 1

Fourth Revised Page 20.
Third Revised Page 21.
Third Revised Page 23.
Third Revised Page 25.
Third Revised Page 26.
Third Revised Page 27.
Third Revised Page 28.
Third Revised Page 29.
Third Revised Page 30.
Third Revised Page 31.
Second Revised Page 32.

It further appearing, that upon consideration of the said schedules there is reason to believe that the amended "northbound" reduced rates if permitted to become effective, may have a damaging effect upon the competitive status of all carriers in the trade with possible detrimental effect on shipper interests;

It further appearing, that, the Commission is of the opinion that these tariff revisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, and that the effective date of the northbound reduced rates should be suspended pending such investigation;

It further appearing, that the Commission also is of the opinion that the investigation should include all tariff revisions, reductions and increases, northbound and southbound filed by Transcarloading Corp. to become effective November 28, 1964;

*Now therefore it is ordered*, That, an investigation be, and it is hereby, instituted into and concerning the aforementioned tariff revisions with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

*It is further ordered*, That all tariff matter prefixed with the "teardrop" symbol on Third Revised Pages 28, 29, 30 and 31; and on Second Revised Page 32 be, and it is hereby suspended and that the use thereof be deferred to and including March 27, 1965, unless otherwise authorized by the Commission; and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;[1]

*It is further ordered*, That all subsequent revisions of the matter hereby placed under investigation shall be included in this investigation.

*It is further ordered*, That there shall be filed immediately with the Commission by Transcarloading Corp., a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 28th day of March 1965, unless otherwise authorized by the Commission; and that the matter heretofore in effect, and which was to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension may be changed until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

*It is further ordered*, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

*It is further ordered*, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced; (II) Transcarloading Corp. be, and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent; (IV) the said respondent be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73).

By the Commission, November 24, 1964.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12602; Filed, Dec. 8, 1964; 8:48 a.m.]

[1] Matter continued in effect as a result of this suspension is on Original Pages 28, 29, and 31. This order in no way affects the cancellation of Second Revised Pages 28, 29, 30, 31 and First Revised Page 32.

[Docket No. 1199]

## WEST COAST FREIGHT TARIFF BUREAU INC.

### Application for Freight Forwarding License; Discontinuance of Proceeding

By order dated August 24, 1964, the Commission, pursuant to a request by West Coast Freight Tariff Bureau Inc., an applicant for an independent ocean freight forwarder's license, instituted a proceeding to determine whether applicant is fit, willing and able properly to carry on the business of forwarding under section 44(b) of the Shipping Act, 1916 (46 U.S.C. 1245).

By letter of October 30, 1964, applicant requested a cancellation of its application for a license.

*Now therefore it is ordered*, That the proceeding is hereby discontinued.

*It is further ordered*, That the application of West Coast Freight Tariff Bureau Inc. for a license is hereby dismissed without prejudice to the filing of a new application on the basis of changed facts.

*It is further ordered*, That a copy of this order shall be served upon the respondent herein, and that this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12603; Filed, Dec. 8, 1964; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Project 2203]

## ALABAMA POWER CO.

### Second Notice of Application for License

DECEMBER 1, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Alabama Power Co., of Birmingham, Ala., for license for proposed water-power Project No. 2203 to be located on Black Warrior River contiguous to the proposed redeveloped U.S. Government Lock and Dam No. 13, approximately five miles upstream from the City of Tuscaloosa in Tuscaloosa County, Ala., affecting navigable waters of the United States, the U.S. Government Lock and Dam No. 13, and lands acquired by the Corps of Engineers, Department of the Army. The proposed project will consist of an intake structure, penstocks, powerhouse containing two 27,667 h.p. turbines connected to 20,000 kw generators, tailrace, and substation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 11, 1965. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12581; Filed, Dec. 8, 1964; 8:47 a.m.]



[Docket No. E-7192]

## DUKE POWER CO. AND CAROLINA POWER & LIGHT CO.

### Notice of Application

DECEMBER 1, 1964.

Take notice that on November 23, 1964, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by the Carolina Power & Light Co. (Carolina) and the Duke Power Co. (Duke), seeking an order authorizing Carolina to sell and Duke to acquire certain electric distribution facilities.

Carolina is a corporation organized under the laws of North Carolina and qualified to do business within the States of North Carolina and South Carolina with its principal business office in Raleigh, North Carolina. Carolina is engaged in the generation, transmission, distribution and sale to the public of electricity as a public service company or public utility in 55 counties in North Carolina and 13 counties in the State of South Carolina.

Duke is engaged in the generation, transmission, distribution and sale of electric energy in the States of North Carolina and South Carolina. Its service area embraces all or parts of 37 counties in North Carolina and 15 counties in South Carolina. It owns and operates local transportation systems in Greensboro and Durham, N.C. and in Spartanburg, S.C., and operates water supply systems in Rutherfordton and Spindale, N.C. and in Anderson, S.C.

Duke requests authority to acquire by purchase from Carolina and Carolina requests authority to sell to Duke,

(a) The substation equipment and facilities of Carolina including the substation lot at Greenville, S.C. and;

(b) The purchase of Carolina electric transmission line which extends northwardly from the substation at Greenville, S.C. to Duke's Davidson River substation, near Brevard, N.C. These facilities have been and are being used for the interchange of electricity between the systems of Carolina and Duke, and for the transmission of electricity by Duke within its own system.

According to the application, Duke has agreed to pay Carolina a cash consideration of $435,006.88. The proposed sale results from the exercise by Duke of its option which is contained in Article 11 of the interconnection agreement between Carolina and Duke dated June 1, 1961, and filed with the Federal Power Commission as Duke Power Co. Rate Schedule FPC No. 10, the same being also designated in the records of the Commission as Carolina Power & Light Co. Rate Schedule FPC No. 45. The Applicants represent that the amount of the cash consideration was arrived at through negotiations between the parties, but the provisions of Article 11 of the above-mentioned agreement contain the basis for the negotiations.

The Applicants further represent that the facilities described are wholly within the service territory of Duke, and it is anticipated that when they are integrated with Duke's other facilities they can be maintained and operated more efficiently and effectively for the transmission of electricity within Duke's own system and for the transmission of electric energy between the systems of Duke and Carolina. By reason of the sale of the facilities to Duke, Carolina will be relieved of substantial annual expenses in the operation and maintenance thereof. Except for the transfer to Duke of obligations incident to the operation and maintenance of the facilities described above, the proposed transaction will have no effect upon any contract for the purchase, sale, or interchange of electric energy.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12582; Filed, Dec. 8, 1964; 8:47 a.m.]

[Docket No. CP65-135]

## EL PASO NATURAL GAS CO.

### Notice of Application

DECEMBER 1, 1964.

Take notice that on November 12, 1964, El Paso Natural Gas Co. (Applicant), El Paso, Tex., filed in Docket No. CP65-135 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Crockett County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 17.9 miles of 8⅝-inch O.D. pipeline and necessary measuring and regulating facilities, for the purpose of receiving residue gas at the outlet of Shell Oil Co.'s proposed hydrocarbon extraction plant, to be situated near Ozona, Tex.

Applicant and Shell have entered into a Residue Gas Purchase Agreement, dated September 1, 1964, under which Shell proposes to sell and deliver to Applicant approximately 20,000 Mcf of residue gas daily.

The estimated cost of the proposed facilities is $574,000, and will be financed out of current working funds, supplemented, as necessary, by short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 18, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12583; Filed, Dec. 8, 1964; 8:47 a.m.]

[Docket Nos. CP61-92, CP61-139]

## EL PASO NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

### Notice of Applications

DECEMBER 1, 1964.

Take notice that on September 26, 1960, as amended on May 22, 1961 and September 14, 1961, El Paso Natural Gas Co. (El Paso), Post Office Box 1492, El Paso, Tex., filed in Docket No. CP61-92 and on November 3, 1960, as amended on June 1, 1961 and September 15, 1961, Northern Natural Gas Co. (Northern), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP61-139 their respective applications pursuant to section 7(c) of the Natural Gas Act for certificates of convenience and necessity authorizing the construction and operation of facilities for the acquisition, exchange and transportation of certain volumes of natural gas at several points on Northern's system in Ochiltree County, Tex., as a portion of the 50,000 Mcf of gas ultimately authorized to be exchanged at the Beaver County exchange point, as well as additional delivery points in

Ochiltree County, Tex., all as more fully set forth in the applications on file with the Commission and open to public inspection.

The applications as amended reflect that, El Paso and Northern, being parties to an agreement covering the exchange up to 475,000 Mcf per day of gas that El Paso is presently delivering to Northern on an exchange basis, seek authority to construct and operate facilities for the transportation, delivery and receiving in Ochiltree County, Tex., of a portion of the gas now being delivered in Beaver County, Okla. El Paso proposes to construct and operate necessary pipelines of 3½–4½-inch diameters and the necessary appurtenances and Northern proposes to construct and operate the necessary taps and valves to receive such gas in its system. The estimated cost to El Paso is about $276,300 and to Northern about $5,200, which will be financed from funds on hand.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64–12564; Filed, Dec. 8, 1964; 8:47 a.m.]

[Docket No. CP65–124]

## FLORIDA GAS TRANSMISSION CO. AND TEXAS EASTERN TRANSMISSION CORP.

### Notice of Application

DECEMBER 1, 1964.

Take notice that on November 5, 1964, Florida Gas Transmission Co. (Florida Gas), Winter Park, Fla., and Texas Eastern Transmission Corp. (Texas Eastern), Houston, Tex., filed in Docket No. CP65–124 a joint application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the operation of certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Florida Gas and Texas Eastern seek authorization to operate an emergency interconnection between the pipeline systems of the two companies, and in the event of an emergency to exchange natural gas. The facilities proposed to be so operated are presently in existence, located in Matagorda County, Tex.

By order of the Commission issued June 21, 1963, in Docket No. CP61–302, authorization was granted for the operation of said facilities, and for metering and regulating facilities located in South Alvin Field, Brazoria County, Tex., for the sale and delivery of natural gas by Florida Gas to Texas Eastern up to a maximum of 13,292,573 Mcf until June 30, 1963, when such authorization terminated.

Florida Gas and Texas Eastern now propose to maintain and operate the interconnection of their facilities in Matagorda County, for the exchange of natural gas, and to remove the interconnecting facilities in Brazoria County.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64–12585; Filed, Dec. 8, 1964; 8:47 a.m.]

[Docket No. CP65–149]

## MANUFACTURERS LIGHT AND HEAT CO.

### Notice of Application

DECEMBER 1, 1964.

Take notice that on November 20, 1964, The Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa., filed in Docket No. CP65–149 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Gilmer, Doddridge and Wetzel Counties, West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 11.23 miles of 24-inch and approximately 0.15 mile of 16-inch gas transmission pipeline looping its existing composite 16- and 20-inch Line No. 1740, from a point in Gilmer County, Northerly to a point in Doddridge County, West Virginia.

Applicant seeks further authorization to construct and operate an additional 800 horsepower at its existing 2,200 horsepower Smithfield Compressor Station in Wetzel County, West Virginia.

The estimated total cost of the proposed facilities is $1,380,000 and $100,000 respectively, which Applicant proposes to finance through the issuance and sale of promissory notes or common stock to Applicant's parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64–12586; Filed, Dec. 8, 1964; 8:47 a.m.]

# HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

## ACTING REGIONAL DIRECTOR OF ADMINISTRATION, REGION II (PHILADELPHIA)

### Designation

The officer appointed to the position of Chief, Budget and Management Branch, Region II (Philadelphia), is hereby designated to serve as Acting Regional Director of Administration, Region II, during the present vacancy in the position of Regional Director of Administration, Region II, with all the powers, functions, and duties delegated or assigned to the Regional Director of Administration, Region II.

In the absence of the officer appointed to the position of Chief, Budget and Management Branch, Region II, and during the present vacancy in the position of Regional Director of Administration, Region II, the officer appointed to the position of Personnel Officer, Region II, is hereby designated to serve as Acting Regional Director of Administration, Region II.

This designation supersedes the designation effective November 23, 1964 (29 F.R. 15935, November 28, 1964).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 23d day of November 1964.

[SEAL] ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

[F.R. Doc. 64–12605; Filed, Dec. 8, 1964; 8:49 a.m.]

## ASSISTANT ADMINISTRATOR (TRANSPORTATION)

### Delegation of Authority With Respect to Urban Mass Transportation

1. The Assistant Administrator (Transportation) is hereby authorized to execute the powers and functions vested in the Housing and Home Finance Administrator under:

(a) The Urban Mass Transportation Act of 1964 (78 Stat. 302–308, 49 U.S.C. 1601–1611) (including the authority under section 6 of the Act to execute contracts for mass transportation research, development, and demonstration projects);

(b) Section 202 of the Housing Amendments of 1955, as amended (42 U.S.C. 1492), with respect to undisbursed loan commitments for mass transportation made on or before July 8, 1964;

(c) Section 103(b) of the Housing Act of 1949, as amended (42 U.S.C. 1453(b)), with respect to the balance of funds obligated for mass transportation demonstration grants on or before July 8, 1964;

Except the power to:

(1) Authorize loans and grants;

(2) Determine the rate of interest on loans;

(3) Approve the undertaking of mass transportation research, development, and demonstration projects.

(4) Determine that there exists adequate comprehensive and transportation planning pursuant to sections 3(c), 4(a), and 5 of the Urban Mass Transportation Act of 1964.

2. The Assistant Administrator (Transportation) is further authorized to redelegate to one or more employees under his jurisdiction any of the authority herein delegated.

3. This delegation supersedes the delegation effective November 20, 1962 (27 F.R. 11441, November 20, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 9th day of December 1964.

[SEAL] ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

[F.R. Doc. 64–12606; Filed, Dec. 8, 1964; 8:49 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4244]

## EASTERN UTILITIES ASSOCIATES ET AL.

### Notice of Filing Regarding Issue and Sale of Promissory Notes by Subsidiary Companies to Banks and/or to Holding Company

DECEMBER 3, 1964.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by Eastern Utilities Associates ("EUA"), a registered holding company, and two of its electric utility subsidiary companies, Blackstone Valley Gas & Electric Co. ("Blackstone") and Brockton Edison Co. ("Brockton"), 49 Federal Street, Boston, Mass., 02107. Applicants-declarants have designated sections 6(a), 7, 9(a), 10, 12(b), 12(c) and 12(f) of the act and Rules 42, 43(a), 45(b)(1) and 50(a)(2)(3) and (4) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Blackstone and Brockton propose to issue and sell to banks (and/or in Blackstone's case to EUA) from time to time during the period ending December 23, 1965, short-term, unsecured, promissory notes, in the maximum aggregate amounts to be outstanding at any one time, as shown below:

| | Blackstone | Brockton |
|---|---|---|
| The Industrial National Bank of Rhode Island, Providence, R.I. | $900,000 | |
| Rhode Island Hospital Trust Co., Providence, R.I. | 900,000 | |
| The First National Bank of Boston, Boston, Mass. | | $813,000 |
| State Street Bank and Trust Co., Boston, Mass. | | 812,000 |
| The Plymouth-Home National Bank of Brockton, Brockton, Mass. | | 300,000 |
| National Bank of Plymouth County, Brockton, Mass. | | 175,000 |
| EUA and/or the above designated Rhode Island banks | 1,000,000 | |
| Total | 2,800,000 | 2,100,000 |

The notes will be dated as of the date of issuance, will bear interest at not to exceed the prime rate on the date of issuance (presently 4½ percent per annum) and will be prepayable in whole or in part without penalty. Notes issued prior to April 1, 1965 will mature April 1, 1965; notes issued on or after April 1, 1965 and prior to July 1, 1965 will mature July 1, 1965; notes issued on or after July 1, 1965 and prior to October 1, 1965 will mature October 1, 1965; and notes issued on or after October 1, 1965 will mature December 23, 1965.

Blackstone will have outstanding, at December 24, 1964, an estimated $2,000,000 principal amount of short-term notes, including a $1,000,000 note to EUA, and Brockton will have outstanding an estimated $1,500,000 of notes. The proceeds from the sale of the proposed notes will be used in part by the respective companies to pay such outstanding notes, and the balance to finance construction expenditures. Aggregate construction expenditures in 1965 for both companies are estimated at $3,000,000.

Blackstone may prepay its notes to banks, in whole or in part, by the use of proceeds of notes issued to EUA or vice versa. Any note issued to EUA for such purpose will bear interest, for the unexpired term of the prepaid note, at the lower of the prime rate or the rate borne by the prepaid note; and at the prime rate thereafter. If the interest rate on a note issued to a bank for the purpose of obtaining funds to prepay a note held by EUA shall exceed the rate of the note being prepaid, EUA shall reimburse or credit the borrowing company for the added interest requirement for the unexpired term of such prepaid note.

In the event of any permanent financing by Blackstone or Brockton, the proceeds therefrom will be applied to the payment of its short-term note indebtedness outstanding and the maximum amount of short-term note indebtedness to be outstanding at any one time, as proposed herein, will be reduced by the amount of the proceeds of such permanent financing.

The joint application-declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions; and that the aggregate fees and expenses to be incurred in connection with the proposed transactions are estimated at $985.

Notice is further given that any interested person may, not later than December 22, 1964, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing)

upon applicants-declarants at the above noted address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12598; Filed, Dec. 8, 1964; 8:48 a.m.]

[File No. 24A-1641]

## REALSITE, INC.

### Order Canceling Hearing and Making Suspension Permanent

DECEMBER 3, 1964.

The Commission, by order dated March 8, 1963, having temporarily suspended the Regulation A exemption of Realsite, Inc., 3121 NW. 43d Avenue, Lauderdale Lakes, Florida, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and the company and counsel for the selling stockholders having requested a hearing upon the allegations set forth in the aforementioned order, and the Commission by order dated April 9, 1963, having ordered a hearing in the above-entitled matter but postponed indefinitely the setting of a date therefor, and

The company and counsel for the selling stockholders having now requested a withdrawal of their requests for a hearing, and the Division of Corporation Finance and the Atlanta Regional Office not objecting thereto:

*It is ordered,* That the requests for hearing be, and they hereby are, deemed withdrawn.

*It is further ordered,* That the hearing in this matter, now postponed indefinitely be, and it hereby is, canceled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of Securities by the company becomes permanent.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12552; Filed, Dec. 8, 1964; 8:45 a.m.]

[File No. 24A-1698]

## TILECAST CORP.

### Notice and Order for Hearing

DECEMBER 3, 1964.

I. Tilecast Corp. (issuer), Bayamon, Puerto Rico, (business address), Two Penn Center Plaza, Suite 1616, Philadelphia 2, Pennsylvania (principal office address), a Pennsylvania corporation, filed with the Commission on December 2, 1963, a notification, offering circular and other exhibits relating to a proposed offering of 43,000 shares of its $.01 par value common stock at $4.00 per share for an aggregate of $172,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering commenced on February 4, 1964, the issuer filed an amended offering circular on June 29, 1964, and a report on Form 2-A on September 8, 1964.

II. The Commission, on November 5, 1964, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

*It is hereby ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.s.t., on January 6, 1965, at the Atlanta Regional Office, Suite 138, 1371 Peachtree Street NE., Atlanta, Georgia, with respect to the matters set forth in section II of the Commission's order dated November 5, 1964, which temporarily suspended the Regulation A exemption of Tilecast Corporation, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered,* That Sidney Ullman, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered,* That the Secretary of the Commission shall serve a copy of this order by registered mail on Tilecast Corporation, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before January 4, 1965, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

*It is further ordered,* That Tilecast Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II of the Commission's order dated November 5, 1964. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit, deny, or state that Tilecast Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II of the Commission's order dated November 5, 1964.

Notice is hereby given that if Tilecast Corp. fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Tilecast Corp. by the Commission upon consideration of this notice and order for hearing, and the allegations in section II of the Commission's order dated November 5, 1964, may be deemed to be true.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12553; Filed, Dec. 8, 1964; 8:45 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-V, Amdt. 3]

## ATLANTA REGIONAL OFFICE

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as amended, 29 F.R. 12570 and 13354; Delegation of Authority No. 30-V, 29 F.R. 12491, as amended, 29 F.R. 13126 and 13622 is hereby further amended by revising Item I.K. to read as follows:

I. • • •

K. The following authority is hereby redelegated to the Branch Managers at Birmingham, Alabama; Jackson, Mississippi; Louisville, Kentucky; Nashville, Tennessee; Jacksonville and Miami, Florida.

• • • • • •

Effective date: December 1, 1964.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta Regional Office.*

[F.R. Doc. 64-12607; Filed, Dec. 8, 1964; 8:49 a.m.]

[Delegation of Authority 30-IV, Revision 1]

## RICHMOND REGIONAL AREA

### Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as amended, 29 F.R. 12570, 13354 and 14093, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations* (Delegated to the positions as indicated below). To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations* (Delegated to positions as indicated below). To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division* (and Assistant Chief, if assigned). 1. Item I.A. (Size Determinations for Financial Assistance only)

2. Item I.B. (Eligibility Determinations for Financial Assistance only)

3. To approve the following:

a. Business Loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

b. Disaster Loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business loan and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By ----------
(Name)
(Title of person signing)

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including, without limiting, the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12—only the authority for servicing, administration and collection, including subitems a. and b.

E. *Chief, Loan Liquidation Section.* Item I.C.12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. *Chief, Loan Processing Section.* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Items I.C.6. through 10.

4. Item I.A. (Size Determinations for Financial Assistance only).

5. Item I.B. (Eligibility Determinations for Financial Assistance only).

C. *Chief, Investment Division.* 1. To extend the disbursement period of section 502 loan authorizations or undisbursed portions of section 502 loans.

2. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

3. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

4. To substitute, add, or change the collateral requirements of any loan authorization where such change will not adversely affect the credit aspects of the loan. (Section 502 loans only.)

5. Item I.A. (Size Determinations for section 502 loans only).

6. Item I.B. (Eligibility Determinations for section 502 loans only).

H. *Chief, Procurement Assistance.* 1. Item I.A. (Size Determinations on PA activities only).

2. Item I.B. (Eligibility Determinations on PA activities only).

I. *Regional Counsel and Branch Counsel.* To disburse approved loans.

J. *Administrative Officer.* 1. To (a) purchase all office supplies and expendable equipment, including all desk-top items and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings in an amount not to exceed $50 in any one instance; (c) contract for services required in setting up and dismantling, and moving SBA exhibits.

2. In connection with the establishment of Disaster Loan offices, to (a) obligate Small Business Administration to reimburse General Services Administration for rental of office space; (b) rent office equipment; (c) rent motor vehicles commercially when not available from General Services Administration; (d) procure (without dollar limitation) emergency supplies and materials.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

K. The following authority is hereby redelegated to the Branch Managers at Baltimore, Md; Charlotte, N.C.; Clarksburg, W. Va.; Cleveland, Ohio; Columbia, S.C.; Columbus, Ohio, and Washington,

1. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000.

c. Simplified Bank Participation loans not exceeding $350,000.

d. Simplified Early Maturities Participation loans not exceeding $350,000.

e. Direct disaster loans not exceeding $350,000.

f. Participating disaster loans not exceeding $350,000.

2. To decline as follows:

a. Business loans not exceeding $250,000.

b. Disaster loans in any amount.

3. To disburse approved loans.

4. Items I.C. 6. through 11.

5. Item I.C.12—Only the authority for servicing, administration and collection, including subitems a., b., and c.

6. Items I.G. 1. through 4.

7. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; (c) contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance; and (d) purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

8. Items I.J. 2. and 3.

9. Item I.A. (Size Determinations for Financial Assistance Only).

10. Item I.B. (Eligibility Determinations for Financial Assistance Only).

11. Item I.C.12.—Only the authority for servicing, administration, and collection, including subitems a. and b., but not c., is hereby delegated to the Chief, Financial Assistance Section of each of the above branch offices.

12. *Special for Washington Branch Manager:* (For loans under 6 x 6 program only). a. Item I.C. 12.

13. Item I.C.12.—Branch Manager and Chief, Financial Assistance Section (Cleveland only).

14. Item I.J.—Branch Manager and Administrative Assistant (Cleveland only).

I. The following authority is hereby redelegated to the Branch Manager at Charleston, West Virginia:

1. Items I.K. 1. and 2.
2. Items I.C. 6. through 11.
3. Item I.K.7.
4. Items I.J. 2. and 3.
5. Item I.A. (Size Determinations for Financial Assistance only).
6. Item I.B. (Eligibility Determinations for Financial Assistance only).
7. To disburse unsecured disaster loans only).

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All authority previously delegated by the Regional Director and other officials in this region is hereby rescinded without prejudice to actions taken under such delegations prior to the date hereof.

Effective date: December 1, 1964.

CLARENCE P. MOORE,
*Regional Director,*
*Richmond Regional Office.*

[F.R. Doc. 64-12608. Filed, Dec. 8, 1964; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 4; Amdt. 6]

## MOVERS' & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC.

### Application for Approval of Amendments to Agreement

DECEMBER 4, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed November 20, 1964, amended November 25, 1964, by Zelby & Burstein, 160 Broadway, New York, N.Y., 10038.

Amendments involved: Change the by-laws so as to (1) limit the number of directors comprising the board of directors, (2) revise the qualifications for such directors, officers of the Association, and the members of the Executive Committee, and (3) provide for the creation of an Inter-Related Rate and Tariff Committee with specified authority. The last change is covered by Amendment No. 5 to the subject proceeding presently pending before the Commission.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested persons desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-12591; Filed, Dec. 8, 1964; 8:47 a.m.]

[Notice No. 331]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 4, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Deviation No. 17), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Post Office Box 1440, Houston, Tex., 77003, filed November 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between Houston, Tex., and Galveston, Tex., over Interstate Highway 45, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: between Houston and Galveston, over Texas Highway 3.

No. MC 1124 (Deviation No. 18), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., 77003, filed November 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: Between Opelousas, La., and junction U.S. Highway 167 and Louisiana Highway 182 near Sunset, La., over U.S. Highway 167, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Opelousas over Louisiana Highway 182 to Sunset, La., and return over the same route.

No. MC 2962 (Deviation No. 3), A & H TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind., 47727, filed November 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Kentucky Turnpike to junction Western Kentucky Parkway south of Elizabethtown, Ky., thence over Western Kentucky Parkway to Nortonville, Ky., interchange, thence over U.S. Highway 41 to Hopkinsville, Ky., and thence over Alternate U.S. Highway 41 to junction U.S. Highway 79, thence over U.S. Highway 79 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Tell City over Indiana Highway 37 to Sulphur, Ind. (also from Tell City over Indiana Highway 66 to Sulphur, Ind.), thence over Indiana Highway 62 via New Albany, Ind., to Jeffersonville, Ind., and thence across the Ohio River to Louisville, Ky.; from Tell City over Indiana Highway 66 to junction Indiana Highway 70, thence over Indiana Highway 70 to junction Indiana Highway 45, thence over Indiana Highway 45 to junction Indiana Highway 62, thence over Indiana Highway 62 to Evansville; from Tell City over Indiana Highway 66 to Evansville; from Memphis, Tenn., over U.S. Highway 51 to Fulton, Ky., thence over U.S. Highway 45 to Paducah, Ky., thence over U.S. Highway 60 to Henderson, Ky., and thence over U.S. Highway 41 to Evansville, and return over the same routes.

No. MC 6894 (Deviation No. 9), MELVIN TRUCKING COMPANY, Bridge Street and Schuylkill Road, Spring City, Pa., filed November 17, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Illinois Highway 121 and Illinois Highway 10 (at Lincoln, Ill.), over Illinois Highway 10 to junction U.S. Highway 136, thence over U.S. Highway 136 through Havana, Ill., to junction Illinois Highways 78 and 97, thence over Illinois Highways 78 and 97 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Illinois Highway 78, thence over Illinois Highway 78 to Canton, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Lincoln, Ill., over Illinois Highway 121 to Morton, Ill., thence over U.S. Highway 150 to Peoria, Ill., thence over U.S. Highway 24 to Banner, Ill., thence over Illinois Highway 9 to Canton, Ill., and return over the same route.

No. MC 6894 (Deviation No. 10), MELVIN TRUCKING COMPANY, Bridge Street and Schuylkill Road, Spring City, Pa., filed November 19, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: From Galesburg, Ill., over U.S. Highway 34 to junction Illinois Highway 88, thence over Illinois Highway 88 to junction Interstate Highway 80, thence over Interstate Highway 80, east, to the Illinois-Indiana State line, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Galesburg, over U.S. Highway 150 to junction Illinois Highway 8, thence over Illinois Highway 8 to Peoria, Ill., thence over Illinois Highway 116 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 30 at Joliet, Ill., thence east over U.S. Highway 30 to the Illinois-Indiana State line, and return over the same route.

No. MC 22214 (Deviation No. 3), ACCELERATED TRANSPORT-PONY EXPRESS, INC., 23 and 61 West Lee Street, Hagerstown, Md., filed November 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Hagerstown, Md., and Harrisburg, Pa., over Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hagerstown over Maryland Highway 60 to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 316 to Waynesboro, Pa., thence over Pennsylvania Highway 16 to Zora, Pa., thence over Pennsylvania Highway 116 to Gettysburg, Pa., thence over U.S. Highway 15 to Harrisburg, and return over the same route.

No. MC 24379 (Deviation No. 1), LONG TRANSPORTATION COMPANY, 3755 Central Avenue, Detroit 10, Mich. Carrier's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226, filed November 22, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over city streets to junction U.S. Highway 30, thence over U.S. Highway 30 to Canton, Ohio; (2) from Lansing, Mich. over Interstate Highway 96 to Detroit, Mich., thence over Interstate Highway 75 to Toledo, Ohio; (3) from Detroit, over Interstate Highway 94 to New Buffalo, Mich.; and (4) from Chicago, Ill., over city streets to the Indiana Toll Road, thence over the Indiana Toll Road to the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the Pennsylvania-New Jersey State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over city streets to junction U.S. Highway 6, thence over U.S. Highway 6 to Sandusky, Ohio, thence over U.S. Highway 250 to Norwalk, Ohio, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 8 to Canton, Ohio; from Lansing over U.S. Highway 16 to Detroit, Mich., thence over U.S. Highway 25 to Toledo, from Chicago over U.S. Highway 12 to Detroit; and from Chicago, Ill., over city streets to junction U.S. Highway 6, thence over U.S. Highway 6 to Fremont, Ohio, thence over U.S. Highway 20 and Ohio Highway 18 to Akron, Ohio, thence over U.S. Highway 224 to Liverpool, Ohio, thence over U.S. Highway 30 to Pittsburgh, Pa., thence over U.S. Highway 22 to the New Jersey State line (U.S. Highway 22 to Newark, N.J.), and return over the same routes.

No. MC 24379 (Deviation No. 2) LONG TRANSPORTATION COMPANY, 3755 Central Avenue, Detroit 10, Mich., Carrier's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226, filed November 25, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to Port Huron, Mich., and return over the same route, for operating convenience only, restricted to traffic that has moved or will move to or from points outside of Michigan on applicant's line. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over Michigan Highway 17 to Ann Arbor; between Flint and Ann Arbor over U.S. Highway 23; and from Coldwater, Mich., over U.S. Highway 27 to junction Michigan Highway 21 thence over Michigan Highway 21 to Port Huron and return over the same route.

No. MC 29555 (Deviation No. 8), BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn., 55113, filed November 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 (Southwest Expressway) to junction Interstate Highway 80 (approximately 5 miles west of Joliet, Ill., thence over Interstate Highway 80 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 via Silvis, Ill., to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and return over the same route.

No. MC 43654 (Deviation No. 9), DIXIE OHIO EXPRESS, INC., Post Office Box 750, Akron, Ohio, 44309, filed November 20, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 71 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 75 thence over Interstate Highway 75 to Cincinnati, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, Ohio, over U.S. Highway 62 to Washington Court House, Ohio, thence over U.S. Highway 22 to Cincinnati; from Columbus, Ohio over U.S. Highway 23 to Delaware, Ohio, thence over U.S. Highway 42 to Cincinnati; and from Columbus, over U.S. Highway 23 to Delaware, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 42 and U.S. Highway 40, thence over U.S. Highway 40 to Springfield, Ohio, thence over Ohio Highway 4 to junction U.S. Highway 127, thence over U.S. Highway 127 to Cincinnati, and return over the same routes.

No. MC 44605 (Deviation No. 5), MILNE TRUCK LINES, INC., 2200 South Third West, Salt Lake City, Utah, 84115, filed November 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Elberta, Utah, over U.S. Highways 6 and 50 to Hinkley, Utah, thence over Utah Highway 257 to Minersville, Utah, thence over unnumbered highway to Enoch, Utah, approximately 5 miles north of Cedar City, Utah, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Salt Lake City over U.S. Highway 91 to St. George, Utah, and return over the same route.

No. MC 51255 (Deviation No. 7), HAECKL'S EXPRESS, INCORPORATED, doing business as HAECKL, Post Office Box 2057, Terre Haute, Ind., filed November 19, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80 (approximately 5 miles west of Joliet, Ill.), and thence over Interstate Highway 80 to Lincoln, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over Alternate U.S. Highway 30 to junction unnumbered highway at a point approximately two and one-half miles southeast of Emerson, Ill., thence over unnumbered highway via Emerson to junction U.S. Highway 30 at a point approximately three miles southwest of Emerson, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to junction Iowa Highway 212, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over U.S. Highway 75 to Council Bluffs, Iowa, thence over city streets to Omaha, Nebr., thence over Nebraska Highway 38 to junction Nebraska Highway 50, thence over Nebraska Highway 50 to Millard, Nebr., thence over Nebraska Highway 31 to junction U.S. Highway 6, thence over U.S. Highway 6, to Lincoln, and return over the same route.

No. MC 59852 (Deviation No. 3), ALL STATES FREIGHT, INC., 1250 Kelly

Avenue, Post Office Box 7036, Akron 6, Ohio, filed November 13, 1964. Applicant's representative: Walter M. F. Neugebauer, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Indiana Highway 9 and U.S. Highway 35 south of Marion, Ind., over U.S. Highway 35 to junction U.S. Highway 31, thence over U.S. Highway 31 to Peru, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of Indiana Highway 9 and U.S. Highway 35 south of Marion, over Indiana Highway 9 to Marion, thence over Indiana Highway 15 to Wabash, Ind., thence over U.S. Highway 24 to Peru, and return over the same route.

No. MC 59957 (Deviation No. 1), MOTOR FREIGHT EXPRESS, INC., York, Pa., 17405, mailing address, Monument and Dean Streets, Baltimore 5, Md., filed November 17, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: (1) From Petersburg, Va., over Interstate Highway 95, to New York, N.Y., (2) from junction U.S. Highway 350 and Interstate Highway 495, over Interstate Highway 495 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highway 50, and (3) from junction U.S. Highway 350 and Interstate Highway 495, over Interstate Highway 495 to junction U.S. Highway 50, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Petersburg, over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 via Aberdeen, Md., to State Road, Del., thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, (2) from Petersburg, over U.S. Highway 1 to Bel Air, Md., thence over Maryland Highway 22 to Aberdeen, thence over U.S. Highway 40 to State Road, Del., thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, and (3) from Petersburg over U.S. Highway 1 to Baltimore, thence over U.S. Highway 40 to Pennsville, N.J., thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, and return over the same routes.

No. MC 66788 (Deviation No. 3), RAYMOND MOTOR TRANSPORTATION, INC., 1912 Broadway NE., Minneapolis 13, Minn., filed November 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Interstate Highway 90 and U.S. Highway 12 at Wisconsin Dells, Wis., over Interstate Highway 90 to junction U.S. Highways 12, 18, 51, and Interstate Highway 90, just south of Madison, Wis., over Interstate Highway 90 to junction U.S. Highway 14 near Janesville, Wis., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From junction Interstate Highway 90 and U.S. Highway 12 at Wisconsin Dells, over U.S. Highway 12, to Tomah, and (2) from junction U.S. Highways 12 and 14, just south of Madison, over U.S. Highway 14 to junction U.S. Highway 51 near Janesville, and return over the same routes.

No. MC 71460 (Deviation No. 6), SOUTHERN FORWARDING COMPANY, 728 Austin Avenue, Memphis, Tenn. Carrier's attorney: James N. Clay, III, 340 Sterick Building, Memphis, Tenn., filed November 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over the Kentucky Turnpike to its intersection with the Western Kentucky Parkway south of Elizabethtown, Ky., thence over the Western Kentucky Parkway to the Nortonville interchange, thence over U.S. Highway 41 to Hopkinsville, Ky., and thence over Alternate U.S. Highway 41 to the intersection of U.S. Highway 79, thence over U.S. Highway 79 to Memphis, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Memphis over U.S. Highway 70 to Dickson, Tenn., thence over Tennessee Highway 46 to junction Tennessee Highway 47, thence over Tennessee Highway 47 to junction U.S. Highway 70, thence over U.S. Highway 70 to Nashville, Tenn., and thence over U.S. Highway 31–W to Louisville; from Memphis over U.S. Highway 70 to Brownsville, Tenn., thence over Alternate U.S. Highway 70 via Atwood, Tenn., to Huntingdon, Tenn., thence over U.S. Highway 70 to Dickson, Tenn., thence over Tennessee Highway 46 to junction Tennessee Highway 47, thence over Tennessee Highway 47 to junction U.S. Highway 70, thence over U.S. Highway 70 to Nashville, Tenn., thence over U.S. Highway 31–W to junction Kentucky Highway 80, thence over Kentucky Highway 80 to Glasgow, Ky., thence over U.S. Highway 31–E to Hodgenville, Ky., thence over Kentucky Highway 61 to Elizabethtown, Ky., and thence over U.S. Highway 31–W to Louisville; and from Bowling Green over U.S. Highway 31–W to Nashville, Tenn., thence over U.S. Highway 70 to Huntingdon, Tenn., thence over Alternate U.S. Highway 70 via Atwood, Tenn., to Brownsville, Tenn., and thence over U.S. Highway 70 to Memphis, and return over the same routes.

No. MC 76032 (Deviation No. 10), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Carrier's attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex., 87501, filed November 24, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amarillo, Tex., over Interstate Highway 40 and U.S. Highway 66 to Oklahoma City, Okla., thence over Interstate Highway 44 (Turner Turnpike) to Tulsa, Okla., thence over Interstate Highway 44 (Will Rogers Turnpike) to Joplin, Mo., thence over U.S. Highway 66 to Springfield, Mo., thence over Interstate Highway 44 and U.S. Highway 66 to St. Louis, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Amarillo over U.S. Highway 287 to Stratford, Tex., thence over U.S. Highway 54 to Hooker, Okla., thence over U.S. Highway 54 to Liberal, Kans., thence over Kansas Highway 96 to Hutchinson, Kans., thence over U.S. Highway 50 (formerly U.S. Highway 50S) to junction U.S. Highway 56 (formerly U.S. Highway 50N) near Worden, Kans., thence over U.S. Highway 50 to junction Kansas Highway 10 at or near Merriam, Kans., thence over Kansas Highway 10 to Kansas City, Kans., thence over city streets to Kansas City, Mo., thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

No. MC 77404 (Deviation No. 4) MOHAWK MOTOR, INC., 40 Harrison St., Tiffin, Ohio. Carrier's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215, filed November 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 42 to Lebanon, Ohio, thence over Ohio Highway 48 to Dayton, Ohio, thence over U.S. Highway 25 to Findlay, Ohio, thence over Ohio Highway 12 to Fostoria, Ohio, thence over U.S. Highway 23 to Toledo, Ohio, thence over U.S. Highway 25 to Detroit, Mich. and return over the same route.

No. MC 103435 (Deviation No. 10) UNITED BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, S. Dak. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak., filed November 23, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From the United States-Canadian border at Sweetgrass, Mont., over Interstate Highway 15 to Butte, Mont., thence over Interstate Highway 90 to Buffalo, Wyo., thence over Interstate Highway 25 to Denver, Colo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Shelby, Mont., over U.S. Highway 91 (also designated as Interstate Highway 15) to the port of entry on the United States-Canada boundary line, at Sweetgrass, Mont.; from Great Falls, Mont., over U.S. Highway 91 to Shelby, Mont.; from Great Falls, Mont., over U.S. Highway 91 to Helena, Mont.; from Butte, Mont., over U.S. Highway 91 to Helena, Mont.; from Billings, Mont., over unnumbered highway via Acton and Broadview, Mont., to junction U.S. Highway 12 (portion formerly Montana Highway 6 and U.S. Highway 10N), thence over U.S. Highway 12 via Townsend, Mont., to Helena, Mont.; from Broadus, Mont., over U.S. Highway 212 to junction Montana Highway 8 thence over Montana Highway 8 to Crow Agency, Mont., thence over U.S. Highway 87 to Billings, Mont.; from Sheridan, Wyo., over U.S. Highway 87 to Acme, Wyo., thence over unnumbered highway to the Wyoming-Montana State line, and thence over unnumbered highways via Decker, Mont., to Birney, Mont.; from Newcastle, Wyo., over U.S. Highway 16 to Ucross, Wyo., thence over U.S. Highway 14 to Sheridan, Wyo.; and from Deadwood, S. Dak., over U.S. Highway 85 to Denver, Colo., and return over the same routes.



No. MC 106117 (Deviation No. 1), RUMPF TRUCK LINE, INC., 424 South Maumee Street, Tecumseh, Mich., filed November 25, 1964. Applicant's attorney: Rex Eames, 18000 Buhl Building, Detroit, Mich., 48226. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Ann Arbor, Mich., over U.S. Highway 23 to Toledo, Ohio; (B) from Tecumseh, Mich., over Michigan Highway 50 to junction U.S. Highway 23, thence over U.S. Highway 23 to Toledo, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: from Ann Arbor, Mich., over Michigan Highway 17 to Ypsilanti, Mich., thence over U.S. Highway 112 to Clinton, Mich., thence over unnumbered highway via Macon, Mich., to Britton, Mich., thence over unnumbered highway to Holloway, Mich., thence over unnumbered highway to Deerfield, Mich., thence over unnumbered highway to Petersburg, Mich., thence over unnumbered highway to junction U.S. Highway 223, thence over U.S. Highway 223 to Toledo, Ohio; from Tecumseh, Mich., over Michigan Highway 50 to Britton, Mich., thence over unnumbered highway via Deerfield, and Petersburg, Mich., to junction U.S. Highway 223, thence over U.S. Highway 223 to Toledo, Ohio, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 207) GREYHOUND LINES, INC. (WESTERN GREYHOUND LINES DIVISION), 371 Market Street, San Francisco, Calif., 94106, filed November 13, 1964. Carrier attorney: W. T. Meinhold (same address as carrier). Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 50 (West Placerville Junction), over U.S. Highway 50 to junction unnumbered highway (El Dorado Fairgrounds Overcrossing), and (2) from junction unnumbered highway and U.S. Highway 50 (West Folsom Junction), over U.S. Highway 50 to junction unnumbered highway (Citrus Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and their baggage and the above-specified property over a pertinent service route as follows: From the point where U.S. Highway 50 intersects the Nevada-California State line over U.S. Highway 50 to junction unnumbered highway southeast of Folsom (East Folsom Junction), thence over unnumbered highway via Folsom and Nimbus to junction U.S. Highway 50 southwest of Nimbus (West Folsom Junction), thence over U.S. Highway 50 to Sacramento, Calif., and return over the same route.

No. MC 1515 (Deviation No. 208), GREYHOUND LINES, INC. (Eastern Greyhound Lines), 1400 West Third Street, Cleveland, Ohio, 44113, filed November 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* and their *baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction New Jersey Highway 73 and Interstate Highway 295 just west of Exit 4 of the New Jersey Turnpike over Interstate Highway 295 to its junction with U.S. Highway 40 at the approach of the Delaware Memorial Bridge and return over the same route, and over the following access routes between points on present certificated service route and Interstate Highway 295, (2) from Camden, N.J., over New Jersey Highway 38 to junction New Jersey Highway 70, thence over New Jersey Highway 70 to junction Interstate Highway 295 east of Ellisburg, N.J., (3) from Camden over U.S. Highway 30 to junction Interstate Highway 295 east of Barrington, N.J., (4) from Camden over New Jersey Highway 168 to junction Interstate Highway 295 south of Mount Ephraim, N.J., (5) from Philadelphia, Pa., over the Schuylkill Expressway, Interstate Highway 676, and the Walt Whitman Bridge to New Jersey Highway 42, thence over New Jersey Highway 42 to junction Interstate Highway 295 in Bellmawr, N.J., and (6) from Philadelphia over the Schuylkill Expressway, Interstate Highway 676, and the Walt Whitman Bridge to New Jersey Highway 168, thence over New Jersey Highway 168 to junction Interstate Highway 295 south of Mount Ephraim, and return over the same routes. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over pertinent service routes as follows:

From New York over U.S. Highway 1 via Newark and Trenton, N.J., to Philadelphia (also from Newark over New Jersey Highway 27 to Princeton, N.J., thence over U.S. Highway 206 (formerly New Jersey Highway 27) to Trenton, thence as specified above to Philadelphia), from Philadelphia over unnumbered highway to Darby, Pa., thence over U.S. Highway 13 to the Maryland-Virginia State line; from State Road, Del. over U.S. Highway 40 via Aberdeen, Md., to Baltimore, Md., thence over U.S. Highway 1 to Washington; from Baltimore over U.S. Highway 1 to Lansdowne, Pa., thence over unnumbered highway to Philadelphia, Pa., thence over U.S. Highway 611 via East Stroudsburg and Stroudsburg, Pa., to Daleville, Pa.; from junction U.S. Highway 130 (formerly New Jersey Highway 44) and Bridge Approach Road, over Bridge Approach Road to the Delaware River Memorial Bridge, thence over the Delaware River Memorial Bridge to junction Delaware Bridge Approach Road, and thence over Delaware Bridge Approach Road to junction U.S. Highway 13; from Lincoln Tunnel Interchange over the New Jersey Turnpike to the Delaware Memorial Bridge Interchange; from Trenton over New Jersey Highway 33 via Heightstown-Trenton Interchange to the New Jersey Turnpike; from Trenton over U.S. Highway 206 via Bordentown-Trenton Interchange to the New Jersey Turnpike; from Chester across the Delaware River, thence over U.S. Highway 322 via Swedesboro-Chester Interchange to the New Jersey Turnpike; from Philadelphia over city streets and the Taconny-Palmyra Delaware River Bridge to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction New Jersey Highway 38; from Philadelphia over Pennsylvania Highway 291 to Chester; from Philadelphia over city streets and the Delaware River Bridge to Camden, thence over New Jersey Highway 38 to junction New Jersey Highway 73 (formerly New Jersey Highway S 41), thence over New Jersey Highway 73, via the Camden-Philadelphia Interchange, to the New Jersey Turnpike, and from Philadelphia to Camden, as specified above, thence over New Jersey Highway 168 (formerly known as New Jersey Highway 42), via the Woodbury-South Camden Interchange, to the New Jersey Turnpike, and return over the same routes.

No. MC 1515 (Deviation No. 209) (Cancels Deviation No. 122), GREYHOUND LINES, INC. (SOUTHERN GREYHOUND LINES DIVISION), 219 East Short Street, Lexington, Ky., 40507, filed November 23, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 11 and Interstate Highway 81 at the Tennessee-Virginia State line (Bristol, Va.), over Interstate Highway 81 to junction U.S. Highway 11 and the beginning of the Wytheville By-pass just west of Wytheville, Va., (2) from junction U.S. Highway 52 and Interstate Highway 81 at Fort Chiswell, Va., over Interstate Highway 81 to junction Virginia Highway 100 at Newbern, Va., (3) from junction U.S. Highway 11 and In-

terstate Highway 81 at Dixie Caverns, Va., west of Salem, Va., over Interstate Highway 81 to Fancy Hill, Va., approximately five miles south of Lexington, Va., and (4) from junction Interstate Highway 81 and U.S. Highway 11, approximately four miles south of Harrisonburg, Va., over Interstate Highway 81 to junction U.S. Highway 11, approximately four miles north of Harrisonburg, Va., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Winchester, Va., over U.S. Highway 11 to Lexington, and (2) from Knoxville, Tenn., over U.S. Highway 11–W to Bristol, Virginia-Tennessee, thence over U.S. Highway 11 to junction Virginia Highway 90, thence over Virginia Highway 90 to Rural Retreat, Va., thence return over U.S. Highway 11 via Wytheville, Fort Chiswell, Pulaski, Salem, and Roanoke, Va., to Lexington (also from junction U.S. Highway 11 and Virginia Highway 101, southwest of Pulaski, over Virginia Highway 101 to junction Virginia Highway 100, thence over Virginia Highway 100 via Draper, Va., to junction Virginia Highway 99, thence over Virginia Highway 99 to Pulaski, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12592; Filed, Dec. 8, 1964; 8:47 a.m.]

[Notice 708]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 4, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

### APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 92983 (Sub-No. 454), filed November 23, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, in bulk, in tank vehicles, restricted to Wilson & Company, Inc., traffic originating at the plant site of Wilson & Company, Inc., located at or near Cherokee, Iowa to points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

*HEARING:* December 16, 1964, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner Richard A. White.

No. MC 22179 (Sub-No. 6) (REPUBLICATION), filed April 6, 1964, published FEDERAL REGISTER, issues of April 29, 1964, June 17, 1964, and July 8, 1964, and republished this issue. Applicant: DUDLEY E. FREEMAN, doing business as FREEMAN TRUCK LINE, Jackson, Miss. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. By application filed April 6, 1964, applicant seeks authority in interstate or foreign commerce, as a common carrier, by motor vehicle, over specified regular routes, to transport general commodities, between Grenada, Miss., and Louisville, Miss., and between Ackerman, Miss., and Kosciusko, Miss. By order dated October 28, 1964, served November 9, 1964, Operating Rights Board No. 1, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Grenada, Miss., and Louisville, Miss., from Grenada over U.S. Highway 51 to Vaiden, Miss., thence over Mississippi Highway 35 to junction Mississippi Highway 14, thence over Mississippi Highway 14 to Louisville, and return over the same route, serving the intermediate point of Kosciusko, Miss., (2) between Louisville, Miss., and Winona, Miss., from Louisville over Mississippi Highway 15 to Mathiston, Miss., thence over U.S. Highway 82 to Winona, and return over the same route, serving the intermediate point of Ackerman, Miss., and (3) between Ackerman, Miss., and Kosciusko, Miss., over Mississippi Highway 12, and return over the same route, serving no intermediate points, with operations over all three routes restricted against the interchange of traffic by applicant, except at Memphis, Tenn.; and that upon compliance with certain requirements, applicant be issued a certificate, subject to prior publication of a notice in the FEDERAL REGISTER, and issuance of a certificate will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 124657 (Sub-No. 2) (REPUBLICATION), filed June 28, 1963, published FEDERAL REGISTER, issue of August 21, 1963, and republished this issue. Applicant: MINNESOTA TRUCKING, INC., 3441 New Brighton Road, St. Paul, Minn. Applicant's representative: Robert E. Swanson, Griggs Midway Building, 1821 University Avenue, St. Paul, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements and attachments*, other than farm tractors and self-propelled farm machinery, from Hopkins, Minn., to points in North Dakota, South Dakota, Nebraska, Montana, and Kansas.

NOTE: Applicant states that the proposed operation will be for the account of Farmhand Division, Daffin Corporation. A Report of the Commission, Division 1, decided October 29, 1964, served November 12, 1964, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *farm implements, parts and attachments*, other than farm tractors and self-propelled farm machinery, from Hopkins, Minn., to points in Kansas, Montana, Nebraska, North Dakota, and South Dakota, limited to a transportation service performed under a continuing contract with the Daffin Corporation, of Hopkins, Minn., will be consistent with the public interest and the national transportation policy. At the hearing, applicant amended its request for authority to include the transportation of "parts." While the amendment broadened somewhat the application, opposing carriers who were present at the hearing do not appear to have been prejudiced. Other members of the public who relied upon the notice as published, however, may have an interest which has been prejudiced by lack of proper notice. Accordingly, the authority actually requested will be republished in the FEDERAL REGISTER, and issuance of a permit will be held until the elapse of 30 days from the date of republication, during which period any proper party in interest may file a protest and petition for further hearing.

No. MC 126199 (REPUBLICATION), filed April 15, 1964 published FEDERAL REGISTER, issue of May 6, 1964, and republished this issue. Applicant: SKYLINE DIESEL SALES & SERVICE, INC,, Post Office Box 868, Klamath Falls, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked and disabled motor vehicles, requiring the use of wrecker equipment, between points in Klamath, Lake, Jackson, and Deschutes Counties, Oreg., on the one hand, and, on the other, points in Modoc, Shasta, Del Norte, Humboldt, Lassen, and Siskiyou Counties, Calif. A Report of the Commission, Operating Rights Board Number 1, decided November 17, 1964, served November 24, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *wrecked, disabled, and repossessed motor vehicles*, by use of wrecker equipment only, between points in Klamath, Lake, Jackson, and Deschutes Counties, Oreg., on the one hand, and, on the other, points in Modoc, Shasta, Del Norte, Humboldt, Lassen, and Siskiyou Counties, Calif.; and that a certificate authorizing such operation should be granted, subject to prior publication in the FEDERAL REGISTER of a notice of the authority granted, because other parties, relying upon the notice of the application as previously published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted, and issuance of the certificate will be withheld for a period of 30 days from the date of such publication during which period any properly interested person may file an appropriate pleading.



### APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 4941 (Sub-No. 15), filed November 25, 1964. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Rhode Island.

NOTE: Applicant states duplication of authority to be eliminated. This application is directly related to MC–F8950, published FEDERAL REGISTER issue of December 2, 1964.

No. MC 99680 (Sub-No. 141), filed November 25, 1964. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, 3011 Gulden Lane, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the terminal of Strickland Motor Freight Lines, Inc., located at the junction of Brush Road and Massilon Road, approximately one mile north of Richfield, Ohio, as an off-route point in connection with applicant's regular route operations to and from Cleveland, Ohio, restricted to interchange with other carriers.

NOTE: Applicant states that it seeks to eliminate the qualifying phrase "restricted to interchange with other carriers" and substitute therefor the phrase "restricted to interchange with other carriers and further movement to other authorized points." This application is related to the separate but simultaneously filed application of Strickland Transportation Co., Inc. and Tracy Trucking Company, Akron, Ohio, in which authority is sought for purchase from Tracy Trucking Company by applicant of Certificate of Public Convenience and Necessity No. MC 66852 which authorizes the latter named carrier to operate between applicant's Richfield terminal and Akron, Ohio and points within two miles thereof. The purpose of this application is to seek change, or amendment of the restriction to permit applicant to continue performing the service which the two carriers have been performing under appropriate authority in interline or interchange service. This application was filed concurrently with MC–F8949 which was published in the FEDERAL REGISTER issue of December 2, 1964.

No. MC 99641 (Sub-No. 4), filed November 30, 1964. Applicant: GRIFFIN TRANSFER CO., INC., 1226 Head Street, Columbia, S.C. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, between points in Charleston, Lexington, and Richland Counties, S.C., and points in South Carolina, (2) *brick and clay and shale products*, between points in Fairfield, Lexington, and Richland Counties, S.C., and points in South Carolina, (3) *general commodities* (except petroleum products in bulk, in tank vehicles, Classes A and B explosives and other dangerous commodities, household goods as defined by the Commission, meat, packinghouse products, poultry, dairy products, frozen foods, and commodities requiring refrigeration), between points in Richland County, S.C., and points in South Carolina, (4) *meat, packinghouse products, poultry, dairy products, frozen foods*, and *commodities requiring refrigeration*, (a) between points in Aiken, Charleston, Florence, Orangeburg, Richland, and Sumter Counties, S.C., (b) between points in the counties specified in (a), and points in South Carolina, and (c) between points in Lexington County, S.C., and points in South Carolina.

NOTE: This is a matter directly related to MC–F8954.

No. MC 110098 (Sub-No. 48), filed November 23, 1964. Applicant: ZERO REFRIGERATED LINES, INC., Box 7249, Station "A," San Antonio 7, Tex. Applicant's attorney: Lester M. Bridgeman, 1027 Woodward Building, Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, including fruits, vegetables, meats, sea foods, fowl, eggs, dairy products* and *ice cream*, in mechanically refrigerated vehicles, between points in Texas, (2) *meat*, requiring refrigeration in transit, between points in Harris County, Tex., on the one hand, and, on the other, points in Texas within a three hundred (300) mile airline radius of Houston, Tex., (3) *fresh sweet milk, fresh cream, concentrated skim milk, concentrated whole milk, whole milk, sweetened and unsweetened condensed milk, buttermilk, chocolate milk*, and *ice cream mix*, in commercial containers, from Mt. Pleasant, Marshall, Tyler, Longview, and Texarkana, Tex., to Houston, Tex., and *rejected shipments* and *empty containers*, on return, and (4) *fresh milk*, in liquid and *empty milk containers*, between points within a three hundred (300) mile radius of Houston, Tex.

NOTE: This application is directly related to MC–F–8948, published in the FEDERAL REGISTER, issue of December 2, 1964.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

### MOTOR CARRIERS OF PROPERTY

No. MC–F–8951. Authority sought for purchase by MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids 2, Mich., of the operating rights and certain property of ROCK ISLAND TRANSFER AND STORAGE COMPANY, 101 17th Street, Rock Island, Ill., and for acquisition by FRED G. TIMMER, JR., 1016 Chester Road, Lansing, Mich., GERALD W. RYKSE, 1122 Freeman Avenue SW., Grand Rapids, Mich., and CONRAD E. THORNQUIST, 300 Michigan Trust Building, Grand Rapids, Mich. (Trustees for FRED G. TIMMER VOTING TRUST), of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., 60603, and J. M. Neath, Jr., Michigan Trust Building, Grand Rapids, Mich. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Rock Island, Ill., and Chicago, Ill., serving all intermediate and certain off-route points, between Dixon, Ill., and La Salle, Ill., serving all intermediate points, and the off-route point of Peru, Ill., between Aurora, Ill., and the junction of U.S. Highways 52 and 30, serving no intermediate points, numerous alternate routes for operating convenience only; *general commodities*, with exceptions as specified above, over irregular routes, between points in the above-specified CHICAGO, ILL., COMMERCIAL ZONE, and between Rock Island, Milan, Moline, East Moline, Silvis, and Carbon Cliff, Ill., and Davenport and Bettendorf, Iowa. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8952. Authority sought for purchase by GUIGNARD FREIGHT LINES, INC., 646 Atando Avenue, Charlotte, N.C., 28206, of a portion of the operating rights of NILSON MOTOR EXPRESS, Post Office Box 3616, Charleston, S.C., 29407, and for acquisition by LEWIS B. GUIGNARD, BETTY B. GUIGNARD, both of 7208 Marley Circle, Charlotte, N.C., and JOHN L. BROWN, 1013 Anderson Street, Charlotte, N.C., of control of such rights through the purchase. Applicants' attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., 29201. Operating rights sought to be transferred: *Glassware*, and *caps, lids and empty paper boxes*, when moving in connection with shipments of glassware, as a *common carrier*, over irregular routes, from points in West Virginia within four miles of Huntington, W. Va. (but not including Huntington), to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and certain points in Virginia. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, Virginia, Illinois, Maryland, Pennsylvania, Ohio, New York, Michigan, Tennessee, Kentucky, West Virginia, Georgia, Alabama, Florida, Indiana, New Jersey, and the

District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8953. Authority sought for control by COMMERCIAL CARRIER CORPORATION, 502 Bridgers Avenue, Auburndale, Fla., of CLAY HYDER TRUCKING LINES, INC., U.S. Highway 301 North, Dade City, Fla., and for acquisition by GUY BOSTICK, also of Auburndale, Fla., of control of CLAY HYDER TRUCKING LINES, INC., through the acquisition by COMMERCIAL CARRIER CORPORATION. Applicants' attorney: M. Craig Massey, 223 South Florida Avenue, Lakeland, Fla. Operating rights sought to be controlled: *Dairy products* as defined by the Commission, as a *common carrier*, over irregular routes, from Lexington, N.C., to points in Florida, with restriction; *sugar*, from Port Wentworth, Ga., to Hendersonville, N.C., and points in North Carolina within 100 miles thereof; *lard, shortening compound*, and *canned goods*, from Savannah, Ga., to Hendersonville, N.C., and points in North Carolina within 100 miles thereof; *animal feed, cottonseed meal, cottonseed hulls* and *fertilizer*, from points in South Carolina and Georgia, to Hendersonville, N.C., and points in North Carolina, within 100 miles thereof; *paper* and *paper products*, from Canton, N.C., to Macon, Ga., points in Florida, and points in Georgia, on and south of U.S. Highway 80; *canned goods*, from Charleston, S.C., Wilmington, N.C., and points in Florida, to Asheville, N.C.; *fresh vegetables*, from points in Henderson County, N.C., to points in Florida; *flour* and *animal feed*, from Hendersonville, N.C., to points in North Carolina within 30 miles thereof; *fruit and fruit juices* (fresh, canned, or processed), from Winter Haven, Fla., and points within 75 miles thereof, to points in North Carolina on and west of U.S. Highway 52; *food products*, from Port Wentworth, Ga., and Charleston, S.C., to points in North Carolina on and west of U.S. Highway 52; *frozen foods in containers*, in vehicles equipped for temperature control, from Hendersonville, N.C., to points in Tennessee, Kentucky, South Carolina, Georgia, Indiana, Ohio, Illinois, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, and the District of Columbia; *strawberries in containers*, in vehicles equipped for temperature control, from points in Tennessee, to Hendersonville, N.C.; *frozen citrus products*, from Winter Haven, Fla., and points within 75 miles thereof, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; *fresh fruits and fresh vegetables, frozen foods*, and *dairy products*, as defined in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, between points in North Carolina, and South Carolina, on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin.

*Fertilizer, unmanufactured agricultural and horticultural commodities, cottonseed meal*, and *cottonseed hulls*, between points in that part of North Carolina on and west of U.S. Highway 52, on the one hand, and, on the other, points in Georgia, and South Carolina; *vegetables*, and *empty vegetables containers*, between points in Henderson County, N.C., on the one hand, and, on the other, points in Florida; with restriction; *citrus products*, not canned and not frozen, from Winter Haven, Fla., and points in Florida within 75 miles thereof, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, from points in Florida, to points in Texas, from Orlando, Fla., to points in South Carolina, from points in Cameron, Hidalgo, and Willacy Counties, Tex. (except citrus juices in bulk, in tank vehicles, from Weslaco, Tex.), to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania (except Pittsburgh, Pa., on truckload shipments), Rhode Island, South Dakota, Vermont, Washington, West Virginia, Wyoming, and the District of Columbia; *frozen citrus products* and *citrus products*, not canned and not frozen, from Winter Haven, Fla., and points in Florida within 75 miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia, Wisconsin, and that part of North Carolina on and west of U.S. Highway 52, from points in Florida except Winter Haven, Fla., and points within 75 miles thereof) to points in Connecticut, Massachusetts, Rhode Island, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, that part of North Carolina, on and west of U.S. Highway 52, and the District of Columbia; *meats, meat products and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo., to points in Alabama, Mississippi, and Tennessee, from St. Joseph, Mo., to points in Tennessee, from Sandusky, Cleveland, Toledo, and Columbus, Ohio, to points in Arkansas; *margarine, mayonnaise*, and *salad dressings*, from Cincinnati, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, with restriction; *frozen foods*, from Marshall, Macon, St. Joseph, Moberly, Carrollton, and Milan, Mo., to points in Virginia, with restrictions, from Saint Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to points in Kentucky, Tennessee (except Memphis), West Virginia, Georgia, Alabama, and Florida.

*Frozen malt mix*, from Auburndale, Leesburg, Plymouth, and Frostproof, Fla., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; *frozen fruits, frozen vegetables, frozen fruit juices*, and *frozen citrus juice concentrate*, from points in Florida, to points in Texas; *frozen shrimp* and *frozen vegetables*, from points in Texas, to points in Florida and Georgia; *meats, meat products and meat byproducts, dairy products and articles distributed by meat-packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from South St. Paul, Minn., to points in Virginia, with restriction; *frozen seafoods*, when transported in mixed shipments with frozen citrus products, from Brunswick and St. Simons Island, Ga., and Ocala and Jacksonville, Fla., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia; *frozen vegetable juice concentrates*, with additives, in mixed shipments with frozen citrus products, from Auburndale, Leesburg, and Plymouth, Fla., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; *chocolate, chocolate syrup, chocolate coating compounds* and *chocolate liquor*, in bulk, in tank vehicles, from Newark, N.J., to points in South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Tennessee, Texas, and Kentucky, with restriction; *liquid sugar, invert sugar, syrups*, and *blends and mixtures of corn syrup and liquid sugar and also invert sugar*, in bulk, in tank vehicles, from New York, N.Y., and points in the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Georgia, Florida, Alabama, Louisiana, Mississippi, Tennessee, Texas, and Kentucky; *wine*, in bulk, in tank vehicles, from New York, N.Y., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, from New York, N.Y., to points in Minnesota.

*Citrus products*, in bulk, in tank vehicles, from points in Cameron, Hidalgo, and Willacy Counties, Tex. (except citrus juices, in bulk, in tank vehicles, from Weslaco, Tex.), to points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, North Carolina, South Carolina, Tennessee, and Virginia, and except from Harlingen, Tex., to Chicago, Ill.); *apple juice, apple juice concentrate, grape juice*, and *grape juice concentrate*, in bulk, in tank vehicles, from Dundee, Highland, Hilton, Williamson, and Westfield, N.Y., to Spartanburg, S.C.; *frozen potato products*, from Easton, Maine, to points in Alabama, Louisiana, Arkansas, Tennessee, Mississippi, Texas, Kentucky, Georgia, and that part of Florida, on and west of U.S. Highway 319; *frozen berries*, from points in Maine to points in Alabama, Florida, Georgia, Mississippi, and North Carolina; *chilled fruit juices* and *fruit juice concentrates*, in bulk, in tank vehicles, from points in Florida, to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and those in North Carolina east of U.S. Highway 52; *potatoes*, and *potato products*, from Barnesville, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis), Virginia, West Virginia, and Washington, D.C.; *frozen prepared foods*, from the plant site of The Kitchens of Sara Lee, at Deerfield, Ill., to points in Alabama, Florida, Georgia, Virginia, West Virginia, and Tennessee (except Memphis), with restriction; *dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Orville, Ohio, to points in Alabama, Florida, Georgia, Louisiana, Tennessee, and Mississippi; *frozen, cooked, and breaded onion rings*, and *frozen seafood*, restricted to the transportation of mixed loads of the preceding commodities, in the same vehicle, from Gloucester, Mass., to points in Alabama, Florida, Georgia, Iowa (except Sioux City and Davenport), Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; *chocolate, chocolate syrup, cocoa*, and *chocolate coating compounds*, from Jersey City, N.J., to points in Missouri, Arkansas, Louisiana, and Texas; and *frozen potatoes* and *frozen potato products*, from Crookston, Duluth, Minneapolis, and Mankato, Minn., Fargo, N. Dak., and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. COMMERCIAL CARRIER CORPORATION is authorized to operate as a *common carrier* in Florida, Iowa, Nebraska, Missouri, Kansas, Minnesota, Ohio, Alabama, Georgia, North Carolina, South Carolina, Wisconsin, Illinois, North Dakota, South Dakota, Arkansas, Oklahoma, West Virginia, Michigan, Arizona, California, Colorado, Nevada, New Mexico, and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8954. Authority sought for control by HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga., of GRIFFIN TRANSFER CO., INC., Post Office Box 1294, Columbia, S.C., and for acquisition by the Estate of LOUIS PATZ (PAUL L. CORDISH, CO-EXECUTOR), 1613 Munsey Building, Baltimore 2, Md., of control of GRIFFIN TRANSFER CO., INC., through the acquisition by HARPER MOTOR LINES, INC. Applicants' attorney: Guy H. Postell, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC 99641 Sub 3 covering the transportation of property, as a common carrier, in intrastate commerce, within the State of South Carolina. HARPER MOTOR LINES, INC., is authorized to operate as a *common carrier* in Georgia, New York, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, Illinois, Ohio, Missouri, Delaware, Indiana, Kentucky, Michigan, Tennessee, West Virginia, Iowa, Wisconsin, North Carolina, Alabama, Florida, Connecticut, Rhode Island, Massachusetts, Minnesota, Mississippi, Vermont, New Hampshire, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-99641 Sub-4, is a matter directly related.

No. MC-F-8955. Authority sought for control by LEROY L. WADE & SON, INC., 1615 Izard Street, Omaha, Nebr., of ASSOCIATED TRANSPORTS, INC., 9050 Pershall Road, Hazelwood, Mo., and for acquisition by LEROY L. WADE and HELEN GRACE WADE, both of Omaha, Nebr., of control of ASSOCIATED TRANSPORTS, INC., through the acquisition by LEROY L. WADE & SON, INC. Applicants' attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled: *Automobiles, trucks, chassis*, and *automobile parts*, in truckaway and driveaway service, as a *common carrier*, over a regular route, between Quapaw, Okla., and the Kansas-Missouri State line, serving no intermediate points; *automobiles, trucks, cabs, automobile bodies, chassis*, and *unfinished automobiles*, restricted to inital movements, in driveaway or truckaway service, over irregular routes, from factory and assembly plants in St. Louis, Mo., to Memphis, Tenn., and points in Illinois, Missouri, Arkansas, and Iowa; *automobiles, trucks, cabs, automobile bodies, chassis*, and *unfinished automobiles*, restricted to secondary movements, betwen St. Louis, Mo., on the one hand, and, on the other, Detroit, Mich., Memphis, Tenn., and points in Indiana, Illinois, Missouri, Arkansas, and certain points in Iowa; *automobiles, trucks, tractors, chassis, cabs*, and *automobile bodies*, restricted to initial movements, in truckaway and driveaway service, from St. Louis, Mo., to points in Indiana; *automobiles, trucks, tractors, chassis, cabs*, and *automobile bodies*, restricted to secondary movements, in truckaway and driveaway service, between points in Iowa, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, and Missouri, with restriction; *new automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway and driveaway service, from Kansas City, Mo., to points in Missouri, with restriction; *farm tractors*, and *attachments for farm tractors* when moving therewith, from the plant site of the Ford Motor Company at Hazelwood (St. Louis County), Mo., to points in Missouri, Illinois, and Arkansas, from the plant site of the Ford Motor Company, at Claycomo, Mo., to points in Missouri, Kansas, and Oklahoma, with restriction; *farm tractors*, and, when part of a shipment including tractors, *farm implements, equipment, tools, parts and attachments* therefor, from St. Louis, Mo., to certain points in Illinois and Missouri.

*Automobiles, trucks, cabs, bodies*, and *chassis*, finished or unfinished, and *automobile parts* when moving with these commodities, by the driveaway and truckaway methods, restricted to initial movements, from Hegewisch, Ill., to Texarkana, Tex., from Hegewisch, Ill., to Memphis, Tenn., Quapaw, Okla., and points in Missouri and Arkansas; *new automobiles, trucks, chassis*, and *cabs*, in initial movements by truckaway and driveaway methods, from the site of the Ford Motor Company plant located near the St. Louis Municipal Airport in St. Louis County, Mo., to Texarkana, Tex., from the site of the Ford Motor Company plant located near the St. Louis Municipal Airport in St. Louis County, Mo., to points in Illinois, Missouri, Iowa, Kansas, Oklahoma, Arkansas, Tennessee, and Indiana; *new automobiles, trucks*, and *truck chassis, bodies*, and *cabs*, in initial movements, in truckaway and driveaway service, from Kansas City, Mo., to points in Illinois; *new automobiles, new trucks, new bodies, new cabs*, and *new chassis*, and *parts* thereof, by the truckaway and driveaway methods, in initial movements, from the site of the plant of the Lincoln-Mercury Division of the Ford Motor Company, situated at or near the St. Louis-Lambert Municipal Airport, St. Louis County, Mo., to certain points in Alabama, Kentucky, Mississippi, and Nebraska; *automobiles*, in initial movements, by the driveaway and truckaway methods, from the site of the Ford Motor Company's Lincoln-Mercury plant at or near Robertson, Mo., to points in Colorado, Wyoming, New Mexico, Louisiana, and certain points in Mississippi and Alabama; *automobiles* and *trucks*, in initial movements, in truckaway service, from the site of the Ford Motor Company plant in Kansas City, Mo., to points in New Mexico and Oklahoma, from the site of the Ford Motor Company plant in Claycomo, Mo., to points in New Mexico, and Oklahoma.

*Automobiles, trucks, cabs, automobile bodies, chassis*, and *unfinished automobiles*, restricted to initial movements, in driveaway and truckaway service, from factory and assembly plants in St. Louis, Mo., to Texarkana, Tex.; *the commodities specified immediately above*, restricted to secondary movements, from St. Louis, Mo., to Texarkana, Tex.; *automobiles, trucks, tractors, chassis, cabs*, and *automobile bodies*, restricted to initial movements, in driveaway and truckaway service, from St. Louis, Mo., to Texarkana, Tex.; *the commodities specified immediately above*, from points in Iowa, to Texarkana, Tex.; *new automobiles* and *new trucks*, in initial movements, in truckaway service, from Kansas City, Mo., to points in Kansas, Colorado, Utah, and Wyoming; *new automobiles, new trucks, new bodies*, and *new chassis*, in initial movements, in truckaway and driveaway service, from the site of the Ford Motor Company plant in Clay County, Mo., to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nevada, North Dakota, Oregon, Tennessee, Utah, and Wyoming; *new automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway and driveaway service, and *new bodies* and *new cabs*, from the site of the Ford Motor Company's Lincoln-Mercury plant at Hazelwood, Mo. (near Robertson, Mo.) to points in Georgia, Florida, North Carolina, and South

Carolina, from Robertson, Mo., including the site of the Ford Motor Company's plant near thereto, to points in Wisconsin, from Hazelwood, Mo., to points in Minnesota, Montana, North Dakota, and South Dakota; *new automobiles, and chassis*, in initial movements, in driveaway and truckaway service, and *automobile bodies*, from points in Madison County, Ala., to Texarkana, Tex., from points in Madison County, Ala., to points in Mississippi, Tennessee, Arkansas, Oklahoma, Kansas, Missouri, Kentucky, Indiana, Illinois, Iowa, Nebraska, and Michigan; *new automobiles, new trucks*, and *new chassis*, in initial movements, by truckaway or driveaway methods, and *automobile and truck bodies* and *cabs*, from Kansas City, Mo., to points in Benton and Washington Counties, Ark.; *new automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway service, and *new automobile parts and accessories* incidental to the vehicles being transported when moving at the same time with the described vehicles, from the site of the plant of Ford Motor Company in Claycomo, Mo., to points in Michigan, Ohio, Pennsylvania, West Virginia, North Carolina, South Carolina, and Virginia; *new automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway and driveaway service, and *new automobile parts and accessories* incidental to the vehicles transported, from the site of the Ford Motor Company plant at Claycomo (Clay County), Mo., to points in Alabama, and Wisconsin.

*New automobiles, new trucks*, and *new chassis*, in secondary movements, in truckaway service, and *new automobile parts and accessories* incidental to the vehicles transported when moving at the same time with the described vehicles being transported, from the site of the Ford Motor Company assembly plant in Claycomo, Mo., to points in Malheur County, Oreg., points in Lander, Elko, White Pine, Humboldt, and Eureka Counties, Nev., and points in Arkansas, Colorado, Idaho, Kansas, Missouri, Montana, New Mexico, Oklahoma, Utah, and Wyoming; *automobiles, trucks, automobile and truck chassis*, and *automobile and truck parts and accessories*, incidental to equipment of vehicles being transported in initial movements, in driveaway and truckaway service, from the site of the Ford Motor Company's Lincoln-Mercury Division plant, in Hazelwood, Mo. (near Robertson, Mo.), to points in Michigan, Ohio, and Pennsylvania; *new automobiles, new trucks*, and *new chassis*, and *parts and accessories*, incidental thereto, in initial and secondary movements, in truckaway and driveaway service, and *farm tractors*, and *parts and accessories* incidental thereto, from the plant site of the Ford Motor Company in Claycomo, Mo., to points in Texas, on, along and north of U.S. Highway 380, and on, along and west of U.S. Highway 283; *new automobiles, new trucks, new chassis, new tractors*, and *parts and accessories* incidental to the vehicles being transported, in secondary movements, in truckaway and driveaway service, *farm tractors*, with or without attachments, and *parts and accessories* incidental to the vehicles being transported, from the site of the Ford Motor Company plant at or near Claycomo, Mo., in Clay County, Mo., to points in North Dakota. LeROY L. WADE & SON, INC., is authorized to operate as a *common carrier* in Nebraska, Iowa, Missouri, Kansas, South Dakota, Illinois, Arkansas, Indiana, Kentucky, Michigan, New Mexico, North Dakota, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, Montana, Colorado, Wyoming, and Minnesota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8956. Authority sought for control by DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa., of JOHNSON TRUCKING CO., 373 Dublin Avenue, Columbus 15, Ohio, and for purchase by DAILY EXPRESS, INC., of the operating rights and property of JOHNSON TRUCKING CO., and for acquisition by D. E. LUTZ, 330 Washington Lane, Carlisle, Pa., of control of such rights and property through the transaction. Applicants' attorneys: Herbert F. Baker, 50 West Broad Street, Columbus, Ohio, and James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. Operating rights sought to be controlled and transferred: *Iron and steel*, and *iron and steel products, machinery, boilers*, and *contractors' equipment*, as a *common carrier*, over irregular routes, between points in Franklin County, Ohio, on the one hand, and, on the other, points in Kentucky, West Virginia, Indiana, Michigan, and Pennsylvania; and *commodities* the transportation of which, because of their size or weight, require the use of special equipment, and *related iron and steel*, and *iron and steel products* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, between points within 80 miles of Columbus, Ohio, including Columbus, between Columbus and points within 80 miles thereof (except points in Franklin County) on the one hand, and, on the other, points in Kentucky, West Virginia, Indiana, Michigan, and Pennsylvania, between Columbus and points within 80 miles thereof, on the one hand, and, on the other, points in Illinois and New York. DAILY EXPRESS, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12593; Filed, Dec. 8, 1964; 8:47 a.m.]

[Notice 709]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 4, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 151 (Sub-No. 27), filed November 23, 1964. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from The Tri-City Regional Port District Complex located in Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 1641 (Sub-No. 60) (AMENDMENT), filed October 29, 1964, published FEDERAL REGISTER issue November 11, 1964, amended November 27, 1964, and republished as amended this issue. Applicant: PEAKE TRANSPORT SERVICE, INC., Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizer*, in bulk or in bags, from the plant site of Cominco Products, Inc., at or near Hoag, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, South Dakota, and Illinois.

NOTE: The purpose of this republication is to add dry fertilizer, in bulk or in bags, to the commodity description and to add several states as destination states. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2392 (Sub-No. 34) (AMENDMENT), filed October 19, 1964, published FEDERAL REGISTER issue November 4, 1964, amended November 27, 1964, and republished as amended this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., Box 432, Genoa, Nebr. Applicant's attorney: R. E. Powell, 1005-06 Terminal Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizers*, in bulk and in bags (not restricted as to kind or type of equipment), from the plant site of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, and South Dakota, and *damaged and rejected shipments* of the commodities specified above, on return.

NOTE: The purpose of this republication is to (1) add dry fertilizers, in bulk and in bags to the commodity description; (2) include Illinois in the destination territory and (3) reflect applicant's attorney. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2974 (Sub-No. 25), filed November 25, 1964. Applicant: O. I. M. TRANSIT CORPORATION, Commerce Drive, Fort Wayne, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of the Bethlehem Steel Company's Burns Harbor, Indiana plant, located in Porter County, Ind., as an off-route point in connection with applicant's authorized regular route operations to and from points in Illinois, Indiana, Michigan, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 10207 (Sub-No. 11), filed November 20, 1964. Applicant: McCLAIN DRAY LINE, INC., 404 Railroad Avenue, Marion, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Sharpsville, Ind., as an off-route point in connection with applicant's regular route operations, from and to points in Indiana, Illinois, Ohio, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 11207 (Sub-No. 228), filed November 23 1964 Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue N., Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building boards*, and *parts, materials*, and *accessories* incidental to the transportation and installation thereof from Greenville, Miss. to Louisville and Bowling Green, Ky.; Memphis, Nashville, and Chattanooga, Tenn.; Cincinnati, Ohio, Clarksville, Evansville, Jeffersonville and New Albany, Ind.; Huntsville, Florence and Sheffield, Ala. and points in that part of Alabama bounded by a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 43 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 278 at Haleyville, thence east along U.S. Highway 278 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line, and thence along the Tennessee-Alabama State line to point of beginning.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11207 (Sub-No. 229), filed November 24, 1964. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue, N. Birmingham 1, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fibre, synthetic fibre yarn and tire cord yarn*, from Decatur, Ala. to points in Georgia, Louisiana, Mississippi, and Tennessee and *bobbins, beams*, and *shipping containers*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29566 (Sub-No. 94), filed November 23, 1964. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* and *articles distributed by meat packinghouses* as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Wichita, Kans., to Austin, Minneapolis, and St. Paul, Minn. and Madison and Milwaukee, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 31600 (Sub-No. 576), filed November 18, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank or hopper type vehicles from Lee, Mass. to Rumford, Maine.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 41849 (Sub-No. 20), filed November 23, 1964. Applicant: KEIGHTLEY BROS., INC., 1616 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by water or rail, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42487 (Sub-No. 610), filed November 16, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Robert C. Stetson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, plastics, resins, cleaning compounds, lubricating oils* (other than petroleum), in bulk, in tank vehicles, from points in West Virginia, and Marietta, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Wyoming, and Washington.

NOTE: Common control may be involved. Applicant states it holds a portion of the authority sought herein, but does not seek duplicate authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 42963 (Sub-No. 25), filed November 23, 1964. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by water or rail, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 50493 (Sub-No. 23), filed November 23, 1964. Applicant: P. C. M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. Applicant's attorney: Frank A. Doocey, 506 Hamilton Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer material*, in bulk and in bags, from points in Lehigh and Northampton Counties, Pa., to points in New York and Connecticut, (2) *fertilizer and fertilizer material*, in bulk (dry), and in bags from Dayton, N.J., to points in New York, Connecticut, Massachusetts, Vermont, and New Hampshire, and (3) *dry bulk material used in the manufacture of fertilizer*, from points in Philadelphia, Bucks and

Montgomery Counties, Pa., to Dayton, N.J.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 115859 and sub thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 51104 (Sub-No. 2), filed November 27, 1964. Applicant: G. F. KIESEL (GEORGE F. KIESEL, JR. AND ROBERT S. KIESEL, ADMINISTRATORS) doing business as PARAMOUNT HAULING, 1936 South Vandeventer, St. Louis 10, Mo. Applicant's attorney: Ernest A. Brooks, II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by water or rail, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 55236 (Sub-No. 99), filed November 20, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles from Junction City, Wis., and points within 15 miles thereof to points in the upper peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 55847 (Sub-No. 9), filed November 19, 1964. Applicant: BURRIS FOOD DISTRIBUTORS, INC., Rehobeth Boulevard, Milford, Del. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery stores and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the warehouses and other facilities of Acme Markets, Inc., in Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that the operations will be restricted to a transportation service to be performed, under a continuing contract, or contracts, with Acme Markets, Inc. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 55896 (Sub-No. 20), filed November 25, 1964. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plant site of the Bethlehem Steel Company, Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, and St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61403 (Sub-No. 114), filed November 19, 1964. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solution, ammoniating solution, aqua ammonia*, and *anhydrous ammonia*, in bulk, in tank vehicles from the plant site of Southern Nitrogen, Inc., located at or near Finney, Ohio, to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 79658 (Sub-No. 9), filed November 13, 1964. Applicant: ATLAS VAN-LINES, INC., 1212 St. George Road, Evansville, Ind. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arizona, California, New Mexico, Nevada, Utah, Oregon, and Washington, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, without operating through that part of Texas within the area bounded by a line beginning at Del Rio, Tex., and extending along U.S. Highway 90 to Sanderson, Tex., thence along U.S. Highway 285 to the Texas-New Mexico State line, thence easterly and northerly along the Texas-New Mexico State line to the Texas-Oklahoma State line, thence along the Texas-Oklahoma State line to U.S. Highway 83, thence southerly along U.S. Highway 83 to Ballinger, Tex., thence along U.S. Highway 67 to San Angelo, Tex., and thence along U.S. Highway 277 to Del Rio, including points on the indicated portions of the specified highways.

NOTE: Applicant states that it presently holds authority to operate directly to the Western States under other portions of its certificate, and the intent of this application is to eliminate the above-described area in Texas as a gateway for providing service to the States listed above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 127), filed November 23, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, including couplings, rings, or fittings* when moving in connection therewith, from the plant site of Johns-Manville Products Corporation at or near Denison, Tex., to points in South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 94350 (Sub-No. 43), filed November 16, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *special purpose trailers* designed to be drawn by passenger automobiles, in initial movements from points in Clark County, Ark. to points in the United States including Alaska, but excluding Hawaii, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Gurdon, Ark.

No. MC 94350 (Sub-No. 44), filed November 16, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and special purpose trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Pittsylvania County, Va., to points in Louisiana, and points in States east of the Mississippi River, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, New Hampshire, and the District of Columbia, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Danville, Va.

No. MC 94350 (Sub-No. 45), filed November 16, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and special purpose trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Nash County, N.C., to points in Louisiana, and points in States east of the Mississippi River, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, N.C.

No. MC 94350 (Sub-No. 46), filed November 18, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and special purpose trailers* designed to be drawn by passenger automobiles, in initial movements from points in Tulare County, Calif., to points in the United States (excluding Alaska and Hawaii), and *damaged or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lindsay, Calif.

No. MC 95084 (Sub-No. 43), filed November 18, 1964. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (experimental and show display), and *machinery, and equipment* (farm and industrial), which at the time of movement are being transported for purposes of display and experiment, and not for sale, *incidental paraphernalia*, moving in the same vehicle and at the same time, and *rejected shipments* of the commodities specified, between points in the United States (except points in Alaska, and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95336 (Sub-No. 6), filed November 16, 1964. Applicant: J. B. WILLIAMS EXPRESS, INC., 239 Norman Avenue, Brooklyn, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) serving Bergenfield, N.J., as an off-route point in connection with applicant's regular-route operations between Bristol, Conn., and New York, N.Y.; (2) serving points in Nassau County, N.Y., as off-route points in connection with applicant's regular-route operations between Bristol, Conn., and New York, N.Y.; and (3) between Bristol, Conn. and New York, N.Y.: from Bristol over Connecticut Highway 72 to Plainville, Conn., thence over Connecticut Highway 10 to New Haven, Conn., thence over Connecticut Turnpike (Interstate Highway 95) to junction New England Thruway (Interstate Highway 95), thence over New England Thruway to New York, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 95540 (Sub-No. 613), filed November 23, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations*, and *foodstuffs*, in vehicles equipped with mechanical refrigeration, from Doraville, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 99792 (Sub-No. 2), filed November 18, 1964. Applicant: WOONSOCKET PICKUP & DELIVERY SERVINC INC., 743 North Main Street, Woonsocket, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), *and empty containers or other such incidental facilities* used in transporting the above commodities between Seekonk, Mass., Providence, R.I., and points in the commercial zone of Providence, on the one hand, and, on the other, points in Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 103051 (Sub-No. 181), filed November 19, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar*, and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Nashville, Tenn. to points in Alabama, Georgia, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103051 (Sub-No. 182), filed November 20, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403-11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Russell County, Ala. to points in Alabama and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103051 (Sub-No. 183), filed November 27, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and animal fats, and blends thereof*, in bulk, in tank vehicles, from points in Mecklenburg County, N.C., to points in West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107002 (Sub-No. 231), filed November 20, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's attorneys: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, and Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood preservative, coal tar and coal tar products* in bulk from Point Comfort, Tex. and points within 5 miles thereof to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107002 (Sub-No. 232), filed November 23, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's attorneys: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk from Gramercy, La. and points within five miles thereof to points in the United States (except Alaska, Connecticut, Hawaii, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont).

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107002 (Sub-No. 233), filed November 24, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's attorney: E. Stephen Heisley, 529 Trans-

portation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, between points in Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 107002 (Sub-No. 234), filed November 24, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's attorney: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl sulfoxide*, from Bogalusa, La. to McIntosh, Ala.

NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 107107 (Sub-No. 321) (AMENDMENT), filed September 25, 1964, published FEDERAL REGISTER issue of October 14, 1964, amended November 23, 1964, and republished, as amended, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients* and *food materials and related advertising and promotional materials*, from points in Dade, Broward and Palm Beach Counties, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states no duplicating authority is sought. The purpose of this republication is to add the origin county of Palm Beach, Fla. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107403 (Sub-No. 587) (AMENDMENT), filed November 12, 1964, published in FEDERAL REGISTER issued December 2, 1964, and republished as amended this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aplite*, dry, in bulk, in tank vehicles, from points in Hanover County, Va., to Baltimore, Md.

NOTE: The purpose of this republication is to show the broadened scope of origin territory. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 336) (AMENDMENT), filed October 21, 1964, published in FEDERAL REGISTER issue November 4, 1964, amended November 30, 1964, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa, 50309. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk and in bags, including, but not limited to *anhydrous ammonia and nitrogen fertilizer solutions*, from the plant-site of Cominco Products, Inc., at or near Hoag, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, South Dakota, and Wyoming.

NOTE: The purpose of this republication is to broaden the commodity description and to add Illinois as a destination state. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107496 (Sub-No. 341), filed November 23, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, and *chemicals*, in bulk, in tank vehicles, from the plant site of American Oil Co. located at or near Whiting, Ind., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107727 (Sub-No. 16), filed November 23, 1964. Applicant: ALAMO EXPRESS, INC., Post Office Box 10280, Hackberry Station, 51 Essex Street, San Antonio, Tex. Applicant's attorney: Dan Felts, Suite 204, 904 Lavaca Street, Post Office Box 1117, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, as defined by the Commission and commodities in bulk), between Galveston, Tex., and the causeway or bridge over San Luis Pass, Tex.; from Galveston over Stewart Road to the point where it joins with San Luis Pass County Road, thence over San Luis Pass County Road to the causeway or bridge over San Luis Pass, and return over the same route, and coordinating the service with existing service, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108207 (Sub-No. 147), filed November 23, 1964. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations, foodstuffs, candy and confectionery products*, from points in California to points in Arizona, New Mexico, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 110525 (Sub-No. 689), filed November 27, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street, Madison Building, Washington, D.C., and Edwin H. van Deusen (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from Cincinnati, Ohio, to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 690), filed November 27, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street, Madison Building, Washington, D.C., and Edwin H. van Deusen (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from Front Royal, Va., to Middleway, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 290), filed November 19, 1964. Applicant: RYDER TANK LINE, INC., Winston-Salem Road (Post Office Box 8418), Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, in shipper-owned trailers, from Fort Worth, Tex., to Nitro, W. Va., and Emmaus, Pa.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 111729 (Sub-No. 31), filed November 23, 1964. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sales audit media*, consisting of *punchcards, redemption coupons, stamp books* and *accompanying documents*, between points in Essex County, N.J., on the one hand, and, on the other, points in Bronx, Kings, Queens, New York, Richmond, Westchester, Nassau, and Suffolk Counties, N.Y., (2) *audit and accounting media of all kinds*, excluding plant removals, between points in Essex County, N.J., on the one hand, and, on the other, New York, N.Y., and (3) *business papers and records and audit and accounting media of all kinds*, except plant removals between Great Neck, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Mercer, Passaic, and Union Counties, N.J.

NOTE: Applicant states "no service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank." Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 112750, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.



No. MC 111729 (Sub-No. 33), filed November 27, 1964. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, Suite 301, 111 South Fairchild Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials, and advertising literature moved therewith* (except motion picture film used primarily for commercial theater and television exhibition), (1) between Rockford, Ill., on the one hand, and, on the other, Dubuque, Iowa, and (2) between Omaha, Nebr., on the one hand, and, on the other, points in Iowa.

NOTE: Applicant states "no service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank." Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 112750, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111812 (Sub-No. 269), filed November 16, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr., 68102, and applicant's representative: William J. Walsh (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, prepared* and *cooked poultry*, from Moorefield, W. Va., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 111956 (Sub-No. 10), filed November 23, 1964. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. Applicant's attorney: Samuel P. Delisi, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials*, and *supplies*, used in the manufacture, packing, and shipping of glassware and glass containers, from the city of Connellsville, and points in Smithfield and South Connellsville Boroughs, and Dunbar Township, Fayette County, Pa., to Lancaster, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113192 (Sub-No. 9), filed November 20, 1964. Applicant: A. E. KNAPP, doing business as SCHUELKE TRUCKING, Hortonville Road, New London, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint, varnish*, and *finishing materials*, not in bulk, from North Chicago, Ill., to New London, Wis., (2) *steel*, from Joliet and Chicago, Ill. (including the Chicago commercial zone as defined by the Commission), to New London and Hortonville, Wis., (3) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from points in Illinois, to Manawa, Wis., and (4) *truck chassis*, between Chicago, Ill., and Hortonville, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113362 (Sub-No. 56), filed November 19, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, and equipment, materials and supplies* used in the installation of floor coverings, (1) from Fulton, N.Y., to Davenport and Des Moines, Iowa, and (2) from Lancaster, Pa., to Davenport, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113410 (Sub-No. 50), filed November 20, 1964. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail between points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113624 (Sub-No. 20), filed November 23, 1964. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles; *dry bulk fertilizers* and *fertilizer ingredients*, from the plantsite of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Colorado, Kansas, South Dakota, Wyoming, Iowa, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113678 (Sub-No. 96), filed November 27, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: James N. Clay, III, 340 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Tennessee and Arkansas to points in Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 113843 (Sub-No. 83), filed November 18, 1964. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, prepared foods*; and *essence of fruits and berries*, (1) from points in New York located on and west of a line beginning at Cape Vincent, N.Y., and extending along New York Highway 12E to Watertown, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and (2) from points in Texas to points in New York, Michigan, Ohio, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 114211 (Sub-No. 67), filed November 27, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and agricultural implements, and parts thereof when moving incidental to and in the same vehicle with said commodities* from Sac City, Iowa, to points in the United States, except Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114486 (Sub-No. 15), filed November 23, 1964. Applicant: AUTREY F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, Tex. Applicant's representative: H. V. Eskelin, Post Office Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* and *jointing materials*, either affixed or unaffixed from Saspamco, Tex., to points in New

Mexico, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114541 (Sub-No. 10), filed November 24, 1964. Applicant: FLORIDA FROZEN FOOD EXPRESS, LIMITED, 964 Middlegate Road, Cooksville, Ontario, Canada. Applicant's attorney: Lester M. Bridgeman, 1027 Woodward Building, Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from ports of entry on the international boundary line between the United States and Canada located at or near Niagara Falls, N.Y., to Miami and Jacksonville, Fla., and (2) *general commodities* from Boca Raton, Fla., to ports of entry on the international boundary line between the United States and Canada located at or near Niagara Falls, Alexandria Bay, and Ogdensburg, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 214), filed November 19, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except (1) commodities, in bulk or tank vehicles, (2) fruit, grape juice, jams, jellies, preserves, tomato juice, and fruit beverages, unfrozen, and (3) frozen fruits from Westfield, N.Y.), from points in Erie and Chautauqua Counties, N.Y., to points in Kentucky, Tennessee, Alabama, Mississippi, and Louisiana.

NOTE: Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 116063 (Sub-No. 53), filed November 24, 1964. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, plastics, resins, cleaning compounds, lubricating oils* (other than petroleum), in bulk, in tank vehicles, from Marietta, Ohio and points in West Virginia, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Chicago, Ill.

No. MC 116063 (Sub-No. 54), filed November 24, 1964. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, plastics, resins, cleaning compounds, lubricating oils* (other than petroleum), in bulk, in tank vehicles, from points in Illinois; Whiting, Ind., and points in Wayne County, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Chicago, Ill.

No. MC 116191 (Sub-No. 1), filed November 24, 1964. Applicant: GUY J. MAYS, doing business as MAYS BROTHERS, Box 337, Jane Lew, W. Va. Applicant's representative: D. L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mill* and *mine materials* and *supplies*, used or useful in the operation or maintenance of mills or mines, (1) from Lebanon, Bethlehem, Johnstown, and Aliquippa, Pa., to Dola, Shinnston, and Wilsonburg, W. Va., and (2) from Struthers, Youngstown, Rittman, Cleveland, and Mingo Junction, Ohio to Dola, Shinnston, and Wilsonburg, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states the proposed operations will be performed under a continuing contract with Erwin Supply Co., Shinnston, W. Va. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Pittsburgh, Pa.

No. MC 116450 (Sub-No. 3), filed November 16, 1964. Applicant: JUNIOR A. COLE AND RAYMOND C. COLE, a partnership, doing business as COLE BROTHERS TRAILER TRANSPORT, 2485 U.S. Highway 6, Grand Junction, Colo. Applicant's attorney: Harold D. Torgan, 810 American National Bank Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, between points in Moffat, Routt, Rio Blanco, Eagle, Lake, Garfield, Pitkin, Gunnison, Chaffee, Montrose, San Miguel, Ouray, Hinsdale, Dolores, and Montezuma Counties, Colo., and points in San Juan, Grand, Uintah, Duchesne, Emery, Carbon, and Wayne Counties, Utah, on the one hand, and, on the other, points in Colorado, Utah, Wyoming, Arizona, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Grand Junction, Colo.

No. MC 116791 (Sub-No. 15), filed November 20, 1964. Applicant: LEONARD R. GREEN, doing business as FARMERS ELEVATOR, Kensington, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds* from New Richmond, Wis., to points in Big Stone, Cass, Kittson, Marshall, Pennington, Polk, Red Lake, and Roseau Counties, Minn., and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117119 (Sub-No. 179), filed November 23, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, from points in Oregon, Washington, and Idaho, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, West Virginia, Maryland, and the District of Columbia, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117815 (Sub-No. 30), filed November 27, 1964. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* in bulk and in bags from the plantsites of Darling & Co. located at Cedar Rapids, Iowa, and at or near Alpha, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117883 (Sub-No. 39), filed November 16, 1964. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Iowa. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., and points in New York and New Jersey in the New York, N.Y., commercial zone as defined by the Commission, to points in Connecticut, the District of Columbia, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, and St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118890 (Sub-No. 5) (AMENDMENT), filed October 26, 1964, published FEDERAL REGISTER issue of November 11, 1964, amended November 27, 1964, and republished as amended, this issue. Applicant: THAYNE ROBERT OLSON, doing business as THAYNE R. OLSON, 6259 Parkview Drive, Wichita, Kans. Applicant's attorney: J. F. Miller, 7501 Mission Road, Shawnee-Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies, gypsum and gypsum products*, and *material and supplies* used in the installation or application of any



of such commodities, from Southard, Okla., to points in Sherman, Hansford, Ochiltree, *Dallam*, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Hall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, and Childress Counties, Tex., and points in Colorado, Kansas, Missouri, and Arkansas.

NOTE: Applicant holds contract carrier authority in MC 118955, therefore dual operations may be involved. Applicant states he proposes to transport newspapers (exempt) on return. The purpose of this republication is to show *Dallam County, Tex.*, as a destination county in lieu of Dallas County, Tex., as previously published. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Oklahoma City, Okla.

No. MC 119422 (Sub-No. 24), filed November 20, 1964. Applicant: Ee-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Avenue, East St. Louis, Ill. Applicant's attorney: J. H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank or hopper-type vehicles from Tri-City Regional Port Complex, located in Madison County, Ill., to points in the United States (except Alaska and Hawaii), and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119531 (Sub-No. 26), filed November 24, 1964. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials and supplies used in the manufacture, sales and distribution thereof*, between Circleville, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, West Virginia, Michigan, Maryland, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119531 (Sub-No. 27), filed November 25, 1964. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cincinnati, Ohio, to points in that part of Pennsylvania on and west of U.S. Highway 219, and that part of West Virginia on and east of U.S. Highway 119.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 38), filed November 19, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street (Post Office Box 339), Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Casein*, in bags from the plantsite of the Erie Casein Dryers, located at or near Erie, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 39), filed November 20, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* from the plantsite of the United States Baking Co., Inc., located at or near Seeleyville, Ind., to points in Illinois (except Chicago), and points in Missouri, (except St. Louis).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 40), filed November 23, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Authority sought to ative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from St. Louis, Mo., to Fargo, N. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 41), filed November 23, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages, in containers, other than in bulk, from St. Louis, Mo., to points in Illinois, Iowa, Kentucky, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123135 (Sub-No. 7), (CORRECTION), filed November 9, 1964, published in FEDERAL REGISTER issue of November 25, 1964, and republished as corrected this issue. Applicant: CHARLES BEIL & SONS, INC., Millstadt, Ill. Applicant's attorney: Delmar Koebel, 107 West St. Louis Street, Lebanon, Ill.

NOTE: The purpose of this republication is to reflect applicant's correct docket No. MC *123135* (Sub-No. 7), rather than MC 12315 (Sub-No. 7), shown in previous publication.

No. MC 123639 (Sub-No. 23), filed November 25, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Perry, Iowa, to points in Illinois, Indiana, Minnesota, Michigan, Nebraska, Kansas, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held with similar applications.

No. MC 123922 (Sub-No. 7), filed November 23, 1964. Applicant: CHARTER BULK SERVICE, INC., 72 St. Charles Street, Newark, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, dry, *and sodium silicate compounds*, dry, in bulk, in tank or hopper type vehicles, from Rahway and Woodbridge, N.J., to points in Onondaga County, N.Y., west of U.S. Highways 11 and 57.

NOTE: If a hearing is deemed neecssary, applicant requests it be held at Washington, D.C.

No. MC 124525 (Sub-No. 1), filed November 20, 1964. Applicant: PAUL HERRING, doing business as HERRING TRUCKING, Farmington, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized and aluminum furnace ducts, pipes*, and *fittings*, from the plantsite of Pittsburgh Sheet Metal Duct Co., Inc., located in Connellsville Township, Fayette County, Pa., to points in Ohio, West Virginia, Maryland, Virginia, the District of Columbia, New York, New Jersey, Delaware, and North Carolina, and *damaged and rejected materials*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 124548 (Sub-No. 1) (CORRECTION), filed November 2, 1964, published in FEDERAL REGISTER issue of December 2, 1964, and republished as corrected this issue. Applicant: PARTS DELIVERY SERVICE, INC., 72 Roosevelt Street, Babylon, Long Island, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y.

NOTE: The purpose of this republication is to show the correct spelling of "*Orangeburg*", N.Y. In error, the previous publication reflects the city as "Orangeburgh", N.Y.

No. MC 125608 (Sub-No. 4), filed November 16, 1964. Applicant: VALER LUPU, doing business as VALER TRANSPORTATION COMPANY, 18615 Dix, Melvindale, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Detroit, Mich.

NOTE: Applicant states that the proposed operation will be conducted under a continuing contract with Central Distributors, Detroit, Mich. If a hearing is deemed neces-

sary, applicant requests it be held at Detroit, Mich.

No. MC 125777 (Sub-No. 35) (AMENDMENT), filed November 12, 1964, published in FEDERAL REGISTER issue of December 2, 1964, and republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, shale and cinders*, in bulk, in dump vehicles, from Ottawa, Ill., to points in Iowa, Michigan, and Wisconsin.

NOTE: The purpose of this republication is to include Iowa in the destination territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126301 (Sub-No. 1), filed November 20, 1964. Applicant: DOUGLAS C. HUDSON, doing business as HUDSON CONSTRUCTION CO., Route 2, Box 214, Milton, Del. Applicant's attorney: L. Agnew Myers, Jr., Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt mix*, from Delmar, Md., to points in Sussex County, Del., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126555 (Sub-No. 3), filed November 20, 1964. Applicant: UNIVERSAL TRANSPORT, INC., Post Office Box 3124, Rapid City, S. Dak. Applicant's attorney: John H. Lewis, the 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from points in South Dakota, to points in Wyoming, and points in that part of Nebraska on and west of U.S. Highway 83, and *rejected shipments*, on return.

NOTE: Common control may be involved. Applicant has pending contract carrier application under MC 125909 Sub-No. 1. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 126656, filed October 16, 1964. Applicant: E. PITTS AND A. E. PITTS, a partnership, doing business as, E & A MATERIALS, Post Office Box 365, Wichita Falls, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, crushed and uncrushed*, from Richard Spur, Okla., to points in Childress, Hall, Cottle, Foard, Hardeman, Wilbarger, Baylor, Wichita, Archer, and Clay Counties, Tex.

NOTE: This application was accompanied by a Motion to Dismiss. If a hearing is deemed necessary, applicant requests it be held at Wichita Falls or Dallas, Tex.

No. MC 126699 (Sub-No. 1), filed November 18, 1964. Applicant: MOORE VAN AND STORAGE OF WOODLAND, INC., 39 5th Street, Woodland, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Yolo, Colusa, Sutter, Butte, Yuba, and Nevada Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126744, filed November 19, 1964. Applicant: DELTA TRUCK BROKERS OF MAINE, a corporation, Post Office Box 368, Mars Hill, Maine. Applicant's attorney: James A. Bishop, 428 Main Street, Presque Isle, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from points in Aroostook County, Maine, to Boston, Mass.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Presque Isle, Maine.

No. MC 126748, filed November 23, 1964. Applicant: RAYMOND J. JOHNS, doing business as R. J. JOHNS TRANSFER, Route 3, Box 253–A, Lynchburg, Va. Applicant's attorney: W. G. Burnette, Post Office Box 859, Lynchburg, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer or plywood*, finished or unfinished from Martingsburg, W. Va. to points in North Carolina, Lexington, Tenn., New Albany, Ind., and Florence and Darlington, S.C., and *refused, rejected or damaged shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126750, filed November 23, 1964. Applicant: JOHN I. PATTON, doing business as JOHN PATTON, 2226 North Independence, Enid, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical well surveying equipment* (not to exceed 1,500 lbs.), between points in Arkansas, Oklahoma, Texas, and Kansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 126751, filed November 16, 1964. Applicant: MERRILL W. WARDWELL, doing business as M. W. WARDWELL & SON, Turner Road, East Auburn, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle with such horses, *mascots* and *the personal effects of their attendants, trainers and exhibitors*, between points in Maine on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada located in Maine.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 126754, filed November 23, 1964. Applicant: H. T. HEFFINGTON, doing business as HEFFINGTON'S TRUCKING SERVICE, Box 252, Clinton, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, crude as from the pit*, from points in Barton County, Kans., to Clinton, Okla., under a continuing contract with Acme Brick Company.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 126756, filed November 27, 1964. Applicant: BARBER MOVING & STORAGE, a corporation, 321 Seventh Street, Rapid City, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Rapid City, S. Dak., and points in South Dakota, on shipments having an interstate origin and/or destination.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pierre, S. Dak.

MOTOR CARRIERS OF PASSENGERS

No. MC 1934 (Sub-No. 16), filed November 23, 1964. Applicant: THE ARROW LINE, INC., 70 Florence Street, East Hartford, Conn. Applicant's attorney: Donald P. Ahearn, 9 Princeton Street, West Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round-trip operations during the racing season of each year at the respective race tracks named below: (1) Beginning and ending at Waterbury and Naugatuck, Conn., and extending to the site of the Narragansett Park Race Track, Pawtucket, R.I., and the site of the Lincoln Downs Race Track, Lincoln, R.I., and (2) beginning and ending at Waterbury and Naugatuck, Conn., and extending to the sites of Aqueduct Race Track, New York, N.Y., Belmont Park, Belmont, N.Y., Roosevelt Raceway, Westbury, N.Y., and Yonkers Raceway, Mt. Vernon, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 120083 (Sub-No. 4), filed November 23, 1964. Applicant: LINCOLN COACH LINES, a corporation, 1008 Lincoln Highway West, Irwin, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers, and mail*, in the same vehicle with passengers, between Grove City and Meadville, Pa., from Grove City over Pennsylvania Highway 173 to junction U.S. Highway 322, thence over U.S. Highway 322 to Meadville, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.



No. MC 126250 (Sub-No. 2), filed November 24, 1964. Applicant: BORDERLAND TRANSPORTATION CO., a corporation, Route 1, Box 74, Brawley, Calif. Applicant's attorney: George C. Lyon, 735 Van Nuys Building, 210 West Seventh Street, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers and their baggage*, in the same vehicle, between points in Texas and Arizona, on the one hand, and, on the other, points in California and Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126506, filed August 13, 1964. Applicant: GLENN H. SMITH AND WILLIAM D. SMITH, a partnership, doing business as SMITH BUS LINES, 231 Washington Avenue, Alpena, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) Between Alpena, Mich., and Gaylord, Mich., over Michigan Highway 32, serving all intermediate points; and (2) between Alpena, Mich., and Indian River, Mich., from Alpena over Michigan Highway 32 to junction Michigan Highway 65, thence over Michigan Highway 65 to Posen, Mich., thence over unnumbered highways through Metz and Hawks, Mich. to Rogers City, Mich., thence over Michigan Highway 68 to Indian River, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12602 (Sub-No. 3), filed November 25, 1964. Applicant: FRANCIS T. MALONEY AND M. KATHLEEN MALONEY, doing business as, MALONEY AND O'CONNOR TRAVEL BUREAU, 609 Orchard Parkway, Niagara Falls, N.Y. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Amherst, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, between points in the United States, including Alaska and Hawaii.

No. MC 12932, filed November 18, 1964. Applicant: RALPH M. LITTLE, JR., doing business as VIA TRAVELS LTD., 412 Ninth Street, New Kensington, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. For a license (BMC 5) to engage in operations as a *broker* at New Kensington, Pa., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, in all-expense round trip tours, beginning and ending at points in Westmoreland, Armstrong, Washington, Cambria, Indiana, Butler, and Fayette Counties, Pa., and extending to points in the United States, including Alaska and Hawaii.

NOTE: Applicant states that he does not propose to transport express or newspapers.

No. MC 12933, filed November 19, 1964. Applicant: WILLIAM J. SPROWLS, 521 Seventh Street, New Kensington, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. For a license (BMC 5) to engage in operations as a *broker* at New Kensington, Pa., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage* in charter and special operations, in all-expense round trip tours, beginning and ending at points in Westmoreland County, Pa., and extending to points in the United States, including Alaska and Hawaii.

NOTE: Applicant states he does not propose to transport express or newspapers.

No. MC 12934, filed November 20, 1964. Applicant: THERON MILTON ASHCROFT, doing business as ASHCROFT TOURS, 369 South 200 West, Cedar City, Utah. Applicant's attorney: Merlin R. Lybbert, 909 Kearns Building, Salt Lake City, Utah. For a license (BMC 5) to engage in operations as a *broker* at Cedar City, Utah, in arranging for transportation, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in charter operations, in sightseeing and all-expense tours, beginning and ending at Cedar City, Utah, and extending to points in the United States, including Alaska and Hawaii.

APPLICATION FOR WATER CARRIER

No. W–1029 (Sub-No. 6) Tolchester Lines, Inc., extension, Bear Mountain, filed November 24, 1964. Applicant: TOLCHESTER LINES, INC., 403 Arlington Trust Building, Arlington, Va. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier* by self-propelled vessels, in interstate or foreign commerce, in the transportation of *passengers* on charter cruises, in groups of not less than 700 on any one trip, from points and places in the New York Harbor as well as harbors contiguous thereto, the limits of which harbors are determined in Interstate Commerce Commission Docket No. Ex Parte 140, and places outside these harbors on the Hudson River, as far north as Bear Mountain, N.Y., during the season commencing with May 1, and terminating with November 15, of each year.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATION FOR FREIGHT FORWARDER

No. FF–68 (Sub-No. 4), National Carloading Corp., extension, Hawaii, filed November 30, 1964. Applicant: NATIONAL CARLOADING CORPORATION, 1417 Clay Street, Post Office Box 958, Oakland, Calif., 94604. Applicant's attorney: W. S. Pilling (address same as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a freight forwarder in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water or motor vehicle in the transportation of *general commodities*, between points in the State of Hawaii on the one hand, and, on the other, points in Oregon, Washington, Utah, Idaho, Colorado, Nebraska, and Kansas, and points in all States (including the District of Columbia) east of and including the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 4189 (Sub-No. 6), filed November 27, 1964. Applicant: BRICK TRUCKING SERVICE COMPANY, a corporation, Post Office Box 207, Lees Summit, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Harrisonville, and Kansas City, Mo., to points in that part of Kansas west of U.S. Highway 77.

NOTE: Applicant states that the above proposed operation will be conducted for the account of the Acme Brick Co.

No. MC 35484 (Sub-No. 57), filed November 27, 1964. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis, Mo., 63102. Applicant's attorney: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, liquids in bulk, motion picture films, and commodities requiring special equipment), between the junction of Illinois Highway 13 and Illinois Highway 148, and the junction of Interstate Highway 57 and U.S. Highway 51; from the junction of Illinois Highway 13 and Illinois Highway 148, over Illinois Highway 148 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction U.S. Highway 51 (near Wetaug, Ill.), and return over the same route, serving no intermediate points, and serving the junction of Interstate Highway 57 and Illinois Highway 146 for joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

No. MC 106119 (Sub-No. 13), filed November 20, 1964. Applicant: ASSOCIATED PETROLEUM CARRIERS, a corporation, Union Road, Spartanburg, S.C. Applicant's attorney: Robert R. Odom, 120 Walnut Street, Spartanburg, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank trucks, from Greer, S.C., and points within five miles thereof to points in North Carolina on and west of U.S. Highway 52.

No. MC 107403 (Sub-No. 589), filed November 23, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue,

Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, dry, in bulk, from New Castle, Del. to Orange, Tex.

No. MC 107496 (Sub-No. 342), filed November 25, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Dubuque, Iowa and points within 10 miles thereof to Adams and Wisconsin Rapids, Wis.

No. MC 123992 (Sub-No. 15), filed November 23, 1964. Applicant: SCHWERMAN CO. OF PA., INC., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* from Neville Island, Pa. to points in Pennsylvania, West Virginia, Maryland, and Ohio.

No. MC 124078 (Sub-No. 127), filed November 25, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica flour and silica sand*, in bulk, from points in St. Charles, St. Louis, and Jefferson Counties, Mo. to points in Indiana.

No. MC 126747, filed November 23, 1964. Applicant: MERLE O. GORDON, 760 South Marion Street, Martinsville, Ind. Applicant's attorney: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden pallets*, in shipper owned semi-trailers between the plant site of Central Container, Inc. located at Paragon, Ind. and Clinton, Iowa and points in Illinois, Ohio, and the southern peninsula of Michigan, and (2) *nails* from Skokie, Ill. to the plant site of Central Container, Inc. located at Paragon, Ind.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Central Container, Inc. of Paragon, Ind.

No. MC 126752, filed November 16, 1964. Applicant: JOYNER TRUCK LINES, INC., 600 Joyner Drive, Milledgeville, Ga. Applicant's attorney: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga., 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, from Thomson, Ga., to points in Florida, South Carolina, North Carolina, Virginia, Tennessee, and Alabama, and *building materials, appliances*, and *furnishings* used by Knox Homes, Inc. in the construction of prefabricated buildings and mobile homes, on return.

NOTE: Applicant states these prefabricated structures will be transported from Knox Homes, Inc. at Thomson, Ga., who manufacture these buildings, on specialized trailers which are the property of Knox Homes, Inc. and which will be leased to the applicant. Common control may be involved.

MOTOR CARRIER OF PASSENGERS

No. MC 64499 (Sub-No. 2), filed November 16, 1964. Applicant: UNION PACIFIC STAGE COMPANY, a corporation, 422 West Sixth Street, Los Angeles, Calif. Applicant's attorney: John J. Burchell, 1416 Dodge Street, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *baggage of passengers* in the same vehicle with passengers or in separate vehicles, between Anaheim and Orange, Calif.; from Anaheim over city streets to Disneyland Hotel, thence over Santa Ana Freeway and Garden Grove Freeway to Orange, and return over the same route, serving the intermediate point of Disneyland Hotel.

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12594; Filed, Dec. 8, 1964; 8:48 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 4, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 4286 (Sub-No. 1) (AMENDMENT), filed November 5, 1964, published in FEDERAL REGISTER issue of November 18, 1964, amended and republished this issue. Applicant: WEST TENNESSEE MOTOR EXPRESS, INC., Faydur Court, Nashville, Tenn. Applicant's attorney: Robert H. Cowan, 434 Stahlman Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except household goods and commodities requiring special equipment), (1) from Humboldt, Tenn., to Bells, Tenn., over Tennessee Highway 76, and (2) between Trenton, Tenn. and Alamo, Tenn., over Tennessee Highway 54, both routes to be used for operating convenience only, serving no points, except Alamo as now authorized, and to be used in connection with applicant's previously existing authority.

NOTE: The purpose of this republication is to more clearly set forth the authority sought.

*HEARING:* Remains as assigned: December 14, 1964, at 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12595; Filed, Dec. 8, 1964; 8:48 a.m.]

[Notice 1069]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 4, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67342. By order of November 30, 1964, the Transfer Board approved the transfer to Donald E. Eitleman, doing business as Echo Transportation Co., Worcester, Mass., applicant in No. MC 85648 Sub. 1, BOR-99 filed in the name of Edward F. Kender, doing business as Echo Transportation Co., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Massachusetts Certificate No. 1411, authorizing the transportation of commodities in general, anywhere in the Commonwealth of Massachusetts. Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass., representative for applicants.

No. MC-FC 67349. By order of November 30, 1964, the Transfer Board approved the transfer to Mary E. Pisel, doing business as Daze Transfer, 1004 West Fourth Street, Winslow, Ariz., of the operating rights in Certificate of Registration No. MC 99874 Sub 1, issued September 4, 1964, to Lee O. Pisel, Mary E. Pisel, Executrix, doing business as Daze Transfer, 1004 West Fourth Street, Winslow, Ariz., corresponding to the grant of intrastate authority to transferor, pursuant to Certificate of Convenience and Necessity No. 3117 dated October 8, 1956, and as renewed December 29, 1959, as issued by the Arizona Corporation Commission, authorizing the transportation of freight and baggage in Winslow and vicinity and to include on call service through Payson and Pine, Ariz.

No. MC-FC 67353. By order of November 30, 1964, the Transfer Board approved the transfer to Economy Movers, Inc., North Platte, Nebr., of the operating rights issued by the Commission July 12, 1950, under Certificate No. MC 5227 to Clayton LeRoy Andrews, doing business as Economy Movers, North Platte, Nebr., authorizing the transportation, over irregular routes, of household goods, emigrant movables and contractors' equipment, machinery and supplies, between points in Nebraska, on the one hand, and, on the other, points in Colorado, Kansas, and Iowa. J. Max Harding and Donald E. Leonard, Nelson, Harding & Acklie, 605 South 14th, Box 2028, Lincoln, Nebr., attorneys for applicants.

No. MC-FC 67354. By order of November 30, 1964, the Transfer Board approved the transfer to Larry's Express, Inc., Albany, N.Y., of Certificate No. MC 50120, issued May 25, 1950, to Lawrence F. Selig, doing business as Larry's Express, New York, N.Y., authorizing the transportation of general commodities, in less-than-truckloads, over regular routes, between Scotia, N.Y., and Rensselaer, N.Y.; between Schenectady, N.Y., and Albany, N.Y., with service authorized to and from all intermediate points on the above-specified routes. John J. Brady, Jr., 75 State Street, Albany, N.Y., representative for applicants.

No. MC-FC 67359. By order of November 30, 1964, the Transfer Board approved the transfer to Marion M. Armentrout, doing business as Armentrout Coal & Trucking Service, Salisbury, Mo., of the operating rights in Certificate No. MC 95711, issued December 10, 1956, to Ray N. Freeman, doing business as S. P. Freeman & Son, Salisbury, Mo., authorizing the transportation, over regular routes, of a variety of specifically named commodities, between designated points in Missouri and Kansas, over specified routes. Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo., attorney for applicants.

No. MC-FC 67368. By order of November 30, 1964, the Transfer Board approved the transfer to O. G. Goldston, doing business as Roswell-Carrizozo Stage Lines, 306 North Kansas, Roswell, N. Mex., 88201, of Certificate No. MC 107135, issued October 27, 1949, to W. R. Goldston, doing business as Roswell-Carrizozo Stage Lines, 306 North Kansas, Roswell, N. Mex., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, over regular routes, between Roswell, N. Mex., and Socorro, N. Mex.; and between Fort Stanton, N. Mex., and junction U.S. Highway 380 and unnumbered highway, with service authorized to and from all intermediate points.

No. MC-FC 67382. By order of November 30, 1964, the Transfer Board approved the transfer to Robert E. Haugen and Orville Clouse, a partnership, doing business as Evergreen Freight Lines, Spokane, Wash., of Certificate No. MC 112526, issued June 24, 1963, to Althea May Goodrich, doing business as Republic Motor Freight, Spokane, Wash., and MC 112526 Sub 2, BOR-99, filed in the name of Althea M. Goodrich, doing business as Republic Auto Freight, Spokane, Wash., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of Section 206(a)(1) of the Act, supported by Washington Utilities and Transportation Commission Permit No. M.V. 69831, P-34123, and general commodities, excluding household goods and commodities in bulk, over irregular routes, between Spokane, Wash., on the one hand, and, on the other, points in Ferry County, Wash. Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash., representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12596; Filed, Dec. 8, 1964; 8:48 a.m.]

[Notice 1089-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 4, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67451. By order of December 4, 1964, the Transfer Board approved the transfer to Walkup Drayage & Warehouse Company, a corporation, San Francisco, Calif., of the operating rights in Certificate No. MC 99388 Sub 4 issued October 8, 1957, and the "claimed grandfather-proviso" rights for which a Certificate of Registration is sought in the filing No. MC 99388 (Sub No. 9) both in the name of Merchants Express of California, a corporation, San Francisco, Calif., covering the transportation of general commodities, with certain exceptions, between points in California. Bruce R. Geernaert, 100 Bush Street, San Francisco, Calif., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12640; Filed, Dec. 8, 1964; 8:45 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 4, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39431: *Substituted service—SP for Brown Express.* Filed by J. D. Hughett, agent (No. 62), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Dallas, Tex., on the one hand, and Austin, Corpus Christi, Houston, and San Antonio, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motortruck competition.

Tariff: Supplement 8 to J. D. Hughett, agent, tariff MF-I.C.C. No. 375.

FSA No. 39432: *Stone and gravel to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8647), for interested rail carriers. Rates on chatt, chatt sand, chatts (mine gravel), granite, marble, natural stone or limestone, in carloads, from Parkdale, Salida, and Texas Creek, Colo., to points in southwestern territory.

Grounds for relief: Market competition.

Tariff: Supplement 46 to Southwestern Freight Bureau, agent, tariff I.C.C. 4561.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12590; Filed, Dec. 8, 1964; 8:47 a.m.]

# CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

## 3 CFR

Page

PROCLAMATIONS:
3630 ... 15941
3631 ... 16243
EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) ... 16859
Dec. 31, 1912 (revoked in part by PLO 3487) ... 16829
Sept. 30, 1916 (revoked in part by PLO 3508) ... 16864
May 21, 1920 (revoked in part by PLO 3508) ... 16864
5289 (revoked in part by PLO 3486) ... 16830

## 4 CFR

51 ... 16313
52 ... 16313

## 7 CFR

15 ... 16274
29 ... 16854
717 ... 16184
719 ... 16185
722 ... 16248, 16775
724 ... 16077
729 ... 16185
905 ... 16313–16315
907 ... 16315
910 ... 16078, 16316
917 ... 16854
929 ... 16078
1005 ... 16855
1421 ... 15943
1600 ... 16784
1601 ... 16784
PROPOSED RULES:
911 ... 16258
915 ... 16258
971 ... 16833
1008 ... 16259
1030 ... 16395, 16417
1031 ... 16417
1036 ... 16197
1044 ... 16200
1131 ... 16866
1126 ... 16198

## 9 CFR

74 ... 15943
97 ... 16316

## 10 CFR

2 ... 16831
PROPOSED RULES:
Ch. I ... 15957

## 12 CFR

217 ... 15944, 16317
218 ... 16065
224 ... 16855
329 ... 15944
545 ... 16856

## 13 CFR

107 ... 16825
121 ... 15945
PROPOSED RULES:
107 ... 16094

## 14 CFR

Page

7 ... 16149
27 [New] ... 16065
29 [New] ... 16149
39 [New] ... 15945, 16065, 16066, 16317, 16318
71 [New] ... 15945–15948, 16065, 16066, 16245, 16318, 16788
73 [New] ... 15948, 16184
75 [New] ... 16066, 16319
93 [New] ... 15948
97 [New] ... 16067, 16789
PROPOSED RULES:
39 [New] ... 16429, 16430
71 [New] ... 15958, 16093, 16202–16204, 16260, 16431, 16833–16835.
73 [New] ... 15958, 16836
75 [New] ... 16432, 16836
91 [New] ... 15959
135 [New] ... 16836
221 ... 16867

## 15 CFR

201 ... 16319
365 ... 16186

## 16 CFR

13 ... 16186, 16826, 16856

## 17 CFR

200 ... 16187
239 ... 16856
240 ... 16245, 16856
PROPOSED RULES:
15 ... 15957
19 ... 15957

## 18 CFR

501 ... 16188
502 ... 16189
503 ... 16189
504 ... 16190
505 ... 16191
506 ... 16192
507 ... 16193
508 ... 16194

## 19 CFR

4 ... 15949
14 ... 16320

## 20 CFR

395 ... 16322

## 21 CFR

8 ... 15949
14 ... 16194
15 ... 16194
16 ... 16194, 16858
17 ... 16194
18 ... 16194
19 ... 16194
20 ... 16194
22 ... 16194
27 ... 16194
29 ... 16194
37 ... 16194
42 ... 16194
45 ... 16194
46 ... 16194

## 21 CFR—Continued

Page

51 ... 16194
53 ... 16194
121 ... 16078, 16079, 16249, 16858
148x ... 16251
PROPOSED RULES:
27 ... 16866
31 ... 16866
46 ... 16429

## 24 CFR

1 ... 16280

## 25 CFR

43d ... 16080

## 26 CFR

Page

1 ... 16081
45 ... 16083
PROPOSED RULES:
1 ... 15957, 16090

## 29 CFR

31 ... 16284
689 ... 15949
PROPOSED RULES:
601 ... 16428
670 ... 16428
675 ... 16428
720 ... 16428

## 31 CFR

PROPOSED RULES:
306 ... 16330
315 ... 16330
316 ... 16330
321 ... 16330
332 ... 16330

## 32 CFR

517 ... 15949
577 ... 16251
701 ... 16194
710 ... 16055
719 ... 16194
804 ... 16323

## 32A CFR

OEP (Ch. I)
DMO I–4 ... 16251

## 33 CFR

202 ... 16859
203 ... 16251
206 ... 15949

## 35 CFR

5 ... 16328

## 38 CFR

3 ... 16252, 16328

## 39 CFR

16 ... 16125
21 ... 16252
22 ... 16125, 16252
24 ... 16125
25 ... 16252
57 ... 16858
61 ... 16125
112 ... 16858
168 ... 16858



## 41 CFR

Page

8–1 ... 16323
8–2 ... 16323
11–1 ... 16252, 16255
11–2 ... 16253, 16255
11–4 ... 16253
11–14 ... 16255
Ch. 18 ... 16502
101–6 ... 15972, 16287
101–7 ... 16797
101–8 ... 16800
101–9 ... 16800
101–10 ... 16801
101–11 ... 16807
101–12 ... 16824
101–13 ... 16824
101–18 ... 15973
101–19 ... 15978
101–20 ... 15984
101–25 ... 15990
101–27 ... 15997
101–28 ... 15998
101–29 ... 16002
101–30 ... 16004
101–40 ... 16008
101–43 ... 16012
101–44 ... 16027
101–45 ... 16035
101–47 ... 16126

## 42 CFR

57 ... 15952

## 43 CFR

17 ... 16293
PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) ... 16827
3447 (corrected by PLO 3485) ... 16829
3464 ... 16084
3465 ... 16084
3466 ... 16084
3467 ... 16085
3468 ... 16085
3469 ... 16085
3470 ... 16086
3471 ... 16086
3472 ... 16087
3473 ... 16087
3474 ... 16256
3475 ... 16827
3476 ... 16827
3477 ... 16827
3477 ... 16827
3478 ... 16827
3479 ... 16828
3480 ... 16828
3481 ... 16828
3482 ... 16828
3483 ... 16829
3484 ... 16829
3485 ... 16829
3486 ... 16830
3487 ... 16829

## 43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued
3488 ... 16830
3489 ... 16830
3490 ... 16830
3491 ... 16831
3492 ... 16831
3493 ... 16859
3494 ... 16859
3495 ... 16860
3496 ... 16860
3497 ... 16860
3498 ... 16860
3499 ... 16861
3500 ... 16861
3501 ... 16862
3502 ... 16862
3503 ... 16863
3504 ... 16863
3505 ... 16863
3506 ... 16863
3507 ... 16864
3508 ... 16864
3509 ... 16864

## 44 CFR

1 ... 16832
2 ... 16832
3 ... 16832
4 ... 16832
5 ... 16832
6 ... 16832
7 ... 16832
55 ... 15954
60 ... 15954
100 ... 15954
102 ... 15954
110 ... 16195
Ch. VII ... 16832

## 45 CFR

80 ... 16298
150 ... 15955
611 ... 16305

## 46 CFR

506 ... 16195
PROPOSED RULES:
Ch. IV ... 16433

## 47 CFR

73 ... 16196
81 ... 16196
87 ... 16865
PROPOSED RULES:
21 ... 16204
73 ... 16205, 16207, 16837

## 49 CFR

0 ... 16087
176 ... 16125
192 ... 16256

## 50 CFR

256 ... 16088

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*Part II begins on page 16945*

*Pages 16905–16961*

PART I

# FEDERAL REGISTER

VOLUME 29 NUMBER 240

*Washington, Thursday, December 10, 1964*

## Contents

**AGRICULTURAL MARKETING SERVICE**

**Rules and Regulations**

Navel oranges grown in Arizona and designated part of California; handling limitations ---- 16907

**Proposed Rule Making**

Milk in Nebraska-Western Iowa marketing area; recommended decision ---- 16920

**Notices**

Fresh peaches grown in Georgia; referendum ---- 16938

**AGRICULTURAL RESEARCH SERVICE**

**Rules and Regulations**

Guadeloupe; designation as a country where rinderpest exists ---- 16907

**AGRICULTURE DEPARTMENT**

*See* Agricultural Marketing Service; Agricultural Research Service.

**ATOMIC ENERGY COMMISSION**

**Proposed Rule Making**

Export licenses for facilities; notice requirements ---- 16934

**Notices**

General Dynamics Corp.; issuance of facility license ---- 16939

**CIVIL AERONAUTICS BOARD**

**Rules and Regulations**

Fees and charges for special services ---- 16907

**FEDERAL AVIATION AGENCY**

**Notices**

Flight information publications; statement of general policy ---- 16939

**FEDERAL COMMUNICATIONS COMMISSION**

**Rules and Regulations**

FM broadcast stations; table of assignments ---- 16916

**Notices**

*Hearings, etc.:*

Camellia City Telecasters ---- 16940
Dirigo Broadcasting, Inc., and Downeast Television, Inc ---- 16940
Radio Station KVOL, Inc ---- 16940

**FEDERAL POWER COMMISSION**

**Notices**

*Hearings, etc.:*

El Paso Natural Gas Co., and Transwestern Pipeline Co ---- 16940
Helmerich & Payne, Inc ---- 16941
Iowa Southern Utilities Co ---- 16941

**FISCAL SERVICE**

**Rules and Regulations**

Restrictive endorsements of bearer securities ---- 16914

**FISH AND WILDLIFE SERVICE**

**Rules and Regulations**

Sport fishing:

Arizona et al ---- 16917
North Dakota ---- 16918
Texas ---- 16918

**FOOD AND DRUG ADMINISTRATION**

**Rules and Regulations**

Drugs; dactinomycin ---- 16911
Food additives:

Cellophane ---- 16910
Diammonium phosphate ---- 16909
Emulsifiers and/or surface-active agents ---- 16911
Isobutylene polymers ---- 16909
Rubber articles intended for repeated use ---- 16911

**Proposed Rule Making**

Cross-linked polyester resins; use in contact with food ---- 16935
Inorganic bromides; tolerances ---- 16935
Tomato catsup; identity standard ---- 16934

**Notices**

Petitions filed regarding food additives:

Amdal Co ---- 16938
Dow Chemical Co ---- 16939
Merck & Co., Inc ---- 16939

**GENERAL SERVICES ADMINISTRATION**

**Notices**

Secretary of Defense; delegation of authority regarding communications ---- 16941

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See* Food and Drug Administration; Public Health Service.

**INDIAN AFFAIRS BUREAU**

**Notices**

Monse Unit, Colville Indian Irrigation Project, Washington; construction cost ---- 16937

**INTERIOR DEPARTMENT**

*See* Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

**INTERSTATE COMMERCE COMMISSION**

**Notices**

Motor carrier transfer proceedings (2 documents) ---- 16942
Terminal Railroad Association of St. Louis; shortage of freight cars ---- 16942

*(Continued on next page)*

**LAND MANAGEMENT BUREAU**

**Notices**

Arizona; proposed withdrawal and reservation of lands ---- 16937
California; proposed withdrawal and reservation of lands ---- 16937
Montana; filing of protraction diagram ---- 16938
Oregon; termination of proposed withdrawal and reservation of lands ---- 16938

**PUBLIC HEALTH SERVICE**

**Rules and Regulations**

Grants; payments to State; to cooperating agencies; to interstate agencies ---- 16915

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

Second Empire Fund, Inc.; notice of application for exemption ---- 16941

**SMALL BUSINESS ADMINISTRATION**

**Rules and Regulations**

Small business investment companies ---- 16946

**TREASURY DEPARTMENT**

*See* Fiscal Service.


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**7 CFR**

907 ----
PROPOSED RULES:
1065 ---- 16920

**9 CFR**

94 ---- 16907

**10 CFR**

PROPOSED RULES:
2 ---- 16934

**13 CFR**

107 ---- 16946

**14 CFR**

389 ---- 16907

**21 CFR**

121 (5 documents) ---- 16909–16911
145 ---- 16911
148u ---- 16911

PROPOSED RULES:
53 ---- 16934
120 ---- 16935
121 ---- 16935

**31 CFR**

328 ---- 16914

**42 CFR**

51 ---- 16915
55 ---- 16915

**47 CFR**

73 ---- 16916

**50 CFR**

33 (3 documents) ---- 16917, 16918


*Volume 77*

**UNITED STATES STATUTES AT LARGE**

**[88th Cong., 1st Sess.]**

Contains laws and concurrent resolutions enacted by the Congress during 1963, reorganization plan, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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**FEDERAL REGISTER**

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 63]

### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

**§ 907.363 Navel Orange Regulation 63.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 3, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., December 13, 1964, and ending at 12:01 a.m., P.s.t., October 31, 1965, no handler shall handle any Navel oranges, grown in District 2, which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 4, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12644; Filed, Dec. 9, 1964; 8:46 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

### PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

#### Designation of Guadeloupe as Country Where Foot-and-Mouth Disease Exists

Pursuant to the provisions of section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and the Act of July 2, 1962 (21 U.S.C. 134 et seq.), it has been determined, and the Secretary of the Treasury has been notified, that foot-and-mouth disease now exists in Guadeloupe; therefore § 94.1(a) of Part 94, as amended, Title 9, Code of Federal Regulations, is hereby further amended by changing the period to a semicolon after the word "Cuba" in subparagraph (5) and then adding a new subparagraph (6) to read as follows:

**§ 94.1 Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.**

(a) • • •

(6) Guadeloupe.

• • • • • •

(Sec. 306, 46 Stat. 689, as amended, sec. 2, 32 Stat. 792, as amended, sec. 2, 76 Stat. 129, secs. 3, 4, 76 Stat. 130, sec. 11, 76 Stat. 132; 19 U.S.C. 1306, 21 U.S.C. 111, 134a, 134b, 134c, 134f; 19 F.R. 74, as amended)

The effect of this amendment is to prohibit the importation into the United States from Guadeloupe of certain animals and meats, and to restrict such importations of certain other animals, animal products, hay, straw, and similar materials, as specified in 9 CFR Parts 94 and 95.

The protection of the livestock of the United States demands that this amendment be made effective as soon as possible. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

*Effective date.* This amendment shall become effective upon issuance.

Done at Washington, D.C., this 7th day of December 1964.

B. T. SHAW,
*Administrator, Agricultural Research Service.*

[F.R. Doc. 64-12672; Filed, Dec. 9, 1964; 8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-12]

### PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1964.

Congress has expressed the policy that any service, publication, report, or similar thing of value provided by any Federal agency to or for any person shall be self-sustaining to the full extent possible (Title V of the Act of August 31, 1951; 5 U.S.C. 140). In implementation of this policy, Bureau of the Budget Circular Number A-25, dated September 23, 1959,

provides that a reasonable charge should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which he derives a special benefit above and beyond benefits accruing to the public at large.

The Board has therefore decided to establish reasonable fees and charges for certain special services, such as copying, certifying and searching Board records, and for providing Board publications on an annual subscription basis. These fees and charges are designed to reflect the actual costs incurred by the Board in providing the particular service or subscription.

The charges for such services as copying, certifying and searching Board records are set forth with particularity in the regulation. It is not considered practical, however, to incorporate in the regulation a list of all Board publications available on a subscription basis since such items, as well as the price thereof, are subject to revision at least annually. The Board currently publishes and makes available, free of charge, a pamphlet entitled "List of Publications." This "List of Publications" is currently being revised to include the charges for subscriptions. For general information purposes, a representative list of publications, together with the subscription price for each, is attached hereto as Appendix A.

Since this regulation is a rule of agency organization and practice, the Board finds that notice and public procedure hereon are unnecessary. The Board further finds that the regulation should be made effective as of January 1, 1965 so that subscriptions to publications can be entered for a full calendar year as provided in the regulation.

Accordingly, the Board hereby adopts new Part 389 of the Organization Regulations (14 CFR Part 389), effective January 1, 1965, to read as follows:

APPENDIX A

CAB PUBLICATIONS AVAILABLE ON SUBSCRIPTION

| Description | Price |
|---|---|
| Notices of proposed rule making | $8.00 |
| Weekly summary of orders and regulations | 10.00 |
| Economic opinions | 24.00 |
| All economic orders and opinions | 55.00 |
| Prehearing conference reports | 15.00 |
| Examiners' recommended or initial decisions | 25.00 |
| Safety enforcement opinions and orders | 10.00 |
| Weekly digest of applications filed and/or amendments thereto | 13.00 |
| Weekly calendar of prehearing conferences, hearings and arguments | 5.00 |
| Weekly list of agreements filed under section 412(a) of the Federal Aviation Act | 6.00 |
| Route maps (set of seven) | .50 |
| Monthly report of air carrier traffic statistics | 10.00 |
| Quarterly report of air carrier financial statistics | 5.00 |
| Air carrier analytical charts and summaries | 3.00 |
| Subsidy for U.S. certificated carriers (annual report) | No charge |
| Local service air carrier unit costs (semiannual) | 1.30 |
| Quarterly letter to mayors | 1.40 |
| Historical Review of trunkline suspensions and deletions at points served by local service carriers, 1949–63 [1] | |
| Before-and-after traffic and service supplement to Historical Review of trunkline suspensions and deletions at points served by local service carriers, 1949–63 [1] | |
| Aircraft accident reports | 5.00 |
| Summary reports of accidents, U.S. civil aviation (semimonthly) | 9.00 |
| Briefs of accidents, U.S. general aviation | 10.00 |
| General aviation accidents, a statistical review | 1.00 |
| Statistical review of air carrier accidents | 1.00 |
| Aircraft accident prevention publications and technical bulletins | No charge |
| List of publications | No charge |
| List of U.S. air carriers | No charge |
| Press releases | No charge |
| Speeches by Members of the Board | No charge |
| Local service air carriers; selected flight load data by city pair, frequency grouping, aircraft type [2] | |

Sec.
389.1 Policy and scope.
389.2 Services available.
389.3 Payment of fees and charges.
389.4 Fees for services.
389.5 Copying records or documents.
389.6 Certification of copies of documents.
389.7 Board publications.
389.8 Transcripts of hearings.

AUTHORITY: The provisions of this Part 389 issued under sec. 204(a), Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324; Title V of Act of Aug. 31, 1951, 65 Stat. 268; 5 U.S.C. 140; sec. 3 of Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002.

### § 389.1 Policy and scope.

Pursuant to policies established by the Congress, the Government's costs for special services furnished to individuals or firms who request such services are to be recovered by the payment of fees (Title V of Independent Offices Appropriation Act of 1952; 5 U.S.C. 140). This regulation sets forth the special services made available by the Board and the fees therefor.

### § 389.2 Services available.

Upon request and payment of fees as provided in subsequent sections, there are available, with respect to documents subject to inspection, services as follows:

(a) Copying records and documents.

(b) Certification of copies of documents under seal of the Board.

(c) Subscriptions to publications of the Board.

(d) Transcripts of hearings.

### § 389.3 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the Civil Aeronautics Board, except for charges for copying documents and reporting services which are performed under competitive bid contracts with non-Government firms. Fees for the latter are payable to the firms providing the services.

[1] These studies are expected to be updated from time to time.

[2] This report is expected to be issued annually.

### § 389.4 Fees for services.

The basic fees set forth below provide for documents to be mailed with ordinary first class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, costs therefore will be added to the basic fee.

### § 389.5 Copying records or documents.

Copies of public records and documents on file with the Civil Aeronautics Board, as is may be practicable to furnish, will be provided on the following basis:

(a) Copies of documents are made by non-Government contractors, on request to the Board. The contractor will bill directly those who request such copies.

(b) To the extent that time can be made available, services involved in searching the records and files of the Board for documents to be copied and preparing such materials for copying will be charged for as follows:

(1) Tariffs and Form 41 schedules filed with the Board, at the rate of ten cents per page. With reference to tariffs filed with the Board, this charge applies only to identifying, removing from the files for copying, and returning to files designated pages of tariffs; no substantive research as to contents of tariffs will be undertaken.

(2) All other materials, at the rate of $4.00 per hour.

(3) A minimum charge of $1.00 will be made for these services.

### § 389.6 Certification of copies of documents.

The Secretary of the Board will provide, on request, certification or validation (with the Civil Aeronautics Board seal) of documents filed with or issued by the Board. Copies of tariffs filed with the Board will be certified only when such copies have been made under the Board's supervision upon request of the applicant. Charges for this service are as follows:

(a) Certification of the Secretary, $1.00.

(b) Additional services involved in checking the authenticity of records to be certified, the clerical work, etc., incidental thereto, at the rate of $4.00 per hour. A minimum charge of $1.00 will be made for this service.

(c) If copying of the documents to be certified is required, the copying charge provided for in § 389.5(a) will be in addition to the charges specified in this section.

### § 389.7 Board publications.

(a) *Charges for subscriptions.* Charges are established for subscriptions to Board publications for which there are regular mailing lists. Publications available, and charges therefor, are described in the "List of Publications" available on request to the Board's Publications Section, B–22, Washington, D.C., 20428. This list and the charges therein are subject to revision at least annually and without prior notice. Subscriptions to publications will be entered as of the first day of each year for a one-year term, and for calendar year terms thereafter. Subscriptions to weekly or monthly publications for periods of less than a full calendar year will be prorated on a monthly basis. Quarterly publications will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser.

(b) *Free services.* No charge will be made by the Board for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Board. No charge will be made for mailing list service with respect to a particular proceeding. No charge will be made for single copies of Board publications individually requested, in person or by mail. In addition, subscriptions to Board publications will be entered without charge when one of the following conditions is present:

(1) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization;

(2) The recipient is engaged in a nonprofit activity designed for the public safety, health and welfare;

(3) The recipient is another government agency, federal, state or local, concerned with aeronautics or having a legitimate interest in the proceedings and activities of the Board;

(4) The recipient is a college or university;

(5) The recipient does not fall into any of the foregoing categories, but free service is determined by the Board to be appropriate in the interest of the Board's program.

(c) *Reciprocal services.* Arrangements may be made for furnishing publications to a foreign country on a reciprocal basis.

### § 389.8 Transcripts of hearings.

Transcripts of testimony and oral argument are furnished by a non-Government contractor, and may be purchased directly from the reporting firm.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–12665; Filed, Dec. 9, 1964; 8:49 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DIAMMONIUM PHOSPHATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4C1274) filed by International Minerals Corporation, Old Orchard Road, Skokie, Illinois, and other relevant material, has concluded that the following regulation should issue to provide for the safe use of diammonium phosphate in ruminant feeds as a source of nonprotein nitrogen and phosphorus. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c)), Part 121 is amended by adding to Subpart C the following new section:

### § 121.265 Diammonium phosphate.

The food additive diammonium phosphate may be safely used in ruminant feed in accordance with the following prescribed conditions:

(a) The food additive is the product resulting from the neutralization of feeding-phosphoric-acid or defluorinated wet-process phosphoric acid with anhydrous ammonia. It contains not less than 106.25 percent equivalent crude protein (nitrogen X 6.25) and 20.0 percent phosphorus. It contains not more than the following:

1 part fluorine to 100 parts phosphorus.
75 parts per million of arsenic (as As).
30 parts per million of heavy metals, as lead (Pb).

(b) It is used in ruminant feeds as a source of phosphorus and nitrogen in an amount that supplies not more than 2 percent of equivalent crude protein in the total daily ration.

(c) To assure safe use of the additive, the label and labeling of the additive and that of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall contain, in addition to other information required by the act, the following:

(1) The name of the additive.

(2) The maximum percentage of equivalent crude protein from the nonprotein nitrogen.

(3) If the feed additive premix, concentrate, or supplement contains more than 1.5 percent of diammonium phosphate, adequate directions for use and a prominent statement, "Warning—This feed should be used only in accordance with directions furnished on the label."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–12647; Filed, Dec. 9, 1964; 8:46 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ISOBUTYLENE POLYMERS

The Commissioner of Food and Drugs has evaluated the data submitted in a petition (FAP 983) filed by Esso Research and Engineering Company, Post Office Box 172, Linden, N.J., proposing the issuance of a regulation to provide for the use of isobutylene polymers as components of articles intended for use in contact with food. Additionally, the data in the petition show that in § 121.1059 *Chewing gum base* a maximum molecular-weight specification is not required for the use of polyisobutylene as a synthetic masticatory substance and that the present minimum molecular weight (Staudinger) specification in § 121.1059 for such use of polyisobutylene is equivalent to and should, in the interest of uniformity, be changed to read "Minimum molecular weight 37,000 (Flory)." The Commissioner has also evaluated objections to the provision in paragraph (b) of § 121.2511 *Plasticizers in polymeric substances* which limits to 0.5 weight percent the amount of polyisobutylene (minimum molecular weight 300) permitted to be added to polyethylene complying with § 121.2510.

On the basis of the evaluation of the petition, the objections to § 121.2511, and other relevant material, the Commissioner has concluded that the food additive regulation should be amended as set forth below, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 as amended; 21 U.S.C. 348) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

1. Section 121.1059(a) is amended by changing the item "Polyisobutylene (isobutylene resin) * * *" to read as follows:

### § 121.1059 Chewing gum base.

(a) * * *

MASTICATORY SUBSTANCES

| Synthetic | Specifications |
|---|---|
| Polyisobutylene | Minimum molecular weight 37,000 (Flory). |

2. Section 121.2507(c) is amended by changing the item "Polyisobutylene (minimum molecular weight 750,000)" to read as follows:

§ 121.2507 **Cellophane.**

* * * * *

(c) * * *

| | |
|---|---|
| | Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane) |
| * * * | * * * |
| Polyisobutylene complying with § 121.2590 | |
| * * * | * * * |

* * * * *

3. Section 121.2511(b) is amended by changing the item "Polyisobutylene * * *" to read as set forth below and by adding thereto a new item, as follows:

§ 121.2511 **Plasticizers in polymeric substances.**

* * * * *

(b) * * *

| | |
|---|---|
| | Limitations |
| * * * | * * * |
| Polyisobutylene (mol. wt. 300–5,000). | For use in polyethylene complying with § 121.2510, provided that the polyisobutylene is added in an amount not exceeding 0.5 percent by weight of the polyethylene, and further provided that such plasticized polyethylene shall not be used as a component of articles intended for packing or holding food during cooking. |
| Polyisobutylene complying with § 121.2590. | |
| * * * | * * * |

* * * * *

4. Section 121.2531(c) is amended by changing the item "Polyisobutylene" to read as follows:

§ 121.2531 **Surface lubricants used in the manufacture of metallic articles.**

* * * * *

(c) * * *

Polyisobutylene (minimum molecular weight 300).

* * * * *

5. Section 121.2550(b)(5) is amended by inserting alphabetically in Table 1 the following items:

§ 121.2550 **Closures with sealing gaskets for food containers.**

* * * * *

(b) * * *

(5) * * *

TABLE I

| List of substances | Limitations (expressed as percent by weight of closure-sealing gasket composition) |
|---|---|
| * * * | * * * |
| Chlorinated isobutylene-isoprene copolymers complying with § 121.2590. | |
| * * * | * * * |
| Isobutylene-isoprene copolymers complying with § 121.2590. | |
| * * * | * * * |
| Polyisobutylene complying with § 121.2590. | |
| * * * | * * * |

* * * * *

6. Part 121 is amended by adding to Subpart F the following new section:

§ 121.2590 **Isobutylene polymers.**

Isobutylene polymers may be safely used as components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, isobutylene polymers are those produced as follows:

(1) Polyisobutylene produced by the homopolymerization of isobutylene such that the finished polymers have a molecular weight of 750,000 (Flory) or higher.

(2) Isobutylene-isoprene copolymers produced by the copolymerization of isobutylene with not more than 3.0 molar percent of isoprene such that the finished polymers have a molecular weight of 300,000 (Flory) or higher.

(3) Chlorinated isobutylene-isoprene copolymers produced when isobutylene-isoprene copolymers (molecular weight 300,000 (Flory) or higher) are modified by chlorination with not more than 1.3 weight-percent of chlorine.

(b) The polymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of the polymers. The optional adjuvant substances required in the production of the polymers may include substances generally recognized as safe in food, substances used in accordance with a prior sanction or approval, and the following:

| List of substances | Limitations |
|---|---|
| Aluminum chloride | |
| Polysorbate 80 | |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785 as amended; 21 U.S.C. 348)

Dated: November 30, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-12648; Filed, Dec. 9, 1964; 8:46 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CELLOPHANE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5B1590) filed by Nopco Chemical Company, 60 Park Place, Newark, N.J., 07101, and other relevant material, has concluded that the food additive regulations (21 CFR 121.2507; 29 F.R. 6775, 12871) should be amended to provide for the use of additional substances as optional components of food-packaging cellophane. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2507(c) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2507 **Cellophane.**

* * * * *

(c) * * *

| | |
|---|---|
| | Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane) |
| * * * | * * * |
| Coconut oil fatty acid ($C_{12}$–$C_{18}$) diethanolamide, coconut oil fatty acid ($C_{12}$–$C_{18}$) diethanolamine soap, and diethanolamine mixture having total alkali (calculated as potassium hydroxide) of 16–18% and having an acid number of 25–35. | For use only as an adjuvant employed during the processing of cellulose pulp used in the manufacture of cellophane base sheet. |
| * * * | * * * |

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.



(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12649; Filed, Dec. 9, 1964; 8:46 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5B1517) filed by Rohm and Haas Company, 222 West Washington Square, Philadelphia 5, Pa., and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional substance as an emulsifier and/or surface-active agent in the manufacture of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), §121.2541(c) is amended by inserting alphabetically in the list of substances the following new item:

§ 121.2541 **Emulsifiers and/or surface-active agents.**

* * * * *

(c) * * *

*p-tert*-Octylphenoxypolyethoxyethanol (40 moles) with a hydroxyl number not to exceed 37; if a blend of products is used, hydroxyl number not to exceed 37 for any product that is a component of the blend.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12650; Filed, Dec. 9, 1964; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5B1577) filed by American Cyanamid Company, Wayne, N.J., 07470, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of cyanoguanidine as a retarder in the manufacture of rubber articles intended for repeated use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2562(c)(4) is amended by inserting alphabetically in the list in subdivision (ii) (c) a new item, as follows:

§ 121.2562 **Rubber articles intended for repeated use.**

(c) * * *

(4) * * *

(ii) * * *

(c) * * *

Cyanoguanidine.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12651; Filed, Dec. 9, 1964; 8:47 a.m.]

SUBCHAPTER C—DRUGS

## PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

## PART 148u—DACTINOMYCIN

### Dactinomycin, Dactinomycin for Injection; Final Order

No comments or objections were filed with reference to the proposal of the Commissioner of Food and Drugs to issue regulations for tests and methods of assay and certification of antibiotic drugs dactinomycin and dactinomycin for injection published in the FEDERAL REGISTER of October 10, 1964 (29 F.R. 14032). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463 as amended; U.S.C. 357(f)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the proposed regulations are adopted without change, except in amendatory language, necessitated by recodification published November 21, 1964, and as promulgated herewith.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507(f), 59 Stat. 463 as amended; 21 U.S.C. 357(f))

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

1. Section 145.2 *Definitions of antibiotic substances* is amended by adding to paragraph (a) the following new subparagraph:

(29) Dactinomycin is a specific kind of actinomycin produced by the growth of *Streptomyces parvullus* or the same antibiotic produced by any other means.

2. Section 145.3 *Definitions of master and working standards* is amended in the following respects:

a. By adding to paragraph (a) the following new subparagraph:

(31) The term "dactinomycin master standard" means a specific lot of dactinomycin designated by the Commissioner as the standard of comparison in determining the potency of the dactinomycin working standard.

b. By adding to paragraph (b) the following new subparagraph:

(31) The term "dactinomycin working standard" means a specific lot of a homogenous preparation of dactinomycin.

3. Section 145.4 *Definitions of the terms* * * * is amended by adding to paragraph (b) the following new subparagraph:

(32) The term "microgram" applied to dactinomycin means the dactinomycin activity (potency) contained in 1.000 microgram of the dactinomycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

4. Title 21 is amended by adding thereto the following new part:

## PART 148u—DACTINOMYCIN

Sec.
148u.1 Dactinomycin.
148u.2 Dactinomycin for injection.

AUTHORITY: The provisions of this Part 148u issued under sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357.

### § 148u.1 Dactinomycin.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Dactinomycin is a bright-red crystalline compound that is so purified and dried that:

(i) Its potency is not less than 900 micrograms of dactinomycin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It is pyrogen-free.

(iv) Its $LD_{50}$ in mice is not less than 0.65 and not more than 1.23 milligrams of dactinomycin per kilogram of body weight.

(v) Its moisture content is not more than 15 percent.

(vi) Its absorptivity at 445 m$\mu$ is not less than 0.95 and not more than 1.03 times that of the dactinomycin working standard at the same wavelength. Its absorbance at 240 m$\mu$ is not less than 1.3 and not more than 1.5 times its absorbance at 445 m$\mu$.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter, and in addition each package shall bear on its label the statement "Protect from light and excessive heat." Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, $LD_{50}$, moisture, absorptivity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 40 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 40 milligrams.

(4) *Fees.* $5.00 for each container in the sample submitted in accordance with subparagraph (3)(ii)(*a*) of this paragraph; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for any repeat sterility test, in accordance with subparagraph (3)(ii)(*b*) of this paragraph.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all dry powders in a suitable hood, while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with larger volumes of trisodium phosphate solution.

1. *Potency*—(i) *Cylinders.* Use cylinders described in § 141a.1(a) of this chapter.

(ii) *Culture media.* Use ingredients that conform to the standards of the U.S.P. or the N.F.

(a) Make nutrient agar for carrying the test organism as follows:

| | |
|---|---|
| Peptone | 6.0 gm. |
| Pancreas digest of casein | 4.0 gm. |
| Yeast extract | 3.0 gm. |
| Beef extract | 1.5 gm. |
| $MnSO_4 \cdot H_2O$ | 300 mg. |
| Dextrose | 1.0 gm. |
| Agar | 15.0 gm. |
| Distilled water q.s. | 1,000.0 ml. |

pH 6.5–6.6 after sterilization.

(b) Make nutrient agar for the seed and base layers as follows:

| | |
|---|---|
| Beef extract | 1.5 gm. |
| Yeast extract | 3.0 gm. |
| Peptone | 6.0 gm. |
| Agar | 15.0 gm. |
| Distilled water q.s. | 1,000 ml. |

pH 7.8–8.0 after sterilization.

In lieu of preparing the media from the individual ingredients specified in this subdivision, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the individual ingredients specified in this subdivision are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(iii) *Working standard.* Dry a portion of the working standard for 3 hours at 60° C. and a pressure of 5 millimeters or less. Determine the dry weight and dissolve in sufficient methyl alcohol to give a concentration of 10 milligrams of dactinomycin per milliliter; add sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution containing 1,000 micrograms of dactinomycin per milliliter.

(iv) *Preparation of sample.* Dissolve a portion of the sample to be tested in sufficient methyl alcohol to give a concentration of 10 milligrams of dactinomycin per milliliter; add sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution containing 1,000 micrograms of dactinomycin per milliliter. Further dilute the sample stock solution in 0.1*M* potassium phosphate buffer, pH 8.0, to the reference concentration of 1.0 microgram of dactinomycin per milliliter (estimated).

(v) *Preparation of test organism (spore suspension).* The test organism is *Bacillus subtilis* (ATCC 6633). Maintain the test organism on nutrient agar prepared as described in subdivision (ii)(*a*) of this subparagraph. Prepare a spore suspension by the following method: Grow the organism for 5 days at 37° C. in a Roux bottle of the nutrient agar prepared as described in subdivision (ii)(*a*) of this subparagraph. Harvest the growth with the aid of sterile distilled water and glass beads. Suspend the growth in 50 milliliters of sterile distilled water, centrifuge and decant the supernatant liquid. Suspend the sediment with sterile distilled water and heat-shock for 30 minutes at 70° C. Maintain the spore suspension at approximately 15° C. Determine by appropriate tests the quantity of spore suspension to be added to each 100 milliliters of agar for the seed layer that will give clear, sharp zones of inhibition.

(vi) *Preparation of the plates*—(*a*) *Base layer.* Add 21 milliliters of melted nutrient agar described in subdivision (ii)(*b*) of this subparagraph to each Petri dish (20 millimeters x 100 millimeters) and allow to harden on a level surface.

(*b*) *Seed layer.* Melt nutrient agar described in subdivision (ii)(*b*) of this subparagraph. Accurately measure a sufficient quantity of the melted nutrient agar, cool to 48° C. and add the appropriate quantity of the spore suspension prepared as described in subdivision (v) of this subparagraph. Swirl the inoculated nutrient agar to obtain a homogeneous suspension, and add 4 milliliters to each of the plates containing the 21 milliliters of uninoculated agar. Tilt the plates back and forth to spread the inoculated agar evenly and allow to harden on a level surface.

(vii) *Standard curve.* Using the stock solution described in subdivision (iii) of this subparagraph, prepare the standard curve in 0.1*M* potassium phosphate buffer, pH 8.0, to contain concentrations of 0.5, 0.71, 1.0, 1.41, and 2.0 micrograms of dactinomycin per milliliter. A total of 12 plates is used in the preparation of the standard curve, three plates for each solution except the 1.0 microgram per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill three cylinders with the 1.0 microgram per milliliter standard and the alternate three cylinders with the concentration under test. Thus, there will be thirty-six 1-microgram determinations and 9 determinations for each of the other points on the curve. After the plates have incubated, determine the diameters of the zones of inhibition. Average the diameters of the 1.0 microgram per milliliter concentration and the diameters of the concentration tested for each set of three plates, and average also all 36 readings of the 1.0 microgram per milliliter concentration. The average of the 36 readings of the 1.0 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram per milliliter reading for the set of three plates were the same as the correction point. Thus, if in correcting the 0.5 microgram concentration, the average of the 36 diameters of the 1.0 microgram per milliliter concentration is 16.5 millimeters and the average diameter of the 1.0 microgram per milliliter concentration of this set of three plates is 16.3 millimeters, the correction is +0.2 millimeter. If the average diameter of the 0.5 microgram per milliliter concentration of these same three plates is 15.9 millimeters, the corrected value is then 16.1 millimeters. Plot these corrected values, including the average diameter of the 1.0 microgram per milliliter concentration, on 2-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by use of the following equations:

$$L = \frac{3a + 2b + c - e}{5},$$

$$H = \frac{3e + 2d + c - a}{5},$$

where:

$L$ = Calculated zone diameter for the lowest concentration of the standard curve.

$H$ = Calculated zone diameter for the highest concentration of the standard curve.

$a, b, c, d, e$ = Corrected average values for the 0.5, 0.71, 1.0, 1.41, and 2.0 micrograms per milliliter standard solutions, respectively.

Plot the values obtained for $L$ and $H$ and connect with a straight line.

(viii) *Assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 1.0 microgram per milliliter standard solution and three cylinders with the 1.0 microgram per milliliter (estimated) sample solution, alternating standard and sample. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each zone of inhibition.

(ix) *Estimation of potency.* Average the zone diameters of the standard and average the zone diameters of the sample on the three plates used. If the sample gives a larger average zone size than the average of the standard, add the difference between them to the 1.0-microgram zone size of the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0-microgram value on the curve. From the curve, read the potencies corresponding to these corrected values of zone sizes.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 40 milligrams in lieu of 300 milligrams.

(3) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, except administer as a test dose 1 milliliter per kilogram of a pyrogen-free distilled water solution containing 0.2 milligram of dactinomycin per milliliter.

(4) *$LD_{50}$*[1]—(i) *Sample solution.* Prepare a solution containing 50 micrograms of dactinomycin per milliliter by dissolving an appropriate quantity of the sample in sufficient sterile distilled water. If the sample does not dissolve immediately, place it in an ice water bath or a refrigerator for 1 to 2 hours, and then allow to reach room temperature before use.

(ii) *Procedure.* Select 70 female mice weighing between 18 and 20 grams. Individually identify and weigh them to the nearest 0.1 gram. Use 10 mice at each of the following dose levels: 9.6, 11.52, 13.9, 16.7, 20.0, 24.0, and 28.8 milliliters of sample solution per kilogram of body weight. Calculate the volume of solution to be given to each mouse and administer the appropriate volume intravenously at the rate of 0.5 milliliter per minute. Observe the mice daily for 14 days and record any signs of drug toxicity and times of death. Estimate the $LD_{50}$ and its 95 percent confidence limits by the method of Carrol S. Weil, published in Biometrics, volume 8, pages 249–263 (1952).

(5) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(6) *Absorptivity*—(i) *Procedure.* Accurately weigh approximately 15 milligrams of the sample and 15 milligrams of the working standard. Transfer each weighing to separate 100-milliliter volumetric flasks. Dissolve the material and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters of each solution into separate 25-milliliter volumetric flasks, dilute to volume with spectrophotometric-grade methyl alcohol. Mix well. Using a suitable spectrophotometer and 1-centimeter absorption cells, determine the absorbance of the sample solution at the 240 m$\mu$ and at the 445 m$\mu$ absorption peaks (the exact position of the peaks should be determined for the particular instrument used). Determine the absorbance of the standard solution at the 445 m$\mu$ absorption peak.

(ii) *Calculations.*

$$\text{(a) Absorptivity at 445 m}\mu = \frac{(A_2)\,(\text{milligrams of standard})\,(1-0.01\ M_W)\,(\text{potency of the standard in micrograms per milligram})}{(A_3)\,(\text{milligrams of sample})\,(1-0.01\ M_S)\,(1{,}000)}$$

(b) Ratio for the absorbances of the sample at 240 m$\mu$ and 445 m$\mu$ = $\frac{A_1}{A_2}$.

Where:

$A_1$ = absorbance at 240 m$\mu$ for the sample.
$A_2$ = absorbance at 445 m$\mu$ for the sample.
$A_3$ = absorbance at 445 m$\mu$ for the standard.
$M_W$ = percent moisture in the working standard.
$M_S$ = percent moisture in the sample.

(7) *Crystallinity.* Mount a few particles of the sample in mineral oil and examine by means of a polarizing microscope. The particles reveal the phenomena of birefringence and extinction positions on revolving the microscope stage.





### § 148u.2 Dactinomycin for injection.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Dactinomycin for injection is a dry mixture of dactinomycin and mannitol. Each container contains 0.5 milligram of dactinomycin. It is sterile. It is nonpyrogenic. The $LD_{50}$ in mice is between 0.65 and 1.23 milligrams of dactinomycin per kilogram. Its moisture content is not more than 4.0 percent. Its pH is not less than 5.5 and not more than 7.0. The crystalline dactinomycin used conforms to the standards prescribed by § 148u.1(a)(1)(i), (v), and (vi). Each other ingredient used, if its name is recognized by the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter, and in addition each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container the statement "Protect from light and excessive heat."

(ii) On the outside wrapper or container and the immediate container the statement "For hospitalized patients only."

Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The dactinomycin used in making the batch: For potency, moisture, absorptivity, and crystallinity.

(*b*) The batch: For microbiological potency, spectrophotometric potency, sterility, pyrogens, $LD_{50}$, moisture, and pH.

(ii) Samples required:

(*a*) The dactinomycin used in making the batch: 10 containers each containing not less than 40 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One container of each consisting of not less than 5 grams.

(4) *Fees.* $4.00 for each container in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*), and (*c*) of this paragraph; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with subparagraph (3)(ii)(*b*)(*2*) of this paragraph.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all dry powders in a suitable hood while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with large volumes of trisodium phosphate solution.

(1) *Potency*—(i) *Microbiological assay.* Reconstitute the sample as directed in the labeling. Using a suitable syringe, withdraw the entire contents and dilute in 0.1*M* potassium phosphate buffer, pH 8.0, to a concentration of 1.0 microgram of dactinomycin per milliliter (estimated). Proceed as directed in § 148u.1(b)(1).

(ii) *Spectrophotometric assay*—(*a*) *Preparation of standard solution.* Accurately weigh approximately 15 milligrams of the working standard and

[1] The term "$LD_{50}$" refers to the dosage of the drug that should be expected to kill 50 percent of the animals that receive the drug.

transfer to a 100-milliliter volumetric flask. Dissolve the standard and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters into a 25-milliliter volumetric flask and dilute to volume with spectrophotometric-grade methyl alcohol.

(b) *Preparation of sample solution.* Prepare a sample solution by washing the contents of a container into a 25-milliliter volumetric flask and diluting to volume with spectrophotometric-grade methyl alcohol. Obtain a clear solution by decanting or filtering off any undissolved mannitol.

(c) *Procedure.* Determine the absorbance of the sample and standard solution at the 445 mμ absorption peak as directed in § 148u.1(b)(6)(i).

(d) *Calculation.*

$$\text{Milligrams of dactinomycin per container} = \frac{(A_1)\,(\text{milligrams of standard weighed})\,(\text{potency of standard in micrograms per milligram})}{(A_2)\,(20)\,(1{,}000)}$$

where:

$A_1$ = absorbance of the sample solution at 445 mμ.

$A_2$ = absorbance of the standard solution at 445 mμ.

Its content of dactinomycin is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dactinomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use the entire contents of each of the immediate containers tested.

(3) *Pyrogens.* Reconstitute as directed in the labeling, and proceed as directed in § 148u.1(b)(3).

(4) *$LD_{50}$.* Reconstitute five immediate containers as directed in the labeling, and pool the contents. Further dilute the solution with sterile distilled water to obtain a concentration of 50 micrograms of dactinomycin per milliliter, and proceed as directed in § 148u.1(b)(4).

(5) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(6) *pH.* Reconstitute as directed in the labeling and proceed as directed in § 141a.5(b) of this chapter.

[F.R. Doc. 64-12652; Filed, Dec. 9, 1964; 8:47 a.m.]

# Title 31—MONEY AND FINANCE: TREASURY

## Chapter II—Fiscal Service, Department of the Treasury

### SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

### PART 328—RESTRICTIVE ENDORSEMENTS OF BEARER SECURITIES

On September 20, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13389) with respect to Department Circular No. 853 (31 CFR Part 328). After consideration of such relevant matter as was presented by interested parties, the revision of the regulations as proposed was adopted on December 4, 1964, except that §§ 328.1, 328.3, 328.5, and 328.8 were changed to permit the application of these regulations to United States bearer securities presented by or through banks for redemption at par in payment of Federal estate taxes. A minor editorial change was made in § 328.2.

As finally adopted, Part 328 reads as set forth below.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

Sec.


328.1 Scope of regulations.
328.2 Definitions.
328.3 Authorization for restrictive endorsements.
328.4 Effect of restrictive endorsements.
328.5 Forms of endorsement.
328.6 Requirements for endorsement.
328.7 Shipment of securities.
328.8 Loss, theft or destruction of securities bearing restrictive endorsements.
328.9 Miscellaneous.


AUTHORITY: The provisions of this Part 328 issued under R.S. 161, as amended (5 U.S.C. 22); Second Liberty Bond Act, as amended (31 U.S.C. 752, 753, 754, 754b).

SOURCE: Department Circular No. 853, dated October 5, 1949, is hereby amended and issued as Department Circular No. 853, Revised.

### § 328.1 Scope of regulations.

The regulations of this part are applicable only to United States bearer securities[1] presented (a) by or through banks for payment at or after their maturity or call date, or in exchange for any securities under any exchange offering, (b) by or through banks at any time prior to their maturity or call date for redemption at par and application of the proceeds in payment of Federal estate taxes, provided said securities by the terms of their issue are eligible for such redemption, and (c) by District Directors, Internal Revenue Service, for redemption, with the proceeds to be applied to payment of taxes (other than securities presented under (b) above). These regulations do not apply to bearer securities presented for any other transaction, or to registered securities assigned in blank, or to bearer, or so assigned as to become, in effect, payable to bearer.

### § 328.2 Definitions.

Certain words and terms, as used in these regulations, are defined as follows:

[1] These regulations may also apply to securities issued by certain agencies of the United States and the former government of Puerto Rico for which the Treasury Department of the United States acts as transfer agency, provided the issuing authorities for such securities have adopted by appropriate regulations the provisions of this circular.

(a) "Banks" refer to, and include, incorporated banks (i.e., banks doing a general commercial banking business), incorporated trust companies (i.e., trust companies doing either a general banking business or general trust business), and savings banks (whether or not mutual).

(b) "Bearer securities" or "securities" are those which are payable on their face to "bearer," the ownership of which is not recorded. They include "Treasury bonds," "Treasury notes," "Treasury certificates of indebtedness," and "Treasury bills."

### § 328.3 Authorization for restrictive endorsements.

(a) *By banks.* Banks are authorized, under the conditions and in the form hereinafter provided, to place restrictive endorsements upon the face of bearer securities owned by themselves or their customers for the purpose of presentation to Federal Reserve Banks or Branches, or to the Treasurer of the United States, as follows:

(1) For payment or redemption: At any time within one calendar month prior to their maturity date, or the date on which they become payable pursuant to a call for redemption, or at any time after their maturity or call date;

(2) For exchange: During any period for their presentation pursuant to an exchange offering; and

(3) For redemption at par in payment of Federal estate taxes (only eligible securities): At any time prior to their maturity or call redemption date.

(b) *By District Directors, Internal Revenue Service.* District Directors, Internal Revenue Service, are authorized, under the conditions and in the form hereinafter provided, to place restrictive endorsements upon the face of bearer securities for the purpose of presentation to Federal Reserve Banks or Branches, or to the Treasurer of the United States, for redemption and application of the proceeds in payment of taxes (other than securities presented for redemption at par and application of the proceeds in payment of Federal estate taxes).

(c) *Instructions from Federal Reserve Banks.* Federal Reserve Banks will inform eligible banks and District Directors of the Internal Revenue Service in their respective districts as to the procedure to be followed under the authority granted by these regulations. No bank or District Director should imprint restrictive endorsements on securities until such information is received from the Federal Reserve Banks.

### § 328.4 Effect of restrictive endorsements.

Bearer securities bearing restrictive endorsements as herein provided will thereafter be nonnegotiable and payment, redemption, or exchange will be made only as provided in such endorsements.

### § 328.5 Forms of endorsement.

(a) *When presented by banks—(1) For payment or exchange.* The endorsement placed on a bearer security presented for payment or exchange by a bank should be in the following form:

For presentation to the Federal Reserve Bank of _____, Fiscal Agent of the United States, for redemption or in exchange for securities of a new issue, in accordance with written instructions submitted by

_____
(Insert name of presenting bank)
ABA No. _____

(2) *For redemption at par.* The endorsement placed on a bearer security presented for redemption at par in payment of Federal estate taxes should be in the following form:

For presentation to the Federal Reserve Bank of _____, Fiscal Agent of the United States, for redemption at par in payment of Federal estate taxes, in accordance with written instructions submitted by

_____
(Insert name of presenting bank)
ABA No. _____

(b) *When presented by District Directors, Internal Revenue Service.* The endorsement placed on a bearer security by a District Director, Internal Revenue Service, should be in the following form:

For presentation to the Federal Reserve Bank of _____, Fiscal Agent of the United States, for redemption, the proceeds to be credited to the account of the District Director, Internal Revenue Service at _____, for credit on the Federal

_____
(Income, gift or other)
taxes due from _____
(Name and address)

### § 328.6 Requirements for endorsement.

(a) *On bearer securities.* The endorsement must be imprinted in the left-hand portion of the face of each security with the first line thereof parallel to the left edge of the security and in such manner as to be clearly legible and in such position that it will not obscure the serial number, series designation or other identifying data, and cover the smallest possible portion of the text on the face of the security. The dimensions of the endorsement should be approximately four inches in width and one and one-half inches in height, and must be imprinted by stamp or plate of such character, with a carbon pigment ink, and by such means, as will render the endorsement substantially ineradicable. In cases where the endorsement is being made by a bank, immediately below and as part of the endorsement the ABA code number of the presenting bank must be perforated in figures approximately one-fourth to one-half inch in height. The perforations should be placed as nearly as possible beneath the endorsement without obliterating any of the identifying data. The name of the Federal Reserve Bank of the district must appear on the plate or stamp used for the imprinting of the endorsement, and presentation to the appropriate branch of the Federal Reserve Bank named will be considered as presentation to the bank. When securities are to be presented to the Treasurer of the United States, the words "Treasurer of the United States" should be used in lieu of the words "Federal Reserve Bank of _____, Fiscal Agent of the United States." No subsequent endorsement will be permitted and no other form of endorsement may be made.

(b) *On coupons.* Unmatured coupons attached to restrictively endorsed securities should be cancelled by imprinting the prescribed endorsement in such manner that a substantial portion of the endorsement will appear on each such coupon. Where such endorsements are made by a bank, its ABA code number should not be perforated on the coupons. If any such coupons are missing, deduction of their face amount will be made in cases of redemption, and in cases of exchange, remittance equal to the face amount of the missing coupons must accompany the securities. All matured coupons, including coupons which will mature on or before the date of redemption or exchange (except as otherwise specifically provided in an announcement of an exchange offering), should be detached from securities upon which restrictive endorsements are to be imprinted.

### § 328.7 Shipment of securities.

Securities bearing restrictive endorsements may be shipped, at the risk and expense of the shipper, by registered mail, messenger, armored car service, or express to the Federal Reserve Bank of the district in which the presenting bank or District Director, Internal Revenue Service, is located, or to the appropriate branch of such Federal Reserve Bank. Shipments to the Treasurer of the United States, Washington, D.C., should be made by messenger or armored car.

### § 328.8 Loss, theft or destruction of securities bearing restrictive endorsements.

(a) *General.* Relief will be provided on account of securities bearing restrictive endorsements proved to have been lost, stolen, or destroyed, upon the owner's application, in the same manner as registered securities which have not been assigned. (See Subpart N of the current revision of Department Circular No. 300, the general regulations with respect to United States securities.) Except for bearer securities submitted for redemption at par in payment of Federal estate taxes, a bank will be considered the owner of securities handled on behalf of customers unless it otherwise requests. The application for relief (Form PD 2211) and instructions will be furnished by the Federal Reserve Banks.

(b) *Bond of indemnity.* Where securities bearing restrictive endorsements shipped by a bank have been lost, stolen, or destroyed, a bond of indemnity with surety satisfactory to the Secretary of the Treasury will be required from the owner. If such bond is executed by a bank or other corporation, the execution must be authorized by general or special resolution of the board of directors, or other body exercising similar functions under its bylaws. Ordinarily, no surety will be required on a bond executed by a presenting bank. The Secretary of the Treasury reserves the right, however, to require a surety in any case in which he considers such action necessary for the protection of the United States.

### § 328.9 Miscellaneous.

The provisions of this circular are subject to the current revision of Department Circular No. 300. The Secretary of the Treasury reserves the right at any time to amend, supplement, or withdraw any or all of the provisions of these regulations.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[F.R. Doc. 64-12635; Filed, Dec. 9, 1964; 8:45 a.m.]



# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

### SUBCHAPTER D—GRANTS

### PART 51—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

### PART 55—GRANTS FOR WATER POLLUTION CONTROL

### Payments to States and Cooperating and Interstate Agencies

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted as unnecessary in the issuance of the following amendments to Part 51 and to Part 55 which relate solely to grants.

Pursuant to section 314(j) of the Public Health Service Act, as amended (58 Stat. 695, 42 U.S.C. 246(j)), the amendment of Part 51 is made after consultation with, and with the agreement of, a conference of the State health authorities and, with respect to grants for mental health, the State mental health authorities.

The purpose of the amendments is to provide for payments to States and cooperating agencies pursuant to section 314 of the Public Health Service Act, as amended, and to States and interstate agencies pursuant to section 5 of the Federal Water Pollution Control Act, as amended (70 Stat. 499, 33 U.S.C. 466d), on a periodic rather than a quarterly basis.

Effective July 1, 1964:

1. Paragraph (d) of § 51.8 is amended to read as follows:

### § 51.8 Payments to States; to cooperating agencies.

* * * * *

(d) Subject to the foregoing limitations, payments shall be made as follows:

(1) Payments shall be made periodically and shall be based upon an application for funds showing the estimated requirements or actual expenditures for the period covered by the application for funds and the estimated or actual unencumbered balance of the respective fund in the State's Treasury (or, with respect to the heart disease control program, in the Treasury of the cooperating agency) at the beginning of the period for which payment is to be made.

(2) Payment for the first six months of the fiscal year for each grant pro-

gram shall not be more than the allotment for the six-month period less the unencumbered balance of program funds in the State (or cooperating agency) treasury at the end of the prior fiscal year.

(3) Payments from allotments shall not be certified unless an application for payment and all required reports and documents have been received.

(4) Supplemental payment in any payment period may be certified upon submission of an application therefor accompanied by satisfactory justification.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 314, 58 Stat. 693, as amended; 42 U.S.C. 246)

2. Paragraph (b) of § 55.6 is amended to read as follows:

§ 55.6 Payments to States and interstate agencies.

* * * * *

(b) Subject to the foregoing limitations, payments to States and interstate agencies shall be made as follows:

(1) Payments shall be made periodically and shall be based upon an application for funds showing the estimated requirements for the period covered by the application for funds. Such payments shall be decreased or increased by the amount that prior payments exceed or are less than the Federal share of the total expenditures for the program.

(2) Payments shall not be certified unless an application for payments and all plans, reports, and documents required by this part have been received.

(3) Supplemental payment in any payment period may be certified upon submission of an application therefor accompanied by satisfactory justification.

(Sec. 10, 70 Stat. 506; 33 U.S.C. 466l. Interpret or apply sec. 5, 70 Stat. 500; 33 U.S.C. 466d)

Dated: November 18, 1964.

[SEAL] LUTHER L. TERRY,
*Surgeon General.*

Approved: December 3, 1964.

ANTHONY J. CELEBREZZE,
*Secretary.*

[F.R. Doc. 64-12659; Filed, Dec. 9, 1964; 8:48 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 15256; FCC 64-1116]

## PART 73—RADIO BROADCAST SERVICES

### FM Broadcast Stations, Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (San Diego, Calif.; Jamestown, N.Y.; Newton and Franklin, N.J.; Colorado Springs, Colo.; Toccoa, Ga., and Easley, S.C.; Menomonee Falls, Green Bay, Neenah-Menasha, Milwaukee, and New Berlin, Wis.; St. Louis Park and Minneapolis, Minn.; Radford and Blacksburg, Va.; Fairhope and Mobile, Ala.; Berkeley Springs, W. Va., and Frostburg, Md.; Nantucket, Mass.; Wallace, Idaho; Crestview, Fla.; Missoula, Mont.; Spencer, Iowa; Sanford, Winter Park, and Windermere, Fla.; Houston and Senatobia, Miss.; Jacksonville, Fla.; Huntington, W. Va.); Docket No. 15256, RM-484, RM-521, RM-488, RM-523, RM-491, RM-526, RM-492, RM-527, RM-500, RM-528, RM-501, RM-529, RM-503, RM-531, RM-507, RM-536, RM-508, RM-537, RM-513, RM-541.

*Memorandum Opinion and Order.* 1. In the Report and Order in this proceeding (FCC 64-515, released June 8, 1964) the Commission adopted its proposal to substitute a wide-area Class C channel, 231, for Channel 228A at Houston, Mississippi, and to make the concomitant substitution of Channel 224A for 232A at Senatobia, Mississippi required by this move. This proposal (RM-536) was originally advanced by WCPC Broadcasting Company, licensee of an AM station at Houston. In arriving at this decision, we rejected two counterproposals advanced by Pickens County Broadcasting Company, Inc. (Pickens) licensee of AM Station WRAG, Carrollton, Alabama, which would have substituted Class C channels for Class A channels both at Houston and at Carrollton, by making other changes in FM assignments in the area. In a petition timely filed Pickens asks reconsideration of our decision and adoption of one or the other of its alternative counterproposals. WCPC Broadcasting Company opposes the petition unless it can be assured that a Class C assignment will be available at Houston and a Class A at Senatobia. Pickens' alternatives are as follows:

ALTERNATIVE 1

| City | Add | Delete |
|---|---|---|
| Houston, Miss. | 227 | 228A |
| Corinth, Miss. | 237A | 228A |
| Carrollton, Ala. | 231 | 292A |
| Butler, Ala. | 228A | 232A |

ALTERNATIVE 2

| | | |
|---|---|---|
| Houston, Miss. | 231 | 228A |
| Senatobia, Miss. | 224A | 232A |
| Carrollton, Ala. | 300 | 292A |
| Birmingham, Ala. | | 299 |

*Consideration of alternative 2.* 2. Pickens' second alternative would involve deletion of one of Birmingham's Class C channels, as we pointed out in the Report and Order, leaving it with only two unoccupied frequencies. Pickens implies that we erred in failing to note the assignment of seven channels to the city—two more than the minimum number which we set forth in our 1962 criteria for cities of Birmingham's size—and five operating FM stations. Its contention must be rejected. The Commission is of the view that it is not in the public interest to delete one of Birmingham's seven wide-coverage channels, considering that city's size (340,887, 1960 U.S. Census) and importance, in order to provide Carrollton, a community of 894 persons, with a wide-coverage channel rather than a Class A channel. We adhere to our previous decision.

*Consideration of alternative 1.* 3. Pickens' first alternative would provide a Class C channel for Carrollton by assigning a different Class C channel (227) to Houston, and substituting Class A's for other Class A's at Corinth, Miss. and Butler, Ala. (None of present or proposed channels is occupied or applied for.) In asking us to reconsider our denial of this proposal, Pickens urges several points:

(a) The shift in Class A channels at Senatobia (224A for 232A), which we made to accommodate the Houston Class C assignment, is inefficient, since if 224A were not assigned to Senatobia it could be used at two other places in this general area, Holly Springs, Miss. and Marianna, Ark., both without assignments and both with between 5,000 and 6,000 persons, larger than Senatobia.

(b) With respect to use of Channel 237A as a Class A replacement at Corinth (part of the Pickens plant), we stated in the Report and Order that this would preclude its use to meet the future needs of other communities in the area, "such as Holly Springs * * *". Pickens points out that if not used at Corinth Channel 237A could be used only in a relatively small area, containing four communities of which only two, Holly Springs and Selmer, Tenn. (population 1,897) have more than 500 persons. It is pointed out that other channels could be assigned to both of these places if needed. Other similar matters are mentioned below in paragraph 3.

(c) While with 894 persons Carrollton is smaller than Houston (2,577), where we made a Class C assignment, its county (Pickens) is larger than that of Houston (about 22,000 compared to 17,000), and some 8 miles from the proposed site is the larger community of Aliceville (3,194).[1]

(d) In making the Class C assignment to Houston, we noted that that community is far from any metropolitan area or large city. Pickens asserts that Carrollton is similarly situated. The facts as to approximate distance from sizable cities and wide-area FM assignments are as follows: Houston is 30 miles from Tupelo (17,000, one Class C assignment), 45 miles from Columbus (25,000, one Class A assignment), 95 miles from Tuscaloosa, Alabama (63,000, one Class C and one Class A assignment), and about 100 miles from Meridian (49,000, two Class C assignments) and from Memphis (498,000 six Class C assignments). Carrollton is 25 miles from Columbus, 30 miles from Tuscaloosa, 70 miles from Meridian, and 75 miles from Birmingham (344,000, seven Class C assignments).

[1] All population figures herein are 1960 Census figures. Both Carrollton and Houston are county seats, and in each case the daytime-only AM station in the community, owned by the party seeking the Class C FM assignment, is the only broadcast facility in the county. The FM channel assigned is also the only one in each county. The only newspaper in Pickens County is published at Carrollton.



(e) We mentioned in the Report and Order that because of the wide adjacent channel spacings in this area, an FM station on a Class A channel at Carrollton would have a service area wide enough to serve its community and surrounding area adequately. Pickens asserts that there is no assurance that future FM channel shifts will not limit it to its 1 mv/m contour.

(f) Pickens again refers to the "white area" it would cover with a Class C as compared to a Class A assignment—it is asserted that an additional 26,674 persons and 1,205 square miles would receive a first aural service nighttime, many of whom receive no daytime FM service. However, this showing is based on use of 1 mv/m contours, whereas, particularly in rural areas such as those involved here, our rules state that 50 uv/m signals may provide service.[2]

3. In connection with our review of Pickens' engineering showing on petition for reconsideration we have also examined its earlier showing (in reply comments) purporting to show the slight restrictions which assignment of Channel 231 at Carrollton would place on other use of it and adjacent channels in this general area, beyond that now existing. Use of 231 at Carrollton would preclude use elsewhere in the area except under the "25 mile rule." The four adjacent Class C channels would not be affected since their use in this region is already precluded, either by assignments in other communities not mentioned here or (in the case of Channel 230) by such other assignments plus any assignment which has been made or proposed for Houston (228A, 231, or 227). As to the adjacent Class A channels (228A and 232A) the situation is as follows:

(a) Channel 228A presently could be used in a small area in western Alabama containing (as the only community of any size therein) York, population 2,932, with no present assignment. Use of 231 at Carrollton would preclude this, both directly and by requiring use of 228A as a replacement at Butler.

(b) Channel 232A is now assigned to Butler, and any further use in the area is precluded by this and by the Houston 231 assignment. Assignment of 231 to Carrollton would preclude use of 232A in the area, including Butler, and therefore Pickens proposes substitution of 228A there.

4. We have mentioned before our general principle of reserving the assignment of wide-coverage Class B and Class C FM channels for the larger communities, with smaller places to have more limited Class A assignments. In making the Houston assignment now under reconsideration we noted one exception—where the community in question is relatively far removed from any metropolitan area or large city. We found that to be the case with Houston. This is also true in the case of Carrollton since the nearest city with a Class C assignment is Tuscaloosa, about 30 miles distant.

5. On reconsideration we are convinced that Carrollton merits the assignment of a Class C channel since such an assignment would serve a large rural area and a sparsely settled population. While Carrollton itself is a rather small community, it is the county seat and location of the county's newspaper. Moreover, within the county and nearby there is a community, (Aliceville), population 3,194, where the channel could be used under the "25-mile rule." In addition, the assignment of Channel 231 to Carrollton, with the other required changes needed to make this assignment feasible and without depriving Houston of a Class C assignment, would have additional merit in that it would make more efficient use of the assignments in question.

6. Authority for the rule amendments adopted herein is contained in sections 4(i), 303(r) and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective January 11, 1965, the Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, with respect to the communities named, to read as follows:

| City: | Channel no. |
|---|---|
| Butler, Alabama | 228A |
| Carrollton, Alabama | 231 |
| Corinth, Mississippi | 237A |
| Houston, Mississippi | 227 |
| Senatobia, Mississippi | 232A |

8. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: December 2, 1964.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12668; Filed, Dec. 9, 1964; 8:49 a.m.]

[2] Pickens seeks a wide-coverage channel so that it may serve the extensive rural area which, it says, it must have to obtain sufficient economic support. Its AM station has such coverage because of its low frequency (590 kc/s), giving it a radius of about 40 miles out to its 0.5-mv/m contour. It is about 25 miles from Carrollton to the furthest points in Pickens County.

[3] Commissioners Hyde, Bartley, and Loevinger absent.

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### National Wildlife Refuges, Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 8,100 acres, are delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1965, inclusive, except an area of approximately 165 acres in Martinez Lake as posted be closed from January 1 through February 28, 1965, inclusive, and from October 1 through December 31, 1965, inclusive.

The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from April 1 through October 15, 1965, inclusive, only on the areas designated by signs as open to fishing. These open areas, comprising 945 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The use of boats or floating devices is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1965.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Oklahoma, is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open season for sport fishing on the refuge extends from April 15

through October 15, 1965, inclusive, in Great Salt Plains Lake as posted; and from February 1 through October 15, 1965, inclusive, in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1965.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing, including frogging, on the Hagerman National Wildlife Refuge, Texas, is permitted from April 1 through September 30, 1965, inclusive, only on the areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1965.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Sport fishing on the Pathfinder National Wildlife Refuge, Wyoming, is permitted from January 1 through December 31, 1965, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 16,500 acres, are delineated on maps available at refuge headquarters, Post Office Box 759, Laramie, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

WILLIAM T. KRUMMES,
*Acting Regional Director,*
*Albuquerque, New Mexico.*

DECEMBER 3, 1964.

[F.R. Doc. 64-12642; Filed, Dec. 9, 1964; 8:45 a.m.]

## PART 33—SPORT FISHING

### Muleshoe National Wildlife Refuge, Texas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

TEXAS

MULESHOE NATIONAL WILDLIFE REFUGE

Sport fishing on the Muleshoe National Wildlife Refuge, Muleshoe, Tex., is suspended for the 1965 season. A prolonged drought has resulted in a shortage of water on the public fishing area.

WILLIAM T. KRUMMES,
*Acting Regional Director,*
*Albuquerque, New Mexico.*

DECEMBER 3, 1964.

[F.R. Doc. 64-12643; Filed, Dec. 9, 1964; 8:46 a.m.]

## PART 33—SPORT FISHING

### National Wildlife Refuges, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,270 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1964, through March 21, 1965, daylight hours only.

(2) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 21, 1965.

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to fishing. This open area comprising 1,300 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1964 through March 21, 1965, daylight hours only.

(2) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally are set forth in Title 50, Part 33, and are effective through March 21, 1965.

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 10,000 acres are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1964 through March 21, 1965, daylight hours only.

(2) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 21, 1965.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to fishing. This open area comprising 11,430 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1964 through March 21, 1965, daylight hours only.

(2) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 21, 1965.

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,400 acres are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1965, through March 21, 1965, daylight hours only.

(2) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 21, 1965.



UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 6,000 acres are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1964, through March 21, 1965, daylight hours only.

(2) The use of minnows or any other fish or part thereof for bait is prohibited in all waters which lie north of the Lake Darling Dam. Minnows may be used in areas which are south of the Lake Darling Dam.

(3) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 21, 1965.

W. P. SCHAEFER,
*Acting Regional Director,*
*Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 64-12646; Filed, Dec. 9, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

**Agricultural Marketing Service**

**[ 7 CFR Part 1065 ]**

[Docket No. AO–86–A16]

### MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

**Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Nebraska-Western Iowa marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Omaha, Nebr., on August 10 and 11, 1964, pursuant to notice thereof which was issued July 15, 1964 (29 F.R. 9802).

The material issues on the record of the hearing relate to:

1. Extension of the marketing area to include several counties in western Nebraska;
2. The definition of other source milk;
3. Changes in diversion provisions;
4. Treatment of milk which is dumped;
5. The classification and pricing of milk used in manufactured products other than fluid milk products;
6. The level of the Class I price;
7. Location adjustments;
8. The method of making payments to cooperative associations; and
9. Administrative and miscellaneous changes.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The marketing area should be expanded to include the entire Nebraska panhandle. This consists of the eleven counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux.

These counties consist almost entirely of sparsely populated range lands. Comprising almost 14,000 square miles, the total population of the eleven counties according to the 1960 census is less than 105,000 persons. In the entire area there are only four communities having a population as great as 5,000. The largest of these, Scottsbluff, had a population of 13,377 in 1960.

There are located within the proposed area at the present time five unregulated plants which would become fully regulated if the marketing area were expanded as recommended. There is also an unregulated plant at Lusk, Wyo., which has some distribution within the area. The percentage of milk which it distributes in Nebraska, however, is not sufficient for the plant to meet the pool plant requirements of the order. Thus it would be a partially regulated plant under the expanded order.

There are two additional plants in the area, one at Gering and the other at Bridgeport, which are producer-handler operations. If they maintain their producer-handler status they would be exempt from all but the reporting provisions of the order.

In addition to the unregulated plants above mentioned, milk is disposed of throughout the entire area by plants which are presently regulated under both the Nebraska-Western Iowa order and the Eastern Colorado order.

The five plants which would become subject to full regulation receive milk from 40 producers, three of whom are located in Wyoming, and the remainder of whom reside in the panhandle counties. These are the only Grade A producers in the entire area. The three Wyoming producers and 31 of the 37 Nebraska producers are members of the Nebraska-Iowa Nonstock Cooperative Milk Association, the major cooperative supplying milk to regulated handlers under the present order. This association is the proponent of the proposal to expand the marketing area to include the counties in the western part of the State.

The handling of milk in the eleven panhandle counties is in the current of, or burdens, obstructs, or affects interstate commerce. As noted above, three of the 40 producers who regularly supply handlers located therein reside in Wyoming. In addition milk from a Wyoming plant is regularly disposed of in portions of the area under consideration. At least one of the unregulated handlers located in western Nebraska operates routes in the State of Wyoming.

Approximately one-half of the milk disposed of in the eleven-county area at the present time originates in plants regulated under the Nebraska-Western Iowa marketing order or under the Eastern Colorado marketing area. Between 25 and 35 percent of the regulated distribution in the area originates at plants located in the State of Colorado which are regulated by the Eastern Colorado marketing order.

Milk from the regulated plants, particularly those regulated under the Nebraska-Western Iowa order, is distributed throughout the entire eleven-county area. Two of the five plants in the proposed area are affiliated with plants regulated under the present order. They procure from the affiliated plants all of the cottage cheese and byproducts and some of the milk in special types or sizes of containers which are distributed on their routes. Other plants in the area also rely on regulated plants for specialty items.

All five plants rely on the Nebraska-Iowa Nonstock Cooperative Milk Association to furnish supplemental milk when it is needed. This milk originates at plants which are regulated under the present order.

At times surplus milk has been transferred to a manufacturing plant at Johnstown, Colorado. Some of the five plants now rely on the cooperative association to handle seasonal surpluses of milk which may occur. At times milk has been moved from the farms of the three Wyoming producers mentioned above to the receiving station operated by the cooperative at Grand Island, a pool plant under the order.

In support of its proposal to add the panhandle counties to the marketing area the cooperative stated that the move would create greater stability in the market and make it easier for it to fulfill its commitments to handlers, both those now regulated and those unregulated handlers whom they service. At the present time three of the five handlers purchase their full supply from the Nebraska-Iowa Nonstock Cooperative Milk Association. Generally this milk is delivered directly to plants from the farms of the producers located in that area. The cooperative also occasionally supplies supplemental milk to plants which do not regularly purchase milk from its members. When supplemental supplies are needed the milk could either be moved from the supply plant of the cooperative at Grand Island, Nebraska, or producers could be transferred from regulated plants at the extreme western part of the present marketing area to the unregulated plants. In the latter instance milk must be moved from Grand Island to the plants from which the producers were transferred since these plants would normally be in relatively short supply at the same time as panhandle plants.

The milk which the cooperative association disposes of to presently unregulated plants is classified and priced by





agreement according to the provisions of the present order. It was stated that the cooperative association had been given assurance that it would be permitted to audit the records of the handlers to verify the utilization of its milk. It appears that this privilege has never been exercised.

The producers residing in Nebraska are paid prices comparable to those received by other members of the association who are producers as defined in the present order. The three Wyoming producers, however, are paid prices which are fixed by a Wyoming State regulation. These prices are somewhat higher than the prices received by Nebraska-Western Iowa producers.

Those plants which buy milk from nonmember producers purchase such milk at prices comparable to those paid for milk purchased from the cooperative association.

Inclusion of the panhandle counties in a marketing area would tend to stabilize marketing conditions, remove inequities that may now exist between panhandle dairy farmers and member producers under the order, and facilitate the task of the cooperative association in performing its marketing functions.

At the present time the reserve supplies for plants in the eleven-county area are carried by the producers whose milk is regulated under the present order. The plants in the panhandle area are predominately bottling plants engaged primarily in bottling fluid milk. They have no surplus disposal facilities. They tend to receive from producers only sufficient milk to take care of their bottling requirements. Therefore, the seasonal surplus associated with the supplemental milk needed for bottling in the short season by these plants is identified with the marketing order.

The small seasonal surpluses which may occur in the panhandle plants are transferred to the order pool. Whenever the milk of the farmers in the panhandle is received at regulated plants, they become producers under the order and this milk shares in the market pool. Since this milk is surplus to the needs of the market, it places on the order pool the burden of the seasonal surplus of the panhandle farms.

When milk is needed in the panhandle counties it would be more economical for the cooperative association to shift producers to that area from the western-most plants now regulated and move milk from Grand Island to the plant from which the milk was taken than to haul milk from the receiving station at Grand Island to plants at Scottsbluff or Chadron.

However, because the panhandle plants are not now regulated if the producers are transferred to the panhandle plants such producers lose their status as producers while the milk is off the market and the milk ceases to be subject to regulation under the order. If the producers were considered as diverted, their milk would be subject to a location differential which at Scottsbluff would result in a price 25.5 cents lower than the uniform price paid at pool plants.

Similarly, when surpluses occur in the western part of the State it would be more economic to move excess supplies to presently regulated plants which could use it for Class I and direct to the Norfolk manufacturing plant of the cooperative nearby supplies of milk which otherwise would go to bottling plants. When this occurs the dairy farmers whose milk is received at regulated plants become producers under the order any day that their milk is received at a regulated plant. Thus, this transfer adds to the milk in the pool only the excess milk from the panhandle plants thereby increasing the percentage of Class II milk in the pool and reducing the uniform price accordingly. On the other hand, if the milk were first received at panhandle plants and then transferred to the Norfolk plant it would be other source milk and would not affect the pool, but the expenses involved in such transportation would be extremely uneconomical. If the entire area were under one order the cooperative would be in a position to move milk in the most economical manner without affecting the pool in any way. Thus the marketing area recommended herein is practicable in view of these marketing conditions.

At the present time handlers in the panhandle area are buying milk at lower prices and have a competitive advantage over handlers regulated under the Eastern Colorado order where the Class I price is substantially higher than the price which they are presently paying for milk. Because the price they presently pay does not reflect the cost of transportation to the panhandle they likewise enjoy a substantial competitive advantage over handlers regulated under the Nebraska-Western Iowa order who dispose of milk in the panhandle counties. As noted above sales by handlers regulated under these orders are approximately one-half of the total sales in the area and of this amount between 65 and 75 percent originates at plants regulated under the Nebraska-Western Iowa order.

Presently regulated handlers, with the exception of the two which are affiliated with plants in the panhandle area, favor the expansion of the marketing area. One of the handlers operating both a regulated and an unregulated plant did not oppose expansion of the marketing area but was opposed to any increase in the level of the Class I price in the panhandle counties. The question of class pricing will be discussed below.

It is necessary that all producer milk be fully regulated under the order regardless of whether it is disposed of within or without the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" milk is subject to classification, pricing and pooling, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short unless all milk of such a handler is fully regulated he would not in fact be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and lead to a complete breakdown of the order.

As noted in the decision of June 19, 1964 (29 F.R. 9214) on amendments to several orders, including the Nebraska-Western Iowa order, there is no way to treat unregulated milk equally with regulated milk other than to regulate it fully. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize the marketing conditions within the regulated marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the regulated market and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers or a uniform basis of payments to the producers who supply the market.

It is absolutely essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

2. *Limitation of diversions.* The present diversion provision of the order should be amended to provide that up to 50 percent of the production of any producer may be diverted to a nonpool plant during the months of July through February. The present order provides that milk of a producer may be diverted for not more than 16 days during each of these months. It is more appropriate to base the amount of milk which may be diverted on the producer's total production during the month rather than on a specific number of days. Under the present order a dairy farmer might be a producer on the market for only 17 days and yet have his milk diverted on 16 of those days. Under the proposal recommended, half of the producer's milk may be diverted regardless of the number of days that he was a producer during the month. Any milk diverted in excess of 50 percent should be nonproducer milk for that month and should be excluded from pooling under the order. The cooperative association proposed that, if a producer's milk were overdiverted, all of the milk produced by him during the month should be considered other source milk. It does not appear reasonable to adopt such a proposal since producers as individuals often have no control over the diversion of their milk.

This is at the discretion of either the cooperative association or the proprietary handler who receives their milk.

The order now provides for unlimited diversion of producer milk during the months of March through June. The cooperative proposed that the month of March be added to the period of limited diversion. They stated that March was not a month of high production. Therefore, there would be no need to divert milk other than on weekends during March. A review of the market statistics, however, indicates that daily average production during the month of March is very nearly as great as during the month of April and in two of the past three years has been greater than production during the month of June. Under these circumstances, it is evident that March from a production standpoint corresponds more closely to the surplus production months of April, May and June than to the other months of the year. The order should continue to provide that milk may be diverted in unlimited quantities during the month of March.

The cooperative also proposed that milk of a producer not be permitted to be diverted during the flush production months unless he had been a producer during the entire month preceding the period of unlimited diversion. It was their contention that, otherwise, the order provisions would be subject to abuse since it would be possible for a plant operator to take on additional producers just before the period of unlimited diversion and then divert the milk to a manufacturing plant during the entire period. In effect this could result in his being reimbursed from the marketwide pool for a supply of milk which was intended only for manufacturing uses.

There is no evidence that any such situations have ever developed nor that one is likely to occur in the future. Too, producers who might not have been on the market during the entire month preceding would be scattered through the milkshed. Their milk would be picked up on trucks which carried the milk of other producers who had been on the market. Since milk may be diverted only in truck loads, any such producer whose milk was on a route which was diverted to the manufacturing plant would lose his status as a producer for the month. The proposal of the cooperative association in this regard should not be adopted.

3. *Definition of other source milk.* The definition of other source milk provided in the order should be revised to include any disappearance of nonfluid milk products not otherwise accounted for.

The order now includes in the definition of other source milk only those nonfluid products which have been reprocessed or converted to another product in the plant during the month. It can be argued that the handler is not required under the present order to account to the market administrator for such products which have disappeared but which are not shown to have been reprocessed or used in the manufacture of other products. Proper administration of the order requires that the handler account for the disposition of such products. Otherwise, the door is left open for circumvention of the order provisions.

If a handler were to purchase 100 bags of nonfat dry milk solids and report only 90 bags used in fortified products, or otherwise disposed of, and yet have no nonfat dry milk solids remaining on hand, under the terms of the present order there is a question as to whether, technically, the ten bags of powder not accounted for would be other source milk. It is considered other source milk and thus is subject to class pricing under the order, only as the market administrator assumes that the disappearance of the powder and the handler's inability to account for it constitutes evidence that the nonfat solids in question had been used in the production of fluid milk products.

By adding to the definition of other source milk, "any disappearance of nonfluid products not otherwise accounted for," there will be no doubt of the market administrator's authority to consider as used for fluid purposes nonfat solids for which the handler was unable or unwilling to account otherwise.

Handlers opposed the change on the ground that they would thereby be accountable for products which might have been stolen by employees or destroyed accidentally in the plant operations. This is no different from their being accountable for cream or milk which might be stolen by employees, or which might be lost in the plant through accident or carelessness on the part of the employees.

In order to verify the actual utilization of milk received from producers, it is necessary that the market administrator be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs, as a result of the discrepancy between the records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly accounted for all milk and dairy products received at the plant. It is equally necessary that the handler be required to account for all nonfluid dairy products which are in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of nonfat dry milk products and similar products which he reconstituted into skim milk or other Class I items, could gain a competitive advantage over other handlers in the market.

A change should also be made in the manner of prorating shrinkage between milk which is pooled and other source milk. The present order prorates shrinkage over all receipts of other source milk, regardless of the form in which received. Thus the handler is permitted shrinkage on receipts of manufactured dairy products which may merely pass through the plant. In many cases repackaging is the only process performed in the plant. The handler, however, is permitted shrinkage up to two percent of the milk equivalent of such products, just as though he had received the milk and processed it in his plant. This results in excess shrinkage incurred in handling pool milk.

To rectify this matter actual shrinkage should be prorated between pool milk and other source milk received in the form of fluid milk products.

4. *Classification of skim milk which is dumped.* The order should be amended to provide Class III classification for any fluid milk product or cottage cheese which is dumped. Such classification should only apply in those cases where the market administrator has received prior notification of the dumping and been given the opportunity of verification should he deem it necessary. This limitation will prevent any handler from employing this provision to circumvent the shrinkage limitations of the order.

In many cases handlers have small amounts of skim milk remaining after their fluid requirements have been met. The cost of transporting such small quantities to manufacturing plants is often prohibitive. In addition, handlers have the problem of disposing of milk which is found to contain foreign materials. Providing for Class III classification of milk which is dumped will accommodate these and similar situations.

Producers objected to any dumping provision on the basis that adequate outlets are available for the sale of skim milk and also that the market administrator would have difficulty verifying such dumping because of the large marketing area.

In the eleven-county area proposed to be added to the marketing area in this decision there are a number of small handlers who will become fully regulated under the order. The only outlets for surplus skim milk available to many of these handlers are located at considerable distances from their processing plants. Although this area is relatively distant from the office of the market administrator, his employees will be in the general area on a more or less continuous basis in the performance of their duties. Thus, it should be possible for the market administrator to verify dumping without undue difficulty or expense.

5. *Classification and pricing of milk used in manufactured products.* The order should be amended to provide that skim milk and butterfat used to produce cottage cheese be classified as Class II and priced at the basic formula price plus 15 cents. A new Class III should be defined to include the skim milk and butterfat used to produce manufactured products other than cottage cheese. The Class III price should be the basic formula price which is the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department.

The Class II price under the present order is computed from a butter-powder formula. For the period from July 1963 through June 1964, the most recent twelve months for which statistics were available, the order Class II price averaged $3.03 while the average Minnesota-Wisconsin price was $3.13.



The Nebraska-Iowa Nonstock Cooperative Milk Association proposed the Class II classification for cottage cheese and ice cream and the new Class III classification for other manufactured products presently classified as Class II. They proposed that the Class II price be the basic formula price plus 25 cents and that the Class III price be the basic formula price. Related proposals submitted by the association provided for a Class II butterfat differential priced midway between the present Class I and Class II differentials and amendment of the transfer provisions to provide for Class II classification of transfers or diversions to nonpool plants producing both Class II and Class III products.

At the hearing proponents modified their Class II proposals by deleting ice cream and ice cream mix from the Class II classification and combining the Class II and Class III butterfat differentials at the level of the present Class II differential. Since no further testimony concerning the proposals to include ice cream in Class II and to provide for a separate Class II butterfat differential was presented by any interested parties, they are not considered in this decision.

Regulated handlers generally objected to the proposed increases in the price of milk used for cottage cheese and other manufactured products. A number of handlers testified that since October 1963 they had been paying the cooperative 15 cents over the present Class II price for milk used in cottage cheese and the order should reflect only this premium. One large handler, however, with pool plants located at Lincoln and Omaha, Nebraska, and who produces cottage cheese and distributes it over a wide area, in large measure, supported the position of the cooperative association.

It was the position of this handler that the manufactured milk price should be raised to the level of the Minnesota-Wisconsin pay price. This handler also favored the establishment of a separate Class II classification for cottage cheese but stated that the competitive situation would not justify a Class II price more than 15 cents over the basic formula price.

The Nebraska-Iowa Nonstock Cooperative Milk Association has assumed the responsibility for supplying the regulated handlers in this market with their needs for fluid milk and cottage cheese. Testimony indicates that it has been the practice in this market for handlers to utilize local supplies of fluid milk to manufacture cottage cheese. In a few cases when supplies were short certain handlers have paid Class I prices to obtain fluid milk for use in cottage cheese.

Cottage cheese is the principal manufactured dairy product made by proprietary handlers in the Nebraska-Western Iowa market. During the period from July 1963 through June 1964, an average of 4.6 million pounds of milk per month, which amounts to 10 percent of total receipts, was used to produce cottage cheese. Thus, this is an important outlet for local supplies of skim milk.

If local skim milk is priced too low relative to the cost of alternative supplies of cottage cheese or dairy products for making cottage cheese, producers do not receive the full market value for their milk. However, if milk used in cottage cheese is priced higher than the alternative product cost, use of skim milk in cottage cheese might be discouraged.

Nebraska health regulations require that cottage cheese produced or sold within the State be made from Grade A milk. Although some cottage cheese not bearing a Grade A label is being sold within the Nebraska portion of the marketing area, there is no evidence to show that such cottage cheese is not being produced from Grade A milk. Council Bluffs, the major population center in the Iowa portion of the marketing area, also requires that Grade A milk be used for cottage cheese.

The proposed Class II price for cottage cheese (basic formula plus 15 cents) would have averaged $3.28 per hundredweight for milk containing 3.5 percent butterfat during the period from July 1963 through June 1964. The applicable butterfat differential for the same period would have resulted in an average value for butterfat of 67 cents per pound. Deducting this butterfat value, the proposed Class II price for skim milk would have been approximately 86.5 cents per hundredweight. Assuming a yield factor of 13 pounds of curd per hundred pounds of skim, the product cost of curd would have averaged about 6.7 cents per pound. When production costs are added to this, the resulting price would still be less than the cost of curd from any other source.

A potential alternative source of Grade A cottage cheese curd is the Twin City Milk Producers Association, St. Paul, Minnesota. They quote a delivered price of 14 5 cents per pound of curd when transportation costs are less than one cent per pound.

Nonfat dry milk is also an alternative to fluid skim milk for the manufacture of cottage cheese. The lowest price quoted for Grade A nonfat dry milk was 16.25 cents per pound delivered to Nebraska plants in truckload lots. This is the cooperative's price for powder produced at its Norfolk plant. At the rate of 8.5 pounds of nonfat solids per hundredweight of skim milk, the price per hundredweight of the skim milk equivalent would be $1.38.

One handler who objected to the higher price for milk used in making cottage cheese cited comparable prices for milk used in cottage cheese under other Federal orders. However, there are now no movements of cottage cheese into the marketing area from plants regulated under other Federal orders. Opponents presented no testimony indicating other available sources of Grade A cottage cheese or what it might cost to transport cottage cheese from other Federal order markets to this market.

The price of 15 cents per hundredweight over the Minnesota-Wisconsin price series should encourage the continued use of local supplies of Grade A skim milk in the production of cottage cheese. It is not so high that it could lead to cottage cheese being imported from other areas at times when local supplies are available for such use. This is the identical price provided under the Eastern Colorado order and, therefore, would tend to promote better pricing alignment between that marketing area and the Nebraska-Western Iowa marketing area.

The proposal to provide that milk moved to a nonpool plant engaged in the production of cottage cheese be classified as Class II at the transferor plant to the extent such assignment is possible at the nonpool plant should not be adopted. At the present time no milk is transfered or diverted by regulated handlers to nonpool plants qualified to produce Grade A cottage cheese. At the present time there are no such outlets available for the disposal of surplus fluid milk. Should any of the present outlets for surplus milk begin the production of cottage cheese, it is possible that such a provision would interfere with the orderly disposition of the market's reserves.

The Class III price under the order should be the basic formula price which is the Minnesota-Wisconsin price series. During the period from July 1963 through June 1964, this series averaged ten cents per hundredweight more than the present butter-powder formula Class II price.

The Minnesota-Wisconsin price series reflects the prices paid for manufacturing grade milk by plants located in the two states. A substantial portion of the total manufacturing grade milk sold off farms in the United States is produced in these two states. Since this series measures the competitive value of ungraded milk used in a variety of products, it better reflects the overall value of milk used for manufacturing purposes than does the present formula which is tied to butter and powder prices.

Fluid milk markets must have a supply of milk which includes a reserve over fluid sales to accommodate daily and seasonal variations in demand. When this reserve is not used for fluid purposes it must be disposed of in manufactured products. The price for such reserve milk, in excess of that used to produce cottage cheese, should be established at a level low enough to permit its orderly disposition for manufacturing but not so low as to encourage additional supplies to be used only for manufacturing.

The proponent cooperative association has assumed the responsibility for marketing the surplus in this market. It operates a butter-powder plant at Norfolk, Nebraska, where it handles most of the market's Grade A surplus. In addition this plant receives milk from approximately 800 manufacturing milk producers on a regular basis. The pay price at this plant for both surplus Grade A milk and manufacturing milk is the Minnesota-Wisconsin series.

The reported paying prices per hundredweight for ungraded milk containing 3.5 percent butterfat at nearby manufacturing plants during the first six months of 1964 ranged from $3.25 at Sioux Falls, South Dakota, and Sibley, Iowa, to $3.15 at Sebetha, Kansas. Manufacturing plants located within the marketing area were reported to be pay-

ing on the basis of the Minnesota-Wisconsin series for their supplies. Since this price series appears to be in line with the prices which have been, and are being paid by the majority of manufacturing plants in the area, it would be improper to provide a lower price for producer milk used in the manufacture of the same products.

Some handlers supported a proposal to establish a special price for butterfat disposed of to butter plants. It was their contention that at times they had excess cream which could be disposed of only through such outlets and that the price received for such cream was less than the Class II price now fixed in the order.

The order cannot be expected to guarantee that a handler will make a profit, or even break even, on every business transaction. There will always be some sales that will be consummated at a loss just as there will be others which will prove highly profitable. The Class III price recommended herein is an appropriate price for milk used in the manufacture of butter.

6. *Class I price.* The Class I differential should be maintained at its current level at plants in the eastern portion of the present marketing area. At plants in the western portion of the present marketing area, however, the Class I differential should be increased 15 cents to $1.55 per hundredweight, while in the extreme western portion of Nebraska the differential should be fixed at $1.80 per hundredweight.

Specifically the differential of $1.55 should apply at plants located in Dawson, Furnas, Frontier, Gosper, Keith, Lincoln, and Red Willow Counties, Nebraska. These counties have been designated as the Central zone. The differential of $1.80 would be applicable in the panhandle counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux and Scotts Bluff. These counties have been designated as the Western zone. At plants located outside the marketing area (all plants which would be regulated under the order at the present time are located in the marketing area) the Class I price would be that applicable at the nearest pricing zone in the marketing area, subject to a location differential.

The addition to the marketing area of the eleven counties in the Nebraska panhandle points out and intensifies the need for a reconsideration of the pricing pattern in the Nebraska-Western Iowa marketing area. At the present time the Class I price is identical throughout the marketing area. The price in the western portion of the area does not reflect the cost of moving milk from the areas where supplemental supplies must be obtained. Neither does it reflect a proper alignment with other markets in the vicinity.

During the months of short supply supplemental milk is needed by the plants located in the Central and Western zones. The cost of moving milk from the Grand Island receiving station in the Eastern zone to plants in the Central zone is approximately 15 cents per hundredweight, while the cost of moving milk from Grand Island to plants in the Western zone is approximately 40 cents per hundredweight.

Approximately the same differences would be reflected in the transportation cost of milk moved from the surplus producing areas of Minnesota and Wisconsin. In the past, milk has been procured from these areas when local producer receipts were insufficient to meet the Class I requirements of the market.

The maintenance of proper price alignment between competing markets is also an important consideration in establishing Class I prices under an order. The marketing area as defined herein abuts both the Eastern Colorado and the Black Hills marketing areas.

Although there is presently no milk being sold by handlers located in the Chadron-Scottsbluff area into the Eastern Colorado or Black Hills marketing areas, there is no reason to assume this will continue to be the case when these handlers become fully regulated. The uncertainty regarding the status of partially regulated handlers which existed until August 1, 1964, undoubtedly had an inhibiting effect on the expansion of sales by unregulated handlers into regulated markets.

However, as noted above, Eastern Colorado handlers distribute substantial quantities of milk in the western part of Nebraska. There is a great deal of competition in this area between presently unregulated handlers, and handlers regulated under both the existing Nebraska-Western Iowa order and the Eastern Colorado order. In addition at least one handler regulated under the Nebraska-Western Iowa order distributes milk into the Eastern Colorado order from its plant at North Platte which is in the proposed Central pricing zone.

The receiving station of the Nebraska-Iowa Nonstock Cooperative Association at Grand Island qualified as a pool supply plant under the Eastern Colorado order through shipments from that plant during the fall of 1963. (Official notice is taken of the market administrator's 1963 bulletins for Federal Order No. 137.) During this same period a number of the cooperative's members located in western Nebraska shipped their milk directly to Eastern Colorado pool plants and thereby qualified as producers under that order.

It is evident, therefore, that there must be proper alignment of prices between handlers located in western Nebraska and those regulated under the Eastern Colorado order. If the Nebraska prices are too low relative to those in Eastern Colorado, Order 137 handlers would be at a competitive disadvantage for sales within their own marketing area. Also dairy farmers who constitute the local supply for western Nebraska handlers would be encouraged to become associated with the Eastern Colorado pool to take advantage of the higher prices.

A differential of $1.80 over the basic formula at Scottsbluff would result in a Class I price at an Order 65 pool plant at that location almost identical to the Class I which would be applicable at such plant if it were fully regulated under the Eastern Colorado order. The proposed differential of $1.55 at North Platte would result in handlers in this area being on an approximately equal competitive basis with Scottsbluff handlers in the cost of milk delivered to Scottsbluff. At the same time handlers in this $1.55 zone will not be at a disadvantage with Grand Island distributors because these handlers will have incurred additional transportation costs in delivering milk to North Platte.

The distribution from the plant at North Platte is greater in the areas where an increase in the Class I price is proposed than its eastward distribution. The handler operating this plant also operates a pool plant at Lincoln so that he may minimize any competitive disadvantage with respect to eastward sales from his North Platte plant.

The supply of milk at North Platte has not been adequate to fulfill Class I needs plus a reasonable reserve. The cooperative has found it necessary to transfer milk from its Grand Island receiving station to the plant at North Platte. A realignment of prices at this location is thus necessary. The proposed increase should tend to attract an adequate supply of milk in this area.

Handlers in the western part of the State opposed the proposed increase in the Class I price. When North Platte and Grand Island were regulated under the Platte Valley marketing order before its merger with the Omaha-Council Bluffs-Lincoln order the price was 10 cents higher than the price at Omaha. Subsequently such price was reduced to the same level as the Class I price in Omaha.

Decisions issued in 1958 (23 F.R. 948) and 1961 (26 F.R. 9717) denied proposals that the Class I price at North Platte be higher than the Omaha Class I price. The reason given for the 1958 denial was that North Platte plants had substantial eastward distribution and they would, therefore, be at a competitive disadvantage with respect to such sales. In 1961 it was concluded that no increase was appropriate since prices equal to those in Omaha had attracted an adequate supply of milk.

There have been a number of significant changes since the evidence on which these decisions were based was received. The Eastern Colorado milk order is now in effect. The Class I price under this order is $.70 higher than the Class I price applicable at North Platte. This higher price has resulted in producers located in western Nebraska shipping their milk to Eastern Colorado pool plants. The association has found it economical to transfer milk from its Grand Island plant to Denver handlers at the Order No. 137 Class I price, while at the same time paying the Nebraska-Western Iowa Class I price for milk imported from Minnesota to supply handlers in the Omaha-Lincoln area. Also packaged products are being distributed in the Eastern Colorado marketing area from a plant located at North Platte.

A representative of the Denver Milk Producers, Inc., a cooperative representing a majority of the producers in the Eastern Colorado market, proposed a



differential of $1.715 at North Platte. He stated that this price would be necessary to bring about Class I price alignment between North Platte and Denver. The competition for sales in the North Platte zone is mainly between local handlers and those in the Grand Island area, while the volume of sales by the North Platte handler into the Eastern Colorado marketing area is comparatively small. Adoption of a differential higher than $1.55 in the North Platte zone would place these handlers at a serious disadvantage with their major competitors and is therefore not appropriate.

As noted above the proposed differentials at North Platte, Chadron and Scottsbluff recognize the additional transportation cost which would be necessary to deliver supplemental milk to these points rather than to Omaha from the usual sources of such milk. During certain months of 1963 and 1964 the major cooperative found it necessary to import supplemental milk. This milk was obtained from sources in Iowa, Minnesota and Wisconsin and supplied to handlers in Omaha and Lincoln, Nebraska. At times when milk is in short supply, the cooperative has redirected bulk tank routes normally received at its Grand Island receiving station for transfer to plants in the Omaha and Lincoln areas to plants in the western part of the State. Otherwise it might have been necessary to import milk to supply these plants. It is obviously more economical to have supplemental milk from Minnesota received at Omaha or Lincoln instead of North Platte.

The proposed Class I differentials would result in substantial equity among all handlers competing for sales in the major population centers in the marketing area. The proposed conforming change in uniform prices to producers would also tend to assure handlers that an adequate supply of milk will continue to be available locally.

7. *Location adjustments.* The present order provides that Class I and uniform prices at pool plants located more than 80 miles from certain specified points in the marketing area shall be reduced 12 cents plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles.

This provision should be continued. Because of the expansion of the marketing area and the establishment of pricing zones within the marketing area, it is necessary that additional basing points be established and that the prices effective at the affected plant be those which are applicable at the nearest basing point subject to the appropriate adjustment.

Chadron and Scottsbluff should be added as basing points in the Western zone, and Norfolk should be substituted for Columbus as a basing point in the Eastern zone.

At the present time there are no plants located outside the defined zones which would qualify as pool plants under the order.

Scottsbluff is the major population center in the Western zone. Chadron is the largest city in the northern portion of this zone. Use of these two cities will establish a better balance in the pricing pattern than would the use of a single basing point in the Western zone.

For the same reason Norfolk has been substituted for Columbus as one of the basing points in the Eastern zone. There are no pool plants in Columbus, which is located in the same general area as Grand Island, Lincoln and Omaha. Norfolk is directly north of Columbus. It contains two pool plants as well as the surplus disposal plant operated by the cooperative association. Using it as a basing point will give more balance since it will distribute the basing points more uniformly throughout the marketing area. Its use will not affect prices at any pool plant nor at either of the two plants in Iowa which are presently subject to partial regulation under the order.

8. *Payments to cooperative associations.* The order should be amended to provide that handlers pay a cooperative association at the class prices rather than at the uniform price for milk received from the cooperative association in its capacity as the handler for its members' milk.

From the inception of the original Omaha-Council Bluffs order in April 1939 until November 1961, a cooperative association was the handler for all its member milk. Handlers paid the cooperative association at the class prices and the cooperative association settled with the market administrator through the producer-settlement fund. Since November 1961, handlers have settled directly with the market administrator and the cooperative associations have received the uniform price for their member milk.

The major cooperative association, after three years experience under the present procedure, feels that its marketing efficiency has been impaired. When handlers purchase milk at class prices rather than at the uniform price the association is much better informed as to the fluid needs of the handlers in the market. It is thus in a better position to distribute available supplies among handlers to meet their individual requirements. Since this association represents approximately 95 percent of the producers on the present market, and 85 percent of the producers in the area proposed to be added to the market, the ability of the cooperative association to shift its member milk to the best advantage is of extreme importance to the economy and efficiency of the entire market.

Adoption of this provision will in no way affect handlers' costs for milk. It will result only in their paying the entire cost of their milk to the cooperative association, rather than paying part to the cooperative association and part to the producer-settlement fund in the case of high utilization handlers, or in the case of low utilization handlers, paying the cooperative association more than the use of value of their milk and being reimbursed from the producer-settlement fund.

9. *Conforming changes.* Because of the extensive nature of the amendments discussed above it has been necessary to revise other sections of the order to make them conform to the recommended amendments. Such changes, however, are not substantial and will not affect the order as it applies to handlers and producers.

Addition of the eleven counties to the marketing area would require a conforming change in the basing points provided in the transfer provisions. The order presently requires skim milk and butterfat in the form of bulk fluid milk products be Class I if transferred or diverted to a nonpool plant located more than 200 miles from the nearer of Omaha or North Platte. In the past surplus milk from the Scottsbluff area has been moved to Johnstown, Colorado, for manufacturing purposes. To accommodate the orderly disposition of surplus milk in this portion of the marketing area, Scottsbluff should be added as a basing point for determining the nonpool plants at which transfers or diversions may be accounted for at less than Class I.

It is further concluded that the order as modified by the amendments above recommended is a proper instrument for regulation of the marketing of milk in the eleven counties to be added to the marketing area.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Nebraska-Western Iowa marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS


Sec.
1065.1 Act.
1065.2 Secretary.
1065.3 Department.
1065.4 Person.
1065.5 Cooperative association.
1065.6 Nebraska-Western Iowa marketing area.
1065.7 Producer.
1065.8 Handler.
1065.9 Producer-handler.
1065.10 Distributing plant.
1065.11 Supply plant.
1065.12 Pool plant.
1065.13 Nonpool plant.
1065.14 Producer milk.
1065.15 Other source milk.
1065.16 Fluid milk product.
1065.17 Route.
1065.18 Butter price.

MARKET ADMINISTRATOR

1065.20 Designation.
1065.21 Powers.
1065.22 Duties.

REPORTS, RECORDS AND FACILITIES

1065.30 Reports of receipts and utilization.
1065.31 Payroll reports.
1065.32 Other reports.
1065.33 Records and facilities.
1065.34 Retention of records.

CLASSIFICATION

1065.40 Skim milk and butterfat to be classified.
1065.41 Classes of utilization.
1065.42 Shrinkage.
1065.43 Responsibility of handlers and reclassification of milk.
1065.44 Transfers.
1065.45 Computation of skim milk and butterfat in each class.
1065.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1065.50 Basic formula price.
1065.51 Class prices.
1065.52 Butterfat differentials to handlers.
1065.53 Location adjustments to handlers.
1065.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

1065.60 Producer-handler.
1065.61 Plants subject to other Federal orders.
1065.62 Handler operating a partially regulated distributing plant.

DETERMINATION OF PRICES TO PRODUCERS

1065.70 Computation of the net pool obligation of each pool handler.
1065.71 Computation of uniform prices.
1065.72 Butterfat differential to producers.
1065.73 Location differentials to producers and on nonpool milk.
1065.74 Notification of handlers.

PAYMENTS

1065.80 Time and method of payment.
1065.81 Producer-settlement fund.
1065.82 Payments to the producer-settlement fund.
1065.83 Payments out of the producer-settlement fund.
1065.84 Adjustment of accounts.
1065.85 Marketing services.
1065.86 Expense of administration.
1065.87 Termination of obligations.

MISCELLANEOUS PROVISIONS

1065.90 Effective time.
1065.91 Suspension or termination.
1065.92 Continuing obligations.
1065.93 Liquidation.
1065.94 Agents.
1065.95 Separability of provisions.


AUTHORITY: The provisions of this Part 1065 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

**§ 1065.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

**§ 1065.2 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

**§ 1065.3 Department.**

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

**§ 1065.4 Person.**

"Person" means any individual, partnership, corporation, association, or any other business unit.

**§ 1065.5 Cooperative association.**

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application of the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of, or marketing, milk or its products for its members;

(c) Has its entire activities under the control of its members.

**§ 1065.6 Nebraska-Western Iowa marketing area.**

The Nebraska-Western Iowa marketing area, hereinafter called "marketing area" means all the territory within the counties and townships enumerated below, together with all territory within the boundaries so designated which is occupied by Government (municipal, State or Federal) reservations, installations, institutions or other establishments:

(a) *Eastern zone.* The counties of Harrison and Mills and the townships of Boomer, Crescent, Garner, Hardin, Hazel Dell, Kane, Keg Creek, Lake, Lewis, Minden, Neola, Norwalk, Rockford, Silver Creek, Washington and York in Pottawattamie County, all in the State of Iowa, and the counties of Adams, Boone, Buffalo, Burt, Butler, Cass, Clay, Colfax, Cuming, Custer, Dodge, Douglas, Fillmore, Franklin, Gage, Greeley, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kearney, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Phelps, Otoe, Platte, Polk, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Washington, Wayne, Webster, Valley, and York, all in the State of Nebraska;

(b) *Central zone.* The counties of Dawson, Frontier, Furnas, Gosper, Keith, Lincoln and Red Willow, all in the State of Nebraska;

(c) *Western zone.* The counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux, all in the State of Nebraska.

**§ 1065.7 Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1065.14.

**§ 1065.8 Handler.**

"Handler" means:

(a) Any person who operates a pool plant. In case a corporation with recognized divisions which are operated as separate business units operates two or more pool plants, each such division shall be the handler with respect to the pool plant(s) it operates;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such association;

(d) A cooperative association with respect to milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case, the milk is received from producers by the cooperative association at the location of the plant to which it is delivered; and

(e) A producer-handler, or any person who operates an other order plant described in § 1065.61.

**§ 1065.9 Producer-handler.**

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who



meets the qualifications specified in paragraphs (a) and (b) of this section;

(a) Receipts of fluid milk products at his plant are solely milk of his own production and from pool plants of other handlers; and

(b) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

**§ 1065.10 Distributing plant.**

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes in the marketing area.

**§ 1065.11 Supply plant.**

"Supply plant" means a plant from which milk, skim milk, or cream, acceptable to an appropriate health authority for distribution in the marketing area under a Grade A label, is shipped during the month to a pool plant qualified pursuant to § 1065.12.

**§ 1065.12 Pool plant.**

"Pool plant" means a plant, other than that of a producer-handler or a handler partially exempt pursuant to § 1065.61, described in paragraph (a) or (b) of this section. If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of plants qualifying as pool plants pursuant to this paragraph), and cooperative associations pursuant to § 1065.8(d), is disposed of during the month on routes and not less than 15 percent of such receipts are so disposed of in the marketing area; and

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 1065.8(d) during such month. A supply plant that qualifies as a pool plant in each of the immediately preceding months of August through December shall be a pool plant for the succeeding months of January through July, unless the plant operator requests the market administrator, in writing, that such plant not be a pool plant, such nonpool plant status to be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments.

**§ 1065.13 Nonpool plant.**

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

**§ 1065.14 Producer milk.**

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section;

(b) With respect to receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1065.8(c), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1065.8(d);

(c) With respect to diversions to nonpool plants pursuant to paragraphs (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of March through June, but may not be more than 50 percent of the total production of any producer during any other month and milk diverted in excess of this limit shall not be producer milk; and

(2) For the purpose of location adjustments pursuant to §§ 1065.53 and 1065.73, milk so diverted shall be priced at the location of the plant to which diverted.

**§ 1065.15 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products (except cottage cheese from pool plants) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of products other than fluid milk products capable of being converted into fluid milk products and not otherwise accounted for pursuant to § 1065.33.

**§ 1065.16 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

**§ 1065.17 Route.**

"Route" means any delivery (including delivery by a vendor or through a distribution point, or sale from a plant store) of a fluid milk product to retail or wholesale outlets other than a delivery (a) in bulk to a milk plant, or (b) to a food processing plant pursuant to § 1065.41(c)(4).

**§ 1065.18 Butter price.**

"Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month.

MARKET ADMINISTRATOR

**§ 1065.20 Designation.**

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

**§ 1065.21 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 1065.22 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with satisfactory surety

thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1065.86 the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1065.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records and facilities of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) On or before the 12th day after the end of the month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(k) Publicly announce and notify each handler in writing on or before: (1) The 10th day of each month, the Class I milk price pursuant to § 1065.51(a) and the Class I butterfat differential pursuant to § 1065.52(a) for the current month, and the Class II and Class III prices pursuant to § 1065.51 (b) and (c) and the Class II and Class III butterfat differential pursuant to § 1065.52(b) for the preceding month; and (2) the 12th day after the end of each month, the uniform price pursuant to § 1065.71, and the butterfat differential to be paid pursuant to § 1065.72;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1065.46(a)(8) and the corresponding step of § 1065.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1065.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

**§ 1065.30 Reports of receipts and utilization.**

On or before the 7th day, excluding holidays, after the end of each month each handler shall report to the market administrator for such month in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler operating pool plants shall report the quantities of skim milk or butterfat in:

(1) Receipts at each such plant in:

(i) Producer milk;

(ii) Milk received from cooperative associations pursuant to § 1065.8(d);

(iii) Fluid milk products received from other pool plants; and

(iv) Other source milk;

(2) Opening inventories of fluid milk products;

(3) The utilization in each class of the quantities required to be reported; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each handler specified in § 1065.8(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk;

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1065.8 (c) or (d) as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1065.8(c);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1065.8(d); and

(4) Such other information as the market administrator may require.

**§ 1065.31 Payroll reports.**

On or before the 20th day of each month, each handler except one exempt pursuant to § 1065.61 or one making payments pursuant to § 1065.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1065.62(a), his payroll for dairy farmers delivering Grade A milk) which shall show for each producer:

(a) The name and address of the producer, dairy farmer or cooperative association;

(b) The total pounds of milk received and the average butterfat content thereof;

(c) The location at which received and, for each producer whose milk was diverted to a nonpool plant, the total pounds of milk diverted and the location of the nonpool plant; and

(d) The price, amount and date of payment with the nature and amount of any deductions.

**§ 1065.32 Other reports.**

Each producer-handler and each handler exempt from regulation pursuant to §§ 1065.61 and 1065.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may request.

**§ 1065.33 Records and facilities.**

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of milk depends and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 1065.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(c) Payments to producers or cooperative associations.

**§ 1065.34 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such records or of specific books and records is necessary in connection with the proceedings under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

**§ 1065.40 Skim milk and butterfat to be classified.**

The skim milk and butterfat which are required to be reported pursuant to § 1065.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1065.41 through 1065.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.



**§ 1065.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1065.43 through 1065.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (c) (2), (3) and (4) of this section; or

(2) Not specifically accounted for as Class II or as Class III.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese except as classified pursuant to paragraph (c)(2) and (3) of this section.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) In fluid milk products or cottage cheese disposed of in bulk form for livestock feed;

(3) In fluid milk products or cottage cheese dumped after prior notification to and opportunity for verification by the market administrator;

(4) Disposed of in fluid milk products in bulk form to a commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Used to produce frozen cream;

(6) Contained in inventory of fluid milk products on hand at the end of the month;

(7) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1065.42(b)(1), but not to exceed the following:

(i) Two percent of milk received directly from producers; plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handler; plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1065.8(d), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk disposed of in bulk tank lots to plants of other handlers (except that in the case of a cooperative association which is a handler pursuant to § 1065.8(d) when the exception specified in subdivision (iii) of this subparagraph applies, the applicable percentage shall be two percent) and to nonpool plants; and

(9) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1065.42(b)(2).

**§ 1065.42 Shrinkage.**

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amount between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1065.41(c)(8); and (2) skim milk and butterfat in other source milk received in the form of fluid milk products, exclusive of that specified in § 1065.41(c)(8).

**§ 1065.43 Responsibility of handlers and reclassification of milk.**

(a) All skim milk and butterfat shall be Class I milk unless the handler who received such skim milk or butterfat from producers or cooperative associations can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

**§ 1065.44 Transfers.**

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1065.46(a)(8) and the corresponding step of § 1065.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1065.46(a)(3) and the corresponding step of § 1065.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1065.46(a)(7) or (8) and the corresponding steps of § 1065.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles by the shortest highway distance as determined by the market administrator, from the nearest of the City Halls of Omaha, North Platte, or Scottsbluff, Nebraska, and more than 50 miles from the pool plant from which transferred or diverted, except that cream so transferred may be classified as Class III if notice is given to the market administrator at least 24 hours prior to shipment, each container is labeled by the transferor as "ungraded cream for manufacturing only", and such shipment is so invoiced;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the City Halls of Omaha, North Platte, or Scottsbluff, Nebraska, or within 50 miles of the pool plant from which transferred or diverted, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1065.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular

sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class III milk;

(e) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler of such milk pursuant to § 1065.8(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month in the pool plant of the receiving handler after the computation pursuant to § 1065.46(a)(9) and the corresponding step of § 1065.46(b); and

(f) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph;

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class III to the extent of the Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For the purposes of this paragraph if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to Class II under the other order shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1065.41.

### § 1065.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

### § 1065.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1065.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1065.41(c)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II or Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such a plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1065.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1065.44(a);

(10) Subtract pro rata from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from a cooperative association in its capacity as a handler pursuant to § 1065.8(d); and

(11) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

## MINIMUM PRICES

### § 1065.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.



### § 1065.51 Class prices.

Subject to the provisions of §§ 1065.52 and 1065.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.40 for pool plants located in the Eastern zone; plus $1.55 in the Central zone; and plus $1.80 in the Western zone.

(b) *Class II milk.* The basic formula price for the month plus 15 cents.

(c) *Class III milk.* The basic formula price for the month.

### § 1065.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1065.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 0.125; and

(b) *Class II and Class III milk.* Multiply the butter price for the current month by 0.115.

### § 1065.53 Location adjustment to handlers.

(a) For milk received from producers at a pool plant (or diverted to a nonpool plant) located outside the marketing area and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the Class I price shall be that effective pursuant to § 1065.51(a) at the nearest of the cities specified below, subject to a reduction of 12 cents if such plant is more than 80 miles from the city hall in such city, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles: Chadron, Grand Island, Lincoln, Norfolk, North Platte, Omaha and Scottsbluff, all in the State of Nebraska.

(b) For purposes of calculating such adjustment transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1065.8(d), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least adjustment would apply.

### § 1065.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

## APPLICATION OF PROVISIONS

### § 1065.60 Producer-handler.

Sections 1065.40 through 1065.46, 1065.50 through 1065.53, 1065.70 through 1065.73, and 1065.80 through 1065.87 shall not apply to a producer-handler.

### § 1065.61 Plants subject to other Federal orders.

Except for §§ 1065.32 through 1065.34 the provisions of this part shall not apply to a handler with respect to the operation of plants described as follows:

(a) A plant qualified pursuant to § 1065.12(a) from which a lesser volume of fluid milk products is disposed of in the Nebraska-Western Iowa marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order; and

(b) Any plant qualified pursuant to § 1065.12(b) for any portion of the period of January through July, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

### § 1065.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1065.30(b) and 1065.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1065.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1065.70(e) and a credit in the amount specified in §1065.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1065.30(b) and 1065.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1065.12(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price).

## DETERMINATION OF PRICES TO PRODUCERS

### § 1065.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1065.46(c), by the applicable class prices (adjusted pursuant to §§ 1065.52 and 1065.53).

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1065.46(a)(11) and the corresponding step of § 1065.46(b) by the applicable class prices;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1065.46(a)(5) and the corresponding step of § 1065.46(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The pounds of skim milk and butterfat subtracted from Class II pursuant to § 1065.46(a)(5) and the corresponding step of § 1065.46(b) for the current month; or

(ii) The pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1065.46 (a)(8) and the corresponding step of § 1065.46(b) for the preceding month, less the pounds used in computation pursuant to subparagraph (1) of this paragraph;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1065.46(a)(3) and the corresponding step of § 1065.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1065.46(a)(7) and the corresponding step of § 1065.46(b).

**§ 1065.71 Computation of uniform prices.**

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1065.70 for all handlers who filed the reports prescribed by § 1065.30 for the month and who made the payments pursuant to §§ 1065.80 and 1065.82 for the preceding month;

(b) Subtract an amount equal to the total value of the plus location differentials computed pursuant to § 1065.73 (a) and (b);

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1065.73(b);

(d) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1065.72 and multiplying the result by the total hundredweight of such milk;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk;

(2) The total hundredweight for which a value is computed pursuant to § 1065.70(e);

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(h) For the months specified in paragraphs (i) and (j) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (f)(2) of this section by the weighted average price;

(i) Subtract during each of the months of April, May and June, an amount equal to eight percent of the remainder;

(j) Add during each of the months of September, October and November, one-third of the total amount subtracted pursuant to paragraph (i) of this section;

(k) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(l) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

**§ 1065.72 Butterfat differential to producers.**

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1065.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

**§ 1065.73 Location differentials to producers and on nonpool milk.**

(a) The uniform price computed pursuant to § 1065.71 shall be increased 15 cents per hundredweight for producer milk received at a pool plant in the Central zone and shall be increased 40 cents per hundredweight at pool plants in the Western zone.

(b) For producer milk received at a pool plant or diverted to a nonpool plant located outside the marketing area and more than 80 miles from the nearest city listed below the uniform price otherwise applicable at such city shall be reduced at the rates set forth in § 1065.53: Chadron, Grand Island, Lincoln, Norfolk, North Platte, Omaha and Scottsbluff, all in the State of Nebraska.

(c) For purposes of computations pursuant to §§ 1065.82 and 1065.83 the weighted average price shall be adjusted at the rates set forth in § 1065.53 applicable at the location of the nonpool plant from which the milk was received.

**§ 1065.74 Notification of handlers.**

On or before the 12th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 1065.46 and 1065.70;

(b) The uniform price computed pursuant to § 1065.71;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 1065.82, 1065.85 and 1065.86.

PAYMENTS

**§ 1065.80 Time and method of payment.**

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) or (d) of this section, at not less than the applicable uniform price pursuant to §§ 1065.71, 1065.72, and 1065.73 and less the following amounts:

(1) The payments made pursuant to paragraph (b) of this section;

(2) Marketing service deductions pursuant to § 1065.85; and

(3) Any proper deductions authorized by the producer: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 1065.83, he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) On or before the 27th day of each month to each producer:

(1) For whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) or (d) of this section; and

(2) Who had not discontinued shipping milk to such handler, an advance payment with respect to milk received from such producer during the first 15 days of the month an amount per hundredweight not to be less than the uniform price for the preceding month;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 26th day of the month, an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section, less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each month an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) To a cooperative association with respect to receipts of milk for which such cooperative association is the handler pursuant to § 1065.8(d) as follows:

(1) On or before the 26th day of the month, for milk received during the first 15 days of the month an amount per hundredweight equal to not less than the weighted average price for the preceding month; and



(2) On or before the 14th day after the end of each month not less than the value of such milk at the applicable class prices, less payment made pursuant to subparagraph (1) of this paragraph;

(e) In making payments to producers pursuant to paragraphs (a) and (c) of this section, each handler shall furnish each producer or cooperative association with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1065.71, 1065.72 and 1065.73;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 1065.85 together with a description of the respective deductions; and

(6) The net amount of payment to the producer; and

(f) Nothing in this section shall abrogate the right of a cooperative association to make payments to its member producers in accordance with the payment plan of such cooperative association.

**§ 1065.81 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1065.62 (a) and (b), 1065.82 and 1065.84 and out of which he shall make all payments to handlers pursuant to §§ 1065.83 and 1065.84.

**§ 1065.82 Payments to the producer-settlement fund.**

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1065.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1065.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1065.70(e).

**§ 1065.83 Payments out of the producer-settlement fund.**

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1065.82(b) exceeds the amount computed pursuant to § 1065.82(a). The market administrator shall offset any payment due any handler against payments due from such handler.

**§ 1065.84 Adjustment of accounts.**

Adjustments of accounts shall be made as follows:

(a) Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund pursuant to §§ 1065.82 and 1065.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within five days, make payment to the market administrator of the account so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within five days, make such payment to such handler; and

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payments of less than is required by § 1065.80, the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

**§ 1065.85 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1065.80 shall deduct six cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to producer milk received by such handler (except such handler's own farm production) during the month and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such service shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

**§ 1065.86 Expense of administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including that classified pursuant to § 1065.44(e)) and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1065.46(a)(3) and (7) and the corresponding steps of § 1065.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

**§ 1065.87 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service if such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies the handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, or the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received

if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

**§ 1065.90 Effective time.**

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1065.91.

**§ 1065.91 Suspension or termination.**

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

**§ 1065.92 Continuing obligations.**

If, upon suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

**§ 1065.93 Liquidation.**

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

**§ 1065.94 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 1065.95 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on December 4, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator,*
*Regulatory Programs.*

[F.R. Doc. 64-12645; Filed, Dec. 9, 1964; 8:46 a.m.]

# ATOMIC ENERGY COMMISSION

**[ 10 CFR Part 2 ]**

## EXPORT LICENSES FOR FACILITIES

### Proposed Notice Requirements

The Commission's rules of practice, 10 CFR Part 2, presently require publication in the FEDERAL REGISTER of notice of the following matters concerning a license, including an export license, for a production or utilization facility, such as a reactor:

1. Notice of receipt of an application for a license, § 2.101(b);

2. Notice of proposed action with respect to an application, § 2.105(a)(1); and

3. Notice of the issuance of a license or an amendment of a license, § 2.106(a)(1) and (2).

Issuance of a license solely to authorize the export of a facility involves only the question of whether the license is within the scope of and consistent with the terms of an "agreement for cooperation" with a nation to whom the facility is to be exported. An "agreement for cooperation" with a nation or group of nations requires a prior determination by the President that performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defence and security.

In view of these considerations, no useful purpose would appear to be served by the notice requirements of 10 CFR Part 2 with respect to facility licenses authorizing export only. The proposed amendments set forth below would delete such requirements.

Notice is hereby given that adoption of the following amendments to 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendments should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

**§ 2.101 [Amended]**

1. Paragraph (b) of § 2.101 is amended by adding the following sentence at the end thereof: "The requirements of this paragraph do not apply to an application for a license solely to authorize the export of a facility."

2. Subparagraph (1) of § 2.105(a) is amended to read as follows:

**§ 2.105 Notice of proposed action.**

(a) • • •

(1) A license for a facility, except a license authorizing export only;

• • • • • •

3. Paragraph (a) of § 2.106 is amended to read as follows:

**§ 2.106 Notice of issuance.**

(a) • • •

• • • • • •

(2) An amendment of a license for a facility, except an amendment of a license authorizing export only, whether or not a notice of proposed action has been previously published;

(3) An amendment of a license to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal, whether or not a notice of proposed action has been previously published;

(4) Any other license or amendment as to which the Commission or the Director of Regulation determines that an opportunity for a public hearing should be afforded.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 19th day of November 1964.

For the Atomic Energy Commission.

W. B. MCCOOL,
*Secretary to the Commission.*

[F.R. Doc. 64-12660; Filed, Dec. 9, 1964; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

**[ 21 CFR Part 53 ]**

## TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

### Tomato Catsup; Proposed Deletion of Restriction on Use of Corn Sirup and Glucose Sirup as Sweetening Ingredients

Notice is given that Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington, D.C., on its own behalf and on behalf of its members, has filed a petition proposing that the standard of identity for catsup (21 CFR 53.10) be amended to remove the provision limiting the proportion of corn sirup and glucose sirup permitted to be added as ingredients for sweetening catsup. The petitioners did not include in their proposal a provision for label declaration of the sweetener or sweeteners used. The standard as presently worded, in addition to providing that catusp may be sweetened with sugar, or dextrose and sugar, also provides that it may be sweetened with mixtures of one or the other of the foregoing with corn and/or glucose sirup (including the dried forms of such sirups), subject to the limitation that in any such mixture the proportion of corn sirup and glucose sirup may not exceed one-third of the mixture as calculated on a solids basis. The petition proposes that § 53.10(a) be amended by deleting the next to the last sentence and substituting therefor a new subparagraph (4) reading as follows:

**§ 53.10 Catsup, ketchup, catchup; identity; label statement of optional ingredients.**

(a) • • •

(4) It is concentrated and seasoned with:

(i) Salt.

(ii) A vinegar or vinegars.

(iii) Spices or flavorings or both.

(iv) Onions or garlic or both.

(v) Sugar, dextrose, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, or any mixture of two or more of these.

• • • • •

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding the proposal published herein. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 2, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner*
*for Regulations.*

[F.R. Doc. 64-12653; Filed, Dec. 9, 1964; 8:47 a.m.]

**[ 21 CFR Part 120 ]**

## TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Inorganic Bromides; Notice of Proposal To Establish Tolerances Resulting From Fumigation With Methyl Bromide

The U.S. Department of Agriculture has requested (PP 5F0428) that action be taken to permit the use of methyl bromide as a fumigant on soybeans to prevent the spread of adult white-fringed beetles and cereal leaf beetles from infested to uninfested areas mechanically through the movement of soybeans. In this program it is proposed to use methyl bromide as a fumigant on soybeans under supervision of representatives of the U.S. Department of Agriculture. That Department states that residues of inorganic bromide resulting from the treatment in the fumigation program do not exceed 200 parts per million. These residues on soybeans will not constitute a hazard to man or to livestock.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.123) be amended by inserting immediately following the item "200 parts per million in or on almonds • • •," a new item reading as follows:

**§ 120.123 Inorganic bromides resulting from fumigation with methyl bromide; tolerances for residues.**

• • • • • •

200 parts per million in or on soybeans from use in accordance with the Plant Pest Control Program of the U.S. Department of Agriculture.

• • • • • •

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed in this document may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments on the proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner*
*of Food and Drugs.*

[F.R. Doc. 64-12654; Filed, Dec. 9, 1964; 8:47 a.m.]

**[ 21 CFR Part 121 ]**

## FOOD ADDITIVES

### Cross-Linked Polyester Resins

The Commissioner of Food and Drugs received petitions from American Cyanamid Co., Berdan Avenue, Wayne, N.J., 07470 (FAP 4B1303; 29 F.R. 11856), and The Glastic Corp., 4321 Glenridge Road, Cleveland, Ohio, 44121 (FAP 5B1511; 29 F.R. 14649), proposing that the food additive regulations (21 CFR 121.2576) be amended to provide for the use of additional substances in the production of cross-linked polyester resins used as articles or components of articles intended for repeated use in contact with food.

On the basis of the information submitted in the petitions, and other relevant material, and under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat 1785 et seq.; 21 U.S.C. 348) and delegated by him to the Commissioner (21 CFR 2.90; 29 F.R. 471), it is proposed to revise § 121.2576 to change the section heading, to provide for the use of additional substances in the production of the cross-linked polyester resins, and to prescribe extractives limits for the finished resins. Revised as proposed, § 121.2576 would read as follows:

**§ 121.2576 Cross-linked polyester resins.**

Cross-linked polyester resins may be safely used as articles or components of articles intended for repeated use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) The cross-linked polyester resins are produced by the condensation of one or more of the acids listed in subparagraph (1) of this paragraph with one or more of the alcohols listed in subparagraph (2) of this paragraph, followed by copolymerization with one or more of the cross-linking agents listed in subparagraph (3) of this paragraph:

(1) Polybasic acids:

Adipic.
Fatty acids, and dimers thereof, from natural sources.
Fumaric.
Isophthalic.
Maleic.
Orthophthalic.
Sebacic.
Terephthalic.
Trimellitic.

(2) Polyhydric alcohols:

Butylene glycol.
Diethylene glycol.
Dipropylene glycol.
Ethylene glycol.
Glycerol.
1,1'-Isopropylidenebis (*p*-phenylene-oxy)-di-2-propanol.
Mannitol.
α-Methyl glucoside.
Pentaerythritol.
Propylene glycol.
Sorbitol.
Trimethylol ethane.
Trimethylol propane.

(3) Cross-linking agents:

Butyl acrylate.
Butyl methacrylate.
Ethyl acrylate.
Ethylhexyl acrylate.
Methyl acrylate.
Methyl methacrylate.
Styrene.
Vinyl toluene.

(b) Optional adjuvant substances employed to facilitate the production of the resins or added thereto to impart desired technical or physical properties include the following, provided that the quantity used does not exceed that reasonably required to accomplish the intended physical or technical effect and does not exceed any limitations prescribed in this section:

| List of substances | Limitations (limits of addition expressed as percent by weight of finished resin) |
|---|---|
| 1. Inhibitors: | |
| Benzoquinone | Total not to exceed 0.08 percent. |
| *tert*-Butyl catechol | 0.01 percent. |
| *tert*-Butyl hydroquinone | |
| Di-*tert*-butyl hydroquinone | |
| Hydroquinone | |
| 2. Accelerators: | Total not to exceed 1.5 percent. |
| Benzyl trimethyl ammonium chloride | 0.05 percent. |
| Calcium naphthenate | |
| Cobalt naphthenate | |
| Copper naphthenate | |
| *N, N*-Diethylaniline | 0.4 percent. |
| *N, N*-Dimethylaniline | 0.4 percent. |
| Ethylene guanidine hydrochloride | 0.05 percent. |
| 3. Catalysts: | Total not to exceed 1.5 percent. |
| Benzoyl peroxide | |
| *tert*-Butyl perbenzoate | |
| Chlorbenzoyl peroxide | |
| Cumene hydroperoxide | |
| Dicumyl peroxide | |
| Lauroyl peroxide | |
| *p*-Menthane hydroperoxide | |
| Methyl ethyl ketone peroxide | |
| 4. Solvents for inhibitors, accelerators, and catalysts: | |
| Dibutyl phthalate | As a solvent for benzyl trimethyl ammonium chloride or ethylene guanidine hydrochloride only. |
| Diethylene glycol | |
| Dimethyl phthalate | |
| Styrene | |
| Triphenyl phosphate | |
| 5. Reinforcements: | |
| Asbestos | |
| Glass fiber | |
| Polyester fiber produced by the condensation of one or more of the acids listed in paragraph (a)(1) of this section with one or more of the alcohols listed in paragraph (a)(2) of this section. | |
| 6. Miscellaneous materials: | |
| Castor oil, hydrogenated | Complying with § 121.2566. |
| α-Methylstyrene | |
| Polyethylene glycol 6000 | |
| Silicon dioxide | |
| Wax, petroleum | |

(c) The cross-linked polyester resins, with or without the optional substances described in paragraph (b) of this section, and in the finished form in which they are to contact food, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of their intended use, as determined from tables 1 and 2 of § 121.2526(c), shall meet the following extractives limitations:

(1) Net chloroform-soluble extractives not to exceed 0.1 milligram per square inch of food-contact surface tested when the prescribed food-simulating solvent is water or 8 or 50 percent alcohol.

(2) Total nonvolatile extractives not to exceed 0.1 milligram per square inch of food-contact surface tested when the prescribed food-simulating solvent is heptane.

(d) In accordance with good manufacturing practice, finished articles containing the cross-linked polyester resins shall be thoroughly cleansed prior to their first use in contact with food.

All interested persons are invited to submit written views and comments on the proposal published herein. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 2, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12655; Filed, Dec. 9, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### MONSE UNIT, COLVILLE INDIAN IRRIGATION PROJECT, WASHINGTON

#### Notice of Establishment of Construction Cost

Notice of establishment of construction cost for the Monse Unit of the Colville Indian irrigation project, Washington.

Pursuant to section 3 of the Administrative Procedure Act of June 11, 1946, and the authority vested in the Secretary of the Interior by the Acts of August 1, 1914 (38 Stat. 583), February 14, 1920 (41 Stat. 409), and March 7, 1928 (45 Stat. 210), I hereby declare the Monse Unit of the Colville Indian irrigation project to be complete, that no additional construction funds are to be expended on the unit, and that the total outstanding reimbursable construction cost due the United States for the Monse Unit is established at $138,309.94, which based on 1083.1 acres represents a per acre cost of $127.69822.

The area benefited by the construction program on the Monse Unit has heretofore been established at 1083.1 acres and is set forth in § 217.1 of the Code of Federal Regulations, Title 25—Indians.

STEWART L. UDALL,
*Secretary of the Interior.*

DECEMBER 3, 1964.

[F.R. Doc. 64-12634; Filed, Dec. 9, 1964; 8:45 a.m.]

### Bureau of Land Management

[Arizona 034428]

### ARIZONA

#### Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture has filed an application, Serial Number Arizona 034428 for the withdrawal of lands under the Act of July 9, 1962 (76 Stat. 140).

The applicant desires these public lands to be given national forest status and to be made a part of the Sitgreaves National Forest and to be subject to all the laws and regulations applicable to such national forest. These lands are located within the Lakeside Ranger District.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz., 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 9 N., R. 22 E.,
Sec. 2, SW¼;
Sec. 3, E½SW¼, N½SE¼, W½SW¼SE¼;
Sec. 11, E½NW¼, W½NE¼, W½SE¼NE¼, NE¼SE¼.

The area described above aggregates approximately 560.00 acres.

FRED J. WEILER,
*State Director.*

DECEMBER 3, 1964.

[F.R. Doc. 64-12637; Filed, Dec. 9, 1964; 8:45 a.m.]

[Serial No. R 05809]

### CALIFORNIA

#### Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 4, 1964.

The Corps of Engineers, U.S. Army Engineer District, Sacramento, Calif., has filed an application, serial number Riverside 05809, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, except mineral leasing, subject to valid existing rights. The applicant desires the land for its use for an additional area of a relocated easement for the transmission of electric power.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Post Office Box 723, Riverside, Calif., 92502.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources. He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

A strip of land 12 feet wide located in the East half of Section 20 and in the South half of the Northwest quarter of Section 21, all in T. 26 S., R. 33 E., MDB&M., in the County of Kern, State of California, said strip lying 6 feet on each side of the following described centerline:

*Parcel one.* Beginning at a point on the South line of said Section 20 from which the South quarter corner thereof bears N. 89°15' W., 74.9 feet;

Thence, Northerly and Easterly in the E. ½ of Section 20 and in the S. ½ of the NW. ¼ of Section 21, the following courses:
(1) N. 35°21'27" E., 376.74 feet;
(2) N. 27°42'52" E., 719.47 feet;
(3) N. 5°07'40" W., 619.83 feet;
(4) N. 6°11'42" E., 438.69 feet;
(5) N. 27°29'45" E., 259.38 feet;
(6) N. 43°47'20" E., 240.19 feet;
(7) N. 56°25'29" E., 255.62 feet;
(8) N. 61°49'02" E., 1,675.00 feet;
(9) N. 59°53'52" E., 336.12 feet;
(10) N. 49°22'22" E., 464.10 feet to a point on the North line of the South half of the Northwest quarter of Section 21 from which the Northwest corner thereof bears N. 89°11' W., 555 feet.

Excepting therefrom any portion thereof lying North of the Southerly right of way line of State Highway VI-Kern-57.

The above described parcel contains 1.48 acres, more or less.

*Parcel two.* A strip of land 10 feet wide located in the SE. ¼ of said Section 20, and lying along the following described centerline:

Commencing, for reference, at a point on the South line of Section 20 from which the South quarter thereof bears N. 89°15' W., 74.9 feet; thence, N. 35°21'27" E., 376.14 feet to the true point of beginning;

Thence, S. 58°27'51" E., 28.0 feet to the point of termination of this parcel.

Excepting therefrom any portion thereof lying within the above described parcel one.

Parcel two contains 0.01 of an acre, more or less.

*Parcel three.* A strip of land 10 feet wide located in the SE¼ of said Section 20, and lying along the following described centerline:

Commencing, for reference, at a point on the South line of Section 20, from which the South quarter corner thereof bears N. 89°15' W., 74.9 feet; thence, N. 35°21'27" E., 376.14 feet; thence, N. 27°42'52" E., 719.47 feet to the true point of beginning;

Thence, S. 1°42'24" E., 21.6 feet to the point of termination of this parcel.

Excepting therefrom any portion thereof lying within the above described Parcel One.

Parcel Three contains 0.01 of an acre, more or less.

The areas described aggregate 1.5 acres.

GLENDON E. COLLINS,
*Acting Manager.*

[F.R. Doc. 64-12661; Filed, Dec. 9, 1964; 8:48 a.m.]

## MONTANA

### Notice of Filing of Montana Protraction Diagram

DECEMBER 2, 1964.

Notice is hereby given that, effective with this publication, the following protraction diagram, revised, has been placed in the open files of the Montana Land Office, 1245 North 29th Street, Billings, Mont., 59101, and is available to the public as a matter of information only. In accordance with 43 CFR 3123.8, 3322, 3130, 3150, 3160, 3180, 3323, and 3210 formerly 192.42a, 188, 193, 195, 196, 198, 199, and 200 respectively, this protraction will become the basic record for the description of land in applications and offers for mineral leases and permits filed at and after 10:00 a.m. on the thirty-first day after publication of this notice. This protraction will also become the basic record for the description of lands in applications for all other authorized uses at the above specified time. This protraction diagram will replace protraction diagram sheet No. 25 officially filed in the Montana Land Office, September 20, 1960.

PRINCIPAL MERIDIAN, MONTANA

Sheet No. 25; Montana Protraction Diagram (Unsurveyed), approved October 20, 1964; Tp 16 N, Rs 7, 8, 9 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, 1245 North 29th Street, Billings, Mont., 59101.

E. S. ROWLAND,
*State Director.*

[F.R. Doc. 64-12638; Filed, Dec. 9, 1964; 8:45 a.m.]

[Oregon 015240]

## OREGON

### Notice of Termination of Proposed Withdrawal and Reservation of Land

DECEMBER 1, 1964.

Notice of an application, Serial No. Oregon 015240, for withdrawal and reservation of lands, was published as Federal Register Document No. 64-6059 on Page 7827 of the issue for June 19, 1964. The applicant agency, Forest Service, United States Department of Agriculture, has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311 (formerly 295), such lands will be relieved of the segregative effect of the withdrawal application at 10:00 a.m. on December 15, 1964.

The lands involved in this notice of termination are:

OREGON

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

*Quosatana Geological Area*

T. 36 S., R. 13 W., Unsurveyed,
Sec. 27, S½SE¼SW¼;
Sec. 33, E½E½NE¼SE¼, NE¼SE¼SE¼;
Sec. 34, W½W½NE¼, E½NE¼NW¼, SE¼NW¼, E½NE¼SW¼, SW¼NE¼SW¼, W½NW¼SW¼, S½SW¼, SE¼.
Total—430 acres.

*Pyramid Rock Observation Site*

T. 37 S., R. 13 W., Unsurveyed,
Sec 18, S½SE¼SE¼SE¼;
Sec. 19, N½NE¼NE¼NE¼.
Total—10 acres.

The total area aggregates 440 acres.

DOUGLAS E. HENRIQUES,
*Land Office Manager.*

[F.R. Doc. 64-12639; Filed, Dec. 9, 1964; 8:45 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

### FRESH PEACHES GROWN IN GEORGIA

### Order Directing That a Referendum Be Conducted; Designation of Referendum Agent To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the growers who, during the calendar year 1964 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether such growers favor the termination of the said amended marketing agreement and order. M. F. Miller of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Post Office Box 9, Lakeland, Fla., 33802, is designated as the referendum agent to conduct said referendum.

The procedure for the conduct of the referendum shall be the procedure (28 F.R. 6409) for the conduct of referenda regarding marketing orders for fruits, vegetables, and tree nuts.

Dated: December 8, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-12763; Filed, Dec. 9, 1964; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### AMDAL CO.

### Notice of Filing of Petition for Food Additive Erythromycin Thiocyanate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1580) has been filed by Amdal Company, Agricultural Division, Abbott Laboratories, North Chicago, Ill., proposing the issuance of a regulation to provide for the safe use of erythromycin thiocyanate in the feed of chickens, turkeys, swine, and cattle as follows:

TABLE 1—ERYTHROMYCIN IN FEEDS FOR CHICKENS, TURKEYS, AND SWINE

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indication for use |
|---|---|---|---|---|---|
| 1. Erythromycin | 3.7-20 | | | For broiler chickens, replacement chickens, and turkeys; as erythromycin thiocyanate. | Growth promotion and feed efficiency. |
| | | | | For laying chickens; as erythromycin thiocyanate. | Maintaining or increasing egg production and improving feed efficiency. |
| | | | | For growing swine; as erythromycin thiocyanate. | Growth promotion and feed efficiency. |
| 2. Erythromycin | 92.5-100 | | | For chickens and turkeys; as erythromycin thiocyanate; feed for 2 days before stress and 3 to 6 days after stress. | As an aid in the prevention of respiratory diseases resulting from stress. |
| | | | | For chickens; as erythromycin thiocyanate; feed for 7 to 14 days, then, feed 18.5-20 grams erythromycin per ton of feed continuously to prevent further outbreaks. | Treatment and prevention of infectious coryza. |
| 3. Erythromycin | 185-200 | | | For chickens and turkeys; as erythromycin thiocyanate; feed for 5 to 8 days; do not use eggs produced during the treatment period for food purposes. | Treatment and prevention of chronic respiratory disease. |

TABLE 2—ERYTHROMYCIN IN FEEDS FOR CATTLE

| Principal ingredient | Milligrams per head per day | Combined with— | Milligrams per head per day | Limitations | Indications for use |
|---|---|---|---|---|---|
| Erythromycin | 37-80 | | | For growing cattle; as erythromycin thiocyanate. | Growth promotion and feed efficiency. |

Dated: December 2, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12616; Filed, Dec. 9, 1964; 8:45 a.m.]



## DOW CHEMICAL CO.

### Notice of Filing of Petition for Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1617) has been filed by The Dow Chemical Company, Midland, Michigan, 48640, proposing to amend paragraph (c)(5) of § 121.2520 *Adhesives* by deleting the item "Sodium dodecylphenoxybenzene sulfonate" and substituting therefor the item "Dodecylphenoxybenzenedisulfonic acid and/or its calcium, magnesium, and sodium salts."

Dated: December 2, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12656; Filed, Dec. 9, 1964; 8:48 a.m.]

## MERCK & CO., INC.

### Notice of Filing of Petition for Food Additive Thiabendazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1610) has been filed by Merck & Co., Inc., Rahway, N.J., 07065, proposing an amendment to § 121.260(c) of the food additive regulations to provide for the safe use of thiabendazole drench in dairy animals by deleting the phrase "not for dairy animals in production" in the limitations column of table 1 and substituting therefor the phrase "milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food."

Dated: December 3, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12657; Filed, Dec. 9, 1964; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

## GENERAL DYNAMICS CORP.

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 12, set forth below, to Facility License No. R-67, as amended. The license, as amended, authorizes General Dynamics Corporation to operate its TRIGA Mark F nuclear reactor located at Torrey Pines Mesa, Calif. The amendment authorizes General Dynamics Corporation to operate the reactor with a fuel temperature limit of 800°C as described in the licensee's application amendment dated July 29, 1964, and supplemental letter dated October 5, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated July 29, 1964, and supplemental letter dated October 5, 1964, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545 Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of December 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

By: RICHARD E. IRELAND.

AMENDMENT TO FACILITY LICENSE

[License No. R-67 Amendment No. 12]

License No. R-67, as amended, issued to General Dynamics Corporation is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corporation is authorized:

1. To operate the reactor in a pulsing mode subject to the previously authorized limitations except that the maximum fuel temperature limit is increased to 800°C from 700°C, as described in the application for license amendment dated July 29, 1964, and supplemental letter dated October 5, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: December 2, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-12629; Filed, Dec. 9, 1964; 8:45 a.m.]

# FEDERAL AVIATION AGENCY

## FLIGHT INFORMATION PUBLICATIONS

### Statement of General Policy

A pilot's inherent responsibility requires that he be alert at all times for and in anticipation of all circumstances, situations and conditions which affect the safe operation of his aircraft. For example, pilots may expect to find air traffic at any time or place. At or near both civil and military airports and in the vicinity of known training areas, pilots may expect concentrated air traffic although he should realize that concentrations of air traffic are not limited to these places only.

It is the general practice of the Agency to advertise by NOTAM or other flight information publications such information it may deem appropriate; information which the Agency may from time to time make available to pilots is solely for the purpose of assisting them in executing their regulatory responsibilities. Such information serves the aviation community as a whole and not pilots individually.

The fact that the Agency under one particular situation or another may or may not furnish information does not serve as a precedent of the Agency's responsibility to the aviation community; neither does it give assurance that other information of the same or similar nature will be advertised nor does it guarantee that any and all information known to the Agency will be advertised.

Consistent with the foregoing, it shall be the policy of the Federal Aviation Agency to furnish information only when, in the opinion of the Agency, a unique situation should be advertised and not to furnish routine information such as concentrations of air traffic, either civil or military. The Airman's Information Manual, which will replace the Airman's Guide, will not contain informative items concerning everyday circumstances that pilots should, either by good practice or regulation, expect to encounter or avoid.

(Sec. 311; 72 Stat. 751; 49 U.S.C. 1352)

Issued in Washington, D.C., on December 8, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-12740; Filed, Dec. 9, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15211; FCC 64M-1225]

## CAMELLIA CITY TELECASTERS

### Order Continuing Hearing

In re application of Charles L. Bowman, Foster A. Bullock, Jack F. Matranga and Irving J. Schwartz, D/B as Camellia City Telecasters, Sacramento, Calif., Docket No. 15211, File No. BPCT-3140; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a petition filed December 2, 1964, by the above-entitled applicant requesting that the further hearing now scheduled for December 4, 1964, be continued for a period of thirty days; and

It appearing that the reason for the requested continuance is the fact that the Federal Aviation Agency has not yet made a decision as to whether the proposed new site will constitute an air hazard and no constructive steps can be taken until a determination is made by the FAA; and

It further appearing that counsel for the Broadcast Bureau has no objections to the petition for continuance, and good cause for granting the petition having been shown;

*It is ordered*, This the 4th day of December 1964, that the petition for continuance is granted and the hearing in the above-entitled proceedings is continued from December 4, 1964, to January 4, 1965.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12669; Filed, Dec. 9, 1964; 8:49 a.m.]

[Docket Nos. 15485, 15486; FCC 64M-1222]

## DIRIGO BROADCASTING, INC., AND DOWNEAST TELEVISION, INC.

### Order Continuing Hearing

In re applications of Dirigo Broadcasting, Inc., Bangor, Maine, Docket No. 15485, File No. BPCT-2911; Downeast Television, Inc., Bangor, Maine, Docket No. 15486, File No. BPCT-2952; for construction permits for new television broadcast stations (Channel 7).

The Hearing Examiner having under consideration (1) a request filed on November 23, 1964, for an indefinite extension of time for the exchange of exhibits in the above-entitled proceeding and (2) motion for indefinite continuance of hearing presently scheduled for December 7, 1964, filed on December 3, 1964, by Dirigo Broadcasting, Inc.; and

It appearing, that there is pending before the Review Board a petition requesting approval of an agreement between the applicants looking toward the dismissal of Dirigo's application and the grant without hearing of the application of Downeast Television, Inc.; and that, in the event of a grant of such petition, no useful purpose would be served by exchanging exhibits or holding the hearing as presently scheduled; and

It further appearing, that counsel for all parties to the proceeding have consented to the immediate consideration and grant of the motion, with the Broadcast Bureau consenting only to a 60-day continuance;

*It is, therefore, ordered*, This 4th day of December 1964, that the requests for change in procedural dates be and the same are hereby granted to the extent that the procedural dates are rescheduled as follows:

| | From | To |
|---|---|---|
| Exchange of exhibits | Nov. 23, 1964 | Jan. 22, 1965 |
| Hearing | Dec. 7, 1964 | Feb. 5, 1965 |

Released: December 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12670; Filed, Dec. 9, 1964; 8:49 a.m.]

[Docket No. 15625; FCC 64M-1223]

## RADIO STATION KVOL, INC. (KVOL)

### Order Scheduling Prehearing Conference

In re application of Radio Station KVOL, Inc. (KVOL), Lafayette, Louisiana, Docket No. 15625, File No. BP-14947; for construction permit.

The Hearing Examiner has under consideration a petition filed December 1, 1964, by the above-entitled applicant requesting that the date of the evidentiary hearing be extended from December 10, 1964, to January 14, 1965, and that the procedural dates be rescheduled in accordance with the change in date of the evidentiary hearing.

The Hearing Examiner has also received an informal request for a further prehearing conference to discuss the preparation of the engineering exhibits to be offered in evidence. This informal, oral, request of this date advised the Hearing Examiner of the existence of measurements which apparently had not previously been known by counsel.

*It is ordered*, This the 4th day of December 1964, that a further prehearing conference will be held on Tuesday, December 8, 1964, beginning at 9:00 a.m. in the offices of the Commission in Washington, D.C. Among the matters to be considered will be the use of measurements in the praparation of engineering exhibits and the rescheduling of the evidentiary hearing and procedural dates. This action renders moot the petition received December 1, 1964, for extension of time.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12671; Filed, Dec. 9, 1964; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. CP61-265, CP61-299]

## EL PASO NATURAL GAS CO. AND TRANSWESTERN PIPELINE CO.

### Notice of Applications

DECEMBER 2, 1964.

Take notice that El Paso Natural Gas Co. (El Paso), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP61-265 an application on April 11, 1961 and supplements thereto on December 13, 1961, May 28, 1963 and June 19, 1964, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the acquisition and transportation of gas jointly with Transwestern Pipeline Co. (Transwestern) and to provide for the exchange of gas in the Panhandle area of Oklahoma and Texas between them, all as more fully set forth in the application on file with the Commission and open to public inspection.

Transwestern Pipeline Co., Post Office Box 1502, Houston 1, Tex., filed in Docket No. CP61-299 an application on May 24, 1961 and supplements thereto on January 22, 1962, August 19, 1963 and July 6, 1964, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the joint construction and operation with El Paso of certain facilities for the acquisition and transportation of gas and the exchange of said gas between them, all as more fully set forth in the applications and supplements on file with the Commisison and open to public inspection.

El Paso and Transwestern propose to jointly construct and operate certain field lines along with necessary high pressure well ties, and measuring and regulating facilities extending to their existing field systems necessary to effectuate the acquisition and exchange of natural gas.

El Paso's cost related to Docket No. CP61-265 is estimated to be $404,081; Transwestern's cost related to Docket No. CP61-299 is estimated to be $178,691.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.



Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 22, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12631; Filed, Dec. 9, 1964; 8:45 a.m.]

[Docket No. RI65-162 [1]]

## HELMERICH & PAYNE, INC.

### Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates

DECEMBER 2, 1964.

On August 5, 1964, Helmerich & Payne, Inc. (Helmerich & Payne), filed with the Commission a proposed change in rate, from 11.0 cents to 12.0 cents per Mcf, designated as Supplement No. 1 to Helmerich & Payne's FPC Gas Rate Schedule No. 29, which pertains to its jurisdictional sales of natural gas from the Hugoton Field, Morton and Seward Counties, Kans., to Panhandle Eastern Pipe Line Co. The Commission by order issued September 2, 1964, suspended Helmerich & Payne's proposed rate increase and deferred the use thereof for five months until February 5, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

In support of its motion, Helmerich & Payne states that it has been advised by the buyer, Panhandle Eastern Pipe Line Co., that the correct effective date for such increase should have been February 26, 1965, five years from the date the subject rate schedule was allowed to become effective by the Commission and not from the date of the basic contract, September 1, 1959, and requests that the suspension order be amended to reflect the correct contractual effective date and that the proposed increased rate be suspended for five months from such corrected date.

The Commission finds. Good cause has been shown for amending the Commission's order issued September 2, 1964, so as to reflect the correct effective date for Helmerich & Payne's rate filing and for changing the termination date of the suspension period ordered therein.

The Commission orders:

(A) That the order providing for hearings on and suspension of proposed changes in rate issued September 2, 1964, in the proceeding entitled Helmerich & Payne, Inc., Docket No. RI65-162, is hereby amended by changing the proposed effective date for Helmerich & Payne's FPC Gas Rate Schedule No. 29, from September 5, 1964, to February 26, 1965, and by changing the termination date of the suspension period from February 5, 1965, to July 26, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) In all other respects, the order issued by the Commission on September 2, 1964, in Docket No. RI65-162, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12632; Filed, Dec. 9, 1964; 8:45 a.m.]

[1] Docket No. RI65-162 also covers Helmerich & Payne's FPC Gas Rate Schedule No. 26 which is not involved herein.

[Docket No. CP65-115]

## IOWA SOUTHERN UTILITIES CO.

### Notice of Application

DECEMBER 2, 1964.

Take notice that on October 28, 1964, Iowa Southern Utilities Co. (Applicant), 300 Sheridan, Centerville, Iowa, filed in Docket No. CP65-115 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) to establish physical connection of its natural gas transmission facilities with the distribution facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for distribution and resale in the community of Mount Ayr, Iowa, all as more fully set forth in the application on file with the Commission and open to public inspection.

The estimated initial three year period of annual and peak day requirements are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 81,906 | 139,922 | 175,073 |
| Peak day (Mcf) | 792 | 1,357 | 1,699 |

The estimated cost of Applicant's proposed distribution system is $361,436, and will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12633; Filed, Dec. 9, 1964; 8:45 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. (Temporary) F-2]

## SECRETARY OF DEFENSE

### Delegation of Authority Regarding Communications Regulatory Proceeding

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority is hereby delegated to the Secretary of Defense, in accordance with sections 201(a)(4) and 205 (d) and (e) thereof, to represent the interests of the executive agencies of the Federal Government, In the Matter of Investigation of American Telephone and Telegraph Company, Tariff FCC No. 135, 3rd Revised Page 23CC, before the Federal Communications Commission.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official, or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials, and employees of the General Services Administration.

4. This delegation of authority shall be effective November 5, 1964.

Dated: December 4, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-12664; Filed, Dec. 9, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1737]

## SECOND EMPIRE FUND, INC.

### Notice of Application for Order of Exemption

DECEMBER 4, 1964.

Notice is hereby given that Second Empire Fund, Inc. ("applicant"), 44 School Street, Boston, Mass., 02108, an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the

application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 750,000 shares of common stock, $1 par value, to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of the applicant in a simultaneous exchange on a tax-free basis. A. G. Becker & Co., the dealer-manager, and a group of securities dealers which it will form and manage, intend to solicit deposits of securities, to be held by a depository in safekeeping for the separate account of each investor, pending consummation of the exchange. Deposits will be solicited for approximately sixty days after the effective date of the registration statement.

The minimum deposit to be accepted from any investor is to be securities having a market value of $20,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least $10,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them. If such value is obtained upon the termination of the solicitation period, a report describing the deposited securities, including their current market value and their bases for Federal income taxation, will be mailed to all depositing investors within fifteen days thereafter. The depositing investor may withdraw his deposited securities in whole or in part without charge at any time prior to the mailing of such report and also during the fifteen days after such mailing date. Applicant will have the right to reject securities on deposit for a period of five days after the end of the period during which the depositor may withdraw. All of applicant's shares which are issued in exchange for securities will be issued simultaneously on the effective date of the exchange.

Notice is further given that any interested person may, not later than December 22, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, in case of an attorney-at-law (by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64–12630; Filed, Dec. 9, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1090]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 7, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66946. By order of December 1, 1964, the Transfer Board approved, on reconsideration, the transfer to Garden City Trucking Corp., Garden City, N.Y., of the operating rights in Permit No. MC 124515, issued May 2, 1963, to Federated Carriers, Inc., Garden City, N.Y., authorizing the transportation, over irregular routes, of Air-conditioning equipment, dryers, freezers, water heaters, ironers, high fidelity and stereo phonographs, radios, ranges, refrigerators, surface units (for ranges), washers, tape recorders and television sets, crated and uncrated, from points in Queens and Nassau Counties, N.Y., to retail stores and customers of Marta Cooperative, Inc., and Hampton Sales Co., in New Jersey; and shipments of the above-described commodities traded-in damaged or returned by such store or customer, from retail stores and customers of Marta Cooperative, Inc., and Hampton Sales Co., Inc., in New Jersey, to points in Queens and Nassau Counties, N.Y., as restricted. Seymour Georges Mackler, 450 Seventh Avenue, New York, N.Y., 10001, Attorney for applicants.

No. MC–FC 67362. By order of December 1, 1964, the Transfer Board approved the transfer to White Mountain Passenger Lines, Inc., Post Office Box 466, Show Low, Ariz., of the Certificate of Registration in No. MC 96678 Sub 1, issued May 20, 1964, to Floyd Butler, Taylor, Ariz., authorizing transportation in interstate and foreign commerce corresponding to the grant of authority in State certificate No. 6034, issued February 15, 1957, by the Arizona Corporation Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–12641; Filed, Dec. 9, 1964; 8:45 a.m.]

[Notice 1090–A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 7, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67389. By order of December 7, 1964, the Transfer Board approved the transfer to Elgin Church, Bethel, Ky., of the operating rights in Permit No. MC 113937 Sub. 2, issued August 15, 1955, to J. L. O'Bryan and Sons, Inc., Hopewell, Ky., authorizing the transportation over irregular routes, of: Fertilizer, from St. Bernard and Cincinnati, Ohio, to points in Indiana, Kentucky, and specified counties in West Virginia.

James S. Wilson, Jr., 226 Main Street, Paris, Ky., Attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–12662; Filed, Dec. 9, 1964; 8:48 a.m.]

[S.O. 947; Rev. Taylor's Car Distribution Order 12]

## TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, and 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Terminal Railroad Association of St. Louis shall deliver to the Chicago, Burlington & Quincy Railroad Co. a daily average of 50 plain serviceable box cars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago, Burlington & Quincy Railroad Co. and each car shall be identified by the Terminal Railroad Association of St. Louis as moving under the provisions of this order.

(c) Effective date: This order shall become effective at 12:01 a.m., December 7, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 4, 1964.

INTERSTATE COMMERCE COMMISSION, [SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–12663; Filed, Dec. 9, 1964; 8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


**3 CFR** (Page)
PROCLAMATIONS:
3630 — 15941
3631 — 16243
EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) — 16859
Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
Sept. 30, 1916 (revoked in part by PLO 3508) — 16864
May 21, 1920 (revoked in part by PLO 3508) — 16864
5289 (revoked in part by PLO 3486) — 16830

**4 CFR**
51 — 16313
52 — 16313

**7 CFR**
15 — 16274
29 — 16854
717 — 16184
719 — 16185
722 — 16248, 16775
724 — 16077
729 — 16185
905 — 16313–16315
907 — 16315, 16907
910 — 16078, 16316
917 — 16854
929 — 16078
1005 — 16855
1421 — 15943
1600 — 16784
1601 — 16784
PROPOSED RULES:
911 — 16258
915 — 16258
971 — 16833
1005 — 16259
1030 — 16395, 16417
1031 — 16417
1036 — 16197
1044 — 16200
1065 — 16920
1131 — 16866
1126 — 16198

**9 CFR**
74 — 15943
94 — 16907
97 — 16316

**10 CFR**
2 — 16831
PROPOSED RULES:
Ch. I — 15957
2 — 16934

**12 CFR**
217 — 15944, 16317
218 — 16065
224 — 16855
329 — 15944
545 — 16856

**13 CFR**
107 — 16825, 16946
121 — 15945
PROPOSED RULES:
107 — 16094

**14 CFR**
7 — 16149
27 [New] — 16065
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318
71 [New] — 15945–15948, 16065, 16066, 16245, 16318, 16788
73 [New] — 15948, 16184
75 [New] — 16066, 16319
93 [New] — 15948
97 [New] — 16067, 16789
389 — 16907
PROPOSED RULES:
39 [New] — 16429, 16430
71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835.
73 [New] — 15958, 16836
75 [New] — 16432, 16836
91 [New] — 15959
135 [New] — 16836
221 — 16867

**15 CFR**
201 — 16319
365 — 16186

**16 CFR**
13 — 16186, 16826, 16856

**17 CFR**
200 — 16187
239 — 16856
240 — 16245, 16856
PROPOSED RULES:
15 — 15957
19 — 15957

**18 CFR**
501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194

**19 CFR**
4 — 15949
14 — 16320

**20 CFR** (Page)
395 — 16322

**21 CFR**
8 — 15949
14 — 16194
15 — 16194
16 — 16194, 16858
17 — 16194
18 — 16194
19 — 16194
20 — 16194
22 — 16194
27 — 16194
29 — 16194
37 — 16194
42 — 16194
45 — 16194
46 — 16194
51 — 16194
53 — 16194
121 — 16078, 16079, 16249, 16858, 16909–16911
145 — 16911
148u — 16911
148x — 16251
PROPOSED RULES:
27 — 16886
31 — 16866
46 — 16429
53 — 16934
120 — 16935
121 — 16935

**24 CFR**
1 — 16280

**25 CFR**
43d — 16080

**26 CFR** (Page)
1 — 16081
45 — 16083
PROPOSED RULES:
1 — 15957, 16090

**29 CFR**
31 — 16284
689 — 15949
PROPOSED RULES:
601 — 16428
670 — 16428
675 — 16428
720 — 16428

**31 CFR**
328 — 16914
PROPOSED RULES:
306 — 16330
315 — 16330
316 — 16330
321 — 16330
332 — 16330

**32 CFR** — Page

517 — 15949
577 — 16251
701 — 16194
710 — 16055
719 — 16194
804 — 16323

**32A CFR**

OEP (Ch. I)
DMO I-4 — 16251

**33 CFR**

202 — 16859
203 — 16251
206 — 15949

**35 CFR**

5 — 16328

**38 CFR**

3 — 16252, 16328

**39 CFR**

16 — 16125
21 — 16252
22 — 16125, 16252
24 — 16125
25 — 16252
57 — 16858
61 — 16125
112 — 16858
168 — 16858

**41 CFR**

8-1 — 16323
8-2 — 16323
11-1 — 16252, 16255
11-2 — 16253, 16255
11-4 — 16253
11-14 — 16255
Ch. 18 — 16502
101-6 — 15972, 16287
101-7 — 16797
101-8 — 16800
101-9 — 16800
101-10 — 16801
101-11 — 16807
101-12 — 16824
101-13 — 16824
101-18 — 15973
101-19 — 15978
101-20 — 15984
101-25 — 15990
101-27 — 15997
101-28 — 15998

**41 CFR—Continued** — Page

101-29 — 16002
101-30 — 16004
101-40 — 16008
101-43 — 16012
101-44 — 16027
101-45 — 16035
101-47 — 16126

**42 CFR**

51 — 16915
55 — 16915
57 — 15952

**43 CFR**

17 — 16293

PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) — 16827
3447 (corrected by PLO 3485) — 16829
3464 — 16084
3465 — 16084
3466 — 16084
3467 — 16085
3468 — 16085
3469 — 16085
3470 — 16086
3471 — 16086
3472 — 16087
3473 — 16087
3474 — 16256
3475 — 16827
3476 — 16827
3477 — 16827
3478 — 16827
3479 — 16828
3480 — 16828
3481 — 16828
3482 — 16828
3483 — 16829
3484 — 16829
3485 — 16829
3486 — 16830
3487 — 16829
3488 — 16830
3489 — 16830
3490 — 16830
3491 — 16831
3492 — 16831
3493 — 16859
3494 — 16859
3495 — 16860
3496 — 16860
3497 — 16860
3498 — 16860

**43 CFR—Continued** — Page

PUBLIC LAND ORDERS—Continued
3499 — 16861
3500 — 16861
3501 — 16862
3502 — 16862
3503 — 16863
3504 — 16863
3505 — 16863
3506 — 16863
3507 — 16864
3508 — 16864
3509 — 16864

**44 CFR**

1 — 16832
2 — 16832
3 — 16832
4 — 16832
5 — 16832
6 — 16832
7 — 16832
55 — 15954
60 — 15954
100 — 15954
102 — 15954
110 — 16195
Ch. VII — 16832

**45 CFR**

80 — 16298
150 — 15955
611 — 16305

**46 CFR**

506 — 16195

PROPOSED RULES:
Ch. IV — 16433

**47 CFR**

73 — 16196, 16916
81 — 16196
87 — 16865

PROPOSED RULES:
21 — 16204
73 — 16205, 16207, 16837

**49 CFR**

0 — 16087
176 — 16125
192 — 16256

**50 CFR**

33 — 16917, 16918
256 — 16088



Pages 16945–16961

PART II

# FEDERAL REGISTER

VOLUME 29 NUMBER 240

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Small Business Administration

# Small Business Investment Companies

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Rev. 3]

## PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is revised Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

*Information and effective date.* This revision assembles Part 107 (Revision 2) as previously published in the FEDERAL REGISTER (27 F.R. 9743-9754), together with subsequently published amendments thereto (28 F.R. 681, 1627, 3021, 10868, 12250 and 29 F.R. 5223, 7144, 10499, 12109, 14221 and 16825).

The present revision renumbers §§ 107.403, 107.404, 107.501, 107.502, 107.601, 107.701, 107.702, 107.703, and 107.704, as follows;

| *Revision 2* | *Revision 3* |
|---|---|
| 403(a) Borrowing by SBIC | 402(d). |
| 404 | 403. |
| 501(a) Equity Capital | 501(a). |
| 501(b) | 501(b). |
| 501(c) | 502(a). |
| 501(d) | 502(b). |
| 501(e) | 503(a). |
| 501(f) | 503(b). |
| 501(g) | 504. |
| 501(h) | 503(c). |
| 501(i) | 505(a). |
| 501(j) | 505(b). |
| 501(k) | 505(c). |
| 501(l) | 505(d). |
| 501(m) | 506(a). |
| 501(n) | 506(b). |
| 501(o) | 507. |
| 501(p) | 508. |
| 502 | 510. |
| 601(a) Long Term Loans | 601. |
| 601(b) | 602(a). |
| 601(c) | 602(b). |
| 601(d) | 602(c). |
| 601(e) | 602(d). |
| 601(f) | 603. |
| 601(g) | 604. |
| 701 General Provisions | 701(a). |
| 702 | 701(b). |
| 703(a) | 701(c). |
| 703(b) | 701(d). |
| 704(a) | 701(e). |
| 704(b) | 701(f). |
| 704(c)(1) | 704(a). |
| 704(c)(2) | 704(b). |
| 704(c)(3) | 704(c). |
| 704(c)(4) | 704(d). |
| 704(c)(5) | 703(a). |
| 704(d) | 703(b). |
| 704(e) | 702(a). |
| 704(f) | 702(b). |
| 704(g) | 702(c). |

Minor textual changes have been made in several instances. The substance of former §§ 107.301(h) and 107.403(b) with regard to the prohibition against use of Government (i.e., section 302 and 303) funds in financing concerns selling alcoholic beverages, has been incorporated into a new § 107.715(h). The prohibition against financing agricultural projects, set forth in § 107.1003, has been carried over into new § 107.715(i). Section 107.1003 has been left unchanged. Sections 107.710 and 107.1005 dealing with "Idle Operating Funds," have been rewritten and the former text clarified, without change as to purpose or basic meaning. The footnotes formerly appearing at various places throughout Revision 2, making reference to SBA forms and noting that they were on file with the FEDERAL REGISTER, have been replaced by an explanatory statement in § 107.101 of the present Revision. Section 107.101 states that all SBA forms mentioned in the regulations are on file with the FEDERAL REGISTER and that copies may be obtained from SBA. Brief abstracts of interpretations set forth in §§ 107.1001 to 107.1015, inclusive, have been incorporated into the present Revision immediately following the particular section of the Regulations to which each relates. Accordingly, references to the interpretations in question have been made immediately following §§ 107.301; 107.501 and 107.601; 107.715; 107.602; 107.710; 107.715; 107.301 and 107.402; 107.301; 107.205; 107.708; 107.301 and 107.402; 107.503 and 107.602; and 107.715, respectively.

Sections 107.901 and 107.902 describing the enforcement actions which SBA may institute against violations of the Act or Regulations have been rewritten from the standpoint of improving textual clarity and accuracy. For example, reference is made to investigative proceedings under Section 310 of the Act and adjudicative proceedings pursuant to Section 309 of the Act.

The present Revision includes a new § 107.990, *Exemptions*. It provides, in material part, that any Licensee may file a written application with SBA to exempt a proposed transaction from one or more of the procedural or substantive requirements otherwise applicable to it under the Regulations. SBA may approve such application and grant an exemption, either conditionally or unconditionally, to the extent that the requirements in question are not prescribed by statute and exemption therefrom would not be contrary to the Act. Section 107.990 declares that favorable consideration will be given to an application where the supporting evidence demonstrates to SBA's satisfaction that (1) the terms of the proposed transaction are reasonable and fair, and (2) the exemption requested is reasonably calculated to advance the best interests of the SBIC program in a manner consonant with the policy objectives of the Act and Regulations.

Since this Revision incorporates previously published amendments, imposes no additional burdens or obligations upon Licensees or other parties concerned, authorizes applications for exemption which, upon SBA approval, would relax restrictions imposed by the Regulations, and because of the necessity of promptly applying the Revision to the program authorized by the Small Business Investment Act of 1958, it shall become effective upon publication in the FEDERAL REGISTER.

Insofar as Licensees or other interested parties may wish to comment on the rearrangement and minor textual changes incorporated into the Revision, they may do so by petition for amendment, modification or repeal of any regulatory provision as mentioned in Section 4(d) of the Administrative Procedure Act (5 U.S.C. 1003(d)). SBA's consideration of any petition submitted will be subject to Section 6(d) of that Act (5 U.S.C. 1005(d)).

Dated: December 4, 1964.

EUGENE P. FOLEY,
*Administrator.*

REGULATIONS


Sec.
107.11 Scope of part.
107.12 Definitions.

PROPOSAL

107.101 Information, instructions and forms.
107.102 Filing and processing of proposal.
107.103 Organization of proposed operator.
107.104 Charter requirements.
107.105 Waiver of paragraph required by § 107.104.
107.106 Source of charter.
107.107 Directors and incorporators.

LICENSE

107.201 License application.
107.202 Prerequisites for license.
107.203 Need for and non-transferability of license.
107.204 Fees for license.
107.205 License surrender.

CAPITAL REQUIREMENTS

107.301 Subordinated debentures; minimum capital.
107.302 Licensee's stock.
107.303 Capital impairment.

BORROWING BY SBIC

107.401 Limits on licensee borrowing.
107.402 Operating loans.
107.403 SBA sale of loans of licensee.

EQUITY CAPITAL

107.501 Equity capital.
107.502 Equity securities.
107.503 Maturity of equity securities.
107.504 Redemption provisions.
107.505 Conversions and exercise of options.
107.506 Small business concern's indebtedness.
107.507 Small business concern's purchase of licensee's stock.
107.508 Cost of money.
107.510 Control of small business concerns.

LONG-TERM LOANS

107.601 Long-term loans.
107.602 Maturity of long-term loans.
107.603 Cost of money under long-term loans.
107.604 Other terms.
107.650 Commitments.

GENERAL PROVISIONS

107.701 Lawful operations.
107.702 Activities of Licensee.
107.703 Common management; investment advisory services.
107.704 Capital changes; changes in plans, management and ownership.
107.705 Consulting and advisory services.
107.706 Subsidiary corporation for consulting and advisory services.
107.707 Services to banks or other lenders.
107.708 Investment and loan limits.
107.709 Disbursement of SBA funds.
107.710 Idle funds.
107.711 Fidelity insurance.
107.712 Identification of Licensee.
107.713 Common tenancy.
107.714 Branch offices and agencies.
107.715 Prohibited uses of funds.
107.716 Self-dealing limitation.
107.717 Internal control.
107.718 Reporting litigation.
107.719 Retention of loans and investments.

EXAMINATIONS AND REPORTS

107.801 Examinations.
107.802 Reports.

ENFORCEMENT

107.901 Investigations.
107.902 Enforcement actions.
107.990 Exemptions.

INTERPRETATIONS

107.1000 Capital structure of Licensees.
107.1001 Repayment of subordinated debentures.
107.1002 Participation by SBA with a Licensee.
107.1003 Aid for agriculture.
107.1004 Short-term loans.
107.1005 Eligible investments for idle funds.
107.1006 Funds for professional associations.
107.1007 Qualification of retained earnings as capital for SBA loans under sections 302 and 303 of the Act.
107.1008 Excess 302 funds resulting from a merger.
107.1009 Dissolution in connection with surrender of license.
107.1010 Limit on size of investments and loans applicable to funds advanced.
107.1011 Affiliated concerns constitute single entity for purposes of limits on size of investments and loans.
107.1012 Section 302 funds used for repayment of a section 303 loan.
107.1013 Maximum amortization.
107.1014 Short-term loans to protect Licensee's investment.
107.1015 SBIC financing for radio and TV stations.


AUTHORITY: The provisions of this Part 107 issued under sec. 308, 72 Stat. 694; 15 U.S.C. 687.

REGULATIONS

### § 107.11 Scope of part.

(a) *The Act.* The Small Business Investment Act of 1958 became law August 21, 1958. Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960, the Small Business Investment Act Amendments of 1961, which became effective October 3, 1961, and the Small Business Investment Act Amendments of 1963, which became effective February 28, 1964.

(b) *Purpose of Act.* The purpose of the Act is to improve and stimulate the national economy in general and the small business segment thereof in particular.

(c) *Function of program.* This purpose is to be accomplished by the establishment of a program designed to stimulate and supplement the flow of private equity capital and long-term loan funds necessary for the sound financing of the business operations of small-business concerns and for their growth, expansion and modernization.

(d) *Nature of program.* Under the program:

(1) SBA will select and approve (license) private corporations (chartered under State law to conduct the activities described in subparagraph (2) of this paragraph) which shall thereupon become eligible for (i) financial assistance from SBA under the Act, (ii) discretionary exemptions under the Securities Act of 1933 and the Trust Indenture Act of 1939, as well as a specified exemption under the Investment Company Act of 1940, (iii) such further benefits and privileges as may ever be provided by Federal or State laws for corporations licensed by SBA under the Act, and (iv) tax benefits specified under the Technical Amendments Act of 1958, as amended in 1959. The stockholders of such corporations are eligible also for tax benefits specified under the Technical Amendments Act of 1958.

REFERENCES

1. Securities Act of 1933, 15 U.S.C.A. secs. 77a-77aa.
2. Trust Indenture Act of 1939, 15 U.S.C.A. secs. 77aaa-77bbbb.
3. Investment Company Act of 1940, 15 U.S.C.A. secs. 80a-1—80a-52.
4. Securities and Exchange Commission Regulations issued pursuant to the above Acts relating to small business investment companies.
5. Section 57, Technical Amendments Act of 1958, Public Law 85-866, as amended by Public Law 86-376, 73 Stat. 700.
6. Personal Holding Company Tax Section 541, Internal Revenue Code of 1954, 26 U.S.C.A. secs. 541-547.
7. Sections 1.541-1—1.547-7 of the Income Tax Regulations of the Treasury Department (26 CFR 1.541-1 to 1.547-7) as amended.
8. State incorporation laws.
9. Bank Holding Company Act of 1956, 12 U.S.C.A. secs. 1841-1848.
10. Regulations of the Federal Reserve Board under Bank Holding Company Act, 12 CFR 222.1-222.108, and in particular, Regulation 222.107.

(2) Private corporations are to be chartered under State law for the specific purpose of providing funds to small business concerns (as defined by SBA) through the purchase of Equity Securities (as defined in § 107.502) of such concerns and through the disbursement of long-term loans to such concerns. Such corporations will be authorized to provide consulting and advisory services to small business concerns on a fee basis for such services actually rendered. All of said activities will be subject to regulations prescribed by SBA. The corporations will be examined by SBA and will make reports as and when required by SBA.

(e) *Private participation.* The program will be administered in such a manner as to insure the maximum participation of private financing sources.

(f) *Unemployment.* Any financial assistance provided under the Act cannot result in a substantial increase of unemployment in any area of the country.

(g) *Investment Division.* The program will be administered by SBA through its Small Business Investment Division.

(h) *False statements.* The provisions of section 16 of the Small Business Act are extended specifically to the functions under the Small Business Investment Act of 1958. That section requires that whoever makes a statement knowing it to be false, or willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of SBA, or for the purpose of obtaining money, property, or anything of value, shall be punished by fine or imprisonment or both.

### § 107.12 Definitions.

*Act.* "Act" means the Small Business Investment Act of 1958, as amended.

*Administrator.* "Administrator" means the Administrator of the SBA.

*License.* "License" means the grant (evidenced by a certificate issued to the Licensee and registered in the Washington office of SBA) by SBA to a Proposed Operator, in consideration of the representations and offers contained in the License Application, of authority to conduct its business, in the territory described in the License, in accordance with and subject to the provisions and purpose of the Act and regulations of SBA prescribed thereunder; and includes the privilege of receiving financial assistance under the Act and qualifies such Licensee and its stockholders for any and all other rights, privileges and benefits available to a Licensee and its stockholders under the provisions of the Act or any other Federal or State laws.

*License Application.* "License Application" means the request to SBA for a License, by the Proposed Operator, executed and submitted on SBA Form No. 415, which shall incorporate by reference the Proposal as a part of said request.

*Licensee.* "Licensee" means a corporation which: Is enfranchised and chartered under State law, to conduct (in accordance with and subject to the provisions and purpose of the Act and in accordance with and subject to regulations prescribed by SBA under the Act) in the territory in which its operations are to be carried on, only the activities described under Title III of the Act; has executed and submitted a License Application; and, has been granted a License.

*Operating territory or area.* "Operating territory", "area in which operations are to be carried on", "areas in which Licensee operates", and similar terms, mean the territorial area or areas in which a Licensee is authorized by the terms of its License to purchase Equity Securities (as defined in § 107.502) from, to make loans to, and to provide consulting and advisory services to any small business concern (regardless of the residence, domicile, place of business, or location of the property of such small business concern) so long as such purchase, loan or service does not constitute or involve doing business in any State not included in said territorial area or areas so as to require the Licensee to register or otherwise comply with the laws of such State as a foreign corporation.

*Proponents.* "Proponents" means individuals or other entities which execute and submit a Proposal.

*Proposal.* "Proposal" means the information and representations contained in SBA Form No. 414, submitted by Proponents with the request that SBA consider the same and issue an approval for the Proponents to proceed with all action (including the incorporation of

the Proposed Operator) necessary to qualify the Proposed Operator for execution and submission of a License Application. A Proposal is in effect a preliminary License Application (see definition of "License Application").

*Proposed Operator.* "Proposed Operator" means the company identified and described in a particular Proposal and recommended therein as a prospective Licensee.

*SBA.* "SBA" means the Small Business Administration.

*SBID.* "SBID" means the Small Business Investment Division of SBA.

*Small business concern.* For the purpose of size, a "small business concern" is one which meet the applicable standards and criteria set forth under Part 121 of this chapter.

PROPOSAL

**§ 107.101 Information, instructions and forms.**

All SBA forms referred to throughout the regulations in this part have been filed with the Office of the Federal Register as part of the original document. Copies of any of these forms may be obtained from the Investment Division, Small Business Administration, Washington, D.C., 20416. Detailed printed information, instructions and forms covering the procedure and basic requirements in the grant of a license, may be obtained from SBID through the Washington or any Regional or Field Office of SBA.

**§ 107.102 Filing and processing of proposal.**

(a) *Forms.* A Proposal shall be submitted on SBA Form No. 414 to SBID through a Regional Office of SBA. The Proposal consists of three parts: Part I deals with the plans of operation; Part II deals with the experience of the Proposed Operators; and Part III is a financial statement of each proposed officer, director and ten or more percent stockholder. Part III shall be filed only in those instances where the Proposed Operator is requesting SBA funds pursuant to § 107.301(b)(1).

(b) *Other requirements.* Such Proposal shall include such further matters, in addition to those matters required by SBA Form 414, as SBA may require by regulation or otherwise or which may be submitted by the Proponents as part of the Proposal.

(c) *Need for SBIC.* In considering whether to issue a License to a Proposed Operator, due regard will be given, among other things, to the need for financing of small business concerns of the type intended to be assisted by the Proposed Operator, provided the License shall not grant to the Licensee any exclusive right in any area or areas set forth therein.

(d) *Opinion of counsel.* Counsel for the Proponents or Proposed Operator shall submit as a part of the Proposal his opinion that, among other things, the Proposed Operator is or can be chartered under State law to conduct (in the territory in which its operations are to be carried on) only the activities described under Title III of the Act, in accordance with and subject to the provisions and purpose of the Act and in accordance with and subject to regulations prescribed by SBA under the Act.

(e) *Proposal number.* Immediately upon receipt by SBID of each Proposal, SBID shall register, assign an identification number thereto, and acknowledge receipt of the same.

(f) *Investigation of proponents.* The submission of a Proposal shall constitute an authority to SBA to proceed with the consideration thereof and to conduct without liability to SBA or anyone acting for or on behalf of SBA, any investigations and inquiries with respect to any or all matters, individuals or other entities referred to in the Proposal, as may be determined by SBA.

(g) *Notice to proceed; notice of insufficiency.* After consideration of a Proposal SBA shall notify the Proponents, either:

(1) That the Proponents may proceed with all action necessary to qualify the Proposed Operator for execution and submission of a License Application; which action shall be completed and a License Application submitted by the Proposed Operator within 90 days from the date of said notice from SBA, unless such period is extended by SBA; or

(2) That such Proposal is insufficient.

(i) If, in the opinion of SBA, the sufficiency of such Proposal cannot be established through further information or action, SBA shall close the same and so notify the Proponents.

(ii) If, in the opinion of SBA, the sufficiency of such Proposal may be established through further information or action, SBA shall simultaneously with such notice allot a period of time within which the Proponents may endeavor to establish the sufficiency of such Proposal and resubmit the same.

(iii) A resubmitted Proposal which is again determined by SBA to be insufficient or a rejected Proposal which is not resubmitted within any such alloted period, shall be closed permanently by SBA and the Proponents so notified.

**§ 107.103 Organization of proposed operator.**

Unless and until SBA gives written notice to the Proponents that it does not object to the instruments and proceedings contemplated for use in the organization or qualification of the Proposed Operator as a Licensee, said Proponents should not take any final action to conclude any such organization and qualification.

**§ 107.104 Charter requirements.**

(a) The charter of a Licensee shall constitute a grant of being or continued existence as a corporate entity, by a State, in the form of a permit or certificate of incorporation or amendment or otherwise, with the specific and sole powers and authority recited below. Such powers and authority can be expressed and granted in any manner consistent with the laws of such State and requirements of the State officials charged with such responsibilities, provided that each such charter shall contain the following provision:

(b) This corporation is organized and chartered expressly for the purpose of operating under the Small Business Investment Act of 1958, as amended, and will operate in the manner and shall have the powers, responsibilities and be subject to the limitations provided by said Act and the regulations issued by the Small Business Administration thereunder.

(c) Said powers and authority shall be as follows:

(1) To act under a particular name;

(2) To issue a maximum number of shares of one or more types of its stock;

(3) To borrow money and issue its debenture bonds, promissory notes, or other obligations under such general conditions and subject to such limitations and regulations as SBA may prescribe;

(4) To provide equity capital to small business concerns (as defined by SBA) under the conditions authorized by section 304 of the Act and regulations with the right to sell or dispose of securities so acquired in such manner and under such terms and conditions as the Licensee shall determine;

(5) To make long-term loans (as defined by SBA) to small-business concerns (as defined by SBA) for the purposes and in the manner and subject to the conditions described in section 305 of the Act; with the right to sell or dispose of such loans in such manner and under such terms and conditions as the Licensee shall determine;

(6) To acquire and make commitments for obligations and securities of a single enterprise only within the limitations established by section 306 of the Act, unless such limitations are waived by SBA;

(7) To undertake its operations in cooperation with banks or other investors or lenders, incorporated or unincorporated, as contemplated under section 308(a) of the Act;

(8) To provide consulting and advisory services to small business concerns on a fee basis;

(9) To invest funds not reasonably needed for its current operations only in direct obligations of, or obligations guaranteed as to principal and interest by the United States;

(10) To conduct its operations in accordance with and subject to regulations prescribed by SBA;

(11) To submit to and pay for examinations made by direction of SBA by examiners selected, employed or approved by SBA;

(12) To make reports to SBA at such times and in such form as SBA may require;

(13) To conduct its operations in a specified area or areas, without limitation, however, as to the residence, domicile, or place of business of parties with which it transacts its business or otherwise deals;

(14) To regulate its business and conduct its affairs in a manner not inconsistent with the Act and regulations prescribed by SBA thereunder;

(15) To adopt and use a corporate seal;

(16) To have succession for a period of at least thirty years, subject to dissolution in accordance with State law; and subject to forfeiture of its License for violation of law or of regulation issued under the Act;

(17) To make contracts;

(18) To sue and be sued, complain and defend in any court of law or equity;

(19) By its board of directors, to appoint such officers and employees as may be deemed proper, define their authority and duties, fix their compensation, require bonds of such of them as it deems advisable and fix the penalty thereof, dismiss such officers or employees, or any thereof, at pleasure, and appoint others to fill their places;

(20) To adopt bylaws, regulating the manner in which its stock shall be transferred, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed;

(21) To maintain a principal office (which shall be designated in its Articles) and to establish branch offices or agencies within its operating territory, subject to the approval of SBA: *Provided, however,* That, whether to obtain a grant of power and authority from the State to establish branch offices or agencies shall be optional with the incorporators;

(22) To acquire, hold, operate, and dispose of any property (real, personal, or mixed) whenever necessary or appropriate to the carrying out of its lawful functions;

(23) To exercise such incidental powers as may reasonably be necessary to carry out the business for which the corporation is established.

**§ 107.105 Waiver of paragraph required by § 107.104**

In the event SBA, for cause satisfactory to SBA, waives the inclusion in a Licensee's State charter of that portion of the general provision (set forth in the second sentence of § 107.104(a)) which identifies the manner of operation, powers, responsibilities, and limitations of the Licensee by specific reference to the Act and regulations issued thereunder: The charter of such a Licensee, in lieu of such identification by reference, shall set forth specifically and in detail the manner of operation, powers, responsibilities, and limitations of the Licensee which are required of a Licensee as specified in and contemplated by the Act and regulations and to the extent and in a manner satisfactory to SBA. Further, any such Licensee shall, from time to time amends its charter in order to conform its charter purpose, manner of operation, powers, responsibilities, and limitations with those contained in and contemplated by the Act and the regulations issued by SBA thereunder from time to time.

**§ 107.106 Source of charter.**

(a) *State charter.* The charter of a Licensee shall be obtained from the State in which the Licensee operates or if the Licensee operates in more than one State said charter shall be obtained from any State within the entire area or areas in which the Licensee operates.

(b) *Operation in other States.* A Licensee conducting operations beyond the jurisdiction of the State from which it receives its charter, shall obtain authority or otherwise be entitled to conduct its activities in such other State or States in accordance with the provisions of its charter, the Act and regulations prescribed thereunder.

**§ 107.107 Directors and incorporators.**

A Proposed Operator shall conform to the laws of the State of its incorporation with respect to the number and qualification of incorporators and directors.

LICENSE

**§ 107.201 License application.**

(a) *Application.* A License Application may be submitted upon SBA Form No. 415 by the Proposed Operator only after issuance by SBA of the notice referred to under § 107.102(g)(1) and in accordance with instructions issued by SBA, including instructions contained in such notice. Such License Application shall be submitted within 90 days after issuance of said notice.

(b) *Action by SBA.* Within 180 days after submission of a License Application, SBA will give due regard, among other things, to the need for financing of small business concerns in the area in which the Proposed Operator intends to commence business, the general character of the proposed management of the Proposed Operator, and the number of existing Licensees and the volume of their operations, and after consideration of all relevant factors, will in its discretion either issue a License to the Proposed Operator or notify the Proposed Operator that after consideration of all relevant factors the SBA will not issue a License to the Proposed Operator.

**§ 107.202 Prerequisites for license.**

Prior to the issuance of a License, each Proposed Operator shall have:

(a) *License application.* Executed and submitted a License Application, including such additional information, statements and representations as may be otherwise required by SBA.

(b) *Charter.* Received a corporate charter or franchise under State laws to operate as a Licensee.

(c) *Capital.* Submitted evidence satisfactory to SBA that it has a paid-in capital and paid-in surplus equal to at least $300,000 in cash or eligible Government securities as provided in § 107.302(a) (exclusive of organizational expenses) on hand or in escrow contingent solely on the issuance of a License, as required by section 302(a) of the Act (including any commitment of SBA as described under § 107.301).

**§ 107.203 Need for and non-transferability of license.**

Only upon issuance by SBA of a License to a Proposed Operator, shall such corporation be authorized to operate under the Act. A License is not transferable in any manner.

**§ 107.204 Fees for license.**

A License fee of $100 shall be tendered to SBA by a Licensee, simultaneously with the filing of SBA Form 415.

**§ 107.205 License surrender.**

(a) *Prior approval of SBA.* A Licensee shall not surrender its license without prior written approval of SBA. Any request by a Licensee for approval of the surrender of a license shall be accompanied by a plan of dissolution. Such plan shall include provisions for the liquidation of assets, distribution thereof to shareholders, the surrender of the corporate charter, and the termination of the Licensee's existence as a corporate body. The plan shall provide for its consummation within a reasonable period of time and shall be subject to the approval of SBA. The surrender of the license shall become effective upon a determination by SBA that the provisions of the plan have been consummated.

(b) *Conditions of SBA approval.* SBA will not approve a plan of dissolution leading to surrender of a license of any Licensee having paid-in capital and paid-in surplus from private sources of as much as $300,000 (excluding organizational expenses) unless it can be demonstrated to the satisfaction of SBA that:

(1)(i) There has been no major change in the Board of Directors of the Licensee or in parties owning, holding or controlling, directly or indirectly, 10 or more percent of its stock within one year previous to the date of application for approval of the surrender and plan of dissolution; and

(ii) Substantial efforts have been made to operate the Licensee successfully but due to conditions peculiar to the Licensee, it has been unable to accomplish the purposes of the Act; and

(iii) A 20 percent reserve consisting of cash plus funds invested pursuant to § 107.710 is to be maintained against Licensee's outstanding equity investments and long-term loans for the purpose of meeting possible requirements for additional financing of existing portfolio concerns. Such reserve shall be in addition to 100 percent coverage of Licensee's outstanding commitments and other legal obligations; or

(2) It would be in the best interest of the SBIC program to allow the Licensee to dissolve and surrender its license.

*Interpretation.* Any understanding, express or implied, by which the stockholders of a dissolving SBIC will act in concert to exchange the assets of such SBIC for the securities of another corporation, is not permitted. See § 107.1009.

CAPITAL REQUIREMENTS

**§ 107.301 Subordinated debentures; minimum capital.**

(a) *Minimum use of Government funds.* In considering whether to issue a License to a Proposed Operator SBA will, in addition to all other requirements and criteria, give preference to those Proposals which contemplate the minimum use of Government funds. The management of a Proposed Operator or of a Licensee should plan and encourage the maximum investment of private funds.

(b) *Minimum capital; subordinated debentures.* A Proposed Operator must have a paid-in capital and paid-in surplus from private sources of at least $150,000 (exclusive of organizational expenses), in cash or eligible Government securities. To the extent that additional funds are not available to the Proposed

Operator from private sources on reasonable terms, it may request SBA, in the License Application, to agree to purchase Subordinated Debentures in the following amounts:

(1) In the amount required to meet the $300,000 statutory minimum, or

(2) In such greater amount, up to but not exceeding $700,000, as the Proposed Operator may match with paid-in capital and paid-in surplus from private sources.

(c) *Subordinated debentures issued after licensing.* On or before February 27, 1968, or four years after the issuance of its license, whichever is later, a Licensee may request SBA to agree to purchase its Subordinated Debentures in an amount which, when added to any Subordinated Debentures previously issued to SBA, will not exceed the lesser of:

(1) $700,000, or

(2) Its paid-in capital and paid-in surplus from private sources.

*Provided, however,* That a Licensee with paid-in capital and paid-in surplus from private sources in excess of $2,000,000 may request SBA to purchase its Subordinated Debentures in an aggregate amount of more than $400,000 only after it has borrowed the maximum amount of funds available to it pursuant to § 107.402.

(d) *Availability of private funds.* In connection with any request for such funds, the Licensee shall submit evidence satisfactory to SBA that such funds are not available on reasonable terms from private sources.

(e) *Commitment.* SBA may issue a commitment for such funds. Such commitment will expire one year from the date it is issued, but in no case later than February 27, 1969, or five years after the date of issuance of the license, whichever is later. The commitment, as well as the Subordinated Debenture itself, shall be treated as part of the paid-in capital and paid-in surplus of a Licensee for purposes of §§ 107.301, 107.402, and 107.708(a).

(f) *Terms of commitment.* A commitment fee shall be computed against the amount committed but not disbursed. Such fee will be at the rate of one-twelfth of one percent for each 30-day period or fraction thereof, beginning with the first day after the first thirty days following the date of the commitment. The fee shall be due and payable upon billing. The fee shall not apply to any amount for which disbursement is requested during the initial 30-day period following the date of the commitment. Thereafter, the fee will terminate, as to the amount requested to be disbursed, at the end of the 30-day period during which request for disbursement is made. The date which appears on the SBA form used to request the disbursement shall be deemed to be the date the disbursement is requested, but if ten days or more have elapsed between the date of the form and the date of its receipt in the Office of Investment Assistance, Investment Division, Small Business Administration, Washington 25, D.C., SBA may, in its discretion, consider that the request was made as of the date of such receipt. Disbursement of funds shall be subject to § 107.709 (a) and (b).

(g) *Terms of subordinated debentures.* Such Subordinated Debentures shall contain such terms and conditions, as shall be determined by SBA. Interest shall be at the rate of five percent per annum and maturities shall not exceed twenty years. The debentures may be prepaid at any time without penalty, subject, however, to the requirements of § 107.1001. Amortization of the debentures shall commence no later than the beginning of the second half of their term.

*Interpretations.* Repayment of subordinated debentures must not reduce capital below minimum. See § 107.1001.

Retained earnings may qualify as capital for purposes of borrowing from SBA. See § 107.1007.

Section 302 (of the Act) funds may temporarily exceed maximum in event of merger between SBICs. See § 107.1008.

Section 302 (of the Act) funds may be used to retire indebtedness to SBA under section 303 (of the Act). See § 107.1012.

### § 107.302 Licensee's stock.

(a) *Consideration.* A Licensee may issue any of its securities for (1) cash, (2) direct obligations of, or obligations guaranteed as to principal and interest by, the United States, (3) securities of which it is the issuer, in connection with a reclassification approved by SBA, (4) services previously rendered to the Licensee, (5) physical assets to be currently employed in the operation of the Licensee, (6) as a dividend, and (7) in connection with a statutory or other type of merger or consolidation with another Licensee or non-Licensee company approved by SBA pursuant to § 107.702(c): *Provided, however,* That any shares of stock issued as part of the initial minimum capital required by § 107.202(c) may be issued only in consideration of the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of securities permitted by § 107.202(c). A Licensee may issue its stock for Equity Securities of a small business concern pursuant to the provisions of section 304(c) of the Act.

(b) *Options.* Options upon the stock of a Licensee may be granted to an individual only upon approval of at least a majority of such Licensee's stockholders and only in lieu of salary or in payment for services actually rendered such Licensee, and only if:

(1) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option;

(2) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

(3) (i) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of such Licensee. This subparagraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option by its terms is not exercisable after the expiration of five years from the date such option is granted.

(ii) For purposes of this subparagraph:

(*a*) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(*b*) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(c) Such option by its terms is not exercisable after the expiration of ten years from the date such option is granted.

### § 107.303 Capital impairment.

(a) *Prohibition.* Each Licensee shall maintain at all times an unimpaired capital.

(b) *Definition.* An impairment shall be deemed to exist when the retained earnings deficit exceeds fifty percent (50%) of the combined fully paid capital stock issued and outstanding and paid-in surplus. For the purpose of this determination, subordinated debentures issued to SBA pursuant to section 302(a) of the Act will not be considered a part of capital and surplus.

## Borrowing by SBIC

### § 107.401 Limits on licensee borrowing.

(a) *Debt limit.* Without the prior consent of SBA, the ratio of the total amount of outstanding indebtedness of a Licensee to the paid-in capital and paid-in surplus (including the unpaid balance due SBA under any debentures acquired under section 302(a) of the Act) of such Licensee shall not exceed four to one.

(b) *Borrowing plans.* The Proposal shall set forth in detail the policy, plans, and all other information with respect to prospective borrowings, if any, to be made by a Proposed Operator as a Licensee from any source other than SBA.

### § 107.402 Operating loans.

(a) *Maximum amount.* To the extent that a Licensee is unable to borrow or otherwise secure operating funds from private sources, on reasonable terms, SBA may lend or agree to lend to such Licensee funds for such purpose up to a total amount outstanding at any one time not in excess of fifty percent of the paid-in capital and paid-in surplus of such Licensee, including as a part of such capital and surplus any outstanding balance due SBA under subordinated debentures purchased by SBA under the provisions of section 302(a) of the Act, or $4,000,000, whichever is less.

(b) *Availability of private funds.* The funds applied for shall be deemed to be available from private sources on reasonable terms, unless it is satisfactorily demonstrated that: Proof of refusal of the required funds has been obtained from:



(1) The Licensee's bank of account, or

(2) If the amount of the loan applied for is in excess of the legal lending limit of the Licensee's bank or in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for, or

(3) Not less than two banks in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount, and terms requested, and the reasons for not granting the desired credit.

(c) *Terms.* Such loans may be prepaid at any time without penalty. Interest upon such loans shall be at the rate of 5 percent per annum and the maturity thereof shall be for a term of 6 years: *Provided, however,* That (1) SBA in its discretion may renew such loans for an additional period of 4 years and (2) in such event, the unpaid principal balance shall be repaid at a rate of 33⅓ percent per annum during each of the last three years of the extended term, i.e., during the eighth, ninth, and tenth years, respectively. Any such loan or loans made pursuant to this section shall contain such further terms and conditions as shall be determined by SBA.

(d) *Disbursement.* Disbursement of loans under section 303 of the Act will be subject to the execution and delivery of the certificate required by § 107.709.

*Interpretations.* Retained earnings may qualify as capital for purposes of borrowing from SBA. See § 107.1007.

Section 302 funds may be used to retire indebtedness to SBA under section 303. See § 107.1012.

### § 107.403 SBA sale of loans of licensee.

SBA may, in its discretion and upon such terms and conditions and for such consideration as shall be deemed to be reasonable, sell, assign, transfer, or otherwise dispose of any debenture, note, or other evidence of debt or security held in connection with any loan made under sections 302(a) and 303(b) of the Act and may accept reassignment, retransfer, and delivery thereof from any such purchaser, assignee, or transferee as may be agreed upon between SBA and such purchaser, assignee, or transferee.

## Equity Capital

### § 107.501 Equity capital.

(a) *Licensee as source of equity capital.* Each Licensee shall constitute a source of Equity Capital for incorporated small business concerns; which capital shall be supplied in a manner and under terms consistent with regulations of the Administration.

(b) *Definition.* "Equity Capital" means funds received by an incorporated small business concern from a Licensee as the consideration for the issuance of Equity Securities by such concern to such Licensee.

*Interpretation.* SBA cannot participate with an SBIC in financing a small business concern. See § 107.1002.

### § 107.502 Equity securities.

(a) *Definition.* "Equity Securities" means:

(1) Certificates of stock of any class; *Provided, however,* That whenever any such stock contains a right to convert to another class of stock or contains rights or privileges therein in the nature of stock warrants or options, no further stock purchase warrants, options or conversion rights shall be issued in connection therewith; and

(2) Instruments which evidence a debt and which provide a right or privilege to convert all or any portion of the debt instruments into stock of the small business concern, or provide nondetachable or detachable stock purchase warrants or options, or provide both a right or privilege to convert all or any part of the debt instruments into stock and also detachable stock purchase warrants or options: *Provided, however,* That no further stock purchase warrants, options or conversion rights shall be issued in connection therewith.

(b) *Collateral.* Equity Securities which evidence a debt may be secured by collateral.

### § 107.503 Maturity of equity securities.

(a) *Minimum maturity.* A Licensee shall not purchase or acquire any type of Equity Securities if the purpose of such purchase or acquisition is to furnish the small business concern with financing for a period of less than five years' duration. Equity Securities shall not require repayments during the first five years at a rate exceeding an average of twenty percent of principal per annum.

(b) *Call rights; due dates.* Equity Securities which evidence a debt shall have stated maturities of not less than five years and must be callable but on such terms as may be negotiated at the time of issuance of such Equity Securities, in whole or in part, by the issuer: *Provided,* That any right to convert the debt may be exercised prior to the effective date of such call. Such securities shall be acquired by a Licensee simultaneously with the disbursement of Equity Capital and shall evidence the total principal amount, and the interest rate, required to be paid by the small business concern in consideration for the amount of Equity Capital disbursed. Equity Securities which evidence a debt may comprise an instrument or instruments in such form and substance as may be negotiated between the Licensee and said concern consistent with the Act and regulations thereunder, provided that the maturity or maturities set forth in such instrument or instruments shall not require repayment of the total principal amount evidenced by such instrument or instruments during the first five years at a rate in excess of an average of twenty percent of the total principal thereof per annum. Whenever more than one instrument is employed, each instrument shall state on the face thereof the maturity date of the particular instrument and make reference to the maturity date(s) of the other instrument(s) involved in the disbursement.

(c) *Short term financing.* Equity Securities with maturities of less than five years may be purchased or acquired by a Licensee when necessary to protect the interests of the Licensee in previously issued long-term Equity Securities provided that similar conditions and privileges covering the long-term Equity Securities shall otherwise apply thereto. Equity Securities with maturities of less than five years' duration will not be construed "to protect the interests of the Licensee in previously issued Equity Securities" if the purpose of such short-term Equity Securities is to take care of normal short-term requirements of the small business concern.

*Interpretation.* For further definition of maximum rate of amortization see § 107.1013.

### § 107.504 Redemption provisions.

Any redemption provisions of certificates of stock shall be on such terms as may be negotiated at the time of issuance thereof, provided the redemption provisions are exercisable, in whole or in part, upon three months' notice, and provided further that any such stock which contains conversion rights may be converted prior to the effective date of such redemption.

### § 107.505 Conversions and exercise of options.

(a) *Conversion prices.* Equity Securities which are converted into stock shall be converted at a price or series of prices per share not less than the sound book value of such stock as determined at the time of the issuance of said securities: *Provided, however,* That the total purchase price of such stock which may be purchased at said price or series of prices per share shall not exceed the amount of Equity Capital provided by said securities plus the accrual of earned interest and charges on said Equity Capital to the date of conversion of said securities. "Sound book value," for the purposes hereof, shall be determined through consideration of all pertinent factors including the actual value of the assets of the small business concern and the relationship of the earnings of such concern to its invested capital.

(b) *Expiration of options.* Stock purchase warrants or options issued in connection with Equity Securities shall expire not later than two years after the stated maturity date of such Equity Securities but in no event more than ten years from the date of the issuance of such Equity Securities.

(c) *Prices under options.* The purchase price per share of shares available under warrants or options acquired in connection with the purchase of Equity Securities shall be at no less than the sound book value of such shares, as defined herein, at the time the warrant or option is issued, and the total cost of such shares shall not exceed the total amount of Equity Capital provided by the Licensee at the same time as the warrant or option was issued, except as the warrant or option may provide for successive increases in the price per share of optioned shares.

(d) *Stock prices.* The purchase price per share of shares available under certificates of stock acquired as Equity

securities shall be at no less than the sound book value of such shares, as defined herein, at the time the certificates of stock are issued.

**§ 107.506 Small business concern's indebtedness.**

(a) *Refinancing of indebtedness.* Wherever Equity Securities involve debt, any Licensee may require small business concerns to refinance any or all of its outstanding indebtedness so that the Licensee is the only holder of any indebtedness of such concern.

(b) *First refusal on new indebtedness.* Wherever Equity Securities involve debt, any Licensee may require a small business concern to agree not to incur any additional indebtedness without first securing the approval of the Licensee and giving the Licensee the first opportunity to finance such additional indebtedness; *Provided, however,* That the Licensee shall allow appropriate exceptions for open account or other short-term credit.

**§ 107.507 Small business concern's purchase of licensee's stock.**

Whenever a Licensee purchases or acquires Equity Securities of a small business concern, such concern shall have the right, exercisable in whole or in such part as such concern may elect, at the time of the issuance of such Equity Securities, to become a stockholder-proprietor by investing in the capital stock of the Licensee in an amount not more than five per centum of the Equity Securities purchased or acquired by the Licensee. The price of such stock sold by the Licensee to the small business concern under this section shall not be more than the higher of (a) the book value determined in conformity with generally accepted accounting principles, or (b) the fair market value. Factors which may be taken into consideration in determining fair market value may include, among others, market quotations, recent public or private sales, and the liquidating value, earnings, and dividend record of the Licensee's stock.

**§ 107.508 Cost of money.**

The maximum annual cost to the issuer of Equity Securities evidencing a debt charged by any Licensee for average outstanding unpaid net funds advanced shall not exceed the lesser of (a) such maximum annual cost to issuer as may be prescribed by applicable State or local law, or (b) such maximum annual cost to issuer as may be specified in the Licensee's Proposal and License Application. Cost to issuer includes all interest and discount, as well as all fees, commissions, charges, etc., against the issuer by the Licensee at the time the Equity Securities evidencing a debt are purchased and such fees, charges, etc., shall be treated as additional discount for this purpose.

**§ 107.510 Control of small business concerns.**

(a) *General.* The Act contemplates that Licensee shall finance small business concerns through equity investments and long-term loans. It does not contemplate that Licensees shall operate business enterprises or function as holding companies exercising control over such enterprises. Accordingly, a Licensee may not acquire equity securities of a small business concern primarily for the purpose of exercising indefinite control over it nor may indefinite control be exercised by one or more Licensees through management agreements, voting trusts, majority representation on the board of directors, or otherwise.

(b) *Presumption of control.* A Licensee will be deemed to control a small business concern when it owns, holds, or controls, directly or indirectly, voting securities equivalent to (1) more than 50 percent of the outstanding voting securities, if the voting securities of the small business are held by less than 50 shareholders, or (2) more than 25 percent of the outstanding voting securities, if the voting securities of the small business concern are held by 50 or more shareholders. This presumption may be rebutted by the submission of appropriate evidence satisfactory to SBA.

(c) *Control by two or more Licensees.* Where a small business concern has been financed by two or more Licensees, the aggregate amount of its voting securities which have been acquired and are held or controlled, directly or indirectly, by such Licensees acting in concert or as co-participants pursuant to an agreement shall constitute the basis for determining whether control exists pursuant to paragraph (b) of this section.

(d) *Temporary control permitted.* A Licensee may acquire temporary control over a small business concern from which it has acquired equity securities or to which it has made long-term loans only where (1) the financing is necessary to rehabilitate such concern which is threatened with insolvency or closure due to financial difficulty; or (2) the financing is provided to a small business concern which has been in existence for less than two years or to an established small business which has made substantial changes in its type of operations or products during the preceding two years, and the funds furnished by the Licensee constitute the major source of capital of the small business concern; or (3) assumption of control is reasonably necessary for the protection of Licensee's investment; or (4) SBA's prior approval has been obtained in exceptional circumstances warranting special treatment consonant with the purposes of the Act.

(e) *Plan to divest control.* Where control of a small business concern is assumed by a Licensee in accordance with paragraph (d), the Licensee must negotiate and enter into a plan providing for ultimate relinquishment of such control within a reasonable period of time. The plan may (1) provide that other existing stockholders of the small business concern shall have the right, through warrants, options or otherwise, to reacquire control from the Licensee or the right of first refusal to purchase controlling securities from it on terms and conditions negotiated at the time of the original financing; or (2) incorporate such other appropriate contractual arrangements assuring divestiture of control as may be negotiated, at or prior to assumption of actual control, upon a mutually satisfactory basis between the Licensee and other parties in interest: *Provided, however,* That such plan (1) shall not adversely affect or interfere with enforcement by the Licensee of its legal rights against a small business concern which has defaulted on its indebtedness or other obligations to the Licensee, and (ii) shall no longer continue in effect as a binding obligation on the part of the Licensee in the event of such enforcement action. If the Licensee acquires control of the small business concern as the result of the enforcement action taken, the Licensee must nevertheless relinquish control within a reasonable period of time. The Licensee shall be free to negotiate with any appropriate person or entity in connection with accomplishment such relinquishment of control.

### Long-Term Loans

**§ 107.601 Long-term loans.**

Each Licensee shall constitute also a source of funds for long-term loans for the sound financing of the operations, expansion and modernization of small business concerns. Such loans shall not provide any right in a Licensee to acquire any stock or other proprietary interest in the borrower, except through the medium of collateral security.

*Interpretation.* SBA cannot participate with an SBIC in financing a small business concern. See § 107.1002.

**§ 107.602 Maturity of long-term loans.**

(a) *Minimum maturity.* A Licensee shall not make any such loans if the purpose of such loan is to furnish the small business concern with financing for a period of less than five years' duration.

(b) *Due dates.* Any such loan shall have a stated maturity of not less than five years and all or any part of any such loan may be anticipated by the borrower on any interest payment date upon such terms as may be negotiated at the time of disbursement of the loan. The instrument of instruments evidencing any such loan shall be acquired by a Licensee simultaneously with the disbursement of the loan funds and shall evidence the total principal amount, and the interest rate, required to be paid by the small business concern, in consideration for the amount of loan funds disbursed. Any such loan may be evidenced by an instrument or instruments in such form and substance as may be negotiated between the Licensee and said concern consistent with the Act and regulations thereunder: *Provided,* That the maturity or maturities set forth in such instrument or instruments shall not require repayment of the total principal amount evidenced by such instrument or instruments during the first five years at a rate in excess of an average of twenty percent of the total pricipal thereof per annum. Whenever more than one instrument is employed, each instrument shall state on the face thereof the maturity date of the particular instrument and make reference to the maturity date(s) of the other instrument(s) involved in the disbursement.



(c) *Short-term financing.* Loans with maturities of less than five years may be made by a Licensee to a borrower when necessary to protect the interests of the Licensee in previously issued long-term loans or Equity Securities. Loans with maturities of less than five years' duration will not be construed "to protect the interests of the Licensee" if the purpose of such short-term loan is to take care of normal short-term requirements of the small business concern.

(d) *Maximum maturity.* Any such loan shall have a maturity of not exceeding twenty years; and such loans shall be of such sound value, or so secured, as reasonably to assure repayment. The Licensee may extend the maturity of or renew any such loan for additional periods, not exceeding ten years, if the Licensee finds that such extension or renewal will aid in the orderly liquidation of such loan.

*Interpretations.* An SBIC may not follow up purchase of Equity Securities from real estate developer with a construction loan of less than five years' maturity. See § 107.1004.

For further definition of maximum rate of amortization, see § 107.1013.

When a small business concern is in default, and is merging with another concern to avoid bankruptcy, a short-term loan to the survivor may be justified to protect an SBIC's investment. See § 107.1014.

**§ 107.603 Cost of money under long-term loans.**

The maximum annual cost to the borrower charged by any Licensee for average outstanding unpaid net funds advanced shall not exceed the lesser of (a) such maximum annual cost to borrower as may be prescribed by applicable State or local law, or (b) such maximum annual cost to borrower as may be specified in the Licensee's Proposal and License Application. Cost to borrower includes all interest and discount, as well as all fees, commissions, charges, etc., against the borrower by the Licensee at the time the loan is granted, and such fees, charges, etc., shall be treated as additional discount for this purpose.

**§ 107.604 Other terms.**

All loans shall be based upon negotiations between Licensees and small business concerns.

**§ 107.650 Commitments.**

(a) *General.* A Licensee is authorized to enter into a loan commitment or a commitment to furnish equity financing to a small business concern. A reasonable commitment fee may be charged.

(b) *Repayment period as to funds advanced pursuant to five-year commitment.* (1) Where a Licensee enters into a 5-year commitment to finance an eligible small business concern up to a stipulated maximum amount, disbursement of the whole or any part thereof to be made on the request of such concern in accordance with the conditions of the commitment, it shall be lawful (notwithstanding the maturity provisions of §§ 107.503 and 107.602) to provide for repayment as follows: (i) Any funds advanced during the first two years may have a common maturity date coinciding with the termination date of the commitment; and (ii) any funds subsequently advanced during the commitment period may be for a period of three years from respective dates of disbursement.

(2) Repayment of each advance made shall not be required at an annual average rate in excess of the principal amount thereof divided by the number of years of the applicable repayment period.

(c) *Stock options and warrants.* Where a Licensee enters into a commitment to provide financing to a small business concern, and the financing agreement calls for the issuance of stock options or warrants, it shall be lawful for the Licensee to acquire such stock options or warrants on or after the date of the commitment: (1) up to the full amount of any funds disbursed and (2) up to 25 percent of the undisbursed portion of any commitment obligation. Such 25 percent amount shall, for the purposes of § 107.505(c), be deemed to constitute equity capital provided by the Licensee.

### General Provisions

**§ 107.701 Lawful operations.**

(a) *Amendments to Act and regulations.* A Licensee shall be subject to all existing and future provisions of the Act and regulations issued thereunder.

(b) *Other laws.* Each Licensee shall comply with all applicable State or Federal law affecting its operation, including, but not limited to, any and all State or Federal law requiring Licensee to furnish its investors and shareholders with financial reports containing full and complete disclosure of all matters significant to their interest.

(c) *No Government liability.* Nothing in the Act or in any regulations issued thereunder or in any other provision of law shall be deemed to impose any obligation or liability on the United States Government or any agency thereof, including SBA, with respect to any obligations entered into, or stocks issued, or commitments made, by any Licensee, or with respect to any other matter involving a Licensee.

(d) *No Government sponsorship.* No Licensee, in issuing or selling any security shall represent or imply in any manner whatsoever that such security has been guaranteed, sponsored, recommended, or approved by the United States, or any agency or officer thereof, and a statement to such effect shall be included in any solicitations to investors.

(e) *Operations under Act.* A Licensee shall engage in and conduct only the activities set forth in and contemplated under the Act and shall not engage in or conduct any other activities.

(f) *Charter authority.* A Licensee shall not amend its franchise authority to permit the conduct of any activities other than as recited above.

**§ 107.702 Activities of licensee.**

(a) *Size status declaration.* No financing or consulting or advisory services may be provided by a Licensee to a business concern unless the Licensee and such concern have executed SBA Form 480, Size Status Declaration, and, based upon the information contained therein and otherwise, the Licensee has determined that the business concern is a small business within the meaning of the definition of "small business concern" set forth in § 107.12, or at the request of the Licensee or the concern, SBA has determined that the subject business concern is a small business concern within the meaning of § 107.12. In the event financing or services are approved by a Licensee for a small business concern, the Licensee shall retain the completed SBA Form 480, as a permanent part of the concern's record with the Licensee.

(b) *Purchase of securities from other Licensee.* A Licensee may exchange with or purchase for cash from another Licensee, without recourse against the seller (except for such liability as may result from the falsity of representations or warranties as to matters of fact), portfolio securities (or any interest therein) acquired from small business concerns, by such Licensee or any other Licensee: *Provided, however,* That a Licensee shall not have invested at any one time more than one-third of its total assets in such securities of small business concerns through such exchanges or purchases.

(c) *Mergers.* Subject to the prior approval of SBA, a Licensee may participate as a party to a statutory or other type of merger or consolidation with another Licensee or non-Licensee company where the resultant company will qualify as a Licensee. The proposed merger or consolidation must be approved by a two-thirds majority vote of the stockholders of each company. SBA will give consideration to such a transaction if the attendant circumstances indicate that it will augment funds available to or will otherwise benefit the SBIC program. Applications for approval of the plan of merger or consolidation will be subject to such terms and conditions as SBA, in its discretion, may impose to assure, among other things, that (1) the plan is fair, equitable and feasible; (2) adequate provision is made with regard to the rights of dissenting stockholders; and (3) the management and investment plans of the resultant Licensee company are in conformity with applicable provisions of the Act and regulations and its portfolio securities are in conformity therewith or can be conformed within a reasonable period of time.

**§ 107.703 Common management; investment advisory service.**

(a) *Common control.* Without the prior written consent of SBA, a Licensee shall not have an officer or a director who at the same time is either an officer or director of any other Licensee, nor shall 10 or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by an officer or director of, or by any party owning or controlling, directly or indirectly, 10 or more percent of the stock of another Licensee, with the following exceptions:

(1) *Attorneys.* An attorney performing legal services for Licensees may serve

as secretary or clerk for more than one Licensee; and

(2) *Common managers.* (i) Subject to prior SBA approval, two or more Licensees may employ an individual or a non-Licensee concern to serve as their common general manager. The aggregate paid-in capital and paid-in surplus from private sources of such Licensee shall not exceed $800,000, unless it is demonstrated to the satisfaction of SBA that a greater amount will better serve the interests of the SBIC program. An individual serving as manager shall be deemed an officer of each Licensee for all purposes of SBA Regulations. Notwithstanding the provisions of § 107.708 (b), at least 50 percent of the total amount of joint financing participated in by Licensees under common management during any fiscal year shall consist of loans or equity investments of $150,000 or less.

(ii) The proposed employment agreement submitted for SBA approval shall set forth relevant particulars pertaining to the identity and qualifications of the manager, the basis of compensation, effective period of employment, and such other factors bearing on the transaction as may assist SBA in determining whether approval would be consonant with the purposes of the Act. The agreement shall include adequate provision requiring the manager to refer each potential loan or investment to all Licensees of the group and afford them equal opportunity to participate in or otherwise provide the necessary financing.

(b) *Investment advisory services.* (1) Every Licensee which obtains investment advisory services or management services on a continuing basis, performed for, or supplied to such Licensee by any person or other entity other than the directors, officers, or employees in their capacities as such shall contract in writing for such services: *Provided, however,* That no Licensee may contract for such services with any person or other entity which renders the same or similar services to any other Licensee. The contract shall specifically:

(i) Describe such services;

(ii) Describe all compensation to be paid thereunder;

(iii) State the duration of the contract;

(iv) Provide for its termination by the Licensee, without penalty, on not more than 60 days written notice;

(v) Provide for its automatic termination in the event of its assignment by the person performing the service;

(vi) Provide for full disclosure to all interested parties whenever the person performing such services performs services for small business concerns doing business with the Licensee;

(vii) Be approved by a vote of a majority of the outstanding voting securities of the Licensee prior to such contract becoming effective; and

(viii) Be approved annually by a vote of a majority of the outstanding voting securities of the Licensee or by the vote of a majority of its Board of Directors, including the approval vote of a majority of those members of the Board of Directors who are not parties to, or do not have a pecuniary interest, direct or indirect, in such contract.

(2) Every Licensee shall furnish SBA, for informational and record purposes, with a copy of each contract to which the foregoing applies, on or before the effective date thereof. Contracts for appraisal, custodial, collection, bookkeeping, accounting and legal services shall not be considered advisory or management services for purposes of this part.

**§ 107.704 Capital changes; changes in plans, management and ownership.**

(a) *Capital reduction.* (1) A Licensee voluntarily may reduce its paid-in capital and paid-in surplus by an amount not exceeding one-third thereof at any time prior to August 1, 1966, and thereafter voluntarily may reduce its paid-in capital and paid-in surplus by an amount not exceeding one-third thereof at any time during each two-year period immediately subsequent thereto. The largest amount of Licensee's paid-in capital and paid-in surplus ever outstanding shall be used in computing and applying the one-third limitation hereunder.

(2) Any voluntary reduction in paid-in capital and paid-in surplus consummated prior to July 29, 1964, shall be subtracted from the one-third amount permitted during the first two years prior to August 1, 1966. The one-third limitation specified hereunder may be exceeded in order to redeem any outstanding preferred stock, or to qualify as a regulated investment company pursuant to section 851 of the Internal Revenue Code of 1954, as amended, or to consummate a quasi-reorganization approved by SBA, or to comply with any contractual arrangements between the Licensee and its stockholders approved by SBA prior to July 29, 1964. Any voluntary reduction in paid-in capital and paid-in surplus permissible within the limitations set forth herein may be accomplished only by a pro-rata distribution of such capital, except as permitted under subparagraph (3) of this paragraph or where prior SBA approval is obtained permitting such reduction to be carried out in special instances under other plans of distribution. Licensees voluntarily shall not reduce their paid-in capital and paid-in surplus below $300,000 except as may be allowed pursuant to plan of dissolution approved by SBA under § 107.205.

(3) A Licensee may purchase its own stock in an amount not exceeding two percent of its paid-in capital and paid-in surplus, as defined in subparagraph (1) of this paragraph, in any one fiscal year. Such stock purchase shall be subtracted from the maximum one-third reduction permitted under subparagraph (1) of this paragraph.

(4) Except to the extent that an exemption may be granted by SBA in special instances as being in furtherance of the purposes of the Act, a Licensee may not reduce its paid-in capital and paid-in surplus pursuant to this section if (i) there has been a major change in its Board of Directors or in parties owning, holding or controlling, directly or indirectly, 10 or more percent of its stock within one year period prior to the proposed reduction or (ii) shares of stock issued by the Licensee are selling in the open market at a price per share which is equivalent to or less than that portion of book value per share which is represented by cash plus funds invested pursuant to § 107.710 or (iii) the proposed reduction will reduce cash plus funds invested pursuant to § 107.710 to an amount which is less than 20 percent of the Licensee's equity investments and long-term loans plus 100 percent coverage of its commitments and other legal obligations. The foregoing provisions of this subparagraph (4) shall not be applicable to a Licensee having paid-in capital and paid-in surplus from private sources not exceeding $700,000.

(5) For a period of one year after accomplishing a reduction pursuant to this section, a Licensee will not be eligible for additional funds under §§ 107.301 and 107.402: *Provided, however,* That this restriction shall not apply if the reduction in paid-in capital and paid-in surplus has been no greater than the amount permitted under subparagraph (3) of this paragraph: *And provided, further,* That an exemption from this restriction may be granted by SBA if it determines that such exemption is in furtherance of the purposes of the Act.

(b) *Capital reduction with indebtedness to SBA.* Notwithstanding the provisions of paragraph (a) of this section, prior approval of SBA for voluntary reduction in paid-in capital and paid-in surplus in any amount must be obtained if a Licensee is indebted to SBA or to a financial institution to which SBA has assigned a note issued by such Licensee or if SBA has issued a commitment to loan funds to such Licensee under section 302 or 303 of the Act.

(c) *Capital increase.* A Licensee shall not increase its paid-in capital and paid-in surplus without prior written approval of SBA. A Licensee shall report to SBA within ten days any reduction in paid-in capital and paid-in surplus consummated pursuant to paragraph (a) of this section. Such report shall be in the form of a post-licensing amendment and shall set forth the date and amount of the reduction effected as well as the form and manner of distribution made to stockholders.

(d) *Changes in plans, management and ownership.* A Licensee shall not change its investment policy, plans to raise additional capital, borrowing or other plans previously submitted to SBA in its Proposal or in any other document at any other time, without the prior written consent of SBA. Any change in the officers, directors, or owners of ten or more percent of its stock, as set forth in its Proposal or otherwise previously submitted to SBA, shall be reported immediately to SBA. All changes shall be filed in the form of a post-licensing amendment and shall be subject to the approval of SBA as a condition for the continuance of the License of such Licensee. Any conditions imposed by SBA in connection with the latter shall be complied with by the Licensee. Any post-licensing amendment involving a change in the officers, directors, or owners of ten or more percent of the stock of a Licensee that has borrowed funds



outstanding from SBA, pursuant to § 107.301(b)(1) or to which SBA is committed to disburse funds pursuant to a Subordinated Debenture executed by such Licensee under such section of the regulations, shall include as a part thereof an executed Part III (Financial Statement) of SBA Form 414 for each such officer, director or stockholder: *Provided, however,* That such executed Part III shall not be required to be submitted where the Licensee's paid-in capital and paid-in surplus equals at least $300,000, exclusive of funds disbursed or committed by SBA pursuant to a Subordinated Debenture executed by such Licensee, or where the new officer, director, or stockholder is a person or entity which has previously been accepted by SBA as an officer, director, or stockholder of such Licensee.

**§ 107.705 Consulting and advisory services.**

(a) *Nature of services.* Consulting and advisory services shall consist only of advice with respect to the financial, management and operating activities of a small business concern; and shall not include performance by the Licensee of any financial, management or operating activity of the small business concern.

(b) *Concerns eligible for services.* Consulting and advisory services may be provided by a Licensee to only (1) those small business concerns which meet the eligibility requirements under the Act and the regulations thereunder; and (2) another Licensee in connection with the financing of a small business concern with which the latter Licensee proposes to negotiate forthwith or is then in process of negotiation for financing.

(c) *Source of income.* A Licensee may render consulting and advisory services to small business concerns for whom the Licensee does not provide financing: *Provided, however,* That such services shall not constitute a major source of the income of a Licensee (including as part of Licensee's income the net income, before Federal income taxes, of said Licensee's subsidiary corporation under § 107.706).

**§ 107.706 Subsidiary corporation for consulting and advisory services.**

(a) *Organization and capitalization of subsidiary.* A Licensee may organize and establish a corporation which shall become, and remain, chartered for the sole and express purpose of providing consulting and advisory services to small business concerns subject to the provisions of the Act and the regulations thereunder, including § 107.705, and including in addition thereto:

(1) All of the stock of the subsidiary corporation shall be owned and totally held by the individual Licensee that shall organize such subsidiary corporation; the parent-Licensee shall never sell, transfer or otherwise divest itself of any part of the stock of its subsidiary corporation, except that the parent-Licensee may transfer back part of the stock of its subsidiary corporation to the treasury of the subsidiary corporation and such stock shall be forthwith retired and cancelled. In the event of the liquidation of the subsidiary corporation, the charter of such corporation shall be surrendered and terminated.

(2) Each officer or director of the subsidiary corporation must be at the same time either an officer or a director of the parent-Licensee.

(3) The financial investment by the parent-Licensee in its subsidiary corporation shall not exceed one percent of the Licensee's paid-in capital and paid-in surplus. Advances and other receivables due the parent-Licensee by its subsidiary corporation shall not exceed one percent of the Licensee's paid-in capital and paid-in surplus.

(b) *Licensee's responsibility.* The parent-Licensee shall be responsible for compliance by its subsidiary corporation with the Act and the regulations. Reports submitted to SBA by the parent-Licensee shall reflect consolidated figures covering the activties of both the parent-Licensee and its subsidiary corporation, and the subsidiary corporation shall make such separate reports covering its activities to SBA as shall be required by SBA. The subsidiary corporation shall be subject to examinations by examiners selected or approved by SBA, and in the event of the failure by the subsidiary corporation to make reports or to submit to examinations as required by SBA, such failure by the subsidiary corporation may be acted upon by SBA as the failure of the parent-Licensee and shall subject the latter to any penalty provided in the Act or the regulations thereunder.

**§ 107.707 Services to banks or other investors or lenders.**

A Licensee may render services for and receive compensation from banks or other investors or lenders, incorporated or unincorporated, only in connection with the financing of, or the providing of consulting and advisory services to, a small business concern by the Licensee in participation or cooperation with such bank or other investors or lenders.

**§ 107.708 Investment and loan limits.**

(a) *Size of investments and loans.* Without the prior written approval of SBA, the aggregate amount of funds loaned to, or invested in Equity Securities of, any single small business concern, or for which commitments may be made, shall not exceed twenty percent of the combined paid-in capital and paid-in surplus of any Licensee (including in such Licensee's capital and surplus the outstanding amount of any SBA loans and commitments under § 107.301).

(b) *Participations.* Without the prior written approval of SBA, no more than five Licensees may, by participation or otherwise, provide Equity Capital or long-term loans to any single small business concern unless the total financing involved is $500,000 or less.

*Interpretations.* The 20 percent limit refers to the funds advanced by an SBIC, not to the face amount of a debt security. See § 107.1010.

For purposes of the 20 percent limit, concerns affiliated with each other are considered to be a single entity. See § 107.1011.

**§ 107.709 Disbursement of SBA funds.**

(a) *Disbursement request.* Prior to the disbursement of any funds to a Licensee under the authority of section 302(a) or section 303(b) of the Act, the Licensee, by and through its duly authorized officer, shall execute and deliver to SBA the written certification and statement on SBA Form No. 420.

(b) *Disbursement conditions.* Such certificate and statement may be qualified with such information, explanation, and data as the parties thereto may determine and establish as a part thereof: *Provided, however,* That upon the inclusion in any such certificate and statement of any such qualifying material SBA may withhold disbursement of all or any portion of the funds involved pending consideration thereof by SBA, and after such consideration SBA may thereupon or subsequently cancel any commitment or other obligation to disburse all or any portion of the funds involved. If SBA shall determine, by examination or otherwise, that there is an impairment of capital or that there has been a violation by the Licensee of any other provision of the regulations, SBA may withhold disbursement of all or any portion of the funds involved and may thereupon or subsequently cancel any commitment or obligation to disburse all or any part of the funds involved.

(c) *Loan application.* The loan application for SBA funds under section 302(a) of the Act shall be submitted as part II of SBA Form 415. The loan application for SBA funds under section 303(b) of the Act shall be submitted on SBA Form 416.

**§ 107.710 Idle funds.**

Funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the regulations thereunder, and not invested in accordance with the last sentence of section 308(b) of the Act, shall, as soon as practicable after receipt thereof, be placed on demand deposit with a commercial bank (or banks) which is a member of the Federal Deposit Insurance Corporation, or placed on time deposit with such a bank, evidenced by a Time Certificate of Deposit, the maturity of which shall not be longer than one year from the date of such deposit: *Provided, however,* That a Licensee may establish and maintain an imprest petty cash fund in an amount not to exceed $500 at any one time.

*Interpretation.* See § 107.1005 for specifics on idle funds investments permitted by section 308(b) of the Act.

**§ 107.711 Fidelity insurance.**

(a) *Need for bond.* Each Licensee shall obtain and maintain a fidelity bond which must be executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to sections 6–13 of Title 6 of the United States Code as an acceptable surety on Federal bonds. Each officer and employee who has control over or access to cash securities or other property of the Licensee, shall be covered by such fidelity bond. The form of bond must meet the provisions of paragraphs (b) and (f) of this section.

(b) *Type of bond.* Each Licensee shall be covered by a Brokers Blanket Bond, Standard Form No. 14. A Licensee may

be covered by Bankers Blanket Bond, Standard Form No. 24, if it meets the provisions of paragraph (c) of this section. In general, riders to such standard form bonds are unacceptable and should not be used unless they patently increase the benefits under the policy. SBA has held the following riders to be unacceptable:

SR 5307, Valuation Clause Rider;
SR 5568, Discovery Rider (Form 14);
SR 5506, Discovery Rider (Form 24);
SR 5571, Rider-Discovery Form, or
SR 5771, Rights after Termination or Cancellation;
SR 5301, Delete Misplacement Rider.

(c) *Banks.* A Licensee, the majority (more than 50 percent) of whose voting stock is owned by one or more commercial banks that are members of the Federal Deposit Insurance Corporation, or the majority of whose voting stock is owned by a single bank holding company whose subsidiary banks are members of the Federal Deposit Insurance Corporation, may be included as a joint insured under a Bankers Blanket Bond, Standard Form No. 24, which insures the parent commercial bank(s) or the parent bank holding company. In those instances and to the extent that coverage under Bankers Blanket Bond, Standard Form No. 24, has been restricted by the use of one or more deductible insuring clauses which would apply to the Licensee also, a Brokers Blanket Bond, Standard Form No. 14, must be employed to furnish coverage for the deductible amounts.

(d) *Approval of bank directors.* In order for the provisions of paragraph (c) of this section to be applicable, the board of directors of the commercial bank(s) or the bank holding company must approve extending the Bankers Blanket Bond, Standard Form No. 24, to include the Licensee as a joint insured. They also must approve any Brokers Blanket Bond, Standard Form No. 14, needed to furnish the coverage restricted by deductible insuring clauses as set forth in paragraph (c) of this section. A certified copy of the minutes of the meeting(s) of the board of directors of such parent organization(s) at which such bond or bonds were approved shall be retained in the permanent records of the Licensee.

(e) *Approval of Licensee's directors.* The board of directors of the Licensee must approve the fidelity bond or bonds of the Licensee. A certified copy of the minutes of the meeting(s) of the board of directors at which such approval was given must be retained in the permanent files of the Licensee. In addition, the Licensee must obtain from the issuer of such fidelity bond a statement in writing certifying that the bond or bonds, as provided, fulfill the requirements of this § 107.711.

(f) *Cancellations and claims.* Each Licensee, at least thirty days prior to making any request to the surety to terminate or cancel such bond, shall notify SBA in writing of its intent to terminate or cancel the bond. Each Licensee shall have as a part of its verified bond a rider or endorsement providing that the surety will notify SBA of its intent to cancel the fidelity bond at least thirty days in advance of the effective date of the cancellation. Each Licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the surety. Such notifications to SBA shall be by certified mail addressed to the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C., 20416.

(g) *Amounts.* The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee (including any undisbursed commitment, under § 107.301(b)(1)) plus the unpaid balance of loans and investments which the Licensee has contracted to service for others, as follows:

| Assets plus loans and investments serviced for others: | *Minimum coverage* |
|---|---|
| Up to $400,000 | $25,000 |
| $400,001 to $500,000 | 30,000 |
| $500,001 to $750,000 | 40,000 |
| $750,001 to $1,000,000 | 50,000 |
| $1,000,001 to $2,000,000 | 75,000 |
| $2,000,001 to $3,000,000 | 100,000 |
| $3,000,001 to $4,000,000 | 125,000 |
| $4,000,001 to $5,000,000 | 150,000 |
| $5,000,001 to $7,500,000 | 175,000 |
| $7,500,001 to $10,000,000 | 200,000 |
| $10,000,001 and over | (1) |

[1] $200,000 plus $10,000 for each $1,000,000 or fraction thereof over $10,000,000, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than $1,000,000.

(h) *Bank custodian.* Notwithstanding the provisions of paragraph (g) of this section, if a Licensee's portfolio securities are held by a commercial bank, which is a member of the Federal Deposit Insurance Corporation, as custodian under a custodianship agreement, such commercial bank's fidelity bond may be construed as furnishing the Licensee with adequate surety protection for securities and funds in its custody: *Provided,* That the amount of assets, as defined in paragraph (g) of this section, in the possession of the Licensee at any one time, or $400,000, whichever is greater, is covered by a Brokers Blanket Bond, Standard Form No. 14.

### § 107.712 Identification of Licensee.

(a) *Name.* The corporate name shall be such as not to misinform or mislead interested parties and the public of the purpose and function of said company. Such corporate name shall not include the words "United States", "National", "Federal", "Reserve" or "Government". The name shall not be so similar to that of another organization as to imply association with any other organization without prior approval from such organization.

(b) *Display of License.* Each Licensee shall display its original License in a prominent place in or about its principal office; and a copy thereof shall be displayed likewise in or about any branch office or agency. If the offices of the Licensee are within the offices of any other person, firm or entity, the name of the Licensee must appear on or at the entrance leading into such offices.

(c) *Company literature.* Advertisements, annual statements, display signs, solicitations to investors, any communication made by or at the behest of a Licensee intended as a public statement by said Licensee, or any printed matter, including stationery imprinted with the name of the Licensee, shall identify that Licensee as "a Federal Licensee under the Small Business Investment Act of 1958."

### § 107.713 Common tenancy.

(a) *Prohibition.* A Licensee shall not establish or maintain an office or place of doing business which is located in the same physical premises or place of business of any other Licensee. A Licensee shall not have a common private entrance or a private connecting door or entrance with any other Licensee. Nothing contained herein shall prevent two or more Licensees from occupying space in the same office building.

(b) *Exception.* Licensees employing a common general manager pursuant to § 107.703(a) may apply to SBA for an exemption from the provisions of this section.

### § 107.714 Branch offices and agencies.

A Licensee shall not establish any branches or agencies except with the prior approval of SBA. If the establishment of such branch or agency does not occur within 60 days of such approval, such approval will be withdrawn.

### § 107.715 Prohibited uses of funds.

No funds may be provided by a Licensee for:

(a) *Relending.* Relending by the small business concern; nor may funds be provided to a small business concern if the business activity of such concern involves the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation;

(b) *The Act.* Purposes not contemplated by the Act;

(c) *The public interest; gambling and monopoly.* Purposes contrary to the public interest, including but not limited to gambling enterprises and activities, and any purpose which would encourage monopoly or be inconsistent with accepted standards of free competitive enterprise; or

(d) *Foreign investment.* Use outside the States: *Provided, however,* That a Licensee may provide funds to a small business concern which is subject to State or Federal jurisdiction, (1) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (2) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the States.

(e) *Land speculation.* Financing land speculations of small business concerns: *Provided, however,* That small business concerns may use funds for the acquisition and prompt development of land.

(f) *Passive businesses.* Any corporation, individual, partnership, or of any other entity, that is not engaged in a business operation conducted as a regular and continuous activity. The mere ownership of property, and the collection of rents, income or profits therefrom, shall not constitute a business operation unless the lessor is regularly and continuously engaged in performing services in connection with the operation or maintenance of such leased property.

(g) *Vendor's customers.* A small business concern which is a customer of a vendor, which vendor or any controlling person or group thereof controls the Licensee, if 50 percent or more of the funds (or funds of the small business concern released by such financing) are used by the small business concern to purchase items or services sold to the small business concern by such vendor. As used hereunder the term "controls" or "controlling" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a vendor or the Licensee, whether through the ownership of voting securities, by contract, or otherwise. Any person, corporation, or any other entity which owns beneficially, either directly or indirectly, 25 per centum or more of the voting securities of a vendor or Licensee shall be presumed to control such company.

(h) *Alcoholic beverages.* Enterprises which derive a substantial portion of their net sales from the sale of alcoholic beverages, where such funds represent proceeds of loans obtained from SBA under section 302(a) or 303(b) of the Act. Accordingly, within thirty days after the disbursement of any loan funds to Licensee under authority of section 302(a) or section 303(b) of the Act, and thereafter during the period in which any such loan, or any part thereof, remains unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such loans were disbursed), equal in face value to no less than the unpaid principal of such loan.

(i) *Agriculture.* Agricultural enterprises.

*Interpretations.* Financing of professional associations is prohibited by § 107.715(a). See § 107.1006.

Regarding § 107.715(c), SBIC investments in radio and television stations are not considered as contrary to the public interest. See § 107.1015.

Regarding § 107.715(i), see § 107.1003 for distinction between agriculture and business.

### § 107.716 Self-dealing limitation.

(a) *Prohibition.* Self-dealing to the prejudice of SBA or the Licensee's shareholders is prohibited.

(b) *Prior approval of SBA.* Without the prior written approval of SBA, a Licensee shall not purchase Equity Securities of, or make a loan to, an officer or a director of the Licensee, or any person owning or controlling, directly or indirectly ten or more percent of the stock of said Licensee, or any close relative of such officer, director, or stock owner or controller, nor shall the Licensee purchase Equity Securities of or make a loan to any company in which such officer or director or such owner or controller of the Licensee's stock, or his close relative is an officer or director or owns or controls ten or more percent of the stock of such company: *Provided, further,* That without the prior written approval of SBA a Licensee shall not make such purchase of such securities or make such loan within six months after the termination of such officership or directorship in the Licensee, or within six months after the termination of such ownership or control of ten or more percent of the Licensee's stock. Nothing herein contained is intended to preclude a Licensee from permitting an officer, employee or representative from serving as a director, officer, or in any other capacity in the management of a small business concern for the purpose of protecting its investment in or loan to such concern.

(c) *Borrowing from small business concern.* Without the prior written approval of SBA, no Licensee, nor any officer or director thereof, shall borrow money from a small business concern, or from any officer, director or owner thereof, which has sold Equity Securities as defined in § 107.502 to or has borrowed money from said Licensee.

### § 107.717 Internal control.

(a) *General.* Each Licensee shall adopt a plan of organization and coordinate methods and measures designed to safeguard its assets and check the accuracy and reliability of its financial data. Effective control arrangements shall be established and maintained covering the Licensee's personnel, portfolio of investment securities, funds, and equipment.

(b) *Dual control.* With the exception provided for hereinafter, each Licensee shall establish and maintain dual control over disbursement of funds and withdrawal of securities from safekeeping. Disbursements of funds from bank accounts of a Licensee shall be made only by means of checks requiring the signatures of two or more officers of the Licensee, covered by the Licensee's fidelity bond, as drawers of such checks: *Provided, however,* A Licensee may establish and maintain a separate imprest bank account to be drawn upon for the payment of operating expenses. Such imprest bank account shall have an aggregate balance not in excess of $25,000 or the amount of fidelity bond coverage carried by the Licensee, whichever is the lesser; such account shall be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on Licensee's general funds bank account, covering disbursements made from the imprest bank account which have had the post-approval of the two signers of the reimbursement check. Checks drawn upon such imprest bank account in amounts of $1,000 or less may be signed by any authorized bonded officer of the Licensee. Checks drawn on such account for amounts in excess of $1,000 or any check drawn upon any other account maintained by the Licensee shall require the signatures of two or more bonded officers of the Licensee as drawers thereof. Two or more bonded officers or one bonded officer and one bonded employee of the Licensee shall be required to open safe deposit boxes or withdraw securities from safekeeping. Each Licensee shall furnish to each of its depository banks, custodians, and entities providing safe deposit boxes a certified copy of the resolution adopted by its board of directors placing the foregoing control procedures in effect.

### § 107.718 Reporting litigation.

Every Licensee which is a party in any capacity to litigation or other proceedings, including any action by the Licensee or a security holder thereof in a derivative capacity against an officer, director, investment adviser or trustee of such Licensee for alleged breach of official duty, shall within 10 days of becoming a party thereto file a report with SBA describing the nature and status of the proceedings, the identity of and Licensee's relationship to other parties involved and, upon SBA's request, submit copies of the pleadings and other documents specified by it. In case such proceedings have been compromised or settled or final judgment has been entered on the merits, the Licensee shall furnish SBA with a statement of the terms of such settlement or compromise, or describing the final judgment entered.

### § 107.719 Retention of loans and investments.

(a) *General.* The Act requires each Licensee to assist small business concerns so as to encourage their growth, expansion, and modernization. In fulfilling this requirement, many small business concerns which have been assisted will grow large as a result of normal growth and will no longer qualify as small pursuant to §§ 107.12 and 121.3–11 of this chapter. In other instances, the securities of small business concerns will be exchanged for those of large businesses in connection with their merger or affiliation with such large businesses, or the disposition of portfolio securities in default situations.

(b) *Normal growth.* A Licensee may indefinitely retain the securities of a business which qualified as a small business concern at the time the Licensee acquired such securities, and which concern subsequently became large as a result of normal growth. Such concern will be considered to have experienced normal growth if it increased in size due to retained earnings, public sale of its securities, merger with other small business concerns, or as a result of other circumstances determined by SBA to constitute normal growth.

(c) *Merger or affiliation with large businesses; and default situations.* Securities of a large business received by a Licensee in connection with the merger or affiliation of a portfolio concern with such large business or the disposition of portfolio securities in default situations, may be retained as long as continued ownership does not interfere with the Licensee's ability to maintain on

hand funds in adequate supply for the financing of small business concerns: *Provided, however,* That the Licensee may in any event retain such securities until it has fully recovered the amount of its original investment plus a reasonable return thereon.

(d) *Additional investments.* When a small business has become large through normal growth, merger, or affiliation, a Licensee may make additional investments in the resultant large business concern (1) to the extent of honoring its commitment liability entered into while the business still qualified as a small business concern, and (2) if necessary to protect its original investment.

EXAMINATIONS AND REPORTS

**§ 107.801 Examinations.**

(a) *All Licensees.* Each Licensee shall be subject to examination by SBA.

(b) *Nature of examination.* Such examinations shall cover any and all matters as determined by SBA, and shall be conducted by SBA examiners or by any examiners selected or approved by SBA.

(c) *Cost of examination.* The cost of each examination made by other than SBA examiners shall be paid by the Licensee involved; and the cost of any examination made by SBA examiners, including the compensation of such examiners, may, in the discretion of SBA, be assessed against the company examined and when so assessed shall be paid by such company.

(d) *Time and manner of examination.* The time and manner of conducting any such examination shall be determined by SBA in each case.

(e) *Audits by independent accountants.* As such examinations, SBA may accept an audit and examination conducted by an independent certified public accountant; independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States; or, in States or other political subdivisions of the United States which do not license public accountants, and independent public accountant of recognized standing with ten or more years of public accounting experience; selected or approved by SBA, and a report of such audit and examination containing such audit and examination containing the accountant's certificate required by § 107.802 with such additional information as may be requested by SBA.

**§ 107.802 Reports.**

(a) *Records.* Each Licensee shall keep current financial records in accordance with generally accepted accounting principles, including the maintenance of books of account in accordance with the System of Account Classifications prescribed by SBA as set forth in Part 111 of the Regulations. All such financial records and minutes of meetings of stockholders, directors, executive committees or other officials; and all files containing pertinent documents and supporting material employed by a Licensee with respect to any and all transactions of the Licensee shall be kept at its principal place of business: *Provided, however,* That there shall be excepted from the foregoing all portfolio items held by a custodian for Licensee pursuant to written custodian agreement. All finanical reports furnished to SBA by Licensees shall make full and complete disclosure of all matters relevant to the Act and Regulations.

(b) *Reports to stockholders.* At the time any financial report (including any prospectus) is furnished to investors and shareholders of a Licensee, such Licensee shall submit to the Investment Division; Small Business Administration, Washington, D.C., 20416, three (3) copies of such report.

(c) *Reports to SBA.* Each Licensee shall submit to SBA, at the end of the first six months period of each fiscal year, a report containing financial statements covering such six months period; at the end of each fiscal year a report containing financial statements for the fiscal year; and, when requested by SBA, interim financial reports. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31.

(1) The report as of the end of each fiscal year shall contain, or be accompanied by, an independent accountant's opinion on the financial statements for the fiscal year included therein, unless a different twelve-month period to be covered by the annual audit is expressly given prior approval in writing by SBA. Such opinion shall be based on an audit conducted in accordance with generally accepted auditing standards and shall be rendered by an independent certified public accountant; independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States; or, in States or political subdivisions of the United States which do not license public accountants, and independent public accountant of recognized standing with ten or more years of public accounting experience; selected or approved by SBA.

(2) The accountant's certificate shall be dated, shall be signed manually, and shall identify without detailed enumeration the financial statements covered by the certificate. The accountant's certificate shall state whether the audit was made in accordance with generally accepted auditing standards; and shall designate any auditing procedures generally recognized as normal, or deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Nothing in this section shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinion required as stated hereinafter. The accountant's certificate shall state clearly: (i) The opinion of the accountant in respect of the accounting principles and practices reflected in the financial statements and as to the fairness with which the financial statements present the financial position of the Licensee at the audit date and the results of its operations for the period; (ii) the opinion of the accountant as to any material changes in accounting principles or practices or method of applying the accounting principles or practices, or adjustments of the accounts, which affect comparability of such financial statements with those of prior or future periods; and (iii) the nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review. Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

(d) *Forms for Financial Reports.* The financial reports required by this section to be submitted to SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468, which is designed for submission in part or in its entirety. Part I requires statement of financial condition, statement of statutory capital and surplus, statement of income and expense, and statement of realized gain or loss on investments. Part II requires supporting Schedules 1 through 7, and Part III requires supporting Schedules 8 through 20. Part I, together with any schedule(s) of Parts II and III that may be specified, comprises the interim report required to be submitted, upon request by SBA, for any period of one month or more. Parts I and II comprise the report required to be submitted to SBA covering the first six months period of each fiscal year. Parts I, II, and III comprise the annual report required to be submitted to SBA covering the entire fiscal year. With the exception of the annual report, the Financial Report shall be submitted in triplicate to the Investment Division, Small Business Administration, Washington 25, D.C., on or before the last day of the month immediately following the close of the period covered by the report. Such annual report shall be submitted in triplicate to the Investment Division, Small Business Administration, Washington 25, D.C., on or before the last day of the third month following the close of the fiscal year to which such annual report relates. When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a consolidation of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules may be expressed in even dollars, at the option of the Licensee. If the financial data are expressed in even dollars, appropriate adjustments of individual amounts shall be made for the fractional parts of a dollar so that the items will add to the totals shown. The Financial Report prepared by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the detailed instructions accompanying SBA Form 468.

(e) *Verification of reports.* The verification of the Financial Report shall bear the signature of the chief financial officer, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. The date on which the signature is affixed shall be shown. When only Part I of the Financial Report is submitted, with or without any specified schedule(s) from Parts II and III, the signature shall be affixed in the space provided therefor in Part I; when Parts I and II of the Financial Report are submitted, the signature shall be placed in the space provided therefor in Part II and need not be affixed in Part I; and when Parts I, II, and III of the Financial Report are submitted, the signature shall be entered in the space provided therefor in Part III and need not be affixed in either Part I or Part II. When Parts I, II, and III are submitted a secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the board of directors of the Licensee show that the Financial Report comprising Parts I, II, and III has been reviewed and approved by the board of directors. All three copies of the Financial Report to be furnished to the Small Business Administration shall bear the original signature(s) of the verifying officer(s) in ink.

(f) *Designations.* Whenever any assets are pledged as collateral or are earmarked for segregation under a negative pledge or similar agreement, the word "pledged" or the word "earmarked," as appropriate, together with the amount involved, shall be shown in parentheses immediately following the appropriate asset title in the statement of financial condition, and the identity of the assets pledged or earmarked shall be indicated in the supporting schedules. Whenever amounts are classified as "current" and "noncurrent," "current" shall refer to the amount maturing within one year and "noncurrent" shall refer to the amount maturing after one year. If, however, an amount will mature within one year but is not reasonably expected to be paid when due, it shall be classified as "noncurrent."

(g) *Obtaining forms for report.* Copies of the Financial Report, SBA Form 468, together with instructions, are available at the office of the Deputy Administrator, Investment Division, of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(h) *Form 468.* The Financial Report, SBA Form 468, required to be used by all Licensees in making financial reports to SBA is designed to furnish the companies and SBA with the information needed for their respective purposes. The Financial Report, SBA Form 468, and the instructions pertaining thereto are incorporated in and expressly made a part of this section.

(i) *Other reports.* In addition to the reports required elsewhere in this section each Licensee shall, upon request by SBA, submit to the Investment Division, Small Business Administration, Washington 25, D.C., such other reports at such times and in such forms as SBA shall require.

ENFORCEMENT

**§ 107.901 Investigations.**

The Administration may make such investigations under section 310 of the Act and the Rules Governing Investigations (Part 110 of this chapter) as it deems necessary to determine whether a Licensee or other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of the Act or any rule, regulation or order issued thereunder.

**§ 107.902 Enforcement actions.**

Whenever it appears from complaints, examinations, compliance reports, investigations or otherwise that there have been (a) willful or repeated violation or failure to observe any provision of the Act or of any rule or regulation issued thereunder, or any cease and desist order issued by the Administration, or false statements knowingly made in connection with obtaining the issuance of a license, SBA may institute adjudicative proceedings under section 309 of the Act in accordance with the Rules of Practice for Adjudicative Proceedings (Part 109 of the regulations) for the purpose of suspending the license of the Licensee; (b) non-compliance with or a violation of the Act or any regulation issued thereunder, SBA may initiate (i) adjudicative proceedings under said section 309 for the entry of a cease-and-desist order (coupled with suspension of the license pending compliance therewith), said order being reviewable by and enforceable in the appropriate United States Court of Appeals, or (ii) court action under section 308(d) of the Act for a judicial determination of the violation as the basis for revocation of the license by the Administration; or (c) where the Licensee or any other person has engaged or is about to engage in acts or practices contrary to the Act or any rule, regulation, or order issued thereunder, SBA may institute proceedings under section 311 of the Act before a Federal district court for injunctive relief or the entry of an order enforcing compliance and, wherever appropriate, appointment of a trustee or receiver to take over and administer the Licensee's assets under the direction and pursuant to the exclusive jurisdiction of the court.

**§ 107.990 Exemptions.**

Any Licensee may file an application in writing with SBA to have a proposed action, which is subject to procedural or substantive requirements specified under this part, exempted from applicable provisions thereof. SBA may approve such application and grant an exemption, conditionally or unconditionally, to the extent that such requirements are not prescribed by statute and exemption therefrom would not be contrary to the provisions of the Act. Favorable consideration will be given to such application where supporting evidence demonstrates to SBA's satisfaction that (a) the terms of the proposed action are fair and equitable; and (b) the exemption requested is reasonably calculated to advance the best interests of the SBIC program in a manner consonant with the policy objectives of the Act and regulations.

INTERPRETATIONS

**§ 107.1000 Capital structure of Licensees (interpreting section 302 of the Act).**

Whenever capitalization of Licensee is to consist of more than one class of stock the voting rights and other rights and remedies may not be inequitable or discriminatory, and may not unduly concentrate control or management of the Licensee through pyramiding, inequitable methods, or inequitable distribution. Full disclosure of all voting rights and other rights and remedies of all classes of stock must be made to all shareholders prior to their purchase of stock.

**§ 107.1001 Repayment of subordinated debentures (interpreting section 302(a) of the Act and relating to § 107.301).**

(a) *Minimum capital.* Repayment of subordinated debentures must be made in such manner as not to reduce paid-in capital and paid-in surplus below the statutory minimum. This minimum is set by section 302(a) of the Act at $300,000 and subordinated debentures are deemed to be a part of capital and surplus for the purpose (among other things) of providing this minimum.

(b) *Force of obligation.* At the same time, the obligation of a Licensee to repay a subordinated debenture is absolute and binding, and is not limited to the availability of particular funds. For example, although subordinated debentures may be repaid from borrowed funds, such repayment may not be made unless paid-in capital and paid-in surplus is simultaneously maintained at or above the $300,000 level.

(c) *Compliance.* Thus, Licensees should be aware of their obligations under the terms of the debenture, and these obligations should be provided for in a manner which will insure compliance with the minimum capital requirements imposed by section 302 of the Act.

**§ 107.1002 Participation by SBA with a Licensee (interpreting sections 302 and 303 of the Act and relating to §§ 107.501 and 107.601).**

Sections 302 and 303 of the Small Business Investment Act of 1958 limit the nature and degree of financial assistance which SBA is authorized to provide Licensees in conjunction with the financing which Licensees are empowered to render small business concerns. Under these limitations SBA cannot participate with a Licensee under section 7(a) of the Small Business

Act or otherwise in loans made by Licensee to small business concerns.

**§ 107.1003 Aid for agriculture (interpreting sections 304 and 305 of the Act).**

The program established by the Investment Act is to aid business concerns, and the assistance available through such program cannot provide financial or other assistance to concerns engaged in agricultural activities, namely, those involving the production of crops and livestock. In cooperation with the Department of Agriculture, SBA has established certain basic guidelines to aid in the determination whether an operation is a business or agricultural enterprise.

(a) *Business enterprises.* Concerns engaged solely or primarily in the purchase and resale of commodities, the manufacture, processing or marketing of commodities, or the sale of services to the public are considered to be engaged in a business enterprise. This includes the purchase of fruits, vegetables and flowers for resale, the packaging, freezing, or processing by other means, of meats, fruits, and vegetables, the slaughter of livestock and poultry, the operation of warehouses and cold storage plants, feed mills, and the operation of a feed yard for cattle where income is derived from the service operation of housing and feeding the animals.

(b) *Agricultural enterprises.* Concerns engaged solely or primarily in the production of agricultural commodities are considered to be engaged in an agricultural enterprise, which normally involves the cultivation of the land for the production of food and fiber. This would include concerns producing field crops, livestock, and nursery crops.

(c) *Combinations.* A concern which is engaged in an agricultural enterprise as well as a business enterprise will be classified according to the predominant part of its operations, considering the time devoted to agriculture and business and the income derived from each.

**§ 107.1004 Short-term loans (interpreting § 106.602(c)).**

The question has arisen as to whether a Licensee may purchase Equity Securities from a real estate developer-builder and follow up with a less than five-year maturity construction loan to such builder. Such a short-term loan would not be within the exception of § 107.602(c), permitting loans for terms of less than five years when necessary to protect the interest of a Licensee in an existing long-term loan, or Equity Securities. The exception for short-term loans is an emergency privilege which is available only if funds are otherwise unavailable and if necessary for the protection of a prior loan or investment.

**§ 107.1005 Eligible investments for idle funds (interpreting section 308(b) of the Act and relating to § 107.710).**

Under the provisions of section 308(b) of the Act a Licensee may invest funds not reasonably needed for current operations in U.S. Treasury bonds, notes, certificates, and bills; U.S. Savings bonds, Series E and Series H; Federal Housing Administration debentures; and in insured savings accounts (up to the amount of the insurance) in any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Investment is not permitted in securities of the Federal Intermediate Credit Banks, Federal National Mortgage Association, Federal Home Loan Banks, Federal Land Banks, Banks for Cooperatives, or International Bank for Reconstruction and Development (World Bank).

**§ 107.1006 Funds for professional associations (interpreting § 107.715 (a)).**

(a) *The question.* The question has been raised as to whether Licensee may provide loans to concerns known as professional associations. Such associations would transfer the proceeds of loans from Licensee to institutions and professional people in exchange for interest-bearing time notes.

(b) *Financing not permitted.* Section 107.715(a) is interpreted to provide that funds supplied small business concerns by Licensee may not be invested, loaned, or otherwise transferred by such small business concerns for use by others in exchange for an equity interest or promise to repay. Therefore, the type of financing described above is not permitted. Similarly, such funds may not be used for financing factoring operations, or for the purchase of commercial paper.

**§ 107.1007 Qualification of retained earnings as capital for SBA loans under sections 302 and 303 of the act (interpreting §§ 107.301 and 107.402).**

(a) *Stock dividends.* A Licensee may increase its paid-in capital and paid-in surplus by capitalizing accumulated unappropriated retained earnings (i.e., up to but not exceeding retained earnings from operations and retained earnings from realized gains on investments) through the issuance of a stock dividend: *Provided, however,* That the stock dividend is issued in accordance with the following generally accepted principle, namely, the per share value of the stock dividend issued to capitalize accumulated unappropriated retained earnings shall be not less than the average paid-in capital per share existing at the time that the dividend is declared (par or stated value of capital stock issued plus paid-in surplus divided by the number of shares of capital stock issued).

(b) *Use as capital.* The amount by which paid-in capital and paid-in surplus is thus increased incident to the stock dividend may be properly included in the Licensee's total paid-in capital and paid-in surplus. Such total paid-in capital and paid-in surplus may be used for the purpose of determining the amount of subordinated debentures which SBA may purchase from such Licensee under § 107.301 and the aggregate amount of loan funds which SBA may advance to such Licensee under § 107.402.

**§ 107.1008 Excess 320 funds resulting from merger (interpreting §§ 107.301 and 107.302(a)(7)).**

(a) *Excess 302 funds.* Section 302(a) of the Small Business Investment Act of 1958 provides that SBA may purchase subordinated debentures from an SBIC "in an amount not to exceed the lesser of $700,000 or the amount of the paid-in capital and surplus of the company from other sources." A problem has arisen under this provision where Licensee parties to a merger, subject to SBA prior approval, in the aggregate have outstanding subordinated debentures in excess of the statutory maximum. If the merger is consummated without revision of the constituent capital accounts, the resultant SBIC will hold excessive 302 funds. Consequently, the capital position of the Licensee would not be in conformity with the statutory directive.

(b) *Repayment.* Accordingly, the excessive debenture amount must be repaid to SBA within a reasonable period of time. The Licensee will be accorded a full opportunity to demonstrate by appropriate evidence what should be considered a reasonable period in which to effect repayment under the particular circumstances involved. Pending repayment, the excessive debenture amount cannot be considered capital for any purposes of the Act.

(c) *Use of 303 funds.* In lieu of the foregoing procedure, the Licensee may apply to SBA for permission to convert the excessive debenture amount into a section 303 loan for which it may otherwise be eligible under § 107.402.

**§ 107.1009 Dissolution in connection with surrender of license (interpreting § 107.205).**

(a) *Plan of dissolution.* Under § 107.205, an SBIC desiring to surrender its license must first furnish a plan of dissolution to SBA. This plan must include provisions for the liquidation of the Licensees' assets and their pro rata distribution to the common stockholders after satisfaction of the prior claims of senior securities, if any. Section 107.205 requires the submission to SBA of all agreements and understandings, express or implied, relative to the plan of dissolution and surrender of the license. Failure to do so will render any previously granted SBA approval void on the ground that it was not obtained in conformity with the applicable regulatory provisions.

(b) *Exchange of Licensee's assets for other securities.* Section 107.205 contemplates the liquidation of the Licensee's assets and their distribution to its shareholders rather than their exchange for the securities of a corporation which is not, and does not propose to become, a licensed small business investment company. Consequently, any dissolution plan filed pursuant to § 107.205 that provides for the exchange of the Licensee's assets for the securities of such a corporation, either directly by the Licensee or indirectly by the Licensee's shareholders acting in concert will not be approved by SBA. If the exchange is made pursuant to a prearranged agreement to act in concert, entered into without the consent of SBA and not submitted as part of the plan of dissolution, the previously granted SBA approval of such plan shall be deemed void.



**§ 107.1010 Limit on size of investments and loans applicable to funds advanced (interpreting § 107.708).**

(a) *Purchase of note at discount.* A Licensee has advanced $60,000 to a small business concern against a note having a face value in excess of that amount. The difference between these figures constitutes interest and discount. The Licensee has paid-in capital and paid-in surplus of $300,000. Prior approval of the investment was not obtained from SBA.

(b) *Limit in § 107.708(a).* Under § 107.708(a) the investment which a Licensee may make in a single small business concern without prior SBA approval is limited to 20 percent of its combined paid-in capital and paid-in surplus.

(c) *Application of limit.* The limitations of § 107.708(a) refer to the amount of funds advanced by a Licensee and not to the face amount of the security involved. Thus, in the instant case, the advance of $60,000 against a note having a face value in excess of that amount does not come within the limitations of § 107.708(a) and consequently need not be submitted to SBA for prior approval.

**§ 107.1011 Affiliated concerns constitute single entity for purposes of limits on size of investments and loans (interpreting § 107.708).**

(a) *Example.* A corporation has 6 wholly owned subsidiaries; and the majority stockholder of this parent corporation owns more than 50 percent of the voting stock in each of 6 other corporations. Separately and collectively, these corporations fulfill the applicable criteria for small business concerns. The above described 13 corporations have applied to a Licensee for financing which in the aggregate exceeds $60,000. The investment limit of the Licensee pursuant to § 107.708 is $60,000.

(b) *Limit in § 107.708(a).* Under § 107.708 the investment which a Licensee may make in a single small business concern without prior SBA approval is limited to 20 percent of its combined paid-in capital and paid-in surplus. The question of whether the Licensee would exceed the investment limit involves a determination of "affiliation" under Part 121 of this chapter (Small Business Size Standards).

(c) *Affiliation.* In the instant case, each corporation conducts its activities in a different part of the United States and, with the exception of co-operative buying practices, acts independently of all the other corporations. The fact that the corporations are independently operated does not override for purposes of determining affiliation the existence of common ownership and control. It was therefore determined that the above described corporations were "affiliated" within the meaning of Part 121 of this chapter.

(d) *Single entity.* Accordingly, these 13 corporations must be considered as a single small business concern for the purposes of § 107.708 and the aggregate financing involved may not exceed the $60,000 maximum without prior SBA approval.

**§ 107.1012 Section 302 funds used for repayment of a section 303 loan (interpreting §§ 107.301 and 107.402).**

(a) *Example.* A Licensee which qualifies for section 302 funds has submitted an application under § 107.301 to sell subordinated debentures to SBA. It intends to use these funds to repay an outstanding section 303 loan previously made by SBA to the Licensee. The question presented is whether section 302 funds may be used to repay a section 303 indebtedness. SBA has no objection to this form of refinancing.

(b) *Benefits.* The refinancing would materially benefit the Licensee because of the consequent lengthening of its debt maturity to twenty years and the fact that section 302 funds (unlike section 303 funds) can be treated as paid-in capital in computing the 20 percent aggregate limitation under § 107.708 as well as the maximum loan funds available to it under § 107.402.

(c) *SBA approval.* In the context of the foregoing circumstances, SBA approval may be regarded as being in furtherance of the purposes of the Act. The refinancing should tend to "facilitate the • • • growth" of the Licensee, as stated in section 302(a) of the Act, as a result of the concrete benefits conferred. More specifically, the consequent lengthening of the maturity of its indebtedness to SBA would directly supplement the long-term funds of the Licensee available for the sound financing of small business concerns, as contemplated by section 102 of the Act.

**§ 107.1013 Maximum amortization (interpreting §§ 107.503(b) and 107.602(b)).**

(a) *Example.* A Licensee has provided financing with five-year maturities to various small business concerns. These financings will be amortized at the rate of 25 percent per year over the last four years of their terms. No amortization is required during the first year.

(b) *Interpretation.* Sections 107.503 (b) and 107.602(b) provide that SBIC financing must have a term of at least five years and may not be amortized at a rate in excess of an average of 20 percent per year. Although these provisions do not require that amortization must be scheduled at an equal annual rate over the term of the financing, they do require that amortization may not accumulate at a rate in excess of 20 percent per annum. In other words, at any point of time, the total amortization divided by the number of years elapsed may not exceed 20 percent of the principal. Thus, a Licensee may require amortization at a rate of 10 percent during the first year and 30 percent during the second year, but on the other hand, may not require amortization at a rate of 30 percent during the first year and 10 percent during the second year.

(c) *Application to example.* In the case presented, amortization at 25 percent per year over the final four years of a five-year financing would not result in accumulated amortization "in excess of an average of twenty percent of the total principal thereof per annum."

**§ 107.1014 Short term loans to protect Licensee's investment (interpreting § 107.602(c)).**

(a) *Small business concern in default merges with other small concern.* A long-term investment made by a group of SBICs to a small business concern is in default. In order to avoid formal reorganization or bankruptcy proceedings, a merger has been proposed with a second small business concern which is engaged in the same line of business. This arrangement would also involve a short-term loan by the Licensee group to the second concern for the purpose of reorganizing the debt structure of the first concern. This loan would initially be evidenced by demand notes of the second concern which subsequently would be replaced by its one-year debentures convertible into its common stock. The survivor of the merger would be the second small business concern.

(b) *Short-term loan to survivor of merger.* The question presented is whether a demand loan made by the Licensee group to the second concern would be authorized under § 107.602(c) as a loan "to protect the interests of the Licensee in previously issued long-term loans or Equity Securities" of the first concern.

(c) *Short-term loan to survivor permissible.* Since the short-term loan in this case would be to the survivor of the merger which will become the obligor of the presently outstanding indebtedness, it may be considered under § 107.602(c) as a loan to the original borrower for the purpose of protecting the Licensees' outstanding interests in this borrower.

(d) *Rationale.* In other words, since the essential element of the proposed transaction is the merger of the two small business concerns, they may be regarded for the purposes of the short-term loan in question as a single entity under § 107.602(c). Such an interpretation is dependent upon the indispensability of the merger within the overall reorganization and upon the fact that the surviving small business concern will be the obligor of the reconstituted interests substituted for the presently outstanding securities held by or pledged to the Licensees.

**§ 107.1015 SBIC financing for radio and TV stations (interpreting § 107.715(c)).**

(a) *SBA loans.* As a matter of policy, SBA does not make loans to radio or television stations under section 7(a) of the Small Business Act.

(b) *SBIC financing.* However, this policy is not applicable to the SBIC program. An SBIC is a privately-owned and privately-operated investment company. Loans and investments by such companies, unlike loans under section 7(a) of the Small Business Act, are not Government loans. Consequently, SBIC financing for radio and television stations would not be considered as "contrary to the public interest" under § 107.715(c).

[F.R. Doc. 64-12627; Filed, Dec. 8, 1964; 12:40 p.m.]

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# FEDERAL REGISTER

VOLUME 29 NUMBER 241

Washington, Friday, December 11, 1964

## Contents


### AGRICULTURAL MARKETING SERVICE

**Rules and Regulations**

Milk in Delaware Valley marketing area; order suspending certain provisions 16966
Nectarines grown in California; expenses and assessment rate, 1964–65 fiscal year, and carryover of unexpended funds 16966

**Proposed Rule Making**

Grapefruit grown in Indian River District in Florida; expenses and rate of assessment, 1964–65 fiscal year 16993
Milk in Delaware Valley marketing area; suspension of certain provisions
Plums grown in California; changes in representation of certain districts on Plum Commodity Committee 16993

### AGRICULTURE DEPARTMENT

*See also* Agricultural Marketing Service; Commodity Credit Corporation.

**Rules and Regulations**

Nondiscrimination:
Direct USDA programs and activities 16966
Federally-assisted programs of the Department 16966

**Notices**

Kansas and Wisconsin; designation of areas for emergency loans 17002

### ARMY DEPARTMENT

**Rules and Regulations**

Claims against U.S.; burial expenses; miscellaneous amendments 16985

### ATOMIC ENERGY COMMISSION

**Notices**

General Electric Co.; proposed issuance of facility license amendment 17003

### CIVIL AERONAUTICS BOARD

**Rules and Regulations**

Economic proceedings; petitions for rulemaking 16972

**Notices**

Air traffic Conference of America; authorization for discussion of rates 17004
City of Fall River, Mass.; show cause order 17005

### COMMERCE DEPARTMENT

**Rules and Regulations**

Seat belts for use in motor vehicles; standards 16973

### COMMODITY CREDIT CORPORATION

**Notices**

Certain commodities; December sales list 16998

### DEFENSE DEPARTMENT

*See* Army Department.

### FEDERAL AVIATION AGENCY

**Rules and Regulations**

Airworthiness directive; Hughes helicopters, certain models 16967
Controlled airspace; alteration 16970
Control zones and transition areas; alterations and designations (3 documents) 16969, 16970
Federal airway segment; alteration 16971
Federal airway segment, reporting point, and transition area; designation and alteration 16970
Federal airways, controlled airspace, and reporting points; designation; miscellaneous amendments 16972
Restricted area; alteration 16972
Supplemental air carriers et al.; aircraft certification and operation; flight time limitations for crewmembers 16968
Transition areas:
Designation 16971
Designation and revocation 16971

**Proposed Rule Making**

Control area extension, revocation; and designation of transition area 16994
Control zone and transition areas; designation and alteration 16995
Control zone, control area extensions, and transition area; alteration, revocation, and designation 16995
Transition area; alteration 16997

### FEDERAL COMMUNICATIONS COMMISSION

**Rules and Regulations**

Radio broadcast services; table of assignments, FM broadcast stations 16988

**Notices**

*Hearings, etc.:*
International Panorama TV, Inc 17006
Nelson Broadcasting Co. and Ubiquitous Frequency Modulation, Inc 17005
Prattville Broadcasting Co. and Billy Walker 17005
Southern Newspapers, Inc., and Radio Hot Springs Co 17006
United Artists Broadcasting, Inc., and Ohio Radio, Inc 17008

### FEDERAL MARITIME COMMISSION

**Notices**

Agreements filed for approval:
American Mail Line, Ltd., and Kawasaki Kisen Kaisha, Ltd 17010
Klaveness Line joint service and Kawasaki Kisen Kaisha, Ltd 17011
Lykes Bros. Steamship Co., Inc., and Dampfschifffahrts-Gesellschaft "Neptun" 17011
Lykes Bros. Steamship Co., Inc., and Holland Afrika Lijn 17010
Lykes Bros. Steamship Co. and South African Marine Corp., Ltd 17011


(*Continued on next page*)

## FEDERAL MARITIME COMMISSION—Continued

**Notices—Continued**

Agreements filed for approval—Continued
- Mitsui O.S.K. Lines, Ltd., and Sea-Land Service, Inc. 17011
- Trans-Atlantic Passenger Steamship Conference 17012
- Wilh. Wilhelmsen Line joint service and Swedish American Line 17012

Agreements; proposed cancellations:
- Central Gulf Steamship Corp. et al 17012
- Member lines United Kingdom United States Pacific Freight Association and A/S Det Østasiatiske Kompagni 17013
- Quaker Line and Pacific Steam Navigation Co 17013
- Skibsaktieselskapet Nordheim et al 17012

Independent ocean freight forwarder applications 17010

## FEDERAL POWER COMMISSION

**Proposed Rule Making**

Hydroelectric licensed projects; inspection to insure safe operation 16997

**Notices**

*Hearings, etc.:*
- Alabama Power Co 17017
- City of Bainbridge, Ga. 17013
- City of Burlingame, Kans. 17015
- Dale, Cloris, et al 17018
- Miller and Fox Minerals Corp. et al 17016
- Montana-Dakota Utilities Co. 17016
- Northern Natural Gas Co. 17017
- Okanogan County, Wash.; Public Utility District No. 1 17017
- Phillips Petroleum Co. et al 17017
- Skelly Oil Co 17017
- Webb, William G., et al 17014

## FISH AND WILDLIFE SERVICE

**Rules and Regulations**

Aid to fisheries; notice and hearing on subsidies 16990

## FOOD AND DRUG ADMINISTRATION

**Rules and Regulations**

Color additives and certification; FD&C Red No. 4 16983

Drugs; antibiotics; colistin; correction 16984

Eggs, dried whole, and dried egg yolks; identity standards 16983

**Proposed Rule Making**

Oleomargarine identity standards; extension of time for comments 16994

**Notices**

New drugs; approval of applications 17002

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See also* Food and Drug Administration.

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the Department; correction 16988

## INTERIOR DEPARTMENT

*See also* Fish and Wildlife Service; Land Management Bureau; Oil Imports Administration.

**Notices**

Imports into Puerto Rico of crude oil, unfinished oils and finished products, other than residual fuel oil to be used as fuel; adjustments in maximum levels 16998

## INTERNAL REVENUE SERVICE

**Rules and Regulations**

Wine containing volatile fruit-flavor concentrates; labeling 16984

**Proposed Rule Making**

Excise taxes; sale price of rebuilt television picture tubes 16993

## INTERSTATE COMMERCE COMMISSION

**Notices**

Fourth section applications for relief 17024

Motor carrier transfer proceedings 17021

Organization; Chairman et al. 17020

Shortage of freight cars; expiration date of orders:
- All railroads 17021
- Baltimore and Ohio Rail Road Co. 17021
- Baltimore and Ohio Rail Road Co. and Chicago, Rock Island and Pacific Railroad Co. 17022
- Central Railroad Company of New Jersey and Erie-Lackawanna Railroad Co. 17022
- Denver and Rio Grande Western Railroad Co. 17023
- Erie-Lackawanna Railroad Co. and Soo Line Railroad Co. 17024
- Erie-Lackawanna Railroad Co. and Chicago, Burlington & Quincy Railroad Co. 17024
- Lehigh Valley Railroad Co. and Norfolk and Western Railway Co. 17023
- Louisville and Nashville Railroad Co. 17022
- Missouri Pacific Railroad Co. and Chicago, Burlington & Quincy Railroad Co. 17023
- New York Central Railroad Co. 17021
- New York Central Railroad Co. and Chicago, Milwaukee, St. Paul and Pacific Railroad Co. 17022
- New York, New Haven and Hartford Railroad Co. et al. 17022
- Pennsylvania Railroad Co. and Chicago and North Western Railway Co. 17023
- Pennsylvania Railroad Co. and Illinois Central Railroad Co. 17023

## LAND MANAGEMENT BUREAU

**Rules and Regulations**

Public Land Orders:
- Idaho; withdrawal for national forest recreation areas 16987
- Nevada; withdrawal for proposed Southern Nevada Water Supply Project 16987
- Wyoming; withdrawal for Meeks Cabin Dam and Reservoir 16987

## OIL IMPORT ADMINISTRATION

**Rules and Regulations**

Oil imports; miscellaneous amendments 16986

## SECURITIES AND EXCHANGE COMMISSION

**Rules and Regulations**

Use of certified mail 16982

**Notices**

*Hearings, etc.:*
- Continental Vending Machine Corp. 17019
- Ferguson & Associates, Inc. 17019
- Security Reserve Life Insurance Co. 17019
- Tastee Freez Industries, Inc. 17020

## SMALL BUSINESS ADMINISTRATION

**Rules and Regulations**

Investment companies; miscellaneous amendments; correction 16967

## TREASURY DEPARTMENT

*See* Internal Revenue Service.




# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

### 7 CFR
- 15 (2 documents) 16966
- 916 16966
- 1004 16966

PROPOSED RULES:
- 912 16993
- 917 16993
- 1004 16994

### 13 CFR
- 107 16967

### 14 CFR
- 39 [New] 16967
- 42 16968
- 71 [New] (9 documents) 16969–16972
- 73 [New] (2 documents) 16972
- 302 16972

PROPOSED RULES:
- 71 [New] (4 documents) 16994, 16995, 16997

### 15 CFR
- 7 16973

### 17 CFR
- 230 16982
- 240 16982
- 260 16982
- 270 16982
- 275 16982

### 18 CFR
PROPOSED RULES:
- 12 16997

### 21 CFR
- 8 16983
- 9 16983
- 42 16983
- 144 16984
- 148c 16984

PROPOSED RULES:
- 45 16994
- 121 16994

### 26 CFR
PROPOSED RULES:
- 48 16993

### 27 CFR
- 4 16984

### 32 CFR
- 536 16985

### 32A CFR
OIA (Ch. X):
- OI Reg. 1 16986

### 43 CFR
PUBLIC LAND ORDERS:
- 3510 16987
- 3511 16987
- 3512 16987

### 45 CFR
- 80 16988

### 47 CFR
- 73 16988

### 50 CFR
- 257 16990


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# Rules and Regulations

## Title 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

### PART 15—NONDISCRIMINATION

EDITORIAL NOTE: In Federal Register Document 64-12534, published at page 16274 in the issue of Friday, December 4, 1964, the following changes are made:

1. The heading for Part 15 is changed to read as set forth above.

2. A headnote is inserted immediately preceding § 15.1, reading as follows:

### Subpart A—Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

### PART 15—NONDISCRIMINATION

### Subpart B—Nondiscrimination—Direct USDA Programs and Activities

Subpart B is added to Part 15 of Title 7, reading as follows:

**Subpart B—Nondiscrimination—Direct USDA Programs and Activities**

Sec.
15.50 Applicability.
15.51 Discrimination prohibited.

AUTHORITY: The provisions of this Subpart B of Part 15 issued under sec. 602, 78 Stat. 252.

**§ 15.50 Applicability.**

The regulations in this subpart complement Subpart A of this part and cover those programs and activities of the Department not subject thereto in which the Department or any agency thereof makes available any benefit directly to persons under such programs and activities.

**§ 15.51 Discrimination prohibited.**

(a) No agency, officer, or employee of the United States Department of Agriculture, shall exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States on the ground of race, color, creed, or national origin under any program or activity administered by such agency, officer, or employee.

(b) No agency, officer, or employee of the Department shall on the ground of race, color, creed, or national origin deny to any person in the United States (1) equal access to buildings, facilities, structures, or lands under the control of any agency of this Department or (2) under any program or activity of the Department, equal opportunity for employment, for participation in meetings, demonstrations, training activities or programs, fairs, awards, field days, encampments, for receipt of information disseminated by publication, news, radio, and other media, for obtaining contracts, grants, loans, or other financial assistance or for selection to assist in the administration of programs or activities of this Department.

Done at Washington, D.C., this 7th day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12713; Filed, Dec. 10, 1964; 8:47 a.m.]

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

### PART 916—NECTARINES GROWN IN CALIFORNIA

### Determination Relative to Expenses and Fixing of Rate of Assessment for 1964-65 Fiscal Period and Carryover of Unexpended Funds

Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), upon the basis of the proposals submitted by the Nectarine Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that the expenses of said committee will amount to $165,000.

*It is, therefore ordered,* That paragraph (a) of § 916.203 *Expenses and rate of assessment for the 1964-65 fiscal period and carryover of unexpended funds* (29 F.R. 7590) is hereby amended by deleting therefrom the amount $157,670 and substituting in lieu thereof the amount $165,000. As amended paragraph (a) of § 916.203 reads as follows:

**§ 916.203 Expenses and rate of assessment for 1964-65 fiscal period and carryover of unexpended funds.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1964, and ending February 28, 1965, will amount to $165,000.

* * * * *

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) the increase in the budget set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (29 F.R. 7590); (2) the said committee in the performance of its duties and functions has incurred expenses in excess of those previously thought likely to be incurred; and (3) it is, therefore, essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 7, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12715; Filed, Dec. 10, 1964; 8:47 a.m.]

### Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 4]

### PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

### Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Delaware Valley marketing area (7 CFR Part 1004), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the month of December 1964:

(1) Section 1004.22(j)(2), the provision "The 15th day of".

(2) Section 1004.22(j)(5), the provision "The 15th day of".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action removes, for the month of December, the requirement that the market administrator announce on the 15th day of the month the Class I price for the forthcoming quarter. The Department now has under consideration a request for suspension of certain provisions in the supply-demand adjustment mechanism of the Class I pricing formula to prevent a 20-cent Class I price increase for the January-March quarter which would otherwise result from action of the supply-demand adjustor. Because there is insufficient time prior to December 15 to complete the administrative processes required to consummate the requested action and no useful purpose would be served by announcement of a price which might subsequently be modified, more orderly marketing will be assured by deferment of the price announcement until a decision on the requested suspension has been rendered.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

*It is therefore ordered,* That the aforesaid provisions of the order are hereby suspended for the period from the effective date hereof through December 31, 1964.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 8, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-12765; Filed, Dec. 10, 1964; 8:50 a.m.]





## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Amdt. 11 (Rev. 2)]

### PART 107—SMALL BUSINESS INVESTMENT COMPANIES

### Miscellaneous Amendments

*Correction*

In F.R. Doc. 64-12626, appearing at page 16825 of the issue of Tuesday, December 8, 1964, a portion of the document was published out of order. The introductory paragraphs and Item 1 should read as set forth below:

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754, and amended in 28 F.R. 681, 1627, 3021, 10868, 12250, and 29 F.R. 5223, 7144, 10499, 12109, and 29 F.R. 14221, by amending §§ 107.704 and 107.713 and adding a new § 107.650.

*Information and effective date.* On October 17, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14369) concerning (1) the amendment of §§ 107.704 and 107.713 to authorize two or more Licensees whose paid-in capital and paid-in surplus (excluding organizational expenses) do not in the aggregate exceed $800,000 to employ, with prior SBA approval, common general managers, and (2) the addition of a new § 107.650 dealing with commitments.

After due and careful consideration of the comments and expression of views received with respect to these proposals, the Administration has determined to adopt the formal amendments, set forth below, as being in furtherance of the best interest of the SBIC program.

The revision of §§ 107.704 and 107.713, as finalized in the formal amendments published herewith, incorporates the text of the proposal published on October 17, 1964, with regard to employment of common general managers, except for the following changes: (1) The first sentence of subdivision (ii) of § 107.704(c)(5), which would have restricted applicability of the amendment to two or more Licensees "having paid-in capital and paid-in surplus from private sources aggregating not more than $800,000 (exclusive of organization expense)", has been revised so that the reference to aggregate capitalization has been deleted and, in lieu thereof, a new second sentence has been added: "The aggregate paid-in capital and paid-in surplus from private sources of such Licensees shall not exceed $800,000, unless it is demonstrated to the satisfaction of SBA that a greater amount will better serve the interests of the SBIC program"; and (2) the statement in subdivision (ii) that an individual serving as common manager shall be deemed an officer of each Licensee "for the purposes of these Regulations" has been revised to read, "for all purposes of SBA Regulations".

In several instances, textual changes were necessarily made in proposed § 107.650 and were incorporated as part of the formal amendment, set forth below, regulating commitments; for example, the words "in accordance with the conditions of the commitment" have been added to paragraph (b) of § 107.650 immediately following the phrase "* * * disbursement of the whole or any part thereof to be made on the request of such concern." Paragraph (c) dealing with stock options and warrants issued by a small concern to a Licensee entering into a commitment to provide it with financing, has been revised so that the Licensee's privilege of acquiring options or warrants up to 25 percent of the undisbursed portion of the commitment-obligation is no longer limited to 5-year commitments: "Where a Licensee enters into a commitment to provide financing to a small business concern, and the financing agreement calls for the issuance of stock options or warrants, it shall be lawful for the Licensee to acquire such stock options or warrants on or after the date of the commitment (1) up to the full amount of any funds disbursed and (2) up to 25 percent of the undisbursed portion of any commitment obligation. Such 25 percent amount shall, for the purposes of § 107.501(k), be deemed to constitute equity capital provided by the Licensee."

Because of the necessity of promptly applying these amendments to the program authorized under the Small Business Investment Act of 1958, they shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By deleting paragraph (c)(5) of § 107.704, *Activities of Licensee,* in its entirety, and substituting a new paragraph (c)(5). As amended, § 107.704 (c)(5) reads as follows:

**§ 107.704 Activities of Licensee.**

* * * * * *

(c) * * *

(5) Without the prior written consent of SBA, a Licensee shall not have an officer or a director who at the same time is either an officer or director of any other Licensee, nor shall 10 or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by an officer or director of, or by any party owning or controlling, directly or indirectly, 10 or more percent of the stock of another Licensee, with the following exceptions:

(i) *Attorneys.* An attorney performing legal services for Licensees may serve as secretary or clerk for more than one Licensee; and

(ii) *Common Managers.* Subject to prior SBA approval, two or more Licensees, may employ an individual or a non-Licensee concern to serve as their common general manager. The aggregate paid-in capital and paid-in surplus from private sources of such Licensees shall not exceed $800,000, unless it is demonstrated to the satisfaction of SBA that a greater amount will better serve the interests of the SBIC program. An individual serving as manager shall be deemed an officer of each Licensee for all purposes of SBA Regulations. Notwithstanding the provisions of § 107.708 (b), at least 50 percent of the total amount of joint financing participated in by Licensees under common management during any fiscal year shall consist of loans or equity investments of $150,000 or less.

The proposed employment agreement submitted for SBA approval shall set forth relevant particulars pertaining to the identity and qualifications of the manager, the basis of compensation, effective period of employment, and such other factors bearing on the transaction as may assist SBA in determining whether approval would be consonant with the purposes of the Act. The agreement shall include adequate provision requiring the manager to refer each potential loan or investment to all Licensees of the group and afford them equal opportunity to participate in or otherwise provide the necessary financing.

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Docket No. 6370; Amdt. 39-12]

### PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Hughes Models 269A, 269A-1 and 269B Helicopters

There has been an instance in which a main rotor blade separated in flight on a Hughes Model 269A helicopter. Investigation indicates that failure was attributable to excessive flapwise bending

caused by a binding or jammed flapping hinge bearing due to inadequate lubrication. To correct this condition, an airworthiness directive is being issued to require inspection of the main rotor blade flapping hinge bearings and replacement of any found worn or damaged, and to specify new lubricating procedures.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

HUGHES. Applies to Models 269A, 269A-1 and 269B helicopters.

Compliance required as indicated.

Due to inadequate lubrication of the main rotor blade flapping hinge bearings, binding has occurred, resulting in overstressing and failure of one main rotor blade. To prevent main rotor blade overstressing and failure, accomplish the following:

(a) For helicopters having less than 100 hours' time in service on the effective date of this AD inspect the main rotor blade flapping hinge bearings for the condition indicated in paragraph (d), prior to the accumulation of 110 hours' time in service, unless already accomplished, and thereafter at periods not to exceed 400 hours' time in service from the last inspection.

(b) For helicopters having 100 hours' or more time in service on the effective date of this AD inspect the main rotor blade flapping hinge bearings for the condition indicated in paragraph (d), within the next 10 hours' time in service, unless already accomplished within the last 390 hours' time in service, and thereafter at periods not to exceed 400 hours' time in service from the last inspection.

(c) Within 10 hours' time in service, after the effective date of this AD, unless already accomplished within the last 15 hours' time in service, and thereafter at periods not to exceed 25 hours' time in service, apply MIL-G-25537 grease through the grease fittings to all main rotor blade flapping hinge bearings and inspect to ascertain that a thorough purging of the bearings has been achieved. If new grease does not exude from all six bearings, inspect the bearings at the location where the grease does not exude, for the condition indicated in paragraph (d), before further flight.

(d) If bearings are found to be worn or damaged in excess of the limits specified in Hughes Service Information Notice No. 2A-39.1, 2A-1-06.1 or 2B-07.1, remove from service before further flight.

(e) If the inner race of any bearing is found to be brinelled or worn in excess of the 0.002 inch limit specified in Hughes Service Information Notice No. 2A-39.1, 2A-1-06.1 or 2B-07.1, remove the corresponding main rotor blade from service before further flight, and conspicuously mark it to prevent inadvertent return to service.

(f) If the inner race of any bearing is brinelled or worn, but not in excess of the 0.002 inch limit specified in Hughes Service Information Notice Nos. 2A-39.1, 2A-106.1 or 2B-07.1, inspect the corresponding main rotor blade for skin cracks in the exposed areas adjacent to the edges of the blade root fitting beside the outboard bolt. Inspect both upper and lower surfaces of the blade, using a 4- to 6-power magnifying glass. If any cracks are found remove the blade from service before further flight.

(g) Starting with the effective date of this AD, conduct initial and repetitive inspections of all main rotor blades in a manner and at periods specified in Hughes Service Information Notices No. 2A-38 dated September 9, 1964, No. 2A-1-05 dated September 14, 1964, and No. 2B-06 dated September 16, 1964, or later revisions approved by FAA Western Region Aircraft Engineering Division.

(Hughes Service Information Notices Nos. 2A-38, 2A-39.1, 2A-1-05, 2A-1-06.1, 2B-06 and 2B-07.1, cover this subject.)

This amendment shall become effective December 11, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 4, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12675; Filed, Dec. 10, 1964; 8:48 a.m.]

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[Reg. Docket No. 4028; Amdt. 42-14]

## PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

### Flight Time Limitations; Flight Crew of Three or More Pilots and Additional Airmen, as Required

The purpose of this amendment to Part 42 of the Civil Air Regulations is to extend the duty-time limitations and ground-rest requirements of § 42.322(c) to certificated route air carriers while operating under the rules of Part 42.

Amendment 42-4 (29 F.R. 2998) added to § 42.322 specific ground-rest periods and duty-time limitations for flight crews of three or more pilots and additional airmen, as required, of supplemental air carriers and commercial operators certificated under Part 42. These requirements include: a duty-time limitation of 30 continuous hours for each flight crewmember (under the rule a flight crewmember is considered as being on continuous duty from the time he reports for duty until such time as he is released from duty for a period of rest of 10 or more consecutive hours on the ground); a 16-hour ground rest period when the flight crewmember has been on continuous duty in excess of 24 hours, whether scheduled or not; and, if a crewmember is required to engage in "deadhead" transportation in excess of 4 hours before commencing flight duty, one-half of the time spent in "deadhead" transportation must be treated as duty time for the purpose of determining compliance with the prescribed duty-time limitations, unless the flight crewmember is given not less than 10 consecutive hours of ground rest before being assigned to flight duty. These requirements are considered by the Agency to be the minimum necessary for safety in the kind of operations for which they are designed, and still to give each operator a reasonable flexibility in the utilization of flight crewmembers. However, they are not applicable to certificated route air carriers in the conduct of off-route charter flights or special services under the operating rules of Part 42. Since the certificated route air carriers are subject to the same problems of crew scheduling and safety in the conduct of those operations, the Agency proposed in Notice 64-13 (29 F.R. 3012) also to make the same ground-rest and duty-time limitations prescribed by Amendment 42-4 applicable to certificated route air carriers when operating under Part 42.

Several comments were received in response to the notice. All but one were in favor of the proposal set forth therein.

The Air Transport Association (ATA) objected to the proposed amendment. ATA asserts that if the sole justification for the proposed duty-time limitations and the associated ground-rest requirements is, as stated in the preamble, "to preclude operations (by certificated route) carriers which could result in flight crewmembers performing their duties in an overly fatigued condition," the airlines feel that the proposed duty-time and ground-rest requirements are unnecessary and have not been justified with regard to them since it is their practice under their labor-management agreements to be at least as restrictive and, in some cases, more restrictive than the proposal. It is to be noted that the Association does not assert that the proposed duty-time limitations and ground-rest requirements are not required in the interests of safety, or that less stringent requirements could be safely permitted, but only that the Agency has not justified the prescription of such requirements for certificated route carriers because the scheduling practices of these carriers already meet or better these requirements. The Agency cannot agree with this position, since it cannot rely on labor-management agreements to effectuate its statutory safety regulations responsibility and, in any event, has no way of enforcing the provisions of these agreements.

ATA also commented on the "deadhead" transportation aspect of the proposed amendment (§ 42.322(c)(3)) stating that it does not take into consideration the fact that, in many cases, flight crewmembers have such ample off-duty time that they engage in business, social, avocational and other activities that are not conducive to rest during required rest periods. To prevent such activities the ATA recommends that the Agency adopt a rule that places the responsibility for off-duty rest on the flight crewmember himself, and that requires him not to engage in activities that prevent him from reporting to duty fully rested. A discussion of the merits of this comment would serve no useful purpose at this time since action thereon would not be within the limited scope of Notice 64-13. However, it will be considered within the framework of Notice 63-34, referred to below.



Finally, the ATA suggests that any changes in the "duty time—flight time limitations" applicable to the operations of scheduled air carriers should await completion of the Agency's overall study of the flight-time limitation regulations now being conducted, and as announced in Notice 63-34 (28 F.R. 9674), stating that interim measures will only cause confusion in the regulations. As stated in Notice 64-13, the adoption of these amendments cannot be delayed and must be accomplished in the interim, prior to the overall review of all flight-time rules announced in Notice 63-34, and completion of any final regulatory action based thereon. The addition of the daily duty-time concept is not alien to Part 42 and is appropriate to the types of operation to which § 42.322(c) will be applicable as a result of this amendment. Moreover, the Agency feels that, if anything, the amendment will minimize confusion since it will eliminate the unjustifiable situation of operations that are identical in all pertinent respects being conducted according to different rules.

The Flight Engineers International Association (FEIA) endorsed the proposed amendment, but raised the question as to why a similar crew operating under Part 41 should not be subject to duty-time limitations and required rest periods. While this comment is relevant, action on it would also be outside the limited scope of Notice 64-13. However, it will be considered in the overall review of the flight-time limitations announced in Notice 63-34.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, § 42.322(c)(1) of Part 42 of Chapter I, Title 14 of the Code of Federal Regulations is amended, effective January 25, 1965, by deleting the word "certificated" from the first sentence thereof and inserting in lieu thereof the word "operating".

(Secs. 313(a), 601, 604, and 607, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424, and 1427))

Issued in Washington, D.C., on December 3, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-12676; Filed, Dec. 10, 1964; 8:45 a.m.]

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[Airspace Docket No. 64-SO-39]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zones and Transition Area and Designation of Transition Areas

On October 30, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14794) stating that the Federal Aviation Agency proposed to alter the existing control zones and designate transition areas for Columbia Airport, North AF Auxiliary Field, McEntire ANGB, and Shaw AFB, South Carolina.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

A portion of the proposed Columbia, S.C., transition area including that airspace extending from 7000 feet above mean sea level within 5 miles each side of the Shaw AFB TACAN 008° radial extending from the N boundary of the 1200-foot transition area to 60 miles N of the TACAN was proposed in order to provide protection to aircraft executing standard instrument departure procedures (SIDs) from Shaw AFB. Subsequent to the issuance of the notice of proposed rule making it was revealed that the SIDs requiring this airspace had been canceled and there was no requirement for this portion of the transition area.

Since the deletion of this portion of the transition area imposes no additional burden on any person, an amended notice is unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the Columbia, S.C., control zone is amended to read:

*Columbia, S.C.*

Within a 5-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.), within 2 miles each side of the Columbia VORTAC 329° radial extending from the 5-mile radius zone to one mile NW of the VORTAC and within 2 miles each side of the Columbia ILS localizer W course extending from the 5-mile radius zone to one half mile E of the OM.

2. In § 71.171 (29 F.R. 1101) the North, S.C., control zone is amended to read:

*North, S.C.*

Within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone shall be effective only during specific dates and times established 30 days in advance by a Notice to Airmen and continuously published in the Airman's Guide.

3. In § 71.171 (29 F.R. 1101) the Eastover, S.C., control zone is amended to read:

*Eastover, S.C.*

Within a 5-mile radius of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.) and within 2 miles each side of the McEntire VOR 139° radial extending from the 5-mile radius zone to 10.5 miles SE of the VOR.

4. In § 71.171 (29 F.R. 1101) the Sumter, S.C., control zone is amended to read:

*Sumter, S.C.*

Within a 5-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.), within 2 miles each side of the Shaw VOR 010° and 235° radials extending from the 5-mile radius zone to 12 miles N and 10.5 miles SW of the VOR and within 2 miles each side of the Shaw TACAN 033° and 213° radials extending from the 5-mile radius zone to 8 miles N and 13 miles S of the TACAN. The portion within R-6002 shall be used only after obtaining approval from appropriate authority.

5. In § 71.181 (29 F.R. 1160) the Columbia, S.C., transition area is amended to read:

*Columbia, S.C.*

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.) and within 5 miles N and 8 miles S of the Columbia ILS localizer W course extending from the 9-mile radius area to 12 miles W of the OM; that airspace extending upward from 1200 feet above the surface bounded by a line beginning at the point of intersection of a 60-mile arc centered on Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.) and the W boundary of V-155, extending clockwise along this arc to the W boundary of V-3, thence S along the W boundary of V-3 and W along the N boundary of V-185 to the W boundary of V-37, thence to latitude 33°08'45" N., longitude 81°22'40" W., thence counterclockwise along the boundary of R-6004 to latitude 33°23'25" N., longitude 81°37'00" W., thence N to latitude 33°46'00" N., longitude 81°37'00" W., thence to the intersection of the N boundary of V-155 and longitude 81°41'30" W., thence NE along the N boundary of V-155 to its intersection with a line 10 miles SW and parallel to the centerline of V-53, thence NW along this line to its intersection with latitude 34°15'30" N., thence NE to latitude 34°30'00" N., longitude 81°02'00" W., thence NE to point of beginning. The portion within R-6001 and 6002 shall be used only after obtaining approval from appropriate authority.

6. In § 71.181 (29 F.R. 1160) the following transition area is added:

*North, S.C.*

That airspace extending upward from 700 feet above the surface within an 8-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.). This transition area shall be effective only during the specific dates and times established at least 30 days in advance by a Notice to Airmen and continuously published thereafter in the Airman's Guide.

7. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Sumter, S.C.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.), within 5 miles SE and 8 miles NW of the Shaw VOR 234° radial extending from the Shaw 7-mile radius area to 12 miles SW of the VOR, within 2 miles each side of the Shaw ILS localizer SW course extending from the Shaw 7-mile radius area to 12 miles SW of the Shaw OM; within an 8-mile radius area of McEntire ANGB (latitude 32°55'26" N., longitude 80°48'14" W.), within 5 miles NE and 8 miles SW of the McEntire VOR 139° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR; and within a 5-mile radius of Sumter Airport (latitude 33°59'39" N., longitude 80°21'45" W.). The portion within R-6001 and R-6002 shall be used only after obtaining approval from appropriate authority.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)))

Issued in East Point, Ga., on December 3, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-12678; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-43]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone and Alteration of Transition Area

On September 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13143) stating that the Federal Aviation Agency proposed to designate a control zone and to alter the transition area at Liberal, Kansas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Since the date of the publication of the above-referred-to Notice, further evaluation of the runway course alignment by the Federal Aviation Agency has disclosed that revision of the Special TVOR approach procedure to Runway 17L is necessary. The final approach radial for this procedure is changed from the 022° radial of the Liberal VOR to the 025° radial of the Liberal VOR. Therefore, the description of the Liberal, Kansas, control zone requires revision so that it refers to the 025° radial rather than the 022° radial. Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and this amendment may be made effective in the final rule.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the following is added:

*Liberal, Kans.*

Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'30" N., longitude 100°57'30" W.), and within 2 miles each side of the 328°, 025°, and 153° radials of the Liberal VOR extending from the 5-mile radius zone to a point 8 miles NW, N and SE, from the VOR; and within 2 miles each side of the 201° bearing from the airport extending from the 5-mile radius zone to a point 8 miles S of the airport, from 0700 to 2300 hours, local time daily.

2. In § 71.181 (29 F.R. 1160) the Liberal, Kans., transition area is amended to read:

*Liberal, Kans.*

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Liberal Municipal Airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued at Kansas City, Mo., on November 27, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-12677; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-61]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Designation of Transition Area

On October 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14548) stating that the Federal Aviation Agency proposed to alter the control zone and designate a transition area at Florence, South Carolina.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. An objection was received and later withdrawn.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the following control zone is amended to read:

*Florence, S.C.*

Within a 5-mile radius of the Florence, S.C., Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.); within 2 miles each side of the Florence VORTAC 052° and 232° radials extending from the 5-mile radius zone to 8 miles NE of the VORTAC.

2. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Florence, S.C.*

That airspace extending upward from 1200 feet above the surface within 8 miles NW and 5 miles SE of the Florence, S.C., VORTAC 052° and 232° radials extending from 13 miles NE to 6 miles SW of the VORTAC and within 5 miles each side of the Florence VORTAC 221° radial extending from the VORTAC to 23 miles SW, excluding that portion W of the western boundary of V-3.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)))

Issued in East Point, Ga., on December 3, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-12679; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-45]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Controlled Airspace

On September 12, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12880) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the vicinity of Philip, S. Dak. The proposed alteration included rescission of that portion of the Rapid City, S. Dak., control area extension which provides controlled airspace in the Philip, S. Dak., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. March 4, 1965, as hereinafter set forth.

1. In § 71.165 (29 F.R. 1073) the Rapid City, S. Dak. control area extension is amended to read:

*Rapid City, S. Dak.*

Within a 55-nmi radius of Ellsworth AFB, Rapid City, S. Dak. (latitude 44°08'40" N., longitude 103°06'10" W.); the airspace SW of Rapid City within 12 miles SE and 8 miles NW of the Rapid City VORTAC 251° radial extending from the 55-nmi radius area to 73 miles SW of the VORTAC.

2. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Philip, S. Dak.*

That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the Philip, S. Dak. VOR 102° and 282° radials extending from 14 miles W to 8 miles E of the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on November 25, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-12680; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-AL-9]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Federal Airway Segment, Reporting Point and Alteration of Transition Area

On August 6, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11383) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway between the Annette Island, Alaska, VOR and the southwest course of the Petersburg, Alaska, radio range, to extend the Annette Island transition area, and to designate the Indian Point, Alaska, intersection as a reporting point.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Alaska Coastal-Ellis Airlines suggested a different radial alignment for the proposed transition area extension to provide a more direct route between Annette Island and Sitka, Alaska, than the one which presently exists via the Red Federal airway No. 1. Such a route presently is being considered by the FAA in a separate airspace docket, 64-AL-5. The transition area extension alignment proposed by the FAA is considered to be the best procedure to facilitate movement of northwest-bound departures from the Annette Island terminal area.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.125 (29 F.R. 1046), V-439 is added as follows:

V-439 Annette Island, Alaska; to INT Annette Island 330° radial and Petersburg, Alaska RR SW course.

2. In § 71.211 (29 F.R. 1228) add:

Indian Point INT: INT Annette Island, Alaska, 330° radial, SW course Petersburg, Alaska, RR.

3. In § 71.213 (29 F.R. 1229) add:

Indian Point INT: INT Annette Island, Alaska, 330° radial, SW course Petersburg, Alaska, RR.

4. In § 71.181 (29 F.R. 1160) the Annette Island, Alaska, transition area is amended by deleting "to the United States/Canadian border," and substituting therefor "to the United States/Canadian border, including that airspace within 5 miles of the Annette Island VOR 315° radial, extending from the VOR to 56 miles NW."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on December 4, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12681; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-83]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the portion of VOR Federal airway No. 104 between Massena, N.Y., and Ottawa, Ontario, Canada, that is within the United States.

V-104 is presently designated in part from Ottawa, Ontario, Canada, via the intersection of the Ottawa 082° and the Massena, N.Y., 346° True radials; to Massena. The Canadian Department of Transport has advised this agency that the Ottawa VOR will be relocated to a new site (latitude 45°26'32" N., longitude 75°53'48" W.) on January 28, 1965. Accordingly, the Department of Transport has requested a realignment of the segment of V-104 within the United States via the 330° True radial of the Massena VOR. This realignment would facilitate the movement of air traffic from Massena to Ottawa via the Casselman, Ontario, radio beacon.

Since the segment of V-104 affected hereby is approximately five miles in length, an alteration of the radial by 16 degrees involves a minimum amount of airspace, and consequently the public is not particularly interested in this action. Therefore, the Administrator finds that compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended effective 0001 e.s.t., January 28, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 1009) V-104 is amended to read:

V-104 From Ottawa, Ont., Canada, via INT Ottawa 095° and Massena, N.Y., 330° radials; Massena to Plattsburgh, N.Y. The portion within Canada is excluded.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on December 3, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12682; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-49]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area and Revocation of Transition Area

On October 3, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13611) stating that the Federal Aviation Agency proposed to designate a transition area at Helena, Mont., and revoke the transition area at Garrison, Mont.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

*Helena, Mont.*

That airspace extending upward from 700 feet above the surface within 6 miles N and 8 miles S of the Helena VOR 089° and 269° radials extending from 17 miles E to 7 miles W of the VOR; within 6 miles SW and 8 miles NE of the SE course of the Helena RR extending from the RR to 17 miles SE of the RR; and that airspace extending upward from 1,200 feet above the surface within 6 miles S and 9 miles N of the Helena VOR 089° and 272° radials extending from 12 miles E of the VOR to 45 miles W of the VOR and within 6 miles NW and 9 miles SE of the Great Falls, Montana, VOR 222° radial extending from 8 miles NE to 27 miles SW of the INT of the Great Falls VOR 222° and Helena VOR 352° radials.

In § 71.181 (29 F.R. 1160), the Garrison, Mont., transition area is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued at Kansas City, Mo., on December 1, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-12683; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-79]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to modify the Fort Leonard Wood, Mo., transition area.

The Fort Leonard Wood transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.), within 8 miles E and 5 miles W of the 148° bearing from the Forney AAF RBN, extending from the RBN to 12 miles SE, within 8 miles W and 5 miles E of the Forney AAF VOR 323° radial extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface, within 5 miles each side of the following direct radials: Maples, Mo., VOR to Forney AAF VOR; Maples, Mo., VOR to Forney RBN; Vichy, Mo., VORTAC to Forney VOR; Vichy VORTAC to Forney RBN, excluding that portion within the Vichy transition area.

On October 31, 1964, instrument approach procedure AL-5093-VOR-RWY 14 at Fort Leonard Wood was modified by changing the procedure turn from the south side of the 317° magnetic radial of the Forney AAF VOR to the north side of this radial. It is therefore necessary to modify the existing transition area in order to provide protection for aircraft executing instrument approach procedure AL-5093-VOR-RWY 14.

The required alteration of the Fort Leonard Wood transition area is considered to be minor in nature and its impact on the public will be minimal. Military aircraft and civil aircraft, with prior approval of the military, are already utilizing instrument approach procedure AL-5093-VOR-RWY 14. Any delay in making this amendment effective will jeopardize public safety. For this reason, the Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impractical and good cause exists for making the amendment effectively immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth:

In § 71.181 (29 F.R. 1160) the Fort Leonard Wood transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.), within 8 miles NE and 5 miles SW of the 148° bearing from Forney AAF RBN, extending from the RBN to 12 miles SE; within 8 miles NE and 5 miles SW

of the Forney AAF VOR 323° radial, extending from the VOR to 12 miles NW; and that airspace extending upward from 1200 feet above the surface, within 5 miles each side of the following direct radials: Maples, Mo., VOR to Forney AAF VOR; Maples VOR to Forney AAF RBN; Vichy, Mo., VORTAC to Forney AAF VOR; Vichy VORTAC to Forney AAF RBN, excluding that portion within the Vichy transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on November 30, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-12684; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-5]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Miscellaneous Amendments

On November 24, 1964, Federal Register Document 64-11950 was published in the FEDERAL REGISTER (29 F.R. 15719) amending Parts 71 and 73 [New] of the Federal Aviation Regulations. These amendments were to be effective December 10, 1964. However, this effective date does not allow adequate time for charting agencies to update the amended restricted area R-6310 on pertinent charts. Therefore, action is taken herein to amend the effective date in order to allow time for R-6310 to be appropriately displayed on charts. Additionally, action is taken herein to change the altitudes, as expressed in the high altitude structure of R-6310, from the designated number of feet above mean sea level to the appropriate flight levels in order to provide continuity of language.

Since these amendments are partially editorial in nature and since the new effective date will avoid activation of R-6310, as amended, before it appears on appropriate charts, the Administrator has determined that notice and public procedure hereon are unnecessary and contrary to the public interest, and these amendments may be made effective immediately.

In consideration of the foregoing, effective immediately, Federal Register Document 64-11950 is amended as hereinafter set forth.

1. The effective date is changed from 0001 e.s.t., December 10, 1964 to 0001 e.s.t., January 7, 1965.

2. Item 1 is amended by altering the description of the designated altitudes to read as follows:

*Designated altitudes*

2,000 feet MSL to 14,000 feet MSL from the point of beginning to 1 nmi S.

2,000 feet MSL to 16,000 feet MSL from 1 to 2 nmi S of the point of beginning.

2,000 feet MSL to FL 190 from 2 to 3 nmi S of the point of beginning.

2,000 feet MSL to FL 210 from 3 to 4 nmi S of the point of beginning.

2,000 feet MSL to FL 230 from 4 to 6 nmi S of the point of beginning.

5,000 feet MSL to FL 230 from 6 to 10 nmi S of the point of beginning.

9,000 feet MSL to FL 230 from 10 to 13 nmi S of the point of beginning.

12,000 feet MSL to FL 230 from 13 to 19 nmi S of the point of beginning.

16,000 feet MSL to FL 230 from 19 to 25 nmi S of the point of beginning.

FL 200 to FL 230 from 25 to 30 nmi S of the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on December 2, 1964.

LEE E. WARREN,
*Director, Air Traffic Service.*

[F.R. Doc. 64-12685; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-96]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Alteration of Restricted Area

On September 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12847) stating that the Federal Aviation Agency proposed to alter the geographical boundaries and designated altitude of the Huntsville, Ala., Restricted Area R-2104.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 73.21 (29 F.R. 1233), the Huntsville, Ala., Restricted Area R-2104 is amended to read as follows:

1. R-2104A *Huntsville, Ala.*

*Boundaries.* Beginning at latitude 34°-39'30" N., longitude 86°37'40" W.; to latitude 34°33'58" N., longitude 86°37'50" W.; thence west along the Tennessee River to latitude 34°35'02" N., longitude 86°43'25" W.; to latitude 34°37'19" N., longitude 86°43'20" W.; to latitude 34°37'19" N., longitude 86°43'05" W.; to latitude 34°41'25" N., longitude 86°-42'57" W.; to latitude 34°42'00" N., longitude 86°41'35" W.; to latitude 34°39'30" N., longitude 86°41'10" W.; to the point of beginning.

*Designated altitudes.* Surface to 30,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Memphis ARTC Center.

*Using agency.* Commanding General, U.S. Army Missile Command, Redstone Arsenal, Ala.

2. R-2104B *Huntsville, Ala.*

*Boundaries.* Beginning at latitude 34°-39'30" N., longitude 86°37'40" W.; to latitude 34°39'25" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°-35'21" W.; to latitude 34°35'05" N., longitude 86°35'24" W.; thence west along the Tennessee River to latitude 34°33'58" N., longitude 86°37'50" W.; to the point of beginning.

*Designated altitudes.* Surface to 2,400 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Memphis ARTC Center.

*Using agency.* Commanding General, U.S. Army Missile Command, Redstone Arsenal, Ala.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on December 3, 1964.

LEE E. WARREN,
*Director, Air Traffic Service.*

[F.R. Doc. 64-12686; Filed, Dec. 10, 1964; 8:45 a.m.]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-92]

## PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

### Subpart A—Rules of General Applicability

PETITIONS FOR RULEMAKING

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1964.

Rule 38 of the Board's rules of practice (14 CFR 302.38), which sets forth the procedure for rule making proceedings, does not authorize the filing of petitions for reconsideration of an adopted rule. Nevertheless, in rule making proceedings the Board frequently receives documents styled "petitions for reconsideration" and on occasion the Board has accepted these documents and disposed of them on the merits.

The Board believes that petitions for reconsideration of an adopted rule are generally inappropriate and should not be permitted. The proper means of seeking relief is by an original petition for amendment, modification or repeal of a rule, pursuant to § 302.38(a). Accordingly, the following amendment imposes a prohibition on petitions for reconsideration of adopted rules, unless the Board expressly provides otherwise when it adopts the rule.

Since this amendment is a rule of practice and procedure, notice and public procedure thereon are not required, and the rule may become effective upon less than 30 days' notice.

In consideration of the foregoing, the Board hereby amends § 302.38 of Part 302 of the Procedural Regulations (14 CFR 302.38), effective December 11, 1964, by adding a new paragraph (d) to read as follows:

**§ 302.38 Petitions for rulemaking.**

* * * * * * *

(d) *Prohibition of petitions for reconsideration of adopted rules.* Unless the Board in adopting a rule expressly provides otherwise, the Board will not entertain petitions for reconsideration of an adopted rule. Nothing in this subsection shall be interpreted as precluding a petition for amendment, modification or repeal of an adopted rule prior to its effective date.

(Sec. 4, Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1003; section 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-12768; Filed, Dec. 10, 1964; 8:50 a.m.]



# Title 15—COMMERCE AND FOREIGN TRADE

## Subtitle A—Office of the Secretary of Commerce

## PART 7—STANDARDS FOR SEAT BELTS FOR USE IN MOTOR VEHICLES

As required by Public Law 88-201, approved on December 13, 1963 (77 Stat. 361), and after giving adequate public notice and considering public comments received, I hereby prescribe and publish the following standards for seat belts for use in motor vehicles. The purpose of these standards, as stated in Public Law 88-201, is "to provide the public with safe seat belts so that passenger injuries in motor vehicle accidents can be kept to a minimum."

These standards are essentially the same as Society of Automotive Engineers Standard 54b, Motor Vehicle Seat Assemblies, approved November 19, 1964, and published by the Society of Automotive Engineers, 485 Lexington Avenue, New York, N.Y., 10017. Standards are prescribed for three types of seat belt assemblies; namely, a lap belt, a safety harness for adults and a safety harness for children. The lap belt provides restraint only on the pelvis and is recommended for use where movement of the upper part of the body is not likely to cause injury. The safety harness provides restraint both on the pelvis and the upper torso and is recommended for use where movement of the entire body must be restricted to avoid injury. The standards permit the safety harness for adults to be either an integral harness or a combination of lap and shoulder belts.

Prior to June 1, 1965, the Department of Commerce, in consultation with the Society of Automotive Engineeers, the industry, Government experts, and interested consumers, intends to add additional requirements to these standards including requirements for non-ferrous corrosion and cracking of hardware, and performance of retractors in a dusty environment. The proposed additions will be published in the FEDERAL REGISTER for public comment on or about April 1, 1965.

Done at Washington, D.C., this 2d day of December 1964.

LUTHER H. HODGES,
*Secretary of Commerce.*

Sec.
7.1 Definitions.
7.2 Scope and application.
7.3 General requirements.
7.4 Requirements for webbing.
7.5 Requirements for hardware.
7.6 Requirements for assembly performance.
7.7 Test procedures for webbing.
7.8 Test procedures for hardware.
7.9 Test procedures for assembly performance.
7.10 Provision for changes in the standards.
7.11 Effective date.

AUTHORITY: The provisions of this Part 7 issued under secs. 1-4, Public Law 88-201, approved Dec. 13, 1963 (77 Stat. 361).

**§ 7.1 Definitions.**

As used in these specifications:

(a) The term "act" means Public Law 88-201, 88th Congress, H.R. 134 (77 Stat. 361).

(b) The term "interstate commerce" means commerce between one State, Territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico and another State, Territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) The term "motor vehicle" means any vehicle or machine propelled or drawn by mechanical power and used on the highways principally in the transportation of passengers other than those of carriers subject to safety regulations under Part II of the Interstate Commerce Act.

(d) The term "seat belt assembly" means any strap, webbing, or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt assembly in a motor vehicle.

(e) The term "pelvic restraint" means a seat belt assembly or portion thereof intended to restrain movement of the pelvis.

(f) The term "upper torso restraint" means a portion of a seat belt assembly intended to restrain movement of the chest and shoulder regions.

(g) The term "hardware" means any metal or rigid plastic part of a seat belt assembly.

(h) The term "buckle" means a quick release connector which fastens a person in a seat belt assembly.

(i) The term "attachment hardware" means any or all hardware designed for securing the webbing of a seat belt assembly to a motor vehicle.

(j) The term "adjustment hardware" means any or all hardware designed for adjusting the size of a seat belt assembly to fit the user, including such hardware that may be integral with a buckle, attachment hardware, or retractor.

(k) The term "retractor" means a device for storing part or all of the webbing in a seat belt assembly.

(l) The term "non-locking retractor" means a retractor from which the webbing is extended to essentially its full length by a small external force, which provides no adjustment for assembly length, and which may or may not be capable of sustaining restraint forces at maximum webbing extension.

(m) The term "automatic-locking retractor" means a retractor incorporating adjustment hardware by means of a positive self-locking mechanism which is capable when locked of withstanding restraint forces.

(n) The term "emergency-locking retractor" means a retractor incorporating adjustment hardware by means of a locking mechanism that is activated by vehicle acceleration, webbing movement relative to the vehicle, or other automatic action during an emergency and is capable when locked of withstanding restraint forces.

(o) The term "seat back retainer" means the portion of some seat belt assemblies designed to restrict forward movement of a seat back.

(p) The term "webbing" means a narrow fabric woven with continuous filling yarns and finished selvages.

(q) The term "strap" means a narrow non-woven material used in a seat belt assembly in place of webbing.

**§ 7.2 Scope and application.**

The standards prescribed herein shall apply to any seat belt for use in a motor vehicle, including the manufacture for sale, the sale, or the offering for sale, in interstate commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation, or causing to be transported in, interstate commerce, or for the purpose of sale, or delivery after sale, in interstate commerce. Standards are prescribed for the following types of seat belt assembly:

(a) Type 1 seat belt assembly is a lap belt for pelvic restraint.

(b) Type 2 seat belt assembly is a combination of pelvic and upper torso restraints.

(c) Type 2-a shoulder belt is an upper torso restraint for use only in conjunction with a lap belt as a Type 2 seat belt assembly.

(d) Type 3 seat belt assembly is a combination pelvic and upper torso restraint for persons weighing not more than 50 pounds or 23 kilograms and capable of sitting upright by themselves, that is children in the approximate age range of 8 months to 6 years.

**§ 7.3 General requirements.**

(a) *Single occupancy.* A seat belt assembly shall be designed for use by one, and only one, person at any one time.

(b) *Pelvic restraint.* A seat belt assembly shall provide pelvic restraint whether or not upper torso restraint is provided, and the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or rollover of the motor vehicle. Pelvic restraint of a Type 2 seat belt assembly that can be used without upper torso restraint shall comply with requirement for Type 1 seat belt assembly in §§ 7.3 to 7.6.

(c) *Upper torso restraint.* A Type 2 or Type 3 seat belt assembly shall provide upper torso restraint without shifting the pelvic restraint into the abdominal region. An upper torso restraint shall be designed to minimize vertical forces on the shoulders and spine. Hardware for upper torso restraint shall be so designed and located in the seat belt assembly that the possibility of injury to the occupant is minimized. A Type 2-a shoulder belt shall comply with applicable requirements for a Type 2 seat belt assembly in §§ 7.3 to 7.6 inclusive.

(d) *Hardware.* All hardware parts which contact under normal usage a per-

son, clothing, or webbing shall be free from burrs and sharp edges.

(e) *Release.* A Type 1 or Type 2 seat belt assembly shall be provided with a buckle or buckles readily accessible to the occupant to permit his easy and rapid removal from the assembly. A Type 3 seat belt assembly shall be provided with a quickly recognizable and easily operated release arrangement, readily accessible to an adult.

(f) *Attachment hardware.* A seat belt assembly shall include all hardware necessary for installation in a motor vehicle in accordance with SAE Information Report, Motor Vehicle Seat Belt Installations—SAE J800a, published by the Society of Automotive Engineers, 485 Lexington Avenue, New York, N.Y., 10017, except that seat belt assemblies designed for installation in motor vehicles equipped with seat belt anchorages shall not require underfloor hardware. The hardware shall be designed to prevent attaching bolts and other parts becoming disengaged from the vehicle in service. Reinforcing plates or washers furnished for universal floor installations shall be of steel, free from burrs and sharp edges on the peripheral edges adjacent to the vehicle, not less than 0.06 inch or 1.5 millimeters in thickness nor less than 4 square inches or 25 square centimeters in area. The distance between any edge of the plate and the edge of the bolt hole shall be at least 0.6 inch or 15 millimeters and any corner shall be rounded to a radius of not less than 0.25 inch or 6 millimeters, or cut at a 45-degree angle along an hypotenuse not less than 0.25 inch or 6 millimeters in length.

(g) *Adjustment.* A Type 1 or Type 2 seat belt assembly shall be capable of snug adjustment by the occupant by a means easily within his reach and easily operable without appreciable interference with the driving process, or shall be provided with an automatic-locking or emergency-locking retractor. A Type 3 seat belt assembly shall be capable of snug adjustment to fit any child capable of sitting upright and weighing not more than 50 pounds or 23 kilograms unless specifically labelled for use with a child in a smaller weight range.

(h) *Seat back retainer.* A Type 3 seat belt assembly designed for attachment to a seat back or for use in a seat with a hinged back shall include a seat back retainer unless such assembly is designed and labeled for use in specific models of motor vehicles in which the vehicle manufacturer has provided other adequate restraint for the seat back.

(i) *Webbing.* The ends of webbing in a seat belt assembly shall be protected or treated to prevent ravelling, and abrading or snagging of clothing with which the webbing ends may come in contact. The end of webbing in a seat belt assembly having a metal-to-metal buckle that is used by the occupant to adjust the size of the assembly shall not pull out of the adjustment hardware at maximum size adjustment. Provision shall be made for essentially unimpeded movement of webbing routed between a seat back and seat cushion and attached to a retractor located behind the seat.

(j) *Strap.* A strap used in a seat belt assembly to sustain restraint forces shall comply with the requirements for webbing in § 7.4, and if the strap is made from a rigid material, it shall comply with applicable requirements in §§ 7.4, 7.5 and 7.6.

(k) *Marking.* Each seat belt assembly shall be permanently and legibly marked or labeled with year of manufacture, model, and name or trademark of manufacturer or distributor, or of importer if manufactured outside the United States. A model shall consist of a single combination of webbing having a specific type of fiber, weave and construction, and hardware having a specific design. Webbings of various colors may be included under the same model, but webbing of each color shall comply with the requirements for webbing in § 7.4.

(l) *Installation instructions.* A seat belt assembly or retractor shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle except for a seat belt assembly installed in a motor vehicle by an automobile manufacturer. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items in SAE Information Report, Motor Vehicle Seat Belt Installations—SAE J800a, published by the Society of Automotive Engineers.

(m) *Usage and maintenance instructions.* A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened.

### § 7.4 Requirements for webbing.

(a) *Width.* The webbing in a seat belt assembly shall be not less in width than the following dimensions when measured under conditions prescribed in § 7.7(a): Type 1 seat belt assembly—1.8 inches or 46 millimeters; Type 2 seat belt assembly—1.8 inches or 46 millimeters; Type 3 seat belt assembly—0.9 inch or 23 millimeters.

(b) *Breaking strength.* The webbing in a seat belt assembly shall have not less than the following breaking strength when tested by the procedures specified in § 7.7(b): Type 1 seat belt assembly—6,000 pounds or 2,720 kilograms; Type 2 seat belt assembly—5,000 pounds or 2,270 kilograms for webbing in pelvic restraint and 4,000 pounds or 1,810 kilograms for webbing in upper torso restraint; Type 3 seat belt assembly—1,500 pounds or 680 kilograms for webbing in pelvic and upper torso restraints, 4,000 pounds or 1,810 kilograms for webbing in seat back retainer and for webbing connecting pelvic and upper torso restraints to attachment hardware when assembly has single webbing connection, or 3,000 pounds or 1,360 kilograms for webbing connecting pelvic and upper torso restraint to attachment hardware when assembly has two or more webbing connections.

(c) *Elongation.* The webbing in a seat belt assembly shall not extend to more than the following elongations when subjected to the specified forces in accordance with the procedure specified in § 7.7(c): Type 1 seat belt assembly—20 percent at 2,500 pounds or 1,130 kilograms; Type 2 seat belt assembly—30 percent at 2,500 pounds or 1,130 kilograms for webbing in pelvic restraint and 40 percent at 2,500 pounds or 1,130 kilograms for webbing in upper torso restraint; Type 3 seat belt assembly—20 percent at 700 pounds or 320 kilograms for webbing in pelvic and upper torso restraints, and 25 percent at 2,500 pounds or 1,130 kilograms for webbing in seat back retainer and for webbing connecting pelvic and upper torso restraints to attachment hardware when assembly has single webbing connection, or 25 percent at 1,800 pounds or 820 kilograms for webbing connecting pelvic and upper torso restraints to attachment hardware when assembly has two or more webbing connections.

(d) *Resistance to abrasion.* The webbing in a seat belt assembly after being subjected to abrasion as specified in § 7.7(d) shall have a breaking strength not less than 75 percent of the strength before abrasion when measured by the procedure specified in § 7.7(b).

(e) *Resistance to light.* The webbing in a seat belt assembly after exposure to the light of a carbon arc and tested by the procedure specified in § 7.7(e) shall have a breaking strength not less than 60 percent of the strength before exposure to the carbon arc and shall have a color retention not less than No. 3 on the Geometric Gray Scale published by the American Association of Textile Chemists and Colorists, Post Office Box 886, Durham, N.C.

(f) *Resistance to micro-organisms.* The webbing in a seat belt assembly after being subjected to micro-organisms and tested by the procedures specified in § 7.7(f) shall have a breaking strength not less than 85 percent of the strength before subjection to micro-organisms.

(g) *Colorfastness to crocking.* The webbing in a seat belt assembly shall not transfer color to a crock cloth either wet or dry to a greater degree than class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in § 7.7(g).

(h) *Colorfastness to staining.* The webbing in a seat belt assembly shall not stain to a greater degree than class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in § 7.7(h).

### § 7.5 Requirements for hardware.

(a) *Corrosion resistance.* All hardware parts of a seat belt assembly after being subjected to the conditions specified in § 7.8(a) shall be free of red rust except for permissible red rust at peripheral edges or edges of holes on underfloor reinforcing plates or washers, and buckles and retractors shall conform to applicable requirements in paragraphs (g) to (k) of this section inclusive.

(b) *Temperature resistance.* Plastic or other non-metallic hardware parts of a seat belt assembly when subjected to the conditions specified in § 7.8(b) shall not warp or otherwise deteriorate to cause the assembly to operate improperly or fail to comply with applicable requirements in this section and § 7.6.

(c) *Attachment hardware.* Eye bolts, shoulder bolts, or other bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall withstand a force of 5,000 pounds or 2,270 kilograms when tested by the procedure specified in § 7.8(c)(1). A seat belt assembly having single attachment hooks of the quick-disconnect type for connecting webbing to an eye bolt shall be provided with a retaining-latch or keeper which shall not move more than 0.08 inch or 2 millimeters in either the vertical or horizontal direction when tested by the procedure specified in § 7.8(c)(2).

(d) *Buckle release force.* The buckle of a Type 1 or Type 2 seat belt assembly shall release when a force of not more than 30 pounds or 14 kilograms is applied, and the buckle of a Type 3 seat belt assembly shall release when a force of not more than 20 pounds or 9 kilograms is applied as prescribed in § 7.8(d).

(e) *Adjustment force.* The force required to decrease the size of a seat belt assembly shall not exceed 11 pounds or 5 kilograms when measured by the procedure specified in § 7.8(e).

(f) *Tilt-lock adjustment.* The buckle of a seat belt assembly having tilt-lock adjustment shall lock the webbing when tested by the procedure specified in § 7.8(f) at an angle of not less than 30 degrees between the base of the buckle and the anchor webbing.

(g) *Buckle latch.* The buckle latch of a seat belt assembly when tested by the procedure specified in § 7.8(g) shall not fail, nor gall or wear to an extent that normal latching and unlatching is impaired, and a metal-to-metal buckle shall separate when in any position of partial engagement by a force of not more than 5 pounds or 2.3 kilograms.

(h) *Non-locking retractor.* The webbing of a seat belt assembly shall extend from a non-locking retractor within 0.25 inch or 6 mm of maximum length when a tension of 3 pounds or 1.4 kilograms is applied as prescribed in § 7.8(h).

(i) *Automatic-locking retractor.* The webbing of a seat belt assembly equipped with an automatic-locking retractor shall not move more than 1 inch or 2.5 centimeters between locking positions of the retractor, and shall be retracted with a force of not less than 0.6 pound or 0.27 kilogram when measured by the procedure specified in § 7.8(i).

(j) *Emergency-locking retractor.* An emergency-locking retractor used on a Type 1 or Type 2 seat belt assembly shall lock before the webbing extends 1 inch or 2.5 centimeters when the retractor is subjected to an acceleration of 0.5 gravity or 5 meters per second per second, and shall exert a retraction force of not less than 1.5 pounds or 0.7 kilogram under zero acceleration when tested by the procedures specified in § 7.8(j).

(k) *Performance of retractor.* A retractor used on a seat belt assembly after subjection to the tests specified in § 7.8(k) shall comply with applicable requirements in paragraphs (h) to (j) of this section and § 7.6, except that the retraction force shall be not less than 50 percent of its original retraction force.

### § 7.6 Requirements for assembly performance.

(a) *Type 1 seat belt assembly.* The complete seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedures specified in § 7.9(a):

(1) The assembly loop shall withstand a force of not less than 5,000 pounds or 2,270 kilograms; that is each structural component of the assembly shall withstand a force of not less than 2,500 pounds or 1,130 kilograms.

(2) The assembly loop shall extend not more than 7 inches or 18 centimeters when subjected to a force of 5,000 pounds or 2,270 kilograms; that is the length of the assembly between anchorages shall not increase more than 14 inches or 36 centimeters.

(3) Any webbing cut by the hardware during test shall have a breaking strength at the cut of not less than 4,200 pounds or 1,910 kilograms.

(b) *Type 2 seat belt assembly.* The components of a Type 2 seat belt assembly including webbing, straps, buckles, adjustment hardware, and retractors shall comply with the following requirements when tested by the procedure specified in § 7.9(b):

(1) The structural components in the pelvic restraint shall withstand a force of not less than 2,500 pounds or 1,130 kilograms.

(2) The structural components in the upper torso restraint shall withstand a force of not less than 1,500 pounds or 680 kilograms.

(3) The structural components in the assembly that are common to pelvic and upper torso restraints shall withstand a force of not less than 3,000 pounds or 1,360 kilograms.

(4) The length of the pelvic restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 2,500 pounds or 1,130 kilograms.

(5) The length of the upper torso restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 1,500 pounds or 680 kilograms.

(6) Any webbing cut by the hardware during test shall have a breaking strength of not less than 3,500 pounds or 1,590 kilograms at a cut in webbing of the pelvic restraint, or not less than 2,800 pounds or 1,270 kilograms at a cut in webbing of the upper torso restraint.

(c) *Type 3 seat belt assembly.* The complete seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedures specified in § 7.9(c):

(1) The complete assembly shall withstand a force of 2,000 pounds or 900 kilograms.

(2) The complete assembly shall extend not more than 12 inches or 30 centimeters when subjected to a force of 2,000 pounds or 900 kilograms.

(3) Any webbing cut by the hardware during test shall have a breaking strength of not less than 1,050 pounds or 480 kilograms at a cut in webbing of pelvic or upper torso restraints, or not less than 2,800 pounds or 1,270 kilograms at a cut in webbing of seat back retainer or in webbing connecting pelvic and upper torso restraint at attachment hardware.

### § 7.7 Test procedures for webbing.

(a) *Width.* The width of webbing from three seat belt assemblies shall be measured after conditioning for at least 24 hours in an atmosphere having relative humidity between 48 and 67 percent and a temperature of 23±2 degrees Celsius or 73.4±3.6 degrees Fahrenheit. The tension during measurement of width shall be not more than 5 pounds or 2 kilograms on webbing from a Type 1 or Type 3 seat belt assembly, and 2,200±100 pounds or 1,000±50 kilograms on webbing from a Type 2 seat belt assembly. The width of webbing from a Type 2 seat belt assembly may be measured during the breaking strength test described in paragraph (b) of this section.

(b) *Breaking strength.* Webbing from three seat belt assemblies shall be conditioned in accordance with paragraph (a) of this section and tested for breaking strength in a testing machine of suitable capacity verified to have an error of not more than one percent in the range of the breaking strength of the webbing by the Tentative Methods of Verification of Testing Machines, ASTM Designation: E 4–64, published by the American Society for Testing and Materials, 1913 Race Street, Philadelphia, Pa., 19103. The machine shall be equipped with split drum grips illustrated in Figure 1, having a diameter between 2 and 4 inches or 5 and 10 centimeters. The rate of grip separation shall be between 2 and 4 inches per minute or 5 and 10 centimeters per minute. The distance between the centers of the grips at the start of the test shall be between 4 and 10 inches or 10 and 25 centimeters. After placing the specimen in the grips, the webbing shall be stretched continuously at a uniform rate to failure. Each value shall be not less than the applicable breaking strength requirement in § 7.4(b), but the median value shall be used for determining the retention of breaking strength in paragraphs (d), (e) and (f) of this section.

(c) *Elongation.* Elongation shall be measured during the breaking strength test described in paragraph (b) of this section by the following procedure: A preload between 44 and 55 pounds or 20 and 25 kilograms shall be placed on the webbing mounted in the grips of the testing machine and the needle points of an extensometer, in which the points remain parallel during test, are inserted in the center of the specimen. Initially the points shall be set at a known distance

apart between 4 and 8 inches or 10 and 20 centimeters. When the force on the webbing reaches the value specified in § 7.4(c), the increase in separation of the points of the extensometer shall be measured and the percent elongation shall be calculated to the nearest 0.5 percent. Each value shall be not more than the appropriate elongation requirement in § 7.4(c).

(d) *Resistance to abrasion.* The webbing from three seat belt assemblies shall be tested for resistance to abrasion by rubbing over the hexagon bar prescribed in Figure 2 in the following manner. The webbing shall be mounted in the apparatus shown schematically in Figure 2. One end of the webbing (A) shall be attached to a weight (B) which has a mass of 5.2±0.1 pounds or 2.35± 0.05 kilograms, except that a mass of 3.3±0.1 pounds or 1.50±0.05 kilograms shall be used for webbing in pelvic and upper torso restraint of Type 3 seat belt assembly. The webbing shall be passed over the two new abrading edges of the hexagon bar (C) and the other end attached to an oscillating drum (D) which has a stroke of 13 inches or 33 centimeters Suitable guides shall be used to prevent movement of the webbing along the axis of hexagonal bar C. Drum D shall be oscillated for 5,000 strokes or 2,500 cycles at a rate of 60±2 strokes per minute or 30±1 cycles per minute. The abraded webbing shall be conditioned as prescribed in paragraph (a) of this section and tested for breaking strength by the procedure described in paragraph (b) of this section. The median values for the breaking strengths determined on abraded and unabraded specimens shall be used to calculate the percentage of breaking strength retained.

(e) *Resistance to light.* Webbing at least 20 inches or 50 centimeters in length from three seat belt assemblies shall be suspended vertically on the inside of the specimen rack in a Type E carbon-arc light-exposure apparatus described in Recommended Practice for Operation of Light-and-Water-Exposure Apparatus (Carbon-Arc Type) for Artificial Weathering Test, ASTM Designation: E 42–64, published by the American Society for Testing and Materials. The apparatus shall be operated without water spray at an air temperature of 60±2 degrees Celsius or 140±3.6 degrees Fahrenheit measured at a point 1.0±0.2 inches or 2.5±0.5 centimeters outside the specimen rack and midway in height. The temperature sensing element shall be shielded from radiation. The specimens shall be exposed to the light from the carbon arc for 100 hours and then conditioned as prescribed in paragraph (a) of this section. The colorfastness of the exposed and conditioned specimens shall be determined on the Geometric Gray Scale issued by the American Association of Textile Chemists and Colorists. The breaking strength of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

(f) *Resistance to micro-organisms.* Webbing at least 20 inches or 50 centimeters in length from these seat belt assemblies shall be subjected successively to the procedures prescribed in Section 1C1—Water Leaching, Section 1C2—Volatilization, and Section 1B3—Soil Burial Test of AATCC Tentative Test Method 30–1957T, Fungicides, Evaluation of Textiles; Mildew and Rot Resistance of Textiles, published by American Association of Textile Chemists and Colorists. After soil-burial for a period of 2 weeks, the specimen shall be washed in water, dried and conditioned as prescribed in paragraph (a) of this section. The breaking strengths of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

NOTE: This test shall not be required on webbing made from material which is inherently resistant to micro-organisms.

(g) *Colorfastness to crocking.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 8–1961, Colorfastness to Crocking (Rubbing) published by the American Association of Textile Chemists and Colorists.

(h) *Colorfastness to staining.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 107–1962, Colorfastness to Water, published by the American Association of Textile Chemists and Colorists, with the following modifications: Distilled water shall be used, the drying time in paragraph 4 of procedures shall be 4 hours, and section entitled "Evaluation Method for Staining (3)" shall be used to determine colorfastness to staining on the AATCC Chart for Measuring Transference of Colors.

**§ 7.8 Test procedures for hardware.**

(a) *Corrosion resistance.* All hardware from three seat belt assemblies shall be tested by Standard Method of Salt Spray (Fog) Testing, ASTM Designation: B 117–64, published by the American Society for Testing and Materials. The period of test shall be 50 hours for all attachment hardware at or near the floor, consisting of two periods of 24 hours exposure to salt spray followed by 1 hour drying and 25 hours for all other hardware, consisting of one period of 24 hours exposure to salt spray followed by 1 hour drying. In the salt spray test chamber, the parts from the three assemblies shall be oriented differently, selecting those orientations most likely to develop corrosion on the larger areas. Retractors shall be tested for corrosion resistance after 5,000 cycles of operation as prescribed in paragraph (k) of this section.

(b) *Temperature resistance.* All hardware having plastic or non-metallic components from three seat belt assemblies shall be subjected to the conditions prescribed in Procedure IV of Standard Methods of Test for Resistance of Plastics to Accelerated Service Conditions published by the American Society for Testing and Materials, under designation D 756–56. The dimension and weight measurements shall be omitted. Buckles shall be unlatched and retractors shall be fully retracted during conditioning. The hardware parts after conditioning shall be used for all applicable tests in §§ 7.5 and 7.6.

(c) *Attachment hardware.* (1) Attachment bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall be tested in the following manner: To one head of a testing machine described in § 7.7(b), two belt sections shall be attached. At the free end of each belt section, attachment hardware from the seat belt assembly (i.e., sister hooks, etc.) shall be attached. The attachment hardware shall be fastened by the bolt in a fixture on the other head of the testing machine as shown in Figure 3, which has a standard 7/16—20 UNF –2B threaded hole in a hardened steel plate at least 0.4 inch or 1 centimeter in thickness; the axis of this threaded hole forms a 45 degree angle with the line of pull of the belt sections. The bolt shall be 0.2 inch or 5 millimeters from its fully seated position with the attachment hardware from the two belt sections attached. A force of 5,000 pounds or 2,270 kilograms shall be applied. A bolt from each of three seat belt assemblies shall be tested.

(2) Single attachment hook for connecting webbing to an eye bolt shall be tested in the following manner: The hook shall be held rigidly so that the retainer latch or keeper, with cotter pin or other locking device in place, is in a horizontal position as shown in Figure 4. A force of 150±2 pounds or 68±1 kilograms shall be applied vertically as near as possible to the free end of the retainer latch, and the movement of the latch by this force at the point of application shall be measured. The vertical force shall be released, and a force of 150±2 pounds or 68±1 kilograms shall be applied horizontally as near as possible to the free end of the retainer latch. The movement of the latch by this force at the point of load application shall be measured. Alternatively, the hook may be held in other positions provided the forces are applied and the movements of the latch are measured at the points indicated in Figure 4.

(d) *Buckle release force.* Three seat belt assemblies shall be tested to determine compliance with the maximum buckle release force requirements, following the assembly test in § 7.9. After subjection to the force applicable for the assembly being tested, the force shall be reduced and maintained at 150±10 pounds or 68±4 kilograms on the assembly loop of a Type 1 seat belt assembly, 75±5 pounds or 34±2 kilograms on the components of a Type 2 seat belt assembly, or 45±5 pounds or 20±2 kilograms on a Type 3 seat belt assembly. The buckle release force shall be measured by applying a force on the buckle in a manner and direction typical of that which would be employed by a seat belt occupant. For lever release buckles, the force shall be applied on the centerline of the buckle lever or finger tab in such direction as to produce maximum releasing effect. A hole 0.1 inch or 2.5 millimeters in diameter may be drilled through the buckle tab or lever on the centerline of the lever between 0.12 and 0.13 inch or 3.0 and 3.3 millimeters from its edge, and a small loop of soft wire may be used as the connecting link between the buckle tab or lever and the force measuring device.

(e) *Adjustment force.* Three seat belt assemblies shall be tested for adjustment force on the webbing at the buckle, or other manual adjusting device normally used to adjust the size of the assembly. With no load on the anchor end, the webbing shall be drawn through the adjusting device at a rate of 20±2 inches per minute or 50±5 centimeters per minute and the maximum force shall be measured to the nearest 0.25 pound or 0.1 kilogram after the first 1.0 inch or 25 millimeters of webbing movement. The webbing shall be precycled 10 times prior to measurement.

(f) *Tilt-lock adjustment.* This test shall be made on buckles or other manual adjusting devices having tilt-lock adjustment normally used to adjust the size of the assembly. Three buckles or devices shall be tested. The base of the adjustment mechanism and the anchor end of the webbing shall be oriented in planes normal to each other. The webbing shall be drawn through the adjustment mechanism in a direction to increase belt length at a rate of 20±2 inches per minute or 50±5 centimeters per minute while the plane of the base is slowly rotated in a direction to lock the webbing. Rotation shall be stopped when the webbing locks, but the pull on the webbing shall be continued until there is a resistance of at least 20 pounds or 9 kilograms. The locking angle between the anchor end of the webbing and the base of the adjustment mechanism shall be measured to the nearest degree. The webbing shall be precycled 10 times prior to measurement.

(g) *Buckle latch.* The buckles from three seat belt assemblies shall be opened fully and closed at least 10 times. Then the buckles shall be clamped or firmly held against a flat surface so as to permit normal movement of buckle parts, but with the metal mating plate (metal-to-metal buckles) or webbing end (metal-to-webbing buckles) withdrawn from the buckle. The release mechanism shall be moved 200 times through the maximum possible travel against its stop with a force of 30±3 pounds or 14±1 kilograms at a rate not to exceed 30 cycles per minute. The buckle shall be examined to determine compliance with the performance requirements of § 7.5(g). A metal-to-metal buckle shall be examined to determine whether partial engagement is possible by means of any technique representative of actual use. If partial engagement is possible, the maximum force of separation when in such partial engagement shall be determined.

(h) *Non-locking retractor.* After the retractor is cycled 10 times by full extension and retraction of the webbing, the retractor and webbing shall be suspended vertically and a force of 4 pounds or 1.8 kilograms shall be applied to extend the webbing from the retractor. The force shall be reduced to 3 pounds or 1.4 kilograms. The residual extension of the webbing shall be measured by manual rotation of the retractor drum or by disengaging the retraction mechanism. Measurements shall be made on three retractors.

(i) *Automatic-locking retractor.* Three retractors shall be tested in a manner to permit the retraction force to be determined exclusive of any gravitational forces on hardware or webbing. The webbing shall be fully extended from the retractor and a line shall be marked at 75 percent extension. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches or 5 centimeters of 75 percent extension (25 percent retraction) shall be determined and the webbing movement between adjacent locking segments shall be measured in the same region of extension.

(j) *Emergency-locking retractor.* Three retractors shall be tested in a manner to permit the retraction force to be determined exclusive of any gravitational forces on hardware or webbing. The webbing shall be fully extended from the retractor and a line shall be marked at 75 percent extension. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches or 5 centimeters of 75 percent extension (25 percent retraction) shall be determined. The retractor shall be subjected to an acceleration of 0.5 gravity or 5 meters per second while the webbing is at 75 percent extension, and the webbing movement before locking shall be measured under the following conditions: For a retractor sensitive to webbing withdrawal, the retractor shall be accelerated in the direction of webbing withdrawal while oriented horizontally and at angles of 45, 90, 135 and 180 degrees to the horizontal plane. For a retractor sensitive to vehicle acceleration, the retractor shall be accelerated in three directions normal to each other while oriented horizontally and at angles of 45, 90, 135 and 180 degrees to the horizontal plane unless the retractor locks by gravitational force when tilted in any direction to an angle of 45 degrees or more.

(k) *Performance of retractor.* The retractor shall be mounted in an apparatus capable of extending the webbing fully, applying a force of 20 pounds or 9 kilograms at full extension, and allowing the webbing to retract freely and completely. The webbing shall be withdrawn from the retractor and allowed to retract repeatedly in this apparatus until 5,000 cycles are completed. The retractor and webbing shall then be subjected to the corrosion test prescribed in paragraph (a) of this section. The performance of the retractor after the corrosion test shall be determined by withdrawing the webbing manually and allowing the webbing to retract for 25 cycles. Non-locking and automatic-locking retractors shall be subjected to 5,000 additional cycles of webbing withdrawal and retraction, and emergency-locking retractors shall be subjected to 45,000 additional cycles of webbing withdrawal and retraction as previously described. The locking mechanism of an emergency-locking retractor shall be actuated about 10,000 times during the 50,000 cycles. At the end of test, compliance of the retractors with applicable requirements in §§ 7.5 (h), (i) and (j) shall be determined. Three retractors shall be tested for performance.

**§ 7.9 Test procedures for assembly performance.**

(a) *Type 1 seat belt assembly.* Three complete seat belt assemblies including webbing, straps, buckles, adjustment and attachment hardware, and retractors, arranged in the form of a loop as shown in Figure 5, shall be tested in the following manner:

(1) The testing machine shall conform to the requirements specified in § 7.7(b). A double-roller block shall be attached to one head of the testing machine. This block shall consist of 2 rollers 4 inches or 10 centimeters in diameter and sufficiently long so that no part of the seat belt assembly touches parts of the block other than the rollers during test. The rollers shall be mounted on antifriction bearings and spaced 12 inches or 30 centimeters between centers, and shall have sufficient capacity so that there is no brinelling, bending or other distortion of parts which may affect the results. An anchorage bar shall be fastened to the other head of the testing machine.

(2) The attachment hardware furnished with the seat belt assembly shall be attached to the anchorage bar. The anchor points shall be spaced so that the webbing is parallel in the two sides of the loop. The orientation of the attachment hardware shall produce no twist in the webbing. The attaching bolt shall be parallel to, or at an angle of 45 or 90 degrees to the webbing, whichever results in the greatest angle between webbing and attachment hardware except that eye bolts shall be vertical, and attaching bolts of a seat belt assembly designed for use in specific models of motor vehicles shall be installed to produce the maximum angle in use indicated by the installation instructions. Rigid adapters between anchorage bar and attachment hardware shall be used if necessary to locate and orient the adjustment hardware. The adapters shall have a flat support face perpendicular to the threaded hole for the attaching bolt and adequate in area to provide full support for the base of the attachment hardware connected to the webbing. If necessary, a washer shall be used under a swivel plate or other attachment hardware that would crush or damage the webbing as the attaching bolt is tightened.

(3) The length of the assembly loop from attaching bolt to attaching bolt shall be adjusted to about 51 inches or 130 centimeters, or as near thereto as possible. A force of 55 pounds or 25 kilograms shall be applied to the loop to remove any slack in webbing at hardware. The force shall be removed and the heads of the testing machine shall be adjusted for an assembly loop between 48 and 50 inches or 122 and 127 centimeters in length. The length of the assembly loop shall then be adjusted

by applying a force between 20 and 22 pounds or 9 and 10 kilograms to the free end of the webbing at the buckle, or by the retraction force of an automatic-locking or emergency-locking retractor. A seat belt assembly that cannot be adjusted to this length shall be adjusted as closely as possible. An emergency-locking retractor when included in a seat belt assembly shall be locked after the adjustment for length. The buckle shall be in a location so that it does not touch the rollers during test, but to facilitate making the buckle release test in § 7.8(d) the buckle should be between the rollers or near a roller in one leg.

(4) The heads of the testing machine shall be separated at a rate between 2 and 4 inches per minute or 5 and 10 centimeters per minute until a force of 5,000±50 pounds or 2,270±20 kilograms is applied to the assembly loop. The extension of the loop shall be determined from measurements of head separation before and after the force is applied. The force shall be decreased to 150±10 pounds or 68±4 kilograms and the buckle release force measured as prescribed in § 7.8(d).

(5) After the buckle is released, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in § 7.7(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, the webbing shall be repositioned in the hardware using another seat belt assembly. A tensile force of 2,500±25 pounds or 1,135±10 kilograms shall be applied to the components or a force of 5,000±50 pounds or 2,270±20 kilograms shall be applied to an assembly loop. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(6) If a Type 1 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor, the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor.

(b) *Type 2 seat belt assembly.* Components of three seat belt assemblies shall be tested in the following manner:

(1) The pelvic restraint between anchorages shall be adjusted to a length between 48 and 50 inches or 122 and 127 centimeters, or as near this length as possible if the design of the pelvic restraint does not permit its adjustment to this length. An emergency-locking retractor when included in a seat belt assembly shall be locked after the adjustment for length. The attachment hardware shall be oriented to the webbing as specified in paragraph (a)(2) of this section and illustrated in Figure 5. A tensile force of 2,500±25 pounds or 1,135±10 kilograms shall be applied on the components in any convenient manner and the extension between anchorages under this force shall be measured. The force shall be reduced to 75±5 pounds or 34±2 kilograms and the buckle release force measured as prescribed in § 7.8(d).

(2) The components of the upper torso restraint shall be subjected to a tensile force of 1,500±15 pounds or 680 ±5 kilograms following the procedure prescribed above for testing pelvic restraint and the extension between anchorages under this force shall be measured. If the testing apparatus permits, the pelvic and upper torso restraints may be tested simultaneously. The force shall be reduced to 75±5 pounds or 34±2 kilograms and the buckle release force measured as prescribed in § 7.8(d).

(3) Any component of the seat belt assembly common to both pelvic and upper torso restraint shall be subjected to a tensile force of 3,000±30 pounds or 1,360±15 kilograms.

(4) After the buckle is released in tests of pelvic and upper torso restraints, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in § 7.7(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, the webbing shall be repositioned in the hardware using another seat belt assembly. The force applied shall be 2,500±25 pounds, or 1,135±10 kilograms for components of pelvic restraint, and 1,500±15 pounds or 680±5 kilograms for components of upper torso restraint. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(5) If a Type 2 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor, the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor, or to a tensile force of 1,500±15 pounds or 680±5 kilograms with the webbing fully extended from the retractor if the design of the assembly permits only upper-torso restraint forces on the retractor.

(c) *Type 3 seat belt assembly.* Three seat belt assemblies including webbing, straps, buckles, adjustment and attachment hardware and retractors shall be tested in the following manner:

(1) The testing machine shall conform to the requirements specified in § 7.7(b). A torso having the dimensions shown in Figure 6 shall be attached to one head of the testing machine through a universal joint which is guided in essentially a frictionless manner to minimize lateral forces on the testing machine. An anchorage and simulated seat back shall be attached to the other head as shown in Figure 7.

(2) The torso shall be positioned at a distance of 3 inches or 8 centimeters forward of the simulated seat back. The seat belt assembly shall be installed on the torso and anchored in accordance with installation instructions. The heads of the testing machine shall be separated at a rate of between 2 and 4 inches per minute or 5 and 10 centimeters per minute until a force of 2,000 pounds or 900 kilograms is applied. The extension of the seat belt assembly shall be determined from measurement of head separation in the testing machine before and after the force is applied. The force shall be reduced to 45±5 pounds or 20±2 kilograms and the buckle release force measured as prescribed in § 7.8(d). A seat back retainer not connected to pelvic or upper torso restraint shall be subjected separately to a force of 2,000 pounds or 900 kilograms.

(3) After the buckle is released, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in § 7.7(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, the webbing shall be repositioned in the hardware using another seat belt assembly. A tensile force shall be applied to the components as follows: Webbing in pelvic or upper torso restraint—700 pounds or 320 kilograms; webbing in seat back retainer or webbing connecting pelvic and upper torso restraint to attachment hardware—1,500 pounds or 680 kilograms. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

**§ 7.10 Provision for changes in the standards.**

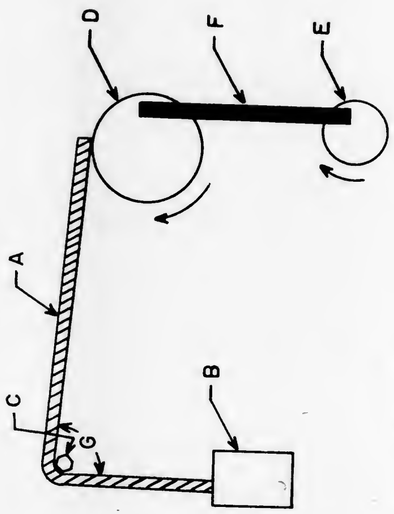
Section 4 of the act provides for the possibility of changes in the standards first established pursuant to section 1 of this act. Any person, firm or organization wishing to propose a change in these standards shall submit the detailed proposal to the Director, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C., 20234.

**§ 7.11 Effective date.**

The standards prescribed herein shall become effective upon publication in the FEDERAL REGISTER. Section 2 of the act shall take effect one year after the date of publication in the FEDERAL REGISTER.

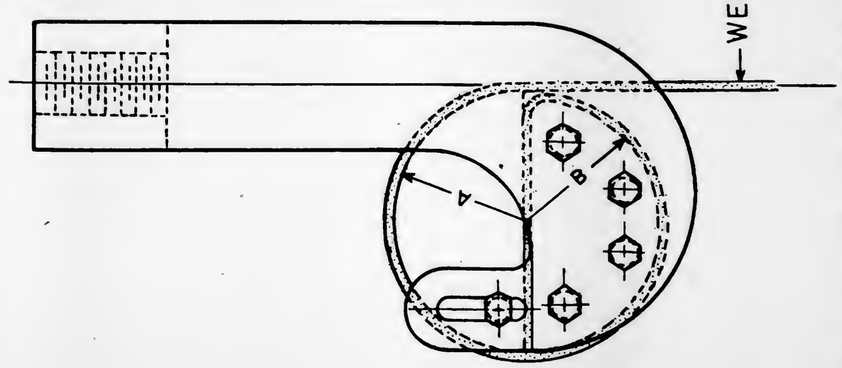
LUTHER H. HODGES,
*Secretary of Commerce.*






A - WEBBING
B - WEIGHT
C - HEXAGONAL ROD
STEEL - SAE 51416
ROCKWELL HARDNESS - B-97 to B-101
SURFACE - COLD DRAWN FINISH
SIZE - 0.250 ± 0.001 INCH OR
6.35 ± 0.03 MILLIMETERS
RADIUS ON EDGES - 0.024 ± 0.001 INCH OR
0.61 ± 0.03 MILLIMETERS
D - DRUM
DIAMETER - 16 INCHES OR 40 CENTIMETERS
E - CRANK
F - CRANK ARM
G - ANGLE BETWEEN WEBBING 85 ± 2 DEGREES

Figure 2




A 1 TO 2 INCHES OR 2.5 TO 5 CENTIMETERS
B A MINUS 0.06 INCH OR 0.15 CENTIMETER

FIGURE 1.

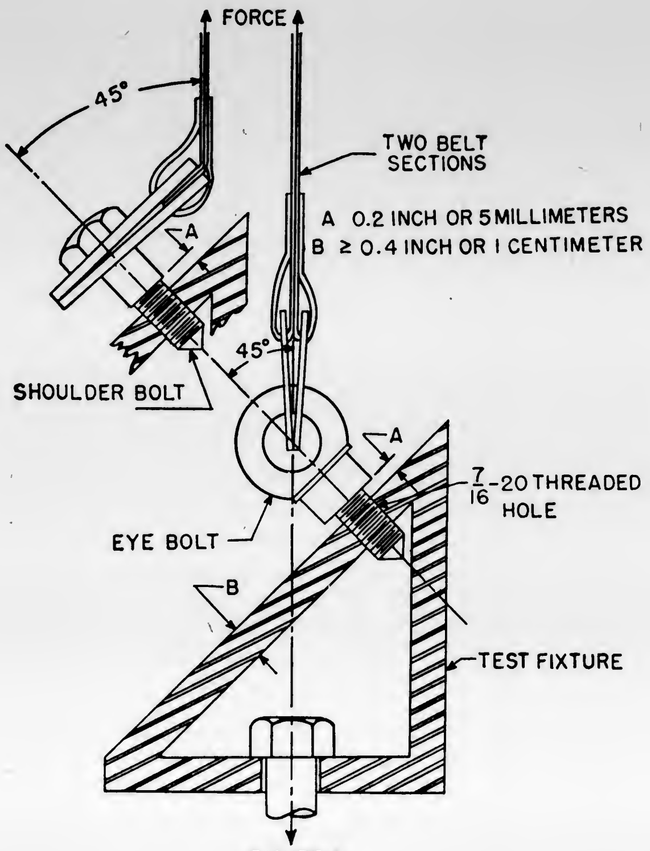



FIGURE 3.

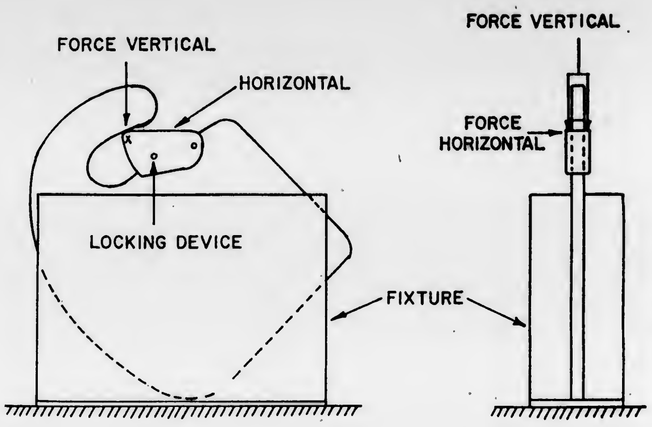
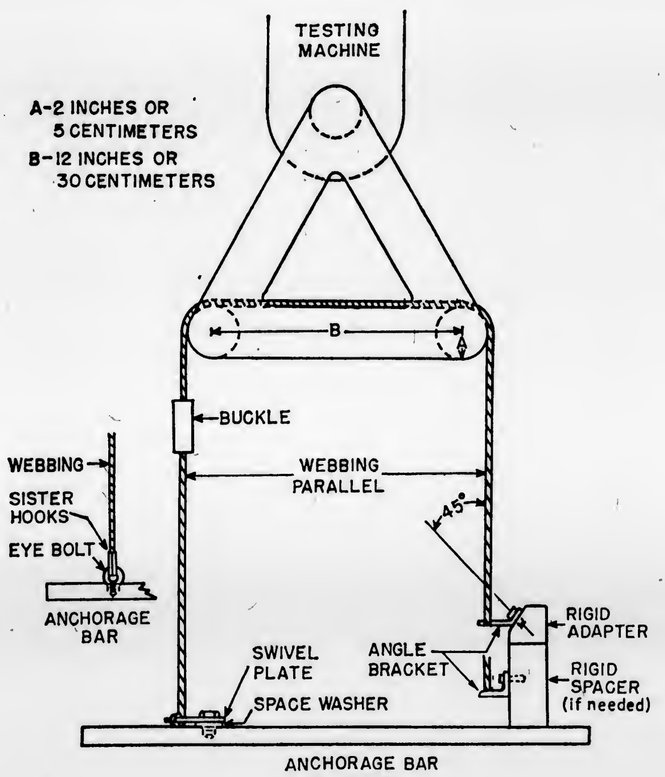
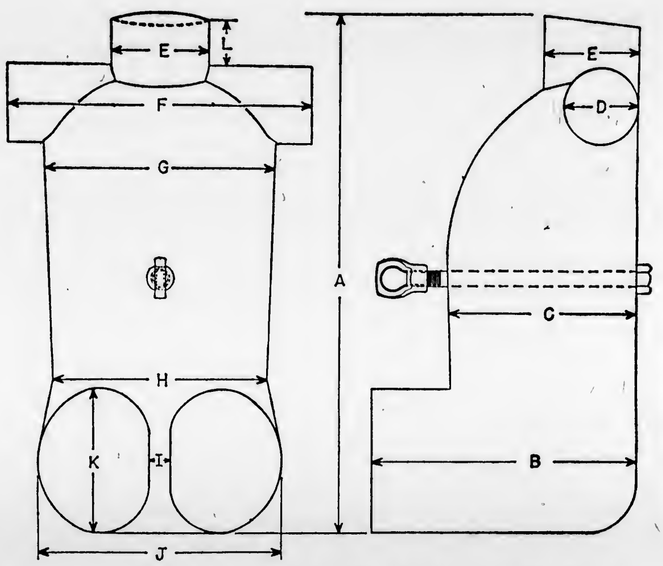



FIGURE 4
SINGLE ATTACHMENT HOOK



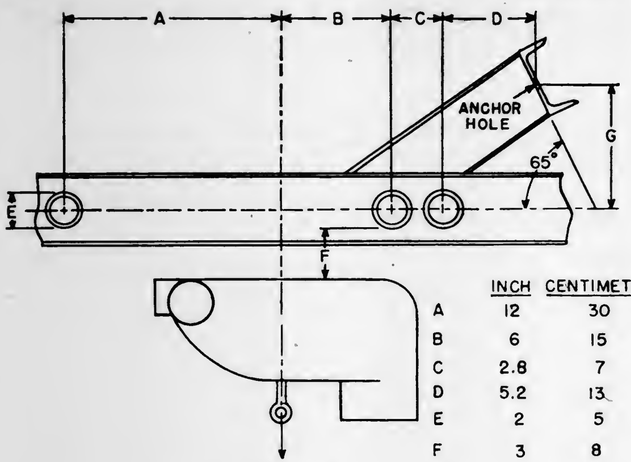



ANCHORAGE BAR
FIGURE 5.




| | A | B | C | D | E | F | G | H | I | J | K | L |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| INCH | 15 | 8 | 5.8 | 2.3 | 2.9 | 9 | 6.8 | 6.4 | 0.6 | 7.3 | 4.2 | 1.3 |
| CENTIMETER | 38 | 20 | 14.5 | 5.8 | 7.3 | 23 | 17 | 16 | 1.5 | 18.5 | 10.7 | 3.3 |

FIGURE 6.




| | INCH | CENTIMETER |
|---|---|---|
| A | 12 | 30 |
| B | 6 | 15 |
| C | 2.8 | 7 |
| D | 5.2 | 13 |
| E | 2 | 5 |
| F | 3 | 8 |
| G | 7 | 18 |

FIGURE 7.

[F.R. Doc. 64–12549; Filed, Dec. 10, 1964; 8:45 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release 33–4744 etc.]

## PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

## PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

## PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

## PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

### Use of Certified Mail

The Securities and Exchange Commission has amended seventeen of its rules under the various statutes administered by the Commission to permit the use of certified mail in addition to registered mail in each of the instances covered by the rules in question.

The Commission's action is as follows:

1. Sections 230.172(c), 230.173(c), 230.262(b), 240.0–7(c), 240.15b–7(c), 260.0–9(c), 260.0–10(c), 270.0–6(c), 270.0–7(c), 275.01(c), and 275.02(c), the provisions of all of which are identical, are each amended by adding the words "or certified" following the word "registered". As so amended, each of these sections reads as follows:

Service of any process, pleadings or other papers on the Commission under this part shall be made by delivering the requisite number of copies thereof to the Secretary of the Commission or to such other person as the Commission may authorize to act in its behalf. Whenever any process, pleadings or other papers as aforesaid are served upon the Commission, it shall promptly forward a copy thereof by registered or certified mail to the appropriate defendants at their last address of record filed with the Commission. The Commission shall be furnished a sufficient number of copies for such purpose, and one copy for its file.

2. Sections 230.261(d) and 230.610(d), the provisions of both of which are identical, are each amended by adding the words "or certified" following the word "registered". As so amended, each of these sections reads as follows:

(d) All notices required by this part shall be given to the person or persons on whose behalf the notification was filed by personal service, registered or certified mail or confirmed telegraphic notice at the addresses of such persons given in the notification.

3. Section 230.340(d) is amended by adding the words "or certified" following the word "registered". As so amended, § 230.340(d) reads as follows:

(d) All notices required by this part shall be given to the person who filed the offering sheet, and shall be given either by personal service, or by registered or certified mail, or confirmed telegraphic notice, addressed to such person at the address given in the offering sheet.

4. Section 230.656(d) is amended by adding the words "or certified" following the word "registered". As so amended, § 230.656(d) reads as follows:

(d) All notices required by this part shall be given to the issuer by personal service, registered or certified mail or confirmed telegraphic notice at the address of the issuer given in the notification.

5. Section 240.24b–2(e) is amended by adding the words "or certified" following the word "registered". As so amended, § 240.24b–2(e) reads as follows:

(e) Prior to any determination overruling the objection, if a hearing shall have been requested in accordance with paragraph (b) of this section, at least 10 days' notice of the time and place of such hearing shall be given by registered or certified mail to the person or his agent for service. Failure of any person making an application pursuant to paragraph (b) of this section, to request a hearing, to appear at such hearing, or to offer evidence at the hearing in support of his application, shall be deemed a consent by such person to the submission of his objection for determination by the Commisson. In any case in which a hearing has been held, the Commission need consider only such grounds of objection as shall have been supported by evidence adduced at the hearing and the failure at the hearing to adduce evidence in support of any ground of objection may be deemed by the Commission a waiver thereof.

6. Section 240.24b–2(h) is amended by adding the words "or certified" following the word "registered". As so amended, § 240.24b–2(h) reads as follows:

(h) If such finding and determination are made with respect to the confidential portion of an application, report, or document filed pursuant to section 12 or 13 of the Act, the registration of the securities with respect to which the application, report, or document was filed may be withdrawn at any time within fifteen days of the dispatch of notice by registered or certified mail of such finding and determination. Such withdrawal shall be effected as follows:

(1) The issuer shall file with the Commission a written notification of withdrawal.

(2) Upon receipt of such notification, the Commission will send confirmed telegraphic notice thereof to each exchange on which the securities are registered.

(3) The registration shall continue in effect until, and shall termniate on, the close of business of the tenth day after the dispatch of such telegraphic notice to the exchange by the Commission.

(4) All applications, reports, or documents filed in connection with the registration shall be retained by the Commission and the exchange on which filed, and shall be plainly marked: "Registration withdrawn as of _____ (date of termination of registration)" except that all copies of the confidential portion will be returned to the issuer.

*Effective date.* The Commission finds that the foregoing actions relate to agency organization or procedure and that compliance with subsections 4 (a) and (b) of the Administrative Procedure Act is unnecessary. The Commission further finds that the foregoing amendments are not of a substantive nature and that compliance with subsection 4(c) of the Administrative Procedure Act is unnecessary. Accordingly, the foregoing action becomes effective immediately upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

DECEMBER 4, 1964.

[F.R. Doc. 64–12691; Filed, Dec. 10, 1964; 8:46 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER A—GENERAL

### PART 8—COLOR ADDITIVES

### PART 9—COLOR CERTIFICATION

### FD&C Red No. 4

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by Title II of the Color Additives Amendments of 1960 (Title II, Public Law 86–618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471), the transitional color additive regulations and the color certification regulations are amended as set forth below:

§ 8.501 [Amended]

1. Section 8.501 *Provisional lists of color additives* is amended in the following respects:

a. In paragraph (a), the item "FD&C Red No. 4 (§9.63 of this chapter)" is deleted.

b. Paragraph (c) is amended by inserting a new item after "Ext. D&C Red No. 15 • • •", as follows:

| | Closing date | Restrictions |
|---|---|---|
| • • • | • • • | • • • |
| Ext. D&C Red No. 24 (§ 9.363 of this chapter). | July 1, 1965 | |
| • • • | • • • | • • • |

2. Section 8.502 is amended by adding thereto a new paragraph (d), as follows:

§ 8.502 **Termination of provisional listings of color additives.**

• • • • • •

(d) *FD&C Red No. 4.* Feeding tests of this color additive have been conducted with three species:

(1) Rats of the Osborne-Mendel and Sprague-Dawley strains were fed FD&C Red No. 4 for 2 years at levels of 5 percent, 2 percent, 1 percent, and 0.5 percent of the diet. No effect was found.

(2) Mice of the C3Hf and C57BL strains were fed FD&C Red No. 4 for 2 years at levels of 2 percent and 1 percent of the diet. No effect was found.

(3) Dogs were fed FD&C Red No. 4 at levels of 2 percent and 1 percent of the diet. Adverse effects were found at both levels in the urinary bladder and in the adrenals. Three dogs of five fed on the 2-percent level died after 6 months, 9 months, and 5½ years on the test. Two of the dogs on the 2-percent level and all five of the dogs on the 1-percent level survived to the completion of the 7 year study.

The Commissioner of Food and Drugs has concluded that the data available to him do not permit the establishment of a safe level of use of this color additive for a long period of time in food and in ingested drugs and cosmetics. In order to protect the public health, the Commissioner hereby terminates the provisional listing of FD&C Red No. 4 (§ 9.63 of this chapter) for use in food and in drugs and cosmetics that may be ingested. The Commissioner does not find that the facts now before him require a prohibition of the use of FD&C Red No. 4 in drugs and cosmetics which are not ingested and the provisional listing with respect to these uses remains in effect.

3. Section 8.510 is amended by adding thereto a new paragraph (c), as follows:

§ 8.510 **Cancellation of certificates.**

• • • • • •

(c) Certificates issued heretofore for the color additive designated FD&C Red No. 4 (§ 9.63 of this chapter) and of all mixtures containing this color additive are cancelled effective 180 days after the date of the publication of this order insofar as food and ingested drugs and cosmetics are concerned, and use of this color additive in the manufacture of food and ingested drugs and cosmetics after that date will result in adulteration. The certificates shall continue in effect for the use of this color additive in drugs and cosmetics which are not ingested. The Commissioner finds that no action needs to be taken to remove food and ingested drugs and cosmetics containing this color additive from the market on the basis of the scientific evidence before him, taking into account that the additive is not an acutely toxic substance and that it is used only in small amounts in food and ingested drugs and cosmetics.

4. Part 9 is amended by deleting § 9.63 *FD&C Red No. 4* from Subpart B and by adding to Subpart D the following new section:

§ 9.363 **External D&C Red No. 24.**

Disodium salt of 2-(5-sulfo-2,4-xylylazo)-1-naphthol-4-sulfonic acid.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water-insoluble matter, not more than 0.3 percent.

Ether extracts, not more than 0.2 percent.

Chlorides and sulfates of sodium, not more than 5.0 percent.

Mixed oxides, not more than 1.0 percent.

Subsidiary dyes, not more than 5.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203(d)(2) of the Public Law 86–618 so provides.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Title II, Public Law 86–618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated: December 7, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–12736; Filed, Dec. 10, 1964; 8:49 a.m.]

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 42—EGGS AND EGG PRODUCTS

### Amendment of Identity Standards To Provide for Glucose Removal

In the matter of amending the standards of identity for dried whole eggs and dried egg yolks to provide for glucose removal:

Notices of proposed rule making in the above-identified matter were published in the FEDERAL REGISTER on March 28, 1964 (29 F.R. 4099) and May 28, 1964 (29 F.R. 7029). The first notice set forth a proposal by Fermco Laboratories, Inc., 4941 South Racine Avenue, Chicago, Ill., to amend the standards to provide for the optional use of an enzymatic method of removing glucose from liquid whole eggs and egg yolks before drying. The second notice set forth a proposal by Armour and Company, 401 North Wabash Avenue, Chicago, Ill., to amend the standards to give recognition to a yeast-fermentation method for glucose removal. Both proposals provided for label declaration when either of the two methods is used.

On the basis of the relevant information available, giving due consideration to comments filed, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standards for dried eggs and for dried egg yolks to permit glucose removal by the methods proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471): *It is ordered,* That the standards of identity for dried whole eggs and dried egg yolks be revised to read as follows:

§ 42.30 **Dried eggs, dried whole eggs; identity; label statement of optional ingredients.**

(a) Dried eggs, dried whole eggs are prepared by drying liquid eggs. They may be powdered. Before drying, the glucose content of the liquid eggs may be reduced by one of the optional procedures set out in paragraph (b) of this section. Sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount used is less than 2 percent

by weight of the finished food. The moisture content of the finished food, if the optional anticaking ingredient is used, does not exceed 5 percent by weight; however, if the optional anticaking ingredient is not used the moisture content may exceed 5 percent, but it does not exceed 8 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Ninth Edition, 1960, sections 16.002 and 16.003, under "Total Solids."

(b) The optional glucose-removing procedures are:

(1) *Enzyme procedure.* A glucose-oxidase-catalase preparation and hydrogen peroxide solution are added to the liquid eggs. The quantity used and the time of reaction are sufficient to substantially reduce the glucose content of the liquid eggs. The glucose-oxidase-catalase preparation used is one that is generally recognized as safe within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act. The hydrogen peroxide solution used shall comply with the specifications of the United States Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain a preservative.

(2) *Yeast procedure.* The pH of the liquid eggs is adjusted to the range of 6.0 to 7.0, if necessary, by the addition of dilute, chemically pure hydrochloric acid, and controlled fermentation is maintained by adding food-grade baker's yeast (*Saccharomyces cerevisiae*). The quantity of yeast used and the time of reaction are sufficient to substantially reduce the glucose content of the liquid eggs.

(c) The name of the food for which a definition and standard of identity is prescribed by this section is "Dried eggs" or "Dried whole eggs," and if the glucose content was reduced, as provided in paragraph (b) of this section, the name shall be followed immediately by the statement "Glucose removed for stability" or "Stabilized, glucose removed."

(d) (1) When the optional anticaking ingredient sodium silicoaluminate is used, the label shall bear the statement "Less than 2 percent sodium silicoaluminate added as an anticaking agent."

(2) The name of any optional ingredient used, as provided in subparagraph (1) of this paragraph, shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render such statement likely to be read and understood by the ordinary individual under customary conditions of purchase.

**§ 42.60 Dried egg yolks, dried yolks; identity; label statement of optional ingredients.**

(a) Dried egg yolks, dried yolks is the food prepared by drying egg yolks. Before drying, the glucose content of the liquid egg yolk may be reduced by one of the optional procedures set out in paragraph (b) of this section. Sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if the optional anticaking ingredient is used, does not exceed 3 percent by weight; however, if the optional anticaking ingredient is not used, the moisture content may exceed 3 percent but it does not exceed 5 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Ninth Edition, 1960, sections 16.002 and 16.003, under "Total Solids."

(b) The optional glucose-removing procedures are:

(1) *Enzyme procedure.* A glucose-oxidase-catalase preparation and hydrogen peroxide solution are added to the liquid yolks. The quantity used and the time of reaction are sufficient to substantially reduce the glucose content of the liquid egg yolks. The glucose-oxidase-catalase preparation used is one that is generally recognized as safe within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act. The hydrogen peroxide solution used shall comply with the specification of the United States Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain a preservative.

(2) *Yeast procedure.* The pH of the liquid egg yolks is adjusted to the range of 6.0 to 7.0, if necessary, by the addition of dilute, chemically pure hydrochloric acid, and controlled fermentation is maintained by adding food-grade baker's yeast (*Saccharomyces cerevisiae*). The quantity of yeast used and the time of reaction are sufficient to substantially reduce the glucose content of the liquid egg yolks.

(c) The name of the food for which a definition and standard of identity is prescribed by this section is "Dried egg yolks," or "Dried yolks," and if the glucose content was reduced, as provided in paragraph (b) of this section, the name shall be followed immediately by the statement "Glucose removed for stability" or "Stabilized, glucose removed."

(d) (1) When the optional anticaking ingredient sodium silicoaluminate is used, the label shall bear the statetment "Less than 2 percent sodium silicoaluminate added as an anticaking agent."

(2) The name of any optional ingredient used, as provided in subparagraph (1) of this paragraph, shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render such statement likely to be read and understood by the ordinary individual under customary conditions of purchase.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 4, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12737; Filed, Dec. 10, 1964; 8:49 a.m.]

SUBCHAPTER C—DRUGS

## PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

## PART 148c—COLISTIN

### Miscellaneous Amendments; Corrections

Because of the recodification of certain portions of the antibiotic regulations, the following corrections are necessary in the amendatory language in F.R. Doc. 64-11924, published in the FEDERAL REGISTER of November 21, 1964 (29 F.R. 15644).

In amendment 1, the reference to § 146.26(b) should read "§ 144.26(b)."

In amendment 3, the reference to § 148.4 should read "§ 146.2(c)."

(Sec. 507, 52 Stat. 463 as amended; 21 U.S.C. 357)

Dated: December 4, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12738; Filed, Dec. 10, 1964; 8:49 a.m.]

# Title 27—INTOXICATING LIQUORS

## Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6776]

## PART 4—LABELING AND ADVERTISING OF WINE

### Labeling of Wine Containing Volatile Fruit-Flavor Concentrates

This Treasury decision amends the following provisions of the regulations in 27 CFR Part 4, Labeling and Advertising of Wine, to make them consistent with provisions of the Internal Revenue Code as amended by Public Law 88-653, 78 Stat. 1085, approved October 13, 1964.



PARAGRAPH 1. In order to recognize the use of volatile fruit-flavor concentrates in standard wines within the limitations prescribed by section 5382 of the Internal Revenue Code:

(A) Section 4.21(h)(1)(iii) is amended to read as follows:

**§ 4.21 The standards of identity.**

* * * * * * *

(h) *Class 8; imitation and substandard wine.* (1) * * *

(iii) Any class or type of wine the taste, aroma, color, or other characteristics of which have been acquired in whole or in part, by treatment with methods or materials of any kind (except as permitted in § 4.22(c)(6)), if the taste, aroma, color, or other characteristics of normal wines of such class or type are acquired without such treatment.

* * * * * * *

(B) Section 4.22(c) is amended by adding at the end thereof a new subparagraph (6) reading as follows:

**§ 4.22 Blends, cellar treatment, alteration of class or type.**

* * * * * * *

(c) * * *

(6) Treatment of any class or type of wine involving the use of volatile fruit-flavor concentrates in the manner provided in section 5382 of the Internal Revenue Code.

Public Law 88-653, which authorized the use of volatile fruit-flavor concentrate in wine, and the transfer of such concentrate from volatile fruit-flavor concentrate plants to bonded wine cellars, was approved October 13, 1964, and becomes effective December 1, 1964. Treasury Decision 6769, approved November 3, 1964, and effective December 1, 1964, amended the Wine regulations (26 CFR Part 240) and Production of Volatile Fruit-Flavor Concentrates regulations (26 CFR Part 198) to implement this provision of law. Because this Treasury decision merely conforms the regulations to Public Law 88-653, and should become effective at the same time as the statute, it is considered impracticable and unnecessary to comply with the notice and hearing requirements of section 5 of the Federal Alcohol Administration Act, approved August 29, 1935, and the public rule-making and effective date requirements of section 4 (a) and (c) of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall become effective on December 1, 1964.

(Sec. 5, Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205))

[SEAL] HAROLD T. SWARTZ,
*Acting Commissioner of Internal Revenue.*

Approved: December 7, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-12673; Filed, Dec. 10, 1964; 8:45 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

## PART 536—CLAIMS AGAINST THE UNITED STATES

### Burial Expenses

1. In § 536.50, subdivision (iv) of paragraph (b)(1) is revised; subdivision (ii) of paragraph (c)(1) is revised; and paragraph (e)(5) is revised, to read as follows:

**§ 536.50 Eligible deceased and authorized benefits.**

* * * * * * *

(b) *Civilian Army employee.* * * *

(1) * * *

(iv) Transportation of remains to decedent's home or official station or such place as the Chief of Support Services may deem appropriate provided such transportation does not exceed cost of transportation to home or official station, whichever is greater.

* * * * * * *

(c) *Dependents.* (1) * * *

(ii) Transportation of remains to decedent's home or such place as the Chief of Support Services may deem appropriate.

* * * * * * *

(e) *Indigent persons.* * * *

(5) Transportation of remains to a cemetery designated by the Chief of Support Services.

* * * * * * *

2. Paragraph (f) of § 536.51 is revised to read as follows:

**§ 536.51 Persons authorized to direct disposition of remains.**

* * * * * * *

(f) Cases in which evaluation of legal documents is required to determine disposition rights, or in which other legal problems exist, may be referred to the Chief of Support Services for review and opinion provided resolution within the command is not possible.

3. In § 536.52, paragraph (a)(3), (4)(iv) and (7) is revised, and paragraph (b)(1), (2) and (4) is revised, to read as follows:

**§ 536.52 Arrangements for disposition of remains.**

(a) *The Army arranges for mortuary services.* * * *

(3) Army authorities at or nearest the place of death will be responsible for making all required reports to the Chief of Support Services and to immediately advise the official permanent station of the decedent concerning services and information furnished and assistance rendered to relatives or funeral directors.

* * * * * * *

(4) * * *

(iv) The Chief of Support Services.

* * * * * * *

(7) The installation shipping remains to the final destination will furnish next of kin five copies of DD Form 1375 (Request for Payment of Funeral and/or Interment Expenses). The forms may be carried by the escort, or they may be included with the shipping permit or other papers accompanying the remains. Completed forms are returned to the shipping installation for payment.

(b) *Next of kin arranges for mortuary services.* (1) When next of kin (after being properly advised) declines services and supplies offered by Army authorities and desires to engage their own funeral director, all cost for mortuary services and supplies, shipment of remains, and interment is a responsibility of the next of kin. However, Army authorities are responsible to advise next of kin of their right to request reimbursement for funeral, interment, and transportation expenses, and for providing DD Form 1375.

(2) When next of kin arranges for disposition of remains, reimbursement for funeral, interment, and transportation expenses may be obtained by the person who paid the bill of the funeral director, or the funeral director concerned may obtain payment, by submitting properly completed DD Form 1375, in quadruplicate, to the Chief of Support Services, ATTN: Memorial Division, Department of the Army, Washington, D.C., 20315. Upon receipt of completed forms, the Chief of Support Services will determine the amount to be allowed and will authorize payment in the amount found allowable.

* * * * * * *

(4) When next of kin assume custody of remains and make all arrangements, Army authorities are relieved of responsibility to inspect remains, to submit DA Form 2774 (Record of Preparation and Disposition of Remains—Deaths Occurring in CONUS) or DA Form 2775 (Record of Preparation and Disposition of Remains—Deaths Occurring Overseas).

4. In § 536.53, paragraphs (h)(2)(i) and (k)(3) are revised to read as follows:

**§ 536.53 Scope of mortuary benefits.**

* * * * * * *

(h) *Transportation.* * * *

(2) * * *

(i) *At Government expense.* The following listed deceased personnel may be shipped at Government expense to the destinations indicated:

(*a*) Military personnel described in § 536.50(a) and (f) to any place selected by the next of kin or other person directing disposition of the remains.

(*b*) Civilian employees described in § 536.50(b) to the decedent's home or official station or such place as the Chief of Support Services may deem appropriate, provided cost of transportation does not exceed cost of transportation to the home or official station, whichever is greater. When an employee in a category specified in § 536.50(b) dies while temporarily absent from temporary duty station, transportation of remains to the authorized destination will not exceed the amount which would have been allowable had death occurred at

the point from which decedent departed on such temporary absence.

(c) Dependents described in § 536.50 (c)(1) to the decedents' home or such place as the Chief of Support Services may deem appropriate.

(d) Indigents described in § 536.50(e) to a cemetery designated by the Chief of Support Services by the most economical means.

(e) Enemy prisoners and aliens described in § 536.50(g) to a cemetery or other place designated by the Chief of Support Services.

• • • • • •

(k) *Interment.* • • •

(3) Interment of indigents, enemy prisoners, and aliens who die in Army custody is authorized at reasonable cost in a cemetery designated by the Chief of Support Services.

5. In § 536.55(a)(1), subdivisions (ii), (iii), and (iv) are revised to read as follows:

**§ 536.55 Transportation of remains.**

(a) *Eligible deceased who are authorized transportation—At Government expense.* (1) • • •

(ii) Civilian employees cited in § 536.50(b) to the decedent's home or official station or such place as the Chief of Support Services may deem appropriate provided such transportation does not exceed cost of transportation to home or official station, whichever is greater.

(iii) Dependents of members and certain civilian employees of the Army cited in § 536.50(c)(1) to the decedent's home or such other place determined by the Chief of Support Services to be the appropriate place of interment.

(iv) Indigent persons, enemy prisoners and aliens cited in § 536.50 (e) and (g) to a cemetery designated by the Chief of Support Services.

• • • • • •

6. In § 536.57, paragraph (e) (1) and (3) is revised to read as follows:

**§ 536.57 Government headstones and markers.**

• • • • • •

(e) *Application for headstone or marker*—(1) *Private or civilian cemetery.* If burial is in a private or civilian cemetery, the next of kin (or other interested individual) may obtain a regulation Government headstone or marker, without cost, to mark the grave of an eligible deceased person by submitting an application to the Chief of Support Services, ATTN: Memorial Division, Washington, D.C., 20315. Application may be made on DD Form 1330 which will be furnished by the person escorting the remains to the place of burial, the survivor Assistance Officer, or through local national veterans organizations.

• • • • • •

(3) *Memorial headstone or marker.* The next of kin may obtain, without cost, a memorial headstone or marker for eligibles cited in paragraph (c)(2) of this section, upon application on DD Form 1330 to the Chief of Support Services, ATTN: Memorial Division, Washington, D.C., 20315.

• • • • • •

[AR 638-40, February 20, 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

[SEAL] J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-12702; Filed, Dec. 10, 1964; 8:47 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1; Rev. 4, Amdt. 3]

## OI REG. 1—OIL IMPORT REGULATION

### Miscellaneous Amendments

Sections 10 and 11 relating to allocations of crude oil and unfinished oils in Districts I–IV and in District V have been revised in the light of the levels of authorized imports established pursuant to section 2 of Proclamation 3279, as amended, for the allocation period beginning January 1, 1965.

1. Section 10 of Oil Import Regulation 1 (Revision 4) (29 F.R. 8170) is amended to read as follows:

**Sec. 10. Allocations of crude oil and unfinished oils—Districts I–IV.**

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in Districts I–IV for the allocation period January 1, 1965 through June 30, 1965, shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1964, and computed according to the following schedule:

| *Average B/D input* | *Percent of input* |
|---|---|
| 0–10,000 | 60.0 |
| 10,000–30,000 | 33.7 |
| 30,000–100,000 | 20.4 |
| 100,000 plus | 14.1 |

(c)(1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 49.75 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 49.75 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

2. Section 11 of Oil Import Regulation 1 (Revision 4) (29 F.R. 8170) is amended to read as follows:

**Sec. 11. Allocations of crude oil and unfinished oils—District V.**

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in District V for the allocation period January 1, 1965 through June 30, 1965, shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1964, and computed according to the following schedule:

| *Average B/D input* | *Percent of input* |
|---|---|
| 0–10,000 | 17.0 |
| 10,000–30,000 | 11.6 |
| 30,000–100,000 | 9.2 |
| 100,000 plus | 5.53 |

(c)(1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 59.0 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 59.0 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 46.0 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 46.0 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d)(1) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation. Each barrel of unfinished oil imported shall be deemed to be the equivalent of one barrel of crude oil and will be so charged against the person's license by the respective Collectors of Customs.

(2) The permissible percentage of imports of unfinished oils and the equivalence of unfinished oils to crude oil may be changed during the allocation period, if necessary to prevent impairing accomplishment of the purposes of the program. Such a change will be made only after notice of proposed rule making and will not become effective until the 30th calendar day following publication in the FEDERAL REGISTER of the Amendment making such change.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Because allocations must be made and licenses issued for the allocation period beginning January 1, 1965, it is impracticable to give notice of proposed rule making on, or to delay the effective date of, this amendment. Accordingly, this amendment shall become effective immediately.

STEWART L. UDALL,
*Secretary of the Interior.*

DECEMBER 9, 1964.

[F.R. Doc. 64-12788; Filed, Dec. 10, 1964; 8:50 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3510]

[Idaho 014480]

### IDAHO

### Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

BOISE MERIDIAN

CARIBOU NATIONAL FOREST

*Trail Canyon Recreation Site*

T. 8 S., R. 43 E.,
Sec. 29, NW¼NE¼NE¼, N½NW¼NE¼, NE¼NE¼NW¼, and S½NE¼NW¼.

CHALLIS NATIONAL FOREST

*Joes Gulch-Four Acres Campground*

T. 11 N., R. 13 E.,
Sec. 35, lot 1, except north 30 acres; lot 3, except north 10 acres; lot 5, except south 20 acres.

*Salmon River Camping Area*

T. 11 N., R. 14 E.,
Sec. 30, lot 1, except west 15 acres; lot 4, except west 10 acres; lot 5; lot 6, except south 20 acres; lots 7 and 8; lot 9, except northwest 10 acres; lot 11; lot 13, except southeast 10 acres.

*Snowslide Campground*

T. 11 N., R. 14 E.,
Sec. 20, lots 3 and 6.

*Cove Campground*

T. 11 N., R. 14 E.,
Sec. 22, lot 3, except north 30 acres.

*Sunny Gulch Campground*

T. 10 N., R. 13 E.,
Sec. 23, lots 4 and 5;
Sec. 26, lots 3 and 4, except south 20 acres; lot 5, except south 20 acres.

The areas described aggregate approximately 492 acres.

2. The withdrawal made by the order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 7, 1964.

[F.R. Doc. 64-12703; Filed, Dec. 10, 1964; 8:47 a.m.]

[Public Land Order 3511]

[Wyoming 0248350]

### WYOMING

### Withdrawal for Meeks Cabin Dam and Reservoir

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 338; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the Meeks Cabin Dam and Reservoir:

SIXTH PRINCIPAL MERIDIAN

T. 12 N., R. 117 W.,
Sec. 10, NE¼SE¼SE¼ and S½SE¼SE¼;
Sec. 14, W½NW¼NE¼, NW¼, W½SW¼, W½E½SW¼ and N½NE¼NE¼SW¼;
Sec. 22, E½E½ of lot 1, E½NE¼ and E½E½NE¼SE¼.

The areas described aggregate approximately 435 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 7, 1964.

[F.R. Doc. 64-12704; Filed, Dec. 10, 1964; 8:47 a.m.]

[Public Land Order 3512]

[Nevada 059798]

### NEVADA

### Withdrawal for Proposed Southern Nevada Water Supply Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chapter 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the proposed Southern Nevada Water Supply Project:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 62 E.,
Sec. 23, NE¼, NE¼NW¼ and E½SE¼;
Sec. 24;
Sec. 25, E½NE¼, NW¼NE¼, NE¼NW¼, S½SW¼ and SW¼SE¼;
Sec. 35, E½NE¼NW¼, N½NE¼, SW¼SW¼ and E½SW¼.
T. 21 S., R. 63 E.,
Sec. 19;
Sec. 20, all except those lands included in Patented Mineral Survey 4808;
Sec. 21, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 22, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 25;
Sec. 26, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 27;
Sec. 28, SE¼NE¼, N½NW¼, W½SW¼, SE¼SW¼ and SE¼;
Sec. 29, N½NE¼, NW¼ and S½S½;
Sec. 30, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼ and S½SE¼;
Sec. 34, lots 1 to 6 inclusive, W½NE¼ and W½;
Sec. 35, lots 1 to 7 inclusive, lot 10, and SE¼SE¼;
Sec. 36.
T. 22 S., R. 63 E.,
Secs. 1, 2 and 3;
Secs. 10 to 15 inclusive.
Secs. 22, 23, 26 and 35.
T. 23 S., R. 63 E.,
Sec. 2, lots 3, 5, 6, 7, 11 to 15 inclusive, and 18, and S½SW¼;
Sec. 11, lot 1 and that portion of lot 2 lying west of the east boundary of U.S. Highway 95.
T. 22 S., R. 63½ E.,
Secs. 1, 12 and 13.

The areas described aggregate approximately 18,370 acres.

2. The use and administration of the lands affected by this order will become subject to the provisions of the reclamation laws, supra, including the use of the lands under lease, license, or permit, at such time as the Southern Nevada Water Supply Project is authorized by Congress.

3. Pending authorization of the Southern Nevada Water Supply Project, the withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit or the disposal of their mineral and vegetative resources, other than under the mining laws, subject to the condition that such use or

disposition will not be inconsistent with the reclamation laws and the purposes for which the lands are withdrawn.

JOHN A. CARVER, JR.,
*Secretary of the Interior.*

DECEMBER 7, 1964.

[F.R. Doc. 64-12705; Filed, Dec. 10, 1964; 8:47 a.m.]

# Title 45—PUBLIC WELFARE

## Subtitle A—Department of Health, Education, and Welfare, General Administration

## PART 80—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

*Correction*

In F.R. Doc. 64-12539, appearing at page 16298 of the issue for Friday, December 4, 1964, the following changes are made:

1. On page 16300, third column, the parenthetical phrase in the second line of § 80.5(b) is changed to read "(P.L. 815 and P.L. 874)".

2. On page 16303, first column, immediately above the last line of text, a section headnote is inserted reading as follows:

**§ 80.13 Definitions.**

3. On page 16304, first column, in the fifth line of item 27, the Code citation is changed to read "42 U.S.C. 1857b".

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 15542; FCC 64-1115]

## PART 73—RADIO BROADCAST SERVICES

### Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Hialeah, Fla.; Olean, N.Y.; Cadillac and Traverse City, Mich.; Ionia, St. Johns, and Grand Haven, Mich.; Monticello and Jamestown, Ky.; Beaumont and Port Arthur, Tex.; Holly Springs, Miss.; Santa Rosa, N. Mex.; Franklin, N.C.; Fairfield and Lodi, Calif.; Brownwood, Tex.; Kewanee, Ill.; Fort Dodge, Carroll, and Charles City, Iowa.; Celina, Ohio; Connellsville and Uniontown, Pa.; New Martinsville, W. Va.), Docket No. 15542, RM-568, RM-584, RM-585, RM-588, RM-590, RM-592, RM-593, RM-598, RM-601, RM-602, RM-604, RM-608, RM-609, RM-612.

*First report and order.* 1. The Commission has before it for consideration its notice of proposed rule making, released July 8, 1964, (FCC 64-613), proposing a number of changes in the FM Table of Assignments. In the present document we deal with most, but not all, of the proposals contained in the notice; the remainder will be dealt with shortly.

2. A number of statements were filed in response to the proposals set out in the notice. All duly filed documents were considered in making the following determinations. No oppositions were filed to any of the proposals covered herein.

3. RM-584, Olean, New York: The Notice, in response to the request of Radio Olean, Inc. (licensee of daytime-only AM station WMNS) proposed to assign Channel 265A to Olean. The population of Olean is 21,868.[1] The only FM channel presently assigned to the community (239) is occupied. There are two standard broadcast stations licensed in Olean: WMNS and full-time station WHDL.

4. In support of the assignment of Channel 265A to Olean, petitioner maintains that the community is somewhat isolated, that a new FM station would substantially improve effective competition between mass media in the area, and that an assignment can be made to the community without disturbing other assignments.

5. The Commission is of the opinion because of the above facts, as well as petitioner's interest and the availability of Channel 265A that it is in the public interest to assign Channel 265A to Olean. This community warrants a second assignment. In view of the circumstances here where a Class B channel probably cannot be found, we are justified in mixing Class A and B assignments.

6. RM-585. Cadillac and Traverse City, Michigan: The notice, in response to the request of Midwestern Broadcasting Company, proposed to reassign Channel 278 from Cadillac to Traverse City and to replace it in Cadillac with Channel 244A.

7. The population of Traverse City is 18,432. FM Channels 221A and 270 are assigned to the community. Channel 221A is not occupied nor are there applications pending for its use. There are two applications pending for the use of Channel 270, those of Great Northern Broadcasting Company (BPH-3984) and petitioner Midwest Broadcasting Company (BPH-4079). Two AM stations serve Traverse City: WCCW (daytime only) and WTCM (unlimited time). The population of Cadillac is 10,112. FM Channels 225 and 278 are assigned to the community. Channel 225 is occupied. Channel 278 is not occupied nor are there applications pending for its use. One unlimited time AM station, WATT, is located in Cadillac. Petitioner plans to drop its pending application for Channel 270 in Traverse City and apply for Channel 278 if it is assigned to the community. This action would avoid a costly comparative hearing and it would provide a substantial community with a second wide-coverage FM service. Some consideration must also be given to petitioner's statement that a wide coverage FM channel is necessary for an effective operation in Traverse City due to the fact that although there is substantial population in the area it is widely scattered. Assignment of a second Class C channel will also permit two FM stations to operate on a more nearly equal competitive basis.

8. In view of the foregoing, petitioner's interest, and the apparent lack of interest in a second wide coverage FM operation in Cadillac the Commission is of the view that it is in the public interest to reassign Channel 278 from Cadillac to Traverse City and to replace it, in Cadillac, with Channel 244A. In view of the paucity of available channels in this area we are permitting Class A and C assignments in both communities.

9. RM-590. Monticello and Jamestown, Kentucky: In response to the joint petition filed by Fred A. Staples (Monticello) and Russell County Broadcasters (Jamestown), the Notice proposed to assign Channel 269A to Monticello and Channel 288A to Jamestown.

10. Monticello, a community with a population of 2,940, presently has no FM channel assigned to it; it is served by a daytime-only, standard station, WFLW. The population of Jamestown is 792. No FM channel is assigned to the community nor is there any radio station located in it. If the proposals set out in our notice are adopted, it will mean that Monticello, the county seat of Wayne County (and therefore of special significance to that county (population 14,700)) would receive a first fulltime aural service and that Jamestown, the county seat of Russell County (11,076) would have located in it a first aural service of any kind. The adoption of the proposed assignments would in no way disturb other FM assignments. Petitioners are most interested in providing FM service to both communities at an early date.

11. In view of the above, we are of the opinion that it is in the public interest to assign Channel 269A to Monticello and Channel 288A to Jamestown.

12. RM-592. Beaumont and Port Arthur, Texas: The Notice, in response to the request of Radio Beaumont, Inc., proposed to interchange Channel 231 presently assigned to Port Arthur with Channel 299 presently assigned to Beaumont.

13. The population of Beaumont is 119,175. Channels 236, 248 and 299 are assigned there. Channels 248 and 236 are occupied while Channel 299 is not occupied and has no applications pending for its use. The population of Port Arthur is 66,676. FM Channels 227, 231 and 253 are assigned to it. Channels 227 and 253 are occupied. Channel 231 is not occupied nor are there applications pending for its use. It is apparent that petitioner is interested in developing an FM operation in the Beaumont-Port Arthur area only if it can construct the station on Channel 231 at Beaumont. It appears that a transmitter for such a station could be located at the present site of petitioner's AM Station KLVI. If the proposal is adopted there will be no decrease in the number of channels available to either community.

14. The Commission is of the opinion, because of the above facts, and the probability of the early initiation of a new FM service, that it is in the public interest to interchange Channel 231 presently assigned to Port Arthur with Channel 299 presently assigned to Beaumont.

15. RM-598. Santa Rosa, New Mexico: In response to the petition filed by Hubbard Broadcasting, Inc., the Notice proposed to substitute Channel 240A for Channel 228A at Santa Rosa. Santa Rosa is a community of 2,220 persons, with one Class A Channel (228A) assigned. The channel is unoccupied and there are no applications pending for its use.

16. Petitioner has filed an application for the use of Channel 227 presently assigned to Albuquerque, New Mexico (BPH-4437). In order to meet the minimum mileage separation requirements with respect to the Santa Rosa assignment, that application presently specifies a transmitter site near Alameda Township (Bernalillo County). If the substitution of channels at Santa Rosa requested by petitioner in this rule making is adopted, petitioner will be able to amend its application for Channel 227 to specify a transmitter site at the location of its KOB-TV tower on Sandia Crest east of Albuquerque, without violating our minimum mileage separation requirements. The operation petitioner contemplates for Channel 227, in the event this rule making petition is granted, will be more desirable than the operation presently possible, because of the fact that the Sandia Crest transmitter site will enable a Channel 227 operation to meet the needs of a larger area. Petitioner points out, and we agree, that the channel substitution he proposes will in no way adversely affect Santa Rosa's potential for local service.

17. In view of the foregoing, the Commission is of the view that it is in the public interest to substitute Channel 240A for Channel 228A at Santa Rosa.

18. RM-601. Franklin, North Carolina: The notice, in response to the petition filed by Macon County Broadcasters, proposed to assign Channel 244A to Franklin. At the present time there are no FM channels assigned to the community, although it is served by AM daytime-only station WFSC. The population of Franklin is 2,173. It is located in Macon County (population 14,835).

19. In support of the proposed assignment, various facts were brought to the attention of the Commission, Franklin is a county seat significant to its county in a commercial sense (it is the largest community in its county); it is isolated from large urban areas; and the community at this time has no nighttime or early morning radio service. Because of these facts and the fact that no other assignments need be disturbed, the Commission believes that it is in the public interest to assign Channel 244A to Franklin and is so doing.

20. RM-602. Fairfield, California: In response to the petition filed by the Fairfield Publishing Company, the notice proposed to reassign Channel 237A from Lodi to Fairfield.

21. The population of Fairfield is 14,968. It is located in Solano County (population 134,597). The population of San Joaquin County, in which Lodi is located, is 249,989, and that city's population is 22,229. There are two FM channels assigned to Lodi: 237A and 249A. Channel 249A is occupied while Channel 237A is unoccupied and not applied for. Standard broadcast station KCVR, a daytime only station, is located in the community. The county of San Joaquin, in addition to the Lodi stations, has the following stations located in it: KWC, KSTN, KJOY, KSTN-FM, and KCVN-FM (Ed.). In contrast to the above there are no FM channels assigned to Fairfield nor is there an AM station located in it; there are no FM assignments in Solano County and only one AM station therein, KNBA.

22. Petitioner's main point lies in his statement: "there is a greater need for the assignment of a first FM station to the community of Fairfield and the first FM and second broadcast service to its county than there is for the second FM and third broadcast service to the community of Lodi and the fourth FM and eighth broadcast service to Lodi's county, San Joaquin." In light of the facts pointed out in petitioner's statement, with which we agree, and the fact that Channel 237A can be reassigned to Fairfield without violating our minimum mileage separation requirements (petitioner claims that it has access to a transmitter site four miles north of Fairfield from which Fairfield could be served), as well as the lack of any opposition to petitioner's proposal, we are of the view that it is in the public interest to reassign Channel 237A from Lodi to Fairfield.

23. RM-604. Brownwood, Texas: The notice, in response to the petition filed by Kean Radio Corporation, proposed to assign either Channel 257A or Channel 292A to Brownwood.

24. The population of Brownwood is 16,974. Channels 268 and 281 are assigned to the community. Neither is occupied and there are no applications pending for their use. An educational station operates on Channel 201. Standard broadcast stations KEAN (unlimited time) and KBWD (unlimited time) operate in Brownwood. In view of the two commercial broadcast services presently located in Brownwood and the existence of a daily newspaper, all competing for advertisers' support, as well as a recent decline in population, petitioner is of the opinion that it cannot justify the expenditures necessary for the installation of a wide coverage FM station. It does feel, however, that the expenditures necessary for a limited coverage station can be justified. Petitioner is of the view that the community not only can support a limited coverage FM station but also that it is in need of such service.

25. The foregoing facts along with petitioner's interest and the availability of a limited coverage channel bring the Commission to the opinion that it is in the public interest to assign Channel 257A to Brownwood. Under the circumstances in this case we believe the mixing of classes of stations is justified.

26. RM-608. Kewanee, Illinois: As a result of a petition filed by Kewanee Broadcasting Company, the notice proposed to assign Channel 221A to Kewanee.

27. Kewanee has a population of 16,324 and is located in Henry County (population 49,317). No commercial FM channels are assigned to the community or county. AM Station WKEI, Kewanee, is the only AM station in the county. The inauguration of an FM station in the community would provide Kewanee and its county with a second radio service and a first FM service. The economic importance of the community also warrants an assignment.

28. For the reasons set out above, as well as the availability of Channel 221A and petitioner's interest, the Commission is of the view that it is in the public interest to assign Channel 221A to Kewanee.

29. RM-612. Celina, Ohio: The notice, in response to the petition filed by WCSM Radio, Inc., proposed to make the additional assignment of Channel 244A to Celina.

30. Celina is a community of 7,659 persons located in Mercer County (population 32,559). The community has occupied FM Channel 232A assigned to it. Petitioner's daytime-only AM Station WOSM is also licensed in the community; there are no other AM stations or FM assignments in the county. As a county seat and the largest community in Mercer County, Celina is of substantial importance to the area. It appears that the community is a focal point for cultural and social activities. A new FM station located in Celina would provide it and its surrounding area with a third broadcast service during daytime hours and a second in the early morning and nighttime. The assignment of Channel 244A to Celina meets our minimum mileage separation requirements. In view of petitioner's intention to promptly file an application for any new channel assigned to Celina, it appears that a newly assigned Channel 244A will not lie fallow.

31. The foregoing facts lead the Commission to the conclusion that it is in the public interest to assign Channel 244A to Celina.

32. Authority for the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

33. *It is ordered*, That effective January 11, 1965, the Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended to read as follows in respect to the communities named:

[1] All population figures herein are 1960 U.S. Census figures.

| City | Channel No. |
|---|---|
| California: | |
| Fairfield | 237A |
| Lodi | 249A |
| Illinois: | |
| Kewanee | 221A |
| Kentucky: | |
| Jamestown | 288A |
| Monticello | 289A |
| Michigan: | |
| Cadillac | 225, 244A |
| Traverse City | 221A, 270, 273 |
| New Mexico: | |
| Santa Rosa | 240A |
| New York: | |
| Olean | 239, 265A |
| North Carolina: | |
| Franklin | 244A |
| Ohio: | |
| Celina | 232A, 244A |
| Texas: | |
| Beaumont | 231, 236, 248 |
| Brownwood | 257A, 268, 281 |
| Port Arthur | 227, 253, 299 |

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: December 2, 1964.

Released: December 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-12755; Filed, Dec. 10, 1964; 8:50 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

## PART 257—NOTICE AND HEARING ON SUBSIDIES

On pages 14744 to 14746 of the FEDERAL REGISTER of October 29, 1964, there was published a notice of proposed rule making to issue regulations governing the procedures for the notice and hearing requirements of the United States Fishing Fleet Improvement Act (Public Law 88-498). Interested persons were given 20 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No objections have been received and the only suggestion submitted does not require a revision of the proposal.

The proposed regulations are hereby adopted without change and are set forth below. This part shall become effective at the beginning of the 20th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL, *Secretary of the Interior.*

DECEMBER 8, 1964.

Sec.
257.1 Basis and purpose.
257.2 Definitions.
257.3 Scope of rules.
257.4 Mailing address.
257.5 Authentication.
257.6 Inspection of records.
257.7 Appearance and practice.
257.8 Parties.
257.9 Form, execution and service of documents.
257.10 Notice, pleadings and replies.
257.11 Duties of Presiding Officer.
257.12 Hearing procedure.
257.13 Evidence.
257.14 The record.
257.15 Decisions.

AUTHORITY: The provisions of this Part 257 issued under the Act of June 12, 1960 (Public Law 86-516), as amended.

### § 257.1 Basis and purpose.

(a) The Act of June 12, 1960 (Public Law 86-516), as amended by the United States Fishing Fleet Improvement Act (Public Law 88-498) authorizes the Secretary of the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States and requires that this be done only after Notice and Hearing.

(b) The purpose of this part is to establish rules of practice and procedure for the notice and hearing.

### § 257.2 Definitions.

Definitions shall be the same as in Part 256 of this subchapter.

### § 257.3 Scope of rules.

The regulations in this part govern the procedure in hearings subject to Part 256 of this subchapter. These hearings are subject to the Administrative Procedure Act (5 U.S.C. 1003, et seq.) and Practice Before The Department of the Interior (43 CFR Part 1). The regulations shall be construed to secure the just, speedy, and inexpensive determination of every proceeding with full protection for the rights of all parties therein.

### § 257.4 Mailing address.

Documents required to be filed in, and correspondence relating to, proceedings governed by the regulations in this part shall be addressed to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240.

### § 257.5 Authentication.

All rules, orders, determinations, and decisions of the Secretary shall be signed by the Secretary.

### § 257.6 Inspection of records.

The files and records of these hearings, except those held by the Secretary for good cause to be confidential, shall be open to inspection and copying as follows:

(a) All pleadings, motions, depositions, correspondence, exhibits, transcripts of testimony, exceptions, briefs, and decisions in any formal proceeding under this part may be inspected and copied in the office of the Chief, Branch of Loans and Grants, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240.

(b) Orders, rules, rulings, opinions, determinations, and decisions may be inspected in the office of the Chief, Branch of Loans and Grants, except those held by the Secretary for good cause to be confidential and not cited as precedents.

### § 257.7 Appearance and practice.

(a) A party may appear in person or by an officer, partner or regular employee of the party; by or with counsel or as otherwise permitted by 43 CFR Part 1 in any proceeding under the regulations in this part. A party may offer testimony, produce and examine witnesses, and be heard upon brief and at oral argument if oral argument is granted by the Presiding Officer. Attorneys-at-law who are admitted to practice before the Federal Courts or before the courts of any State or possession of the United States, may represent a party as counsel.

(b) Persons who appear at any hearing shall deliver a written notice of appearance to the official reporter, stating for whom the appearance is being made. The Presiding Officer may require a person making an appearance in a representative capacity to show his authority to act in such capacity. The written appearance shall be made a part of the record.

### § 257.8 Parties.

(a) The term "party" shall include any natural person, corporation, association, firm, partnership, trustee, receiver, cooperative or governmental agency determined by the Presiding Officer as having an interest in the proceedings. A party making an application shall be designated as "applicant." A party whose petition for leave to intervene is granted shall be designated an "intervenor." Only a party as designated in this section may introduce evidence or examine witnesses at hearings.

(b) For an intervenor to prove an interest in the hearings he must show that there is a reason for belief that the operation of the vessel described in the application will cause economic injury or hardship to efficient vessel operators already operating in the fishery in which it is proposed that the vessel be operated.

### § 257.9 Form, execution and service of documents.

(a) All papers to be filed under the regulations in this part shall be clear and legible; and shall be dated, signed in ink, contain the docket description and title of the proceeding and the title, if any, and the address of the signatory. Five copies of all papers are required to be filed. Documents filed shall be executed by (1) the person or persons filing same, (2) by an authorized officer thereof if it be a corporation or, (3) by an attorney or other person having authority with respect thereto.

(b) All documents, when filed, shall show that service has been made upon all parties to the proceeding. Such service shall be made by delivering one copy to each party in person or by mailing by first class mail, properly addressed with postage prepaid. When a party has appeared by attorney or other representative, service on such attorney or other representative will be deemed service upon the party. The date of service of document shall be the day when the matter served is deposited in the United States mail, shown by the postmark thereon, or is delivered in person, as the case may be.

[3] Commissioners Hyde, Bartley, and Loevinger absent.



(c) The original of every document filed under this part and required to be served upon all parties to a proceeding shall be accompanied by a certificate of service signed by the party making service, stating that such service has been made upon each party to the proceeding. Certificates of service may be in substantially the following form:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by: (1) Mailing postage prepaid, (2) delivering in person, a copy to each party.

Dated at ---------- this ------ day of ---------- 19--.

Signature ----------.

### § 257.10 Notice, pleadings and replies.

(a) After acceptance of an application eligible on its face for construction subsidy or for the transfer of a vessel to a different fishery, the Director, Bureau of Commercial Fisheries, shall publish a notice of hearing in the FEDERAL REGISTER advising that a hearing will be held not less than 30 days after date of such publication and setting the time and place and providing details with respect to such hearing. Any person desiring to intervene and present evidence that the approval of the application will cause economic injury or hardship to efficient vessel operators must file, at least 10 days prior to the date set for the hearing (unless otherwise consented to by the Presiding Officer), a Petition of Intervention setting forth his interest. The hearing will be held in Washington, D.C., unless such a petition is received. If such a petition is received, the Presiding Officer may designate a different hearing site by telegraphic notice to the parties in the proceedings. If no petition to intervene is received, it will not be necessary for the applicant to appear at the hearing if he files all information in writing as required by the Presiding Officer.

(b) All petitions shall be in writing and shall state the petitioner's grounds of interest in the subject matter; the facts relied upon, the relief sought; and shall cite the authority upon which the petition rests. The petition shall be served upon all parties named therein or affected thereby. Answers to petitions must be filed within 5 days of the hearing date, unless otherwise consented to by the Presiding Officer.

(c) Amendments or supplements to pleadings may be allowed or refused in the discretion of the Presiding Officer. The Presiding Officer may direct a party to state its case more fully and in more detail by way of amendment. If a response to an amended pleading is necessary, it may be filed and served within the time set by the Presiding Officer. Amendments or supplements allowed prior to hearing will be served in the same manner as the original pleading.

(d) All motions and requests for rulings shall state the relief sought, the authority relied upon and the facts alleged. If made before or after the hearing, such motions shall be in writing. If made at the hearing, motions may be stated orally: *Provided, however,* that the Presiding Officer may require such motion to be reduced to writing and filed and served in the same manner as a formal motion. Oral argument upon a written motion, in which an answer has been filed, may be granted within the discretion of the Presiding Officer. Answers to a formal motion or pleading shall be filed and served in the same manner as the motion or pleading.

### § 257.11 Duties of Presiding Officer.

The Presiding Officer shall have the authority and duty to:

(a) Take or cause depositions to be taken.

(b) Rule upon proposed amendments or supplements to motions and pleadings.

(c) Regulate the course of the hearings.

(d) Prescribe the order in which evidence shall be presented.

(e) Dispose of procedural requests or similar matters.

(f) Hear and initially rule upon all motions and petitions before him.

(g) Administer oaths and affirmations.

(h) Examine witnesses.

(i) Rule upon offers of proof and receive competent, relevant, material, reliable, and probative evidence.

(j) Exclude irrelevant, immaterial, incompetent, unreliable, repetitious or cumulative evidence.

(k) Exclude cross-examination which is primarily intended to elicit self-serving declarations in favor of the witness.

(l) Limit cross-examination to interrogatories which are required for a full and true disclosure of the facts in issue.

(m) Act upon petitions to intervene.

(n) Act upon submissions of facts or arguments.

(o) Hear arguments at the close of testimony.

(p) Fix the time for filing briefs, motions and other documents to be filed in connection with hearings.

(q) Issue the intial decisions and dispose of any other pertinent matter that normally and properly arises in the course of proceedings.

### § 257.12 Hearing procedure.

(a) Unless authorized by the Presiding Officer, witnesses will not be permitted to read prepared testimony into the record. The evidentiary record shall be limited to factual and expert opinion testimony. Arguments will not be received in evidence but should be presented in opening and/or closing statements or in briefs to the Presiding Officer. All exhibits and responses to requests for evidence shall be numbered consecutively by the party submitting same and shall be filed with the Presiding Officer if filed during the hearing. If filed at some other time they should be filed in accordance with § 257.4 with one copy also being sent to each party to the hearing.

(b) Normally, the order of presentation at the hearing will be alphabetical in each of the following categories:

(1) Applicant,

(2) Intervenors.

Rebuttal should be presented without any adjournment in the proceedings.

(c) Cross-examination shall be limited, subject to § 257.13(b), to the scope of the direct examination and to witnesses whose testimony is adverse to the party desiring to cross-examine. Only cross-examination which is necessary to test the truth and completeness of the direct testimony and exhibits will be permitted.

(d) A request for oral argument at the close of testimony will be granted or denied by the Presiding Officer in his discretion.

(e) Rulings of the Presiding Officer may not be appealed prior to, or during, the course of the hearings, except in extraordinary circumstances where prompt decision by the Secretary is necessary to prevent unusual delay or expense, in which instance the matter shall be referred forthwith to the Secretary by the Presiding Officer. Any appeal shall be filed within 10 days from the date of the close of the hearing.

### § 257.13 Evidence.

(a) In any proceedings under this part, all evidence which is relevant, material, reliable and probative, and not unduly repetitious or cumulative, shall be admissible. Irrelevant and immaterial or unduly repetitious evidence shall be excluded.

(b) Each party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence; and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(c) At any time during the hearing the Presiding Officer may call for the production of further relevant and material evidence, reports, studies and analyses upon any issue, and require such evidence to be presented by the party or parties concerned, either at the hearing or adjournment thereof. Such material shall be received subject to appropriate motions, cross-examination and/or rebuttal. If a witness refuses to testify or produce the evidence as requested, the Presiding Officer shall forthwith report such refusal to the Secretary.

### § 257.14 The record.

(a) The Director, Bureau of Commercial Fisheries, will designate an official reporter for all hearings. The official transcript of testimony taken, together with any exhibits and briefs filed therewith, shall be filed with the Director, Bureau of Commercial Fisheries. Transcripts of testimony will be available in any proceeding under the regulations of this part, and will be supplied by the official reporter to the parties and to the public, except when required for good cause to be held confidential, at rates fixed by the contract between the United States of America and the reporter. If the reporter is an employee of the Department of the Interior, the rate will be fixed by the Director, Bureau of Commercial Fisheries.

(b) The transcript of testimony and exhibits, together with all papers and requests, including rulings and the initial decision filed in the proceeding, shall constitute the exclusive record for decision. The initial decision will be predicated on this same record, as will the final decision.

§ 257.15 **Decisions.**

(a) The Presiding Officer is delegated the authority to render initial decisions in all proceedings before him. The same officer who presides at the reception of evidence shall render the initial decision except when such officer becomes unavailable to the Department of the Interior. In such case, another Presiding Officer will be designated by the Secretary to render the initial decision. Briefs, or other documents, to be submitted after the hearing must be received not later than ten (10) days after the hearing unless otherwise extended by the Presiding Officer upon motion by a party. The initial decision shall be made within twenty (20) days after the hearing or the receipt of all briefs, whichever is later. If no appeals from the initial decision are received within ten (10) days of the date of the initial decision, it will become the final decision on the twentieth day following the date of the initial decision. If an appeal is received, the appeal will be transmitted to the Secretary who will render the final decision after considering the record and the appeal.

(b) All initial and final decisions, shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon the material issues presented. A copy of each decision shall be served on the parties to the proceeding, and furnished to interested persons upon request.

(c) Official notice may be taken of such matters as might be judicially noticed by the courts; or of technical or scientific facts within the general or specialized knowledge of the Department of the Interior as an expert body; or of a document required to be filed with or published by a duly constituted Government body: *Provided*, That where a decision or part thereof rests on the official notice of a material fact not appearing in the evidence of the record, the fact of official notice shall be so stated in the decision and any party, on timely request, shall be afforded an opportunity to show the contrary.

[F.R. Doc. 64–12741; Filed, Dec. 10, 1964; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

**[ 26 CFR Part 48 ]**

### EXCISE TAXES

### Sale Price of Rebuilt Television Picture Tubes

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4142 of the Internal Revenue Code of 1954 to section 6 of the Act of October 13, 1964 (Public Law 88–653, 78 Stat. 1086), such regulations are amended as follows:

PARAGRAPH 1. Section 48.4142 is amended by revising section 4142 and the historical note. These amended provisions read as follows:

§ 48.4142 **Statutory provisions; definition; radio and television component; sale price of rebuilt television picture tube.**

Sec. 4142. *Definitions*—(a) *Radio and television component.* As used in section 4141, the term "radio and television components" means chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the "built-in" type, phonograph mechanisms, and phonograph record-players, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in section 4141, whether or not primarily adapted for such use.

(b) *Sale price of rebuilt television picture tubes.* In determining the sale price of a rebuilt television picture tube, there shall be excluded from the price, in accordance with regulations prescribed by the Secretary or his delegate, the value of a television picture tube accepted in exchange.

[Sec. 4142 as amended and in effect Jan. 1, 1959, and as further amended by sec. 6(a), Act of Oct. 13, 1964 (Pub. Law 88–653, 78 Stat. 1086)]

PAR. 2. Section 48.4142–2 is added immediately after § 48.4142–1 and reads as follows:

§ 48.4142–2 **Rebuilt television picture tubes sold on an exchange basis.**

In the case of a sale on or after January 1, 1965, of a rebuilt television picture tube, the sale price of the rebuilt television picture tube on which the tax is to be computed shall not include the value of a television picture tube accepted in exchange. The total amount charged in excess of the amount allowed for the television picture tube accepted in an exchange will be the basis for tax. For example, if a rebuilt television picture tube is sold for $25, plus another television picture tube, the tax on the rebuilt tube will be computed on the basis of $25.

[F.R. Doc. 64–12674; Filed, Dec. 10, 1964; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[ 7 CFR Part 912 ]**

### GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

### Expenses and Fixing of Rate of Assessment for 1964–65 Fiscal Year

Consideration is being given to the following proposals submitted by the Indian River Grapefruit Committee, established under Marketing Agreement No. 136, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning August 1, 1964, and ending July 31, 1965, will amount to $30,000.

(b) That the rate of assessment which each handler who first handles fruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order, be fixed at six mills ($0.006) per 1⅗ bushel box of fruit, or its equivalent when packed in other containers or in bulk, so handled by such handler during such fiscal period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 8, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12767; Filed, Dec. 10, 1964; 8:50 a.m.]

**[ 7 CFR Part 917 ]**

### PLUMS GROWN IN CALIFORNIA

### Changes in Representation of Certain Districts on Plum Commodity Committee

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100–917.179) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said rules and regulations was proposed by the Control Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment changes the representation of certain districts on the Plum Commodity Committee.

The said amendment is as follows:

1. Delete § 917.118 and substitute therefor the following:

**§ 917.118 Changes in representation of certain districts on the Plum Commodity Committee.**

The representation or membership on the Plum Commodity Committee is changed to provide for:

(a) Three (3) members to represent the area included in the Fresno District;

(b) One (1) member to represent the area included in the Tulare District;

(c) One (1) member to represent the area included in the Kern District and Southern California District;

(d) One (1) member to represent the area included in the Placer District and Colfax District; and

(e) One (1) member to represent all the territory in California not included in the foregoing districts.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 7, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12716; Filed, Dec. 10, 1964; 8:47 a.m.]

## [ 7 CFR Part 1004 ]

## MILK IN DELAWARE VALLEY MARKETING AREA

### Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Delaware Valley marketing area is being considered for the period of December 1, 1964, through March 31, 1965.

Proposed to be suspended in § 1004.50 (a)(4) is the provision "and shall be an additional 20 cents more if the percentage of such receipts to such disposition is less than 126".

The proposed action would suspend a provision of the supply-demand mechanism in the Class I pricing formula which would otherwise increase the Class I price an additional 20 cents per hundredweight in the forthcoming quarter (January-March) over the price level applicable in the current quarter. The Delaware Valley Class I price of $6.00 in the current quarter includes a plus supply-demand adjustment of 20 cents per hundredweight.

Cooperative associations representing a substantial proportion of producers supplying milk to handlers regulated under the terms of the Delaware Valley milk order requested this suspension. Petitioners claimed the suspension action is necessary because the existing provision of the adjustor does not reflect accurately market conditions of supply and demand following significant changes in the market structure from that which existed when the provision was incorporated in the formula. They stated further that a higher Class I price would be contraseasonal in nature and could seriously jeopardize markets of local producers resulting from intermarket price disparities between the Delaware Valley and adjacent Federal order markets. The action was requested to be made effective through March 1965 so that orderly marketing may not be disrupted pending review of the provision at a public hearing.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 8, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-12766; Filed, Dec. 10, 1964; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Parts 45, 121 ]

## OLEOMARGARINE IDENTITY STANDARD; FOOD ADDITIVES DELTA-DECALACTONE AND DELTA-DODECALACTONE

### Extension of Time for Filing Comments on Proposal To Amend Identity Standard and To Issue Regulation Establishing Safety of Food Additive

In the matter of amending the identity standard for oleomargarine (21 CFR 45.1) to permit the use of delta-decalactone and delta-dodecalactone as optional artificial flavoring ingredients and amending the food additive regulations to provide for the safe use of these flavorings in oleomargarine:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of October 17, 1964 (29 F.R. 14367), and granted a period of 30 days for filing comments. The Commissioner of Food and Drugs has received several requests for an extension of this time. Good reasons therefor appearing, the time for filing comments in this matter is extended to December 16, 1964.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 409, 701, 52 Stat. 1046, 1055 as amended, 72 Stat. 1785; 21 U.S.C. 341, 348, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: December 4, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12739; Filed, Dec. 10, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-59]

## CONTROL AREA EXTENSION AND TRANSITION AREA

### Proposed Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the control area extension and designate a transition area in the vicinity of Edenton, North Carolina.

The Edenton, N.C., control area extension is presently designated as that airspace bounded on the W by V-229, on the N by the Norfolk, Va., control area extension, on the NE by control 1181, on the SE by the NW shore of Pamlico Sound, and on the S by the arc of a 60-mile radius circle centered at latitude 34°54'30" N., longitude 76°53'00" W., excluding the portions within R-5301A, R-5301B, R-5302, R-5303, R-5304, and R-5305.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Edenton, N.C., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Edenton, N.C., control area extension would be revoked.

2. The Edenton, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edenton Municipal Airport (latitude 36°01'30" N., longitude 76°33'30" W.); within 2 miles each side of a line bearing 337° from latitude 36°05'00" N., longitude 76°36'00" W., extending from the 5-mile radius area to 8 miles NW of latitude 36°05'00" N., longitude 76°36'00" W.; including that airspace extending upward from 1,200 feet above the surface bounded on the N by the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W., on the E by longitude 76°30'00" W., on the S by the arc of a 60-mile radius circle centered at latitude 34°54'30" N., longitude 76°53'00" W. and on the W by the E boundary of V-229.

The proposed transition area is required to protect the prescribed special instrument approach procedure at Edenton, N.C., and aircraft being radar vectored by the Washington Air Route Traffic Control Center.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on December 1, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-12687; Filed, Dec. 10, 1964; 8:45 a.m.]



## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-WE-32]

## CONTROL ZONE AND TRANSITION AREAS

### Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone and transition area at Corvallis, Oreg., pursuant to the commissioning of a VOR at latitude 44°29'59" N., longitude 123°17'33" W. and fan marker at latitude 44°34'08" N., longitude 123°14'15" W. on or about April 15, 1965, and would alter the Kings Valley, Oreg., and Eugene, Oreg., transition areas.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Corvallis, Oreg., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/29, proposes the following airspace actions:

1. Designate the Corvallis, Oreg., control zone as that airspace within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.). The control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Guide.

2. Designate the Corvallis, Oreg., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.); within 2 miles each side of the Corvallis VOR 029° True radial, extending from the 7-mile radius area to 7 miles NE of the Fischer Fan Marker and within 2 miles each side of the 044° True bearing from latitude 44°33'25" N., longitude 123°16'22" W., extending from the 7-mile radius area to 5 miles NE of latitude 44°33'25" N., longitude 123°16'22" W.; that airspace extending upward from 1,200 feet above the surface within 6 miles NW and 8 miles SE of the Corvallis VOR 029° and 209° True radials, extending from 6 miles SW to 17 miles NE of the VOR.

3. The Kings Valley, Oreg., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Newberg, Oreg., VORTAC 204° radial, extending from 10 miles NE to 22 miles SW of the INT of the Newberg VORTAC 204° and the Eugene, Oreg., VORTAC 340° radials.

4. Alter the Kings Valley, Oreg., transition area as that airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Newberg, Oreg., VORTAC 204° True radial, extending from 9 miles NE to 22 miles SW of the INT of the Newberg VORTAC 204° and the Eugene, Oreg., VORTAC 347° True radials, and that airspace north of Kings Valley INT bounded on the NW by Victor 99, on the SE by Victor 23 W alternate and on the SW by a line 39 miles NW of and parallel to the Eugene VORTAC 295° True radial, excluding the portion within the Corvallis, Oreg., transition area.

5. Alter the description of the Eugene, Oreg., transition area to exclude the portion within the Corvallis transition area as proposed for designation herein.

The proposed Corvallis control zone would provide protection for aircraft executing prescribed instrument procedures at the Corvallis Airport during the hours of operation of the weather reporting service to be provided by duly certified personnel of West Coast Airlines. Communications service will be provided by the FAA's Eugene, Oreg., Combined Station/Tower through remote facilities located on the Corvallis VOR.

The 700-foot portion of the transition area is required to provide protection to aircraft executing prescribed instrument approach and departure procedures at altitudes between 1,000 feet and 1,500 feet above the surface.

The 1,200-foot portion of the transition area is required to provide protection to aircraft executing prescribed instrument approach, departure and holding procedures at altitudes above 1,500 feet above the surface.

The alteration of the Kings Valley transition area is required to provide protection to aircraft executing prescribed holding procedures at the Kings Valley INT. The additional portion west of Dallas, Oreg., is required to provide protection for aircraft in radar transition from the Kings Valley INT to Victor 99 and the Portland, Oreg., terminal area.

The following instrument approach procedure will be established effective concurrent with the commissioning of the Corvallis VOR and the Fischer Fan Marker approximately April 15, 1965:

*AL-VOR-1.* Proceed outbound on the 008° M radial, procedure turn E side of course (minimum 3,000 feet) within 10 miles of the Fischer Fan Marker, minimum altitude over Fischer Fan Marker inbound 188° M radial 1,500 feet; over facility 700 feet (facility on airport). Missed approach—within 5.0 miles after passing Fischer Fan Marker or within 0.0 mile after passing Corvallis VOR, turn left, climb to 3,000 feet on VOR 008° M radial within 15 miles.

At a future date, after adjacent terminal area studies have been completed, the floors of low altitude airways adjacent to Corvallis will be raised to 1,200 feet or higher above the surface.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 3, 1964.

JOSEPH H. TIPPETS,
*Director, Western Region.*

[F.R. Doc. 64-12688; Filed, Dec. 10, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-WE-61]

## CONTROL ZONES, TRANSITION AREA, AND CONTROL AREA EXTENSIONS

### Proposed Alteration, Revocation, and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New]

of the Federal Aviation Regulations which would alter the controlled airspace in the Riverside and Twentynine Palms, California, terminal areas.

The following controlled airspace is presently designated in the Riverside and Twentynine Palms terminal areas:

1. The Ontario, Calif. (Ontario International Airport) control zone is designated within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.) and within 2 miles on each side of the ILS localizer E course extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of the Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).

2. The Riverside, Calif. (March AFB) control zone is designated within a 5-mile radius of March AFB, Riverside, Calif., and within 2 miles either side of a line extending from March AFB through the Riverside VOR to 5 miles SW of the VOR.

3. The Riverside, Calif., control area extension is designated as that airspace S of March AFB, Riverside, Calif., bounded on the E by V–117, on the S and SE by V–208, on the W by V–23, on the NW by V–8 and on the N by V–16.

4. The San Bernardino, Calif., control area extension is designated as that airspace NE of San Bernardino bounded on the S by V–16, on the NW by V–8, on the E by longitude 116°35'00" W., extending from the S boundary of V–8 to the Ontario, Calif., VOR 060° radial; thence SW via the Ontario VOR 060° radial to V–137; thence SE via V–137 to V–16.

5. The Twentynine Palms, Calif., transition area is designated as that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 115°12'00" W., on the S by latitude 33°28'00" N., on the W by the W boundary of V–208 and V–117, the S boundary of V–16, and longitude 116°28'-00" W., and on the N by latitude 34°17'-00" N., excluding the portion within R–2501 and R–2507.

The FAA, having completed a comprehensive review of the terminal airspace requirements in the Riverside-Twentynine Palms areas, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Ontario, Calif., control zone by redesignating it as that airspace within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer east course extending from the 5-mile radius zone to 3 miles E of the outer marker, excluding the portion within a one-mile radius of the Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).

2. Alter the Riverside, Calif. (March AFB) control zone by redesignating it as that airspace within a 5-mile radius of March AFB (latitude 33°52'50" N., longitude 117°15'31" W.); within 2 miles each side of the March AFB VOR 329° and 149° True radials extending from the 5-mile radius zone to one mile SE of the VOR; within 2 miles each side of the March AFB TACAN 325° True radial extending from the 5-mile radius zone to 5 miles NW of the TACAN.

3. Revoke the Riverside and San Bernardino, Calif., control area extensions.

4. Designate the Riverside, Calif., transition area as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°01'00" W., to latitude 33°46'00" N., longitude 117°01'00" W., to latitude 33°-44'30" N., longitude 117°04'00" W., to latitude 33°40'30" N., longitude 117°04'-00" W., to latitude 33°38'00" N., longitude 117°09'00" W., to latitude 33°56'00" N., longitude 117°30'00" W., to latitude 33°56'00" N., longitude 117°59'00" W.; thence to point of beginning, and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30'00" N., longitude 117°43'00" W., thence east along latitude 34°30'00" N. to the southeast boundary of V–21, thence along the southeastern boundary of V–21 to longitude 116°30'00" W., thence direct to latitude 34°40'30" N., longitude 116°29'-40" W., to latitude 34°30'00" N., longitude 116°26'30" W., to latitude 34°16'-00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 117°30'00" W., to latitude 33°39'00" N., longitude 117°30'00" W., to latitude 33°-46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'-00" W., to latitude 33°56'00" N., longitude 117°59'00" W., to latitude 34°10'-00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°43'00" W., thence to point of beginning. The portion of this transition area within George AFB, Calif., Restricted Area/Military Climb Corridor (R–2526) would be used only after obtaining prior approval from appropriate authority.

5. Alter the Twentynine Palms, Calif., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 3-mile radius of Thermal Airport (latitude 33°37'38" N., longitude 116°09'45" W.); within 2 miles each side of the Thermal VORTAC 140° True radial, extending from the 3-mile radius area to 8 miles SE of the VORTAC; within 2 miles each side of the Thermal VORTAC 122° True radial, extending from the 3-mile radius area to 5 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°17'00" N., longitude 115°25'00" W., to latitude 33°-28'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 116°18'-00" W., to latitude 34°17'00" N., longitude 116°18'00" W., thence to point of beginning, excluding the portions within R–2501 and R–2507.

The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

The actions proposed herein would, in part, designate a control zone extension NW of March AFB and lengthen the control zone extension E of Ontario to provide protection for aircraft executing prescribed instrument approach and departure procedures at March AFB and Ontario International Airport. In addition, the control zone extension SE of March AFB would be reduced. The designation of the portion of the Riverside and Twentynine Palms transition area proposed with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure and radar vectoring procedures while operating below the 1,200-foot floor portion of the transition areas.

In addition, the portion of the Riverside transition area with a floor of 1,200 feet and the revocation of the San Bernardino and Riverside control area extensions would raise the floor of controlled airspace beyond the limits of the proposed irregularly configured 700-foot portion of the transition area from 700 to 1,200 feet. The Twentynine Palms transition area with a floor of 1,200 feet would be reduced in size. The portions of controlled airspace released by these actions are no longer required for air traffic control purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed holding, approach, missed approach, radar and departure procedures within the Riverside and Twentynine Palms, Calif., terminal areas.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Regional Air Traffic Division Chief, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This proposal was circularized to the public for informal comment by the Los Angeles Area Office on February 14, 1964, as Case 63–LAX–4.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under section 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

JOSEPH H. TIPPETS,
*Director, Western Region.*

[F.R. Doc. 64–12689; Filed, Dec. 10, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–WE–65]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Coeur d'Alene, Idaho, terminal area.

The Coeur d'Alene, Idaho, transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur d'Alene Air Terminal (latitude 47°46'30" N., longitude 116°49'05" W.), and within 2 miles each side of the 181° and 347° bearings from latitude 47°41'30" N., longitude 116°47'34" W., extending from the 5-mile radius area to 8 miles S. of latitude 47°41'30" N., longitude 116°47'34" W.

On October 30, 1964, the City of Coeur d'Alene commissioned a radio beacon at latitude 47°44'44" N., longitude 116°57'24" W. To provide controlled airspace for the protection of aircraft executing instrument approach and departure procedures utilizing this facility, the FAA proposes the alteration of the present Coeur d'Alene transition area as follows:

Redesignate the Coeur d'Alene transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur d'Alene Air Terminal (latitude 47°46'30" N., longitude 116°49'05" W.); within 2 miles each side of the 072° and 252° True bearings from the Coeur d'Alene radio beacon (latitude 47°44'44" N., longitude 116°57'24" W.), extending from the 5-mile radius area to 8 miles W. of the radio beacon, and within 2 miles each side of the 186° True bearing from the Coeur d'Alene radio beacon, extending from the radio beacon to 10 miles S. of the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under section 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 3, 1964.

JOSEPH H. TIPPETS,
*Director, Western Region.*

[F.R. Doc. 64–12690; Filed, Dec. 10, 1964; 8:45 a.m.]



# FEDERAL POWER COMMISSION

## [ 18 CFR Part 12 ]

[Docket No. R–268]

### HYDROELECTRIC LICENSED PROJECTS

### Inspections To Insure Safe Operation; Notice of Extension of Time

DECEMBER 4, 1964.

Upon consideration of the requests filed in the subject proceeding by Wisconsin Valley Improvement Company on November 13, 1964, Wisconsin Michigan Power Company and Northern States Power Company on November 16, 1964, Nekoosa-Edwards Paper Company on November 17, 1964, Wisconsin River Power Company and Consolidated Water Power Company on November 19, 1964, Wisconsin Public Service Corporation on November 20, 1964, and counsel for Wisconsin Power and Light Company on November 30, 1964, for an extension of time within which to file data, views, and comments in writing concerning the proposals set forth in the notice of proposed rulemaking issued in the above-designated matter on October 20, 1964;

Notice is hereby given that the time is extended from December 9, 1964 to and including January 8, 1965, within which interested persons may file data, views, and comments in writing concerning the proposals set forth in said notice of proposed rulemaking issued October 20, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64–12706; Filed, Dec. 10, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### IMPORTS INTO PUERTO RICO OF CRUDE OIL, UNFINISHED OILS AND FINISHED PRODUCTS, OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL

#### Adjustments in Maximum Levels

The maximum levels of imports into Puerto Rico of crude oil, unfinished oils and finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279, as amended, are modified pursuant to paragraph (c) of section 2 of the Proclamation to permit, during the period January 1, 1965, through June 30, 1965, 112,600 barrels per day in imports of crude oil and unfinished oils, and an additional 614 barrels per day in the imports of finished products, other than residual fuel oil to be used as fuel.

All non-Governmental holders of allocations of imports of finished products, other than residual fuel oil to be used as fuel, into Puerto Rico, have been canvassed with respect to their interest in supplying the increased requirements for finished products. With the exception of the Shell Oil Companies and Tropical Gas Company, all others have stated that they have no interest. Accordingly, the allocation made to the Shell Oil Companies will be increased to permit them to import into Puerto Rico an additional 552 barrels daily of asphalt, and the allocation made to the Tropical Gas Company will be increased to permit them to import into Puerto Rico an additional 62 barrels daily of propylene free propane.

STEWART L. UDALL,
*Secretary of the Interior.*

DECEMBER 9, 1964.

[F.R. Doc. 64-12789; Filed, Dec. 10, 1964; 8:50 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

### SALES OF CERTAIN COMMODITIES

#### December Sales List

*Notice to buyers.* Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during December 1964 are as announced by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, dry beans, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and soybeans.

Commodity Credit Corporation-owned corn will not be priced for export except for barter and CCC credit sales and for limited stocks stored in West Coast terminals.

On November 12 (press release USDA 3826-64), a new export program was announced for flaxseed and linseed oil. Operating details will be announced when completed.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for December 1964 are 4½ percent for periods up to and including 12 months, and 5 percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export under the CCC Export Credit Sales Program as provided under specific commodity listings.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Barley, cotton, tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

*Notice to exporters.* The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

| Commodity | Sales price or method of sale |
|---|---|
| Barley, bulk | Domestic or export, unrestricted use:<br>Storable: Market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [1] of the applicable 1964 price support rate (published price support loan rate plus 12 cents per bu.) for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown below.<br>Nonstorable: At not less than market price as determined by CCC. |

Markups and Agricultural Act of 1949 formula price examples (per bushel)

| Markup in cents received by | | Examples of in-store [2] formula minimum prices for No. 2 or better barley (ex-rail or barge in dollars) | |
|---|---|---|---|
| Truck | Rail or barge | Terminal | General sales price |
| *Cents* 12½ | *Cents* 7½ | Minneapolis, Minn.<br>Kansas City, Mo. | $1.28½<br>1.30½ |

Availability information: For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter and credit sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105% of the applicable price-support rate plus the adjustment referred to in above table. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices.

Available: Evanston and Kansas City ASCS offices. Stocks in Duluth or Minneapolis will be available through the Minneapolis ASCS grain office.

| | |
|---|---|
| Corn, bulk | Domestic or export—unrestricted use:<br>A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price support loan rate for the class, grade, and quality of the corn, plus the amount shown in C below applicable for the storage point involved.<br>B. General sales:[1]<br>1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price-support loan rate plus 15 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates.<br>2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC.<br>C. Markups and Agricultural Act of 1949 formula price examples (per bushel). |

| Markup in cents in-store at | | Example of in-store [2] formula minimum prices for No. 2 yellow corn (14 percent MT. and 2 percent F.M.) (ex-rail or barge in dollars) | |
|---|---|---|---|
| Production point | Other points | Terminal | General sales price |
| *Cents* 3 | *Cents* 4½ | Minneapolis, Minn.[3]<br>Chicago, Ill.[3] | $1.37¾<br>1.56½ |

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:
Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter and approved CCC credit, except that limited West Coast terminal stocks are available for export sale under Announcement GR-212 (barter, credit, and other designated sales) and under Announcement GR-368. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under any export announcement. The statutory minimum price referred to in the price adjustment provisions of Announcement GR-212 is 105% of the applicable price-support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit and barter sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

| Commodity | Sales price or method of sale |
|---|---|
| Cotton, upland | Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC.<br>Competitive offers under the terms and conditions of Announcement NO-C-26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton). Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.<br>Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcement CN-EX-25 (Cotton Export Program—Sales—1964-66 Marketing Years) and NO-C-29 (Sale of Upland Cotton—Cotton Export Program—1964-66 Marketing Years).<br>Export, CCC Credit Sales and Barter: Competitive bid under the terms and conditions of Announcement CN-EX-23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO-C-28 (Sale of Upland Cotton—CCC Credit and Barter Programs—1964-66 Marketing Years). |
| Cotton, extra long staple | Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.<br>Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton); or competitive bid under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton).<br>Available: Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from the office. |
| Dairy products | Sales are in carlots only in-store at storage location of products.<br>Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office. |
| Butter | Domestic or export: Unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound.<br>Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. |
| Cheddar cheese (standard moisture basis). | Domestic or export: Unrestricted use: Announced prices, under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound.<br>Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-36: Any cheese offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Tuesday. |
| Nonfat dry milk | Domestic or export: Unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound.<br>Export: Payment-in-kind under SM-8, as amended. Competitive bid, under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. |

See footnotes at end of table.

| Commodity | Sales price or method of sale |
|---|---|
| Dry edible beans (bagged) | Domestic or export: Unrestricted use: Domestic market price but not less than the following minimum price per cwt. for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjust by applicable 1964 price support differentials. |

| Class | Price per cwt. | Area of production |
|---|---|---|
| Dark Red Kidney | $9.17 | Michigan. |
| Pea | 7.48 | Michigan. |
| Great Northern | 7.53 | Denver rate basis. |
| Pinto | 6.76 | Denver rate basis. |

| Commodity | Sales price or method of sale |
|---|---|
| Flaxseed, bulk | Domestic or export: Unrestricted use: Storable: Market price basis in store,[2] but not less than the applicable 1964 support price for the class, grade, and quality of flaxseed plus 14½¢ per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above. |

| Unit | Received by | | Examples of minimum prices (ex-rail or barge) | | |
|---|---|---|---|---|---|
| | Truck | Rail or barge | Terminal | Class and grade | Price |
| Bushel | *Cents* 16½ | *Cents* 7½ | Minneapolis | No. 1 | $3.35 |

| Commodity | Sales price or method of sale |
|---|---|
| Grain sorghum, bulk | Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office.<br>Available: Through the Minneapolis Grain Merchandising ASCS office.<br>Domestic or export, unrestricted use:<br>A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1964 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved.<br>B. General sales:[1]<br>1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price support loan rate plus 23 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates.<br>2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC. |



| Commodity | Sales price or method of sale |
|---|---|
| Grain sorghum, bulk (continued) | Domestic and export, unrestricted use—Continued<br>C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight). |

| Markup in cents received by | | Examples of in-store [2] formula minimum prices for No. 2 or better grain sorghum (ex-rail or barge in dollars) | |
|---|---|---|---|
| Truck | Rail or barge | Terminal | General sales price |
| *Cents* 23½ | *Cents* 12½ | Kansas City, Mo | $2.60½ |

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.
Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum in-store in California terminals are not available for sale under these export announcements. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

| Commodity | Sales price or method of sale |
|---|---|
| Oats, bulk | Domestic or export: [1]<br>Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1964 price support rate for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added. |

| Per bushel markup in-store at | | Examples of per bushel formula minimum prices basis in-store | | |
|---|---|---|---|---|
| Production point | Other points | Terminal | Grade and class | Price |
| *Cents* 7½ | *Cents* 9 | Chicago,[3] Ill | No. 2 (XHWO) | $0.90½ |
| | | Minneapolis,[3] Minn | | .80¼ |

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.
Export announcement sales:
(1) Under Announcement GR-368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

| Commodity | Sales price or method of sale |
|---|---|
| Peanuts, shelled or unshelled (farmers' stock as available). | Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended and supplemented March 3, 1964. |
| Rice, rough | Domestic or export: Unrestricted use: Market price but not less than 1964 loan rate plus 5 percent plus 25 cents per cwt., basis in store.<br>Export: As milled or brown under Announcement GR-369, Revision II, Rice Export Program—Payment-in-kind, and under GR-379, Revision I, for approved credit sales. |
| Available | Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office. |
| Rye, bulk | Domestic or export,[1] unrestricted use:<br>Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1964 price support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above. |

| Per bushel markup received by | | Examples of per bushel formula minimum price (ex-rail or barge) | | |
|---|---|---|---|---|
| Truck | Rail or barge | Terminal | Class and grade | Price |
| *Cents* 13½ | *Cents* 7½ | Minneapolis, Minn | No. 2 or better (or No. 3 on TW only). | $1.43¼ |

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for approved CCC credit and other designated sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

| Commodity | Sales price or method of sale |
|---|---|
| Soybeans, bulk | Domestic or export: Unrestricted use: Market price, but not less than the 1964 basic loan rate for No. 2 grade, basis point of production plus 19 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price.<br>Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City and Minneapolis ASCS offices. |

| Commodity | Sales price or method of sale |
|---|---|
| Wheat, bulk | Domestic or export, unrestricted use:<br>A. Storable: The minimum price for such wheat shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1964 price support loan rate for the class, grade, and quality [4] of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.<br>B. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC.<br>C. Markups and formula minimum price examples. |

| Per bushel markup received by | | Examples of per bushel formula minimum price basis in-store [2] ex-rail or barge | | |
|---|---|---|---|---|
| Truck | Rail or barge | Terminal | Class and grade | Price |
| *Cents* 13½ | *Cents* 7½ | Chicago | No. 1 RW | $1.72½ |
| | | Kansas City | No. 1 HW | 1.68½ |
| | | Portland | No. 1 SW | 1.62½ |

D. Availability information: Storable Northern Spring Wheat sales for unrestricted use have been suspended until further notice. For information on CCC wheat sales from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:

(i) Under Announcement GR-345 (Revised August 25, 1964) as amended for export under the wheat export payment-in-kind program except that: (a) durum wheat will not be eligible for P.L. 480, Title 1 sales, and (b) hard winter wheat exports through West Coast ports will not be eligible for Title I, P.L. 480 sales, (2) under Announcement GR-261 (Rev. 2, Jan. 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961 as amended) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through West Coast ports under Announcements GR-261 or GR-262.

Available: Evanston, Kansas City, Minneapolis and Portland ASCS grain offices. (See above for limited availability of hard winter wheat through west coast ports.)

[1] Such dispositions shall be for domestic unrestricted use or for export.

[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.

[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight.

[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.

[5] Woodford County, Ill., origin.

[6] Redwood County, Minn., origin.

### USDA Agricultural Stabilization and Conservation Service Offices

#### Grain offices

**Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).**

**Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.**

**Branch Office—Minneapolis ASCS Branch Office, 210 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334–2051.**

**Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.**

**Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1–0860.**

**Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.**

**Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226–3361.**

**Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export sales only).**

**Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1–5121.**

**Arizona and California (Domestic sales only).**

#### Processed commodities office—(all states)

**Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334–3200.**

#### Cotton offices—(all states)

**New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529–2411.**

**Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2–8000.**

**Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556–6185.**

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on December 8, 1964.

H. D. Godfrey,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64–12764; Filed, Dec. 10, 1964; 8:50 a.m.]

## Office of the Secretary

## KANSAS AND WISCONSIN

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas and Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

Kansas

Graham. Sheridan.
Rooks.

Wisconsin

Burnett. Lincoln.
Florence. Oneida.
Forest. Rusk.
Langlade. Washburn.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Kansas counties after December 31, 1965, or in the above-named Wisconsin counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of December 1964.

Orville L. Freeman,
*Secretary.*

[F.R. Doc. 64–12714; Filed, Dec. 10, 1964; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## NEW DRUGS

### Notice of Approval of Applications March–October 1964

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33), notice is given of the following new drugs for which applications, or supplemental applications for substantive labeling changes, have been approved on the dates specified:



DRUGS FOR HUMAN USE

| Active ingredients (as declared on label) | Trade name or other designated name and dosage form | Principal indication or pharmacological category | Applicant | Date approved | How dispensed [1] |
|---|---|---|---|---|---|
| Methopholine, 60 mg. | Verstidyne (tablet). | Analgesic. | Roche Laboratories, Nutley, N.J. | Mar. 31, 1964 | Rx |
| Flurothyl. | Inloklon (inhalation). | Convulsant. | Ohio Chemical & Surgical Equipment Co., Wis. Madison, Co. | Apr. 1, 1964 | Rx |
| Meprobamate, 400 mg. | Meprobamate (tablet). | Tranquilizer. | Reese Laboratories, Calif. Los Angeles, | Apr. 6, 1964 | Rx |
| Methopholine, 30 mg.; aspirin, 227 mg.; phenacetin, 162 mg.; caffeine, 32.4 mg. | Verstidyne Compound 30 (tablet). | Analgesic. | Roche Laboratories, Nutley, N.J. | do. | Rx |
| Methopholine, 60 mg.; aspirin, 227 mg.; phenacetin, 162 mg.; caffeine, 32.4 mg. | Verstidyne Compound 60 (tablet). | do. | do. | do. | Rx |
| Tyloxapol, 0.25 percent; benzalkonium chloride 0.02 percent. | Elnulene (solution). | Contact lens solution. | Alcon Laboratories, Inc., Fort Worth, Tex. | do. | Rx |
| Betamethasone, 0.2 percent. | Celestone (cream). | Anti-inflammatory hormone. | Schering Corp., Bloomfield, N.J. | Apr. 10, 1964 | Rx |
| Betamethasone, 0.6 mg./5 cc. | Celestone (syrup). | do. | do. | Apr. 13, 1964 | Rx |
| Meprobamate, 400 mg. | Seidobamate (tablet). | Tranquilizer. | Mallard, Inc., Detroit, Mich. | do. | Rx |
| Dexamethasone, 0.5 mg./5 ml. | Hexadrol (elixir). | Anti-inflammatory hormone. | Organon Inc., West Orange, N.J. | Apr. 23, 1964 | Rx |
| Meprobamate, 200 mg., 400 mg. | Meprobamate (tablet). | Tranquilizer. | Barrows Chemical Co., Inc., Inwood, Long Island, N.Y. | May 5, 1964 | Rx |
| Meprobamate, 400 mg. | do. | do. | Strong, Cobb, Inc., Cleveland, Ohio. | do. | Rx |
| Oxymetazoline hydrochloride, 0.05 percent. | Afrin (solution spray). | Decongestant. | Schering Corporation, Bloomfield, N.J. | do. | Rx |
| Chlorthalidone, 50 mg.; reserpine, 0.25 mg. | Regroton (tablet). | Antihypertensive; diuretic. | Geigy Pharmaceuticals, Ardsley, N.Y. | May 8, 1964 | Rx |
| Sodium citrate, 2.63 percent; citric acid (hydrous), 0.327 percent; sodium biphosphate (dihydrous), 0.527 percent; dextrose (hydrous), 2.55 percent. | Cube-PAC (solution). | Blood collection-transfusion unit containing anticoagulant. | Baxter Laboratories, Inc., Morton Grove, Ill. | May 13, 1964 | Rx |
| Meprobamate, 400 mg. | Meprobamate (tablet). | Tranquilizer. | Pennex Products Co., Inc., Verona, Pa. | May 25, 1964 | Rx |
| Fluocinolone acetonide, 0.01 percent. | Synalar (solution). | Anti-inflammatory hormone. | Syntex Laboratories, Inc., Palo Alto, Calif. | May 27, 1964 | Rx |
| Ethylestrenol, 2 mg. | Maxiboln (tablet). | Anabolic hormone. | Organon Inc., West Orange, N.J. | May 28, 1964 | Rx |
| Dexamethasone, 0.1 percent. | Maxidex (solution). | Anti-inflammatory hormone. | Alcon Laboratories, Inc., Fort Worth, Tex. | July 16, 1964 [2] | Rx |
| Triamterene, 100 mg. | Dyrenium (capsule). | Diuretic. | Smith Kline & French Laboratories, Philadelphia, Pa. | Aug. 10, 1964 | Rx |
| | Absorbable Surgical Suture. | Suture. | Ethicon, Inc., Summerville, N.J. | Aug. 27, 1964 | Rx |
| Dexamethasone 21-phosphate, 0.1 percent. | Decadron Phosphate (cream). | Anti-inflammatory hormone. | Merck Sharp & Dohme Research Laboratories, West Point, Pa. | Sept. 11, 1964 [2] | Rx |
| Isoflurophate, 0.025 percent. | Floropryl (ointment). | Glaucoma. | do. | do. [3] | Rx |
| Triamcinolone acetonide, 0.025 percent. | Kenalog (lotion). | Anti-inflammatory hormone. | E.R. Squibb & Sons, New Brunswick, N.J. | Sept. 25, 1964 [2] | Rx |

See footnotes at end of table.

DRUGS FOR HUMAN USE—continued

| Active ingredients (as declared on label) | Trade name or other designated name and dosage form | Principal indication or pharmacological category | Applicant | Date approved | How dispensed [1] |
|---|---|---|---|---|---|
| Mecliziine hydrochloride, 25 mg. | Mecliziine Hydrochloride (tablet). | Antimotion sickness. | Arlin Chemicals, Inc., Carlstadt, N.J. | Oct. 2, 1964 | Rx |
| Anileridine dihydrochloride, 25 mg. | Apodol (tablet). | Analgesic. | E. R. Squibb & Sons, New Brunswick, N.J. | Oct. 15, 1964 | Rx |
| Anileridine, 25 mg./cc. | Apodol (injection). | do. | do. | do. | Rx |
| Cholestyramine resin. | Cuemid (powder). | Antipruritic. | Merck Sharp & Dohme Research Laboratories, West Point, Pa. | do. | Rx |

DRUGS FOR VETERINARY USE

| Active ingredients (as declared on label) | Trade name or other designated name and dosage form | Principal indication or pharmacological category | Applicant | Date approved | How dispensed [1] |
|---|---|---|---|---|---|
| Dexamethasone, 10 mg. | Azium (bolus). | Anti-inflammatory hormone. | Schering Corporation, Bloomfield, N.J. | Mar. 25, 1964 | Rx |
| Acepromazine maleate, 10 mg./cc. | Acepromazine maleate (injection). | Tranquilizer. | Ayerst Laboratories, Inc., New York, N.Y. | Apr. 8, 1964 | Rx |
| Hydrochlorothiazide, 25 mg./cc. | Vetidrex (injection). | Diuretic. | CIBA Pharmaceutical Co., Summit, N.J. | May 1, 1964 | Rx |
| Hydrochlorothiazide, 1 g. | Vetidrex (bolus) | do. | do. | May 6, 1964 | Rx |
| Iron hydrogenated dextran, 100 mg./cc. iron. | Hyferdex (injection). | Hematinic. | Corvel, Inc., Omaha, Nebr. | May 8, 1964 | OTC |
| Primidone, 250 mg. | Medi-Pets (tablet). | Anticonvulsant. | Ayerst Laboratories, Inc., New York, N.Y. | Sept. 25, 1964 | Rx |
| Cyclothiazide, 1 mg. | Renaxide (tablet) | Diuretic. | Corvel, Inc., Omaha, Nebr. | Oct. 2, 1964 [2] | Rx |
| Dexamethasone, 10 mg. | Azium (powder) | Anti-inflammatory hormone. | Scherling Corporation, Bloomfield, N.J. | Oct. 13, 1964 | Rx |
| Ferric oxide stabilized with a 17 percent by dextrin, 100 mg./cc. iron. | Dextron-100 (injection). | Hematinic. | Norden Laboratories, Inc., Lincoln, Nebr. | do. | OTC |

[1] The abbreviation "Rx" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that have been exempted from prescription.

[2] Supplemental application, labeling change.

[3] Supplemental application, new package size.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a))

Dated: December 2, 1964.

John L. Harvey,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–12658; Filed, Dec. 10, 1964; 8:45 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50–183]

## GENERAL ELECTRIC CO.

### Notice of Proposed Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission proposes to issue Amendment No. 2, set forth below, to Provisional Operating License No. DR–10 which authorizes the General Electric Company to operate its ESADA–Vallecitos Experimental Superheat Reactor located near Pleasanton, California. The amendment will authorize an increase in operating power level from 12.5 Mwt to 17 Mwt.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) The issuance of this amendment will not be inimical to the common de-

fense and security or to the health and safety of the public.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment (Proposed Change No. 9) dated August 14, 1964, as supplemented on August 21, 1964, and (2) a related hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 7th day of December 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director,*
*Division of Reactor Licensing.*

AMENDMENT TO PROVISIONAL OPERATING LICENSE

[License DR-10, Amdt. 2]

Provisional Operating License No. DR-10 issued to the General Electric Company is hereby amended in the following respects:

1. Paragraph 1 is revised by adding the dates of "August 14, 1964," and "August 21, 1964", to the list of dates therein of amendments to General Electric's application for operating license.

2. Paragraph 4.A. is revised in its entirety to read as follows:

"A. General Electric shall not operate the reactor at power levels in excess of 17.0 megawatts thermal."

3. The Technical Specifications attached as Appendix "A" to Provisional Operating License No. DR-10 are changed as set forth in the attachment hereto.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

*Director,*
*Division of Reactor Licensing.*

ATTACHMENT "B"

CHANGES TO TECHNICAL SPECIFICATIONS

NOTE: The following changes pertain to the power level increase:

1. Change paragraph V.C.1. to read as follows:

"1. The reactor shall not be operated at a planned normal power level in excess of 17 Mw (thermal). The power level (high neutron flux) scram setting on the picoammeters shall be set at a level not in excess of 125% of the maximum planned normal power level for any given test operation, but shall in no event be set at a level greater than 21.3 Mwt."

2. In paragraph VI.E.2., fourth line, change "12.5 Mwt" to read "17 Mwt".

[F.R. Doc. 64-12717; Filed, Dec. 10, 1964; 8:48 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15556; Order E-21564]

## AIR TRAFFIC CONFERENCE OF AMERICA

### Order Authorizing Discussions of Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1964.

On September 22, 1964, by Order E-21310, the Board authorized certain discussions among the members of the Air Traffic Conference (ATC) relating to proposed revisions in the free baggage allowance and excess baggage charges. Such discussions took place at the ATC meeting on the 28th and 29th of October. As a result, it was decided that certain surveys and further discussion were needed in order to permit a full evaluation of the new approach being considered. ATC, by its Executive Secretary, has, therefore, requested that the authorization of discussions be extended so as to permit conduct and evaluation of the surveys as well as further discussions of the matter at a special Conference meeting to be called in March.

As outlined in the request of ATC, the survey would be conducted under a Special Committee of airline representatives and an "Ad Hoc" Committee working under the Special Committee. There would be two survey periods: the first, in the middle of November, and the second, during the first week in February. Analyses of the results and preparation of a final report and recommendations to the Conference would be begun at meetings of the Special and "Ad Hoc" Committees in December. No meetings are presently scheduled for January, but the committees would meet in February to finalize the report and recommendations to be presented at a special Conference meeting to be called in March.

The ATC request apparently contemplates a blanket authorization covering the five-month period between the present and the March Conference meeting. However, the power to permit such discussions to take place free from application of the antitrust laws is an extraordinary one which we are reluctant to use except in the most limited and carefully controlled circumstances. The actual physical conduct of the surveys and tabulation of the results would appear to require no authorization. Moreover, we do not believe that a blanket authorization permitting informal discussions at any time the participants desire is either necessary or proper. Accordingly, we will limit the authorization to those instances where it appears to be needed, i.e., specific meetings at which the results of the survey will be analyzed and recommendations formulated. There are four such committee meetings and the special conference meeting scheduled for March of next year.

Our reasons for departing from our policy of precluding inter-carrier discussions of domestic rates in this case have already been stated in Order E-21310. The surveys contemplated by the instant request would appear to be useful in reaching a result consistent with the public interest. Accordingly, the Board has decided to authorize further discussions to the extent necessary. The authorization will be conditioned in a manner to provide adequate safeguards to the public interest. In addition, we will require that the tabulated results of each carrier's survey be filed with the Board together with any over-all compilation so that we may have the benefit of such information in evaluating any agreement that may be presented to us for approval, or in the further processing of Docket 14274, if no agreement is reached.

The five-month period during which the surveys will be conducted and evaluated, in our opinion is too long a time to delay the further processing of the investigation in Docket 14274. There is no assurance that the discussions authorized will culminate in a satisfactory agreement. The prehearing conference in this case was originally scheduled for October 24 and was postponed until further notice in order to permit the carriers to discuss the American Airlines proposal at the October ATC meeting. Thus, a substantial delay has already been permitted and to sanction still further delay would deprive the public of the expeditious disposition to which it is entitled should the further carrier discussions prove not to be fruitful. We will, therefore, direct that the prehearing conference be reassigned for a date in the near future and that the processing of the investigation proceed normally while the survey is being conducted and evaluated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412 and 414 thereof:

*It is ordered,* That,

1. The carrier members of the Air Traffic Conference of America are authorized to engage in discussions on one occasion during March 1965 looking toward possible revisions to the currently effective baggage allowances and charges: *Provided,* That, if the Board deems it appropriate or necessary, observers from the Board's staff shall attend such discussions.

2. The carrier representatives, listed below who are members of a Special or "Ad Hoc" Committee of the Air Traffic Conference of America are authorized to meet on three occasions in December of 1964 and one occasion in February of 1965 to discuss possible revisions in baggage allowances and charges: *Provided,* That, if the Board deems it appropriate or necessary, observers from the Board's staff shall attend such discussions.

3. The Board be given at least 48 hours notice of the time and place of any discussion authorized herein by filing written notice with the Board's Docket Section.



4. Complete and accurate minutes shall be kept of all such discussions, and a true copy thereof be filed with the Board's Docket Section not later than 30 days after the conclusion of the discussions.

5. Any agreement or agreements reached as a result of such discussions (together with the minutes of such discussions) shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect.

6. The tabulated results of each participating carrier's survey of passenger baggage to be conducted by the Air Traffic Conference of America in November of 1964 and February of 1965 together with any overall compilation of such surveys shall be filed with the Board's Docket Section not later than 30 days after they are available.

7. This order shall be served upon all domestic certificated local service and trunkline air carrier members of the Air Traffic Conference of America.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

SPECIAL COMMITTEE

| | |
|---|---|
| F. J. Mullins | American Airlines |
| R. H. Burck | Braniff Airways |
| R. E. Hill | Bonanza Airlines |
| W. J. Mitchell | Frontier Airlines |
| D. S. Getchell | Lake Central Airlines |
| R. P. Hubley | Los Angeles Helicopter |
| J. W. Colther | National Airlines |
| B. D. Jones | Trans World Airlines |
| W. D. Dilworth | United Airlines |
| M. E. Sullivan | Western Airlines |

AD HOC COMMITTEE

| | |
|---|---|
| R. F. Wall | United Airlines |
| E. E. Dittmars | American Airlines |
| G. W. Hunt | Continental Airlines |
| R. C. Hannon | Ozark Airlines |

[F.R. Doc. 64-12761; Filed, Dec. 10, 1964; 8:50 a.m.]

[Docket No. 7531; Order E-21565]

## CITY OF FALL RIVER, MASS.

### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1964.

On November 30, 1955, the City of Fall River, Massachusetts filed with the Board a complaint alleging that Northeast Airlines, Inc. has failed to provide the city with adequate air service within the meaning of section 404(a) of the Federal Aviation Act, and requesting that the carrier be required to provide the city, at its own airport, with a minimum of three daily round trips to New York City.

Northeast was first certificated to serve Fall River in Northeast Airlines, Inc., Additional Service to Boston, 4 C.A.B. 686 (1944). However, the Board in its decision authorized service by Northeast to Fall River through the New Bedford airport.[1] No changes in Northeast's Fall River-New Bedford certificate authority have been made since 1944, and Northeast has continued to serve Fall River through the New Bedford airport since that time. At present Northeast is providing New Bedford-Fall River with three daily round trips to New York.[2] Flights are presently scheduled so as to provide both cities with early morning, afternoon, and evening departures.

In view of Northeast's certificate obligation to serve New Bedford-Fall River as a single, hyphenated point and Northeast's New York commuter schedules provided Fall River through the New Bedford airport, only 13 miles and 30 minutes driving time from downtown Fall River,[3] we see no basis for proceeding further with Fall River's complaint. The Board tentatively finds and concludes that the complaint does not state facts warranting the institution of an adequacy of service investigation. Therefore, the City of Fall River will be directed to show cause why its complaint should not now be dismissed.

*Accordingly, it is ordered,*

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and dismissing the complaint of Fall River, Massachusetts in Docket 7531.

2. That all interested persons having objection to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 15 days of service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, such statement to conform to the Board's Rules of Practice in Economic Proceedings; [4]

3. That, if timely objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That, in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. That a copy of this order shall be served on the City of Fall River, Massachusetts and Northeast Airlines, Inc., who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-12762; Filed, Dec. 10, 1964; 8:50 a.m.]

[1] 4 C.A.B. at 698.
[2] Official Airline Guide, November 1, 1964.
[3] OAG, October 1, 1964.
[4] No petition for reconsideration of this order will be entertained.

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15535, 15536; FCC 64M-1226]

## NELSON BROADCASTING CO. AND UBIQUITOUS FREQUENCY MODULATION, INC.

### Order Continuing Hearing

In re applications of Donald P. Nelson & Wilbur E. Nelson, d/b as Nelson Broadcasting Company, Kingston, New York, Docket No. 15535, File No. BPH-4211; Ubiquitous Frequency Modulation, Incorporated, Hyde Park, New York, Docket No. 15536, File No. BPH-4312; for construction permits.

The Hearing Examiner having under consideration a letter request for continuance of hearing dated December 4, 1964, from Ubiquitous Frequency Modulation, Incorporated in the above-entitled matter, and

It appearing, that a continuance is a necessity in the circumstances of this case and that counsel for the other applicant and the Commission's Broadcast Bureau have agreed to a reasonable continuance and immediate consideration of the request,

*It is ordered,* This 7th day of December 1964, that the aforesaid request is granted, and that, accordingly, the present hearing date of December 11, 1964, is changed to December 14, 1964, on which day the hearing will commence at 10:00 a.m. in the Commission's offices in Washington, D.C.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12756; Filed, Dec. 10, 1964; 8:50 a.m.]

[Docket Nos. 14878, 14879; FCC 64M-1228]

## PRATTVILLE BROADCASTING CO. AND BILLY WALKER

### Memorandum Opinion and Order Scheduling Hearing

In re applications of Ned N. Butler and Claude M. Gray, d/b as the Prattville Broadcasting Company, Prattville, Alabama, Docket No. 14878, File No. BP-14571; Billy Walker, Prattsville, Alabama, Docket No. 14879, File No. BP-14729; for construction permits.

1. In their pleadings filed December 3, 1964, the applicants move for a field hearing in the above-entitled proceeding. The Broadcast Bureau consents.

2. The applicants herein are competing for authorization to construct and operate a daytime standard broadcast station in Prattville, Alabama, using the frequency 1330 kilocycles. Prattville Broadcasting Company proposes power output of 1 kilowatt; Walker proposes

500 watts. Following hearings held March 20 and 21, 1963, Hearing Examiner Basil P. Cooper issued an Initial Decision looking toward grant of the Walker application and denial of the competing application. Thereafter, the Commission's Review Board, upon consideration of a series of pleadings, remanded the case to the Hearing Examiner for further hearings and the issuance of a Supplemental Initial Decision on additional issues, viz., whether applicant Walker lacked candor in the showing heretofore made in support of his application, and whether he attempted to mislead the Commission in regard to his financial qualifications and the possible interest of another party in his application. Hearings on the remand which were originally scheduled to commence December 8, 1964, in Washington, D.C., are being continued to January 13, 1965.

3. The language of the Review Board's remand order, as well as the showing made by the applicants in support of their pleadings, make clear that full development of the evidence under the new issues is possible only through the field hearing sought.

*It is ordered*, This 7th day of December 1964, that the motions are granted, and that sessions of the hearings in the above-entitled proceeding will be held in Prattville, Alabama, commencing January 13, 1965.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12757; Filed, Dec. 10, 1964; 8:50 a.m.]

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[Docket Nos. 15701, 15702; FCC 64M-1230]

## SOUTHERN NEWSPAPERS, INC., AND RADIO HOT SPRINGS CO.

### Order Advancing Prehearing Conference

In re applications of Southern Newspapers, Inc., Hot Springs, Arkansas, Docket No. 15701, File No. BPH-3984; C. J. Dickson, Guy R. Beckham and James M. Alexander, d/b as Radio Hot Springs Company, Hot Springs, Arkansas, Docket No. 15702, File No. BPH-4124; for construction permits.

The Hearing Examiner having under consideration a petition filed on December 4, 1964, by the Broadcast Bureau, requesting that the prehearing conference in the above-entitled proceeding, presently scheduled for December 23, 1964, be advanced to December 16, 1964; and

It appearing, that Broadcast Bureau counsel assigned to this proceeding will be unable to meet the presently scheduled prehearing date of December 23, 1964; and

It further appearing, that counsel for all other parties to this proceeding have informally consented to the requested advance of the date of the prehearing conference and agreed to a waiver of the four-day rule for consideration of this pleading;

*It is, therefore ordered*, This 7th day of December 1964 that the petition be and it is hereby granted; and the prehearing conference in the above-styled proceeding be and it is hereby advanced from December 23, 1964, at 9:00 a.m., to December 16, 1964, at 10:00 a.m., in the offices of the Commission in Washington, D.C.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12758; Filed Dec. 10, 1964; 8:50 a.m.]

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[Docket No. 15641; FCC 64R-552]

## INTERNATIONAL PANORAMA TV, INC.

### Memorandum Opinion and Order Amending Issues

In re application of International Panorama TV, Inc., Fontana, California, Docket No. 15641, File No. BPCT-3181; for construction permit for new television broadcast station.

1. The Review Board has before it for consideration a petition to clarify or enlarge issues, filed November 6, 1964, by Broadcast Bureau.[1]

2. On April 22, 1963, International Panorama TV, Inc. (hereinafter International) filed its instant application for a construction permit for a new television broadcast station to operate on Channel 40, Fontana, California. Channel 40 is allocated to Riverside, California, but the applicant has specified Fontana, California, as its principal community to be served. The proposed new station would place a principal city signal over the whole of Los Angeles, California, as well as over Fontana and Riverside.

3. At the time the Commission designated the above-captioned application for hearing, it had before it a petition to deny, and pleadings related thereto. Said petition was filed by Spanish International Broadcasting Company, permittee of Television Station KMEX-TV, Channel 34, Los Angeles, California (hereinafter KMEX).[2] KMEX alleged that Angel Lerma Maler (also known as Angel Lerma; for consistency the name Maler will be used here), president and 75 percent shareholder of International, and 100 percent owner of Panorama Latino TV, Inc. (which produces Spanish language television programming for telecast over Station KCOP-TV, Channel 13, Los Angeles), lacked the requisite character qualifications to be a broadcast licensee. In its petition KMEX asserted that Maler tried to injure Station KMEX-TV by sending, under fictitious Latin American names, letters disparaging various practices of the station to the Commission, government officials, and some of the station's advertisers, among others. In its petition, KMEX also asserted that an inaccurate report concerning the degree of UHF conversion in the Los Angeles area, which bore the legend "Associated Research Company" and which was extracted from a more complete version of a survey report, was circulated anonymously by Panorama Latino TV, Inc., among various advertising agencies and other potential time buyers of KMEX-TV. A copy of one of the "inaccurate reports" was attached to the petition, but a copy of the "more complete version" was not. In an affidavit attached to the petition, Donn E. Mire, an examiner of questioned documents, stated that a copy of the altered report and the envelope in which it was mailed were typed on the same machine as a carbon copy of a letter which was found by a private detective in a trash can used by Panorama Latino TV, Inc., and which had the name Angel Lerma typed below the space reserved for the signature. An attached affidavit of said detective, Lee Worthington Cake, verified the discovery of said carbon copy.

4. In its opposition, which was verified by Maler, to KMEX's petition to deny, International stated that "Mr. Lerma [Maler] ha[d] been unable, after a most careful investigation, to find out who prepared and sent this report • • • [and] affirms that neither he nor, on his investigation anyone connected with Panorama Latino, prepared or distributed [it] • • •" In an attached affidavit Maler claimed that during the years 1962 and 1963 there were several unauthorized entries into the offices of Panorama Latino TV, Inc. While two other attached affidavits attempted to show that Alexander G. Golomb (also known as Alexander G. Colombo), an employee of Panorama Latino TV, Inc., wrote and was solely responsible for the aforementioned disparaging letters,[3] there was no admission of responsibility for the altered report.

5. In an affidavit attached to KMEX's reply to opposition, James Coyle, who had requested Associated Research Company to conduct a survey of UHF conversions in the Los Angeles area, stated that he had forwarded to Maler, at the latter's request and for his "own personal use," a copy of an abbreviated report of the full survey report, both of which were written by aforesaid research company and which were, according to Coyle's instructions, to be read together; that after Coyle had learned that altered copies of the abbreviated report were in circulation, he called Maler and asked him if he had distributed the altered report; and that at first Maler answered in the negative, but upon being asked a second time, Maler admitted mailing the altered report to "a few friends." In another affidavit, Miguel Reyes Medina stated that Maler showed him a copy of the altered report. Attached to KMEX's reply to opposition were copies of the altered summary report, the original full report, and the original summary report. The one significant difference between the two abbreviated reports, both of which state as a conclusion that "retail sales to the public of UHF Converters have declined for each succeeding month since sales began," is that the altered one has the following inscription on a fly sheet, and substantially the same inscription at the tops of five of the six pages of the report, whereas the original one has no fly sheet nor a similar inscription:

ASSOCIATED RESEARCH COMPANY COMMENTS FROM TV RETAILERS ON SALES AND PERFORMANCE OF CONVERTORS FOR THE NEW UHF KMEX-TV CHANNEL 34

6. In its Memorandum Opinion and Order of designation (FCC 64-903), released October 2, 1964, the Commission dismissed KMEX's petition as being untimely filed, but nevertheless it decided to "consider the questions raised therein" on its own motion. Relevant to the instant problem are the following statements of the Commission:

> 4. We are asked to consider four questions in this matter • • • [one of which is] whether the applicant has the requisite character qualifications to be a broadcast licensee, in view of the disparaging letters discussed below.
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> • • • • •
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> 8. The basic problem presented by this case is the question of whether the applicant has the requisite character qualifications to be a broadcast licensee. In order to place our decision in proper perspective, a brief summary of the events leading to the filing of the petition in this matter appears appropriate.
>
> 9. • • • [The Commission here discusses the letters sent to the Commission.] There are also other letters and documents involved which the petitioner alleges were sent by Maler to advertisers and others in an attempt to defame, injure and destroy Station KMEX-TV.
>
> 10. In January 1964, the applicant was apprised by the Commission of the information at hand and was requested to comment on the charges that the letters had originated in the offices of Panorama Latino TV. Maler thereupon submitted a categorical denial, under oath, stating that he had no knowledge whatsoever of the letters or their origin. Subsequently, the applicant instituted its own investigation into the matter and discovered that the letters had all been written by one Alexander G. Golomb. • • • The applicant, however, states that the letters were written by Golomb for reasons of his own without the knowledge, consent or acquiescence of Maler. Maler steadfastly and categorically denies that he knew about the letters, that he had any connection therewith, or that he acquiesced in, condoned, or ratified Golomb's actions. The applicant has submitted affidavits to support its position, including one from Golomb in which he swears that he was solely responsible for the letters, that he wrote them in Maler's absence, that he wrote the letters at home, that he subsequently surreptitiously had the type on the typewriter changed, and that he used fictitious names • • • Petitioner alleges that, in any event, Maler ratified Golomb's action by retaining Golomb in his employ after the authorship of the letters was discovered.
>
> 11. The only question to be resolved in this proceeding is the responsibility, if any, of Maler. There is presently insufficient information before the Commission to allow us to make a judgment as to the plausibility of the explanation offered by the applicant. Obviously, this application cannot be granted without resolving the question of whether Maler must bear some responsibility in this matter. While it is apparent that no person other than Maler and those associated with him could have the "personal knowledge" required of affiants by Section 309(d) of the Communications Act, as to what Maler actually knew, it is conceivable that testimony could be elicited and evidence adduced from which valid inferences could be drawn as to Maler's responsibility, if any, for the actions of Golomb. Just as the public interest would require us to determine whether the applicant has the requisite qualifications to be a broadcast licensee if the evidence discloses Maler's complicity, so the public interest would seem to require a grant free of unresolved character questions if the evidence discloses Maler's innocence. It seems to us, therefore, that even if the evidence discloses that Maler was, to some extent and in some manner, responsible for the letters and other documents, we must further determine whether such responsibility necessarily reflects adversely on his character and, if so, whether the public interest would necessarily require us to deny the application. Clearly, a full and complete record of all of the facts and circumstances surrounding the writing of these letters and other documents is necessary in order to enable us to resolve these questions • • •

7. The Commission consequently designated the International application for hearing upon the following issues:

> 1. To determine whether Angel Lerma Maler was responsible for the actions of Alexander G. Golomb (also known as Alexander G. Colombo) in writing letters and other documents referred to in this Memorandum Opinion and Order and, if so, the nature and extent thereof.
>
> 2. To determine, if Issue 1 is resolved in the affirmative, whether the conduct of Angel Lerma Maler adversely reflects on the qualifications of the applicant to be a broadcast licensee.
>
> 3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

8. Believing that the aforestated issues encompass both the matter of the letters and the matter of the report, the Broadcast Bureau requested a conference with the Hearing Examiner in order to obtain a clarification and interpretation of said issues. At the conference, held November 4, 1964, the Broadcast Bureau was unable to obtain a ruling that the matter of the report is encompassed within the issues. While the Examiner said that he could not see that the report was referred to even remotely in the Commission's designation Order (Tr. 35, 41), he stated:

> [W]hether I would be disposed to receive the report or any testimony with reference to it, I could not pass on that now. I would have to see the witness, and listen to counsel's objection, and rule on the record accordingly • • •. What specifically I am going to receive in evidence under these issues, I could not state at this time. (Tr. 29–30)

Later, at Tr. 41, 42–43, the Examiner stated that while he would not make a declaratory ruling at that time, at the hearing he would permit the Broadcast Bureau to present evidence concerning the report and would entertain International's motion to strike after completion of the testimony. He said he was "trying to save time" and "trying to avoid a trip to the Commission on amended issues" (Tr. 45). However, since this proposal was not acceptable to International the Examiner withdrew it (Tr. 45).

9. The Broadcast Bureau now requests (a) that the Review Board clarify Issue 1 by holding that it encompasses inquiry into Maler's activities with regard to the abbreviated report and his representations to the Commission concerning said report; or (b) that, if the Review Board does not clarify Issue 1 as requested in (a), it designate the following issue:

> To determine whether Angel Lerma Maler was responsible in any way for the preparation and/or dissemination of a "summary report" regarding UHF conversion in Los Angeles; and whether Maler misrepresented and/or was lacking in candor in furnishing information to the Commission regarding his knowledge of the preparation and/or dissemination of this summary report.

The Broadcast Bureau bases its position on the fact that in its designation Order the Commission occasionally uses the language "letters and other documents" (see above, para. 4). The Broadcast Bureau asks, "What was the Commission referring to when it used the word 'document', if it was not referring to the summary report?" And petitioner states that in light of the affidavit of Coyle and "the findings of the questioned document analyst" (Donn E. Mire), a question is presented as to whether Maler, in denying any knowledge of the preparation or dissemination of the report, made misrepresentations to the Commission.

10. It is clear from the context of paragraph 11 of the Commission's Memorandum Opinion and Order and from Issue 1 itself that the Commission's primary concern was the responsibility of Maler for the actions of Golomb. There is no doubt that Issue 1 does not call for a determination of whether Maler was solely responsible for writing anything. Thus, it is significant here that there were no allegations by International (or KMEX) before the Commission—nor did the Commission make any comments—that there was any connection between Golomb and the summary report; his name was mentioned throughout the pleadings and the decision only in relation to the letters. On this ground alone the Review Board must conclude that Issue 1 is restricted to a determination of whether Maler was responsible for Golomb's letter-writing activities; and not whether he was solely to blame for the alteration and/or dissemination of the summary report.

11. In recommending addition of its proposed issue, the Broadcast Bureau is not renewing any request made in KMEX's petition to deny, nor is it asking for reconsideration of the Commission's

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[1] Also before the Review Board are: (a) opposition, filed November 10, 1964 by International Panorama TV, Inc., and (b) reply to the opposition filed November 18, 1964, by the Broadcast Bureau. The Broadcast Bureau filed its petition more than fifteen days after the publication of the designation Order in the FEDERAL REGISTER, but it has shown good cause to justify its delay.

[2] KMEX claimed standing in this proceeding on the ground that International's proposed station would compete with it for revenues in the Los Angeles area and that it would suffer economic injury due to a diversion of revenues.

[3] In one of said affidavits, Golomb admitted his sole responsibility for writing the letters; in the other affidavit, John J. Harris, examiner of questioned documents, stated that the signatures on the letters were in Golomb's handwriting.

designation Order. Instead the Broadcast Bureau is desirous of adding an issue, based upon the affidavits of Coyle and Mire and the contradictory affidavit of Maler, as to whether the latter had made any misrepresentation to the Commission or was lacking in candor.[4] In its petition to deny KMEX was concerned with Lerma's character qualifications and did not allege misrepresentation concerning the altered report. Thus, the Commission was not faced with the misrepresentation question which is now before the Review Board and consequently did not address itself to said question. The Review Board believes that the issue requested by the Broadcast Bureau must be added to this proceeding in light of the question raised by the affidavits of Mire, Coyle, and Reyes,[5] especially when viewed with the statement verified by Maler concerning the latter's lack of knowledge of the preparation and/or dissemination of the summary report. This application cannot be granted without a resolution of said question, which might well go to the heart of Maler's qualifications to be a broadcast licensee. While no person other than Maler and those associated with him could have the "personal knowledge" required of affiants by Section 309(d) of the Communications Act, as to what Maler actually did or knew, it is conceivable that testimony could be elicited and evidence adduced from which valid inferences could be drawn concerning Maler's implication in the matter of the altered summary report. It is clear that a full and complete record of all the facts and circumstances surrounding Maler's connection with the altered report is necessary in order for a determination to be made concerning Maler's qualifications.

*Accordingly, it is ordered,* This 7th day of December 1964, That the petition to clarify or enlarge, filed November 5, 1964, by the Broadcast Bureau, is denied insofar as clarification is concerned, and is granted insofar as enlargement is concerned; that existing issues 2 and 3 are renumbered as issues 3 and 4; and that the issues in this proceeding are enlarged by addition of the following new issue 2:

2. To determine whether Angel Lerma Maler was responsible in any way for the preparation and/or dissemination of a "summary report" regarding UHF conversion in Los Angeles; and whether Maler misrepresented and/or was lacking in candor in furnishing information to the Commission regarding his knowledge of the preparation and/or dissemination of this summary report.

*It is further ordered,* That issue 3 is amended to read as follows:

3. To determine, if Issue 1 or 2 is resolved in the affirmative, whether the conduct of Angel Lerma Maler adversely reflects on the qualifications of the applicant to be a broadcast licensee.

Released: December 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12759; Filed, Dec. 10, 1964; 8:50 a.m.]

[Docket Nos. 15248, 15626; FCC 64R-551]

## UNITED ARTISTS BROADCASTING, INC., AND OHIO RADIO, INC.

### Memorandum Opinion and Order Amending Issues

In re applications of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT-3168; Ohio Radio, Incorporated, Lorain, Ohio, Docket No. 15626, File No. BPCT-3348; for construction permit for new television broadcast station.

1. The Review Board has before it for consideration a motion to enlarge issues, filed October 8, 1964, by Ohio Radio, Incorporated (Ohio).[1] Ohio seeks to enlarge issues beyond those designated by Commission Order, FCC 64-860, released September 18, 1964, by the addition of five issues as to United Artists Broadcasting, Inc. (United Artists):

(1) To determine the efforts made by United Artists Broadcasting, Inc., to ascertain the programming needs and interests of the area to be served, and the manner in which it proposes to meet such needs and interests.

(2) To determine whether in light of the evidence adduced in connection with the "Suburban" issue, whether United Artists Broadcasting, Inc., can be relied upon to carry out its program proposal.

(3) To determine whether the application of United Artists Broadcasting, Inc., should be denied because of conflict with the requirements of § 73.613 of the rules.

(4) To determine whether the proposal of United Artists Broadcasting, Inc., is consistent with section 307(b) of the Communications Act and the policies reflected therein, and §§ 73.606 and 73.607 of the Commission's rules and the policies reflected therein.

(5) To determine whether United Artists Broadcasting, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

These requested issues will be discussed in order.

2. United Artists originally filed an application for Channel 65, Cleveland, Ohio, on March 25, 1963; that application was designated for comparative hearing with two competing applications on December 23, 1963 (FCC 63-1161). An amendment offered by United Artists was granted on April 1, 1964 (FCC 64M-275) permitting withdrawal of United Artists from the Channel 65 proceeding and allowing an amendment of its application to specify Channel 31, Lorain, Ohio. On May 26, 1964, Ohio filed an application for Channel 31, Lorain. At the time of United Artists' Channel 31 amendment, a rule making proceeding was in progress (Docket No. 14229), to consider a proposal for the transfer of Channel 31 from Lorain to Cleveland. That proceeding is still pending.

3. *Requested Issues 1 and 2.* Ohio alleges that United Artists' amended application, although it specifies Lorain as its principal city, made no change in the programming which had been proposed for Cleveland. Movant contends that the similarities in United Artists' program proposals for Cleveland and Lorain raise a question as to whether the proposal for Lorain has been tailored to meet the needs of the area to be served. Ohio further contends that in similar situations the Commission and the Board have inquired into an applicant's proposal. It cites *Suburban Broadcasters,* FCC 60-559, 20 RR 52 (1960) and *Geoffrey Lapping,* FCC 63R-348, 1 RR 2d 153 (1963). Ohio asserts that a "Suburban" issue is necessary in that Lorain and Cleveland are in separate standard metropolitan statistical areas and the city of Lorain is not otherwise identified with the Cleveland Urbanized Area. In addition, Ohio alleges that United Artists' failure to amend its program schedule indicates that the applicant did not make a study of the program needs of Lorain and did not prepare its program proposal on the basis of such inquiry or investigation.

4. The Broadcast Bureau supports Ohio's request for Issue 1 and cites the retention of the "Cleveland" program titles in United Artists' proposed Channel 31 schedule, as indicating the need for a "Suburban" issue. The Bureau further contends that simply because Lorain is located in the service area of United Artists' Channel 65 proposal, it does not follow that a program proposal for Cleveland will serve the local needs and interests of Lorain or that United Artists' present Channel 31 proposal will serve as a local outlet for Lorain. The Bureau's position is that absent a bona fide attempt by United Artists to ascertain local needs and interests of Lorain a "Suburban" issue should be added. United Artists opposes the addition of this issue, contending that the instant case is not a "Suburban-type" case because its application does not involve identical program schedules for completely different communities or factual allegations that the applicant has no familiarity with program needs, interests, and tastes of the public to be served. United Artists contends that Lorain is part of the Cleveland "metropolitan complex" and that its proposals for Channels 65 and 31 would serve substantially the same areas and populations. Moreover, United Artists asserts that the ultimate assignment of Channel 31 is uncertain due to the pending rule making proceeding and it would be "artificial" to file a revised program proposal at this time. Finally, United Artists contends an inquiry into its program proposal can be made under the existing standard comparative issue.

5. The Board and the Commission have indicated that an applicant has the responsibility of ascertaining the needs of the community which he proposes to serve and to program to meet such needs. Springfield Telecasting Co., FCC 64R-471, 3 RR 2d 727; Community Telecasting Corp., FCC 62-523, 32 FCC 933, 24 RR 1; Suburban Broadcasting Co., FCC 60-559 20 RR 52; Radio Tifton, 11 RR 1167 (1955). Where an applicant's program proposal is the same as that which he has proposed for another community, a "Suburban" issue will be added, absent a showing by the applicant that he is familiar with the needs of the community he proposes to serve. Consequently, the fact that United Artists' signal encompasses both Cleveland and Lorain does not serve to absolve the applicant of its responsibility to ascertain the needs and interests of its principal community, Lorain. There is no showing of any bona fide attempt on United Artists' part to ascertain the needs and interests of Lorain, either through investigation of those needs or through any allegation of familiarity with the area. See Bootheel Broadcasting Co., FCC 64R-47, 24 RR 292 (1962). Further, the assertion that Lorain is a Cleveland suburb has no basis in fact. Lorain is classified by the United States Census Bureau as part of the Lorain-Elyria Standard Metropolitan Statistical Area (SMSA), which is separate from the Cleveland SMSA. Lorain is not classified as part of the Cleveland Urbanized Area. Lorain is the 12th largest city in Ohio. Absent a specific showing, the Board cannot assume that the programming needs and interests of Lorain are identical with those of Cleveland. Accordingly, a "Suburban" issue will be added. The basis of Ohio's further request for an issue inquiring into United Artists' reliability in carrying out its proposed program schedule "in light of the evidence adduced in connection with the Suburban issue" is not explained, and the request for Issue 2 will, therefore, be denied. Cumberland Publishing Company, FCC 64R-467, released October 1, 1964.

6. *Requested Issues 3 and 4.* Ohio asserts that an issue to determine whether United Artists' proposal complies with § 73.613 of the Commission's rules[2] is necessary because the applicant has not indicated that its main studio will be located in the principal community to be served, nor has it requested waiver of the rule. To illustrate the need for the addition of Issue 3 Ohio cites the applicant's contradictory statements. In United Artists' application (Section V-C) Lorain is specified as the location of the main studios but in Exhibit I attached to the application the following statement is made: "• • • United Artists is unable to determine whether to locate its main studios at Lorain, or at Cleveland requesting a waiver of § 73.613 of the rules. A final determination will be made with respect thereto upon resolution of the proposal to transfer Channel 31 from Lorain to Cleveland." Ohio alleges that United Artists is attempting to subvert § 73.606 (Table of Assignments) and § 73.607[3], inconsistent with the Commission's determination pursuant to section 307(b) of the Communications Act that Lorain should have its own local television service. The allegation made by Ohio is that United Artists, in reality, is applying for a Cleveland station.

7. The Broadcast Bureau agrees that United Artists' statements as to its main studio location are ambiguous; it therefore supports Ohio's request for Issue 3. However, the Bureau opposes the addition of Issue 4 on the theory that evidence adduced under the "Suburban" issue and a 73.613 issue (main studio location) will disclose any violation of § 73.606, 73.607 and/or section 307(b) of the Communications Act. In a responsive pleading United Artists states that it will locate its main studio in Lorain unless the assignment of Channel 31 is changed to Cleveland, in which case it will locate in Cleveland.

8. Ohio's request for an issue to determine United Artists' compliance with § 73.613 of the rules will be granted. The question to be determined is what location United Artists has indicated for its main studio. The statement made by United Artists in its responsive pleading does not obviate the need for inquiry, since the fact remains that the statements in its application are ambiguous and United Artists has not clarified them. United Artists relies upon the pending rule-making proceeding (Docket No. 14229) to explain all the uncertainties of its proposal. At the present time Channel 31 is assigned to Lorain, United Artists has applied for that channel, and therefore has applied for a Lorain facility; compliance with § 73.613 must, therefore, be determined in the light of such facts. For the aforementioned reasons we will enlarge the issues to determine whether United Artists proposes to locate its main studios in Lorain and, if it intends to locate outside of Lorain, whether circumstances exist which would warrant waiver of § 73.613(a).

9. Ohio's request for separate issues to determine whether United Artists is attempting to subvert §§ 73.606 and 73.607 of the Commission's rules and is acting inconsistently with the Commission's determination under section 307(b) of the Communications Act will be denied. Ohio's request is based on the following circumstances: it is not discernible whether United Artists' program proposal reflects the needs and interests of Lorain; it is unclear whether United Artists proposes to locate its main studio in Cleveland or Lorain; United Artists will locate its transmitter in Cleveland;[4] and United Artists' proposal will cover the entire city of Cleveland, as well as Lorain, with a city grade (80 dbu) signal. Although the sum of these allegations may well raise a substantial question as to United Artists' intent to comply with the Commission's section 307(b) determination (that Lorain should have a local UHF facility), we do not think the addition of a specific issue is necessary. United Artists is already under a burden to come forward with evidence showing its proper intention on two of these matters (whether its program proposal reflects the needs and interests of Lorain and the location of its main studio) by the addition of a "Suburban" issue (Issue 1) and a § 73.613 issue (Issue 3). If United Artists were to fail to satisfy its burden under either of these issues it would be disqualified as an applicant in this proceeding, thereby obviating any need for a section 307(b) issue. If United Artists were to sustain its burden on each of these two issues the remaining circumstances cited would not warrant a section 307(b) determination under existing Commission rules and policies.

10. *Requested Issue 5.* The last issue that Ohio requests is a standard financial issue against United Artists. The allegations upon which Ohio bases its request are that United Artists' resources are "thin and non-liquid"; that their financial showing is out-of-date; that United Artists' parent company, United Artists Corporation (United Corp.), has not properly evidenced its ability to fulfill a commitment to lend $350,000 to United Artists; and that United Artists' proposal is dependent upon such commitment. To support the above allegations Ohio asserts that the balance sheet submitted by United Corp. lists $62,000,000 in current liabilities and only $9,000,000 in liquid assets. These figures, Ohio contends, leave United Corp. $53,000,000 below the Commission's normal financial standard of liquid assets sufficient in amount to meet current liabilities and in addition, proposed commitments. Further, Ohio finds additional support for its request in that

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[4] As is stated above, International's opposition, which was verified by Maler, stated that Maler claimed, after making an investigation into the matter of the altered report, that neither he nor anyone connected with Panorama Latino prepared or distributed the report. In an affidavit attached to the petition to deny Mire stated that the altered report was typed on the same machine as a letter allegedly written in the offices of Panorama Latino. And in an affidavit attached to KMEX's reply to opposition, Coyle claimed that during a phone conversation with Maler, the latter first told him that he had not distributed the altered report but, upon further questioning, admitted having mailed said report to a few friends.

[5] As is stated above, in an affidavit attached to KMEX's reply to opposition, Reyes alleged that Maler showed him a copy of the altered report.

[1] Pleadings before the Review Board are: (1) Motion to enlarge issues, filed October 8, 1964, by Ohio Radio, Inc.; (2) comments, filed October 21, 1964, by the Broadcast Bureau; (3) opposition, filed October 21, 1964, by United Artists Broadcasting, Inc.; and (4) reply, filed November 2, 1964, by Ohio Radio, Inc.

[2] 73.613(a) requires that the main studio of a television broadcast station must be located in the principal community to be served. Where the principal community is a city, such studio shall be located within the corporate boundaries of such city. Pursuant to subsection (b), subsection (a) may be waived by the Commission if such waiver is not inconsistent with the operation of the station in the public interest and upon a showing of good cause.

[3] Rule 73.607(a): "Subject to (b) applications may be filed to construct television broadcast stations only on the channels assigned in the Table of Assignments (73.606 (b)) and only in the communities listed therein." (b): "A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community."

[4] There is no requirement, under our present Rules, that a television transmitter be located within the principal city. At present the only requirement is contained in Rule 73.685(a), which provides that, "[t]he transmitter location shall be so chosen so that, • • • the following minimum field intensity [specified for given channels] shall be provided over the entire principal community to be served."

United Corp. pays only stock dividends and has previously committed itself to lend its wholly-owned subsidiary (United Artists) $700,000 to finance proposals for UHF facilities in Houston and Boston.

11. The Broadcast Bureau and United Artists oppose the addition of a financial issue. Their oppositions are based on the following assertions: The $9,000,000 referred to by Ohio represents the "cash" listed, by United Corp., on its balance sheet; United Corp. lists other current assets totalling $120,000,000; the Commission has found United Corp. financially qualified four times within the last two years on the basis of the same balance sheet now in question; and Ohio presents no new facts to support its instant request.

12. Ohio's request for a financial qualifications issue will be denied. United Corp. has committed itself to lend United Artists $350,000 to finance the instant proposal. The latest balance sheet submitted by United Corp. shows $152,000,000 in total assets and total liabilities of $100,000,000. Where a small amount of money must be obtained from a large amount of non-liquid assets the Board will not add a financial qualifications issue. See Springfield Television Broadcasting Corporation, FCC 64R–234, 2 RR 2d 841; Garo W. Ray, FCC 63R–103, 25 RR 286; and Massillon Broadcasting Co., Inc., FCC 61–1164, 22 RR 218. In view of United Corp.'s substantial assets and net worth, we believe its ability to honor its $350,000 commitment to United Artists is sufficiently established so that there is no need for a financial qualifications issue. The fact that United Corp. pays only stock dividends is not relevant to the present question and we do not think that its commitment of an additional $700,000 to United Artists for two other UHF facilities materially changes United Corp.'s financial position.

*Accordingly, it is ordered,* This 7th day of December 1964, that the motion to enlarge issues, filed October 8, 1964, by Ohio Radio, Incorporated, is granted to the extent indicated herein, and is denied in all other respects; and the issues in this proceeding are enlarged by the addition of the following:

1. To determine the efforts made by United Artists Broadcasting, Inc. to ascertain the programming needs and interests of the area to be served, and the manner in which it proposes to meet such needs and interests.

2. To determine where United Artists Broadcasting, Inc. proposes to locate its main studio and if such location is outside the corporate city limits of the city of Lorain, whether circumstances exist which would warrant a waiver of § 73.613(a) of the Commission's Rules.

Released: December 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–12760; Filed, Dec. 10, 1964; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

## INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

### Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

West Coast Freight Tariff Bureau, Inc., Post Office Box 824, Stockton, Calif., revoked Nov. 12, 1964.

Mr. Phillip A. Barrus, 25 Broadway, New York, N.Y., revoked Nov. 25, 1964.

Thibodeaux & Co., C. J., 421 Cotton Exchange Building, 1300 Prairie Avenue, Houston, Tex., withdrawn Nov. 13, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Mary B. Gehring and Leo M. Gehring d/b/a Davis Van & Storage (Non), 912 5th Street, Davis, Calif., Leo M. Gehring, Co-Owner, Mary B. Gehring, Co-Owner.

E. L. Mobley (Non), 5 Bull Street, Post Office Box 686, Savannah, Ga., E. L. Mobley, Owner/Manager.

Dated: December 7, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12742; Filed, Dec. 10, 1964; 8:49 a.m.]

## AMERICAN MAIL LINE, LTD., AND KAWASAKI KISEN KAISHA, LTD.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street, NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

G. E. Sherwood,
Director of Market Research,
American Mail Line,
1010 Washington Building,
Seattle, Wash., 98101.

Agreement 9406, between American Mail Line Ltd. as the initial carrier and Kawasaki Kisen Kaisha, Ltd. as the delivering carrier, provides for the establishment of a through billing arrangement covering the transportation of general cargo from loading ports on the West Coast of the United States and Canada to Fremantle and/or other discharging ports in Western Australia with transhipment at the ports of Yokohama, Kobe or Nagoya, Japan, in accordance with terms and conditions set forth in the agreement.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12743; Filed, Dec. 10, 1964; 8:49 a.m.]

## LYKES BROS. STEAMSHIP CO., INC., AND HOLLAND AFRIKA LIJN

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. H. Hagan, Jr.,
Traffic Manager, African Line,
Lykes Bros. Steamship Co., Inc.,
1770 Tchoupitoulas Street,
Post Office Box 50998,
New Orleans, La., 70150.

Memorandum of Oral Agreement No. 9405 between Lykes Bros. Steamship Company, Inc., and Holland Afrika Lijn refers to an arrangement between the parties, and outlines the related terms and conditions the parties agree to, for the movement of cargo on through bills of lading to United States Ports in the Gulf of Mexico, from Ports in Portuguese East Africa, with transhipment to Lykes vessels at a Port in Portuguese East Africa, Tanganyika, Kenya or South Africa.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12744; Filed, Dec. 10, 1964; 8:49 a.m.]



## KLAVENESS LINE JOINT SERVICE AND KAWASAKI KISEN KAISHA, LTD.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. A. Magnusen, Jr.,
Overseas Shipping Corp.,
310 Sansome Street,
San Francisco, Calif., 94104.

Agreement 9407, between Klaveness Line, a joint service operating under approved Agreement No. 7653 and Kawasaki Kisen Kaisha, Ltd., establishes a through billing arrangement for the movement of cargo from U.S. Pacific Coast ports and Vancouver, British Columbia, Canada to West Coast of Africa ports with transhipment at Singapore, Malaysia, in accordance with terms and conditions set forth therein.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12745; Filed, Dec. 10, 1964; 8:49 a.m.]

## LYKES BROS. STEAMSHIP CO., INC., AND DAMPFSCHIFFFAHRTS-GESELLSCHAFT "NEPTUN"

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. L. Gusman,
Asst. Vice President, Traffic,
Lykes Bros. Steamship Co., Inc.,
821 Gravier Street,
New Orleans, La., 70112.

Agreement 9402, between Lykes Bros. Steamship Co., Inc., and Dampfschiff-fahrts-Gesellschaft "Neptun", covers a through billing arrangement on cargo from North Spain and Portugal to U.S. Gulf ports, with transhipment at Rotterdam, the Netherlands, under terms and conditions set forth in the agreement.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12746; Filed, Dec. 10, 1964; 8:49 a.m.]

## LYKES BROS. STEAMSHIP CO. AND SOUTH AFRICAN MARINE CORP., LTD.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

W. J. Amoss, Jr., Vice President, Traffic,
Lykes Bros. Steamship Co.,
821 Gravier Street,
New Orleans, La., 70112.

Agreement No. 9404 between Lykes Bros. Steamship Company and South African Marine Corporation, Ltd., provides for the coverage of ports and the spacing of sailings in the trade between United States Gulf of Mexico ports and ports in Southwest Africa, the Republic of South Africa, and Mozambique. Decisions under the agreement will be reached by unanimous vote of the parties, and either party may withdraw upon giving thirty days written notice to the other.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12747; Filed, Dec. 10, 1964; 8:49 a.m.]

## MITSUI O.S.K. LINES, LTD., AND SEA-LAND SERVICE, INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. J. Scully,
Traffic Department,
Sea-Land Service, Inc.,
Puerto Rican Division,
Post Office Box 1050,
Elizabeth, N.J., 07207.

Agreement No. 8502–1 between the above-named carriers modifies the basic agreement, which covers a through billing arrangement on cargo from loading ports in Korea, Formosa, the Philippines and Japan, including Hong Kong to ports of call in Puerto Rico, with transhipment at New York Harbor, New York, by amending all reference to Osaka Shosen Kaisha, Ltd., the originating carrier, to read "Mitsui O.S.K. Lines, Ltd.", and amending all reference to Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., the delivering carrier, to read "Sea-Land Service, Inc."

Also, provision is made that the through rate under the agreement will be named by Mitsui, who shall also file the rates on traffic not within the scope of any approved conference agreement. All reference to the Federal Maritime Board is removed from the agreement, and provision is made that this agreement and/or any modification thereof shall not be effective or implemented prior to approval by the Commission.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12748; Filed, Dec. 10, 1964; 8:49 a.m.]

## TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

D. I. Knowles, Chairman and Secretary,
Trans-Atlantic Passenger Steamship Conference,
17 Battery Place,
New York, N.Y., 10004.

Agreement 7840–58 between the member lines of the Trans-Atlantic Passenger Steamship Conference modifies the basic agreement by adding the following to Article 9(j) as the final paragraph of that article:

Wherever in this agreement reference is made to approval by or advice to the Federal Maritime Commission or to the Governmental Agency charged with the administration of the U.S. Shipping Act, 1916, as amended, such approval or advice shall be limited to matters affecting the foreign commerce of the United States of America.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12749; Filed, Dec. 10, 1964; 8:49 a.m.]

## WILH. WILHELMSEN LINE JOINT SERVICE AND SWEDISH AMERICAN LINE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Mr. W. C. Menge,
Strachan Shipping Co.,
American Bank Building,
New Orleans, La., 70130.

Agreement 8320–1 between the member lines of the Scandinavian and Baltic/USA South Atlantic and Gulf Westbound Rate Agreement; and,

Agreement 8920–1 between the member lines of the Continental European Ports/USA South Atlantic Westbound Rate Agreement, have been filed with the Commission for approval to establish self-policing systems, pursuant to General Order 7 (46 CFR Part 528).

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12750; Filed, Dec. 10, 1964; 8:49 a.m.]

## SKIBSAKTIESELSKAPET NORDHEIM ET AL.

### Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following Agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

F. Conger Fawcett, Esq.,
Graham, James & Rolph,
310 Sansome Street,
San Francisco, Calif., 94104.

Agreement 8141, between Skibsaktieselskapet Nordheim, Skibsaktieselskapet Vito, Skibsaktieselskapet Kirkoy, and Skibsaktieselskapet Skagerak, four (4) Norwegian carriers under the operation and control of Ditlev-Simonsen Lines, covered the establishment and maintenance of a joint cargo service (with limited passenger accommodations), to operate as the "Pacific Orient Express Line", in the trade between U.S. Pacific Coast ports and ports of Japan, Korea, Formosa, Okinawa, China, and the Philippine Islands.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12751; Filed, Dec. 10, 1964; 8:50 a.m.]

## CENTRAL GULF STEAMSHIP CORP. ET AL.

### Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

George Denegre, Esq.,
Attorney at Law,
Twenty-Eighth Floor,
225 Baronne Street,
New Orleans, La., 70112.

Agreement 8342, as amended, between Central Gulf Steamship Corporation, General Shipping & Trading Corporation and Compania Maritima Unidas, S.A., provided for the establishment and maintenance of a joint cargo and passenger service, under the trade name "Central Gulf Lines", in the trades between U.S. Gulf and Atlantic Coast ports and Mediterranean, Red Sea, Gulf of Aden, Persian Gulf, Pakistan, Ceylon, India and Burmese ports.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12752; Filed, Dec. 10, 1964; 8:50 a.m.]

## QUAKER LINE AND PACIFIC STEAM NAVIGATION CO.

### Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following Agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

Mr. E. N. Bowen,
States Steamship Co.,
320 California Street,
San Francisco, Calif., 94104.

Agreement 1625, between Quaker Line (a former subsidiary of States Steamship Company) and Pacific Steam Navigation Company, covers a through billing arrangement on cargo from Pacific Coast ports to ports in Central America and on the West Coast of South America, with transhipment at Cristobal, C.Z., under terms and conditions set forth in the agreement.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12753; Filed, Dec. 10, 1964; 8:50 a.m.]

## UNITED KINGDOM UNITED STATES PACIFIC FREIGHT ASSOCIATION AND A/S DET OSTASIATISKE KOMPAGNI

### Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following Agreements(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

S. Collins, Secretary,
United Kingdom United States Pacific Freight Association,
14 Leadenhall Street,
London, E.C. 3, England.

Agreement 1992, between the member lines of the United Kingdom United States Pacific Freight Association (Agreement 3357) and A/S Det Østasiatiske Kompagni (The East Asiatic Company, Ltd.) covers an arrangement for the participation of the latter company as an associate conference member by agreement to protect the rates of the conference on cargo moving from United Kingdom ports to U.S. Pacific Coast ports.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12754; Filed, Dec. 10, 1964; 8:50 a.m.]



# FEDERAL POWER COMMISSION

[Docket No. CP65–156]

## CITY OF BAINBRIDGE, GEORGIA

### Notice of Application

DECEMBER 3, 1964.

Take notice that on November 25, 1964, the City of Bainbridge, Georgia (Applicant), filed in Docket No. CP65–156 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Company (South Georgia) to establish a second physical connection of its natural gas transportation facilities with the existing facilities of Applicant's natural gas distribution system, and to sell and deliver natural gas to Applicant, for resale to Southern Nitrogen Company (Southern), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests an order directing South Georgia to extend a 6⅝-inch O.D. high pressure pipeline from a point near the present delivery point for a distance of 4 miles to a point at or near the City limits in West Bainbridge, Georgia, and there build the necessary facilities to make deliveries of natural gas to the City of Bainbridge.

Applicant proposes to make interconnection with the facilities of South Georgia at the proposed delivery point and by means of 1.4 miles of 4½-inch O.D. line to connect both delivery points together.

The application states that the proposed facilities are sought for the purpose of making natural gas available to a new customer of the City, Southern Nitrogen Company, as well as for providing adequate service to Applicant's existing customers in West Bainbridge.

The estimated annual requirements of Southern are stated to be 240,000 annually on an interruptible basis.

The estimated cost of Applicant's proposed facilities is $32,820, and will be financed with current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12696; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. G-6887 etc.]

## WILLIAM G. WEBB

### Order Consolidating Applications for Permission and Approval To Abandon Sales and Service, Adding Respondent, Prescribing Procedure and Setting Date of Hearing

DECEMBER 1, 1964.

William G. Webb, Docket No. G-6887; J. Glenn Turner, Docket No. G-6907; Frank A. Schultz, Docket No. G-10037; William G. Webb, Docket No. G-15692; J. Glenn Turner, Docket No. G-15693; William G. Webb, Docket No. G-19109; Benson-Montin-Greer Drilling Corporation, Docket No. G-19110; J. Glenn Turner, Docket No. G-19145; Frank A. Schultz, et al., Docket No. G-20018; Benson-Montin-Greer Drilling Corporation, Docket No. CI61-156; La Plata Gathering System, Inc., Docket No. CI61-812; Frank A. Schultz, Docket No. CI61-817; Jack London, Jr., Docket No. CI62-1147; Ralph E. Davis, Docket No. CI62-1175; J. Glenn Turner and William G. Webb, Docket No. CI62-1177; J. Glenn Turner and William G. Webb, Docket No. CI62-1211; C. W. Murchison, Docket No. CI63-65; Frank A. Schultz, et al., Docket No. CI63-318.

On the various dates set forth in Appendix A below, the above-named applicants filed, in the respective dockets, applications seeking permission and approval to abandon in whole or in part natural gas sales for resale in interstate commerce.[1] All of the acreage from which the sales have been made is located in San Juan or Rio Arriba Counties, New Mexico, or La Plata County, Colorado, all of which is in the San Juan Basin.

By various agreements, the applicants have assigned all or parts of their interests in the acreage, wells and related property to El Paso Natural Gas Company (El Paso). These agreements were executed pursuant to options previously granted to the applicants by El Paso. Prior to the assignments, all of the gas produced from this acreage was dedicated to El Paso under gas purchase agreements.[2] The options had been granted by El Paso at approximately the same times that the gas purchase agreements were entered into between the producers and El Paso. Although the gas purchase contracts were filed with the Commission as producer rate schedules, the Commission was unaware of these collateral options until the producers filed their abandonment applications. It further appears that some of the acreage concerned herein was formerly held by El Paso under oil and gas leases, which were subsequently assigned to the applicants. All of the gas involved will continue to be transported in interstate commerce and sold in interstate commerce from El Paso's pipeline system.

The prices under the applicants' currently effective rate schedules range from 10 cents per Mcf to 14 cents per Mcf.

Pursuant to an inquiry by the Commission staff, El Paso has submitted certain cost and reserve data with regard to some of the above-mentioned assignments.[3]

El Paso states, in its submittal in response to the staff inquiry, filed with the Secretary on March 23, 1964, that the total remaining recoverable reserves, as of December 31, 1962, applicable to the Appendix C leases were 230,000,000 Mcf. For these reserves, El Paso would pay approximately $16,000,000 of which approximately $5,000,000 represents production payments and approximately $11,000,000 represents cash payment at time of assignments. This represents approximately 6.9 cents per Mcf of recoverable reserves. A preliminary cost-of-service summary related to the Appendix C filings, submitted by El Paso for the year 1962, reflects a unit cost of service of 26.74 cents per Mcf, some 12 cents to 16 cents per Mcf more than the currently effective producer prices. Although El Paso claims that this figure is not representative due to unusually low production during the year 1962, we are concerned lest the proposed abandonments result in an unwarranted increase in El Paso's jurisdictional unit cost of service to the detriment of El Paso's jurisdictional customers.

The producer applications are similar in nature, involve common issues and accordingly should be heard on a consolidated record. Since El Paso is directly concerned in these transactions, it will be made a respondent in this consolidated proceeding.

This order shall constitute notice of the filing of the applications and amendments which are open to public inspection in the Commission's offices.

The Commission finds:

(1) These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations.

(2) It is appropriate and in the public interest that El Paso Natural Gas Company be made respondent in these proceedings.

The Commission orders:

(A) El Paso Natural Gas Company is hereby made a respondent in these proceedings.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on February 2, 1965, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by these consolidated proceedings.

(C) Direct testimony and exhibits of all applicants and all parties supporting applicants shall be served in accordance with the Commission's rules of practice and procedure on or before the 18th day of January, 1965, upon the Commission staff, interveners and all petitioners to intervene who have filed petitions to intervene on or before December 28, 1964, unless the Commission has denied intervention to any of the petitioners prior to the date set for filing such testimony and exhibits.

(D) Following all preliminary matters to come before the presiding examiner on the above-designated hearing date witnesses will be presented to adopt their respective testimony, previously served, whereupon cross-examination will commence immediately. In all other matters the presiding examiner's right to prescribe the manner in which the proceeding is to be conducted is preserved.

(E) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of December 1964.

By the Commission.

[SEAL] GORDON M. GRANT,
*Acting Secretary.*

APPENDIX A

DESCRIPTION OF APPLICATIONS

(See Appendix B for Related Rate Filings)

| Docket No. | Applicant | Date filed |
|---|---|---|
| G-6887 | William G. Webb | Jan. 23, 1959 |
| G-6907 | J. Glenn Turner | Jan. 19, 1959 |
| G-10037 | Frank A. Schultz | June 9, 1958 |
| G-15692 | William G. Webb | Jan. 12, 1959<br>July 16, 1959<br>Mar. 2, 1960 |
| G-15693 | J. Glenn Turner | Jan. 22, 1959<br>July 21, 1959<br>Feb. 29, 1960 |
| G-19109 | William G. Webb | Apr. 2, 1962<br>Aug. 9, 1962 |
| G-19110 | Benson-Montin-Greer Drilling Corp. | Apr. 22, 1964<br>Apr. 11, 1962<br>Aug. 9, 1962 |
| G-19145 | J. Glenn Turner | Mar. 29, 1962<br>Aug. 9, 1962<br>Apr. 23, 1964 |
| G-20018 | Frank A. Schultz, et al. | Mar. 10, 1960<br>Aug. 5, 1960<br>Apr. 2, 1962<br>Aug. 8, 1962<br>Apr. 23, 1964 |
| CI61-156 | Benson-Montin-Greer Drilling Corp. | Mar. 30, 1962<br>Aug. 8, 1962<br>Do. |
| CI61-812 | La Plata Gathering System, Inc. | Apr. 23, 1964 |
| CI61-817 | Frank A. Schultz | Apr. 2, 1962<br>Aug. 8, 1962<br>Apr. 22, 1964 |
| CI62-1147 | Jack London, Jr. | Mar. 30, 1962 |
| CI62-1175 | Ralph E. Davis | Apr. 2, 1962 |
| CI62-1177 | J. Glenn Turner and William G. Webb. | Do. |
| CI62-1211 | do | Apr. 23, 1964 |
| CI63-65 | C. W. Murchison | Apr. 22, 1964 |
| CI63-318 | Frank A. Schultz, et al. | Apr. 24, 1964 |

[1] The pleadings carry various titles but each seeks permission to delete all or part of acreage previously dedicated to the interstate market, viz., El Paso Natural Gas Company. They are all therefore treated as applications for permission to abandon sales and service under section 7(b) of the Natural Gas Act.

[2] See Appendix B for details as to related rate filings.

[3] This applies only to the assignments related to the filings designated in Appendix C below. Similar information relating to the remaining assignments listed in Appendix B is not available since the staff request for information was made prior to these filings.



APPENDIX B

RATE FILINGS RELATING TO APPLICATIONS

| Docket No. | Filing date | Applicant | Rate schedule No. | Supplement No. | Description and date of instrument | Buyer and producing area | Original service authorized in docket No. | Price (cents per Mcf) |
|---|---|---|---|---|---|---|---|---|
| | | | | | *Notice of cancellation* | | | |
| G-6887 | 6-11-58 | William G. Webb | 1 | 11 | 6-10-58 | El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | G-6887 | 10.0 |
| G-6887 | 1-23-59 | do | 1 | 13 | 1-19-59 | do | G-6887 | 10.0 |
| G-15692 | 1-23-59 | do | 1 | 14 | 1-21-59 | do | G-6887 | 10.0 |
| G-15692 | 3- 2-60 | do | 2 | 2 | 2-25-60 | do | G-15692 | 11.0 |
| G-6907 | 6-11-58 | J. Glenn Turner | 3 | 11 | 6-11-58 | do | G-6907 | 10.0 |
| G-6907 | 1-19-59 | do | 3 | 13 | 1-15-59 | do | G-6907 | 10.0 |
| G-15693 | 1-22-59 | do | 3 | 14 | 1-16-59 | do | E-15693 | 10.0 |
| G-15693 | 2-29-60 | do | 5 | 2 | 2-23-60 | do | G-15693 | 11.0 |
| G-19109 | 3-29-62 | William G. Webb | 3 | 12 | 2-22-62 | El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | G-19109 | 14.0 |
| G-19109 | 8- 9-62 | do | 3 | 19 | 7-19-62 | do | G-19109 | 14.0 |
| G-19110 | 4-11-62 | Benson-Montin-Greer Drilling Corp. | 4 | 7 | 2-22-62 | El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin). | G-19110 | 14.0 |
| G-19110 | 8- 8-62 | do | 4 | 9 | 7-19-62 | do | G-19110 | 14.0 |
| G-19145 | 3-29-62 | J. Glenn Turner | 7 | 9 | 2-22-62 | El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | G-19145 | 14.0 |
| G-19145 | 8- 9-62 | do | 7 | 19 | 7-20-62 | do | G-19145 | 14.0 |
| G-20018 | 4 -2-62 | Frank A. Schultz, et al | 5 | 8 | 3- 5-62 | do | G-20018 | 14.0 |
| G-20018 | 8 -8-62 | do | 5 | 13 | 7-20-62 | do | G-20018 | 14.0 |
| CI61-156 | 3-30-62 | Benson-Montin-Greer Drilling Corp. | 7 | 4 | 3- 5-62 | El Paso Natural Gas Co. (Blanco Mesaverde Field, Rio Arriba County, N. Mex.) (San Juan Basin). | CI61-156 | 13.0 |
| CI61-156 | 8- 8-62 | do | 7 | 5 | 7-19-62 | do | CI61-156 | 13.0 |
| G-19109 | 4-22-64 | William G. Webb | 3 | 20 | 4-10-64 | El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | G-19109 | 13.0 |
| G-19145 | 4-23-64 | J. Glenn Turner | 7 | 20 | 4-10-64 | do | G-19145 | 13.0 |
| G-20018 | 4-23-64 | Frank A. Schultz, et al | 5 | 14 | 4-10-64 | El Paso Natural Gas Co. (Blanco Mesaverde Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | G-20018 | 13.0 |
| CI61-812 | 4-23-64 | La Plata Gathering System, Inc. | 3 | 4 | 4-10-64 | El Paso Natural Gas Co. (Blanco Mesaverde and Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | CI61-812 | 13.0 |
| CI61-817 | 4-22-64 | Frank A. Schultz | 7 | 14 | 4-10-64 | El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | CI61-817 | 14.0 |
| CI61-817 | 4- 2-62 | Frank A. Schultz | 7 | 6 | 2-22-62 | do | CI61-817 | 14.0 |
| CI61-817 | 8- 8-62<br>8- 9-62 | do | 7 | 13 | 7-20-62 | | CI61-817 | 14.0 |
| CI62-1147 | 3-30-62 | Jack London, Jr. | 1 | 1 | 3- 5-62 | El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin). | CI61-1718 | 13.0 |
| CI62-1175 | 4- 2-62 | Ralph E. Davis | 1 | 1 | 3- 8-62 | El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin). | G-4876 | 10.9 |
| CI62-1177 | 4- 2-62 | J. Glenn Turner and William G. Webb. | 1 | 3 | 3- 8-62 | El Paso Natural Gas Co. (Kutz Canyon Pictured Cliffs and Blanco Mesaverde Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | G-9999 | 12.0 |
| CI62-1177 | 4- 2-62 | do | 2 | 3 | 3- 8-62 | | | 10.0 |
| CI62-1211 | 4-23-64 | do | 3 | 2 | 4-10-64 | El Paso Natural Gas Co. (South Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin). | CI62-1211 | 12.0 |
| CI63-318 | 4-24-64<br>4-27-64 | Frank A. Schultz, et al | 8 | 10 | 4-10-64 | El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | CI63-318 | 14.0 |
| G-10037 | 6-28-56 | Frank A. Schultz | 1 | 3 | 6-26-56 | El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin). | G-10037 | 10.0 |
| G-10037 | 6- 9-58 | do | 1 | 7 | 6- 2-58 | | G-10037 | 10.0 |
| G-10037 | 1-12-59 | do | 1 | 9 | 1- 8-59 | | G-10037 | 10.0 |
| CI63-65 | 4-22-64 | C. W. Murchison | 1 | 6 | 4-10-64 | El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin). | CI63-65 | 14.0 |

APPENDIX C

FILINGS REGARDING LEASES UPON WHICH EL PASO'S COST OF SERVICE DATA IS BASED

| Applicant | Docket No. | Filing date |
|---|---|---|
| William G. Webb | G-6887 | 6-13-58 |
| Do | G-6887 | 1-23-59 |
| Do | G-15692 | 1-23-59 |
| Do | G-15692 | 3- 2-60 |
| J. Glenn Turner | G-6907 | 6-11-58 |
| Do | G-6907 | 1-19-59 |
| Do | G-15693 | 1-22-59 |
| Do | G-15693 | 2-29-60 |
| William G. Webb | G-19109 | 3-29-62 |
| Do | G-19109 | 8- 9-62 |
| Benson-Montin-Greer Drilling Corp. | G-19110 | 4-11-62 |
| Do | G-19110 | 8- 8-62 |
| J. Glenn Turner | G-19145 | 3-29-62 |
| Do | G-19145 | 8- 9-62 |
| Frank A. Schultz, et al | CI61-156 | 4- 2-62 |
| Do | CI61-156 | 8- 8-62 |
| Benson-Montin-Greer Drilling Corp. | CI61-156 | 3-30-62 |
| Do | CI61-156 | 8- 8-62 |
| Frank A. Schultz | CI61-817 | 4- 2-62 |
| Do | CI61-817 | 8- 8-62<br>8- 9-62 |
| Jack London, Jr | CI62-1147 | 3-30-62 |
| Ralph E. Davis | CI62-1175 | 4- 2-62 |
| J. Glenn Turner and William G. Webb. | CI62-1177 | 4- 2-62 |

[F.R. Doc. 64-12587; Filed, Dec. 10, 1964; 8:45 a.m.]

[Docket No. CP65-154]

## CITY OF BURLINGAME, KANSAS

### Notice of Application

DECEMBER 3, 1964.

Take notice that on November 25, 1964, the City of Burlingame, Kansas (Applicant), filed in Docket No. CP65-154 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Cities Service) to sell and deliver natural gas to Applicant for resale in the community of Scranton, Kansas (Scranton), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to purchase from Cities Service the gas required for Scranton, to take delivery of such gas, in addition to the gas purchased for distribution in Burlingame, at the existing interconnection of Applicant's lateral line with the main transmission line facilities of Cities Service, to transport the Scranton gas along with the Burlingame gas to a point at or near the Burlingame town border, and at that point to sell and deliver to Scranton the volumes intended for Scranton.

The estimated initial three year period of annual and peak day requirements of Scranton are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 25,300 | 31,600 | 38,000 |
| Peak day (Mcf) | 328 | 407 | 490 |

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time re-

quired herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12697; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. RI65-348]

## MILLER AND FOX MINERALS CORP. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 3, 1964.

On November 5, 1964, Miller and Fox Minerals Corporation (Operator), et al. (Miller and Fox),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated November 2, 1964.

Purchaser and producing area: Texas San Juan Oil Corporation[2] (Miller and Fox Field, Jim Wells County, Texas) (R.R. District No. 4).

Rate schedule designation: Supplement No. 1 to Miller and Fox's FPC Gas Rate Schedule No. 2.

Effective date: December 6, 1964.[3]
Amount of Annual Increase: $864.
Effective rate: 11.0 cents per Mcf.[4][5]
Proposed rate: 12.0 cents per Mcf.[5]
Pressure base: 14.65 p.s.i.a.

Miller and Fox request that their proposed rate increase be permitted to become effective as of November 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Miller and Fox's rate filing and such request is denied.

[1] Address is: 900 Vaughn Plaza, Corpus Christi, Tex., 78401.

[2] Buyer resells the subject gas to Tennessee Gas Transmission Company under its FPC Gas Rate Schedule No. 2. Buyer filed for a rate of 15.0 cents per Mcf which was suspended until April 1, 1965, by Commission order issued October 19, 1964, in Docket No. RI65-268.

[3] The stated effective date is the first day after expiration of the required statutory notice.

[4] Initial rate.

[5] Rate subject to a downward Btu adjustment.

The producers' proposed periodic rate increase is geared to the buyer's, Texas San Juan Oil Corporation (San Juan), contract in that they both provide for a 1.0 cent per Mcf periodic increase on November 1, 1964, and every five years thereafter, thus maintaining a 3.0 cents per Mcf differential between the two rates. On September 24, 1964, San Juan filed for a periodic increase from 14.0 cents to 15.0 cents per Mcf which was suspended for five months until April 1, 1965, by the Commission's order issued October 19, 1964, in Docket No. RI65-268, since it exceeded the 14.0 cents per Mcf area ceiling for increased rates. Miller and Fox's proposed rate is below the area increased ceiling of 14.0 cents per Mcf, but since it is related to San Juan's rate increase, it is suspended until April 1, 1965, the end of the suspension period for San Juan's related rate increase.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 to Miller and Fox's FPC Gate Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Miller and Fox's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, Supplement No. 1 to Miller and Fox's FPC Gas Rate Schedule No. 2 is hereby suspended and the use thereof deferred until April 1, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12698; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. CP65-151]

## MONTANA-DAKOTA UTILITIES CO.

### Notice of Application

DECEMBER 3, 1964.

Take notice that on November 23, 1964, Montana-Dakota Utilities Co. (Applicant), 831 Second Avenue South, Minneapolis, Minnesota, filed in Docket No. CP65-151 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell natural gas to the Wyoming Gas Company and to E. R. Jensen, d.b.a. Byron Gas Service, in accordance with Applicant's FPC Gas Tariff, Original Volume No. 3.

The application states that Applicant has been selling natural gas to the Wyoming Gas Company and to Byron Gas Service since June 1, 1951, on the assumption that they are intrastate sales not subject to the jurisdiction of the Federal Power Commission.

The estimated 1965, 1966 and 1967, annual and peak day sales to Wyoming Gas Company are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf)---- | 1,067,900 | 1,070,000 | 1,072,100 |
| Peak day (Mcf)-- | 8,350 | 8,360 | 8,380 |

The estimated 1965, 1966, and 1967, annual and peak day sales to Byron Gas Service are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf)---- | 44,000 | 44,000 | 44,000 |
| Peak day (Mcf)-- | 380 | 380 | 380 |

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12699; Filed, Dec. 10, 1964; 8:46 a.m.]



[Docket No. CP65-116]

## NORTHERN NATURAL GAS CO.

### Notice of Application

DECEMBER 3, 1964.

Take notice that on October 28, 1964, Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-116 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing reinstallation of such facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests permission and approval to abandon two 1,800 horsepower compressor units at its Andrews Compressor Station and authorization to reinstall such units at its Florey Field Compressor Station, both located in Andrews County, Tex.

The application states that the two 1,800 horsepower units are no longer required at the Andrews station because of declining volumes of raw gas, and states further that such units are presently required at Flory Field.

The estimated cost of the proposed facilities is $685,200, which includes $314,300 for material and equipment transferred from Andrews. Applicant proposes to finance construction with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12700; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. G-16611 etc.]

## PHILLIPS PETROLEUM CO. ET AL.

### Notice Fixing Oral Argument

DECEMBER 3, 1964.

Phillips Petroleum Company, Docket No. G-16611, G-16612; Kerr-McGee Oil Industries, Inc., Docket No. G-16718, G-16719; The Jupiter Corporation, Docket No. G-16679.

Upon consideration of the motion filed on October 20, 1964, by the counsel for Phillips Petroleum Company and Kerr-McGee Oil Industries, Inc., for oral argument;

Take notice that an oral argument is hereby scheduled to be heard at 10:00 a.m. on February 26, 1965 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. The oral argument shall be confined to those matters consideration of which was deferred by Paragraph (F) of the order accompanying the Commission's Opinion No. 436 issued July 23, 1964.

Parties desiring to participate in the oral argument shall notify the Secretary in writing on or before February 1, 1965 and state the time desired for the presentation of their argument.

By direction of the Commission.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12701; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. R-250; Order 288]

## ALABAMA POWER CO.

### Order Denying Application for Rehearing

DECEMBER 4, 1964.

On November 4, 1964, Alabama Power Company filed an application for rehearing of the Commission's Order No. 288, issued on October 6, 1964, concerning procedures for the recapture or relicensing of hydroelectric projects upon the expiration of their licenses. The Company urges substantially the same arguments contained in its response to the Commission's notice of proposed rulemaking in this proceeding which were considered fully by the Commission before it issued Order No. 288 in Docket No. R-250.

The Commission further finds. The application for rehearing, filed by the Alabama Power Company on November 4, 1964, of the Commission's Order No. 288, issued on October 6, 1964, presents no facts or principles of law which were not considered by the Commission when it issued its aforesaid order or which, having now been considered, warrant any modification of the order.

The Commission orders. The Alabama Power Company's application for rehearing filed on November 4, 1964, of the Commission's Order No. 288 issued on October 6, 1964 is denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12707; Filed, Dec. 10, 1964; 8:47 a.m.]

[Project 2062]

## PUBLIC UTILITY DISTRICT 1; OKANOGAN COUNTY, WASHINGTON

### Notice Fixing Place of Hearing

DECEMBER 4, 1964.

Notice is hereby given that the hearing in the above-designated matter fixed for December 16, 1964 by order issued November 25, 1964 shall be held at the Auditorium Room, PUD Building, 327 North Wenatchee Avenue, Wenatchee, Wash., at 10:00 a.m., local time, on December 16, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12708; Filed, Dec. 10, 1964; 8:47 a.m.]

[Docket No. RI65-349]

## SKELLY OIL CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 4, 1964.

On November 11, 1964, Skelly Oil Company (Skelly)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated November 2, 1964.

Purchaser and producing area: Tennessee Gas Transmission Company (Logansport Field, DeSoto Parish, Louisiana) (North Louisiana).

Rate schedule designation: Supplement No. 11 to Skelly's FPC Gas Rate Schedule No. 5.

Effective date: December 5, 1964.[2]
Amount of annual increase: $18,526.
Effective rate: 14.79407 cents per Mcf.[3][4]
Proposed rate: 15.79407 cents per Mcf.[3][4]
Pressure base: 14.65 p.s.i.a.

Skelly's proposed increased rate is based on a contract from which the indefinite pricing provisions were deleted prior to the issuance of the Seventh Amendment to the Commission's General Policy Statement No. 61-1, as amended. The increased rate exceeds the regular area ceiling rate of 15.75 cents per Mcf, including tax reimbursement, by 0.04407 cent per Mcf, but is under the Seventh Amendment ceiling of 16.2654 cents per Mcf, including tax reimbursement. Skelly claims that since the proposed increase is within the Seventh Amendment ceiling rate and the contract now complies with the Seventh Amendment that the proposed increase should be accepted without sus-

[1] Address is: Post Office Box 1650, Tulsa Okla.

[2] The stated effective date is the effective date requested by Respondent.

[3] Subject to a downward Btu adjustment.

[4] Includes tax reimbursement. The amount of tax reimbursement is not specifically stated in the renegotiated agreement dated March 8, 1963 (Supplement No. 9), which provides for the instant rate increase. Prior to such agreement tax reimbursement was 1.75 cents per Mcf.

pension. Under the circumstances, we do not consider the Seventh Amendment ceiling applicable to Skelly's increased rate for the reason that Skelly deleted the indefinite pricing provisions before the Seventh Amendment was issued. To accept the instant increased rate would establish a precedent of accepting increases in rate up to the Seventh Amendment ceiling under contracts which either never contained indefinite pricing provisions or from which such provisions had been eliminated prior to the issuance of the Seventh Amendment. Accordingly, Skelly's proposed increased rate is suspended as hereinafter ordered.

The proposed periodic rate increase filed by Skelly exceeds the applicable area price level for increased rates in North Louisiana as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 11 to Skelly's FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Skelly's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, Supplement No. 11 to Skelly's FPC Gas Rate Schedule No. 5 is hereby suspended and the use thereof deferred until May 5, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc 64–12709; Filed, Dec. 10, 1964; 8:47 a.m.]

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[Docket No. RI 65–350]

## CLORIS DALE ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates

DECEMBER 4, 1964

On November 6, 1964, Cloris Dale (Operator), et al. (Cloris Dale), tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are set forth in Appendix "A" hereof.

Cloris Dale submits three superseding contracts dated September 28, 1954, and three related notices of change in rate dated September 28, 1964, for non-pipeline quality gas. The present contractual rate under the superseding contract is 11.0 cents per Mcf subject to a full proportionate downward Btu adjustment for gas containing less than 925 Btu's. The related notices of change in rate include agreements dated September 4, 1963, which amend the contracts so as to eliminate any reduction in price for gas containing less than 925 Btu's. No change is proposed in the 11.0 cents per Mcf base prices. Each of the units involved is producing gas at less than 925 Btu's. The 11.0 cents per Mcf minimum price for the subject gas would be equivalent to rates in excess of 11.0 cents per Mcf for 925 Btu gas. Under the circumstances, we believe that the proposed 11.0 cents per Mcf rate for the instant gas should be suspended because it exceeds the area ceiling for gas of pipeline quality as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed changes, and that the proposed superseding rate schedules and supplements thereto be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed changes.

(B) Pending a hearing and decision thereon, the superseding rate schedules and supplements thereto are suspended and their use deferred until May 7, 1965, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| R165–350... | Cloris Dale (Operator), et al., 1509 North Main St., Garden City, Kans. | [1] 2 | ------- | Northern Natural Gas Co. (Hugoton Field, Kearney County, Kans.). | 35 | 11–6–64 | [3] 12–7–64 | 5–7–65 | [7] 10.774 | [8] 11.0 | |
| | | 2 | 1 | | | 11–6–64 | [3] 12–7–64 | 5–7–65 | | | |
| | Cloris Dale (Operator), et al. | [2] 3 | ------- | do | 111 | 11–6–64 | [3] 12–7–64 | 5–7–65 | [7] 10.596 | [8] 11.0 | |
| | | 3 | 1 | | | 11–6–64 | [3] 12–7–64 | 5–7–65 | | | |
| | do | [10] 11 4 | ------- | do | 24 | 11–6–64 | [3] 12–7–64 | 5–7–65 | [7] 10.370 | [8] 11.0 | |
| | | 4 | 1 | | | 11–6–64 | [3] 12–7–64 | 5–7–65 | | | |

[1] Pinegar No. 2 Unit.
[2] Supersedes Cloris Dale (Operator), et al.'s FPC Gas Rate Schedule No. 1, insofar as it pertains to the Pinegar No. 2 Unit.
[3] The stated effective date is the effective date requested by Respondent.
[4] Renegotiated rate increase, based on elimination of downward B.t.u. adjustment.
[5] Pressure base is 14.65 p.s.i.a.
[6] Rate not to be less than 11.0 cents per Mcf regardless of B.t.u. content.
[7] Includes base rate of 11.0 cents per Mcf less downward B.t.u. adjustment from 925 B.t.u.s.
[8] Porter No. 1 Unit.
[9] Supersedes Cloris Dale (Operator), et al.'s FPC Gas Rate Schedule No. 1, insofar as it pertains to the Porter No. 1 Unit.
[10] Williamson No. 1 Unit.
[11] Supersedes Cloris Dale (Operator), et al.'s FPC Gas Rate Schedule No. 1, insofar as it pertains to the Williamson No. 1 Unit.

[F.R. Doc. 64–12710; Filed, Dec. 10, 1964; 8:47 a.m.]



# SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

DECEMBER 7, 1964.

The common stock, 10 cent par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 8, 1964, through December 17, 1964, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64–12692; Filed, Dec. 10, 1964; 8:46 a.m.]

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[File No. 24A–1680]

## FERGUSON & ASSOCIATES, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 7, 1964.

I. Ferguson & Associates, Inc. (issuer), 4470 Westfield Drive NE., Atlanta, Georgia, 30305, a Georgia corporation, filed with the Commission on July 22, 1963, a notification, offering circular and other exhibits relating to a proposed offering of 180 units consisting of $180,000 principal amount of 7 percent subordinated debentures and 18,000 shares of its $0.01 par value Class A common stock at $0.01 per share for an aggregate of $180,180, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering was commenced on November 19, 1963. A report on Form 2–A was filed June 18, 1964, and thereafter amended July 14 and 23, 1964. A revised offering circular was filed October 5, 1964, but has not been amended.

II. The Commission has reasonable cause to believe that:

A. The original and revised offering circulars contain untrue statements of material facts, omit to state material facts and contain a misleading presentation of facts in that:

1. The original and revised offering circulars used in offering the securities contain a materially false and misleading representation that "The only personal property intended to be owned would be necessary office equipment, fixtures and furnishings sufficient to carry on the operation of the business".

2. The original and revised offering circulars state that the issuer will concentrate on the sale of its securities to raise the prerequisite $100,000 capital to operate as a broker-dealer and to engage in such business in Georgia. In this connection the revised offering circulars omit adequate and accurate disclosure in the text of the revised offering circulars concerning:

a. The original amount of the debentures offered.

b. The period of time over which the offering under the notification has been made.

c. The amount of the debentures sold under the notification.

d. The expenses incurred in connection with the offering and the operation of the issuer.

e. The business in which the company is engaged which produced the commissions as shown in the financial statements for the fiscal period ended July 31, 1964.

f. The loss operations of the issuer which make it necessary for it to pay the interest due on outstanding debentures as of December 15, 1964, from the proceeds of the debentures sold or to be sold.

g. Issuer's apparent inability to sell securities at a rate sufficient to attain, after expenses, the $100,000 capital requirement for a broker-dealer's license under Georgia law.

3. The revised offering circulars contain false and misleading as well as conflicting statements concerning the use of the proceeds of the offering and the priority of such use.

4. The revised offering circular used in the sale of the securities does not disclose that a portion of the proceeds from the sale of the securities would be used to purchase a new automobile at a cost of $4,125.60 nor is any disclosure made concerning the business in which the company is engaged which would require the ownership and use of an automobile.

5. The revised offering circular fails to justify or explain the 114 percent increase in the estimated expenses of the offering over and above the amount shown in the original offering circular dated November 19, 1963.

6. The issuer has failed to use the proceeds of the offering for the purposes and in the order of priority shown in the original offering circular dated November 19, 1963.

7. The issuer improperly capitalized ordinary business expenses as organization expenses which resulted in a material understatement of the net loss and operating deficit in its financial statements in the revised offering circular.

8. The revised offering circular fails to include a profit and loss statement for the period of operations ended March 31, 1964, as required by paragraph 2 of Schedule 1.

9. The original and revised offering circulars state that the issuer would concentrate on the sale of its securities to raise the prerequisite capital to operate as a broker-dealer and to engage in such business, whereas it appears that the principal function of the company's operations and the sole purpose of the offering to date are to provide the issuer's principal officer with a means of livelihood.

B. The report on Form 2–A filed on July 23, 1964, contains false and misleading information with respect to the use of the proceeds of the offering.

C. It thus appears that the offering did, does and will operate as a fraud and deceit upon purchasers in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended;

*It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64–12693; Filed, Dec. 10, 1964; 8:46 a.m.]

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[File Nos. 24D–2600, 24D–2644]

## SECURITY RESERVE LIFE INSURANCE CO.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 7, 1964.

I. Security Reserve Life Insurance Company (issuer), Suite 1, 333 West Colfax Avenue, Denver, Colorado, a

Colorado corporation, filed with the Commission on October 5, 1962, a notification on Form 1–A and an offering circular relating to a proposed offering of 75,000 shares of common stock, $1.00 par value, at $4.00 per share, for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended (the Act), pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. This offering purportedly commenced on November 26, 1962, and was completed with all shares sold on December 20, 1963. The issuer, on November 29, 1963, filed a second notification with the Commission relating to another 75,000 shares of its common stock to be offered at $4.00 per share. This second offering commenced on December 30, 1963, and a report of sales on Form 2–A indicates that this offering was terminated as of July 30, 1964, with 25,000 shares sold.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. Issuer failed to file supplemental sales literature used in the offer and sale of its securities under its notification 24D–2600.

2. Issuer failed to name in its Form 1–A and offering circular two persons who acted as underwriters of its offering under 24D–2644.

3. The offering under each of the notifications, when computed in accordance with Rules 253 and 254, exceeded the $300,000 limitation of Rule 254(a).

B. The offering under 24D–2600 was made in violation of section 17 of the Securities Act of 1933, as amended, in that:

1. Underwriters of the offering made untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in relation to:

a. The possibility of a future offering at an increased price;

b. The safety of an investment in the securities of the issuer;

c. The stability of the market price of the stock of the issuer;

d. The scope of the issuer's present or proposed insurance operations;

e. The persons to whom the issuer was offering stock;

f. The non-availability for investment of the stock of established life insurance companies;

g. The extent of government supervision of companies and persons engaged in selling insurance stocks;

h. The amount of stock of the issuer available for sale;

i. Investments held by the issuer.

2. The supplemental sales literature used in connection with the offering contained untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading concerning:

a. The growth of other life insurance companies and the insurance industry;

b. The return on an investment in the stock of life insurance companies;

c. The status of the issuer's operations.

C. The offering circular used in connection with the offering under 24D–2644 omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in that it failed to set forth a contingent liability for sales made in violation of the securities laws of the State of Kansas and the Securities Act of 1933.

D. The issuer and the underwriters of the offering have made untrue statements of material fact in connection with a rescission offer to persons who purchased stock of the issuer under both of the offerings described in Section I above concerning:

1. The number of persons accepting the rescission offer;

2. The reasons for the rescission offer;

3. The potential of the issuer in the insurance business after the rescission offer.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended with respect to both filings made by the issuer under Regulation A as described in section I above:

*It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

NELLYE A. THORSEN,
*Assistant Secretary.*

[F.R. Doc. 64–12694; Filed, Dec. 10, 1964; 8:46 a.m.]

[File No. 1–4722]

## TASTEE FREEZ INDUSTRIES, INC.

### Order Suspending Trading

DECEMBER 7, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 8, 1964, through December 17, 1964, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F.R. Doc. 64–12695; Filed, Dec. 10, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## ORGANIZATION

### Chairman et al.

DECEMBER 4, 1964.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business, and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991, 12789; 27 F.R. 1234, 1747, 2500, 3830, 9997; 28 F.R. 198, 896, 8185; and 29 F.R. 3027, 4935, 11401, 12503, 14517, 16846), as follows:

(1) Under the heading Terms, Duties, and Responsibilities of the Chairman, Vice Chairman, and Senior Commissioner Present, Item 3.8 is amended to read:

3.8 He shall be ex officio Chairman of the Committee on Legislation and of the Committee on Rules. He shall appoint a standing Committee and may appoint such ad hoc Committees on Policy and Planning as he may deem necessary to aid him in discharging his responsibilities under Item 3.2(a)(2) of these minutes.

(2) Under the heading Committees of the Commission, Item 5.2 (a), (b), and (c) is deleted.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–12719; Filed, Dec. 10, 1964; 8:48 a.m.]



[Notice 1091]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 8, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67303. By order of December 4, 1964, the Transfer Board approved the transfer to Pettapiece Cartage, Limited, Leamington, Ontario, Canada, of the operating rights issued by the Commission January 6, 1960, under Certificate in No. MC 96312, to Pine Tree Cartage Co., a corporation, Detroit, Mich., authorizing the transportation, over irregular routes, of general commodities, except those of unusual value, Class A and B explosives, and household goods, as defined by the Commission, between points within 8 miles of Detroit, Mich., including Detroit. William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich., attorney for applicants.

No. MC–FC 67304. By order of December 4, 1964, the Transfer Board approved the transfer to Baldwin Transfer Co., Inc., Mobile, Ala., of the operating rights in Certificate of Registration No. MC 120722 Sub 1, issued October 17, 1963, to Larry C. Tomlinson, doing business as Baldwin Transfer Company, Mobile, Ala., corresponding to the grant of intrastate authority to transferor issued by the Alabama Public Service Commission in Common Carrier Certificate No. 2312, dated October 20, 1960. Thomas A. Johnston, III, Post Office Box 1652, Mobile, Ala., attorney for applicants.

No. MC–FC 67315. By order of December 4, 1964, the Transfer Board approved the transfer to Reliable Leasing, Inc., New York, N.Y., of Certificate No. MC 15877, issued April 13, 1954, to Alfred Felson, Inc., New York, N.Y., authorizing the transportation, over irregular routes, of piece goods, and women's and infants' wearing apparel, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Hudson, Essex, and Passaic Counties, N.J.; general commodities, excluding household goods and commodities in bulk, between points in New York, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC–FC 67331. By order of December 4, 1964, the Transfer Board approved the transfer to James F. Kelley, Philadelphia, Pa., of the operating rights issued by the Commission October 10, 1949, under Certificate No. MC 16729, to Joseph P. McLaughlin, doing business as McLaughlin Brothers, Philadelphia, Pa., authorizing the transportation of: Household goods, and furniture and fixtures used in billiard parlors, bowling alleys, and retail liquor establishments, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and New York; and cut flowers, over irregular routes, from Philadelphia, Pa., to Wilmington, Del. John H. Derby, 2122 Cross Road, Glenside, Pa., practitioner for applicants.

No. MC–FC 67358. By order of December 4, 1964, the Transfer Board approved the transfer to G. H. Thomas Trucking Co., a corporation, Cleveland, Ohio, of the claimed grandfather proviso operations for which a Certificate of Registration evidencing a right to engage in interstate or foreign commerce within the State of Ohio, is sought, pursuant to the BOR–99 filing in No. MC 120825 Sub 1, by Virginia V. Thomas, doing business as G. H. Thomas Trucking Co., Cleveland, Ohio, supported by Ohio Certificates Nos. 3408–R and 8476–I. James R. Stiverson, 50 West Broad Street, Columbus, Ohio, attorney for applicants.

No. MC–FC 67361. By order of December 4, 1964, the Transfer Board approved the transfer to M & S Transfer, Incorporated, Osceola, Nebr., of the operating rights in Certificate No. MC 4709, issued October 11, 1941, to Clyde E. Smith, doing business as Osceola Produce Co. Transfer, Osceola, Nebr., authorizing the transportation, over regular routes, of General commodities, excluding household goods, and commodities in bulk, and other specified commodities, between Osceola, Lincoln, and Omaha, Nebr., over specified regular routes. W. W. Norton, Osceola, Nebr., attorney for applicants.

No. MC–FC 67372. By order of December 4, 1964, the Transfer Board approved the transfer to Bertly Aronsen, doing business as Island Empire Bus Lines, 621 Front Street, Mukilteo, Wash., applicant in No. MC 120955 Sub 1, BOR–99 filed in the name of William Affleck, doing business as Anacortes-Mount Vernon Stage Company, 908 Fifth Street, Anacortes, Wash., for certificate of registration to operate in interstate or foreign commerce, authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Washington Certificate No. 1, authorizing the transportation of passengers and express between specified points and areas in Washington.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–12720; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Revised Taylor's Car Distribution Order 1, Amdt. 2]

## ALL RAILROADS

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Revised Taylor's Car Distribution Order No. 1 and good cause appearing therefor:

*It is ordered*, That,

Revised Taylor's Car Distribution Order No. 1 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64–12721; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Revised Taylor's Car Distribution Order 4, Amdt. 1]

## BALTIMORE AND OHIO RAIL ROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Revised Taylor's Car Distribution Order No. 4 (The Baltimore and Ohio Rail Road Company) and good cause appearing therefor:

*It is ordered*, That,

Revised Taylor's Car Distribution Order No. 4 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64–12722; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 5, Amdt. 3]

## NEW YORK CENTRAL RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 5 (The New

York Central Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 5 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12723; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 6, Amdt. 3]

## NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO. ET AL.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 6 (The New York, New Haven and Hartford Railroad Company; the Lehigh and Hudson River Railway Company; the Pennsylvania Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 6 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12724; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 7, Amdt. 3]

## CENTRAL RAILROAD COMPANY OF NEW JERSEY AND ERIE-LACKAWANNA RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 7 (The Central Railroad Company of New Jersey; Erie-Lackawanna Railroad Company) and good cause appearing therefor;

*It is ordered*, That,

Taylor's Car Distribution Order No. 7 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12725; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 8, Amdt. 3]

## LOUISVILLE AND NASHVILLE RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 8 (The Louisville and Nashville Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 8 be, and its is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12726; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Revised Taylor's Car Distribution Order 9-A, Amdt. 1]

## BALTIMORE AND OHIO RAIL ROAD CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Revised Taylor's Car Distribution Order No. 9-A (The Baltimore and Ohio Rail Road Company; Chicago, Rock Island and Pacific Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Revised Taylor's Car Distribution Order No. 9-A be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12727; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 10-A, Amdt. 3]

## NEW YORK CENTRAL RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 10-A (The New York Central Railroad Company; Chicago, Milwaukee, St. Paul and Pacific Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 10-A be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:



(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12728; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Second Revised Taylor's Car Distribution Order 11, Amdt. 1]

## LEHIGH VALLEY RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Second Revised Taylor's Car Distribution Order No. 11 (Lehigh Valley Railroad Company; Norfolk and Western Railway Company) and good cause appearing therefor:

*It is ordered*, That,

Second Revised Taylor's Car Distribution Order No. 11 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12729; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 13, Amdt. 3]

## PENNSYLVANIA RAILROAD CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 13 (The Pennsylvania Railroad Company; Chicago and North Western Railway Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 13 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12730; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 14, Amdt. 3]

## PENNSYLVANIA RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 14 (The Pennsylvania Railroad Company; Illinois Central Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 14 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12731; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 15, Amdt. 3]

## DENVER AND RIO GRANDE WESTERN RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 15 (The Denver and Rio Grande Western Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 15 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12732; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 16, Amdt. 3]

## MISSOURI PACIFIC RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 16 (Missouri Pacific Railroad Company; Chicago, Burlington & Quincy Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 16 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12733; Filed, Dec. 10, 1964; 8:48 a.m.]

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[S.O. 947; Taylor's Car Distribution Order 22, Amdt. 3]

## ERIE-LACKAWANNA RAILROAD CO. AND SOO LINE RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 22 (Erie-Lackawanna Railroad Company; Soo Line Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 22 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12734; Filed, Dec. 10, 1964; 8:48 a.m.]

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[S.O. 947; Taylor's Car Distribution Order 23, Amdt. 3]

## ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 23 (Erie-Lackawanna Railroad Company; Chicago, Burlington & Quincy Railroad Company) and good cause appearing therefor:

*It is ordered*, That,

Taylor's Car Distribution Order No. 23 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12735; Filed, Dec. 10, 1964; 8:48 a.m.]

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## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 8, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA 39433: *Livestock to points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2384), for interested rail carriers. Rates on livestock, feeder or stocker, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition.

Tariff: Supplement 18 to Western Trunk Line Committee, agent, tariff I.C.C. A-4497.

FSA 39434: *Class and commodity rates from or to Hyco and Hyco Junction, N.C.* Filed by O. W. South, Jr., agent (No. A4604), for interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Hyco or Hyco Junction, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

FSA 39435: *Baler or binder twine from North Atlantic ports.* Filed by Traffic Executive Association-Eastern Railroads, agent (No. E.R. No. 2754), for interested rail carriers. Rates on baler or binder twine, in carloads, from Boston, Mass., Baltimore, Md., Albany and New York, N.Y., Philadelphia, Pa., Norfolk and Richmond, Va., and ports grouped therewith, to points in official (including Illinois) territory, also points in northern Illinois and southern Wisconsin.

Grounds for relief: Port relationship, short-line distance formula and grouping.

Tariff: Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-483.

FSA 39436: *Agricultural implements from Boise, Idaho.* Filed by Union Pacific Railroad Company (No. 125), for itself and interested rail carriers. Rates on potato harvesters, K.D., rotary bedders, K.D., and beaters, K.D., loose or in packages, in carloads, from Boise, Idaho, to points in Colorado and Wyoming.

Grounds for relief: Carrier competition.

Tariff: Supplements 147 and 8 to Union Pacific Railroad Company's tariffs I.C.C. 5332 and 5595, respectively.

FSA No. 39437: *Cinders from Erwinville, La.* Filed by Southwestern Freight Bureau, agent (No. B-8651), for interested rail carriers. Rates on cinders, viz.: coal, clay, shale or slate, in carloads, from Erwinville, La., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 41 to Southwestern Freight Bureau, agent, tariff I.C.C. 4565.

FSA No. 39438: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 525), for interested real carriers. Rates on tool joint compound, paper articles, and other commodities described in the application, in carloads and tank-car loads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 23 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 39440: *Chemicals from and to points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2383), for interested rail carriers. Rates on chemicals, as described in the application, in carloads and tank-car loads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Western Trunk Line Committee, agent, tariff I.C.C. A-4530.

### AGGREGATE OF INTERMEDIATES

FSA No. 39439: *Commodities between points in Texas.* Filed Texas-Louisiana Freight Bureau, agent (No. 526), for interested rail carriers. Rates on tool joint compound, paper articles, and other articles described in the application, in carloads and tank-car loads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 23 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12718; Filed, Dec. 10, 1964; 8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


**3 CFR** (Page)
PROCLAMATIONS:
3630 — 15941
3631 — 16243
EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) — 16859
Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
Sept. 30, 1916 (revoked in part by PLO 3508) — 16864
May 21, 1920 (revoked in part by PLO 3508) — 16864
5289 (revoked in part by PLO 3486) — 16830

**4 CFR**
51 — 16313
52 — 16313

**7 CFR**
15 — 16274, 16966
29 — 16854
717 — 16184
719 — 16185
722 — 16248, 16775
724 — 16077
729 — 16185
905 — 16313–16315
907 — 16315, 16907
910 — 16078, 16316
916 — 16966
917 — 16854
929 — 16078
1004 — 16966
1005 — 16855
1421 — 15943
1600 — 16784
1601 — 16784
PROPOSED RULES:
911 — 16258
912 — 16993
915 — 16258
917 — 16993
971 — 16833
1004 — 16994
1005 — 16259
1030 — 16395, 16417
1031 — 16417
1036 — 16197
1044 — 16200
1065 — 16920
1131 — 16866
1126 — 16198

**9 CFR**
74 — 15943
94 — 16907
97 — 16316

**10 CFR**
2 — 16831
PROPOSED RULES:
Ch. I — 15957
2 — 16934

**12 CFR**
217 — 15944, 16317
218 — 16065
224 — 16855
329 — 15944
545 — 16856

**13 CFR** (Page)
107 — 16825, 16946, 16967
121 — 15945
PROPOSED RULES:
107 — 16094

**14 CFR**
7 — 16149
27 [New] — 16065
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318, 16967
42 — 16968
71 [New] — 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972
73 [New] — 15948, 16184, 16972
75 [New] — 16066, 16319
93 [New] — 15948
97 [New] — 16067, 16789
302 — 16972
389 — 16907
PROPOSED RULES:
39 [New] — 16429, 16430
71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997
75 [New] — 16432, 16836
91 [New] — 15959
135 [New] — 16836
221 — 16867

**15 CFR**
7 — 16973
201 — 16319
365 — 16186

**16 CFR**
13 — 16186, 16826, 16856

**17 CFR**
200 — 16187
230 — 16982
239 — 16856
240 — 16245, 16856, 16982
260 — 16982
270 — 16982
275 — 16982
PROPOSED RULES:
15 — 15957
19 — 15957

**18 CFR**
501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194
PROPOSED RULES:
12 — 16997

**19 CFR**
4 — 15949
14 — 16320

**20 CFR**
395 — 16322

**21 CFR**
8 — 15949, 16983
9 — 16983

**21 CFR—Continued** (Page)
14 — 16194
15 — 16194
16 — 16194, 16858
17 — 16194
18 — 16194
19 — 16194
20 — 16194
22 — 16194
27 — 16194
29 — 16194
37 — 16194
42 — 16194, 16983
45 — 16194
46 — 16194
51 — 16194
53 — 16194
121 — 16078, 16079, 16249, 16858, 16909–16911
144 — 16984
145 — 16911
148c — 16984
148u — 16911
148x — 16251
PROPOSED RULES:
27 — 16866
31 — 16866
45 — 16994
46 — 16429
53 — 16934
120 — 16935
121 — 16935, 16994

**24 CFR**
1 — 16280

**25 CFR**
43d — 16080

**26 CFR** (Page)
1 — 16081
45 — 16083
PROPOSED RULES:
1 — 15957, 16090
48 — 16993

**27 CFR**
4 — 16984

**29 CFR**
31 — 16284
689 — 15949
PROPOSED RULES:
601 — 16428
670 — 16428
675 — 16428
720 — 16428

**31 CFR**
328 — 16914
PROPOSED RULES:
306 — 16330
315 — 16330
316 — 16330
321 — 16330
332 — 16330

**32 CFR**
517 — 15949
536 — 16985
577 — 16251
701 — 16194
710 — 16055
719 — 16194
804 — 16323

**32A CFR** — Page

OEP (Ch. I):
DMO I–4 — 16251
OIA (Ch. X):
OI Reg. 1 — 16986

**33 CFR**

202 — 16859
203 — 16251
206 — 15949

**35 CFR**

5 — 16328

**38 CFR**

3 — 16252, 16328

**39 CFR**

16 — 16125
21 — 16252
22 — 16125, 16252
24 — 16125
25 — 16252
57 — 16858
61 — 16125
112 — 16858
168 — 16858

**41 CFR**

8–1 — 16323
8–2 — 16323
11–1 — 16252, 16255
11–2 — 16253, 16255
11–4 — 16253
11–14 — 16255
Ch. 18 — 16502
101–6 — 15972, 16287
101–7 — 16797
101–8 — 16800
101–9 — 16800
101–10 — 16801
101–11 — 16807
101–12 — 16824
101–13 — 16824
101–18 — 15973
101–19 — 15978
101–20 — 15984
101–25 — 15990
101–27 — 15997
101–28 — 15998
101–29 — 16002
101–30 — 16004
101–40 — 16008
101–43 — 16012
101–44 — 16027

**41 CFR—Continued** — Page

101–45 — 16035
101–47 — 16126

**42 CFR**

51 — 16915
55 — 16915
57 — 15952

**43 CFR**

17 — 16293
PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) — 16827
3447 (corrected by PLO 3485) — 16829
3464 — 16084
3465 — 16084
3466 — 16084
3467 — 16085
3468 — 16085
3469 — 16085
3470 — 16086
3471 — 16086
3472 — 16087
3473 — 16087
3474 — 16256
3475 — 16827
3476 — 16827
3477 — 16827
3478 — 16827
3479 — 16828
3480 — 16828
3481 — 16828
3482 — 16828
3483 — 16829
3484 — 16829
3485 — 16829
3486 — 16830
3487 — 16829
3488 — 16830
3489 — 16830
3490 — 16830
3491 — 16831
3492 — 16831
3493 — 16859
3494 — 16859
3495 — 16860
3496 — 16860
3497 — 16860
3498 — 16860
3499 — 16861
3500 — 16861
3501 — 16862
3502 — 16862

**43 CFR—Continued** — Page

PUBLIC LAND ORDERS—Continued
3503 — 16863
3504 — 16863
3505 — 16863
3506 — 16863
3507 — 16864
3508 — 16864
3509 — 16864
3510 — 16987
3511 — 16987
3512 — 16987

**44 CFR**

1 — 16832
2 — 16832
3 — 16832
4 — 16832
5 — 16832
6 — 16832
7 — 16832
55 — 15954
60 — 15954
100 — 15954
102 — 15954
110 — 16195
Ch. VII — 16832

**45 CFR**

80 — 16298, 16988
150 — 15955
611 — 16305

**46 CFR**

506 — 16195
PROPOSED RULES:
Ch. IV — 16433

**47 CFR**

73 — 16196, 16916, 16988
81 — 16196
87 — 16865
PROPOSED RULES:
21 — 16204
73 — 16205, 16207, 16837

**49 CFR**

0 — 16087
176 — 16125
192 — 16256

**50 CFR**

33 — 16917, 16918
256 — 16088
257 — 16990

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Pages 17027–17062

# FEDERAL REGISTER

VOLUME 29 NUMBER 242

Washington, Saturday, December 12, 1964

## Contents

**AGRICULTURAL MARKETING SERVICE**
Rules and Regulations
Grapefruit grown in Arizona and California; shipment limitations — 17030
Handling limitations:
Navel oranges grown in Arizona and designated part of California — 17030
Lemons grown in California and Arizona — 17031
Proposed Rule Making
Milk in Fort Wayne, Indiana marketing area; decision — 17041

**AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE**
Rules and Regulations
Proportionate shares for farms, 1965 crop:
Domestic beet sugar producing area — 17029
Mainland cane sugar area — 17029

**AGRICULTURE DEPARTMENT**
*See also* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Federal Crop Insurance Corporation.
Rules and Regulations
Debarred, suspended and ineligible bidders — 17040

**AIR FORCE DEPARTMENT**
Rules and Regulations
Miscellaneous amendments to subchapter — 17037

**ARMY DEPARTMENT**
*See* Engineers Corps.

**ATOMIC ENERGY COMMISSION**
Notices
Facility licenses:
Georgia Institute of Technology — 17050
Northrop Corp. (2 documents) — 17048, 17049
Pacific Gas and Electric Co. — 17049
Walter Reed Army Medical Center — 17049

**CIVIL AERONAUTICS BOARD**
Proposed Rule Making
Wet leases to foreign air carriers — 17042

**COMMODITY CREDIT CORPORATION**
Rules and Regulations
Dairy products; export payment rates by contract — 17032

**CUSTOMS BUREAU**
Proposed Rule Making
Malone-Dufort Airport; proposed revocation of designation as an international airport — 17042

**DEFENSE DEPARTMENT**
*See* Air Force Department, Engineers Corps.

**ENGINEERS CORPS**
Rules and Regulations
Key West, Florida and Portage River, Ohio; anchorage and bridge regulations — 17040

**FEDERAL AVIATION AGENCY**
Rules and Regulations
Air worthiness directives; Boeing 707 and 720 Series aircraft — 17035
Control zone and transition areas:
Alteration — 17036
Designation — 17037
Designation and alteration — 17036
Federal airway; designation — 17036
Federal airway segment and reporting point; revocation — 17036
Temporary restricted area; redesignation — 17037
Proposed Rule Making
Airworthiness directives; Douglas Model DC–6 Series aircraft — 17044
Control zone:
Alteration (2 documents) — 17044, 17046
Designation — 17046
Federal airway and low altitude reporting point; alteration and designation — 17044
Transition areas, control zones, and control area extension; designation, and revocation — 17045
Notices
General Telephone Co., determination of no hazard to air navigation — 17051

**FEDERAL COMMUNICATIONS COMMISSION**
Notices
Radio Station KVOL, Inc.; order continuing hearing — 17051

**FEDERAL CROP INSURANCE CORPORATION**
Rules and Regulations
Tobacco, county designated for crop insurance — 17029

**FEDERAL MARITIME COMMISSION**
Notices
Agreements filed for approval:
Maryland Port Authority et al. — 17051
U.S. Atlantic and Gulf of Mexico-Red Sea and Gulf of Aden Rate Agreement — 17052

**FEDERAL POWER COMMISSION**
Notices
*Hearings, etc.:*
Hope, Alvin C., et al — 17052
Marathon Oil Co. et al — 17053
Natural Gas Pipeline Company of America — 17054
Sierra Pacific Power Co — 17055
Tennessee Gas Transmission Co — 17055
Texas Gas Transmission Co — 17055
Vermont Gas Systems, Inc — 17056

**FEDERAL RESERVE SYSTEM**
Notices
Worthen Bank & Trust Co.; order approving merger of banks — 17056

(*Continued on next page*)

**FOOD AND DRUG ADMINISTRATION**

**Notices**

Petitions filed regarding food additives:
- Grace, W. R. & Co. ---- 17048
- National Dairy Products Corp. ---- 17048
- Shell Chemical Co. ---- 17048
- Virginia Chemicals and Smelting Co. ---- 17048

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See* Food and Drug Administration.

**INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE**

**Notices**

Cotton textiles and products, import restrictions:
- Italy ---- 17056
- Japan ---- 17057

**INTERSTATE COMMERCE COMMISSION**

**Notices**

Finance applications ---- 17060

Fourth section applications for relief ---- 17058

Motor carrier transfer proceedings ---- 17059

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

Beverage Fund, Inc.; application for order declaring company has ceased to be an investment company ---- 17058

**TREASURY DEPARTMENT**

*See* Customs Bureau.


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**7 CFR**

401 ---- 17029
850 ---- 17029
855 ---- 17029
907 ---- 17030
909 ---- 17030
910 ---- 17031
1485 ---- 17032

PROPOSED RULES:
1047 ---- 17041

**14 CFR**

39 [New] ---- 17035
71 [New] (5 documents) ---- 17036, 17037
73 [New] ---- 17037

PROPOSED RULES:
39 [New] ---- 17044
71 [New] (5 documents) ---- 17044–17046
399 ---- 17042

**19 CFR**

PROPOSED RULES:
6 ---- 17042

**32 CFR**

1001 ---- 17037
1002 ---- 17038
1003 ---- 17038
1007 ---- 17038
1030 ---- 17040
1057 ---- 17039

**33 CFR**

202 ---- 17040
203 ---- 17040

**41 CFR**

4–1 ---- 17040


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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

### PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the lists of counties published July 29, 1964, and November 26, 1964, which were designated for tobacco crop insurance for the 1965 crop year. The type of tobacco on which insurance is offered in the county is shown opposite the name of the county.

| | |
|---|---|
| NORTH CAROLINA | |
| Gates | 12 |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
*Acting Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 64–12790; Filed, Dec. 11, 1964; 8:47 a.m.]

### Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.147, Rev. 1, Amdt. 1]

### PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

### Proportionate Shares for Farms—1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.147 of this chapter (29 F.R. 15801) is hereby amended as follows:

In § 850.147, subdivision (iii) of subparagraph (b)(1) is amended, paragraph (d) is amended by deleting the last sentence thereof and adding the following table and paragraph (q) is added. Section 850.147 is revised to read as follows:

**§ 850.147 Proportionate shares for farms in the domestic beet sugar area.**

* * * * *

(b) *National acreage, minimum proportionate share acreages for reserve localities, contingency acreage and State acreage allocations.* * * *

(1) * * *

(iii) *State acreage allocations* totaling 1,255,185 acres are hereby established as follows:

| State | Acres |
|---|---|
| California | 303,141 |
| Colorado | 176,101 |
| Idaho | 152,921 |
| Illinois | 1,084 |
| Indiana | 27 |
| Iowa | 3,799 |
| Kansas | 20,664 |
| Michigan | 77,781 |
| Minnesota | 111,880 |
| Montana | 63,173 |
| Nebraska | 80,642 |
| Nevada | 2,365 |
| New Mexico | 94 |
| North Dakota | 48,463 |
| Ohio | 29,164 |
| Oregon | 19,132 |
| South Dakota | 10,485 |
| Texas | 6,335 |
| Utah | 34,643 |
| Washington | 56,182 |
| Wyoming | 57,159 |
| | 1,255,185 |

(d) *Requests for shares.* * * *

| State | Closing Date |
|---|---|
| California: | |
| Northern Area | Dec. 1, 1964. |
| Southern Area | Mar. 26, 1965. |
| Colorado | Jan. 22, 1965. |
| Idaho | Jan. 15, 1965. |
| Illinois | Mar. 19, 1965. |
| Indiana | Feb. 12, 1965. |
| Iowa | Mar. 1, 1965. |
| Kansas | Jan. 29, 1965. |
| Michigan | Feb. 12, 1965. |
| Minnesota | Jan. 29, 1965. |
| Montana | Jan. 15, 1965. |
| Nebraska | Feb. 12, 1965. |
| Nevada | Feb. 12, 1965. |
| New Mexico | Feb. 12, 1965. |
| New York | Mar. 12, 1965. |
| North Dakota | Jan. 29, 1965. |
| Ohio | Feb. 12, 1965. |
| Oregon | Jan. 15, 1965. |
| South Dakota | Feb. 12, 1965. |
| Texas | Jan. 29, 1965. |
| Utah | Jan. 29, 1965. |
| Washington | Jan. 8, 1965. |
| Wyoming | Jan. 15, 1965. |

* * * * *

(q) *General provisions.* General provisions pertaining to conditional payments, including instructions for filing applications for payment, are set forth in Part 891 of this Chapter.

*Statement of bases and considerations.* Sugar Determination 850.147 (29 F.R. 15801) provides, among other things, that the State acreage allocations and closing dates for filing requests for proportionate shares will be supplied by amendment thereto. This amendment provides such acreage allocations and closing dates. Further, this amendment provides that the general provisions pertaining to conditional payments are set forth in Part 891 of this Chapter.

In determining State allocations a base acreage was established for each sugarbeet producing State on the record of its 1962–64 accredited acreage (acreage harvested for sugar, bona fide abandoned acres and prevented acres, but excluding acreage from the national sugarbeet acreage reserve) by adding 30 percent of the 1962–63 average accredited acreage and 70 percent of the 1964 accredited acreage. The resultant State base acreages were factored to 1,255,185 (the national limitation less the effective national reserve of 118,815 acres and the 1,000 contingency acreage). This method coincides with that recommended to the Department by sugarbeet grower associations and sugarbeet companies when they recommended that the 1965 crop be restricted.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132).

Effective date: Date of publication.

Signed at Washington, D.C., on December 9, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64–12813; Filed, Dec. 11, 1964; 8:50 a.m.]

[Sugar Determination 855.10, Rev. 1, Amdt. 2]

### PART 855—MAINLAND CANE SUGAR AREA

### Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 855.10 (29 F.R. 13595, 14102) is hereby amended by revising subparagraph (3) of paragraph (f) to read as follows:

**§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1965 crop.**

* * * * *

(f) *Adjustments in shares.* * * *

(3) To offset proportionate share acreages which will be unused on farms in Louisiana, 10,000 acres are available. Any operator of a farm in Louisiana for which a share is determined under paragraph (d) of this section may, within 7 days after the notice of such proportionate share is mailed to him, file a request with the County Committee for an increase in such share on a form available at the local Agricultural Stabilization and Conservation Service County Office (hereinafter referred to as "County Office"). However, requests may be accepted after such date if acreage is available under this subparagraph and if the State Committee determines that the persons desiring such increases were prevented from filing by such date because of absence, due to illness or other reasons beyond their control. If the total of the requests for additional acreage made in the State does not exceed the acreage made available under this subparagraph (3), the State Committee shall authorize County Committees to increase the shares of farms

in accordance with such requests subject to modifications by taking into consideration the ability of the operator to use such increase in light of availability and suitability of land, adequacy of drainage, availability of production and marketing facilities, establishment of proper sugarcane rotation practices, the maintenance of a proper relationship between total sugarcane acreage and suitable cropland and the need for minimum acreages in his mill area. If the total of the requests for additional acreage exceeds the acreage made available under this subparagraph (3), the State Committee shall prorate the acreage available to all parishes having farms for which increases in shares have been requested, on the basis of the accredited acreage record of such farms for the crop years 1962, 1963, and 1964. The State Committee shall authorize County Committees to increase shares for such farms within the acreage prorated by considering the above factors. If the total measured acreage of 1965 crop sugarcane covered by shares established for farms in Louisiana under paragraph (d) of this section including adjustments as provided in subparagraph (1) of this paragraph and this subparagraph (3), exceeds the total acreage of shares for farms in Louisiana authorized under paragraph (d) of this section including adjustments as provided in subparagraph (1) of this paragraph, the State Committee shall deduct such excess acreage from the shares that have been increased pursuant to this subparagraph (3), by reducing such shares, and by distributing pro-rata such deduction, based on the amount of the increase in each share under this subparagraph which is utilized.

* * * * *

*Statement of bases and considerations.* The original determination made 10,000 acres available to farmers in Louisiana to offset proportionate share acreages which would be unused on other farms in that State. County Committees were authorized to recommend to the State Committee the extent that each request for an increase in the share of an old producer should be granted by considering the availability of land and other factors having a bearing on the ability of the operator to produce sugarcane. The State Committee was authorized to modify any request for increase on the basis of the same criteria considered by the County Committees in making their recommendations.

Requests for increases have been received from every sugarcane parish in Louisiana. An examination of such requests indicates some lack of uniformity in the manner in which requests from farmers were considered by individual County Committees. Furthermore, the State Committee is not fully familiar with the conditions pertaining to individual farms.

This amendment provides that County Committees will forward each request for an increase in share without any further action on their part. Whenever the total requested acreage for increasing shares exceeds the acreage available for this purpose, the State Committee shall prorate the acreage available to parishes on the basis of the accredited acreage records for the years 1962 through 1964 of farms within the parishes for which increases have been requested. Increases in individual shares within the acreage prorated shall be made by County Committees in consideration of the criteria mentioned above. It is believed that this method will provide for a more uniform distribution of the acreage available.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on December 9, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-12814; Filed, Dec. 11, 1964; 8:50 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 64]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 907.364 Navel Orange Regulation 64.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on December 3, 1964, to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on December 8, 1964; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., December 13, 1964, and ending at 12:01 a.m., P.s.t., January 24, 1965, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purposes of this regulation shall include the requirement that the grapefruit be well colored, instead of slightly colored, and free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than one inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3 11/16 inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 2 11/16 inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925-51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 7/16 inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3 11/16 inches in diameter directly to a destination in Zone 4 or Zone 3; and if the grapefruit is so handled directly to Zone 3 the grapefruit does not measure less than 3 6/16 inches in diameter: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than 3 6/16 inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than 3 6/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are 3 13/16 inches in diameter and smaller.

(3) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 10, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12850; Filed, Dec. 11, 1964; 8:50 a.m.]

[Lemon Reg. 142]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 910.442 Lemon Regulation 142.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 8, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 13, 1964, and ending at 12:01 a.m., P.s.t., December 20, 1964, are hereby fixed as follows:

(i) District 1: 46,500 cartons;
(ii) District 2: 88,350 cartons;
(iii) District 3: 69,750 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 10, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12851; Filed, Dec. 11, 1964; 8:50 a.m.]

[Grapefruit Reg. 21]

## PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF WHITE WATER, CALIFORNIA

### Limitation of Shipments

**§ 909.321 Grapefruit Regulation 21.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on December 3, 1964, to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on December 8, 1964; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., December 13, 1964, and ending at 12:01 a.m., P.s.t., January 24, 1965, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purposes of this regulation shall include the requirement that the grapefruit be well colored, instead of slightly colored, and free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than one inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3 11/16 inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 2 11/16 inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925-51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 7/16 inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3 11/16 inches in diameter directly to a destination in Zone 4 or Zone 3; and if the grapefruit is so handled directly to Zone 3 the grapefruit does not measure less than 3 6/16 inches in diameter: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than 3 6/16 inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than 3 6/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are 3 13/16 inches in diameter and smaller.

(3) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 10, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12850; Filed, Dec. 11, 1964; 8:50 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

## PART 1485—DAIRY PRODUCTS

## Subpart—Special Dairy Products Export Payment Rates-by-Contract Program—Terms and Conditions (SM–8 Revision 1)

DAIRY PRODUCTS EXPORT PAYMENT RATES BY CONTRACT

Sec.


1485.251 General statement.
1485.252 Submission and acceptance of offers.
1485.253 Exporter's contract with CCC.
1485.254 Inspection of dairy products at time of production and at time of loading for export.
1485.255 Exportation requirements.
1485.256 Quantity tolerance.
1485.257 Application for export commodity certificate.
1485.258 Documents required as evidence of export.
1485.259 Export commodity certificate.
1485.260 Performance guarantee.
1485.261 Liquidated damages.
1485.262 Covenant against contingent fees.
1485.263 Export and exportation.
1485.264 Performance and good faith.
1485.265 Setoff.
1485.266 Records and accounts.
1485.267 Reports.
1485.268 Field offices.
1485.269 Officials not to benefit.
1485.270 Assignments.
1485.271 Eligible country or designated country.


AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, 1072, 15 U.S.C. 714 b and c.

### § 1485.251 General statement.

This subpart supersedes the Special Nonfat Dry Milk Export Payment-in-Kind Rates-by-Contract Program and provides a special program of Commodity Credit Corporation (referred to in this subpart as "CCC") with respect to dairy products under which exporters may earn payments in the form of export commodity certificates at rates which will be determined on an offer and acceptance basis. The term "this program" when used in this subpart means the special dairy products export payment rates-by-contract program provided for in this subpart. This program will operate independently and on a separate basis from the Dairy Products Export Payment-in-Kind Program (28 F.R. 11667, as amended 29 F.R. 7312) (now terminated except as expressly provided in the termination notice as filed for publication in the FEDERAL REGISTER) which provides export payments-in-kind at rates announced by CCC. An export under the Dairy Products Export Payment-in-Kind Program will not be deemed to be an export under this program and vice versa. This subpart contains the regulations governing this program under which CCC will make payments in the form of export commodity certificates (called "certificates" in this subpart) to exporters who have exported or caused to be exported dairy products from commercial sources at payment rates determined by offers and acceptances as provided in § 1485.252. Eligible dairy products will be named and periods during which offers to export may be submitted will be announced by press release from time to time by the Office of the General Sales Manager, FAS. Certificates will be redeemable in any commodity offered for export sale under a CCC regulation or announcement providing for redemption of such certificates. Such commodities delivered in redemption of certificates must also be exported. Dairy products obtained from CCC for export shall not be eligible for certificates unless other dairy products have been exported in satisfaction of the requirements of the export sale contract. This program will be carried out in behalf of CCC by the Foreign Agricultural Service (referred to herein as "FAS"), and by the Agricultural Stabilization and Conservation Service (referred to herein as "ASCS"), United States Department of Agriculture, and will be administered under the general direction and supervision of the General Sales Manager, FAS. Information pertaining to the program may be obtained as provided in § 1485.268.

### § 1485.252 Submission and acceptance of offers.

(a) Exporters desiring to participate in this program may submit offers, at times which will be announced by press release, to the Office of the General Sales Manager, FAS, to export specific quantities of dairy products from commercial sources at payment rates specified in the offers. An offer may be made by letter or telegram which must be received within the time specified for the receipt of offers. Such offer must state: (1) That the offer is made pursuant to Announcement SM–8; (2) The quantity and kind of dairy products to be exported including, in the case of cheese, the minimum milkfat content on a dry basis; (3) The offered export rate per net weight pound. If an offer is accepted, a telegraphic notice of acceptance by CCC will be given by the General Sales Manager stating an acceptance number. Such notice will be given within one business day after the time for the receipt of offers. "Business day" means any day of the week except Saturday, Sunday and days declared legal holidays by statute for United States Government employees. Failure to accept an offer will constitute a rejection of the offer. No notice of rejection will be given unless such notice is requested in the offer in which case such notice will be given by collect telegram. The exporter should promptly notify the Office of the General Sales Manager of any error in his offer. No offer, or modification, or withdrawal thereof, will be considered if received after the closing time for the receipt of offers, unless the General Sales Manager determines that: (i) Such offer, modification or withdrawal was delayed in transmission by mail or telegraph through no fault of Offerer, or (ii) the modification is made for the purpose of correcting an error apparent on the face of the original offer, for the purpose of clarifying an ambiguity or supplying an omission therein, or (iii) the modification is beneficial to CCC and not prejudicial to any other exporter. If an offer has been accepted before such a permissible change is received by CCC, the exporter will be permitted to cancel the contract with CCC. All communications pertaining to an Offer to Export to which an acceptance number has been assigned shall contain reference to the acceptance number. "General Sales Manager" as used in this subpart means the General Sales Manager, FAS, or his designee.

(b) CCC reserves the right to refuse to consider an offer if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the General Sales Manager prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

### § 1485.253 Exporter's contract with CCC.

The submission of an offer to export at a specific export payment rate and its acceptance by CCC shall constitute a contract between CCC and the exporter under which (a) subject to all the terms and conditions of this subpart, the exporter agrees to export or cause to be exported dairy products as provided in § 1485.255, to submit satisfactory evidence of such exportation as provided in § 1485.258, and, upon the failure to comply with such terms and conditions, to pay CCC for its damages as provided in § 1485.261, and (b) CCC agrees to issue certificates to the exporter as provided in § 1485.259.

### § 1485.254 Inspection of dairy products at time of production and at time of loading for export.

(a) The exporter shall obtain an inspection certificate which shall have been issued by the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service (referred to herein as "AMS"), within 90 days of the time of export, showing the weight and quality of the commodity for submission with the application for payment: *Provided, however*, That the General Sales Manager may, in his discretion, accept other evidence of weight and quality.

(b) The exporter shall also obtain from AMS through his own arrangements a grading certificate covering the inspection of the commodity at dockside or border port of entry showing the quantity of the product, condition of the containers, and verification that the product being exported is the same as that reported on the quality and weight inspection certificates provided for in paragraph (a) of this section, for submission with the application for payment.

(c) In the case of exports shipped across the U.S. border by truck or railroad the dairy products may be inspected at the point of loading and sealed under supervision of AMS. The certificates resulting from such inspection will be accepted in lieu of certificates obtained under paragraph (b) of this section.



### § 1485.255 Exportation requirements.

(a) The exporter shall export or cause to be exported to eligible countries as defined in § 1485.271, the quantity of dairy products stated in the offer, during the period commencing on the date following the date of acceptance of the offer and ending ninety days after such date or within any extension of such period which is approved in writing by the General Sales Manager, FAS, as provided in § 1485.261(b). Such period during which exportation must be made is hereinafter referred to as the "export period."

(b) Exportation of the dairy products by or to a United States Government agency shall not qualify as an exportation for the purposes of this program. (United States Government Agency means any corporation wholly owned by the Federal Government and any department, bureau, administration, or other unit of the Federal Government, as for example, the Departments of the Army, Navy, and Air Force, the Agency for International Development, the Army and Air Force Exchange Service, the Navy exchanges, and the Panama Canal Company.) Sales to foreign buyers, including foreign governments, financed with funds made available by a United States Government agency such as the Agency for International Development or the Export-Import Bank, are not sales to a United States Government agency, provided the dairy products are not for transfer by such buyers to a United States Government agency.

(c) Dairy products exported under this program must have been processed in the United States from milk produced in the United States.

(d) Dairy products shall be exported under this program only to an eligible country as defined in § 1485.271, and such dairy products so exported shall not be transshipped by the exporter to any country other than an eligible country.

### § 1485.256 Quantity tolerance.

If the exporter exports or causes exportation of a net quantity of dairy products less than the net quantity provided in the exporter's contract with CCC, but not less than 95 percent of such quantity, the exporter shall not be deemed to be in default. If an exporter exports or causes exportation of a net quantity in excess of the net quantity provided in the exporter's contract with CCC, but not in excess of 105 percent of such quantity, he may include such excess quantity in his application for payment and such excess quantity may be included in the computation of the amount of the certificate to be issued.

### § 1485.257 Application for export commodity certificate.

An original and two copies of Application for Export Payment Form CCC–162, must be prepared and submitted to the Minneapolis ASCS Commodity Office, together with the evidence of the weight and quality or grade as provided in § 1485.254 and the evidence of exportation as provided in § 1485.258. Such evidence must be submitted within 60 days after the end of the export period. The exporter will be required to certify in the application that the dairy products were not exported by or to a United States Government Agency as defined in § 1485.255(b) of this subpart.

### § 1485.258 Documents required as evidence of export.

(a) Each Application for Export Payment, Form CCC–162 must be supported by the following documents evidencing export as applicable:

(1) Subject to the provisions of subparagraph (3) of this paragraph, if export is by water, or air, a non-negotiable duplicate copy of the applicable on-board commercial bill of lading signed by an agent of the export carrier, which shows the net weight of the dairy product, the identification of the export carrier, and that the dairy product is destined to an eligible country. A bill of lading showing the gross weight of the dairy product and the number of containers may be furnished, provided the bill of lading also shows the weight of the containers or the exporter furnishes an acceptable certification as to the weight of the containers. If exported under Public Law 480, 83d Congress, the purchase authorization number shall be shown on the bill of lading. If loss, destruction, or damage to the dairy product occurs subsequent to loading on board the export carrier, but prior to issuance of on-board bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading.

(2) Subject to the provisions of subparagraph (3) of this paragraph, if export is by rail or truck, and not under Public Law 480, 83d Congress, a Shipper's Export Declaration, authenticated by a representative of the Bureau of Customs at the port of export, which identifies the shipment(s), the date of clearance into the foreign country, the gross weight of the dairy product, the net weight of the dairy product, and the weight of the containers. If export is under Public Law 480, 83d Congress, one unauthenticated copy of Shipper's Export Declaration (or photostat of an unauthenticated copy) which shall bear a statement certified by the exporter that, "The authenticated copy of this Shipper's Export Declaration was forwarded to (insert name of banking institution) with my draft for financing of the shipment under P.A. No. (show number).

(3) If the export shipment is made by vessel, plane, truck, or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, and the quantity.

(4) Such additional evidence of export as CCC may require under the circumstances of any particular transaction to enable CCC to determine that there has been compliance with the export requirements hereof.

(b) If the shipper or consignor named in the on-board bill(s) of lading or the Shipper's Export Declaration(s) is other than the exporter named in the offer to export, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(c) If exportation of the dairy product has been made by anyone or transshipment made or caused by the exporter to one or more countries or areas to which a validated license is required by the Bureau of International Programs, U.S. Department of Commerce, the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of International Programs, U.S. Department of Commerce, for such movement.

(d) In case a single bill of lading or other documentary evidence of export covers a quantity of a dairy product in excess of the net quantity applied against the exporter's contract with CCC under this program, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC had paid or agreed to pay an export allowance or has sold dairy products at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying each contract and program to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract and program.

### § 1485.259 Export commodity certificate.

Upon receipt of an Application for Export Payment, Form CCC–162, according to § 1485.257, the Minneapolis ASCS Commodity Office will determine the amount of payment due and issue an Export Commodity Certificate, Form CCC–341, for the amount due.

(a) *Amount for which issued.* The amount shown in the space provided for the value of the certificate will be the amount obtained by multiplying the contract payment rate by whichever of the following is applicable.

(1) The number of pounds (net weight) of conventional nonfat dry milk

or low lactose nonfat dry milk exported.

(2) The number of pounds (net weight) of instant nonfat dry milk exported: *Provided, however,* That when the moisture content of such instant nonfat dry milk exceeds 4 percent, the net export weight shall be adjusted downward to a 4 percent moisture basis.

(3) The adjusted pounds of butter (as determined in this subsection) exported. The adjusted pounds of butter shall be determined by multiplying the net pounds of butter exported in each category of butter listed below by the factor applicable to such category:

| | Factor |
|---|---|
| Standard butter (80.0–81.9 percent milkfat) | 1.0000 |
| Higher fat butter (82.0–82.9 percent milkfat) | 1.0250 |
| Higher fat butter (83.0 percent milkfat or more) | 1.0375 |

The adjusted pounds of butter shall be determined for each churn of butter and shall be based on grading certificates submitted to CCC in support of exporter's application for export payment.

(4) The number of pounds of milkfat products (other than butter) exported adjusted to a basis of 80 percent milkfat. The milkfat content of products (other than butter) exported shall be evidenced by grading certificate submitted in support of exporter's applications for export payments.

(5) The number of pounds of eligible cheese exported. In no event shall payment be made on a greater quantity than 105 percent of the net quantity of the dairy products specified in the contract with CCC.

(b) *Payee.* Except as provided in § 1485.270, the certificate will be issued only to the exporter whose offer to export has been accepted by CCC.

(c) *Date of issuance.* The date of issuance shown on the certificate will be the date the certificate is issued by the ASCS Commodity Office.

(d) *Transfer.* Certificates may be transferred by endorsement.

(e) *Redemption.* Certificates will be redeemed by CCC at face value in any commodity offered for export sale under a CCC regulation or announcement providing for redemption of such certificates, subject to the terms and conditions of such regulation or announcement.

(f) *Expiration.* Certificates shall expire if not presented for redemption within 365 days after date of issuance shown on the certificate and thereafter shall have no value, unless the period for redemption is extended by CCC.

**§ 1485.260 Performance guarantee.**

CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or irrevocable commercial letter of credit, acceptable to CCC, to guarantee performance of any of his obligations under this subpart.

**§ 1485.261 Liquidated damages.**

(a) Failure of the exporter to export or cause to be exported, or delays in exporting or causing to be exported, as provided in this subpart, the quantity of dairy products specified in his contract with CCC shall constitute a breach of the contract which will result in damages to CCC. Since it will be difficult, if not impossible, to prove the exact amount of such damages, the buyer shall pay to CCC promptly upon demand, by way of compensation and not as a penalty, liquidated damages as follows:

(1) Liquidated damages for delay in exportation shall commence on the first day following the end of the export period (ninety days after CCC's acceptance of the offer or any extension thereof approved pursuant to paragraph (b) of this section) but such damages shall not be assessed beyond 30 days and shall be in the following amounts per pound for each calendar day of delay:

(i) With respect to nonfat dry milk, 0.01 cent (one-hundredth of a cent) per pound;

(ii) With respect to milkfat, 0.04 cent (four-hundredths of a cent) per pound;

(iii) With respect to cheese, 0.03 cent (three-hundredths of a cent) per pound.

(2) Liquidated damages for failure to export or for delay in exportation of more than 30 days shall be in the following amounts per pound:

(i) With respect to nonfat dry milk, 0.3 cent (three-tenths of a cent) per pound;

(ii) With respect to milkfat products, 1.2 cents (one and two-tenths cents) per pound;

(iii) With respect to cheese, 0.9 cent (nine-tenths of a cent) per pound.

Failure of the exporter to submit evidence of exportation within 60 days after the final date for exportation specified in § 1485.255 or any extension thereof shall constitute prima facie evidence of failure to export. An exportation which has not been made to an eligible country within thirty calendar days after the end of the export period, unless such period is extended as provided in paragraph (b) of this section, shall be deemed not to have been made at all, and no payments from CCC will have been earned by the delayed exportation.

(3) The liquidated damages provided in subparagraphs (1) and (2) of this subparagraph respectively of this paragraph shall not be cumulative.

(4) It is agreed by the exporter and CCC that the liquidated damages provided herein are a reasonable estimate of the probable actual damages that would be incurred by CCC.

(b) If the exporter gives the General Sales Manager prompt written notice of a delay in exportation and the cause thereof, either before or within thirty days after the end of the ninety day period following the acceptance of the exporter's offer, and the General Sales Manager determines in writing that such delay was due solely to causes without the exporter's fault or negligence, an extension of time for exportation will be granted for a period of not to exceed thirty days. Notwithstanding the foregoing, the General Sales Manager is authorized to extend a period for exportation upon such terms and conditions as he may prescribe if such extension is determined by him to be in the interests of CCC.

(c) If the exportation of any dairy products pursuant to the exporter's contract with CCC does not qualify as an exportation to an eligible country, or if dairy products exported are re-entered into the United States, including Puerto Rico, regardless of whether such reentry is caused by the exporter, or if any dairy products are transshipped or caused to be transshipped by the exporter to any country excluded by § 1485.271, the exporter shall be in default, and shall return to CCC any certificates issued by CCC in payment for export of such dairy products, or shall refund to CCC the face value of such certificates in cash and, with respect to any dairy products reentered into the United States, including Puerto Rico, shall pay to CCC liquidated damages in the amounts provided in paragraph (a)(2) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that (1) the re-entry was not due to his fault or negligence and promptly after he received notice of reentry, he subsequently exported a quantity of dairy products in fulfillment of the requirements of his contract with CCC equal to that which was re-entered, or (2) the dairy products re-entered were lost, damaged, or destroyed, and the physical condition is such that their reentry will not impair CCC's export and price support programs.

**§ 1485.262 Covenant against contingent fees.**

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure contracts as provided under § 1485.253 upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or, in its discretion, to deduct from the value which a certificate would otherwise have, the full amount of such commission, percentage, brokerage, or contingent fee, or to otherwise recover such full amount from the exporter.

**§ 1485.263 Export and exportation.**

"Export" or "exportation" means, except as hereinafter provided, a shipment from the Continental United States destined to another area excluding Alaska, Hawaii, and Puerto Rico. The dairy products so shipped shall be deemed to have been exported on the date which appears on the applicable on-board ship export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or if shipment from the Continental United States is by truck or rail, the date the shipment clears United States Customs. If the dairy products are lost, destroyed, or damaged after loading on-board an export ship, exportation shall be deemed to have been made as of the date of the on-board ship export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading on-board ship but prior to issuance of on-board ship ocean bill of lading or such other document: *Provided, however,* That if the "lost" or "damaged" dairy products remain in the United States, it shall be considered as re-entered and shall be subject to the provisions of § 1485.261 (c).



**§ 1485.264 Performance and good faith.**

If CCC after affording the exporter an opportunity to present evidence in accordance with the regulations of CCC relating to suspension and debarment, determines that the exporter has failed to act in good faith in connection with any transaction under this subpart, or that such exporter is irresponsible in carrying out his obligations under a contract entered into pursuant to this subpart, such exporter may be denied the right to submit offers under this program.

**§ 1485.265 Setoff.**

If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under an Application for Export Payment, Form CCC–162. Setoff as provided herein shall not deprive the exporter of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action. Notwithstanding any assignment pursuant to § 1485.270, CCC may set off any amounts due CCC, if CCC notifies the assignee of such indebtedness to be set off at the time acknowledgment is made of receipt of the notice of assignment. CCC may set off any indebtness of exporter to CCC as to which the assignee was not so notified against any amount due and payable under the contract which remains after deduction of amounts (including interest and other charges) owing by contractor to the assignee for which the assignment was made.

**§ 1485.266 Records and accounts.**

Each exporter shall maintain accurate records relating to all commodities exported or to be exported in connection with this program. Such records, and any document relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for three years after date of export.

**§ 1485.267 Reports.**

The exporter shall file such reports as may be required from time to time by the CCC subject to the approval of the Bureau of the Budget.

**§ 1485.268 Field offices.**

(a) Information concerning this program may be obtained from the office of the General Sales Manager, Washington, D.C., or from representatives of the General Sales Manager as follows:

(1) Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013.

(2) Callan B. Duffy, 630 Sansome Street, Appraisers Building, Room 802, San Francisco, Calif., 94111.

(b) Information concerning this program may also be obtained from the Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn., 55410.

**§ 1485.269 Officials not to benefit.**

No member of or delegate to Congress, or resident Commissioner, shall be admitted to any benefit that may arise from any provision of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

**§ 1485.270 Assignments.**

No assignment shall be made by an exporter of the exporter's contract, under the program or any rights thereunder, except that the exporter may assign the payments due the exporter under an Application for Export Payment, Form CCC–162, to any bank, trust company, Federal lending agency, or other financing institution, and, subject to the approval of CCC, assignment may be made to any other person or firm: *Provided, however,* That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a signed copy of the instrument of assignment, on Form CCC–251, Notice of Assignment, in accordance with the instructions on such form. *And provided further,* That any such assignment shall cover all amounts payable and not already paid under the contract, and shall not be made to more than one person, and shall not be subject to further assignment, except that any such assignment may be made to one person as agent or trustee for two or more persons participating in the financing transaction for which such assignment is given as security. The instrument of assignment may be executed on Form CCC–252 or the assignee may use his own form of assignment subject to acceptance by CCC. Forms may be obtained from the Minneapolis ASCS Commodity Office.

**§ 1485.271 Eligible country or designated country.**

"Eligible country" or "designated country" means any destination outside of the United States and Puerto Rico excluding any country or area for which a license is required under regulations issued by the Bureau of International Programs, U.S. Department of Commerce, unless a license for shipment or transshipment thereto has been obtained from such Bureau.

Issued this 8th day of December 1964.

RAYMOND A. IOANES,
*Vice President, Commodity Credit Corporation, Administrator, Foreign Agriculture Service.*

[F.R. Doc. 64–12837; Filed, Dec. 10, 1964; 3:53 p.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 6373; Amdt. 39–13]

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Boeing Models 707 and 720 Series Aircraft

Amendment 689, 29 F.R. 2641, AD 64–5–1, as revised by Amendment 740, 29 F.R. 6945, and Amendment 785, 29 F.R. 11416, requires the installation of bonded laminate panels of thin aluminum sheet and glass cloth on the wing skin of Boeing Models 707 and 720 Series aircraft in the area of the surge tanks to prevent penetration of the skin by lightning strikes. The manufacturer has now issued a revision to Service Bulletin 1642 which revises the installation instructions contained therein and adds repair information. Accordingly, Amendment 689, as revised by Amendments 740 and 785, is further revised to indicate an equivalent means of compliance for certain repair or rework required by the AD.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is amended as follows:

Amendment 689, 29 F.R. 2641, AD 64–5–1, as revised by Amendment 740, 29 F.R. 6945 and Amendment 785, 29 F.R. 11416, Boeing Models 707 and 720 Series aircraft, is further amended by:

1. Adding the following note at the end of the AD before the parenthetical reference statement to read:

NOTE: Boeing Service Bulletin 1642(R–1) dated September 22, 1964, is an equivalent means of complying with paragraphs (b), (c)(1) and (c)(3).

2. Changing the parenthetical reference statement to read:

(Boeing Service Bulletins 1642, dated June 22, 1962, and 1642(R–1), dated September 22, 1964, cover this subject.)

This amendment shall become effective December 12, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 8, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64–12769; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-22]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Revocation of Federal Airway Segment and Reporting Point

On September 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13209) stating that the Federal Aviation Agency proposed to revoke a segment of Blue Federal Airway No. 48 between the Key West, Fla., radio beacon and the Gulfstream Intersection, and which would revoke the Marathon, Fla., radio beacon as a low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.109 (29 F.R. 1008) Blue Federal Airway No. 48 is amended to read:

From the INT of the 077° bearing from the Marathon, Fla., RBN and the 153° bearing from the Miami, Fla., RBN, to the Miami RBN.

2. In § 71.203 (29 F.R. 1211) the Marathon, Fla., RBN is revoked as a low altitude reporting point.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 7, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12775; Filed, Dec. 11, 1964; 8:46 a.m.]

[Airspace Docket No. 64-CE-13]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Federal Airway

On September 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13402) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway from Sioux City, Iowa, to Farmington, Minn., via Mankato, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Force submitted an objection based on the fact that the airway would restrict the use of Oil Burner Route "Fine Line." Since Oil Burner Route "Fine Line" expires February 19, 1965, action is taken herein to establish an effective date for the airway after such expiration time.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 4, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 1009, 6436), VOR Federal airway No. 219 is amended by deleting "to Sioux City, Iowa." and substituting therefor "Sioux City, Iowa; Mankato, Minn.; to Farmington, Minn."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 7, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12773; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-37]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone and Alteration of Transition Areas

On September 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13400) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Borger, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the following control zone is added:

BORGER, TEX.

That airspace within a 5-mile radius of Hutchinson County Airport, Borger, Tex., (latitude 35°41'55" N., longitude 101°23'40" W.); and within 2 miles each side of the 141° bearing from latitude 35°41'30" N., longitude 101°23'45" W., extending from the 5-mile radius zone to 7.5 miles southeast of latitude 35°41'30" N., longitude 101°23'45" W., and 2 miles each side of the Borger VOR 185° radial extending from the 5-mile radius zone to the VOR, from 1000 to 2200 hours, local time, daily.

2. In § 71.181 (29 F.R. 2933) the Borger, Tex., transition area is amended to read as follows:

BORGER, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hutchinson County Airport, Borger, Tex. (latitude 35°41'55" N., longitude 101°23'40" W.), within 2 miles each side of the Borger, Tex., VOR 185° and 005° radials extending from the 7-mile radius area to 8 miles N of the VOR, and within 8 miles NE and 5 miles SW of the 141° and 321° bearings from latitude 35°41'30" N., longitude 101°23'45" W., extending from 5 miles NW to 12 miles SE of latitude 35°41'30" N., longitude 101°-23'45" W.

3. In § 71.181 (29 F.R. 2933) the Amarillo, Tex., transition area is amended to read as follows:

AMARILLO, TEX.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°42'40" W.); that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 36°01'00" N., longitude 101°24'00" W.; to latitude 35°58'00" N., longitude 101°13'00" W.; to latitude 35°43'00" N., longitude 101°-13'00" W.; to latitude 35°42'00" N., longitude 100°29'00" W.; to latitude 35°28'00" N., longitude 100°29'00" W.; to latitude 35°18'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°-27'00" W.; to latitude 34°40'00" N., longitude 101°39'00" W.; to latitude 34°40'00" N., longitude 102°18'00" W.; to latitude 35°09'00" N., longitude 102°25'00" W.; to latitude 35°-37'00" N., longitude 102°05'00" W.; to latitude 35°43'00" N., longitude 101°44'00" W.; to latitude 35°59'00" N., longitude 101°30'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet MSL within 5 miles each side of the Amarillo VORTAC 297° radial, extending from the 1,200-foot area boundary to 52 miles NW of the VORTAC. The portion of this transition area extending upward from 8,000 feet MSL which coincides with Federal airways is excluded.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on December 7, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-12770; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-54]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the Longview, Tex., control zone and description of the Longview, Tex., transition area.

The Federal Aviation Agency will decommission the Marshall, Tex., VOR on December 10, 1964. Therefore, action is taken herein to delete reference to the Marshall VOR in the description of the Longview control zone and transition area and, in addition, to eliminate the southeast extension to the control zone which is no longer required.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 7017) the Longview, Tex., control zone is amended to read:

LONGVIEW, TEX.

Within a 5-mile radius of Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County VOR 313° radial extending from the 5-mile radius zone to 8 miles NW of the VOR, within 2 miles each side of the Gregg County ILS localizer NW course extending from the 5-mile radius zone to the OM.

2. In § 71.181 (29 F.R. 7017) the Longview, Tex., transition area is amended to read:



LONGVIEW, TEX.

That airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Gregg County ILS localizer SE course extending from the INT of the Gregg County ILS localizer SE course and the 251° bearing from latitude 32°26'48" N., longitude 94°14'34" W. to 12 miles SE, and within 5 miles each side of the 230° bearing from latitude 32°26'48" N., longitude 94°-14'34" W. extending from the INT of the Gregg County VOR 181° radial and the 230° bearing from latitude 32°26'48" N., longitude 94°14'34" W. to the INT of the Gregg County ILS localizer SE course and the 230° bearing from latitude 32°26'48" N., longitude 94°14'-34" W., excluding the portion within Federal Airways.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on December 4, 1964.

PHILLIP M. SWATEK,
*Acting Director, Southwest Region.*

[F.R. Doc. 64-12771; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-111]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone and Transition Area

On September 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13402) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Paris, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the following control zone is added:

PARIS, TEX.

That airspace within a 5-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius zone to 1 mile N of the VOR, from 1000 to 1900 hours, local time, daily.

2. In § 71.181 (29 F.R. 1160) the following transition area is added:

PARIS, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.), and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 6-mile radius area to the VOR; and that airspace extending upward from 1200' above the surface within the area bounded by a line beginning at latitude 33°08'00" N., longitude 95°18'00" W.; to latitude 33°07'00" N., longitude 95°41'00" W.; to latitude 33°49'00" N., longitude 95°34'00" W.; to latitude 33°49'00" N., longitude 95°18'00" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on December 7, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-12772; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-102]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Redesignation of Temporary Restricted Area

On October 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14190) proposing amendments to Part 73 [New] of the Federal Aviation Regulations which would divide restricted area R-2903D at Jacksonville, Fla. into R-2903D Jacksonville West and R-2903E Jacksonville North and which would be designated as continuous from January 1, 1965, to December 31, 1965.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The Florida Development Commission recommended that the floor of redesignated R-2903D be established as 1,300 feet MSL instead of 1,200 feet AGL. The Commission further recommended that military aircraft not be allowed to descend below 1,300 feet MSL so that a firm separation of military and civil traffic will result. The floors of transition areas adjacent to the restricted areas are designated as 1,200 ft. AGL. Therefore, to designate the floor of R-2903D as 1,300 ft. MSL would result in an inconsistent configuration of controlled airspace. The recommendation that military aircraft not be allowed to descend below 1,300 feet MSL is not practical due to the proximal location of military airports to the area. In addition, compliance with current FAA regulations will provide the necessary separation of military and civil aircraft.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 1, 1965, as hereinafter set forth.

1. In § 73.29 (29 F.R. 1245), restricted area R-2903D is amended to read as follows:

a. R-2903D *Jacksonville West, Fla.*

*Boundaries.* Beginning at latitude 30°21'-32" N., longitude 82°02'00" W.; to latitude 29°56'00"N., longitude 82°02'00" W.; counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'20" N., longitude 82°00'25" W.; to latitude 29°53'30" N., longitude 82°04'00" W.; to latitude 30°00'00" N., longitude 82°19'30" W.; to latitude 30°03'00" N., longitude 82°20'00" W.; to latitude 30°22'00" N., longitude 82°20'00"W.; to the point of beginning.

*Designated altitudes.* 1,200 feet AGL to FL 230.

*Time of designation.* Continuous, terminating December 31, 1965.

*Controlling agency.* Federal Aviation Agency, Jacksonville ARTC Center.

*Using agency.* Commander Fleet Air, Jacksonville, NAS Jacksonville, Fla.

2. In § 73.29 (29 F.R. 1245), add the following:

b. R-2903E *Jacksonville North, Fla.*

*Boundaries.* Beginning at latitude 30°-15'30" N., longitude 81°50'00" W.; to latitude 30°15'30" N., longitude 82°02'00" W.; to latitude 30°21'32" N., longitude 82°02'-00" W.; to latitude 30°21'20" N., longitude 81°55'45" W.; to the point of beginning.

*Designated altitude.* Surface to FL 230.

*Time of designation.* Continuous, terminating December 31, 1965.

*Controlling agency.* Federal Aviation Agency, Jacksonville ARTC Center.

*Using agency.* Commander Fleet Air, Jacksonville, NAS Jacksonville, Fla.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 8, 1964.

CLIFFORD P. BURTON,
*Acting Director, Air Traffic Service.*

[F.R. Doc. 64-12776; Filed, Dec. 11, 1964; 8:46 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

### SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is revised to read as follows:

### PART 1001—GENERAL PROVISIONS

#### Subpart A—Introduction

1. Add new § 1001.109–50 as follows:

§ 1001.109–50 Deviations from subchapter.

(a) Deviations from this subchapter may be made only by the Procurement Committee (MCPC), Hq AFLC, or the Procurement Committee (SCK–3), Hq AFSC. Deviations which would involve major policy questions will be made only after coordination with the Directorate of Procurement Management, Hq USAF. Deviations from Part 1003, Subpart F of this subchapter, which affect funding or payment will be made only after coordination with the Directorate of Accounting and Finance, Hq USAF.

(b) Requests for authority to deviate from AFPI will include complete justification and will be forwarded (in triplicate) through channels as follows: AFSC and OAR activities to AFSC (SCK–3); all other activities to AFLC (MCPC). However, before approval of any request for deviation by AFSC or OAR base procurement activities, SCK–3 will coordinate the proposed action with MCPC.

(c) A record of each deviation from AFPI or AFPCs will be maintained by the respective offices which approved the

deviation, including the reasons why a deviation was necessary. One copy of each deviation granted by one command will be furnished to the other command as information.

§ 1001.111–2 [Amended]

2. In § 1001.111–2 the symbol is amended to read "(MCJMF)."

3. Add new §§ 1001.112 and 1001.114 as follows:

**§ 1001.112 Federal procurement regulations and General Services Administration regulations relating to procurement of supplies and services.**

See Part 5, Subpart L of this title for Interagency Purchase Assignments of Commodities to DOD activities and General Services Administration.

**§ 1001.114 Reporting of identical bids.**

Submission of reports. One copy of each report will be submitted to AFLC (MCJMF).

### Subpart B—Definition of Terms

In § 1001.201–18(a)(3) amend the reference as follows:

**§ 1001.201–18 Sources of supplies.**

(a) • • •

(3) Regular dealers in the supplies to be procured as defined in § 12.603–2 of this title.

### Subpart C—General Policies

§ 1001.352 [Amended]

In § 1001.352 delete the last sentence.

### Subpart D—Procurement Responsibility and Authority

§ 1001.402 [Amended]

In § 1001.402(c) delete the first word "Base."

### Subpart F—Debarred, Ineligible and Suspended Bidders

In Subpart F amend the symbol "(MCIMF)" to read "(MCJMF)" wherever it appears throughout the subpart.

### Subpart G—Small Business Concerns

1. Add new § 1001.707 as follows:

**§ 1001.707 Subcontracting with small business concerns.**

## PART 1002—PROCUREMENT BY FORMAL ADVERTISING

### Subpart B—Solicitation of Bids

1. In § 1002.201(b)(21) delete present subdivisions (ix) and (x) and insert the following therefor.

**§ 1002.201 Preparation of invitations for bids.**

• • • • • •

(b) • • •

(21) • • •

(ix) The following provision will be included in all Invitation for Bids calling for the purchase of milk or milk products:

STATE MINIMUM DISTRIBUTOR PRICE REGULATION NOT APPLICABLE (MARCH 1963)

This Procurement is financed by Appropriated Funds and is made under the authority of Chapter 137, Title 10, U.S.C., and the Armed Services Procurement Regulation. Pursuant to Paul vs. United States, decided by the Supreme Court of the United States on January 14, 1963, State minimum distributor price regulations with respect to milk or milk products are not applicable to this procurement.

(x) *Mortuary services.* See § 1004.2002(a)(5) and (6) of this subchapter.

§ 1002.205–51 [Amended]

2. In § 1002.205–51(b) the words "or commodity lists" are amended to read "(commodity lists)."

## PART 1003—PROCUREMENT BY NEGOTIATION

### Subpart D—Types of Contracts

In § 1003.408 revise paragraphs (c)(3)(x)(f) and (d) to read as follows:

**§ 1003.408 Letter contract.**

• • • • • •

(c) • • •

(3) • • •

(x) • • •

(f) Are there to be any deviations from standard contract clauses? If yes, comply with § 1001.109 of this subchapter.

• • • • • •

(d) Copies of the letter contract issued will be forwarded to AFSC (SCK–3) or AFLC (MCPC) if the letter contract required their approval for issuance, or if the resultant definitive contract contemplated will require manual approval of DCS/Procurement and Production, AFSC, or Director of Procurement and Production, AFLC.

## PART 1007—CONTRACT CLAUSES

### Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

In § 1007.204–52 revise the introduction and paragraph (a) to read as follows:

**§ 1007.204–52 Financial management report.**

Insert the following clause in contracts of $100,000 or more.

FINANCIAL MANAGEMENT REPORT (SEPTEMBER 1964)

(a) On or before the thirtieth day of the month following the end of each calendar quarter until such time as the uninvoiced dollar amount of this contract is less than $100,000, the Contractor shall submit to the Contracting Officer, on DD Form 1097, dated November 1, 1959, or other authorized form calling for substantially the same information, furnished by the Contracting Officer, a report of the financial status of the contract, as of the end of such quarter. The Contracting Officer may extend the time for filing said report for a period not to exceed ten working days.

• • • • • •

### Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

Revise § 1007.403–52 to read as follows:

**§ 1007.403–52 Financial management report.**

Insert the clause in § 1007.204–52.

### Subpart Y—Clauses and Arrangements for Letter Contracts

Revise §§ 1007.2504–3(a) and 1007.2505–3(a) to correct certain of the references and to delete footnote [1], as follows:

**§ 1007.2504–3 Contract clauses for incorporation by reference.**

(a) • • •

Sections 7.103–1 (Definitions); 7.103–2 (Changes); 7.103–3 (Extras); 7.103–4 (Variation in Quantity); 7.103–5 (Inspection); 7.103–6 (Responsibility for Supplies); 7.103–8 (Assignment of Claims); 7.103–9 (Additional Bond Security); 7.103–12 (Disputes); 7.103–13 (Renegotiation); 6.104–5 (Buy American Act); 12.303–1 (Work Hours Act of 1962; Overtime Compenaation); 12.605 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103–19 (Officials Not to Benefit); 7.103–20 (Covenant Against Contingent Fees); 7.104–12 (Military Security Requirements); 1.707–3(a) (Utilization of Small Business Concerns); 7.104–15 (Examination of Records); 7.104–16 (Gratuities); 7.104–18 (Priorities, Allocations and Allotments); 7.104–40 (Competition in Subcontracting); 12.203 (Convict Labor); 9.103–1 (Patent Indemnity); 9.102–2 (Authorization and Consent; R&D); 9.104 (Notice and Assistance Regarding Patent and Copyright Infringement); 9.106 (Filing of Patent Applications); 9.102–1 (Authorization and Consent); 9.107–5(b) (Patent Rights; License); 9.203–1, 9.203–2, 9.203–3, and 9.203–4 (Data); 9.207–2(a) (Data; Withholding of Payment); 13.502 (Government-Furnished Property); 6.403 (Soviet Controlled Areas); 8.707 (Default); 7.104–4 (Notice to the Government of Labor Disputes); 1.805–3(a) (Utilization of Concerns in Labor Surplus Areas); 1.805–3(b) (Labor Surplus Area Subcontracting Program); 1.707–3(b) (Small Business Subcontracting Program); 12.102–3(a) (Payment for Overtime and Shift Premiums); 3.902–4 (Changes to Make-or-Buy Program); and § 163.118, Subpart F, Subchapter E of this title (Interest).

• • • • • •

**§ 1007.2505–3 Contract clauses incorporated by reference.**

(a) • • •

Sections 7.103–1 (Definitions); 7.203–2 (Changes); 7.203–5 (Inspection of Supplies and Correction of Defects); 7.103–8 (Assignment of Claims); 7.103–13 (Renegotiation); 7.203–7 (Records); 7.203–8 (Subcontracts); 1.707–3(a) (Utilization of Small Business Concerns); 7.103–12 (Disputes); 6.104–5 (Buy American Act); 12.203 (Convict Labor); 12.303–1 (Work Hours Act of 1962; Overtime Compensation); 12.605 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103–19 (Officials Not to Benefit); 7.103–20 (Covenant Against Contingent Fees); 13.503 (Government Property); 7.203–22 (Insurance; Liability to Third Persons); 7.104–12 as modified by 7.204–12 (Military Security Requirements); 7.104–16 (Gratuities); 7.104–18 (Priorities, Allocations and Allotments); 9.104 (Notice and Assistance Regarding Patent and Copyright Infringement); 9.106 (Filing of Patent Applications); 9.102–1 (Authorization and Consent); 9.102–2 (Authorization and Consent; R&D); 9.107–5(b) (Patent Rights; License); 9.203–1, 9.203–2, 9.203–3 and 9.203–4 (Data); 9.207–2(b) (Data; Withholding of Payment); 6.403 (Soviet Controlled Areas); 7.104–4 (Notice to

[1] [Deleted]



the Government of Labor Disputes); 1.805–3 (a) (Utilization of Concerns in Labor Surplus Areas); 1.805–3(b) (Labor Surplus Area Subcontracting Program); 8.708 (Excusable Delays); 1.707–3(b) (Small Business Subcontracting Program); 7.104–40 (Competition in Subcontracting); 12.102–3(a) (Payment for Overtime and Shift Premiums); 3.902–4 (Changes to Make-or-Buy Program); and 163.118, Subpart F, Subchapter E of this title (Interest).

• • • • • •

Subpart Z, Clauses for Open Contracts for Equipment and Services, is deleted.

## PART 1057—REPORTS

Present Subpart KK is rescinded and the following substituted therefor:

### Subpart KK—Financial Management Report

Sec.

1057.3700 Scope of subpart.
1057.3701 Applicability.
1057.3702 Use and requirement for DD Form 1097.
1057.3703 Action and distribution of DD Form 1097 and related data.

AUTHORITY: The provisions of this Subpart KK issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

**§ 1057.3700 Scope of subpart.**

This subpart sets forth instructions for determining the financial status of AF contracts. DD Form 1097, Financial Management Report, will be used to obtain cost information according to instructions attached to the DD Form 1097. BOB approval No. 22–R180 applies.

**§ 1057.3701 Applicability.**

This subpart applies to all organizations concerned with the management and control of the financial status of AF contracts.

**§ 1057.3702 Use and requirement for DD Form 1097.**

The DD Form 1097 will be used to obtain the earliest possible knowledge of an increase or decrease in the estimated cost (overrun or underrun) while developing forecasts of contractor-incurred commitments and contractor expenditures for cost reimbursement contracts. (The term "overrun" is defined as the amount of funds required, in excess of the total estimated cost and fee provided in the basic contract, to complete performance of work required by the contract schedule, considering all amendments thereto.)

(a) All cost reimbursement type contracts, except facility contracts, with an uninvoiced dollar balance of $100,000 and over, regardless of contractor, will be reported. The Financial Management Report clause will be included in contracts according to §§ 1007.204–52 and 1007.403–53 of this subchapter.

(b) Control of fixed-price incentive and price-redetermination contracts is set forth in Subpart Z, Part 1054 of this subchapter. DD Form 1097 reporting requirements may be used when determined practicable by the PCO and made a requirement in the contract.

(c) Individual contract reporting requires completion of the DD Form 1097 heading and the following items: 1, 2, 3, 7, 8, 9, or 10, 11, 12, 13, 14, 15, 16, 18, and 19. Items 4, 5, and 6 of the form will be completed when conditions under Note 1 on the DD Form 1097 are met or provided for by contractual coverage.

(d) The PCO may, at his discretion, discontinue the financial management reporting requirement when the contract is physically completed.

(e) Normally, the DD Form 1097 will be prepared quarterly by the contractor and submitted to the ACO. However, the contractor is required to report (see § 1007.204–52 of this subchapter) anticipated overruns whenever the contractor has reason to believe such an event will occur. In the event of such an anticipated, or actual, overrun, the contractor will submit items 1 through 14 of the DD Form 1097 monthly until the overrun has been funded, or the situation which has created the overrun condition has been corrected. The monthly report will include a supplemental detailed cost breakdown identifying the anticipated overrun by providing at a minimum the information required by Subpart D, Part 1054 of this subchapter.

(f) ACOs will assure that appropriate contractors submit completed reports according to instructions. They will: (1) Furnish the contractors a supply of DD Forms 1097; (2) advise which specific reports are required including number of copies of report; and (3) will give necessary guidance based on this Instruction or other pertinent instructions. For the purpose of this report the contractor representative considered authorized to sign the report will be a senior-level manager of the contractor.

(g) Individual contract reports will be submitted by the contractor to the ACO involved not later than the 30th calendar day of the month following the end of each calendar quarter unless a portion of the report is required to be submitted monthly as set forth in paragraph (e) of this section. Extension of submission date, not to exceed 10 work days, may be granted by the ACO only upon consideration of written justification and request by the contractor. Recipients of DD Form 1097 reports will be advised by the ACO of approved extensions granted, including the revised submission date.

(h) ACOs will channel reports according to § 1057.3703(b).

(i) The ACO after review and analysis, will complete item 19 of the report. Review and analysis of the contractor report will include, but not necessarily be limited to, a review of any estimated cost increases (or decreases) shown in the contractor's forecast, as well as a review of the contractor's forecast of billings or payments to ascertain whether he has included all provisioning orders, work requests, and similar contingency items released to him.

**§ 1057.3703 Action and distribution of DD Form 1097 and related data.**

NOTE: Number of copies of individual DD Form 1097 reports reflected herein represents minimum requirement. Requirement for additional copies of individual DD Form 1097 reports by action elements will be forwarded to appropriate ACO.

(a) *Contractor action and distribution.* (1) The Form will normally be submitted by the contractor to the ACO in the number of copies designated by the ACO. Normally six copies will be required.

(2) Nothing in these instructions will be construed as relieving contractors from reporting on contracts directly to the AFSC divisions according to Bureau of Budget approved Exhibits relating to DD Form 1097 reporting incorporated in such contracts. DD Form 1097 may be incorporated and made a part of Bureau of Budget approved Exhibits When the frequency and due dates of the contractor submitted reports coincide, a single contractor submission will satisfy the requirements of this Instruction and that of approved contract Exhibits.

(b) *Air Force action and distribution of individual DD Form 1097.* (1) Contractor forwards required number of copies of completed individual DD Form 1097 to ACO within 30 days following close of calendar quarter. In the event of an anticipated or actual overrun, the contractor will submit items 1 through 14 of the report within 10 working days following the close of the month being reported.

(2) ACO (AFPRO/CMD) forwards one advance copy of each individual DD Form 1097 to PCO immediately upon receipt from contractor whether the report is being submitted on a quarterly or monthly basis.

(3) Upon receipt of advance copy of DD Form 1097, PCO will review to determine existence of estimated cost overrun or underrun which may result in a deficiency or excess of funds. On those reports indicating cost overruns, the PCO will immediately contact the initiator of the procurement (project officer) to determine whether the supplies and/or services are still required and whether there should be a change in quantity in light of anticipated increase in costs. The initiator (project officer) will take prompt action to determine whether additions funds are to be provided or the program is to be cut back and advise PCO of the determination. If additional funding is to be provided, follow the procedures in Subpart D, Part 1054 of this subchapter. Reports indicating contract cost underruns will be immediately investigated and necessary contractual action taken to effect removal of excess funds.

(4) Upon receipt of DD Form 1097 reports from the contractor, the ACO will complete item 19 of the Form and forward the required copies to the PCO for his information and action. Annotated copies will be forwarded by the ACO to arrive not later than 10 calendar days following receipt of the Form from the contractor. In completing item 19 of the report, the ACO will review and analyze the contractor's reasons for anticipated overrun, if applicable, and verify the accuracy and adequacy of the contractor's Forecast. One copy will be retained by the ACO for follow-up action and file.

(5) Upon receipt of completed DD Forms 1097 from the ACO, the PCO will review the submission and provide perti-

nent comments. Two copies of the report will be forwarded by the PCO to the initiator of the procurement for information and action. The PCO will also send an information copy of his comments to the ACO.

(6) The initiator of the procurement will forward one copy of the DD Form 1097 with all comments to appropriate higher authority if action is required.

## PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

Revise item E-904(b)(3) and (c) of § 1030.5 to read as follows:

**§ 1030.5 Appendix E—Contract Financing.**

* * * * *

*Part IX—Assignment of Claims Arising Under Government Contracts*

* * * * *

E-904 *Copies of notices for contracting officer and acknowledgment thereof.*

* * * * *

(b) * * *

(3) Return one copy of the notice thus acknowledged to the assignee and send two copies to the accounting and finance officer cited in the contract.

* * * * *

(c) Accounting and finance officers will not make payments to assignees until after receipt of the two copies of the notice of assignment duly acknowledged by the contracting officer.

* * * * *

(Sec. 8012, 70A Stat. 488; secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012; 10 U.S.C. 2301–2314) [AFPI Rev. No. 46, September 30, 1964; AFPC No. 44, November 9, 1964]

By order of the Secretary of the Air Force.

ROBERT W. MANSS,
*Major General, United States Air Force, The Judge Advocate General, United States Air Force.*

[F.R. Doc. 64–12784; Filed, Dec. 11, 1964; 8:46 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 202—ANCHORAGE REGULATIONS

## PART 203—BRIDGE REGULATIONS

### Key West, Fla., and Portage River, Ohio

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.189 governing the use and navigation of an explosives anchorage area in Man-O-War Harbor, Key West, Florida, is hereby revoked effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

**§ 202.189 Man-O-War Harbor, Key West, Florida; naval explosives anchorage area. [Revoked]**

[Regs., 25 November 1964, 1507–32 (Key West, Fla.)–ENGCW–ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.641 is hereby amended with respect to paragraph (f) to include a new subparagraph (8) and new § 203.705a is hereby prescribed to govern the operation of the New York Central Railroad Company bridge across Portage River, Port Clinton, Ohio, effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 203.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.**

* * * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

* * * * *

(8) Portage River, Ohio; The New York Central Railroad Company bridge at Port Clinton, Mile 1.51. During the months from 1 December to 1 May, at least 24 hours' advance notice required. During the months from 1 May to 1 December, the draw need not be opened for the passage of vessels between 10:00 p.m. and 6:00 a.m. At all times not covered by the regulations in this subparagraph the regulations contained in § 203.705a shall govern the operation of this bridge.

**§ 203.705a Portage River, Ohio; The New York Central Railroad Company bridge at Port Clinton, Mile 1.51.**

(a) The owners of or agencies controlling the bridge shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) The draw of the bridge shall, upon receiving from a vessel the prescribed call signal, be opened immediately for the passage of the vessel: *Provided,* That the opening of the draw may be delayed not to exceed 7 minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time of the vessel's signal: *Provided,* That no such vessel or other watercraft shall be delayed for a longer period than 15 minutes.

(c) Signals:

(1) *Call signal for opening of draw.* Three long blasts and one short blast of a whistle, horn, or siren, repeated at intervals until the acknowledging signal is received from the bridge tender.

(2) *Acknowledging signal.* Same as call signal.

(d) Trains and vehicles shall not be stopped on the bridge for the purpose of delaying the opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(e) The bridge shall not be required to open for pleasure craft carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Engineer, Corps of Engineers, Detroit, Michigan, will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

NOTE: The special regulations contained in § 203.641, subparagraph (f)(8), prescribed where local conditions require to govern the operation of this bridge, supplement the general regulations in this section.

[Regs., 25 November 1964, 1507–32 (Portage River, Ohio)–ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
*Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 64–12785; Filed, Dec. 11, 1964; 8:46 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 4—Department of Agriculture

## PART 4–1—GENERAL

## Subpart 4–1.6—Debarred, Suspended and Ineligible Bidders

MISCELLANEOUS AMENDMENTS

Section 4–1.600 *Scope of subpart* and § 4–1.602–1 *Bases for entry on the debarred, suspended, and ineligible list,* are amended as follows:

Section 4–1.600 is deleted and the following is inserted in lieu thereof:

**§ 4–1.600 Scope of subpart.**

This subpart supplements and implements § 1–1.600 of this title. It prescribes policies and procedures relating to debarment, ineligibility, or suspension of bidders for any cause. It is applicable to all procurement and sales contracting by the Department except contracting by the Commodity Credit Corporation. Regulations applicable to that Corporation are stated at 29 F.R. 10495 (7 CFR Part 1407). However, any notice of debarment or suspension action and any subsequent consideration thereof by the Commodity Credit Corporation under 29 F.R. 10495 (7 CFR Part 1407) shall apply to all transactions by the Department unless an exception is made by the Department Debarring Officer. (See § 4–1.602–1(d).)

Section 4–1.602–1 is amended by adding the following paragraph (d):

**§ 4–1.602–1 Bases for entry on the debarred, suspended and ineligible list.**

* * * * *

(d) Those notified of debarment or suspension by the Commodity Credit Corporation under the regulation stated at 29 F.R. 10495 (7 CFR Part 1407).

Done at Washington, D.C., this 8th day of November 1964.

JOSEPH M. ROBERTSON,
*Assistant Secretary for Administration.*

[F.R. Doc. 64–12791; Filed, Dec. 11, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 1047 ]

[Docket No. AO–33–A31]

### MILK IN FORT WAYNE, IND., MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indianapolis, Indiana, on September 24, 1964, pursuant to notice thereof issued on September 8, 1964 (29 F.R. 12875).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator on November 13, 1964 (29 F.R. 15443; F.R. Doc. 64–11776) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to the reclassification of sour cream and sour cream products from Class I milk to Class II milk.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Sour cream not labeled Grade A should be reclassified under the Fort Wayne order from Class I to Class II milk. The classification of sour cream and sour cream products disposed of under a Grade A label should not be changed.

The order designates sour cream as a fluid milk product and classifies skim milk and butterfat used in fluid milk products as Class I milk. The order also classifies skim milk and butterfat in any "sour cream product" as Class I milk if such product is disposed of under a Grade A label. It was proposed by a Fort Wayne handler that all sour cream and sour cream products be removed from the fluid milk product category and be classified as Class II milk irrespective of whether they are labeled Grade A.

Essentially, the proponent's proposal would reduce the minimum prices of skim milk and butterfat used in sour cream. This change was suggested on the principal ground that proponent could be more competitive in the sale of sour cream.

Basically, the order classifies as Class I all fluid milk products which require the use of Grade A milk. It also fixes the class prices at levels which will assure an adequate supply of milk for use in such products. Milk which is in excess of the market needs for fluid uses generally is processed into manufactured dairy products such as butter and nonfat dry milk. Such use of producer milk is designated Class II and is priced at the level of manufacturing grade milk since all manufactured milk products generally compete in a common market whether made from Grade A milk or ungraded milk.

Sour cream has been classified Class I under the Fort Wayne order principally on the basis that it requires a supply of Grade A milk (official notice is taken of the Assistant Secretary's decision issued April 10, 1961 (26 F.R. 3191) containing findings and conclusions to this effect). Applicable health regulations require that sour cream sold in the Fort Wayne marketing area be labeled Grade A. Consequently, it continues to require a regular supply of Grade A milk. In this respect it is quite different from butter or other Class II products which are storable and can be made from producer milk delivered during the flush production months or from manufacturing grade milk.

A principal contention by proponent is that sour cream should be reclassified on the basis of obtaining closer alignment of prices between orders. To effectuate orderly marketing it obviously is desirable to have reasonably close alignment of prices among Federal milk orders—particularly among orders where there is an overlap of sales territory by handlers regulated under different orders. The Fort Wayne handler sells sour cream in competition not only with sour cream priced under the Indianapolis order but also with sour cream priced under the Chicago order.

At the present time the Indianapolis order classifies and prices milk used in sour cream as Class II. However, since the Chicago market is another regulated marke' from which sour cream is sold in competition with proponent's product, a price comparison with that order also is appropriate in consideration of interorder alignment. Sour cream is designated Class II under the Chicago order also. However, this is a three-class market and the minimum price for butterfat in sour cream in Class II under the Chicago order actually is higher than the minimum price for butterfat in Class I under the Fort Wayne order. (Official notice is taken of the Chicago order.)

Further, the Fort Wayne market is in relatively close competition with certain other Federal order markets also. Official notice is taken of the South Bend-LaPorte-Elkhart, Toledo, and North Central Ohio orders all of which classify sour cream in Class I. The order cost of skim milk and butterfat for sour cream in these markets is very comparable to the cost as Class I milk under the Fort Wayne order. Thus, reclassification of sour cream under the Fort Wayne order irrespective of labeling would alter but not necessarily improve alignment among the several adjacent markets.

The order currently provides for the classification in Class II of sour cream products, such as party dips, which are not labeled Grade A. In the absence of appropriate testimony that similar treatment of sour cream would create competitive problems or would be administratively impracticable in this market, the classification provision is revised to reclassify sour cream as Class II milk when not labeled Grade A. This will permit handlers to avoid the classification complained of in meeting any competition from other sour cream not under the Grade A label.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a market-

ing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area" which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of September 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order as amended and as hereby proposed to be amended, amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area, is approved or favored by producers, as defined under the terms of the order as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 9, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area*

**§ 1047.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

[1] This order shall not become effective unless and until the requirements of § 900–14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling—It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

Section 1047.16 is revised to read as follows:

**§ 1047.16 Fluid milk product.**

Fluid milk product means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk disposed of for fluid consumption (other than in hermetically sealed cans), cream, sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (except frozen cream, aerated cream products, eggnog, milk shake mixes, ice cream, ice cream mixes, other frozen desserts and sterilized products packaged in hermetically sealed containers).

[F.R. Doc. 64–12815; Filed, Dec. 11, 1964; 8:50 a.m.]

# DEPARTMENT OF THE TREASURY

## Bureau of Customs

## [ 19 CFR Part 6 ]

## MALONE-DUFORT AIRPORT, MALONE, NEW YORK

### Proposed Revocation of Designation as International Airport

Malone-Dufort Airport, Malone, New York, is a designated international airport (airport of entry). However, the customs office at Malone, New York, was closed in 1963. Since that time, it has been necessary to provide customs service at Malone-Dufort Airport, by detailing customs officers from another port. The number of aircraft arrivals, from foreign territory at Malone, is very small, and does not justify the expense of providing customs service. The Massena Airport, a designated international airport located nearby, can readily handle the Malone air traffic requiring customs service with little inconvenience to flyers.

Accordingly, notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509 (b)), it is proposed to revoke the designation of Malone-Dufort Airport, Malone, New York, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States (see 19 CFR 6.1, 6.2), and it is further proposed to amend § 6.13 of the Customs Regulations by deleting therefrom the location and name of this airport.

Data, views, or arguments with respect to the proposed revocation of the designation of Malone-Dufort Airport as an international airport may be addressed to the Commissioner of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received by the Commissioner of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

Approved: November 24, 1964.

JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–12800; Filed, Dec. 11, 1964; 8:48 a.m.]

# CIVIL AERONAUTICS BOARD

## [ 14 CFR Part 399 ]

[Docket No. 15731]

## WET LEASES TO FOREIGN AIR CARRIERS

### Statements of General Policy

DECEMBER 8, 1964.

Notice is hereby given that the Civil Aeronautics Board is considering the desirability of amending Part 399, its statements of General Policy, to establish a new Board policy with respect to so-called "wet leases" by United States air carriers to foreign air carriers. The subject and the issues involved are explained in the Explanatory Statement set forth below. The amendment is proposed under the authority of sections 204(a), 412, and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 770, 771; 49 U.S.C. 1324, 1382, 1386) and of section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002).

Interested persons may participate in the proposed rule making through the submission of ten (10) copies of written data, views, or arguments, pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before December 23, 1964 will be considered by the Board. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

*Explanatory statement.* In Order No. E–20635 (March 31, 1964) the Board authorized, for six months, an arrangement whereby Airlift International, Inc. (Airlift) would "wet lease" (i.e. would lease aircraft and crew) a jet aircraft to Alitalia-Linee Aeree Italiane-S.p.A. (Alitalia) for at least two round trip all-cargo flights per week over Alitalia's transatlantic route. On August 6, 1964, Airlift asked the Board to extend the authorization for an additional thirteen months. In Order No. E–21335 (September 30, 1964) the Board extended the authorization for a three month period, stating that:

> The Board is currently reviewing its policy with regard to long-term utilization for a foreign air carrier of the facilities of a United States air carrier in the conduct of the route operations authorized in its foreign air carrier permit.

The instant notice of proposed rule making is in implementation of the Board's review of its policy.

For more than ten years the Board has followed a relatively restrictive policy when it has been asked to authorize a long-term wet lease by a United States carrier to the holder of a foreign air carrier permit.[1] Ordinarily, the Board has found that:

> It is not in the public interest as described in [section 2 of the Civil Aeronautics Act of 1938] for the holder of a foreign air carrier permit, which may be in competition with United States certificated flag carriers, to render itself fit, willing and able properly to perform the air transportation required by its permit through leasing, on an indefinite basis, the equipment, operating staff and other resources of a United States air carrier."[2]

The Board has permitted wet leasing in exceptional cases. Thus, United States air carriers have been allowed to wet lease to foreign air carriers in cases in which the arrangement helped foreign air carriers inaugurate operations on a route;[3] in a case in which the arrangement helped a foreign air carrier to maintain its previous level of operations while it awaited replacement of an aircraft lost in an accident;[4] and in the case of the previously discussed Airlift-Alitalia arrangement which enabled Alitalia to institute services authorized by an interim arrangement (pending arbitration proceedings) between the governments of the United States and Italy.[5] In these exceptional cases, the Board has required that the arrangements be only temporary, and the Board has insisted that within a reasonable time the foreign carrier plan to operate the service without United States resources.[6]

The Board's restrictive policy first was developed at a time when there were a number of countries with substantial market potential which had not developed airlines capable of intercontinental service. It was feared that a liberal Board policy would result in United States carriers carrying out, on a permanent basis, operations authorized by foreign air carrier permits. Now the factual situation has changed. International aviation has developed significantly since the policy was first established, and air services are now being provided by foreign air carriers between their respective homelands and the United States in most markets with a large traffic potential. Another significant recent development is that many financially weak United States carriers, including supplemental and all-cargo carriers, now are unable to obtain full time utilization of the expensive jet equipment which the competitive situation has forced them to acquire. It may be that wet lease arrangements should be restricted to those carriers who have an urgent need for additional utilization of equipment or have a compelling need to supplement operating revenue. Accordingly, the Board is requesting comments as to whether a change in policy is appropriate.

The attached proposal is purely illustrative and the Board is prepared to consider comments and counterproposals from interested persons.

*Proposed rule.* The Civil Aeronautics Board is considering the desirability of amending Part 399, its Statements of General Policy (14 CFR Part 399), by adding to Subpart B a new § 399.19 to read as follows:

**§ 399.19 Wet leases to foreign air carriers.**

(a) This policy statement sets forth the major factors which the Board will consider in acting upon applications for authorization of long-term "wet leases" (i.e., leases in which the lessor provides both the aircraft and the crew) by a United States carrier to the holder of a foreign air carrier permit.

(b) A wet lease of the type described in paragraph (a) of this section will be deemed to be in the public interest only if operations thereunder will not have a significant adverse competitive impact on any United States carrier. In making this determination, the Board will consider such factors as: the relative size and financial strength of the United States carriers and the foreign carriers operating on the route; whether the proposed operation will require any United States carrier to reduce its level of frequency on the route; and whether the proposed operation will render uneconomic any United States carrier's operations over the route.

(c) In no case will the Board approve a wet lease arrangement which would impair the United States air carrier's ability to fulfill its certificate obligations.

(d) Subject to the conditions stated in paragraphs (b) and (c) of this section, the Board will normally approve wet lease arrangements in the following situations:

(1) When a foreign air carrier-lessee is at an early stage of development and intends to place primary reliance upon the wet lease arrangement to support its international operations. In such instances the wet lease will normally be approved for a maximum period of two

[1] See e.g., In re Capitol Airways, Inc. & Compagnie Nationale Air France, Order No. E–15516 (July 7, 1960); In re Slick Airways, Inc., Order No. E–15128 (April 20, 1960). A wet lease usually constitutes a "cooperative working arrangement," which is subject to Board disapproval under Section 412 of the Federal Aviation Act of 1958. Additionally, if the lessor will be engaging in common carriage between points for which it holds no operating authority, it must obtain such authority (e.g., by means of a section 416(b) exemption).

It should be emphasized that the policy here discussed relates to long-term wet leases, and not to wet leases for a few flights. The Board has frequently permitted the latter type of lease in emergencies (e.g., a strike or an accident rendering a foreign carrier's aircraft nonoperational.)

[2] In re Seaboard & Western Air Lines, Inc. & Aerlinte Eireann TTA, Order No. E–7108 (January 28, 1953).

[3] See e.g., In re Trans Caribbean Airways, Inc. & Aerovias Interamericanas de Panama, S. A., Order No. E–8910 (January 24, 1955); In re Transocean Air Lines, Inc. & Airwork, Ltd., Order No. E–8976 (February 25, 1955); In re Slick Airways, Inc. & Airwork, Ltd., Order No. E–8977 (February 25, 1955); In re Seaboard & Western Air Lines, Inc., & Aerlinte Eireann Teoranta, Order No. E–12308 (March 31, 1958); California Eastern, Control, 26 C.A.B. 272 (1958). See also the following cases involving inauguration of all-cargo services: In re Transocean Airlines, Inc. & Deutsche Lufthansa Aktiengesellschaft, Order Nos. E–12012 (December 12, 1957) and E–13718 (April 8, 1959); In re The Flying Tiger Line Inc. & Deutsche Lufthansa Aktiengesellschaft, Order No. E–14883 (January 29, 1960); In re Slick Airways, Inc., Order Nos. E–12012 (December 12, 1957) and E–14645 (November 12, 1959).

[4] In re Trans International Airlines, Inc., Order No. E–21349 (October 2, 1964).

[5] In re Airlift International, Inc., Order No. E–20635 (March 31, 1964).

[6] The length of authorized operations has only once exceeded two years. (See In re The Flying Tiger Line Inc. & Deutsche Lufthansa Aktiengesellschaft, Order No. E–14883 (January 29, 1960) in which the operations for which approval was granted and operations under previous authorizations took place over a period of two and one-half years. In granting the final authorization the Board relied, inter alia, upon representations by the Department of State that there were overriding national interest considerations. In some cases involving carriers already operating over a route, two years has been considered excessive. See generally, In re Seaboard & Western Air Lines, Inc. & Aerlinte Eireann TTA, supra n. 2; In re Slick Airways, Inc., Order No. E–15128 (April 20, 1960); In re Airlift International, Inc., supra n. 5.

years; provided, however, that no such wet lease shall be approved unless it is shown that the foreign air carrier-lessee will be in a position to establish an independent viable operation by the end of the two-year period.

(2) When a foreign air carrier-lessee has an established international air service in being, possesses substantial equipment of its own, and desires to inaugurate a new class of service. In such instances the wet lease may be approved, subject to periodic Board review to insure that the criteria set forth in paragraph (b) of this section continue to be fulfilled.

(3) When the wet lease is for the sole purpose of enabling a foreign air carrier-lessee to replace equipment rendered non-operational by an emergency beyond its control (e.g., by an accident). In such instances the wet lease may be approved for a period not to exceed six months, whether or not the criteria set forth in paragraph (b) of this section are met.

[F.R. Doc. 64-12817; Filed, Dec. 11, 1964; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 39 [New] ]

[Docket No. 6372]

## AIRWORTHINESS DIRECTIVES

### Douglas Model DC-6 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 [New] of the Federal Aviation Regulations to include an airworthiness directive for Douglas Model DC-6 Series aircraft. There have been several failures of the main gear torque links. To correct this condition, this AD requires inspection and rework or replacement of the torque links.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 11, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), by adding the following airworthiness directive:

DOUGLAS. Applies to Model DC-6 Series aircraft.

Compliance required as indicated.

Due to the failure of a main gear torque link, P/N 8065-46, the wheels and axle of the main gear rotated 180 degrees. To correct this condition, accomplish the following on torque links, Douglas P/N 8065-46, which have not been reworked in accordance with Douglas Service Engineering Letters C1-78-133/DJW dated January 28, 1964, C1-78-977/DJW dated June 22, 1964, or C1-78-1311/DJW dated August 11, 1964, and attached service sketches:

(a) Within 600 hours' time in service after the effective date of this AD for torque links which have been installed on aircraft for 20,000 or more hours' time in service on the effective date of this AD, and prior to the accumulation of 20,600 hours' time in service for torque links which have been installed on aircraft for less than 20,000 hours' time in service on the effective date of this AD.

(1) Inspect for cracks in the area of the vertical webs adjacent to the trunnion holes, using a 10-power glass or an equivalent method approved by the Aircraft Engineering Division, FAA Western Region.

(2) Torque links with cracks greater than 0.170 inch in depth shall be replaced before further flight with torque links reworked in accordance with Douglas Service Engineering Letters C1-78-133/DJW dated January 28, 1964, C1-78-977/DJW dated June 22, 1964, or C1-78-1311/DJW dated August 11, 1964.

(3) Torque links with cracks 0.170 inch in depth or less shall be:

(i) Reworked before further flight in accordance with Douglas Service Engineering Letter C1-78-1311/DJW dated August 11, 1964, and Douglas Service Sketch No. 608-A attached thereto, or an equivalent method approved by the Aircraft Engineering Division, FAA Western Region; or

(ii) Replaced before further flight with torque links reworked in accordance with Douglas Service Engineering Letters C1-78-133/DJW dated January 28, 1964, C1-78-977/DJW dated June 22, 1964, or C1-78-1311/DJW dated August 11, 1964.

(4) If no cracks are found, repeat the inspection described in subparagraph (1) at intervals not to exceed 600 hours' time in service from the last inspection.

(b) The repetitive inspections required by subparagraph (a)(4) may be discontinued on torque links reworked in accordance with subparagraph (a)(3).

(c) Operators who have not kept records of hours' time in service on individual torque links shall substitute airplane hours' time in service in lieu thereof.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Service Engineering Letter C1-78-1311/DJW dated August 11, 1964, and Service Sketch No. 608-A attached thereto, cover this same subject.)

Issued in Washington, D.C., on December 8, 1964.

G. S. MOORE,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12777; Filed, Dec. 11, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-35]

## FEDERAL AIRWAY AND LOW ALTITUDE REPORTING POINT

### Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter and extend VOR Federal airway No. 220 between Akron, Colo. and Grand Island, Nebr. and which would designate a new low altitude reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to redesignate the segment of V-220 from Akron, Colo. via the intersection of the Akron 094° and the McCook, Nebr., 263° True radials; McCook; intersection of the McCook 072° and the Grand Island, Nebr., 241° True radials; to Grand Island. The proposed alteration and extension of V-220 would provide an air carrier route with continuous controlled airspace for scheduled air traffic presently operating between Denver, Colo. and Lincoln, Nebr., with intermediate stops at McCook, Kearney, Nebr., and Hastings, Nebr. In addition, it is proposed to designate the McCook VOR as a low altitude reporting point.

These amendments are proposed under section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 7, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12774; Filed, Dec. 11, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-AL-16]

## CONTROL ZONE

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would modify the control zone at Big Delta Airport, Big Delta, Alaska.

The Big Delta, Alaska, Control Zone is presently designated within a 5-mile radius of the Big Delta Airport (latitude 64°00' N., longitude 145°43' W.); and within 2 miles each side of the Big Delta radio range northwest course, extending from the 5-mile radius zone to 12 miles northwest of the radio range.

The Federal Aviation Agency, having completed a review of the terminal airspace structure requirements at Big Delta, including studies pertinent to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace action:

In § 71.171 (29 F.R. 1106) the Big Delta, Alaska, Control Zone would be redescribed as that area within a 5-mile radius of the Big Delta Airport (latitude 64°00' N., longitude 145°43' W.); and within 2 miles each side of the Big Delta RR NE and NW courses, extending from the 5-mile radius zone to 8 miles NE and 9½ miles NW of the RR; within 2 miles each side of the Big Delta VOR 040° and 315° radials, extending from the 5-mile radius zone to 8 miles NE and 10 miles NW of the VOR.

This proposal would reduce the length of the existing control zone extension to the northwest by approximately 2 miles. An additional extension to the northwest would be established to provide protective airspace for the JAL VOR approach procedure. Also, a new extension to the northeast, predicated on the radio range and the VOR, would provide protective airspace for aircraft executing approaches using the new VOR procedure and the revised radio range procedure.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).



Issued in Anchorage, Alaska, on December 4, 1964.

JAMES G. ROGERS,
*Director, Alaskan Region.*

[F.R. Doc. 64-12778; Filed, Dec. 11, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-CE-80]

## TRANSITION AREAS, CONTROL ZONES AND CONTROL AREA EXTENSION

### Proposed Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Muncie, Indiana; Marion, Indiana; and Anderson, Indiana, terminal areas.

The following controlled airspace is presently designated in the Muncie, Marion and Anderson, Indiana, terminal areas:

1. The Muncie, Indiana, control zone is designated within a 3-mile radius of the Delaware County Airport, Muncie, Indiana (latitude 40°14'26" N., longitude 85°23'43" W.), from 0700 to 2300 hours, local time, daily.

2. The Muncie, Indiana, control area extension is designated as that airspace bounded on the NW by V-14, on the E by V-55 and on the S by V-210.

3. That portion of the Fort Wayne, Indiana, control area extension S of Fort Wayne bounded on the E by V-55, on the SE by V-14 and on the NW by V-11W alternate and V-96; SW of a line extending from latitude 40°40'00" N., longitude 85°30'00" W., to latitude 40°28'30" N., longitude 85°20'45" W.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Muncie, Marion and Anderson, Indiana, terminal areas, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Muncie, Indiana, control zone as that airspace within a 5-mile radius of the Delaware County Airport, Muncie, Indiana (latitude 40°-14'25" N., longitude 85°23'35" W.) from 0700 to 2300 hours local time, daily.

2. Designate the Muncie, Indiana, transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Delaware County Airport, Muncie, Indiana, and within 2 miles each side of the 125° bearing from Delaware County Airport extending from the 5-mile radius area to 13 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded by the line beginning at latitude 40°-40'00" N., longitude 85°30'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°30'00" N., longitude 84°49'00" W.; to latitude 40°10'00" N., longitude 85°00'00" W.; to latitude 40°-10'00" N., longitude 85°05'45" W.; to latitude 40°00'00" N., longitude 84°58'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°-30'00" N., longitude 85°50'00" W.; to latitude 40°40'00" N., longitude 85°50'00" W.; to the point of beginning and within a 12-mile radius of Marion Municipal Airport.

3. Designate Marion, Indiana, control zone as that airspace within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042° and 211° radials extending from the 5-mile radius zone to 8 miles NE and SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continually in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

4. Designate the Marion, Indiana, transition area as that airspace extending upward from 700 feet above the surface within a 12-mile radius of Marion Municipal Airport, Marion, Indiana (latitude 40°29'25" N., longitude 85°40'-40" W.), and within 8 miles S and 5 miles N of the Marion VOR 042° radial extending from the 12-mile radius area to 14 miles NE of the airport.

5. Designate the Anderson, Indiana, transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Anderson Municipal Airport, Anderson, Indiana (latitude 40°06'30" N., longitude 85°36'-55" W.); and within 2 miles each side of the 298° bearing from Anderson Municipal Airport extending from the 5-mile radius to 13 miles NW of the airport.

6. Revoke the Muncie, Indiana, control area extension.

The Fort Wayne control area extension which will coincide in part with the transition areas proposed herein will be revoked at a later date. This revocation will be proposed after studies attendant to the implementation of the Civil Air Regulations Amendments 60-21/60-29 have been completed for adjoining terminal areas.

The proposed alteration of the Muncie control zone increases the radius from 3 miles to 5 miles which is the normal radius for a control zone when an instrument approach procedure is prescribed. A "Special" instrument approach procedure is prescribed at Muncie for use by Lake Central Airlines and others under contract with them. The 5-mile zone will provide protection for aircraft executing the prescribed "Special" instrument approach procedure and for all departing aircraft at Delaware County Airport, Muncie, Indiana. The control zone will be in effect from 0700 to 2300 hours, local time, daily, the hours during which the Federal Control Tower is in operation.

The proposed control zone at Marion will provide protection for aircraft

executing prescribed arrival and departure procedures at the Marion Municipal Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Lake Central Airlines. The normal hours for the taking of these weather observations and the dissemination of this information will be from 0630 to 2100 hours, local time, Monday thru Saturday and 0830 to 2100 hours, local time, Sunday. However, in the event of airline schedule changes, these hours may be changed. Normally, thirty days notice will be given prior to any change by Notice to Airmen and published in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964. The proposed extensions to the northeast and southwest will provide protection for aircraft executing prescribed VOR instrument approaches to Runways 4 and 22.

By the proposed designation of transition areas at Muncie, Marion and Anderson, the floor of the controlled airspace boardering the immediate vicinity of these locations would be raised from 700 feet to 1200 feet above the surface. The portion of these transition areas with a floor of 700 feet above the surface will provide protection for aircraft executing prescribed instrument approach procedures. The portion of the transition areas with a floor of 1200 feet above the surface will provide protection for aircraft in prescribed holding patterns and for aircraft being radar vectored by the Indianapolis Air Route Traffic Control Center.

The floors of the airways that would traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased nor would aircraft performance or landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on December 3, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-12779; Filed, Dec. 11, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-91]

## CONTROL ZONE

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace in the Battle Creek, Mich., terminal area.

The presently existing Battle Creek, Michigan, control zone is designated as that airspace within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42°18'35" N., longitude 85°14'-55" W.), within 2 miles each side of the Battle Creek VORTAC 050° and 215° radials extending from a 5-mile radius zone to 8 miles NE and SW of the VOR-TAC, and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4.

Having completed a comprehensive review of airspace requirements in Battle Creek, Michigan, including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace action:

Redesignate the Battle Creek, Michigan, control zone as that airspace within a 5-mile radius of Kellogg Field, Battle Creek, Michigan (latitude 42°18'35" N., longitude 85°14'55" W.), within 2 miles each side of the Battle Creek VORTAC 050° and 117° radials, extending from the 5-mile radius zone to 8 miles NE and SE of the VORTAC; within 2 miles each side of the Battle Creek VORTAC 215° radial, extending from the 5-mile radius zone to 12 miles SW of the VOR-TAC, and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of Runway 4.

The implementation of Amendments 60-21 and 60-29 of the Civil Air Regulations in the Battle Creek, Michigan, terminal area was accomplished in 1963. However, two of the instrument approach procedures at Battle Creek, Michigan, have been revised. As a result of these revisions, aircraft are permitted to descend to an altitude of less than 1,000 feet above the surface prior to entering the control zone. The proposed alteration to the Battle Creek control zone will permit instrument approach procedures involving flight below 1,000 feet above the surface to be conducted within the control zone.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on December 1, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-12780; Filed, Dec. 11, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-WE-21]

## CONTROL ZONE

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone at the Tacoma Industrial Airport, Tacoma, Washington.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace requirements in the Tacoma Industrial Airport terminal area, proposes the following airspace action:

Designate a control zone at Tacoma, Washington, to comprise that airspace within a 5-mile radius of the Tacoma Industrial Airport (latitude 47°15'55" N., longitude 122°34'40" W.), excluding the portion within a one-mile radius of the South Tacoma Airport (latitude 47°-13'00" N., longitude 122°29'26" W.). The control zone shall be effective during the times established in advance by a notice to Airmen and continuously published in the Airman's Guide.

The control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Tacoma Industrial Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of West Coast Airlines.

Communications service will be furnished by the FAA's McChord RAPCON through a remotely controlled 120.1 mc. transmitter and receiver located at the site of the Tacoma Industrial Radio Beacon (latitude 47°21'29" N., longitude 122°33'41" W.).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, California, 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, California, 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, California, on December 4, 1964.

JOSEPH H. TIPPETS,
*Director, Western Region.*

By: A. E. Horning.

[F.R. Doc. 64-12781; Filed, Dec. 11, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### SHELL CHEMICAL CO.

#### Notice of Filing of Petition Regarding Pesticide Endrin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 5F0424) has been filed by Shell Chemical Company, Division of Shell Oil Company, 110 West 51st Street, New York, New York, 10020, proposing the establishment of a tolerance of 0.1 part per million for residues of the insecticide endrin in or on broccoli, brussels sprouts, cabbage, and cauliflower.

The petition was found to be deficient because of inconclusive results for establishment of definite no-effect levels from the rat and dog feeding studies and because adequate reproduction data are lacking. However, the petitioner requested that the petition be filed as submitted, as provided in § 120.7(d).

The analytical method proposed in the petition for determining residues of endrin is based on gas-liquid chromatography with an electron affinity detector.

Dated: December 8, 1964.

MALCOM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12798; Filed, Dec. 11, 1964; 8:48 a.m.]

### VIRGINIA CHEMICALS AND SMELTING CO.

#### Notice of Filing of Petition for Food Additives Defoaming Agents Used in Coatings

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1586) has been filed by Virginia Chemicals and Smelting Company, West Norfolk, Virginia, proposing that § 121.2557(d)(3) be amended by inserting alphabetically in the list of substances two new items, as follows:

| List of substance | Limitations |
|---|---|
| • • • | • • • |
| Dimers and trimers of unsaturated $C_{18}$ fatty acids derived from: Animal and vegetable fats and oils. Tall oil. | For use only at levels not to exceed 0.1 percent by weight of total coating solids. |
| Polyoxyethylene (20) sorbitan monostearate. | • • • |

Dated: December 8, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12799; Filed, Dec. 11, 1964; 8:48 a.m.]

### W. R. GRACE & CO.

#### Notice of Filing of Petition for Food Additives Ethylene-Alkene-1 Copolymers and Polyethylene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1570) has been filed by W. R. Grace & Company, 225 Allwood Road, Clifton, New Jersey, 07015, proposing that § 121.2508 *Ethylene-alkene-1 copolymers* and § 121.2510 *Polyethylene* be amended so as to define only the basic ethylene-alkene-1 copolymers and basic polyethylene polymers that may be used as articles or components of articles intended for use in contact with food.

Dated: December 8, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12796; Filed, Dec. 11, 1964; 8:48 a.m.]

### NATIONAL DAIRY PRODUCTS CORP.

#### Notice of Filing of Petition Regarding Food Additives Fatty Acids

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5A1618) has been filed by National Dairy Products Corporation, 801 Waukegan Road, Glenview, Illinois, proposing that § 121.1070(d)(1) be amended by adding "emulsifier" to the named uses of fatty acids in food.

Dated: December 8, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12797; Filed, Dec. 11, 1964; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-187]

### NORTHROP CORP.

#### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1 to Facility License No. R-90. The license authorizes Northrop Corporation to operate its TRIGA Mark F nuclear reactor located at Hawthorne, California. The amendment authorizes Northrop Corporation to perform a series of pulsed neutron irradiation experiments in the reactor as described in the licensee's application for license amendment dated July 10, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated July 10, 1964, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545 Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3d day of December 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

By: RICHARD E. IRELAND.

AMENDMENT TO FACILITY LICENSE

[License R-90, Amdt. 1]

License No. R-90, issued to Northrop Corporation, is hereby amended in the following respects:



In Addition to the activities previously authorized by the Commission in License No. R-90, Northrop Corporation is authorized:

1. to perform a series of pulsed neutron irradiation experiments in its TRIGA Mark F reactor facility, as described in its application amendment dated July 10, 1964, provided however, that the experiments are performed with the guide tubes filled with water.

This amendment is effective as of the date of issuance.

Date of issuance: December 3, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-12803; Filed, Dec. 11, 1964; 8:48 a.m.]

[Docket No. 50-187]

### NORTHROP CORP.

#### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2 to Facility License No. R-90. The license authorizes Northrop Corporation to operate its TRIGA Mark F nuclear reactor located at Hawthorne, California. The amendment authorizes Northrop Corporation to perform in-core irradiations of nonfissionable, nonexplosive solid type materials in the existing vertical access tube of the reactor, as described in the licensee's application for license amendment dated October 13, 1964, and supplemental letter dated November 2, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated October 13, 1964, and supplemental letter dated November 2, 1964, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3d day of December 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

By: RICHARD E. IRELAND.

AMENDMENT TO FACILITY LICENSE

[License R-90, Amdt. 2]

License No. R-90, issued to Northrop Corporation, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-90, Northrop Corporation is authorized:

(1) to perform in-core irradiations of nonfissionable, non-explosive solid type materials in the existing vertical access tube of the reactor, as described in its application amendment dated October 13, 1964, and supplemental letter dated November 2, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: December 3, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-12804; Filed, Dec. 11, 1964; 8:48 a.m.]

[Docket No. 50-205]

### PACIFIC GAS AND ELECTRIC CO.

#### Notice of Withdrawal of Application for Utilization Facility License

Please take notice that Pacific Gas and Electric Company, 245 Market Street, San Francisco, California, by letter dated November 4, 1964, has withdrawn its application for a license to construct and operate a nuclear reactor at Bodega Bay, California. A copy of the letter of withdrawal is available for inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 31, 1963, 28 F.R. 915.

Dated at Bethesda, Maryland, this 3d day of December 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director, Division of Reactor Licensing.*

[F.R. Doc. 64-12805; Filed, Dec. 11, 1964; 8:48 a.m.]

[Docket No. 50-135]

### WALTER REED ARMY MEDICAL CENTER

#### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4, set forth below, to Facility License No. R-85. The license, as amended, authorizes Walter Reed Army Medical Center to operate its Atomics International Model L-54 homogeneous solution type nuclear reactor located on the Walter Reed Army Medical Center site in Washington, D.C. The amendment authorizes (1) the installation and use of a Thermal Column Irradiation Cave, (2) the installation and use of a Breech Loading Mechanism, and (3) loading of the Breech Loading Mechanism without supervision by the Supervisor of Reactor Operations, as described in the licensee's application for license amendment dated August 31, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public:

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated August 31, 1964, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3d day of December 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

By: RICHARD E. IRELAND.

AMENDMENT TO FACILITY LICENSE

[License R-85, Amdt. 4]

Facility License No. R-85, as amended, issued to Walter Reed Army Medical Center, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-85, as amended, Walter Reed Army Medical Center is authorized:

a. To install and use a Thermal Column Irradiation Cave,

b. To install and use a Breech Loading Mechanism in the northwest 4 inch diameter Horizontal Port, and

c. To load the Breech Loading Mechanism without supervision by the Supervisor of Reactor Operations, as described in the application amendment dated August 31, 1964.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-12806; Filed, Dec. 11, 1964; 8:49 a.m.]

[Docket No. 50-160]

## GEORGIA INSTITUTE OF TECHNOLOGY

### Notice of Proposed Issuance of Facility License

Notice is hereby given that unless within fifteen days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission ("the Commission") by the Georgia Institute of Technology ("Georgia Tech"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's "Rules of Practice," 10 CFR Part 2, the Commission proposes to issue a facility license substantially in the form set forth below. The proposed license would authorize Georgia Tech to possess and operate a tank-type nuclear reactor at a maximum steady state power level of one (1) megawatt (thermal) on Georgia Tech's campus in Atlanta, Ga. Construction of the reactor was authorized by Construction Permit No. CPRR-57 issued June 13, 1960.

Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether a finding can be made that the reactor has been constructed in accordance with the provisions of Construction Permit No. CPRR-57.

The Commission has found that:

(1) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) Georgia Tech is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

(4) Georgia Tech is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Georgia Tech is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended.

(5) The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this proposed license, see (1) the license application dated February 1, 1960, and amendments thereto dated April 26, 1960, July 28, 1961, January 18, 1963, February 15, 1963, June 23, 1964, December 3, 1964, December 4, 1964 and December 7, 1964, (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, and (3) the Technical Specifications referred to as Appendix A to the proposed facility license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of December 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

PROPOSED FACILITY LICENSE

1. This license applies to the one-megawatt (thermal), heavy water moderated, tank-type nuclear reactor (hereinafter "the reactor") which is owned by the Georgia Institute of Technology (hereinafter "Georgia Tech") and located on Georgia Tech's campus in Atlanta, Ga., and described in the application dated February 1, 1960, and amendments thereto dated April 26, 1960, July 28, 1961, January 18, 1963, February 15, 1963, June 23, 1964, December 3, 1964, December 4, 1964 and December 7, 1964.

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission ("the Commission") hereby licenses Georgia Tech:

A. Pursuant to Section 104c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location on Georgia Tech's campus in Atlanta, Ga.;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use in connection with operation of the reactor up to 11.0 kilograms of contained uranium-235;

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," (1) to possess and use a 50-curie antimony-beryllium sealed neutron source for reactor startup, and (2) to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30 of the Commission's regulations, and to be subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* Georgia Tech shall not operate the reactor at steady state power levels in excess of one (1) megawatt (thermal).

B. *Technical Specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter the "Technical Specifications") are hereby incorporated in this license. Georgia Tech shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of changes, tests, and experiments.* Georgia Tech may (1) make changes in the reactor as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of Section 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Georgia Tech shall make an immediate report in writing to the Commission of any indication of occurrence of a possible unsafe condition relating to the operation of the reactor, including without implied limitation, any possible unsafe condition arising out of:

a. Any substantial variance disclosed by operation of the reactor from the performance specifications set forth in the hazards summary report, and

b. Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Georgia Tech shall report to the Commission in writing significant changes in accident analyses, as described in the hazards summary report.

(3) Georgia Tech shall file with the Commission no later than sixty (60) days after completion of initial startup and power operation tests a report describing the measured values obtained.

E. *Records.* In addition to those otherwise required under this license and applicable regulations, Georgia Tech shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Georgia Tech as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

4. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Georgia Tech, for use in the operation of the reactor, 11.0 kilograms of uranium-235 contained in uranium enriched to approximately 93% in the isotope U-235. Estimated schedules of special nuclear material transfers to Georgia Tech and returns to the Commission are contained in Appendix B which is attached hereto. Transfers by the Commission to Georgia Tech in accordance with column 2 in Appendix B will be conditioned upon Georgia Tech's return to the Commission of material substantially in accordance with column 3 of Appendix B.

5. This license is effective as of the date of issuance and shall expire at midnight June 13, 1980.

Date of issuance:

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research & Power Reactor Safety Branch Division of Reactor Licensing.*

[F.R. Doc. 64-12881; Filed, Dec. 11, 1964; 11:41 a.m.]



# FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-13]

## GENERAL TELEPHONE CO.

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (EA-OE-5730) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The General Telephone Company, Marion, Ohio, proposes to construct a guyed microwave radio tower at latitude 39°18'13" north, longitude 82°04'20" west, near Athens, Ohio. The overall height of the structure would be 1190 feet above mean sea level (AMSL) (200 feet above ground level [AGL]).

The proponent previously submitted a proposal for a 1223-foot AMSL (210 feet AGL) structure at latitude 39°18'43" north, longitude 82°04'41" west, 1.8 miles south of the Ohio University Airport. An aeronautical study of this proposal disclosed that it would exceed § 77.25(b)(2), Federal Aviation Regulations, as applied to the Ohio University Airport, by the full height. In addition, because of its location and height, the circling minimums of the approved ADF approach (AL-5208-ADF-1) to the Ohio University Airport would have to be raised from 800 to 900 feet. In view of this and other objections received, the proponent resubmitted the proposal with an amended height and location.

An aeronautical study of the new proposal disclosed that the structure would exceed the standards for determining hazards to air navigation in § 77.25(b)(2) of the Federal Aviation Regulations, as applied to the Ohio University Airport, by its entire height since the terrain at the site already exceeds this criteria. The revised site, located 2.3 miles south of the airport, coupled with a 33-foot reduction in height AMSL, eliminates the necessity to raise the circling minimums. The proposed structure would no longer be in the circling area for instrument flight rules (IFR) aircraft and would not adversely affect instrument operations at the Ohio University Airport.

The proposed site is 2.3 miles south of the Ohio University Airport's only landing strip, and east/west runway, and would be beyond a normal traffic pattern and not in line with any runway. The airport is located in a valley at an elevation of 632 feet. Terrain, immediately north and south of the airport rises to an average elevation of 900 feet AMSL with higher terrain, 1003 feet AMSL located between the airport and the proposed site. The proposed structure would extend 187 feet above the higher terrain. In view of the nature of the terrain, it would be expected that aircraft traversing the area of the proposed site, including those entering a traffic pattern, would be at altitudes high enough to sufficiently clear the proposed structure. The traffic pattern for this airport is established at 1500 feet AMSL and aircraft at this altitude would clear the structure by 310 feet.

The proposed structure does not lie along any visual flight rules (VFR) routes and would not interfere with any IFR procedures. Based upon the aeronautical study, it is the finding of the Agency that the proposed construction would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on December 4, 1964.

RALPH H. FLETCHER,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-12782; Filed, Dec. 11, 1964; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15625; FCC 64M-1234]

## KVOL, INC. (KVOL)

### Order Continuing Hearing

In re application of Radio Station KVOL, Inc. (KVOL), Lafayette, Louisiana, Docket No. 15625, File No. BP-14947; for construction permit.

The Hearing Examiner having under consideration a petition filed December 7, 1964, by the above-entitled applicant requesting that the prehearing conference presently scheduled for December 8, 1964, be continued to December 18, 1964; and

It appearing that the date presently scheduled conflicts with prior commitments of one of the parties, that all parties are agreeable to the immediate favorable consideration of this petition, and good cause for granting the same having been shown:

*It is ordered,* This the 8th day of December 1964, that the petition for continuance is granted, and the prehearing conference presently scheduled for December 8, 1964, is continued to December 18, 1964, beginning at 9:00 a.m. in the offices of the Commission, Washington, D.C.

*It is further ordered,* That the evidentiary hearing now scheduled to begin on Thursday, December 10, 1964, is continued to a date to be announced at the conclusion of the prehearing conference on December 18, 1964.

Released: December 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12816; Filed, Dec. 11, 1964; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

## MARYLAND PORT AUTHORITY ET AL.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John C. Cooper III, Piper & Marbury, 900 First National Bank Building, Light & Redwood Streets, Baltimore, Md.

Agreement No. T-1739, between the Maryland Port Authority (Authority) and the Chesapeake Operating Company and the Stockard Shipping & Terminal Corporation (Companies), provides for the sub-lease of certain terminal property at Locust Point, Baltimore, Maryland.

The agreement is subject to all of the terms, provisions, and conditions of approved Agreement No. T-32, between Authority and the Baltimore & Ohio Railroad.

Dated: December 9, 1964.

By Order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12801; Filed, Dec. 11, 1964; 8:48 a.m.]

## U.S. ATLANTIC AND GULF OF MEXICO AND RED SEA AND GULF OF ADEN RATE AGREEMENT

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. R. Greiner, Secretary,
U.S. Atlantic and Gulf of Mexico—
Red Sea and Gulf of Aden Rate Agreement,
90 Broad Street,
New York, N.Y. 10004.

Agreement No. 8630-1 between the member lines of the U.S. Atlantic and Gulf of Mexico—Red Sea and Gulf of Aden Rate Agreement has been filed with the Commission for approval to modify the Admission, Withdrawal, and Expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523), and to establish a Self-Policing System pursuant to General Order 7 (46 CFR Part 528).

Dated: December 9, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12802; Filed, Dec. 11, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI65-351 etc.]

## ALVIN C. HOPE ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 4, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedule sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-351 | Alvin C. Hope (Operator), et al., Milam Building, San Antonio 5, Tex. Attn: Mr. Thomas W. Ward. | 1 | 4 | West Lake Natural Gasoline Co.[3] (Lake Trammell (Canyon) Field, Nolan County, Tex.) (R.R. Dist. No. 7-B). | $180 | 11- 9-64 | [5] 1- 1-65 | [4] 1- 2-65 | 8.5 | [6] 9.0 | RI60-401. |
| | do | 2 | 4 | do | 10 | 11- 9-64 | [5] 1- 1-65 | [4] 1- 2-65 | 8.5 | [6] 9.0 | RI61-520. |
| RI65-352 | Bowers Drilling Co., Inc. (Operator), et al, Wichita Building Wichita, Kans. | [17] 3 | 1 | Cities Service Gas Co. (Boggs Field, Barber County, Kans.). | 11,000 | 11-13-64 | [7] 12-22-64 | [4] 12-23-64 | [5] 13.0 | [5] [8] 14.0 | |
| RI65-353 | Rohde, Henderson and Dawson, Post Office Box 191, Borger, Tex. | [16] 2 | ------- | Phillips Petroleum Co. (Panhandle Field, Gray County, Tex.) (R.R. Dist. No. 10). | 1,620 | 11- 9-64 | [11] 12-10-64 | [4] 12-11-64 | 9.0 | [12] [13] [14] 11.0 | |
| | do | 2 | 1 | do | | 11- 9-64 | [11] 12-10-64 | [4] 12-11-64 | [12] [14] 9.0 | | |
| RI65-354 | P. G. Lake, Inc., Post Office Box 179, Tyler, Tex. | [17] 7 | 1 | Cities Service Gas Co. Northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area). | 301 | 11- 9-64 | [7] 1- 1-65 | [4] 1- 2-65 | [5] [15] 13.0 | [5] [8] [15] 14.0 | |

[1] For resale to El Paso Natural Gas Co. under West Lake Natural Gasoline Co. (Operator), et al., FPC Gas Rate Schedule No. 1.
[2] End of suspension period for West Lake's related increased rate in Docket No. RI65-29.
[3] The suspension period is limited to one day.
[4] Revenue-sharing rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] The stated effective date is the effective date requested by Respondent.
[7] Periodic rate increase.
[8] Subject to a downward Btu adjustment.
[10] Supersedes Rohde, Henderson and Dawson's FPC Gas Rate Schedule No. 1.
[11] The stated effective date is the first day after expiration of the required statutory notice.
[12] Renegotiated rate increase.
[13] Includes 1.5 cents per Mcf for compressing gas.
[14] Subject to 0.4466 cent per Mcf deduction for sour gas.
[15] Includes 2.5 cents per Mcf for compressing gas.
[16] Includes 0.75 cent per Mcf deducted by buyer for dehydrating gas.
[17] Basic contract dated subsequent to Sept. 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended.

[1] Does not consolidate for hearing or dispose of the several matters herein.



Rohde, Henderson and Dawson (Rohda) request a retroactive effective date of March 1, 1964, for their proposed superseding rate schedule and related notice of change in rate. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Rohde's proposed rate filings and such request is denied.

Alvin C. Hope (Operator), et al. (Hope) proposes two revenue-sharing rate increases for sales to West Lake Gasoline Company (West Lake), a subsidiary of El Paso Natural Gas Company (El Paso). West Lake gathers and processes the gas and resells it to El Paso under its FPC Gas Rate Schedule No. 1 and pays its suppliers 50 percent of the amount it receives from El Paso. On July 1, 1964, West Lake filed a periodic increase from 17.0 cents to 18.0 cents per Mcf for its sale to El Paso, which was suspended for five months until January 1, 1965, in Docket No. RI65-29, because it exceeds the 11.5 cents per Mcf area ceiling for increased rates. Hope's proposed rate increases are based upon West Lake's suspended 18.0 cents per Mcf rate. Although Hope's proposed revenue-sharing rate increases are below the 11.5 cents per Mcf area ceiling as set forth in the Commission's Statement of General Policy No. 61-1, as amended, they are suspended until January 2, 1965, because of their relationship to West Lake's increased rate.

Rohde submits a superseding contract and a related notice of change in rate. The buyer, Phillips Petroleum Company, gathers the gas in its Texas Panhandle gathering system, processes it in its plants and resells the residue gas at the plant outlet. The area rate ceiling is considered to be applicable to the sale of gas by Phillips Petroleum Company after gathering and processing. Accordingly, the proposed rate involved here, although not in excess of the applicable increased rate ceiling for pipeline quality gas as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56), should be suspended for one day because the sale related thereto is considered to be for non-pipeline quality gas within the meaning of the policy statement.

The contracts related to the rate filings proposed by Bowers Drilling Company, Inc. (Operator), et al. (Bowers), and P. G. Lake, Inc. (Lake) were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates are above the applicable area ceiling for increased rates but do not exceed the applicable ceiling price for initial rates in the area involved. We believe, in this situation, that Bowers and Lake's rate filings should be suspended for one day from December 22, 1964, and January 1, 1965, respectively, the proposed effective dates.

[F.R. Doc. 64-12711; Filed, Dec. 11, 1964; 8:45 a.m.]

[Docket No. RI65-355 etc.]

## MARATHON OIL CO.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 3, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-355 | Marathon Oil Co., 539 South Main Street, Findlay, Ohio, 45840. Attn: Mr. R. Joseph Opperman. | 4 | 7 | Northern Natural Gas Co. (Southeast Lea County Field, Lea County, N. Mex.) (Permian Basin Area). | $23,220 | 11-10-64 | [11] 12-11-64 | 5-11-65 | 11.0 | [4] [11] 11.7212 | RI64-690 (Fractured-rate). |
| RI65-356 | Penrose Production Co. (Operator), et al., 1813 Fair Building, Fort Worth, Tex., 76102. | 4 | 3 | El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area). | 2,712 | 11- 3-64 | [5] 12- 4-64 | 5- 4-65 | 9.5 | [4] 11.5 | |
| RI65-357 | Placid Oil Co., 600 Beck Building, Shreveport, La. Attn: Mr. Paul W. Hicks. | 20 | 8 | United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana). | 7,538 | 11- 6-64 | [5] 1- 1-65 | 6- 1-65 | [5] 22.25 | [6] [7] 22.75 | RI62-211. |
| | do | 7 | 12 | do | 31,739 | 11- 6-64 | [5] 1- 1-65 | 6- 1-65 | [5] 22.25 | [6] [7] 22.75 | RI62-257. |
| RI65-358 | Hurt Oil & Gas Corp., et al, San Jacinto Building, Houston, Tex. | 1 | 5 | United Gas Pipe Line Co. (Cowards Gully Field, Beauregard and Calcasieu Parishes, La.) (South Louisiana). | 120 | 11- 6-64 | [5] 12- 7-64 | 5- 7-65 | [5] [9] 18.75 | [6] [7] [9] 19.75 | |
| RI65-359 | Mesa Development Co. (Operator), et al., Post Office Box 1060, McAllen, Tex., 78502. Attn: Mr. C. S. Roberts. | 1 | 1 | South Texas Natural Gas Gathering Co. (Eva Mae Field, Hidalgo County, Tex.) (R.R. District No. 4). | 6,950 | 11- 6-64 | [5] 12- 7-64 | 5-7 -65 | [9] [10] 14.0 | [4] [9] [10] 15.0 | |
| RI65-360 | North Central Oil Corp., 1300 Main Street, Suite 1000, Houston, Tex. 77002. | 10 | 2 | Valley Gas Transmission, Inc. (Bob Cooper Field, Brooks County, Tex.) (R.R. District No. 4). | 2,648 | 11- 9-64 | [11] 12-10-64 | 5-10-65 | [9] [10] 14.0 | [4] [9] [10] 15.0 | |
| RI65-361 | Shell Oil Co., 50 West 50th Street, New York 20, N.Y. Attn: Mr. F. C. Sweat. | 308 | 4 | United Fuel Gas Co. (Orange Grove Field, Terrebonne Parish, La.) (South Louisiana). | 14,472 | 11-12-64 | [5] 12-13-64 | 5-13-65 | [9] [10] [13] 17.5 | [7] [9] [10] [13] 21.1 | |

See footnotes at end of table.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A—Continued

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-362 | W. H. Hudson (Operator), et al., 1126 Mercantile Securities Building, Dallas, Tex., 75201. Attn: J. B. Avant, agent. | 3 | 6 | Tennessee Gas Transmission Co. (Wilcox Field, Zapata County, Tex.) (R.R. District No. 4). | $1,458 | 11- 4-64 | [3] 12- 5-64 | 5- 5-65 | [10] [18] 16.0 | [4] [18] [19] 17.5 | |
| RI65-363 | William V. Conover, 702 Bank of Commerce Building, Houston, Tex., 77002. | 1 | 5 | United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana). | 731 | 11- 6-64 | [3] 1- 1-65 | 6- 1-65 | [6] 22.25 | [7] [6] 22.75 | RI63-68. |
| RI65-364 | Amerada Petroleum Corp., Post Office Box 2040, Tulsa 2, Okla. Attn: Mr. W. H. Bourne. | 6 | 27 | Texas Eastern Transmission Corp. (Dial and Riverdale Fields, Goliad County, Tex.) (R.R. District No. 2). | 9,115 | 11- 4-64 | [11] 12- 5-64 | 5- 5-65 | [17] [18] 14.1 | [4] [18] [17] 14.3733 | |
| | do | 48 | 5 | Transcontinental Gas Pipe Line Corp. (Leleux Field, Acadia, and Vermilion Parishes, La.) (South Louisiana). | 73,333 | 11- 4-64 | [11] 12- 5-64 | 5- 5-65 | [18] [18] [20] 17.5 | [7] [18] [18] [18] 19.5 | |
| | do | 60 | 3 | Transcontinental Gas Pipe Line Corp. (Tilden Field, McMullen County, Tex.) (R.R. District No. 1). | 2,644 | 11- 4-64 | [11] 12- 5-64 | 5- 5-65 | [20] [20] 14.19 | [20] [18] 15.20 | |
| RI65-365 | Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex. | 137 | 4 | Michigan-Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area). | 6,875 | 11-12-64 | [3] 12-15-64 | 5-15-65 | [20] 18.0 | [4] [6] [21] 20.5 | |
| RI65-366 | Lario Oil & Gas Co. (Operator), et al., 301 South Market Street, Wichita, Kans., 67202. | 8 | 2 | Cities Service Gas Co. (NE Rhodes Field, Barber County, Kans.) | 1,390 | 11-16-64 | [3] 12-23-64 | 5-23-65 | 13.0 | [4] [20] 14.0 | RI61-549. |
| RI65-367 | American Petrofina, Inc., Post Office Box 2159, Dallas 21, Tex. | 31 | [22] 7 | Cities Service Gas Co. (Blunk Field, Barber County, Kans.) | ---------- | 11-16-64 | [3] 12-23-64 | 5-23-65 | | | |
| | | 31 | 8 | | $2,012 | 11-16-64 | [3] 12-23-64 | 5-23-65 | [20] 13.0 | [4] [20] [22] 14.0 | RI62-399. |
| RI65-368 | Edwin G. Bradley, et al., 526 Union Center Bldg., Wichita, Kans., 67202. | 5 | [22] 2 | Cities Service Gas Co. (Hardtner Field, Barber County, Kans.) | ---------- | 11- 9-64 | [3] 12-23-64 | 5-23-65 | | | |
| | | 5 | | | 1,050 | 11- 9-64 | [3] 12-23-64 | 5-23-65 | [20] 13.0 | [4] [20] [22] 14.0 | |
| RI65-369 | Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202. | 13 | 11 | Natural Gas Pipeline Co. of America (Beaver County, Okla.) (Panhandle Area). | 163 | 11-12-64 | [3] 1-23-65 | 6-23-65 | [20] 17.6 | [4] [6] [20] 17.8 | RI64-419. |
| | do | 17 | 11 | Natural Gas Pipeline Co. of America (Texas County, Okla.) (Panhandle Area). | 497 | 11-12-64 | [3] 1-23-65 | 6-23-65 | [20] 17.6 | [4] [6] [18] 17.8 | RI64-419. |
| | do | 25 | 7 | do | 79 | 11-12-64 | [3] 1-23-65 | 6-23-65 | [20] 17.6 | [4] [6] [18] 17.8 | RI64-419. |
| | do | 28 | 1 | Michigan-Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area). | 3,406 | 11-12-64 | [11] 12-13-64 | 5-13-65 | [20] 17.0 | [4] [6] [24] 19.5 | |

[3] The stated effective date is the effective date requested by Respondent.
[4] The proposed rate increase covers the remaining portion of a periodic increase due on May 1, 1964.
[6] Pressure base is 14.65 p.s.i.a.
[7] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[10] Periodic rate increase.
[11] Pressure base is 15.025 p.s.i.a.
[17] Includes 1.75 cents per Mcf tax reimbursement to seller by buyer.
[18] Initial rate.
[20] Rate is subject to a downward Btu adjustment.
[21] The stated effective date is the first day after expiration of the required statutory notice.
[22] Nine-step periodic escalation.
[24] Includes 1.5 cents per Mcf tax reimbursement to seller by buyer.
[6] Increase from rate set by order granting permanent certificate (Opinion No. 422) to contractually due periodic rate.
[19] Rate set by order accompanying Opinion No. 422, issued Mar. 23, 1964, granting permanent certificate.
[18] Increase from "fractured" rate to contractually due periodic rate.
[17] Rate exclusive of a 0.5 cent per Mcf cost to buyer for gathering and dehydration.
[18] "Fractured" rate presently in effect subject to refund in Docket No. RI64-23.
[18] Increase from settlement rate to contractually due periodic rate.
[20] Rate is result of companywide settlement offer approved by Commission order issued Feb. 1, 1963, in Docket Nos. G-9385, et al.
[21] Includes 1.0 cent per Mcf upward Btu adjustment.
[22] Renegotiated rate increase.
[23] Letter Agreement, provides for increased rate.
[24] Subject to an upward Btu adjustment.

Marathon Oil Company requests an effective date of November 11, 1964; Mesa Development Company (Operator), et al., request an effective date of November 9, 1964; North Central Oil Corporation requests an effective date of December 1, 1964, and Amerada Petroleum Corporation (Amerada) requests an effective date of November 1, 1964, for its rate filings. Edwin L. Cox requests an effective date of December 9, 1964, for Supplement No. 1 to his FPC Gas Rate Schedule No. 28. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Amerada's proposed rate increases are permitted under its companywide settlement proposal approved by the Commission's order issued February 1, 1963, in Docket Nos. G-9385, et al., which imposed a moratorium on filing for increased rates under the subject rate schedules exceeding the applicable area increased ceiling until November 1, 1964. The proposed rate increase contained in Supplement No. 27 to Amerada's FPC Gas Rate Schedule No. 6, from 14.1 cents to 14.3733 cents per Mcf, is equal to 14.6 cents and 14.8733 cents per Mcf, respectively, when a 0.5 cent per Mcf standard differential maintained by the buyer, Texas Eastern Transmission Corporation, for gathering and dehydration is taken into consideration and is suspended as herein ordered. Although the prior rate increase to 14.1 cents per Mcf was equal to the applicable area ceiling when the 0.5 cent cost to the buyer was added, it was suspended by the Commission and is presently being collected subject to refund in Docket No. RI64-23, since Amerada's filing was not accompanied by a waiver of the right to file for the remaining increment of the periodic escalation until February 5, 1968, the due date of the next escalation.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-12712; Filed, Dec. 11, 1964; 8:45 a.m.]

[Docket No. RP65-24]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Proposed Change in Rates and Charges

DECEMBER 7, 1964.

Take notice that on December 1, 1964, Natural Gas Pipeline Company of America (Natural) tendered for filing a proposed change in its FPC Gas Tariff, Second Revised Volume No. 1 to become effective on January 1, 1965. The proposed change reduces the rates under Natural's Rate Schedules CD-1, CD-2, PL-1, G-1, and G-2 to reflect the reduction in Federal Income Tax which will become effective on January 1, 1965.

Natural states that the proposed change in rates will reduce its revenues by approximately $1,435,000 annually. The proposed change would be effectuated by reducing the demand component of Natural's rates.

Copies of the proposed rate changes have been served by Natural upon all customers and State Commissions. Comments may be filed with the Federal Power Commission on or before December 21, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12808; Filed, Dec. 11, 1964; 8:49 a.m.]

[Docket No. E-7195]

## SIERRA PACIFIC POWER CO.

### Notice of Application

DECEMBER 7, 1964.

Take notice that on December 1, 1964, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company (Applicant), a corporation organized under the laws of the State of Maine and authorized to do business in the States of California and Nevada with its principal business office in Reno, Nevada, seeking an order authorizing the issuance of unsecured promissory notes up to $12,000,000 aggregate face value.

The unsecured promissory notes will be payable to such bank or banks from which Applicant may borrow funds up to but not exceeding $12,000,000 face amount at any one time outstanding for periods not exceeding 12 months from the date of original issue or renewal thereof, as the case may be, issued either originally or upon renewal from time to time, but such notes will have maturity dates not later than December 31, 1965. Said notes will bear interest at a rate per annum not in excess of one quarter of one percent over the prime rate in effect in New York at the time of the borrowing or the renewal or the extension of the loans as the case may be.

The proceeds from the notes will be used, pending permanent financing, to reimburse the Company for construction expenditures and, together with other cash from operations toward the carrying out of the construction program contemplated and now in progress. The Applicant represents that its construction program now in progress and contemplated for 1964 and 1965 will require approximately $26,968,500.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 21, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12809; Filed, Dec. 11, 1964; 8:49 a.m.]

[Docket No. CP65-93]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Application

DECEMBER 7, 1964.

Take notice that on October 6, 1964, Tennessee Gas Transmission Company (Applicant), Tennessee Building, Houston, Texas, filed in Docket No. CP65-93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to transport up to 10,000 Mcf of natural gas per day from points of interconnection with the seller, Valley Gas Transmission, Inc. (Valley) in Texas and Louisiana, to existing points of delivery to the buyer, Iroquois Gas Corporation (Iroquois) in the State of New York.

The application states that this transportation service will be rendered at the same rates and terms and conditions as the presently authorized transportation service for Iroquois (Rate Schedule T-2).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12810; Filed, Dec. 11, 1964; 8:49 a.m.]

[Docket No. CP61-123]

## TEXAS GAS TRANSMISSION CORP.

### Notice of Application

DECEMBER 7, 1964.

Take notice that on October 24, 1960, as supplemented and amended on January 4, March 15 and August 31, 1961, Texas Gas Transmission Corporation (Applicant), Owensboro, Kentucky, filed in Docket No. CP61-123 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain new facilities and the operation of certain existing facilities in order to sell and deliver an additional 50,154 Mcf per day to 41 existing customers, all as more fully set forth in the application, as amended and supplemented, on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities:

(1) Approximately 61.32 miles of 30-inch loop lines in Louisiana, Arkansas, Mississippi, Tennesee and Kentucky;

(2) Approximately 25.95 miles of 26-inch loop line in Kentucky and Louisiana;

(3) Approximately 8.28 miles of 6-inch loop line in Indiana;

(4) Approximately 22.4 miles of 20-inch and approximately 10.3 miles of 16-inch lateral supply pipeline in south Louisiana;

(5) Approximately 17.4 miles of 8-inch lateral supply pipeline in south Louisiana;

(6) One additional 2,000 horsepower compressor engine at the existing Lafayette, Louisiana, Compressor Station;

(7) An additional 2,000 horsepower compressor engine and other facilities to expand the existing West Greenville, Kentucky, Storage Field, and

(8) Five purchase meter stations in south Louisiana and one measuring station in Indiana.

Additionally, Applicant proposes to operate in interstate commerce the following existing facilities:

(1) Approximately 22.33 miles of 4 to 10-inch lateral supply pipelines in south Louisiana, and

(2) Five purchase meter stations in south Louisiana.

Applicant states that the subject proposal is for the purpose of assisting its existing customers to meet their estimated increased natural gas requirements.

The application, as amended and supplemented, shows the total estimated cost of the subject facilities to be $17,274,000, which cost will be financed by the issuance and sale of First Mortgage Pipeline Bonds and Common Stock.

On December 1, 1960, Memphis Light, Gas & Water Division filed herein a petition to intervene and on December 20, 1960, the City of Memphis, Tennessee, filed a notice of intervention in this proceeding.

This matter is one that should be disposed of as promptly as possible under

the applicable rule and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no further protest, petition to intervene or notice of intervention is filed within the time required herein. Where a further protest, petition for leave to intervene or notice of intervention is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12811; Filed, Dec. 11, 1964; 8:49 a.m.]

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[Docket Nos. CP65-141, CP65-142]

## VERMONT GAS SYSTEMS, INC.

### Notice of Application

DECEMBER 7, 1964.

Take notice that on November 17, 1964, Vermont Gas Systems, Inc. (Applicant), 1026 Airport Drive, South Burlington, Vt., filed in Docket No. CP65-142 an application pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing Applicant to import natural gas from Canada into the United States, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 0.19 mile of 10.75-inch O.D. pipeline, which will connect with the facilities of Trans-Canada Pipe Lines, Limited (Trans-Canada), at the International Boundary between the United States and Canada, near Highgate Springs, Vermont. Applicant also proposes to construct and operate a peerless wick type odorizer, two 10-inch block valves, one 10-inch check valve and one 6-inch bypass valve with approximately 25 feet of 6-inch pipe, to be located in the State of Vermont near the interconnection.

The application states that the facilities will be used to receive, import and purchase from Trans-Canada an estimated 8,500 Mcf of natural gas in the third year of the proposed operation.

Applicant proposes to transport and distribute such natural gas at retail to communities and industries in Swanton, St. Albans, Burlington and other communities in Vermont.

Concurrently, Applicant filed in Docket No. CP65-141 an application for a Presidential Permit pursuant to Executive Order No. 10485 authorizing the construction, operation, maintenance and connection, at the International Boundary, of natural gas pipeline facilities to be used for the importation of natural gas from Canada into the United States.

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12812; Filed, Dec. 11, 1964; 8:50 a.m.]

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# FEDERAL RESERVE SYSTEM

## WORTHEN BANK & TRUST CO.

### Order Approving Merger of Banks

In the matter of the application of Worthen Bank & Trust Company for approval of merger with Bank of Arkansas.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Worthen Bank & Trust Company, Little Rock, Arkansas, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bank of Arkansas, Little Rock, Arkansas, under the charter and title of Worthen Bank & Trust Company. As an incident to the merger, the two offices of Bank of Arkansas would become branches of Worthen Bank & Trust Company. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

*It is hereby ordered,* For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 7th day of December 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-12807; Filed, Dec. 11, 1964; 8:49 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of St. Lous.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and Daane. Absent and not voting: Governors Robertson and Mitchell.

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# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## IMPORTS OF COTTON TEXTILES PRODUCED OR MANUFACTURED IN ITALY

### Entry and Withdrawal From Warehouse

DECEMBER 8, 1964.

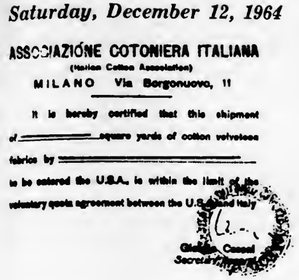
The purpose of this notice is to announce certain requirements governing entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 7 produced or manufactured in Italy.

Under the bilateral cotton textile agreement with Italy effected by exchange of letters on July 6, 1962, as amended by an exchange of notes dated July 29, 1964, Italy has undertaken to limit its exports to the United States of cotton velveteen in Category 7 to a designated annual level. In an exchange of letters dated August 13, 1964, and September 11, 1964, the Government of the United States and the Government of Italy have arrived at an understanding to preclude circumvention of the licensing system for exports of Italian cotton velveteen to the United States.

Effective thirty days after publication of this notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles in Category 7 produced or manufactured in Italy for which the Italian Cotton Association, a trade association acting as the agent of the Government of Italy, has not issued an appropriate export Visa fully described below, will be prohibited.

Such Visa is to appear on the original copy of Special Bureau of Customs Invoice Form 5515 and to consist of a stamped certification from the Italian Cotton Association signed by hand in ink by the Secretary General or the Secretary of this Association and of a dry seal, circular in form impressed over such signature.

A facsimile of the stamped certification with the seal impression and the signature of each of the two authorized officials, appears below:







Any discrepancy between the actual quantity presented and the quantity specified on the original copy of the invoice will be settled in the following manner: Whenever the actual quantity exceed the quantity specified, only the quantity specified will be admissible; whenever the actual quantity is smaller than the quantity specified, the actual quantity will be admissible but a new invoice and seal will be required for the entry of the balance of the quantity specified, except where it has been erroneously off loaded at another port in the United States.

A detailed description of Category 7 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

Interested parties are advised to take all necessary steps to assure that cotton textiles in Category 7, produced or manufactured in Italy which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the above stated Visa requirements.

There is published below a letter of December 8, 1964, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting, effective January 11, 1965, the entry or withdrawal for consumption in the United States of cotton textiles in Category 7 produced or manufactured in Italy which do not meet the above stated Visa requirements.

THOMAS JEFF DAVIS,
*Acting Chairman, Interagency Textile Administrative Committee and Acting Deputy to the Secretary of Commerce for Textile Programs.*

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THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

*Washington 25, D.C.,* DECEMBER 8, 1964.

COMMISSIONER OF CUSTOMS
DEPARTMENT OF THE TREASURY
*Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, the bilateral cotton textile agreement between the United States and Italy of July 6, 1962, as amended, the understanding reached in an exchange of letters dated August 13, 1964 and September 11, 1964, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective January 11, 1965, and until further notice, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles in Category 7 produced or manufactured in Italy, for which the Italian Cotton Association, a trade association acting as the agent of the Government of Italy, has not issued an appropriate export Visa fully described below.

Such Visa is to appear on the original copy of Special Customs Invoice Form 5515 and will consist of a stamped certification from the Italian Cotton Association signed by hand in ink by the Secretary General or the Secretary of this Association and of a dry seal, circular in form impressed over such signature.

A facsimile of the stamped certification with the seal impression and the signature of each of the two authorized officials is enclosed for your information.

A detailed description of Category 7 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Italy and with respect to imports of cotton textile products from Italy have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
*Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.*

Enclosure.

[F.R. Doc. 64-12786; Filed, Dec. 11, 1964; 8:46 a.m.]

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## IMPORTS OF COTTON TEXTILES PRODUCED OR MANUFACTURED IN JAPAN

### Entry and Withdrawal From Warehouse

DECEMBER 8, 1964.

The purpose of this notice is to announce certain requirements governing entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 7 produced or manufactured in Japan.

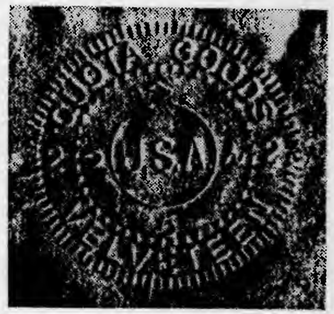
Under the bilateral cotton textile agreement with Japan effected by exchange of letters on August 27, 1963 (TIAS 5408), Japan has undertaken to limit its exports of cotton textiles to the United States to certain designated annual levels. In an exchange of letters dated November 13, 1964, the Government of the United States and the Government of Japan have arrived at an understanding to preclude circumvention of the licensing system for exports of Japanese cotton velveteen in Category 7 to the United States.

Effective thirty days after publication of this notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles in Category 7 produced or manufactured in Japan for which the Japan Cotton Textile Exporters Association, a trade association authorized by the Government of Japan, has not issued an appropriate export Visa fully described below, will be prohibited.

Such Visa is to consist of a dry seal circular in form impressed on the original copy of Special Bureau of Customs Invoice Form 5515.

Facsimiles of two seals appear below. The seal appearing under the heading: "Seal for 1964," will be required for all shipments of cotton velveteen in Category 7 exported from Japan on or prior to December 31, 1964, and the seal appearing under the heading "Seal for 1965," will be required for goods in the same category when exported from Japan on or after January 1, 1965.

SEAL FOR 1964




SEAL FOR 1965



Any discrepancy between the actual quantity presented and the quantity specified on the original copy of the invoice will be settled in the following manner: Whenever the actual quantity exceeds the quantity specified, only the quantity specified will be admissible; whenever the actual quantity is smaller than the quantity specified, the actual quantity will be admissible, but a new invoice and seal will be required for the entry of the balance of the quantity specified, except where it has been erroneously off loaded at another port in the United States.

A detailed description of Category 7 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

Interested parties are advised to take all necessary steps to assure that cotton textiles in Category 7, produced or manufactured in Japan which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the above stated Visa requirements.

There is published below a letter of December 8, 1964, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, prohibiting effective January 11, 1965, the entry or withdrawal for consumption in the United States of cotton textiles in Category 7 produced or manufactured in Japan which do not meet the above stated Visa requirements.

THOMAS JEFF DAVIS,
*Acting Chairman, Interagency Textile Administrative Committee and Acting Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

*Washington 25, D.C.*, DECEMBER 8, 1964.

COMMISSIONER OF CUSTOMS
DEPARTMENT OF THE TREASURY
*Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, the bilateral cotton textile agreement between the United States and Japan concluded on August 27, 1963, the understanding reached in an exchange of letters dated November 13, 1964, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective January 11, 1965, and until further notice, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles in Category 7 produced or manufactured in Japan for which the Japan Cotton Textile Exporters Association, a trade association authorized by the Government of Japan, has not issued an appropriate export Visa, fully described below.

Such Visa is to consist of a dry seal, circular in form, impressed on the original copy of Special Customs Invoice Form 5515. Facsimiles of two seals are enclosed for your information. The seal labelled: "Seal for 1964," will be required for the entry or withdrawal from warehouse for consumption of cotton textiles in Category 7 exported from Japan on or prior to December 31, 1964, and the seal labelled: "Seal for 1965," will be required for goods in the same category when exported from Japan on or after January 1, 1965.

A detailed description of Category 7 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Japan and with respect to imports of cotton textile products from Japan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
*Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64-12787; Filed, Dec. 11, 1964; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1247]

## BEVERAGE FUND, INC.

### Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

DECEMBER 4, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Beverage Fund, Inc. ("applicant"), 2216 North Charles Street, Baltimore 18, Maryland, a Maryland corporation and a management closed-end, non-diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant filed its Notification of Registration on Form N-8A pursuant to section 8(a) of the Act on February 14, 1964. On February 17, 1964, a registration statement was filed with this Commission under the Securities Act of 1933, with respect to the public offering of 1,500,000 shares of applicant's common stock. Applicant has decided not to proceed with the public offering, and on October 6, 1964, the Commission granted applicant's request to withdraw its registration statement under the Securities Act of 1933.

Applicant states that its only outstanding securities consist of 10,000 shares of 5 percent cumulative preferred stock and 11,000 shares of common stock; that all of its outstanding securities are owned by Alleghany Pepsi-Cola Bottling Company ("Bottling Company"); that Bottling Company is primarily engaged directly in the business of manufacturing and distributing carbonated beverages; and, consequently, that applicant is not an investment company pursuant to the Act.

Applicant also states that it plans to be dissolved by early 1965 and, in that connection, to transfer to Bottling Company Applicant's assets which presently consist of $14,482 of cash and 8,000 shares of common stock of DWG Cigar Corporation.

Notice is further given that any interested person may, not later than December 21, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Securities and Exchange Commission, Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F.R. Doc. 64-12783; Filed, Dec. 11, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 9, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 39441: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 293), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest, and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 18th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA 39442: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 294), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest, and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 20th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA 39443: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 295), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in middle Atlantic or New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 18th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA 39444: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 296), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 10th revised page 118-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA 39445: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 297), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 16th revised page 209 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA 39446: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 298), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest, and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 26th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA 39447: *Clay from points in Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2380), for interested rail carriers. Rates on clay, as described in the application, in carloads, from specified points in Wyoming, to specified points in Michigan and Minnesota.

Grounds for relief: Market competition.

Tariff: Supplement 135 to Western Trunk Line Committee, agent, tariff I.C.C. A-4335.

FSA 39448: *Potassium to Klamath Falls, Oreg.* Filed by G. H. Mitchell, agent (No. 12), for interested rail carriers. Rates on potassium (potash), as described in the application, in carloads, from Clavet, Kalium, Potasco and Yarbo, Sask., Canada, to Klamath Falls, Oreg.

Grounds for relief: Market competition.

Tariff: Supplement 21 to G. H. Mitchell, agent, tariff I.C.C. 144.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-12793; Filed, Dec. 11, 1964; 8:47 a.m.]

[Notice 1092]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 9, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67188. By order of December 4, 1964, the Transfer Board approved the transfer to Landstrom Trucking, Inc., Seattle, Wash., of the operating rights in Certificate No. MC 17403, issued September 29, 1950, to Emil Landstrom and Clifford Landstrom, a partnership, doing business as Landstrom Trucking Co., Tacoma, Wash., authorizing the transportation, over regular routes, of: Wool and agricultural commodities, from Yakima, Wash., to Tacoma, Wash., and Portland, Oreg. George E. Kargianis, 609 North Building, Seattle, Wash., 98104, attorney for applicants.

No. MC-FC 67305. By order of December 7, 1964, the Transfer Board approved the transfer to Schilli Transportation, Inc., St. Louis, Mo., of the Permits in Nos. MC 117509 Sub-2, MC 117509 Sub-4, MC 117509 Sub-5, MC 117509 Sub-7, and MC 117509 Sub-10, issued July 13, 1964, October 13, 1960, September 13, 1961, November 19, 1962 and February 24, 1964, respectively, to Ben R. Schilli, doing business as Schilli Transportation, St. Louis, Mo., authorizing the transportation of: Class A and B explosives, from the site of the U.S. Powder Co., near Ordill, Ill., to points in Arkansas, Indiana, Iowa, Kentucky, Ohio, and Tennessee, and those specified in Kansas and Missouri; dry ammonium nitrate, blasting materials, and nitro-carbo-nitrate, from the site of the U.S. Powder Co., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Missouri, Ohio, and Tennessee; manufactured dry fertilizers, from the site of the Monsanto Chemical Co., at Ordill, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, and from the site of the Spencer Chemical Co., at Marion, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; empty shipper-owned vehicles, from points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, to Marion, Ill., and from the above-named points except those in Michigan, to Ordill, Ill.; manufactured dry fertilizers, from Cairo, and Mounds, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin; ammonium nitrate, in bulk and in bags, from Ordill, Ill., and points within 5 miles thereof, to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee. Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C., attorney for applicants.

No. MC-FC 67346. By order of December 4, 1964, the Transfer Board approved the transfer to American Indianhead Express, Inc., Bronx, N.Y., of the operating rights in Certificate No. MC 35388, issued April 23, 1957, to Stokes Durant, doing business as Durant & Sons, Brooklyn, N.Y., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between New York, N.Y., and points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Delaware, Maryland, and the District of Columbia, in radial movements. Arthur J. Piken, 160 Jamaica Avenue, Jamaica 32, N.Y., attorney for applicants.

No. MC-FC 67360. By order of December 4, 1964, the Transfer Board approved the transfer to I. Kendall Gibbs and Adele R. Gibbs, Dover, Delaware, of the operating rights in Certificates Nos.

MC 94180 Sub-1, MC 94180 Sub-7 and MC 94180 Sub-9, issued May 15, 1952, December 27, 1960, and January 17, 1964, respectively, to Mathews Charter Service, Inc., Cambridge, Md., authorizing the transportation of: Passengers and their baggage, between Salisbury, and Waterview, Md., and Salisbury, Md., and a specified highway junction in Maryland, over a regular route, and passengers and their baggage, in charter operations, beginning and ending at Cambridge, Md., and points within 25 miles, and points in Caroline County, Md., and extending to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Ernest V. Keith, City Plaza and State Street, Dover, Del., attorney for applicants.

No. MC–FC 67374. By order of December 4, 1964, the Transfer Board approved the transfer to Roger Dunwiddie, doing business as Dunwiddie Trucking, Juda, Wis., of Certificates Nos. MC 94814 and MC 94814 Sub-3, issued July 20, 1956 and May 8, 1957, in the name of Robert O. Mohns, doing business as Robert O. Mohns Trucking, Juda, Wis., authorizing the transportation over irregular routes, of livestock, between points in Green County, Wis., on the one hand, and, on the other, Chicago, Ill.; and between points in Stephenson County, Ill., on the one hand, and, on the other, Cudahy, Wis.; household goods, between points in Green County, Wis., on the one hand, and, on the other, points in Illinois within 45 miles of Juda, Wis.; fertilizer, from Streator, Ill., to points in Rock, Green, Lafayette, Dane, Jefferson, Dodge, Columbia, Walworth, Sauk, Iowa, Grant, and Crawford Counties, Wis.; and from Hartsdale, Ind., to points in Columbia, Crawford, Dane, Dodge, Grant, Green, Jefferson, Iowa, Lafayette, and Sauk Counties, Wis.; damaged or deteriorated shipments of fertilizer, from the above named Counties to Streator, Ill., and Hartsdale, Ind.; and tankage, meat scraps, and bone meal, from Dubuque, Iowa, to points in Dane, Green, Jefferson, Lafayette, Iowa, Rock, and Walworth Counties, Wis. John L. Bruemner, 121 West Doty Street, Madison, Wis., 53703, attorney for applicants.

No. MC–FC 67381. By order of December 4, 1964, the Transfer Board approved the transfer to Raynond B. Long, Inc., Tylersport, Pa., of the operating rights in Certificates Nos. MC 103721 Sub-2 and MC 103721 Sub-10, issued September 5, 1958, and June 6, 1962, respectively, to Orville Sickels Trucking, Inc., Palmerton, Pa., authorizing the transportation, over irregular routes of: Coal, from specified points in Pennsylvania to designated points in New York and New Jersey. Morris J. Winokur, 1920 2 Penn Center Plaza, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC 67384. By order of December 4, 1964, the Transfer Board approved the transfer to Melvin Bates and Norris Bates, a partnership, doing business as Bates and Bates, Philadelphia, Pa., of the operating rights in Certificate No. MC 35704, issued June 18, 1941, to Israel Lertzman, Philadelphia, Pa., authorizing the transportation, over irregular routes of: Household goods, and shoes and dry goods, between specified points in Pennsylvania, Delaware, New York, and New Jersey, in radial movements. John H. Derby, 2122 Cross Road, Glenside, Pa., 19038, practitioner for applicants.

No. MC–FC 67385. By order of December 4, 1964, the Transfer Board approved the transfer to H. P. Wesley, Inc., Phillipsburg, N.J., of the operating rights in Certificates Nos. MC 65993 and MC 65993 Sub-4, both issued March 25, 1958, to H. P. Wesley, Phillipsburg, N.J., authorizing the transportation, over irregular routes of: Household goods, new furniture, and various commodities of a general commodity nature, between named points and specified portions of Pennsylvania and New Jersey. Robert E. Frederick, 120 South Main Street, Phillipsburg, N.J., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12794; Filed, Dec. 11, 1964; 8:48 a.m.]

[Notice 8]

## FINANCE APPLICATIONS

DECEMBER 10, 1964.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23412—By application filed December 10, 1964, Bi-State Development Agency of the Missouri-Illinois Metropolitan District, 818 Olive St., St. Louis, Mo., 63101, seeks authority to issue not exceeding $1,100,000 in par value of Series A–4¼ percent Airport Revenue Bonds and not exceeding $600,000 in par value of Series B–5 percent Revenue Bonds. Applicant's attorney: Thomas J. Guilfoil, Esq., Guilfoil, Caruthers, Symington, Montrey & Petzall, 818 Olive St., St. Louis, Mo., 63101. Due to the urgency in the matter resulting from the impending expiration of the options covering the land to be acquired, protests must be filed no later than 7 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12828; Filed, Dec. 11, 1964; 8:50 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


**3 CFR** — Page

PROCLAMATIONS:
3630 — 15941
3631 — 16243

EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) — 16859
Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
Sept. 30, 1916 (revoked in part by PLO 3508) — 16864
May 21, 1920 (revoked in part by PLO 3508) — 16864
5289 (revoked in part by PLO 3486) — 16830

**4 CFR**
51 — 16313
52 — 16313

**7 CFR**
15 — 16274, 16966
29 — 16854
401 — 17029
717 — 16184
719 — 16185
722 — 16248, 16775
724 — 16077
729 — 16185
850 — 17029
855 — 17029
905 — 16313–16315
907 — 16315, 16907, 17030
909 — 17030
910 — 16078, 16316, 17031
916 — 16966
917 — 16854
929 — 16078
1004 — 16966
1005 — 16855
1421 — 15943
1485 — 17032
1600 — 16784
1601 — 16784

PROPOSED RULES:
911 — 16258
912 — 16993
915 — 16258
917 — 16993
971 — 16833
1004 — 16994
1005 — 16259
1030 — 16395, 16417
1031 — 16417
1036 — 16197
1044 — 16200
1047 — 17041
1065 — 16920
1131 — 16866
1126 — 16198

**9 CFR**
74 — 15943
94 — 16907
97 — 16316

**10 CFR**
2 — 16831

PROPOSED RULES:
Ch. I — 15957
2 — 16934

**12 CFR** — Page
217 — 15944, 16317
218 — 16065
224 — 16855
329 — 15944
545 — 16856

**13 CFR**
107 — 16825, 16946, 16967
121 — 15945

PROPOSED RULES:
107 — 16094

**14 CFR**
7 — 16149
27 [New] — 16065
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318, 16967, 17035.
42 — 16968
71 [New] — 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037.
73 [New] — 15948, 16184, 16972, 17037
75 [New] — 16066, 16319
93 [New] — 15948
97 [New] — 16067, 16789
302 — 16972
389 — 16907

PROPOSED RULES:
39 [New] — 16429, 16430, 17044
71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046.
75 [New] — 16432, 16836
91 [New] — 15959
135 [New] — 16836
221 — 16867
399 — 17042

**15 CFR**
7 — 16973
201 — 16319
365 — 16186

**16 CFR**
13 — 16186, 16826, 16856

**17 CFR**
200 — 16187
230 — 16982
239 — 16856
240 — 16245, 16856, 16982
260 — 16982
270 — 16982
275 — 16982

PROPOSED RULES:
15 — 15957
19 — 15957

**18 CFR**
501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194

PROPOSED RULES:
12 — 16997

**19 CFR** — Page
4 — 15949
14 — 16320

PROPOSED RULES:
6 — 17042

**20 CFR**
395 — 16322

**21 CFR**
8 — 15949, 16983
9 — 16983
14 — 16194
15 — 16194
16 — 16194, 16858
17 — 16194
18 — 16194
19 — 16194
20 — 16194
22 — 16194
27 — 16194
29 — 16194
37 — 16194
42 — 16194, 16983
45 — 16194
46 — 16194
51 — 16194
53 — 16194
121 — 16078, 16079, 16249, 16858, 16909–16911
144 — 16984
145 — 16911
148c — 16984
148u — 16911
148x — 16251

PROPOSED RULES:
27 — 16866
31 — 16866
45 — 16994
46 — 16429
53 — 16934
120 — 16935
121 — 16935, 16994

**24 CFR**
1 — 16280

**25 CFR**
43d — 16080

**26 CFR**
1 — 16081
45 — 16083

PROPOSED RULES:
1 — 15957, 16090
48 — 16993

**27 CFR**
4 — 16984

**29 CFR**
31 — 16284
689 — 15949

PROPOSED RULES:
601 — 16428
670 — 16428
675 — 16428
720 — 16428

**31 CFR**
328 — 16914

PROPOSED RULES:
306 — 16330
315 — 16330

**31 CFR—Continued** Page

PROPOSED RULES—Continued
316 16330
321 16330
332 16330

**32 CFR**
517 15949
536 16985
577 16251
701 16194
710 16055
719 16194
804 16322
1001 17037
1002 17038
1003 17038
1007 17038
1030 17040
1057 17039

**32A CFR**
OEP (Ch. I):
DMO I-4 16251
OIA (Ch. X):
OI Reg. 1 16986

**33 CFR**
202 16859, 17040
203 16251, 17040
208 15949

**35 CFR**
5 16328

**38 CFR**
3 16252, 16328

**39 CFR**
16 16125
21 16252
22 16125, 16252
24 16125
25 16252
57 16858
61 16125
112 16858
168 16858

**41 CFR**
4-1 17040
8-1 16323
8-2 16323
11-1 16252, 16255
11-2 16253, 16255
11-4 16253
11-14 16255
Ch. 18 16502
101-6 15972, 16287
101-7 16797
101-8 16800
101-9 16800
101-10 16801

**41 CFR—Continued** Page
101-11 16807
101-12 16824
101-13 16824
101-18 15973
101-19 15978
101-20 15984
101-25 15990
101-27 15997
101-28 15998
101-29 16002
101-30 16004
101-40 16008
101-43 16012
101-44 16027
101-45 16035
101-47 16126

**42 CFR**
51 16915
55 16915
57 15952

**43 CFR**
17 16293
PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) 16827
3447 (corrected by PLO 3485) 16829
3464 16084
3465 16084
3466 16084
3467 16085
3468 16085
3469 16085
3470 16086
3471 16086
3472 16087
3473 16087
3474 16256
3475 16827
3476 16827
3477 16827
3478 16827
3479 16828
3480 16828
3481 16828
3482 16828
3483 16829
3484 16829
3485 16829
3486 16830
3487 16829
3488 16830
3489 16830
3490 16830
3491 16831
3492 16831
3493 16859
3494 16859
3495 16860

**43 CFR—Continued** Page
PUBLIC LAND ORDERS—Continued
3496 16860
3497 16860
3498 16860
3499 16861
3500 16861
3501 16862
3502 16862
3503 16863
3504 16863
3505 16863
3506 16863
3507 16864
3508 16864
3509 16864
3510 16987
3511 16987
3512 16987

**44 CFR**
1 16832
2 16832
3 16832
4 16832
5 16832
6 16832
7 16832
55 15954
60 15954
100 15954
102 15954
110 16195
Ch. VII 16832

**45 CFR**
80 16298, 16988
150 15955
611 16305

**46 CFR**
506 16195
PROPOSED RULES:
Ch. IV 16433

**47 CFR**
73 16196, 16916, 16988
81 16196
87 16865
PROPOSED RULES:
21 16204
73 16205, 16207, 16837

**49 CFR**
0 16087
176 16125
192 16256

**50 CFR**
33 16917, 16918
256 16088
257 16990


5908

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DEC 21 1964
MAIN READING ROOM

Part II, Section 1 begins on page 17501
Part II, Section 2 begins on page 17726A

Pages 17063–17794

PART I

# FEDERAL REGISTER

VOLUME 29 NUMBER 243

Washington, Tuesday, December 15, 1964

J
83
.A2

## Contents

**AGRICULTURAL MARKETING SERVICE**

Notices

Prunes, canned dried; purchase program ..... 17123

**AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE**

Rules and Regulations

Rice marketing quotas; additional authority for determinations:
1958 and subsequent crops ..... 17086
1964 and subsequent crops ..... 17086
Wheat marketing certificates, processor; miscellaneous amendments ..... 17086

Proposed Rule Making

Sugar requirements and quotas for local consumption for 1965; Hawaii and Puerto Rico ..... 17122

**AGRICULTURE DEPARTMENT**

*See* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Federal Crop Insurance Corporation.

**ATOMIC ENERGY COMMISSION**

Rules and Regulations

Public contracts and property management; patents and copyrights ..... 17113

**CENSUS BUREAU**

Rules and Regulations

Fees for age search and citizenship information ..... 17089

**CIVIL AERONAUTICS BOARD**

Notices

Flying Tiger Line, Inc., and Trans World Airlines, Inc.; blocked-space air freight tariffs ..... 17125

**CIVIL SERVICE COMMISSION**

Rules and Regulations

Excepted service:
Miscellaneous amendments:
Commission on Civil Rights ..... 17085
Health, Education, and Welfare Department ..... 17084
Housing and Home Finance Agency ..... 17084
Interior Department (3 documents) ..... 17084, 17085
Labor Department ..... 17085
State Department (2 documents) ..... 17085
Revision of rules ..... 17065

**COMMERCE DEPARTMENT**

*See* Census Bureau; International Commerce Bureau.

**COMPTROLLER OF THE CURRENCY**

Rules and Regulations

Investment securities; City of Anaheim Stadium, Inc., lease-rental bonds ..... 17087

**FEDERAL AVIATION AGENCY**

Rules and Regulations

Control zone; alteration ..... 17088
Control zone and transition area; alteration ..... 17088
Federal airways, controlled airspace and reporting points; special use airspace, and jet routes; compilation of regulations ..... 17502
Public contracts and property management ..... 17092

**FEDERAL CROP INSURANCE CORPORATION**

Rules and Regulations

Combined crop insurance, 1965; discontinuance in certain counties ..... 17085

**FEDERAL HOME LOAN BANK BOARD**

Rules and Regulations

Operations; fidelity bonds ..... 17088

**FEDERAL MARITIME COMMISSION**

Rules and Regulations

Foreign discrimination in U.S.-Uruguayan trade affecting U.S. ships ..... 17121

Notices

North Atlantic Westbound Freight Association; exclusive patronage contract; extension of time for comments ..... 17127

**FEDERAL POWER COMMISSION**

Notices

Tennessee Gas Transmission Co.; application ..... 17127

**FISH AND WILDLIFE SERVICE**

Notices

Depredating golden eagles; order permitting taking to seasonally protect domestic livestock in certain Texas counties ..... 17123

**FOOD AND DRUG ADMINISTRATION**

Rules and Regulations

Color additives; postponement or termination of closing date of provisional listings of certain items ..... 17089
Food additives:
Antioxidants and/or stabilizers for polymers ..... 17090
Lubricants with incidental food contact ..... 17090

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See* Food and Drug Administration.

**INTERIOR DEPARTMENT**

*See* Fish and Wildlife Service; National Park Service.

(*Continued on next page*)

**INTERNATIONAL COMMERCE BUREAU**

**Notices**

Kastner, Ludwig and George; order denying export privileges -- 17123

**INTERSTATE COMMERCE COMMISSION**

**Notices**

Motor carrier transfer proceedings (2 documents) ----- 17129, 17130

**NATIONAL PARK SERVICE**

**Rules and Regulations**

Virgin Islands:
Buck Island Reef National Monument ----- 17091
Virgin Islands National Park -- 17091

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

Connecticut Yankee Atomic Power Co. et al.; hearing, etc ----- 17127

**TREASURY DEPARTMENT**

*See also* Comptroller of the Currency.

**Notices**

Commandant, Coast Guard; authority delegation ----- 17123

**VETERANS ADMINISTRATION**

**Rules and Regulations**

Adjudication; evaluation of income ----- 17092


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**5 CFR**

213 (10 documents) --17065, 17084, 17085

**7 CFR**

401 ----- 17085
730 (2 documents) ----- 17086
777 ----- 17086

PROPOSED RULES:
812 ----- 17122

**12 CFR**

1 ----- 17087
563 ----- 17088

**14 CFR**

71 [New] (3 documents) --- 17088, 17503
73 [New] ----- 17727
75 [New] ----- 17775

**15 CFR**

50 ----- 17089

**21 CFR**

8 ----- 17089
121 (2 documents) ----- 17090

**36 CFR**

7 (2 documents) ----- 17091

**38 CFR**

3 ----- 17092

**41 CFR**

Ch. 2 ----- 17092
9–9 ----- 17113

**46 CFR**

506 ----- 17121


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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

Part 213 is revised to read as follows:

**Subpart A—General Provisions**


Sec.
213.101 Definitions.
213.102 Identification of positions in Schedules A, B, or C.


**Subpart B—[Reserved]**

**Subpart C—Excepted Schedules**

SCHEDULE A


213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
213.3102 Entire executive civil service.
213.3103 Executive Office of the President.
213.3104 Department of State.
213.3105 Treasury Department.
213.3106 Department of Defense.
213.3107 Department of the Army.
213.3108 Department of the Navy.
213.3109 Department of the Air Force.
213.3110 Department of Justice.
213.3111 Post Office Department.
213.3112 Department of the Interior.
213.3113 Department of Agriculture.
213.3114 Department of Commerce.
213.3115 Department of Labor.
213.3116 Department of Health, Education, and Welfare.
213.3121 National Security Council.
213.3122 Interstate Commerce Commission.
213.3124 Board of Governors, Federal Reserve System.
213.3127 Veterans Administration.
213.3128 United States Information Agency.
213.3129 Federal Power Commission.
213.3130 Securities and Exchange Commission.
213.3132 Small Business Administration.
213.3133 Federal Deposit Insurance Corporation.
213.3135 National Capital Housing Authority.
213.3136 United States Soldiers' Home.
213.3137 General Services Administration.
213.3138 Federal Communications Commission.
213.3139 United States Tariff Commission.
213.3141 National Labor Relations Board.
213.3142 Export-Import Bank of Washington.
213.3143 Farm Credit Administration.
213.3144 Housing and Home Finance Agency.
213.3146 Selective Service System.
213.3147 Federal Mediation and Conciliation Service.
213.3148 National Aeronautics and Space Administration.
213.3149 Panama Canal Company, New Orleans.
213.3154 Federal Home Loan Bank Board.
213.3156 Commission on Civil Rights.
213.3157 Federal Aviation Agency.
213.3158 Franklin Delano Roosevelt Memorial Commission.
213.3160 Peace Corps.
213.3161 James Madison Memorial Commission.
213.3162 National Aeronautics and Space Council.
213.3163 President's Committee on Youth Employment.
213.3164 U.S. Arms Control and Disarmament Agency.
213.3165 President's Advisory Committee on Labor-Management Policy.
213.3166 President's Committee on Juvenile Delinquency and Youth Crime.
213.3169 President's Committee on Equal Opportunity in Housing.
213.3170 Civil Service Commission.


SCHEDULE B


213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.
213.3204 Department of State.
213.3205 Treasury Department.
213.3206 Department of Defense.
213.3209 Department of the Air Force.
213.3210 Department of Justice.
213.3212 Department of the Interior.
213.3213 Department of Agriculture.
213.3214 Department of Commerce.
213.3216 Department of Health, Education, and Welfare.
213.3228 United States Information Agency
213.3229 Federal Power Commission.
213.3244 Housing and Home Finance Agency.
213.3246 Selective Service System.
213.3253 District of Columbia Government.
213.3260 Peace Corps.
213.3268 Agency for International Development.
213.3273 Office of Economic Opportunity.


SCHEDULE C


213.3301 Positions of a confidential or policy-determining character.
213.3303 Executive Office of the President
213.3304 Department of State.
213.3305 Treasury Department.
213.3306 Department of Defense.
213.3307 Department of the Army.
213.3308 Department of the Navy.
213.3309 Department of the Air Force.
213.3310 Department of Justice.
213.3311 Post Office Department.
213.3312 Department of the Interior.
213.3313 Department of Agriculture.
213.3314 Department of Commerce.
213.3315 Department of Labor.
213.3316 Department of Health, Education, and Welfare.
213.3322 Interstate Commerce Commission.
213.3323 General Accounting Office.
213.3325 The Tax Court of the United States.
213.3326 Office of Emergency Planning.
213.3327 Veterans Administration.
213.3328 United States Information Agency.
213.3329 Federal Power Commission.
213.3330 Securities and Exchange Commission.
213.3331 National Mediation Board.
213.3332 Small Business Administration.
213.3333 Federal Deposit Insurance Corporation.
213.3334 Federal Trade Commission.
213.3337 General Services Administration.
213.3338 Federal Communications Commission.
213.3339 United States Tariff Commission.
213.3340 Civil Aeronautics Board.
213.3341 National Labor Relations Board.
213.3342 Export-Import Bank of Washington.
213.3343 Farm Credit Administration.
213.3344 Housing and Home Finance Agency.
213.3345 Indian Claims Commission.
213.3347 Federal Mediation and Conciliation Service.
213.3348 National Aeronautics and Space Administration.
213.3350 Foreign Claims Settlement Commission of the United States.
213.3351 Subversive Activities Control Board.
213.3352 Saint Lawrence Seaway Development Corporation.
213.3354 Federal Home Loan Bank Board.
213.3355 The Renegotiation Board.
213.3356 Commission on Civil Rights.
213.3357 Federal Aviation Agency.
213.3359 National Capital Transportation Agency.
213.3360 Peace Corps.
213.3364 U.S. Arms Control and Disarmament Agency.
213.3367 Federal Maritime Commission.
213.3368 Agency for International Development.
213.3369 President's Committee on Equal Opportunity in Housing.
213.3371 President's Committee on Consumer Interest.
213.3372 Administrative Office of the U.S. Courts.


AUTHORITY: The provisions of this Part 213 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp.

### Subpart A—General Provisions

**§ 213.101 Definitions.**

In this part and elsewhere in this chapter:

(a) "Excepted service" means "unclassified service," "unclassified civil service," and "positions outside the competitive civil service," as used in statutes and Executive orders, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Commission under § 6.1, Subchapter A, of the Civil Service Rules.

(b) "Excepted position" means a position in the excepted service.

**§ 213.102 Identification of positions in Schedules A, B, or C.**

The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

### Subpart B—[Reserved]

### Subpart C—Excepted Schedules

SCHEDULE A

**§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.**

(a) The positions enumerated in §§ 213.3102 to 213.3199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are





excepted from the competitive service and constitute Schedule A.

(b) An agency (including a military department) may not appoint the son, daughter, brother, or sister of the appointing officer to a position under this schedule. This restriction may be waived in the Commission's discretion where the agency shows that the appointment would not result in favoritism.

(c) Appointments under this schedule may not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this schedule.

(d) Persons appointed under this schedule (1) shall be students enrolled in a curriculum of a school which is accepted by an agency for employment in the position to be filled when such curriculum requires alternate periods of attendance at school and of employment in a Federal agency; (2) shall be students who have been selected for appointment to the next class to enter a school which requires alternate periods of attendance at school and of employment in a Federal agency; or (3) shall be students who have been admitted for enrollment in a school which requires alternate periods of attendance at school and of employment in a Federal agency, and who are to be employed before the school term begins.

(e) Persons appointed under this schedule shall be students who are pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this pro-



(b) *Bureau of Intelligence and Research.* (1) Not to exceed 35 professional and technical positions.

and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job

initially employed under the program including those who have acquired United States citizenship during such employ-

excepted from the competitive service and constitute Schedule A.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for part-time, seasonal, intermittent, or other temporary employment within the United States, between May 1, 1964, and September 30, 1964.

**§ 213.3102 Entire executive civil service.**

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS–3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the metropolitan area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., positions excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) Any position directly concerned with the protection of the life and safety of the President and members of his immediate family, the President-elect, the Vice President or other officer next in the order of succession to the Office of President, and the Vice President-elect.

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (i) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(q) Temporary or intermittent positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision: (i) in a position of a routine clerical type; or (ii) in excess of 130 working days a year; or (iii) at a compensation during a period of a year that aggregates for positions at GS–4 and below more than 40 percent of the annual salary for the first step of GS–3, and for positions at GS–5, 6, or 7 more than 33⅓ percent of the annual salary for the first step of the grade at which the position is classified. The grade level at which the person enters on duty determines the pay limitation applicable to him throughout his service year. These limitations on compensation include any premium pay such as for overtime, night, Sunday, or holiday work. They do not, however, include any mandatory within-grade salary increase to which the employee becomes entitled subsequent to appointment under this authority.

(r) All positions of a project nature when filled by individuals the salaries for whom are paid out of funds allocated by the President under authority of Public Law 87–658, approved September 14, 1962, the Public Works Acceleration Act. Employment under this authority shall be for a temporary period not to exceed one year.

(s) [Reserved]

(t) Not to exceed September 30, 1965 and subject to prior approval of the Civil Service Commission, positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Civil Service Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

(u) Until June 30, 1965, and for not more than 100 positions and subject to prior approval of the Commissioners, a position when filled by a severely handicapped person who, under temporary appointment, has demonstrated his ability to perform satisfactorily the duties of the position.

**§ 213.3103 Executive Office of the President.**

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

**§ 213.3104 Department of State.**

(a) *Office of the Secretary.* (1) Six Physical Science Administration Officers at GS–14 and above in the Office of International Scientific Affairs.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Reports and Operations Staff, Executive Secretariat.

(4) Four Assistants to the Executive Secretary, Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(7) Not to exceed January 1, 1966, not more than five Protocol Officers, grades GS–5 to –13 in the Office of Protocol; and not more than ten Representational Services Officers, grades GS–5 to –15 in the Office of Special Representational Services.



(b) *Bureau of Intelligence and Research.* (1) Not to exceed 35 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Not to exceed 19 Realty Officers, Appraisers, Negotiators, Specialists and Assistants, GS–5 through 14. Not to exceed five Interviewers (Interpreter), GS–5 through 11. Appointment under this authority may not extend beyond four years from the date of authorization of the Chamizal Project.

(3) Not to exceed three Administrative Assistants GS–7 through 11. Appointments under this authority may not extend beyond four years from the date of authorization of the Chamizal Project.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or 6 months within any 1 calendar year.

(e) *Office of the Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Special Assistant to the Chief, News Division.

(5) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(f) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

**§ 213.3105 Treasury Department.**

(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

(3) Part-time, intermittent, or temporary Customs Inspectors, Deputy Collectors, and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS–8, for not to exceed 130 working days a year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at the GS–9 grade level and below of customs enforcement officer, customs inspector, customs marine clerk/officer, customs sampler, customs warehouse officer, deputy collector, interpreter, janitor, and laborer that are of a continuing nature, and the duties of which are intermittent or part-time and require the services of an employee for not more than 700 hours of employment during his service year. A person appointed under this authority may not be employed in the Bureau of Customs under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(c) *Coast Guard.* (1) Lamplighters.

(2) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, and one Cadet Hostess at the Coast Guard Academy, New London, Connecticut.

(d) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

(e) *Internal Revenue Service.* (1) Fifty positions of investigator for special assignments.

**§ 213.3106 Department of Defense.**

(a) *Office of the Secretary.* (1) Five Special Advisors in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(5) Not to exceed January 1, 1966, 8 positions of Regional Director in the Office of the Assistant Secretary of Defense (Civil Defense).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in Attache Systems overseas, including positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Until December 31, 1966, not to exceed 75 positions to be filled by foreign nationals designated by the Department as eligible for resettlement assistance.

(c) *Interdepartmental Activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

**§ 213.3107 Department of the Army.**

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(3) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of 3 months' training and a maximum of 12 months' training, depending upon the individual's previous clinical training.

(4) [Reserved]

(5) Positions assigned exclusively to Army Communications Intelligence Activities.

(6) Trainee student medical technologist (intern) positions at the Rodriquez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed 1 year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey,

construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U.S. Military Academy Preparatory School, Fort Belvoir, Virgina.

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(f) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(g) *Defense Language Institute.* (1) Language instructor positions and professional positions at the West Coast Branch whose duties require supervising the language instructors or developing and evaluating instructional material and methods directly related to the teaching of foreign languages.

(2) Typists of foreign language material at the West Coast Branch whose duties require them to make corrections in grammar and spelling of the material typed.

(3) Professors, instructors, and teachers at the East Coast Branch.

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(h) *Army War College, Carlisle Barracks, Pennsylvania.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(i) *Chemical Corps.* (1) Scientific and professional research associate positions at the Army Biological Warfare Laboratories, Fort Detrick, Maryland, when filled on a temporary or intermittent basis by persons having a doctoral degree in the biophysical or biological sciences or related fields of study, for research activities of mutual interest to the appointee and the Laboratories. Total employment under this provision may not exceed five positions at any one time. Employment under this provision shall not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

**§ 213.3108 Department of the Navy.**

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities and positions assigned to Naval Security Group Activities/Functions.

(2) [Reserved]

(3) Two positions of teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(4) Not to exceed 50 positions of Resident-in-Training at U.S. Naval hospitals which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments to these positions shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be only to positions excepted from the Classification Act under the provisions of Public Law 330 of the 80th Congress.

(5) One Staff Assistant to the Naval Aide to the President.

(6) Until June 30, 1967, not to exceed 16 positions when occupied by U.S. citizens who were serving under excepted or overseas limited appointment at the Naval Base at Guantanamo Bay, Cuba, during October 1962.

(b) *United States Naval Academy.* (1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, the Dean of Admissions at the United States Naval Academy, and social counselors.

(c) *United States Naval Home.* (1) Positions of Orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) *U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, California; U.S. Naval Ordnance Laboratory, White Oak, Silver Spring, Maryland; and U.S. Naval Weapons Laboratory, Dahlgren, Virginia.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 10 positions at the U.S. Naval Research Laboratory, 6 positions at the U.S. Navy Electronics Laboratory, 10 positions at the U.S. Naval Ordnance Laboratory, and 10 positions at the U.S. Naval Weapons Laboratory at any one time. Employment under this provision will not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, California.* (1) Scientific and professional research positions at GS–12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed six positions at any one time. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed 1 additional year.

(g) *U.S. Medical Research Institute, National Naval Medical Center, Bethesda, Maryland.* (1) Scientific and professional resident research associate positions when filled on a temporary basis by persons having a doctoral degree in an appropriate biological or biochemical science, or in medicine or related fields of study, for research activities of mutual interest to the appointee and the Institute. Total employment under this provision may not exceed five positions at any one time. Employment under this provision shall not exceed 1 year in any individual case: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed an additional year.

**§ 213.3109 Department of the Air Force.**

(a) *Office of the Secretary.* (1) Five Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(b) *General.* [Reserved]

(c) *Lookout Mountain Laboratory, Los Angeles, California.* (1) All positions.

(d) *United States Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

(e) *The Air Force Systems Command and the Office of Aerospace Research.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Command. Total employment under this provision may not exceed 20 positions at any one time. Employment under this provision shall not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

**§ 213.3110 Department of Justice.**

(a) *General.* (1) Field Deputy United States Marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the United States courts when employed on an intermittent basis.

(3) United States Marshal in the Virgin Islands.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

**§ 213.3111 Post Office Department.**

(a) *General.* (1) Clerks in fourth-class post offices.

(2) Substitute Rural Carriers employed:

(i) During the incumbency of a Rural Carrier to serve the Carrier's route when he is absent on leave or for military duty, or

(ii) To serve pending the filling of a Rural Carrier vacancy, provided that the Post Office Department shall obtain prior approval of the Commission for employment of any substitute in a Rural Carrier vacancy in excess of 90 days.

(3) Special delivery messengers in second-, third-, and fourth-class post offices.

(4) One Administrative Assistant to each Regional Director (15 positions).

(5) One Administrative Assistant to the Assistant to the Regional Director (Dallas Region).

(6) One Administrative Assistant to the Assistant to the Regional Director (St. Louis Region).

(7) Clerks employed on a part-time basis in third-class post offices in Alaska.

(8) Fourth-class postmaster positions in Alaska.

(9) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

(10) One Additional Assistant to the Boston Regional Director.

(11) Temporary employment of Christmas Assistants in the postal field service for a period of not to exceed 15 calendar days in the month of December.

(12) For employment of eleven deaf mutes on an experimental basis with prior approval of the Commission.

**§ 213.3112 Department of the Interior.**

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year, except that temporary and seasonal forest and range fire employees in the Bureau of Land Management in Alaska may be employed for fire prevention or suppression for not to exceed 180 working days a year.

(6) Persons employed in field positions the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators; and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(2) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Five Area Managers.

(e) *Office of Territories.* (1) The Clerk of the High Court of American Samoa.

(2) One position of part-time Secretary, one position of Administrative Educational Aid, and one position of Instructional Aid to the U.S. Resident Administrator for Canton Island.

(3) The Government Comptroller for the Virgin Islands.

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (general, naturalist, historian, and archeologist) at salaries equivalent to GS–5 or GS–4, and not to exceed 200 such positions at salaries equivalent to grade GS–7 or GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. Employment under this subparagraph is limited to persons who meet the qualifications standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a park ranger at a salary equivalent to the next lower grade:

(i) For IGS–7, 2 seasons at IGS–6 level;
(ii) For IGS–6, 2 seasons at IGS–5 level;
(iii) For IGS–5, 1 season at IGS–4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 days in any single year.

(h) *The Alaska Railroad.* (1) Until December 31, 1964, all positions in Alaska in The Alaska Railroad and four Technical positions in the Alaska Railroad office in Seattle, Washington.

(1) *Office of Geography.* (1) One position of Research Analyst (Native Arabic Language Expert), GS–7.

**§ 213.3113 Department of Agriculture.**

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service, or positions in the Statistical Reporting Service, or poultry inspection and tobacco inspection positions in the Agricultural Marketing Service. This authority is not applicable after April 1, 1963, to agricultural commodity grader (meat) positions; nor after July 1, 1963, to agricultural commodity grader (grain) and agricultural commodity aid (grain) positions in the Agricultural Marketing Service.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State Governments, colleges, or universities, for a limited period not to exceed 1 year.

(4) Local Agents, except veterinarians, employed temporarily outside Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS–5 or below; except that for the forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage board positions, and for the positions under subdivision (viii) of this subparagraph it may be used for the levels therein indicated. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups exclusive of those covered by § 213.3102 (i) and (m) at places other than at central office and regional and branch office cities of the Commission when (*a*) there is no local Board of U.S. Civil Service Examiners to service the employing establishment, and (*b*) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) State Performance Assistants of the Agricultural Stabilization and Conservation Service.

(vii) Collectors of the Farmers Home Administration.

(viii) Agricultural Research helpers, helper-leaders, and workers, paid at rates not in excess of WB–5 and Leader–5 in the Agricultural Research Service.

(6) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 81–875, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(7) [Reserved]

(8) Until December 31, 1966, not to exceed 100 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate for such positions: *Provided*, That employment under this authority in any one individual case shall be on a temporary basis for periods not to exceed one year and shall not exceed two years without the prior approval of the Civil Service Commission.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(c) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the apointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) Six Area Directors above GS–14.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(e) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to Public Law 87–128. Appointment under this provision shall not exceed 1 year unless extended with the prior approval of the Commission for additional periods of not to exceed 1 year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(f) *Agricultural Marketing Service.* (1) Positions of cotton classers GS–9 and below, clerks GS–2, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., metropolitan area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 160 working days a year in the case of cotton classers and laborers and 130 working days a year in the case of clerks; except that GS–5 cotton classers may be employed as trainees during their first appointment only for an initial period of 6 months for training purposes without regard to the above time limitation.

(2) Positions of poultry inspector (veterinarian at GS–11 and below, and nonveterinarian at appropriate grades below GS–11) when the employment is on a temporary, intermittent, or seasonal basis, and does not exceed 160 working days a year.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(5) Positions of Agricultural Commodity Aid (Cotton) GS–2, –3, and –4, employed on a seasonal basis in cotton classing offices outside the Washington, D.C., metropolitan area for not to exceed 160 working days a year. Employment under this authority may not exceed 850 positions at GS–2, and 92 supervisory positions at GS–3 and GS–4.

(g) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40 percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(3) Not to exceed 25 professional research associate positions, at GS–11 and above, in laboratories doing basic research work in the Agricultural Research Service to be filled on a temporary basis by scientists with a doctoral degree who possess specialized knowledges or abilities applicable to the basic research programs involved. Employment under this provision shall not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of

the Commission, be extended for not to exceed an additional year.

(h) *Foreign Agricultural Service.* (1) Agricultural Attache positions at grade GS–16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(i) *International Agricultural Development Service.* (1) Positions of Technical Leader at Grade GS–12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

**§ 213.3114 Department of Commerce.**

(a) *General.* (1) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part-time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided,* That the number of observations shall not exceed a daily average of 12 during any calendar month.

(2) Employment of individuals, firms, or corporations for not to exceed 1 year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292): *Provided,* That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(3) One Adviser on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed 1 year: *Provided,* That such appointments may be extended for additional periods of not to exceed 1 year each; but that after December 31, 1960, this subparagraph shall not be authority for employment in full-time positions for longer than 1 year.

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 20 new appointments each fiscal year, including those at the headquarters and at the Boulder, Colorado, Laboratories of the Bureau. Employment under this provision shall not exceed 1 year in any individual case: *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. Such extensions shall not be included against the quota of 20 new appointments as stated above.

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Adminstration.* (1) Not to exceed 30 positions, at grades GS–13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed 2 years, and may, with prior approval of the Commission, be extended for an additional period of 2 years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2) One Private Secretary to the Public Information Officer.

(3) Chief, Office of Program Planning.

(4) One Private Secretary to the Chief, Office of Program Planning.

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(7) [Reserved]

(8) One Special Assistant to the Administrator (Tanker Adviser).

(9) Two Special Assistants to the Deputy Administrator.

(10) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including Heads of the Departments of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; Academy Training Representatives; the Regimental Officer; the Drill and Activities Officers; the Band and Activities Officer; and the First, Second, and Third Battalion Officers.

(11) U.S. Merchant Marine Academy, positions of: The Superintendent; the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; and the Special Assistant to the Superintendent.

(i) *Office of the Assistant Secretary for Domestic and International Business.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of International Commerce or in other units under the jurisdiction of the Assistant Secretary for Domestic and International Business. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(j) *Weather Bureau.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Cook positions on Swan Island.

(3) Scientific and professional research positions at GS–12 and above when filled on a temporary, part-time, or intermittent basis by persons having a doctoral degree in meteorology or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed ten positions at any one time, nor more than one year under this authority for any one individual, without prior approval of the Commission.

**§ 213.3115 Department of Labor.**

(a) *Office of the Secretary.* (1) Chairman and two Members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* [Reserved]

(c) *President's Committee on Equal Employment Opportunity.* (1) All positions on the Staff of the President's Committee on Equal Employment Opportunity established by Executive Order 10925 of March 6, 1961.

(d) *Bureau of Labor Statistics.* (1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this authority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS–5;

(ii) 130 working days a year for positions at GS–4 and below.

The total number of appointments at GS–5 shall not exceed 75. Appointments at the GS–3 and GS–4 grade levels are not limited in number.

**§ 213.3116 Department of Health, Education, and Welfare.**

(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving 12 weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(4) Three positions of Medical Officers (Radiology Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident.

(5) Until June 30, 1969, eight psychodrama trainees, including interns and first and second-year residents. This authority shall be applied only to positions with compensation fixed in accordance with the provisions of section 3 of Public Law 80–330.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed 2 years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed 3 months' employment in the case of any one individual.

(8) Four positions of Medical Officer (Physical Medicine and Rehabilitation Resident): *Provided,* That employment under this authority shall not exceed one year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident. Initial appointments may be made at any level within the 3-year residency as approved by the American Medical Association.

(9) Not to exceed 22 positions of Chaplain Residents: *Provided,* That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided,* That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further,* That appropriate exclusions of the positions under the authority of Public Law 80–330 have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(2) Ten positions at grade GS–13 and above the incumbents of which will engage in research and consultative services in highly specialized areas within the field of education which present current educational problems of national concern, e.g., the relationship of ROTC training to higher education, the status of a particular area of cooperative educational research, the assessment of the educational system of a particular foreign country, and other equally vital and important problem areas. Appointments made under this authority shall be limited to persons having a particular competency in the area concerned, and shall be restricted to positions concerned with current problem areas that are not a part of the continuing broad educational programs administered by the United States Office of Education. Employment under this provision shall not exceed 2 years for any individual appointee.

(d) *Social Security Administration.* (1) One position of claims examiner or social insurance representative in a district office of the Bureau of Old-Age and Survivors Insurance in the State of Arizona when filled by the appointment of a person of one-fourth or more Indian blood.

(e) *General.* (1) Until December 31, 1964, 50 positions in medical and related occupations for employment under the Cuban refugee program. Employment of any person under this authority shall not extend more than one year beyond the expiration date of the authority.

(f) *President's Council on Youth Fitness.* (1) Three Staff Assistants, President's Council on Youth Fitness.

(g) *Welfare Administration.* (1) Not to exceed 150 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided,* That employment under this authority shall be temporary and no employment shall be made under it after June 30, 1965.

**§ 213.3121 National Security Council.**

(a) All positions on the staff of the Council.

**§ 213.3122 Interstate Commerce Commission.**

(a) One Congressional Liaison Officer.

**§ 213.3124 Board of Governors, Federal Reserve System.**

(a) All positions.

**§ 213.3127 Veterans Administration.**

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

**§ 213.3128 United States Information Agency.**

(a) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(b) One Chief of Religious Information.

**§ 213.3129 Federal Power Commission.**

(a) Three special assistants to the Commission.

**§ 213.3130 Securities and Exchange Commission.**

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulation; Director, Division of Trading and Markets.

(b) Nine positions of Regional Administrator.

**§ 213.3132 Small Business Administration.**

(a) For the duration of the Alaskan disaster as declared by the President, temporary appointment of personnel employed to make and administer small loans either directly or cooperatively to small business organizations under section 7(b)(2) of the Small Business Act, as amended by Public Law 88–264 of February 5, 1964. Such appointments shall not exceed six months initially, but may with prior approval of the Commission be extended for an additional six months.

(b) For the duration of the disasters caused by hurricanes in the autumn of 1964, as declared by the President, temporary appointment of personnel employed to make and administer small loans either directly or cooperatively to small business organizations under section 7(b)(2) of the Small Business Act, as amended by P.L. 88–264 of February 5, 1964. Such appointments shall not exceed six months initially, but may with prior approval of the Commission be extended for an additional six months.

**§ 213.3133 Federal Deposit Insurance Corporation.**

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, Puerto Rico, office.

**§ 213.3135 National Capital Housing Authority.**

(a) Executive Director.

**§ 213.3136 United States Soldiers' Home.**

(a) All positions.

**§ 213.3137 General Services Administration.**

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

**§ 213.3138 Federal Communications Commission.**

(a) One Associate Chief Engineer.

(b) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

**§ 213.3139 United States Tariff Commission.**

(a) The Secretary of the Commission.

**§ 213.3141 National Labor Relations Board.**

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

**§ 213.3142 Export-Import Bank of Washington.**

(a) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

**§ 213.3143 Farm Credit Administration.**

(a) Federal Land Bank Association receivers and conservators.

(b) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided,* That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

**§ 213.3144 Housing and Home Finance Agency.**

(a) *Office of the Administrator.* (1) [Reserved]

(2) Director, Compliance Division.

(3) Seven Regional Administrators.

(4) Director, Community Disposition Staff.

(5) One Special Assistant to the Deputy Administrator.

(b) *Federal Housing Administration.* (1) Six Zone Operations Commissioners.

(c) *Federal National Mortgage Association.* (1) Until September 30, 1965, one Special Assistant (VHMCP).

**§ 213.3146 Selective Service System.**

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until June 30, 1967, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

**§ 213.3147 Federal Mediation and Conciliation Service.**

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

**§ 213.3148 National Aeronautics and Space Administration.**

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) [Reserved]

(d) Ten medical officer positions for employment of third year medical residents in the field of aerospace medicine. An individual may not be employed more than one year under this exception.

**§ 213.3149 Panama Canal Company, New Orleans.**

(a) All positions on vessels operated by the Panama Canal Company.

**§ 213.3154 Federal Home Loan Bank Board.**

(a) One Secretary, Federal Home Loan Bank Board.

(b) One Director, Division of Examinations.

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

**§ 213.3156 Commission on Civil Rights.**

(a) Fifteen positions at grade GS–11 and above to engage in and advise on the collection, study, and appraisal of information developed in accordance with Public Law 88–352. Appointments made under this authority shall be limited to persons having a particular competency in the areas concerned and shall not extend beyond March 31, 1968.

**§ 213.3157 Federal Aviation Agency.**

(a) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.

(b) Medical Officer positions on Canton and Wake Islands.

(c) Laborer positions on Swan Island.

**§ 213.3158 Franklin Delano Roosevelt Memorial Commission.**

(a) All positions on the staff of the Commission.

**§ 213.3160 Peace Corps.**

(a) One Special Representative when employed on an intermittent basis.

(b) Thirty-five positions, filled by temporary appointment of 2 years or less, on the staff of the Peace Corps training camp in Puerto Rico.

**§ 213.3161 James Madison Memorial Commission.**

(a) One Executive Secretary.

**§ 213.3162 National Aeronautics and Space Council.**

(a) All positions.

**§ 213.3163 President's Committee on Youth Employment.**

(a) All positions on the staff of the President's Committee on Youth Employment, established by the President on November 16, 1961.

**§ 213.3164 U.S. Arms Control and Disarmament Agency.**

(a) Until April 30, 1965, 7 project officers above GS–13 in the Weapons Evaluation and Control Bureau and 10 physical science administration officers above GS–12.

(b) Until April 30, 1965, the Chief and Assistant Chief, Political Affairs Division, International Relations Bureau; and one Special Assistant to the Chief and one Project Officer (GS–14 or above), Political Research and Analysis Division, International Relations Bureau.

**§ 213.3165 President's Advisory Committee on Labor-Management Policy.**

(a) One Assistant Executive Director.

**§ 213.3166 President's Committee on Juvenile Delinquency and Youth Crime.**

(a) Until July 30, 1966, all positions on the staff.

**§ 213.3169 President's Committee on Equal Opportunity in Housing.**

(a) Positions, other than the Staff Director, on the Staff of the President's

Committee on Equal Opportunity in Housing established by the President on November 20, 1962.

**§ 213.3170 Civil Service Commission.**

(a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

SCHEDULE B

**§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.**

The positions enumerated in §§ 213.3202 to 213.3299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions are subject to such noncompetitive examination as may be prescribed by the Commission.

**§ 213.3204 Department of State.**

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Technical cryptographic positions in the Communications Security Division, Office of Communications.

(c) Director and Deputy Director, Foreign Buildings Operations.

**§ 213.3205 Treasury Department.**

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Chief National Bank Examiner, Deputy Regional Chief National Bank Examiner, Senior National Bank Examiner, National Bank Examiner, Senior Assistant National Bank Examiner, Assistant National Bank Examiner, Deputy to the Comptroller of the Currency for Trusts, Representatives in Trusts, Associates in Trusts, Assistants in Trusts, and one Administrative Assistant to the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Cryptographer, United States Coast Guard.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

**§ 213.3206 Department of Defense.**

(a) *Office of the Secretary.* (1) Professional members of Policy Planning Staff in positions at grades GS–16 and above and two Special Projects Directors, GS–15, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

(2) Positions at grades GS–16, 17, and 18, Office of the Deputy Assistant Secretary (Programming) in the Office of the Assistant Secretary of Defense (Comptroller).

(3) Professional positions at grades GS–16 and above in the Directorate for Special Studies, Office of the Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

(4) One Assistant for Counter-Insurgency, Office of the Assistant Secretary (International Security Affairs).

**§ 213.3209 Department of the Air Force.**

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

**§ 213.3210 Department of Justice.**

(a) Deputy United States Marshals, Supervisory Deputy United States Marshals, and Chief Deputy United States Marshals.

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

**§ 213.3212 Department of the Interior.**

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

(b) To the extent and in the occupations set by the Commission, positions on the staff of the Job Corps camps established by Title I of the Economic Opportunity Act of 1964, when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after December 31, 1965.

**§ 213.3213 Department of Agriculture.**

(a) To the extent and in the occupations set by the Commission, positions on the staff of the Job Corps camps established under Title I of the Economic Opportunity Act of 1964, when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after December 31, 1965.

**§ 213.3214 Department of Commerce.**

(a) *Community Relations Service.* (1) Four Field Coordinators for appointments not to exceed two years. No person shall be appointed under this authority after August 1, 1966.

(2) Not to exceed 20 positions at grades GS–11 through GS–15 involving program responsibilities in the specialized area of community relations for appointments of not to exceed two years. No person shall be appointed under this authority after August 1, 1966.

**§ 213.3215 Department of Labor.**

(a) Not to exceed 20 positions of Manpower Development Specialist at grades GS–13 through GS–15 in the departmental service and at grades GS–12 through GS–14 in the field service for employment in the Neighborhood Youth Corps. Employment under this authority shall not exceed December 31, 1966.

**§ 213.3216 Department of Health, Education, and Welfare.**

(a) *Office of Education.* (1) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed one year, and may, with the prior approval of the Civil Service Commission, be extended for an additional period of one year.

**§ 213.3228 United States Information Agency.**

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

**§ 213.3229 Federal Power Commission.**

(a) A Chief Engineer.

**§ 213.3244 Housing and Home Finance Agency.**

(a) *Federal Housing Administration.* (1) Ten Zone Intergroup Relations Advisors.

**§ 213.3246 Selective Service System.**

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

**§ 213.3253 District of Columbia Government.**

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

**§ 213.3260 Peace Corps.**

(a) Not to exceed 10 positions in grades GS–9 through GS–15 when filled by persons who have served overseas for at least 2 years in the foreign service of the Peace Corps or in the Foreign Service of the Department of State or of other constituent agencies of the Department.

**§ 213.3268 Agency for International Development.**

(a) Not to exceed 30 positions at GS–9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years.

**§ 213.3273 Office of Economic Opportunity.**

(a) To the extent and in the occupations set by the Commission, positions concerned with the administration and implementation of the Office of Economic Opportunity program when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after December 31, 1965.

SCHEDULE C

**§ 213.3301 Positions of a confidential or policy-determining character.**

The positions enumerated in §§ 213.3302 to 213.3399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

**§ 213.3303 Executive Office of the President.**

(a) *Bureau of the Budget.* (1) Three Assistant Directors.

(2) Two Private Secretaries to the Director.

(3) One Private Secretary to the Deputy Director.

(4) One Private Secretary to each of the three Assistant Directors.

(5) One Assistant to the Director.

(b) *Council of Economic Advisers.* (1) Three Private Secretaries to the Chairman and one to each of the other two members.

(c) *Office of Science and Technology.* (1) One Confidential and Secretarial Assistant to the Director.

(2) One Confidential and Secretarial Assistant to the Deputy Director.

(3) One Special Assistant to the Director.

(d) *Office of the Special Representative for Trade Negotiations.* (1) One Confidential Assistant to the Deputy Special Representative.

**§ 213.3304 Department of State.**

(a) *Office of the Secretary.* (1) Five Special Assistants.

(2) [Reserved]

(3) [Reserved]

(4) Two Confidential Assistants and four Private Secretaries to the Secretary.

(5) Five Special Assistants to the Under Secretary.

(6) One Special Assistant (Fisheries) to the Under Secretary.

(7) Three Confidential Assistants and one Private Secretary to the Under Secretary.

(8) Two Staff Assistants.

(9) The Secretary of the International Joint Commission—United States and Canada.

(10)–(14) [Reserved]

(15) One Personal Assistant to the Director, Food for Peace, Office of the Under Secretary.

(16) One Personal Assistant and one Private Secretary to the Under Secretary for Political Affairs.

(17) [Reserved]

(18) Two Special Assistants to the Under Secretary for Political Affairs.

(19) One Assistant Director, Food for Peace, Office of the Under Secretary.

(b) *Bureau of Security and Consular Affairs.* (1) Deputy Administrator.

(2) Administrator.

(3) Deputy Administrator for Refugee Relief.

(4) One Private Secretary to the Administrator.

(5) Deputy Administrator.

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Congressional Liaison Officer (House).

(2) Deputy Assistant Secretary.

(3) Congressional Liaison Officer (Senate).

(4) One Confidential Assistant to the Assistant Secretary.

(5) One Executive Assistant.

(6) Three Legislative Management Officers.

(7) One Legislative Officer.

(8) One Special Assistant to the Assistant Secretary.

(9) One Personal Assistant to the Assistant Secretary.

(d) *Office of the Assistant Secretary for Public Affairs.* (1) One Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary.

(4) Director of the Office of News.

(5) [Reserved]

(6) One Deputy Assistant Secretary (Public Services).

(7) One Deputy Assistant Secretary (Policy Plans and Guidance).

(e) *Bureau of Economic Affairs.* (1) One Deputy Assistant Secretary (International Finance and Development), one Deputy Assistant Secretary (International Trade), and one Deputy Assistant Secretary (International Resources).

(2) One Private Secretary to the Assistant Secretary.

(f) *Bureau of Intelligence and Research.* (1) One Private Secretary.

(2) Director of Intelligence and Research.

(3) Deputy Director of Intelligence and Research.

(4) One Staff Assistant.

(g) *Bureau of Near Eastern and South Asian Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) One Deputy Assistant Secretary.

(h) *Bureau of International Organization Affairs.* (1) Two Deputy Assistant Secretaries.

(2) One Private Secretary to the Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary.

(4) One Special Assistant to the Assistant Secretary (Public Affairs).

(i) *Bureau of European Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) Deputy Assistant Secretary (German and NATO Affairs).

(4) One Deputy Assistant Secretary for Atlantic Affairs.

(j) *Bureau of Far Eastern Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) One Deputy Assistant Secretary for Far Eastern Economic Affairs.

(4) [Reserved]

(5) One Special Assistant to the Assistant Secretary.

(6) One Staff Assistant.

(k) *Bureau of Inter-American Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) [Reserved]

(4) One Special Assistant to the Assistant Secretary (Public Affairs).

(5) One Deputy Assistant Secretary for Inter-American Economic Affairs.

(6) Deputy Assistant Secretary (Social Development).

(7) Two Secretary and Personal Assistants to the U.S. Representative to the Council of the Organization of American States.

(l) *Office of the Legal Adviser.* (1) Deputy Legal Adviser.

(2) One Private Secretary to the Legal Adviser.

(m) *Executive Secretariat.* (1) The Executive Secretary.

(2) Two Deputy Executive Secretaries.

(n) *Policy Planning Council.* (1) The Deputy Counselor and Vice Chairman.

(2) The Executive Secretary.

(3) Twelve Members.

(4) One Private Secretary to the Counselor and Chairman.

(5) [Reserved]

(6) One Staff Assistant.

(o) *Office of the Assistant Secretary for Administration.* (1) Deputy Assistant Secretary for Personnel.

(2) One Confidential Assistant to the Assistant Secretary.

(3) One Private Secretary to the Assistant Secretary for Administration.

(p) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.

(2) Chief, Special Liaison Staff.

(3) [Reserved]

(4) Three Special Liaison Assistants, Special Liaison Staff.

(5) The Deputy Assistant Secretary for Security.

(6) Two Special Assistants to the Deputy Under Secretary.

(7) Director, Office for Special Representational Services.

(8) Deputy Assistant Secretary for Community Advisory Services.

(9) The Chief of Protocol.

(10) Two Staff Assistants and one Private Secretary to the Chief of Protocol.

(q) *Office of the Deputy Under Secretary for Political Affairs.* (1) One Special Assistant to the Deputy Under Secretary.

(2) One Confidential Assistant to the Deputy Under Secretary.

(3) One Deputy Assistant Secretary for Political-Military Affairs.

(4) One Special Assistant to the Secretary and Coordinator of International Labor Affairs.

(r) *Bureau of African Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.
(3) One Deputy Assistant Secretary for African Economic Affairs.
(4) One Special Assistant to the Assistant Secretary.
(s) *Bureau of Educational and Cultural Affairs.* (1) One Private Secretary to the Assistant Secretary for Educational and Cultural Affairs.
(2) One Special Assistant.
(3) One Deputy Assistant Secretary.
(4) One Deputy Assistant Secretary for Plans.
(t) *Office of the Inspector General, Foreign Assistance.* (1) One Private Secretary to the Inspector General, Foreign Assistance.
(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

**§ 213.3305 Treasury Department.**

(a) *Office of the Secretary.* (1) Three Assistants to the Secretary.
(2) One Confidential Assistant to the Secretary.
(3) One Confidential Assistant to the Under Secretary.
(4) Director, Office of Tax Legislation.
(5) The Director, Office of Law Enforcement Coordination.
(6) One Assistant to the Secretary for Congressional Relations.
(7) One Deputy Assistant to the Secretary for Congressional Relations.
(8) One Assistant to the Secretary (National Security Council).
(9) One Deputy Assistant Secretary for International Affairs.
(10) One Public Affairs Specialist.
(11) The Director, Office of Tax Analysis.
(12) One Assistant to the Secretary (Financial Analysis).
(13) One Deputy Under Secretary for Monetary Affairs.
(14) One Special Assistant to the Secretary.
(15) One Special Assistant to the Assistant to the Secretary (Public Relations).
(16) One Staff Assistant to the Assistant to the Secretary (National Security Affairs).
(17) One Deputy Director, Office of Financial Analysis.
(b) *Office of the Treasurer of the United States.* (1) One Confidential Administrative Assistant to the Treasurer of the United States.
(c) *Bureau of Customs.* (1) Commissioner of Customs.
(2) One Deputy Commissioner of Customs.
(3) One Confidential Assistant to the Commissioner of Customs.
(d) *United States Savings Bonds Division.* (1) National Director.
(e) *Bureau of the Mint.* (1) One Special Assistant to the Director of the Mint.

**§ 213.3306 Department of Defense.**

(a) *Office of the Secretary.* (1) One Special Assistant and two Private Secretaries to the Secretary of Defense.
(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: The Director of Defense Research and Engineering; the Assistant Secretary of Defense (Manpower); the Assistant Secretary of Defense (International Security Affairs); the Senior Military Aide to the President; the Assistant Secretary of Defense (Public Affairs); the Assistant Secretary of Defense (Installations and Logistics); the Assistant Secretary of Defense (Medical and Health); the General Counsel; and the Assistant to the Secretary of Defense (Atomic Energy).
(3) Three Chauffeurs for the Secretary of Defense.
(4) One Deputy Assitant Secretary, Office of the Assistant Secretary of Defense for Public Affairs.
(5) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).
(6) The Defense Advisor to USRO in Paris, France.
(7) Two Private Secretaries to the Defense Advisor to USRO in Paris, France.
(8) One Deputy Assistant Secretary (Security Policy), Office of the Assistant Secretary of Defense (Manpower).
(9) One Deputy Assistant Secretary (Planning and North Atlantic Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(10) One Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(11) One Assistant to the Secretary of Defense (Legislative Affairs).
(12) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).
(13) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).
(14) One Personal Secretary to the Deputy Secretary of Defense.
(15) One Private Secretary to the Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(16) Two Private Secretaries to the Principal Special Assistant to the Secretary of Defense.
(17) One Deputy Assistant Secretary (Arms Control), Office of the Assistant Secretary of Defense for International Security Affairs.
(18) [Reserved]
(19) One Deputy Assistant Secretary of Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).
(20) One Deputy Assistant Secretary (Far East and Latin American Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(21) [Reserved]
(22) One Confidential Assistant to the Special Assistant to the Secretary of Defense.
(23) One Private Secretary to the Assistant Secretary of Defense, Office of the Director of Defense Research and Engineering.
(24) One Private Secretary to the Assistant Secretary of Defense (Civil Defense).
(25) [Reserved]
(26) One Congressional Liaison Officer (Civil Defense), Office of the Assistant to the Secretary of Defense (Legislative Affairs).
(27) The Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).
(28) Two Staff Assistants to the Special Assistant to the Secretary of Defense.
(29) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).
(30) Two Private Secretaries to the Chairman, Joint Chiefs of Staff.
(31) One Deputy Assistant Secretary (Civilian Personnel and Industrial Relations) and one Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).
(32) One Confidential Assistant to the Assistant Secretary of Defense (Installations and Logistics).
(33) One Deputy Assistant Secretary (Civil Rights), Office of the Assistant Secretary of Defense (Manpower).
(34) The Principal Assistant to the Deputy Assistant Secretary (Civil Rights).
(35) One Staff Assistant to the Deputy Assistant Secretary (Civil Rights).
(36) One Private Secretary to the Deputy Assistant Secretary (Civil Rights).
(37) The Director for Equal Employment Opportunity, Office of the Deputy Assistant Secretary (Civilian Personnel and Industrial Relations), Office of the Assistant Secretary of Defense (Manpower).
(38) One Private Secretary to the Director for Equal Employment Opportunity.
(39) One Staff Assistant to the Director for Equal Employment Opportunity.
(40) One Assistant to the Assistant Secretary of Defense (International Security Affairs).
(41) One Deputy Assistant Secretary (Near East, South Asia Affairs and MAP Policy Review), Office of the Assistant Secretary of Defense for International Security Affairs.
(b) *Court of Military Appeals.* (1) One Private Secretary and two Technical Assistants to each Judge of the Court.
(c) *Interdepartmental Programs.* (1) Two Personal Secretaries and Confidential Assistants to the Military Representatives of the President.
(d) *Defense Supply Agency.* (1) One Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency.
(e) *Office of the Assistant Secretary of Defense (Civil Defense).* (1) The Director for Public Information.

**§ 213.3307 Department of the Army.**

(a) *Office of the Secretary.* (1) One Private Secretary or Confidential Assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.
(2) One Deputy to the Assistant Secretary of the Army (Installations and Logistics)—Installations.



(3) The General Counsel.
(4) [Reserved]
(5) One Deputy for International Affairs to the Under Secretary of the Army.
(6) [Reserved]
(7) One Deputy Under Secretary (Manpower and Reserve Forces).
(8) One Confidential Assistant to the Deputy for International Affairs to the Under Secretary of the Army.
(9) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Army (Installations and Logistics).
(10) One Assistant to the Deputy for International Affairs to the Under Secretary of the Army.
(11) One Deputy Under Secretary (Personnel Management).
(12) One Confidential Assistant to the General Counsel.
(13) The Director of Civil Defense.
(14) Deputy Director of Civil Defense.
(b) *General.* (1) [Reserved]
(2) One Administrative Assistant and two Private Secretaries to the Military Aide to the President.

**§ 213.3308 Department of the Navy.**

(a) *Office of the Secretary.* (1) Three Civilian Aides or Executive Assistants to the Secretary.
(2) Two Private or Confidential Secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.
(3) One Chauffeur for the Secretary of the Navy.
(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.
(5) One Private Secretary to the Naval Aide to the President.
(6) Two Civilian Aides or Executive Assistants to the Under Secretary.
(7) Four Civilian Aides or Executive Assistants to the Assistant Secretary (Installations and Logistics).
(8) Two Civilian Aides or Executive Assistants each to the Assistant Secretary (Research and Development) and the Assistant Secretary (Financial Management).
(9) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Navy (Installations and Logistics).

**§ 213.3309 Department of the Air Force.**

(a) *Office of the Secretary.* (1) Three Special Assistants to the Secretary, and one Special Assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.
(2) Five Private Secretaries. (For employment of Private Secretaries to officials in the Office of the Secretary who are appointed by the President or are appointed under subparagraph (1) of this paragraph.)
(3) The General Counsel.
(4) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Air Force (Materiel).

**§ 213.3310 Department of Justice.**

(a) *Office of the Attorney General.* (1) The Executive Assistant to the Attorney General.
(2) The Pardon Attorney.
(3) Three Private Secretaries to the Attorney General.
(4) One Chauffeur for the Attorney General.
(5) Two Special Assistants for Public Relations.
(6) One Confidential Assistant to the Attorney General.
(7) Two Secretaries for the Attorney General.
(8) Two Receptionists for the Attorney General.
(9) Three Confidential Assistants to the Attorney General.
(b) *Office of the Deputy Attorney General.* (1) Two Confidential Assistants (Private Secretaries) to the Deputy Attorney General.
(2) Head of Executive Office for United States Attorneys.
(3) Assistant Deputy Attorney General for Legal Administration.
(4) Assistant Deputy Attorney General for Litigation.
(5) Head, Executive Office of U.S. Marshals.
(c) *Office of the Solicitor General.* (1) The First Assistant to the Solicitor General.
(2) One position of Trial Attorney (General)—Second Assistant.
(3) One Confidential Assistant (Private Secretary) to the Solicitor General.
(d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, General Litigation Section.
(3) Chief, Trial Section.
(4) Chief, Special Litigation Section.
(5) Chief, Judgments and Judgment Enforcement Section.
(6) Chief, Special Trial Section.
(7) Chief, Appellate Section.
(8) Chief, Field Office (six positions).
(9) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(10) Chief, Economic Section.
(11) Chief, Public Counsel and Legislative Section.
(12) [Reserved]
(13) Chief, Field Operations.
(14) Second Assistant to the Assistant Attorney General.
(15) Director, Policy Planning.
(e) *Civil Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) Chief, Admiralty and Shipping Section.
(4) Chief, Court of Claims Section.
(5) Chief, Fraud Section.
(6) Chief, General Litigation Section.
(7) Chief, Patent Section.
(8) Chief, Appellate Section.
(9) Chief, Torts Section.
(10) Chief, Admiralty and Shipping Section, New York.
(11) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(12) One Executive Assistant.
(13) Chief, General Claims Section.
(f) *Criminal Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) Chief, Administrative Regulations Section.
(4) Chief, General Crimes Section.
(5) Chief, Trial Section.
(6) Chief, Appeals and Research Section.
(7) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(8) Chief, Organized Crime and Racketeering Section.
(9) Chief, Fraud Section.
(10) One position of Trial Attorney (General)—Staff Assistant.
(g) *Tax Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, Appellate Section.
(3) Chief, Criminal Section.
(4) Chief, Review Section.
(5) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(6) Second Assistant to the Assistant Attorney General.
(7) Chief, General Litigation Section.
(8) One Assistant for Civil Trials.
(h) *Lands Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, Lands Acquisition Section.
(3) Chief, Appellate Section.
(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(5) Chief, Indian Claims Section.
(i) *Office of Alien Property.* (1) One Deputy Director.
(j) *Immigration and Naturalization Service.* (1) General Counsel.
(2) One Confidential Assistant (Private Secretary) to the Commissioner.
(3) Executive Assistant to the Commissioner.
(4) Two Associate Commissioners, one for Operations, and one for Management.
(5) Four Deputy Associate Commissioners, one for each of the following: Domestic Control; Travel Control; Security; and Administrative Services.
(k) *Board of Immigration Appeals.* (1) Executive Assistant.
(2) The Chairman.
(3) Four Members of the Board.
(l) *Office of Legal Counsel.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(2) The First Assistant to the Assistant Attorney General.
(3) The Second Assistant to the Assistant Attorney General.
(m) *Bureau of Prisons.* (1) The Director.
(2) The Deputy Director.
(3) Four Assistant Directors.
(4) Technical and Legislative Adviser.
(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.
(2) The Deputy Commissioner of Industries.
(3) The Associate Commissioner.
(o) *Office of United States Attorney.* (1) Secretary and Confidential Assistant to the United States Attorney (10 positions).
(p) *Internal Security Division.* (1) The First Assistant to the Assistant Attorney General.
(2) One Executive Assistant to the Assistant Attorney General.

(3) One Confidential Assistant to the Assistant Attorney General.
(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(5) Chief, Appeals and Research Section.
(6) Chief, Civil Section.
(7) Chief, Foreign Agents Registration Section.
(8) Chief, Criminal Section.
(q) *Civil Rights Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

**§ 213.3311 Post Office Department.**

(a) *Office of the Postmaster General.* (1) One Executive Assistant to the Postmaster General.
(2) Six Special Assistants to the Postmaster General.
(3) One Receptionist.
(4) Three Assistants to the Executive Assistant to the Postmaster General.
(5) Two Confidential Assistants to the Postmaster General.
(6) Two Secretaries to the Executive Assistant to the Postmaster General.
(7) One Secretarial Assistant to the Postmaster General.
(8) One Confidential Administrative Assistant to the Postmaster General.
(9) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.
(10) One Administrative Assistant to the Executive Assistant to the Postmaster General.
(11) One Deputy Special Assistant to the Postmaster General (Information).
(12) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).
(13) One Private Secretary to the Special Assistant to the Postmaster General (Information).
(14) One Deputy Executive Assistant to the Postmaster General.
(15) The Director, Office of Regional Administration.
(16) One Director of Community Programs.
(17) One Private Secretary to the Deputy Executive Assistant to the Postmaster General.
(b) *Bureau of Facilities.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) One Private Secretary to the Assistant Postmaster General.
(3) One Deputy Assistant Postmaster General.
(4) One Private Secretary to the Deputy Assistant Postmaster General.
(5) One Executive Assistant to the Assistant Postmaster General.
(6) [Reserved]
(7) One Private Secretary to the Executive Assistant to the Assistant Postmaster General.
(8) One Deputy Assistant Postmaster General.
(9) One Special Assistant to the Assistant Postmaster General.
(c) *Bureau of Transportation.* (1) One Special and Confidential Assistant to the Assistant Postmaster General.
(2) One Information Specialist.
(3) One Private Secretary to the Assistant Postmaster General.
(4) One Deputy Assistant Postmaster General.
(5) One Executive Assistant to the Assistant Postmaster General.
(6) One Deputy Assistant Postmaster General.
(d) *Bureau of Personnel.* (1) One Private Secretary to the Assistant Postmaster General.
(e) *Office of the General Counsel.* (1) Two Private Secretaries to the General Counsel.
(f) *Bureau of Operations.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) One Executive Assistant and two Special Assistants to the Assistant Postmaster General.
(3) One Private Secretary to the Assistant Postmaster General.
(4) Two Deputy Assistant Postmasters General.
(5) One Private Secretary to each of two Deputy Assistant Postmasters General.
(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General.
(2) One Special Representative to the Assistant Postmaster General.
(3) One Private Secretary to the Assistant Postmaster General.
(h) *Office of the Deputy Postmaster General.* (1) One Assistant to the Deputy Postmaster General.
(2) One Confidential Administrative Assistant to the Deputy Postmaster General.
(3) One Private Secretary to the Deputy Postmaster General.
(4) One Private Secretary to the Assistant to the Deputy Postmaster General.

**§ 213.3312 Department of the Interior.**

(a) *Office of the Secretary.* (1) Assistant to the Secretary.
(2) One Confidential Assistant and one Private Secretary to the Secretary.
(3) Four Special Assistants to the Secretary.
(4) Six Confidential Assistants (Field Representatives).
(5) Chauffeur for the Secretary.
(6) One Deputy Under Secretary.
(7) Confidential Assistant (Administrative Assistant) to the Under Secretary.
(8) Four Deputy Assistant Secretaries (one each for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife); and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.
(9) Director, Resources Program Staff.
(10) Assistant Director, Resources Program Staff.
(11) Planning Reports Review Coordinator, Resources Program Staff.
(12) One Confidential Assistant (Adminstrative Assistant) to the Director, Resources Program Staff.
(13) One Private Secretary to the Under Secretary.
(14) One Assistant to the Secretary.
(15) Director, Office of Oil and Gas.
(16) One Secretarial Attendant to the Secretary.
(17) Director, Office of Minerals and Solid Fuels.
(18) Director, Office of Minerals Exploration.
(19) Director, Office of Saline Water.
(20) Administrator, Oil Import Administration.
(21) Assistant to the Secretary (Congressional Liaison).
(22) The Administrator, Defense Electric Power Administration, Office of the Assistant Secretary for Water and Power Development.
(23) One Staff Assistant to the Assistant Secretary for Public Land Management.
(24) One Assistant to the Secretary (International Affairs).
(b) *Office of the Solicitor.* (1) One Confidential Assistant to the Solicitor.
(2) Two Special Assistants to the Solicitor.
(3) One Deputy Solicitor.
(4) Five Associate Solicitors.
(5) One Assistant to the Secretary and Legislative Counsel.
(c) *United States Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.
(d) *Bureau of Mines.* (1) One Private Secretary to the Director.
(2) [Reserved]
(3) One Assistant Director (Health and Safety).
(4) One Deputy Director.
(5) One Assistant Director (Helium Activities).
(6) One Assistant Director (Minerals Research).
(7) One Assistant Director (Mineral Resource Development).
(e) *Geological Survey.* (1) One Private Secretary to the Director.
(f) *Bureau of Reclamation.* (1) One Private Secretary to the Commissioner.
(2) Three Assistant Commissioners.
(g) *Southeastern Power Administration.* (1) Administrator.
(2) One Private Secretary to the Administrator.
(h) *National Park Service.* (1) Director.
(2) One Private Secretary to the Director.
(3) One Assistant Director.
(4) One Associate Director.
(i) *Bonneville Power Administration.* (1) Administrator.
(2) One Private Secretary to the Administrator.
(3) One Special Assistant to the Administrator.
(4) Two Assistants to the Administrator.
(j) *Bureau of Indian Affairs.* (1) Three Assistants to the Commissioner.
(2) One Private Secretary to the Commissioner.
(k) *Southwestern Power Administration.* (1) Administrator.



(2) Assistant Administrator.
(3) One Confidential Secretary, Office of the Administrator.
(l) *Office of Territories.* (1) One Director.
(2) One Confidential Assistant to the Director.
(3) Chief, Division of Insular Affairs.
(4) One Governor, American Samoa.
(5) One Secretary of American Samoa.
(6) One Chief Justice of American Samoa.
(7) One Deputy High Commissioner, Trust Territories of the Pacific Islands.
(8) One Private Secretary to the Governor of Virgin Islands.
(9) One Administrative Assistant to the Governor of Virgin Islands.
(10) One Assistant Director.
(11) One Confidential Assistant to the Governor of American Samoa.
(12) One Secretary to the Government Secretary of American Samoa.
(13) One Private Secretary to the Governor of Guam.
(14) One Secretary to the Government Secretary of Guam.
(15) Chief Justice of the Trust Territory.
(16) One Secretary to the High Commissioner of the Trust Territory.
(17) One Secretary to the Deputy High Commissioner of the Trust Territory.
(m) *Bureau of Outdoor Recreation.* (1) The Director.
(2) One Associate Director.
(3) One Confidential Assistant to the Director.

**§ 213.3313 Department of Agriculture.**

(a) *Office of the Secretary.* (1) One Administrative Assistant to the Secretary.
(2) One Assistant to the Secretary (States Relations).
(3) One Assistant to the Secretary (Agricultural Programs).
(4) One Executive Assistant to the Secretary.
(5) Five Confidential Assistants to the Secretary.
(6) One Private Secretary to the Secretary.
(7) Two Chauffeurs for the Secretary.
(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.
(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumers' Services.
(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.
(11) One Staff Assistant—Program Appraisal.
(12) One Special Assistant to the Secretary.
(13) One Private Secretary and Administrative Assistant to the Assistant to the Secretary (Agricultural Programs).
(14) One Assistant to the Secretary (Administrative Officer).
(15) One Assistant to the Secretary (Counsel on Consumer Interests).
(16) One Assistant to the Secretary (Defense Mobilization Planning).
(17) One Assistant to the Secretary (Intergroup Relations).
(18) One Deputy Assistant Secretary (Rural Development and Conservation).
(19) One Deputy Assistant Secretary (International Affairs).
(20) One Confidential Assistant to the Assistant Secretary for Rural Development and Conservation.
(21) One Deputy Assistant Secretary (Marketing and Consumer Services).
(22) One Confidential Assistant to the Executive Assistant to the Secretary.
(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.
(2) One Deputy Administrator.
(3) Two Assistant Administrators.
(4) Three Assistants to the Administrator.
(c) *Office of the Under Secretary.* (1) One Administrative Officer and Private Secretary to the Under Secretary.
(2) One Deputy Under Secretary.
(3) One Private Secretary to the Deputy Under Secretary.
(d) *Office of the General Counsel.* (1) One Deputy General Counsel.
(2) Three Assistant General Counsels.
(3) One Private Secretary to the General Counsel.
(e) *Foreign Agricultural Service.* (1) Three Assistant Administrators.
(2) The Administrator.
(3) General Sales Manager.
(4) Deputy General Sales Manager.
(5) The Associate Administrator.
(f) *Farmers Home Administration.* (1) One Deputy Administrator.
(2) One Assistant Administrator.
(3) One Assistant to the Administrator.
(4) Two Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(6) One Assistant Administrator (Insured Loan Funds).
(g) *Federal Crop Insurance Corporation.* (1) The Manager.
(2) Members of the Board of Directors.
(3) One Private Secretary to the Manager.
(4) One Deputy Manager.
(h) *Agricultural Stabilization and Conservation Service.* (1) Administrator.
(2) One Associate Administrator.
(3) Two Deputy Administrators.
(4) Six Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(6) Director, Livestock and Dairy Policy Staff.
(7) Director, Grain Policy Staff.
(8) Director, Cotton Policy Staff.
(9) Director, Oils and Peanut Policy Staff.
(10) Director, Sugar Policy Staff.
(11) Director, Tobacco Policy Staff.
(12) Director, Policy and Program Appraisal.
(13) Director, Conservation and Land Use Policy Staff.
(i) *Commodity Credit Corporation.* (1) The President.
(2) The Executive Vice-President.
(3) The Secretary.
(4) One Confidential Assistant to the President.
(j) *Federal Extension Service.* (1) The Administrator.
(2) One Deputy Administrator.
(3) One Private Secretary to the Administrator.
(k) *Soil Conservation Service.* (1) Administrator.
(2) One Associate Administrator.
(3) One Confidential Assistant to the Administrator.
(4) One Private Secretary to the Administrator.
(l) *Office of the Director, Agricultural Credit Services.* (1) The Director, Agricultural Credit Services.
(2) One Confidential Assistant to the Director.
(3) One Private Secretary to the Director.
(m) *Agricultural Marketing Service.* (1) The Administrator.
(2) One Private Secretary to the Administrator.
(3) One Confidential Assistant to the Administrator.
(n) *Agricultural Economics.* (1) The Director.
(2) One Confidential Assistant to the Director.
(3) One Private Secretary to the Director.
(4) Two Staff Assistants to the Director.
(o) *Office of Rural Areas Development.* (1) The Director.
(2) One Assistant Director.
(3) One Private Secretary to the Director.
(4) One Private Secretary to the Assistant Director.
(p) *Science and education.* (1) The Director.
(q) *International Agricultural Development Service.* (1) The Administrator.

**§ 213.3314 Department of Commerce.**

(a) *Office of the Secretary.* (1) Nine Confidential Assistants to the Secretary.
(2) Three Private Secretaries to the Secretary.
(3) One Confidential Assistant and two Private Secretaries to the Under Secretary.
(4) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.
(5) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Economic Affairs.
(6) One Confidential Assistant and one Private Secretary to the General Counsel.
(7) One Private Secretary to the Deputy Under Secretary for Transportation (Operations).
(8) Deputy General Counsel.
(9) One Private Secretary to the Deputy General Counsel.
(10) One Special Assistant to the Secretary.
(11) One Chauffeur for the Secretary.
(12) One Deputy Assistant Secretary of Commerce for Economic Affairs.

(13) One Private Secretary to the Deputy Assistant Secretary for Economic Affairs.
(14) One Confidential Assistant to the Assistant Secretary for Administration.
(15) Two Congressional Liaison Officers.
(16) Director, Office of Field Services.
(17) One Deputy Under Secretary for Transportation (Operations).
(18) One Deputy Under Secretary for Transportation (Policy).
(19) One Special Assistant to the Director, Office of Field Services.
(20) One Private Secretary to the Director, Office of Field Services.
(21) Director, Office of Emergency Transportation.
(22) Deputy Director, Office of Emergency Transportation.
(23) One National Export Expansion Coordinator.
(24) One Special Assistant to the National Export Expansion Coordinator.
(25) One Private Secretary to the National Export Expansion Coordinator.
(26) One Special Assistant to the Secretary (Economic Affairs).
(27) One Deputy National Export Expansion Coordinator.
(28) One Confidential Assistant to the Deputy to the Secretary.
(29) One Confidential Assistant to the Under Secretary for Transportation.
(30) Deputy Assistant Secretary for Economic Policy Review, Office of the Assistant Secretary for Economic Affairs.
(31) Deputy Assistant Secretary for Statistics and Economic Research, Office of the Assistant Secretary for Economic Affairs.
(32) Director, Transportation Research Staff, Office of the Deputy Under Secretary for Transportation (Policy).

(b) *Inland Waterways Corporation.* (1) Chairman of the Advisory Board.

(c) *Business and Defense Services Administration.* (1) Administrator.
(2) Three Confidential Assistants to the Administrator.
(3) Deputy Administrator.
(4) One Confidential Assistant to the Deputy Administrator.
(5) One Secretarial Assistant to the Administrator.
(6) The Assistant Administrator for International Commodity Activities.
(7) The Assistant Administrator for Business and Government Services.
(8) One Confidential Secretary to the Administrator.

(d) *Bureau of Census.* (1) One Private Secretary to the Director.
(2) One personal assistant to the Director.

(e) *Weather Bureau.* (1) One Private Secretary to the Chief.

(f) *National Bureau of Standards.* (1) One Private Secretary to the Director.

(g) *Bureau of Public Roads.* (1) Solicitor.
(2) Four Special Assistants to the Federal Highway Administrator.
(3) One Private Secretary to the Federal Highway Administrator.
(4) One Private Secretary to the Solicitor.
(5) The Deputy Federal Highway Administrator.

(h) *Patent Office.* (1) Private Secretary to the Commissioner, and to each of the Assistant Commissioners.
(2) Assistant to the Commissioner.

(i) *Coast and Geodetic Survey.* (1) One Private Secretary to the Director.

(j) *Maritime Administration.* (1) General Counsel.
(2) Two Confidential Assistants to the Administrator.
(3) One Private Secretary to the General Counsel.

(k) *Area Redevelopment Administration.* (1) One Deputy Administrator.
(2) One Assistant Administrator (Area Operations).
(3) Five Special Assistants to the Administrator.
(4) One Private Secretary to the Administrator.
(5) One Private Secretary to the Deputy Administrator.
(6) One Private Secretary to the Assistant Administrator (Area Operations).
(7) Staff Director, Appalachian Project.

(l) *United States Travel Service.* (1) One Confidential Assistant to the Director.
(2) The Deputy Director.
(3) One Private Secretary to the Deputy Director.

(m) *Office of the Assistant Secretary for Domestic and International Business.* (1) One Private Secretary and two Confidential Assistants to the Assistant Secretary for Domestic and International Business.
(2) One Deputy Assistant Secretary for Domestic and International Business.
(3) One Private Secretary to the Deputy Assistant Secretary for Domestic and International Business.
(4) One Deputy Assistant Secretary for Trade Policy.
(5) One Deputy Assistant Secretary for Financial Policy.
(6) One Private Secretary to the Deputy Assistant Secretary for Trade Policy.
(7) One Private Secretary to the Deputy Assistant Secretary for Financial Policy.
(8) The Director, Bureau of International Commerce.
(9) One Deputy Director, Bureau of International Commerce.
(10) One Private Secretary to the Director, Bureau of International Commerce.
(11) One Private Secretary to the Deputy Director, Bureau of International Commerce.
(12) The Director, Office of Trade Adjustment.
(13) One Private Secretary to the Director, Office of Trade Adjustment.
(14) Executive Director, Export Expansion Councils, Office of Field Services.

(n) *Office of the Assistant Secretary for Science and Technology.* (1) One Deputy Assistant Secretary for Science and Technology.
(2) Two Special Assistants to the Assistant Secretary for Science and Technology.

(o) *Community Relations Service.* (1) One Deputy Director.
(2) One Legal Adviser.
(3) One Associate Director for Conciliation.
(4) One Special Assistant to the Director.
(5) One Assistant for Program Development.
(6) One Volunteer Group Liaison Officer.
(7) One Government Services Liaison Officer.
(8) Two Private Secretaries to the Director.
(9) One Private Secretary to the Deputy Director.
(10) One Private Secretary to the Associate Director for Conciliation.
(11) One Private Secretary to the Legal Adviser.
(12) One Private Secretary to the Special Assistant to the Director.

**§ 213.3315 Department of Labor.**

(a) *Office of the Secretary.* (1) Four Special Assistants, three Confidential Assistants, and one Confidential Assistant (Private Secretary) to the Secretary of Labor.
(2) One Chauffeur for the Secretary of Labor.
(3) One Special Assistant and one Private Secretary to the Under Secretary of Labor.
(4) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President.
(5) One Private Secretary to the Secretary.
(6) Two Confidential Assistants to the Under Secretary of Labor.
(7) One Confidential Assistant to the Assistant Secretary.
(8) One Executive Assistant to the Secretary.
(9) One Special Assistant to the Secretary.
(10) One Assistant to each Assistant Secretary of Labor appointed by the President.
(11) One Special Assistant to the Assistant Secretary for Labor-Management Relations.
(12) One Private Secretary to the Executive Assistant to the Secretary.
(13) One Confidential Assistant to the Assistant Secretary for International Labor Affairs.
(14) One Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison.
(15) One Economic Advisor to the Secretary.
(16) One Confidential Aide in the Office of the Assistant Secretary for Planning and Policy Development.
(17) The Manpower Administrator.

(b) *Office of the Solicitor.* (1) One Private Secretary to the Solicitor.

(c) *Bureau of Employment Security.* (1) The Administrator.
(2) One Secretary (Stenography) in the Office of the Administrator.

(d) *Bureau of Labor Statistics.* (1) One Private Secretary to the Commissioner.

(e) *Bureau of Apprenticeship and Training.* (1) Administrator.
(2) One Private Secretary to the Administrator.

(f) *Women's Bureau.* (1) One Private Secretary to the Director.



(2) Two Special Assistants to the Director.

(g) *Bureau of Labor Standards.* (1) Director.
(2) One Private Secretary to the Director.
(3) One Confidential Assistant to the Director.

(h) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.
(2) One Confidential Assistant to the Administrator.

(i) *Bureau of Veterans Reemployment Rights.* (1) Director.

(j) *Bureau of Employees' Compensation.* (1) Director.

(k) *President's Committee on Migratory Labor.* (1) The Executive Director.

(l) *The President's Committee on Manpower.* (1) The Executive Director.

**§ 213.3316 Department of Health, Education, and Welfare.**

(a) *Office of the Secretary.* (1) Director of Security.
(2) Two Confidential Assistants to the Secretary.
(3) Publications Writer.
(4) Two Assistants to the Secretary.
(5) One Executive Secretary.
(6) Two Confidential Secretaries to the Under Secretary.
(7) One Assistant to the Secretary.
(8) One Congressional Liaison Officer.
(9) One Assistant to the Congressional Liaison Officer.
(10) One Confidential Assistant to the Under Secretary.
(11) One Assistant to the Secretary (for Program Analysis).
(12) One Confidential Secretary to the Assistant to the Secretary authorized under subparagraph (7) of this paragraph.
(13) One Staff Assistant to the Secretary.
(14) One Confidential Secretary to one of the Special Assistants to the Secretary authorized under subparagraph (4) of this paragraph.
(15) [Reserved]
(16) One Assistant to the Under Secretary (Manpower Training).
(17) One Staff Assistant to the Under Secretary (Manpower Training).
(18) One Assistant to the Secretary (for Educational Television).
(19) One Deputy Assistant to the Secretary (for Educational Television).
(20) Special Assistant to the Secretary (for Mental Retardation Activities).
(21) Two Confidential Secretaries to the Special Assistant to the Secretary (for Mental Retardation Activities).
(22) Deputy Special Assistant to the Secretary (for Mental Retardation Activities).

(b) *Vocational Rehabilitation Administration.* (1) Commissioner of Vocational Rehabilitation.

(c) *Office of Education.* (1) One Special Assistant to the Commissioner of Education.
(2) One Assistant to the Commissioner (Public Affairs).
(3) Deputy Commissioner of Education.

(d) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.
(2) One Special Assistant on Federal-State Problems.
(3) One Special Assistant.
(4) One Deputy Assistant Secretary for Federal-State Relations.
(5) One Confidential Secretary to the Deputy Assistant Secretary for Federal-State Relations.

(e) *Office of the General Counsel.* (1) One Associate General Counsel.

(f) *Office of the Assistant Secretary for Legislation.* (1) Three Special Assistants to the Assistant Secretary.
(2) One Deputy Assistant Secretary for Legislation.
(3) One Program Coordination Officer.
(4) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.
(5) The Director, Office of Program Analysis, and Special Assistant to the Assistant Secretary (for Legislation).

(g) *Welfare Administration.* (1) The Commissioner.
(2) One Deputy Commissioner.
(3) Director, Office of Aging.

**§ 213.3322 Interstate Commerce Commission.**

(a) One Private Secretary to each Commissioner.
(b) Managing Director.

**§ 213.3323 General Accounting Office.**

(a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.
(b) One Private Secretary to the Comptroller General.

**§ 213.3325 The Tax Court of the United States.**

(a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

**§ 213.3326 Office of Emergency Planning.**

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.
(2) One Courier.
(3) Two Special Assistants to the Director.
(4) Legal Adviser.
(5) One Information Specialist.

(b) *Office of the Deputy Director.* (1) One Confidential Administrative Assistant to the Deputy Director.

(c) *Office of the Assistant Director for Telecommunications Management.* (1) One Confidential Administrative Assistant to the Assistant Director.

(d) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(e) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(f) *Office of Liaison and Public Affairs.* (1) The Director.
(2) Director, Information and Press Relations Division.
(3) Director, Federal-State and International Relations Division.

(g) *Economic Affairs Office.* (1) The Director.
(h) [Reserved]

(i) *Program Development Office.* (1) The Director.

(j) *Government Readiness Office.* (1) The Director.

(k) [Reserved]

(l) *Manpower and Services Office.* (1) The Director.

(m) *Telecommunications Office.* (1) The Director.

(n) *Program Evaluation Office.* (1) The Director.

**§ 213.3327 Veterans Administration.**

(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.
(2) Two Confidential Assistants to the Special Assistant to the Administrator.
(3) The Deputy Administrator.
(4) The General Counsel.
(5) The Associate Deputy Administrator.
(6) Chairman, Administrator's Advisory Council.
(7) One Assistant Deputy Administrator.
(8) One Confidential Assistant to the Associate Deputy Administrator.

(b) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

(c) *Department of Data Management.* (1) The Chief Data Management Director.

**§ 213.3328 United States Information Agency.**

(a) One Secretarial Assistant to the Deputy Director.
(b) One Executive Assistant to the Director.
(c) One Secretarial Assistant to the Director.
(d) One Secretary to the Director.
(e) One Special Assistant to the Deputy Director.
(f) One Special Assistant to the Director.

**§ 213.3329 Federal Power Commission.**

(a) Two Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary and one Confidential Assistant to each of the other Commissioners.
(b) One Assistant to the Chairman.
(c) General Counsel.
(d) Executive Director.
(e) Two Private Secretaries to the Executive Director.
(f) Two Technical Assistants to each Commissioner.
(g) Chief, Bureau of Power.
(h) Chief, Bureau of Natural Gas.
(i) The Assistant Executive Director.

**§ 213.3330 Securities and Exchange Commission.**

(a) One General Counsel.
(b) One Chief Accountant.
(c) [Reserved]
(d) One Confidential Assistant to each Member of the Commission (five positions).
(e) One Executive Assistant to the Chairman.

**§ 213.3331 National Mediation Board.**

(a) One Private Secretary to each Member of the National Railroad Adjustment Board.

(b) One Private Secretary to each Member of the Third Division Regional Supplemental Railroad Adjustment Board (10 positions).

**§ 213.3332 Small Business Administration.**

(a) Three Deputy Administrators.
(b) One Special Assistant to each Deputy Administrator.
(c) Two Special and Confidential Assistants to the Administrator.
(d) One General Counsel.
(e) [Reserved]
(f) Assistant Administrator for Economics.
(g) [Reserved]
(h) One Special Assistant to the Administrator.
(i) Two Private Secretaries to the Administrator.
(j) [Reserved]
(k) Director, Office of Procurement Services.
(l) [Reserved]
(m) The Deputy Administrator for the Small Business Investment Division.
(n) and (o) [Reserved]
(p) Director, Office of Loan Processing.
(q) Director, Office of Loan Administration.
(r) One Special Assistant to the Administrator (ARA).
(s) [Reserved]
(t) One Staff Assistant to the Administrator.
(u) The Executive Administrator.
(v) Four Assistant Deputy Administrators.
(w) One Assistant to the Special Assistant for Advisory Councils.
(x) One Special Assistant (Minority Groups).
(y) Director, Office of Public Information.
(z) Assistant Administrator for Management Assistance.
(aa) Deputy Assistant Administrator for Management Assistance.

**§ 213.3333 Federal Deposit Insurance Corporation.**

(a) One Assistant to each member of the Board of Directors.
(b) One Confidential Assistant to the Board of Directors.
(c) General Counsel.
(d) One Special Assistant to the Chairman.
(e) Executive Assistant and Controller.
(f) Office Aide to the Chairman of the Board.

**§ 213.3334 Federal Trade Commission.**

(a) General Counsel.
(b) Director, Bureau of Economics.
(c) One Secretary of the Federal Trade Commission.
(d) Executive Director.
(e) One Confidential Assistant and Chief Legal Adviser to the Chairman.
(f) Director, Bureau of Restraint of Trade.
(g) Director, Bureau of Deceptive Practices.
(h) Director, Bureau of Field Operations.
(i) Director, Bureau of Textiles and Furs.
(j) Director, Bureau of Industry Guidance.

**§ 213.3337 General Services Administration.**

(a) *Office of the Administrator.* (1) Six Members of the Board of Contract Appeals.
(2) The Deputy Administrator.
(3) One Special Assistant to the Administrator.
(4) Three Confidential Assistants to the Administrator.
(5) The Assistant Administrator.
(6) Two Confidential Assistants to the Assistant Administrator.
(7) Two Assistants to the Assistant Administrator.
(8) One Deputy Assistant Administrator.
(9) Two Confidential Assistants to the Deputy Administrator.
(10) One Assistant to the Assistant Administrator.
(b) *Public Buildings Service.* (1) The Commissioner.
(c) *Federal Supply Service.* (1) The Commissioner.
(d) *National Archives and Records Service.* (1) The Archivist of the United States.
(e) *Defense Materials Service.* (1) The Commissioner.
(f) *Transportation and Communications Service.* (1) The Commissioner.
(g) *Utilization and Disposal Service.* (1) The Commissioner.

**§ 213.3338 Federal Communications Commission.**

(a) One General Counsel.
(b) One Chief Engineer.

**§ 213.3339 United States Tariff Commission.**

(a) One Private Secretary to each Commissioner.

**§ 213.3340 Civil Aeronautics Board.**

(a) One Special Assistant to the Chairman of the Board.
(b) General Counsel of the Board.
(c) Director, Bureau of Economic Regulation.
(d) One Special Assistant for Congressional Relations.
(e) One Secretary to the Special Assistant for Congressional Relations.
(f) Director, Bureau of Safety.
(g) One Administrative Assistant to each Member of the Board.
(h) One Secretary to each Member of the Board.
(i) The Executive Director of the Board.
(j) Chief, Office of Information.

**§ 213.3341 National Labor Relations Board.**

(a) One private Secretary to the Chairman of the Board.
(b) One Solicitor.
(c) One Chief Legal Assistant to each Board Member.
(d) One Confidential Assistant to each Board Member.
(e) One Associate General Counsel, Division of Operations.
(f) One Associate General Counsel, Division of Law.
(g) Three Special Assistants to the General Counsel.
(h) One Confidential Assistant to the General Counsel.

**§ 213.3342 Export-Import Bank of Washington.**

(a) One Executive Vice-President.
(b) One Confidential Assistant to the President.
(c) One Private Secretary to the First Vice-President.
(d) The General Counsel.
(e) One Private Secretary to each of the three members of the Board of Directors.
(f) One Vice-President for Program Planning and Information.
(g) One Vice-President for Exporter Credits, Guarantees, and Insurance.
(h) One Vice-President for Project Financing.
(i) One Special Assistant to the President and Chairman.
(j) One Treasurer-Controller.

**§ 213.3343 Farm Credit Administration.**

(a) Three Directors of Credit Services.
(b) One General Counsel.
(c) One Deputy Governor.
(d) Four Deputy Directors of Credit Services.

**§ 213.3344 Housing and Home Finance Agency.**

(a) *Office of the Administrator.* (1) One Deputy Administrator.
(2) One Assistant Administrator (Program Policy).
(3) General Counsel.
(4) One Assistant Administrator (International Housing).
(5) Community Facilities Commissioner.
(6) Deputy Urban Renewal Commissioner.
(7) One Assistant Administrator for Public Affairs.
(8) One Special Assistant to the Administrator.
(9) One Special Assistant (Administrator's Office).
(10) One Assistant Commissioner for Program Planning, Urban Renewal Administration.
(11) One Confidential Assistant to the Commissioner, Urban Renewal Administration.
(12) Two Secretaries to the Community Facilities Commissioner.
(13) One Secretary to the General Counsel.
(14) One Secretary to the Congressional Liaison Officer.
(15) Assistant Commissioner for Technical Standards, Urban Renewal Administration.
(16) One Secretary to the Assistant Administrator (Program Policy).
(17) Assistant Administrator (Housing for Senior Citizens).
(18) One Private Secretary to the Assistant Administrator (Community Programs).
(19) Deputy Assistant Administrator (Housing for Senior Citizens).
(20) Two Special Assistants to the Commissioner, Community Facilities Administration.
(21) Three Assistants to the Congressional Liaison Officer.



(22) One Assistant Administrator (Community Programs).
(23) One Executive Assistant to the Commissioner, Urban Renewal Administration.
(24) One Assistant Commissioner for Field Operations, Urban Renewal Administration.
(25) Assistant Administrator (Transportation).
(26) One Secretary to the Special Assistant to the Administrator.
(27) One Private Secretary to the Assistant Administrator (Transportation).
(28) One Deputy Assistant Administrator (Program Policy).
(29) One Deputy Assistant Administrator (Transportation).
(30) One Secretary and Confidential Assistant to the Assistant Administrator for Public Affairs.
(31) One Congressional Liaison Officer.
(32) One Assistant Commissioner for Urban Planning and Community Development, Urban Renewal Administration.
(33) One Assistant Administrator (Metropolitan Development).
(34) One Deputy Commissioner, Community Facilities Administration.
(35) One Assistant Commissioner (Program Planning), Community Facilities Administration.
(36) One Assistant Commissioner (Operations and Standards), Community Facilities Administration.
(37) One Secretary and Confidential Assistant to the Deputy Commissioner, Community Facilities Administration.
(38) The Chief Counsel, Community Facilities Administration.
(39) The Chief Counsel, Urban Renewal Administration.
(40) One Secretary and Confidential Assistant to the Assistant Administrator (Metropolitan Development).
(41) One Special Assistant to the Commissioner, Urban Renewal Administration.
(42) One Assistant to the Deputy Commissioner, Community Facilities Administration.
(43) One Assistant Commissioner for Operations and Engineering, Community Facilities Administration.
(44) One Assistant Commissioner for Program Development, Community Facilities Administration.
(45) One Assistant Commissioner for Management Control, Community Facilities Administration.
(b) *Federal Housing Administration.* (1) One Deputy Commissioner.
(2) One General Counsel.
(3) One Assistant Commissioner, Technical Standards.
(4) One Assistant to the Commissioner.
(5) One Assistant to the Commissioner (Intergroup Relations Service).
(6) One Assistant Commissioner for Programs.
(7) Director, Program Division.
(8) One Confidential Assistant to the Assistant Commissioner for Programs.
(9) One Congressional Liaison Officer.
(10) One Special Assistant for Elderly Housing.
(11) One Special Assistant for Nursing Homes.
(12) One Assistant Commissioner for Multifamily Housing.
(13) One Assistant Commissioner (Executive Officer).
(14) One Assistant Commissioner for Congressional Liaison and Public Information.
(15) One Special Assistant for Home Improvement Plans.
(16) One Assistant to the Commissioner—Special Projects.
(17) [Reserved]
(18) One Associate Deputy Commissioner for Operations.
(19) One Associate Deputy Commissioner for Management.
(20) One Assistant Commissioner for Home Mortgages.
(21) One Assistant Commissioner for Property Improvement.
(c) *Public Housing Administration.* (1) One Special Assistant to the Commissioner (Liaison).
(2) One Special Assistant to the Commissioner (Racial Relations).
(3) General Counsel.
(4) One Deputy Commissioner.
(5) One Confidential Assistant to the Commissioner.
(6) One Assistant Commissioner for Development.
(7) One Assistant Commissioner for Management.
(8) One Assistant Commissioner for Program Planning.
(d) *Federal National Mortgage Association.* (1) The President.

**§ 213.3345 Indian Claims Commission.**

(a) One Private Secretary to each Commissioner.

**§ 213.3347 Federal Mediation and Conciliation Service.**

(a) One General Counsel.

**§ 213.3348 National Aeronautics and Space Administration.**

(a) One Secretary to the Administrator.
(b) One Secretary to the Deputy Administrator.
(c) [Reserved]
(d) One Secretary (Stenography) to the Associate Administrator for Manned Space Flight.
(e) One Confidential Assistant to the Assistant Administrator for Management Development.

**§ 213.3350 Foreign Claims Settlement Commission of the United States.**

(a) Special Assistant to the Commissioners.
(b) One Confidential Assistant to the Chairman.
(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

**§ 213.3351 Subversive Activities Control Board.**

(a) One Executive Secretary and Chief Clerk.
(b) One Private Secretary to each Member of the Board.
(c) One Confidential Administrative Assistant to each Member of the Board.

**§ 213.3352 Saint Lawrence Seaway Development Corporation.**

(a) One Private Secretary to the Administrator.
(b) One Special Assistant to the Administrator.

**§ 213.3354 Federal Home Loan Bank Board.**

(a) One Assistant to the Board.
(b) One Director, Federal Home Loan Bank Operations.
(c) One General Counsel.
(d) One Director, Division of Supervision.
(e) Two Secretaries to the Chairman of the Board.
(f) Two Secretaries to Board Members.
(g) One General Manager, Federal Savings and Loan Insurance Corporation.
(h) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.
(i) One Secretary to the Assistant to the Board.
(j) One Director, Office of Research and Home Finance.
(k) One Director, Office of Examinations and Supervision.
(l) One Director of Public Affairs.
(m) One Assistant to each of three Board Members (including the Chairman).
(n) One Private Secretary to the Assistant to each of three Board Members (including the Chairman).

**§ 213.3355 The Renegotiation Board.**

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.
(b) One Secretary to the Chairman.
(c) One Secretary to each of the four Board Members.

**§ 213.3356 Commission on Civil Rights.**

(a) [Reserved]
(b) Director, State Advisory Committees Division.
(c) One Confidential Secretary to the Staff Director.
(d) One Program Assistant (Special Assistant to the Staff Director).

**§ 213.3357 Federal Aviation Agency.**

(a) Two Assistants to the Chief, Congressional Relations Division.
(b) The Director of Information Services.
(c) One Executive Advisor to the Administrator.
(d) One Private Secretary to the Administrator.
(e) The Director, Office of Policy Development.
(f) The Assistant Administrator, Office of General Aviation Affairs.
(g) The Chief, Congressional Relations Division.
(h) [Reserved]
(i) One Special Assistant to the Assistant Administrator for General Aviation Affairs.

**§ 213.3359 National Capital Transportation Agency.**

(a) One Confidential Assistant to the Administrator.
(b) One Confidential Assistant to the Deputy Administrator.
(c) One Special Assistant to the Administrator.
(d) One Legislative Assistant.
(e) One Special Assistant for Congressional Liaison.

**§ 213.3360 Peace Corps.**

(a) One Confidential Assistant (Secretary) to the Director.
(b) Two Confidential Secretaries (Stenography) to the Director.
(c) The General Counsel.
(d) The Associate Director, Office of Program Development and Operations.
(e) The Associate Director, Office of Peace Corps Volunteers.
(f) One Deputy Associate Director, Office of Peace Corps Volunteers.
(g) The Associate Director, Office of Public Affairs.
(h) One Deputy Associate Director, Office of Public Affairs.
(i) Associate Director, Office of Planning, Evaluation, and Research.
(j) The Chief, Division of Public Information.
(k) One Deputy Associate Director, Office of Program Development and Operations.
(l) One Special Assistant for Congressional Relations, Office of Public Affairs.
(m) The Chief, Division of Training.
(n) One Special Assistant to the Director.
(o) The Chief, Division of Selection, Office of Peace Corps Volunteers.
(p) One Confidential Assistant (Secretary) to the Deputy Director.
(q) Director, Division of Planning, Office of Planning, Evaluation, and Research.
(r) The Executive Secretary.
(s) The Director, Division of University, Private, and International Cooperation.
(t) The Deputy Director, Division of University, Private, and International Cooperation.
(u) The Director and the Deputy Director, Africa Regional Office.
(v) The Director, Division of Program Development and Coordination.
(w) Director, Division of Evaluation, Office of Planning, Evaluation, and Research.
(x) Deputy Associate Director, Office of Planning, Evaluation, and Research.
(y) One Staff Adviser for International Programs.

**§ 213.3364 U.S. Arms Control and Disarmament Agency.**

(a) One Private Secretary to the Director.
(b) One Private Secretary to the Deputy Director.
(c) One Private Secretary to each Assistant Director appointed by the President (four positions).
(d) One Public Affairs Adviser.
(e) One Special Assistant to the Deputy Director.
(f) Three Disarmament Advisers, Disarmament Advisory Staff.
(g) The General Counsel.
(h) One Private Secretary to the General Counsel.

**§ 213.3367 Federal Maritime Commission.**

(a) One Confidential Assistant to each Commissioner.
(b) The Managing Director.
(c) The General Counsel.
(d) One Private Secretary to the Chairman, one Private Secretary to each Commissioner, one Private Secretary to the General Counsel, and one Private Secretary to the Managing Director.

**§ 213.3368 Agency for International Development.**

(a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.
(2) One Confidential Assistant (Private Secretary) to the Administrator.
(3) One Chauffeur for the Administrator.
(4) One Private Secretary to each of the two Deputy Administrators.
(b) *Office of the Assistant Administrator for Congressional Liaison.* (1) One Staff Assistant to the Assistant Administrator.
(2) One Private Secretary to the Assistant Administrator.
(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.
(2) The General Counsel.
(d) *Office of the Assistant Administrator for Development Finance and Private Enterprise.* (1) One Special Assistant (Confidential) to the Assistant Administrator.

**§ 213.3369 President's Committee on Equal Opportunity in Housing.**

(a) The Staff Director.

**§ 213.3371 President's Committee on Consumer Interests.**

(a) One Confidential Assistant.
(b) The Executive Director.

**§ 213.3372 Administrative Office of the U.S. Courts.**

(a) One Assistant Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12838; Filed, Dec. 14, 1964; 8:47 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of the Interior

Section 213.3112 is amended to extend for one year the present exception under Schedule A of all positions in The Alaska Railroad in Alaska and of four technical positions in The Alaska Railroad's Seattle, Wash., office. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (h) of § 213.3112 is amended as set out below.

**§ 213.3112 Department of the Interior.**

• • • • • •

(h) *The Alaska Railroad.* • • •

(1) Until December 31, 1965, all positions in Alaska in The Alaska Railroad and four technical positions in The Alaska Railroad Office in Seattle, Wash.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12840; Filed, Dec. 14, 1964; 8:47 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of Health, Education, and Welfare

Section 213.3116(e) is amended to extend for one year the present exception under Schedule A of 50 positions in medical and related areas for employment under the Cuban refugee program. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (e) of § 213.3116 is amended as set out below.

**§ 213.3116 Department of Health, Education, and Welfare.**

• • • • • •

(e) *General.* • • •

(1) Until December 31, 1965, fifty positions in medical and related occupations for employment under the Cuban refugee program. Employment of any person under this authority shall not extend more than one year beyond the expiration date of the authority.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12844; Filed, Dec. 14, 1964; 8:48 a.m.]

## PART 213—EXCEPTED SERVICE

### Housing and Home Finance Agency

Section 213.3144 is amended to show that one of the positions of Zone Operations Commissioner, Federal Housing Administration, is no longer excepted under Schedule A. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (b) of § 213.3144 is amended as set out below.

**§ 213.3144 Housing and Home Finance Agency.**

• • • • • •

(b) *Federal Housing Administration.* • • •

(1) Five Zone Operations Commissioners.

• • • • • •



(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12845; Filed, Dec. 14, 1964; 8:48 a.m.]

## PART 213—EXCEPTED SERVICE

### Commission on Civil Rights

Section 213.3156 is amended to show the exception under Schedule A of 20 positions ranging from GS–5 through GS–11 for employment of not to exceed 130 days' duration in each service year of persons to investigate sworn complaints of patterns or practices of fraud or discrimination in the conduct of national elections under P.L. 88–352. Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3156 as set out below.

**§ 213.3156 Commission on Civil Rights.**

• • • • • •

(b) Until March 31, 1968, not to exceed 20 positions at GS–5 through GS–11 for the temporary part-time or intermittent employment of persons hired locally to investigate sworn complaints of patterns or practices of fraud or discrimination in the conduct of national elections. Employment under this authority shall not exceed 130 days in any one service year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12843; Filed, Dec. 14, 1964; 8:48 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of State

Section 213.3304 is amended to show that the position of Secretary of the International Joint Commission—United States and Canada, is no longer excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (a) of § 213.3304 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12846; Filed, Dec. 14, 1964; 8:48 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of State

Section 213.3304(c) is amended to show the exception under Schedule C of one additional position of Legislative Management Officer and one additional position of Legislative Officer and to show that the title of the position of Executive Assistant is changed to Staff Assistant. Effective upon publication in the FEDERAL REGISTER, subparagraphs (5), (6), and (7) of paragraph (c) of § 213.3304 are amended as set out below.

**§ 213.3304 Department of State.**

• • • • • •

(c) *Office of the Assistant Secretary for Congressional Relations.* • • •

(5) One Staff Assistant.

(6) Four Legislative Management Officers.

(7) Two Legislative Officers.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12847; Filed, Dec. 14, 1964; 8:48 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of the Interior

Section 213.3312 is amended to show the exception under Schedule C of the positions of Director and Associate Director, Office of Water Resources Research. Effective upon publication in the FEDERAL REGISTER, subparagraphs (25) and (26) are added to paragraph (a) of § 213.3312 as set out below.

**§ 213.3312 Department of the Interior.**

(a) *Office of the Secretary.* • • •

(25) Director, Office of Water Resources Research.

(26) Associate Director, Office of Water Resources Research.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12839; Filed, Dec. 14, 1964; 8:47 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of the Interior

Section 213.3312 is amended to show the exception under Schedule C of the position of High Commissioner of the Trust Territory of the Pacific Islands. Effective upon publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (1) of § 213.3312 is amended as set out below.

**§ 213.3312 Department of the Interior.**

• • • • • •

(1) *Office of Territories.* • • •

(7) The High Commissioner and one Deputy High Commissioner, Trust Territory of the Pacific Islands.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12841; Filed, Dec. 14, 1964; 8:47 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of Labor

Section 213.3315 is amended to show that the position, Labor-Management Services Administrator, is excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraph (18) is added to paragraph (a) of § 213.3315 as set out below.

**§ 213.3315 Department of Labor.**

(a) *Office of the Secretary.* • • •

(18) The Labor-Management Services Administrator.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12842; Filed, Dec. 14, 1964; 8:48 a.m.]

# Title 7—AGRICULTURE

## Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR COMBINED CROP INSURANCE; 1965 CROP

Goodhue, Stevens, and Swift Counties, Minn., are hereby deleted from the list of counties published in the FEDERAL REGISTER July 29, 1964 (29 F.R. 10487), which were designated for combined crop insurance for the 1965 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager, Federal Crop Insurance Corporation.*

[F.R. Doc. 64-12825; Filed, Dec. 14, 1964; 8:45 a.m.]

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

## PART 730—RICE

### Subpart—Rice Marketing Quota Regulations for 1958 and Subsequent Crop Years

ADDITIONAL AUTHORITY FOR DETERMINATION

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, section 161 of the Revised Statutes (5 U.S.C. 22), and Reorganization Plan No. 2 of 1953 (67 Stat. 633), for the purpose of authorizing the Deputy Administrator, State and County Operations, a member of the State committee, the State executive director, or a program specialist to make all determinations and take all actions under the regulations in this subpart which the county committee could perform.

Since there are a number of cases now pending which, in the public interest, may require the immediate exercise of the authority delegated herein, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon the filing of this document with the Director, Office of the Federal Register.

A new § 730.997 is added to read as follows:

**§ 730.997 Additional authority for determinations.**

The Deputy Administrator, State and County Operations, a member of the State committee, State executive director, or program specialist in the State ASCS office, may make any determination under this subpart which the county committee is authorized to make under this subpart and take any action under this subpart which the county committee is authorized to take under this subpart, including, but not limited to, the authority to make required determinations for the issuance of and to issue notices of farm marketing excesses. In any case where the Deputy Administrator, member of the State committee, State executive director, or program specialist elects to exercise the authority vested in him hereunder, the county committee shall not exercise its authority. A copy of each notice issued under this section shall be kept among the permanent records of the appropriate county committee.

(67 Stat. 633; 5 U.S.C. 22; 5 U.S.C. 133z–15, note; secs. 301, 351–356, 362–368, 372–376, 52 Stat. 38, as amended, 60, as amended, 61, as amended, 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended; 7 U.S.C. 1301, 1351–1356, 1362–1368, 1372–1376)

Effective date: Date of filing with the Director, Office of the FEDERAL REGISTER.

Signed at Washington, D.C., on December 11, 1964.

CHARLES S. MURPHY,
*Under Secretary.*

[F.R. Doc. 64–12917; Filed, Dec. 14, 1964; 8:49 a.m.]

[Amdt. 1]

## PART 730—RICE

### Subpart—Rice Marketing Quota Regulations for 1964 and Subsequent Crop Years

ADDITIONAL AUTHORITY FOR DETERMINATION

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, section 161 of the Revised Statutes (5 U.S.C. 22), and Reorganization Plan No. 2 of 1953 (67 Stat. 633), for the purpose of authorizing the Deputy Administrator, State and County Operations, a member of the State committee, the State executive director, or a program specialist to make all determinations and take all actions under the regulations in this subpart which the county committee could perform.

Since there are a number of cases now pending which, in the public interest, may require the immediate exercise of the authority delegated herein, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon the filing of this document with the Director, Office of the Federal Register.

A new § 730.1597 is added to read as follows:

**§ 730.1597 Additional authority for determinations.**

The Deputy Administrator, State and County Operations, a member of the State committee, State executive director, or program specialist in the State ASCS office, may make any determination under this subpart which the county committee is authorized to make under this subpart and take any action under this subpart which the county committee is authorized to take under this subpart, including, but not limited to, the authority to make required determinations for the issuance of and to issue notices of farm marketing excesses. In any case where the Deputy Administrator, member of the State committee, State executive director, or program specialist elects to exercise the authority vested in him hereunder, the county committee shall not exercise its authority. A copy of each notice issued under this section shall be kept among the permanent records of the appropriate county committee.

(67 Stat. 633; 5 U.S.C. 22; 5 U.S.C. 133z–15, note; secs. 301, 351–356, 362–368, 372–376, 52 Stat. 38, as amended, 60, as amended, 61, as amended, 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended; 7 U.S.C. 1301, 1351–1356, 1362–1368, 1372–1376)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 11, 1964.

CHARLES S. MURPHY,
*Under Secretary of Agriculture.*

[F.R. Doc. 64–12918; Filed, Dec. 14, 1964; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

## PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

### Miscellaneous Amendments

*Basis and purpose.* The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, by the Food and Agriculture Act of 1962, and the Agricultural Act of 1964 and provides miscellaneous changes in the provisions of the Processor Wheat Marketing Certificate Regulations.

(1) It expands and clarifies the definition of "non-food" products: It provides that certain listed products are non-food products if produced in a single plant from wheat. The products listed include any product which is processed and marketed for use as an ingredient in the manufacture of the listed products if such product is unsuitable for marketing as a food product. The listed products, among other things, cannot be manufactured from a part of the total flour streams obtained in the processing of patent flour and must be labeled or otherwise identified as a non-food product. It provides certain requirements pertaining to products which become unfit for human consumption, prior to marketing or removal for sale or consumption. It, also, clarifies the provision relating to a product being manufactured for food which during the course of manufacture inadvertently becomes unsuitable for marketing as the product originally intended.

(2) The amendment changes the beginning date for computing interest charges in cases when interest is due on certificates acquired from CCC.

(3) The amendment also clarifies the language in the regulations with respect to deductions for the weight of additional ingredients contained in the food products when calculating the quantity of wheat processed into food products on the conversion factor basis of reporting. Finally, it provides a conversion factor for an additional product to be used in determining certificate liability for processor reporting on the conversion factor basis

Since these provisions must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the notice, public procedure and 30-days effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall be effective at the effective date provided below.

The Processor Wheat Marketing Certificate Regulations are amended as follows:

Sections 777.3 (c) (1), (3) and (4) are amended to read as follows:

**§ 777.3 Definitions.**

(c) • • •

(1) Any of the following products when produced in a single plant from wheat, provided (i) none of the products obtained from the wheat used in the processing of such product is marketed, or removed from the plant for sale or consumption, as a food product, (ii) the product is not manufactured from only a part of the total flour streams obtained in the processing of patent flours, and (iii) the product is labeled or otherwise identified as a non-food product.

(*a*) Animal feed;

(*b*) Pet food and poultry feed;

(*c*) Adhesives and other industrial products unsuitable for human consumption;

(*d*) Any product marketed or removed from the plant for use as a component of the products listed in subdivisions (*a*), (*b*), or (*c*) of this subdivision if such product is unsuitable for marketing as a food product because of ingredients added or other action taken during the total course of processing.

• • • • • •

(3) Any product which prior to marketing or removal for sale or consumption, is determined to be unfit for human consumption by the Food and Drug Administration or any agency of a State or local government, has not been rendered unfit for human consumption by deliberate action on the part of the processor and is destroyed or disposed of for animal feed or other non-food use; or any product processed from wheat determined to be unfit for human consumption by any such agency, if the product is destroyed or disposed of for animal feed or other non-food use.

(4) Any product, being manufactured as a food product which in the course of processing inadvertently, and not by design or deliberate action on the part of the processor, becomes unsuitable for marketing as the food product originally intended to be produced, provided such product and all other products obtained from the wheat are destroyed, or prior to marketing or removal from the plant are unsuitable for marketing as a food product and are used in or marketed as animal feed or other non-food products specified in this paragraph.

**§ 777.11 [Amended]**

Section 777.11(b)(2) is amended to read as follows:

(2) If certificates are acquired and surrendered to CCC later than the 15th calendar day after the close of the processing report period during which the wheat was processed, the cost of the certificates acquired from CCC shall be the face value of the certificates plus interest at the rate of six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates.

The last sentence of § 777.11(c)(3) is amended to read as follows: "The cost of any certificates purchased from CCC after such date to cover wheat used in processing the food products during the report period shall be the face value thereof plus interest at six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates."

**§ 777.12 [Amended]**

The fourth sentence of § 777.12(g) is amended to read as follows: "If additional certificates are required, and such certificates are surrendered to CCC later than the 15th calendar day after the close of the processing report period in which the wheat was processed into the food products, the cost of any certificates acquired from CCC shall be the face value thereof plus interest at the rate of six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates."

Section 777.14(b) is amended and (c) is amended by adding the following conversion factor for the product indicated. The amended portions of § 777.14 read as follows:

**§ 777.14 Conversion factor basis of reporting.**

• • • • • •

(b) *Additional ingredients.* If the food product conversion factor basis of reporting is used to determine the quantity of the wheat processed, such quantity may be reduced by the weight of any additional ingredient included in the weight of the food products which was introduced during the course of processing.

"Additional ingredient" for purposes of this paragraph means:

(1) Any flour and other food products including clears and malted wheat flour, which were produced prior to July 1, 1964, or for which certificates have previously been acquired and surrendered to CCC by the processor or for which certificates are required to be acquired and surrendered to CCC by another food processor from which the food product was purchased.

(2) Any non-wheat ingredient including, but not limited to malted barley flour, creta preparata, and self-rising components, but not including moisture used in the tempering of wheat or otherwise introduced in the production of the product.

(c) • • •

| A | B |
|---|---|
| *Food product* | *Bushels of wheat—equivalent per 100 pounds of product (conversion factor)* |
| Cracked wheat for cereal, including fines (extraction approximately 59 percent cracked wheat and 27 percent fines)[2] | 2.80 |

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626 and 78 Stat. 178; 7 U.S.C. 1379a to 1379j)

*Effective date.* The provisions of this amendment shall become effective as to wheat processed during the sixth and subsequent processing report periods for the 1964–1965 marketing year except that the conversion factor provided shall apply in determining the quantity of wheat processed into the applicable food product beginning July 1, 1964 where the food processor reports on a conversion factor basis.

Signed at Washington, D.C., on December 10, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64–12852; Filed, Dec. 14, 1964; 8:48 a.m.]





# Title 12—BANKS AND BANKING

## Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

## PART I—INVESTMENT SECURITIES REGULATION

### City of Anaheim (California) Stadium, Inc. Lease-Rental Bonds

**§ 1.161 City of Anaheim (California) Stadium, Inc. Lease-Rental Bonds.**

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $21,500,000 City of Anaheim Stadium, Inc. Lease-Rental Bonds for investment by National Banks under the provisions of paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The City of Anaheim Stadium, Inc., a nonprofit corporation acting for the City of Anaheim, Calif., was created to issue its lease-rental bonds to finance he construction on leased land of a stadium, together with associated facilities, which is to be suitable for baseball, football and other outdoor sports events and exhibitions.

(2) The lease-rental bonds mature serially from April 1967, to April 2001, and their maturities run concurrently with the term of the lease agreement commencing January 1967, and ending April 2001. The bonds are payable from revenues derived from a net lease of the stadium facilities by the corporation to the City of Anaheim and the City obligates itself generally to pay the lease rentals free and clear of all expenses or charges whatsoever and in an amount sufficient to pay in full the semiannual maturities of principal of and interest on the lease-rental bonds and all other reasonable expenses of the Corporation.

(c) *Ruling.* It is the conclusion of this Office that a National Bank may in these circumstances determine that there is adequate evidence that the Corporation will be able to perform all that it undertakes to perform and that the $21,500,000 City of Anaheim Stadium, Inc. Lease-Rental Bonds meet the requirements of § 1.5(a) of the Investment Securities Regulation (12 CFR 1.5(a)), and are, therefore, eligible for investment by National Banks under the provisions and subject to the ten percent limitation of paragraph Seventh of 12 U.S.C. 24.

Dated: December 7, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-12835; Filed, Dec. 14, 1964; 8:47 a.m.]

## Chapter V—Federal Home Loan Bank Board

### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1,936]

### PART 563—OPERATIONS

### Fidelity Bonds

DECEMBER 7, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 9570) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 563.19 of the rules and regulations for Insurance of Accounts (12 CFR 563.19) and for the purpose of effecting such amendment, hereby amends said § 563.19 as follows, effective March 1, 1965:

Amend § 563.19 of the rules and regulations for Insurance of Accounts to read as follows:

**§ 563.19 Bonds for directors, officers, employees, and agents; form of and amount of bonds.**

(a) Each insured institution shall maintain fidelity bond coverage with a surety company acceptable to the Corporation, and such bond shall be in a form acceptable to the Corporation. The bond shall cover each director, officer, employee, and agent who has control over or access to cash or securities of such institution. Such coverage shall be maintained in the minimum amount set forth below, computed on a base consisting of the total assets of the insured institution plus the unpaid balance of loans which it has contracted to service for others, as follows:

| *Base* | *Minimum Bond* |
|---|---|
| Not over $300,000 | $15,000 plus $7,500 for each $100,000 or fraction thereof over $100,000. |
| $300,001 to $1,000,000 | $45,000 plus $15,000 for each $100,000 or fraction thereof over $400,000. |
| $1,000,001 to $10,000,000 | $150,000 plus $30,000 for each $1,000,000 or fraction thereof over $2,000,000. |
| $10,000,001 to $30,000,000 | $450,000 plus $60,000 for each $5,000,000 or fraction thereof over $15,000,000. |
| $30,000,001 to $60,000,000 | $705,000 plus $75,000 for each $10,000,000 or fraction thereof over $40,000,000. |
| $60,000,001 to $100,000,000 | $945,000 plus $90,000 for each $15,000,000 or fraction thereof over $70,000,000. |
| $100,000,001 and over | $1,230,000 plus $105,000 for each $25,000,000 or fraction thereof over $125,000,000. |

(b) No insured institution shall be required to maintain such fidelity bond coverage in an amount greater than $3,000,000. Such fidelity bond coverage may contain provision for a deductible amount from any loss which, except for such deductible provision, would be recoverable from the surety, but no such deductible amount shall be in excess of $500 for all losses involving the same person in any case where the base for the fidelity bond coverage is $10,000,000, or less, or in excess of $1,000 where the base for the fidelity bond coverage is in excess of $10,000,000.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 64-12849; Filed, Dec. 14, 1964; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-CE-48]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Transition Area

On September 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13208) stating that the Federal Aviation Agency proposed to alter the control zone and the transition area at Lewistown, Mont.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the Lewistown, Mont. control zone is amended to read:

LEWISTON, MONTANA

Within a 5-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 2 miles either side of the Lewiston VOR 090° radial, extending from the 5-mile radius zone to the VOR.

2. In § 71.181 (29 F.R. 1160) the Lewistown, Mont., transition area is amended to read:

LEWISTOWN, MONTANA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.); and within 2 miles each side of the Lewistown VOR 104° and 289° radials extending from 19 miles E to 8 miles W of the VOR; and that airspace extending upward from 1200 feet above the surface within 5 miles N and 8 miles S of the Lewistown VOR 109° and 289° radials extending from 7 miles E to 13 miles W of the VOR and within the area W of the Lewistown VOR bounded on the S by a line 5 miles S and parallel to the Lewistown VOR 259° radial, on the W by the arc of a 30-mile radius circle centered on the Lewistown VOR and on the N by a line 5 miles N of and parallel to the Lewistown VOR 289° radial.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on December 3, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-12819; Filed, Dec. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-85]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the Sioux City, Iowa, control zone.

The Federal Aviation Agency is planning to decommission the Sioux City, Iowa, radio beacon. This decommissioning is scheduled on or about January 7, 1965. Since the Sioux City, Iowa, control zone is presently designated, in part, with reference to the Sioux City radio beacon, this alteration of the control zone is necessary to reflect the decommissioning of the radio beacon facility.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30 day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 c.s.t., January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101, 2306) the Sioux City, Iowa, control zone is amended by deleting "within 2 miles each side of the Sioux City RBn 163° bearing, extending from the 5-mile radius zone to 8 miles S of the RBn" from the text.

(Sec. 307 (a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 27, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-12820; Filed, Dec. 14, 1964; 8:45 a.m.]



# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter I—Bureau of the Census, Department of Commerce

### PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

### Fee Structure for Age Search and Citizenship Information

The fee structure for age search and citizenship information is hereby amended to change the fee for a regular search in turn from $3 to $4 and for a priority search from $4 to $5 as shown below. No transcript of any record will be furnished which would violate existing laws requiring that information furnished be held confidential and not used to the detriment of the person to whom it relates. Requests for searches and application forms should be directed to the Bureau of the Census, Pittsburg, Kans., 66762.

**§ 50.5 Fee structure for age search and citizenship information.**

| *Types of service* | *Fee* |
|---|---|
| Searches in regular turn of not more than 2 censuses for 1 person and one transcript of the most appropriate record | $4.00 |
| Priority searches of not more than 2 censuses for 1 person and one transcript of the most appropriate record | 5.00 |
| Each additional copy of census transcript | 1.00 |

In accordance with the provisions of section 4(a) of the Administrative Procedure Act, it has been found that notice of and an opportunity to participate in the rule making is unnecessary for the reason that such procedure, because of the nature of the rules, would serve no useful purpose.

(13 U.S.C. 8)

Effective: January 15, 1965.

RICHARD M. SCAMMON,
*Director, Bureau of the Census.*

[F.R. Doc. 64-12824; Filed, Dec. 14, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER A—GENERAL

### PART 8—COLOR ADDITIVES

### Postponement and Termination of Closing Date of Provisional Listings of Certain Items

The color additives amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorizes the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing (including a deemed provisional listing) of a color additive on his own initiative or upon application of an interested person.

Requests have been received to postpone the closing dates of the provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed. It is found that postponement of the closing dates of the provisionally listed color additives included in this order will not be contrary to the interests of the public health. Any extensions so granted are conditioned upon a requirement that a progress report be supplied on or before July 1, 1965.

The closing dates of certain provisionally listed color additives are not postponed, and their provisional listing therefore automatically terminates on January 1, 1965. The Commissioner of Food and Drugs has no evidence that these color additives are harmful, but no evidence has been submitted that scientific investigations are under way to establish their safety or that all of them are being used. (The provisional listing of gloss white will terminate on January 1, 1965, but the closing date of the provisional listing of its two components, aluminum hydroxide and barium sulfate (blanc fixe), is postponed to January 1, 1966.) The termination of these listings as of January 1, 1965, is indicated by deletions in amendments 2b, 3b, and 4b.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C., 376, note) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), § 8.501 Provisional lists of color additives is amended as follows:

1. Paragraph (b) is amended by changing the closing date of the following items to July 1, 1965:

D&C Red No. 6 (§ 9.151 of this chapter).
D&C Red No. 7 (§ 9.152 of this chapter).
D&C Red No. 17 (§ 9.162 of this chapter).
D&C Red No. 19 (§ 9.164 of this chapter).
D&C Red No. 36 (§ 9.181 of this chapter).
D&C Red No. 37 (§ 9.182 of this chapter).
D&C Red No. 39 (§ 9.184 of this chapter).
D&C Orange No. 17 (§ 9.214 of this chapter).
D&C Blue No. 9 (§ 9.245 of this chapter).

2. Paragraph (e) is amended as follows:

a. By changing the closing date of the following items to January 1, 1966, and inserting in the "Restrictions" column for "Iron oxides" the words "Pet foods only.":

Beet juice.
Beet powder.
Calcium carbonate.
Carbon black (prepared by the "impingement" or "channel" process).
Carmine.
Carminic acid.
Carrot oil.
Cochineal.
Ferrous gluconate.
Grape skin extract.
Iron oxides.
Paprika and paprika oleoresin.
Riboflavin.
Saffron (*Crocus sativus L.*).
Titanium dioxide.
Turmeric and curcumin.
Ultramarine blue.
Xanthophyll.

b. By deleting the following items:

Alkanet (alkanna).
Charcoal (National Formulary XI).
Chlorophyll.
Chlorophyll copper complex and chlorophyllin copper complex.
Cudbear (*Roccella* spp., *Lecanora* spp.).
Ferric chloride.
Ferrous sulfate.
Logwood, chips and extracts (*Haematoxylon campechianum L.*).
Safflower (American saffron, florets of *Carthamus tinctorius L.*).

3. Paragraph (f) is amended as follows:

a. By changing the closing date of the following items to January 1, 1966:

Alumina.
Calcium carbonate.
Carbon black ("channel" or "impingement" process).
Carminic acid.
Chromium-cobalt-aluminum oxide.
Cochineal.
Ferric ammonium citrate.
Fustic.
Iron oxides.
Logwood.
Pyrogallol.
Talc.
Titanium dioxide.

b. By deleting the following items:

Bone black.
Charcoal (National Formulary XI).
Chlorophyll copper complex and chlorophyllin copper complex.
Ferric ferrocyanide (iron blue).
Ultramarine blue.

4. Paragraph (g) is amended as follows:

a. By changing the closing date of the following items to January 1, 1966:

Aluminum benzoate.
Aluminum hydroxide.
Aluminum powder.
Aluminum silicate (including hydrated aluminum silicate).
Aluminum stearate.
Annatto.
Azulene.
Barium sulfate (blanc fixe).
Bentonite.
Bismuth oxychloride.
Bone black.
Bronze powder.
Calcium carbonate.
Calcium stearate.
Calcium sulfate.
Caramel.

Carbon black (prepared by the "impingement" or "channel" process).
Carmine.
Carminic acid.
Carotene.
Charcoal.
Chlorophyll copper complex and chlorophyllin copper complex.
Chromium hydroxide green.
Chromium oxide greens.
Cochineal.
Copper, metallic powder.
Cornstarch.
Dihydroxyacetone.
Ferric ferrocyanide (iron blue).
Ferric hydroxide (hydrated iron oxide).
Gold.
Graphite.
Guanine (pearl essence).
Iron oxides.
Kaolin.
Lithium stearate.
Magnesium aluminum silicate.
Magnesium carbonate.
Magnesium oxide.
Magnesium stearate.
Magnesium trisilicate.
Manganese violet (probably $2(NH_4)_2Mn_2(P_2O_7)_2$).
Mica.
Silicic acid.
Silicon dioxide (silica).
Silk, powdered.
Talc.
Tin oxide.
Titanium dioxide.
Ultramarine blue.
Ultramarine green.
Ultramarine pink.
Ultramarine red.
Ultramarine violet.
Zinc carbonate.
Zinc oxide.
Zinc stearate.

b. By deleting the following items:

Alloxan.
Calcium silicate.
Cobaltous aluminate (cobalt blue).
Copper versenate.
Fuller's earth.
Gloss white.
Kieselguhr (diatomite).
Lapis lazuli (lazurite).
Lithopone.
Logwood (gluewood, campeche wood).
4-Methyl-7-diethylaminocoumarin (MDAC).
β-Methyl umbelliferone.
Potassium ferrocyanide.
Sienna.
Umber.
Vermiculite.
Zirconium oxide.
Zirconium silicate.

In order to allow orderly withdrawal from the market of the color additives listed in amendments 2b, 3b, and 4b and in the absence of information that the continued use of these color additives will adversely affect the public health, the Food and Drug Administration will not institute regulatory action against the color additives or the articles in which they have been permitted to be used solely for the reason that they are not provisionally or permanently listed as color additives for the period ending June 30, 1965.

*Effective date.* This order shall become effective on the date of publication.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, because section 203(a)(2) of Public Law 86-618 provides for this issuance.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C., note under 376)

Dated: December 8, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12832; Filed, Dec. 14, 1964; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

LUBRICANTS WITH INCIDENTAL FOOD CONTACT

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1403) filed by Humble Oil and Refining Co., Houston, Tex., and other relevant material, has concluded that the food additive regulations (21 CFR 121.2553; 29 F.R. 15512) should be amended to provide for the use of additional substances in the formulation of lubricants with incidental food contact. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2553(a)(3) is amended by inserting alphabetically in the list of substances the following new items:

**§ 121.2553 Lubricants with incidental food contact.**

* * * * * * *

(a) * * *

(3) * * *

| Substances | Limitations |
|---|---|
| * * * | * * * |
| Penyl-α-hand/or phenyl-β-naphthylamine. | For use only, singly or in combination, as antioxidant in mineral oil lubricants at a level not to exceed a total of 1 percent by weight of the mineral oil. |
| * * * | * * * |
| Sodium nitrite | For use only as a rust preventive in mineral oil lubricants at a level not to exceed 3 percent by weight of the mineral oil. |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 9, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12834; Filed, Dec. 14, 1964; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 4B1250, 4B1353) filed by B. A. Trotter, Inc., 939 Port Washington Boulevard, Port Washington, N.Y., 11050, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of magnesium salicylate, pentaerythritol and its stearate ester, and zinc salicylate as stabilizers in the formulation of rigid polyvinyl chloride polymer used in the manufacture of articles or components of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2566(b) is amended by inserting alphabetically in the list of substances three new items as follows:

**§ 121.2566 Antioxidants and/or stabilizers for polymers.**

* * * * * * *

(b) List of substances:

| | Limitations |
|---|---|
| * * * | * * * |
| Magnesium salicylate | For use only in rigid polyvinyl chloride provided that total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of the polymer. |
| * * * | * * * |
| Pentaerythritol and its stearate ester. | For use only in rigid polyvinyl chloride provided that the total amount of pentaerythritol and/or pentaerythritol stearate (calculated as free pentaerythritol) does not exceed 0.4 percent by weight of the polymer. |
| * * * | * * * |
| Zinc salicylate | For use only in rigid polyvinyl chloride provided that total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of the polymer. |
| * * * | * * * |

* * * * * * *



Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 9, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12833; Filed, Dec. 14, 1964; 8:47 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

## PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

### Buck Island Reef National Monument, Virgin Islands

On pages 6651 and 6652 of the FEDERAL REGISTER of May 21, 1964, there was published a proposed amendment to Part 7 of Title 36, Code of Federal Regulations. The purpose of the amendment is to add to Part 7 a new section that will provide for protection of submerged features and wrecks and will regulate boats, fishing and marine operations within Buck Island Reef National Monument.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No objections have been received and comments submitted do not require a revision of the proposal. The proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

A new section is added to Part 7 to read as follows:

**§ 7.73 Buck Island Reef National Monument.**

(a) *Submerged features.* (1) No person shall cut, carve, injure, mutilate, remove, displace or break off any underwater growth or formation. Nor shall any person dig in the bottom, or in any other way injure or impair the natural beauty of the underwater scene. No rope, wire or other contrivance whether such contrivance is temporary or permanent in character or use shall be attached to any coral, rock or other underwater formation.

(2) No person shall destroy, mark, deface, displace, remove or tamper with any underwater sign, notice, float, placard or underwater device.

(b) *Marine operations.* No dredging, excavating or filling operations of any kind are permitted, and no equipment, structures, byproducts or excavated materials associated with such operations may be deposited in or on the waters or ashore within the boundaries of the Monument.

(c) *Wrecks.* No person shall destroy, molest, remove, deface, displace or tamper with wrecked or abandoned waterborne craft of any type or condition, or any cargo pertaining thereto, unless permitted in writing by an authorized official of the National Park Service.

(d) *Boats.* (1) No watercraft shall be operated in such a manner, nor shall anchors or any other mooring device be cast or dragged or placed, so as to strike or otherwise cause damage to any underwater features.

(2) Anchoring or maneuvering watercraft within the waters that contain underwater marked swimming trails and interpretive signs is prohibited.

(3) All watercraft, carrying passengers for hire, shall comply with applicable regulations and laws of the U.S. Coast Guard and Territory of the Virgin Islands.

(e) *Fishing.* (1) Taking of fishes or any other marine life in any way except with rod or line, the rod or line being held in the hand, is prohibited: *Provided*, That fish may be taken by pots or traps of conventional Virgin Islands design and not larger than five feet at the greatest dimension, and bait fish may be taken by nets of no greater overall length than 20 feet and of mesh not larger than 1 inch stretched: *Provided further*, That subparagraphs (3), (4), and (5) of this paragraph shall apply.

(2) The use or possession of any type of spearfishing equipment within the boundaries of the Monument is prohibited.

(3) The species of crustaceans known as Florida Spiny Lobster (Panulirus argus) may be taken by hand or handheld hook or snare. No person shall take female lobsters with eggs; or take more than two lobsters per person per day; or have in possession more than two days' limit: *Provided*, That subparagraph (5) of this paragraph shall apply.

(4) Species of mollusks commonly known as whelks and conchs may be taken by hand. No person shall take more than two conchs or one gallon of whelks, or both, per day, or have in possession more than two days' limit; *Provided*, That subparagraph (5) of this paragraph shall apply.

(5) All known means of taking fish, crustaceans, mollusks, turtles, or other marine life are prohibited between the outer fringes of the barrier reef and the shore line of Buck Island eastward of the recognizable extremities of the sand beach on the north and south sides of the island.

(80 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

FRANK R. GIVENS,
*Superintendent, Buck Island Reef National Monument.*

[F.R. Doc. 64-12822; Filed, Dec. 14, 1964; 8:45 a.m.]

## PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

### Virgin Islands National Park, Virgin Islands

On page 6652 of the FEDERAL REGISTER of May 21, 1964, there was published a proposed amendment to Part 7 of Title 36, Code of Federal Regulations. The purpose of the amendment is to add to Part 7 a new section that will provide protection of submerged features and wrecks and will regulate boats, fishing and marine operations within Virgin Islands National Park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. As the result of comments received, the proposed regulation is hereby adopted with the following change: The word "monument" is changed to "park" in paragraph (e)(2), and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

A new section is added to Part 7 to read as follows:

**§ 7.74 Virgin Islands National Park.**

(a) *Submerged features.* (1) No person shall cut, carve, injure, mutilate, remove, displace or break off any underwater growth or formation. Nor shall any person dig in the bottom, or in any other way injure or impair the natural beauty of the underwater scene. No rope, wire or other contrivance whether such contrivance is temporary or permanent in character or use shall be attached to any coral, rock or other underwater formation.

(2) No person shall destroy, mark, deface, displace, remove or tamper with any underwater sign, notice, float, placard or underwater device.

(b) *Marine operations.* No dredging, excavating or filling operations of any kind are permitted, and no equipment, structures, byproducts or excavated materials associated with such operations may be deposited in or on the waters or ashore within the boundaries of the Park.

(c) *Wrecks.* No person shall destroy, molest, remove, deface, displace or tamper with wrecked or abandoned water-

borne craft of any type or condition, or any cargo pertaining thereto unless permitted in writing by an authorized official of the National Park Service.

(d) *Boats.* (1) No watercraft shall be operated in such a manner, nor shall anchors or any other mooring device be cast or dragged or placed, so as to strike or otherwise cause damage to any underwater features.

(2) Anchoring or maneuvering watercraft within the waters that contain underwater marked swimming trails and interpretive signs is prohibited.

(3) Vessels desiring to enter Trunk Bay must enter and depart between the two outer buoys delineating the prescribed anchorage area, and shall anchor within described area, and no other, making sure the vessel will lie within this area regardless of wind or sea conditions: Except, that hand-propelled craft may be used to transport passengers and equipment between the anchorage area and the beach.

(4) All vessels carrying passengers for hire shall comply with applicable laws and regulations of the United States Coast Guard and Territory of the Virgin Islands.

(e) *Fishing.* (1) Taking of fishes or any other marine life in any way except with rod or line, the rod or line being held in the hand, is prohibited: *Provided*, That fish may be taken by pots or traps of conventional Virgin Islands design and not larger than five feet at the greatest dimension, and bait fish may be taken by nets of no greater overall length than 20 feet and of mesh not larger than 1 inch stretched: *Provided further*, That subparagraphs (3), (4), and (5) of this paragraph shall apply.

(2) The use or possession of any type of spearfishing equipment within the boundaries of the park is prohibited.

(3) The species of crustaceans known as Florida Spiny Lobster (Panulirus argus) may be taken by hand or hand-held hook. No person shall take female lobsters with eggs; or take more than two lobsters per person per day; or have in possession more than two days' limit: *Provided*, That subparagraph (5) of this paragraph shall apply.

(4) Species of mollusks commonly known as whelks and conchs may be taken by hand. No person shall take more than two conchs or one gallon of whelks, or both, per day, or have in possession more than two days' limit: *Provided*, That subparagraph (5) of this paragraph shall apply.

(5) All known means of taking fish, crustaceans, mollusks, turtles, or other marine life are prohibited in Trunk Bay and in other waters containing underwater signs and markers.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

FRANK R. GIVENS,
*Superintendent,*
*Virgin Islands National Park.*

[F.R. Doc. 64-12823; Filed, Dec. 14, 1964; 8:45 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 3—ADJUDICATION

### Subpart A—Pensions, Compensation, and Dependency and Indemnity Compensation

EVALUATION OF INCOME

In § 3.262(k), subparagraph (5) is amended to read as follows:

**§ 3.262 Evaluation of income.**

* * * * *

(k) *Property.* * * *

(5) *Sale of property—Public Law 86-211.* Where pension is payable under Public Law 86-211, profit from the sale of real or personal property other than in the course of a business will not be considered income. This applies to property acquired either before or after the date of entitlement. Any amounts received in excess of the sales price will be counted as income. Where payments are received in installments, principal and interest will not be counted separately. (38 U.S.C. 503(10); Public Law 88-664)

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective January 1, 1965.

Approved: December 9, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64-12827; Filed, Dec. 14, 1964; 8:46 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 2—Federal Aviation Agency

### REVISION OF CHAPTER

Chapter 2 of Title 41 of the Code of Federal Regulations is revised to read as set forth below. These regulations are effective December 15, 1964.

Dated: December 9, 1964.

JOHN E. PERNICE,
*Chief, Procurement Division,*
*Installation and Materiel Service.*

Part
2-1—General
2-2—Procurement by formal advertising
2-3—Procurement by negotiation
2-7—Contract clauses
2-9—Patents, data, and copyrights
2-10—Bonds and insurance
2-60—Contract appeals

## PART 2-1—GENERAL

### Subpart 2-1.1—Agency Procurement Regulation System

Sec.
2-1.101 Purpose.
2-1.102 Authority.
2-1.103 Applicability.
2-1.104 Issuance.
2-1.104-1 Relation to Federal Procurement Regulations System.
2-1.104-2 Internal.
2-1.104-3 Public.
2-1.104-4 FAPR Notices.
2-1.105 Arrangement.
2-1.105-1 Citation.
2-1.106 Agency implementation.
2-1.107 Deviation.

### Subpart 2-1.2—Definition of Terms

2-1.204 Head of the agency.
2-1.206 Head of the procuring activity.
2-1.250 Chief officer responsible for procurement.

### Subpart 2-1.3—General Policies

2-1.310-6 Determination of responsibility.
2-1.310-7 Information regarding responsibility.
2-1.310-10 Performance records.
2-1.310-50 Master file.
2-1.318 Contracting Officer's decision under a disputes clause.

### Subpart 2-1.7—Small Business Concerns

2-1.700 General.
2-1.701-1 Small business concern (for Government procurement).
2-1.710 Subcontracting with small business concerns.
2-1.710-1 General.
2-1.710-4 Responsibility for reviewing the subcontracting program.

### Subpart 2-1.8—Labor Surplus Area Concerns

2-1.801 Definitions.
2-1.801-2 Labor surplus areas.
2-1.802-1 General policy.
2-1.805 Subcontracting with labor surplus area concerns.
2-1.805-1 General.
2-1.805-4 Review of subcontracting program.
2-1.807 Report on preference procurement in labor surplus areas.

### Subpart 2-1.10—Publicizing Procurement Actions

2-1.1002 Availability of invitation for bids and requests for proposals.
2-1.1003-2 General requirements.

AUTHORITY: The provisions of this Part 2-1 issued under secs. 303, 813, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

### Subpart 2-1.1—Agency Procurement Regulation System

**§ 2-1.101 Purpose.**

The subpart establishes a system of Federal Aviation Agency Procurement Regulations (FAPR) for the codification and publication of policies and procedures for the procurement of services and personal property by the Federal Aviation Agency.

**§ 2-1.102 Authority.**

FAPR are issued in compliance with the Federal Procurement Regulations System, prescribed by the Administrator of General Services under the Federal Property and Administrative Services Act of 1949.



(a) Responsibility for the development of Chapter 2 of FAPR is assigned to the procurement Division, Installation and Materiel Service.

(b) Chapter 2 of the Federal Procurement Regulations System will contain procurement policies and procedures prescribed by the Chief, Procurement Division (IM-200), Installation and Materiel Service, for uniform application throughout the Federal Aviation Agency.

**§ 2-1.103 Applicability.**

Except where a deviation is specifically authorized in accordance with § 2-1.107, Agency employees engaged in procurement activities shall comply with the policies and procedures set forth in FPR and FAPR unless they are optional by their terms.

**§ 2-1.104 Issuance.**

**§ 2-1.104-1 Relation to Federal Procurement Regulations System.**

The Federal Procurement Regulations System is designed to bring together, under Title 41, Subtitle A of the Code of Federal Regulations, the procurement regulations applicable to all civilian agencies of the Government. Federal Procurement Regulations (FPR) are Chapter 1. Chapter 2 is assigned for the procurement regulations of the Federal Aviation Agency (FAA). Chapters 3 through 49 will be used by other agencies. FPR (Chapter 1) is subdivided into 49 parts. Parts 1 through 49 of FAPR (Chapter 2) will be used to expand upon or modify the policies and procedures included in FPR. Material issued in the first 49 parts of FAPR will be numerically keyed to the corresponding sections of FPR. Parts 50 through 99 of FAPR will be used for procurement policies and procedures for which there is no counterpart in FPR. The numbering system established by § 1-1.007-2 of this title will be utilized to the maximum practicable extent in FAPR.

**§ 2-1.104-2 Internal.**

FAPR will be published in loose-leaf form for distribution within the Federal Aviation Agency to procurement offices and others concerned. Requests to be placed on the distribution lists, or for extra copies, should be addressed to the Office of Headquarters Operations, Publishing and Graphics Division, Office of Management Services, Attn: Requirements and Distribution.

**§ 2-1.104-3 Public.**

Those parts of FAPR which contain basic and significant policies and procedures considered to be of interest to the general public will be published in the daily issue of the FEDERAL REGISTER and, in cumulated form, in the Code of Federal Regulations. The Procurement Division, Installation and Materiel Service, is responsible for determining what material shall be published and for preparing submissions for publication. Copies of FAPR in FEDERAL REGISTER and Code of Federal Regulations form may be purchased by the public, at nominal cost, from the Superintendent of Documents, Government Printing Office, Washington D.C. 20402.

**§ 2-1.104-4 FAPR Notices.**

FAPR in loose-leaf form will be transmitted to the addresses of the distribution list by means of FAPR Notices. These notices will also be used to promulgate temporary, interim, and emergency procurement instructions.

**§ 2-1.105 Arrangement.**

**§ 2-1.105-1 Citation.**

Any section of FAPR may be informally identified in internal instructions or correspondence by "FAPR" followed by the section number. Only those sections of the regulations which have been published in the FEDERAL REGISTER may properly be incorporated in contracts by reference. Such sections should be cited as "41 CFR" followed by the section number as "41 CFR 2-1.105-1".

**§ 2-1.106 Agency implementation.**

The heads of the various Agency procurement offices may issue local operating instructions and procedures consistent with FPR, FAPR, and other Agency regulations, policies and procedures for application solely within their own areas of responsibility. One copy of each such issuance shall be forwarded to the Procurement Division, Installation and Materiel Service. When such material is for application and distribution to only holders of the FAPR, it should be numerically keyed to the FAPR.

**§ 2-1.107 Deviation.**

Deviation (as defined in § 1-1009-1 of this title) from the FPR and FAPR shall be kept to a minimum and shall be controlled as follows:

(a) Requests for deviation may be initiated by the heads of the several Agency procurement offices. Such requests shall cite the specific part or section of FPR or FAPR from which it is desired to deviate, shall set forth the nature of the deviation and shall give the reasons why such action is considered necessary or desirable. Requests shall be submitted to the Installation and Materiel Service (Attn: Procurement Division) for advance approval.

(b) The Chief, Procurement Division, Installation and Materiel Service, is authorized to approve deviations. Such approval may be granted only when exceptional and special circumstances indicate that such action is clearly in the best interest of the Agency. A record of the nature of each such deviation, the justification for it, and the approval of it shall be prepared and included in the contract file.

(c) Deviations may be implemented under FAPR, or the procurement office concerned may be authorized to issue internal instructions incorporating the deviation, as applicable.

### Subpart 2-1.2—Definition of Terms

**§ 2-1.204 Head of the agency.**

The FPR refers to the "Head of the Agency" or "Agency Head" as a level of approval. Agency Order OA P 1100.1, Paragraph 802, authorizes the Associate Administrator for Development to act as agency head within the meaning of Title III of the Federal Property and Administrative Services Act of 1949, as amended, except in connection with the Supersonic Transport Development Program. Referrals to the agency head shall be made through the Chief, Procurement Division, IM-200.

**§ 2-1.206 Head of the procuring activity.**

"Head of the procuring activity" means, for (a) Headquarters Washington, the Chief, Procurement Division, Installation and Materiel Service; (b) for each region, the Director of the respective region; and (c) for the Installation and Materiel Depot, the Manager of the Depot.

**§ 2-1.250 Chief officer responsible for procurement.**

"Chief officer responsible for procurement" shall be considered synonymous with the title "head of the procuring activity" (see § 2-1.206).

### Subpart 2-1.3—General Policies

**§ 2-1.310-6 Determination of responsibility.**

(a) In every case where the procurement exceeds $10,000, the contracting officer shall prepare, in duplicate, a positive statement of the facts on which the determination of responsibility is based. One copy shall be placed in the contract file and the remaining copy shall be forwarded to the Procurement Service Branch, IM-290 for inclusion in the Agency master file of vendor information. This statement should be accompanied by any supporting data such as pre-award on-site evaluation reports.

(b) A partial list of the factors which should be applied in pre-award evaluation is given below. The nature of the supply or service to be procured and the type and amount of contracts may be considered in applying these factors:

(1) Management and personnel;
(2) Technical capability;
(3) Production capability;
(4) Physical plant and public utilities;
(5) Facilities and equipment (including production, packaging, inspection, testing, shipping, and transportation);
(6) Performance record on prior and current Government contracts;
(7) Quality assurance program and procedures;
(8) Cost estimating and accounting system;
(9) Purchasing system (make-or-buy program);
(10) Financial capability;
(11) Security clearance and plant protection;
(12) Equal opportunity policy;
(13) Subcontracting policy;
(14) Property and inventory control;
(15) Ability to meet delivery schedule or performance date.

(c) Contracting officers are required by law to award contracts only to responsible prospective contractors.

(d) When it is determined that a prospective contractor does not meet the minimum standards specified in § 1-

1.310–5 of this title and any such additional standards as may be prescribed in the solicitation, a copy of any memoranda or findings which set forth the reasons for such a determination shall also be furnished for inclusion in the Agency master file.

**§ 2–1.310–7 Information regarding responsibility.**

In addition to the sources itemized in § 1–1.310–7 of this title, the contracting officer shall utilize information contained in the Agency master file established by § 2–1.310–50.

**§ 2–1.310–1 Performance records.**

(a) *Contractor performance evaluation.* Upon completion or termination of each contract exceeding $10,000 in value, a Contractor Performance Evaluation Form, FAA Form 3458 will be completed. The primary objective for evaluating and recording a contractor's performance is to provide a basis for determining the responsibility of the contractor in the award of future contracts.

(b) *Source of information.* The form shall be prepared by the contract specialist with the most intimate knowledge of the contractor's performance and it shall be approved by the contracting officer. Information in the contract files, as well as personal knowledge of the contractor's performance by the contract specialist, project manager, inspector or other cognizant personnel should provide the basis for ratings. To assure equitable treatment for all contractors the form must be prepared factually and impartially. It should be clearly ascertained that delay in delivery or performance is the contractor's fault before charging him with responsibility for such delay. It is essential that the contract specialist avail himself of all pertinent information before determining the appropriate ratings.

(c) *Rating instructions.* It is important that the ratings of "outstanding", "satisfactory", "unsatisfactory", assigned to contractors for the various items accurately portray the contractor's performance, as they will be considered in determining the contractor's responsibleness for future awards. When a "satisfactory" rating is assigned to an item, no additional information is required to support the rating. When either an "outstanding" or "unsatisfactory" rating is assigned to an item, the reasons for such a rating must be included in the space provided.

(1) *Application of adjective ratings.* A contractor shall be rated "satisfactory" on the various items unless his performance is clearly above or below contractual requirements or general business practices in which case the rating of "outstanding" and "unsatisfactory", respectively, would apply. Below are examples of instances where the various adjective ratings might be appropriate. These examples are provided solely for the purpose of achieving a degree of uniformity as to the interpretation of the adjective ratings and they do not include all matters which should be considered in rating each factor.

(i) *Quality of end products or services.* (a) Outstanding: Contractor provides a product or services of a quality above the contractual requirements, or on his own initiative, recommends ways and means of improving specifications with the result that a better end item is produced.

(b) Unsatisfactory: Contractor is held in default for failure to furnish an acceptable product, or contractor had to repeatedly take corrective action to produce an acceptable product.

(ii) *Timeliness of performance.* (a) Outstanding: Contractor delivers or performs substantially before the contract due date either on his own initiative or by request of the contracting officer; or contractor accepts a tight delivery schedule and performs on time.

(b) Unsatisfactory: Contractor is substantially late due to his own deficiencies in performing his contract or fails to perform the contract and is held in default.

(iii) *Compliance with clauses.* (a) Outstanding: Contractor maintained an active and effective subcontracting program which provided maximum assistance to small business concerns and concerns located in labor surplus areas.

(b) Unsatisfactory: Contractor fails to comply with labor laws, nondiscrimination provisions, etc.; and it was necessary for the contracting officer to repeatedly instruct him to comply.

(iv) *Cost contract management* (applicable to cost-type contracts only). (a) Outstanding: Contractor has demontrated ability to control costs for highly complex work under cost contracts, or contractor was extremely efficient in managing Government-furnished property and Government-owned facilities.

(b) Unsatisfactory: Contractor failed to properly manage contract resulting in substantial cost overruns, or he was careless in managing Government-owned property and facilities.

(v) *General business conduct.* (a) Outstanding: Contractor maintained an effective line of communication with the contracting officer concerning progression of the contract, and anticipated delays; or demonstrated unusual perseverance and integrity in discharging his contractual responsibilities.

(b) Unsatisfactory: Contractor ignored instructions of the contracting officer to take corrective actions to comply with contract, failed to respond to communications, or in any way failed to demonstrate integrity in the conduct of his business dealings with the Government.

(d) *Distribution and use of completed forms.* The form shall be prepared in duplicate. One copy shall be inserted in the contract file while the other copy shall be forwarded to the Procurement Service Branch, IM–290 for inclusion in the Agency master file.

(e) *Interim Notice.* FAA Form 3458 is to be prepared upon the completion or termination of contracts exceeding $10,000. However, in the event a serious situation develops with a contractor before the form is due, the interim notice procedure set forth in this paragraph will be used to alert other Agency procurement offices. These serious situations would include such things as (i) anticipated bankruptcy, (ii) labor statute violations so acute that a recommendation for debarment is contemplated, or (iii) serious performance problems which indicate an inability or unwillingness to perform. When such situations develop, an interim notice in memo form shall be sent to the Procurement Services Branch, IM–290, who in turn will alert all Agency procurement offices. If the contractor later cures his unsatisfactory performance or any of the conditions which prompted the submission of the initial notice, the notice shall be supplemented, stating what action was taken by the contractor to correct the deficiencies. The routing of any supplements shall be the same as the initial notice.

**§ 2–1.310–50 Master file.**

(a) The Procurement Service Branch, IM–290, of the headquarters Procurement Division will compile and maintain a file on prospective suppliers to assist contracting officers in determining the responsibleness of contractors. The file will contain copies of the following data:

(1) Contractor Performance Evaluation, FAA Form 3458.

(2) Determinations of contractor responsibleness (including Dun & Bradstreet reports and other supporting data). (See § 2–1.310–6.)

(3) Debarment or ineligibility information.

(b) The information in these files will be available for use by all procurement offices throughout the Agency. Quarterly, the Procurement Service Branch will prepare and distribute to all procurement offices a listing of all firms on which there has been accumulated substantial information. Subsequently, if a contracting officer is in the process of making a determination as to the responsibility of a prospective contractor whose name appears on the list, he shall secure the file from the above Branch. In the case of field requests, the contents of the file may be reproduced and forwarded if deemed more practical than lending the file.

**§ 2–1.318 Contracting Officer's decision under a disputes clause.**

When a final decision of the contracting officer involves a dispute that is or may be subject to the Disputes Clause, a paragraph substantially the same as that set forth in § 1–1.318(a) of this title shall be included in the decision with the title "Administrator" inserted in the blank space in the paragraph. The decision shall also contain the following paragraph:

> The FAA Contract Appeals Panel is the authorized representative of the Administrator in hearing, considering, and deciding such appeals. The rules of the FAA Contract Appeals Panel are set forth in the Code of Federal Regulations (41 CFR 2–60 et seq.).

## Subpart 2–1.7—Small Business Concerns

**§ 2–1.700 General.**

The small business program of this Agency shall be conducted as an integral part of the Agency's mission. Consideration will be afforded the small business program in all phases of procurement to the end that the effectiveness and efficiency of the procurement mission is not impeded. In the interest of assuring that the Agency does everything possible consistent with efficiency and within the framework of existing law and regulation, each procurement office should designate a member of its staff to serve as a special assistance officer for small business matters. His responsibility would include the procurements of that office to assure full application of all special considerations and treatment which may be afforded small business firms by law and regulation both as Agency prime contractors and sub-contractors under Agency contracts.

**§ 2–1.701–1 Small business concern (for Government procurement).**

(a) When the procurement is either partially or totally set-aside for small business participation, the small business employment size standard (or other criteria) shall be stated in the solicitation.

(1) When the solicitation is for a manufactured product classified within an industry set forth in § 1–1.701–1(h) of this title, language reading substantially as follows shall be used:

> The small business employment size standard prescribed for this procurement is not more than ------ *employees, except when the concern is a small business non-manufacturer in which case the employment size standard is not more than 500 employees.

(2) When the solicitation is for a manufactured product that is not classified within an industry set forth in § 1–1.701–1(h) of this title, language reading substantially as follows shall be used:

> The small business employment size standard prescribed for this procurement is not more than 500 employees.

(3) Similar language shall be used to prescribe the employment size standard, average annual receipts, or other criteria, in procurements for construction, research, development, and testing, services, transportation, and manufacturing.

**§ 2–1.710 Subcontracting with small business concerns.**

**§ 2–1.710–1 General.**

When the contractor is required to establish and conduct a small business subcontracting program, the Invitation for Bids (IFB) or the Request for Proposals (RFP) will require that the name of the prospective contractor's designated liaison officer be furnished with the bid or proposal. Immediately after award of the contract, the representative of the Small Business Administration serving the area and the contracting office's small business advisor shall be given the name of the contractor's liaison officer for small business matters.

**§ 2–1.710–4 Responsibility for reviewing the subcontracting program.**

The contracting officer is responsible for the review required by § 1–1.710–4 of this title. A review shall be made as soon as possible after the award of a contract, and periodically thereafter. Written reports of all such reviews shall be included in the contract file and a copy furnished to the Agency's Small Business Assistance Officer, IM–205.

*Insert "750" or "1000", as appropriate.





## Subpart 2–1.8—Labor Surplus Area Concerns

**§ 2–1.801 Definitions.**

**§ 2–1.801–2 Labor surplus areas.**

Arrangements have been made for each procurement office to receive, directly from the Department of Labor, their publications, "Directory of Important Labor Market Areas" and "Area Labor Market Trends." Failure to receive these publications, or requirements for additional copies should be called to the attention of the Procurement Information Office, Procurement Division, IM–200, Installation and Materiel Service.

**§ 2–1.802–1 General policy.**

In the interest of assuring that this Agency does everything possible consistent with efficiency and within the framework of existing law and regulation, each procurement office should designate a member of its staff to serve as a special assistance officer for labor surplus area matters. His responsibility would include a review of the procurements of that office to assure full application of all special considerations and treatment of firms who would perform a substantial part of their work in labor surplus areas.

**§ 2–1.805 Subcontracting with labor surplus area concerns.**

**§ 2–1.805–1 General.**

(a) When a contractor is required to establish and conduct a "Labor Surplus Area Subcontracting Program", the Invitation for Bids (IFB) or Request for Proposals (RFP) will require that the name of the prospective contractor's designated liaison officer be furnished with the bid or proposal. Immediately after award of the contract the name of the contractor's liaison officer shall be given to the procurement office's small business advisor for labor surplus area matters.

(b) The IFB or RFP should also advise prospective contractors that labor surplus areas are listed in "Area Labor Market Trends", copies of which may be obtained from the Bureau of Employment Security, Department of Labor, Washington, D.C., 20210.

**§ 2–1.805–4 Review of subcontracting program.**

The contracting officer is responsible for the review required by § 1–1.805–4 of this title. A review shall be made as soon as possible after the award of a contract, and periodically thereafter. Written reports of all such reviews shall be included in the contract file and a copy transmitted to the Agency Small Business Assistance Officer, IM–205.

**§ 2–1.807 Report on preference procurement in labor surplus areas.**

Reports required pursuant to § 1–1.807 of this title shall be prepared by each procurement office and submitted in quadruplicate to the Procurement Division, IM–200, within 30 days after the close of each calendar quarter. (Ref: RIS IM 4473.1)

## Subpart 2–1.10—Publicizing Procurement Actions

**§ 2–1.1002 Availability of invitation for bids and requests for proposals.**

(a) A copy of all invitation for bids and request for proposals issued by the Procurement Division, IM–200 will be forwarded to the Procurement Information Office, IM–205. This requirement applies to all other Agency procurement offices when:

(1) The proposed construction contract is estimated to exceed $25,000 (a copy of SF–20 will suffice);

(2) The proposed supply or service contract is estimated to exceed $5,000.

(b) Copies of plans, drawings, specifications and other attachments to the IFB or RFP Schedule need not be furnished.

**§ 2–1.1003–2 General requirements.**

Section 2–1.1003–2 of this title requires, with certain exceptions that procurements of $5,000 and above be publicized in the Department of Commerce Synopsis. Procurements proposed to be awarded on a sole source basis are not excluded from this requirement. Therefore, in such cases, appropriate notices substantially as follows shall be issued:

(a) For unsolicited proposals:

> Negotiations will be conducted with (Name and address of firm) for (Description of articles or services) on the basis of an unsolicited proposal submitted by this firm. This notice is issued for the information of prospective subcontractors.

(b) For other sole source procurement:

> Negotiations will be conducted with (Name and address of firm) for (Description of articles or services). This notice is issued for the information of prospective subcontractors. No RFP is available.

# Part 2–2—Procurement by Formal Advertising

### Subpart 2–2.2—Solicitation of Bids

Sec.
2–2.205 Bidders mailing lists.
2–2.205–1 Establishment of lists.
2–2.205–5 Release of bidders mailing lists.

### Subpart 2–2.3—Submission of Bids

2–2.3 Submission of bids.
2–2.301 Responsiveness of bids.

### Subpart 2–2.4—Opening of Bids and Award of Contract

2–2.406 Mistakes in bids.
2–2.406–3 Other mistakes disclosed before award.
2–2.406–4 Disclosure of mistakes after award.
2–2.407–8 Protests against award.
2–2.408 Information to bidders.

AUTHORITY: The provisions of this Part 2–2 issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

## Subpart 2–2.2—Solicitation of Bids

**§ 2–2.205 Bidders mailing lists.**

**§ 2–2.205–1 Establishment of lists.**

Firms, other than local suppliers, applying to be placed on the bidders mail-

ing list of a procurement office shall be briefed on the procurement programs of the various procurement offices throughout the Agency. If a firm indicates an interest to be placed on the mailing list of certain other Agency procurement offices, the office receiving the "Bidders Mailing List application," SF-129 shall send copies of the form to the selected offices with an appropriate covering memorandum.

**§ 2-2.205-5 Release of bidders mailing lists.**

Except as provided in § 1-2.205-5(b) of this title, the list of prospective bidders to whom invitations for bids have been furnished will not be made available for inspection to individuals outside the Agency. Such lists may, however, be made available to other Government agencies, at their specific request, and upon condition that the list will not be available for inspection to anyone outside the Government.

## Subpart 2-2.3—Submission of Bids

**§ 2-2.3 Submission of bids.**

**§ 2-2.301 Responsiveness of bids.**

Except as provided in this § 2-2.301 any bid not signed by the bidder or his authorized representative shall be disregarded. When an unsigned bid is accompanied by other evidence demonstrating the bidder's intention to be bound by the unsigned bid document, such as a bid guarantee or a letter signed by the bidder referring to and clearly identifying the bid itself, the contracting officer shall waive the deficiency as a minor informality or irregularity (see § 1-2.405 of this title) and shall document the file to so indicate.

## Subpart 2-2.4—Opening of Bids and Award of Contract

**§ 2-2.406 Mistakes in bids.**

**§ 2-2.406-3 Other mistakes disclosed before award.**

(a) The Chief, Procurement Division, Installation and Materiel Service, Federal Aviation Agency, Washington (or anyone acting in that position), is the designated central authority to make the determinations set forth in § 1-2.406-3 of this title.

(b) Cases referred to the Chief, Procurement Division, shall be accompanied by the data prescribed in § 1-2.406-3(d)(3) of this title.

(c) When a determination has been made by the Chief, Procurement Division, the signed original will be forwarded to the contracting officer. All supporting documents submitted by the contracting officer, except his written statement, will be returned to him. The contracting officer shall withhold award action until he has received the signed determination or official notice thereof.

(d) Cases considered doubtful by the contracting officer shall be referred to the Chief, Procurement Division, who will take appropriate action either to make a determination or to prepare a submittal over his signature, to the Comptroller General.

(e) Where a case clearly must be submitted to the Comptroller General for decision (either pursuant to a specific request from the contractor or because the case does not fall within the criteria set forth in § 1-2.406-3 of this title), it may, if urgent, be submitted directly to the Comptroller General by the contracting officer. The submittal shall be forwarded through Agency legal personnel for this coordination and shall be accompanied by substantially the same data as required by paragraph (b) of this section. A copy of the submittal letter shall be sent to the Chief, Procurement Division. If urgency is not a factor, the case shall be referred to the Chief, Procurement Division for submission by him to the Comptroller General.

**§ 2-2.406-4 Disclosure of mistakes after award.**

(a) Agency contracting officers are authorized to correct mistakes in the kinds of cases contemplated in § 1-2.406-4(a) of this title.

(b) The Chief, Procurement Division, Installation and Materiel Service, Federal Aviation Agency, Washington (or anyone acting in that position), is the designated central authority to make the determinations set forth in § 1-2.406-4(b) of this title.

(c) Cases referred to the Chief, Procurement Division, shall be accompanied by the data prescribed in § 1-2.406-4(b)(2) of this title.

(d) When a determination has been made by the Chief, Procurement Division, the signed original will be forwarded to the contracting officer. All supporting documents submitted by the contracting officer, except his written statement, will be returned to him. Upon receipt of the signed determination, the contracting officer shall take appropriate action to rescind or reform the contract, or to notify the contractor that the award will stand as made.

(e) Where administrative determination is precluded by the limitations set forth in § 1-2.406-4 of this title, or where the contractor has specifically requested review by the Comptroller General, the case shall be referred to the Chief, Procurement Division, who will prepare a submittal from the Administrator to the Comptroller General. The submittal shall be forwarded through the Office of the General Counsel for their coordination.

**§ 2-2.407-8 Protests against award.**

(a) Where a protest affects another bidder, a contractor, or any other party having a legitimate interest, the contracting officer shall, if he deems it necessary, give prompt notice of the protest to such parties so that they may take appropriate action on their own behalf. The extent and nature of the information to be furnished the affected parties will require the exercise of prudent judgment and will be determined by the particular aspects involved in the specific case. These aspects may include, but are not limited to, legal considerations, equitable consideration of the interests of the affected parties, mitigation of losses or other injuries to any and all parties concerned, and the interests of the Government. The recipients of such notice of protest shall be advised that the notice is primarily intended to afford them an opportunity to present pertinent comment for consideration of the Agency and that it in no way relieves them of any obligations, under a contract or otherwise.

(b) Where it is known that a protest against the making of an award has been made directly with the Comptroller General or other level of authority above that of the head of the procuring activity and a determination is made to make award under § 1-2.407-8(b)(3) of this title, the determination shall be approved by the head of the procuring activity. The notice of intent to make award required by § 1-2.407-8(b)(2) of this title shall be submitted to the Comptroller General over the signature of the head of the procuring activity.

(c) Where a protest is submitted to the Comptroller General by the Agency for resolution, the file shall contain a statement signed by the contracting officer setting forth his findings, actions, and recommendations. If a contract award was made pending resolution of the protest, the statement shall include the determination made under § 1-2.407-8(b)(3) of this title. The file shall include the following documentation, as appropriate or applicable:

(1) Copy of the invitation for bid;

(2) Copy of abstract of bids received;

(3) Copy of the low bid or copy of the bid of the successful bidder to whom award is proposed to be made;

(4) Copy of bid submitted by protester, if any, with his written statement setting forth the complete facts on which the protest is based;

(5) Written statements, when relevant, from other persons or bidders affected by or involved in the protest, setting forth the complete facts with respect to their position in the matter;

(6) Current status of award showing whether award action has been suspended;

(7) If award has been made, a copy of the contract with advice indicating its current status and whether a stop work order has been issued or is proposed to be issued;

(8) Any other supporting evidence or documents applicable to the protest.

(d) Where a protest is received after award of contract and it appears that the award may be held invalid, the contracting officer shall obtain the views and advice of legal counsel and the head of the procuring activity. A determination shall be made as to (1) whether a delay in receiving the supplies or services will be prejudicial to the Government's interests, and (2) whether the contracting officer should seek a mutual agreement with the contractor to "stop work" on a no-cost basis.

(e) If the contractor refuses to enter into a mutual agreement to "stop work" on a no-cost basis, the head of the procuring activity may direct the contracting officer to issue a unilateral "stop work" order unless the head of the procuring activity determines that receipt of the supplies or services is so urgent that such a unilateral order would be prejudicial to the interests of the Government.



**§ 2-2.408 Information to bidders.**

On all contract awards in excess of $10,000, the unsuccessful bidders shall be given a written notification of award. This written notification shall contain the name of the successful contractor(s), and the unit price(s) or the total amount of the contract, whichever is appropriate. However, when numerous unit prices apply, thereby creating an extensive workload in furnishing this information, or where the total amount of the contract would not be meaningful, price information may be omitted. In the latter instance, the location where the abstract of bids is available for inspection shall be stated.

# PART 2-3—PROCUREMENT BY NEGOTIATION

## Subpart 2-3.1—Use of Negotiation

**§ 2-3.103 Dissemination of procurement information.**

(a) Procurement information which is classified shall be released only in accordance with regulations prescribed by the Compliance Division, Office of Compliance and Security. See Chapter 14 of Agency Handbook OA 1600.2 (formerly Agency Practice 6-3).

(b) The clause set forth in § 2-7.150-15 shall be included in contracts which are classified as "Confidential" or "Confidential-Modified Handling Authorized", or higher.

(c) Except for classified contracts, unsuccessful offerors shall be informed in writing the name of the successful offeror and the total amount of the contract on all contract awards in excess of $10,000.

(Secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354)

# PART 2-7—CONTRACT CLAUSES


Subpart 2-7.1—Fixed-Price Supply Contracts

Sec.
2-7.101-8 Assignment of claims.
2-7.101-16 Contract Work Hours Standards Act—overtime compensation.
2-7.150 Additional clauses.
2-7.150-1 New materials.
2-7.150-2 Interpretation or modification.
2-7.150-3 Status of performance.
2-7.150-4 Change in place of delivery.
2-7.150-5 Evidence of delivery.
2-7.150-6 Patent indemnity.
2-7.150-7 Authorization and consent.
2-7.150-8 Suspension of work.
2-7.150-9 Priorities, allocations, and allotments.
2-7.150-10 Definition of delivery terms.
2-7.150-11 Collection of information.
2-7.150-12 Government-furnished property.
2-7.150-13 Reproduction and use of technical data.
2-7.150-14 Dissemination of contract information.
2-7.150-15 Security requirements.
2-7.150-16 Termination for convenience of the Government.
2-7.150-17 Renegotiation.
2-7.150-18 Loss or damage to leased aircraft.
2-7.150-19 Price redetermination (prospective).
2-7.150-20 Price redetermination (retroactive).
2-7.150-21 Gratuities.

Subpart 2-7.2—Cost Reimbursement Type Supply Contracts

Sec.
2-7.200 Scope of subpart.
2-7.250 Clauses.
2-7.250-1 Definitions.
2-7.250-2 Changes.
2-7.250-3 Limitation of cost.
2-7.250-4 Allowable cost, fixed fee and payment.
2-7.250-5 Assignment of claims.
2-7.250-6 Examination of records.
2-7.250-7 Termination for default or for convenience of the Government.
2-7.250-8 Disputes.
2-7.250-9 Notice and assistance regarding patent and copyright infringement.
2-7.250-10 Buy American Act.
2-7.250-11 Convict labor.
2-7.250-12 Contract Work Hours Standards Act—overtime compensation.
2-7.250-13 Walsh-Healey Public Contracts Act.
2-7.250-14 Equal opportunity.
2-7.250-15 Officials not to benefit.
2-7.250-16 Covenant against contingent fees.
2-7.250-17 Utilization of small business concerns.
2-7.250-18 Small business subcontracting program.
2-7.250-19 Utilization of concerns in labor surplus areas.
2-7.250-20 Labor surplus area subcontracting program.
2-7.250-21 Subcontracts.
2-7.250-22 Excusable delays.
2-7.250-23 Inspection and correction of defects.
2-7.250-24 Insurance—liability to third persons.
2-7.250-25 Payment for overtime premiums.
2-7.250-26 Negotiated overhead rates.
2-7.250-27 Price reduction for defective cost or pricing data.
2-7.250-28 Audit and records.
2-7.250-29 Subcontractor cost and pricing data.
2-7.250-30 Priorities, allocations, and allotments.
2-7.250-31 Renegotiation.
2-7.250-32 Government property.
2-7.250-33 Notice to the Government of labor disputes.
2-7.250-34 Notice to the Government regarding late delivery.
2-7.250-35 Quality of materials, workmanship, and design.
2-7.250-36 Collection of information.
2-7.250-37 Other contractors.
2-7.250-38 Dissemination of contract information.
2-7.250-39 Reproduction and use of technical data.
2-7.250-40 Gratuities.
2-7.250-41 Authorization and consent.

Subpart 2-7.4—Cost-Reimbursement Type Research and Development Contracts

2-7.400 Scope of subpart.
2-7.450 Clauses.
2-7.450-1 Rights in data—unlimited.
2-7.450-2 Patent rights.
2-7.450-3 Recovery of costs.
2-7.450-4 Authorization and consent.

Subpart 2-7.6—Fixed-Price Construction Contracts

2-7.601 Required clauses.
2-7.601-1 Resident engineer (use with SF-19).
2-7.601-2 Resident engineer (use with SF-23).
2-7.601-3 Protection of existing utilities and communication facilities (use with SF-19 and SF-23).
2-7.601-4 Layout of work (use with SF-19 and SF-23).
2-7.601-5 Conduct of work (use with SF-19 and SF-23).
2-7.601-6 Government-furnished property (use with SF-19 and SF-23).
2-7.601-7 Quantities and unit prices.
2-7.601-8 Notice to the Government of labor disputes (use with SF-23).
2-7.601-9 Commissioning of site (use with SF-19 and SF-23).
2-7.601-10 Guarantee (use with SF-19 and and SF-23).
2-7.601-11 Contract time—notice to proceed (use with SF-23).
2-7.601-12 Work schedule (use with SF-23).
2-7.601-13 Special precautions for work at operating airports.
2-7.601-14 Standard references (use with SF-23).
2-7.601-15 Drawings (use with SF-23).
2-7.601-16 Shop drawings and illustrative literature (use with SF-23).
2-7.601-17 Electrical codes (use with SF-19 and SF-23).
2-7.601-18 Nondomestic construction materials (use with SF-23).
2-7.601-19 Price adjustment for suspension, delay, or interruption of the work.
2-7.601-20 Termination for convenience of the Government, in contracts estimated to exceed $10,000.
2-7.601-21 Termination for convenience of the Government, in contracts estimated not to exceed $10,000.
2-7.601-22 Renegotiation.


AUTHORITY: The provisions of this Part 2-7 issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

## Subpart 2-7.1—Fixed-Price Supply Contracts

**§ 2-7.101-8 Assignment of claims.**

Where the contract is for transportation services, the clause set forth in § 1-30.703 of this title shall be modified as prescribed in § 2-30.703.

**§ 2-7.101-16 Contract work hours standards act—overtime compensation.**

When the clause set forth in § 1-12.303 of this title is inserted in the contract, it shall be modified by deleting paragraph (e) thereof and substituting the following:

(e) *Payrolls and payroll records.* The contractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid. The contractor shall make his employment records available for inspection by authorized representatives of the Contracting Officer and the Department of Labor, and shall permit such representatives to interview employees during working hours on the job.

**§ 2-7.150 Additional clauses.**

Unless otherwise indicated by the specific instructions for their use, the clauses set forth or cited in this section shall be included in fixed-price supply contracts, awarded as a result of formal

advertising, for delivery within the United States, its possessions, or Puerto Rico. Additional clauses may be used which are considered by each procurement office to be essential to its operations, and which are not inconsistent with or in limitation of clause set forth in this Subpart 2–7.1, or Subpart 1–7.1 of this title. Clauses used in FAA contracts which are in addition to those contained in SF–32 are to be entitled "Additional General Provisions—Supply Contracts (supplementing SF–32)". Unless inappropriate, clauses set forth in this Subpart 2–7.1 should be used in negotiated fixed price supply contracts, and contracts for foreign delivery.

### § 2–7.150–1 New materials.

NEW MATERIALS

Unless otherwise specified, all materials, supplies and equipment to be furnished must be new, unused, of current production, and of the most suitable grade for the purpose intended.

### § 2–7.150–2 Interpretation or modification.

INTERPRETATION OR MODIFICATION

No oral statement of any person, and no written statement of anyone other than the Contracting Officer, or his authorized representative, shall modify or otherwise affect the terms or meaning of the Schedule or any contract resulting therefrom. All requests for interpretations or modifications should be made in writing to the Contracting Officer.

### § 2–7.150–3 Status of performance.

STATUS OF PERFORMANCE

(a) The contractor shall notify the contracting officer in writing whenever difficulties are encountered which may delay performance under the contract, stating the reason for the delay and the estimated extent thereof. The receipt of such notice shall not, in and of itself, constitute a basis for an extension of delivery schedule, or be construed as a waiver by the Government of any rights or remedies provided by law or under this contract. Failure to give timely notice may preclude later consideration of any request for an extension of contract time.

(Paragraphs (b) and (c) are applicable only when the contract requires fabrication or manufacture, and delivery time for the first production unit exceeds 120 days.)

(b) Within 30 days from the date of contract, the contractor shall furnish in duplicate to the contracting officer, a schedule showing the projected timing for accomplishment of each phase of the work required for each contract item. Each 30 days thereafter the contractor shall furnish, in duplicate, a progress report which shall clearly indicate the current status of each phase of the scheduled work. The schedule and reports required by this section shall be in chart form unless a different manner of presentation is approved by the contracting officer. Any report which indicates a failure to meet the contract schedule, shall be accompanied by a narrative statement of the reasons for delay and the action being taken by the contractor to improve his rate of progress.

(c) The contractor agrees to insert the substance of this clause, including this paragraph, in any subcontract entered into as a result of this contract.

### § 2–7.150–4 Change in place of delivery.

CHANGE IN PLACE OF DELIVERY

When the Government directs shipment to a destination other than stated in the contract, and does not furnish a Government Bill of Lading, shipping and delivery charges shall be prepaid by the contractor. The cost of such shipment shall be shown as a separate item on each invoice and be supported by a prepaid waybill, express receipt, or Post Office Certificate of Mailing, Form 3817 showing cost of such shipment. The Government will make an adjustment at the time of payment to account for any difference in transportation costs and contract time due to a change in destination.

### § 2–7.150–5 Evidence of delivery.

EVIDENCE OF DELIVERY

When the contract delivery point is "f.o.b. origin", evidence of delivery shall be submitted with invoices. In the case of freight or express shipments, this evidence shall be in the form of memorandum copies of Bills of Lading duly receipted by the carrier. In the case of parcel post shipments this evidence shall be by Post Office Certificate of Mailing Form 3817. If the invoice submitted for payment is not accompanied by evidence of delivery, discounts for prompt payment will be computed from date of receipt of such evidence of delivery or the receipt of the Contractor's invoice, whichever is later. When the contract delivery point is other than "f.o.b. origin", evidence of delivery will be obtained from the consignee.

### § 2–7.150–6 Patent indemnity.

Except as provided in paragraph (c) below, a patent indemnity clause shall be used in contracts exceeding $5,000, in accordance with the following instructions:

(a) An effort shall be made to determine in advance of issuing the Invitation whether the supplies (or such supplies with relatively minor modifications made thereto) normally are or have been sold to the public in the commercial open market. When this determination is affirmative, the following clause entitled "Patent Indemnity (Predetermined)" shall be used. When the contract calls only in part for supplies normally sold to the public in the commercial open market, the items which are excluded shall be listed with a statement that the clause does not apply to the listed items:

PATENT INDEMNITY (PREDETERMINED)

The Contractor agrees to indemnify the Government and its officers, agents and employees against liability, including costs, for infringements of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the performance of this contract, or out of the use of or disposal by or for the account of the Government, of supplies furnished hereunder. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply if: (i) The infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used; or (ii) the infringement results from addition to, or change in, such supplies or components furnished which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) the claimed infringement is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

(b) When it cannot be determined in advance of issuing the Invitation that the supplies (or such supplies with relatively minor modifications made thereto) normally are or have been sold to the public in the commercial open market, the above clause (revised as follows and entitled "Patent Indemnity (Not Pre-determined)") shall be used. Revision shall consist of changing the period at the end of the first sentence to a comma, and adding the following: "which supplies or component parts either normally are or have been sold or offered for sale to the public in the commercial open market by any supplier on or before the date set for the opening of bids, or are such supplies or component parts thereof, with relatively minor modifications made thereto".

(c) When it is definitely established that the supplies (or such supplies with relatively minor modifications made thereto) are not sold to the public in the commercial open market, no patent indemnity clause shall be used.

### § 2–7.150–7 Authorization and Consent.

AUTHORIZATION AND CONSENT

(This clause does not apply to contracts where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico.)

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clauses, if any, included in this contract or any subcontract hereunder (including any lower-tier subcontract), and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

### § 2–7.150–8 Suspension of work.

The following clause shall be included in contracts only when the Contracting Officer has determined that its use is appropriate, as in cases where a work stoppage may reasonably be anticipated for reasons such as advancements of the state of the art, production or engineering breakthroughs, or realignment of programs.

SUSPENSION OF WORK

The Contracting Officer may order the contractor in writing, to suspend all or any part of the work for such period of time as he may determine to be appropriate in the interest of the Government. To the extent such period of time may be unreasonable, the Contracting Officer shall make an adjustment for any increase in the time or cost of performance of the contract (excluding profit) necessarily caused by the unreasonable period of such suspension, and the contract shall be modified in writing accordingly. No adjustment under this clause shall be made to the extent that performance by the contractor would have been delayed by other causes if the work had not been so suspended. No claim under this clause shall be allowed unless the claim, in an amount stated, is asserted in writing and made to the Contracting Officer within thirty (30) days after the termination of such suspension; *Provided*, That if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" Clause of this contract.



### § 2–7.150–9 Priorities, allocations, and allotments.

PRIORITIES, ALLOCATIONS, AND ALLOTMENTS

The Contractor shall follow the provisions of DMS Reg. 1 and all other applicable regulations and orders of the Business and Defense Services Administration in obtaining controlled materials and other products and materials required for the performance of this contract.

### § 2–7.150–10 Definition of delivery terms.

DEFINITION OF DELIVERY TERMS

The meaning of delivery terms used in this contract such as "f.o.b. origin", "f.o.b. destination", "f.a.s. vessel, port of shipment", and other delivery terms shall be as those terms are defined in 41 CFR 1–19.3.

### § 2–7.150–11 Collection of information.

COLLECTION OF INFORMATION

In performance of this contract the Contractor shall not collect information upon identical items from 10 or more persons by use of written report forms, application forms, schedules, questionnaires, or other similar methods, unless authorized in writing to do so by the Contracting Officer.

### § 2–7.150–12 Government-furnished property.

When property will be furnished by the Government in the performance of the contract, the following clause shall be included in the contract:

GOVERNMENT-FURNISHED PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in the Schedule or Specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property. The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the contractor at the times stated in the schedule, or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. If material is not on hand within five days prior to the date it is required, immediate notification shall be given in writing to the Contracting Officer. Failure to give such notice may preclude later consideration of any request for extension of contract time. If such timely notice has been given, and the Government-furnished property is not delivered to the Contractor in sufficient time to permit delivery or performance within the schedule established in the contract, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall adjust the delivery or performance dates or the contract price, or both. In the event the Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property, or (ii) effect repairs or modifications. Upon the completion of (i) or (ii) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in the delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) By notice in writing the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance or the contract price, or both.

(c) Title to the Government-furnished property shall remain in the Government. Title to Government-furnished property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor agrees to promptly receipt for all Government-furnished property and to maintain a suitable inventory control system acceptable to the Contracting Officer.

(d) The Government-furnished property shall, unless otherwise provided herein, be used only for the performance of this contract. The Contractor shall maintain and administer, in accordance with sound industrial practices, a program for the maintenance, repair, protection and preservation of Government-furnished property.

(e) Unless otherwise provided in this contract, the Contractor upon delivery to it of any Government-furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear, and except to the extent that such property is consumed in the performance of the contract. The Contractor shall not be liable for loss or destruction of or damage to Government-furnished property if such loss, destruction or damage is due to causes beyond the control and without the fault or negligence of the Contractor.

(f) The Government shall at all times have access to the premises wherein any Government-furnished property is located.

(g) Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished property not consumed in the performance of this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government-furnished property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such manner as the Contracting Officer may direct.

### § 2–7.150–13 Reproduction and use of technical data.

When the contract will require manufacture or fabrication of equipment, the following clause shall be included in the contract:

REPRODUCTION AND USE OF TECHNICAL DATA

(a) The Contractor agrees to and does hereby grant to the Government, to the full extent of the Contractor's right to do so without payment of compensation to others, the right to reproduce, use, and disclose for Governmental purposes, all or any part of the reports, drawings, blueprints, data, and technical information acquired under this contract.

(b) The Contractor shall advise the Contracting Officer at the time of acquisition under this contract as to all or any part of the reports, drawings, blueprints, data, and technical information which the Contractor does not have the right to grant to the Government the rights set forth in paragraph (a) above without payment of compensation to others.

### § 2–7.150–14 Dissemination of contract information.

DISSEMINATION OF CONTRACT INFORMATION

The Contractor shall not publish, permit to be published, or distribute for public consumption, any information, oral or written, concerning the objectives or results or conclusions made pursuant to performance of this contract, without the prior written consent of the Contracting Officer. (Two copies of any material proposed to be published or distributed shall be submitted to the Contracting Officer.)

### § 2–7.150–15 Security requirements.

The following clause shall be included in all contracts which are classified as "Confidential", including "Confidential-Modified Handling Authorized", or higher and in any other contracts the performance of which will require access to such classified information or material. The Contracting Officer shall notify the Security Division, Office of Compliance and Security, when a contract has been executed which contains a security requirements clause.

SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" including "Confidential-Modified Handling Authorized" or higher.

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254), or other written notification.

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of: (i) the Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and (ii) any amendments to said Manual made after the date of this contract, notice of

which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of the Federal Aviation Agency shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract, the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

**§ 2–7.150–16 Termination for convenience of the Government.**

(a) In contracts exceeding $2,500 but not in excess of $10,000, the short-form clause set forth in § 1–8.705–1 of this title shall be used.

(b) In contracts exceeding $10,000, the clause set forth in § 1–8.701 of this title shall be used.

**§ 2–7.150–17 Renegotiation.**

(a) Except as provided in (b) and (c) below, insert the following clause:

RENEGOTIATION

To the extent required by law, this contract is subject to the Renegotiation Act of 1951 (50 U.S.C. App. 1211, et seq.), as amended, and to any subsequent act of Congress providing for the renegotiation of contracts. Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of Congress heretofore or hereafter enacted. Subject to the foregoing, this contract shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951, and by any such other act, without subsequent contract amendment specifically incorporating such provisions.

The Contractor agrees to insert the provisions of this clause, including this paragraph, in all subcontracts, as that term is defined in Section 103g of the Renegotiation Act of 1951, as amended.

(b) The Renegotiation clause is not required in:

(1) Contracts with a State, territory, possession, foreign government, or agency or subdivision thereof;

(2) Contracts or subcontracts for an agricultural commodity in its raw or natural state, or in its first form or state in which it is customarily sold;

(3) Contracts or subcontracts for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber which has not been treated beyond its first form or state suitable for industrial use;

(4) Contracts or subcontracts with a common carrier for transportation or with a public utility for gas, electric energy, water, communications, or transportation if made at published rates regulated by a public body or at unregulated rates substantially as favorable to users as are regulated rates;

(5) Contracts or subcontracts with tax-exempt charitable, religious, and educational institutions, or for the prevention of cruelty to children or animals, providing the income from the contract or subcontract is not taxable as unrelated business net income;

(6) Contracts which the Renegotiation Board determines to have no direct and immediate connection with the national defense; examples — building maintenance and repair, laundry and cleaning services, and removal of waste material;

(7) Subcontracts under exempt contracts and subcontracts.

(c) Renegotiation is a complex subject. It is not therefore practicable to set forth in detail the many varied mandatory and permissive exemptions from the Renegotiation Act (for example, certain contracts for "standard commercial articles" and "standard commerical services" may not be subject to the Act). In any case where there is any doubt as to whether the contract is exempt from renegotiation, the clause shall be inserted in the contract.

**§ 2–7.150–18 Loss or damage to leased aircraft.**

When the contract is for the lease of aircraft, the clause set forth in § 2–10.401(a) shall be used under the conditions described therein.

**§ 2–7.150–19 Price redetermination (prospective).**

When it is determined, in accordance with § 1–3.404–5 of this title and § 2–3.404–5 to use a fixed-price contract providing for prospective redetermination of price, the following clause shall be included in the contract.

PRICE REDETERMINATION

(a) *General.* The unit prices and the total price set forth in this contract shall be periodically redetermined in accordance with the provisions of this clause.* The prices for supplies delivered and services performed prior to the first effective date of price redetermination shall remain fixed.

*Where a ceiling is applicable, the following proviso shall be added "provided that in no event shall the total amount paid under this contract exceed _____ dollars ($_____)". Alternatively, the contract may provide ceiling amounts for each or any of the price redeterminations under the contract.

(b) *Price Redetermination Periods.* For the purpose of price redetermination the performance of this contract is divided into successive periods. The first period shall extend from the date of this contract to _____,** and the second and each succeeding period shall extend for _____ (_____) months from the end of the last preceding period, except that the final period may be varied by agreement of the parties. The first day of the second and each succeeding period shall be the effective date of price redetermination for the period.

(c) *Price Redetermination.* Not more than _____*** days nor less than _____*** days before the end of each redetermination period, except the last, and as otherwise provided in (iii) below, the Contractor shall submit:

(i) Proposed prices for supplies which may be delivered or services which may be performed in the next succeeding period under the contract, together with—

(A) An estimate and breakdown of the costs of such supplies or services on DD Form 784 or in any other form on which the parties may agree;

(B) Sufficient data to support the accuracy and reliability of such estimate; and

(C) An explanation of the differences between such estimate and the original (or last preceding) estimate for the same supplies or services;

(ii) A statement of all costs incurred in the performance of this contract through the end of the _____**** month prior to the date of the submission of proposed prices, on DD Form 784 or in any other form on which the parties may agree, together with sufficient supporting data to disclose unit costs and cost trends for—

(A) Supplies delivered and services performed, and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

(iii) Supplemental statements of costs incurred subsequent to the date set forth in (ii) above for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

as and to the extent that such information becomes available prior to the conclusion of negotiations on redetermined prices; and

(iv) Any other relevant data which may reasonably be required by the Contracting Officer.

Upon receipt of the data required by this subparagraph (c), the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for supplies which may be delivered and services which may be performed in the period following the effective date of price redetermination. Where the Contractor fails to submit the data as required above within the time specified, payments under this contract may be suspended by the Contracting Officer until the data are furnished.

(d) *Subcontracts.* No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without

**This point may be expressed in terms of units delivered, or a calendar date, but in either case the period shall generally end on the last day of a month.

***Insert in the blanks numbers of days so that the Contractor's submission will be late enough to reflect recent cost experience (having in mind the Contractor's accounting system), but early enough to review, audit if necessary, and negotiate prior to the start of the prospective period.

****Insert the word "first," except the word "second" may be inserted if necessary to achieve compatibility with the contractor's accounting system.



the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve an estimated amount in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this paragraph (d).

(e) *Contract Modifications.* Each negotiated redetermination of prices shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer, setting forth the redetermined prices for supplies delivered and services performed hereunder during the applicable price redetermination period.

(f) *Adjustment of Payments.* Pending execution of the contract modification referred to in paragraph (e) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the prices set forth in this contract; *Provided*, That, if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (g)(3) below, the parties may agree to greater or lesser billing prices, which shall be reflected in an amendment or supplemental agreement to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the redetermination of prices under this clause. After execution of the contract modification referred to in paragraph (e) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the agreed prices, and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(g) *Limitation on Payments.* (1) This paragraph (g) shall apply only during a period for which firm prices have not been established.

(2) Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer a statement cumulative from the inception of the contract, setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total interim profit (used in establishing the initial contract price or agreed to for the purpose of this paragraph (g), Limitation on Payments), which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments);

*Provided*, That such statement need not be submitted for any quarter for which either no costs are to be reported under (ii) above or revised billing prices have been established in accordance with paragraph (g) above and do not exceed the existing contract price, the Contractor's price-redetermination offer, or a price based on the most recent quarterly statement, whichever is least.

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of program payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified as outlined in (i) above.

(h) *Disagreements.* If the contractor and the Contracting Officer fail to agree upon redetermined prices for any price redetermination period within sixty (60)***** days after the date on which the data required by (c) above is to be filed, or within such further time as may be agreed upon by the parties, the failure to agree upon redetermined prices shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder. For the purpose of (e), (f), and (g) above, and pending final settlement of the disagreement on appeal, or by failure to appeal, or by agreement, such a decision shall be treated as an executed contract modification. Pending such final settlement, price redetermination for subsequent periods, if any, shall continue to be negotiated as hereinbefore provided.

(i) *Termination.* If this contract is terminated, prices shall continue to be established pursuant to this clause (i) for completed supplies accepted by the Government and services performed and accepted by the Government, and (ii) in the event of a partial termination, for supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

**§ 2–7.150–20 Price redetermination (retroactive).**

When it is determined, in accordance with § 1–3.404–7 of this title, to use a fixed-price contract providing for retroactive redetermination of price, the following clause shall be included in the contract.

PRICE REDETERMINATION

(a) *General.* The unit prices and the total price set forth in this contract shall be redetermined in accordance with the provisions of this clause; provided, that in no event shall the total amount paid under this contract exceed _____ dollars ($_____).

(b) *Price Redetermination.* Within _____ (_____) days after delivery of all supplies to be delivered and completion of all services to be performed under this contract, the Contractor shall submit (i) proposed prices, (ii) a statement of all costs incurred in the performance of this contract, on DD Form 784 or on any other form on which the parties may agree, and (iii) any other relevant data which may reasonably be required by the Contracting Officer. Upon receipt of the required data, the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for supplies delivered and services performed by the Contractor under this contract. Where the Contractor fails to submit the required data within the time specified, payment of all invoices may be suspended by the Contracting Officer until the data are furnished.

(c) *Subcontracts.* No subcontract under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve an estimated amount in excess of $10,000 including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) *Contract Modification.* The negotiated redetermination of price shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer, setting forth the redetermined prices which shall apply to supplies delivered and to services performed by the Contractor hereunder.

(e) *Adjustment of Payments.* Pending execution of the contract modification referred to in paragraph (d) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the prices set forth in this contract; provided that, if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (f)(3) below, the parties may agree to greater or lesser billing prices, which shall be reflected in an amendment or supplemental agreement to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the redetermination of prices under this clause. After execution of the contract modification referred to in paragraph (d) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the agreed prices, and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(f) *Limitation on Payments.* (1) This paragraph (f) shall apply until final price redetermination to the full extent permitted by this contract.

(2) Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer a statement cumulative from the inception of the contract, setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted

*****This period may be varied by the parties at the time of negotiating the contract.

by the Government for which final prices have not been established;

(iii) That portion of the total interim profit (used in establishing the initial contract price or agreed to for the purpose of this paragraph (f), Limitation on Payments), which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments).

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified as outlined in (i) above.

(g) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon redetermined prices within sixty (60) * days after the date on which the data required by (b) above is to be filed, or within such further time as may be agreed upon by the parties, the failure to agree upon redetermined prices shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "disputes," and the Contracting Officer shall promptly issue a decision thereunder. For the purpose of paragraphs (d), (e), and (f) above, and pending final settlement of the disagreement on appeal, or by failure to appeal, or by agreement, such a decision shall be treated as an executed contract modification.

(h) *Termination.* If this contract is terminated prior to price redetermination, prices shall be established pursuant to this clause for completed supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

### § 2–7.150–21 Gratuities.

GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending; or the making of any determinations with respect to the performing of such contract: *Provided*, That the existence of the facts upon which the Administrator or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Administrator or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

## Subpart 2–7.2—Cost Reimbursement Type Supply Contracts

### § 2–7.200 Scope of subpart.

This subpart sets forth or cites contract clauses to be used in cost-reimbursement type supply contracts and where necessary provides instructions for their use.

### § 2–7.250 Clauses.

The following clauses shall, unless otherwise indicated by the specific instructions for their use, be inserted in all cost reimbursement type contracts calling for delivery within the United States, its possessions, or Puerto Rico and, unless inappropriate, in cost-reimbursement supply type contracts calling for foreign delivery.

### § 2–7.250–1 Definitions.

Insert the clause set forth in § 1–7.101–1 of this title and any additional definitions that are not inconsistent with the definitions in the cited clause.

### § 2–7.250–2 Changes.

The Contracting Officer if he considers it desirable may change the period of 30 days for the assertion of a claim to any number of days up to, but not to exceed, 60 days.

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, (ii) method of shipment or packing; (iii) place of inspection, delivery or acceptance, and (iv) the amount of Government-furnished property. If any such changes cause an increase or decrease in the estimated cost of, or the time required for, performance of this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the estimated cost or delivery schedule, or both, (ii) in the amount of any fee to be paid to the Contractor and/or (iii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided*, however, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

### § 2–7.250–3 Limitation of cost.

LIMITATION OF COST

(a) It is estimated that the total cost to the Government, exclusive of any fixed fee, for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use its best efforts to perform the work specified in the Schedule, and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding 60 days, when added to all costs previously incurred, will exceed 75 percent of the estimated cost then set forth in the Schedule, or if at any time, the Contractor has reason to believe that the total cost to the Government, exclusive of any fixed fee, for the performance of this contract will be substantially greater or less than the then estimated cost thereof, the Contractor shall immediately notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost, which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

(c) If, (1) the Contractor stops performance before completion of all work hereunder because it has incurred costs in the amount of or in excess of the estimated contract cost set forth in the Schedule, and (2) the Contracting Officer elects not to increase such estimated cost, the Contractor's fixed fee will be equitably reduced to reflect the actual amount of work performed as compared with the full amount of the work required in the contract. In the event of failure to agree as to the amount of such reduction, the Contracting Officer shall determine the amount, subject to the right of the Contractor to appeal therefrom pursuant to the clause in the contract entitled "Disputes." This paragraph shall not, in any way, limit the rights of the Government under the clause in the contract entitled "Termination for Default or for Convenience of the Government."

### § 2–7.250–4 Allowable cost, fixed fee and payment.

ALLOWABLE COST, FIXED FEE AND PAYMENT

(a) For the performance of this contract, the Government shall pay to the Contractor:

(1) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(i) Subpart 1–15.2 of Part 1–15 of the Federal Procurement Regulations as in effect on the date of this contract; and

(ii) The terms of this contract; and

(2) Such fixed fee, if any, as may be provided for in the Schedule.

(b) Once each month (or at more frequent intervals, if approved by the Contracting Officer) the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c) Promptly after receipt of each invoice or voucher and statement of cost the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer of allowable cost incurred. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule; Provided, however, That after payment of 85 percent of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be withheld until a reserve of either 15 percent of the total fixed fee, or $100,000, whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher, which are found by the Contracting Officer on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "Completion invoice" or "Completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than 1 year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) according to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract, shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(i) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the Contractor on the date of the execution of the release: *And provided further*, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than 6 years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

### § 2–7.250–5 Assignment of claims.

Insert the clause set forth in § 1–30.703 of this title. However, the "no set-off" provision should not be included in negotiated procurements where the Contractor is indebted to the Government and its omission appears appropriate to protect the interests of the Government.

### § 2–7.250–6 Examination of records.

EXAMINATION OF RECORDS

(a)(1) The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any of the records for inspection, audit or reproduction by any authorized representative of the Comptroller General.

(3) In the event that the Comptroller General or any of his duly authorized representatives determines that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within two years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the Contracting Officer such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records (i) for a period of three years from the date of final payment under this contract, and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (a) or (b) below.

(a) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.

(b) Records which relate to (i) appeals under the disputes clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4)(b) above, the Contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of two years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a)(6) above, a provision to the effect that the subcontractor agrees that the Comptroller General or any of his duly authorized representatives, shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract", as used in this paragraph (b) only excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

### § 2–7.250–7 Termination for default or for convenience of the government.

Insert the clause set forth in § 1–8.702 of this title. However, if the contract as originally executed provides for cost-sharing by the Contractor, or by subsequent modification is deemed possible of being amended to so provide for cost-sharing, the clause shall be revised to establish the basis on which costs will be shared in the event of termination by the Government for (a) convenience or (b) default.

*This period may be varied by the parties at the time of negotiating the contract.

**§ 2–7.250–8 Disputes.**

Insert the clause set forth in § 1–7.–101–12 of this title.

**§ 2–7.250–9 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 1–7.–101–13 of this title under the condition contained therein.

**§ 2–7.250–10 Buy American Act.**

Insert the clause set forth in § 1–6.–104–5 of this title under the conditions contained therein.

**§ 2–7.250–11 Convict labor.**

Insert the clause set forth in § 1–12.–203 of this title under the conditions contained in § 1–12.202 of this title.

**§ 2–7.250–12 Contract Work Hours Standards Act—Overtime Compensation.**

Insert the clause set forth in § 1–12.–303 of this title (modified as set forth in § 2–7.101–16) under the conditions contained in § 1–12.302 of this title.

**§ 2–7.250–13 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 1–12.–305 of this title under the conditions contained in § 1–12.602 of this title.

**§ 2–7.250–14 Equal opportunity.**

Insert the clause set forth in § 1–12.–803–2 of this title.

**§ 2–7.250–15 Officials not to benefit.**

Insert the clause set forth in § 1–7.–101–19 of this title.

**§ 2–7.250–16 Covenant against contingent fees.**

Insert the clause set forth in § 1–1.503 of this title under the conditions contained in § 1–1.501 of this title.

**§ 2–7.250–17 Utilization of small business concerns.**

Insert the clause set forth in § 1–1.710–3(a) of this title under the conditions contained therein.

**§ 2–7.250–18 Small business subcontracting program.**

When the criteria specified in § 1–1.–710–3(b) of this title are met, insert the clause contained therein.

**§ 2–7.250–19 Utilization of Concerns in labor surplus areas.**

Insert the clause set forth in § 1–1.805–3(a) of this title under the conditions contained therein.

**§ 2–7.250–20 Labor surplus area subcontracting program.**

When the criteria specified in § 1–1.–805–3(b) of this title are met, insert the clause contained therein.

**§ 2–7.250–21 Subcontracts.**

SUBCONTRACTS

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is cost-reimbursement type, time and materials, or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or 5 percent of the total estimated cost of this contract.

(b) In the cases of a proposed subcontract which (i) is cost-reimbursement type, time and materials, or labor-hour and which would involve an estimated amount in excess of $10,000 including any fee, or (ii) is proposed to exceed $100,000; or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which in the aggregate are expected to exceed $100,–000; the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required by other provisions of this contract, to be obtained from the subcontractor, and

(5) Identification of the type of contract to be used.

(c) The Contractor shall not without the prior written consent of the Contracting Officer place any subcontract which (i) is cost-reimbursement type, time and materials, or labor-hour, or (ii) is fixed-price type and exceed in dollar amount either $25,000 or 5 percent of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of any item of industrial facilities, or of special tooling having a value in excess of $1,000 or (iv) has experimental developmental, or research work as one of its purposes. The Contracting Officer may, in his discretion, ratify in writing any such subcontract, such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

**§ 2–7.250–22 Excusable delays.**

Insert the clause set forth in § 1–8.708 of this title.

**§ 2–7.250–23 Inspection and correction of defects.**

INSPECTION AND CORRECTION OF DEFECTS

(a) All work under this contract shall be subject to inspection and test by the Government (to the extent practicable) at all times (including the period of performance) and places, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of its subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, final inspection, and acceptance shall be made at the place of delivery as promptly as practicable after delivery and shall be deemed to have been made no later than 90 days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six months (or such other period as may be provided in the Schedule) after acceptance of all of the end items (other than designs, drawings, or reports) to be delivered under this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any failure by the Contractor to comply with the requirements of this contract. Any time devoted to such correction or replacement shall not be included in the computation of the period of time specified in the preceding sentence, except as provided in (d) below. Except as otherwise provided in paragraph (c) below, the allowability of the cost of any such replacement or correction shall be determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," but no additional fee shall be payable with respect thereto. Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, the Government (i) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under this contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (ii) in the case of articles not delivered, may require the delivery of such articles, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (iii) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b) above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract if such failure is due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) The provisions of paragraph (b) above shall apply to any corrected or replacement end item or component until six months after its acceptance.

(e) The Contractor shall make its records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.



**§ 2–7.250–24 Insurance—liability to third persons.**

INSURANCE—LIABILITY TO THIRD PERSONS

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury) and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance under this contract: *Provided*, That the Contractor may, with the approval of the Contracting Officer, maintain a self-insurance program: *And provided further*, That with respect to workmen's compensation the Contractor is qualified pursuant to statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amount, and for such periods of time, as the Contracting Officer may from time to time require or approve, and with insurers approved by the Contracting Officer.

(b) The Contractor agrees, to the extent and in the manner required by the Contracting Officer, to submit for the approval of the Contracting Officer any other insurance maintained by the Contractor in connection with the performance of this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed: (1) For the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (2) for liabilities to third persons for loss of or damage to property (other than property (1) owned, occupied or used by the Contractor or rented to the Contractor or (ii) in the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, his agents, servants or employees: *Provided*, Such liabilities are represented by final judgments or by settlements approved in writing by the Government and expenses incidental to such liabilities, except liabilities (a) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (b) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer or (c) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (1) all or substantially all of the Contractor's business, or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (3) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause: *Provided*, Such cost would constitute allowable cost under the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment".

(d) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, and prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of coverage. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. If the amount of the liability claimed exceeds the amount of coverage, the Contractor shall authorize representatives of the Government to collaborate with counsel for the insurance carrier, if any, in settling or defending such claim. If the liability is not insured or covered by bond, the Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith; *Provided*, That the Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

**§ 2–7.250–25 Payment for overtime premiums.**

PAYMENT FOR OVERTIME PREMIUMS

(a) Allowable cost shall not include any amount on account of overtime premiums, except to the extent that they either (i) are approved in writing by the Contracting Officer or (ii) are paid for work—

(1) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature.

(2) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting.

(3) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed, or

(4) Which will result in lower overall cost to the government.

(b) The cost of overtime premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under this contract.

**§ 2–7.250–26 Negotiated overhead rates.**

NEGOTIATED OVERHEAD RATES

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment", the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible, but not later than 90 days after the expiration of each of the Contractor's financial years or such other period as may mutually be agreed upon by the Government and the Contractor shall submit to the Contracting Officer, via the cognizant audit agency a proposed final overhead rate or rates for that period based on the Contractor's cost experience during the period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with § 1–15.2 of Part 1–15 of the Federal Procurement Regulations, as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Schedule or at billing rates acceptable to the cognizant Government Auditor, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision or negotiated provisional rates provided in the Schedule shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the clause of this contract entitled "Disputes".

**§ 2–7.250–27 Price reduction for defective cost or pricing data.**

Where a certificate of cost or pricing data is required by or obtained pursuant to § 1–3.807–3(b) of this title, the clause set forth in § 1–3.814–1(a) of this title, appropriately modified if necessary, shall be included in the contract.

**§ 2–7.250–28 Audit and records.**

Where the Price Reduction for Defective Cost or Pricing Data clause set forth in § 1–3.814–1(a) of this title is included in the contract, the clause set forth in § 1–3.814–2(c) of this title also shall be included in the contract.

**§ 2–7.250–29 Subcontractor cost and pricing data.**

Where, in accordance with § 1–3.814–1(a) of this title, the Price Reduction for Defective Cost or Pricing Data clause therein is included in the contract, the clause set forth in § 1–3.814–3(a) of this title, appropriately modified if necessary, also shall be included in the contract.

**§ 2–7.250–30 Priorities, allocations, and allotments.**

Insert the clause set forth in § 2–7.150–9.

**§ 2–7.250–31 Renegotiation.**

Unless it has been conclusively determined that the contract is exempt from the Renegotiation Act of 1951, as amended, insert the clause set forth in § 2–7.150–17(a).

### § 2–7.250–32 Government property.

GOVERNMENT PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished Property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished Property suitable for use will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished Property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished Property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof notify the Contracting Officer of such fact and act as directed by the Contracting Officer. Upon completion of such action the Contracting Officer upon written request of the Contractor shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provision affected by the return or disposition, or the repair of modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-furnished Property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government Property."

(c) Title to the Government Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor agrees to promptly account for all Government Property and to maintain a suitable inventory control system acceptable to the Contracting Officer.

(d) The Government Property provided or furnished pursuant to the terms of this contract shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer in accordance with sound industrial practice, a program, for the maintenance, repair, protection and preservation of Government Property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of Government Property.

(f) (1) The Contractor shall not be liable for any loss of or damage to the Government Property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto)—

(i) Which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of:

(A) All or substantially all of the Contractor's business, or

(B) All or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or

(C) A separate and complete major industrial operation in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above.

(A) To maintain and administer, in accordance with sound industrial practice, the program for maintenance, repair, protection and preservation of Government Property as required by paragraph (e) hereof, or

(B) To take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (e) hereof:

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; provided that, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. This clause shall not be construed as relieving a subcontractor from liability for loss or destruction of or damage to Government Property in his possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, may provide for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government Property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(2) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government Property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(3) Upon the happening of loss or destruction of or damage to the Government Property, the Contractor shall notify the Contracting Officer or his designated representative thereof; and shall take all reasonable steps to protect the Government Property from further damage, separate the damaged and undamaged Government Property, put all the Government Property in the best possible order, and furnish to the Contracting Officer a statement of all the details concerning the loss or damage and the insurance coverage, if any. The Contractor shall make repairs and renovations of the damaged Government Property or take such other action as the Contracting Officer directs.

(4) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government Property, he shall use the proceeds to repair, renovate or replace the Government Property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government Property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government Property for the benefit of the Government.

(g) The Government shall at all reasonable times have access to the premises where any of the Government Property is located.

(h) The Government Property shall remain in the possession of the Contractor for such period of time as is required for the performance of this contract unless the Contracting Officer determines that the interests of the Government require removal of such property. In such case the Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of Government Property. In any such instance, the contract may be amended to accomplish an equitable adjustment in the terms and provisions thereof.

(i) Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government Property not consumed in the performance of this contract, or not therefore delivered to the Government, and shall deliver or make such other disposal of such Government Property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government Property: *Provided, however,* That the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefore as a part of general overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

(j) Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's plant or any portion thereof which is affected by the removal of any Government Property.

(k) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

### § 2–7.250–33 Notice to the Government of labor disputes.

NOTICE TO THE GOVERNMENT OF LABOR DISPUTES

(a) Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause including this paragraph (b), in any subcontract hereunder as to which a labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event this timely performance is delayed or threatened by delay by any actual or potential labor dispute, the subcontractor shall immediately notify his next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

### § 2–7.250–34 Notice to the Government regarding late delivery.

NOTICE TO THE GOVERNMENT REGARDING LATE DELIVERY

In the event the Contractor encounters difficulty in meeting performance requirements, or anticipates difficulty in complying with the contract delivery schedule or date, the Contractor shall immediately notify the Contracting Officer thereof in writing, giving pertinent details, including the date by which it expects to complete performance or make delivery: *Provided, however,* That this data shall be informational only in character and that receipt thereof shall not be construed as a waiver by the Government of any contract delivery schedule or date, or any rights or remedies provided by law or under this contract.

### § 2–7.250–35 Quality of materials, workmanship, and design.

QUALITY OF MATERIALS, WORKMANSHIP, AND DESIGN

Any equipment to be furnished under this contract shall be manufactured and processed in a careful and workmanlike manner. All details of design, construction and installation shall present a neat appearance and shall accord with the best commercial standards and practices. Unless otherwise specified, all materials, supplies and components to be furnished must be new, unused, of current production, and of the most suitable grade for the purpose intended.

### § 2–7.250–36 Collection of information.

Insert the clause set forth in § 2–7.150–11.



### § 2–7.250–37 Other contractors.

OTHER CONTRACTORS

The Government may undertake or award other contracts for additional or related work, and the Contractor shall fully cooperate with such other contractors and Government employees and carefully fit its own work to such additional work. The Contractor shall not commit or permit any act which will interfere with the performance of work by any other contractor or by Government employees.

The foregoing paragraph shall be included in the contracts of all contractors with whom this Contractor will be required to cooperate. The Government shall equitably enforce this clause as to all contractors, to prevent the imposition of unreasonable burdens on any contractor.

### § 2–7.250–38 Dissemination of contract information.

DISSEMINATION OF CONTRACT INFORMATION

The Contractor shall not publish, permit to be published, or distribute for public consumption, any information, oral or written, concerning the objectives, results or conclusions made pursuant to performance of this contract, without the prior written consent of the ----------.* Federal Aviation Agency. (Two copies of any material proposed to be published or distributed shall be submitted.)

### § 2–7.250–39 Reproduction and use of technical data.

Insert the clause set forth in § 2–7.150–13.

### § 2–7.250–40 Gratuities.

Insert the clause set forth in § 2–7.150–21.

### § 2–7.250–41 Authorization and consent.

Insert the clause set forth in § 2–7.150–7.

## Subpart 2–7.4—Cost-Reimbursement Type Research and Development Contracts

### § 2–7.400 Scope of subpart.

This subpart sets forth contract clauses for use in cost-reimbursement contracts for design, research, development, test, or experimental work.

### § 2–7.450 Clauses.

In all cost-reimbursement type contracts for design, research, development, test, or experimental work calling for delivery or completion of work within the United States, its possessions, or Puerto Rico, the clauses set forth in § 2–7.250–1 through 2–7.250–40 shall, unless otherwise indicated by the specific instructions for their use, be inserted.

### § 2–7.450–1 Rights in data—unlimited.

Insert the following clause in contracts involving design, research, development, test, or experimental work. It may be included in other contracts where appropriate. The Contracting Officer may alter the clause to suit a particular situation. However, any such alterations must be in accordance with Agency regulations on acquisition of rights in data, including § 2–9.5001.

RIGHTS IN DATA—UNLIMITED

(a) The term "Subject Data" as used herein includes writings, sound recordings, pictorial reproduction, drawings, or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses and similar information incidental to contract administration.

(b) (1) The Government may duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data delivered under this contract.

(2) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, non-exclusive, irrevocable license throughout the world, to publish, translate, deliver, perform, dispose of, and to authorize others so to do all Subject Data now or hereafter covered by copyright.

(3) The Contractor shall report to the Contracting Officer promptly and in reasonably written detail, each notice or claim of copyright infringement with respect to all Subject Data delivered under this contract.

(c) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(d) The Contractor shall not affix any restrictive markings upon any Subject Data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate or ignore any such markings.

### § 2–7.450–2 Patent rights.

Insert the following clause in contracts involving design, research, development, test, or experimental work. It may be included in other contracts where appropriate. The Contracting Officer may alter the clause to suit a particular situation. However, any such alterations must be in accordance with Agency regulations on patent rights, including Agency policy set forth in § 2–9.5001.

PATENT RIGHTS

(a) Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived or for the first time actually or constructively reduced to practice, by the Contractor or its employees, in the course of, in connection with, or under the terms of this contract, the Contractor shall immediately give the Contracting Officer written notice thereof, and shall promptly thereafter furnish the Contracting Officer with complete information thereon; and the Administrator shall have the sole and exclusive power to determine whether or not and where a patent application shall be filed, and to determine the disposition of all rights in such invention, improvement, or discovery including title to and rights under any patent application or patent that may issue thereon. The determination of the Administrator on all these matters shall be accepted as final and the provisions of the clause of this contract entitled "Disputes" shall not apply; and the Contractor agrees that it will, and warrants that all of its employees who may be the inventors will, ex-

*(i) In Washington contracts, insert "Director, Systems Research and Development Service" for Contracts resulting from SRDS procurement requests; insert "Contracting Officer" for all other contracts. (ii) All other procurement offices will insert "Contracting Officer".

ecute all documents and do all things necessary or proper to the effectuation of such determination.

(b) Except as otherwise authorized in writing by the Contracting Officer, the Contractor shall obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will have no access to technical data.

(c) Except as otherwise authorized in writing by the Contracting Officer, the Contractor will insert in each subcontract, having experimental, developmental, or research work as one of its purposes, provisions making this clause applicable to the subcontractor and its employees.

(d) If the Government obtains patent rights pursuant to this clause of this contract, the Contractor shall be offered license rights thereto on terms at least as favorable as those offered to any other firm.

(e) In the event no inventions, improvements or discoveries (whether or not patentable) are made or conceived, or for the first time actually or constructively reduced to practice, by the Contractor or its employees in the course of, in connection with, or under the terms of this contract, the Contractor shall so certify to the Contracting Officer before final payment hereunder.

### § 2–7.450–3 Recovery of costs.

Insert the following clause in all contracts for design, research, development, test, or experimental work where equipment or other items of hardware are to be furnished as end items. It may be included in other contracts as appropriate. The Contracting Officer may alter the clause to suit a particular situation. However, any such alterations must be in accordance with Agency regulations on recovery of costs, including Agency policy set forth in § 2–9.5001.

RECOVERY OF COSTS

(a) As may be determined by the Contracting Officer to be fair, reasonable and equitable, the Contractor shall pay to the Government up to 5 percent of sums hereafter received by or credited to the Contractor or its privies (including subcontractors) on sales or leases (exclusive of sales or leases to the U.S. Government, either directly or indirectly through Government prime contractors or subcontractors) of any equipment which is substantially the same in design as, or which is directly derived from, that developed by the Contractor or any of its subcontractors in the performance of this contract.

(b) In selling or leasing the equipment identified in paragraph (a) above to the Government, either directly or indirectly through Government prime contractors or subcontractors, the Contractor or its privies (including subcontractors) shall notify the purchaser or lessee in writing that the equipment was developed under a Federal Aviation Agency contract containing a Recovery of Costs clause and that the purchase or lease price of such equipment is less than the price of such equipment when sold or leased to others than the Government by an amount no less than the Government's share under the Recovery of Costs clause. A copy of each such notice shall be sent to the Contracting Officer.

(c) As may be determined by the Contracting Officer to be fair, reasonable and equitable, the Contractor shall also pay to the Government up to 33 percent of all sums hereafter received by, or credited to, the Contractor or its privies (including subcontractors) as royalty payments under technical agreements permitting others to sell, lease, or manufacture, the equipment identified in paragraph (a) above.

(d) Recovery by the Government under this clause shall be limited to amounts paid and credited to the Contractor under this contract. Payments to the Government under this clause shall not be so high as to destroy the Contractor's competitive position for the equipment involved, provided that the equipment is otherwise reasonably priced and efficiently and economically produced.

(e) The Contractor shall report to the Government all sales, leases, licensing agreements, royalties and receipts, which might reasonably be considered to be subject to this clause; and the Contractor shall promptly render accurate, certified accounts thereon to the Government at reasonable intervals.

### § 2–7.450–4 Authorization and consent.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

## Subpart 2–7.6—Fixed-Price Construction Contracts

### § 2–7.601 Required clauses.

The clauses in the following sections are for mandatory use (unless otherwise indicated) in conjunction with either short-form construction contracts (Standard Form 19) or long-form construction contracts (Standard Form 23) or both as specified beside the subsection heading. Clauses which are in addition to those contained in SF–19 or SF–23A shall be entitled "Additional General Provisions (Construction Contract)".

### § 2–7.601–1 Resident engineer (use with SF–19).

RESIDENT ENGINEER

The term "Resident Engineer" means that employee of the Government designated to represent the Contracting Officer at the site of the work for the purpose of inspecting the work to determine if it meets contract requirements.

### § 2–7.601–2 Resident engineer (use with SF–23).

RESIDENT ENGINEER

(a) The term "Resident Engineer" means that employee of the Government designated to represent the Contracting Officer at the site of the work for the purpose of inspecting the work to determine if it meets contract requirements. Use of "construction engineer", "resident inspector" or similar terms shall be deemed to be a reference to the Resident Engineer.

(b) The Resident Engineer shall be considered to be an authorized representative of the Contracting Officer only with respect to: (1) Those authorities, duties, or responsibilities assigned specifically to the Resident Engineer by the provisions, terms, or conditions of the contract; and, (2) such authorities, duties, or responsibilities as may be specifically assigned to the Resident Engineer and set forth in a written notice furnished to the Contractor by the Contracting Officer. The delineation of the Resident Engineer's authority contained in any such written notice shall take precedence over any authority conveyed by the contract provisions, terms, or conditions.

(c) Unless otherwise specified, the Resident Engineer shall act for the Contracting Officer in the inspection and acceptance, or rejection, of material and workmanship pursuant to Clauses 9 and 10 of the General Provisions. However, the Resident Engineer is not authorized to make changes in the drawings or specifications in this contract. The presence or absence of a Resident Engineer shall not relieve the Contractor from any of the requirements or obligations of the contract.

### § 2–7.601–3 Protection of existing utilities and communication facilities (use with SF–19 and SF–23).

PROTECTION OF EXISTING UTILITIES AND COMMUNICATION FACILITIES

It shall be the responsibility of the Contractor to protect all existing utilities and communication facilities, above or below ground, from damage wherever encountered. In the event utilities or communication facilities are encountered that are not shown on the drawings or specification, the provisions of the "Changed Conditions" clause of this contract will apply. Any destruction of or damage to existing utilities or communication facilities above or below ground shall be promptly repaired or replaced by the Contractor at the direction of the Contracting Officer and in a manner which will, at a minimum, restore the usefulness and life expectancy existing immediately before damage or destruction.

### § 2–7.601–4 Layout of work (use with SF–19 and SF–23).

LAYOUT OF WORK

The Resident Engineer will furnish and set initial construction stakes, marks and reference points adequate for the establishment of lines and grades for the work and will furnish the Contractor all relative information. The Contractor shall provide competent labor to assist the Resident Engineer in the work. These stakes, marks and reference points shall constitute the primary field control by and in accordance with which the intermediate construction stakes, reference points, batter boards, etc., shall be furnished and set by the Contractor. The Contractor will be held responsible for the proper execution of the work to such lines, and grades, as may be established. All stakes, marks, reference points, or bench marks established by the Government which are disturbed or removed by the Contractor shall be re-established by the Contractor at his own expense, but immediate notification of any such re-establishment shall be furnished to the Resident Engineer, and the accuracy of the re-establishment will be subject to verification by the Resident Engineer.

### § 2–7.601–5 Conduct of work (use with SF–19 and SF–23).

CONDUCT OF WORK

The Contractor shall comply with all valid local laws and regulations governing the operation of the premises and shall perform his work in a manner which will not unduly interfere with business being conducted thereon.

The Contractor shall provide, erect and maintain all necessary barricades, danger signals, signs and lights for the protection of the work and the safety of the public for both land and air traffic, and shall take any additional protective measures deemed necessary by the Resident Engineer.

All operations of the Contractor (including storage of materials) shall be confined to areas authorized or approved by the Resident Engineer. Temporary buildings (storage sheds, shops, offices, etc.) may be constructed by the Contractor only with the approval of the Resident Engineer and they shall be removed by the Contractor upon completion of work.



The Contractor shall, during the progress of the work, maintain the job site in a neat and orderly condition. Upon completion of work, he shall remove from the premises all debris that may have accumulated in the performance of the work, as well as equipment, tools, scaffolding, etc., belonging to him and shall leave the premises in a neat and attractive condition.

### § 2–7.601–6 Government-furnished property (use with SF–19 and SF–23).

GOVERNMENT-FURNISHED PROPERTY

(a) Title, use and quantities. Any property to be furnished by the Government (as listed elsewhere in this contract under the heading "Government-Furnished Property List" hereafter referred to as "GFPL") is for use only in connection with the performance of the work hereunder. Title to all such property shall remain vested in the Government. The property shall be furnished in the quantities shown, with the exception of items marked "as required", which will be furnished in whatever quantities are required to complete the work. All additional quantities of the items on this list and any other property required to complete the work will be furnished by the Contractor.

(b) Point of delivery. The Government shall deliver this property to the Contractor at the point(s) specified in the GFPL. The Contractor shall at no expense to the Government inspect, unload, load and make further delivery of the property at the job site. The Contractor shall be responsible for payment of any demurrage and storage charges accruing more than 5 days after his receipt of notice to proceed.

(c) Time of delivery. Any property to be furnished by the Government shall be delivered to the Contractor in sufficient time to enable him to perform the work without delay. The Contractor will be given advance notice of expected delivery dates if they are not already shown on the GFPL. If the property is not delivered to the Contractor by the 5th day subsequent to the expected delivery date, he shall notify the Resident Engineer within 3 days thereafter. If there are shortages or defective property in any shipment, the Contractor shall notify the Resident Engineer within 3 days after delivery of shipment, or in case of concealed defects and shortages, within 3 days after they are discovered. In either event, the Resident Engineer will take appropriate action to rectify the matter. In the absence of information from the Contractor to the contrary within the periods specified above, the Government will consider that all property has been delivered to the Contractor on time and in good condition and he may be held responsible thereafter for any shortages and defective property that may later be discovered.

No claim for adjustments in the time and price for performance of the contract pursuant to appropriate clauses of this contract ("Price Adjustment for Suspension Delay or Interruption of Work" and the "Default" clause) shall be allowed for failure of the Government to furnish property unless the Contractor reports the delinquent deliveries within the periods specified above. Notifications to the Resident Engineer are in addition to the requirements under the above-cited clauses for making timely notifications to the Contracting Officer if time and price adjustments are desired.

(d) Surplus. In accordance with instructions furnished by the Resident Engineer, upon completion of the work, any unused property shall be prepared for shipment and be delivered by the Contractor to the nearest appropriate common carrier or Government storage point in the locality of the work.

### § 2–7.601–7 Quantities and unit prices.

It is preferred that construction contracts specify a lump sum price for each item of work and/or a total lump sum price for all work performed under the contract in all cases where the extent of the work is ascertainable by the Contractor from the drawings and specifications and a site investigation. Price quotations on a "unit of work" or "unit of material" basis may be solicited only for those phases of the work where it would be clearly unreasonable to expect prospective Contractors to arrive at close estimates without getting into the work or without performing certain preliminary phases of it. In contracts containing unit prices the clause as stipulated below shall be used in either form of contract (SF–19 or SF–23).

QUANTITIES AND UNIT PRICES

(a) (This clause shall apply only to those items to which unit prices apply, and for which estimates are shown of the quantities of such items which may be required to complete the contract work.) The quantities shown in the schedule of items are approximations. The Contractor shall furnish whatever quantities are required to complete the project in accordance with the drawings and specifications. Except as specified in (b) below, the payment for all quantities actually furnished will be made at the unit price shown which shall be the full amount for furnishing, installing and providing all work in connection with the items as required to complete the work of this contract.

(b) If the actual required quantity of an item varies more than 25 percent from any estimated quantity stated in the schedule, the Contracting Officer may make an equitable revision either upward or downward in the unit price. If the actual required quantity of an item exceeds the estimated quantity by more than 25 percent, the Contracting Officer may also extend the time for performance of the contract work.

(c) Any claim of the Contractor for adjustment under this clause must be asserted in writing before the date of final payment under the contract. If any adjustment is made under this clause, the contract shall be modified accordingly. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in the "Disputes" clause, but nothing provided in this clause shall excuse the Contractor from proceeding with the prosecution of the work.

### § 2–7.601–8 Notice to the Government of labor disputes (use with SF–23).

NOTICE TO THE GOVERNMENT OF LABOR DISPUTES

(a) Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential labor dispute, the subcontractor shall immediately notify his next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

### § 2–7.601–9 Commissioning of site (use with SF–19 and SF–23).

COMMISSIONING OF SITE

The Government reserves the right to put into commission the facilities covered by the contract, in whole or in part, as the progress of the construction will permit. No such commissioning of the site shall be construed as relieving the Contractor from his responsibility for the material delivered and work performed, or as a release from any of the obligations or responsibilities under the contract, including the proper care and protection of all materials and all work performed until completion and final acceptance of all work required under the contract.

### § 2–7.601–10 Guarantee (use with SF–19 and SF–23).

GUARANTEE

(a) Unless otherwise provided in the contract, the Contractor guarantees all work performed and materials and equipment delivered to be in accordance with contract requirements and free from defective or inferior materials, equipment and workmanship for one year from the date of final acceptance of the contract work by the Government. The guarantee provided for in this clause shall not extend to or apply to Government-furnished material or equipment except as to such work as may be performed thereon by the Contractor.

(b) Upon receipt of notice from the Contracting Officer that work, material or equipment furnished under this contract has failed to meet the contract guarantee, the Contractor shall promptly return to the site of the work and (1) place in satisfactory condition in every particular all such guaranteed work, correcting all defects therein, (2) restore to a satisfactory condition the building or site or any equipment or contents thereof which, in the opinion of the Contracting Officer, are affected or damaged as a result of the use of material, equipment or workmanship which are inferior, defective or not in accordance with the terms of the contract and (3) restore to a satisfactory condition any work, materials and equipment disturbed in fulfilling the guarantee.

(c) In any case where in fulfilling the requirements of the contract or of any guarantee, embraced in or required thereby, the Contractor disturbs any work guaranteed under another contract, he shall restore such disturbed work to a condition satisfactory to the Contracting Officer and guarantee such restored work to the same extent as it was guaranteed under such other contract.

(d) Should the Contractor fail to proceed promptly to comply with the terms of a guarantee under this contract, the Contracting Officer may cause corrective action to be taken by others and the Contractor shall promptly reimburse the Government its cost incurred thereby, or in lieu of taking corrective action, the Contracting Officer may cause the Contractor to pay to the Government an amount of money commensurate with what the corrective action would cost.

### § 2–7.601–11 Contract time—notice to proceed (use with SF–23).

CONTRACT TIME—NOTICE TO PROCEED

(a) If, in the opinion of the Contracting Officer, the Contractor's delay in executing formal contract documents or furnishing performance or payment bonds causes a delay in the issuance of the notice to proceed, the time to complete the work as specified in the bid shall be reduced by an amount of time no greater than the Contractor's delay.

(b) The Contractor shall perform no work under this contract until the required contract documents and bonds have been furnished. Thereafter, work at other than the contract site may be undertaken. The Con-

tractor shall perform no work at the contract site except pursuant to a notice to proceed given by the Contracting Officer.

(c) Notice to proceed may be issued by the Government at its convenience. Any right of the Contractor to a price adjustment because of unreasonable delay on the part of the Government in issuing notice to proceed shall be determined in accordance with the clause entitled "Price Adjustment for Suspension, Delay, or Interruption of the Work."

### § 2–7.601–12 Work schedule (use with SF–23).

WORK SCHEDULE

Within 7 days after receipt of notice to proceed, but before any work is performed, the Contractor shall furnish to the Contracting Officer, in triplicate, a schedule, acceptable to the Contracting Officer, showing the proposed dates on which work will be started and completed on the major phases of the project. Acceptance of the schedule by the Contracting Officer shall in no way excuse the Contractor for any delay in completing the work.

### § 2–7.601–13 Special precautions for work at operating airports (use with SF–23 when any work is to be performed at operating airports).

SPECIAL PRECAUTIONS FOR WORK AT OPERATING AIRPORTS

(a) When work is to be performed at an operating airport the Contractor must arrange his work schedule so as to constitute the least possible interference with flight operations. Such operations will take precedence over construction convenience. Any operations of the Contractor which would otherwise interfere with or endanger the operations of aircraft shall be performed only at times and in the manner directed by the Resident Engineer. The Government will make every effort to reduce the disruption of the Contractor's operation.

(b) Unless otherwise specified by local regulations, all areas in which construction operations are underway shall be marked by yellow flags during daylight hours and by red lights at other times. The red lights along the edge of the construction areas within the existing aprons shall be the electric type of not less than 100 watts intensity placed and supported as required. All other construction markings on roads and adjacent parking lots may be either electric or battery type lights. These lights and flags shall be placed so as to outline the construction areas and the distance between any two flags or lights shall not be greater than 25 feet. The Contractor shall provide adequate watch to maintain the lights in working conditions at all times other than daylight hours. The hour of beginning and the hour of ending of daylight will be determined by the Resident Engineer.

(c) All equipment and materials in the construction areas or when moved outside of the construction area shall be marked with airport safety flags during the day, and when directed by the Resident Engineer, with red obstruction lights at night. All equipment operating on the apron, taxiway, runway and intermediate areas after darkness hours shall have clearance lights in conformance with instructions from the Resident Engineer. No construction equipment shall operate within 50 feet of aircraft undergoing fuel operations. Open flames are not allowed on the ramp except at times authorized by the Resident Engineer.

(d) Trucks and other motorized equipment entering the airport or construction area shall do so only over routes determined by the Resident Engineer. Use of runways, aprons, taxiways or parking areas as truck or equipment routes will not be permitted unless specifically authorized for such use. Flagmen shall be furnished by the Contractor at points on apron and taxiways for safe guidance of his equipment over these areas to assure right of way to aircraft. Areas and routes used during the period of the contract must be returned to their original condition by the Contractor. The maximum speed allowed on the Airport shall be as established by the airport management. Vehicles shall be operated so as to be under safe control at all times, weather and traffic conditions considered. Vehicles must be equipped with head and tail lights during the hours of darkness.

### § 2–7.601–14 Standard references (use with SF–23).

STANDARD REFERENCES

(a) Any materials, equipment, or workmanship specified by reference to the number, symbol, or title of any specified Standard shall comply with the latest edition or revision thereof and any amendment or supplement thereto in effect on the date of the Invitation for Bids, except as limited to type, class or grade, or modified in the specifications.

(b) "Federal Standards," "Commercial Standards," and "Simplified Practice Recommendations" can be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D.C., or may be obtained from any Field Office of the U.S. Department of Commerce. Federal Specifications may be obtained from any Field Office of the U.S. Department of Commerce. Federal Specifications may be obtained from any Regional Office of the General Services Administration or the Superintendent of Documents.

(c) Standards of Associations referred to in the specifications may be obtained from the Associations.

### § 2–7.601–15 Drawings (use with SF–23).

DRAWINGS

(a) The general character and scope of the work are shown by the drawings listed in the contract.

(b) In case of differences between small and large scale drawings, the large scale drawings shall govern. Schedules on drawings shall take precedence over any conflicting notations on the drawings. On any of the drawings where a portion of the work is drawn out and the remainder is shown in outline, the parts drawn shall apply also to all other like portions of the work.

(c) Where the word "similar" occurs on the drawings, it shall have a general meaning and not be interpreted as being identical, and all details shall be worked out in relation to their location and their connection with other parts of the work.

### § 2–7.601–16 Shop drawings and illustrative literature (use with SF–23).

SHOP DRAWINGS AND ILLUSTRATIVE LITERATURE

The Contractor shall submit shop and setting drawings, illustrative literature and schedules, as required by the specification, to the Contracting Officer for approval sufficiently in advance of construction requirements to allow ample time for checking, resubmitting and rechecking. The approval of these shall be general and shall not be construed as permitting any departure from specifications or as relieving the Contractor of the responsibility for any errors or details. If such drawings, literature and schedules deviate from the contract requirements, such deviations shall be described by the Contractor in his letter of transmittal.

### § 2–7.601–17 Electrical codes (use with SF–19 and SF–23).

ELECTRICAL CODES

Requirements of the specifications and drawings applicable to this contract are intended to be in conformity with the National Electrical Code, National Safety Code, and state and local electrical codes. When they are found to be in conflict the Contractor shall promptly notify the Contracting Officer and obtain his determination as to the course of action to be followed. In determining whether an adjustment in contract price or time may be involved, it shall be understood that the Contractor's bid has been based upon performing the work in conformity with the specifications and drawings.

### § 2–7.601–18 Nondomestic construction materials (use with SF–23).

NONDOMESTIC CONSTRUCTION MATERIALS

The requirements of the Buy American Act clause do not apply to the following construction material or components:

Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Cadmium, ores and flue dust.
Chalk, English.
Chrome ore or chronite.
Cobalt, in cathodes, rondelles, or other primary forms.
Cork, wood or bark and waste.
Damar gum.
Graphite, natural, crystalline, crucible grade.
Jute and jute burlaps.
Kaurigum.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Mercury.
Mica.
Nickle, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Rubber.
Shellac.
Tin, in bars, blocks and pigs.

### § 2–7.601–19 Price adjustment for suspension, delay, or interruption of the work.

The clause prescribed in § 1–7.602–1 of this title shall be used in all construction contracts.

### § 2–7.601–20 Termination for convenience of the Government, in contracts estimated to exceed $10,000.

The clause prescribed in § 1–8.703 of this title shall be used in all construction contracts estimated to exceed $10,000.

### § 2–7.601–21 Termination for convenience of the Government, in contracts estimated not to exceed $10,000.

The clause prescribed in § 1–8.705–2 of this title shall be used in all construction contracts estimated not to exceed $10,000.

### § 2–7.601–22 Renegotiation.

The clause set forth in § 2–7.150–18(a) shall be included in all negotiated construction contracts.

## PART 2–9—PATENTS, DATA, AND COPYRIGHTS

### Subpart 2–9.50 Retention of Patent and Royalty Rights

Sec.
2–9.5000 Scope of subpart.
2–9.5001 Policy.



AUTHORITY: The provisions of this Part 2–9 issued under secs. 303, 313, 72 Stat. 747, 752; 29 U.S.C. 1344, 1354.

### Subpart 2–9.50—Retention of Patent and Royalty Rights

### § 2–9.5000 Scope of subpart.

This Subpart codifies, in FAPR, Federal Aviation Agency Order RD 4450.1 which sets forth the Agency policy with respect to the retention of rights and recovery of costs in connection with negotiated contracts where research or development is a significant part of the work.

### § 2–9.5001 Policy.

In negotiating contracts under which the Government pays a part or all of the costs of research or development, it is the policy of the Federa' Aviation Agency to retain, for the benefit of the United States, rights to data and patent rights, in reasonable proportion to the contributions of the Agency and the contractor; and to recover the Federal Aviation Agency's contribution toward such research and development through royalties to the Government upon commercial exploitation of the products developed thereby.

## PART 2–10—BONDS AND INSURANCE

### Subpart 2–10.4—Insurance Under Fixed-Price Contracts

### § 2–10.401 Policy.

(a) The following clause shall be inserted in any contract for the lease of aircraft (including aircraft used in out-service flight training), except as provided in paragraph (b) of this section:

LOSS OR DAMAGE TO LEASED AIRCRAFT

(a) The Government assumes all risk of loss or damage (except normal wear and tear) to the leased aircraft during the term of this lease while the aircraft is in the possession of the Government.

(b) In the event of damage to the aircraft, the Government may, at its option, make the necessary repairs with its own facilities or by contract, or pay the lessor the reasonable cost of repair of the aircraft.

(c) In the event the aircraft is lost or damaged beyond repair, the Government shall pay to the lessor a sum equal to the fair market value of the aircraft at the time of such loss or damage, unless a specific amount is indicated elsewhere in the contract, less the salvage value of the aircraft.

(d) The lessor certifies that the contract price does not include any cost attributable to hull insurance or to any reserve fund it has established to protect its interest in the aircraft. If, in the event of loss or damage to the leased aircraft, the lessor receives compensation for such loss or damage in any form from any source, the amount of such compensation shall be credited to the Government in determining the amount of the Government's liability under this clause.

(e) In the event of loss or damage of the aircraft, the Government shall be subrogated to all rights of recovery by the lessor against third parties for such loss or damage and such rights shall be immediately assigned to the Government. Except as the Contracting Officer may permit in writing, the Contractor shall neither release nor discharge any third party from liability for such loss or damage nor otherwise compromise or adversely affect the Government's subrogation rights hereunder. The Contractor shall cooperate with the Government in any suit or action undertaken by the Government against any such third party.

(f) Any failure to agree as to the responsibility of the Government under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract.

(b) The clause shall not be included in aircraft lease contracts: (1) When the hourly rental rate does not exceed $250 and the total rental cost for any single transaction is not in excess of $2,500; (2) where the cost of hull insurance does not exceed ten percent (10%) of the contract rate, or (3) when the lessor's insurer does not grant a credit for uninsured hours, thereby preventing the lessor from granting the same to the Government.

(Secs. 303, 313, 72 Stat. 747, 752; 29 U.S.C. 1344, 1354)

## PART 2–60—CONTRACT APPEALS

Sec.
2–60.000 Scope of part.

Subpart 2–60–1—Contract Appeals Panel

2–60.101 Establishment.
2–60.102 Authority.

Subpart 2–60.2—Contract Appeal Procedures

2–60.201 Notice of appeal.
2–60.202 Duties of the contracting officer.
2–60.203 Notice to appellant.
2–60.204 Appellant's right to inspect record.
2–60.205 Designation of Panel member to consider appeal.
2–60.206 Request for hearing.
2–60.207 Appellant's election as to procedure.
2–60.208 Procedure for submission on documentary record.
2–60.209 Procedure for administrative inquiry.
2–60.210 Procedure for adversary hearing.
2–60.210–1 Petition.
2–60.210–2 Answer.
2–60.210–3 Amendments to petition, answer, or reply.
2–60.210–4 Motions.
2–60.210–5 Hearing.
2–60.211 General rules for administrative inquiries and hearings.
2–60.212 Representation of parties.
2–60.213 Settlement.
2–60.214 Decisions.

AUTHORITY: The provisions of this Part 2–60 issued under secs. 303, 313, 72 Stat. 747, 752; 29 U.S.C. 1344, 1354.

### § 2–60.000 Scope of part.

This part establishes the Federal Aviation Agency Contract Appeals Panel, provides for designating the Chairman and members of the Panel, authorizes the members of the Panel to act, and prescribes its functions and procedures.

### Subpart 2–60.1—Contract Appeals Panel

### § 2–60.101 Establishment.

The Federal Aviation Agency Contract Appeals Panel is established within the Office of the General Counsel. The General Counsel appoints the members of the Panel from attorneys of his office, and shall designate one of them as Chairman.

### § 2–60.102 Authority.

Members of the Contract Appeals Panel act for the Administrator of the Federal Aviation Agency in hearing and considering appeals by contractors from decisions made by contracting officers under contracts providing for such appeal to the Administrator, and other matters as directed by the Administrator. The Panel decides such appeals.

### Subpart 2–60.2—Contract Appeal Procedures

### § 2–60.201 Notice of appeal.

An appeal from a decision of a contracting officer is made by sending a written notice of appeal to the Administrator, Federal Aviation Agency, directed to the attention of the contracting officer. The notice must be mailed or filed within 30 days after the date the decision of the contracting officer is received, unless a different time is provided in the contract. The contractor must sign the notice, identify the contract involved and the decision appealed from, and state that he is appealing from that decision. A letter of complaint or a general letter objecting to some action taken is not a notice of appeal. The notice should be in triplicate, specify the portion or portions of the decision from which the appeal is taken, and state the reason why those portions are erroneous.

### § 2–60.202 Duties of the contracting officer.

Upon receiving a notice of appeal, the contracting officer shall endorse on the original and the copies the date of mailing, or the date of receipt if otherwise filed. He shall send the notice and one copy immediately to the Contract Appeals Panel for docketing. Within 15 days after the date he receives the notice, the contracting officer shall send a file, consisting of the following, to the Contract Appeals Panel:

(a) The findings of fact and the decision from which the appeal is taken, and the letters or other documents of claim in response to which the decision was issued;

(b) A copy of the contract and pertinent specifications, plans, drawings, modifications, change orders, and amendments;

(c) All correspondence between the parties relating to the dispute;

(d) Transcripts of any testimony taken in connection with the dispute, in addition to any affidavits or statements of any witnesses that were considered by the contracting officer in reaching his decision;

(e) A statement of the evidence leading to, and the basis for arriving at, the contracting officer's decision, citing pertinent letters and documents related to the decision; and

(f) Any additional data that the contracting officer may consider pertinent. The contracting officer may substitute a true copy for the original of any document named in paragraphs (a) through (f) of this section.

**§ 2–60.203 Notice to appellant.**

The Chairman of the Contract Appeals Panel shall notify the appellant that he has received the file, and shall advise him of his right to inspect the file and of his option to submit the matter on the record, to be heard at an administrative inquiry, or to be heard at an adversary hearing.

**§ 2–60.204 Appellant's right to inspect record.**

The contract appeals file and all documents, records, and evidentiary matter that are to be considered by the Panel in making its decision, are available for inspection by the appellant, while the appeal is pending, at the office of the Chairman of the Panel, and at any hearing that may be held. However, only persons having an appropriate security clearance may have access to any classified material.

**§ 2–60.205 Designation of Panel member to consider appeal.**

The Chairman of the Contract Appeals Panel shall designate one member of the Panel to act for the Panel. In cases of unusual complexity, more than one member may be designated. The member or members designated for that purpose shall not have participated directly in any aspect of the award or administration of the contract involved. The Chairman shall notify the appellant and the contracting officer of the designation. The designated Panel member, or members, shall exercise the authority of the Panel in all matters, except that the decision is made by a majority of the Panel members designated by the Chairman to decide the case.

**§ 2–60.206 Request for hearing.**

The appellant may request an oral hearing, by written notice to the Contract Appeals Panel within 30 days after the date he receives the Panel's notice to appellant under § 2–60.203, or if the contracting officer files additional material for the record under § 2–60.208, within 30 days after the date the appellant receives his copy of that material. The Panel member to whom the appeal has been assigned shall fix the time and the place of the hearing, and shall notify the appellant and the contracting officer whose decision is appealed, at least 15 days before the hearing. Ordinarily, hearings are held at the headquarters of the Agency, in Washington, D.C., but they may be held at any other place designated by the member conducting the hearing, for good cause shown. The convenience of the parties will be considered.

**§ 2–60.207 Appellant's election as to procedure.**

(a) The appellant may elect to have the appeal considered upon:

(1) The written record, without oral inquiry or hearing (§ 2–60.208);

(2) An administrative inquiry (§2–60.209); or

(3) An adversary hearing (§§ 2–60.210 through 2–60.210–5);

(b) The appellant makes his election as follows:

(1) He elects to have the appeal considered on the written record if he does not request a hearing in accordance with § 2–60.206.

(2) He elects to have the appeal considered upon an administrative inquiry if he requests a hearing, but does not file a formal petition in accordance with § 2–60.210–1, or does not comply with any order the Panel issues requiring its amplification.

(3) He elects to have the appeal considered upon an adversary hearing if he files a petition in accordance with § 2–60.210–1 and complies with the orders of the Panel requiring its amplification.

**§ 2–60.208 Procedure for submission on documentary record.**

If the appellant does not request a hearing in accordance with § 2–60.206, the appeal is considered on the documentary record alone. The appellant may submit any additional relevant material for the record within 30 days after the date he receives the notice to appellant, under § 2–60.203, or within such additional time as may be permitted by the Panel. The contracting officer whose decision is appealed shall submit any answering material within 30 days after the date he receives the material submitted by the appellant. The appellant must submit any material in reply within 30 days after the date he receives the material submitted by the contracting officer. Further submission of additional material by either party, and extensions of time to submit, are permitted, or directed, at the discretion of the Panel. The appellant shall furnish copies to the contracting officer at the time of submission to the Panel. The contracting officer shall furnish copies to the appellant (except copies of the file initially sent to the Panel) at the time of submission to the Panel.

**§ 2–60.209 Procedure for administrative inquiry.**

If the appellant requests an oral hearing as provided in § 2–60.206, the appeal is heard at an administrative inquiry, unless the appellant files, with his request for hearing, a formal petition conforming to § 2–60.210–1, and to any orders of the Panel requiring its amplification. At the administrative inquiry, the Panel member presiding shall receive evidence and arguments presented by or for the appellant and the contracting officer whose decision is appealed. The Panel member shall limit the presentation to matters actually in issue, and obtain admissions, stipulations and concessions through questioning the parties. The parties may offer evidence or argument without regard to the formal rules of evidence. However, the Panel member may refuse to receive any evidence or argument on matters not in issue or any repetitive, irrelevant, or improper material, and may refuse to receive any material that is not of sufficient probative weight to be considered substantial evidence. There is no right to cross-examine. The Panel member may question a witness after his direct presentation, to develop any facts he considers relevant, and may at or after the hearing, make such further investigation and inquiry as he feels will help him to establish the facts of the case. The appellant and the contracting officer may submit additional written evidence or argument after the hearing within a time limit fixed by the Panel. Sections 2–60.210 through 2–60.210–5 do not apply to appeals heard at administrative inquiries.

**§ 2–60.210 Procedure for adversary hearing.**

The procedures for considering appeals upon adversary hearings are set forth in §§ 2–60.210–1 through 2–60.210–5.

**§ 2–60.210–1 Petition.**

To begin the procedures for considering an appeal upon an adversary hearing, the appellant must file a formal petition when he files his Request for Hearing under § 2–60.206, or within such time thereafter as may be allowed by the Panel. The formal petition must specify the errors in the contracting officer's decision; must set forth a short and plain statement of the facts that entitle the appellant to relief; must conform to the formal and substantive requirements for pleadings under Rules 8 through 11 of the Rules of Civil Procedures for the U.S. District Courts; and should also contain applicable citations of authority for the consideration of the Panel. The appellant must file two copies of the petition with the Panel, and one copy with the contracting officer from whose decision he has appealed.

**§ 2–60.210–2 Answer.**

If the appellant files a formal petition, the contracting officer shall file two copies of a formal answer thereto with the Panel, within 30 days after the date he receives the petition, unless a longer period is allowed by the Panel, and at the same time shall send one copy to the appellant. The answer must conform to the formal and substantive requirements for the formal petition. The Panel may, in its discretion, order the appellant to reply to an answer.

**§ 2–60.210–3 Amendments to petition, answer, or reply.**

The Panel may, in its discretion, upon conditions just to both parties, permit or require amendments to the petition, answer, or reply, at any time before completing the record upon or after hearing, but may not allow any amendment that substantially prejudices the other party.

**§ 2–60.210–4 Motions.**

Motions by the appellant or by the contracting officer are made by filing two copies of a notice thereof, together with any supporting papers, with the Panel, and furnishing one copy to the other party. The Panel shall consider any timely motion for extension of time to file; to cure defaults; to require that a petition, answer, or reply be made more definite and certain; to dismiss for lack of jurisdiction, to dismiss or grant summary relief because the petition, answer or reply does not raise a justiciable issue; to require a prehearing conference to reopen a hearing; to take depositions; to dismiss for failure to prosecute; or to reconsider a decision. In addition, the Panel may make its own motions, by furnishing a notice thereof to the parties. A party who receives a notice of motion has 20 days after the date he receives the notice to reply and file any answering material, unless a longer time is allowed by the Panel. Motions to reconsider a decision must be made within 30 days after the date of receipt of the decision, unless for good cause shown, the Panel permits a longer period of time. On all motions the Panel shall make orders that are appropriate and are just to the parties, and upon conditions that will promote efficiency in disposing of the appeal. The Panel may, in its discretion, permit oral hearing or argument and the presentation of briefs.

**§ 2–60.210–5 Hearing.**

The parties present the evidence at adversary hearings. Testimony is adduced through examination and cross-examination of witnesses. The formal rules of evidence do not apply, but the Panel member may, upon objection or on his own motion, exclude evidence or disallow questions, on the grounds of irrelevance, impropriety, immateriality, or such insufficiency in probative weight as not to be considered substantial evidence. The Panel member shall preside, and shall establish the general procedures for the introduction of evidence and the calling of witnesses. The Panel may, in its discretion, order the submission of trial briefs before the hearing, and may order the submission of briefs at the completion of the hearing.

**§ 2–60.211 General rules for administrative inquiries and hearings.**

Administrative inquiries and adversary hearings are conducted as informally as may be reasonably allowable and appropriate under the circumstances. Testimony is not given under oath, but is considered to be representations made in connection with claims against the United States within the meaning of section 287 and 1001 of Title 18, United States Code. The Panel member shall invite the attention of witnesses to these provisions of the law. Testimony is reported verbatim, or recorded with an appropriate device. The Panel may accept true copies, so certified by the custodian thereof, in place of original exhibits.

**§ 2–60.212 Representation of parties.**

An individual appellant may prosecute his appeal in person; a corporation, by an officer, a partnership, by a member; and any appellant may be represented by an attorney. Other persons may be authorized by the Panel to represent an appellant in a particular case. The contracting officer is represented by Agency counsel.

**§ 2–60.213 Settlement.**

A dispute may be settled at any time before the decision by the contractor's filing a written notice withdrawing his appeal or by written stipulation between the contractor and the contracting officer or their counsel, settling the dispute.

**§ 2–60.214 Decisions.**

The Panel shall make its decision in writing, signed by the Panel members designated by the Chairman to decide the case. Copies of the decision shall be sent at the same time to both parties. All orders and decisions of the Panel (except those required for good cause to be held confidential) are available for public inspection at the offices of the Contract Appeals Panel, Federal Aviation Agency, Washington, D.C.

[F.R. Doc. 64–12792; Filed, Dec. 14, 1964; 8:45 a.m.]



## Chapter 9—Atomic Energy Commission

## PART 9–9—PATENTS AND COPYRIGHTS

Part 9–9 is deleted and the following substituted therefor:

Sec.


| | |
|---|---|
| 9–9.5000 | Patents, inventions, technical data, and copyrights. |
| 9–9.5001 | Purpose and scope of subpart. |
| 9–9.5002 | Rights in inventions, technical data, and copyrights under contracts. |
| 9–9.5003 | Type A patent provisions. |
| 9–9.5004 | Type B patent provisions. |
| 9–9.5005 | Type C patent provisions. |
| 9–9.5005–1 | Administrative allocation of patent rights. |
| 9–9.5006 | Right to file United States and foreign patent applications. |
| 9–9.5007 | Subcontracts. |
| 9–9.5008 | Background patent rights. |
| 9–9.5008–1 | Introduction and definitions. |
| 9–9.5008–2 | Contracts in which "background patents" provisions are deemed appropriate. |
| 9–9.5008–3 | The need for the "background patents" rights. |
| 9–9.5008–4 | The scope of the "background patents" rights. |
| 9–9.5008–5 | The consideration for "background patents" rights. |
| 9–9.5008–6 | Types of suggested background patents provisions. |
| 9–9.5008–7 | Background technical data. |
| 9–9.5009 | Patent indemnification of Government by contractor. |
| 9–9.5010 | Contractor held harmless by Government. |
| 9–9.5011 | Reporting of royalties. |
| 9–9.5012 | Classified contracts. |
| 9–9.5013 | Foreign patent rights. |
| 9–9.5014 | Procedure in administration of patent provisions. |
| 9–9.5015 | Acquisition of patent rights. |
| 9–9.5016 | Claims for patent infringement. |
| 9–9.5017 | Claims under the Atomic Energy Acts of 1946 and 1954. |
| 9–9.5018 | Definitions. |
| 9–9.5100 | Copyrights. |
| 9–9.5101 | Purpose and scope of subpart. |
| 9–9.5102 | AEC use of copyrighted material. |
| 9–9.5103 | Rights in copyrightable material under contracts. |
| 9–9.5104 | Copyright indemnification of Government. |
| 9–9.5105 | Government authorization and consent. |
| 9–9.5106 | Copyrights in motion pictures. |


AUTHORITY: The provisions of this Part 9–9 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

**§ 9–9.5000 Patents, inventions, technical data, and copyrights.**

**§ 9–9.5001 Purpose and scope of subpart.**

This subpart sets forth the policies and practices of the AEC in connection with patents and related matters based on the Atomic Energy Act of 1954, as amended, and the Presidential Statement on Government patent policy of October 10, 1963, and prescribes contract articles for the purpose of protecting the Government's interest by securing to the Government (a) patent rights in research and development contracts, operating and service contracts, architect-engineer contracts, special contracts and subcontracts and purchase orders thereunder and (b) protection against patent risks in architect-engineer, construction, and supply contracts and purchase orders.

**§ 9–9.5002 Rights in inventions, technical data, and copyrights under contracts.**

(a) The current practice of the AEC as to provisions relating to inventions or discoveries, technical data and copyrights to be inserted in contracts, subcontracts, purchase orders, and other arrangements entered into with or for the benefit of the Commission is determined primarily by:

(1) The character of the work to be performed under the contract; such as research or development; routine development; construction; supply; quantity production; and

(2) The industrial and patent position of the contractor in the field of work of the contract.

Where provisions relating to inventions are appropriate, a provision concerning waiver of claims for pecuniary awards or just compensation under the Atomic Energy Act of 1954, as amended, shall be included. A similar provision shall be included in employee agreements. No provision pertaining to inventions need be used where ordinary commercial materials or equipment are to be furnished "off the shelf" or in ordinary construction contracts not involving special buildings or equipment. In such instances, however, an indemnity provision, as set forth in § 9–9.5009 in favor of the Government shall be obtained.

(b) Any question as to modification, interpretation, or application of the appropriate patent, inventions, technical data and copyright provisions shall be referred to the local AEC counsel for action in collaboration with the local Patent Group, or where no local Patent Group exists, with the Assistant General Counsel for Patents, AEC, Washington.

**§ 9–9.5003 Type A patent provisions.**

The following patent article shall be used where the principal purpose of the contract is:

(a) To conduct research or development work in the field of atomic energy at AEC expense; or

(b) For the operation of a Government-owned atomic energy research or production facility; or

(c) To conduct research or development for AEC where a major part of the equipment employed in the research and development is furnished at Government expense.

TYPE A PATENT PROVISIONS

(a) Whenever any invention or discovery is made or conceived by the contractor or its employees in the course of or under this

contract, the contractor shall promptly furnish the Commission with complete information thereon; and the Commission shall have the sole power to determine whether or not and where a patent application shall be filed, and to determine the disposition of the title to and rights in and to any invention or discovery and any patent application or patent that may result. The judgment of the Commission on these matters shall be accepted as final; and the Contractor, for itself and for its employees, agrees that the inventor or inventors will execute all documents and do all things necessary or proper to carry out the judgment of the Commission.

(b) No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(c) Except as otherwise authorized in writing by the Commission, the contractor will obtain patent agreements to effectuate the purposes of paragraphs (a) and (b) of this article from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will not have access to technical data.

(d) Except as otherwise authorized in writing by the Commission, the contractor will insert in all subcontracts provisions making this article applicable to the subcontractor and its employees.[1]

(e) It is recognized that during the course of the work under this contract, the contractor or its employees may from time to time desire to publish, within the limits of security requirements, information regarding scientific or technical developments made or conceived in the course of or under this contract. In order that public disclosure of such information will not adversely affect the patent interests of the Commission or the contractor, patent approval for release and publication shall be secured from the Commission prior to any such release or publication.[1]

### § 9–9.5004 Type B patent provisions.

The following patent article shall be used where the criteria set forth in 9–9.5003 are inapplicable and where:

(a) A principal purpose of the contract is to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations; or

(b) A principal purpose of the contract is for exploration into fields which directly concern the public health or public welfare; or

(c) The contract is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

(d) The services of the contractor are

(1) For the operation of a Government-owned, nonatomic energy research or production facility; or

(2) For coordinating and directing the work of others.

TYPE B PATENT PROVISIONS

(a) Whenever any invention or discovery is made or conceived by the contractor or its employees in the course of or under this contract, the contractor shall promptly furnish the Commission with complete information thereon; and the Commission shall have the sole power to determine whether or not and where a patent application shall be filed, and to determine the disposition of the title to and the rights in and to any invention or discovery and any patent application or patent that may result; provided, however, that the contractor, in any event, shall retain at least a non-exclusive, irrevocable, royalty-free license under said invention, discovery, patent application, or patent. Subject to the license retained by the contractor, as provided in this paragraph, the judgment of the Commission on these matters shall be accepted as final; and the contractor, for itself and for its employees, agrees that the inventor or inventors will execute all documents and do all things necessary or proper to carry out the judgment of the Commission.

(b) No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(c) Except as otherwise authorized in writing by the Commission, the contractor will obtain patent agreements to effectuate the purposes of paragraphs (a) and (b) of this article from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will not have access to technical data.

(d) Except as otherwise authorized in writing by the Commission, the contractor will insert in all subcontracts provisions making this article applicable to the subcontractor and its employees.

(e) It is recognized that during the course of the work under this contract, the contractor or its employees may from time to time desire to publish within the limits of security requirements, information regarding scientific or technical developments made or conceived in the course of or under this contract. In order that public disclosure of such information will not adversely affect the patent interests of the Commission or the contractor, patent approval for release and publication shall be secured from the Commission prior to any such release or publication.

### § 9–9.5005 Type C patent provisions.

The following patent article shall be used where the criteria set forth in §§ 9–9.5003 and 9–9.5004 are inapplicable and where:

(a) The principal purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the Government, and the work called for by the contract is (1) in a field of technology other than atomic energy in which the contractor has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position), and (2) directly related to an area in which the contractor has an established nongovernmental commercial position; or

(b) The work to be performed or the material or equipment to be furnished by the contractor is of such character that any inventions or discoveries that may be made will probably: (1) Relate only incidentally (and not directly) to some phase of atomic energy, (2) relate to a field of work in which the contractor has an established industrial and patent position, and (3) result from routine development or production work by the contractor.

TYPE C PATENT PROVISIONS

(a) Whenever any invention or discovery is made or conceived by the contractor or its employees in the course of or under this contract, the contractor shall promptly furnish the Commission with complete information thereon; and the Commission shall have the sole power to determine whether or not and where a patent application shall be filed, and to determine the disposition of the title to and rights in and to any invention or discovery and any patent application or patent that may result; provided, however, that the contractor in any event shall retain at least a sole (except as against the Government or its account), irrevocable, royalty-free license with the sole right to grant sublicenses, under said invention, discovery, patent application or plant, such license and sublicensing rights being limited to the manufacture, use and sale for purposes other than use in the production or utilization of special nuclear material or atomic energy. Subject to the license retained by the contractor, as provided in this paragraph, the judgment of the Commission on these matters shall be accepted as final; and the contractor, for itself and for its employees, agrees that the inventor or inventors will execute all documents and do all things necessary or proper to carry out the judgment of the Commission.

(b) No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the contractor or its employees, with respect to any invention or discovery made or conceived in the course of or under this contract.

(c) Except as otherwise authorized in writing by the Commission, the contractor will obtain patent agreements to effectuate the purposes of paragraphs (a) and (b) of this article from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will not have access to technical data.

(d) Except as otherwise authorized in writing by the Commission, the contractor will insert in all subcontracts provisions making this article applicable to the subcontractor and its employees.

(e) It is recognized that during the course of the work under this contract, the contractor or its employees may from time to time desire to publish, within the limits of security requirements, information regarding scientific or technical developments made or conceived in the course of or under this contract. In order that public disclosure of such information will not adversely affect the patent interests of the Commission or the contractor, patent approval for release and publication shall be secured from the Commission prior to any such release or publication.

(f) With respect to each invention or discovery in which the contractor is granted the principal or any exclusive rights under clause (a), the contractor agrees to provide written reports at reasonable intervals when requested by AEC as to:

(i) The commercial use that is being made or is intended to be made of such invention or discovery; and

(ii) The steps taken by the contractor to bring the invention to a point of practical application or to make the invention or discovery available for licensing.

(g) With respect to each invention or discovery in which the contractor is granted the principal or any exclusive rights under clause (a), the contractor agrees to and does hereby grant the Commission:

(i) The right to require the granting of non-exclusive, royalty-free licenses to applicants on any such invention or discovery unless the contractor, its transferees, or assignees demonstrate to the Commission, on request, that the contractor, its transferees, or assignees have taken effective steps within three (3) years after a patent issues on such invention or discovery to bring the invention or discovery to a point of practical application, or have granted licenses thereon free or on reasonable terms, or can show cause why he, his transferees, or assignees should retain the principal or exclusive rights for a further period of time; and

(ii) the right to grant licenses royalty-free or on reasonable terms to the extent that the invention or discovery is required for public use by governmental regulation, or as may be necessary to fulfill health needs, or for other public purposes stipulated in this contract.

### § 9–9.5005–1 Administrative allocation of patent rights.

(a) The AEC may administratively accord a contractor or inventor rights under § 9–9.5003 and greater rights than the minimum rights specified in § 9–9.5004 or 9–9.5005 in an invention or discovery made or conceived in the course of or under a contract after the invention or discovery has been identified and reported, provided (1) the AEC determines that the allocation of greater rights is consistent with the criteria set forth in said sections or (2) the accord of greater rights is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application or where the equities warrant such action.

(b) The according of greater rights shall be subject to:

(1) The contractor or inventor agreeing to furnish AEC with a written report, upon request, setting forth (i) the commercial use that is being made or is intended to be made of said invention or discovery, and (ii) the steps taken to bring the invention or discovery to a point of practical application, or to make the invention or discovery available for licensing (irrespective of any report under § 9–9.5005(f)).

(2) The contractor or inventor agreeing that unless effective steps have been taken to bring the invention to a point of practical application within three (3) years after the issuance of a United States patent therefor or unless the contractor has granted licenses on reasonable terms within three (3) years after the issuance of a United States patent therefor, the AEC may grant licenses royalty-free to applicants on the patents issued thereon unless the contractor, the inventor, or a transferee or assignee, if any, can show cause why the said greater rights should be continued for a further period.

(3) The retention by the Government of the right to grant licenses royalty-free or on reasonable terms to the extent that the invention or discovery is required for public use by governmental regulation, or as may be necessary to fulfill health needs, or for other public purposes stipulated in the contract.

(4) The retention by the Government in all cases of at least an irrevocable, non-exclusive, royalty-free license throughout the world for governmental purposes.

### § 9–9.5006 Right to file United States and foreign patent applications.

(a) In instances where a contractor desires assurance as to the right to file United States patent applications, the following provision (as well as such formal changes in the provisions following the inserted provisions as may be necessary) may be inserted after the word "result" in paragraph (a) of Patent Article under §§ 9–9.5003, 9–9.5004 and 9–9.5005.

*Provided, however,* That if the Commission determines not to file, the contractor may file any United States patent application subject to Commission security requirements and regulations.

(b) If the contract work is to be performed at contractor's own facilities (not Government or Commission owned or Government or Commission contractor operated facilities, or not at contractor's facilities where a major part of the equipment employed in the research and development is Government or Commission furnished) and the contractor, when reporting an invention desires to undertake U.S. and foreign filings so as to acquire an irrevocable, non-exclusive license for all purposes in any U.S. patent resulting therefrom and the title and rights in any resulting foreign patents, subject to the terms and conditions hereinafter provided, the following provisions may be inserted after the word "result" in paragraph (a) of Patent Article under §§ 9–9.5003, 9–9.5004 and 9–9.5005.

*Provided, however,* That if the contractor, when furnishing the complete information as to any invention or discovery advises the Commission that the contractor will file at its own expense, subject to security requirements and regulations, a U.S. patent application within six (6) months of reporting, and designated foreign patent applications on such invention or discovery, subject to security requirements and regulations, the contractor shall retain:

(1) A non-exclusive, irrevocable, paid-up license for all purposes in any such U.S. patent application filed by the contractor and any U.S. patent issued thereon, and

(2) The title and rights in any such foreign patent applications or foreign patents secured by the contractor, subject to:

(i) A non-exclusive, irrevocable, paid-up license to the U.S. Government for U.S. governmental purposes and with the right of the U.S. Government to grant licenses to foreign governments for purposes of governmental use by such foreign governments pursuant to a treaty or agreement with the U.S. Government or an agency thereof.

(ii) Granting, upon request, non-exclusive royalty-free licenses to U.S. citizens, and to U.S. corporations when 75 percent or more of the voting interest is owned by U.S. citizens, for use in the production or utilization of special nuclear material or atomic energy; and agreeing to grant to foreign users and purchasers of the product of such a U.S. licensee a license, to use or sell such product to an assignee of the business or plant or as surplus, at a reasonable, non-discriminatory royalty ordinarily to be at no greater royalty than contractor has charged its other foreign licensees.

(iii) The right of the contractor to grant such other licenses in accordance with applicable statutes and regulations.

(a) *Provided,* That if the contractor grants any licenses other than as provided in (ii) above, the same shall be for reasonable royalties or compensation, and

(b) *Provided, further,* That if, after three years of the issuance of a particular foreign patent, contractor, its assignee or its licensees cannot demonstrate, upon Commission request, the practical application of the subject matter covered by such foreign patent, the contractor or its assignee shall, at the Commission's request, grant licenses on any such foreign patent to others at reasonable royalties.

(3) If the contractor does not desire to prosecute the U.S. patent application or any foreign application or maintain any foreign patent, the contractor, prior to abandonment, shall afford the Commission an opportunity to take over prosecution of any such patent application or maintain any patent.

### § 9–9.5007 Subcontracts.

The patent provisions to be incorporated in subcontracts and purchase orders subject to approval of AEC shall be determined under the foregoing principles applicable to contracts.

### § 9–9.5008 Background patent rights.

### § 9–9.5008–1 Introduction and definitions.

(a) The Foreground Invention Rights Provisions of AEC contracts, subcontracts, and other arrangements entered into with or for the benefit of the Commission (hereafter "contracts") are not intended to give AEC any rights to practice inventions covered by "background patents" of the contractor or subcontractor (hereafter "contractor").

(b) For the purpose of this subpart "background patents" means:

(1) Inventions or discoveries actually reduced to practice before the effective date of the contract, which the contractor owns or may license without incurring liability to others other than to pay royalties.

(2) Inventions or discoveries actually reduced to practice or acquired during the contract period but not in the course of or under the contract, which the contractor owns or may license without incurring liability to others other than to pay royalties.

(3) Inventions or discoveries on which substantial work has been performed prior to the effective date of the contract although not actually reduced to practice, provided any such invention or discovery is, at the time of execution of the contract, the subject of a patent application filed by or a patent issued to the contractor and is specifically identified as a background patent by agreement of the parties of the contract. As used in this paragraph, the performance of "substantial work" does not necessarily require that, in cases where a working model would ordinarily be constructed, such a working model of the invention be constructed prior to the effective date of the contract. To the extent that the Commission may have rights in and to any such inventions or discovery under section 152 of the Atomic Energy Act of 1954, as amended, the inclusion of the background patent provision will constitute a waiver of such rights.

[1] For publication and indemnity clauses for use in research and development contracts with educational institutions, for fixed-price contracts see AECPR 9–16.5002–8, Article B–III and Article B–VIII, and for cost-type contracts see AECPR 9–16.5002–9, Article B–6 and B–7.

**§ 9–9.5008–2 Contracts in which "background patents" provisions are deemed appropriate.**

The Contracting Office must inquire of and secure complete information from the prospective contractor as to background patent applications and patents in order that a determination regarding need for a "background patents" provision be made in accordance with § 9–9.5008–3.

(a) A "background patents" provision should be incorporated in an AEC contract when there is a need therefor in accordance with the policy stated in § 9–9.5008–3.

(b) The inclusion of a "background patents" provision is deemed appropriate in any contract, regardless of the type or tier, if it involves research, development, or experimental work or the design, construction or operation of an AEC facility where there is a need therefor in accordance with the policy stated in § 9–9.5008–3.

(c) "Background patents" provisions should not be included in (1) purchase orders or supply contracts for items customarily offered for sale including items involving noninventive modifications, or (2) personal service contracts for performance of standard or ordinary, nontechnical services, or (3) contracts that do not involve research, development, or experimental work or operation of an AEC facility. (See § 9–9.5009 for inclusion of indemnity provisions.)

**§ 9–9.5008–3 The need for the "background patents" rights.**

(a) It is the policy of AEC to include a "background patents" provision in any contract of the type described in § 9–9.5008–2(b) where:

(1) AEC pays for any research and development or experimental work aimed toward the practical or specific application of a "background patented" process or article, or directed to any program of improvement of a "background patented" process or article where such research or development would significantly enhance the value of the "background patent" and it is determined that the contemplated utilization by the Government of the results of the sponsored research and development will involve the use or infringement of the "background patents," or

(2) The contractor is designing, constructing or operating an AEC facility and background patents of the contractor will probably be incorporated in, or used in the operation of that facility; or

(3) The technology is to be communicated abroad in support of specific nuclear projects and it is desired to assure those receiving the technology of their right to its use; or

(4) An AEC program requires the acquisition of "background patent" rights for private parties in the U.S. in order to further the development and use of atomic energy.

(b) The foregoing enumeration of circumstances deemed appropriate for incorporation of a "background patents" provision shall not be deemed all inclusive, since there may be other special circumstances where there is a need for the acquisition of such rights.

(c) Determinations of need will be made by the Contracting Officer. Upon written request of the contractor, made within ten (10) days after the Contracting Officer's determination, the Contracting Officer's determination will be reviewed by the General Manager or his designee, who may approve or modify the determination of the Contracting Officer.

**§ 9–9.5008–4 The scope of the "background patents" rights.**

(a) When "background patent" rights are to be acquired under the preceding paragraphs, the particular scope is a matter of negotiation in each case, but shall not be broader than the foreseeable need indicated by the facts in the particular case.

(b) Ordinarily the license should be at least an irrevocable, nonexclusive license to the U.S. Government and others acting in its behalf for U.S. Governmental purposes with the right of the U.S. Government to grant licenses to foreign governments generally or for use by such foreign governments pursuant to a treaty or agreement with the U.S. Government.

(c) Where "background patents" right are acquired for third parties in accordance with § 9–9.5008–3(a)(4), it will ordinarily be sufficient for the contractor to agree to grant specific licenses to such persons as may subsequently be designated by the Commission at reasonable royalties or other reasonable compensation. Other terms and conditions delineating the scope may be specified by the General Manager, or his designee, in specific cases.

**§ 9–9.5008–5 The consideration for "background patents" rights.**

(a) The acquisition of license rights to "background patents", whether the contract be fixed price, cost, cost plus, or other consideration, is a matter to be negotiated. Considerations such as the following should be evaluated in determining to what extent, if any, additional consideration should be paid for "background patents" rights. In many situations an evaluation of the following factors will lead to the conclusion that the contract price should not be increased to reflect the acquisition of "background patents" rights:

(1) The value of such "background patents";

(2) The extent of the contractor's prior independent work and expenditures and the amount of the Government's expenditures under the contract;

(3) The increase in value of the "background patents" to the contractor by reason of the contract work;

(4) The nature and scope of the license to be acquired and the extent of anticipated use;

(5) Whether under the foreground patent provision the contractor is accorded the exclusive rights for purposes other than use in the production or utilization of special nuclear materials or atomic energy;

(6) The measure of the contractor's legal right to collect reasonable and entire compensation if a license is not secured; and

(7) The obligation of the contractor to pay royalties to others with respect to the "background patents".

(b) Any agreement for the payment of additional compensation for background patent rights will be made only upon the approval of the General Manager, or his designee.

**§ 9–9.5008–6 Types of suggested background patents provisions.**

Where it is determined that a background rights provision is necessary, the particular wording of a provision granting a license and rights to the Government may be a matter of negotiation. However, the following paragraphs are suggested for addition to the appropriate invention rights provisions as set forth in §§ 9–9.5003 through 9–9.5005:

(a) With respect to (1) research, development or experimental contracts involving process or product development; (2) design, construction, production or manufacturing contracts where research and development of process, equipment, materials, or other items of the contractor are involved; and (3) other research, development and experimental contracts, the following paragraph is suggested for addition:

In addition to the rights of the parties under the foregoing paragraphs in and to inventions or discoveries made or conceived in the course of or under this contract, the contractor agrees, and does hereby grant to the Government an irrevocable, nonexclusive, paid-up license in and to any inventions or discoveries actually reduced to practice before the effective date of the contract owned or controlled by the contractor and in and to any inventions or discoveries actually reduced to practice or acquired during the contract period but not subject to the foregoing foreground invention rights provision, which shall be utilized or embodied in the work under this contract: (If the contract is for research, development or experimental work on design, the phrase should read—"which are incorporated in the conceptual design or prototype furnished under this contract"—) (1) To make, use and to have made and used throughout the world for U.S. Government purposes, and (2) to sell and have sold such articles, material or product embodying said invention or discovery as surplus or condemned public property as provided by law. The acceptance or exercise by the Government of the aforesaid rights and license shall not prevent the Government at any time from contesting the enforceability, validity or scope of, or the title to, any rights or patents herein licensed.

(b) In facility operation contracts, the following paragraph is suggested for addition:

In addition to the rights of the parties under the foregoing paragraphs in and to inventions or discoveries made or conceived in the course of or under this contract, the contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, paid-up license in and to any inventions or discoveries actually reduced to practice before the effective date of this contract owned or controlled by the Contractor and in and to any inventions or discoveries actually reduced to practice or acquired during the contract period but not subject to the foregoing foreground invention rights provision, which shall be incorporated in the construction of or involved in the utilization of the facility by the contractor (1) to practice or to have practiced for the Government at the facility, (2) to practice and to have practiced in similar U.S. Government facilities, and (3) to sell or dispose of such facility or facilities, or any portion thereof, as provided by law. The acceptance or exercise by the Government of the aforesaid rights and license shall not prevent the Government at any time from contesting the enforceability, validity or scope of, or the title to, any rights or patents herein licensed.

(c) In contracts for design, construction or operation of nuclear reactor power facilities involving research, development or experimental work, the following paragraph is suggested for addition:

In addition to the rights of the parties under the foregoing paragraphs in and to inventions or discoveries made or conceived in the course of or under this contract, the contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, paid-up license in and to any inventions or discoveries actually reduced to practice before the effective date of the contract owned or controlled by the contractor and in and to any inventions or discoveries actually reduced to practice or acquired during the contract period but not subject to the foregoing foreground invention rights provision, which are incorporated or embodied during the term of this contract in the nuclear power plant: (If the contract is for research, development or experimental work on design of a reactor, the phrase should read—"which are incorporated in conceptual designs or prototypes furnished under this contract"—) (1) To make, use and to have made and used, throughout the world for U.S. governmental purposes in the manufacture and use of U.S. Government-owned or Government-operated reactor facilities, (2) to transfer such license with transfer of such Government-owned or Government-operated reactor facility, and (3) to sell and have sold such article, material or product, embodying such inventions or discoveries, as surplus or condemned public property as provided by law. The acceptance or exercise by the Government of the aforesaid rights and license shall not prevent the Government at any time from contesting the enforceability, validity or scope of, or title to, any rights or patents herein licensed.

(d) Where specific Headquarters instructions are issued as to the necessity for third party licenses, the following is a suggested addition to the governmental license clause:

With respect to those inventions or discoveries licensed herein, the contractor agrees to grant nonexclusive licenses for use in connection with reactor facilities (or equipment—if only equipment is involved) of a type similar to that provided for under this contract at reasonable terms to responsible private parties upon the request of the Commission. The Commission shall make such request only when such inventions or discoveries are considered by the Commission to be necessary. In the event that the contractor and prospective licensees cannot agree upon a reasonable royalty, the contractor agrees that the royalties may be fixed pursuant to the procedure set forth in section 157(c) of the Atomic Energy Act of 1954, as amended.

(e) Where the nuclear reactor facility or equipment incorporated standard commercial components or parts readily available in the open market from other sources, there may be added to the proposed contract clause, before the last sentence thereof, the following suggested provision:

*Provided, however,* That no license is granted herein as respects non-nuclear commercial items, components or materials incorporated, to the extent that such non-nuclear items, components, or materials are available in the open market from other commercial sources.

**§ 9–9.5008–7 Background technical data.**

The foregoing "Background Patents" rights provisions are limited to define patents and inventions and do not cover "background secret processes, technical information, and know-how." While Technical Data generally is covered by AECPR9–7.5006–13, the same does not specifically give the Government rights in earlier identified secret processes, technical data or know-how, and it is recognized that there may be cases where the acquisition of rights in such earlier material is necessary. While the particular wording of a provision granting rights to the Government is a matter of negotiation, the following paragraph is suggested for addition to the Drawings, Designs and Specification Provisions as set forth in § 9–7.5006–13 of this chapter:

In addition to the rights of the parties in technical data set forth above (Article 9–7.5006–13) the contractor agrees to and does hereby grant to the Government an irrevocable license and right to use any secret process, technical information, or know-how of the contractor, made, developed, or acquired prior to or on the effective date of expiration or completion of this contract, which shall be or is utilized, tested, or embodied in the work under this contract, or which shall be or is specifically incorporated in any scientific or technical report rendered under this contract.

It may be appropriate when it is necessary to acquire the right to use such background "secret processes, technical information and know-how" to include provisions limiting the right of the Government to disseminate and publish the same. In such event, a proviso along the following lines may be appropriate:

*Provided, however,* That to the extent that any such background "secret processes, technical information or know-how" when furnished or delivered is specifically identified by the contractor at the time of delivery to the Commission, the same shall not be used by the Government except in the performance of other contracts or subcontracts with or for the benefit of the Government, unless such material and information is generally available to the public or has been made available to the Government from other sources or previously by the contractor without limitation as to use.

**§ 9–9.5009 Patent indemnification of Government by contractor.**

(a) Under the Act of June 25, 1948 (28 U.S. Code 1498) any suit for infringement of patent by a contractor or a lower tier subcontractor in performance of a Government contract must be brought against the Government in the Court of Claims and not against the contractor where the subject matter was for the use or manufacture by or for the Government of the United States. The Atomic Energy Acts of 1946 and 1954 substitute a cause of action before the AEC Patent Compensation Board for certain types of claims, discussed in § 9–9.5017. Therefore, provision is made in §§ 9–9.5003 through 9–9.5005 for waivers of such claims as to inventions and discoveries made or conceived in the course of work under the contract. A large part of the activities of AEC are still subject to suit under the Act of June 25, 1948 (28 U.S. Code 1498) and in order that the Government may be protected from liability for any such patent infringement where ordinary commercial materials or equipment are to be furnished "off the shelf" or furnished with only minor modifications not generally involving the making of any inventions or discoveries pursuant to a construction or supply contract or a purchase order, the same should contain appropriate indemnification provisions in favor of the Government.

(b) The Patent Indemnity Article (Clause 13 of GSA Standard Form 23A, revised), which follows, may be employed in the purchase of supplies for construction work where Form AEC–103, "Order," is used and in lump-sum or cost-type construction contracts:

PATENT INDEMNITY

Except as otherwise provided, the contractor agrees to indemnify the Government and its officers, agents and employees against liability, including costs and expenses, for infringement upon any Letters Patent of the United States (except Letters Patent issued upon an application which is now or may hereafter be, for reasons of national security, ordered by the Government to be kept secret or otherwise withheld from issue) arising out of the performance of this contract or out of the use or disposal by or for the account of the Government of supplies furnished or construction work performed hereunder.

(c) In other instances where an indemnity provision is deemed appropriate, the following article should be employed:

PATENT INDEMNITY

The contractor agrees to indemnify the Government, its officers, agents, servants and employees against liability of any kind (including costs and expenses incurred) for the use of any invention or discovery and for the infringement of any Letters Patent (not including liability, arising pursuant to Section 183, Title 35 (1952), U.S. Code, prior to the issuance of Letters Patent) occurring in the performance of this contract or arising by reason of the use or disposal by or for the account of the Government of items manufactured or supplied under this contract.

(d) The term "seller" or "vendor" should be substituted for the term "contractor" in purchase orders and the term "buyer and" may be added before the term "Government" wherever it appears, in the event a contractor-buyer issues a subcontract or purchase order and desires to obtain from the seller the same protection as the Government obtains.

(e) Certain construction or supply contracts may call for items or parts thereof which are standard commercial supplies and also for items which require modifications in the course of the performance of the work. In such event the patent indemnity articles set forth above may be appropriately modified. To cover

such circumstances, the following modification should be added at the end of the patent indemnity article:

, except, however, infringement necessarily resulting from the contractor's compliance with written specifications or provisions for other than standard parts or components manufactured or supplied by the contractor or resulting from specific written instructions given by the Commission for the purpose of directing a manner of performance of the contract not normally utilized by the contractor.

(f) In some instances certain specific items should be excluded from the indemnification, and where such items or parts can be identified as non-standard commercial components or parts the following provision may be added at the end of the patent indemnity article:

except that this indemnity shall not apply to the following items or parts (specifically identifying and listing the items or parts to be excluded).

### § 9–9.5010 Contractor held harmless by Government.

(a) As indicated in connection with the patent indemnity provisions, under the Act of June 25, 1948 (28 U.S. Code 1948) any action for patent infringement by a contractor or subcontractor in the performance of work by or for the Government is subject to suit against the Government in the Court of Claims, except in the special circumstances provided for in the Atomic Energy Acts of 1946 and 1954. While the contractor is protected from injunctive action in the performance of a Government contract, there may be special circumstances, particularly in the case of research or development work, where the contractor has not made any investigation as to the possibility of infringement in the performance of the contract and the contract price does not include any provision for the settlement of possible patent claims. In such circumstances, the following "hold harmless" article in favor of the contractor may be used in the event that the contractor specifically requests it and the facts as to the particular research or development work are as stated in the article:

It is agreed that the Government shall hold the contractor harmless from liability of any kind arising from infringement of patent rights in the course of the work performed by the contractor under this contract, in view of the following facts: (a) The contractor has not made an investigation as to the possibility of patent infringement, (b) the Government and the contractor desire to avoid the delay incident to a patent investigation, and (c) the contractor has not included in its price or fee any provision for the settlement of possible patent claims. The contractor shall give prompt notice in writing to the Commission of any action filed or claim against the contractor for infringement of patent rights in the course of the work performed by the contractor under this contract. Except as otherwise directed by the Commission in writing, the contractor shall furnish promptly to the Commission copies of all pertinent papers received by the contractor with respect to any such action or claim. If required by the Commission, the contractor (at the Government's expense, by proper arrangement) shall assist the Government in the settlement or defense of such action or claim and shall furnish such evidence in its possession as may be required by the Government in the settlement or defense of such action or claim.

Such provision shall not be employed in a supply contract or purchase order for ordinary commercial materials or equipment.

(b) In research and development contracts if standard commercial parts or components are to be furnished, the standard commercial parts or components are to be excepted from the above article by deleting the period after the word "claims" at the end of the first sentence of the article and inserting the following exception:

excepting, however, any liability arising from the infringement of Letters Patent resulting from the contractor's furnishing or supplying standard parts or components or utilizing its normal practices or methods in the performance of the contract or to any parts, components, practices or methods as to which the contractor has secured indemnification from liability and with respect to which the contractor agrees to idemnify the Government, its officers, agents, servants and employees against liability of any kind for the use of any invention or discovery and for the infringement of any Letters Patent (not including any liability arising from section 183, Title 35 (1952), U.S. Code prior to the issuance of Letters Patent).

### § 9–9.5011 Reporting of royalties.

The Government has acquired patent rights under a large number of inventions as a result of research and development sponsored by AEC as well as by other Government agencies and as a result of purchase and other means. In instances where the Government has acquired patent rights, it is not equitable that the Government be charged royalties in connection with AEC procurement, construction, or operation. In order that AEC may be informed regarding royalty payments to be made by a contractor or subcontractor in connection with any procurement, construction, or operation where the amount of the royalty payments is reflected in the contract price, or is to be reimbursed by the Government, the negotiator shall (a) obtain from the contractor information concerning the royalty payments expected to be made in connection with the proposed procurement, construction, or operation, together with the names of the licensors and either the patent numbers involved or such other information as will permit identification of the patents and patent applications as well as the basis on which the royalties are to be paid, or (b) obtain from the contractor a certificate that the contract price includes no amount representing the payment of any royalty by the contractor directly to others in connection, with the performance of the contract, or (c) insert in the contract the article set forth below:

REPORTING OF ROYALTIES

If this contract involves any royalty payments or if the amount of any royalty payments is reflected in the contract price of the contract to the Government, the contractor agrees to report in writing to the Commission (Assistant General Counsel for Patents) during the performance of this contract and prior to its completion or final settlement the amount of any royalties or other payments paid or to be paid by it directly to others in connection with the performance of this contract together with the names and addresses of licensors to whom such payments are made and either the patent numbers involved or such other information as will permit identification of the patents or other basis on which the royalties are to be paid. The approval of the Commission of any individual payments or royalties shall not estop the Government at any time from contesting the enforceability, validity or scope of, or title to, any patent under which a royalty or payments are made.

With respect to any advertised contract which may involve the payment of royalties by the contractor in performance thereof the "Reporting of Royalties" article shall be included in the invitation for bids as one of the general contract provisions. At the option of the Contracting Officer the following provision may be added to the above article:

If no royalties or other payments are paid directly to others, the contractor agrees so to report in writing to the Commission (Assistant General Counsel for Patents) prior to the completion of final settlement of the contract.

### § 9–9.5012 Classified contracts.

Unauthorized disclosure of classified subject matter in any manner whatsoever may be a violation not only of the Atomic Energy Acts of 1946 and 1954 but also of the Espionage Act (Title 18 U.S. Code, Chapter 37) as well as of the provisions pertaining to disclosure of information incorporated in the contract. (See Part 9–7 of this chapter.) Furthermore, where a patent application is filed and the disclosure thereof and issuance of a patent would be detrimental to the national security a Secrecy Order under the provisions of section 181, Title 35 U.S. Code will be issued by the United States Commissioner of Patents. Violation of the provisions of the Secrecy Order, subjects the violator to the separate penalties imposed by Section 182, 186, and any rules promulgated pursuant to section 188 of Title 35 U.S. Code.

### § 9–9.5013 Foreign patent rights.

Under the contract articles set forth in § 9–9.5003 through 9–9.5005, AEC has the right to determine whether and where a patent application shall be filed. AEC thereby is in a position subject to § 9–9.5006(c) to comply with Executive Order 9865 of June 14, 1947, which requires all Government agencies, wherever practicable, to acquire the right to file foreign patent applications or inventions resulting from research conducted by the Government.

### § 9–9.5014 Procedure in administration of patent provisions.

(a) With respect to each contract, subcontract, and purchase order under his jurisdiction, each Manager of Operations is responsible:

(1) For assuring that Contracting Officers comply with the provisions of this chapter in executing and approving any contract, subcontract, or purchase order, or any supplement thereto modifying the patent provisions;

(2) For transmitting the information requested on the Patent Information Sheet, Form AEC–242, to the Assistant General Counsel for Patents, AEC, Washington;

(3) For reviewing, in consultation with the contractor, subcontractor, or vendor, arrangements for obtaining adequate patent agreements from employees and others performing work under any contract, subcontract, or purchase order containing patent provisions in favor of the Government; (The form of such patent agreement actually in use or proposed for use shall be forwarded for approval to the local Patent Group or where no local Patent Group exists, to the Assistant General Counsel for Patents, AEC, Washington.)

(4) For forwarding a notice of completion or termination of the work and a request for patent clearance to the Assistant General Counsel for Patents, AEC, Washington, for each contract, subcontract, and purchase order containing patent provisions giving rise to rights in the Government; and

(5) For withholding reimbursement of the voucher covering final payment pending receipt of the written notice of the patent clearance from the Assistant General Counsel for Patents for each such contract, subcontract, and purchase order.

(b) The Assistant General Counsel for Patents upon receipt of notification on Patent Information Sheet, Form AEC–242, will notify the person who transmits the information sheet of the Patent Group or Patent Attorney assigned to conduct the patent investigation of the reported contract, subcontract, or purchase order. Upon receipt of the notice of completion or termination as provided in paragraph (a)(4) of this section, a notice of patent clearance will be issued by the Assistant General Counsel for Patents when there has been to his best knowledge and belief compliance with the patent provisions. The patent provisions normally require that a qualified representative of the contractor or vendor furnish to the AEC:

(1) A list and identification of the notebooks kept during the course of the work;

(2) A certification that such notebooks have been examined and that, to the best of his knowledge, they contain no inventions or discoveries other than those set forth in the certification; (Inventions and discoveries are to be reported by case number, name of inventor, and short title.)

(3) A list and identification of the technical reports rendered during the course of the work;

(4) A certification that such reports have been examined and that, to the best of his knowledge, they contain no inventions or discoveries other than those reported in subparagraph (2) of this paragraph; (The certificate should include a statement that any such technical reports not yet transmitted to AEC will be so transmitted upon request.)

(5) A statement that (i) the notebooks kept during the course of the work either have been turned over to AEC or are held in custody for AEC use by a designated person, and (ii) such notebooks will be submitted to AEC, Assistant General Counsel for Patents, for examination upon request. (AEC may authorize, upon request, continued use of such notebooks in additional research work under other AEC contracts.)

(c) Ordinarily, inventions and discoveries will be reported on Form AEC–213, copies of which are available at various Operations and Area Offices. Reporting of inventions promptly and in advance of the completion of the work under the respective contracts will aid patent clearance. Submission of interim reports, where contracts cover an extended period, will also facilitate the disposition of patent matters and expedite the issuance of final patent clearance. The local AEC counsel, in collaboration with the local Patent Group or Patent Attorney in an Operations or Area Office will assist negotiators in negotiating patent provisions. The local Patent Group or Patent Attorney will generally submit Patent Information sheets and otherwise assist Operations and Area Managers, contractors, subcontractors and vendors in the reporting of inventions and discoveries, the handling of patent matters and the preparation of certifications to initiate patent clearance.

### § 9–9.5015 Acquisition of patent rights.

In accordance with general Government practices, AEC may acquire rights in patents and is authorized, pursuant to section 153 of the Atomic Energy Act of 1954, after a hearing and under specified circumstances, to declare certain patents affected with the public interest.

### § 9–9.5016 Claims for patent infringement.

Any claims for alleged unauthorized use of inventions or infringement of patents should be promptly reported to the Assistant General Counsel for Patents, AEC, Washington, for processing.

### § 9–9.5017 Claims under the Atomic Energy Acts of 1946 and 1954.

Under section 11 of the Atomic Energy Act of 1946 patents could not be secured on certain inventions or discoveries, and patents issued after August 1, 1946 conferred no rights to the extent that inventions or discoveries were used for certain specialized purposes. In lieu thereof provision was made in section 11 for application for an award in a proceeding before the AEC Patent Compensation Board. Under section 151a of the Atomic Energy Act of 1954, no patent shall be issued for any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon. Section 151b provides that patents issued thereafter confer no rights to the extent that such invention or discovery "is used" in atomic weapons. Section 157 provides for reasonable royalty determination in the case of the owner of a patent licensed under section 158 or subsections 153b or 153e, or any patent licensee thereunder; the grant of just compensation for the revocation of patents and patent rights pursuant to section 151; and for the grant of awards to persons making any invention or discovery useful in the production or utilization of special nuclear material or atomic energy who are not entitled to reasonable royalty or compensation therefor under the Act and who have complied with the provisions of section 151c. The AEC may also, upon the recommendation of the General Advisory Committee, and with the approval of the President, grant an award for any especially meritorious contribution to the development, use or control of atomic energy.

### § 9–9.5018 Definitions.

As used in the regulations of this part, the stated terms in singular and plural are defined as follows for the purposes hereof:

(a) "Government agency" includes any Executive department, independent commission, board, office, agency, administration, authority, or other Government establishment of the Executive Branch of the Government of the United States of America.

(b) "Invention", "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(c) "Contractor" means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract.

(d) "Contract" means any actual or proposed contract, agreement, grant, or other arrangement, or sub-contract entered into with or for the benefit of the Government.

(e) "Made", "made or conceived" when used in relation to any invention or discovery means the conception or the first actual reduction to practice of such invention or discovery in the course of or under the contract.

(f) "License for governmental purpose" means the right of the Government of the United States (including any agency thereof, state, or domestic municipal government) to practice and have practiced (made or have made, used or have used, sold or have sold) throughout the world by or on behalf of the Government of the United States.

(g) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine, and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

### § 9–9.5100 Copyrights.

### § 9–9.5101 Purpose and scope of subpart.

This subpart sets forth the policy and practices of the AEC as to use and publication of copyrightable materials, and contract provisions in connection with the procurement of material subject to copyright. The copyright provision to be incorporated in subcontracts shall be determined by the principles applicable to contracts.

### § 9–9.5102 AEC use of copyrighted material.

AEC recognizes that the owner of copyrighted material has property rights in

such material and it is the policy of AEC that it will not knowingly incorporate such copyrighted material into publications prepared by or for AEC except with the written consent of the copyright owner. The attention of copyright owners should be invited in appropriate instances to the Act of July 30, 1947 (Title 17, U.S. Code, section 8) providing that "the publication or republication by the Government either separately or in a public document, of any material in which a copyright is subsisting shall not be taken to cause any abridgement or annulment of the copyright or to authorize any use or appropriation of such copyrighted material without the consent of the copyrighted proprietor."

**§ 9–9.5103 Rights in copyrightable material under contracts.**

(a) In research and development and other contracts (including contracts for translations, or for the preparation of articles, books or other publications) under which material subject to copyright may be furnished in the form of technical or progress reports, memoranda, papers or articles prepared as to the work AEC has employed a provision under which all scientific and technical data, specifications, reports, papers, articles and other memoranda "shall be and remain the property of the Government, and the Government shall have the right to use such scientific and techincal data, specifications, reports and memoranda in any manner without claim for additional compensation." (See § 9–7.5006–13 of this chapter.) Although the foregoing provision or a similar provision is incorporated and such reports and papers are the property of the Government and any report, memoranda, paper or article composed may be considered a Government publication for which copyrights are specifically excluded in accordance with the provisions of section 8, Title 17, U.S. Code, it is desirable to provide specifically for the disposition of any copyrightable material not comprehended by such provision.

(b) In the event that a contract does not contain a provision under which the material, reports, papers, etc., produced, composed or furnished under a contract become the property of the Government, a provision should be incorporated in the contract that the Government acquires the right to determine the disposition of copyrightable material or receives at least a royalty-free, nonexclusive and irrevocable license to such material first produced, composed or furnished under the contract, with a right to authorize others to reproduce, publish and use the same, leaving the contractor free to take out a copyright in his own name if he so desires.

(c) In the event that a contractor incorporates copyrighted material already owned by it or others in the material furnished to the Government, a provision for a license to the Government in such material should be secured whenever appropriate.

(d) Appropriate provisions as to copyrightable material should be included in contracts whether the material subject to copyright is the main item of the contract or is merely incidental. In instances, where the translation or the preparation of articles, books, or other copyrightable material is the principal subject matter of the contract, the following article should be incorporated:

COPYRIGHT

(1) The contractor (i) agrees that the Commission shall determine the disposition of the title to and the rights under any copyright secured by the contractor or its employees on copyrightable material first produced or composed and (ii) hereby grants to the Government a royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use and dispose of, and to authorize others so to do, all copyrighted or copyrightable work not first produced or composed by the contractor in the performance of this contract but which is incorporated in the material furnished under the contract, provided that such license shall be only to the extent the contractor now has, or prior to the completion or final settlement of the contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(2) The contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1) (ii) hereof, or without the consent of the copyright owner, unless specific written approval of the Managers of Field Offices to the inclusion of such copyrighted material is secured.

(3) The contractor agrees to report in writing to the Commission, promptly and in reasonable detail, any notice or claim of copyright infringement received by the contractor with respect to any material delivered under this contract.

(e) The foregoing provision is preferred for contracts where the reports, papers or other copyrightable material become the property of the Government. Nevertheless, in such contracts as well as in other contracts where the incorporation of a provision as to copyrightable material is appropriate the following provision may be used:

COPYRIGHT

(1) The contractor agrees to and does hereby grant to the Government, and to its officers, agents, servants and employees acting within the scope of their official duties, (i) a royalty-free, nonexclusive and irrevocable license to reproduce, translate, publish, use, and dispose of, and to authorize others so to do, all copyrightable material first produced or composed under this contract by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material; and (ii) a license as aforesaid under any and all copyrighted or copyrightable work not first produced or composed by the contractor in the performance of this contract but which is incorporated in the material furnished under the contract, provided that such license shall be only to the extent the contractor now has, or prior to completion or final settlement of the contract may acquire the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(2) The contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1) (ii) hereof, or without the consent of the copyright owner, unless specific written approval of the Managers of field offices to the inclusion of such copyrighted material is secured.

(3) The contractor agrees to report to the Commission promptly and in reasonable written detail, any notice or claim of copyright infringement received by the contractor with respect to any material delivered under this contract.

(f) If the circumstances warrant special arrangements such arrangements should be reviewed at the time of negotiation, or if proposed during the course of the contract, at the time of proposal, with the Managers of field offices or with the Assistant General Counsel for Patents, Washington.

**§ 9–9.5104 Copyright indemnification of Government.**

There may be certain circumstances under which it is appropriate for the contractor to indemnify the Government as respects any copyright infringement. This would be particularly true in connection with contracts where translation or preparation of articles, books or other copyrighted material is one of the important aspects of the contract. In such event the following provision is suggested for incorporation:

Except as otherwise provided, the contractor agrees to indemnify the Government, its officers, agents, servants and employees against liability, including costs and expenses, for the infringement of any copyright in any work protected under the copyright laws of the U.S. arising out of the performance of this contract, including the reproduction, translation, publication or use of any such copyrighted material.

**§ 9–9.5105 Government authorization and consent.**

There may be special situations where the government specifically directs a contractor to perform certain work which might constitute infringement of copyrights. If, for example, the government requests a specific reproduction of a foreign work when it cannot be ascertained that there is a valid copyright, and the government desires to avoid delay that would be caused by making sure, the government would authorize and consent to the use of such possibly copyrighted material. However, it is felt that the matter of such authorization or consent by the government should arise only in unusual cases. In such circumstances the following authorization and consent article is suggested for use:

The government hereby grants its authorization and consent to use (specifically identified subject matter) in the course of the work to be performed by the contractor under this contract.

As the exclusive remedy for the use by the contractor under the foregoing authorization and consent is against the government, it should be accorded only insofar as it is necessary for the contractor to perform the contract. It is not deemed an authorization and consent to the contractor to use for purposes other than fulfillment of the contract. In such instances, to assure that the contractor appreciates the limits of the authorization, the following may be added at the end:

Except for the foregoing authorization and consent, any liability arising from infringement of any copyrighted work protected under the copyright laws of the U.S. resulting from contractor's performance of the contract, the contractor agrees to indemnify the government, its officers, agents, servants and employees against liability for infringement of any such copyright.

**§ 9–9.5106 Copyrights in motion pictures.**

In all contracts for motion pictures or for the production of motion pictures or the preparation of motion picture scripts, translations, adaptations, and the like, the following article shall be included:

COPYRIGHTS

(a) The contractor agrees that all material forming the subject matter of this contract and first produced in the performance of this contract shall be the sole property of the Government, and may not be published or reproduced, in whole or in part, or in any manner or form, other than by the Government or with its express consent. The contractor further agrees that no right at common law or inequity shall be asserted and no claim to copyright by statute shall be established by the contractor in any material first produced in the performance of this contract.

(b) The contractor agrees to grant and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license (1) to publish, translate, reproduce, use, and dispose of, in any manner, any and all copyrighted or copyrightable material not first produced or composed in the performance of this contract but which is incorporated in the material furnished under the contract; and (2) to authorize others so to do.

(c) The contractor agrees to indemnify and save and hold harmless the Government, its officers, agents and employees acting within the scope of their official duties against any liability, including costs and expenses, (1) for violation of copyright or any other proprietary rights, arising out of the reproduction, use or disposition of any copyrighted or copyrightable material furnished under this contract, or (2) based upon any libelous or other unlawful matter contained in said material.



*Effective date.* These regulations are effective 30 days after publication in the FEDERAL REGISTER, but may be observed earlier. Comments are invited and may be submitted to the Atomic Energy Commission, Washington, D.C., 20545, prior to the effective date of these regulations.

Dated at Germantown, Md., this 10th day of December 1964.

For the U.S. Atomic Energy Commission.

JAMES SCAMMAHORN,
*Acting Director,*
*Division of Contracts.*

[F.R. Doc. 64–12831; Filed, Dec. 14, 1964; 8:46 a.m.]

# Title 46—SHIPPING

## Chapter IV—Federal Maritime Commission

### SUBCHAPTER A—GENERAL PROVISIONS

## PART 506—FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

### Discriminations in U.S.-Uruguayan Trade

On December 3, 1964, the Federal Maritime Commission published in the FEDERAL REGISTER (29 F.R. 16195) an amendment to 46 CFR Part 506, designed to offset certain preferences for Uruguayan national flag vessels established by decrees of the Government of Uruguay. One such preference was an exoneration from fifty percent of the surcharge established by Article 1 of the decree dated April 14, 1963 for articles, merchandise, products and goods imported in Uruguayan national flag dry cargo ships. By decree dated November 24, 1964, the Government of Uruguay increased this surcharge from twenty to thirty percent. It has therefore become necessary to further amend Part 506 to reflect this increase. The Commission considers that notice and public procedure would be contrary to the public interest for the same reasons as stated in the notice published December 3, 1964.

Therefore, as directed by section 19 (1) (b) of the Merchant Marine Act, 1920, the Federal Maritime Commission hereby amends paragraph (d) of 46 CFR 506.4, to read as follows:

§ 506.4 Discriminations in the U.S.-Uruguayan Trade.

* * * * *

(d) In order to adjust or meet the unfavorable conditions caused by the decree of June 13, 1963, as amended by the decree dated November 24, 1964, the owner or operator of each favored vessel carrying exports between the United States and Uruguay shall be subject, insofar as goods covered by Article 1 of the decree dated April 14, 1963, are concerned, to an equalizing charge of fifteen percent of the CIF value of all such cargoes covered. On the cargoes which are covered by the provisions of Article 5 of law 12670 of December 17, 1959, an equalizing charge of six percent of the CIF value shall be assessed. Such charges shall be paid directly to the Federal Maritime Commission, Washington, D.C., 20573, for the account of the Treasurer of the United States, and shall be remitted within ten (10) days after demand for payment.

* * * * *

Effective date. The amendment published December 3, 1964, was to become effective thirty days from date of publication, or January 4, 1965. The Commission considers it necessary that this amendment also become effective on that date. The Commission therefore finds that good cause exists why the provisions of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003) should be waived, and this amendment will therefore be effective on January 4, 1965.

By the Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12882; Filed, Dec. 14, 1964; 8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[ 7 CFR Part 812 ]

### HAWAII AND PUERTO RICO

### Proposed Sugar Requirements and Quotas for Local Consumption for Calendar Year 1965

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), is considering the determination of sugar requirements and the establishment of quotas for local consumption in Hawaii and Puerto Rico for the calendar year 1965.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) all persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation may file the same in duplicate with the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250, on or before December 18, 1964. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed determination of sugar requirements and quotas for Hawaii and Puerto Rico for the calendar year 1965, set forth in form and language appropriate for issuance if adopted by the Secretary, is as follows:

*Basis and purpose.* The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine during December 1964 sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act, and these regulations shall be effective January 1, 1965.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

**§ 812.1 Sugar requirements and quota—Hawaii.**

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1965 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1965.

**§ 812.2 Sugar requirements and quota—Puerto Rico.**

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1965 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1965.

**§ 812.3 Restrictions on marketing.**

Pursuant to section 209 of the Act, for the calendar year 1965 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F. R. 1943 and 27 F. R. 1450), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1965 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

*Statement of bases and considerations.* Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1964, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period are estimated to have been approximately 41,000 short tons of sugar, raw value, and 118,000 short tons of sugar, raw value, respectively.

The provisional estimate by the Bureau of the Census of the total population for Hawaii as of July 1, 1964, is 701,000 and for Puerto Rico is 2,577,000. This represents a normal increase in population for Hawaii and Puerto Rico over 1963. No official estimate for either of these areas for 1964 is available.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1958 through 1963 sugar consumption in this area has varied from 120.0 to 138.0 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1965 than in the twelve months ended October 31, 1964, when sugar marketings approximated 41,000 short tons, raw value.

In Puerto Rico during the twelve months ended October 31, 1964, marketings of sugar for local consumption totaled approximately 120,000 short tons, raw value. Refiners' inventories of sugar as of September 30, 1964, were approximately 15,000 tons higher than those held on September 30, 1963. After making allowance for possible consumption increases in 1965 resulting from population increases, and the larger inventory of sugar held by refiners, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1965 may be approximately 130,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1965 local quota is not completely filled. It is therefore, desirable to establish the 1965 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1965 have been determined to be 50,000 and 130,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1112, 1119)

Issued at Washington, D.C., this 10th day of December 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64–12853; Filed, Dec. 14, 1964; 8:49 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Treasury Dept. Order 167–64]

### COMMANDANT, U.S. COAST GUARD

### Delegation of Authority

DECEMBER 7, 1964.

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 2), there are transferred to the Commandant, United States Coast Guard, the functions of the Secretary of the Treasury contained in 33 U.S.C. 1052, concerning the exemption of specially constructed Coast Guard vessels from the lighting requirements prescribed by the International Regulations for preventing Collisions at Sea.

The Commandant may provide for the performance by subordinates in the Coast Guard of any function herein delegated.

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–12836; Filed, Dec. 14, 1964; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Depredation Order]

### DEPREDATING GOLDEN EAGLES

### Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain Texas Counties

Pursuant to authority in Section 2 of the Act of June 8, 1940 (54 Stat. 250), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from December 15, 1964, through June 15, 1965, in Texas subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the following named counties:

| | |
|---|---|
| El Paso. | Sutton. |
| Jeff Davis. | Pecos. |
| Brewster. | Culberson. |
| Val Verde. | Real. |
| Uvalde. | Sterling. |
| Kerr. | Glasscock. |
| Edwards. | Reagan. |
| Crockett. | Irion. |
| Ward. | Tom Green. |
| Upton. | Coke. |
| Hudspeth. | Schleicher. |
| Presidio. | Crane. |
| Terrell. | Burnet. |
| Kinney. | McCulloch. |
| Bandera. | Blanco. |
| Kimble. | San Saba. |

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

ABRAM V. TUNISON,
*Acting Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 11, 1964.

[F.R. Doc. 64–12897; Filed, Dec. 14, 1964; 8:50 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Purchase Program FMP 26a]

### CANNED DRIED PRUNES

### Notice of Purchase Program

In order to encourage the domestic consumption of prunes by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture offers to purchase canned dried prunes packed from 1964 crop prunes grown in the United States, for subsequent use in school lunch programs and other eligible outlets. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer this product are contained in Announcement FV–365 issued by the Department on December 4, 1964, as amended by Amendment No. 1 December 7, 1964. Quantity purchased will depend upon quantities and prices offered. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., 20250, or from Dower T. Mohun, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 630 Sansome Street, Room 836, San Francisco, Calif., 94111.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: December 10, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12828; Filed, Dec. 14, 1964; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[Case 336]

### LUDWIG AND GEORGE KASTNER

### Order Denying Export Privileges

In the matter of Ludwig Kastner, George Kastner, Rossauer Lande 25, Vienna IX, Austria, Case No. 336; respondents.

On July 6, 1964 the respondents Ludwig Kastner and George Kastner, father and son, were charged by the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, Department of Commerce, with violations of the Export Control Act and regulations thereunder. The respondents were involved in export transactions with parties residing in the United States, namely Sylvan L. Hart, doing business as Sela Electronics Co., Fred Gluckman, and Irving Betheil and his company, International American Forwarding Corporation. An order temporarily denying export privileges for sixty days was entered against the above named respondents, and also against Hart and Gluckman on December 31, 1963 (29 F.R. 56) and this was extended on February 26, 1964 (29 F.R. 2914) until the completion of compliance proceedings. A charging letter was issued against Hart, Gluckman, Betheil and International American Forwarding Corporation on February 6, 1964 and a denial order was entered against them effective as of May 1, 1964 (29 F.R. 6093).

There are three charges against the respondents. Charge I alleges that respondents acted in concert with Hart and Gluckman to violate the U.S. Export Control Law and regulations by exporting or causing to be exported from the United States to Austria 19 shipments of electronic items (mainly oscilloscopes, a signal generator, tubes and diodes) without applying for and obtaining the required validated export licenses and by filing or causing to be filed with the Collector of Customs false or incorrect export documents covering said exportations. Charge II alleges that George Kastner, acting individually and on behalf of Ludwig Kastner, illegally attempted to export via air shipment from the United States to Austria, as unaccompanied baggage of an airline passenger, three cathode ray storage tubes valued at $3,775. Charge

III alleges that respondents violated the provisions of the temporary denial order of December 31, 1963, by thereafter attempting to obtain delivery of U.S. commodities through third parties.

The respondents filed answers to the charging letter but did not request a hearing. In accordance with the regulations and the usual practice the case was referred to the Compliance Commissioner. An informal hearing was held on September 24, 1964 at which evidence in support of the charges was presented on behalf of the Investigations Division. The Compliance Commissioner has considered the pleadings and evidence and has submitted to the undersigned his written report which includes findings of fact, findings that violations have occurred, and a recommendation that remedial action, as hereinafter provided, be taken against the respondents. The Compliance Commissioner has also submitted the record in the case, consisting of the charging letter, answers and other pleadings, and the exhibits.

After reviewing and considering the record in the case, I hereby make the following findings of fact:

1. The respondent Ludwig Kastner was in the import-export business with a place of business in Vienna, Austria. He also operated under the name Centropa with a place of business in Istanbul, Turkey. The respondent George Kastner, son of Ludwig Kastner, was a resident of Vinna, Austria, and was employed inhis father's business. In all the transactions thereinafter set forth in which George Kastner participated, he acted as agent for Ludwig Kastner and with the latter's knowledge and approval.

2. Sylvan L. Hart is an electronic engineer and owned and operated the firm known as Sela Electronics Company with a place of business in New York City. Fred R. Gluckman of New York City was a friend of Hart's. During a part of the time when the events hereinafter set forth occurred, Hart was out of the country and Gluckman carried on his business and acted as his agent.

3. In or about July 1962 George Kastner and Hart entered into arrangements whereby Hart, on orders placed by George Kastner, would procure from U.S. suppliers electronic tubes and diodes, and other electronic equipment and export same to Ludwig Kastner in Vienna, Austria. It was agreed that Hart was to receive a commission on the items he purchased for the Kastners.

4. From July 1962 through September 1963 there were frequent letters from George Kastner to Hart, or to his agent Gluckman, making inquiries, requesting information, and placing orders for U.S. electronic items, and also giving instructions as to the manner of exporting said items. There were also frequent letters from Hart and Gluckman to George and Ludwig Kastner dealing with the procurement, price, and exportation of said items. During this period there were also letters to Hart and Gluckman from Ludwig Kastner dealing with procurement and exportation of certain items.

5. Commencing in November 1962 and through September 1963 George Kastner requested Hart, or Gluckman as agent for Hart, to procure for him in the United States for exportations to Vienna, Austria, various electronic items and equipment. Said items consisted of five oscilloscopes and accessories, one signal generator and accessories, 508 tubes, 4 diodes, and certain tubing. Said items had a total purchase value in the United States of approximately $25,000. Hart or Gluckman did procure said items. All of said items were on the U.S. Positive List and required validated licenses for exportation.

6. George Kastner instructed Hart and Gluckman that whenever practicable they should make the exportations of the items via airmail parcel post addressed to Ludwig Kastner, Vienna, Austria. He also instructed them to declare the value as less than $50, regardless of the actual value, and to insure the package for the declared value. He gave further instructions to put the letters "GRO" on the packages and to declare the contents as "Radio Material." The respondents had knowledge as to the requirements of certain of the U.S. Export Regulations and the purpose of these instructions was to have the exportations made in a manner so as to evade said regulations concerning the exportation of Positive List items valued in excess of $50.

7. Between February 2, 1963 and September 5, 1963 Hart, or Gluckman acting for Hart, made 17 exportations via airmail parcel post from New York to Ludwig Kastner, Vienna, Austria, of the tubes, diodes, and tubing, referred to in Finding of Fact 5. The actual value of the contents of each of said parcels was in excess of $50. Each of said exportations required a validated export license and in no instance, covering any of said exportations, was such license applied for or obtained. All of the items so exported by airmail parcel post were received by Ludwig Kastner in Vienna, Austria.

8. On February 13, 1963 and June 14, 1963, a freight forwarder in New York, acting on instructions given by the respondents exported from the United States to Austria via air freight, five oscilloscopes and accessories, and a signal generator and accessories, all of which required validated export licenses. On information and instructions given by respondents the said commodities were falsely described on the Shipper's Export Declarations under incorrect classification numbers, thereby representing that said commodities were exportable from the United States to Austria under General License GRO. Validated licenses were not applied for or obtained for said exportations.

9. In July 1963, Gluckman, on George Kastner's request, procured from a U.S. manufacturer three cathode ray storage tubes at a cost of $1,250 each. The said tubes were on the U.S. Positive List and required validated licenses for exportation. George Kastner instructed Gluckman that these tubes not be exported by parcel post. George Kastner requested Gluckman to pack the tubes in suitcases and export them to Ludwig Kastner as "Unaccompanied Baggage." Gluckman refused to do this and George Kastner wrote stating that he would be in New York and would take care of the exportations.

10. On September 3, 1963 George Kastner was in New York. He purchased three suitcases and packed one of the tubes, referred to in the previous Finding, in each of said suitcases. On September 4, 1963 George Kastner took the suitcases as packed with the tubes to the New York office of an airline which made cargo deliveries to Vienna. George Kastner, using a fictitious name and address, caused a Shipper's Export Declaration to be filed with the Collector of Customs and declared the contents of the suitcases at a value of $100 and also declared the exportation as Unaccompanied Baggage of a passenger of said airline. He consigned the suitcases to Ludwig Kastner, Vienna, Austria. George Kastner did not apply for or obtain the required validated export license required for the exportation of these tubes.

11. The suitcases were examined at the cargo room of the airline and the true nature of the contents was disclosed. The suitcases and tubes were seized by Customs officials as items to be exported in violation of U.S. laws and regulations and the exportation was prevented.

12. In November 1963 Ludwig Kastner ordered from a U.S. supplier certain electronic items which were on the U.S. Positive List and required a validated license for exportation. The U.S. supplier made application for an export license. On December 31, 1963, before the application was acted on, a temporary denial order was entered against the respondents (29 F.R. 56). Among other restrictions, this order prohibited the respondents from participating, directly or indirectly, in obtaining or using any validated export license, and in ordering or buying commodities to be exported from the United States. The supplier's application for an export license was rejected after the temporary denial order was entered. Thereafter Ludwig Kastner sought to evade the provisions of the temporary denial order and requested a dealer in Vienna, Austria, to place an order for him with the same U.S. supplier for the identical items. The supplier filed an application for an export license naming the said dealer as ultimate consignee. The application was rejected when it appeared that Ludwig Kastner was the real consignee in interest.

Based on the foregoing I have concluded that the respondents Ludwig Kastner and George Kastner: acted in concert with certain persons in the United States for the purpose of bringing about violations of the U.S. Export Control Law and regulations issued thereunder by exporting and causing to be exported from the United States to Austria commodities subject to the U.S. Export Regulations, without obtaining from the Department of Commerce validated export licenses required by the U.S. Export Regulations authorizing such exportations; caused false representations to be made to, and material facts concealed from the U.S. Department of Commerce and the U.S. Collector of Customs in connection with the preparation and use of export control documents in effecting the exportation of commodities from the United States, all in violation of §§ 381.2, 381.3, 381.4, 381.5, and 381.6 of the U.S. Export Regulations.

In commenting on some of the defenses raised by the respondents, the Compliance Commissioner said:

> Ludwig Kastner has acknowledged that in the transactions with Hart and Gluckman, George Kastner was acting on his behalf and he is willing to accept responsibility for George's conduct. It appears to be George's position that since he was acting on behalf of his father, he (George) should not be held responsible for any violations which may have occurred.
>
> It is well established in both civil and criminal law that the individual who actually commits an improper or illegal act is responsible for the consequences. It is also well established that where an improper or illegal act is committed by an agent acting within the scope of his employment and under authorization from his principal, the principal is also liable. The actual transactions in Charge I and Charge II were carried out by George with the approval of and on authorization from Ludwig and both individuals are responsible for the violations which were committed.
>
> Both Ludwig and George allege that they were not familiar with the U.S. Export Regulations, and if there were any violations they were committed by the U.S. exporter and not by the consignee in Austria. It is clear from the evidence and I have found that the respondents did have knowledge of certain of the export regulations. George instructed Hart and Gluckman as to procedures that should be followed to evade the requirements of these regulations. The instructions were given with knowledge that in carrying them out violations of the U.S. Export Regulations would be committed. Hart and Gluckman followed the instructions. So far as the Kastners are concerned it is clear that they acted in concert with other parties to bring about violations of the U.S. Export Control Law and regulations.
>
> In following the instructions given by George Kastner, Hart and Gluckman also committed violations. They have been called to account for their participation in this affair and a denial order imposing sanctions has been entered against them (29 F.R. 6093).
>
> • • • • •
>
> The argument by respondents that they are non-resident nationals of a foreign country and should not be held accountable for violations of our export regulations, has frequently been made in the past and has consistently been rejected by us. It is our position, often expressed, that we are not attempting to exercise extra-territorial jurisdiction over non-resident nationals, but we are simply enforcing restrictions which we have placed on goods exported from the United States. Our controls are attached to and related to the goods and follow them wherever they go. We are required to take whatever action is necessary to achieve effective enforcement of the Export Control Act. If we find that practices, such as respondents engaged in, will obstruct, defeat, or interfere with effective enforcement of the law, we are required to take steps to stop such practices.

As to the sanction that should be imposed the Compliance Commissioner said:

> These were deliberate violations carried out by a carefully planned scheme which the respondents contrived. Approximately $25,000 worth of electronic items, all on the Positive List, were exported over a period of many months. Considering the nature of the commodities and the illegal manner by which the respondents had them exported from the United States, it might well be that the commodities were ultimately delivered to unauthorized destinations. Whether or not they were so delivered is immaterial. The violations related to the means by which the exportations and attempted exportations were effected from the United States. Reexportations to unauthorized destinations could easily have been accomplished by respondents without the knowledge of this Government.
>
> After the respondents' illegal activities were discovered, they sought to have their co-participants in the United States destroy the evidence. The respondents fabricated stories to absolve themselves of blame.
>
> Clearly, the respondents have shown that they cannot be trusted to deal in exportations from the United States. I recommend that they be denied all U.S. export privileges for the duration of export controls. I would not entertain an application for modification of such order if made within five years of its entry. If, after five years, the respondents are able to demonstrate that they have complied with the terms of the order and disclose such details of their import and export transactions as may be necessary to determine such compliance, consideration can be given to such application in the light of conditions and policies existing at that time.

This order is also effective against the firm Centropa of Istanbul, Turkey, which is operated by the respondent Ludwig Kastner. For the purposes of this order the firm Centropa is considered to be a respondent.

Now, after considering the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. The restrictions of the Order Temporarily Denying Export Privileges which was entered against the respondents on December 31, 1963 (29 F.R. 56) and extended on February 26, 1964 (29 F.R. 2914) are hereby continued in full force and effect.

II. So long as export controls are in effect the respondents, and each of them, are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As parties or as representatives of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents, employees, representatives, partners, and to any firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: December 3, 1964.

WILSON E. SWEENEY,
*Acting Director,*
*Office of Export Control.*

[F.R. Doc. 64-12795; Filed, Dec. 14, 1964; 8:45 a.m.]



# CIVIL AERONAUTICS BOARD

[Docket No. 15419; Order E-21575]

## FLYING TIGER LINE INC., AND TRANS WORLD AIRLINES, INC.

### Order Regarding Blocked-Space Air Freight Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of December 1964.

By tariff bearing a posting date of November 2, 1964, and marked to become effective December 17, 1964, The Flying Tiger Line Inc. (Tiger) proposes to establish general commodity and specific commodity blocked-space air freight rates in both directions between New York/Newark and Los Angeles/San Francisco. Trans World Airlines, Inc., has filed a tariff on November 17, 1964, proposing substantially the same rates and conditions, also marked to become effective December 17, 1964.

The foregoing blocked-space tariffs offer lower rates to shippers signing agreements under which they would ship guaranteed amounts every week for periods of not less than 90 days. The proposals cover general commodity rates and numerous specific commodity rates, and in effect comprise essentially the carriers' entire rate structure, excluding parcel post, import, export, deferred, and air-truck rates. The proposed rates undercut prevailing general and specific commodity rates for standard service by certain percentages varying with the number of contracted days per week. These percentages range from 7 percent for shipments of once per week to 15 percent for shipments of five times per week. The weight breaks proposed range from 1,000 to 20,000 pounds; these vary among markets and commodities. Board approval would be required of agreements with other carriers.[1]

Subsequent to its foregoing filing, Tiger filed a tariff revision bearing a posting date of December 7, 1964, and marked to become effective January 21, 1965, imposing a 200-pound minimum for shipments under its standard general and specific commodity rates in the blocked-space markets. This would result in increasing Tiger's charges for shipments below 200 pounds to the current level of charges for shipments of 200 pounds, and would place Tiger's rates for the smaller shipments typically above those of competing carriers. Such a rate relationship would tend to result in Tiger's virtual withdrawal from the small-shipment business.

A complaint against Tiger's blocked-space tariff was filed by The Slick Corporation (Slick) prior to Tiger's filing of the foregoing 200-pound limitation. This complaint requests rejection of Tiger's filing on the ground that it fails to comply with the Board's Blocked-Space Policy, in that Tiger does not withdraw, as Slick has done, from the small-shipment business and thus does not clearly delineate the roles of all-cargo and combination passenger-cargo carriers.

Complaints were filed by American Airlines, Inc. (American), Trans World Airlines, Inc. (United), requesting investigation and suspension of Tiger's proposal chiefly on the grounds that the rates filed are unduly low and unjustly discriminatory, prejudicial and preferential, and that they would constitute unfair competitive practices. The complainants variously argue in essence that the proposals are noncompensatory; that they would result in diversion of existing traffic, which consists in substantial measure of large shipments regularly moving in reserved space (asserted to be equivalent to blocked space); that the costs of transporting such large shipments are clearly reflected in lower air rates in effect; that there is no economic justification for blocked-space rates for specific commodities even lower than for general commodities, since the existing specific commodity rates have already been established at low levels to move the traffic; that the proposed rates will not serve to generate substantial amounts of new traffic and thus will result in revenue dilution for all carriers as a group; that Tiger, which had complained against Slick's rates when proposed (characterizing such rates as unreasonably low) filed a tariff offering faster service than furnished by Slick and at lower rates for numerous commodities; that the proposal is similar to the continuity and weight requirements held unlawful by the Board in several decisions; that contracts already entered into by Tiger demonstrate the serious dilutionary effects of the proposals on carrier revenues; and that the service offered is not really for blocked space because the agreements do not indicate specific flights.

Complaints against TWA's proposal were filed by Tiger and Slick requesting rejection of the TWA tariff. The complaints relied upon the Board's Blocked-Space Policy, which indicated that combination passenger-cargo carriers may not offer blocked-space services.

In answer to the complaints, Tiger claims that its tariff accurately reflects the services that the Board's Blocked-Space Policy contemplates; and that the rates proposed properly reflect the economies of transporting large shipments in blocked-space service and thus are compensatory. Tiger states that the interval between the effective date of its proposed blocked-space rates, December 17, 1964, and that of its proposed cancellation of rates below 200 pounds, January 21, 1965, is necessitated by the time necessary to permit the numerous shippers of such small shipments over Tiger's lines to make other arrangements. The number of such shippers is especially large during the current Christmas rush.

Upon consideration of the complaints and other relevant matters, the Board finds that Tiger's proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, and should be investigated. This proposal is, in the most significant aspects, similar to Slick's blocked-space tariff, which the Board has under investigation (Order E–21076, dated July 17, 1964). Both tariffs, in addition to offering lower rates for blocked-space service, involve the same markets, the identical minimum period in an agreement with shippers (90 days) and the same minimum shipment (1,000 pounds). Certain of Tiger's proposed rates, covering both general and specific commodities, are above Slick's rates, which cover only general commodities, but certain of the proposals are lower. On the average, the yields to be received from the two rate structures are estimated to be approximately the same, about 12 cents. There are certain differences (such as variations in the weight breaks offered, the number of rate levels, etc.) but those differences do not affect our decision to treat Tiger's tariff in the same manner as Slick's with respect to investigation.

We have concluded not to suspend Tiger's tariff pending investigation. This would be consistent with our action permitting Slick's similar blocked-space tariff to become effective (Order E–21160, adopted August 7, 1964). As we stated in the foregoing order with respect to Slick's tariff, we believe that "the service proposed may well result in economies sufficient to warrant the reduced rates and they may likewise stimulate a substantial increase in traffic which would more than offset any dilution in revenue. We believe that (Tiger) is proposing a worthwhile experiment which should be tested in the market place. While some traffic now moving on the cargo services of the combination carriers may be diverted to the blocked space services of the all-cargo carriers, we also note that the increase in minimum shipments to 200-pound minimum • • • can result in a shift of small package traffic to the combination carriers. Permitting (Tiger's) tariff to go into effect • • • will also provide the Board with experience data upon which we may better gauge the effect of the blocked-space service during the course of the ensuing investigation."

Slick's complaint requesting rejection of Tiger's proposal will be dismissed. Tiger has taken steps to modify its tariff so as to withdraw from small shipment service by a tariff filing containing a 200-pound minimum for standard rates in the blocked-space markets. While this withdrawal will not be effective until January 21, 1965, we are sanctioning this delay in order to avoid such hardships as might be encountered by shippers who may have assumed that Tiger's small-shipment service would be available during this period. Our action in this regard is in accordance with our belief that blocked-space service should be provided by all-cargo carriers only when they choose to accept the role of large-shipment carriers and clearly delineate the nature of their service from that provided by combination (passenger and cargo) carriers.

We will also consolidate the investigation ordered herein of Tiger's tariff with that pending in Docket 15419 of Slick's tariff, in order that both tariffs may be considered at the same time.

The Board has concluded to reject TWA's blocked-space proposal as not in accordance with its Blocked-Space Policy (Regulation PS–24, August 7, 1964) as well as with the provisions of section 403 of the Federal Aviation Act of 1958. Under that regulation, the combination passenger-cargo carriers are without authority to offer blocked-space service. Pursuant to that regulation and the foregoing statutory provision, the Board rejected blocked-space tariffs proposed by American, TWA, and United similar to Slick's tariff (Order E–21170, adopted August 11, 1964). We carefully considered and denied petitions for reconsideration of our blocked-space policy (Order E–21447, adopted October 26, 1964). Consistent with that conclusion, TWA's proposal will be rejected.

[1] Included in the tariffs is a proviso that if persons executing blocked-space agreements are air carriers, air freight forwarders, or other carriers, the application of the tariffs is subject to compliance with the requirements of section 412 of the Federal Aviation Act of 1958, and the grant of all other requisite CAB authorizations under Title IV of that Act to such persons to perform under such agreement. The precise agreement (contract) form is reproduced in, and included as part of, the proposed tariffs.



Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, and 1002 thereof,

*It is ordered,* That:

1. Trans World Airlines, Inc., C.A.B. No. 129 is hereby rejected;

2. An investigation is instituted to determine whether the rates, charges, and provisions of The Flying Tiger Line Inc. C.A.B. No. 170 and rules, regulations or practices affecting such rates, charges and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful rates, charges, and provisions and rules, regulations, or practices affecting such rates, charges and provisions;

3. The complaints of American Airlines, Inc. in Docket 15693, The Flying Tiger Line Inc. in Docket 15724, The Slick Corporation in Dockets 15658 and 15723, Trans World Airlines, Inc., in Docket 15694, and United Air Lines, Inc., in Docket 15680, are dismissed, except to the extent granted herein;

4. This investigation is consolidated with the proceeding in Docket 15419; and

5. A copy of this order shall be served upon all parties to that proceeding and filed with Trans World Airlines, Inc., C.A.B. No. 129.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–12848; Filed, Dec. 14, 1964; 8:48 a.m.]

## FEDERAL MARITIME COMMISSION

### NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

#### Exclusive Patronage (Dual Rate) Contract; Notice of Extension of Time for Filing of Comments

Notice is hereby given that interested parties are granted until December 21 to file comments on the proposed dual rate contract of North Atlantic Westbound Freight Association. Notice of filing of this contract appeared in the FEDERAL REGISTER of November 28, 1964.

Dated: December 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–12883; Filed, Dec. 14, 1964; 8:50 a.m.]

[2] Gurney and Gilliland, Members', joint concurrence and dissent filed as part of the original document.



## FEDERAL POWER COMMISSION

[Docket No. CP64–218 (Phase II)]

### TENNESSEE GAS TRANSMISSION CO.

#### Notice of Application

DECEMBER 11, 1964.

Take notice that on March 30, 1964, as supplemented on May 1, July 15 and September 1, 1964, Tennessee Gas Transmission Co. (Applicant), Tennessee Building, Houston, Tex., filed in Docket No. CP64–218, an application pursuant to section 7 of the Natural Gas Act for authorization to abandon certain facilities, in part by sale and in part in place, and to construct and operate other facilities (transmission and river crossings), all as more fully set forth in the application and supplements on file with the Commission and open to public inspection.[1]

Applicant in Phase II of its proposal seeks authorization to (1) abandon by transfer facilities consisting of 316 miles of existing 30-inch transmission pipeline extending from Agua Dulce, Tex., to the Sabine River in Newton County, Texas, with related facilities, (part of 366.7 miles of 30-inch pipeline authorized in Docket No. G–8215, extending from a point in Nueces County, Texas, to a point in Jefferson Davis Parish, Louisiana, and known as the Agua Dulce-Kinder Line) to an affiliate which will operate the facilities as an intrastate pipeline; and (2) construct and operate 27.19 miles of 12-inch pipeline extending from Applicant's Bay City Line to the Leabo Plant Line

Applicant states the volumes of natural gas formerly transported from Agua Dulce to Louisiana for further transportation northward will be transported through its mainline facilities.

Applicant further states the assignment and transfer of the approximately 316 miles of 30-inch pipeline to its affiliate will be made at net book value estimated to be $24,943,000 as of June 30, 1964. The cost of the 27.19 miles of 12-inch pipeline to be constructed is stated to be $1,307,600 and will be financed from funds placed in escrow resulting from the disposition of the Agua Dulce-Sabine facilities or a revolving credit fund.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 31, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12884; Filed, Dec. 14, 1964; 8:50 a.m.]

[1] Phase I facilities proposed to be abandoned and to be constructed and operated by Applicant were authorized by order of the Commission issued June 26, 1964. Notice of the proposals published May 27, 1964 (29 F.R. 6967).

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4245]

### CONNECTICUT YANKEE ATOMIC POWER CO. ET AL.

#### Notice Regarding Issue and Sale by Subsidiary Company of First Mortgage Bonds, Promissory Notes, and Common Stock and Acquisition of Such Stock by Certain Companies

DECEMBER 9, 1964.

In the matter of Connecticut Yankee Atomic Power Co., Post Office Box 2010, Hartford, Conn., 06101; New England Power Co., 441 Stuart Street, Boston, Mass., 02116; Western Massachusetts Companies, 174 Brush Hill Avenue, West Springfield, Mass.; Public Service Co. of New Hampshire, 1087 Elm Street, Manchester, New Hampshire; Montaup Electric Co., 85 North Main Street, Fall River, Mass.; File No. 70–4245.

Notice is hereby given that Connecticut Yankee Atomic Power Co. ("Conn Yankee"), a public-utility subsidiary company of New England Electric System ("NEES"), a registered holding company; New England Power Co. ("NEPCO"), a public-utility subsidiary company of NEES and an exempt holding company; Western Massachusetts Companies ("Western Massachusetts"), an exempt holding company; Public Service Co. of New Hampshire ("New Hampshire"), a public-utility company and an exempt holding company; and Montaup Electric Co. ("Montaup"), a public-utility subsidiary company of Eastern Utilities Associates, a registered

holding company, have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a)(1), 9(a)(2), 10, 10(f), 12(f), and 12(g) of the Act and Rules 11(a), 11(d), and 50 thereunder as applicable to the transactions proposed therein. All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Conn Yankee, a Connecticut corporation, was recently organized to provide a supply of electric energy to the following group of public-utility companies ("sponsor companies") which own the outstanding common stock of Conn Yankee in the percentage ("stock percentage") set forth opposite the name of each:

| Sponsor company | Percentage |
|---|---|
| The Connecticut Light and Power Co | 25.0 |
| NEPCO | 15.0 |
| Boston Edison Co | 9.5 |
| The Hartford Electric Light Co | 9.5 |
| The United Illuminating Co | 9.5 |
| Western Massachusetts Electric Co.* | 9.5 |
| Central Maine Power Co | 6.0 |
| New Hampshire | 5.0 |
| Cambridge Electric Light Co | 4.5 |
| Montaup | 4.5 |
| Central Vermont Public Service Corp | 2.0 |
| | 100.0 |

*Public-utility subsidiary company of Western Massachusetts Companies, one of the applicants-declarants.

Conn Yankee has commenced construction of a 490 megawatt nuclear electric generating plant of the pressurized water type and which is scheduled to start commercial operation on or about October 1, 1967. Total capital requirements of the plant (exclusive of $6,050,000 anticipated financial assistance from the United States Atomic Energy Commission) are estimated at $98,500,000. By Orders dated September 26, 1963 and July 17, 1964, the Commission authorized the issuance and sale to the sponsor companies of an aggregate of 150,000 shares of Conn Yankee's $100 par value common stock for a cash consideration of $15,000,000 (Holding Company Act Release Nos. 14947 and 15106). In the present filing, which is concerned with the financing of the balance of Conn Yankee's capital requirements, Conn Yankee proposes:

(1) To issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $40,000,000 principal amount of First Mortgage Bonds, Series A, due January 1, 1993 ("Bonds");

(2) To issue and sell from time to time to a group of eleven banks, up to $25,000,000 principal amount of its 4½ percent promissory notes ("Notes"); and

(3) To obtain the balance of its total capital requirements through the issuance and sale of up to 200,000 additional shares of its $100 par value common stock, at the par value thereof, to the sponsor companies in the same proportions as set forth above.

The filing states that on the assumption that Conn Yankee's actual capital requirements will be as estimated above, the company's outstanding securities will consist of $40,000,000 principal amount of Bonds, $24,000,000 principal amount of Notes and $34,500,000 aggregate par value (345,000 shares, including those heretofore authorized by the Commission) of common stock, resulting in capitalization ratios of 40.6, 24.4 and 35.0 percent, respectively; and that in the event of a $1,500,000 increase in its capital requirements, Conn Yankee proposes to obtain such additional capital through the issuance and sale of an additional $1,000,000 of Notes (bringing the total to the proposed maximum of $25,000,000) and the sale to the sponsor companies of an additional 5,000 shares of common stock for $500,000.

Each applicant-declarant company (other than Conn Yankee) requests authorization to acquire the stock percentage of the additional shares of common stock proposed herein to be issued and sold by Conn Yankee.

The Bonds will be issued under an open-end Mortgage Indenture and Deed of Trust dated as of January 1, 1965, between Conn Yankee and The Connecticut Bank and Trust Co., as Trustee. The Bonds, which will be issued in registered form only, will be secured by a first lien on substantially all of Conn Yankee's physical property. As additional security, Conn Yankee will assign to the Trustee its interest in certain contracts pertinent to construction of the plant and its subsequent operation, including Power Contracts (described below) entered into between Conn Yankee and each of the sponsor companies. The interest rate on the Bonds (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to Conn Yankee (which will be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding. The Bonds will be redeemable at the option of the company at any time or from time to time at an initial redemption price (applicable to the calendar year 1965) equal to the public offering price plus the interest rate of the Bonds, and thereafter at redemption prices decreased each year by 1/27 of the initial redemption premium. The Indenture, among other things, provides for a semi-annual sinking fund, commencing July 1, 1969, designed to retire all of the Bonds by the maturity date thereof. The proceeds from the sale of the Bonds will be deposited with the Trustee as a Construction Fund, from which withdrawals may be made by Conn Yankee as funds are required for construction of the plant: *Provided*, That after giving effect to any such withdrawal Conn Yankee's paid-in capital shall be not less than 35 percent of the sum of (i) Bonds outstanding, less the amount remaining in the Construction Fund and (ii) Conn Yankee's paid-in capital.

The Notes will be sold pursuant to a loan agreement between Conn Yankee and The Connecticut Bank and Trust Co. as lead bank for the group of eleven participating banks set forth below together with the maximum participation of each.

| Participating bank | Amount |
|---|---|
| The Connecticut Bank and Trust Co | $3,750,000 |
| Morgan Guaranty Trust Co. of New York | 5,250,000 |
| Hartford National Bank and Trust Co | 3,500,000 |
| Bankers Trust Co., New York | 2,500,000 |
| Chemical Bank New York Trust Co | 2,500,000 |
| City Trust Co., Bridgeport, Conn | 1,500,000 |
| The Connecticut National Bank, Bridgeport, Conn | 1,500,000 |
| The Fairfield County Trust Co., Stamford, Conn | 1,500,000 |
| The First New Haven National Bank | 1,000,000 |
| The National Shawmut Bank of Boston | 1,000,000 |
| State Street Bank and Trust Co., Boston, Mass | 1,000,000 |
| Total | 25,000,000 |

The Notes will bear interest at the rate of 4½ percent per annum payable quarterly, and the principal will be payable over a period of 7 years in 28 substantially equal quarterly installments, commencing on the first interest date occurring at least 90 days after the "plant completion date" as defined in the Power Contracts. Optional prepayments may be made without premium except as part of a refunding of the Notes at a lower interest rate, in which case a premium of 4 percent will apply if prepayment is made prior to the plant completion date, 3½ percent in the year following such date, and at premiums reduced by one-half of 1 percent each year thereafter. Conn Yankee will pay a standby fee, which started to accrue on May 15, 1964, of one-fourth of 1 percent per annum on the average daily unborrowed balance of the loan commitment, and will have the right on ten days notice to reduce the amount of the loan commitment. Among other things, the loan agreement provides further that no borrowings may be made thereunder until substantially all of the net proceeds from the sale of the Bonds have been applied toward construction of the plant; that at the time of and after giving effect to each Note borrowing the equity investment of the sponsor companies shall represent not less than 35 percent of total capitalization and surplus; and that the Power Contracts, together with the agreements of the sponsor companies to supply Conn Yankee's equity capital requirements, shall be assigned to the lead bank second only to such assignments to the Trustee under the Bonds.

The Power Contracts entered into between Conn Yankee and each of the sponsor companies extend for an initial period of 30 years after the plant completion date (defined as the earlier of October 1, 1968 or the beginning of commercial operation of the plant) and, among other things, obligate and entitle each sponsor company to take a percentage ("entitlement percentage") of the plant's capacity and net electrical output equal to its stock percentage in Conn Yankee. In consideration of such entitlement each sponsor company is obligated, after the plant completion date, to make monthly payments to Conn Yankee in an amount equal to its entitlement percentage of Conn Yankee's total operating expenses, including depreciation at the rate of 4 percent per annum, plus a 6 percent return on "net Unit investment" as defined. Any electrical energy taken prior to that date will be paid for at the rate of 5 mills per kilowatt-hour. All deliveries of electrical energy under the Power Contracts will be made at Conn Yankee's plant, for transmission by the sponsor companies pursuant to transmission agreements which have been entered into among themselves.

The filing states that the proposed issue and sale of Bonds, Notes, and common stock are subject to the jurisdiction of the Connecticut Public Utilities Commission; that the acquisitions of Conn Yankee's common stock by those sponsor companies which are Massachusetts electric companies are subject to the jurisdiction of the Massachusetts Department of Public Utilities; that the Power Contracts and the transmission agreements will be filed as rate schedules with the Federal Power Commission, and will also be filed with the Connecticut Public Utilities Commission; and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The estimated fees and expenses to be incurred in connection with the proposed transactions, and the fees and expenses of counsel for the underwriters (which are to be paid by the successful bidder for the Bonds) will be supplied by amendment.

Notice is further given that any interested person may not later than December 29, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12821; Filed, Dec. 14, 1964; 8:45 a.m.]



# INTERSTATE COMMERCE COMMISSION

[Notice 1093]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 10, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67314. Corrected Notice.[1] By order of November 25, 1964, the Transfer Board approved the transfer to Metropolitan Towing Company, a corporation, St. Louis 1, Mo., of Certificate No. MC 96093, issued October 18, 1962, to Cy's Wrecker Service, Inc., St. Louis, Mo., authorizing the transportation of abandoned, disabled, wrecked, or repossessed motor vehicles, by the towaway method, over irregular routes, between points in Missouri in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Kansas, Ohio, Indiana, Tennessee, Arkansas, Kentucky, and Iowa, within 350 miles of St. Louis, Mo. B. W. LaTourette, Jr., 314 North Broadway, St. Louis 2, Mo., attorney for transferee.

No. MC-FC 67363. By order of December 8, 1964, the Transfer Board approved the transfer to Clark's Frozen Express, Inc., Salt Lake City, Utah, of the certificate in No. MC 117589 Sub 1, issued March 15, 1961, to James H. Clark and James C. Clark, doing business as James H. Clark & Son, Salt Lake City, Utah, authorizing the transportation of: Frozen Fruits, frozen berries, and frozen vegetables, and fish, when moving in the same vehicle with the above commodities, from points in Idaho, Oregon, and Washington, to points in Utah. Bartly G. McDonough, 455 East 4th South Street, Salt Lake City, Utah, attorney for applicants.

No. MC-FC 67369. By order of December 7, 1964, the Transfer Board approved the transfer to Ar-Dees Alaska Truck Lines, Inc., St. Paul, Minn., of Corrected Certificate No. MC 113573, issued September 30, 1953, to Albert M. Herda, acquired by Herda Alaska Truck Lines, Inc., pursuant to proceeding in No. MC-FC 63237, consummated July 6, 1960; and of Certificate No. MC 113573, issued March 27, 1962, to Herda Alaska Truck Lines, Inc., St. Paul, Minn., authorizing the transportation of general commodities, including household goods and commodities in bulk, over irregular routes, between Minneapolis, St. Paul, Duluth, and Fosston, Minn., Minot, N. Dak., and Seattle, Wash., on the one hand, and, on the other, ports of entry on the United States-Canadian boundary line at Sweetgrass, Mont., and Blaine, Wash.; and milk and milk products, in containers, over irregular routes, from points in Minnesota, North Dakota, and Wisconsin to Anchorage, Fairbanks, and Palmer, Alaska; and transferee has requested substitution in pending dockets Nos. MC 113573 Sub 5 and MC 113573 Sub 6, for whatever authority is ultimately issued therein. James L. Nelson, 544 Minnesota Building, St. Paul, Minn., 55101, attorney for transferee and James C. Noonan, Receiver, 60 East 4th Street, St. Paul, Minn., 55101, representative for transferor.

No. MC-FC 67380. By order of December 8, 1964, the Transfer Board approved the transfer to D. L. Westergard and Jay Westergard, a partnership, doing business as Westergard Transfer & Storage, Box 821, Idaho Falls, Idaho, 83402, of the operating rights in Certificate No. MC 108628, issued May 4, 1948, to James C. Westergard, doing business as Westergard Transfer and Storage, Box 821, Idaho Falls, Idaho, 83402, authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between points in specified counties in Idaho, on the one hand, and, on the other, points in Idaho, Montana, Wyoming, and Utah.

No. MC-FC 67386. By order of December 7, 1964, the Transfer Board approved the transfer to West Town Transfer & Storage Co., Inc., Milwaukee, Wis., of the operating rights in Certificate No. MC 63671, issued August 3, 1937 to West Town Coal & Ice Co., a corporation, Milwaukee, Wis., authorizing the transportation, over irregular routes, of: Household goods, office furniture and equipment, and store fixtures, between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Illinois. Norman C. Fritz, 831 West Moreland Boulevard, Waukesha, Wisconsin attorney for applicants.

No. MC-FC 67387. By other of December 7, 1964, the Transfer Board approved the transfer to John D. Turck, Preston, Minn., of the operating rights in Certificates Nos. MC 68967 and MC 68967 Sub 2, issued February 24, 1942 and April 21, 1942, respectively, to Earl C. Turck, Preston, Minn., authorizing the transportation, over irregular routes, of: Household goods, emigrant movables, and general commodities, with certain exceptions, between specified points and defined areas of Minnesota, Iowa, and Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, attorney for applicants.

No. MC-FC 67388. By order of December 7, 1964, the Transfer Board approved the transfer to Robert Dibble, Kingston, Mich., of the operating rights in Permit No. MC 124944, issued May 22, 1964, to Earl Dibble, Kingston, Mich., authorizing the transportation, over ir-

[1] The prior notice inadvertently omitted some of the routes.

regular routes, of: Pickles, Sauerkraut, and peppers, in glass containers, from Bridgeport, Mich., to points in Illinois, Indiana, Kentucky, and Ohio, and specified portions of Iowa, New York, Pennsylvania, West Virginia, Virginia, and Georgia, and empty glass containers, from specified points in Illinois, Indiana, New York, Pennsylvania, and West Virginia, to Bridgeport, Mich., limited to a specified shipper. William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich., 48021, attorney for applicants.

No. MC-FC 67390. By order of December 7, 1964, the Transfer Board approved the transfer to Norman Hills, South Dayton, N.Y., of the operating rights in Permits Nos. MC 34087 and MC 34087 Sub 1, issued June 27, 1941 and April 8, 1944, to Erwin Chapin, Silver Creek, N.Y., authorizing the transportation, over irregular routes, of: Lumber, canner's equipment and supplies, canned goods, fruits and vegetables, between Pittsburgh, Pa., and specified points in New York. Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y., attorney for applicants.

No. MC-FC 67391. By order of December 7, 1964, the Transfer Board approved the transfer to James E. Suhr and Charles R. Suhr, a partnership, doing business as Suhr Brothers, Walnut, Iowa, of the operating rights in Certificate No. MC 91683, issued February 1, 1954, to Raymond Suhr, Walnut, Iowa, authorizing the transportation of: Feed, petroleum products in containers, agricultural implements, and parts, building materials, and roofing, from Omaha, Nebr., to Walnut, Iowa, and points within 15 miles, over specified regular routes.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-12829; Filed, Dec. 14, 1964; 8:46 a.m.]

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[Notice 1093-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 10, 1964.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC 67459. Application filed December 8, 1964, for RAEFORD TRUCKING COMPANY, Landis Street, Post Office Box 45, Sanford, N.C., to temporarily lease the operating rights of CLYDE H. SIZEMORE, doing business as SIZEMORE TRUCKING COMPANY, Clinton, N.C., under section 210a(b). The transfer to RAEFORD TRUCKING COMPANY, of the operating rights of CLYDE H. SIZEMORE, doing business as SIZEMORE TRUCKING COMPANY, is pending.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-12830; Filed, Dec. 14, 1964; 8:46 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

### 3 CFR

| | Page |
|---|---|
| PROCLAMATIONS: | |
| 3630 | 15941 |
| 3631 | 16243 |
| EXECUTIVE ORDER: | |
| Mar. 31, 1911 (revoked in part by PLO 3493) | 16859 |
| Dec. 31, 1912 (revoked in part by PLO 3487) | 16829 |
| Sept. 30, 1916 (revoked in part by PLO 3508) | 16864 |
| May 21, 1920 (revoked in part by PLO 3508) | 16864 |
| 5289 (revoked in part by PLO 3486) | 16830 |

### 4 CFR

| | |
|---|---|
| 51 | 16313 |
| 52 | 16313 |

### 5 CFR

| | |
|---|---|
| 213 | 17065, 17084, 17085 |

### 7 CFR

| | |
|---|---|
| 15 | 16274, 16966 |
| 29 | 16854 |
| 401 | 17029, 17085 |
| 717 | 16184 |
| 719 | 16185 |
| 722 | 16248, 16775 |
| 724 | 16077 |
| 729 | 16185 |
| 730 | 17086 |
| 777 | 17086 |
| 850 | 17029 |
| 855 | 17029 |
| 905 | 16313-16315 |
| 907 | 16315, 16907, 17030 |
| 909 | 17030 |
| 910 | 16078, 16316, 17031 |
| 916 | 16966 |
| 917 | 16854 |
| 929 | 16078 |
| 1004 | 16966 |
| 1005 | 16855 |
| 1421 | 15943 |
| 1485 | 17032 |
| 1600 | 16784 |
| 1601 | 16784 |
| PROPOSED RULES: | |
| 812 | 17122 |
| 911 | 16258 |
| 912 | 16993 |
| 915 | 16258 |
| 917 | 16993 |
| 971 | 16833 |
| 1004 | 16994 |
| 1005 | 16259 |
| 1030 | 16395, 16417 |
| 1031 | 16417 |
| 1036 | 16197 |
| 1044 | 16200 |
| 1047 | 17041 |
| 1065 | 16920 |
| 1131 | 16866 |
| 1126 | 16198 |

### 9 CFR

| | |
|---|---|
| 74 | 15943 |
| 94 | 16907 |
| 97 | 16316 |

### 10 CFR

| | |
|---|---|
| 2 | 16831 |

### 10 CFR—Continued

| | Page |
|---|---|
| PROPOSED RULES: | |
| Ch. I | 15957 |
| 2 | 16934 |

### 12 CFR

| | |
|---|---|
| 1 | 17087 |
| 217 | 15944, 16317 |
| 218 | 16065 |
| 224 | 16855 |
| 329 | 15944 |
| 545 | 16856 |
| 563 | 17088 |

### 13 CFR

| | |
|---|---|
| 107 | 16825, 16946, 16967 |
| 121 | 15945 |
| PROPOSED RULES: | |
| 107 | 16094 |

### 14 CFR

| | |
|---|---|
| 7 | 16149 |
| 27 [New] | 16065 |
| 29 [New] | 16149 |
| 39 [New] | 15945, 16065, 16066, 16317, 16318, 16967, 17035. |
| 42 | 16968 |
| 71 [New] | 15945-15948, 16065, 16066, 16245, 16318, 16788, 16969-16972, 17036, 17037, 17088, 17503. |
| 73 [New] | 15948, 16184, 16972, 17037, 17727. |
| 75 [New] | 16066, 16319, 17775 |
| 93 [New] | 15948 |
| 97 [New] | 16067, 16789 |
| 302 | 16972 |
| 389 | 16907 |
| PROPOSED RULES: | |
| 39 [New] | 16429, 16430, 17044 |
| 71 [New] | 15958, 16093, 16202-16204, 16260, 16431, 16833-16835, 16994, 16995, 16997, 17044-17046. |
| 75 [New] | 16432, 16836 |
| 91 [New] | 15959 |
| 135 [New] | 16836 |
| 221 | 16867 |
| 399 | 17042 |

### 15 CFR

| | |
|---|---|
| 7 | 16973 |
| 50 | 17089 |
| 201 | 16319 |
| 365 | 16186 |

### 16 CFR

| | |
|---|---|
| 13 | 16186, 16826, 16856 |

### 17 CFR

| | |
|---|---|
| 200 | 16187 |
| 230 | 16982 |
| 239 | 16856 |
| 240 | 16245, 16856, 16982 |
| 260 | 16982 |
| 270 | 16982 |
| 275 | 16982 |
| PROPOSED RULES: | |
| 15 | 15957 |
| 19 | 15957 |

### 18 CFR

| | |
|---|---|
| 501 | 16188 |

### 18 CFR—Continued

| | Page |
|---|---|
| 502 | 16189 |
| 503 | 16189 |
| 504 | 16190 |
| 505 | 16191 |
| 506 | 16192 |
| 507 | 16193 |
| 508 | 16194 |
| PROPOSED RULES: | |
| 12 | 16997 |

### 19 CFR

| | |
|---|---|
| 4 | 15949 |
| 14 | 16320 |
| PROPOSED RULES: | |
| 6 | 17042 |

### 20 CFR

| | |
|---|---|
| 395 | 16322 |

### 21 CFR

| | |
|---|---|
| 8 | 15949, 16983, 17089 |
| 9 | 16983 |
| 14 | 16194 |
| 15 | 16194 |
| 16 | 16194, 16858 |
| 17 | 16194 |
| 18 | 16194 |
| 19 | 16194 |
| 20 | 16194 |
| 22 | 16194 |
| 27 | 16194 |
| 29 | 16194 |
| 37 | 16194 |
| 42 | 16194, 16983 |
| 45 | 16194 |
| 46 | 16194 |
| 51 | 16194 |
| 53 | 16194 |
| 121 | 16078, 16079, 16249, 16858, 16909-16911, 17090. |
| 144 | 16984 |
| 145 | 16911 |
| 148c | 16984 |
| 148u | 16911 |
| 148x | 16251 |
| PROPOSED RULES: | |
| 27 | 16866 |
| 31 | 16866 |
| 45 | 16994 |
| 46 | 16429 |
| 53 | 16934 |
| 120 | 16935 |
| 121 | 16935, 16994 |

### 24 CFR

| | |
|---|---|
| 1 | 16280 |

### 25 CFR

| | |
|---|---|
| 43d | 16080 |

### 26 CFR

| | |
|---|---|
| 1 | 16081 |
| 45 | 16083 |
| PROPOSED RULES: | |
| 1 | 15957, 16090 |
| 48 | 16993 |

### 27 CFR

| | |
|---|---|
| 4 | 16984 |

### 29 CFR

| | |
|---|---|
| 31 | 16284 |
| 689 | 15949 |

**29 CFR—Continued** Page

PROPOSED RULES:
601 16428
670 16428
675 16428
720 16428

**31 CFR**

328 16914

PROPOSED RULES:
306 16330
315 16330
316 16330
321 16330
332 16330

**32 CFR**

517 15949
536 16985
577 16251
701 16194
710 16055
719 16194
804 16323
1001 17037
1002 17038
1003 17038
1007 17038
1030 17040
1057 17039

**32A CFR**

OEP (Ch. I):
DMO I–4 16251
OIA (Ch. X):
OI Reg. 1 16986

**33 CFR**

202 16859, 17040
203 16251, 17040
206 15949

**35 CFR**

5 16328

**36 CFR**

7 17091

**38 CFR**

3 16252, 16328, 17092

**39 CFR**

16 16125
21 16252
22 16125, 16252
24 16125
25 16252
57 16858
61 16125
112 16858
168 16858

**41 CFR**

Ch. 2 17092
4–1 17040
8–1 16323
8–2 16323
9–9 17113
11–1 16252, 16255

**41 CFR—Continued** Page

11–2 16253, 16255
11–4 16253
11–14 16255
Ch. 18 16502
101–6 15972, 16287
101–7 16797
101–8 16800
101–9 16800
101–10 16801
101–11 16807
101–12 16824
101–13 16824
101–18 15973
101–19 15978
101–20 15984
101–25 15990
101–27 15997
101–28 15998
101–29 16002
101–30 16004
101–40 16008
101–43 16012
101–44 16027
101–45 16035
101–47 16126

**42 CFR**

51 16915
55 16915
57 15952

**43 CFR**

17 16293

PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) 16827
3447 (corrected by PLO 3485) 16829
3464 16084
3465 16084
3466 16084
3467 16085
3468 16085
3469 16085
3470 16086
3471 16086
3472 16087
3473 16087
3474 16256
3475 16827
3476 16827
3477 16827
3478 16827
3479 16828
3480 16828
3481 16828
3482 16828
3483 16829
3484 16829
3485 16829
3486 16830
3487 16829
3488 16830
3489 16830
3490 16830
3491 16831

**43 CFR—Continued** Page

PUBLIC LAND ORDERS—Continued
3492 16831
3493 16859
3494 16859
3495 16860
3496 16860
3497 16860
3498 16860
3499 16861
3500 16861
3501 16862
3502 16862
3503 16863
3504 16863
3505 16863
3506 16863
3507 16864
3508 16864
3509 16864
3510 16987
3511 16987
3512 16987

**44 CFR**

1 16832
2 16832
3 16832
4 16832
5 16832
6 16832
7 16832
55 15954
60 15954
100 15954
102 15954
110 16195
Ch. VII 16832

**45 CFR**

80 16298, 16988
150 15955
611 16305

**46 CFR**

506 16195, 17121

PROPOSED RULES:
Ch. IV 16433

**47 CFR**

73 16196, 16916, 16988
81 16196
87 16865

PROPOSED RULES:
21 16204
73 16205, 16207, 16837

**49 CFR**

0 16037
176 16125
192 16256

**50 CFR**

33 16917, 16918
256 16088
257 16990



Pages 17501–17726

PART II
Section 1

# FEDERAL REGISTER

VOLUME 29 NUMBER 243

Washington, Tuesday, December 15, 1964


Federal Aviation Agency

# 14 CFR Parts 71, 73, 75

# Compilation of Regulations

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64–WA–84]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

## PART 73—SPECIAL USE AIRSPACE [NEW]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Compilation of Regulations

The following compilations of Parts 71, 73 and 75 [New] of Federal Aviation Regulations are adopted for the purpose of combining all amendments to these parts which have been published by the Administrator of the Federal Aviation Agency in the FEDERAL REGISTER and which were effective prior to November 13, 1964. In addition, pending amendments are listed below the appropriate section and include the effective date and the FEDERAL REGISTER citation. This revision does not involve any substantive changes.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 23, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–12285; Filed, Dec. 14, 1964; 8:45 a.m.]

Reg. G.P.O. 5-12-65 Replaces



TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

SUBCHAPTER E - AIRSPACE

PART 71

DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

TABLE OF CONTENTS

SUBPART A - GENERAL

Sec.
71.1 Applicability.
71.3 Classification of Federal Airways.
71.5 Extent of Federal Airways
71.7 Control areas.
71.9 Continental Control Area.
71.11 Control Zones.
71.13 Transition Areas.
71.15 Positive Control Areas.
71.17 Reporting Points.
71.19 Bearings; radials; miles.

SUBPART B - COLORED FEDERAL AIRWAYS

71.101 Designation.
71.103 Green Federal Airways
71.105 Amber Federal Airways.
71.107 Red Federal Airways.
71.109 Blue Federal Airways.

SUBPART C - VOR FEDERAL AIRWAYS.

71.121 Designation.
71.123 Domestic VOR Federal Airways.
71.125 Alaskan VOR Federal Airways.
71.127 Hawaiian VOR Federal Airways.

SUBPART D - CONTINENTAL CONTROL AREA

71.151 Restricted areas included.

SUBPART E - CONTROL AREAS AND CONTROL AREA EXTENSIONS.

71.161 Designation of Control Areas Associated with Jet Routes Outside the Continental Control Area.
71.163 Designation of Additional Control Areas.
71.165 Designation of Control Area Extensions.

SUBPART F - CONTROL ZONES

71.171 Designation.

SUBPART G - TRANSITION AREAS.

71.181 Designation.

SUBPART H - POSITIVE CONTROL AREAS.

71.193 Designation of Positive Control Areas.

SUBPART I - REPORTING POINTS.

71.201 Designation.
71.203 Domestic Low Altitude Reporting Points.
71.207 Domestic High Altitude Reporting Points.
71.209 Other Domestic Reporting Points.
71.211 Alaskan Low Altitude Reporting Points.
71.213 Alaskan High Altitude Reporting Points.
71.215 Hawaiian Reporting Points.

SUBPART A - GENERAL

**§ 71.1 Applicability.**

(a) The airspace assignments described in Subparts B and C are designated as Federal airways.

(b) The airspace assignments described in Subparts B through I are designated as control areas, the continental control area, control zones, transition areas, positive control areas, and reporting points, as described in the appropriate subpart.

**§ 71.3 Classification of Federal Airways.**

Federal airways are classified as follows:

(a) Colored Federal airways:

(1) Green Federal airways.

(2) Amber Federal airways.

(3) Red Federal airways.

(4) Blue Federal airways.

(b) VOR Federal airways.

**§ 71.5 Extent of Federal airways.**

(a) Each Federal airway is based on a centerline that extends from one navigational aid or intersection to another navigational aid (or through several navigational aids or intersections) specified for that airway.

(b) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes the airspace within parallel boundary lines 4 miles each side of the centerline. Where an airway changes direction, it includes that airspace enclosed by extending the boundary lines of the airway segments until they meet.

(2) Where the changeover point for an airway segment is more than 51 miles from either of the navigational aids defining that segment, and -

(i) The changeover point is midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at each navigational aid and extending until they intersect opposite the changeover point; or

(ii) The changeover point is not midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at the navigational aid more distant from the changeover point, and extending until they intersect with the bisector of the angle of the centerlines at the changeover point; and between lines connecting these points of intersection and the navigational aid nearer to the changeover point.

(3) Where an airway terminates at a point or intersection more than 51 miles from the closest associated navigational aid it includes the additional airspace within lines diverging at angles of 4.5° from the centerline extending from the associated navigational aid to a line perpendicular to the centerline at the termination point.

(4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigational aid or intersection having a diameter equal to the airway width at that point. However, an airway does not extend beyond the domestic/oceanic control area boundary.

(c) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes that airspace extending upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth to, but not including, 18,000 feet MSL, except that Federal airways for Alaska and Hawaii have no upper limits; and

(2) The airspace of a Federal airway within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

(d) One or more alternate airways may be designated between specified navigational aids or intersections along each VOR Federal airway described in Subpart C. Unless otherwise specified, the centerline of an alternate VOR Federal airway and the centerline of the corresponding segment of the main VOR Federal airway are separated by 15°.

(e) A Federal airway does not include the airspace of a prohibited area.

**§ 71.7 Control areas.**

Control areas consist of the airspace designated in Subparts B, C, and E, but do not include the continental control area. Unless otherwise designated, control areas include the airspace between a segment of a main VOR Federal Airway and its associated alternate segments with the vertical extent of the area corresponding to the vertical extent of the related segment of the main airway.

**§ 71.9 Continental Control Area.**

The continental control area consists of the airspace of the 48 contiguous states and the District of Columbia at and above 14,500 feet MSL, but does not include -

(a) The airspace less than 1,500 feet above the surface of the earth; or

(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart D.



**§ 71.11 Control Zones**

The control zones listed in Subpart F consist of controlled airspace extending upward from the surface of the earth. A control zone may include one or more airports and is normally a circular area with a radius of five miles and any extensions necessary to include instrument approach and departure paths

**§ 71.13 Transition Areas.**

The transition areas listed in Subpart G consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise specified transition areas terminate at the base of the overlying controlled airspace

**§ 71.15 Positive Control Areas**

The positive control areas listed in Subpart H consist of controlled airspace within which there is positive control of aircraft

**§ 71.17 Reporting Points**

(a) The reporting points listed in Subpart I consist of geographic locations in relation to which the position of an aircraft must be reported in accordance with §91.125

(b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographic location is designated as a reporting point for less than all airways passing through that point, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographical location.

(c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names

**§ 71.19 Bearings; Radials; Miles.**

(a) All bearings and radials in this Part are true, and are applied from point of origin

(b) Except as otherwise specified and except that mileages for Federal airways are stated as nautical miles, all mileages in this Part are stated as statute miles

SUBPART B - COLORED FEDERAL AIRWAYS

**§ 71.101 Designation.**

The airspace assignments described in this subpart are designated as Colored Federal Airways.

**§71.103 Green Federal Airways.**

**G-1 From the Sherbrooke, Quebec, Canada, RBN via the Millinocket, Maine RBN; the Forest City, New Brunswick, Canada, RBN; to the Fredericton, New Brunswick, Canada, RR, excluding the portions within Canada.**

AMENDMENTS 7/2/64 29 F. R. 5785 (Changed)

**G-7 From the Nome, Alaska, RR via the Moses Point, Alaska, RR; INT of the E course of the Moses Point RR and the N course of the Unalakleet, Alaska, RR; Galena, Alaska, RR; INT of the E course of the Galena RR and the W course of the Fairbanks, Alaska, RR; to the Fairbanks RR.**

**G-8 From the King Salmon, Alaska, RR via the INT of the NE course of the King Salmon RR and the W course of the Homer, Alaska, RR; INT of the W course of the Homer RR and the SW course of the Kenai, Alaska, RR; Kenai RR; INT of the NE course of the Kenai RR and a line bearing 266° from the Anchorage, Alaska, RR; Anchorage RR; INT of the NE course of the Anchorage RR and the SE course of the Skwentna, Alaska, RR; Gulkana, Alaska, RR; INT of the NE course of the Gulkana RR and the SW course of the Northway, Alaska, RR; to the Northway RR.**

AMENDMENTS On Publ. 4/8/64 29 F.R. 4908 (Changed); 9/17/64 29 F.R. 9529 (Changed);

AMBER FEDERAL AIRWAYS

**§71.105 Amber Federal Airways.**

**A-1 From Eugene, Oreg., RR to the Portland, Oreg., RR. From Seattle, Wash., RR via the INT of the NW course of the Seattle RR and the S course of the Victoria, Canada, RR; Victoria RR; to the INT of the N course of the Victoria RR and the SE course of the Comox, Canada, RR. From the Sandspit, B. C., Canada, RR via the INT of the NW course of the Sandspit RR and SW course of the Annette Island, Alaska, RR; Sitka, Alaska, RR; Yakutat, Alaska, RR; INT of the NW course of the Yakutat RR and the SE course of the Hinchinbrook, Alaska, RR; Hinchinbrook RR; INT of the NW course of the Hinchinbrook RR and the SE course of the Anchorage, Alaska, RR; Anchorage RR; INT of the NW course of the Anchorage RR and the SE course of the Skwentna, Alaska, RR; Skwentna RR; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RR; McGrath, Alaska, RR; Unalakleet, Alaska, RR; to the Nome, Alaska, RR, but excluding the portion under the jurisdiction of Canada.**

AMENDMENTS On Publ. 4/8/64 29 F.R. 4908 (Changed); 8/20/64 29 F.R. 7595 (Changed); 9/17/64 29 F.R. 9529 (Changed):

PENDING AMENDMENT
In A-1 "INT of the NW course of the Hinchinbrook RR and the SE course of the Anchorage, Alaska, RR; Anchorage RR;" is deleted and "Whittier, Alaska, RBN; Anchorage, Alaska, R.R.;" is substituted therefor.
AMENDMENTS 1/7/65 29 F. R. 14620 (Changed)

**A-2 From the Snag, Yukon Territory, Canada, RR via the Northway, Alaska, RR; Big Delta, Alaska, RR; INT of the NW course of the Big Delta RR and the E course of the Fairbanks, Alaska, RR; Fairbanks RR; to the Bettles, Alaska, RR, excluding the portion within Canada.**

AMENDMENTS 6/12/64 29 F.R. 7923 (Changed); 7/23/64 29 F.R. 6531 (Changed); 9/17/64 29 F.R. 9529 (Changed);

**A-10 From the Pennfield Ridge, New Brunswick, Canada, RBN to the Forest City, New Brunswick, Canada, RBN, excluding the portion within Canada.**

AMENDMENTS 7/2/64 29 F.R. 5785 (Added)

**A-15 From the Ethelda Bay, British Columbia, Canada, RBN via the Annette Island, Alaska, RR; Petersburg, Alaska, RR; Coghlan Island, Alaska, RBN; Haines, Alaska, RBN; Pon Lake, Yukon Territory, Canada, RBN; Snag, Yukon Territory, Canada, RR; Northway, Alaska, RR; Big Delta, Alaska, RR; INT of the NW course of the Big Delta RR and the E course of the Fairbanks, Alaska, RR; to the Fairbanks RR., excluding the portion within Canada (joins Canadian high level airway No. 502).**

AMENDMENTS 6/12/64 29 F.R. 7923 (Changed); 7/23/64 29 F.R. 6531 (Changed); 9/17/64 29 F.R. 9529 )Changed):



RED FEDERAL AIRWAYS

§71.107 Red Federal Airways.

R-1 From the Sitka, Alaska, RR via the INT of the SE course of the Sitka RR and the SW course of the Petersburg, Alaska, RR; Cape Decision, Alaska, RBN; Guard Islands, Alaska, RBN; to the Annette Island, Alaska, RR.

R-25 From the Quebec, Canada, RR to the INT of the NW course of the Bangor, Maine, RR and a direct bearing from the Millinocket, Maine, RBN to the Sherbrooke, Canada, RBN, excluding the portion within Canada.

R-27 From the INT of the NW course of the Nenana, Alaska, RR and the W course of the Fairbanks, Alaska, RR via the Nenana RR; to the INT of the SE course of the Nenana RR and the SW course of the Fairbanks RR.

R-39 From the Bethel, Alaska, RBN via the Aniak, Alaska, RR; McGrath, Alaska, RR; Minchumina, Alaska, RR; Nenana, Alaska, RR; to the Fairbanks, Alaska, RR.

AMENDMENTS 4/2/64 29 F.R. 2593 (Changed); 9/17/64 29 F.R. 9529 (Changed);

R-40 From the Kodiak, Alaska, RR via the Shuyak, Alaska, RBN; Homer, Alaska, RR; to the Anchorage, Alaska, RR.

R-41 From the INT of the NW course of the Sitka (Biorka Island), Alaska, RR and the SW course of the Gustavus, Alaska, RR via the Gustavus RR; to the Sisters Island, Alaska, RBN.

R-50 From the INT of the E course of the Galena, Alaska, RR and the SW course of the Tanana, Alaska, RR via the Tanana RR; to the INT of the SE course of the Tanana RR and the W course of the Fairbanks, Alaska, RR.

R-64 From the INT of the SW course of the Annette Island, Alaska, RR and the United States-Canadian Border, to the Annette Island RR.

R-75 From the INT of the NW course of the Bellingham, Wash., RR and the W course of the Abbotsford, British Columbia, Canada, RR via the Abbotsford RR; to the INT of the E course of the Abbotsford RR and the NE course of the Bellingham RR, excluding the portion within Canada.

R-82 From the Skwentna, Alaska, RR to the INT of the SE course of the Skwentna RR and the NE course of the Anchorage, Alaska, RR.

R-92 From the Sault Ste. Marie, Mich., RBN to the Sudbury, Ontario, Canada, RR, excluding the portion within Canada.

R-99 From the INT of the NE course of the King Salmon, Alaska, RR and the SW course of the Iliamna, Alaska, RR via the Iliamna RR; to the INT of the SE course of the Iliamna RR and the W course of the Homer, Alaska, RR.

R-103 From the Anchorage, Alaska, RR via the INT of a line bearing 266° from the Anchorage RR and the NE course of the Kenai, Alaska, RR; Kenai RR; INT of the SE course of the Kenai RR and the SW course of the Anchorage RR; to the Middleton Island, Alaska, RBN.

BLUE FEDERAL AIRWAYS

§71.109 Blue Federal Airways.

B-2 From the Sitka, Alaska, RR to the Sisters Island, Alaska, RBN.

B-9 From the Duluth, Minn., RBN to the Lakehead, Ontario, Canada, RR, excluding the portion within Canada.

B-12 From the McGrath, Alaska, RR to the Galena, Alaska, RR.

B-19 From the Key West, Fla., RBN to the Perrine, Fla., RBN.

**B-25** From the INT of the SW course of the Hinchinbrook, Alaska, RR and a direct line between the Whittier, Alaska, FM and the Middleton Island, Alaska, RBN via the Hinchinbrook RR; INT of the NE course of the Hinchinbrook RR and the S course of the Gulkana, Alaska, RR: Gulkana RR: to the Big Delta, Alaska, RR.

AMENDMENTS 7/23/64 29 F. R. 6531 (Changed)

PENDING AMENDMENT
In B-25 all before "via the Hinchinbrook R.R.;" is deleted and "From the INT of the SW course of Hinchinbrook, Alaska, R.R. and the 296° bearing from the Middleton Island, Alaska, RBN" is substituted therefor.
AMENDMENTS 1/7/65 29 F. R. 14620 (Changed)

**B-26** From the Anchorage, Alaska, RR via the Talkeetna, Alaska, RBN; Summit, Alaska, RR; INT of the N course of the Summit RR and the SW course of the Fairbanks, Alaska, RR; Fairbanks RR; to the Fort Yukon, Alaska, RBN.
AMENDMENTS On Publ. 4/8/64 29 F.R. 4908 (Changed); 9/17/64 29 F.R. 9529 (Changed);

**B-27** From the Kodiak, Alaska, RR via the INT of the W course of the Kodiak RR and the SE course of the King Salmon, Alaska, RR; King Salmon RR; Bethel, Alaska, RBN; Nome, Alaska, RR; to the Kotzebue, Alaska, airport.
4/2/64 29 F. R. 2593 (Changed)

**B-32** From the Anchorage, Alaska, RR via the INT of the NW course of the Anchorage RR and the SE course of the Skwentna, Alaska, RR; Skwentna RR; to the Talkeetna, Alaska, RBN. The airspace within R-2201 shall be used only after obtaining prior approval from appropriate authority.

**B-38** From the Five Finger, Alaska, USCG RBN via the Gustavus, Alaska, RR; Haines, Alaska, RBN; to the Whitehorse, Yukon Territory, Canada, RR, excluding the portion within Canada.

**B-43** From the INT of the N course of the Summit, Alaska, RR and the SW course of the Fairbanks, Alaska, RR via the INT of the N course of the Summit RR and the SE course of the Nenana, Alaska, RR; Nenana RR; to the Fairbanks RR.

**B-48** From the Key West, Fla.,RBN via the Marathon, Fla., RBN; INT of the 77° bearing from the Marathon RBN and the 153° bearing from the Miami, Fla., RBN; to the Miami RBN.

**B-63** From the Laconia, N. H., RBN via the North Conway, N. H., RBN to the Berlin, N. H., RBN.

**B-65** From the Shuyak, Alaska, RBN via the INT of the W course of the Homer, Alaska, RR and the SW course of the Kenai, Alaska, RR to the Homer RR.

**B-79** From the United States-Canadian border to the Annette Island, Alaska, RR via a direct bearing from the Sandspit, British Columbia, Canada, RR to the Annette Island RR; Petersburg, Alaska, RR; Coghlan Island, Alaska, RBN; Haines, Alaska, RBN; to the United States-Canadian border via a direct bearing from Haines RBN to the Pon Lake, Yukon Territory, Canada, RBN.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed):

**B-80** From the INT of the NW course of the Unalakleet, Alaska, RR and the S course of the Moses Point, Alaska, RR to the Moses Point RR.



SUBPART C - VOR FEDERAL AIRWAYS

§ 71.121 **Designation**
The airspace assignments described in this subpart are designated as VOR Federal airways. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC navigational facilities identified by those names.

§71.123 **Domestic VOR Federal Airways.**

V-1 From Jacksonville, Fla., via Charleston, S. C.; Myrtle Beach, S C.; Wilmington, N. C.; Kinston, N. C., including a W alternate via INT of Wilmington 352° and Kinston 214° radials; Cofield, N. C.; Norfolk, Va.; Cape Charles, Va., INT of Cape Charles 015° and Salisbury, Md., 206° radials; Salisbury; Waterloo, Del.; INT of Waterloo 023° and Atlantic City, N. J., 238° radials; Atlantic City; Barnegat, N. J.; INT of Barnegat 043° and Kennedy, N.Y., 159° radials; Kennedy; INT of Kennedy 359° and Carmel, N. Y., 205° radials; Carmel; to Poughkeepsie, N. Y. The airspace within R-4006, the airspace below 2,000 feet MSL outside the United States, and the airspace below 17,000 feet MSL and above 23,000 feet MSL between Jacksonville and Charleston is excluded. The airspace within R-5002 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 5/28/64 29 F. R. 4671 (Changed)

V-2 From Seattle, Wash., via Ellensburg, Wash., including an S alternate via INT of Seattle 124° and Ellensburg 274° radials; Ephrata, Wash., including an N alternate from Seattle to Ephrata via Wenatchee, Wash.; Spokane, Wash., including an S alternate via INT of Ephrata 096° and Spokane 221° radials; Mullan Pass, Idaho, including an N alternate via INT of Spokane 070° and Mullan Pass 291° radials, and also an S alternate via INT of Spokane 109° and Mullan Pass 260° radials; Missoula, Mont.; Drummond, Mont.; Helena, Mont.; INT of of Helena 119° and Livingston, Mont., 323° radials; Livingston; Billings, Mont., including an N alternate from Helena to Billings via INT of Helena 089° and Billings 301° radials, excluding the airspace between the main and this alternate airway; Miles City, Mont.; including an N alternate; Dickinson, N. Dak.; Bismarck, N. Dak., including an N alternate; Jamestown, N. Dak., including an N alternate; Fargo, N. Dak., including an N alternate; Alexandria, Minn., including an N alternate; Minneapolis, Minn.; Nodine, Minn., including an N alternate; Lone Rock, Wis.; INT of Lone Rock 106° and Milwaukee, Wis., 270° radials; Milwaukee; Muskegon, Mich., including an S alternate via INT of Milwaukee 102° and Muskegon 252° radials; Lansing, Mich., including an S alternate via INT of Muskegon 137° and Lansing 277° radials; to Salem, Mich., including an N alternate via the INT of Lansing 091° and Salem 308° radials; INT of Salem 079° and Aylmer, Ont., Canada, 265° radials; Aylmer; INT of Aylmer 087° and Buffalo, N. Y., 259° radials; Buffalo; Rochester, N. Y.; Syracuse, N. Y.; including an N alternate via INT of Rochester 064° and Syracuse 283° radials; Utica, N. Y.; INT of Albany 094° and Gardner, Mass., 284° radials; Gardner, excluding the airspace at and below 1,200 feet above the surface between INT of Albany 094° and Chester, Mass., 318° radials and INT of Gardner 284° and Keene, N. H., 231° radials; to Boston, Mass. The airspace within Canada is excluded.

AMENDMENTS 4/30/64 29 F.R. 2693 (Changed); 6/25/64 29 F.R. 5316 (Changed);
AMENDMENTS 7/23/64 29 F. R. 6530 (Changed)

PENDING AMENDMENT
In V-2 "INT of Salem 079° and Aylmer, Ont., Canada, 265° radials;" is deleted and "INT of Salem 083° and Aylmer, Ont., Canada 260° radials;" is substituted therefor. 11/19/64 29 F. R. 14621 (Changed)

V-3 From Key West, Fla., via INT of Key West 078° and Miami, Fla., 205° radials; INT of Miami 205° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; West Palm Beach, Fla., including an E alternate via INT of Biscayne Bay 021° and West Palm Beach 166° radials; Vero Beach, Fla., including an E alternate via INT of West Palm Beach 358° and Vero Beach 143° radials; Daytona Beach, Fla.; INT of Daytona Beach 344° and Jacksonville, Fla., 159° radials; Jacksonville, including an E alternate via INT of Daytona Beach 360° and Jacksonville 144° radials; Brunsw ck, Ga., including a W alternate via INT of Jacksonville 354° and Brunswick 238° radials; Savannah, Ga., including an E alternate from Jacksonville to Savannah via INT of Jacksonville 027° and Savannah 180° radials; Vance, S. C.; Florence, S. C.; Pinehurst, N. C.; Raleigh, N. C., including an E alternate from Florence to Raleigh via Fayetteville, N. C., excluding the airspace between the main and this alternate airway; INT of Raleigh 016° and Flat Rock, Va., 214° radials; Flat Rock; Brooke, Va., 6 miles wide via INT of Brooke 014° and Westminster, Md., 195° radials; to Westminster; thence via INT of Westminster 065° and West Chester, Pa., 250° radials; West Chester; Solberg, N. J.; INT of the Huguenot, N. Y., 144° and Carmel, N. Y., 232° radials; Carmel; Hartford, Conn.; INT of Hartford 044° radial with Gardner, Mass., direct radial to Providence, R. I.; Boston, Mass.; Kennebunk, Maine; Augusta, Maine; Bangor, Maine; INT of Bangor 039° and Houlton, Maine, 203° radials; Houlton; to Presque Isle, Maine. The portion outside the United States has no upper limit.

AMENDMENTS 5/28/64 29 F.R. 4671 (Changed); 9/17/64 29 F.R. 9529 (Changed); 9/17/64 29 F.R. 11707 (Changed);

**V-4** From Neah Bay, Wash., RBN via Port Angeles, Wash.; INT of Port Angeles 090° and Seattle, Wash., 322° radials; Seattle; Yakima, Wash., including an S alternate from Seattle to Yakima via INT of Seattle 163° and Olympia, Wash., 084° radials, excluding the airspace between the main and this alternate airway; INT of Olympia 084° and Seattle 124° radials; Pendelton, Oreg.; Baker, Oreg.; Boise, Idaho, including an S alternate; INT of Boise 130° and Burley, Idaho, 290° radials; Burley; Malad City, Idaho; Rock Springs, Wyo., including an S alternate via Fort Bridger, Wyo.; Cherokee, Wyo., Laramie, Wyo.; Denver, Colo., including an N alternate from Laramie to Denver via Gill, Colo.; Thurman, Colo.; Goodland, Kans., Hill City, Kans.; Russell, Kans.; Salina, Kans.; Topeka, Kans., including an S alternate via INT of Salina 095° and Topeka 236° radials; Kansas City, Mo., including an N alternate and also an S alternate via INT of Topeka 099° and Kansas City 231° radials; Marshall, Mo.; Hallsville, Mo.; St. Louis, Mo., including an N alternate; Troy, Ill.; Centralia, Ill.; Evansville, Ind., including an S alternate; INT of Evansville 080° and Louisville, Ky., 269° radials; Louisville, including an N alternate from Evansville to Louisville; Lexington, Ky., including an N alternate via INT of Louisville 081° and Lexington 303° radials and also an S alternate via INT of Louisville 113° and Lexington 251° radials; Newcombe, Ky.; Charleston, W. Va.; Elkins, W. Va., including an S alternate via INT of Charleston 083° and Elkins 228° radials; Kessel, W. Va.; Front Royal, Va.; to Herndon, Va. The airspace within R-6705 is excluded.

AMENDMENTS 4/30/64 29 F.R. 3225 (Changed); 5/28/64 29 F.R. 4855 (Changed);
AMENDMENTS 8/20/64 29 F.R. 8141 (Changed); 9/17/64 29 F.R. 9529 (Changed);

**V-5** From Jacksonville, Fla., via INT of Jacksonville 319° and Alma, Ga., 148° radials; Alma, including a W alternate; Macon, Ga.; McDonough, Ga., including an E alternate from Jacksonville to McDonough via INT of Jacksonville 334° and Dublin, Ga., 137° radials; Dublin, and INT of Dublin 330° and McDonough 119° radials, Chattanooga, Tenn., including an E alternate from McDonough to Chattanooga via Rex, Ga., and INT of Rex 345° and Chattanooga 118° radials; Nashville, Tenn., including an E alternate via INT of Chattanooga 333° and Nashville 117° radials; Bowling Green, Ky.; New Hope, Ky., including an E alternate from Nashville to New Hope via INT of Nashville 029° and New Hope 202° radials; Louisville, Ky.; Cincinnati, Ohio; INT of Cincinnati 045° and Appleton, Ohio, 244° radials; Appleton; Mansfield, Ohio; Cleveland, Ohio; to London, Ont., Canada. The airspace within Canada is excluded.

PENDING AMENDMENT

In V-5 "Macon, Ga.; McDonough, Ga., including an E alternate from Jacksonville to McDonough via INT of Jacksonville 334° and Dublin, Ga., 137° radials; Dublin, and INT of Dublin 330° and McDonough 119° radials;" is deleted and "Dublin, Ga., including an E alternate from Jacksonville to Dublin via the INT of Jacksonville 334° and Dublin 137° radials; INT of Dublin 315° and McDonough, Ga., 136° radials; McDonough including a W alternate via Macon, Ga., and INT of Macon 326° and McDonough 151° radials;" is substituted therefor.

AMENDMENTS 10/15/64 29 F.R. 11112 (Changed); Eff. date changed 11/12/64 29 F.R. 12362; Eff. date changed 2/4/65 29 F. R. 14918;

**V-6** From INT of Oakland, Calif., 221° and Point Reves, Calif., 161° radials via Oakland; INT of Oakland 039° and Sacramento, Calif., 212° radials; Sacramento, including an S alternate via INT of Oakland 077° and Sacramento 192° radials; Lake Tahoe, Calif.; Reno, Nev., including an N alternate from Sacramento to Reno via INT of Sacramento 038° and Reno 257° radials; Lovelock, Nev., including an S alternate from Reno to Lovelock via Hazen, Nev.; Battle Mountain, Nev., including an N alternate via INT of Lovelock 053° and Battle Mountain 264° radials; INT of Battle Mountain 062° and Wells, Nev., 256° radials; Wells; Lucin, Utah; Ogden, Utah; Fort Bridger, Wyo.; Rock Springs, Wyo.; Cherokee, Wyo.; Medicine Bow, Wyo; INT of Medicine Bow, 106° and Sidney, Nebr., 293° radials; Sidney; North Platte, Nebr.; Grand Island, Nebr.; Omaha, Nebr.; Des Moines, Iowa, including an S alternate; Iowa City, Iowa, including an S alternate via INT of Des Moines 112° and Iowa City 252° radials; Cordova, Ill.; Naperville, Ill.; South Bend, Ind.; INT of South Bend 092° and Waterville, Ohio, 288° radials; Waterville; Cleveland, Ohio; Youngstown, Ohio; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; INT of Selinsgrove 083° and Ravine, Pa., 040° radials; Allentown, Pa.; Solberg, N. J.; INT of Solberg 094° and Kennedy, N. Y., 258° radials; to Kennedy. The airspace within R-4803 is excluded.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 4/30/64 29 F. R. 2693 (Changed); 4/30/64 29 F.R. 3356 (Changed) 9/17/64 29 F.R. 9529 (Changed);

**V-7** From Miami, Fla., via Fort Meyers, Fla.; Lakeland, Fla.; Cross City, Fla.; INT of Cross City 311° and Tallahassee, Fla., 137° radials; Tallahassee; Dothan, Ala., including a W alternate from Cross City to Dothan via INT of Cross City 287° and Marianna, Fla., 141° radials and Marianna, excluding the airspace between the main and this alternate airway S of V-22N; INT of Dothan 333° and Montgomery, Ala., 130° radials; Montgomery; INT of Montgomery 308° and Birmingham, Ala., 180° radials; Birmingham; Muscle Shoals, Ala.; Graham, Tenn., including an E alternate from Birmingham to Graham via INT of Huntsville, Ala., 264° and Graham 158° radials; Nashville, Tenn.; Central City, Ky.; Evansville, Ind.; Lewis, Ind.; Terre Haute, Ind., including a W alternate via INT of Evansville 001° and Terre Haute 215° radials; Westpoint, Ind.; Lafayette, Ind.; Chicago Heights, Ill.; INT of Chicago Heights 358° and Milwaukee, Wis., 137° radials; Milwaukee, including an E alternate via INT of Chicago Heights 013° and Milwaukee 137° radials; Green Bay, Wis., 1,200 feet AG to Escanaba, Mich., via Menominee, Mich. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 7/23/64 29 F. R. 6437 (Changed); 9/17/64 29 F.R. 11707 (Changed);



**V-8** From INT of Long Beach, Calif., 266° and Los Angeles, Calif., 236° radials via Long Beach; Ontario, Calif.; Hector, Calif.; Goffs, Calif.; INT of Goffs 033° Mormon Mesa, Nev., 196° radials; Mormon Mesa, including an N alternate from Long Beach, Calif., via Pomona, Calif., Daggett, Calif.; Las Vegas; to Mormon Mesa; Bryce Canyon, Utah, including a N alternate from INT Morman Mesa 059° and Cedar City, Utah, 197° radials to Bryce Canyon, Utah, via Cedar City and INT Cedar City 004° and Bryce Canyon 292° radials (the airspace between the main and this alternate airway is excluded); Hanksville, Utah, including an S alternate; Grand Junction, Colo.; including an S alternate; to Kremmling, Colo. Denver, Colo.; Akron, Colo., including an S alternate via INT of Denver 101° and Akron 238° radials; Hayes Center, Nebr., including an N alternate via INT of Akron direct radial to North Platte, Nebr., with Hayes Center 276° radial and also an S alternate via INT of Akron 094° radial with Hayes Center direct radial to Thurman, Colo.; Grand Island, Nebr., including an N alternate via INT of Hayes Center 059° radial with Grand Island direct radial to North Platte and also an S alternate; Omaha, Nebr.; Des Moines, Iowa, including an S alternate; Iowa City, Iowa, including an S alternate via INT of Des Moines 112° and Iowa City 252° radials; Cordova, Ill.; INT of Cordova 088° and Joliet, Ill., 316° radials; Joliet; Chicago Heights; Goshen, Ind.; Findlay, Ohio; Briggs, Ohio; INT of Briggs direct radial to Wheeling, W. Va., with Imperial, Pa., direct radial to Tiverton, Ohio; Allegheny, Pa.; Indian Head, Pa.; Martinsburg, W. Va.; INT of Herndon, Va. 048° and Washington, D. C., 324° radials; to Washington, including an N alternate from INT of Martinsburg 297° and Grantsville, Md. 086° radials, via Hagerstown, Md., to INT of Washington 324° and Herndon 048° radials. The portion outside the United States has no upper limit.

AMENDMENTS 4/2/64 29 F.R. 2337 (Changed); Amend. Alt. 29 F.R. 3001 (Changed); 8/20/64 29 F.R. 7766 (Changed); AMENDMENTS 8/20/64 29 F.R. 7922 (Changed); Eff. Date Changed 9/17/64 29 F.R. 9664; 9/17/64 29 F.R. 9529 (Changed); 9/17/64 29 F.R. 10502 (Changed);

**V-9** From New Orleans, La., via McComb, Miss., including an E alternate from New Orleans to McComb via Picayune, Miss.; Jackson, Miss., including an E alternate and also a W alternate via INT of McComb 348° and Jackson 199° radials; Greenwood, Miss., including an E alternate and also a W alternate; Memphis, Tenn., including an E alternate via INT of Greenwood 027° and Memphis 168° radials and also a W alternate; Malden, Mo., including a W alternate via INT of Memphis 345° and Malden 195° radials; Farmington, Mo.; St. Louis, Mo., including a W alternate; Capital, Ill., including a W alternate; Pontiac, Ill.; Joliet, Ill.; Naperville, Ill.; INT of Naperville 317° and Milwaukee, Wis., 198° radials; Milwaukee; Oshkosh, Wis.; to Green Bay, Wis.

AMENDMENTS 4/30/64 29 F.R. 3225 (Changed); 9/17/64 29 F.R. 10459.(Changed);

**V-10** From Pueblo, Colo., via Lamar, Colo.; Garden City, Kans., Dodge City, Kans.; Hutchinson, Kans., including an N alternate and via INT of Dodge City 060° and Hutchinson 296° radials, excluding the airspace between the main and this alternate airway; Emporia, Kans.; Kansas City, Mo., including an N alternate from Emporia to Kansas City via Topeka, Kans.; Kirksville, Mo.; Burlington, Iowa; Bradford, Ill.; INT of Bradford 050° and Naperville, Ill., 254° radials; Naperville; South Bend, Ind., including an N alternate from Naperville to South Bend via INT of Naperville 075° and South Bend 290° radials; Litchfield, Mich.; INT of Litchfield 107° and Carleton, Mich., 247° radials; Carleton, INT of Jefferson, Ohio, 279° and Youngstown, Ohio, 320° radials; to Youngstown.

AMENDMENTS 4/30/64 29 F.R. 3000 (Changed); 4/30/64 29 F.R. 3356 (Changed); 5/28/64 29 F.R. 3807 (Changed);

**V-11** From Mobile, Ala., via Greene County, Miss.; Laurel, Miss.; to Jackson, Miss. From Memphis, Tenn., via Dyersburg, Tenn., including a W alternate via INT of Memphis 345° and Dyersburg 235° radial; Paducah, Ky., including an E alternate from Memphis to Paducah via INT of Memphis 066° and Holly Springs, Miss., 028° radials; INT of Holly Springs, 028° and Paducah 179° radials; INT of Paducah 039° and Evansville, Ind., 227° radials; Evansville; Scotland, Ind., including an E alternate via INT of Evansville 049° and Scotland 188° radials; Indianapolis, Ind., including an E alternate via INT of Scotland 047° and Indianapolis 185° radials, and also a W alternate via INT of Scotland 011° and Indianapolis 230° radials; Fort Wayne, Ind., including an E alternate via INT of Indianapolis 069° and Shelbyville, Ind., 006° radials, and INT of Shelbyville 006° radial with Indianapolis direct radial to Fort Wayne and also a W alternate via INT of Indianapolis 022° and Fort Wayne 233° radials; to Salem, Mich.

AMENDMENTS 8/20/64 29 F.R. 7817 (Changed)

V-12 From Santa Barbara, Calif., via INT of Santa Barbara 091° and Fillmore, Calif., 310° radials; Fillmore; Palmdale, Calif.; Hector, Calif., (6 miles wide Palmdale to 38 miles E Palmdale); Needles, Calif.; including an N alternate from Hector to Needles via Goffs, Calif.; Prescott, Ariz.; Winslow, Ariz; Zuni, N. Mex.; Grants, N. Mex.; including an S alternate via Zuni 108° and Grants 252° radials; Albuquerque, N. Mex.; Otto, N. Mex.; Anton Chico, N. Mex., including an S alternate from Albuquerque to Anton Chico via INT of Albuquerque 103° and Anton Chico 249° radials; Tucumcari, N. Mex., Amarillo, Tex., including an N alternate and also an S alternate via INT of Texico, N. Mex., 021° and Amarillo 252° radials; Gage Okla., including an N alternate via Borger, Tex., and the INT of Borger 061° and Gage 249° radials; Anthony, Kans.; Wichita, Kans., including an N alternate from Gage to Wichita via INT of Gage direct radial to Hutchinson, Kans., with Anthony, direct radial to Dodge City, Kans., and also an S alternate from Anthony to Wichita via INT of Anthony 060° and Wichita 190° radials; Emporia, Kans., including an N alternate via INT of Wichita direct radial to INT of Hutchinson 062° and Topeka, Kans., 236° radials with Emporia direct radial to Hutchinson; INT of Topeka 099° radial with Emporia direct radial to Kansas City, Mo.; INT of Topeka 099° and Blue Springs, Mo., 268° radials; Blue Springs; Blackwater, Mo.; Readsville, Mo.; Maryland Heights, Mo., including an S alternate; Troy, Ill.; Bible Grove, Ill.; Lewis, Ind.; Shelbyville, Ind.; Richmond, Ind.; Dayton, Ohio; Appleton, Ohio, including an N alternate from Dayton to Appleton via INT of Dayton 068° and Rosewood, Ohio, 083° radials; Newcomerstown, Ohio; Wheeling, W. Va.; Allegheny, Pa.; Johnstown, Pa.; Harrisburg, Pa., including an S alternate from Johnstown to Harrisburg via St. Thomas, Pa.; West Chester, Pa.; to INT of West Chester direct radial to Coyle, N. J., and Woodstown, N. J., 043° radial.

AMENDMENTS 4/2/64 29 F.R. 557 (Changed); 4/2/64 29 F.R. 2336 (Changed); 4/30/64 29 F.R. 3226 (Changed); 5/28/64 29 F.R. 3756 (Changed); 5/28/64 29 F.R. 4963 (Changed); 6/25/64 29 F.R. 5786 (Changed); 7/23/64 29 F.R. 6246 (Changed); AMENDMENTS 8/20/64 29 F.R. 8260 (Changed); 8/20/64 29 F.R. 8261 (Changed); 9/17/64 29 F.R. 10502 (Changed);

V-13 From Houston, Tex., via Lufkin, Tex., including an E alternate via Daisetta, Tex., and also a W alternate via INT of Houston 353° and Lufkin 223° radials; Shreveport, La., including an E alternate; Texarkana, Ark., including a W alternate via INT of Shreveport 275° and Texarkana 184° radials; Page, Okla.; Fort Smith, Ark., including a W alternate via INT of Page 007° and Fort Smith 223° radials; Fayetteville, Ark.; Neosho, Mo.; Butler, Mo.; Kansas City, Mo, including an E alternate via INT of Butler 013° and Kansas City 157° radials; Lamoni, Iowa; Des Moines, Iowa, including a W alternate; Mason City, Iowa, including an E alternate and also a W alternate from Des Moines to Mason City via Fort Dodge, Iowa, excluding the airspace between the main and this W alternate; Farmington, Minn.; Grantsburg, Wis., including a W alternate from Mason City to Grantsburg via INT of Mason City 349° and Minneapolis, Minn., 188° radials and Minneapolis, excluding the airspace between the main and this alternate airway; Duluth, Minn.; including an E alternate; to Lakehead, Ontario, Canada. The airspace that lies outside the United States and the airspace at and below 1,200 feet above the surface between Duluth and Lakehead is excluded. The airspace within R-2401 is excluded from the W alternate. The airspace of the main airway that lies within R-2401 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 4/2/64 29 F.R. 2487 (Changed); 4/30/64 29 F.R. 2999 (Changed); 7/23/64 29 F.R. 6529 (Changed); 7/23/64 29 F.R. 6530 (Changed);

V-14 From Roswell, N. Mex., via Lubbock, Tex.; Childress, Tex., including an S alternate via INT of Lubbock 086° and Childress 229° radials; Hobart, Okla.; Oklahoma City, Okla., including an S alternate via INT of Hobart, 076° and Oklahoma City, 202° radials; Tulsa, Okla., including an N alternate via INT of Oklahoma City 037° and Tulsa 261° radials, and also an S alternate via INT of Oklahoma City 107° and Tulsa 228° radials; Neosho, Mo., including an N alternate and also an S alternate via INT of Tulsa 088° and Neosho 223° radials; Springfield, Mo., including an S alternate via INT of Neosho 074° radial with Springfield direct radial to Fayetteville, Ark.; Vichy, Mo., including an N alternate; St. Louis, Mo., including an N alternate and also an S alternate via INT of Vichy 069° and St. Louis 219° radials; Vandalia, Ill., including an N alternate via INT of St. Louis 062° and Vandalia 273° radials; Terre Haute, Ind.; Indianapolis, Ind., including a S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; INT of Indianapolis 054° and Findlay, Ohio, 249° radials; Findlay; Attica, Ohio; Cleveland, Ohio; Jefferson, Ohio; Erie, Pa., including an N alternate from Cleveland to Erie, via INT of Cleveland 049° radial and Carleton, Mich., direct radial to Jefferson; Dunkirk, N. Y.; Buffalo, N. Y., including an N alternate from Erie to Buffalo via INT of Erie 043° and Buffalo 242° radials; Geneseo, N. Y.; Georgetown, N. Y.; INT of Georgetown 093° and Albany, N. Y., 270° radials; Albany; INT of Albany 094° and Gardner, Mass.; 284° radials; Gardner, excluding the airspace at and below 1,200 feet above the surface between INT of Albany 094° and Chester, Mass., 318° radials and INT of Gardner 284° and Keene, N. H., 231° radials; to INT of Gardner 132° and Boston, Mass., 223° radials. The airspace within R-5207 is excluded.

AMENDMENTS 4/30/64 29 F.R. 3225 (Changed); 7/23/64 29 F.R. 6246 (Changed); AMENDMENTS 8/20/64 29 F.R. 7595 (Changed)



V-15 From Galveston, Tex., via Houston, Tex.; College Station, Tex., including a W alternate from Houston to College Station via INT of Houston 290° and College Station 152° radials; Waco, Tex., including a W alternate via INT of College Station 307° and Waco 173° radials; Dallas, Tex., including an E alternate and also a W alternate from Waco, to INT of Britton, Tex., 091° and Dallas 202° radials via INT of Waco 353° and Britton, Tex., 264° radials; Britton; INT of Britton 091° and Dallas 202° radials; Ardmore, Okla., including a W alternate via INT of Dallas 324° and Ardmore 176° radials; Okmulgee, Okla., including an E alternate and also a W alternate via INT of Oklahoma City, Okla., 107° and Tulsa, Okla., 228° radials; INT of Tulsa 088° and Neosho, Mo., 223° radials; to Neosho. From Kansas City, Mo., via St. Joseph, Mo.; INT of St. Joseph 343° and Neola, Iowa, 157° radials Neola; INT of Neola 322° and Sioux City, Iowa, 160° radials; Sioux City; INT of Sioux City 340° and Sioux Falls, S. Dak., 169° radials; Sioux Falls, including an E alternate; Huron, S. Dak., including a W alternate via INT of Sioux Falls 288° and Huron 140° radials; Aberdeen, S. Dak., including a W alternate; Bismarck, N. Dak., including a W alternate; to Minot, N. Dak., including a W alternate via INT of Bismarck 333° and Minot 197° radials. The airspace within R-6310 is excluded.

AMENDMENTS 4/30/64 29 F.R. 2999 (Changed)

PENDING AMENDMENT

In V-15 "Bismarck, N. Dak., including a W alternate; to Minot, N. Dak., including a W alternate via INT of Bismarck 333° and Minot 197° radials." is deleted and "Bismarck, N. Dak.; to Minot, N. Dak." is substituted therefor. 1/7/65 29 F. R. 15074 (Changed).

V-16 From Los Angeles, Calif., via Ontario, Calif.; Palm Springs, Calif.; Blythe, Calif.; Buckeye, Ariz., Phoenix, Ariz.; INT of Phoenix 161° radial with Casa Grande, Ariz., direct radial to San Simon, Ariz.; Tucson, Ariz.; Cochise, Ariz.; including an S alternate via INT of Tucson 121° and Cochise 257° radials; Columbus, N. Mex.; El Paso, Tex., including an N alternate; via the INT of Columbus 075° and El Paso 286° radials; Salt Flat, Tex.; Wink, Tex.; INT of Wink 066° and Big Spring, Tex., 260° radials; Big Spring, including an S alternate from Wink to Big Spring via Midland, Tex.; Abilene, Tex.; Mineral Wells, Tex.; INT of Mineral Wells 078° and Dallas, Tex., 252° radials; Dallas, including an S alternate via INT of Mineral Wells 094° and Dallas 229° radials; Sulphur Springs, Tex.; Texarkana, Ark., including an N alternate via INT of Sulphur Springs 060° and Texarkana 272° radials, and also an S alternate via INT of Sulphur Springs 090° with Quitman, Tex., direct radial to Texarkana; Pine Bluff, Ark.; INT of Pine Bluff 067° and Memphis, Tenn., 241° radials; Memphis, including an N alternate via INT of Pine Bluff 052° and Memphis 276° radials and also an S alternate via INT of Pine Bluff 082° and Memphis 225° radials; Jacks Creek, Tenn.; Graham, Tenn., including an S alternate from Memphis to Graham via INT of Memphis 081° and Graham 238° radials; Nashville, Tenn., including an N alternate via INT of Jacks Creek, 044° and Nashville 284° radials; Crossville, Tenn., including an S alternate, and also an N alternate via INT of Nashville 081° and Crossville 301° radials; Knoxville, Tenn., including an S alternate via INT of Crossville 100° and Knoxville 247° radials; Holston Mountain, Tenn., including an S alternate via INT of Knoxville 090° and Holston Mountain 235° radials; Pulaski, Va., including an N alternate from Knoxville to Pulaski via INT of Knoxville 050° and Blackford, Va., 246° radials and Blackford; Roanoke, Va., INT of Montebello, Va., 180° and Gordonsville, Va., 247° radials; Gordonsville; including an N alternate from Roanoke to Gordonsville via INT of Roanoke 035° radial with Montebello direct radial to Clifdale, Va., and Montebello; Nottingham, Md.; 6 miles wide to Kenton, Del.; thence via Millville, N. J.; Coyle, N. J.; INT of Coyle 057° and Riverhead, N. Y., 218° radials; Riverhead; Norwich, Conn.; to Boston, Mass. The airspace within Mexico is excluded.

AMENDMENTS 3/5/64 28 F.R. 14420 (Changed); 6/25/64 29 F.R. 5786 (Changed); 7/23/64 29 F.R. 6437 (Changed); 7/23/64 29 F.R. 6530 (Changed); 9/17/64 29 F.R. 9529 (Changed); 9/17/64 29 F.R. 9893 (Changed); AMENDMENTS 10/15/64 29 F.R. 11334 (Changed)

V-17 From Laredo, Tex., via Cotulla, Tex.; INT of Cotulla 041° and San Antonio, Tex., 183° radials; San Antonio; Austin, Tex., including a W alternate via INT of San Antonio 002° and Austin 237° radials and also an E alternate via INT of San Antonio 057° and Austin 198° radials; Waco, Tex., including an E alternate via INT of Austin 046° and Waco 173° radials; INT of Waco 315° and Mineral Wells, Tex., 197° radials; Mineral Wells; Bridgeport, Tex.; Duncan, Okla.; INT of Duncan 011° and Oklahoma City, Okla., 180° radials; Oklahoma City; Gage, Okla., including a W alternate via INT of Oklahoma City 282° and Gage 133° radials; Garden City, Kans., including a W alternate from Gage to Garden City via Liberal, Kans.; to Goodland, Kans.

AMENDMENTS 4/30/64 29 F.R. 3356 (Changed)

V-18 From Dallas, Tex., via Quitman, Tex.; Shreveport, La., including an S alternate via INT of Quitman 109° and Shreveport 246° radials; Monroe, La., including an N alternate and also an S alternate via INT of Shreveport 117° and Monroe 268° radials; Jackson, Miss., including an N alternate and also an S alternate; Meridian, Miss., including an N alternate and also an S alternate via INT of Jackson direct radial to Laurel, Miss., and Meridian 262° radial; INT of Meridian 057° and Birmingham, Ala., ILS localizer SW course; INT of Birmingham ILS localizer SW course and Anniston, Ala., 265° radial; Anniston, including an N alternate from Meridian to Anniston via INT of Meridian 040° and Tuscaloosa, Ala., 239° radials, Tuscaloosa and Birmingham; INT of Anniston 099° and Atlanta, 267° radials, Atlanta, McDonough, Ga.; INT of McDonough 088° and Augusta, Ga., 263° radials; Augusta, including an N alternate from Anniston to Augusta via INT of Anniston 084° and Rex, Ga., 270° radials; Rex; INT of Rex 090° and Augusta 278° radials, excluding the airspace between the main and this alternate airway; INT of Augusta 157° and Allendale, S. C., 262° radials; Allendale; to Charleston, S.C.

AMENDMENTS 4/30/64 29 F.R. 3226 (Changed) 6/25/64 29 F.R. 5885 (Changed);

V-19 From Newman, Texas, via INT of Newman 287° and Truth or Consequences, N. Mex., 159° radials; Truth or Consequences; INT of Truth or Consequences 028° and Socorro, N. Mex., 189° radials; Socorro; Albuquerque, N. Mex., including a W alternate via INT of Socorro 343° and Albuquerque 199° radials, and an E alternate via INT of Socorro 015° and Albuquerque 160° radials; Santa Fe, N. Mex., including a W alternate via Albuquerque 026° and Santa Fe 253° radials; Las Vegas, N. Mex., Cimarron, N. Mex.; Pueblo, Colo., including an E alternate via INT of Cimarron 053° and Pueblo 176° radials; Kiowa, Colo., including an E alternate; INT of Kiowa 005° and Denver, Colo., 101° radials; Denver; Cheyenne, Wyo; Casper, Wyo., including an E alternate from Cheyenne to Casper via the intersection of Cheyenne 002°, Douglas, Wyo., 152° radials, and Douglas; Crazy Woman, Wyo.; Sheridan, Wyo., including an E alternate; Billings, Mont., including and E alternate; INT of Billings 347° and Lewistown, Mont., 104° radials; Lewistown; to Great Falls, Mont., including a W alternate via INT of Lewistown 274° and Great Falls 122° radials. The portion of this airway within R-5111 will be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 4/30/64 29 F.R. 3150 (Changed); 6/25/64 29 F.R. 5825 (Changed); 9/17/64 29 F.R. 9529 (Changed):
AMENDMENTS 9/17/64 29 F.R. 9533 (Changed)

V-20 From Corpus Christi, Tex., via the INT of Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios, including an N alternate via INT of Corpus Christi 039° and Palacios 241° radials; Houston, Tex., including an N alternate via INT of Palacios 016° and Houston 255° radials; Beaumont, Tex., including an N alternate via INT of Houston 045° and Beaumont 273° radials; Lake Charles, La., including an N alternate via INT of Beaumont 058° and Lake Charles 272° radials and also an S alternate from Houston to Lake Charles via INT of Houston 090° and Sabine Pass, Tex., 265° radials, and Sabine Pass; Lafayette, La., including an N alternate via INT of Lake Charles 064° and Lafayette 285° radials; New Orleans, La., including an S alternate via Tibby, La.; INT of New Orleans 070° and Gulfport, Miss., 247° radials; Gulfport; Mobile, Ala., including an N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this alternate airway; Evergreen, including an N alternate via INT of Mobile 034° and Green County, Miss., 068° radials and also an S alternate (S alternate 6 miles wide Mobile to Evergreen); Montgomery, Ala.; La Grange, Ga.; Atlanta, Ga., including an N alternate from Montgomery to Atlanta via Montgomery 028° and Atlanta 248° radials; Rex, Ga.; Royston, Ga.; Spartanburg, S. C. including an N alternate from Atlanta to Spartanburg, via Norcross, Ga., and INT of Norcross 054° and Spartanburg 249° radials, excluding the airspace between the main and this alternate; Greensboro, N. C.; South Boston, Va.; Richmond, Va., including an N alternate via INT of South Boston 042° and Flat Rock, Va., 234° radials, and Flat Rock; to INT of Richmond 039° and Brooke, Va., 131° radials.

AMENDMENTS 4/30/64 29 F.R. 3000 (Changed); 8/20/64 29 F.R. 7817 (Changed); 9/17/64 29 F.R. 9529 (Changed); 11/12/64 29 F. R. 13164 (Changed);

V-21 From INT of Long Beach, Calif., 250° and Los Angeles, Calif., 207° radials via Long Beach; Ontario, Calif.; Hector, Calif.; Boulder, Nev., including a W alternate from INT of Hector 228° and Daggett, Calif., 187° radials via Daggett to INT of Daggett 062° and Hector 047° radials; Mormon Mesa, Nev.; Milford, Utah, including a W alternate and also an E alternate from Morman Mesa via INT Morman Mesa 059° and Cedar City, Utah, 197° radials, and Cedar City; Delta, Utah, including a W alternate; Provo, Utah, including a W alternate via INT of Delta 004° and Provo 219° radials; Salt Lake City, Utah; Ogden, Utah; Malad City, Idaho; Pocatello, Idaho; Idaho Falls, Idaho; INT of Idaho Falls 030° and Dubois, Idaho, 155° radials; Dubois; Dillon, Mont.; Whitehall, Mont.; Helena, Mont.; INT of Helena, 352° and Great Falls, Mont., 222° radials; Great Falls; Cut Bank, Mont., including an E alternate and also a W alternate from Helena to Cut Bank direct; to United States-Canadian Border via Cut Bank 348° radial.

AMENDMENTS 8/20/64 29 F.R. 8140 (Changed); 9/17/64 29 F.R. 9529 (Changed):
PENDING AMENDMENT
In V-21 "Cut Bank, Mont. including an E alternate and also a W alternate from Helena to Cut Bank direct;" is deleted and "Cut Bank, Mont., including a W alternate from Helena to Cut Bank direct;" is substituted therefor.
1/7/65 29 F. R. 15074 (Changed);



V-22 From Houston, Tex., via INT of Houston 090° and Sabine Pass, Tex., 265° radials; Sabine Pass; White Lake, La.; Tibby, La.; Harvey, La.; INT Harvey 073° and Brookley, Ala., 240° radials; Brookley; Pensacola (Saufley Field), Fla.; Crestview, Fla.; Marianna, Fla.; INT Marianna 096° and Greenville, Fla., 295° radials: Grrenville, including an S alternate from Marianna to Greenville via INT of Marianna 141° and Tallahassee 272° radials, and Tallahassee; Taylor, Fla. (6 miles wide from Greenville to 18 nmi E of Greenville); to Jacksonville, Fla. The airspace within R-2915A and the airspace more than 3 miles S of the airway centerline from 25 miles W to 25 miles E of Harvey are excluded.

AMENDMENTS 3/5/64 28 F.R. 14420 (Changed); Date Changed (4/30/64) 29 F.R. 557;
AMENDMENTS 7/23/64 29 F. R. 6437 (Changed); 7/23/64 29 F.R. 7017 (Changed)
9/17/64 29 F.R. 9529 (Changed):

V-23 From San Diego, Calif., via Oceanside, Calif.; INT of Long Beach, Calif., 135° and Santa Catalina, Calif., 075° radials; 6 miles wide Long Beach; INT of Long Beach 287° and Los Angeles, Calif., 138° radials; thence Los Angeles; Gorman, Calif.; Bakersfield, Calif., including an E alternate from Los Angeles to Bakersfield via INT of Los Angeles 357° and Lake Hughes, Calif., 154° radials, Lake Hughes, and INT of Lake Hughes 344° and Bakersfield 137° radials; Fresno, Calif., including an E alternate from Bakersfield to Fresno via Porterville, Calif., and INT of Porterville 339° and Fresno 140° radials; INT of Fresno 322° and Linden, Calif., 140° radials; Linden (6 miles wide from 38 miles from Linden to Linden); Sacramento, Calif., including a W alternate from Fresno to Sacramento via Los Banos, Calif., and Stockton, Calif.; INT of Sacramento 346° and Red Bluff, Calif., 158° radials; Red Bluff; Fort Jones, Calif.; Medford, Oreg., including an E alternate via INT of Fort Jones 042° and Medford 157° radials, and also a W alternate via INT of Fort Jones 340° and Medford 235° radials, excluding the airspace between the main and this alternate; Eugene, Oreg., including a W alternate from Medford to Eugene via Roseburg, Oreg., and INT of Roseburg 003° and Eugene 187° raidals; Portland, Oreg., including an E alternate and also a W alternate from Eugene to Portland via INT of Eugene 346° and Newberg, Oreg., 204° radials, and Newberg; INT of Portland 353° and Seattle, Wash., 197° radials; Seattle; Paine Field, Wash.; Bellingham, Wash.; to United States-Canadian Border via Bellingham direct radial to Vancouver, British Columbia, Canada. The airspace below 2,000 feet MSL outside the United States, and the airspace within R-2528 is excluded. The airspace within R-5703 and R-6703 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 5/28/64 29 F.R. 4855 (Changed); 9/17/64 29 F.R. 9529 (Changed);

V-24 From Aberdeen, S. Dak., via Watertown, S. Dak., including an N alternate; Redwood Falls, Minn., including an N alternate via INT of Watertown 086° and Redwood Falls 305° radials; Rochester, Minn.; to Lone Rock, Wis., including an S alternate from Rochester to Lone Rock via Waukon, Iowa.

PENDING AMENDMENT
In V-24 "Redwood Falls, Minn., including an N alternate via INT of Watertown 086° and Redwood Falls 305° radials;" is deleted and "Redwood Falls, Minn.;" is substituted therefor.
AMENDMENTS 1/7/65 29 F. R. 15074 (Changed)

V-25 From San Diego, Calif., via Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Long Beach, Calif., 186° radials, to INT Long Beach 287° and Los Angeles 138° radials via Long Beach; INT Los Angeles 261° and Ventura, Calif., 145° radials; 6 miles wide via Ventura to INT Ventura 331° and Santa Barbara, Calif., 109° radials; thence Santa Barbara; Paso Robles Calif., including a W alternate from Santa Barbara to Paso Robles via Gaviota, Calif., and San Luis Obispo, Calif.; Salinas, Calif., including an E alternate from Paso Robles to Salinas via INT of Paso Robles 342° and Salinas 131° radials; INT of Salinas 310° and Woodside, Calif., 158° radials; Woodside; San Francisco, Calif.; INT of San Francisco 304° and Point Reyes, Calif., 161° radials; Point Reyes; INT of Point Reyes 352° and Ukiah, Calif., 147° radials; Red Bluff, Calif.; INT of Red Bluff 015° and Klamath Falls, Oreg., 181° radials; Klamath Falls; Redmond, Oreg.; The Dalles, Oreg.; Yakima, Wash., including an E alternate via INT of The Dalles 032° and Yakima 183° radials; INT of Yakima 304° and Ellensburg, Wash., 191° radials; Ellensburg; to Wenatchee, Wash. The airspace below 2,000 feet MSL outside the United States and the airspace more than 3 miles NE of the airway centerline between Long Beach and INT of Long Beach 287° and Los Angeles 138° radials is excluded. The airspace within R-2511, R-2520, R-6714 and W-289 is excluded. The airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The airspace within R-2504, R-2527 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority. The portion outside the United States has no upper limit.

AMENDMENTS 2/6/64 28 F.R. 13742 (Changed); 7/23/64 29 F.R. 7418 (Changed); 8/20/64 29 F.R. 8261 (Changed); 9/17/64 29 F.R. 9529 (Changed);

**V-26** From Myton, Utah, via Cherokee, Wyo., Casper, Wyo.; Rapid City, S Dak., Philip, S Dak., Pierre, S. Dak.; Huron, S. Dak.; Redwood Falls, Minn., including an S alternate; Farmington, Minn.; Eau Claire, Wis.; Wausau, Wis., including an S alternate; Green Bay, Wis including an S alternate via INT of Wausau 121° and Green Bay 269° radials; INT of Green Bay 116° and White Cloud, Mich., 302° radials; White Cloud; Lansing, Mich.; Salem, Mich.; INT of Carleton, Mich., direct radial to Jefferson, Ohio, and Cleveland, Ohio, direct radial to Windsor, Ont., Canada; to Cleveland. The airspace within Canada is excluded

AMENDMENTS 4/30/64 29 F R 3356 (Changed); 11/12/64 29 F R 13137 (Changed);
PENDING AMENDMENT
In V-26, "Wausau, Wis. including an S alternate; Green Bay, Wis., including an S alternate via INT of Wausau 121° and Green Bay 269° radials;" is deleted and "Wausau Wis.; Green Bay, Wis.;" is substituted therefor 1/7/65 29 F. R. 15074 (Changed)

**V-27** From San Diego, Calif., via INT San Diego 319° and Santa Catalina, Calif., 099° radials, Santa Catalina; 6 miles wide via Ventura, Calif., to INT Ventura 331° and Fillmore, Calif 268° radials; thence INT Fillmore 268° and Gaviota, Calif., 143° radials; Gaviota; San Luis Obispo, Calif.; INT of San Luis Obispo 308° and Big Sur, Calif., 157° radials; Big Sur, INT of Big Sur 325° and Point Reyes, Calif., 161° radials; Point Reyes; INT of Point Reyes 352° and Ukiah Calif., 147° radials; Ukiah; Fortuna, Calif.; Crescent City, Calif.; North Bend, Oreg.; Newport, Oreg.; Astoria, Oreg.; Olympia, Wash., INT of Olympia 010° and Seattle, Wash., 247° radials; to Seattle, including a W. alternate from Astoria to INT of Olympia 010° and Seattle 247° radials via Hoquiam, Wash., excluding the airspace between the main and this alternate airway. The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R-2516, R-2520 and W-289, the airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL, is excluded. The airspace within R-2527, R-6711 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority. The portion outside the United States has no upper limit

AMENDMENTS 9/17/64 29 F.R 9529 (Changed);

**V-28** From Oakland, Calif., via INT of Oakland 077° and Linden, Calif., 246° radials; Linden; INT of Linden 046° and Reno, Nev., 208° radials; to Reno.

**V-29** From Snow Hill, Md., via Salisbury, Md.; INT of Salisbury 340° and Kenton, Del., 217° radials; Kenton, New Castle, Del.; West Chester, Pa.; Pottstown, Pa.; Allentown, Pa.; Wilkes-Barre, Pa.; Binghampton, N. Y.; Syracuse, N. Y.; Watertown, N. Y.; INT of Watertown 033° and Massena, N. Y., 241° radials; to Massena. The airspace within R-4006 is excluded.

**V-30** From Milwaukee, Wis., via INT of Milwaukee 102° and Pullman, Mich., 303° radials; Pullman, including an S alternate via INT of Milwaukee 121° and Pullman 282° radials; Litchfield, Mich.; Waterville, Ohio; Attica, Ohio; Akron, Ohio; INT of Akron 092° and Clarion, Pa., 265° radials; Clarion; Philipsburg, Pa.; Selinsgrove, Pa.; East Texas, Pa.; Colts Neck, N. J.; INT of Colts Neck 089° and Kennedy, N.Y., 195° radials; Kennedy, INT of Kennedy 083° and Hampton, N. Y., 223° radials; Hampton; INT of Hampton 059° and Norwich, Conn., 177° radials to Norwich. The airspace below 2,000 feet MSL outside the United States, and below 3,000 feet MSL south of a line extending from Lat. 40° 40' 00"N, Long. 72° 30' 00"W, to Lat. 40° 38' 20"N, Long. 72° 38' 35"W is excluded.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 9/17/64 29 F.R 9529 (Changed).

**V-31** From INT of Patuxent River, Md., 036° and Nottingham, Md., 128° radials; to Nottingham. From Baltimore, Md., via Harrisburg, Pa.; Selinsgrove, Pa.; Williamsport, Pa.; Elmira, N. Y., including a W alternate from Selinsgrove to Elmira via INT of Selinsgrove 342° and Elmira 187° radials; INT of Elmira 357° and Rochester, N. Y., 125° radials; to Rochester. The airspace within R-4007 is excluded.

V-32 From Battle Mountain, Nev., via Elko, Nev., Bonneville, Utah, including an N alternate from Elko to Bonneville via Wells, Nev., Salt Lake City, Utah, to Fort Bridger, Wyo.

AMENDMENTS 5/28/64 29 F.R. 3756 (Changed)

**V-33** From INT of Franklin, Va., 087° and Norfolk, Va., 226° radials, via Harcum, Va.; INT of Harcum 003° and Nottingham, Md., 174° radials; to Nottingham. From Baltimore, Md., via Harrisburg, Pa.; Philipsburg, Pa.; Bradford, Pa.; to Buffalo, N. Y. The airspace within R-4007 is excluded.

**V-34** From Rochester, N. Y., via Ithaca, N. Y.; Hancock, N. Y.; INT of Huguenot, N. Y., 046° and Carmel, N. Y., 295° radials; Carmel; to Riverhead, N. Y. The airspace within R-5206 shall be used only after obtaining prior approval from the appropriate authority. The airspace within R-5207 is excluded.

AMENDMENTS 5/28/64 29 F.R 4671 (Changed); 8/20/64 29 F.R. 7595 (Changed);



V-35 From Key West, Fla., via INT of Key West 078° and Miami, Fla., 153° radials; Miami; INT of Miami 269° and Fort Myers, Fla., 137° radials, including a W alternate from INT of Miami 153° radial and Miami International Airport Runway 9 left ILS localizer W course to INT of Miami 269° and Fort Myers 137° radials via INT of Miami International Airport Runway 9 left ILS localizer W course and Fort Myers 137° radial; Fort Myers; St. Petersburg, Fla., including a W alternate; Cross City, Fla., including an E alternate via Gainesville, Fla., and also a W alternate from St. Petersburg to Cross City via INT of St. Petersburg 316° and Cross City 185° radials; INT of Cross City 311° and Tallahassee, Fla., 137° radials; Tallahassee; Albany, Ga.; Macon, Ga., including a W alternate via INT of Albany 010° and Macon 228° radials; Athens, Ga.; Royston, Ga.; Asheville, N. C.; Holston Mountain, Tenn., including an E alternate via INT of Asheville 022° and Holston Mountain 146° radials and also a W alternate via INT of Asheville 300° and Holston Mountain 203° radials; Blackford, Va.; Charleston, W. Va.; INT of Charleston 051° and Elkins, W. Va., 264° radials; Clarksburg, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Johnstown, Pa.; Tyrone, Pa.; Philipsburg, Pa.; Stonyfork, Pa.; Elmira, N. Y.; Watkins Glen, N. Y.; to Syracuse, N. Y. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 7/23/64 29 F R 6437 (Changed); 9/17/64 29 F.R 11707 (Changed);

V-36 From Toronto, Ontario, Canada, via INT of Toronto 141° and Buffalo, N. Y., 312° radials; Buffalo, including an S alternate from Toronto to Buffalo via INT of Toronto 172° and Buffalo 294° radials, excluding the airspace between the main and this alternate airway; Elmira, N. Y.; Wilkes-Barre, Pa.; Sparta, N. J.; to Riverhead, N. Y. The airspace within Canada is excluded.

V-37 From Savannah, Ga., via Allendale, S.C., Columbia, S.C.; Fort Mill, S.C., including a W alternate via INT of Columbia 329° and Fort Mill 209° radials; Pulaski, Va., including a W alternate from Fort Mill to Pulaski via Hickory, N. C.; Elkins, W. Va.; Morgantown, W. Va.; Allegheny, Pa.; INT of Allegheny 325° and Ellwood City, Pa. 183° radials; Ellwood City; Erie, Pa.; to Toronto, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 7/23/64 29 F R. 7237 (Changed); 9/17/64 29 F R. 10502 (Changed); 11/12/64 29 F.R. 13137 (Changed)

V-38 From Iowa City, Iowa, via Moline, Ill.; Joliet, Ill.; Peotone, Ill., 6 miles wide to Monterey, Ind.; Fort Wayne, Ind.; Findlay, Ohio; INT of Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Parkersburg, W. Va.; to Elkins, W. Va.

AMENDMENTS 9/17/64 29 F.R 9529 (Changed);

V-39 From Pinehurst, N. C., via South Boston, Va.; Gordonsville, Va.; INT of Gordonsville 019° and Casanova, Va., 201° radials; Casanova; Herndon, Va., including an E alternate from Gordonsville to Herndon via INT of Herndon 202° and Brooke, Va., 300° radials; Westminster, Md.; Lancaster, Pa.; Allentown, Pa.; Tannersville, Pa.; Poughkeepsie, N. Y.; Westfield, Mass.; Gardner, Mass.; Concord, N. H.; Kennebunk, Maine; Augusta, Maine; INT of Augusta 025° and Millinocket, Maine, 228° radials; Millinocket; Presque Isle, Maine; to INT of Presque Isle 356° radial and the United States-Canadian border.

AMENDMENTS On Publ. 5/15/64 29 F. R. 6377 (Changed)

V-40 From Cleveland, Ohio, via Briggs, Ohio; to Imperial, Pa.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed); 11/12/64 29 F. R. 13137 (Changed);

V-41 From Imperial, Pa., via INT of Imperial 326° and Youngstown, Ohio, 177° radials; to Youngstown.

AMENDMENTS 9/17/64 29 F. R. 10502 (Changed); 11/12/64 29 F R. 13137 (Rewritten);

V-42 From Flint, Mich., via Windsor, Ont., including an E alternate via INT of Flint 122° and Windsor 344° radials, excluding the airspace between the main and this alternate airway; Cleveland, Ohio, including an E alternate via INT Windsor 131° and Strongsville, Ohio, 342° radials, Strongsville, to INT Strongsville 162° and Akron, Ohio, 289° radials; to Akron. The airspace within Canada is excluded.

AMENDMENTS 11/12/64 29 F. R. 13137 (Changed)
PENDING AMENDMENT
V-42 From Flint, Mich., via INT of Flint 133° and Windsor, Ont., Canada, 320° radials; Windsor; including an E alternate via INT Flint 118° and Windsor 335° radials (7 miles wide (3 miles east and 4 miles west of the centerline) from the INT of Flint 118° and Windsor 335° radials to Windsor); Cleveland, Ohio; to Akron, Ohio, including an E alternate from Windsor to the INT of Strongsville, Ohio, 162° and Akron 289° radials via INT of Windsor 134° and Strongsville 342° radials, Strongsville. The airspace within Canada is excluded.
AMENDMENTS 11/19/64 29 F. R. 14621 (Rewritten)

V-43 From Appleton, Ohio, via Tiverton, Ohio; Briggs, Ohio; Youngstown, Ohio; to Erie, Pa.

**V-44** From Centralia, Ill., via Samsville, Ill.; Nabb, Ind.; Falmouth, Ky.; York, Ky.; Parkersburg, W. Va.; Morgantown, W. Va.; Martinsburg, W. Va.; Baltimore, Md.; INT of Baltimore 097° radial and Nottingham, Md., direct radial to Kenton, Del.; Kenton; INT of Kenton 086° and Atlantic City, N. J., 238° radials; Atlantic City; Barnegat, N. J.; INT of Barnegat 043° and Riverhead, N. Y., 218° radials; to Riverhead. The airspace below 2,000 feet MSL outside the United States is excluded. The airspace within Warren Grove, N. J., Restricted Area R-5002 shall be used only after obtaining prior approval from the appropriate authority.

**V-45** From New Bern, N. C., via Kinston, N. C.; Raleigh, N. C.; Greensboro, N. C., including an E alternate via INT of Raleigh 305° and Greensboro 051° radials and also a W alternate via Liberty, N. C., and INT of Liberty 114° and Raleigh 240° radials; INT of Greensboro 334° and Hickory, N. C., 049° radials; Pulaski, Va., Bluefield, W. Va., to Charleston, W. Va. From Waterville, Ohio, via INT of Waterville 329° and Jackson, Mich., 137° radials; Jackson; Lansing, Mich.; to Saginaw, Mich.

V-46 From Kennedy, N. Y., via Deer Park, N. Y.; INT of Deer Park 095° and Hampton, N.Y., 223° radials (Beach INT), including an N alternate from Deer Park to Beach INT via Riverhead, N. Y.; Hampton; INT of Hampton 083° and Nantucket, Mass., 255° radials; to Nantucket The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 9/17/64 29 F.R 9529 (Changed);

V-47 From Evansville, Ind., via INT of Evansville 065° and Nabb, Ind., 252° radials; Nabb; Cincinnati, Ohio, Rosewood, Ohio, including a W alternate from Cincinnati to INT of Dayton, Ohio, Dayton Airport ILS localizer SW course and Rosewood direct radial to Cincinnati via INT of Cincinnati 006° radial and Dayton Airport ILS localizer SW course; Findlay, Ohio; Waterville, Ohio; INT of Waterville 355° and Salem, Mich., 190° radials, to Salem.

AMENDMENTS 5/28/64 29 F.R. 3756 (Changed)

**V-48** From Burlington, Iowa, via Peoria, Ill., to Pontiac, Ill

**V-49** From Bowling Green, Ky., via Mystic, Ky.; to Nabb, Ind.

**V-50** From Pawnee City, Nebr., via St. Joseph, Mo.; Kirksville, Mo.; Quincy, Ill.; Capital, Ill.; Decatur, Ill.; Terre Haute, Ind.; Indianapolis, Ind.; INT of Indianapolis 084° and Dayton, Ohio, 261° radials; Dayton, including an N alternate from Indianapolis to Dayton via INT of Indianapolis 069° and Fort Wayne, Ind., 187° radials.

AMENDMENTS 4/30/64 29 F.R. 3000 (Changed)

**V-51** From Key West, Fla., via INT of Miami, Fla., 221° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; Miami; Pahokee, Fla.; INT of Pahokee 009° and Vero Beach, Fla., 193° radials; Vero Beach, including an E alternate from Biscayne Bay to Vero Beach via INT of Biscayne Bay 346° and Vero Beach 178° radials; Daytona Beach, Fla.; INT of Daytona Beach 344° and Jacksonville, Fla., 159° radials; Jacksonville; INT of Jacksonville 319° and Alma, Ga., 148° radials; Alma, including an E alternate and a W alternate; Macon, Ga., including an E alternate from Alma to Macon via INT of Alma 335° and Dublin, Ga., 137° radials and Dublin; McDonough, Ga.; Rex, Ga.; Crossville, Tenn., including an E alternate from INT of Rex 345° and Atlanta, Ga., 007° radials to Crossville via INT of Atlanta 007° and Crossville 143° radials, and a W alternate from McDonough to Crossville via Chattanooga, Tenn.; Highway, Tenn.; Louisville, Ky., including an E alternate via INT of Highway 011° and Louisville 148° radials, and also a W alternate from Highway to Louisville via INT of Highway 333° and New Hope, Ky., 165° radials, and New Hope; Nabb, Ind.; Shelbyville, Ind.; INT of Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette; to Chicago Heights, Ill The airspace within W-173 is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 7/23/64 29 F.R 6437 (Changed); Amend. Alt 29 F.R 7818; 9/17/64 29 F.R 11707 (Changed).

**PENDING AMENDMENT**

In V-51 "Macon, Ga., including an E alternate from Alma to Macon via INT of Alma 335° and Dublin, Ga., 137° radials and Dublin; McDonough, Ga.;" is deleted and "Dublin, Ga.; INT of Dublin 315° and McDonough, Ga., 136° radials; McDonough, including a W alternate via Macon, Ga., and the INT of Macon 326° and McDonough 151° radials;" is substituted therefor.

AMENDMENTS 10/15/64 29 F.R. 11112 (Changed). Eff date changed 11/12/64 29 F.R 12362. Eff. date changed 2/4/65 29 F. R. 14918;

V-52 From Des Moines, Iowa, via Ottumwa, Iowa; Quincy, Ill., St. Louis, Mo., including an N alternate; Troy, Ill.; INT of Troy 099° and Evansville, Ind., 309° radials; to Evansville.

AMENDMENTS 4/30/64 29 F.R. 3000 (Changed)



V-53 From Charleston, S. C., via INT of Charleston 300° and Columbia, S. C., 151° radials; Columbia; Spartanburg, S. C.; Asheville, N. C.; Holston Mountain, Tenn.; Whitesburg, Ky.; Lexington, Ky.; Louisville, Ky.; INT of Louisville 333° and Indianapolis, Ind., 170° radials; Indianapolis; Westpoint, Ind.; INT of Westpoint 326° and Peotone, Ill., 153° radials; Peotone; to INT of Peotone 003° and Chicago-O'Hare, Ill., 153° radials; to Chicago-O'Hare.

V-54 From Quitman, Texas, via Texarkana, Ark.; INT of Texarkana 052° and Little Rock, Ark., 235° radials; Little Rock, including an N alternate via INT of Texarkana 033° and Little Rock 255° radials; INT of Little Rock 077° and Memphis, Tenn., 261° radials; Memphis, including an N alternate via INT of Little Rock 062° and Memphis 276° radials; Muscle Shoals, Ala., including an N alternate via INT of Memphis 081° and Muscle Shoals 297° radials, and also an S alternate from Memphis to Muscle Shoals via INT of Memphis 168° and Holly Springs, Miss., 281° radials; Holly Springs; INT of Holly Springs 099° and Muscle Shoals 255° radials; Huntsville, Ala.; Chattanooga, Tenn., including an N alternate via INT of Muscle Shoals 067° and Chattanooga 282° radials; Spartanburg, S. C.; Fort Mill, S. C.; INT of Fort Mill 069° and Pinehurst, N. C., 281° radials; to Pinehurst.

V-55 From Dayton, Ohio, via Fort Wayne, Ind., including an E alternate via INT of Dayton 343° and Fort Wayne direct radial to Rosewood, Ohio; Goshen, Ind., including a W alternate via INT Fort Wayne 281° and Goshen 168° radials, excluding the airspace between the main and this W alternate airway; South Bend, Ind.; Keeler, Mich.; Pullman, Mich.; Muskegon, Mich.; INT of Muskegon 327° and Green Bay, Wis., 116° radials; Green Bay; Stevens Point, Wis.; INT of Stevens Point 281° and Eau Claire, Wis., 107° radials; Eau Claire; Grantsburg, Wis.; to Brainerd, Minn.

V-56 From Montgomery, Ala., via INT of Montgomery 049° and Columbus, Ga., 270° radials; Columbus; Macon, Ga.; Augusta, Ga.; Columbia, S. C., including an N alternate via INT of Augusta 054° and Columbia 266° radials, and also an S alternate via INT of Augusta 085° and Columbia 193° radials; INT of Columbia 079° and Florence, S. C., 243° radials; to Florence.

V-57 From Birmingham, Ala., via Muscle Shoals, Ala.; Graham, Tenn:; to Bowling Green, Ky. From Lexington, Ky., via Falmouth, Ky.; to INT of Richmond, Ind., 142° and Cincinnati, Ohio, 022° radials.

V-58 From Carrolltown, Pa., via Tyrone, Pa.; Philipsburg, Pa.; Williamsport, Pa.; INT of Williamsport 079° and Thornhurst, Pa., 293° radials; Wilkes-Barre, Pa.; Poughkeepsie, N. Y.; Hartford, Conn.; to INT of Hartford 130° and Providence, R. I., 212° radials.

AMENDMENTS 11/12/64 29 F.R. 13137 (Changed);

V-59 From Pulaski, Va., via Beckley, W. Va.; Parkersburg, W. Va.; to Newcomerstown, Ohio.

V-60 From Albuquerque, N. Mex., via Otto, N. Mex., including an S alternate; to Las Vegas, N. Mex.

V-61 From Bridgeport, Tex., via INT of Bridgeport 315° and Wichita Falls, Tex., 139° radials; Wichita Falls; to Lawton, Okla.

V-62 From the INT of Albuquerque, N. Mex., 329° and Santa Fe, N. Mex., 268° radials via Santa Fe; Anton Chico, N. Mex.; Texico, N. Mex.; Plainview, Tex., Lubbock, Tex., including an S alternate from Texico direct to Lubbock; Abilene, Tex.; INT Abilene 096° and Britton, Tex., 264° radials; to Britton.

AMENDMENTS 6/25/64 29 F.R. 5786 (Changed); 9/17/64 29 F.R. 9529 (Changed); 9/17/64 29 F.R. 11259 (Changed);

V-63 From Waco, Tex., via INT of Waco 037° and Dallas, Tex., 133° radials; to Sulphur Springs, Tex. From McAlester, Okla., via Fayetteville, Ark.; Springfield, Mo.; Hallsville, Mo.; Quincy, Ill.; to Burlington, Iowa. From the INT of Polo, Ill., 268° and Janesville, Wis., 239° radials via Janesville; to Milwaukee, Wis.

AMENDMENTS 7/23/64 29 F. R. 6436 (Changed)

V-64 From Los Angeles, Calif., via INT of Los Angeles 185° and Long Beach, Calif., 266° radials; Long Beach; Thermal, Calif.; to Blythe, Calif. The airspace more than 3 miles E of the airway centerline between Los Angeles and INT of Los Angeles 185° and Long Beach 266° radials is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

V-65 From INT of Kansas City, Mo., 231° and St. Joseph, Mo., 178° radials via St. Joseph; to Lamoni, Iowa.

V-66 From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz.; INT of Yuma 087° and Gila Bend, Ariz., 262° radials; Gila Bend; Tucson, Ariz.; Douglas, Ariz.; INT of Douglas 063° and Columbus, N. Mex., 277° radials; Columbus; El Paso, Tex., including an N alternate via the INT of Columbus 075° and El Paso 286° radials; 6-mile wide airway INT of El Paso 112° and Hudspeth, Tex., 281° radials; Hudspeth; thence Pecos, Tex.; Midland, Hyman, Tex.; INT Hyman 085° and Abilene, Tex., 251° radials; Abilene; INT of Abilene 066° and Bridgeport, Tex.. 248° radials; Bridgeport;
INT of Bridgeport 087° and Sulphur Springs, Tex., 275° radials; to Sulphur Springs. From Tuscaloosa, Ala., via Talladega, Ala.; INT of Talladega 092° and McDonough, Ga., 256° radials; McDonough; INT of McDonough 036° and Athens, Ga., 241° radials; Athens; INT of Athens 062° and Fort Mill, S. C., 242° radials; to Fort Mill.

AMENDMENTS 2/6/64 28 F.R. 11533 (Changed); 9/17/64 29 F.R. 8165 (Changed); 9/17/64 29 F.R. 9529 (Changed);

V-67 From Cedar Rapids, Iowa, via Waterloo, Iowa; Mason City, Iowa; to Rochester, Minn.. including a W alternate via INT of Mason City 023° and Rochester 243° radials.

V-68 From Albuquerque, N. Mex., via INT of Albuquerque 120° and Corona, N. Mex., 311° radials; Corona, including an N alternate from Albuquerque to Corona via INT of Albuquerque 103° and Corona 328° radials and also an S alternate from Albuquerque to Corona via INT of Albuquerque 160° and Corona 268° radials; Roswell, N. Mex., including an N alternate; Hobbs, N. Mex., including an S alternate; INT of Hobbs 120° and Midland, Tex., 312° radials; Midland, including an S alternate from Hobbs to Midland via INT of Hobbs 136° and Midland 283° radials; San Angelo, Tex., including an S alternate via INT of Midland 128° and San Angelo 278° radials;
Junction, Tex., including an S alternate via INT of San Angelo 181° and Junction 310° radials; San Antonio, Tex.; INT of San Antonio, 167° and Corpus Christi, Tex., 296° radials; Corpus Christi; Harlingen, Tex.; to McAllen, Tex. The airspace within Mexico is excluded.

AMENDMENTS 10/15/64 29 F.R. 12260 (Changed); 11/12/64 29 F. R. 13164 (Changed)

V-69 From Shreveport, La., via INT of Shreveport 087° and El Dorado, Ark., 218° radials; El Dorado, including a W alternate from Shreveport to El Dorado via INT of Shreveport 087° and El Dorado 233° radials; Pine Bluff, Ark.; INT of Little Rock, Ark., 062° and Memphis, Tenn., 276° radials; Walnut Ridge, Ark.; Farmington, Mo.; INT of Farmington 351° and Troy, Ill., 234° radials; Troy; Capital, Ill.; Pontiac, Ill.; Joliet, Ill.; to Kedzie, Ill., RBN.

V-70 From Corpus Christi, Tex., via INT of Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios; Galveston, Tex.; Sabine Pass, Tex.; Lake Charles, La.; Lafayette, La.; Baton Rouge, La., including an N alternate via INT of Lafayette 012° and Baton Rouge 264° radials; Picayune, Miss.; Greene County, Miss.; Evergreen, Ala.; Eufaula, Ala.; Vienna, Ga.; to Allendale, S. C.

AMENDMENTS 4/30/64 29 F. R. 3000 (Changed); 8/20/64 29 F. R. 7817 (Changed)

V-71 From Baton Rouge, La., via Natchez, Miss.; to Monroe, La. From Flippen, Ark., via Springfield, Mo.; Butler, Mo.; to Kansas City, Mo.

AMENDMENTS 12/12/63 28 F. R. 11347 (Rewritten); Amend Alteration (Date Changed) 2/6/64 28 F. R. 12925
AMENDMENTS 4/2/64 29 F. R. 2487 (Changed)

V-72 From Fayetteville, Ark., via Dogwood, Mo.; Maples, Mo.; Richwoods, Mo.; to Troy. Ill. From Akron, Ohio, via Youngstown, Ohio;
Tidioute, Pa.; Bradford, Pa.; INT of Bradford 078° radial and Stonyfork, Pa., direct radial to Wellaville, N. Y.; Elmira, N. Y.; Binghamton, N. Y.; Rockdale, N. Y.; Albany, N. Y.; to INT of Albany 075° and Cambridge. N. Y., 094° radials.

AMENDMENTS 10/15/64 29 F.R. 11527 (Changed); 11/12/64 29 F. R. 13137 (Changed);

V-73 From Wichita, Kans., via Hutchinson, Kans.; INT of Hutchinson 025° and Salina, Kans., 184° radials; to Salina.

V-74 From Garden City, Kans., via Dodge City,
Kans.; Anthony, Kans.; Ponca City, Okla.; Tulsa, Okla.; Fort Smith, Ark., including an N alternate from Tulsa to Fort Smith via INT of Tulsa 088° and Neosho, Mo., 223° radials and also an S alternate from Ponca City to Fort Smith via Okmulgee, Okla.; Little Rock, Ark., including an N alternate; to Pine Bluff, Ark., including a N alternate via INT of Little Rock 137° and Pine Bluff 006° radials.

AMENDMENTS 6/25/64 29 F.R. 5317 (Changed); 9/17/64 29 F.R. 9820 (Changed);

V-75 From Morgantown, W. Va., via INT of Morgantown 319° and Wheeling, W. Va., 149° radials; Wheeling; Briggs, Ohio; to Cleveland, Ohio.

AMENDMENTS 11/12/64 29 F.R. 13137 (Rewritten)



V-76 From Lubbock, Tex., via INT of Lubbock 188° and Big Spring, Tex., 286° radials; Big Spring, including an N alternate from Lubbock direct to Big Spring, excluding the airspace between the main and this alternate airway; Hyman, Tex.; San Angelo, Tex.; Llano, Tex.; Austin, Tex., including an N alternate from San Angelo to Austin via Lometa,
Tex., and including an S alternate via INT of Llano 129° and Austin 257° radials, excluding the airspace between the main and this N alternate airway; Houston, Tex., to Galveston, Tex The airspace within R-6310 is excluded.

V-77 From San Angelo, Tex., via Abilene, Tex.; Wichita Falls, Tex., including an E alternate; INT of Wichita Falls 028° and Oklahoma City, Okla., 202° radials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT of Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT of Duncan 011° and Oklahoma City 180° radials;
Ponca City, Okla., including an E alternate from Oklahoma City to Ponca City via INT of Oklahoma City 037° and Ponca City 186° radials; INT of Ponca City 327° and Wichita, Kans., 226° radials; Wichita; INT of Hutchinson, Kans., 062° and Topeka, Kans., 236° radials; Topeka; St. Joseph, Mo.; Lamoni, Iowa; to Des Moines, Iowa. The airspace within R-5601 is excluded.

V-78 From Huron, S. Dak., via Watertown, S. Dak., including an S alternate; Darwin, Minn.; Minneapolis, Minn.; to Eau Claire, Wis.

V-79 From Hobbs, N. Mex., via the INT of Hobbs 073° and Lubbock, Tex., 188° radials, to Lubbock.

AMENDMENTS 6/25/64 29 F.R 5317 (Rewritten); 10/15/64 29 F.R- 12260 (Changed);

V-80 From Akron, Colo., to North Platte, Nebr.

V-81 From Midland, Tex., via Lubbock, Tex.; Plainview, Tex.; Amarillo, Tex., including an E alternate; Dalhart, Tex., Tobe, Colo.,Pueblo, Colo.; Colorado Springs, Colo.; to Denver, Colo.

AMENDMENTS 4/30/64 29 F.R. 3226 (Changed); Amend. Alt 29 F.R 4719; 5/28/64 29 F.R. 4963 (Changed); F. R. Correction 29 F.R. 5067;

V-82 From Grand Forks, N. Dak., via Bemidji, Minn., including an N alternate via INT of Grand Forks 066° and Bemidji 303° radials; Brainerd, Minn.; Minneapolis, Minn.; Farmington, Minn.; Rochester, Minn.; including an S alternate from Minneapolis to Rochester via INT of Minneapolis 188° and Rochester 319° radials; Nodine, Minn.; Dells, Wis.; INT of Dells 097° and Timmerman, Wis., 322° radials; thence 6-mile wide airway to Timmerman.

AMENDMENTS 9/17/64 29 F.R 9529 (Changed);

PENDING AMENDMENT
In V-82 "Rochester, Minn., including an S alternate from Minneapolis to Rochester via INT of Minneapolis 188° and Rochester 319° radials;" is deleted and "Rochester, Minn.;" is substituted therefor.
1/7 65 29 F. R. 15074 (Changed)

V-83 From Carlsbad, N. Mex., via Roswell, N. Mex.; Corona, N. Mex., including an E alternate; Otto, N. Mex.; Santa Fe, N. Mex.; Taos, N. Mex.; Alamosa, Colo.; INT Alamosa 075° and Pueblo, Colo., 203°; Pueblo; Colorado Springs, Colo.; to Kiowa, Colo.

AMENDMENTS 7/23/64 29 F. R. 7018 (Changed)

V-84 From Bradford, Ill., via INT of Bradford 033° and Chicago, Ill., 269° radials; to Chicago.
From Northbrook, Ill., via Pullman, Mich.; Lansing, Mich.; Flint, Mich.; Peck, Mich.; London, Ont., Canada; Buffalo, N. Y.; Geneseo, N. Y.; INT of Geneseo direct radial to Georgetown, N. Y., and Ithaca, N. Y., direct radial to Rochester, N. Y.; to Syracuse, N. Y. The airspace within Canada is excluded.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

V-85 From Medicine Bow, Wyo., via Casper, Wyo., including a W alternate via INT of Medicine Bow 336° and Casper 216° radials; to Riverton, Wyo.

V-86 From Butte, Mont., via Whitehall, Mont.; Bozeman, Mont.; INT of Bozeman 128° and Livingston, Mont., 261° radials; Livingston,; Billings, Mont.; Sheridan, Wyo.; to Rapid City, S. Dak.

AMENDMENTS 7/23/64 29 F.R 6530 (Changed); 8/20/64 29 F.R 7923 (Rewritten);

**V-87** From San Francisco, Calif., via INT of Oakland, Calif., 330° radial and Sausalito, Calif., direct radial to Sacramento, Calif.; Napa, Calif.; INT of Napa 004° and Maxwell, Calif., 188° radials; Maxwell; to Red Bluff, Calif.

**V-88** From Tulsa, Okla., via INT of Tulsa 044° and Springfield, Mo., 261° radials; Springfield; Vichy, Mo.; Richwoods, Mo.; to INT of Richwoods 086° and St. Louis, Mo., 170° radials.

**V-89** From INT of Denver, Colo., 207° and Kiowa, Colo., 246° radials via Denver; Cheyenne, Wyo., including an E alternate via Gill, Colo.; and INT of Gill 003° and Cheyenne 131° radials; to Chadron, Nebr., including an E alternate via Scottsbluff, Nebr.

**V-90** From Litchfield, Mich., via Windsor, Ont., Canada, INT of Windsor 082° and Dunkirk, N. Y., 268° radials; to Dunkirk, including an N alternate from INT of Windsor 082° and Dunkirk 268° radials to Dunkirk via Aylmer, Ont., Canada. The airspace within Canada is excluded.

PENDING AMENDMENT
V-90 From Litchfield, Mich., via INT of Litchfield 081° and Windsor, Ont., Canada, 265° radials; Windsor; INT of Windsor 083° and Dunkirk, N.Y., 266° radials; to Dunkirk, including an N alternate from INT of Windsor 083° and Dunkirk 266° radials to Dunkirk via Aylmer, Ont., Canada. The airspace within Canada is excluded.
AMENDMENTS 11/19/64 29 F R. 14621 (Rewritten)

**V-91** From Riverhead, N. Y., via Poughkeepsie, N. Y.; INT of Poughkeepsie 342° and Albany, N. Y., 181° radials; Albany; Glens Falls, N. Y.; INT of Glens Falls 032° and Burlington, Vt., 187° radials; Burlington; Plattsburgh, N. Y.; to St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

**V-92** From Joliet, Ill., via Chicago Heights, Ill., Goshen, Ind.; Waterville, Ohio; Attica, Ohio; Mansfield, Ohio, Briggs, Ohio; Wheeling, W. Va.; Grantsville, Md.; to Front Royal, Va.

AMENDMENTS 9/17/64 29 F.R 9529 (Changed)·

**V-93** From Patuxent River, Md. via INT of Patuxent River 013° and Baltimore, Md., 122° radials; Baltimore; Lancaster, Pa; to Allentown, Pa. From Poughkeepsie, N. Y., via Chester, Mass.;
INT of Chester 040° and Keene, N. H., 231° radials; Keene; Concord, N.H.; INT of Concord 041° and Augusta Maine, 239° radials; Augusta; Bangor, Maine;
Princeton, Maine; to United States-Canadian border via Princeton 057° radial. The airspace at and below 1,200 feet above the surface between Princeton and the United States-Canadian border is excluded. The airspace within R-4005, R-4006 and R-4007 is excluded.

AMENDMENTS 9/17/64 29 F.R 9529 (Changed):

**V-94** From Gila Bend, Ariz., via Casa Grande, Ariz., San Simon, Ariz.; Deming, N. Mex.; Newman, Tex., including an S alternate via INT of Deming 121° and Newman 271° radials; INT of
Newman 091° and Salt Flat, Tex., 312° radials; Salt Flat; Wink, Tex.; Midland, Tex.; Hyman, Tex.; Dyess, Tex.; INT Dyess 084° and Britton, Tex., 264° radials; Britton; Gregg County, Tex.; Barksdale AFB, La.; to Monroe, La. The airspace within R-5103A is excluded.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed):

**V-95** From Gila Bend, Ariz., via INT of Gila Bend 096° and Phoenix Ariz., 204° radials Phoenix; Winslow, Ariz., including a W alternate via INT Phoenix 004° and Winslow 224° radials to Farmington, N. Mex. From Gunnison, Colo. to Kiowa.

AMENDMENTS 8/20/64 29 F.R. 7922 (Changed); Eff Date Changed 9/17/64 29 F.R 9664:
9/17/64 29 F.R. 9529 (Changed):

**V-96** From INT of Indianapolis, Ind., 022° and Fort Wayne, Ind., 233° radials via Fort Wayne; to Waterville, Ohio.



**V-97** From Miami, Fla., via La Belle, Fla.; St. Petersburg, Fla., Tallahassee, Fla., including E alternates from INT of Lakeland, Fla., 175° and La Belle 313° radials to INT of St. Petersburg 335° and Lakeland 307° radials via Lakeland, and from INT of St. Petersburg, Fla., 335° and Cross City, Fla., 201° radials to Tallahassee via Cross City and INT of Cross City 311° and Tallahassee 137° radials and also a W alternate from St. Petersburg to INT of St. Petersburg 335° and Cross City 201° radials via INT of St. Petersburg 316° and Cross City 201° radials; Albany, Ga.; Atlanta, Ga.; INT of Atlanta 007° and Knoxville, Tenn., 198° radials; Knoxville; London, Ky., including an E alternate via INT of Knoxville 013° and London 141° radials,; Lexington, Ky., including a W alternate; Cincinnati, Ohio, including a W alternate via INT of Lexington 327° and Cincinnati 192° radials, and also an E alternate from London to Cincinnati via INT of London 004° and Lexington 107° radials, and Falmouth, Ky.; Shelbyville, Ind., INT of Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette, including a W alternate from Shelbyville to Lafayette via Indianapolis, Ind.; INT of Indianapolis 344° and Shelbyville 313° radials and INT of Shelbyville 313° and Lafayette 136° radials; to Chicago Heights, Ill. From INT of Northbrook, Ill., 273° and Naperville, Ill., 340° radials via INT of Naperville 340° and Janesville, Wis., 111° radials; Janesville; INT of Janesville 294° and Lone Rock, Wis., 147° radials; Lone Rock; Nodine, Minn.; to INT of Nodine direct radial to Minneapolis, Minn., and Minneapolis-St. Paul, Minn., International Airport ILS 121° localizer course. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 4/30/64 29 F.R. 2692 (Changed); 7/23/64 29 F.R 6246 (Changed; 7/23/64 29 F.R 6437 (Changed); 9/17/64 29 F.R. 11707 (Changed);

**V-98** From Litchfield, Mich., via INT of Litchfield 096° and Carleton, Mich., 247° radials; Carleton; Windsor, Ontario, Canada; London, Ontario, Canada; Toronto, Ontario, Canada; Stirling, Ontario, Canada; Massena, N. Y.; to St. Johns, Quebec, Canada. The airspace within Canada is excluded.

**V-99** From Newport, Oreg., via Newberg, Oreg.; INT of Newberg 355° and Olympia, Wash., 195° radials; Olympia; INT of Olympia 010° and Seattle, Wash., 247° radials to Seattle. The airspace within R-6711 shall be used only after obtaining prior approval from the appropriate authority.

**V-100** From Medicine Bow, Wyo., via Chadron, Nebr.; O'Neil, Nebr.; Sioux City, Iowa; Fort Dodge, Iowa; Waterloo, Iowa; Dubuque, Iowa; Rockford, Ill.; Northbrook, Ill.; INT of Northbrook 093° and Keeler, Mich., 271° radials; Keeler; Jackson, Mich.; INT of Jackson 084° and Salem, Mich., 254° radials; to Salem.

**V-101** From Ogden, Utah, to Burley, Idaho.

**V-102** From Salt Flat, Tex., via Carlsbad, N. Mex.; Hobbs, N. Mex.; Lubbock, Tex.; Guthrie, Tex.; to Wichita Falls, Tex., including an S alternate via INT of Guthrie 103° and Wichita Falls 247° radials.

**V-103** From Greensboro, N. C., via Roanoke, Va.; Elkins, W. Va.; Clarksburg, W. Va.; INT of Clarksburg 354° and Imperial, Pa., 193° radials; Imperial; Akron, Ohio to Windsor, Ontario, Canada. The portion within Canada is excluded.

AMENDMENTS 11/12/64 29 F.R. 13137 (Changed):

PENDING AMENDMENT
In V-103 "to Windsor, Ontario, Canada." is deleted and "INT of Akron 312° and Windsor, Ont., Canada, 134° radials; to Windsor." is substituted therefor. 11/19/64 29 F. R. 14621 (Changed)

**V-104** From Ottawa, Ont., Canada, via INT of Ottawa 082° and Massena, N. Y., 346° radials; Massena; to Plattsburgh, N. Y. The portion within Canada is excluded.

**V-105** From Tucson, Ariz., via INT of Tucson 273° and Casa Grande, Ariz., 158° radials; Casa Grande; Phoenix, Ariz.; Prescott, Ariz., including an E alternate via INT of Phoenix 004° and Prescott 135° radials; Boulder, Nev., Las Vegas, Nev., including an E alternate from Prescott to Las Vegas via
INT of Prescott 319° and Peach Springs, Ariz., 134° radials; Peach Springs, Ariz., and INT of Peach Springs 305° and Las Vegas 081° radials;
INT of Las Vegas 266° and Beatty, Nev., 142° radials; Beatty; Coaldale, Nev.; to Reno, Nev.

AMENDMENTS 8/20/64 29 F.R. 8261 (Changed); 9/17/64 29 F.R. 9529 (Changed);

**V-106** From Charleston, W. Va., via INT of Charleston 051° and Elkins, W. Va., 264° radials; Clarksburg, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Johnstown, Pa.; INT of Ravine, Pa., 279° radial and Philipsburg, Pa., direct radial to Harrisburg, Pa.; Selinsgrove, Pa.; Thornhurst, Pa.; Wilkes-Barre, Pa.; Poughkeepsie, N. Y.; Westfield, Mass.; Gardner, Mass.; INT of Gardner 051° and Concord, N. H., 146° radials; to Kennebunk, Maine.

AMENDMENTS On Publ. 5/15/64 29 F. R. 6377 (Changed)

V-107 From Los Angeles, Calif., via INT Los Angeles 291° and Fillmore, Calif., 163° radials; Fillmore, including a W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° radials and Ventura; Avenal, Calif.; Los Banos, Calif.;
to Oakland. Calif. The airspace within R-2519 more than 3 statute miles W of Ventura 155° and 331° radials, the air-
space within R-2519 below 5,000 feet MSL, and the airspace within R-2520 is excluded. The remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority. The portion outside the United States has no upper limit.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

V-108 From San Francisco, Calif., via INT of San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; INT of Sausalito 052° and Linden, Calif., 269° radials; to Linden. From Colorado Springs, Colo., via Hugo, Colo., including an S alternate via INT of Colorado Springs 153° and Hugo 250° radials; Goodland, Kans.; Goodland, Kans.; to Hill City, Kans.

AMENDMENTS 6/25/64 29 F.R. 5540 (Changed)

V-109 From Los Banos, Calif., via Stockton, Calif.; INT of Stockton 268° and Oakland, Calif., 077° radials; to Oakland. The airspace within R-2528 is excluded.

V-110 From Deming, N. Mex., to Truth or Consequences, N. Mex.

V-111 From Big Sur, Calif., via Salinas, Calif.; to INT of Salinas 026° radial with Los Banos, Calif., direct radial to Oakland, Calif.

V-112 From Astoria. Oreg.. via Portland. Oreg. (6 miles wide from 15 nmi W of Portland to Portland); via The Dalles, Oreg.. INT of the Dalles 096° and Pendleton, Oreg., 254° radials; Pendleton; to Spokane, Wash., including a W alternate from Pendleton to Spokane via Pasco, Wash., and INT of Pasco 035° and Spokane221° radials, excluding the airspace between the main and this W alternate.

AMENDMENTS 4/2/64 29 F.R. 2337 (Changed); 9/17/64 29 F.R. 9529 (Changed);

V-113 From Paso Robles, Calif., via Priest, Calif.; Los Banos, Calif; Stockton, Calif.; Linden, Calif.; INT of Linden 046° and Reno, Nev., 208° radials; to Reno. The airspace within R-2528 is excluded.

V-114 From Amarillo, Tex., via Childress, Tex., including an S alternate; Wichita Falls, Tex., including an S alternate via INT of Childress 120° and Wichita Falls 262° radials; INT of Wichita Falls 122° and Dallas, Tex., 299° radials; Dallas; INT of Dallas 113° and Gregg County, Tex., 290° radials; Gregg County, including an N alternate from Dallas to Gregg County via Quitman, Tex., and also an S alternate from Dallas to Gregg County via INT of Dallas 130° and Gregg County 273° radials; INT of Shreveport, La., 176° and Alexandria, La., 300° radials; Alexandria, including an N alternate from Gregg County to Alexandria via Shreveport, and INT of Shreveport 176° and Alexandria 300° radials; Baton Rouge, La.; to New Orleans, La., including an N alternate from Alexandria to New Orleans via INT of Alexandria 109° and New Orleans 312° radials.

AMENDMENTS 6/25/64 29 F.R. 5457 (Changed); 6/25/64 29 F.R. 5786 (Changed); 9/17/64 29 F.R. 9529 (Changed);

V-115 From Crestview, Fla., via Montgomery, Ala.; INT of Montgomery 028° and Birmingham, Ala., 138° radials; Birmingham; Chattanooga, Tenn., including an E alternate via INT of Birmingham 097° and Gadsden, Ala., 233° radials, Gadsden and INT of Gadsden 042° and Chattanooga 214° radials; INT of Chattanooga 037° and Knoxville, Tenn.. 247° radials: Knoxville: Whitesburg, Ky.; Charleston, W. Va.; Parkersburg, W. Va.; INT of Parkersburg 060° and Allegheny, Pa.. 223° radials; to Allegheny. From Ellwood City, Pa., via Tidioute, Pa.; Jamestown, N.Y.: to Buffalo. N. Y.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed); 9/17/64 29 F.R. 10502 (Changed);

V-116 From Kansas City, Mo., via Macon, Mo.; Quincy, Ill.; Peoria, Ill.; Joliet, Ill.; Naperville, Ill.; Keeler, Mich.; Jackson, Mich.; INT of Jackson 084° and Salem, Mich., 254° radials; Salem; Windsor, Ontario, Canada; Erie, Pa.; Bradford, Pa.; Stonyfork, Pa.; Wilkes-Barre, Pa.; Sparta, N. J.; to INT of Sparta 112° and Carmel, N. Y., 232° radials. The airspace within Canada is excluded.

AMENDMENTS 5/28/64 29 F.R. 4671 (Changed)

PENDING AMENDMENT
In V-116 "Erie, Pa.," is deleted and "INT of Windsor 100° and Erie, Pa., 275° radials; Erie;" is substituted therefor.. 11/19/64 29 F. R. 14621 (Changed)



V-117 From Imperial, Calif., via INT of Imperial 350° and Thermal, Calif., 122° radials; Thermal; to Palm Springs, Calif. The airspace within R-2521 is excluded.

AMENDMENTS 9/17/64 29 F.R. 8165 (Changed); 10/15/64 29 F.R. 11034 (Changed);

V-118 From Medicine Bow, Wyo., via Laramie, Wyo.; to Cheyenne, Wyo.

V-119 From Newcombe, Ky., via Henderson, W. Va.; Parkersburg, W. Va.; Bellaire, Ohio; Wheeling, W. Va.; Imperial, Pa.; INT of Imperial 045° and Clarion, Pa., 214° radials; Clarion; Fitzgerald, Pa.; Bradford, Pa.; Wellsville, N. Y.; Geneseo, N. Y.; to Rochester, N. Y.

AMENDMENTS 7/23/64 29 F. R. 7238 (Changed)

V-120 From Mullan Pass, Idaho, via Great Falls, Mont.; Lewistown, Mont., including an N alternate via INT of Great Falls 074° and Lewistown 308° radials; Miles City, Mont.; Dupree, S. Dak.; Pierre, S. Dak.; Sioux Falls, S. Dak.; to Mason City, Iowa.

V-121 From Medford, Oreg., via INT of Medford 352° and Roseburg, Oreg., 127° radials; Roseburg; North Bend, Oreg., to Eugene, Oreg.

AMENDMENTS 4/2/64 29 F.R. 2337 (Changed);

V-122 From Crescent City, Calif., to Medford, Oreg. From INT of Medford, Oreg.. 176° and Klamath Falls, Oreg.. 268° radials via Klamath Falls; to Lakeview, Oreg.

V-123 From Washington, D. C., via Andrews, Md.; INT of Andrews 060° and Baltimore, Md., 097° radials; (6 miles wide from Andrews to 5 miles from Andrews); Woodstown, N. J.; INT of Pottstown, Pa., 104° and Robbinsville, N. J, 239° radials; Robbinsville; INT of Solberg, N. J., 110° and Kennedy, N. Y., 232° radials; La Guardia, N. Y.; INT of La Guardia 034° and Riverhead, N. Y.. 289° radials: Carmel, N. Y.; INT of Carmel 031° and Poughkeepsie, N. Y., 099° radials; to Westfield, Mass.

AMENDMENTS 4/2/64 29 F. R. 1561 (changed); 4/2/64 29 F.R. 1843 (Changed); 5/28/64 29 F. R. 4671 (Changed) 9/17/64 29 F.R. 9529 (Changed);

V-124 From Terre Haute, Ind., via INT of Terre Haute 095° and Shelbyville, Ind., 253° radials; to Shelbyville.

V-125 From Anthony, Kans., to Hutchinson, Kans.

V-126 From Chicago Heights. Ill.. via Goshen. Ind.: Waterville. Ohio: Cleveland. Ohio: Jefferson, Ohio; Erie, Pa.; Bradford, Pa.; Stonyfork, Pa.; Wilkes-Barre, Pa.; Huguenot, N. Y.; to Riverhead, N. Y.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed):

V-128 From Chicago-O'Hare, Ill., via INT Chicago-O'Hare 153° and Peotone, Ill., 003° radials; Peotone; INT of Peotone 153° and
Westpoint, Ind., 326° radials; Westpoint; Indianapolis, Ind.; INT of Indianapolis 137° and Cincinnati, Ohio, 290° radials; Cincinnati; York, Ky., including an N alternate and also an S alternate via INT of Cincinnati 120° and York direct radial to Falmouth, Ky.; to Charleston, W. Va.

V-129 From Polo, Ill., via Rewey, Wis.; Waukon, Iowa; Nodine, Minn.; to Eau Claire, Wis. From Duluth, Minn., via Hibbing, Minn., including an E alternate; to International Falls, Minn., including a W alternate.

PENDING AMENDMENT
In V-129 "to International Falls, Minn., including a W alternate." is deleted and "International Falls, Minn., including a W alternate; to Kenora, Ontario, Canada. The airspace within Canada is excluded." is substituted therefor.
AMENDMENTS 12/24/64 29 F.R. 14104 (Changed)

V-130 From Albany, N. Y., via Hartford, Conn.; Norwich, Conn.; to INT of Norwich 090° radial and Providence, R. I., ILS localizer S course.

V-131 From McAlester, Okla., via Okmulgee, Okla.; Tulsa, Okla.; Chanute, Kans.; to Topeka, Kans.

**V-132** From Cheyenne, Wyo., via Akron, Colo.; Goodland, Kans.; Hutchinson, Kans.; INT of Hutchinson 078° and Chanute, Kans., 294° radials; Chanute; INT of Chanute 100° and Springfield, Mo., 276° radials; to Springfield

AMENDMENTS 4/2/64 29 F. R. 2487 (Changed)

**V-133** From Fort Mill, S. C., via Hickory, N. C.; Charleston, W. Va.; Zanesville, Ohio; Tiverton, Ohio; Mansfield, Ohio; Sandusky, Ohio; INT of Waterville, Ohio, 058° and Salem, Mich., 140° radials; Salem; Flint, Mich.; Saginaw, Mich.; Traverse City, Mich.; Escanaba, Mich.; to Marquette, Mich. The airspace within R-5502 and within Canada is excluded.

AMENDMENTS 8/20/64 29 F. R. 7595 (Changed)

V134 From Evergreen, Ala., via INT of Evergreen 075° and Tuskegee, Ala., 220° radials; to Tuskegee

AMENDMENTS 6/25/64 29 F.R. 5457 (Rewritten)

V-135 From Yuma, Ariz., via Blythe, Calif., Parker, Calif.; Needles, Calif., Goffs, Calif., Las Vegas, INT of Las Vegas 266: and Beatty, Nev., 142° radials; Beatty; INT of Beatty direct radial to Coaldale, Nev., and Tonopah, Nev., 198° radials; to Tonopah. The airspace within R-4807 is excluded.

V-136 From Pulaski, Va., via INT of Pulaski 094° and South Boston, Va., 298° radials; South Boston; to Raleigh, N. C.

V-137 From Palm Springs, Calif., via Palmdale, Calif., Gorman, Calif., Fellows, Calif., to San Luis Obispo, Calif.
From Oakland, Calif., via Point Reyes, Calif.; to INT of Point Reyes 306° and Ukiah, Calif., 172° radials
The portion outside the United States has no upper limit.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed); 10/15/64 29 F.R 11334 (Changed).

V-138 From Medicine Bow, Wyo., via Cheyenne, Wyo., including an N alternate via INT of Medicine Bow 106° and Cheyenne 330° radials; to Sidney, Nebr. From Grand Island, Nebr., via INT of
Grand Island 099° and Raymond, Nebr., 267° radials; Raymond; INT of Raymond 040° and Neola, Iowa, 251° radials; Neola; to Fort Dodge, Iowa.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed); 9/17/64 29 F.R 9533 (Changed);

V-139 From Cape Charles, Va., via Snow Hill, Md.; Sea Isle, N. J.; INT of Sea Isle 049° and Hampton, N. Y., 223° radials: Hampton; INT of Hampton 059° and Providence, R. I. 212° radials; Providence, thence 6 miles wide to Whitman, Mass.; thence via INT of Whitman
041° and Manchester, N.H. 130° radials; INT of Manchester 130° and Boston, Mass., 014° radials; to INT of Manchester 117° and Boston 014° radials. The airspace below 2,000 feet MSL outside the United States, the airspace below 3,000 feet MSL between the Kennedy, N. Y., 087° and 141° radials, and the airspace within R-6604 are excluded. The portion outside the United States has no upper limit.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 7/23/64 29 F.R. 7018 (Changed); 9/17/64 29 F.R 9529 (Changed).

**PENDING AMENDMENT**

V-139 is amended by deleting "Providence, thence 6 miles wide to Whitman, Mass;" and substituting "Providence, thence 6 miles wide to Whitman, Mass., including an E alternate;" therefor. 1/7/65 29 F. R. 15199 (Changed)

V-140 From Amarillo, Tex., via Sayre, Okla., including an N alternate via the INT of Amarillo 072° and Sayre 288° radials; Kingfisher, Okla.; INT of Kingfisher
072° and Tulsa, Okla., 261° radials; Tulsa; Fayetteville, Ark., including an N alternate via INT of Tulsa 059° and Fayetteville 284° radials; Flippin, Ark.; Walnut Ridge, Ark.; Dyersburg, Tenn.; Nashville, Tenn., including an S alternate from Dyersburg to Nashville via INT of Dyersburg 115° and Graham, Tenn., 270° radials, Graham; Highway, Tenn., including an S alternate; London, Ky., including an N alternate from Nashville to London via INT of Nashville 044° and London 258° radials; Whitesburg, Ky.; Bluefield, W. Va.; Clifdale, Va.; Montebello, Va.; Casanova, Va.; INT of Herndon, Va., 185° and Linden, Va., 104° radials;
Washington, D. C.; Andrews, Md.; INT of Andrews 060° and Baltimore, Md., 097° (6 miles wide from Andrews to 5 miles from Andrews); INT of Woodstown, N. J., 232° and Millville, N. J., 255° radials; Millville; Coyle, N.J.. INT of Coyle 031° and Colts Neck, N. J., 179° radials; Colts
Neck; to INT of Colts Neck 335° and Solberg, N. J., 110° radials.

AMENDMENTS 4/2/64 29 F.R. 1843 (Changed); 4/30/64 29 F.R. 3226 (Changed); Amend. Alt. 29 F.R. 4719;
AMENDMENTS 7/23/64 29 F.R 6437 (Changed); 9/17/64 29 F.R. 2529 (Changed);



V-141 From Nantucket, Mass., via Hyannis, Mass.; INT of Hyannis 332° and Boston, Mass., 133° radials; Boston; INT of Boston 014° and Manchester, N. H., 117° radials; Manchester; Concord, N. H.; Lebanon, N. H., including an E alternate via INT of Concord 011° and Kennebunk, Maine, 281° radials; Burlington, Vt.; to Massena, N. Y. The airspace within R-4103 shall be used only after obtaining prior approval from appropriate authority

V-142 From Buffalo, N Y., via INT of Buffalo 034° and Rochester, N. Y., 289° radials; to Rochester.

V-143 From Fort Mill, S. C., via Greensboro, N. C., including a W alternate via INT of Fort Mill 005° and Greensboro 238° radials; Lynchburg, Va.; Montebello, Va.; INT of Montebello 031° and Casanova, Va., 267° radials; Casanova; INT of Herndon, Va., 185° and Linden, Va., 104° radials; to Nottingham, Md.

V-144 From Chicago, Ill., via INT of Chicago 153° and Peotone, Ill., 003° radials; Peotone, 6 miles wide to Monterey, Ind.; Fort Wayne, Ind.; Findlay, Ohio; INT of Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Morgantown, W. Va.; Kessel, W. Va.; Linden, Va.; to INT of Linden 104° and Herndon, Va., 185° radials.

AMENDMENTS 9/17/64 29 F.R 9529 (Changed);

V-145 From Utica, N. Y., via INT of Utica 303° and Watertown, N. Y., 171° radials; Watertown; to United States-Canadian Border via Watertown 360° radial.

V-146 From Wilkes-Barre, Pa., via Huguenot, N. Y.; INT of Carmel, N. Y., 295° and Poughkeepsie, N. Y., 236° radials; Poughkeepsie; Putnam, Conn.; Providence, R. I.; Martha's Vineyard, Mass.; to Nantucket, Mass. The airspace at and below 1,200 feet above the surface between Providence and Nantucket is excluded. The airspace within R-4104 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 5/28/64 29 F.R. 4671 (Changed)

V-147 From Philadelphia, Pa., International Airport ILS localizer via Pottstown, Pa.; Allentown, Pa., including an E alternate from Philadelphia International Airport ILS localizer to Allentown via INT of Pottstown 143° and Allentown 173° radials; Thornhurst, Pa.; Elmira, N. Y.; Geneseo, N. Y.; to Rochester, N. Y.

V-148 From Denver, Colo., via INT of Denver 174° and Kicwa, Colo., 268° radials; Kiowa; Thurman, Colo.; Hayes Center, Nebr.; North Platte, Nebr.; O'Neill, Nebr.; Sioux Falls, S. Dak.; Redwood Falls, Minn., including an S alternate; to Minneapolis, Minn.

V-149 From Allentown, Pa., via Thornhurst, Pa.; Binghamton, N. Y.; Georgetown, N. Y.; INT of Georgetown 029° and Utica, N. Y., 280° radials; to Utica.

V-150 From San Francisco, Calif., via INT of San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; to Sacramento, Calif.

V-151 From Providence, R. I., via Gardner, Mass.; Keene, N. H.; Lebanon, N. H., including a W alternate via INT of Keene 341° and Lebanon 211° radials; Montpelier, Vt.; to Burlington, Vt.

V-152 From St. Petersburg, Fla., via Orlando, Fla., including an N alternate via INT of St. Petersburg 040° and Orlando 258° radials and also an S alternate via Lakeland, Fla., to Daytona Beach, Fla., including an S alternate via INT of Orlando 049° and Daytona Beach 161° radials.

AMENDMENTS 8/20/64 29 F. R. 8260 (Changed)

V-153 From Madison, Conn., via La Guardia, N. Y.; INT of La Guardia
280° and Stillwater, N. J., 110° radials; Stillwater; Wilkes-Barre, Pa.; Georgetown, N. Y.; to Syracuse, N. Y.

AMENDMENTS 6/25/64 29 F.R. 5456 (Changed); 9/17/64 29 F.R. 9529 (Changed);

V-154 From Meridian, Miss., via Kewanee, Miss.; Selma, Ala.; Montgomery, Ala.; Tuskegee, Ala.; INT of Tuskegee 078° and Columbus, Ga., 255° radials; Columbus, including an S alternate from Montgomery to Columbus via INT of Montgomery 090° and Columbus 219° radials; Macon, Ga.; Dublin, Ga.; to Savannah, Ga.

AMENDMENTS 7/23/64 29 F. R. 6246 (Changed); 7/23/64 29 F.R. 7314 (Changed)

**V-155** From Augusta, Ga., via Chesterfield, S. C.; Pinehurst, N. C.; Raleigh, N. C.; Lawrenceville, Va.; INT of Lawrenceville direct radial to Richmond, Va., and Flat Rock, Va., 171° radials; Flat Rock; Gordonsville, Va.; Linden, Va.; to Front Royal, Va. The airspace within R-6602 is excluded.

**V-156** From Elkins, W. Va., via Gordonsville, Va. including an N alternate from Elkins to Gordonsville via Kessel, W. Va., excluding the airspace between the main and this alternate airway; Richmond, Va.; Harcum, Va.; to Cape Charles, Va. The airspace within R-6610 shall be used only after obtaining prior approval from appropriate authority.

**V-157** From Key West, Fla., via Miami, Fla.; La Belle, Fla., including a W alternate from INT of Miami 221° and Fort Myers, Fla., 137° radials via INT of Fort Myers 137° and La Belle 162° radials to La Belle; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Alma, Ga.; Allendale, S. C.; Vance, S. C.; to Florence, S. C. From Wilmington, N. C., via Kinston, N. C.; Rocky Mount, N. C.; Lawrenceville, Va.; Richmond, Va.; to Washington, D. C. (6 miles wide from INT of Brooke 132° and Washington 189° radials to Washington); including a W alternate from Richmond to Washington via INT of Richmond 348° and Brooke, Va., 187° radials, Brooke; INT of Brooke 045° and Washington 189° radials (6 miles wide from INT of Brooke 045° and Washington 189° radials to Washington; Baltimore, Md.; (6 miles wide Washington to Baltimore); INT of Baltimore 035° and New Castle, Del., 261° radials; New Castle; Robbinsville, N. J.; Colts Neck, N. J.; INT of Colts Neck 089° and Kennedy, N. Y, 195° radials; to Kennedy. From La Guardia, N. Y., to the INT of La Guardia 034° and Hartford, Conn., 245° radials. The airspace within R-6602, R-6612 and that portion of the W alternate airway within R-6601 are excluded.
The portion outside the United States has no upper limit. The airspace within W-173 is excluded.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 6/25/64 29 F.R. 5456 (Changed); Amend. Alt 29 F.R. 6436; 7/23/64 29 F.R. 6945 (Changed); 9/17/64 29 F.R. 9529 (Changed); 9/17/64 29 F.R. 11707 (Changed); 9/9/64 29 F.R. 13009 (Changed); 10/15/64 29 F.R. 9821 (Changed); Amend. Alt. 29 F.R. 11837;
PENDING AMENDMENT
In V-157, "Taylor, Fla.;" is deleted and "Taylor, Fla.; Waycross, Ga.;" is substituted therefor.
12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925
Amend Alteration (Eff. Date Changed) 4/2/64 29 F. R. 1561
Amend Alteration (Eff. Date Changed) July, 1964 29 F.R. 2934; Eff. Date Changed 10/15/64 29 F.R. 11112
Eff. date changed 11/12/64 29 F.R. 12362; Eff. date changed 2/4/65 29 F. R. 14918;

**V-158** From Waterloo, Iowa, via Dubuque, Iowa; to Polo, Ill. The airspace within R-3302 is excluded.

**V-159** From Miami, Fla., via INT of Miami 346° and West Palm Beach, Fla., 219° radials; West Palm Beach, including an E alternate from Miami direct to West Palm Beach; Vero Beach, Fla.; Orlando, Fla., including an E alternate from Vero Beach to Orlando via INT of Vero Beach 342° and Orlando 123° radials; Ocala, Fla., including a W alternate via Orlando 283° and Ocala 156° radials; Gainesville, Fla.; Greenville, Fla., including a W alternate from Ocala to Greenville via Cross City, Fla.; Albany, Ga.; Eufaula, Ala.; Tuskegee, Ala.; to Birmingham, Ala.

AMENDMENTS 7/23/64 29 F. R. 6437 (Changed)

**V-160** From Denver, Colo., to Sidney, Nebr.

**V-161** From Greater Southwest, Tex., via INT of Greater Southwest 318° and Ardmore, Okla., 192° radials; Ardmore; Okmulgee, Okla.; Tulsa, Okla.; Oswego, Kans.; Butler, Mo.; Blue Springs, Mo.; INT of Blue Springs 016° and Lamoni, Iowa. 174° radials; Lamoni; Des Moines, Iowa; Newton, Iowa; Waterloo, Iowa, including a W alternate from Des Moines to Waterloo via INT of Des Moines 023° and Waterloo 241° radials; Rochester, Minn.; INT of Farmington, Minn., 077° and Minneapolis, Minn., 131° radials; Minneapolis; Brainerd, Minn.; to Grand Rapids, Minn.

AMENDMENTS Eff. Immed. 6/15/64 29 F.R. 7922 (Changed); 7/23/64 29 F.R. 7314 (Changed);

V-162 From INT of Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials to Clarksburg. From Harrisburg, Pa., via INT of Harrisburg 073° and Ravine, Pa., 128° radials; to Allentown, Pa., including an S alternate from Harrisburg via INT of Lancaster, Pa., 047° and Pottstown, Pa., 275° radials.

AMENDMENTS 11/12/64 29 F.R. 13137 (Changed); Amend. Corr. 29 F. R. 14105;

V-163 From Brownsville, Tex., via INT of Brownsville 347° and Corpus Christi, Tex., 191° radials; Corpus Christi, including a W alternate from Brownsville via Harlingen, Tex., to INT of Brownsville 347° and Corpus Christi 191° radials; INT of Corpus Christi 313° and San Antonio 183° radials; San Antonio; INT of San Antonio 002° and Lometa, Tex., 173° radials; Lometa, including a W alternate from San Antonio to Lometa via INT of San Antonio 334° and Llano, Tex., 180° radials and Llano; Mineral Wells, Tex.; Bridgeport, Tex.; Ardmore, Okla.; INT of Ardmore 342° and Oklahoma City, Okla., 154° radials; to Oklahoma City, including a W alternate via INT of Ardmore 327° and Oklahoma City 180° radials and also an E alternate via INT of Oklahoma City 107° and Tulsa, Okla., 228° radials. The airpsace within Mexico is exlcuded.

AMENDMENTS 11/12/64 29 F.R. 13164 (Changed)



**V-164** From Buffalo, N. Y., via Wellsville, N. Y.; Stonyfork, Pa.; Williamsport, Pa.; INT of Williamsport 125° and East Texas, Pa., 321° radials; to East Texas.

**V-165** From Lindbergh Field, Calif., via INT of Lindbergh Field 287° and Oceanside, Calif., 177° radials; Oceanside; INT of Long Beach, Calif., 135° and Santa Catalina, Calif., 075 radials; thence 6 miles wide to Long Beach.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

**V-166** From Parkersburg, W. Va., via Clarksburg, W. Va.; Kessel, W. Va.; Martinsburg, W. Va.; Westminster, Md.; to New Castle, Del.

V-167 From Coyle, N. J., via INT of Coyle 047° and Kennedy, N. Y., 195° radials; Kennedy; Hartford, Conn.; INT of Hartford 076° and Providence, R. I., 270° radials; Providence; INT of Providence 101° and and Hyannis, Mass., 224° radials; to Hyannis. The airspace at and below 1,200 feet above the surface between Providence and Hyannis is excluded.

AMENDMENTS 4/2/64 29 F. R. 1561 (Changed);

V-168 From Scottsbluff, Nebr., to O'Neill, Nebr.

AMENDMENTS 6/25/64 29 F. R. 5786 (Rewritten) F.R. Correction 29 F. R. 6149

V-169 From Tobe, Colo., via Hugo, Colo.; Thurman, Colo.; Arkon, Colo.; Sidney, Nebr.; Scottsbluff, Nebr.; Chadron, Nebr.; Rapid City, S. Dak.; Dupree, S.Dak.; to Bismarck, N. Dak. The airspace within R-4701 is excluded.
AMENDMENTS 4/30/64 29 F. R. 3356 (Changed); 7/23/64 29 F.R. 6529 (Changed)
AMENDMENTS 8/20/64 29 F. R. 7921 (Changed)

V-170 From Sioux Falls, S. Dak., via Worthington, Minn.; INT Worthington 090° and Mankato, Minn., 212° radials; Mankato; to Farmington, Minn., from Nodine, Minn., via Dells, Wis.; INT of Dells 097° and Milwaukee, Wis., 307° radials; Milwaukee;
INT of Milwaukee 102° and Pullman, Mich., 303° radials; Pullman; to Salem, Mich. From Erie, Pa., via Bradford, Pa.; Slate Run, Pa.; Selinsgrove, Pa.; Ravine, Pa.; INT of Lancaster, Pa., direct radial to Allentown, Pa., and Pottstown, Pa., 275° radial; to West Chester, Pa. The airspace within R-5802 is excluded.

AMENDMENTS 7/23/64 29 F. R. 6529 (Changed)

V-171 From Louisville, Ky., via Scotland, Ind.; Lewis, Ind.; Danville, Ill., Peotone, Ill.; Joliet, Ill.; Rockford, Ill.; Lone Rock, Wis.; Nodine, Minn.; INT of Nodine 298° and Farmington, Minn., 124° radials; Farmington; Darwin, Minn.; to Alexandria, Minn.

AMENDMENTS 7/23/64 29 F. R. 6246 (Changed)

V-172 From Denver, Colo., via INT of Denver 061° and Hayes Center, Nebr., 276° radials; INT of Hayes Center 276° and North Platte, Nebr., 245° radials; North Platte; INT of North Platte 073° and Wolbach, Nebr., 266° radials; Wolbach; Neola, Iowa; Newton, Iowa; Cedar Rapids, Iowa; Polo, Ill.;
INT of Polo 088° and Chicago, Ill., 269° radials; Chicago; INT of Chicago 077° and South Bend, Ind., 310° radials; to South Bend.

AMENDMENTS 4/30/64 29 F.R. 2999 (Changed) 4/30/64 29 F. R. 3356 (Changed)

V-173 From Capital, Ill., via Roberts, Ill.; INT of Roberts 008° radial and Joliet, Ill., direct radial to Kedzie, Ill., RBN; to Kedzie, RBN.

V-174 From York, Ky., via Henderson, W. Va.; Elkins, W. Va.; Linden, Va.; to INT of Linden 104° and Herndon, Va., 185° radials.

AMENDMENTS 8/20/64 29 F. R. 7418 (Changed)

V-175 From Vichy, Mo., via INT of Vichy 321° and Hallsville, Mo., 209° radials; to Hallsville.



**V-176** From Memphis, Tenn., via Holly Springs, Miss., including an S alternate via INT of Memphis 168° and Holly Springs 281° radials; to Birmingham, Ala., including an N alternate via INT of Holly Springs 099° and Birmingham 312° radials.



V-190 From Phoenix, Ariz., via St. Johns, Ariz., Albuquerque, N. Mex., including an N alternate via INT of St. Johns, 053° and Grants, N. Mex., 252° radials, and Grants; Las Vegas, N. Mex.; Dalhart, Tex.; Gage, Okla.; INT of Gage 059° and Ponca City, Okla., 280° radials; Ponca City; INT of Ponca City

V-176 From Memphis, Tenn., via Holly Springs, Miss., including an S alternate via INT of Memphis 168° and Holly Springs 281° radials; to Birmingham, Ala., including an N alternate via INT of Holly Springs 099° and Birmingham 313° radials.

PENDING AMENDMENT

V-176 From Memphis, Tenn., via Holly Sorings, Miss., including a S alternate via INT of Memphis 168° and Holly Springs 281° radials; Hamilton, Ala.; to Birmingham, Ala., including a N alternate from Holly Springs to Birmingham via INT of Holly Springs 099° and Birmingham 313° radials.

AMENDMENTS 12/10/64 29 F. R. 14357 (Rewritten)

V-177 From Fort Wayne, Ind., via Monterey, Ind.; 6-miles wide to INT Monterey 276° and Chicago Heights, Ill., 140° radials; to Chicago Heights. From Naperville, Ill.; to Janesville, Wis.

AMENDMENTS 9/17/64 29 F.R 9529 (Changed):

V-178 From Farmington, Mo., via Paducah, Ky.; including an S alternate; Central City, Ky.; New Hope, Ky.; to Lexington, Ky.

V-179 From Paducah, Ky., to Centralia, Ill.

AMENDMENTS 4/30/64 29 F.R. 3225 (Rewritten);

V-180 From San Antonio, Tex., via Eagle Lake, Tex., to Galveston, Tex. The airspace within R-6310 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 11/12/64 29 F. R. 12585 (Changed)

V-181 From Omaha, Nebr., via Norfolk, Nebr.; Yankton, S. Dak.; Sioux Falls, S. Dak.; Watertown, S. Dak.; Fargo, N. Dak.; Grand Forks, N. Dak., including an E alternate; Pembina, N. Dak.; to United States-Canadian Border via Pembina 356° radial.

AMENDMENTS 7/23/64 29 F. R. 6436 (Changed)

V-182 From Portland, Oreg., via The Dalles, Oreg., to Baker, Oreg.

AMENDMENTS 4/2/64 29 F.R. 2337 (Changed) 6/25/64 29 F. R. 5318 (Changed)

V-183 From Santa Barbara, Calif.; to Bakersfield, Calif.

V-184 From Erie, Pa., via Tidioute, Pa.; Fitzgerald, Pa.; to Philipsburg, Pa.

V-185 From Savannah, Ga., via INT of Savannah 321° and Augusta, Ga., 157° radials; Augusta; Greenwood, S. C.; Ashville, N. C.; INT of Ashville 300° and Knoxville, Tenn., 069° radials; to Knoxville, including an E alternate from Asheville to Knoxville via INT of Asheville 329° and Knoxville 069° radials, excluding the airspace between the main and this E alternate. The airspace within R-3003 is excluded.

AMENDMENTS 6/25/64 29 F.R. 5540 (Changed)

V-186 From Ontario, Calif., via Pomona, Calif., to Fillmore, Calif.

AMENDMENTS 8/20/64 29 F. R. 7766 (Added)

V-187 From Albuquerque, N. Mex., via Farmington, N. Mex.; Dove Creek, Colo; Grand Junction, Colo.; Rock Springs, Wyo.; INT of Rock Springs 026° and Riverton, Wyo., 180° radials; Riverton; Boysen Reservoir; Billings Mont.; INT of Billings 317° and Great Falls, Mont., 122° radials; to Great Falls.

V-188 From Carleton, Mich., via Jefferson, Ohio; Tidioute, Pa.; Slate Run, Pa.; Williamsport, Pa.; Thornhurst, Pa.; to Tannersville, Pa.

V-189 From Rocky Mount, N. C., via Franklin, Va.; to Hopewell, Va.



V-190 From Phoenix, Ariz., via St. Johns, Ariz., Albuquerque, N. Mex., including an N alternate via INT of St. Johns, 053° and Grants, N. Mex., 252° radials, and Grants; Las Vegas, N. Mex.; Dalhart, Tex.; Gage, Okla.; INT of Gage 059° and Ponca City, Okla., 280° radials; Ponca City; INT of Ponca City 094° and Bartlesville, Okla. 256° radials; Bartlesville; INT of Bartlesville 075° and Oswego, Kans., 233° radials; Oswego; INT of Oswego 085° and Springfield, Mo., 261° radials; Springfield; Maples, Mo.; Farmington, Mo.; to Evansville, Ind.

V-191 From Memphis, Tenn., via Walnut Ridge, Ark.; Farmington, Mo.; INT of Farmington 351° and Troy, Ill., 234° radials; Troy; Decatur, Ill.; Roberts, Ill.; INT of Roberts 008° and Joliet, Ill., direct radial to Kedzie Ill, RBN; Northbrook, Ill.; INT of Northbrook 078° and Chicago, Ill., 019° radials; INT of Chicago, 019° and Milwaukee, Wis., 121° radials; Milwaukee, Oshkosh, Wis.; Stevens Point, Wis.; Wausau, Wis.; to Rhinelander, Wis

V-192 From Socorro, N. Mex., via Corona, N. Mex., to Tucumcari, N. Mex The portion of this airway within R-5112 will be used only after obtaining prior approval from appropriate authority

V-193 From INT of Pullman, Mich., 243° and South Bend, Ind., 310° radials via Pullman; INT of Pullman 029° and White Cloud, Mich., 176° radials; White Cloud; Traverse City, Mich.; Pellston, Mich.; INT of Pellston 003° and Sault Ste. Marie, Mich., 214° radials; to Sault Ste. Marie. The portion of this airway within R-4205 shall be used only after obtaining prior approval from appropriate authority

AMENDMENTS 3/5/64 29 F. R. 4 (Changed);

V-194 From Lafayette, La., via Baton Rouge, La.; McComb, Miss., to Meridian, Miss From Norcross, Ga., via INT of Norcross 054° and Royston, Ga., 278° radials; Royston; Greenwood, S. C.; INT of Greenwood 060° and Fort Mill, S. C., 227° radials; Fort Mill; INT of Fort Mill 069° and Raleigh-Durham, N. C., 240° radials, Raleigh-Durham; including an N alternate from Fort Mill to Raleigh-Durham via Liberty, N. C.; Rocky Mount, N. C., including an N alternate via INT of Raleigh-Durham 037° and Rocky Mount 283° radials; Cofield, N. C. Norfolk, Va., including an S alternate via INT of Cofield 084° and Norfolk 209° radials; to INT of Norfolk 001° and Cape Charles, Va., 313° radials

V-195 From Oakland, Calif., via INT of Oakland 004° and Williams, Calif., 191° radials; Williams, INT of Williams 002° and Red Bluff, Calif., 158° radials; Red Bluff; to Fortuna, Calif

V-196 From INT of Plattsburgh, N. Y., 236° radial and Massena, N. Y., direct radial to Albany, N. Y., to Plattsburgh.

PENDING AMENDMENT

V-196 From Utica, N. Y. via the INT of the Utica 016° and Plattsburgh, N. Y. 235° radials, to Plattsburgh

AMENDMENTS 12/10/64 29 F R 13137 (Rewritten).

V-197 From Pomona, Calif., to Palmdale, Calif

AMENDMENTS 8/20/64 29 F.R. 7766 (Added)

V-198 From San Simon, Ariz., via INT of San Simon 124° radial and Cochise, Ariz., direct radial to Columbus, N. Mex., Columbus; El Paso, Tex., 6-mile wide airway via INT of El Paso 112° and Hudspeth, Tex., 281° radials to Hudspeth; thence INT of Hudspeth 109° and Fort Stockton, Tex., 284° radials; Fort Stockton; Rock Springs, Tex.; INT of Rock Springs 090° and San Antonio, Tex., direct radial to Junction, Tex. San Antonio; Eagle Lake, Tex. INT of Eagle Lake 091° and Houston, Tex., 271° radials; to Houston

AMENDMENTS 2/6/64 28 F. R. 11533 (Changed); 9/17/64 29 F R 9529 (Changed) Amend Alt 29 F R 11914

V-199 From San Francisco, Calif., via INT of San Francisco 304° and Ukiah, Calif., 172° radials; Ukiah; to Red Bluff, Calif. The portion outside the United States has no upper limit

AMENDMENTS 9/17/64 29 F R 9529 (Changed).

V-200 From Ukiah, Calif., via Williams, Calif.; to Reno, Nev. From Delta, Utah, via INT of Delta 004° and Provo, Utah, 257° radials; Provo; Myton, Utah; Meeker, Colo., Kremmling, Colo., to Denver, Colo. The airspace within R-6401 is excluded

AMENDMENTS 8/20/64 29 F R 7922 (Changed); Eff Date Changed 9/17/64 29 F R 9064.

V-201 From INT of Los Angeles, Calif., 207° and Long Beach, Calif., 250° radials; via Los Angeles; to Palmdale, Calif. The portion outside the United States has no upper limit

AMENDMENTS 9/17/64 29 F R 9529 (Changed)

**V-202** From Cochise, Ariz.; San Simon, Ariz.; to Truth or Consequences, N. Mex.

AMENDMENTS 7/23/64 29 F. R. 7418 (Changed)

**V-203** From Norwich, Conn., via Chester, Mass.; INT of Poughkeepsie, N. Y., direct radial to Cambridge, N. Y., and Chester 293° radial; Albany, N. Y.; Massena, N. Y. to St. Eustache, Quebec. The airspace within Canada is excluded.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

**V-204** From Hoquiam, Wash., to Olympia, Wash.

**V-205** From Springfield, Mo., via Blue Springs, Mo.; Kansas City, Mo.; St. Joseph, Mo.; INT of St. Joseph 343° and Neola, Nebr.,
157° radials; INT of Neola 157° and Omaha, Nebr., 124° radials; Omaha; to Sioux City, Iowa, including a W alternate via INT of Omaha 320° and Sioux City 175° radials.

AMENDMENTS 4/2/64 29 F. R. 2487 (Changed)

**V-206** From Blue Springs, Mo., via INT of Blue Springs 056° and Kirksville, Mo., 225° radials; to Kirksville.

**V-207** From Denver, Colo., via Gill, Colo.; to Scottsbluff, Nebr.

**V-208** From Los Angeles, Calif., via INT of Los Angeles 185° and Santa Catalina, Calif., 355° radials; Santa Catalina; Oceanside, Calif.; Julian, Calif.; Thermal, Calif.; Twentynine Palms, Calif.; Needles, Calif.; to Peach Springs, Ariz. The airspace within R-2503, the airspace below 2,000 feet MSL outside the United States, and the airspace more than 3 miles E of the airway centerline between Los Angeles and Santa Catalina is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

**V-209** From Mobile, Ala., via INT of Mobile 356° and Hattiesburg, Miss., 080° radials; Kewanee, Miss. (6 miles wide from 38 miles S of Kewanee to Kewanee); to Tuscaloosa, Ala.

AMENDMENTS 7/23/64 29 F. R. 7314 (Rewritten); 9/17/64 29 F.R. 9529 (Changed);

**V-210** From Los Angeles, Calif., via INT of Los Angeles 083° and Pomona, Calif., 240° radials; Pomona; INT of Daggett, Calif., 229° and Hector, Calif., 263° radials; Hector;
Goffs, Calif.; Peach Springs, Ariz., Tuba City, Ariz., Farmington, N. Mex.; Alamosa, Colo., including an S alternate from Farmington to Alamosa via INT of Farmington 086° and Alamosa 232° radials; INT of Alamosa 075° and Lamar, Colo., 250° radials; to Lamar. From Kansas City, Mo., via Marshall, Mo.; Hallsville, Mo.;
St. Louis, Mo., including an N alternate; Vandalia, Ill.; Terre Haute, Ind.; Indianapolis, Ind.,
including an S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; INT of Indianapolis 069° and Fort Wayne, Ind., 187° radials; Rosewood, Ohio; Tiverton, Ohio; Imperial, Pa.; INT of Imperial 074° and Carrolltown, Pa., 276° radials; Carrolltown; INT of Carrolltown 114° and Harrisburg, Pa., 273° radials; to Harrisburg.

AMENDMENTS 4/30/64 29 F.R. 3225 (Changed); 7/23/64 29 F.R. 7018 (Changed); 8/20/64 29 F.R. 7766 (Changed);
AMENDMENTS 8/20/64 29 F.R. 7922 (Changed); Eff. Date Changed 9/17/64 29 F.R. 9664;
AMENDMENTS 9/17/64 29 F.R. 9787 (Changed); 11/12/64 29 F. R. 13137 (Changed)

PENDING AMENDMENT

**V-211** From INT Alamoso, Colo., 232° and Durango, Colo., 110° radials via Durango; to INT Durango 284° and Dove Creek, Colo., 147° radials, excluding the airspace below 1,200 feet above the surface.

AMENDMENTS 12/10/64 29 F. R. 14358 (Added)

**V-212** From San Antonio, Tex., via INT of San Antonio 074° and College Station, Tex., 202° radials; College Station; Lufkin, Tex.; Alexandria, La.; to McComb, Miss.

AMENDMENTS 7/23/64 29 F.R. 6246 (Added); 9/17/64 29 F.R. 9529 (Changed);



**V-213** From Myrtle Beach, S. C., via INT of Kinston, N. C., 214° and Rocky Mount, N. C., 191° radials; Rocky Mount; Hopewell, Va.; INT of Hopewell 019° and Brooke, Va., 131° radials; Patuxent River, Md.; Kenton, Del.; Woodstown, N. J., INT of Pottstown, Pa., 104° and Robbinsville, N. J., 239° radials; Robbinsville; to Kennedy, N. Y. The airspace within R-4005, R-4006, R-4007, and R-4008 is excluded

AMENDMENTS 4/2/64 29 F. R. 1561 (Changed).

**V-214** From Richmond, Ind., to INT of Richmond 090° and Rosewood, Ohio, 202° radials. From Columbus, Ohio Port Columbus Airport ILS localizer via Zanesville, Ohio; Bellaire, Ohio; to Allegheny, Pa.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed)

**V-215** From Muskegon, Mich., to White Cloud, Mich.

**V-216** From Lamar, Colo., via Hill City, Kans.; Mankato, Kans.; Pawnee City, Nebr., Lamoni, Iowa; Ottumwa, Iowa to Iowa City, Iowa. From Janesville, Wis., via INT
of Janesville 076° and Muskegon, Mich., 252° radials; Muskegon; Saginaw, Mich.; Peck, Mich.; to Kleinburg, Ontario, Canada. The airspace within Canada is excluded.

AMENDMENTS 4/30/64 29 F.R. 3356 (Changed) 7/2/64 29 F.R. 7145 (Changed)

**V-217** From Chicago, Ill., via INT of Chicago 019° and Milwaukee, Wis., 137° radials; INT of Milwaukee 137° and Milwaukee (General Mitchell Field) ILS localizer front course; Milwaukee, (General Mitchell Field) ILS localizer; INT of Milwaukee (General Mitchell Field) ILS localizer back course and Green Bay 165° radial; Green Bay; Rhinelander, Wis.; to Duluth, Minn.

AMENDMENTS 6/25/64 29 F R 5785 (Changed); 9/17/64 29 F R 9529 (Changed); Amend Alt 29 F R 11914

**V-218** From Rochester, Minn., via Waukon, Iowa; Rewey, Wis.; Rockford, Ill.; INT of Rockford, 136° and Naperville, Ill., 290° radials; Naperville; Keeler, Mich.; Lansing, Mich.; Pontiac, Mich.; to INT of Pontiac 091° and Flint, Mich., 140° radials.

PENDING AMENDMENT

In V-218 "Flint, Mich., 140° is deleted and "Flint, Mich., 133° is substituted therefor
AMENDMENTS 11/19/64 29 F. R. 14916 (Changed);

**V-219** From Hayes Center, Nebr., via INT of Hayes Center 059° and Wolbach, Nebr., 251° radials; Wolbach; Norfolk, Nebr.; to Sioux City, Iowa.

AMENDMENTS 7/23/64 29 F. R. 6436 (Changed)

**V-220** From Kremmling, Colo., via INT of Kremmling 081° and Denver, Colo., 334° radials; Akron, Colo., to Hayes Center, Nebr.

AMENDMENTS 8/20/64 29 F.R. 7922 (Changed); Eff. Date Changed 9/17/64 29 F.R. 9664;

**V-221** From Fort Wayne, Ind., via Litchfield, Mich.; Jackson, Mich.; INT of Jackson 084° and Salem, Mich., 254° radials; Salem; INT of Salem 079° and Erie, Pa., 294° radials; to Erie. The airspace within Canada is excluded.

PENDING AMENDMENT

In V-221 "INT of Salem 079° and Erie, Pa., 294° radials;" is deleted and "INT of Salem 083° and Erie, Pa., 290° radials;" is subetituted therefor. 11/19/64 29 F R 14916 (Changed)

**V-222** From El Paso, Tex., via Salt Flat, Tex., Fort Stockton, Tex., Junction, Tex., INT of San Antonio, Tex., 334° and Llano, Tex., 180° radials; San Antonio; INT of Austin, Tex., 109° and College Station, Tex., 202° radials; Houston, Tex.;
Beaumont, Tex.; Lake Charles, La., including an N alternate from
Houston to Lake Charles via Daisetta, Tex.; McComb(11-mile wide airway from 45 nmi from Lake Charles to 50 nmi from Lake Charles; thence 12-mile wide airway to 55 nmi from Lake Charles; thence 13-mile wide airway to 60 nmi from Lake Charles; thence 14-mile wide airway to 65 nmi from Lake Charles; thence 15-mile wide airway to 65 nmi from McComb; thence 14-mile wide airway to 60 nmi from McComb; thence 13-mile wide airway to 55 nmi from McComb; thence 12-mile wide airway to 50 nmi from McComb; thence 11-mile wide airway to 45 nmi from McComb); Hattiesburg, Miss.; to Evergreen, Ala. (6 miles wide from INT of Mobile,
Ala., 015° and Evergreen, Ala., 268° radials; to Evergreen. From Norcross, Ga., via INT of Norcross 026° and Toccoa, Ga., 230° radials; Toccoa; Asheville, N. C.; Hickory, N. C.; Lynchburg, Va.; Gordonsville, Va.; to INT Gordonsville 076° and Brooke, Va., 132° radials

AMENDMENTS 2/6/64 28 F.R. 11533 (Changed). 4/30/64 29 F.R 3000 (Changed); 7/23/64 29 F.R 6246 (Changed)
9/17/64 29 F.R 9520 (Changed);

**V-223** From Flat Rock, Va., via INT of Brooke, Va., 300° and Herndon, Va., 202° radials; Herndon; to Harrisburg, Pa.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

**V-224 From Carleton, Mich., to INT of Carleton 076° and Erie, Pa., 280° radials. The airspace within Canada is excluded.**

PENDING AMENDMENT
**V-224 From Carleton, Mich., to INT of Carleton 082° and Windsor, Ont., Canada, 100° radials. The airspace within Canada is excluded.**

AMENDMENTS 11/19/64 29 F. R. 14621 (Rewritten)

**V-225** From Key West, Fla., via Fort Myers, Fla., including an E alternate; La Belle, Fla., to Vero Beach, Fla. The airspace above 20,000 feet MSL within W-173 is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 9/17/64 29 F.R. 11707 (Changed)

**V-226** From Ellwood City, Pa., via Clarion, Pa.; Keating, Pa.; Williamsport, Pa.; Thornhurst, Pa.; Stillwater, N. J.; INT of Stillwater 110° and Kennedy, N. Y., 297° radials; to Kennedy.

AMENDMENTS 4/2/64 29 F. R. 1561 (Changed);

**V-227** From Indianapolis, Ind., via INT of
Indianapolis direct radial to Westpoint, Ind., and Lafayette, Ind., 159° radials; to Lafayette.

AMENDMENTS 7/23/64 29 F. R. 6246 (Changed)

**V-228** From Northbrook, Ill.; to South Bend, Ind.

**V-229** From Wilmington, N. C., via INT of Wilmington 036° and New Bern, N. C., 231° radials; New Bern; to Cofield, N. C.

**V-230** From INT of Big Sur, Calif., 325° and Salinas, Calif., 281° radials via Salinas; Los Banos, Calif.; Fresno, Calif.; to Friant, Calif. The airspace within R-2511 and R-2529 shall be used only after obtaining prior approval from appropriate authority. The portion outside the United States has no upper limit.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

**V-231** From Missoula, Mont., to INT of Missoula 354° and Mullan Pass, Idaho, 089° radials.

**V-232** From Sandusky, Ohio, via INT Sandusky 061° and Chardon, Ohio, 281° radials; Chardon; Fitzgerald, Pa.; Keating, Pa.; Milton, Pa.; Tannersville, Pa.; INT of Tannersville 114° and Solberg, N. J., 051° radials; to Kennedy, N. Y.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed);

**V-233** From Capital, Ill., via Peoria, Ill.; Cordova, Ill.; to Cedar Rapids, Iowa.

AMENDMENTS 4/30/64 29 F.R. 3000 (Changed)

**V-234** From Anton Chico, N. Mex., via INT of Anton Chico 067° and Dalhart, Tex., 243° radials; Dalhart; Liberal, Kans.; to Hutchinson, Kans.

**V-235** From Provo, Utah, to Fort Bridger, Wyo. From Rock Springs, Wyo., to Casper, Wyo.

AMENDMENTS 9/17/64 29 F.R. 10501 (Rewritten)

**V-236** From INT of Bonneville, Utah, 084° and Ogden, Utah, 235° radials; to Ogden.



**V-237** From Needles, Calif., via Boulder, Nev.; INT Boulder 347° and Las Vegas, Nev., 081° radials; to Las Vegas.

AMENDMENTS 4/30/64 29 F.R. 2740 (Revoked) 29 F.R. 4719 (Rewritten)
AMENDMENTS 9/17/64 29 F.R. 9662 (Rewritten)

**V-238** From Philipsburg, Pa., via INT of Philipsburg direct radial to Selinsgrove, Pa., and Williamsport, Pa., 227° radial; Ravine, Pa.; INT of Lancaster, Pa., direct radial to Allentown, Pa., and Pottstown, Pa., 275° radial; West Chester, Pa.; INT of West Chester 120° radial and Philadelphia, Pa., International Airport ILS localizer 256° course; Woodstown, N. J.; Millville, N. J.; to Atlantic City, N. J. The airspace within R-5802 is excluded.

**V-239** From Sea Isle, N. J., via Woodstown, N. J., to New Castle, Del.

V-240 From New Orleans, La., via the INT of New Orleans 085° and Mobile, Ala., 224° radials; to Mobile.

AMENDMENTS 7/23/64 29 F. R. 7017 (Rewritten)

V-241 From Crestview, Fla., via INT of Crestview 076° and Dothan, Ala., 232° radials; Dothan; Eufaula, Ala.; Columbus, Ga.; to Atlanta, Ga., including a W alternate via INT of Columbus 011° and Atlanta 233° radials.

**V-242** From Mobile, Ala., to Brookley, Ala.

**V-243** From Jacksonville, Fla., via INT of Jacksonville 319° and Alma, Ga., 148° radials; Alma; INT of Alma 305° and Vienna, Ga., 135° radials; Vienna; Atlanta, Ga.; INT of Atlanta 007° and Chattanooga, Tenn., 152° radials; Chattanooga; Bowling Green, Ky.; to Scotland, Ind.

AMENDMENTS 7/23/64 29 F. R. 6437 (Changed)

PENDING AMENDMENT
In V-243 all before "INT of Atlanta 007°" is deleted and "From Jacksonville, Fla., via INT of Jacksonville 319° and Waycross, Ga., 126° radials; Waycross, including a W alternate via INT of Jacksonville 304° and Waycross 149° radials; Vienna, Ga., including an E alternate via Alma, Ga., and INT of Alma 320° and Vienna 104° radials; Atlanta, Ga., including an E alternate from INT of Vienna 328° and Macon, Ga., 205° radials, to INT of Vienna 328° and Macon 297° radials, via Macon;" is substituted therefor.
12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925
Amend Alteration (Eff. Date Changed) 4/2/64 29 F. R. 1561; Eff. date Changed July, 1964 29 F.R. 2934;
Eff. date changed 10/15/64 29 F.R. 11112; Eff. date changed 11/12/64 29 F.R. 12362;
Eff. date changed 2/4/65 29 F. R. 14918;

V-244 From Oakland, Calif., via INT of Oakland 077° and Stockton, Calif., 268° radials; Stockton, including an S alternate via INT of Oakland 110° and Stockton 246° radials; Coaldale, Nev., Tonopah, Nev.; Wilson Creek, Nev.; Milford, Utah; Hanksville, Utah; LaSal, Utah; Gunnison, Colo.; Pueblo, Colo.; Lamar, Colo.; to Russell, Kans.

AMENDMENTS 8/20/64 29 F.R. 7922 (Rewritten); Eff. Date Changed 9/17/64 29 F.R. 9664;

V-245 From Alexandria, La., via Natchez, Miss., to Jackson, Miss.

AMENDMENTS 8/20/64 29 F. R. 8140 (Added)

**V-246** From Rosewood, Ohio, via Mansfield, Ohio; to INT of Cleveland, Ohio, 138° and Tiverton, Ohio, 017° radials.

**V-247** From Douglas, Wyo., to Crazy Woman, Wyo.

V-248 From Paso Robles, Calif., via Avenal, Calif.; to Bakersfield, Calif.

AMENDMENTS 4/2/64 29 F.R. 606 (Changed);

**V-249** From Colts Neck, N. J., via INT of Colts Neck 314° and Sparta, N. J., 170° radials; Sparta; Huguenot, N. Y.; De Lancy, N. Y.; to Utica, N. Y.

**V-251** From Montebello, Va., via Front Royal, Va.; Martinsburg, W. Va.; Lancaster, Pa.; Pottstown, Pa.; Sparta, N. J.; Int of Sparta 082° and Carmel, N.Y. 232° radials; Carmel; to Hartford, Conn.

AMENDMENTS 4/2/64 29 F.R. 556 (Changed); Amend. Alt. 29 F.R. 3756; 5/28/64 29 F. R. 4671 (Changed)

**V-252** From Buffalo, N. Y., via Geneseo, N. Y.; Watkins Glenn, N. Y.; Binghamton, N. Y.; Huguenot, N. Y.; Sparta, N. J.; to INT of Sparta 144° and Solberg, N. J., 051° radials.

**V-253** From Provo, Utah, to INT of Ogden, Utah, 194° and Provo, 315° radials. From INT of Salt Lake City, Utah, 265° and Ogden 225° radials via Bonneville, Utah; Lucin, Utah; Twin Falls, Idaho; Boise, Idaho; McCall, Idaho; Lewiston, Idaho; to Spokane, Wash.

**V-254** From INT of Lancaster, Pa., direct radial to Allentown, Pa., and Pottstown, Pa., 275° radial via Pottstown; to INT of Pottstown 104° radial and Robbinsville, N. J., direct radial to New Castle, Del.

**V-255** From Burlington, Iowa, via Moline, Ill.; Cordova, Ill.; Rockford, Ill.; to Janesville, Wis. From INT Janesville 333° and Dells, Wis., 156° radials via Dells, to Stevens Point, Wis.

**V-256** From INT of Lancaster, Pa., direct radial to Allentown, Pa., and Pottstown, Pa., 275° radial via Pottstown; to Yardley, Pa.

**V-257** From Phoenix, Ariz., via Prescott, Ariz.; Bryce Canyon, Utah; INT Bryce Canyon 338° and Delta, Utah, 186° radials; Delta; INT of Delta 004° and Malad City, Idaho, 179° radials; Malad City; Pocatello, Idaho; Dubois, Idaho; Dillon, Mont.; Butte, Mont.; INT of Butte 002° and Helena, Mont., 272° radials; INT of Helena 272° and Great Falls, Mont., 222° radials; to Great Falls. The airspace within R-6401 and R-6403 is excluded.

AMENDMENTS 4/2/64 29 F.R. 2337 (Changed);
AMENDMENTS 8/20/64 29 F.R. 8261 (Changed)

**V-258** From Charleston, W. Va., via Beckley, W. Va.; INT of Pulaski, Va., 009° and Bluefield, W. Va., 071° radials; Roanoke, Va.; to INT of Roanoke 137° and South Boston, Va., 298° radials.

**V-259** From Fort Mill, S. C., to Holston Mountain, Tenn., including an E alternate via Hickory, N. C., and INT of Hickory 350° and Holston Mountain 103° radials.

**V-260** From Charleston, W. Va., via Rainelle, W. Va., including an N alternate via INT of Charleston 083° and Rainelle 317° radials; Roanoke, Va.; Lynchburg, Va., including an S alternate via INT of Roanoke 177° and Lynchburg 253° radials; Flat Rock, Va.; Richmond, Va.; Hopewell, Va.; to INT of Hopewell 134° radial and Norfolk, Va., direct radial to Cofield, N. C.

**V-261** From Pulaski, Va., to Beckley, W. Va.

**V-262** From Peoria, Ill., via Bradford, Ill.; Joliet, Ill.; to Kedzie, Ill., RBN.

**V-263** From Cimarron, N. Mex., via Tobe, Colo.; Lamar, Colo.; Hugo, Colo.; to Kiowa, Colo. From Pierre, S. Dak., to Aberdeen, S. Dak.

AMENDMENTS 7/23/64 29 F.R. 6438 (Changed); 9/17/64 29 F.R. 9529 (Changed);

**V-264** From Los Angeles, Calif., via INT of Los Angeles 061° and Pomona, Calif., 269° radials; Pomoma (6 miles wide from INT of Los Angeles 061° and Pomona 269° radials to Pomona); Twentynine Palms, Calif., including an S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., Palm Springs, Calif.; Parker, Calif. Prescott, Ariz.; St. Johns, Ariz.; to Socorro, N. Mex.

AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten); 10/15/64 29 F.R. 11334 (Changed);

**V-265** From INT of Baltimore, Md., 224° and Westminster, Md., 179° radials; Westminster; INT of Westminster 345° and Harrisburg, Pa., 196° radials; Harrisburg; Philipsburg, Pa.; Bradford, Pa.; Jamestown, N. Y.; to Dunkirk, N. Y.

**V-266** From Hickory, N. C., via South Boston, Va.; Lawrenceville, Va.; Franklin, Va.; to Norfolk, Va."



**V-267** From Biscayne Bay, Fla., via Miami, Fla.; Pahokee, Fla., including an E alternate from Biscayne Bay to Pahokee via INT of Biscayne Bay 346° and Pahokee 143° radials; Orlando, Fla.; Jacksonville, Fla., including an E. alternate from Orlando to the INT of the Daytona Beach, Fla., 308° and the Jacksonville 174° radials via Daytona Beach; INT of Jacksonville 334° and Dublin, Ga., 137° radials; Dublin; Norcross, Ga.; INT of Norcross 011° and Knoxville, Tenn., 181° radials; to Knoxville, including an E. alternate.

AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten);

**V-268** From INT of Grantsville, Md., 086° and Martinsburg, W. Va., 297° radials; Hagerstown, Md.; Westminster, Md.; Baltimore, Md.; INT of Baltimore 097° and Kenton, Del., 242° radials; Kenton to INT of Kenton 086° and Sea Isle, N. J., 049° radials.

**V-269** From Wells, Nev., via Twin Falls, Idaho; Burley, Idaho; to Pocatello, Idaho.

**V-270** From Erie, Pa., via Jamestown, N. Y.; Wellsville, N. Y.; Elmira, N. Y.; Binghamton, N. Y.; De Lancey, N. Y.; to Chester, Mass.

**V-271** From Kenton, Del., via Woodstown, N. J.; INT of Philadelphia, Pa., International Airport ILS localizer 256° course and West Chester, Pa., 120° radial; to West Chester.

**V-272** From Dalhart, Tex., via Borger, Tex.; Sayre, Okla.; Oklahoma City, Okla., including an N alternate and and also an S alternate via INT of Sayre 101° and Oklahoma City 242° radials; INT of Oklahoma City 107° and Ardmore, Okla., 006° radials; to McAlester, Okla.

AMENDMENTS 4/30/64 29 F.R. 3226 (Changed)

**V-273** From Huguenot, N. Y., via Hancock, N. Y.; Georgetown, N. Y.; to Syracuse, N. Y. (6 miles wide from Georgetown to Syracuse).

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

**V-274** From Pullman, Mich., via INT of Pullman 051° and Saginaw, Mich., 237° radials; to Saginaw.

**V-275** From Cincinnati, Ohio, via INT of Cincinnati 006° radial and Dayton, Ohio, Dayton Airport ILS localizer SW course; Dayton, including a W alternate from Cincinnati to Dayton via INT of Cincinnati 336° and Richmond, Ind., 190° radials and Richmond; INT of Findlay, Ohio, 212° radial and Rosewood, Ohio, direct radial to Fort Wayne, Ind.; Findlay; Waterville, Ohio; to Carleton, Mich.

**V-276** From Briggs, Ohio, via Ellwood City, Pa.; Tyrone, Pa., INT of Philipsburg, Pa., direct radial to Harrisburg, Pa., and Ravine, Pa., 279° radial; Ravine; Yardley, Pa.; Robbinsville, N. J.; to INT of Robbinsville 097° and Coyle, N. J., 057° radials.

**V-277** From Rosewood, Ohio, via Fort Wayne, Ind.; to Keeler, Mich.

**V-278** From Texico, N. Mex., via Plainview, Tex., Guthrie, Tex.; Bridgeport, Tex.; Dallas, Tex.; Paris, Tex.; Texarkana, Ark.; Greenwood, Miss.; Columbus, Miss.; to Birmingham, Ala., including an S alternate from Columbus to Birmingham via INT of Columbus 082° and Tuscaloosa, Ala., 304° radials, and Tuscaloosa, excluding the airspace between the main and this alternate airway.

**V-279** From Columbus, Ohio, RBN to Findlay, Ohio.

**V-280** From El Paso, Tex., via INT of El Paso 093° and Clint, Tex., 038° radials; Pinon, N. Mex.; Roswell, N. Mex.; INT of Roswell 063° and Texico, N. Mex., 216° radials; Texico, including an S alternate via INT of Roswell 080° and Texico 216° radials; INT of Texico 021° and Amarillo, Tex., 267° radials; to Amarillo. From Gage, Okla., via Hutchinson, Kans.; INT of Hutchinson 062° and Topeka, Kans., 236° radials; Topeka; INT of Topeka 064° and Kansas City, Mo., 275° radials; to Kansas City.

**V-281** From Redmond, Oreg., via Pendleton, Oreg.; Walla Walla, Wash., including an E alternate from Pendleton to Walla Walla via INT of Pendleton 090° and Walla Walla 215° radials; INT of Walla Walla 023° and Spokane, Wash., 190° radials; to Spokane.

V-282 From INT of Massena, N. Y., 163° and St. Eustache, Quebec 200° radials to St. Eustache. The airspace within Canada is excluded.

V-283 From Fresno, Calif., via Reno, Nev.; Lakeview, Oreg.; Redmond, Oreg.; to Newberg, Oreg.

AMENDMENTS 8/20/64 29 F.R. 7922 (Rewritten); Eff. Date Changed 9/17/64 29 F.R. 9664;

V-284 From Fort Stockton, Tex., to San Angelo, Tex.

AMENDMENTS 6/25/64 29 F. R. 5786 (Rewritten)

V-285 From Kokomo, Ind., via INT of Kokomo 012° and Goshen, Ind., 168° radials; to Goshen. From South Bend, Ind., via Kalamazoo, Mich.; INT of Kalamazoo 014° and Grand Rapids, Mich., 167° radials; to Grand Rapids.

AMENDMENTS 6/25/64 29 F. R. 5885 (Changed)

V-286 From Linden, Va., via Casanova, Va.; INT of Herndon, Va., 202° and Brooke, Va., 300° radials; Brooke; to Cape Charles, Va.

V-287 From North Bend, Oreg., via Newberg, Oreg.; Portland, Oreg., including an E alternate via Newberg 069° and Portland 196° radials; INT of Portland 353° and Olympia, Wash., 165° radials; Olympia; INT of Olympia 010° and Seattle, Wash., 322° radials; INT of Seattle 322° and Port Angeles, Wash., 090° radials; Port Angeles; to Neah Bay, Wash., RBN. The airspace within R-6705 and Canada is excluded.

V-288 From Lucin, Utah, via INT of Fort Bridger, Wyo., 278° radial and Ogden, Utah, direct radial to Malad City, Idaho; to Fort Bridger.

V-289 From Beaumont, Tex., via INT of Beaumont 334° and Lufkin, Tex., 160° radials; Lufkin, including an E alternate; INT of Lufkin 355° and Gregg County, Tex., 181° radials; Gregg County; Texarkana, Ark.; to Fort Smith, Ark. The airspace within R-2401 and R-2402 shall be used only after obtaining prior approval from appropriate authority.

V-290 From Charleston, W. Va., via Rainelle, W. Va.; Montebello, Va.; to Flat Rock, Va.

AMENDMENTS 8/20/64 29 F.R. 7922 (Changed)

V-291 From Winslow, Ariz., to Peach Springs, Ariz.

AMENDMENTS 10/15/64 29 F.R. 12014 (Added)

V-292 From Hartford, Conn., via Putnam, Conn.; to INT of Putnam 043° and Boston, Mass., 256° radials.

V-294 From Des Moines, Iowa, via Des Moines 086° and Cedar Rapids, Iowa, 238° radials; to Cedar Rapids.

V-295 From Biscayne Bay, Fla., via INT of Biscayne Bay 021° and Vero Beach, Fla., 143° radials; Vero Beach; INT of Vero Beach 296° and Orlando, Fla., 161° radials; Orlando, including an E alternate from Vero Beach to Orlando; via INT of Vero Beach 342° and Orlando 099° radials; INT of Orlando 283° and Cross City, Fla., 150° radials; to Cross City. The portion outside the United States has no upper limit.

AMENDMENTS 9/17/64 29 F.R. 11707 (Changed)

V-296 From Asheville, N. C., to Fort Mill, S. C.

V-297 From Johnstown, Pa., via Ellwood City, Pa.; Akron, Ohio; Strongsville, Ohio; INT of Strongsville 306° and Carleton, Mich., 117° radials; to Carleton. The airspace within Canada is excluded.

AMENDMENTS 11/12/64 29 F.R. 13137 (Changed)

V-298 From Pendleton, Oreg., via McCall, Idaho; Dubois, Idaho; Dunoir, Wyo.; Boysen Reservoir, Wyo.; to Casper, Wyo., including an S alternate from Dunoir to Casper via Riverton, Wyo.

AMENDMENTS 4/2/64 29 F. R. 2336 (Changed);
AMENDMENTS 8/20/64 29 F.R. 7922 (Rewritten); Eff. Date Changed 9/17/64 29 F.R. 9664;



V-299 From Los Angeles, Calif., via INT of Los Angeles 291° and Fillmore, Calif., 163° radials; Fillmore; to Gorman, Calif. The portion outside the United States has no upper limit.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

V-300 From Lakehead, Ont., via Whitefish, Mich.; Sault Ste. Marie, Mich., including an N alternate via INT of Whitefish 084° and Sault Ste. Marie 328° radials; to Wiarton, Ont., Canada, including an N alternate. From Sherbrooke, Quebec, Canada, via Millinocket, Maine; to Fredericton, New Brunswick, Canada. The airspace within Canada is excluded.

AMENDMENTS 7/2/64 29 F. R. 7146 (Changed)

V-302 From Augusta, Maine, to INT of Augusta 123° and Bangor, Maine, 192° radials.

V-304 From Amarillo, Tex., via Borger, Tex.; to Liberal, Kans., including a W alternate via the INT of Borger 354° and Liberal 233° radials.

AMENDMENTS 4/30/64 29 F.R. 3226 (Added); 9/17/64 29 F.R. 9529 (Changed);

V-306 From Austin, Tex., to Daisetta, Tex.

AMENDMENTS 8/20/64 29 F. R. 7922 (Added)

PENDING AMENDMENT
V-306 From Austin, Tex., via Navasota, Tex., to Daisetta, Tex.

AMENDMENTS 12/10/64 29 F.R. 14168 (Rewritten)

V-307 From Victoria, British Columbia, Canada, RR to Vancouver, British Columbia, Canada. The airspace within Canada is excluded.

V-314 From Millinocket, Maine, via Princeton, Maine, to St. John, New Brunswick, Canada. The airspace within Canada is excluded.

V-318 From Quebec, Province of Quebec; Canada, R. R.; to Houlton, Maine. The airspace within Canada is excluded.

V-320 From Peck. Mich., to Toronto, Ontario, Canada, excluding the portion within Canada.

AMENDMENTS 9/10/64 29 F.R. 9820 (Added) Eff. Date Changed 9/17/64 29 F.R. 11837;

V-421 From Zuni, N. Mex., to Farmington, N. Mex.

AMENDMENTS 6/25/64 29 F.R. 5540 (Rewritten)

PENDING AMENDMENT
V-421 From Zuni, N. Mex., via Farmington, N. Mex.; Durango, Colo.; to Gunnison, Colo., excluding the airspace below 1,200 feet above the surface from Farmington to Gunnison.

AMENDMENTS 12/10/64 29 F. R. 14358 (Rewritten)

V-422 From Chicago Heights, Ill., via INT of Chicago Heights 117° and Knox, Ind., 276° radials; Knox; Wolflake, Ind.; INT of Fort Wayne, Ind., 068° and Findlay, Ohio, 289° radials; to Findlay.

AMENDMENTS 3/5/64 29 F.R. 430 (Changed);

V-423 From Williamsport, Pa., via Binghamton, N. Y.; Ithaca, N. Y.; INT of Ithaca 356° radial and Syracuse, N. Y., 211° radials; to Syracuse.

AMENDMENTS 3/5/64 28 F.R. 14420 (Changed);

V-424 From Blue Springs, Mo., via Marshall, Mo., to Macon, Mo.

V-425 From Brookley, Ala., to INT of Brookley 357° and Mobile, Ala., 049° radials.

**V-426 From Richwoods, Mo., via St. Louis, Mo., to INT of St. Louis 062° radial and Troy, Ill., direct radial to Decatur, Ill.**

**V-427 From Newcomerstown, Ohio, to Briggs, Ohio.**

**V-428 From Elmira, N. Y., via Ithaca, N. Y.; Georgetown, N. Y.; to Utica, N. Y.**

**V-429 From Decatur, Ill., via Champaign, Ill.; Roberts, Ill.; Joliet, Ill.; INT of Joliet 008° and Naperville, Ill., 340° radials; INT of Naperville 340° and Milwaukee, Wis., 198° radials; to Milwaukee.**

**V-430 From Williston, N. Dak., to Minot, N. Dak.**

**V-431 From Cambridge, N. Y., via Glens Falls, N. Y.; to the INT of Glens Falls 286° and Albany, N. Y., 343° radials.**

**V-432 From Thermal, Calif., to Parker, Calif.**

V-433 From Washington, D. C., via Andrews, Md.; INT of Andrews 060° and Baltimore, Md., 097° radials (6 miles wide from Andrews to 5 miles from Andrews); New Castle, Del.; Yardley, Pa.; INT of Yardley 059° and La Guardia, N. Y., 231° radials; La Guardia; Carmel, N. Y.; to INT of Carmel 093° and Norwich, Conn., 227° radials.

AMENDMENTS 4/2/64 29 F.R. 1843 (Changed): 5/28/64 29 F.R. 4671 (Changed); 9/17/64 29 F.R. 9529 (Changed);

**V-434 From Ottumwa, Iowa, via Moline, Ill.; to Peoria, Ill.**

V-435 From Rosewood, Ohio, to Attica, Ohio.
AMENDMENTS 6/25/64 29 F.R. 5456 (Rewritten)

**V-437 From Daytona Beach, Fla., via Savannah, Ga.; Charleston, S. C.; INT of Charleston 029° and Florence, S. C., 179° radials: to Florence, including a W alternate from Charleston direct to Florence. The airspace below 7,500 feet MSL between Marion, Fla., INT (INT of Daytona Beach 360° and Jacksonville, Fla., 144° radials) and Sea Island, Ga., INT (INT of Jacksonville 027° and Savannah 182° radials), the airspace below 4,500 feet MSL between Savannah and Charleston, and the airspace of the W alternate above 12,000 feet MSL between Charleston and Florence are excluded. The portion outside the United States has no upper limit.**

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed); 9/17/64 29 F.R. 11707 (Changed);

**V-439 From Dickinson, N. Dak., to Williston, N. Dak.**

V-441 From St. Petersburg, Fla., via INT of St. Petersburg 010° and Ocala, Fla., 213° radials to Ocala, including an E alternate via INT of St. Petersburg 040° and Ocala 171° radials.

V-442 From Hector, Calif., via INT of Needles, Calif., 272° and Goffs, Calif., 163° radials; INT of Goffs 163° and Parker, Calif., 333° radials; to Parker.

**V-443 From Bellaire, Ohio, via Newcomerstown, Ohio; Tiverton, Ohio; to Cleveland, Ohio, including an E alternate via INT of Tiverton 017° and Cleveland 138° radials; INT of Cleveland 049° and Aylmer, Ont., Canada 205° radials; Aylmer; to Toronto, Ont., Canada. The airspace within Canada is excluded.**

**V-445 From La Guardia, N. Y., via INT of La Guardia 338° and Clermont, N. Y., 192° radials; to Clermont. The airspace within R-5206 shall be used only after obtaining prior approval from appropriate authority.**

PENDING AMENDMENT
In V-445 "Clermont" is deleted whenever it appears and "Kingston" is substituted therefor.
AMENDMENTS 1/7/65 29 F.R. 14785 (Changed)

**V-446 From Troy, Ill., via INT of Troy 099° and Centralia, Ill., 056° radials; to Samsville, Ill.**



V-447 From Montpelier, Vt., via the INT of Montpelier 020° and Sherbrooke, P.Q., Canada 217° radials; to Sherbrooke. The portion within Canada is excluded.

AMENDMENTS 9/17/64 29 F. R. 9529 (Changed); 11/19/64 29 F. R. 13164 (Rewritten); Amend. Alt. 29 F.R. 14357;

V-448 From Yakima, Wash., to Ephrata, Wash.

AMENDMENTS 6/25/64 29 F.R. 5316 (Rewritten)

**V-449 From DeLancy, N. Y., via Rockdale, N. Y.; to INT of Rockdale 348° and Utica, N. Y., 280° radials.**

**V-450 From Muskegon, Mich., to Green Bay, Wis.** The airspace within R-6903 shall be used only after obtaining prior approval from the appropriate authority.

**V-451 From INT of Whitman, Mass., 177° and Providence, R. I., 118° radials via Whitman; to Boston, Mass.** The airspace below 1,200 feet above the surface within V-146 is excluded.

**V-454 From Evergreen, Ala., via INT of Evergreen 075° and Columbus, Ga., 219° radials; Columbus; McDonough, Ga.; Greenwood, S. C.; INT of Greenwood 060° and Fort Mill, S. C., 227° radials; Fort Mill; Liberty, N. C.; Lawrenceville, Va.; to Hopewell, Va.**

**V-455 From New Orleans, La., via Picayune, Miss.; Hattiesburg, Miss., including a W alternate from New Orleans to Hattiesburg via INT of New Orleans 357° and Hattiesburg 221° radials; to Meridian, Miss. (6 miles wide Hattiesburg to Meridian), including a W alternate via INT of Hattiesburg 010° and Meridian 229° radials. The airspace at and below 1,200 feet MSL between New Orleans and Hattiesburg is excluded.**

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

**V-457 From Norwich, Conn., via Providence, R. I.; INT of Providence 017° and Boston, Mass., 223° radials; to Boston.**

V-458 From Julian, Calif., via INT of Julian 130° and Imperial, Calif. 272° radials; to Imperial.

AMENDMENTS 9/17/64 29 F. R. 8165 (Changed)

V-459 From Long Beach, Calif., via Lake Hughes, Calif., Porterville, Calif.; Friant, Calif.; INT of Friant 319° and Linden, Calif., 124° radials; to Linden.

**V-460 From Julian, Calif., via INT of Julian 055° and Blythe, Calif., 272° radials; to Blythe.**

**V-461 From Gila Bend, Ariz., to Buckeye, Ariz.**

V-462 From Bemidji, Minn., via Grand Rapids, Minn.; to Duluth, Minn. From Houghton, Mich., via Whitefish, Mich., to Sault Ste. Marie, Mich. The airspace within Canada is excluded.

AMENDMENTS 7/23/64 29 F. R. 7314 (Changed)

V-464 From Dunkirk, N. Y., to Geneseo, N. Y.

**V-465 From Miles City, Mont., to Williston, N. Dak., including an E alternate.**

V-467 From La Guardia, N. Y., via INT of La Guardia 338° and Huguenot, N. Y., 131° radials; to Huguenot.

**V-469 From Danville, Va., to Lynchburg, Va.**

V-470 From Lakehead, Ont., Canada, via Houghton, Mich.; Marquette, Mich.; INT of Marquette 067° and Whitefish, Mich., 282° radials; to Whitefish. The airspace within Canada is excluded. The portion of this airway within R-4208 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 3/5/64 29 F.R. 4 (Changed):

V-471 From INT of Princeton, Maine, 208° and Bangor, Maine, 132° radials via Bangor; Millinocket, Maine; Houlton, Maine; to INT of Houlton 085° radial and United States-Canadian border.

V-472 From Franklin, Va., to Elizabeth City, N. C.

V-474 From Bellaire, Ohio, via Indian Head, Pa.; St. Thomas, Pa.; to Lancaster, Pa.

V-475 From Deer Park, N. Y., via Madison, Conn.; to Putnam, Conn., including an E alternate via Norwich, Conn.

V-476 From Washington, D. C., via Baltimore, Md. (6 miles wide from Washington to Baltimore); to Millville, N. J. The airspace within R-4001 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

V-477 From Houston, Tex., via Leona, Tex., including an E alternate via Houston 353° and Leona 141° radials and a W alternate via Houston 314° and Leona 173° radials; INT of Leona 338° and Dallas, Tex., 170° radials; to Dallas, including an E alternate via Leona 353° and Dallas 155° radials.

V-478 From Falmouth, Ky., via Newcombe, Ky.; to Beckley, W. Va.

V-479 From Northbrook, Ill., via INT of Northbrook 348° and Milwaukee, Wis., 161° radials; to Milwaukee.

V-483 From Sparta, N.J., via Hugenot, N.Y.; Delancey, N.Y.; Rockdale, N.Y.; INT of Rockdale 325° and Syracuse, N.Y., 100° radials; to Syracuse.

V-484 From Salt Lake City, Utah, via Myton, Utah; Grand Junction, Colo.; Gunnison, Colo., including an S alternate via INT of Grand Junction 129° and Gunnison 264° radials; INT of Gunnison 110° and Alamosa, Colo., 339° radials; to Alamosa.

V-485 From Ventura, Calif., 6 miles wide to INT Ventura 331° and Fellows, Calif., 142° radials; thence Fellows, Calif., 142° radials; Fellows; Priest, Calif.; INT of Priest 331° and Oakland, Calif., 131° radials; to Oakland. The airspace within W-289 and and R-2520, the airspace within R-2519 more than 3 statute miles W of the airway centerline and the airspace within R-2519 below 5,000 feet MSL is excluded. The airspace within R-2527 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed);

V-487 From Poughkeepsie, N. Y., via Cambridge, N. Y.; to INT of Cambridge 002° and Glens Falls, N. Y., 032° radials; Burlington, Vt.; INT of Burlington 359° and St. Johns, Quebec, Canada, 158° radials; St. Johns; to St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-489 From INT of Huguenot, N. Y., 144° and Carmel, N. Y., 232° radials; via Clermont, N. Y.; Albany, N. Y.; Glens Falls, N. Y.; to Plattsburgh, N. Y. The airspace within R-5206 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 5/28/64 29 F.R. 4671 (Changed)

PENDING AMENDMENT
In V-489 "Clermont" is deleted whenever it appears and "Kingston" is substituted therefor.
AMENDMENTS 1/7/65 29 F.R. 14785 (Changed)

V-490 From Utica, N. Y., via Cambridge, N. Y.; Manchester, N. H.; to INT of Manchester 117° and Boston, Mass., 014° radials.

V-491 From Lafayette, Ind., via INT of Lafayette 313° and Peotone, Ill., 153° radials; to Peotone.

V-492 From St. Petersburg, Fla., via La Belle, Fla.; Pahokee, Fla.; to West Palm Beach, Fla., including an S alternate from La Belle to West Palm Beach via INT of La Belle 112° and West Palm Beach 266° radials, and also an N alternate from La Belle to West Palm Beach via INT of La Belle 043° and West Palm Beach 314° radials and excluding the airspace between the main and the N alternate.



V-493 From Lexington, Ky., via York, Ky.; Appleton, Ohio; to Waterville, Ohio.

V-494 From Sacramento, Calif., via INT of Sacramento 038° and Lake Tahoe, Calif., 249° radials; Lake Tahoe; INT of Lake Tahoe 078° and Hazen, Nev., 244° radials; Hazen; Mount Moses, Nev.; Elko, Nev.; Wells, Nev.; to Malad City, Idaho. The airspace within R-4802 and R-4803 is excluded.

V-496 From Utica, N. Y., via INT of Utica 091° and Glens Falls, N. Y., 246° radials to Glens Falls.

AMENDMENTS 3/5/64 29 F.R. 253 (Rewritten);

V-497 From John Day, Oreg., to The Dalles, Oreg.

V-500 From Portland, Oreg., via Newberg, Oreg.; John Day, Oreg.; to Boise, Idaho.

V-501 From Martinsburg, W. Va., via St. Thomas, Pa.; Philipsburg, Pa.; Slate Run, Pa.; to Wellsville, N. Y.

V-502 From Louisville, Ky., to Falmouth, Ky.

V-503 From Goffs, Calif., to Beatty, Nev.

V-505 From Helena, Mont., via INT of Helena 089° and Great Falls, Mont., 180° radials; to Great Falls.

V-507 From Lovelock, Nev., via Sod House, Nev.; Rome, Oreg.; to Boise, Idaho.

V-516 From Liberal, Kans., via Anthony, Kans.; Ponca City, Okla.; to Oswego, Kans.

V-518 From Fillmore, Calif., via INT of Fillmore 107° and Ventura, Calif., 061° radials; INT of Ventura 061° and Palmdale, Calif., 233° radials; to Palmdale.

AMENDMENTS 8/20/64 29 F.R. 8260 (Rewritten)

V-520 From INT of Pendleton, Wash., 311° and Pasco, Wash., 262° radials via Pasco; Walla Walla, Wash.; to Lewiston, Idaho.

V-524 From Laramie, Wyo., via INT of Laramie 069° and Scottsbluff, Nebr., 254° radials; to Scottsbluff.

V-525 From Fayetteville, N. C., via INT of Fayetteville 098° and New Bern, N. C., 256° radials; to New Bern. The airspace below 2,500 feet MSL from Fayetteville to 16 nmi W of New Bern and the airspace above 9,000 feet MSL is excluded.

V-530 From Texico, N. Mex.; to Childress, Tex.

V-536 From Walla Walla, Wash., to Mullan Pass, Idaho.

V-538 From Twentynine Palms, Calif., via INT of Twentynine Palms 043° and Goffs, Calif., 200° radials; Goffs; to Las Vegas, Nev. The airspace within R-2501 is excluded.

V-802 EASTBOUND From Blue Springs, Mo., via Blackwater, Mo.; Readsville, Mo.; Maryland Heights, Mo.; Troy, Ill.; Bible Grove, Ill.; Lewis, Ind.; Shelbyville, Ind.; Richmond, Ind.; Dayton, Ohio; Appleton, Ohio; Newcomerstown, Ohio; Wheeling, W. Va.; Allegheny, Pa.; Johnstown, Pa.; INT of Ravine, Pa., 279° and Harrisburg, Pa., 312° radials; Selinsgrove, Pa.; INT of Selinsgrove 083°; and Ravine 040° radials; Allentown, Pa.; to Solberg, N. J.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed)

V-804 **WESTBOUND** From Stillwater, N. , via Thornhurst, Pa.; Williamsport, Pa.; Keating, Pa.; Clarion, Pa.; INT of Clarion 214° and Imperial, Pa., 045° radials; Imperial; Tiverton, Ohio; Rosewood, Ohio; INT of Rosewood, 261° and Indianapolis, Ind., 069° radials; Indianapolis; Terre Haute, Ind.; Vandalia, Ill.; St. Louis, Mo.; Hallsville, Mo.; Marshall, Mo.; to Kansas City, Mo.

V-805 **Southbound** From Solberg, N. J., via West Chester, Pa.; New Castle, Del.; Kenton, Del.; INT Kenton 217° and Salisbury, Md., 340° radials; Salisbury; Snow Hill, Md.; Cape Charles, Va.; Norfolk, Va.; Cofield, N. C.; Kinston, N. C.; Wilmington, N.C. ; Myrtle Beach, S. C.; Charleston, S. C.; Savannah, Ga.; Brunswick, Ga.; to Jacksonville, Fla.

AMENDMENTS 9/17/64 29 F.R. 9533 (Added); Amend. Alt.29 F.R. 11259;

V-806 **SOUTHBOUND** From Brooke, Va., via Flat Rock, Va.; INT Flat Rock 171° and Lawrenceville, Va., 034° radials; Lawrenceville; Rocky Mount, N.C.; INT Rocky Mount 191° and Wilmington, N.C., 352° radials; to Wilmington.

AMENDMENTS 9/17/64 29 F.R. 9533 (Added)

V-807 **NORTHWESTBOUND** From Sparta, N.J., via Wilkes-Barre, Pa.; Binghamton, N.Y.; Ithaca, N.Y.; to Rochester, N.Y.

AMENDMENTS 9/17/64 29 F.R. 9533 (Added)

V-810 **EASTBOUND** Linden, Calif., via INT of Linden 046° and Reno, Nev., 208° radials; INT of Reno 208° and Lake Tahoe, Calif., 078° radials; INT of Lake Tahoe 078° and Hazen, Nev., 244° radials; Hazen; Mount Moses, Nev.; Elko, Nev.; Bonneville, Utah; Salt Lake City, Utah; Fort Bridger, Wyo.; Rock Springs, Wyo.; Cherokee, Wyo.; Medicine Bow, Wyo.; Chadron, Nebr.; O'Neill, Nebr.; Sioux City, Iowa; Fort Dodge, Iowa; Waterloo, Iowa; Dubuque, Iowa; Rockford, Ill.; Northbrook, Ill.; INT of Northbrook 093° and Keeler, Mich.; 271° radials; Keeler; INT of Keeler 084° and Litchfield 293° radials; Litchfield; Windsor, Ontario, Canada; Erie, Pa.; Bradford, Pa.; Slate Run, Pa.; Selinsgrove, Pa.; Ravine, Pa.; Yardley, Pa.; to Robbinsville, N. J. The airspace within Canada and the airspace within R-4802 and R-4803 is excluded.

PENDING AMENDMENT

In V-810 "Windsor, Ontario, Canada; Erie, Pa.;" is deleted and "INT of Litchfield 081° and Windsor, Ont., Canada, 265° radials; Windsor; INT Windsor 100° and Erie, Pa., 275° radials; Erie;" is substituted therefor.
AMENDMENTS 11/19/64 29 F. R. 14621 (Changed)

V-819 **NORTHBOUND** From Miami, Fla., via Fort Myers, Fla.; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Alma, Ga.; INT of Alma 335° and Dublin, Ga., 137° radials; Dublin; INT of Dublin 330° and McDonough, Ga., 119° radials; McDonough; Rex, Ga.; Crossville, Tenn.; Highway, Tenn.; Louisville, Ky.; Nabb, Ind.; Shelbyville, Ind.; Lafayette, Ind.; to Chicago Heights, Ill.

AMENDMENTS 7/23/64 29 F. R. 6437 (Changed)
**PENDING AMENDMENT**
In V-819 "Taylor, Fla.; Alma, Ga.; INT Alma 335° and Dublin, Ga., 137° radials; Dublin; INT of Dublin 330° and McDonough, Ga., 119° radials;" is deleted and "Taylor, Fla.; Waycross, Ga.; Alma, Ga.; Dublin, Ga.; INT Dublin 315° and McDonough, Ga., 136° radials;" is substituted therefor.
12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925
Eff. date changed 4/2/64 29 F.R. 1561; Eff. date changed July, 1964 29 F.R. 2934; Eff date changed 10/15/64 29 F.R 11112; Eff. date changed 11/12/64 29 F.R. 12362; Eff. date changed 2/4/65 29 F.R. 14918;

V-830 **NORTHEASTBOUND** From Dallas, Tex., via Paris, Tex.; Texarkana, Ark.; Pine Bluff, Ark.; INT of Pine Bluff 067° and Memphis, Tenn., 241° radials; Memphis; Jacks Creek, Tenn.; Graham, Tenn.; Nashville, Tenn.; Highway, Tenn.; London, Ky.; Whitesburg, Ky.; Bluefield, W. Va.; Clifdale, Va.; Montebello, Va.; Gordonsville, Va.; to INT of Gordonsville 058° and Washington, D. C., 189° radials.

AMENDMENTS 7/23/64 29 F. R. 6437 (Changed)

V-837 **NORTHEASTBOUND** From Picayune, Miss., via Greene County, Miss.; Evergreen, Ala.; Montgomery, Ala.; La Grange, Ga.; Atlanta, Ga.; Rex, Ga.; Royston, Ga.; Spartanburg, S. C.; Greensboro, N. C.; South Boston, Va.; Gordonsville, Va.; Nottingham, Md., 6 miles wide to Kenton, Del.; thence via INT of Kenton 086° and Sea Isle, N. J. 049° radials; INT of Sea Isle 049° and Hampton, N. Y., 223° radials; Hampton; INT of Hampton 059° and Providence, R. I., 212° radials; Providence, thence 6 miles wide to Whitman, Mass., thence to INT of Whitman 041° and Boston, Mass., 133° radials. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N. Y., 087° and 141° radials is excluded.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 8/20/64 29 F.R. 7817 (Changed); 9/17/64 29 F.R. 9529 (Changed);



V-839 **NORTHBOUND** From Miami, Fla., via Fort Myers, Fla.; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Alma, Ga.; Allendale, S. C.; Columbia, S. C.; Fort Mill, S. C.; Pulaski, Va.; Beckley, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; Briggs, Ohio; to Cleveland, Ohio.

PENDING AMENDMENT
In V-839 "Taylor, Fla.;" is deleted and "Taylor, Fla.; Waycross, Ga.;" is substituted therefor.
12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925
Amend Alteration (Eff. Date Changed) 4/2/64 29 F. R. 1561; Eff. date changed July, 1964 29 F.R. 2934; Eff. date changed 10/15/64 29 F.R. 11112; Eff. date changed 11/12/64 29 F.R. 12362; Eff. date changed 2/4/65 29 F. R. 14918;

V-843 **SOUTHBOUND** From Peotone, Ill., via Danville, Ill.; Lewis, Ind.; Scotland, Ind.; Bowling Green, Ky.; Chattanooga, Tenn.; INT of Chattanooga 152° and Atlanta, Ga., 007° radials; Atlanta; Albany, Ga.; Greenville, Fla.; Cross City, Fla.; Lakeland, Fla.; La Belle, Fla.; to Miami, Fla.

AMENDMENTS 7/23/64 29 F. R. 6437 (Changed)

V-845 **SOUTHBOUND** From Joliet, Ill., via Bradford, Ill.; Burlington, Iowa; Quincy, Ill.; Hallsville, Mo.; Springfield, Mo.; Neosho, Mo.; INT of Tulsa, Okla., 088° and Neosho 223° radials; Okmulgee, Okla.; Ardmore, Okla.; INT of Ardmore 176° and Dallas, Tex., 324° radials; to Dallas.

V-846 **WESTBOUND** From INT of Polo, Ill., 088°, Rockford, Ill., 136° and Naperville, Ill., 290° radials via Polo; Cedar Rapids, Iowa; Newton, Iowa; Neola, Iowa; Wolbach, Nebr.; INT of Wolbach 251° and Hayes Center, Nebr., 059° radials; Hayes Center; Akron, Colo.; INT of Akron 238° and Denver, Colo.; 101° radials; to Denver.

V-853 **SOUTHEASTBOUND** From INT of Farmington, Minn., 077° and Minneapolis, Minn., 131° radials; Nodine, Minn.; Lone Rock, Wis.; INT of Lone Rock 147° and Janesville, Wis., 294° radials; Janesville; INT of Janesville 111° and Naperville, Ill., 340° radials; to the INT of Naperville 340° and Northbrook, Ill., 273° radials. From the INT of Naperville 090° and Peotone, Ill., 003°; Peotone, 6 miles wide to Monterey; Fort Wayne, Ind.; Findlay, Ohio; INT of Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Morgantown, W. Va.; Kessel, W. Va.; Front Royal, Va.; to Herndon, Va.

AMENDMENTS 9/17/64 29 F. R. 9529 (Changed)

V-854 **WESTBOUND** From INT of Polo, Ill., 088° Rockford, Ill., 136° and Naperville, Ill., 290° radials via Polo; Dubuque, Iowa; Waterloo, Iowa; Fort Dodge, Iowa; Sioux City, Iowa; O'Neill, Nebr.; Chadron, Nebr.; Medicine Bow, Wyo.; Cherokee, Wyo.; Rock Springs, Wyo.; Fort Bridger, Wyo.; Ogden, Utah; Lucin, Utah; Wells, Nev.; INT of Wells 256° and Battle Mountain, Nev., 062° radials; Battle Mountain; Lovelock, Nev.; Reno, Nev.; INT of Reno 257° and Sacramento, Calif., 038° radials; Sacramento; INT of Sacramento 212° and Oakland, Calif., 039° radials; to Oakland. The airspace within R-3302 is excluded.

V-855 **NORTHWESTBOUND** From Chicago, Ill.; via INT of Chicago 269° and Rockford, Ill., 136° radials; Rockford; Rewey, Wis.; Waukon, Wis.; Rochester, Minn.; to Farmington, Minn.

AMENDMENTS 3/5/64 29 F.R. 430 (Changed); 9/17/64 29 F.R. 9533 (Changed);

V-859 **SOUTHBOUND** From INT of Joliet, Ill., 067° and Roberts, Ill., 008° radials via Roberts; Decatur, Ill.; INT of Decatur direct radial to Troy, Ill., and St. Louis, Mo., 062° radial; St. Louis; Vichy, Mo.; Springfield, Mo.; Neosho, Mo.; INT of Neosho 223° and Tulsa, Okla., 088° radials; Okmulgee, Okla.; Ardmore, Okla.; INT of Ardmore 176° and Dallas, Tex., 324° radials; to Dallas.

V-861 **NORTHBOUND** From Poughkeepsie, N. Y., via Hartford, Conn.; INT of Hartford 076° and Providence, R. I., 270° radials; INT of Providence 270° and Norwich, Conn.; 043° radials; to Boston, Mass.

V-863 From La Guardia, N. Y., via Madison, Conn.; Norwich, Conn.; to Boston, Mass.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 5/28/64 29 F.R. 4671 (Changed); 6/25/64 29 F.R. 5456 (Rewritten)

V-875 **SOUTHWESTBOUND** From Boston, Mass., via INT of Gardner, Mass., 150° and Hartford, Conn., 044° radials; Hartford; Carmel, N. Y.; INT of Carmel 232° and Huguenot, N. Y., 144° radials; Solberg, N. J.; West Chester, Pa.; INT of West Chester, 250° and Westminster, Md., 065° radials; Westminster; Herndon, Va.; Casanova, Va.; Montebello, Va.; INT of Montebello 250° and Roanoke, Va.; 035° radials; Roanoke; Pulaski, Va.; Holston Mountain, Tenn.; Knoxville, Tenn.; INT of Knoxville 247° and Chattanooga, Tenn., 037° radials; Chattanooga; Birmingham, Ala.; Tuscaloosa, Ala.; INT of Tuscaloosa 239° and Meridian, Miss., 040° radials; Meridian; Hattiesburg, Miss. (6 miles wide Meridian to Hattiesburg); to INT of Hattiesburg 221° and New Orleans, La., 357° radials.

AMENDMENTS 5/28/64 29 F.R. 4671 (Changed); 9/17/64 29 F.R. 9529 (Changed);

**V-879 SOUTHBOUND** From Boston, Mass., via INT of Boston, 256° and Putnam, Conn., 043° radials; Putnam; Norwich, Conn.; Riverhead, N. Y.; to Deer Park, N. Y.

**V-880 SOUTHWESTBOUND** From INT of Sparta, N. J., 300° and Tannersville, Pa., 055° radials via Wilkes-Barre, Pa.; Stonyfork, Pa.; Bradford, Pa.; Erie, Pa.; Windsor, Ontario, Canada; Salem, Mich.; INT of Pullman, Mich., 091° and Keeler, Mich., 061° radials; Pullman; to Northbrook, Ill. From Chicago, Ill., via INT of Chicago 269° and Bradford, Ill., 033° radials; Bradford; Burlington, Iowa; Kirksville, Mo.; to Kansas City, Mo. The airspace in Canada is excluded.

PENDING AMENDMENT
In V-880 "Windsor, Ontario, Canada;" is deleted and "INT of Erie 275° and Windsor, Ont., Canada, 100° radials; Windsor;" is substituted therefor. 11/19/64 29 F. R. 14621 (Changed)

**V-881 SOUTHBOUND** From Cleveland, Ohio, via Tiverton, Ohio; Zanesville, Ohio; Charleston, W. Va.; Blackford, Va.; Holston Mountain, Tenn.; Asheville, N. C.; Greenwood, S. C.; Augusta, Ga.; INT of Augusta 157° and Savannah, Ga., 321° radials; INT of Savannah 321° and Allendale, S. C., 216° radials; Alma, Ga.; Taylor, Fla.; Gainesville, Fla.; Ocala, Fla.; Lakeland, Fla.; La Belle, Fla.; to Miami, Fla.

PENDING AMENDMENT
In V-881 "Alma, Ga.:" is deleted and "Alma, Ga.; Wavcross, Ga.;" is substituted therefor.
12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925 Amend Alteration (Eff. Date Changed) 4/2/64 29 F. R. 1561; Eff. date changed July, 1964 29 F.R. 2934; Eff. date changed 10/15/64 29 F.R. 11112; Eff. date changed 11/12/64 29 F.R. 12362; Eff. date changed 2/4/65 29 F. R. 14918;

**V-887 SOUTHBOUND** From Casanova, Va., via Montebello, Va.; Clifdale, Va.; Bluefield, W. Va.; Whitesburg, Ky.; London, Ky.; Highway, Tenn.; Nashville, Tenn.; Graham, Tenn.; Jacks Creek, Tenn.; Memphis, Tenn.; INT of Memphis 241° and Pine Bluff, Ark., 067° radials; Pine Bluff; Texarkana, Ark.; Sulphur Springs, Tex.; to Dallas, Tex.

AMENDMENTS 7/23/64 29 F. R. 6437 (Changed)

**V-888 SOUTHBOUND** From Boston, Mass., via INT of Boston 256° and Putnam, Conn., 043° radials; Putnam; Norwich, Conn.; INT of Norwich 177° and Hampton, N. Y., 059° radials; Hampton; INT of Hampton 223° and Sea Isle, N. J., 049° radials (Dutch INT); INT of Sea Isle 049° and Kenton, Del., 086° radials (Avalon INT); Kenton; to Nottingham, Md. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N. Y., 087° and 141° radials is excluded.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 9/17/64 29 F.R. 9529 (Changed);

§71.125 **Alaskan VOR Federal Airways.**

1/24/64 29 F. R. 1046

**V-436** From King Salmon, Alaska, via INT of King Salmon 068° and Kenai, Alaska, 217° radials; Kenai, including an E alternate from INT of King Salmon 068° and Kenai 217° radials to Kenai via Homer; to Anchorage, Alaska.

AMENDMENTS 8/20/64 29 F.R. 8165 (Changed); 9/17/64 29 F.R. 9529 (Rewritten);

**V-438** From Shuyak, Alaska, RBN via Homer, Alaska; INT of Homer 027° and Anchorage, Alaska, 198° radials; Anchorage; Talkeetna, Alaska, including a W alternate; Nenana, Alaska; to Fort Yukon, Alaska. The airspace within R-2206 is excluded.

AMENDMENTS 3/5/64 29 F.R. 253 (Changed); 8/20/64 29 F.R. 8165 (Changed); 9/17/64 29 F.R. 9529 (Rewritten);

**V-440** From Biorka Island, Alaska, via Yakutat, Alaska; Middleton Island, Alaska; Anchorage, Alaska, including an S alternate from Middleton Island to Anchorage via INT Middleton Island 298° and Anchorage 163° radials, excluding the airspace between the main and this alternate airway; INT Anchorage 309° and McGrath, Alaska, 122° radials; McGrath; Unalakleet, Alaska; to Nome, Alaska. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 2/6/64 28 F.R. 13297 (Changed); 5/28/64 29 F. R. 3225 (Changed)
AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten) Amend. Alt. 29 F.R. 11914;
AMENDMENTS 9/17/64 29 F.R. 9820 (Changed)



V-444 From Big Delta, Alaska, to the INT of the Big Delta 121° radial and the Northway, Alaska, RR.

AMENDMENTS 9/17/64 29 F.R. 9663 (Added)

PENDING AMENDMENT
In V-444 From Big Delta, Alaska." is deleted and "From INT Big Delta, Alaska, 313° and Nenana, Alaska 064° radials (Fairbanks ILS LMN), via Big Delta;" is substituted therefor.

AMENDMENTS 12/10/64 29 F. R. 14357 (Changed)

V-452 From Nome, Alaska, via Moses Point, Alaska, including an N alternate; Galena, Alaska, to Nenana, Alaska.

AMENDMENTS 7/23/64 29 F. R. 7018 (Changed)
AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten); Amend. Alt. 29 F.R. 11914;

V-453 From King Salmon, Alaska, via Dillingham, Alaska, including an S alternate; INT Bethel, Alaska, 143° and Dillingham 313° radials; to Bethel.

AMENDMENTS 9/17/64 29 F.R. 11113 (Added)

V-456 From King Salmon, Alaska, to Anchorage, Alaska.

AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten)

V-463 From Anchorage, Alaska, to Skwentna, Alaska, RR.

AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten)

V-480 From Bethel, Alaska, via McGrath, Alaska; Nenana, Alaska; to Fairbanks, Alaska, ILS LMM.

AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten); 10/15/64 29 F.R. 12013 (Changed);

V-488 From Galena, Alaska, via INT Galena 074° and Tanana, Alaska, 260° radials; Tanana, including an S alternate; to Nenana, Alaska.

AMENDMENTS 4/2/64 29 F.R. 606 (Added); 9/17/64 29 F.R. 9529 (Rewritten);

V-495 From Biorka, Alaska, to Sisters Island, Alaska.

V-498 From McGrath, Alaska, to Galena, Alaska.

AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten)

V-504 From Nenana, Alaska, to Bettles, Alaska.

AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten)

V-506 From King Salmon, Alaska, via Bethel, Alaska, to Nome, Alaska.

AMENDMENTS 10/15/64 29 F.R. 12013 (Changed)

V-508 From Middleton Island, Alaska, to Kenai, Alaska. The airspace within W-533 is excluded.

AMENDMENTS 9/17/64 29 F.R. 9529 (Rewritten)

V-510 From INT of McGrath, Alaska, 122° and Big Lake, Alaska, 292° radials via Big Lake; to INT of Big Lake 073° radial and Sheep Mountain, Alaska, RBN 343° bearing.

AMENDMENTS 9/17/64 29 F.R. 9663 (Added); 9/17/64 29 F.R. 9529 (Rewritten);

V-512 From Sisters Island, Alaska, to INT of Yakutat, Alaska, 139° and Sisters Island 272° radials. The airspace below 2,000 feet MSL outside the United States is excluded.

§71.127 Hawaiian VOR Federal Airways.

1/24/64 29 F. R. 1047 (Rerun)

V-1 HAWAII From INT of Honolulu, Hawaii, 179° and Molokai, Hawaii, 268° radials via INT of Molokai 268° and Honolulu 113° radials; Lanai, Hawaii; INT of Maui, Hawaii, 183° and Lanai 107° radials; INT of Maui 183° and Lanai 118° radials; Upolu Point, Hawaii; INT of Upolu Point 093° and Hilo, Hawaii, 034° radials; to Hilo. The airspace within R-3104 and W-320 is excluded. The airspace below 1,200 feet AG is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed) Amend. Alt. 29 F.R. 1843

V-2 HAWAII From South Kauai, Hawaii, via Lihue, Hawaii; INT of Lihue 130° and Honolulu, Hawaii, 269° radials; Honolulu; INT of Honolulu 113° and Lanai, Hawaii, 304° radials; Lanai, including an S alternate; INT of Lanai 107° and Upolu Point, Hawaii, 306° radials; Upolu Point; INT of Upolu Point 093° and Hilo, Hawaii, 334° radials; Hilo; to INT of Hilo 091° radial and Long. 154° 31' 00" W. The airspace within R-3104 and W-320 is excluded. The airspace below 1,200 feet AG is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed) Amend. Alt. 29 F.R. 1843

V-3 HAWAII From INT of Hilo, Hawaii, 173° radial and a point 36 miles S of Hilo via Hilo; to INT of Hilo 004° and Upolu Point, Hawaii, 093° radials. The airspace below 1,200 feet AG is excluded.

Amendments 4/2/64 29 F.R. 1446 (Changed) Amend. Alt. 29 F.R. 1843

V-4 HAWAII From INT of Lihue, Hawaii, 186° and Koko Head, Hawaii, 254° radials via Koko Head; to INT of Koko Head 065° and Upolu Point, Hawaii, 002° radials.
The airspace below 3,500 feet AG from the INT of Lihue 186° and Koko Head 254° radials to the INT of Koko Head 254° and South Kauai, Hawaii, 133° radials, and below 1,200 feet AG from the INT of Koko Head 254° and South Kauai 133° radials to the INT of Koko Head 065° and Molokai, Hawaii, 311° radials and below 2,500 feet AG from the INT of Koko Head 065° and Molokai 311° radials to the INT of Koko Head 065° and Upolu Point 002° radials is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed) Amend. Alt. 29 F.R. 1843
AMENDMENTS 9/17/64 29 F.R. 9529 (Changed)

V-5 HAWAII From the INT of Lanai, Hawaii, 118° and Maui, Hawaii, 179° radials, via INT Maui 179° and Lanai 140° radials; to INT Lanai 140° and Upolu Point, Hawaii 211° radials, excluding the airspace below 1,200 feet above the surface.

AMENDMENTS 11/12/64 29 F.R. 12612 (Added);

V-6 HAWAII From INT of Molokai, Hawaii 067° and Maui, Hawaii 331° radials via Maui; INT of Maui 080° and Hilo, Hawaii 334° radials; to Hilo. The airspace below 1,200 feet AG is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed) Amend. Alt. 29 F.R. 1843;

V-7 HAWAII From Lanai, Hawaii, to Molokai, Hawaii. The airspace below 1,200 feet AG is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed) Amend. Alt. 29 F.R. 1843;

V-8 HAWAII From INT of Honolulu, Hawaii, 179° and Molokai, Hawaii, 268° radials via Molokai; to INT of Molokai 067° and Upolu Point, Hawaii, 010° radials. The airspace below 1,200 feet AG from the INT of Honolulu 179° and Molokai 268° radials to the INT of Molokai 067° and Maui, Hawaii, 331° radials and below 2,500 feet AG from the INT of Molokai 067° and Maui 331° radials to the INT of Molokai 067° and Upolu Point 010° radials is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed); Amend. Alt. 29 F.R. 1843; 9/17/64 29 F.R. 9529 (Changed);

V-9 HAWAII From INT of Lanai, Hawaii, 224° and Honolulu, Hawaii, 179° radials to Honolulu.
The airspace above Flight level 300 within W-321 (Area C) and the airspace below 1,200 feet AG is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed); Amend. Alt. 29 F.R. 1843; 9/17/64 29 F.R. 9529 (Changed);

V-10 HAWAII From Hilo, Hawaii, to INT of Hilo 051° and Upolu Point, Hawaii, 081° radials. The airspace below 1,200 feet above the surface from Hilo to the INT of the Hilo 051° and the Upolu Point 093° radials, and the airspace below 2,500 feet MSL from the INT of the Hilo 051° and the Upolu Point 093° radials to the INT of the Hilo 051° and the Upolu Point 081° radials, is excluded.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed)



V-11 HAWAII From INT of Lanai, Hawaii, 149° and Upolu Point, Hawaii, 211° radials via Upolu Point; to INT of Upolu Point 349° and Maui, Hawaii, 080° radials. The airspace below 1,200 feet AG is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed); Amend. Alt. 29 F.R. 1843;

V-12 HAWAII From INT of Lihue, Hawaii, 195° and Honolulu, Hawaii, 269° radials via Honolulu; Koko Head, Hawaii; to INT of Koko Head 050° and Maui, Hawaii, 012° radials.
The airspace below 3,500 feet AG from the INT of Lihue 195° and Honolulu 269° radials to the INT of South Kauai, Hawaii, 133° and Honolulu 269° radials, and below 1,200 feet AG from the INT of South Kauai 133° and Honolulu 269° radials to the INT of Koko Head 050° and Molokai, Hawaii, 311° radials, and below 2,500 feet AG from the INT of Koko Head 050° and Molokai 311° radials to the INT of Koko Head 050° and Maui 012° radials is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed); Amend. Alt. 29 F.R. 1843; 9/17/64 29 F.R. 9529 (Changed);

V-13 HAWAII From Lihue, Hawaii, via INT of Lihue 145° and Honolulu, Hawaii, 269° radials; INT of South Kauai, Hawaii, 133° and Koko Head, Hawaii, 254° radials, to Koko Head. The airspace below 1,200 feet AG is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed); Amend. Alt. 29 F.R. 1843;

V-14 HAWAII From INT of South Kauai, Hawaii, 271° radial and longitude 161°20'00" W., via South Kauai; INT of South Kauai 133° and Koko Head, Hawaii, 254° radials; to Koko Head. The airspace within R-3101 and W-510 and the airspace below 5,000 feet AG from the INT of the South Kauai 271° radial and Long. 161°20'00" W., to Long 159°43'00" W., and below 1,200 feet AG from Long. 159°43'00" W., to Koko Head is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed); Amend. Alt. 29 F.R. 1843;
AMENDMENTS 9/17/64 29 F.R. 9529 (Changed); Amend. Alt. 29 F.R. 11914;

V-15 HAWAII From INT of South Kauai, Hawaii, 288° radial and longitude 161°15'00" W., via South Kauai; INT of South Kauai 108° and Lihue, Hawaii, 130° radials; INT of Lihue 130° and Honolulu, Hawaii, 269° radials; Honolulu, Koko Head, Hawaii; Molokai, Hawaii; Maui, Hawaii; INT of Maui 095° and Hilo, Hawaii, 334° radials; to Hilo.
The airspace within R-3101 and W-510 and the airspace below, 5,000 feet AG from the INT of South Kauai 288° radial and Long. 161°15'00" W., to Long. 159°43'00" W., and below 1,200 feet AG from Long. 159°43'00" W., to Hilo is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed); Amend. Alt. 29 F.R. 1843;
AMENDMENTS 9/17/64 29 F.R. 9529 (Changed); Amend. Alt. 29 F.R. 11914;

V-16 HAWAII From Honolulu, Hawaii, via INT of Honolulu 179° and Lanai; Hawaii, 289° radials; Lanai; Upolu Point, Hawaii; INT of Upolu Point 108° and Hilo, Hawaii, 034° radials; to Hilo. The airspace within R-3104 shall be used only after obtaining prior approval from appropriate authority.
The airspace below 1,200 feet AG is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed); Amend. Alt. 29 F.R. 1843;

V-17 HAWAII From INT of Lanai, Hawaii, 118° and Maui, Hawaii, 201° radials to Maui. The airspace within R-3104 shall be used only after obtaining prior approval from appropriate authority.
The airspace below 1,200 feet AG is excluded.

AMENDMENTS 4/2/64 29 F.R. 1446 (Changed) Amend. Alt. 29 F.R. 1843;

SUBPART D - CONTINENTAL CONTROL AREA

§ 71.151 **Restricted areas included.**

The airspace of the following restricted areas at or above 14,500 feet MSL and 1500 feet or more above the surface of the earth is continental control area:

| | | |
|---|---|---|
| R-2102 | Fort McClellan, Ala. | |
| R-2104 | Huntsville, Ala. | |
| R-2301 | Ajo, Arizona. | on publ. 3/17/64 29 F.R. 3420 (Added) |
| R-2303A | Fort Huachuca, Arizona. | on publ. 5/15/64 29 F. R. 6377 (Added) |
| R-2303B | Fort Huachuca, Arizona. | on publ. 5/15/64 29 F. R. 6377 (Added) |
| R-2304 | Gila Bend, Arizona. | on publ. 3/17/64 29 F.R. 3420 (Added) |
| R-2305 | Gila Bend, Arizona. | on publ. 3/17/64 29 F.R. 3420 (Added) |
| R-2307 | Yuma, Arizona | |
| R-2402 | Fort Chaffee, Ark. | |
| R-2501 | Bullion Mountains, Calif. | |
| R-2502 | Fort Irwin, Calif. | |
| R-2503 | Camp Pendleton, Calif. | |
| R-2505 | China Lake, Calif. | |
| R-2507 | Chocolate Mountains, Calif. | |
| R-2508 | California Complex. | |
| R-2509 | Cuddeback Dry Lake, Calif. | |
| R-2510 | El Centro, Calif. | |
| R-2513 | Hunter-Liggett, Calif. | |
| R-2515 | Muroc Lake, Calif. | |
| R-2519 | Point Mugu, California | |
| R-2521 | Salton Sea, Calif. | |
| R-2524 | Trona, Calif. | |
| R-2525 | Vernalis, Calif. | |
| R-2528 | Newman, Calif. | |
| R-2601 | Fort Carson, Colo. | |
| R-2901C | Avon Park West, Fla. | |
| R-2902 | Banana River, Fla. | |
| R-2903A | Jacksonville East, Fla. | |
| R-2903B | Stevens Lake, Fla. | |
| R-2903D | Jacksonville West, Fla. | |
| R-2907 | Lake George, Fla. | |
| R-2910 | Pinecastle, Fla. | |
| R-2912B | Panama City, Fla. | |
| R-2914 | Valparaiso, Fla. | |
| R-2915A | Eglin AFB, Fla. | 5/28/64 29 F.R. 4670 (Added) |
| R-2915B | Eglin, AFB, Fla. | 5/28/64 29 F.R. 4670 (Added) |
| R-3005A | Fort Stewart, Ga. | |
| R-3005B | Fort Stewart, Ga. | |
| R-3401 | Camp Atterbury, Ind. | |
| R-3403 | Jefferson Proving Ground, Ind. | |
| R-3702 | Fort Campbell, Ky. | |
| R-3703 | Fort Campbell, Ky. | |
| R-3704 | Fort Knox, Ky. | |
| R-3801 | Camp Claiborne, La. | |
| R-3803 | Fort Polk, La. | |
| R-3804A | Fort Polk, La. | |
| R-4001 | Aberdeen, Md. | |
| R-4105 | No Man's Land Island, Mass. | |
| R-4207 | Upper Lake Huron, Mich. | |
| R-4305 | Lake Superior, Minn. | |
| R-4803 | Fallon, Nev. | 9/17/64 29 F.R. 11115 (Added) |
| R-4804 | Twin Peaks, Nev. | 9/17/64 29 F.R. 11115 (Added) |
| R-4805 | Sahwave Mountains, Nevada | |
| R-4806 | Las Vegas, Nev. | |
| R-4810 | Desert Mountains, Nevada | |



| | | |
|---|---|---|
| R-5103A | McGregor, N. Mex. | |
| R-5103B | McGregor, N. Mex. | |
| R-5104 | Melrose, N. Mex. | On publ. 1/30/64 29 F. R. 1560 (Added); |
| R-5106 | Orogrande, N. Mex. | |
| R-5107A | White Sands Proving Grounds, N. Mex. | |
| R-5107C | White Sands Proving Grounds, N. Mex. | |
| R-5109B | White Sands, N. Mex. | |
| R-5110 | McGregor, N. Mex. | |
| R-5111 | Elephant Butte, N. Mexico | |
| R-5112 | Magdalena, N. Mexico | |
| R-5113 | Socorro, N. Mex. | |
| R-5114 | Fort Wingate, N. Mex. | |
| R-5502 | La Carne, Ohio | |
| R-5503 | Wilmington, Ohio | |
| R-5504 | Wilmington, Ohio | |
| R-5701 | Boardman, Oreg. | |
| R-6301A | Corpus Christi, Texas | 11/12/64 29 F.R. 13164 (Added) |
| R-6301B | Corpus Christi, Texas | 11/12/64 29 F.R. 13164 (Added) |
| R-6302A | Fort Hood, Texas | |
| R-6302B | Fort Hood, Texas | |
| R-6302C | Fort Hood, Texas | |
| R-6404 | Wendover, Utah | |
| R-6408 | Indian Creek, Utah | |
| R-6409 | Green River, Utah | |
| R-6410 | Blanding Utah | |
| R-6611 | Dahlgren Complex, Va. | |
| R-6613 | Dahlgren Complex, Va. | |
| R-6714 | Yakima, Wash. | |
| R-6903 | Sheboygan, Wis. | |

SUBPART E - CONTROL AREAS AND CONTROL AREA EXTENSIONS

**§ 71.161 Designation of control areas associated with jet routes outside the continental control area.**

Unless otherwise specified, the airspace centered on each of the following jet route segments has a vertical extent identical to that of a Jet Route and a lateral extent identical to that of a Federal airway and is designated as a control area. Unless otherwise specified, the place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

**§ 71.163 Designation of additional control areas.**

Unless otherwise specified, each control area designated below has a lateral extent identical to that of a Federal airway and extends upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth, except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

**Control 1132**

That airspace bounded on the N by a line 5 miles S of and parallel to the Orlando, Fla., VOR 071° radial, on the E by the 79th meridian and the Miami Oceanic/Nassau Control Area boundary, on the S by Control 1235 and on the W by V-3, excluding the portion below 2,000 feet MSL outside the United States, and excluding the portion within R-2902. The portion of this control area extension within W-497B shall be used during IFR weather conditions only after obtaining prior approval from appropriate authority.

**Control 1141**

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the INT of the 098° bearing from the Boston, Mass., RBN and the 065° bearing from the Squantum, Mass., RBN to a 15-mile radius circle centered on the midway point of a direct line between the INT of the 098° bearing from the Boston RBN and the 065° bearing from the Squantum RBN and the Yarmouth, Nova Scotia, Canada, RR to a 5-mile radius circle centered on the Yarmouth RR, excluding the portion below 2,000 feet except that airspace within the confines of Federal airways, and excluding the portion within the Boston control area extension and the portion under the jurisdiction of Canada.

**PENDING AMENDMENT**

**Control 1141**

That airspace within tangent lines from the circumference of a 5-mile radius circle centered on the Boston, Mass., radio beacon to a 15-mile radius circle centered on the midway point of a direct line between the Boston radio beacon and the Yarmouth, Nova Scotia, Canada, RR to a 5-mile radius circle centered on the Yarmouth RR and that airspace from 18,000 feet MSL to flight level 260 bounded by a line from: latitude 42°43'20" N., longitude 70°22'00" N., thence to latitude 42°52'00" N., longitude 70°16'00" W.; thence to latitude 43°01'30" N., longitude 69°52'00" W.; thence to latitude 43°01'30" N., longitude 69°36'00" W.; thence to the point of beginning; and that airspace from 18,000 feet MSL to flight level 260 inclusive bounded by a line from: latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°42'30" N., longitude 69°30'00" N.; thence to latitude 42°39'00" N., longitude 69°30'00" W.; thence to latitude 42°28'00" N., longitude 70°03'45" W.; thence to the point of beginning excluding the portion under the jurisdiction of Canada, the portion within the confines of Federal airways and the Boston, Mass., control area extension, the portion below 2,000 feet MSL W of the 69°30'00" W. meridian of longitude and the portion below 5,500 feet MSL E of the 69°30'00" W. meridian of longitude.

AMENDMENTS 12/10/64 29 F. R. 14358 (Rewritten)

**Control 1142**

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at the INT of the 098° bearing from the Boston, Mass., RBN and the 065° bearing from the Squantum, Mass., RBN to a 15-mile radius circle centered at the INT of the 098° bearing from the Boston RBN and the Western Boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet except that airspace within the confines of Federal airways, and excluding the portion within the Boston control area extension.

**Control 1143**

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered at the midway point on a direct line between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) and the Yarmouth, Nova Scotia, Canada, RR to a 5-mile radius circle centered on the Yarmouth RR excluding that portion below 2,000 feet except that airspace within the confines of Federal airways.

**Control 1144**

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered on the INT of a Great Circle course between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) and the Santa Maria, Azores, RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace which lies within the confines of Federal airway.



**Control 1145**

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered on the INT of a rhumb line between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) and the Kindley AFB, Bermuda RR and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airway.

**Control 1147**

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at Lat. 40°18'30" N, Long. 73°45'00" W, to the circumference of a 15-mile radius circle centered at the INT of the 137° bearing from the Newark, N. J., RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airways.

AMENDMENTS 2/6/64 28 F. R. 14310 (Changed);

**Control 1148**

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Millville, N. J., RR and the INT of the Millville RR SE course and the Atlantic Ocean-U. S. Coastline to a 15-mile radius circle centered on the INT of the Millville RR SW course and the W boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet outside the United States.

**Control 1150**

That airspace within a 5-nmi radius of the Carolina Beach, N. C., RBN (Lat. 34°06'22" N, Long. 77°57'42" W), within a 5-nmi radius of the Bimini, Bahamas, RBN (Lat. 25°42'32" N, Long. 79°16'33" W), within a 23-nmi radius of Lat. 29°53'15" N, Long. 78°39'15" W, within tangent lines drawn from the E and W sides of the Carolina Beach and Bimini 5-nmi radius area to the E and W sides of the 23-nmi radius area centered at Lat. 29°53'15" N, Long. 78°39'15" W, excluding that portion below 2,000 feet MSL outside the United States and that portion below 7,000 feet MSL within the Nassau, Bahamas, control area.

**Control 1151**

That airspace N of Lat. 27°00'00" N. within tangent lines drawn from the circumference of a 25-mile radius circle centered at a point midway on a direct line between the Carolina Beach, N. C., RBN and the Nassau, British West Indies, RBN and circles 5 miles in radius centered on the Carolina Beach RBN and the Nassau RBN, excluding the airspace below 2,000 feet MSL outside the United States. The portion of this control area within W-497-A shall be used only after obtaining prior approval from appropriate authority

**Control 1152**

That airspace E of Charleston, S. C., within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Charleston RBN and a 5-mile radius circle centered at the INT of the 109° bearing from the Charleston RBN with the Atlantic Ocean-U.S. Coastline to a 17-mile radius circle centered at the INT of the 109° bearing from the Charleston RBN with the W boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet MSL outside the United States.

**Control 1153**

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Jacksonville, Fla., RBN to an 18-mile radius circle centered at the INT of the 090° bearing from the Jacksonville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet MSL outside the United States.

**Control 1169**

That airspace within 5 miles either side of a line extending from the Kennedy, N. Y., VORTAC via the INT of the Kennedy VORTAC 080° and the Nantucket, Mass., VORTAC 255° radials, to the Nantucket VORTAC and within lines diverging from the Kennedy VORTAC to points of tangency to a 9.5-mile radius circle centered at the INT of the Kennedy VORTAC 080° and the Nantucket VORTAC 255° radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VORTAC, excluding the airspace below 2,000 feet MSL outside the United States.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed);

**Control 1173**

That airspace W of San Francisco bounded by a line beginning at Lat. 38°08'30" N, Long. 122°54'00" W, thence to Lat. 37°14'00" N, Long. 122°24'55" W, thence to Lat. 36°16'00" N, Long. 124°26'00" W, thence to Lat. 37°40'00" N, Long. 125°23'30" W, thence to Lat. 37°50'00" N, Long. 124°24'30" W, thence to Lat. 38°00'00" N, Long. 123°23'00" W, thence to Lat. 38°03'20" N, Long. 123°12'00" W, thence to point of beginning. The portion of this control area within W-513 is excluded at and below 3,000 feet MSL between the hours 8:00 p.m. and 8:00 a.m., p.s.t. Monday through Friday, and is excluded entirely between the hours of 8:00 a.m. and 8:00 p.m p.s.t. Monday through Friday. The portion of this control area W of a line extending from Lat. 37°05'30" N, Long. 122°43'00" W, via the Farallon Island, Calif., RBN (Lat. 37°41'54" N, Long. 123°00'12"W), to Lat. 37°47'00" N, Long. 123°00'00" W, Lat. 37°53'20" N, Long. 123°04'55" W, Lat. 37°56'00" N, Long. 123°10'00" W, Lat. 38°01'30" N, Long. 123°11'10" W, to Lat. 38°03'20" N, Long. 123°12'00" W, is excluded below 2,500 feet MSL.

Control 1176

That airspace centered on the Santa Barbara, Calif., VORTAC 247° radial, 10 miles in width at the VORTAC with each boundary diverging at an angle of 5° from the 247° radial extending to the E boundary of the Oakland Oceanic control area, excluding the portion at and below 2,000 feet MSL W of Long. 120°30'00" W The portion of this control area lying W of Long. 120°30'00" W, shall be used only after obtaining prior approval from appropriate authority.

Control 1177

That airspace SW of Los Angeles, Calif., bounded by a line beginning at Lat. 33°25'50" N, Long. 118°28' 50" W, thence to Lat. 33°19'00" N, Long. 118°21'45" W, thence to Lat. 32°44'30" N, Long. 119°07'00" W, thence to Lat. 31°41'00" N, Long. 120°15'00" W, thence to Lat. 31°18'40" N, Long. 121°11'30" W, thence to Lat. 31°54'00" N, Long. 121°34'30" W, thence to Lat. 32°10'45" N, Long. 120°16'15" W, thence to Lat. 32° 52'15" N, Long. 119°12'30" W, thence to point of beginning excluding the airspace below 5,000 feet MSL.

Control 1181

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Weeksville, N.C., RBN to a 10-mile radius circle centered on the INT of the 133° bearing from the Weeksville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which extends outside the United States.

Control 1215

That airspace SE of Galveston, Tex., bounded by a line beginning at latitude 29° 02' 10" N., longitude 95° 05' 00" W., extending NE 3 nmi from and parallel to the United States coastline to latitude 29° 19' 00" N., longitude 94° 40' 30" W., to latitude 28° 15' 00" N., longitude 92° 07' 00" W., to latitude 28° 15' 00" N., longitude 94° 00' 00" W., to latitude 28° 07' 45" N., longitude 94° 12' 00" W., to latitude 28° 10' 00" N., longitude 94° 14' 00" W., to latitude 28° 10' 00" N., longitude 94° 58' 00" W., to latitude 27° 37' 45" N., longitude 94° 59' 45" W., to latitude 27° 32' 00" N., longitude 95° 09' 00" W., to latitude 26° 50' 20" N., longitude 95° 30' 00" W., to latitude 27° 00' 00" N., longitude 95° 30' 00" W., to point of beginning; excluding the portion below 2,500 feet MSL.

AMENDMENTS 3/5/64 28 F.R. 14419 (Rewritten);

Control 1216

That airspace extending upward from 2,000 feet MSL bounded on the N by a direct line from the Navy New Orleans, La., RBN to Lat. 29°25'00" N, Long. 87°00'00" W, on the SE by a line extending from Lat. 29°25' 00" N. Long. 87°00'00" W to Lat. 28°50'00" N. Long. 88°00'00" W, thence S along Long. 88°00'00" W to the N boundary of the New Orleans Oceanic Control Area, on the S by the New Orleans Oceanic Control Area, on the W by Long. 90°15'00" W., and on the NW by the New Orleans transition area.

Control 1217

That airspace within tangent lines drawn from the circumference of a 5 mile-radius circle centered on the Kodiak, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 107° bearing from the Kodiak RR with the NW boundary of the Anchorage Oceanic Control Area.

Control 1218

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Homer, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 118° bearing from the Homer RR with the NW boundary of the Anchorage Oceanic Control Area.

Control 1226

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Galveston, Tex., RBN extending to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Galveston RBN and the Grand Isle, La., RBN, thence to the circumference of a 5-mile radius circle centered on the Grand Isle RBN, thence to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Grand Isle RBN and the Egmont Key, Fla., RBN, thence to the circumference of a 5-mile radius circle centered on the Egmont Key RBN, excluding the portion below 5,000 feet MSL from the Galveston RBN to the Grand Isle RBN, and the portion below 2,000 feet MSL from the Grand Isle RBN to the Egmont Key RBN.

Control 1228

That airspace within 5 miles either side of a line extending from the Tampa, Fla., RBN to the Key West, Fla..RBN, excluding the portion below 2,000 feet MSL outside the United States, the portion within W-174 and the portion above 20,000 feet MSL between Lat. 24°50'00" N. and the S boundary of Control 1230.



Control 1230

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Miami, Fla., runway 9-L ILS OM to the circumference of a 5-mile radius circle centered on the Tamiami, Fla., RBN, thence to the circumference of a 10-mile radius circle centered on the INT of the 276° bearing from the Tamiami RBN and the E boundary of the New Orleans Oceanic control area, and within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Miami RBN to the circumference of the 10-mile radius circle centered at the INT of the E boundary of the New Orleans Oceanic control area and the 276° bearing from the Tamiami RBN, and bounded on the E by the E boundary of B-48, excluding the portion below 2,000 feet MSL outside the United States and the portion within W-168.

Control 1232

That airspace bounded on the E by the Miami Oceanic Control area boundary; on the S by latitude 24°00'00" N.; on the W by longitude 80°25'00" W., the S boundary of V-51, and the E boundary of V-3; and on the N by the S boundary of control 1235; excluding the airspace below 2,000 feet MSL outside the United States.

AMENDMENTS Eff. immed. 6/15/64 29 F. R. 7921 (Rewritten)

Control 1233

That airspace bounded on the N by the Key West, Fla., control area extension and V-35, on the E by a line 5 miles E of and parallel to the 187° bearing from the Marathon, Fla., RBN, on the S by Lat. 24°00'00" N, and on the W by a line 5 miles W of and parallel to the 205° bearing from the Key West RBN, excluding the portion below

2,000 feet MSL and excluding the portion within W-465.

Control 1235

That airspace within 5 miles each side of the West Palm Beach RBN 090° bearing, extending from the RBN to the INT of the West Palm Beach RBN 090° bearing and the W boundary of the Miami Oceanic/Nassau Control Area, excluding the portions below 1,000 feet MSL outside the United States and within W-497B.

Control 1310

That airspace within 4 nautical miles each side of a direct line extending from the Anchorage, Alaska, VOR to the Middleton Island, Alaska, VOR, including the additional airspace between lines diverging at 4.5° angles from the centerline, extending SE from the Anchorage VOR and NW from the Middleton Island VOR and which terminate at the intersecting points midway between Anchorage and Middleton Island; thence within 16 miles each side of a line extending from the Middleton Island VOR to the Sandspit, B.C., Canada, RR; including that airspace between lines diverging at 5° angles from the centerline, extending SE from the Middleton Island VOR and NW from the Sandspit RR, and which terminate at the intersecting points midway between Middleton Island and Sandspit, excluding the portion within Canada and W-533.

AMENDMENTS 9/17/64 29 F.R. 9820 (Rewritten)

Control 1316

That airspace within 5 miles either side of the Los Angeles, Calif., VOR 251° radial extending from the VOR to the Oakland Oceanic Control Area boundary and between lines diverging at an angle of 5° from the 251° radial extending from the Los Angeles VOR to the Oakland Oceanic Control Area boundary; excluding the airspace below 2,000 feet MSL between the United States and the E boundary of W-289 and excluding the airspace below 5,000 feet MSL within W-289.

Control 1386

That airspace within 5 miles either side of the Orlando, Fla., VOR 071° radial, extending from the VOR to Control 1150, excluding the airspace below 14,000 feet MSL lying between the E boundary of R-2902 and the W boundary of Control 1150. The portion of this control area within R-2902 shall be used only after obtaining prior approval from appropriate authority.

Control 1400

That airspace within 5 miles either side of the 263° bearing from the King Salmon, Alaska, RR extending from the RR to the Anchorage Oceanic Control Area, and between lines diverging at an angle of 5° from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1401

That airspace within 5 miles either side of the 248° bearing from the King Salmon, Alaska, RR extending from the RR to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at an angle of 5° from the King Salmon 248° bearing extending from the RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2,000 feet MSL outside the United States.



Control 1408

That airspace SW of Miami, Fla., bounded on the E by longitude 80°25'00" W., on the S by the Key West VOR 083° radial and a line 4 nmi S of and parallel to the Key West VOR 078° radial, on the W by Control 1230, and on the N by the S boundary of Control 1230; excluding the airspace below 2,000 feet MSL outside the United States and the portion within W-174.



Control 1484

That airspace within 5 miles either side of the 227° bearing from the King Salmon, Alaska, RR extending from the RR to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5°

**Control 1408**
That airspace SW of Miami, Fla., bounded on the E by longitude 80°25'00" W., on the S by the Key West VOR 083° radial and a line 4 nmi S of and parallel to the Key West VOR 078° radial, on the W by Control 1228 and the Fort Myers, Fla., control area extension, and on the N by Control 1230, V-157 W alternate and V-51, excluding the portion below 2,000 feet MSL outside the United States and that portion above 20,000 feet MSL within W-173.

AMENDMENTS 9/17/64 29 F.R. 11113 (Rewritten)

**Control 1415**
That airspace centered on the Fortuna, Calif., VOR 270° radial 10 miles in width at the VOR with each boundary diverging at an angle of 5° from the 270° radial extending to the E boundary of the Oakland Oceanic Control Area, excluding the portion at and below 2,000 feet MSL W of Long. 124°30'00" W.

**Control 1418**
That airspace centered on the Hoquiam, Wash., VOR 234° radial, 10 miles in width at the VOR with each edge diverging at an angle of 5° with the centerline and extending to the E boundary of the Oakland Oceanic Control Area; the airspace N and NE of Hoquiam bounded on the NW, N and NE by a line beginning at latitude 46°58'45" N., longitude 124°20'00" W., to latitude 47°06'00" N., longitude 124°00'00" W., to latitude 47°06'00" N., longitude 123°51'00" W., through latitude 47°05'00" N., longitude 123°48'00" W., to the NW boundary of V-27 W, on the SE by V-27 W and a line 5 miles N of and parallel to the Hoquiam VOR 239° radial extending to latitude 46°54'00" N., longitude 124°20'00" W., and on the W by longitude 124°20'00" W.; and the airspace SE of Hoquiam bounded on the N by V-204, on the W by V-27 W, and on the SE by the arc of an 8-mile radius circle centered on the Hoquiam VOR, excluding the portions at and below 2,000 feet MSL outside the United States, and the portion within W-460.

AMENDMENTS 4/4/63 28 F.R. 966 (Rewritten); 5/4/64 29 F. R. 6246 (Changed)

**Control 1419**
That airspace SE of Newport, Oreg., bounded on the W by V-27, on the NW by V-99, on the E by longitude 123° 52'00" W., and on the S by latitude 44°18'00" N.; the airspace SW of Newport bounded on the NW by a line 5 miles SE of and parallel to the Newport VOR 232° radial, on the east by V-27, and on the SW by the arc of a 16-mile radius circle centered on the Newport VOR, and the airspace NW of Newport bounded on the E by V-27, on the S by a line 5 miles N of and parallel to the Newport VOR 242° radial, and on the NW by the arc of a 7-mile radius circle centered on the Newport VOR, excluding the portions at and below 2,000 feet MSL outside the United States; and the airspace centered on the Newport VOR 237° radial, 10 miles in width at the VOR with each edge diverging at an angle of 5° with the centerline and extending to the E boundary of the Oakland Oceanic Control Area, excluding the portion at 2,000 feet MSL and below W of a line parallel to and 10 miles W of the United States coastline.

AMENDMENTS 4/4/63 28 F.R. 966 (Rewritten); 5/4/64 29 F. R. 6246 (Changed)

**Control 1420**
That airspace centered on the North Bend, Oreg., VOR 239° radial, 10 miles in width at the VOR with each boundary diverging at an angle of 5° with the centerline and extending to the E boundary of the Oakland Oceanic control area, excluding the portion at 2,000 feet MSL and below SW of a point 20 miles SW of the North Bend VOR.

AMENDMENTS 5/4/64 29 F. R. 6246 (Changed)

**Control 1445**
That airspace S of the United States-Canadian border and the Vancouver Oceanic Control Area within lines tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., RBN and the circumference of a 15-mile radius circle centered at Lat. 48°40'00" N, Long. 125°17'30" W, excluding the portion below 5,000 feet MSL.

**Control 1447**
That airspace southwest of New Orleans, La., bounded by a line beginning at latitude 29° 22' 30" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 92° 21' 45" W., to point of beginning, excluding the portion below 2,500 feet MSL.

AMENDMENTS 1/9/64 28 F.R. 12612 (Rewritten); Date Changed 3/5/64 29 F.R. 133; Date Changed 4/2/64 29 F.R. 2591;

**Control 1483**
That airspace within 5 miles each side of the 237° bearing from the Bethel, Alaska, RBN, extending from the RBN to the E boundary of the Anchorage Oceanic Control area, and between lines diverging at a 5° angle from the 237° bearing extending from the Bethel RBN to the E boundary of the Anchorage Oceanic Control area and excluding the airspace below 2,000 feet MSL outside the United States.

AMENDMENTS 4/2/64 29 F.R. 2593 (Rewritten);



**Control 1484**
That airspace within 5 miles either side of the 227° bearing from the King Salmon, Alaska, RR extending from the RR to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5° angle from the King Salmon 227° bearing extending from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2,000 feet MSL outside the United States.

**Control 1485**
That airspace N of Fairbanks, Alaska, extending from 18,500 feet MSL to Flight Level 450 bounded by a line beginning at latitude 72°00'00" N., longitude 144°13'15" W., to latitude 72°00'00" N., longitude 141°00'00" W., to latitude 69°00'00" N., longitude 141°00'00" W., to latitude 64°39'30" N., longitude 145°50'00" W., to latitude 65°00'00" N., longitude 149°10'00" W., to point of beginning.

AMENDMENTS 4/30/64 29 F.R. 3000 (Rewritten); 9/17/64 29 F.R. 12362 (Rewritten);

**Control 1486**
That airspace within 5 miles each side of the Ukiah, Calif., VOR 300° radial and the additional area between lines diverging at angles of 5° either side of the 300° radial extending from the VOR to the eastern boundary of the Seattle Oceanic Control Area; excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

## §71.165 CONTROL AREA EXTENSIONS

**§ 71.165 Designation of control area extensions.**
Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area.

**Abilene, Tex.**
Within a 35-mile radius of the Abilene VOR, the airspace N of Abilene bounded on the E by V-77, on the N by V-278 E of Guthrie, Tex., VOR and V-102 W of Guthrie VOR, on the SW by a line 5 miles NE of the Lubbock VOR 101° and the Abilene VOR 327° radials; the airspace NW of Abilene within 8 miles W of the Abilene VOR 344° radial extending from the VOR to 46 miles NW; the airspace SE, S and SW of Abilene bounded on the N by V-94, on the E by V-163, on the S by
V-76 N and on the SW by V-76, excluding the portion that coincides with the arc of a 35-mile radius circle centered on the San Angelo, Tex., VOR and on the NW by V-66, and including the airspace W of Abilene within 8 miles N and 12 miles S of the Abilene VOR 266° radial extending from the VOR to the arc of a 35-mile radius circle centered on the Big Spring, Tex., VOR.

AMENDMENTS 9/17/64 29 F.R. 11259 (Changed)

**Adak, Alaska**
Within a 50-mile radius of the NAS Adak (Lat. 51°53'00" N, Long. 176°39'00" W) extending from 700 feet above the surface to 24,000 feet MSL.

**Albany, Ga.**
Within 5 miles each side of the 272° bearing from latitude 31°32'00" N., longitude 84°06'43" W., extending from latitude 31°32'00" N., longitude 84°06'43" W., to 25 miles W; within 5 miles either side of the Albany VOR 335° radial extending from the VOR to 20 miles NW, and within 12 miles SW and 8 miles NE of the Albany VOR 294° radial extending from the VOR to 40 miles NW.

**Albany, N. Y.**
Within a 15-mile radius of the Albany VORTAC extending clockwise from the 134° to the 094° radials; within a 40-mile radius of the Albany VORTAC extending clockwise from the 094° to the 134° radials: the airspace NW of Albany bounded on the N by V-490, on the E by V-203 and on the S by V-2; the airspace NE of Albany extending from the 15-mile radius area bounded on the N by V-490, on the E by V-487, and on the S by V-72, and the airspace SW of Albany extending from the 15-mile radius area bounded on the N by V-72 and on the S by a line 10 miles S of and parallel to the Albany VORTAC 270° radial.

**Alexandria, La.**
Within a 40-mile radius of the Alexandria VOR; that airspace S of Alexandria bounded on the NE by V-114, on the SE by V-222, on the S and SW by the Lake Charles, La., control area extension, and on the NW by a line 5 miles NW of and parallel to the Alexandria VOR 232° radial; including the airspace E of Alexandria within 12 miles NE and 8 miles SW of the Alexandria VOR 105° radial extending from the 40-mile radius area to 55 miles SE of the VOR, excluding the portion which coincides with R-3803 and R-3804. The portion of this control area extension within R-3801 shall be used only after obtaining prior approval from appropriate authority.

**Allendale, S. C.**
That airspace SW of the Allendale VOR bounded on the N by V-70, on the SW by V-5 E and on the SE by V-157.

**Altoona, Pa.**
That airspace N of the Altoona VOR bounded on the E by V-501, on the S by V-12, on the NW by V-35 and on the N by V-276.

AMENDMENTS 9/17/64 29 F.R. 11114 (Changed)

**Altus, Okla.**
That airspace bounded on the NE by V-17, on the SE by V-77, on the S by V-102, on the W by V-14 from Lubbock, Tex., to Childress, Tex., and V-114, from Childress, Tex., to Amarillo, Tex., and on the NW by V-12, excluding the portion of this control area extension which coincides with R-5601.

**Anchorage, Alaska**
Within a 55-mile radius of the Anchorage VOR extending clockwise from the NW boundary of V-456 SW of Anchorage to the Anchorage VOR 309° radial; within a 72-mile radius of the Anchorage VOR extending clockwise from the Anchorage VOR 309° radial to the E boundary of V-438 N of Anchorage; within a 50-mile radius of the Anchorage VOR extending clockwise from the E boundary of V-438 N of Anchorage to the NW boundary of V-456 SW of Anchorage.

AMENDMENTS On Publ. 4/8/64 29 F.R. 4908 (Changed)

**Atterbury, Ind.**
That airspace bounded on the NE by V-128, on the E by the arc of a 35-mile radius circle centered at the Greater Cincinnati Airport, Covington, Ky. (Lat. 39°02'56" N, Long. 84°39'41" W), on the S by a line extending from Lat. 39°01'00" N, Long. 85°18'45" W to Lat. 39°08'00" N, Long. 86°21'00" W, on the W by V-227, and on the NW by V-12 S. The portion within R-3401 shall be used only after obtaining prior approval from appropriate authority.

**Austin, Tex.**
Within a 40-mile radius of Lat. 30°22'36" N, Long. 97°40'55" W.

**Banana River, Fla.**
That airspace bounded on the N by Lat. 28°50'00" N, on the E by a line 3-nmi E of and parallel to the U. S. shoreline, on the S by the Patrick AFB, Fla., 5-mile radius zone, on the W by V-3, including the airspace W of Banana River bounded on the E by V-3, on the SW by V-295 E and on the NW by the control 1386.

**Bartlesville, Okla.**
Within a 20-mile radius of the Phillips Airport, Bartlesville, Okla. (Lat. 36°45'46" N, Long. 96°00'30" W).

**Battle Mountain, Nev.**
Within 14 miles E and 7 miles W of the Battle Mountain VOR 348° radial extending from the VOR to 12 miles N, and the airspace S of Battle Mountain bounded on the N by V-6 W of Battle Mountain and V-32 E of Battle Mountain, on the S by V-494 and on the W by Long. 117°17'00" W.

**Berlin, N. H.**
Within 8 miles E and 5 miles W of the 334° bearing from the Berlin RBN extending from the RBN to 17 miles NW; within 5 miles S and 8 miles N of the 248° bearing from the Whitefield, N. H., RBN extending from the RBN to 17 miles SW, and within 5 miles either side of a line extending from the Berlin RBN to the Whitefield RBN.

**Bethel, Alaska**
Within a 30-mile radius of the Bethel VOR.

**Big Spring, Tex.**
Within a 35-mile radius of the Big Spring VOR; the airspace NW of Big Spring bounded on the NE by V-76 N and on the W by V-81 and V-76; including the airspace N of Big Spring within 12 miles W and 12 miles E of the Webb AFB TACAN 014° radial extending from the 35-mile radius area to 61 miles N of the TACAN. The portion of this control area extension which coincides with R-6309 shall be used only after obtaining prior approval from the appropriate authority.

**Billings, Mont.**
Within a 25-mile radius of the Billings VORTAC extending clockwise from V-2 W of Billings to V-19 SE of Billings; within 12 miles W and 8 miles E of the Billings VORTAC 347° radial extending from the 25-mile radius area to 46 miles N of the VORTAC; and within 12 miles SW and 8 miles NE of the Billings VORTAC 301° radial extending from V-2 and the 25-mile radius area to 53 miles NW of the VORTAC; including the airspace bounded on the N by V-2, on the E by V-187, and on the SW by a line extending from the S boundary of V-2 through Lat. 45°43'00" N, Long. 108°48'00" W, and Lat. 45°42'30" N, Long. 108° 44'00" W to the W boundary of V-187.



**Biloxi, Miss.**
Within a 25-mile radius of Lat. 30°27'08" N, Long. 88°53'26" W; and that airspace bounded on the E by Long. 88°30'00" W, on the SE and S by a line 15 miles S of and parallel to V-22, on the W by Long. 89°10'00" W, on the N by the Biloxi 25-mile radius area, excluding the portion which coincides with W-453.

**Binghamton, N. Y.**
Within a 15-mile radius of the Binghamton VORTAC.

**Birmingham, Ala.**
That airspace bounded by a line beginning at Lat. 32°52'00" N, Long. 87°30'00" W, to Lat. 34°15'00" N, Long. 87°30'00" W, to Lat. 34°15'00" N, Long. 86°15'00" W, to Lat. 34°00'00" N, Long. 86°15'00" W, to Lat. 33°39'00" N, Long. 86°00'00" W, to Lat. 32°52'00" N, Long. 86°00'00" W, to point of beginning; that airspace W of Birmingham within 7 miles N and 11 miles S of the Birmingham VORTAC 263° radial extending from Long. 87° 30'00" W to 43 miles W of the VORTAC.

**Bismarck, N. Dak.**
Within a 15-mile radius of the Bismarck VOR; within 5 miles either side of the Bismarck ILS localizer SE course extending from the localizer to 20 miles SE of the OM, and within 5 miles either side of the Bismarck VOR 114° radial extending from the VOR to 25 miles SE.

**Blytheville, Ark.**
That airspace bounded on the E by V-9, on the S by V-140, on the W by V-69, and on the N by a line through Lat. 36°21'00" N, Long. 90°04'00" W and Lat. 36°32'00" N, Long. 90°40'00" W.

**Boise, Idaho**
Within a 25-mile radius of the Boise VORTAC, extending clockwise from the 319° to the 130° radials; within a 40-mile radius of the Boise VORTAC, extending clockwise from the 130° to the 319° radials; within 5 miles either side of the Boise VORTAC 291° radial, extending from the VORTAC to 67 miles NW, and within a 10-mile radius of the Ontario Municipal Airport, Oreg., (Lat. 44°01'15" N, Long. 117°00'43" W), excluding the portion which coincides with the Mountain Home, Idaho, control area extension.

**Boston, Mass.**
That airspace bounded by a line beginning at latitude 43° 25' 32" N., longitude 70° 36' 50" W., to latitude 43° 21' 30" N., longitude 70° 19' 20" W., to latitude 43° 15' 00" N., longitude 70° 30' 00" W., to latitude 42° 44' 20" N., longitude 70° 37' 00" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42° 35' 00" N., longitude 70° 34' 45" W., thence to latitude 42° 35' 00" N., longitude 70° 30' 00" W., to latitude 42° 15' 20" N., longitude 70° 30' 00" W., to latitude 42° 03' 00" N., longitude 69°18'00" W., to latitude 41°41'40" N., longitude 69°45'20" W., to the N boundary of V-46 at longitude 70°13'40" W., to the N boundary of V-46 at longitude 70°43'00" W., thence to latitude 41°36'30" N., longitude 70°43'00" W.; to latitude 41°42'20" N., longitude 71°19'10" W., to latitude 41°45'20" N., longitude 71°21'20" W., thence NW along the NE boundary of V-151, thence NE along the SE boundary of V-93 to latitude 43°04'30" N., longitude 71°40'35" W., to latitude 43°13'11" N., longitude 71°34'33" W., to the point of beginning; and that airspace N and NW of Concord, N. H., within the arc of a 20-mile radius circle centered at the Concord, N. H., VOR; and that airspace outside of the continental control area extending upward from FL 240 to FL 300 inclusive within an 18-mile radius of the Pease, N. H., RBN. The portion of this control area extension which coincides with R-4901 is excluded. The portion of this control area extension at 3,000 feet MSL and below bounded on the N by latitude 43° 01' 30" N., on the E by W-103, on the S by latitude 42° 59' 03" N., and on the W by R-4901 is excluded during the time of designation of R-4901. The portion of this control area extension which coincides with R-4101, R-4103 and R-4106 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 9/17/64 29 F.R. 11114 (Changed)

**Bowling Green, Ky.**
Within a 15-mile radius of the Bowling Green VORTAC; including the airspace W of Bowling Green bounded on N by Lat. 37°00'00" N, on the SE by V-57, and on the W by V-7.

**Bradford, Ill.**
Within a 15-mile radius of the Bradford VOR.

**Brownsville, Tex.**
That airspace over the United States within a 40-mile radius of the Brownsville VORTAC S of latitude 26°30'00" N.; and that airspace W of V-163 S of latitude 26°31'00" N., and E of longitude 98°00'00" W

AMENDMENTS 11/12/64 29 F.R. 13164 (Rewritten)

**Brunswick, Ga.**
That airspace bounded on the N by Lat. 31°30'00" N, on the E by V-3, and on the SW by V-5 and V-51. The portion of this control area extension which coincides with R-3006 shall be used only after obtaining prior approval from the appropriate authority.

**Brunswick, Maine**
That airspace bounded on the NW by V-3, on the NE by V-302, on the E by longitude 69°15'00" W., on the S by W-103, and on the SW by a line 5 miles NE of and parallel to the 132° bearing from the Portland Municipal Airport, Maine (latitude 43°38'50" N., longitude 70°18'28" W.); the airspace SW of Augusta, Maine, within 7 miles NW of the Augusta VOR 239° radial extending from the Augusta VOR to 20 miles SW, and the airspace N of Augusta within 10 miles W of the Augusta VOR 025° radial extending from the Augusta VOR to 20 miles NE, excluding the portion within C-516.

AMENDMENTS 9/17/64 29 F.R. 11114 (Changed)

**Bryce Canyon, Utah**
Within 5 miles either side of the Bryce Canyon VOR 110° radial, extending from the VOR to 25 miles SE and within 10 miles SE and 7 miles NW of the Bryce Canyon VOR 240° radial extending from the VOR to 20 miles SW.

**Buffalo, N. Y.**
Within a 50-mile radius of the Greater Buffalo International Airport (Lat. 42°56'25" N, Long. 78°43'50" W), and within 12 miles NE and 8 miles SW of the Buffalo VORTAC 124° radial extending from the 50-mile radius area to 73 miles SE of the VORTAC, excluding the portion outside the United States. The portion of this control area extension which coincides with R-5203 is excluded.

**Burbank, Calif.**
That airspace bounded on the SE by V-8 N, on the S by V-16, on the SW by V-107, on the NW by V-12 and the E boundary of V-23, and on the NE by V-137.

**Camp Douglas, Wis.**
Within a 30-mile radius of Volk Field, Camp Douglas, Wis., (Lat. 43°56'25" N, Long. 90°15'20" W), N of Lat. 43°39'00" N, excluding the portions which coincide with R-6901 and R-6904. This area shall be designated a control area extension during the specific dates and times established in advance by NOTAM, and continuously published in the Airman's Guide.

**Charleston, S. C.**
That airspace S of Charleston bounded on the N by V-53 and Control 1152, on the SE by a line 3-nmi SE of and parallel to the shoreline, on the S by the Savannah, Ga., control area extension, and on the W by V-3; that airspace NE of Charleston bounded on the W by V-1, on the N by the Myrtle Beach, S. C., control area extension, on the E by a line 5 miles E of and parallel to the Myrtle Beach VOR 218° radial and on the S by Control 1152; and that airspace SW of Charleston extending upward from 17,000 feet MSL to 23,000 feet MSL within 4 nmi each side of the Charleston VORTAC 209° radial extending from the VORTAC to a line 4 nmi E of and parallel to the Savannah, Ga., VORTAC 180° radial.

AMENDMENTS 9/17/64 29 F.R. 11113 (Changed)

**Charleston, W. Va.**
Within a 35-mile radius of Kanawha County Airport, Charleston, W. Va. (Lat. 38°22'21" N, Long. 81°35'35" W); the airspace N and NW of the Kanawha County Airport bounded on the E by V-133, on the S by V-4 and on the NW by V-493 and V-44; the airspace N of Charleston extending from the 35-mile radius area bounded on the NW by V-119, and on the SE by V-115, and the airspace SW of Charleston extending from the 35-mile radius area bounded on the N by V-4 and on the SW by V-478.

**Charlottesville, Va.**
That airspace bounded on the NW by V-140, on the E by V-39, and on the S by V-16 N alternate.

**Cheyenne, Wyo.**
Within 5 miles each side of the Cheyenne VORTAC 032° radial extending from the VORTAC to 25 miles NE; the airspace bounded on the N by V-6, on the SE by V-207, on the S by V-138 and on the W by V-89E alternate; the airspace SE of Cheyenne within a 25-mile radius of the Cheyenne RBN extending clockwise from a 090° bearing to a 181° bearing from the Cheyenne RBN; and the airspace SW of Cheyenne bounded on the N by V-118, on the E by V-19 and on the SW by V-4N alternate.



**Chicago, Ill.**
Within a 30-mile radius of the Midway Airport, Chicago, Ill., (Lat. 41°47'05" N, Long. 87°45'05" W); within a 15-mile radius of the Chicago Heights, Ill., VORTAC; that airspace NE, E, and SE bounded by a line beginning at the INT of the E boundary of V-7 and the S boundary of V-84, thence E along the S boundary of V-84 to its INT with the South Bend, Ind., VORTAC 314° radial, thence SE along this radial to its INT with the N boundary of V-100, thence E along V-100 to its INT with the arc of a 35-mile radius circle centered on the Battle Creek, Mich., VORTAC, thence counterclockwise along this arc to Lat. 41°57'30" N, Long. 85°44'30" W, thence to Lat. 41°41'00" N, Long. 85°49'40" W, thence counterclockwise along the arc of a 15-mile radius circle centered on the Goshen, Ind., VOR to its INT with the W boundary of V-55 W, thence S along this boundary to its INT with the N boundary of V-38, thence W along this boundary to its INT with the E boundary of V-7, thence along this boundary to the point of beginning.

**Chicopee Falls, Mass.**
That airspace bounded on the N by V-2, on the NE by V-151, on the SE by V-3, on the S by a line extending from the W boundary of V-3 at longitude 72°07'50" W., through latitude 42°08'20" N., longitude 72°37'00" W., to V-203, on the SW by V-203, and on the NW by the arc of a 38-mile radius circle centered on the Westover AFB, Mass., and lying between V-2 and V-203, excluding the portion below 2,500 feet MSL.

AMENDMENTS On Publ. 5/15/64 29 F.R. 6377 (Changed); 9/17/64 29 F.R. 11114 (Changed);

**Cincinnati, Ohio**
Within a 35-mile radius of the Greater Cincinnati Airport (Lat. 39°02'56" N, Long. 84°39'55" W); that airspace N and E of Cincinnati bounded by a line extending from the 35-mile radius area N via V-275 to its INT with V-210, thence E via V-210 to its INT with V-427, thence S via V-427 and V-59 to V-144, thence E via V-144 to its INT with V-119, thence SW via V-119 to its INT with V-44, thence SW via V-44 to its INT with V-133, thence N via V-133 to its INT with V-144, thence NW via V-144 to its INT with V-5, thence SW via V-5 to its INT with the 35-mile radius area; and that airspace SW of Cincinnati extending from the 35-mile radius area bounded on the S by V-44 and on the NW by V-47. The portion of this control area extension within R-5503 and R-5504 shall be used only after obtaining prior approval from the appropriate authority.

**Cleveland, Ohio**
Within a 50-mile radius of the Cleveland-Hopkins Airport, Cleveland, Ohio (Lat. 41°24'30" N, Long. 81° 51'00" W), excluding the portion outside the United States; within 8 miles N and 12 miles S of the Cleveland VORTAC 275° radial extending from the 50-mile radius area to 53 miles W of the VORTAC; that airspace extending from the 50-mile radius area bounded on the N by the United States-Canadian border, on the S by a line 8 miles N of and parallel to the Cleveland VORTAC 275° radial, and on the W by Long. 83°02'00" W, and that airspace extending from the 50-mile radius area bounded on the SE by V-43 and on the NW by V-443 E. The airspace within R-5502 shall be used only after obtaining prior approval from the appropriate authority.

**Cold Bay, Alaska**
Within a 50-mile radius of the Cold Bay RR.

**Colorado Springs, Colo.**
That airspace bounded by a line beginning at the INT of the S boundary of V-148 with Long. 104°07'00" W to Lat. 39°05'00" N, Long. 104°07'00" W, thence E to the INT of Lat. 39°05'00" W with the arc of a 46-mile radius circle centered on the Colorado Springs, VORTAC, thence clockwise along this arc to a line 10 miles N of and parallel to Pueblo, Colo., VORTAC 275° and 093° radials, thence W via this line to Long. 104°52'00" W, thence N via this meridian to the Colorado Springs VORTAC 294° radial, thence NW via this radial to the SE boundary of V-95, thence NE via the SE boundary of V-95 and the S boundary of V-148, to point of beginning. The portion of this control area extension within R-2601 shall be used only after obtaining prior approval from appropriate authority.

**Columbia, S. C.**
That airspace S of Columbia bounded on the N by V-56, on the NE by V-53, on the S by V-18 and on the W by V-185; that airspace SE of Columbia bounded on the N by V-56, on the east by V-437W, and on the SW by V-53, excluding the portion within R-6004. The portion of this control area extension within R-6002 shall be used only after obtaining prior approval from appropriate authority.
AMENDMENTS 9/17/64 29 F.R. 11113 (Changed)

**Columbus, Miss.**
Within a 45-mile radius of the Columbus AFB, Miss.

**Columbus, Ohio**
Within a 15-mile radius of the Appleton, Ohio, VORTAC; including the airspace S of Columbus bounded on the E by V-133, on the SE by V-44, on the W by a line extending from the N boundary of V-44 at Lat. 38°42'55" N, Long. 83°00'15" W, via Lat. 38°48'30" N, Long. 83°02'00" W, to Lat. 39°30'00" N, Long. 83°02'00" W, and Lat. 39°30'00" N, Long. 83°47'00" W, to the S boundary of V-5 at Lat. 39°37'10" N, Long. 83°47'00" W, on the NW by V-5; and on the N by V-214. The portion of this control area extension within R-5501 shall be used only after obtaining prior approval from the appropriate authority.

**Cordova, Alaska**
Within 12 miles SW and 22 miles NE of the 120° and 300° bearings from the Hinchenbrook, Alaska, RR extending from 10 miles NW to 57 miles SE of the RR.

**Corinne, Utah**
Within 5 miles either side of the 289° bearing from the Corinne RBN to V-101.

**Corpus Christi, Tex.**
That airspace N of Corpus Christi bounded on the SE by V-20, on the SW by V-68 and V-163, on the NW by the arc of 60-mile circle centered on the San Antonion, Tex., RBN, on the N by Lat. 29°00'00" N, and on the NE by the arc of a 25-mile circle centered at Lat. 28°51'00" N, Long. 96°55'00" W.

AMENDMENTS 11/12/64 29 F.R. 13164 (Changed)

**Crestview, Fla.**
Within 12 miles W and 8 miles E of the Crestview VOR 004° and 184° radials extending from 20 miles N to 8 miles S of the VOR; within 10 miles N and 7 miles S of the Crestview VOR 091° radial extending from the VOR to 35 miles E of the VOR, excluding the portion of the control area extension within R-2914 and R-2915.

**Dalhart, Texas**
Within 10 miles SW and 7 miles NE of the Dalhart, VORTAC 324° and 144° radials extending from 20 miles NW to 9 miles SE of the VORTAC, within 10 miles W and 7 miles E of the Dalhart VORTAC 002° and 182° radials extending from 20 miles N to 9 miles S of the VORTAC.

**Dallas, Texas**
That airspace bounded on the E by a line 5 miles E of and parallel to the Dallas VORTAC 133° radial, the Leona, Tex., VOR 353° and 140° radials, the Houston, Tex., VORTAC 353° radial and V-20, on the S by a line 5 miles N of and parallel to the Eagle Lake, Tex., VOR 106° radial, on the SW by a line 5 miles NE of and parallel to the Austin VOR 134° and Eagle Lake VOR 291° radials, on the NW by V-17 from Austin, Tex., VORTAC to the Waco, Tex., VORTAC and by V-15 from the Waco VORTAC to the Dallas VORTAC; including the airspace SE of Dallas extending from 44 miles N to 76 miles N of the Leona VOR, bounded on the E by a line 12 miles E of and parallel to the Leona VOR 353° radial and on the W by the Leona VOR 353° radial.

AMENDMENTS 11/12/64 29 F.R. 12585 (Changed):

**Danville, Ill.**
Within a 15-mile radius of the Danville VOR, excluding the portion of this control area extension within the Lafayette, Ind., and the Rantoul, Ill., control area extensions; including the airspace NE of Danville extending from the 15-mile radius area, bounded on the NE by V-53, on the E by the Lafayette control area extension and on the W by V-171.

**Danville, Va.**
That airspace bounded on the E by Long. 78°50'00" W, on the S by Lat. 36°19'00" N, on the W by Long. 79°41'00" W, and on the N by Lat. 36°57'30" N.

**Del Rio, Tex.**
That airspace over United States territory within a 55-mile radius of Laughin AFB, Del Rio, Tex.

**Denver, Colo.**
Within a 34-mile radius of the Denver VORTAC extending from V-81 on the S clockwise to V-4 on the N; the airspace NW of Denver from 5 miles W to 8 miles W of the Denver VORTAC 334° radial extending from the 34-mile radius area to the arc of a 57-mile radius circle centered on the Denver VORTAC; within 10 miles either side of the Denver VORTAC 253° radial extending from the 34-mile radius area to 49 miles W of the VORTAC; the airspace S of Denver bounded on the W by V-89, on the N by the 34-mile radius area, on the E by V-81, and on the S by V-95; the airspace SE of Denver bounded on the N by V-4, on the E by Long. 104°00'00" W, and on the S and W by V-148; and the airspace NE of Denver bounded on the NE by V-132, on the SE by V-160 and on the W by V-89.

AMENDMENTS 9/17/64 29 F.R. 9529 (Changed):

**Des Moines, Iowa**
Within a 25-mile radius of the Des Moines, VORTAC; within 12 miles W and 8 miles E of the Des Moines VORTAC 196° radial extending from the 25-mile radius area to 39 miles S of the VORTAC; within 12 miles N and 8 miles S of the Des Moines VORTAC 261° radial extending from the 25-mile radius area to 37 miles W of the VORTAC; including the airspace E of Des Moines bounded on the NE by V-172, on the E and S by V-294 and on the NW by V-161.
AMENDMENTS 4/30/64 29 F.R. 2999 (Changed)



**Dodge City, Kans.**
Within 10 miles SW and 7 miles NE of the Dodge City VOR 161° and 341° radials extending from 20 miles NW to 9 miles SE of the VOR, and within 5 miles either side of the Dodge City VOR 161° and 341° radials extending from 20 miles to 25 miles NW of the VOR and from 9 miles to 25 miles SE of the VOR.

**Dover, Del.**
That airspace S of the Kenton, Del., VORTAC, bounded on the N by V-16, on the E by V-239, on the SE by V-1 and on the W by V-29. The portion of this control area extension within R-2803 shall be used only after obtaining prior approval from appropriate authority.

**Duluth, Minn.**
Within a 30-nmi radius of the Duluth VORTAC.

**Eau Claire, Wis.**
Within a 15-mile radius of the Eau Claire VOR and within 5 miles either side of the Eau Claire VOR 004° radial extending from the VOR to 20 miles N.

**Edenton, N. C.**
That airspace bounded on the W by V-229, on the N by the Norfolk, Va., control area extension, on the NE by control 1181, on the SE by the NW shore of Pamlico Sound, and on the S by the arc of a 60-mile radius circle centered at Lat. 34°54'30" N, Long. 76°53'00" W, excluding the portions within R-5301A, R-5301B, R-5302, R-5303, R-5304 and R-5305.

**Elkins, W. Va.**
Within a 15-mile radius of the Elkins VORTAC, and within 5 miles either side of the Elkins RR S course extending from the Elkins Airport to 10 miles S.

**Elko, Nev.**
Within 5 miles either side of the 338° and 158° bearings from the Elko RBN extending from 25 miles S to 25 miles N of the RBN, including the airspace bounded on the NW by the Elko VORTAC 248° radial, on the NE by the Elko VORTAC 158° radial, on the SE by a line 10 miles SE of and parallel to the Elko VORTAC 248° radial, and on the SW by a line 20 miles SW of and parallel to the Elko VORTAC 158° radial.

**Elmira, N. Y.**
Within a 15-mile radius of the Elmira VOR; including the airspace SE of Elmira bounded on the E by a line 8 miles E of and parallel to the Elmira VOR 166° radial, on the S by V-116 and on the W by V-31.

**Enid, Okla.**
That airspace bounded on the N by V-190, on the E by V-77, on the S by V-140, on the SW by V-17 and on the NW by V-12.

**Eniwetok Island**
That airspace extending upward from 700 feet above the surface within a 50-nmi radius of the Eniwetok RBN (Lat. 11°21'00" N, Long. 162°20'00" E).

**Evansville, Ind.**
Within a 15-mile radius of the Evansville VORTAC; within 5 miles either side of the 038° and 218° bearings from the Evansville ILS OM extending from the 15-mile radius area to 25 miles NE of the OM; within 8 miles NE and 12 miles SW of the Evansville VORTAC 309° radial extending from the 15-mile radius area to 45 miles NW of the VORTAC; within 12 miles SE and 8 miles NW of the Evansville VORTAC 227° radial extending from the 15-mile radius area to 44 miles SW of the VORTAC, that airspace N of Evansville bounded on the N by Lat. 38°42'00" N, on the E by V-11, and on the W by V-7, and the airspace NE of Evansville bounded on the N by V-44, on the E by V-243, on the S by V-4 N, and on the W by V-11E.

**Fargo, N. Dak.**
Within a 15-mile radius of the Fargo VORTAC; including the airspace N and E of Fargo within a 33-mile radius of the Fargo VORTAC extending from a line 11 miles W of and parallel to the Fargo VORTAC 353° radial clockwise to the Fargo VORTAC 110° radial; that airspace SW of Fargo within a 30-mile radius of the Fargo VORTAC extending from V-181 clockwise to V-2 W of Fargo, and the airspace S of Fargo within 8 miles W and 12 miles E of the Fargo VORTAC 187° radial extending from 26 miles to 58 miles S of the VORTAC.

**Fort Myers, Fla.**
That airspace bounded on the NE by V-35, on the E by V-225 and on the W by Control 1228, excluding the portion below 2,000 feet MSL outside the United States and excluding the portion above 20,000 feet MSL S of Control 1230.

**Fort Smith, Ark.**
Within a 25-mile radius of the Fort Smith VORTAC extending clockwise from the W boundary of V-13 S of Fort Smith to the N boundary of V-74 E of Fort Smith.

**Fortuna, Calif.**
Within a 30-mile radius of the Arcata, Calif., Airport (Lat. 40°58'45" N, Long. 124°06'25" W), extending clockwise from V-27, N of Fortuna, Calif., to V-195 SE of Fortuna; the airspace W of Fortuna bounded on the E by V-27, on the S by Control 1415, on the W by Long. 124°30'00" W, and on the N by a line extending from Lat. 41°07'45" N, Long. 124°30'00" W, to Lat. 41°04'30" N, Long. 124°20'00" W; the airspace S of Fortuna within 10 miles NE and 7 miles SW of the Fortuna VOR 155° radial extending from the VOR to 20 miles SE; and the airspace within 11 miles N and 7 miles S of the Fortuna VOR 110° radial extending from 21 miles E to 9 miles W of the INT of the Fortuna VOR 110° and the Arcata ILS localizer SE course.

**Fort Wayne, Ind.**
That airspace S of Fort Wayne bounded on the E by V-55, on the SE by V-14, and on the NW by V-11 W alternate and V-96; the airspace W of Fort Wayne within a 40-mile radius of the Fort Wayne VORTAC bounded on the SE by V-11 W alternate and V-96 and on the NE by V-277.

**Fort Worth, Tex.**
That airspace bounded on the NE, E and SE by V-163 extending from the Oklahoma City, Okla., 25-mile radius area to the Ardmore, Okla., VOR, and V-15 from the Ardmore VOR to the Waco, Tex., VORTAC, on the S and SW by V-17 from the Waco VORTAC to its INT with V-94, thence via V-94 to the Abilene, Tex., 35-mile radius area, on the W and NW by V-77, and on the N by the Oklahoma City 25-mile radius area.

**Fresno, Calif.**
That airspace between Bakersfield-Fresno-Linden, Calif., bounded on the SW by V-23, on the N by a line 5 miles S of and parallel to the Linden VORTAC 077° radial, on the E, NE and SE by a line extending from the INT of a line 5 miles S of and parallel to the Linden VORTAC 077° radial and longitude 120° 00' 00" W. to Lat. 37° 50' 00" N., Long. 120° 00' 00" W., to Lat. 36° 00' 00" N., Long. 118° 48' 00" W., to the Bakersfield, Calif., VORTAC.

**Gage, Okla.**
Within 5 miles either side of the Gage VORTAC 299° radial extending from the VORTAC to 20 miles NW.

PENDING AMENDMENT
The Gage, Okla., control area extension is revoked. 12/10/64 29 F.R. 14102 (Revoked).

**Garden City, Kans.**
Within a 25-mile radius of the New Garden City Municipal Airport (Lat. 37°56'09" N, Long. 100°43'44" W).

**Goodland, Kans.**
Within 5 miles either side of the Goodland VORTAC 022° radial extending from the VORTAC to 12 miles N, and within 10 miles S and 7 miles N of the Goodland VORTAC 281° and 101° radials extending from 20 miles W to 9 miles E of the VORTAC.

**Goshen, Ind.**
Within a 15-mile radius of the Goshen VOR, including the airspace NE of the Goshen VOR bounded on the W by V-277, on the N by V-10, on the NE by V-30, and on the S by V-92.

**Grand Forks, N. Dak.**
That airspace W of the Grand Forks VOR 355° and 175° radials within a 30-mile radius of the Grand Forks AFB (Lat. 47°57'36" N, Long. 97°24'10" W), including the airspace SE of Grand Forks within 10 miles E and 7 miles W of the Grand Forks VOR 158° and 338° radials extending from 8 miles NW to 20 miles SE of the VOR. The portion of this control area extension within R-5402 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 3/5/64 29 F. R. 3 (Changed):

**Grand Island, Nebr.**
Within 18 miles W and 7 miles E of the Grand Island VOR 180° and 360° radials extending from 9 miles S to 34 miles N of the VOR.

**Great Falls, Mont.**
Within a 45-mile radius of the Great Falls VOR; within 12 miles NW and 8 miles SE of the Great Falls VOR 074° radial extending from the 45-mile radius area to 61 miles NE of the VOR; within 12 miles S and 8 miles N of the Great Falls VOR 271° radial extending from the 45-mile radius area to 56 miles W of the VOR; that airspace extending from the 45-mile radius area bounded on the E by a line 6 miles W of and parallel to the Great Falls VOR 180° radial, on the S by V-2, and on the W by a line 8 miles NW of and parallel to the Great Falls VOR 222° radial, and that airspace extending from the 45-mile radius area bounded on the NE by a line 5 miles NE of and parallel to the Lewistown, Mont., VOR 308° radial and on the S by V-19.



**Greenville, Miss.**
Within 8 miles E and 5 miles W of the 006° and 186° bearings from the Greenville Municipal Airport (Lat. 33°23'10" N, Long. 91°00'00" W) extending from V-278 to 17 miles S of the Greenville Municipal Airport.

**Greenville, S. C.**
That airspace beginning at Lat. 35°49'30" N, Long. 79°30'00" W, thence SW to Lat. 34°49'30" N, Long. 80°10'00" W, thence clockwise along the arc of a 50-mile radius circle centered at Lat. 35°10'30" N, Long. 80°56'00" N, to Lat. 34°27'15" N, Long. 80°52'30" W, thence W to Lat. 34°22'30" N, Long. 82° 20'00" W, thence clockwise along the arc of a 30-mile radius circle centered at Lat. 34°48'45" N, Long. 82°20'30" W to the S boundary of V-222, thence NE along the S boundary of V-222 and V-266 to the arc of a 35-mile radius circle centered at Lat. 36°06'00" N, Long. 80°01'30" W, thence clockwise along the arc of this circle to the point of beginning.

**Greenwood, Miss.**
That airspace within 6 miles either side of the Greenwood VOR 066° and 246° radials, extending from 20 miles SW to 20 miles NE of the VOR.

**Greenwood, S. C.**
That airspace bounded on the N by V-194; on the W by V-185; on the S by a line extending from the E boundary of V-185 through latitude 34°10'40" N., longitude 82°04'05" W., to latitude 34°19'00" N., longitude 81°38'00" W.; thence to latitude 34°23'30" N., longitude 81°41'00" W.

AMENDMENTS 9/17/64 29 F.R. 11113 (Rewritten)

**Harrisburg, Pa.**
Within a 15-mile radius of the Harrisburg VORTAC; including the airspace N of Harrisburg bounded on the N by V-276, on the E by V-31, and on the SW by V-33; the airspace NE of Harrisburg bounded on the N by V-30, on the E by the arc of a 125-mile radius circle centered on the Kennedy, N. Y. VORTAC, on the S and SE by V-162, and on the W by V-31; the airspace SE of Harrisburg bounded on the N by V-474, on the SE by V-251, and on the SW by V-31, and the airspace NW of Harrisburg bounded on the NW by V-106, on the NE by V-33, on the S by V-12, and on the W by V-501. The portion of this control area extension which coincides with R-5802 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed);

**Hopkinsville, Ky.**
That airspace bounded on the E by V-7, on the S by a line from Lat. 36°29'40" N, Long. 86°50'20" W to Lat. 36°16'40" N, Long. 87°26'15" W, on the W by the arc of a 25-mile radius circle centered at Lat. 36°37'27" N, Long. 87°32'59" W, clockwise to Lat. 36°59'20" N, Long. 87°33'30" W, thence on the N via a direct line from that point to Lat. 37°00'20" N, Long. 87°04'30" W. The portions of this control area extension which coincide with R-3702 and R-3703 shall be used only after obtaining prior approval from the appropriate authority.

**Houston, Tex.**
That airspace bounded by a line beginning at Lat. 30°22'00" N, Long. 94°03'00" W, thence clockwise along the arc of a 25-mile radius circle centered at Lat. 30°00'34" N, Long. 94°02'18" W, to Lat. 29°38'35" N, Long. 94°00'00" W, thence S to Lat. 29°37'30" N, Long. 94°00'00" W, thence SW 3-nmi from and parallel to the shoreline to Lat. 28°23'20" N, Long. 96°17'30" W, thence clockwise along the arc of a 25-mile radius circle centered at Lat. 28°44'45" N, Long. 96°17'00" W, to Lat. 28°55'00" N, Long. 96°38'45" W, thence NE to Lat. 29°58'30" N, Long. 95°58'30" W, thence clockwise along the arc of a 50-mile radius circle centered at Lat. 29°37'05" N, Long. 95°15'00" W, to Lat. 30°20'25" N, Long. 95°17'00" W, thence E to the point of beginning.

**Huntsville, Ala.**
Within a 30-mile radius of the Huntsville VOR. The portion of this control area extension within R-2104 shall be used only after obtaining prior approval from the appropriate authority.

**Huron, S. Dak.**
Within a 20-mile radius of the Huron VOR extending clockwise from 283° to the 333° radials of the VOR and within a 15-mile radius of the Huron VOR extending clockwise from the 333° to the 283° radials of the VOR.

**Hutchinson, Kans.**
Within a 25-mile radius of Lat. 38°00'53" N, Long. 97°51'40" W.

Indianapolis, Ind.
Within a 15-mile radius of the Indianapolis VORTAC; within 5 miles either side of the Weir Cook Municipal Airport, Indianapolis, Ind., ILS localizer SW course extending from the 15-mile radius area to 20 miles SW of the ILS OM, and including that airspace bounded by a line beginning at the INT of the N boundary of V-14 alternate and the Indianapolis 15-mile radius area, extending W and SW along the N and NW boundary of V-14 to the E boundary of V-7, thence N along the E boundary of V-7 to a 25-mile radius arc centered at the Purdue University Airport, Lafayette, Ind. (Lat. 40°24'45" N, Long. 86°55'57" W), thence counterclockwise along this 25-mile radius arc to Lat. 40°23'30" N, Long. 86° 27'30" W; thence counterclockwise along a 25-mile radius arc centered on Bunker Hill AFB, Peru, Ind. (Lat. 40°39'38" N, Long. 86°08'31" W), to the NW boundary of V-11 W alternate, thence SW along the NW boundary of V-11 to the Indianapolis 15-mile radius control area extension.

AMENDMENTS 7/23/64 29 F.R. 6246 (Changed)

Jacksonville, Fla.
Within 5 miles either side of the Jacksonville VORTAC 064° radial , extending from the VORTAC to 20 miles NE, and the airspace SW of Jacksonville, bounded on the N by V-22, on the E by V-267, on the S by Lat. 29°00'00" N, on the SW by V-159 and on the W by V-157; and that airspace NE of Jacksonville bounded on the N by latitude 31°30'00" N., on the E by the Savannah, Ga., VORTAC 175° radial and a line 4 nmi E of and parallel to the Savannah 180° radial. on the SE by a line 4 nmi SE of and parallel to the Jacksonville 027° radial and on the W by a line 3 nmi E of and parallel to the United States coast line; the airspace SE of Jacksonville bounded on the NE by a line 4 nmi NE of and parallel to the Jacksonville VORTAC 144° radial. on the E by a line 4 nmi E of and parallel to the Daytona Beach. Fla., VOR 360° radial, and on the SW by a line 3 nmi E of and parallel to the United States coast line."

AMENDMENTS 9/17/64 29 F.R. 11113 (Changed)

Jamestown, N. Dak.
Within a 15-mile radius of the Jamestown VOR and the airspace within 5 miles either side of the Jamestown VOR 191° radial extending from the VOR to 25 miles S.

Keene, N. H.
Within 8 miles W and 5 miles E of the Keene VOR 188° radial extending from the VOR to 17 miles S; within 8 miles W and 5 miles E of the 186° bearing from the Keene RBN extending from the RBN to 17 miles S; within 11 miles NW and 7 miles SE of the Keene VOR 246° radial extending from the VOR to 27 miles SW, and within 10 miles W and 7 miles E of the Keene VOR 019° radial extending from the VOR to. 20 miles N.

Kenai, Alaska
Within a 42-mile radius of the Kenai VOR, excluding that portion which coincides with the Anchorage, Alaska, control area extension.

Key West, Fla.
Within 5 miles each side of the Key West VOR 313° radial, extending from the VOR to W-174 and within 5 miles each side of the 269° bearing from the Key West RBN, extending from the RBN to W-174.

Kinston, N. C.
Within 9 miles NW and 5 miles SE of the Kingston VOR 047° radial extending from the VOR to 18 miles NE, excluding the portion which coincides with R-5307.

Klamath Falls, Oreg.
Within a 40-mile radius of the Klamath Falls VORTAC.

Kodiak, Alaska
Within 15 miles NW and 23 miles SE of the 045° and 225° bearings from the Kodiak RR extending from 25 miles NE to 40 miles SW of the RR, and within 5 miles either side of the Kodiak RR S course extending from the RR to 20 miles S.

Kotzebue, Alaska
Within 10 miles NW and 9 miles SE of the 048° and 228° bearings from the Kotzebue RBN, extending from 10 miles SW to 25 miles NE of the RBN.

Kwajalein Island
That airspace extending upward from 700 feet above the surface within a 100-nmi radius of the Kwajalein RBN (Lat. 08°45'00" N, Long. 167° 45'00" E), extending clockwise from the 270° to the 180° bearings from the RBN, and within a 25-nmi radius of the Kwajalein RBN, extending clockwise from the 180° to the 270° bearings from the RBN.



La Crosse, Wis.
Within a 25-mile radius of the La Crosse Airport (latitude 43°52'40" N., longitude 91°15'20" W.), extending clockwise from V-2 SE of La Crosse to V-82 W of La Crosse, and within a 15-mile radius of the La Crosse VOR.

AMENDMENTS Eff. Publ. 7/6/64 29 F.R. 11334 (Rewritten)

Lafayette, Ind.
Within a 25-mile radius of the Purdue University Airport, Lafayette, Ind., (Lat. 40°24'45" N, Long. 86° 55'57" W)

Lafayette, La.
That airspace bounded on the NE by V-114, on the S by V-20, on the SW by V-20 N and on the NW by V-222.

Lake Charles, La.
Within a 40-mile radius of the Lake Charles VOR, including the airpsace NW of Lake Charles bounded by a line beginning on the 40-mile radius arc at Lat. 30°24'00" N, Long. 93°42'00" W, extending to Lat. 31°08'00" N, Long. 94°02'00" W, thence to Lat. 31°23'00" N, Long. 93°28'00" W, thence to the 40-mile radius arc at Lat. 30°43'00" N, Long. 93°04'00" W.

Laredo, Tex.
That airspace over United States territory within a 35-mile radius of the Laredo AFB, RBN.

Las Vegas, Nev. (A)
That airspace bounded on the N by Lat. 36°16'00" N, on the W by a line extending from Lat. 36°16'00° N, Long. 116°20'00" W to Lat. 36°04'00" N, Long. 116°20'00" W, thence SE to Lat. 35°45'00" N, Long. 116°00'00" W, thence SW to Lat. 35°19'35" N, Long. 116°15'00" W, on the SW by V-8 N and on the E by

Las Vegas, Nev. (B)
That airspace NW of Las Vegas bounded by a line from Lat. 36°41'00" N, Long. 115°33'00" W, to Lat. 36°17'05" N, Long. 115°01'40" W, to Lat. 36°08'00" N, Long. 115°13'25" W, to Lat. 36°04'50" N, Long. 115°17'20" W, to Lat. 36°28'30" N, Long. 115°47'50" W clockwise along the arc of a 10-mile radius circle centered at Lat. 36°34'47" N, Long. 115°40'36" W, to the point of beginning. The portion of this control area extension which coincides with R-4806 shall be used only after obtaining prior approval from appropriate authority.

Lebanon, N. H.
Within 8 miles SE and 5 miles NW of the Lebanon VOR 050° radial extending from the VOR to 17 miles NE, and within 10 miles either side of the Lebanon VOR 135° and 316° radials extending from 20 miles SE to 20 miles NW of the VOR, excluding the portion which coincides with the Rutland, Vt., control area extension.

Lexington, Ky.
Within a 40-mile radius of the Lexington VORTAC; excluding the portion N of a line 12 miles N of and parallel to the Lexington VORTAC 060° radial and E of V-97 E; that airspace E of Lexington extending from the 40-mile radius area bounded on the N by V-4, on the SE by a line 8 miles SE and parallel to the Newcombe, Ky., VOR 221° radial, and on the S by a line 8 miles S of and parallel to the Lexington VORTAC 081° radial; that airspace SE of Lexington within 12 miles NE and 8 miles SW of the Lexington VORTAC 129° radial extending from the 40-mile radius area to 52 miles SE of the VORTAC, and that airspace NE of Lexington extending from the 40-mile radius area bounded on the NW by a line 12 miles N of and parallel to the Lexington VORTAC 060° radial, on the NE by V-478, and on the S by V-493.

AMENDMENTS 7/23/64 29 F. R. 7238 (Changed)

Limestone, Maine
Within a 40-mile radius of Loring AFB, Limestone, Maine, (Lat. 46°57'05" N, Long. 67°53'10" W), excluding the portion outside of the United States; the airspace S of Presque Isle, Maine, bounded on the N by the Loring AFB 40-mile radius area, on the E by the United States/Canadian border, on the SE by V-471 N of the Millinocket, Maine, VOR and V-39 S of the Millinocket VOR, and on the W by a line extending from the INT of the N boundary of V-39 and Long. 69°04'00" W, to Lat. 45°53'00" N, Long. 69° 04'00" W, to Lat. 45°53'00" N, Long. 68°30'00" W, thence via Long. 68°30'00" W to the 40-mile radius area.

Little Rock, Ark.
Within a 50-mile radius of the Little Rock RBN; that airspace SW of Little Rock extending from the 50-mile radius area bounded on the NW by V-54 and on the SE by V-16; that airspace S of Pine Bluff, Ark., within 10 miles E and 7 miles W of the 177° bearing from latitude 34°10'30" N., longitude 91°56'15" W., extending from the 50-mile radius area to 20 miles S of latitude 34°10'30" N., longitude 91°56'15" W.; that airspace W of Hot Springs, Ark., within 7 miles NW and 10 miles SE of the Hot Springs VOR 076°and 256° radials, extending from the 50-mile radius area to 20 miles SW of the VOR, and that airspace N of Little Rock within 11 miles W and 7 miles E of the Little Rock AFB TACAN 341° radial, extending from the 50-mile radius area to 44 miles NW of the TACAN.

AMENDMENTS 6/25/64 29 F.R. 7818 (Rewritten)

Lometa, Tex.
Within 6 miles N and 10 miles S of the Lometa VORTAC 276° radial extending from the VORTAC to 30 miles W.

Lompoc, Calif.
Within a 35-mile radius of Vandenberg AFB (Lat. 34°43'45" N, Long. 120°34'15" W), excluding that portion within R-2516, R-2517 and that portion outside the United States.

Los Angeles, Calif.
That airspace bounded by lines beginning at Lat. 34°01'00" N, Long. 119°04'45" W, thence SE and E along the W and S boundaries of V-25 to the United States coastline, thence along the United States coastline, to Lat. 33°10'00" N, Long. 117°45'00" W, thence to Lat. 33° 12'30" N, Long. 117°47'00" W, thence to Lat. 33°18'00" N, Long. 118°28'00" W, thence to Lat. 33°24' 35" N, Long. 118°37'00" W, thence to Lat. 33°28'30" N, Long. 118°37'00" W, thence to Lat. 33°28'30" N, Long. 118°40'00" W, thence to Lat. 33°27'20" N, Long. 118°41'25" W, thence to Lat. 33°28'30" N, Long. 118°43'30" W, thence to Lat. 33°28'30" N, Long. 119°07'00" W, thence to Lat. 33°52'03" N, Long. 119° 06'59" W, thence to the point of beginning.

Louisville, Ky.
Within a 35-mile radius of Standiford Field, Louisville, Ky. (Lat. 38°10'33" N, Long. 85°44'12" W); that airspace extending from the 35-mile radius area bounded on the N by Lat. 38°49'00" N, on the E by Long. 85°19'00" W, on the S by Lat. 38°22'00" N, on the W by Long. 86°42'00" W, and on the NW by a line extending from Lat. 38°38'00" N, Long. 86°42'00" W, to Lat. 38°49'00" N, Long. 86°00'00" W; that airspace extending from the 35-mile radius area bounded on the N by V-44, on the E by V-97 W, on the SE by V-502, and on the NW by V-5; that airspace extending from the 35-mile radius area bounded on the E by the arc of a 40-mile radius circle centered on the Lexington, Ky., VORTAC, and on the SE by V-178, and that airspace extending from the 35-mile radius area bounded on the E by a line 10 miles E of and parallel to the New Hope, Ky., VOR 163° and 343° radials, on the S by a line 20 miles S of and parallel to the New Hope VOR 070° radial, and on the W by V-51.

Lubbock, Tex.
Within a 25-mile radius of the Lubbock RR in the SW, NW and NE quadrants of the RR and within a 40-mile radius of the RR in the SE quadrant of the RR; within 12 miles N and 8 miles S of the Lubbock VORTAC 277° radial extending from the Lubbock VORTAC to 48 miles W; within 12 miles NW and 8 miles SE of the Lubbock VORTAC 261° radial extending from the Lubbock VORTAC to 52 miles SW and within 12 miles E and and 12 miles W of the Lubbock VORTAC 008° radial extending from the Lubbock VORTAC to 51 miles N.

Lynchburg, Va.
Within a 20-mile radius of the Lynchburg VORTAC; that airspace NE of Lynchburg extending from the 20-mile radius area bounded on the NW by V-16, on the NE by V-155, on the SE by V-20 N alternate. and on the S by Lat. 37°10'00" N, and that airspace NW of Lynchburg extending from the 20-mile radius area bounded on the S by V-260 and on the NW by V-16.

Mansfield. Ohio
Within a 15-mile radius of the Mansfield VORTAC; within 5 miles either side of the Mansfield VORTAC 130° radial, extending from the VORTAC to 25 miles SE and including that airspace S and W of the Mansfield VORTAC bounded on the E by V 133, on the S by V-210, on the W by V-47 and on the N by V-8.

Marianna, Fla.
Within 5 miles either side of the Marianna VOR 130° radial extending from the VOR to 20 miles SE.

Marquette, Mich.
Within a 40-mile radius of K. I. Sawyer AFB, Marquette, Mich., (Lat. 46°20'54" N, Long. 87°24'05" W), excluding the airspace within the 40-mile radius bounded on the W by Long. 87°20'30" W, and on the N by Lat. 46°03'00" N. The portion of this control area extension within R-4208 shall be used only after obtaining prior approval from appropriate authority.

3/5/64 29 F. R. 4 (Changed);

Marysville, Calif.
That airspace N of Marysville bounded on the S by V-200, on the W by V-23, on the N by the Red Bluff, Calif., transition area and on the E by a line extending from Lat. 39° 15' 00" N., Long. 121° 30' 00" W., to Lat. 39° 50' 00" N., Long. 121° 43' 00" W., through Lat. 40° 05' 20" N., Long. 121° 53' 00" W.

AMENDMENTS 2/6/64 29 F. R. 282 (Changed);

Mason City, Iowa
Within a 15-mile radius of the Mason City VORTAC, including the airspace S of Mason City within 10 miles E and 7 miles W of the Mason City VORTAC 182° radial extending from the Mason City 15-mile radius area to 26 miles S of the VORTAC.



Memphis, Tenn.
That airspace within the arc of a 50-mile radius circle centered at the Memphis RBN extending clockwise from the 066° to the 002° bearing from the Memphis RBN; within the arc of a 45-mile radius circle centered at Lat. 35°21'44" N, Long. 89°47'36" W, bounded on the W and NW by V-11 and on the SE by V-16; the airspace N of Memphis bounded on the N by V-140, on the SE by V-11, and on the W W by the Blytheville, Ark., VOR 186° and 006° radials; the airspace SE of Memphis extending from the 50-mile radius area bounded on the E by Long. 89°22'00" W, on the S by Lat. 34°08'00" N, and on the W by V-9 E alternate; the airspace SW of Memphis extending from the 50-mile radius area bounded on the SE by V-16, on the W by V-69, and on the N by V-54, and the airspace NW of Memphis bounded on the E by V-9, on the S by V-54 N alternate, on the W by V-69 and on the N by V-140.

Merced, Calif.
That airspace bounded on the E by V-23, on the S by V-230, on the W by V-113 and on the N by the Stockton, Calif., control area extension.

Meridian, Miss.
Within 5 miles either side of the Meridan ILS localizer S course extending from the localizer to 30 miles S and within 5 miles either side of the Meridian VORTAC 314° radial extending from the VORTAC to 20 miles NW.

Miami. Fla.
That airspace bounded on the W by the Fort Myers, Fla., control area extension and a line 4 nmi SE of and parallel to the Fort Myers VOR 241° radial, on the NW by V-225, on the E by V-3, on the S by V-51, and on the SW by a line extending from the N boundary of V-51 at longitude 80°48'30" W., to the E boundary of the Fort Myers. Fla.. control area extension at latitude 26°05'45" N.

AMENDMENTS 9/17/64 29 F.R. 11113 (Rewritten)

Middleton Island, Alaska
Within 8 miles either side of the Middleton Island VOR 037° and 217° radials extending from 29 miles NE to 8 miles SW of the VOR.

Milton, Fla.
That airspace bounded by a line extending from Lat. 30°44'20" N, Long. 87°37'00" W, thence N to Lat. 30°58'45" N, Long. 87°36'00" W, thence NE along the arc of a 34.5 mile radius circle centered on the Whiting, Fla., RR to Lat. 31°15'40" N, Long. 87°10'30" W, thence SE to Lat. 30°54'00" N, Long. 86°56' 30" W, thence E to Lat. 30°54'00" N, Long. 86°52'30" W, thence to Lat. 30°46'00" N, Long. 86°52'30" W, thence SW to Lat. 30°39'00" N, Long. 87°03'25" W, thence W to point of beginning.

Milwaukee, Wis.
Within a 20-mile radius of General Mitchell Field, Milwaukee (Lat. 42°56'51" N, Long. 87°53' 58" W), the airspace bounded on the E by Long. 87°00'00" W, on the S by V-84 E of Northbrook, Ill., VORTAC and V-100 W of Northbrook VORTAC, on the W by V-9, and on the N by a line 7 miles N of and parallel to the Milwaukee VORTAC 087° radial; within 11 miles W and 7 miles E of the Milwaukee ILS localizer N course extending from the Milwaukee 20-mile radius area to 40 miles N of the localizer, and within 12 miles W and 5 miles E of the Milwaukee VORTAC 198° radial extending from 22 miles N to 10 miles S of the INT of the Janesville, Wis., VOR 111° and the Milwaukee VORTAC 198° radials.
The portion of this control area extension within R-6903 shall be used only after obtaining prior approval from appropriate authority.

Minchumina, Alaska
Within 6 miles SW and 8 miles NE of the 332° bearing from the Minchumina RR extending from the RR to 7 miles NW, including the airspace SE of R-39 within a 25-mile radius of the Minchumina RR.

Minneapolis, Minn.
Within a 30-mile radius of the Minneapolis-St. Paul International Airport (Lat. 44°53'05" N, longitude 93°13'15" W.) within a 15-mile
radius of the Minneapolis VORTAC; the airspace N of Minneapolis bounded on the NW by V-13 W alternate, on the E by V-13, and on the SW by V-2; the airspace NE and E of Minneapolis within 12 miles N and 8 miles S of the Minneapolis VORTAC 100° radial extending from the Minneapolis 30-mile radius area to 55 miles E of the VORTAC, and the airspace W of Minneapolis within 11 miles NE and 7 miles SW of the Farmington, Minn., VOR 207° radial extending from the Minneapolis 30-mile radius area to 45 miles NW of the VOR.

**Minot, N. Dak.**
Within a 35-mile radius of Minot AFB (Lat. 48°25'18" N, Long. 101°22'08" W); within a 35-mile radius of the Minot VOR extending clockwise from the 091° radial to the 147° radial of the VOR, including the airspace S of Minot within 8 miles W and 6 miles E of the Bismarck, N. Dak., VOR 333° radial extending from 58 miles NW of the Bismarck VOR to the Minot 35-mile radius area. The portion of this control area extension which coincides with R-5403 shall be used only after obtaining prior approval from the appropriate authority.

PENDING AMENDMENT
In the Minot, N. Dak., control area extension "VOR, including the airpsace S of Minot within 8 miles W and 6 miles E of the Bismarck, N. Dak., VOR 333° radial extending from 58 miles NW of the Bismarck VOR to the Minot 35-mile radius area." is deleted and "VOR." is substituted therefor.
AMENDMENTS 1/7/65 29 F. R. 15074 (Changed)

**Mobile, Ala.**
Within a 25-mile radius of Brookley AFB, Mobile, excluding the portion E of a line extending from Lat. 30°21'45" N, Long. 87°47'15" W, thence NW to Lat. 30°31'00" N, Long. 87°55'00" W, thence along the E shore of Mobile Bay to Lat. 30°41'30" N, Long. 87°59'30" W, NE to Lat. 30°50'00" N, Long. 87° 48'00" W, thence NE to Lat. 30°52'30" N, Long. 87°45'45" W; including the airspace S of Mobile bounded on the W by Long. 88°30'00" W, on the NW by V-22, on the N by the Mobile 25-mile radius area, on the E by a line extending from Lat. 30°21'45" N, Long. 87°47'15" W, to Lat. 30°15'00" N, Long. 87°41'00"W, and on the S by R-2908 and a line extending from Lat. 30°13'30" N, Long. 88°01'30" W, to Lat. 30°09' 00" N, Long. 88°30'00" W.

**Moline, Ill.**
Within a 15-mile radius of the Cordova. ILL.. VOR: that airspace bounded on the E by Long. 90°00'00"W. on the S by V-10, on the SW by a line 5 miles E of and parallel to the Burlington, Iowa, VOR 005° radial, and a line 12 miles SW of and parallel to V-38, on the W by Long. 91°31'00" W, and on the NW by V-8; within 5 miles either side of a direct line extending from the Polo, Ill., VORTAC to the INT of the Quad City, Ill., ILS localizer E course and the 318° radial of the Bradford, Ill., VOR.

AMENDMENTS 4/30/64 29 F.R. 3000 (Changed); 7/23/64 29 F.R. 6436 (Changed)

**Monroe, La.**
Within 5 miles either side of the Monroe VORTAC 041° and 221° radials extending from 20 miles NE to 20 miles SW of the VORTAC.

PENDING AMENDMENT
The Monroe, La., control area extension is revoked. 1/7/65 29 F. R. 14523, (Revoked)

**Montague, Calif.**
Within 5 miles either side of 179° bearing from the Montague RBN extending from the RBN to 10 miles S.

**Monterey, Calif.**
That airspace E and SE of Monterey bounded on the N by V-230, on the E by a line extending from the INT of the S edge of V-230 and the W edge of V-111 to latitude 36°11'00" N., longitude 121°26'00" W., to latitude 35°50'30" N., longitude 121°15'15" W., thence through latitude 35°40'00" N., longitude 121°11'30" W., to V-27, and on the SW and W by V-27 and W of Monterey bounded on the E by V-27, on the north by Control 1173, and on the W and S by a line extending from Control 1173 through latitude 37°00'00" N., longitude 122°36'30" W., to latitude 36°33'00" N., longitude 122° 17'00" W., thence through latitude 36°30'00" N., longitude 122°04'00" W. to V-27; and S of Monterey bounded on the E by V-27, and on the NW, W and S by a line extending from V-27 along longitude 121°57'30" W., to latitude 36°18'00" N., thence to latitude 35°58'00" N., longitude 121°50'15" W., to latitude 35°45'00" N., longitude 121°40'15" W., to latitude 35°29'00" N., longitude 121°21'00" W., thence along latitude 35°29'00" N., to V-27. The airspace within R-2511, R-2513 and R-2529 shall be used only after obtaining prior approval from appropriate authority.

**Montgomery, Ala.**
That airspace bounded on the N by Lat. 32°52'00" N, on the E by Long. 86°00'00" W, on the S by Lat. 31°45'00" N and on the W by Long. 87°30'00" W.

**Mountain Home, Idaho**
Within 5 miles either side of the Mountain Home VOR 178° and 208° radials extending from the VOR to 61 miles S and SW, and that airspace S, SE and W of Mountain Home bounded by a line beginning at the INT of the SW boundary of V-253 and a line 5 miles S of and parallel to the Twin Falls, Idaho, VOR 269° radial, thence W along this line to its INT with a line 5 miles NW of and parallel to the Mountain Home VOR 208° radial, thence NE along this line to its INT with the arc of a 35-mile radius circle centered on Mountain Home AFB (Lat. 43° 02' 30" N, Long. 115° 51' 50" W), thence clockwise along this arc to its INT with the SW boundary of V-253, thence SE along this boundary of the point of beginning.



**Muncie, Ind.**
That airspace bounded on the NW by V-14, on the E by V-55 and on the S by V-210.

**Muscle Shoals, Ala.**
Within 8 miles E and 12 miles W of the Muscle Shoals VOR 002° radial extending from 7 miles N to 39 miles N of the VOR, and within 5 miles either side of the Muscle Shoals VOR 112° and 292° radials extending from the VOR to 20 miles SE and NW.

PENDING AMENDMENT
The Muscle Shoals, Ala. control area extension is revoked. 1/7/65 29 F. R. 15074 (Revoked).

**Myrtle Beach, S. C.**
Within a 25-mile radius of the Myrtle Beach, AFB (Lat. 33° 40' 45" N, Long. 78° 55' 45" W) bounded on the SE by W-177; including the airspace W and N of Myrtle Beach extending from the 25-mile radius area bounded on the N by a line 5 miles N of and parallel to the Florence, S. C., VOR 096° radial, on the SE by V-1, and on the W by V-437, and that airspace lying within the United States NE of Myrtle Beach within 5 miles NW and 12 miles SE of the Myrtle Beach VOR 053° radial extending from the 25-mile radius area to 40 miles NE of the VOR.

**Nashville, Tenn.**
Within a 50-mile radius of the Nashville RBN, and within 5 miles either side of the Nashville ILS localizer S course extending from the 50-mile radius area to V-7 E, excluding the portion W of a direct line extending from the Graham, Tenn., VOR to the Bowling Green, Ky., VORTAC.

**Newberg, Oreg.**
Within 5 miles either side of the Newberg, VORTAC 070° radial extending from the VORTAC to its INT, with the Portland, Oreg., VORTAC 096° radial.

**Newburgh, N. Y.**
That airspace north of Stewart AFB bounded on the N by V-270, on the E by a line from V-270 at Long. 73°54'00" W, to point of INT with the New York, N. Y., control area extension at Long 73°54'00" W, and on the S and W by the New York control area extension.

AMENDMENTS 9/17/64 29 F.R. 11114 (Changed)

**New Iberia, La.**
Within a 35-mile radius of the New Iberia NAAS, (lat.30°02'15" N., Long. 91°53'02" W), S of V-20.

AMENDMENTS 3/4/64 29 F.R. 3225 (Changed)

**New Orleans, La.**
That airspace NE of New Orleans bounded by a line beginning at the New Orleans VORTAC 357° radial at Lat. 31°00'00" N, thence E along Lat. 31°00'00" N, to Long. 89°00'00" W, thence N along Long. 89°00'00" W, to Lat. 31°15'00" N, thence E along Lat. 31°15'00" N, to Long. 88°00'00" W, thence S along Long. 88°00'00" W, to the arc of a 25-mile radius circle centered on the Brookly AFB (Lat. 30°37'40" N, Long. 88°04'15" W), Mobile, Ala., thence counterclockwise via the Brookly 25-mile radius circle to the N boundary of V-20, thence along V-20 to the arc of a 25-mile radius circle centered on the Keesler AFB RBN (Lat. 30°27'07" N, Long. 88°53' 26" W), Biloxi, Miss., thence counterclockwise via the Keesler 25-mile radius circle to a line 12 miles S of and parallel to the New Orleans VORTAC 070° radial, thence W along this line to the New Orleans VORTAC 117° radial, thence N via the New Orleans VORTAC 177° and 357° radials to the point of beginning; including the airspace within the United States SW, S and SE of New Orleans bounded by a line beginning at a point on the S boundary of V-20 at longitude 91°05'00" W, thence E along V-20 to the S boundary of V-240, thence E along V-240 to 3 nmi E of the shoreline at longitude 89°07'00" W, thence clockwise along a line 3-nmi offshore to longitude 90°15'00" W, thence N to latitude 29°15'00" N, longitude 90°15'00" W, thence W to latitude 29°15'00" N, longitude 91°05'00" W, thence N to the point of beginning; including the airspace NW of New Orleans within a 35-mile radius of the New Orleans VORTAC extending clockwise from the N boundary of V-20 to the W boundary of V-9, excluding the airspace between V-20 and V-20 N, bounded on the SW by the N shoreline of Lake Pontchartrain and on the E by longitude 89°18'30" W

AMENDMENTS 7/23/64 29 F. R. 7017 (Changed)

**Newport, Vt.**
That airspace over the United States within 5 miles either side of the 032° bearing from the Newport Vt RBN extending from the RBN to 10 miles NE.

New York, N. Y.
That airspace within a 163-mile radius of the Kennedy VORTAC extending clockwise from the VORTAC 190° radial to the VORTAC 220° radial, thence within a 125-mile radius of the Kennedy VORTAC extending clockwise from the VORTAC 220° radial to the VORTAC 328° radial, thence within an 80-mile radius of the Kennedy VORTAC extending clockwise from the VORTAC 328° radial to the VORTAC 190° radial. The portions of this control area extension which lie within R-5001, R-5002, R-5003, R-5205, and R-5206 shall be used only after obtaining prior approval from appropriate authority. The portion of this control area extension within R-2801 is excluded. The portions of this control area within control 1147, control 1148 and the Dover control area extension are excluded; the portions within W-105 and W-108 are excluded; the portions within W-106 and W-107 E of V-139 are excluded; the portion within W-106 W of the E boundary of V-139 is excluded below 3,000 feet MSL; the portion within W-107 W of the E boundary of V-139 is excluded below 2,000 feet MSL; the portions bounded on the NE by W-106 and on the SW by W-107 lying seaward of a line between points at Lat. 40°07'20" N. Long. 73°15'00" W, and Lat. 40°00'00" N, Long. 73°36'30" W, and the portions bounded on the NE by W-107 and on the southwest by W-108 lying seaward of a line between Lat. 39°09'00" N, Long. 74°37'00" W, and Lat. 38° 45'00" N, Long. 74°31'00" W are excluded.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed);

Nome, Alaska
Within a 30-mile radius of the Nome RR.

Norfolk, Va.
Within a 55-mile radius of Lat. 36°57'44" N, Long. 76°24'44" W, including the airspace extending from the 55-mile radius area bounded on the S by V-266, and on the NW by a line 8 miles W of and parallel to the Hopewell, Va., VORTAC 199° radial, but excluding the portion below 2,000 feet MSL which lies beyond the shoreline, and the portions which coincide with R-4006, R-5309, R-6606, R-6609 and W-386. The portion which coincides with R-6610 shall be used only after obtaining prior approval from appropriate authority.

North Bend, Oreg.
Within 5 miles either side of the North Bend VOR 090° and 270° radials extending from 20 miles E to 20 miles W of the VOR.

North Platte, Nebr.
That airspace within a 25-mile radius of the North Platte VORTAC bounded on the S by V-6; including the airspace NE of North Platte within 11 miles NW and 7 miles SE of the North Platte VORTAC 046° radial extending from the 25-mile radius area to 42 miles NE of the VORTAC; that airspace S and SW of North Platte bounded on the E by a line 7 miles E of and parallel to the North Platte VORTAC 179° radial, on the S and SW by V-8, on the NW by V-80, and on the N by V-6, and that airspace S of North Platte bounded on the N by V-8, on the E by a line 7 miles E of and parallel to the North Platte VORTAC 179° radial, on the S by Lat. 40°20'00" N, and on the W by Long. 101°05'00" W.

Ogden, Utah
That airspace NE of Ogden bounded on the N by V-288, on the S by V-6, and on the W by V-257.

Oklahoma City, Okla.
Within a 25-mile radius of Lat. 35°24'08" N, Long. 97°38'36" W; that airspace N of Oklahoma City bounded on the SW by V-17, on the N by V-140, and on the E by V-77; that airspace NE of Oklahoma City bounded on the W by V-77, on the NE by V-74 S alternate and on the S by V-14 N alternate.

Olathe, Kans.
That airspace bounded on the N by a line beginning at the INT of the Emporia, Kans., VORTAC 346° and the St. Joseph, Mo., VORTAC 258° radials; thence easterly along the St. Joseph VORTAC 258° radial to V-205, thence southeasterly along V-205 to latitude 38°12'00" N., thence W along latitude 38°12'00" N., to longitude 95°15'00" W., thence southerly to latitude 37°39'45" N., longitude 95°22'00" W., thence westerly along V-132 to a line 10 miles SE of and parallel to the Emporia VORTAC 209° and 029° radials, thence northeasterly along this line to a line 10 miles N. of and parallel to the Emporia VORTAC 079° and 259° radials, thence along this line to the Emporia VORTAC 346° radial, thence northwesterly along this radial to the point of beginning.

Omaha, Nebr.
Within a 25-mile radius of the Omaha RBN; that airspace NE of Omaha bounded on the N by V-172, on the E by Long. 95°00'00" W, on the S by V-6, and on the W by the Omaha 25-mile radius area; that airspace S and SW of Omaha bounded on the E by V-15, on the S by Lat. 40°00'00" N, on the W by Long. 98°00'00" W, and on the N by V-6; and that airspace W of Omaha bounded on the S by V-6, on the W by Long. 97°00'00" W, on the N by V-172 and on the E by the Omaha 25-mile radius area.



Orlando, Fla.
That airspace NW of Orlando, bounded on the NW by V-97 E alternate, on the E by V-35 W and on the SW by V-97, excluding the portion below 2,000 feet MSL outside the United States; that airspace bounded on the N by latitude 29°00'00" N., on the E by V-267 N of the Orlando, Fla., VOR and V-159 E alternate S of the Orlando VOR, on the S by latitude 27°45'00" N., and on the W by the arc of a 50-mile radius circle centered at latitude 27°53'18"N., longitude 82°29'29" W., and V-97; and that airspace W of Vero Beach, Fla., bounded on the N by latitude 27°45'00" N., on the NE by V-295, on the SE by V-225, and on the W by V-267. The portion within R-2910 and R-2901A shall be used only after obtaining prior approval from the appropriate authority.

Oscoda, Mich.
Within a 30-mile radius of Wurtsmith AFB, Oscoda, Mich.; within 5 miles either side of the Wurtsmith AFB TACAN 234° radial extending from the TACAN to 46 miles SW; and the airspace centered on the 266° radial of the Wurtsmith VOR extending from 5 miles W of the AFB to 32 miles W of the AFB and having a width of 1 mile on the N side and 2.3 miles on the S side of the 266° radial at a point 5 miles W of the AFB and expanding to a width to 4.6 miles at 32 miles W of the AFB. Excluding the portions of this control area extension within R-4207. The portions of this control area extension within R-4204 shall be used only after obtaining prior approval from the appropriate authority.

Owensboro, Ky.
That airspace bounded on the N by V-4, on the SW by V-7 and on the SE by a line extending through points at Lat. 38°04'20" N, Long. 86°41'20" W, and Lat. 37°22'00" N, Long. 87°09'40" W.

Oxnard, Calif.
That airspace bounded on the N by V-27, on the E by Long. 119°12'30" N, on the S by W-289, and on the W by Long. 120°00'00" W. The portion of this control area extension that coincides with the W-412 is excluded.

Paducah, Ky.
Within 10 miles SE and 7 miles NW of the 040° and 220° bearings from Barkley Field, Paducah, Ky., (Lat. 37°03'40" N, Long. 88°46'20" W), extending from the 9 miles NE to 20 miles SW of the airport.

Pensacola, Fla.
Within a 25-mile radius of NAAS Saufley Field, Pensacola, Fla.; the airspace SW of Pensacola within the arc of a 38-mile radius circle centered at NAAS Saufley bounded on the W by a line extending through Lat. 30°06'00" N, Long. 87°49'00" W, and Lat. 30°15'00" N, Long. 87°41'00" W, on the E by a line extending through Lat. 29°55'00" N, Long. 87°20'00" W, and Lat. 30°19'00" N, Long. 87°13'00" W and on the NE by the 25-mile radius area; and within 8 miles E and 5 miles W of the 345° and 165° bearings from the Pensacola RBN extending from 25 miles N to 12 miles S of the RBN, excluding the portion of this control area extension within R-2909 and W-155.

Peotone, Ill.
That airspace SE of Peotone, bounded on the E by V-7, on the SW by V-491, on the W by V-53, and on the N by V-38.

Peru, Ind.
Within a 25-mile radius of the Bunker Hill AFB, Peru, Ind. (Lat. 40°39'38" N, Long. 86°08'31" W), excluding the portion which coincides with the Lafayette, Ind., and the Fort Wayne, Ind., control area extensions; including the airspace NW of Peru bounded on the S by the Lafayette control area extension, on the W by V-7, on the N by V-38 and on the E by the Fort Wayne control area extension.

Philipsburg, Pa.
Within a 15-mile radius of the Philipsburg VORTAC; the airspace E of Philipsburg bounded on the NW by V-58, on the NE by V-170 and on the S by V-30, and the airspace SE of Philipsburg bounded on the N by V-30, on the SE by V-106 and on the SW by-33.

Phoenix, Ariz.
That airspace NE of Phoenix, bounded on the NE by an arc of a 50-mile radius circle centered on the Phoenix VORTAC extending clockwise from V-95 W. to a point 8 miles S of the Phoenix VORTAC 066° radial, on the SE and E by a line 8 miles S of and parallel to the Phoenix VORTAC 066° radial extending from the 50-mile radius arc to Long. 111°27'00" W, thence via Long. 111°27'00" W to the Williams, Ariz., control area extension, on the S by the N boundary of the Williams control area extension, and on the W by V-16 and V-95 W.; the airspace SW of Phoenix bounded on the N and E by V-16, on the S by V-94, and on the W by V-461; and the airspace NW of Phoenix bounded on the N by Lat. 34°00'00" N., on the E by V-95 W., on the S by V-16 and on the W by Long. 112° 50'00" W.

PENDING AMENDMENT
The Phoenix, Ariz. control area extension is revoked. 12/10/64 29 F.R. 14104 (Revoked)

**Pittsburgh, Pa.**
Within a 75-mile radius of the Allegheny VORTAC, excluding the portion which coincides with the Youngstown, Ohio, control area extension; that airspace NE of Carrolltown, Pa., bounded on the NW by a line 14 miles N of and parallel to the Carrolltown VOR 059° radial, on the NE by V-6, on the SE by V-58, and on the W by the 75-mile radius area; that airspace NE of Grantsville, Md., bounded on the N by V-474, on the SE by a line 5 miles S of and parallel to the St. Thomas, Pa., 251° radial; on the SW by V-8, and on the W by the 75-mile radius area; and that airspace E of Grantsville bounded on the NE by V-8, on the S by V-44, on the SW by V-92, and on the NW by the 75-mile radius area centered on the Allegheny VORTAC.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed); 11/12/64 29 F R 13137 (Changed)

**Plattsburgh, N. Y.**
That airspace E of Plattsburgh bounded on the E by V-447 and the Newport, Vt., control area extension on the S by V-151, on the W by V-91, on the N by the United States/Canadian Border; the airspace S of Plattsburgh bounded on the NE and E by V-91, on the S by Lat. 44°00'00" N, and on the W by V-489, and the airspace W and SW of Plattsburgh bounded on the E and NE by V-91 and V-489, on the S by Lat. 44°00'00" N, on the W and NW by V-203 and V-282, and on the N by the United States/Canadian Border. Excluding the portion of this control area extension which coincides with R-6501.

AMENDMENTS 9/17/64 29 F.R. 11114 (Changed)

**Pontiac, Ill.**
Within a 15-mile radius of the Pontiac VOR.

**Portland, Maine.**
That airspace bounded by a line beginning at latitude 43°37'00" N., longitude 71°00'00" W., to latitude 43°45'00" N., longitude 71°09'00" W., to latitude 44°06'00" N., longitude 70°43'00" W., to latitude 43°56'00" N., longitude 70°29'00" W., to latitude 43°52'00" N., longitude 70°29'00" W., thence SE to the NW boundary of Warning Area W-103 via a line 5 miles NE of and parallel to the 132° and 312° bearings from the Portland Municipal Airport (latitude 43°38'50" N., longitude 70°18'28" W.), thence S via the NW boundary of Warning Area W-103 to the N boundary of the Boston, Mass., control area extension, thence W along that boundary to longitude 71°00'00" W., to the point of beginning.

**Portland, Oreg.**
Within a 30-mile radius of the Portland International Airport, (Lat. 45°35'11" N, Long. 122°35'53" W); that airspace extending from the 30-mile radius area bounded on the SE by V-99 and on the NW by a line 10 miles NW of and parallel to the Newberg, Oreg., VORTAC 204° radial, and that airspace extending from the 30-mile radius area bounded on the W by a line extending through Lat. 45°40'00" N, Long. 123°14'00" W, and Lat. 46°15'00" N, Long. 123°23'00" W, on the N by Lat. 46°15'00" N, and on the E by V-99. The portion of this control area extension which coincides with R-5703 shall be used only after obtaining prior approval from appropriate authority.

**Poughkeepsie, N. Y.**
Within a 15-mile radius of the Poughkeepsie VOR.

**Promontory Point, Utah**
That airspace S of Promontory Point bounded on the N by V-6, on the E by V-21, on the S by V-32, and on the W by a line extending from Lat. 40°51'30" N, Long. 112°56'30" W, to Lat. 41°00'00" N, Long. 112° 56'30" W, to Lat. 41°00'00" N, Long. 112°45'00" W, to Lat. 41°10'40" N, Long. 112°45'00" W, to Lat. 41° 12'00" N, Long. 112°52'00" W, thence N via Long. 112°52'00" W, to V-6; that airspace N of Promontory Point bounded on the N by V-288, on the E by V-257 and on the S by V-6.

**Provo, Utah**
That airspace S of Provo bounded on the N by V-200, on the SE by a line extending from V-200 through Lat. 40°04'00" N, Long. 111°29'00" W, and Lat. 40°00'00" N, Long. 111°45'00" W, to V-21, and on the NW by V-21.

**Pueblo, Colo.**
Within a 21-mile radius of the Pueblo VORTAC, excluding the portion N of a line 10 miles N of and parallel to the Pueblo VORTAC 275° and 093° radials and within a 34-mile radius of the Pueblo VORTAC extending clockwise from the 229° radial to the 360° radial of the Pueblo VORTAC, excluding the portion N of a line 10 miles N of and parallel to the Pueblo VORTAC 275° radial.

**Quonset Point, R. I.**
That airspace bounded on the W by V-139, on the N by the Providence, R. I., VOR 102° radial, on the E by the Boston, Mass., control area extension and on the S by the Idlewild, N. Y., control area extension. The portions of this control area extension within R-4104 and R-4105 shall be used only after obtaining prior approval from the appropriate authority.



**Raleigh, N. C.**
Within a 60-mile radius of Lat. 35°30'30" N, Long. 78°32'52" W; and within a 35-mile radius of Grannis Airport, Fayetteville, N. C. (Lat. 34°59'22" N, Long. 78°52'52" W), excluding the portion within R-5311. The portion of this control area extension which coincides with R-5312 shall be used only after obtaining prior approval from the appropriate authority.

**Rapid City, S. Dak.**
Within a 55-nmi radius of Ellsworth AFB, Rapid City, S. Dak. (Lat. 44°08'40" N, Long. 103°06'10" W); the airspace SW of Rapid City within 12 miles SE and 8 miles NW of the Rapid City VORTAC 251° radial extending from the 55-nmi radius area to 73 miles SW of the VORTAC; and the airspace E of Rapid City within 10 miles SE and 7 miles NW of the Philip, S. Dak., VOR 072° and 252° radials extending from 20 miles NE to 9 miles SW of the Philip VOR.

AMENDMENTS On Publ. 11/4/64 29 F. R. 14916 (Changed)

**Redmond, Oreg.**
Within 5 miles either side of the Redmond RR NW and SE courses extending from 17 miles NW to 15 miles SE of the RR, and within 5 miles either side of the Redmond VOR 090° and 270° radials extending from 17 miles W to 8 miles E of the VOR.

**Richmond, Va.**
Within a 25-mile radius of the Richmond RBN; within a 76-mile radius of the Richmond VOR extending from the 25-mile radius area bounded on the E by the Richmond VOR 200° radial, and on the NW by V-20, excluding the portion within a 55-mile radius of Lat. 36°57'44" N, Long. 76°24'44" W, and excluding the portion within R-6602.

**Riverside, Calif.**
That airspace S of March AFB, Riverside, Calif., bounded on the E by V-117, on the S and SE by V-208, on the W by V-23, on the NW by V-8 and on the N by V-16.

**Roanoke, Va.**
That airspace bounded on the NE by V-258, on the SE by V-222, on the SW by V-45, and on the NW by V-16.

**Rochester, Minn.**
Within a 15-mile radius of the Rochester Municipal Airport (Lat. 43°54'33" N, Long. 92°29'42" W); within 6 miles either side of the Rochester VOR 209° radial extending from the 15-mile radius area to 15 miles SW of the VOR; the airspace N and E of Rochester bounded on the W by V-82, on the NW by the arc of a 30-mile radius circle centered on the Minneapolis-St. Paul International Airport (Lat. 44°53'05" W, Long. 93°13'15" W), on the NE by V-2, and on the S by V-82.

**Rocky Mount, N. C.**
Within 5 miles either side of the Rocky Mount VOR 083° radial extending from the VOR to 15 miles E.

**Rome, N. Y.**
Within a 40-mile radius of the Griffiss AFB, Rome, N. Y. (Lat. 43°14'00" N, Long. 75°24'10" W), the airspace S of Utica, N. Y., extending from the 40-mile radius area bounded on the NE by V-2, on the E by Long. 74°24'00" W, on the S by a line 12 miles S of and parallel to the Rockdale, N. Y., VOR 075° radial, and on the SW by a line 5 miles N of and parallel to the De Lancey, N. Y., VOR 289° radial, and on the W by a line 5 miles E of and parallel to the Syracuse VORTAC 151° radial, and the airspace E of Utica extending from the 40-mile radius area bounded on the N by a line 8 miles N of and parallel to the Utica VOR 091° radial, and on the E and S by V-496, excluding the portion which coincides with the Syracuse, N. Y., control area extension. The portion of this control area extension which coincides with R-5204 shall be used only after obtaining prior approval from appropriate authority.

**Rosewood, Ohio**
That airspace W of Rosewood bounded on the NE by V-277, on the SE by V-275, on the S by V-210, and on the W by V-55E.

**Rutland, Vt.**
That airspace N of Rutland, Vt., bounded on the NW by V-91, on the NE by V-141 and on the S by the Lebanon, N. H., VOR 272° radial, and the airspace S of Rutland, bounded on the N by the Lebanon VOR 272° radial, on the E by a line 24 miles E of and parallel to the Cambridge, N. Y., VOR 002° radial, on the S by a line 5 miles N of and parallel to the Glens Falls, N. Y., VORTAC 090° radial and on the W by V-91.



**Sacramento, Calif.**
That airspace bounded on the W by the arc of a 20-mile radius circle centered on the Ukiah, Calif., VOR-



**Seattle, Wash. (A)**
Within a 30-mile radius of the Seattle-Tacoma International Airport (Lat. 47°26'50" N, Long. 122°18'30" W).

Sacramento, Calif.
That airspace bounded on the W by the arc of a 20-mile radius circle centered on the Ukiah, Calif., VORTAC, V-27 and V-137, on the S by V-6, on the E by the arc of a 50-mile radius circle centered on the Mather AFB, Sacramento, Calif. (Lat. 38°33'10" N, Long. 121°18'05" W), extending clockwise from V-200 to V-23 SE of Sacramento, and on the N by V-200; and that airspace NE of Sacramento bounded on the E by Long. 120°10'00" W, on the S by V-200, on the W by Long. 121°20'00" W, and on the N by Lat. 39°30'00" N, excluding the portion which coincides with R-2522.

Salem, Oreg.
Within 5 miles either side of the 150° bearing from the Salem-McNary Airport extending from the airport to 25 miles SE.

Salt Lake City, Utah
That airspace NE, SE, and SW of Salt Lake City bounded by the following VOR Federal airways; beginning at the Salt Lake City VORTAC and extending N along V-21 to the Ogden, Utah, VOR, E along V-6 to the Fort Bridger, Wyo., VOR, SW along V-235 to the INT of V-484, SE along V-484 to Myton, Utah, VOR, W along V-200 to the Provo, Utah. VOR NW along a line parallel to and 5 miles NE of the Provo VOR 315° radial to V-32, thence E along V-32 to the point of beginning.

San Antonio, Tex.
Within a 60-mile radius of the San Antonio RBN; the airspace E of San Antonio bounded on the N by the Austin, Tex., control area extension, on the NE by a line 5 miles SW of and parallel to the Austin, Tex.. VOR 134° and Eagle Lake, Tex., VOR 291° radials and on the S by V-198.

AMENDMENTS 11/12/64 29 F.R. 12585 (Changed):

San Bernardino, Calif.
That airspace NE of San Bernardino bounded on the S by V-16, on the NW by V-8, on the E by Long. 116°35'00" W, extending from the S boundary of V-8 to the Ontario, Calif., VOR 060° radial, thence SW via the Ontario VOR 060° radial to V-137, thence SE via V-137 to V-16.

Sanford, Fla.
That airspace bounded on the N by Lat. 29°00'00" N, on the E by Long. 81°15'00" W, on the S by Lat. 28°30'00" N, on the W by Long. 82°00'00" W.

San Francisco, Calif.
That airspace bounded by a line beginning at Lat. 38°15'00" N, Long. 122°37'00" W, to Lat. 37°43'34" N, Long. 122°13'21" W, to Lat. 37°27'20" N, Long. 121°50'30" W, to Lat. 37°00'55" N, Long. 122°17'15" W, thence N along 3-nmi off-shore to Lat. 37°12'20" N, Long. 122°28'00" W, to Lat. 37°14'00" N, Long. 122°24'55" W, to Lat. 38°08'30" N, Long. 122°54'00" W, thence to the point of beginning.

San Jose, Calif.
That airspace bounded on the NE by V-107, on the SE by V-111, on the S by V-230, on the SW by V-27 and on the NW by the San Francisco, Calif., control area extension.

San Juan, P. R.
Within a 100-nmi radius of the Isla Grande Airport, San Juan, P. R. (Lat. 18°27'30" N, Long. 66°06'00" W). The portions of this control area extension within the geographic limits of, and between the designated altitudes of, all restricted areas are excluded and the portions within the geographic limits of, and between the established altitudes of, all warning areas are excluded.

Santa Barbara, Calif.
Within 5 miles either side of the 270° bearing from the Santa Barbara Municipal Airport, extending from the airport to 28 miles W.

Sault Ste. Marie, Mich.
That airspace over United States territory within a 34-mile radius of Kincheloe AFB, Sault Ste. Marie, Mich. The portion of this control area extension within R-4205 shall be used only after obtaining prior approval from the appropriate authority.



Seattle, Wash. (A)
Within a 30-mile radius of the Seattle-Tacoma International Airport (Lat. 47°26'50" N, Long. 122°18'30" W), including the airspace NW of Seattle bounded on the N and NE by V-4, on the W by Long. 123°15'00" W, and on the S by V-27. The portion of this control area extension within R-6703 and R-6704 shall be used only after obtaining prior approval from appropriate authority.

Seattle, Wash. (B)
That airspace NE of Seattle bounded on the S by V-2N, on the E by Long. 121°35'00" W, on the N by Lat. 48°55'00" N, and on the W by V-23.

Shemya, Alaska
Within a 50-mile radius of the Shemya Airport (Lat. 52°43'10" N, Long. 174°06'05" W), excluding the portion which coincides with R-2204.

Sherman, Tex.
Within a 70-mile radius of Perrin AFB, Sherman, Tex., (Lat. 33°42'48" N, Long. 96°40'29" W), bounded on the S by V-16, and on the W and NW by V-15; the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace NE of Sulphur Springs, Tex., bounded on the N by V-278, on the SE by V-16 N, and on the W by the Perrin 70-mile radius area; including the airspace NE of Sherman bounded on the E by a line 5 miles E of and parallel to a straight line from the Sulphur Springs VOR to the McAlester, Okla., VORTAC, and on the NW by the Tulsa, Okla., control area extension.

Shreveport, La.
That airspace bounded by a line beginning on the S boundary of V-278 at longitude 93°29'30" W., thence SE to the S boundary of V-18 at longitude 92°33'00" W., thence E along the S boundary of V-18 to the INT thereof with a line 5 miles SE of and parallel to the Monroe, La., VORTAC 237° radial, thence SW via this line to the INT thereof with V-114, thence NW along V-114 to the INT thereof with V-289, thence N along V-289 to the INT thereof with V-278, thence E along V-278 to the point of beginning.

AMENDMENTS 9/17/64 29 F.R. 10501 (Rewritten)

Sioux City, Iowa
Within a 25-mile radius of the Sioux City VOR and the airspace SE of Sioux City extending from the 25-mile radius area bounded on the N by V-100, on the E by Long. 95°30'00" W, on the S by Lat. 41°50'00" N, and on the W by V-15.

Sioux Falls, S. Dak.
That airspace SE of Sioux Falls within a 15-mile radius of the Sioux Falls VORTAC, extending clockwise from the S boundary of V-148 to the E boundary of V-15; that airspace within a 45-mile radius of the Sioux Falls VORTAC extending clockwise from the W boundary of V-15 S of Sioux Falls to the S boundary of V-120 W of Sioux Falls; that airspace within a 36 mile radius of the Sioux Falls VORTAC extending from the N boundary of V-120 W of Sioux Falls clockwise to the N boundary of V-148 NE of Sioux Falls; within 11 miles S and 7 miles N of the Sioux Falls VORTAC 267° radial extending from the Sioux Falls 45-mile radius area to 52 miles W of the Vortac; and within 12 miles SW and 8 miles NE of the Sioux Falls VORTAC 288° radial extending from the INT of the Sioux Falls VORTAC 288° and the Huron, S. Dak., VOR 140° radials to 22 miles W of the INT.

Springfield, Vt.
Within 8 miles E and 5 miles W of the 185° bearing from the Springfield RBN extending from the RBN to 17 miles S.

Staunton, Va.
That airspace bounded on the W, NW and NE by a line extending from the N boundary of V-290 along Long. 79°25'00" W, to Lat. 38°06'30" N, thence to Lat. 38°06'30" N, Long. 78°13'45" W, to Lat. 38°25'00" N, Long. 79°00'45" W, to Lat. 38°15'15" N, Long. 78°39'45" W, bounded on the SE by V-140, and on the S by V-290.

Stockton, Calif.
That airspace N of Stockton bounded on the NE by V-23, on the S by V-244 and on the NW by V-6 S.

Sumter, S. C.
That airspace N of Shaw AFB, Sumter, S. C., bounded on the W by V-37, on the N by the Greenville, S. C., control area extension, on the NE by a line extending through Lat. 34°48'10" N, Long. 80°10'30" W, and Lat. 34°31'00" N, Long. 79°42'30" W, on the E by V-3 and on the S by V-56, excluding the portion of this control area extension within R-6001.

**Syracuse, N. Y.**
That airspace bounded by a line beginning at Lat. 43°17'00" N, Long. 76°27'00" W, clockwise along the arc of a 15-mile radius circle centered on the Syracuse VORTAC to Lat. 43°00'10" N, Long. 76°00'00" W, to Lat. 42° 29'00" N, Long. 76°00'00" W, to Lat. 42°29'00" N, Long. 76°25'00" W, to Lat. 42°36'10" N, Long. 76°25'00" W, thence clockwise along the arc of a 40-mile radius circle centered on the Syracuse VORTAC to Lat. 43°17' 00" N, Long. 76°58'45" W, to point of beginning.

**Tacoma, Wash.**
That airspace within a 40-nmi radius of McChord AFB, Tacoma, Wash (Lat. 47°08'20" N, Long. 122°28'05" W), the portion of this control area extension within R-6703 and R-6704 shall be used only after obtaining prior approval from appropriate authority.

**Tallahassee, Fla.**
That airspace bounded on the N by V-22, on the E by V-159 W, and on the S and SW by V-7 W; and that airspace N of Tallahassee within 12 miles W and 8 miles E of the Tallahassee VORTAC 354° radial, extending from the S boundary of V-22 N to 40 miles N of the VORTAC.

AMENDMENTS 7/23/64 29 F. R. 6437 (Changed)

**Tampa, Fla.**
Within a 50-mile radius of latitude 27°53'18" N, longitude 82°29'29" W.; including the airspace NW of Tampa extending from the 50-mile radius area bounded on the NE by V-97, on the S by Control 1226 and on the W by a line 5 miles W of and parallel to the Cross City, Fla., VOR 207° radial; the airspace SE of Tampa extending from the 50-mile radius area bounded on the NE by V-157, on the SE by V-225 and on the SW by V-35; the airspace W of Tampa bounded on the N by a line extending from latitude 28°06'35° N., longitude 84°00'00" W., to latitude 28°10'00" N., longitude 84°39'30" W., on the E by a line 5 miles W of and parallel to the Cross City VOR 207° radial, and on the S by Control 1226; and the airspace N of La Belle, Fla., bounded on the NE by V-267, on the SE by V-225, on the SW by V-157; and on the NW by a line extending from the E boundary of V-157 through latitude 27°14'10" N., longitude 81°31'00" W., to latitude 27°22'00" N., longitude 81°08'00" W., thence N via longitude 81°08'00" W., to the SW boundary of V-267, excluding the portion which coincides with W-168 and the portion below 2,000 feet MSL outside the continental United States. The portion within R-2901B and R-2901D shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 9/17/64 29 F.R. 11113 (Changed)

**Texarkana, Ark.**
Within 5 miles either side of the Texarkana VORTAC 309° radial, extending from the VORTAC to 15 miles NW.

**Toledo, Ohio**
That airspace bounded by a line beginning at Lat. 41°21'45" N, Long. 84°25'45" W, thence NE to Lat. 41° 51'30" N, Long. 83°37'15" W, thence SE to Lat. 41°45'30" N, Long. 83°19'45" W, thence SE to Lat. 41°39'30" N, Long. 83°15'15" W, thence S to Lat. 41°30'00" N, Long. 83°15'15" W, thence W to Lat. 41°31'40" N, Long. 83° 42'35" W, thence S to Lat. 41°16'30" N, Long. 83°46'40" W, thence W to point of beginning.

**Toledo, Wash.**
Within 5 miles either side of the Toledo RR E course, extending from the RR to 20 miles E and within 5 miles either side of the Toledo RR W course extending from the RR to 25 miles W.

**Tulsa, Okla.**
Within a 25-mile radius of Lat. 36°12'55" N, Long. 95°51'31" W; that airspace SW of Tulsa bounded on the NW by V-14, on the SE by V-15 and on the SW by V-163; that airspace S of Tulsa bounded on the W and NW by V-15, on the E and SE by a line 5 miles E of and parallel to the McAlester, Okla., VORTAC 008° radial extending from the S boundary of V-74 to the McAlester VORTAC, on E and SE by a line 5 miles E of and parallel to a direct line extending between the McAlester VORTAC and the Dallas, Tex., VORTAC, and on the S by the Sherman, Tex., Perrin AFB control area extension.

**Tuscaloosa, Ala.**
Within 5 miles either side of the Tuscaloosa VORTAC 060° radial, extending from the VORTAC to 20 miles NE.

**Tyler, Tex.**
Within a 25-mile radius of the Tyler RBN; the airspace N of Tyler bounded on the N by V-16, on the SE and E by V-289, on the S by a line 13 miles S of and parallel to the centerline of V-94 and on the W by the Dallas, Tex., control area extension; and within 10 miles NE and 7 miles SW of the Tyler ILS localizer SE course extending from the Tyler 25-mile radius area to 34 miles SE of the localizer.



**Ukiah, Calif.**
Within a 20-mile radius of the Ukiah VORTAC; and the airspace NE of Ukiah bounded on the E by V-25, on the S by V-200, and on the W and N by V-199.

**Valdosta, Ga.**
That airspace bounded on the N by Lat. 32°00'00" N, on the E by V-5, on the S by V-22, and on the W by V-35.

**Waco, Texas.**
That airspace W of Waco bounded on the W by V-163, on the NE and E by V-17 and on the S by V-76, excluding the portion of this control area extension within R-6302A. The portions of this control area extension within R-6302B and R-6302C shall be used only after obtaining prior approval from appropriate authority.

**Wake Island.**
That airspace extending upward from 700 feet above the surface within a 100-nmi radius of the Wake Island RBN (Lat. 19°18'00" N, Long. 166°39'00" W).

PENDING AMENDMENT
The Wake Island control area extension is revoked. 12/10/64 29 F.R. 14103 (Revoked).

**Walnut Ridge, Ark.**
Within 10 miles SE and 7 miles NW of the Walnut Ridge VOR 064° and 244° radials extending from 9 miles NE to 20 miles SW of the VOR.

PENDING AMENDMENT
The Walnut Ridge, Ark., control area extension is revoked. 1/7/65 29 F. R. 14523 (Revoked).

**Washington, D. C.**
Within an 85-mile radius of the Washington VOR, extending clockwise from the Washington VOR 165° to the 245° radials; within an 88-mile radius extending clockwise from the Washington VOR 245° to the 250° radial; within an 85-mile radius extending clockwise from the Washington VOR 250° to the 310° radial; within an 80-mile radius extending clockwise from the Washington VOR 310° to the 355° radial; within a 70-mile radius extending clockwise from the Washington VOR 355° to the 165° radial; within 10 miles SE and 7 miles NW of the Casanova, Va., VORTAC 233° radial extending from the 85-mile radius area to 9 miles SW of the INT of the Gordonsville, Va., VORTAC 329° and the Casanova VORTAC 233° radials; and within 10 miles NW and 7 miles SE of the Kenton, Del., VORTAC 217° radial extending from the 70-mile radius area to 9 miles NE of the INT of the Kenton VORTAC 217° and the Salisbury, Md., VOR 340° radials; excluding the portions within the Wilmington, Del., control area extension, the Washington Prohibited Area (P-56), the Norfolk, Va., control area extension, and the Richmond, Va., control area extension and excluding the portions within R-4002, R-4005, R-4006, R-4007 and R-4008. The portions within R-6601, R-6608, R-6611, R-6612, R-6613 and R-4001 shall be used only after obtaining prior approval from appropriate authority.

**Waterloo, Iowa**
Within a 37-mile radius of the Waterloo VORTAC, excluding the portion N of a line 12 miles N of and parallel to the Waterloo VORTAC 099° radial and E of a line 12 miles E of and parallel to the Waterloo VORTAC 353° radial; and the airspace SE of Waterloo within 12 miles SW and 8 miles NE of the Waterloo VORTAC 146° radial extending from the Waterloo 37-mile radius area to the Cedar Rapids, Iowa, VORTAC.

**Watertown, N. Y.**
Within 12 miles W and 8 miles E of the Watertown VOR 007° and 187° radials extending from 9 miles N of the VOR to the arc of a 40-mile radius circle centered at Griffiss AFB, Rome, N. Y. (Lat. 43°14'00" N, Long. 75°24'10" W), and the arc of a 15-mile radius circle centered at the Syracuse, N. Y., VORTAC; and airspace within 5 miles either side of the Watertown VOR 155° radial extending from the VOR to the 40-mile radius circle centered at Griffiss AFB.

**Watertown, S. Dak.**
Within a 15-mile radius of the Watertown VORTAC; the airspace S of Watertown bounded on the E by Long. 96°51'00" W, on the S by V-26 and on the W by V-78 S; the airspace NW of Watertown within 10 miles S and 7 miles N of the Watertown VORTAC 297° radial, extending from the VORTAC to 37 miles NW, and the airspace N of Watertown within 11 miles W and 7 miles E of the Watertown VORTAC 006° radial, extending from the VORTAC to 48 miles N.

**Wausau, Wis.**
That airspace SE and SW of Wausau bounded on the E by a 41-mile radius circle centered on the Stevens Point, Wis., VOR, on the S by a line 7 miles S of and parallel to V-55, on the W by a 40-mile radius circle centered on the Wausau VOR, and on the N by Lat. 45°04'00" N.



**Westhampton Beach, N. Y.**
That airspace NE and N of the Hampton, N. Y., VOR bounded on the W by the New York, N. Y., control area



SUBPART F - CONTROL ZONES

Westhampton Beach, N. Y.
That airspace NE and N of the Hampton, N. Y., VOR bounded on the W by the New York, N. Y., control area extension, on the NW by V-16, on the N by V-130, and on the E and SE by V-139.

Whidbey, Island, Wash.
That airspace bounded on the N by lines connecting points at Lat. 48°42'48" N, Long. 123°11'57" W. and Lat. 48°51'45" N, Long. 122°40'00" W, on the E by V-23, on the S by the Seattle, Wash., control area extension, on the SW by V-4, and on the W by lines connecting points at Lat. 48°10'00" N, Long. 123°01'00" W. Lat. 48°38'30" N, Long. 123°13'00" W, Lat. 48°42'48" N, Long. 123°11'57" W, excluding the portion within Canada. The portion of this control area extension within R-6701, R-6708, and R-6713 shall be used only after obtaining prior approval from the appropriate authority.

White Sulphur Springs, W. Va.
That airspace bounded on the E by Long. 79°54'00" W, on the SE by V-140, on the SW by V-260, on the W by Long. 80°40'00" W, and on the N by Lat. 38°15'00" N.

Wichita Falls, Tex.
That airspace bounded on the NW by V-102 S alternate, on the E by V-77, and on the S by V-278.

Williams, Ariz.
That airspace bounded on the N by Lat. 33°22'00" N, on the NE and SE by a line from Lat. 33°22'00" N, Long. 111°13'00" W, to Lat. 32°56'00" N, Long. 110°31'00" W. thence through Lat. 32°42'00" N, Long. 110° 42'00" W, to the N boundary of V-94, on the S by V-94 and on the W by V-16.

PENDING AMENDMENT
The Williams, Ariz. control area extension is revoked. 12/10/64 29 F.R. 14104 (Revoked).

Wilmington, Del.
That airspace S and SW of Wilmington within a 30-mile radius of the New Castle, Del., VOR, extending clockwise from the 151° to the 266° radials, excluding the portion which coincides with R-4001 and the New York, N. Y., control area extension and the airspace W of Wilmington bounded on the E by the New York control area extension, on the S by V-157, on the W by V-93, and on the N by V-3.

Wilmington, N. C.
Within 5 miles each side of the 159° bearing from the Wilmington ILS MM extending from the MM to 15 miles SE of the MM.

Wilmington, Ohio
That airspace bounded on the NW by V-5, on the N and E by the Columbus, Ohio, control area extension, on the S by V-128, and on the W by the Cincinnati, Ohio, control area extension.

Windsor Locks, Conn.
Within a 30-mile radius of the Bradley, Conn., Airport (Lat. 41°56'25" N, Long. 72°41'10" W), excluding the portion which coincides with the New York, N. Y., control area extension and excluding the area NE of a line extending from Lat. 42°21'00" N, Long. 72°53'00" W, to Lat, 42°08'20" N, Long. 72°37'00" W, to Lat. 42°03' 45" N, Long. 72°09'00" W, to Lat. 42°04'30" N, Long. 72°01'00" W, and that airspace SW of Chester, Mass., bounded on the N by V-270, on the NE by V-130, on the SE by V-93, and on the W by V-487.

Yakataga, Alaska
Within 10 miles SE and 7 miles NW of the 242° bearing from the Yakataga RR, extending from the RR to 45 miles SW and within 5 miles each side of the RR 152° bearing from the Yakataga RR, extending from the RR to the NE boundary of A-1.

AMENDMENTS 2/7/64 29 F. R. 1844

Youngstown, Ohio
Within a 35-mile radius of the Youngstown VOR.

Ypsilanti, Mich.
Within 5 miles either side of the Ypsilanti ILS localizer SW course, extending from the Willow Run Airport Ypsilanti, Mich. (Lat. 44°14'13" N, Long. 83°31'47" W), to 20 miles SW of the OM.



SUBPART F - CONTROL ZONES

§ 71.171 Designation.
The parts of airspace described below are designated as control zones.

Aberdeen, S. Dak.
Within a 5-mile radius of Aberdeen Municipal Airport (latitude 45° 27' 10" N., longitude 98° 25' 35" W.), within 2 miles each side of the Aberdeen VOR 131° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, and within 2 miles each side of the Aberdeen RR S course, extending from the 5-mile radius zone to 8 miles S of the RR.

AMENDMENTS 3/5/64 28 F.R. 13929 (Rewritten);

Abilene, Tex.
Within a 5-mile radius of Abilene Municipal Airport (Lat. 32°25'10" N, Long. 99°41'20" W); within 2 miles either side of the Abilene ILS localizer S course extending from the 5-mile radius zone to the ILS OM; within 2 miles either side of the Abilene VOR 112° radial extending from the 5-mile radius zone to the VOR; within a 5-mile radius of Dyess AFB, Abilene, Tex., (Lat. 32°25'10" N, Long. 99°51'15" W); within 2 miles either side of the Abilene VOR 354° radial extending from the Dyess 5-mile radius zone to 12 miles N of the VOR; and within 2 miles either side of the 168° and 348° bearings from the Dyess AFB RBN extending from the 5-mile radius zone to 12 miles S of the RBN.

Adak, Alaska
Within a 5-mile radius of NAS Adak (Lat. 51°53'00" N, Long. 176°39'00" W); within 2 miles either side of the Adak TACAN 067° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN, excluding the portion above 24,000 feet MSL.

Aguadilla, P. R.
Within a 10-mile radius of Ramey AFB, Aguadilla, P. R. (Lat. 18°29'50" N, Long. 67°07'45" W) and within 2.5 miles either side of the extended centerline of the Ramey AFB E-W runway extending from the 10-mile radius zone to 12 miles E and W of the runway ends.

Akron, Colo.
Within a 4-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.).

AMENDMENTS 3/5/64 28 F.R. 14226 (Rewritten):

Akron, Ohio
Within a 5-mile radius of Akron Airport (Lat. 41°02'15" N, Long. 81°28'05" W) and within a 5-mile radius of Akron-Canton Airport (Lat. 40°54'59" N, Long. 81°26'32" W).

Alameda, Calif.
Within a 5-mile radius of NAS Alameda (Lat. 37°47'10" N, Long. 122°19'00" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the Oakland, Calif., control zone.

Albany, Ga.
Within a 5-mile radius of Albany Municipal Airport; within 2 miles either side of the Albany VOR 155° and 335° radials extending from the 5-mile radius zone to 10 miles NW of the VOR; within a 5-mile radius of Turner AFB, and within 2 miles each side of the Turner AFB VOR 223° radial, extending from the 5-mile radius zone to the VOR.

Albany, N. Y.
Within a 5-mile radius of Albany County Airport (latitude 42°44'48" N., longitude 73°48'19" W.); within 2 miles either side of the 015° bearing from latitude 42°47'42" N, longitude 73°48'10" W. extending from the 5-mile radius zone to 10 miles N. of latitude 42°47'42" N., longitude 73°48'10" W., and within 2 miles either side of the Albany ILS localizer N course extending from the 5-mile radius zone to 10 miles N of the OM.

Albuquerque, N. Mex. (Albuquerque Sunport Airport/Kirtland AFB)
Within a 5-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended centerline of runway 35, extending from the 5-mile radius zone to 5.5 miles N of the N end of runway 35; within 2 miles each side of the 188° bearing from the Albuquerque RBN, extending from the 5-mile radius zone to 7 miles S of the RBN; within 2 miles each side of the extended centerline of runway 17, extending from the 5-mile radius zone to 5 miles S of the S end of runway 17; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

**Alexandria, La. (England AFB)**
Within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.), within 2 miles each side of the 300° and 120° bearings from the Alexandria RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN; and within 2 miles each side of the Alexandria VOR 156° and 336° radials, extending from the 5-mile radius zone to 10 miles SE of the VOR.

AMENDMENTS 4/7/64 29 F.R. 4081 (Rewritten);

**Alexandria, La. (Esler Field)**
Within a 5-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.), within 2 miles each side of the 327° bearing from the Esler Field RBN extending from the 5-mile radius zone to the RBN, and within 2 miles each side of the Esler Field VOR 338° radial extending from the 5-mile radius zone to 8 miles NW of the VOR.

AMENDMENTS 6/25/64 29 F.R. 5388 (Rewritten)

**Alexandria, Minn.**
Within a 5-mile radius of Alexandria Municipal Airport (Lat. 45°52'15" N, Long. 95°24'00" W), and within 2 miles either side of the Alexandria VOR 231° radial extending from the 5-mile radius zone to the VOR.

**Alice, Tex.**
Within a 5-mile radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR; and within 2 miles each side of the Alice VOR 270° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

AMENDMENTS 11/12/64 29 F.R. 13164 (Rewritten)

**Allentown, Pa.**
Within a 5-mile radius of Allentown-Bethlehem-Easton Airport (Lat. 40°39'10" N, Long. 75°26'20" W); within 2 miles either side of the Allentown RR NE course, extending from the 5-mile radius zone to 10 miles NE of the RR; within 2 miles either side of the Allentown ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the OM, and within 2 miles either side of the Allentown VORTAC 347° radial, extending from the 8-mile radius zone to 10 miles N of the VORTAC.

**Alpena, Mich.**
Within a 5-mile radius of the Phelps-Collins Airport, Alpena, Mich. (latitude 45°05'00" N., longitude 83°33'30" W.), within 2 miles each side of the Phelps-Collins TACAN 350° radial, extending from the 5-mile radius zone to 6 miles N of the TACAN, within 2 miles each side of the 180° and 360° bearings from the Alpena RBN, extending from the 5-mile radius zone to 8 miles N of the RBN, and within 2 miles each side of the 176° bearing from the Alpena RBN extending from the 5-mile radius zone to the RBN. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

AMENDMENTS 11/12/64 29 F.R. 12674 (Rewritten);

**Altus, Okla.**
Within a 5-mile radius of the Altus AFB (latitude 34° 39' 40" N., longitude 99° 16' 30" W.); within 2 miles each side of the Altus AFB ILS localizer S course, extending from the 5-mile radius zone to 1.5 miles S of the OM; and within 2 miles each side of the Altus AFB TACAN 185° radial, extending from the 5-mile radius zone to 9 miles S of the TACAN.

AMENDMENTS 4/2/64 29 F.R. 556 (Rewritten);

**Amarillo, Tex.**
Within a 5-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°42'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Amarillo RBN 011° bearing, extending from the 5-mile radius zone to 8 miles N of the RBN; within 2 miles each side of the extended centerline of the Amarillo AFB/Municipal Airport Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

AMENDMENTS 4/30/64 29 F.R. 2933 (Rewritten)

**Anchorage, Alaska (Anchorage International Airport)**
Within a 5-mile radius of Anchorage International Airport (Lat. 61°10'23" N, Long. 149°58'10" W); within 2 miles either side of the Anchorage RR SW course extending from the 5-mile radius zone to 12 miles SW of the RR; within 2 miles either side of the Anchorage VOR 079° radial extending from the 5-mile radius zone to the VOR; within 2 miles either side of the Anchorage International ILS localizer W course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) control zone.



**Anchorage, Alaska, (Bryant AAF)**
Within a 3-mile radius of Bryant AAF (Lat. 61°16'02" N, Long. 149°39'46" W), excluding the portion W of Long. 149°43'00" W.

AMENDMENTS On Publ. 4/8/64 29 F.R. 4908 (Changed)

**Anchorage, Alaska (Merrill Field/Elmendorf AFB)**
Within a 3-mile radius of Merrill Field (Lat. 61°13'03" N, Long. 149°50'52" W); within a 5-mile radius of Elmendorf AFB (Lat. 61°15'05" N, Long. 149°48'52" W); within 2 miles either side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Bryant AAF control zone.

AMENDMENTS On Publ. 4/8/64 29 F.R. 4908 (Changed)

**Anderson, S. C.**
Within a 5-mile radius of Anderson Airport (Lat. 34°29'40" N, Long. 82°42'30" W), and within 2 miles either side of the Anderson VOR 038° radial extending from the 5-mile radius zone to the VOR.

**Aniak, Alaska**
Within a 5-mile radius of Aniak Airport (Lat. 61°34'50" N, Long. 159°32'15" W) and within 2 miles either side of the Aniak RR SW course extending from the 5-mile radius zone to 12 miles SW of the RR.

**Annette Island, Alaska**
Within a 5-mile radius of Annette Island Airport (latitude 55°02'30" N., longitude 131°34'05" W.), and within 2 miles each side of the 169° bearing from the Annette Island RR, extending from the 5-mile radius zone to 8 miles S of the RR.

PENDING AMENDMENT
**Annette Island, Alaska**
Within a 5-mile radius of Annette Island Airport (latitude 55°02' N., longitude 131°34' W.); within 2 miles each side of a 169° bearing from the Annette Island R.R., extending from the 5-mile radius zone to 8 miles S of the R.R.; within 2 miles each side of the Annette Island VOR 165° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; and within 2 miles each side of the Annette Island VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR.

AMENDMENTS 1/7/65 29 F. R. 14785 (Rewritten)

**Anniston, Ala.**
Within a 5-mile radius of Anniston Municipal Airport (Lat. 33°35'25" N, Long. 85°51'15" W), and within 2 miles either side of the 232° bearing from Anniston RBN extending from the 5-mile radius zone to 12 miles SW of the RBN.

**Arcata, Calif.**
Within a 5-mile radius of Arcata Municipal Airport (Lat. 40°58'45" N, Long. 124°06'25" W).

**Ardmore, Okla.**
Within a 5-mile radius of Ardmore Municipal Airport (Lat. 34°18'00" N, Long. 97°00'50" W), within 2 miles either side of the Ardmore VOR 053° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 085° bearing from the Ardmore RBN extending from the 5-mile radius zone to the RBN.

**Asheville, N. C.**
Within a 5-mile radius of Asheville Airport (Lat. 35°26'00" N, Long. 82°32'25" W), and within 2 miles either side of the 341° bearing from the Asheville RBN extending from the 5-mile radius zone to the RBN.

**Astoria, Oreg.**
Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46° 09' 25" N., longitude 123° 52' 40" W.), and within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

**Athens, Ga.**
Within a 5-mile radius of Athens Airport (Lat. 33°56'56" N, Long. 83°19'37" W); within 2 miles either side of the Athens VORTAC 078° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC, and within 2 miles either side of the Athens VORTAC 194° radial extending from the 5-mile radius zone to 8 miles S of the VORTAC.

Atlanta, Ga. (Fulton County Airport)
Within a 5-mile radius of Fulton County Airport (latitude 33°46'47" N., longitude 84°31'20" W.) and within 2 miles each side of the Fulton County VOR 276° radial extending from the 5-mile radius zone to 7 miles W of the VOR excluding the portion within the Dobbins AFB/NAS Atlanta control zone.

AMENDMENTS On Publ. 4/16/64 29 F.R. 5209 (Rewritten)

Atlanta, Ga. (Atlanta Airport)
Within a 5-mile radius of Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.); within 2 miles each side of the Atlanta ILS localizer W course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer SE course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer E course, extending from the 5-mile radius zone to the INT of the localizer E course and the McDonough, Ga., VORTAC 333° radial; within a 3-mile radius of Morris AAF (latitude 33° 37' 20" N., longitude 84° 20' 30" W.); within 2 miles each side of the Rex, Ga., VOR 271° radial, extending from the 5-mile radius zone to 8.5 miles E of the Atlanta Airport, and within 2 miles each side of the Fulton, Ga., VOR 151° radial, extending from the Atlanta Airport 5-mile radius zone to the Fulton County 5-mile radius zone.

AMENDMENTS 4/2/64 29 F.R. 1445 (Rewritten); On Publ. 4/7/64 29 F.R. 4855 (Changed)

Atlanta, Ga. (Dobbins AFB/NAS Atlanta)
Within a 5-mile radius of Dobbins AFB/NAS Atlanta (Lat. 33°55'00" N, Long. 84°31'00" W); within 2 miles either side of the 105° bearing from the Lost Mountain, Ga., RBN extending from the 5-mile radius zone to the RBN; within 2 miles either side of the NAS Atlanta TACAN 295° radial extending from the 5-mile radius zone to 10 miles W of the TACAN; and within 2 miles either side of the 104° bearing from the Dobbins AFB/NAS Atlanta extending from the 5-mile radius zone to 6 miles SE of the lift-off end of runway 10.

PENDING AMENDMENT
Atlanta, Ga. (Dobbins AFB/NAS Atlanta).
Within a 5-mile radius of the Dobbins AFB/NAS Atlanta (latitude 33°55'00" N., longitude 84°31'00" W.); within 2 miles each side of the 105° bearing from the Lost Mountain, Ga., RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the 301° radial of the NAS Atlanta TACAN (latitude 33°54'08" N., longitude 84°30'35" W.) extending from the 5-mile radius zone to 7 miles NW of the TACAN.

AMENDMENTS 1/7/65 29 F. R. 14982 (Rewritten)

Atlantic City, N. J.
Within a 12-mile radius of the Atlantic City NAFEC Airport (Lat. 39°27'25" N, Long. 74°34'45" W), and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 nmi offshore, on the SE by a line 3 nmi offshore, and on the NE by the Atlantic City VORTAC 112° radial, excluding the portion within a 2-mile radius of the Ocean City Airport (Lat. 39°16'00" N, Long. 74°36'15" W).

Augusta, Ga.
Within a 5-mile radius of Bush Field, Augusta, Ga. (latitude 33°22'10" N., longitude 81°57'55" W.); within 2 miles each side of the Augusta RBN 128° bearing, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Augusta VOR 140° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR; within 2 miles each side of the 348° bearing from the Augusta LMM, extending from the 5-mile radius zone to 7 miles N of the LMM; and within a 2-mile radius of Daniel Field, Augusta, Ga. (latitude 33°27'55" N., longitude 82°02'25" W.).

AMENDMENTS 6/25/64 29 F.R. 5785 (Rewritten)
PENDING AMENDMENT
Augusta, Ga., control zone is amended by deleting "within 2 miles each side of the Augusta RBN 128° bearing, extending from the 5-mile radius zone to the RBN;" from the text. 11/12/64 29 F.R. 12823 (Changed); Eff. date changed 12/10/64 29 F. R. 14576 (Changed)

Augusta, Maine
Within a 5-mile radius of Augusta Airport (latitude 44° 19' 15" N., longitude 69° 47' 45" W.); within 2 miles each side of the Augusta VOR 330° radial, extending from the 5-mile radius zone to 7 miles NW of the VOR; within 2 miles each side of the Augusta VOR 156° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR; and within 2 miles each side of the Augusta VOR 068° radial, extending from the 5-mile radius zone to 7 miles E of the VOR.

AMENDMENTS 4/30/64 29 F. R. 2931 (Rewritten)

Austin, Tex.
Within a 10-mile radius of Mueller Municipal Airport, Austin, Tex. (Lat. 30°17'55" N, Long. 97°42'00" W); within a 5-mile radius of Bergstrom AFB (Lat. 30°11'45" N, Long. 97°40'35" W); within 2 miles either side of the Austin VORTAC 004° radial extending from the 5-mile radius zone to 10 miles N of the VORTAC, and within 2 miles either side of the centerline of the Bergstrom AFB N-S runway extending from the Bergstrom 5-mile radius zone to 3 miles S of the Bergstrom RBN.



Baker, Oreg.
Within a 3-mile radius of Baker Municiapl Airport (Lat. 44°50'25" N, Long. 117°48'35" W).

Bakersfield, Calif.
Within a 5-mile radius of Meadows Field, Bakersfield, Calif. (latitude 35° 25' 40" N., longitude 119° 03' 05" W.), and within 2 miles W and 3 miles E of the Bakersfield VORTAC 338° radial, extending from the 5-mile radius zone to 7 miles NW of the VORTAC.

AMENDMENTS 4/2/64 29 F. R. 1843 (Rewritten)

Baltimore, Md.
Within a 5-mile radius of Friendship International Airport (Lat. 39°10'25" N, Long. 76°40'15" W); within 2 miles either side of the Baltimore ILS localizer E course extending from the 5-mile radius zone to 6 miles E of the localizer; within 2 miles either side of the Baltimore VORTAC 088° radial extending from the 5-mile radius zone to 6 miles E of the VORTAC, and within 2 miles either side of the ILS localizer W course extending from the 5-mile radius zone to 10 miles W of the OM.

Bangor, Maine.
Within a 7-mile radius of Dow AFB, Bangor, Maine (latitude 44° 48' 20" N., longitude 68° 49' 32" W.); within 2 miles each side of the Bangor VORTAC 321° radial, extending from the 7-mile radius zone to 11 miles NW of the VORTAC; within 2 miles each side of the Bangor VORTAC 135° radial, extending from the 7-mile radius zone to 7 miles SE of the Bangor ILS OM; and within 2 miles each side of the Bangor VORTAC 053° radial, extending from the VORTAC to the Old Town, Maine, control zone.

AMENDMENTS 4/30/64 29 F. R. 2931 (Rewritten)

Baton Rouge, La.
Within a 5-mile radius of Ryan Airport, Baton Rouge, La. (Lat. 30°31'53" N, Long. 91°09'00" W); within a 3-mile radius of Downtown Airport, Baton Rouge, La. (Lat. 30°26'45" N, Long. 91°06'25" W); within 2 miles either side of the 313° and 133° bearings from the Baton Rouge LOM extending from the Ryan Airport 5-mile radius zone to 10 miles NW and 19 miles SE of the LOM, and within 2 miles either side of the Baton Rouge VOR 071° and 251° radials extending from the Ryan Airport 5-mile radius zone to 10 miles SW of the VOR.

Battle Creek, Mich.
Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 2 miles each side of the Battle Creek VORTAC 050° and 215° radials, extending from the 5-mile radius zone to 8 miles NE and SW of the VORTAC, and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of Runway 4.

Beaufort, S. C.
Within a 5-mile radius of MCAS Beaufort (latitude 32°28'40" N., longitude 80°43'20" W.); and within 2 miles each side of the MCAS Beaufort RBN 042° bearing, extending from the 5-mile radius zone to 8 miles NE of the RBN.

AMENDMENTS 4/30/64 29 F.R. 3293 (Rewritten)

Beaumont, Tex.
Within a 5-mile radius of Jefferson County Airport, Beaumont, Tex., (Lat. 29°57'05" N, Long. 94°01'10" W); within 2 miles either side of the Beaumont VOR 064° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Beaumont ILS localizer NW course extending from the 5-mile radius zone to the OM.

Bedford, Mass.
Within a 5-mile radius of Laurence G. Hanscon Field, Bedford, Mass., (Lat. 42°28'05" N, Long. 71°17'20" W).

Beeville, Tex.
Within a 5-mile radius of NAAS Chase Field, Beeville, Tex., (Lat. 28°22'00" N, Long. 97°40'00" W); within 2 miles either side of the NAAS Chase TACAN 129° and 321° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN, and within 2 miles either side of the NAAS Chase VOR 349° radial extending from the 5-mile radius zone to 7 miles N of the VOR.

Belleville, Ill.
Within a 5-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 5-mile radius zone to 5.5 miles SE of the SE end of Scott AFB Runway 31.

Bellingham, Wash.
Within a 3-mile radius of Bellingham Municipal Airport.

**Bemidji, Minn.**
Within a 4-mile radius of Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.) and within 2 miles each side of the Bemidji VOR 136° radial, extending from the 4-mile radius zone to the VOR, excluding the portion 9 miles SE of and parallel to the Bemidji VOR 024° and 204° radials. This control zone is effective - see Airman's Guide for hours of designation.

AMENDMENTS 9/8/64 29 F.R. 11960 (Changed):

**Bethel, Alaska**
Within a 5-mile radius of Bethel Municipal Airport (Lat. 60°46'55" N, Long. 161°49'55" W); within 2 miles either side of the Bethel VOR 007° and 214° radials extending from the 5-mile radius zone to 12 miles N and SW of the VOR; within 2 miles either side of the 296° bearing from the Bethel RR extending from the 5-mile radius zone to the RR, and within 2 miles either side of the 023° bearing from the Bethel RBN extending from the 5-mile radius zone to 12 miles NE of the RBN.

**Bettles, Alaska**
Within a 5-mile radius of Bettles Airport (latitude 66°55'00" N., longitude 151°31'00" W.); within 2 miles each side of the Bettles RR SE course, extending from the 5-mile radius zone to 8 miles SE of the RR; within 2 miles each side of the 210° bearing from the RR, extending from the 5-mile radius zone to 8 miles SW of the RR, and within 2 miles each side of the Bettles VOR 216° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR.
AMENDMENTS 6/25/64 29 F.R. 5387 (Rewritten)

**Big Delta, Alaska**
Within a 5-mile radius of Big Delta Airport (Lat. 63°59'45" N, Long. 145°43'00" W) and within 2 miles either side of the Big Delta RR NW course extending from the 5-mile radius zone to 12 miles NW of the RR.

**Big Spring, Tex.**
Within a 5-mile radius of Webb AFB, Big Spring, Tex., (Lat. 32°12'53" N, Long. 101°31'25" W); within 2 miles either side of the 251° bearing from the Big Spring RBN extending from the 5-mile radius zone to 10 miles W of the RBN, and within 2 miles either side of the Big Spring VOR 191° radial extending from the 5-mile radius zone to the VOR.

**Billings, Mont.**
Within a 5-mile radius of Logan Field, Billings, Mont., (Lat. 45°48'23" N, Long. 108°31'54" W) and within 2 miles either side of the 071° bearing from the Billings RBN extending from the 5-mile radius zone to 12 miles NE of the RBN.

**Biloxi, Miss.**
Within a 5-mile radius of Keesler AFB, Biloxi, Miss. (Lat. 30°24'25" N, Long. 88°55'30" W); within 2 miles either side of the Keesler AFB TACAN 047° radial extending from the 5-mile radius zone to 7 miles NE of the TACAN, and within 2 miles either side of the Keesler TACAN 204° radial extending from the 5-mile radius zone to 7 miles SW of the TACAN.

**Binghamton, N. Y.**
Within a 5-mile radius of Broome County Airport, Binghamton, N. Y.; within 2 miles either side of the Broome County Airport ILS localizer SE course extending from the 5-mile radius zone to 10 miles SE of the OM, and within 2 miles either side of the Binghamton VORTAC 066° and 246° radials extending from the 5-mile radius zone to 5 miles SW of the VORTAC.

**Birmingham, Ala.**
Within a 5-mile radius of Birmingham Airport (Lat. 33°35'58" N, Long. 86°45'05" W) and within 2 miles either side of the ILS localizer SW course extending from the 5-mile radius zone to the OM.

**Bismarck, N. Dak.**
Within a 5-mile radius of Bismarck Municipal Airport (Lat. 46°46'40" N, Long. 100°45'15" W) within 2 miles either side of the Bismarck ILS localizer SE course extending from the 5-mile radius zone to 10 miles SE of the OM, and within 2 miles either side of the Bismarck VOR 114° radial extending from the 5-mile radius zone to 10 miles SE of the VOR.

**Blackstone, Va.**
Within a 4-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.), excluding the portion within R-6602; and within 2 miles each side of the 129° bearing from the Blackstone RBN, extending from the 4-mile radius zone to the RBN.

AMENDMENTS 5/28/64 29 F.R. 3469 (Added)



**Bloomington, Ind.**
Within a 3-mile radius of the Monroe County Airport, Bloomington, Ind. (latitude 39°08'25" N., longitude 86°37'00" W.), and within 2 miles each side of the Bloomington VOR 236° radial, extending from the 3-mile radius zone to 8 miles SW of the VOR, effective from 0600 to 2330 hours local time, daily.

**Bluefield, W. Va.**
Within a 5-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37° 17' 45" N., longitude 81° 12' 30" W.), with 2 miles each side of the Bluefield VOR 047° radial, extending from the 5-mile radius zone to 4.5 miles NE of the VOR, and within 2 miles each side of the Bluefield VOR 267° radial, extending from the 5-mile radius zone to 15 miles W of the VOR.

AMENDMENTS 4/2/64 29 F. R. 2306 (Rewritten):

**Blythe, Calif.**
Within a 5-mile radius of Blythe Airport (Lat. 33°37'15" N, Long. 114°43'00" W).

**Blytheville, Ark.**
Within a 5-mile radius of Blytheville AFB (Lat. 35°57'50" N, Long. 89°56'40" W) and within 2 miles either side of the 360° bearing from the AFB extending from the 5-mile radius zone to 2 miles N of the Blytheville RBN.

**Boise, Idaho**
Within a 5-mile radius of Boise Air Terminal (Lat. 44°33'55" N, Long. 116°13'35" W).

**Boston, Mass.**
Within a 5-mile radius of Logan International Airport, Boston, Mass. (Lat. 42°21'55" N, Long. 71°00'05" W), within 2 miles either side of the 016° bearing from the Boston RBN extending from the 5-mile radius zone to 10 miles N of the RBN; within 2 miles either side of the Boston ILS localizer SW extending from the 5-mile radius zone to 10 miles SW of the OM; and within 2 miles either side of the Boston VORTAC 144° radial extending from the 5-mile radius zone to 12 miles SE of the VORTAC.

**Bowling Green, Ky.**
Within a 5-mile radius of Bowling Green-Warren County Airport (Lat. 36°57'55" N, Long. 86°25'10" W), and within 2 miles either side of the Bowling Green VORTAC 206° radial extending from the 5-mile radius zone to 12 miles SW of the VORTAC.

**Bozeman, Mont.**
Within a 3-mile radius of Gallatin-Bozeman Airport (Lat. 45°46'50" N, Long. 111°09'20" W).

**Bradford, Pa.**
Within a 5-mile radius of the Bradford-McKean County Airport (latitude 41°48'10" N., longitude 78°38'20" W.); within 2 miles each side of the Bradford VOR 138° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR: and within 2 miles each side of the Bradford RBN 134° bearing, extending from the 5-mile radius zone to 7 miles SE of the RBN.
AMENDMENTS 5/28/64 29 F.R. 4853 (Rewritten)

**Brainerd, Minn.**
Within a 5-mile radius of the Brainerd-Crow Wing County Municipal Airport (latitude 46° 23' 25" N., longitude 94° 08' 20" W.) and within 2 miles each side of the Brainerd VOR 297° radial, extending from the 5-mile radius zone to the VOR - see Airman's Guide for hours of designation.

AMENDMENTS 9/8/64 29 F.R. 11960 (Changed)

**Bridgeport, Conn.**
Within a 5-mile radius of Bridgeport Airport and within 2 miles either side of the Bridgeport VOR 037° radial extending from the 5-mile radius zone to 10 miles NE of the VOR.

**Brownsville, Tex.**
Within a 5-mile radius of Rio Grande Valley International Airport, Brownsville, Tex. (Lat. 25°54'25" N, Long. 97°25'25" W); within 2 miles either side of the 343° bearing from the Brownsville RBN extending from the 5-mile radius zone to 8 miles NW of the RBN, and within 2 miles either side of the Brownsville VOR 071° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC, excluding the portion outside the United States.

**Brunswick, Ga. (McKinnon Airport)**
Within a 5-mile radius of McKinnon Airport, Brunswick, Ga., (Lat. 31°09'05" N, Long. 81°23'20" W), and within 2 miles either side of the Brunswick VOR 023° radial extending from the 5-mile radius zone to the VOR.

**Brunswick, Ga. (NAS Glynco)**
Within a 5-mile radius of NAS Glynco (Lat. 31°15'31" N, Long. 81°28'01" W); within 2 miles either side of the Glynco TACAN 055° radial extending from the 5-mile radius zone to 7 miles NE of the TACAN; within 2 miles either side of the Glynco TACAN 250° radial extending from the 5-mile radius zone to 9 miles SW of the TACAN, excluding the portion within the McKinnon Airport control zone, Brunswick, Ga.

**Brunswick, Maine**
Within a 5-mile radius of NAS Brunswick (Lat. 43°53'35" N, Long. 69°56'20" W), excluding the portion within A-7, and within 2 miles either side of the 173° bearing from the Brunswick NAS RBN extending from the 5-mile radius zone to 10 miles S of the RBN.

**Buffalo, N. Y.**
Within a 5-mile radius of Greater Buffalo International Airport (latitude 42° 56' 25" N., longitude 78° 43' 60" W.); within 2 miles each side of the Buffalo VORTAC 099° radial, extending from the 5-mile radius zone to 7 miles E of the VORTAC; within 2 miles each side of the Buffalo RBN 042° bearing, extending from the 5-mile radius zone to 8 miles NE of the RBN, and within 2 miles each side of the Buffalo ILS localizer SW course, extending from the 5-mile radius zone to 7 miles SW of the Cheektowaga, N. Y., FM, excluding the portion within a 1-mile radius of Buffalo Airpark (latitude 42° 51' 40" N., longitude 78° 43' 00" W.).

Burbank, Calif.
Within a 5-mile radius of Lockheed Air Terminal, Burbank, Calif. (latitude 34° 12' 15" N., longitude 118° 21' 30" W.), and within 2 miles each side of the 113° bearing from the Glendale, Calif., RBN, extending from the 5-mile radius zone to 6 miles SE of the RBN, excluding the portion W of a line from latitude 34° 16' 00" N., longitude 118° 25' 55" W. to latitude 34° 09' 25" N., longitude 118° 25' 40" W. and the portion within a 1-mile radius of Whiteman Airpark, Pacoima, Calif. (latitude 34° 15' 35" N., longitude 118° 24' 45" W.)

AMENDMENTS 4/2/64 29 F. R. 1843 (Rewritten)

**Burley, Idaho**
Within a 5-mile radius of Burley Municipal Airport (latitude 42° 32' 30" N., longitude 113° 46' 20" W.); within 2 miles each side of the Burley VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Burley RR N course, extending from the 5-mile radius zone to 8 miles N of the RR.

AMENDMENTS 4/2/64 28 F.R. 13359 (Rewritten);

**Burlington, Iowa**
Within a 5-mile radius of Burlington Municipal Airport (Lat. 40°47'06" N, Long. 91°07'27" W), and within 2 miles either side of the Burlington VOR 293° radial extending from the 5-mile radius zone to the VOR.

BURLINGTON, VT.
Within a 5-mile radius of the Burlington Municipal Airport (latitude 44° 28" 15" N., longitude 73° 09' 10" W.) and within 2 miles each side of the 334° bearing from latitude 44° 30' 10" N., longitude 73° 11' 30" W., extending from the 5-mile radius zone to 9 miles NW of latitude 44° 30' 10" N., longitude 73° 11' 30" W.

AMENDMENTS 2/7/64 29 F.R. 1842 (Rewritten);

**Butte, Mont.**
Within a 5-mile radius of Silver Bow County Airport, Butte, Mont. (latitude 45°57'15" N., longitude 112° 29'50" W.).

**Calverton, N. Y.**
Within a 5-mile radius of Grumman-Peconic River Airport, Calverton, N. Y., (Lat. 40°54'55" N, Long. 72°47' 35" W), and within 2 miles either side of the Riverhead, N. Y., VORTAC 086° radial extending from the 5-mile radius zone to the VORTAC, excluding the portion within the Suffolk County AFB control zone, Westhampton Beach, Long Island, N. Y.

**Camp Douglas, Wis.**
Within a 5-mile radius of Volk Field, Camp Douglas, Wis., (Lat. 43°56'25" N, Long. 90°15'20" W), and within 2 miles either side of the Volk Field VORTAC 093° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.



Camp Springs, Md.
Within a 5-mile radius of Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.), within 2 miles E of the extended centerline of the Andrews AFB Runway 19-L and 2 miles W of the Andrews AFB ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Andrews AFB ILS localizer N course, extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of Hyde Field, Clinton, Md. (latitude 38°45'00" N., longitude 76°56'00" W.), and excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D. C., control zone.

Carlsbad, N. Mex.
Within a 5-mile radius of Carlsbad Municipal Airport (latitude 32°20'20" N., longitude 104°15'45" W.), and within 2 miles each side of the Carlsbad VOR 337° radial, extending from the 5-mile radius zone to the VOR.

Casper, Wyo.
Within a 5-mile radius of Casper Air Terminal (latitude 42°54'25" N., longitude 106°27'50" W.); within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to 26 miles SW of the VORTAC; within 2 miles each side of the Casper ILS localizer W course, extending from the 5-mile radius zone to 5 miles W of the OM; within 2 miles each side of the 270° bearing from the Casper RBN, extending from the 5-mile radius zone to the RBN and within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to the VORTAC.

Cedar City, Utah
Within a 5-mile radius of Cedar City Municipal Airport (latitude 37°42'05" N., longitude 113°05'52" W.) and within 2 miles on each side of the Cedar City VOR 195° radial extending from the 5-mile radius zone to the VOR.

Cedar Rapids, Iowa
Within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41° 53' 05" N., longitude 91° 42' 45" W.) within 2 miles each side of the Cedar Rapids ILS localizer W course, extending from the 5-mile radius zone to 8 miles W of the OM, within 2 miles each side of the Cedar Rapids VOR 265° radial, extending from the 5-mile radius zone to 8 miles W of the VOR, and within 2 miles each side of the Cedar Rapids VOR 092° radial, extending from the 5-mile radius zone to 9.5 miles E of the VOR.
4/2/64 29 F.R. 1841 (Rewritten)

Chadron, Nebr.
Within a 5-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.), and within 2 miles each side of the 010° bearing from the Chadron Municipal Airport, extending from the 5-mile radius zone to 8 miles N of the airport.

Chamblee, Ga.
Within a 3-mile radius of De Kalb-Peachtree Airport, Chamblee, Ga., (Lat. 33°52'30" N, Long. 84°18'10" W) and within 2 miles either side of the Norcross, Ga., VORTAC 242° radial extending from the 3-mile radius zone to the VORTAC from 0700 to 2300 hours, local time, daily.

Champaign, Ill.
Within a 5-mile radius of the University of Illinois-Willard Airport, Champaign, Ill. (latitude 40°02'25" N., longitude 88°16'35" W.), within 2 miles each side of the Champaign VORTAC 123° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC, and within 2 miles each side of the Champaign VORTAC 233° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

AMENDMENTS 5/28/64 29 F.R. 3356 (Rewritten)

Chandler, Ariz.
Within a 5-mile radius of Williams AFB, Chandler, Ariz., (Lat. 33°18'25" N, Long. 111°39'35" W), and within 2 miles either side of the 115° bearing from the AFB extending from the 5-mile radius zone to the Chandler RBN.

PENDING AMENDMENT
Chandler, Ariz.
Within a 5-mile radius of Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.); within 2 miles each side of the Chandler TACAN 117° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN; and within 2 miles each side of the Chandler TACAN 141° radial, extending from the 5-mile radius zone to 9 miles SE of the TACAN. This control zone is effective from 0700 to 1700 hours local time, Monday through Friday, excluding Federal legal holidays.
AMENDMENTS 12/10/64 29 F.R. 14104 (Rewritten)

**Chantilly, Va.**
Within a 5-mile radius of Dulles International Airport, Chantilly, Va., (Lat. 38°56'40" N, Long. 77°27'24" W); within 2 miles either side of the Dulles runway 1-R ILS localizer S course extending from the 5-mile radius zone to the runway 1-R ILS OM; within 2 miles either side of the Dulles runway 19-R ILS localizer N course extending from the 5-mile radius zone to 2 miles N of the runway 19-R ILS OM; within 2 miles either side of the Herndon, Va., VORTAC 161° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the extended centerline of runway 30 extending from the 5-mile radius zone to 4 miles NW of the lift-off end of runway 30.

**Chanute, Kans.**
Within a 5-mile radius of the Martin Johnson Airport, Chanute, Kans. (latitude 37°40'05" N., longitude 95°29'00" W.) and within 2 miles each side of the Chanute VOR 064° radial, extending from the 5-mile radius zone to the VOR.

**Charleston, S. C.**
Within a 5-mile radius of Charleston AFB/Municipal Airport (Lat. 32°53'56" N, Long. 80°02'18" W); within 2 miles either side of the 299° bearings from the Charleston RBN extending from the 5-mile radius zone to 12 miles NW of the RBN; within 2 miles either side of the Charleston VORTAC 334° radial extending from the 5-mile radius zone to 12 miles NW of the VORTAC; within 2 miles either side of the Charleston VORTAC 016°, 146° and 210° radials extending from the 5-mile radius zone to 7 miles NE, SE and SW of the VORTAC.

**Charleston, W. Va.**
Within a 5-mile radius of Kanawha County Airport, Charleston, W. Va., (Lat. 38°22'21" N, Long. 81°35'35" W); within 2 miles either side of the Charleston ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; and within 2 miles either side of the Charleston VORTAC 087° radial extending from the 5-mile radius zone to the VORTAC.

**Charlotte, N. C.**
Within a 5-mile radius of Douglas Airport, Charlotte, N. C., (Lat. 35°12'58" N, Long. 80°56'22" W); within 2 miles either side of the Fort Mill, S. C., VOR 004° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Douglas Airport ILS localizer SW course extending from the 5-mile radius zone to the OM.

**Chattanooga, Tenn.**
Within a 5-mile radius of Lovell Field, Chattanooga, Tenn. (latitude 35° 02' 05" N., longitude 85° 12' 10" W.) within 2 miles each side of the Chattanooga VORTAC 333° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Chattanooga ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the airport; and within 2 miles each side of the Chattanooga ILS SW course, extending from the 5-mile radius zone to the INT of the ILS SW course and the 263° radial of the Chattanooga VORTAC.

**Cheyenne, Wyo.**
Within a 5-mile radius of the Cheyenne Municipal Airport (latitude 41° 09' 25" N., longitude 104° 48' 25" W.); within 2 miles each side of a 296° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 12 miles NW of the RBN; within 2 miles each side of a 090° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 11.5 miles E of the RBN; within 2 miles each side of the Cheyenne ILS localizer E course extending from the 5-mile radius zone to 10 miles E of the airport and within 2 miles each side of the Cheyenne VORTAC 032° radial, extending from the 5-mile radius zone to 10 miles NE of the VORTAC.

**Chicago, Ill., (Midway Airport)**
Within a 6-mile radius of Chicago-Midway Airport (Lat. 41°47'04" N, Long. 87°45'12" W); within 2 miles either side of the Chicago-Midway ILS localizer SE course extending from the 6-mile radius zone to the Chicago Heights, Ill., VOR 044° radial, and within 2 miles either side of the Chicago-Midway ILS localizer NW course extending from the 6-mile radius zone to 12 miles NW of the Chicago-Midway OM, excluding the portion within the O'Hare International Airport, Chicago, Ill., control zone.

**Chicago, Ill., (O'Hare International Airport)**
Within a 6-mile radius of Chicago-O'Hare International Airport (Lat. 41°59'10" N, Long. 87°54'28" W); within 2 miles either side of the Chicago-O'Hare VOR 331° radial extending from the 6-mile radius zone to the INT of the Northbrook, Ill., VOR 196° and the Chicago-O'Hare VOR 331° radials, and within 2 miles either side of the Chicago-O'Hare Runway 14-R ILS localizer NW course, extending from the 6-mile radius zone to the Runway 14-R OM, excluding the portion NE of a line between the INTs of the 6-mile radius and the 5-mile radius of Glenview, Illinois, control zone.

**Chicago, Ill., (Meigs Airport)**
Within a 3-mile radius of Meigs Airport, (Lat. 41°51'30" N., Long. 87°36'30" W) from 0600 to 2200 hours local time, daily, excluding the portion W of Long. 87°38'00" W.



**Childress, Tex.**
Within a 5-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) and within 2 miles each side of the Childress VOR 182° radial, extending from the 5-mile radius zone to 8 miles S of the VOR.

**China Lake, Calif.**
Within a 5-mile radius of NAF China Lake (Lat. 35°41'15" N, Long. 117°41'35" W); within a 1-mile radius of Ridgecrest-Davis, Calif., Airport (Lat. 35°36'40" N, Long. 117°40'25" W) and within 2 miles either side of the NAF China Lake TACAN 350° and 148° radials extending from the 5-mile radius zone to 3 miles N and SE of the TACAN.

**Chincoteague, Va.**
Within a 5-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.) and within 2 miles each side of the Snow Hill, Md., VOR 181° radial, extending from the 5-mile radius zone to 2.5 miles S of the VOR, excluding the portion within R-6604. This control zone is effective from 0800 to 1700 hours, local time, Monday through Friday, excluding Federal legal holidays.

**Cincinnati, Ohio**
Within a 5-mile radius of Cincinnati Municipal (Lunken Airport), and within 2 miles either side of the Cincinnati RR SW and NE courses extending from the 5-mile radius zone to the Loveland FM

Cleveland, Ohio (Burke-Lakefront Airport)
Within a 3-mile radius of the Burke-Lakefront Airport (latitude 41°31'00" N., longitude 81°41'00" W.), from 0700 to 2300 hours, local time, daily.

Cleveland, Ohio (Cleveland-Hopkins Airport)
Within a 5-mile radius of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.); within 2 miles each side of the Runway 23-R-ILS localizer NE course, extending from the 5-mile radius zone to 6 miles NE of the NE end of the runway; within 2 miles each side of the Runway 27-R-ILS localizer E course, extending from the 5-mile radius zone to the Runway 27-R-ILS OM; within 2 miles each side of the Strongsville, Ohio, VOR 012° radial, extending from the 5-mile radius zone to the VOR; including the airspace within a 1-mile radius of the Brooklyn Airport (latitude 41°25'30" N., longitude 81°44'25" W.); and within a 1-mile radius of the Strongsville Airpark (latitude 41°19'25" N., longitude 81°51'50" W.).

**Clinton, Okla.**
Within a 5-mile radius of the Clinton-Sherman AFB (latitude 35° 20' 25" N., longitude 99° 12' 00" W.); within 2 miles each side of the Clinton-Sherman VOR 003° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Clinton-Sherman AFB TACAN 174° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; and within 2 miles each side of the Clinton-Sherman AFB TACAN 006° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

AMENDMENTS 4/2/64 29 F.R. 556 (Rewritten);

Clovis, N. Mex.
Within a 6-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34° 23' 01" N., longitude 103° 18' 58" W.); within 2 miles each side of the Cannon AFB TACAN 219° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN; within 2 miles each side of the Cannon AFB VOR 227° radial, extending from the 6-mile radius zone to 12 miles SW of the VOR; within 2 miles each side of the Cannon TACAN 232° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN, and within 2 miles each side of the Cannon VOR 242° radial, extending from the 6-mile radius zone to 8 miles SW of the VOR.

**Cold Bay, Alaska**
Within a 5-mile radius of Cold Bay Airport (Lat. 55°12'30" N, Long. 162°42'45" W); within 2 miles either side of the Cold Bay RR N course extending from the 5-mile radius zone to 8 miles N of the RR, and within 2 miles either side of the Cold Bay ILS localizer NW course extending from the 5-mile radius zone to the OM.

College Station, Tex.
Within a 5-mile radius of Easterwood Field, College Station, Tex. (latitude 30°35'00" N., longitude 96°22' 00" W.) and within 2 miles each side of the College Station VOR 287° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

Colorado Springs, Colo.
Within a 5-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.), and within a 1-mile radius of Pikes Peak Airport, Fountain, Colo. (latitude 38°43'40" N., longitude 104°42'00" W.).

Columbia, Mo.
Within a 5-mile radius of Columbia Municipal Airport (latitude 38°58'25" N., longitude 92°21'50" W.).

Columbia, S. C.
Within a 5-mile radius of Columbia Airport (Lat. 33°56'25" N, Long. 81°06'55" W); within 2 miles either side of the Columbia VOR 326° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Columbia ILS localizer SW course extending from the 5-mile radius zone to 7 miles SW of the OM.

Columbus, Ga. (Lawson AAF).
Within a 5-mile radius of Lawson AAF (latitude 32°20'20" N., longitude 84°59'35" W.); within 2 miles each side of the Lawson AAF VOR 022° radial, extending from the 5-mile radius zone to 5.5 miles N of the airport; within 2 miles each side of the Lawson VOR 206° radial, extending from the 5-mile radius zone to 8 miles SW of the Columbus RBN; and within 2 miles each side of the Lawson VOR 341° radial, extending from the 5-mile radius zone to 6 miles N of the airport, excluding the portion within R-3002.

Columbus, Ga. (Muscogee County Airport)
Within a 5-mile radius of Muscogee County Airport (Lat. 32°30'55" N, Long. 84°56'25" W); within 2 miles either side of the Columbus VOR 149° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 054° bearing from the Columbus LOM extending from the 5-mile radius zone to the LOM, excluding the portion within R-3002.

Columbus, Ind.
Within a 5-mile radius of Bakalar AFB, Columbus, Ind. (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 044° bearing from the Bakalar AFB, extending from the 5-mile radius zone to 12 miles NE of the AFB, from 0730 to 2330 hours, local time, daily.

AMENDMENTS 4/30/64 29 F.R. 3225 (Rewritten)

Columbus, Miss.
Within a 7-mile radius of Columbus AFB, and within 25 miles either side of the extended centerline of Runway 14/32 extending from the 7-mile radius zone to 12 miles NW of the lift-off end of Runway 14/32.

Columbus, Ohio
Within a 5-mile radius of Port Columbus Airport (Lat. 39°59'34" N, Long. 82°52'50" W); within a 5-mile radius of the Lockbourne, Ohio, AFB (Lat. 39°48'51" N, Long. 82°55'56" W); within 2 miles either side of a direct line extending from the Columbus RBN to the Lockbourne AFB, within 2 miles either side of the Port Columbus ILS localizer E course extending from the Port Columbus Airport 5-mile radius zone to the Port Columbus OM, and within 2 miles either side of the Lockbourne AFB ILS localizer NE course extending from from the Lockbourne AFB 5-mile radius zone to the Lockbourne AFB OM.

Concord, Calif.
Within a 3-mile radius of Buchanan Field, Concord, Calif., (Lat. 37°59'20" N, Long. 122°03'20" W).

Concord, N. H.
Within a 5-mile radius of Concord Municipal Airport (Lat. 43°12'10" N, Long. 71°30'10" W); within 2 miles either side of the 149° bearing from Lat. 43°10'54" N, Long. 71°28'21" W extending from the 5-mile radius zone to 10 miles SE of Lat. 43°10'54" N, Long. 71°28'21" W, and within 2 miles either side of the Concord VOR 284° radial extending from the 5-mile radius zone to 10 miles W of the VOR.

Cordova, Alaska
Within a 5-mile radius of Cordova (Mile 13) Airport (Lat. 60°29'25" N, Long. 145°29'00" W); within 2 miles either side of the Cordova RR SE course extending from the 5-mile radius zone to the INT of the Cordova RR SE course and the Hinchinbrook, Alaska, RR E course, and within 2 miles either side of the Cordova RR SW course extending from the 5-mile radius zone to the INT of the Cordova RR SW course and the Hinchinbrook RR E course.

Corpus Christi, Tex.
Within a 5-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within 2 miles each side of the Corpus Christi VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 11/12/64 29 F.R. 13164 (Rewritten)



Corpus Christi NAS, Texas
Within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within 2 miles each side of the Navy Corpus VOR 010° radial, extending from the 5-mile radius zone to 1 mile N of the VOR; within 2 miles each side of the Navy Corpus RBN 315° bearing, extending from the 5-mile radius zone to the RBN.

AMENDMENTS 11/12/64 29 F.R. 13164 (Added)

Cotulla, Tex.
Within a 3-mile radius of Cotulla Municipal Airport (latitude 28° 27' 15" N., longitude 99° 13' 05" W.); within 2 miles each side of the Cotulla VOR 265° radial, extending from the 3-mile radius zone to the VOR, and within 2 miles each side of the Cotulla RBN 320° bearing, extending from the 3-mile radius zone to 8 miles NW of the RBN.

AMENDMENTS 4/2/64 29 F.R. 605 (Rewritten);

Covington, Ky.
Within a 5-mile radius of Greater Cincinnati Airport, Covington, Ky.; within 2 miles either side of the Greater Cincinnati ILS localizer S course extending from the 5-mile radius zone to the INT of the Cincinnati, Ohio, RR SW course; within 2 miles either side of the Cincinnati ILS localizer N course extending from the 5-mile radius zone to the INT of the Cincinnati RR NW course, and within 2 miles either side of the Cincinnati VORTAC 223° radial extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

Crescent City, Calif.
Within a 5-mile radius of Jack McNamara Field, Crescent City, Calif. (latitude 41° 46' 50" N., longitude 124° 14' 00" W.), and within 2 miles each side of the Crescent City VOR 325° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR.
AMENDMENTS 5/28/64 28 F.R. 14419 (Rewritten);

Crestview, Fla.
Within a 5-mile radius of Crestview Airport (latitude 30°47'30" N., longitude 86°33'50" W.); within 2 miles either side of the 088° bearing from the Crestview RBN extending from the 5-mile radius zone to 10 miles E of the RBN and within 2 miles either side of the Crestview VOR 109° and 289° radials extending from the 5-mile radius zone to 10 miles W of the VOR.

PENDING AMENDMENT
Crestview, Fla.
Within a 5-mile radius of Bob Sikes Airport, Crestview, Fla. (latitude 30°46'47" N., longitude 86°31'21" W.) and within 2 miles each side of the Crestview VORTAC 109° radial extending from the 5-mile radius zone to the VORTAC.
AMENDMENTS 1/7/65 29 F. R. 14917 (Rewritten)

Crows Landing, Calif.
Within a 5-mile radius of ALF Crows Landing (Lat. 37°24'35" N, Long. 121°06'40" W) and within 2 miles either side of the ALF Crows Landing TACAN 327° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN, excluding the portion within R-2528.

Cut Bank, Mont.
Within a 5-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 2 miles each side of the Cut Bank VOR 150° radial, extending from the 5-mile radius zone to 12 miles SE of the VOR, and within 2 miles each side of the 168° bearing from the Cut Bank RBN, extending from the 5-mile radius zone to 12 miles S of the RBN.

AMENDMENTS Eff. Immed. 1/23/63 28 F.R. 843 (Rewritten); 10/17/63 28 F. R. 8446 (Rewritten);

Dalhart, Tex.
Within a 5-mile radius of Dalhart Municipal Airport (Lat. 36°01'10" N, Long. 102°33'10" W) and within 2 miles either side of the Dalhart VORTAC 182° and 002° radials, extending from the 5-mile radius zone to 10 miles N of the VORTAC.

Dallas, Tex.
Within a 5-mile radius of Love Field, Dallas, Tex., (Lat. 32°51'00" N, Long. 96°50'30" W); within a 5-mile radius of Addison Airport, Dallas, Tex.; within 2 miles either side of the Love Field ILS localizer SE course, extending from the 5-mile radius zone to 7 miles SE of the localizer; within 2 miles either side side of a 185° bearing from the Dallas RBN extending from the Love Field 5-mile radius zone to the Duncanville RBN, and the airspace NW of Love Field bounded by a line extending from Lat. 32°49'40" N, Long. 96°55'45" W to Lat. 32°53'15" N, Long. 96°59'35" W to Lat. 32°54'40" N, Long. 96°57'45" W, through Lat. 32°56'55" N, Long. 96°55'15" W.

**Danville, Va.**
Within a 5-mile radius of Danville Municipal Airport (Lat. 36°34'20" N, Long. 79°20'05" W), and within 2 miles either side of the Danville VOR 208° radial, extending from the 5-mile radius zone to 12 miles SW of the VOR.

**Dayton, Ohio**
Within a 5-mile radius of Dayton Municipal Airport, within 2 miles either side of the Dayton ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the LOM, and within 2 miles either side of the Dayton ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the Tripp City RBN.

**Daytona Beach, Fla.**
Within a 5-mile radius of the Daytona Beach Airport (latitude 29°11'05" N., longitude 81°03'20" W.); within 2 miles each side of the Daytona Beach VOR 156° and 336° radials, extending from the 5-mile radius zone to 1 mile N of the VOR; and within 2 miles each side of the 065° bearing from the Daytona Beach OM, extending from the 5-mile radius zone to the OM.

**Del Rio, Tex.**
Within a 5-mile radius of Laughlin AFB, Del Rio, Tex., within 2 miles either side of the 315° bearing from the Laughlin AFB extending from the 5-mile radius zone to the Laughlin AFB RBN and within 2.5 miles either side of the Laughlin AFB VOR 140° radial extending from the 5 mile radius zone to 12 miles SE of the AFB. This control zone is effective from 0600 to 1900 hours, local time, Monday through Friday and from 1200 to 1800 hours, local time, Sunday, excluding Federal legal holidays.

**Deming, N. Mex.**
Within a 5-mile radius of Deming Municipal Airport (latitude 32°15'25" N., longitude 107°43'00" W.); within 2 miles either side of the Deming VOR 270° radial extending from the 5-mile radius zone to 5.5 miles W of the airport and within 2 miles either side of the Deming VOR 264° radial extending from the 5-mile radius zone to 5.5 miles E of the airport.

**Denver, Colo.**
Within a 10-mile radius of Stapleton Air Field, Denver, Colo., (Lat. 39°45'35" N, Long. 104°52'40" W), within 2 miles either side of the Stapleton ILS localizer E course extending from the 10-mile radius zone to 11.5 miles E of Stapleton Air Field, within 2 miles either side of the Denver VORTAC 045° radial extending from the 10 mile radius zone to 5 miles NE of the VORTAC, and within 2 miles each side of the 002° bearing from the Denver RBN, extending from the 10-mile radius zone to 13 miles N of the RBN.

**Des Moines, Iowa**
Within a 5-mile radius of Des Moines Municipal Airport; within 2 miles either side of the Des Moines ILS localizer SE and NW courses extending from the 5-mile radius zone to 12 miles SE and NW of the localizer, and within 2 miles either side of the Des Moines VORTAC 176° and 356° radials extending from the 5-mile radius zone to 10 miles S of the VORTAC.

AMENDMENTS On Publ. 10/7/64 29 F.R. 13798 (Changed)

**Detroit, Mich. (Detroit City Airport)**
Within a 5-mile radius of Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the 143° bearing from the Detroit City RBN, extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15, within 2 miles each side of the Windsor, Ontario, Canada, RR NW course, extending from the 5-mile radius zone to the United States/Canadian border, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 347° radial, extending from the 5-mile radius zone to the United States/Canadian border.

PENDING AMENDMENT
Detroit, Mich. (Detroit City Airport)
Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the 143° bearing from the Madison Heights, Mich. RBN, extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15 and within 2 miles each side of the Windsor, Ontario, Canada, R.R. NW course, extending from the 5-mile radius zone to the United States/Canadian border, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

AMENDMENTS 11/19/64 29 F. R. 14982 (Rewritten)

**Detroit, Mich. (Metropolitan Wayne County Airport)**
Within a 5-mile radius of Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer NE course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Willow Run) control zone.



**Detroit, Mich. (Willow Run Airport)**
Within a 5-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Willow Run VOR 237° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, within 2 miles each side of the Willow Run Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Metropolitan Wayne County Airport) control zone.

**Dickinson, N. Dak.**
Within a 3-mile radius of Dickinson Municipal Airport (latitude 46° 47' 45" N., longitude 102° 48' 00" W.).

**Dodge City, Kans.**
Within a 5-mile radius of Dodge City Municipal Airport (Lat. 37°45'45" N, Long. 99°58'00" W), and within 2 miles either side of the Dodge City VOR 161° radial, extending from the 5-mile radius zone to the VOR.

**Dothan, Ala.**
Within a 5-mile radius of the Dothan Municipal Airport (latitude 31°14'15" N., longitude 85°26'30" W.); within a 5-mile radius of Napier Field, Dothan (latitude 31°19'10" N., longitude 85°27'30" W.); within 2 miles each side of the Dothan VORTAC 010° radial, extending from the Napier Field 5-mile radius zone to 8 miles N of the VORTAC; and within 2 miles each side of the Dothan VORTAC 143° radial, extending from the Dothan Municipal Airport 5-mile radius zone to 8 miles SE of the VORTAC.

AMENDMENTS 5/28/64 29 F.R. 3469 (Rewritten)

**Douglas, Ariz.**
Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31° 28' 00" N., longitude 109° 36' 10" W.), and within 2 miles each side of the Douglas VOR 122° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 2/6/64 28 F. R. 13438 (Rewritten);

**Dover, Del.**
Within a 6-mile radius of Dover AFB (Lat. 39°07'45" N, Long. 75°27'50" W); within 2 miles either side of the Dover AFB ILS localizer S course extending from the 6-mile radius zone to 10 miles S of the OM, and within 2 miles either side of the extended centerline of the Dover AFB Runway 13, extending from the 6-mile radius zone to 12 miles SE of the lift-off end of Runway 13. The portion within R-2803 shall be used only after obtaining prior approval from appropriate authority.

**DuBois, Pa.**
Within a 5-mile radius of the DuBois-Jefferson County Airport (latitude 41°10'45" N., longitude 78°53'45" W.), excluding the portion within a 1-mile radius of Bywater Airport, Falls Creek, Pa. (latitude 41°09'55" N., longitude 78°48'15" W.).
AMENDMENTS 5/28/64 29 F.R. 4853 (Added)

**Dubuque, Iowa**
Within a 5-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.) from 0600 to 2100 hours, local time, daily.

**Duluth, Minn.**
Within a 5-mile radius of Duluth International Airport (latitude 46°50'35" N., longitude 92°11'35" W.), and within 2 miles each side of the Duluth VORTAC 197° radial extending from the 5-mile radius zone to 8 miles S of the VOR, and within 2 miles each side of the Duluth ILS W course extending from the 5-mile radius zone to the OM.

AMENDMENTS 10/30/64 29 F. R. 15199 (Rewritten)

PENDING AMENDMENT
**Durango, Colo.**
Within a 5-mile radius of La Plata Field (latitude 37°09'15" N., longitude 107°45'00" W.), effective from 0600 to 2200 hours local time, daily.

AMENDMENTS 12/10/64 29 F. R. 14358 (Added)

**Dyersburg, Tenn.**
Within a 5-mile radius of Dyersburg Municipal Airport (latitude 36° 00' 00" N, longitude 89° 24' 20" W.), effective from 0600 to 2200 hours, local time, daily.

**Eastover, S. C.**
**Within a 6-mile radius of McEntire ANG Base, Eastover, S. C.**

**Eau Claire, Wis.**
**Within a 5-mile radius of Eau Claire Municipal Airport (Lat. 44°51'50" N, Long. 91°29'10" W), and within 2 miles either side of the Eau Claire VOR 004° radial, extending from the 5-mile radius zone to 10 miles N of the VOR.**

**Edwards AFB, Calif.**
**Within a 5-mile radius of Edwards AFB (Lat. 34°54'20" N, Long. 117°52'55" W); within a 3-mile radius of Edwards AF Auxiliary North Base (Lat. 34°59'11" N, Long. 117°51'41" W); within 2 miles either side of the Edwards AFB VOR 239° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Edwards VOR 239° radial extending from the 5-mile radius zone to 8 miles SW of the airport.**

**Eglin AFB, Fla.**
**Within a 5-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'55" W.); within 2 miles either side of the 011° bearing from the Destin (Eglin AFB) RBN extending from the 5-mile radius zone to the RBN, and within 2 miles either side of the extended centerline of the Eglin AFB Runway 30, extending from the 5-mile radius zone to 6 miles southeast of the Eglin AFB ILS middle marker.**

**El Centro, Calif.**
**Within a 5-mile radius of NAF El Centro (latitude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, El Centro, Calif. (latitude 32°50'10" N., longitude 115°34'30" W.); within 2 miles each side of the Imperial VORTAC 297° radial, extending from the NAF El Centro 5-mile radius zone to the VORTAC, and within 2 miles each side of the Imperial VORTAC 327° radial, extending from the Imperial County 5-mile radius zone to the VORTAC.**

AMENDMENTS 9/17/64 29 F. R. 8165 (Changed)

**El Dorado, Ark.**
**Within a 5-mile radius of Goodwin Airport, El Dorado, Ark., (Lat. 33°13'05" N, Long. 92°48'45" W), and within 2 miles either side of the El Dorado VOR 052° radial extending from the 5-mile radius zone to 8 miles NE of the VOR.**

PENDING AMENDMENT
El Dorado, Ark.
That airspace within a 5-mile radius of Goodwin Airport, El Dorado, Ark. (latitude 33°13'05" N., longitude 92°48'45" W.), and within 2 miles each side of the 052° bearing from the El Dorado RBN, extending from the 5-mile radius zone to 7.5 miles NE of the RBN.
AMENDMENTS 1/7/65 29 F.R. 14918 (Rewritten)

**Elizabeth City, N. C.**
**Within a 5-mile radius of CGAS Elizabeth City (latitude 36°15'50" N., longitude 76°10'40" W.); within 2 miles each side of the 194° radial of the Elizabeth City VOR, extending from the 5-mile radius zone to 8 miles S of the VOR; within 2 miles each side of the Elizabeth City VOR 350° and 357° radials, extending from the 5-mile radius zone to 8 miles N of the VOR; and within a 1.5-mile radius of the Elizabeth City Municipal Airport (latitude 36°14'50" N., longitude 76°15'40" W.).**

**PENDING AMENDMENT**
**The Elizabeth City, N. C., control zone is amended by the additinn of control zone extensions within 2 miles each side of the Elizabeth City VOR 226° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR and within 2 miles each side of the Elizabeth City VOR 068° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR.**
AMENDMENTS 12/10/64 29 F.R. 14167 (Changed)

**Elkins, W. Va.**
**Within a 5-mile radius of Elkins Municipal/Randolph County Airport (Lat. 38°53'25" N, Long. 79°51'25" W).**

**Elko, Nev.**
**Within a 5-mile radius of Elko Municipal Airport (Lat. 40°49'35" N, Long. 115°47'20" W).**

**Elmira, N. Y.**
**Within a 5-mile radius of Chemung County Airport, Elmira, N. Y., (Lat. 42°09'40" N, Long. 76°53'40" W); within 2 miles either side of the Elmira VOR 055° and 235° radials, extending from the 5-mile radius zone to 10 miles SW of the VOR.**



**El Paso, Tex.**
That airspace bounded by a line beginning at latitude 31°45'15" N., longitude 106°26'30" W., thence clockwise along the arc of a 5-mile radius circle centered at the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) to latitude 31°52'10" N., longitude 106°26'00" W.; to latitude 31° 56°20' N., longitude 106°26'00" W.; thence clockwise along the arc of a 7-mile radius circle centered at the Biggs AFB (latitude 31°50'55" N., longitude 106°22'45" W.); to latitude 31°47'30" N., longitude 106°16'45" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport; to latitude 31°43'15" N., longitude 106°22'20" W.; thence via the United States/Mexican Border to point of beginning.

**El Toro, Calif.**
Within a 5-mile radius of MCAS El Toro (latitude 33°40'34" N., longitude 117°43'50" W.); within 2 miles W and 3 miles E of the El Toro VOR 175° radial extending from the 5-mile radius zone to 12 miles S of the VOR, and within 2 miles each side of the El Toro VOR 225° radial extending from the 5-mile radius zone to 8 miles SW of the VOR, excluding the portion within the Orange County, Calif., and Santa Ana, Calif., control zones.

**Emporia, Kans.**
Within a 5-mile radius of the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.).

**Enid, Okla.**
Within a 5-mile radius of Vance AFB, Enid, Okla., (Lat. 36°20'20" N, Long. 97°55'00" W); within 2 miles either side of the Vance AFB TACAN 185° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN, and within 2 miles either side of the Vance AFB VOR 134° radial, extending from the 5-mile radius zone to the VOR, see Airman's Guide for hours of designation.

AMENDMENTS 10/9/64 29 F.R. 13379 (Changed);

**Ephrata, Wash.**
Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'20" N. longitude 119°30'40" W.). and within 2 miles either side of the Ephrata VOR 222° radial extending from the 5-mile radius zone to the VOR.

**Erie, Pa.**
**Within a 5-mile radius of Port Erie Airport (Lat. 42°04'56" N, Long. 80°10'44" W), within 2 miles either side of the Erie VORTAC 054° radial extending from the 5-mile radius zone to the VORTAC.**

**Eugene, Oreg.**
Within a 5-mile radius of Mahlon-Sweet Field, Eugene, Oreg. (latitude 44° 07' 25" N., longitude 123° 13' 05" W.), and within 2 miles each side of the Eugene VORTAC 007° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC, excluding the portion within a 1-mile radius of T-Bird Airpark, Oreg., (latitude 44° 03' 15" N., longitude 123° 11' 00" W.).

AMENDMENTS 2/6/64 28 F. R. 13358 (Rewritten)

**Evansville, Ind.**
**Within a 5-mile radius of Dress Memorial Airport, Evansville, Ind., and within 2 miles either side of the Dress Memorial Airport NE-SW runway centerline extending from the 5-mile radius zone to 10 miles NE of the Evansville OM.**

**Everett, Wash.**
**Within a 5-mile radius of Paine Fld., Everett, Wash., (Lat. 47°54'40" N, Long. 122°16'50" W); and within 2 miles either side of the 359° bearing from Paine Fld. extending from the 5-mile radius zone to the Paine RBN.**

**Fairbanks, Alaska (Eielson AFB).**
Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.); within 2 miles each side of the Eielson VOR 159° and 339° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the Runway 31 extended centerline, extending from the 5-mile radius zone to 5 miles NW of the NW end of Runway 31.

**Fairbanks, Alaska (Fairbanks International-Wainwright AAF).**
Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N., longitude 147°51'14" W.); within a 5-mile radius of Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 8 miles SW of the airport; and within 2 miles each side of the Fairbanks RR E course, extending from the Wainwright 5-mile radius zone to 7 miles E of the RR.

**Fairfield, Calif.**
Within a 5-mile radius of Travis AFB, Fairfield, Calif., TACAN (Lat. 38°15'04" N, Long. 121°56'15" W), and within 2 miles either side of the Travis VOR 229° radial extending from the VOR to 25 miles SW of the VOR.

**Fallon, Nev.**
Within a 5-mile radius of NAAS Fallon (latitude 39°25'10" N., longitude 118°42'00" W.); within 2 miles each side of the NAAS Fallon TACAN 139° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 5-mile radius zone to 5.5 miles NW of the TACAN.

**Falmouth, Mass.**
Within a 5-mile radius of Otis AFB, Falmouth, Mass., (Lat. 41°38'54" N, Long. 70°31'12" W); within 2 miles either side of the 127° and 307° bearings from the AFB extending from the 5-mile radius zone to 9 miles SE and NW of the AFB; within 2 miles either side of the Otis AFB TACAN 030° and 224° radials extending from the 5-mile radius zone to 8 miles NE and SW of the TACAN; and within 2 miles either side of the TACAN 139° and 299° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN. The portion within R-4101 and R-4103 shall be used only after obtaining prior approval from appropriate authority.

**Farewell, Alaska**
Within a 5-mile radius of Farewell Airport, (Lat. 62°30'25" N, Long. 153°53'25" W), from 0545 to 2145 hours, local time, daily.

AMENDMENTS On Publ. 11/4/64 29 F. R. 14916 (Changed)

**Fargo, N. Dak.**
Within a 5-mile radius of Hector Field, Fargo, N. Dak., (Lat. 46°55'04" N, Long. 96°48'58" W); within 2 miles either side of the 089° bearing from the Fargo RBN extending from the 5-mile radius zone to 12 miles E of the RBN, and within 2 miles either side of the Fargo ILS localizer S course extending from the 5-mile radius zone to 12 miles S of the OM.

**Farmington, N. Mex.**
Within a 5-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.); and within 2 miles each side of the Farmington VORTAC 268° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 6/25/64 29 F.R. 5456 (Rewritten)

**Fayetteville, Ark.**
Within a 5-mile radius of Fayetteville Municipal Airport-Drake Field (latitude 36°00'15" N., longitude 94°10'05" W.); within 2 miles each side of the Drake VOR 328° radial extending from the 5-mile radius zone to 8 miles NW of the VOR.

AMENDMENTS 4/7/64 29 F.R. 4719 (Rewritten)

**Fayetteville, N. C.**
Within a 5-mile radius of Grannis Field, Fayetteville, N. C., and within 2 miles either side of the 211° bearing from the Fayetteville RBN extending from the 5-mile radius zone to 10 miles SW of the RBN.

PENDING AMENDMENT
Fayetteville, N. C.
Within a 5-mile radius of Grannis Field (latitude 34°59'25" N., longitude 78°52'50" W.), and within 2 miles each side of the Fayetteville, VOR 233° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR.
AMENDMENTS 12/10/64 29 F. R. 14436 (Rewritten)

**Findlay, Ohio**
Within a 5-mile radius of the Findlay Airport (latitude 41° 00' 55" N., longitude 83° 40' 15" W.); within 2 miles each side of the Findlay VOR 046° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the Findlay RBN 178° bearing, extending from the 5-mile radius zone to 8 miles S of the RBN; excluding the portion within a 1-mile radius of the Lutz Airport (latitude 40° 57' 40" N., longitude 83° 35' 45" W.).
AMENDMENTS 4/2/64 29 F. R. 2307 (Rewritten)



**Flint, Mich.**
Within a 5-mile radius of Bishop Airport, Flint, Mich. (latitude 42°57'55" N., longitude 83°44'30" W.), within 2 miles each side of the Flint VOR 280° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, within 2 miles each side of the Flint VOR 351° radial, extending from the 5-mile radius zone to 8 miles north of the VOR, within 2 miles each side of the Flint VOR 219° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Flint VOR 075° radial, extending from the 5-mile radius zone to 8 miles east of the VOR, and within 2 miles each side of the Flint VOR 052° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR.

**Florence, S. C.**
Within a 5-mile radius of Florence Municipal Airport and within 2 miles either side of the Florence VOR 051° and 231° radials, extending from the 5-mile radius zone to 10 miles NE of the VOR.

**Fort Belvoir, Va.**
Within a 3-mile radius of Davison AAF, Fort Belvoir, Va. (latitude 38°42'55" N., longitude 77°10'50" W.) and within 2 miles each side of the 132° bearing from Davison AAF, extending from the 3-mile radius zone to 4.8 miles SE of the airport.

**Fort Bragg, N. C.**
Within a 5-mile radius of Pope AFB, Fort Bragg, N. C., (Lat. 35°10'15" N, Long. 79°00'55" W); within 2 miles either side of the Pope VOR 227° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Pope TACAN 037° radial extending from the 5-mile radius zone to 9 miles NE of the TACAN, excluding that portion SE of a line from Lat. 35°11'55" N, Long. 78°56'05" W, to Lat. 35°05'55" N, Long. 79° 00'50" W. and excluding the portion within R-5311.

**Fort Eustis, Va.**
Within a 3-mile radius of Felker AAF, Fort Eustis, Va., (latitude 37°07'55" N., longitude 76°36'30" W.), within 2 miles each side of the 320° bearing from the Felker AAF RBN (latitude 37°08'28" N., longitude 76°37'07" W.), extending from the 3-mile radius zone to 5 miles NW of the RBN, and within 2 miles each side of the Felker AAF Runway 13 extended centerline, extending from the 3-mile radius zone to 4 miles NW of the NW end of the Runway 13, excluding the portion within the Newport News, Va., control zone.
AMENDMENTS 5/28/64 29 F.R. 4793 (Added)

**Fort Hood, Texas.**
Within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), from 0600 to 2200 hours local time, daily, excluding the portion within R-6302A. The portions of this control zone within R-6302B and R-6302C shall be used only after obtaining prior approval from appropriate authority.

**Fort Knox, Ky.**
Within a 5-mile radius of Godman AAF, Fort Knox, Ky., (Lat. 85°58'15" N, Long. 37°54'25" W), and within 2 miles either side of the 354° bearing from the Fort Knox RBN extending from the 5-mile radius zone to 12 miles N of the RBN.

**Fort Lauderdale, Fla.**
Within a 5-mile radius of the Fort Lauderdale-Hollywood International Airport (latitude 26°04'20" N., longitude 80°09'10" W.); within 2 miles on each side of the Fort Lauderdale VOR 278° and 306° radials extending from the 5-mile radius zone to 8 miles W and NW of the VOR; within 2 miles on each side of the Fort Lauderdale VOR 082° radial extending from the 5-mile radius zone to 6.5 miles E of the VOR; and within 2 miles on each side of the 135° bearing from the Fort Lauderdale RBN extending from the 5-mile radius zone to the RBN.

AMENDMENTS On Publ. 4/7/64 29 F.R. 4855 (Changed)

**Fort Leonard Wood, Mo.**
Within a 4-mile radius of the Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.), and within 2 miles each side of the Forney AAF VOR 323° radial, extending from the 4-mile radius zone to 8 miles NW of the VOR and within 2 miles each side of the 148° bearing from the Forney AAF RBN, extending from the 4-mile radius zone to 8 miles SE of the RBN.

AMENDMENTS 9/17/64 29 F.R. 9663 (Added)

**Fort Lewis, Wash.**
Within a 5-mile radius of Gray AAF, Fort Lewis, Wash., (Lat. 47°04'55" N, Long. 122°34'55" W) excluding the portion within the Tacoma, Wash., control zone. The portions within R-6703 and R-6704 shall be used only after obtaining prior approval from appropriate authority.

**Fort Myers, Fla.**
Within a 5-mile radius of Page Field, Fort Myers, Fla., (Lat. 26°35'10" N, Long. 81°51'50" W), excluding the portion within a 1-mile radius of the Cape Coral Airstrip, Fort Myers, Fla., (Lat. 26°33'56" N, Long. 81°57'07" W); within 2 miles either side of the Fort Myers VOR 215° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; and within 2 miles either side of the 040° and 220° bearings from the Fort Myers RBN extending from the 5-mile radius zone to 8 miles SW of the RBN.

**Fort Ord, Calif.**
Within a 5-mile radius of Fritzsche AAF, Fort Ord, Calif. (latitude 36°40'54" N., longitude 121°45'40" W.) and within 2 miles either side of the Fritzsche AAF Runway 11/29 extended centerline extending from the 5-mile radius zone to 6 miles NW of the approach end of Runway 11, excluding the portions subtended by chords drawn between the points of INT of the Fort Ord 5-mile radius zone with the Monterey, Calif., and Salinas, Calif., 5-mile radius zones. The airspace within R-2511 and R-2529 shall be used only after obtaining prior approval from appropriate authority. This control zone shall be effective from 0600 to 2400 hours, local time, daily.

PENDING AMENDMENT

**Fort Polk, La.**
Within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25"W.); within 2 miles each side of the 160° bearing from the Polk RBn, extending from the 5-mile radius zone to 8 miles SE of the RBn, within 2 miles each side of the 340° bearing from the RBn, extending from the 5-mile radius zone to 8 miles NW of the RBn; excluding the portion within R-3804A. This control zone is effective from 0730 to 1630 hours, local time, Monday through Friday and from 0730 to 1130 hours local time, Saturday.

AMENDMENTS 12/10/64 29 F. R. 14357 (Added)

**Fort Riley, Kans.**
Within a 5-mile radius of Marshall AAF, Fort Riley, Kans. (latitude 39°03'15" N., longitude 96°45'50" W.); within 2 miles each side of the Fort Riley VOR 042° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 216° bearing from the Fort Riley RBN extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within R-3602 and the portion bounded on the NE by the 318° bearing from the Fort Riley RBN and on the SE by a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial.

**Fort Rucker, Ala.**
Within a 9-mile radius of latitude 31°18'30" N., longitude 85°42'20" W.; within 2 miles each side of the Cairns, Ala., VOR 233° radial, extending from the 9-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Lowe, Ala., RBN 242° bearing, extending from the 9-mile radius zone to 8 miles W of the RBN; within 2 miles each side of the Hanchey, Ala., VOR 358° radial, extending from the 9-mile radius zone to 8 miles N of the VOR; within a 3-mile radius of Shell AAF, Enterprise, Ala., (latitude 31°21'54" N., longitude 85° 51'03" W.); and within a 2 mile radius of Blackwell Field, Ozark, Ala., (latitude 31°25'50" N., longitude 85°37'10" W.). excluding the portion within R-2103.

AMENDMENTS 5/28/64 29 F.R. 3469 (Rewritten)

**Fort Smith, Ark.**
Within a 5-mile radius of Fort Smith Municipal Airport (Lat. 35°20'10" N, Long. 94°22'10" W); within 2 miles either side of the Fort Smith VORTAC 234° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Fort Smith ILS localizer E course extending from the 5-mile radius zone to the OM.

**Fort Wayne, Ind.**
Within a 5-mile radius of Baer Field, Fort Wayne, Ind.; within 2 miles each side of the 231° bearing from the Fort Wayne RBN extending from the 5-mile radius zone to 10 miles SW of the RBN; within 2 miles either side of the Fort
Wayne ILS localizer SE course extending from the 5-mile radius zone to 12 miles SE of the OM, and within 2 miles either side of the Fort Wayne VORTAC 103°, 232°, 259° and 325° radials extending from the 5-mile radius zone to 12 miles E, SW, W and NW of the VORTAC.

AMENDMENT 2/6/64 28 F. R. 13357 (Changed)

**Fort Worth, Tex. (Carswell AFB)**
That airspace beginning at Lat. 32°35'30" N, Long. 97°24'30" W, to Lat. 32°35'30" N, Long. 97°32'32" W, to Lat. 32°59'55" N, Long. 97°32'30" W, to Lat. 32°59'45" N, Long. 97°24'30" W, to Lat. 32°58'10" N, Long. 97° 23'45" W, to Lat. 32°42'25" N, Long. 97°24'00" W, to point of beginning.



**Fort Worth, Tex. (Greater Southwest International Airport, Dallas-Fort Worth Field)**
Within a 5-mile radius of Meacham Field, Fort Worth, Tex., (latitude 32°49'00" N., longitude 97°21'35" W.); within 2 miles each side of the 183° bearing from the Fort Worth RBN extending from the 5-mile radius zone to the INT of the 255° bearing from the Dallas, Tex., RBN; the airspace bounded on the E by a line 2 miles E of and parallel to a line extending from the center of Meacham Field through latitude 32°58'24" N., longitude 97°19'42" W., on the N by latitude 32°59'45" N. and on the W by the Fort Worth (Carswell AFB) control zone; within 3 miles each side of a line extending from the center of Dallas-Fort Worth Field (latitude 32°49'35" N., longitude 97°02'45" W.) to the center of Meacham Field and the airspace bounded by a line extending from latitude 32°52'07" N., longitude 97°08'50" W., to latitude 32°56'30" N., longitude 97°03'10" W., to latitude 32°49'40" N., longitude 96°55'45" W., thence extending along and bounded on the E by the W boundary of the Dallas, Tex. (Love Field), control zone to latitude 32°39'35" N., longitude 96°54' 15" W., to latitude 32°39'00" N., longitude 96°54'20" W., to latitude 32°39'00" N., longitude 97°02'10" W., to latitude 32°41'00" N., longitude 97°08'30" W., to latitude 32°46'20" N., longitude 97°06'05" W., thence clockwise along a 5-mile radius circle centered at Dallas-Fort Worth Field to latitude 32°47'04" N., longitude 97°06'58" W.

Fort Yukon, Alaska
Within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'15" N, longitude 145°15'10" W.) and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius zone to 8 miles NE of the RBN, from 0745 to 1645 hours local time, daily.

**Fresno, Calif. (Chandler Municipal Airport).**
Within a 5-mile radius of Chandler Municipal Airport (latitude 36° 43' 55" N., longitude 119° 49' 05" W.), and within 2 miles each side of the 232° bearing from the Fresno RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within the Fresno (Fresno Air Terminal) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 2/6/64 28 F. R. 13396 (Rewritten):

**Fresno, Calif. (Fresno Air Terminal).**
Within a 5-mile radius of Fresno Air Terminal (latitude 36° 46' 25" N., longitude 119° 42' 35" W.), within 2 miles each side of the Fresno VORTAC 143° radial, extending from the 5-mile radius zone to 15 miles SE of the VORTAC, and within 2 miles each side of the Fresno VORTAC 150° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 2/6/64 28 F. R. 13396 (Rewritten);

**Fullerton, Calif.**
Within a 3-mile radius of Fullerton Municipal Airport (latitude 33°52'20" N., longitude 117°58'45" W.), excluding the portion within the Long Beach, Calif., control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

**Gage, Okla.**
Within a 5-mile radius of Gage Airport (Lat. 36°17'45" N, Long. 99°46'30" W) and within 2 miles either side of the Gage VORTAC 299° and 119° radials, extending from the 5-mile radius zone to 10 miles NW of the VORTAC.

PENDING AMENDMENT
Gage, Okla.
Within a 5-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.), within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the NE course of the Gage R.R., extending from the 5-mile radius zone to 8 miles NE of the R.R.
AMENDMENTS 12/10/64 29 F. R. 14102 (Rewritten)

GAINESVILLE, FLORIDA
Within a 5-mile radius of Gainesville Airport (latitude 29° 41' 20" N., longitude 82° 16' 30" W.), and within 2 miles each side of the Gainesville VOR 032° radial, extending from the 5-mile radius zone to the VOR.
AMENDMENTS 5/28/64 29 F. R. 1842 (ADDED)

Galena, Alaska
Within a 5-mile radius of Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.); within 2 miles each side of the Galena TACAN 261° radial, extending from the 5-mile radius zone to 11 miles W of the TACAN; within 2 miles each side of the Galena TACAN 090° radial, extending from the 5-mile radius zone to 8 miles E of the TACAN, and within 2 miles each side of the 089° bearing from the Galena RR, extending from the 5-mile radius zone to 11.5 miles E of the RR.

AMENDMENTS 6/25/64 29 F. R. 5388 (Rewritten); On Publ. 11/4/64 29 F. R. 14918 (Changed);



**Galveston, Tex.**
Within a 5-mile radius of Scholes Field, Galveston, Tex., (Lat. 29°15'55" N, Long. 94°51'35" W); within



Grandview, Mo.
Within a 5-mile radius of Richards-Gebaur AFB, Grandview, Mo., (Lat. 38°50'50" N, Long. 94°33'20" W), and

**Galveston, Tex.**
Within a 5-mile radius of Scholes Field, Galveston, Tex., (Lat. 29°15'55" N, Long. 94°51'35" W); within 2 miles either side of the 131° bearing from the Galveston RBN extending from the 5-mile radius zone to the RBN and within 2 miles either side of the Galveston VOR 119° radial extending from the 5-mile radius zone to the VOR.

**Garden City, Kans.**
Within a 5-mile radius of the New Garden City Airport (latitude 37°56'08" N., longitude 100°43'46" W.); within 2 miles either side of the 144° bearing from the Garden City RBN, extending from the 5-mile radius zone to the RBN, and within 2 miles either side of the Garden City VORTAC 004° radial extending from the 5-mile radius zone to 12 miles N. of the VORTAC.

**Glasgow, Mont.**
Within a 5-mile radius of Glasgow AFB (Lat. 48°25'00" N, Long. 106°31'40" W); within 2 miles either side of the Glasgow ILS localizer SE course extending from the 5-mile radius zone to the OM, within 2 miles either side of the Glasgow VOR 302° radial extending from the 5-mile radius zone to 12 miles NW of the VOR, and within 2 miles either side of the Glasgow AFB TACAN 285° radial extending from the 5-mile radius zone to 8 miles W of the TACAN. The portion within R-4601 shall be used only after obtaining prior approval from appropriate authority.

**Glens Falls, N. Y.**
Within a 5-mile radius of Warren County Airport, Glens Falls, N. Y., (Lat. 43°20'35" N, Long. 73°36'45" W).

**Glenview, Ill.**
Within a 5-mile radius of NAS Glenview (latitude 42°05'21" N., longitude 87°49'07" W.); within a 1-mile radius of Chicagoland Airport, Wheeling, Ill. (latitude 42°11'35" N., longitude 87°56'05" W.) and within 2 miles either side of the Northbrook, Ill., VORTAC 138° and 159° radials extending from the Glenview 5-mile and the Chicago-O'Hare, Ill., 6-mile radius zones to the VORTAC, excluding the portion within the Chicago-O'Hare control zone.

**Goldsboro, N. C.**
Within a 5-mile radius of Seymour-Johnson AFB, Goldsboro, N. C., and within 2 miles either side of the 261° bearing from the AFB extending from the 5-mile radius zone to 2 miles SW of the Seymour-Johnson AFB RBN.

**Grand Forks, N. Dak. (Grand Forks International Airport).**
Within a 5-mile radius of Grand Forks International Airport (latitude 47° 57' 05" N., longitude 97° 10' 47" W.), and within 2 miles each side of the Grand Forks VOR 322° radial, extending from the 5-mile radius zone to 1 mile NW of the VOR.

**Grand Forks, N. Dak. (Grand Forks AFB)**
Within a 5-mile radius of Grand Forks AFB (Lat. 47°57'40" N, Long. 97°24'00" W) and within 2 miles either side of the Grand Forks AFB ILS localizer S course extending from the 5-mile radius zone to 12 miles S of the OM. The portion of this control zone within R-5402 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 3/5/64 29 F. R. 3 (changed);

**Grand Junction, Colo.**
Within a 5-mile radius of Walker Field, Grand Junction, Colo., (Lat. 39°07'05" N, Long. 108°31'10" W), and within 2 miles either side of the Grand Junction ILS localizer NW course extending from the 5-mile radius zone to 10 miles NW of the localizer.

**Grand Island, Nebr.**
Within a 5-mile radius of Grand Island Airport (Lat. 40°58'04" N, Long. 98°18'51" W), and within 2 miles E and 3 miles W of the Grand Island VOR 360° radial, extending from the 5-mile radius zone to 12 miles N of the VOR.

**Grand Prairie, Tex.**
That airspace bounded on the W, N and E by the Amon Carter Field, Fort Worth, Tex., control zone and Dallas, Tex., control zone, and on the S by a line extending from the SE corner of the Amon Carter Field control zone to the SW corner of the Dallas control zone.

**Grand Rapids, Mich.**
Within a 5-mile radius of Kent County Airport, Grand Rapids, Mich. (latitude 42°52'45" N., longitude 85° 30' 30" W.), and within 2 miles each side of the Grand Rapids ILS localizer E course, extending from the 5-mile radius zone to the OM.
AMENDMENTS Eff. immed. 7/14/64 29 F.R. 9788 (Changed)



**Grandview, Mo.**
Within a 5-mile radius of Richards-Gebaur AFB, Grandview, Mo., (Lat. 38°50'50" N, Long. 94°33'20" W), and within 2 miles either side of the Grandview ILS localizer S course, extending from the 5-mile radius zone to the OM. The portions N of Lat. 38°52'30" N, and W of Long. 94°35'50" W are excluded.

**Great Falls, Mont.**
Within a 5-mile radius of Great Falls International Airport, (Lat. 47°29'00" N, Long. 111°22'00" W); within a 5-mile radius of Malmstrom AFB, Great Falls, Mont., and within 2 miles either side of lines extending from the Great Falls International Airport OM to the Great Falls International Airport and to the Malmstrom AFB.

**Green Bay, Wis.**
Within a 4-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44° 29' 15" N., longitude 88° 07' 45" W.); within 2 miles each side of the Green Bay VORTAC 146° radial, extending from the 4-mile radius zone to the VORTAC; within 2 miles each side of the Green Bay ILS localizer SW course, extending from the 4-mile radius zone to the OM, and within 2 miles each side of the ILS localizer NE course, extending from the 4-mile radius zone to 11 miles NE of the airport.

**Greensboro, N. C.**
Within a 5-mile radius of Greensboro-High Point Airport (Lat. 36°05'36" N, Long. 79°56'34" W), and within 2 miles either side of the Greensboro VOR 207° radial extending from the 5-mile radius zone to 12 miles SW of the VOR, excluding the portion within the Winston-Salem, N. C., control zone.

**Greenville, S. C.**
Within a 5-mile radius of Greenville Airport (Lat. 34°50'50" N, Long. 82°21'05" W); within a 5-mile radius of the Donaldson AFB, Greenville, S. C., (Lat. 34°45'00" N, Long. 82°22'00" W); within a 5-mile radius of Greenville-Spartanburg Airport, Greer, S. C., (Lat. 34°53'48" N, Long. 82°13'04" W); within 2 miles either side of the 219° bearing from the Greenville ILS OM extending from the Donaldson AFB 5-mile radius zone to 12 miles SW of the Greenville OM, and within 2 miles either side of the Greenville-Spartanburg ILS localizer SW course extending from the Greenville-Spartanburg 5-mile radius zone to the Greenville-Spartanburg OM.

**Greenwood, Miss.**
Within a 5-mile radius of Greenwood Municipal Airport (latitude 33°29'50" N., longitude 90°11'50" W.), and within 2 miles each side of the Greenwood VOR 066° and 246° radials, extending from the 5-mile radius zone to 10 miles SW of the VOR.

**Grosse Ile, Mich.**
Within a 5-mile radius of NAS Grosse Ile (Lat. 42°05'55" N, Long. 83°09'40" W), excluding the portion outside the United States.

**Guam Island (Anderson AFB)**
Within a 5-mile radius of Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.); within 2 miles each side of the Anderson TACAN 066° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN, and within 2 miles NW and 4 miles SE of the Anderson VOR 064° radial, extending from the 5-mile radius zone to the Guam Island (NAS Agana) 5-mile radius zone.

AMENDMENTS 5/28/64 29 F.R. 4854 (Rewritten)

**Guam Island (NAS Agana)**
Within a 5-mile radius of NAS Agana (latitude 13°29'00" N., longitude 144°47'00" E.); within 4 miles NW and 2 miles SE of the Agana VOR 244° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, and within 2 miles each side of the Guam RBN 026° bearing, extending from the 5-mile radius zone to 3 miles NE of the RBN.

AMENDMENTS 5/28/64 29 F.R. 4854 (Rewritten) Amend. Alt. 29 F. R. 7146;

**Gulfport, Miss.**
Within a 5-mile radius of Gulfport Municipal Airport (Lat. 30°24'25" N, Long. 89°04'20" W) and within 2 miles either side of the Gulfport VOR 325° radial extending from the 5-mile radius zone to 12 miles NW of the VOR, excluding the portion within the Biloxi, Miss., control zone.

**Gulkana, Alaska**
Within a 5-mile radius of Gulkana Airport (Lat. 62°09'20" N, Long. 145°27'15" W) and within 2 miles either side of the Gulkana RR N course extending from the 5-mile radius zone to 12 miles N of the RR.

**Gustavus, Alaska**
Within a 5-mile radius of Gustavus Airport (latitude 58°25'35" N., longitude 135°42'50" W.), and within 2 miles each side of the Gustavus RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR.



**Hampton Roads, Va.**
Within a 5-mile radius of Langley AFB, Hampton Roads, Va., (latitude 37°05'05" N., longitude 76°21'25" W.),



**Hobbs, N. Mex.**

Hampton Roads, Va.
Within a 5-mile radius of Langley AFB, Hampton Roads, Va., (latitude 37°05'05" N., longitude 76°21'25" W.), within 2.5 miles NW and 2 miles SE of the 066° bearing from the Morrison RBN, extending from the 5-mile radius zone to the RBN, within 2 miles each side of the Langley AFB TACAN 078° radial, extending from the 5-mile radius zone to 6 miles E of the TACAN, excluding the portion within a 1-mile radius of Walker AAF, Hampton, Va., (latitude 37°00'55" N., longitude 76°18'10" W.).

AMENDMENTS 5/28/64 29 F.R. 4793 (Rewritten)

Harrisburg, Pa.
Within a 5-mile radius of Harrisburg-York State Airport (Lat. 40°12'59" N, Long. 76°51'03" W); within a 5-mile radius of the Olmsted AFB (Lat. 40°11'39" N, Long. 76°45'39" W); within 2 miles either side of the Harrisburg VORTAC 100° radial extending from the Harrisburg-York State Airport 5-mile radius zone to the VORTAC and within 2 miles either side of the Harrisburg-York State Airport ILS localizer SW course extending from the 5-mile radius zone to the OM.

Harrison, Ark.
Within a 3-mile radius of the Harrison Municipal Airport (latitude 36° 15' 55" N., longitude 93° 09' 20" W.) and within 2 miles each side of the Harrison VOR 136° radial, extending from the 3-mile radius zone to the VOR.

Hartford, Conn.
Within a 5-mile radius of Brainard Field, Hartford, Conn. (latitude 41°44'15" N., longitude 72°39'10" W.), and within 2 miles each side of the 130° bearing from the Hartford RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN.

Hastings, Nebr.
Within a 5-mile radius of Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.) within 2 miles each side of the 338° bearing from Hastings Municipal Airport, extending from the 5-mile radius zone to 8 miles NW of the airport, and within a 1-mile radius of Kent Airport, Juniata, Nebr. (latitude 40°40'00" N., longitude 98°30'15" W.),from 0600 to 2100 hours, local time, daily.

AMENDMENTS 6/25/64 29 F.R. 5784 (Added)

Hayward, Calif.
Within a 5-mile radius of Hayward Airport (Lat. 37°39'30" N, Long. 122°06'45" W), excluding that portion within the Oakland, Calif., control zone.

Helena, Mont.
Within a 5-mile radius of Helena County - City Airport (Lat. 46°36'24" N, Long. 111°59'19" W).

Hibbing, Minn.
Within a 5-mile radius of Chisholm-Hibbing County Airport (latitude 47°23'20" N., longitude 92°50'25" W.), and within 2 miles each side of the Hibbing VOR 315° radial, extending from the 5-mile radius zone to the VOR.

PENDING AMENDMENT
Hibbing, Minn.
Within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'20" N., longitude 92°50'25" W.); within 2 miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 210° bearing from Chisholm-Hibbing Airport, extending from the 5-mile radius zone to 8 miles SW of the airport.

AMENDMENTS 12/10/64 29 F.R. 14167 (Rewritten)

Hickory, N. C.
Within a 5-mile radius of Hickory Airport, and within 2 miles either side of the Hickory VOR 223° and 043° radials extending from the 5-mile radius zone to 5 miles NE of the VOR.

Hilo, Hawaii
Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19° 43' 20" N., longitude 155° 03' 20" W.) and within 3 miles N and 2 miles S of the Hilo VOR 091° radial, extending from the 5-mile radius zone to 12 miles E of the VOR.

Hobart, Okla.
Within a 5-mile radius of the Hobart Municipal Airport (latitude 34° 59' 20" N., longitude 99° 02' 55" W.) and within 2 miles each side of the Hobart VOR 003° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 4/2/64 29 F.R. 556 (Rewritten);



Hobbs, N. Mex.
Within a 5-mile radius of Lea County Airport, Hobbs, N. Mex., (latitude 32°41'19" N., longitude 103°13'01" W.); and within 2 miles each side of the Hobbs VOR 219° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, excluding the portion within a 1.5-mile radius of Hobbs Municipal Airport (latitude 32°46'05" N. longitude 103°12'50" W.).

AMENDMENTS 10/15/64 29 F.R. 12260 (Rewritten);

Homer, Alaska
Within a 5-mile radius of Homer Airport (Lat. 59°38'35" N, Long. 151°28'55" W).

Homestead, Fla.
Within a 5-mile radius of Homestead AFB (Lat. 25°29'15" N, Long. 80°23'10" W) and within 2 miles either side of the centerline of the NE/SW runway extending from the 5-mile radius zone to 10 miles SW of the Homestead VOR.

Honolulu, Hawaii.
Within a 5-mile radius of Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'40" W.); within a 5-mile radius of NAS Barber's Point (latitude 21°18'35" N., longitude 158°04'30" W.); within a 3-mile radius of ALF Ford Island (latitude 21°21'55" N., longitude 157°57'55" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu International Airport, and within 2 miles NW and 4 miles SE of the Honolulu VORTAC 242° radial, extending from NAS Barber's Point 5-mile radius zone to 13 miles SW of the Honolulu VORTAC.

Honolulu, Hawaii (Wheeler AFB)
Within a 3-mile radius of Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.), and within 2 miles each side of the Honolulu VORTAC 358° radial extending from the 3-mile radius zone to the INT of the Honolulu VORTAC 358° and the Koko Head, Hawaii, VOR 298° radials, excluding the portion within R-3109. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 7/23/64 29 F.R. 7419 (Added)

Hopkinsville, Ky.
Within a 5-mile radius of Campbell AAF, Hopkinsville, Ky., (Lat. 36°40'11" N, Long. 87°29'13" W) and within 2 miles either side of the Campbell VOR 044° and 224° radials extending from the 5-mile radius zone to 10 miles NE of the VOR. The portion of this control zone within R-3702 and R-3703 shall be used only after obtaining prior approval from appropriate authority.

Hoquiam, Wash.
Within a 5-mile radius of Bowerman Airport, Hoquiam, Wash., (Lat. 46°58'16" N, Long. 123°56'08" W) and within 2 miles either side of the Hoquiam VOR 059° radial extending from the 5-mile radius zone to the VOR.

Hot Springs, Ark.
Within a 5-mile radius of Memorial Field, Hot Springs, Ark., (Lat. 34°28'41" N, Long. 93°05'44" W) and within 2 miles either side of the Hot Springs VOR 247° radial extending from the 5-mile radius zone to 12 miles SW of the VOR.

Houghton, Mich.
Within a 5-mile radius of the Houghton County Memorial Airport (latitude 47°10'00" N., longitude 88°29'20" W.); within 2 miles each side of the Houghton VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; within 2 miles each side of the Houghton VOR 060° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the Houghton VOR 135° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, and within 2 miles each side of the 020° bearing from the Houghton RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN; excluding that airspace within a 1-mile radius of Houghton Sands Airport (latitude 47°06'40" N., longitude 88°31'20" W.).

AMENDMENTS 9/17/64 29 F.R. 9892 (Rewritten) Amend. Alt. 9/17/64 29 F.R. 11579;

Houlton, Maine
Within a 5-mile radius of Houlton International Airport (Lat. 46°07'25" N, Long. 67°47'40" W).

Houston, Tex.
Within a 5-mile radius of Houston International Airport (Lat. 29°38'40" N, Long. 95°16'30" W); within a 5-mile radius of Ellington AFB, Houston, Tex., (Lat. 29°36'25" N, Long. 95°09'20" W); within 2 miles either side of the 138° bearing of the Houston RBN extending from the Houston International Airport 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles either side of the 043° bearing of the Pearland, Tex., RBN, extending from the Ellington AFB 5-mile radius zone to the RBN.



Huntington, W. Va.



Ithaca, N. Y.
Within a 5-mile radius of the Tompkins County Airport, Ithaca, N. Y. (Lat.

**Huntington, W. Va.**
Within a 5-mile radius of Tri-State Airport, Huntington, W. Va.; within a 5-mile radius of Huntington Downtown Airport, Chesapeake, Ohio; within 2 miles either side of the 253° bearing from the Huntington RBN extending from the Tri-State Airport 5-mile radius zone to 10 miles W of the RBN, and within 2 miles either side of the Tri-State Airport ILS localizer NW course extending from the Tri-State 5-mile radius zone to the OM.

**Huntsville, Ala.**
Within a 6-mile radius of Huntsville Airport excluding the portion within R-2104.

**Huron, S. Dak.**
Within a 5-mile radius of Huron Municipal Airport; within 2 miles each side of the Huron RBN 235° bearing, extending from the 5-mile radius zone to 12 miles SW of the RBN, and within 2 miles either side of the Huron ILS localizer NW course extending from the 5-mile radius zone to 12 miles NW of the OM.

**Hutchinson, Kans.**
Within a 5-mile radius of Hutchinson Municipal Airport (Lat. 38°04'00" N, Long. 97°51'35" W); within an 8-mile radius of the Hutchinson ANG Base (Lat. 37°55'35" N, Long. 97°54'20" W), and within 2 miles either side of the Hutchinson VORTAC 222° radial extending from the Hutchinson ANG Base 8-mile radius zone to 12 miles SW of the VORTAC.

**Hyannis, Mass.**
Within a 3-mile radius of Barnstable Airport, Hyannis, Mass. and within 2 miles either side of the 048° bearing from the airport extending from the 3-mile radius zone to 10 miles NE of the airport, excluding the portion beyond the shoreline.

**Idaho Falls, Idaho**
Within a 5-mile radius of the Fanning Field, Idaho Falls, Idaho, (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 2 miles each side of the Idaho Falls-VOR 223° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 11 miles NE of the VOR; and within 2 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN.

AMENDMENTS 4/30/64 29 F.R. 3000 (Rewritten)

**Iliamna, Alaska**
Within a 5-mile radius of the Iliamna Airport (Lat. 59°45'08" N, Long. 154°54'38" W) and within 2 miles either side of the Iliamna RR S course, extending from the 5-mile radius zone to a point 12 miles S of the RR.

**Indianapolis, Ind.**
Within a 5-mile radius of the Weir Cook Municipal Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within 2 miles each side of the Runway 4 ILS localizer NE course, extending from the 5-mile radius zone to 7 miles NE of the airport; within 2 miles each side of the Runway 31 ILS localizer SE course, extending from the 5-mile radius zone to 6 miles SE of the airport; and within 2 miles each side of the Indianapolis VORTAC 142° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 4/1/64 29 F.R. 4671 (Rewritten)

**International Falls, Minn.**
Within a 5-mile radius of the Falls International Airport, International Falls, Minn., (Lat. 48°33'58" N, Long. 93°24'07" W), and within 2 miles either side of the International Falls VOR 133° radial extending from the 5-mile radius zone to 8 miles SE of the VOR, excluding the portion outside the United States.

**Islip, N. Y.**
Within a 5-mile radius of the McArthur Airport, Islip, N. Y., (Lat. 40°47'50" N, Long. 73°06'00" W), and within 2 miles either side of the Islip ILS localizer SW course, extending from the 5-mile radius zone to 8.2 miles SW of the OM, from 0700 to 2300 hours, local time, daily.

PENDING AMENDMENT
The Islip, N. Y. control zone is amended by deleting "extending from the 5-mile radius zone to 8.2 miles SW of the OM, from 0700 to 2300 hours, local time, daily." and substituting therefor "extending from the 5-mile radius zone to 8.2 miles SW of the OM."
AMENDMENTS 1/7/65 29 F. R. 14917 (Changed)



**Ithaca, N. Y.**
Within a 5-mile radius of the Tompkins County Airport, Ithaca, N. Y., (Lat. 42°29'25" N, Long. 76°27'30" W) and within 2 miles either side of the Ithaca VOR 305° radial extending from the 5-mile radius zone to 12 miles NW of the VOR, excluding the area bounded by a line parallel to and 1,500 feet E of the Ithaca Municipal Airport runway and a line .5 mile N of the runway at 090° to the extended centerline of the runway. This control zone is effective from 0600 to 2300 hours Monday through Friday, 0600 to 2100 hours Saturday and 0900 to 2300 hours Sunday, local time.

**Jackson, Mich.**
Within a 5-mile radius of Reynolds Airport, Jackson, Mich. (latitude 42°15'30" N., longitude 84°27'40" W.), within 2 miles each side of the Jackson VOR 044° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR, within 2 miles each side of the Jackson VOR 238° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Jackson VOR 306° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Jackson VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR.

AMENDMENTS 6/30/64 29 F.R. 8417 (Changed);

**Jackson, Miss.**
Within a 5-mile radius of Allen C. Thompson Airport (latitude 32°18'40" N., longitude 90°04'33" W.); within a 5-mile radius of Hawkins Field, Jackson, Miss. (latitude 32°20'01" N., longitude 90°13'19" W.); within a 3-mile radius of Bruce Campbell Airport, Jackson, Miss. (latitude 32°26'45" N., longitude 90°06'00" W.); within 2 miles NE and 3 miles SW of the Jackson VORTAC 156° radial, extending from the Allen C. Thompson Airport 5-mile radius zone to the VORTAC; within 2 miles each side of the Jackson VORTAC 195° radial, extending from the Hawkins Field 5-mile radius zone to the VORTAC; within 2 miles each side of the 002° bearing from the Jackson RBN, extending from the Hawkins Field 5-mile radius zone to 8 miles N of the RBN; and within 2 miles each side of the Jackson VORTAC 139° radial, extending from the Bruce Campbell Airport 3-mile radius zone to the VORTAC.

AMENDMENTS On Publ. 4/7/64 29 F.R. 4855 (Changed)

**Jackson, Tenn.**
Within a 5-mile radius of McKellar Field, Jackson, Tenn., (Lat. 35°35'55" N, Long. 88°54'55" W), and within 2 miles either side of the 022° bearing from the Martin, Tenn., RBN extending from the 5-mile radius zone to the RBN.

**Jacksonville, Fla. (Imeson Airport)**
Within a 5-mile radius of the Imeson Airport (Lat. 30°25'17" N, Long. 81°38'15" W); within 2 miles either side of the Jacksonville VORTAC 064° radial extending from the 5-mile radius zone to 10 miles NE; within 2 miles either side the 090° bearing from the Jacksonville RBN extending from the 5-mile radius zone to 10.3 miles E of the RBN; within a 3-mile radius of NAS Mayport (Lat. 30°23'45" N, Long. 81°25'16" W) and within 2 miles either side of the 051° bearing from the NAS Mayport RBN extending from the 3-mile radius zone to 10 miles NE.

**Jacksonville, Fla. (NAS Jacksonville and Cecil)**
Within a 5-mile radius of NAS Jacksonville (Lat. 30°14'00" N, Long. 81°41'00" W); within a 5-mile radius of NAS Cecil, Fla., (Lat. 30°13'00" N, Long. 81°52'45" W); within 2 miles either side of the NAS Cecil VOR 271° radial extending from the NAS Cecil 5-mile radius zone to 12 miles W of the VOR; within 2 miles either side of the NAS Cecil VOR 181° radial extending from the NAS Cecil 5-mile radius zone to 12 miles S of the VOR; within 2 miles either side of the NAS Cecil VOR 084° radial, extending from the NAS Cecil 5-mile radius zone to the NAS Jacksonville 5-mile radius zone; within 2 miles either side of the NAS Jacksonville TACAN 271° radial extending from the NAS Jacksonville 5-mile radius zone to the NAS Cecil 5-mile radius zone; within 2 miles either side of the NAS Jacksonville TACAN 097°, 127° and 231° radials extending from the NAS Jacksonville 5-mile radius zone to 6 miles E, SE and SW of the TACAN, excluding the portion within a 1-mile radius of Herlong Airport (Lat. 36°16'30" N, Long. 81°48'20" W).

**Jacksonville, N. C.**
Within a 3-mile radius of the New River MCAF, Jacksonville, N. C., (Lat. 34°42'25" N, Long. 77°26'35" W) and within 2 miles either side of the 046° and 226° bearings from the New River RBN extending from the 3-mile radius zone to 12 miles NE and SW of the RBN, excluding the portion within R-5306C. The portion within R-5307 shall be used only after obtaining prior approval from appropriate authority.

**Jamestown, N. Dak.**
Within a 5-mile radius of Jamestown Airport; within 2 miles either side of the Jamestown RR E course extending from the 5-mile radius zone to 10 miles E of the RR and within 2 miles either side of the Jamestown VOR 191° and 011° radials extending from the 5-mile radius zone to 10 miles S of the VOR.



**Janesville, Wis.**
Within a 5-mile radius of Rock County Airport, Janesville, Wis., (Lat. 42°37'12" N, Long. 89°02'25" W)



**Key West, Fla.**
Within a 5-mile radius of Key West International Airport; within a 5-mile radius of NAS Boca Chica, Key

**Janesville, Wis.**
Within a 5-mile radius of Rock County Airport, Janesville, Wis., (Lat. 42°37'12" N, Long. 89°02'25" W) see Airman's Guide for hours of designation.

AMENDMENTS 9/8/64 29 F.R. 11960 (Changed)

**Johnstown, Pa.**
Within a 5-mile radius of Johnstown-Cambria County Airport (Lat. 40°18'55" N, Long. 78°50'00" W), and within 2 miles either side of the Johnstown VOR 215° radial extending from the 5-mile radius zone to 12 miles SW of the VOR, from 0800 from to 2200 hours e.s.t., daily.

**Joliet, Ill.**
Within a 5-mile radius of Joliet Municipal Airport (Lat. 41°31'05" N, Long. 88°10'30" W) and within 2 miles either side of the Joliet VORTAC 104° and 284° radials, extending from the 5-mile radius zone to 12 miles W of the VORTAC.

**Joplin, Mo.**
Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.) and within 2 miles each side of the Joplin ILS localizer SE course. extending from the 5-mile radius zone to 7 miles SE of the airport.

**Junction, Tex.**
Within a 3-mile radius of the Kimble County Airport, Junction, Tex. (latitude 30°30'35" N., longitude 99° 45'45" W.); within 2 miles each side of the junction VOR 150° radial, extending from 4 miles SE of the airport to the VOR; and within 2 miles each side of the extended centerline of the Kimble County Airport Runway 17, extending from the 3-mile radius zone to 4 miles S of the S end of Runway 17.

**Juneau, Alaska**
Within a 5-mile radius of Juneau Municipal Airport (latitude 58°21'30" N., longitude 134°35'00" W.), and within 2 miles each side of the Juneau localizer W course, extending from the 5-mile radius zone to 2 miles W of the Coghlan Island, Alaska, RBN.

**Kahului, Hawaii**
Within a 5-mile radius of Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.); within 2 miles each side of the Maui VOR 038° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR; within 2 miles each side of the Maui VOR 201° radial, extending from the 5-mile radius zone to 9 miles S of the VOR; and within 2 miles each side of the extended centerline of Runway 2, extending from the 5-mile radius zone to 10 miles SW of the SW end of Runway 2.
AMENDMENTS 4/30/64 29 F. R. 2308 (Rewritten); 11/12/64 29 F. R. 15408 (Rewritten)

**Kalamazoo, Mich.**
Within a 5-mile radius of Kalamazoo Municipal Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.), within 2 miles each side of the Kalamazoo VOR 001°, 167° and 229° radials, extending from the 5-mile radius zone to 7 miles N, S and SW of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer S course, extending from the 5-mile radius zone to the OM. This control zone is effective from 0700 to 2300 hours, local time, daily.

**Kaneohe, Hawaii.**
That airspace extending upward to 5,000 feet within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.).

**Kansas City, Mo.**
Within a 7.5-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.) and within 2 miles each side of the Kansas City VORTAC 185° and 179° radials, extending from the 7.5-mile radius zone to the VORTAC.

**Kansas City, Mo. (Mid-Continent Airport)**
Within a 5-mile radius of Mid-Continent Airport (latitude 39°18'05" N., longitude 94°43'36" W.). This control zone is effective from 0700 to 2300 hours local time daily and during specific dates and times established in advance by a Notice to Airmen.

**Kenai, Alaska**
Within a 5-mile radius of Kenai Airport (Lat. 60°33'50" N, Long. 151°15'00" W); within 2 miles either side of the Kenai RR NE course extending from the 5-mile radius zone to 12 miles NE of the RR, and within 2 2 miles either side of the Kenai VOR 025° radial extending from the 5-mile radius zone to 12 miles NE of the VOR.



**Key West, Fla.**
Within a 5-mile radius of Key West International Airport; within a 5-mile radius of NAS Boca Chica, Key West; within 2 miles each side of the 269° bearing from the Key West RBN, extending from the Key West 5-mile radius zone to 10 miles W of the RBN; within 2 miles each side of the 242° bearing from the Key West RBN, extending from the Key West 5-mile radius zone to 10 miles SW of the RBN: and within 2 miles either side of the Key West VOR
313° and 273° radials extending from the Key West 5-mile radius zone to 10 miles NW and W of the VOR.

**Killeen, Texas.**
Within a 5-mile radius of Gray AFB, Killeen, Texas (latitude 31°04'20" N., longitude 97°49'45" W.), and within 2 miles each side of the extended centerline of runway 15/33 extending from the 5-mile radius zone to 8 miles NW and SE of the AFB, excluding the portion within the Fort Hood, Texas, control zone. The portion of this control zone within Restricted Area R-6302C shall be used only after obtaining prior approval from appropriate authority. This control zone shall be effective as specified in a Notice to Airmen issued no less than 24 hours in advance.

**King Salmon, Alaska**
Within a 5-mile radius of the King Salmon Airport (Lat. 58°40'40" N, Long. 156°38'55" W); within 2 miles either side of the King Salmon VOR 132° and 312° radials extending from the 5-mile radius zone to 12 miles NW of the VOR and within 2 miles either side of the King Salmon TACAN 301° radial extending from the 5-mile radius zone to 11 miles NW of the TACAN.

**Kingsville, Tex.**
Within a 5-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'25" W.); within 2 miles each side of the Kingsville TACAN 321° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° bearing, extending from the 5-mile radius zone to 8 miles NW of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Kingsville UHF RBN 187° bearing, extending from the 5-mile radius zone to 7 miles S of the UHF RBN; and within 2 miles each side of the Kingsville VOR 315° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 11/12/64 29 F.R. 13164 (Added)

**KINSTON, N.C.**
Within a 5-mile radius of Stallings Field, Kinston, N. C. (latitude 35°19'40" N., longitude 77°37'05" W.). effective from 0700 to 2330 hours, local time, daily.

**Kirksville, Mo.**
Within a 3-mile radius of Kirksville Municipal Airport (latitude 40°05'45" N., longitude 92°32'50" W.).

**Klamath Falls, Oreg.**
Within a 5-mile radius of Kingsley Field, Klamath Falls, Oreg., (Lat. 42°09'25" N, Long. 121°43'55" W).

**Knoxville, Tenn.**
Within a 5-mile radius of the McGhee-Tyson Airport, Knoxville, Tenn. (latitude 35°48'40" N., longitude 83°59'35" W.), within 2 miles each side of the Knoxville ILS localizer SW course, extending from the 5-mile radius zone to 6 miles SW of the airport, within 2 miles each side of the Knoxville VORTAC 220° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the 045° bearing from the Knoxville RBN, extending from the 5-mile radius zone to 6 miles NE of the RBN.

AMENDMENTS 8/20/64 29 F.R. 8163 (Rewritten)

**Kodiak, Alaska**
Within a 5-mile radius of NAS Kodiak and within 2 miles either side of the Kodiak RR SW course extending from the 5-mile radius zone to the RR.

**Kotzebue, Alaska**
Within a 5-mile radius of Wien Memorial Airport, Kotzebue, Alaska, (Lat. 66°53'02" N, Long. 162°37'33" W), and within 2 miles either side of the 048° bearing from the Kotzebue RBN, extending from the 5-mile radius zone to 12 miles NE of the RBN.

**Kwajalein Island**
Within a 5-nmi radius of NAS Kwajalein (Lat. 8°45'00" N, Long. 167°45'00" E).

**La Crosse, Wis.**
Within a 5-mile radius of La Crosse Municipal Airport (Lat. 43°52'38" N., Long. 91°15'21" W.); within 2 miles each side of the 146° and 308° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles either side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 12 miles NW of the VOR.

**Lafayette, Ind.**
Within a 5-mile radius of Purdue University Airport, Lafayette, Ind., (Lat. 40°24'46" N, Long. 86°55'57" W). within 2 miles either side of the Westpoint, Ind., VOR 038° radial extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the Lafayette VOR 144° radial extending from the 5-mile radius zone to the VOR.

**Lafayette, La.**
Within a 5-mile radius of Lafayette Airport (Lat. 30°12'00" N, Long. 91°59'40" W); within 2 miles either side of the Lafayette ILS localizer N course, extending from the 5-mile radius zone to the OM; and within 2 miles either side of the Lafayette VOR 172° radial, extending from the 5-mile radius zone to 12 miles S of the VOR.

**Lake Charles, La. (Lake Charles Municipal Airport)**
Within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.); within 2 miles either side of the Lake Charles VOR 259° radial extending from the 5-mile radius zone to 1 mile W of the VOR; within 2 miles either side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM; and within 2 miles either side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the localizer.

PENDING AMENDMENT
Lake Charles, La.
That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.); within 2 miles each side of the Lake Charles VOR 259° radial extending from the 5-mile radius zone to 1 mile W of the VOR; within 2 miles each side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

AMENDMENTS 1/7/65 29 F. R. 14621 (Rewritten)

PENDING AMENDMENT
Lake Tahoe, Calif.
Within a 5-mile radius of Lake Tahoe Airport (latitude 38°53'30" N., longitude 119°59'50" W.), effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 12/10/64 29 F. R. 14358 (Added)

**Lakehurst, N. J.**
Within a 5-mile radius of the INT of Runways 6/24 and 15/33 (Lat. 40°02'00" N, Long. 74°21'18" W) of NAS Lakehurst (Lat. 40°02'05" N, Long. 74°21'05" W), West Field; within 5 miles either side of the Runway 15/33. The portion within R-5001 shall be used only after obtaining prior approval from appropriate authority.

**Lanai, Hawaii**
Within a 5-mile radius of Lanai Airport (Lat. 20°47'30" N, Long. 156°57'00" W), from 1430 to 1815 hours local standard time, daily.

**Lancaster, Pa.**
Within a 5-mile radius of Lancaster Airport (Lat. 40°07'16" N, Long. 76°17'47" W); within 2 miles either side of the Lancaster VOR 128° radial extending from the 5-mile radius zone to 12 miles SE of the VOR and within 2 miles either side of the Lancaster VOR 260° radial extending from the 5-mile radius zone to 12 miles W of the VOR from 0700 to 2100 hours, local standard time, daily.

**Lansing, Mich.**
Within a 5-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.).

**Laramie, Wyo.**
Within a 5-mile radius of General Brees Field, Laramie, Wyo., (latitude 41° 18' 50" N., longitude 105° 40' 25" W.); within 2 miles each side of the Laramie VOR 332° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, and within 2 miles each side of the 332° bearing from the Laramie RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN.



**Laredo, Tex.**
Within a 10-mile radius of Laredo AFB and within 2 miles either side of the Laredo VORTAC 147° radial extending from the 10-mile radius zone to 10 miles SE of the VORTAC, excluding the portion outside the United States.

**Las Vegas, N. Mex.**
Within a 5-mile radius of the Las Vegas Municipal Airport (latitude 35°39'25" N., longitude 105°08'35" W.) and within 2 miles each side of the Las Vegas VORTAC 215° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

**Las Vegas, Nev. (McCarran Field)**
Within a 5-mile radius of McCarran Field (Lat. 36°05'05" N, Long. 115°09'00" W), and within 2 miles SE and and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.5 miles NE of the VORTAC.

**Las Vegas, Nev. (Nellis AFB)**
Within a 5-mile radius of Nellis AFB (Lat. 36°14'10" N, Long. 115°02'00" W), and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.4 miles SW of the airport.

**Lawton, Okla.**
Within a 5-mile radius of Lawton Municipal Airport (latitude 34° 34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A. The portion of this control zone within R-5601B shall be used only after obtaining prior approval from appropriate authority.

**Leavenworth, Kans.**
Within a 5-mile radius of Sherman AAF, Leavenworth, Kans. (latitude 39°22'05" N., longitude 94°54'45" W.).

**Lebanon, N. H.**
Within a 5-mile radius of Lebanon-Regional Airport (Lat. 43°37'35" N, Long. 72°18'10" W), and within 2 miles either side of the Lebanon VOR 231° radial, extending from the 5-mile radius zone to the VOR.

**Lemoore, Calif.**
Within a 6-mile radius of NAS Lemoore (latitude 36° 20' 00" N., longitude 119° 57' 04" W.); within 2 miles each side of the Lemoore TACAN 336° and 356° radials, extending from the 6-mile radius zone to 8 miles NW and N of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° radial, extending from the 6-mile radius zone to 8 miles SE of the TACAN.

AMENDMENTS 1/9/64 28 F. R. 12341 (Rewritten); Alteration of Amend. (Date Changed) 2/6/64 28 F. R. 13769

**Lewiston, Idaho**
Within a 5-mile radius of Lewiston-Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.) and within 2 miles either side of the Lewiston VOR 266° radial extending from the 5-mile radius zone to the VOR, from 0330 to 2230 hours local time, daily.

**Lewistown, Mont.**
Within a 5-mile radius of Lewistown Airport (Lat. 47°03'00" N, Long. 109°28'30" W), and within 2 miles either side of the Lewistown VOR 090° radial, extending from the 5-mile radius zone to the VOR.

**Lexington, Ky.**
Within a 5-mile radius of Blue Grass Airport, Lexington, Ky., (Lat. 38°02'10" N, Long. 84°36'15" W); within 2 miles either side of the Lexington VORTAC 304° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Lexington Blue Grass ILS localizer NE course, extending from the 5-mile radius zone to the INT of the localizer NE course with the Lexington VORTAC 340° radial.

**Lihue, Hawaii**
Within a 5-mile radius of Lihue Airport (latitude 21° 59' 00" N., longitude 159° 21' 00" W.); within 2 miles each side of the Lihue VOR 041° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Lihue VOR 130° radial, extending from the 5-mile radius zone to 9 miles SE of the VOR.

AMENDMENTS 4/2/64 29 F.R. 556 (Rewritten);

**Limestone, Maine**
Within a 6-mile radius of Loring AFB, Limestone, Maine, (Lat. 46°57'05" N, Long. 67°53'10" W); within 2 miles either side of a direct line extending between the Loring AFB and the Loring AFB VOR, and within 2 miles either side of a direct line between the Loring AFB and Lat. 46°44'46" N, Long. 68°04'01" W, excluding the portion within the Presque Isle, Maine, control zone and the portion outside the United States.

**Lincoln, Nebr.**
Within a 5-mile radius of Lincoln AFB (Lat. 40°50'35" N, Long. 96°45'42" W); within 2 miles either side of the Raymond, Nebr., VORTAC 195° and 015° radials, extending from the 5-mile radius zone to 12 miles NE of the VORTAC, and within 2 miles either side of the Lincoln ILS localizer S course extending from the 5-mile radius zone to 5 miles S of the OM.

**Little Rock, Ark. (Adams Field)**
Within a 5-mile radius of Adams Field (Lat. 34°43'45" N, Long. 92°13'45" W); within 2 miles either side of the Little Rock VORTAC 141° radial, extending from the 5-mile radius zone to 12 miles SE of the VORTAC, and within 2 miles either side of the Little Rock ILS localizer SW course, extending from the 5-mile radius zone to the OM.

**Little Rock, Ark. (Little Rock AFB)**
Within a 5-mile radius of Little Rock AFB and within 2 miles either side of the centerline of the Little Rock AFB NE/SW runway extending from the 5-mile radius zone to 19 miles NE of the runway end.

**Lompoc, Calif.**
Within a 5-mile radius of Vandenberg AFB, Lompoc, Calif., (Lat. 34°43'45" N, Long. 120°34'15" W), and within 2 miles SW of, and 3 miles NE of the Vandenberg VOR 316° radial extending from the 5-mile radius zone to the VOR, excluding that portion within R-2516.

**London, Ky.**
Within a 3-mile radius of London Airport and within 2 miles either side of the London VORTAC 027° and 207° radials, extending from the 3-mile radius zone to 10 miles SW of the VORTAC.

**Long Beach, Calif.**
Within a 5-mile radius of Long Beach Airport (Lat. 33°49'07" N, Long. 118°09'04" W); within a 5-mile radius of the NAS Los Alamitos, Calif., (Lat. 33°47'30" N, Long. 118°02'50" W), excluding the portion within a 1-mile radius of the Sunset Beach, Calif., Airport (Lat. 33°43'10" N, Long. 118°02'10" W).

**Longview, Tex.**
Within a 5-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.), within 2 miles each side of the Gregg County VOR 313° radial extending from the 5-mile radius zone to 8 miles NW of the VOR, within 2 miles each side of the Gregg County ILS localizer NW course extending from the 5-mile radius zone to the LOM, and within 2 miles each side of the Gregg County ILS localizer SE course extending from the 5-mile radius zone to the INT of the ILS localizer SE course and the Marshall, Tex., VOR 251° radial.

AMENDMENTS 7/23/64 29 F. R. 7017 (Rewritten)

**Los Angeles, Calif. (Hawthorne Municipal Airport)**
Within a 3-mile radius of the Hawthorne Municipal Airport (latitude 33°55'20" N., longitude 118°20'05" W.), and within 2 miles on each side of the Los Angeles VOR 096° radial extending from the 3-mile radius zone to 4 miles E. of the lift-off end of Runway 7, excluding the portion N. of latitude 33°55'30" N. and W. of longitude 118°21'40" W., effective from 0700 to 2300 hours, local time, daily.

**Los Angeles, Calif. (Los Angeles International Airport)**
Within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'25" N., longitude 118°24'10" W.); within a 3-mile radius of the Hawthorne Municipal Airport, Los Angeles, Calif. (latitude 33°55'20" N., longitude 118°20'05" W.); within 2 miles on each side of the Los Angeles ILS localizer E course extending from the Los Angeles 5-mile radius zone to the OM; within 2 miles on each side of the Los Angeles VOR 096° radial extending from the Hawthorne 3-mile radius zone to 4 miles E. of the lift-off end of Hawthorne Municipal Airport Runway 7, excluding the portion N. of a line drawn between the points of INT of the Los Angeles 5-mile radius zone and the Santa Monica, Calif., 3-mile radius control zone, and excluding the portion within the Hawthorne Municipal Airport control zone.



**Louisville, Ky.**
Within a 5-mile radius of Standiford Field, Louisville, Ky., (Lat. 38°10'33" N, Long. 85°44'12" W); within a 5-mile radius of Bowman Field, Louisville, Ky., (Lat. 38°13'46" N, Long. 85°39'45" W); within 2 miles either side of the Standiford Field ILS localizer NE course, extending from the Standiford 5-mile radius zone to the INT of the localizer NE course and the Louisville VORTAC 328° radial; within 2 miles either side of the Standiford Field ILS localizer SW course, extending from the Standiford 5-mile radius zone to the OM; within 2 miles either side of the Louisville VORTAC 301° radial, extending from the Standiford 5-mile radius zone to the VORTAC, and within 2 miles either side of the Louisville VORTAC 331° radial, extending from the Bowman Field 5-mile radius zone to the VORTAC.

**Lubbock, Tex.**
Within a 5-mile radius of Lubbock Municipal Airport (Lat. 33°39'35" N, Long. 101°49'41" W); within a 5-mile radius of Reese AFB, Lubbock, Tex.; within 2 miles either side of the Lubbock RR E course, extending from Lubbock 5-mile radius zone to the RR; within 2 miles either side of the Lubbock RR N course, extending from the Reese 5-mile radius zone to 8 miles N of the RR; within 2 miles either side of the Lubbock VORTAC 302° and 122° radials, extending from the Lubbock 5-mile radius zone to 10 miles NW of the VORTAC and within 2 miles either side of the 180° bearing from the Lubbock LOM extending from the Lubbock 5-mile radius zone to the LOM.

Lufkin, Tex.
Within a 5-mile radius of Angelina County Airport (latitude 31°14'05" N., longitude 94°45'00" W.).

AMENDMENTS 6/25/64 29 F.R. 8141 (Rewritten)

**Lynchburg, Va.**
Within a 5-mile radius of Preston Glenn Airport, Lynchburg, Va., (Lat. 37°19'40" N, Long. 79°12'05" W); and within 2 miles either side of the Lynchburg VORTAC 021° and 201° radials extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

Macon, Ga.
Within a 5-mile radius of Macon Municipal Airport, Macon, Ga.(latitude 32°41'35" N.,longitude 83°38'50" W.); within a 5-mile radius of the Robins AFB, Macon, Ga. (latitude 32°38'30" N., longitude 83°35'35" W.): within 2 miles each side of the Macon VORTAC 316° radial extending from the Macon Municipal Airport 5-mile radius zone to 11.5 miles NW of the VORTAC; within 2 miles each side of the Macon VORTAC 325° radial extending from the Macon Municipal Airport 5-mile radius zone to 8 miles NW of the VORTAC; within 2 miles each side of the Macon VORTAC 138° radial, extending from the Robins AFB 5-mile radius zone to 13 miles SE of the VORTAC; and within 2 miles each side of the Robins AFB ILS localizer SE course, extending from the Robins AFB 5-mile radius zone to 7 miles SE of the airport.

AMENDMENTS On Publ. 4/7/64 29 F.R. 4855 (Changed)

**Madison, Wis.**
Within a 5-mile radius of Truax Field, Madison, Wis. (latitude 43°08'15" N., longitude 89°20'10" W.), within 2 miles each side of the Madison ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Truax VOR 134° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR, and within 2 miles each side of the Truax VOR 320° radial, extending from the 5-mile radius zone to 7 miles NW of the VOR.

PENDING AMENDMENT
Madison, Wis.
Within a 5-mile radius of Truax Field, Madison, Wis. (latitude 43°08'20" N., longitude 89°20'15" W.); within 2 miles each side of the Madison ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Truax VOR 134° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR; within 2 miles each side of the Truax VOR 320° radial, extending from the 5-mile radius zone to 7 miles NW of the VOR; and within 2 miles each side of the Truax VOR 359° radial, extending from the 5-mile radius zone to 7 miles N of the VOR.

AMENDMENTS 1/7/65 29 F. R. 14785 (Rewritten)

**Manchester, N. H.,**
Within a 5-mile radius of Grenier Field, Manchester, N. H., (Lat. 42°55'55" N, Long. 71°26'20" W); within 2 miles either side of the 337° and 157° bearings from the Manchester RBN extending from the 5-mile radius zone to 10 miles SE of the RBN and within 2 miles either side of the Manchester VOR 142° and 322° radials, extending from the 5-mile radius zone to 10 miles SW of the VOR from 0600 to 2300 hours, local time, daily.

AMENDMENTS On. Publ. 3/28/64 29 F.R. 4081 (Changed);

Mansfield, Ohio
Within a 5-mile radius of the Mansfield Municipal Airport (Lat. 40°49'15" N, Long. 82°30'45" W); within 2 miles either side of the Mansfield VORTAC 128° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Mansfield ILS localizer SE course, extending from the 5-mile radius zone to the OM.

PENDING AMENDMENT
Mansfield, Ohio
Within a 5-mile radius of the Mansfield Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.).

AMENDMENTS 12/10/64 29 F.R. 14166 (Rewritten)

Marquette, Mich. (K. I. Sawyer AFB)
Within a 5-mile radius of the K. I. Sawyer AFB (Lat. 46°21'15" N, Long. 87°23'40" W); within 2 miles either side of the K. I. Sawyer VOR 009° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles either side of the K. I. Sawyer VOR 189° radial extending from the 5-mile radius zone to 15 miles S of the VOR. The portion of this control zone within R-4208 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 3/5/64 29 F.R. 4 (Changed);

Marquette, Mich. (Marquette County Airport)
Within a 5-mile radius of the Marquette County Airport (Lat. 46°32'03" N. Long. 87°33'35" W); within 2 miles either side of the Marquette VOR 083° radial, extending from the 5-mile radius zone to 9 miles E of the VOR, and within 2 miles either side of the Marquette VOR 249° radial, extending from the 5-mile radius zone to 12 miles SW of the VOR. The portion of this control zone within R-4208 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 3/5/64 29 F.R. 4 (Changed);

Martha's Vineyard, Mass.
Within a 5-mile radius of the Martha's Vineyard Airport (Lat. 41°23'35" N, Long. 70°36'56" W); within 2 miles either side of the 040° bearing from the Martha's Vineyard RBN, extending from the 5-mile radius zone to 12 miles NE of the RBN; within 2 miles either side of the Martha's Vineyard VOR 052° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR, excluding the portions within the Falmouth, Mass., control zone and the portion within a 1.5-mile radius of the Katama Airpark (Lat. 41°21'45" N, Long. 70°31'30" W). This control zone is effective 0900 to 1700 hours, local time, daily, September 5 through June 22, and 0900 to 1900 hours, local time, daily, June 23 through September 4, annually.

Martinsburg, Pa.
Within a 3-mile radius of Blair County Airport, Martinsburg, Pa.

Martinsburg, W. Va.
Within a 5-mile radius of the Martinsburg Airport (Lat. 39°24'05" N, Long. 77°59'00" W), within 2 miles either side of the Martinsburg RR SW course extending from the 5-mile radius zone to 10 miles SW of the RR.

Marysville, Calif. (Beale AFB)
Within a 5-mile radius of Beale AFB (Lat. 39°08'10" N, Long. 121°26'05" W), and within 2 miles either side of the Beale AFB VOR 162° radial extending from the 5-mile radius zone to the VOR.

Marysville, Calif (Yuba County Airport)
Within a 5-mile radius of Yuba County Airport (Lat. 39°05'51" N, Long. 121°34'10" W); within 2 miles either side of the 158° bearing from the Marysville RBN extending from the 5-mile radius zone to 8 miles S of the RBN, and within 2 miles either side of the 342° bearing from the Marysville RBN extending from the 5-mile radius zone to 8 miles N of the RBN, excluding the portion within the Beale AFB, Calif., control zone.

Mason City, Iowa
Within a 5-mile radius of Mason City Municipal Airport (Lat. 43°09'30" N, Long. 93°20'05" W), and within 2 miles either side of the Mason City VORTAC 002° and 182° radials, extending from the 5-mile radius zone to 10 miles S of the VORTAC.

Massena, N. Y.
Within a 5-mile radius of Richards Field, Massena, N. Y., (Lat. 44°56'10" N, Long. 74°50'50" W).

McAlester, Okla.
Within a 5-mile radius of McAlester Municipal Airport (Lat. 34°53'05" N, Long. 95°46'55" W).



McAllen, Tex.
Within a 5-mile radius of Miller International Airport (Lat. 26°10'40" N, Long. 98°14'25" W); within 2 miles either side of the McAllen VOR 095° and 322° radial, extending from the 5-mile radius zone to 7 miles E and NW of the VOR, excluding the portion outside of the United States.

McComb, Miss.
Within a 3-mile radius of the McComb-Pike County Airport (latitude 31°15'15" N., longitude 90°28'15" W.) and within 2 miles each side of the McComb VOR 254° radial, extending from the 3-mile radius zone to the VOR.

AMENDMENTS 9/17/64 29 F.R. 10459 (Rewritten)

McGrath, Alaska
Within a 5-mile radius of McGrath Airport (Lat. 62°57'05" N, Long. 155°36'10" W), and within 2 miles either side of the McGrath RR SE course, extending from the 5-mile radius to 12 miles SE of the RR.

Medford, Oreg.
Within a 5-mile radius of Medford Municipal Airport (latitude 42°22'15" N., longitude 122°52'20" W.); within 2 miles each side of the Medford ILS localizer N course, extending from the 5-mile radius zone to 6 miles N of the OM, and within 2 miles each side of the Medford RR N course, extending from the 5-mile radius zone to 5.5 miles N of the RR.
AMENDMENTS 4/30/64 29 F. R. 2933 (Rewritten)

Melbourne, Fla.
Within a 5-mile radius of the John F. Kennedy Memorial Airport (latitude 28°06'05" N., longitude 80°38'10" W.); within a 5-mile radius of the Patrick AFB, Cocoa, Fla. (latitude 28°14'15" N, longitude 80°36'35" W.); within 2 miles each side of the 266° bearing from the Melbourne RBN, extending from the Kennedy 5-mile radius zone to 7 miles W of the RBN; within 2 miles each side of the 032° bearing from the Melbourne RBN, extending from the Patrick AFB 5-mile radius zone to 1 mile NE of the RBN; and within 2 miles each side of the Melbourne VOR 263° radial, extending from the Kennedy 5-mile radius zone to 7 miles W of the VOR.

AMENDMENTS 8/20/64 29 F. R. 8141 (Rewritten)

Memphis, Tenn. (Metropolitan Airport)
Within a 5-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the Memphis VORTAC 112° radial, extending from the 5-mile radius zone to 8 miles E of the VORTAC; within 2 miles each side of the Memphis Runway 35 ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Memphis VORTAC 284° radial, extending from the 5-mile radius zone to 6 miles W of the airport; and within 2 miles each side of the extended centerline of Runway 3, extending from the 5-mile radius zone to 5.5 miles NE of the airport; excluding the portion within a 1-mile radius of the Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

AMENDMENTS On Publ. 4/7/64 29 F.R. 4855 (Changed)

Memphis, Tenn. (NAS Memphis)
Within a 5-mile radius of NAS Memphis (latitude 35°21'15" N., longitude 89°52'10" W.); within 2 miles each side of the NAS Memphis TACAN 225° radial, extending from the 5-mile radius zone to 6 miles SW of the NAS; and within 2 miles each side of the NAS Memphis TACAN 035° radial, extending from the 5-mile radius zone to 7 miles NE of the NAS.

Menominee, Mich.
Within a 5-mile radius of Menominee County Airport (latitude 45° 07' 25" N., longitude 87° 38' 20" W.) and within 2 miles either side of the Menominee VOR 351° radial, extending from the 5-mile radius zone to 8 miles north of the VOR - see Airman's Guide for hours of designation.

AMENDMENTS 3/5/64 28 F.R. 14225 (Added); 9/8/64 29 F.R. 11960 (Changed);

Merced, Calif.
Within a 5-mile radius of Castle AFB, Merced, Calif., (Lat. 37°22'45" N, Long. 120°34'00" W); within a 5-mile radius of the Merced Airport, (Lat. 37°17'10" N, Long. 120°31'20" W); and within 2 miles either side of the Castle VOR 307° and 321° radials extending from the Merced 5-mile radius zone to the VOR, excluding the portion of the Merced 5-mile radius zone NE of a line 2 miles NE of and parallel to the Castle VOR 321° radial.

Meridian, Miss. (Key Field)
Within a 5-mile radius of Key Field (Lat. 32°19'55" N, Long. 88°44'55" W); within 2 miles either side of the Meridian VORTAC 314° radial, extending from the 5-mile radius zone to 12 miles NW of the VORTAC and within 2 miles either side of the Meridian ILS localizer S course extending from the 5-mile radius zone to the OM.

**Meridian, Miss. (NAAS Meridian)**
Within an 8-mile radius of NAAS Meridian (Lat. 32°33'18" N, Long. 88°33'35" W), and within 2 miles either side of the NAAS Meridian TACAN 001° radial extending from the 8-mile radius zone to 7 miles N of the TACAN, excluding the portion more than 5 miles from the NAAS between the 200° and 260° bearings from the airport.

**Miami, Fla. (International Airport)**
Within a 5-mile radius of Miami International Airport (Lat. 25°47'35" N, Long. 80°17'10" W); within 2 miles either side of the Miami runway 9-L ILS localizer W course extending from the 5-mile radius zone to the runway 9-L ILS OM; within 2 miles either side of the Miami runway 27-L ILS localizer E course extending from the 5-mile radius zone to the runway 27-L ILS OM, and within 2 miles either side of the Miami VORTAC 138° radial extending from the 5-mile radius zone to the VORTAC.

PENDING AMENDMENT
Miami, Fla. (International Airport)
Within a 5-mile radius of Miami International Airport (latitude 25°47'35" N., longitude 80°17'10" W.); within a 3-mile radius of Tamiami Airport (latitude 25°45'15" N., longitude 80°22'35" W.); within 2 miles each side of the Miami Runway 9-L ILS localizer W. course extending from the 5-mile radius zone to the Runway 9-L ILS OM; within 2 miles each side of the Miami Runway 27-L ILS localizer E course extending from the 5-mile radius zone to the Runway 27-L ILS OM, and within 2 miles each side of the Miami VORTAC 138° radial extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 1/7/65 29 F.R. 14785 (Rewritten)

**Miami, Fla. (NARF Miami)**
Within a 5-mile radius of NARF Miami, Fla. (Opa Locka Airport), and within 2 miles either side of 101° bearing from the Miami RBN extending from the 5-mile radius zone to the RBN, excluding the portion within the Miami International Airport control zone.

**Midland, Tex.**
Within a 5-mile radius of Midland Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), and within 2 miles each side of the Midland ILS localizer NW course, extending from the 5-mile radius zone to 7 miles NW of the airport.

**Midway Island**
Within a 5-mile radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); within 2 miles each side of the Midway RBN 244° bearing, extending from the 5-mile radius zone to 11 miles SW of the RBN; within 2 miles each side of the Midway TACAN 232° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN, and within 2 miles each side of the Midway TACAN 168° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN.

AMENDMENTS 4/30/64 29 F.R. 2487 (Rewritten):

**Miles City, Mont.**
Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 2 miles each side of the 251° bearing from the Miles City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the Miles City VORTAC 226° radial, extending from the 5-mile radius zone to 12 miles SW of the VORTAC.

**Millinocket, Maine:**
Within a 5-mile radius of Millinocket Municipal Airport (latitude 45° 38' 50" N., longitude 68°41'10" W.) and within 2 miles either side of the 080° bearing from the Millinocket RBN extending from the 5-mile radius zone to 10 miles E of the RBN.

**Millville, N. J.**
Within a 5-mile radius of Millville Airport (Lat. 39°22'00" N, Long. 75°04'45" W), excluding that area NE of a line 2 miles NE of and parallel to the 135° bearing from the Milville RR.

**Milton, Fla.**
Within a 5-mile radius of NAAS Whiting, (North), Milton, Fla., (Lat. 30°43'15" N, Long. 87°01'45" W); within 2 miles either side of the Whiting RR NW course, extending from the 5-mile radius zone to 12 miles NW of the RR and within 2 miles either side of the Whiting TACAN 309° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN.

**Milwaukee, Wis. (Timmerman Airport)**
Within a 3-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.) and within 2 miles each side of the Timmerman VOR 337° radial, extending from the 3-mile radius zone to 7 miles NW of the VOR, effective from 0600 to 2200 hours, local time, daily.



**Milwaukee, Wis. (General Mitchell Field)**
Within a 5-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.) and within 2 miles each side of the Milwaukee ILS localizer S course, extending from the 5-mile radius zone to the OM.

**Minchumina, Alaska**
Within a 5-mile radius of the Minchumina Airport (Lat. 63°52'55" N, Long. 152°18'39" W) and within 2 miles either side of the Minchumina RR SE course, extending from the 5-mile radius zone to 12 miles SE of the RR.

**Mineral Wells, Tex.**
That airspace beginning at Lat. 32°47'40" N, Long. 97°58'30" W, extending clockwise along the arc of a 5-mile radius circle centered at the Mineral Wells Airport to a line 2 miles NE of and parallel to the Mineral Wells VORTAC 319° radial, thence SE along this parallel line to and including a 3-mile radius of the Mineral Wells Airport, thence clockwise to Lat. 32°47'40" N, thence E along this Lat. to point of beginning; within 2 miles either side of the Mineral Wells VORTAC 319° and 139° radials, extending from the 5-mile radius zone to 10 miles SE of the VORTAC.

**Minneapolis, Minn.**
Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93° 13'15" W.); within 2 miles either side of the Minneapolis ILS localizer SE course extending from the 5-mile radius zone to 12 miles SE of the OM, and within 2 miles either side of the ILS localizer NW course extending from the 5-mile radius zone to 17 miles NW of the airport.

**Minneapolis, Minn., (Crystal Airport)**
Within a 3-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'20" W.), and within 2 miles each side of the Minneapolis VORTAC 169° radial extending from the 3-mile radius zone to 5 miles N. of the airport, from 0600 to 2200 hours, local time, daily.

**Minneapolis, Minn., (Flying Cloud Airport)**
Within a 3-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'25" W.), and within 2 miles each side of the Flying Cloud VOR 292° radial extending from the 3-mile radius zone to 7 miles W. of the VOR, from 0600 to 2200 hours, local time, daily.

**Minot, N. Dak. (Minot International Airport)**
Within a 5-mile radius of Minot International Airport (Lat. 48°15'45" N, Long. 101°16'50" W); within 2 miles either side of the Minot RR SE course extending from the 5-mile radius zone to 12 miles SE of the RR and within 2 miles either side of the Minot VOR 254° and 074° radials extending from the 5-mile radius zone to 12 miles NE of the VOR.

**Minot, N. Dak. (Minot AFB)**
Within a 5-mile radius of the Minot AFB (Lat. 48°25'18" N, Long. 101°22'08" W) and within 2 miles either side of the Minot AFB ILS localizer SE course extending from the 5-mile radius zone to the OM.
The portion of this control zone within R-5403 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 3/5/64 29 F.R. 3 (Changed):

**Miramar, Calif.**
Within a 5-mile radius of NAS Miramar (Lat. 32°52'30" N, Long. 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the area S of Lat. 32°49'30" N.

**Missoula, Mont.**
Within a 5-mile radius of Missoula County Airport (Lat. 46°55'00" N, Long. 114°05'15" W).

**Mobile, Ala. (Bates Field)**
Within a 5-mile radius of Bates Field (Lat. 30°41'15" N, Long. 88°14'25" W) and within 2 miles either side of the Mobile VORTAC 112° and 292° radials extending from the 5-mile radius zone to 10 miles NW of the VORTAC.

**Mobile, Ala. (Brookley AFB)**
Within a 5-mile radius of Brookley AFB (Lat. 30°37'40" N, Long. 88°04'15" W), and within 2 miles either side of the Brookley VORTAC 150° radial extending from the 5-mile radius zone to 8 miles SE of the VORTAC.

**Modesto, Calif.**
Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif., (latitude 37°37'35" N., longitude 120°57'15" W.); within 2 miles each side of the Modesto VOR 291° radial, extending from the 5-mile radius zone to 8 miles W of the VOR; within 2 miles each side of the Modesto VOR 119° radial, extending from the 5-mile radius zone to 8 miles E of the VOR from 0630 to 2200 hours local time, daily, excluding the portion within R-2514.
AMENDMENTS 6/25/64 29 F.R. 4996 (Rewritten)

**Moline, Ill.**
Within a 5-mile radius of the Quad City Airport (latitude 41° 26' 55" N., longitude 90° 30' 30" W.), within 2 miles each side of the Quad City ILS localizer W course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Quad City ILS localizer E course, extending from the 5-mile radius zone to the INT of the Quad City ILS localizer E course and the Cordova, Ill., 199° radial.

AMENDMENTS 4/30/64 28 F.R. 13864 (Rewritten):

**Monroe, La.**
Within a 5-mile radius of Selman Airport, Monroe, La., (Lat. 32°30'28" N, Long. 92°02'20" W), and within 2 miles either side of the Monroe VORTAC 041° and 221° radials extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

PENDING AMENDMENT
Monroe, La.
That airspace within a 5-mile radius of Selman Field, Monroe, La. (latitude 32°30'30" N., longitude 92°02'20" W.).

AMENDMENTS 1/7/65 29 F. R. 14523 (Rewritten)

**Monterey, Calif.**
Within a 5-mile radius of Monterey Peninsula Airport (latitude 36°35'22" N., longitude 121°51'02" W.) and within 2 miles either side of the 317° bearing from the Monterey ILS MM compass locator extending from the 5-mile radius zone to 7 miles NW of the compass locator, excluding the portion subtended by a chord drawn between the points of INT of the Monterey 5-mile radius zone with the Fort Ord, Calif. (Fritzsche AAF), 5-mile radius control zone. The airspace within R-2511 and R-2529 shall be used only after obtaining prior approval from appropriate authority.

**Montgomery, Ala.**
Within a 5-mile radius of Dannelly Field, Montgomery, Ala., (Lat. 32°17'55" N, Long. 86°23'50" W); within a 5-mile radius of Maxwell AFB, Montgomery, Ala., (Lat. 32°22'45" N, Long. 86°21'40" W); within 2 miles either side of the Dannelly Field ILS localizer W course extending from the Dannelly Field 5-mile radius zone to the OM; within 2 miles either side of the Montgomery VORTAC 321° radial extending from the Dannelly Field 5-mile radius zone to the VORTAC; within 2 miles either side of the 149° bearing from the Prattville, Ala., RBN extending from the Maxwell AFB 5-mile radius zone to the RBN, and within 2 miles either side of the 171° bearing from the Prattville RBN extending from the Maxwell AFB 5-mile radius zone to the RBN.

**Montpelier, Vt.**
Within a 5-mile radius of Barre-Montpelier Airport (Lat. 44°12'15" N, Long. 72°33'45" W) and within 2 miles either side of the 034° bearing from the airport extending from the 5-mile radius zone to 13 miles NE of the airport.

**Morgantown, W. Va.**
Within a 5-mile radius of Morgantown Airport (Lat. 38°38'25" N, Long. 79°55'00" W), and within 2 miles each side of the 135° and 315° bearings from the Morgantown RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN,

Morristown, N. J.

Within a 5-mile radius of the Morristown Airport (latitude 40°47'50" N., longitude 74°25'05" W.) and within 2 miles either side of the 227° bearing from the Chatham, N. J., RBN extending from the 5-mile radius zone to 7 miles SW of the RBN from 0700 to 2300 hours local time, daily, excluding the portion within a 1-mile radius of the Hanover Airport, Hanover, N. J. (latitude 40°50'20" N., longitude 74°20'45" W.).

**Moses Lake, Wash.**
Within a 5-mile radius of Larson AFB, Moses Lake, Wash. (latitude 47°12'35" N., longitude 119°18'50" W.); within 2 miles each side of the Ephrata VOR 157° radial, extending from the 5-mile radius zone to 4 miles SE of the VOR, and within 2 miles E and 2.5 miles W of the 341° bearing from the Larson RBN, extending from the 5-mile radius zone to the RBN, excluding the portion within the Ephrata, Wash., control zone.

AMENDMENTS 4/30/64 29 F.R. 3149 (Rewritten)



**Moses Point, Alaska**
Within a 5-mile radius of Moses Point Airport (latitude 64°42' N., longitude 162°03' W.); within 2 miles each side of the Moses Point VOR 088° radial, extending from the 5-mile radius zone to 8 miles E. of the VOR; and within 2 miles each side of the Moses Point RR E. course, extending from the 5-mile radius zone to 14 miles E of the RR. This control zone is effective from 0545 to 2145 hours, local time, daily.

AMENDMENTS 11/12/64 29 F.R. 12822 (Rewritten);

**Mountain Home, Idaho**
Within a 5-mile radius of the Mountain Home AFB (Lat. 43°02'35" N, Long. 115°52'05" W), and within 2 miles either side of the 136° and 316° bearings from the AFB extending from the 5-mile radius zone to 8 miles NW and SE of the RR.

**Mountain View, Calif. (NAS Moffett)**
Within a 5-mile radius of NAS Moffett Field (latitude 37°24'55" N., longitude 122°02'50" W.); within a 1-mile radius of San Mateo County Airport of Palo Alto, Calif. (latitude 37°27'40" N., longitude 122°06'50" W.); within 2 miles either side of the Moffett TACAN 157° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles either side of the San Jose VOR 325° radial extending from the VOR to 7 miles NW of the VOR; excluding the portion SE of a line from latitude 37°26'45" N., longitude 121° 56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

**Mt. Clemens, Mich.**
Within a 5-mile radius of Selfridge AFB, Mt. Clemens, Mich.) (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 2 miles each side of the Selfridge AFB ILS localizer N and S courses, extending from the 5-mile radius zone to 8 miles N and 8 miles S of Selfridge AFB, and within 2 miles each side of the Selfridge AFB TACAN 353° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN. The portion within R-4203 shall be used only after obtaining prior approval from appropriate authority.

**Muncie, Ind.**
Within a 3-mile radius of the Delaware County Airport, Muncie, Ind. (latitude 40°14'26" N., longitude 85°23'43" W.), from 0700 to 2300 hours local time, daily.

**Muscle Shoals, Ala.**
Within a 5-mile radius of Muscle Shoals Airport (Lat. 34°44'45" N, Long. 81°36'35" W) and within 2 miles either side of the Muscle Shoals VOR 112° and 292° radials extending from the 5-mile radius zone to 12 miles SE of the VOR.

PENDING AMENDMENT
Muscle Shoals, Ala.
Within a 5-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.) and within 2 miles each side of the Muscle Shoals VOR 292° radial extending from the 5-mile radius zone to the VOR.

AMENDMENTS 1/7/65 29 F. R. 15074 (Rewritten)

**Muskegon, Mich.**
Within a 5-mile radius of Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.) and within 2 miles each side of the Muskegon VORTAC 271° radial extending from the 5-mile radius zone to the VORTAC.

**Myrtle Beach, S. C.**
Within a 5-mile radius of Myrtle Beach AFB (latitude 33°40'50" N., longitude 78°55'40" W.); within 2 miles either side of the Myrtle Beach VOR 039° radial extending from the 5-mile radius zone to 10 miles NE of the VOR, and within 2 miles either side of a line between the Myrtle Beach AFB and the Conway RBN.

**Nantucket, Mass.**
Within a 5-mile radius of Nantucket Memorial Airport and within 2 miles either side of the Nantucket VORTAC 045° radial extending from the 5-mile radius zone to 10 miles NE of the VORTAC.

**Nashville, Tenn.**
Within a 5-mile radius of Nashville Metropolitan Airport (Lat. 36°07'36" N., Long. 86°40' 58" W); within 2 miles either side of the 069° bearing from the Nashville RBN extending from the 5-mile radius zone to 12 miles NE of the RBN; within 2 miles either side of the Nashville VORTAC 304° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the 018° bearing from the Nashville ILS LOM extending from the 5-mile radius zone to the OM.

AMENDMENTS On Publ. 4/7/64 29 F.R. 4855 (Changed)

Needles, Calif.
Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.), and within 2 miles each side of the Needles VORTAC 272° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.

Nenana, Alaska
Within a 5-mile radius of Nenana FAA Airport (Lat. 64°32'50" N, Long. 149°04'35" W).

Newark, N. J.
Within a 5-mile radius of Newark Airport (Lat. 40°41'35" N, Long. 74°10'15" W) including the area between tangent lines extending from the Newark 5-mile radius zone to but not including the Teterboro, N. J., 5-mile radius zone; within 2 miles either side of the Newark ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the OM.

New Bedford, Mass.
Within a 5-mile radius of the New Bedford Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.).

AMENDMENTS 10/15/64 29 F.R. 11838 (Rewritten)

New Bern, N. C.
Within a 5-mile radius of Simmons-Nott Airport, New Bern, S. C., (Lat. 35°04'20" N, Long. 77°02'35" W) and within 2 miles either side of the New Bern VOR 221° radial extending from the 5-mile radius zone to 12 miles SW of the VOR.

Newburgh, N. Y.
Within a 5-mile radius of Stewart AFB, Newburgh, N. Y., and within 2 miles either side of the extended centerline of runway 9 extending from the 5-mile radius zone to 5 miles W of the OM.

New Orleans, La. (New Orleans Airport)
Within a 5-mile radius of New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.), excluding the portion W of longitude 90°04'03" W.

New Orleans, La. (New Orleans International Airport-Moisant Field).
Within a 5-mile radius of New Orleans International Airport (latitude 29°59'25" N., longitude 90°15'15" W.); within 2 miles each side of the New Orleans ILS localizer W course extending from the 5-mile radius zone to 2 miles E of the LOM; within 2 miles each side of the New Orleans VORTAC 085° radial extending from the VORTAC to 7 miles E; within 2 miles each side of the New Orleans VORTAC 243° and 063° radials extending from the 5-mile radius zone to 1 mile NE of the VORTAC, excluding that portion E of longitude 90°04'03" W.

AMENDMENTS 7/23/64 29 F. R. 7146 (Rewritten)

New Orleans, La. (NAS New Orleans-Alvin Callender Field).
Within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29° 49' 40" N., longitude 90° 01' 25" W.); within 2 miles each side of the Navy New Orleans RBN 241° bearing, extending from the 5-mile radius zone to 8 miles SW of the RBN; and within 2 miles each side of the Navy New Orleans RBN 131° bearing, extending from the 5-mile radius zone to 8 miles SE of the RBN.

Newport News, Va.
Within a 5-mile radius of Patrick Henry Airport, Newport News, Va., (latitude 37°07'47" N., longitude 76°29'46" W.), and within 2 miles each side of the Patrick Henry Airport ILS localizer SW course, extending from the 5-mile radius zone to 7 miles SW of the OM, excluding the portion within the Hampton Roads, Va., control zone.
AMENDMENTS 5/28/64 29 F.R. 4793 (Rewritten)

New York, N. Y. (La Guardia Field)
Within a 5-mile radius of La Guardia Field (latitude 40°46'29" N., longitude 73°52'20" W.) and within 2 miles either side of the 031° bearing from latitude 40°49'14" N., longitude 73°50'38" W., extending from the 5-mile radius zone to 5.5 miles NE of latitude 40°49'14" N., longitude 73°50'38" W.



New York, N. Y. (International Airport)
Within a 5-mile radius of John F. Kennedy International Airport (latitude 40° 38' 29" N., longitude 73° 46' 41" W.); within a 5-mile radius of NAS New York, N. Y., (latitude 40° 35' 40" N., longitude 73° 53' 30" W.); within 2 miles either side of the 121° bearing from the Kennedy RBN extending from the RBN to 10 miles SE of the RBN; within 2 miles either side of the 211° bearing from the Kennedy RBN extending from the John F. Kennedy International 5-mile radius zone to 19 miles SW of the RBN; and within 2 miles each side of the 010° bearing from latitude 40°26'48" N., longitude 73°54'12" W., extending from the NAS New York 5-mile radius zone to latitude 40°26'48" N., longitude 73°54'12" W.

AMENDMENTS 4/2/64 29 F.R. 1561 (Rewritten); On Publ; 5/1/64 29 F.R. 5784 (Changed);

Niagara Falls, N. Y.
Within a 5-mile radius of Niagara Falls Municipal Airport (latitude 43° 06' 20" N., longitude 78° 56' 55" W.), and within 2 miles each side of Niagara Falls ILS localizer E course, extending from the 5-mile radius zone to the OM, excluding the portion outside the United States.

Nome, Alaska
Within a 5-mile radius of Nome FAA Airport (Lat. 64°30'42" N, Long. 165°26'28" W), and within 2 miles either side of the Nome RR E course extending from the 5-mile radius zone to 12 miles E of the RR.

Norfolk, Va. (Norfolk Municipal)
Within a 5-mile radius of Norfolk Municipal Airport (latitude 36°53'45" N., longitude 76°12' 15" W.), and within 2 miles each side of the Navy Norfolk RR E course, extending from the RR to 4.5 miles E of the RR, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va., (NAS Norfolk) control zone.

AMENDMENTS 5/28/64 29 F.R. 4793 (Rewritten)

Norfolk, Va. (NAS Norfolk)
Within a 5-mile radius of NAS Norfolk (latitude 36°56'15" N., longitude 76°17'15" W.), and within 2 miles each side of the NAS Norfolk RR W course, extending from the 5-mile radius zone to 8 miles W of the RR, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va., (Norfolk Municipal), control zone, and excluding the portion within a 1-mile radius of Walker AAF, Hampton, Va., (latitude 37°00'55" N., longitude 76°18'10" W.).

AMENDMENTS 5/28/64 29 F.R. 4793 (Rewritten)

North, S. C.
Within an 8-mile radius of North AFAF and within 2 miles either side of a 233° bearing from the airport extending from the 5-mile radius zone to 10 miles SW of the airport.

North Bend, Oreg.
Within a 5-mile radius of North Bend Airport (Lat. 43°25'00" N, Long. 124°14'45" W).

North Philadelphia, Pa.
Within a 5-mile radius of North Philadelphia Airport (latitude 40° 04' 45" N., longitude 75° 00' 35" W.); within 2 miles each side of the North Philadelphia VOR 039° radial, extending from the 5-mile radius zone to 6 miles NE of the VOR; within 2 miles each side of the 048° bearing from the North Philadelphia RBN, extending from the 5-mile radius zone to 6 miles NE of the RBN, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Willow Grove, Pa., control zone.

AMENDMENTS 4/2/64 29 F.R. 2419 (Rewritten);

North Platte, Nebr.
Within a 5-mile radius of Lee Bird Municipal Airport, North Platte, Nebr. (latitude 41°07'35" N., longitude 100° 41'50" W.); within 2 miles either side of the 179° bearing from the North Platte RBN extending from the 5-mile radius zone to 10 miles S of the RBN, and within 2 miles either side of the North Platte VORTAC 030° and 210° radials extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

Northway, Alaska
Within a 5-mile radius of Northway Airport (latitude 62° 57' N., longitude 141° 55' W.), and within 2 miles each side of Northway RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR

AMENDMENTS 4/2/64 29 F.R. 2419 (Rewritten);

**Oakland, Calif.**
Within a 5-mile radius of Oakland International Airport (Lat. 37°43'25" N, Long. 122°12'56" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the NAS Alameda control zone.

Oceana, Va.
Within a 5-mile radius of NAS Oceana, Va., (latitude 36°49'30" N., longitude 76°01'50" W.), within 2 miles each side of the Navy Fentress VOR 033° radial, extending from the 5-mile radius zone to the VOR, within 2 miles each side of the 034° bearing from the Navy Fentress RBN, extending from the 5-mile radius zone to the RBN, within 2 miles each side of the NAS Oceana TACAN 225° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN, and within a 3-mile radius of ALF Fentress (latitude 36°41'45" N., longitude 76°08'05" W.), excluding the portion within R-6606.

AMENDMENTS 5/28/64 29 F.R. 4793 (Rewritten)

Ogden, Utah (Hill AFB)
Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), and within 2 miles each side of the Ogden VORTAC 345° and 166° radials, extending from 10 miles N of the VORTAC to the Layton, Utah, FM, excluding the portion which coincides with the (Ogden Municipal Airport) control zone.

Ogden, Utah (Ogden Municipal Airport)
Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), and within 2 miles each side of the Ogden VORTAC 345° and 166° radials, extending from 10 miles N of the VORTAC to the Layton, Utah, FM, excluding the portion S of a line extending from latitude 41°08'00" N., longitude 112°06'15" W., to latitude 41°10'45" N., longitude 111°55'02" W. This control zone is effective from 0600 to 2200 hours, local time, daily.

Oklahoma City, Okla. (Tinker AFB)
Within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.), within 2 miles each side of the Tinker AFB VOR 360° radial, extending from the 5-mile radius zone to 12 miles N of the VOR, and within 2 miles each side of the Tinker AFB TACON 006° and 175° radials, extending from the 5-mile radius zone to 8.5 miles N and S of the TACAN.

AMENDMENTS 4/30/64 29 F.R. 2932 (Rewritten)

Oklahoma City, Okla. (Wiley Post Airport)
Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97° 38'40" W.), and within 2 miles each side of the Oklahoma City VORTAC 050° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion S of a line extending through latitude 35°26'33" N., longitude 97°46'21" W., and latitude 35°28'00" N., longitude 97°36'05" W.
AMENDMENTS 4/30/64 29 F.R. 2932 (Added) 10/7/64 29 F. R. 14103 (Rewritten)

Oklahoma City, Okla. (Will Rogers World Airport)
Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.), within 2 miles each side of the Oklahoma City ILS localizer N course, extending from the 5-mile radius zone to the Tulakes, Okla. RBN, within 2 miles SW and 3.5 miles NE of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Oklahoma City ILS localizer S course, extending from the 5-mile radius zone to the OM, excluding that portion which coincides with the Oklahoma City (Wiley Post Airport) control zone.

AMENDMENTS 4/30/64 29 F.R. 2932 (Rewritten) 10/7/64 29 F.R. 14103 (Rewritten)

**Olathe, Kans.**
Within a 5-mile radius of NAS Olathe (Lat. 38°50'00" N, Long. 94°53'30" W); within 2 miles either side of the 180° bearing from the Olathe RBN extending from the 5-mile radius zone to 12 miles S of the RBN, and within 2 miles either side of the Olathe Navy TACAN 353°, 038°, 188° and 233° radials extending from the 5-mile radius zone to 6 miles N, NE, S and SW of the TACAN.

Old Town, Maine.
Within a 3-mile radius of Old Town Municipal Airport (latitude 44° 57' 10" N., longitude 68° 40' 15" W.).

AMENDMENTS 4/30/64 29 F. R. 2931 (Added)

Olympia, Wash.
Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'30" N., longitude 122°54'00" W.); within 2 miles either side of the Olympia VOR 014° radial extending from the 5-mile radius zone to 8 miles N of the VOR and within 2 miles either side of the Olympia VOR 187° radial extending from the 5-mile radius zone to 8 miles S of the VOR.



**Omaha, Nebr. (Eppley Field)**
Within a 5-mile radius of Eppley Field (Lat. 41°18'00" N, Long. 95°53'35" W), and within 2 miles either side of the Eppley Field ILS localizer NW course, extending from the 5-mile radius zone to 10 miles NW of the localizer.

**Omaha, Nebr. (Offutt AFB)**
Within a 5-mile radius of Offutt AFB (Lat. 41°07'20" N, Long. 95°34'35" W), and within 2 miles either side of a direct line from the center of Offutt AFB to the Weeping Water, Nebr., RBN extending from the Offutt AFB to 10 miles SW of Offutt AFB and within 2 miles either side of the Omaha VORTAC 072° and 252° radials extending from the Offutt AFB 5-mile radius zone to 2 miles NE of the VORTAC.

Ontario, Calif.,
Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.), and within 2 miles on each side of the ILS localizer E course extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of the Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).

**Orlando, Fla.**
Within a 5-mile radius of Orlando Municipal Airport (Lat. 28°32'40" N, Long. 81°19'55" W); within a 5-mile radius of McCoy AFB, Orlando, Fla., (Lat. 28°25'55" N, Long. 81°19'15" W), and within 2 miles either side of a 001° bearing from the McCoy AFB extending from the 5-mile radius zone to 10 miles S of the AFB.

**Oscoda, Mich.**
Within a 10-mile radius of Wurtsmith AFB, Oscoda, Mich.; within 5 miles either side of the Wurtsmith AFB ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the LOM. The portion of this control zone within R-4204 shall be used only after obtaining prior approval from the appropriate authority.

**Oshkosh, Wis.**
Within a 5-mile radius of Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'15" W.); within 2 miles each side of the Oshkosh VOR 176° radial, extending from the 5-mile radius zone to 7 miles S of the VOR, and within 2 miles each side of the Oshkosh ILS localizer W course, extending from the 5-mile radius zone to 5.5 miles W of the W end of Runway 9, from 0700 to 2300 hours, local time, daily.

**Ottumwa, Iowa**
Within a 5-mile radius of Ottumwa Municipal Airport (Lat. 41°06'25" N, Long. 92°26'50" W) and within 2 miles either side of the Ottumwa VORTAC 309° radial extending from the 5-mile radius zone to the VORTAC.

**Oxnard, Calif. (Oxnard AFB)**
Within a 5-mile radius of Oxnard AFB (Lat. 34°12'50" N, Long. 119°05'15" W), excluding the portion W of a line from Lat. 34°15'35" N, Long. 119°09'15" W to Lat. 34°09'10" N, Long. 119°08'05" W.

**Oxnard, Calif. (Ventura County Airport)**
Within a 5-mile radius of Ventura County Airport (Lat. 34°12'02" N, Long. 119°12'10" W), excluding the portion E of a line from Lat. 34°15'35" N, Long. 119°09'15" W to Lat. 34°09'10" N, Long. 119°08'05" W. The portion of this control zone within R-2527 shall be used only after obtaining prior approval from appropriate authority.

**Paducah, Ky.**
Within a 5-mile radius of Barkley Field, Paducah, Ky. (Lat. 37°03'40" N, Long. 88°46'20" W), and within 2 miles either side of a 220° bearing from the airport extending from the 5-mile radius zone to 10 miles SW of the airport.

**Palacious, Tex.**
Within a 5-mile radius of Palacios Airport (Lat. 28°43'35" N, Long. 96°15'15" W) and within 2 miles either side of the Palacios VOR 305° and 125° radials extending from the 5-mile radius zone to 10 miles NW of the VOR.

**Palmdale, Calif.**
Within a 5-mile radius of AF Plant No. 42, Palmdale, Calif., (Lat. 34°37'45" N, Long. 118°04'54" W), and within 2 miles either side of the Palmdale VOR 232° radial extending from the 5-mile radius zone to the VOR.



**Panama City, Fla.**
Within a 5-mile radius of Panama City-Bay County Airport (latitude 30°12'45" N., longitude 85°40'55" W.)



**Philadelphia, Pa.**
Within a 5-mile radius of Philadelphia International

Panama City, Fla.
Within a 5-mile radius of Panama City-Bay County Airport (latitude 30° 12' 45" N., longitude 85° 40' 55" W.), and within 2 miles each side of the Panama City VOR 328° and 090° radials, extending from the 5-mile radius zone to 7 miles NW and E of the VOR, from 0600 to 2200 hours, local time, daily. The portion within the Tyndall AFB control zone is excluded.

AMENDMENTS 3/5/64 29 F. R. 1842 (ADDED)

Parkersburg, W. Va.
Within a 5-mile radius of Wood County Airport, Parkersburg, W. Va., and within 2 miles either side of the Parkersburg VOR 029° and 209° radials extending from the 5-mile radius zone to 10 miles NE of the VOR.

Pasco, Wash.
Within a 5-mile radius of Pasco Public Airport(latitude 46°15'50" N., longitude 119°06'55" W.); within 2 miles on each side of the Pasco VOR 036° radial extending from the 5-mile radius zone to 8 miles NE of the VOR and within 2 miles on each side of the Pasco VOR 132° radial extending from the 5-mile radius zone to 8 miles SE of the VOR, excluding the portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective from 0700 to 2100 hours, local time, daily.

AMENDMENTS 5/12/64 29 F. R. 6530 (Changed)

Paso Robles, Calif.
Within a 5-mile radius of Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.)

Pellston, Mich.
Within a 5-mile radius of Emmet County Airport, Pellston, Mich. (latitude 45°34'40" N., longitude 84°47' 40" W.); within 2 miles each side of the 132° bearing from the Pellston RBN, extending from the 5-mile radius zone to 8 miles SE of the RBN, and within 2 miles each side of the Pellston VOR 240° radial, extending from the 5-mile radius zone to the VOR.

Pendleton, Oreg.
Within a 5-mile radius of Pendleton Airport (latitude 45°41'50" N., longitude 118°50'20" W.) and within 2 miles either side of the Pendleton RR NE course extending from the 5-mile radius zone to 8 miles NE of the RR.

Pensacola, Fla. (Pensacola Municipal)
Within a 5-mile radius of Pensacola Municipal Airport (Lat. 30°28'30" N, Long. 87°11'20" W); within 2 miles either side of the 165° bearing from the Pensacola RBN extending from the 5-mile radius zone to 10 miles S of the RBN, and within 2 miles either side of the Pensacola ILS localizer NW course extending from the 5-mile radius zone to 15 miles NW of the localizer.

Pensacola, Fla. (NAAS Saufley Field)
Within a 5-mile radius of NAAS Saufley Field, excluding the portion within the Pensacola Municipal Airport control zone.

Pensacola, Fla. (Forrest Sherman Field)
Within a 5-mile radius of Forrest Sherman Field (Lat. 30°21'15" N, Long. 87°19'00" W).

Peoria, Ill.
Within a 5-mile radius of the Greater Peoria Airport (latitude 40° 39' 45" N., longitude 89° 41' 35" W.); within 2 miles each side of the Peoria VORTAC 099° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Greater Peoria Airport ILS localizer SE course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the ILS localizer NW course extending from the 5-mile radius zone to 11 miles NW of the airport.

AMENDMENTS 5/28/64 29 F.R. 555 (Rewritten); 11/12/64 29 F. R. 12763 (Changed);

Peru, Ind.
Within a 5-mile radius of Bunker Hill AFB, Peru, Ind., (Lat. 40°39'38" N, Long. 86°08'31" W); within 2 miles either side of the Bunker Hill AFB VOR 042°, 226° and 231° radials extending from the 5-mile radius zone to 12 miles NE and SW of the VOR; within 2 miles either side of the Bunker Hill AFB TACAN 220° radial extending from the 5-mile radius zone to 10 miles SW of the TACAN; within a 5-mile radius of Kokomo, Ind., Municipal Airport (Lat. 40°31'43" N, Long. 86°03'33" W); and within 2 miles either side of the Kokomo VOR, 131° radial extending from the Kokomo 5-mile radius zone to 12 miles SE of the VOR.



Philadelphia, Pa.
Within a 5-mile radius of Philadelphia International Airport (Lat. 39°52'31" N, Long. 75°14'20" W), and within 2 miles either side of the Philadelphia ILS localizer W course extending from the 5-mile radius zone to the OM.

Philipsburg, Pa.
Within a 5-mile radius of Black Moshannon State Airport (Lat. 40°53'05" N, Long. 78°05'15" W).

Phoenix, Ariz. (Sky Harbor Airport)
Within a 5-mile radius of Sky Harbor Airport, Phoenix, Ariz., (latitude 33°26'10" N., longitude 112°00'45" W.) and within 2 miles either side of the Phoenix VORTAC 270° radial extending from the 5-mile radius zone to the VORTAC.

PENDING AMENDMENT
Phoenix, Ariz. (Sky Harbor Airport)
Within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); and within 2 miles each side of the Phoenix VORTAC 090° and 270° radials, extending from the 5-mile radius zone to 2 miles E and 13 miles W of the VORTAC.
AMENDMENTS 12/10/64 29 F.R. 14104 (Rewritten)

Phoenix, Ariz. (Luke AFB)
Within a 5-mile radius of Luke AFB (Lat. 33°32'05" N, Long. 112°22'55" W).

PENDING AMENDMENT
Phoenix, Ariz. (Luke AFB)
Within a 5-mile radius of Luke AFB (latitude 33°32'05"N., longitude 112°22'55" W.); within 2 miles each side of the 178° bearing from the Luke RBN, extending from the 5-mile radius zone to 2 miles S of the RBN; and within 2 miles each side of the Luke TACAN 056° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN.
AMENDMENTS 12/10/64 29 F. R. 14104 (Rewritten)

PENDING AMENDMENT
Phoenix, Ariz. (NAF Litchfield Park)
Within a 4-mile radius of NAF Litchfield Park (latitude 33°25'25" N., longitude 112°22'30" W.); excluding the portion within the Phoenix, Ariz. (Luke AFB) control zone. This control zone is effective from 0600 to 1800 hours, local time, daily.
AMENDMENTS 12/10/64 29 F.R. 14104 (Added)

Pierre, S. Dak.
Within a 5-mile radius of Pierre Municipal Airport (latitude 44° 22' 50" N., longitude 100° 17' 15" W.), and within 2 miles each side of the Pierre RBN 101° bearing extending from the 5-mile radius zone to 8 miles E of the RBN.

AMENDMENTS 4/2/64 29 F.R. 555 (Rewritten):

Pine Bluff, Ark.
Within a 3-mile radius of Grider Field, Pine Bluff, Ark.; within 2 miles either side of a 177° bearing from the Pine Bluff RBN extending from the 5-mile radius zone to 5 miles S of the RBN, and within 2 miles either side of the Pine Bluff VOR 186° and 006° radials extending from the 5-mile radius zone to 5 miles N of the VOR.

AMENDMENTS 6/25/64 29 F. R. 7818 (Rewritten)

Pittsburgh, Pa. (Allegheny County)
Within a 5-mile radius of Allegheny County Airport (latitude 40°21'15" N., longitude 79°55'40" W.); within 2 miles each side of the 257° bearing from the Allegheny RBN, extending from the 5-mile radius zone to 6 miles W of the RBN, and within 2 miles each side of the Allegheny VORTAC 047° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed)

Pittsburgh, Pa. (Greater Pittsburgh)
Within a 6-mile radius of Greater Pittsburgh Airport (latitude 40° 29' 35" N., longitude 80° 14' 25" W.); within 2 miles each side of the Runway 10-L-ILS localizer W course, extending from the 6-mile radius zone to the OM; within 2 miles each side of the Imperial, Pa., VORTAC 292° radial, extending from the 6-mile radius zone to 8 miles W of the VORTAC, and within 2 miles S and 3 miles N of the Runway 28-L-ILS localizer E course, extending from the 6-mile radius zone to the OM.

AMENDMENTS 2/6/64 28 F. R. 12339 (Rewritten);

Plainview, Tex.
Within a 3-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.) and within 2 miles each side of the Plainview VOR 034° radial, extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours local time, daily.

Plattsburgh, N. Y.
Within a 5-mile radius of the Plattsburgh AFB (Lat. 44°39'05" N, Long. 73°26'10" W); within a 5-mile radius of the Plattsburgh Municipal Airport (lat. 44°41'10" N, Long. 73°31'10" W); within 2 miles either side of the Plattsburgh AFB TACAN 338° radial extending from the Plattsburgh Municipal Airport 5-mile radius zone to 12 miles N of the TACAN, and within 2 miles either side of the Plattsburgh VOR 213° radial extending from the Plattsburgh Municipal Airport 5-mile radius zone to the VOR.

Pocatello, Idaho
Within a 5-mile radius of Pocatello Municipal Airport (latitude 42°54'35" N., longitude 112°35'25" W.), and within 2 miles each side of the Pocatello VOR 252° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.
AMENDMENTS 6/25/64 29 F.R. 5317 (Rewritten)

Ponca City, Okla.
Within a 5-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.); within 2 miles each side of the 225° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the 359° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 12 miles N of the RBN.
AMENDMENTS 4/2/64 29 F. R. 2306 (Rewritten):

Pontiac, Mich.
Within a 5-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.), within 2 miles each side of the Pontiac VOR 116° and 271° radials, extending from the 5-mile radius zone to 8 miles W of the VOR, effective from 0600 to 2200 hours, local time, daily.

Portland, Maine
Within a 5-mile radius of Portland Municipal Airport (Lat. 43°38'50" N, Long. 70°18'28" W) and within 2 miles either side of the Portland ILS localizer W course extending from the 5-mile radius zone to 5 miles W of the OM.

Portland, Oreg.
Within a 5-mile radius of Portland International Airport (Lat. 45°35'20" N, Long. 122°35'35" W).

Portsmouth, N. H.
Within a 5-mile radius of Pease AFB, Portsmouth, N. H., and within 2 miles either side of a 144° bearing from the AFB extending from the 5-mile radius zone to 10 miles SE of the OM.

Poughkeepsie, N. Y.
Within a 5-mile radius of Dutchess County Airport, Poughkeepsie, N. Y. (Lat. 41°37'40" N, Long. 73°53' 00" W).

Prescott, Ariz.
Within a 5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.).

Presque Isle, Maine
Within a 5-mile radius of Presque Isle Airport (Lat. 46°41'30" N, Long. 68°02'30" W); within 5 miles either side of a 167° bearing from the airport extending from the 5-mile radius zone to 13.7 miles S of the airport.

Providence, R. I.
Within a 5-mile radius of Theodore Francis Green Airport, Providence, R. I., (Lat. 41°43'30" N, Long. 71°25'48" W), and within 2 miles either side of the Providence ILS localizer SW course extending from the 5-mile radius zone to the OM.

Pueblo, Colo.
Within a 5-mile radius of Pueblo Memorial Airport (Lat. 38°17'30" N, Long. 104°30'00" W); within 2 miles either side of the Pueblo VORTAC 081° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC and within 2 miles either side of the Pueblo ILS localizer E course extending from the 5-mile radius zone to 11 miles E of the localizer.



Quantico, Va.
Within a 5-mile radius of MCAS Quantico (Lat. 38°30'10" N, Long. 77°18'20" W).

Quincy, Ill.
Within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), and within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC.

Quonset Point, R. I.
Within a 5-mile radius of NAS Quonset Point (latitude 41°35'55" N., longitude 71°24'50 W.), within 2 miles each side of the NAS Quonset Point TACAN 151° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN, within 2 miles each side of the NAS Quonset Point VOR 141° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, within 2 miles each side of the 145° bearing from the NAS Quonset Point RBN, extending from the 5-mile radius zone to 9 miles SE of the RBN, and within a 1-mile radius of Newport Airpark, Newport, R. I. (latitude 41°31'50" N., longitude 71°17'00" W.), excluding that portion within the Providence, R. I., control zone.

AMENDMENTS 10/15/64 29 F.R 11836 (Rewritten)

Raleigh, N. C.
Within a 5-mile radius of Raleigh-Durham Airport (Lat. 35°52'15" N, Long. 78°47'10" W) and within 2 miles either side of the Raleigh-Durham ILS localizer SW course extending from the 5-mile radius zone to the OM.

Rantoul, Ill.
Within a 5-mile radius of Chanute AFB, Rantoul, Ill. (latitude 40°17'40" N., longitude 88°08'20" W.), and within 2 miles each side of the Chanute VOR 270° radial, extending from the 5-mile radius zone to the VOR, from 0600 to 2400 hours, local time daily.

AMENDMENTS 5/28/64 29 F.R. 3356 (Rewritten)

Rapid City, S. Dak.
Within a 5-mile radius of Ellsworth AFB, Rapid City, S. Dak., (Lat. 44°08'40" N, Long. 103°06'10" W); within 2 miles either side of the extended centerline of the Ellsworth AFB runway 30 extending from the 5-mile radius zone to 17 miles SE of the approach end of runway 30; within a 5-mile radius of the Rapid City Municipal Airport (Lat. 44°02'35" N, Long. 103°03'30" W), and within 2 miles either side of the Rapid City VORTAC 335° and 155° radials extending from the 5-mile radius zone to 10 miles SE of the VORTAC.

Rawlins, Wyo.
Within a 5-mile radius of Rawlins Municipal Airport (latitude 41° 48' 15" N., longitude 107° 12' 05" W.).

Reading, Pa.
Within a 5-mile radius of General Carl A. Spartz Airport, Reading, Pa. (Lat. 40°22'40" N, Long. 78°58'00" W).

NAAS Ream Field, Calif.
Within a 3-mile radius of NAAS Ream Field (latitude 32° 34' 00" N., longitude 117° 09' 50" W.), and that airspace W of Ream Field within the arc of a 6-mile radius circle centered on Ream TACAN, extending counterclockwise from a line 2 miles N of and parallel to the Ream TACAN 288° radial to the United States/Mexican Flight Information Region boundary, excluding the portion under the jurisdiction of Mexico.

AMENDMENTS 4/2/64 29 F.R. 1445 (Rewritten):

Red Bluff, Calif.
Within a 5-mile radius of Bidwell Airport, Red Bluff, Calif., (latitude 40° 09' 15" N., longitude 122° 14' 50" W.), and within 2 miles W and 2.5 miles E of the Red Bluff VORTAC 163° radial, extending from the 5-mile radius zone to 8 miles S of the VORTAC.

AMENDMENTS 2/6/64 28 F. R. 12925 (Rewritten):

Redding, Calif.
Within a 5-mile radius of Redding Municipal Airport (latitude 40° 30' 35" N., longitude 122° 17' 30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius zone to 8 miles S of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40° 30' 00" N., longitude 122° 22' 35" W.). This control zone is effective from 0600 to 2100 hours, Monday through Saturday and from 1100 to 2100 hours, Sunday.

AMENDMENTS 2/6/64 28 F. R. 12925 (Rewritten):



Redmond, Oreg.



Rochester, Minn.

**Redmond, Oreg.**
**Within a 5-mile radius of Roberts Field (Lat. 44°15'11" N, Long. 121°08'55" W) and within 2 miles either side of the Redmond VOR 090° radial extending from the 5-mile radius zone to the VOR.**

Redwood Falls, Minn.
Within a 3-mile radius of Redwood Falls Municipal Airport (latitude 44° 32' 45" N., longitude 95° 04' 50" W.) and within 2 miles each side of the Redwood Falls VOR 023° radial, extending from the 3-mile radius zone to the VOR.

AMENDMENTS 4/2/64 29 F.R. 556 (Added);

Reno, Nev. (Reno Municipal Airport)
Within a 5-mile radius of Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.); within 2 miles each side of a 323° bearing from the Reno LMM, extending from the 5-mile radius zone to the arc of a 5-mile radius circle centered on Stead AFB (latitude 39°40'25" N., longitude 119°52'40" W.); within 2 miles each side of the Reno ILS localizer N course, extending from the 5-mile radius zone to the Sparks, Nev., RBN, and within 2 miles each side of the Reno ILS localizer S course, extending from the 5-mile radius zone to 11 miles S of the airport, excluding the portion within the Reno (Stead AFB) control zone.

Reno, Nev. (Stead AFB)
Within a 5-mile radius of Stead AFB (latitude 39°40'25" N., longitude 119°52'40" W.), from 30 minutes prior to sunrise to 0000 hours, local time, daily.

**Renton, Wash.**
**That airspace bounded by a line beginning at Lat. 47°31'55" N, Long. 122°11'40" W, thence clockwise via the circumference of a 3 mile radius circle centered at Renton Airport (Lat. 47°29'35" N, Long. 122°12'50" W) to Lat. 47°27'00" N, Long. 122°11'50" W, to Lat. 47°28'20" N, Long. 122°13'50" W, to Lat. 47°30'45" N, Long. 122°13'50" W, to the point of beginning, from 0700 to 2300 hours local time, daily.**

Richmond, Va.
Within a 5-mile radius of Byrd Field (latitude 37°30'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 132° radial, extending from the 5-mile radius zone to 6 miles SE of the VOR; within 2 miles each side of the Richmond VOR 230° radial, extending from the 5-mile radius zone to 6 miles SW of the VOR; and within 2 miles each side of the 212° bearing from the Richmond RBN, extending from the 5-mile radius zone to 6 miles SW of the RBN.

AMENDMENTS 5/28/64 29 F.R. 3469 (Rewritten)

**Riverside, Calif.**
**Within a 5-mile radius of March AFB, Riverside, Calif., and within 2 miles either side of a line extending from March AFB through the Riverside VOR to 5 miles SW of the VOR.**

PENDING AMENDMENT
The caption of the Riverside, Calif. CZ is amended to read Riverside, Calif. (March AFB).
AMENDMENTS 12/10/64 29 F. R. 14436 (Changed)

PENDING AMENDMENT
Riverside, Calif. (Municipal Airport)
Within a 3-mile radius of Riverside Municipal Airport (latitude 33°57'05" N., longitude 117°26'30" W.); within 2 miles each side of the Riverside VOR 292° radial, extending from the 3-mile radius zone to 4.5 miles NW of the VOR, excluding the portion within a 1-mile radius of the Riverside Fla-Bob Airport (latitude 33°59'20" N., longitude 117°24'35" W.). This control zone is effective from 0500 to 2130 hours, local time, daily.
AMENDMENTS 12/10/64 29 F. R. 14436 (Added)

Riverton, Wyo.
Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.); within 2 miles each side of the Riverton VOR 121° radial extending from the 5-mile radius zone to 8 miles SE of the VOR, and within 2 miles each side of the Riverton VOR 291° radial extending from the 5-mile radius zone to 8 miles NW of the VOR, from 0500 to 1700 hours, local time, daily.

**Roanoke, Va.**
**Within a 5-mile radius of Woodrum Field, Roanoke, Va., (Lat. 37°19'30" N, Long. 79°58'35" W).**



**Rochester, Minn.**
**Within a 5-mile radius of Rochester Municipal Airport (Lat. 43°54'33" N, Long. 92°29'42" W); within 2 miles either side of the Rochester ILS localizer SE course extending from the 5-mile radius zone to the OM and within 2 miles either side of the Rochester VOR 030° radial extending from the 5-mile radius zone to the VOR.**

Rochester, N. Y.
Within a 5-mile radius of the Rochester-Monroe County Airport (latitude 43°07'20" N., longitude 77°39'55" W.); within 2 miles each side of the Rochester VOR 168° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR; within 2 miles each side of the Rochester VOR 280° radial, extending from the 5-mile radius zone to 8 miles W of the VOR; and within 2 miles each side of the Rochester ILS localizer E course, extending from the 5-mile raduus zone to the OM.

AMENDMENTS 5/28/64 29 F.R. 4853 (Rewritten)

Rockford, Ill.
Within a 5-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 2 miles each side of the Rockford ILS localizer S course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Rockford VORTAC 117° radial, extending from the 5-mile radius zone to the VORTAC.

Rock Springs, Wyo.
Within a 5-mile radius of Rock Springs Municipal Airport (latitude 41° 35' 45" N., longitude 109° 04' 00" W.); within 2 miles each side of the Rock Springs ILS localizer E course, extending from the 5-mile radius zone to 6 miles E of the OM, and within 2 miles each side of the Rock Springs VORTAC 097° radial, extending from the 5-mile radius zone to 4 miles E of the VORTAC.

AMENDMENTS 2/6/64 28 F. R. 13358 (Rewritten):

**Rocky Mount, N. C.**
**Within a 5-mile radius of Rocky Mount Airport and within 2 miles either side of the Rocky Mount VOR 263° and 083° radials extending from the 5-mile radius zone to 10 miles E of the VOR.**

**Rome, N. Y.**
**Within a 5-mile radius of Griffiss AFB, Rome, N. Y., (Lat. 43°14'10" N, Long. 75°24'25" W).**

**Roosevelt Roads, Puerto Rico**
**Within a 5-mile radius of NAS Roosevelt Roads (Lat. 18°15'05" N, Long. 65°38'35" W).**

Roswell, N. Mex. (Roswell Municipal Airport)
Within a 5-mile radius of Roswell Municipal Airport (latitude 33° 24' 20" N., longitude 104° 32' 55" W.); within 2 miles each side of the Roswell VOR 039° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Walker AFB, Roswell, N. Mex., VOR 262° radial, extending from the 5-mile radius zone to the VOR, excluding the portion S of a line extending from the Walker VOR to the Roswell VOR.

AMENDMENTS 2/6/64 28 F. R. 12925 (Rewritten);

Roswell, N. Mex. (Walker AFB)
Within a 5-mile radius of Walker AFB (latitude 33° 18' 05" N., longitude 104° 31' 20" W.); within 2 miles SE and 3 miles NW of the Walker VOR 225° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the extended centerline of Runway 17, extending from the 5-mile radius zone to 5 miles S of the liftoff end of Runway 17; within 2 miles each side of the Walker TACAN 228° radial, extending from the 5-mile radius zone to 7.5 miles SW of the TACAN; and within 2 miles each side of the Roswell VOR 117° radial, extending from the 5-mile radius zone to the VOR, excluding the portion N of a line extending from the Roswell VOR to the Walker VOR.

AMENDMENTS 2/6/64 28 F. R. 12925 (Added);

Russell, Kans.
Within a 3-mile radius of Russell Municipal Airport (latitude 38°52'25" N., longitude 98°48'45" W.), and within 2 miles each side of the Russell VOR 007° radial, extending from the 3-mile radius zone to 8 miles N of the VOR.

AMENDMENTS 9/17/64 29 F. R. 7313 (Added)

Sacramento, Calif (Sacramento Municipal)
Within a 5-mile radius of Sacramento Municipal Airport (Lat. 38°30'45" N, Long. 121°29'33" W), including a 1-mile radius of Reed AAF, Sacramento, Calif., (Lat. 38°31'00" N, Long. 121°23'45" W); within 2 miles either side of the Sacramento VOR 033° radial extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the Sacramento ILS localizer NE course extending from the 5-mile radius zone to the McClellan AFB, Sacramento, Calif., control zone.

AMENDMENTS 6/25/64 29 F.R. 7990 (Changed)

Sacramento, Calif. (Mather AFB)
Within a 5-mile radius of Mather AFB (Lat. 38°33'10" N, Long. 121°18'05" W) and within 2 miles either side of the Mather VOR 239° radial extending from the 5-mile radius zone to the VOR, excluding the portion NW of a line from Lat. 38°37'25" N, Long. 121°19'20" W to Lat. 38°35'20" N, Long. 121°22'55" W, and excluding the portion within the Sacramento Municipal control zone.

Sacramento, Calif. (McClellan AFB)
Within a 5-mile radius of McClellan AFB (Lat. 38°39'45" N, Long. 121°24'10" W) and within 2 miles either side of the McClellan VOR 183° radial extending from the 5-mile radius zone to the VOR, excluding the portion SE of a line from Lat. 38°37'25" N, Long. 121°19'20" W to Lat. 38°35'20" N, Long. 121°22'55" W.

Saginaw, Mich.
Within a 5-mile radius of Tri-City Airport (latitude 43°31'54" N., longitude 84°04'54" W.), within 2 miles each side of the 347° bearing from the Saginaw RBN, extending from the 5-mile radius zone to 8 miles N of the RBN, and within 2 miles each side of the Saginaw VOR 235°, 310° and 035° radials, extending from the 5-mile radius zone to 8 miles SW, NW and NE of the VOR.

St. Charles, Ill.
Within a 3-mile radius of DuPage County Airport, St. Charles, Ill., (Lat. 41°54'45" N, Long. 88°14' 35" W), and within 2 miles either side of the DuPage VOR 069° radial extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours, local time, daily.

St. Joseph, Mo.
Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2 miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC.

St. Louis, Mo.
Within a 5-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 2 miles SE and 3 miles NW of the Lambert-St. Louis Municipal Airport ILS localizer SW course, extending from the 5-mile radius zone to 12 miles SW of the Lake RBN, and within 2 miles each side of the St. Louis VORTAC 142° radial, extending from the 5-mile radius zone to 7 miles NW of the NW end of the Lambert-St. Louis Municipal Airport Runway 12.

St. Paul, Minn.
Within a 3-mile radius of St. Paul Downtown Airport (Holman Field) (latitude 44° 56' 10" N., longitude 93° 03' 40" W.) from 0600 to 2200 hours, local time, daily, or during specific times established in advance by a Notice to Airmen.

AMENDMENTS 1/24/64 28 F. R. 14226 (Added);

Salem, Oreg. (McNary Airport)
Within a 3-mile radius of McNary Airport and within 2 miles either side of a 150° bearing from the airport extending from the 5-mile radius zone to 5 miles SE of the airport.

Salina, Kans.
Within a 5-mile radius of Salina Municipal Airport (Lat. 38°49'10" N, Long. 97°34'00" W), and within an 8-mile radius of Schilling AFB, Salina, Kans., (Lat. 38°47'30" N, Long. 97°38'45" W). The portion of this control zone within R-3601 shall be used only after obtaining prior approval from appropriate authority.

Salinas, Calif.
Within a 5-mile radius of Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'22" W.), excluding the portion subtended by a chord drawn between the points of INT of the Salinas 5-mile radius zone with the Fort Ord, Calif., (Fritzsche AAF) 5-mile radius zone.

Salisbury, Md.
Within a 5-mile radius of Salisbury-Wicomico County Airport (Lat. 38°20'25" N, Long. 75°30'40" W).



Salt Lake City, Utah
Within a 5-mile radius of Salt Lake City Municipal Airport No. 1 (latitude 40°47'10" N., longitude 111° 58'05" W.); within 2 miles either side of the 346° bearing from the Salt Lake City RBN extending from the 5-mile radius zone to the Layton FM and within 2 miles either side of the 263° bearing from the Salt Lake City RBN extending from the 5-mile radius zone to 10 miles W of the RBN.

San Angelo, Tex.
Within a 5-mile radius of Mathis Field, San Angelo, Tex., (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo VOR 065° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the San Angelo ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the San Angelo VOR 311° radial; and within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 5-mile radius zone to 6.5 miles SW of the airport.

San Antonio, Tex. (International Airport)
Within a 5-mile radius of San Antonio International Airport (Lat. 29°31'50" N, Long. 98°28'12" W); within 2 miles either side of the San Antonio VORTAC 184° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the San Antonio No. 2 ILS localizer NW course extending from the 5-mile radius zone to the LOM.

San Antonio, Tex. (Randolph AFB)
Within a 5-mile radius of Randolph AFB (Lat. 29°32'09" N, Long. 98°16'57" W); within 2 miles either side of the La Vernia, Tex., VOR 338° radial, extending from the 5-mile radius zone to the La Vernia VOR, and within 2 miles either side of the 329° bearing from the Randolph RBN extending from the 5-mile radius zone to the Randolph RBN.

San Antonio, Tex. (Kelly AFB)
Within a 5-mile radius of Kelly AFB (Lat. 29°23'00" N, Long. 98°35'00" W); within 2 miles either side of the Kelly ILS localizer N course extending from the 5-mile radius zone to the OM, and within 2 miles either side of the Somerset, Tex., VOR 035° radial extending from the 5-mile radius zone to the Somerset VOR.

San Antonio, Tex. (Stinson Field)
Within a 3-mile radius of Stinson Field (latitude 29° 20' 15" N., longitude 98° 28' 20" W.), and within 2 miles each side of the Stinson VOR 346° radial, extending from the 3-mile radius zone to the VOR, excluding the portion within the Kelly AFB control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.
AMENDMENTS 4/2/64 29 F. R. 2308 (Rewritten);

San Bernardino, Calif. (Norton AFB)
Within a 5-mile radius of the Norton AFB (latitude 34°05'45" N., longitude 117°14'05" W.), and within 2 miles N and 2.5 miles S of the ILS localizer SW course extending from the 5-mile radius zone to 2 miles NE of the OM, excluding the portion within a 1-mile radius of the Redland, Calif., Municipal Airport (latitude 34°05'05" N., longitude 117°08'35" W.).

San Diego, Calif. (Lindbergh Field)
Within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32° 43' 58" N., longitude 117° 11' 14" W.); within 2 miles each side of the Lindbergh VOR 106° radial, extending from the 5-mile radius zone to 7 miles E of the VOR, excluding the portion S of a line extending from latitude 32° 43' 22" N., longitude 117° 16' 20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32° 41' 02" N., longitude 117° 07' 25" W.; and the portion N of latitude 32° 47' 00" N.

AMENDMENTS 4/2/64 29 F. R. 1445 (Rewritten);

San Diego, Calif. (NAS North Island)
Within a 5-mile radius of NAS North Island (latitude 32° 42' 00" N., longitude 117° 12' 35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN, extending clockwise from a line 2 miles N of and parallel to the TACAN 120° radial to the 162° radial, excluding the portion N of a line from latitude 32° 43' 22" N., longitude 117° 17' 20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32° 41' 02" N., longitude 117° 07' 25" W., and the portion within the NAS Ream Field, Calif., control zone.

AMENDMENTS 4/2/64 29 F. R. 1445 (Rewritten);

San Diego, Calif. (San Diego County - Gillespie Field)
Within a 3-mile radius of the San Diego County-Gillespie Field (Lat. 32°49'26" N, Long. 116°58'18" W). from 0700 to 2300 hours local time, daily.

AMENDMENTS 10/7/64 29 F. R. 14103 (Changed)

**Sanford, Fla.**
Within a 5-mile radius of NAS Sanford (Lat. 28°46'25" N, Long. 81°14'20" W) and within 2 miles either side of a 270° bearing from NAS Sanford RBN extending from the 5-mile radius zone to 12 miles W of the RBN.

**San Francisco, Calif.**
Within a 7-mile radius of the San Francisco International Airport (Lat. 37°37'07" N, Long. 122°22'35" W, including the airspace bounded on the SW by the San Francisco 7-mile radius zone and on the N and NE by the Oakland and NAS Alameda control zones, excluding the portion within the Oakland control zone.

**San Jose, Calif.**
Within a 5-mile radius of San Jose Municipal Airport (latitude 37°21'35" N., longitude 121°55'30" W.), excluding the portion NW of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

**San Juan, P. R. (International Airport)**
Within a 5-mile radius of the Puerto Rico International Airport (Lat. 18°26'40" N, Long. 66°00'20" W); within a 3-mile radius of the San Juan Air Terminal (Isla Grande) (Lat. 18°27'30" N, Long. 66°05'50" W); within 2 miles either side of the 067° and 281° bearings from the San Pat, P. R., RBN extending from the 5-mile radius zone to 12 miles W of the RBN, and within 2 miles either side of the San Juan VOR 058° and 087° radials extending from the 5-mile radius zone to 12 miles NE and E of the VOR.

**San Rafael, Calif.**
Within a 5-mile radius of Hamilton AFB, San Rafael, Calif. (Lat. 38°03'35" N, Long. 122°30'35" W).

**Santa Ana, Calif. (MCAF Santa Ana)**
Within a 3-mile radius of MCAF Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.), and within a 5-mile radius of Orange County Airport, Santa Ana, Calif. (latitude 33°40'10" N., longitude 117°52'15" W.), excluding the portion SE of a line from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°41'15" N., longitude 117°48'10" W., the portion S of a line from latitude 33°41'15" N., longitude 117°48'10" W. to latitude 33°42'30" N., longitude 117°56'40" W., and the portion within a 1-mile radius of Mile Square MCOLF, Calif. (latitude 33°43'23" N., longitude 117°56'46" W.). This control zone will be effective from 0600 to 2400 hours, local time, daily.

**Santa Ana, Calif. (Orange County Airport)**
Within a 5-mile radius of Orange County Airport (latitude 33°40'10" N., longitude 117°52'15" W.), excluding the portion SE of a line from latitude 33°41'15" N., longitude 117°48'10" W. to latitude 33°36'10" N., longitude 117°50'20" W., and the portion N of a line extending from latitude 33°41'15" N., longitude 117°48'10" N., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective from 0600 to 2300 hours, local time, daily.

AMENDMENTS 10/8/64 29 F.R. 14167 (Changed);

**Santa Barbara, Calif.**
Within a 5-mile radius of Santa Barbara Municipal Airport (Lat. 34°25'35" N, Long. 119°50'20" W), and within 2 miles either side of a 270° bearing from the airport extending from the 5-mile radius zone to 13 miles W of the airport.

**Santa Fe, N. Mex.**
Within a 5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.); within 2 miles each side of the extended centerline of runway 20, extending from the 5-mile radius zone to 5 miles SW of the SW end of runway 20; and within 2 miles each side of the Santa Fe VORTAC 007° radial, extending from the 5-mile radius zone to 11 miles N of the VORTAC.

**Santa Maria, Calif.**
Within a 5-mile radius of Santa Maria Airport (latitude 34°53'55" N., longitude 120°27'20" W.), excluding the portion within R-2516, from 0600 to 2200 hours, local time, daily.

AMENDMENTS 7/6/64 29 F.R. 9485 (Rewritten);

**Santa Monica, Calif.**
Within a 3-mile radius of the Santa Monica Municipal Airport (Lat. 34°00'57" N, Long. 118°27'00" W), excluding the portion subtended by a chord drawn between the points of INT of the Santa Monica 3-mile radius zone with the Los Angeles, Calif., 5-mile radius zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.



**Santa Rosa, Calif.**
Within a 3-mile radius of Sonoma County Airport, Santa Rose, Calif., (Lat. 38°30'30" N, Long. 122°48'45" W), from 0600 to 2200 hours local time, daily, excluding the portion within R-2522.

**Sarasota, Fla.**
Within a 5-mile radius of the Sarasota-Bradenton Airport (Lat. 27°23'47" N, Long. 82°33'15" W), and within 2 miles either side of the Sarasota-Bradenton VOR 305° radial extending from the 5-mile radius zone to 8 miles NW of the VOR. This control zone shall be effective from 0600 to 2200 hours EST, daily.

**Sault Ste. Marie, Mich (Kincheloe AFB)**
Within a 10-mile radius of Kincheloe AFB; within 5 miles either side of the ILS localizer NW course extending from the 10-mile radius zone to 10 miles NW of the LOM, excluding that portion outside the United States. The portion of this control zone within R-4205 shall be used only after obtaining prior approval from appropriate authority.

AMENDMEMTS 3/5/64 29 F.R. 4 (Changed):

**Sault Ste. Marie, Mich. (Sault Ste. Marie, Municipal Airport)**
Within a 5-mile radius of Sault Ste. Marie Municipal Airport (latitude 46°28'40" N., longitude 84°21'55" W.), within 2 miles either side of the 113° bearing from the Sault Ste. Marie RBN extending from the 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles either side of the Sault Ste. Marie VOR 146° and 326° radials extending from the 5-mile radius zone to 12 miles SE of the VOR, excluding the portion outside the United States.

**Savannah, Ga.**
Within a 5-mile radius of Travis Field (latitude 32°07'35" N., longitude 81°12'05" W.); within a 5-mile radius of Hunter AFB (latitude 32°00'35" N., longitude 81°08'45" W.); within 2 miles each side of the extended centerline of the Hunter AFB east/west runway, extending from the Hunter AFB 5-mile radius zone to 8 miles W of the airport; within 2 miles each side of the Hunter AFB ILS localizer E course, extending from the Hunter AFB 5-mile radius zone to 2 miles W of the Hunter AFB OM; within 2 miles each side of the Travis Field ILS localizer W course, extending from the Travis Eield 5-mile radius zone to 1 mile E of the Travis Field ILS OM; and within 2 miles each side of the Savannah VORTAC 245° radial, extending from the Travis Field 5-mile radius zone to the VORTAC.

AMENDMENTS 4/30/64 29 F.R. 3293 (Rewritten)

**Schenectady, N. Y.**
Within a 5-mile radius of Schenectady County Airport (Lat. 42°51'20" N, Long. 73°55'55" W), and within 2 miles either side of a direct line extending from the Schenectady County Airport 5-mile radius zone to the Albany, N. Y., ILS OM.

**Scottsbluff, Nebr.**
Within a 5-mile radius of the Scottsbluff Municipal Airport (latitude 41°52'30" N., longitude 103°35'40" W.), and within 2 miles each side of the Scottsbluff VORTAC 259° radial, extending from the 5-mile radius zone to the VORTAC.

**Seattle, Wash. (NAS Seattle).**
Within a 5-mile radius of NAS Seattle (latitude 47° 40' 50" N., longitude 122° 15' 10" W.), and within a 1-mile radius of Kenmore Air Harbor, Seattle, Wash. (latitude 47° 45' 25" N., longitude 122° 15' 25" W.), excluding the portion W. of longitude 122° 19' 30" W.

**Seattle, Wash. (Seattle-Tacoma International Airport)**
That airspace bounded by a line beginning at Lat. 47°29'20" N, Long. 122°13'50" W, thence S to Lat. 47°28'20" N, Long. 122°13'50" W, thence SE to Lat. 47°27'00" N, Long. 122°11'50" W, thence clockwise along the arc of a 5 mile radius circle centered at the Seattle-Tacoma International Airport to Lat. 47°29'20" N. Long. 122°23'10" W, thence E to the point of beginning.

**Seattle, Wash. (Boeing Airport)**
That airspace bounded by a line beginning at Lat. 47°31'55" N, Long. 122°11'40" W, thence SW to Lat. 47°30'45" N, Long. 122°13'50" W, thence S to Lat. 47°29'20" N, Long. 122°13'50" W, thence W to Lat. 47°29'20" N, Long. 122°23'10" W, thence clockwise along the arc of a 5 mile radius circle centered on the Boeing Airport to the point of beginning.

**Sedalia, Mo.**
Within a 5-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38° 43' 50" N., longitude 93° 33' 00" W.); within 2 miles each side of the Whiteman VOR 010° radial, extending from the 5-mile radius zone to 2 miles N of the VOR, and within 2 miles each side of the Whiteman TACAN 185° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN.

AMENDMENTS 3/5/64 28 F.R. 13929 (Rewritten):

**Selma, Ala.**
Within a 5-mile radius of Craig AFB, Selma, Ala., (Lat. 32°20'25" N, Long. 86°59'20" W).

**Shemya, Alaska**
Within a 5-mile radius of Shemya Airport (Lat. 52°43'10" N, Long. 174°06'05" W); within 2 miles either side of a 104° bearing from the Shemya RBN extending from the 5-mile radius zone to 12 miles E of the RBN, and within 2 miles either side of a 284° bearing from the Shemya RBN extending from the 5-mile radius zone to 12 miles W of the RBN, excluding the portion within R-2204.

**Sheridan, Wyo.**
Within a 5-mile radius of Sheridan County Airport (latitude 44° 46' 25" N., longitude 106° 58' 15" W.), and within 2 miles each side of the Sheridan VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 2/6/64 28 F. R. 13358 (Rewritten);

**Sherman, Tex.**
Within a 5-mile radius of Perrin AFB, Sherman, Tex. (Lat. 33°42'48" N, Long. 96°40'29" W), within 2 miles either side of the Perrin AFB VOR 002° and 179° radials extending from the 5-mile radius zone to 10 miles N and S of the VOR.

**Shreveport, La. (Downtown Airport - Barksdale AFB)**
Within a 5-mile radius of Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.), excluding the portion within the Greater Shreveport control zone; within 2 miles each side of the 334° bearing from the Shreveport RBN, extending from the Downtown Airport 5-mile radius zone to 12 miles NW of the RBN; within a 5-mile radius of the Barksdale AFB latitude 32°30'05" N., longitude 93°39'45" W.); within 2 miles each side of the Shreveport VORTAC 155° radial, extending from the Barksdale 5-mile radius zone to the VORTAC; and within 2 miles each side of the Barksdale AFB VOR 330° and 150° radials, extending from the 5-mile radius zone to 3 miles SE of the VOR.

AMENDMENTS 5/1/64 29 F.R. 4081 (Rewritten);

**Shreveport, La. (Greater Shreveport)**
Within a 5-mile radius of Greater Shreveport Municipal Airport (Lat. 32°26'45" N, Long. 93°48'25" W), and within 2 miles either side of the Greater Shreveport ILS localizer SE and NW courses extending from the 5-mile radius zone to 15 miles SE of the localizer and to 5 miles NW of the LOM.

**Sidney, Nebr.**
Within a 3-mile radius of Sidney Airport and within 2 miles either side of the Sidney VOR 079° and 259° radials extending from the 3-mile radius zone to 12 miles W of the VOR.

**Simmons Army Airfield, N. C.**
Within a 5-mile radius of Simmons AAF (Lat. 35°07'55" N, Long. 78°56'05" W), excluding the portion within the Fort Bragg, N. C., control zone.

**Sioux City, Iowa**
Within a 5-mile radius of Sioux City Municipal Airport (Lat. 42°24'10" N, Long. 96°23'10" W); within 2 miles each side of the Sioux City RBN 163° bearing, extending from the 5-mile radius zone to 8 miles S of the RBN, within 2 miles either side of the Sioux City VORTAC 142° and 322° radials, extending from the 5-mile radius zone to 10 miles SE of the VORTAC, and within 2 miles either side of the 136° and 316° bearings from the Sioux City LOM extending from the 5-mile radius zone to 10 miles SE of the OM.

AMENDMENTS 3/5/64 29 F. R. 2306 (Changed);

**Sioux Falls, S. Dak.**
Within a 5-mile radius of Sioux Falls Airport (Foss Field); within 2 miles either side of the Sioux Falls VORTAC 336° radial extending from the 5-mile radius zone to 12 miles NW of the VORTAC; within 2 miles either side of the Sioux Falls ILS localizer SW course extending from the 5-mile radius zone 12 miles SW of the OM and within 2 miles either side of the ILS localizer NE course extending from the 5-mile radius zone to 16 miles NE of the localizer.



**Sitka, Alaska**
Within a 5-mile radius of Sitka Harbor Seaplane Base (latitude 57°03'30" N., longitude 135°21'30" W.); within 2 miles each side of the Sitka RR NE and SW courses, extending from the 5-mile radius zone to 2 miles SW of the RR, and within 2 miles each side of the Biorka, Alaska, VORTAC 027° and 207° radials, extending from the 5-mile radius zone to 2 miles SW of the VORTAC.

**Smyrna, Tenn.**
Within a 5-mile radius of Sewart AFB, Smyrna, Tenn., and within 2 miles either side of a 139° bearing from the Sewart AFB RBN extending from the 5-mile radius zone to 10 miles SE of the RBN.

**South Bend, Ind.**
Within a 5-mile radius of St. Joseph County Airport, South Bend, Ind. (Lat. 41°42'15" N, Long. 86°18'

**South Weymouth, Mass.**
Within a 5-mile radius of NAS South Weymouth (Lat. 42°08'55" N, Long. 70°56'25" W); within 2 miles either side of the 336° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; and within 2 miles either side of the South Weymouth TACAN 165° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

**Spartanburg, S. C.**
Within a 5-mile radius of Spartanburg Municipal Airport (Lat. 34°54'55" N, Long. 81°57'35" W) and within 2 miles either side of the 237° bearing from the Spartanburg RBN extending from the 5-mile radius zone to 10 miles SW of the RBN.

**Spokane, Wash. (Fairchild AFB).**
Within a 5-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.); within 2 miles each side of the Runway 23 extended centerline, extending from the 5-mile radius zone to 4 miles SW of the lift-off end of Runway 23; and within 2 miles each side of the Spokane International Airport Runway 21 extended centerline, extending from the runway to 6 miles SW of the lift-off end of Runway 21, excluding the portion E of a line extending from latitude 47°32'45" N., longitude 117°35'00" W., to latitude 47°40'57" N., longitude 117° 36'00" W.

AMENDMENTS 6/25/64 29 F. R. 5316 (Added)

**Spokane, Wash. (International).**
Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), and within 2 miles each side of the Runway 21 extended centerline, extending from the 5-mile radius zone to 6 miles SW of the lift-off end of Runway 21, excluding the portion W of a line extending from latitude 47°32'45" N., longitude 117°35'00" W., to latitude 47°40'57" N., longitude 117°36'00" W.

AMENDMENTS 6/25/64 29 F.R. 5316 (Rewritten)

**Springfield, Ill.**
Within a 5-mile radius of Capital Airport, Springfield, Ill., (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the ILS localizer SW course, extending from the 5-mile radius zone to the ILS OM; within 2 miles each side of the Capital VOR 040° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR; and within 2 miles each side of the ILS localizer NE course extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the Capital VOR 132° radial.

AMENDMENTS 2/6/64 28 F. R. 13357 (Changed); 8/20/64 29 F. R. 5388 (Rewritten)

**Springfield, Mo.**
Within a 5-mile radius of the Springfield Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.) and within 2 miles W and 2.5 miles E of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 3/5/64 29 F.R. 132 (Rewritten):

**Springfield, Ohio**
Within a 5-mile radius of Springfield Municipal Airport and within 2 miles either side of a 051° bearing from the end of the NE - SW runway extending from the 5-mile radius zone to 10 miles NE of the airport.

**Stockton, Calif.**
Within a 5-mile radius of Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.); within 2 miles each side of the Stockton VORTAC 321° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Stockton ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM.

**Summit, Alaska**
Within a 5-mile radius of Summit Airport (Lat. 63°19'55" N, Long. 149°07'30" W).

**Sumter, S. C.**
Within a 5-mile radius of Shaw AFB. Sumter. S. C.

Syracuse, N. Y.
Within a 5-mile radius of Clarence E. Hancock Airport, Syracuse, N. Y., (Lat. 43° 06" 60" N, Long. 76° 06' 35" W.); within 2 miles either side of the Syracuse ILS localizer E course extending from the 5-mile radius zone to 10 miles E of the OM; within 2 miles each side of the 086° and 266° bearings from the Syracuse RBN, extending from the 5-mile radius zone to 10 miles W of the RBN, and within 2 miles either side of the Syracuse VORTAC 120° and 300° radials extending from the 5-mile radius zone to 10 miles NW of the VORTAC.

**Tacoma, Wash.**
Within a 5-mile radius of McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'05" W.); and within 2 miles each side of the McChord RBN 360° bearing, extending from the 5-mile radius zone to the RBN.

AMENDMENTS 5/1/64 29 F.R. 5389 (Rewritten)

**Talkeetna, Alaska**
Within a 5-mile radius of Talkeetna Airport (Lat. 62°19'20" N, Long. 150°05'20" W).

**Tallahassee, Fla.**
Within a 5-mile radius of Tallahassee Municipal Airport (Lat. 30°23'33" N, Long. 84°21'06" W), and within 2 miles either side of the 299° bearing from the Tallahassee RBN extending from the 5-mile radius zone to 12 miles NW of the RBN.

**Tampa, Fla.**
Within a 5-mile radius of Tampa International Airport (Lat. 27°58'30" N, Long. 82°31'40" W); within a 5-mile radius of the Mac Dill AFB (Lat. 27°51'05" N, Long. 82°31'15" W); within a 5-mile radius of St. Petersburg-Clearwater International Airport (Lat. 27°54'40" N, Long. 82°41'10" W); within 2 miles either side of a line extending from the Tampa International Airport to the Tampa RBN; within 2 miles either side of the 137° bearing from the Tampa RBN extending from the Mac Dill AFB 5-mile radius zone to 10 miles SE of the RBN; within 2 miles either side of the St. Petersburg VORTAC 340° radial extending from the St. Petersburg-Clearwater International Airport 5-mile radius zone to 10 miles NW of the VORTAC, and within 5 miles either side of a line extending from the St. Petersburg-Clearwater International Airport to the Tampa International Airport.

Tanana, Alaska
That airspace within a 5-mile radius of Tanana Airport (latitude 65°10' N., longitude 152°07' W.); within two miles each side of the Tanana RR SW course, extending from the 5-mile radius zone to 8 miles SW of the RR, and within 2 miles each side of the Tanana VOR 246° radial extending from the 5-mile radius zone to 8 miles SW of the VOR.

AMENDMENTS 8/20/64 29 F. R. 7505 (Rewritten)

**Terre Haute, Ind.**
Within a 5-mile radius of Hulman Field, Terre Haute, Ind. (latitude 39°27'05" N., longitude 87°18'30" W.); within 2 miles each side of the Terre Haute ILS localizer SW course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Terre Haute VOR 051° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR.

Teterboro, N. J.
Within a 5-mile radius of Teterboro Air Terminal (Lat. 40°51'05" N. Long. 74°03'40" W).

**Texarkana, Ark.**
Within a 5-mile radius of Texarkana Municipal Airport (Lat. 33°27'20" N, Long. 93°59'15" W), and within 2 miles either side of the Texarkana VORTAC 129° and 309° radials extending from the 5-mile radius zone to 10 miles NW of the VORTAC.

**Toledo, Ohio**
Within a 5-mile radius of Toledo Express Airport and within 2 miles either side of the Toledo ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the OM.



**Topeka, Kans. (Forbes AFB)**
Within a 5-mile radius of Forbes AFB (latitude 38°57'10" N., longitude 95°39'50" W.), within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN, and within 2 miles each side of the Forbes AFB ILS localizer SE course, extending from the 5-mile radius zone to 1 mile SE of the OM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Philip Billard Airport) control zone.

**Topeka, Kans. (Philip Billard Airport)**
Within a 5-mile radius of Philip Billard Airport (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 219° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Philip Billard Airport ILS localizer SE course, extending from the 5-mile radius zone to 11 miles SE of the SE end of the Philip Billard Airport Runway 31, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Forbes AFB) control zone.

Torrance, Calif.
Within a 3-mile radius of Torrance Municipal Airport (latitude 33°48'10" N., longitude 118°20'20" W.), from 0600 to 2200 hours, local time, daily.

**Traverse City, Mich.**
Within a 5-mile radius of Traverse City Municipal Airport (latitude 44°44'35" N., longitude 85°34'50" W.); within 2 miles either side of the 137° bearing from the Traverse City RBN extending from the 5-mile radius zone to 8 miles SE of the RBN, and within 2 miles either side of the Traverse City VOR 338° and 158° radials extending from the 5-mile radius zone to 8 miles S of the VOR.

Trenton, N. J.
Within a 5-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.); within 2.5 miles N and 2 miles S of the Yardley, Pa., VOR 071° and 065° radials, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1-mile radius of the Morrisville, Pa., Airport (latitude 40° 12' 00" N., longitude 74° 48' 55" W.), and excluding the portion within the Willow Grove, Pa., control zone.

AMENDMENTS 4/2/64 29 F.R. 2419 (Rewritten):

Tri-City, Tenn.
Within a 5-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.): within 2 miles on each side of the Tri-City ILS localizer NE course extending from the 5-mile radius zone to the OM; and within 2 miles on each side of the 043° and 223° bearings from the Boone RBN extending from the 5-mile radius zone to 8 miles SW of the RBN.

**Troutdale, Oreg.**
Within a 3-mile radius of Troutdale Airport (Lat. 45°33'00" N, Long. 122°23'50" W), excluding the portion within R-5703. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS On Publ. 5/1/64 29 F. R. 5784 (Changed)

**Truth or Consequences, N. Mex.**
Within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107° 16'20" W.).

Tucson, Ariz. (Davis-Monthan AFB)
Within a 5-mile radius of Davis-Monthan AFB (latitude 32°10'00" N., longitude 110°53'00" W.) excluding the portion subtended by a chord drawn between the points of INT of the Davis-Monthan 5-mile radius zone and the Tucson International 5-mile radius zone, and within 2 miles SW and 2.5 miles NE of the Davis-Monthan ILS Localizer SE course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 7/23/64 29 F. R. 7418 (Rewritten)

Tucson, Ariz. (Tucson International Airport)
Within a 5-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'35" W.); within 2 miles each side of the Tucson VORTAC 273° radial, extending from the 5-mile radius zone to 14 miles W of the VORTAC, and within 2 miles each side of the extended centerline of runway 12L, extending from the 5-mile radius zone to 5 miles SE of the lift-off end of Runway 12L, excluding the portion subtended by a chord drawn between the points of INT of the Tucson International 5-mile radius zone with the Davis-Monthan AFB 5-mile radius zone.

AMENDMENTS 7/23/64 29 F. R. 7418 (Rewritten)

**Tucumcari, N. Mex.**
Within a 5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.); within 2 miles each side of the Tucumcari VOR 033° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; and within 2 miles each side of the Tucumcari VOR 078° radial, extending from the 5-mile radius zone to 8 miles E of the VOR.

**Tulsa, Okla.**
Within a 5-mile radius of Tulsa Municipal Airport (Lat. 36°12'01" N, Long. 95°53'15" W); within 2 miles either side of the Tulsa ILS localizer N course extending from the 5-mile radius zone to the Owasso, Okla., RBN; within 2 miles either side of the Tulsa VORTAC 268° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the ILS localizer S course extending from the 5-mile radius zone to the OM.

**Tuscaloosa, Ala.**
Within a 5-mile radius of Van De Graaff Airport, Tuscaloosa, Ala., (Lat. 33°13'35" N, Long. 87°36' 35" W). and within 2 miles either side of the Tuscaloosa VORTAC 060° radial extending from the 5-mile radius zone to 10 miles NE of the VORTAC.

**Twin Falls, Idaho**
Within a 5-mile radius of Twin Falls Municipal Airport (latitude 42° 29' 05" N., longitude 114° 29' 15" W.), and within 2 miles each side of the Twin Falls VOR 086° radial, extending from the 5-mile radius zone to 8 miles E of the VOR, from 0400 to 2000 hours, local time, daily.

AMENDMENTS 2/6/64 28 F. R. 13357 (Rewritten); 7/6/64 29 F.R. 9485 (Changed);

**Tyler, Tex.**
Within a 5-mile radius of Pounds Field, Tyler, Tex., (Lat. 32°21'17" N, Long. 95°23'55" W); within 2 miles either side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to the OM, and within 2 miles either side of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to the INT of the Pounds Field ILS localizer SE course and the Gregg County, Tex., VOR 265° radial.

**Tyndall AFB, Fla.**
Within a 5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.), within 2 miles either side of the Tyndall AFB TACAN 308° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN; within 2 miles either side of the 315° True bearing from the Tyndall RBN extending from the 5-mile radius zone to the RBN, and within 2 miles either side of the Tyndall VOR 313° radial extending from the 5-mile radius zone to the VOR, excluding the portion within the Panama City, Fla., Restricted Area R-2912C.

AMENDMENTS 3/5/64 29 F. R. 1842 (Rewritten)

**Unalakleet, Alaska**
Within a 5-mile radius of Unalakleet Airport (Lat. 63°53'10" N, Long. 160°47'30" W), and within 2 miles either side of the Unalakleet RR W course extending from the 5-mile radius zone to 12 miles W of the RR, from 0545 to 2145 hours, local time, daily.

AMENDMENTS On Publ. 11/4/64 29 F. R. 14917 (Changed)

**Utica, N. Y.**
Within a 5-mile radius of Oneida County Airport, Utica, N. Y., (Lat. 43°08'45" N, Long. 75°22'55" W) and within 2 miles either side of the Utica ILS localizer SE course extending from the 5-mile radius zone to the Utica RBN, excluding the portion within the Griffis AFB control zone.

**Valdosta, Ga. (Moody AFB)**
Within a 10-mile radius of Moody AFB, Valdosta, Ga.

**Valdosta, Ga. (Valdosta Municipal Airport)**
Within a 5-mile radius of Valdosta Municipal Airport and within 2 miles either side of the Valdosta VOR 004° and 184° radials extending from the 5-mile radius zone to 10 miles SW of the VOR, excluding the portion within the Moody AFB control zone.

**Van Nuys, Calif.**
Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.) excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W.



**Vero Beach, Fla.**
Within a 5-mile radius of Vero Beach Municipal Airport (latitude 27°39'15" N., longitude 80°24'55" W.).

**Victoria, Tex.**
Within a 5-mile radius of the Victoria County-Foster Airport (latitude 28° 51' 10" N., longitude 96° 55' 20" W.) and within 2 miles each side of the 320° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from the 5-mile radius zone to 8 miles NW of latitude 28° 51' 30" N., longitude 96° 55' 00" W., effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 4/2/64 29 F.R. 557 (Added); Amend. Alt. 29 F.R. 4082;

**Victorville, Calif.**
Within a 5-mile radius of George AFB, Victorville, Calif., (Lat. 34°35'50" N, Long. 117°22'35" W), and within 2 miles either side of the George AFB VOR 355° and 005° radials extending from the 5-mile radius zone to 11 miles N of the VOR.

PENDING AMENDMENT
Visalia, Calif.
Within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 121° radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°19'30" W.), effective from 0700 to 2100 hours, local time, daily.

AMENDMENTS 1/7/65 29 F.R. 14168 (Added)

**Waco, Tex.**
Within a 5-mile radius of Waco Municipal Airport (latitude 31°36'40" N., longitude 97°13'40" W.); within a 5-mile radius of James Connally AFB, Waco, Tex. (latitude 31°38'20" N., longitude 97°04'25" W.); and within 2 miles each side of direct lines from James Connally AFB, extending from the James Connally 5-mile radius zone to latitude 31°47'12" N., longitude 97°03'05" W., and to the Prairie Hill RBN.

**Wake Island,**
Within a 5-mile radius of Wake Island (Lat. 19°18'00" N, Long. 166°38'00" E); within 2 miles either side of the Wake Island VORTAC 306° radial extending from the 5-mile radius zone to 12 miles NW of the VORTAC; within 2 miles either side of the 101° bearing from the Wake Island RBN extending from the 5-mile radius zone to 12 miles E of the RBN, and within 2 miles either side of the 281° bearing from the Wake Island RBN extending from the 5-mile radius zone to 12 miles W of the VORTAC.

PENDING AMENDMENT
Wake Island
Within a 5-mile radius of Wake Island Airport (latitude 19°18'00" N. longitude 166°38'00" E); within 2 miles each side of the Wake Island VORTAC 306° radial, extending from the 5-mile radius zone to 17 miles NW of the VORTAC; within 2 miles each side of the Wake Island VORTAC 111° radial, extending from the 5-mile radius zone to 17 miles E of the VORTAC; within 2 miles each side of the 281° bearing from the Wake Island radio beacon (AXX), extending from the 5-mile radius zone to 15 miles W of the radio beacon; and within 2 miles each side of the 101° bearing from the Wake Island radio beacon (AWK), extending from the 5-mile radius zone to 12 miles E of the radio beacon.

AMENDMENTS 12/10/64 29 F.R. 14103 (Rewritten)

**Walla Walla, Wash.**
Within a 5-mile radius of Walla Walla City-County Airport (latitude 46° 05' 35" N., longitude 118° 17' 20" W.), and within 2 miles each side of the Walla Walla VOR 215° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR.

AMENDMENTS 4/2/64 29 F.R. 2308 (Rewritten);

**Walnut Ridge, Ark.**
Within a 3-mile radius of Walnut Ridge Airport (Lat. 36°07'30" N, Long. 90°55'25" W), and within 2 miles either side of the Walnut Ridge VOR 244° radial extending from the 3-mile radius zone to 10 miles SW of the VOR.

PENDING AMENDMENT
Walnut Ridge, Ark.
That airspace within a 3-mile radius of the Walnut Ridge Airport (latitude 36°07'30" N., longitude 90°55'25" W.) and within 2 miles each side of the Walnut Ridge VOR 244° radial, extending from the 3-mile radius zone to 6.5 miles SW of the VOR.

AMENDMENTS 1/7/65 29 F. R. 14523 (Rewritten)

**Washington, D. C.**
Within a 5-mile radius of Washington National Airport (latitude 38°51'05" N., longitude 77°02'20" W.), within 2 miles each side of the Washington National Airport ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the 137° bearing from the Georgetown, D. C., RBN and 2 miles SW of the Washington, D. C., VOR 313° radial, extending from the 5-mile radius zone to the Georgetown RBN, within 2 miles each side of the Washington VOR 324° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR, and within 2 miles each side of the Washington VOR 060° radial, extending from the 5-mile radius zone to 5 miles NE of the VOR, excluding the portion within P-56 and the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Camp Springs, Md., control zone.

**Waterloo, Iowa**
Within a 5-mile radius of Waterloo Municipal Airport (Lat. 42°33'22" N, Long. 92°23'59" W); within 2 miles either side of the Waterloo VORTAC 120° and 314° radials extending from the 5-mile radius zone to 12 miles SE and NW of the VORTAC and within 2 miles either side of the ILS localizer NW course extending from the 5-mile radius zone to the OM.

**Watertown, N. Y.**
Within a 5-mile radius of Watertown Airport (Lat. 43°59'20" N, Long. 76°01'20" W), and within 2 miles either side of the Watertown VOR 215° radial extending from the 5-mile radius zone to 10 miles SW of the VOR.

**Watertown, S. Dak.**
Within a 5-mile radius of Watertown Airport (Lat. 44°54'35" N, Long. 97°09'30" W), and within 2 miles either side of the Watertown VORTAC 006° radial extending from the 5-mile radius zone to 10 miles N of the VORTAC.

**Wausau, Wis.**
Within a 5-mile radius of Wausau Municipal Airport (Lat. 44°55'35" N, Long. 89°37'35" W), and within 2 miles either side of the Wausau VOR 166° and 346° radials extending from the 5-mile radius zone to 10 miles SE of the VOR.

**Westfield, Mass,**
Within a 5-mile radius of Barnes Airport, Westfield, Mass., (Lat. 42°09'35" N, Long. 72°42'55" W), and within 2 miles each side of the 189° bearing from the Westfield RBN, extending from the 5-mile radius zone to the RBN,
excluding the portion within the Westover AFB, Mass., control zone. This control zone shall be in effect from 0700 to 2300 hours, local standard time, daily.

**Westhampton Beach, Long Island, N.Y.**
Within a 5-mile radius of Suffolk County AFB, Westhampton Beach, Long Island, N.Y. (latitude 40°50'40" N., longitude 72°37'45" W.).

**Westover, Mass.**
Within a 5-mile radius of Westover AFB (Lat. 42°11'40" N, Long. 72°32'15" W); within 2 miles either side of the Westover TACAN 028° radial extending from the 5-mile radius zone to 10 miles NE of the TACAN and within 2 miles either side of the Westover ILS localizer NE course extending from the 5-mile radius zone to 12 miles NE of the OM.

AMENDMENTS On Publ. 5/15/64 29 F. R. 6377 (Changed)

**West Palm Beach, Fla.**
Within a 5-mile radius of West Plam Beach International Airport (latitude 26° 41' 25" N., longitude 80° 05' 35" W.) and within 2 miles each side of the West Palm Beach RBN 270° bearing, extending from the 5-mile radius zone to 10 miles W of the RBN.

**Wheeling, W. Va.**
Within a 5-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 216° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 2/6/64 28 F. R. 12339 (Rewritten);

**Whidbey Island, Wash.**
Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'05" N., longitude 122°39'20" W.); within a 5-mile radius of the INT of the N/S and E/W sealane landing areas latitude 48°14'55" N., longitude 122°35'15" W.) Oak Harbor Seaplane Base, Whidbey Island, Wash., and within a 1-mile radius of OLF Coupeville Airport, Coupeville, Wash. (latitude
48°11'20" N., longitude 122°37'50" W.).



**White Plains, N. Y.**
Within a 5-mile radius of Westchester County Airport (Lat. 41°04'05" N, Long. 73°42'35" W); and within 2 miles either side of the Westchester County ILS localizer NW course extending from the 5-mile radius zone to the OM.

**Wichita, Kans. (Wichita Municipal).**
Within a 5-mile radius of the Wichita Municipal Airport (latitude 37°39'10" N., longitude 97°25'46" W.), within 2 miles each side of the Wichita Municipal Airport ILS localizer N course, extending from the 5-mile radius zone to the INT of the Wichita Municipal Airport ILS localizer N course and the Wichita VOR 075° radial, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (McConnell AFB) 5-mile radius control zone.

AMENDMENTS 4/30/64 29 F. R. 2930 (Rewritten) F.R. Correction. 29 F.R. 3524

**Wichita, Kans. (McConnell AFB)**
Within a 5-mile radius of McConnell AFB (latitude 37° 37' 25" N., longitude 97° 16' 00" W.), within 2 miles W and 4 miles E of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN, within 2 miles each side of the McConnell AFB VOR 008° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles S of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

AMENDMENTS 4/30/64 29 F. R. 2930 (Rewritten)

**Wichita Falls, Tex.**
Within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex.; within 2 miles either side of the centerline of the SE/NW runway extending from the 5-mile radius zone to 10 miles SE of the Wichita Falls LOM, and within 2 miles either side of the Wichita Falls VORTAC 286° radial extending from the 5-mile radius zone to 10 miles W of the VORTAC.

**Wilkes-Barre, Pa.**
Within a 5-mile radius of Wilkes-Barre-Scranton Airport and within 2 miles either side of the extended centerline of runway 4 extending from the 5-mile radius zone to the Crystal Lake, Pa., RBN.

**Williamsport, Pa.**
Within a 5-mile radius of Williamsport-Lycoming County Airport (Lat. 41°14'30" N, Long. 76°55'20" W); and within 2 miles either side of the Williamsport RR W course extending from the 5-mile radius zone to the RR.

**Willow Grove, Pa.**
Within a 5-mile radius of Willow Grove NAS (latitude 40° 12' 00" N., longitude 75° 08' 55" W.); within a 5-mile radius of Johnsville NAS (latitude 40° 11' 55" N., longitude 75° 04' 00" W.); within 2 miles each side of the 325° bearing from the Willow Grove RBN, extending from the RBN to 7 miles NW of the RBN; within 2 miles each side of the Johnsville NAS TACAN 274° radial, extending from the TACAN to 9 miles W of the TACAN; within 2 miles each side of the Johnsville NAS TACAN 082° radial, extending from the TACAN to 6.5 miles E of the TACAN; within 2 miles each side of the Yardley, Pa., VOR 245° radial, extending from the VOR to the Willow Grove NAS, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Johnsville NAS with the North Philadelphia, Pa., control zone.

AMENDMENTS 4/2/64 29 F. R. 2419 (Rewritten)

**Wilmington, Del.**
Within a 5-mile radius of the Greater Wilmington Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.); within 2 miles each side of the Greater Wilmington Airport ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 5-mile radius zone to 7 miles SW of the VORTAC.

AMENDMENTS 4/2/64 29 F. R. 2419 (Rewritten)

**Wilmington, N. C.**
Within a 5-mile radius of New Hanover County Airport, Wilmington, N. C. (latitude 34°16'15" N., longitude 77°54'05" W.), and within 2 miles each side of the 159° bearing from the ILS MM, extending from the 5-mile radius zone to 12 miles SE of the MM.

**Wilmington, Ohio**
Within a 5-mile radius of Clinton County AFB, Wilmington, Ohio (Lat. 39°26'00" N, Long. 83°48'00" W) and within 2 miles either side of the 037° bearing from the Clinton County RBN extending from the 5-mile radius zone to 12 miles NE of the RBN.

**Windsor Locks, Conn.**
Within a 5-mile radius of Bradley Field, Windsor Locks, Conn., (Lat. 41°56'25" N, Long. 72°41'16" W); and within 2 miles either side of the Bradley ILS localizer S course extending from the 5-mile radius zone to 10 miles S of the localizer.

**Wink, Tex.**
Within a 3-mile radius of the Winkler County Airport (latitude 31°46'45" N., longitude 103°12'05" W.); within 2 miles each side of the Wink VOR 161° radial, extending from the VOR to 5 miles south of the airport.

**Winslow, Ariz.**
Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and within 2 miles each side of the 354° bearing from the Winslow RBN, extending from the 6-mile radius zone to 6 miles N of the RBN.

**Winston-Salem, N. C.**
Within a 5-mile radius of Smith-Reynolds Airport, Winston-Salem, N. C., (Lat. 36°08'00" N, Long. 80° 13'20" W), and within 2 miles either side of the Winston-Salem ILS localizer SE course extending from the 5-mile radius zone to 12 miles SE of the OM.

**Worcester, Mass.**
Within a 5-mile radius of Worcester Municipal Airport (Lat. 42°16'05" N, Long. 71°52'20" W).

**Worthington, Minn.**
Within a 3-mile radius of the Worthington Municipal Airport (latitude 43°39'10" N., longitude 95°34'50" W.), and within 2 miles each side of the 358° bearing from Worthington Municipal Airport, extending from the 3-mile radius zone to 7 miles N of the airport, - see Airman's Guide for hours of designation.

AMENDMENTS 5/28/64 29 F.R. 3651 (Added); 9/8/64 29 F.R. 11960 (Changed);

**Wright-Patterson AFB, Ohio**
Within a 5-mile radius of Patterson AFB (Lat. 39°49'25" N, Long. 84°02'55" W); within a 5-mile radius of Wright AFB (Lat. 39°46'35" N, Long. 84°06'35" W); within 2 miles either side of the Patterson VOR 039° radial extending from the Patterson AFB 5-mile radius zone to 12 miles NE of the VOR, and within 2 miles either side of the Patterson TACAN 054° radial extending from the Patterson AFB 5-mile radius zone to 8 miles NE of the TACAN, excluding the portion within the Springfield, Ohio, control zone.

**Wrightstown, N. J. (McGuire AFB)**
Within a 5-mile radius of McGuire AFB (Lat. 40°00'55" N., Long. 74°35'25" W.); within 2 miles either side of the McGuire AFB ILS localizer SW course extending from the 5-mile radius zone to 2.5 miles SW of the OM; within 2 miles either side of the McGuire VOR 051° and 213° radials extending from the 5-mile radius zone to 7 miles NE and 6 miles SW of the VOR, and within 2 miles either side of the McGuire TACAN 223° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. The portions of this control zone within R-5001 and R-5003 shall be used only after obtaining prior approval from appropriate authority.

**Yakataga, Alaska**
Within a 5-mile radius of Yakataga Airport, and within 5 miles either side of the Yakataga RR SE and SW courses extending from the 5-mile radius zone to A-1, from 0545 to 2145 hours, local time, daily.

AMENDMENTS On Publ. 11/4/64 29 F. R. 14917 (Changed)

**Yakima, Wash.**
Within a 5-mile radius of Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), and within 2 miles each side of the Yakima ILS localizer E course, extending from the 5-mile radius zone to 1 mile W of the LOM.

**Yakutat, Alaska**
Within a 5-mile radius of Yakutat, Alaska (Lat. 59°30'10" N, Long. 139°39'40" W).

Youngstown, Ohio
Within a 5-mile radius of the Youngstown Municipal Airport (latitude 41° 15' 35" N., longitude 80° 40' 40" W.), within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 5-mile radius zone to 5 miles NW of the localizer; and within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 5-mile radius zone to the OM.



Yuma, Ariz.
Within a 5-mile radius of MCAS/Yuma County Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within a 1-mile radius of latitude 32°36'05" N., longitude 114°39'30" W.; within 2 miles each side of the Yuma VOR 181° radial, extending from the 5-mile radius zone to 1 mile S of the VOR, and within 2 miles each side of the 044° bearing from the MCAS Yuma RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN.

Zanesville, Ohio
Within a 5-mile radius of the Zanesville Municipal Airport (latitude 39° 56' 40" N., longitude 81° 53' 20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 5-mile radius zone to 7 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville, (latitude 39° 59' 10" N., longitude 81° 59' 00" W.).

AMENDMENTS 4/2/64 29 F. R. 2307 (Rewritten)

## SUBPART G - TRANSITION AREAS

§ 71.181 **Designation.**
The parts of airspace described below are designated as transition areas.

Aberdeen, S. Dak.
That airspace extending upward from 700 feet above the surface within 8 miles NE and 5 miles SW of the Aberdeen VOR 131° and 311° radials extending from 13 miles SE to 5 miles NW of the VOR; and the airspace extending upward from 1,200 feet above the surface within 4 miles E and 7 miles W of the Aberdeen VOR 175° and 355° radials, extending from 13 miles S to 1 mile N of the VOR.
3/5/64 28 F. R. 13929 (Added);

PENDING AMENDMENT
Aiken, S. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Aiken Airport (latitude 33°39'10" N., longitude 81°41'25" W.); within 2 miles each side of the 289° bearing from the Aiken RBN extending from the 6-mile radius area to 8 miles W of the RBN.

AMENDMENTS 1/7/65 29 F. R. 15075 (Added)

Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.), and within 4 miles NE and 2 miles SW of the Akron VOR 123° radial, extending from 5-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Akron VOR 123° and 303° radials, extending from 20 miles SE to 10 miles NW of the VOR.

3/5/64 28 F. R. 14226 (Rewritten);

Akron, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Akron Municipal Airport (latitude 41° 02' 15" N., longitude 81° 28' 05" W.); within 2 miles each side of the Akron RBN 062° bearing, extending from the Akron Municipal Airport 7-mile raidus area to 8 miles NE of the RBN; within 2 miles each side of the Akron VORTAC 255° radial, extending from the Akron Municipal Airport 7-mile radius area to the VORTAC; within a 7-mile radius of the Akron-Canton Airport (latitude 40° 55' 05" N., longitude 81° 26' 30" W.), and within 5 miles W and 8 miles E of the Akron-Canton ILS localizer S course, extending from the Akron-Canton OM to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40° 53' 00" N., longitude 81° 43' 00" W.; to latitude 41° 08' 00" N., longitude 81° 36' 00" W.; to latitude 41° 11' 30" N., longitude 81° 39' 20" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport, Cleveland, Ohio (latitude 41° 24' 30" N., longitude 81° 51' 00" W.) to latitude 41° 21' 00" N., longitude 81° 31' 00" W.; to latitude 41° 24' 20" N., longitude 81° 23' 00" W.; thence counterclockwise along the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willougby, Ohio (latitude 41° 41' 00" N., longitude 81° 23' 25" W.), to latitude 41° 28' 00" N., longitude 81° 10' 00" W.; to latitude 41° 05' 00" N., longitude 80° 50' 00" W.; to latitude 40° 56' 00" N., longitude 80° 52' 00" W.; to latitude 40° 56' 40" N., longitude 80° 36' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Imperial, Pa., VORTAC to the Imperial VORTAC 249° radial; thence via the 249° radial to 60 miles SW of the VORTAC; thence via a direct line to the Newcomerstown, Ohio, VOR; direct to the Tiverton, Ohio, VOR; to latitude 40° 54' 00" N., longitude 82° 04' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

**Alamosa, Colo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Alamosa VORTAC 336° and 156° radials, extending from 20 miles NW to 9 miles SE of the VORTAC, excluding the airspace within Federal airways.

**Albany, Ga.**
That airspace extending upward from 1,200 feet above the surface bounded on the N by the Albany control area extension, on the E by V-35, on the SE by a line extending through latitude 31°20'12" N., longitude 84°17'40" W. and latitude 31°11'00" N., longitude 84°29'00" W., and on the W by the arc of a 30-mile radius circle centered at the Albany Municipal Airport (latitude 31°32'00" N., longitude 84°11'35" W.); and that airspace extending upward from 3,000 feet above the surface bounded on the N by a line 12 miles SW of and parallel to the Albany VOR 294° radial, on the E by the arc of a 30-mile radius circle centered at the Albany Municipal Airport, on the SE by a line extending through latitude 31°11'00" N., longitude 84°29'00" W., and latitude 30°57'15" N., longitude 84°45'45" W., on the SW by the NE boundary of V-7, and on the W by a line extending from the NE boundary of V-7 counterclockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W. to its INT with a line 5 miles N of and parallel Dothan, Ala., VOR 093° radial, thence E along this line to longitude 84°55'00" W., thence N along this meridian to a line 12 miles SW of and parallel to the Albany VOR 294° radial.

**Albany, N. Y.**
That airspace extending upward from 1,200 feet above the surface SE of Albany bounded on the NE by V-130, on the SE by V-487 and on the W by V-91; and that airspace SW of Albany bounded on the N by a line 10 miles S of and parallel to the Albany VORTAC 270° radial, on the E by V-91, on the S by V-270 and on the W by Long. 74°16'00" W.

**Albuquerque, N. Mex.**
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.), and within 2 miles each side of the 188° bearing from the Albuquerque RBN, extending from the 14-mile radius area to 12 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 46-mile radius of the Albuquerque VORTAC, excluding the portion within an 8-mile radius of OTTO Airport, Moriarity, N. Mex. (latitude 35°04'35" N., longitude 106°00'10" W.); within 10 miles E and 7 miles W of the Socorro, N. Mex., VORTAC 189° and 009° radials, extending from the 46-mile radius area to 20 miles S of the VORTAC, excluding the portion within R-5107C; within 10 miles S and 7 miles N of the Grants, N. Mex., VOR 267° and 087° radials, extending from the 46-mile radius area to 20 miles W of the VOR; and that airspace extending upward from 11,000 feet MSL within 5 miles each side of the Albuquerque VORTAC 339° radial, extending from the 46-mile radius area to 79 miles N of the VORTAC, and within 5 miles each side of the Albuquerque VORTAC 303° radial, extending from the 46-mile radius area to 79 miles NW of the VORTAC. The portions of this transition area within 5 miles each side of the Albuquerque VORTAC 303° and 339° radials, extending from the 46-mile radius area to 79 miles N and NW are excluded from Federal airways.

**Alexandria, Minn.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Alexandria Airport (latitude 45°52'05" N., longitude 95°23'45" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Alexandria VOR 051° and 231° radials extending from 6 miles SW to 13 miles NE of the VOR, and within the area NE of Alexandria bounded on the NW by a line 5 miles NW of and parallel to the Alexandria VOR 027° radial, on the NE by the arc of a 29-mile radius circle centered on the Alexandria VOR, and on the SE by a line 5 miles SE of and parallel to the Alexandria VOR 051° radial.

**Alma City, Minn.**
That airspace extending upward from 1,200 feet above the surface within 12 miles W and 8 miles E of the Minneapolis, Minn., VORTAC 188° radial, extending from 22 miles N to 10 miles S of the INT of the Minneapolis VORTAC 188° and the Rochester, Minn., VOR 292° radials.

**Alpena, Mich.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Phelps-Collins Airport, Alpena, Mich., (latitude 45°05'00" N., longitude 83°33'30" W.), within 5 miles E and 8 miles W of the 180° and 360° bearings from the Alpena RBN, extending from 2 miles S to 12 miles N of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Phelps-Collins Airport, and within the arc of a 29-mile radius circle centered on the Alpena RBN, extending from a line 5 miles W of and parallel to the 356° bearing from the RBN clockwise to a line 5 miles E of and parallel to the 021° bearing from the RBN. The portion of this transition area which coincides with the Oscoda, Mich., control area extension is excluded. This transition area shall be effective during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

AMENDMENTS 11/12/64 29 F.R. 12674 (Added);



Amarillo, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°42'40" W.); that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 36°01'00" N., longitude 101°24'00" W.; to latitude 35°56'00" N., longitude 101°01'00" W.; to latitude 35°42'00" N., longitude 101°01'00" W.; to latitude 35°42'00" N., longitude 100°29'00" W.; to latitude 35°28'00" N., longitude 100°29'00" W.; to latitude 35°18'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°27'00" W.; to latitude 34°40'00" N., longitude 101°39'00" W.; to latitude 34°40'00" N., longitude 102°18'00" W.; to latitude 35°09'00" N., longitude 102°25'00" W.; to latitude 35°37'00' N., longitude 102°05'00" W.; to latitude 35°43'00" N., longitude 101°44'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet m.s.l. within 5 miles each side of the Amarillo VORTAC 297° radial, extending from the 1,200-foot area boundary to 52 miles NW of the VORTAC. The portion of this transition area extending upward from 8,000 feet m.s.l. which coincides with Federal airways is excluded.

AMENDMENTS 4/30/64 29 F.R. 2933 (Added)

**Anchorage, Alaska**
That airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VOR. The airspace outside the United States, the airspace 14,500 feet MSL or above less than 1,500 feet above the surface, and the airspace within Federal airways, Control 1218, Control 1310, the Anchorage, Alaska, Cordova, Alaska, Kenai, Alaska, and Middleton Island, Alaska, control area extensions and the airspace within the Fairbanks, Alaska, and King Salmon, Alaska, transition areas is excluded.

AMENDMENTS 4/30/64 29 F.R. 3150 (Added)

**Aniak, Alaska**
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the 050° and 230° bearings from the Aniak RR, extending from 9 miles NE to 20 miles SW of the RR.

**Annette Island, Alaska**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Annette Island ILS localizer NW course, extending from 5 miles NW to 15.5 miles NW of the Annette Island Airport (latitude 55°02'30" N., longitude 131°34'05" W.), and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 17 miles NE of the 142° and 322° bearings from the Annette RR, extending from 40 miles NW of the RR to a line 3 miles N of and parallel to the United States/Canadian border.

**Appleton, Wis.**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Outagamie County Airport, Appleton, Wis. (latitude 44° 17' 05" N., longitude 88° 21' 55" W.), and within 2 miles each side of the 089° bearing from the airport, extending from the 4-mile radius area to 8 miles E of the airport.

**Ardmore, Okla.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles each side of the 265° and 085° bearings from the Ardmore RBN, extending from the 7-mile radius area to 8 miles W of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Ardmore Municipal Airport.

**Asheville, N. C.**
That airspace E of Asheville, extending upward from 1,200 feet above the surface bounded on the NW by V-222, on the E by V-259, on the SE by V-20, and on the SW by V-296; and the airspace W of Asheville within a 30-mile radius of the Asheville VORTAC, bounded on the NE by V-185 and the SE by V-222.

**Astoria, Oreg.**
That airspace extending upward from 700 feet above the surface bounded on the SW by the Astoria VOR 326° radial, on the NE by a line 5 miles NE of and parallel to the Astoria VOR 326° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 12 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 46° 08' 00" W., longitude 123° 42' 00" W., thence to latitude 46° 02' 00" N., longitude 123° 53' 00" W., thence to latitude 46° 02' 00" N., longitude 124° 09' 00" W., thence to latitude 46° 16' 00" N., longitude 124° 09' 00" W., thence to latitude 46° 22' 00" N., longitude 123° 55' 00" W., thence to point of beginning.

**Atlanta, Ga.**
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Atlanta Airport (Lat. 33°38'42" N., Long. 84°25'37" W.), excluding the airspace within a 1.5-mile radius of the Edwards Skyport, Atlanta, Ga (Lat. 33°32'47" N, Long. 84°38'31" W), and the Gunn Airport, Atlanta, Ga. (Lat. 33°43'14" N, Long. 84°09'56" W); within 2 miles either side of the Atlanta ILS localizer W course, extending from the 15-mile radius area to 18 miles W of the localizer; within a 5-mile radius of the De Kalb-Peachtree Airport, Chamblee, Ga. (Lat. 33°52'30" N, Long. 84°18'10" W); within 2 miles either side of the McDonough, Ga., VORTAC 314° radial, extending from the 15-mile radius area to the VORTAC; within 5 miles SW and 8 miles NE of the Atlanta ILS localizer SE course, extending from the OM to 12 miles SE of the OM; that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of the Atlanta Airport; within a 30-mile radius of the Lost Mountain, Ga., RBN; that airspace N of Atlanta extending from the 50-mile radius area bounded on the W by V-51, on the N by V-54, on the E by V-267; that airspace NE of the Toccoa, Ga., VOR bounded on the N by V-54, on the SE by V-222 and on the SW by a line 5 miles SW of and parallel to the Greenwood, S. C., VOR 315° radial; that airspace NE and E of Atlanta extending from the 50-mile radius area bounded on the NW by V-222, on the E by a line extending from SE boundary of V-222 W of Greenville, S. C., counterclockwise along the arc of a 30-mile radius circle centered at Lat. 34°48'45" N, Long. 82°20'30" W, to its INT with the arc of a 15-mile radius circle centered at the Greenwood VOR, thence counterclockwise along this arc to its INT with the N boundary of V-454, thence via the N boundary of V-454 to Long. 83°00'00" W, thence via Long. 83°00'00" W to the N boundary of V-18, and on the S by the N boundary of V-18; that airspace SW of Atlanta extending from the 50-mile radius area bounded on the N by V-18, on the S by V-20 N, and on the W by Long 86°00'00" W, and that airspace W of Atlanta extending from the 50-mile radius area bounded on the N by a line 12 miles N of and parallel to the Atlanta ILS localizer W course, on the S by V-18 N, and on the W by Long. 85°33'00" W, excluding the portion within R-3001.

AMENDMENTS On Publ. 4/7/64 29 F. R. 4855 (Changed); 11/12/64 29 F. R. 12763 (Changed);

**PENDING AMENDMENT**
Atlanta, Ga. (Dobbins AFB/NAS Atlanta).
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°55'00" N., longitude 84°31'00" W.); within 2 miles each side of the NAS Atlanta TACAN 301° radial extending from the 7-mile radius area to 10 miles NW of the TACAN; within 2 miles each side of the Norcross, Ga., VORTAC 265° radial extending from the 7-mile radius area to 9 miles W of the Dobbins AFB/NAS Atlanta Airport Reference Point (latitude 33°55'00" N., longitude 84°31'00" W.); excluding that airspace within a 15-mile radius of the Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.).
AMENDMENTS 1/7/65 29 F. R. 14982 (Added)

**Atterbury, Ind.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bakalar AFB (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 044° bearing from the AFB, extending from the 6-mile radius zone to 12 miles NE of the AFB; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 39°30'00" N., on the E by longitude 85°39'00" W., on the S by latitude 39°10'00" N., and on the W by longitude 86°06'00" W.

AMENDMENTS 4/30/64 29 F.R. 3225 (Added)

**Augusta, Ga.**
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bush Field, Augusta, Ga. (latitude 33°22'10" N., longitude 81°57'55" W.); within a 5-mile radius of Daniel Field, Augusta, Ga. (latitude 33°27'55" N., longitude 82°02'25" W.); within 8 miles W and 5 miles E of the Augusta LOM 168° bearing, extending from the Bush Field 9-mile radius area to 12 miles S of the LOM; within 2 miles each side of the Augusta VOR 140° and 320° radials, extending from the Daniel Field 5-mile radius area to 8 miles NW of the VOR; within 2 miles each side of the Augusta RBN 308° bearing, extending from the Daniel Field 5-mile radius area to 8 miles NW of the RBN; and within 2 miles each side of the 348° bearing from the Augusta LMM, extending from the Augusta LMM to 18 miles N of the LMM; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from the intersection of longitude 82°50'00" W., and a line 10 miles N of and parallel to the Augusta VOR 278° radial; thence E via a line 10 miles N of and parallel to the Augusta VOR 278° radial; to and clockwise along the arc of a 23-mile radius circle centered at the Augusta VOR; to and N along a line 10 miles W of and parallel to the Augusta VOR 359° radial; to and counterclockwise along the arc of a 15-mile radius circle centered on the Greenwood, S. C., VOR; to and S along a line 8 miles E of and parallel to the Augusta VOR 359° radial; to and clockwise along the arc of a 23-mile radius circle centered on the Augusta VOR; to and NE along the N boundary of V-155; to longitude 81°41'30" W.; to latitude 33°46'00" N., longitude 81°37'00" W.; to latitude 33°23'25" N., longitude 81°37'00"W.; thence via a line extending through latitude 33°23'25" N., longitude 81°37'00" W., and latitude 33°05'30" N., longitude 81°48'45" W.; to and S along the E boundary of V-185; to and SW along the N boundary of V-70; to and N along a line 8 miles W of and parallel to the Augusta VOR 157° radial; to latitude 33°03'30" N., longitude 82°02'20" W.; to latitude 33°03'50" N., longitude 82°50'00" W., thence N via longitude 82°50'00" W., to the point of beginning; and that airspace extending upward from 3,000 feet MSL bounded on the N by a line extending from latitude 33°03'40" N., longitude 82°30'00" W.; to latitude 33°03'30" N., longitude 82°02'20" W., on the E by a line 8 miles W of and parallel to the Augusta VOR 157° radial, on the S by the N boundary of V-70, and on the W by longitude 82°30'00" W.; excluding the portions which would coincide with R-3003, R-3004, and R-6004.
AMENDMENTS 6/25/64 29 F. R. 5785 (Added)
**PENDING AMENDMENT**
The Augusta, Ga. transition area is amended by deleting "within 2 miles each side of the Augusta RBN 308° bearing, extending from the Daniel Field 5-mile radius area to 8 miles NW of the RBN;" from the text.
11/12/64 29 F. R. 12823 (Changed); Eff. date changed 12/10/64 29 F. R. 14576.



Augusta. Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Augusta Airport (latitude 44°19'15" N., longitude 69°47'45" W.); and within 2 miles each side of the 242° bearing from the Augusta RBN, extending from the 8-mile radius area to 8 miles SW of the RBN.

AMENDMENTS 4/30/64 29 F. R. 2931 (Added)

**Baker, Oreg.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Baker VORTAC 138° and 317° radials, extending from 14 miles SE to 16 miles NW of the VORTAC.

Bakersfield. Calif.
That airspace extending upward from 700 feet above the surface within 4 miles NE and 5 miles SW of 135° and 315° bearings from the Bakersfield LOM, extending from the arc of a 5-mile radius circle centered on Meadows Field, Bakersfield, Calif. (latitude 35° 25' 40" N.. longitude 119° 03' 05" W.), to 10 miles SE of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 118° 45' 00" W.. on the S by latitude 35° 05' 00" N.. on the W by a line extending from latitude 35° 05' 00" N.. longitude 120° 05' 00" W.. to latitude 35° 43' 50" N.. longitude 120° 05' 00" W. to latitude 35° 43' 50" N, longitude 119° 30' 00" W. to latitude 36° 00' 00" N. longitude 119° 30' 00" W. and on the N by latitude 36° 00' 00" N.

AMENDMENTS 4/2/64 29 F. R. 1843 (ADDED) F. R. Correction 29 F.R. 2420 (Changed)

Bangor, Maine
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Dow AFB, Bangor, Maine (latitude 44° 48' 20" N., longitude 68° 49' 32" W.); and within 2 miles each side of the Bangor VORTAC 135° radial, extending from the 17-mile radius area to 14 miles SE of the Bangor ILS OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44° 50' 00" N., longitude 67° 56' 00" W., to latitude 44° 18' 30" N., longitude 67° 56' 00" W., to latitude 43° 52' 00" N., longitude 69° 00' 00" W., to latitude 43° 48' 00" N., longitude 69° 03' 00" W., to latitude 43° 50' 00" N., longitude 69° 18' 00" W.,to latitude 43° 59' 00" N., longitude 69° 16' 00" W., to latitude 44° 09' 00" N., longitude 69° 39' 00" W., thence clockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44° 09' 00" N., longitude 69° 57' 00" W., to latitude 44° 03' 00" N., longitude 70° 06' 00" W., to latitude 43° 50' 00" N., longitude 70° 12' 00" W., to latitude 43° 55' 00" N., longitude 70° 28' 00" W., to latitude 44° 05' 00" N., longitude 70° 23' 00" W., to latitude 44° 12' 00" N., longitude 70° 10' 00" W., to latitude 44° 16' 00" N., longitude 70° 14' 00" W., to latitude 44° 39' 00" N., longitude 69° 47' 00" W., to latitude 44° 50' 00" N., longitude 69° 47' 00" W., to latitude 45° 12' 00" N., longitude 69° 23' 00" W., to latitude 45° 24' 00" N., longitude 68° 55' 00" W., to latitude 45° 30' 00" N., longitude 68° 31' 00" W., to latitude 45° 27' 00" N., longitude 68° 20' 00" W., to latitude 45° 33' 00" N., longitude 68° 16' 00" W., to latitude 45° 38' 00" N., longitude 67° 40' 30" W., thence via the United States/Canadian border to latitude 45° 09' 00" N., longitude 67° 23' 00" W., to latitude 45° 07' 00" N., longitude 67° 30' 00" W., to latitude 44°50'00" N., longitude 67°30'00" W., to the point of beginning.
AMENDMENTS 4/30/64 29 F.R. 2931 (Added); 8/27/64 29 F.R. 12958 (Changed);

Bar Harbor, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bar Harbor Municipal Airport (latitude 44°27'00" N., longitude 68°21'45" W.); within 2 miles each side of the 019° bearing from the Bar Harbor RBN, extending from the 5-mile radius area to 8 miles NE of the RBN; within 2 miles each side of the 331° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles NW of the airport; within 2 miles each side of the 201° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles SW of the airport; and within 2 miles each side of the 271° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles W of the airport.

AMENDMENTS 4/30/64 29 F. R. 2931 (Added)

Batavia, N. Y.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Batavia Airport (latitude 43°01'55" N., longitude 78°10'20" W.), and within 2 miles each side of the 192° bearing from the Batavia Airport, extending from the 4-mile radius area to 12 miles S of the airport.

AMENDMENTS 5/28/64 29 F.R. 4853 (Added)

Battle Creek, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich., (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course, extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.), within a 4-mile radius of Haines Field, Three Rivers, Mich., (latitude 41° 57' 30" N., longitude 85° 35' 30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from Haines Field to 12 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42° 38' 00" N., on the E by longitude 84° 50' 00" W., on the S by latitude 41° 40'00" N., on the SW by V-277, and on the W by longitude 86°00'00" W.
AMENDMENTS 9/17/64 29 F.R. 10502 (Changed)

**Beatty, Nev.**
That airspace extending upward from 1,200 feet above the surface within 11 miles SW and 8 miles NE of the Beatty VOR 320° and 140° radials, extending from 20 miles NW to 20 miles SE of the VOR.

**Beaufort, S. C.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of MCAS Beaufort (latitude 32°28'40" N., longitude 80°43'20" W.); and within a 1.5-mile radius of Beaufort County Airport (latitude 32°24'40" N., longitude 80°38'05" W.)

AMENDMENTS 4/30/64 29 F.R 3293 (Added)

**Beaumont, Tex.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Beaumont ILS localizer NW course, extending from the OM to 8 miles NW; within 2 miles each side of the Beaumont ILS localizer SE course, extending from the arc of a 5-mile radius circle centered at the Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.), to 17 miles SE of the approach end of Runway 29; and within 2 miles each side of the Beaumont VOR 244° radial, extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of latitude 29°54'40" N., longitude 94°02'40" W

**Beckley, W. Va.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Raleigh County Memorial Airport, Beckley, W. Va. (latitude 37° 47' 10" N., longitude 81° 07' 25" W.), and within 2 miles each side of the Beckley VOR 130° and 154° radials, extending from the 7-mile radius area to 13 miles SE of the VOR.

AMENDMENTS 4/2/64 29 F R. 2306 (Added)

**Bellaire, Mich.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Antrim County Airport, Bellaire, Mich. (latitude 44°59'10" N., longitude 85°11'55" W.), and the airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 198° bearing from the Bellaire RBN extending from the 8-mile radius area to 12 miles S of the RBN

**Belleville, Ill.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 7-mile radius area to the RBN.

**Bemidji, Minn.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.) and within 2 miles each side of the Bemidji VOR 316° and 136° radials, extending from the 6-mile radius area to 8 miles NW of the VOR; and the airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Bemidji VOR 136° and 316° radials, extending from 4 miles SE to 13 miles NW of the VOR

**Bettles, Alaska**
That airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Bettles VOR, extending clockwise from the NE boundary of Amber 2 to a line 8 miles NW of and parallel to the Bettles VOR 216° radial, and within an 8-mile radius of Bettles VOR, extending clockwise from a line 8 miles NW of and parallel to the Bettles VOR 216° radial to the NE boundary of Amber 2; and that airspace extending upward from 14,500 feet MSL within 9 miles NE and 16 miles SW of the Bettles VOR 155° and 335° radials, extending from 12 miles NW to 26 miles SE of the VOR. The portion of the transition area extending upward from 14,500 feet MSL is excluded from Federal airways.

AMENDMENTS 6/25/64 29 F.R. 5387 (Added)

**Bible Grove, Ill.**
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Bible Grove VOR 261° and 081° radials, extending from 20 miles W to 9 miles E of the VOR.

**Big Delta, Alaska**
That airspace extending upward from 1,200 feet above the surface within 20 miles SW and 35 miles NE of the 299° and 119° bearings from the Big Delta RR, extending from the arc of a 55-mile radius circle centered on Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.) to 55 miles SE of the RR, excluding the portion within the Fairbanks, Alaska, transition area.

AMENDMENTS 7/23/64 29 F. R. 6531 (Changed)



**Big Sur, Calif.**
That airspace extending upward from 18,000 feet MSL to FL 240 W of Big Sur bounded on the E by a line overlying the W edge of V-27 and the Monterey, Calif., control area extension, on the SW, W and NW by a line extending from the Monterey, Calif., control area extension through latitude 35°58'45" N., longitude 121°56'45" W., to latitude 35°53'00" N., longitude 122°09'30" W., to latitude 35°53'00" N., longitude 122°19'00" W., to latitude 36°06'00" N., longitude 122°25'30" W., thence through latitude 36°23'10" N., longitude 122°13'35" W. to the Monterey, Calif., control area extension, excluding the airspace within the Continental Control Area.

**Blackstone, Va.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.) excluding the portion within R-6602.

AMENDMENTS 5/28/64 29 F.R. 3469 (Added)

**Blakely, Ga.**
That airspace extending upward from 1,200 feet above the surface, bounded by a line beginning at latitude 31°47'20" N.. longitude 84°58'20" W.: to latitude 31°41'20" N., longitude 84°56'55" W.; to latitude 31°37'30" N.. Longitude 84°46'00" W.: to latitude 31°16'30" N., longitude 84°51'30" W.; to latitude 31°14'35" N., longitude 85°10'45"W.: thence counterclockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N.. longitude 85°46'20" W.. to the E boundary of V-241: thence along the E boundary of V-241 to latitude 31°47'20" N.. thence E along the line of latitude 31°47'20" N., to the point of beginning.

AMENDMENTS 9/17/64 29 F.R. 9664 (Added)

**Block Island, R. I.**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Block Island Airport (latitude 41°10'05" N., longitude 71°34'40" W.), and within 2 miles each side of the 264° bearing from the Block Island RBN (latitude 41°10'07" N., longitude 71°36'23" W.), extending from the 4-mile radius area to 10 miles W of the RBN.

AMENDMENTS 10/15/64 29 F.R. 11836 (Added)

**Bloomington, Ill.**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Bloomington Airport (latitude 40°28'50" N., longitude 88°55'45" W.), and within 2 miles each side of the Bloomington VOR 043° radial, extending from the 4-mile radius area to 8 miles NE of the VOR.

AMENDMENTS 5/28/64 29 F.R. 555 (Rewritten); 11/12/64 29 F. R. 12763 (Changed);

**Bloomington, Ind.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe County Airport, Bloomington, Ind. (latitude 39°08'25" N., longitude 86°37'00" W.) and within 2 miles each side of the Bloomington VOR 236° radial, extending from the 5-mile radius area to 8 miles SW of the VOR.

AMENDMENTS 10/17/63 28 F.R. 9425 (Added); (Amend. Alt. 28 F.R. 10332);

**Bluefield, W. Va.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37° 17' 45" N., longitude 81° 12' 30" W.), within 2 miles each side of the Bluefield VOR 267° radial, extending from the 8-mile radius area to 22 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38° 02' 00" N., longitude 82° 15' 00" W.; to latitude 38° 14' 00" N., longitude 80° 35' 00" W.; to latitude 37° 10' 00" N., longitude 80° 51' 30" W.; to latitude 37° 05' 00" N., longitude 82° 10' 00" W.; to the point of beginning.

AMENDMENTS 4/2/64 29 F. R. 2306 ADDED)

**Blythe, Calif.**
That airspace extending upward from 700 feet above the surface within a 2-mile radius of the Blythe RBN; within 2 miles each side of the 180° bearing from the Blythe RBN, extending from the 2-mile radius area to 8 miles S of the RBN, and within 2 miles each side of the Blythe VORTAC 227° radial, extending from the arc of a 5-mile radius circle centered at the Blythe Airport (latitude 33°37'15" N., longitude 114°43'00" W.) to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 33°43'00" N., on the E by longitude 114°30'00" W., on the S by the arc of an 18-mile radius circle centered at the Blythe Airport, and on the W by longitude 115°00'00" W., and within 5 miles each side of the 180° bearing from the Blythe RBN, extending from the 18-mile radius arc to 23 miles S of the RBN.

Borger, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hutchison County Airport, Borger, Tex. (latitude 35°41'55" N., longitude 101°23'40" W.); within 2 miles each side of the 141° bearing from latitude 35°41'30" N., longitude 101°23'45" W., extending from the 5-mile radius area to 8 miles SE of latitude 35°41'30" N., longitude 101°23'45" W.

AMENDMENTS 4/30/64 29 F. R. 2933 (Rewritten)

Boston, Mass.
That airspace extending upward from 20,000 feet MSL to FL 300 inclusive E of Boston bounded by a line beginning at latitude 42° 24' 30" N., longitude 70° 15' 30" W., to latitude 42° 27' 50" N., longitude 70° 04' 00" W., to latitude 42° 25' 30" N., longitude 70° 04' 00" W., to latitude 42° 24' 30" N., longitude 69° 46' 00" W., to latitude 42° 21' 30" N., longitude 69° 30' 00" W., to point of beginning.

Bozeman, Mont.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Bozeman VOR 278° and 098° radials, extending from 9 miles E to 20 miles W of the VOR, excluding the airspace within Federal airways.

Bradford. Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bradford-McKean County Airport (latitude 41°48'10" N., longitude 78°38'20" W.); within 2 miles each side of the Bradford RBN 134° bearing, extending from the 7-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Bradford VOR 138° radial, extending from the 7-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from: latitude 42°32'00" N., longitude 77°58'00" W., to latitude 41°55'00" N., longitude 77°58'00" W., to latitude 41°55'30" N., longitude 78°10'00" W., to latitude 41°38'00" N., longitude 78°13'00" W., through latitude 41°00'00" N., longitude 78°35'20" W., to the south boundary of V-6; thence via the south boundary of V-6 to longitude 79°15'00" W., thence northward via longitude 79°15'00" W., to latitude 41°17'00" N., longitude 79°15'00" W., to latitude 41°30'00" N., longitude 78°57'00" W., to latitude 42°10'00" N., longitude 78°57'00" W., to latitude 42°11'30" N., longitude 78°52'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to the point of beginning.

AMENDMENTS 5/28/64 29 F.R. 4853 (Added)

Brainerd, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Crow Wing County Airport, Brainerd, Minn. (latitude 46°23'25" N., longitude 94°08'20" W.), and extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Brainerd VOR 117° and 297° radials, extending from 5 miles NW to 13 miles SE of the VOR.

Buckeye, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Buckeye VOR 096° and 276° radials, extending from 9 miles E to 20 miles W of the VOR.

PENDING AMENDMENT
The Buckeye, Ariz. transition area is revoked. 12/10/64 29 F.R. 14104 (Revoked).

Buffalo, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Niagara Falls, N. Y., Municipal Airport (latitude 43° 06' 20" N., longitude 78° 56' 55" W.); within a 7-mile radius of the Greater Buffalo International Airport (latitude 42° 56' 25" N., longitude 78° 43' 50" W.); within a 4-mile radius of Buffalo Airpark (latitude 42° 51' 40" N., longitude 78° 43' 00" W.); within 5 miles S and 8 miles N of Niagara Falls ILS localizer E course, extending from the OM to 14 miles E of the OM; within 8 miles NW and 7 miles SE of the Buffalo ILS localizer NE course, extending from the OM to 12 miles NE of the OM; within 8 miles N and 5 miles S of the Buffalo VORTAC 099° radial, extending from the VORTAC to 12 miles E of the VORTAC, and within 2 miles each side of the Buffalo ILS localizer SW course, extending from the Buffalo 7-mile radius area to 8 miles SW of the Cheektowaga, N. Y., FM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43° 38' 00" N., longitude 78° 41' 00" W., to latitude 43° 21' 00" N., longitude 78° 00' 00" W., to latitude 43° 06' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 52' 00" W., to latitude 42° 37' 00" N., longitude 79° 15' 00" W., to latitude 42° 41' 00" N., longitude 79° 19' 30" W., thence via the United States/Canadian border to the point of beginning, excluding the portion outside the United States.



Burbank, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34° 14' 00" N., longitude 118° 47' 00" W.; to latitude 34° 14' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 04' 00" N., longitude 118° 33' 00" W; to latitude 34° 04' 00" N., longitude 118° 43' 00" W; to latitude 34° 10' 00" N., longitude 118° 43' 00" W; to latitude 34° 10' 00" N., longitude 118° 47' 00" W; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 30' 00" N., longitude 118° 50' 00" W.; to latitude 34° 30' 00" N., longitude 118° 45' 00"W.; thence N along longitude 118° 45' 00" W. to the S boundary of V-137, thence along the S boundary of V-137 to longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 50' 00" W.; thence to point of beginning.

AMENDMENTS 4/2/64 29 F. R. 1843 (ADDED)

Burley, Idaho
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Burley VORTAC 292° radial, extending from the VORTAC to 10 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 12 miles N and 9 miles S of the Burley VORTAC 075° and 255° radials, extending from 18 miles E of the Burley VORTAC to a 14-mile radius circle centered on the Twin Falls, Idaho, VOR and the 038° radial from the Twin Falls VOR.

AMENDMENTS 4/2/64 28 F.R. 13359 (Rewritten);

Burlington, Iowa
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 185° bearing from the Burlington Municipal Airport (latitude 40° 47' 05" N., longitude 91° 07' 25" W.), extending from the arc of a 5-mile radius circle centered on the Burlington Municipal Airport to 7.5 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 41° 10' 00" N., longitude 91° 00' 00" W.; to latitude 41° 10' 00" N., longitude 90° 00' 00" W.; thence S to latitude 40° 35' 20" N., longitude 90° 00' 00" W.; thence W via latitude 40° 35' 20" N., to the Burlington VOR 235° radial; thence clockwise along the arc of a 14-mile radius circle centered on the Burlington Municipal Airport to longitude 91° 00' 00" W.; thence to point of beginning.

AMENDMENTS 4/30/64 28 F.R. 13864 (Added);

Butler, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler-Graham Airport (latitude 40° 46' 45" N., longitude 79° 56' 55" W.), and within 2 miles each side of the Butler RBN 180° and 002° bearings, extending from the 5-mile radius area to 8 miles S of the RBN.

AMENDMENTS 2/6/64 28 F. R. 12339 (Added)

Butte, Mont.
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Butte VOR 002° and 182° radials, extending from 20 miles N to 11 miles S of the VOR, and within 10 miles N and 7 miles S of the Whitehall, Mont., VOR 096° and 276° radials, extending from 20 miles E to 19 miles W of the VOR.

Cambridge, N. Y.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cambridge VOR 274° and 094° radials, extending from 9 miles W to 20 miles E of the VOR.

Camden, Ark.
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the 352° and 172° bearings from Harrell Field, Ark., (Lat. 33°37'05" N, Long. 92°46'00" W), extending from 9 miles S to 20 miles N of the airport, excluding the airspace within Federal airways.

PENDING AMENDMENT
Camden, Ark. transition area is revoked. 1/7/65 29 F. R. 14918 (Revoked).

Camp Le Juene, N. C.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 34° 30'20" N, Long. 77°15'50" W, thence 3-nmi from and parallel to the United States shoreline to Lat. 34°25'18" N, Long. 77°26'30" W, to Lat. 34°30'35" N, Long. 77°32'18" W, to Lat. 34°36'05" N, Long. 77°26'08" W, to Lat. 34°33'00" N, Long. 77°19'00" W, thence to the point of beginning.





Chadron, Nebr.

**Cape Girardeau, Mo.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cape Girardeau Municipal Airport latitude 37°13'30" N., longitude 89°34'10" W.); within two miles either side of the 215° bearing from the Cape Girardeau Airport extending from the 6-mile radius area to 8 miles SW of the airport. and that airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the 035° and 215° bearings from the Cape Girardeau Municipal Airport extending from 9 miles NE to 20 miles SW of the airport.

**Carlsbad, N. Mex.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Carlsbad Municipal Airport (latitude 32°20'20" N., longitude 104°15'45" W.), and within 2 miles each side of the Carlsbad VOR 157° radial, extending from the 7-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Carlsbad VOR 157° and 337° radials, extending from 7 miles northwest to 13 miles southeast of the VOR; within 5 miles southeast and 8 miles northwest of the Carlsbad VOR 064° and 244° radials, extending from 7 miles southwest to 13 miles northeast of the VOR; and within 5 miles each side of the Carlsbad VOR 064° radial, extending from the VOR to 23 miles northeast of the VOR.

AMENDMENTS 10/15/64 29 F.R 12260 (Changed)

**Casa Grande, Ariz.**
That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Casa Grande VOR 158° and 338° radials, extending from 9 miles NW to 20 miles SE of the VOR.

**PENDING AMENDMENT**
The Casa Grande, Ariz. transition area is revoked. 12/10/64 29 F.R. 14104 (Revoked)

**Casper, Wyo.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Casper VORTAC 216° radial, extending from 26 miles to 31 miles SW of the VORTAC; within 2 miles each side of the Casper VORTAC 235° radial, extending from 23 miles to 28 miles SW of the VORTAC, and within 2 miles each side of the Casper ILS localizer W course, extending from 5 miles W to 7 miles W of the OM; that airspace extending upward from 1,200 feet above the surface within 12 miles SE and 10 miles NW of the Casper VORTAC 216° and 036° radials, extending from 20 miles NE to 44 miles SW of the VORTAC; within 6 miles S and 13 miles N of the 270° and 090° bearings from the Casper RBN, extending from 33 miles W to 43 miles E of the RBN, and within 5 miles each side of the Casper VORTAC 235° radial, extending from 38 miles to 52 miles SW of the VORTAC; and that airspace extending upward from 9,500 feet MSL within 5 miles each side of the Casper VORTAC 235° radial, extending from 52 miles to 81 miles SW of the VORTAC.

**Cedar City, Utah**
Thar airspace extending upward from 1,200 feet above the surface within 6 miles E and 10 miles W of the Cedar City VOR 184° and 004° radials extending from 8 miles S to 20 miles N of the VOR.

**Cedar Rapids, Iowa**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cedar Rapids Municipal Airport (latitude 41° 53' 05" N., longitude 91° 42' 45" W.), and within 8 miles N and 6 miles S of the Cedar Rapids VOR 089° and 269° radials, extending from 3 miles E to 13 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42° 05' 00" N., on the E by longitude 91° 00' 00" W., on the S by latitude 41° 20' 00" N., on the SW by a line extending from latitude 41° 20' 00" N., longitude 92° 00' 00" W., to latitude 41° 30' 00" N., longitude 92° 15' 00" W., and on the W by latitude 92° 15' 00" W.

AMENDMENTS 4/2/64 29 F. R. 1841 (ADDED)

**Centralia, Ill.**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.), and within 2 miles each side of the Centralia VOR 031° radial, extending from the 4-mile radius area to the VOR; within a 4-mile radius of the Mount Vernon, Ill., Municipal Airport (latitude 38°19'15" N., longitude 88°51'40" W.), and within 2 miles each side of the 044° bearing from the airport, extending from the 4-mile radius area to 8 miles NE of the airport; and the airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the N boundary of V-446, extending S along longitude 88°35'00" W., to latitude 38°12'00" N., thence W along latitude 38°12'00" N., to and counterclockwise along the arc of a 40-mile radius circle centered at Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.) to and clockwise along the arc of a 13-mile radius circle centered on the Centralia VOR to and counterclockwise along the arc of the 40-mile radius circle centered on Scott AFB to the N boundary of V-446, thence E along the N boundary of V-446 to the point of beginning.



**Chadron, Nebr.**
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.), and within 5 miles each side of the Chadron VOR 030° radial, extending from the 14-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the Chadron VOR 030° and 210° radials , extending from 5 miles NE to 14 miles SW of the VOR.

**Chanute, Kans.**
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 12 miles NW of the Chanute VOR 244° and 064° radials, extending from 12 miles SW to 15 miles NE of the VOR

**Chattanooga, Tenn.**
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Lovell Field, Chattanooga, Tenn. (latitude 35° 02' 05" N., longitude 85° 12' 10" W.), extending clockwise from the 020° to the 250° bearings from the airport; within a 20-mile radius of Lovell Field, extending clockwise from the 250° to the 020° bearings from the airport; within 4 miles each side of the Chattanooga VORTAC 263° radial, extending between the arcs of a 14-mile and a 25-mile radius circle each centered at Lovell Field; within 8 miles E and 5 miles W of the North Chattanooga, Tenn., RBN 016° bearing, extending from the RBN to 12 miles N; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Lovell Field; within the area SE of Chattanooga, extending from the 25-mile radius area bounded on the E by the W boundary of V-5, on the S by a line through latitude 34° 26' 58" N., longitude 84° 55' 58" W., and latitude 34° 25' 30" N., longitude 84° 59' 30" W., and on the W by a line 9 miles W of and parallel to the Chattanooga VORTAC 152° radial; within the area N, NE and NW of Chattanooga extending from the 25-mile radius area bounded by a line beginning at the INT of the arc of a 25-mile radius circle centered at Lovell Field and a line 6 miles W of and parallel to the Chattanooga VORTAC 313° radial; thence NW along a line 6 miles W of and parallel to the Chattanooga VORTAC 313° radial to and clockwise along the arc of a 50-mile radius circle centered on the Chattanooga VORTAC to the W boundary of V-51 W alternate; thence S along the W boundary of V-51 W alternate to latitude 35°24'30" N.; thence to latitude 35°22'45" N., longitude 84°45' 00" W.; to latitude 35° 17' 30" N., longitude 84° 45' 10" W.; to latitude 35° 08' 20" N., longitude 84° 45' 35" W.; thence via latitude 35° 08' 20" N., to the arc of a 25-mile radius circle centered at Lovell Field; and that airspace extending upward from 3,000 feet MSL bounded on the N by V-54, on the NE by the arc of a 25-mile radius circle centered at Lovell Field, on the SE by V-115, and on the W by a line extending through latitude 34° 32' 00" N., longitude 85° 52' 15" W., and latitude 34° 48' 00" N., longitude 85° 57' 10" W., excluding the portion within the Rome, Ga., transition area.

AMENDMENTS 9/17/64 29 F.R. 11113 (Changed): Amend. Alt. 29 F.R 13138:

**Cherokee, Wyo.**
That airspace extending upward from 1,200 feet above the surfave within 10 miles S and 7 miles N of the Cherokee VOR 081° and 261° radials, extending from 7 miles E to 7 miles W of the VOR.

**Cherry Point, N. C.**
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 35°45'30" N, Long. 76°39'00" W, thence clockwise along the arc of a 60-mile radius circle centered at Lat. 34°54'30" N, Long. 76°53'00" W, to Lat. 35°05'50" N, Long. 75°51'05" W, thence 3-nmi from and parallel to the shoreline to Lat. 34°37'30" N, Long. 76°56'20" W, to Lat. 34°41'50" N, Long. 76°56'20" W, to Lat. 34° 45' 10" N, Long. 76°40'30" W, to Lat. 34°46'45" N, Long. 76°24'45" W, to Lat. 35°04'30" N, Long. 76°04' 30" W, to Lat. 35°18'15" N, Long. 76°16'40" W, to Lat. 35°23'15" N, Long. 76°34'40" W, to Lat. 35°03' 00" N, Long. 76°57'00" W, to Lat. 35°26'00" N, Long. 76°52'00" W, thence to point of beginning.

**Childress, Tex.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Childress Municipal Airport, and within 10 miles SE and 7 miles NW of the Childress VOR 244° radial, extending from the 20-mile radius area to 20 miles SW of the VOR.

**Chincoteague, Va.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.); and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of NASA Wallops Station Airport, and the area extending NE from the the 12-mile radius area bounded on the NW by the SE boundary of V-139, on the NE by the Salisbury, Md., VOR 114° radial, and on the southeast by a line 3 miles SE of and parallel to the SE boundary of V-139, excluding the portion within R-6604 and the portion outside the United States.

**Clarksburg, W. Va.**
That airspace extending upward from 700 feet above the surface within 10 miles NW and 7 miles SE of the Clarksburg VOR 036° and 216° radials, extending from 12.7 miles NE to 16.3 miles SW of the VOR.

**Cleveland, Ohio**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.); within a 3-mile radius of the Burke-Lakefront Airport (latitude 41°31'00" N., longitude 81°41'00" W.); within 2 miles each side of the Cleveland-Hopkins Runway 23-R-ILS localizer NE course, extending from the 8-mile radius area to the Burke-Lakefront 3-mile radius area; within 2 miles each side of the Cleveland-Hopkins Runway 5-L-ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the Runway 5-L-ILS OM; within 2 miles each side of the Strongsville VOR 192° radial, extending from the 8-mile radius area to 8 miles S of the VOR; and within 2 miles each side of the Akron, Ohio, VORTAC 319° radial, extending from the Burke-Lakefront 3-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from latitude 41°35'00" N., longitude 82°06'20" W., via latitude 41°48'20" N., longitude 81°47'30" W., to latitude 41°54'00" N., longitude 81°37'20" W., thence clockwise along the arc of a 19-mile radius circle centered at latitude 41°41'00" N., longitude 81°23'25" W., to latitude 41°24'20" N., longitude 81°23'00" W., to latitude 41°21'00" N., longitude 81°31'00" W., thence clockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport to the 146° bearing from the airport, thence SE along the 146° bearing to latitude 41°08'00" N., longitude 81°36'00" W., to latitude 40°53'00" N., longitude 81°43'00" W., thence via the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the 210° bearing from the airport, thence clockwise via the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

**Clinton, Iowa**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clinton Municipal Airport (latitude 41° 49' 45" N., longitude 90° 19' 50" W.), within 2 miles each side of the Cordova VOR 338° radial, extending from the 5-mile radius area to the VOR; and within 8 miles SW and 5 miles NE of the 324° bearing from the Clinton Municipal Airport, extending from the airport to 12 miles NW of the airport.
4/30/64 28 F. R. 13864 (Added);

**Clintonville, Wis.**
That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the 128° and 308° bearings from the Clintonville Airport (latitude 44° 36' 50" N., longitude 88° 43' 50" W.), extending from 2 miles SE of 12 miles NW of the airport, and within 8 miles NE and 5 miles SW of the 146° bearing from the airport, extending from the airport to 12 miles SE of the airport.



Clovis, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34° 23' 01" N., longitude 103° 18' 58" W.); within 2 miles each side of the 217° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 12 miles SW of the RBN, and within 2 miles each side of the 225° bearing from the Cannon RBN, extending from the 14-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 051° radial to the Cannon VOR 190° radial; within a 37-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 190° radial to the Cannon VOR 226° radial, thence via a line to latitude 34° 01' 10" N., longitude 104° 04' 00" W., thence to latitude 34° 09' 55" N., longitude 104° 03' 40" W., thence to latitude 34° 10' 00" N., longitude 103° 55' 00" W., thence to latitude 34° 42' 15" N., longitude 103° 55' 00" W., thence to the point of beginning; that airspace E of Clovis within 10 miles N and 7 miles S of the Texico, Tex., VOR 093° and 273° radials, extending from the 30-mile radius area to 25 miles E of the VOR; within 5 miles each side of the Cannon VOR 084° radial, extending from the 30-mile radius area to 51 miles E of the VOR; and that airspace extending upward from 8,000 feet MSL NW of Clovis bounded by a line beginning at latitude 34° 32' 30" N., longitude 103° 55' 00" W., thence to latitude 34° 28' 30" N., longitude 104° 05' 15" W., thence to latitude 34° 38' 00" N., longitude 104° 10' 30" W., thence to latitude 34° 46' 40" N., longitude 104° 05' 25" W., thence to latitude 34° 42' 15" N., longitude 103° 55' 00" W., thence to the point of beginning. The portions of this transition area within R-5104 and R-5105 shall be used only after obtaining prior approval from the appropriate authority.

PENDING AMENDMENT
Clovis, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the 217° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 12 miles SW of the RBN, within 2 miles each side of the 225° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 8 miles SW of the RBN; within a 5-mile radius of the Clovis, N. Mex., Municipal Airport (latitude 34°25'00" N., longitude 103°05'00" W.); within 2 miles each side of the Texico, Tex., VOR 255° radial, extending from the 5-mile radius area to the Texico VOR; within 2 miles each side of the 057° bearing from the Clovis, N. Mex., RBN (latitude 34°27'30" N., longitude 103°01'30" W.) extending from the 5-mile radius area to 8 miles northeast of the Clovis RBN; within 2 miles each side of the extended center line of the Clovis Municipal Airport NE-SW runway, extending from the 5-mile radius area to 7 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 051° radial to the Cannon VOR 190° radial; within a 37-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 190° radial to the Cannon VOR 226° radial, thence via a line to latitude 34°01'10" N., longitude 104°04'00" W., thence to latitude 34°09'55" N., longitude 104°03'40" W., thence to latitude 34°10'00" N., longitude 103°55'00" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning; that airspace E of Clovis within 10 miles N and 7 miles S of the Texico, Tex., VOR 093° and 273° radials, extending from the 30-mile radius area to 25 miles E of the VOR; within 5 miles each side of the Cannon VOR 084° radial, extending from the 30-mile radius area to 51 miles E of the VOR; and that airspace extending upward from 8,000 feet MSL NW of Clovis bounded by a line beginning at latitude 34°32'30" N., longitude 103°55'00" W., thence to latitude 34°28'30" N., longitude 104°05'15" W., thence to latitude 34°38'00" N., longitude 104°10'30" W., thence to latitude 34°46'40" N., longitude 104°05'25" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning. The portions of this transition area within R-5104 and R-5105 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 1/7/65 29 F. R. 14919 (Rewritten)

**Coaldale, Nev.**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Coaldale VORTAC 087° radial, extending from the VORTAC to 20 miles E and within 10 miles NE and 10 miles SW of the Coaldale VORTAC 316° and 146° radials, extending from 20 miles SE to 20 miles NW of the VORTAC.

**Cochise, Ariz.**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cochise VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR.

Coeur d'Alene, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur d'Alene Air Terminal (latitude 47°46'30" N., longitude 116°49'05" W.), and within 2 miles each side of the 181° and 347° bearings from latitude 47°41'30" N., longitude 116°47'34" W., extending from the 5-mile radius area to 8 miles S of latitude 47°41'30" N., longitude 116°47'34" W.

AMENDMENTS 6/25/64 29 F.R. 5316 (Added)

PENDING AMENDMENT
**Coldwater, Mich.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport, Coldwater, Mich. (latitude 41°56'00" N., longitude 85°03'15" W.) and within 8 miles NW and 5 miles SE of the 209° bearing from the Branch County Memorial Airport extending from the airport to 12 miles SW of the airport excluding the portion within the Sturgis, Mich.. transition area.

AMENDMENTS 12/10/64 29 F.R 14786 (Added)

**College Station, Tex.**
That airspace extending upward from 700 feet above the surface within 8 miles S and 5 miles N of the College Station VOR 287° radial, extending from the VOR to 13 miles W; and that airspace extending upward from 1,200 feet above the surface within 8 miles S and 5 miles N of the College Station VOR 107° radial, extending from the VOR to 7 miles E; and within 5 miles each side of the College Station VOR 124° radial, extending from the VOR to 23 miles SE.

**Columbia, S. C.**
That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Columbia VOR 329° radial, extending from 9 miles NW to 41 miles NW of the VOR, excluding the airspace within Federal airways.

**Columbus, Ga.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Muscogee County Airport, Columbus, Ga. (latitude 32°30'55" N., longitude 84°56'25" W.); within 2 miles each side of the Columbus VOR 329° and 149° radials, extending from the Muscogee County Airport 7-mile radius area to 8 miles NW of the VOR; within a 9-mile radius of Lawson AAF, Columbus, Ga. (latitude 32°20'20" N., longitude 84°59'35" W.); within 2 miles each side of the 204° bearing from the Columbus RBN, extending from the Lawson AAF 9-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the NE by the arc of a 50-mile radius circle centered at the Atlanta, Ga., Municipal Airport (latitude 33°38'42" N., longitude 84°25'37" W.), on the E by V-97, on the S by V-56, and on the NW by V-20; that airspace W of Lawson AAF bounded by a line beginning at latitude 32°06'55" N., longitude 84° 48'25" W., clockwise around the arc of a 19-mile radius circle centered at Lawson AAF to latitude 32°37'00" N., longitude 85°01'03" W., to point of beginning; and within 8 miles SW and 5 miles NE of the Columbus VOR 329° radial, extending from the VOR to 12 miles NW, excluding the portions within R-3002.

**Columbus, N. Mex.**
That airspace extending upward from 8,000 feet MSL, bounded on the E by longitude 107°13'00" W, on the S by the United States/Mexican border, on the W by longitude 107°54'00" W, and on the N by latitude 31°59'00" N.

**Corona, N. Mex.**
That airspace extending upward from 8,500 feet MSL. within 10 miles NE and 7 miles SW of the Corona VOR 139° and 319° radials. extending from 20 miles SE to 9 miles NW of the VOR.

**Corpus Christi, Tex.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within a 7-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within 2 miles each side of the Corpus Christi VORTAC 020° radial, extending from the VORTAC to 8 miles NE; within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the International Airport 6-mile radius area to 8 miles NW of the OM; within 2 miles each side of the Corpus Christi RBN 048° bearing, extending from the International Airport 6-mile radius area to 8 miles NE of the RBN; within 2 miles each side of the Navy Corpus RBN 135° bearing, extending from the NAS Corpus Christi 7-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Navy Corpus TACAN 139° radial, extending from the NAS Corpus Christi 7-mile radius area to 12 miles SE of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the N by the SW boundary of V-163, latitude 28°07'00" N., and the N boundary of V-20; on the NE and E by a line extending from the N boundary of V-20 through latitude 28°42'00" N., longitude 96°26'00" W., to latitude 28°37'15" N., longitude 96°17'15" W.; thence to latitude 28°14'00" N., longitude 96°46'00" W.; thence S along longitude 96°46'00" W., to 3 nautical miles from the shoreline; thence SW 3 nautical miles from and parallel to the shoreline to latitude 27°49'00" N., to latitude 27°45'30" N., longitude 96°51'00" W.; to latitude 27°28'20" N., longitude 96°45'30" W.; to latitude 27°14'30" N., longitude 96°55'30" W.; to latitude 27°23'00" N., longitude 97°06'00" W.; thence SW to a point 3 nautical miles from the shoreline at latitude 27°11'20" N., thence to latitude 26°50'00" N., longitude 97°51'00" W.; and bounded on the S and W by a line extending from latitude 26°50'00" N., longitude 97°51'00" W.; to latitude 26°51'00" N., longitude 97°58'30" W.; to latitude 27°24'00" N., longitude 98°15'30" W.; to latitude 27°24'00" N., longitude 98°27'00" W.; to latitude 28°07'00" N., longitude 98°27'00" W., through latitude 28°27'00" N.. longitude 98°14'00" W., to the SW boundary of V-163; and that airspace extending upward from 4,500 feet MSL bounded on the E by longitude 98°27'00" W., on the S by latitude 27°24'00" N., on the W by the arc of a 35-mile radius circle centered on the Laredo, Tex., RBN, and on the N by a line extending from the intersection of the 35-mile radius arc and latitude 27°39'10" N., to latitude 27°44'00" N.. longitude 98°27'00" W.

AMENDMENTS 11/12/64 29 F.R. 13164 (Added)



**Cortez, Colo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the 306° and 126° bearings from the Montezuma County Airport, Cortez, Colo. (Lat. 37°18'15" N, Long. 108°37' 35" W), extending from 20 miles NW and to 9 miles SE of the airport, excluding the airspace within Federal airways.

Coshocton, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Universal-Cyclops Airport (latitude 40° 12' 15" N., longitude 81° 52' 55" W.),and within 2 miles each side of the Zanesville VOR 002° radial, extending from the 6-mile radius area to 12 miles N of the VOR.

AMENDMENTS 4/2/64 29 F.R. 2307 (Added);

Cotulla, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles N and 5 miles S of the Cotulla VOR 085° radial, extending from the VOR to 12 miles E of the VOR; within 8 miles N and 5 miles S of the Cotulla VOR 265° radial, extending from the VOR to 13 miles W of the VOR, and within 8 miles SW and 5 miles NE of the Cotulla RBN 320° bearing, extending from the RBN to 12 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 28° 52' 00" N., longitude 99° 25' 00" W., to latitude 28° 54' 00" N., longitude 99° 05' 00" W., to latitude 28° 19' 00" N., longitude 98° 37' 00" N., to latitude 28° 05' 00" N., longitude 98° 48' 00 W., to latitude 28° 06' 00" N., longitude 99° 08' 00" W., to latitude 28° 08' 20" N., longitude 99° 18' 20" W., to latitude 28° 32' 00" N., longitude 99° 28' 00" W., to point of beginning.

AMENDMENTS 4/2/64 29 F.R. 605 (Added);

**Crazy Woman, Wyo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Crazy Woman VORTAC 173° and 353° radials, extending from 20 miles S to 9 miles N of the VORTAC.

Crescent City, Calif.
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 12 miles NW of the Crescent City VOR 055° and 235° radials, extending from 8 miles SW to 20 miles NE of the VOR; within 5 miles each side of the Crescent City VOR 235° radial, extending from 8 miles to 20 miles SW of the VOR, and within 8 miles E and 5 miles W of the Crescent City VOR 180° radial, extending from the VOR to 14 miles S of the VOR; and that airspace extending upward from 14,500 feet above the surface bounded on the E by a line 5 miles west of and parallel to the Crescent City VOR 002° and 180° radials, on the S by latitude 41° 26' 00" N., on the W by longitude 124° 28' 00" W., and on the N by latitude 42° 07' 00" N., excluding the portion within the continental control area.
5/28/64 28 F. R. 14419 (Added);

**Crossville, Tenn.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.), within 2 miles each side of the Crossville VORTAC 334° radial, extending from the 6-mile radius area to the VORTAC, and within 8 miles NE and 5 miles SW of the Crossville VORTAC 154° radial, extending from the VORTAC to 12 miles SE, excluding the area SE of a line 16 miles NW of and parallel to the Chattanooga, Tenn., VORTAC 037° radial.

AMENDMENTS 8/20/64 29 F. R. 8163 (Added)

**Crow's Landing, Calif.**
That airspace extending upward from 1,200 feet above the surface, bounded on the SW by V-107, on the N by V-244 S, and on the E by V-109. The portions within R-2525 and R-2528 shall be used only after obtaining prior approval from appropriate authority.

**Cut Bank, Mont.**
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Cut Bank VOR, extending clockwise from a line 5 miles N of and parallel to the Cut Bank VOR 095° radial to the W boundary of V-21W.

**Danville, Ill.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vermillion County Airport, Danville, Ill. (latitude 40°11'55" N., longitude 87°35'40" W.), and within 2 miles each side of the Danville VOR 197° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 5/28/64 29 F.R. 3356 (Added)

**Darby, Alaska**
That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 290° bearing from the Unalakleet, Alaska, RR, extending from 32 miles to 52 miles W of the RR.

**Darwin, Minn.**
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 12 miles S of the Darwin VOR 088° and 268° radials, extending from 10 miles E to 22 miles W of the VOR.

**Daytona Beach, Fla.**
That airspace extending upward from 700 feet above the surface within 8 miles NW and 5 miles SE of the Daytona Beach ILS localizer SW course, extending from the OM to 12 miles SW; within 2 miles each side of the 236° bearing from the Daytona Beach OM, extending from the OM to the INT of the Daytona Beach VOR 219° radial and the Orlando, Fla., VOR 353° radials; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 29°33'00" N., on the W by the W edge of V-267, on the S by latitude 28°58'00" N., on the E by the limits of the territorial waters of the United States, and that airspace N of Daytona Beach bounded on the E by V-3, on the S by latitude 29°33'00" N., on the W by V-267.

**Decatur, Ill.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Decatur Municipal Airport (latitude 39°50'03" N., longitude 88°52'52" W.), and within 2 miles each side of the Decatur VOR 351° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Decatur VOR and within 10 miles S and 6 miles N of the Decatur VOR 285° radial extending from the 15-mile radius area to the arc of a 15-mile radius circle centered at latitude 39°53'32" N., longitude 89°37'31" W.

**De Lancey, N. Y.**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the De Lancey VOR 265° and 085° radials, extending from 9 miles W to 20 miles E of the VOR.

**Delta, Utah**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39° 23' 00" N., longitude 112° 30' 35" W.), and within 2 miles each side of the Delta VOR 001° and 196° radials, extending from the 5-mile radius area to 6 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 8 miles W of the Delta VOR 016° and 196° radials, extending from 10 miles N to 20 miles S of the VOR.
3/5/64 29 F. R. 73. (Rewritten);

**Deming, N. Mex.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Deming VOR 264° radial, extending from the VOR to 3.2 miles W of the Deming VOR, and within 2 miles each side of the Deming VOR 270° radial, extending from 5.5 miles W of the Deming Municipal Airport (latitude 32° 15' 25" N., longitude 107° 43' 00" W.) to 8.5 miles W of the airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31° 47' 00" N., longitude 106° 53' 35" W., thence W along the United States/Mexican border to longitude 107° 13' 00" W., thence N along longitude 107° 13' 00" W., to latitude 31° 59' 00" N., thence W along latitude 31° 59' 00" N., to longitude 107° 54' 00" W., thence N along longitude 107° 54' 00" W., to latitude 32° 19' 15" N., longitude 107° 54' 00" W., thence to latitude 32° 24' 20" N., longitude 107° 36' 00" W., thence to latitude 32° 30' 20" N., longitude 107° 32' 58" W., thence via the arc of a 16-mile circle centered on the Deming VOR to the N boundary of V-94, thence E along the N boundary of V-94 to the W boundary of V-19, thence N along the W boundary of V-19 to latitude 32°36'25" N., thence to latitude 32°30'45" N., longitude 106°42'00" W., thence S along the W boundary of R-5107A and R-5107B to the arc of a 30-mile radius circle centered on the El Paso, Tex., International Airport (latitude 31° 48' 35" N., longitude 106° 22' 55" W.), thence counterclockwise along the 30-mile radius arc to the point of beginning; and that airspace extending upward from 8,500 feet MSL bounded on the W by the E boundary of V-110, on the N by a line extending from the E boundary of V-110 through latitude 32°44'45 N., longitude 107°20'50" W, and latitude 32°41'50" N., longitude 107°06'20" W., to the W boundary of V-19, on the E by V-19, and on the S and SW by V-94 and the arc of a 16-mile radius circle centered on the Deming VOR.

AMENDMENTS 9/17/64 29 F.R. 10501 (Changed)

**Detroit, Mich.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OM, and within 2 miles each side of Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the Ford RBN, excluding the portion within the Grosse Ile, Mich., control zone; and that airspace extending upward from 1,200 feet above the surface bounded on the W by longitude 84°05'00" W., on the N by latitude 42°46'00" N., on the E by the E boundary of V-42 E alternate and the United States/Canadian border, and on the S by a line from latitude 41°45'05" N., longitude 84°05'00" W., to latitude 41° 45'30" N., longitude 83°19'45" W., to latitude 41°50'39" N., longitude 83°08'47" W., to latitude 41°45'30" N., longitude 83°03'30" W., to the United States/Canadian border at latitude 41°45'30" N., longitude 82°51' 00" W.



**Detroit City, Mich.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 143° and 323° bearings from the Detroit City RBN, extending from 6 miles NW of the approach end of the Detroit City Airport Runway 15 to 8 miles NW of the RBN, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 343° radial, extending from 4 miles north to 14 miles north of the Detroit City Airport (latitude 42°24' 35° N., longitude 83°00'35" W.), excluding the portion within the Detroit, Mich. (Detroit City Airport), control zone.

PENDING AMENDMENT
Detroit City, Mich.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 143° and 323° bearings from the Madison Heights, Mich., RBN, extending from 6 miles NW of the approach end of the Detroit City Airport Runway 15 to 8 miles NW of the RBN, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial, extending from 4 miles NW to 14 miles NW of the Detroit City Airport.

AMENDMENTS 11/19/64 29 F. R. 14982 (Rewritten)

**Dickinson, N. Dak.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dickinson Municipal Airport (latitude 46° 47' 45" N., longitude 102° 48' 00" W.), within 3 miles W and 1 mile E of the Dickinson VORTAC 002° radial, extending from the 5-mile radius area to 6 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles W and 5 miles E of the Dickinson VORTAC 002° and 182° radials, extending from 8 miles S to 11 miles N of the VORTAC, and within 8 miles W and 5 miles E of the Dickinson VORTAC 013° and 193° radials, extending from 4 miles S to 13 miles N of the VORTAC.

**Dierks, Ark.**
That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Texarkana, Ark., VORTAC 355° radial, extending from 10 miles N to 22 miles S of the INT of the Page, Okla., VOR 144° and the Texarkana VORTAC 355° radials.

**Douglas, Ariz.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Douglas VOR 302° radial, extending from the VOR to 8 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles SW and 8 miles NE of the Douglas VOR 302° and 122° radials, extending from 20 miles NW to 10 miles SE of the VOR, excluding the portion within R-2303 and the portion outside the United States.

AMENDMENTS 2/6/64 28 F. R. 13438 (Added);

**Douglas, Wyo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Douglas VOR 167° and 347° radials, extending from 20 miles S to 9 miles N of the VOR.

**Dublin, Ga.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dublin Municipal Airport (latitude 32°33'55" N., longitude 82°59'10" W.); within 2 miles each side of the Dublin VOR 071° radial, extending from the 5-mile radius area of the VOR.

AMENDMENTS 5/28/64 29 F.R. 3651 (Added)

**Dubois, Idaho**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dubois Municipal Airport (latitude 44° 09' 45" N., longitude 112° 12' 50" W.), and within 2 miles each side of the Dubois VOR 354° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 7 miles W of the Dubois VOR 170° and 350° radials, extending from 10 miles N to 20 miles S of the VOR.

AMENDMENTS 4/2/64 29 F.R. 557 (Added);

**DuBois, Pa.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the DuBois-Jefferson County Airport (latitude 41°10'45" N., longitude 78°53'45" W.), and within 2 miles each side of the DuBois RBN 056° bearing, extending from the 6-mile radius area to 8 miles NE of the RBN.

AMENDMENTS 5/28/64 29 F.R. 4853 (Rewritten) Amend. Alt. 29 F. R. 5787

**Dubuque, Iowa**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.), and within 8 miles NE and 5 miles SW of the Dubuque VOR 159° and 339° radials, extending from 6 miles NW to 14 miles SE of the VOR.

**Duncan, Okla.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Halliburton Field (latitude 34° 28' 30" N., longitude 97° 57' 30" W.), and within 2 miles each side of the Duncan VOR 157° and 337° radials, extending from the 5-mile radius area to 7 miles SE of the VOR.
4/30/64 29 F. R. 132 (Added);

**Durango, Colo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the 298° and 118° bearings from the La Plata Airport, Durango, Colo. (Lat. 37°09'15" N, Long. 107°45'00" W), extending from 20 miles SE to 9 miles NW of the airport.

**PENDING AMENDMENT**
Durango, Colo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of La Plata Field (latitude 37°09'15" N., longitude 107°45'00" W.), and within 2 miles SW and 3 miles NE of the Durango VOR 118° radial, extending from the 5-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface, within 9 miles SW and 6 miles NE of the Durango VOR 298° and 118° radials, extending from 7 miles NW to 14 miles SE of the VOR.

AMENDMENTS 12/10/64 29 FR 14358 (Rewritten)

**Eglin AFB, Fla.**
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'55" W.) and within a 7-mile radius of Hurlburt AFB, Fla. (latitude 30°25'40" N., longitude 86°41'20" W.); and the airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°22'05" N., longitude 86°56'20" W., thence along a 25-mile radius arc centered at NAAS Saufley Field, Pensacola, Fla. (latitude 30°28'15" N., longitude 87°20'30" W.) to latitude 30°35'35" N., longitude 86°56'40" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; to latitude 30°42'45" N., longitude 86°45'45" W.; to latitude 30°45'40" N., longitude 86°39'45" W.; to latitude 30°44'50" N., longitude 86°07'15" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°11'10" N., longitude 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°19'45" N., longitude 86°23'45" W.; to latitude 29°54'00" N., longitude 86°16'00" W.; to latitude 29°54'00" N., longitude 86°45'50" W.; to latitude 30°20'50" N., longitude 86°38'50" W. thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00" W.; to latitude 30°20'15" N., longitude 86°48'00" W.; to the point of beginning.

AMENDMENTS 9/17/64 29 F.R. 11113 (Changed)

**El Centro, Calif.**
That airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Imperial VORTAC 088° and 268° radials, extending from 15 miles E to 15 miles W of the VORTAC, and within 15 miles W and 5 miles E of the Imperial VORTAC 360° radial, extending from the VORTAC to 25 miles N of the VORTAC, excluding the portions within R-2510, R-2512, and the portion under the jurisdiction of Mexico.

AMENDMENTS 9/17/64 29 F.R. 8165 (Changed)

**El Dorado, Ark.**
That airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the El Dorado VORTAC 052° and 232° radials extending from the Goodwin Airport, El Dorado, Ark., to 18 miles NE of the VORTAC, excluding the airspace within Federal airways.

PENDING AMENDMENT
El Dorado, Ark.
That airspace extending upward from 700 feet above the surface within 5 miles SE and 8 miles NW of the 052° bearing from the El Dorado RBN, extending from the RBN to 12 miles NE, and within 5 miles SE and 8 miles NW of the El Dorado VOR 059° radial, extending from the VOR to 12 miles NE; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 8 miles NW of the 052° and 232° bearings from the El Dorado RBN, extending from 7 miles SW to 13 miles NE of the RBN, within 5 miles SE and 8 miles NW of the El Dorado VOR 059° and 239° radials, extending from 7 miles SW to 13 miles NE of the VOR, and within 5 miles each side of the 234° bearing from the El Dorado RBN extending from the RBN to 23 miles SW.

AMENDMENTS 1/7/65 29 F. R. 14918 (Rewritten)

**Elizabeth City, N. C.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of CGAS Elizabeth City (latitude 36°15'50" N., longitude 76°10'40" W.) and within 2 miles each side of the 127° bearing from the Weeksville RBN, extending from the 7-mile radius area to 8 miles SE of the RBN.

**Elkland, Pa.**
That airspace extending upward from 1,200 feet above the surface within 7 miles NW and 11 miles SE of the Elmira, N. Y., VOR 252° radial, extending from 9 miles SW to 40 miles SW of the VOR, excluding the portions within the Slate Run, Pa., and the Stonyfork, Pa., transition areas.



**Ellensburg, Wash.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ellensburg Municipal Airport (latitude 47°02'10" N., longitude 120°31'50" W.); and that airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the Ellensburg VORTAC 064° and 244° radials extending from 9 miles SW to 20 miles NE of the VORTAC, and within 8 miles NE and 5 miles SW of the Ellensburg VORTAC 131° radial extending from the VORTAC to 12 miles SE of the VORTAC.

**El Paso, Tex.**
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.), extending clockwise from the 016° to the 196° bearings from the El Paso International Airport; within 2 miles each side of the Newman, Tex., VOR 040° radial, extending from the 15-mile radius area to 12 miles NE of the VOR, excluding the portion outside of the United States; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°47'00" N., longitude 106°53'30" W.; thence clockwise along the arc of a 30 mile radius circle centered at the El Paso International Airport; to latitude 32°12'55" N., longitude 106°34'00" W.; to latitude 32°06'30" N., longitude 106°34'00" W.; to latitude 32°06'30" N., longitude 106°13'40" W.; to latitude 32°19'15" N., longitude 106°01'00" W.; to latitude 32°09'15" N., longitude 105°47'20" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°33'20" N., longitude 105°30'00" W.; to latitude 32°37'20" N., longitude 105°26'10" W.; to latitude 32°50'55" N., longitude 105°14'45" W.; to latitude 32°40'40" N., longitude 104°58'10" W.; to latitude 32°26'30" N., longitude 105°10'00" W.; to latitude 32°19'15" N., longitude 105°17'00" W.; to latitude 32°00'50" N., longitude 105°17'00" W.; to latitude 32°05'45" N., longitude 104°48'00" W.; thence clockwise along the arc of a 95-mile radius circle centered at the El Paso International Airport; to latitude 31°16'30" N., longitude 104°53'40" W.; to latitude 31°25'40" N., longitude 105°14'40" W.; to latitude 31°26'20" N., longitude 105°22'15" W.; to latitude 31°25'40" N., longitude 105°42'15" W.; to latitude 31°30'20" N., longitude 105°33'30" W.; to latitude 31°30'40" N., longitude 106°00'30" W.; thence clockwise along the arc of a 30-mile radius circle centered at the El Paso International Airport; to latitude 31°25'30" N., longitude 106°08'30" W.; thence via the United States/Mexican Border to point of beginning.; and that airspace extending upward from 2,000 feet above the surface bounded by a line beginning at latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°10'30" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°09'15" N., longitude 105°47'20" W.; to latitude 32°19'15" N., longitude 106°01'00" W.; to latitude 32°06'30" N., longitude 106°13'40" W.; to latitude 32°06'30" N., longitude 106°34'00" W.; to point of beginning; within the area bounded by a line beginning at latitude 32°00'50" N., longitude 105°17'00" W.; to latitude 32°19'15" N., longitude 105°17'00" W.; to latitude 32°26'30" N., longitude 105°10'00" W.; to latitude 32°35'30" N., longitude 105°02'35" W.; thence clockwise along the arc of a 95-mile radius circle centered at the El Paso International Airport to latitude 32°05'45" N., longitude 104°48'00" W.; to point of beginning; and within the area bounded by a line beginning at latitude 31°25'30" N., longitude 106°08'30" W.; thence counterclockwise along the arc of a 30-mile radius circle centered at the El Paso International Airport; to latitude 31°30'40" N., longitude 106°00'30" W.; to latitude 31°30'20" N., longitude 105°42'15" W.; to latitude 31°25'40" N., longitude 105°33'30" W.; to latitude 31°26'20" N., longitude 105°22'15" W.; to latitude 31°25'40" N., longitude 105°14'40" W.; to latitude 31°16'30" N., longitude 104°53'40" W.; thence clockwise along the arc of a 95-mile radius circle centered at the El Paso International Airport to latitude 30°48'15" N., longitude 105°16'35" W.; thence via the United States/Mexican Border to point of beginning. The portions within R-5103A, R-5106 and R-5107A shall be used only after obtaining prior approval from appropriate authority.

**Emporia, Kans.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Emporia VORTAC 134° radial extending from the arc of a 5-mile radius circle centered on the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.) to 8 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Emporia VORTAC 134° radial extending from the VORTAC to 12 miles SE of the VORTAC.

**Erie, Pa.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Port Erie Airport (latitude 42° 04' 56" N., longitude 80° 10' 44" W.); within 5 miles NW, and 8 miles SE of the Erie ILS localizer SW course, extending from the ILS OM to 12 miles SW of the Erie VORTAC; and within 2 miles each side of the Erie RBN 054° bearing, extending from the 7-mile radius area to 8 miles NE of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 41° 55' 00" N., longitude 80° 35' 00" W.; to latitude 42° 14' 00" N., longitude 80° 41' 00" W.; to latitude 42° 37' 00" N., longitude 79° 15' 00" W.; to latitude 42° 32' 00" N., longitude 78° 52' 00" W.; to latitude 42° 11' 30" N., longitude 78°52'00" W.; to latitude 42°10'00" N., longitude 78°57'00" W.; to the N boundary of V-72 at longitude 78°57'00" W.; thence via the N boundary of V-72 and V-188, and the SW boundary of V-184 to the arc of a 15-mile radius circle centered on the Erie VORTAC; thence clockwise along this arc to latitude 41° 48' 10" N., longitude 80° 17' 35" W.; to latitude 41° 48' 00" N., longitude 80° 25' 00" W.; to the point of beginning.

AMENDMENTS 3/5/64 29 F.R. 132 (Added); 9/17/64 29 F.R. 11114 (Changed);

**Escanaba, Mich.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Escanaba Municipal Airport (Lat. 45°43'25" N, Long. 37°05'40" W) within 2 miles either side of the 265° bearing from the Escanaba Municipal Airport, extending from the 5-mile radius area to 8 miles W of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles N and 8 miles S of the 085° and 265° bearings from the Escanaba Municipal Airport, extending from 7 miles E to 14 miles W of the airport.

**Essex, Calif.**
That airspace extending upward from 1,200 feet above the surface within 8 miles S and 12 miles N of the Needles, Calif., VORTAC 272° radial, extending from 10 miles W to 22 miles E of the INT of the Needles VORTAC 272° and the Goffs, Calif., VOR 205° radials.

**Eugene, Oreg.**
That airspace extending upward from 700 feet above the surface within 3 miles each side of the Eugene VORTAC 004° radial, extending from the arc of a 5-mile radius circle centered on Mahlon-Sweet Field, Eugene, Oreg. (latitude 44° 07' 25" N., longitude 123° 13' 05" W.) to 13 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles each side of the Eugene VORTAC 008° and 188° radials, extending from 20 miles N to 8 miles S of the VORTAC; within 5 miles S and 10 miles N of the Eugene VORTAC 271° radial, extending from the VORTAC to V-27, and that airspace bounded on the W by V-287, on the SE by V-121, and on the NE by V-23W, excluding the portion within the Kings Valley, Oreg., transition area.

AMENDMENTS 2/6/64 28 F. R. 13358 (Added)

**Eveleth, Minn.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Eveleth-Virginia Municipal Airport (latitude 47°25'35" N., longitude 92°29'50"W.), and within 5 miles S and 8 miles N of the Eveleth VOR 092° radial, extending from the VOR to 13 miles E of the VOR.

AMENDMENTS 7/23/64 29 F. R. 7419 (Added)

**Evergreen, Ala.**
That airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Evergreen, Alabama. VOR.

AMENDMENTS 11/12/64 29 F.R. 12551 (Rewritten);

**Fairbanks, Alaska.**
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 64°49' 40" N., longitude 147°34'00" W.; within a 7-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.), and within 2 miles each side of the Eielson VOR 122° radial, extending from the 7-mile radius area to 7 miles SE of the VOR; that airspace extending upward from 1,200 feet above the surface within a 55-mile radius of Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.) extending clockwise from the S boundary of G-7, W of Fairbanks, to the 155° bearing from Wainwright AAF, within a 70-mile radius of Wainwright AAF, extending clockwise from the 155° bearing from Wainwright AAF to the S boundary of G-7, W of Fairbanks, and within 20 miles N and 26 miles S of the Nenana, Alaska, VORTAC 285° radial, extending from the VORTAC to 46 miles NW of the VORTAC and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Fairbanks RR. The airspace outside the United States, the airspace 14,500 MSL or above less than 1,500 feet above the surface, the airspace within Federal airways above 14,500 feet MSL, and the airspace within the Bettles, Alaska, and Minchumina, Alaska control area extensions, and the airspace within R-2206 is excluded.

AMENDMENTS 4/30/64 29 F.R. 3150 (Changed)

**Fallon, Nev.**
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the NAAS Fallon TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface within 11 miles NW and 7 miles SE of the Hazen, Nev., VOR 061° and 241° radials, extending from 5 miles SW to 30 miles NE of the VOR, excluding the portion W of longitude 119°00'00" W.; within 5 miles each side of the NAAS Fallon TACAN 039° radial, extending from the TACAN to 30 miles NE of the TACAN; within 12 miles SW and 10 miles NE of the Fallon TACAN 139° and 319° radials, extending from 10 miles NW to 23 miles SE of the TACAN; within a 20-mile radius of the Fallon TACAN extending clockwise from the TACAN 050° to the 110° radials; and that airspace extending upward from 9,500 feet MSL within 12 miles SW and 10 miles NE of the NAAS Fallon TACAN 139° radial, extending from 23 miles to 44 miles SE of the TACAN. The portions within R-4803, R-4804 and R-4810 shall be used only after obtaining prior approval from appropriate authority.

**Farewell, Alaska**
That airspace extending upward from 1,200 feet above the surface within 8 miles S and 8 miles N of the 110° and 290° bearings from the Farewell RR, extending from 13 miles W to 13 miles E of the RR.

**Farmington, N. Mex.**
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), and that airspace within 2 miles each side of the Farmington VORTAC 094° radial, extending from the 11-mile radius area to 8 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles N and 8 miles S of the Farmington VORTAC 094° radial, extending from the 11-mile radius area to 13 miles E of the VORTAC, and that airspace within 5 miles each side of the Farmington VORTAC 257° radial, extending from the 11-mile radius area to 17 miles W of the VORTAC.

AMENDMENTS 6/25/64 29 F.R. 5456 (Rewritten)



**Fayetteville, Ark.**
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 35° 54' 30" N., longitude 94° 19' 00" W.; to latitude 36° 14' 00" N., longitude 94° 15' 00" W.; to latitude 36° 14' 00" N., longitude 94° 01' 30" W.; to latitude 36° 00' 00" N., longitude 94° 01' 30" W.; to latitude 35° 53' 30" N., longitude 94° 04' 30" W.; to point of beginning; within a 5-mile radius of Rogers Municipal Airport, Rogers, Ark. (latitude 36° 22' 10" N., longitude 94° 06' 25" W.); within 2 miles each side of the Fayetteville VOR 005° and 185° radials, extending from the 5-mile radius area to latitude 36° 14' 00" N.; and within 2 miles each side of the Rogers RBN 003° bearing, extending from the 5-mile radius area to 8 miles N of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 35° 43' 00" N., longitude 94° 20' 00" W.; to latitude 36° 12' 00" N., longitude 94° 28' 00" W.; to latitude 36° 38' 00" N., longitude 94° 14' 00" W.; to latitude 36° 37' 30" N., longitude 93° 57' 00" W.; to latitude 35° 58' 00" N., longitude 93° 58' 30" W.; to latitude 35° 42' 00" N., longitude 94° 09' 00" W.; to point of beginning.

**Fillmore, Calif.**
That airspace extending upward from 1,200 feet above the surface bounded on the N and NE by VOR Federal airway No. 12, on the E by VOR Federal airway No. 107, on the S by VOR Federal airway No. 25, and on the W by VOR Federal airway No. 25 and VOR Federal airway No. 485.

**Findlay, Ohio**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Findlay Airport (latitude 41° 00' 55" N., longitude 83° 40' 15" W.); within 5 miles W and 8 miles E of the Findlay RBN 178° bearing, extending from the RBN to 12 miles S of the RBN; within 2 miles each side of the Findlay VOR 226° radial, extending from the 6-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1200 feet above the surface bounded by a line extending from latitude 40° 51' 00" N., longitude 84° 00' 00" W.; to latitude 41° 18' 00" N., longitude 84° 07' 00" W.; to latitude 41° 11' 00" N., longitude 83° 19' 00" W.; to latitude 40° 50' 00" N., longitude 83° 30' 00" W.; to the point of beginning.
AMENDMENTS 4/2/64 29 F. R. 2307 (ADDED)

**Five Finger, Alaska**
That airspace extending upward from 1,200 feet above the surface within 8 miles W and 7 miles E of the 170° and 350° bearings from the Five Finger RBN, extending from 13 miles N to 12 miles S of the RBN.

**Flint, Mich.**
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, and within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 42°46'00" N., on the east by the east boundary of V-42 east and longitude 83°30'00" W , on the north by latitude 43°16'00" N., and on the west by longitude 84°05'00" W.

PENDING AMENDMENT
**Flippin, Ark.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'20" W.). and within 2 miles each side of the Flippin VOR 086° radial extending from the 8-mile radius area to 8 miles E of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Flippin VOR 266° and 086° radials extending from 7 miles W to 13 miles E of the VOR, and within 5 miles each side of the 360° bearing from the Flippin Municipal Airport (latitude 36°17'30"N., longitude 92°35'20" W.) extending from the airport to 12 miles N.

AMENDMENTS 1/7/65 29 F. R. 14524 (Added)

**Fort Bridger, Wyo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Fort Bridger VOR 079° and 259° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

**Fort Dodge, Iowa**
That airspace extending upward from 700 feet above the surface within 10 miles SW and 7 miles NE of the Fort Dodge VOR 127° and 307° radials, extending from 15 miles SE to 13 miles NW of the VOR.

**Fort Leonard Wood, Mo.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.), within 8 miles E and 5 miles W of the 148° bearing from the Forney AAF RBN, extending from the RBN to 12 miles SE, within 8 miles W and 5 miles E of the Forney AAF VOR 323° radial, extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface, within 5 miles each side of the following direct radials: Maples, Mo., VOR to Forney AAF VOR; Maples VOR to Forney RBN; Vichy, Mo., VORTAC to Forney VOR; Vichy VORTAC to Forney RBN, excluding that portion within the Vichy transition area.
AMENDMENTS 9/17/64 29 F.R. 9663 (Added)

PENDING AMENDMENT

Fort Polk, La.

That airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 340° and 160° bearings from the Polk RBn, extending from 12 miles SE to 12 miles NW of the RBn, excluding the portion within R-3804A.

AMENDMENTS 12/10/64 29 F. R. 14357 (Added)

Fort Rucker, Ala.

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at the INT of the E boundary of V-115 and the S boundary of V-70; thence NE via V-70 to V-7; thence S via V-7 to V-241; thence SW via V-241 to and clockwise along the arc of a 5-mile radius circle centered at latitude 31°03'00" N., longitude 86°19'33" W.; to latitude 31°03'00" N., longitude 86°24'30" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at the INT of the E boundary of V-115 and the S boundary of V-70; thence NE via V-70 to and counterclockwise along the arc of an 11-mile radius circle centered on the Eufaula, Ala., VOR to and SW along a line 6 miles E of and parallel to the centerline of V-241 to and clockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W., to and along the W boundary of V-7W.; to and along the N boundary of V-22; to and along the E boundary of V-115; to the point of beginning; and within 12 miles W and 8 miles E of the Crestview, Fla., VOR 013° radial, extending from 22 miles N to 10 miles S of the INT of the Crestview VOR 013° and the Evergreen, Ala., VOR 114° radials, excluding the portion within R-2103.

AMENDMENTS 5/28/64 29 F.R. 3469 (Added)

Fort Stewart, Ga.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Liberty AAF (latitude 31°53'20" N., longitude 81°33'45" W.), and within 2 miles each side of the Liberty RBN 229° bearing extending from the 6-mile radius area to 8 miles SW of the RBN.

AMENDMENTS 4/30/64 29 F.R. 3293 (Added) Amend. Alt. 29 F. R. 5787

Fort Stockton, Tex.

That airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Fort Stockton VORTAC 097° and 274° radials, extending from 20 miles E to 20 miles W of the VORTAC. The portion of this transition area within R-6306 shall be used only after obtaining prior approval from the appropriate authority.

Fort Yukon, Alaska

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'15" N., longitude 145°15'10" W.), and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius area to 8 miles NE of the RBN; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 8 miles NW of the 062° and 242° bearings from the Fort Yukon RBN extending from 7 miles SW to 13 miles NE of the RBN.

Franklin, Pa.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Chess-Lamberton Airport, Franklin, Pa., (latitude 41° 22' 44" N., longitude 79° 51' 39" W.); within 2 miles each side of the Franklin VOR 001° radial, extending from the 6-mile radius area to 8 miles N of the VOR; and within 2 miles each side of the 099° bearing from the Franklin RBN, extending from the 6-mile radius area to 8 miles E of the RBN.

Franklin, Va.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Franklin Municipal Airport (latitude 36°41'50" N., longitude 76°54'15" W.), within 2 miles each side of the Franklin VOR 101° radial, extending from the 5-mile radius area to the VOR, and within 2 miles each side of the 083° bearing from the Franklin Municipal Airport, extending from the 5-mile radius area to 6 miles E of the airport.

AMENDMENTS 5/28/64 29 F.R. 4793 (Added)

Fresno, Calif.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chandler Municipal Airport (latitude 36° 43' 55" N., longitude 119° 49' 05" W.), excluding the portion within the arc of a 5-mile radius circle centered on Fresno Air Terminal, within 2 miles each side of the 232° bearing from the Fresno RBN, extending from the 5-mile radius area to 8 miles SW of the RBN, within 2 miles W and 4 miles E of the Fresno VORTAC 158° radial, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 16 miles SE of the VORTAC, and within 2 miles each side of the Fresno ILS localizer SE course, extending from the arc of a 5-mile radius circle centered on Fresno Air Terminal to 13 miles SE of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36° 00' 00" N., longitude 119° 30' 00" W., to latitude 36° 00' 00" N., longitude 118° 45' 00" W., to latitude 36° 56' 00" N., longitude 119° 20' 00" W., to latitude 37° 04' 30" N., longitude 118° 59' 00" W., to latitude 37° 29' 00" N., longitude 119° 15' 00" W., to latitude 37° 02' 00" N., longitude 120° 18' 00" W., to latitude 36° 37' 00" N., longitude 119° 56' 00" W., thence E along latitude 36° 37' 00" N., to the W boundary of V-23, thence along the W boundary of V-23 to longitude 119° 30' 00" W., thence S along longitude 119° 30' 00" W., to the point of beginning.

AMENDMENTS 2/6/64 28 F. R. 13396 (Added);



Gadsden, Ala.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Gadsden Municipal Airport (latitude 33° 58'30" N., longitude 86° 05' 20" W.) within 2 miles each side of the Gadsden VOR 233° radial, extending from the 8-mile radius area to 11 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Gadsden VOR 233° radial, extending from the VOR to 12 miles SW; and within 8 miles NW and 5 miles SE of the Gadsden VOR 042° radial, extending from the VOR to 18 miles NE.

AMENDMENTS 4/2/64 29 F. R. 1844 (ADDED)

PENDING AMENDMENT

Gage, Okla.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°17'45" N. longitude 99°46'30" W.); and that airspace extending upward from 1200 feet above the surface within 8 miles SW and 5 miles NE of the Gage VORTAC 118° and 298° radials, extending from 2 miles SE to 13 miles NW of the VORTAC; within 8 miles NW and 5 miles SE of the NE and SW courses of the Gage R.R., extending from the Gage Municipal Airport to 13 miles NE of the R.R.; and within 12 miles E and 10 miles W of the Gage VORTAC 180° radial, extending from the VORTAC to 11 miles S of the VORTAC.

AMENDMENTS 12/10/64 29 F. R. 14102 (Added)

GAINESVILLE, FLORIDA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 221° bearing from latitude 29° 40' 03" N., longitude 82° 18' 07" W., extending from latitude 29° 40' 03" N., longitude 82° 18' 07" W., to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 29° 56' 20" N., longitude 82° 15' 25" W., to latitude 29° 48' 40" N., longitude 82° 01' 10" W., to latitude 29° 21' 40" N., longitude 82° 21' 30" W., to latitude 29° 28' 50" N., longitude 82° 34' 50" W., to the point of beginning.

AMENDMENTS 5/28/64 29 F. R. 1842 (ADDED)

Galena, Alaska

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena TACAN 261° radial, extending from 11 miles to 12 miles W of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 32-mile radius of the Galena RR; and that airspace extending upward from 14,500 feet MSL within 14 miles SW and 22 miles NE of the Galena TACAN 128° radial, extending from the 32-mile radius area to 75 miles SE of the TACAN. The portion of this transition area with a floor of 14,500 feet MSL is excluded from Federal airways.

AMENDMENTS 6/25/64 29 F. R. 5388 (Rewritten); On Publ. 11/4/64 29 F. R. 14918 (Changed);

Galesburg, Ill.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Galesburg Municipal Airport (latitude 40° 56' 30" N., longitude 90° 25' 50" W.), and within 2 miles each side of the 025° bearing from the Galesburg Municipal Airport extending from the 5-mile radius area to 8 miles NE of the airport.

4/30/64 28 F. R. 13864 (Added);

Gallup, N. Mex.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of McKinley County Airport, Gallup, N. Mex. (latitude 35°30'35" N., longitude 108°47'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°20'30" N., longitude 108°58'30" W., to latitude 35°31'30" N., longitude 109°02'30" W., to latitude 35°50'30" N., longitude 108°44'30" W., to latitude 35°47'30" N., longitude 108°34'00" W., to latitude 35°25'00" N., longitude 108°38'30" W., thence to the point of beginning.

Garrison, Mont.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Drummond, Mont., VOR 091° radial, extending from 9 miles W to 20 miles E of the INT of the Drummond VOR 091° and the Butte, Mont., VOR 002° radials.

Gila Bend, Ariz.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Gila Bend VORTAC 262° and 082° radials, extending from 9 miles E to 20 miles W of the VORTAC, excluding the portions within R-2301 and R-2305.

PENDING AMENDMENT

The Gila Bend, Ariz. transition area is revoked. 12/10/64 29 F.R. 14104 (Revoked)

**Glasgow, Mont.**
That airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Glasgow AFB (Lat. 48°25'00" N, Long. 106°31'40" W); that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Glasgow Municipal Airport (Lat. 48°13'00" N, Long. 106°36'45" W), and within 2 miles either side of 267° and 307° bearings from the airport extending from the 5-mile radius area to 9 miles W and NW of the airport. The portion of this transition area within R-4601 will be used only after obtaining prior approval from appropriate authority.

**Glens Falls, N. Y.**
That airspace extending upward from 1,200 feet above the surface within 12 miles either side of the Glens Falls VORTAC 006° and 186° radials, extending from V-490 on the S to Lat. 44°00'00" N on the N, excluding the airspace within Federal airways and the Rutland, Vt., control area extension.

**Gorman, Calif.**
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 118°45' 00" W, on the S by Lat. 34°30'00" N, on the W by Long. 119°30'00" W, and on the N by Lat. 35°05'00" N.

**Graham, Tenn.**
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Graham VOR 253° and 073° radials, extending from 9 miles NE to 20 miles SW of the VOR.

**Grand Isle, La.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29° 15' 45" N., longitude 89° 57' 40" W.), and within 2 miles each side of the Grand Isle RBN 052° bearing, extending from the 5-mile radius area to the RBN.

**Grand Junction, Colo.**
That airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Grand Junction VORTAC, within 5 miles each side of the Grand Junction VORTAC 166° radial extending from the 35-mile radius area to 38 miles from the VORTAC, and within 5 miles each side of the Grand Junction ILS localizer NW course extending from the 35-mile radius area to the INT of the localizer NW course and the Grand Junction VORTAC 318° radial.

**Grand Rapids, Mich.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Kent County airport. Grand Rapids, Mich. (latitude 42°52'45" N., longitude 85°30'30" W.), within 2 miles each side of the Grand Rapids ILS W course, extending from the 7-mile radius to 16 miles W of the Kent County Airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by a line 6 miles N of and parallel to the centerline of V-216 E of the Muskegon, Mich., VORTAC, and on the W, S and E by the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43° 10' 16" N., longitude 86° 14' 09" W.), and a line beginning at latitude 42° 54' 35" N., longitude 86° 13' 00" W., extending to latitude 42° 45' 25" N., longitude 86° 23' 40" W.; to latitude 42° 35' 00" N., longitude 86° 17' 30" W.; to latitude 42° 35' 00" N., longitude 86° 00' 00" W.; to latitude 42° 38' 00" N., longitude 86° 00' 00" W.; to latitude 42° 38' 00" N., longitude 85° 15' 00" W.; to latitude 43° 16' 00" N., longitude 85° 15' 00" W.; to latitude 43° 16' 00" N., longitude 85° 02' 00" W.; to latitude 43° 27' 00" N., longitude 85° 02' 00" W.

AMENDMENTS Eff. immed. 7/14/64 29 F.R. 9788 (Changed)
PENDING AMENDMENT
Grand Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'35" W.); within 5 miles W and 8 miles E of the Grand Rapids VOR 168° radial, extending from the VOR to 12 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4 nmi each side of a direct radial between the Grand Rapids VOR and the Hibbing, Minn., VOR, excluding that airspace within the Hibbing transition area.

AMENDMENTS 12/10/64 29 F. R. 14436 (Added)

**Grantsburg, Wis.**
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Grantsburg VOR 197° and 017° radials, extending from 9 miles S to 20 miles N of the VOR.

**Great Bend, Kans.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°52'00" W.), and within 2 miles each side of the 305° bearing from the Gread Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the 305° bearing from Great Bend Municipal Airport, extending from the airport to 14 miles NW of the airport.

AMENDMENTS 8/20/64 29 F.R. 7818 (Added)



**Green Bay, Wis.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44° 29' 15" N., longitude 88° 07' 45" W.); within 2 miles each side of the Green Bay VORTAC 326° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC, and within 2 miles each side of the Green Bay ILS localizer SW course, extending from the 6-mile radius area to 8 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44° 32' 00" N., longitude 87° 46' 20" W., thence E to latitude 44° 32' 00" N., longitude 87° 27' 00" W., thence S along longitude 87° 27' 00" W., to latitude 44° 08' 00" N., thence SW to latitude 44° 02' 00" N., longitude 87° 40' 00" W., thence W along latitude 44° 02' 00" N., to the W boundary of V-217, thence NW along the W boundary of V-217 to latitude 44° 12' 00" N., thence W along latitude 44° 12' 00" N., to longitude 88° 25' 30" W., thence counterclockwise along the arc of a 16-mile radius circle centered on the Winnebago County Airport, Oshkosh, Wis. (latitude 43° 59' 20" N., longitude 88° 33' 15" W.) to longitude 88° 37' 00" W., thence N along longitude 88° 37' 00" N., to latitude 44° 27' 30" N., thence NE to latitude 44° 31' 20" N., longitude 88° 29' 55" W., thence clockwise via the arc of an 18-mile radius circle centered on the Austin-Straubel Airport to the point of beginning.

**Greene, N. Y.**
That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Georgetown, N. Y., VOR 169° radial, extending from 12 miles S to 44 miles S of the VOR, excluding the airspace within Federal airways.

**Greenville, Maine**
That airspace extending upward from 1,200 feet above the surface within 17 miles N and 18 miles S of the Millinocket, Maine, VOR 270° radial, extending from Long. 69°04'00" W to 69 miles W of the VOR.

**Grosse Ile, Mich.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 209° bearing from the Grosse Ile RBN, extending from the RBN to 8 miles SW of the RBN, excluding the portion within the Grosse Ile, Mich., control zone.

**Groton, Conn.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Trumbull Airport, Groton, Conn., (latitude 41°19'50" N., longitude 72°02'50" W.), and within 2 miles each side of the 216° and 244° bearings from the Groton RBN, extending from the 8-mile radius area to 8 miles SW of the RBN.

AMENDMENTS 10/15/64 29 F.R. 11836 (Added)

**Guam Island**
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 13°46'35" N, longitude 144°51'15" E., thence clockwise along the arc of a 12-nmi radius circle centered on Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.), to latitude 13°23'50" N., longitude 145°01'00" E., thence to latitude 13°08'45" N., longitude 144°29'20" E., thence to latitude 13°29'45" N., longitude 144°18'30" E., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Agana VOR, excluding the portion within R-7201 and W-517.

AMENDMENTS 5/28/64 29 F.R. 4854 (Added)

**Gulkana, Alaska**
That airspace extending upward from 1,200 feet above the surface within 8 miles either side of the 171° and 351° bearings from the Gulkana RR, extending from 13 miles N to 13 miles S of the RR.

**Gunnison, Colo.**
That airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the Gunnison VORTAC 264° and 084° radials, extending from 20 miles W to 9 miles E of the VORTAC, excluding the airspace within Federal airways.

**Gustavus, Alaska**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sisters Island, Alaska, VOR; and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 19 miles NE of the 145° and 325° bearings from the Gustavus RR, extending from 16 miles NW to 48 miles SE of the RR.

**Guymon, Okla.**
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the 360° and 180° bearings from the Guyman Airport (Lat. 36°40'50" N, Long. 101°30'15" W), extending from 20 miles N to 9 miles S of the airport, excluding the airspace within Federal airways.

**Hanksville, Utah**
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Hanksville VORTAC 241° and 061° radials, extending from 9 miles NE to 20 miles SW of the VORTAC, excluding the airspace within Federal airways.

**Harrison, Ark.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harrison Municipal Airport (latitude 36° 15' 55" N., longitude 93° 09' 20" W.); within 2 miles each side of the Harrison VOR 316° radial, extending from the 5-mile radius area to 8 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the Harrison VOR 316° and 136° radials, extending from 13 miles NW to 7 miles SE of the VOR.

**Hastings, Nebr.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), and within 5 miles E and 8 miles W of the 338° bearing from Hastings Municipal Airport, extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 7 miles E and 5 miles W of the 158° bearing from Hastings Municipal Airport, extending from the arc of a 7-mile radius circle centered on Hastings Municipal Airport to 18 miles SE of the airport, and within 5 miles E and 8 miles W of the 338° bearing from Hastings Municipal Airport, extending from 12 miles NW of the airport to 20 miles NW of the airport.

AMENDMENTS 6/25/64 29 F.R. 5784 (Added)

**Hattiesburg, Miss.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hattiesburg Municipal Airport (latitude 31° 16' 00" N., longitude 89° 15' 15" W.); within 2 miles each side of the Hattiesburg VOR 154° radial, extending from the 5-mile radius area to the VOR; within 2 miles each side of the 315° bearing from the Hattiesburg Municipal Airport, extending from the 5-mile radius area to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Hattiesburg VOR; within a 15-mile radius of the Laurel Municipal Airport, Laurel, Miss. (latitude 31° 40' 10" N., longitude 89° 10' 20" W.); and within 5 miles each side of the Laurel VOR 150° radial, extending from the 15-mile and the 20-mile radius areas to 23 miles SE of the VOR, excluding the portion within R-4401.

**Hawaiian Islands.**
That airspace extending upward from 14,500 feet MSL within the area bounded by lines beginning at latitude 22°24'N., longitude 161°15' W., to latitude 23°53' N., longitude 159°30' W., to latitude 22°31' N., longitude 156°05' W., to latitude 21°47' N., longitude 155°32' W., to latitude 19°44' N., longitude 153°15' W., to latitude 18°20' N., longitude 153°32° W., to latitude 17°15' N., longitude 155°40' W., to latitude 19°43' N., longitude 158°00' W., to latitude 20°46' N., longitude 159°29' W., to latitude 21°18' N., longitude 159°32' W., to latitude 21°30' N., longitude 159°32' W., to latitude 21°30' N., longitude 161°00' W., to latitude 21°56' 30" N., longitude 161°20' W., to the point of beginning. The airspace within control area extensions, transition areas, Federal airways, R-3107, warning areas and the airspace less than 1,500 feet above the terrain are excluded.

AMENDMENTS 9/17/64 29 F.R. 9788 (Added)

**Hays, Kans.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Hays Municipal Airport (latitude 38°51'00" N., longitude 99°16'30" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 176° bearing from Hays Municipal Airport, extending from the airport to 18 miles S of the airport.

AMENDMENTS 6/25/64 29 F.R. 5389 (Rewritten)

**Hector, Calif.**
That airspace extending upward from 1,200 feet above the surface within 7 miles S and 10 miles N of the Hector VORTAC 091° and 271° radials, extending from 7 miles W to 20 miles E of the VORTAC. The portion within R-2501 shall be used only after obtaining prior approval from appropriate authority.



**Hibbing, Minn.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Chisholm-Hibbing County Airport (latitude 47°23'20" N., longitude 92°50'25" W.), and extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Hibbing VOR 135° and 315° radials, extending from 8 miles NW to 13 miles SE of the VOR.

PENDING AMENDMENT
**Hibbing, Minn.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chisholm-Hibbing Airport (latitude 47°23'20" N., longitude 92°50'25" W.); within 5 miles NW and 8 miles SE of the 210° bearing from Chisholm-Hibbing Airport, extending from the airport to 12 miles SW of the airport; within 2 miles each side of the 060° bearing from Chisholm-Hibbing Airport, extending from the 7-mile radius area to 14 miles NE of the airport; within 2 miles each side of the Hibbing VOR 313° radial, extending from the 7-mile radius area to 8 miles NW of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Hibbing VOR 133° and 313° radials, extending from 8 miles NW to 13 miles SE of the VOR; within 8 miles NW and 5 miles SE of the 060° bearing from Chisholm-Hibbing Airport, extending from the airport to 18 miles NE of the airport; and within 5 miles NE and 8 miles SW of the Hibbing VOR 313° radial, extending from 12 miles NW of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° radials to 8 miles NW of the VOR.

AMENDMENTS 12/10/64 29 F.R. 14167 (Rewritten)

**Hilo, Hawaii**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19° 43' 20" N., longitude 155° 03' 20" W.), extending from a line 3 miles SW of and parallel to the Hilo VOR 334° radial clockwise to a line 3 miles SW of and parallel to the Hilo VOR 154° radial; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Hilo VOR, extending from the arc of a 7-mile radius circle centered on General Lyman Airport clockwise from a line 3 miles SW of and parallel to the Hilo VOR 334° radial to a line 5 miles S of and parallel to the Hilo VOR 121° radial, and within 10 miles NW and 7 miles SE of the Hilo VOR 034° radial, extending from the 30-mile radius area to 53 miles NE of the VOR.

**Hobart, Okla.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport; within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Clinton-Sherman AFB; within 5 miles W and 8 miles E of the Clinton-Sherman VOR 360° and 180° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360° and 180° bearings from the Altus RBN, extending from 5 miles N to 12 miles S of the RBN; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 08' 00" N., longitude 99° 05' 00" W.; to latitude 34° 15' 00" N., longitude 99° 30' 00" W.; to latitude 34° 40' 00" N., longitude 99° 59' 00" W.; to latitude 35° 20' 00" N., longitude 99° 54' 00" W.; to latitude 35° 50' 00" N., longitude 99° 43' 00" W.; to latitude 35° 44' 00" N., longitude 99° 03' 00" W.; to latitude 34° 58' 00" N., longitude 98° 33' 00" W.; to latitude 34° 42' 00" N., longitude 98° 46' 00" W.; to latitude 34° 21' 00" N., longitude 98° 46' 00" W.; to point of beginning; and that airspace extending upward from 8,000 feet MSL bounded by a line beginning at latitude 34° 40' 00" N., longitude 99° 59' 00" W.; thence W via latitude 34° 40' 00" N., to and counterclockwise along the arc of a 20-mile radius circle centered at the Childress, Tex., Municipal Airport (latitude 34° 25' 55" N., longitude 100° 17' 45" W.) to longitude 100° 27' 00" W.; to latitude 35° 00' 00" N., longitude 100° 32' 00" W.; to latitude 35° 20' 00" N. longitude 100° 00' 00" W.; to latitude 35° 54' 00" N., longitude 100° 18' 00" W.; to latitude 35° 50' 00" N., longitude 99° 43' 00" W.; to latitude 35° 20' 00" N., longitude 99° 54' 00" W.; to point of beginning. The portion of the transition area extending upward from 8,000 feet MSL is excluded from Federal airways.

AMENDMENTS 4/2/64 29 F.R. 556 (Added);
PENDING AMENDMENT
**Hobart, Okla.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport; within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Clinton-Sherman AFB; within 5 miles W and 8 miles E of the Clinton-Sherman VOR 360° and 180° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360° and 180° bearings from the Altus RBN, extending from 24 miles N to 12 miles S of the RBN; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°08'00" N., longitude 99°05'00" W.; to latitude 34°15'00" N., longitude 99°30'00" W.; to latitude 34°40'00" N., longitude 99°59'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to latitude 35°50'00" N., longitude 99°43'00" W.; to latitude 35°44'00" N., longitude 99°03'00" W.; to latitude 34°58'00" N., longitude 98°33'00" W.; to latitude 34°42'00" N., longitude 98°46'00" W.; to latitude 34°21'00" N., longitude 98°46'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet MSL bounded by a line beginning at latitude 34°40'00" N., longitude 99°59'00" W.; thence W via latitude 34°40'00" N., to and counterclockwise along the arc of a 20-mile radius circle centered at the Childress, Tex., Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) to longitude 100°27'00" W.; to latitude 35°00'00" N., longitude 100°32'00" W.; to latitude 35°20'00" N., longitude 100°00'00" W.; to latitude 35°54'00" N., longitude 100°18'00" W.; to latitude 35°50'00" N., longitude 99°43'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to point of beginning. The portion of the transition area extending upward from 8,000 feet MSL is excluded from Federal airways. 12/10/64 29 F.R. 13799 (Rewritten)

**Hobbs, N. Mex.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), and within 5 miles NW and 8 miles SE of the Hobbs VOR 219° radial, extending from the VOR to 12 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°42'00" N., longitude 102°56'00" W., to latitude 32°26'30" N., longitude 102°35'00" W., to latitude 32°19'35" N., longitude 102°55'10" W., to latitude 32°26'00 N., longitude 103°21'00" W., to latitude 32°33'00" N., longitude 103°29'00" W., to latitude 32°53'00" N., longitude 103°15'00" W., to latitude 32°55'00" N., longitude 103°03'00" W., to latitude 32°49'00" N., longitude 102° 55'00" W., to point of beginning.

AMENDMENTS 10/15/64 29 F.R. 12260 (Rewritten);

**Homer, Alaska**
That airspace extending upward from 1,200 feet above the surface within 5 miles N and 9 miles S of the 265° bearing from the Homer RR, extending from the RR to 50 miles W.

**Honolulu, Hawaii.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Barber's Point (latitude 21°18'35" N., longitude 158°04'30" W.) and the airspace S and SW of Honolulu beginning at latitude 21°20'35" N., longitude 157°51'05" W., thence S to latitude 21°15'30" N., longitude 157°49'15" W., thence SW to latitude 21°09'50" N., longitude 158°09'50" W., thence NW to latitude 21°11'25" N., longitude 158°10' 50" W., thence NE via a line 4 miles SE of and parallel to the Honolulu VORTAC 242° radial to its INT with a 7-mile radius circle centered on NAS Barber's Point, thence counterclockwise via the arc of this 7-mile radius circle to and counterclockwise via the arc of a 5-mile radius circle centered on Honolulu International Airport to the point of beginning; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°09'00" N., longitude 158°24'45" W. to latitude 21°15'00" N., longitude 157°31'45" W., thence W to latitude 21°15'00" N., longitude 157°36'30" W., thence within a 25-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°15'00" N., longitude 157°36'30" W. to latitude 21°10'10" N., longitude 158°20'30" W., thence W to point of beginning; that airspace S of Honolulu within 12 miles E and 8 miles W of the Honolulu VORTAC 180° radial, extending from the 25-mile radius area to 68 miles S of the VORTAC; that airspace W of Honolulu, extending from the 30-mile radius area bounded by a line beginning at latitude 21°24'15" N., longitude 158°26'45" W., thence to latitude 21°42'05" N., longitude 158° 54'00" W., thence to latitude 21°13'30" N., longitude 159°04'50" W., thence to latitude 21°07'30" N., longitude 158°31'00" W., thence to latitude 21°09'00" N., longitude 158°24'45" W., excluding the portion within W-318, the portion below 4,000 feet MSL within W-322D and the portion within Kaneohe control zone and Kaneohe, Hawaii, transition area. The portions within R-3102, R-3106 and R-3109 shall be used only after obtaining prior approval from appropriate authority.

**Hope, Minn.**
That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Farmington, Minn., VOR 184° radial, extending from 22 miles S to 10 miles N of the INT of the Farmington VOR 184° and the Rochester, Minn., VOR 292° radials.

**Hopkinsville, Ky.**
That airspace extending upward from 1,200 feet above the surface within the area N and W of Campbell AAF bounded by a line beginning at
latitude 36°07'15" N., longitude 87°54'55" W.; to latitude 36°28'00" N., longitude 88°19'50" W.; to
latitude 36°34'45" N., longitude 88°03'00" W.; to latitude 36°44'45" N., longitude 88°09'55" W.; to
latitude 36°54'00" N., longitude 88°42'15" W.; to latitude 36°59'40" N., longitude 88°36'15" W.; to
latitude 37°00'40" N., longitude 88°32'20" W.; to latitude 36°53'20" N., longitude 88°07'05" W.; to
latitude 37°13'30" N., longitude 87°38'25" W.; to latitude 37°18'10" N., longitude 87°18'50" W.; to
latitude 36°59'45" N., longitude 87°09'30" W.; to latitude 36°59'20" N., longitude 87°33'30" W.; thence counterclockwise along the arc of a 25-mile-radius circle centered at
latitude 36°37'27" N., longitude 87°32'59" W., to latitude 36°16'25" N., longitude 87°40'00" W.; to
latitude 36°07'15" N., longitude 87°51'00" W.; to the point of beginning; and within the area SE of Campbell AAF bounded by a line extending from latitude 36°25'50" N., longitude 87°00'30" W.; to
latitude 36°15'15" N., longitude 87°10'20" W.; to latitude 36°17'45" N., longitude 87°23'15" W., to the point of beginning.

AMENDMENTS 9/17/64 29 F.R. 11114 (Rewritten)

**Houghton, Mich.**
That airspace extending upward from 700 feet above the surface within 5 miles SE and 8 miles NW of the Houghton VOR 060° radial extending from the VOR to 12 miles NE;and that airspace extending upward from 1,200 feet above the surface, within a 12-mile radius of the Houghton VOR; within 5 miles NW and 8 miles SE of the 020° bearing from the Houghton RBN, extending from the 12-mile radius area to 14 miles NE of the RBN; and within 8 miles NE and 5 miles SW of the Houghton VOR 135° radial, extending from the 12-mile radius area to 14 miles SE of the VOR.

AMENDMENTS 9/17/64 29 F.R. 9892 (Added)



**Houma, La.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houma Municipal Airport (latitude 29° 34' 10" N., longitude 90° 39' 40" W.), and within 2 miles each side of the Tibby, La., VOR 123° radial, extending from the 5-mile radius area to the VOR.

**Hugo, Colo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Hugo VOR 113° and 293° radials, extending from 20 miles SE to 9 miles NW of the VOR.

Idaho Falls, Idaho
That airspace extending upward from 700 feet above the surface within 8 miles NW and 5 miles SE of the Idaho Falls VOR 030° and 223° radials, extending from 12 miles SW to 12 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 111°45'00" W., and a line 9 miles E of and parallel to the Idaho Falls VOR 033° and 213° radials, on the S by latitude 43°17'00" N., on the W by the E boundary of V-257 and on the N by a line extending from latitude 43°52'30" N., longitude 112°10'50" W., to latitude 43°45'00" N., longitude 112°06'00" W., to latitude 43°45'00" N., longitude 111°45'00" W., excluding the portion within the Dubois, Idaho, transition area.

AMENDMENTS 4/30/64 29 F.R. 3000 (Added)

**Iliamna, Alaska**
That airspace extending upward from 1,200 feet above the surface within 6 miles W and 8 miles E of the 016° and 196° bearings from the Iliamna RR, extending from 7 miles N to 13 miles S of the RR.

**PENDING AMENDMENT**
**Independence, Kans.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Independence Municipal Airport (latitude 37°09'30" N., longitude 95°46'30" W.), and within 8 miles NE and 5 miles SW of the 157° bearing from the Independence Municipal Airport extending from the Airport to a point 12 miles SE.

AMENDMENTS 1/7/65 29 F. R. 14983 (Rewritten)

**Indianapolis, Ind.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Weir Cook Municipal Airport, Indianapolis, Ind. (latitude 39°43'35" N., longitude 86°17'05" W.); within 8 miles SE and 5 miles NW of the Indianapolis ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40°07'00" N., longitude 87°23'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°00'00" N., longitude 85°30'00" W.; to latitude 39°30'00" N., longitude 85°30'00" W.; to latitude 39°30'00" N., longitude 86°06'00" W.; to latitude 38°57'00" N., longitude 86°06'00" W.; to latitude 38°57'00" N., longitude 88°00'00" W.; to longitude 88°00'00" W., and the N boundary of V-50; thence to point of beginning.

AMENDMENTS 10/15/64 29 F.R. 11527 (Changed)

**International Falls, Minn.**
That airspace within the United States extending upward from 1,200 feet above the surface within an 8-mile radius of the Falls International Airport, International Falls, Minn; within 8 miles NE and 5 miles SW of the International Falls VOR 133° radial, extending from the 8-mile radius area to 14 miles SE of the VOR, and within 8 miles SW of the International Falls VOR 317° radial, extending from the 8-mile radius area to the United States/Canadian border.

Iowa City, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41° 38' 25" N., longitude 91° 32' 50' W.). and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR.

AMENDMENTS 4/2/64 29 F. R. 1841 (Added)

**Jackson, Mich.**
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Jackson VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the west by longitude 84°50'00" W., on the north by latitude 42°30'00" N., on the east by longitude 84°05'00" W., and on the south by a line beginning at latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00 N., longitude 84°46'00" W., to latitude 41°41'00" N., longitude 84°16'00" W., to latitude 41°45'00" N., longitude 84°11' 45" W., to latitude 41°45'05" N., longitude 84°05'00" W.

**Jackson, Tenn.**
That airspace extending upward from 1,200 feet above the surface, bounded on the N by V-140 S, on the E by V-16 N, on the S by V-16, and on the W by V-11 E.

PENDING AMENDMENT
**Jackson, Tenn.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); and the airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 022° and 202° bearings from the Martin RBN extending to 12 miles SW and 5 miles NE of the RBN; within 5 miles each side of the 218° bearing from the Martin RBN extending from the RBN to 17 miles SW; including that airspace bounded on the N by V-140S, on the E by V-16N, on the S by V-16, and on the W by V-11E.
AMENDMENTS 1/7/65 29 F. R. 14918 (Rewritten)

**Jacksonville, Fla.**
That airspace E of Jacksonville, Fla., extending upward from 2,000 feet above the surface bounded on the E by the Savannah, Ga., VORTAC 175° radial, the Daytona Beach, Fla., 005° radial and a line 4 nmi E of and parallel to the Daytona Beach VOR 360° radial, on the SW, W and NW by the Jacksonville control area extension and V-3 E alternate, excluding the portion within Control 1153.

AMENDMENTS 9/17/64 29 F.R. 11113 (Rewritten)

**Jamestown, N. Y.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Jamestown Municipal Airport (latitude 42° 09' 10" N., longitude 79° 15' 30" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles NE of the VOR; and within 2 miles each side of the 060° bearing from the Jamestown Municipal Airport, extending from the 7-mile radius area to 12 miles NE of the airport.

3/5/64 29 F. R. 132 (Added);

**Janesville, Wis.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rock County Airport, Janesville (latitude 42°37'12" N., longitude 89°02'25" W.), and within 5 miles SE and 8 miles NW of the Janesville VOR 239° radial, extending from the 8-mile radius area to 12 miles SW of the VOR.

**Jefferson, Ohio**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ashtabula-Jefferson Airport (latitude 41° 45' 00" N., longitude 80° 46' 00" W.), and within 5 miles NW and 8 miles SE of the Jefferson VORTAC 061° radial, extending from the VORTAC to 12 miles NE of the VORTAC.

**Jonesboro, Ark.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.), and within 2 miles each side of the 056° bearing from the airport, extending from the 5-mile radius area to 8 miles NE of the airport.

**Joplin, Mo.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Joplin ILS localizer NW course, extending from the arc of a 5-mile radius circle centered at the Joplin Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.) to 8 miles NW of the OM, and the airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Joplin ILS localizer NW and SE courses, extending from 12 miles NW to 31 miles SE of the OM.

**Junction, Tex.**
That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the Junction VOR 330° radial, extending from the VOR to 13 miles NW; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Junction VOR 150° radial, extending from the VOR to 7 miles SE; and within 5 miles each side of the Junction VOR 150° radial, extending from 7 miles SE to 23 miles SE of the VOR.

**Junction City, Ga.**
That airspace extending upward from 1,200 feet above the surface within that area bounded on the E by the arc of a 35-mile radius circle centered on the Macon, Ga., VORTAC, on the SE by V-35 W alternate, on the S by V-70, on the W by V-97 and on the N by the arc of a 50-mile radius circle centered on the Atlanta Municipal Airport, (latitude 33°38'42" N., longitude 84°25'37" W.)

AMENDMENTS 7/23/64 29 F. R. 6437 (Added)



**Juneau, Alaska**
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN; that airspace NW of Juneau bounded on the E by B-79, on the NW by B-38, and on the SW by a line 19 miles NE of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RR, and that airspace S of Juneau, extending from the 20-mile radius area, bounded on the NE by B-79, and on the SW by B-38, excluding the portion within the Gustavus, Alaska, transition area.

**Kahului, Hawaii**
That airspace extending upward from 700 feet above the surface bounded on the SW by a line 2 miles SW of and parallel to the Maui VOR 331° radial, on the N by a 7-mile radius circle centered on the Kahului Airport (latitude 20° 54' 00" N., longitude 156° 26' 00" W.), on the SE by a line 2 miles SE of and parallel to the Maui VOR 061° radial, and on the S by the arc of a 5-mile radius circle centered on the Kahului Airport; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Kahului Airport, extending clockwise from V-6 NW of Kahului to V-6 NE of Kahului, and that airspace E of Kahului bounded on the N by a line 8 miles N of and parallel to the Maui VOR 080° radial on the S by V-6, extending from the 30-mile radius area to 45 miles E of the VOR.

AMENDMENTS 4/30/64 29 F. R. 2308 (ADDED)

**Kailua, Kona, Hawaii**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kona Airport (latitude 19° 39' 00" N., longitude 156° 01' 00" W.) and within 2 miles each side of the 327° bearing from the airport, extending from the 5-mile radius area to 14 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 19° 34' 45" N., longitude 156° 01' 00" W., to latitude 19° 31' 45" N., longitude 156° 15' 00" W., to latitude 19° 48' 30" N., longitude 156° 23' 00" W., thence clockwise along the arc of a 26-mile radius circle centered on the Kona Airport to latitude 20° 01' 30" N., longitude 156° 00' 05" W., to latitude 19° 39' 50" N., longitude 155° 56' 30" W., thence clockwise along a 5-mile radius circle centered on Kona Airport to the point of beginning.

AMENDMENTS 2/6/64 28 F. R. 13359 (Rewritten);

**Kaneohe, Hawaii.**
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 21°23'15" N., longitude 157°46'30" W., thence counterclockwise along the arc of a 5-mile radius circle centered on MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.) to latitude 21°29'25" N., longitude 157°50'45" W., thence to latitude 21°31'45" N., longitude 157°51'20" W., thence clockwise along the arc of an 8-mile radius circle centered on MCAS Kaneohe to latitude 21°23'00" N., longitude 157°41'00" W., thence to point of beginning, and within 2 miles on each side of the MCAS Kaneohe TACAN 351° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 21°31'45" N., longitude 157°51'20" W., thence to latitude 22°00'45" N., longitude 157°56'00" W., thence clockwise via the arc of a 40-mile radius circle centered on the MCAS Kaneohe TACAN to V-12, thence SW along the NW boundary of V-12 to latitude 21°23'00" N., longitude 157°39'50" W.; thence to latitude 21°23'00" N., longitude 157°41'00" W.; thence counterclockwise via the arc of an 8-mile radius circle centered on MCAS Kaneohe to the point of beginning. The portion within R-3106 will be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed)

**Kansas City, Mo.**
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.), within 2 miles each side of the Riverside, Mo., VOR 018° radial and 2 miles west of the Kansas City ILS localizer N course, extending from the 10-mile radius area to 8 miles N of the OM; within a 5-mile radius of the East Kansas City Airport (latitude 39°00' 55" N., longitude 94°12'45" W.) and within 2 miles each side of the Blue Springs, Kans., VOR 311° radial, extending from the 5-mile radius area to 6 miles NW of the VOR; within an 8-mile radius of the Mid-Continent International Airport (latitude 39°18'05" N., longitude 94°43'36" W.) and within 2 miles each side of the Mid-Continent ILS localizer N and S courses, extending from the 8-mile radius area to 13 miles N of the airport and to 8 miles S of the Mid-Continent OM; within a 7-mile radius of Sherman AAF (latitude 39°22'05" N., longitude 94°54'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the SE by the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport beginning at the W boundary of V-205 and extending counterclockwise to the S boundary of V-12, thence E along the S boundary of V-12 to longitude 93°30'00" W., thence N to latitude 39°41'00" N., longitude 93°28'45" W., thence NW to latitude 39°48'55" N., longitude 93°34'30" W., thence SW along the NW boundary of V-10 to the E boundary of V-161, thence W to latitude 39°44'00" W., longitude 94°43'20" W., thence SW to latitude 39°30 00" W., longitude 94°49'00" W. thence W. along latitude 39°30'00" N., to longitude 95°09'00" W., thence S to latitude 38°59'00" N., longitude 95°12'20" W., thence SE to latitude 38°53'00" N., longitude 95°05'10" W., thence NE along the SE boundary of V-10 to the arc of a 10-mile radius circle centered on the Kansas City Municipal Airport, thence counterclockwise to the W boundary of V-205, thence S along the W boundary of V-205 to the point of beginning.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed)

**Keokuk, Iowa**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40° 27' 35" N., longitude 91° 25' 50" W.), within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40° 27' 45" N., longitude 91° 26' 00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 311° bearing from the Keokuk RBN, extending from the RBN to 12 miles NW of the RBN, and within 5 miles each side of the 131° bearing from the Keokuk RBN, extending from the RBN to 12 miles SE of the RBN.

**Key West, Fla.**
That airspace extending upward from 2,000 feet above the surface, bounded by a line extending from latitude 24°45'00" N., longitude 82°32'00" W., to latitude 24°25'00" N., longitude 82°32'00" W.; thence to latitude 24°13'00" N., longitude 82°21'00" W.; thence along latitude 24°13'00" N., to a line 5 miles W of and parallel to the 205° bearing from the Key West RBN; thence NE along this line and the W boundary of V-225 to latitude 24°45'00" N.; and thence W along latitude 24°45'00" N., to the point of beginning, excluding the portion within the Key West, Fla., control area extension.

AMENDMENTS 9/17/64 29 F.R. 9664 (Added); Amend. Alt. 29 F.R. 12823;

**King Salmon, Alaska**
That airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the King Salmon Airport (Lat. 58°40'40" N, Long. 156°38'55" W) and within 47 miles SW and 15 miles NE of the 312° bearing from the King Salmon RR, extending from the RR to 85 miles NW; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VOR. The airspace outside the United States, the airspace within Federal airways above 14,500 feet MSL, the airspace within Control 1217, Control 1400, Control 1401, Control 1484 and the airspace within the Kodiak, Alaska, control area extension is excluded.

AMENDMENTS 4/30/64 29 F.R. 3150 (Changed)

**Kings Valley, Oreg.**
That airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Newberg, Oreg., VORTAC 204° radial, extending from 10 miles NE to 22 miles SW of the INT of the Newberg VORTAC 204° and the Eugene, Oreg., VORTAC 340° radials.

**Kingsville, Tex.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'25" W.); within 2 miles each side of the Kingsville TACAN 321° radial, extending from the 7-mile radius area to 12 miles NW of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° bearing, extending from the 7-mile radius area to 12 miles NW of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° radial, extending from the 7-mile radius area to 12 miles S of the TACAN; within 2 miles each side of the Kingsville VOR 135° radial, extending from the 7-mile radius area to 12 miles SE of the VOR.
AMENDMENTS 11/12/64 29 F.R. 13164 (Added)

**Kirksville, Mo.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kirksville Municipal Airport (latitude 40°05'45" N., longitude 92°32'50" W.), and within 2 miles each side of the Kirksville VORTAC 316° radial, extending from the 5-mile radius area to 8 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 6 miles NE of the Kirksville VORTAC 316° and 136° radials, extending from 12 miles NW to 12 miles SE of the VORTAC.

**Knoxville, Tenn.**
That airspace extending upward from 700 feet above the surface within a 21-mile radius of McGhee-Tyson Airport, Knoxville, Tenn. (latitude 35°48'40" N., longitude 83°59'35" W.), within the area NW of Knoxville extending from the 21-mile radius area bounded on the SW by a line 5 miles S of and parallel to the Knoxville VORTAC 290° radial, on the NW by the arc of a 27-mile radius circle centered on the McGhee-Tyson Airport, and on the NE by a line 5 miles SW of and parallel to the Knoxville VORTAC 321° radial; and that airspace extending upward from 1,200 feet above the surface within the area NE of Knoxville bounded on the NW by V-97 E alternate, on the NW by a line extending from the E boundary of V-97E through latitude 36°35'50" N., longitude 83°36'00" W., to latitude 36°33'10" N., longitude 83°28'00" W., to latitude 36°36'10" N., longitude 83°25'25" W., through latitude 36°29'00" N., longitude 83°11'15" W., to the NW boundary of V-16 N alternate, and on the SE by V-16N; within the area SE of Knoxville within 5 miles each side of the Knoxville VORTAC 130° radial, extending from the 21-mile radius area to 35 miles SE of the VORTAC; within the area W and SW of Knoxville bounded by a line beginning at latitude 36°10'35" N., longitude 84°31'40" W., thence clockwise along the arc of a 40-mile radius circle centered on the Knoxville VORTAC to the W boundary of V-97, thence S along V-97 to V-51 E alternate, thence NW along V-51E to a line 12 miles S of and parallel to the Crossville, Tenn., VORTAC 064° and 244° radials, thence W along this line to a line 16 miles NW of and parallel to the Chattanooga, Tenn., VORTAC 037° radial, thence NE along this line to a line 8 miles NE of and parallel to the Crossville VORTAC 154° and 334° radials, thence NW along this line to latitude 35°54'35" N., longitude 84°53'50" W., thence to latitude 36°14'00" N., longitude 84°41'40" W., thence to the point of beginning; and that airspace extending upward from 7,500 feet MSL within the area SE of Knoxville bounded on the N by the arc of a 21-mile radius circle centered on the McGhee-Tyson Airport, on the E by a line 5 miles E of and parallel to V-267 E alternate, on the S by latitude 35°26'15" N., and on the W by V-267E; and within the area S of Knoxville bounded on the E by V-267, on the S by latitude 35°12'00" N., and on the W by V-97.
AMENDMENTS 8/20/64 29 F. R. 8163 (Added)



**Kukaklek, Alaska**
That airspace extending upward from 1,200 feet above the surface within 9 miles SE and 6 miles NW of the 056° and 236° bearings from the INT of the NE course of the King Salmon, Alaska, RR and the S course of the Iliamna, Alaska, RR, extending from 8 miles NE to 19 miles SW of the INT.

**Laconia, N. H.**
That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of a 247° bearing from the Laconia RBN, extending from the RBN to 17 miles SW; within 5 miles either side of a direct line extending from the Concord, N. H., VOR to the Laconia RBN, and within 5 miles either side of a 014° bearing from the Laconia RBN, extending from the RBN to 12 miles N.

**LaGrange, Ga.**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Callaway Airport, LaGrange, Ga. (latitude 33°00'30" N., longitude 85°04'30" W.) and within 2 miles each side of the LaGrange VOR 110° radial, extending from the 4-mile radius zone to the VOR.

PENDING AMENDMENT
**Lake Charles, La.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Lake Charles ILS localizer northwest course extending from the OM to 8 miles NW, within 2 miles each side of the Lake Charles VOR 259° radial extending from the VOR to 1 mile W, and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the airport to 8 miles SE; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°37'00" N., longitude 92°50'00" W. to latitude 30°24'00" N., longitude 92°26'00" W. to latitude 29°45'30" N., longitude 93°00'00" W. thence W via latitude 29°45'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to longitude 93°57'00" W., thence to point of beginning.
AMENDMENTS 1/7/65 29 F. R. 14621 (Added)

**Lake City, Mich.**
That airspace extending upward from 1,200 feet above the surface within 6 miles SW and 10 miles NE of the Traverse City, Mich., VOR 136° radial, extending from 8 miles NW to 19 miles SE of the INT of the Traverse City VOR 136° radial and the White Cloud, Mich., VOR 033° radial.

**Lake Mead, Nev.**
That airspace extending upward from 1,200 feet above the surface within 8 miles E and 12 miles W of the Mormon Mesa, Nev., VORTAC 196° radial extending from 10 miles S to 22 miles N of the INT of the Mormon Mesa VORTAC 196° and the Las Vegas, Nev., 081° radials.

**Lamar, Colo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lamar VOR 099° and 279° radials, extending from 20 miles E to 9 miles W of the VOR, excluding the airspace within Federal airways.

**Lanai, Hawaii**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.).

**Lancaster, Pa.**
That airspace extending upward from 1,200 feet above the surface, within 12 miles NE and 8 miles SW of the West Chester, Pa., VORTAC 288° radial, extending from 9 miles NW to 41 miles NW of the VORTAC, and within the area SE of the Lancaster, Pa., VOR bounded on the SE by V-3, on the W by V-93 and on the N by a line 8 miles S of and parallel to the West Chester VORTAC 288° radial, excluding the airspace within Federal airways and the New York control area extension.

AMENDMENTS 8/20/64 29 F.R. 8165 (Rewritten)

**Lansing, Mich.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.), within 2 miles each side of the Lansing ILS localizer W course, extending from the 7-mile radius area to 8 miles W of the INT of the Lansing ILS localizer W course and the Lansing VOR 358° radial, and within 2 miles each side of the Lansing ILS localizer E course, extending from the 7-mile radius area to 14 miles E of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 43°16'00" N., on the E by longitude 84°05'00" W., on the S by a line beginning at latitude 42°30'00" N., longitude 84°05'00" W., to latitude 42°30'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 85°15'00" W., and on the W by longitude 85°15'00" W.; and within the area bounded on the N by V-216, on the E by longitude 84°25'00" W., on the S by latitude 43°16'00" N., and on the W by longitude 85°02'00" W.
AMENDMENTS 6/25/64 29 F.R. 5209 (Changed)



**Laramie, Wyo.**



Lewiston-Auburn, Maine

**Laramie, Wyo.**

That airspace extending upward from 1,200 feet above the surface within 6 miles W and 10 miles E of the Laramie VOR 332° and 152° radials, extending from 12 miles NW to 8 miles SE of the VOR.

**Las Vegas, N. Mex.**

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Las Vegas Municipal Airport (latitude 35°39'25" N., longitude 105°08'35" W.)and that airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Las Vegas VORTAC 035° and 215° radials, extending from 23 miles NE to 14 miles SW of the VORTAC.

AMENDMENTS 6/25/64 29 F. R. 7595 (Changed)

**Laurel, Miss.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Laurel Municipal Airport (latitude 31° 40' 10" N., longitude 89° 10' 20" W.); within 8 miles SW and 5 miles NE of the Laurel VOR 330° radial extending from the VOR to 12 miles NW.

**Lawton, Okla.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34° 34' 15" N., longitude 98° 24' 55" W.), and within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 12 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 21' 00" N., longitude 98° 46' 00" W., to latitude 34° 42' 00" N., longitude 98° 46' 00" W., to latitude 34° 58' 00" N., longitude 98° 33' 00" W., thence E via latitude 34° 58' 00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35° 25' 50" N., longitude 97° 35' 10" W., to longitude 97° 25' 00" W., thence S via longitude 97° 25' 00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Municipal Airport, Ardmore, Okla. (latitude 34° 18' 00" N., longitude 97° 00' 50" W.), to latitude 34° 10' 00" N., thence W via this latitude, to latitude 34° 10' 00" N., longitude 97° 49' 00" W., to point of beginning, excluding the portion within R-5601A. The portion within R-5601B shall be used only after obtaining prior approval from appropriate authority.
4/30/64 29 F. R. 132 (Added);

PENDING AMENDMENT
Lawton, Okla.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.), within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 12 miles S of the VOR, and within 2 miles each side of the 180° bearing from the Fort Sill RBn extending from the 7-mile radius area to the RBn; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°21'00" N., longitude 98°46'00" W., to latitude 34°42'00" N., longitude 98°46'00" W., to latitude 34°58'00" N., longitude 98°33'00" W., thence E via latitude 34°58'00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35°25'50" N., longitude 97°35'10" W., to longitude 97°25'00" W., thence S via longitude 97°25'00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Municipal Airport, Ardmore, Okla. (latitude 34°18'00" N., longitude 97°00'50" W.), to latitude 34°10'00" N., thence W via this latitude, to latitude 34°10'00" N., longitude 97°49'00" W., to point of beginning, excluding the portion within R-5601A. The portion within R-5601B shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 1/7/65 29 F. R. 14524 (Rewritten)

**Lemoore, Calif.**

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN; and that airspace extending upward from 1,200 feet above the surface bounded on the E by a line extending from latitude 36° 46' 00" N., longitude 120° 03' 50" W., to latitude 36° 37' 00" N., longitude 119° 56' 00" W., to latitude 36° 37' 00" N., longitude 119° 44' 10" W., thence S along the W boundary of V-23 to longitude 119° 30' 00" W., thence to latitude 35° 43' 50" N., longitude 119° 30' 00" W., on the S by latitude 35° 43' 50" N., on the W by V-485 S of the Priest, Calif., VOR and V-113 N of the Priest VOR, and on the N by V-230.

AMENDMENTS 1/9/64 28 F. R. 12341 (Rewritten); Alteration of Amend. (Date Changed) 2/6/64 28 F. R. 13769

**Le Roy, Iowa**

That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Rochester, Minn., VOR 173° radial, extending from 15 miles to 37 miles S of the VOR.

**Lewiston, Idaho**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston, Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.) and within 2 miles either side of the Lewiston VOR 266° radial extending from the 5-mile radius area to the VOR, including the airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Lewiston VOR 075° radial extending from the VOR to 12 miles NE of the VOR.



**Lewiston-Auburn, Maine**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lewiston-Auburn Municipal Airport (latitude 44°02'55" N., longitude 70°17'00" W.); within 2 miles each side of the 199° bearing from the Lewiston-Auburn Airport, extending from the 5-mile radius area to 8 miles S of the airport; and within 2 miles each side of the 062° bearing from the Lewiston-Auburn Airport, extending from the 5-mile radius area to 7 miles NE of the airport.

AMENDMENTS 4/30/64 29 F.R. 2931 (Added)

**Lewistown, Mont.**

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lewistown VOR 289° and 109° radials, extending from 9 miles E to 20 miles W of the VOR, excluding the airspace within Federal airways.

PENDING AMENDMENT
Lexington, Tenn.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Franklin Wilkins Airport (latitude 35°39'07" N., longitude 88°22'47" W.); within 2 miles each side of the Jacks Creek VOR 165° radial extending from the 5-mile radius area to 8 miles SE of the VOR; and the airspace extending upward from 1200 feet above the surface within 5 miles W and 8 miles E of the Jacks Creek VOR 345° and 165° radials extending 4 miles NW and 12 miles SE of the VOR.
AMENDMENTS 1/7/65 29 F. R. 14918 (Added)

**Liberal, Kans.**

That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Liberal VOR 022° and 202° radials, extending from 20 miles N to 9 miles S of the VOR, excluding the airspace within Federal airways.

**Lida, Nev.**

That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 12 miles NE of the Coaldale, Nev., VORTAC 146° radial, extending from 22 miles SE to 22 miles NW of the Coaldale VORTAC 146° and the Tonopah, Nev., VOR 198° radials, including the airspace 12 miles NW and 9 miles SE of the Tonopah VOR 198° radial, extending from the INT of the Coaldale VORTAC 146° and the Tonopah VOR 198° radials to 22 miles NE of the INT, excluding the portions within R-4807.

Lihue, Hawaii

That airspace extending upward from 700 feet above the surface within the area bounded on the NW by a line 5 miles NW of and parallel to the Lihue VOR 041° radial, on the NE by the arc of a 7-mile radius circle centered on the Lihue Airport (latitude 21° 59' 00" N., longitude 159° 21' 00" W.), on the SE by a line 2 miles NE of and parallel to the Lihue VOR 130° radial, and on the SW by the arc of a 5-mile radius circle centered on Lihue Airport; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Lihue VOR, extending from the 7-mile radius area clockwise from a line 5 miles NW of and parallel to the Lihue VOR 041° radial to V-2.

AMENDMENTS 4/2/64 29 F.R. 556 (Added);

**Lima, Ohio**

That airspace extending from 700 feet above the surface bounded on the SE by V-275, on the SW by V-277 and on the NW by V-14.

**Lone Rock, Wis.**

That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lone Rock VORTAC 089° and 269° radials, extending from 9 miles E to 20 miles W of the VORTAC.

**Longview, Tex.**

That airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Gregg County ILS localizer SE course extending from the INT of the Gregg County ILS localizer SE course and the Marshall, Tex., VOR 251° radial to 12 miles SE, and within 5 miles each side of the Marshall VOR 230° radial extending from the INT of the Gregg County VOR 181° radial and the Marshall VOR 230° radial to the INT of the Gregg County ILS localizer SE course and the Marshall VOR 230° radial, excluding the portion within Federal airways.
AMENDMENTS 7/23/64 29 F. R. 7017 (Added)

**Longview, Wash.**

That airspace extending upward from 4,500 feet MSL bounded on the N by the Toledo, Wash., control area extension, on the E by V-23, on the S by the Portland, Oreg., control area extension and on the W by V-99.



**Lovelock, Nev.**

That airspace extending upward from 1,200 feet above the surface within



**Madison, Wis.**

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Truax Field,

**Lovelock, Nev.**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lovelock VORTAC 068° and 248° radials, extending from 20 miles E to 7 miles W of the VORTAC, and within 7 miles NW and 10 miles SE of the Lovelock VORTAC 058° and 238° radials, extending from 20 miles SW to 7 miles NE of the VORTAC.

**Loyal, Wis.**
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Eau Claire, Wis., VOR 107° radial, extending from 9 miles SE to 22 miles NW of the INT of the Eau Claire VOR 107° and the Wausau, Wis., VOR 258° radials.

**Lucin, Utah**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lucin VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

**Lufkin, Tex.**
That airspace extending upward from 700 feet above the surface within 8 miles E and 5 miles W of the Lufkin VOR 157° radial, extending from the VOR to 12 miles S; within 2 miles each side of the Lufkin VOR 337° radial, extending from the VOR to the arc of a 5-mile radius circle centered at the Angelina County Airport (latitude 31°14'05" N., longitude 94°45'00" W.); and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Lufkin VOR.

AMENDMENTS 6/25/64 29 F.R. 8141 (Rewritten)

PENDING AMENDMENT
**Luke AFB, Ariz.**
That airspace extending upward from 700 feet above the surface within 6 miles W and 7 miles E of the Luke TACAN 003° and 183° radials, extending from 13 miles S to 8 miles N of the TACAN; within 2 miles each side of the Luke TACAN 056° radial, extending from the TACAN to 10 miles NE of the TACAN; and within 5 miles each side of the Phoenix VORTAC 272° radial, extending from Long. 112°23'00" W to Long. 112°41'30" W.

AMENDMENTS 12/10/64 29 F.R. 14104 (Added)

**Macon, Ga.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Robins AFB; within 8 miles SE and 5 miles NW of the Macon ILS localizer SW course extending from the Cochran Field to 12 miles SW of the ILS OM; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Macon VORTAC; within the area N of Macon bounded on the N by V-18, on the E by V-35, and on the SW by V-267; within the area SE of Macon bounded on the NW by V-70, on the NE by V-5, and on the SW by V-243; that airspace extending upward from 3,000 feet MSL within
the area NE of Macon extending from the 35-mile radius area bounded on the N by V-18, on the E by longitude 82°50'00" W., on the SE by V-56 and on the W by V-35; within the area E of Macon extending from the 35-mile radius area bounded on the NE by V-56, on the N by a line extending through latitude 33°03'50" N., longitude 82°50'00" W.. and latitude 33°03'40" N., longitude 82°30'00" W., on the E by longitude 82°30'00" W., on the SE by V-70, and on the S by V-154; within the area SE of Macon bounded on the N by V-154, on the E by longitude 82°30'00" W.. on the SE by a line extending from latitude 32°15'00" N., longitude 82°30'00" W., through latitude 32°10'00" N., longitude 82°42'15" W., on the W by V-267, and on the NW by V-70; and the area S of Macon bounded on the N by V-70, on the E by V-243, on the S by latitude 32°00'00" N., and on the W by V-35.

AMENDMENTS On Publ. 4/7/64 29 F.R. 4855 (Changed); 5/28/64 29 F. R. 3651 (Changed)
AMENDMENTS 6/25/64 29 F. R. 5785 (Rewritten) Amend. Alt. 29 F.R. 7923;
AMENDMENTS 9/17/64 29 F.R. 11113 (Changed)

PENDING AMENDMENT
In the Macon, Ga., transition area "within the area SE of Macon bounded on the NW by V-70, on the NE by V-5, and on the SW by V-243 and a line 5 miles NE of and parallel to the Alma, Ga., VORTAC 305° radial;" is deleted and "within the area SE of Macon bounded on the NW by V-70, on the NE by V-5, on the E by V-157 and on the SW by V-243;" is substituted therefor; "Cochran Field" is deleted and "Macon Municipal Airport" is substituted therefor.

AMENDMENTS 10/15/64 29 F.R. 11112 (Changed); Eff. date changed 11/12/64 29 F.R. 12362;
Eff. date changed 2/4/65 29 F. R. 14918;

**Madison, Minn.**
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Watertown, S. Dak., VORTAC 086° radial, extending from 10 miles W to 22 miles E of the INT of the Watertown VORTAC 086° and the Redwood Falls, Minn., VOR 305° radials.



**Madison, Wis.**
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Truax Field, Madison, Wis. (latitude 43°08'15" N., longitude 89°20'10" W.), within 2 miles each side of the Madison ILS localizer S course, extending from the 9-mile radius area to 12 miles S of the OM, within 8 miles NE and 5 miles SW of the Truax VOR 134° radial, extending from the 9-mile radius area to 12 miles SE of the VOR, within 8 miles SW and 5 miles NE of the Truax VOR 320° radial, extending from the 9-mile radius area to 12 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by a line extending from latitude 43°43'00" N., longitude 89°55'00" W., to latitude 43°30'00" N., longitude 88°30'00" W., on the E by longitude 88°30'00" W., on the S by latitude 42°45'00" N., and on the W by longitude 89°55'00" W. The portion within R-6905 shall be used only after obtaining prior approval from appropriate authority.

**Malad City, Idaho**
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Malad City VORTAC 165° and 345° radials, extending from 18 miles S to 8 miles N of the VORTAC, and within 5 miles N and 8 miles S of the Malad City VORTAC 290° radial, extending from the VORTAC to 12 miles W of the VORTAC.
4/2/64 29 F. R. 2488 (Rewritten)

**Malden, Mo.**
That airspace extending upward from 700 feet above the surface within 5 miles either side of the Malden VOR 300° radial, extending from the VOR to 11 miles NW; within 8 miles NE and 5 miles SW of the Malden VOR 120° radial, extending from the VOR to 17 miles SE, and within 10 miles W and 7 miles E of the Malden VOR 167° and 347° radials, extending from 9 miles S to 20 miles N of the VOR.

**Manhattan, Kans.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Marshall AAF (latitude 39°03'15" N., longitude 96°45'50" W.). The portion of this transition area within R-3602 shall be used only after obtaining prior approval from appropriate authority.

PENDING AMENDMENT
**Manistee, Mich.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manistee Blacker Airport, Manistee, Mich. (latitude 44°16'00" N., longitude 86°15'00" W.) and within 5 miles north and 8 miles south of the 274° bearing from Manistee Blacker Airport, extending from the airport to 15 miles west.
AMENDMENTS 12/10/64 29 F. R. 14524 (Added)

**Manitowoc, Wis.**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Manitowoc Airport (latitude 44° 07' 30" N., longitude 87° 40' 45" W.) and within 5 miles E and 8 miles W of the 351° bearing from the airport, extending from the airport to 12 miles N of the airport.

PENDING AMENDMENT
**Mansfield, Ohio**
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Mansfield Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.); and within a 5-mile radius of the Galion Municipal Airport (latitude 40°45'10" N., longitude 82°43'35" W.); within 5 miles SW and 8 miles NE of the Mansfield Airport ILS localizer SE course, extending from the ILS LOM to 12 miles SE, within 2 miles each side of the Mansfield VORTAC 308° radial, extending from the VORTAC to 12 miles NW of the VORTAC; within 2 miles each side of the Mansfield VORTAC 221° radial, extending from the Galion Municipal Airport 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line extending from the Tiverton
VORTAC; to latitude 40°30'00" N., longitude 83°10'00" W., to latitude 40°50'00" N., longitude 83°30'00" W., to latitude 41°11'00" N., longitude 83°19'00" W., to latitude 41°14'00" N., longitude 82°57'00" W.; thence counterclockwise via a 21-mile radius arc of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.) to latitude 41°08'40" N., longitude 82°32'00" W.; to latitude 40°56'30" N., longitude 82°12'00" W; thence counterclockwise via a 37-mile radius arc of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.) to latitude 40°54'00" N., longitude 82°04'00" W. to the point of beginning.

AMENDMENTS 12/10/64 29 F.R. 14166 (Added)

**Maples, Mo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Maples VOR 237° and 057° radials, extending from 20 miles SW to 9 miles NE of the VOR, excluding that portion within the Fort Leonard Wood, Mo., transition area.

AMENDMENTS 9/17/64 29 F.R. 9663 (Changed)



**Marathon, Fla.**



**McComb, Miss.**

**Marathon, Fla.**
That airspace extending upward from 2,000 feet above the surface, bounded on the N by V-35, on the E by Long. 80°25'00" W.. on the S by Lat. 24°20'00" N., and on the W by control area 1233.

AMENDMENTS 9/17/64 29 F.R. 9664 (Added)

**Marion, Ill.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Southern Illinois Airport, Carbondale, Ill. (latitude 37°46'50" N., longitude 89°15'10" W.), and within 2 miles either side of the 339° bearing from the Southern Illinois Airport extending from the 5-mile radius area to 8 miles N of the airport, within a 5-mile radius of the Williamson County Airport, Marion, Ill. (latitude 37°45'15" N., longitude 89°00'40" W.), and within 2 miles either side of the 034° bearing from the Williamson County Airport extending from the 5-mile radius area to 8 miles NE of the airport; and the airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°39'00" N., longitude 88°48'00" W., thence to latitude 37°35'00" N., longitude 89°23'30" W., thence to latitude 37°54'00" N., longitude 89°30'00" W., thence to latitude 37°59'00" N., longitude 89°16'00" W., thence to latitude 37°56'25" N., longitude 89°01'55" W., thence to latitude 37°57'50" N., longitude 89°00'30" W., thence to latitude 37°55' 18" N., longitude 88°55'55" W., thence to latitude 37°54'00" N., longitude 88°48'00" W., thence to the point of beginning.

**PENDING AMENDMENT**
**Marion, Ohio**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Municipal Airport (latitude 40°36'55" N., longitude 83°03'55" W.); within 5 miles NE and 8 miles SW of a 328° bearing from the Marion RBN, extending from the RBN to 12 miles NW.

AMENDMENTS 12/10/64 29 F.R. 14166 (Added)

**Marthaville, La.**
That airspace extending upward from 1,200 feet above the surface within 8 miles NE and 12 miles SW of the Alexandria, La., VOR 300° radial, extending from 10 miles NW to 22 miles SE of the INT of the Shreveport, La., VORTAC 164° and the Alexandria VOR 300° radials.

**Massena, N. Y.**
That airspace extending upward from 1,200 feet above the surface within 12 miles W and 5 miles E of the Massena VOR 163° and 343° radials, extending from the United States/Canadian border to Lat. 44°00'00" N, including the airspace from 4 nmi SE to 10 miles SE of the Massena VOR 241° radial, extending from a line 12 miles W of and parallel to the Massena VOR 163° radial to a line 20 miles W of and parallel to the Massena VOR 163° radial, excluding the airspace within Federal airways.

AMENDMENTS 9/17/64 29 F.R. 11114 (Changed)

**Matador, Tex.**
That airspace extending upward from 1,200 feet above the surface within 9 miles NW and 6 miles SE of the Childress, Tex., VOR 244° radial, extending from 8 miles SW to 19 miles NE of the Matador INT (INT of Childress VOR 244° and Guthrie, Tex., VOR 293° radials), and within 9 miles SE and 6 miles NW of the Childress VOR 244° radial, extending from 8 miles NE to 19 miles SW of the Matador INT.

**Mattoon, Ill.**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Coles County Airport, Mattoon, Ill. (latitude 39°28'46" N.. longitude 88°17'05" W.). and within 2 miles each side of the 228° bearing from Coles County Airport, extending from the 4-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Coles County Airport.

**Maxwell, Calif.**
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-195, on the S by V-200, on the W by V-25 and on the N by the Red Bluff, Calif., transition area.

AMENDMENTS 2/6/64 29 F. R. 282 (Changed);

**McAllen, Tex.**
That airspace extending upward from 1,200 feet above the surface bounded on the N by Lat. 26°30'00" N, on the E by Long. 98°00'00" W, on the W by Long. 98°30'80" W and on the S by the United States/Mexican border.



**McComb, Miss.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the McComb-Pike County Airport; and that airspace extending upward from 1,200 feet above the surface bounded on the E by V-9, on the S by the New Orleans, La., transition area, on the W by V-114N, and on the N by the N boundary of V-222; within 8 miles S and 5 miles N of the McComb VOR 254° and 074° radials, extending from 17 miles W to 5 miles E of the VOR; and within 8 miles N and 5 miles S of the McComb VOR 074° radial, extending from the VOR to 12 miles E.
AMENDMENTS 9/17/64 29 F.R. 10459 (Added)

**McGrath, Alaska**
That airspace extending upward from 1,200 feet above the surface within 13 miles SW and 7 miles NE of the 115° and 295° bearings from the McGrath RR, extending from 13 miles NW to 20 miles SE of the RR.

Medford, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Medford ILS localizer N course, extending from 6 miles N to 9 miles N of the OM, and within 3 miles E and 2 miles W of the Medford VORTAC 352° radial, extending from the VORTAC to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Medford VORTAC, extending clockwise from a line 6 miles N of and parallel to the Medford VORTAC 270° radial to a line 5 miles SE of and parallel to the Medford VORTAC 235° radial; within a 23-mile radius of the Medford VORTAC, extending clockwise from a line 5 miles SE of and parallel to the Medford VORTAC 235° radial to a line 6 miles N of and parallel to the Medford VORTAC 270° radial; that airspace E of Medford, extending from the 18-mile radius area bounded on the N by latitude 42°28'00" N., on the E by the arc of a 40-mile radius circle centered on the Klamath Falls, Oreg., VORTAC, on the S by V-122, and on the SW by V-23; that airspace N of Medford within 6 miles E and 10 miles W of the Medford VORTAC 352° radial, extending from the 18-mile radius area to 55 miles N of the VORTAC, and that airspace S of Medford extending from the 18-mile radius area bounded on the E by V-23, and on the SW by V-23W; that airspace extending upward from 6,500 feet MSL W of Medford within 6 miles N and 7 miles S of the Medford VORTAC 270° radial, extending from the 23-mile radius area to V-27, excluding the portion within the Roseburg, Oreg., transition area.
AMENDMENTS 4/30/64 29 F. R. 2933 (Added)

**Memphis, Tenn.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.), within 2 miles each side of the Memphis Runway 9 ILS localizer W course, extending from the 7-mile radius area to 12 miles W of the OM; within 2 miles each side of the Memphis Runway 9 ILS localizer E course, extending from the 7-mile radius area to 14 miles E of the airport; within 2 miles each side of the Memphis Runway 35 ILS localizer S course, extending from the 7-mile radius area to 8 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of the Memphis Metropolitan Airport; within the area NW of Memphis, extending beyond the 36-mile radius area bounded on the N by V-140, on the E by V-9 W, on the S by V-54 N, and on the W by V-69; and within the area SE of Memphis, extending beyond the 36-mile radius area bounded on the NE by the N boundary of V-176, on the E by longitude 89°20'00" W., on the S by latitude 34°09'30" N., and on the W by the W boundary of V-9 E.

AMENDMENTS On Publ. 4/7/64 29 F.R. 4855 (Changed)

**NAS Memphis, Tenn.**
That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (latitude 35°21'15" N., longitude 89°52'10" W.), and within 2 miles each side of the NAS Memphis VOR 083° radial, extending from the 12-mile radius area to 14 miles E of NAS Memphis.

**Menominee, Mich.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Menominee County Airport (latitude 45°07'25" N., longitude 87°38'20" W.) and within 2 miles each side of the Menominee VOR 351° radial, extending from the 5-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Menominee VOR 351° and 171° radials, extending from 12 miles N to 3 miles S of the VOR.

**Mercury, Nev.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (Lat. 36°39'16" N, Long. 116°00'54" W); that airspace extending upward from 1,200 feet above the surface bounded on the E by the Las Vegas, Nev. (B), control area extension, on the N by Lat. 36°41'00" N, on the NW by a line extending from Lat. 36°41'00" N, Long. 116°26'30" W, to Lat. 36°38'30" N, Long. 116°24'00" W, to Lat. 36°37'00" N, Long. 116°27'00" W, on the W by V-105, and on the S by Lat. 36°16'00" N, excluding the portion within R-4806 and R-4808.

**Meridian, Miss.**
That airspace extending upward from 1,200 feet above the surface W and N of the Meridian NAAS bounded by a line beginning at Lat. 32°47'00" N, Long. 89°30'00" W, to Lat. 32°50'00" N, Long. 89°21'00" W, to Lat. 32°41' 30" N, Long. 88°44'00" W, to Lat. 33°03'00" N, Long. 88°57'40" W, to Lat. 33°05'40" N, Long. 88°52'40" W, thence E along a 45-mile radius arc centered at the Columbus AFB, Columbus, Miss. (Lat. 33°38'35" N, Long. 88°26'40"W), to N boundary of V-18N, thence via the north boundary of V-18N, to Long. 89°30'00"W., to the point of beginning; excluding the portion within the Meridian control area extension..

**Middle Grove, N. Y.**
That airspace extending upward from 1,200 feet above the surface within 11 miles W and 7 miles E of the Albany, N. Y., VORTAC 343° radial, extending from the N boundary of V-496 to 50 miles NW of the VORTAC.

**Midland, Tex.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), excluding the portion within a 1.5-mile radius of the Midland Airpark (latitude 32°02'00" N., longitude 102°05'55" W.); within 2 miles each side of the Midland VOR 011° radial, extending from the 8-mile radius area to 8 miles N of the VOR; within 2 miles each side of the Midland ILS localizer SE course, extending from the 8-mile radius area to the INT of the Midland VOR 128° and the Big Spring, Tex., VOR 212° radials; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31°40'00" N., longitude 101°52'30" W.; thence clockwise along the arc of a 30-mile radius circle centered on the Midland VOR; to latitude 31°37'00" N., longitude 102°25'00" W.; to latitude 31°40'00" N., longitude 102°39'30" W.; to latitude 31°33'00" N., longitude 102° 53'00" W.' to latitude 31°34'20" N., longitude 103°03'45" W.' to latitude 32°04'50" N., longitude 102°58'00" W.; to latitude 32°06'45" N., longitude 103°07'50" W.; to latitude 32°15'35" N., longitude 103°07'00" W.; to latitude 32°13'40" N., longitude 102°56'30" W.; to latitude 32°19'35" N., longitude 102°55'10" W.; to latitude 32°36'30" N., longitude 102°07'20" W.; to latitude 31°55'00" N., longitude 101°29'40" W.; to latitude 31°37'25" N., longitude 101°35'15" W.; to latitude 31°36'35" N., longitude 101°47'20" W.; to point of beginning ; and that airspace extending upward from 10,000 feet MSL within 5 miles each side of the Midland VOR 283° radial, extending W from a line between latitude 32°06'45" N., longitude 103°07'50" W., and latitude 32°15'35" N., longitude 103°07'00" W. to its INT with the Wink, Tex., VOR 322° radial; and within 5 miles each side of the Wink VOR 322° radial, extending from a line 14 miles N of and parallel to the Wink VOR 256° radial to 35 miles from the VOR.

AMENDMENTS 6/25/64 29 F.R. 5317 (Changed)

**Midway Island**
That airspace extending upward from the 700 feet above the surface within a 10-nmi radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of NAS Midway.

4/30/64 29 F. R. 2487 (ADDED)

**Miles City, Mont.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Miles City VORTAC, extending clockwise from the Miles City VORTAC 241° to the 156° radials, and within a 30-mile radius of the Miles City VORTAC, extending clockwise from the Miles City VORTAC 156° to the 241° radials.

**Milford, Utah**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (Lat. 38°25'35" N, Long. 113°00'40" W) and within 2 miles either side of the Milford VORTAC 196° radial, extending from the 5-mile radius area to 8 miles S of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford VORTAC 023° and 203° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

**Milwaukee, Wis.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of General Mitchell Field, Milwaukee, Wis. (latitude 42°56'51" N., longitude 87°53'58" W.), within 8 miles E and 5 miles W of the Milwaukee ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM, within a 5-mile radius of Horlick-Racine Airport, Racine, Wis. (latitude 42°45'35" N., longitude 87°48'55" W.), within an 8-mile radius of Timmerman Airport, Milwaukee, Wis., within 5 miles NE and 8 miles SW of the Timmerman VOR 337° radial, extending from the 8-mile radius area to 12 miles NW of the VOR, and within a 6-mile radius of Waukesha County Airport, Waukesha, Wis. (latitude 43°02'00" N., longitude 88°14'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 43°30'00" N., on the E by longitude 87°00'00" W., on the S by latitude 42°30'00" N., and on the W by longitude 88°30' 00" W. The portion within R-6903 shall be used only after obtaining prior approval from the appropriate authority.

**Minneapolis, Minn.**
That airspace E of Minneapolis extending upward from 5,000 feet MSL bounded on the N by V-78, on the SE by V-26, and on the SW by V-2N; that airspace W of Minneapolis bounded on the N by V-78, on the SE by V-148, and on the SW by V-171; and that airspace W of Farmington, Minn., bounded on the NE by V-171, on the S by V-26, and on the NW by V-148.



**Missoula, Mont.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Missoula VOR 308° radial, extending from 4 miles NW to 12 miles NW of the VOR, and within 2 miles each side of the Missoula VOR 298° radial, extending from 4 miles NW to 9 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Missoula VOR, bounded on the SW by the SW boundary of V-2, and on the E by the E boundary of V-231; within 10 miles SW and 7 miles NE of the Missoula VOR 298° and 118° radials, extending from 9 miles SE to 20 miles NW of the VOR, and within 5 miles each side of the Missoula VOR 180° radial, extending from the VOR to 12 miles S of the VOR.

**Modesto, Calif.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Modesto City-County Airport (latitude 37°37'35" N., longitude 120°57'15" W.), within 2 miles each side of the Modesto VOR 291° radial, extending from the 5-mile radius area to 8 miles W of the VOR, and within 2 miles each side of the Modesto VOR 119° radial, extending from the 5-mile radius area to 8 miles E of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120°30'00" W., on the SE by a line extending from latitude 37°38'45" N., longitude 120°30'00" W., to latitude 37°25'00" N., longitude 120°48'00" W., on the S by latitude 37°25'00" N., on the W by V-109, and on the N by a line extending from the E boundary of V-109 through latitude 37°38'00" N., longitude 121°00'35" W., to latitude 37°45'45" N., longitude 120°30'00" W.
AMENDMENTS 6/25/64 29 F.R. 4996 (Added)

**Moline, Ill.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Quad City Airport (latitude 41° 26' 55" N., longitude 90° 30' 30" W.); within 5 miles N and 8 miles S of the Quad City ILS localizer W course, extending from 1 mile E to 12 miles W of the OM; within a 5-mile radius of the Davenport, Iowa, Municipal Airport (latitude 41° 36' 40" N., longitude 90° 35' 20" W.); and within 5 miles each side of the 224° and 044° bearings from the Davenport RBN, extending from the Davenport Municipal Airport to 12 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 41° 55' 00" N., on the E by longitude 89° 50' 00" W., on the S by latitude 41° 10' 00" N., and on the W by longitude 91° 00' 00" W.
4/30/64 28 F. R. 13864 (Added);

**Molokai, Hawaii**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Molokai Airport (latitude 21° 09' 25" N., longitude 157° 05' 55" W.), and within 2 miles each side of the 356° bearing from the Molokai Airport, extending from the 5-mile radius area to 8 miles N of the airport; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15 and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21° 22' 00" N., longitude 156° 48' 00" W., thence to latitude 21° 14' 00" N., longitude 156° 31' 30" W., thence to latitude 21° 29' 00" N., longitude 156° 25' 00" W., thence to latitude 21° 31' 00" N., longitude 156° 34' 05" W., thence to latitude 21° 25' 00" N., longitude 156° 49' 30" W., thence to point of beginning.

PENDING AMENDMENT
**Monroe, La.**
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Monroe VORTAC 222° radial extending from the VORTAC to 12 miles SW, and within 5 miles NW and 8 miles SE of the Monroe ILS localizer SW course extending from 5 miles NE to 12 miles SW of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°10'00" N., longitude 92°20'00" W., to latitude 32°44'00" N., longitude 92°20'00" W., to latitude 32°49'00" N., longitude 91°50'00" W., to latitude 32°35'00" N., longitude 91°28'00" W., to latitude 32°05'00" N., longitude 91°28'00" W., to latitude 32°05'00" N., longitude 91°57'00" W., to point of beginning.

AMENDMENTS 1/7/65 29 F. R. 14523 (Added)

**Montpelier, Vt.**
That airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Montpelier VOR 200° and 020° radials, extending from 9 miles SW to 20 miles NE of the VOR, and within 10 miles E and 7 miles W of the Montpelier VOR 155° radial, extending from the VOR to 20 miles S, excluding the airspace within Federal airways.

**Montrose, Pa.**
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Wilks-Barre, Pa., VORTAC 325° radial, extending from 13 miles NW to 46 miles NW of the VORTAC, excluding the airspace within Federal airways and the Binghamton, N. Y., control area extension.

**Mormon Mesa, Nev.**
That airspace extending upward from 1,200 feet above the surface within 7 miles SE and 10 miles NW of the Mormon Mesa VORTAC 032° radial, extending from the VORTAC to 20 miles NE; and within 7 miles SE and 10 miles NW of the Mormon Mesa VORTAC 059° and 239° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

**Morristown, Tenn.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Moore-Murrell Field, Morristown, Tenn., (latitude 36°10'55" N., longitude 83°22'20" W.), and within 8 miles S and 5 miles N of the 240° bearing from latitude 36°11'00" N., longitude 83°22'00" W., extending from latitude 36°11'00" N., longitude 83°22'00" W., to 12 miles SW.

AMENDMENTS 8/20/64 29 F.R. 8163 (Added)

**Moses Lake, Wash.**
That airspace extending upward from 700 feet above the surface within a 16-mile radius of Larson AFB, Moses Lake, Wash. (latitude 47°12'35" N., longitude 119°18'50" W.), and within a 13-mile radius of the Ephrata, Wash., VOR; and that airspace extending upward from 1,200 feet above the surface within a 39-mile radius of Larson AFB; within 5 miles SW and 9 miles NE of the Larson VOR 141° radial, extending from the 39-mile radius area to V-112, excluding the airspace below 4,000 feet MSL between V-112 and V-112W; and that airspace SW of Moses Lake, extending from the 39-mile radius area, bounded on the S by latitude 46°55'00" N., on the W by longitude 120°15'00" W., and on the N by latitude 47°00'00" N.; and that airspace extending upward from 5,000 feet MSL within 5 miles each side of the Ephrata VOR 336° radial, extending from the 39-mile radius area to 44 miles NW of the VOR; excluding the portions within R-6715 and the Ellensburg, Wash., transition area.

AMENDMENTS 4/30/64 29 F.R. 3149 (Added)

**Moses Point, Alaska**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Moses Point VOR 088° radial, extending from 8 miles to 12 miles E of the VOR; and within 2 miles each side of the Moses Point RR E. course, extending from 14 miles to 17 miles E of the RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles N and 10 miles S of the Moses Point VOR 088° and 268° radials, extending from 11 miles W to 15 miles E of the VOR.

AMENDMENTS 11/12/64 29 F.R. 12822 (Rewritten);

**Mt. Clemens, Mich.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Selfridge AFB, Mt. Clemens, Mich. (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 5 miles W and 8 miles E of the Selfridge AFB ILS localizer N course, extending from 3 miles S to 12 miles N of the OM, and within 2 miles each side of the Selfridge AFB ILS localizer S course, extending from the 7-mile radius area to 11 miles S of Selfridge AFB; and that airspace extending upward from 1,200 feet above the surface bounded on the E by the United States/Canadian Border, on the W by the E boundary of VOR Federal airway No. 42 E alternate and longitude 83° 30' 00" W., and on the N by the N boundary of VOR Federal airway No. 216. The portion within R-4203 shall be used only after obtaining prior approval from appropriate authority.

PENDING AMENDMENT
**Muscle Shoals, Ala.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Muscle Shoals VOR 112° and 292° radials extending 5 miles W ane 13 miles E of the VOR, within 5 miles each side of the Muscle Shoals VOR 297° radial extending from 5 miles W to 18 miles W of the VOR, and within 8 miles W and 5 miles E of the Muscle Shoals VOR 002° radial extending from the VOR to a point 30 miles N of the VOR.

AMENDMENTS 1/7/65 29 F. R. 15074 (Added).

**Muskegon, Mich.**
That airspace extending upward from 700 feet above the surface within 8 miles northeast and 6 miles southwest of the Muskegon County Airport ILS localizer southeast course, extending from 3 miles northwest of the OM southeast to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.), and within a 4-mile radius of Grand Haven Memorial Airpark, Grand Haven, Mich., (latitude 43°02'00" N., longitude 86°11'50" W.); and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of Muskegon County Airport, including the airspace southwest of Muskegon bounded by a line beginning at latitude 42°54'35" N., longitude 86°13'00" W., extending southwest to latitude 42°45'25" N., longitude 86°23'40" W., thence northwest to latitude 42°58'50" N., longitude 86°32'30" W., thence east along the south boundary of V-216 to the 18-mile radius area.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed)

**Myton, Utah**
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Myton VOR 049° and 229° radials, extending from 9 miles SW to 20 miles NE of the VOR.



**Nantucket, Mass.**
That airspace extending upward from 2,000 feet MSL NE of Nantucket bounded on the NE by the arc of 29-mile radius circle centered at the Nantucket VORTAC, on the SE by Control 1144, and on the NW by Control 1143; SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket CONSOLAN (Monitor site at latitude 41° 15' 35" N., longitude 70° 09' 19" W.), on the N by Control 1144, and on the SW by Control 1145; and that airspace from FL 240 to FL 300 inclusive SW of Nantucket, bounded on the N by Control 1169, on the east by Control 1145, and on the S and W by the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station.

**Natchez, Miss.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hardy-Anders Field, Natchez, Miss. (latitude 31° 36' 50" N., longitude 91° 17' 55" W.) and within 2 miles each side of the Natchez VOR 012° radial extending from the 5-mile radius area to 8 miles north of the VOR: and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Hardy-Anders Field. and within 5 miles each side of the Natchez VOR 192° radial, extending from the 15-mile radius area to 23 miles south of the VOR.
12/12/63 28 F. R. 10814 (Added);Eff. date changed 2/6/64 28 F. R. 13359

**Needles, Calif.**
That airspace extending upward from 1,200 feet above the surface within a 10-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.); within 10 miles N and 7 miles S of the Needles VORTAC 092° and 272° radials, extending from 3 miles W to 20 miles E of the VORTAC; within 5 miles each side of the Needles RR N and S courses, extending from 23 miles S to 23 miles N of the RR, and within 5 miles E and 8 miles W of the Needles RR N course, extending from the 10-mile radius area to 15 miles N of the RR.

**New Orleans, La.**
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30° 06' 25" N., longitude 90° 16' 35" W.; to latitude 30° 08' 20" N., longitude 90° 02' 30" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport (latitude 30° 02' 20" N., longitude 90° 01' 25" W.); to latitude 30° 02' 20" N., longitude 89° 54' 20" W.; to latitude 29° 49' 40" N., longitude 89° 54' 20" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29° 49' 40" N., longitude 90° 01' 25" W.); to latitude 29° 44' 45" N., longitude 90° 05' 25" W.; to latitude 29° 53' 45" N., longitude 90° 20' 00" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29° 59' 25" N., longitude 90° 15' 15" W.); to point of beginning; and within 2 miles each side of the Navy New Orleans RBN 241° bearing extending from the RBN to 10 miles SW; and within 2 miles each side of the Navy New Orleans RBN 131° bearing, extending from the 7-mile radius area to 10 miles SE of the RBN; and that airspace extending upward from 1,200 feet above the surface, bounded by a line beginning at latitude 29° 33' 00" N., longitude 89° 16' 00" W.; to latitude 29° 13' 30" N., longitude 89° 51' 00" W.; to latitude 28° 57' 00" N., longitude 90° 01' 00" W.; to latitude 28° 59' 00" N., longitude 90° 15' 00" W.; to latitude 29° 11' 00" N., longitude 90° 25' 00" W.; to latitude 29° 15' 00" N., longitude 90° 25' 00" W.; to latitude 29° 15' 00" N., longitude 91° 05' 00" W.; to latitude 29° 31' 00" N., longitude 91° 05' 00" W.; to latitude 29° 31' 00" N., longitude 91° 11' 00" W.; to latitude 29° 47' 00" N., longitude 91° 11' 00" W.; to latitude 29° 53' 00" N., longitude 91° 00' 00" W.; to latitude 30° 13' 00" N., longitude 90° 57' 00" W.; to latitude 30° 17' 00" N., longitude 90° 45' 00" W.; to latitude 30° 38' 00" N., longitude 90° 48' 00" W.; to latitude 30° 38' 00" N., longitude 90° 11' 00" W.; to latitude 30° 54' 00" N., longitude 89° 35' 00" W.; to latitude 30° 41' 00" N., longitude 89° 18' 00" W.; to latitude 29° 41' 00" N., longitude 89° 18' 00" W.; thence to point of beginning; and that airspace extending upward from 3,000 feet MSL, bounded by a line beginning at latitude 29° 28' 35" N., longitude 89° 23' 50" W.; thence along the outer limits of the territorial waters of the United States to the northern boundary of Control Area 1226; thence NW along the N boundary of Control Area 1226 to latitude 29° 13' 30" N., longitude 89° 51' 00" W.; thence NE to point of beginning.

**New Philadelphia, Ohio**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the New Philadelphia Airport (latitude 40° 28' 15" N., longitude 81° 25' 10" W.).

**New River MCAF, N. C.**
That airspace extending upward from 700 feet above the surface to and including 2,000 feet MSL, within a 12-mile radius of the MCAF New River RBN, excluding the portions within R-5306A, R-5306B, R-5306C, and the Camp Lejeune, N. C., transition area.

**Norfolk, Va.**
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°10'35" N., longitude 76°17'35" W., to latitude 36°49'45" N., longitude 75°52'05" W., to latitude 36°29'25" N., longitude 76°09'40" W., to latitude 36°35'40" N., longitude 76°18'40" W., to latitude 36°54'00" N., longitude 76°27'30" W., to latitude 36°54'00" N., longitude 76°36'15" W., to latitude 37°10'30" N., longitude 76°46'00" W., to latitude 37°14'40" N., longitude 76°39'50" W., thence to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°38'15" N., longitude 77°19'15" W., to latitude 37°55'30" N., longitude 76°46'00" W., to latitude 37°38'30" N., longitude 75°31'30" W., thence S along the W boundary of W-386 and W-72 to latitude 36°19'00" N., longitude 75°44'45" W., to latitude 36°03'15" N., longitude 76°02'15" W., to latitude 36°13'25" N., longitude 76°47'30" W., thence clockwise along the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W., to the point of beginning, excluding the portions within R-4006, R-5309, R-6606, R-6609, R-5301B, W-386, and the portion below 2,000 feet MSL outside the United States. The portion within R-6610 shall be used only after obtaining prior approval from the appropriate authority.
AMENDMENTS 5/28/64 29 F.R. 4793 (Added) Amend. Alt. 29 F. R. 5825

North Hilo, Hawaii
That airspace extending upward from 1,200 feet above the surface north of Hilo, Hawaii, bounded on the south by V-1 Hawaii, and on the west, north and east by a line extending from V-1 Hawaii, through latitude 20° 30' 00" N., longitude 155° 33' 30" W.; to latitude 20° 45' 00" N., longitude 155° 43' 00" W.; thence along latitude 20° 45' 00" N.; to longitude 155° 27' 00" W.; thence through latitude 20° 27' 22" N., longitude 155° 15' 00" W., to V-1 Hawaii.

AMENDMENTS 12/12/63 28 F. R. 10813 (Added);

North Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 234° bearing from the Wings Field, Philadelphia, Pa., RBN (latitude 40° 07' 33" N., longitude 75° 17' 08" W.) extending from the RBN to 8 miles SW of the RBN, within a 7-mile radius of the North Philadelphia Airport (latitude 40° 04' 45" N., longitude 75° 00' 35" W.); within a 7-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.) and including the airspace beginning at latitude 40° 17' 40" N., longitude 75° 21' 15" W., to latitude 40° 24' 10" N., longitude 75° 09' 20" W., to latitude 40° 18' 10" N., longitude 75° 03' 50" W., to latitude 40° 22' 05" N., longitude 74° 52' 00" W., to latitude 40° 10' 30" N., longitude 74° 48' 00" W., to latitude 40° 07' 30" N., longitude 74° 53' 30" W., to latitude 40° 02' 40" N., longitude 75° 08' 00" W., to latitude 40° 04' 30" N., longitude 75° 18' 50" W., to latitude 40° 07' 00" N., longitude 75° 22' 00" W., to point of beginning.

AMENDMENTS 4/2/64 29 F. R. 2419 (Added)

Northway, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Northway RR, extending from 8 miles SE to 12 miles NW of the RR; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Northway RR, extending from 22 miles SE to 42 miles NW of the RR.

AMENDMENTS 4/2/64 29 F. R. 2419 (Rewritten)

Ogdensburg, N. Y.
That airspace extending upward from 1,200 feet above the surface within 12 miles SE and 8 miles NW of the Watertown, N. Y., VOR 033° radial, extending from 33 miles NE to 65 miles NE of the VOR, excluding the portion outside the United States, excluding the airspace within Federal airways and outside the United States.

Oklahoma City, Okla.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 35°15'30" N., longitude 97°19'00" W.; to latitude 35°23'00" N., longitude 97°14'30" W.; to latitude 35°40'30" N., longitude 97°14'30" W.; to latitude 35°40'30" N., longitude 97°28'30" W.; to latitude 35°39' 00" N., longitude 97°40'00" W.; to latitude 35°33'00" N., longitude 97°50'00" W.; to latitude 35°34'30" N., longitude 97°58'00" W.;to latitude 35°22'30" N., longitude 98°02'00" W.; to latitude 35°18'00" N., longitude 97°42'00" W.; to latitude 35°08'00" N., longitude 97°42'00" W.; to latitude 35°08'00" N., longitude 97°28'00" W.; to latitude 35°15'30" N., longitude 97°28'00" W.;and within 8 miles NW and 5 miles SE of Oklahoma City VORTAC 230° radial, extending from the VORTAC to 12 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 57-mile radius of latitude 35°25'50" N., longitude 97°35'10" W., within 6 miles SE and 9 miles NW of the Oklahoma City VORTAC 242° radial, extending from the 57-mile radius area to 52 miles SW of the VORTAC, within 6 miles S and 9 miles N of the Oklahoma City VORTAC 282° radial, extending from the 57-mile radius area to 62 miles W of the VORTAC, and within 8 miles W and 5 miles E of the 360° and 180° bearings from Searcy Field, Stillwater, Okla. (latitude 36°09'30" N., longitude 97°05'00" W.), extending from 13 miles N to 7 miles S of the airport, excluding the portion N of a line extending from latitude 35°54'00" N., longitude 98° 25'00" W., to latitude 35°48'00" N., longitude 98°18'00" W., to latitude 36°03'00" N., longitude 97°23'30" W., to latitude 36°13'25" N., longitude 97°18'20" W.

AMENDMENTS 4/30/64 29 F. R. 2932 (Added)

Olean, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Olean Municipal Airport (latitude 42°14'20" N., longitude 78°22'30" W.), and within 2 miles each side of the Olean RBN 033° bearing, extending from the 7-mile radius area to 8 miles NE of the RBN, from 0800 hours, local time, to sunset daily.

AMENDMENTS 5/28/64 29 F.R. 4853; Amend. Alt. 29 F.R. 5787 (Rewritten);

O'Neill, Nebr.
That airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the O'Neill VORTAC 273° and 093° radials, extending from 20 miles W to 9 miles E of the VORTAC.



Oshkosh, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'15" W.), and within 8 miles E and 5 miles W of the Oshkosh VOR 176° radial, extending from the 8-mile radius area to 12 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the E by V-217, on the SE by a line extending from latitude 43°41'40" N., longitude 87°58'10" W., to latitude 43°30'00" N., longitude 88°10'05" W., on the SW by a line extending from latitude 43°30'00" N., longitude 88°10'00" W., to latitude 43°52'00" N., longitude 88°59'00" W., on the W by a line extending from latitude 43°52'00" N., longitude 88° 59'00" W., to latitude 44°04'00" N., longitude 88°59'00" W., on the NW by a line extending from latitude 44° 04'00" N., longitude 88°59'00" W., to latitude 44°04'00" N., longitude 88°51'15" W., thence clockwise via the arc of a 16-mile radius circle centered at the Winnebago County Airport to latitude 44°12'00" N., longitude 88°25'30" W., thence via latitude 44°12'00" N. to the W boundary of V-217.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed)

Oswego, Kans.
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Oswego VOR 207° and 027° radials, extending from 20 miles NE to 9 miles SW of the VOR.

Otto, N. Mex.
That airspace extending upward from 1,200 feet above the surface bounded on the N. by latitude 35°14'00" N., on the E. by longitude 105°34'00" W., on the S.by latitude 34°57'25" N., and on the W. by a line extending from latitude 34°57'25" N., longitude 106°00'10" W., clockwise via the arc of an 8-mile radius circle centered at latitude 35°4'35" N., longitude 106°00'10" W., to latitude 35°11'20" N., longitude 106°01'20" W., thence N. via the arc of a 46-mile radius circle centered on the Albuquerque, N. Mex., VORTAC to latitude 35°14'00" N., longitude 106°02'05" W.

AMENDMENTS 7/25/64 29 F.R. 9533 (Rewritten)

Ottumwa, Iowa
That airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Ottumwa, Iowa, VORTAC 129° and 309° radials, extending from 5 miles NW to 12 miles SE of the VORTAC, and the airspace N of Ottumwa bounded on the N by V-6 S, and the SE by V-216 and on the SW by V-52.

Oxford, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (latitude 34°23'05" N., longitude 89°32'10" W.), and within 2 miles each side of the 257° bearing from the airport, extending from the 5-mile radius area to 8 miles W of the airport.

Palmdale, Calif.
That airspace extending upward from 1,200 feet above the surface bounded by a line extending from Lat. 35°34'30" N, Long. 116°23'30" W, thence to Lat. 35°28'35" N, Long. 116°18'45" W, thence S along Long. 116° 18'45" W to the NW boundary of V-8 N, thence along the NW boundary of V-8 N, the N boundary of V-12, the N boundary of V-137, and the E boundary of V-459 to latitude 35°36'15" N.; thence to latitude 35°37'30" N., longitude 117°47'30" W., thence to Lat. 35°40'30" N., Long. 117°47'00" W, thence to Lat. 36°05' 25" N, Long. 117°52'00" W, thence to Lat. 36°06'45" N, Long. 117°41'30" W, thence to Lat. 35°42'00" N, Long. 117°35'45" W, thence to Lat. 35°36'00" N, Long. 117°26'00" W, thence to Lat. 35°25'00" N, Long. 117°26'00" W, thence to Lat. 35°25'00" N, Long. 117°16'52" W, thence to Lat. 35°15'56" N, Long. 117°16'52" W, thence to Lat. 35°15'56" N, Long. 117°06'30" W, thence to Lat. 35°34'30" N, Long. 116°29'40" W, thence to point of beginning. The portions of this transition area within R-2502, R-2505, R-2506, R-2509, R-2515 and R-2524 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 9/17/64 29 F.R. 11115 (Changed)

Panama City, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Panama City-Bay County Airport, Panama City, Fla. (latitude 30° 12' 45" N., longitude 85° 40' 55" W.), within 2 miles either side of the Panama City VOR 328° and 090° radials, extending from the 5-mile radius zone to 8 miles northwest and east of the airport, excluding the portion within the Panama City (Tyndall AFB) control zone; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at:
Latitude 29°43'10" N., longitude 85°27'00" W.; to latitude 30°04'00" N., longitude 85°56'00" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°44'50" N., longitude 86°07'15" W.; thence along the S boundary of V-22 and the W boundary of V-7W to latitude 29°52'30" N.; to latitude 29°52'30" N., longitude 84°34'40" W.; to latitude 29°47'00" N., longitude 84°40'00" W.; to latitude 29°43'35" N., longitude 84°39'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning. The portion within R-2912A and R-2912B will be used only after obtaing prior approval from the appropriate authority.

AMENDMENTS 3/5/64 29 F. R. 1842 (Changed); 9/17/64 29 F.R. 11113 (Changed);

**Parker, Calif.**
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Parker VORTAC 071° and 251° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

**Pasco, Wash.**
That airspace extending upward from 700 feet above the surface within 5 miles SW and 9 miles NE of the Pasco VOR 312° and 132° radials, extending from 3 miles NW to 12 miles SE of the Pasco VOR, and within a 5-mile radius of the Pasco Public Airport (latitude 46°15'50" N., longitude 119°06'55" W.), excluding the portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Pasco VOR 036° and 216° radials, extending from 6 miles SW to 12 miles NE of the Pasco VOR, excluding the portion within R-6715.

AMENDMENTS 7/23/64 29 F. R. 6530 (Rewritten)

**Paso Robles, Calif.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Paso Robles VOR 332° and 342° radials, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.) to 10 miles NW of the VOR, and within 2 miles each side of the Paso Robles VOR 146° radial, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 12 miles NE and 7 miles SW of the Paso Robles VOR 326° and 146° radials, extending from 24 miles NW to 20 miles SE of the VOR. The airspace within R-2504 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 2/6/64 28 F. R. 13742 (Changed);

**NAS Patuxent River, Md.**
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the NAS Patuxent River VOR, excluding the portion NW of a line extending from latitude 38°15'00" N., longitude 76°39'20" W., to latitude 38°26'20" N., longitude 76°14'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 37°55'30" N., longitude 76°46'00" W., to latitude 37°44'40" N., longitude 75°58'05" W., to latitude 38°15'20" N., longitude 75°40'05" W., to latitude 38°16'10" N., longitude 75°42'20" W., to latitude 38°23'00" N., longitude 75°38'00" W., to latitude 38°57'00" N., longitude 75°53'00" W., to latitude 38°47'00" N., longitude 76°16'00" W., to latitude 38°14'00" N., longitude 76°46'00" W., to latitude 38°14'00" N., longitude 77°04'00" W., to point of beginning. The portions within R-4002, R-4005, R-4006, R-4007, R-4008 and R-6609 are excluded.

AMENDMENTS 6/25/64 29 F.R. 5457 (Added)

**Peach Springs, Ariz.**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Peach Springs VORTAC 074° and 254° radials, extending from 9 miles W to 20 miles E of the VORTAC.

**Pellston, Mich.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Emmet County Airport, Pellston, Mich. (latitude 45°34'40" N., longitude 84°47'40" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 7 miles SE of the Pellston VOR 047° and 227° radials, extending from 3 miles SW to 12 miles NE of the VOR, and within 8 miles NE and 5 miles SW of the 132° bearing from the Pellston RBN, extending from the 8-mile radius area to 12 miles SE of the RBN.

**Pendleton, Oreg.**
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 45°41' 30" N., longitude 118°47'24" W.; that airspace extending upward from 1,200 feet above the surface within 11 miles NE and 7 miles SW of the Pendleton VORTAC 137° radial extending from the 12-mile radius area to 39 miles SE of the VORTAC; within 10 miles SE and 7 miles NW of the Pendleton VORTAC 254° radial extending from the 12-mile radius area to 20 miles SW of the VORTAC; that airspace extending clockwise from a line 5 miles NW of and parallel to the Pendleton VORTAC 060° radial to a line 5 miles N of and parallel to the Pendleton VORTAC 090° radial extending from the 12-mile radius area to the arc of a 30-mile radius circle centered on the Pendleton VORTAC, and within 5 miles either side of the Pendleton VORTAC 090° radial extending from the 12 mile radius area to 34 miles E of the VORTAC.

**Peoria, Ill.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Peoria Airport (latitude 40° 39' 45" N., longitude 89° 41' 35" W.); within 2 miles each side of the Greater Peoria Airport ILS localizer SE course, extending from the 8-mile radius area to 8 miles SE of the OM; within 8 miles SW and 5 miles NE of the Peoria VORTAC 279° radial, extending from the 8-mile radius area to 12 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 41° 10' 10" N., on the E by longitude 88° 40' 00" W., on the S by latitude 40° 20' 00" N., and on the W by longitude 90° 00' 00" W.

AMENDMENTS 5/28/64 29 F.R. 555 (Added); 11/12/64 29 F. R. 12763 (Changed);



**Philadelphia, Pa.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Philadelphia International Airport(latitude 39° 52' 30" N., longitude 75° 14' 20" W.); within 2 miles each side of the Philadelphia International Airport ILS localizer W course, extending from the OM to 8 miles W of the OM; within a 5-mile radius of the Bridgeport, N. J., Airport (latitude 39° 47' 40" N., longitude 75° 20' 25" W.); within 2 miles each side of the 329° bearing from the Philadelphia ILS OM, extending from the OM to 8 miles NW of the OM; within 2 miles each side of the Woodstown, N. J., VOR 350° radial, extending from the VOR to 10 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40° 30' 00" N., longitude 75° 20' 30" W., to latitude 40° 30' 00" N., longitude 75° 00' 00" W., to latitude 40° 24' 20" N., longitude 75° 45' 40" W., to latitude 40° 16' 10" N., longitude 74° 39' 20" W., to latitude 40° 00' 35" N., longitude 74° 54' 35" W., to latitude 39° 53' 00" N., longitude 74° 48' 00" W., to latitude 39° 43' 00" N., longitude 74° 48' 00" W., to latitude 39° 18' 20" N., longitude 75° 36' 40" W., to latitude 39° 50' 00" N., longitude 76° 19' 40" W., to latitude 39° 50' 00" N., longitude 75° 44' 00" W., to latitude 40° 05' 00" N., longitude 75° 44' 00" W., to latitude 40° 05' 00" N., longitude 75° 25' 40" W., to latitude 40° 07' 00" N., longitude 75° 22' 00" W., to point of beginning excluding the portion within 8 miles W and 5 miles E of the 328° bearing from latitude 39° 25' 02" N., longitude 75° 08' 07" W., extending from latitude 39° 25' 02" N., longitude 75° 08' 07" W., to 12 miles NW.

AMENDMENTS 4/2/64 29 F. R. 2419 (Added)

PENDING AMENDMENT

**Phoenix, Ariz.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); within 2 miles each side of the Phoenix VORTAC 090° radial, extending from the Sky Harbor 8-mile radius area to 8 miles E of the VORTAC; within 2 miles each side of the Phoenix VORTAC 110° radial, extending from the Sky Harbor 8-mile radius area to 12 miles E of the VORTAC; within an 8-mile radius of Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.); within 2 miles each side of the Chandler TACAN 141° radial, extending from the Williams 8-mile radius area to 10 miles SE of the TACAN; and within 2 miles each side of the Chandler TACAN 123° radial, extending from the Williams 8-mile radius area to 9 miles SE of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 112°30'00" W.; thence to latitude 34°10'00" N., longitude 111°30'00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°43'00" W.; thence to the point of beginning.

AMENDMENTS 12/10/64 29 F.R. 14104 (Added); 29 F. R. 14490 (Correction)

**Picayune, Miss.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30° 31' 20" N., longitude 89° 42' 25" W.), and within 2 miles each side of the Picayune VOR 332° radial, extending from the 5-mile radius area to 8 miles NW of the VOR.

AMENDMENTS 1/9/64 28 F. R. 11613 (Added);

**Pierre, S. Dak.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Pierre Municipal Airport (latitude 44° 22' 50" N., longitude 100° 17' 15" W.), within 2 miles each side of the Pierre VOR 077° radial, extending from the 8-mile radius area to 12 miles E of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4 miles E and 3 miles W of the Pierre VOR 357° radial, extending from the VOR to 8 miles N of the VOR, within 1 mile N and 5 miles S of the Pierre RBN 101° bearing, extending from the RBN to 12 miles E of the RBN, and within the area east of the Pierre VOR bounded on the N by a line 5 miles N of, and parallel to, the Pierre VOR 057° radial, on the E by the arc of a 30-mile radius circle centered on the Pierre VOR, and on the S by a line 5 miles S of, and parallel to, the Pierre VOR 077° radial.

AMENDMENTS 4/2/64 29 F.R. 555 (Added);

**Pike, Ark.**
That airspace extending upward from 1,200 feet above the surface within 12 miles SE and 8 miles NW of the Texarkana, Ark., VORTAC 033° radial, extending from 10 miles NE to 22 miles SW of the INT of the Texarkana VORTAC 033° and the El Dorado, Ark., VORTAC 317° radials.

**Pittsburgh, Pa.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greater Pittsburgh Airport (latitude 40° 29' 35" N., longitude 80° 14' 25" W.); within an 8-mile radius of Allegheny County Airport, Pittsburgh, Pa. (latitude 40° 21' 15" N., longitude 79° 55' 40" W.), and the airspace within tangent lines extending from the Greater Pittsburgh 8-mile radius area to the Allegheny County 8-mile radius area; within 2 miles each side of the Greater Pittsburgh Runway 10-R-ILS localizer W course, extending from the Greater Pittsburgh 8-mile radius area to 8 miles W of the Clinton, Pa., RBN; within 2 miles each side of the 272° bearing from the Greater Pittsburgh Runway 10-L-ILS OM, extending from the Greater Pittsburgh 8-mile radius area to 8 miles W of the OM, and within 2 miles each side of the Allegheny RBN 257° bearing, extending from the Allegheny County 8-mile radius area to 8 miles W of the RBN; and that airspace extending upward from 1,200 feet, above the surface within a 37-mile radius of the Imperial, Pa., VORTAC, extending clockwise from the 249° to the 202° radials; within a 60-mile radius of the Imperial VORTAC, extending clockwise from the 202° to the 249° radials, excluding the portion N of a line extending from latitude 40° 56' 40" N., longitude 80° 36' 00" W., to latitude 40° 57' 00" N., longitude 80° 30' 00" W., to latitude 41° 01' 00" N., longitude 80° 08' 00" W.

AMENDMENTS 2/6/64 28 F. R. 12339 (Added); 9/17/64 29 F.R. 10502 (Changed);

**Plainview, Tex.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Plainview VOR 354° and 174° radials, extending from 7 miles S to 13 miles N of the VOR; within 8 miles SE and 5 miles NW of the Plainview VOR 214° and 034° radials, extending from 7 miles NE to 13 miles SW of the VOR; and within 8 miles W and 5 miles E of the Plainview VOR 006° and 186° radials, extending from 7 miles S to 13 miles N of the VOR.

**Pocatello, Idaho**
That airspace extending upward from 700 feet above the surface within 5 miles SE and 4 miles NW of the Pocatello ILS localizer NE course, extending from the arc of a 5-mile radius circle centered on the Pocatello Municipal Airport (latitude 42°54'35" N., longitude 112°35'25" W.), to 8 miles NE of the OM; within the area bounded on the W by a line 2 miles W of and parallel to the Pocatello VOR 015° radial, on the SE by a line 4 miles NW of and parallel to the Pocatello ILS localizer NE course, on the NE by the arc of a 13-mile radius circle centered on the Pocatello VOR, and on the S by the arc of a 5-mile radius circle centered on the Pocatello Municipal Airport; and that airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Pocatello VOR 167° radial, extending from the VOR to 18 miles S of the VOR; within 9 miles N and 8 miles S of the Pocatello VOR 252° radial, extending from the VOR to 18 miles SW of the VOR, and within 6 miles SE and 10 miles NW of the Pocatello VOR 045° radial, extending from the VOR to 27 miles NE of the VOR.

AMENDMENTS 6/25/64 29 F.R. 5317 (Rewritten)

**Point Reyes, Calif.**
That airspace extending upward from 1,200 feet above the surface N of Point Reyes bounded on the NE and E by V-27, on the SW by V-137, and on the W by V-199; and W of Point Reyes bounded on the E by V-199; on the S by Control 1173, on the W by a line extending from latitude 38°02'35" N., longitude 123°14'25" W. to latitude 38°17'30" N., longitude 123°16'45" W., to latitude 38°25'30" N., longitude 123°23'00" W., to 38° 43'30" N., longitude 123°23'15" W., and on the N by latitude 38°43'30" N.

Ponca City, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.) within 2 miles each side of the Ponca City VORTAC 289° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an 8-mile radius of the Ponca City Municipal Airport; within 8 miles SE and 5 miles NW of the 225° bearing from the Ponca City RBN, extending from the 8-mile radius area to 13 miles SW of the RBN; within 8 miles SW and 5 miles NE of the Ponca City VORTAC 289° radial, extending from the 8-mile radius area to 13 miles NW of the VORTAC, and within 8 miles W and 5 miles E of the 359° bearing from the Ponca City RBN, extending from the RBN to 16 miles N of the RBN.

AMENDMENTS 4/2/64 29 F.R. 2306 (ADDED)

**Pontiac, Mich.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.) and within 2 miles each side of the Pontiac VOR 271° radial, extending from the 7-mile radius area to 8 miles W of the VOR.

**Portage, Alaska**
That airspace extending upward from 1,200 feet above the surface within 15 miles SW and 23 miles NE of the 122° and 302° bearings from the Portage RBN, extending from 20 miles NW to 40 miles SE of the RBN.

**Portal, Ariz.**
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Cochise, Ariz., VOR 096° radial, extending from 20 miles E to 56 miles E of the VOR.



Port Angeles, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the CGAS Port Angeles (Lat. 48°08'30" N, Long. 123°24'45" W), and that airspace extending upward from 1,200 feet above the surface bounded on the N by the United States/Canadian border, on the E by A-1, on the S by Lat. 48°03'00" N and on the W by Long. 123°35'00" W.

Port Huron, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Clair County Airport, Port Huron, Mich. (latitude 42° 54' 45" N., longitude 82° 31' 35" W.), and within 5 miles SW and 8 miles NE of the 152° bearing from St. Clair County Airport, extending from the airport to 16 miles SE of the airport, excluding the portion outside the United States.

Pratt, Kansas
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pratt Municipal Airport (latitude 37° 42' 10" N., longitude 98° 44' 55" W.), within 2 miles each side of the 352° bearing from Pratt Municipal Airport, extending from the 6-mile radius area to 8 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 352° bearing from Pratt Municipal Airport, extending from the airport to 12 miles N of the airport, within 5 miles each side of the 352° bearing from Pratt Municipal Airport, extending from the airport to 17 miles N of the airport, and within 5 miles each side of the 272° bearing from Pratt Municipal Airport, extending from the airport to 8 miles W of the airport.

AMENDMENTS 4/2/64 29 F. R. 1844 (Added)

Prescott, Ariz.
That airspace extending upward from 700 feet above the surface within 2 miles SW and 3 miles NE of the Prescott VORTAC 303° and 123° radials, extending from 1 mile SE to 8 miles NW of the VORTAC, and within 3 miles SW and 2 miles NE of the 157° and 337° bearings from the Prescott RBN, extending from 1 mile SE to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Prescott VORTAC, extending from a line 5 miles W of and parallel to the 337° bearing from the Prescott RBN clockwise to a line 5 miles W of and parallel to the Prescott VORTAC 159° radial; within a 12-mile radius of the Prescott VORTAC, extending from a line 5 miles W of and parallel to the Presoctt VORTAC 159° radial clockwise to a line 5 miles W of and parallel to the 337° bearing from the Prescott RBN; within 5 miles each side of the 337° bearing from the Prescott RBN, extending from the 20-mile radius area to 25 miles NW of the RBN.

AMENDMENTS 8/20/64 29 F.R. 8261 (Changed)

Preston, Minn.
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Rochester, Minn., VOR 105° radial, extending from 20 miles to 42 miles E of the VOR.

Priest, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-107, on the S by latitude 35° 55' 00" N., and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V-25 E, and on the N by V-111, excluding the portion within the Lemoore, Calif., transition area.

AMENDMENTS 1/9/64 28 F. R. 12341 (Rewritten); Alteration of Amend. (Date Changed) 2/6/64 28 F. R. 13769

Princeton, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Princeton Airport (latitude 45°12'05" N., longitude 67°34'00" W.); and within 2 miles each side of the Princeton VOR 143° radial, extending from the 5-mile radius area to the VOR.

AMENDMENTS 4/30/64 29 F.R. 2931 (Added)

Promontory Point, Utah
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Ogden, Utah, VOR 316° radial, extending from 35 to 67 miles NW of the Ogden VOR.

**Providence, R. I.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Theodore Francis Green Airport, Providence, R. I., (latitude 41°43'30" N., longitude 71°25'48" W.), within 2 miles each side of the Providence ILS localizer NE course, extending from the 8-mile radius area to the intersection of the Putnam, Conn., VORTAC 106° radial, within 5 miles SE and 8 miles NW of the Providence ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM, within a 12-mile radius of NAS Quonset Point, R. I., (latitude 41°35'55" N., longitude 71°24'50" W.), within a 7-mile radius of the New Bedford, Mass., Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the OM, within a 5-mile radius of the Fall River, Mass., Municipal Airport (latitude 41°45'15" N., longitude 71°06'40" W.), and within 2 miles each side of the 028° bearing from latitude 41°45'15" N., longitude 71°06'55" W., extending from the Fall River Municipal Airport 5-mile radius area to 8 miles NE of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°12'45" N., longitude 70°42'30" W.; to latitude 41°07'10" N., longitude 71°09'00" W.; to latitude 41°05'15" N., longitude 71°22'05" W.; to latitude 41°03'35" N., longitude 71°31'40" W.; to latitude 41°00'35" N., longitude 72°05'00" W., thence to latitude 41°18'00" N., longitude 72°30'30" W.; to latitude 41°40'00" N., longitude 72°08'00" W.; to latitude 41°55'00" N., longitude 71°59'00" W.; to latitude 41°47'45" N., longitude 71°46'40" W.; thence clockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°56'35" N., longitude 71°26'00" W.; to latitude 42°04'00" N., longitude 71°19'00" W.; to latitude 41°53'30" N., longitude 70°56'30" W.; to latitude 41°42'00" N., longitude 70°48'00" W.; to latitude 41°21'00" N., longitude 70°48'00" W.; to the point of beginning.

AMENDMENTS 10/15/64 29 F.R. 11836 (Added)

**Pullman, Mich.**
That airspace extending upward from 1,200 feet above the surface within the area bounded on the N by V-308, on the E by longitude 86°36'00" W., on the SE by V-193, on the SW by the South Bend, Ind., VORTAC 314° radial and on the W by longitude 87°01'00" W.

**Quantico, Va.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of MCAS Quantico, Va. (latitude 38°30'10" N., longitude 77°18'20" W.) and within 3 miles W and 2 miles E of the Brooke, Va., VORTAC 011° and 191° radials, extending from the 8-mile radius area to 2 miles S of the VORTAC. The portion of this transition area within R-6608 may be used only after obtaining prior approval from appropriate authority.

**Quincy, Ill.**
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Quincy ILS localizer SW course, extending from 4 miles NE to 12 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), and within 7 miles NW and 8 miles SE of the Quincy VORTAC 214° radial, extending from the 12-mile radius area to 12 miles SW of the VORTAC.

**Rantoul, Ill.**
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Chanute AFB, and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°45'00" N., on the east by longitude 87°23'00" W., on the S by a line extending from latitude 40°07'00" N., longitude 87°23'00" W., to longitude 88°00'00" W., and the N boundary of V-50, thence via the N boundary of V-50 to longitude 88°40'00" W., and on the west by longitude 88°40'00" W.,
excluding the airspace within the Decatur, Ill., transition area.

AMENDMENTS 5/28/64 29 F.R. 3356 (Added); 10/15/64 29 F.R. 11527 (Changed);

**Rawlins, Wyo.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 086° and 262° bearings from the Sinclair, Wyo., RBN, extending from the arc of a 5-mile radius circle centered on the Rawlins Municipal Airport (latitude 41°48' 15" N., longitude 107°12'05" W.) to 8 miles E of the RBN, and within 2 miles each side of the 272° bearing from the Sinclair RBN, extending from the arc of a 5-mile radius circle centered on the Rawlins Airport to the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 9 miles S of the 086° and 262° bearings from the Sinclair RBN, extending from 12 miles E to 18 miles W of the RBN.

AMENDMENTS 7/23/64 29 F.R. 9893 (Rewritten)

**Readsville, Mo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Readsville VOR 280° and 100° radials, extending from 20 miles W to 9 miles E of the VOR.



**Red Bluff, Calif.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40° 30' 35" N., longitude 122° 17' 30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40° 30' 00" N., longitude 122° 22' 35" W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC; within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles NW of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, and within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC.

AMENDMENTS 2/6/64 28 F. R. 12925 (Added);

**Redwood Falls, Minn.**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Redwood Falls Municipal Airport (latitude 44° 32' 45" N., longitude 95° 04' 50" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the Redwood Falls VOR 023° and 203° radials, extending from 4 miles N to 12 miles S of the VOR.

AMENDMENTS 4/2/64 29 F.R. 556 (Rewritten);

**Reno, Nev.**
That airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Reno VOR, excluding the portions W of longitude 120°19'00" W., E of longitude 119°00'00" W., and within R-4805; and that airspace SW of Reno within 22 miles N and 13 miles S of the Lake Tahoe, Calif., VOR 090° and 270° radials, extending from 7 miles E to 35 miles W of the VOR.

**Rewey, Wis.**
That airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Rewey VOR 123° and 299° radials, extending from 20 miles SE to 20 miles NW of the VOR.

**Rhinelander, Wis.**
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Rhinelander VOR, and within a 5-mile radius of the Drott Airport (Lat. 45°30'45" N, Long. 89°33'35" W).

**Richmond, Ind.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Richmond Municipal Airport (latitude 39°45'20" N., longitude 84°50'30" W.); within 2 miles each side of the Richmond VOR 045° radial, extending from the 6-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the Richmond VOR 243° radial, extending from the 6-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the 234° bearing from the Richmond RBN, extending from the 6-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 39°10'00" N., longitude 85°39'00" W., to latitude 39°30'00" N., longitude 85°39'00" W., to latitude 39°30'00" N., longitude 85°30'00" W., to latitude 40°00'00" N., longitude 85°30'00" W., to latitude 40°00'00" N., longitude 84°58'00" W., to latitude 40°10'00" N., longitude 85°05'45" W., to latitude 40°10'00" N., longitude 85°00'00" W., to latitude 39°40'00" N., longitude 84°25'00" W., to latitude 39°12'00" N., longitude 85°30'00" W., to point of beginning.

AMENDMENTS 8/20/64 29 F.R. 8141 (Added)

**Richmond, Va.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Byrd Field (latitude 37°30'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 136° radial, extending from the 8-mile radius area to 12 miles SE of the VOR; within 5 miles NW and 9 miles SE of the Richmond ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 38°30'00" N., longitude 77°44'00" W.; to latitude 38°24'00" N., longitude 77°29'00" W.; to latitude 38°05'00" N., longitude 77°35'00" W.; to latitude 38°01'00" N., longitude 77°15'00" W.; to latitude 38°14'00" N., longitude 77°04'00" W.; to latitude 37°55'30" N., longitude 76°46'00" W.; to latitude 36°38'15" N., longitude 77°19'15" W.; to latitude 36°33'00" N., longitude 77°57'00" W.; to latitude 36°33'00" N., longitude 78°43'00" W.; to latitude 37°00'00" N., longitude 78°38'00" W.; to the point of beginning, excluding the portion within R-6602.

AMENDMENTS 5/28/64 29 F.R. 3469 (Added)

**Richwoods, Mo.**
That airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the Richwoods VOR 230° and 050° radials, extending from 7 miles NE to 13 miles SW of the VOR.

**Riverton, Wyo.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 2 miles each side of the Riverton VOR 121° radial extending from the 5-mile radius area to 8 miles SE of the VOR, and within 2 miles each side of the Riverton VOR 291° radial extending from the 5-mile radius area to 8 miles NW of the VOR; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Riverton VOR, and within 10 miles E and 7 miles W of the Riverton VOR 016° radial extending from the 20-mile radius area to 38 miles N of the VOR.

**Rochester, N. Y.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rochester-Monroe County Airport (latitude 43°07'20" N., longitude 77°39'55" W.); within 8 miles N and 5 miles S of the Rochester ILS localizer E course, extending from the Rochester-Monroe County Airport to 12 miles E of the OM; within 5 miles each side of the Rochester VOR 125° radial, extending from the 7-mile radius area to the INT of the Rochester VOR 125° and the Geneseo, N. Y., VORTAC 061° radials; within 2 miles each side of the Rochester VOR 168° radial, extending from the 7-mile radius area to 8 miles S of the VOR; and within 8 miles S and 5 miles N of the Rochester VOR 280° and 100° radials, extending from the Rochester-Monroe County Airport to 12 miles W; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from: latitude 43°24'00" N., longitude 76°53'00" W., to latitude 42°57'00" N., longitude 76°57'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 43°24'00" N., longitude 77°55'00" W., to point of beginning.

AMENDMENTS 5/28/64 29 F.R. 4853 (Added)

**Rockaway, Oreg.**
That airspace extending upward from 19,500 feet MSL bounded on the E by the continental control area, and on the S, W, and NW by a line extending from the boundary of the continental control area through latitude 45°24'00" N., longitude 124°13'00" W., to latitude 45°36'00" N., longitude 124°28'00" W., to latitude 45°44'00" N., longitude 124°28'00" W., through latitude 45°55'00" N., longitude 124°15'00" W., to the boundary of the continental control area, excluding the airspace within Federal airways.

**Rockford, Ill.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 8 miles E and 5 miles W of the Rockford ILS localizer S course, extending from the Greater Rockford Airport to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°45'00" N., on the E by longitude 88°30'00" W., on the S by latitude 41°55'00" N., and on the W by longitude 89°55'00" W.

**Rockland, Maine**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rockland Airport (latitude 44°03'40" N., longitude 69°06'05" W.); within 2 miles each side of the 192° bearing from the Rockland RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the 292° bearing from the Rockland Airport, extending from the 5-mile radius area to 7 miles W of the airport; and within 2 miles each side of the 332° bearing from the Rockland Airport, extending from the 5-mile radius area to 7 miles NW of the airport.

AMENDMENTS 4/30/64 29 F.R. 2931 (Added)

**Rock Springs, Wyo.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Rock Springs ILS localizer E course, extending from 6 miles to 12 miles E of the OM; within 1 mile N and 5 miles S of the Rock Springs VORTAC 097° radial, extending from the arc of a 5-mile radius circle centered on Rock Springs Municipal Airport (latitude 41° 35' 45" N., longitude 109° 04' 00" W.), to 14 miles E of the VORTAC, and within 2 miles each side of the Rock Springs VORTAC 259° radial, extending from the arc of a 5-mile radius circle centered on Rock Springs Municipal Airport to 10 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 7 miles N and 11 miles S of the Rock Springs VORTAC 079° and 259° radials, extending from 20 miles E to 20 miles W of the VORTAC, and that airspace within a 23-mile radius of the Rock Springs VORTAC, extending clockwise from a line 5 miles NW of and parallel to the Rock Springs VORTAC 026° radial to a line 5 miles S of and parallel to the VORTAC 097° radial.

AMENDMENTS 2/6/64 28 F. R. 13358 (Added);

**Rockwood, Tenn.**
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Fowler Field (latitude 35°55'15" N., longitude 84°41'25" W.), and within 8 miles SW and 5 miles NE of the 120° bearing from latitude 35°55'17" N., longitude 84°41'27" W., extending from the 10-mile radius area to 12 miles SE of latitude 35°55'17" N., longitude 84°41'27" W., excluding the portion bounded on the NE by a line 8 miles SW of and parallel to the 120° bearing from latitude 35°55'17" N., longitude 84°41'27" W., and on the NW by a line 16 miles NW of and parallel to the Chattanooga, Tenn., VORTAC 037° radial.

AMENDMENTS 8/20/64 29 F. R. 8163 (Added); On Publ. 11/7/64 29 F. R. 15075 (Changed);



**Rocky Point, Alaska**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the 255° bearing from the Kodiak, Alaska, RR, extending from 18 miles E to 8 miles W of the INT of the 255° bearing from the Kodiak RR and the 132° bearing from the King Salmon, Alaska, RR.

**Rome, Ga.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Russell Field, Rome, Ga. (latitude 34°21'00" N., longitude 85°09'30" W.), within 2 miles each side of the Rome VOR 349° radial, extending from the 8-mile radius area to the VOR; within 2 miles each side of the 165° bearing from the Rome RBN, extending from the 8-mile radius area to 8 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the N. by latitude 34°37'00" N., on the E. by longitude 85°00'00" W., on the S. by latitude 33°59'00" N., and on the W. by longitude 85°21'00" W. excluding the portion which coincides with the Atlanta, Ga., transition area.

**Roseburg, Oreg.**
That airspace extending upward from 1,200 feet above the surface within 7 miles E and 10 miles W of the Roseburg VOR 175° and 355° radials extending from 20 miles N to 12 miles S of the VOR.

**Roswell, N. Mex.**
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33° 06' 00" N., longitude 104° 50' 00" W., to latitude 33° 23' 00" N., longitude 104° 50' 00" W., to latitude 33° 34' 00" N., longitude 104° 40' 00" W., to latitude 33° 34' 00" N., longitude 104° 25' 00" W., to latitude 33° 37' 00" N., longitude 104° 20' 00" W., to latitude 33° 26' 00" N., longitude 104° 07' 00" W., to latitude 33° 09' 00" N., longitude 104° 12' 00" W., to latitude 33° 02' 00" N., longitude 104° 30' 00" W., to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32° 40' 38" N., longitude 104° 58' 25" W., to latitude 32° 50' 40" N., longitude 105° 15' 00" W., to latitude 32° 58' 00" N., longitude 105° 09' 00" W., to latitude 33° 41' 30" N., longitude 105° 09' 00" W., thence clockwise via the arc of a 45-mile radius circle centered on Walker AFB, Roswell, N. Mex., (latitude 33° 18' 05" N., longitude 104° 31' 20" W.) to latitude 33° 32' 00" N., longitude 103° 47' 35" W., to latitude 33° 04' 00" N., longitude 103° 48' 00" W.; thence clockwise via the arc of a 45-mile radius circle centered on Walker AFB to latitude 32° 44' 00" N., longitude 104° 54' 20" W., thence to point of beginning; and that airspace extending upward from 8,500 feet MSL within 5 miles each side of the Roswell VOR 350° radial, extending from the 45-mile radius area to 63 miles N of the Roswell VOR; within 5 miles each side of the Walker AFB TACAN 348° radial, extending from the 45-mile radius area to 67 miles N of the Walker TACAN; within 5 miles each side of the Roswell VOR 007° radial, extending from the 45-mile radius area to 69 miles N of the Roswell VOR; within 5 miles each side of the Roswell VOR 060° radial, extending from the 45-mile radius area to 64 miles NE of the Roswell VOR; within 5 miles each side of the Walker TACAN 192° radial, extending from the 45-mile radius area to 63 miles S of the Walker TACAN, and within 5 miles each side of the Roswell VOR 186° radial, extending from the 45-mile area to 65 miles S of the Roswell VOR. The portion of this transition area within 5 miles each side of the Roswell VOR 060° radial, extending from the 45-mile radius area to 64 miles NE is excluded from Federal airways.

AMENDMENTS 2/6/64 28 F. R. 12925 (Added);

**Russell, Kans.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Russell Municipal Airport (latitude 38°52'25" N., longitude 98°48'45" W.),and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Russell VOR 007° and 187° radials, extending from 1 mile S to 12 miles NE of the VOR.

AMENDMENTS 9/17/64 29 F.R. 7313 (Added)

**Saginaw, Mich.**
That airspace extending upward from 1,200 feet above the surface, within a 14-mile radius of Tri-City Airport (latitude 43°31'54" N., longitude 84°04'54" W.), within 10 miles SW and 6 miles NE of the Saginaw VOR 317° radial, extending from the 14-mile radius area to 37 miles NW of the VOR, and within the area bounded on the N by latitude 43°36'00" N., and the 14-mile radius area, on the NE by the NE boundary of V-216, on the E by longitude 83°30'00" W, on the S by latitude 43°16'00" N., and on the W by longitude 84°25'00" W.

**St. Clairsville, Ohio**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alderman Field, St. Clairsville, Ohio (latitude 40° 03' 25" N., longitude 80° 57' 55" W.), and within 2 miles each side of the Bellaire, Ohio, VOR 291° radial, extending from the 5-mile radius area to the VOR.

AMENDMENTS 2/6/64 28 F. R. 12339 (Added)

**St. Johns, Ariz.**
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the St. Johns VORTAC 067° and 247° radials, extending from 9 miles NE to 20 miles SW of the VORTAC.

**St. Joseph, Mo.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 5 miles E and 8 miles W of the St. Joseph ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM; and that airspace extending upward from 1200 feet above the surface bounded by a line extending from the INT of the S boundary of V-216 and the W boundary of V-13 SW along V-13 to latitude 39°44'00" N.; to latitude 39°44'00" N., longitude 94°43'20" W.; to latitude 39°30'00" N., longitude 94°49'00" W.; to latitude 39°30'00" N., longitude 95°09'00" W.; thence N along longitude 95°09'00" W. to its INT with the arc of a 20-mile radius circle centered at the Rosecrans Memorial Airport; thence clockwise along this arc to the W boundary of V-205; thence N along the W boundary of V-205 to the S boundary of V-216; thence E along the S boundary of V-216 to point of beginning; and that airspace N of St. Joseph bounded on the E by a line 5 miles NE of and parallel to the Neola, Iowa, VORTAC 142° radial, on the S by V-216 and on the W by V-15.

AMENDMENTS 4/30/64 29 F.R. 2999 (Changed); 9/17/64 29 F.R. 10502 (Changed);

**St. Louis, Mo.**
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 5 miles SE and 8 miles NW of the Lambert-St. Louis Municipal Airport ILS localizer NE course, extending from the 10-mile radius area to 12 miles NE of the OM, within a 5-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'28" N., longitude 90°03'02" W.), within 2 miles each side of the 009° bearing from the Civic Memorial Airport, extending from the 5-mile radius area to 7 miles N of the airport, and within 5 miles S and 8 miles N of the 103° bearing from the Civic Memorial Airport, extending from the airport to 12 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport, within 6 miles SW and 9 miles NE of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles NW of the VORTAC, within a 40-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 5 miles W and 8 miles E of the 009° bearing from Civic Memorial Airport, extending from the airport to 19 miles N of the airport, excluding the airspace within the Vandalia, Ill., transition area and the portion within a 13-mile radius of the Centralia, Ill., VOR.
AMENDMENTS 8/20/64 29 F.R. 5388 (Changed)

**St. Thomas, Pa.**
That airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the St. Thomas VOR 251° and 067° radials, extending from 20 miles SW to 20 miles NE of the VOR, excluding the portion within R-5801 and R-5803, and the portion within the Washington, D. C. control area extension.

**Salina, Kans.**
That airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Schilling AFB, Salina, Kans., (Lat. 38°47'30" N, Long. 97°38'45" W); that airspace extending upward from 3,500 feet MSL in the area N of Salina, bounded on the E by the Emporia, Kans., VORTAC 346° radial, on the S by the N boundary of V-4 and the 286° radial of the Salina VORTAC, on the W by Long. 98°30'00" W., and on the N by V-216; and that airspace S of Salina bounded on the E by Long. 97°00'00" W, on the S by V-280 E of the Hutchinson, Kans., VORTAC and V-132 W of the Hutchinson VORTAC on the W by Long. 98°45'00" W, and on the N by V-4 W of the Salina VORTAC and V-4 S alternate E of the Salina VORTAC, excluding the portion within 25 miles of the Hutchinson RBN and the portions within the Manhattan, Kans., transition area, and within V-73 more than 25 miles from Schilling AFB. The portions of this transition area within R-3601 shall be used only after obtaining prior approval from the appropriate authority.
AMENDMENTS 4/30/64 29 F.R. 3356 (Changed) 6/25/64 29 F.R. 5540 (Changed)

**Salisbury, Md.**
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Salisbury VOR 027° and 207° radials, extending from 9 miles SW to 20 miles NE of the VOR, excluding the portion within R-4006 and excluding the airspace within Federal airways.

**Samsville, Ill.**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Samsville VOR 266° and 086° radials, extending from 20 miles W to 9 miles E of the VOR.

**San Angelo, Tex.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field, San Angelo, Tex. (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 8-mile radius area to 8-miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31°40'00" N., longitude 100°39'30" W.; to latitude 31°59'30" N., longitude 100°13'20" W.; to latitude 31°53'15" N., longitude 100°05'30" W.; to latitude 31°33'40" N., longitude 100°11'45" W.; to latitude 31°12'20" N., longitude 99°41'15" W.; to latitude 30°49'45" N., longitude 100°12'45" W.; to latitude 30°47'15" N., longitude 100°22'15" W.; to latitude 31°02'40" N., longitude 100°45'55" W.; to latitude 31°28'40" N., longitude 100°59'40" W.; to latitude 31°39'00" N., longitude 101°27'20" W.; to latitude 31°50'00" N., longitude 101°22'00" W.; to point of beginning. The portion within R-6309 shall be used only after obtaining prior approval from appropriate authority.



San Diego, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33° 15' 00" N., longitude 117° 30' 30" W., to latitude 33° 15' 00" N., longitude 117° 17' 00" W., to latitude 33° 00' 00" N., longitude 117° 07' 00" W., to latitude 33° 00' 00" N., longitude 116° 51' 00" W., thence S along longitude 116° 51' 00" W., to the United States/Mexican Border, thence W along the United States/Mexican Border, and Flight Information Region Boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 33' 00" N., longitude 117° 27' 30" W., thence N to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33° 30' 00" N., longitude 117° 30' 00" W., thence to latitude 33° 30' 00" N., longitude 116° 18' 00" W., thence to latitude 33° 00' 00" N., longitude 116° 18' 00" W., thence to latitude 33° 00' 00" N., longitude 116° 05' 00" W., thence S via longitude 116° 05' 00" W., to the United States/Mexican Border, thence W via the United States/Mexican Border and Flight Information Region boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 37' 15" N., longitude 117° 31' 50" W., thence to latitude 32° 34' 45" N., longitude 117° 39' 00" W., thence to latitude 32° 49' 30" N., longitude 117° 45' 15" W., thence to latitude 32° 57' 40" N., longitude 117° 35' 00" W., thence to latitude 33° 11' 00" N., longitude 117° 48' 55" W., thence to latitude 33° 15' 00" N., longitude 117° 30' 00" W., thence N via longitude 117° 30' 00" W., to the point of beginning, excluding the portion within W-536. The portion of this transition area within R-2503 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 4/2/64 29 F. R. 1445 (Added);

**Sandusky, Ohio**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.); within 2 miles each side of the Sandusky VOR 026° and 206° radials, extending from the 5-mile radius area to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Griffing-Sandusky Airport; within a 21-mile radius of the Griffing-Sandusky Airport, bounded on the N by the 12-mile radius area on the E by the 163° bearing from the airport, and on the W by the 229° bearing from the airport; and within the area bounded on the NE by V-297, on the SE by V-232, on the SW by the 12-mile radius area, and on the NW by the 034° bearing from the Griffing-Sandusky Airport.

**San Luis Obispo, Calif.**
That airspace extending upward from 1,200 feet above the surface N of San Luis Obispo bounded on the SW by V-27, on the E by V-25 W, and on the N by a line extending from V-27 through latitude 35°30'00" N. longitude 120°56'00" W., and latitude 35°32'00" N., longitude 120°48'00" W., to V-25 W; and W of San Luis Obispo bounded on the NE by V-27 and the Lompoc, Calif., control area extension, and on the W and SW by a line extending from V-27 through latitude 35°17'00" N., longitude 121°00'00" W., to latitude 35°10'00" N., longitude 120°55'00" W., thence through latitude 35°04'00" N., longitude 120°44'30" W. to the Lompoc, Calif., control area extension.

**San Simon, Ariz.**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the San Simon VOR 089° and 269° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the portion within the Cochise, Ariz. and Portal, Ariz. transition areas.

**Santa Barbara, Calif.**
That airspace extending upward from 1,200 feet above the surface bounded on the W by V-25, on the N by V-248, on the NE by V-107, on the E by Long. 119°30'00" W, and on the S by V-12.

**Santa Catalina, Calif.**
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 117° 30' 00" W., on the S by a line extending from latitude 33° 15' 00" N., longitude 117° 30' 00" W., to latitude 33° 11' 00" N., longitude 117° 48' 55" W., to latitude 33° 18' 00" N., longitude 118° 34' 00" W., on the W by longitude 118° 34' 00" W., and on the N by latitude 33° 30' 00" N., excluding the portion within Control Area 1177. The portion of this transition area within R-2503 shall be used only after obtaining prior approval from appropriate authority.
4/2/64 29 F. R. 1445 (Added);

**Santa Fe, N. Mex.**
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.), within 2 miles each side of the Santa Fe VORTAC 165° radial, extending from the 10-mile radius area to 8 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°14'00" N., longitude 106°02'05" W.; thence counterclockwise along the arc of a 46-mile radius circle centered on the Albuquerque VORTAC; to latitude 35°37'35" N., longitude 106°24'48" W.; to latitude 35°47'00" N., longitude 106°15'00" W.; to latitude 35°47'00" N., longitude 105°50'00" W.; to latitude 35°14'00" N., longitude 105°50'00" W.; to point of beginning, excluding the portion within R-5101.

**Savannah, Ga.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Travis Field; within a 12-mile radius of Hunter AFB; within 2 miles each side of the Savannah VORTAC 065° radial, extending from the Travis Field 7-mile radius area to 8 miles NE of the VORTAC; within 2 miles each side of the Travis Field ILS localizer E course, extending from the Travis Field 7-mile radius area to 8 miles E of the INT of the ILS localizer E course and the Savannah VORTAC 179° radial; and within 2 miles each side of the Travis Field ILS localizer W course, extending from the Travis Field 7-mile radius area to the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°45'50" N., longitude 80° 30'30" W.; to latitude 32°29'30" N., longitude 80°12'00" W.; thence SW via a line 3 nautical miles from the coastline; to latitude 32°13'00" N., longitude 80°30'00" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 31°30'00" N., longitude 80°51'05" W.; thence W via latitude 31°30'00" N., to the E boundary of V-267; thence northwest via the E boundary of V-267 to latitude 31°35'00" N., thence E via latitude 31°35'00" N., to latitude 31°35'00" N., longitude 81°46'35" W.; to latitude 31°38'10" N., longitude 81°43'35" W.; thence clockwise along the arc of a 20-mile radius circle centered on Liberty AAF, Fort Stewart, Ga. (latitude 31°53' 20" N., longitude 81°33'45" W.); to latitude 32°04'10" N., longitude 81°50'00" W.; thence W via latitude 32° 04'10" N., to the E boundary of V-157; thence NE via the E boundary of V-157 to V-18; thence E via the S boundary of V-18 to V-3; thence S via the W boundary of V-3 to latitude 32°44'00" N.; thence E via latitude32°44'00" N., to latitude 32°44'00" N., longitude 80°43'25" W.; to the point of beginning; and that airspace extending upward from 2,700 feet MSL bounded on the N by latitude 32°04'10" N.; on the E by the arc of a 20-mile radius circle centered on Liberty AAF; on the SE by a line extending from latitude 31°38'10" N., longitude 81°43'35" W., through latitude 31°35'00" N., longitude 81°46'35" W.; on the S by latitude 31°35'00" N.; and on the W by V-267 and V-157.

AMENDMENTS 4/30/64 29 F.R. 3293 (Rewritten)

**Scottsbluff, Nebr.**
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Scottsbluff VORTAC 211° and 031° radials, extending from 7 miles NE to 13 miles SW of the VORTAC; within 5 miles S and 8 miles N of the Scottsbluff VORTAC 259° and 080° radials, extending from 4 miles W to 13 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Scottsbluff VORTAC.

**Searchlight, Nev.**
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Las Vegas, VORTAC 157° radial, extending from 10 miles NW to 22 miles SE of the INT of the Las Vegas VORTAC 157° and the Goffs, Calif., VOR 030° radials.

**Sedalia, Mo.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38° 43' 50" N., longitude 93° 33' 00" W.), and within 2 miles each side of Whiteman ILS localizer S course, extending from the 8-mile radius area to 8 miles S of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at longitude 93° 30' 00" W., and the south boundary of V-12, thence north via longitude 93° 30' 00" W., to the south boundary of V-4, thence east along the south boundary of V-4 to longitude 92° 31' 00" W., thence south along longitude 92° 31' 00" W., to the south boundary of V-12, thence west along the south boundary of V-12 to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman VOR, to the east boundary of V-205, thence northwest along the east boundary of V-205 to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39° 07' 20" N., longitude 94° 35' 30" W.) to the south boundary of V-12, thence east along the south boundary of V-12 to the point of beginning; and that airspace extending upward from 2,500 feet MSL bounded on the north by the south boundary of V-12, on the east by longitude 92° 31' 00" W., and the west boundary of V-63, on the south by the arc of a 25-mile radius circle centered on Springfield, Mo., Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.), on the west by the east boundary of V-205 and the arc of a 29-mile radius circle centered on the Whiteman VOR.

3/5/64 28 F. R. 13929 (Added);

**Shenandoah, Pa.**
That airspace extending upward from 1,200 feet above the surface within 12 miles S and 8 miles N of the Selinsgrove, Pa., VORTAC 083° radial, extending from 10 miles E to 43 miles E of the VORTAC, excluding the portions within Federal Airways, the New York, N. Y., control area extension and the Williamsport, Pa., transition area.

**Sheridan, Wyo.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Sheridan VORTAC 318° radial, extending from the VORTAC to 3 miles NW of the VORTAC, and within 2 miles NE and 3 miles SW of the Sheridan RBN 133° bearing, extending from the arc of a 5-mile radius circle centered on Sheridan County Airport (latitude 44° 46' 25" N., longitude 106° 58' 15" W.) to 14 miles SE of the RBN; and that airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Sheridan VORTAC 137° and 317° radials, extending from 25 miles SE to 15 miles NW of the VORTAC.

AMENDMENTS 2/6/64 28 F. R. 13358 (Added);



**Shuyak, Alaska**
That airspace extending upward from 1,200 feet above the surface within 8 miles W either side of the 167° and 347° bearings from the Shuyak RBN, extending from 13 miles N to 14 miles S of the RBN.

**Sidney, Nebr.**
That airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the Sidney VOR 261° and 081° radials, extending from 20 miles W to 9 miles E of the Sidney VOR, excluding the airspace within Federal airways.

**Sitka, Alaska**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Sitka RR SW course, extending from 2 miles SW to 8 miles SW of the RR; within 2 miles each side of the Biorka, Alaska, VORTAC 207° radial, extending from 2 miles SW to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Biorka VORTAC 027° and 207° radials, extending from 6 miles NE to 14 miles SW of the VORTAC.

**Skwentna, Alaska**
That airspace extending upward from 1,200 feet above the surface within 15 miles S and 23 miles N of the 100° and 280° bearings from the Skwentna RR, extending from 40 miles W to 13 miles E of the RR.

**Slate Run, Pa.**
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Stonyfork, Pa., VORTAC 276° radial, extending from 8 miles W to 40 miles W of the VORTAC, excluding the airspace within Federal airways.

**Spokane, Wash.**
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.); and that airspace extending upward from 1,200 feet above the surface within a 38-mile radius of Fairchild AFB, Spokane (latitude 47°36'55" N., longitude 117°39'20" W.), within a 52-mile radius of Fairchild AFB, extending clockwise from the Spokane VORTAC 024° radial to a line 5 miles S of and parallel to the Spokane VORTAC 094° radial, and clockwise from a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial to the Spokane VORTAC 300° radial; and that airspace S of Spokane extending from the 52-mile radius area bounded on the E by longitude 117°32'00" W., on the S by V-536, and on the W by V-281; that airspace extending upward from 7,000 feet MSL within the area bounded by the arcs of 38 and 52-mile radius circles centered on Fairchild AFB, extending clockwise from the Spokane VORTAC 300° to the 024° radials; and that airspace extending upward from 6,000 feet MSL within the area bounded by arcs of 38 and 52-mile radius circles centered on Fairchild AFB, extending clockwise from a line 5 miles S of and parallel to the Spokane VORTAC 094° radial to a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial, excluding the portion within a 39-mile radius of Larson AFB, Moses Lake, Wash.

AMENDMENTS 6/25/64 29 F.R. 5316 (Added)

**Springfield, Ill.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Capital Airport, Springfield, Ill.. (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the Springfield RR 214° bearing, extending from the 7-mile radius area to 12 miles SW of the RR, and within 2 miles each side of the ILS localizer SW course, extending from the 7-mile radius area to 12 miles S of the OM; and that airspace extending unward from 1,200 feet above the surface within a 26-mile radius of Capital Airport, extending clockwise from the Capital VOR 164° radial to a line 5 miles SE of and parallel to the Capital VOR 058° radial; within a 15-mile radius of the Capital VOR, extending clockwise from a line 5 miles SE of and parallel to the Capital VOR 058° radial to the Capital VOR 164° radial; that airspace extending from the 26-mile radius area bounded on the E by longitude 89°33'00" W., on the SE by V-426, on the S by the arc of a 33-mile radius circle centered on the Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the W by the W boundary of V-9W and longitude 90°10'00" W.; and that airspace W of Springfield within 6 miles N and 10 miles S of the Capital VOR 269° radial, extending from the 26-mile radius area to 45 miles W of the VOR.

AMENDMENTS 8/20/64 29 F. R. 5388 (Added)

**Springfield, Mo.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.), within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles NW of the RBN, within 5 miles W and 8 miles E of the Springfield ILS localizer S course, extending from 1 mile N to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Springfield Municipal Airport, within 9 miles N and 6 miles S of the Springfield VORTAC 058° radial, extending from the 25-mile radius area to 43 miles NE of the VORTAC, within 6 miles W and 9 miles E of the Springfield VORTAC 146° radial, extending from the 25-mile radius area to 41 miles SE of the VORTAC, within 5 miles NW and 8 miles SE of the Dogwood, Mo., VOR 053° radial, extending from the VOR to 7 miles NE of the VOR, and within 9 miles E and 6 miles W of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles SW of the VORTAC.
3/5/64 29 F. R. 132 (Added);

**Stansbury, Utah**
That airspace extending upward from 1,200 feet above the surface within 12 miles S and 8 miles N of the Salt Lake City, Utah, VORTAC 265° radial, extending from 13 miles to 45 miles W of the VORTAC.

**Stillwater, Okla.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Searcy Field, Stillwater, Okla. (latitude 36° 09' 30" N longitude 97° 05' 05" W.), and within 5 miles E and 8 miles W of the 359° bearing from the airport, extending from the airport to 12 miles N
4/2/64 29 F R 2308 (ADDED)

**Stockton, Calif.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Stockton ILS localizer SE course, extending from the OM to 1 mile NW of the OM; within 2 miles each side of the Stockton VORTAC 140° radial, extending from the VORTAC to 8 miles SE of the VORTAC, and within a 12-mile radius of the Stockton VORTAC, extending from the arc of a 5-mile radius circle centered on the Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.) clockwise from a line 2 miles SW of and parallel to the Stockton VORTAC 303° radial to a line 2 miles NE of and parallel to the Stockton VORTAC 334° radial; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120° 04' 00" W., on the SE by a line extending from latitude 37° 52' 00" N., longitude 120° 04' 00" W., to latitude 37° 38' 00" N., longitude 121° 00' 00" W., on the S by latitude 37° 38' 00" N., on the W by longitude 121° 37' 00" W., and on the N by latitude 38° 07' 00" N.

**Stonyfork, Pa.**
That airspace extending upward from 1,200 feet above the surface within 11 miles SE and 7 miles NW of the Stonyfork VORTAC 029° and 209° radials, extending from 4 miles NE to 26 miles SW of the VORTAC, and within 10 miles S and 7 miles N of the Stonyfork VORTAC 278° and 098° radials, extending from 9 miles W to 20 miles E of the VORTAC, excluding the portion within the Williamsport, Pa., transition area.

Sturgis, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Kirsch Airport, Sturgis, Mich., (latitude 41° 48' 50" N., longitude 85° 26' 10" W.), and within 8 miles NW and 5 miles SE of the 059° bearing from Kirsch Airport, extending from Kirsch Airport to 12 miles NE of the airport.

**Summit Alaska**
That airspace extending upward from 1,200 feet above the surface within 25 miles W and 16 miles E of the 187° and 007° bearings from the Summit RR, extending from 22 miles S to 42 miles N of the RR.

**Talkeetna, Alaska**
That airspace extending upward from 1,200 feet above the surface within 23 miles W and 15 miles E of the 022° and 202° bearings from the Talkeetna RBN, extending from 40 miles N to 15 miles S of the RBN, excluding the airspace within Federal airways.

**Tanana, Alaska**
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Tanana RR SW course, extending from the RR to 12 miles SW; and within 5 miles NW and 8 miles SE of the Tanana VOR 246° radial, extending from the VOR to 12 miles SW; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Tanana VOR, extending clockwise from the Tanana VOR 093° to the 280° radials, and within an 8-mile radius of the Tanana VOR, extending clockwise from the Tanana VOR 280° to the 093° radials.
AMENDMENTS 8/20/64 29 F. R. 7505 (Rewritten)

**Taunton, Mass.**
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Taunton Municipal Airport (latitude 41°52'35" N., longitude 71°01'00" W.), and within 2 miles each side of the Whitman, Mass., VOR 187° radial, extending from the 4-mile radius area to the Whitman VOR

AMENDMENTS 10/15/64 29 F.R. 11836 (Added)

**Taylor, Fla.**
That airspace southwest of Taylor extending upward from 2,500 feet MSL bounded on the N by V-22, on the E by V-157 and on the SW by V-159.

**Terre Haute, Ind.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hulman Field, Terre Haute, Ind. (latitude 39°27'05" N., longitude 87°18'30" W.); within 2 miles each side of the Terre Haute ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM; within 2 miles each side of the 198° bearing from the Terre Haute LOM, extending from the 7-mile radius area to 8 miles S of the LOM; and within 5 miles SE and 10 miles NW of the Terre Haute VOR 051° radial, extending from the VOR to 13 miles NE.



**The Dalles, Oreg.**
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of The Dalles VORTAC 096° and 276° radials, extending from 9 miles W to 20 miles E of the VORTAC, excluding the airspace within Federal airways.

**Thurman, Colo.**
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Thurman VOR 100° and 280° radials, extending from 20 miles E to 9 miles W of the VOR.

PENDING AMENDMENT
Toccoa, Georgia
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Toccoa, Ga., Airport (latitude 34°35'35" N., longitude 83°17'45" W.); within 2 miles each side of the 180° and 360° radials of the Toccoa VOR extending from the 4-mile radius area to 6 miles N of the VOR; including that airspace extending upward from 1200 feet above the surface 5 miles W and 8 miles E of the 360° radial of the Toccoa VOR extending from the VOR to 12 miles N of the VOR.

AMENDMENTS 1/7/65 29 F. R. 14786 (Added)

**Tonopah, Nev.**
That airspace extending upward from 700 feet above the surface within 5 miles W and 3 miles E of the Tonopah VOR 352° and 172° radials, extending from 9 miles N to 2 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Tonopah VOR, excluding the portions within R-4807 and R-4809.

**Topeka, Kans.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Philip Billard Airport, Topeka, Kans. (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 039° radial, extending from the 7-mile radius area to 8 miles NE of the VORTAC, within 5 miles SW and 8 miles NE of the Philip Billard Airport ILS localizer NW course, extending from 3 miles SE to 12 miles NW of the OM; within a 7-mile radius of Forbes AFB, Topeka, Kans. (latitude 38°57'10" N., longitude 95°39'50" W.), and within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 7-mile radius area to 9 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°22'30" N., longitude 96°02'00" W., thence SE along a line 8 miles NE of and parallel to the Emporia, Kans., VORTAC 134° radial to the S boundary of V-10, thence NE along the S boundary of V-10 to laltidue 38°53'00" N., longitude 95°05'10" W., thence NW to latitude 38°59'00" N., longitude 95°12'20" W., thence N to latitude 39°30'00" N., longitude 95°09'00" W., thence N along longitude 95°09'00" W., to the arc of a 20-mile radius circle centered on the Rosecrans Memorial Airport, St. Joseph, Mo. (latitude 39°46'23" N., longitude 94°54'31" W.), thence clockwise along the arc of the 20-mile radius circle to the W boundary of V-77, thence SW along the W boundary of V-77 to the arc of a 28-mile radius circle centered on the Philip Billard Airport, thence counterclockwise along the arc of the 28-mile radius circle to longitude 95°45'00" W., thence NW to latitude 39°40'00" N., longitude 95°57'00" W., thence SW to latitude 39°26'50" N., longitude 96°30'50" W., thence SE along the Emporia VORTAC 346° radial to the arc of a 23-mile radius circle centered on Marshall AAF, Fort Riley, Kans. (latitude 39°03'15" N., longitude 96°45'50" W.), thence clockwise along the arc of the 23-mile radius circle to the intersection of the Emporia VORTAC 346° radial, thence SE along the Emporia VORTAC 346° radial to the arc of a 5-mile radius circle centered on the Emporia Municipal Airport, Emporia, Kans. (latitude 38°20'00" N., longitude 96°11'15" W.), thence clockwise along the arc of the 5-mile radius circle to the Emporia VORTAC 044° radial, thence NE along the 044° radial to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at Lat. 40°02'20" N., Long. 96°43'00" W., thence E along the S boundary of V-216 and V-50 to the arc of a 20-mile radius circle centered on the Rosecrans Memorial Airport,
thence counterclockwise along the arc of the 20-mile radius circle to the W boundary of V-77, thence SW along the west boundary of V-77 to the arc of a 28-mile radius circle centered on Philip Billard Airport, thence counterclockwise along the arc of the 28-mile radius circle to longitude 95°45'00" W., thence NW to latitude 39°40'00" N., longitude 95°57'00" W., thence SW to latitude 39°26'50" N., longitude 96°30'50" W., thence NW to the point of beginning.

AMENDMENTS 4/30/64 29 F.R. 3356 (Changed); Amend. Alt. 29 F.R. 5457; 9/17/64 29 F.R. 10502 (Changed);

**Traverse City, Mich.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Traverse City Municipal Airport (latitude 44°44'35" N., longitude 85°34'50" W.), within 5 miles SW and 8 miles NE of the Traverse City VOR 158° radial, extending from the 8-mile radius area to 14 miles S of the VOR, and within 5 miles SW and 8 miles NE of the 137° bearing from the Traverse City RBN, extending from the 8-mile radius area to 14 miles SE of the RBN.

**Tremonton, Utah**
That airspace extending upward from 1,200 feet above the surface bounded on the NE by a line extending from V-21 to V-288 through Lat. 41°50'00" N, Long. 112°12'30" W, and Lat. 41°40'00" N, Long. 112°05'00" W, on the S by V-288 and on the W by V-21.



**Tri-City, Tenn.**
That airspace extending upward from 700 feet above the surface



**Vandalia, Ill.**

**Tri-City, Tenn.**
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.) and the airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Tri-City Municipal Airport.

**Truth or Consequences, N. Mex.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'20" W.); and that airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Truth or Consequences VOR 013° and 193° radials, extending from 20 miles N to 9 miles S of the VOR, and within 5 miles each side of the Truth or Consequences VOR 143° radial, extending from the 8-mile radius area to 23 miles SE of the VOR. The portion of this transition area within R-5111 shall be used only after obtaining prior approval from appropriate authority.

**Tuba City, Ariz.**
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Tuba City VOR 076° and 256° radials, extending from 9 miles E to 20 miles W of the VOR.

**Tucson, Ariz.**
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'35" W.); within 3 miles NE and 13 miles SW of the Tucson VORTAC 138° radial, extending from the 10-mile radius area to 9 miles SE of the VORTAC, and within 9 miles SW and 1 mile NE of the Tucson VORTAC 318° radial, extending from the 10-mile radius area to 22 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°33'00" N., longitude 111°45'00" W.; to latitude 32°33'00" N., longitude 110°52'00" W.; thence N via longitude 110°52'00" W, to the S boundary of V-94; thence SE via the S boundary of V-94 to longitude 110°00'00" W.; thence S to latitude 31°39'00" N., longitude 110°00'00" W.; to latitude 31°39'00" N., longitude 111°00'00" W.; to latitude 32°00'00" N., longitude 111°45'00" W.; to point of beginning, excluding the portion within R-2303.

AMENDMENTS 7/23/64 29 F.R. 7418 (Added); 9/17/64 29 F.R. 11115 (Changed);

**Tucumcari, N. Mex.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.); and that airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Tucumcari VOR 267° and 087° radials, extending from 23 miles W to 12 miles E of the VOR; and within 8 miles NW and 5 miles SE of the Tucumcari VOR 033° radial, extending from the VOR to 12 miles NE.

**Tupelo, Miss.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Tupelo Municipal Airport (latitude 34°15'30" N., longitude 88°45'55" W.), within 2 miles each side of the Tupelo VOR 215° radial, extending from the 5-mile radius area to 8 miles SW of the VOR; and the airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Tupelo Municipal Airport.

**Twenty-Nine Palms, Calif.**
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 115°12'00" W, on the S by Lat. 33°28'00" N, on the W by the W boundary of V-208 and V-117, the S boundary of V-16, and Long. 116°28'00" W, and on the N by Lat. 34°17'00" N, excluding the portion within R-2501 and R-2507.

**Twin Falls, Idaho**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Twin Falls VOR; within 8 miles N and 5 miles S of the Twin Falls VOR 086° radial, extending from the VOR to 12 miles E of the VOR, and within 2 miles each side of the Twin Falls VOR 195° radial, extending from the 7-mile radius area to 10 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Twin Falls VOR, extending clockwise from the VOR 038° radial to the VOR 311° radial; within a 27-mile radius of the Twin Falls VOR, extending clockwise from the VOR 311° radial to the VOR 038° radial, and within 9 miles SW and 6 miles NE of the Twin Falls VOR 311° radial, extending from the VOR to 39 miles NW of the VOR.

AMENDMENTS 2/6/64 28 F. R. 13357 (Rewritten)

**Unalakleet, Alaska**
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the 290° and 110° bearings from the Unalakleet RR, extending from 24 miles W to 9 miles E of the RR, excluding the airspace within Federal airways.



**Vandalia, Ill**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); within 2 miles either side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR; the airspace S and SW of the Vandalia VOR extending upward from 1,200 feet above the surface within a 15-mile radius of the Vandalia VOR extending clockwise from the Vandalia VOR 100° radial to the Vandalia VOR 239° radial; within 10 miles NW and 7 miles SE of the Vandalia VOR 074° and 254° radials extending from 20 miles NE to 9 miles SW of the VOR; and within 8 miles W and 5 miles E of the Vandalia VOR 003° radial extending from the VOR to 12 miles N, excluding the portion within V-12

**Vichy, Mo.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.), Vichy, Mo.; within 2 miles either side of the Vichy VORTAC 067° radial extending from the 5-mile radius area to 8 miles NE of the VORTAC; and the airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Vichy VORTAC 239° and 059° radials extending from 20 miles SW to 9 miles NE of the VORTAC.

**Vicksburg, Miss.**
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vicksburg Municipal Airport (latitude 32°14'20" N., longitude 90°55'40" W.); within 2 miles each side of the 276° bearing from the Vicksburg Municipal Airport, extending from the 6-mile radius area to 8 miles W of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles S and 5 miles N of the 276° bearing from the Vicksburg Municipal Airport, extending from the airport to 12 miles W; and within 5 miles each side of the 096° bearing from the Vicksburg Municipal Airport, extending from the airport to 12 miles E.

AMENDMENTS 4/30/64 29 F.R. 2934 (Added)

**Victoria, Tex.**
That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the Victoria VOR 313° radial, extending from the VOR to 12 miles NW of the VOR; within 8 miles SW and 5 miles NE of the 324° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from latitude 28° 51' 30" N., longitude 96° 55' 00" W., to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 29° 00' 00" N., longitude 97° 17' 00" W.; to latitude 29° 08' 00" N., longitude 97° 00' 00" W., to latitude 28° 52' 50" N., longitude 96° 28' 30" W.; to latitude 28° 47' 25" N., longitude 96° 35'20" W; through latitude 28°43'40" N., longitude 96°28'00" W.; to the N boundary of V-20; thence sw via the N boundary of V-20 to longitude 97°05'00" W.; to point of beginning.

AMENDMENTS 4/2/64 29 F.R. 557 (Added); 9/17/64 29 F.R. 10501 (Changed);

**Victorville, Calif.**
That airspace extending upward from 1,200 feet above the surface bounded on the N by V-12, on the SE by V-8 and on the SW by V-137. The portion of this transition area within R-2526 shall be used only after obtaining prior approval from the appropriate authority

AMENDMENTS 8/20/64 29 F.R. 8260 (Changed)

**PENDING AMENDMENT**
**Visalia, Calif.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 121° and 301° radials, extending from the 5-mile radius area to 8 miles NW of the VOR.

AMENDMENTS 1/7/65 29 F. R. 14168 (Added)

PENDING AMENDMENT
Wake Island
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Wake Island VORTAC.

AMENDMENTS 12/10/64 29 F.R. 14103 (Added)

**Walla Walla, Wash.**
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Walla Walla VOR 355° radial, extending from the arc of a 5-mile radius circle centered on the Walla Walla City-County Airport (latitude 46° 05' 35" N., longitude 118° 17' 20" W.), to 8 miles N of the VOR; within 2 miles each side of the Walla Walla RBN 015° bearing, extending from the arc of a 5-mile radius circle centered on the Walla Walla Airport to 8 miles N of the RBN, and within 2 miles NW and 5 miles SE of the Walla Walla VOR 040° radial, extending from the arc of a 5-mile radius circle centered on the Walla Walla Airport to 12 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 12 miles NW of the Walla Walla VOR 023° and 203° radials, extending from 14 miles SW to 28 miles NE of the VOR, and within 6 miles SE and 9 miles NW of the Pendleton, Oreg., VOR 025° radial, extending from 33 miles NE to 61 miles NE of the VOR, excluding the portion within the Pendleton transition area.
AMENDMENTS 4/2/64 29 F. R. 2308 (ADDED)

PENDING AMENDMENT
Walnut Ridge, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Walnut Ridge Airport (latitude 36°07'30" N., longitude 90°55'25" W.) and within 2 miles each side of the Walnut Ridge VOR 244° radial extending from the 5-mile radius area to 8 miles SW of the VOR; that airspace extending upward from 1200 feet above the surface within 8 miles SE and 5 miles NW of the Walnut Ridge VOR 244° and 064° radials, extending from 13 miles SW to 7 miles NE of the VOR, and within 5 miles each side of the Walnut Ridge VOR 020° radial, extending from the VOR to 23 miles N, excluding that portion within the Memphis, Tenn., transition area.

AMENDMENTS 1/7/65 29 F. R. 14523 (Added)

**Washington, D. C.**
That airspace extending upward from 700 feet above the surface bounded on the W by a line beginning at latitude 38°37'20" N., longitude 77°35'30" W., extending N to latitude 38°50'30" N., longitude 77°35'20" W., thence clockwise along the arc of a 10-mile radius circle centered at Dulles International Airport, Chantilly, Va. (latitude 38°56'40" N., longitude 77°27'24" W.), to and clockwise along the arc of a 22-mile radius circle centered at Davison AAF, Fort Belvoir, Va. (latitude 38°42'55" N., longitude 77°10'50" W.) to, and clockwise along, the arc of a 10-mile radius circle centered at Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.) to latitude 38°40'15" N., longitude 76°55'10" W., to latitude 38°35'00" N., longitude 76°54'20" W., to latitude 38°35'00" N., longitude 77°11'40" W., thence counterclockwise along the arc of an 8-mile radius circle centered at MCAS Quantico, Va. (latitude 38°30'10" N., longitude 77°18'20" W.) to latitude 38°35'10" N., longitude 77°24'20" W., thence to the point of beginning, and within 2 miles each side of the Dulles International Airport runway 19R ILS localizer N course, extending from the 10-mile radius area centered at the Dulles International Airport to the Poolesville, Md., RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°05'26" N., longitude 78°12'02" W., to latitude 38°51'15" N., longitude 78°12'21" W.; to latitude 38°30'00" N., longitude 77°44'00" W.; to latitude 38°24'00" N., longitude 77°29'00" W.; to latitude 38°05'00" N., longitude 77°35'00" W.; to latitude 38°01'00" N., longitude 77°15'00" W.; to latitude 38°14'00" N., longitude 77°04'00" W.; to latitude 38°14'00" N., longitude 76°46'00" W.; to latitude 38°47'00" N., longitude 76°16'00" W.; to latitude 38°57'00" N., longitude 76°22'00" W.; to latitude 39°09'00" N., longitude 77°12'00" W.; to latitude 39°18'00" N., longitude 77°22'00" W.; to the point of beginning. The portions of this transition area within R-6601, R-6608, R-6611, R-6612 and R-6613 may be used only after obtaining prior approval from appropriate authority. The portion within P-56 is excluded.

**Waterville, Maine**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Robert La Fleur Airport, Waterville, Maine (latitude 44°32'10" N., longitude 69°40'30" W.); and within 2 miles each side of the 222° bearing from the Waterville RBN, extending from the 5-mile radius area to 8 miles SW of the RBN, excluding the portion within the Augusta, Maine, transition area.

AMENDMENTS 4/30/64 29 F.R. 2931 (Added)

**Watkins Glen, N. Y.**
That airspace extending upward from 1,200 feet above the surface within 7 miles NE and 10 miles SW of the Watkins Glen VOR 120° and 300° radials, extending from 9 miles SE to 20 miles NW of the VOR, excluding the airspace within Federal airways.

**Waukon, Iowa**
That airspace extending upward from 1,200 feet above the surface within 12 miles NE and 8 miles SW of the Waukon VOR 123° and 303° radials, extending from 22 miles SE to 10 miles NW of the VOR.

**Wendover, Utah**
That airspace extending upward from 8,700 feet MSL bounded on the N by V-6, on the W by V-253, on the S by V-32 and on the E by a line extending from latitude 40°51'30" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°12'00" N., longitude 112°52'00" W.; thence N via longitude 112°52'00" W., to V-6.

AMENDMENTS 9/17/64 29 F.R. 10502 (Rewritten)

**Wheeling, W. Va.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 036° and 216° radials, extending from the 7-mile radius area to 8 miles NE of the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM.

AMENDMENTS 2/6/64 28 F. R. 12339 (Added)

**White Cloud, Mich.**
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the White Cloud VOR 006° and 186° radials, extending from 20 miles N to 9 miles S of the VOR.



**Wichita, Kans.**
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Wichita Municipal Airport (latitude 37° 39' 10" N., longitude 97° 25' 46" W.),within 2 miles each side of the Wichita Municipal Airport ILS localizer N course, extending from the 8-mile radius area to 8 miles N of the INT of the Wichita Municipal Airport ILS localizer N course and the Wichita VOR 075° radial. within 5 miles E and 8 miles W of the Wichita Municipal Airport ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM, within an 8-mile radius of McConnell AFB, Wichita, Kans. (latitude 37° 37' 25" N., longitude 97° 16' 00" W.) within 2 miles each side of the McConnell AFB ILS localizer S course, extending from the 8-mile radius area to 8 miles S of the OM, and within a 6-mile radius of the Beech Factory Airport, Wichita Kans. (latitude 37° 41' 10" N., longitude 97° 13' 15" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the INT of the N boundary of V-516 and longitude 96° 29' 00" W., thence extending NW to the INT of a line 10 miles SE of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37° 10' 00" N., thence NE along a line 10 miles SE of and parallel to the Emporia, Kans., VORTAC 209° radial to the Emporia VORTAC 134° radial, thence NW along the Emporia VORTAC 134° and 314° radials to , and W along the N boundary of V-10 to, and NE along, the W boundary of V-77 to, and SW along, the SE boundary of V-280 to, and E along, the N boundary of V-10 to longitude 97° 15' 00" W., thence SW to latitude 38° 00' 30" N., longitude 97° 28' 00" W., thence SW to the INT of the NW boundary of V-12 N alternate and longitude 97° 56' 25" W., thence SW along the NW boundary of V-12 N alternate to, and S along, the W boundary of V-125 to, and SE along, the SW boundary of V-74 to the Ponca City, Okla., VORTAC 217° radial, thence NE along the Ponca City VORTAC 217° and 047° radials to, and NE along, the NW boundary of V-516 to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at the INT of the N boundary of V-516 and longitude 96° 29' 00" W., thence extending NW to the INT of a line 10 miles SE of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37° 10' 00" N., thence NE along a line 10 miles SE of and parallel to the Emporia, Kans., VORTAC 209° radial to, and SE along, the SW boundary of V-132 to, and SE along, a line 12 miles SW of and parallel to the Chanute, Kans., VOR 334° and 154° radials to, and S along, the W boundary of V-131 to, and SW along, the NW boundary of V-516 to the point of beginning, excluding the portions within the Ponca City, Okla., control zone, the Ponca City, Okla., transition area, the Emporia, Kans., control zone, and the Emporia, Kans., transition area.

AMENDMENTS 4/30/64 29 F. R. 2930 (Added) F.R Correction. 29 F.R. 3524

**Williamsport, Pa.**
That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Williamsport VORTAC 127° and 307° radials, extending from 9 miles SE to 20 miles NW of the VORTAC; within 10 miles S and 7 miles N of the 271° and 091° bearings from the Hughesville, Pa., RBN, extending from 9 miles W to 20 miles E of the Hughesville RBN; within 10 miles N and 7 miles S of the Milton, Pa., VORTAC 094° and 274° radials, extending from 20 miles E to 9 miles W of the VORTAC, and within 12 miles S and 8 miles N of the Williamsport VORTAC 281° radial, extending from 9 miles W to 41 miles W of the VORTAC, excluding the airspace within Federal airways.

**Williston, N. Dak.**
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Sloulin Field, Williston, N. Dak. (latitude 48°10'35" N., longitude 103°38'10" W.), and within 2 miles each side of the Williston VOR 316° radial, extending from the 9-mile radius area to 8 miles NW of the VOR; and the airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the Williston VOR 136° and 316° radials, extending from 4 miles SE to 13 miles NW of the VOR.

**Willoughby, Ohio**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lost Nation Airport, Willoughby (latitude 41°41'00" N., longitude 81°23'25" W.); within a 5-mile radius of the Cuyahoga County, Ohio, Airport (latitude 41°33'55" N., longitude 81°29'20" W.); within 2 miles each side of the 088° bearing from the Lost Nation RBN, extending from the Lost Nation 5-mile radius area to 13 miles E of the RBN; within 2 miles each side of the 268° bearing from the Lost Nation RBN, extending from the Lost Nation 5-mile radius area to 8 miles W of the RBN; and within 2 miles each side of the 056° bearing from the Cuyahoga County RBN, extending from the Cuyahoga County 5-mile radius area to 13 miles NE of the Cuyahoga County Airport.

**Willow Beach, Nev.**
That airspace extending upward from 1,200 feet above the surface within 8 miles NE and 12 miles SW of the Las Vegas, Nev., VORTAC 121° radial, extending from 10 miles NW to 22 miles SE of the INT of the Las Vegas VORTAC 121° and the Mormon Mesa, Nev., VORTAC 200° radial.

**Wilmington, Del.**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Greater Wilmington, Del., Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.) within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 7-mile radius area to 8 miles SW of the VORTAC.

AMENDMENTS 4/2/64 29 F. R. 2419 (Added)

**Wink, Tex.**
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°33'40" N., longitude 102°59'10" W.; to latitude 31°26'20" N., longitude 103°01'00" W.; to latitude 31°26'30" N., longitude 103°29'30" W.; to latitude 32°02'00" N., longitude 103°29'30" W.; to latitude 32°06'45" N., longitude 103°07'50" W.; to latitude 32°04'50" N., longitude 102°58'00" W.; to latitude 31°34'20" N., longitude 103°03'45" W.; to point of beginning.

**Winslow, Ariz.**
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.); within 2 miles each side of the Winslow VORTAC 314° radial, extending from the 9-mile radius area to 8 miles NW of the VORTAC, and within 2 miles each side of the 354° bearing from the Winslow RBN, extending from the 9-mile radius area to 8 miles N of the RBN, and that airspace extending upward from 1,200 feet above the surface within 10 miles SW and 13 miles NE of the Winslow VORTAC 154° and 334° radials, extending from 15 miles NW to 25 miles SE of the VORTAC

**Woodville, La.**
That airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the McComb, Miss., VOR 251° radial, extending from 48 miles to 80 miles SW of the VOR.

**Worthington, Minn.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'10" N., longitude 95°34'50" W.), and within 8 miles W and 5 miles E of the 358° bearing from Worthington Municipal Airport, extending from the airport to 13 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 178° bearing from Worthington Municipal Airport, extending from the airport to the S boundary of V-120.

AMENDMENTS 5/28/64 29 F.R. 3651 (Added)

**Yakima, Wash.**
That airspace extending upward from 700 feet above the surface within 2 miles NE and 3 miles SW of the Yakima VOR 129° and 309° radials, extending from 2 miles NW to 7 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Ellensburg, Wash. VORTAC 191° radial, extending from 8 miles S to 13 miles N of the INT of the Ellensburg VORTAC 191° and the Yakima VOR 304° radials; within 5 miles E and 8 miles W of the Yakima VOR 198° radial, extending from the VOR to 29 miles S of the VOR; within 5 miles NE and 8 miles SW of the Yakima VOR 309° and 129° radials, extending from 5 miles NW to 12 miles SE of the VOR; and within 5 miles N and 8 miles S of the Yakima ILS localizer E course, extending from the LOM to 12 miles E of the LOM, excluding the portion within R-6714.

**Yakutat, Alaska**
That airspace extending upward from 1,200 feet above the surface within 20 miles N and 22 miles S of the Yakutat VORTAC 092° and 272° radials, extending from 19 miles E to 45 miles W of the VORTAC.

**Yazoo City, Miss.**
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Barrier Field, Yazoo City, Miss. (latitude 32°52'30" N., longitude 90°24'25" W.); within 2 miles each side of the 100° bearing from latitude 32°52'00" N., longitude 90°23'31" W., extending from the 5-mile radius area to 8 miles east of latitude 32°52'00" N., longitude 90°23'31" W.; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 280° bearing from latitude 32°52'00" N., longitude 90°23'31" W., extending from latitude 32°52'00" N., longitude 90°23'31" W., to 18 miles west; and within 8 miles north and 5 miles south of the 100° bearing from latitude 32°52'00" N., longitude 90°23'31" W., extending from latitude 32°52'00" N., longitude 90°23'31" W., to 12 miles east, effective from 0530 to 2215 hours local time, daily.

AMENDMENTS 4/30/64 29 F.R. 3001 (Added) Amend. Alt. 29 F.R. 4671

**Yerington, Nev.**
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Reno, Nev., VOR 135° radial, extending from 10 miles NW to 22 miles SE of the INT of the Reno VOR 135° and the Lovelock, Nev., VORTAC 197° radials.

**Youngstown, Ohio**
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Youngstown Municipal Airport (latitude 41° 15' 35" N., longitude 80° 40' 40" W.); within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 7-mile radius area to 13 miles NW of the localizer; within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 7-mile radius area to the Hubbard RBN; and within 2 miles each side of the Youngstown VOR 358° radial, extending from the 7-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: latitude 41° 50' 55" N., longitude 81° 05' 30" W.; to latitude 41° 55' 00" N., longitude 80° 35' 00" W.; to latitude 41° 48' 00" N., longitude 80° 25' 00" W.; to latitude 41° 35' 00" N., longitude 79° 36' 00" W.; to the Fitzgerald, Pa., VOR; to the Clarion, Pa., VOR; to latitude 41° 01' 15" N., longitude 80° 08' 00" W.; to latitude 40° 57' 00" N., longitude 80° 30' 00" W.; to latitude 40° 56' 40" N., longitude 80° 36' 00" W.; to latitude 40° 56' 00" N., longitude 80° 52' 00" W.; to latitude 41° 05' 00" N., longitude 80° 50' 00" W.; to latitude 41° 28' 00" N., longitude 81° 10' 00" W.; thence counterclockwise via the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41° 41' 00" N., longitude 81° 23' 25" W.), to the point of beginning.



**Yuma, Ariz.**
That airspace extending upward from 700 feet above the surface within an 8 mile radius of MCAS Yuma RBN; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 8 miles W of the Yuma VOR 351° and 180° radials, extending from 20 miles N to 26 miles S of the VOR, and within 5 miles N and 8 miles S of the Yuma VOR 087° radial, extending from the VOR to 14 miles E of the VOR, excluding the portions within R-2301 and R-2307, and the portion outside the United States.

Zanesville, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport (latitude 39° 56' 40" N., longitude 81° 53' 20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 7-mile radius area to 8 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 7-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39° 53' 15" N., longitude 81° 03' 15" W.; to latitude 39° 43' 00" N., longitude 81° 13' 00" W.; to latitude 39° 40' 00" N., longitude 81° 30' 00" W.; to latitude 39° 40' 00" N., longitude 82° 00' 00" W.; to latitude 39° 52' 25" N., longitude 82° 13' 00" W.; thence direct to the Tiverton, Ohio, VOR; to the Newcomerstown, Ohio, VOR; to the INT of the Imperial, Pa., VORTAC 249° radial and the arc of a 60-mile radius circle centered on the Imperial VORTAC; thence via this arc to the point of beginning.
AMENDMENTS 4/2/64 29 F. R. 2307 (ADDED)

**Zuni, N. Mex.**
That airspace extending upward from 8,500 feet MSL within 10 miles N and 7 miles S of the Zuni VORTAC 087° and 267° radials extending from 20 miles E to 9 miles W of the VORTAC.

## SUBPART H - POSITIVE CONTROL AREAS

**§ 71.193 Designation of Positive Control Areas**
The parts of airspace described below are designated as positive control areas.

**Albuquerque, N. Mex.**
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 29°48'30" N., longitude 102°00'00" W.; thence to latitude 30°25'00" N., longitude 102°00'00" W.; thence to latitude 31°23'00" N., longitude 99°28'00" W.; thence to latitude 31° 24'00" N., longitude 98°49'00" W.; thence to latitude 32°00'00" N., longitude 98°50'00" W.; thence to latitude 32°37'00" N., longitude 99°04'00" W.; thence to latitude 33°14'00" N., longitude 98°57'00" W.; thence to latitude 33°15'00" N., longitude 99°30'00" W.; thence to latitude 33°55'00" N., longitude 99°47'00" W.; thence to latitude 34°10'00" N., longitude 100°35'00" W.; thence to latitude 34°46'00" N., longitude 101°01'00" W.; thence to latitude 35°57'00" N., longitude 100°03'00" W.; thence to latitude 36°25'00" N., longitude 100°16'00" W.; thence to latitude 36°46'00" N., longitude 102°28'00" W.; thence to latitude 37°44'00" N., longitude 102°20'00" W.; thence to latitude 36°43'00" N., longitude 106°05'00" W.; thence to latitude 35°26'00" N., longitude 110°00'00" W.; thence to latitude 31°20'00" N., longitude 110°00'00" W.; thence along the United States/Mexican Border to the point of beginning.

**Boston, Mass.**
That airspace within the continental control area from flight level 240 to and including flight level 600; beginning at latitude 43°38'00" N., longitude 76°47'30" W.; thence eastward along the U.S./Canadian boundary to latitude 45°01'00" N., longitude 71°29'00" W.; to latitude 45°00'00" N., longitude 70°00'60" W.; to latitude 44°01'00" N., longitude 69°01'00" W.; to latitude 43°47'48" N., longitude 69°23'20" W.; thence via a line three nautical miles from the coastline to latitude 43°09'31" N., longitude 70°31'24" W.; to latitude 43°07'40" N., longitude 70°32'45" W.; to latitude 43°03'16" N., longitude 70°36'17" W.; to latitude 42°57'43" N., longitude 70°41'49" W.; thence via a line three nautical miles from the coastline to latitude 41°59'10" N., longitude 70°32'10" W.; to latitude 42°05'45" N., longitude 70°17'50" W.; thence via a line three nautical miles from the coastline to latitude 41°29'54" N., longitude 70°30'26" W.; to latitude 41°26'24" N., longitude 71°05'36" W.; thence via a line three nautical miles from the coastline to latitude 41°16'30" N., longitude 71°47'35" W.; to latitude 41°04'50" N., longitude 71°47'25" W.; to latitude 41°01'20" N., longitude 71°50'45" W.; to latitude 41°07'00" N., longitude 71°58'00" W.; to latitude 41°20'00" N., longitude 72°24'00" W.; to latitude 41°47'00" N., longitude 73°28'00" W.; to latitude 42°05'00" N., longitude 73°26'30" W.; to latitude 42°21'00" N., longitude 75°37'00" W.; to latitude 42°12'00" N., longitude 77°21'00" W.; to latitude 42°45'00" N., longitude 76°50'00" W.; to the point of beginning.

AMENDMENTS 10/15/64 29 F.R. 12823 (Added);

Central and Southern U. S.
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 43°35'30"N., longitude 97°23'30" W.; thence to latitude 46°07'30" N., longitude 96°47'30" W.; thence to latitude 46°27'30" N., longitude 95°35'00" W.; thence to latitude 47°33'00" N., longitude 92°19'00" W.; thence to latitude 47°35'30" N., longitude 91°19'00" W.; thence to latitude 46°42'00" N., longitude 89°45'00" W.; thence to latitude 45°50'00" N., longitude 89°45'00" W.; thence to latitude 44°50'00" N., longitude 88°00'00" W.; thence to latitude 44°09'00" N., longitude 85°18'00" W.; thence to latitude 44°04'00" N., longitude 85°00'00" W.; thence to latitude 43°52'00" N., longitude 84°10'00" W.; thence to latitude 43°52'00" N., longitude 82°11'20" W.; thence southward and eastward along the United States/ Canadian Border to latitude 43°38'00" N., longitude 76°47'30" W.; thence to latitude 42°45'00" N., longitude 76°50'00" W.; thence to latitude 40°55'30" N., longitude 78°27'00" W.; thence to latitude 40°51'00 N., longitude 78°02'30" W.; thence to latitude 40°20'00" N., longitude 77°35'00" W.; thence to latitude 40°12'00" N., longitude 77°35'00" W.; thence to latitude 39°54'00" N., longitude 77°31'30" W.; thence to latitude 39°51'00" N., longitude 77°56'00" W.; thence to latitude 39°49'00" N., longitude 78°03'30" W.; thence to latitude 39°34'00 N., longitude 78°58'00" W.; thence to latitude 39°17'30" N., longitude 79°51'00" W.; thence to latitude 38°33'00" N., longitude 80°55'00" W.; thence to latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 37°21'45" N., longitude 80°31'30" W.; thence to latitude 36°29'30" N., longitude 79°26'30" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 35°47'20" N., longitude 79°31'00" W.; thence to latitude 35°01'45" N., longitude 80°02'00" W.; thence to latitude 34°52'00" N., longitude 80°10'20" W.; thence to latitude 34°51'00" N., longitude 79°55'00" W.; thence to latitude 34°29'00" N., longitude 79°15'00" W.; thence to latitude 34°29'00" N., longitude 78°45'00" W.; thence to latitude 34°00'00" N., longitude 78°07'00" W.; thence to latitude 33°58'30" N., longitude 77°50'00 W.; thence south via a line three nautical miles from the mainland to latitude 29°00'00" N., longitude 80°48'00" W.; thence to latitude 29°00'00" N., longitude 81°34'20" W.; thence to latitude 28°57'45" N., longitude 81°37'15" W.; thence to latitude 29°02'20" N., longitude 81°41'30" W.; thence clockwise along a 5 nautical mile radius arc centered at latitude 29°06'52" N., longitude 81°42'55" W.; to latitude 29°08'25" N., longitude 81°48'20" W.; thence to latitude 29°22'00"N., longitude 82°02'20" W.; thence to latitude 29°22'00" N., longitude 82°25'30" W.; thence to latitude 29°29'00" N., longitude 82°39'00" W.; thence to latitude 29°14'30" N., longitude 83°07'30" W.; thence north and west via a line three nautical miles from the mainland to latitude 26°42'30" N., longitude 97°16'00" W.; thence to latitude 26°37'45" N., longitude 97°34'00" W.; thence to latitude 26°30'00" N., longitude 99°06'10" W.; thence northwest along the United States/Mexico boundary to latitude 29°48'30" N., longitude 102°00'00" W.; thence to latitude 30°25'00" N., longitude 102°00'00" W.; thence to latitude 31°23'00" N., longitude 99°28'00" W.; thence to latitude 31°24'00" N., longitude 98°49'00" W.; thence to latitude 32°00'00" N., longitude 98°50'00" W.; thence to latitude 32°37'00" N., longitude 99°04'00" W.; thence to latitude 33°14'00" N., longitude 98°57'00" W.; thence to latitude 33°15'00" N., longitude 99°30'00" W.; thence to latitude 33°55'00" N., longitude 99°47'00" W.; thence to latitude 34°10'00" N., longitude 100°35'00" W.; thence to latitude 34°46'00" N., longitude 101°01'00" W.; thence to latitude 35°57'00" N., longitude 100°03'00" W.; thence to latitude 38°25'30" N., longitude 100°18'00" W.; thence to latitude 36°33'00" N., longitude 101°04'30" W.; thence to latitude 37°39'00" N., longitude 101°03'00" W.; thence to latitude 38°36'00" N., longitude 101°28'00 W.; thence to latitude 39°23'00" N., longitude 99°04'00" W.; thence to latitude 43°30'00" N., longitude 99°00'00" W.; thence to latitude 43°30'00" N., longitude 97°17'00" W.; thence to the point of beginning.

Denver, Colorado
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 36° 33' 00" N., longitude 101° 04' 30" W.; thence to latitude 36° 46' 00" N., longitude 102° 28' 00" W.; thence to latitude 37° 44' 00" N., longitude 102° 20' 00" W.; thence to latitude 36° 43' 00" N., longitude 106° 05' 00" W.; thence to latitude 38° 08' 00" N., longitude 106° 38' 00" W.; thence to latitude 37° 48' 00" N., longitude 110° 46' 00" W.; thence to latitude 38° 27' 00" N., longitude 110° 57' 00" W.; thence to latitude 38° 59' 00" N., longitude 111° 07' 00" W.; thence to latitude 39° 39' 00" N., longitude 110° 39' 00" W.; thence to latitude 40° 11' 00" N., longitude 110° 22' 00" W.; thence to latitude 40° 45' 00" N., longitude 109° 35' 00" W.; thence to latitude 41° 05' 00" N., longitude 106° 10' 00" W.; thence to latitude 42° 00' 00" N., longitude 106° 15' 00" W.; thence to latitude 42° 40' 00" N., longitude 107° 05' 00" W.; thence to latitude 43° 00' 00" N., longitude 107° 00' 00" W.; thence to latitude 43° 30' 00" N., longitude 106° 30' 00" W.; thence to latitude 43° 47' 10" N., longitude 106° 31' 00" W.; thence to latitude 43° 50' 00" N., longitude 107° 45' 00" W.; thence to latitude 45° 20' 00" N., longitude 107° 45' 00" W.; thence to latitude 45° 07' 00" N., longitude 104° 15' 00" W.; thence to latitude 44° 37' 00" N., longitude 101° 00' 00" W.; thence to latitude 44° 20' 00" N., longitude 101° 00' 00" W.; thence to latitude 43° 30' 00" N., longitude 100° 26' 00" W.; thence to latitude 43° 30' 00" N., longitude 99° 00' 00" W.; thence to latitude 39° 23' 00" N., longitude 99° 04' 00" W.; thence to latitude 38° 38' 00" N., longitude 101° 28' 00" W.; thence to latitude 37° 39' 00" N., longitude 101° 03' 00" W.; thence to the point of beginning.

AMENDMENTS 2/6/64 28 F. R. 14310 (Rewritten);



Eastern United States
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 42°12'00" N., longitude 77°21'00" W.; thence to latitude 42°21'00" N., longitude 75°37'00" W; thence to latitude 42°05'00" N., longitude 73°26'30" W.; thence to latitude 41°47'00" N., longitude 73°28'00" W.; thence to latitude 41°20'00" N., longitude 72°24'00" W.; thence to latitude 41°07'00" N., longitude 71°58'00" W.; thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence south via a line three nautical miles from the mainland to latitude 33°58'30" N., longitude 77°50'00" W.; thence to latitude 34°00'00" N., longitude 78°07'00" W.; thence to latitude 34°29'00" N.. longitude 78°45'00" W.; thence to latitude 34°29'00" N., longitude 79°15'00" W.; thence to latitude 34°51'00" N., longitude 79°55'00" W.; thence to latitude 34°52'00" N., longitude 80°10'20" W.; thence to latitude 35°01'45" N., longitude 80°02'00" W.; thence to latitude 35°47'20" N., longitude 79°31'00" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 36°29'30" N., longitude 79°26'30" W.; thence to latitude 37°21'45" N., longitude 80°31'30" W.; thence to latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 38°33'00" N., longitude 80°55'00" W.; thence to latitude 39°17'30" N., longitude 79°51'00" W.; thence to latitude 39°34'00" N., longitude 78°58'00" W.; thence to latitude 39°49'00" N., longitude 78°03'30" W.; thence to latitude 39°51'00" N., longitude 77°56'00" W.; thence to latitude 39°54'00" N., longitude 77°31'30" W.; thence to latitude 40°12'00" N., longitude 77°35'00" W.; thence to latitude 40°20'00" N.. longitude 77°35'00" W.; thence to latitude 40°51'00" N., longitude 78°02'30" W.; thence to latitude 40°55'30" N., longitude 78°27'00" W.; thence to the point of beginning.

Great Falls, Mont.
That airspace within the continental control area from flight level 240 to and including flight level 600 bounded by a line beginning at latitude 49°00'00" N., longitude 115°00'00" W.; to latitude 45°20'00" N., longitude 115°00'00" W.; to latitude 45°20'00" N., longitude 107°45'00" W.; to latitude 45°07'00" N., longitude 104°15'00" W.; to latitude 44°37'00" N., longitude 101°00'00" W.; to latitude 45°56'30" N., longitude 101°00'00" W.; to latitude 46°00'00" N., longitude 100°00'00" W.; to latitude 49°00'00" N., longitude 100°00'00" W.; to point of beginning.

AMENDMENTS 11/12/64 29 F.R. 13379 (Added)

Los Angeles. Calif.
That airspace within the continental control area. from flight level 240 to and including flight level 600. bounded by a line beginning at: latitude 35°26'40" N.. longitude 121°04'10" W.; thence to latitude 35°32'00" N., longitude 120°51'00" W.; thence to latitude 35°22'00" N., longitude 120°30'00" W.; thence to latitude 35°27'00" N.. longitude 120°20'00" W.; thence to latitude 35°49'00" N., longitude 120°04'00" W.; thence to latitude 35°43'00" N.. longitude 119°33'00" W.; thence to latitude 36°00'00" N.. longitude 119°30'00" W.; thence to latitude 36°00'00" N.. longitude 118°35'00" W.; thence to latitude 37°12'00" N.. longitude 118°35'00" W.; thence to latitude 37°12'00" N.. longitude 117°20'00" W.; thence to latitude 36°00'00" N.. longitude 116°38'00" W.; thence to latitude 36°07'00" N.. longitude 114°57'00" W.; thence to latitude 37°20'00" N.. longitude 114°00'00" W.; thence to latitude 38°00'00" N.. longitude 114°57'00" W.; thence to latitude 38°26'00" N., longitude 115°34'30" W.; thence to latitude 38°59'00" N.. longitude 111°07'00" W.; thence to latitude 38°27'00" N.. longitude 110°57'00" W.; thence to latitude 37°48'00" N.. longitude 110°46'00" W.; thence to latitude 37°15'00" N.. longitude 112°00'00" W.; thence to latitude 35°26'00" N.. longitude 112°00'00" W.; thence to latitude 35°23'00" N.. longitude 112°40'00" W.; thence to latitude 34°58'00" N.. longitude 113°30'00" W.; thence to latitude 34°11'00" N.. longitude 113°30'00" W.; thence to latitude 34°02'00" N.. longitude 114°00'00" W.; thence to latitude 32°15'00" N.. longitude 114°00'00" W.; thence along the United States/Mexican border to latitude 32°31'00" N., longitude 117°11'00" W.; thence via a line three nautical miles from the mainland to the point of beginning.

Miami, Fla.
That airspace within the Continental Control Area. from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 29° 00' 00" N., longitude 80° 48' 00" W.; thence via a line which would delineate United States territorial waters around the Florida peninsula to latitude 29° 14' 30" N., longitude 83° 07' 30" W.; thence to latitude 29° 29' 00" N.. longitude 82° 39' 00" W.; thence to latitude 29° 22' 00" N., longitude 82° 25' 30" W.; thence to latitude 29° 22' 00" N., longitude 82° 02' 20" W.; thence to latitude 29° 08' 25" N., longitude 81° 48' 20" W.; thence counterclockwise along a five nautical mile radius arc centered at latitude 29° 06' 52" N., longitude 81° 42' 55" W.; to latitude 29° 02' 20" N., longitude 81° 41' 30" W.; thence to latitude 28° 57' 45" N., longitude 81° 37' 15" W.; thence to latitude 29° 00' 00" N., longitude 81° 34' 20" W.; thence to the point of beginning, excluding that portion of the area south of latitude 25° 04' 00" N.

**Phoenix, Ariz.**
That airspace within the continental control area from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 32°15'00" N., longitude 114°00'00" W.; thence to latitude 34°02'00" N., longitude 114°00'00" W.; thence to latitude 34°11'00" N., longitude 113°30'00" W.; thence to latitude 34°58'00" N., longitude 113°30'00" W.; thence to latitude 35°23'00" N., longitude 112°40'00" W.; thence to latitude 35°28'00" N., longitude 112°00'00" W., thence to latitude 37°15'00" N., longitude 112°00'00" W., thence to latitude 37°48'00" N., longitude 110°46'00" W.; thence to latitude 38°08'00" N., longitude 106°38'00" W.; thence to latitude 36°43'00" N., longitude 106°05'00" W.; thence to latitude 35°26'00" N., longitude 110°00'00" W.; thence to latitude 31°20'00" N., longitude 110°00'00" W.; thence westward along the U. S.-Mexican border to the point of beginning.

**Salt Lake City, Utah**
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 40°45'00" N., longitude 119°35'00" W.; thence to latitude 41°50'00" N., longitude 119°52'00" W.; thence to latitude 42°12'00" N., longitude 119°10'00" W.; thence to latitude 43°13'00" N., longitude 119°45'00" W.; thence to latitude 44°00'00" N., longitude 119°20'00" W.; thence to latitude 45°05'00" N., longitude 118°15'00" W.; thence to latitude 45°30'00" N., longitude 117°30'00" W.; thence to latitude 45°30'00" N., longitude 115°45'00" W.; thence to latitude 45°30'00" N., longitude 115°00'00" W.; thence to latitude 45°20'00" N., longitude 115°00'00" W.; thence to latitude 45°20'00" N., longitude 107°45'00" W.; thence to latitude 43°50'00" N., longitude 107°45'00" W.; thence to latitude 43°47'10" N., longitude 106°31'00" W.; thence to latitude 43°30'00" N., longitude 106°30'00" W.; thence to latitude 43°00'00" N., longitude 107°00'00" W.; thence to latitude 42°40'00" N., longitude 107°05'00" W.; thence to latitude 42°00'00" N., longitude 106°15'00" W.; thence to latitude 41°05'00" N., longitude 106°10'00" W.; thence to latitude 40°45'00" N., longitude 109°35'00" W.; thence to latitude 40°11'00" N., longitude 110°22'00" W.; thence to latitude 39°39'00" N., longitude 110°39'00" W.; thence to latitude 38°59'00" N., longitude 111°07'00" W.; thence to latitude 38°26'00" N., longitude 115°34'00" W.; thence to latitude 38°00'00" N., longitude 114°57'00" W.; thence to latitude 37°20'00" N., longitude 114°00'00" W.; thence to latitude 36°07'00" N., longitude 114°57'00" W.; thence to latitude 36°00'00" N., longitude 116°38'00" W.; thence to latitude 37°12'00" N., longitude 117°20'00" W.; thence to latitude 37°12'00" N., longitude 118°35'00" W.; thence to latitude 38°14'00" N., longitude 118°35'00" W.; thence to latitude 39°35'00" N., longitude 119°15'00" W.; thence to the point of beginning.

**Western U. S.**
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at latitude 48°30'00" N., longitude 124°45'00" W.; thence along the United States/Canadian Border to latitude 48°17'00" N., longitude 123°13'00" W.; thence to latitude 48°25'00" N., longitude 123°17'00" W.; thence to latitude 48°27'00" N., longitude 123°07'00" W.; thence to latitude 48°37'00" N., longitude 123°12'00" W.; thence to latitude 48°55'30" N., longitude 123°05'00" W.; thence to latitude 48°55'30" N., longitude 122°02'00" W.; thence to latitude 49°00'00" N., longitude 121°48'00" W.; thence along the United States/Canadian Border to latitude 49°00'00" N., longitude 115°00'00" W.; thence to latitude 45°30'00" N., longitude 115°00'00" W.; thence to latitude 45°30'00" N., longitude 115°45'00" W.; thence to latitude 45°30'00" N., longitude 117°30'00" W.; thence to latitude 45°05'00" N., longitude 118°15'00" W.; thence to latitude 44°00'00" N., longitude 119°20'00" W.; thence to latitude 43°13'00" N., longitude 119°45'00" W.; thence to latitude 42°12'00" N., longitude 119°10'00" W.; thence to latitude 41°50'00" N., longitude 119°52'00" W.; thence to latitude 40°45'00" N., longitude 119°35'00" W.; thence to latitude 39°35'00" N., longitude 119°15'00" W.; thence to latitude 38°14'00" N., longitude 118°35'00" W.; thence to latitude 36°00'00" N., longitude 118°35'00" W.; thence to latitude 36°00'00" N., longitude 119°30'00" W.; thence to latitude 35°43'00" N., longitude 119°33'00" W.; thence to latitude 35°49'00" N., longitude 120°04'00" W.; thence to latitude 35°27'00" N., longitude 120°20'00" W.; thence to latitude 35°22'00" N., longitude 120°30'00" W.; thence to latitude 35°32'00" N., longitude 120°51'00" W.; thence to latitude 35°26'40" N., longitude 121°04'10" W.; thence via a line three nautical miles from the mainland to the point of beginning.



SUBPART I - REPORTING POINTS

§ 71.201 **Designation.**
The locations described in this Subpart are designated as reporting points.

§ 71.203 **Domestic low altitude reporting points.**
The reporting points listed below are designated at all altitudes up to but not including 18,000 feet MSL.

Aberdeen, S. Dak
Abilene, Tex.
Akron, Colo.; V-8N, V-80. V-846. V-8. V-220, V-8S, V-132.
Alamosa, Colo.
Albany, Ga.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allegheny, Pa. 9/17/64 29 F.R 10502 (Changed);
Allendale, S. C.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
Anton Chico, N. Mex.
Appleton, Ohio
Ardmore, Okla.
Asheville, N. C.
Augusta, Ga.
Augusta, Maine
Austin, Tex.
Avenal, Calif.
Baker, Oreg.
Bakersfield, Calif.
Bangor, Maine
Barstow INT: INT Hector, Calif., 263°, Daggett, Calif., 229° radials; V-8N, V-12 W bound, V-210 SW bound.
AMENDMENTS 8/20/64 29 F.R. 8260 (Rewritten)
Baton Rouge, La.
Battle Mountain, Nev.
Baxley, Ga. INT: INT Dublin, Ga. 137°, Alma, Ga. 035° radials; V-5E, V-267. 6/15/64 29 F. R. 7921 (Changed)
Bay Point, INT: INT Oakland, Calif., 039°, Napa, Calif., 117° radials.
Beatty, Nev.
Beaumont, Tex.
Bellingham, Wash.
Ben Hill INT: INT Atlanta, Ga., 007° radial, Rex, Ga., 270° radial.
Berman INT: INT Allentown, Pa., 173°, Yardley, Pa., 284° radials. 4/2/64 29 F. R. 1844 (Add)
Bible Grove, Ill.
Big Spring, Tex.
Big Sur, Calif.
Billings, Mont.
Binghamton, N. Y.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismarck, N. Dak.
Bluefield, W. Va.
Blue Springs, Mo.
Blythe, Calif.
Bobby Jones INT: INT Atlanta, Ga., 034°, McDonough, Ga., 333° radials.
Boise, Idaho
Bolton INT: INT Myrtle Beach, S. C., 033°, Wilmington, N. C., 263° radials.
Bonneville, Utah
Boston, Mass.
Boulder, Nev.; V-21.
Bowling Green, Ky.
Bozeman, Mont.
Bradford, Ill.
Bridgeport, Tex.
Britton, Tex.
Brooke, Va.
Brookley, Ala.; V-22.
Brownsville, Tex.
Brunswick, Ga.
Bryce Canyon, Utah
Buckeye, Ariz.
Buffalo, N. Y.
Burlington, Iowa
Burlington, Vt.
Butler, Mo.

Capital, Ill.
Carleton, Mich.; V-10, V-188.
Carlsbad, N. Mex.
Carmel, N. Y. 5/28/64 29 F.R. 4671 (Added)
Casa Grande, Ariz.
Casper, Wyo.
Cedar Rapids, Iowa
Centralia, Ill.
Chadron, Nebr.
Chanute, Kans.
Charleston, S. C.
Charleston, W. Va.
Charlo INT: INT Mullan Pass, Idaho, 089°, Missoula, Mont., 354° radials.
Chattanooga, Tenn.
Cherokee, Wyo.
Chesterfield, S. C.
Cheyenne, Wyo.
Chicago Heights, Ill.
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio
Cleveland, Ohio
Coaldale, Nev.
Coalfax INT: INT Johnstown, Pa., 092°, St. Thomas, Pa., 358° radials. 11/12/64 29 F.R. 13137 (Added)
Cochise, Ariz.
Cofield, N. C.
Coldwater INT: INT Fort Wayne, Ind., 148°, Findley, Ohio, 249° radials; V-14.
Columbia, S. C.
Columbus, Ga.
Columbus, Miss.
Columbus, N. Mex.
Concord, N. H.
Cordova, Ill.
Corona, N. Mex.
Corpus Christi, Tex.
Cotulla, Tex.
Coyle, N. J.
Crazy Woman, Wyo.
Crescent City, Calif.
Crestview, Fla.
Cross City, Fla.
Crossville, Tenn.
Cut Bank, Mont.
Dalhart, Tex.
Dallas, Tex.
Daytona Beach, Fla.
Dayton, Ohio
Decatur, Ill.
DeLancey, N.Y.
Delta, Utah
Deming, N. Mex.
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dillon, Mont.
Doby INT: INT Wells, Nev., 256°, Elko, Nev., 338° radials.
Dothan, Ala.
Douglas, Ariz.
Douglas, Wyo.
Dublin, Ga.; V-52, V-267.
Dubois, Idaho
Dubuque, Iowa
Duluth, Minn.
Duluth, Minn., RBN
Dunkirk, N. Y.
Dupree, S. Dak.
Dyersburg, Tenn.
Dyess, Texas



Eagle Lake, Tex.
Eau Claire, Wis.
Edgerton INT: INT Fort Wayne, Ind., 040°, Waterville, Ohio, 273° radials; V-92, V-126
El Dorado, Ark.
Elkins, W. Va.
Elko, Nev.
Ellensburg, Wash.
Elmira, N. Y.
El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Eugene, Oreg.
Eugene, Oreg., RR
Evansville, Ind.
Evergreen, Ala.
Falmouth, Ky.; V-57, V-44, V-478, V-502.
Fargo, N. Dak.
Farmington, Minn.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fayetteville, N. C.
Fellows, Calif.
Fillmore, Calif.
Findlay, Ohio
Fitzgerald, Pa.
Flat Rock, Va.
Flint, Mich.
Flint Stone INT: INT of Grantsville, Md., 086°, Martinsburg, W. Va., 297° radials
Flippin, Ark.
Florence, S. C.
Fort Bridger, Wyo.
Fort Jones, Calif.
Fort Mill, S. C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Stockton, Tex.
Fortuna, Calif.
Fort Wayne, Ind.
Franklin, Va.
Fresno, Calif.
Friant, Calif.
Front Royal, Va.; V-4, V-853.
Gage, Okla.
Gainesville, Fla.
Garden City, Kans.
Garrett INT: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials; V-8, V-422, V-885.
Garrison INT: INT Drummond, Mont., 091°, Butte, Mont., 002° radials; V-257.
Gaviota, Calif., V-27.
Gila Bend, Ariz.
Gill, Colo.
Gill INT: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials.
Goffs, Calif.
Goodland, Kans.
Gordonsville, Va.
Goshen, Ind., V-8, V-92, V-128.
Graham, Tenn.
Grand Island, Nebr.
Grand Junction, Colo.
Grantsburg, Wis.
Grantsville, Md.
Great Falls, Mont.
Green Bay, Wis.
Greensboro, N. C.
Greenville, Fla.
AMENDMENTS 7/23/64 29 F. R. 6437 (Rewritten)
Greenwood, Miss.
Greenwood, S. C.
Gregg County, Tex.
Gulfport, Miss.
Guthrie, Tex.

Hallsville, Mo.
Hamilton INT: INT Birmingham, Ala., 298°, Columbus, Miss., 035° radials.
Hampton INT: INT Harrisburg, Pa., 196°, Lancaster, Pa., 255° radials; V-223 S bound, V-265 S bound.
Hanksville, Utah
Harcum, Va.
Harrisburg, Pa.
Hartford, Conn.
Hattiesburg, Miss.
Hayes Center, Nebr.
Hazen, Nev.
Hector, Calif.: V-8, V-21, V-12N, V-442, V-12 E bound, V-210 E bound.
Helena, Mont.
Herndon, Va., V-4, V-853.
Hickory, N. C.
Hidden Hills INT: INT Las Vegas, Nev., 266°, Beatty, Nev., 142° radials.
Hill City, Kans.
Hobart, Okla.
Hobbs, N. Mex.
Hoquiam, Wash.
Holston Mountain, Tenn.
Houlton, Maine; V-471 E bound.
Houston, Tex.
Hudspeth, Tex.
Huntsville, Ala.
Huron, S. Dak.
Hutchinson, Kans., V-10, V-132, V-280, V-125, V-10S, V-234, V-10N.
Imperial, Calif. 9/17/64 29 F.R. 8165 (Changed);
Indianapolis, Ind.
Jacks Creek, Tenn.
Jackson, Mich., V-100, V-116, V-221.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Joliet, Ill.
Junction, Tex.
Kansas City, Mo.
Keating, Pa.
Keeler, Mich., V-100, V-116, V-218, V-277, V-880.
Kennebunk, Maine
Kenton, Del.
Key West, Fla.
Key West, Fla., RBN
Kinston, N. C.: V-1, V-1W, V-157
Kirksville, Mo.
Klamath Falls, Oreg.
Knoxville, Tenn.
Kremmling, Colo.
LaBelle, Fla.
Lafayette, Ind.
Lafayette, La.
Lake Charles, La.
Lake Hughes, Calif.
Lakeland, Fla.
Lamar, Colo.
Lamoni, Iowa
Lancaster, Pa.
Lansing, Mich.
Laramie, Wyo.: V-4, V-4N.
Laredo, Tex.
Las Vegas, Nev.
Lawrenceville, Va.
Leona, Tex.
Leslie INT: INT Salem, Mich., 272°, Lansing, Mich., 159° radials; V-170, V-880.
Lewis, Ind.: V-12, V-12S, V-171, V-802.
Lewistown, Mont.
Lexington, Ky.
Liberal, Kans.
Liberty, N. C.: V-454, V-194N.
Linden, Calif.
Linden, Va.
Litchfield, Mich.; V-10, V-90, V-30.

**PENDING AMENDMENT**

"Hamilton INT: INT Birmingham Ala., 298°, Columbus, Miss., 035° radials." is deleted and "Hamilton, Ala." is substituted therefor. Amendment 12/10/64 29 F. R. 14357 (Changed)



Little Rock, Ark.
Livingston, Mont.
Llano, Tex.
Lometa, Tex.
London, Ky.
Lone Rock, Wis.
Long Beach, Calif.
Los Angeles, Calif.
Los Banos, Calif.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah
Lufkin, Tex.
Lynchburg, Va.
Macon, Ga.: V-56.
Malad City, Idaho
Malden, Mo.
Mansfield, Ohio
Maples, Mo.
Marathon, Fla., RBN
Marianna, Fla.
Martinsburg, W. Va.: V-8, V-44, V-166, V-855, V-251 SW bound.
Massena, N. Y.
Mason City, Iowa
McAlester, Okla.
McComb, Miss.
Medford, Oreg.
Medicine Bow, Wyo.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Miami, Fla., RBN
Midland, Tex.
Miles City, Mont.
Milford, Utah
Millinocket, Maine, RBN
Millinocket, Maine
Milton, Pa.
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Minot, N. Dak.
Missoula, Mont.
Mobile, Ala.
Moline, Ill.; V-38, V-434.
Monroe, La.
Montebello, Va.
Montgomery, Ala.
Mormon Mesa, Nev.
Morgantown, W. Va.
Mullan Pass, Idaho
Muscle Shoals, Ala.
Muskegon, Mich.
Myrtle Beach, S. C.
Nabb, Ind.; V-44, V-47, V-49.
Nantucket, Mass.
Nanerville, Ill.
Nashville, Tenn.
Needles, Calif.
Neola, Iowa
Neosho, Mo.
Newman, Tex.
New Orleans, La.
Newport, Oreg.
Nodine, Minn.
Norris INT: INT Westchester, Pa., 250°, Lancaster, Pa., 178° radials; V-3 SW bound, V-875 SW bound.
North Bend, Oreg.
Northbrook, Ill.
North Platte, Neb.: V-6, V-6N, V-172.
Nottely INT: INT Chattanooga, Tenn., 088°, Knoxville, Tenn., 181° radials.
Nottingham, Md.
Oakland, Calif.
Ocala, Fla.
Oceanside, Calif.; V-208.
Ogden, Utah
Oklahoma City, Okla.

Omaha, Nebr.
O'Neill, Nebr.
Ontario, Calif.
Orlando, Fla.
Oshkosh, Wis.
Paducah, Ky.
Pahokee, Fla.; V-267, V-51
Palacios, Tex.
Palmdale, Calif.
Palm Springs, Calif.; V-16 Westbound. 10/15/64 29 F.R. 11334 (Changed)
Parker, Calif.
Parkersburg, W. Va.
Paso Robles, Calif.
Patuxent, Md.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pecos, Tex. 2/6/64 28 F. R. 11533 (Added);
Pellston, Mich.
Pembina, N. Dak.
Pendleton, Oreg.
Peoria, Ill.
Peotone, Ill.
Philipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark.
Pioneer INT: INT Ft. Wayne, Ind., 040°, Waterville, Ohio, 288° radials.
Plainview, Tex.: V-278, V-62 and V-81 S bound,
Plattsburgh, N. Y.; V-196, V-104, V-431.
Pocatello, Idaho
Point Reyes, Calif.: V-25, V-27.
Pomona, Calif.; V-264 W bound, V-8N SW bound, V-210 SW bound. 8/20/64 29 F.R. 7766 (Changed)
Ponca City, Okla.
Porterdale INT: INT McDonough, Ga., 063°, Norcross, Ga., 150° radials.
Porterville, Calif.
Portland, Oreg.
Portland, Oreg., RR
Poughkeepsie, N. Y.
Power Point INT: INT Briggs, Ohio, 084°, Akron, Ohio, 130° radials.
Prescott, Ariz.
Presque Isle, Maine
Priest, Calif.: V-485.
Princeton, Maine
Providence, R. I.
Provo, Utah
Pueblo, Colo.
Pulaski, Va.
Pullman, Mich.
Quincy, Ill.
Quitman, Tex.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Ravine, Pa.
Raymond, Nebr.
Readsville, Mo.
Red Bluff, Calif.
Redmond, Oreg.
Redwood Falls, Minn.
Reno, Nev.
Rewey, Wis.
Rex, Ga.
Rhinelander, Wis.
Richwoods, Mo.
Roberts, Ill.
Rochester, Minn.
Rochester, N. Y.
Rockford, Ill.; V-100, V-218, V-171, V-810, V-855.
Rocksprings, Tex.
Rock Springs, Wyo.
Rocky Mount, N. C.; V-157 N bound, V-213 N bound.
Rosewood, Ohio
Roswell, N. Mex.
Royston, Ga.



Sacramento, Calif.
Saginaw, Mich.
St. Johns, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.; V-222 NW bound, V-16, V-16N, V-94
Salt Lake City, Utah: V-32, V-484, V-810.
Samsville, Ill.
San Angelo, Tex.
San Antonio, Tex.
San Luis Obispo, Calif.
San Simon, Ariz.
Santa Barbara, Calif.
Santa Fe, N. Mex.
Saufley, Fla.
Sault Ste. Marie, Mich. 4/2/64 29 F. R. 2336 (Added)
Sault Ste. Marie, Mich., RBN
Savannah, Ga.
Saybrook INT: INT Carmel, N. Y. 093°, Riverhead, N. Y., 046° radials. 5/28/64 29 F.R. 4671 (Changed)
Sayre, Okla.
Scipio INT: INT Syracuse, N. Y. 211°, Georgetown, N. Y., 272° radials.
Scotland, Ind.
Scottsbluff, Nebr.
Sea Isle, N. J.
Seattle, Wash.
Seattle, Wash., RR
Selinsgrove, Pa.
Shelbyville, Ind.: V-12, V-12S, V-97, V-97W, V-51, V-124, V-819.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa
Sioux Falls, S. Dak.
Snow Hill, Md.
South Bend, Ind.
South Boston, Va.
Spokane, Wash.
Springfield, Mo.
Stacy INT: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials; V-35, V-881.
Stansbury INT: INT Salt Lake City, Utah, 265°, Ogden Utah, 212° radials.
Sterling INT: INT Providence, R. I., 270°, Norwich, Conn., 043° radials; V-16, V-863.
Stevens Point, Wis.; V-55.
Stockton, Calif.
Sulphur Springs, Tex.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
The Dalles, Oreg.
Thermal, Calif.
Thornhurst, Pa.
Thurman, Colo.
Tidioute, Pa.
Tiverton, Ohio; V-443, V-881, V-133, V-210
Tobe, Colo.
Topeka, Kans.; V-4N, V-4S, V-131, V-77, V-280.
Traverse City, Mich.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucson, Ariz.
Tucumcari, N. Mex.
Tulsa, Okla.
Tuskegee, Ala.; V-134, V-159.
Twenty-Nine Palms, Calif.
Tyrone, Pa.; V-276.
Ukiah, Calif.
Vance, S. C.
Vandalia, Ill.
Ventura, Calif.
Vero Beach, Fla.
Vichy, Mo.
Vienna, Ga.

Waco, Tex.
Walnut Ridge, Ark.
Waterloo, Iowa
Watertown, N. Y.
Watertown, S. Dak.
Waterville, Ohio
Waukon, Iowa
Wausau, Wis.
West Chester, Pa.
West Palm Beach, Fla.
West Point, Ind.: V-53, V-128.
White Cloud, Mich., V-26.
Whitehall, Mont.
White Lake, La.
3/5/64 28 F.R. 14420 (Added); Date Changed (4/30/64) 29 F.R. 557
Whitesburg, Ky.
Wichita, Kans.
Wichita Falls, Tex.
Wilkes-Barre, Pa.
Williams, Calif.
Williamsport, Pa.
Wilmington, N.C.
Wink, Tex.
Winslow, Ariz.
Wolbach, Nebr.
Woodside, Calif.
Woodstown, N. J.
Yakima, Wash.: V-4.
York, Ky.
Youngstown, Ohio
Yuma, Ariz.
Zuni, N. Mex.

PENDING AMENDMENT

Wavcross, Ga. 10/15/64 29 F.R. 11112 (Added); Eff. date changed 11/12/64 29 F.R. 12362; Eff. date changed 2/4/65 29 F. R. 14918;

**§ 71.207 Domestic High Altitude Reporting Points.**

The reporting points listed below are designated at all altitudes from 18,000 feet MSL to Flight Level 450, inclusive.

Aberdeen, S. Dak.
Abilene, Tex.
Alamosa, Colo.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Allegheny, Pa. 9/17/64 29 F.R. 10502 (Changed)
Alma, Ga.
Amarillo, Tex.
Appleton, Ohio
Atlanta, Ga.
Augusta, Ga.
Austin, Tex.
Bakersfield, Calif.
Baltimore, Md.
Bangor, Maine
Battle Mountain, Nev. 10/15/64 29 F.R. 12261 (Added)
Billings, Mont.
Birmingham, Ala.
Blythe, Calif.
Boise, Idaho
Boston, Mass.
Boulder, Nev.
Bradford, Ill.
Brownsville, Tex.
Bryce Canyon, Utah
Buffalo, N. Y.
Butler, Mo.
Charleston, S. C.
Charleston, W. Va.
Cleveland, Ohio
Coaldale, Nev. 10/15/64 29 F.R. 11915 (Added)



Columbia, S. C.
Coyle, N. J.
Crazy Woman, Wyo.
Crestview, Fla.
Dallas, Tex.
Dayton, Ohio
Denver, Colo.: J-30, J-60, J-80, J-20, J-10, J-56.
Des Moines, Iowa
Dickinson, N. Dak.
Dubois, Idaho 10/15/64 29 F.R. 12111 (Added)
Duluth, Minn.
Dupree, S. Dak.
El Paso, Tex.
Erie, Pa.
Evansville, Ind.
Fargo, N. Dak.
Farmington, Mo.
Farmington, N. Mex.
Fort Stockton, Tex.
Flat Rock, Va.
Florence, S. C.
Fresno, Calif.
Front Royal, Va.
Gainesville, Fla.
Garden City, Kans.
Gila Bend, Ariz.
Gordonsville, Va.: J-75, J-37, J-22, J-77.
Grand Junction, Colo.
Great Falls, Mont.
Green Bay, Wis.
Greenwood, Miss.: J-52.
Hector, Calif.
Herndon, Va.
Hill City, Kans.
Houston, Tex.
Indianapolis, Ind.
Jackson, Miss.
Jacksonville, Fla.
Joliet, Ill.: J-26, J-60, J-64, J-30, J-35, J-87.
Kansas City, Mo.
Kennedy, N. Y. 4/2/64 29 F.R. 1561 (Added);
Key West, Fla.
Knoxville, Tenn.
Lake Charles, La.
Lakeview, Oreg.
Laredo, Tex.
Las Vegas, N. Mex.
Lewistown, Mont.
Lexington, Ky.
Little Rock, Ark.
Los Angeles, Calif.
Louisville, Ky.
Lufkin, Tex.
Malad City, Idaho
Mason City, Iowa
Messena, N. Y.
McComb, Miss.
Medford, Oreg.
Memphis, Tenn.
Miami, Fla.
Milford, Utah
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Mobile, Ala.
Montgomery, Ala.
Mullan Pass, Idaho
Nantucket, Mass.
Nashville, Tenn.
New Orleans, La.
Nodine, Minn.

PENDING AMENDMENT

Joliet, Ill.; J-26, J-60, J-64, J-30, J-35, J-87 is deleted and Joliet, Ill.; J-18, J-26, J-30, J-35, J-60 J-82, J-87, J-101 is substituted therefor. 12/10/64 29 F.R. 14168 (Rewritten).

Millinocket, Maine. 1/7/65 29 F. R. 14982 (Added)

Norfolk, Va.
Northbrook, Ill.; J-35, J-101, J-94, J-84, J-90.
Oakland, Calif.
Oklahoma, City, Okla.
Omaha, Nebr.
O'Neill, Nebr.
Orlando, Fla.

Palmdale, Calif.
Parker, Calif.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pembina, N. Dak.
Pendleton, Oreg.; J-16, J-20.
Philipsburg, Pa.
Phoenix, Ariz.
Plattsburgh, N. Y.
Ponca City, Okla.
Presque Isle, Maine
Pueblo, Colo.
Pulaski, Va.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Red Bluff, Calif.
Reno, Nev.
Richmond, Va. 9/17/64 29 F.R. 11527 (Added)
Rock Springs, Wyo.
Rome, Oreg.
Roswell, N. Mex.
Sacramento, Calif.
St. Louis, Mo.
St. Petersburg, Fla.
Salina, Kans.
Salt Lake City, Utah
San Angelo, Tex.
San Antonio, Tex.
San Diego, Calif.
San Simon, Ariz.
Sault Ste. Marie, Mich. 4/2/64 29 F. R. 2336 (Added)
Savannah, Ga.
Scottsbluff, Nebr.
Seattle, Wash.
Shreveport, La.
Sioux Falls, S. Dak.
Spartanburg, S. C.
Spokane, Wash.
Springfield, Mo.
Stockton, Calif.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
Thornhurst, Pa.
Tuba City, Ariz.
Tucson, Ariz.
Tulsa, Okla.
Vero Beach, Fla.
Waco, Tex.
Wells, Nev. 10/15/64 29 F.R. 12261 (Added);
West Palm Beach, Fla.
Whitehall, Mont.
Wichita, Kans.
Wilmington, N. C.
Wink, Tex.
Wolbach, Nebr.
Yuma, Ariz.

PENDING AMENDMENT

Northbrook, Ill.; J-35, J-101, J-94, J-84, J-90 is deleted and Northbrook, Ill.; J-35, J-84, J-87, J-89, J-90, J-94, J-99, J-101 is substituted therefor. 12/10/64 29 F. R. 14168 (Rewritten)



§ 71.209 Other domestic reporting points.
The reporting points listed below are designated at all altitudes.

Alaska INT: INT Ponce, P. R., 181°, St. Croix, P. R., 243° radials.

Albacore INT: INT 188° bearing Galveston, Tex., RBN, 102° bearing Corpus Christi, Tex., RBN, at latitude 27°22' N., longitude 95°14' W.
AMENDMENTS 4/2/64 29 F.R. 133 (Rewritten); 4/30/64 29 F.R. 2488 (Changed);

Azalea INT: INT Charleston, S. C., 109°, Wilmington, N. C., 189° radials.

Azalea INT: INT 188° bearing Wilmington (Carolina Beach), N. C., RBN, 109° bearing Charleston, S. C., RBN.

Balboa INT: INT 219° bearing Marathon, Fla., RBN, with Lat. 24°00'00" N.

Barracuda INT: INT 055° bearing Melbourne, Fla., RBN, 008° bearing Bimini, Bahamas, RBN.

Bass INT: INT 133° bearing Weeksville, N. C., (Navy) RBN, W boundary New York Oceanic Control Area, at latitude 34°26' N., longitude 73°51' W.
4/30/64 29 F. R. 2488 (Rewritten)

Bimini, Bahamas, RBN

Blue Fin INT: INT San Juan, P. R. 314°, Ramey AFB, P. R. 028° radials.

Bonita INT: INT 208° bearing New Orleans, La., RBN and 109° bearing Galveston, Texas, RBN, at latitude 28°15" N., longitude 91°27" W.
AMENDMENTS 9/17/64 29 F.R. 11115 (Added)

Brim INT: INT 227° Grand Isle, La., RBN, 107° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 91°13' W.
1/9/64 28 F. R. 12612 (Rewritten); Alteration of Amend. 29 F. R. 133; Eff. Date Changed (3/5/64)
29 F. R. 133 Eff. date changed (4-2-64) 29 F. R. 2594
4/30/64 29 F. R. 2488 (Rewritten)

Brownson INT: INT Ramey AFB, P. R. 013°, San Juan, P. R. 296° radials.

Carp INT: INT direct line between Carolina Beach (Wilmington), N. C., RBN, Nassau, British West Indies, RBN, 090° bearing Jacksonville, Fla., RBN.

Catfish INT: INT 220° Grand Isle, La., RBN, 106° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°58' W.
1/9/64 28 F. R. 12612 (Rewritten); Alteration of Amend. 29 F. R. 133; Eff. Date Changed (3/5/64)
29 F. R. 133 Eff. Date Changed (4-2-64) F.R. 29 2594
4/30/64 29 F.R. 2488 (Changed);

Cod INT: INT Great Circle course Nantucket, Mass., Consolan station (monitor site) to Azores Santa Maria RBN, W boundary New York Oceanic Control area at Lat. 41°29'00" N., Long. 68°00'00" W.

Crab INT: INT St. Petersburg, Fla., 275°, Tallahassee, Fla., 192° radials.

Crab INT: INT 187° bearing Tallahassee, Fla., RBN, 284° bearing Egmont Key, Fla., RBN.

Dolphin INT: INT 177° bearing Grand Isle, La., RBN, 102° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°02' W.
4/30/64 29 F.R. 2488 (Changed);

Dragon INT. INT 147° bearing Lake Charles, La., RBN 273° bearing Grand Isle, La., RBN.

Ear Shell INT: INT 140° bearing Galveston, Tex., RBN, 254° bearing Grand Isle, La., RBN, at latitude 28°15' N., longitude 93°56' W.
4/30/64 29 F. R. 2488 (Changed)

Eel INT: INT of the 098° bearing from the Boston, Mass., RBN, W boundary New York Oceanic control area, at latitude 42°02' N., longitude 68°00' W.
4/30/64 29 F. R. 2488 (Changed)

Fallfish INT: INT 153° bearing Grand Isle, La., RBN, 223° bearing Pensacola, Fla., RBN, at latitude 28°15' N., longitude 89°34' W.
4/30/64 29 F. R. 2488 (Changed)

Florida INT: INT 149° bearing San Juan, P. R., RBN, St. Croix, P. R., 226° radial.

Gateway INT. INT 090° bearing Jacksonville, Fla., RBN, 188° bearing Wilmington (Carolina Beach), N. C., RBN.

Gateway Cedar INT: INT Hoquiam, Wash., 234° radial, E boundary Seattle Oceanic Control Area at Lat. 45°32' 20" N., Long. 126°44'00" W.

Gateway Hemlock INT: INT Newport, Oreg., 237° radial, E boundary Seattle Oceanic Control Area at Lat. 43° 19'20" N., Long. 126°40'45" W.

Gateway Pine INT: INT North Bend, Oreg., 239° radial, E boundary Seattle Oceanic Control area at Lat. 42° 13'30" N., Long. 126°47'15" W.

Gulf Stream INT: INT 077° bearing Marathon, Fla., RBN, 153° bearing Miami, Fla., RBN.

Haddock INT: INT rhumb line Nantucket, Mass., consolan station (monitor site) to Kindley AFB, Bermuda, RBN, W boundary New York Oceanic Control Area at Lat. 39°50'00" N., Long. 69°14'30" W.

Halibut INT: INT 008° bearing Bimini, Bahamas, RBN, 090° bearing West Palm Beach, Fla., RBN.

Hawaii INT: INT Ramey AFB, P. R., 195°, Ponce, P. R., 235° radials.

Idaho INT: INT Ramey AFB, P. R., 326° radials, Mona Island, P. R., RBN 012° bearing.

North Nantucket INT: INT of the 098° bearing from the Boston, Mass., RBN, centerline of the Control 1143 control area.

Ohio INT: INT Ramey AFB, P. R., 013°, San Juan, P. R., 333° radials.

Perch INT: INT Los Angeles, Calif., 251°, Ventura, Calif., 200° radials.

Sea Lion INT: INT 205° bearing Key West, Fla., RBN with latitude 24°00'00" N.

Shad INT: INT SE course Millville, N. J., RR, W boundary New York Oceanic Control area, at latitude 37°43' N., longitude 73°00" W.
4/30/64 29 F.R. 2488 (Changed):

Smelt INT: INT 109° bearing Charleston, S. C., RBN, W boundary New York Oceanic Control area, at latitude 31°58' N., longitude 77°00" W.
4/30/64 29 F.R. 2488 (Changed):

South Bangor INT: INT SE course Bangor, Maine, RR, centerline Nantucket, Mass., - Yarmouth, Nova Scotia, domestic control area.



Tadpole INT: INT 187° bearing Marathon, Fla., RBN, with Lat 24°00'00" N.

Trout INT: INT 090° bearing Jacksonville, Fla., RBN, W boundary New York Oceanic Control area, at latitude 30°23' N, longitude 77°00" W.
4/30/64 29 F.R. 2488 (Changed).

Tuna INT: INT 137° bearing Newark, N J., RBN, W boundary New York Oceanic Control Area, at latitude 38°55' N., longitude 72°07' W.
AMENDMENTS 2/6/64 28 F R. 14310 (Changed); 4/30/64 29 F.R. 2488 (Changed);

Utah INT: INT San Juan, P.R., 314°, Ramey, P.R., 354° radials, at latitude 19°35' N., longitude 67°15' W, is added.
4/30/64 29 F.R. 3151 (Added)

Vermont INT: INT Ramey, P. R., 027°, San Juan, P. R., 351° radials.

Viperfish INT: INT 132° bearing Grand Isle, La., RBN, 214° bearing Pensacola, Fla., RBN, at latitude 28°14' N., longitude 88°51' W.
4/30/64 29 F.R. 2488 (Changed):

§ 71.211 Alaskan low altitude reporting points.
The reporting points listed below are designated at all altitudes up to and including 15,000 feet MSL.

Adak, Alaska, RR
Anchorage, Alaska
Anchorage, Alaska, RR
Anchor Point INT: INT W course Homer, Alaska, RR, SW course Kenai, Alaska, RR.
Aniak, Alaska, RR
Annette Island, Alaska, RR
Bethel, Alaska
Bethel, Alaska, RBN.
4/2/64 29 F. R. 2593 (Rewritten)
Bettles, Alaska
Bettles, Alaska, RR
Big Delta, Alaska, RR
Biorka Island, Alaska
Cape Spencer INT: INT NW course Sitka, Alaska, RR, SW course Gustavus, Alaska, RR.
Cold Bay, Alaska, RR
Copper INT: INT Homer, Alaska, 269°, King Salmon, Alaska, 051° radials.
Coghlan Island, Alaska, RBN.
Crab INT: INT 227° bearing King Salmon, Alaska, RR, 314° bearing Port Heiden, Alaska, RBN.
Dillingham, Alaska. 9/17/64 29 F.R. 11113 (Added);
Domestic Annette INT: INT SW course Annette Island, Alaska, RR, centerline Middleton Island - Sandspit route, at Lat. 54°14' N., Long. 133°40' W.
4/30/64 29 F.R. 2488 (Rewritten); 9/17/64 29 F.R. 9820 (Changed);
Domestic Gustavus INT: INT SW course Gustavus, Alaska, RR, centerline Middleton Island - Sandspit route, at Lat. 56°57' N., Long. 139°26' W.
4/30/64 29 F.R. 2488 (Rewritten); 9/17/64 29 F.R. 9820 (Changed);
Domestic Sitka INT: INT SW course Sitka, Alaska, RR, centerline Middleton Island - Sandspit route, at Lat. 55°42' N., Long. 136°36' W.
4/30/64 29 F. R. 2488 (Rewritten) : 9/17/64 29 F.R. 9820 (Changed);
Domestic Yakutat INT: INT SW course Yakutat, Alaska, RR, centerline Middleton Island - Sandspit route, at Lat. 57°52' N., Long. 141°46' W.
4/30/64 29 F. R. 2488 (Rewritten); 9/17/64 29 F.R. 9820 (Changed);
East Cordova INT: INT E course Hinchinbrook, Alaska, RR, SE course Cordova, Alaska, RR
Fairbanks, Alaska, ILS MM
Fairbanks, Alaska, RR
Farewell, Alaska, RR
Five Finger, Alaska, RBN
FLUKE INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
4/2/64 29 F.R. 2593 (Rewritten)
Fort Yukon, Alaska

PENDING AMENDMENT

In 71.211 add "Big Delta, Alaska." 12/10/64 29 F. R. 14357 (Added)
In 71.211 "Cape Spencer INT: INT NW course Sitka, Alaska, RR, SW course Gustavas, Alaska, RR." is deleted 1/7/65 29 F. R. 14982 (Deleted).



Fort Yukon, Alaska, RBN



§ 71.213 Alaskan high altitude reporting points.

Fort Yukon, Alaska, RBN
Galena, Alaska
Galena, Alaska RR
Galtan INT: INT E course Galena, Alaska, RR, SW course Tenana, Alaska, RR
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Glacier INT: INT Nenana, Alaska, 192° radial, NW course Summit, Alaska, RR.
3/5/64 29 F. R. 253 (Rewritten);
Granite INT: INT 118° bearing Homer, Alaska, RR, NW boundary Anchorage Oceanic Control Area, at Lat. 58°43' N., Long. 148°14' W.
4/30/64 29 F. R. 2488 (Rewritten)
Gulkana, Alaska, RR
Gustavus, Alaska, RR
Haines, Alaska, RBN
Harriet INT: INT Homer, Alaska, 330°, Anchorage, Alaska, 237° radials.
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR
Homer, Alaska
Homer, Alaska, RR
Iliamna, Alaska, RR
Kenai, Alaska
Kenai, Alaska, RR
King Salmon, Alaska
King Salmon, Alaska, RR
Kodiak, Alaska, RR
Kotzebue, Alaska, RBN
Kakaklek INT: INT NE course King Salmon, Alaska, RR, SW course Iliamna, Alaska, RR.
Marble INT: INT 107° bearing Kodiak, Alaska, RR, NW boundary Anchorage Oceanic Control Area, at Lat. 57°29' N., Long. 150°30' W.
4/30/64 29 F. R. 2488 (Rewritten)
McGrath, Alaska
McGrath, Alaska, RR
Middleton Island, Alaska
Middleton Island, Alaska, RBN
Minchumina, Alaska, RR
Moses Point, Alaska
Moses Point, Alaska, RR
Nenabank INT: INT W course Fairbanks, Alaska, RR, NW course Nenana, Alaska, RR; B-7.
Nenana, Alaska
Nenana, Alaska, RR
Nome, Alaska 7/23/64 29 F. R. 7018 (Added)
Nome, Alaska, RR
Northway, Alaska, RR
Petersburg, Alaska, RR; B-79 SE bound.
Port Alexander INT: INT SE course Sitka, Alaska, RR, SW course Petersburg, Alaska, RR.
Puntilla INT: INT Anchorage, Alaska, 309°, McGrath, Alaska, 122° radials (Puntilla Lake, Alaska, RBN.)
4/2/64 29 F. R. 1844 (Added)
Puntilla Lake, Alaska, RBN
Rocky Point INT: INT SE course King Salmon, Alaska, RR, W course Kodiak, Alaska, RR.
Shemya, Alaska, RBN
Shuyak, Alaska, RBN
Sisters Island, Alaska
Sisters Island, Alaska, RBN
Sitka, Alaska, RR
Skilak INT: INT Anchorage, Alaska, 198°, Homer, Alaska, 027° radials; V-438.
Skwentna, Alaska, RR
Summit, Alaska, RR
Talkeetna, Alaska 3/5/64 29 F. R. 253 (Added);
Talkeetna, Alaska, RBN
Tanana, Alaska 4/2/64 29 F.R. 606 (Added)
Tanana, Alaska RR
Unalakleet, Alaska. 5/28/64 29 F. R. 3225 (Added)
Unalakleet, Alaska, RR
Yakutat, Alaska
Yakutat, Alaska, RR

**PENDING AMENDMENT**

Yakobi INT INT NW course Sitka, Alaska, RR, SW course Gustavas, Alaska, RR. 1/7/65 29 F.R. 14982 (Added)



§ 71.213 **Alaskan high altitude reporting points.**
The reporting points listed below are designated at all altitudes above 15,200 feet MSL.

Adak, Alaska, RR
Anchorage, Alaska
Anchorage, Alaska, RR
Anchor Point INT: INT W course Homer, Alaska, RR, SW course Kenai, Alaska, RR.
Annette Island, Alaska, RR
Bethel, Alaska
Bethel, Alaska, RBN. 4/2/64 29 F.R. 2593 (Rewritten)
Beetles, Alaska
Bettles, Alaska, RR
Big Delta, Alaska, RR
Biorka Island, Alaska
Cold Bay, Alaska, RR
Crab INT: INT 227° bearing King Salmon, Alaska, RR, 314° bearing Port Heiden, Alaska, RBN.
Domestic Sitka INT: INT Biorka Island, Alaska, 207° radial and centerline Middleton Island - Sandspit route, at Lat. 55°42' N., Long. 136°36' W.
4/30/64 29 F. R. 2488 (Rewritten) ; 9/17/64 29 F.R. 9820 (Changed);
Domestic Yakutat INT: INT Yakutat, Alaska, 215° radial and centerline Middleton Island - Sandspit route, at Lat. 57°52' N., Long. 141°46' W.
4/30/64 29 F. R. 2488 (Rewritten); 9/17/64 29 F.R. 9820 (Changed);
Fairbanks, Alaska, ILS MM
Fairbanks, Alaska, RR; G-7, A-2, B-26.
Fielding INT: INT Anchorage, Alaska, 008° radial, Talkeetna, Alaska RBN 057° bearing.
Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
4/2/64 29 F. R. 2593 (Rewritten)
Fort Yukon, Alaska
Fort Yukon, Alaska, RBN
Galena, Alaska
Galena, Alaska, RR
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Glacier INT: INT Nenana, Alaska, 189° radial, NW course Summit, Alaska, RR.
Gulkana, Alaska, RR
Haines, Alaska, RBN
Harriet INT: INT Homer, Alaska, 330°, Anchorage, Alaska, 237° radials.
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR
Homer, Alaska
Homer, Alaska, RR
King Salmon, Alaska
King Salmon, Alaska, RR
Kodiak, Alaska, RR
Kotzebue, Alaska, RBN
McGrath, Alaska
McGrath, Alaska, RR
Middleton Island, Alaska
Middleton Island, Alaska, RBN
Minchumina, Alaska, RR
Moses Point, Alaska
Nenana, Alaska
Nome, Alaska 7/23/64 29 F. R. 7018 (Added)
Nome, Alaska, RR
Northway, Alaska, RR
Shemya, Alaska, RBN
Sisters Island, Alaska
Sitka, Alaska, RR; R-1, A-1.
Summit, Alaska, RR
Talkeetna, Alaska, RBN; B-32 SW bound, B-26 S bound.
Talkeetna, Alaska
3/5/64 29 F. R. 253 (Added);
Tanana, Alaska
4/2/64 29 F. R. 606 (Added)
Unalakleet, Alaska. 5/28/64 29 F. R. 3225 (Added)
Unalakleet, Alaska, RR
Yakutat, Alaska
Yakutat, Alaska, RR
Glacier INT: INT Nenana, Alaska, 192° radial, NW course Summit, Alaska, RR.
3/5/64 29 F. R. 253 (Rewritten);
Fielding INT is deleted. 3/5/64 29 F. R. 253 (Deleted);

§ 71.215 Hawaiian reporting points.
The reporting points listed below are designated at all altitudes.

Breakers INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 130° radials. 5/30/63 28 F.R. 3691 (Changed)
Dogwood INT: INT South Kauai, Hawaii, 271° radial, with Long. 161°20'00" W, at latitude 21°56'00" N.
4/30/64 29 F.R. 2488 (Rewritten)
Hilo, Hawaii
Honolulu, Hawaii
Lanai, Hawaii
Lihue, Hawaii
Maui, Hawaii
Molokai, Hawaii
Palmtree INT: INT Molokai, Hawaii, 268°, Lanai, Hawaii, 304° radials; V-2 NW bound.
Paradise INT: INT Hilo, Hawaii, 334°, Upolu Point, Hawaii 093° radials.
Shark INT: INT of Koko Head, Hawaii, 050° Upolu Point, Hawaii, 355° radials, at latitude 22°31' N., longitude 156°05' W.
4/30/64 29 F.R. 2488 (Rewritten)
Skipjack INT: INT Hilo, Hawaii, 051°, Upolu Point, Hawaii, 081° radials, at latitude 20°28' N., longitude 154°03' W.
4/30/64 29 F.R. 2488 (Rewritten)
Southgate INT: INT Honolulu, Hawaii, 179°, Molokai, Hawaii, 268° radials.
South Honolulu INT: INT Honolulu, Hawaii, 179°, Lanai, Hawaii, 223° radials, at latitude 19°43' N., longitude 158° 00' W.
4/30/64 29 F.R. 2488 (Rewritten)
South Kauai, Hawaii
South Port Allen INT: INT Koko Head, Hawaii 254°, Lihue, Hawaii, 186° radials, at latitude 20°46' N., longitude 159°29' W.
4/30/64 29 F.R. 2488 (Rewritten)
Sunrise INT: INT Koko Head, Hawaii, 065°, Upolu Point, Hawaii, 002° radials, at latitude 22°06' N., longitude 155°46' W.
4/30/64 29 F. R. 2488 (Rewritten)
Swordfish INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 195° radials, at latitude 21°18' N., longitude 159°32' W.
4/30/64 29 F. R. 2488 (Rewritten)
Tuna INT: INT Molokai, Hawaii, 067°, Upolu Point, Hawaii, 010° radials, at latitude 21°47' N., longitude 155°32' W.
4/30/64 29 F.R. 2488 (Rewritten)
Upolu, Hawaii
Vanda INT: INT South Kauai, Hawaii, 288° radial, with Long. 161°15'00" W, at latitude 22°24'00" N.
4/30/64 29 F. R. 2488 (Rewritten)

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# Compilation of Regulations

(Continued)

PART 73

SPECIAL USE AIRSPACE

SUBPART A -- GENERAL

Sec.
73.1 Applicability.
73.3 Special use airspace.
73.5 Bearings; radials; miles.

SUBPART B -- RESTRICTED AREAS

73.11 Applicability.
73.13 Restrictions.
73.15 Using agency.
73.17 Controlling agency.
73.19 Reports by using agency.
73.21 Alabama.
73.22 Alaska.
73.23 Arizona.
73.24 Arkansas.
73.25 California.
73.26 Colorado.
73.27 Connecticut.
73.28 Delaware.
73.29 Florida.
73.30 Georgia.
73.31 Hawaii.
73.32 Idaho.
73.33 Illinois.
73.34 Indiana.
73.35 Iowa.
73.36 Kansas.
73.37 Kentucky.
73.38 Louisiana.
73.39 Maine.
73.40 Maryland.
73.41 Massachusetts.
73.42 Michigan.
73.43 Minnesota.
73.44 Mississippi.
73.45 Missouri.
73.46 Montana.
73.47 Nebraska.
73.48 Nevada.
73.49 New Hampshire.
73.50 New Jersey.
73.51 New Mexico.
73.52 New York.
73.53 North Carolina.
73.54 North Dakota.
73.55 Ohio.
73.56 Oklahoma.
73.57 Oregon.
73.58 Pennsylvania.
73.59 Rhode Island.
73.60 South Carolina.
73.61 South Dakota.
73.62 Tennessee.
73.63 Texas
73.64 Utah
73.65 Vermont.
73.66 Virginia.
73.67 Washington.
73.68 West Virginia.
73.69 Wisconsin.
73.70 Wyoming.
73.71 Puerto Rico.
73.72 Guam.

## Subpart A -- General

### § 73.1 Applicability.

The airspace that is described in Subpart B of this part is designated as special use airspace. This Part prescribes the requirements for the use of that airspace.

### § 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.
(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level.
(c) The horixontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.
(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

### § 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.
(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

## Subpart B -- Restricted Areas

### § 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

### § 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of
(a) The using agency described in § 73.15; or
(b) The controlling agency described in § 73.17.

### § 73.15 Using agency.

(a) For the purposes of this part, the following are using agencies:
(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.
(2) In the case of a Restricted Area/Military Climb Corridor that does not have a designated controlling agency, the Military Air Traffic Control facility that may be contacted for permission for transit through the climb corridor.
(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.
(c) The using agency shall --
(1) Schedure activities within the restricted area;
(2) Authorize transit through, or flight within, the restricted area as feasible; and
(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

### § 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.



### § 73.19 Reports by using agency.

(a) Each suing agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D. C., on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.
(b) In its report under this section the using agency shall --
(1) State the name and number of the restricted area as published in this part;
(2) State the period covered by the report;
(3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;
(4) State the time that daily operations are normally scheduled to begin and end;
(5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations the total number of aircraft hours of actual use during the reporting period;
(6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;
(7) State whether or not radar is used during operations;
(8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted;
(9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;
(10) Include a chart of the area (of optional scale and design) showing --
(i) The approximate location, and the representative pattern (if any), for firing runs (if any), for bombing runs (if any), the place where runs begin, where firing (if any), begins and ends, and the release point pullup point; and
(ii) The location of impact areas, if any;
(11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;
(12) State the daily number of hours or nimutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;
(13) List the altitudes normally used for daily surface to surface firing operations;
(14) Include a chart of the area (of optional scale and design) showing --
(i) The location of firing points and impact areas, if any; and
(ii) The perimeter of the firing fan for each weapon used, if any; and
(15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.
(c) This section does not apply to restricted areas established for climb corridors.

## STATES AND POSSESSIONS

### § 73.21 Alabama

R-2101 **Anniston Army Depot, Ala.**
Boundaries. Beginning at latitude 33°41'20" N., longitude 86°00'30" W.; to latitude 33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°59'50" W.; to latitude 33°39'40" N., longitude 86°00'30" W.; to the point of beginning.
Designated altitude. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Anniston Army Depot.

R-2102 **Fort McClellan, Ala.**
Boundaries. Beginning at latitude 33°45'00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of use. Continuous.
Controlling agency. Federal Aviation Agency, Atlanta ARTC Center.
Using agency. Commanding Officer, Fort McClellan, Alabama.

R-2103 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at latitude 31°26'55" N., longitude 85°47'45" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U. S. Army Aviation Center, Fort Rucker, Ala.

R-2104 Huntsville, Ala.

Boundaries. Beginning at Lat. 34°39'21" N, Long. 86°35'30" W; to Lat. 34°35'11" N, Long. 86°35'51" W; to Lat. 34°35'26" N, Long. 86°42'01" W; to Lat. 34°42'00" N, Long. 86°44'30" W; to Lat. 34°42'00" N, Long. 86°41'30" W; to Lat. 34°39'36" N, Long. 86°41'40" W; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Memphis ARTC Center.
Using agency. Commanding General, United States Army Ordnance Missile Command, Huntsville, Ala.

§ 73.22 Alaska

R-2201 Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 296° radial of the Elmendorf AFB TACAN, extending from 2 nmi from the W end of Elmendorf AFB runway 23 to 32 nmi from the W end of runway 23, and having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
2,700 feet MSL to flight level 270 from 2 nmi W to 7 nmi W of the W end of runway 23.
4,000 feet MSL to flight level 270 from 7 to 10 nmi W of the W end of runway 23.
7,000 feet MSL to flight level 270 from 10 to 15 nmi W of the W end of runway 23.
12,000 feet MSL to flight level 270 from 15 to 22 nmi W of the W end of runway 23.
17,000 feet MSL to flight level 270 from 22 to 27 nmi W of the W end of runway 23.
20,000 feet MSL to flight level 270 from 27 to 32 nmi W of the W end of runway 23.
Time of Designation. Continuous.
Controlling Agency. Federal Aviation Agency, Anchorage Approach Control.
Using Agency. Commander, Elmendorf AFB, Alaska.

AMENDMENTS 2/6/64 28 F. R. 13297 (Rewritten);

R-2202 Big Delta, Alaska
Boundaries. Beginning at latitude 64°14'45" N., longitude 146°43'15" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°42'15" N., longitude 146°13'26" W.; to latitude 63°44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

AMENDMENTS 7/23/64 29 F. R. 6531 (Rewritten)

R-2203A Eagle River, Alaska
Boundaries. Beginning at latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°36'15" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Anchorage ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

AMENDMENTS On Publ. 4/8/64 29 F.R. 4908 (Added)

R-2203B Eagle River, Alaska
Boundaries. Beginning at latitude 61°29'00" N., longitude 149°33'48" W.; to latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°42'25" W.; to latitude 61°18'00" N., longitude 149°44'00" W.; to latitude 61°27'15" N., longitude 149°44'00" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Anchorage, ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.
AMENDMENTS On Publ. 4/8/64 29 F.R. 4908 (Added)



R-2204 Shemya, Alaska.
Boundaries. Beginning at Lat. 52°44'48" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174° 07'06" E; to Lat. 52°43'42" N, Long. 174°05'16" E; to Lat. 52°44'48" N, Long. 174°05'16" E; to the point of beginning.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. Continuous.
Using agency. Commander, 5040th Air Base Squadron, Shemya AFB, Alaska.

R-2205 Yukon, Alaska,

Boundaries. Beginning at Lat. 64°45'30" N, Long. 146°47'20" W; Counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N, Long. 147°36'46" W; to Lat. 64°46'12" N, Long. 146°46'40" W; to Lat. 64°46'10" N, Long. 146°11'15" W; to Lat. 64°35'18" N, Long. 146°11'15" W; to Lat. 64°33'24" N, Long. 146°18'30" W; to Lat. 64°33'25" N, Long. 146°25'00" W; to the point of beginning.
Designated altitudes. Surface to 21,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2206 Clear, Alaska.

Boundaries. The airspace within a radius of 30,000 feet of Lat. 64°17'16" N, Long. 149°10'58" W, extending clockwise from a bearing of 235° to a bearing of 005° and within a radius of 500 feet, extending clockwise from a bearing of 005° to a bearing of 235°.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Air Defense Command, Ent AFB, Colorado.

§ 73.23 Arizona

R-2301 Ajo, Arizona.

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°11'30" N, Long. 112° 56'45" W; to Lat. 32°11'30" N, Long. 113°05'30" W; to Lat. 31°58'00" N, Long. 113°05'30" W; along the United States-Mexican border to Lat. 32°23'45" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°28'30" W; to Lat. 32°39'40" N, Long. 114°28'30" W; to Lat. 32°40'45" N, Long. 114°18'29" W; along the Southern Pacific Railroad and U. S. Highway No. 80 to Lat. 32°44'15" N, Long. 113°41'05" W; to Lat. 32°45'50" N, Long. 113°34'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 800.
Time of designation. Continuous.
Controlling Agency. Federal Aviation Agency, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

AMENDMENTS 3/17/64 29 F.R. 3420 (Changed); 8/20/64 29 F.R. 11115 (Changed)

R-2302 Flagstaff, Arizona.

Boundaries. A circular area with a 6,600-foot radius centered at latitude 35°10'20" N., longitude 111°51'19" W.
Designated altitudes. Surface to 11,000 feet MSL.
Time of designation. 0800 to 2400 MST, Monday through Saturday.
Using agency. Commanding Officer, Navajo Ordance Depot, Flagstaff, Arizona.

R-2303A Fort Huachuca, Arizona

Boundaries. Beginning at latitude 31°29'00" N., longitude 110°00'30" W.; to latitude 31°29'00" N., longitude 110°15'00" W.; to latitude 31°34'00" N., longitude 110°15'00" W.; to latitude 31°34'00" N., longitude 110°22'00" W.; to latitude 31°33'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°41'20" W.; to latitude 31°34'00" N., longitude 110°43'30" W.; to latitude 31°38'30" N., longitude 110°42'00" W.; to latitude 31°38'30" N., longitude 110°39'30" W.; to latitude 31°41'00" N., longitude 110°33'30" W.; to latitude 31°41'00" N., longitude 110°11'40" W.; to latitude 31°36'20" N., longitude 110°03'00" W.; to the point of beginning.
Designated altitudes. Surface to 35,000 feet MSL.
Time of designation. Continuous.
Controlling Agency. Federal Aviation Agency, Albuquerque Center.
Using agency. Commanding General, U. S. Army Electronic Proving Ground, Fort Huachuca, Arizona.

AMENDMENTS On Publ. 5/15/64 29 F. R. 6377, (Added); 8/20/64 29 F. R. 11115 (Changed)

R-2303B Fort Huachuca, Arizona

Boundaries. Beginning at latitude 31°29'00" N., longitude 110°41'20" W.; to latitude 31°29'00" N., longitude 110°23'00" W.; to latitude 31°33'00" N., longitude 110°23'00" W.; to latitude 31°34'00" N., longitude 110°22'00" W.; to latitude 31°34'00" N., longitude 110°15'00" W.; to latitude 31°29'00" N., longitude 110°15'00" W.; to latitude 31°29'00" N., longitude 110°18'00" W.; to latitude 31°23'45" N., longitude 110°18'00" W.; to latitude 31°23'45" N., longitude 110°39'00" W.; to the point of beginning.

Designated altitudes. 15,000 feet MSL to 35,000 feet MSL.

Time of designation. Continuous.

Controlling Agency. Federal Aviation Agency, Albuquerque Center.

Using agency. Commanding General, U. S. Army Electronic Proving Ground, Fort Huachuca, Arizona.

AMENDMENTS On Publ. 5/15/64 29 F. R. 6377 (Added); 8/20/64 29 F. R. 11115 (Changed)

R-2304 Gila Bend, Arizona.

Boundaries. Beginning at latitude 32°38'30" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°43'30" W.; to latitude 32°49'00" N., longitude 112°39'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 240.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling Agency, Federal Aviation Agency, Albuquerque Center.

Using agency. Commander, Luke AFB, Arizona.

AMENDMENTS 3/17/64 29 F.R. 3420 (Changed); 8/20/64 29 F. R. 11115 (Changed)

R-2305 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°50'52" N, Long. 112° 42'53" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to Lat. 32°29'00" N, Long. 112°43'00" W; to Lat. 32°29'00" N, Long. 112°53'30" W; to the point of beginning.

Designated altitudes. Surface to flight level 240.

Time of designation. Sunrise to sunset.

Controlling Agency, Federal Aviation Agency, Albuquerque Center.

Using agency. Commander, Luke AFB, Ariz.

AMENDMENTS 3/17/64 29 F.R. 3420 (Changed); 8/20/64 29 F. R. 11115 (Changed)

R-2307 Yuma, Ariz.

Boundaries. Beginning at latitude 32°52'00" N., longitude 114°00'00" W.; to latitude 32°52'50" N., longitude 113°50'10" W.; to latitude 32°58'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°30'00" W.; thence along the west bank of the Colorado River to latitude 32°51'45" N., longitude 114°27'50" W.; to latitude 32°52'30" N., longitude 114°21'00" W.; to latitude 32°51'15" N., longitude 114°21'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308 Yuma East, Arizona

Boundaries. Beginning at latitude 33° 00' 00" N., longitude 114° 17' 20" W.; thence N along State Highway 95 to latitude 33° 28' 00" N., longitude 114° 13' 00" W.; to latitude 33° 24' 00" N., longitude 113° 39' 00" W.; to latitude 33° 13' 12" N., longitude 113° 21' 36" W.; to latitude 33° 07' 17" N., longitude 113° 24' 10" W.; to latitude 33° 02' 00" N., longitude 113° 33' 50" W.; to latitude 33° 02' 00" N., longitude 113° 56' 30" W.; to latitude 33° 00' 00" N., longitude 114° 11' 00" W.; to the point of beginning.

Designated altitudes. 1,500 feet above the surface to 20,000 feet MSL.

Time of designation. Continuous, January 15, 1964, to January 15, 1965.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Arizona.

AMENDMENTS 1/15/64 29 F. R. 133 (Added);



§ 73.24 Arkansas

R-2401 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 18' 32" N., longitude 94° 12' 02" W.; to latitude 35° 18' 06" N., longitude 94° 16' 04" W.; to latitude 35° 17' 15" N., longitude 94° 17' 30" W.; to latitude 35° 15' 59" N., longitude 94° 18' 33" W.; to latitude 35° 13' 36" N., longitude 94° 15' 10" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to point of beginning.

Designated altitudes. Surface to 13,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Memphis ARTC Center.

Using agency. Commanding General, Fort Chaffee, Ark.

AMENDMENTS 7/1/64 29 F.R. 8417 (Changed);

R-2402 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 17' 25" N., longitude 94° 12' 02" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to latitude 35° 13' 36" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 01' 29" W.; to latitude 35° 16' 56" N., longitude 94° 01' 33" W.; to latitude 35° 17' 36" N., longitude 94° 06' 00" W.; to latitude 35° 17' 09" N., longitude 94° 09' 55" W.; to point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Memphis ARTC Center.

Using agency. Commanding General, Fort Chaffee, Ark.

AMENDMENTS 7/1/64 29 F.R. 8417 (Changed);

R-2403 Little Rock, Ark.

Boundaries. Beginning at Lat. 34°57'00" N, Long. 92°15'00" W; to Lat. 34°52'00" N, Long. 92°15'00" W; to Lat. 34°52'00" N, Long. 92°19'30" W; to Lat. 34°57'00" N, Long. 92°19'30" W; to the point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. 0700 Saturday through 1700 Sunday CST, Sept. 1 through May 31; and 0600 to 2400 CST, daily, June 1 through August 31.

Controlling agency. Federal Aviation Agency, Little Rock Control Tower.

Using agency. Adjutant General, State of Arkansas, Little Rock, Arkansas.

§ 73.25 California

R-2501 Bullion Mountains, Calif.

Boundaries. Beginning at Lat. 34°41'00" N, Long. 116°03'00" W; to Lat. 34°35'30" N, Long. 115° 58'00" W; to Lat. 34°33'00" N, Long. 115°47'00" W; to Lat. 34°25'00" N, Long. 115°47'00" W; to Lat. 34°25'00" N, Long. 115°44'00" W; to Lat. 34°14'00" N, Long. 115°44'00" W; to Lat. 34°14'00" N, Long. 116°17'00" W; to Lat. 34°30'00" N, Long. 116°26'30" W; to Lat. 34°40'30" N, Long. 116°29'40" W; to Lat. 34°43'00" N, Long. 116°26'20" W; to Lat. 34°43'00" N, Long. 116°17'00" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2502 Fort Irwin, Calif.

Boundaries. Beginning at Lat. 35°37'45" N, Long. 116°29'40" W; to Lat. 35°34'30" N, Long. 116° 29'40" W; to Lat. 35°34'30" N, Long. 116°23'30" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°10'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to Lat. 35°37'45" N, Long. 116°55'20" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding General, Fort Irwin, Calif.

**R-2503 Camp Pendleton, Calif.**

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117° 29'13" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Toro Approach Control.
Using agency. Commanding General, Camp Pendleton, Calif.

**R-2504 Camp Roberts, Calif.**

Boundaries. Beginning at latitude 35° 42' 18" N., longitude 120° 47' 55" W.; to latitude 35° 42' 18" N., longitude 120° 47' 20" W.; to latitude 35° 42' 58" N., longitude 120° 45' 33" W.; to latitude 35° 46' 38" N., longitude 120° 44' 38" W.; to latitude 35° 47' 18" N., longitude 120° 44' 45" W.; to latitude 35° 47' 54" N., longitude 120° 45' 49" W.; to latitude 35° 49' 10" N., longitude 120° 45' 40" W.; to latitude 35° 51' 00" N., longitude 120° 46' 25" W.; to latitude 35° 51' 11" N., longitude 120° 47' 55" W.; to latitude 35° 48' 50" N., longitude 120° 49' 58" W.; to latitude 35° 46' 00" N., longitude 120° 49' 55" W.; to latitude 35° 44' 03" N., longitude 120° 48' 08" W.; to latitude 35° 43' 08" N., longitude 120° 49' 00" W.; to latitude 35° 42' 44" N., longitude 120° 48' 48" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0600 to 2400 P.s.t., Monday through Friday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

AMENDMENTS 2/6/64 28 F. R. 13742 (Rewritten);

**R-2505 China Lake, Calif.**

Boundaries. Beginning at Lat. 36°14'00" N, Long. 117°53'00" W; to Lat. 36°14'00" N, Long. 117° 25'00" W; to Lat. 35°40'30" N, Long. 117°25'00" W; to Lat. 35°37'30" N, Long. 117°35'30" W; to Lat. 35°37'30" N, Long. 117°47'30" W; to Lat. 35°54'00" N, Long. 117°53'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

**R-2506 China Lake South, Calif.**

Boundaries. Beginning at latitude 35°37'30" N., longitude 117°41'20" W.; to latitude 35°28'00" N., longitude 117°40'50" W.; to latitude 35°28'00" N., longitude 117°47'00" W.; to latitude 35°37'30" N., longitude 117°47'30" W.; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

**R-2507 Chocolate Mountains, California**

Boundaries. Beginning at latitude 33°32'40" N., longitude 115°33'50" W.; to latitude 33°31'30" N., longitude 115°32'00" W.; to latitude 33°31'15" N., longitude 115°26'45" W.; to latitude 33°29'00" N., longitude 115°20'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; to latitude 33°24'15" N., longitude 115° 17'00" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°22'50" N., longitude 115°09' 58" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°01'00" N., longitude 115°06'00" W.; to latitude 33°21'30" N., longitude 115°32'55" W.; to latitude 33°23'40" N., longitude 115°33'20" W., to latitude 33°28'30" N., longitude 115°42'10" W.; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

AMENDMENTS On Publ. 5/26/64 29 F. R. 6848 (Changed); 9/17/64 29 F.R. 11115 (Changed);



**R-2508 Complex, Calif.**

Boundaries. Beginning at Lat. 37°12'00" N, Long. 117°20'00" W; to Lat. 35°34'00" N, Long. 116° 23'00" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 34°51'30" N, Long. 118°05'45" W; to Lat. 34°56'00" N, Long. 118°21'00" W; Lat. 35°15'00" N, Long. 118°35'00" W; to Lat. 37°12'00" N, Long. 118°35'00" W; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

**R-2509 Cuddeback Dry Lake, Calif.**

Boundaries. Beginning at Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°25'00" N, Long. 117° 16'52" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, George AFB, Calif.

**R-2510 El Centro, Calif.**

Boundaries. Beginning at latitude 32°59'35" N., longitude 115°43'30" W.; to latitude 32°52'40" N., longitude 115°43'30" W.; counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'50" N., longitude 115°55'00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'35" N., longitude 115°51'12" W.; to the point of beginning.
Designated altitudes. Surface to flight level 1,000.
Time of designation. Continuous, surface to 20,000 feet MSL; Sunrise to sunset, Monday through Friday, 20,000 feet MSL to flight level 1,000.
Controlling Agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

AMENDMENTS On Publ. 5/26/64 29 F. R. 6848 (Changed)

**R-2511 Fort Ord, California**

Boundaries. Beginning at latitude 36° 37' 42" N., longitude 121° 48' 47" W.; to latitude 36° 38' 25" N., longitude 121° 46' 29" W.; thence counterclockwise around the arc of a 3-mile radius circle centered at latitude 36° 40' 55" N., longitude 121° 45' 41" W.; to latitude 36° 38' 43" N., longitude 121° 44' 00" W.; to latitude 36° 38' 08" N., longitude 121° 43' 20" W.; to latitude 36° 35' 45" N., longitude 121° 42' 42" W.; to latitude 36° 34' 45" N., longitude 121° 47' 24" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 36° 35' 30" N., longitude 121° 50' 30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Monterey Approach Control.
Using agency. Commanding General, Fort Ord, California.

**R-2512 Holtville, Calif.**

Boundaries. Beginning at Lat. 33°05'00" N, Long. 115°17'30" W; to Lat. 33°00'00" N, Long. 115° 13'30" W; to Lat. 32°51'00" N, Long. 115°05'30" W; to Lat. 32°51'00" N, Long. 115°17'00" W; to Lat. 32°58'00" N, Long. 115°17'30" W; to Lat. 33°05'00" N, Long. 115°20'00" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, U.S. Marine Corps Air Station, Yuma, Ariz.

AMENDMENTS On Publ. 5/26/64 29 F. R. 6848 (Changed)

**R-2513 Hunter-Liggett, Calif.**

Boundaries. Beginning at latitude 35°55'20" N., longitude 121°05'45" W.; to latitude 35°57'45" N., longitude 121°09'45" W.; to latitude 35°59'18" N., longitude 121°13'30" W.; to latitude 35°58'54" N., longitude 121° 15'20" W.; latitude 36°02'45" N., longitude 121°17'45" W.; to latitude 36°03'43" N., longitude 121° 22'38" W.; to latitude 36°02'12" N., longitude 121°24'40" W.; to latitude 35°51'02" N., longitude 121°16'18" W.; to latitude 35°48'17" N., longitude 121°10'53" W.; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

**R-2514 Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor.**

Boundaries. From a point of beginning at latitude 37°25'15" N., longitude 120°36'29" W., the area centered on a bearing therefrom of 320°, extending to a point 25 nmi NW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
Surface to 23,000 feet MSL from the point of beginning to 3 nmi NW.
2,000 feet MSL to 23,000 feet from 3 to 6 nmi NW of the point of beginning.
5,000 feet MSL to 23,000 feet MSL from 6 to 11 nmi NW of the point of beginning.
10,000 feet MSL to 23,000 feet MSL from 11 to 15 nmi NW of the point of beginning.
14,000 feet MSL to 23,000 feet MSL from 15 to 19 nmi NW of the point of beginning.
16,000 feet MSL to 23,000 feet MSL from 19 to 25 nmi NW of the point of beginning.
Time of designation. Continuous.
Using agency. Castle AFB Approach Control.

AMENDMENTS 7/23/64 29 F. R. 6531 (Rewritten)

**R-2515 Muroc Lake, Calif.**

Boundaries. Beginning at Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°10'00" N, Long. 116° 49'00" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 35°01'00" N, Long. 118°05'45" W; to Lat. 35°27'40" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Edwards AFB, Calif.

**R-2516 Naval Missile Facility, Point Arguello, Calif.**
Boundaries. Beginning at latitude 34°59'32" N., longitude 120°41'50" W.; to latitude 34°49'00" N., longitude 120°27'15" W.; to latitude 34°46'15" N., longitude 120°26'40" W.; to latitude 34°39'50" N., longitude 120°31'15" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°34'52" N., longitude 120°42'37" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS 7/23/64 29 F. R. 6377 (Rewritten)

**R-2517 Naval Missile Facility, Point Arguello, Calif.**
Boundaries. Beginning at latitude 34°34'52" N., longitude 120°42'37" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°24'00" N., longitude 120°30'00" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS 7/23/64 29 F. R. 6377 (Rewritten)

**R-2518 Offshore of California.**

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N, Long. 118°36'47" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, 11th Naval District, San Diego, Calif.



**R-2519 Point Mugu, Calif.**

Boundaries. Beginning at Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°04'15" N, Long. 119° 03'40" W; to Lat. 34°02'15" N, Long. 119°04'20" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N, Long. 119°13'00" W; to Lat. 34°05'55" N, Long. 119°11'15" W; to Lat. 34°07'08" N, Long. 119°09'32" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

**R-2520 Point Mugu, Calif.**

Boundaries. Beginning at Lat. 34°08'30" N, Long. 119°06'10" W; to Lat. 34°07'00" N, Long. 119° 05'00" W; to Lat. 34°06'15" N, Long. 119°05'25" W; to Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°07'07" N, Long. 119°09'00" W; to Lat. 34°08'30" N, Long. 119°07'40" W; to the point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

**R-2521 Salton Sea, Calif.**

Boundaries. Beginning at latitude 33°18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600 sunrise to sunset; surface to 1,000 feet MSL sunset to sunrise.
Time of designation. Sunrise Monday to 2400 PST Friday.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using Agency. Commanding Officer, Naval Air Facility, El Centro, Calif.

**R-2522 San Rafael, Calif. (Hamilton AFB). Restricted Area/Military Climb Corridor.**

Boundaries. The area centered on the 325° radial of the Hamilton VOR extending from 7 miles NW of the airbase at Lat. 38°03'35" N, Long. 122°30'30" W to 34 miles NW of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 7 miles NW of the airbase to 8 miles NW of the airbase.
2,000 feet MSL to flight level 240 from 8 to 9 miles NW of the airbase.
2,000 feet MSL to flight level 270 from 9 to 12 miles NW of the airbase.
6,000 feet MSL to flight level 270 from 12 to 17 miles NW of the airbase.
10,000 feet MSL to flight level 270 from 17 to 22 miles NW of the airbase.
15,000 feet MSL to flight level 270 from 22 to 27 miles NW of the airbase.
19,000 feet MSL to flight level 270 from 27 to 34 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Hamilton AFB Approach Control.

**R-2524 Trona, Calif.**

Boundaries. Beginning at Lat. 35°47'46" N, Long. 116°55'20" W; to Lat. 35°15'56" N, Long. 116° 55'20" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°16'52" W; to Lat. 35°47'46" N, Long. 117°16'52" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

**R-2525 Vernalis, Calif.**

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.
Designated altitudes. Surface to 17,000 feet MSL.
Time of designation. One hour before sunrise to one hour after sunset.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

**R-2526 Victorville, Calif. (George AFB), Restricted Area/Military Climb Corridor.**
Boundaries. The area centered on the 242° radial of the George AFB VOR extending from 5 miles W of the airbase (Lat. 34°35'45" N, Long. 117°22'55" W) to 30 miles W of the airbase with a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
4,900 feet MSL to 17,900 feet MSL from 5 miles W of the airbase to 6 miles W of the airbase.
4,900 feet MSL to flight level 269 from 6 to 7 miles W of the airbase.
5,900 feet MSL to flight level 270 from 7 to 8 miles W of the airbase.
6,900 feet MSL to flight level 270 from 8 to 9 miles W of the airbase.
7,900 feet MSL to flight level 270 from 9 to 10 miles W of the airbase.
8,900 feet MSL to flight level 270 from 10 to 11 miles W of the airbase.
9,900 feet MSL to flight level 270 from 11 to 12 miles W of the airbase.
10,900 feet MSL to flight level 270 from 12 to 13 miles W of the airbase.
11,900 feet MSL to flight level 270 from 13 to 15 miles W of the airbase.
12,900 feet MSL to flight level 270 from 15 to 20 miles W of the airbase.
17,900 feet MSL to flight level 270 from 20 to 25 miles W of the airbase.
21,900 feet MSL to flight level 270 from 25 to 30 miles W of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Edwards Approach Control.
Using agency. Commander, George AFB, Calif.

**R-2527 Oxnard, Calif. (Oxnard AFB), Restricted Area/Military Climb Corridor.**
Boundaries. The area centered on the Oxnard AFB TACAN 270° radial and the Oxnard AFB ILS localizer W course bounded by a line beginning at Lat. 34°13'45" N, Long. 119°12'55" W; to Lat. 34°11'55" N, Long. 119°12'55" W; to Lat. 34°11'30" N, Long. 119°18'45" W; along the continental limits of the United States to Lat. 34°13'55" N, Long. 119°19'40" W; to the point of beginning.
Designated altitudes:
2,100 feet MSL to 15,100 feet MSL from 7 miles W of the TACAN to 8 miles W of the TACAN.
2,100 feet MSL to flight level 240 from 8 to 9 miles W of the TACAN.
2,100 feet MSL to flight level 270 from 9 to 12 miles W of the TACAN.
6,100 feet MSL to flight level 270 from 12 miles W of the TACAN to the continental limits of the U. S.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Ventura Approach Control.
Using agency. Commander, Oxnard AFB, Calif.

**R-2528 Newman, Calif.**

Boundaries. Beginning at latitude 37°19'50" N., longitude 121°04'05" W., to latitude 37°16'25" N., longitude 121°02'55" W.; thence clockwise along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to latitude 37°15'30" N., longitude 121°03'30" W.; to latitude 37°05'50" N., longitude 121°01'45" W.; to latitude 37°05'15" N., longitude 121°08'00" W.; to latitude 37°17'00" N., longitude 121°10'12" W.; thence along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to the point of beginning.
Designated altitudes. 2,000 feet MSL to 17,000 feet MSL.
Time of designation. One hour before sunrise to one hour after sunset.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

**R-2529 Fort Ord West, California**
Boundaries. Beginning at latitude 36° 42' 00" N., longitude 121° 49' 45" W.; to latitude 36° 40' 45" N., longitude 121° 48' 22" W.; thence south along California State Highway No. 1 to latitude 36° 38' 05" N., longitude 121° 49' 55" W.; to latitude 36° 38' 15" N., longitude 121° 51' 45" W.; to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Thirty minutes before sunrise to thirty minutes after sunset.
Controlling agency. Federal Aviation Agency, Monterey Approach Control.
Using agency. Commanding General, Fort Ord, California.

**R-2530 Sierra Army Depot, Calif.**
Boundaries. Beginning at latitude 40° 18' 21" N., longitude 120° 05' 06" W.; to latitude 40° 18' 21" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 05' 06" W.; to the point of beginning.
Designated altitudes. Surface to 8,600 feet MSL.
Time of designation. 0800 to 1800 p.s.t., Monday through Friday.
Using agency. Commanding Officer, Sierra Army Depot, Herlong, California.



§ 73.26 Colorado

**R-2601 Fort Carson, Colo.**

Boundaries. Beginning at Lat. 38°32'06" N, Long. 104°49'18" W; to Lat. 38°32'06" N, Long. 104°45'00" W; to Lat. 38°43'38" N, Long. 104°45'50" W; to Lat. 38°43'43" N, Long. 104°46'20" W; to Lat. 38°42'58" N, Long. 104°48'30" W; to Lat. 38°43'12" N, Long. 104°49'07" W; thence southwest along Colorado Highway #115 to Lat. 38°39'00" N, Long. 104°51'40" W; to Lat. 38°36'20" N, Long. 104°51'40" W; to the point of beginning.
Designated altitudes. Surface to 35,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Denver ARTC Center.
Using agency. Commanding General, Fort Carson, Colo.

§ 73.27 Connecticut

§ 73.28 Delaware

**R-2801 Bethany Beach, Del.**

Boundaries. Beginning at Lat. 38°31'15" N, Long. 75°03'10" W; to Lat. 38°33'45" N, Long. 74°59'33" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 38°26'45" N, Long. 74°59'15" W; to Lat. 38°29'03" N, Long. 75°03'00" W; to the point of beginning.
Designated altitudes. Surface to 36,000 feet MSL.
Time of designation. 0800 to 2000 EST, Monday through Friday, July 1 through August 31
Using agency. Commanding General, Second U. S. Army, Fort Meade, Md.

**R-2803 Dover, Del. (Dover AFB), Restricted Area/Military Climb Corridor.**
Boundaries. The area based on the 184° radial of the Dover AFB TACAN extending from 5 miles S of the Dover AFB (latitude 39°07'45" N., longitude 75°27'50" W.) to 32 miles S of Dover AFB, having a width at the beginning from 1 mile W to 2.4 miles E of the TACAN 184° radial and expanding to a width at the outer extremity from 2.3 miles W to 2.4 miles E of the TACAN 184° radial.
Designated altitudes.
2,000 feet MSL to 15,000 feet MSL from 5 miles S of the airbase to 6 miles S of the airbase.
2,000 feet MSL to flight level 240 from 6 to 7 miles S of the airbase.
2,000 feet MSL to flight level 270 from 7 to 10 miles S of the airbase.
6,000 feet MSL to flight level 270 from 10 to 15 miles S of the airbase.
10,000 feet MSL to flight level 270 from 15 to 20 miles S of the airbase.
15,000 feet MSL to flight level 270 from 20 to 25 miles S of the airbase.
19,000 feet MSL to flight level 270 from 25 to 32 miles S of the airbase.
Time of designation. Continuous.
Using agency. Dover AFB Approach Control.

§ 73.29 Florida

**R-2901A Avon Park North, Fla.**

Boundaries. Beginning at latitude 27°44'45" N., longitude 81°21'25" W.; to latitude 27°52'55" N., longitude 81°24'20" W.; to latitude 27°55'00" N., longitude 81°17'55" W.; to latitude 27°44'45" N., longitude 81°14'05" W.; to point of beginning.
Designated altitude. 500 feet MSL to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

**R-2901B Avon Park South, Fla.**
Boundaries. Beginning at latitude 27°34'50" N., longitude 81°09'30" W.; to latitude 27°26'10" N., longitude 81°01'05" W.; to latitude 27°22'35" N., longitude 81°05'15" W.; thence along Highway 98 to latitude 27°23'00" N., longitude 81°07'00" W.; to latitude 27°32'40" N., longitude 81°16'50" W.; to latitude 27°32'40" N., longitude 81°12'20" W.; to point of beginning.
Designated altitudes. 500 feet MSL to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Florida.

R-2901C Avon Park West, Fla.

Boundaries. Beginning at latitude 27°35'30" N., longitude 81°08'15" W.; to latitude 27°34'50" N., longitude 81°09'30" W.; to latitude 27°32'40" N., longitude 81°12'20" W.; to latitude 27°32'40" N., longitude 81°16'50" W.; to latitude 27°32'32" N., longitude 81°21'40" W.; thence North along Arbuckle Creek to Arbuckle Lake and along the East and North shore of Arbuckle Lake to latitude 27°43'10" N., longitude 81°25'20" W.; to latitude 27°44'50" N., longitude 81°25'20" W.; to latitude 27°44'45" N., longitude 81°21'25" W.; to latitude 27°44'45" N., longitude 81°11'40" W.; to point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center
Using agency Commander, MacDill AFB, Fla

AMENDMENTS On Publ 5/8/64 29 F. R. 6062 (Changed)

R-2901D Avon Park East, Fla.
Boundaries. Beginning at latitude 27°44'45" N., longitude 81°10'20" W.; to latitude 27°37'00" N., longitude 81°06'50" W.; to latitude 27°35'30" N., longitude 81°08'15" W.; to latitude 27°44'45" N., longitude 81°11'40" W.; to point of beginning.
Designated altitude. Surface to 13,000 feet MSL
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2902 Banana River, Fla.

Boundaries. Beginning at Lat. 28°50'00" N, Long. 80°50'00" W; to Lat. 28°50'00" N, Long. 80° 41'35" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 28°22'00" N, Long. 80° 33'00" W; to Lat. 28°22'00" N, Long. 80°38'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, Air Force Missile Test Center, Patrick AFB, Fla.

R-2903A Jacksonville East, Fla.

Boundaries. Beginning at latitude 30°15'30" N., longitude 81°43'25" W., clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W., to latitude 30°11'25" N., longitude 81°41'00" W., to latitude 29°49'50" N., longitude 81°41'00" W., counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°47'00" N., longitude 81°41'00" W., to latitude 29°45'15" N., longitude 81°43'40" W., to latitude 29°47'55" N., longitude 81°50'30" W., to latitude 29°50'45" N., longitude 81°49'15" W., to latitude 29°53'50" N., longitude 81°57'50" W., to latitude 30°00'15" N., longitude 81°52'05" W., to latitude 30°02'05" N., longitude 81°54'45" W., to latitude 29°56'20" N., longitude 82°00'00" W., counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'20" N., longitude 82°00'25" W., to latitude 29°56'00" N., longitude 82°02'00" W., to latitude 30°15'30" N., longitude 82°02'00" W., to the point of beginning.
Designated altitude. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903B Stevens Lake, Fla.

Boundaries. Beginning at Lat. 29°56'20" N, Long. 82°00'00" W; to Lat. 30°02'05" N, Long. 81°54'45" W; to Lat. 30°00'15" N, Long. 81°52'05" W; to Lat. 29°53'50" N, Long. 81°57'50" W; to Lat. 29°50'45" N, Long. 81°49'15" W; to Lat. 29°47'55" N, Long. 81°50'30" W; to Lat. 29°50'55" N, Long. 81°58'20" W; thence clockwise along an arc of a circle with a 3-nautical mile radius centered at Lat. 29°53'20" N, Long. 82°00'25" W; to the point of beginning, excluding that area 1 nautical mile either side of a 220° True bearing from, and more than 1 2/3 nautical miles from Lat. 29°53'20" N, Long. 82° 00'25" W.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903C Putnam, Fla.

Boundaries. The area within a 3-nautical mile radius of Lat. 29°47'00" N, Long. 81°41'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.



R-2903D Jacksonville West, Fla.

Boundaries. Beginning at latitude 30° 15' 30" N., longitude 81° 50' 00" W.; to latitude 30° 15' 30" N., longitude 82° 02' 00" W.; to latitude 29° 56' 00" N., longitude 82° 02' 00" W.; counterclockwise along an arc of a circle 3-nautical miles in radius centered at latitude 29° 53' 20" N., longitude 82° 00' 25" W.; to latitude 29° 53' 30" N., longitude 82° 04' 00" W.; to latitude 30° 00' 00" N., longitude 82° 19' 30" W.; to latitude 30° 03' 00" N., longitude 82° 20' 00" W.; to latitude 30° 22' 00" N., longitude 82° 20' 00" W.; to latitude 30° 21' 20" N., longitude 81° 55' 45" W.; to the point of beginning.
Designated altitudes. Surface to FL 240 east of longitude 82° 02' 00" W.; 1,200 feet AGL to FL 240 west of longitude 82' 02' 00" W.
Time of designation. Continuous, terminating December 31, 1964.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2906 Rodman, Fla.

Boundaries. Within a 3-nautical mile radius of latitude 29°29'00" N., longitude 81°46'00" W., and within 1½ nautical miles either side of the 240° and 300° True bearings from the center extending from the 3-nautical mile radius to 10 nautical miles northwest and southwest of the center.
Designated altitudes. The 3-nautical mile radius, surface to 14,000 feet MSL; the extensions, surface to 6,000 feet MSL.
Time of designation. From sunrise to 2400 eastern standard time.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2907 Lake George, Fla.

Boundaries. Beginning at latitude 29°23'00" N., longitude 81°31'30" W.; to latitude 29°20'00" N., longitude 81°30'40" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81° 40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to the point of beginning.
Designated Altitudes. Surface to flight level 500.
Time of Designation. Continuous.
Controlling Agency. Federal Aviation Agency, Jacksonville, ARTC Center.
Using Agency. Commander, Fleet Air Jacksonville, NAS. Jacksonville, Fla.

R-2908 Pensacola, Fla.

Boundaries. Bounded on the N by the Alabama-Florida shoreline; on the E by a line extending from Lat. 30°15'00" N, Long, 87°41'00" W to Lat. 30°11'20" N, Long. 87°44'15" W; on the S by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W by Long. 88°01'30" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2909 Pensacola, Fla.

Boundaries. Bounded on the N by the Florida shoreline; on the E by Long. 86°48'00" W; on the S by a line 3 nautical miles from and parallel to the Florida shoreline; and on the W by a line extending from Lat. 30° 18'20" N, Long. 87°00'00" W to Lat. 30°21'15" N, Long. 87°00'50" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2910 Pinecastle, Fla.

Boundaries. A circular area with a 5-nautical mile radius centered at latitude 29°06'52" N. longitude 81°42'55" W. including the area within 2.5 nautical miles either side of the 137° and 317° bearings from the center of the circular area, extending from the 5-nautical mile radius of 10 nautical miles SE and NW of the center.
Designated altitudes. Within the 5-nautical mile circle, surface to flight level 370; within the SE and NW extensions, surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

**R-2912A Panama City, Fla.**

Boundaries Beginning at latitude 30°42'10" N., longitude 85°53'05" W.; to latitude 30°42'45" N., longitude 85°14'00" W.; to latitude 29°55'00" N., longitude 84°32'00" W.; to latitude 29°47'00" N., longitude 84°40'00" W.; to latitude 29°43'35" N., longitude 84°39'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 29°55'40" N., longitude 85°32'15" W.; to latitude 30°00'40" N., longitude 85°22'45" W.; to point of beginning.
Designated altitudes. 1,500 feet MSL to but not including 7,000 feet MSL
Time of designation. As activated by NOTAM issued by the using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Tyndall AFB, Fla.

**R-2912B Panama City, Fla.**

Boundaries. Beginning at latitude 30°42'10" N., longitude 85°53'05" W.; to latitude 30°42'45" N., longitude 85°14'00" W.; to latitude 29°55'00" N., longitude 84°32'00" W.;to latitude 29°47'00" N., longitude 84°40'00" W.; to latitude 29°43'35" N., longitude 84°39'00" W.' thence 3 nautical miles from and parallel to the shoreline to latitude 29°55'40" N., longitude 85°32'15" W.; to latitude 30°00'40" N., longitude 85° 22'45" W.
Designated altitudes. 7,000 feet MSL to but not including FL 290.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Tyndall AFB, Fla.

**R-2914 Valparaiso, Fla.**

Boundaries. Beginning at latitude 30°43'10" N., longitude 86°27'37" W.; to latitude 30°43'45" N., longitude 86°10'30" W.; to latitude 30°41'00" N., longitude 86°05'10" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°11'10" N., longitude 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°19'45" N., longitude 86°23'45" W.; to latitude 30°25'00" N., longitude 86° 22'26" W.; to latitude 30°25'00" N., longitude 86°25'00" W.; to latitude 30°33'00" N., longitude 86°25'00" W.; to latitude 30°33'00" N., longitude 86°25'30" W.; to latitude 30°37'00" N., longitude 86°25'30" W.; to latitude 30°37'00" N., longitude 86°27'37" W.; to point of beginning.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, Air Proving Ground, Eglin AFB, Fla.

**R-2915A Eglin AFB, Fla.**
Boundaries. Beginning at latitude 30°33'40" N., longitude 86°55'00" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; thence along the L and N Railroad to latitude 30°42'45" N., longitude 86°45'45" W.;to latitude 30°42'50" N., longitude 86°38'02" W.; to latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; thence along the Navarre-Milton Highway to point of beginning.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, Air Proving Ground Command, Eglin AFB, Florida.

AMENDMENTS 5/28/64 29 F.R. 4670 (Added)

**R-2915B Eglin AFB, Fla.**
Boundaries. Beginning at latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°20'50" N., longitude 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00"W.; to latitude 30°23'20" N., longitude 86°48'00" W.; to latitude 30°22'50" N., longitude 86°51'30" W.; to latitude 30°23'50" N., longitude 86°51'30" W.; to latitude 30°24'20" N., longitude 86°48'00" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; to point of beginning.
Designated altitudes. Surface to FL 1200.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, Air Proving Ground Command, Eglin AFB, Florida.

AMENDMENTS 5/28/64 29 F.R. 4670 (Added) Amend. Alt. 29 F. R. 6061

**§ 73.30 Georgia**

**R-3001 Dawsonville, Ga.**
Boundaries. A circular area with a 1.5-mile radius centered at latitude 34°22'00" N., longitude 84°10'00" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Air Force Systems Command, Andrews AFB, Md.

AMENDMENTS On Publ. 4/3/64 29 F.R. 4769 (Changed);



R-3002 **Fort Benning, Ga.**
Boundaries. Beginning at latitude 32°30'50" N., longitude 84°52'15" W.; along the Central of Georgia Railraod to latitude 32°32'10" N., longitude 84°40'40" W.; to latitude 32°29'10" N., longitude 84°39'25" W.; to latitude 32°18'30" N., longitude 84°39'25" W.; along the Central of Georgia Railroad to latitude 32°20' 54" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°53'10" W.; along the Chattahoochee River to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°58'42" W.; to latitude 32°20'15" N., longitude 84°58'42" W.; along northwest side of Dixie Road to latitude 32°21'10" N., longitude 84°56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek to latitude 32°24'00" N., longitude 84°53'30" W.; to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3003 **Fort Gordon, Ga.**
Boundaries. Beginning at latitude 33°23'35" N., longitude 82°08'30" W.; to latitude 33°22'15" N., longitude 82°08'18" W.; to latitude 33°21'35" N., longitude 82°09'10" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to latitude 33°25'00" N., longitude 82°12'00" W.; to point of beginning.
Designated altitude. Surface to 4,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

Amendments 5/28/64 29 F.R. 3357 (Rewritten)

R-3004 **Fort Gordon, Ga.**
Boundaries. Beginning at latitude 33°21'53" N., longitude 82°12'15" W.; to latitude 33°19'43" N., longitude 82°12'15" W.; to latitude 33°16'20" N., longitude 82°18'00" W.; to latitude 33°17'29" N., longitude 82°23'00" W.; to latitude 33°21'15" N., longitude 82°18'47" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to point of beginning.
Designated altitude. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

AMENDMENTS 5/28/64 29 F.R. 3357 (Rewritten)

**R-3005A Fort Stewart, Ga.**
Boundaries. Beginning at latitude 32°04'40" N., longitude 81°50'00" W.; to latitude 32°07'00" N., longitude 81°43'30" W.; to latitude 32°06'15" N., longitude 81°31'30" W.; to latitude 32°05'30" N., longitude 81°31'30" W.; to latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 31°56'30" N., longitude 81°30'00" W.; thence along the arc of a 5-mile circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'48" N., longitude 81°30'42" W.; thence SW along Georgia Highway 144 to latitude 31°53'11" N., longitude 81°37'51" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°55'30" N., longitude 81°53'00" W.; to latitude 31°57'00" N., longitude 81°53'15" W.; to latitude 31°59'45" N., longitude 81°51'06" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

AMENDMENTS 7/28/64 29 F.R. 11151 (Rewritten);

R-3005B **Fort Stewart, Ga.**
Boundaries. Beginning at latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 32°04'15" N., longitude 81°22'30" W.; thence along the Ogeechee River to latitude 32°00'30" N., longitude 81°19'30" W.; to latitude 31°58'45" N., longitude 81°19'45" W.; to latitude 31°56'15" N., longitude 81°23'00" W.; to latitude 31°54'03" N., longitude 81°28'45" W.; thence along the arc of a 5-statute-mile-radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'30" N., longitude 81°30'00" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

AMENDMENTS 7/28/64 29 F.R. 11151 (Rewritten);

**R-3005C Fort Stewart, Ga.**
Boundaries. Beginning at latitude 31°54'03" N., longitude 81°28'45" W., to latitude 31°51'20" N., longitude 81°36'00" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°53'11" N., longitude 81°37'51" W.; thence NE along Georgia Highway 144 to latitude 31°56'48" N., longitude 81°30'42" W.; thence along the arc of a 5-mile radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W. to the point of beginning
Designated altitudes. Surface to 3,500 feet MSL
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center
Using agency. Commanding Officer, Fort Stewart Ga

AMENDMENTS 7/28/64 29 F.R 11151 (Added)

**R-3006 Townsend, Ga.**
Boundaries. A circular area with a 3-nautical mile radius centered at Lat 31°32'50" N, Long 81°35'20" W, and within 1.5 nautical miles either side of the 223° and 298° bearings from the center extending from the 3-nautical mile radius circle to 10 nautical miles southwest and northwest of the center.
Designated altitudes. The area within the 3-nautical mile radius surface to 14,000 feet MSL, the area within the extensions, surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla

## § 73.31 Hawaii

**R-3101 Bonham, Hawaii**

Boundaries. Beginning at Lat. 22°12'45" N, Long. 159°43'00" W, to Lat 22°09'20" N, Long. 159° 43'00" W; counterclockwise along the shoreline of the Island of Kauai to Lat. 21°58'00" N, Long. 159° 43'00" W; to Lat. 21°55'00" N, Long. 159°43'00" W; clockwise along a line 3 nautical miles from and parallel to the shoreline of the Island of Kauai to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Lihue Flight Service Station
Using agency Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii

R-3102 Dillingham, Hawaii
Boundaries. Beginning at latitude 21° 35' 02" N., longitude 158° 11' 02" W., to latitude 21° 35' 00" N., longitude 158° 15' 24" W.; to latitude 21° 34' 51" N., longitude 158° 17' 30" W.; to latitude 21° 35' 23" N., longitude 158° 19' 40" W.; thence three (3) nautical miles from the shoreline to latitude 21° 37' 42" N., longitude 158° 09' 24" W.; to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. 0700 to 1700 Hawaiian standard time. Monday through Friday
Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.
Using agency Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii

**R-3103 Humuula, Hawaii**
Boundaries. Beginning at Lat. 19°48'45" N, Long. 155°38'00" W; to Lat 19°45'15" N, Long. 155° 32'00" W; to Lat. 19°39'00" N, Long. 155°26'30" W; to Lat. 19°32'00" N, Long. 155°42'00" W; to Lat 19°38'00" N, Long. 155°45'10" W; to Lat. 19°41'00" N, Long. 155°44'00" W; to Lat. 19°47'00" N, Long 155°38'00" W; to the point of beginning.
Designated altitudes. Surface to 36,000 feet MSL
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Hilo Combined Station/Tower
Using agency. Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii

**R-3104 Island of Kahoolawe, Hawaii**

Boundaries. Beginning at latitude 20°34'20" N., longitude 156°40'30" W., thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Honolulu ARTC Center.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.



**R-3106 Kahuku Point, Oahu, Hawaii**

Boundaries. Beginning at latitude 21°43'40" N., longitude 157°55'05" W.; to latitude 21°39'30" N., longitude 157°51'40" W.; thence 3 nautical miles from the shoreline to latitude 21°36'50" N., longitude 157°50'30" W.; to latitude 21°35'00" N., longitude 157°49'40" W., to latitude 21°35'00" N., longitude 157°51'30" W.; to latitude 21°36'30" N., longitude 157°53'45" W.; to latitude 21°41'30" N., longitude 157°56'20" W.; thence clockwise along the arc of a circle with a 1.5-nautical mile radius centered at latitude 21°43'00" N., longitude 157°56'30" W.; to the point of beginning.
Designated altitudes. The area northwest of a line drawn between latitude 21°39'08" N., longitude 157°55'05" W. and latitude 21°40'18" N., longitude 157°52'20" W., surface to 15,000 feet MSL; the area southeast of this line, surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station
Using agency Commander, Fleet Air Hawaii, NAS Barbers Point, Hawaii

**R-3107 Kaula Rock, Hawaii**

Boundaries. A circular area with a 3-nautical mile radius centered at Lat 21°39'30" N, Long. 160°32'30" W.
Designated altitudes. Surface to flight level 300.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii

**R-3108 Kauna Point, Hawaii**

Boundaries. Beginning at latitude 19°15'00" N., longitude 155°56'00" W.; to latitude 18°58'43" N., longitude 155°47'30" W.; to latitude 18°56'22" N., longitude 155°47'30" W.; thence clockwise 3 nautical miles from the shoreline to latitude 19°14'35" N., longitude 155°57'30" W.; to the point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Maui Combined Station/Tower
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point Hawaii.

R-3109 Schofield-Makua, Oahu, Hawaii

Boundaries. Beginning at latitude 21° 30' 29" N., longitude 158° 04' 09" W.; to latitude 21° 29' 25" N., longitude 158° 05' 00" W.; to latitude 21° 27' 28" N., longitude 158° 05' 55" W.; to latitude 21° 29' 11" N., longitude 158° 07' 35" W.; to latitude 21° 31' 00" N., longitude 158° 14' 00" W.; to latitude 21° 32' 30" N., longitude 158° 14' 30" W.; to latitude 21° 33' 30" N., longitude 158° 15' 30" W.; to latitude 21° 34' 51" N., longitude 158° 17' 30" W.; to latitude 21° 35' 00" N., longitude 158° 15' 24" W.; to latitude 21° 32' 14" N., longitude 158° 05' 12" W.; to point of beginning.
Designated altitudes. The area southeast of a line between latitude 21° 28' 35" N., longitude 158° 07' 00" W., and latitude 21° 29' 25" N., longitude 158° 05' 00" W., surface to 8,000 feet MSL. The area northwest of this line, surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.
Using agency. Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii.

## § 73.32 Idaho

**R-3201 Arco, Idaho.**

Boundaries. Beginning at Lat. 43°59'20" N, Long. 112°43'50" W; to Lat. 43°50'20" N, Long. 112° 30'00" W; to Lat. 43°32'00" N, Long. 112°35'00" W; to Lat. 43°27'00" N, Long. 113°03'00" W; to Lat. 43°34'30" N, Long. 113°11'50" W; to Lat. 43°48'40" N, Long. 112°49'40" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Idaho Falls, Idaho.

## § 73.33 Illinois

**R-3301 Havana, Ill.**

Boundaries. A circular area with a 500-foot radius centered latitude 40°13;16" N., longitude 90°01'23" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Using agency. Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo,

R-3302 Savanna, Ill

Boundaries A circular area with a 1,500-foot radius centered at latitude 42°13'15" N., longitude 90°21'24" W
Designated altitudes Surface to 2,300 feet MSL
Time of designation 0800 to 2200 c.s.t., Monday through Friday
Using agency Commanding Officer Ordnance Depot, Savanna, Ill

§ 73.34 Indiana

R-3401 Camp Atterbury, Ind.

Boundaries. Beginning at Lat 39°21'30" N, Long. 86°06'00" W; to Lat. 39°21'30" N, Long. 85°59'30" W; to Lat 39°13'00" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 86°06'00" W; to the point of beginning
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation Continuous.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center
Using agency Commanding Officer, Camp Atterbury, Ind.

R-3403 Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N.; longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W., to the point of beginning.
Designated altitudes. Surface to 43,000 feet MSL
Time of designation 0800 to 2400 e.s.t.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center
Using agency Commanding Officer, Jefferson Proving Ground, Madison, Ind

§ 73.35 Iowa

§ 73.36 Kansas

R-3601 Brookville, Kans.

Boundaries. Beginning at Lat. 38°45'20" N, Long. 97°47'00" W; to Lat 38°39'20" N, Long. 97°47'00" W; along the Missouri Pacific Railroad to Lat. 38°38'20" N, Long. 97°47'30" W; to Lat. 38°38'20" N, Long. 97°53'22" W; to Lat. 38°45'20" N, Long. 97°53'22" W; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center
Using agency Commander, Schilling AFB, Kans

R-3602 Manhattan, Kans.

Boundaries. Beginning at Lat. 39°13'00" N, Long. 96°49'42" W; thence to Lat. 39°13'00" N, Long. 96°42'35" W; thence to Lat. 39°12'17" N, Long. 96°40'55" W; thence to Lat. 39°10'43" N, Long. 96°40'55" W; thence to Lat. 39°09'23" N, Long. 96°43'00" W; thence to Lat. 39°06'20" N, Long. 96°43'00" W; thence to Lat. 39°04'24" N, Long. 96°47'30" W; thence to Lat. 39°04'24" N, Long. 96°52'22" W; thence to Lat. 39°07'54" N, Long. 96°49'42" W; thence to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center
Using agency. Commanding General, Fort Riley, Kans.

§ 73.37 Kentucky

R-3702 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°43'30" N., longitude 87°48'15" W., to latitude 36°37'30" N., longitude 87°48'15" W.; to latitude 36°35'30" N., longitude 87°45'00" W.; to latitude 36°33'30" N., longitude 87°42'30" W.; to latitude 36°32'00" N., longitude 87°35'00" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°40'00" W.; to latitude 36°42'00" N., longitude 87°40'30" W.; to latitude 36°43'30" N., longitude 87°43'00" W.; to the point of beginning.
Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Memphis ARTC Center
Using agency. Commanding General, Fort Campbell, Ky.



R-3703 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'15" N., longitude 87°30'12" W.; to latitude 36°39'30" N., longitude 87°29'45" W.; to latitude 36°39'30" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°29'50" W.; to latitude 36°34'00" N., longitude 87°29'50" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3704 Fort Knox, Ky.

Boundaries. Beginning at Lat. 37°59'00" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°55'30" W; along U. S. Highway 31-W to Lat. 37°50'45" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°55'17" N, Long. 85°56'46" W; to Lat. 37°55'17" N, Long. 85°57'16" W; to Lat. 37°56'04" N, Long. 85°57'33" W; to Lat. 37°56'23" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°58'00" N, Long. 85°57'45" W; along the Illinois Central Railroad to Lat. 37°59'00" N, Long. 85°57'00" W; to Lat. 38°01'00" N, Long. 85°54'30" W; along Kentucky Route 44 to Lat. 38°00'30" N, Long. 85°52'00" W; to Lat. 37°59'00" N, Long. 85°52'00" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Standiford Control Tower, Louisville, Ky.
Using agency. Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

§ 73.38 Louisiana

R-3801 Camp Claiborne, La.

Boundaries. Beginning at latitude 31°05'50" N., longitude 92°31'15" W.; to latitude 31°03'51" N., longitude 92°31'56" W.; to latitude 31°01'53" N., longitude 92°34'17" W.; to latitude 31°07'30" N., longitude 92°40'45" W.; to latitude 31°11'07" N., longitude 92°36'35" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency; New Orleans ARTC Center.
Using agency. Commander, England Air Force Base, Louisiana.

AMENDMENTS 9/29/64 29 F.R. 13604 (Rewritten)

R-3802 Rabbit Island, La.
Boundaries. A circular area with a three nmi radius centered on latitude 29° 30' 35" N, longitude 91° 35' 45" W.
Designated altitudes: Surface to 12,000 feet MSL.
Time of designation: Continuous.
Using agency: Commanding Officer, Naval Air Station, New Orleans, Louisiana.

AMENDMENTS 4/30/64 29 F. R. 2740 (Rewritten)

R-3803 Fort Polk, La.

Boundaries. Beginning at latitude 31°23'36" N., longitude 93°09'57" W.; to latitude 31°23'12" N., longitude 93°09'48" W.; to latitude 31°22'00" N., longitude 93°10'05" W.; to latitude 31°19'16" N., longitude 93°11'10" W.; to latitude 31°19'16" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°16'42" W.; to latitude 31°23'35" N., longitude 93°13'24" W.; to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency New Orleans, Louisiana, ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804A Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W. to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency New Orleans, Louisiana, ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

**R-3804B Fort Polk, La.**

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°10'52" W.; to latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°06'10" N., longitude 93°08'11" W.; to latitude 31°04'14" N., longitude 93°12'30" W.; to point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency Alexandria, Louisiana, Flight Service Station.
Using agency. Commanding General, Fort Polk, Louisiana.

**R-3805 New Orleans, La. (Alvin Callender Field) Restricted Area/Military Climb Corridor.**

Boundaries. From a point of beginning at latitude 29°48'00" N., longitude 90°04'00" W., the area centered on a bearing therefrom of 201°, extending to a point 30 nmi S, having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
2,000 feet MSL to 14,000 feet MSL from point of beginning to 1 nmi S.
2,000 feet MSL to 17,000 feet MSL from 1 to 2 nmi S of point of beginning.
2,000 feet MSL to 19,000 feet MSL from 2 to 3 nmi S of point of beginning.
2,000 feet MSL to 21,000 feet MSL from 3 to 4 nmi S of point of beginning.
2,000 feet MSL to 23,000 feet MSL from 4 to 5 nmi S of point of beginning.
4,000 feet MSL to 23,000 feet MSL from 5 to 8 nmi S of point of beginning.
7,000 feet MSL to 23,000 feet MSL from 8 to 13 nmi S of point of beginning.
12,000 feet MSL to 23,000 feet MSL from 13 to 18 nmi S of point of beginning.
15,000 feet MSL to 23,000 feet MSL from 18 to 25 nmi S of point of beginning.
20,000 feet MSL to 23,000 feet MSL from 25 to 30 nmi S of point of beginning.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New Orleans Approach Control.
Using agency. Commander, Alvin Callender NAS.

AMENDMENTS 6/25/64 29 F. R. 5886 (Added)

**§ 73.39 Maine**

**R-3801 DeBlois, Maine.**

Boundaries. Beginning at latitude 44°40'00" N., longitude 67°42'00" W.; to latitude 44°40'00" N., longitude 67°56'00" W.; to latitude 44°50'00" N., longitude 67°56'00" W.; to latitude 44°50'00" N., longitude 67°42'00" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. 102 TAC Fighter Wing, Massachusetts Air National Guard, Boston 28, Massachusetts.

**R-3902 Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor.**

Boundaries. The area centered on a line beginning at latitude 47°00'00" N., longitude 67°54'10" W. (2 nmi north of the north end of Runway 1), and extending via a True bearing therefrom of 354° to a point 30 nmi north, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity, excluding the portion which lies outside the United States.
Designated altitudes:
Surface to flight level 240 from point of beginning to 3 nmi north.
2,000 feet MSL to flight level 240 from 3 to 6 nmi north of the point of beginning.
5,000 feet MSL to flight level 240 from 6 to 11 nmi north of the point of beginning, excluding the portion which lies outside the United States.
10,000 feet MSL to flight level 240 from 11 to 15 nmi north of the point of beginning, excluding the portion which lies outside the United States.
Time of designation. Continuous.
Using agency. Loring AFB Approach Control.

AMENDMENTS 9/17/64 29 F.R. 9821 (Rewritten)

**R-3903 Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor.**

Boundaries. The area centered on the 310° radial of the Bangor VORTAC extending from 5.8 miles NW of the VORTAC to 32.8 miles NW of the VORTAC, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,200 feet MSL to 15,200 feet MSL from 5.8 miles NW of the VORTAC to 6.8 miles NW of the VORTAC.
2,200 feet MSL to flight level 240 from 6.8 to 7.8 miles NW of the VORTAC.
2,200 feet MSL to flight level 270 from 7.8 to 10.8 miles NW of the VORTAC.
6,200 feet MSL to flight level 270 from 10.8 to 15.8 miles NW of the VORTAC.
10,200 feet MSL to flight level 270 from 15.8 to 20.8 miles NW of the VORTAC.
15,200 feet MSL to flight level 270 from 20.8 to 25.8 miles NW of the VORTAC.
19,200 feet MSL to flight level 270 from 25.8 to 32.8 miles NW of the VORTAC.
Time of designation. Continuous.
Using agency. Dow AFB Approach Control.



**§ 73.40 Maryland**

**R-4001 Aberdeen, Md.**

Boundaries. Beginning at Lat. 39°30'30" N, Long. 76°10'00" W; to Lat. 39°29'00" N, Long. 76°08'00" W; to Lat. 39°29'30" N, Long. 76°05'00" W; to Lat. 39°27'00" N, Long. 76°00'30" W; to Lat. 39°19'47" N, Long. 76°11'34" W; to Lat. 39°12'10" N, Long. 76°16'30" W; to Lat. 39°12'45" N, Long. 76°22'30" W; to Lat. 39°17'30" N, Long. 76°19'45" W; to Lat. 39°18'30" N, Long. 76°22'00" W; to Lat. 39°22'00" N, Long. 76°22'00" W; to Lat. 39°23'28" N, Long. 76°20'40" W; to Lat. 39°26'10" N, Long. 76°14'50" W; to Lat. 39°27'00" N, Long. 76°12'30" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commanding General, Aberdeen Proving Ground, Md.

**R-4002 Bloodsworth Island, Md.**

Boundaries. Beginning at Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'50" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Amphibious Training Forces Atlantic, U. S. Amphibious Base, Little Creek, Va.

**R-4005 Patuxent, Md.**

Boundaries. Beginning at Lat. 38°18'26" N, Long. 76°14'30" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'00" W; to Lat. 37°55'15" N, Long. 76°02'30" W; to Lat. 37°52'45" N, Long. 76°11'03" W; to Lat. 38°02'20" N, Long. 76°17'24" W; to Lat. 38°07'41" N, Long. 76°17'24" W; to Lat. 38°15'00" N, Long. 76°20'50" W; to Lat. 38°18'20" N, Long. 76°17'05" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Patuxent River, Md.

**R-4006 Patuxent, Md.**

Boundaries. Beginning at latitude 38°41'15" N., longitude 75°46'00" W.; to latitude 38°32'30" N., longitude 75°43'45" W.; to latitude 38°19'00" N., longitude 75°37'00" W.; along the Pennsylvania Railroad to latitude 38°12'30" N., longitude 75°41'30" W.; to latitude 38°02'30" N., longitude 75°52'30" W.; to latitude 37°55'00" N., longitude 75°52'30" W.; to latitude 37°46'39" N., longitude 75°57'43" W.; clockwise along the arc of a 5-nautical mile radius centered at latitude 37°47'54" N., longitude 76°03'48" W.; to latitude 37°45'00" N., longitude 76°08'51" W.; to latitude 37°45'00" N., longitude 76°23'30" W.; to latitude 37°50'30" N., longitude 76°32'00" W.; to latitude 38°05'10" N., longitude 76°34'15" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°30'00" N., longitude 76°04'00" W.; to latitude 38°36'00" N., longitude 75°55'30" W.; along the Pennsylvania Railroad to point of beginning, excluding R-4002, R-4005, R-4008 and R-6609.
Designated altitudes. 3,500 feet MSL to FL 850.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS, Patuxent River, Md.

**R-4007 Patuxent, Md.**

Boundaries. Beginning at Lat. 38°21'00" N, Long. 76°14'00" W; to Lat. 38°11'10" N, Long. 76°25'10" W; to Lat. 38°05'10" N, Long. 76°34'05" W; to Lat. 38°15'00" N, Long. 76°36'35" W; to Lat. 38°17'25" N, Long. 76°33'00" W; to Lat. 38°25'40" N, Long. 76°23'35" W; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Patuxent River, Md.

**R-4008 Potomac River, Md.**

Boundaries. Beginning at latitude 38°07'00" N., longitude 76°24'30" W.; to latitude 37°53'10" N., longitude 76°14'00" W.; thence along the south shore of the Potomac River to latitude 37°59'20" N., longitude 76°26'30" W.; to latitude 38°05'40" N., longitude 76°33'32" W.; to latitude 38°07'25" N., longitude 76°30'45" W.; to latitude 38°07'00" N., longitude 76°28'30" W.; to the point of beginning.
Designated altitude. Unlimited.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS, Patuxent River, Md.



**§ 73.41 Massachusetts**

§ 73.41 Massachusetts

R-4101 Camp Edwards, Mass.

Boundaries. The area within a 3-mile radius of Lat. 41°43'30" N, Long. 70°32'30" W, excluding the portion SE of a line between Lat. 41°40'54" N, Long. 70°32'52" W, and Lat. 41°44'17" N, Long. 70°29'11" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Otis Approach Control.
Using agency. Commanding Officer, Camp Edwards, Mass.

R-4103 Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor.
Boundaries. That area within the United States from a point of beginning at latitude 41°41'35" N., longitude 70°29'05" W., centered on Otis AFB TACAN 033° radial, extending to a point 30 nmi northeast, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
Surface to flight level 240 from point of beginning to 2 nmi NE.
1,000 feet MSL to flight level 240 from 2 to 3 nmi NE of point of beginning.
2,000 feet MSL to flight level 240 from 3 to 6 nmi NE of point of beginning.
5,000 feet MSL to flight level 240 from 6 to 11 nmi NE of point of beginning.
10,000 feet MSL to flight level 240 from 11 to 15 nmi NE of point of beginning.
14,000 feet MSL to flight level 240 from 15 to 19 nmi NE of point of beginning.
16,000 feet MSL to flight level 240 from 19 to 25 nmi NE of point of beginning.
20,000 feet MSL to flight level 240 from 25 to 30 nmi NE of point of beginning.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Otis Approach Control.
Using agency. Commander, Otis AFB, Mass.

AMENDMENTS 4/30/64 29 F.R. 3002 (Rewritten)

R-4104 Nashawena, Mass.

Boundaires. A circular area with a 1.5-nautical mile radius centered at Lat. 41°27'06" N, Long. 70°54'10" W.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. 0700 to 2400 e.s.t., October 1 through June 30 annually.
Controlling agency. Federal Aviation Agency, Quonset Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N, Long. 70°48'40" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. 0700 to 2400 EST.
Controlling agency. Federal Aviation Agency, Quonset Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

R-4106 North Eastham, Mass.

Boundaries. A circular area with a 2-mile radius centered at Lat. 41°51'00" N, Long. 70°03'00" W.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. 0800 to 2400 EST.
Controlling agency. Federal Aviation Agency, Otis Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

§ 73.42 Michigan

R-4201 Camp Grayling, Mich.

Boundaries. Beginning at Lat. 44°54'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°37'00" W; to Lat. 44°54'00" N, Long. 84°37'00" W; to the point of beginning.
Designated altitudes. The area N of Lat. 44°47'00" N, surface to 29,000 feet MSL June 1 through August 31; Surface to 20,000 feet MSL September 1 through May 31. The area S of Lat. 44°47'00" N, surface to 9,000 feet MSL.
Time of designation. The area N of Lat. 44°47'00" N, continuous June 1 through August 31; sunrise to sunset September 1 through May 31. The area S of Lat. 44°47'00" N, continuous June 1 through August 31.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.
Controlling agency. Federal Aviation Agency, Traverse City Flight Service Station.



R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at latitude 44°36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.
Designated altitudes. Surface to 8,200 feet MSL.
Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor.
Boundaries. From a point of beginning at latitude 42° 39' 35" N., longitude 82° 50' 05" W., the area centered on a bearing therefrom of 008°, extending to a point 30 nmi N, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
Surface to flight level 240 from the point of beginning to 3 nmi N.
2,000 feet MSL to flight level 240 from 3 nmi to 6 nmi N of the point of beginning.
5,000 feet MSL to flight level 240 from 6 nmi to 10 nmi N of the point of beginning.
9,000 feet MSL to flight level 240 from 10 nmi to 15 nmi N of the point of beginning.
14,000 feet MSL to flight level 240 from 15 nmi to 21 nmi N of the point of beginning.
17,000 feet MSL to flight level 240 from 21 nmi to 26 nmi N of the point of beginning.
20,000 feet MSL to flight level 240 from 26 nmi to 30 nmi N of the point of beginning.
Time of designation. Continuous.
Using agency. Selfridge AFB Approach Control.

AMENDMENTS 4/2/64 29 F.R. 1561 (Rewritten);

R-4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 44° 25' 30" N., longitude 83° 27' 10" W., the area centered on a bearing therefrom of 238°, extending to a point 30 nmi SW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
Surface to flight level 270 from the point of beginning to 3 nmi SW.
2,000 feet MSL to flight level 270 from 3 nmi to 6 nmi SW of the point of beginning.
5,000 feet MSL to flight level 270 from 6 nmi to 11 nmi SW of the point of beginning.
10,000 feet MSL to flight level 270 from 11 nmi to 15 nmi SW of the point of beginning.
14,000 feet MSL to flight level 270 from 15 nmi to 20 nmi SW of the point of beginning.
17,000 feet MSL to flight level 270 from 20 nmi to 25 nmi SW of the point of beginning.
20,000 feet MSL to flight level 270 from 25 nmi to 30 nmi SW of the point of beginning.
Time of designation. Continuous.
Using agency. Wurtsmith AFB Approach Control.

AMENDMENTS 4/2/64 29 F.R. 558 (Rewritten);

R-4205 Sault Ste. Marie, Mich. (Kincheloe AFB); Restricted Area/Military Climb Corridor.
Boundaries. From a point of beginning at latitude 46° 11' 57" N., longitude 84° 25' 46" W., the area centered on a bearing therefrom of 150°, extending to a point 30 nmi SE, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
Surface to flight level 270 from the point of beginning to 3 nmi SE.
2,000 feet MSL to flight level 270 from 3 to 5 nmi SE of the point of beginning.
4,000 feet MSL to flight level 270 from 5 to 9 nmi SE of the point of beginning.
8,000 feet MSL to flight level 270 from 9 to 15 nmi SE of the point of beginning.
14,000 feet MSL to flight level 270 from 15 to 24 nmi SE of the point of beginning.
19,000 feet MSL to flight level 270 from 24 to 30 nmi SE of the point of beginning.
Time of designation. Continuous.
Using agency. Kincheloe AFB Approach Control.

AMENDMENTS 3/4/64 29 F.R. 4 (Rewritten); F.R. Corr. 29 F.R. 176;

R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at latitude 45°17'00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'18" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. 0600 to 2200 e.s.t., April 1 through October 31: 0800 to 1600 e.s.t. Thursday through Sunday, November 1 through March 31.
Controlling Agency. Federal Aviation Agency, Minneapolis ARTC Center.
Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Mich.

**R-4208 Marquette, Mich. (K. I. Sawyer AFB), Restricted Area/Military Climb Corridor.**
Boundaries. From a point of beginning at latitude 46° 24' 13" N., longitude 87° 23' 04" W., the area centered on a bearing therefrom of 009°, extending to a point 30 nmi, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
Surface to flight level 270 from the point of beginning to 3 nmi N.
3,000 feet MSL to flight level 270 from 3 to 4 nmi N of the point of beginning.
4,000 feet MSL to flight level 270 from 4 to 6 nmi N of the point of beginning.
6,000 feet MSL to flight level 270 from 6 to 9 nmi N of the point of beginning.
9,000 feet MSL to flight level 270 from 9 to 15 nmi N of the point of beginning.
14,000 feet MSL to flight level 270 from 15 to 24 nmi N of the point of beginning.
20,000 feet MSL to flight level 270 from 24 to 30 nmi N of the point of beginning.
Time of designation. Continuous.
Using agency. K. I. Sawyer AFB Approach Control.

AMENDMENTS 3/5/64 29 F.R. 4 (Added);

## § 73.43 Minnesota

**R-4301 Camp Ripley, Minn.**
Boundaries. Beginning at latitude 46°18'54" N., longitude 94°29'02" W.; thence along the S bank of the Crow Wing River and the W bank of the Mississippi River to latitude 46°06'22" N., longitude 94°21'10" W.; to latitude 46°06'22" N., longitude 94°26'06" W.; to latitude 46°08'39" N., longitude 94°26'06" W.; to latitude 46°08'39" N.; to longitude 94°30'00" W.; to latitude 46°18'18" N., longitude 94°30'00" W.; to the point of beginning.
Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. May 1 through November 1.
Using agency. Adjutant General, State of Minnesota, St. Paul, Minn.

**R-4304 Upper Red Lake, Minn.**

Boundaries. Beginning at Lat. 48°23'00" N, Long. 94°40'00" W; to Lat. 48°13'00" N, Long. 94°40'00" W; to Lat. 48°13'00" N, Long. 95°00'00" W; to Lat. 48°23'00" N, Long. 95°00'00" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. 0700 to 1700 c.s.t., May 1 through October 31.
Using agency. Commanding Officer, NAS Minneapolis, Minn.

**R-4305 Lake Superior, Minn.**
Boundaries. Beginning at latitude 47°45'00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90°05'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. 0001 c.s.t. Monday to 2400 c.s.t. Friday.
Controlling agency. Federal Aviation Agency, Minneapolis ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, Louisiana.

## § 73.44 Mississippi

**R-4401 Camp Shelby, Miss.**
Boundaries. Beginning at latitude 31°12'54" N., longitude 89°11'03" W.; to latitude 31°11'48" N., longitude 89°00'00" W.; to latitude 31°10'15" N., longitude 88°56'34" W.; to latitude 31°09'10" N., longitude 88°56'34" W.; thence southwest along Mississippi State Highway No. 15 to latitude 31°04'36" N., longitude 88°59'24" W.; to latitude W.; to latitude 31°04'36" N., longitude 89°11'03" W.; to point of beginning.
Designated altitudes and time of designation. Surface to 23,000 feet MSL, 0600 to 2400 c.s.t. daily, June 1 through August 31; surface to 14,000 feet MSL, 0600 to 2400 c.s.t. Saturdays and Sundays, from March 1 through May 31; surface to 3,500 feet MSL, sunrise to sunset, for use by the United States Air Force as published in NOTAMs by the using agency at least 48 hours in advance of activation, such activation not to exceed three weeks in any quarter year.
Using agency. Adjutant General, State of Mississippi, Jackson, Mississippi.

**R-4402 Pascagoula, Miss.**

Boundaries. Beginning at latitude 30°14'00" N., longitude 88°01'30" W; to latitude 30°09'15" N., longitude 88°01'30" W.; thence three nautical miles from and parallel to the shoreline to latitude 30°11'00" N., longitude 88°41'40" W.; to latitude 30°16'00" N., longitude 88°32'30" W.; to latitude 30°18'00" N., longitude 88°11'30" W.; to the point of beginning.
Designated altitudes. 1,000 feet MSL to 23,500 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, Brookley AFB, Ala.
AMENDMENTS 11/12/64 29 F.R. 12613 (Added);



## § 73.45 Missouri

R-4501A Fort Leonard Wood West, Mo.
Boundaries. Beginning at latitude 37°41'06" N., longitude 92°09'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°37'10" N., longitude 92°13'45" W.; to latitude 37°37'10" N., longitude 92°15'06" W.; to latitude 37°38'42" N., longitude 92°15'06" W.; to latitude 37°41'07" N., longitude 92°14'23" W.; to the point of beginning.
Designated altitudes. Surface to 5,600 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

Amendments 3/5/64 29 F.R. 3001 (Added); 7/1/64 29 F.R. 8322 (Changed)

R-4501B Fort Leonard Wood East, Mo.
Boundaries. Beginning at latitude 37°43'00" N., longitude 92°06'55" W.; to latitude 37°42'11" N., longitude 92°06'14" W.; to latitude 37°39'07" N., longitude 92°06'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°43'02 N., longitude 92°09'17" W.; to the point of beginning.
Designated altitudes.
The area north of a line between latitude 37°42'51" N., longitude 92°06'47" W.; and latitude 37°42'53" N., longitude 92°09'17" W. surface to 1,500 feet MSL.
The area south of this line, surface to 2,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

AMENDMENTS 3/5/64 29 F.R. 3001 (Added) Amend. Alt. 29 F. R. 6680; 7/1/64 29 F.R. 8322 (Changed)

Fort Leonard Wood, Mo. (Temporary)
Boundaries: Beginning at latitude 37°31' N., longitude 92°58' W.; to latitude 37°52' N., longitude 92°33' W.; to latitude 37°52' N.. longitude 92°05' W.; to latitude 37°09' N., longitude 91°21' W.; to latitude 36°45' N.. longitude 91°51' W.; to latitude 37°21' N., longitude 92°58' W.; to the point of beginning.
Designated altitudes. Surface to and including 8,000 feet MSL.
Time of designation. Continuous from 0001 c.s.t., October 29, 1964, to 2359 c.s.t. November 13, 1964.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center, Olathe, Kansas.
Using agency. United States Air Force Strike Command, Langley AFB, Virginia.

AMENDMENTS 10/29/64 29 F. R. 12586 (Added);

**R-4502 Grandview, Mo. (Richards-Gebaur AFB), Restricted Area/Military Climb Corridor.**

Boundaries. The area centered on the Richards-Gebaur AFB ILS localizer S course, extending from 5 miles S of the airbase (Lat. 38°50'50" N, Long. 94°33'20" W) to 32 miles S of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
3,100 feet MSL to 16,100 feet MSL from 5 miles S of the airbase to 6 miles S of the airbase.
3,100 feet MSL to flight level 251 from 6 to 7 miles S of the airbase.
3,100 feet MSL to flight level 270 from 7 to 10 miles S of the airbase.
7,100 feet MSL to flight level 270 from 10 to 15 miles S of the airbase.
11,100 feet MSL to flight level 270 from 15 to 20 miles S of the airbase.
16,100 feet MSL to flight level 270 from 20 to 25 miles S of the airbase.
20,100 feet MSL to flight level 270 from 25 to 32 miles S of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Olathe Approach Control, Olathe, Kansas.
Using agency. Commander, Richards-Gebaur AFB, Mo.

## § 73.46 Montana

R-4601 Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 48° 26' 53" N., longitude 106° 35' 30" W., the area centered on the 299° radial of Glasgow AFB TACAN, extending to a point 30 nmi NW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes. Surface to flight level 270 from the point of beginning to 3 nmi NW.
4,000 feet MSL to flight level 270 from 3 to 4 nmi NW of the point of beginning.
5,000 feet MSL to flight level 270 from 4 to 6 nmi NW of the point of beginning.
7,000 feet MSL to flight level 270 from 6 to 11 nmi NW of the point of beginning.
12,000 feet MSL to flight level 270 from 11 to 15 nmi NW of the point of beginning.
15,000 feet MSL to flight level 270 from 15 to 20 nmi NW of the point of beginning.
18,000 feet MSL to flight level 270 from 20 to 25 nmi NW of the point of beginning.
21,000 feet MSL to flight level 270 from 25 to 30 nmi NW of the point of beginning.
Time of designation. Continuous.
Using agency. Glasgow AFB Approach Control.
AMENDMENTS 3/5/64 28 F. R. 14491 (Rewritten)

§ 73.47 Nebraska

R-4701 Sioux Ordnance Depot, Nebr.

Boundaries. A circular area with a 2,400 foot radius centered at latitude 41°15'13" N., longitude 103°04'50" W.
Designated altitudes. Surface to 7,400 feet MSL.
Time of designation. 0900 to 2100 MST, Monday through Friday.
Using agency. Commanding Officer, Sioux Ordnance Depot, Sidney, Nebr.

§ 73.48 Nevada

R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N, Long. 118°20'47" W.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation. Monday through Saturday.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, California.

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at Lat. 39°20'40" N, Long. 118°52'15" W; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.
Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from Lat. 39°27'40" N, Long. 118°57'55" W; to Lat. 39°30'20" N, Long. 118°51'55" W.
Time of designation. Continuous, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 9/17/64 29 F.R. 11115 (Changed)

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°13'00" N, Long. 118°12'42" W; and a 3-nautical mile radius circle centered at Lat. 39°14'15" N, Long. 118°17'30" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 9/17/64 29 F.R. 11115 (Changed)

R-4805 Sahwave Mountains, Nev.

Boundaries. Beginning at Lat. 40°40'00" N, Long. 118°49'00" W; to Lat. 40°04'00" N, Long. 118°49'00" W; to Lat. 40°00'00" N, Long. 118°57'00" W; to Lat. 40°00'00" N, Long. 119°13'00" W; to Lat. 40°40'00" N, Long. 119°13'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 550.
Time of designation. One hour before sunrise to 1 hour after sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 9/17/64 29 F.R. 11115 (Changed)

R-4806 Las Vegas, Nev.

Boundaries. Beginning at latitude 37°17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°42'00" W.; to latitude 36°41'00" N., longitude 115°42'00" W.; to latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday, Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Nellis AFB, Nev.



R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N.; longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Nellis AFB, Nev.

R-4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06"00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Las Vegas, Nevada.

AMENDMENTS On Publ. 5/1/64 29 F. R. 5787 (Changed)

R-4809 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°43'00" W; to Lat. 37°47'00" N, Long. 116°55'00" W; to Lat. 37°53'00" N, Long. 116°55'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°10'00" N, Long. 118°37'30" W; and a 3-nautical mile radius circle centered at Lat. 39°09'15" N, Long. 118°42'20" W.
Designated altitudes. Surface to flight level 300.
Time of designation. One hour prior to sunrise to one hour after sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 9/17/64 29 F.R. 11115 (Changed)

§ 73.49 New Hampshire

R-4901 Isle of Shoals, N. H.

Boundaries. Beginning at Lat. 42°59'54" N, Long. 70°38'21" W; to Lat. 43°02'21" N, Long. 70°37'14" W; to Lat. 43°01'30" N, Long. 70°33'49" W; to Lat. 42°59'03" N, Long. 70°35'00" W; to the point of beginning.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Using agency. Commander, Fleet Air Detachment, NAS Brunswick, Maine.

§ 73.50 New Jersey

R-5001 Fort Dix, N. J.

Boundaries. Beginning at Lat. 40°02'45" N, Long. 74°27'00" W; to Lat. 39°58'45" N, Long. 74°25'40" W; to Lat. 39°58'45" N, Long. 74°31'25" W; to Lat. 39°59'15" N, Long. 74°33'30" W; to Lat. 40°01'53" N, Long. 74°33'30" W; to Lat. 40°02'45" N, Long. 74°32'30" W; to the point of beginning.
Designated altitudes. Surface to 8,000 feet MSL east of and surface to 4,000 feet MSL west of a line drawn from Lat. 40°02'45" N, Long. 74°31'25" W; to Lat. 39°58'45" N, Long. 74°31'25" W.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commanding General, Fort Dix, N. J.

**R-5002 Warren Grove, N. J.**

Boundaries. Beginning at Lat. 39°46'10" N, Long. 74°20'14" W; to Lat. 39°43'25" N, Long. 74°17'37" W; to Lat. 39°38'45" N, Long. 74°23'40" W; to Lat. 39°39'50" N, Long. 74°25'52" W; to Lat. 39°43'56" N, Long. 74°24'13" W; to the point of beginning.
Designated altitudes. Surface to 9,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N. J.

**R-5003 Wrightstown, N. J. (McGuire AFB), Restricted Area/Military Climb Corridor.**
Boundaries. From a point of beginning at latitude 39°59'05" N., longitude 74°38'00" W., the area centered on the McGuire AFB TACAN 224° radial, extending to a point 30 nmi southwest, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
1,500 feet MSL to 23,000 feet MSL from point of beginning to 3 nmi SW.
2,000 feet MSL to 23,000 feet MSL from 3 nmi to 6 nmi SW of point of beginning.
5,000 feet MSL to 23,000 feet MSL from 6 nmi to 11 nmi SW of point of beginning.
10,000 feet MSL to 23,000 feet MSL from 11 nmi to 15 nmi SW of point of beginning.
14,000 feet MSL to 23,000 feet MSL from 15 nmi to 19 nmi SW of point of beginning.
16,000 feet MSL to 23,000 feet MSL from 19 nmi to 25 nmi SW of point of beginning.
20,000 feet MSL to 23,000 feet MSL from 25 nmi to 30 nmi SW of point of beginning.
Time of designation. Continuous.
Using agency. McGuire AFB Approach Control.

AMENDMENTS 4/30/64 29 F.R. 3002 (Rewritten) F.R. Correction 29 F.R. 3358

**§ 73.51 New Mexico**

**R-5101 Los Alamos, N. Mex.**

Boundaries. Beginning at Lat. 35°45'15" N, Long. 106°15'12" W; to Lat. 35°50'03" N, Long. 106°21'36" W; to Lat. 35°52'22" N, Long. 106°20'42" W; to Lat. 35°52'52" N, Long. 106°16'48" W; to Lat. 35°52'30" N, Long. 106°14'48" W; to Lat. 35°48'35" N, Long. 106°14'48" W; to Lat. 35°47'05" N, Long. 106°12'06" W; to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

**R-5103A McGregor, N. Mex.**

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°35'00" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°00'15" N., longitude 105°56'40" W.; to latitude 32°00'30" N., longitude 106°10'25" W.; to latitude 32°05'20" N., longitude 106°09'20" W.; to latitude 32°06'00" N., longitude 106°15'30" W.; along the Southern Pacific Railroad to latitude 32°28'00" N., longitude 106°02'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to the point of beginning, excluding that airspace within a two nautical mile radius of latitude 32°39'40" N., longitude 105°40'00" W.; from the surface to 1,500 feet above the surface.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

**R-5103B McGregor, N. Mex.**

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°45'00" N., longitude 105°30'00" W.; to latitude 32°35'00" N., longitude 105°30'00" W.; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Tex.

**R-5104 Melrose, N. Mex.**

Boundaries. Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N., longitude 103°40'00" W; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N, Mex.



**R-5105 Melrose, N. Mex.**

Boundaries. Beginning at latitude 34°39'00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

**R-5106 Orogrande, N. Mex.**

Boundaries. Beginning at latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°28'00" N., longitude 106°02'00" W.; along the Southern Pacific Railroad to latitude 32°06'15" N., longitude 106°15'15" W.; to latitude 32°06'30" N., longitude 106°17'15" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to the point of beginning.
Designated altitudes. From 10,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

AMENDMENTS On Publ. 8/8/64 29 F.R. 11446 (Changed)

**R-5107A White Sands Proving Grounds, N. Mex.**

Boundaries. Beginning at latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to the point of beginning.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

AMENDMENTS 10/16/64 29 F. R. 14223 (Rewritten)

**R-5107B White Sands Proving Grounds, N. Mex.**

Boundaries. Beginning at latitude 33°44'10" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°19'30" N. longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°53'00" N., longitude 106°44'45" W.; to point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Holloman AFB, New Mexico.

AMENDMENTS 10/16/64 29 F. R. 14223 (Rewritten)

**R-5107C White Sands Proving Grounds, N. Mex.**

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to latitude 33°53'00" N., longitude 106°44'45" W.; to latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Holloman AFB, New Mexico.

**R-5108 White Sands, N. Mex.**

Boundaries. Beginning at latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 33°17'50" N., longitude 106°51'00" W.; thence clockwise along the arc of a 33.5 mile radius circle centered at latitude 33°46'45" N., longitude 106°46'00" W.; to point of beginning.
Designated altitude. 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Holloman AFB, N. Mex.

**R-5109A White Sands, N. Mex.**

Boundaries. Beginning at latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106° 04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Holloman Air Force Base, New Mexico.

**R-5109B White Sands, N. Mex.**

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 34°17'00" N., longitude 105°51'00" W.; to latitude 33°57'00" N., longitude 105°27'00" W.; to latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Holloman Air Force Base, New Mexico.

**R-5110 McGregor, N. Mex.**

Boundaries. Beginning at latitude 33°13'00" N., longitude 105°17'35" W.; thence counterclockwise along the arc of a 45-mile radius circle centered at Walker AFB, Roswell, N. Mex. (latitude 33°18'00" N., longitude 104°31'20" W.), to latitude 32°52'30" N., longitude 105°06'55" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°45'00" N., longitude 105°30'00" W.; to latitude 32°45'00" N., longitude 105° 27'00" W.; to latitude 33°13'00" N., longitude 105°27'00" W.; to point of beginning.
Designated altitudes. 31,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Tex.

**R-5111A Elephant Butte, N. Mex. (East).**

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

AMENDMENTS 10/27/64 29 F. R. 14919 (Added)

**R-5111B Elephant Butte, N. Mex. (West).**

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00" W.; to latitude 33°00'00" N., longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

AMENDMENTS 10/27/64 29 F. R. 14919 (Added)

**R-5112 Magdalena, New Mexico.**

Boundaries. Beginning at latitude 34°33'00" N., longitude 107°41'00" W.; to latitude 34°30'00" N., longitude 107°25'00" W.; to latitude 34°16'00" N., longitude 107°17'00" W.; to latitude 34°02'00" N., longitude 107°28'00" W.; to latitude 33°53'00" N., longitude 107°55'00" W.; to latitude 33°54'00" N., longitude 108°10'00" W.; to latitude 34°09'00" N., longitude 108°18'00" W.; to latitude 34°25'00" N., longitude 108° 03'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.



§ 73.52 New York

**R-5201 Camp Drum, N. Y.**

Boundaries. Beginning at Lat. 44°15'00" N, Long. 75°31'30" W; to Lat. 44°11'15" N, Long. 75°25'00" W; to Lat. 44°03'00" N, Long. 75°33'30" W; to Lat. 44°03'15" N, Long. 75°37'39" W; to Lat. 44° 06'44" N, Long. 75°43'54" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL, May 1 through October 31; surface to 20,000 feet MSL, November 1 through April 30.
Time of designation. Continuous.
Using agency. Commanding Officer, Camp Drum, N. Y.

**R-5202 Gardiner's Island, N. Y.**

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N, Long. 72° 08'50" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. 0800 to 1800 EST, Sunday through Friday, and 0800 to 2300 EST, Saturday, April 15 through October 31; 0800 to 2300 EST, Saturday and Sunday, November 1 through April 14.
Controlling agency. Federal Aviation Agency, Quonset Approach Control.
Using agency. Commanding Officer, NAS New York, N. Y.

**R-5203 Oswego, N. Y.**

Boundaries. Beginning at Lat. 43°37'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 78°00'00" W; to Lat. 43°37'00" N, Long. 78°00'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 320.
Time of designation. Sunrise to sunset, April 1 through December 31.
Using agency. Commander, Air National Guard Base, Niagara Falls Municipal Airport, Niagara Falls, N. Y., Phone: BUtler 5-6691, Extension 497.

R-5204 Rome, N. Y. (Griffiss AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 43°16'05" N., longitude 75°27'20" W., the area centered on a . . bearing therefrom of 314°, extending to a point 30 nmi northwest, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
Surface to flight level 240 from point of beginning to 3 nmi northwest.
2000 feet MSL to flight level 240 from 3 to 6 nmi northwest of point of beginning.
5,000 feet MSL to flight level 240 from 6 to 11 nmi northwest of point of beginning.
10,000 feet MSL to flight level 240 from 11 to 15 nmi northwest of point of beginning.
14,000 feet MSL to flight level 240 from 15 to 19 nmi northwest of point of beginning.
16,000 feet MSL to flight level 240 from 19 to 25 nmi northwest of point of beginning.
20,000 feet MSL to flight level 240 from 25 to 30 nmi northwest of point of beginning.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Griffiss Approach Control.
Using agency. Commander, Griffiss AFB, N. Y.
AMENDMENTS 4/30/64 29 F.R. 3002 (Rewritten)

**R-5205 Westhampton Beach, N. Y. (Suffolk AFB), Restricted Area/Military Climb Corridor.**

Boundaries. The area centered on the 039° radial of the Suffolk AFB VOR extending from 5 miles NE of the airbase (Lat. 40°50'40" N, Long. 72°37'45" W) to 32 miles NE of the airbase having a width of 2 miles at the beginning, expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,100 feet MSL to 15,100 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase.
2,100 feet MSL to flight level 241 from 6 to 7 miles NE of the airbase.
2,100 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase.
6,100 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase.
10,100 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase.
15,100 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase.
19,100 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.
Time of designation. Continuous.
Using agency. Suffolk AFB Approach Control.

R-5206 West Point, N. Y.

Boundaries. Beginning at Lat. 41°19'40" N, Long. 74°03'33" W; to Lat. 41°19'40" N, Long. 74°00' 26" W; to Lat. 41°20'40" N, Long. 74°00'26" W; to Lat. 41°20'40" N, Long. 73°58'58" W; to Lat. 41°22' 40" N, Long. 73°58'58" W; along U. S. Highway No. 9W to Lat. 41°23'08" N, Long. 73°59'42" W; to Lat. 41°23'08" N, Long. 74°00'00" W; along New York State Highway No. 293 to Lat. 41°20'40" N, Long. 74° 03'33" W; to the point of beginning.
Designated altitudes; Surface to 7,000 feet MSL.
Time of designation. 0600 to 2400 e.s.t., May 1 through August 31.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Superintendent, United States Military Academy, West Point, N. Y.

R-5207 Romulus, N. Y.

Boundaries. A circular area with a radius of 1,350 feet centered at latitude 42°46'59" N., longitude 76°53'06" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. 0730 to 1815 local time, Monday through Friday.
Using agency. Commanding Officer, Seneca Army Depot, Romulus, N. Y.

AMENDMENTS 8/20/64 29 F. R. 7595 (Added)

§ 73.53 North Carolina

R-5301A Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at latitude 36° 03' 30" N., longitude 76° 20' 00" W., excluding the airspace within R-5301B.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5301B Albemarle Sound, N. C.
Boundaries. A circular area within a 1½-nmi radius centered at latitude 36° 05' 25" N., longitude 76° 18' 30" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5302 Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°58'44" N, Long. 76°21'34" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5303 Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°59'16" N, Long. 76°15'58" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5304 Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°00'05" N, Long. 76°10'54" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5305 Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°00'33" N, Long. 76°05'58" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.



R-5306A Cherry Point, N. C.

Boundaries. Beginning at Lat. 35°23'15" N, Long. 76°34'40" W; to Lat. 35°18'15" N, Long. 76°16' 40" W; to Lat. 35°04'30" N, Long. 76°04'30" W; to Lat. 34°46'45" N, Long. 76°24'45" W; to Lat. 34° 45'10" N, Long. 76°40'30" W; to Lat. 34°41'50" N, Long. 76°56'20" W; to Lat. 34°37'30" N, Long. 76° 56'20" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°34'30" N, Long. 77°09' 00" W; to Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 35°03'00" N, Long. 76°57'00" W; thence to point of beginning.
Designated altitudes. Surface to flight level 350.
Time of designation. Continuous.
Using agency. Commanding General Marine Corps Air Station, Cherry Point, N. C.

R-5306B Cherry Point, N. C.

Boundaries. Beginning at Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 34°34'30" N, Long. 77°09' 00" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°30'20" N, Long. 77°15' 50" W; to Lat. 34°33'00" N, Long. 77°19'00" W; to Lat. 34°36'05" N, Long. 77°26'08" W; to Lat. 34° 40'00" N, Long. 77°22'00" W; to Lat. 34°39'10" N, Long. 77°20'50" W; thence to point of beginning.
Designated altitudes. Surface to flight level 290.
Time of designation. Continuous.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

R-5306C Cherry Point, N. C.

Boundaries. Beginning at latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°37'25" N., longitude 77°29'00" W.; to latitude 34°40'40" N., longitude 77°23'00" W.; to point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N. C.

AMENDMENTS 3/5/64 29 F.R. 3003 (Rewritten)

R-5308 Currituck Sound, N. C.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 36°12'15" N, Long. 75° 45'57" W.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5309 Currituck Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°25'24" N, Long. 75°50'09" W.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5310 Currituck Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°10'28" N, Long. 75°45'04" W.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5311 Fort Bragg, N. C.
Boundaries. Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79° 01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.
Designated altitude. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Bragg, N. C.

R-5312 Goldsboro, N. C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor.
Boundaries. From a point of beginning at latitude 35°19'27" N., longitude 78°00'55" W., the area centered on a bearing therefrom of 228°, extending to a point 30 nmi SW, having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
Surface to flight level 240 from the point of beginning to 3 nmi SW.
2,000 feet MSL to flight level 240 from 3 to 6 nmi SW of the point of beginning.
5,000 feet MSL to flight level 240 from 6 to 11 nmi SW of the point of beginning.
10,000 feet MSL to flight level 240 from 11 to 15 nmi SW of the point of beginning.
14,000 feet MSL to flight level 240 from 15 to 19 nmi SW of the point of beginning.
16,000 feet MSL to flight level 240 from 19 to 25 nmi SW of the point of beginning.
20,000 feet MSL to flight level 240 from 25 to 30 nmi SW of the point of beginning.
Using agency. Seymour-Johnson AFB, Approach Control.
Time of designation. Continuous.

AMENDMENTS 6/25/64 29 F.R. 5162 (Rewritten); Eff. Immed. 9/4/64 29 F.R. 12870 (Changed);

R-5313 Long Shoal Point, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°32'48" N, Long. 75°41'26" W.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

Camp MacKall, Temporary.
Boundaries. A circular area with a 5-statute-mile radius centered at latitude 35°02'00" N., longitude 79°30'00" W.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. November 12, 1964-activated by NOTAM specifying time of use at least eight hours in advance.
Controlling agency. Federal Aviation Agency, Atlanta ARTC Center.
Using agency. Commanding General, U. S. Army Infantry Center, Test Director Project Team, Fort Benning, Georgia.

AMENDMENTS 8/16/64 29 F.R. 11961 (Added)

## § 73.54 North Dakota

R-5402 Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor
Boundaries. From a point of beginning at latitude 48° 00' 43" N., longitude 97° 24' 03" W., the area centered on the 001° radial of the Grand Forks AFB TACAN, extending to a point 30 nmi N, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
Surface to 19,000 feet MSL from the point of beginning to 1 nmi N.
Surface to flight level 270 from 1 to 3 nmi N of the point of beginning.
2,000 feet MSL to flight level 270 from 3 to 4 nmi N of the point of beginning.
3,000 feet MSL to flight level 270 from 4 to 6 nmi N of the point of beginning.
5,000 feet MSL to flight level 270 from 6 to 11 nmi N of the point of beginning.
10,000 feet MSL to flight level 270 from 11 to 15 nmi N of the point of beginning.
14,000 feet MSL to flight level 270 from 15 to 19 nmi N of the point of beginning.
17,000 feet MSL to flight level 270 from 19 to 25 nmi N of the point of beginning.
20,000 feet MSL to flight level 270 from 25 to 30 nmi N of the point of beginning.
Time of designation. Continuous.
Using agency. Grand Forks AFB Approach Control.

AMENDMENTS 3/5/64 29 F. R. 3 (Rewritten)

R-5403 Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor.
Boundaries. From a point of beginning at Latitude 48° 26' 42" N., Longitude 101° 25' 13" W., the area centered on the 308° radial of the Minot AFB TACAN, extending to a point 30 nmi NW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
Surface to 19,000 feet MSL from the point of beginning to 1 nmi NW.
Surface to flight level 270 from 1 to 3 nmi NW of the point of beginning.
3,000 feet MSL to flight level 270 from 3 to 4 nmi NW of the point of beginning.
4,000 feet MSL to flight level 270 from 4 to 6 nmi NW of the point of beginning.
6,000 feet MSL to flight level 270 from 6 to 14 nmi NW of the point of beginning.
14,000 feet MSL to flight level 270 from 14 to 22 nmi NW of the point of beginning.
19,000 feet MSL to flight level 270 from 22 to 30 nmi NW of the point of beginning.
Time of designation. Continuous.
Using agency. Minot AFB Approach Control.

AMENDMENTS 3/5/64 29 F. R. 3 (Rewritten)



## § 73.55 Ohio

R-5501 Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 39°46'47" N., longitude 82°58'30" W., the area centered on a bearing therefrom of 233°, extending to a point 30 nmi SW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
Surface to 20,000 feet MSL from the point of beginning to 1 nmi SW.
Surface to flight level 240 from 1 to 3 nmi SW of the point of beginning.
2,000 feet MSL to flight level 240 from 3 to 6 nmi SW of the point of beginning.
5,000 feet MSL to flight level 240 from 6 to 11 nmi SW of the point of beginning.
10,000 feet MSL to flight level 240 from 11 to 15 nmi SW of the point of beginning.
14,000 feet MSL to flight level 240 from 15 to 19 nmi SW of the point of beginning.
16,000 feet MSL to flight level 240 from 19 to 25 nmi SW of the point of beginning.
20,000 feet MSL to flight level 240 from 25 to 30 nmi SW of the point of beginning.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Columbus Approach Control.
Using agency. Commander, Lockbourne AFB, Ohio.

AMENDMENTS 6/25/64 29 F. R. 5826 (Rewritten)

R-5502 Lacarne, Ohio.

Boundaries. Beginning at Lat. 41°50'39" N, Long. 83°08'47" W; to Lat. 41°35'41" N, Long. 82°54'24" W; to Lat. 41°31'39" N, Long. 83°01'30" W; to Lat. 41°31'40" N, Long. 83°03'00" W; to Lat. 41°37'38" N, Long. 83°11'12" W; to Lat. 41°39'30" N, Long. 83°15'15" W; to Lat. 41°45'30" N, Long. 83°19'45" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Cleveland ARTC Center.
Using agency. Commanding Officer, Erie Ordnance Depot, Lacarne, Ohio.

R-5503 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 38°48'30" N, Long. 83°02'00" W; to Lat. 38°58'30" N, Long. 84°05'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. 0800 to 2200 EST, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

R-5504 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°30'00" N, Long. 83°02'00" W; to Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to Lat. 39°15'45" N, Long. 84°05'00" W; to Lat. 39°30'00" N, Long. 83°47'00" W; to the point of beginning, excluding the portion that coincides with R-5501.
Designated altitudes. 3,000 feet MSL to flight level 600.
Time of designation. 0800 to 2200 EST, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

## § 73.56 Oklahoma

R-5601A Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15 N., longitude 98°20'55" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°40'12" N., longitude 98° 26'17" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; thence counterclockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°26'46" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. Surface to 65,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Sill, Oklahoma.

**R-5601B Fort Sill, Okla.**

Boundaries Beginning at latitude 34°38'15" N., longitude 98°26'46" W.; thence clockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; to latitude 34°40'12" N., longitude 98°26'17" W.; thence clockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°20'55" W.; thence to point of beginning.
Designated altitude. Surface to 65,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Sill, Okla.

**§ 73.57 Oregon**

**R-5701 Boardman Oreg.**

Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W., surface to flight level 450; within 3 nautical miles either side of the 093° and 263° bearings from the center of the circle extending to 11 nautical miles from the center, excluding the airspace within 5 statute miles of the 256° radial of the Pendleton, Oreg., VOR, 20,000 feet MSL to flight level 450; within 2 nautical miles N and 3 nautical miles S of the 082° bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

**R-5702 Klamath Falls, Oreg. (Kingsley Field), Restricted Area/Military Climb Corridor.**

Boundaries. The area centered on the 325° radial of the Klamath Falls VORTAC extending from 10 miles NW of the airport (Lat. 42°09'25" N, Long. 121°43'55" W) to 32.5 miles NW of the airport, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 4.5 miles at the outer extremity.
Designated altitudes:
6,100 feet MSL to 19,100 feet MSL from 10 miles NW of the airport to 11 miles NW of the airport.
6,100 feet MSL to flight level 270 from 11 to 15 miles NW of the airport.
10,100 feet MSL to flight level 270 from 15 to 20 miles NW of the airport.
14,100 feet MSL to flight level 270 from 20 to 25 miles NW of the airport.
19,100 feet MSL to flight level 270 from 25 to 30 miles NW of the airport.
23,100 feet MSL to flight level 270 from 30 to 32.5 miles NW of the airport.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Klamath Falls Approach Control.
Using agency. Commander, 322nd Fighter Intercepter Squadron, Kingsley Field, Oreg.

**R-5703 Portland, Oreg. (Portland International Airport), Restricted Area/Military Climb Corridor.**

Boundaries. The area centered on the back course of the Portland ILS localizer, extending from 5 miles SE of the airport (Lat. 45°35'11" N, Long. 122°35'53" W) to 32 miles SE of the airport, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 5 miles SE of the airport to 6 miles SE of the airport.
2,000 feet MSL to flight level 240 from 6 to 7 miles SE of the airport.
2,000 feet MSL to flight level 270 from 7 to 10 miles SE of the airport.
6,000 feet MSL to flight level 270 from 10 to 15 miles SE of the airport.
10,000 feet MSL to flight level 270 from 15 to 20 miles SE of the airport.
15,000 feet MSL to flight level 270 from 20 to 25 miles SE of the airport.
19,000 feet MSL to flight level 270 from 25 to 32 miles SE of the airport.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Portland Approach Control.
Using agency. Commander, 406th Fighter Interceptor Squadron, Portland, Oreg.

**R-5704 Hermiston, Oreg.**

Boundaries. Beginning at latitude 45°52'00" N., longitude 119°31'30" W.; to latitude 45°52'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°31'30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0800 to 2000 Pst, Monday through Friday.
Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.



**§ 73.58 Pennsylvania**

**R-5801 Chambersburg, Pa.**

Boundaries. A circular area with a 3,000-foot radius centered at Lat. 39°59'44" N, Long 77°43'55" W
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

**R-5802 Indiantown Gap, Pa.**

Boundaries. Beginning at latitude 40°28'45" N., longitude 76°35'30" W., to latitude 40°26'05" N., longitude 76°35'30" W.; to latitude 40°24'55" N., longitude 76°36'55" W.; to latitude 40°23'45" N., longitude 76°43'11" W.; to latitude 40°24'20" N., longitude 76°44'40" W.; to latitude 40°28'45" N., longitude 76°37'40" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL
Time of designation. Continuous June 1 through August 31; 0800 to 1800 e.s.t. Saturday and Sunday March 1 through May 31; and 0800 to 1800 e.s.t. Saturday and Sunday September 1 through November 30.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commanding General, Second United States Army, Fort Meade, Maryland

**R-5803 Chambersburg, Pa.**

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N, Long. 77°44'20" W
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

**§ 73.59 Rhode Island**

**§ 73.60 South Carolina**

**R-6001 Fort Jackson, S. C.**

Boundaries. Beginning at Lat. 34°03'51" N, Long. 80°42'12" W; to Lat. 34°01'40" N, Long. 80°42'15" W; to Lat. 34°01'50" N, Long. 80°55'15" W; to Lat. 34°02'21" N, Long. 80°56'02" W; to Lat. 34°04'45" N, Long. 80°53'02" W; to Lat. 34°06'19" N, Long. 80°48'47" W; to Lat. 34°05'58" N, Long. 80°46'05" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commanding General, Fort Jackson, S. C.

AMENDMENTS On Publ. 5/8/64 29 F. R. 6062 (Changed)

**R-6002 Poinsett-Sumter, S. C.**

Boundaries. Beginning at latitude 33°52'30" N., longitude 80°26'00" W.; to latitude 33°45'50" N., longitude 80°25'00" W.; to latitude 33°44'15" N., longitude 80°33'15" W.; to latitude 33°48'00" N., longitude 80°34'00" W.; to latitude 33°52'30" N., longitude 30°30'00" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Shaw AFB, S. C

**R-6003 Charleston, S. C. (Charleston AFB/Municipal Airport), Restricted Area/Military Climb Corridor.**

Boundaires. The area centered on the 147° radial of the Charleston VORTAC extending from 10 miles SE of the VORTAC to 35 miles SE of the VORTAC, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5.5 miles at the outer extremity, excluding the portion which lies outside of the continental United States.
Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 10 miles SE of the VORTAC to 11 miles SE of the VORTAC.
2,000 feet MSL to flight level 240 from 11 to 12 miles SE of the VORTAC.
2,000 feet MSL to flight level 270 from 12 to 15 miles SE of the VORTAC.
6,000 feet MSL to flight level 270 from 15 to 20 miles SE of the VORTAC.
10,000 feet MSL to flight level 270 from 20 miles SE of the VORTAC to the continental limits of the United States.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Charleston Approach Control.
Using agency. Commander, Charleston AFB, S. C.

R-6004 Savannah River Plant, S. C.

Boundaries. Beginning at latitude 33°23'30" N., longitude 81°41'00" W.; to latitude 33°23'15" N., longitude 81°29'00" W.; to latitude 33°20'35" N., longitude 81°24'00" W.; to latitude 33°15'00" N., longitude 81°25'10" W.; to latitude 33°08'45" N., longitude 81°22'40" W.; to latitude 33° 04'50" N., longitude 81°32'00" W.; to latitude 33°02'45" N., longitude 81°42'50" W.; to latitude 33°05'20" N., longitude 81°49'00" W.; to latitude 33°16'25" N., longitude 81°50'55" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Savannah River Plant, Aiken, S. C.

§ 73.61 South Dakota

R-6101 Igloo, S. Dak.

Boundaries. Beginning at Lat. 43°12'57" N, Long. 103°58'00" W; to Lat. 43°12'57" N, Long. 103°52'45" W; to Lat. 43°09'11" N, Long. 103°52'45" W; to Lat. 43°09'11" N, Long. 103°53'10" W; to Lat. 43°08'08" N, Long. 103°53'10" W; to Lat. 43°08'08" N, Long. 103°58'00" W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. 0700 to 1900 MST, Monday through Friday.
Using agency. Commanding Officer, Black Hills Ordnance Depot, Igloo, S. Dak.

§ 73.62 Tennessee

§ 73.63 Texas

R-6301A Corpus Christi, Texas.

Boundaries. Beginning at latitude 27°33'30" N., longitude 97°21'00" W.; to latitude 27°32'00" N., longitude 97°15'00" W.; to latitude 27°27'40" N., longitude 97°13'15" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 27°16'20" N., longitude 97°17'45" W.; to latitude 27°19'00" N., longitude 97°26'00" W.; to point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Corpus Christi Approach Control
Using agency. Chief of Naval Air Advanced Training Command, NAS Corpus Christi, Tex.

AMENDMENTS 11/12/64 29.F.R. 13164 (Added)

R-6301B Corpus Christi, Texas.

Boundaries. Beginning at latitude 27°19'00" N., longitude 97°26'00" W.; to latitude 27°16'20" N., longitude 97°17'45" W., thence 3 nautical miles from and parallel to the shoreline to latitude 27°11'30" N., longitude 97°19'00" W., to latitude 27°14'00" N., longitude 97°28'00" W.; to point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Corpus Christi Approach Control.
Using agency. Chief of Naval Air Advanced Training Command, NAS Corpus Christi, Tex.

AMENDMENTS 11/12/64 29 F.R. 13164 (Added)

R-6302A Fort Hood, Texas.

Boundaries. Beginning at latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°10'04" N., longitude 97°41'06" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48° N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to point of beginning.
Designated altitude: Surface to 30,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Agency, San Antonio ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.



R-6302B Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°09'03" N., longitude 97°41'18" W.; to latitude 31°09'40" N., longitude 97°41'20" W.; to latitude 31°09'40" N., longitude 97°43'19" W.; to latitude 31°08'45" N., longitude 97°43'30" W.' to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°10'04" N., longitude 97°41'06" W.' to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, San Antonio ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302C Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°08'40" N., longitude 97°52'10" W.; to latitude 31°09'15" N., longitude 97°54'30" W.; to latitude 31°15'34" N., longitude 97°54'29" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to point of beginning..
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous,
Controlling Agency. Federal Aviation Agency, San Antonio ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6303 Matagorda Island, Tex.

Boundaries. Beginning at Lat. 28°15'20" N, Long. 96°26'50" W; to Lat. 28°18'55" N, Long. 96°27'45" W; to Lat. 28°20'55" N, Long. 96°29'15" W; to Lat. 28°12'00" N, Long. 96°46'00" W; to Lat. 28°07'00" N, Long. 96°42'00" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Using agency. Commander, Second Air Force, Barksdale AFB, La.

R-6310 Houston, Tex. (Ellington AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 223° radial of the Ellington AFB TACAN extending 8 miles SW of the TACAN to 35 miles SW of the TACAN, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5 miles at the outer extremity.
Designated altitudes.
2,000 feet MSL to 15,000 feet MSL from 8 miles SW of the TACAN to 9 miles SW of the TACAN.
2,000 feet MSL to flight level 240 from 9 to 10 miles SW of the TACAN.
2,000 feet MSL to flight level 270 from 10 to 13 miles SW of the TACAN.
6,000 feet MSL to flight level 270 from 13 to 18 miles SW of the TACAN.
10,000 feet MSL to flight level 270 from 18 to 23 miles SW of the TACAN.
15,000 feet MSL to flight level 270 from 23 to 28 miles SW of the TACAN.
19,000 feet MSL to flight level 270 from 28 to 35 miles SW of the TACAN.
Time of designation. Continuous
Controlling agency. Federal Aviation Agency. Houston Approach Control.
Using agency. Commander, Ellington AFB, Tex.

R-6311 San Antonio, Texas (Kelly AFB), Restricted Area/Military Climb Corridor.
Boundaries. From a point of beginning at latitude 29°20'15" N., longitude 98°33'50" W., the area centered on a bearing therefrom of 164°, extending to a point 30 nmi S, having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
3,000 feet MSL to 19,000 feet MSL from point of beginning to 1 nmi S;
3,000 feet MSL to 23,000 feet MSL from 1 to 6 nmi S of point of beginning;
5,000 feet MSL to 23,000 feet MSL from 6 to 11 nmi S of point of beginning;
10,000 feet MSL to 23,000 feet MSL from 11 to 15 nmi S of point of beginning;
14,000 feet MSL to 23,000 feet MSL from 15 to 20 nmi S of point of beginning;
17,000 feet MSL to 23,000 feet MSL from 20 to 25 nmi S of point of beginning;
20,000 feet MSL to 23,000 feet MSL from 25 to 30 nmi S of point of beginning.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, San Antonio Approach Control.
Using agency. Commander, Kelly AFB, Texas.

AMENDMENTS 5/28/64 29 F.R. 4768 (Added)

§ 73.64 Utah

R-6401 Deseret, Utah.

Boundaries. Beginning at Lat. 40°16'27" N, Long. 112°18'43" W; to Lat. 40°15'42" N. 112°18'43" W; to Lat. 40°15'42" N, Long. 112°21'01" W; to Lat. 40°16'27" N, Long. 112°21'01" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R-6402 Dugway Proving Ground, Tooele, Utah.

Boundaries. Beginning at Lat. 40°25'00" N. Long. 112°53'00" W; to Lat. 40°15'00" N, Long. 112°53'00" W; to Lat. 40°15'00" N, Long. 112°46'20" W; to Lat. 40°08'00" N, Long. 112°46'20" W; to Lat. 40°08'00" N, Long. 112°43'00" W; to Lat. 40°03'00" N, Long. 112°43'00" W; to Lat. 40°03'00" N, Long. 112°45'20" W; to Lat. 40°01'00" N, Long. 112°45'20" W; to Lat. 40°01'00" N, Long. 112°46'30" W; to Lat. 40°02'00" N. Long. 112°46'30" W; to Lat. 40°02'00" N, Long. 113°14'00" W; to Lat. 40°04'15" N, Long. 113°14'00" W; to Lat. 40°04'15" N. Long. 113°20'30" W; to Lat. 40°15'00" N, Long. 113°20'30" W; to Lat. 40°15'00" N, Long. 113°14'00" W; to Lat. 40°20'20" N, Long. 113°14'00" W; to Lat. 40°20'20" N, Long. 113°07'00" W; to Lat. 40°25'00" N, Long. 113°07'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Dugway Proving Ground, Tooele, Utah.

R-6403 Tooele, Utah

Boundaries. Beginning at latitude 40°30'44" N. , longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°29'15" W.; to latitude 40°30'44" N., longitude 112°29'15" W.; to the point of beginning.
Designated altitude. Surface to 9,000 feet MSL.
Time of designation. 0800 to 2000 P.s.t.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R-6404 Wendover, Utah.

Boundaries. Beginning at Lat. 41°10'40" N, Long. 112°45'00" W; to Lat. 41°00'00" N, Long. 112°45'00" W; to Lat. 41°00'00" N, Long. 112°56'30" W; to Lat. 40°51'30" N, Long. 112°56'30" W; to Lat. 40°48'30" N, Long. 113°40'00" W; to Lat. 41°15'00" N, Long. 113°43'50" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.
Using agency. Commander, Ogden Air Materiel Area. Ogden., Utah.

R-6405 Wendover, Utah.

Boundaries. Beginning at Lat. 39°55'00" N. Long. 112°40'00" W; to Lat. 39°45'00" N, Long. 112°40'00" W; to Lat. 39°45'00" N, Long. 112°48'00" W; to Lat. 39°19'00" N. Long. 112°48'00" W; to Lat. 39°18'20" N, Long. 113°01'30" W; to Lat. 39°14'30" N, Long. 113°22'30" W; to Lat. 39°20'40" N. Long. 113°37'30" W; to Lat. 39°17'00" N, Long. 113°48'00" W; to Lat. 39°55'00" N, Long. 113°48'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Using agency. Commander. Hill AFB, Utah.

R-6406 Wendover, Utah.

Boundaries. Beginning at Lat. 40°40'30" N, Long. 113°00'00" W; to Lat. 40°25'00" N, Long. 113°00'00" W; to Lat. 40°25'00" N, Long. 112°53'00" W; to Lat. 40°20'00" N. Long. 112°53'00" W; to Lat. 40°20'00" N. Long. 112°40'00" W; to Lat. 39°55'00" N, Long. 112°40'00" W; to Lat. 39°55'00" N. Long. 113°48'00" W; to Lat. 40°00'00" N, Long. 113°48'00" W; to Lat. 40°00'00" N, Long. 114°00'00" W; to Lat. 40°20'00" N, Long. 114°00'00" W; to Lat. 40°20'00" N, Long. 114°08'00" W; to Lat. 40°26'00" N, Long. 114°08'00" W, to Lat. 40°26'00" N, Long. 114°00'00" W; to Lat. 40°38'30" N, Long. 114°00'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Using agency. Commander, Hill AFB. Utah.



R-6408 Indian Creek, Utah.

Boundaries. Beginning at latitude 38°22'00" N., longitude 109°38'00" W.; to latitude 38°06'00" N., longitude 109°22'00" W.; to latitude 37°59'00" N., longitude 109°23'00" W.; to latitude 37°57'00" N., longitude 109°25'00" W.; to latitude 37°58'00" N., longitude 109°40'00" W.; to latitude 38°21'00" N., longitude 109°54'00" W.; to latitude 38°23'00" N., longitude 109°52'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Denver ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

R-6409 Green River, Utah.

Boundaries. Beginning at latitude 39°00'00" N., longitude 110°03'00" W.; to latitude 38°54'00" N., longitude 109°58'00" W.; to latitude 38°51'00" N., longitude 110°05'00" W.; to latitude 38°58'00" N., longitude 110°09'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Denver ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

§ 73.65 Vermont

R-6501 Underhill, Vt.

Boundaries. Beginning at Lat. 44°30'15" N, Long. 72°51'30" W; to Lat. 44°27'00" N, Long. 72°50'00" W; to Lat. 44°27'30" N, Long. 72°53'15" W; to Lat. 44°28'30" N, Long. 72°56'50" W; to Lat. 44°30'00" N, Long 72°56'30" W; to the point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Continuous, June 1 through July 31; 0700 to 0100, e.s.t., August 1 through May 31.
Using agency. Adjutant General, State of Vermont, Montpelier, Vt.

PENDING AMENDMENT
R-6501 Underhill, Vt.
Boundaries. Beginning at latitude 44°30'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°55'00" W.; to latitude 44°28'30" N., longitude 72°56'30" W.; to latitude 44°29'15" N., longitude 72°56'30" W.; to latitude 44°30'00" N., longitude 72°53'30"W.; to the point of beginning.
Designated Altitudes. Surface to 4,000 feet MSL.
Time of designation. Continuous, June 1 through July 31; 0700 to 0100 e.s.t. August 1 through May 31.
Using Agency. Adjutant General, State of Vermont, Montpelier, Vt.

AMENDMENTS 12/10/64 29 F.R. 14053 (Rewritten)

§ 73.66 Virginia

R-6601 Camp A. P. Hill, Va.

Boundaries. Beginning at latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°04'40" N., longitude 77°10'20" W.; to latitude 38°03'12" N., longitude 77°09'35" W.; to latitude 38°02'22" N., longitude 77°11'40" W.; to latitude 38°02'30" N., longitude 77°14'40" W.; to latitude 38°01'50" N., longitude 77°16'08" W.; to latitude 38°02'15" N., longitude 77°18'04" W.; to latitude 38°03'40" N., longitude 77°18'45" W.; to latitude 38°04'30" N., longitude 77°18'45" W.; to latitude 38°05'35" N., longitude 77°17'32" W.; to latitude 38°05'35" N., longitude 77°17'02" W.; to latitude 38°08'01" N., longitude 77°14'04" W.; to latitude 38°07'53" N., longitude 77°13'40" W.; to latitude 38°06'46" N., longitude 77°12'21" W.; thence to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0700 to 2300 e.s.t. June 1 through September 8.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commanding General, Second United States Army, Fort George G. Meade, Maryland.

AMENDMENTS 10/15/64 29 F.R. 9821 (Rewritten)

**R-6602 Camp Pickett, Va.**

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°02'43" N., longitude 77°50'38" W.; to latitude 37°01'05" N., longitude 77°50'43" W.; to latitude 36°59'50" N., longitude 77°50'34" W.; to latitude 36°57'58" N., longitude 77°52'14" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to point of beginning.

Designated altitudes. The area NW of a line between latitude 37°01'05" N., longitude 77°50'43" W., and latitude 36°57'54" N., longitude 77°53'19" W., surface to 18,500 feet MSL. The area SE of this line, surface to 1,900 feet MSL.

Time of designation. Continuous from June 1 through September 8; 0600 EST Saturday to 2200 EST Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use.

Using agency. Commanding General, Second United States Army, Fort Meade, Md.

AMENDMENTS 7/23/64 29 F. R. 6945 (Rewritten)

**R-6604 Chincoteague Inlet, Va.**

Boundaries. Beginning at Lat. 37°56'45" N. Long. 75°27'30" W; to Lat. 37°51'30" N, Long. 75°17'15" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N, Long. 75°31'20" W; to Lat. 37°50'24" N, Long. 75°31'20" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

**R-6606 Pendleton, Va.**

Boundaries. Beginning at Lat. 36°50'41" N, Long. 75°54'40" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 36°34'33" N, Long. 75°48'40" W; to Lat. 36°45'03" N, Long. 75°56'12" W; to Lat. 36°44'45" N, Long. 75°57'05" W; to Lat. 36°44'39" N, Long. 75°58'00" W; to Lat. 36°47'00" N, Long. 75°58'45" W; to Lat. 36°47'18" N, Long. 75°56'54" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. 0800 to 1700 EST. Monday through Friday.

Using agency. Commanding Officer. U. S. Fleet Air Defense Training Center, Dam Neck, Va.

**R-6608 Quantico, Va.**

Boundaries. Beginning at latitude 38°31'15" N., longitude 77°24'20" W.; to latitude 38°29'00" N., longitude 77°28'45" W.; to latitude 38°31'20" N., longitude 77°34'07" W.; to latitude 38°37'00" N., longitude 77°34'07" W.; to latitude 38°37'50" N., longitude 77°32'20" W.; to latitude 38°37'00" N., longitude 77°25'34" W.; to latitude 38°34'00" N., longitude 77°24'00" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Marine Corps Air Station, Quantico, Va.

**R-6609 Tangier Island, Va.**

Boundaries. A circular area with a 5-nautical mile radius centered at Lat. 37°47'54" N, Long. 76°03'48" W.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Designated altitudes. Surface to 20,000 feet MSL.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

**R-6610 Hampton Roads, Va. (Langley AFB), Restricted Area/Military Climb Corridor.**

Boundaries. The area based on the 011° radial of the Langley AFB VOR extending from 5 miles N of the airbase (Lat.37°05'05"N, Long. 76°21'40" W) to 32 miles N of the airbase, having a width of 1 mile W and 2 miles E of the 011° radial at the beginning. The W boundary expands uniformly to a width of 2.3 miles W of the 011° radial at the outer extremity. The E boundary decreases to a width of 1.5 miles 10 miles from the point of beginning, then expands to a width of 2.3 miles E of the 011° radial at the outer extremity.

Designated altitudes.

2,000 feet MSL to 15,000 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.
2,000 feet MSL to flight level 240 from 6 to 7 miles N of the airbase.
2,000 feet MSL to flight level 270 from 7 to 10 miles N of the airbase.
6,000 feet MSL to flight level 270 from 10 to 15 miles N of the airbase.
10,000 feet MSL to flight level 270 from 15 to 20 miles N of the airbase.
15,000 feet MSL to flight level 270 from 20 to 25 miles N of the airbase.
19,000 feet MSL to flight level 270 from 25 to 32 miles N of the airbase.

Controlling agency. Norfolk Approach Control.

Time of designation. Continuous.

Using agency. Commander, Langley AFB, Va.



**R-6611 Dahlgren Complex, Va.**

Boundaries. Beginning at Lat. 38°21'30" N, Long. 77°01'15" W; to Lat. 38°17'30" N, Long. 76°56'00" W; to Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to Lat. 38°19'15" N, Long. 77°02'00" W; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. 0800 to 1700 EST, Monday through Friday 1 September through 31 May and 0700 to 1600 EST Monday through Friday 1 June through 31 August.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

AMENDMENTS Eff. on Publ. (7/9/64) 29 F.R. 9369 (Changed);

**R-6612 Dahlgren Complex, Va.**

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N, Long. 77°02'15" W, and Lat. 38°18'23" N, Long. 77°02'57" W.

Designated altitudes. Surface to 7,000 feet MSL.

Time of designation. 0800 to 1700 EST, Monday through Friday 1 September through 31 May and 0700 to 1600 EST Monday through Friday 1 June through 31 August.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

AMENDMENTS Eff on Publ. (7/9/64) 29 F.R. 9369 (Changed);

**R-6613 Dahlgren Complex, Va.**

Boundaries. Beginning at Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'30" N, Long. 76°46'35" W; to Lat. 38°10'00" N, Long. 76°50'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. 0800 to 1700 EST, Monday through Friday 1 September through 31 May and 0700 to 1600 EST Monday through Friday 1 June through 31 August.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

AMENDMENTS Eff. on Publ: (7/9/64) 29 F.R. 9369 (Changed);

§ 73.67 **Washington**

**R-6701 Admiralty Inlet, Wash.**

Boundaries. Beginning at Lat. 48°10'00" N, Long. 122°34'48" W; to Lat. 48°05'45" N, Long. 122°31'30" W; to Lat. 48°06'06" N; Long. 122°41'12" W; to Lat. 48°10'00" N, Long. 122°40'56" W; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commanding Officer, NAS Whidbey Island, Wash.

**R-6703 Fort Lewis, Wash.**

Boundaries. Beginning at latitude 47°03'10" N., longitude 122°31'25" W.; to latitude 47°02'30" N., longitude 122°31'40" W.; to latitude 47°02'30" N., longitude 122°31'00" W.; to latitude 47°00'40" N., longitude 122°31'25" W.; to latitude 47°00'40" N., longitude 122°32'55" W.; to latitude 46°58'05" N., longitude 122°34'00" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 47°04'25" N., longitude 122°35'15" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

**R-6704 Fort Lewis, Wash.**

Boundaries. Beginning at latitude 47°04'25" N., longitude 122°35'15" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 46°54'35" N., longitude 122°41'25" W.; to latitude 46°54'05" N., longitude 122°45'00" W.; to latitude 46°57'12" N., longitude 122°46'50" W.; to latitude 47°00'40" N., longitude 122°41'40" W.; to latitude 47°04'35" N., longitude 122°41'30" W.; to latitude 47°05'25" N., longitude 122°38'00" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

**R-6705 Juan De Fuca, Wash.**

Boundaries. Beginning at Lat. 48°14'30" N, Long. 123°42'00" W; to Lat. 48°10'30° N, Long. 123°42'00" W; thence one-half mile N of and parallel to the N coast of Washington to Lat. 48°18'35" N, Long. 124°25'00" W; to Lat. 48°24'30" N, Long. 124°25'00" W; thence along the United States-Canadian border to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

**R-6707 Queets, Wash.**

Boundaries. Beginning at Lat. 47°29'25" N, Long. 124°25'00" W; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N, Long. 124°24'15" W to Lat. 47°24'25" N, Long. 124°24'30" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

**R-6708 Rosario Strait, Wash.**

Boundaries. A circular area with a 1 nautical mile radius centered at Lat. 48°29'06" N, Long. 122°45'42" W.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

**R-6713 Whidbey Island, Wash.**

Boundaries. Beginning at Lat. 48°25'00" N, Long. 123°05'00" W; to Lat. 48°23'00" N, Long. 123°06'00" W; to Lat. 48°16'30" N, Long. 123°03'00" W; to Lat. 48°16'30" N, Long. 122°55'30" W; to Lat. 48°19'45" N, Long. 122°46'30" W; to Lat. 48°25'00" N, Long. 122°53'30" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. 0700 to 2400 local time.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

**R-6714 Yakima, Wash.**

Boundaries. Beginning at latitude 46°51'00" N., longitude 119°58'00" W.; along the W. shore of the Columbia River to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 120°13'00" W.; to latitude 46°40'35" N., longitude 120°26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°51'00" N., longitude 120°21'30" W.; to latitude 46°51'00" N., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°51'00" N., longitude 120°08'30" W.; to the point of beginning.
Designated altitudes. Surface to 38,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

**R-6715 Richland, Wash.**

Boundaries. Beginning at latitude 46°48'00" N., longitude 119°35'00" W.; to latitude 46°48'00" N., longitude 119°25'00" W.; to latitude 46°45'00" N.; longitude 119°20'00" W.; to latitude 46°30'00" N., longitude 119°20'00" W.; to latitude 46°30'00" N., longitude 119°13'00" W.; to latitude 46°20'00" N., longitude 119°13'00" W; to latitude 46°30'00" N., longitude 119°47'00" W.; to latitude 46°40'00" N., longitude 119°47'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Richland, Washington.

**§ 73.68 West Virginia**



**§ 73.69 Wisconsin**

**R-6901 Camp McCoy, Wis.**

Boundaries. Beginning at latitude 44°08'40" N., longitude 90°44'00" W.; to latitude 44°08'40" N., longitude 90°40'20" W., to latitude 44°09'30" N., longitude 90°40'20" W.; to latitude 44°09'30" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°44'00" W.; to point of beginning.
Designated altitudes. Surface to flight level 250.
Time of designation. May 23 through September 5.
Using agency. Commanding Officer, Camp McCoy, Wis.

**R-6903 Sheboygan, Wis.**

Boundaries. Beginning at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. 0600 to 2200 CST, May 1 through September 30, and from 0800 to 1600 CST, Saturday and Sunday, October 1 through April 30.
Controlling agency. Federal Aviation Agency, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wisconsin.

AMENDMENTS 6/26/64 29 F.R. 8417 (Changed);

**R-6904 Volk Field, Wis.**

Boundaries. Beginning at Lat. 44°16'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 90°07'00" W; to Lat. 44°16'00" N, Long. 90°07'00" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Adjutant General, State of Wisconsin, Madison, Wis.

**R-6905 Madison, Wis. (Truax Field), Restricted Area/Military Climb Corridor.**

Boundaries. The area centered on the 003° radial of the Truax VOR extending from 5 miles N of the airport (Lat. 43°08'15" N, Long. 89°20'10" W) to 32 miles N of the airport, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes.
2,900 feet MSL to 15,900 feet MSL from 5 miles N of the airport to 6 miles N of the airport.
2,900 feet MSL to flight level 249 from 6 to 7 miles N of the airport.
2,900 feet MSL to flight level 270 from 7 to 10 miles N of the airport.
6,900 feet MSL to flight level 270 from 10 to 15 miles N of the airport.
10,900 feet MSL to flight level 270 from 15 to 20 miles N of the airport.
15,900 feet MSL to flight level 270 from 20 to 25 miles N of the airport.
19,900 feet MSL to flight level 270 from 25 to 32 miles N of the airport.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Madison Approach Control.
Using agency. Commander, 325th Fighter Interceptor Squadron, Truax Field, Madison, Wis.

**§ 73.70 Wyoming**

**R-7001 Guernsey, Wyo.**

Boundaries. Beginning at latitude 42°30'00" N., longitude 104°54'30" W.; to latitude 42°30'00" N., longitude 104°40'00" W.; to latitude 42°23'00" N., longitude 104°40'00" W.; to latitude 42°19'00" N., longitude 104°45'00" W.; to latitude 42°18'00" N., longitude 104°45'00" W.; to latitude 42°19'30" N., longitude 104°51'00" W.; to latitude 42°24'00" N., longitude 104°54'30" W.; to the point of beginning.
Designated altitudes. Surface to 23,500 feet MSL.
Time of designation. 0430 to 2400 MST, May 15 through September 5.
Controlling agency. Federal Aviation Agency, Casper, Wyo., Flight Service Station.
Using agency. Adjutant General, State of Wyoming.

§ 73.71 Puerto Rico

R-7101 Culebra Island, P.R.

Boundaries. The airspace over Culebra Island and the surrounding waters extending to the 3-nautical mile limit from the shoreline.
Designated altitudes. Surface to flight level 500.
Time of designation. During VFR weather conditions, and only after issuance of NOTAMS by the Commandant, 10th Naval District at least 48 hours prior to firing. NOTAMS also to be issued upon cessation of firing.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

R-7102 Punta Figuras, P. R.

Boundaries. Beginning at latitude 17°57'14" N., longitude 66°02'52" W.; to latitude 17°55'10" N., longitude 65°58'45" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 17°53'45" N., longitude 66°07'10" W.; clockwise along the arc of an 11,000 yard radius circle centered at latitude 17°57'14" N., longitude 66°02'52" W.; to latitude 17°55'55" N., longitude 66°08'25" W.; to point of beginning.
Designated altitude. Surface to 15,000 feet MSL or surface to 30,000 feet MSL as specified in NOTAMs required to activate the area.
Time of designation. Sunrise to sunset during periods of unrestricted visibility and only after issuance of NOTAMs by the Commandant, 10th Naval District at least 48 hours prior to firing. NOTAMs also to be issued upon cessation of firing.
Using agency. Commanding General, U. S. Army, Caribbean, San Juan, Puerto Rico.

R-7103 Salinas, P.R.

Boundaries. Beginning at Lat. 18°03'00" N., Long. 66°14'35" W.; to Lat. 18°01'16" N., Long. 66°15'14" W.; to Lat. 17°59'57" N., Long. 66°16'00" W.; to Lat. 17°59'16" N., Long. 66°17'11" W.; to Lat. 18°01'00" N., Long. 66°19'58" W.; to Lat. 18°01'53" N., Long. 66°18'53" W.; to Lat. 18°02'34" N., Long. 66°18'47" W.; to Lat. 18°03'25" N., Long. 66°17'54" W.; to Lat. 18°04'07" N., Long. 66°17'00" W.; to point of beginning.
Designated altitude. Surface to 12,000 feet MSL.
Time of designation. Continuous, June 1 through August 31; and sunrise to sunset, Saturday and Sunday, September 1 through May 31.
Using agency. Commanding General, U. S. Army Caribbean, San Juan, P.R.

R-7104 Vieques Island, P.R.

Boundaries. The airspace over Vieques Island and the surrounding waters extending to the 3 nautical mile limit from the shoreline.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous, but only after issuance of NOTAMS by the Commandant, 10th Naval District, at least 48 hours prior to firing. NOTAMS to contain information concerning time of cessation of firing.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

§ 73.72 Guam

R-7201 Nafatan Rock, Guam.

Boundaries. The area within a 5-nautical mile radius of Lat. 14°50'00" N. Long. 145°32'00" E. excluding the portion which lies 3 nautical miles beyond the shoreline.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Using agency. Commander, Naval Forces, Marianas.

AMENDMENTS 3/13/64 29 F.R. 3357 (Changed)



PART 75 -- ESTABLISHMENT OF JET ROUTES (NEW)

SUBPART A -- GENERAL

Sec.
75.1 Applicability.
75.11 Jet routes
75.15 Jet advisory areas
75.17 Bearings; Radials; Miles

SUBPART B -- JET ROUTES

Sec.
75.100 Jet routes

SUBPART C -- JET ADVISORY AREAS

Sec.
75.200 En route jet advisory areas
75.300 Terminal jet advisory areas

SUBPART A -- GENERAL

§75.1 Applicability.

The routes described in Subpart B, between high altitude navigational aids or intersections of their signals, are designated as jet routes along which aircraft may be operated between 18,000 feet MSL and flight level 450. The areas described in Subpart C are designated as jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control areas, or in the vicinity of specific geographic locations.

§75.11 Jet Routes

Each jet route designated in Subpart B consists of a direct course for navigating aircraft between 18,000 feet MSL and flight level 450, inclusive, between the navigational aids and intersections specified for that route.

§75.15 Jet Advisory Areas

(a) Jet advisory areas consist of airspace within the continental control area, as designated in Subpart C.

(b) En route radar jet advisory areas consist of areas within which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 240 through flight level 410, inclusive.

(c) Terminal radar jet advisory areas consist of areas in which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas from flight level 240 through flight level 410, inclusive.

(d) Nonradar jet advisory areas consist of areas within which jet advisory service is provided on a procedural basis without radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 410, inclusive.

(e) Jet advisory areas do not include the airspace within positive control areas, prohibited areas, or restricted areas except restricted area military climb corridors and those restricted areas specified in Subpart D of Part 71.

(f) En route jet advisory areas are based on jet routes and are identified by the associated jet route number. Terminal jet advisory areas are based on VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas and those in the vicinity of geographical locations, and are identified by geographical names.

§75.17 Bearings: Radials: Miles

(a) All bearings and radials in this Part are true and are applied from point of origin.
(b) Unless otherwise specified, all mileages in this Part are stated as nautical miles.

SUBPART B -- JET ROUTES

§75.100 Jet Routes.

SUBPART C -- JET ADVISORY AREAS

§ 75.200 En route Jet Advisory Areas.

§ 75.300 Terminal Jet Advisory Areas.

## SUBPART B - JET ROUTES

**§ 75.100 Jet routes.**

(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.).

**Jet Route No. 1 (San Diego, Calif., to Seattle, Wash.).**

From San Diego, Calif., via Oceanside, Calif.; Los Angeles, Calif.; INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

**Jet Route No. 2 (San Diego, Calif., to Jacksonville, Fla.).**

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz.; INT of the Yuma 087° and the Gila Bend, Ariz., 261° radials; Gila Bend; INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon; El Paso, Texas; Fort Stockton, Texas; San Antonio, Texas; Houston, Texas; Lake Charles, La.; INT of the Lake Charles 089° and the New Orleans, La., 275° radials; New Orleans; INT of the New Orleans 066° and the Crestview, Fla., 266° radials; Crestview; INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee; to Jacksonville, Fla.

AMENDMENTS 9/17/64 29 F.R. 8165 (Changed); 10/15/64 29 F.R. 12014 (Changed);

**Jet Route No. 3 (Oakland, Calif., to Kimberly, British Columbia, Canada),**

From Oakland, Calif., via Red Bluff, Calif.; Lakeview, Oreg.; Pendleton, Oreg.; Spokane, Wash., to the Kimberly, British Columbia, Canada, RR. excluding the portion that lies over Canadian territory.

**Jet Route No. 4 (Los Angeles, Calif., to Wilmington, N. C.).**

From Los Angeles, Calif., via the INT of the Los Angeles 099° and the Blythe, Calif., 272° radials; Blythe; the INT of the Blythe 096° and the Gila Bend, Ariz., 315° radials; Gila Bend; INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon; El Paso, Tex.; Wink, Tex.; Abilene, Tex.; Dallas, Tex.; Shreveport, La.; Jackson, Miss.; Montgomery, Ala.; Augusta, Ga.; Columbia, S. C.; Florence, S. C.; to Wilmington, N. C.

**Jet Route No. 5 (Los Angeles, Calif., to Seattle, Wash.).**

From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg,; The Dalles, Oreg.; INT of the Dalles 352° and the Seattle, Wash., 124° radials, to Seattle.

**Jet Route No. 6 (Paso Robles, Calif., to Kennedy, N. Y.)**

From the INT of the Salinas, Calif., 145° and the Palmdale, Calif., 291° radials via Palmdale; Hector, Calif.; Needles, Calif.; Prescott, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Little Rock, Ark.; Memphis, Tenn.; Nashville, Tenn.; Charleston, W. Va.; Front Royal, Va.; Yarley, Pa., to Kennedy, N. Y.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 7/23/64 29 F.R. 7018 (Changed):

**Jet Route No. 7 (Oakland, Calif., to the United States/Canadian Border).**

From Oakland, Calif., via Red Bluff, Calif.; Rome, Oreg.; Boise, Idaho; Dillon, Mont.; Great Falls, Mont.; via the Great Falls 040° radial to the United States/Canadian Border.

**Jet Route No. 8 (Oklahoma City, Okla., to Kennedy, N. Y.).**

From Oklahoma City, Okla., via Tulsa, Okla.; Springfield, Mo.; St. Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; Front Royal, Va.; Yardley, Pa., to Kennedy, N. Y.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 11/12/64 29 F.R. 13165 (Changed)

**Jet Route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).**

From Los Angeles, Calif., via Hector, Calif.; Boulder, Nev.; Milford, Utah; Provo, Utah; Salt Lake City, Utah; Ogden, Utah; Dubois, Idaho; Dillon, Mont., to Great Falls, Mont.



**Jet Route No. 10 (Los Angeles, Calif., to Denver, Colo.).**

From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Parker, Calif., 258° radials; Parker; Prescott, Ariz.; Farmington, N. Mex., Gunnison, Colo., to Denver, Colo.

AMENDMENTS 10/15/64 29 F.R. 11915 (Changed)

PENDING AMENDMENT

Jet Route No. 10 is amended as follows: In the caption "Denver, Colo." is deleted, and "O'Neill, Nebr." is substituted therefor. In the text, "Gunnison, Colo., to Denver, Colo." is deleted and "Gunnison, Colo.; Denver, Colo.; Sidney, Nebr.; to O'Neill, Nebr." is substituted therefor. 12/10/64 29 F.R. 14622 (Changed)

**Jet Route No. 11 (Phoenix, Ariz., to Salt Lake City, Utah).**

From Phoenix, Ariz., via Prescott, Ariz.; Bryce Canyon, Utah; Provo, Utah, to Salt Lake City, Utah.

**Jet Route No. 12 (Allegheny, Pa., to Baltimore Md.).**

From Allegheny, Pa., to Baltimore, Md.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed)

**JET ROUTE No. 13 (El Paso, Texas, to the United States/Canadian Border.)**

From El Paso, Texas, via the INT of the El Paso 282° and the Truth or Consequences, N. Mex., 162° radials; Truth or Consequences; Albuquerque; Las Vegas, N. Mex.; Pueblo, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo., Billings, Mont., Great Falls, Mont.; via the Great Falls 339° radial to the United States/Canadian Border.

**Jet Route No. 14 (Amarillo, Tex., to Richmond, Va.).**

From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.; Spartanburg, S. C.; Greensboro, N. C.; to Richmond, Va.

AMENDMENTS 9/17/64 29 F.R. 11527 (Changed)

**Jet Route No. 15 (San Antonio, Texas, to Newberg, Oreg.)**

From San Antonio, Texas, via Wink, Texas; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque, N. Mex., 128° radials; Albuquerque; Farmington, N. Mex.; Grand Junction, Colo.; Salt Lake City, Utah; Ogden, Utah; Boise, Idaho; John Day, Oreg., to Newberg, Oreg.

AMENDMENTS 3/5/64 28 F. R. 14421 (Changed); 9/17/64 29 F.R. 9664 (Changed);

**Jet Route No. 16 (Portland, Oreg., to Boston, Mass.).**

From Portland, Oreg., via The Dalles, Oreg.; INT of The Dalles 096° and the Pendleton, Oreg., 254° radials; Pendleton; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; Milwaukee, Wis.; INT of the Milwaukee 088° and the Peck, Mich., 269° radials; Peck; via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N. Y., via the Buffalo 274° radial; Albany, N. Y., to Boston, Mass.

**Jet Route No. 17 (San Antonio, Texas, to Rapid City, S. Dak.).**

From San Antonio, Texas, via Abilene, Texas; Amarillo, Texas; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

**Jet Route No. 18 (San Diego, Calif., to Joliet, Ill.).**

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz., INT of the Yuma 087° and the Gila Bend, Ariz., 261° radials; Gila Bend; Phoenix, Ariz.; Grants, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina; Kansas City, Mo.; Kirksville, Mo.; Bradford; to Joliet, Ill.

AMENDMENTS 7/23/64 29 F.R. 7238 (Changed); 9/17/64 29 F.R. 8165 (Changed);

**Jet Route No. 20 (Seattle, Wash., to Orlando, Fla.).**

From Seattle, Wash., via Yakima, Wash.; Pendleton, Oreg.; Boise, Idaho; Malad City, Idaho; Rock Springs, Wyo.; Denver, Colo.; Lamar, Colo.; Gage, Okla.; Oklahoma City, Okla.; Shreveport, La.; Jackson, Miss.; Crestview, Fla.; INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee; Orlando, Fla., to the INT of the Orlando 118° and the Vero Beach, Fla., 339° radials.

AMENDMENTS 10/15/64 29 F.R. 11915 (Changed)

**Jet Route No. 21 (United States/Mexican Border to Duluth, Minn.).**

From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; Dallas, Tex.; Oklahoma City, Okla.; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.

**Jet Route No. 22 (Laredo, Texas, to Gordonsville, Va.).**

From Laredo, Tex., via Corpus Christi, Tex.; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; Lake Charles, La.; McComb, Miss.; INT of the McComb 049° and the Birmingham, Ala., 232° radials; Birmingham; Knoxville, Tenn.; Pulaski, Va.; to Gordonsville, Va.

**Jet Route No. 23 (San Antonio, Tex., to Hill City, Kans.).**

From San Antonio, Tex., via Mineral Wells, Tex.; Oklahoma City, Okla.; Wichita, Kans.; to Hill City, Kans.
AMENDMENTS 5/28/64 29 F.R. 3807 (Rewritten)

**Jet Route No. 24 (Gila Bend, Ariz., to Flat Rock, Va.).**

From Gila Bend, Ariz., via Phoenix, Ariz.; Grants, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina; Kansas City, Mo.; St. Louis, Mo.; Indianapolis, Ind.; INT of the Indianapolis 120° and the Charleston, W. Va., 284° radials; Charleston, to Flat Rock, Va.

**Jet Route No. 25 (United States/Mexican Border to Minneapolis, Minn.).**

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; Dallas, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn.

**Jet Route No. 26 (El Paso, Texas, to Joliet, Ill.)**

From El Paso, Texas, via the INT of the El Paso 089° and the Roswell, N. Mex., 213° radials; Roswell; Amarillo, Texas; Wichita, Kans.; Kansas City, Mo.; Kirksville, Mo.; Bradford; to Joliet, Ill.

AMENDMENTS 6/25/64 29 F.R. 5541 (Changed); 7/23/64 29 F.R. 7238 (Changed);

**Jet Route No. 27 (San Antonio, Tex., to Lufkin, Tex.).**

From San Antonio, Tex., to Lufkin, Tex.

**Jet Route No. 28 (Pueblo, Colo., to Wichita, Kans.).**

From Pueblo, Colo., via Garden City, Kans., to Wichita, Kans.

**Jet Route No. 29 (United States/Mexican Border to Presque Isle, Maine).**

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn.; Evansville, Ind.; INT of the Evansville, 052° and the Dayton, Ohio, 231° radials; Dayton; Cleveland, Ohio; Erie, Pa.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine; to Presque Isle, Maine.



**Jet Route No. 30 (Salt Lake City, Utah, to Herndon, Va.).**

From Salt Lake City, Utah, via Provo, Utah; Myton, Utah; Kremmling, Colo.; Denver, Colo.; O'Neill, Nebr.; Sioux Falls, S. Dak.; Minneapolis, Minn.; Nodine, Minn.; Joliet, Ill.; via the INT of the Joliet 108° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Appleton, Ohio; Front Royal, Va.; to Herndon, Va.

AMENDMENTS 6/25/64 29 F.R. 5541 (Changed); 9/17/64 29 F.R. 11527 (Changed);

**Jet Route No. 31 (New Orleans, La., to Birmingham, Ala.).**

From New Orleans, La., via the INT of the New Orleans 021° and the Birmingham, Ala., 232° radials to Birmingham.

**Jet Route No. 32 (Oakland, Calif., to Duluth, Minn.).**

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Battle Mountain, Nev.; Wells, Nev.; Malad City, Idaho; Boysen Reservoir, Wyo.; Crazy Woman, Wyo., Dupree, S. Dak.; Aberdeen, S. Dak.; Duluth, Minn.; to the INT of the Duluth 051° radial and the United States/Canadian Border.

AMENDMENTS 3/5/64 28 F. R. 14421 (Changed); 10/15/64 29 F.R. 12261 (Changed);

PENDING AMENDMENT

Jet Route No. 33 (Oakland, Calif., to Seattle, Wash.).
From Oakland, Calif., via Ukiah, Calif.; Fortuna, Calif ; North Bend, Oreg.; Newport, Oreg.; Hoquiam, Wash.; to Seattle, Wash.
AMENDMENTS 12/10/64 29 F.R. 14169 (Added)

**Jet Route No. 34 (Dickinson, N. Dak., to Herndon, Va.).**

From Dickinson, N. Dak., via Aberdeen, S. Dak.; Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; Pullman, Mich.; INT of the Pullman 118° and the Cleveland, Ohio, 274° radials; Cleveland; Allegheny, Pa.; Front Royal, Va.; to Herndon, Va.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed); 9/17/64 29 F.R. 11527 (Changed);

**Jet Route No. 35 (New Orleans, La., to Northbrook, Ill.).**

From New Orleans, La., via the INT of the New Orleans 357° and the Jackson, Miss., 184° radials; Jackson; INT of the Jackson 355° and the Memphis, Tenn., 191° radials; Memphis; St. Louis, Mo.; Capital, Ill.; the INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet, to Northbrook, Ill.

**Jet Route No. 36 (Fargo, N. Dak., to Peck, Mich.).**

From Fargo, N. Dak., via Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT of the Milwaukee, Wis., 088° and the Peck, Mich., 269° radials, to Peck, Mich.

**Jet Route No. 37 (New Orleans, La., to United States/Canadian Border).**

From New Orleans, La., via INT of the New Orleans 066° and the Montgomery, Ala., 230° radials; Montgomery; Atlanta, Ga.; Spartanburg, S. C.; Gordonsville, Va.; INT of the Gordonsville 059° and the Coyle, N. J., 235° radials; Coyle; Kennedy, N.Y.; Albany, N.Y.; Massena, N. Y. to the INT of the Massena 037° radial and the United States/Canadian Border.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed);

**Jet Route No. 38 (United States/Canadian Border to Peck, Mich.).**

From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Kenora, Ont., via Duluth; Green Bay, Wis., to Peck, Mich.

**Jet Route No. 39 (Crestview, Fla., to Dayton, Ohio).**

From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala.; INT of the Birmingham 360° and the Nashville, Tenn., 191° radials; Nashville; Louisville, Ky., to Dayton, Ohio.

**Jet Route No. 40 (Montgomery, Ala., to Ironsides, Md.).**

From Mongomery, Ala., via the INT of the Montgomery 068° and the Macon, Ga., 268° radials; Macon; Charleston, S. C.; Wilmington, N. C.; Richmond, Va.; to the INT of the Richmond 009° and the Gordonsville, Va., 059° radials.

AMENDMENTS 9/17/64 29 F.R. 11527 (Changed); Amend. alt. 29 F.R. 13138;

**Jet Route No. 41 (Miami, Fla., to Omaha, Nebr.).**

From Miami, Fla., via St. Petersburg, Fla.; Tallahassee, Fla.; INT of the Tallahassee 288° and the Montgomery, Ala., 144° radials; Montgomery; Memphis, Tenn.; Springfield, Mo. Kansas City, Mo., to Omaha, Nebr.

**Jet Route No. 42 (Dallas, Texas to Kennedy, N. Y.).**

From Dallas, Texas, via Texarkana, Ark.; Memphis, Tenn.; Nashville, Tenn.; Charleston, W. Va.; Front Royal, Va.; Yardley, Pa., to Kennedy, N. Y.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed);

**Jet Route No. 43 (Key West, Fla., to Wayne, Mich.).**

From Key West, Fla., via St. Petersburg, Fla.; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Lexington, Ky.; Dayton, Ohio; to the INT of the Dayton direct radial to Peck, Mich., and the Windsor, Ont., 278° radial.

PENDING AMENDMENT
In Jet Route No. 43 "and the Windsor, Ont., 278° radial." is deleted and "and the Windsor, Ont., 276° radial." is substituted therefor. 11/19/64 29 F. R. 14621 (Changed)

**Jet Route No. 44 (Phoenix, Ariz., to Farmington, N. Mex.).**

From Phoenix, Ariz., via Winslow, Ariz., to Farmington, N. Mex.

**Jet Route No. 45 (Jacksonville, Fla., to Des Moines, Iowa).**

From Jacksonville, Fla., via Alma, Ga.; Atlanta, Ga.; Nashville, Tenn.; INT of the Nashville 316° and the St. Louis, Mo., 129° radials; St. Louis to Des Moines, Iowa.

**Jet Route No. 46 (Tulsa, Okla., to Nashville, Tenn.).**

From Tulsa, Okla., via Walnut Ridge, Ark., to Nashville, Tenn.

AMENDMENTS 9/17/64 29 F.R. 9893 (Changed)

**Jet Route No. 47 (Charleston, S. C., to Dayton, Ohio).**

From Charleston, S. C., via Columbia, S. C.; Spartanburg, S. C.; Lexington, Ky., to Dayton, Ohio.

**Jet Route No. 48 (Pulaski, Va., to Delta, Pa.).**

From Pulaski, Va., via Herndon, Va.; to the INT of the direct radials between Gordonsville, Va., and Huguenot, N. Y., and between Front Royal, Va., and Yardley, Pa.

**Jet Route No. 49 Charleston, W. Va., to the United States/Canadian Border).**
From Charleston, W. Va., via Allegheny, Pa.; Philipsburg, Pa.; Albany, N. Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 038° radial and the United States/Canadian Border.

AMENDMENTS 9/17/64 29 F. R. 10502 (Changed); 11/12/64 29 F. R. 13137 (Rewritten)

**Jet Route No. 50 (El Paso, Texas, to Crestview, Fla.).**

From El Paso, Texas, via Wink, Texas; San Angelo, Texas; Waco, Texas; Lufkin, Texas; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.



**Jet Route No. 51 (Jacksonville, Fla., to Norfolk, Va.).**

From Jacksonville, Fla., via Savannah, Ga.; Columbia, S. C.; Raleigh-Durham, N.C.; to Norfolk, Va.

AMENDMENTS 9/17/64 29 F.R. 11527 (Changed)

**Jet Route No. 52 (Dallas, Texas, to Richmond, Va.).**

From Dallas, Texas, via Texarkana, Ark.; Greenwood, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh-Durham, N. C. 224° radials; Raleigh-Durham; to Richmond, Va.

AMENDMENTS 9/17/64 29 F.R. 11527 (Changed)

**Jet Route No. 53 (Key West, Fla., to Kleinburg, Ontario, Canada).**

That airspace over United States territory from Key West, Fla., via the INT of the Key West 054° and the Miami, Fla., 214° radials; Miami; West Palm Beach, Fla.; Vero Beach, Fla.; INT of the Vero Beach 339° and the Jacksonville, Fla., 163° radials; Jacksonville; INT of the Jacksonville 343° and the Augusta, Ga., 189° radials; Augusta; Spartansburg, S. C.; Pulaski, Va.; Allegheny, Pa.; Erie, Pa.to Kleinburg, Ontario, Canada.

AMENDMENTS 9/17/64 29 F.R. 10502 (Changed); 10/15/64 29 F.R. 12261 (Changed);

**Jet Route No. 54 (Alamosa, Colo., to Atlanta, Ga.).**

From Alamosa, Colo.; via Garden City, Kans.; Ponca City, Okla., Tulsa, Okla., Little Rock, Ark.; Birmingham, Ala., to Atlanta, Ga.

**Jet Route No. 55 (Jacksonville, Fla., to United States/Canadian Border).**

From Jacksonville, Fla., via Savannah, Ga.; Charleston, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh, N. C., and the Raleigh-Durham, N. C., 224° radials; Raleigh-Durham, Flat Rock, Va.; INT of the Flat Rock 025° and the Gordonsville, Va., 059° radials; INT of the Gordonsville 059° and the Coyle, N. J. 235° radials; Coyle; Kennedy, N. Y.; INT of the Kennedy 049° and the Kennebunk, Maine, 212° radials; Kennebunk; Bangor, Maine; Presque Isle, Maine; to the INT of the Presque Isle 357° radial and the United States/Canadian Border.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 9/17/64 29 F.R. 11527 (Changed); 10/15/64 29 F.R. 12362 (Changed)

**Jet Route No. 56 (Salt Lake City, Utah, to Denver, Colo.).**

From Salt Lake City, Utah, via Kremmling, Colo., to Denver, Colo.

**Jet Route No. 58 (Oakland, Calif., to New Orleans, La.).**

From Oakland, Calif., via Stockton, Calif.; Coaldale, Nev.; Wilson Creek, Nev.; Bryce Canyon, Utah; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; Dallas, Texas; Alexandria, La.; INT of the Alexandria 126° and the New Orleans, La., 295° radials; to New Orleans.

AMENDMENTS 5/28/64 29 F.R. 3807 (Changed); 5/28/64 29 F.R. 4996 (Changed); 10/15/64 29 F.R. 11915 (Changed);

**Jet Route No. 59 (Philipsburg, Pa., to Syracuse, N. Y.).**

From Philipsburg, Pa., to Syracuse, N. Y.

AMENDMENTS 11/12/64 29 F.R. 13137 (Rewritten).

**Jet Route No. 60 (Los Angeles, Calif., to Kennedy, N. Y.).**

From Los Angeles, Calif., via Hector, Calif.; Boulder, Nev.; Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo.; Hayes Center, Nebr.; Wolbach, Nebr.; Des Moines, Iowa; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; INT of Philipsburg 097° and Kennedy, N. Y., 271° radials; to Kennedy.

AMENDMENTS 11/12/64 29 F.R. 13381 (Changed)

**Jet Route No. 61 (Baltimore, Md., to Buffalo, N. Y.).**
From Baltimore, Md., via Philipsburg, Pa., to Buffalo, N. Y.



**Jet Route No. 62 (Kennedy, N. Y., to Nantucket, Mass.).**



**Jet Route No. 73 (Boise, Idaho, to The Dalles, Oreg.).**

**Jet Route No. 62 (Kennedy, N. Y., to Nantucket, Mass.).**

From Kennedy, N.Y., via the INT of the Kennedy 080° and the Nantucket, Mass., 255° radials, to Nantucket.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed);

**Jet Route No. 63 (Kennedy, N. Y., to Syracuse, N. Y.).**

From Kennedy, N Y.. Huguenot, N Y., to Syracuse, N Y.

AMENDMENTS 4/2/64 29 F.R 1561 (Changed);

**Jet Route No. 64 (Los Angeles, Calif., to Kennedy, N. Y. ).**

From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo ; Hill City, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Bradford, Ill.; via the INT of the Bradford 089° and the
Fort Wayne, Ind., 279° radials; Fort Wayne; Ellwood City, Pa.; Yardley, Pa.; to Kennedy, N.Y.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 6/25/64 29 F R. 5541 (Changed); 9/17/64 29 F.R. 9893 (Changed);

**Jet Route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).**

From Phoenix, Ariz., via the INT of the Phoenix 272° and the Blythe, Calif., 096° radials; Blythe; the INT of the Blythe 272° and the Palmdale, Calif., 124° radials; Palmdale; INT of the Palmdale 291° and the Bakersfield, Calif., 149° radials; Bakersfield;
INT of the Bakersfield 345° and the Fresno, Calif., 150° radials; Fresno; Sacramento, Calif.; To Red Bluff, Calif.

**Jet Route No. 66 (Dallas, Tex., to Little Rock, Ark.);**

From Dallas, Tex., via the INT of the Dallas 062° and the Little Rock, Ark , 252° radials; to Little Rock.

**Jet Route No. 67 (Lakeview, Oreg., to Newberg, Oreg.).**

From Lakeview, Oreg., via the INT of the Lakeview 342° and the Newberg, Oreg., 132° radials to Newberg.

**Jet Route No. 68 (Providence, R. I., to Nantucket, Mass.).**

From the INT of the Providence, R. I., 270° and the Boston, Mass., 231° radials via Providence, to Nantucket, Mass.

**Jet Route No. 69 (Mobile, Ala., to Birmingham, Ala.).**

From Mobile, Ala., via INT of the Mobile 015° and the Birmingham, Ala., 232° radials, to Birmingham.

**Jet Route No. 70 (Hoquiam, Wash., to Kennedy, N. Y.).**

From the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials via Seattle·
Ephrata, Wash.; Mullan Pass, Idaho;
Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; INT of the Pullman 091° and the Windsor, Ont., 278° radials; via the Windsor 278° radial to the United States/Canadian Border. From the INT of the United States/Canadian Border and the Erie, Pa., 278° radial via Erie; Huguenot, N. Y., to Kennedy, N. Y.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 9/17/64 29 F.R 9534 (Changed);

PENDING AMENDMENT
In Jet Route No. 70 everything after "Pullman, Mich.;" is deleted and "Windsor, Ont., Canada; Erie, Pa; Huguenot, N.Y.; to Kennedy, N.Y. The portion within Canada is excluded." is substituted therefor.
11/19/64 29 F. R. 14621 (Changed)

**Jet Route No. 72 (Boulder, Nev., to Dallas, Tex.)**

From Boulder, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Texico, N. Mex.; Wichita Falls, Texas; to Dallas, Texas.

AMENDMENTS 5/28/64 29 F.R. 4996 (Rewritten)



**Jet Route No. 73 (Boise, Idaho, to The Dalles, Oreg.).**

From Boise, Idaho, via John Day, Oreg., to The Dalles, Oreg.

AMENDMENTS 9/17/64 29 F.R. 9664 (Rewritten)

**Jet Route No. 74 (Los Angeles, Calif., to Dallas, Tex.).**

From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Parker, Calif., 258° radials; Parker; St. Johns, Ariz.; Socorro, N. Mex.; Texico, N. Mex.; Wichita Falls, Tex.; to Dallas, Tex.

**Jet Route No. 75 (Miami, Fla., to the United States/Canadian Border).**

From Miami, Fla., via the INT of the Miami 297° and the Lakeland, Fla., 175° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; INT of the Alma 036° and the Columbia, S. C., 193° radials; Columbia;
Greensboro, N. C.; Gordonsville, Va.; Huguenot, N. Y.; Albany, N. Y.; Plattsburgh, N. Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian Border
4/30/64 29 F. R. 2692 (Changed)

Jet Route No. 76 (Boulder, Nev., to Dallas, Texas).

From Boulder, Nev., via Tuba City, Ariz., Crown Point, N Mex.; Las Vegas, N. Mex.; Amarillo, Texas,; Wichita Falls, Texas; to Dallas, Texas.

AMENDMENTS 5/28/64 29 F.R. 4996 (Added)

**Jet Route No. 77 (Miami, Fla., to the United States/Canadian Border).**

From Miami, Fla., to West Palm Beach, Fla From Wilmington, N. C., via Gordonsville, Va.; Huguenot, N. Y.; Boston, Mass.; Kennebunk, Maine; Bangor, Maine, to the
INT of the Bangor 058° radial and the United States/Canadian Border.

AMENDMENTS 10/15/64 29 F.R 12362 (Changed)

Jet Route No. 78 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Parker, Calif., 258° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Tulsa, Okla.;
Farmington, Mo.; Louisville, Ky.; Charleston, W Va.; Philipsburg, Pa.; INT of Philipsburg 097° and Kennedy, N. Y.. 271° radials; to Kennedy.

AMENDMENTS 4/2/64 29 F. R 1561 (Changed); 7/23/64 29 F.R 7018 (Changed); 11/12/64 29 F.R 13381 (Changed)

Jet Route No. 79 (Miami, Fla., to Kennedy, N. Y.)

From Miami, Fla., to West Palm Beach, Fla. From the boundary of the continental control area S of Wilmington, N. C., via the Wilmington, 192° radial; Wilmington; Norfolk; INT of the Norfolk 023° and the Coyle, N. J., 208° radials; Coyle, to Kennedy, N. Y.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed);

Jet Route No. 80 (Oakland, Calif. to Kennedy, N. Y.)

From Oakland, Calif., via Stockton, Calif., Coaldale, Nev.; Wilson Creek, Nev.; Milford, Utah; Grand Junction, Colo.;
Denver, Colo.; Hill City, Kans.; Salina, Kans.; Kansas City, Mo.; Capital, Ill.; Indianapolis, Ind.; Appleton, Ohio; Allegheny, Pa.; Coyle, N. J.; to Kennedy, N Y

AMENDMENTS 4/2/64 29 F. R. 1561 (Changed); 6/25/64 29 F.R. 5541 (Changed); 9/17/64 29 F.R 10502 (Changed)
AMENDMENTS 10/15/64 29 F.R. 11915 (Changed)

**Jet Route No. 81 (Miami, Fla., to Barracuda, Fla., INT).**

From Miami, Fla., via Orlando, Fla., to the INT of the Melbourne, Fla., RR 055° and the Bimini Bahamas, RBN 008° bearings.

**Jet Route No. 82 (Sioux Falls, S. Dak., to Boston, Mass.).**

From Sioux Falls, S. Dak., via Fort Dodge, Iowa; INT of the Fort Dodge 096° and the Northbrook, Ill., 274° radials; INT of the Northbrook 274° and the Joliet, Ill., 316° radials; Joliet; Cleveland, Ohio; Erie, Pa.; Albany, N. Y.; INT of the Albany 084° and the Boston, Mass., 325° radials; to Boston.

PENDING AMENDMENT

**Jet Route No. 83 (Knoxville, Tenn., to Cleveland, Ohio).**

From Knoxville, Tenn., via the INT of the Knoxville 018° and the Appleton, Ohio, 189° radials; Appleton; to Cleveland, Ohio.

AMENDMENTS 12/10/64 29 F.R. 14169 (Added)

**Jet Route No. 84 (Oakland, Calif., to Northbrook, Ill.).**

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Battle Mountain, Nev.; Bonneville, Utah; Salt Lake City, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; Wolbach, Nebr.; Des Moines, Iowa; INT of the Des Moines 066° and the Northbrook, Ill., 274° radials, to Northbrook.

AMENDMENTS 10/15/64 29 F.R. 12261 (Changed);

**Jet Route No. 85 (Miami, Fla., to the United States/Canadian Border).**

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Augusta, Ga.; Spartanburg, S. C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; Cleveland, to the INT of the Cleveland 328° radial and the United States/Canadian Border.

PENDING AMENDMENT

In Jet Route No. 85 "to the INT of the Cleveland 328° radial and the United States/Canadian Border." is deleted and "to Windsor, Ont., Canada. The portion within Canada is excluded." is substituted therefor.

AMENDMENTS 11/19/64 29 F. R. 14621 (Changed)

**Jet Route No. 86 (El Paso, Texas, to Houston, Texas).**

From El Paso, Texas, via Fort Stockton, Texas; Austin, Texas; to Houston, Texas.

AMENDMENTS 9/17/64 29 F.R. 10396 (Added)

**Jet Route No. 87 (Houston, Texas, to Northbrook, Ill.).**

From Houston, Texas, via Dallas, Texas; INT of the Dallas 339° and the Tulsa, Okla., 211° radials; Tulsa; Butler, Mo.; INT of the Butler 009° and the Kirksville, mo., 242° radials; Kirksville; Bradford; Joliet, Ill., to Northbrook, Ill.

AMENDMENTS 7/23/64 29 F. R. 7238 (Changed)

**Jet Route No. 88 (Los Angeles, Calif., to Medford, Oreg.).**

From Los Angeles, Calif., via INT of the Los Angeles 303° and the Santa Barbara, Calif., 109° radials; Santa Barbara; Salinas, Calif.; INT of the Salinas 310° and the Oakland, Calif., 170° radials; Oakland; INT of the Oakland 305° and the Ukiah, Calif., 172° radials; Ukiah, to Medford, Oreg.

**Jet Route No. 89 (Miami, Fla., to Duluth, Minn.).**

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Atlanta, Ga.; Louisville, Ky.; Lafayette, Ind.; Northbrook; Milwaukee, Wis., to Duluth, Minn.

AMENDMENTS 9/17/64 29 F.R. 11579 (Changed)



**Jet Route No. 90 (Seattle, Wash., to the United States/Canadian Border).**

From Seattle, Wash., via Ephrata, Wash.; Mullan Pass, Idaho; Helena, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT of the Mason City 095° and the Northbrook, Ill., 293° radials; Northbrook; INT of the Northbrook 093° and the Windsor, Ontario, 261° radials; to the INT of the Windsor 261° radial and the United States/Canadian Border.

AMENDMENTS 9/17/64 29 F.R. 9534 (Changed)

PENDING AMENDMENT

In Jet Route No. 90 everything after "Northbrook;" is deleted and "INT of the Northbrook 093° and the Windsor, Ont., Canada, 263° radials; to the INT of the Windsor 263° radial and the United States/Canadian Border " is substituted therefor. 11/19/64 29 F. R. 14621 (Changed)

**Jet Route No. 91 (Atlanta, Ga., to the United States/Canadian Border).**

From Atlanta, Ga., via Knoxville, Tenn.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; Cleveland; to the INT of the Cleveland 328° radial and the United States/Canadian Border.

PENDING AMENDMENT

In Jet Route No. 91 "to the INT of the Cleveland 328° radial and the United States/Canadian Border." is deleted and "to Windsor, Ont., Canada. The portion within Canada is excluded." is substituted therefor.

AMENDMENTS 11/19/64 29 F. R. 14621 (Changed)

**Jet Route No. 92 (Oakland, Calif., to Tucson, Ariz.).**

From Oakland, Calif., via Stockton, Calif.; Coaldale, Nev.; Beatty, Nev.; INT Beatty 142°, Boulder, Nev., 272° radials; Boulder; Prescott, Ariz.; Phoenix, Ariz., to Tucson, Ariz.

AMENDMENTS 10/15/64 29 F.R. 12014 (Changed)

**Jet Route No. 93 (Newport, Oreg., to Seattle, Wash.).**

From the INT of the Medford, Oreg., 339° and the Portland, Oreg., 222° radials via Portland; INT of the Portland 353° and the Seattle, Wash., 197° radials, to Seattle.

**Jet Route No. 94 (Oakland, Calif., to Boston, Mass.).**

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Battle Mountain, Nev.; Bonneville, Utah; Salt Lake City, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neill, Nebr.; Fort Dodge, Iowa; INT of the Fort Dodge 096° and the Northbrook, Ill., 274° radials; Northbrook; Pullman, Mich.; Peck, Mich., to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N. Y., 274° radial via Buffalo; Albany, N. Y., to Boston, Mass.

AMENDMENTS 10/15/64 29 F.R. 12261 (Changed);

**Jet Route No. 95 (Kennedy, N. Y., to the United States/Canadian Border).**

From Kennedy, N. Y., via Huguenot, N. Y., Buffalo, N. Y.; to Kleinburg, Ontario, Canada, excluding the portion which lies over Canadian territory.

AMENDMENTS 4/2/64 29 F.R. 1561 (Changed); 9/17/64 29 F.R 11707 (Changed);

**Jet Route No. 96 (Seattle, Wash., to the United States/Canadian Border).**

From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian Border.

**Jet Route No. 97 (Nantucket, Mass., to Plattsburgh, N. Y.).**

From Nantucket, Mass., via Boston, Mass., to Plattsburgh, N. Y.

**Jet Route No. 98 (Springfield, Mo., to Farmington, Mo.)**

From Springfield, Mo., to Farmington, Mo.

AMENDMENTS 10/15/64 29 F.R. 12261 (Added);

**Jet Route No. 99 (Atlanta, Ga., to Northbrook, Ill.).**

From Atlanta, Ga., via Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill.

AMENDMENTS 4/30/64 29 F.R. 2693 (Added);

**Jet Route No. 101 (Houston, Texas, to Sault Ste. Marie, Mich.).**

From Houston, Texas, via Lufkin, Texas; Shreveport, La.; Little Rock, Ark.; St. Louis, Mo.; Capital, Ill.; INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet; Northbrook, Ill.; Milwaukee, Wis.; Green Bay, Wis.; to Sault Ste. Marie, Mich.

**Jet Route No. 102 (Alamosa, Colo. to Hill City, Kans.).**

From Alamosa, Colo., via Lamar, Colo.; to Hill City, Kans.

AMENDMENTS 9/17/64 29 F.R. 9893 (Added)

**Jet Route No. 103 (St. Petersburg, Fla., to Orlando, Fla.).**

From St. Petersburg, Fla., to Orlando, Fla.

**Jet Route No. 104 (Tucson, Ariz., to Las Vegas, N. Mex.)**

From Tucson, Ariz., via San Simon, Ariz.; Socorro, N. Mex.; to Las Vegas, N. Mex.

AMENDMENTS 5/28/64 29 F.R. 4963 (Rewritten)

**Jet Route No. 105 (Dallas, Texas, to Milwaukee, Wis.)**

From Dallas, Texas via Fayetteville, Ark.; Bradford, Ill.; to Milwaukee, Wis.

AMENDMENTS 5/28/64 29 F.R. 4082 (Rewritten); 9/17/64 29 F.R. 9893 (Changed);

**Jet Route No. 106 (Minneapolis, Minn., to Green Bay, Wis.).**

From Minneapolis, Minn., to Green Bay, Wis.

**Jet Route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada).**

That airspace over United States territory from Los Angeles, Calif., via Hector, Calif.; Boulder, Nev.; Milford, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak., to Kenora, Ontario, Canada.

**PENDING AMENDMENT**

**Jet Route No. 108 (Winslow, Ariz., to St. Johns, Ariz.)**

From Winslow, Ariz., to St. Johns, Ariz.

AMENDMENTS 12/10/64 29 F. R. 14436 (Added)

**Jet Route No. 109 (Wilmington, N. C., to Buffalo, N. Y.).**

From Wilmington, N. C., via Gordonsville, Va.; Front Royal, Va.; Philipsburg, Pa., to Buffalo, N. Y.

**Jet Route No. 110 (Oakland, Calif., to Kennedy, N. Y.).**

From Oakland, Calif., via INT of the Oakland 170° and the Salinas, Calif., 310° radials; Salinas; Fresno, Calif.; Boulder, Nev.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Garden City, Kans.; Butler, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Appleton, Ohio; Allegheny, Pa.; Coyle, N. J.; to Kennedy, N. Y.

AMENDMENTS 11/12/64 29 F.R. 13380 (Added)

**Jet Route No.112 (Butler, Mo., to Louisville, Ky.).**

From Butler, Mo., via Farmington, Mo., to Louisville, Ky.

AMENDMENTS 11/12/64 29 F.R. 13380 (Added)



**Jet Route No. 114 (The Dalles, Oreg., to McCall, Idaho).**

From The Dalles, Oreg., to McCall, Idaho.

AMENDMENTS 10/15/64 29 F.R. 12111 (Added);

**Jet Route No. 116 (Pendleton, Oreg., to Sioux Falls, S. Dak.).**

From Pendleton, Oreg., via McCall, Idaho; Dubois, Idaho; Crazy Woman, Wyo.; Rapid City, S. Dak.; to Sioux Falls, S. Dak.

AMENDMENTS 10/15/64 29 F.R. 12111 (Added);

**Jet Route No. 118 (Memphis, Tenn., to Spartanburg, S. C.)**

From Memphis, Tenn., via Chattanooga, Tenn., to Spartanburg, S. C.

AMENDMENTS 10/15/64 29 F.R. 12261 (Added);

**Jet Route No. 500 (Lakehead, Ontario, to Fredericton, New Brunswick).(joins Canadian high level airway No. 500).**

From the Lakehead, Ontario RR via Sault Ste. Marie, Mich.; Gore Bay, Ontario, RR; Killaloe, Ontario, RBN; Ottawa, Ontario; St. Johns, Quebec; Sherbrooke, Quebec; Millinocket, Maine to Fredericton, New Brunswick excluding the portions outside the United States.

**Jet Route No. 501 (Seattle, Wash., to United States/Canadian Border).** (Joins Canadian High Level Airway No. 501).

From Seattle, Wash., to the INT of the Seattle 331° radial and the United States/Canadian Border.

**Jet Route No. 503(Seattle, Wash., to United States/Canadian Border) (joins Canadian High Level airway No. 503).**

From Seattle, Wash., to the United States/Canadian Border via the Seattle direct radial to the Princeton, British Columbia, RR.

**Jet Route No. 505 (Seattle, Wash., to the United States/Canadian border); (joins Canadian high level airway No. 505).**

From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian border.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

**Jet Route No. 515 (Pembina, N. Dak., to the United States/Canadian Border).(joins Canadian high level airway No. 515.**

From Pembina, N. Dak., to the INT of the Pembina 356° radial and the United States-Canadian Border.

**Jet Route No. 516 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 516).**

From Great Falls, Mont., via the Great Falls 339° radial to the United States/Canadian border.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

**Jet Route No. 517 (Spokane, Wash., to the United States/Canadian border);(joins Canadian high level airway No. 517).**

From Spokane, Wash., to Kimberley, British Columbia, Canada, RR, excluding the portion which lies over Canadian territory.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

**Jet Route No. 530 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 530).**

From Great Falls, Mont., via the Great Falls 040° radial to the United States/Canadian border.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

**Jet Route No. 531 (Buffalo, N.Y., to the United States/Canadian border); (joins Canadian high level airway No. 531).**

From Buffalo, N.Y., to Kleinburg, Ont., Canada, excluding the portion which lies over Canadian territory.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

**Jet Route No. 532 (Pembina, N. Dak., to the United States/Canadian Border) (joins Canadian high level airway No. 532).**

From Pembina, N. Dak., to the United States/Canadian Border via the Pembina to Red Lake, Ontario RBN direct radial.

**Jet Route No. 533 (Duluth, Minn., to the United States/Canadian Border) (joins Canadian high level airway No. 533).**

From Duluth, Minn., to the United States/Canadian border via the Duluth to Lakehead, Ontario, direct radial.

**Jet Route No. 538 (Duluth, Minn., to the United States/Canadian border); (joins Canadian high level airway No. 538).**

From the INT of the United States/Canadian border and the direct radial between Duluth, Minn., and Kenora, Ont., to Duluth.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

**Jet Route No. 545 (Cleveland, Ohio, to the United States/Canadian Border)(joins Canadian High Level Airway No. 545).**

From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border.

**Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 546).**

From Peck, Mich., to the United States/Canadian Border via the Peck to Kleinburg, Ontario direct radial.
AMENDMENTS 7/2/64 29 F. R. 7596 (Rewritten)

**Jet Route No. 547 (Peck, Mich., to Buffalo, N. Y.).(Joins Canadian high level airway No. 547.)**

From Peck, Mich., via the Peck 100° radial to the United States/Canadian border. From the United States/Canadian border to Buffalo, N. Y.,via the Buffalo 274° radial.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added);

**Jet Route No. 548 (Sault Ste. Marie, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 548).**

From Sault Ste. Marie, Mich., to the United States/Canadian border via the Sault Ste. Marie to Timmins, Ontario, RR direct radial.

**Jet Route No. 549 (Erie, Pa., to the United States/Canadian border.) (Joins Canadian high level airway No. 549.)**

From Erie, Pa., to Kleinburg, Ontario, Canada, excluding the portion which lies over Canadian territory.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added);

**Jet Route No. 550 (United States/Canadian border to Erie, Pa.) (Joins Canadian high level airway No. 550).**

From the INT of the United States/Canadian border and the Erie, Pa., 278° radial to Erie.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added);

**PENDING AMENDMENT**

**Jet Route No. 551 (Peck, Mich., to the United States/Canadian border) (joins Canadian high level wirway No. 551).**

From Peck, Mich., to the United States/Canadian border via the Peck to Wiarton, Ontario, direct radial.

AMENDMENTS 12/10/64 29 F. R. 14223 (Added)



**Jet Route No. 560 (Plattsburgh, N. Y., to the United States/Canadian Border).(joins Canadian high level airway No. 560).**

From Plattsburgh, N. Y., to the United States/Canadian Border via the Plattsburgh 037° radial.

**Jet Route No. 563 (Plattsburgh, N. Y., to the United States/Canadian Border). (Joins Canadian high level airway No. 563.)**

From Plattsburgh, N. Y., to the United States/Canadian Border via the Plattsburgh to Sherbrooke, Quebec, Canada, direct radial.

**Jet Route No. 564 (Presque Isle, Maine, to the United States/Canadian border); (joins Canadian high level airway No. 564).**

From Presque Isle, Maine, to INT of the Presque Isle 038° radial and the United States/Canadian border.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

**Jet Route No. 566 (Massena, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 566).**

From Massena, N. Y., to the INT of the Massena 037° radial and the United States/Canadian border.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added);

**Jet Route No. 567 (Plattsburgh, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 567).**

From Plattsburgh, N. Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian border.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added);

**Jet Route No. 575 (Kennedy, N.Y., to Boston, Mass.).**

From Kennedy, N. Y., to Boston, Mass.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added);

**PENDING AMENDMENT**

**Jet Route No. 575 (Kennedy, N.Y. to Yarmouth, N.S., Canada). (Joins Canadian high level airway No. 575).**

From Kennedy, N.Y., via Boston, Mass.; to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.
AMENDMENTS 12/10/64 29 F. R. 14358 (Rewritten)

**Jet Route No. 581 (Bangor, Maine, to the United States/Canadian border); (joins Canadian high level airway No. 581).**

From Bangor, Maine, to the INT of the Bangor 058° radial and the United States/Canadian border.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

**Jet Route No. 582 (Presque Isle, Maine, to the United States/Canadian border). (Joins Canadian high level airway No. 582.)**

From Presque Isle, Maine, to the INT of the Presque Isle 357° radial and the United States/Canadian border.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added);

**PENDING AMENDMENT**

Jet Route No. 585 is added as follows:

**Jet Route No. 585 (Nantucket, Mass. to Yarmouth, N.S. Canada). (Joins Canadian high level airway No. 585).**
From Nantucket, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.
AMENDMENTS 12/10/64 29 F. R. 14358 (Added)

SUBPART C - JET ADVISORY AREAS

§75.200 En route jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 7 jet advisory area.
Radar--From 65 nmi NE of Dillon, Mont., to United States/Canadian Border.
Nonradar--From the positive control area boundary NE of Dillon, Mont., to 65 nmi NE of Dillon.

Jet Route No. 13 jet advisory area.
Radar From the positive control area boundary NW of Crazy Woman, Wyo., to the United States/Canadian Border.

AMENDMENTS 2/6/64 28 F. R. 14310 (Rewritten);

Jet Route No. 16 jet advisory area.
Radar From the positive control area boundary W of Whitehall, Mont., to the positive control area boundary W of Sioux Falls, S. Dak., excluding the portion below FL 310 from 75 nmi W of Whitehall, to 97 nmi E of Whitehall. From the positive control area boundary E of Buffalo, N. Y., to Boston, Mass.
Nonradar From 75 nmi W of Whitehall, Mont., to 97 nmi E of Whitehall, FL 270 to FL 300 inclusive.

Jet Route No. 20 jet advisory area.
Radar From the positive control area boundary NW of Orlando, Fla., to Orlando.

Jet Route No. 25 jet advisory area.
Radar From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex.

Jet Route No. 29 jet advisory area.
Radar From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex. From the positive control area boundary SW of Syracuse, N. Y., to Plattsburgh, N. Y.

Jet Route No. 32 jet advisory area.
Radar From the positive control area boundary SW of Dupree, S. Dakota, to the positive control area boundary NE of Aberdeen, S. Dakota.
Nonradar From the positive control area boundary NE of Duluth, Minn., to the United States/Canadian Border only from FL 370 to FL 390, inclusive.

AMENDMENTS 2/6/64 28 F. R. 14310 (Rewritten);

Jet Route No. 37 jet advisory area.
Radar From the positive control area boundary S of Albany, N. Y., to the United States/Canadian Border.

Jet Route No. 38 jet advisory area.
Nonradar. From United States/Canadian Border to positive control area boundary NW of Duluth, Minn., at FL 310 and from FL 370 to FL 410, inclusive.

AMENDMENTS 7/23/64 29 F. R. 7018 (Rewritten)

Jet Route No. 41 jet advisory area.
Radar Miami, Fla., to the positive control area boundary SE of Tallahassee, Fla.

Jet Route No. 43 jet advisory area.
Radar St. Petersburg, Fla., to the positive control area boundary SE of Tallahassee, Fla.

Jet Route No. 49 jet advisory area.
Radar From the positive control area boundary SW of Albany, N. Y., to the United States/Canadian Border.

Jet Route No. 53 jet advisory area.
Radar Key West, Fla., to the positive control area boundary S of Jacksonville, Fla.



Jet Route No. 55 jet advisory area.
Radar From the positive control area boundary SW of Boston, Mass., to the United States/Canadian Border.

Jet Route No. 59 jet advisory area.
Radar From the positive control area SW of Syracuse, N. Y., to Syracuse.

Jet Route No. 62 jet advisory area.
Radar From the positive control area boundary SW of Nantucket, Mass., to Nantucket.

Jet Route No. 68 jet advisory area.
Radar From the INT of Jet Routes Nos. 68 and 55 to Nantucket, Mass.

Jet Route No. 70 jet advisory area.
Radar From the positive control area boundary E of Mullan Pass, Idaho, to the positive control area boundary E of Aberdeen, S. Dak.

Jet Route No. 75 jet advisory area.
Radar Miami, Fla., to the positive control area boundary S of Gainesville, Fla. From the positive control area boundary SW of Albany, N. Y., to the United States/Canadian Border.

Jet Route No. 77 jet advisory area.
Radar Miami, Fla., to West Palm Beach, Fla. From the positive control area boundary SW of Boston, Mass., to the United States/Canadian Border.

Jet Route No. 79 jet advisory area.
Radar Miami, Fla., to West Palm Beach, Fla.

Jet Route No. 81 jet advisory area.
Radar Miami, Fla., to Barracuda INT.

Jet Route No. 82 jet advisory area.
Radar From the positive control area boundary SW of Albany, N. Y., to Boston, Mass.

Jet Route No. 85 jet advisory area.
Radar Miami, Fla., to the positive control area boundary S of Gainesville, Fla.

Jet Route No. 89 jet advisory area.
Radar Miami, Fla., to the positive control area boundary S of Gainesville, Fla.

Jet Route No. 90 jet advisory area.
Radar From the positive control area boundary E of Mullan Pass, Idaho, to the positive control area boundary NW of Sioux Falls, S. Dak.

Jet Route No. 94 jet advisory area.
Radar From the positive control area boundary E of Buffalo, N. Y., to Boston, Mass.

Jet Route No. 95 jet advisory area.
Radar From the positive control area boundary NW of Huguenot, N. Y., to the positive control area boundary SE of Buffalo, N. Y.

Jet Route No. 97 jet advisory area.
Radar Nantucket, Mass., to Plattsburgh, N. Y.

Jet Route No. 103 jet advisory area.
Radar St. Petersburg, Fla., to Orlando, Fla.

Jet Route No. 107 jet advisory area.
Radar From the positive control area boundary SW of Dickinson, N. Dak., to 26 nmi NE of Pembina, N. Dak.
Nonradar From 81 nmi NE of Pembina, N. Dak., to 93 nmi NE of Pembina.

AMENDMENTS 2/6/64 28 F. R. 14310 (Rewritten);

Jet Route No. 116 jet advisory area.
Radar From the positive control area boundary E of Rapid City, S. Dak., to the positive control area boundary W of Sioux Falls, S. Dak.

AMENDMENTS 10/15/64 29 F.R. 12111 (Added);

Jet Route No. 500 jet advisory area.
Radar From the United States/Canadian Border SE of Lakehead, Ont., Canada, to the United States/Canadian Border E of Sault Ste. Marie, Mich.; from the United States/Canadian Border W of Millinocket, Maine, to the United States/Canadian Border NE of Millinocket, excluding the airspace below FL 290 from the United States/Canadian Border SE of Lakehead to Sault Ste. Marie.

Jet Route No. 515 jet advisory area.
Radar Pembina, N. Dak., to the United States/Canadian Border.

Jet Route No. 516 jet advisory area.
Radar From Great Falls, Mont., to the United States/Canadian border.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

Jet Route No. 530 jet advisory area.
Radar From Great Falls, Mont., to the United States/Canadian border.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

Jet Route No. 532 jet advisory area.
Radar Pembina, N. D., to the United States/Canadian Border.

Jet Route No. 533 jet advisory area.
Nonradar From the positive control area NE of Duluth, Minn., to the United States/Canadian Border only from FL 370 to FL 390 inclusive.

Jet Route No. 538 jet advisory area.
Nonradar From the United States/Canadian border to the positive control area boundary NW of Duluth, Minn., at FL 310 and from FL 370 to FL 410, inclusive.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

Jet Route No. 548 jet advisory area.
Radar Sault Ste. Marie, Mich., to the United States/Canadian Border.

Jet Route No. 560 jet advisory area.
Radar Plattsburg, N. Y., to the United States/Canadian Border.

Jet Route No. 564 jet advisory area.
Radar From Presque Isle, Maine, to the United States/Canadian border.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

Jet Route No. 566 jet advisory area.
Radar From Massena, N. Y., to the United States/Canadian border.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added);

Jet Route No. 567 jet advisory area.
Radar From Plattsburgh, N. Y., to the United States/Canadian border.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added):



Jet Route No. 575 jet advisory area.
Radar From the positive control area SW of Boston, Mass., to Boston.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added):

Jet Route No. 581 jet advisory area.
Radar From Bangor, Maine, to the United States/Canadian border.

AMENDMENTS 9/17/64 29 F.R. 11707 (Added)

Jet Route No. 582 jet advisory area.
Radar From Presque Isle, Maine, to the United States/Canadian border.

AMENDMENTS 10/15/64 29 F.R. 12362 (Added);

§ 75.300 Terminal jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names).

Boston, Mass., jet advisory area.
Radar
a. Nantucket, Mass., CONSOLAN via Control Area 1143 to boundary of the Continental Control Area.
b. Nantucket, Mass., CONSOLAN via Control Area 1144 to boundary of the Continental Control Area.
c. Nantucket, Mass., CONSOLAN via Control Area 1145 to boundary of the Continental Control Area.
d. Direct course between Boston, Mass., and East Boston INT (INT of 098° bearing from the Boston, Mass., RBN and the 041° radial of Whitman, Mass.).

Brownsville, Tex., jet advisory area.
Radar
a. Brownsville, Tex., via Brownsville 024° radial to boundary of the Continental Control Area.

Los Angeles, Calif., jet advisory area.
Radar
a. Los Angeles, Calif., via INT of Los Angeles 185° and Long Beach, Calif., 223° radials; thence via Control Area 1177 to boundary of the Continental Control Area.
b. Los Angeles, Calif., via INT of Los Angeles 185° and Santa Catalina, Calif., 355° radials; Santa Catalina; to Oceanside, Calif.
c. Los Angeles, Calif., via INT of Los Angeles 257° and Ventura, Calif., 155° radials; to Ventura.

Miami, Fla., jet advisory area.
Radar
a. Lakeland, Fla., via Fort Myers, Fla.; INT of Ft. Myers 137° and Biscayne Bay, Fla., 262° radials; to Biscayne Bay.
b. Copeland, Fla., INT (INT of Fort Myers, Fla., 137° and Miami, Fla., 269° radials) to Miami.
c. West Palm Beach, Fla., to Biscayne Bay, Fla.
d. Miami, Fla., via Marathon, Fla., RBN; thence via Marathon RBN 219° bearing to boundary of the Continental Control Area.
e. Miami, Fla., via Miami 119° radial to boundary of Continental Control Area.
f. Biscayne Bay, Fla., via the Biscayne Bay 087° radial to boundary of Continental Control Area.
g. Biscayne Bay, Fla., via the Biscayne Bay 051° radial to boundary of Continental Control Area.

Minneapolis, Minn., jet advisory area.
Radar
a. Aberdeen, S. Dak., to Watertown, S. Dak.

New Orleans, La., jet advisory area.
Radar
a. New Orleans, La., via INT of New Orleans 100° and Mobile, Ala., 224° radials to Mobile.
b. New Orleans, La., via INT of New Orleans 100° and Picayune, Miss., 161° radials; to INT of Picayune 161° radial with Control Area 1226.
c. INT of Picayune, Miss., 161° and New Orleans, La., 122° radials to INT of New Orleans 122° radial with Control Area 1226.

New York, N. Y., jet advisory area.
Radar
a. Poughkeepsie, N. Y., to Albany, N. Y.

San Francisco/Oakland, Calif., jet advisory area.

Radar
a. Oakland, Calif., via INT of Oakland 221° and Point Reyes, Calif., 161° radials; INT of Point Reyes 161° and Big Sur, Calif., 325° radials; INT of Big Sur, 325° and Salinas, Calif., 281° radials; to Salinas.
b. INT of Point Reyes, Calif., 161° and Big Sur, Calif., 325° radials to Big Sur.
c. San Francisco, Calif., via INT of San Francisco 304° and Sacramento, Calif., 233° radials; to INT of Sacramento 233° and Linden, Calif., 269° radials.

Tampa, Fla., jet advisory area.

Radar
a. St. Petersburg, Fla., via INT St. Petersburg 040° and Orlando, Fla., 258° radials; to Orlando.
b. St. Petersburg, Fla., via Lakeland, Fla., to Orlando, Fla.
c. St. Petersburg, Fla., to INT of St. Petersburg 275° radial with Control Area 1226.
d. Egmont Key, Fla., RBN direct to INT of Jet Routes Nos. 41 and 85.
e. Fort Meyers, Fla., via St. Petersburg, Fla., to Eddy, Fla., INT (INT of St. Petersburg 350° and Ocala, Fla., 241° radials).
f. Ocala, Fla., to INT of Ocala 241° and Cross City, Fla., 185° radials.
g. St. Petersburg, Fla., via INT of St. Petersburg 290° and Cross City, Fla., 185° radials; to the INT of Cross City 185° and Ocala, Fla., 241° radials.
h. St. Petersburg, Fla., to Ocala, Fla.
i. St. Petersburg, Fla., via St. Petersburg 320° radial to the boundary of the Continental Control Area.

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# FEDERAL REGISTER

VOLUME 29 NUMBER 244

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## Contents


### AGRICULTURAL MARKETING SERVICE

**Rules and Regulations**

Milk in Great Basin Marketing area; order suspending certain provisions 17815
Navel oranges grown in Arizona and designated part of California; handling limitations 17814

**Proposed Rule Making**

Milk handling in certain marketing area:
Central Arizona 17822
Central Illinois 17822
Indianapolis, Indiana and Fort Wayne, Indiana 17816
Wheat; proposed grain standards 17816

### AGRICULTURE DEPARTMENT

*See* Agricultural Marketing Service.

### CIVIL AERONAUTICS BOARD

**Notices**

*Hearings, etc.:*
Investigation of excess baggage charges 17852
United Air Lines 17852
Wings and Wheels Express, Inc 17853

### DEFENSE DEPARTMENT

*See* Navy Department.

### FEDERAL AVIATION AGENCY

**Rules and Regulations**

Airworthiness directives; Hartzell Model HC–12 x 20 propellers 17797
Control zone, transition area, and control area extension; alteration, designation and revocation 17797
Standard instrument approach procedures; miscellaneous amendments 17798
Transition area; alteration 17797

**Proposed Rule Making**

Control zone; alteration 17823

### FEDERAL COMMUNICATIONS COMMISSION

**Proposed Rule Making**

Allocation of frequency bands for space radio communication and radio astronomy 17824
Application for new broadcast station license 17823
Fixed, mobile and communication-satellite services; shared use of certain frequency bands 17840
FM broadcast stations, Augusta, Portland and Sanford, Maine; table of assignments 17850
Initial earth stations in U.S. for use in global commercial communication-satellite system; ownership and operation 17848

**Notices**

Nelson Broadcasting Co., and Ubiquitous Frequency Modulation, Inc.; order continuing hearing 17853

### FEDERAL POWER COMMISSION

**Notices**

*Hearings, etc.:*
Atlantic Seaboard Corp 17853
Cities Service Gas Co., and Natural Gas Pipeline Company of America 17854
City of Lawrenceville, Georgia 17855
Columbia Gulf Transmission Co 17855
El Paso Natural Gas Co.; (2 documents) 17853, 17855
Huber, Anna 17856
North Star Natural Gas Co 17857
North Star Natural Gas Company of Wisconsin, Inc 17854
Northern Natural Gas Co 17856
Ohio Fuel Gas Co 17857
Panhandle Eastern Pipe Line Co 17857
South Georgia Natural Gas Co 17858
Sun Oil Co 17858
Valley Gas Transmission, Inc 17854

### FISH AND WILDLIFE SERVICE

**Rules and Regulations**

Sport fishing; certain national wildlife refuges:
Iowa 17814
Minnesota 17814
Wisconsin 17814

### HOUSING AND HOME FINANCE AGENCY

**Notices**

Acting Regional Administrator, Region VI (San Francisco); designation 17858

### INTERIOR DEPARTMENT

*See* Fish and Wildlife Service; Land Management Bureau; Reclamation Bureau.

### INTERNAL REVENUE SERVICE

**Rules and Regulations**

Income tax; repeal of credit for dividends received by individuals and doubling of dividend exclusion for individuals 17806

### INTERSTATE COMMERCE COMMISSION

**Proposed Rule Making**

Warren, Ohio commercial zone; definition 17850

**Notices**

Applications for motor carrier "grandfather" certificate of registration 17865
Fourth section applications for relief 17879
Motor carrier alternate route deviation notices 17859
Motor carrier applications and certain other proceedings 17861
Motor carrier, broker, water carrier and freight forwarder applications 17866
Motor carrier transfer proceedings (2 documents) 17878, 17879

### LABOR DEPARTMENT

*See* Wage and Hour Division.


(*Continued on next page*)

**LAND MANAGEMENT BUREAU**
Notices
Oregon; redelegation of authority by State Director ... 17852

**NAVY DEPARTMENT**
Rules and Regulations
Standards of conduct ... 17812

**POST OFFICE DEPARTMENT**
Notices
Assistant Chief, Real Estate Branch; delegation of authority ... 17852

**RECLAMATION BUREAU**
Notices
Certain Green Mountain Reservoir storage, Colorado-Big Thompson Project; reservation for Silt Project, Colorado River Storage Project ... 17852

**SECURITIES AND EXCHANGE COMMISSION**
Notices
Hanna Mining Co.; filing of application ... 17858

**TREASURY DEPARTMENT**
*See* Internal Revenue Service.

**WAGE AND HOUR DIVISION**
Rules and Regulations
Puerto Rico; wage rates:
Handkerchief, scarf and art linen industry ... 17811
Sweater and knit swimwear industry ... 17812
Women's and children's underwear and women's blouse industry ... 17811
Proposed Rule Making
Puerto Rico, industry committees; appointment to investigate conditions and recommend minimum wages ... 17822


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**7 CFR**
907 ... 17814
1136 ... 17815
PROPOSED RULES:
26 ... 17816
1047 ... 17816
1049 ... 17816
1050 ... 17822
1131 ... 17822

**14 CFR**
39 [New] ... 17797
71 [New] (2 documents) ... 17797
97 [New] ... 17798
PROPOSED RULES:
71 [New] ... 17823

**26 CFR**
1 ... 17806

**29 CFR**
608 ... 17811
609 ... 17811
611 ... 17812
PROPOSED RULES:
673 ... 17822
677 ... 17822
678 ... 17822

**32 CFR**
721 ... 17812

**47 CFR**
PROPOSED RULES:
1 ... 17823
2 ... 17824
21 ... 17840
25 (2 documents) ... 17840, 17848
73 ... 17850

**49 CFR**
PROPOSED RULES:
170 ... 17850

**50 CFR**
33 (3 documents) ... 17814


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# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Docket No. 6256; Amdt. 39-14]

### PART 39—AIRWORTHINESS DIRECTIVES [NEW]

#### Hartzell Model HC-12X20 Propellers

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection and modification of Hartzell Models HC-12X20-1, -2, -3, -5, and -7B propellers equipped with C-49-2B and C-49-2C hub spiders was published in 29 F.R. 14444. Since the publication of that proposal, Part 507 has been recodified into Part 39 [New], effective November 20, 1964, therefore this amendment is being made to Part 39 [New].

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

HARTZELL. Applies to Models MC-12X20-1, -2, -3, -5, and -7B propellers equipped with C-49-2B and C-49-2C hub spiders having Serial Numbers between 4200 and 5200 installed on Downer (Republic) RC-2; Navion, Navion A; and Grumman G-44 Series aircraft.

Compliance required as indicated.

As a result of loss of propeller blade due to failure of a hub spider, accomplish the following:

(a) Visually inspect propeller hub spiders for cracks in accordance with Hartzell Service Bulletin No. 32 amended August 11, 1964, within 10 hours' time in service after the effective date of this AD, and at intervals thereafter not to exceed 25 hours' time in service from the last inspection until modification in accordance with Hartzell Service Bulletin No. 32 amended August 11, 1964, is accomplished. Replace cracked parts before further flight.

(b) Modify propeller hub spiders having accumulated less than 400 hours' time in service since new or last overhaul in accordance with Hartzell Service Bulletin No. 32 amended August 11, 1964, prior to the accumulation of 500 hours' total time in service since new or last overhaul.

(c) Modify propeller hub spiders having accumulated 400 or more hours' time in service since new or last overhaul in accordance with Hartzell Service Bulletin No. 32 amended August 11, 1964, prior to the accumulation of 100 hours' time in service after the effective date of this AD.

(Hartzell Service Bulletin No. 32 dated March 9, 1955, amended August 11, 1964, covers this subject.)

This amendment shall become effective January 15, 1965.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 9, 1964.

G. S. MOORE,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12854; Filed, Dec. 15, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-91]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

#### Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On October 8, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13904) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Wichita Falls, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. April 1, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1158), the Wichita Falls, Tex., control zone is amended to read as follows:

WICHITA FALLS, TEX.

That airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex., (latitude 33°58'55" N., longitude 98°29'35" W.); within 2 miles each side of the Wichita Falls VORTAC 092° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Sheppard TACAN 333° radial extending from the 5-mile radius zone to 7.5 miles N of the TACAN, and within 2 miles each side of the Sheppard TACAN 163° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

2. In § 71.165 (29 F.R. 1100) the Wichita Falls, Tex., control area extension is revoked.

3. In § 71.181 (29 F.R. 1160) the following transition area is added:

WICHITA FALLS, TEX.

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 34°11'30" N., longitude 98°38'00" W.; to latitude 34°07'30" N., longitude 98°25'30" W.; to latitude 33°50'30" N., longitude 98°11'30" W.; to latitude 33°46'00" N., longitude 98°14'00" W.; to latitude 33°43'00" N.; longitude 98°27'30" W.; to latitude 33°52'00" N., longitude 98°33'00" W.; to latitude 33°51'00" N., longitude 98°39'00" W.; to latitude 33°57'30" N., longitude 98°48'30" W.; to latitude 34°09'00" N., longitude 98°45'30" W.; to point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 34°10'00" N., longitude 97°49'00" W.; thence E via latitude 34°10'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Airport, Ardmore, Okla. (latitude 34°18'00" N., longitude 97°00'50" W.) to longitude 97°18'00" W.; thence S via longitude 97°18'00" W.; to latitude 33°56'00" N., longitude 97°18'00" W.; to latitude 33°48'00" N., longitude 97°44'00" W.; to latitude 33°34'00" N., longitude 97°44'00" W.; to latitude 33°22'00" N., longitude 97°55'00" W.; to latitude 33°16'00" N., longitude 98°30'00" W.; to latitude 33°16'00" N., longitude 98°51'00" W.; to latitude 33°02'00" N., longitude 98°51'00" W.; to latitude 32°52'00" N., longitude 99°02'00" W.; to latitude 32°52'00" N., longitude 99°14'00" W.; to latitude 33°31'00" N., longitude 99°14'00" W.; to latitude 33°31'00" N., longitude 99°49'00" W.; to latitude 33°56'00" N., longitude 99°42'30" W.; to latitude 34°15'00" N., longitude 99°30'00" W.; to latitude 34°08'00" N., longitude 99°05'00" W.; to latitude 34°21'00" N., longitude 98°46'00" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on December 8, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-12855; Filed, Dec. 15, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-22]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

#### Alteration of Transition Area

On October 9, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13975) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Farmington, New Mexico, terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. March 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 5456) the Farmington, N. Mex., transition area is amended to read:

FARMINGTON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), within 2 miles each side of the Farmington VORTAC 094° radial extending from the 11-mile radius area to 8 miles E of the VORTAC, and within 2 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile radius area to 12 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion within the Durango, Colo., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on December 8, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-12856; Filed, Dec. 15, 1964; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket 6314; Amdt. 403]

# PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

## Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |

PROCEDURE CANCELLED, EFFECTIVE DEC. 10, 1964, OR UPON DECOMMISSIONING OF ADF.

City, Fayetteville; State, N.C.; Airport Name, Grannis Field; Elev., 189'; Fac. Class., MHW; Ident., FAY; Procedure No. 1, Amdt. 4; Eff. Date, 19 Sept. 64; Sup. Amdt. No. 3; Dated, 4 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| FAY VOR | LOM | 219° 5.4 miles | 1900 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-3 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitude: 2500' within 15-mile radius of Grannis Field.
Procedure turn S side of crs, 214° Outbnd, 034° Inbnd, 1900' within 15 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport 034°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make right turn, intercepting 080° crs from LOM, climbing to 1900' within 15 miles or, when directed by ATC, turn right, climb to 1900' on R-090 of FAY VOR within 15 miles.
MSA within 25 miles of facility: 000°-270°—1500'; 270°-360°—1700'.

City, Fayetteville; State, N.C.; Airport Name, Grannis Field; Elev., 189'; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Dec. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Harris Neck Int | HIN RBn | Direct | 1600 | T-dn | 300-1 | 300-1 | 200-½ |
| Marlow Int | HIN RBn | Direct | 2200 | C-dn | 500-1 | 500-1 | 500-1½ |
| Midway Int | HIN RBn | Direct | 1600 | S-dn-5 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 050°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing HIN RBn, turn right, climb to 1600' returning direct to HIN RBn.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Final approach crs is 1.1 miles from boundary of R-3005A.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—1400'; 180°-270°—1600'; 270°-360°—2200'.

City, Fort Stewart; State, Ga.; Airport Name, Liberty AAF; Elev., 46'; Fac. Class., MHW; Ident., HIN; Procedure No. 1, Amdt. 2; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 1; Dated, 14 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-dn | 900-1 | 900-1 | 900-1½ |
| | | | | S-dn-9 | 900-1 | 900-1 | 900-1 |
| | | | | A-dn | NA | NA | NA |

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs 1500'.
Crs and distance, facility to airport 095°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing Manistee "H", make climbing right turn and return to Manistee "H" at 1900'.
NOTES: 1. 900-1½ alternate minimums authorized for air carrier with approved weather service. 2. No weather available. 3. Close flight plan by radio with Traverse City FSS or if unable, via public telephone immediately upon landing.
MSA within 25 miles of facility: 000°-180°—3100'; 180°-360°—1900'.

City, Manistee; State, Mich.; Airport Name, Manistee County-Blacker; Elev., 613'; Fac. Class., HW; Ident., MBL; Procedure No. 1, Amdt. Orig.; Eff. Date., 10 Dec. 64



ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Monroe VOR | LOM | Direct | 1400 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-4 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 1400' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 038°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing ML LOM, climb to 1600' on bearing 038° from the LOM within 20 miles.
CAUTION: 2049' TV antenna located 20 miles S of airport; 850' TV antenna located 3.7 miles WNW of airport.
MSA within 25 miles of facility: 050°-140°—1900'; 140°-230°—3100'; 230°-320°—1900'; 320°-050°—1900'.

City, Monroe; State, La.; Airport Name, Selman Field; Elev., 79'; Fac. Class., LOM; Ident., ML; Procedure No. 1, Amdt. 4; Eff. Date, 12 Dec. 1964; Sup. Amdt. No. 3; dated 2 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Washoe Int | Sparks RBn | Direct | 11000 | T-dn | 1000-2 | 1000-2 | 1000-2 |
| Wadsworth Int | Sparks RBn | Direct | 10000 | C-dn | 2000-2 | 2000-2 | 2000-2 |
| Verdi Int | Sparks RBn | Direct | 10000 | A-dn | 2500-3 | 2500-3 | 2500-3 |
| Steamboat Int | Sparks RBn | Direct | 9000 | | | | |
| Reno VOR | Sparks RBn | Direct | 9000 | | | | |
| Mustang Int | Sparks RBn | Direct | 9000 | | | | |
| Pyramid Int | Sparks RBn (final) | Direct | 9000 | | | | |

Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 9000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over Sparks RBn on final approach crs, 8000'; over Reno RBn, 7000'.
Crs and distance, Sparks RBn to airport, 161°—11.1 miles; RNO RBn to airport, 161°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11.1 miles after passing Sparks RBn (2.3 miles after RNO RBn), turn right direct to Sparks RBn climbing to 10,000'. Hold N Sparks RBn 1-minute pattern, 162° Inbnd, right turns.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local condition not authorized for takeoff or landing.
IFR departures must comply with published Reno SIDs.
MSA within 25 miles of facility: 000-090°—9400'; 090°-180°—11800'; 180°-270°—11800'; 270°-360°—9800'.

City, Reno; State, Nev.; Airport Name, Reno Municipal; Elev., 4411'; Fac. Class., MHW; Ident., SPK; Procedure No. 2, Amdt. Orig.; Eff. Date, 12 Dec. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cardinal Int | LOM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| St. Paul Int | LOM (final) | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| STL VOR | LOM | Direct | 2000 | S-dn-12R | 400-1 | 400-1 | 400-1 |
| Lake RBn | LOM | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |
| ST LOM | LOM | Direct | 2000 | | | | |
| Academy Int | LOM | Direct | 2000 | | | | |
| Godfrey Int | LOM | Direct | 2200 | | | | |
| Maryland Heights VOR | LOM | Direct | 2200 | | | | |
| LeMay Int | LOM | Direct | 2600 | | | | |
| Park Int | LOM | Direct | 2000 | | | | |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 297° Outbnd, 117° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 117°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, climb to 2000' on 117° bearing from LM LOM within 10 miles, turn right, return to LM LOM, or when directed by ATC, climb to 2400' on 117° bearing from LM LOM within 10 miles, turn right, proceed to Lake RBn.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
MSA within 25 miles of facility: 000°-090°—2000'; 090°-180°—2600'; 180°-270°—2100'; 270°-360°—2200'.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., LOM; Ident., LMR; Procedure No. 3, Amdt. Orig.; Eff. Date, 14 Dec. 64 or upon commissioning of facility

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SCK-VOR | LOM | Direct | 1700 | T-dn | 300-1 | 300-1 | 200-½ |
| Woodward Int | LOM | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| Tracy Int | LOM | Direct | 2000 | S-dn-29R | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 1700' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 291°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, climb to 2000' on 233° crs from LOM within 15 miles.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-180°—3500'; 180°-270°—4400'; 270°-360°—2000'.

City, Stockton; State, Calif.; Airport Name, Stockton Metropolitan; Elev., 27'; Fac. Class., LOM; Ident., SC; Procedure No. 1, Amdt. 2; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 1; Dated, 10 Mar. 62

PROCEDURE CANCELLED, EFFECTIVE 12 DEC. 1964.

City, Tallahassee; State, Fla.; Airport Name, Municipal; Elev., 82'; Fac. Class., BH; Ident., TLH; Procedure No. 2, Amdt. 3; Eff. Date, 8 June 63; Sup. Amdt. No. 2; Dated, 2 Feb. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TLH-VOR | LOM | Direct | 1800 | T-dn | 300-1 | 300-1 | 200-½ |
| Jackson Int | LOM | Direct | 1800 | C-dn | 400-1 | 500-1 | 500-1½ |
| Camp Int | LOM | Direct | 1800 | S-dn-36 | 400-1 | 400-1 | 400-1 |
| Creek Int | LOM | Direct | 1800 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 358°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb straight ahead to 1800' on a crs of 358° from LOM within 15 miles or, turn right, climbing to 1800' and proceed to the TLH-VOR via R-243.
Other change: Deletes transition from TLH RBn.
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—1200'; 180°-270°—1400'; 270°-360°—1900'.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 81'; Fac. Class., LOM; Ident., TL; Procedure No. 1, Amdt. 5; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 4; Dated, 4 Jan. 64

**2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:**

**VOR STANDARD INSTRUMENT APPROACH PROCEDURE**

**Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.**

**If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.**

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Int R-255 INK and R-145 CNM | CNM VOR | Direct | 5000 | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-d | 500-1 | 500-1 | 500-1½ |
| | | | | C-n | 500-2 | 500-2 | 500-2 |
| | | | | S-dn-32L | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 145° Outbnd, 325° Inbnd, 5000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 325°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing CNM-VOR, turn right, climbing to 5000′ on R-053 within 20 miles.
AIR CARRIER NOTE: Runways 3-21 and 14R-32L only authorized for night operation.
CAUTION: Unlighted hill 200′ above airport elevation approximately 2½ miles NW of airport.
MSA within 25 miles of facility: 000°-090°—4700′; 090°-180°—5000′; 180°-270°—7200′; 270°-360°—5800′.

City, Carlsbad; State, N. Mex.; Airport Name, Carlsbad Municipal; Elev., 3276′; Fac. Class., BVOR; Ident., CNM; Procedure No. 1, Amdt. 5; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 4; Dated, 29 June 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 900-2 | 900-2 | 900-2 |
| | | | | A-dn | 900-2 | 900-2 | 900-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 264° Outbnd, 084° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 084°—8.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing CRW-VOR, climb to 3000′ direct to CRW LOM. Hold NE, 1-minute right turns, 230° Inbnd.
MSA within 25 miles of facility: 000°-360°—3100′.

City, Charleston; State, W. Va.; Airport Name, Kanawha; Elev., 982′; Fac. Class., BVORTAC; Ident., CRW; Procedure No. 1, Amdt. 3; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 2; Dated, 31 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| EKN VOR | Lost Creek Int | Direct | 4000 | T-dn | 300-1 | 300-1 | 200-½ |
| Lost Creek Int | CKB VOR (final) | Direct | 2600 | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | A-dn* | NA | NA | NA |

Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 3300′ within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 040°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing CKB VOR, climb to 3300′ on R-040 CKB VOR within 10 miles and return to CKB VOR. Hold SW on R-220 at 3300′, 1-minute left turns, 040° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: 2049′ antenna 3.5 miles NW of CKB-VOR.
Other change: Deletes note regarding takeoffs Runway 16-34.
*Alternate weather minimums of 1000′—2 miles authorized for those who have approved arrangement for weather service at the airport.
MSAs within 25 miles of facility: 000°-090°—4000′; 090°-180°—5200′; 180°-270°—4000′; 270°-360°—3000′.

City, Clarksburg; State, W. Va.; Airport Name, Benedum; Elev., 1209′; Fac. Class., BVOR; Ident., CKB; Procedure No. 1, Amdt 2; Eff. Date, 12 Dec 64; Sup. Amdt. No. 1; Dated, 7 Sept. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | NA |
| | | | | C-d | 500-1 | 500-1½ | NA |
| | | | | C-n | 500-2 | 500-2 | NA |
| | | | | S-d-32 | 500-1 | 500-1 | NA |
| | | | | S-n-32 | 500-2 | 500-2 | NA |
| | | | | A-dn* | NA | NA | NA |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 154° Outbnd, 334° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 334°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing CVA VOR, make left climbing turn and return to the CVA VOR at 2200′.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from CVA VOR: 0 to 20 miles CW 050° to 125°—2500′; 0 to 25 miles CW 125° to 290°—2800′; 0 to 15 miles CW 290° to 340°—2500′; 0 to 10 miles CW 340° to 050°—2500′.
*Alternate minimums of 800-2 authorized for air carriers having weather reporting service at the airport.
MSA within 25 miles of facility: 045°-135°—2100′; 135°-225°—2800′; 225°-315°—2600′; 315°-045°—2100′.

City, Clinton; State, Iowa; Airport Name, Clinton Municipal; Elev., 701′; Fac. Class., BVOR; Ident., CVA; Procedure No. 1, Amdt. 6; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 5; Dated, 28 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1¼ |
| | | | | S-dn-4%* | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 035°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing MLU-VOR, turn right, climb to 2000′ on R-066 within 20 miles.
CAUTION: 2049′ TV antenna located 20 miles S of airport; 850′ TV antenna located 3.7 miles WNW of airport.
% 400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
* 400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 050°-140°—1900′; 140°-230°—3100′; 230°-320°—1900′; 320°-050°—1900′.

City, Monroe; State, La.; Airport Name, Selman Field; Elev., 79′; Fac. Class., BVORTAC; Ident., MLU; Procedure No. 1, Amdt. 7; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 6; Dated, 19 Sept. 64



**VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued**

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | S-dn-22 | 700-1 | 700-1 | 700-1 |
| | | | | A-dn | NA | NA | NA |

Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport 240°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing OKM VOR, turn left, climb to 2200′ on R-236 within 20 miles.
CAUTION: Tower 1701′ 11 miles NNE of airport; tower 933′ 3 miles S of airport.
NOTE: Weather service not available. Pilots using this procedure are directed to close their IFR flight plans immediately upon completion of approach with Tulsa radio. If unable, flight plan must be closed by commercial facilities as soon as practicable after landing.
MSA within 25 miles of facility: 350°-080°—2800′; 080°-170°—2000′; 170°-260°—2200′; 260°-350°—2000′.

City, Okmulgee; State, Okla.; Airport Name, Okmulgee Municipal; Elev., 715′; Fac. Class., BVOR; Ident., OKM; Procedure No. 1, Amdt. 2; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 1; Dated, 20 Sept. 58

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| RAP RBn | RAP-VOR | Direct | 4600 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-32 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
When authorized by ATC, RAP DME may be used to position aircraft for straight-in approach at 5500′ between R-070 clockwise to R-240 via 6-mile DME arc with the elimination of procedure turn.
Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 4600′ within 10 miles.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 322°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing RAP-VOR, make a left climbing turn to 4600′ on R-142 within 10 miles of RAP-VOR. Aircraft on missed approach may be radar controlled after radar identification.
Other change: Deletes caution note.
MSA within 25 miles of the facility: 000°-090°—4300′; 090°-180°—4500′; 180°-270°—8300′; 270°-360°—6600′.

City, Rapid City; State, S. Dak.; Airport Name, Rapid City Municipal; Elev., 3181′; Fac. Class., BVORTAC; Ident., RAP; Procedure No. 1, Amdt. 8; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 7; Dated, 27 Oct. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn% | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 600-1 | 600-1 | 600-1½ |
| | | | | C-n | 600-2 | 600-2 | 600-2 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 249° Outbnd, 069° Inbnd, 6500′ within 10 miles. Beyond 10 miles not authorized due terrain.
Minimum altitude over facility on final approach crs, 5100′.
Crs and distance, facility to airport, 069°—6.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing RDM VOR, turn right, climb to 6500′ on crs 210° to intercept R-142 RDM VOR, thence direct to RDM VOR.
CAUTION: High terrain all quadrants.
NOTE: Final approach from holding pattern at RDM VOR not authorized, procedure turn required.
MSA within 25 miles of facility: 000°-090°—6500′; 090°-180°—8000′; 180°-270°—11400′; 270°-360°—8300′.
%Takeoffs all runways: Climb on crs 210° magnetic from Redmond airport to intercept R-142 RDM VOR, thence direct RDM VOR climbing to cross VOR at or above 5000′. Aircraft departing via V283 northwestbound continue climb in a 1-minute right turn holding pattern to 8000′ on R-169 RDM VOR.
LFR equipped aircraft: Climb on crs 210° magnetic from Redmond airport to intercept S crs RM LFR, thence direct to RM LFR climbing to cross LFR at or above 9000′. Aircraft requiring higher MEA for direction of flight continue climb in a left turn 1-minute holding pattern on NW crs RM LFR to required MEA.

City, Redmond; State, Oreg.; Airport Name, Roberts Field; Elev., 3077′; Fac. Class., L-BVORTAC; Ident., RDM; Procedure No. 1, Amdt. 2; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 1; Dated, 14 Dec. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | C-d | 500-1¼ | 500-2 | 500-2 |
| | | | | C-n | 500-2 | 500-2 | 500-2 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitude: 3500′ within 10 miles of Rocky Mount Airport.
Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 268°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing RMT-VOR, climb to 1600′ on R-268 within 20 miles.
AIR CARRIER NOTE: Sliding scale for takeoff or landing not authorized.
MSA within 25 miles of facility: 000°-090°—1500′; 090°-180°—1900′; 180°-360°—1600′.

City, Rocky Mount; State, N.C.; Airport Name Rocky Mount Municipal; Elev., 97′; Fac. Class., BVOR; Ident., RMT; Procedure No. 1, Amdt. 3; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 2; Dated, 4 Feb. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Linden VOR | Stockton VOR | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Orange Int | Stockton VOR | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| Woodward Int | Stockton VOR | Direct | 2000 | S-dn-29R* | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 123° Outbnd, 303° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 304°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing VOR, turn left, climb to 2000′ on SCK VOR R-229 within 15 miles.
*400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—3200′; 090°-180°—3700′; 180°-270°—4400′; 270°-360°—2000′.

City, Stockton; State, Calif.; Airport Name, Stockton Metropolitan; Elev., 27′; Fac. Class., BVORTAC; Ident., SCK; Procedure No. 1, Amdt. 5; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 4; Dated, 10 Mar. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 10-mile DME fix RAD 357 | VOR (final) | Direct | 2800 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-17 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 357° Outbnd, 177° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 177°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing ATY-VOR, climb to 3000′ on R-175 within 15 miles. Return to the VOR and hold on R-357.
NOTES: 1. When authorized by ATC, DME may be used to position aircraft on final approach crs at 3000′ between R-285 clockwise to R-080 via 6-mile DME arc with the elimination of procedure turn. 2. No lower minimums for lights—runways not properly marked.
Other changes: Deletes caution note. Deletes note regarding REIL Runway 17.
MSAs within 25 miles of the facility: 000°-180°—3100′; 180°-270°—4400′; 270°-360°—3700′.

City, Watertown; State, S. Dak.; Airport Name, Watertown Municipal; Elev., 1747′; Fac. Class., BVORTAC; Ident., ATY; Procedure No. 1, Amdt. 4; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 3; Dated, 6 May 61

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-3 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | If Hope Int received minimums are: | | | |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-3 | 400-1 | 400-1 | 400-1 |

Radar terminal transition altitude 2500′ within 15-mile radius of Grannis Field (Raleigh Approach Control).
Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 1700′ within 10 miles.
Facility on airport.
Minimum altitude over FAY VOR, 700′.
Crs and distance, Hope Int to VOR, 056°—4.9 miles.
Crs and distance, Hope Int to Runway 3, 056°—4.5 miles.
Crs and distance, breakoff point to approach end of Runway 3, 034°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of FAY VOR, turn right, climb to 1700′ on R-090 within 15 miles.
MSA within 25 miles of facility: 000°-090°—1500′; 090°-180°—1500′; 180°-270°—1500′; 270°-360°—1800′.

City, Fayetteville; State, N.C.; Airport Name, Grannis Field; Elev., 189′; Fac. Class., L-BVOR; Ident., FAY; Procedure No. TerVOR-3, Amdt. 3; Eff. Date, 10 Dec. 64; Sup. Amdt. No. 2; Dated, 8 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| HIB VOR | GPZ VOR | Direct | 3200 | T-dn[*] | 300-1 | 300-1 | NA |
| | | | | C-dn[*] | 700-1 | 700-1 | NA |
| | | | | S-dn-34 | 700-1 | 700-1 | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn E side of crs, 163° Outbnd, 343° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 0.0 mile after passing VOR, make right climbing turn to 2700′ on R-163 within 10 miles. Return to VOR and hold S on R-163.
[*]Night takeoffs and landings not authorized. Runways 4-22 and 10-28.
MSAs within 25 miles of facility: 000°-360°—2900′.

City, Grand Rapids; State, Minn.; Airport Name, Grand Rapids Municipal; Elev., 1320′; Fac. Class., L-BVOR; Ident., GPZ; Procedure No. TerVOR-34, Amdt. Orig.; Eff. Date, 10 Dec. 64



4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 10-mile DME fix R-264 | CRW VOR | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 264° Outbnd, 084° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 3000′; over 6-mile DME fix R-084, 1900′.
Crs and distance, facility to airport 084°—8.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing CRW VOR, climb to 3000′ direct to CRW-LOM. Hold NE, 1-minute right turns, 230° Inbnd.
NOTES: 1. This approach authorized only for aircraft with installed operational VOR and DME equipment. 2. When authorized by ATC, DME may be used within 10 miles at 3500′ to position aircraft for approach with elimination of procedure turn.
MSA within 25 miles of facility: 000°-360°—3100′.

City, Charleston; State, W. Va.; Airport Name, Kanawha; Elev., 982′; Fac. Class., BVORTAC; Ident., CRW; Procedure No. VOR/DME, Amdt. 1; Eff. Date, 12 Dec 64; Sup. Amdt. No. Orig.; Dated, 4 Apr. 65

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 12-mile DME fix R-244 (Draper Int) | 12-mile DME fix R-211 | Via 12-mile DME counterclockwise ARC. | 5100 | T-dn | *500-1 | *500-1 | *500-1 |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | A-dn | NA | NA | NA |
| Sawmill Int | 18-mile DME fix R-211 | Via 18-mile DME clockwise ARC. | 5100 | | | | |

When authorized by ATC, DME may be used from R-244 counterclockwise to R-211 at 12 miles and from R-188 clockwise to R-211 at 18 miles to position aircraft on final approach R-211 with elimination of procedure turn.
Procedure turn E side of crs, 211° Outbnd, 031° Inbnd, 5100′ between 2.5 and 12.5 miles.
Minimum altitude over 2.5-mile DME fix R-211, 3900′. Descend to authorized minimums after passing 2.5-mile DME fix R-211.
Crs and distance, facility to airport, 031°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing PSK VOR, make right climbing turn to 5100′ on R-080 within 20 miles.
Reverse crs to PSK VOR, hold SW on PSK VOR R-211, 031° Inbnd, 1-minute right turns.
MSA within 25 miles of the facility: 000°-090°—5400′; 090°-180°—4600′; 180°-270°—5000′; 270°-360°—5100′.
*CAUTION: Mountainous terrain 1500′ higher than airport elevation S, W, and N at 5 to 8 miles. Higher terrain at greater distances.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105′; Fac. Class., BVORTAC; Ident., PSK; Procedure No. 1, Amdt. 1; Eff. Date, 12 Dec. 64; Sup. Amdt. No. Orig.; Dated, 21 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 10.0-mile DME fix PRC-R-289 | PRC VOR (final) | Direct | 6600 | T-dn* | 800-2 | 800-2 | 800-2 |
| | | | | C-dn% | 800-2 | 800-2 | 800-2 |
| | | | | A-dn | 1,000-2 | 1,000-2 | 1,000-2 |

Procedure turn Teardrop, 309° Outbnd, turn left, 109° Inbnd, 7500′ within 10 miles.
Minimum altitude over facility on final approach crse, 6600′.
Crs and distance, facility to airport, 112°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.0 miles after passing PRC VOR, make immediate left climbing turn and return to PRC VOR, climb to 8000′ on R-289 within 15 miles or, when directed by ATC, make immediate left turn and climb to 9000′ on R-080 within 15 miles. Not authorized beyond 15 miles.
MCAs: PRC VOR-R-050 to R-180 and 055° to 180° bearing from PRC RBn—5800′, PRC VOR R-181 to R-258 and 181° to 255° bearing from PRC RBn—7200′.
Northbound (259° through 049°) on crs climb authorized.
When authorized by ATC, DME may be used at 10 miles at 9100′ altitude from PRC R-237 to R-258 and at 8000′ altitude between PRC R-258 and R-348 to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°-090°—8800′; 090°-180°—9000′; 180°-270°—8600′; 270°-360°—8300′.
*800-2 authorized for takeoff on Runways 3 and 21.
%Circling W and S not authorized.
%Takeoffs all runways: Runways 3 and 30 climb direct to PRC VOR/RBn, Runway 12 turn left, Runway 21 turn right, climb direct to PRC VOR/RBn, then climb NW via PRC VOR R-289/319° bearing from PRC RBn to recross PRC VOR/RBn at minimum crossing altitudes for direction of flight.

City, Prescott; State, Ariz.: Airport Name, Prescott Municipal; Elev., 5042′; Fac. Class., H-BVORTAC; Ident., PRC; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Dec. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| RAP VOR | 10-mile DME fix R-321 | Direct | 4900 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-14 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring to final approach crs authorized in accordance with approved patterns. When authorized by ATC, DME may be used to position aircraft for straight-in approach at 4900′ between R-320 CW to R-075 via 16-mile DME arc with the elimination of procedure turn.
Procedure turn N side of crs, 321° Outbnd, 141° Inbnd, 4900′ between 10- and 20-mile DME fix R-321.
Nonstandard due to rising terrain to the W.
Minimum altitude over 10-mile DME fix R-321 on final approach crs, 4600′.
Crs and distance, 10-mile DME fix R-321 to airport, 141°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.0-mile DME fix R-321, climb to 4600′ on R-142 within 10 miles of RAP VOR.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
MSA within 25 miles of the facility: 000°-090°—4300′; 090°-180°—4500′; 180°-270°—8300′; 270°-360°—6600′.

City, Rapid City; State, S. Dak.; Airport Name, Rapid City Municipal; Elev., 3181′; Fac. Class., BVORTAC; Ident., RAP; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 12 Dec. 64

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less 65 knots or less | 2-engine or less More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| 20-mile DME fix R-293 | 10-mile DME fix R-293 | Direct | 8500 | T-dn% | 800–1 | 300–1 | 200–½ |
| 10-mile DME fix R-293 | 0-mile DME fix R-293 | Direct | 6500 | C-d | 600–1 | 600–1 | 600–1½ |
| 15-mile DME fix R-169 | 0-mile DME fix R-169 | Direct | 6500 | C-n | 600–2 | 600–2 | 600–2 |
| 15-mile DME fix R-142 | 0-mile DME fix R-142 | Direct | 6500 | A-dn | 800–2 | 800–2 | 800–2 |
| 15-mile DME fix R-028 | 0-mile DME fix R-028 | Direct | 6500 | | | | |

Procedure turn N side of crs, 249° Outbnd, 069° Inbnd, 6500′ within 10 miles. Beyond 10 miles not authorized—terrain.
Minimum altitude over facility on final approach crs, 5100′.
Crs and distance, facility to airport, 069°—6.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing RDM VOR or at 6.6-miles DME fix R-069, turn right, climb to 6500′ on crs 210° to intercept R-142 RDM VOR, thence direct to RDM VOR.
NOTE: Final approach from holding pattern at RDM VOR not authorized; procedure turn required.
CAUTION: High terrain all quadrants.
MSA within 25 miles of facility: 000°–090°—6500′; 090°–180°—8000′; 180°–270°—11400′; 270°–360°—8300′.
%Takeoffs all runways: Climb on crs 210° magnetic from Redmond airport to intercept R-142 RDM VOR, thence direct RDM VOR climbing to cross VOR at or above 5000′. Aircraft departing via V283 northwestbound continue climb in a 1-minute right turn holding pattern to 8000′ on R-169 RDM VOR.
LFR equipped aircraft: Climb on crs 210° magnetic from Redmond airport to intercept S crs RM LFR, thence direct to RM LFR, climbing to cross LFR at or above 5000′. Aircraft requiring higher MEA for direction of flight continue climb in a left turn 1-minute holding pattern on NW crs RM LFR to required MEA.

City, Redmond; State, Oreg.; Airport Name, Roberts Field; Elev., 3077′; Fac. Class., L-BVORTAC; Ident., RDM; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 12 Dec. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ATY VOR | 10-mile DME fix R-176 | Direct | 3400 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-35 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn E side of crs, 176° Outbnd, 356° Inbnd, 3400′ between 10- and 20-mile DME fix R-176.
Minimum altitude over 10-mile DME fix R-176 on final approach crs, 3300′.
Crs and distance, 10-mile DME fix R-176 to airport 356°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.7-mile DME fix R-176, climb to 3000′ on R-357 ATY VOR. Return to VOR and hold on R-357.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 3400′ between R-160 clockwise to 230° via 16-mile DME arc with the elimination of procedure turn.
MSAs within 25 miles of the facility: 000°–180°—3100′; 180°–270°—4400′; 270°–360°—3700′.

City, Watertown; State, S. Dak.; Airport Name, Watertown Municipal; Elev., 1747′; Fac. Class., BVORTAC; Ident., ATY; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 12 Dec. 64

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less 65 knots or less | 2-engine or less More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Monroe VOR | LOM | Direct | 1400 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-4 | 200–½ | 200–½ | 200–½ |
| | | | | A-dn | 600–2 | 600–2 | 600–2 |

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 1400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1200′.
Altitude of glide slope and distance to approach end of runway at OM 1187′—4.2 miles; at MM 256′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600′ on NE crs ILS within 20 miles.
CAUTION: 2049′ TV antenna located 20 miles S of airport; 850′ TV antenna located 3.7 miles WNW of airport.
NOTE: 7-mile DME arc 1600′ authorized radially 066° clockwise through 291° from the Monroe VOR to intercept final approach crs eliminating procedure turn.

City, Monroe; State, La.; Airport Name, Selman Field; Elev., 79′; Fac. Class., ILS; Ident., I-MLU; Procedure No. ILS-4, Amdt. 5; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 4; Dated, 14 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cardinal Int | LOM | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| St. Paul Int | LOM (final) | Via STL R-276 and NW crs LMR ILS. | 2000 | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-12R# | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 600–2 | 600–2 | 600–2 |
| STL VOR | LOM | Direct | 2000 | | | | |
| Lake RBn | LOM | Direct | 2000 | | | | |
| ST LOM | LOM | Direct | 2000 | | | | |
| Academy Int | LOM | Direct | 2000 | | | | |
| Godfrey Int | LOM | Direct | 2200 | | | | |
| Maryland Heights VOR | LOM | Direct | 2200 | | | | |
| LeMay Int | LOM | Direct | 2600 | | | | |
| Park Int | LOM | Direct | 2000 | | | | |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 297° Outbnd, 117° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 117°—5.3 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on 117° bearing from LM LOM within 10 miles, turn right, return to LM LOM or, when directed by ATC, climb to 2400′ on 117° bearing from LM LOM within 10 miles, turn right, proceed to Lake RBn.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
#400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
#400–½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., LM; Procedure No. ILS-12R, Amdt. Orig.; Eff. Date, 14 Dec. 64 or upon commissioning of facility



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less 65 knots or less | 2-engine or less More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| TOY VOR | Cardinal Int (final) | Via TOY R-230 and SE Crs LMR ILS. | 2000 | T-dn | 800–1 | 300–1 | 200–½ |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-30L | 500–1 | 500–1 | 500–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn not authorized. Radar vector to final approach crs required. Final approach crs, 297° Inbnd.
Minimum altitude over Cardinal Int on final approach crs, 2000′.
Crs and distance, Cardinal Int to airport, 297°—5.0 miles.
No glide slope—no markers.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Cardinal Int, climb to 2000′ direct to LM LOM and hold on 297° bearing from LM LOM or when directed by ATC, make right turn climb to 1900′, proceed to ST LOM.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Radar identification of Cardinal Int authorized.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-LMR; Procedure No. ILS-30L (back crs), Amdt. Orig.; Eff. Date, 14 Dec. 64, or upon commissioning of facility

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Linden VOR | LOM | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| Woodward Int | LOM | Direct | 2000 | C-dn | 500–1 | 500–1 | 500–1½ |
| SCK-VOR | LOM | Direct | 1700 | S-dn-29R* | 400–¾ | 400–¾ | 400–¾ |
| Orange Int | LOM | Direct | 1700 | A-dn | 600–2 | 600–2 | 600–2 |

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 1700′ within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1528′—5.4 miles; at MM, 248′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2000′ on SCK VOR R-229 or SCK LOM bearing 232° within 15 miles.
NOTE: No approach lights.
*400–1 required when glide slope inoperative.

City, Stockton; State, Calif.; Airport Name, Stockton Metropolitan; Elev., 27′; Fac. Class., ILS; Ident., I-SCK; Procedure No. ILS-29R, Amdt. 3; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 2; Dated, 10 Mar 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TLH LOM | Hedstrom Int | Direct | 1800 | T-dn | 300–1 | 300–1 | 200–½ |
| TLH VOR | Hedstrom Int | Direct | 1800 | C-dn | 400–1 | 500–1 | 500–1½ |
| Havana Int | Hedstrom Int. (final) | Direct | 1300 | S-dn-18# | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 358° Outbnd, 178° Inbnd, 1800′ within 10 miles of Hedstrom Int.
Minimum altitude over Hedstrom Int on final approach crs, 1300′.
Crs and distance, Hedstrom Int to airport, 178°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Hedstrom Int, climb straight ahead to 1600′ on the S crs of the ILS within 20 miles or turn left, climbing to 1800′ on R-248 TLH-VOR and proceed to the VOR.
Other changes: Deletes transition from TLH RBn.
#400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 81′; Fac. Class., ILS; Ident., I-TLH; Procedure No. ILS-18 (back crs), Amdt. 2; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 1; Dated, 15 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TLH-VOR | LOM | Direct | 1800 | T-dn | 300–1 | 300–1 | 200–½ |
| Jackson Int | LOM | Direct | 1800 | C-dn | 400–1 | 500–1 | 500–1½ |
| Camp Int | LOM | Direct | 1800 | S-dn-36# | 200–½ | 200–½ | 200–½ |
| Creek Int | LOM | Direct | 1800 | A-dn | 600–2 | 600–2 | 600–2 |

Procedure turn E side of crs, 176° Outbnd, 358° Inbnd, 1300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1200′.
Altitude of glide slope and distance to approach end of runway at OM, 1200′—4.1 miles; at MM, 255°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1800′ on N crs of ILS and proceed to Havana Int, or right turn climbing to 1800′ and proceed to the TLH VOR via R-243.
Other changes: Deletes transition from TLH RBn.
#400–¾ required when glide slope not utilized.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 81′; Fac. Class., ILS; Ident., I-TLH; Procedure No. ILS-36, Amdt. 5; Eff. Date, 12 Dec. 64; Sup. Amdt. No. 4; Dated, 4 Jan. 64

**6. By amending the following radar procedures prescribed in § 97.19 to read:**

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | | | 65 knots or less | More than 65 knots | |
| Instrument approach to be conducted in accordance with USN Radar Standard Instrument Approach Procedure. | | | | | | | | | | | | | | Precision radar | | | |
| | | | | | | | | | | | | | | T-dn | 300-1 | 300-1 | 300-1 |
| | | | | | | | | | | | | | | C-dn | 600-2 | 600-2 | 600-2 |
| | | | | | | | | | | | | | | S-dn-24R | 400-1 | 400-1 | 400-1 |
| | | | | | | | | | | | | | | A-dn | 600-2 | 600-2 | 600-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on a heading of 280°, intercept LIF-VOR R-340 and proceed to Rancho Int.

CAUTION: High terrain N, NE, and E of airport.

NOTE: Military authority required.

City, San Diego; State, Calif.; Airport Name, Miramar NAS; Elev., 475'; Fac. Class. and Ident., Miramar Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Dec. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 9, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-11658; Filed, Dec. 15, 1964; 8:46 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 6777]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Repeal of Credit for Dividends Received by Individuals and Doubling of Dividend Exclusion for Individuals

On October 15, 1964, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 34, 116, and various other sections of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 201 of the Revenue Act of 1964 (78 Stat. 31) was published in the FEDERAL REGISTER (29 F.R. 14181). No objection of the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as proposed are hereby adopted.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 10, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 34, 116, and various other sections of the Internal Revenue Code of 1954 to section 201 of the Revenue Act of 1964 (78 Stat. 31), such regulations are amended as follows:

PARAGRAPH 1. Section 1.34 is amended by revising section 34(a) and paragraph (2) of section 34(b) and by revising the historical note. These amended provisions read as follows:

**§ 1.34 Statutory provisions; dividends received by individuals.**

Sec. 34. *Dividends received by individuals*—(a) *General rule.* Effective with respect to taxable years ending after July 31, 1954, there shall be allowed to an individual, as a credit against the tax imposed by this subtitle for the taxable year, an amount equal to the following percentage of the dividends which are received from domestic corporations and are included in gross income:

(1) 4 percent of the amount of such dividends which are received before January 1, 1964, and

(2) 2 percent of the amount of such dividends which are received during the calendar year 1964.

(b) *Limitation on amount of credit.* • • •

(2) The following percent of the taxable income for the taxable year:

(A) 2 percent, in the case of a taxable year ending before January 1, 1955, or beginning after December 31, 1963.

(B) 4 percent, in the case of a taxable year ending after December 31, 1954, and beginning before January 1, 1964.

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[Sec. 34 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(e), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009); sec. 201(a), Rev. Act 1964 (78 Stat. 31); repealed by sec. 201(b), Rev. Act 1964 (78 Stat. 31)]

PAR. 2. Paragraph (a) of § 1.34-1 is amended by revising subparagraph (1). The amended provision reads as follows:

**§ 1.34-1 Credit against tax and exclusion from gross income in case of dividends received by individuals.**

(a) *In general.* (1) Section 34 provides a credit against the income tax of an individual for certain dividends received after July 31, 1954, and on or before December 31, 1964. The credit, subject to the limitations provided in section 34(b), is equal to 4 percent of the dividends received before January 1, 1964, and 2 percent of the dividends received during the calendar year 1964. The credit is allowable with respect to dividends received in any taxable year ending after July 31, 1954, but applies only to dividends received on or before December 31, 1964. The credit applies only to dividends which are received from domestic corporations and which are included in the gross income of the taxpayer. Section 116 provides for the exclusion from gross income of the first $100 ($50 for dividends received in taxable years beginning before January 1, 1964) of certain dividends received by an individual. See § 1.116-1. In determining which dividends are entitled to the credit against income tax provided by section 34, the exclusion from gross income provided in section 116 is applied to the first dividends received in the taxable year. Since the exclusion applies to dividends received at any time during a taxable year ending after July 31, 1954, dividends received before August 1, 1954, may be taken into account in determining the exclusion from gross income under section 116 but do not constitute dividends for which a credit is allowed.

PAR. 3. Paragraph (a) of § 1.34-2 is amended to read as follows:

**§ 1.34-2 Limitations on amount of credit.**

(a) Under section 34(b) the credit may not exceed the lesser of either—

(1) The amount of the tax imposed by chapter 1 of the Code for the taxable year reduced by the foreign tax credit allowable under section 33, or

(2) Whichever of the following is applicable:

(i) In the case of a taxable year ending before January 1, 1955, or beginning after December 31, 1963, 2 percent of the taxable income for such taxable year;

(ii) In the case of a taxable year ending after December 31, 1954, and beginning before January 1, 1964, 4 percent of the taxable income for such taxable year.

In the case of a taxpayer who computes his tax under section 3 or who uses the standard deduction provided by section 141, the taxable income for the taxable year is the adjusted gross income for the taxable year reduced by the standard deduction prescribed in section 141 and the deductions for personal exemptions provided in section 151. Where the alternative tax on capital gains is imposed under section 1201(b), the taxable income for such taxable year is the taxable income as defined in section 63, which includes 50 percent of the excess of net long-term capital gain over net short-term capital loss.

PAR. 4. There is added immediately after § 1.34-5 the following new section:

**§ 1.34-6 Dividends received after December 31, 1964.**

In the case of dividends received after December 31, 1964, section 34 and the regulations issued thereunder do not apply.

PAR. 5. Section 1.35 is amended by revising section 35(b)(1) and the historical note. The amended provisions read as follows:

**§ 1.35 Statutory provisions; partially tax-exempt interest received by individuals.**

Sec. 35. *Partially tax-exempt interest received by individuals.* • • •

(b) *Limitation on amount of credit.* The credit allowed by subsection (a) shall not exceed whichever of the following is the lesser:

(1) The amount of the tax imposed by this chapter for the taxable year, reduced by the credit allowable under section 33, or

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[Sec. 35 as amended by sec. 41(b), Technical Amendments Act 1958 (72 Stat. 1639); sec. 201(d)(2) Rev. Act 1964 (78 Stat. 32)]

PAR. 6. Paragraph (a) of § 1.61-9 is amended to read as follows:

**§ 1.61-9 Dividends.**

(a) *In general.* Except as otherwise specifically provided, dividends are included in gross income under sections 61 and 301. For the principal rules with respect to dividends includible in gross income, see section 316 and the regulations thereunder. As to distributions made or deemed to be made by regulated investment companies, see sections 851 through 855, and the regulations thereunder. As to distributions made by real estate investment trusts, see sections 856 through 858, and the regulations thereunder. See section 116 for the exclusion from gross income of $100 ($50 for dividends received in taxable years beginning before January 1, 1964) of dividends received by an individual, except those from certain corporations. Furthermore, dividends may give rise to a credit against tax under section 34, relating to dividends received by individuals (for dividends received on or before December 31, 1964), and under section 37, relating to retirement income.

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PAR. 7. Section 1.116 is amended by revising section 116(a), by adding a new paragraph (3) to section 116(c) and by revising the historical note. The amended and added provisions read as follows:

**§ 1.116 Statutory provisions; partial exclusion of dividends received by individuals.**

Sec. 116. *Partial exclusion of dividends received by individuals*—(a) *Exclusion from gross income.* Effective with respect to any taxable year ending after July 31, 1954, gross income does not include amounts received by an individual as dividends from domestic corporations, to the extent that the dividends do not exceed $100. If the dividends received in a taxable year exceed $100, the exclusion provided by the preceding sentence shall apply to the dividends first received in such year.

• • • • •

(c) *Special rules for certain distributions.* For purposes of subsection (a)—

• • • • •

(3) The amount of dividends properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends were received by the estate or trust.

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[Sec. 116 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(f), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009); secs. 201(c) and (d)(8)(C), Rev. Act 1964 (78 Stat. 32)]

PAR. 8. Section 1.116-1 is amended to read as follows:

**§ 1.116-1 Partial exclusion of dividends.**

(a) *In general.* Section 116 excludes from gross income the first $100 ($50 for dividends received in a taxable year which ends after July 31, 1954 and begins before January 1, 1964, whether or not the dividend is received after July 31, 1954) of dividends from domestic corporations received by an individual in a taxable year beginning after December 31, 1963.

(b) *Joint returns of husband and wife.* In the case of a joint return of husband and wife, each spouse is entitled to the exclusion in an amount not in excess of $100 ($50 for dividends received in taxable years beginning before January 1, 1964), with respect to the dividends received by such spouse. Thus, if in the calendar year 1955, a husband receives $200 of dividends and his wife $100, the amount to be included in gross income is $200 ($150 of the husband's dividends and $50 of the wife's dividends). If the amounts are received in a taxable year beginning after December 31, 1963, the amount to be included in gross income is $100 ($100 of the husband's dividends and none of the wife's dividends). If the wife receives only $30 of dividends, the entire $30 is excludable, and there is included in gross income in the joint return in the case of a taxable year beginning before January 1, 1964, only $150 ($200 less his $50 exclusion) or in the case of a taxable year beginning after December 31, 1963, only $100 ($200 less his $100 exclusion) consisting of the dividends received by the husband.

(c) *Individuals receiving dividends.* Where two or more persons hold stock as tenants in common, as joint tenants, or as tenants by the entirety, the dividends received with respect to such stock shall be considered as being received by each tenant to the extent that he is entitled under local law to a share of such dividends. Where dividends constitute community property under local law each spouse shall be considered as receiving one-half of such dividends.

(d) *Dividends to which the exclusion applies*—(1) *General rule.* The exclusion under section 116 applies only to distributions of property defined as dividends by section 316. Thus, the exclusion is not allowed with respect to patronage dividends paid by either exempt or taxable farm cooperatives. Nor is it allowed for distributions to nonstockholding policy holders by an insurance company having shares of stock or for any distribution by a mutual insurance company. See subparagraph (2)(i) of this paragraph for an additional restriction with respect to stock life insurance companies. The exclusion is, however, allowed with respect to dividends paid on capital stock by nonexempt cooperatives and with respect to dividends paid on capital stock by building and loan associations. However, see subparagraph (2)(ii) of this paragraph with respect to so-called dividends paid by building and loan associations ineligible for the exclusion. The exclusion is allowed with respect to distributions from any organization taxed as a corporation if the distribution falls within the definition of a dividend in section 316.

(2) *Dividends from certain corporations.* (i) Section 116 (b) and (c) contains further restrictions on the type of distributions which are treated as dividends for purposes of the exclusion. Thus, no exclusion is applicable with respect to dividends received from a corporation organized under the China Trade Act, 1922; from stock life insurance companies before January 1, 1959, in taxable years ending before such date; from corporations which during their taxable year of the distribution or their preceding taxable year were corporations to which section 931 applies (relating to income from sources within possessions of the United States); from corporations which during the taxable year of the dis-

tribution or the preceding taxable year are corporations exempt from tax either under section 501, relating to charitable, etc., organizations, or under section 521, relating to farmers' cooperative associations.

(ii) So-called dividends paid by mutual savings banks, cooperative banks, and building and loan associations which are allowed as a deduction under section 591 are ineligible for the exclusion.

(iii) For special rules as to the limitation on the amount of dividends for which an exclusion is allowable in the case of dividends paid by a regulated investment company, see section 854 and the regulations thereunder.

(iv) See section 857(c) and paragraph (d) of § 1.857–4 for special rules which deny an exclusion under section 116 in the case of dividends received from a real estate investment trust with respect to a taxable year for which such trust is taxable under part II, subchapter M, chapter 1 of the Code.

(e) *Taxpayers not entitled to exclusion.* (1) The exclusion is not available to nonresident aliens with respect to whom a tax is imposed for the taxable year under section 871(a). However, if the taxpayer elects under section 6014 to have the Government compute his tax, the taxpayer is allowed the exclusion under section 116.

(2) For additional rules for the treatment of dividends received by estates or trusts, and the allocation of such dividends between an estate or trust and the beneficiary thereof, see sections 652 and 662 and the regulations thereunder.

(3) For treatment of dividends received by a partnership, see section 702 and the regulations thereunder.

(4) For treatment of dividends received by a common trust fund, see section 584 and the regulations thereunder.

(f) *Time dividends are received.* In cases where it is necessary to determine the time of receipt of dividends the rules established to determine in which taxable year dividends must be included in gross income apply, including the rules relating to constructive receipt. See section 451 and regulations thereunder.

(g) *Special rule relating to receipt of dividends by beneficiary of an estate or trust.* In general, dividends are deemed received by a beneficiary in the taxable year in which they are includible in his gross income under section 652 or 662. However, solely for purposes of determining the amount of the exclusion applicable to dividends received by a beneficiary from an estate or trust, the time of receipt of such dividends by the estate or trust is also considered the time of receipt by the beneficiary.

PAR. 9. Paragraph (b)(1)(vi) of § 1.443–1 is amended to read as follows:

**§ 1.443–1 Returns for periods of less than 12 months.**

* * * * *

(b) *Computation of tax for short period on change of annual accounting period—(1) General rule.*

* * * * *

(vi) If the amount of a credit against the tax (for example, the credits allowable under section 34 (for dividends received on or before December 31, 1964), and 35 (for partially tax-exempt interest)) is dependent upon the amount of any item of income or deduction, such credit shall be computed upon the amount of the item annualized separately in accordance with the foregoing rules. The credit so computed shall be treated as a credit against the tax computed on the basis of the annualized taxable income. In any case in which a limitation on the amount of a credit is based upon taxable income, taxable income shall mean the taxable income computed on the annualized basis.

* * * * *

PAR. 10. Paragraph (a) of § 1.565–3 is amended to read as follows:

**§ 1.565–3 Effect of consent.**

(a) The amount of the consent dividend shall be considered, for all purposes of the Code, as if it were distributed in money by the corporation to the shareholder on the last day of the taxable year of the corporation, received by the shareholder on such day, and immediately contributed by the shareholder as paid-in capital to the corporation on such day. Thus, the amount of the consent dividend will be treated by the shareholder as a dividend. The shareholder will be entitled to the dividends received credit under section 34 (for dividends received on or before December 31, 1964) and the exclusion under section 116, or to the dividends received deduction under section 243, with respect to such consent dividend. The basis of the shareholder's consent stock in a corporation will be increased by the amount thus treated in his hands as a dividend which he is considered as having contributed to the corporation as paid-in capital. The amount of the consent dividend will also be treated as a dividend received from sources within the United States in the same manner as if the dividend had been paid in money to the shareholders. Among other effects of the consent dividend, the earnings and profits of the corporation will be decreased by the amount of the consent dividends. Moreover, if the shareholder is a corporation, its accumulated earnings and profits will be increased by the amount of the consent dividend with respect to which it makes a consent.

PAR. 11. Section 1.584 is amended by revising section 584(c)(2) and the historical note. The amended provisions read as follows:

**§ 1.584 Statutory provisions; common trust funds.**

Sec. 584. *Common trust funds.* * * *

(c) *Income of participants in fund.* * * *

(2) *Dividends and partially tax exempt interest.* The proportionate share of each participant in the amount of dividends to which section 116 applies, and in the amount of partially tax exempt interest on obligations described in section 35 or section 242, received by the common trust fund shall be considered for purposes of such sections as having been received by such participant. If the common trust fund elects under section 171 (relating to amortizable bond premium) to amortize the premium on such obligations, for purposes of the preceding sentence the proportionate share of the participant of such interest received by the common trust fund shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 171 as is attributable to such share.

* * * * *

[Sec. 584 as amended by sec. 4, Act of Sept. 28, 1962 (Pub. Law 87–772, 76 Stat. 668, 670); sec. 201(d)(5), Rev. Act 1964 (78 Stat. 32)]

PAR. 12. Section 1.584–2 is amended by revising paragraph (b)(1). The amended provision reads as follows:

**§ 1.584–2 Income of participants in common trust fund.**

* * * * *

(b)(1) Each participant's proportionate share in the amount of dividends to which section 34 (for dividends received on or before December 31, 1964) or section 116 applies received by the common trust fund shall be deemed to have been received by such participant as such dividends.

PAR. 13. Section 1.642(a)(3) is amended by adding a historical note to read as follows:

* * * * *

[Sec. 642(a)(3) repealed by sec. 201(d)(6)(A), Rev. Act. 1964 (78 Stat. 32)]

PAR. 14. Section 1.642(a)(3)–1 is amended to read as follows:

**§ 1.642(a)(3)–1 Dividends received by an estate or trust.**

An estate or trust is allowed a credit against the tax for dividends received on or before December 31, 1964 (see section 34), only for so much of the dividends as are not properly allocable to any beneficiary under section 652 or 662. Section 642(a)(3), and this section do not apply to amounts received as dividends after December 31, 1964. For treatment of the credit in the hands of the beneficiary see § 1.652(b)–1.

PAR. 15. Section 1.642(a)(3)–2 is amended to read as follows:

**§ 1.642(a)(3)–2 Time of receipt of dividends by beneficiary.**

In general, dividends are deemed received by a beneficiary in the taxable year in which they are includible in his gross income under section 652 or 662. For example, a simple trust, reporting on the basis of a fiscal year ending October 30, receives quarterly dividends on November 3, 1954, and February 3, May 3, and August 3, 1955. These dividends are all allocable to beneficiary A, reporting on a calendar year basis, under section 652 and are deemed received by A in 1955. See section 652(c). Accordingly, A may take all these dividends into account in determining his credit for dividends received under section 34 and his dividends exclusion under section 116. However, solely for purposes of determining whether dividends deemed received by individuals from trusts or estates qualify under the time limitations of section 34(a) or section 116(a), section 642(a)(3) provides that the time of receipt of the dividends by the trust or estate is also considered the time of receipt by the beneficiary. For example, a simple trust reporting on the basis of a fiscal year ending October 30 receives quarterly dividends on December 3, 1953, and March 3, June 3, and September 3, 1954. These dividends are all allocable to beneficiary A, reporting on the calendar year basis, under section 652 and are includible in his income for 1954. However, for purposes of section 34(a) or section 116(a), these dividends are deemed received by A on the same dates that the trust received them. Accordingly, A may take into account in determining the credit under section 34 only those dividends received by the trust on September 3, 1954, since the dividend received credit is not allowed under section 34 for dividends received before August 1, 1954 (or after December 31, 1964). Section 642(a)(3) and this section do not apply to amounts received by an estate or trust as dividends after December 31, 1964. However, the rules in this section relating to time of receipt of dividends by a beneficiary are applicable to dividends received by an estate or trust prior to January 1, 1965, and accordingly, such dividends are deemed to be received by the beneficiary (even though received after December 31, 1964) on the same dates that the estate or trust received them for purposes of determining the credit under section 34 or the exclusion under section 116.



PAR. 16. Section 1.642(i) is amended by revising section 642(i), and by adding a historical note. The amended and added provisions reads as follows:

**§ 1.642(i) Statutory provisions; estates and trusts; special rules for credits and deductions; cross references.**

Sec. 642. *Special rules for credits and deductions.* * * *

(i) *Cross references.* (1) For disallowance of standard deduction in case of estates and trusts, see section 142(b)(4).

(2) For special rule for determining the time of receipt of dividends by a beneficiary under section 652 or 662, see section 116(c)(3).

[Sec. 642(i) as amended by sec. 201(d)(6)(B), Rev. Act 1964 (78 Stat. 32)]

PAR. 17. Section 1.642(i)–1 is amended to read as follows:

**§ 1.642(i)–1 Cross references.**

(a) The standard deduction is not allowed to estates and trusts (see section 142(b)(4)).

(b) The amount of dividends properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends were received by the estate or trust (see section 116(c)(3)).

PAR. 18. Section 1.652(b)–1 is amended to read as follows:

**§ 1.652(b)–1 Character of amounts.**

In determining the gross income of a beneficiary, the amounts includible under § 1.652(a)–1 have the same character in the hands of the beneficiary as in the hands of the trust. For example, to the extent that the amounts specified in § 1.652(a)–1 consist of income exempt from tax under section 103, such amounts are not included in the beneficiary's gross income. Similarly, dividends distributed to a beneficiary retain their original character in the beneficiary's hands for purposes of determining the availability to the beneficiary of the dividends received credit under section 34 (for dividends received on or before December 31, 1964) and the dividend exclusion under section 116. The tax treatment of amounts determined under § 1.652(a)–1 depends upon the beneficiary's status with respect to them, not upon the status of the trust. Thus, if a beneficiary is deemed to have received foreign income of a foreign trust, the includibility of such income in his gross income depends upon his taxable status with respect to that income.

PAR. 19. Section 1.661(c)–1 is amended to read as follows:

**§ 1.661(c)–1 Limitation on deduction.**

An estate or trust is not allowed a deduction under section 661(a) for any amount which is treated under section 661(b) as consisting of any item of distributable net income which is not included in the gross income of the estate or trust. For example, if in 1962, a trust, which reports on the calendar year basis, has distributable net income of $20,000, which is deemed to consist of $10,000 of dividends and $10,000 of tax-exempt interest, and distributes $10,000 to beneficiary A, the deduction allowable under section 661(a) (computed without regard to section 661(c)) would amount to $10,000 consisting of $5,000 of dividends and $5,000 of tax-exempt interest. The deduction actually allowable under section 661(a) as limited by section 661(c) is $4,975, since no deduction is allowable for the $5,000 of tax-exempt interest and the $25 deemed distributed out of the $50 of dividends excluded under section 116, items of distributable net income which are not included in the gross income of the estate or trust.

PAR. 20. Paragraph (b) of § 1.683–2 is amended to read as follows:

**§ 1.683–2 Exceptions.**

* * * * *

(b) For purposes of determining the time of receipt of dividends under sections 34 (for purposes of the credit for dividends received on or before December 31, 1964) and 116, the dividends paid, credited, or to be distributed to a beneficiary are deemed to have been received by the beneficiary ratably on the same dates that the dividends were received by the estate or trust.

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PAR. 21. Section 1.702 is amended by revising section 702(a)(5) and by adding a historical note. The amended and added provisions read as follows:

**§ 1.702 Statutory provisions; income and credits of partner.**

Sec. 702. *Income and credits of partner—*(a) *General rule.* In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

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(5) Dividends with respect to which there is provided an exclusion under section 116 or a deduction under part VIII of subchapter B,

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[Sec. 702 as amended by sec. 201(d)(7), Rev. Act 1964 (78 Stat. 32)]

PAR. 22. Section 1.702–1 is amended by revising paragraph (a)(5) to read as follows:

**§ 1.702–1 Income and credits of partners.**

(a) *General rule.* * * *

(5) Each partner shall take into account, as part of the dividends received by him from domestic corporations, his distributive share of dividends received by the partnership, with respect to which the partner is entitled to a credit under section 34 (for dividends received on or before December 31, 1964), an exclusion under section 116, or a deduction under part VIII, subchapter B, chapter 1 of the Code.

PAR. 23. Paragraph (a)(2) of § 1.852–4 is amended to read as follows:

**§ 1.852–4 Method of taxation of shareholders of regulated investment companies.**

(a) *Ordinary income.* * * *

(2) See section 853(b)(2) and (c) and paragraph (b) of § 1.853–2 and § 1.853–3 for the treatment by shareholders of dividends received from a regulated investment company which has made an election under section 853(a) with respect to the foreign tax credit. See section 854 and §§ 1.854–1 through 1.854–3 for limitations applicable to dividends received from regulated investment companies for the purpose of the credit under section 34 (for dividends received on or before December 31, 1964), the exclusion from gross income under section 116, and the deduction under section 243. See section 855 (b) and (d) and paragraphs (c) and (f) of § 1.855–1 for treatment by shareholders of dividends paid by a regulated investment company after the close of the taxable year in the case of an election under section 855(a).

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PAR. 24. Section 1.857 is amended by revising section 857(c) and the historical note. The amended provisions read as follows:

**§ 1.857 Statutory provisions; taxation of real estate investment trusts and their beneficiaries.**

Sec. 857. *Taxation of real estate investment trusts and their beneficiaries.* * * *

(c) *Restrictions applicable to dividends received from real estate investment trusts.* For purposes of section 116 (relating to an exclusion for dividends received by individuals) and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

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[Sec. 857 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1006); as amended by sec. 201(d)(11), Rev. Act 1964 (78 Stat. 32)]

PAR. 25. Paragraph (d) of § 1.857–4 is amended to read as follows:

**§ 1.857–4 Method of taxation of shareholders of real estate investment trusts.**

* * * * *

(d) *Dividend received credit, exclusion, and deduction not allowed.* Any dividend received from a real estate investment trust which, for the taxable year to which the dividend relates, is a qualified real estate investment trust, shall not be eligible for the dividend received credit (for dividends received on or before December 31, 1964) under section 34(a), the dividend received exclusion under section 116, or the dividend received deduction under section 243.

PAR. 26. Paragraph (c) of § 1.876–1 is amended to read as follows:

**§ 1.876–1 Alien residents of Puerto Rico.**

• • • • • •

(c) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 33 (relating to taxes of foreign countries), section 34 (relating to dividends received by individuals) for dividends received on or before December 31, 1964, and section 35 (relating to partially tax-exempt interest) shall be allowed against the tax computed in accordance with this section. No credit shall be allowed under section 37 in respect of retirement income.

PAR. 27. Paragraph (b) of § 1.1201–1 is amended to read as follows:

**§ 1.1201–1 Alternative tax.**

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(b) *Other taxpayers.* In case the net long-term capital gain of a taxpayer (other than a corporation) exceeds the net short-term capital loss, section 1201(b) imposes an alternative tax in lieu of the tax imposed by sections 1 and 511, if and only if such alternative tax is less than the tax imposed by sections 1 and 511. The alternative tax is not in lieu of any other tax not specifically set forth in section 1201(b). The alternative tax is the sum of—

(1) A partial tax, computed at the rates provided by sections 1 and 511 on the taxable income reduced by an amount equal to 50 percent of the excess of the net long-term capital gain over the net short-term capital loss, plus

(2) 25 percent of the excess of the net long-term capital gain over the net short-term capital loss.

See § 1.1–3 for rule relating to the computation of the limitation on tax under section 1(c) in cases where the alternative tax is imposed. See § 1.34–2(a) for rule relating to the computation of the dividend received credit under section 34 (for dividends received on or before December 31, 1964), and § 1.35–1(a) for rule relating to the computation of credit for partially tax-exempt interest under section 35 in cases where the alternative tax is imposed.

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PAR. 28. Section 1.1375 is amended by revising subsection (b) of section 1375 and the historical note. The amended provisions read as follows:

**§ 1.1375 Statutory provisions; special rules applicable to distributions of electing small business corporations.**

Sec. 1375. *Special rules applicable to distributions of electing small business corporations.* • • •

(b) *Dividends received credit not allowed.* The amount includible in the gross income of a shareholder as dividends from an electing small business corporation during any taxable year of the corporation (including any amount treated as a dividend under section 1373(b)) shall not be considered a dividend for purposes of section 37 or section 116 to the extent that such amount is a distribution of property out of earnings and profits of the taxable year as specified in section 316(a)(2). For purposes of this subsection, the earnings and profits of the taxable year shall be deemed not to exceed the corporation's taxable income (computed as provided in section 1373(d)) for the taxable year.

• • • • • •

[Sec. 1375 as added by sec. 64(a), Technical Amendments Act 1958 (72 Stat. 1654); as amended by sec. 201(d)(13), Rev. Act 1964 (78 Stat. 32)]

PAR. 29. Section 1.1375–2 is amended to read as follows:

**§ 1.1375–2 Dividends received exclusion and credit not allowed.**

(a) *In general.* Under section 1375 (b), the amounts includible in the gross income of a shareholder as dividends from an electing small business corporation (including amounts treated as dividends under section 1373(b)) are not considered dividends for purposes of section 34 (dividends received credit for dividends received on or before December 31, 1964), section 37 (retirement income credit), and section 116 (partial dividend exclusion) to the extent that such amounts are distributions out of the earnings and profits of the taxable year. For purposes of the preceding sentence, the earnings and profits of the taxable year are deemed not to exceed the corporation's taxable income (as defined in section 1373(d)). For rules as to the allocation of earnings and profits of the taxable year to distributions made during the year, see paragraphs (d) and (e) of § 1.1373–1.

(b) *Examples.* The following examples illustrate the application of section 1375(b) and paragraph (a) of this section:

*Example (1).* An electing small business corporation during the taxable year 1962 has taxable income (as defined in section 1378 (d)) and earnings and profits of $10,000 for the taxable year and accumulated earnings and profits of $20,000 at the beginning of the taxable year. During the taxable year, the corporation distributes a dividend of $15,000 in money. Of the amount distributed, $10,000 is not entitled to the dividends received exclusion under section 116 or the credits under section 34 or 37, since it is paid out of the earnings and profits of the corporation's taxable year. The $5,000 paid out of accumulated earnings and profits is considered a dividend for purposes of the exclusion and credits.

• • • • • •

PAR. 30. Paragraph (b)(1) of § 1.1441–3 is amended to read as follows:

**§ 1.1441–3 Exceptions and rules of special application.**

• • • • • •

(b) *Corporate distributions*—(1) *Nontaxable portion.* The tax shall be withheld at the source under § 1.1441–1 on the gross amount of any distribution made by a corporation other than—

(i) A nontaxable distribution payable in stock or stock rights, and

(ii) A distribution which is treated as a distribution in part or full payment in exchange for stock.

This rule shall apply without regard to any claim that all or a portion of the distribution is not taxable under section 871 or 881. The tax shall be withheld on the gross amount of the distribution even though the payee may be entitled to the benefits of section 34, relating to the credit for dividends received by individuals (for dividends received on or before December 31, 1964), or section 116, relating to partial exclusion of dividends received by individuals. Appropriate adjustment, if any, will be made upon the payee's filing of a claim for refund, together with appropriate supporting evidence, in accordance with paragraph (h) of this section.

• • • • • •

PAR. 31. Section 1.6012–1 is amended by revising paragraph (a)(7)(iii)(c) to read as follows:

**§ 1.6012–1 Individuals required to make returns of income.**

(a) *Individual citizen or resident.* • • •

(7) *Use of form 1040A by certain taxpayers with gross income less than $10,000.* • • •

(iii) *Credits not allowable.* • • •

(c) The credit provided by section 34 (for dividends received on or before December 31, 1964);

• • • • • •

PAR. 32. Section 1.6014 is amended by revising subsection (a) of section 6014 and by adding a historical note. The amended and added provisions read as follows:

**§ 1.6014 Statutory provisions; income tax return—tax not computed by taxpayer.**

Sec. 6014. *Income tax return—tax not computed by taxpayer*—(a) *Election by taxpayer.* An individual entitled to elect to pay the tax imposed by section 3 whose gross income is less than $5,000 and includes no income other than remuneration for services performed by him as an employee, dividends or interest, and whose gross income other than wages, as defined in section 3401(a), does not exceed $100, shall at his election not be required to show on the return the tax imposed by section 1. Such election shall be made by using the form prescribed for purposes of this section and shall constitute an election to pay the tax imposed by section 3. In such case the tax shall be computed by the Secretary or his delegate who shall mail to the taxpayer a notice stating the amount determined as payable. In determining the amount payable, the credit against such tax provided for by section 37 shall not be allowed. In the case of a head of household (as defined in section 1(b) or a surviving spouse (as defined in section 2~~(b)~~) electing the benefits of this subsection, the tax shall be computed by the Secretary or his delegate without regard to the taxpayer's status as a head of household or as a surviving spouse.

• • • • • •

[Sec. 6014 as amended by sec. 201(d)(14), Rev. Act 1964 (78 Stat. 32)]

PAR. 33. Section 1.6015(c)–1 is amended to read as follows:

**§ 1.6015(c)–1 Definition of estimated tax.**

In the case of an individual, the term "estimated tax" means the amount which the individual estimates as the amount of the income tax imposed by chapter 1 of the Code for the taxable year, minus the amount which he estimates as the sum of the credits against tax provided by part IV, subchapter A of such chapter. These credits are those provided by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to foreign taxes), section 34 (relating to the credit for dividends received on or before December 31, 1964), section 35 (relating to partially tax-exempt interest), and section 37 (relating to retirement income). An individual who expects to elect to pay the optional tax imposed by section 3, or one who expects to elect to take the standard deduction allowed by section 144, should disregard any credits otherwise allowable under sections 32, 33, and 35 in computing his estimated tax since, if he so elects, these credits are not allowed in computing his tax liability. See section 36.

PAR. 34. Paragraph (b)(2) of § 1.6654–2 is amended to read as follows:

**§ 1.6654–2 Exceptions to imposition of the addition to the tax in the case of individuals.**

• • • • • •

(b) *Meaning of terms.* • • •

(2) The credits against tax allowed by part IV, subchapter A, chapter 1 of the Code, are—

(i) In the case of the exception described in paragraph (a)(1) of this section, the credits shown on the return for the preceding taxable year,

(ii) In the case of the exception described in paragraph (a)(2) of this section, the credits shown on the return for the preceding taxable year, except that if the amount of any such credit would be affected by any change in rates or status with respect to personal exemptions, the credits shall be determined by reference to the rates and status applicable to the current taxable year, and

(iii) In the case of the exceptions described in paragraph (a) (3) and (4) of this section, the credits computed under the law and rates applicable to the current taxable year.

A change in rate may be either a change in the rate of tax, such as a change in the rate of the tax imposed by section 1, or a change in any percentage affecting the computation of the credit, such as a change in the rate of withholding under chapter 3 of the Code or a change in the percentage of dividends received specified in section 34(a) (for dividends received on or before December 31, 1964). The application of the preceding sentence may be illustrated by the following examples:

• • • • • •

(Sec. 7805 of the Internal Revenue Code of 1954; 68 Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–12899; Filed, Dec. 15, 1964; 8:48 a.m.]





# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

### SUBCHAPTER A—REGULATIONS

## PART 608—HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

### Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 585 (29 F.R. 13117), the Secretary of Labor appointed and convened Industry Committee No. 68–B. Administrative Order No. 585 referred to Industry Committee No. 68–B the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the handkerchief, scarf, and art linen industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 68–B are hereinafter published in this revision of 29 CFR 608.2.

Effective January 1, 1965, 29 CFR 608.2 is hereby revised to read as follows:

**§ 608.2 Wage rates.**

The handkerchief, scarf, and art linen industry in Puerto Rico is divided into five separate classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities of employees in the industry to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Hand-sewing classification.* (i) The minimum wage for this classification is 33 cents an hour.

(ii) This classification is defined as the operations of hand-sewing as well as hand-embroidering, hand-embellishing, ornamental stitching, and similar operations involving decorative effects on all products except oblong scarves: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on articles which are otherwise wholly machine sewn shall not be included.

(2) *Other operations classification.* (i) The minimum wage for this classification is 59 cents an hour.

(ii) This classification is defined as all operations in the handkerchief, scarf, and art linen industry in Puerto Rico, other than operations described in the other classifications of this industry.

(3) *Hand-sewing on oblong scarves classification.* (i) The minimum wage for this classification is 77 cents an hour.

(ii) This classification is defined as the operations of hand-sewing as well as hand-embroidering, hand-embellishing, ornamental stitching, and similar operations involving decorative effects on oblong scarves: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on articles which are otherwise wholly machine sewn shall not be included.

(4) *Other operations on oblong scarves classification.* (i) The minimum wage for this classification is 93 cents an hour.

(ii) This classification is defined as all operations on oblong scarves except those included in the hand-sewing on oblong scarves classification.

(b) *New coverage classification.* (1) The minimum wage for this classification is 77 cents an hour between January 1, 1965 and September 2, 1965, and 93 cents an hour thereafter.

(2) This classification is defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961.

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 10th day of December 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64–12908; Filed, Dec. 15, 1964; 8:49 a.m.]

## PART 609—WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY IN PUERTO RICO

### Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 585 (29 F.R. 13117), the Secretary of Labor appointed and convened Industry Committee No. 68–A. Administrative Order No. 585 referred to Industry Committee No. 68–A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the women's and children's underwear and women's blouse industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a

hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 68–C are hereinafter published in this revision of 29 CFR 611.2.

Effective January 1, 1965, 29 CFR 611.2 is revised to read as follows:

§ 611.2 Wage rates.

The sweater and knit swimwear industry in Puerto Rico is divided into two classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *General classification.* (1) The minimum wage for this classification is $1.17 an hour.

(2) This classification is defined as all activities in the industry except those covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(b) *New coverage classification.* (1) The minimum wage for this classification is $1.10 an hour between January 1, 1965, and September 2, 1965, and $1.17 an hour thereafter.

(2) This classification is defined as all activities in the industry covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 10th day of December 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64–12910; Filed, Dec. 15, 1964; 8:49 a.m.]

Signed at Washington, D.C., this 10th day of December 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64–12909; Filed, Dec. 15, 1964; 8:49 a.m.]

## PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

### Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 585 (29 F.R. 13117), the Secretary of Labor appointed and convened Industry Committee No. 68–C. Administrative Order No. 585 referred to Industry Committee No. 68–C the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the sweater and knit swimwear industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 68–C are hereinafter published in these amendments to 29 CFR Part 609.

Effective January 1, 1965, 29 CFR 609.2(a)(1)(i), (a)(2)(i), and (b)(1) are amended to read as follows:

§ 609.2 Wage rates.

* * * * *

(a) *Previously covered classifications.* * * *

(1) *Hand-sewing classification.* (i) The minimum wage for this classification is 85 cents an hour.

* * * * *

(2) *Other operations classification.* (i) The minimum wage for this classification is $1.00 an hour.

* * * * *

(b) *New coverage classification.* (1) The minimum wage for this classification is 85 cents an hour between January 1, 1965 and September 2, 1965 and $1.00 an hour thereafter.

* * * * *

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 10th day of December 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64–12909; Filed, Dec. 15, 1964; 8:49 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VI—Department of the Navy

### SUBCHAPTER C—PERSONNEL

## PART 721—STANDARDS OF CONDUCT

*Scope and purpose.* New Part 721 implements Part 137 of this title, as amended (29 F.R. 13803), for the Department of the Navy. Part 721 conforms to Secretary of the Navy Instruction 5370.2C of December 1, 1964, which is being distributed to Navy and Marine Corps commands in due course.

Subchapter C is amended by adding the following new part:

Sec.
721.1 Purpose.
721.2 Definition.
721.3 Policy—general.
721.4 Gratuities.
721.5 Transportation and accommodations on official business.
721.6 Action.

AUTHORITY: The provisions of this Part 721 issued under R.S. 161, sec. 5031, 70A Stat. 278, as amended, sec. 133, 76 Stat. 517; 5 U.S.C. 22, 10 U.S.C. 133, 5031.

§ 721.1 Purpose.

Part 721 implements the standards of conduct set forth in Part 137 of this title and governing all personnel in the Department of the Navy.

§ 721.2 Definition.

The term "Naval personnel," as used in this part, includes all military and civilian personnel of the Department of the Navy, including nonappropriated-fund activities.

§ 721.3 Policy—general.

(a) All persons in the Department of the Navy, military and civilian, are enjoined to adhere strictly to the requirements of Part 137 of this title. In some instances, that part imposes standards which require the exercise of personal judgment. It is imperative that Naval personnel consider each such instance carefully and be prepared to account for the manner in which that judgment is exercised. This is particularly true in situations which involve acceptance of hospitality or favors from persons who do, or seek to do, business with the Department of the Navy.

(b) Persons who represent the Government in business dealings with representatives of industry have positions of trust and grave responsibility which require them to observe the highest ethical standards. Practices which may be accepted in the private business world are not necessarily acceptable for Naval personnel. Acceptance of favors, gratuities, or entertainment (no matter how innocently tendered or received) from those who have or seek business dealings with the Department of the Navy may be a source of embarrassment to the Department and to the Naval personnel involved, may affect the objective judgment of the recipient, and may impair public confidence in the integrity of business relations between the Department and industry.

(c) No person shall allow himself to be placed in a position in which a conflict of interests might arise or might justifiably be suspected. Such a conflict of interests may arise or appear to arise by reason of the acceptance of favors, gratuities, or entertainment of any kind or by any other action which could influence or be reasonably interpreted as influencing the strict impartiality that must prevail in all business relationships in which the public interest is involved. Favors, gratuities, or entertainment bestowed upon the families of Naval personnel shall be considered in the same light as those bestowed upon Naval personnel.

(d) Where there is a reasonable doubt as to the propriety of accepting favors, gratuities, or entertainment or of attending functions or accepting other invitations of a hospitable nature, Naval personnel shall refrain therefrom.

(e) Special treatment shall not be accorded to particular individuals or firms unless equivalent treatment is also accorded to other individuals or firms justifiably entitled thereto.



§ 721.4 Gratuities.

(a) Section 137.5 of this title, relating to gratuities, is applicable to Naval personnel as defined in § 721.2.

(b) Gratuities, as dealt with in § 137.5 of this title, include tangible items, intangible benefits, discounts, tickets, passes, transportation, accommodations, or hospitality, given or extended to or on behalf of the recipient. The following are not considered to be gratuities within the meaning of that section:

(1) Specialty advertising items of trivial intrinsic value.

(2) Customary exchange of social amenities between personal friends and relatives when motivated by such relationship and extended on a personal basis.

(3) Things available impersonally to the general public, such as a free exhibition by a defense contractor at a World's Fair.

(4) Trophies, entertainment, rewards and prizes given to competitors in contests which are open to the public or which are officially approved for participation by Naval personnel.

(5) Transactions between and among relatives which are personal and consistent with the relationship.

(6) Social activities engaged in by officials of the Department and officers in command or their representatives with local civilian leaders as part of community relations programs.

(7) Contractor-provided local transportation while on official business and when alternative arrangements are clearly impractical.

(8) Civic and community relations activities of Naval personnel where the relationship with a defense contractor can reasonably be characterized as remote, for example, participation in a Little League or Community Chest report luncheon which is subsidized by a concern doing business with a Naval activity.

(c) Section 137.5(a)(1) of this title permits the participation of Naval personnel in widely attended lunches, dinners, and similar gatherings sponsored by industrial, technical, and professional associations, the memberships of which may include defense contractors or their representatives, for the discussion of matters of mutual interest to Government and industry where the interests of the Government would be served by such participation, and where the host is the association rather than any contractor. Such associations include defense—oriented associations such as the Navy League, together with service, fraternal and civic clubs and associations, whose membership may also embrace defense contractors or their representatives. Acceptance of entertainment or hospitality from private companies or their representatives in connection with such association activities is prohibited.

(d) Section 137.5(a)(2) of this title permits the participation of Naval personnel in certain activities at the expense of individual defense contractors where the interests of the Government will be served. In addition to the events there enumerated, permission for such participation also includes the dedication or opening of major buildings or facilities, the unveiling of new aircraft, and the like, and the customary related social activities.

(e) When, in the exercise of sound judgment, Naval personnel determines that the Government's interest would be served by participation in activities, other than those within the purview of § 137.5(a)(1) and (2) of this title as implemented by this part, such person may participate in such activity. However, if he accepts any favor, gratuity, or entertainment directly or indirectly from any person, firm, corporation or other entity which is engaged or is endeavoring to engage in business transactions with the Department of Defense, a report of such acceptance shall be made in writing within 48 hours to his commanding officer or the chief or head of his bureau or office, or their designee, for review and disposition. The report will identify the favor, gratuity or entertainment, when and where and from whom received, and will describe the circumstances. Each individual is expected to use sound judgment in determining initially whether his conduct in a given case falls within the contemplation of § 137.5(a)(1), (2), or (3) of this title as implemented by this part and to take personal responsibility for making a report when required.

§ 721.5 Transportation and accommodations on official business.

Naval personnel on official business may not, except as provided in § 721.4(b)(7), accept contractor-provided transportation or overnight accommodations in connection with such official business if Government transportation or quarters, or regular commercial transportation or commercial overnight accommodations, are reasonably available. Where, however, the over-all Government interest would be served by acceptance by Naval personnel of such transportation or accommodations in specific cases, the chief or head of a bureau or office or his principal assistant may authorize it.

§ 721.6 Action.

(a) The Under Secretary of the Navy is assigned responsibility for the coordination of action relating to standards of conduct of Naval personnel.

(b) With respect to the disqualification procedure set forth in § 137.12(a)(4) of this title, the official in the Department of the Navy authorized to make a determination pursuant to Title 18, United States Code, section 208(b), shall be the head of the bureau, office, or activity in which the officer or employee concerned is assigned for duty.

(c) The Comptroller of the Navy shall advise all Regular Navy retired officer personnel of the continuing requirement for submitting a Statement of Employment and provide DD Form 1357 for that purpose. The Commandant of the Marine Corps shall provide similar assistance to Regular Marine Corps retired officer personnel.

(d) The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, shall provide all regular officer personnel retiring hereafter with instructions for filing DD Form 1357 within 30 days after retiring and as their employment status changes.

(e) The Comptroller of the Navy or the Commandant of the Marine Corps, as appropriate, shall review all Statements of Employment filed by retired officers of the Regular Navy and Marine Corps to ensure compliance with applicable laws and regulations.

(f) The Chief of Industrial Relations shall incorporate the provisions of Part 137 of this title concerning advisers and consultants in appropriate Navy Civilian Personnel Instructions. He is also designated the officer to coordinate the classification of employees as "full time" or "part time" as required by paragraph (d) of the President's Memorandum of May 2, 1963, 28 F.R. 4539 at page 4541 (3 CFR, 1959–1963 Comp. p. 834, at p. 837).

(g) The Judge Advocate General and the General Counsel of the Navy shall provide legal advice, within their respective areas of jurisdiction, with regard to any questions which may arise under this part. In addition, the Judge Advocate General and the General Counsel of the Navy are designated as the legal officers who shall review Statements of Employment and Financial Interests filed by advisers and consultants. The General Counsel shall review statements submitted by advisers and consultants employed in matters involving logistics and procurement, property disposition, and other matters under the assigned jurisdiction of the General Counsel. The Judge Advocate General shall review statements submitted by advisers and consultants employed in respect to all other matters.

(h) All Chiefs and heads of bureaus and offices and all commanding officers shall disseminate SECNAV Instruction 5370.2C (incorporated in this part) within their organizations or commands, shall ensure that Naval personnel within their organizations or commands are familiar with its provisions, and shall arrange for informing new personnel of its provisions. Periodically, they shall utilize the opportunity afforded by staff meetings to direct attention to the policies set forth in that Instruction, and they shall bring these policies to the attention of all personnel at least semi-annually. Individuals requiring advice on the application of that Instruction to a particular case should consult the legal office providing legal service to their command or organization.

(i) The Chief of Naval Material is directed to transmit a copy of SECNAV Instruction 5370.2C (incorporated in this part) to the principal officer of each contractor doing significant business with the Navy, together with a request that the policies stated therein be brought to the attention of the appropriate contractor personnel. Chiefs and heads of bureaus and offices, commanding officers, and other senior officials shall periodically utilize the opportunity afforded by conferences with representatives of industry to direct attention to the policies set forth in that Instruction.

(j) Corrective measures, including disciplinary action when appropriate, shall be taken whenever it is determined that there has been a violation of SECNAV

Instruction 5370.2C (incorporated in this part).

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

DECEMBER 10, 1964.

[F.R. Doc. 64-12875; Filed, Dec. 15, 1964; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Rice Lake and Tamarac National Wildlife Refuges, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only on the areas designated by signs as open to fishing. This posted area comprising 5,000 acres or 100 percent of the refuge water area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from date of this publication through February 15, 1965, during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through February 15, 1965.

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the areas designated by signs as open to fishing. This posted area comprising 9,300 acres or 60 percent of the total refuge water area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from date of this publication through February 15, 1965, during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through February 15, 1965.

R. W. BURWELL,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 8, 1964.

[F.R. Doc. 64-12869; Filed, Dec. 15, 1964; 8:46 a.m.]

## PART 33—SPORT FISHING

### Horicon and Necedah National Wildlife Refuges, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Wisconsin, or an area comprising 250 acres or 1.2 percent of the total water area of this refuge is permitted only on the areas designated by signs as open to fishing. The open area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) Open season: Daylight hours December 15, 1964, through March 15, 1965.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1965.

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wisconsin, or an area comprising 500 acres or 10 percent of the total water area of this refuge is permitted only on the areas designated by signs as open to fishing. The open area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) Open season: Daylight hours December 15, 1964 through March 15, 1965.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 15, 1965.

R. W. BURWELL,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 8, 1964.

[F.R. Doc. 64-12870; Filed, Dec. 15, 1964; 8:46 a.m.]

## PART 33—SPORT FISHING

### Union Slough National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge area.**

IOWA

UNION SLOUGH NATIONAL WILDLIFE REFUGE

Sport fishing on the Union Slough National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to fishing. This open area comprising 6 acres or one percent of the total water area of the refuge is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from January 2, 1965 through March 15, 1965 during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 15, 1965.

R. W. BURWELL,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 8, 1964.

[F.R. Doc. 64-12868; Filed, Dec. 15, 1964; 8:46 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 62, Amdt. 1]

## PART 907 — NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) of § 907.362 (Navel Orange Regulation 62, 29 F.R. 16315) are hereby amended to read as follows:

**§ 907.362 Navel Orange Regulation 62.**

* * * * * * *

(b) * * *

(1) * * *

(i) District 1: 1,600,000 cartons.

* * * * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 11, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12877; Filed, Dec. 15, 1964; 8:47 a.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 136]

## PART 1136—MILK IN GREAT BASIN MARKETING AREA

### Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area (7 CFR Part 1136), it is hereby found and determined that:

a. The following provisions of the order no longer tend to effectuate the declared policy of the Act for the period January 1, 1965, through July 31, 1965.

In § 1136.11(a) the following provisions:

1. "50 percent in the months of August through March and"

2. "in other months"

3. "producer milk diverted therefrom by the plant operator".

The suspension of these provisions will result in § 1136.11(a) reading as follows:

**§ 1136.11 Pool plant.**

* * * * * * *

(a) An approved plant, except the plant of a producer-handler as described in § 1136.8, from which during the month there is disposed of on routes fluid milk products equal to not less than 40 percent of the receipts during the month at such plant of producer milk and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products equal to not less than 15 percent of the total fluid milk product disposition from the plant on routes: *Provided,* That if a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator: *And provided further,* That any approved plant from which the total route disposition of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions shall not qualify as a pool plant pursuant to this paragraph.

* * * * * * *

b. Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

1. This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

2. This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

3. The suspension order will reduce for the months of January through July 1965 requirements for pool plant qualification of distributing plants. The order provides that 50 percent of receipts of producer milk, including milk diverted by the plant operator, but excluding pool milk receipts for which another cooperative association is the handler, must be disposed of on routes during August through March and 40 percent in all other months. This action reduces the percentage requirement to 40 percent for all months and eliminates producer milk diverted to nonpool plants from the computation.

Proponents state that the conditions which necessitated suspension of the same provisions during the calendar year 1964 continue to exist and will continue during the foreseeable future. The merger of two cooperative associations, Weber Central Dairy Association and Federated Milk Producers Association, on January 1, 1964, has made it difficult, if not impossible, for such association to meet the present requirements necessary to maintain pool plant status for all its plants which have been pool plants in the past. This is due to the fact that certain milk for which one of the associations comprising the merger had heretofore been the handler when such milk was delivered to or diverted from a plant operated by the other member of the merger has now become producer milk of the merged association. The present pool plant standards were based on these associations operating as separate units, but with the merger of the associations these provisions no longer achieve the results intended.

4. This suspension action is based on a request by Federated Dairy Farms, Inc., the merged association, and Hi-Land Dairyman's Association. Members of these two cooperative associations supply in excess of 90 percent of the fluid milk requirements of handlers in the Great Basin marketing area. The suspension will permit dairy farmers who have supplied the fluid requirements of the market to continue as producers under the order. These associations have also proposed amendments to the pool plant standards. The period of suspension will provide opportunity for consideration of amendment action based on a public hearing.

Therefore, good cause exists for making this order effective January 1, 1965.

*It is therefore ordered,* That the aforesaid provisions of the order are hereby suspended for the period January 1, 1965, through July 31, 1965.

Effective date: January 1, 1965.

Signed at Washington, D.C., on December 11, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-12878; Filed, Dec. 15, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 26 ]

### WHEAT

### Proposed Official Grain Standards

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that the United States Department of Agriculture has under consideration a proposed amendment of § 26.127(a) of the Official Grain Standards of the United States for Wheat (7 CFR 26.101 et seq.) promulgated under authority of the United States Grain Standards Act, 39 Stat. 482, as amended (7 U.S.C. 71 et seq.).

The United States Grain Standards Act requires that public notice be given of any amendment of the standards not less than 90 days in advance of the effective date of such amendment. If said § 26.127(a) is amended, it is the intent that the amendment will be made effective on or about June 1, 1965.

Public hearings will not be held, but all persons who desire to submit written data, views, or recommendations in connection with this proposal shall file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than January 15, 1965. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Statement of considerations.* The wheat standards were last revised to become effective June 1, 1964. Among the changes was the establishment of grade limits for contrasting classes. Shortly after the 1964-wheat harvest began in the Pacific Northwest, complaints on the downgrading of wheat because of contrasting classes were received. At the request of wheat growers and others, the Department conducted a series of meetings in Idaho, Oregon, and Washington during September to discuss the effect of the revised wheat standards. The problem was found to be acute in White Wheat in a few counties in Idaho, Oregon, and Washington, where both White Wheat and Hard Red Winter Wheat are grown on the same or adjacent farms.

Information from inspection records has been analyzed to appraise the effect of the contrasting classes limitation on the grades of White Wheat in the Pacific Northwest. Most of the inspections were on farmers' wheat at time of delivery to country elevators. The results of about 14,000 inspections performed between July 15 and August 27, 1964, were as follows:

GRADE OF WHITE WHEAT BASED ONLY ON CONTRASTING CLASSES

| Grade | Actual grade of 1964 crop | | | Adjusted grade of 1964 crop under proposed revision | | |
|---|---|---|---|---|---|---|
| | Idaho | Oregon | Washington | Idaho | Oregon | Washington |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| No. 1 | 92 | 92 | 93 | 94 | 94 | 95 |
| No. 2 | 1 | 1 | 2 | 3 | 3 | 2 |
| No. 3 or lower | 7 | 7 | 5 | 3 | 3 | 3 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

A recent survey of the flour milling industry indicates that the presence of contrasting classes in wheat up to about 1.0 percent cannot usually be detected in the quality of the final product made from the wheat. The experience of the milling industry in regard to contrasting classes is supported by experimental research by some State agricultural experiment stations, and the U.S. Department of Agriculture. The limited research that has been done by these agencies indicates that the quality of the end product from wheat is affected by contrasting classes only when present in quantities above about 1.0 percent.

Because of the above circumstances it was decided to propose that the percentage of contrasting classes in grades No. 1, No. 2, and No. 3 be changed from 0.5, 1.0, and 2.0 percent to 1.0, 2.0, and 3.0 percent, respectively.

The proposed amendment is as follows:

In § 26.127(a) under the factor "contrasting classes" the percentages for grades No. 1, No. 2, and No. 3 would be changed from 0.5, 1.0, and 2.0 to 1.0, 2.0, and 3.0, respectively.

Section 26.127(a) would then read as follows:

**§ 26.127 Numerical grades and sample grade and grade requirements.**

(a) *Numerical grades and sample grade and grade requirements for all classes of wheat except mixed wheat.* (See also § 26.128.)

| Grade | Minimum test weight per bushel | | Maximum limits of— | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | Defects | | | | | Wheat of other classes[1] | |
| | Hard Red Spring Wheat | All other classes | Heat-damaged kernels | Damaged kernels (total) | Foreign material | Shrunken and broken kernels | Defects (total) | Contrasting classes | Wheat of other classes (total) |
| | *Pounds* | *Pounds* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| 1 | 58.0 | 60.0 | 0.1 | 2.0 | 0.5 | 3.0 | 3.0 | 1.0 | 3.0 |
| 2 | 57.0 | 58.0 | 0.2 | 4.0 | 1.0 | 5.0 | 5.0 | 2.0 | 5.0 |
| 3 | 55.0 | 56.0 | 0.5 | 7.0 | 2.0 | 8.0 | 8.0 | 3.0 | 10.0 |
| 4 | 53.0 | 54.0 | 1.0 | 10.0 | 3.0 | 12.0 | 12.0 | 10.0 | 10.0 |
| 5 | 50.0 | 51.0 | 3.0 | 15.0 | 5.0 | 20.0 | 20.0 | 10.0 | 10.0 |

[1] Red Durum Wheat of any grade may contain not more than 10.0 percent of wheat of other classes.

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 to No. 5 inclusive; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.

Done at Washington, D.C., this 10th day of December 1964.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 64-12879; Filed, Dec. 15, 1964; 8:47 a.m.]

### [ 7 CFR Parts 1047, 1049 ]

[Docket Nos. AO-319-A5, AO-33-A30]

## MILK IN INDIANAPOLIS, INDIANA, AND FORT WAYNE, INDIANA, MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indianapolis, Indiana, on September 24, 1964, pursuant to notice thereof issued on September 8, 1964 (29 F.R. 12875).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 17, 1964 (29 F.R. 15647; F.R. Doc. 64-11908) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (29 F.R. 15647; F.R. Doc. 64-11908) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

Under the subheading 2, *Supply-demand adjustor to Class I prices,* the following changes are made:

1. In the eighth paragraph the schedule is revised and in the sentence immediately preceding the schedule the figure is changed from 73.5 to 73.25.

2. The nineteenth paragraph is deleted and three new paragraphs are added.

3. The twenty-fifth and twenty-sixth paragraphs are deleted and a new paragraph is added.

The material issues on the record of the hearing relate to the pricing of Class I milk in the two markets, as follows:

1. Levels and relationship of Class I price differentials;

2. Adoption of a common supply-demand "adjustor"; and

3. Modification of Class I butterfat differentials.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the joint hearing and the record thereof:

1. *Levels and relationship of Class I price differentials.* The stated Class I price differentials of the Indianapolis, Indiana, and Fort Wayne, Indiana, milk orders ($1.27 and $1.20 per hundredweight, respectively, over the basic formula price for the preceding month) should be continued at present levels. A common supply-demand "adjustor" to the Class I price differentials of both orders should be provided.

An amendment to the Indianapolis order effective June 1, 1963, based upon a hearing held in Indianapolis, Indiana, January 30–February 1, 1962, provided for the present level of stated Class I differential. In rendering his decision in the matter of the appropriate level of Class I prices, the Assistant Secretary concluded (in part) at that time, as follows:

"In these circumstances it would not be appropriate to provide the Class I price increase proposed by producers. Nor in view of the extensive expansion of the marketing area herein recommended is it appropriate to reduce the present level. A reasonable period of time should be allowed to elapse under the new supply-demand conditions before considering any modification of the present Class I price. Deferring action on the Class I price for a period of 18 months will allow sufficient time to accumulate data on supply-demand conditions in the expanded area on which to establish the Class I price level. Consideration could then be given to the need for automatically adjusting the Class I price as supplies vary in relation to demand as well as to the problem of intermarket price alignment. The Class I price herein recommended will provide appropriate price alignment in portions of the expanded market until appropriate review of the price structure can be considered at a subsequent hearing."

Similarly, in an amendment to the Fort Wayne, Indiana, order effective June 1, 1963, and based upon a hearing held at Fort Wayne, Indiana, March 5, 1963, it was concluded by the Secretary, in part, as follows:

"The present Class I price of $1.20 over the basic formula price should be continued through December 31, 1964. This will insure proper alignment of the Fort Wayne Class I price with that of Indianapolis and other nearby markets until it can be reviewed at a future hearing." It was concluded further that: "The present Fort Wayne Class I price, therefore, should be extended for an additional 21-month period. Such an extension will permit review of the Fort Wayne Class I price at approximately the same time as that of the Indianapolis market in the third or fourth quarter of 1964."[1]

Producer cooperatives, representing a large majority of producers supplying both the Indianapolis, and Fort Wayne, Indiana, markets, join currently in proposing continuance of the present Class I price differentials ($1.27 and $1.20, respectively) under the two orders. The associations also suggest a formula for the supply-demand adjustment of prices under each of the orders based upon the Class I sales and producer receipts of the two markets in combination in the event of a determination that such automatic adjustment of future prices is appropriate.

Proponent producers testified that the respective stated differentials in the Indianapolis and Fort Wayne orders are reasonable minimums (over the basic formula price) both from the point of view of maintaining an adequate supply for the market and in recognition of the close competitive relationships which exist not only between handlers in the two markets but also between such handlers of both markets and handlers in the nearby Louisville-Lexington-Evansville, Dayton-Springfield, and Greater Cincinnati markets. Producers alleged that the 7-cent difference in stated Class I differentials of the two orders has had no disturbing influence in the markets, and that under such relationship of Class I prices producers under both orders had retained their Class I sales outlets. They contended further that the history of both markets justifies continuation of the present differentials since the supply of milk in each market is not excessive.

Handlers also generally supported continuation of the present levels and spread in the Class I stated differentials but generally objected to any increase in such differentials by means of a supply-demand adjustor. Their testimony was offered primarily in support of the proposition that current supplies for these markets are adequate. However, one handler operating a plant located in Howard County, Indiana, one of the northern tier of counties in the Indianapolis marketing area, also proposed that: (1) The pricing structure in the Indianapolis order and Fort Wayne order be the same, and (2) the Class I price be such that it will help dairy farmers in this area maintain their own markets and be "competitive." He contended that several Indianapolis handlers located on the fringe of the Indianapolis marketing area adjacent to the boundary of the Fort Wayne marketing are are disadvantaged in their resale competition with Fort Wayne handlers because of the 7-cent difference in Class I prices under the two orders. He further contended that Chicago milk has started to move into the area and cited, as an example, the case of an operator of a small chain of grocery stores in north central Indiana who recently contracted to purchase packaged milk from a Chicago handler.

The production of milk for the two markets in combination is in reasonable balance with Class I sales. Class I sales and producer receipts both have increased in the Indianapolis and Fort Wayne markets in 1962 and 1963. The percentage of producer milk utilized as Class I milk, however, has remained about the same in the Indianapolis market over this two-year period, averaging on an annual basis, 75.38 percent and 75.53 percent, respectively.[2] With respect to the Fort Wayne market, for which market data are available for the three-year period, 1961–1963, the percentage of producer milk utilized as Class I has varied one year to the next over a wider range (71.4, 78.4 and 74.2 percent in 1961, 1962 and 1963, respectively) and has averaged 74.66 percent for the three-year period.

Both Indianapolis and Fort Wayne have operated, therefore, on an annual average reserve supply of about 25 percent of producer receipts which, as testified by both producers and handlers, does not indicate oversupply under present-day conditions particularly with respect to intraweek bottling and distribution patterns. Current supplies are utilized primarily to cover local needs since there are no substantial bulk fluid milk shipments from these markets to neighboring or more distant markets.

Moreover, there is no evidence on the record that fluid milk from the Chicago or any other market has come into the Indianapolis order market at a price f.o.b. market below the minimum Class I price which handlers under the latter order are required to pay. Several tank loads of milk were received in the Indianapolis market from a Chicago order plant during September this year. The indicated cost of such milk was well in excess of the September minimum Class I price of

[1] Official notice is taken of the respective decisions (28 F.R. 4901, F.R. Doc. 63-5247 and 28 F.R. 4305, F.R. Doc. 63-4603).

[2] The order became fully effective March 1961 which does not permit this comparison over a three-calendar-year period.

$4.42 per hundredweight under the Indianapolis order. In this connection official notice is taken of the September 1964 market administrator's price report for the Indianapolis market.

The present stated Class I differentials of the two orders are presently at an appropriate level and are reasonably aligned one market with the other and with nearby markets. There was no evidence which would show that unstable marketing conditions have resulted from the difference of 7 cents in price which has prevailed. The Class I differentials in the two orders should not be changed, therefore, other than as may be appropriate because of significant future changes in supplies in relation to market requirements. The continuation of these differentials, together with the adoption of a supply-demand factor in the pricing mechanism (discussed later), in conjunction with Class II prices, should result in returns to producers in each market sufficient to maintain an adequate but not excessive supply of milk to meet the fluid requirements of the respective markets, including the necessary market reserve.

2. *Supply-demand adjustor to Class I prices.* A common supply-demand formula based upon the sales-receipts relationship of the two markets in combination should be employed as the method of adjusting Class I prices in both markets to changing conditions of supply and demand.

Producers suggested a type of supply-demand formula for common use in both markets in the event of a determination that such a method of adjusting prices should be adopted. They gave recognition to the validity of providing an automatic adjustor to the Class I price differential to maintain a proper balance between producer receipts and Class I requirements, but expressed concern that a supply-demand adjustment provision, if not carefully constructed, might result in erratic pricing and in an unwarranted disturbance of intermarket price alignment.

A handler witness speaking for seven handlers regulated under the Indianapolis order expressed opposition to the inclusion of a supply-demand factor in the Class I pricing provisions of such order. These handlers jointly proposed a separate supply-demand adjustment provision for consideration, however, in the event of a finding that such an adjustor should be adopted.

The purpose of a supply-demand adjustment provision is to adjust promptly the minimum Class I price upward or downward as the supply of producer milk changes in relation to Class I sales. This purpose is consistent with the criteria of the Agricultural Marketing Agreement Act, as amended, which provides that the prices to be fixed under the authority of such act shall be those which are reasonable in view of market supply and demand conditions and which will assure a sufficient quantity of pure and wholesome milk and be in the public interest. The automatic adjustment of Class I prices in response to changes in the relation between supplies and Class I sales will assist to carry out in these markets the purposes of the act through stabilization of supplies at the levels required. Failure to adjust the Class I price promptly in response to market supply and demand conditions could produce price levels which would encourage either inadequate or excessive supplies of milk in relation to demand. Supply-demand formula provisions have not been employed previously in these markets because of lack of data on which such a pricing mechanism could be constructed. Adequate data regarding production and sales in each of the two markets are now available.

Producers proposed a supply-demand formula which would:

(1) Provide a formula for measuring changes in supply-demand relationships of the two markets which employs the Class I sales and producer receipts of both markets.

(2) Provide for identical Class I price adjustments based upon comparison of the ratio of combined sales to combined receipts for a period covering the second and third (or, alternatively, the second, third and fourth) months preceding the pricing month (current utilization percentage) with a standard utilization percentage (four-point range) or "norm" applicable for the pricing month. The individual monthly ranges of norms would reflect on an annual basis 70–74 percent Class I utilization.

(3) Provide for a price adjustment, upward or downward, at the rate of two cents for each percentage point of deviation of the current utilization percentage above or below the norm.

(4) Limit the maximum amount of adjustment to 20 cents per hundredweight.

In suggesting use of a common formula, producers stressed the importance of Class I price changes taking place at the same time and by the same amount in each market. They stated that this is necessary to avoid erratic pricing and to maintain proper Class I price alignment between the two markets and in relationship to adjacent markets. They contended that small changes in the relative prices of the two market orders could cause unwarranted shifting of milk supplies. In this connection, they pointed out that: (1) Bulk milk handling, together with recent improvements in highway systems, make such movements between the markets relatively easy; (2) The transfer of producers from one market to the other is not impeded by differences in health requirements of the markets; and (3) The procurement areas of handlers regulated under the two orders overlap in several counties.

The supply-demand formula suggested by handlers was generally the same as proposed by producer groups, the principal differences being in the level at which the norms were established and the maximum amount by which the adjustor may affect the Class I price. Although handlers proposed that consideration be given to the use of either a recent two or three-month period for computing the current utilization percentage (mover), they expressed a preference for the three-month mover in that it would minimize any erratic price adjustments which might otherwise be brought about by the action of the adjustor.

The supply-demand formula adopted herein to be applicable under both orders provides for:

(1) The following schedule of standard utilization percentages (norms) which average 73.25 percent (midpoint of range) of producer milk in Class I to producer receipts on an annual basis:

| Month for which pricing is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan | Sept., Oct., Nov. | 79 | 89 |
| Feb | Oct., Nov., Dec. | 78 | 81 |
| Mar | Nov., Dec., Jan. | 77 | 80 |
| Apr | Dec., Jan., Feb. | 76 | 79 |
| May | Jan., Feb., Mar. | 76 | 79 |
| June | Feb., Mar., Apr. | 73 | 76 |
| July | Mar., Apr., May | 69 | 72 |
| Aug | Apr., May, June | 64 | 67 |
| Sept | May, June, July | 62 | 65 |
| Oct | June, July, Aug. | 64 | 67 |
| Nov | July, Aug., Sept. | 68 | 71 |
| Dec | Aug., Sept., Oct. | 75 | 78 |

(2) "Current utilization percentages" to be based upon aggregate producer receipts in the two markets and producer milk classified as Class I milk therein for a three-month period ending with the second month preceding the pricing month;

(3) Adjustments to the Class I price for each market at the rate of two cents for each full percentage point of deviation of the applicable current utilization percentage for the month from the norm (range) for such month;

(4) A maximum of plus or minus 38 cents on the amount of supply-demand adjustment.

These two markets are in close competition in both milk procurement and milk distribution. The procurement areas of handlers regulated under the two orders overlap in several counties. Transferring producers from one market to the other is not impeded by differences in health requirements of the markets. The high degree of bulk milk handling and good highway conditions make intermarket movements relatively easy. At the present time, however, available milk supplies are reasonably allocated in relation to the sales levels of the two markets.

Also, there is close competition for Class I sales between handlers under the two orders. At present there are five Indianapolis handlers who regularly sell milk on routes in the Fort Wayne marketing area and four Fort Wayne handlers who sell in the Indianapolis marketing area. The shift of a large account, such as a chain of food markets or dairy stores, from a handler in one market to a handler in the other, may cause the handler to be regulated by one order in a given month and by the other order the next month since the regulation applicable to him is determined on the basis of his relative proportion of Class I sales in each marketing area. Such shifts in suppliers can occur readily under today's distribution conditions. When shifts in suppliers are made across individual market lines or retail routes are established in one market by a handler from the other, a significant change in the production-sales relationship of each market can be effected without any basic change in the aggregate supplies or sales associated with such markets.

In view of the foregoing, it is highly important, therefore, to avoid erratic price movements between these two markets. Relatively small changes in the prices of these markets if in opposite directions could cause unwarranted shifting of producer milk supplies or provide price advantage in sales competition. The adoption of a common supply-demand adjustor which will provide for identical monthly Class I price adjustments for the two markets will insure against diverse movements in prices in these markets and maintain an appropriate Class I price alignment between the two and in relationship to adjacent markets.

Under the formula proposed for adoption herein the respective Class I price differentials for the two markets would be adjusted for significant changes in the relationship of current utilization percentage outside the applicable monthly norms as shown in the above schedule. The norms, or individual monthly ranges, are derived from experience in both markets for the period of March 1961 (the fully effective date of the inception of the Indianapolis order) through August 1964. They vary seasonally in recognition of the seasonality in the relationship of milk production to Class I sales in the two markets.

The current utilization percentage would be constructed on the receipts and disposition of the three months preceding the pricing month. For example, the percentage applicable for the month of January would be based on the percentage of Class I utilization for the preceding September, October and November period. These months would be the latest for which data are available to permit announcement of the price adjustment early in the month for which it is effective.

Use of data for a three-month period, rather than for a two-month period will minimize sporadic changes in the Class I price which otherwise might be induced simply by variation in the number of heavy bottling days in the period used to compute the mover. The heaviest purchases of fluid milk by consumers in these markets tend to occur on Thursdays, Fridays and Saturdays. As a consequence, plants have their heaviest needs for raw milk supplies on Tuesday through Friday of each week. One handler regulated under the Indianapolis order, for example, bottles 80 percent of his weekly Class I sales during the four-day period Tuesday-Friday and 20 percent of the remaining weekly sales on Mondays and Saturdays based on March 1964 figures. No milk is bottled on Sundays at the plant of this handler. Using data for a three-month period reduces the effect of variations in the number of heavy bottling days from one month to the next on the utilization percentages in the formula as compared with data based on a two-month period. The three-month mover also will tend to minimize other unwarranted changes in the Class I price resulting from such occurrences as holidays and abnormal weather conditions of a short-run nature.

The producers' formula would include fluid milk products disposed of in the respective marketing areas from all nonpool plants, except plants of producer-handlers. It would include also the pounds of Class I milk in inventory and "overages". The inclusion in the supply-demand formula of sales in these markets from nonpool plants would not contribute, however, to the accuracy with which the supply-demand adjustor reflects meaningful changes in the supply-demand situation at plants which utilize the milk which it is designed to price. Sales of nonpool milk in the market as Class I are not necessarily reflective of the regular demand for, or the regular supply of, producer milk associated with these two markets. Producers stated they had no important objection to the exclusion of "other source receipts" from the current utilization percentages provided the norms likewise were constructed on this basis. The considerable variation, month to month, which occurs in these markets with respect to inventory and overage also warrants the exclusion of these data from use in the formula at this time. The receipts of producer milk and the pounds of producer milk disposed of as Class I by handlers regulated in the two markets will provide a reasonable measure of changes in the supply-demand situation.

The use of a range in the monthly norms tends to act as a "dampener" on random price changes which, at times, might otherwise be possible. The four-point percentage range in the monthly norms suggested by both handlers and producers, together with a provision to compute a current utilization percentage to the nearest full percentage point, would provide a "corridor" of five percentage points within which no price adjustment would be called for.

Although it is desirable to avoid random movements to whatever extent practicable, it is not, however, appropriate in avoiding these movements to minimize the effectiveness of the adjustor in responding to real changes in the supply-demand situation. Provision is made in the schedule of standard utilization percentages for monthly ranges having a width of three percentage points. Price adjustments resulting from deviations of the current utilization percentage outside the monthly range would be computed on the basis of full percentage points of such deviation. The three-point range, therefore, together with provision for rounding the current utilization percentage to the nearest full percentage point, in effect provides a "corridor" of four percentage points by which the current utilization percentage may deviate from the norms without effecting a price adjustment. Such a range will permit adjustment of the Class I price more promptly and accurately in response to significant changes in the combined supply-demand relationship in the two markets.

Although Class I utilization in the two markets on an aggregate sales-receipts basis has averaged approximately 75 percent for the two-year period 1962–1963, the trend in recent months indicates some tendency toward an increase in supplies in relation to sales of fluid milk products. For example, during the first seven months of 1964 (January–July) Class I utilization on a combined market basis averaged 70.1 percent of producer receipts. During the same period in 1963 and 1962 the Class I utilization averaged 72.7 and 73.7, respectively. The importation of milk supplies into the two markets by one of the proponent producer associations during recent months, although not of substantial volume, would indicate, however, that irrespective of the slight increase in market reserves during recent months such markets are not oversupplied.

The formula adopted herein provides a seasonal schedule of norms which average, on an annual basis, 73.25 percent Class I utilization. The seasonality pattern of the norms in the recommended decision were designed to lessen the possibility of contraseasonal price adjustments which might occur as a result of sporadic changes in the relationship of receipts to Class I disposition not significant with respect to any real change in the supply-demand situation of the market.

In their exceptions to the recommended decision, producers alleged, however, that the norms for certain months would not prevent the possibility of unwarranted contraseasonal price adjustments. Producers pointed out, for example, that November, the month of lowest production in relation to Class I sales in the market, averaged approximately 83 percent Class I utilization in 1962 and 1963, representing a situation of relatively short supply not fully reflected in the norms set for such month.

In light of the exceptions filed, further refinements to the norms for certain months have been made to provide additional assurance against contraseasonal price adjustments. The schedule of individual monthly norms should be revised to reflect these further refinements. The resulting effect on the level of standard utilization percentages as set forth in the recommended decision is negligible, being a quarter of one percent lower (annual basis) than the 73.5 percent (at midpoint of range) specified therein.

Adjustments in the Class I price resulting from the formula should be at the rate of two cents for each percentage point that the current utilization percentage deviates from the applicable norm. Thus, the Class I price would be increased two cents for each full percentage point that the current utilization percentage is above the maximum standard percentage range and would be decreased two cents for each full percentage point that the current utilization is below the minimum standard percentage range for the month. The rate of two cents per percentage point upward and downward is reasonable in relation to the general level of the Class I prices in this area and in relation to nearby market prices.

The maximum monthly adjustment should be limited to not more than 38

cents, plus or minus. In this connection producers proposed a maximum limit on any plus or minus adjustment of 20 cents per hundredweight. They suggested that a tie with Class I prices of a neighboring market also might provide a satisfactory basis for establishing such a limit.

Handlers, on the other hand, proposed a limitation on the adjustor which would allow no plus adjustment to the price during any month in which other factors of the Class I price (basic formula and stated differential) would provide for a Class I price of 35 cents or more over the Chicago order Class I price. Handlers cited as their reason for a ceiling of 35 cents over the Chicago Class I price the availability of milk which can move into the Indianapolis and Fort Wayne markets from the Chicago area at an alleged 35 cents per hundredweight transportation cost.

Although, as noted earlier, several shipments of milk were imported into the Indianapolis market from the Chicago market area in months just preceding the hearing because of temporary shortage, there is no evidence that the levels of price in the Indianapolis and Fort Wayne orders have encouraged regular, or significant, movements of milk into the two markets from this alternative source.

Some limit, however, should be placed on the price movements to result from the supply-demand adjustor in order that the basis for any tendency of prices to make unusually wide swings may be given further consideration in hearing. It would not be reasonable to permit the Indianapolis and Fort Wayne prices to decrease below the level of the South Bend-LaPorte-Elkhart market which serves, to some extent, as an alternative outlet for milk associated with the Indianapolis and Fort Wayne markets. A pricing range of 38 cents minus to 38 cents plus will provide for flexibility in pricing under the formula but will tend to maintain Indianapolis and Fort Wayne prices in reasonable alignment with the South Bend-LaPorte-Elkhart and other markets.

The supply-demand adjustor adopted herein would have increased the Class I price in both markets by only three-fourths of a cent per hundredweight, on the average, during the 22-month period of January 1963 through October 1964. This compares with the producers' formula for the comparable period which would have increased such prices by two and one-half cents per hundredweight on the average. The handlers' formula with a three-month mover, on the other hand, would have provided no adjustment to the Class I price for any month of the period November 1963 through October 1964, the period for which they provided data in the record.

It is concluded that the supply-demand adjustor formula herein adopted will provide an appropriate basis for adjustments of the Class I price in the two markets as supply and demand conditions change in such markets.

3. *Class I butterfat differential.* The butterfat differential used in adjusting Class I prices under the Fort Wayne order should be reduced. The Indianapolis Class I butterfat differential should remain unchanged.

At present the Class I price in the Fort Wayne market is adjusted for the butterfat content of Class I milk by a butterfat differential per point (1/10 percent of butterfat) determined by multiplying the monthly Chicago 92-score butter price by 0.125. It was proposed by a cooperative association, representing a substantial number of producers in the Fort Wayne market, that the Class I butterfat differential be reduced to 0.120 times the price of Chicago butter, the same as the Class I butterfat differential under the Indianapolis order. No opposition to this proposal was expressed by handlers or by other producers regulated under the Fort Wayne order.

The average butterfat test of Class I milk in the Fort Wayne market has declined from 3.57 percent in 1961 to 3.49 percent in 1963. The average test of producer milk, on the other hand, has not changed appreciably during the three-year period, averaging 3.75, 3.77 and 3.74 percent, respectively, for these years.

The Class I butterfat differential in the Fort Wayne market averaged $0.073 and $0.072 in 1962 and 1963, respectively. For the Indianapolis market the Class I differential averaged $0.071 and $0.070 for the comparable periods. The proposed reduction in the Class I butterfat differential for Fort Wayne will contribute to the general alignment of Class I prices between the Fort Wayne and Indianapolis markets consistent with the other terms of the Class I pricing provisions of both orders and will tend to place butterfat in fluid milk products in the Fort Wayne market on a more competitive basis with other nearby markets. Indianapolis handlers and producers testified in support of the current butterfat differential under the Indianapolis order stating that it was in reasonable alignment with other nearby markets. In view of this testimony and because there was no testimony to support a revision, it is, therefore, left unchanged.

The Fort Wayne Class I butterfat differential should be placed on the same basis as that in the Indianapolis order. In view of the prevailing butterfat test of Class I milk at close to 3.5 percent, overall returns to producers for Class I milk should be little affected by this change.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreements and orders.* Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing agreement regulating the handling of milk in the Indianapolis, Indiana, marketing area", and "Order amending the order regulating the handling of milk in the Indianapolis, Indiana, marketing area", "Marketing agreement regulating the handling of milk in the Fort Wayne, Indiana, marketing area", and "Order amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

*Determination of representative period.* The month of September 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Indianapolis, Indiana, marketing area and the Fort Wayne, Indiana, marketing area, respectively, are approved or favored by producers, as defined under the terms of the respective order as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the respective aforesaid marketing area.

Signed at Washington, D.C., on December 11, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Indianapolis, Indiana, Marketing Area*

**§ 1049.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



*Order relative to handling*—It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Indianapolis, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator on November 17, 1964, and published in the FEDERAL REGISTER on November 21, 1964 (29 F.R. 15647; F.R. Doc. 64–11908), shall be and are the terms and provisions of this order, and are set forth in full herein subject to a revision of the schedule of standard utilization percentages in § 1049.51(a)(2).

In § 1049.51, the introductory text and paragraph (a) are revised to read as follows:

**§ 1049.51 Class prices.**

Subject to the provisions of §§ 1049.52 and 1049.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.27, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I (excluding inventory and "overage" and adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1047 of this chapter (Fort Wayne, Indiana, order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiplying the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) For each full percentage point that the current utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by two cents; and for each full percentage point that the current utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by two cents.

| Month for which pricing is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 79 | 82 |
| Feb. | Oct., Nov., Dec. | 78 | 81 |
| Mar. | Nov., Dec., Jan. | 77 | 80 |
| Apr. | Dec., Jan., Feb. | 76 | 79 |
| May | Jan., Feb., Mar. | 76 | 79 |
| June | Feb., Mar., Apr. | 73 | 76 |
| July | Mar., Apr., May | 69 | 72 |
| Aug. | Apr., May, June | 64 | 67 |
| Sept. | May, June, July | 62 | 65 |
| Oct. | June, July, Aug. | 64 | 67 |
| Nov. | July, Aug., Sept. | 68 | 71 |
| Dec. | Aug., Sept., Oct. | 75 | 78 |

*Order[1] Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area*

**§ 1047.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling*—It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator on November 17, 1964, and published in the FEDERAL REGISTER on November 21, 1964 (29 F.R. 15647; F.R. Doc. 64–11908), shall be and are the terms and provisions of this order, and are set

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



forth in full herein subject to a revision of the schedule of standard utilization percents in § 1047.51(a)(2).



tee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary

The Administrator shall prepare economic reports for the industry committee containing such data as he is able

west, which is based on the King Salmon VOR 312° radial, is for the VOR approach to runway 11; the additional

forth in full herein subject to a revision of the schedule of standard utilization percents in § 1047.51(a)(2).

1. In § 1047.51, the introductory text and paragraph (a) are revised to read as follows:

**§ 1047.51 Class prices.**

Subject to the provisions of §§ 1047.52 and 1047.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.20, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (excluding inventory and "overage" and adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1049 of this chapter (Indianapolis, Indiana, order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiplying the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) For each full percentage point that the current utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by two cents; and for each full percentage point that the current utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by two cents.

| Month for which pricing is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 79 | 82 |
| Feb. | Oct., Nov., Dec. | 78 | 81 |
| Mar. | Nov., Dec., Jan. | 77 | 80 |
| Apr. | Dec., Jan., Feb. | 76 | 79 |
| May | Jan., Feb., Mar. | 76 | 79 |
| June | Feb., Mar., Apr. | 73 | 76 |
| July | Mar., Apr., May | 69 | 72 |
| Aug. | Apr., May, June | 64 | 67 |
| Sept. | May, June, July | 62 | 65 |
| Oct. | June, July, Aug. | 64 | 67 |
| Nov. | July, Aug., Sept. | 68 | 71 |
| Dec. | Aug., Sept., Oct. | 75 | 78 |

**§ 1047.52 [Amended]**

2. In section 1047.52(a) the figure "0.125" is changed to "0.120".

[F.R. Doc. 64-12880; Filed, Dec. 15, 1964; 8:47 a.m.]

**[ 7 CFR Part 1050 ]**

[Docket Nos. AO-339, AO-339-RO1]

## MILK IN CENTRAL ILLINOIS MARKETING AREA

### Findings and Determinations on Results of Referendum on Proposed Marketing Order and Termination of Proceedings Therein

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the notice of hearing on proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Arizona marketing area which was issued December 4, 1964, and published in the FEDERAL REGISTER on December 9, 1964 (29 F.R. 16866) is hereby amended by changing the date on which such hearing is to be held from December 17, 1964, to January 7, 1965. The hearing will begin at 9:30 a.m., local time, at the Ramada Inn, 3801 East Van Buren, Phoenix, Ariz.

Signed at Washington, D.C., on December 11, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-12920; Filed, Dec. 15, 1964; 8:50 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

**[ 29 CFR Parts 673, 677, 678 ]**

[Administrative Order 588]

## INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

### Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 71-A for the food and related products industry in Puerto Rico (as defined in 29 CFR 673.1); Industry Committee No. 71-B for the paper, paper products, printing, and publishing industry in Puerto Rico (as defined in 29 CFR 677.1); and Industry Committee No. 71-C for the stone, clay, glass, cement, and related products industry in Puerto Rico (as defined in 29 CFR 678.1).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following: (1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce (except those industries and parts thereof described in 29 CFR 673.2(a), 677.2(a), 677.2(b), 678.2(a), 678.2(b), and 678.2(c)), and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 71-A shall meet in executive session to commence its investigation at 10:00 a.m. on February 8, 1965, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing Industry Committees Nos. 71-B and 71-C shall meet seriatim at the same place at hours designated by the committee chairmen to conduct their investigations and to hold their hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.25 per hour, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.15 per hour for immediate effect and $1.25 per hour for effect on and after September 3, 1965, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare economic reports for the industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the Washington, D.C., and Puerto Rican offices of the Wage and Hour and Public Contracts Divisions as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than January 29, 1965.

Signed at Washington, D.C., this 9th day of December 1964.

W. WILLARD WIRTZ,
*Secretary of Labor.*

[F.R. Doc. 64-12911; Filed, Dec. 15, 1964; 8:49 a.m.]



# FEDERAL AVIATION AGENCY

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 64-AL-11]

## CONTROL ZONE

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the control zone at King Salmon, Alaska.

The King Salmon, Alaska, Control Zone is presently described as that area within a 5-mile radius of the King Salmon Airport (latitude 58°41' N., longitude 156°39' W.); within 2 miles either side of the King Salmon VOR 132° and 312° radials extending from the 5-mile radius zone to 12 miles NW of the VOR and within 2 miles either side of the King Salmon TACAN 301° radial extending from the 5-mile radius zone to 11 miles NW of the TACAN.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the King Salmon, Alaska, terminal area, including studies relevant to the implementation of the provisions of CAR Amendment 60-21/60-29, proposes the following airspace action:

In § 71.171 the King Salmon, Alaska, Control Zone would be redescribed as that area within a 5-mile radius of the King Salmon Airport (latitude 58°41' N., longitude 156°39' W.); within 2 miles each side of the King Salmon VOR 312° radial extending from the 5-mile radius zone to 7 miles NW of the VOR; and within 2 miles each side of the King Salmon TACAN 301° and 141° radials extending from the 5-mile radius zone to 9 miles NW and 7 miles SE of the TACAN.

The King Salmon control zone is required to provide protective airspace for aircraft executing instrument approaches. The extension to the northwest, which is based on the King Salmon VOR 312° radial, is for the VOR approach to runway 11; the additional extensions to the northwest and southeast provide protective airspace for TACAN approaches to runway 11 and 29. These extensions would also encompass the airspace required for the radio range approach and the ILS approaches to runway 11 and 29.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Anchorage, Alaska, on December 4, 1964.

JAMES G. ROGERS,
*Director, Alaskan Region.*

[F.R. Doc. 64-12857; Filed, Dec. 15, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

**[ 47 CFR Part 1 ]**

[Docket No. 11239; FCC 64-1142]

## APPLICATION FOR NEW BROADCAST STATION LICENSE

### Revision of FCC Form 302

*Report and order.* 1. The Commission has before it for consideration the notice of proposed rule making in the above-captioned matter, which proposed certain revisions of Form 302 (Application for New Broadcast Station Licenses).

2. The revisions proposed in this rule making are concurrently under consideration by the Commission as part of a general program to make overall revisions in many of the application forms. Under the circumstances there appears to be no reason to continue the docket as a separate proceeding.

3. *Accordingly, it is ordered,* That effective December 18, 1964, this proceeding is terminated.



Adopted: December 9, 1964.

Released: December 10, 1964.

to be performed, have been defined as reflected in the proposed changes to § 2.1 of Part 2 contained below. Also modified the Rules, are consistent with sharing criteria adopted by the Space EARC.

9. *Meteorological-Satellite Service.*



| | |
|---|---|
| 10003-10005 kc/s | 1700-1710 Mc/s. |
| 20000-20010 kc/s | 2110-2120 Mc/s. |
| 30.005-30.015 Mc/s | 2290-2300 Mc/s. |

ulations, No. 116A, to clarify the status of the radio astronomy service in the resolution of cases of harmful interfer-

furnished the Federal Communications Commission.

Adopted: December 9, 1964.

Released: December 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12871; Filed, Dec. 15, 1964; 8:46 a.m.]

## [ 47 CFR Part 2 ]

[Docket No. 15722; FCC 64-1109]

## FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

### Notice of Proposed Rule Making

In the matter of amendment of Part 2 of the Commission's rules to conform, to the extent practicable, with the Geneva (1959) Radio Regulations, as revised by the Space EARC, Geneva, 1963.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Pursuant to Recommendation No. 36 of the Ordinary Administrative Radio Conference, Geneva, 1959, the International Telecommunication Union (ITU) convened an Extraordinary Administrative Radio Conference (EARC) in Geneva, Switzerland, on October 7, 1963, to allocate frequency bands for space radiocommunication purposes and for the radio astronomy service. The Final Acts of the EARC, signed at Geneva on November 8, 1963, and scheduled to enter into force internationally on January 1, 1965, constitute a partial revision of the international Radio Regulations, Geneva, 1959.

3. The United States Senate gave its advice and consent to ratification without reservation on February 25, 1964, and on March 16, 1964, the President signed the instrument of ratification. That document was deposited with the Secretary-General of the ITU, in Geneva, on April 3, 1964. The purpose of the rule-making proceeding initiated herein is to align, to the extent practicable, Part 2 of the Rules with the Geneva (1959) Radio Regulations, as revised by the Space EARC, Geneva, 1963.

4. The proposals made by the United States for consideration at the Space EARC were those contained in the Commission's Report and Order of June 19, 1963, terminating the proceedings in Docket Nos. 13522 and 14477, published in the FEDERAL REGISTER on July 2, 1963 (28 F.R. 6812). A comparison of the U.S. proposals with the Final Acts of the Space EARC will show that our proposals were well received and were generally adopted.

5. *Definitions.* The Space EARC allocated frequency bands to the following space services: Communication-satellite service, meteorological-satellite service, radionavigation-satellite service, space research service, and space service. These terms, as well as the stations operating in those services and functions to be performed, have been defined as reflected in the proposed changes to § 2.1 of Part 2 contained below. Also modified were the definitions of "aeronautical station" and "aircraft station" to permit the aviation industry to take advantage of space communication techniques within the framework of the existing aeronautical mobile (R) and aeronautical radionavigation services.

6. *Communication-Satellite Service.* The U.S. proposed that a total of 2725 Mc/s of spectrum space be allocated to this service on a co-equal shared basis with presently allocated fixed and mobile services, except for two 50 Mc/s bands at 7250–7300 Mc/s and 7975–8025 Mc/s which were proposed exclusively for the communication-satellite service. The U.S. abandoned its proposal insofar as the band 6425–7125 Mc/s was concerned but was successful in having the remainder of its proposal adopted without change, as shown below and as set forth in greater detail in the Appendix hereto.

| *Satellite-to-earth* | *Earth-to-satellite* |
|---|---|
| 3700–4200 Mc/s | 5925–6425 Mc/s |
| 7250–7750 Mc/s | 7900–8400 Mc/s |

It will be noted in footnote US91 to the Table of Frequency Allocations that a determination has not yet been made as to the division of these bands between Government and non-Government users in the United States, insofar as the communication-satellite service is concerned.

7. Also allocated by the Conference to the communication-satellite service on a world-wide basis were the bands 3400–3700 Mc/s (satellite-to-earth) and 4400–4700 Mc/s (earth-to-satellite) on a shared basis with various other services. Additionally, 5725–5850 Mc/s (earth-to-satellite) was allocated for use in ITU Region 1 (Europe-Africa area) on a shared basis and 5850–5925 Mc/s (earth-to-satellite) was allocated for use in Regions 1 and 3 (world-wide except for the Americas) on a shared basis. All allocations referred to in this paragraph resulted from proposals originating with the Soviet bloc and are not proposed for inclusion in our national Table because sharing would not be feasible with U.S. services now in those bands. These allocations are likewise not excepted to be employed in Western Europe. This exclusion will not preclude satellite communication between bloc countries and the western world inasmuch as there was appreciable overlap between the proposals of the bloc countries and those of the other countries, within the frequency bands referred to in paragraph 6.

8. Since, for the most part, the frequency bands in paragraph 6 will be shared on a co-equal basis by the communication-satellite service, the fixed service, and the mobile service, it is necessary that specific technical criteria be observed by the sharing services to minimize the possibility of mutual interference. These criteria, as set forth in separate proceedings dealing with proposed amendments to Parts 21 and 25 of the Rules, are consistent with sharing criteria adopted by the Space EARC.

9. *Meteorological-Satellite Service.* For this service, the U.S. proposed 137–138 Mc/s for low data-readout, 1660–1670 and 1690–1700 Mc/s for broad-band video transmissions and 7650–7750 Mc/s for high-resolution video data, all to be transmitted from meteorological satellites to earth stations. Additionally, 9900–10,000 Mc/s and 33.4–33.5 Gc/s were proposed for use by weather radars aboard meteorological satellites for precipitation and cloud detection, respectively. All basic objectives were achieved in this regard even though the bands adopted by the Conference do not, in all cases, coincide with our proposals. The bands adopted for the above purposes and herein proposed for inclusion in the national table are shown below and in the Appendix hereto.

| | |
|---|---|
| 137–138 Mc/s | 7300–7750 Mc/s (any 100 Mc/s segment) |
| 1660–1670 Mc/s | 9975–10025 Mc/s |
| 1690–1700 Mc/s | 34.4–34.5 Gc/s |

10. Additional bands proposed by other countries and allocated for the meteorological-satellite service are 400.05–401 Mc/s, 460–470 Mc/s (as a secondary service), 1770–1790 Mc/s (as a secondary service) and 7200–7250 Mc/s. Again, none of these bands is proposed for the meteorological-satellite service in our Table because of the impracticability of general sharing with existing services. However, should there be a requirement for a cooperative joint international effort in the meteorological-satellite service in one or more of these bands it is quite possible that they can be treated on a case-by-case basis and accommodated at specific locations.

11. *Radionavigation-Satellite Service.* Only the U.S. introduced allocation proposals for this service. The Conference adopted the U.S. proposals for exclusive, world-wide allocations in the frequency bands shown below and in the Appendix hereto.

149.9–150.05 Mc/s
399.9–400.05 Mc/s
14.3–14.4 Gc/s

12. *Space Research Service.* The U.S. proposed world-wide exclusive status for this service in the bands 136–137, 1700–1710, 2290–2300 and 8400–8500 Mc/s and 15.25–15.35 and 31.5–31.8 Gc/s. While the Conference adopted all of the bands, it afforded world-wide exclusivity only in the band 15.25–15.35 Gc/s. In the remaining five bands exclusivity was limited to ITU Region 2 (the Americas) and the space research service will be required to share with the fixed and mobile services, generally on a coequal basis, in Regions 1 and 3.

13. While a number of additional bands were allocated to the space research service by the Conference in response to the proposals of other countries, only the following bands are proposed for inclusion in the national table or associated footnotes. The details of their availability are set forth below.

| | |
|---|---|
| 10003–10005 kc/s | 1700–1710 Mc/s. |
| 20000–20010 kc/s | 2110–2120 Mc/s. |
| 30.005–30.015 Mc/s | 2290–2300 Mc/s. |
| 39.986–40.02 Mc/s | 8400–8500 Mc/s. |
| 136–137 Mc/s | 15.25–15.35 Gc/s. |
| 400.05–401 Mc/s | 31.5 –31.8 Gc/s. |

14. *Space Service.* This term is generic, in that frequencies allocated to this service are available to all space radiocommunication services. It is within the context of this service that the functions of telecommand, tracking and some telemetering are accommodated. All U.S. proposals in this area were adopted by the Conference, resulting in the following provisions either by footnote or specific allocations in the Table:

| | |
|---|---|
| 137–138 Mc/s | Telemetering and tracking. |
| 148.25 Mc/s | Telecommand. |
| 154.20 Mc/s | Telecommand. |
| 401–402 Mc/s | Telemetering (315A also permits tracking). |
| 450 Mc/s | Telecommand. |
| 1427–1429 Mc/s | Telecommand. |
| 1525–1540 Mc/s | Telemetering (350A also permits tracking). |

Additionally, in bands allocated to the communication-satellite service, footnote (374A) provides for the transmission of telemetering and tracking signals by earth stations operating in the earth-to-satellite bands. All of the above frequencies or bands of frequencies are set forth in detail in the Appendix hereto. Also adopted by the Conference, but not proposed for inclusion in the national Table, at this time, is footnote (393A) to allow the use of the band 7120–7130 Mc/s for general telecommand purposes.

15. *Radio Astronomy.* Little or no change is necessary in our national Table to align with the international allocations for this service. This results from the fact that the U.S. has had exclusive allocations to the service for a number of years and had proposed to the Conference that exclusivity be expanded internationally. Virtually all U.S. proposals in this area were adopted by the Conference, enhancing greatly the international status of the radio astronomy service in the following bands:

| | |
|---|---|
| 37.75–38.25 Mc/s | 2690–2700 Mc/s |
| 73.0–74.6 Mc/s | 4990–5000 Mc/s |
| 404–406 Mc/s | 10.68–10.7 Gc/s |
| 1400–1427 Mc/s | 19.3–19.4 Gc/s |
| 1664.4–1668.4 Mc/s | 31.3–31.5 Gc/s |

The details of allocation will be found in the Appendix hereto where it should be noted, among other things, that US21 as applied to the band 73.0–74.6 Mc/s would require existing operational fixed stations in that band to protect radio astronomy observatories of other countries from harmful interference. Attention is also invited to footnote US81 which limits radio astronomy in the band 37.75–38.25 Mc/s to that portion between 38.0–38.16 Mc/s.

16. Also proposed by the U.S. and adopted by the Conference was a new numbered paragraph in the Radio Regulations, No. 116A, to clarify the status of the radio astronomy service in the resolution of cases of harmful interference to that service. Harmful interference is defined (No. 93) as

> Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with these Regulations.

As defined (Nos. 74 and 75) the radio astronomy service is not a radiocommunication service. No. 116A states, in part, "* * * For the purpose of resolving cases of harmful interference, the radio astronomy service shall be treated as a radiocommunication service * * *" Although it is not proposed to incorporate this expression in our rules, it will be given due cognizance in the resolution of interference cases.

17. *Aviation Services.* As mentioned in paragraph 5, by virtue of changes in definitions and the addition of footnotes (352A) and (352B), the use of space techniques can now be exploited by the aeronautical mobile and aeronautical radionavigation services in a number of bands already allocated to those services. Attention is invited to the frequency bands 117.975–136 Mc/s, 1540–1660 Mc/s, 4200–4400 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s in the Appendix hereto.

18. In addition to the proposed changes mentioned specifically in the preceding paragraphs, the attached Appendix contains a number of changes which are editorial in nature. To conform with the international Table of Frequency Allocations, the term "gigacycles per second" (Gc/s) has been introduced in our national Table for frequencies above 10,500 Mc/s. As a consequence, editorial changes are required in various NG or US footnotes to the Table.

19. As noted earlier, the partial revision of the Radio Regulations by the Final Acts of the Space EARC is scheduled to enter into force internationally on January 1, 1965.

20. This proposal to amend the Commission's rules is issued under the authority of sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

21. Comments in support of or in opposition to the proposed amendments may be filed on or before January 15, 1965. Reply comments may be filed on or before January 25, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

22. In accordance with the provisions of § 1.215(b) of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: December 2, 1964.

Released: December 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

Part 2 is amended as follows:

§ 2.1 [Amended]

1. Section 2.1 is amended as follows:

a. The definition of *"Earth-space service"* is deleted.

b. The following definitions are amended to read as set forth below:

*Aeronautical station.* A land station in the aeronautical mobile service. In certain instances an aeronautical station may be placed on board a ship or an earth satellite.

*Aircraft station.* A mobile station in the aeronautical mobile service on board an aircraft or an air-space vehicle.

*Earth station.* A station in the space service located either on the earth's surface, including on board a ship, or on board an aircraft.

*Space service.* A radiocommunication service:

—between earth stations and space stations,
—or between space stations,
—or between earth stations when the signals are re-transmitted by space stations, or transmitted by reflection from objects in space, excluding reflection or scattering by the ionosphere or within the earth's atmosphere.

*Space station.* A station in the space service located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the earth's atmosphere.

c. The following new definitions are added in proper alphabetical sequence:

*Active satellite.* An earth satellite carrying a station intended to transmit or re-transmit radiocommunication signals.

*Communication-satellite earth station.* An earth station in the communication-satellite service.

*Communication-satellite service.* A space service:

—between earth stations, when using active or passive satellites for the exchange of communications of the fixed or mobile service, or
—between an earth station and stations on active satellites for the exchange of communications of the mobile service, with a view to their re-transmission to or from stations in the mobile service.

*Communication-satellite space station.* A space station in the communication-satellite service, on an earth satellite.

[1] Commissioners Lee and Cox absent.

[1] Commissioners Hyde, Bartley and Loevinger absent.



*Deep space.* Space at distances from the earth equal to or greater than the distance between the earth and the moon.

about the polar axis of the earth in the same direction and with the same period as those of the earth's rotation.

*Terrestrial service.* Any radio service

§ 2.104 Radio astronomy station notification.

(a) Pursuant to No. 639AC, Article 9A

*Deep space.* Space at distances from the earth equal to or greater than the distance between the earth and the moon.

*Fixed earth station.* An earth station intended to be used at a specified fixed point.

*Meteorological-satellite earth station.* An earth station in the meteorological-satellite service.

*Meteorological-satellite service.* A space service in which the results of meteorological observations, made by instruments on earth satellites, are transmitted to earth stations by space stations on these satellites.

*Meteorological-satellite space station.* A space station in the meteorological-satellite service, on an earth satellite.

*Mobile earth station.* An earth station intended to be used while in motion or during halts at unspecified points.

*Passive satellite.* An earth satellite intended to transmit radiocommunication signals by reflection.

*Radio astronomy station.* A station in the radio astronomy service.

*Radionavigation-satellite earth station.* An earth station in the radionavigation-satellite service.

*Radionavigation-satellite service.* A service using space stations on earth satellites for the purpose of radionavigation, including, in certain cases, transmission or re-transmission of supplementary information necessary for the operation of the radionavigation system.

*Radionavigation-satellite space station.* A space station in the radionavigation-satellite service, on an earth satellite.

*Spacecraft.* Any type of space vehicle including an earth satellite or a deep-space probe, whether manned or unmanned.

*Space research earth station.* An earth station in the space research service.

*Space research service.* A space service in which spacecraft or other objects in space are used for scientific or technological research purposes.

*Space research space station.* A space station in the space research service.

*Space telecommand.* The use of radiocommunication for the transmission of signals to a space station to initiate, modify or terminate functions of the equipment on a space object, including the space station.

*Space telemetering.* The use of telemetering for the transmission from a space station of results of measurements made in a spacecraft, including those relating to the functioning of the spacecraft.

*Space tracking.* Determination of the orbit, velocity or instantaneous position of an object in space by means of radiodetermination, excluding primary radar, for the purpose of following the movement of the object.

*Stationary satellite.* A satellite, the circular orbit of which lies in the plane of the earth's equator and which turns about the polar axis of the earth in the same direction and with the same period as those of the earth's rotation.

*Terrestrial service.* Any radio service defined in this Part, other than a space service or the radio astronomy service.

*Terrestrial station.* A station in a terrestrial service.

2. Section 2.100 is amended to read as follows:

**§ 2.100 International regulations in force.**

The Radio Regulations (Geneva, 1959), which became effective internationally on May 1, 1961, were incorporated to the extent practicable in Subparts A and B of this part and became effective nationally on December 1, 1961. The Radio Regulations were subsequently revised, in part, by the Extraordinary Administrative Radio Conference (Geneva, 1963) which specified January 1, 1965 as the effective date of the revision. The partial revision has also been incorporated to the extent practicable in Subparts A and B of this Part and is applicable nationally, effective _____, 19__.

3. In § 2.102, paragraphs (a), (b) (4), (5), and (6) are amended to read:

**§ 2.102 Assignment of frequencies.**

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc/s and 90 Gc/s, and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations in § 2.106.

(b) • • •

(4) Experimental stations engaged solely in ionospheric sounding by means of the technique of sweeping a band of frequencies may be authorized the use of any band or bands or frequencies not allocated, on an exclusive or shared basis, to the radio astronomy service.

(5) Experimental stations to be operated pursuant to a contractual agreement with the United States Government and intended for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States may be authorized the use of any frequency which is not in a band allocated, on an exclusive or shared basis, to the radio astronomy service.

(6) Experimental stations intended for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government may be authorized the use of any frequency which is not in a band allocated to the amateur service or the radio astronomy service.

• • • • • •

4. Section 2.104 is revised to read as follows:

**§ 2.104 Radio astronomy station notification.**

(a) Pursuant to No. 639AC, Article 9A and Section F of Appendix 1A to the International Radio Regulations (as revised, Geneva, 1963), operators of radio astronomy stations desiring international recognition of their use of specific radio astronomy frequencies or bands of frequencies for reception, should file the following information with the Commission for inclusion in the Master International Frequency Register:

(1) The center of the frequency band observed, in kc/s up to 30,000 kc/s inclusive, and in Mc/s above 30,000 kc/s.

(2) Date of putting into use (actual or foreseen, as appropriate).

(3) Name and location of the station, including geographical co-ordinates in degrees and minutes.

(4) Width of frequency band observed by the station.

(5) Antenna type and dimensions, effective area and angular coverage in azimuth and elevation.

(6) Maximum hours of reception (G.M.T.) of the frequency band shown in subparagraph (1) of this paragraph.

(7) Overall receiving system noise temperature (°K).

(8) Class of observations to be taken on the frequency band shown in subparagraph (1) of this paragraph. Class A observations are those in which the sensitivity of the equipment is not a primary factor. Class B observations are those of such a nature that they can be made only with advanced low-noise receivers using the best techniques.

(b) Observations being conducted on frequencies or frequency bands not allocated to the radio astronomy service should be reported as in paragraph (a) of this section for information purposes. Information in this category will not be submitted for entry in the Master International Frequency Register and protection from interference will not be afforded such operations by stations in other services.

5. In § 2.105, paragraph (h)(1) is amended to read as follows:

**§ 2.105 Application and format of the Table of Frequency Allocations.**

• • • • • •

(h) • • •

(1) Any footnote consisting of three digits or three digets and a one or two letter suffix, e.g., (170) or (215A), denotes a paragraph in the Geneva (1959) Radio Regulations as amended by the Space Conference (Geneva, 1963). Where such a footnote is applicable, without modification, to the national Table of Frequency Allocations, the symbol appears in the national table as well as in Column 1, 2, 3 or 4.

• • • • • •

**§ 2.106 [Amended]**

6. Section 2.106 is amended as follows:

a. The table is amended, in part, to read as follows:



| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | Nature of services (No. of stations) |
|---|---|---|---|---|---|---|---|---|---|
| Band (kc/s) | Service | Band (kc/s) | Service | Band (kc/s) | Allocation | Band (kc/s) | Service | Class of station | Frequency (kc/s) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 (11) |
| 2405-2505 | | 2405-2505 (203) (204) | STANDARD FREQUENCY. | | | 2402-2505 (US65) | STANDARD FREQUENCY. Radio astronomy. (US74) | Radio astronomy. Standard frequency. | 2500 RADIO ASTRONOMY. Standard frequency. |
| 4995-5005 | STANDARD FREQUENCY. (204) (210) | | | | | 4995-5005 (US65) | STANDARD FREQUENCY. Radio astronomy. (US74) | Radio astronomy. Standard frequency. | 5000 RADIO ASTRONOMY. Standard frequency. |
| 9995-10005 | STANDARD FREQUENCY. (204) (214) (215) | | | | | 9995-10005 (215) (US65) | STANDARD FREQUENCY. Radio astronomy. (US74) | Radio astronomy. Standard frequency. | 10000 RADIO ASTRONOMY. Standard frequency. |
| 14990-15010 | STANDARD FREQUENCY. (204) (219) | | | | | 14990-15010 (US65) | STANDARD FREQUENCY. Radio astronomy. (US74) | Radio astronomy. Standard frequency. | 15000 RADIO ASTRONOMY. Standard frequency. |
| 15450-15762 | FIXED. | | | | (US100) | 15450-15460 | FIXED. | Fixed. | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 15762-15768 | FIXED. Space Research. (215A) | | | | | | | | |
| 15768-16460 | FIXED. | | | | | | | | |
| 18030-18036 | FIXED. Space Research. (215A) | | | | (US100) | 18030-18990 | FIXED. | Fixed. | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 18036-19990 | FIXED. | | | | | 19990-20000 (US65) | STANDARD FREQUENCY. Radio astronomy. (US74) | Radio astronomy. Standard frequency. | |
| 19990-20010 | STANDARD FREQUENCY. (204) (220) (221) (221A) | | | | | 20000-20010 (US94) | STANDARD FREQUENCY. Space research. | Earth. Space. Standard frequency. | 20000 Standard frequency. |

| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc/s) | Service | Band (Mc/s) | Service | Band (Mc/s) | Allocation | Band (Mc/s) | Service | Class of station | Frequency (Mc/s) | Nature of services (of stations) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 29.7–30.005 | FIXED. (228) (229) (231) (232) MOBILE. | | | 29.7–29.89 | NG. | 29.7–29.8 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 29.8–29.89 | FIXED. (232) | Fixed. | 29.81–29.88 (NG31) | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| | | | | 29.89–29.91 (232) | G. | | | | | |
| | | | | 29.91–30 | NG. | 29.91–30 | FIXED. (232) | Fixed. | 29.92–29.99 (NG31) | AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC. |
| 30.005–30.01 | FIXED. (228) (229) (231) MOBILE. SPACE RESEARCH. SPACE (Satellite identification). | | | 30–30.56 | G. (US94) | | | | | |
| 30.01–37.75 | FIXED. (228) (229) (230) (231) MOBILE. | | | 30.56–32 | NG. | 30.56–32 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY. |
| | | | | 32–33 (231) | G. | | | | | |
| | | | | 33–34 | NG. | 33–33.01 | LAND MOBILE. | Base. Land mobile. | | LAND TRANSPORTATION. |
| | | | | | | 33.01–33.11 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | | | 33.11–33.4 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 33.4–34 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | 34–35 (231) | G. | | | | | |
| | | | | 35–36 | NG. | 35–35.2 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 35.2–35.68 | LAND MOBILE. | Base. Land mobile. | | DOMESTIC PUBLIC. |
| | | | | | | 35.68–36 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | 36–37 (231) | G. | | | | | |
| | | | | 37–38 | NG. | 37–37.01 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| 37.75–38.25 | FIXED. (228) (229) (231) MOBILE. Radio astronomy. | | | | | 37.01–37.42 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | | | 37.42–37.88 | LAND MOBILE. | Base. Land mobile. | | INDUSTRIAL. |
| | | | | | | 37.88–38 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| 38.25–41 (235) (236) | FIXED. (228) (229) (230) (231) MOBILE. | | | 38–39 | G. (US81) | | | | | |



| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc/s) | Service | Band (Mc/s) | Service | Band (Mc/s) | Allocation | Band (Mc/s) | Service | Class of station | Frequency (Mc/s) | Nature of services (of stations) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | 39–40 | NG. (US94) | 39–40 | LAND MOBILE. | Base. Land mobile. | | PUBLIC SAFETY. |
| | | | | 40–42 (236) | G. (US94) | | | | 40.68 | Industrial, scientific and medical equipment. |
| 68–73.0 | | 68–73.0 | FIXED. MOBILE. BROADCASTING. | | | | | | | |
| | | | | 72–73 (US20) | NG. | 72–73 | FIXED. (NG1) (NG3) | Operational fixed. | 72.02–72.98 (NG33) | Operational fixed. |
| 73–74.6 | | 73–74.6 | RADIO ASTRONOMY. (253A) (253B) | 73–74.6 | G, NG. (US21) (US100) | 73–74.6 | RADIO ASTRONOMY. (US74) | Radio astronomy. | | RADIO ASTRONOMY. |
| 117.975–132 | AERONAUTICAL MOBILE (R). (273) (273A) | | | 117.975–121.975 (273) (US26) (US27) (US28) (US85) | G, NG. | 117.975–121.975 | AERONAUTICAL MOBILE (R). | Aeronautical. Aircraft. | 118–121.4 (NG34) | Airdrome control. |
| | | | | | | | | | 121.5 | AERONAUTICAL MOBILE. |
| | | | | | | | | | 121.6 | Aeronautical search and rescue mobile; aeronautical utility land; aeronautical utility mobile. |
| | | | | | | | | | 121.65–121.95 (NG34) | Aeronautical utility land; aeronautical utility mobile. |
| | | | | 121.975–123.075 (US29) (US30) (US31) (US86) (US85) | NG. | 121.975–123.075 | AERONAUTICAL MOBILE. | Aeronautical. Aircraft. | 122.0–123.05 (NG34) | Private aircraft. |
| | | | | 123.075–123.575 (US32) (US33) | G, NG. | 123.075–123.575 | AERONAUTICAL MOBILE. | Aeronautical. Aircraft. | 123.1<br>123.15<br>123.2<br>123.25<br>123.3<br>123.35<br>123.4<br>123.45<br>123.5<br>123.55 | Flight test; flying school.<br>Flight test.<br>Do.<br>Do.<br>Flight test; flying school.<br>Flight test.<br>Do.<br>Do.<br>Flight test; flying school.<br>Flight test. |
| | | | | 123.575–128.825 (US26) (US85) | G, NG. | 123.575–128.825 | AERONAUTICAL MOBILE (R). | Aeronautical. Aircraft. | 123.6–128.8 (NG34) | AERONAUTICAL MOBILE. |
| | | | | 128.825–132 (US2) (US85) | NG. | 128.825–132 | AERONAUTICAL MOBILE (R). | Aeronautical. Aircraft. | 128.85–132 (NG34) | AERONAUTICAL MOBILE. |
| 132–136 | | 132–136 | FIXED. MOBILE. (273A) (276) | 132–136 (US2) (US26) (US85) | G, NG. (US3) | 132–136 | AERONAUTICAL MOBILE (R). | Aeronautical. Aircraft. | 132.05–135.95 (NG34) | AERONAUTICAL MOBILE. |
| 136–137 | | 136–137 (281A) (281B) | SPACE RESEARCH (Telemetering and tracking). | 136–137 | G, NG. (US100) | 136–137 | SPACE RESEARCH. | Space. | | Telemetering; tracking. |

| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc/s) | Service | Band (Mc/s) | Service | Band (Mc/s) | Allocation | Band (Mc/s) | Service | Class of station | Frequency (Mc/s) | Nature of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 137–138 (281E) | METEOROLOGICAL-SATELLITE. SPACE RESEARCH (Telemetering and tracking). (281F) SPACE (Telemetering and tracking). | | | 137–138 | G, NG. (US100) | 137–138 | METEOROLOGICAL-SATELLITE. SPACE (Telemetering and tracking). | Space. | | METEOROLOGICAL-SATELLITE. SPACE. |
| 138–143.6 | | 138–143.6 | FIXED. MOBILE. *Radiolocation.* | 138–144 (US10) | G. | | | | | |
| 143.6–143.65 | | 143.6–143.65 | FIXED. MOBILE. SPACE RESEARCH (Telemetering and tracking). *Radiolocation.* | | | | | | | |
| 143.65–144 | | 143.65–144 | FIXED. MOBILE. *Radiolocation.* | | | | | | 143.91 | Civil air patrol land; civil air patrol mobile. |
| 144–146 | AMATEUR. (284A) | | | 144–148 | AMATEUR. (284A) (US1) | 144–148 | AMATEUR. | Amateur. | | AMATEUR. |
| 146–148 | | 146–148 | AMATEUR. | | | | | | | |
| 148–149.9 (285A) | | 148–149.9 (285A) | FIXED. MOBILE. | 148–149.9 (US10) (US86) | G. | | | | 148.14<br>148.25 | Civil air patrol land; civil air patrol mobile.<br>Earth (telecommand). |
| 149.9–150.05 (285B) | RADIONAVIGATION-SATELLITE. | | | 149.9–150.05 (US100) | G, NG. | 149.9–150.05 | RADIONAVIGATION-SATELLITE. | Space | | RADIONAVIGATION-SATELLITE. |
| 150.05–174 | | 150.05–174 | FIXED. MOBILE. | 150.05–150.8 | G. | | | | | |
| | | | | 150.8–162 | NG. | | | | | |
| (285A) | | (285A) | | (US86) | | 153.7325–154.46 | LAND MOBILE. | Base. Land mobile. | 154.2 | PUBLIC SAFETY. (NG26) Earth (telecommand). |
| 225–235 | | 225–235 | FIXED. MOBILE. | 225–328.6 (309) | G. | | | | | |
| 235–267 (309) | FIXED. MOBILE. | | | (310) (US17) | | | | | 243 | Survival craft and equipment. |
| 267–272 | FIXED. MOBILE. Space (telemetering). (309A) (309B) | | | | | | | | | |
| 272–273 | FIXED. MOBILE. SPACE (Telemetering). (309A) | | | | | | | | | |



| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc/s) | Service | Band (Mc/s) | Service | Band (Mc/s) | Allocation | Band (Mc/s) | Service | Class of station | Frequency (Mc/s) | Nature of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 273–328.6 (310) | FIXED. MOBILE. | | | | | | | | | |
| 335.4–399.9 | FIXED. MOBILE. | | | 335.4–399.9 | G. | | | | | |
| 399.9–400.05 | RADIONAVIGATION-SATELLITE (311A) | | | 399.9–400.05 | G, NG. (US100) | 399.9–400.05 | RADIONAVIGATION-SATELLITE. | Space. | | RADIONAVIGATION-SATELLITE. |
| 400.05–401 | METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (Maintenance telemetering). SPACE RESEARCH (Telemetering and tracking). | | | 400.05–401 | G, NG. | 400.05–401 | METEOROLOGICAL AIDS. (US70) SPACE RESEARCH (Telemetering and tracking). | Radiosonde. | | Radiosonde. Space. |
| 401–402 | METEOROLOGICAL AIDS. SPACE (Telemetering). (315A) Fixed. Mobile except aeronautical mobile. | | | 401–402 | G, NG. | 401–402 | METEOROLOGICAL AIDS. (US70) SPACE (Telemetering). (315A). | Radiosonde. Space. | | Radiosonde. Space. |
| 402–406 (317) | METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile. | | | 402–404 | G, NG. | 402–404 | METEOROLOGICAL AIDS. (US70) | Radiosonde. | | Radiosonde. |
| | | | | 404–406 | G, NG. | 404–406 | METEOROLOGICAL AIDS. (US70) Radio astronomy. (US74). | Radio astronomy. Radiosonde. | | RADIO ASTRONOMY. Radiosonde. |
| 420–450 | | 420–450 (318) (319A) | RADIOLOCATION. Amateur. | 420–450 (US6) (US35) (US87) | G, NG. | 420–450 | Amateur. (US7) | Amateur. | | AMATEUR. |
| 450–460 (318) (319A) | FIXED. MOBILE. | | | 450–470 (US6) (US87) | NG. | 450–451 | LAND MOBILE. | Base. Land mobile. | | Remote pickup broadcast base; remote pickup broadcast mobile. |
| 460–470 | FIXED. MOBILE. Meteorological-Satellite. (318A) | | | | (US100) | 460–462.525 | | | | |
| 470–890 | | 470–890 (332) | BROADCASTING. | 470–890 (NG30) (NG43) (US88) | NG. (US100) | 470–890 | BROADCASTING. | Television broadcasting. | | |
| 890–942 | | 890–942 (339A) (340) | FIXED. RADIOLOCATION. | 890–942 (340) | G. (US36) | | | | 915 | Industrial, scientific and medical equipment. |
| 942–960 | | 942–960 (339A) | FIXED. | 942–960 | NG. | | | | | |

| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc/s) | Service | Band (Mc/s) | Service | Band (Mc/s) | Allocation | Band (Mc/s) | Service | Class of station | Frequency (Mc/s) | Nature of stations (OF SERVICES) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1427–1429 | FIXED. MOBILE except aeronautical mobile. SPACE (Telecommand). | | | 1427–1429 | G,NG. (US60) | 1427–1429 | SPACE. | Earth. | | Earth (telecommand). |
| 1429–1435 | | 1429–1435 | FIXED. MOBILE. | 1429–1435 | G. | | | | | |
| 1435–1525 | | 1435–1525 | MOBILE. Fixed. | 1435–1525 | G, NG. (US78) | 1435–1525 | MOBILE. | Aeronautical telemetering. | | AVIATION. |
| 1525–1535 | | 1525–1535 | SPACE. (Telemetering.) (350A) Fixed. Mobile. (350D) | 1525–1535 | G, NG. (350A) (US89) (US100) | 1525–1535 | MOBILE. SPACE. | Aeronautical telemetering. Space. | | AVIATION. Space (telemetering). |
| 1535–1540 | SPACE. (Telemetering). (350A) | | | 1535–1540 (350A) | G, NG. | 1535–1540 | SPACE. (Telemetering). | Space. | | Space (Telemetering). |
| 1540–1660 | AERONAUTICAL RADIONAVIGATION. (352A) (352B) | | | 1540–1660 | G, NG. (352A) (352B) (US39) | 1540–1660 | AERONAUTICAL RADIONAVIGATION. | | | |
| 1660–1664.4 (354A) | METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A) | | | 1660–1664.4 | G, NG. (324A) (US100) | 1660–1664.4 | METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. | Radiosonde. Space. | | |
| 1664.4–1668.4 (353A) (354A) | METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A) Radio astronomy. | | | 1664.4–1668.4 | G, NG. (324A) (US74) (US100) | 1664.4–1668.4 | METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. Radio astronomy. | Radio astronomy. Radiosonde. Space. | | |
| 1668.4–1670 (354A) | METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A) | | | 1668.4–1670 | G, NG. (324A) (US100) | 1668.4–1670 | METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. | Radiosonde. Space. | | |
| • | • | • | • | • | • | • | • | • | • | • |
| 1690–1700 (354A) | | 1690–1700 | METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A) | 1690–1700 | G,NG. (324A) (US100) | 1690–1700 | METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. | Radiosonde. Space. | | |
| 1700–1710 | | 1700–1710 (355A) | SPACE RESEARCH (Telemetering and tracking). | 1700–1710 | G,NG. (US100) | 1700–1710 | SPACE RESEARCH (Telemetering and tracking). | Space. | | Space (telemetering and tracking). |



| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc/s) | Service | Band (Mc/s) | Service | Band (Mc/s) | Allocation | Band (Mc/s) | Service | Class of station | Frequency (Mc/s) | Nature of stations (OF SERVICES) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1710–1770 | | 1710–1770 | FIXED. MOBILE. | 1710–1850 | G. | | | | | |
| 1770–1790 | | 1770–1790 | FIXED. MOBILE. Meteorological-Satellite. (356AA) | | (US100) | | | | | |
| 1790–2290 | | 1790–2290 (356A) | FIXED. MOBILE. | 1850–2200 | NG. | • | • | • | • | • |
| | | | | | | 2110–2130 (NG10) (NG23) (US90) | FIXED. | Domestic fixed public. | | |
| | | | | | | • | • | • | • | • |
| | | | | 2200–2290 | G. | | | | | |
| 2290–2300 | | 2290–2300 (356B) | SPACE RESEARCH (Telemetering and tracking in deep space). | 2290–2300 | G,NG. (US100) | 2290–2300 | SPACE RESEARCH (Telemetering and tracking in deep space). | Space. | | Space (telemetering and tracking in deep space). |
| 2690–2700 (364A) (365) | RADIO ASTRONOMY. | | | 2690–2700 | G, NG. (US74) (US100) | 2690–2700 | RADIO ASTRONOMY. | Radio astronomy. | | |
| • | • | • | • | • | • | • | • | • | • | • |
| 3300–3400 | | 3300–3400 | RADIOLOCATION. Amateur. | 3300–3500 | G, N.G. (US61) | • | • | • | • | • |
| 3400–3500 | | 3400–3500 | RADIOLOCATION. COMMUNICATION SATELLITE (satellite to earth). (374A) Amateur. | | | | | | | |
| 3500–3700 | | 3500–3700 | FIXED. MOBILE. RADIOLOCATION. COMMUNICATION SATELLITE (satellite to earth). (374A) | 3500–3700 | G. | | | | | |
| 3700–4200 | | 3700–4200 | FIXED. MOBILE. COMMUNICATION-SATELLITE (satellite to earth). (374A) | 3700–4200 | | 3700–4200 | COMMUNICATION-SATELLITE. (374A) (US91) FIXED. (NG) | Common carrier fixed. Space. | | COMMUNICATION-SATELLITE. DOMESTIC PUBLIC. (NG41) |
| 4200–4400 (352A) | AERONAUTICAL RADIONAVIGATION. | | | 4200–4400 | G,N.G. (352A) (US47) | 4200–4400 | AERONAUTICAL RADIONAVIGATION. | Altimeter. | | |

| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc/s) | Service | Band (Mc/s) | Service | Band (Mc/s) | Allocation | Band (Mc/s) | Service | Class of station | Frequency (Mc/s) | Nature of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 4400–4700 | FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A) | | | 4400–4990 | G. | | | | | |
| 4700–4990 (365) | FIXED. MOBILE. | | | | | | | | | |
| 4990–5000 | | 4990–5000 (383A) | RADIO ASTRONOMY. | 4990–5000 | G, NG. (US74) (US100) | 4990–5000 | RADIO ASTRONOMY. | Radio astronomy. | | |
| 5000–5250 (352A) (352B) | AERONAUTICAL RADIONAVIGATION. | | | 5000–5250 | G, NG. (352A) (352B) | 5000–5250 | AERONAUTICAL RADIONAVIGATION. | | | |
| 5250–5255 | RADIOLOCATION. Space research. | | | 5250–5350 | G. | | | | | |
| 5255–5350 | RADIOLOCATION. | | | | | | | | | |
| • | • | • | • | • | • | • | • | • | • | • |
| 5650–5670 | RADIOLOCATION. Amateur. | | | 5650–5925 (391) | G, NG (US52) (US100) | 5650–5925 | Amateur. | Amateur. | | |
| 5670–5725 (389A) | RADIOLOCATION. Amateur. Space research (deep space). | | | | | | | | | |
| 5725–5925 | | 5725–5925 (391) | RADIOLOCATION. Amateur. | | | | | | 5800 | Industrial scientific & medical equipment. |
| 5925–6425 | FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A) | | | 5925–6425 | (392A) | 5925–6425 | COMMUNICATION-SATELLITE. (US91) FIXED. (NG) | Common carrier fixed. Fixed earth. | | COMMUNICATION-SATELLITE. DOMESTIC PUBLIC. (NG41) |
| 6425–7250 (392F) (393A) | FIXED. MOBILE. | | | 6425–7125 | NG. | 6425–6525 (NG46) | MOBILE. | Common carrier land. Common carrier mobile. | | |
| • | • | • | • | • | • | • | • | • | • | • |
| | | | | 7125–7250 | G. | | | | | |
| 7250–7300 (374A) (392C) (392D) (392G) | COMMUNICATION-SATELLITE (satellite to earth). | | | 7250–7300 | (374A) (392D) (US100) | 7250–7300 | COMMUNICATION-SATELLITE (US91). | Space. | | COMMUNICATION-SATELLITE. |
| 7300–7750 (392F) | FIXED. MOBILE. COMMUNICATION-SATELLITE (satellite to earth). (374A) (392D) | | | 7300–7750 | (374A) (392D) | 7300–7750 | COMMUNICATION-SATELLITE (US91). METEOROLOGICAL-SATELLITE (G/NG). (US92) | Space. | | COMMUNICATION-SATELLITE. METEOROLOGICAL-SATELLITE. |



| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Mc/s) | Service | Band (Mc/s) | Service | Band (Mc/s) | Allocation | Band (Mc/s) | Service | Class of station | Frequency (Mc/s) | Nature of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 7750–7900 | FIXED. MOBILE. | | | 7750–7900 | G. | | | | | |
| 7900–7975 | FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A) | | | 7900–7975 | (392A) | 7900–8400 | COMMUNICATION-SATELLITE. (US91). | Earth. | | COMMUNICATION-SATELLITE. |
| 7975–8025 (392A) (392C) (392H) | COMMUNICATION-SATELLITE (earth to satellite). | | | 7975–8025 | (392A) (US100) | | | | | |
| 8025–8400 | FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A) | | | 8025–8400 | (392A) | | | | | |
| 8400–8500 | | 8400–8500 | SPACE RESEARCH. (394C) | 8400–8500 | G,NG. (US62) (US100) | 8400–8500 | SPACE RESEARCH Fixed. Mobile. | Fixed. Mobile. Space. | | |
| • | • | • | • | • | • | • | • | • | • | • |
| 9500–9800 | RADIOLOCATION. | | | | | | | | | |
| 9800–10000 (401A) | RADIOLOCATION. Fixed. | | | 9500–10000 | G. (401A) | | | | | |
| 10000–10500 (401A) | RADIOLOCATION. Amateur. | | | 10000–10500 | G,NG. (401A) (US58) | | | | | |

| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Gc/s) | Service | Band (Gc/s) | Service | Band (Gc/s) | Allocation | Band (Gc/s) | Service | Class of station | Frequency (Gc/s) | Nature of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 10.5–10.55 | | 10.5–10.55 | RADIOLOCATION. (404) | 10.5–10.55 | G, NG. (US59) | 10.5–10.55 | RADIOLOCATION. | Radiolocation land. Radiolocation mobile. | | RADIOLOCATION. |
| 10.55–10.68 | FIXED. MOBILE. Radiolocation. | | | 10.55–10.68 | NG. | 10.55–10.68 (NG46) | MOBILE. | Operational land. Operational mobile. | | |
| 10.68–10.7 (405B) | RADIO ASTRONOMY. | | | 10.68–10.7 | G, NG. (US74) (US100) | 10.68–10.7 | RADIO ASTRONOMY. | | | |
| 10.7–11.7 | FIXED. MOBILE. | | | 10.7–11.7 | NG. | 10.7–11.7 | FIXED. | Common carrier fixed. | | DOMESTIC PUBLIC (NG41) |

| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Gc/s) | Service | Band (Gc/s) | Service | Band (Gc/s) | Allocation | Band (Gc/s) | Service | Class of station | Frequency (Gc/s) | Nature of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 11.7–12.7 | FIXED. MOBILE except aeronautical mobile. BROADCASTING. | | | 11.7–13.25 | NG. | 11.7–12.2 | MOBILE. | Common carrier land. Common carrier mobile (except aeronautical mobile). | | |
| | | | | | | 12.2–12.7 (NG8) | FIXED. | International control. Operational fixed. | | |
| 12.7–13.25 | FIXED. MOBILE. | | | | | 12.7–13.2 (NG11) | FIXED. MOBILE. | Television pickup. Television STL. | | |
| | | | | | | 13.2–13.25 | FIXED. MOBILE. | | | |
| 13.25–13.4 | AERONAUTICAL RADIONAVIGATION. (406) | | | 13.25–13.4 | G, NG. | 13.25–13.4 | AERONAUTICAL RADIONAVIGATION. (406) | | | Airborne doppler radar. |
| 13.4–14.0 | RADIOLOCATION. | | | 13.4–14.0 | G. | | | | | |
| 14.0–14.3 | RADIONAVIGATION. | | | 14.0–14.3 | G, NG. | 14.0–14.3 | RADIONAVIGATION. | | | |
| 14.3–14.4 | RADIONAVIGATION-SATELLITE. | | | 14.3–14.4 | G, NG. | 14.3–14.4 | RADIONAVIGATION-SATELLITE. | Earth. Space. | | RADIONAVIGATION-SATELLITE. |
| 14.4–15.25 | FIXED. MOBILE. | | | 14.4–15.25 | G. | | | | | |
| 15.25–15.35 (409A) | SPACE RESEARCH. | | | 15.25–15.35 | G, NG. (US100). | 15.25–15.35 | SPACE RESEARCH. | Space. | | |
| 15.35–15.4 (409C) | RADIO ASTRONOMY. | | | 15.35–15.4 | G, NG. (US74) (US100). | 15.35–15.4 | RADIO ASTRONOMY. | | | |
| 15.4–15.7 | AERONAUTICAL RADIONAVIGATION (352A) (352B). | | | 15.4–15.7 | G, NG. (352A) (352B). | 15.4–15.7 | AERONAUTICAL RADIONAVIGATION. | | | |
| 15.7–17.7 | RADIOLOCATION. | | | 15.7–17.7 | G. | | | | | |
| 17.7–19.3 | FIXED. MOBILE. | | | 17.7–19.3 | NG. | 17.7–19.3 | FIXED. MOBILE. | | | |
| 19.3–19.4 (409D) | RADIO ASTRONOMY. | | | 19.3–19.4 | G, NG. (US74) (US100) | 19.3–19.4 | RADIO ASTRONOMY. | | | |
| 19.4–21.0 | FIXED. MOBILE. | | | 19.4–19.7 | NG. | 19.4–19.7 | FIXED. MOBILE. | | | |
| | | | | 19.7–21.0 | G. | | | | | |
| 21.0–22.0 | AMATEUR. | | | 21.0–22.0 | AMATEUR. | 21.0–22.0 | AMATEUR. | Amateur. | | AMATEUR. |
| 22.0–23.0 (410) | FIXED. MOBILE. | | | 22.0–23.0 | G. (410) | | | | 22.125 | Industrial, scientific and medical equipment. |
| 23.0–24.25 | RADIOLOCATION. | | | 23.0–24.25 | G. | | | | | |
| 24.25–25.25 | RADIONAVIGATION. (411) | | | 24.25–25.25 | G, NG. (US72) | 24.25–25.25 | RADIONAVIGATION. (411) | | | |
| 25.25–31.0 | FIXED. MOBILE. | | | 25.25–27.525 | G. | | | | | |
| 31.0–31.3 (412H) | FIXED. MOBILE. Space research. | | | 27.525–31.3 | NG. (US100) | 27.525–31.3 | FIXED. MOBILE. | | | |



| Worldwide | | Region 2 | | United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Band (Gc/s) | Service | Band (Gc/s) | Service | Band (Gc/s) | Allocation | Band (Gc/s) | Service | Class of station | Frequency (Gc/s) | Nature of stations |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 31.3–31.5 (412A) | RADIO ASTRONOMY. | | | 31.3–31.5 | G, NG. (US74) (US100) | 31.3–31.5 | RADIO ASTRONOMY. | | | |
| 31.5–31.8 | | 31.5–31.8 (405C) | SPACE RESEARCH. | 31.5–31.8 | G, NG. (US100) | 31.5–31.8 | SPACE RESEARCH. | | | |
| 31.8–32.3 (412B) | RADIONAVIGATION. Space research. | | | 31.8–33.4 | G, NG. (US100) | 31.8–33.4 | RADIONAVIGATION. (US69) | | | |
| 32.3–33.0 | RADIONAVIGATION. | | | | | | | | | |
| 33.0–33.4 | | 33.0–33.4 | RADIONAVIGATION. (412F) | | | | | | | |
| 33.4–34.2 (412G) | RADIOLOCATION. | | | 33.4–38.6 | G. (US100) | | | | | |
| 34.2–35.2 (412C) (412D) | RADIOLOCATION. Space research. | | | | | | | | | |
| 35.2–36.0 | RADIOLOCATION. | | | | | | | | | |
| 36.0–40.0 (412E) | FIXED. MOBILE. | | | | | | | | | |
| | | | | 38.6–40.0 | NG. (US100) | 38.6–40.0 | FIXED. MOBILE. | | | |
| Above 40.0 | Not allocated. | | | 40.0–88.0 | G, NG. | 40.0–88.0 | | Amateur. Experimental. | | |
| | | | | 88.0–90.0 | G, NG. (US74) | 88.0–90.0 | RADIO ASTRONOMY. | | | |
| | | | | Above 90.0 | G, NG. | Above 90.0 | | Amateur. Experimental. | | |

b. In the list of footnotes immediately following the Table in § 2.106, Geneva footnote numbers (234), (253), (280), (281), and (405) are deleted.

c. The following Geneva footnotes to the Table in § 2.106 are amended to read:

(215) The band 10003–10005 kc/s is also allocated, on a secondary basis, to the space research service.

(221) The band 19990–20010 kc/s is also allocated, on a secondary basis, to the space research service.

(235) The band 39.986–40.002 Mc/s is also allocated, on a secondary basis, to the space research service.

(294) The band 183.1–184.1 Mc/s is also allocated, on a secondary basis, to the space research service.

(317) The band 404–410 Mc/s in Region 2 and the band 406–410 Mc/s in Regions 1 and 3 are also allocated to the radio astronomy service. An appropriate continuous band within these limits shall be designated on a national or area basis. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(341) The band 960–1215 Mc/s is reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(365) In making assignments to stations in the fixed and mobile services, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

d. The following new Geneva footnotes are added to the Table in § 2.106 in proper numerical sequence:

(215A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the space research service is a primary service in the bands 15762–15768 kc/s and 18030–18036 kc/s.

(221A) The frequency 20007 kc/s may also be used, in emergency, in the search for, and rescue of, astronauts and space vehicles. Emissions must be confined in a band of ± 3 kc/s about this frequency.

(253A) In Region 2, fixed, mobile and broadcasting service operations previously authorized in the band 73–74.6 Mc/s may continue to operate on a non-interference basis to the radio astronomy service.

(253B) In Cuba, the band 73–74.6 Mc/s is also allocated to the fixed, mobile and broadcasting services.

(273A) In the band 117.975–132 Mc/s and in the band 132–136 Mc/s where the aeronautical mobile (R) service is authorized, the use and development, for this service, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service. Such use and development shall be subject to co-ordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(281A) For the use of the band 136–137 Mc/s, see Recommendation No. 7A.

(281B) In Region 2, the band 136–137 Mc/s is also allocated to the fixed and mobile services until 1 January 1969. Thereafter, in Cuba, Malaysia, Pakistan and the Philippines, the band 137–138 Mc/s will continue to be allocated also to the fixed and mobile services.

(281E) In Regions 2 and 3, the band 137–138 Mc/s is also allocated to the fixed and mobile services until 1 January 1969. Thereafter, in Cuba, Malaysia, Pakistan and the Philippines, the band 137–138 Mc/s will continue to be allocated also to the fixed and mobile services.

(281F) The band 137–138 Mc/s will be used mainly for research concerning the establishment, technical improvement, and maintenance of operational space systems.

(284A) In the band 144–146 Mc/s, artificial satellites may be used by the amateur service.

(285A) The frequencies 148.25±15 kc/s and 154.2±15 kc/s may be used for space telecommand, subject to agreement among the administrations concerned and those

having services operating in accordance with the Table, which may be affected.

(285B) Stations operating in the fixed and mobile services may continue to use this band until 1 January 1969. This cessation date shall not apply in Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Morocco, Pakistan, the Netherlands, Poland, the United Arab Republic, Yugoslavia and Roumania where the fixed and mobile services will continue to have equal primary status with the radionavigation-satellite service. (See Recommendation No. 6A.)

(309A) Space stations employing frequencies in the band 267–273 Mc/s for telemetering purposes may also transmit tracking signals in the band.

(309B) In the band 267–272 Mc/s individual administrations may use space telemetering in their countries on a primary basis, subject to the agreement of the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(311A) Stations operating in the fixed and mobile services may continue to use this band until 1 January 1969. This cessation date shall not apply in Bulgaria, Cuba, Greece, Hungary, Iran, Kuwait, Lebanon, Morocco, the United Arab Republic and Yugoslavia where the fixed and mobile services will continue to have equal status with the radionavigation-satellite service. (See Recommendation No. 6A.)

(315A) Space stations employing frequencies between 401–402 Mc/s for telemetering purposes may also transmit tracking signals in this band.

(318A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 460–470 Mc/s may be used, on a primary basis, by the meteorological-satellite service subject to agreement among administrations concerned and those having services, or intending to introduce services, operating in accordance with the Table, which may be affected.

(319A) The band 449.75–450.25 Mc/s may be used for space telecommand, subject to agreement among the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(324A) It is intended that meteorological-satellite space stations operating in this band shall transmit to selected earth stations. The location of such earth stations is subject to agreement among administrations concerned and those having services operating in accordance with the Table, which may be affected.

(332) In Region 1, except the African Broadcasting Area, the band 606–614 Mc/s, and in Region 3, the band 610–614 Mc/s may be used by the radio astronomy service. Administrations shall avoid using the band concerned for the broadcasting service as long as possible, and thereafter, as far as practicable, shall avoid the use of such effective radiated powers as will cause harmful interference to radio astronomy observations.

In Region 2, the band 608–614 Mc/s is reserved exclusively for the radio astronomy service until the first Administrative Radio Conference after 1 January 1974 which is competent to review this provision; however, this provision does not apply to Cuba.

(339A) Specific portions of the frequency band 900–960 Mc/s may also be used, on a secondary basis, for experimental purposes in connection with space research.

(350A) Space stations employing frequencies in the band 1525–1540 Mc/s for telemetering purposes may also transmit tracking signals in the band.

(350D) In Cuba, the band 1525–1535 Mc/s is also allocated, on a primary basis, to the mobile service.

(352A) The bands 1540–1660 Mc/s, 4200–4400 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s are reserved, on a world-wide basis, for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

(352B) The bands 1540–1660 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s are also allocated to the aeronautical mobile (R) service for the use and development of systems using space communication techniques. Such use and development is subject to agreement and co-ordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(353A) In view of the successful detection of two spectral lines in the region of 1665 Mc/s and 1667 Mc/s by astronomers, administrations are urged to give all practicable protection in the band 1664.4–1668.4 Mc/s for future research in radio astronomy.

(354A) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the bands 1660–1670 Mc/s and 1690–1700 Mc/s are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

(355A) In Cuba, the band 1700–1710 Mc/s is also allocated to the fixed and mobile services.

(356AA) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the meteorological-satellite service, in the band 1770–1790 Mc/s, shall be on a primary basis, subject to co-ordination with the administrations concerned and those having services operating in accordance with the Table, which may be affected by the siting of earth stations.

(356A) The band 2110–2120 Mc/s may be used for telecommand in conjunction with spacecraft engaged in deep space research, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(356B) In Cuba, the band 2290–2300 Mc/s is also allocated to the fixed and mobile services.

(364A) In Algeria, Bulgaria, Cuba, Hungary, India, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 2690–2700 Mc/s is also allocated to the fixed and mobile services.

(374A) This band may also be used for the transmission of tracking and telemetering signals associated with communication-satellite space stations operating in the same band.

(383A) In Cuba, the band 4990–5000 Mc/s is also allocated to the fixed and mobile services, and the provisions of No. 365 apply.

(389A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the space research service is a primary service in the band 5670–5725 Mc/s.

(392A) This band may also be used for the transmission of telecommand signals associated with communication-satellite earth stations operating in the same band.

(392C) Stations of the fixed and mobile services, previously authorized in the bands 7250–7300 Mc/s and 7975–8025 Mc/s, may continue to operate until 1 January 1969. This provision does not apply to the countries listed in Nos. 392G and 392H.

(392D) As an exception, passive communication-satellite systems also may be accommodated in the band 7250–7750 Mc/s, subject to:

(a) Agreement between administrations concerned and those whose services, operating in accordance with the Table, may be affected;

(b) The co-ordination procedure laid down in Articles 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by fixed or mobile services. Power-flux density limitations at the earth's surface after reflection from the passive communication-satellites shall not exceed those prescribed in these Regulations for active communication-satellite systems.

The maximum effective power radiated in any direction in the horizontal plane by earth stations of passive satellite systems shall not exceed +55 dbW, not taking the site shielding factor into account. If the distance between a transmitting station of a passive system and the territory of another administration exceeds 400 km, this limitation may be increased in that direction by 2 db for each 100 km in excess of 400 km up to a maximum of 65 dbW.

(392F) In the bands 7200–7250 Mc/s and 7300–7750 Mc/s, the meteorological-satellite service may use a band up to 100 Mc/s in width on a primary basis. These bands may also be used for the transmission of tracking and telemetering signals associated with meteorological-satellite space stations operating in the same band.

(392G) In Algeria, Austria, Bulgaria, Cyprus, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebanon, Liberia, Malaysia, Morocco, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7250–7300 Mc/s is also allocated to the fixed and mobile services.

(329H) In Algeria, Bulgaria, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebanon, Morocco, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7975–8025 Mc/s is also allocated to the fixed and mobile services.

(393A) The band 7120–7130 Mc/s may be used for telecommand in association with space services, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(394C) In Cuba, the band 8400–8500 Mc/s is also allocated to the fixed and mobile services.

(401A) The band 9975–10025 Mc/s may be used by weather radar on meteorological-satellites.

(405B) In Algeria, Bulgaria, Cuba, Hungary, Japan, Kuwait, Lebanon, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 10.68–10.7 Gc/s is also allocated to the fixed and mobile services.

(409A) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 15.25–15.35 Gc/s is also allocated to the fixed and mobile services.

(409C) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 15.35–15.4 Gc/s is also allocated to the fixed and mobile services.

(409D) In Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Poland, the United Arab Republic, Roumania, Czechoslovakia, and the U.S.S.R., the band 19.3–19.4 Gc/s is also allocated to the fixed and mobile services.

(412A) In Bulgaria, Cuba, Hungary, Poland, the United Arab Republic, Roumania, Czechoslavakia, and the U.S.S.R., the band 31.3–31.5 Gc/s is also allocated to the fixed and mobile services.

(412B) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 31.8–32.3 Gc/s.

(412C) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 34.2–35.2 Gc/s.

(412D) The band 34.4–34.5 Gc/s may be used by weather radar devices on meteorological satellites for the detection of cloud.



(412E) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 36.5–37.5 Gc/s is also allocated to the radio astronomy service.

(412F) In Cuba and India, the band 33–33.4 Gc/s is also allocated to the radio astronomy service.

(412G) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 33.4–34 Gc/s is also allocated to the radio astronomy service.

(412H) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 31–31.3 Gc/s.

e. Footnote NG48 is deleted from the NG footnotes following the Table of Frequency Allocations in § 2.106.

f. Footnote NG41 is amended to read as follows:

NG41 Frequencies in the bands 3700–4200 Mc/s, 5925–6426 Mc/s, and 10.7–11.7 Gc/s may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

g. Footnotes US22, US63, US64, US73, US75, and US76 are deleted from the US footnotes following the Table of Frequency Allocations in § 2.106.

h. The following US footnotes (introductory text only for US7) to the Table in § 2.106 are amended to read:

US7 In the band 420–450 Mc/s and within the following areas, the DC plate power input to the final stage of a transmitter employed in the amateur service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

* * * * *

US21 Existing Government operations and non-Government stations authorized in this band as of December 1, 1961, may continue and shall not be required to afford protection to radio astronomy observatories within the United States and its possessions. However, by international agreement, such stations must afford protection to the observatories of other countries.

US26 The bands 117.975–121.425 Mc/s, 123.575–128.825 Mc/s and 132.025–136 Mc/s are for air traffic control communications.

US35 Except as provided by footnotes US6 and US87, the only non-Government service permitted in the band 420–450 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US53 In view of the fact that the band 13.25–13.4 Gc/s is allocated exclusively to doppler navigation aids, Government and non-Government airborne doppler radars in the aeronautical radio-navigation service are permitted in the band 8750–8850 Mc/s only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10000 Mc/s.

US58 In the band 10,000–10,500 Mc/s, pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10,000–10,025 Mc/s. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

US60 The use of this band by non-Government services is limited to the space (telecommand) service.

US62 The use of this band by Government services is limited to the space research service.

US69 In the band 31.8–33.4 Gc/s, ground-based radionavigation aids are not permitted except where they operate in co-operation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400.05–406 Mc/s does not preclude the operation therein of associated ground transmitters.

US72 In the band 24.25–25.25 Gc/s, Government radiolocation devices (ASDE) are permitted between 24.25–24.47 Gc/s on a shared basis.

US74 The radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US78 In the band 1435–1525 Mc/s, the frequencies between 1435 and 1485 Mc/s will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1525 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1435–1525 Mc/s is telemetry associated with launching and re-entry into the earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

US81 The band 38–38.16 Mc/s may be used by both Government and non-Government radio astronomy observatories. No new assignments are to be made and Government stations in the band 38–38.16 Mc/s will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low-powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused to radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with a view to effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of Chief Engineer, Federal Communications Commission, Washington, D.C., 20554.

i. The following new US footnotes are added to the Table in § 2.106 in proper numerical sequence:

US83 Non-Government use of this band is limited to the following: 9995–10003 kc/s, radio astronomy service; 10003–10005 kc/s, radio astronomy and space research services.

US84 The non-Government use of this band is limited to the space research service.

US85 In the bands 117.975–123.075 and 123.575–136 Mc/s, the use and development, for the aeronautical mobile (R) service, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service.

US86 The frequencies 148.25 Mc/s ±15 kc/s and 154.2±15 kc/s may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be imposed on a case-by-case basis. With respect to 154.2 Mc/s, the commands are to be limited to short duration of the order of three seconds ("Address and execute" commands). Further, on a case-by-case basis and solely to avoid harmful interference to non-Government stations in the land mobile service, a comparable replacement frequency assignment will be made available below 150.8 Mc/s, if required.

US87 The frequency 450 Mc/s, with maximum emission bandwidth of 500 kc/s, may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be applied on a case-by-case basis.

US88 Stations in the broadcasting service will not be authorized in the band 608–614 Mc/s prior to January 1, 1974. In the interim the band is available for use by the radio astronomy service. The radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US89 The aeronautical telemetering frequencies in the band 1525–1535 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1525–1535 Mc/s is telemetry associated with launching and re-entry into the earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

US90 The band 2110–2120 Mc/s may be used by Government and non-Government stations for space telecommand at specific locations in conjunction with spacecraft engaged in deep space research, subject to such conditions as may be applied on a case-by-case basis.

US91 The ultimate disposition of this band in the communication-satellite service, as between Government and non-Government, is deferred. In the meanwhile the non-Government may exploit the 4 and 6 Gc/s bands and the Government may exploit the 7 and 8 Gc/s bands for communication-satellite service systems intended to become operational. Any modification of this policy will be discussed and agreed in the FCC/DTM(IRAC) mechanism prior to the filing of applications with the IRAC for frequency assignments which are not in accordance with the foregoing.

US92 In the band 7300–7750 Mc/s, the meteorological-satellite service may use a band up to 100 Mc/s in width. This 100 Mc/s band may also be used for the transmission of tracking and telemetering signals associated with meteorological-satellite space stations operating in the same band.

US94 The bands 30.005–30.015 Mc/s and 39.986–40.02 Mc/s are also allocated, on a secondary basis, to the space research service for space station-to-earth station transmissions only.

US100 In the Additional Protocol to the Final Acts of the Space EARC, Geneva, 1963, a declaration on behalf of the USA states that the USA cannot accept any obligation to observe the exceptions claimed by Cuba in those footnotes to the Table of Frequency Allocations which were adopted by the EARC and which specifically name Cuba.

[F.R. Doc. 64–12666; Filed, Dec. 15, 1964; 8:45 a.m.]

[ 47 CFR Parts 21, 25 ]

[Docket No. 15723; FCC 64-1110]

## SHARED USE OF CERTAIN FREQUENCY BANDS BY FIXED, MOBILE, AND COMMUNICATION-SATELLITE SERVICES

### Notice of Proposed Rule Making

In the matter of amendment of Parts 21 and 25 of the Commission's rules to provide for the shared use of the frequency bands 3700–4200, 5925–6425, 7250–7750 and 7900–8400 Mc/s by the Fixed, Mobile and Communication-Satellite Services.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Pursuant to Recommendation No. 36 of the Ordinary Administrative Radio Conference, Geneva, 1959, the International Telecommunication Union (ITU) convened an Extraordinary Administrative Radio Conference (EARC) in Geneva, Switzerland, on October 7, 1963, to allocate frequency bands for space radiocommunication purposes and for the radio astronomy service. The Final Acts of the EARC, signed at Geneva on November 8, 1963, and scheduled to enter into force internationally on January 1, 1965, constitute a partial revision of the international Radio Regulations, Geneva, 1959. The United States, having deposited its instrument of ratification of the Final Acts with the Secretary-General of the ITU in Geneva on April 3, 1964, is now a party to the Radio Regulations (Geneva, 1959) as revised by the Final Acts of the Space EARC.

3. By separate action this date, in Docket No. 15722, the Commission adopted a notice of proposed rule making looking toward the alignment of Part 2 of its rules, to the extent practicable, with the frequency allocation changes to the international Table of Frequency Allocations adopted by the Space EARC. Among other things, that proceeding would provide for the accommodation of telecommand, telemetering and tracking functions common to all space services and for the co-equal sharing of certain frequency bands above 3700 Mc/s by the Fixed, Mobile and Communication-Satellite Services.

4. It is the purpose of the instant proceeding to amend Parts 21 and 25 of the rules to set forth the technical criteria to be observed by the sharing services in order to minimize the possibility of mutual interference. These criteria agree with the sharing criteria adopted by the Space EARC for the bands in question, except with respect to the frequency band 5925–6425 Mc/s. Section 25.204 (a) below, proposes that the mean effective radiated power transmitted in any direction in the horizontal plane by a communication-satellite earth station shall not exceed +dbW in any 4 kc/s band, whereas the upper limit adopted by the Space EARC was +55 dbW. Additionally, for the band 5925–6425 Mc/s, the Commission is considering the advisability of specifying in § 25.205(a), a minimum angle of 5° for earth station transmitting antennas as opposed to the 3° minimum specified in criteria adopted by the Space EARC. Technical comments are invited especially on this point to assist the Commission in its determination. In each case these changes would reduce the area within the coordination distance contours drawn about an earth station as well as the possibility of interference to stations in the terrestrial services. It is important to determine the extent to which such changes might affect the ability of earth stations to communicate via satellites. Comparable changes have not been proposed in the band 7900–8400 Mc/s.

5. As mentioned in the notice of proposed rule making referred to in paragraph 3, and in § 25.202(a) of Appendix II to this document, a determination has not yet been made as to the disposition of the frequency bands 3700–4200, 5925–6425, 7250–7750 and 7900–8400 Mc/s as between Government and non-Government services for space radiocommunication purposes. For this reason, the instant proceeding assumes that all may be available to non-Government space users. It is recognized that such assumptions may require amendment in the light of future developments. In any event, it is not contemplated that the frequency bands 3700–4200 and 5925–6425 Mc/s will become available to Government users for fixed and mobile operations, nor that 7250–7750 and 7900–8400 Mc/s will become available to non-Government users for fixed and mobile operations, as a result of this proceeding.

6. The importance of the "coordination distance" concept set forth in detail in Appendix II and referred to in more general terms in Appendix I below, cannot be overemphasized. It is significant from both the national and international standpoints. In essence, it establishes the maximum distance over which an earth station might reasonably be expected to cause or to receive harmful interference and calls for very close coordination between the sharing services to maintain the integrity of the sharing arrangement. In many instances the necessary separation distance between stations of the sharing services may be considerably less than the coordination distance because of terrain shielding, antenna directivity, frequency separation and other mitigating factors.

7. Proposed § 25.251, the procedure for calculating coordination distance between earth stations and terrestrial stations sharing the same frequency band in the range 1–10 Gc/s, follows almost verbatim the identically entitled Annex to Recommendation No. 1A to the Final Acts of the Space EARC. It departs therefrom in its treatment of coordination distances between terrestrial station transmitters and space research earth station receivers and proposes the same criteria as are used for communication-satellite and meteorological-satellite earth station receivers. Traditionally, research stations in general have been authorized on the basis that they shall not cause harmful interference to others and that they shall accept any interference they themselves experience. As a general rule, this approach is not practicable for space research earth station receiving facilities because of their great cost and extreme susceptibility to interference. It has been assumed in this instance, however, that any space research station operating in the bands dealt with here would be doing experimental work in connection with the communication-satellite or meteorological-satellite services. Therefore, since any operational systems growing out of such experimentation would have to live in a shared environment with other services, it is reasonable to protect such space research earth station receivers only to the degree that protection is afforded to receiving earth stations in the communication-satellite and meteorological-satellite services.

8. Specific proposals for rule changes reflecting the above in Part 21 are set forth below; those relating to Part 25 are set forth in Appendix II.

9. These proposals to amend the Commission's Rules are issued under the authority of sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

10. Comments in support of or in opposition to the proposed amendments may be filed on or before January 15, 1965. Reply comments may be filed on or before January 25, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

11. In accordance with the provisions of § 1.215(b) of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: December 2, 1964.

Released: December 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 21 of the Commission's rules is amended as follows:

1. Section 21.1 is amended by adding the following new definitions in the proper alphabetical sequence:

**§ 21.1 Definitions.**

• • • • •

*Coordination distance.* For the purpose of this Part, the expression "coordination distance" means the distance from an earth station, within which there is a possibility of the use of a given transmitting frequency at this earth station causing harmful interference to stations in the fixed or mobile service, sharing the same band, or of the use of a given frequency for reception at this earth station receiving harmful interference from such stations in the fixed or mobile service.

• • • • •

*Earth station.* A station in the space service located either on the earth's surface, including on board a ship, or on board an aircraft.

• • • • •

[1] Commissioners Hyde, Bartley and Loevinger absent.



*Fixed earth station.* An earth station intended to be used at a specified fixed point.

• • • • •

*Mobile earth station.* An earth station intended to be used while in motion or during halts at unspecified points.

• • • • •

2. Section 21.107(b) is amended to read as follows:

**§ 21.107 Transmitter power.**

• • • • •

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

| Frequency range: | *Rated power output* |
|---|---|
| Below 30 Mc/s | 50 watts. |
| 30 to 50 Mc/s | 350 watts. |
| 50 to 76 Mc/s | 50 watts. |
| 76 to 500 Mc/s | 250 watts. |
| 500 to 10,000 Mc/s | 100 watts.[1] |
| Above 10,000 Mc/s | Unlimited. |

[1] As an exception, in the band 5925–6425 Mc/s, the power delivered by a transmitter to the antenna of a station in the fixed service shall not exceed 20 watts. Additionally, in this band, the maximum effective radiated power of the transmitter and associated antenna of a station in the fixed service shall not exceed +55 dbw. These limitations are necessary to minimize the probability of harmful interference to reception in this band on board communication-satellite space stations.

• • • • •

3. In § 21.204, the Note is revised to read as follows:

**§ 21.204 FCC publications required for reference.**

• • • • •

NOTE: It is suggested that the following additional documents be obtained from the Government Printing Office and maintained for reference:

(1) Communications Act of 1934, as amended.

(2) Part 1 of this chapter, Practice and Procedure.

(3) Part 2 of this chapter, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.

(4) Part 13 of this chapter, Commercial Radio Operators.

(5) Part 17 of this chapter, Construction, Marking, and Lighting of Antenna Structures.

(6) Part 25 of this chapter, Satellite Communications.

(7) Part 42 of this chapter, Preservation of Records of Communication Common Carriers.

(8) Part 61 of this chapter, Tariffs.

(9) Part 63 of this chapter, Extension of Lines and Discontinuance of Service by Carriers.

4. Section 21.701(a) is amended to read as follows:

**§ 21.701 Frequencies.**

(a) (1) The following frequency bands are available for assignment to radio stations in this service on a shared basis with stations in the Communication-Satellite Service and the Local Television Transmission Service:

3700–4200 Mc/s
5925–6425 Mc/s [1]

[1] This band is not available for assignment to mobile earth stations.

(2) The following frequency band is available for assignment to radio stations in this service on a shared basis with the Local Television Transmission Service:

10700–11700 Mc/s

• • • • •

5. Section 21.706(c) is added to read as follows:

**§ 21.706 Supplementary showing required with applications.**

• • • • •

(c) Part 25 of this chapter sets forth the procedure for calculating "coordination distance" in bands shared on an equal basis by this service and the Communication-Satellite Service. This is the distance: (1) Within which an earth station transmitter might cause harmful interference to stations in this service; and (2) within which stations in this service might cause harmful interference to reception at earth stations. By international agreement, if the transmitting or receiving coordination distance contours drawn about a proposed earth station of one country overlap the boundary of another country, the first country is required to provide the second with maps showing the transmitting and receiving contours to determine if harmful interference might be caused by or to the proposed earth station. Once agreement is reached, neither country will alter its station assignment pattern in the area concerned, in a manner capable of degrading the agreed usage of the other country without further consultation with that country. Similarly, pursuant to Part 25, licensees of earth stations in the Communication-Satellite Service are required to file with the Commission, maps showing coordination distance contours for such earth stations for both the earth-to-satellite and satellite-to-earth bands. All such contour maps shall be kept on file for public inspection in the offices of the Commission's Common Carrier Bureau in Washington, D.C. Therefore, each applicant filing pursuant to paragraph (a) of this section shall ascertain in advance of such filing if the location of the proposed station lies within the pertinent coordination distance contour of an earth station on file with the Commission. Since earth stations will be receiving only in the band 3700–4200 Mc/s and transmitting only in the band 5925–6425 Mc/s, applicants will be guided accordingly. If the proposed station is to be operated in the band 3700–4200 Mc/s, and lies within the coordination distance contour of a receiving earth station, the application shall be accompanied by a statement showing that antenna directivity, power, terrain shielding and/or other mitigating factors are such that harmful interference will not be caused to reception at the earth station, on the basis of criteria set forth in Subpart C of Part 25. Conversely, if the proposed station is to be operated in the band 5925–6425 Mc/s, and lies within the coordination distance contour of a transmitting earth station, the application shall be accompanied by a similar statement showing that harmful interference will not be caused to reception at the applicant's station in this service.

6. Section 21.708(a)(7) is added to read as follows:

**§ 21.708 Notification of station operation at temporary fixed locations.**

(a) • • •

(7) A notification of operations to be conducted within the coordination distance contours of a fixed earth station shall include compliance with the provisions of § 21.706(c).

• • • • •

7. Section 21.801(f) is amended to read as follows:

**§ 21.801 Frequencies.**

• • • • •

(f) (1) Frequencies in the following bands are available for assignment to television STL stations in this service on a shared basis with stations in the Communication-Satellite Service and the Point-to-Point Microwave Radio Service:

3700–4200 Mc/s
5925–6425 Mc/s

(2) The following frequency band is available for assignment to television STL stations in this service on a shared basis with stations in the Point-to-Point Microwave Radio Service:

10700–11700 Mc/s

8. Section 21.807(a)(5) is added to read as follows:

**§ 21.807 Stations at temporary fixed locations.**

(a) • • •

(5) Applications for such stations shall comply with the provisions of § 21.706(c).

• • • • •

9. A new § 21.809 is added, to read as follows:

**§ 21.809 Stations affected by coordination distance procedures.**

Each application for initial installation of a radio station in this service, or for installation of additional transmitters, or for authority to communicate with new points, shall comply with the provisions of § 21.706(c).

Part 25 of the Commission's rules is amended by adding new Subpart C, as follows:

**Subpart C—Technical Standards**

Sec.
25.201 Definitions.
25.202 Frequencies.
25.203 Choice of sites and frequencies.
25.204 Power limits.
25.205 Minimum angle of antenna elevation.
25.206 Station identification.
25.207 Cessation of emissions.
25.208 Power flux density limits.
25.251 Procedure for calculating coordination distance.

## Subpart C—Technical Standards

**§ 25.201 Definitions.**

*Active satellite.* An earth satellite carrying a station intended to transmit or re-transmit radiocommunication signals.

*Communication-satellite earth station.* An earth station in the communication-satellite service.

*Communication-satellite service.* A space service:

—between earth stations, when using active or passive satellites for the exchange of communications of the fixed or mobile service, or

—between an earth station and stations on active satellites for the exchange of communications of the mobile service, with a view to their re-transmission to or from stations in the mobile service.

*Communication-satellite space station.* A space station in the communication-satellite service, on an earth satellite.

*Coordination distance.* For the purposes of this Part, the expression "coordination distance" means the distance from an earth station, within which there is a possibility of the use of a given transmitting frequency at this earth station causing harmful interference to stations in the fixed or mobile service, sharing the same band, or of the use of a given frequency for reception at this earth station receiving harmful interference from such stations in the fixed or mobile service.

*Earth station.* A station in the space service located either on the earth's surface, including on board a ship, or on board an aircraft.

*Fixed earth station.* An earth station intended to be used at a specified fixed point.

*Mobile earth station.* An earth station intended to be used while in motion or during halts at unspecified points.

*Passive satellite.* An earth satellite intended to transmit radio communication signals by reflection.

*Space service.* A radiocommunication service:

—between earth stations and space stations,

—or between space stations,

—or between earth stations when the signals are re-transmitted by space stations, or transmitted by reflection from objects in space excluding reflection or scattering by the ionosphere or within the earth's atmosphere.

*Space station.* A station in the space service located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the earth's atmosphere.

*Space telecommand.* The use of radiocommunication for the transmission of signals to a space station to initiate, modify or terminate function of the equipment on a space object, including the space station.

*Space telemetering.* The use of telemetering for the transmission from a space station of results of measurements made in a spacecraft, including those relating to the functioning of the spacecraft.

*Space tracking.* Determination of the orbit, velocity or instantaneous position of an object in space by means of radiodetermination, excluding primary radar, for the purpose of following the movement of the object.

*Stationary satellite.* A satellite, the circular orbit of which lies in the plane of the earth's equator and which turns about the polar axis of the Earth in the same direction and with the same period as those of the earth's rotation.

*Terrestrial service.* Any radio service defined in this Chapter, other than a space service or the radio astronomy service.

*Terrestrial station.* A station in a terrestrial service.

**§ 25.202 Frequencies.**

(a) The following frequency bands are available for use by the communication-satellite service on a shared basis with terrestrial radio services. Precise frequencies and bandwidth of emission will be assigned on a case-by-case basis.

| *Satellite-to-earth* | *Earth-to-satellite* |
|---|---|
| 3700–4200 Mc/s [1 2]------ | 5925–6425 Mc/s [2 4] |
| 7250–7750 Mc/s [1 3]------ | 7900–8400 Mc/s [1 3] |

[1] The ultimate disposition of these bands as between Government and non-Government services for space radiocommunication will be the subject of separate rule-making.

[2] This band may also be used for the transmission of tracking and telemetering signals associated with communication-satellite space stations operating in the same band.

[3] This band may also be used for the transmission of telecommand signals associated with communication-satellite earth stations operating in the same band.

[4] This band is not available for assignment to mobile earth stations.

(b) The following frequencies or bands of frequencies are available for space telecommand functions in conjunction with the communication-satellite service:

148.25 Mc/s—maximum bandwidth not to exceed 30 kc/s.
154.2 Mc/s—maximum bandwidth not to exceed 30 kc/s.
450.0 Mc/s—maximum bandwidth not to exceed 0.5 Mc/s.

(c) The following frequency bands are available for telemetering from communication-satellite space stations. Precise frequencies and associated bandwidths of emission will be assigned on a case-by-case basis:

136–137 Mc/s [1]
137–138 Mc/s
400.05–401 Mc/s [1]
401–402 Mc/s

[1] This band is basically a space research band and is not intended for use by operational communication-satellite systems once the desired spacecraft orbit is established.

(d) The following frequency bands are available for transmission from spacecraft for the tracking of communication-satellite space stations. Precise frequencies and associated bandwidths of emission will be assigned on a case-by-case basis.

136–137 Mc/s [1]
137–138 Mc/s
400.05–401 Mc/s [1]

[1] This band is basically a space research band and is not intended for use by operational communication-satellite systems once the desired spacecraft orbit is established.

**§ 25.203 Choice of sites and frequencies.**

(a) Sites and frequencies for earth stations, operating in frequency bands shared with equal rights between terrestrial and space services, shall be selected, to the extent practicable, in areas where the surrounding terrain and existing frequency usage are such as to minimize the possibility of harmful interference between the sharing services.

(b) An applicant for an earth station authorization shall calculate the coordination distance for the proposed station in accordance with the procedures set forth in § 25.251, and submit with his application a map drawn to appropriate scale indicating the location of the earth station and the coordination distances from the earth station, for both transmission and reception by the earth station, as a function of azimuth. The coordination distance for earth station reception shall cover the range 0 to 55 dbW in increments of not more than 10 db.

(c) An applicant for an earth station authorization shall also make a showing, accompanied by supporting data and calculations, that existing stations operating within the frequency band in question, and located within the pertinent calculated coordination distance contours of the proposed earth station, will not be subjected to harmful interference from earth station transmissions and will not cause harmful interference to reception at the earth station.

**§ 25.204 Power limits.**

(a) Within the band 5925–6425 Mc/s the mean effective radiated power transmitted in any direction in the horizontal plane by a communication-satellite earth station shall not exceed +45 dbW in any 4 kc/s band.

(b) Within the band 7900–8400 Mc/s, in order to provide a capability for both active and passive communication-satellite systems, the mean effective radiated power transmitted in any direction in the horizontal plane by a communication-satellite earth station shall not exceed +55 dbW in any 4 kc/s band except upon a showing of need for greater power, in which case a maximum of +65 dbW may be authorized, consistent with the provisions of paragraphs (c) and (d) of this section.

(c) In any direction where the distance from a communication-satellite earth station operating in the band 7900–8400 Mc/s to the boundary of the territory of another administration exceeds 400 km, the limit of +55 dbW in any 4 kc/s band in paragraph (b) of this section may be increased in that direction by 2 db for each 100 km in excess of 400 km up to a maximum of +65 dbW.

(d) If, in any direction from a proposed communication-satellite earth station, the distance to the boundary of the territory of another administration is less than the coordination distance as calculated in § 25.251, the Commission will initiate discussions in the technical aspects of the proposed operation.

NOTE: For the purposes of this part, the effective radiated power transmitted in the horizontal plane shall be taken to mean the ERP actually transmitted toward the horizon, reduced by the site shielding factor that may be applicable. The value of site shielding factor shall be determined as indicated in § 25.251(e).

**§ 25.205 Minimum angle of antenna elevation.**

(a) Within the band 5925–6425 Mc/s, earth station antennas shall not be employed for transmission at elevation angles less than —°, measured from the horizontal plane to the central axis of the main lobe.

NOTE: The choice as to 3° or 5° will be determined in this proceeding.

(b) Within the band 7900–8400 Mc/s, earth station antennas shall not be employed for transmission at elevation angles less than 3°, measured from the horizontal plane to the central axis of the main lobe.

**§ 25.206 Station identification.**

(a) The requirement for transmission of station identification is waived for communication-satellite earth stations and for stations the sole function of which is to transmit telecommand signals to communication-satellite space stations.

(b) The requirement for transmission of station identification is waived for communication-satellite space stations but applicants therefor shall file ephemeris data and descriptions of transmission characteristics to be used in lieu of identifying call signs.

**§ 25.207 Cessation of emissions.**

Space stations shall be made capable of ceasing radio emissions by the use of appropriate devices (battery life, timing devices, ground command, etc.) that will ensure definite cessation of emissions.

**§ 25.208 Power flux density limits.**

(a) The total power flux density at the earth's surface, produced by an emission from a communication-satellite space station, where wide-deviation frequency (or phase) modulation is used, shall in no case exceed —130 dbW/m² for all angles of arrival. In addition, such signals shall if necessary be continuously modulated by a suitable waveform, so that the power flux density shall in no case exceed —149 dbW/m² in any 4 kc/s band for all angles of arrival.

(b) The power flux density at the earth's surface, produced by an emission from a communication-satellite space station, where modulation other than wide-deviation frequency (or phase) modulation is used, shall in no case exceed —152 dbW/m² in any 4 kc/s band for all angles of arrival.

(c) The power flux density limits specified in paragraphs (a) and (b) of this section are applicable to the frequency bands 3700–4200 Mc/s and 7250–7750 Mc/s. Systems brought into use after January 1, 1969, shall not be limited in the frequency band 7250–7300 Mc/s.

(d) Passive communication-satellite systems may be authorized in the frequency band 7250–7750 Mc/s. The power flux density produced at the earth's surface as the result of reflection from a passive communication satellite shall not exceed the limits set forth in paragraphs (a) and (b) of this section for active systems.

**§ 25.251 Procedure for calculating coordination distance.**

(a) *Requirements for coordination.* Coordination is required when earth stations and terrestrial stations operate in shared frequency bands with equal rights. The coordination area around an earth station is determined by ascertaining the coordination distance measured in the various azimuths from that station.

(1) For the calculation of coordination distance, two separate cases must be considered:

(i) Interference from an earth station transmitter to terrestrial station receivers; and

(ii) Interference from terrestrial station transmitters to communication-satellite, meteorological-satellite or space research earth station receivers.

(iii) In the case of subparagraph (1)(i) of this paragraph, it has been assumed for the purpose of calculation, that the terrestrial receiving station is a line-of-sight radio-relay station designed according to C.C.I.R. Recommendations. In the case of subparagraph (1)(ii) of this paragraph, it has been assumed for all applications that the earth station forms a part of a communication-satellite system. Further, in order to ensure that a safe value of coordination distance shall be obtained, it has been assumed that the receiving station antenna in each case is of typically high gain. For the same reason, appropriately low-noise sensitive receivers are assumed in all cases.

(b) *Minimum permissible basic transmission loss ($L_b$).* (1) The general formula for calculating the required minimum permissible basic transmission loss is:

[formula 1]

$$L_b = (P_t + G_t) - F_s - (P_r - G_r)$$

where $P_t$ is the power in dbW supplied by the interfering transmitter to the transmission line input,

$G_t$ is the isotropic gain in db of the transmitting antenna of the interfering station effective in the direction of the receiving station liable to interference, including the effect of all feeder losses, and losses due to any artifical screens,

$F_s$ is the earth station site-shielding factor in db, (see § 25.251(e)).

$P_r$ is the maximum permissible interference level in dbW at the receiver input of the receiving station, and

$G_r$ is the isotropic gain in db of the antenna of the receiving station effective in the direction of the interfering transmitter, less feeder loss and polarization discrimination if applicable.

(2) When considering interference to telephone transmission systems, particularly in the case of systems using frequency modulation, it is convenient to operate in terms of the power densities in any 4 kc/s bandwidth. Therefore, in the case of interference from an earth station transmitter to terrestrial radio-relay systems, $P_t$ is taken as the maximum power density in any 4 kc/s bandwidth supplied by the earth station transmitter to the transmission line input, and similarly $P_r$ is the maximum permissible power density for any 4 kc/s bandwidth at the receiver input.

(3) When considering interference from a terrestrial transmitter to an earth station receiver, it is more convenient to consider $P_t$ and $P_r$ of formula (1) as total powers rather than power densities.

(4) It is assumed in calculating coordination distances for both cases in § 25.251(a) that the communication-satellite system is employing carrier energy dispersal techniques when lightly loaded.

(c) *Calculation of Minimum Permissible Basic Transmission Loss.* In any direction from the transmitting station, the required minimum value of permissible basic transmission loss ($L_b$) is obtained from the following tables 1 and 2.

TABLE 1.—Interference from a Communication-Satellite Earth Station Transmitter to a Terrestrial Line-of-Sight Radio-Relay System

| | Percentage of time | Values to be assumed for coordination |
|---|---|---|
| Permissible total interference in any telephone channel | 0.01 | −40 dbm0 |
| Permissible interference from one earth station to one radio-relay system receiver, assuming four such non-simultaneous interference entries. | 0.0025 | −40 dbm0 |
| Receiver transfer characteristic assuming carrier energy dispersion to distribute interference uniformly over at least 300 kc/s bandwidth. | | 1 db [1] (light loading worst case). |
| Hence, maximum value of unwanted-to-wanted signal ratio at the receiver input. | 0.0025 | −39 db |
| Minimum level of wanted signal at receiver input | | −74 dbW [1] |
| Hence, permissible level of unwanted signal at receiver input, assuming carrier energy dispersion as above. | 0.0025 | −113 dbW |
| Factor for conversion of interference bandwidth to 4 kc/s from 300 kc/s | | −19 db |
| Hence, permissible level of unwanted signal at receiver input in any 4 kc/s bandwidth. | 0.0025 | −132 dbW (per 4 kc/s). |
| Isotropic gain of radio-relay station antenna less feeder losses [2] | | 42 db |
| Isotropic gain of earth station antenna effective in the horizontal plane less feeder and polarization losses. [3] | 2.5 | $G_{earth}$ db |
| Power supplied by earth station transmitter to the transmission line input per 4 kc/s bandwidth. | | $P_{earth}$ dbW |
| Earth station site-shielding factor if applicable | | $F_s$ db |
| Minimum permissible basic transmission loss, $L_b$ (in decibels) | 0.1 | $P_{earth}+G_{earth}-F_s+174$. |

[1] These figures are taken from an example of a 960-channel line-of-sight radio-relay system but the maximum permissible unwanted signal level of −113 dbW is almost independent of the number of channels carried.

[2] The value of 42 db given in table 1 should be used unless it is known that the terrestrial station receiving antenna gain is greater than 42 db, in which case the higher value should be used.

[3] For simplicity, the appropriate value of $G_{earth}$ to be used shall be the maximum value obtained in the horizontal plane in the pertinent azimuthal direction rather than the value exceeded for 2.5 percent of the time. However, when site-shielding is allowed, the value to be used shall be that maximum value obtaining at the angle of elevation of the screening obstacle.

TABLE 2.—Interference from a Terrestrial Line-of-Sight Radio-Relay Transmitter to a Communication-Satellite Earth Station Receiver

| | Percentage of time | Values to be assumed for coordination |
|---|---|---|
| Permissible total interference in any telephone channel | 0.02 | −38 dbmO |
| Permissible interference from one terrestrial station to one earth station, assuming four such nonsimultaneous interference entries. | 0.005 | −38 dbmO |
| Receiver transfer characteristic assuming carrier energy dispersion of the wanted signal. | | 10 db [1] |
| Hence, maximum value of unwanted-to-wanted signal ratio at the receiver input. | 0.005 | −28 db |
| Minimum level of wanted signal at the receiver input | | −117 dbW [1] |
| Hence, permissible level of unwanted signal at the receiver input | 0.005 | −146 dbW |
| Isotropic gain of earth station antenna effective in the horizontal plane [2] | 5 | $G_{earth}$ db |
| Isotropic gain of radio-relay station antenna less feeder loss | | $G_{terr.}$ db |
| Earth station site-shielding factor if applicable | | $F_s$ db |
| Power supplied by terrestrial station transmitter to the transmission line input | | $P_{terr.}$ db W |
| Minimum permissible basic transmission loss, $L_b$ (in decibels) [3] | 0.1 | $P_{terr.}+G_{terr.}+G_{earth}-F_s+145$ |

[1] These figures are taken from an example of a 1200-channel communication-satellite system but the maximum permissible unwanted signal level of −145 db W is almost independent of the numbers of channels carried.
[2] For simplicity, the appropriate value of $G_{earth}$ to be used shall be that maximum value obtained in the horizontal plane in the pertinent azimuthal direction rather than the value exceeded for 5 percent of the time. However, when site-shielding is allowed, the value to be used shall be that maximum value obtaining at the angle of elevation of the screening obstacle.
[3] The application of coordination procedures for frequency sharing of this type involves the preparation, by the entity desiring to set up an earth station, of equal-power contours of coordination distance in the various azimuthal directions for several discrete levels of radiated power from the terrestrial station.

(d) *Summary.* The formulae giving the required basic transmission loss in db ($L_b$) not to be exceeded for 0.1 percent of the time are summarized as follows:

(1) For coordination between an earth transmitting station and terrestrial receiving stations:

$$L_b = P_{earth} + G_{earth} - F_s + 174$$

NOTE: For the value of $G_{earth}$, see footnote 3 to Table 1 in paragraph (c).

(2) For coordination between terrestrial transmitting stations and a communication-satellite, meteorological-satellite or space research earth receiving station:

$$L_b = P_{terr.} + G_{terr.} - F_s + G_{earth} + 145$$

NOTE: For the value of $G_{earth}$, see footnote 2 to Table 2 in paragraph (c).

(e) *Site-Shielding Factor.* (1) In cases where earth stations are sited below the level of surrounding or nearby terrain it is necessary to adopt the following procedure. Thus, if in a given azimuthal direction, an obstacle provides an angle of elevation, $\Theta$, to the earth station then—for that azimuthal direction—it is necessary, in calculating coordination distance, to employ the maximum earth station antenna gain at the angle of elevation, $\Theta$, rather than the maximum gain along the horizontal.

(2) As previously discussed, where site-shielding applies, the value of required basic transmission loss, $L_b$, may be reduced by a site-shielding factor, $F_s$, expressed in decibels. The following values of site-shielding factor shall apply when the obstacle limiting the angle of elevation is situated more than 5 kilometers away from the earth station.

| Minimum angle of elevation, $\Theta$, of obstacle, as seen from earth station | Allowable value of site-shielding factor, $F_s$, in decibels |
|---|---|
| Below 1° | 0 |
| Between 1° and 2° | 5 |
| Between 2° and 3° | 8 |
| Between 3° and 4° | 11 |
| Between 4° and 5° | 13 |
| More than 5° | 15 |

NOTE 1: In the case of nearer obstacles the values of site-shielding factor which apply may be obtained by multiplying the tabulated values by the fraction d/5, where d is the distance from the earth station to the obstacle in kilometers.

NOTE 2: The values of site-shielding factor shall be used with caution where terrestrial stations may be located, within coordination distance, at sites which are substantially above the horizontal plane passing through the earth station.

(f) *Equivalent Basic Transmission Loss at 4 Gc/s ($L_b'$).* The propagation data considered in paragraph (g) of this section relates to the frequency of 4 Gc/s and it is therefore in general necessary to convert the minimum permissible basic transmission loss ($L_b$) into an equivalent loss at 4 Gc/s ($L_b'$) before using these data to find the coordination distance. The equivalent loss in decibels at 4 Gc/s is given by:

$$L_b' = L_b + 13 - 21.6 \log_{10} f$$

where f is the assigned frequency in Gc/s. This relationship is shown in Figure 1 of paragraph (h) of this section.

(g) *World Radio-Climatic Conditions and Propagation Data.* (1) The propagation curves of Figure 2 are labelled Zone A, Zone B, and Zone C, and correspond to the various basic radio-climatic regions of the world as follows:

Zone A: Land
Zone B: Sea, at latitudes greater than 23.5° N. and 23.5° S.
Zone C: Sea, at latitudes between 23.5° N. and 23.5° S. inclusive.

(2) In any direction from the earth station the required coordination distance is found as follows:

(i) If the equivalent basic transmission loss $L_b'$ is such that the coordination distance in the given direction lies wholly within one of the zones, the coordination distance may be obtained directly from Figure 2 using the appropriate curve;

(ii) If the coordination distance lies partly in one zone and partly in another, the curves for mixed paths, Figures 3, 4, and 5 should be used. These curves show the loss $L_b'$ as a function of the path length in each of the two zones separately. Thus, if the path length in one zone and the required loss are known, the path length in the other zone can be determined. The path length in the first zone is the known distance from the earth station to the zone boundary in the direction concerned, hence the further length in the second zone can be found. The total path length, or coordination distance, is the sum of the two path lengths. Figures 3, 4, and 5 cover all cases of mixed paths in two zones as follows:

Figure 3: Zones A and B.
Figure 4: Zones A and C.
Figure 5: Zones B and C.

An example of the coordination distance calculation for a mixed path is worked out in paragraph (h) of this section.

(3) In certain geographical areas where propagation losses are known to be less than the values given by the pertinent zonal propagation curves, coordination distances should be calculated on the basis of the known propagation data.

(h) *Example of Coordination Distance Calculation for a Mixed Path.* (1) The procedure to be followed in the case of a mixed path is illustrated by the following example, in which it is assumed that a basic transmission loss of 190 db is required to avoid interference from an earth station to terrestrial services in a given direction.

(2) As shown in the diagram in Figure 6, the earth station is situated 50 km. from the coast and there is an oversea path of 150 km. before the coastline of neighboring country is reached. It is required to find the coordination distance from the earth station in the given direction using the mixed paths propagation chart in Figure 6. The procedure is as follows:

(i) Starting from the origin, the distance of 50 km. from the earth station to the coastline is set off along the A axis of the chart as indicated by the point $A_1$.

(ii) The oversea path length of 150 km. is then set off parallel to the B axis of the chart as indicated by the point $B_1$.

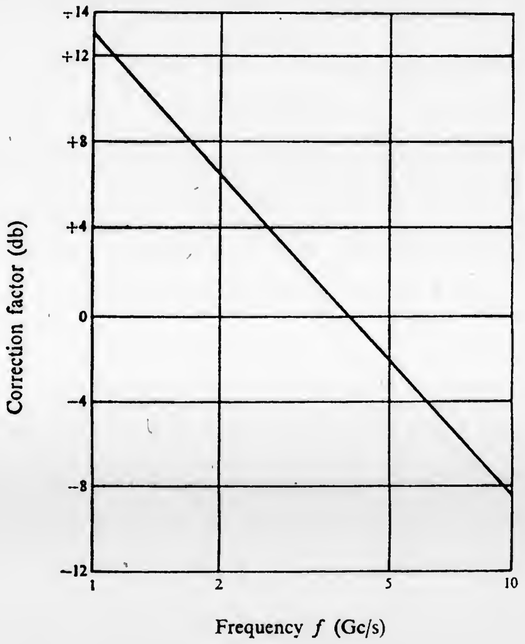
(iii) The further overland distance required is then measured parallel to the A axis from the point $B_1$ to the point of intersection with the 190 db curve, as indicated by X. This distance is found to be 90 km.

(iv) The coordination distance is the sum of the A and B coordinates of the point X and is equal to 50+150+90=290 km.



**Correction Factor to be Added to the Required Loss $L_b$ at Frequency $f$ to Obtain the Equivalent Loss $L'_b$ at 4 Gc/s**

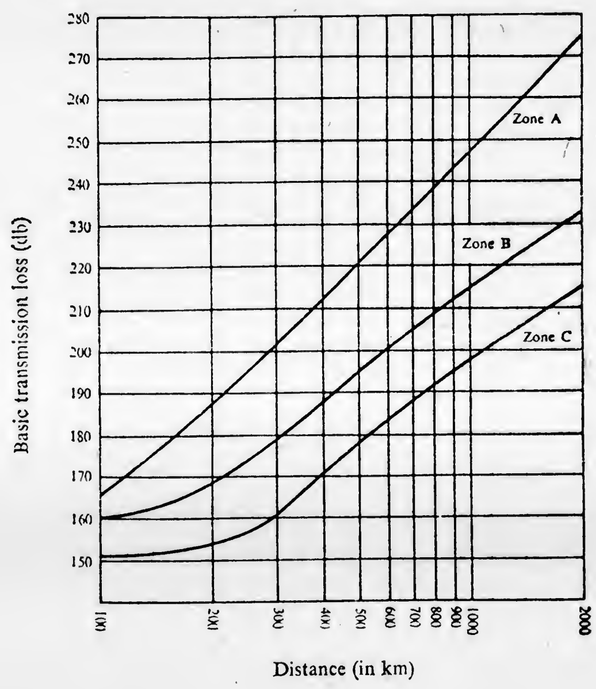
$L'_b = L_b +$ correction factor




FCC §25.251(h), Figure 1

**Simplified Tropospheric Propagation Curves for Calculation of Co-ordination Distance.**

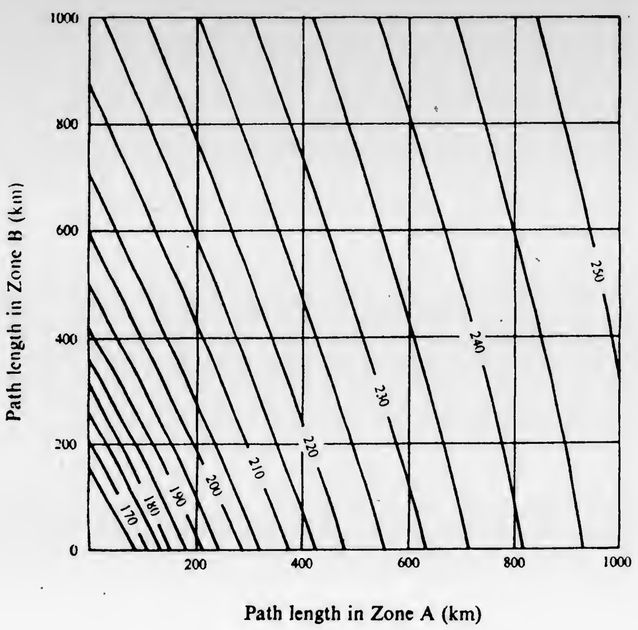
**Basic Transmission Loss not Exceeded for 0.1% of the Time at 4 Gc/s**




FCC §25.251(h), Figure 2

**Chart for Co-ordination Distance Calculations**
**Mixed Paths in Zones A and B**

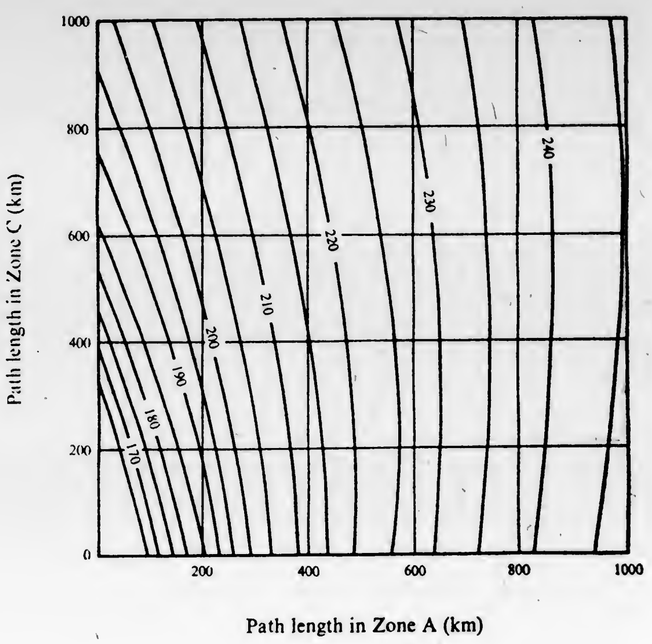
Basic transmission loss not exceeded for 0.1% of the time at 4 Gc/s, $L'_b$ (db)




FCC §25.251(h), Figure 3

**Chart for Co-ordination Distance Calculations**
**Mixed Paths in Zones A and C**

Basic transmission loss not exceeded for 0.1% of the time at 4 Gc/s, $L'_b$ (db)

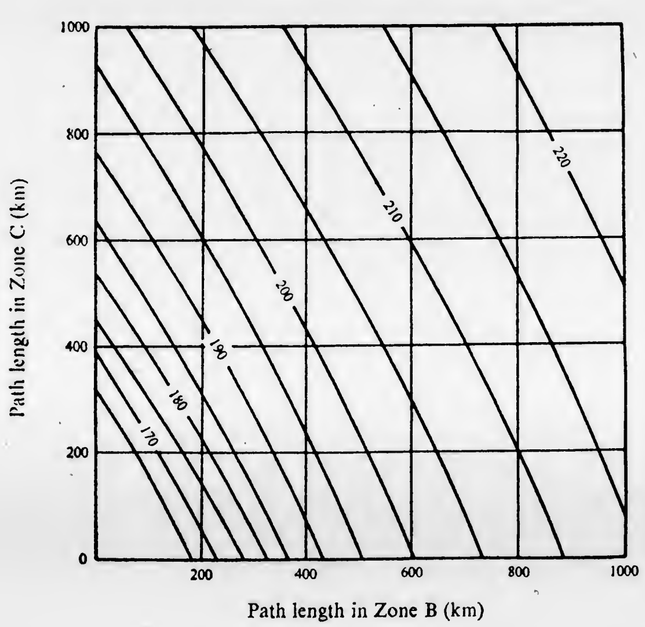



FCC §25.251(h), Figure 4



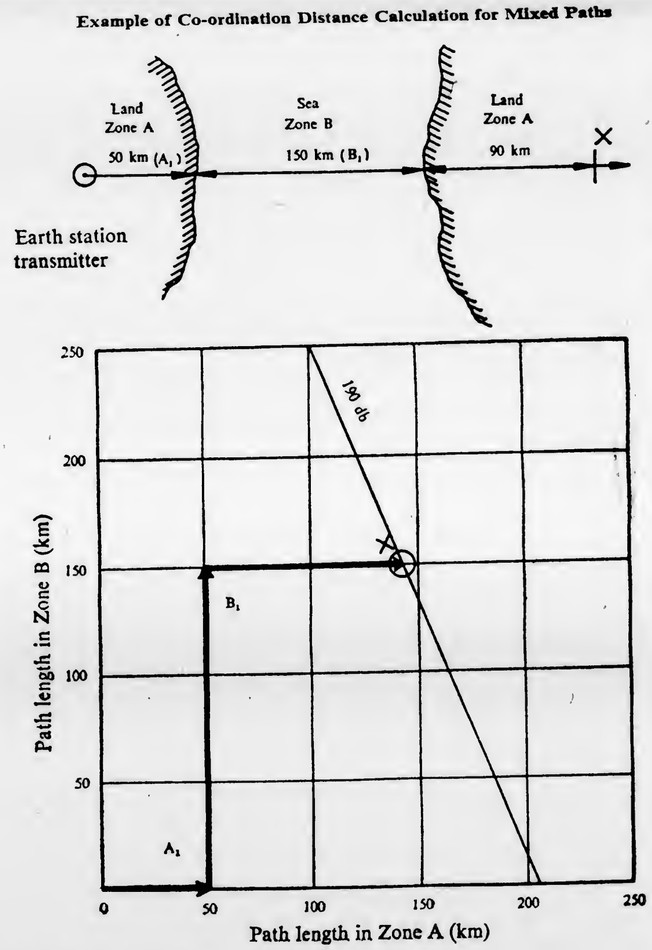
**Chart for Co-ordination Distance Calculations**
**Mixed Paths in Zones B and C**

Basic transmission loss not exceeded for 0.1% of the time at 4 Gc/s, $L'_b$ (db)




FCC §25.251(h), Figure 5

**Example of Co-ordination Distance Calculation for Mixed Paths**




FCC §25.251(h), Figure 6

[F.R. Doc. 64-12667; Filed, Dec. 15, 1964; 8:45 a.m.]

[ 47 CFR Part 25 ]

[Docket No. 15735; FCC 64-1122]

## SATELLITE COMMUNICATIONS

### Notice of Proposed Rule Making or Formulation of General Policy

In the matter of amendment of Part 25 of the Commission's rules and regulations with respect to ownership and operation of initial earth stations in the United States for use in connection with the proposed global commercial communication-satellite system, Docket No. 15735, RM-644.

1. Notice is hereby given of proposed rule making or formulation of a general policy statement in the above entitled matter.

2. The Commission has before it for consideration a Petition for Rule Making filed on August 13, 1964, by the Communications Satellite Corporation (ComSat). The petition requests the Commission to institute a rule making proceeding looking toward the adoption of a rule which would limit to ComSat ownership and operation of the earth stations initially required to link the United States with the contemplated global commercial satellite system.

3. The text of the rule proposed by ComSat reads as follows:

> The Commission will consider an application pursuant to section 201(c)(7) of the Communications Satellite Act of 1962, for authorization to construct, own, or operate a satellite terminal station [1] only if the applicant is the Corporation authorized by Title III of said Act, except that, under either of the conditions set forth, the Commission will consider an application for such authorization filed by an authorized carrier:
>
> A. If such an application is filed after there has been constructed and placed in operation by the Corporation, pursuant to authorization theretofore granted by the Commission, a satellite terminal station in each of the following areas, namely: the northeastern part of the United States, the northwestern part of the United States, and the State of Hawaii, or
>
> B. If, upon a proper showing by the applicant, the Commission finds that the Corporation has failed within a reasonable time to file application for authorization to construct satellite terminal stations in the above-mentioned areas or has failed to proceed diligently with the construction of satellite terminal stations which have been authorized by the Commission.

[1] Attention is invited to the fact that the term "satellite terminal station" appears in the Communications Satellite Act of 1962 (76 Stat. 419). In the Final Acts of the Extraordinary Administrative Conference (Geneva 1963), ratified by the President on March 16, 1964, these stations are referred to as "earth stations". It is, therefore, proposed that the more recent terminology adopted for international usage be employed here.

4. Statements in opposition to the petition were filed by American Communications Association (ACA), American Telephone and Telegraph Company (AT&T), Hawaiian Telephone Company (Hawaiian), ITT World Communications, Inc. (ITT), Radio Corporation of America (RCA), United States Independent Telephone Association (USITA), and Western Union International, Inc. (WUI). A statement in support of the petition was filed by Western Union (WU). In addition ComSat filed a reply to the statements in opposition.

5. The proposed rule is directed toward the implementation of section 201(c)(7) of the Communications Satellite Act of 1962 (Satellite Act) which provides:

> (c) the Federal Communications Commission, in its administration of the provisions of the Communications Act of 1934, as amended, and as supplemented by this Act, shall—
>
> • • • • •
>
> (7) grant appropriate authorizations for the construction and operation of each satellite terminal station, either to the corporation (ComSat) or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, convenience, and necessity. In determining the public interest, convenience, and necessity the Commission shall authorize the construction and operation of such stations by communications common carriers or the corporation, without preference to either;

6. The petition stresses the need for a prompt resolution of the question of earth station ownership and operation. In this connection, it recites that the research and development program undertaken by ComSat for the establishment of a global communication-satellite system contemplates that initial launches of communication satellites for the basic system are scheduled for mid-1966. It is estimated that it will require between 18 and 24 months to design and construct earth stations suitable for operational use in the system. Hence, ComSat urges that construction should commence promptly if present plans are to be realized.

7. On technological grounds, ComSat contends that the proposed rule would serve the public interest by expeditiously implementing the national communication satellite program consistent with the present state of technology and the purpose and objectives of the Satellite Act. It avers that only a limited number of earth stations can be used effectively during the initial stage of development and operation of the system. It further avers that the limitation is due to the fact that with existing technology, the channel capacity of communication satellites decreases as the number of earth stations simultaneously communicating with it increases. This is what has become known as the "multiple access" problem. It is alleged that until the constraint imposed on multiple access to a communication-satellite system is removed, a proliferation of earth stations in the U.S. would adversely affect the systems' channel capacity and quality of service.

8. The statutory responsibilities of ComSat coupled with its recently acquired international obligations under the International Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System are also advanced as reasons in support of initial single entity ownership and operation of United States earth stations. The petition recites that pursuant to statutory directives (section 305(a)(b) of the Satellite Act) interim arrangements have been completed under which an international consortium of communication entities will own and operate the space segment of the global system. Under the terms of the Interim Agreement, ComSat will represent the United States on the Interim Committee of the consortium which will be responsible for the design, development, construction, establishment, and operation of the space segment of the system. ComSat will also act as manager of the space segment. Given this posture, it is contended that single entity ownership of U.S. earth stations will best serve the public interest during the interim period of operation by fostering close and essential coordination in the design, construction and operation of such stations among all participants in the system.

9. Absent earth station ownership, ComSat believes that its statutory mission under the Satellite Act and its role as the U.S. participant in the global system will be rendered relatively ineffective. In this connection, it is pointed out that the communications entities of other nations whose representatives will be the initial members of the Interim Committee, now own, or will own and operate, or will make the determinations with respect to earth stations to be located in their respective countries. Accordingly, it is urged that ComSat should be permitted to own and operate the initial U.S. earth stations in order to maintain parity with other participating nations so as to enable it to meet effectively its multifaceted obligations.

10. In its statement in support of the petition, Western Union alleges that ownership and operation of earth stations by ComSat would achieve more effective coordination between earth stations and satellites and would provide the system with a capability of establishing and maintaining reasonably uniform costs per voice channel.

11. The views expressed in the statements filed in opposition to the petition, fall into four general categories. First, respondents maintain that the petition fails to demonstrate a need for the rule at this time. Secondly, it is argued that adoption of the proposed rule would violate the purpose and intent of section 201(c)(7). It is contended that the language and legislative history of section 201(c)(7) manifests an intent of Congress that each earth station authorization must be determined by the Commission on a case-by-case, station-by-station basis through the exercise of its adjudicatory processes. Thirdly, the proposed rule is challenged as being too broad and general to permit a public interest finding to support it. Finally, it is argued that adoption of the rule would create a monopoly in ComSat, destructive of existing competition in the field of telecommunications and contrary to the policies of the Satellite Act.

12. ComSat's reply reiterates the need for a prompt resolution of the earth station question. While it would prefer to commence its earth station program after the basic system choice has been made it insists that this is not possible because of the lead time required to design and construct earth stations to meet the scheduled basic system launch date of mid-1966.



13. In answer to the legal objections of proceeding by rule making, it maintains that the Commission has broad discretion to determine the earth station question in such manner that meets the test of fairness required by section 201(c)(7) of the Satellite Act and such other applicable requirements of law and is not limited solely to the use of its quasi-adjudicatory processes.

14. As an alternative to rule making, ComSat suggests a "two-stage" licensing procedure in which ownership eligibility could be determined in the first stage and determinations as to the number, location, etc. of earth stations would be left to the second stage. ComSat believes that either through rule making or the so-called "two-stage" licensing procedure, all interested parties could be allowed the opportunity to present their respective views regarding earth station ownership through written proposals and oral argument. Thereafter, on the basis of the record thus developed, the Commission could adopt a rule or policy with respect to eligibility without incurring undue delays inherent in an evidentiary hearing.

15. We have carefully considered the argument that there is no need to proceed promptly in this matter. Such argument overlooks the national policy expressed in the Satellite Act that the satellite system is to be put into operation "as expeditiously as practicable." We feel that we are obligated by law and express policy to take every step we reasonably can to assure that earth stations will be available and ready for use when the satellites for the basic system are ready to be launched. Thus, appropriate action must be taken now.

16. The main thrust of the opposition to the suggestion that we engage in a rule making proceeding is that section 201(c)(7) of the Satellite Act contemplates that earth station applications will be filed with and assessed by the Commission. But the argument among the parties appears to us to ignore the real substance of the important question before the Commission. Congress left no doubt as to its legislative intent in section 201(c)(7):

> It is for this reason that the second sentence that appears in S. 2814, section 201(c)(7), as reported by the Senate Aeronautical and Space Committee, which provides that the Commission should "encourage" establishment of ground stations by the carriers has been changed to provide that there shall be no preference shown either to the corporation or the carriers.
>
> The intention of this change in language is to make clear that there is no legislative prejudgment as to who shall establish a ground terminal station. The Commission is authorized to give full consideration to all relevant technological, economic, and operating factors in determining what meets the public interest, convenience, and necessity (Sen. Rept. No. 1584, 87th Cong., 2d Sess., p. 18).

We are thus called upon to make judgment upon all the public interest considerations and without giving any undue preference, because of a legislative direction, either to ComSat or the carriers. Further, there is no indication that Congress in any way specified a particular procedure to be followed in making that judgment or withdrew any one procedure (i.e., rule making). See Satellite Act, section 201(c)(11); Communications Act of 1934, as amended, sections 303(r) and 4(i); Sen. Rept. No. 1584, at p. 18. What it wanted was simply that the judgment encompass all relevant public interest considerations and be carried out "as expeditiously as practicable".

17. The crucial point is that the Commission should forthwith proceed to consider the relevant public interest considerations. The forum in which this is done is of lesser importance and indeed should be left flexible at this point. We think, therefore, that we should proceed with detailed written presentations. After consideration of such presentations (and any other procedures found to be desirable, e.g., oral argument; possible examination of some witnesses; informal discussions with all the interested parties present), we can decide whether adoption of a rule is appropriate, or whether formulation of a policy may be the best procedure,[2] or, finally, whether our decision should be to pursue individual licensing proceedings, without any prior formulation of policy, either through rule or statement.

18. We have therefore captioned this proceeding a notice of proposed rule making or formulation of general policy. In this way, we shall be in a position to take whatever action is appropriate without delay, consistent with the Congressional mandate for expedition. As to the substance of the rule or policy to be considered, we feel that at this stage we should not confine ourselves to a consideration of only one of the possibilities open to us. If we are to proceed to establish criteria governing the issuance of earth station authorizations, we feel the proposed rule making or general policy should encompass the entire field so that we may be advised with respect to the merits of each possibility. Accordingly, we will not limit our present procedures to a consideration of a rule of the limited scope proposed by ComSat. Instead, as set forth more fully in Paragraph 19, infra, we are seeking suggestions with respect to each of the possibilities available to us.

19. There are thus three possible courses of action open to us:

a. Adoption of rules;

b. Adoption of a general policy; and

c. Invitation to file applications for specific earth stations.

As stated, this proceeding is designed to afford interested parties the opportunity to advance full and detailed arguments concerning the merits of the ownership issue before the Commission and the method best designed to make that public interest determination. Those who favor either the adoption of rules or a general policy statement should, in particular, address themselves to the following basic questions:

(1) Who should be eligible to file applications under such a rule or general policy statement,

(a) ComSat alone;

(b) A communications carrier alone;

(c) ComSat and one or more carriers jointly;

(d) One or more carriers jointly;

(e) Any other alternatives possible under section 201(c)(7) of the Act?

(2) For what period of time should such a rule or general policy statement be effective?

(3) Each entity responding to one of the courses set forth above should show how its recommendations would:

(a) Provide uniform and nondiscriminatory access to the satellite system;

(b) Affect the expeditious establishment of the system;

(c) Affect the cost per voice channel;

(d) Provide for the most efficient use of the available frequencies;

(e) Affect the capability of the system to adapt to technical changes and expansion of the system to meet global needs;

(f) Affect the existing competitive situation in providing service to the public;

(g) Affect the ability of ComSat to discharge its statutory obligations as well as those under the Agreement Establishing Interim Arrangements for a Global Communications Satellite System, signed by the United States on August 20, 1964, and the Special Agreement signed by ComSat as the United States designated signatory on the same date;

(h) Affect the ability of the carriers to discharge their duty to provide worldwide and national service at reasonable charges;

(i) Affect the cost and efficiency in controlling the space segment of the system;

(j) The manner and method of the proposed operation.

(4) Set forth in detail the functions to be performed by the earth station including those necessary for connection to terrestrial services.

20. Those advocating a rule or general policy statement should also suggest the specific terms of the rule or general policy statement. It should be clearly understood that if a rule or general policy is adopted limiting the acceptance of applications, it still will be necessary for those eligible under such rule or policy to file specific applications and demonstrate that, in addition to basic eligibility under such rule or policy, they meet the specific criteria all applicants for licenses must satisfy. It follows that all interested parties would be afforded an opportunity to comment on such applications.

21. Those who advocate proceeding via the individual licensing route only should be prepared to show how such procedure would best serve the public interest, and specifically:

a. How the necessary research and development reasonably may be expected to be instituted and continue under such a course;

[2] Here we note that adoption of such a policy, if it can be appropriately formulated in this docket proceeding, does not mean that a lengthy evidentiary hearing is required as a matter of right in any subsequent licensing action dealing with specific applications. Evidentiary hearings are needed only where it is necessary to the public interest judgment to resolve factual issues. Where there is a valid, overriding policy making resolution of any factual issues unnecessary, no hearing would be called for. Here again this is a question which must await the developments on the merits.



b. How site selection and building of the station(s) can proceed expeditiously;

c. When applications reasonably may

## INTERSTATE COMMERCE COMMISSION

assignments. Station WLOB-FM operates on Channel 250 and an application is on file for Channel 270. The existing



the Commission on or before January 25, 1965.

Notice to the general public of the

b. How site selection and building of the station(s) can proceed expeditiously;

c. When applications reasonably may be perfected for filing;

d. How processing of application and possible hearings can be completed in time to assure that a completed station will be available when the satellites of the basic system are ready for launch.

22. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before the 5th of January 1965, and reply comments on or before the 18th of January 1965. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

23. Authority for the amendment herein proposed is contained in sections 201(c)(7) and 201(c)(11) of the Communications Satellite Act of 1962 (47 USC 701 et seq.) and sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

24. In accordance with the provisions of § 1.419 of the Commission rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: December 9, 1964.

Released: December 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-12872; Filed, Dec. 15, 1964; 8:46 a.m.]

## [47 CFR Part 73]

[Docket No. 15737; FCC 64-1141]

## FM BROADCAST STATIONS

### Proposed Table of Assignments for Augusta, Portland, and Sanford, Maine

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Augusta, Portland, and Sanford, Maine), Docket No. 15737, RM-664.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for rule making (RM-664) filed on September 24, 1964, and amended on October 2, 1964, by Guy Gannett Broadcasting Services, licensee of Stations WGAN(AM) and WGAN-TV, Portland, Maine. Petitioner requests the institution of rule making looking toward the assignment of a Class C FM channel to Portland, with changes in the Table of Assignments as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Portland, Maine | 243, 280, 270 | 280, 270, 275 |
| Augusta, Maine | 267, 272A | 267, 283 |
| Sanford, Maine | 276A | 244A |

3. Portland is located in Zone I and so the listed assignments are all Class B assignments. Station WLOB-FM operates on Channel 250 and an application is on file for Channel 270. The existing station and the applicant both have facilities much less than the maximum for a Class B station (50 kw and 500 feet a.a.t.). Guy Gannett urges that Portland, a city of over 120,000 people, does not have adequate FM service. It points out that it has attempted since December 1962, to operate an FM station which will fill the void and has concluded that the best way to provide this service is from a transmitter located at its WGAN-TV site, approximately 22 miles northwest of the center of Portland and situated in Zone II. Guy Gannett submits that the proposal conforms to all the domestic separation requirements. It would substitute a Class B assignment for a Class A in Augusta, Maine, thus providing two Class B Channels in that community.

4. Since the communities in question are within 250 miles of the United States-Canadian border, the proposed changes require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. The Canadian authorities have indicated that they have no objections to the proposed changes under certain specific conditions: That the proposed station on Channel 275 at Portland be limited to 100 kilowatts ERP and 1,513 feet antenna height above average terrain (the facilities proposed by petitioner) and that the Commission would have no objection to the future operation of Station CHLT-FM on Channel 274C1, Sherbrooke, Quebec, with 100 kilowatts ERP and 1,851 feet antenna height above average terrain.

5. We are of the view that rule making should be instituted on the subject petition and invite comments on the proposal in order that interested parties may submit their views and relevant data.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before January 8, 1965, and reply comments on or before January 18, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: December 9, 1964.

Released: December 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-12873; Filed, Dec. 15, 1964; 8:47 a.m.]

[2] Commissioner Lee absent.

[1] Commissioners Lee and Cox absent.

# INTERSTATE COMMERCE COMMISSION

## [49 CFR Part 170]

[Ex Parte No. MC-37 (Sub-No. 10)]

## WARREN, OHIO, COMMERCIAL ZONE

### Proposed Definition

DECEMBER 11, 1964.

Petitioners: General Motors Corporation, Interstate Motor Freight System, Modern Transfer Company, Inc., A.C.E. Freight, Inc., Yellow Transit Freight Lines, Inc., Lyons Transportation Lines, Inc., Norwalk Truck Lines, Inc., The Service Transport Co., C.A.B.Y. Transportation Company, Wilson Freight Forwarding Company, Middle Atlantic Transportation Co., Inc., Federal Express, Inc., Kramer-Consolidated Freight Lines, Inc., Eastern Express, Inc., All States Freight, Inc., Roadway Express, Inc., Great Lakes Express Co., The Mahoning Express Company, The Lake Shore Motor Freight Co., Consolidated Freightways, Inc., Wenham Transportation, Inc.; petitioners' attorneys: Aloysius F. Power and Walter R. Frizzell, 3044 West Grand Boulevard, Detroit, Mich., 48202, Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226.

By petitions filed November 23, 1964, petitioners request the Commission to institute a proceeding for the purpose of specifically defining the limits of the zone adjacent to and commercially a part of Warren, Ohio, which are now prescribed by the general formula promulgated in *Commercial Zones and Terminal Areas*, 46 M.C.C. 665 (49 CFR 170.16). Such formula provides that a city such as Warren, having a population of 25,000 but less than 100,000, and which has not been accorded individual consideration, shall have a commercial zone which consists of, and includes, the following: (a) The municipality itself; (b) all municipalities in the United States which are contiguous to the base municipality; (c) all unincorporated areas within 4 miles of its corporate limits and all of any other municipality any part of which is within 4 miles of the base municipality; and (d) all municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality.

The instant petitions request a specific definition of the Warren commercial zone so as to include all of the area which is included by the application of the above formula and, in addition, Lordstown Township, in Trumbull County, Ohio. A portion of Lordstown Township is within the zone as presently determined.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed specific destination of the limits of the Warren, Ohio, commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before January 25, 1965.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12900; Filed, Dec. 15, 1964; 8:48 a.m.]





# Notices



## WINGS AND WHEELS EXPRESS, INC.

### Notice of Application for Tariff-Filing Exemption

*It is ordered*, This 8th day of December 1964, that the request is granted, and that, accordingly, the hearing now

# Notices

## POST OFFICE DEPARTMENT

### CERTAIN DESIGNATED OFFICIALS

#### Redelegation of Authority With Respect to Real Property Management

The following is the text of Order No. 255 of the Assistant Postmaster General, Bureau of Facilities, dated December 2, 1964:

Assistant Postmaster General, Bureau of Facilities, Order No. 252, dated August 20, 1964, Paragraph E (29 F.R. 12884), is amended to read as follows:

E. *Miscellaneous expenditures.* To purchase personal property or services or pay fees necessary in the performance of the authority herein delegated but limited to committing the Government for title commitments, land surveys, real estate appraisals and to the purchase of maps and/or photographs where the cost of such property, service or fee does not exceed $500.00, and to authorize payment of same, except that not more nor less than $1.00 shall be paid as consideration for an option to purchase land.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-12865; Filed, Dec. 15, 1964; 8:46 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### OREGON

#### Redelegation of Authority to District Managers and Certain Other Officials

DECEMBER 7, 1964.

Bureau Order No. 698, as amended, delegates to the State Director the authority to enter into certain contracts and leases. Section 2 of the cited Bureau Order further authorizes the State Director to redelegate these authorities to designated qualified employees. The contracting authorities redelegated by the State Director under Bureau Order No. 698, together with restrictions and limitations outlined in paragraph 3 below, are as follows:

1. *Redelegation.* The following classes of employees are authorized to enter into contracts for construction, supplies (including the rental of equipment), or services in amounts not to exceed $2,000 as provided in 205 DM 11.1 A & B.

District Managers.
Land Office Managers.
Officer-in-charge at Spokane and Tillamook.
Chief, Division of Administration.
District Administrative Assistants.
Administrative Assistant, Spokane Field Office.

2. *Exceptions.* There is no dollar limitation for the above designated employees if the contract is for supplies or services from prescribed or mandatory sources of supply, such as

a. GSA for stores items.

b. Existing GSA or BLM open-end contracts for tires, equipment repair, etc.

3. *Limitation or restrictions.* Contracts or other procurements entered into under these authorities must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations. The authority so redelegated shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed in the General Services Administration.

RUSSELL E. GETTY,
*State Director.*

[F.R. Doc. 64-12866; Filed, Dec. 15, 1964; 8:46 a.m.]

### Bureau of Reclamation

### CERTAIN GREEN MOUNTAIN RESERVOIR STORAGE, COLORADO-BIG THOMPSON PROJECT

#### Reservation for Silt Project, Colorado River Storage Project

Consistent with, and subject to, the Findings of Fact and Conclusions of Law, the Stipulation and Final Judgment and Final Decree entered in Civil Cases numbered Civil No. 2782, Civil No. 5016, and Civil No. 5017, on October 12, 1955, and the Consent Decree entered April 16, 1964, stored water is to be reserved in Green Mountain Reservoir in accordance with the following understanding:

1. There is reserved annually (with no carry-over right) for use of the Silt Project 5,000 acre-feet of stored water or such lesser amount as may be required to be released on demand for project use.

2. The first use of such allotted water will commence during the year in which construction of the Silt Project is completed, now scheduled in 1966.

3. Power replacement shall be accomplished as follows: The Colorado River Storage Project shall replace any power losses to the Colorado-Big Thompson Project arising from the use of such allotment so that net power revenues to the Colorado-Big Thompson Project will be equal to the revenues that would have accrued to the Colorado-Big Thompson Project without construction of the Silt Project. This replacement shall be accomplished through an interchange of Colorado River Storage Project power generation with Green Mountain power generation.

Recommended for approval:

Dated: October 5, 1964.

F. M. CLINTON,
*Regional Director, Region 4.*

Dated: October 9, 1964.

H. P. DUGAN,
*Regional Director, Region 7.*

Dated: November 5, 1964.

WILBUR P. KANE,
*Acting Commissioner.*

Approved as to legal sufficiency:

Dated: October 20, 1964.

FRANK J. BARRY,
*Solicitor.*

Approved:

Dated: November 25, 1964.

STEWART L. UDALL,
*Secretary of the Interior.*

[F.R. Doc. 64-12867; Filed, Dec. 15, 1964; 8:46 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 14274]

### EXCESS BAGGAGE CHARGES

#### Investigation; Notice of Reassignment of Prehearing Conference

Pursuant to direction of the Board in Order E-21564, dated December 7, 1964, the prehearing conference which was previously postponed until further notice is hereby reassigned to be held at 10:00 a.m., e.s.t., January 12, 1965, in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., December 10, 1964.

[SEAL] MILTON H. SHAPIRO,
*Hearing Examiner.*

[F.R. Doc. 64-12912; Filed, Dec. 15, 1964; 8:49 a.m.]

[Docket No. 15714]

### UNITED AIR LINES

#### Enforcement Proceeding; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled matter is assigned to be held on January 26, 1965, at 10:00 a.m., e.s.t., in Room 726, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., December 11, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-12913; Filed, Dec. 15, 1964; 8:49 a.m.]





### WINGS AND WHEELS EXPRESS, INC.

#### Notice of Application for Tariff-Filing Authority; Pick-Up and Delivery Zone

DECEMBER 11, 1964.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 15740, from Wings and Wheels Express, Inc., 142-42 41st Avenue, Flushing, N.Y., for authority to provide true pickup and delivery service of air freight shipments between Boston, Mass., on the one hand, and Providence, R.I., and New Bedford-Fall River, Mass. (including pickup and delivery points in the terminal area) on the other hand, and between Boston, Mass., on the one hand, and Attleboro, North Attleboro, North Dighton, and Taunton, on the other hand.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-12914; Filed, Dec. 15, 1964; 8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15535, 15536; FCC 64M-1236]

### NELSON BROADCASTING CO. AND UBIQUITOUS FREQUENCY MODULATION, INC.

#### Order Continuing Hearing

In re applications of Donald P. Nelson and Wilbur E. Nelson, d/b as Nelson Broadcasting Co., Kingston, N.Y., Docket No. 15535, File No. BPH-4211; Ubiquitous Frequency Modulation, Inc., Hyde Park, N.Y., Docket No. 15536, File No. BPH-4312; for construction permits.

The Hearing Examiner having under consideration a letter request from counsel for Ubiquitous Frequency Modulation, Inc., for a continuance of the hearing in the above-entitled matter now scheduled for December 14, 1964, said request being dated December 8, 1964, and

It appearing, that newly arisen conflicts in hearing dates of several counsel necessitate a continuance and counsel for the other applicant and the Commission's Broadcast Bureau agree to granting the request and for immediate consideration thereof,

*It is ordered*, This 8th day of December 1964, that the request is granted, and that, accordingly, the hearing now scheduled for December 14, 1964, is hereby rescheduled to commence at 10:00 a.m., December 21, 1964, in the offices of the Commission in Washington, D.C.

Released: December 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12874; Filed, Dec. 15, 1964; 8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP65-122]

### ATLANTIC SEABOARD CORP.

#### Notice of Application

DECEMBER 8, 1964.

Take notice that on November 4, 1964, Atlantic Seaboard Corp. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va., filed in Docket No. CP65-122 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 10 miles of 36-inch pipeline partially looping its existing facilities between its Seneca Compressor Station, Pendleton County, W. Va., and its Lost River Compressor Station, Hardy County, W. Va.; and approximately 15.9 miles of 26-inch gas transmission pipeline replacing its existing 20-inch facility between Owings Mills and Manor Road, Baltimore County, Md.

The application states that the proposed construction is for the purpose of providing sufficient transmission capacity to meet increased requirements.

The estimated cost of the proposed facilities is $3,926,700, and will be financed by the sale of Applicant's notes and common stock to the Columbia Gas System, Inc., parent company of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12860; Filed, Dec. 15, 1964; 8:46 a.m.]

[Docket No. CP65-113]

### EL PASO NATURAL GAS CO.

#### Notice of Application

DECEMBER 8, 1964.

Take notice that on October 27, 1964, El Paso Natural Gas Co. (Applicant), El Paso, Tex., filed in Docket No. CP65-113 an application pursuant to section 7(b) of the natural gas act for permission and approval to abandon certain facilities in Lea County, N. Mex., and Scurry County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon three 500 horsepower compressor units located at Applicant's Townsend Compressor Station, Lea County, N. Mex.; and one 660 horsepower compressor unit located at Applicant's Snyder Compressor Station, Scurry County, Tex.

The application states that due to a decline in oil production in the Townsend-Edison Field, Lea County, N. Mex., the 1,500 compressor horsepower at Townsend Station are no longer required, since it is possible to transport all available casinghead gas without prior compression at the Townsend location. The application further states that the availability of residue gas from the Fuller (Cogdell), North Snyder, and Kelly-Snyder gasoline plants has steadily declined to a point where a portion of the 2,640 horsepower installed at Snyder Station is no longer required for future operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.



Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or

be represented at the hearing.



quired herein, if the Commission on its own review of the matter believes that

petition for leave to intervene is timely filed, or if the Commission on its own

quired herein, if the Commission on its own review of the matter finds that a

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12861; Filed, Dec. 15, 1964; 8:46 a.m.]

[Docket No. CP65-160]

## NORTH STAR NATURAL GAS COMPANY OF WISCONSIN INC.

### Notice of Application

DECEMBER 8, 1964.

Take notice that on December 1, 1964, North Star Natural Gas Company of Wisconsin Inc. (Applicant), 123 East Elm Street, River Falls, Wis., filed in Docket No. CP65-160 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Midwestern Gas Transmission Company (Midwestern) to establish physical connection of its natural gas transmission facilities with the natural gas branch line and distribution system proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant, for distribution and resale to the city of St. Croix Falls, Wis., and adjacent areas, all as more fully set forth in the application on file with the Commission and open to public inspection.

The estimated initial three year period of annual and peak day requirements are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf)..... | 34,510 | 56,840 | 66,930 |
| Peak day (Mcf).. | 304 | 386 | 482 |

Applicant was granted a franchise to distribute natural gas in the city of St. Croix Falls, Wis., by Ordinance No. 118 of the City Council, dated October 17, 1963.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12862; Filed, Dec. 15, 1964; 8:46 a.m.]

[Docket No. CP65-123]

## VALLEY GAS TRANSMISSION, INC.

### Notice of Application

DECEMBER 8, 1964.

Take notice that on November 4, 1964, Valley Gas Transmission, Inc. (Applicant), Post Office Box 1188, Houston, Tex., 77001, filed in Docket No. CP65-123 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to sell an additional 10,000 Mcf of natural gas per day to Iroquois Gas Corporation (Iroquois) on a firm basis commencing on or before January 1, 1965. Applicant seeks further authorization to construct and operate approximately 2.5 miles of 6-inch pipe, 4.0 miles of 4-inch pipe, .4 mile of 2-inch pipe and appropriate metering and appurtenant facilities, for the purpose of effectuating said sale.

The application states that the gas sold by Applicant to Iroquois will then be transported by Tennessee Gas Transmission Company (Tennessee) for the account of Iroquois to Tennessee's delivery point to Iroquois at its East Aurora Sales Meter Station located in Erie County, N.Y.

The estimated cost of the proposed facilities is $170,000, and will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-12863; Filed, Dec. 15, 1964; 8:46 a.m.]

[Docket No. CP64-89]

## CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application To Amend

DECEMBER 10, 1964.

Take notice that on December 1, 1964, Cities Service Gas Co. (Cities Service), Oklahoma City, Oklahoma and Natural Gas Pipeline Company of America (Natural), Chicago, Ill., filed in Docket No. CP64-89 a joint application to further amend the order of the Commission originally issued January 2, 1964, and amended by order of the Commission dated August 14, 1964, by requesting approval of an extension in time of the parties' Gas Exchange Agreement dated September 30, 1963, and amended April 13, 1964 and September 24, 1964, and also requesting authorization to construct and operate certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicants request extension of the period during which natural gas may be exchanged between them, from May 1, 1965 to May 1, 1970.

In addition, Cities Service seeks authorization to construct and operate an additional delivery point for gas delivered on an exchange basis to Natural in Gray County, Tex., consisting of a meter with appurtenant regulator equipment, and approximately .57 mile of 10-inch pipeline. Cities Service will also replace two existing 500# W.P. compressors at its Pampa Compressor Station with two 1000# W.P. compressors.

In addition, Natural seeks authorization to install and operate a side tap connection on its 26-inch pipeline in order to receive volumes of gas from Cities Service at this additional exchange point.

The total estimated cost of the Cities Service proposed facilites is $84,960, and will be financed with treasury cash; the total estimated cost of Natural's proposed facilities is $3,700, and will also be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12885; Filed, Dec. 15, 1964; 8:47 a.m.]

[Docket No. CP65-136]

## CITY OF LAWRENCEVILLE, GEORGIA

### Notice of Application

DECEMBER 9, 1964.

Take notice that on November 12, 1964, the city of Lawrenceville, Ga. (Applicant), filed in Docket No. CP65-136 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Transcontinental Gas Pipe Line Corporation (Transco) to abandon the present physical connection of its natural gas transmission facilities, and to establish physical connection with the facilities of Applicant at a new location, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct approximately 3.8 miles of 6-inch pipeline from the proposed relocated delivery point, replacing existing line which the application states is old, corroded, and potentially dangerous.

The application further states that since construction of the present transmission line was completed, the city has tended to grow in areas beyond the limits of the existing line, and that the construction of a new 6-inch transmission line from the proposed relocated point of delivery will enable the city to provide adequate service to its existing and potential consumers.

The estimated cost of the proposed facilities of Applicant is $69,500, which will be financed by means of funds heretofore received for Gas Revenue Anticipation Certificates issued January 1, 1951.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12886; Filed, Dec. 15, 1964; 8:47 a.m.]

[Docket No. CP65-102]

## COLUMBIA GULF TRANSMISSION CO.

### Notice of Application

DECEMBER 10, 1964.

Take notice that on October 13, 1964, Columbia Gulf Transmission Co. (Applicant), 3805 West Alabama Avenue, Houston, Tex., filed in Docket No. CP65-102 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate eleven main line loops consisting of approximately 143.6 miles of 30-inch O.D. pipe, and 17.4 miles of 30-inch pipeline loop on Applicant's East Lateral in St. Mary Parish, La.

The application states that the proposed facilities are required in order to transport substantial volumes of natural gas to meet estimated increased requirements of the United Fuel Gas Company (United Fuel) for the twelve month period beginning November 1, 1965.

The application further states that the additional gas to be transported by Applicant will be obtained under long-term purchase agreements entered into by United Fuel on June 28, 1963, with Humble Oil & Refining Company and Isaac Arnold, et al.

The application further states that Applicant's present daily design capacity of 972,500 Mcf will be increased by the proposed construction to 1,077,500 Mcf.

The total estimated cost of the proposed construction is $22,596,100 and will be financed by the sale of Applicant's notes and common stock to the Columbia Gas System, Inc., parent company of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12887; Filed, Dec. 15, 1964; 8:47 a.m.]

[Docket No. CP65-114]

## EL PASO NATURAL GAS CO.

### Notice of Application

DECEMBER 9, 1964.

Take notice that on October 27, 1964, El Paso Natural Gas Co. (Applicant), El Paso, Tex., filed in Docket No. CP65-114 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon, by sale to the Navajo Tribe, approximately 7.162 miles of 2⅜-inch O.D. pipeline, a measuring and regulating station, and a tap, all within the Navajo Indian Reservation (Reservation), Apache County, Ariz.

Applicant seeks further authorization to construct and operate a measuring and regulating station, and necessary appurtenances, located at a point adjacent to Applicant's San Juan Mainline at the origin of the pipeline hereinbefore described.

The application states that the proposed abandonment and construction are required by the fact that the Navajo Tribe is succeeding Southern Union Gas Co. (Southern) as purchaser and distributor of natural gas heretofore purchased and distributed by Southern to Ganado Indian School and Mission and Kin Li Chee Boarding School, both located on the Reservation.

The purchase price to be paid by the Navajo Tribe for the facilities of Applicant is $20,908; the estimated cost of the facilities proposed to be constructed by Applicant is $7,260, and will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without

further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12888; Filed, Dec. 15, 1964; 8:47 a.m.]

[Docket No. RI65-370]

## MRS. ANNA HUBER

### Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 9, 1964.

On November 9, 1964, Mrs. Anna Huber (Huber)[1] tendered for filing a proposed change in her presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 6, 1964.
Purchaser and producing area: Hope Natural Gas Co. (Sardis Field, Harrison County, W. Va.).
Rate schedule designation: Supplement No. 4 to Huber's FPC Gas Rate Schedule No. 1.
Effective date: December 10, 1964.[2]
Amount of annual increase: $487.
Effective rate: 20.0 cent per Mcf.[3]
Proposed rate: 26.0461 cents per Mcf.[4]
Pressure base: 15.325 psia.

Concurrently with the filing of the aforementioned unilateral rate increase, Huber filed a notice of cancellation of its FPC Gas Rate Schedule No. 1. Huber invokes the following contract provision as a basis for cancellation: "This contract and all rights hereunder shall continue for a term of five years from the date hereof[5] and so much longer thereafter as gas is produced in paying and marketable quantities from the land herein described, provided, however, that after the expiration of one year from the date hereof either party to this agreement may terminate and annul the same after giving notice of the intention so to do, in writing, thirty days previous to such termination, * * *" By letter dated October 30, 1964, Huber served notice on Hope Natural Gas Co. (Hope) of the proposed cancellation and unilateral rate increase. Huber further states that she is cancelling the contract because the current 20.0¢ per Mcf rate[3] and the volumes of gas purchased no longer provide an economically feasible or attractive market for the gas. The 26.0461¢ per Mcf proposed herein is the rate established by the Seventh Amendment for sales in West Virginia, applicable to rate schedules from which all price escalations clauses are being eliminated, except for provisions for future changes in tax reimbursement. Huber states that no further price increases would be requested unless permitted by the Commission.

On December 1, 1964, Hope filed a protest with respect to this rate change, requesting that it be rejected. Hope contends that Huber has no right to terminate the contract by unilateral action without obtaining abandonment authorization under section 7(b) of the Natural Gas Act, and therefore does not have the right to make the instant filing. Hope also contends that the price sought by Huber is unjustified since it does not meet the criteria established by the Seventh and Ninth Amendments to the Policy Statement. Hope further claims that the real purpose of Huber's filing is to stay connected to Hope's facilities, but to cancel, selectively, only the price and delivery provisions of the existing contract and to rewrite such provisions with new terms more favorable to Huber.

Since Huber in connection with her unilateral rate filing has purported to terminate her contract with Hope, Huber cannot come within the provisions of the Ninth Amendment to the Policy Statement which require that a contract must have a term of at least five years remaining in order for the provisions of the Seventh Amendment to be applicable. In view of the issues raised by Hope in its protest as to the legality of Huber's rate filing, we shall provide that the hearing provided for herein shall concern itself with the legality of the instant filing as well as the statutory lawfulness of such filing.

The increased rate proposed by Huber is in excess of the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the legality of Huber's filing and the lawfulness of the proposed change, and that Supplement No. 4 to Huber's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the legality of Huber's filing and the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Huber's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Huber's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until May 10, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 25, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12889; Filed, Dec. 15, 1964; 8:47 a.m.]

[Docket No. CP65-121]

## NORTHERN NATURAL GAS CO.

### Notice of Application

DECEMBER 9, 1964.

Take notice that on November 4, 1964, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-121 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate measuring and regulating facilities and appurtenances to establish a new delivery point for Peoples Natural Gas Division of Northern Natural Gas Co. (Peoples). Applicant proposes to deliver peak day volumes of 295 Mcf of firm gas to Peoples, for resale to the Dekalb Agricultural Association (Dekalb) for use in Dekalb's new plant near Dumas, Moore County, Tex., for heating, water heating and grain drying.

The estimated cost of the proposed facilities is $3,570, for which Applicant will be reimbursed by Peoples.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before January 7, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12890; Filed, Dec. 15, 1964; 8:47 a.m.]

[Docket No. CP65-159]

## NORTH STAR NATURAL GAS CO.

### Notice of Application

DECEMBER 9, 1964.

Take notice that on December 1, 1964, North Star Natural Gas Co. (Applicant), 123 East Ash Street, Wadena, Minn., filed in Docket No. CP65-159 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Midwestern Gas Transmission Co. (Midwestern) to establish physical connection of its natural gas transmission facilities with the natural gas branch line and distribution system proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for distribution and resale in the City of Thief River Falls, Minn., all as more fully set forth in the application on file with the Commission and open to public inspection.

The estimated initial three year period of annual and peak day requirements are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 130,000 | 287,520 | 383,210 |
| Peak day (Mcf) | 872 | 1,840 | 2,421 |

Applicant was granted a franchise to distribute natural gas in the city of Thief River Falls, Minn., and environs by Ordinance No. 300 of the City Council dated September 7, 1964.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12891; Filed, Dec. 15, 1964; 8:47 a.m.]

[Docket No. CP65-24]

## OHIO FUEL GAS CO.

### Notice of Application

DECEMBER 9, 1964.

Take notice that on July 22, 1964, as amended on October 13, 1964, the Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio, filed in Docket No. CP65-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to provide a total of six additional delivery points to three existing customers, the Dayton Power & Light Co. (Dayton), West Ohio Gas Co. (West Ohio), and Columbia Gas of Ohio, Inc. (Columbia of Ohio), all as more fully set forth in the application, as amended, on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities for (1) Dayton: A tap on Line A-97, regulator and measuring station for delivery of gas for resale and distribution in the unincorporated community of Frederick and environs, Miami County, Ohio; (2) West Ohio: a tap on Line D-322, regulator and measuring station for delivery of gas for resale and distribution in the unincorporated community of Westminster and environs, Allen County, Ohio, and (3) Columbia of Ohio: (a) a tap and measuring station on Line D for delivery of gas for resale and distribution in the incorporated community of Fulton and environs, Morrow County, Ohio, (b) a tap on Line D-35 for delivery of gas for resale and distribution in the unincorporated community of Adrian and environs, Seneca County, Ohio, (c) a tap on Line V-100 for delivery of gas for resale to Snow Bowl, Inc. for use by the latter in its ski lodge and resort presently under construction in Harrison County, Ohio, and (d) a tap on Line Z-8 for delivery of gas for resale to International Harvester Co. at the latter's new factory in Clark County, Ohio; International Harvester will use natural gas for washing, drying, paint drying, space heating and air conditioning at its new truck manufacturing plant, and (e) a tap on Line FE-345 and measuring station for delivery of gas for resale in the unincorporated community of Reedsville and environs, Meigs County, Ohio.

The estimated third year peak day and annual natural gas requirements for the proposed services are:

| Customer | Market | Peak day (Mcf) | Annual (Mcf) |
|---|---|---|---|
| Dayton | Frederick | 84 | 8,530 |
| West Ohio | Westminster | 205 | 28,063 |
| Columbia of Ohio | Fulton | 133 | 15,600 |
| | Adrian | 45 | 5,300 |
| | Snow Bowl, Inc. | 89 | 13,000 |
| | International Harvester | 2,700 | 407,000 |
| | Reedsville | 138 | 17,760 |
| Total | | 3,394 | 496,253 |

The application indicates that Applicant's customers have requested the proposed additional delivery points in order to serve their potential customers in communities and environs contiguous to their respective service areas not presently supplied with natural gas.

The total estimated cost of the proposed facilities is $20,671, which cost will be financed from cash on hand.

Applicant states that the present contractual commitments with the subject customers are considered adequate to provide for the initial service; therefore, no increase in contract demands is contemplated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 31, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12892; Filed, Dec. 15, 1964; 8:47 a.m.]

[Docket No. CP65-110]

## PANHANDLE EASTERN PIPE LINE CO.

### Notice of Application

DECEMBER 10, 1964.

Take notice that on October 26, 1964, Panhandle Eastern Pipe Line Co. (Ap-

[1] Address is: Post Office Box 414, Rumson, N.J.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Producer's filing shows current price as being 18.65 cents per Mcf, which is incorrect.
[4] Unilateral rate increase.
[5] The contract is dated Sept. 30, 1926.

plicant), New York, N.Y., and Kansas City, Mo., filed in Docket No. CP65–110 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a new interchange for Michigan Gas Storage Co. (Michigan), which is to be located on Applicant's North line, in Saginaw County, Mich. The application states that the purpose of this interchange is to provide flexibility on Michigan's system.

The estimated cost of Applicant's proposed construction is $6,600, and will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure 18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12893; Filed, Dec. 15, 1964; 8:47 a.m.]

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[Docket No. CP64–110]

## SOUTH GEORGIA NATURAL GAS CO.

### Notice of Application To Amend

DECEMBER 10, 1964.

Take notice that on November 25, 1964, South Georgia Natural Gas Co. (Applicant), Thomasville, Ga., filed in Docket No. CP64–110 an application to amend the order of the Commission issued January 16, 1964, which order permitted Applicant to abandon to the city of Dawson, Ga. (Dawson), 1,910 feet of its 3½-inch O.D. Line No. 7. In the subject application, Applicant requests permission and approval to abandon, by sale to Dawson, an additional 1,572 feet of Line No. 7.

The application states that the proposed abandonment is requested pursuant to a request by Dawson that Applicant move its present meter and regulating station in a westerly direction 1,572 feet due to industrial and commercial development in the area.

The application further states that the proposed sale price of the property sought to be abandoned by Applicant is $3,009.54, which represents its fair and reasonable value.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12894; Filed, Dec. 15, 1964; 8:48 a.m.]

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[Docket Nos. G–8288, etc., and G–18353]

## SUN OIL CO.

### Order Conditionally Approving Rate Settlement Proposal, Severing and Terminating Proceeding and Prescribing Refunds; Correction

OCTOBER 23, 1964.

In the Order Conditionally Approving Rate Settlement Proposal, Severing and Terminating Proceedings and Prescribing Refunds, issued October 1, 1964 and published in the FEDERAL REGISTER October 13, 1964 (F.R. Doc. 64–19281; F.R. 14086–14092); add the following to Appendix C:

SECTION 7(c) DOCKETS TO BE SEVERED FROM THE PROCEEDINGS IN UNION TEXAS PETROLEUM, ET AL. DOCKET NO. G–13221, ET AL., AND CERTIFICATED BY THE STATUTORY HEARING PROCEDURE

| *Docket Nos.* | *B.S. Nos.* |
|---|---|
| G–3653[1] | 38 |
| G–11116[1] | 76 |
| G–15267 | 98 |
| CI60–75 | 119 |
| CI60–400 | |

[1] These proceedings involve added acreage only.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12895; Filed, Dec. 15, 1964; 8:48 a.m.]

# HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

### ACTING REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

### Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region VI, during the absence of the Regional Administrator, with all the powers, functions, and duties delegated or assigned to the Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Regional Counsel.
2. Regional Director of Community Facilities.
3. Regional Director of Administration.

This designation supersedes the designation effective November 1, 1962 (27 F.R. 11518, November 22, 1962).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 16th day of November 1964.

[SEAL] ROBERT B. PITTS,
*Regional Administrator,*
*Region VI.*

[F.R. Doc. 64–12898; Filed, Dec. 15, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

## HANNA MINING CO.

### Notice of Filing of Application for Order Granting Application With Respect to Proposed Transactions

[File No. 812–1741]

DECEMBER 10, 1964.

Notice is hereby given that the Hanna Mining Co. ("Hanna Mining"), 100 Erieview Plaza, Cleveland, Ohio, 44114, approximately 46.5 percent of the outstanding voting stock of which is owned by the M. A. Hanna Co. ("Hanna"), a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application under section 17(d) of the Act and Rule 17d–1 thereunder for an order of the Commission granting said application with respect to the participation by Inland Steel Co. ("Inland"), Wheeling Steel Corp. ("Wheeling") and Hanna Mining in a project for the development of certain magnetic taconite properties in Minnesota owned by Butler Brothers ("Butler"), a Minnesota corporation. Under the act, Hanna Mining is presumptively controlled by Hanna and Inland and Wheeling are affiliated persons of an affiliated person of Hanna. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations which are summarized below.



The capital stock of Butler is presently owned 46.471 percent by Hanna Mining, 32.529 percent by Inland and 21 percent by Wheeling. However, Hanna Mining has agreed, subject to obtaining an order of the Commission pursuant to section 17(b) of the act, for which an application is now pending (File No. 812–1727, Investment Company Act Release No. 4088, November 27, 1964), to sell certain of its holdings of the stock of Butler to Inland and Wheeling. Upon consummation of these sales Butler will be owned 37.5 percent by Hanna Mining, 38 percent by Inland and 24.5 percent by Wheeling.

Butler holds mineral rights in various lands located on the Mesabi Range in Minnesota. There are substantial magnetic taconite deposits in some of these lands and Hanna Mining, Inland and Wheeling propose, through a co-ownership arrangement under which Hanna Mining will act as manager for the co-owners, to develop these deposits and, in connection therewith, to construct, at a cost estimated at $50,000,000, the necessary facilities for concentrating and pelletizing the magnetic taconite ore. Inland proposes to supply its 38 percent share of the necessary construction costs from its own funds. Hanna Mining and Wheeling propose to finance most of their respective shares of the cost through use of borrowed funds and propose to participate in the project through a Delaware corporation known as Itasca Pellet Co. ("Itasca") which will be owned 60.484 percent by Hanna Mining and 39.516 percent by Wheeling, reflecting their relative proposed stock interests in Butler of 37.5 percent and 24.5 percent, respectively.

Butler will sublease to Inland a 38 percent undivided interest in the magnetic taconite properties and related surface lands, corresponding to Inland's proposed stock interest in Butler, and will sublease to Itasca the remaining 62 percent undivided interest in such properties, corresponding to the combined proposed stock interests in Butler of Hanna Mining (37.5 percent) and Wheeling (24.5 percent). The two subleases will contain the same terms and provisions, including provisions for the payment of a fair and reasonable royalty comparable to royalties payable under customary subleases of similar mineral rights between strangers.

Inland and Itasca, as co-owners of the magnetic taconite mineral rights and other property interests in the project, will each appoint Hanna Mining as manager to manage and supervise their respective interests in such properties, pursuant to separate but substantially identical management agreements. The management agreements will authorize Hanna Mining to take all action necessary in its judgment to construct a concentrating and pelletizing plant, with a designed capacity initially fixed at two million tons of pellets a year, and to develop and operate the properties. Inland and Itasca will receive 38 percent and 62 percent, respectively, of the annual production of pellets and are required to pay, in the same proportion, the costs incurred in the development and operation of the properties and the construction of the plant. Hanna Mining will be compensated, by Inland and Itasca, respectively, for its services as manager at a rate of 12½ cents per ton of pellets delivered to or for the accounts of Inland and Itasca, subject to certain adjustments to reflect changes in the U.S. Department of Labor consumer price index for commodities. Applicant represents that such proposed management fee will provide adequate compensation for the services involved and is not less than rates being charged under similar arrangements currently being made in the iron ore industry.

Itasca and its two stockholders, Hanna Mining and Wheeling, have entered into an agreement requiring Itasca to deliver to each stockholder, and each stockholder to accept, a percentage of all pellets delivered to Itasca which corresponds to their respective stock interests in Itasca and providing that each stockholder will pay to Itasca from time to time its stockholder's percentage of all costs incurred by Itasca. The agreement further provides that the stockholders will arrange for Itasca to borrow approximately 80 percent (up to a maximum of $30 million) of the funds required to be paid by Itasca for the acquisition, construction and development of the properties subleased to it. Itasca is entering into note agreements with five unaffiliated lending institutions providing for the issuance of $12 million aggregate principal amount of its 4¾ percent secured notes and $18 million aggregate principal amount of its 5⅛ percent secured notes.

It is contemplated that Hanna Mining will enter into pellet sales agreements with Inland and Wheeling under which Inland will be committed to purchase 22.59 percent, and Wheeling will be committed to purchase 14.67 percent, of Hanna Mining's share of the pellets produced by the plant. The price for pellets sold pursuant to such agreements will be the average price quoted at the time of delivery by the principal ore dealers of Cleveland, Ohio for blast furnace iron ore pellets, adjusted for analysis, structure and point of delivery in the manner customary in the trade at the time of delivery.

Hanna Mining and Inland have no common directors; Hanna Mining has one common director with Wheeling, W. A. Marting, who is President and a director of Hanna Mining and is one of the sixteen directors of Wheeling.

Notice is further given that any interested person may, not later than December 29, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F.R. Doc. 64–12859; Filed, Dec. 15, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 332]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 1) (Deviation No. 2), HARPER MOTOR LINES, INC., Post Office Box 781, Elberton, Ga., filed November 30, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Atlanta, Ga., and Lavonia, Ga. (junction Interstate Highway 85 and Georgia Highway 17), over Interstate Highway 85, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Atlanta over U.S. Highway 23 to

junction U.S. Highway 123, thence over U.S. Highway 123 to Toccoa, Ga., (2) from Atlanta over U.S. Highway 78 to Athens, Ga., (3) from junction U.S. Highway 29 and Georgia Highway 72, over U.S. Highway 29, via junction Georgia Highway 98, to junction Georgia Highway 281, thence over Georgia Highway 281 to Royston, Ga., and (4) from Elberton, Ga., over Georgia Highway 17 to Toccoa, and return over the same routes.

No. MC 6945 (Deviation No. 8), THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich., 48126, filed November 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to junction Ohio Highway 4 at Dayton, Ohio, thence over Ohio Highway 4 to junction U.S. Highway 40 at Springfield, Ohio, thence over U.S. Highway 40 to Columbus, Ohio, and return over the same route.

No. MC 10761 (Deviation No. 39), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209, filed December 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Worcester, Mass., over Massachusetts Highway 146 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 146 to Providence, R.I., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 1 to Providence, R.I., and (2) from Boston, over Massachusetts Highway 9 to Worcester, and return over the same routes.

No. MC 10761 (Deviation No. 40), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209, filed December 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Fiskdale, Mass., over Massachusetts Highway 131 to Southbridge, Mass., thence over Massachusetts Highway 169 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 169 to junction Connecticut Highway 171, thence over Connecticut Highway 171 to Putnam, Conn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to Hartford, Conn.; from Hartford over U.S. Highway 44 to junction Alternate U.S. Highway 44 (formerly U.S. Highway 44), thence over Alternate U.S. Highway 44 to junction Connecticut Highway 31 at or near Coventry, Conn., thence over Connecticut Highway 31 via South Coventry, Conn., to junction Connecticut Highway 32, thence over Connecticut Highway 32 to junction U.S. Highway 6 west of Willimantic, Conn., and thence over U.S. Highway 6 to Providence, R.I.; from Hartford over U.S. Highway 44 to junction Alternate U.S. Highway 44 (formerly U.S. Highway 44), thence over Alternate U.S. Highway 44 to junction U.S. Highway 44, thence over U.S. Highway 44 to Providence; and from Boston over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to Hartford, and return over the same routes.

No. MC 20207 (Deviation No. 4), CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa., 15136, filed December 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cincinnati, Ohio, and Cleveland, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, over U.S. Highway 42 to London, Ohio, thence over Ohio Highway 142 to West Jefferson, Ohio, thence over U.S. Highway 40 to Columbus, Ohio, thence over U.S. Highway 23 to Delaware, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio, thence over U.S. Highway 30 to Wooster, Ohio, thence over Ohio Highway 5 to Akron, Ohio, thence over Ohio Highway 8 to Cleveland, and return over the same route.

No. MC 52746 (Deviation No. 7), MISSOURI CONSOLIDATED FREIGHTWAYS CORPORATION, Post Office Box 5138, Chicago, Ill., 60680, filed November 30, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Kans., and junction Interstate Highway 35 and U.S. Highway 34 at or near Osceola, Iowa, over Interstate Highway 35, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, over U.S. Highway 69 via Osceola, to Des Moines, Iowa, and return over the same route.

No. MC 61440 (Deviation No. 10), LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla., filed November 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over U.S. Highway 40 to junction U.S. Highway 42, thence over U.S. Highway 42 to Delaware, Ohio, thence over U.S. Highway 36 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 224, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Lima, Ohio, over U.S. Highway 25 to Wapakoneta, Ohio, thence over U.S. Highway 33 to St. Marys, Ohio, thence over Ohio Highway 29 to the Ohio-Indiana State line, thence over Indiana Highway 67 to Indianapolis, Ind., thence over U.S. Highway 40 to St. Louis, Mo., (2) from Beaverdam, Ohio, over U.S. Highway 25 to Lima, (3) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 33, thence over U.S. Highway 33 to Fort Wayne, Ind., thence over U.S. Highway 30 to Delphos, Ohio, thence over U.S. Highway 30–N to Mansfield, Ohio (also from Delphos over U.S. Highway 30–S to Mansfield), thence over U.S. Highway 30 via East Liverpool, Ohio, to Pittsburgh, Pa., (4) from Cleveland, Ohio, over U.S. Highway 42 to Mansfield, and (5) from Youngstown, Ohio, over Ohio Highway 18 to Akron, Ohio, thence over U.S. Highway 224 to Lodi, Ohio, and return over the same routes.

No. MC 77404 (Deviation No. 5), MOHAWK MOTOR, INC., 40 Harrison Street, Tiffin, Ohio. Carrier's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215, filed November 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cincinnati, Ohio, and Cleveland, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, over U.S. Highway 42 to Lebanon, Ohio, thence over Ohio Highway 48 to Dayton, Ohio, thence over U.S. Highway 25 to Findlay, Ohio, thence over Ohio Highway 12 to Fostoria, Ohio, thence over Ohio Highway 18 to Tiffin, Ohio, thence over Ohio Highway 101 to Clyde, Ohio, thence over U.S. Highway 20 to Cleveland, and return over the same route.

No. MC 107500 (Deviation No. 20) BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed December 4, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 35 and U.S. Highway 34, near Osceola, Iowa, over Interstate Highway 35 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 69 to Des Moines, and return over the same route.

No. MC 108937 (Deviation No. 4), MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul, Minn., 55114, filed December 3, 1964. Applicant's representative: R. L. Stevens, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Watertown, S. Dak., over South Dakota Highway 22 to junction South Dakota Highway 25, thence over South Dakota Highway 25 to Webster, S. Dak., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Aberdeen, S. Dak., over U.S. Highway 12 to St. Paul, Minn.; from Aberdeen over U.S. Highway 281 to Redfield, S. Dak., thence over U.S. Highway 212 to St. Paul; from Milbank, S. Dak., over U.S. Highway 77 to junction U.S. Highway 212; and from Watertown over U.S. Highway 81 to junction U.S. Highway 12, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12902; Filed, Dec. 15, 1964; 8:48 a.m.]

[Notice 710]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 11, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

### APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 18088 (Sub-No. 31) (AMENDMENT), filed August 24, 1964, published in FEDERAL REGISTER issue September 16, 1964, amended December 7, 1964, and republished as amended this issue. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004, and John W. Cooper, 805 Title Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products*, and *materials and supplies* used or utilized in the production and shipment of textile products, from Hartford, Clio, Clayton, Fort Payne, and Collinsville, Ala., to Chattanooga, Tenn.

NOTE: The purpose of this republication is to add Fort Payne and Collinsville, Ala., as origin points.

*HEARING:* January 19, 1965, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 239.

No. MC 115826 (Sub-No. 21), filed July 29, 1963. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, food preparations, food ingredients, food materials, food supplements, dairy products, meats, meat products, meat by-products, canned foods, frozen foods, and commodities requiring temperature protection or control, and exempt commodities*, between points in Arizona, California, Colorado, Idaho, Kansas, Nebraska, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, and (2) *fish, including shell fish, and agricultural, including horticultural, commodities, or any of these commodities*, in the same vehicle with any commodity described in (1) above, and *exempt commodities*, between points in Arizona, California, Colorado, Idaho, Kansas, Nebraska, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

*HEARING:* February 15, 1965, at the Argonaut Hotel, 233 East Colfax Street, Denver, Colo., before Examiner William J. O'Brien.

No. MC 125741 (REPUBLICATION), filed October 9, 1963, published FEDERAL REGISTER, issue of March 11, 1964, and republished this issue. Applicant: M. H. BRYAN AND C. W. EADS, a copartnership, doing business as RIVERTON-BIG HORN FREIGHT LINES, Post Office Box 2050, Casper, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. By application filed October 9, 1964, applicants seeks to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, between Casper, Wyo., and Riverton, Wyo., from Casper over U.S. Highways 20 and 26 to Shoshoni, thence over U.S. Highway 26 and Wyoming Highway 789 to Riverton, serving all intermediate points, (2) between Shoshoni, Wyo., and Cody, Wyo., from Shoshoni over U.S. Highway 20 and Wyoming Highway 789 to Greybull; thence over U.S. Highways 20 and 14 to Cody, serving all intermediate points, and the off-route points of Otto and Burlington, Wyo., (3) between Cody, Wyo., and Greybull, Wyo., from Cody over Wyoming Highway 14 to Lovell, thence over Wyoming Highway 789 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Greybull, serving all intermediate points, and the off-route points of Deaver and Cowley, Wyo., and empty containers or other such incidental facilities used in transporting the above commodities, on return. A report of the Commission, decided November 19, 1964, served November 30, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle of general commodities, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Casper and Cody, Wyo., over U.S. Highway 20, through Shoshoni, Thermopolis, Worland, and Greybull, Wyo., serving all intermediate points and the off-route points of Otto and Burlington, Wyo., (2) between Cody, Wyo., and junction U.S. Highways 310 and 20, from Cody over Wyoming Highway 14 to Lovell, Wyo., and thence over U.S. Highway 310 to junction U.S. Highways 310 and 20, and return over the same route, serving all intermediate points and the off-route points of Deaver and Cowley, Wyo., and (3) between Shoshoni and Lander, Wyo., from Shoshoni over U.S. Highway 26 to Riverton, Wyo., and thence over Wyoming Highway 789 to Lander, Wyo., and return over the same route, serving all intermediate points and the off-route points of the Pan American Petroleum Beaver Creek Plant, The Lucky Mac Mine, the Hidden Splendor Mine, the Federal Uranium Mill, the Vitro Minerals Installation, the International Mining Installation, and the Uranium Processing Mill of Globe Mining Co., subject to the condition that the authority, to the extent it authorizes the transportation of dangerous explosives, shall be limited in point of time to a period expiring 5 years from the effective date thereof. In order to protect any existing carriers who may have an interest in the matter, a proper notice of the complete scope of the authority to be granted herein will be republished in the FEDERAL REGISTER, and prior to the issuance of a certificate, a 30-day period will be allowed from the date of such republication, during which any interested party, who may be affected by the broadened scope of such grant, may file an appropriate pleading.

No. MC 125986 (Sub-No. 1) (REPUBLICATION), filed August 9, 1964, published FEDERAL REGISTER, issue of August 26, 1964, and republished this issue. Applicant: MAYNARD C. POWERS, Crystal Lake, Iowa. Applicant's attorney: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal and poultry feed and fertilizer, from Mankato and Albert Lea, Minn., to Crystal Lake, Iowa, and points within 5 miles thereof. An Order of Operating Rights Board No. 1, dated November 24, 1964, served December 3, 1964, finds, among other things, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of *animal and poultry feed*, from Mankato, Minn., to points in Hancock and Winnebago Counties, Iowa, and (2) of *fertilizer*, from Albert Lea, Minn., to points in Hancock and Winnebago Counties, Iowa and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in, and would be prejudiced by the lack of proper notice of the authority described above, a corrected notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126157 (REPUBLICATION), filed March 30, 1964, published FEDERAL REGISTER, issue of April 22, and August 5,





1964, and republished this issue. Applicant: JOHN SCHOCK TRUCKING, 388 Portage Road, Niagara Falls, Ontario, Canada. Applicant's attorney: William

application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority as granted a corrected notice of the

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between



### MOTOR CARRIERS OF PROPERTY

No. MC–F–8772 (SCOVERA CARTAGE CO.—PURCHASE—A. F. POSNIK

(except Detroit), to points in Illinois, Indiana, and Ohio; *gypsum*, and *asphalt building materials*, from Port Clinton,

chusetts, Michigan, Nebraska, New York (with exceptions), Ohio (with exceptions), and Wisconsin, to Bay City, Lud-

1964, and republished this issue. Applicant: JOHN SCHOCK TRUCKING, 388 Portage Road, Niagara Falls, Ontario, Canada. Applicant's attorney: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. By application filed March 30, 1964 applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand, gravel, asphalt, rough lumber, rock, stone, fill, turf, earth, and rubble*, in bulk, in dump vehicles, between ports of entry on the international boundary line between the United States and Canada at or near Buffalo, Niagara Falls, and Lewiston, N.Y., and Lackawanna, Batavia, Youngstown, N.Y., and points on Grand Island, N.Y., restricted to loads not exceeding 32,000 pounds. An order, dated November 30, 1964, served December 8, 1964, Operating Rights Board No. 1, finds that the present and future public convenience and necessity require operation by applicant in foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *sand, gravel, asphalt, rock, stone, fill, turf, earth*, and *rubble*, in bulk, in dump vehicles, from the ports of entry on the international boundary between the United States and Canada at or near Buffalo, Niagara Falls and Lewiston, N.Y., to Buffalo, Niagara Falls, Lewiston, Batavia, Youngstown, and Grand Island, N.Y.; and that because it is possible that other parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in, and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a corrected notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which time any proper party may file a protest or other pleading.

No. MC 126360 (Sub-No. 1) (REPUBLICATION), filed August 7, 1964, published FEDERAL REGISTER, issue of August 26, 1964, and republished this issue. Applicant: HARVEY MEARS, Pension Street, Chincoteague, Va. By application filed August 7, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, and express in the same vehicle with passengers, in special operations, beginning and ending at Wallops Island, Va., and extending to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, restricted to service at air terminals, railroad stations, and steamship terminals. An order, by Operating Rights Board No. 1, dated November 24, 1964, served December 4, 1964, finds that as the proposed restriction to service "at air terminals, railroad stations, and steamship terminals" is not ordinarily imposed by this Commission and is administratively undesirable, such restriction will not be imposed, and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority as granted, a corrected notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading. Such order finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *passengers and their baggage, and express* in the same vehicle with passengers, in special operations, in nine-passenger vehicles, between Wallops Islands, Va., on the one hand, and, on the other, the District of Columbia and points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia.

NOTICE OF FILING OF PETITIONS

No. MC 124242 (CORRECTION) (PETITION FOR MODIFICATION OF PERMIT), filed November 18, 1964, published FEDERAL REGISTER, issue of December 2, 1964, and republished this issue. Petitioner: TWIN CITIES NEWSPAPER SERVICE, INC., 1161 Selby Avenue, St. Paul, Minn. Petitioner's attorney: James L. Nelson, 544 Minnesota Building, St. Paul, Minn., 55101. The purpose of this republication is to show petitioners correct street address and also to add its attorney, as shown above.

Applications for certificates or permits which are to be processed concurrently with applications under section 5 governed by special rule 1.240 to the extent applicable.

No. 84212 (Sub-No. 27), filed December 4, 1964. Applicant: DORN'S TRANSPORTATION, INC., Railroad Avenue Extension, Albany, N.Y. Applicant's attorney: Irving Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Connecticut as off-route points in connection with applicant's presently authorized regular-route authority in No. MC 84212.

NOTE: This application is directly related to MC–F–8957, published in FEDERAL REGISTER, this issue.

No. MC 108473 (Sub-No. 22), filed December 7, 1964. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. Applicant's attorney: Francis E. Barrett, 25 Bryant Avenue, East Milton (Boston), Mass., 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Springfield and Pittsfield, Mass., from Springfield over U.S. Highway 20 to Pittsfield and return over the same route, serving all intermediate points and the off-route points of Blandford, Becket, Great Barrington, and Stockbridge, (2)(a) between Springfield and Clarksburg, Mass., from Springfield over U.S. Highway 20 to junction Massachusetts Highway 8, thence over Massachusetts Highway 8 to Clarksburg, and return over the same routes, serving all intermediate points and the off-route point of Lanesborough (b) from Springfield over U.S. Highway 5 to junction Massachusetts Highway 9 at Northampton, thence over Massachusetts Highway 9 to junction Massachusetts Highway 112, thence over Massachusetts Highway 112 to junction Massachusetts Highway 116, thence over Massachusetts Highway 116 to Adams, thence over Massachusetts Highway 8 to Clarksburg, and return over the same routes, serving all intermediate points between Northampton and Clarksburg, (3) between Northampton and Clarksburg, Mass., from Northampton over U.S. Highway 5 (Massachusetts Highway 10) to Greenfield, thence over Massachusetts Highway 2 to junction Massachusetts Highway 8, thence over Massachusetts Highway 8 to Clarksburg, and return over the same routes, serving all intermediate points between Greenfield and Clarksburg, and the off-route point of Buckland and (4) between Pittsfield and Hinsdale, Mass., from Pittsfield over Massachusetts Highway 9 to junction Massachusetts Highway 8, thence over Massachusetts Highway to Hinsdale, and return over the same routes, serving the intermediate point of Dalton.

NOTE: This is a matter directly related to MC–F8959 to be published December 16, 1964.

MOTOR CARRIERS OF PASSENGERS

No. MC 109736 (Sub-No. 21), filed November 25, 1964. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express and newspapers* in the same vehicle with passengers, between Tamaqua and South Tamaqua, Pa. over U.S. Highway 309, serving all intermediate points.

NOTE: This is a matter directly related to MC–F–8745 published May 13, 1964.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).



MOTOR CARRIERS OF PROPERTY

No. MC–F–8772 (SCOVERA CARTAGE CO.—PURCHASE—A. F. POSNIK & CO.), published in the June 17, 1964 issue of the FEDERAL REGISTER on page 7738. SCOVERA CARTAGE COMPANY has been renamed POSNIK, INC., per IM order dated June 26, 1964. By supplemental application, A. F. POSNIK, R. A. POSNIK, D. S. DASHER, C. F. PETTELLE and J. C. PETTELLE sought authority to continue to control MICHIGAN TRANSPORTATION COMPANY in a common interest with POSNIK, INC., and A. F. POSNIK AND COMPANY, which authority was granted November 30, 1964, by the Commission, Finance Board No. 1, with a deferred effective date 35 days from the date this notice is published in the FEDERAL REGISTER, to afford any proper party an opportunity to present objections as provided in § 1.240 of the general rules of practice. Operating rights sought to be controlled: (MICHIGAN TRANSPORTATION COMPANY) *Fly ash*, in containers, as a *common carrier*, over irregular routes, from Trenton, Mich., to points in Illinois, Indiana, Wisconsin, Ohio, Pennsylvania, Kentucky, Missouri, Alabama, Mississippi, and Tennessee; *fly ash*, in bulk, in tank vehicles, from Marysville, St. Clair, and Detroit, Mich., to points in Illinois, Indiana, Wisconsin, Ohio, Pennsylvania, Kentucky, Missouri, Alabama, Mississippi, and Tennessee; *calcium chloride*, in bags, and in bulk, from Midland and Ludington, Mich., to the port of entry on the United States-Canada Boundary line at Port Huron, Mich.; *calcium chloride*, in bulk, in dump truck vehicles, from Midland, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Ohio, Pennsylvania, and Wisconsin; *clay products, tile, cement, plaster*, and *mortar*, from certain points in Ohio, to certain points in Michigan, from certain points in Michigan to certain points in Ohio; *beans*, from points in the lower peninsula of Michigan, to points in Ohio; *paper*, used in the manufacture of building materials, from Monroe, Mich., to Port Clinton, Ohio; *lime*, from Luckey, Ohio, to points in Wayne, Oakland, and Macomb Counties, Mich.; *plastic sheets, wallboard, metal lath, metal pipe for sewer and water systems, building insulation material*, and *millwork*, between Lansing, Mich., and points in Wayne County, Mich., on the one hand, and, on the other, certain points in Ohio; *machinery and supplies*, used in the manufacture of plaster, and *building materials and building contractors' supplies*, between Detroit, Mich., and points within eight miles thereof, on the one hand, and, on the other, Port Clinton, Ohio.

*Soda ash*, in bulk, in tank vehicles, from points in Wayne County, Mich., to points in Illinois, Indiana, and Ohio (with specified exceptions), from Wyandotte, Mich., to Winchester, Ind., and points in Ohio; *delivered defective shipments of soda ash*, in bulk, in tank vehicles, from Winchester, Ind., and points in Ohio, to Wyandotte, Mich.; *chemicals in liquid form*, in bulk, in tank vehicles, from points in Wayne County, Mich. (except Detroit), to points in Illinois, Indiana, and Ohio; *gypsum*, and *asphalt building materials*, from Port Clinton, Ohio, to points in the lower peninsula of Michigan; *cement*, between points in Wayne County, Mich., on the one hand, and, on the other, to certain points in Ohio; *cement*, in bags, and in bulk, from Detroit, Mich., to points in Indiana; *salt*, from the port of entry of the United States-Canada Boundary line, at or near Detroit, Mich., to points in Michigan (with specified exceptions) with restriction; *cement*, in bulk, and in bags, from points in Monroe County, Mich., to points in Indiana and Ohio; *gypsum products* and *building materials*, in flat bed equipment only, from Port Clinton, Ohio, to certain points in Pennsylvania; *building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (but not including prefabricated buildings, complete, knocked down, or in section), in flat bed equipment only, from L'Anse, Mich., to points in Indiana, New York, Ohio, and Pennsylvania, from Port Clinton, Ohio, to points in the upper peninsula of Michigan, and points in Crawford, Erie, and Mercer Counties, Pa., from Harding, Pa., to points in Michigan and Ohio; *materials and supplies* used or useful in the manufacture or processing of building materials or in the maintenance of the plant, from points in Indiana, New York, Ohio, and Pennsylvania, to L'Anse, Mich., from points in the upper peninsula of Michigan and points in Crawford, Erie, and Mercer Counties, Pa., to Port Clinton, Ohio, from points in Michigan and Ohio, to Harding, Pa.; *roofing materials*, in flat bed equipment only, from Cleveland, Ohio, to points in that part of Michigan on and north of Michigan Highway 21; *materials and supplies*, used or useful in the manufacture or processing of roofing materials, or in the maintenance of the plant, from points in that part of Michigan, on and north of Michigan Highway 21, to Cleveland, Ohio; *scrap paper*, in flat bed equipment only, from points in Michigan (with exceptions) to Avery, Ohio.

*Calcium chloride*, other than in bulk, from Barberton, Ohio, to points in Michigan; *cement*, from Schoolcraft, Mich., to points in Indiana; *returned shipments* of cement, from points in Indiana to Schoolcraft, Mich.; *polystyrene, polyvinyl chloride*, and *polyethylene*, in bulk, in dump or hopper type vehicles, from Bay City and Midland, Mich., to points in Ohio, Indiana, Kentucky, Illinois, Pennsylvania, and Wisconsin; *dry sodium phosphate*, in bulk, from the plant site of Monsanto, Chemical Co., at Trenton, Mich., to points in Indiana, Iowa, Minnesota, Kentucky, Kansas, Nebraska, Wisconsin, and those in Illinois and Missouri (with exceptions); *dry chemicals* (except fertilizer), in bulk, from Bay City, Ludington, and Midland, Mich., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, Pennsylvania (with exceptions), Wisconsin, and points in Queens, Nassau, and Suffolk Counties, N.Y., with restriction; from points in Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Nebraska, New York (with exceptions), Ohio (with exceptions), and Wisconsin, to Bay City, Ludington, and Midland, Mich.; *dry calcium chloride*, in bulk, from Detroit, Mich., to points in Illinois, Indiana, and Ohio; *dry chemicals* (except fertilizer and plastic materials), in bulk, from Bay City, Ludington, and Midland, Mich., to points in Connecticut, Massachusetts, New York (with exceptions), and certain points in Pennsylvania; *salt*, in bulk, in hopper and dump type vehicles, from Midland, Mich., to points in Illinois, that part of Indiana south of U.S. Highway 40, and Ohio (with exceptions); *dry cement*, in bulk, between points in Michigan, with restriction; and *coal tar pitch*, in dump vehicles, from Detroit, Mich., to points in Ohio (with exceptions).

No. MC–F–8798 (STRICKLAND TRANSPORTATION CO., INC.—PURCHASE (PORTION) — ENGLAND TRANSPORTATION CO., INC.), published in the July 8, 1964, issue of the FEDERAL REGISTER on page 9348. By amendment filed December 7, 1964, applicants seek to amend the operating rights sought to be transferred by including the following portion of the base territory which was inadvertently omitted from the purchase agreement: between New Orleans, Louisiana and *points and places within ten miles of the corporate limits of New Orleans*.

No. MC–F–8911 (STANDARD TRANSFER & STORAGE, INC.—PURCHASE (PORTION) — HENRY C. BUNGIE), published in the October 28, 1964 issue of the FEDERAL REGISTER on page 14688. By petition filed December 4, 1964, applicants seek to amend the application by including the following operating rights sought to be transferred: *General commodities*, except livestock, and Class A and B explosives, as a *common carrier*, over irregular routes, from Washington, D.C., to points in St. Marys and Charles Counties, Md. If the Interstate Commerce Commission finds it necessary to impose a restriction on the operating rights sought to be transferred, applicants propose that the following restriction be added: The foregoing authorities are restricted so as to preclude the transportation by STANDARD in interstate or foreign commerce of *livestock, lime* and *hay*, over irregular routes, between points in Montgomery County, Md., within the Washington, D.C. commercial zone, on the one hand, and, on the other, points in St. Marys County, Md.

No. MC–F–8936 (MOTOR FREIGHT CORP. — MERGER — HAECKL'S EXPRESS, INC.), published in the November 18, 1964, issue of the FEDERAL REGISTER on page 15467. Application filed December 8, 1964, for temporary authority under section 210a(b).

No. MC–F–8957. Authority sought for purchase by DORN'S TRANSPORTATION, INC., Railroad Avenue Extension, Albany, N.Y., of the operating rights of GEORGE ZAFFIS, doing business as PARK CITY EXPRESS (ERNEST CAPOZZI, TRUSTEE IN BANKRUPTCY), 1115 Main Street, Bridgeport, Conn., and for acquisition by FRED DORN, also of Albany, N.Y., of control of such rights

through the purchase. Applicants' attorney: Irving Klein, 280 Broadway, New York, N.Y., 10007. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-57378 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Virginia, New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Vermont, Maryland, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-84212 Sub-27 is a matter directly related.

No. MC-F-8958. Authority sought for purchase by HOUSTON LINES, INC., 8802 Liberty Road, Houston, Tex., of the operating rights of H. C. BUCKNER AND H. W. BUCKNER, a partnership, doing business as BUCKNER BROTHERS, 8802 Liberty Road, Houston, Tex., and for acquisition by N. D. PATTERSON, also of Houston, Tex., of control of such rights through the purchase. This application also proposes that H. C. BUCKNER and H. W. BUCKNER will acquire 350 shares of common capital stock of HOUSTON LINES, INC. Applicants' attorney: H. H. Prewett, 2159 Tennessee Building, Houston, Tex. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120482 Sub-2, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Texas. Vendee is authorized to operate as a *common carrier* pursuant to authority granted May 26, 1964, and consummated July 9, 1964, in Texas, Louisiana, Oklahoma, Kansas, and Arkansas. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-99776 Sub-3 is a matter directly related.

No. MC-F-8959. Authority sought for purchase by ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt., of a portion of the operating rights of FRANK J. COLE, INC., 197 Norfolk Avenue, Boston 19, Mass., and for acquisition by HARRY D. ZABARSKY, 38 Main Street, St. Johnsbury, Vt., MILTON J. ZABARSKY and MAURICE ZABARSKY, both of 40 Erie Street, Cambridge, Mass., of control of such rights through the purchase. Applicants' attorneys and representative: Francis E. Barrett and Francis P. Barrett, both of 25 Bryant Avenue, East Milton, Mass., 02186 and James G. Fay, 10 Post Office Square, Boston, Mass. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Springfield, Mass., and Pittsfield, Mass., serving certain intermediate and off-route points, between Northampton, Mass., and Pittsfield, Mass., serving certain intermediate points and between Pittsfield, Mass., and Greenfield, Mass., serving certain intermediate and off-route points; and a portion of the operating rights in pending docket No. MC-52841 Sub 2, seeking a certificate of registration, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-108473 Sub 22 is a matter directly related.

No. MC-F-8960. Authority sought for purchase by LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, Mass., of the operating rights and property of THOMAS COOK & SONS, INC., 16 Jordan Place, Cambridge, Mass., and for acquisition by FELIX A. LOPEZ and VINCENT A. LOPEZ, both of 131 Linden Street, Waltham, Mass., of control of such rights and property through the purchase. Applicants' attorney and representative: Kenneth B. Williams, 111 State Street, Boston, Mass., and John J. Campbell, 101 Treamont Street, Boston, Mass. Operating rights sought to be transferred: *Structural steel*, as a *common carrier*, over irregular routes, between Boston, Mass., and Manchester, N.H., from Boston, Mass., to Dover, Exeter, Rochester, Nashua, and Salem, N.H., West Warwick and Saylesville, R.I.; *finishing material, flooring*, and *shingles*, from Boston, Mass., to points in Bristol, Kent, Newport, and Providence Counties, R.I., that part of Massachusetts on and east of U.S. Highway 5, and those in New Hampshire, on and south of U.S. Highway 302; *lumber*, between Boston, Mass., and points in Massachusetts within 35 miles of Boston, on the one hand, and, on the other, points in Massachusetts, Connecticut, New Hampshire, and Rhode Island. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8961. Authority sought for control by EASTERN MOTOR DISPATCH, INC., 1215 West Mound Street, Columbus 23, Ohio, of D. G. & U. TRUCK LINES, INC., 701 Hiddeson Avenue, Greenville, Ohio, and for acquisition by L. MARGUERITE BUEL, 2550 Canterbury Road, Columbus 21, Ohio and ELIZABETH M. STONE, 1165 Highland Drive, Columbus 21, Ohio, of control of D. G. & U. TRUCK LINES, INC., through the acquisition by EASTERN MOTOR DISPATCH, INC. Applicants' attorney: William E. Rance, 1200 West Fifth Avenue, Columbus 12, Ohio.

Operating rights sought to be controlled: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Dayton, Ohio, and Muncie, Ind., serving all intermediate and certain off-route points, between Cincinnati, Ohio, and Oxford, Ohio, serving certain intermediate points, with certain restrictions, between Oxford, Ohio, and West Manchester, Ohio, serving no intermediate points; *general commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, uncrated commodities in bulk, and those requiring special equipment, between Dayton, Ohio, and Arcanum, Ohio, between the junction of Ohio Highway 49 and unnumbered highway (approximately one mile northwest of Fort McKinley, Ohio), and Trotwood, Ohio, between Phillipsburg, Ohio, and Ithaca, Ohio, serving certain intermediate and off-route points; *general commodities*, excepting among others, household goods but not excepting commodities in bulk, between Anderson, Ind., and Muncie, Ind., serving all intermediate points; *general commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between points in Montgomery, Preble, Miami, and Darke Counties, Ohio, and Randolph, Wayne, Henry, Delaware, and Madison Counties Ind., on the one hand, and, on the other, Cox Municipal Airport, Montgomery County, Ohio (municipal airport of Dayton, Ohio), with restriction; and *household goods*, between points in Ohio, on the one hand, and, on the other, points in Indiana and Michigan. EASTERN MOTOR DISPATCH, INC. is authorized to operate as a *common carrier* in Ohio, Pennsylvania, Massachusetts, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8963. Authority sought for purchase by AERO TRUCKING, INC., Box 278, Rural Delivery No. 1, Oakdale, Pa., of the operating rights and property of CLARENCE PAUL LARRABEE (EVELYN B. LARRABEE, ADMINISTRATRIX), 64 Winthrop Street, Framingham, Mass., and for acquisition by EDWARD J. CONTO, also of Oakdale, Pa., of control of such rights and property through the purchase. Applicants' attorneys: Carl A. Sheridan, 129 Concord Street, Framingham, Mass., Paul F. Beery, 44 East Broad Street, Columbus, Ohio, 43215, and Francis E. Barrett, 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Operating rights sought to be transferred: *Such commodities*, as machinery and machine parts, and heavy or bulky articles requiring specialized handling or rigging, because of size or weight, as a *common carrier*, over irregular routes, between points in Massachusetts, on and east of U.S. Highway 5, on the one hand, and, on the other, points in Connecticut, Rhode Island, and New Hampshire. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, West Virginia, Kentucky, Illinois, Michigan, New York, Indiana, Wisconsin, Delaware, Connecticut, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, Tennessee, Alabama, Mississippi, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8964. Authority sought for purchase by HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich., 48904, of the operating rights of F. W. MYERS DRIVE-AWAY SYSTEM, INC., 20300 Ireland Road, South Bend, Ind., and for acquisition by HOWARD W. SOBER, LETHA E. SOBER and WILLIAM H. SOBER, JR., all also of Lansing, Mich., of control of such rights through the purchase. Applicants' attorney and representative: Albert F. Beasley, Investment Building, 15th & K Streets NW., Washington 5, D.C., and Joseph Gracia, 2460 West St. Joseph Street, Lansing, Mich., 48904. Operating rights sought to be transferred: *New motor vehicles*, except trailers, by truckaway and driveaway methods, in initial movements; as a *common carrier*, over irregular routes, from points in Madison County, Ala., to points in Tennessee, Florida, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; *new automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway service, from South Bend, Ind., to points in Connecticut, Indiana, New Jersey, New York, Ohio, and West Virginia; *new automobiles, new trucks* and *new chassis*, in initial movements, in drive-away service, from South Bend, Ind., to points in Indiana; *new chassis*, in initial movements, in drive-away service, from South Bend, Ind., to points in Connecticut, Kentucky, New Jersey, New York, Ohio, and West Virginia; and *new automobiles and trucks*, in drive-away service, from South Bend, Ind., to points in Connecticut, Kentucky, New Jersey, New York, Ohio, and West Virginia. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8965. Authority sought for purchase by MAWSON & MAWSON, INC., Old Lincoln Highway, Post Office Box 125, Langhorne, Pa., 19047, of a portion of the operating rights of HEAVY HAULING AND RIGGING CORPORATION OF AMERICA, 414 Union Avenue, Westbury, L.I., N.Y., and for acquisition by ROBERT J. DURBIN, 801 Pebble Hill Road, Doylestown, Pa., of control of such rights through the purchase. Applicants' attorney: Wilmer B. Hill, 529 Transportation Building, Washington, D.C., 20006. Operating rights sought to be transferred: *Construction and building machinery and equipment*, as a *common carrier*, over irregular routes, between New York, N.Y., and points on Long Island, N.Y., on the one hand, and, on the other, points in New York, those in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J., and those in Fairfield County, Conn.; *such commodities*, as contractors' equipment, heavy and bulk articles, machinery and machine parts, and articles requiring specialized handling and rigging because of size or weight, between points in New York and New Jersey, between points in New York and New Jersey, on the one hand, and, on the other, points in Massachusetts and Connecticut. RESTRICTION: This authority is restricted against the transportation of *granite*, between Chester, Mass., and points in Massachusetts within 15 miles of Chester, on the one hand, and, on the other, points in Connecticut, New York, and New Jersey, and *structural steel and iron*, between points in Massachusetts and Connecticut. Vendee is authorized to operate as a *common carrier*, in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8966. Authority sought for purchase by CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Mill Street Road, Post Office Box 807, Springfield, Mo., of the operating rights and property of W. O. Hughey, doing business as HUGHEY TRANSPORTATION COMPANY, Post Office Box 907, Macomb, Miss., and for acquisition by F. G. CAMPBELL, Post Office Box 807, Springfield, Mo., of control of such rights and property through the purchase. Applicants' attorney: Phineas Stevens, 700 Petroleum Building, Post Office Box 1250, Jackson, Miss. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Natchez, Miss., and Baton Rouge, La., between Centreville, Miss., and Scotlandville, La., between Beechwood, Miss., and Baton Rouge, La., between Clinton, La., and St. Francisville, La., between McComb, Miss., and Woodville, Miss., serving all intermediate points, between McComb, Miss., and Natchez, Miss., serving no intermediate points, between Centreville, Miss., and Crosby, Miss., between Liberty, Miss., and Gloster, Miss., between Crosby, Miss., and junction Mississippi Highway 554 and U.S. Highway 61, between Wilkinson, Miss., and junction Mississippi Highway 563 and U.S. Highway 61, serving all intermediate points, between Crosby, Miss., and Roxie, Miss., serving no intermediate points, and serving Roxie, Miss., as point of joinder, RESTRICTION: The service authorized herein is subject to the following conditions: Service is restricted against the transportation of all traffic moving between Natchez, Miss., and the commercial zone thereof, on the one hand, and, on the other, Baton Rouge, La., and the commercial zone thereof, The authority granted herein, to the extent that it authorizes the transportation of Classes A and B explosives, shall be limited in point of time to a period expiring five years after August 16, 1963; and in pending Docket No. MC-57899 Sub 5, covering the transportation of general commodities, excepting among others household goods and commodities in bulk, between McComb, Miss., and Ponchatoula, La., over U.S. Highway 51, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Illinois, Oklahoma, Arkansas, Iowa, Texas, Tennessee, Mississippi, Alabama, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8967. Authority sought for purchase by U.S.A.C. TRANSPORT, INC., 457 West Fort Street, Detroit, Mich., 48226, of a portion of the operating rights of TOLEDO CARTAGE COMPANY (KENNETH V. NICOLA, TRUSTEE IN BANKRUPTCY), 1277 East 40th Street, Cleveland 14, Ohio, and for acquisition by TRAILHOLD, INC., 2208 Penobscot Building, Detroit, Mich., and, in turn, by TRAILMAR CORPORATION, and, in turn, by MARCO AND MARCO (a law partnership), composed of PAUL MARCO, PHILLIP MARCO, PAUL EAGAN and WILLIAM E. KENNEDY, all also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorney: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Operating rights sought to be transferred: *Cement*, as a *common carrier* over irregular routes, from Port Huron and Detroit, Mich., to points in Indiana and Ohio (except Middlebranch and Ironton, Ohio), from points in Lucas County, Ohio, to points in the lower peninsula of Michigan; *empty containers for cement*, from the above-specified destination points to the respective described origin points, *heavy machinery* and *articles* which require specialized handling or rigging because of their size or weight, between points in Lucas County, Ohio, on the one hand, and, on the other, points in the lower peninsula of Michigan. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8962. Authority sought for purchase by CAPITAL MOTOR LINES, 520 North Court Street, Montgomery, Ala., 36104, of a portion of the operating rights of COASTAL STAGES, INC., Post Office Box 346, Florala, Ala. Applicants' attorney: Robert C. Black, Post Office Box 116, Montgomery, Ala. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, as a *common carrier*, over a regular route, between Florala, Ala., and Fort Walton, Fla., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Florida, Mississippi, Alabama, and Georgia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 64-12903; Filed, Dec. 15, 1964; 8:48 a.m.]

[Notice 25]

## APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

DECEMBER 11, 1964.

The following applications are filed under section 206(a)(7) of the Inter-

state Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The Special Rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

No. MC 121046 (Sub-No. 2) (REPUBLICATION), filed February 1, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: BURDETTE A. MILLER, 800 Cherry Street, Liberty Center, Ohio; and B. A. MILLER & SONS TRUCKING, INC., 800 Cherry Street, Liberty Center, Ohio, joint applicants. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio.

NOTE: The purpose of this republication is to show B. A. Miller & Sons Trucking, Inc., as joint applicant.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12904; Filed, Dec. 15, 1964; 8:48 a.m.]

[Notice 711]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 11, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 1778 (Sub-No. 7), filed November 27, 1964. Applicant: MOTOR EXPRESS, INC., 727 South Jefferson Street, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel*, from Burns Harbor, Porter County, Ind., to points in Illinois within forty (40) miles of Chicago, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 7523 (Sub-No. 12), filed December 1, 1964. Applicant: VENTURA TRANSFER COMPANY, a corporation, 3440 E. South Street, Long Beach, Calif. Applicant's attorney: Phil Jacobson, 510 West 6th Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite*, in bulk, in pneumatic hopper type vehicles from Battle Mountain, Nev., to points in Los Angeles and Ventura Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 11146 (Sub-No. 1), filed November 27, 1964. Applicant: E. P. McNEIL, doing business as GEO. McNEIL TEAMING CO., 540 North Franklin Street, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel*, from Burns Harbor, Porter County, Ind., to points in the Illinois portion of the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant has contract carrier authority under MC 11147, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 13569 (Sub-No. 8), filed November 25, 1964. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, a corporation, 1200 South State Street, Girard, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of size or weight that makes handling by motor vehicle impractical, bank bills, coins, currency, drafts, notes, or articles manufactured therefrom, dangerous explosives, liquid bulk commodities, and household goods), serving the site of the plants of the General Motors Corporation located in Lordstown Township, Trumbull County, Ohio, as off-route points in connection with applicant's regular route authority.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 14101 (Sub-No. 1), filed November 27, 1964. Applicant: GABLE EXPRESS CO., a corporation, 4711 West 16th Street, Cicero 50, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel*, from Burns Harbor, Porter County, Ind., to points in the Illinois portion of the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 16567 (Sub-No. 7), filed November 27, 1964. Applicant: J. L. SCHEFFLER TRANSPORT, INC., 1801 West Fulton Street, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel*, from Burns Harbor, Porter County, Ind., to points in the Illinois portion of the Chicago, Ill. commercial zone, as defined by the Commission in 1 M.C.C. 673, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 18738 (Sub-No. 31), filed November 30, 1964. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago 27, Ill. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between the plant site of the Bethlehem Steel Company, Burns Harbor, Indiana plant located in Porter County, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 19227 (Sub-No. 90), filed November 30, 1964. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Communications and transmission towers and related parts*, from points in Texas to points in Alabama, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Mexico, New Jersey, Nevada, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 19945 (Sub-No. 14), filed November 27, 1964. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk*, having prior movement by water or rail between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 19945 (Sub-No. 15), filed December 2, 1964. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, between points in Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 20157 (Sub-No. 1), filed November 27, 1964. Applicant: CHICAGO CARTAGE COMPANY, a corporation, 2100 South Throop Street, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel*, from Burns Harbor, Porter County, Ind., to points in the Illinois portion of the Chicago, Ill., commercial zone, as defined by the Commission, in 1 M.C.C. 673, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 28573 (Sub-No. 25), filed November 27, 1964. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East 4th Street, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Lewistown and Malta, Mont. from Lewistown over U.S. Highway 191 to Malta, and return over the same route serving no intermediate points, and (2) between Grassrange and Malta, Mont. from Grassrange over Montana Highway 19 to junction U.S. Highway 191 east of Roy, thence over U.S. Highway 191 to Malta, and return over the same route serving no intermediate points. Restriction: Service restricted to that which is auxiliary to or supplemental of the rail service of the Great Northern Railway Co.

NOTE: Applicant is also authorized to conduct operations as a common carrier of passengers in MC 28572 Sub 2 and other subs. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 30844 (Sub-No. 164), filed November 27, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and prepared foods*, and *essence of fruits and berries*, (1) from points in New York on and west of U.S. Highway 11 to points in Texas, Oklahoma, Colorado, Louisiana, Mississippi, Arkansas, Tennessee, Kansas, Missouri, Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, and Nebraska; (2) from points in Texas to points in Michigan, New York, Pennsylvania, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 31262 (Sub-No. 2), filed November 25, 1964. Applicant: JAMES M. BRUNO, doing business as KELLEY & HAWES EXPRESS, 786 Main Street, Winchester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between points in Massachusetts.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 32601 (Sub-No. 1), filed November 27, 1964. Applicant: BELMONT VAN & STORAGE COMPANY, a corporation, 3407 East Broadway, Long Beach, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, 17 M.C.C. 467, between points in Los Angeles and Orange Counties, Calif., excepting therefrom points between Los Angeles Harbor and Long Beach Harbor, Calif., on the one hand, and, on the other, points in the city and county of Los Angeles within 25 miles of the intersection of Vermont Avenue, and Santa Monica Boulevard, Los Angeles, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 35484 (Sub-No. 56), filed November 27, 1964. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South 6th Street, St. Louis, Mo., 63102. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Chromcraft, Inc. located at Senatobia, Miss., as an intermediate or off-route point in connection with applicant's authorized regular routes, between Memphis, Tenn. and Meridian, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 41498 (Sub-No. 3), filed November 27, 1964. Applicant: FRED KNOBLOCH, Yaphank Avenue, Brookhaven, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, chain and retail food business houses and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, from Bayonne, N.J. to points in Nassau and Suffolk Counties, N.Y., and *returned shipments*, on return, restricted to service under contracts with Hunt-Wesson Sales Co. and Best Foods Division Corn Products Sales Co.

NOTE: Applicant states it now holds authority for the specified commodities from Bayonne, N.J. to points in Nassau and Suffolk Counties, N.Y. in Permit No. MC 41498, and no duplicating authority is requested. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 41849 (Sub-No. 21), filed November 27, 1964. Applicant: KEIGHTLEY BROS. INC., 1616 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, and *dry bulk commodities*, from Tri City Regional Port Complex (north of Granite City, Ill.), to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 41849 (Sub-No. 22), filed December 2, 1964. Applicant: KEIGHTLEY BROS. INC., 1616 South 30th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk between points in Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42261 (Sub-No. 87) (AMENDMENT), filed November 10, 1964, published FEDERAL REGISTER issue November 25, 1964, and republished as amended this issue. Applicant: LANGER TRANSPORT CORP., Route 1 and Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel desiccant*, in bulk, in pneumatic tank vehicles, from Paulsboro, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, New York, Ohio, Pennsylvania, West Virginia, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: The purpose of this republication is to include the states of Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas in the destination territory. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 42963 (Sub-No. 26), filed December 2, 1964. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, 2d and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, between points in Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 52751 (Sub-No. 43), filed November 30, 1964. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Rock Falls and Sterling, Ill. to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 55697 (Sub-No. 1), filed November 27, 1964. Applicant: FRANK CORDRAY MOTOR SERVICE, INC., 1520 North Halsted Street, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel*, from Burns Harbor, Porter County, Ind. to points in the Illinois portion of the Chicago, Ill. commercial zone as defined by the Commission, 1 M.C.C. 673, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities described above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56082 (Sub-No. 56), filed November 25, 1964. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, and *advertising materials*, from Chicago, Ill., to points in the New York, N.Y. commercial zone as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 59680 (Sub-No. 140) (AMENDMENT), filed October 29, 1964, published FEDERAL REGISTER issue November 18, 1964, amended and republished this issue. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Baton Rouge and New Orleans, La., and serving the following off-route industrial complexes and points; the industrial subdivision or complex on Louisiana Highway 73 between Dutchtown and Geismar, La., including plant sites of the Borden Co., Monachem Corp., U.S. Rubber Co. and Rubicon Chemical Co.; the subdivision or industrial complex of Geismar Industries on Louisiana Highway 30 approximately one mile south of Geismar, La., including the plant sites of United Chemical Construction, Inc., Chemical Construction Corp. and Monachem Engineering and Construction; the plant sites of Goliad Division of Mobil Oil Co., Morton Chemical Co., a division of Morton Salt Co., Wyandotte Chemicals Corp., Texaco, Inc., Placid Oil Co., and Skelly Oil Co. near Geismar, La.; the plant sites of Ormet Corp. and Ramsey Scarlett & Co., near Burnside, La.; the plant site of Helvetia Sugar Refining Co. near Romeville, La.; the plant sites of Colonial Sugar Co. and Kaiser Aluminum and Chemical Corp. near Gramercy, La.; the plant sites of Frisco Cone Co. and Godchaux Sugar Co. near Reserve, La.

The plant site of E. I. du Pont de Nemours Co., Inc., near Laplace, La.; the plant site of Crown Zellerback Paper Co. near Zee (a point near St. Francisville), La.; the plant site of Dow Chemical Co. near Plaquemine, La.; the plant site of Monsanto Chemical Co. near Luling, La.; and the plant site of Union Carbide Co. near Taft, La., on the one hand, and, on the other, Philadelphia, Pa., Phillipsburg, N.J., and New York City, N.Y., as follows: From New Orleans, La., via U.S. Highway 11 to its intersection with U.S. Highway 190; and from Baton Rouge, La., via U.S. Highway 190 to its intersection with U.S. Highway 11; thence via U.S. Highway 11 to Harrisburg, Pa.; thence via Interstate Highway 76 to Philadelphia, Pa., also via the parallel interstate highways now constructed proposed, and being constructed as Interstate Highways 12, 59, 75, 81, and 76; from Harrisburg, Pa., via U.S. Highway 22 to Phillipsburg, N.J., and New York City, N.Y., also via the parallel interstate highway now constructed, proposed and being constructed as Interstate Highway 78 and return over the same route; serving no intermediate points. Applicant proposes to use the above routes to transport traffic between its presently authorized service points in Massachusetts, Connecticut, New York, New Jersey, Louisiana, Texas, and Oklahoma. (2) Between Baton Rouge and New Orleans, La., and serving the following off-route industrial complexes and points; the industrial subdivision or complex on Louisiana Highway 73 between Dutchtown and Geismar, La., including plant sites of the Borden Co., Monachem Corp., U.S. Rubber Co. and Rubicon Chemical Co.; the subdivision or industrial complex of Geismar Industries on Louisiana Highway 30 approximately one mile south of Geismar, La., including the plant sites of United Chemical Construction, Inc., Chemical Construction Corp. and Monachem Engineering and Construction; the plant sites of Goliad Division of Mobil Oil Co., Morton Chemical Co., a division of Morton Salt Co., Wyandotte Chemicals Corp., Texaco, Inc., Placid Oil Co., and Skelly Oil Co. near Geismar, La.; the plant sites of Ormet Corp. and Ramsey Scarlett & Co. near Burnside, La.; the plant site of Helvetia Sugar Refining Co. near Romeville, La.; the plant sites of Colonial Sugar Co. and Kaiser Aluminum and Chemical Corp. near Gramercy, La.

The plant sites of Frisco Cone Co. and Godchaux Sugar Co. near Reserve, La., the plant site of E. I. du Pont de Nemours Co., Inc., near Laplace, La.; the plant site of Crown Zellerbach Paper Co. near Zee (a point near St. Francisville), La.; the plant site of Dow Chemical Co. near Plaquemine, La.; the plant site of Monsanto Chemical Co. near Luling, La.; and the plant site of Union Carbide Co. near Taft, La., on the one hand, and, on the other, Cleveland, Ohio, and Detroit, Mich., as follows: From New Orleans, La., via U.S. Highway 61 to its intersection with U.S. Highway 51, thence via U.S. Highway 51 to Memphis, Tenn., and from Baton Rouge, La., via U.S. Highway 61 to Memphis, Tenn., thence via U.S. Highway 70 to Nashville, Tenn., thence via U.S. Highway 31W to Louisville, Ky., thence via U.S. Highway 42 to Cleveland, Ohio, also via the parallel interstate highways now constructed, proposed, or being constructed as Interstate Highways 12, 55, 40, 65, and 71 from Louisville, Ky. via U.S. Highway 42 to Cincinnati, Ohio thence via U.S. Highway 25 to Detroit, Mich., also via the parallel interstate highway now constructed, proposed, or being constructed as Interstate Highway 75; and return over the same routes serving no intermediate points. (3) Between Baton Rouge and New Orleans, La., and serving the following off-route industrial complexes and points; the industrial subdivision or complex on Louisiana Highway 73 between Dutchtown and Geismar, La., including plant sites of the Borden Co., Monachem Corp., U.S. Rubber Co. and Rubicon Chemical Co.; the subdivision or industrial complex of Geismar Industries on Louisiana Highway 30 approximately one mile south of Geismar, La., including the plant sites of United Chemical Construction, Inc., Chemical Construction Corp. and Monachem Engineering and Construction; the plant sites of Goliad Division of Mobil Oil Co., Morton Chemical Co., a division of Morton Salt Co., Wyandotte Chemicals Corp., Texaco, Inc., Placid Oil Co., and Skelly Oil Co. near Geismar, La.; the plant sites of Ormet Corp. and Ramsey Scarlett & Co. near Burnside, La.

The plant site of Helvetia Sugar Refining Co. near Romeville, La.; the plant sites of Colonial Sugar Co. and Kaiser Aluminum and Chemical Corp. near Gramercy, La.; the plant sites of Frisco Cone Co. and Godchaux Sugar Co. near Reserve, La.; the plant site of E. I. du Pont de Nemours Co., Inc., near Laplace, La.; the plant site of Crown Zellerback Paper Co. near Zee (a point near St. Francisville), La.; the plant site of Dow Chemical Co. near Plaquemine, La.; the plant site of Monsanto Chemical Co. near Luling, La.; and the plant site of Union Carbide Co. near Taft, La., on the one hand, and, on the other, Chicago, Ill., as follows: From New Orleans, La., via U.S. Highway 61 to its intersection with U.S. Highway 51, thence via U.S. Highway 51 to Memphis, Tenn.; from Baton Rouge, La., via U.S. Highway 61 to Memphis, Tenn., and from Memphis, Tenn., via U.S. Highway 51 to its intersection with U.S. Highway 66, thence via U.S. Highway 66 to Chicago, Ill., also via the parallel interstate highways now constructed, proposed, or being constructed as Interstate Highways 12, 55, and 57 and return over the same routes, serving no intermediate points. Applicant proposes to use the above routes to transport traffic between its presently authorized service points in Louisiana, Texas, Illinois, Indiana, Wisconsin, and Michigan; and (4) between Baton Rouge, and New Orleans, La., and serving the following off-route industrial complexes and points; the industrial subdivision or complex on Louisiana Highway 73 between Dutchtown and Geismar, La., including plant sites of the Borden Co., Monachem Corp., U.S. Rubber Co. and Rubicon Chemical Co.; the subdivision or industrial complex of Geismar Industries on Louisiana Highway 30 approximately one mile south of Geismar, La., including the plant sites of United Chemical Construction, Inc., Chemical Construction Corp. and Monachem Engineering and Construction; the plant sites of Goliad Division of Mobil Oil Co., Morton Chemical Co., a division of Morton Salt Co., Wyandotte Chemicals Corp., Texaco, Inc., Placid Oil Co., and Skelly Oil Co. near Geismar, La.; the plant sites of Ormet Corp. and Ramsey Scarlett & Co. near Burnside, La.

The plant site of Helvetia Sugar Refining Co. near Romeville, La.; the plant sites of Colonial Sugar Co. and Kaiser Aluminum and Chemical Corp. near Gramercy, La.; the plant sites of Frisco Cone Co. and Godchaux Sugar Co. near Reserve, La.; the plant site of E. I. du Pont de Nemours Co., Inc., near Laplace, La.; the plant site of Crown Zellerback Paper Co. near Zee (a point near St. Francisville), La.; the plant site of Dow Chemical Co. near Plaquemine, La.; the plant site of Monsanto Chemical Co. near Luling, La.; and the plant site of Union Carbide Co. near Taft, La., on the one hand, and, on the other, Chicago, Ill., as follows: From New Orleans, La., via U.S. Highway 61 to its intersection with U.S. Highway 51, thence via U.S. Highway 51 to Memphis, Tenn.; from Baton Rouge, La., via U.S. Highway 61 to Memphis, Tenn., and from Memphis, Tenn., via U.S. Highway 51 to its intersection with U.S. Highway 66, thence via U.S. Highway 66 to Chicago, Ill., also via the parallel interstate highways now constructed, proposed, or being constructed as Interstate Highways 12, 55, and 57 and return over the same routes, serving no intermediate points. Applicant proposes to use the above routes to transport traffic between its presently authorized service points in Louisiana, Texas, Illinois, Indiana, Wisconsin, Ohio, Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts.

NOTE: Common control may be involved. The purpose of this republication is to show the service as proposed above, in lieu of that shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, or New Orleans, La.

No. MC 61403 (Sub-No. 115), filed November 27, 1964. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile softeners*, in bulk, in tank vehicles, from Peoria, Ill. to points in Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 362) filed November 27, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago 3, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from South Beloit, Ill., to points in New Jersey, Wisconsin, New York, Minnesota, Michigan, Iowa, Kansas, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66660 (Sub-No. 1), filed November 27, 1964. Applicant: SHERMAN CARTAGE CO., a corporation, 2950 West Taylor Street, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel*, from Burns Harbor, Porter County, Ind., to points in the Illinois portion of the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67245 (Sub-No. 3), filed November 30, 1964. Applicant: L & R TRUCKING CO., INC., 296 Midland Avenue, Saddle Brook, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* not exceeding one gallon in capacity, from Orangeburg, N.Y., to Saddle Brook, N.J.

NOTE: Applicant states that the proposed service will be under continuing contract with American Home Products Corporation of Saddle Brook, N.J. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 67245 (Sub-No. 4), filed November 30, 1964. Applicant: L & R TRUCKING CO., INC., 296 Midland Avenue, Saddle Brook, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from Saddle Brook, N.J., to points in Westchester, Nassau, and Suffolk Counties, N.Y.

NOTE: Applicant states that the proposed service will be under continuing contract with American Home Products Corp. of Saddle Brook, N.J. Applicant also states that if the above authority is granted it will request revocation of its authority in Docket No. MC 67245 Sub 2. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 68078 (Sub-No. 20), filed November 18, 1964. Applicant: CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), moving in a circuitous manner, from Athens, Tenn., over Tennessee Highway 30 to Etowah, Tenn., thence over U.S. Highway 411 to Englewood, Tenn., thence over Tennessee Highway 39 to junction Tennessee Highway 30, and thence over Tennessee Highway 30

to Athens, serving all intermediate points.

NOTE: Applicant states said extension is to be tacked to and unified with all other certificates of applicant in MC 69078 and Subs. If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Knoxville, Tenn.

No. MC 69364 (Sub-No. 1), filed November 27, 1964. Applicant: ENTERPRISE TRANSFER CO., a corporation, 1419–57 West Willow Street, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel*, from Burns Harbor, Porter County, Ind., to points in the Illinois portion of the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 78118 (Sub-No. 13), filed December 2, 1964. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Prepared foods products, and materials, equipment, and supplies* used in, or incidental to, the preparation, packing and sale thereof, serving the warehouse site of the Atlantic and Pacific Tea Co., Inc., in Florence Township, Burlington County, N.J., as an off-route point in connection with applicant's authorized regular-route operations between Salem, N.J., and Pittsburgh, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 78643 (Sub-No. 53), filed November 30, 1964. Applicant: HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul 13, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Grand Forks, N. Dak., and Pembina, N. Dak.; (a) from Grand Forks, N. Dak., over U.S. Highway 81 to Pembina, N. Dak., and return over the same route, serving no intermediate points, and (b) from Grand Forks, N. Dak., over U.S. Highway 81 to junction North Dakota Highway 44, thence over North Dakota Highway 44 to junction Interstate Highway 29, thence over Interstate Highway 29 to Pembina, N. Dak., and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 82072 (Sub-No. 4), filed December 2, 1964. Applicant: EDWARD KELLER AND ROLAND KELLER, a partnership, doing business as C. KELLER & SONS, 2811 Emaus Avenue, Allentown, Pa. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Pennsburg, East Greenville and Allentown, Pa., to points in New York, Massachusetts, Maryland, West Virginia, Illinois, Vermont, North Carolina, Tennessee, Mississippi, Kentucky, New Jersey, New Hampshire, Ohio, Michigan, Indiana, Georgia, South Carolina, Maine, Louisiana, Minnesota, Connecticut, Delaware, Virginia, Missouri, Rhode Island, Texas, Florida, Alabama, Arkansas, Wisconsin, and the District of Columbia.

NOTE: Applicant states the purpose of this application is to include Allentown, Pa., as an origin, and to provide for the transportation of new furniture without the present uncrated restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 128), filed November 30, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from Diboll, Tex., and points within 5 miles thereof, to points in Arkansas, Louisiana, New Mexico, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 83539 (Sub-No. 129), filed November 30, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames* and *manhole covers* (except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings as described by the Commission in 74 M.C.C. 459, 543), from the plant site of Western Foundry at or near Tyler, Tex., to points in Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 92983 (Sub-No. 455), filed November 27, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles from points in Kansas to points in Michigan, Ohio, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 99117 (Sub-No. 2), filed November 27, 1964. Applicant: T. H. RYAN CARTAGE CO., a corporation, 1433 West Harrison Street, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel* from Burns Harbor, Porter County, Ind., to points in the Illinois portion of the Chicago, Ill., commercial zone as defined by the Commission in 1 M.C.C. 673 and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103051 (Sub-No. 183) (Amendment), filed November 27, 1964, published FEDERAL REGISTER issue December 9, 1964, and republished as amended this issue. Applicant: FLEET TRANSPORT CO., INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and animal fats, and blends thereof*, in bulk, in tank vehicles, from points in Mecklenburg County, N.C. to points in West Virginia.

NOTE: The purpose of this amendment is to show broadened scope of the above commodities. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103378 (Sub-No. 309), filed November 27, 1964. Applicant: PETROLEUM CARRIER CORP., 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid alum*, in bulk, in tank vehicles, from Fernandina Beach, Fla., to points in Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 105413 (Sub-No. 17), filed November 27, 1964. Applicant: PETROLEUM TRANSPORT SERVICE, INC., R.R. 1, Council Bluffs, Iowa. Applicant's attorney: C. J. Burrill, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizer*, in bulk and in bags, from the plant site of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Iowa, Kansas, South Dakota, Minnesota, Missouri, and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 105461 (Sub-No. 61), filed December 1, 1964. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa., 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat pumps, sheet metal building materials*, and *accessories, fittings, supplies and tools used in the installation thereof*, from the site of Berger Brothers Company located at Lower Southampton Township, Bucks County, Pa. to points in New Jersey (except Atlantic, Burlington, Cape May, Monmouth, and Ocean Counties), New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105461 (Sub-No. 62), filed December 1, 1964. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa., 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used in conducting or operating retail gasoline service stations*, from Chester and Marcus Hook, Pa., to Baltimore, Md., Akron, Boardman, and Cleveland, Ohio, Providence, R.I., Richmond, Va., Wheeling, W. Va., and points in Connecticut, Massachusetts, New Jersey, and New York.

NOTE: Applicant states that the above described commodities will be limited to transportation in mixed shipments with petroleum products in containers. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105813 (Sub-No. 118), filed November 30, 1964. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen citrus products, citrus products* not canned and not frozen, and *canned citrus products*, from points in Florida to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106373 (Sub-No. 28), filed November 25, 1964. Applicant: THE SERVICE TRANSPORT CO., a corporation, 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorneys: James R. Stiverson and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of size or weight that makes handling by motor vehicle impractical, bank bills, coins, currency, drafts, notes, or other valuable papers, precious metals or articles manufactured therefrom, dangerous explosives, liquid bulk commodities, and household goods), serving the site of the plants of the General Motors Corp. located in Lordstown Township, Trumbull County, Ohio, as off-route points in connection with applicant's regular-route authority.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 107002 (Sub-No. 236), filed November 30, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk* (except cement), from Decatur, Ala., and points within 15 miles thereof, to points in Tennessee (except paving tar, and, except chemicals to Kingsport, Tenn.), Georgia, and Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, or Montgomery, Ala.

No. MC 107010 (Sub-No. 14), filed October 19, 1964, published FEDERAL REGISTER issue November 4, 1964, amended November 27, 1964, and republished as amended this issue. Applicant: D & R BULK CARRIERS, INC., 1020 J Street, Auburn, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Terminal Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, *and dry fertilizer*, in bulk and in bags (not restricted as to kind or type of equipment), from the plant site of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, and South Dakota, and *damaged and rejected shipments* of the commodities specified, on return.

NOTE: The purpose of this republication is to (1) add dry fertilizer, in bulk and in bags, to the commodity description, (2) include Illinois as a destination state, and (3) reflect applicant's attorney. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107403 (Sub-No. 590), filed November 27, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in tank and hopper type vehicles, from Cincinnati, Ohio, to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107417 (Sub-No. 2), filed December 1, 1964. Applicant: JERSEY COAST FREIGHT LINES, INC., 830 Old Corlies Avenue, Neptune, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between points in Atlantic and Cumberland Counties, N.J.

NOTE: Applicant states that it intends to tack this authority with the authority it holds in Certificate No. MC 107417 and that which its affiliate, Bilkays Express Co., holds in Certificate No. MC 73616, and which the latter acquired in MC–F 8801, all of which authorize the transportation of general commodities, with exceptions, between specified points or areas in New Jersey and New York. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107417 (Sub-No. 3), filed December 1, 1964. Applicant: JERSEY COAST FREIGHT LINES, INC., 830 Old Corlies Avenue, Neptune, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between points in Atlantic and Cape May Counties, N.J.

NOTE: Applicant states it intends to tack this authority with the authority it holds in Certificate No. MC 107417 and that which its affiliate, Bilkays Express Co., holds in Certificate No. MC 73616, and which the latter acquired in MC–F 8801, all of which authorize the transportation of general commodities, with exceptions, between specified points or areas in New Jersey and New York. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107417 (Sub-No. 4), filed December 1, 1964. Applicant: JERSEY COAST FREIGHT LINES, INC., 830 Old Corlies Avenue, Neptune, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between points in Atlantic and Cape May Counties, N.J.

NOTE: Applicant states it intends to tack this authority with the authority it holds in Certificate No. MC 107417 and that which its affiliate, Bilkays Express Co., holds in Certificate No. MC 73616, and which the latter acquired in MC–F 8801, all of which authorize the transportation of general commodities, with exceptions, between specified points or areas in New Jersey and New York. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109132 (Sub-No. 16), filed November 27, 1964. Applicant: FREIGHT WAYS, INC., 1309 North Mosley, Wichita, Kans. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value,



Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household*

NOTE: Applicant states (a) purpose of application is to permit applicant to perform operations from its new terminal in Bayonne, N.J., which was previously located at

No. MC 110948 (Sub-No. 2), filed November 30, 1964. Applicant: SOO-SECURITY MOTORWAYS LTD., 725



32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammoni-*

No. MC 113908 (Sub-No. 148) (Amendment), filed September 28, 1964, published FEDERAL REGISTER issue October 14, 1964, amended and republished this is-

transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizer* in bulk, from

Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those injurious or contaminating to other lading), serving Burns Harbor, Porter County, Ind., as an off-route point in connection with applicant's authorized regular-route operations to and from points in Oklahoma, Illinois, Kansas, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109136 (Sub-No. 26) (AMENDMENT), filed October 28, 1964, published FEDERAL REGISTER issue November 11, 1964, amended December 9, 1964, and republished as amended this issue. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 9722 Pulaski Highway, Baltimore, Md., 21220. Applicant's attorney: Maxwell A. Howell, 1511 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid caustic soda*, in bulk, in tank vehicles, from: Diamond Alkali Company, Delaware City, Del., to points in Pennsylvania on and east of U.S. Highway 220; to points in New Jersey; to points in Delaware; to points in Maryland; to points in New York on and east of New York Highway 17 from the New York-Pennsylvania State line to and including Binghamton, on and east or south of New York Highway 7 from Binghamton to and including Troy, on and west of U.S. Highway 4 from Troy to junction of U.S. Highways 4 and 9, and on and west of U.S. Highway 9 from said junction through and including Yonkers, and thence south to the New York, N.Y., corporate boundary; to points in Virginia on and east of U.S. Highway 220 from the Virginia-North Carolina State line to and including Roanoke, and on and east of U.S. Highway 11 from Roanoke to the Virginia-West Virginia State line; to points in West Virginia on and east of U.S. Highway 11; and to the District of Columbia; and (2) *liquefied chlorine gas*, in containers, and in bulk, in tank vehicles, from: Diamond Alkali Company, Delaware City, Del., to points in Pennsylvania on and east of U.S. Highway 11 to Harrisburg and points on and south of U.S. Highway 22; to points in New Jersey; to points in Maryland; to points in Delaware; to the District of Columbia, and to Occoquan, Va.

NOTE: The purpose of this republication is to add in bulk, in tank vehicles in item (2). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109263 (Sub-No. 15), filed November 25, 1964. Applicant: TRIO MOTOR LINES, INC., 92 East 19th Street, Bayonne, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between carrier's terminal facilities in Bayonne, N.J., on the one hand, and, on the other, points in New Jersey.

NOTE: Applicant states (a) purpose of application is to permit applicant to perform operations from its new terminal in Bayonne, N.J., which was previously located at New York, N.Y., and (b) proposed authority to be tacked to and combined with carrier's existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109818 (Sub-No. 15), filed November 30, 1964. Applicant: WENGER TRUCK LINE, INC., Beaver, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the Burns Harbor plant site of Bethlehem Steel Co. located at or near Baileytown, Ind., to points in Nebraska and points in Iowa on and west of U.S. Highway 63.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 398), filed December 2, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, starch and products of corn*, in bulk, in tank or hopper type vehicles, from Kansas City, Mo., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 691), filed December 2, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa., and Leonard A. Jaskiewicz, 1155 15th Street, NW., Madison Building, Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk from Creighton, Pa., to points in Monongalia County, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 291), filed November 30, 1964. Applicant: RYDER TANK LINE, INC., Winston-Salem Road, Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and ammonium phosphate sulfate solution*, in bulk, in tank vehicles, from Plainview, Tex., and points within 5 miles thereof, to points in Arizona, Colorado, Kansas, New Mexico, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 110948 (Sub-No. 2), filed November 30, 1964. Applicant: SOO-SECURITY MOTORWAYS LTD., 725 Portage Avenue, Winnipeg 2, Manitoba, Canada. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pembina, N. Dak., and Grand Forks, N. Dak.; (a) from Pembina, N. Dak., over U.S. Highway 81 to Grand Forks, N. Dak., and return over the same route, serving no intermediate points, and (b) from Pembina, N. Dak., over Interstate Highway 29 to junction North Dakota Highway 44, thence over North Dakota Highway 44 to junction U.S. Highway 81, thence over U.S. Highway 81 to Grand Forks, N. Dak., and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110988 (Sub-No. 95) (AMENDMENT), filed October 14, 1964, published in FEDERAL REGISTER issue of October 28, 1964, amended November 2, 1964, republished as amended November 11, 1964, and further amended December 3, 1964, and republished as further amended this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorneys: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006, and Harry C. Ames, Jr. (same address). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk from South Beloit, Ill., to points in Iowa, Kansas, Michigan, Minnesota, New Jersey, New York, Oklahoma, and Wisconsin.

NOTE: The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 112098 (Sub-No. 11), filed November 25, 1964. Applicant: JACK FARNELL, doing business as LOS ANGELES TURF EXPRESS, 1611 Easterly Terrace, Los Angeles, Calif., 90026. Applicant's attorney: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses, other than ordinary*, and in connection therewith, *personal effects of attendants, equipment, supplies, and mascots* used in the care and exhibition of such animals between points in New Mexico and Texas.

NOTE: No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 112520 (Sub-No. 114), filed November 25, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla.,



32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammoniating solutions, anhydrous ammonia and aqua ammonia*, in bulk, in tank vehicles, from points in Decatur County, Ga. to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 112750 (Sub-No. 207), filed November 30, 1964. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments including originals and copies of checks, drafts, notes, money orders, travelers' checks and cancelled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips, and debit and credit records* (except coin, currency, bullion, and negotiable securities) under continuing contracts with banks and banking institutions only, namely, national banks, State banks, Federal Reserve Banks, savings and loan associations and savings banks (1) between Fargo and Grand Forks, N. Dak., on the one hand, and, on the other, points in North Dakota and Minnesota and (2) between Minneapolis, Minn., on the one hand, and, on the other, points in North Dakota and Minnesota.

NOTE: Applicant also holds temporary authority to conduct operations as a common carrier in No. MC 111729 (Sub-No. 9) and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 112801 (Sub-No. 15), filed November 30, 1964. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 272, Cicero Station, 5100 West 41st, Chicago 50, Ill. Applicant's attorneys: Leonard A. Jaskiewicz and J. William Cain, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type vehicles, from Tri City Regional Port Complex located in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 113622 (Sub-No. 6), filed November 27, 1964. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Sand and sand products*, from Erie, Pa., to points in Chautauqua County, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 113908 (Sub-No. 148) (Amendment), filed September 28, 1964, published FEDERAL REGISTER issue October 14, 1964, amended and republished this issue. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, III, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements*, in bulk, and in tank vehicles, from Springfield, and Verona, Mo., to points in Alabama, Delaware, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maryland, Kansas, Arkansas, Virginia, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, South Carolina, and Indiana.

NOTE: The purpose of this republication is to include Verona Mo., as an additional point in the origin territory. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114194 (Sub-No. 81), filed November 30, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, from Chicago, Ill. to Cincinnati, Ohio, St. Louis and Kansas City, Mo., Detroit, Mich., and Milwaukee, Wis., and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114194 (Sub-No. 82), filed December 2, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk*, having prior movement by rail and *rejected shipments*, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 30), filed November 30, 1964. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 141, Elkton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* and *fertilizer materials*, in bulk, in tank vehicles, from Baltimore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

NOTE: Applicant states that it is presently authorized to transport the above commodities from Baltimore, Md. to points in Delaware and points in Chester, Delaware, Lancaster, and Montgomery Counties, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114725 (Sub-No. 18), filed November 27, 1964. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizer* in bulk, from the plant site of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Iowa, Kansas, South Dakota, Minnesota, Missouri, and Illinois, and *damaged and rejected shipments of the above commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114939 (Sub-No. 29), filed December 1, 1964. Applicant: BULK CARRIERS LIMITED, Box 10, Cooksville, Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, restricted to traffic originating in or destined to points in Canada, between ports of entry on the International Boundary line between the United States and Canada located on the Niagara River, on the one hand, and, on the other, points in Niagara and Erie Counties, N.Y., (2) *ethylene*, in bulk, in tank vehicles, restricted to traffic originating in Canada, from ports of entry on the International Boundary line between the United States and Canada located at or near Port Huron and Detroit, Mich., to Charleston, W. Va., and (3) *anhydrous hydrogen chloride*, in tank vehicles, restricted to traffic originating in Canada, from the port of entry on the International Boundary line between the United States and Canada located at or near Port Huron, Mich., to Union Beach, N.J., and Baltimore, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 115162 (Sub-No. 104), filed November 27, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from Mount Vernon, Ind., to points in Jackson County, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115162 (Sub-No. 105), filed November 27, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, regardless of how they are equipped (except tractors used in pulling commercial highway trailers [equipped with 5th wheels] and those which because of size or weight require the use of special equipment), (2) *parts, implements, attachments, accessories, and supplies* for commodities described above in (1) and (3) *agricultural machinery* and *implements*, other than hand, as described in sections 1(b)



and 1(c) of appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Waterloo,

Peru, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Arkansas, Tennessee,

LONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1215 Bankhead Highway West, Birmingham,



& COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. Authority sought to operate

and *refused or rejected shipments*, on return.

NOTE: Applicant states that it proposes to

*empty pallets and refused, damaged, and rejected shipments*, on return.

NOTE: Applicant states the proposed serv-

and 1(c) of appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Waterloo, Dubuque, and Des Moines, Iowa; Hori-con, Wis.; and Moline, Ill. to points in Alabama and points in Georgia on and south of U.S. Highway 280.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montogmery, Ala.

No. MC 115331 (Sub-No. 91), filed November 27, 1964. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk and in bags from El Paso, Ill., and points within five (5) miles thereof, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 92), filed November 27, 1964. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Perry, Iowa, and points within five (5) miles thereof, to points in Illinois and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 93), filed November 27, 1964. Applicant: TRUCK TRANSPORT, INCORPORTED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers*, from Erie, Ill., and points within five (5) miles thereof, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 94), filed November 27, 1964. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solution*, in bulk, in tank vehicles, from Peru, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 95), filed November 27, 1964. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *plastics* (except liquid fertilizer solutions), in bulk, in tank and hopper vehicles, from Peru, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Arkansas, Tennessee, Kentucky, Pennsylvania, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115821 (Sub-No. 5), filed November 27, 1964. Applicant: FRANK BEELMAN, JR., St. Libory, Ill. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk*, having prior movement by water or rail, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115821 (Sub-No. 6), filed December 2, 1964. Applicant: FRANK BEELMAN, JR., St. Libory, Ill. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, between points in Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115826 (Sub-No. 32), filed December 2, 1964. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272) and 766 (except commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Virginia, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 115831 (Sub-No. 6), filed November 27, 1964. Applicant: TIDEWATER TRANSIT CO., INC., 114 North Queen Street, Kinston, N.C. Applicant's attorney: J. Ruffin Bailey, 3d Floor, First Federal Building, Post Office Box 2246, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet and dry phosphate rock* in bulk in covered dump, tank, or hopper-type vehicles from the Texas Gulf Sulfur Company's plant site in Beaufort County, N.C., and points within 5 miles thereof, to points in Virginia and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 115841 (Sub-No. 216), filed November 27, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1215 Bankhead Highway West, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, when moving in mixed loads with frozen foods, from points in Tennessee west of that portion of the Tennessee River extending from a point on the Tennessee-Kentucky State line (south of Paducah, Ky.), to a point on the Tennessee-Alabama State line (north of Florence, Ala.), to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, those points in both Kansas and Nebraska on and east of U.S. Highway 81, and the District of Columbia.

NOTE: Applicant states it already holds authority on frozen foods (except frozen fruits, vegetables, and berries). If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116273 (Sub-No. 37), filed November 30, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products and chemicals*, in bulk, in tank vehicles, from the plant site of American Oil Co., located at or near Whiting, Ind., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 180), filed November 27, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Springfield, Mo. to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Massachusetts, West Virginia, Virginia, Rhode Island, Connecticut, and the District of Columbia.

NOTE: Applicant states it does not propose to tack the requested authority to presently held authority. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 117344 (Sub-No. 141), filed November 30, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Cincinnati, Ohio to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118196 (Sub-No. 25), filed November 27, 1964. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, frozen potato products* and *potato products* other than frozen, moving in straight or mixed shipments, from points in Idaho to points in Nebraska, Iowa, Kansas, Missouri, Texas, Oklahoma, Arkansas, Louisiana, South Dakota, Mississippi, Tennessee, North Dakota, Minnesota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 118400 (Sub-No. 1), filed November 30, 1964. Applicant: WANDO PRODUCE CO., a corporation, 60 Romney Street, Charleston, S.C. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and bananas in mixed shipments with pineapples and coconuts*, from Charleston, S.C. to points in South Carolina (except Columbia), North Carolina (except Raleigh), Virginia (except Richmond), and Atlanta, Ga.

NOTE: Applicant states it proposes to ship exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 119767 (Sub-No. 42), filed December 2, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and metal can ends*, from Milwaukee, Wis., to points in Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119778 (Sub-No. 79), filed November 18, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 410–411 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, in bulk, from points in Georgia to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 123905 (Sub-No. 2), filed November 27, 1964. Applicant: OLEN BURRAGE, Route 9, Box 22A, Philadelphia, Miss. Applicant's attorney: Donald B. Morrison, Post Office Box 961, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber, plywood, dimension stock*, and *preservatively treated lumber, poles*, and *timbers*, from Philadelphia, Miss., to points in Georgia, Iowa, Michigan, Minnesota, Missouri, North Carolina, Pennsylvania, and South Carolina, and *refused or rejected shipments*, on return.

NOTE: Applicant states that it proposes to transport exempt commodities on return trips. Applicant states that the above transportation is to be performed under continuing contracts with A. DeWeese Lumber Co., Inc., and Molphus Lumber Co., both of Philadelphia, Miss. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 124160 (Sub-No. 1), filed November 25, 1964. Applicant: CLYDE REAVELEY, doing business as REAVELEY TRUCKING CO., 1330 Beck Street, Salt Lake City, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete, sand, gravel, and diatomaceous earth*, between points in Utah, on the one hand, and, on the other, points in Colorado, Arizona, Nevada, Idaho, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 124211 (Sub-No. 22), filed November 27, 1964. Applicant: HILT TRUCK LINE, INC., 1813 Yolande, Post Office Box 824, Lincoln, Nebr. Applicant's J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nails, wire, and metal posts*, from Peoria, Ill., to Lincoln, Nebr., and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124669 (Sub-No. 9), filed November 27, 1964. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Post Office Box 502, Sioux Falls, S. Dak. Applicant's attorney: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizer*, in bulk and in bags, from the plantsite of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Iowa, Kansas, South Dakota, North Dakota, Minnesota, Missouri, and Illinois and *damaged and rejected shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125129 (Sub-No. 1), filed November 23, 1964. Applicant: R. B. GREENE TRANSPORTATION, INC., Maple Street, Danielson, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware* (bottles, demijohns, and jars), from the plantsite of Knox Glass, Inc., located at Dayville (Killingly), Conn., to Cranston, R.I., and Willimansett, Mass., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, and *empty pallets and refused, damaged, and rejected shipments*, on return.

NOTE: Applicant states the proposed service will be performed under a continuing contract, or contracts with Feldman Glass Co., of New Haven, Conn. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 125417 (Sub-No. 3), filed December 2, 1964. Applicant: BULK FREIGHTWAYS, a corporation, 8332 Wilcox Avenue, South Gate, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in pneumatic hopper equipment, from (a) Sloan, Nev., a point located approximately fifteen (15) miles south of Las Vegas, Nev., on or closely adjacent to U.S. Highway 91, (b) Henderson, Nev., and (c) Apex (Arrolime), Nev., to points in that portion of California located south of the northerly boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 125722 (Sub-No. 9), filed November 25, 1964. Applicant: GREAT WESTERN PACKERS EXPRESS, INC., Post Office Box 16886, Denver, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as defined by the Commission, from Lexington, Nebr., to points in Arizona, California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126450 (Sub-No. 2), filed November 27, 1964. Applicant: W. C. WINTER, INC., 833 Warner Street SW., Atlanta 10, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bales, barrels, and in bulk and in ingot form for further processing, and *animal hides and casings*, not further processed than salted or preserved, between points in Georgia, on the one hand, and, on the other, points in Alabama, Kentucky, Ohio, Tennessee, North Carolina, South Carolina, Pennsylvania, Missouri, Indiana, Illinois, Virginia, Michigan, Connecticut, Massachsetts, New York, New Jersey, Maryland, Wisconsin, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126470 (Sub-No. 1), filed November 27, 1964. Applicant: WAYNE W. LANGE, doing business as ABC TRUCK LINES, Pipestone, Minn., 56164. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, from Pipestone, Minn., to points in

South Dakota, Iowa, Nebraska, and Minnesota, and (2) *flour* from points in South Dakota to Pipestone, Minn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126718, filed November 2, 1964. Applicant: IRONWOOD MOBILE HOMES, INC., Route 11, Box 749, Highway 78 East, Irondale, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Alabama, Georgia, Florida, and Mississippi.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 126731 (Sub-No. 1), filed November 25, 1964. Applicant: WILLIAM V. LOCKWOOD, doing business as LOCKWOOD'S BOAT WORKS, Highway 35, Morgan, South Amboy, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126740 (Sub-No. 1), filed November 27, 1964. Applicant: JORAY, TRUCKING CORP., 2375 Woodbridge Avenue, Edison, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, dirt, bank run gravel, and wash gravel*, from points in Chester and Delaware Counties and other points in Pennsylvania on and east of U.S. Highway 309 to points in New Jersey.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 125383 and Sub thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126759, filed November 27, 1964. Applicant: BRODERICK TEAMING COMPANY, a corporation, 3226 South Shields Avenue, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel*, from Burns Harbor, Porter County, Ind., to points in the Illinois portion of the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126763, filed November 27, 1964. Applicant: JOSEPH J. LASCHOBER, doing business as LASCHOBER & SONS CARTAGE CO., 6700 South LeClaire Avenue, Chicago, Ill. Applicant's attorney: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat byproducts* as described in Appendix I of 61 M.C.C. 209 (except commodities in bulk in tank vehicles), from Greenfield, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, and (2) *equipment, materials, and supplies* (except commodities in bulk in tank vehicles) used in the slaughtering, preparation, packaging, and sale of meat, meat products and meat byproducts, from the above destination states to Greenfield, Ohio.

NOTE: Applicant states it now holds contract carrier authority in No. MC 125647 which authorizes part of the transportation service sought in this application, and accordingly dual operations may be involved. Applicant further states it will surrender same in the event a certificate or permit issued to it as a result of this application duplicates the permit authority applicant now holds. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126767 EX, filed November 20, 1964. Applicant: KNICKERBOCKER WAREHOUSING CORPORATION, 99 Lafayette Drive, Syosset, N.Y. Applicant's attorney: Milton B. Seasonwein, 1290 Avenue of the Americas, New York 19, N.Y. A certificate of exemption sought under section 204(a)(4a), Part II, in the conduct of operations as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (other than malt beverages), wholly within the State of New York, (1) from the piers or railroad terminals within the City of New York to its warehouse premises at Syosset, N.Y. Said merchandise would be consigned to Knickerbocker Liquors Corporation or Affiliated Distillers Brands Corp. on through bills of lading on shipment originating in countries foreign to the United States of America, Scotland, France, Portugal, Spain, the Commonwealth of Puerto Rico or in possessions of the United States, and (2) from the warehouse premises of applicant to piers in the City of New York for export from the United States of America, or for use by steamship companies as ship stores, as well as to the terminal facilities of international airlines at John F. Kennedy Airport for use as ship stores.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 126769, filed December 2, 1964. Applicant: STASZUK'S ABLE VAN LINES, a corporation, 238 Mill Street, Lansing, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments having a prior or subsequent movement beyond the destination counties, and further restricted to pickup, delivery, and warehousing service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments, and *empty containers and equipment that is used in the transportation of household goods such as hand trucks, pads and cartons*, between points in Barry, Branch, Calhoun, Clinton, Eaton, Gratiot, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Montcalm, St. Joseph, Shiawassee, and Washtenaw Counties, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 13028 (Sub-No. 8), filed November 30, 1964. Applicant: THE SHORT LINE, INC., 400 Fountain Street, Providence, R.I. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers* in the same vehicle with passengers, and *baggage of passengers* in a separate vehicle, between Wyoming, R.I., and New London, Conn.; from Wyoming, R.I. (junction Rhode Island Highway 138 and Interstate Highway 95 at Wyoming), over Interstate Highway 95 to New London, Conn., and return over the same route, serving no intermediate points.

NOTE: Applicant states that it proposes to tack the above authority to its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.



(No. MC 94742 (Sub-No. 25), filed November 9, 1964. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Rochester, N.H., and the General Dynamics Electric Boat Works (Quincy Shipyard), Quincy, Mass.; from Rochester, N.H., over New Hampshire Highway 16 to junction New Hampshire Highway 16A, thence over New Hampshire Highway 16A to Somersworth, N.H., thence over New Hampshire Highway 9 to Dover, N.H., thence over New Hampshire Highway 16 to Portsmouth, N.H., thence over U.S. Highway 1 to junction Massachusetts Highway 110 (also from Portsmouth, N.H., over U.S. Highway 1 to Kittery, Maine, and return over the same route), thence over Massachusetts Highway 110 to junction Interstate Highway 95 (also from junction U.S. Highway 1 and Massachusetts Highway 110, over Massachusetts Highway 110 to junction Massachusetts Highway 150, thence over Massachusetts Highway 150 to Amesbury, Mass., and return over the same route), (also from Rochester, N.H., over the Spaulding Turnpike to junction Interstate Highway 95 (New Hampshire Turnpike), thence over Interstate Highway 95 to junction Massachusetts Highway 110, and return over the same route), thence over Interstate Highway 95 to the John F. Fitzgerald Expressway in Boston, Mass., thence over the John F. Fitzgerald Expressway to the Southeast Expressway, thence over the Southeast Expressway to junction Massachusetts Highway 3, thence over Massachusetts Highway 3 to Quincy, Mass., thence over city streets to the General Dynamics Electric Boat Works (Quincy Shipyard), and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 109736 (Sub-No. 20), filed November 25, 1964. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Harrisburg, Pa., and Washington, D.C., from Harrisburg over Interstate Highway 83 to junction Interstate Highway 695, thence over Interstate Highway 695 to junction Baltimore-Washington Expressway, thence over Baltimore-Washington Expressway to Washington, D.C., and return over the same route serving no intermediate points and (2) between Harrisburg, Pa., and Baltimore, Md., from Harrisburg over Interstate Highway 83 to Baltimore and return over the same route serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109736 (Sub-No. 22), filed November 25, 1964. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between South Tamaqua and Molino, Pa., from South Tamaqua over Pennsylvania Highway 443 to junction Pennsylvania Highway 895, thence over Pennsylvania Highway 895 to Molino and return over the same route serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 126765, filed November 30, 1964. Applicant: PAUL SULGER, doing business as SULGER BUS LINE, 200 Canyon Drive, Sierra Vista, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) between Tucson, Ariz., and Fort Huachuca, Ariz., from Tucson over city streets to Tucson Municipal Airport, thence over city streets to junction U.S. Highway 80, thence over U.S. Highway 80 to junction Arizona Highway 90, thence over Arizona Highway 90 to Fort Huachuca, and return over the same route, serving the Tucson Municipal Airport and all intermediate points between junction U.S. Highway 80 and Arizona Highway 90 and Fort Huachuca, Ariz.; and (2) between Benson, Ariz., and junction U.S. Highway 80 and Arizona Highway 90,* over U.S. Highway 80, serving no intermediate points, and serving the junction of U.S. Highway 80 and Arizona Highway 90 for purpose of joinder with (1) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 126770, filed December 2, 1964. Applicant: MILWAUKEE LIMOUSINE SERVICE, INC., 2100 Marine Plaza, Milwaukee, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers beginning and ending at Whitefish Bay, Milwaukee, Racine and Kenosha, Wis. and extending to O'Hare Field (Chicago International Airport), Cook County, Ill. and Midway Airport, Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC-12424 (Sub-No. 1), filed November 30, 1964. Applicant: BROWNELL TRAVEL BUREAU, INC., 1001 South 22d Street, Birmingham, Ala. For a license (BMC 5) to engage in operations as a *broker* at Birmingham, Ala., in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in special or charter operations, in groups and as individuals, beginning and ending at Birmingham, Ala., and points within 150 miles thereof, and extending to points in the United States.

*Approximately three (3) miles west of Benson.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 59117 (Sub-No. 22), filed November 16, 1964. Applicant: ELLIOTT TRUCK LINE, INC., Box 1, Vinita, Okla. Applicant's attorney: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing materials*, and *feeds*, from Kansas City, Mo., to Vinita, Okla., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states it presently holds Certificate No. MC 59117, which authorizes, among other things, the transportation of these identical commodities between the same points, over a regular route. Irregular-route authority is requested to conform to the balance of its authority. (II) (a) *Fertilizer solutions* (except anhydrous ammonia and fertilizer solutions manufactured from petroleum or its by-products), in bulk, in tank vehicles, from the plant site of the John Deere Chemical Co., located near Pryor, Okla., to points in Louisiana, Texas, Arkansas, Missouri, Kansas, and Mississippi, (b) *Fertilizer solutions*, in bulk, in tank vehicles, from Sterlington, La., to the plant site of the John Deere Chemical Co., located near Pryor, Okla., and (c) *Liquid feed ingredients and fertilizer solutions*, from the plant site of the John Deere Chemical Co., located near Pryor, Okla., to points in Nebraska, Iowa, Illinois, and Indiana.

NOTE: Applicant states that no new authority is requested by this portion of the application, but merely a change in name of present origin to show "plant site of John Deere Chemical Co., near Pryor, Okla.: in lieu of "Grand River Chemical Division Plant of Deere & Company", and "Grand River Chemical Company plant", as show in present Certificate MC 59117 issued September 12, 1960.

No. MC 103993 (Sub-No. 192), filed November 25, 1964. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and *component parts thereof when shipped therewith* from Washington Court House (Fayette County), Ohio to points in the United States (except Alaska and Hawaii).

No. MC 106119 (Sub-No. 18), (CORRECTION), filed November 20, 1964, published in FEDERAL REGISTER issue of December 9, 1964, and republished this



issue. Applicant: ASSOCIATED PETROLEUM CARRIERS, a corporation, Union Road, Spartanburg, S.C. Applicant's attorney: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Spartanburg, S.C., to points in Georgia, North Carolina, and Tennessee.

NOTE: Applicant states it presently holds Certificate No. MC 59117, which authorizes, among other things, the transportation of these identical commodities between the same points, over a regular route. Irregular-route authority is requested to conform to the balance of its authority. (II) (a) *Fertilizer solutions* (except anhydrous ammonia and fertilizer solutions manufactured from petroleum or its by-products), in bulk, in tank vehicles, from the plant site of the John Deere Chemical Co., located near Pryor, Okla., to points in Louisiana, Texas, Arkansas, Missouri, Kansas, and Mississippi, (b) *Fertilizer solutions*, in bulk, in tank vehicles, from Sterlington, La., to the plant site of the John Deere Chemical Co., located near Pryor, Okla., and (c) *Liquid feed ingredients and fertilizer solutions*, from the plant site of the John Deere Chemical Co., located near Pryor, Okla., to points in Nebraska, Iowa, Illinois, and Indiana.

NOTE: Applicant states that no new authority is requested by this portion of the application, but merely a change in name of present origin to show "plant site of John Deere Chemical Co., near Pryor, Okla.: in lieu of "Grand River Chemical Division Plant of Deere & Company", and "Grand River Chemical Company plant", as show in present Certificate MC 59117 issued September 12, 1960.

No. MC 103993 (Sub-No. 192), filed November 25, 1964. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and *component parts thereof when shipped therewith* from Washington Court House (Fayette County), Ohio to points in the United States (except Alaska and Hawaii).

No. MC 106119 (Sub-No. 18), (CORRECTION), filed November 20, 1964, published in FEDERAL REGISTER issue of December 9, 1964, and republished this



issue. Applicant: ASSOCIATED PETROLEUM CARRIERS, a corporation, Union Road, Spartanburg, S.C. Applicant's attorney: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Spartanburg, S.C., to points in Georgia, North Carolina, and Tennessee.

NOTE: Applicant states it presently holds Certificate No. MC 59117, which authorizes, among other things, the transportation of these identical commodities between the same points, over a regular route. Irregular-route authority is requested to conform to the balance of its authority. (II) (a) *Fertilizer solutions* (except anhydrous ammonia and fertilizer solutions manufactured from petroleum or its by-products), in bulk, in tank vehicles, from the plant site of the John Deere Chemical Co., located near Pryor, Okla., to points in Louisiana, Texas, Arkansas, Missouri, Kansas, and Mississippi, (b) *Fertilizer solutions*, in bulk, in tank vehicles, from Sterlington, La., to the plant site of the John Deere Chemical Co., located near Pryor, Okla., and (c) *Liquid feed ingredients and fertilizer solutions*, from the plant site of the John Deere Chemical Co., located near Pryor, Okla., to points in Nebraska, Iowa, Illinois, and Indiana.

NOTE: Applicant states that no new authority is requested by this portion of the application, but merely a change in name of present origin to show "plant site of John Deere Chemical Co., near Pryor, Okla.: in lieu of "Grand River Chemical Division Plant of Deere & Company", and "Grand River Chemical Company plant", as show in present Certificate MC 59117 issued September 12, 1960.

No. MC 103993 (Sub-No. 192), filed November 25, 1964. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and *component parts thereof when shipped therewith* from Washington Court House (Fayette County), Ohio to points in the United States (except Alaska and Hawaii).

No. MC 106119 (Sub-No. 18), (CORRECTION), filed November 20, 1964, published in FEDERAL REGISTER issue of December 9, 1964, and republished this

79th Street and Tomahawk Road, in Johnson County, Kans.; between junction U.S. Highway 50 and Antioch Road, by Southwestern Freight Bureau, agent (No. B–8649), for interested rail carriers. Rates on cement and related arti-

As provided in the Commission's special rules of practice any interested person may file a petition seeking recon-

issue. Applicant: **ASSOCIATED PETROLEUM CARRIERS, a corporation, Union Road, Spartanburg, S.C.** Applicant's attorney: **Robert R. Odom, 120 Walnut Street, Spartanburg, S.C.**

NOTE: The purpose of this republication is to show the correct Docket No. MC 106119 Sub-No. 18, in lieu of that previously published.

No. MC 110420 (Sub-No. 399), filed December 2, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrolyzed fats*, in bulk, in tank vehicles, from Chicago, Ill., to Buffalo, N.Y.

No. MC 126103 (Sub-No. 1), filed November 25, 1964. Applicant: ROBERT A. McQUAIDE, doing business as FRANK ADAMS COMPANY, Depot Street, Bellows Falls, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, agricultural insecticides and fungicides, herbicides*, dry, liquid, or gaseous, *agricultural limestone and agricultural lime*, from North Walpole, N.H., to points in Vermont, points in Oxford, Cumberland, York, Androscoggin, and Kennebec Counties, Maine, and Clinton, Essex, Warren, and Washington Counties, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *rejected, refused and damaged shipments*, and *shipments made in error*, on return.

No. MC 126749 filed November 23, 1964. Applicant: K. P. MOVING & STORAGE, INC., 1475 South Acoma Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado.

NOTE: Applicant states it proposes the packing and crating of household goods for the account of regulated and unregulated freight forwarders. Common control may be involved.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12905; Filed, Dec. 15, 1964; 8:48 a.m.]

[Notice 1094]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 11, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67139. By order of December 8, 1964, The Transfer Board approved the transfer to Eastern Carrier Corp., a corporation, Philadelphia, Pa., of Permit in No. MC 83744, issued October 9, 1947, to Harold H. Senger, Smyrna, Del., authorizing the transportation of: Milk and milk products, and empty containers for such commodities, between points in Maryland, Delaware, New Jersey, the District of Columbia, and those as specified in Virginia and Pennsylvania; between Franklinville, N.Y., Millerstown, Pa., and Ridgely, Md., on the one hand, and, on the other, Philadelphia, Pa., Garfield and Newark, N.J., and New York; and between Franklinville, N.Y., Millerstown, Pa., and Ridgely, Md. Paul A. Levy, 1420 Walnut Street, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 67192. By order of December 8, 1964, The Transfer Board approved the transfer to Bi-State Express, Inc., Mt. Vernon, Ill., of the Certificate in No. MC 117585 and MC 117585 Sub 2, issued February 9, 1959 and April 12, 1961, respectively, to Ferrill Fast Freight, Inc., Salem, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Salem, Ill., and St. Louis, Mo., serving intermediate points and specified off-route points specified; and petroleum products and automobile parts and accessories, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to Centralia, Ill. Delmar Koebel, 107 West St. Louis, Lebanon, Ill., attorney for applicants.

No. MC–FC 67302. By order of December 10, 1964, The Transfer Board approved the transfer to Twombly Grain Co., Inc., Troy, Kansas, of the operating rights issued by the Commission May 11, 1950, October 6, 1950 and January 13, 1956, under Certificates Nos. MC 275, MC 275 Sub 1 and MC 275 Sub 2, respectively, to R. C. Twombly, doing business as Twombly Truck Line, Troy, Kansas, authorizing the transportation, over regular routes, of livestock and fruit between Troy, Kans., and St. Joseph, Mo., general commodities, excluding household goods, and other specified commodities, from St. Joseph, Mo., to Troy, Kans.; livestock, between Highland, Kans., and St. Joseph and Kansas City, Mo.; livestock, feed, and farm implements, from St. Joseph over U.S. Highway 36 to Highland; livestock, from Highland, Kans., to St. Joseph, Mo., serving all intermediate and off-route points within 10 miles of Highland, Kans,. restricted to pickup only, and feed, furniture, ice, oil, and livestock, from St. Joseph, Mo., to Highland, Kans., serving all intermediate and off-route points within 10 miles of Highland, Kans,. restricted to delivery only.

No. MC–FC 67334. By order of December 10, 1964, The Transfer Board approved the transfer to Titan Moving & Storage Corp., Brooklyn, N.Y., of the operating rights in Certificate No. MC 102432, issued October 11, 1956, to Dan Sommo and Vito Sommo, a partnership, doing business as Sommo Brothers, Brooklyn, N.Y., authorizing the transportation, over irregular routes, of household goods as defined, office furniture, store fixtures and equipment, and new and uncrated hospital equipment, between points in New York, N.Y. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for transferee.

No. MC–FC 67338. By order of December 9, 1964, The Transfer Board approved the transfer to Johnson County Suburban Lines, Inc., North Little Rock, Ark., of a portion of Certificates in Nos. MC 61616, No. MC 61616 Sub 36, and the entire authority in Certificate No. MC 61616 Sub 60, issued September 28, 1960, October 31, 1957, and September 29, 1958, respectively, to Midwest Buslines, Inc., North Little Rock, Ark., authorizing the transportation over regular routes of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Kansas City, Mo., and Olathe, Kans., between Kansas City, Mo., and junction U.S. Highway 69 and 75th Street, Johnson County, Kans.; between Olathe, Kans., and U.S. Naval Base (located approximately five miles south of Olathe); between junction U.S. Highway 50 and Kansas Highway 58, and junction U.S. Highways 50 and 69; between junction Johnson Drive and Roe Avenue and junction 69th Street and U.S. Highway 69, in Johnson County, Kans.; between junction Roe Avenue and 67th Street and junction Roe Avenue and 75th Street, in Johnson County, Kans.; between junction 75th Street and Nall Avenue and junction Prairie Lane and Tomahawk Road, in Johnson County, Kans.; between junction Nall Avenue and Johnson Drive, in Mission, Kans., south over Nall Avenue to junction 69th Street; between junction Belinder Road and Tomahawk Road and junction Tomahawk Road and Wenonga Road, in Johnson County, Kans.; between junction 80th Street and Kansas Highway 58 and junction 76th Street and U.S. Highway 69, in Johnson County, Kans.; between junction Kansas Highway 58 and 81st Street and junction Hardy Street and Kansas Highway 58, in Johnson County, Kans.; between junction Kansas Highway 58 and 80th Street and junction 80th Street and Kansas Highway 58 (Loop Route), in Johnson County, Kans.; newspapers, in the same vehicle with passengers, between Kansas City, Mo., and junction Kansas Highway 58 and Antioch Road, near Overland Park, Kans.; between junction U.S. Highway 69 and 81st Street, in Overland Park, Johnson County, Kans., and junction 83d Street and U.S. Highway 69 in Overland Park; between points in Johnson County, Kans.; between points in Mission Township, Johnson County, Kans.; between junction Nieman Road and 67th Street Terrace and junction Nieman Road and 69th Street Terrace, in Shawnee Village, Johnson County, Kans.; between junction 75th Street and Nall Avenue and junction 79th Street and Tomahawk Road, in Johnson County, Kans.; between junction U.S. Highway 50 and Antioch Road, and junction 75th Street and U.S. Highway 50, in Johnson County, Kans.; and between junction Kansas Highway 58 (Santa Fe Trail) and 80th Street in Overland Park, Kans., and junction Mission Road and U.S. Highway 50 in Johnson County, Kans., in all routes above, serving all intermediate points. Messrs. Warren A. Goff and D. Paul Stafford, 315 Continental Avenue, Dallas, Tex., 75207, attorneys for applicants.

No. MC–FC 67364. By order of December 10, 1964, The Transfer Board approved the transfer to Warners Motor Express, Inc., Red Lion, Pa., of the Certificate in No. MC 20906, issued June 15, 1942, to Columbia Storage Co., Inc., Philadelphia, Pa., authorizing the transportation of: Household goods, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Virginia, West Virginia, Rhode Island, and the District of Columbia; and between points in Pennsylvania, Maryland, New Jersey, Massachusetts, and New York. Morris J. Winokur, Two Penn Center Plaza, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC 67365. By order of December 10, 1964, The Transfer Board approved the transfer to Allfreight Lines, Inc., North Reading, Mass., of the Certificate of Registration in No. MC 120818 Sub 1, issued November 24, 1964, to Capeway Freight Lines, Inc., Whitman, Mass., authorizing the transportation in interstate and foreign commerce corresponding to the grant of authority in State certificate No. 3283, issued September 26, 1963 by the Massachusetts Department of Public Utilities. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., attorney for transferee and George C. O'Brien, 33 Broad Street, Boston 9, Mass., attorney for transferor.

No. MC–FC 67371. By order of December 10, 1964, The Transfer Board approved the transfer to Spokane Suburban Lines, Inc., Spokane, Wash., of Certificate No. MC 124325, issued February 14, 1963, to Empire Lines, Inc., Spokane, Wash., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over regular routes, between Spokane, Wash., and Wallace, Idaho, serving all intermediate points. Lawrence W. Thayer, 902 Paulsen Building, Spokane 1, Wash., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12906; Filed, Dec. 15, 1964; 8:49 a.m.]

[Notice 1094–A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 11, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67423. By order of December 10, 1964, the Transfer Board approved the transfer to James Bibler, Russellville, Ark., of the operating rights in Certificates Nos. MC 27418 and MC 27418 Sub 4, issued January 23, 1951 and February 17, 1960, respectively, to Ward Jackson, Morrilton, Ark., authorizing the transportation, over irregular routes, of: Lumber, from specified points in Arkansas to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Ohio, Oklahoma, Texas, and Wisconsin, and manufactured feed, from specified points in Missouri to named counties in Arkansas. Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12907; Filed, Dec. 15, 1964; 8:49 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 11, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA 39449: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 34), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 29 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF–I.C.C. 59.

FSA 39450: *Liquefied Chlorine Gas to Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A4605), for interested rail carriers. Rates on liquefied chlorine gas, in tank carloads, subject to minimum shipment of five cars per day, from Saltville, Va., to Calvert, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 100 to Southern Freight Association, agent, tariff I.C.C. S–207.

FSA 39451: *Cement and related articles from Oklahoma City, Okla.* Filed by Southwestern Freight Bureau, agent (No. B–8649), for interested rail carriers. Rates on cement and related articles, in carloads, from Oklahoma City, Okla., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 6 to Southwestern Freight Bureau, agent, tariff I.C.C. 4582.

FSA 39452: *Substituted service—WP for Ashworth Transfer, Inc., et al.* Filed by Ashworth Transfer, Inc. (No. 5), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Salt Lake City, Utah, on the one hand, and Reno, Nev., and Oakland, Calif., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA 39453: *Iron and steel articles to Memphis, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B–8650), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from Brownsville, Eagle Pass, El Paso, Laredo, and Presidio, Tex. (applicable only on shipments imported from Mexico), to Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 100 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA 39454: *Soda ash to South Addison, Ill.* Filed by Western Trunk Line Committee, agent (No. A–2381), for interested rail carriers. Rates on soda ash (other than modified soda ash), in carloads, from Stauffer and Westvaco, Wyo., to South Addison, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 108 to Western Trunk Line Committee, agent, tariff I.C.C. A–4411.

FSA 39455: *Iron or steel pipe to points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A–2382), for interested rail carriers. Rates on iron or steel pipe, in carloads, from Geneva and Pipemill, Utah, to points in western trunkline territory.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 108 to Western Trunk Line Committee, agent, tariff I.C.C. A–4411.

FSA 39456: *Vermiculite to Kenbridge, Va.* Filed by O. W. South, Jr., agent (No. A4606), for interested rail carriers. Rates on vermiculite, broken, crushed, or ground, dried or not dried, not expanded, in carloads, from Kearney and Travelers Rest, S.C., to Kenbridge, Va.

Grounds for relief: Market competition.

Tariff: Supplement 128 to Southern Freight Association, agent, tariff I.C.C. S–126.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12901; Filed, Dec. 15, 1964; 8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER




| 29 CFR—Continued | Page |
|---|---|
| PROPOSED RULES: | |
| 601 | 16428 |

| 41 CFR—Continued | Page |
|---|---|
| 11–1 | 16252, 16255 |
| 11–2 | 16253, 16255 |

| 43 CFR—Continued | Page |
|---|---|
| PUBLIC LAND ORDERS—Continued | |

# CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

## 3 CFR

Page

PROCLAMATIONS:
- 3630 — 15941
- 3631 — 16243

EXECUTIVE ORDER:
- Mar. 31, 1911 (revoked in part by PLO 3493) — 16859
- Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
- Sept. 30, 1916 (revoked in part by PLO 3508) — 16864
- May 21, 1920 (revoked in part by PLO 3508) — 16864
- 5289 (revoked in part by PLO 3486) — 16830

## 4 CFR

- 51 — 16313
- 52 — 16313

## 5 CFR

- 213 — 17065, 17084, 17085

## 7 CFR

- 15 — 16274, 16966
- 29 — 16854
- 401 — 17029, 17085
- 717 — 16184
- 719 — 16185
- 722 — 16248, 16775
- 724 — 16077
- 729 — 16185
- 730 — 17086
- 777 — 17086
- 850 — 17029
- 855 — 17029
- 905 — 16313–16315
- 907 — 16315, 16907, 17030, 17814
- 909 — 17030
- 910 — 16078, 16316, 17031
- 916 — 16966
- 917 — 16854
- 929 — 16078
- 1004 — 16966
- 1005 — 16855
- 1136 — 17815
- 1421 — 15943
- 1485 — 17032
- 1600 — 16784
- 1601 — 16784

PROPOSED RULES:
- 26 — 17816
- 812 — 17122
- 911 — 16258
- 912 — 16993
- 915 — 16258
- 917 — 16993
- 971 — 16833
- 1004 — 16994
- 1005 — 16259
- 1030 — 16395, 16417
- 1031 — 16417
- 1036 — 16197
- 1044 — 16200
- 1047 — 17041, 17816
- 1049 — 17816
- 1050 — 17822
- 1065 — 16920
- 1131 — 16866, 17822
- 1126 — 16198

## 9 CFR

- 74 — 15943
- 94 — 16907
- 97 — 16316

## 10 CFR

Page

- 2 — 16831

PROPOSED RULES:
- Ch. I — 15957
- 2 — 16934

## 12 CFR

- 1 — 17087
- 217 — 15944, 16317
- 218 — 16065
- 224 — 16855
- 329 — 15944
- 545 — 16856
- 563 — 17088

## 13 CFR

- 107 — 16825, 16946, 16967
- 121 — 15945

PROPOSED RULES:
- 107 — 16094

## 14 CFR

- 7 — 16149
- 27 [New] — 16065
- 29 [New] — 16149
- 39 [New] — 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797.
- 42 — 16968
- 71 [New] — 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088, 17503, 17797.
- 73 [New] — 15948, 16184, 16972, 17037, 17727.
- 75 [New] — 16066, 16319, 17775
- 93 [New] — 15948
- 97 [New] — 16067, 16789, 17798
- 302 — 16972
- 389 — 16907

PROPOSED RULES:
- 39 [New] — 16429, 16430, 17044
- 71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823.
- 75 [New] — 16432, 16836
- 91 [New] — 15959
- 135 [New] — 16836
- 221 — 16867
- 399 — 17042

## 15 CFR

- 7 — 16973
- 50 — 17089
- 201 — 16319
- 365 — 16186

## 16 CFR

- 13 — 16186, 16826, 16856

## 17 CFR

- 200 — 16187
- 230 — 16982
- 239 — 16856
- 240 — 16245, 16856, 16982
- 260 — 16982
- 270 — 16982
- 275 — 16982

PROPOSED RULES:
- 15 — 15957
- 19 — 15957

## 18 CFR

- 501 — 16188
- 502 — 16189

## 18 CFR—Continued

Page

- 503 — 16189
- 504 — 16190
- 505 — 16191
- 506 — 16192
- 507 — 16193
- 508 — 16194

PROPOSED RULES:
- 12 — 16997

## 19 CFR

- 4 — 15949
- 14 — 16320

PROPOSED RULES:
- 6 — 17042

## 20 CFR

- 395 — 16322

## 21 CFR

- 8 — 15949, 16983, 17089
- 9 — 16983
- 14 — 16194
- 15 — 16194
- 16 — 16194, 16858
- 17 — 16194
- 18 — 16194
- 19 — 16194
- 20 — 16194
- 22 — 16194
- 27 — 16194
- 29 — 16194
- 37 — 16194
- 42 — 16194, 16983
- 45 — 16194
- 46 — 16194
- 51 — 16194
- 53 — 16194
- 121 — 16078, 16079, 16249, 16858, 16909–16911, 17090.
- 144 — 16984
- 145 — 16911
- 148c — 16984
- 148u — 16911
- 148x — 16251

PROPOSED RULES:
- 27 — 16866
- 31 — 16866
- 45 — 16994
- 46 — 16429
- 53 — 16934
- 120 — 16935
- 121 — 16935, 16994

## 24 CFR

- 1 — 16280

## 25 CFR

- 43d — 16080

## 26 CFR

- 1 — 16081, 17806
- 45 — 16083

PROPOSED RULES:
- 1 — 15957, 16090
- 48 — 16993

## 27 CFR

- 4 — 16984

## 29 CFR

- 31 — 16284
- 608 — 17811
- 609 — 17811
- 611 — 17812
- 689 — 15949



## 29 CFR—Continued

Page

PROPOSED RULES:
- 601 — 16428
- 670 — 16428
- 673 — 17822
- 675 — 16428
- 677 — 17822
- 678 — 17822
- 720 — 16428

## 31 CFR

- 328 — 16914

PROPOSED RULES:
- 306 — 16330
- 315 — 16330
- 316 — 16330
- 321 — 16330
- 332 — 16330

## 32 CFR

- 517 — 15949
- 536 — 16985
- 577 — 16251
- 701 — 16194
- 710 — 16055
- 719 — 16194
- 721 — 17812
- 804 — 16323
- 1001 — 17037
- 1002 — 17038
- 1003 — 17038
- 1007 — 17038
- 1030 — 17040
- 1057 — 17039

## 32A CFR

OEP (Ch. I):
- DMO I–4 — 16251

OIA (Ch. X):
- OI Reg. 1 — 16986

## 33 CFR

- 202 — 16859, 17040
- 203 — 16251, 17040
- 206 — 15949

## 35 CFR

- 5 — 16328

## 36 CFR

- 7 — 17091

## 38 CFR

- 3 — 16252, 16328, 17092

## 39 CFR

- 16 — 16125
- 21 — 16252
- 22 — 16125, 16252
- 24 — 16125
- 25 — 16252
- 57 — 16858
- 61 — 16125
- 112 — 16858
- 168 — 16858

## 41 CFR

- Ch. 2 — 17092
- 4–1 — 17040
- 8–1 — 16323
- 8–2 — 16323
- 9–9 — 17113

## 41 CFR—Continued

Page

- 11–1 — 16252, 16255
- 11–2 — 16253, 16255
- 11–4 — 16253
- 11–14 — 16255
- Ch. 18 — 16502
- 101–6 — 15972, 16287
- 101–7 — 16797
- 101–8 — 16800
- 101–9 — 16800
- 101–10 — 16801
- 101–11 — 16807
- 101–12 — 16824
- 101–13 — 16824
- 101–18 — 15973
- 101–19 — 15978
- 101–20 — 15984
- 101–25 — 15990
- 101–27 — 15997
- 101–28 — 15998
- 101–29 — 16002
- 101–30 — 16004
- 101–40 — 16008
- 101–43 — 16012
- 101–44 — 16027
- 101–45 — 16035
- 101–47 — 16126

## 42 CFR

- 51 — 16915
- 55 — 16915
- 57 — 15952

## 43 CFR

- 17 — 16293

PUBLIC LAND ORDERS:
- 3359 (revoked in part by PLO 3478) — 16827
- 3447 (corrected by PLO 3485) — 16829
- 3464 — 16084
- 3465 — 16084
- 3466 — 16084
- 3467 — 16085
- 3468 — 16085
- 3469 — 16085
- 3470 — 16086
- 3471 — 16086
- 3472 — 16087
- 3473 — 16087
- 3474 — 16256
- 3475 — 16827
- 3476 — 16827
- 3477 — 16827
- 3478 — 16827
- 3479 — 16828
- 3480 — 16828
- 3481 — 16828
- 3482 — 16828
- 3483 — 16829
- 3484 — 16829
- 3485 — 16829
- 3486 — 16830
- 3487 — 16829
- 3488 — 16830
- 3489 — 16830
- 3490 — 16830
- 3491 — 16831
- 3492 — 16831

## 43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued
- 3493 — 16859
- 3494 — 16859
- 3495 — 16860
- 3496 — 16860
- 3497 — 16860
- 3498 — 16860
- 3499 — 16861
- 3500 — 16861
- 3501 — 16862
- 3502 — 16862
- 3503 — 16863
- 3504 — 16863
- 3505 — 16863
- 3506 — 16863
- 3507 — 16864
- 3508 — 16864
- 3509 — 16864
- 3510 — 16987
- 3511 — 16987
- 3512 — 16987

## 44 CFR

- 1 — 16832
- 2 — 16832
- 3 — 16832
- 4 — 16832
- 5 — 16832
- 6 — 16832
- 7 — 16832
- 55 — 15954
- 60 — 15954
- 100 — 15954
- 102 — 15954
- 110 — 16195
- Ch. VII — 16832

## 45 CFR

- 80 — 16298, 16988
- 150 — 15955
- 611 — 16305

## 46 CFR

- 506 — 16195, 17121

PROPOSED RULES:
- Ch. IV — 16433

## 47 CFR

- 73 — 16196, 16916, 16988
- 81 — 16196
- 87 — 16865

PROPOSED RULES:
- 1 — 17823
- 2 — 17824
- 21 — 16204, 17840
- 25 — 17840, 17848
- 73 — 16205, 16207, 16837, 17850

## 49 CFR

- 0 — 16087
- 176 — 16125
- 192 — 16256

PROPOSED RULES:
- 170 — 17850

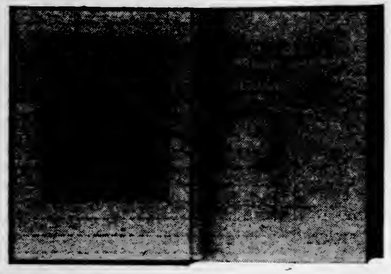
## 50 CFR

- 33 — 16917, 16918, 17814
- 256 — 16088
- 257 — 16990

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# FEDERAL REGISTER

VOLUME 29 NUMBER 245

*Washington, Thursday, December 17, 1964*

# Contents

**AGRICULTURAL MARKETING SERVICE**
**Proposed Rule Making**
Milk in Louisville-Lexington-Evansville marketing area; decision 17908

**AGRICULTURE DEPARTMENT**
*See* Agricultural Marketing Service.

**ATOMIC ENERGY COMMISSION**
**Proposed Rule Making**
Byproduct material:
Licensing 17915
Licensing; exemptions and continued regulatory authority in agreement States; transfers of exempt concentrations 17933

**CIVIL SERVICE COMMISSION**
**Rules and Regulations**
Excepted service; National Aeronautics and Space Administration 17893
**Notices**
Digital computer systems analyst and supervisory digital computer systems operator; manpower shortage 17936

**COMMERCE DEPARTMENT**
**Notices**
Zahn, Lawrence H.; statement of changes in financial interests 17936

**DEFENSE DEPARTMENT**
**Rules and Regulations**
Reserve forces active duty for training for basic training 17885

**FEDERAL AVIATION AGENCY**
**Rules and Regulations**
Airworthiness standards; normal category rotorcraft; correction 17885
Standard instrument approach procedures; miscellaneous amendments 17886
**Notices**
Kentucky Authority for Educational Television; determination of no hazard to air navigation 17937

**FEDERAL HOUSING ADMINISTRATION**
**Rules and Regulations**
Mortgage insurance and loans:
Miscellaneous amendments 17893
Property improvement loans, Classes 1 and 2 17893

**FEDERAL POWER COMMISSION**
**Notices**
*Hearings, etc.:*
Elliott Oil, Inc., et al 17937
Tenneco Oil Co. et al 17941

**FISH AND WILDLIFE SERVICE**
**Rules and Regulations**
Hunting in Parker River National Wildlife Refuge, Mass.; correction 17906
Sport fishing in certain wildlife refuge areas:
Illinois; Chautauqua and Crab Orchard 17906
Illinois, Iowa, and Missouri; Mark Twain 17907
Wildlife and fisheries; miscellaneous amendments 17905

**FOOD AND DRUG ADMINISTRATION**
**Rules and Regulations**
Food additives; lubricants with incidental food contact; correction 17893

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
*See* Food and Drug Administration.

**HOUSING AND HOME FINANCE AGENCY**
*See* Federal Housing Administration.

**IMMIGRATION AND NATURALIZATION SERVICE**
**Notices**
Organization; ports of entry, New York 17935

**INTERIOR DEPARTMENT**
*See also* Fish and Wildlife Service; Land Management Bureau.
**Notices**
Commissioner of Indian Affairs; delegation of authority regarding authority under specific acts 17936

**INTERNAL REVENUE SERVICE**
**Rules and Regulations**
Income taxes; expenses for care of certain dependents 17899

**INTERSTATE COMMERCE COMMISSION**
**Notices**
Motor carrier transfer proceedings 17943

**JUSTICE DEPARTMENT**
*See* Immigration and Naturalization Service.

**LAND MANAGEMENT BUREAU**
**Rules and Regulations**
Public land orders:
Idaho; partial revocation of reclamation withdrawal, Boise Project 17905
Montana; restoration of lands to mineral entry 17905
Wyoming; partial revocation of reclamation withdrawal, Lyman Project 17905
**Notices**
Filing of plat of survey and opening of public lands:
Alaska 17935
Nevada 17935

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
**Rules and Regulations**
Granting of easements; determination and delegation of authority 17892

*(Continued on next page)*

**PANAMA CANAL**

**Rules and Regulations**

Operation and navigation in Canal and adjacent waters; miscellaneous amendments ..... 17903

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

*Hearings, etc.:*

National Industries, Inc. ..... 17942

Standard System Investment Corp. ..... 17943

**TREASURY DEPARTMENT**

*See* Internal Revenue Service.

**VETERANS ADMINISTRATION**

**Rules and Regulations**

Public contracts; military and departmental specifications ..... 17903

Veteran's personal funds and effects; disposition; miscellaneous amendments (2 documents) ..... 17903, 17904


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**5 CFR**

213 ..... 17893

**7 CFR**

PROPOSED RULES:

1046 ..... 17908

**10 CFR**

PROPOSED RULES:

30 (2 documents) ..... 17916, 17933

31 ..... 17920

32 ..... 17922

33 ..... 17928

34 ..... 17929

35 ..... 17931

36 ..... 17932

150 ..... 17933

**14 CFR**

27 [New] ..... 17885

97 [New] ..... 17886

1204 ..... 17892

**21 CFR**

121 ..... 17893

**24 CFR**

201 ..... 17893

203 ..... 17893

207 ..... 17893

213 ..... 17894

220 ..... 17894

221 ..... 17895

231 ..... 17897

232 ..... 17898

234 ..... 17899

603 ..... 17899

809 ..... 17899

903 ..... 17899

**26 CFR**

1 ..... 17899

**32 CFR**

132 ..... 17885

**35 CFR**

4 ..... 17903

**38 CFR**

12 (2 documents) ..... 17903, 17904

**41 CFR**

8–1 ..... 17903

**43 CFR**

PUBLIC LAND ORDERS:

3513 ..... 17905

3514 ..... 17905

3515 ..... 17905

**50 CFR**

2 ..... 17905

11 ..... 17905

14 ..... 17905

16 ..... 17905

32 (2 documents) ..... 17906

33 (3 documents) ..... 17906, 17907


*5-year Compilations*

*Presidential Documents*

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# Rules and Regulations

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

### PART 132—RESERVE FORCES ACTIVE DUTY FOR TRAINING FOR BASIC TRAINING

The Deputy Secretary of Defense approved the following revision of Part 132 on November 18, 1964:

Sec.
132.1 Purpose.
132.2 Applicability and scope.
132.3 Policy.
132.4 Implementation.

AUTHORITY: The provisions of this Part 132 issued under 10 U.S.C. 511, 32 U.S.C. 302, 50 app. U.S.C. 456(c)(2)(A).

**§ 132.1 Purpose.**

This part prescribes uniform policy governing active duty and active-duty-for-training programs established to provide basic training for persons enlisting directly into the Reserve Forces.

**§ 132.2 Applicability and scope.**

(a) The provisions of this part apply to the Military Departments conducting reserve enlistment programs under the provisions of Title 10, U.S.C. and Title 32, U.S.C. for personnel without prior military service.

(b) Initial active duty or active-duty-for-training programs may include, in addition to recruit or basic individual training, basic unit training and various types of specialist training.

**§ 132.3 Policy.**

(a) *General.* The reserve enlistment programs were established to provide the Reserve Forces with trained personnel. No enlistment shall be accepted under Title 10, U.S.C. and Title 32, U.S.C. if such enlistment would cause the authorized strength of the Ready Reserve component concerned to be exceeded.

(b) *Periods of enlistment.* (1) Persons without prior military service who are under 26 years of age who enlist under section 511 (a) or (d) of Title 10, U.S.C. or section 302 of Title 32, U.S.C., and all persons regardless of age who enlist under section 511(b) of Title 10, U.S.C. will be enlisted for a period of six years.

(2) Persons without prior military service who are 26 years or over who enlist under section 511(a) of Title 10, U.S.C. will be enlisted for such period as is prescribed by the Secretary of the Military Department concerned.

(c) *Periods of training.* (1) Personnel without prior military service who enlist in the Reserve Forces under section 511 (a) or (d) of Title 10, U.S.C., or section 302 of Title 32, U.S.C. will perform an initial tour of active-duty-for-training of not less than four (4) consecutive months' duration regardless of age at time of enlistment. The maximum period of active-duty-for-training will be determined within each Military Service on the basis of the period of training considered necessary to qualify the individual for the military specialty for which he enlisted. Unless otherwise provided by law, personnel shall participate in reserve training in the Ready Reserve for the total period of enlistment except for the period of delay in reporting for active-duty-for-training which is discretionary with the Secretary concerned in accordance with Paragraph (d) of this section. Deferment from induction of draft-liable enlistees based on satisfactory service in the reserves is governed by the Universal Military Training and Service Act, as amended, as supplemented by Selective Service Regulations.

(2) Personnel without prior military service who enlist in the Reserve Forces under section 511(b) of Title 10, U.S.C. will perform such active-duty-for-training and inactive duty training as required to qualify them as combat ready by not later than six months following enlistment.

(d) *Delay in reporting.* (1) Individuals entering the reserve components under section 511 (a) or (d) of Title 10, U.S.C. or section 302 of Title 32, U.S.C. shall enter initial active-duty-for-training as prescribed in paragraph (c)(1) of this section, with minimum practicable delay after enlistment. The delay shall not exceed one hundred twenty (120) days except as follows:

(i) Individuals enlisting for positions requiring security clearance for access to or work with classified military information or equipment may be delayed to the extent necessary to accomplish the required clearances.

(ii) Individuals with special qualifications enlisted to fill positions requiring highly specialized skills for which appropriate formal training courses are offered only infrequently may be delayed to the extent necessary to insure that the enlistee pursues the proper course commensurate with his qualifications and the requirements of the position for which enlisted.

(iii) Delay for personnel under subdivisions (i) or (ii) of this subparagraph shall not exceed a period of one year and shall not be employed for the purpose of stockpiling personnel.

Whether or not an individual shall participate in reserve training during the delay period will be determined by the Secretary concerned.

(2) Individuals entering the reserve components under section 511(b) of Title 10, U.S.C. shall enter on active duty or enter Class A school training no later than one year following enlistment. The only exception to this requirement is the Naval Air Reserve 85-day accelerated training program. Personnel in this program will enter the initial 85-day active-duty-for-training phase of the program within the first year after enlistment.

(e) *Officer training programs.* Persons enlisting directly in the reserve components to participate in officer training programs requiring enlisted status for eligibility therefor may be exempt from the training and delay requirements set forth in paragraphs (c) and (d) of this section.

(f) *Reserve Officers' Training Corps.* Personnel enrolled in the financial assistance program of the senior division, ROTC, or the advanced course of the nonscholarship program of the senior division will not participate in a paid training status (DoD Directive 1215.6, "Uniform Training Categories and Pay Groups Within the Reserve Forces", January 30, 1964) in any training program of a reserve component.

(g) *Army and Air National Guard.* In order to assure uniformity of training and discipline, members of the Army National Guard of the United States and the Air National Guard of the United States ordered to active-duty-for-training for the purpose of basic training will be ordered to that duty as Reserves of the Army or of the Air Force, as appropriate.

**§ 132.4 Implementation.**

In the interest of maintaining some degree of uniformity and equity among the reserve enlistment programs of the Military Departments, proposed changes to existing reserve enlistment programs established in conformance with this part and programs proposed for establishment under its provisions will be submitted to the Assistant Secretary of Defense (Manpower) for approval.

MAURICE W. ROCHE,
*Director, Correspondence and Publications, OASD (Administration).*

[F.R. Doc. 64-12933; Filed, Dec. 16, 1964; 8:46 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Regulatory Docket No. 5074]

### PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT [NEW]

*Correction*

In Federal Register Document 64-12026, published at page 15694 in the issue of November 24, 1964, the word "restricted", appearing in the second line of § 27.479(c), should read "resisted".

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6319; Amdt. 404]

# PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

## Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| PROCEDURE CANCELLED, EFFECTIVE 5 MAY 1959. | | | | | | | |
| City, Bethel; State, Alaska; Airport Name, Bethel; Elev., 9'; Fac. Class., SBRAZ; Ident., BET; Procedure No. 1, Amdt. 3; Eff. Date, 2 Apr. 55; Sup. Amdt. No. 2; Dated, 31 Mar. 54 | | | | | | | |
| Windsor VOR | QG LFR (final) | Direct | 1700 | T-dn* | 500–1 | 500–1 | 500–1 |
| | | | | C-d | 800–1 | 800–1 | 800–1½ |
| | | | | C-n | 800–2 | 800–2 | 800–2 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |
| | | | | Following minimum applies when aircraft equipped with LFR or ADF and VOR receivers and Peach Int received: | | | |
| | | | | C-dn | 700–1 | 700–1 | 700–1½ |

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, QG LFR to airport, 327°—7.9 miles; Peach Int to airport, 327°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing QG LFR or 4.4 miles after passing Peach Int, climb to 2700' and proceed direct to MDS RBn or, when directed by ATC, (1) make right-climbing turn to 2000' and return to QG LFR or (2) make right-climbing turn to 2000' and proceed direct to QG VOR.
AIR CARRIER NOTE: Sliding scale not authorized.
Other changes: Deletes transitions from Wood and Maidstone Intersections.
*300–1 takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: N—2000'; E—1600'; S—2400'; W—2800'.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626'; Fac. Class., SBRAZ (Windsor LFR); Ident., QG; Procedure No. 1, Amdt. 10; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 9; Dated, 1 Feb. 64

PROCEDURE CANCELLED, EFFECTIVE 1 OCT. 1960, DUE TO DEACTIVATION OF LADD AFB FACILITY.

City, Fairbanks; State, Alaska; Airport Name, Ladd Air Force Base; Elev., 450'; Fac. Class., SBRAZ; Ident., FAI; Procedure No. 1, Amdt. 3; Eff. Date, 18 Feb. 56; Sup. Amdt. No. M-2; Dated, 31 Mar. 54

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| BZN VOR | RBn | Direct | 6500 | T-dn %* | 1000–1 | 1000–1 | 1000–1 |
| | | | | C-dn | 1000–1 | 1000–1 | 1000–1½ |
| | | | | A-dn | 1500–2 | 1500–2 | 1500–2 |

Procedure turn N side of crs, 259° Outbnd, 079° Inbnd, 6500' within 10 miles. (Nonstandard due to terrain.)
Minimum altitude over facility on final approach crs, 5500'.
Crs and distance, facility to airport, 318°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 6500' on 259° bearing from RBn within 10 miles of BZN RBn.
NOTES: (1) Sliding scale not authorized; (2) final approach from holding pattern at the RBn not authorized—procedure turn required; (3) night takeoff and landings not authorized Runways 3-21.
MSA within 25 miles of the facility: 045°–135°, 10,500'; 135°–225°, 11,600'; 225°–315°, 7,500; 315°–045°, 10,700'.
*Takeoff all runways: Aircraft departing southeastbound climb in a left, 1-minute pattern on the 259° radial of the VOR or the 259° magnetic bearing from the BZN RBn to depart the facility on crs at 9300' or above.

City, Bozeman; State, Mont.; Airport Name, Gallatin Field; Elev., 4461'; Fac. Class., H-SAB; Ident., BZN; Procedure No. 1, Amdt. 1; Eff. Date, 19 Dec. 64; Sup. Amdt. No. Orig.; Dated, 4 Aug. 62



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| QG LFR | MDS RBn | Direct | 2700 | T-dn* | 500–1 | 500–1 | 500–1 |
| QG VOR | MDS RBn | Direct | 2700 | C-dn | 700–1 | 700–1 | 700–1½ |
| PTK VOR | MDS RBn | Direct | 2700 | S-dn-15 | 700–1 | 700–1 | 700–1 |
| SVM VOR | MDS RBn | Direct | 2700 | A-dn | 800–2 | 800–2 | 800–2 |
| Troy Int | MDS RBn (final) | Direct | 2300 | | | | |

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2700' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 146°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing MDS RBn, climb to 2000' and proceed direct to QG LFR or, when directed by ATC, (1) climb to 2000' and proceed direct to QG VOR, or (2) make left-climbing turn and proceed to Oak Int via QG VOR R-323.
AIR CARRIER NOTE: Sliding scale not authorized.
Other changes: Deletes transitions from Allen Int and Auburn Int.
*300–1 takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: 000°–090°—1800'; 090°–180°—2300'; 180°–270°—2700'; 270°–360°—2600'.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626'; Fac. Class., MHW; Ident., MDS; Procedure No. 1, Amdt. 5; Eff. Date, 18 Dec 64; Sup. Amdt. No. 4; Dated, 1 Feb 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salem VOR | LOM | Direct | 2600 | T-dn | 300–1 | 300–1 | 200–½ |
| Carleton VOR | LOM (final) | Direct | 1900 | C-dn | 400–1 | 500–1 | 500–1½ |
| YIP LOM | LOM | Direct | 2200 | S-dn-3L&R | 400–1 | 400–1 | 400–1 |
| Creek Int | LOM (final) | Direct | 1900 | A-dn | 800–2 | 800–2 | 800–2 |
| Dundee Int | LOM | Direct | 2200 | | | | |
| Dundee Int | Creek Int | Via R-250 CRL-VOR. | 2200 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to Runway 3L, 032°—4.2 miles; to Runway 3R, 039°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, left turn climb to 2700' and proceed to Ford Rbn or, when directed by ATC, (1) make right turn, climb to 2300' and proceed to Park Int via QG-VOR R-258, or (2) make right turn, climb to 2300' and proceed to Rockwood Int via SVM VOR R-143.
Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of the facility: 000°–090°—2900'; 090°–180°—2300'; 180°–270°—2300'; 270°–360°—2300'.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639'; Fac. Class., LOM; Ident., DT; Procedure No. 1, Amdt. 11; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 10; Dated, 5 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salem VOR | FRD RBn or Ford Int | Direct | 2700 | T-dn | 300–1 | 300–1 | 200–½ |
| Bridgewater Int | FRD RBn | Direct | 2700 | C-dn | 500–1 | 500–1 | 500–1½ |
| Rouge Int | FRD RBn or Ford Int (final) | Direct | 1700 | S-dn-23 R and L. | 400–1 | 400–1 | 400–1 |
| Redford Int | Rouge Int | Direct | 2700 | A-dn | 800–2 | 800–2 | 800–2 |
| Dundee Int | FRD RBn | Direct | 2700 | | | | |

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn, N side of crs, 050° Outbnd, 230° Inbnd, 2700' within 10 miles. Final approach from holding pattern not authorized. Procedure turn required.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to Runway 23L, 230°—3.9 miles; to Runway 23R, 231°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Ford RBn, climb to 2400', proceed to YIP LOM or, when directed by ATC, make left turn, climbing to 2400', proceed to CRL VOR.
Aircraft executing missed approach may, after being reidentified, be radar controlled.
CAUTION: Tower 1749' 15 miles NE Ford RBn.
Other changes: Deletes transitions from Dix Int and Belle Int.
MSA within 25 miles of facility: 000°–090°—2800'; 090°–180°—2400'; 180°–270°—2300'; 270°–360°—2600'.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class., MHW; Ident., FRD; Procedure No. 2, Amdt. 13; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 12; Dated, 23 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| DLN VOR | DLN RBn | Direct | 8600 | T-dn%* | 1000–1 | 1000–1 | NA |
| | | | | C-dn | 1000–1 | 1000–1 | NA |
| | | | | A-dn | 1500–2 | 1500–2 | NA |

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 8600' within 12 miles.
Minimum altitude over facility on final approach crs 6300'.
Crs and distance, facility to airport, 171°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing DLN RBn, turn right, climb to 8600' in a 1-minute, right-hand pattern on the 006° bearing from the DLN RBn.
NOTES: (1) Final approach from holding pattern at the RBn not authorized—procedure turn required; (2) night takeoffs and landings authorized on Runways 16–34 only.
MSA within 25 miles of the facility: 000°–090°—11,000'; 090°–180°—10,800'; 180°–270°—11,600'; 270°–360°—12,200'.
*Takeoff all runways: Climb to 9500' in a 1-minute, right-hand pattern on the 006° magnetic bearing from the DLN RBn or R-007 DLN VOR prior to departing on crs.

City, Dillon; State, Mont.; Airport Name, Dillon; Elev., 5238'; Fac. Class., BH; Ident., DLN; Procedure No. 1, Amdt. 1; Eff. Date, 19 Dec 64; Sup Amdt. No. Orig.; Dated, 13 July 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | More than 2-engine, more than 65 knots |

PROCEDURE CANCELLED, EFFECTIVE 19 DEC. 1964, OR UPON RELOCATION OF QG VOR.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 1, Amdt. 3; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 2; Dated, 25 Aug. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Windsor LFR | Windsor VOR | Direct | 2000 | T-dn@ | 500-1 | 500-1 | 500-1 |
| | | | | C-d | 1000-1 | 1000-1 | 1000-1½ |
| | | | | C-n | 1000-2 | 1000-2 | 1000-2 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |
| | | | | Following minimum applies when aircraft equipped with dual VOR receivers and Island Int received: | | | |
| | | | | C-dn | 700-1 | 700-1 | 700-1½ |

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 2000' within 10 miles.
Minimum altitude over QG VOR on final approach, 2000'.
Crs and distance, QG VOR to airport, 323°—12.3 miles; Island Int to airport, 323°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.3 miles after passing QG VOR, climb to 2700' on QG VOR R-323 and proceed to Oak Int or, when directed by ATC, (1) make right-climbing turn to 2000' and return to Windsor VOR, or (2) make right-climbing turn to 2000' and proceed direct to QG LFR.
AIR CARRIER NOTE: Sliding scale not authorized.
@300-1 takeoff authorized Runway 33L.
MSA within 25 miles of facility: 000°-060°—1900'; 060°-180°—1800'; 180°-270°—2400'; 270°-360°—2800'.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Dec. 64, or upon relocation of QG VOR

PROCEDURE CANCELLED, EFFECTIVE 19 DEC. 1964, OR UPON RELOCATION OF QG VOR.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev.. 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 2, Amdt. 3; Eff. Date, 15 Feb. 64; Sup. Amdt. No. 2; Dated, 23 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Troy Int | Oak Int (final) | Direct | 2300 | T-dn* | 500-1 | 500-1 | 500-1 |
| Belle Int | Oak Int | Direct | 2700 | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 323° Outbnd, 143° Inbnd, 2700' within 10 miles of Oak Int.
Minimum altitude over Oak Int on final approach crs, 2300'.
Crs and distance, Oak Int to airport, 143°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Oak Int, climb to 2000' and proceed direct to QG VOR or, when directed by ATC, (1) climb to 2000' and proceed direct to QG LFR, or (2) make climbing left turn to 2700' and proceed to Oak Int via QG VOR R-323.
NOTE: Dual VOR required.
AIR CARRIER NOTE: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: 000°-090°—1900'; 090°-180°—1800'; 180°-270°—2400'; 270°-360°—2800'.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 2, Amdt. Orig.; Eff. date, 19 Dec. 64, or upon relocation of QG VOR

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 187°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing EAU VOR, climb to 2800' on R-254 within 10 miles.
NOTE: Final approach from holding pattern at the VOR not authorized. Procedure turn required.
*When weather is less than 1000-1, aircraft departing Runway 14, make left-climbing turn to 2000' on R-103 EAU VOR and aircraft departing Runway 22 make right-climbing turn to 2000' on R-235 prior to departing southbound due to 1350' tower 2.2 miles SE and 1847' tower 3.6 miles SSE of airport.
MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—2900'; 180°-270°—2500'; 270°-360°—2800'.

City, Eau Claire; State, Wis.; Airport Name, Eau Claire Municipal; Elev., 887'; Fac. Class., BVOR; Ident., EAU; Procedure No. 1, Amdt. 10; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 9; Dated, 13 June 64

PROCEDURE CANCELLED, EFFECTIVE 8 FEB. 1962.

City, Hawi; State, Hawaii; Airport Name, Upolu Point; Elev., 96'; Fac. Class., BVOR; Ident., UPI; Procedure No. 1, Amdt. 4; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 3; Dated, 3 Nov. 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Stanford FM | LWT-VOR | Direct | 6000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-2 | 500-2 | 500-2 |
| | | | | S-dn Runway 7 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side crs, 271° Outbnd, 091° Inbnd, 6000' within 10 miles.
Minimum altitude over facility on final approach crs, 5700'.
Crs and distance, facility to airport, 072°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LWT VOR, turn right, climb to 6000' on R-271 within 10 miles of the VOR.
Other change: Deletes transition from Lewiston LFR.
NOTE: Night takeoffs and landings not authorized Runways 12-30.
MSA within 25 miles of the facility: 000°-090°—7500'; 090°-180°—9800'; 180°-270°—8500'; 270°-360°—6000'.

City, Lewiston; State, Mont.; Airport Name, Lewiston; Elev., 4197'; Fac. Class., BVOR; Ident., LWT; Procedure No. 1, Amdt. 4; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 3; Dated, 6 Aug. 60



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-d | 300-1 | NA | NA |
| | | | | C-d | 1000-2 | NA | NA |
| | | | | A-d | NA | NA | NA |
| | | | | If Richwood Int received the following minimum applies: | | | |
| | | | | C-d | 600-1 | NA | NA |

Procedure turn not authorized. Radar vectoring authorized in accordance with approved Philadelphia radar patterns or descent to 2000' in OOD VOR holding pattern, 1-minute left turns, 031° Inbnd.
Minimum altitude over facility on final approach crs 2000'.
Crs and distance, facility to airport, 056°—10.3 miles.
Crs and distance, Richwood Int to airport, 056°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.3 miles after passing OOD VOR or 3.7 miles after passing Richwood Int, make right-climbing turn to 2000', returning to OOD VOR. Hold SW, 1-minute left turns, 031° inbnd.
CAUTION: Radio tower 1054' 5.5 miles SE of airport.
NOTES: (1) Night operations not authorized. (2) maintain 1100' until passing Richwood Int.
MSA within 25 miles of the facility: 000°-090°—2000'; 090°-180°—1600'; 180°-270°—1600'; 270°-360°—1900'.

City, Pitman; State, N.J.; Airport Name, Pitman; Elev., 100'; Fac. Class., BVOR; Ident., OOD; Procedure No. 1, Amdt. 1; Eff. Date, 19 Dec. 64; Sup. Amdt. No. Orig.; Dated, 28 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SVM VOR | Keego Int | Direct | 2700 | T-dn | 300-1 | 300-1 | 200-½ |
| PTK VOR | Keego Int | Direct | 2700 | C-dn | 500-1 | 500-1 | 500-1½ |
| Troy Int | Keego Int (final) | Direct | 2400 | S-dn-27 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn* | NA | NA | NA |

Procedure turn N side of final approach crs 115° Outbnd, 295° Inbnd, 2700' within 10 miles of Keego Int.
Minimum altitude over Keego Int on final approach crs 2400'.
Crs and distance, Keego Int to airport, 295°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Keego Int, climb to 2700' on PTK R-115 and proceed to PTK VOR.
Other changes: Deletes transitions from Dyke Int and MBS RBn.
*800-2 alternate minimums authorized for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—2800'; 180°-270°—2600'; 270°-360°—2300'.

City, Pontiac; State, Mich.; Airport Name, Pontiac Municipal; Elev., 974'; Fac. Class., BVOR; Ident., PTK; Procedure No. 2, Amdt. 1; Eff. Date, 19 Dec. 64; Sup. Amdt. No. Orig.; Dated. 23 May 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | More than 2-engine, more than 65 knots |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| BZN RBN | BZN VOR | Direct | 6500 | T-dn% | 300-1 | 300-1 | 300- |
| | | | | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 259° Outbnd, 079° Inbnd, 6500' within 10 miles. Nonstandard due to high terrain S.
Facility on airport.
Minimum altitude over facility on final approach crs, 5200'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles of VOR, make left-climbing turn to 6500' on R-259 within 10 miles of BZN VOR.
NOTES: (1) Sliding scale not authorized, (2) final approach from holding pattern at the VOR not authorized—procedure turn required, (3) night takeoffs and landings not authorized Runways 3-21.
%Takeoff all runways: Aircraft departing southeastbound, climb in a left, 1-minute pattern on the 259° radial of the VOR or the 259° magnetic bearing from the BZN RBN to depart the facility on crs at 9300' or above.
MSA within 25 miles of the facility: 045°-135°—10,500'; 135°-225°—11,500'; 225°-315°—7500'; 315°-045°—10,700.

City, Bozeman; State, Mont.; Airport Name, Gallatin Field; Elev., 4461'; Fac. Class., BVOR; Ident., BZN; Procedure No. TerVOR (R-259), Amdt. 2; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 1; Dated, 9 June 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lakeside Int | ADS VOR | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| DAL VOR | ADS VOR | Direct | 2000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Trinity Fork Int | ADS VOR | Direct | 2100 | S-dn-18 | 400-1 | 400-1 | 400-1 |
| Desoto Int | ADS VOR | Direct | 2800 | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side crs, 358° outbnd, 178° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000';* over Highline Int, 1100'.
Crs and distance, facility to airport, 178°—7.1 miles; Highline Int to airport, 178°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing ADS VOR, turn left, proceed direct to DAL VOR, climbing to 2000'.
NOTE: Dual operating VOR equipment or radar service required to execute this procedure.
*Descent to 1100' authorized after passing ADS VOR.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—2000'; 180°-270°—3400'; 270°-360°—2200'.

City, Dallas; State, Tex.; Airport Name, Dallas Love Field; Elev., 485'; Fac. Class., L-BVOR; Ident., ADS; Procedure No. TerVOR-18, Amdt. 10; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 9; Dated, 30 May 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less 65 knots or less | 2-engine or less More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Dillon RBn | Dillon VOR | Direct | 8600 | T-dn%<br>C-dn<br>A-dn | 1000–1<br>1000–1<br>1500–2 | 1000–1<br>1000–1<br>1500–2 | NA<br>NA<br>NA |

Procedure turn W side crs, 007° Outbnd, 187° Inbnd, 8600′ within 12 miles.
Minimum altitude over facility on final approach crs, 6300′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right, climb to 8600′ in a 1-minute, right-hand pattern, 007° Outbnd, 187° Inbnd on the Dillon COR.
NOTES: (1) Night takeoffs and landings authorized on Runways 16–34 only, (2) final approach from holding pattern at the VOR not authorized. Procedure turn required.
%Takeoff all runways: Climb to 9500′ in a 1-minute, right-hand pattern on the DLN VOR 007° RAD or the 006° magnetic bearing from the DLN Rbn prior to departing on crs.
MSA within 25 miles of the facility: 000°–090°—10,900′; 090°–180°—11,000′; 180°–270°—11,600′; 270°–360°—12,200′.

City, Dillon; State, Mont.; Airport Name, Dillon; Elev., 5238′; Fac. Class., BVORTAC; Ident., DLN; Procedure No. TerVOR (R–007), Amdt. 2; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 1; Dated, 15 June 63

PROCEDURE CANCELLED, EFFECTIVE 19 DEC. 1964.

City, Oxnard; State, Calif.; Airport Name, Oxnard-Ventura County; Elev., 43′; Fac. Class., VOR; Ident., OAF; Procedure No. TerVOR–7, Amdt. Orig.; Eff. Date, 11 Mar. 61

PROCEDURE CANCELLED, EFFECTIVE 19 DEC. 1964.

City, Oxnard; State, Calif.; Airport Name, Oxnard-Ventura County; Elev., 43′; Fac. Class., VOR; Ident., OAF; Procedure No. TerVOR R–056, Amdt. Orig.; Eff. Date, 11 Mar. 61

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less 65 knots or less | 2-engine or less More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Shafter Int | Int of FLW R–029 and BFL localizer B.C. | Direct | 4000 | T-dn% | 300–1 | 300–1 | 200–½ |
| PTV VOR | Int of PTV R–183 and BFL localizer B.C. | Direct | 3000 | C-dn | 500–1 | 500–1 | 500–1½ |
| Int of BFL R–322 and PTV R–183 | Int of PTV R–183 and BFL localizer B.C. | Direct | 3000 | S-dn–12L | 400–1 | 400–1 | 400–1 |
| Int of FLW R–029 and BFL localizer B.C. | Lerdo Int (final) | Direct | 2000 | A-dn | 800–2 | 800–2 | 800–2 |
| Int of PTV R–183 and BFL localizer B.C. | Lerdo Int (final) | Direct | 2000 | | | | |

Procedure turn not authorized.
Minimum altitude over Lerdo Int on final approach crs 2000′.
Crs and distance, Lerdo Int to airport, 119°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Lerdo Int, climb straight ahead to 1500′ within 6 miles, turn right, climb via localizer crs to Lerdo Int at 3000′.
NOTE: When authorized by ATC, DME may be used at 9 miles from BFL VOR at 3000′ from BFL R–121 CW R–352 to position aircraft on BFL R–296 localizer back crs for a straight-in approach with the elimination of the procedure turn.
%E and southbound (015° through 210°) IFR departures must comply with published Bakersfield SIDs.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488′; Fac. Class., ILS; Ident., I–BFL; Procedure No. ILS–12L (Back Course), Amdt. 1; Eff. Date, 19 Dec. 64; Sup. Amdt. No. Orig.; Dated, 5 Dec. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salem VOR | LOM | Direct | 2600 | T-dn* | 300–1 | 300–1 | 200–½ |
| YIP LOM | LOM | Direct | 2200 | C-dn | 400–1 | 500–1 | 500–1½ |
| Creek Int | LOM (final) | Direct | 1900 | S-dn–3L**$ | 200–½ | 200–½ | 200–½ |
| Carleton VOR | LOM (final) | Via CRL R–010 and Loc crs. | 1900 | S-dn–3R# | 400–1 | 400–1 | 400–1 |
| Dundee Int | LOM | Direct | 2200 | A-dn | 600–2 | 600–2 | 600–2 |
| Dundee Int | Creek Int | Via CRL R–250 | 2200 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at LOM, 1811′—4.2 miles; at LMM, 841′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 2700′ and proceed to Ford Rbn or, when directed by ATC, climb to 2300′ and proceed to Park Int via QG VOR R–268.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
$400–¾ required when glide slope not utilized.
#Crs and distance, OM to Runway 3R, 039°—5.0 miles.
*Runway visual range of 2600′ authorized for takeoff in lieu of 200–½ when 200–½ is authorized, providing high-intensity runway lights are in satisfactory operating condition.
**Runway visual range 2600′ also authorized for landing on Runway 3L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactory. Descent below the authorized landing minimum altitude of 839′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639′; Fac. Class., ILS; Ident., I–DTW; Procedure No. ILS–3L–R, Amdt. 11; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 10; Dated, 29 Aug. 64



ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less 65 knots or less | 2-engine or less More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Rouge Int | Ford Int or Ford RBn (final) | Direct | 1700 | T–dn | 300–1 | 300–1 | 200–½ |
| Salem VOR | Ford Int or Ford RBn | Direct | 2700 | C–dn | 500–1 | 500–1 | 500–1½ |
| Dundee Int | Ford Int or Ford RBn | Direct | 2700 | S–dn–23 L–R* | 400–1 | 400–1 | 400–1 |
| Bridgewater Int | Ford Int or Ford RBn | Direct | 2700 | A–dn | 800–2 | 800–2 | 800–2 |
| Park Int | Ford Int or Ford RBn | Direct | 2700 | | | | |
| Redford Int | Rouge Int | Direct | 2700 | | | | |

Radar transitions authorized in accordance with approved procedures.
Procedure turn N side of crs, 050° Outbnd, 230° Inbnd, 2700′ within 10 miles.
Minimum altitude over Ford Int or Ford RBn, 1700′.
Crs and distance, Ford Int or Ford RBn to Runway 23L, 230°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Ford Int/RBn, climb to 2400′ proceed to YIP LOM or, when directed by ATC, climb to 2400′, proceed to CRL VOR.
CAUTION: TV tower 1749′ 15 miles NE of Ford Int.
NOTES: (1) Aircraft executing missed approach may, after being reidentified, be radar controlled; (2) Final approach from holding pattern not authorized, procedure turn required.
Other changes: Deletes transitions from Belle and Dix Int.
*400–¾ authorized, except turbojet aircraft, with operative high-intensity runway lights.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., ILS; Ident., I–YIP; Procedure No. ILS–23 R and L (Back Course), Amdt. 6; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 5; Dated 10 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GGG VOR | Cherokee Int | Direct | 1900 | T–dn | 300–1 | 300–1 | 200–½ |
| Marshall VOR | Tatum Int | ASL R–222 | 1900 | C–dn | 400–1 | 500–1 | 500–1½ |
| Int GGG R–083 and ASL R–222 | Tatum Int | ASL R–222 | 1900 | S–dn–31# | 400–1 | 400–1 | 400–1 |
| Cushing Int | Tatum Int | ASL R–222 | 2100 | A–dn | 800–2 | 800–2 | 800–2 |
| Tatum Int | Cherokee Int (final) | Direct | 1400 | | | | |

Procedure turn E side of crs, 126° Outbnd, 306° Inbnd, 1900′ within 10 miles of Cherokee Int.
No glide slope.
Minimum altitude over Cherokee Int on final approach crs, 1400′.
Crs and distance, Cherokee Int to airport, 306°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Cherokee Int, climb to 2000′ on NW crs GGG ILS within 20 miles.
CAUTION: 644′ tower 5 miles NW of airport; 870′ tower 9 miles WSW of airport.
Tatum Int: Int GGG ILS SE crs (306° Inbnd) and Marshall VOR R–222.
#400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Longview; State, Tex.; Airport Name, Gregg County Municipal; Elev., 365′; Fac. Class., ILS; Ident., I–GGG; Procedure No. ILS–31 (Back Course), Amdt. 3; Eff. Date, 19 Dec. 64; Sup Amdt. No. 2; Dated, 9 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Sioux Falls RBN | Renner Int | Direct | 2900 | T–dn# | 300–1 | 300–1 | 200–½ |
| Sioux Falls VOR | Renner Int | Direct | 2900 | C–dn | 500–1 | 500–1 | 500–1½ |
| Baltic Int | Renner Int (final) | Direct | 2600 | S–dn–21 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn N side of crs, 026° Outbnd, 206° Inbnd, 2900′ within 10 miles of Renner Int.
No glide slope. Minimum altitude over Renner Int, 2600′. No outer marker. No middle marker.
Crs and distance, Renner Int to airport, 206°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing Renner Int, climb to 2700′ on SW crs ILS, within 10 miles of LOM. Return to LOM and hold on 206° bearing.
NOTE: Procedure authorized only for those aircraft equipped to receive VOR and ILS simultaneously. When authorized by ATC, FSD DME may be used to position aircraft for straight-in approach at 3000′ between R–295 clockwise to R–350 via 9-mile DME arc with the elimination of procedure turn.
#300–1 required for takeoff Runway 15.

City, Sioux Falls; State, S. Dak.; Airport Name, Joe Foss Field; Elev., 1428′; Fac. Class., ILS; Ident., I–FSD; Procedure No. ILS–21 (Back Course), Amdt. 5; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 4; Dated, 15 June 63

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 000°----------- | 360°----------- | 20 miles---------- | 2000 | Surveillance approach | | | |
| | | | | T-dn**---------- | 300-1 | 300-1 | 200-½ |
| | | | | C-dn---------- | 400-1 | 500-1 | 500-1¼ |
| | | | | S-dn-13, %$ 18, 31# $---------- | 400-1 | 400-1 | 400-1 |
| | | | | A-dn---------- | 800-2 | 800-2 | 800-2 |
| | | | | Precision approach | | | |
| | | | | T-dn**---------- | 300-1 | 300-1 | 200-½ |
| | | | | S-dn-13##------ | 200-½ | 200-½ | 200-½ |
| | | | | A-dn---------- | 600-2 | 600-2 | 600-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runways 13, 31, and 18: Climb to 2000' on runway heading within 10 miles or, when directed by ATC, Runway 13 and 18: Turn left, climb to 2000' and proceed to DAL VOR. Runway 31: Turn right, climb to 2000' and proceed to DAL VOR.

CAUTION: 695' tank 1.7 miles SE of Runway 31. 1044' building 3.9 miles SE of Runway 31 on centerline.

*Radar control will provide 1000' vertical clearance within a 3-mile radius from radio TV towers 1108' 20 miles N, 2349' 16 miles SSW, 1230' 10 miles NNW of airport, buildings 1095' 4.2 miles SSE.

$Maintain at least 1400' until 3.5 miles from the approach end of Runway 31 and 1000' until 1.4 miles from the approach end of Runway 31.

#Runway visual range 2600' also authorized for landing on Runway 13; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 685' shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.

**Runway visual range 2600' also authorized for takeoff on Runway 13 in lieu of 200-½ when 200-½ is authorized; providing high-intensity runway lights are operational.

%400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.

$400-½ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Dallas; State, Tex.; Airport Name, Dallas Love Field; Elev., 485'; Fac. Class. and Ident., Dallas Radar; Procedure No. 1, Amdt. 10; Eff. Date, 19 Dec. 64; Sup. Amdt. No. 9; Dated, 30 May 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 13, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-11855; Filed, Dec. 16, 1964; 8:45 a.m.]

## Chapter V—National Aeronautics and Space Administration

### PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

### Subpart 5—Delegations and Designations

DETERMINATION AND DELEGATION OF AUTHORITY CONCERNING GRANTING OF EASEMENTS

**§ 1204.503 Determination and delegation of authority concerning the granting of easements.**

(a) *Determination.* I hereby determine that an easement will not be adverse to the interests of the United States if and to the extent that the interest in real property conveyed thereunder is not required for a NASA program and the grantee's exercise of rights under such easement will not interfere with NASA operations.

(b) *Delegation of authority.* The Deputy Associate Administrator for Programming and the Institutional Directors at NASA Headquarters, as defined in the publication, NASA Basic Administrative Processes (NPC 107), and the Directors of field installations with respect to real property under their supervision and management may, subject to the restrictions in paragraph (c) of this section, exercise all of the authority of the National Aeronautics and Space Administration under the Act of Congress approved October 23, 1962 (40 U.S.C. 319 to 319c), including the authority to authorize or grant on behalf of the United States, to a State or political subdivision or agency thereof or to any person applying therefor, such easements in, over, or upon real property of the United States controlled by NASA as will not be adverse to the interests of the United States.

(c) *Restrictions.* Except as otherwise specifically provided, no such easement shall be authorized or granted under the authority stated in paragraph (b) of this section unless:

(1) The NASA official authorizing or granting such easement determines that the interest in real property to be conveyed thereunder is not required for a NASA program and that the grantee's exercise of rights under such easement will not interfere with NASA operations; and

(2) Monetary or other benefit, including any interest in real property, is received by the Government as consideration for the granting of such easement; and

(3) The instrument granting such easement provides—

(i) For the termination of the easement, in whole or in part, if there has been:

(*a*) A failure to comply with any term or condition of the grant; or

(*b*) A non-use of the easement for a consecutive two-year period for the purpose for which granted; or

(*c*) An abandonment of the easement; or

(*d*) A determination by a NASA official authorized to grant easements that the interests of the national space program, the national defense, or the public welfare require the termination of such easement; and a 30-day notice, in writing, to the grantee that such determination has been made; and

(ii) That written notice of such termination shall be given to the grantee, or its successors or assigns, by a NASA official authorized to grant easements or his designee, and that termination shall be effective as of the date of such notice; and

(iii) For any other reservations, exceptions, limitations, benefits, burdens, terms, or conditions which either the authorizing or granting official or both deem necessary to protect the interests of the United States.

(d) *Deviations.* If, in connection with a proposed granting of an easement, the Deputy Associate Administrator for Programming or the cognizant Institutional Director at NASA Headquarters, or a Director of a field installation determines that a deviation from the restrictions in paragraph (c) of this section is appropriate, he may request authority for such deviation from the Administrator, NASA.

(e) *Services of the Corps of Engineers.* In exercising the authority herein granted, the Deputy Associate Administrator for Programming and the Institutional Directors at NASA Headquarters and the Directors of field installations, pursuant to the applicable provisions of any cooperative agreement between NASA and the Corps of Engineers (in effect at that time) may:

(1) Utilize the services of the Corps of Engineers, U.S. Army, and

(2) Authorize the Corps of Engineers to execute, on behalf of NASA, grants of easements in real property, as provided for in paragraph H6 of the Corps of Engineers-NASA agreement contained in NASA Management Instruction 2-3-26.

(42 U.S.C. 2473(b)(1), (14))

JAMES E. WEBB,
*Administrator.*

[F.R. Doc. 64-12941; Filed, Dec. 16, 1964; 8:47 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

LUBRICANTS WITH INCIDENTAL FOOD CONTACT

*Correction*

In F.R. Doc. 64-12834, appearing at page 17090 of the issue for Tuesday, Dec. 15, 1964, the first entry in the "Substances" column of the tabular material under § 121.2553(a)(3) should read as follows: "Phenyl-α- and/or phenyl-β-naphthylamine".

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

### PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

### Miscellaneous Amendments

In § 201.6 paragraph (c) is amended to read as follows:

**§ 201.6 Eligible loans.**

* * * * *

(c) *Use of proceeds—technical services and direct costs.* The proceeds of a loan may be used to pay:

(1) The costs of credit investigation, not to exceed $3.

(2) The costs of architectural and engineering services and the costs of obtaining building permits where such services or permits are directly connected with eligible alterations, repairs or improvements financed in accordance with the regulations in this part.

* * * * *

In § 201.8 paragraph (a)(2) is amended to read as follows:

**§ 201.8 Dealer investigation, approval and control.**

(a) *Procedure before disbursement.*

* * *

(2) *Completion certificate.* Obtain a completion certificate on a form approved by the Commissioner, signed by the borrower and by the person approved by the insured as dealer. An insured shall not disburse the proceeds of a loan if, as an inducement for the consummation of the transaction, the borrower has been given or promised a cash payment or rebate, or it has been represented to the borrower that he will receive a cash bonus or commission on future sales. In the absence of information to the contrary, the insured may rely upon the dealer's statement in his completion certificate that there has been no such cash payment, rebate, bonus or commission. If there are two or more eligible borrowers involved in a transaction, the signature of only one borrower is required on the borrower's certificate.

* * * * * *

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

Issued at Washington, D.C., December 11, 1964.

PHILIP N. BROWNSTEIN,
*Federal Housing Commissioner.*

[F.R. Doc. 64-12942; Filed, Dec. 16, 1964; 8:47 a.m.]

### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

### PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

### Subpart B—Contract Rights and Obligations

In § 203.342 paragraph (c) is amended to read as follows:

**§ 203.342 Recasting of mortgage.**

* * * * *

(c) *Effect of modification.* Where a mortgage is modified, the principal amount of the mortgage, as modified:

(1) Shall not include any amounts assessed against the mortgagor as a late charge; and

(2) Shall be considered to be the "original principal of the mortgage" as the term is used in § 203.401.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

### PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

### Subpart A—Eligibility Requirements

In § 207.26 paragraph (c) is amended and a new paragraph (d) is added to read as follows:

**§ 207.26 Form of Contract.**

* * * * *

(c) Where a cost plus form of contract is used, the mortgagor shall submit along with its certification of actual cost a certification of the general contractor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials and subcontract work under the general contract exclusive of the builder's fee and any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

### National Aeronautics and Space Administration

Section 213.3348 is amended to show the exception under Schedule C of the position of Confidential Assistant to the Executive Secretary. Effective upon publication in the FEDERAL REGISTER, paragraph (f) is added to § 213.3348 as set out below.

**§ 213.3348 National Aeronautics and Space Administration.**

* * * * *

(f) One Confidential Assistant to the Executive Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12947; Filed, Dec. 16, 1964; 8:48 a.m.]

any of its officers, directors, stockholders or partners.

(d) Where it is determined by the Commissioner that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials, subcontracts and overhead exclusive of any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders or partners. Where the use of a cost plus form of contract is required by the Commissioner, and it is determined by the Commissioner that an identity of interest exists between the general contractor and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

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SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

## PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

### Subpart A—Eligibility Requirements—Projects

In § 213.35 paragraph (b) is revised to read as follows:

**§ 213.35 Certificates of actual cost.**

* * * * *

(b) (1) Where a cost plus form of contract is used, the mortgagor shall submit along with its certification of actual cost a certification of the general contractor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials and subcontract work under the general contract exclusive of the builder's fee and any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders or partners.

(2) Where it is determined by the Commissioner that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials, subcontracts and overhead exclusive of any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders or partners. Where the use of a cost plus form of contract is required by the Commissioner, and it is determined by the Commissioner that an identity of interest exists between the general contractor and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

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SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

## PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In Part 220 in the table of contents a new § 220.512 is added to read as follows:

Sec.
220.512 Certificates of actual cost.

### Subpart A—Eligibility Requirements—Homes

**§ 220.100 [Amended]**

In the listed provisions in § 220.100 *Incorporation by reference* the title to § 203.73 is changed to "Maximum loan amounts" and the reference "§ 203.94 Economic soundness" is deleted.

### Subpart C—Eligibility Requirements—Projects

In § 220.501 there is added to the listed provisions the following:

**§ 220.501 Incorporation by reference.**

(a) * * *

Sec.
207.27 Certificates of actual cost.

In Part 220 a new § 220.512 is added to read as follows:

**§ 220.512 Certificates of actual cost.**

(a) *Mortgagor's certificate*—(1) *Submission of certificate.* The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted prior to final endorsement and upon completion of the improvements to the satisfaction of the Commissioner.

(2) *Items to be included.* The certificate shall show the actual cost to the mortgagor of:

(i) The cost plus construction contract, including the builder's fee actually paid and approved by the Commissioner; or the lump sum construction contract; or the cost of the construction of the project, where the mortgagor also acts as the general contractor and no construction contract is executed.

(ii) The architect's fee.

(iii) The offsite public utilities and streets not included in subdivision (i) of this subparagraph.

(iv) The organization and legal expenses.

(v) The other items of expense approved by the Commissioner.

(3) *Items not to be included.* The certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor or to any of its officers, directors, stockholders or partners. Any such payments shall be deducted from the costs determined under subparagraph (2) of this paragraph.

(b) *Records.* The mortgagor shall keep and maintain adequate records of all cost of any construction or other cost items not representing work under the general contract and, in the case of a cost plus contract, shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records including any collateral agreements.

(c) *Certificate of public accountant.* The certificate of actual cost shall be verified by an independent Certified Public Accountant or independent public accountant in a manner acceptable to the Commissioner.

Section 220.513 is amended to read as follows:

**§ 220.513 Builder's and sponsor's profit and risk allowance.**

(a) *In general.* The mortgagor's certificate of actual cost shall include an allowance for builder's and sponsor's profit and risk, the amount of which shall be dependent upon a determination by the Commissioner as to whether or not there exists an identity of interest between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor.

(b) *Identity of interest cases.* Where an identity of interest exists, a builder's and sponsor's profit and risk allowance shall be included in lieu of the builder's fee provided in § 220.512(a)(2)(i). This allowance shall be 10 percent of the actual cost computed in accordance with § 220.512(a) excluding the following items:

(1) Any builder's fee actually paid and approved by the Commissioner. (This fee shall be paid out of the builder's and sponsor's profit and risk allowance.)

(2) The cost of the land or any amount paid for a leasehold.

(3) The value of the land and improvements prior to repair or rehabilitation plus the amount of the mortgage proceeds used to refinance any outstanding indebtedness on the property where the mortgage involves the financing of repair or rehabilitation.

(c) *Nonidentity of interest cases.* Where no identity of interest exists, a sponsor's profit and risk allowance shall be included. This allowance shall be 10 percent of the actual cost computed in accordance with § 220.512(a) excluding the following items:

(1) The amounts paid by the mortgagor under the construction contract.

(2) The cost of the land or any amount paid for a leasehold.

(3) The value of the land and improvements prior to repair or rehabilitation plus the amount of the mortgage proceeds used to refinance any outstanding indebtedness on the property where the mortgage involves the financing of repair or rehabilitation.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)



SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

## PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In Part 221 in the table of contents the headings of the pertinent sections are amended and a new § 221.550a is added as follows:

Sec.
221.532 Supervision applicable to limited distribution mortgagors.
221.550 Certificate of actual cost—contents in general.
221.550a Certificate of actual cost—builder's and sponsor's profit and risk allowance.
221.551 Contractor's certification.

### Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.510 the introductory text and subdivisions (ii) and (iii) of paragraph (a)(2), the heading of paragraph (c), and the introductory text and subdivision (iii) of paragraph (d)(2) are amended to read as follows:

**§ 221.510 Eligible mortgagors.**

* * * * *

(a) *Nonprofit and builder-seller mortgagor.* * * *

(2) The builder-seller mortgagor shall be a special type of limited distribution mortgagor, meeting the qualifications of paragraph (c) of this section, which is organized:

* * * * *

(ii) To operate the project until the conveyance to the nonprofit mortgagor, subject to special controls and requirements of the Commissioner as to rents, charges, rates of return and method of operation.

(iii) To operate the project, in the event of failure to convey to a nonprofit mortgagor at final endorsement, or within such additional period as may be agreed to in writing by the Commissioner, as a limited distribution mortgagor subject to the supervision, controls and requirements prescribed by the Commissioner for such mortgagor.

* * * * *

(c) *Limited distribution mortgagor.* * * *

(d) *Cooperative and investor sponsor mortgagors.* * * *

(2) The investor sponsor mortgagor shall be a special type of limited distribution mortgagor approved by the Commissioner which is organized to:

* * * * *

(iii) Operate the project, in the event of failure to convey to a cooperative mortgagor within the two-year period as a limited distribution mortgagor subject to the controls and requirements of the Commissioner.

* * * * *

In § 221.514 paragraphs (a)(2) and (3) are amended to read as follows:

**§ 221.514 Maximum mortgage amounts.**

(a) *Principal obligation.* * * *

(2) *New construction.* (i) In the case of new construction where the mortgagor is other than a general or limited distribution mortgagor, the Commissioner's estimate of replacement cost of the property or project when the improvements are completed (the replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner).

(ii) In the case of new construction where the mortgagor is a general or a limited distribution mortgagor, 90 percent of the Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner and shall include an allowance for builder's and sponsor's profit and risk of 10 percent of the foregoing items exclusive of land unless the Commissioner, after determining such allowance is unreasonable, prescribes a lessor percentage.

(3) *Repair or rehabilitation.* (i) In the case of a project which is to be repaired or rehabilitated where the mortgagor is other than a general or limited distribution mortgagor, the sum of the estimated cost of the repairs and rehabilitation of the project and the Commissioner's estimate of the value of the property before repair and rehabilitation.

(ii) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a general or a limited distribution mortgagor, 90 percent of the sum of the estimated cost of the repairs and rehabilitation of the project and the Commissioner's estimate of the value of the property before repair and rehabilitation.

* * * * *

In § 221.515 paragraph (b)(2) and the introductory text to paragraph (c)(2) are amended to read as follows:

**§ 221.515 Adjusted mortgage amount—rehabilitation projects.**

* * * * *

(b) *Property subject to existing mortgage.* * * *

(2) *General or limited distribution mortgagor.* If the mortgagor is a general or limited distribution mortgagor, the Commissioner's estimate of the cost of repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(c) *Property to be acquired.* * * *

(2) *General or limited distribution mortgagor.* If the mortgagor is a general or limited distribution mortgagor:

* * * * *

In § 221.524 paragraph (a) is amended to read as follows:

**§ 221.524 Prepayment privileges.**

(a) *Prepayment in full.* The mortgage indebtedness may be prepaid in full and the Commissioner's controls terminated only upon the condition that the Commissioner's prior consent is obtained and upon such terms and conditions as the Commissioner may prescribe, except that, in the case of a limited distribution mortgagor, the mortgage indebtedness may be prepaid in full at any time after the expiration of 20 years from the date of final endorsement of the mortgage.

* * * * *

Section 221.532 is amended to read as follows:

**§ 221.532 Supervision applicable to limited distribution mortgagors.**

The provisions of § 221.531(b) (rate of return) shall apply to limited distribution mortgagors except that the amount of any allowable distribution or disbursement from surplus cash shall not exceed in any one fiscal year more than six percent of the product of 11.11 percent times the finally endorsed amount of the insured mortgage. The right to any allowable distribution or disbursement from surplus cash shall be cumulative.

In § 221.535 paragraph (a) is amended to read as follows:

**§ 221.535 Supervision applicable to investor sponsor mortgagors.**

(a) *Investor sponsor equity.* The builder's and sponsor's profit and risk allowance or builder's fee and such further amount as the Commissioner may determine, shall be held by the mortgagee in an escrow and shall not be paid to the investor sponsor unless the project is transferred to a cooperative mortgagor within two years from the date of completion. In the event of default or failure to transfer the project to a cooperative mortgagor within the two-year period, the escrow shall be applied against the mortgage or in such other manner as the Commissioner may direct. The amount of the escrow, together with any other equity of the investor sponsor mortgagor approved by the Commissioner, shall be deemed to be the equity of the investor sponsor mortgagor for purposes of determining its operations as a limited distribution mortgagor.

* * * * *

In § 221.538 the introductory text is amended to read as follows:

**§ 221.538 Applicability of prevailing wage requirements.**

The following prevailing wage requirements shall be applicable to all mortgages executed by a general, limited distribution, cooperative, investor-sponsor, and builder-seller mortgagor, and the compliance with such requirements shall be evidenced at such time and in such manner as the Commissioner may prescribe:

* * * * *

In § 221.540 the introductory text of paragraph (a) is amended to read as follows:

**§ 221.540 Financial requirements.**

• • • • • •

(a) A mortgagor, other than a nonprofit mortgagor, shall deposit with the mortgagee, or in a depository satisfactory to the mortgagee and under the control of the mortgagee, for the purpose of meeting the cost of equipping and renting the project subsequent to completion of construction of the entire project or units thereof and, during the course of construction, for allocation by the mortgagee to accruals for taxes, ground rents, mortgage insurance premiums, property insurance premiums, and assessments required by the terms of the mortgage:

• • • • • •

In § 221.547 paragraphs (a)(1) and (3)(i) are amended to read as follows:

**§ 221.547 Certification of cost requirements.**

(a) • • •

(1) To enter into a construction contract in a form meeting the requirements of § 221.548.

• • • • • •

(3) • • •

(i) In the case of a general or limited distribution mortgagor, 90 percent of actual cost; or

• • • • • •

Section 221.548 is amended to read as follows:

**§ 221.548 Form of contract.**

(a) *In general.* The contract between the mortgagor and the general contractor shall be in the form of either a lump sum contract or a cost plus contract. The lump sum contract shall provide for the payment of a specified amount. The cost plus contract shall provide for the payment of the actual cost of construction, not to exceed an upset price, and may include a provision for an additional payment to the builder of a fee in an amount allowed by the Commissioner.

(b) *Lump sum contract.* A lump sum contract may be used where it is established to the satisfaction of the Commissioner that no identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor, and where the mortgage is executed by a public, limited distribution, investor sponsor or general mortgagor. A lump sum contract may also be used where the mortgage is executed by a cooperative mortgagor if the Commissioner makes the foregoing determination as to nonidentity of interest and it is established to the Commissioner's satisfaction that a cost plus form of contract is not required to protect his interests.

(c) *Cost plus contract.* A cost plus contract shall be used in each of the following instances:

(1) Where it is determined by the Commissioner that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor.

(2) Where the mortgage is executed by a cooperative mortgagor and it is determined by the Commissioner that a cost plus form of contract is required to protect his interests.

(3) Where the mortgage is executed by a nonprofit or builder-seller mortgagor, unless it is established to the Commissioner's satisfaction that a cost plus form of contract is not required to protect his interests and the interests of the mortgagor, in which case a lump sum form of contract may be used.

Section 221.550 is amended to read as follows:

**§ 221.550 Certificate of actual cost—contents in general.**

(a) *Submission of certificate.* The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted prior to final endorsement and upon completion of the improvements to the satisfaction of the Commissioner.

(b) *Items to be included.* The certificate shall show the actual cost to the mortgagor of:

(1) The cost plus construction contract, including the builder's fee actually paid and approved by the Commissioner; or the lump sum construction contract; or the cost of the construction of the project, where the mortgagor also acts as the general contractor and no construction contract is executed.

(2) The architect's fee.

(3) The offsite public utilities and streets not included in subparagraph (1) of this paragraph.

(4) The organizational and legal expenses.

(5) The other items of expense approved by the Commissioner.

(c) *Items not to be included.* The certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor or to any of its officers, directors, stockholders, or partners. Any such payments shall be deducted from the costs determined under paragraph (b) of this section.

In Part 221 a new § 221.550a is added to read as follows:

**§ 221.550a Certificate of actual cost—builder's and sponsor's profit and risk allowance.**

(a) *In general.* The mortgagor's certificate of actual cost shall include an allowance for builder's and sponsor's profit and risk, the amounts of which shall be dependent upon a determination by the Commissioner as to whether or not there exists an identity of interest between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor.

(b) *Identity of interest cases.* Where an identity of interest exists, a builder's and sponsor's profit and risk allowance shall be included in lieu of the builder's fee provided for in § 221.550(b)(1). This allowance shall be 10 percent of the actual cost computed in accordance with § 221.550 excluding the following items:

(1) Any builder's fee actually paid and approved by the Commissioner. (This fee shall be paid out of the builder's and sponsor's profit and risk allowance.)

(2) The cost of the land or any amount paid for a leasehold.

(3) The value of the land and improvements prior to repair or rehabilitation plus the amount of the mortgage proceeds used to refinance any outstanding indebtedness on the property where the property involves the financing of repair or rehabilitation.

(c) *Nonidentity of interest cases.* Where no identity of interest exists, a sponsor's profit and risk allowance shall be included. This allowance shall be 10 percent of the actual cost computed in accordance with § 221.550 excluding the following items:

(1) The amounts paid by the mortgagor under the construction contract.

(2) The cost of the land or any amount paid for a leasehold.

(3) The value of the land and improvements prior to repair or rehabilitation plus the amount of the mortgage proceeds used to refinance any outstanding indebtedness on the property where the mortgage involves the financing of repair or rehabilitation.

Section 221.551 is amended to read as follows:

**§ 221.551 Contractor's certification.**

(a) *Certification by general contractor.* Where a cost plus form of contract is used by a cooperative mortgagor or where any other type of mortgagor is required by the Commissioner to use such contract, the mortgagor shall submit along with its certificate of actual cost a certification of the general contractor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials and subcontract work under the general contract exclusive of the builder's fee and any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders or partners.

(b) *Certification by subcontractor.* Where it is determined by the Commissioner that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials, subcontracts and overhead exclusive of any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor or any of its officers, directors, stockholders or partners. Where the use of a cost plus form of contract is required by the Commissioner, and it is determined by the Commissioner that an identity of interest exists between the general contractor and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor.



Section 221.555 is amended to read as follows:

**§ 221.555 Reduction in mortgage amount—new construction.**

If the principal obligation of the mortgage exceeds (a) in the case of a general or limited distribution mortgagor, 90 percent, or (b) in the case of other mortgagors, 100 percent, of the total amount as shown by the certificate of actual cost plus the value of land, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

In § 221.556 paragraphs (b) and (c) are amended to read as follows:

**§ 221.556 Reduction in mortgage amount—rehabilitation.**

• • • • • •

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or (1) in the case of a general or limited distribution mortgagor, 90 percent, or (2) in the case of all other mortgagors, 100 percent of the Commissioner's estimate of the fair market value of the land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price, or the Commissioner's estimate of the fair market value of the land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds (1) in the case of a general or limited distribution mortgagor, 90 percent, or (2) in the case of all other mortgagors, 100 percent, of the total amount thus obtained, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

In § 221.560 paragraph (a)(1)(iii) is amended to read as follows:

**§ 221.560 Eligibility of refinanced mortgages.**

(a) • • •

(1) • • •

(iii) The Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property, except for general or limited distribution mortgagors when the amount shall not exceed 90 percent of the Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

## PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

In Part 231 in the table of contents new §§ 231.10a, 231.10b, 231.11a and 231.11b are added and the pertinent section heading is amended as follows:

Sec.
231.10a Certificate of cost requirements.
231.10b Form of contract.
231.11 Certificates of actual cost.
231.11a Builder's and sponsor's profit and risk allowance.
231.11b Contractor's certification.

### Subpart A—Eligibility Requirements

In § 231.1 there is added to the listed provisions the following:

**§ 231.1 Incorporation by reference.**

(a) • • •

Sec.
207.25 Certificate of cost requirements.
207.26 Form of contract.
207.27 Certificates of actual cost.

• • • • • •

In § 231.8 paragraph (b)(1) is amended to read as follows:

**§ 231.8 Supervision of mortgagors.**

• • • • • •

(b) *Private mortgagor—nonprofit.* • • •

(1) A private mortgagor—nonprofit shall not be subject to the provisions of § 207.19(b) of this chapter (rate of return); § 207.19(c)(1) of this chapter (the requirement of a deposit, in cases involving the insurance of advances, to meet the cost of equipping and renting the project subsequent to construction and to provide for accruals to meet payment of taxes, ground rents, mortgage insurance premiums, property insurance premiums and assessments); § 207.19(e) of this chapter (rents and charges); § 207.19(g) of this chapter (mortgagor's equity investment); and § 207.19(h) of this chapter (advance amortization).

In Part 231 new §§ 231.10a and 231.10b are added to read as follows:

**§ 231.10a Certificate of cost requirements.**

(a) Prior to intial endorsement of the mortgage for insurance, the mortgagor, the mortgagee and the Commissioner shall enter into an agreement approved by the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement, the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and with subcontractors and suppliers. It shall also agree:

(1) To enter into a construction contract in a form meeting the requirements of § 231.10b.

(2) To execute a certificate of actual cost upon completion of all physical improvements on the mortgaged property.

(3) To apply in reduction of the outstanding balance of the principal of the mortgage any excess of mortgage proceeds over:

(i) In the case of a private mortgagor—profit, 90 percent of actual cost.

(ii) In the case of a public mortgagor and private mortgagor—nonprofit, 100 percent of actual cost.

(b) The provisions of paragraph (a) of this section relating to disclosure and the requirement for a construction contract shall not apply where the mortgagor is the general contractor.

**§ 231.10b Form of contract.**

(a) *In general.* The contract between the mortgagor and the general contractor shall be in the form of either a lump sum contract or a cost plus contract. The lump sum contract shall provide for the payment of a specified amount. The cost plus contract shall provide for the payment of the actual cost of construction, not to exceed an upset price, and may include a provision for an additional payment to the builder of a fee in an amount allowed by the Commissioner.

(b) *Lump sum contract.* A lump sum contract may be used where it is established to the satisfaction of the Commissioner that no identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor, and where the mortgage is executed by a private mortgagor—profit or a public mortgagor.

(c) *Cost plus contract.* A cost plus contract shall be used in each of the following instances:

(1) Where it is determined by the Commissioner that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor.

(2) Where the mortgage is executed by a private mortgagor—nonprofit, unless it is established to the Commissioner's satisfaction that a cost plus form of contract is not required to protect his interests and the interests of the mortgagor, in which case a lump sum form of contract may be used.

Section 231.11 is amended to read as follows:

**§ 231.11 Certificates of actual cost.**

(a) *Mortgagor's certificate.*—(1) *Submission of certificate.* The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted prior to final endorsement and upon completion of the improvements to the satisfaction of the Commissioner.

(2) *Items to be included.* The certificate shall show the actual cost to the mortgagor of:

(i) The cost plus construction contract, including the builder's fee actually paid and approved by the Commissioner; or the lump sum construction contract; or the cost of the construction of the project, where the mortgagor also acts as the general contractor and no construction contract is executed.

(ii) The architect's fee.

(iii) The offsite public utilities and streets not included in subdivision (i) of this subparagraph.

(iv) The organizational and legal expenses.

(v) The other items of expense approved by the Commissioner.

(3) *Items not to be included.* The certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor or to any of its officers, directors, stockholders or partners. Any such payments shall be deducted from the costs determined under subparagraph (2) of this paragraph.

(b) *Records.* The mortgagor shall keep and maintain adequate records of all cost of any construction or other cost items not representing work under the general contract and, in the case of a cost plus contract, shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records including any collateral agreements.

(c) *Certificate of public accountant.* The certificate of actual cost shall be verified by an independent Certified Public Accountant or independent public accountant in a manner acceptable to the Commissioner.

In Part 231 new §§ 231.11a and 231.11b are added to read as follows:

**§ 231.11a Builder's and sponsor's profit and risk allowance.**

(a) *In general.* The mortgagor's certificate of actual cost shall include an allowance for builder's and sponsor's profit and risk, the amounts of which shall be dependent upon a determination by the Commissioner as to whether or not there exists an identity of interest between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor.

(b) *Identity of interest cases.* Where an identity of interest exists, a builder's and sponsor's profit and risk allowance shall be included in lieu of the builder's fee provided for in § 231.11(a)(2)(i). This allowance shall be 10 percent of the actual cost computed in accordance with § 231.11(a) excluding the following items:

(1) Any builder's fee actually paid and approved by the Commissioner. (This fee shall be paid out of the builder's and sponsor's profit and risk allowance.)

(2) The cost of the land or any amount paid for a leasehold.

(3) The value of the land and improvements prior to repair or rehabilitation plus the amount of the mortgage proceeds used to refinance any outstanding indebtedness on the property where the mortgage involves the financing of repair or rehabilitation.

(c) *Nonidentity of interest cases.* Where no identity of interest exists, a sponsor's profit and risk allowance shall be included. This allowance shall be 10 percent of the actual cost computed in accordance with § 231.11(a) excluding the following items:

(1) The amounts paid by the mortgagor under the construction contract.

(2) The cost of the land or any amount paid for a leasehold.

(3) The value of the land and improvements prior to repair or rehabilitation plus the amount of the mortgage proceeds used to refinance any outstanding indebtedness on the property where the mortgage involves the financing of repair or rehabilitation.

**§ 231.11b Contractor's certification.**

(a) *Certification by general contractor.* Where a cost plus form of contract is used by a cooperative mortgagor or where any other type of mortgagor is required by the Commissioner to use such contract, the mortgagor shall submit along with its certificate of actual cost a certification of the general contractor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials and subcontract work under the general contract exclusive of the builder's fee and any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders or partners.

(b) *Certification by subcontractor.* Where it is determined by the Commissioner that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials, subcontracts and overhead exclusive of any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders or partners. Where the use of a cost plus form of contract is required by the Commissioner, and it is determined by the Commissioner that an identity of interest exists between the general contractor and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

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SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

## PART 232—NURSING HOMES MORTGAGE INSURANCE

In Part 232 in the table of contents the pertinent section heading is amended as follows:

Sec.
232.85 Contractor's certification.

### Subpart A—Eligibility Requirements

In § 232.61 paragraph (b)(1) is amended to read as follows:

**§ 232.61 Equity requirements.**

* * * * * *

(b) *Funds and finances—insured advances.* * * *

(1) Where the mortgagor is other than a private nonprofit corporation or association, it shall deposit with the mortgagee prior to initial endorsement, an amount determined by the Commissioner to be sufficient to meet, during the course of construction, the payments to accruals required by the terms of the mortgage, for taxes, mortgage insurance premiums, hazard insurance premiums and assessments required by the terms of the mortgage.

* * * * * *

In § 232.80 paragraph (b) is amended to read as follows:

**§ 232.80 Certification of cost requirements.**

* * * * * *

(b) Enter into a construction contract in a form meeting the requirements of § 232.81;

* * * * * *

Section 232.81 is amended to read as follows:

**§ 232.81 Form of contract.**

(a) *In general.* The contract between the mortgagor and the general contractor shall be in the form of either a lump sum contract or a cost plus contract. The lump sum contract shall provide for the payment of a specified amount. The cost plus contract shall provide for the payment of the actual cost of construction, not to exceed an upset price, and may include a provision for an additional payment to the builder of a fee in an amount allowed by the Commissioner.

(b) *Lump sum contract.* A lump sum contract may be used where it is established to the satisfaction of the Commissioner that no identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor, and where the mortgage is executed by a mortgagor established to operate a proprietary nursing home.

(c) *Cost plus contract.* A cost plus contract shall be used in each of the following instances:

(1) Where it is determined by the Commissioner that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor.

(2) Where the mortgage is executed by a mortgagor established to operate a private nonprofit nursing home, unless it is established to the Commissioner's satisfaction that a cost plus form of contract is not required to protect his interests and the interests of the mortgagor, in which case a lump sum form of contract may be used.

Section 232.85 is amended to read as follows:

**§ 232.85 Contractor's certification.**

(a) *Certification by general contractor.* Where a cost plus form of contract is used, the mortgagor shall submit along with its certification of actual cost a certification of the general contractor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials and subcontract work under the general contract exclusive of the builder's fee and any kickbacks, rebates, trade discounts, or other similar



payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders or partners.

(b) *Certification by subcontractor.* Where it is determined by the Commissioner that an identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners, and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor, in a form prescribed by the Commissioner, as to all actual costs paid for labor, materials, subcontracts and overhead exclusive of any kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders or partners. Where the use of a cost plus form of contract is required by the Commissioner, and it is determined by the Commissioner that an identity of interest exists between the general contractor and any subcontractor, material supplier, or equipment lessor, the mortgagor may be required by the Commissioner to submit a certification of actual cost by such subcontractor, material supplier, or equipment lessor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

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SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

## PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

### Subpart C—Eligibility Requirements—Projects—Conversion Individual Sales Units

**§ 234.530 [Amended]**

In § 234.530 *Increased mortgage amounts*, in paragraphs (a) and (b) the reference to "§ 234.560(c)" is corrected to read "§ 234.525(c)".

In § 234.535 the introductory text is amended to read as follows:

**§ 234.535 Adjusted mortgage amount—rehabilitation projects.**

In addition to the maximum mortgage amount limitations of §§ 234.525 and 234.530, a mortgage having a principal amount computed in compliance with the applicable provisions of this subpart, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

* * * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

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SUBCHAPTER R—WAR HOUSING INSURANCE

## PART 603—INDIVIDUAL HOMES; WAR HOUSING MORTGAGE INSURANCE

### Subpart B—Contract Rights and Obligations

In § 603.253 paragraph (c)(3) is amended to read as follows:

**§ 603.253 Forbearance of foreclosure.**

* * * * * *

(c) *Recasting of mortgage.* * * *

(3) *Effect of modification.* Where a mortgage is modified, the principal amount of the mortgage, as modified:

(i) Shall not include any amounts assessed against the mortgagor as a late charge; and

(ii) Shall be considered to be the "original principal of the mortgage" as the term is used in § 603.259.

(Sec. 607, 55 Stat. 61; 12 U.S.C. 1742. Interprets or applies sec. 603, 55 Stat. 56, as amended; 12 U.S.C. 1738)

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SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

## PART 809—ARMED SERVICES HOUSING—CIVILIAN EMPLOYEES

### Subpart A—Eligibility Requirements

In § 809.4 paragraphs (a) through (d) are amended to read as follows:

**§ 809.4 Maximum mortgage amount; dollar limitation.**

* * * * * *

(a) $30,000 in the case of a dwelling designed principally for a one-family residence; or

(b) $32,500 in the case of a two-family residence; or

(c) $32,500 in the case of a three-family residence; or

(d) $37,500 in the case of a four-family residence.

* * * * * *

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 809, 70 Stat. 273; 12 U.S.C. 1748h–(1)

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SUBCHAPTER U—NATIONAL DEFENSE HOUSING INSURANCE

## PART 903—INDIVIDUAL RESIDENCES; NATIONAL DEFENSE HOUSING MORTGAGE INSURANCE

### Subpart B—Contract Rights and Obligations

In § 903.256 paragraph (c)(3) is amended to read as follows:

**§ 903.256 Forbearance of foreclosure.**

* * * * * *

(c) *Recasting of mortgage.* * * *

(3) *Effect of modification.* Where a mortgage is modified, the principal amount of the mortgage, as modified:

(i) Shall not include any amounts assessed against the mortgagor as a late charge; and

(ii) Shall be considered to be the "original principal of the mortgage" as the term is used in § 903.262.

(Sec. 907, 65 Stat. 301; 12 U.S.C. 1750f. Interprets or applies sec. 903, 65 Stat. 296, as amended; 12 U.S.C. 1750b)

Issued at Washington, D.C., December 11, 1964.

[SEAL] PHILIP N. BROWNSTEIN,
*Federal Housing Commissioner.*

[F.R. Doc. 64-12943; Filed, Dec. 16, 1964; 8:48 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6778]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Expenses for Care of Certain Dependents

On October 16, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 214 of the Internal Revenue Code of 1954 (relating to expenses for care of certain dependents) to conform the regulations to section 212 of the Revenue Act of 1964 (78 Stat. 49) and to make certain other changes therein was published in the FEDERAL REGISTER (29 F.R. 14226). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as proposed are hereby adopted.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 14, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 214 of the Internal Revenue Code of 1954 to section 212 of the Revenue Act of 1964 (78 Stat. 49) and to make certain other changes therein, such regulations are amended as follows:

PARAGRAPH 1. Section 1.214 is amended to read as follows:

**§ 1.214 Statutory provisions; expenses for care of certain dependents.**

Sec. 214. *Expenses for care of certain dependents*—(a) *General rule.* There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or widower, or is a husband whose wife is incapacitated or is institutionalized, for the care of one or more dependents (as defined in subsection (d)(1)), but only if such care is for the purpose of enabling the taxpayer to be gainfully employed.

(b) *Limitations*—(1) *Dollar limit.* (A) Except as provided in subparagraph (B), the deduction under subsection (a) shall not exceed $600 for any taxable year.

(B) The $600 limit of subparagraph (A) shall be increased (to an amount not above $900) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had 2 or more dependents.

(2) *Working wives and husbands with incapacitated wives.* In the case of a woman who is married and in the case of a husband whose wife is incapacitated, the deduction under subsection (a)—

(A) Shall not be allowed unless the taxpayer and his spouse file a joint return for the taxable year, and

(B) Shall be reduced by the amount (if any) by which the adjusted gross income of the taxpayer and his spouse exceeds $6,000. This paragraph shall not apply, in the case of a woman who is married, to expenses incurred while her husband is incapable of

self-support because mentally or physically defective, or, in the case of a husband whose wife is incapacitated, to expenses incurred while his wife is institutionalized if such institutionalization is for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death.

(3) *Certain payments not taken into account.* Subsection (a) shall not apply to any amount paid to an individual with respect to whom the taxpayer is allowed for his taxable year a deduction under section 151 (relating to deductions for personal exemptions).

(c) *Special rule where wife is incapacitated or institutionalized.* In the case of a husband whose wife is incapacitated or is institutionalized, the deduction under subsection (a) shall be allowed only for expenses incurred while the wife was incapacitated or institutionalized (as the case may be) for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death.

(d) *Definitions.* For purposes of this section—

(1) *Dependent.* The term "dependent" means a person with respect to whom the taxpayer is entitled to an exemption under section 151(e)(1)—

(A) Who has not attained the age of 13 years and who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer; or

(B) Who is mentally or physically incapable of caring for himself.

(2) *Widower.* The term "widower" includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance.

(3) *Incapacitated wife.* A wife shall be considered incapacitated only (A) while she is incapable of caring for herself because mentally or physically defective, or (B) while she is institutionalized.

(4) *Institutionalized wife.* A wife shall be considered institutionalized only while she is, for the purpose of receiving medical care or treatment, an inpatient, resident, or inmate of a public or private hospital, sanitarium, or other similar institution.

(5) *Determination of status.* A woman shall not be considered as married if—

(A) She is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year, or

(B) She has been deserted by her spouse, does not know his whereabouts (and has not known his whereabouts at any time during the taxable year), and has applied to a court of competent jurisdiction for appropriate process to compel him to pay support or otherwise to comply with the law or a judicial order, as determined under regulations prescribed by the Secretary or his delegate.

[Sec. 214 as amended by sec. 1, Act of April 2, 1963 (Pub. Law 88-4, 77 Stat. 4); sec. 212, Rev. Act 1964 (78 Stat. 49)]

PAR. 2. Section 1.214-1 is amended by revising paragraphs (a) and (b), by revising that portion of paragraph (c) preceding the examples and by adding a subparagraph (3)(ii) immediately following example (9) of such paragraph (c), and by revising paragraphs (d) and (f). The revised and added provisions read as follows:

**§ 1.214-1 Expenses for the care of certain dependents.**

(a) *General rule.* Section 214 allows, subject to certain limitations, a deduction from gross income of expenses paid for the care of certain dependents where the care is for the purpose of enabling the taxpayer to be gainfully employed. Such expenses are referred to in this section as "child care" expenses. The deduction is allowed only for expenses incurred while the taxpayer is gainfully employed or in active search of gainful employment. The employment which is the cause of the incurring of the expenses may, however, consist of service either within or without the home of the taxpayer. Self-employment constitutes employment for purposes of section 214.

(b) *Taxpayers who may qualify for the deduction.* The deduction provided in section 214 is allowed only to a taxpayer who is a woman, a widower, or, for taxable years beginning after December 31, 1963, a husband whose wife is incapacitated or institutionalized. For purposes of this paragraph, the following rules apply:

* * * * * *

(2) *A married woman whose husband is capable of self-support.* If the expenses are paid by a woman (i) who is married at the time the expenses are incurred, (ii) whose husband at that time is not incapable of self-support because he is mentally defective or physically disabled, (iii) who is not divorced or legally separated at the end of the taxable year, and (iv) in the case of a woman who has been deserted by her husband and who does not meet all of the conditions set forth in subparagraph (4)(ii) of this paragraph, the deduction is allowed, but only if she files a joint income tax return with her husband for the taxable year in which the expenses are paid. Further, the amount otherwise deductible shall be reduced by the amount, if any, by which the combined adjusted gross income of the taxpayer and her spouse for the taxable year in which the expenses are paid exceeds $4,500 (for taxable years beginning before January 1, 1964) or $6,000 (for taxable years beginning after December 31, 1963). The amount otherwise deductible is the amount expended for child care or the maximum deduction allowable for any taxable year (see paragraph (c) of this section), whichever is the lesser. The determination of whether the taxpayer's husband is incapable of self-support because of a mental defect or physical disability shall be made without regard to his income from sources other than his own earnings. For purposes of this subparagraph, the term "earnings" means wages, salaries, commissions, professional fees, and other amounts received as compensation for personal services actually rendered. It does not include income such as pensions, annuities, sick pay, interest, dividends, or rents.

(3) *A married woman whose husband is incapable of self-support.* * * *

(ii) A married woman claiming a deduction under this subparagraph shall submit with her income tax return in which the deduction is claimed information disclosing (*a*) the nature of her husband's disability, (*b*) the period of the disability, (*c*) the amount of her husband's earnings (if any) during the period he was incapable of self-support, and (*d*) such other information as is required by the return or instructions relating to the return. Where the husband is capable of self-support for part of a taxable year the child care expenses incurred for such part shall be treated under subparagraph (2) of this paragraph. See example (8) of paragraph (c)(3)(i) or example (8) of paragraph (c)(3)(ii) (whichever is applicable) of this section.

* * * * * *

(5) *A husband whose wife is incapacitated or institutionalized*—(i) *In general.* Subject to certain limitations, the deduction is allowed for expenses paid in a taxable year beginning after December 31, 1963, by a husband if the expenses are incurred during a period in which his wife is incapacitated. However, the deduction is allowed only if the wife is incapacitated for a period of at least 90 consecutive days or a shorter period if the period of incapacitation is terminated by her death. The period of incapacitation need not occur entirely within one taxable year.

(ii) *Limitation on deduction.* Except as otherwise provided in this subdivision, the deduction is allowed only if the husband files a joint income tax return with his wife for the taxable year in which the expenses are paid. Further, the amount otherwise deductible shall be reduced by the amount, if any, by which the combined adjusted gross income of the husband and his spouse exceeds $6,000 for the taxable year in which the expenses are paid. The amount otherwise deductible is the amount expended for child care (and incurred during the period the wife was incapacitated) or the maximum deduction allowable for any taxable year beginning after December 31, 1963 (see paragraph (c)(2) of this section), whichever is the lesser. The limitations set forth in this subdivision do not apply to any expenses incurred in any period during which the taxpayer's wife is institutionalized if (*a*) the institutionalization is for a period of at least 90 consecutive days, or (*b*) the period of institutionalization (regardless of its length) is terminated by her death. The period of institutionalization referred to in subdivision (*a*) or (*b*) of this subdivision need not occur entirely within one taxable year.

(iii) *Incapacitated wife.* A wife is considered to be incapacitated during any period of time during which she is incapable of caring for herself because of a mental or physical defect. A wife is not considered to be incapacitated solely by reason of the fact that she has a mental or physical defect. A wife is incapacitated only if she is mentally or physically defective and as a result of the mental or physical defect is incapable of caring for herself. The fact that a wife, by reason of a mental or physical defect, is incapable of self-support, is unable to engage in any substantial gainful activity, or is unable to perform the normal household functions of a housewife or to care for her minor children, does not, of itself, establish that the wife is incapable of caring for herself. A wife who is mentally or physically defective to the extent that she cannot dress herself or cannot provide for her personal hygienical or nutritional needs will, ordinarily, be considered as incapable of caring for herself. Thus, a wife who because of an injury (whether temporary or permanent) is confined to a bed or to a wheel chair, even though otherwise enjoying good health, is incapable of caring for herself. In addition, a wife who is physically handicapped, or a wife who is mentally defective and has suicidal or other dangerous tendencies, and for such reason requires constant attention of another person is considered to be incapable of caring for herself. A wife is also considered to be incapacitated during any period of time (whether or not for 90 consecutive days) during which she is institutionalized.

(iv) *Institutionalized wife.* A wife is considered to be institutionalized only while she is, for purposes of receiving medical care or treatment, an inpatient, resident, or inmate of a public or private hospital, or other similar institution. A wife who resides at a hospital, sanitarium, or other similar institution other than for purposes of receiving medical care or treatment, as, for example, by reason of her employment, is not institutionalized. Generally, a wife is not considered institutionalized while residing at a health or beauty ranch or similar establishment even though some medical care or treatment is provided.

(v) *Information to be submitted with return.* A married man claiming a deduction under this subparagraph shall submit with his income tax return in which the deduction is claimed information disclosing, if his wife is institutionalized, the period of institutionalization and the name and address of the institution where the wife received medical care or treatment, or, if his wife is incapacitated (but not institutionalized), the nature and period of her incapacitation. There shall also be submitted such other information as is required by the return or instructions relating to the return. In addition, there should be submitted, wherever possible, a certificate of the attending physician indicating the nature and duration of the wife's mental or physical defect.

(vi) *Computation of 90-day period*—(*a*) *Incapacitation.* For the purpose of determining whether a wife is incapacitated for a period of at least 90 consecutive days, different periods of incapacitation which are separated by a period of time during which the wife is not incapacitated cannot be added together. Thus, if a wife is incapacitated during the months of March and April (61 days) and is incapacitated during the entire month of October (31 days), she is not incapacitated for a period of at least 90 consecutive days. Since a wife who is institutionalized is considered to be incapacitated, the period during which a wife is institutionalized is added to a consecutive period during which she is incapacitated (but not institutionalized) for the purpose of determining whether the wife is incapacitated for a period of at least 90 consecutive days. Thus, the 90-consecutive-day requirement is met where a wife remains at home unable to care for herself because of a mental or physical defect for 60 consecutive days and immediately thereafter enters an institution where she continuously remains for an additional 30 days receiving medical care or treatment, whether or not she is able to care for herself during such 30 days.

(*b*) *Institutionalization.* For the purpose of determining whether a wife is institutionalized for a period of at least 90 consecutive days, different periods of institutionalization which are separated by a period of time during which the wife was not institutionalized cannot be added together. Thus, if a wife is institutionalized during the months of March and April (61 days), spends the months of May and June at home, and is institutionalized during the entire month of July (31 days), she is not institutionalized for a period of at least 90 consecutive days. However, if the wife is incapacitated during all of May and June, the entire period (March through July) constitutes a continuous period of incapacitation, see subdivision (*a*) of this subdivision. The running of a period of institutionalization is not discontinued because of, but rather such period includes, brief absences from the institution such as on weekends or holidays, and transfers from one institution to another.

(vii) *Rule where period of incapacitation does not occur in one taxable year.* The 90-consecutive-day period of incapacitation or of institutionalization need not occur entirely within one taxable year. If part of a period of at least 90 days of incapacitation, or part of a period of incapacitation of less than 90-days which is terminated by reason of the death of the wife, occurs in one taxable year and the remainder occurs in the succeeding taxable year, a deduction is allowed for the child care expenses incurred during the part of the period occurring in each such year, subject, however, to all other conditions and limitations. However, no deduction is allowed for expenses paid in any taxable year which begins before January 1, 1964 (see subdivision (i) of this subparagraph).

(6) *Determination of status.* If child care expenses are incurred in one taxable year and paid in another, the status of a taxpayer described in subparagraphs (1) to (5) of this paragraph, inclusive, shall be determined as of the time at which the expenses are incurred and not when such expenses are paid.

(c) *Computation of deduction*—(1) *In general.* The deduction for child care expenses is allowable only with respect to such expenses actually paid during the taxable year regardless of when the event which occasioned the expenses occurred and regardless of the method of accounting employed by the taxpayer in making his income tax return. If child care expenses are incurred but not paid during the taxable year, no deduction can be taken for such year. Thus, if an expenditure was incurred in December of a particular year, but not paid until January of the following calendar year, no deduction may be taken for the earlier calendar year.

(2) *Dollar limitation on amount of deduction*—(i) *Taxable years beginning before January 1, 1964.* For any taxable year beginning before January 1, 1964, the deduction for child care expenses may not exceed $600 regardless of the number of dependents for whose care the expenses are incurred.

(ii) *Taxable years beginning after December 31, 1963.* Except as otherwise provided in this subdivision, the deduction for child care expenses, for any taxable year beginning after December 31, 1963, may not exceed $600. If the taxpayer has two or more dependents at any time during the taxable year, the $600 limit is increased by the amount of child care expenses incurred by the taxpayer for the period or periods during which the taxpayer has two or more dependents. The $600 limit may not be increased to an amount in excess of $900. For a further limitation on the amount of the allowable deduction, see subparagraphs (2) and (5) of paragraph (b) of this section.

(3) *Examples.* The following examples illustrate the computation of the deduction allowed by section 214 in the case of a taxpayer making his return on the basis of the calendar year. In each example it is assumed that the expenses are of the type which would qualify for the deduction.

(i) The following examples apply to taxable years beginning before January 1, 1964:

* * * * * *

(ii) The following examples apply to taxable years beginning after December 31, 1963:

*Example (1).* B was a widower during 1964, until August 1, when he remarried. He had two dependent children aged 7 and 10. He paid $90 each month in 1964 for child care expenses. His wife was not incapacitated or institutionalized at any time during 1964. He may take into account, for purposes of the deduction allowed by section 214, only those expenses paid during the taxable year which were incurred while he was unmarried. Therefore, the amount of the deduction allowable is $630 ($90 per month from January to July, inclusive). If B had only one dependent during the period he was unmarried, the amount of the deduction allowable would be limited to $600.

*Example (2).* H and W were married during the entire year 1964. They have one dependent child age 11. W, the wife, paid $800 for child care expenses incurred during the year. The combined adjusted gross income of H and W was $6,400. The allowable deduction under section 214 is $200, computed as follows: $600, the maximum deduction allowable for one dependent, is reduced by $400, the excess of adjusted gross income ($6,400) over $6,000. The deduction of $200 is allowable only if H and W made a joint return for 1964.

*Example (3).* The facts are the same as in example (2), except that the child care expenses paid during the year were $400. No deduction is allowable under section 214, since the amount of expenses paid, $400, does not exceed the excess of the adjusted gross income ($6,400) over $6,000.

*Example (4).* During 1964, W, a woman paid $60 each month for child care expenses for her dependent child age 11. She was a widow from January 1, through March 31, and was married for the remainder of the year. H, her husband, was capable of self-support, and the combined adjusted gross income of H and W for 1964 was $6,200. H and W made a joint return for 1964. The total deduction allowable to W under section

214 is $520, computed as follows: $180, as expenses incurred while W was a single woman, plus $340, as expenses incurred while W was married. The $340 is arrived at by reducing the amount expended while H and W were married, $540, by $200 (the excess of adjusted gross income ($6,200) over $6,000).

*Example* (5). The facts are the same as in example (4), except that the amounts paid for child care expenses are $75 per month ($225 being paid for expenses incurred while W was single and $675 while she was married). The total allowable deduction in this case is $600. $225 is deductible as expenses incurred while W was a single woman. $400 of the expenses incurred during the period of marriage is also deductible. However, the maximum deduction allowable to W is $600. The allowable amount for expenses incurred during the period of marriage is determined as follows: $675 (the amount expended during such period) is reduced to $600 (the maximum deduction allowable for one dependent) and $600 is then reduced by $200 (the excess of adjusted gross income ($6,200) over $6,000) to $400.

*Example* (6). H and W were married during 1964 prior to July 1, when they received a decree of divorce. W did not remarry during 1964. She had two dependent children age 6 and 8. W paid $100 per month for child care expenses during 1964. The allowable deduction is $900. Since W is considered to have been a single woman during all of 1964, the limitations with respect to the deduction allowed to a married woman are not applicable, and only the maximum dollar limitation applies ($900 for two dependents for the entire year). If W had only one dependent during the entire year, the allowable deduction would be limited to $600.

*Example* (7). H and W were married on July 1, 1964. At all times in 1964, until July 1, H was a widower and W was a widow. H and W each paid $600 for child care expenses in 1964, prior to their marriage. W had a dependent child age 6, and H had a dependent child age 8. Their combined adjusted gross income for 1964 was $6,400, and they made a joint return. From July 1, to the end of 1964, W paid $100 per month for child care expenses for both children. If a joint return is not made, H and W are each allowed a deduction of $600, regardless of their adjusted gross income, but no additional deduction would be allowed for child care expenses paid after their marriage. If a joint return is made, H is allowed a deduction of $600 for the expenses paid by him as a widower, and W is allowed a deduction of $800, computed as follows: $600 for expenses paid by her as a widow, and $200 for expenses incurred and paid by her after her marriage. The $200 is arrived at by reducing the amount expended by W from July 1, to the remainder of 1964 (when she had two dependents), $600, by $400, the excess of the adjusted gross income ($6,400) over $6,000. If after her marriage W had incurred and paid child care expenses in the amount of $1,000, W would be allowed a deduction of $900, computed as follows: $600 for expenses paid by her as a widow, and $300 for expenses incurred and paid by her after her marriage. The $300 is arrived at by reducing the $1,000 to $900 (the maximum deduction allowed for two dependents) and the $900 is reduced by $400 (the excess of adjusted gross income, $6,400, over $6,000); and the remainder, $500, is then reduced to $300, which represents the difference between the maximum dollar limitation for two dependents ($900) and the amount paid by W as a widow, $600.

*Example* (8). H and W were married at all times during 1964. As a result of an accident, H incurred injuries which rendered him incapable of self-support during 1964 until September 1. They had one dependent child age 10. The adjusted gross income of H and W for 1964 was $6,200. W paid $60 each month in 1964 for child care expenses. The deduction allowable to W under section 214 is $520. This amount is composed of $480, the amounts paid during H's period of disability and $40, the expenses paid from September to December, inclusive ($240) reduced by $200, the excess of the adjusted gross income ($6,200) over $6,000.

*Example* (9). H and W were married from January 1, 1964, until October 1, 1964, when H died. H and W had one child age 10. The combined adjusted gross income of H and W was $6,300. W paid $50 per month for child care expenses throughout the entire year. The deduction allowed to W if she filed a separate return is $150, the amount paid while she was a widow. If a joint return is filed on behalf of the widow and her deceased husband, the deduction allowable is $300, computed as follows: $150 for expenses incurred while W was a widow, and $150 for expenses incurred while W was married (the amount expended during marriage, $450, is reduced by $300, the excess of the adjusted gross income ($6,300) over $6,000).

*Example* (10). H and W were married at all times during 1964 and have two children. On March 1, 1964, the older child attained age 13 and during the remainder of the year was not a dependent as defined in section 214(d)(1). W incurred and paid $90 each month for child care expenses. H and W's adjusted gross income for 1964 was $6,100, and they made a joint return. The deduction allowable to W under section 214 is $680, computed as follows: $900 (the amount expended from March 1, to the end of 1964) is reduced to $600 (the maximum amount allowable for one dependent) to which is added $180 (the amount expended while H and W had two dependent children under age 13); a total of $780, which amount is reduced by $100 (the excess of the adjusted gross income ($6,100) over $6,000).

*Example* (11). H and W were married during the entire year 1964 and have two dependents. On March 1, 1964, W became incapacitated and remained unable to care for herself until April 1, 1964, at which time she was admitted to a hospital for medical treatment. W remained in the hospital continuously until June 1, 1964, at which time she returned home. On June 1, 1964, and for the remainder of 1964, W was capable of caring for herself. H incurred and paid $90 a month for child care expenses during 1964. H and W's adjusted gross income for 1964 was $6,100, and they made a joint return for 1964. For purposes of section 214, W is considered to be incapacitated from March 1, 1964 to May 31, 1964, inclusive (a period of at least 90 consecutive days). The allowable deduction is $170, computed as follows: $270, the amount incurred while W was incapacitated, is reduced by $100, the excess of adjusted gross income ($6,100) over $6,000.

*Example* (12). The facts are the same as in example (11), except that W was in the hospital until August 1, 1964. On August 1, 1964, and for the remainder of 1964, W was capable of caring for herself. The allowable deduction is $360 (the amount incurred while W was institutionalized). No deduction is allowed for the $90 of expenses incurred during March, 1964, because such amount is less than $100 (the excess of the adjusted gross income ($6,100) over $6,000).

(d) *Dependents*—(1) *In general.* The deduction provided by section 214 is allowed only for expenses paid for the care of an individual who (for the taxable year of the taxpayer in which the expenses are incurred) is a dependent of the taxpayer for whom an exemption is allowed under section 151(e)(1). Furthermore, the dependent must, at the time the expenses are incurred, be—

(i) For taxable years beginning before January 1, 1964, under the age of 12 years,

(ii) For taxable years beginning after December 31, 1963, under the age of 13 years, or

(iii) Mentally or physically unable to care for himself.

(2) *Special rules.* (i) It is not necessary that the dependent be permanently disabled in order for the amount expended for his care to be deductible. However, the mere fact that the disability, whether temporary or permanent, renders him incapable of self-support does not necessarily mean that he is incapable of self-care within the meaning of subparagraph (1) (iii) of this paragraph.

(ii) A dependent who has not attained the age of 13 years (for taxable years beginning before January 1, 1964, who has not attained the age of 12 years) is deemed mentally or physically unable to care for himself. Thus, the deduction for expenses paid for the care of a dependent under the age of 13 years (for taxable years beginning before January 1, 1964, under the age of 12 years) is allowable even though the dependent is not a child or stepchild of the taxpayer.

(iii) The rules provided in sections 151 and 152, with respect to the definition and qualification of an individual as a dependent, govern for the purpose of section 214. Thus, expenses for the care of a child or stepchild under the age of 13 years (for taxable years beginning before January 1, 1964, under the age of 12 years) whom the taxpayer supports are deductible even though the child or stepchild has gross income of $600 or more. On the other hand, expenses for the care of an aged parent would not be deductible if the gross income condition of section 151(e)(1)(A) is not met.

(iv) The term "dependent" does not include the spouse of a taxpayer.

* * * * *

(f) *What expenses are deductible.*

* * *

(2) *Definition of care of a dependent.*

* * *

(iii) Where a portion of an expenditure is for the care of a dependent and a portion is for other unrelated purposes, a reasonable allocation shall be made and only the portion of the amount paid which is attributable to the care shall be considered an amount to which section 214 is applicable. This rule is applicable if, for example, a servant performs household duties and also cares for the children of the taxpayer. In this case, however, where one of the children is under 13 (for taxable years beginning before January 1, 1964, under 12), and the other (or others) is over such age, there need be no further allocation between the children under such age and those over such age.

* * * * *

(5) *Examples.* * * *

*Example* (2). The taxpayer, a single woman, in order to be gainfully employed employs a housekeeper who cares for the taxpayer's two children, aged 9 and 13 years, respectively, in addition to performing regular household duties of cleaning and cooking. If it is assumed that the compensation paid to the housekeeper is $1,200 during the year, and that $500 is allocated to the care of the children, a deduction of $500 is allowed under section 214. No allocation is required for purposes of determining which part of the $500 is for the care of the 9 year old child. If the expenses allocable to the care of the children were $700, the amount of the deduction would be $600, the maximum amount allowable for one dependent.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 64-12935; Filed, Dec. 16, 1964; 8:46 a.m.]



# Title 35—PANAMA CANAL

## Chapter I—Canal Zone Regulations

[Canal Zone Order 71]

## PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

### Miscellaneous Amendments

Effective on the day after publication in the FEDERAL REGISTER, Subpart B of Part 4 of Title 35, Code of Federal Regulations, is amended as follows:

**§ 4.19 [Amended]**

1. The last sentence of § 4.19 *Papers required by boarding officer*, is amended to read as follows: "If a vessel fails to present any one of the prescribed papers upon arrival it shall be subject to denial of entry or denial of the use of Canal Zone port and other facilities in whole or in part in accordance with § 4.21, but it shall not be subject to fine."

2. Section 4.20 is amended by adding thereto new paragraphs (q) and (r), as follows:

**§ 4.20 Papers required by boarding officer, list of.**

* * * * *

| | | |
|---|---|---|
| (q) Declaration by all vessels except ships of war of all arms and munitions aboard other than explosives declared separately | 2 | 2 |
| (r) Declaration as to vessel's port(s) of departure, destination, and ports of call, within the last three months, with the corresponding actual or approximate dates | 1 | 1 |

* * * * *

3. Section 4.21 is amended to read as follows:

**§ 4.21 Entry and clearance of vessels.**

(a) An arriving vessel shall be entered either at the port of Balboa or the port of Cristobal, depending upon the vessel's port of arrival. A vessel is entered by the Canal authorities upon the report of the boarding officer, and it is not necessary for the Master to come ashore for that purpose. In the discretion of the Port Captain at the port of entry, or such other official as may be designated by the Governor, a vessel may be denied entry, or may be denied the use, in whole or in part, of Canal Zone port facilities, for failure to have:

(1) A valid National Register;

(2) A proper clearance from its last port of call; or

(3) The cargo documents required by § 4.20.

Except in bona fide cases of distress, a vessel that is denied authorization to enter shall be denied authorization to transit the Canal and shall be required immediately to depart from Canal Zone waters. A vessel whose use of Canal Zone port facilities has been restricted pursuant to the provisions of this section shall be deemed to have been provisionally entered and its use of Canal Zone port facilities shall be contingent upon its strict adherence to the limitations imposed. For any failure to comply strictly with such limitations, such a vessel may be required, in the discretion of the cognizant Port Captain or other official designated by the Governor, to depart immediately from Canal Zone waters.

(b) Any vessel that has entered or provisionally entered the Canal Zone shall, prior to its departure therefrom, obtain clearance from the Port Captain at the port of departure or such other official as may be designated by the Governor. Clearance shall be issued only after the cognizant Port Captain or other designated official has satisfied himself that:

(1) All documents and statistical data required for entry or provisional entry by the Canal authorities respecting the vessel and its cargo and passengers have been furnished;

(2) Tolls and all other charges for services or supplies furnished by the Canal Zone Government or the Panama Canal Company have been paid or the payment secured;

(3) The vessel has complied with the quarantine, customs and exclusion laws, rules and regulations of the Canal Zone Government, and the laws, rules and regulations governing the shipping, discharging and protection of seamen.

In the case of a vessel provisionally entered, the fact of such provisional entry, and the reason therefor, shall be noted on its clearance. No clearance shall be given to a vessel to which entry has been denied.

(2 C.Z.C. section 1331, 76A Stat. 46; E.O. 9746, 11 F.R. 7329, 8 CFR 1943–1948 Comp., as amended by E.O. 10595, 20 F.R. 819, 3 CFR 242, 1954–1958 Comp)

STEPHEN AILES,
*Secretary of the Army.*

DECEMBER 7, 1964.

[F.R. Doc. 64-12924; Filed, Dec. 16, 1964; 8:45 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 8—Veterans Administration

## PART 8–1—GENERAL

### Military and Departmental Specifications

In § 8–1.305–6, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

**§ 8–1.305–6 Military and departmental specifications.**

(a) Where Veterans Administration specifications have been promulgated, they will be used in all applicable procurement transactions. Contracting Officers will not deviate from such specifications without the prior approval of the Chief Medical Director.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

This regulation is effective January 4, 1965, but may be observed earlier.

Approved: December 10, 1964.

By direction of the Administrator.

[SEAL] A. H. MONK,
*Associate Deputy Administrator.*

[F.R. Doc. 64-12939; Filed, Dec. 16, 1964; 8:47 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 12—DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS

### Miscellaneous Amendments

1. In § 12.3, paragraphs (a) (1) and (4) and (b) are amended to read as follows:

**§ 12.3 Deceased veteran's cases.**

(a) * * *

(1) If the death or absence without leave occurred during hospitalization, a complete inventory (VA Form 10–2687, Inventory of Funds and Effects) will be made of all personal effects (including those in the custody of the hospital, jewelry being worn by the deceased person, or jewelry and other effects in pockets of clothing he may have been wearing) and all funds found and moneys on deposit in Personal Funds of Patients. In the case of death of incompetent veterans after November 30, 1959, the inventory will be completed to show separately those funds deposited by the Veterans Administration in Personal Funds of Patients which were derived from gratuitous benefits under laws administered by the Veterans Administration. For purpose of determining the source of funds, expenditures from the account will be considered as having been made from gratuitous benefits, not to exceed the extent of deposits of such benefits. In the event death occurred during other than official working hours, the officer of the day and/or a representative of Nursing Service will collect and inventory all funds and personal effects on the person of the deceased beneficiary and on the ward, will carefully safeguard such property and, upon completion of the tour of duty, will turn the funds and effects over to the properly designated employees.

* * * * *



(4) Personally owned clothing or other effects (such as tooth brushes, false teeth not containing gold, etc.), which are unserviceable by reason of wear or tear or insanitary condition, and clothing in writing his or her right to the funds in favor of another heir or next of kin.

* * * * *

4. In § 12.6(a), subparagraph (3) is

In any case in which the station head does not deliver the funds and effects, because of the provisions of subparagraphs (3), (4), and (5) of this para-



graph, unless such person waives right to possession, in which event delivery will be to the person, if any, in whose favor such prior entitled person waives

limited purposes until such time as the United States mining laws have been complied with and patents issued, and subject to the condition that the United

Sec. 25, S½;
Sec. 26, N½NW¼ and SE¼;
Sec. 27, E½NW¼ and S½;
Sec. 28, SW¼;
Sec. 29, lots 1, 2, 4, E½, and E½NW¼;

(4) Personally owned clothing or other effects (such as tooth brushes, false teeth not containing gold, etc.), which are unserviceable by reason of wear or tear or insanitary condition, and clothing that had been supplied by the Government, will not be included in this inventory; instead, the unserviceable personally owned articles will be listed on a separate list, with their condition briefly described, and their disposition recommended in a separate report to the station head. The station head, if approving this recommendation, will order destruction or utilization in occupational therapy, or as wipe rags, etc., of such unserviceable articles and, when they are so destroyed or utilized, will have entered on the papers the date and nature of the disposition. The completed papers will then be placed in the correspondence file of the beneficiary. Clothing that had been supplied by the Government will be reconditioned if possible and returned to stock for issue to other eligible beneficiaries. When Government-owned clothing cannot be reconditioned it will be disposed of.

* * * * *

(b) Upon completion of the survey and inventory, the effects will be turned over to the designated employee for safekeeping. Any funds found in excess of $10 which apparently were the property of the deceased will be turned over to the details clerk and delivered immediately to the agent cashier, who shall deposit same in the account "Personal Funds of Patients." Unendorsed checks other than Treasury checks and funds not in excess of $10 will be considered personal effects and not funds and will be handled accordingly.

2. In § 12.4(a), that portion preceding subparagraph (1) is amended to read as follows:

**§ 12.4 Disposition of effects and funds to designee; exceptions.**

(a) Upon authorization by the station head or his designated representative, all funds, as defined in § 12.0 (except funds on deposit in Personal Funds of Patients derived from gratuitous benefits under laws administered by the Veterans Administration and deposited by the Veterans Administration where the veteran was incompetent at time of death), and effects will be delivered or sent to the designee of the deceased veteran if request therefor be made after death and within 90 days following the mailing of notice to such designee (see § 12.9(a)), unless:

* * * * *

3. In § 12.5, paragraph (b) is amended to read as follows:

**§ 12.5 Nondesignee cases.**

* * * * *

(b) Except where delivery is made to a designee, executor, or administrator, funds of veterans who were competent at time of death will be released to the person or persons who would ultimately be entitled to distribution under the laws of the State of the decendent's domicile. The person or persons entitled may waive in writing his or her right to the funds in favor of another heir or next of kin.

* * * * *

4. In § 12.6(a), subparagraph (3) is amended to read as follows:

**§ 12.6 Cases of living veterans.**

(a) * * *

(3) To the incompetent owner if he has no guardian; delivery, however, to the incompetent owner may be withheld and may be made to the person who is caring for such incompetent if, in the judgment of the station head or his designated representative, such delivery is to the incompetent's best interest.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: December 10, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64–12937; Filed, Dec. 16, 1964; 8:46 a.m.]

## PART 12—DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS

### Miscellaneous Amendments

1. In § 12.4(a), subparagraphs (1), (3), and (6) and that portion following subparagraph (6), and paragraphs (b) and (d) are amended to read as follows:

**§ 12.4 Disposition of effects and funds to designee; exceptions.**

(a) * * *

(1) The executor or administrator of the estate of the deceased veteran shall have notified the station head or his designated representative of his desire and readiness to receive such funds or effects, in which event the station head or his designated representative will authorize delivery of all funds and effects to such executor or administrator upon receipt of appropriate documentary evidence of his qualifications and in exchange for appropriate receipts, or

* * * * *

(3) Subsequent to the naming of a designee the veteran became incompetent and his guardian revoked such designation, in which event the station head or his designated representative will deliver all funds and effects to his guardian in exchange for appropriate receipts subject to the limitation contained in paragraph (d) of this section, or

* * * * *

(6) The station head or his designated representative determines that there is reasonable ground to believe that the transfer of such possession to the designee probably would be contrary to the interests of the person legally entitled to the personal property, or there are any other special circumstances raising a serious doubt as to the propriety of such delivery to the designee.

In any case in which the station head does not deliver the funds and effects, because of the provisions of subparagraphs (3), (4), and (5) of this paragraph, he will develop all facts and refer the matter to the Chief Attorney of the regional office having jurisdiction over the area where the hospital is located, for advice as to the disposition which legally should be made of such funds and effects.

(b) When authorized by the station head or his designated representative, the effects will be delivered or shipped to the designee. If shipped at Government expense, the shipment shall be made in the most economical manner but in no case at a cost in excess of $25. If such expenses will exceed $25, the excess amount shall be paid by the consignee to the station head in advance. There will be no obligation on the Government, initially or otherwise, to pay such expenses in excess of $25.

* * * * *

(d) Upon receipt from the proper Chief Attorney of an appropriate certification that the guardianship was in full force and effect at the time of the veteran's death and that the guardian's bond is adequate, funds (other than funds deposited by the Veterans Administration in Personal Funds of Patients derived from gratuitous benefits under laws administered by the Veterans Administration) and effects of an incompetent veteran may be immediately delivered or sent to such guardian, inasmuch as the guardian had a right to possession, and he will be accountable therefor to the party entitled to receive the decedent's estate. If, however, it appears probable that decedent died without a valid will and left no person surviving entitled to inherit, the funds will not be paid to the former guardian but will be disposed of as provided in § 12.19(a). The effects will be sold, used, or destroyed, at the discretion of the station head or his designated representative.

2. Section 12.5(a) is amended to read as follows:

**§ 12.5 Nondesignee cases.**

(a) If there exists no designee at the time of death at a hospital, domiciliary, or regional office of a veteran admitted as competent, or the designee fails or refuses to claim the funds and effects as defined in § 12.0(a) within 90 days following the mailing of notice to such designee, the station head will take appropriate action to dispose of the effects to the person or persons legally entitled thereto, i.e., the executor or administrator of the decedent, or, if no notice of such an appointment has been received, to the decedent's widow, child, grandchild, mother, father, grandmother, grandfather, brother, or sister, in the order named. Subject to the applicable provisions of §§ 12.3 and 12.4, such delivery may be made at any time before the sale contemplated by § 12.9 to the designee or other person entitled under the facts of the case. Delivery will be made to the person entitled to priority as prescribed in this paragraph, unless such person waives right to possession, in which event delivery will be to the person, if any, in whose favor such prior entitled person waives right to possession. If the waiver is not in favor of a particular person or class, delivery will be to the person or persons next in order of priority under this paragraph. If in any case there be more than one person in the class entitled to priority, initially or by reason of waiver, delivery will be made only to their joint designated agent (who may, but need not, be one of the class), or to one of such class in his own behalf upon written waiver of all others of the class entitled thereto. The guardian of a minor or incompetent may waive his ward's prior right to possession.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: December 11, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64–12938; Filed, Dec. 16, 1964; 8:47 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3513]

[Montana 058539]

### MONTANA

### Restoration of Lands to Mineral Entry

By virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to determination DA–181–Montana of the Federal Power Commission issued February 3, 1964, it is ordered as follows:

1. Effective at 10 a.m. January 16, 1965, the following described lands within the Gallatin National Forest shall be open to appropriation under the United States mining laws (Chap. 2, Title 30, U.S.C.):

MONTANA PRINCIPAL MERIDIAN

T. 5 S., R. 4 E.,
Sec. 36, SE¼SE¼, S½SW¼SE¼ and NW¼SW¼SE¼.
Containing 70 acres.

2. Any rights claimed under the provisions of this order shall be, as prescribed in DA–181–Montana, subject to the provisions of section 24 of the Federal Power Act, supra, and further subject to the prior rights of the licensee for Federal Power Project No. 273, and its successors and assigns, to use the lands for proper purposes as contemplated in the license; subject to the condition that the locator or his successors shall use and occupy the land for mining purposes only, and no facility or activity shall be erected or conducted thereon for such limited purposes until such time as the United States mining laws have been complied with and patents issued, and subject to the condition that the United States, its permittees and licensees shall not be held liable for any damage to the improvements placed thereon resulting from the construction, operation, and maintenance of any power project works thereon.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 11, 1964.

[F.R. Doc. 64–12926; Filed, Dec. 16, 1964; 8:45 a.m.]

[Public Land Order 3514]

[Idaho 014981]

### IDAHO

### Partly Revoking Reclamation Withdrawal, Boise Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental orders of December 5, 1902, and February 28, 1903, which withdrew lands for reclamation purposes in connection with the Boise Project, are hereby revoked so far as they affect the following-described lands;

BOISE MERIDIAN

T. 1 N., R. 7 E.,
Sec. 14, W½NW¼;
Sec. 15, NE¼NE¼.

The areas described aggregate approximately 120 acres.

2. The lands are part of the Boise National Forest. At 10:00 a.m. on January 16, 1965, they shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 11, 1964.

[F.R. Doc. 64–12927; Filed, Dec. 16, 1964; 8:45 a.m.]

[Public Land Order 3515]

[Wyoming 0309074]

### WYOMING

### Partly Revoking Reclamation Withdrawal (Lyman Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of February 23, 1940, and January 6, 1940, withdrawing lands for reclamation purposes, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 13 N., R. 116 W.,
Sec. 14;
Sec. 15, N½SW¼, N½SE¼, and SW¼SE¼;
Sec. 17, lots 1 to 4, inclusive E½, and E½W½;
Sec. 20;
Sec. 21, N½NE¼, SW¼NE¼, and NW¼;
Sec. 22, E½, SE¼NW¼, and E½SW¼;
Sec. 23, N½ and S½S½;
Sec. 25, S½;
Sec. 26, N½NW¼ and SE¼;
Sec. 27, E½NW¼ and S½;
Sec. 28, SW¼;
Sec. 29, lots 1, 2, 4, E½, and E½NW¼;
Sec. 32, NE¼NE¼;
Sec. 33, E½NW¼, and N½ SW¼;
Sec. 34, N½, SW¼SW¼, and NW¼SE¼.

The areas described aggregate 6,268.03 acres.

2. The lands are within the oil shale withdrawal of April 15, 1930, made by Executive Order No. 5327. At 10:00 a.m. on January 16, 1965, they shall be open to location under the United States Mining laws for metalliferous minerals.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 11, 1964.

[F.R. Doc. 64–12928; Filed, Dec. 16, 1964; 8:45 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Interior by R.S. 161 (5 U.S.C. 22), Title 50 of the Code of Federal Regulations is amended as set forth below. The features of these amendments are to conform the regulations with a change in internal organization of the Bureau of Sport Fisheries and Wildlife that abolished the Alaska Regional Office; to add ZIP Codes to mailing addresses listed in Title 50; to effect certain name changes made necessary by the issuance of Public Land Order 2951 (28 F.R. 1871); and Amendment No. 1 to Secretarial Order 2843 (29 F.R. 2654); and to delete the Snake River National Wildlife Refuge from the regulations. This latter Refuge was abolished by Public Land Order 3110 (28 F.R. 6874).

Inasmuch as these amendments involve minor editorial changes in Title 50, notice and public procedure thereon have been deemed unnecessary and the amendments shall become effective upon publication in the FEDERAL REGISTER.

### PART 2—FIELD ORGANIZATION

### PART 11—PROTECTION OF BALD EAGLES AND GOLDEN EAGLES

### PART 16—MIGRATORY BIRD PERMITS

**§§ 2.2, 11.9, 16.10 [Amended]**

1. The text following the section headings in §§ 2.2, 11.9, and 16.10 is amended to read as follows:

The geographic jurisdictions and addresses of the Bureau of Sport Fisheries and Wildlife regional offices are as follows:

(a) Pacific Region (Region 1—comprising the States of Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) Post Office Box 3737, Portland, Oreg., 97208.



(b) Southwest Region (Region 2—comprising the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah,

**§ 16.25 Authority to issue depredation orders to permit the killing of migratory game birds.**

### PART 33—SPORT FISHING

### Chautauqua and Crab Orchard Na-



CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard Na-

and Missouri, is permitted only on the areas designated by signs as open to

(b) Southwest Region (Region 2—comprising the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming) Post Office Box 1306, Albuquerque, N. Mex. 87103.

(c) North Central Region (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin) 1006 West Lake Street, Minneapolis, Minn., 55408.

(d) Southeast Region (Region 4—comprising: (1) The States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (2) the District of Columbia, Puerto Rico, and the Virgin Islands). Peachtree-Seventh Building, Atlanta, Ga., 30323.

(e) Northeast Region (Region 5—comprising the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia) 59 Temple Place Boston, Mass., 02111.

## PART 14—IMPORTATION OF FEATHERS OF WILD BIRDS

2. The introductory paragraph of § 14.1(b) is amended to read as follows:

**§ 14.1 Fees and applications for importation permits.**

* * * * *

(b) All persons desiring to share in the allocation of annual import quotas of skins bearing feathers of the grey jungle fowl (Gallus sonneratii), the mandarin duck (Dendronessa galericulata), and the following species of pheasant: Lady Amherst pheasant (Chrysolophus amherstiae), golden pheasant (Chrysolophus pictus), silver pheasant (Lophura nycthemera), Reeves pheasant (Syrmaticus reevesii), blue-eared pheasant (Crossoptilon auritum), and brown-eared pheasant (Crossoptilon mantchuricum), must apply during the periods specified in § 14.2 by letter addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240. The letter must contain the following information:

* * * * *

3. The introductory paragraph of § 16.9 is amended to read as follows:

**§ 16.9 Import and export permits.**

Applications for permits to import or export wild migratory birds or their parts, nests, or eggs for purposes provided in this part shall be made by letter addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, and shall contain the following information:

* * * * *

4. Paragraph (a) of § 16.14 is amended to read as follows:

**§ 16.14 Banding permits.**

* * * * *

(a) Applications for banding permits shall be made by letter addressed to the Director, Migratory Bird Populations Station, Laurel, Md., 20810.

* * * * *

5. The introductory paragraph of § 16.25 is amended to read as follows:

**§ 16.25 Authority to issue depredation orders to permit the killing of migratory game birds.**

Upon the receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, is authorized to issue by publication in the FEDERAL REGISTER a depredation order to permit the killing of such birds under the following conditions:

* * * * *

## PART 32—HUNTING

**§§ 32.11, 32.21 [Amended]**

6. Sections 32.11 and 32.21 are amended to change the name of the "Fort Peck Game Range," under Montana, to the "Charles M. Russell National Wildlife Range," and to delete the name "Snake River National Wildlife Refuge," under Idaho.

**§ 32.31 [Amended]**

7. Section 32.31 is amended to change the name of the "Fort Peck Game Range," under Montana, to the "Charles M. Russell National Wildlife Range."

## PART 33—SPORT FISHING

**§ 33.4 [Amended]**

8. Section 33.4 is amended to change the name of the "Fort Peck Game Range," under Montana, to the "Charles M. Russell National Wildlife Range," and to change the name "Buffalo Lakes National Wildlife Refuge," under Texas, to the "Buffalo Lake National Wildlife Refuge."

STEWART L. UDALL,
*Secretary of the Interior.*

DECEMBER 11, 1964.

[F.R. Doc. 64-12931; Filed, Dec. 16, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Parker River National Wildlife Refuge, Massachusetts; Correction

In F.R. Doc. 64-10082, appearing on page 13642 of the issue for Tuesday, October 6, 1964, subparagraph (2) under special conditions should read as follows to conform with the extension of the open season for hunting geese and brant in Massachusetts.

(2) The open season for hunting geese (except snow geese) on the Canada Goose Hunting Area is from December 1, 1964 through December 5, 1964, inclusive, and from December 15, 1964 through January 9, 1965, inclusive.

THOMAS A. SCHRADER,
*Acting Regional Director,*
*Boston, Massachusetts.*

DECEMBER 10, 1964.

[F.R. Doc. 64-12930; Filed, Dec. 16, 1964; 8:46 a.m.]

## PART 33—SPORT FISHING

### Chautauqua and Crab Orchard National Wildlife Refuges, Illinois

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Sport fishing on the Chautauqua National Wildlife Refuge, Illinois, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 3,700 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The open season for sport fishing on the refuge extends from 4:00 a.m. to 9:00 p.m., local time, each day during the periods: from January 1, 1965, through March 14, 1965, in designated waters of Lake Chautauqua; from January 1, 1965, through September 30, 1965, in the open area of Liverpool Lake; from March 15, 1965, through September 30, 1965, in all waters of Lake Chautauqua; and from October 1, 1965, through December 31, 1965, in designated waters of Lake Chautauqua.

(2) The use of boats, including boats powered by motors not to exceed six (6) horsepower, is permitted in the waters of Lake Chautauqua. The use of boats and motors without horsepower restriction is permitted in the waters of Liverpool Lake and the refuge borrow ditch adjacent to the main dike outside of Lake Chautauqua. Illinois boat registration and Safety Act regulations apply.

(3) The use of seines or other devices for taking minnows or other bait is prohibited.

(4) The use of live boxes is prohibited, except that owners of cottages on Lake Chautauqua may utilize them.

(5) Boats, equipment and other fishing gear may be hauled or taken across dikes only at pull-overs designated by appropriate posting.

(6) No person shall enter upon, cross over, or fish from any dike, water control structure or shoreline within the refuge except as follows: Sport fishing shall be permitted from that part of the main dike that extends for approximately 700 feet easterly from the inlet gate to the main shoreline at Boatyard No. 3, and outward from the shoreline a distance of 660 feet at each of the established boatyards on Chautauqua Lake; these areas are delineated by appropriate posting.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1965.



CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 8,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1965, through December 31, 1965, in areas designated on map as I and III; and from March 15, 1965, through September 30, 1965, daylight hours only, in area designated on map as II.

(2) The use of boats is permitted, except that no boat with motor larger than six (6) horsepower is permitted on Devils Kitchen Lake and on Little Grassy Lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1965.

W. P. SCHAEFER,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 11, 1964.

[F.R. Doc. 64-12945; Filed, Dec. 16, 1964; 8:48 a.m.]

## PART 33—SPORT FISHING

### Mark Twain National Wildlife Refuge, Illinois, Iowa and Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

ILLINOIS, IOWA AND MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 5,310 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

ILLINOIS

(1) The open season for sport fishing in the Calhoun and Batchtown Units of the Mark Twain National Wildlife Refuge extends from January 1, 1965, through October 20, 1965.

(2) The open season for sport fishing in the Gardner and Keithsburg Units of the Mark Twain National Wildlife Refuge extends from April 1, 1965, through September 30, 1965.

IOWA

(1) The open season for sport fishing on the Louisa Unit of the Mark Twain National Wildlife Refuge extends from January 1, 1965, through September 30, 1965.

MISSOURI

(1) The open season for sport fishing on the Clarence Cannon National Wildlife Refuge, a unit of the Mark Twain National Wildlife Refuge, extends from January 1, 1965, through October 15, 1965. Fishing on the Clarence Cannon National Wildlife Refuge is permitted only on Bryants Creek.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 20, 1965.

W. P. SCHAEFER,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 11, 1964.

[F.R. Doc. 64-12946; Filed, Dec. 16, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 1046 ]

[Docket No. AO–123–A28]

### MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Louisville, Kentucky, on July 14–16, 1964, pursuant to notice thereof issued on June 22, 1964 (29 F.R. 8146).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 16, 1964 (29 F.R. 15526; F.R. Doc. 64–11828) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area to include several additional counties and deletion of Montgomery County, Kentucky from the marketing area.
2. Diversion of producer milk from one pool plant to another;
3. Revision of definition of "route";
4. Provision for two accounting periods per month.
5. Classification of "waste" milk, and butterfat in dumped milk, as Class II milk;
6. Modification of shrinkage allowance with respect to interplant transfers of cream in bulk;
7. Classification of skim milk used by handler in "pancake mix" as Class II milk; and
8. Differential pricing of Class I milk and producer milk receipts at plants located in certain western Indiana counties of the marketing area and at Madisonville, Kentucky, (or, as an alternative, reduction of the Class I price differential at all regulated plants).

The notice of hearing included a proposal (No. 10) to revise the minimum marketing area route delivery performance requirements for a city plant to be fully regulated under Order No. 46. No evidence was offered on this proposal and therefore no further reference is made to the proposal and it is denied.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Revision of the Marketing Area.* The marketing area should be expanded to include 16 additional Kentucky counties. Counties which should be added to the marketing area are Logan, Butler, Edmonson, Hart, Green, Washington, Marion, Taylor, Adair, Cumberland, Casey, Russell, Clinton, Lincoln, Pulaski, and Wayne. Montgomery County, Kentucky, should be deleted from the marketing area. The handling of milk in the proposed expanded marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

Kyana Milk Producers Association proposed adding the new territory referred to above plus Trimble County, Kentucky and the counties of Scott, Jennings and Jefferson in Indiana. Proponent contended that enlargement of the marketing area as they recommended would more nearly encompass the current sales territories of handlers in the market and is needed to insure uniform pricing on milk distributed throughout such area in the interests of both producers and handlers.

The expansion should include those areas which constitute primary distribution areas for handlers covered by the order. Distribution by Louisville-Lexington-Evansville handlers in relation to that of unregulated distributors and handlers under other Federal orders, and reasonable correspondence in quality and sanitation requirements, assist in defining the area which should be included in the marketing area.

The counties which should be added are located in central and southern Kentucky, generally between the present marketing area and the Nashville, Tennessee marketing area under Federal Order No. 98. Milk is distributed throughout this entire area by Louisville-Lexington-Evansville (Order 46) regulated handlers. In Butler, Edmonson, Marion, Washington, Lincoln and Pulaski Counties, Kentucky they supply a substantial majority of the milk sold through stores. Over 70 percent of the milk sold through such outlets (the most important distribution outlets for milk in the area) in each of these six counties is supplied by Order 46 regulated handlers. In four other counties (Russell, Casey, Green and Logan) their sales accounted for approximately 50 percent of the milk sold through stores. Remaining sales in the above counties are made by Nashville regulated handlers, partially regulated handlers under Order No. 46, or local unregulated handlers.

Such 10-county area in Kentucky thus is a major sales area for Louisville-Lexington-Evansville regulated handlers. The marketing area should be extended to cover these counties in order to assure such handlers that as to their primary areas of distribution currently unregulated competitors will not be afforded significant price advantage on milk for fluid distribution there. It is expected that including the 10 counties in the marketing area would bring under full regulation as a pool handler a now partially regulated handler from Campbellsville, Kentucky (Taylor County) and a Monticello, Kentucky distributor (Wayne County) currently unregulated. There is also an unregulated distributor at Lebanon, Kentucky (Marion County) who sells milk in this 10-county area. The record evidence is not clear, however, whether this operator is a producer-distributor making no purchases from other producers.

At present no supervised classified pricing plan prevails in the 10-county area. Unregulated and partially regulated handlers have opportunity to buy milk for sale there in fluid form at prices considerably below the Class I prices paid by regulated handlers. One instance of price advantage involves the partially regulated handler from Campbellsville, Kentucky. For example, for the first five months of 1964 (the months for which price information was submitted at the hearing), this handler purchased milk, without regard to utilization, at a price approximating the Louisville-Lexington-Evansville blended price. Dairy farmers selling milk to this handler have not consistently supplied his full plant needs and supplemental milk has been bought regularly from the Louisville-Lexington-Evansville market. A high utilization of his regular dairy farmer supply is maintained at the plant, exceeding that of the average handler in the Louisville-Lexington-Evansville market. Payment on the basis of the Order 46 blended price (which reflected an average Class I use of 73 percent of producer receipts for the first 5 months of 1964) in this circumstance on milk sold in these counties provides a significant price advantage for this distributor over Louisville-Lexington-Evansville regulated handlers.

Supplemental milk for both the Campbellsville partially regulated handler and the unregulated Monticello, Kentucky distributor has been supplied by the Kyana Milk Producers Association of Louisville. The availability of such supplies enables such distributors to avoid surplus disposal problems which are inevitable when a full year-round dairy farmer supply is maintained to fill all bottling needs and to provide an adequate reserve to meet daily and seasonal fluctuations in demand. Regulation of these distributors will enable producers who have provided a portion of the reserve supplies for them to share regularly in their Class I sales at the minimum Class I price. This is appropriate since they bear the burden of the lower prices associated with the surplus disposition





of the milk when such distributors do not require it for fluid use.

Hart, Adair, Cumberland, Clinton, Wayne and Taylor Counties also should be added to the marketing area. These counties are primary sales areas of presently regulated handlers and of handlers who will become fully regulated by their sales in the other 10 counties to be added to the marketing area. Store sales of presently regulated Louisville-Lexington-Evansville handlers plus those of the Campbellsville partially regulated handler and the Monticello distributor, both of whom would become fully regulated, are not less than 57 percent of the total in any of these counties. In two of the counties their proportions of such sales amount to over 90 percent of the total. A presently unregulated Taylor County distributor sells milk in this area also. This unregulated distributor's plant, like that of the previously mentioned partially regulated handler, is located in Campbellsville. It is expected that such distributor would become fully regulated with the inclusion of his home county in the marketing area.

Order 46 handlers, or handlers who will become fully regulated by their sales in other counties to be added to the marketing area, therefore are the dominant sellers in the six-county area. Expansion of the marketing area to cover these counties is necessary to assure such handlers that unregulated distributors will not have a price advantage in purchasing milk for distribution in their primary sales area. Orderly marketing will be promoted by inclusion of these counties since all competing distributors selling milk in such areas will be placed on a uniform minimum price basis in milk procurement, and the producers supplying milk for such counties will have opportunity to share proportionately in the proceeds from Class I sales.

The enlarged marketing area described above would more nearly encompass the primary sales areas of regulated handlers. All sales of such regulated handlers would not be covered on an in-area basis, of course, since some of their routes extend even beyond this expanded marketing area. All producer milk at such regulated plants should be subject to classification pricing under the order, however, regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is classified, priced and pooled, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is subject to classification pricing under the order he would not, in fact, be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the marketing area and lead to a complete breakdown of the order.

As noted in the June 19, 1964, decision covering the Washington regional hearing on compensatory payments (29 F.R. 9002), there is no way to treat milk disposed of in the marketing area by an unregulated handler equally with producer milk other than to classify, pool and price it in a comparable manner. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize marketing conditions within the marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the marketing area and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers on a uniform basis of payments to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Other proposed counties (Jefferson, Jennings and Scott Counties, Indiana, and Trimble County, Kentucky) should not be added to the marketing area. Distribution in these counties by Order 46 handlers is quite small in relation to total county sales. On the other hand, milk distribution from other nearby regulated markets tends to be of major significance. In Scott County, Indiana, for example, Louisville-Lexington-Evansville regulated handlers sell only about 16 percent of the milk while other handlers from other Federal order markets account for most of the remainder. A similar relationship exists in the other proposed counties where sales by handlers from other regulated markets exceed those of Order 46 handlers by a considerable margin. Such areas may not be considered an integral part of the primary distribution area for Order No. 46 handlers since distributors from other markets are the dominant sellers.

Only one handler selling milk in this four-county area is not fully regulated by some Federal order. This is a Madison, Indiana distributor who is partially regulated by the Louisville-Lexington-Evansville order. About three percent of this handler's milk is distributed in the present Order No. 46 marketing area. By contrast, 60 percent of his sales are in the proposed counties where other order handlers are the dominant distributors. An expansion to include these counties thus would fully regulate under Order No. 46 the partially regulated Madison, Indiana handler whose primary competition is from other regulated markets.

Should the partially regulated handler significantly further expand his sales in the Louisville-Lexington-Evansville marketing area to any great extent he would lose his status as a partially regulated handler and automatically become fully regulated. Order No. 46 handlers thus have assurance that they will not be selling milk at a disadvantage to this handler in their own primary distribution areas. In view of the foregoing, Jefferson, Jennings and Scott Counties, Indiana and Trimble County, Kentucky should not be added to the marketing area at this time.

A proposal to delete Montgomery County, Kentucky, located on the eastern edge of the marketing area, from the marketing area, was submitted by a Morehead, Kentucky handler who is currently partially regulated under the order because of his Montgomery County sales. The Morehead handler maintains that the high price he must pay to hold his producer milk supply plus the additional cost of partial regulation make it difficult for him to compete in Montgomery County and that deletion of the county is necessary to place him on reasonable price terms with regulated handlers.

Milk for this handler's plant, located between the Louisville-Lexington-Evansville and the Tri-State order marketing areas, is supplied by producers in Fleming, Bath, Montgomery and Rowan Counties. Many producers in this general area sell milk to Tri-State order regulated handlers. Because of competition from these handlers for milk, the Morehead handler has had to pay the Tri-State order blend price for the Huntington district (Charleston-Huntington district effective April 1, 1963) in order to maintain a supply of milk for his plant.

Payment of this price has increased his cost of milk to a level considerably higher than that of his Louisville-Lexington-Evansville competitors in Montgomery County for much of the year. During 1963, for example, the Tri-State order blend price for the Charleston-Huntington district averaged slightly higher than the Louisville-Lexington-Evansville Class I price. In this connection official notice is taken of the uniform price announcements of the market administrator of the Tri-State order for 1963. At times the price paid by the handler to his producers for all milk has been as much as 50 cents higher than the Order No. 46 Class I price.

With the handler's cost of producer milk at this level there is no indication that regulation of Montgomery County is necessary to insure reasonably competitive conditions in the county. There was no showing in the record that the fully regulated handlers selling in Montgomery County would be competitively disadvantaged by deletion of the county. None of the such regulated handlers appeared to oppose its deletion. In view of the foregoing, Montgomery County, Kentucky should be deleted from the marketing area.

The redefinition of the marketing area requires no change in the three-cent per hundredweight maximum rate of administrative assessment now provided in the order. Although three or four handlers will become regulated with the inclusion of the 16 additional counties, there will not be a large increase in the amount of milk priced and pooled under the order. The additional milk involved should not on the average alter the cost of administering the order. The rate of administrative assessment is subject to review, of course, and may be reduced from the three-cent per hundredweight maximum if at any time it appears that a lower rate will cover administrative expenses.

2. *Diversion of producer milk between pool plants.* A proposal to amend the order to provide for diversions of producer milk between pool plants should be adopted. When the Louisville-Lexington and Ohio Valley orders were merged to the present Louisville-Lexington-Evansville order, the provisions of those orders which permitted such inter-plant diversions were not included in the present order. This resulted in loss of flexibility in handler operations and reduced efficiency in the allocation of milk among plants in the market. To regain the efficiencies it was proposed that the provision be placed in the order at this time.

Frequently, it is convenient and economical to move milk directly from the farm to another pool plant on a temporary basis, and yet permit the producers to remain on the payroll of the plant where their milk normally is received. In most instances, operating and accounting advantages are achieved by this procedure. In the absence of provision for inter-pool plant diversions, however, such milk must be physically received at one pool plant and then transferred to the other in order for it to remain producer milk at the plant where it is customarily received. Such transfers result in additional handling and hauling expense which in no way benefits producers or handlers.

Because of the considerable variation in the types of facilities available at pool plants in the Louisville-Lexington-Evansville market, both for fluid and nonfluid uses, milk supplies must be allocated among the plants. Providing for diversion of producer milk to other pool plants on any number of days during the month would enable handlers to move all milk surplus to bottling needs to other pool plants for bottling or manufacturing without loss of identification with the pool plant of primary association. Such a provision would minimize handling and hauling costs and permit maximum flexibility in handler operations. For these reasons, provision for diversions between pool plants should be included in the order.

3. *Revision of the route definition.* The definition of "route" should be revised to make it clear that deliveries of packaged milk through distribution points to wholesale or retail outlets are to be considered route disposition under the order. It also should be specified in the order that such deliveries are to be attributed to the plant from which the Class I milk was moved through the distribution points to wholesale or retail outlets without intermediate movement to another milk plant. The wording of the present definition of route has caused some confusion concerning sales through distribution points. The revision described above will clarify the meaning of the order in this respect without changing substantively the route definition.

A further clarification of the present route definition should be made to delete that part of the definition which excludes from route disposition any milk sales to a food processing plant which uses the milk for other than fluid consumption. In view of the structure of the other sections of the order which use this provision, this language is no longer necessary.

4. *Provision for two accounting periods per month.* The proposal to permit handlers to elect two accounting periods within a month should not be adopted.

Two accounting periods were proposed by a regulated handler for the purpose of reducing the cost (insofar as the classification and pricing provisions of the order determine such cost) of importing other source milk at times when producer milk becomes short for a portion of the month. It was alleged, for example, that producer milk supplies might be adequate for Class I bottling requirements at the beginning of the month but inadequate later in the month. Multiple accounting periods were proposed to permit greater amounts of other source milk to be allocated to Class I at such times of short local supply.

Prior to August 1 the allocation provisions called for "down-allocation" to Class II milk of receipts of other source milk, i.e., producer milk received by handlers was given high priority in Class I and other source milk was assigned in sequence beginning with Class II (lower-valued class) to the extent use in such class was available to absorb it. Such allocation provisions often resulted in the down-allocation of fluid milk products which had been classified and priced as Class I milk under another Federal order. Consequently, it was possible that in certain circumstances more milk could be priced as Class I than was actually so used. For example, under the provisions for down-allocation formerly included in the Louisville-Lexington-Evansville order other source milk was assigned to any available Class II milk at the plant in the following sequence: Unpriced other source milk and any other order milk priced as as surplus under an other Federal order were first assigned to Class II. Next, five percent of producer milk was assigned to the surplus class. Lastly, both packaged (except certain sour cream and dietary products) and Class I bulk milk from other order plants were assigned to any remaining Class II milk at the plant. Under these provisions some producer milk which actually was put to surplus use in the early part of the month might be allocated to Class I even though it was not available for Class I use at the particular time during the month when producer supplies became short. Use of two accounting periods could reduce appreciably the impact of such Class II allocation on the cost of receiving other source milk purchased as Class I milk under another order.

Three decisions, all issued June 19, 1964, by the Assistant Secretary and effective August 1, 1964, official notice of which are taken, revised and integrated the allocation provisions of most milk orders. These new provisions are adopted in the Louisville-Lexington-Evansville order. Under the new provisions, a handler supplementing his producer milk supplies with packaged Class I milk from a plant under another Federal order would have 98 percent of such milk allocated to Class I and two percent to Class II. This will provide the receiving handler essentially the same classification and pricing treatment of such milk as is applied to any quantities which might move from another regulated market into this market for direct route disposition without further obligation under this order.

As to bulk fluid milk products imported from another federally regulated market, the August 1 amendments to the various orders provide generally for proration of the transferred quantity based on the marketwide utilization of milk in the receiving market.[1] Also, the transferor market order accepts the classification assignment, or allocation, of the receiving market order. Thus, the same amount of milk will be priced in the shipping market as Class I and Class II as is assigned to these classes in the receiving market. No milk will be assigned to Class II in the receiving market which is required to be paid for as Class I in the shipping market. Moreover, the quantities of bulk milk transferred between regulated markets which will be assigned to Class II are greatly reduced as compared with the prior provisions for down-allocation to the full extent of the receiving handler's Class II use.

Under such marketwide proration, the maximum quantity of bulk imports from another regulated market to meet an Order No. 46 handler's fluid requirements which would be allocated to Class II ordinarily would not exceed 30 percent of the quantity imported since the marketwide Class II use has exceeded this percentage in only three of the last 17 months (through May 1964). During the fall months when producer supplies are at the seasonal low, the Class II use of producer receipts for the market averages only about 20 percent. Marketwide proration in this manner would apply, of course, for each period if multiple accounting periods were employed. Since the same proration would apply whether there was one or more than one accounting period within the month, providing for more than one accounting period would serve little purpose with regard to receipts of milk from other order plants.

[1] In some instances the transferee-handler's percentage of Class II use may be higher than the market percentage, in which case his percentage is used. In any case, the amount allocated to Class II may not exceed the transferee-handler's volume in such class.



It would virtually never be necessary for a handler to go outside the Federal order system to obtain supplies necessary to meet a temporary shortage of local producer milk. Milk received by a handler but not subject to classification pricing under any Federal order, as pointed out in the June 19 decisions, presents a danger to the Federal order unless such milk is properly allocated, along with producer milk, to the total available utilization at the regulated plant, and is subject to an appropriate rate of payment to the producer-settlement fund when it is allocated to Class I. When such milk from unregulated plants is sold for fluid use in a Federal order market in competition with milk classified and priced under the order, means for integrating it into the regulatory scheme must be provided.

Such means was provided by the June 19 decision and subsequent order amendments. Having adopted provisions in various orders which give appropriate treatment to milk from unregulated sources throughout the order system, there is no apparent need to give further accommodation to it by adopting additional provisions to the disadvantage (in classification) of producer milk. Adoption of multiple accounting periods with respect to such milk holds open this possibility.

It may be noted in this connection that in the unlikely event a handler must obtain milk from a plant not regulated under any Federal order to supplement producer supplies, such milk would receive a classification on a pro-rata basis with all milk from regulated sources received at the plant if the receiving handler has Class I utilization of at least 80 percent for the month. In the circumstance of short producer milk supply cited by proponent, this would permit assignment of a major portion of any such imported milk directly to Class I milk even with the monthly accounting plan. The obligation to the pool on such milk in Class I is computed at the difference between the Class I price and blend price for producer milk. It is therefore concluded that no additional provisions are appropriate further to reduce order obligations on handlers with respect to supplemental supplies of other source milk received from handlers regulated by another order or from unregulated handlers. The provision for two accounting periods should not be adopted.

5. *Classification of butterfat in fluid milk products dumped.* Butterfat in fluid milk products which are dumped should be Class II milk.

A handler proposed that the order (1) permit butterfat in fluid milk products dumped to be accounted for as so disposed of and therefore to be classified as Class II milk, and (2) to include in Class II milk also any wasted product resulting from broken containers, in addition to the shrinkage of fluid milk products up to a maximum two percent which is now assignable to Class II milk.

It is concluded that butterfat in fluid milk products dumped should be Class II milk. In the case of route returns of certain fluid milk products, such as homogenized milk and milk products or chocolate milk, it is difficult and impractical to salvage the butterfat for further use unless the plant can dispose of it as livestock feed (also a Class II use). Most of the regulated plants, particularly small plants, have no facilities for the further processing of route returns into manufactured products.

Skim milk in products dumped presently may be classified as Class II milk if the market administrator has been notified in advance of the contemplated dumping action and afforded an opportunity to verify it. Likewise, the dumping of butterfat in fluid milk products should be made only on advance notification to the market administrator with opportunity given for him to verify it. With the safeguard of verification provided, there was no objection to the proposal and it is adopted on such basis.

The proposal to classify as Class II milk any "waste" milk or milk product resulting from broken containers either in the plant or on routes over and above the quantities thereof permissible as Class II under the present shrinkage allowance and dumping provisions should not be adopted.

Although handlers suffer losses when containers are broken, it is not reasonable to pass back to the producer this cost of operating a milk plant. To grant the proposal would assess against the producer a cost brought about not by lack of efficiency or responsibility on his part but by lack of efficiency or responsibility of persons or equipment over which only the handler has control. The proposal would not encourage maximum efficiency in milk handling. The handler has bought the milk on delivery to his plant. It is his problem to handle it efficiently. Moreover, it would be impracticable for the market administrator to verify each loss resulting from a container broken either in a plant or on a route.

6. *Revision of the shrinkage allowance on bulk cream.* The amount of allowable shrinkage in Class II milk with respect to interplant transfers of bulk cream should be modified.

The present order allows only 0.5 percent shrinkage in Class II milk at the transferor plant on all fluid milk products transferred in bulk to another plant, pool or nonpool. A handler proposed to limit such 0.5 percent Class II shrinkage allowance (in the first plant) to bulk transfers of fluid whole milk between pool plants. Under this proposal, transfers of other fluid milk products, either in cans or in bulk to another pool plant, would not be subject to such limitation of 0.5 percent in the transferor plant and therefore the maximum two percent allowance in Class II would be applied thereto.

Proponent witness stated that while his company is able to operate within such 0.5 percent shrinkage allowance on transfers of whole milk to other pool plants, cream frequently accrues at its pool plant and must be moved to a nonpool butter, or ice cream manufacturing, plant for processing. When this occurs, the 0.5 percent allowance is not adequate to cover the original separation of the cream in the transferor pool plant, causing "excess" losses of butterfat in most months and a resulting Class I classification of the excess amounts.

Another handler suggested a modification of the above proposal to limit the 0.5 percent shrinkage allowance on any transfers of fluid whole milk in bulk to nonpool plants as well as to other pool plants. While this provision would allow shrinkage up to two percent on bulk cream transferred to other plants, pool or nonpool, the 0.5 percent limitation would continue to apply to transfers of fluid whole milk to both pool and nonpool plants as under the present order.

Normally, a greater shrinkage is experienced in the processing operation than in the single function of receiving. The proposal for division of shrinkage between plants recognizes the separate receiving and processing functions, giving only a minor portion of the shrinkage allowance to the plant where the milk is received and without processing is shipped to other plants, and assigning the larger portion of the allowance to the plant where the milk is actually processed.

Such division of shrinkage continues to be appropriate. However, an exception should be made when the handler receives and separates the milk in the first plant and transfers the resulting cream to other plants. In such case the handler should be permitted the additional 1.5 percent allowance at the transferor-plant inasmuch as the principal processing function, as well as the receiving function, would have been performed there with respect to the milk represented by the bulk cream transfers. The record does not indicate that similar exception should apply, however, with respect to any fluid milk product other than bulk cream, and therefore the amendment adopted applies only to transfers of bulk cream.

7. *Classification of fluid milk products used in pancake mix.* Fluid milk products utilized in pancake mix should be reclassified from Class I to Class II milk.

One handler in recent months introduced to the market a product distributed under the label "pancake mix". This product, processed in the handler's regulated plant, consists principally of skim milk and commercial bakery mix (flour, yeast, sugar, etc., as indicated on the container) prepared by a large food company in the ratio of 120 pounds of fluid skim milk to each 100 pounds of bakery mix. It has a thick consistency although it will pour from its container. The handler claimed the use of such skim milk in this product, processed in his pool plant, to be a "surplus" use, and proposed that the skim milk so utilized be reclassified from Class I to Class II milk to be priced equivalent to other surplus uses.

The use of skim milk in such product is not comparable with the fluid uses of milk and skim milk which are disposed of in "fluid milk products". Once mixed the skim milk cannot be recovered from the product to be reused in fluid form. Use in the handler's plant is appropriately compared with similar product use by commercial food processors not in the business of handling fluid milk. Similar use of skim milk in pancake mix is Class II milk under the present

order when prepared by a commercial bakery or similar food processing establishment using fluid skim milk received by transfer from a regulated handler's plant. There was no opposition to the reclassification requested.

It is concluded, therefore, that the fluid milk product definition should be modified to exclude pancake mix (fluid or frozen), thus effecting the reclassification of any skim milk or butterfat used therein to Class II milk.

8. *Class I price proposals.* The proposals to reduce the Class I and uniform prices at plants located in the western portion of the marketing area should not be adopted. Also, an alternative proposal to reduce the Class I price by 25 cents on a marketwide basis should not be adopted.

Two handlers at Evansville, Indiana, joined in proposals having the principal objective of reducing the Class I and blend prices at plants in Evansville, Indiana, and in other western portions of the marketing area, by 25 cents per hundredweight. One proposal would do this by making price adjustments based on plant location. An alternative method suggested would change the stated Class I differential (over the basic formula price) in the order from $1.29 to $1.04 per hundredweight, with the effect of an across-the-board decrease in Class I prices of 25 cents at all regulated plants irrespective of location.

Another handler at Holland, Indiana, proposed that the Class I and blend prices for milk delivered to plants located at Tell City, Indiana, and at other Indiana locations within the marketing area lying west of Indiana State Highway No. 37 be reduced by 15 cents per hundredweight, as an adjustment for location.

a. *Reduction in Class I price differential.* The separate proponents had similar objectives, i.e., closer alignment of the Class I prices at their plant locations with minimum Class I prices effective under the Suburban St. Louis market order, particularly for plant locations in southeastern and southern Illinois. Proponents distribute 50 percent or more of their bottled milk throughout the western portion of the Louisville-Lexington-Evansville (Order No. 46) marketing area where certain southern Illinois handlers also distribute milk.

Proponents testified to important and growing competition for fluid milk sales within the western portion (particularly the Indiana counties) of the marketing area from Illinois handlers with milk priced under the Suburban St. Louis order. They pointed to the difference in the minimum Class I price levels applicable under the Suburban St. Louis and Louisville-Lexington-Evansville orders, contending that Suburban St. Louis handlers can purchase milk at minimum prices which proponents deem unduly out of line with minimum prices under the Louisville-Lexington-Evansville order. Because there is a seasonal differential of 40 cents from high to low in the Suburban St. Louis order Class I price and the Louisville-Lexington-Evansville order provides a "flat" Class I price differential throughout the year, there are certain months when Suburban St. Louis handlers enjoy a significantly lower price relative to Louisville-Lexington-Evansville handlers. Proponents testified that Suburban St. Louis handlers take advantage of this price difference to obtain new store accounts during the months of seasonally low prices. This, they contend, has resulted in the loss of some local wholesale accounts which were being served by proponents. They claim also that in meeting the competitive price level to hold other accounts their resale prices in the Indiana counties have been reduced.

The supply-demand adjustor in Order No. 46 reflects the relationship between producer receipts and Class I sales of handlers regulated under the order so as to increase the Class I price when sales increase relative to receipts and decrease the price when receipts increase relative to sales. This provides a price incentive to attract an adequate supply of milk for Class I use by handlers regulated under the order. The supply-demand adjustments have been substantially on the plus side since September 1962. During 1963 they averaged 19 cents per hundredweight and in the first seven months of 1964 they averaged 20 cents per hundredweight.

For the 12 months ending with June 1964 producer receipts increased 6.17 percent over the 12 months ending with June 1963 while Class I use of producer milk increased 7.47 percent for the same period. Class I utilization for the market for the 12 months immediately preceding the hearing amounted to 74.8 percent of producer receipts. Thus, it does not appear that the Class I price provisions, inclusive of the plus supply-demand adjustments since 1962, have resulted in a price level which may be considered unreasonably high in terms of attracting an adequate supply of milk for the market as a whole, including the necessary reserves to meet sales fluctuations. Such supply-sales conditions also indicate that any reduction in the Class I price level in a portion of the marketing area might necessitate an offsetting price increase in the remaining portion of the market to maintain gross returns to producers for Class I milk and thus assure an adequate supply of milk on a marketwide basis. To reduce the Class I differential by 25 cents on a marketwide basis would not be appropriate in these circumstances.

b. *Location pricing.* The Class I price structure should be one which will assure that sufficient milk will be moved to the more populous centers of this elongated marketing area to meet Class I needs. Thus, the Class I price at Evansville should be at a level which will attract a supply of milk to fulfill Class I needs at plants in that location. The proponent handlers at Evansville have expanded their sales in other areas, particularly to the south in competition with handlers regulated under the Nashville order. While inter-order competition has resulted in sales shifts it was not shown that there is a reduced need for milk for Class I use at proponents' plants because of the competition from milk under the Suburban St. Louis order. Since supplies produced close to Evansville are not adequate to meet the requirements of Evansville plants, a Class I price at that location which is somewhat higher than that applicable in the adjacent rural area of southeastern Illinois is reasonable in view of the need to attract the substantial quantities of milk needed for this urban community.

Evansville handlers receive milk from approximately 350 producers. About 200 of these producers have farms in nearby southwestern Indiana counties and the farms of about 40 producers are located about 75 miles north of Evansville in the State of Illinois. The remaining producers have their farms in Kentucky. Approximately 75 of the farms of the Kentucky producers supplying the Evansville handlers are located in Logan, Edmonson and Grayson Counties which are 80–100 miles south of Evansville.

About one-fifth of the producers now shipping milk to Evansville handlers, mainly those located in the south-central Kentucky counties of Logan, Edmonson and Grayson, are located as near or nearer to Nashville or Louisville than to Evansville. Evansville handlers thus compete for about 20 percent of their supplies of milk in production areas which are closer to other plants under the Louisville-Lexington-Evansville and Nashville orders, at which Class I or blend price levels would not be affected by proponents proposed change in location adjustments. It is reasonable to expect that these producers would ship their milk to such other outlets where prices would be higher in the event the price at Evansville were lowered appreciably. Since Evansville handlers indicated a Class I utilization higher than the market average, it must be presumed that any significant loss of such producers because of an uncompetitive blend price level would require them to seek other supplies.

The Evansville handlers did not demonstrate, however, that other supplies of milk were available to them at lower prices. The only evidence of the cost of alternative supplies was a reference to two loads of milk brought into the market from Wisconsin during October 1963. The net cost of this milk was stated to be 40 cents per hundredweight above the Order No. 46 Class I price (including a plus 27-cents supply-demand adjustment). It should be pointed out in this connection, however, that the seasonal Class I differential under the Chicago order (the supply source) is at its highest seasonal level in October. There was no evidence that there is milk available to them at lower cost from the nearby Suburban St. Louis market or that producers who now ship to that market are readily available for association with the Evansville market even though the minimum blend price at Evansville is higher than at southern Illinois plants under the Suburban St. Louis order.

Plants at Madisonville, Russellville, Hopkinsville and Bowling Green have generally common supply and sales areas. It is doubtful that the Madisonville and Russellville plants under Order No. 46 could attract supplies of milk at the prices which would result under this proposal since the Class I and blend prices at such locations would be significantly lower than prices applicable at the nearby plants in Hopkinsville and Bowling Green, Kentucky, under the Paducah and Nashville orders, respectively.

While not to the same degree, the proposal of the handler at Holland, Indiana, for a 15-cent location adjustment at plants in certain locations in the Indiana portion of the marketing area would result in price misalignment if adopted for the Evansville and Madisonville locations as well as for the Holland area. If adopted only for a more confined area such as Holland and Tell City, it would create misalignments between Order No. 46 plants, that is, between the Holland plant and plants at Evansville, Indiana, and Owensboro, Kentucky. Thus, this proposal likewise would tend to shift price differences to new locations with little apparent improvement in marketing conditions for either handlers or producers.

In view of the foregoing, we may not conclude that the Class I price at Evansville should be reduced. This hearing did not open up, of course, reconsideration of the pricing structure of the Suburban St. Louis market. The Department announced on November 5, 1964, however, it would review the Class I price level of the latter market and the scope of the marketing area regulated. All interested parties are invited to submit proposals for review at an early hearing. Thus, further opportunity is provided to consider whether the alignment of Suburban St. Louis prices with prices in adjacent markets may be improved.

It was requested in the exceptions that a final decision on the Class I price issue only be delayed until after the Suburban St. Louis hearing. The handler contended that the findings and conclusions on Class I pricing should be reconsidered in light of whatever evidence is adduced at that hearing. He maintained that such evidence might provide a basis for both raising the Suburban St. Louis Class I price and lowering the Class I price in the western portion of the Louisville-Lexington-Evansville marketing area.

The evidence on marketing conditions obtained at this hearing does not warrant any decrease in the Order No. 46 Class I price at this time. No good purpose would be served by delaying issuance of a final decision on the Class I price issue. The Class I price level remains the same whether or not the order included as part of this decision becomes effective since the present order Class I price provisions are not changed by any amendment included in this decision. The request therefore must be denied.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order, as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his prorata share of such expense, three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to: producer milk and milk received from a cooperative association as a handler pursuant to § 1046.8(c); other source milk allocated to Class I pursuant to § 1046.46(a) (3) and (7) and the corresponding steps of § 1046.46(b); and Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Referendum order; determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Louisville - Lexington - Evansville marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of October 1964 is hereby determined to be the representative period for the conduct of such referendum.

J. E. Bobo is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on December 11, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area*

**§ 1046.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, three cents per hundredweight or such amount not to exceed three cents per hundredweight as the Secretary may prescribe, with respect to: (i) Producer milk and milk received from a cooperative association as a handler pursuant to § 1046.8(c); (ii) Other source milk allocated to Class I pursuant to § 1046.46(a) (3) and (7) and the corresponding steps of § 1046.46(b); and (iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

*Order relative to handling—It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1046.6 is revised to read as follows:

**§ 1046.6 Louisville-Lexington-Evansville marketing area.**

The "Louisville-Lexington-Evansville marketing area", hereinafter called the "marketing area", means all the territory geographically within the counties listed below and all territory wholly or partly therein occupied by municipal corporations and institutions owned or operated by Federal, State or local governments:

INDIANA COUNTIES

| | |
|---|---|
| Clark. | Orange. |
| Crawford. | Perry. |
| Daviess. | Pike. |
| Dubois. | Posey. |
| Floyd. | Spencer. |
| Gibson. | Vanderburgh. |
| Harrison. | Warrick. |
| Knox. | Washington. |
| Martin. | |

KENTUCKY COUNTIES

| | |
|---|---|
| Adair. | Jessamine. |
| Anderson. | Larue. |
| Bourbon. | Lincoln. |
| Boyle. | Logan. |
| Breckinridge. | Madison. |
| Bullit. | Marion. |
| Butler. | McLean. |
| Casey. | Meade. |
| Clark. | Mercer. |
| Clinton. | Muhlenberg. |
| Cumberland. | Nelson. |
| Daviess. | Ohio. |
| Edmonson. | Oldham. |
| Fayette. | Pulaski. |
| Franklin. | Russell. |
| Garrard. | Scott. |
| Grayson. | Shelby. |
| Green. | Spencer. |
| Hancock. | Taylor. |
| Hardin. | Union. |
| Hart. | Washington. |
| Henderson. | Wayne. |
| Henry. | Webster. |
| Hopkins. | Woodford. |
| Jefferson. | |

2. Section 1046.14 is revised to read as follows:

**§ 1046.14 Producer milk.**

"Producer milk" means that skim milk and butterfat contained in milk of a producer which is:

(a) Received from producers at a pool plant for the account of the person operating such plant. When milk is withdrawn at more than one pool plant from the same load delivered by a farm tank pickup truck, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn unless:

(1) There is an agreement among the operators of the pool plants receiving such milk providing for other receiving handler(s) to report and pay for all or a portion of such milk; or

(2) The milk involved is that which is delivered to pool plants for the account of a cooperative association pursuant to § 1046.8(c).

(b) Diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the pool plant from which it is diverted.

(c) Diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant or a cooperative association, subject to the following conditions:

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted; and

(2) Producer milk pursuant to this paragraph shall not include the milk of any person during any of the months of October, November, January and February on days on which it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month.

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

3. Section 1046.15 is revised to read as follows:

**§ 1046.15 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, pancake mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers.

4. Section 1046.17 is revised to read as follows:

**§ 1046.17 Route.**

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a milk plant(s). A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets without intermediate movement to another milk plant.

5. In § 1046.41, paragraph (b) (4) and (7) is revised to read as follows:

**§ 1046.41 Classes of utilization.**

* * * * * *

(b) * * *

(4) Disposed of for livestock feed, or in fluid milk products dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping.

* * * * *

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1046.42(b) (1), but not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, physically received directly from producers' farms and by diversion from other pool plants; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), except that if the handler operating such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1046.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements, the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk (except bulk cream) as a transfer from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk (except bulk cream) from a pool plant to other plants; and plus

(vii) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c), unless the exception provided in subdivision (ii) of this subparagraph applies; and

6. In § 1046.44, paragraphs (a) and (b) are revised to read as follows:

**§ 1046.44 Transfers.**

* * * * *

(a) At the utilization reported pursuant to § 1046.30 by the operator(s) of both plants, otherwise as Class I milk, if transferred or diverted by the operator of a pool plant or a cooperative association in its capacity as a handler pursuant to § 1046.8(c) to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1046.46(a) (8) and the corresponding step of § 1046.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1046.46(a) (3) and the corresponding step of § 1046.46 (b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1046.46(a) (7) or (8) and the corresponding steps of § 1046.46(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) If a specified utilization of skim milk and butterfat transferred or diverted to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignment pursuant to § 1046.46(a) (8) and the corresponding step of § 1046.46(b), and after assignment of milk for which specified classification has been claimed by handlers pursuant to paragraph (a) of this section.

* * * * *

[F.R. Doc. 64-12932; Filed, Dec. 16, 1964; 8:46 a.m.]





# ATOMIC ENERGY COMMISSION

## [ 10 CFR Parts 30, 31, 32, 33, 34, 35, 36 ]

## LICENSING OF BYPRODUCT MATERIAL

### Proposed Recodification

Notice is hereby given that the Atomic Energy Commission is considering recodification of its regulations—"Licensing of Byproduct Material", 10 CFR Part 30 and "Radiation Safety Requirements for Radiographic Operations", 10 CFR Part 31.

In the proposed recodification, common requirements applicable to all byproduct material licensing would be retained in Part 30 while the remainder of the sections would be relocated in proposed new parts designated Parts 31,[1] 32, 33, 34, 35 and 36, each of which would be applicable to certain classes or categories of uses or users of byproduct material. The requirements of Parts 31–36 would be in addition to those of Part 30 and other applicable provisions in the Commission's regulations.

The parts as recodified would be:

Part 30—Rules of General Applicability to Licensing of Byproduct Material: This part would include licensing and related provisions which apply generally to all byproduct material users, licensees or applicants for licenses, and would include such matters as definitions; exemptions; general requirements for specific licenses; common terms and conditions of licenses; inspections, records and tests; and enforcement procedures.

Part 31—General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items: This part would include general licenses for quantities of and items containing byproduct material. It would not include general licenses for export and certain of the general licenses for import, which would be set out in Part 36, or general licenses for medical uses, if any, which would be set out in Part 35.

Part 32—Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material: This part would include the special requirements applicable to specific licenses to manufacture, distribute, or import byproduct material or items containing byproduct material for distribution to persons exempted under Part 30 or generally licensed under Parts 31 or 35.

Part 33—Specific Licenses of Broad Scope for Byproduct Material: This part would include provisions applicable to licenses for multiple quantities and types of byproduct material under which activities involving the use of byproduct material in processing for distribution and research and development are carried on.

Part 34—Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations: This part would include the licensing requirements for use of sealed sources in radiography (presently set out in § 30.24(g) of Part 30) and the radiation safety requirements for persons holding licenses for radiography now contained in Part 31.

Part 35—Human Uses of Byproduct Material: This part would include the special requirements for (1) licensing of individual physicians for human use of byproduct material, (2) licensing of human use of byproduct material in sealed sources and (3) licensing of human use of byproduct material in institutions, now set out in § 30.24 (a), (b) and (c) of Part 30. It would also include any general licenses for human use of byproduct material.

Part 36—Export and Import of Byproduct Material: This part would include the requirements for specific licenses, the general licenses and other provisions relating to export and import of byproduct material. Proposed Part 36 does not presently contain provisions respecting import.

Each proposed recodified section is followed by a citation in brackets to the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each part to permit easy comparison of the old regulations with the new. When finally adopted, Parts 30–36 will include the substance of any applicable rules or amendments adopted and made effective during the period between the date of this notice and the effective date of the final rule.

The purpose of the recodification of Part 30 is to simplify and clarify the format of the present regulations, so that persons subject to byproduct material licensing regulations can conveniently use and understand them. No substantive changes have been made, and thus the requirements under the present regulations will not be changed by the proposed recodification. The only additions or deletions made are minor editorial changes and the elimination of repetition and of obsolete provisions. Since the proposed amendment would effect no substantive changes in the regulations, notice and public procedure thereon are not required under the Administrative Procedure Act; however, the Commission wishes to give interested parties the op-

[1] The provisions of present Part 31 would be incorporated in a Part 34, and Part 31 would be reassigned to General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items. Parts 32–36 are open numbers.

portunity to submit written comments, criticisms and suggestions for improvement. Comments should be submitted to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

In consideration of the foregoing, it is proposed to amend Chapter 1 of Title 10 of the Code of Federal Regulations by deleting Parts 30 and 31 and substituting therefor new Parts 30, 31, 32, 33, 34, 35 and 36 reading as hereinafter set forth.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 3d day of December 1964.

For the Atomic Energy Commission.

F. T. HOBBS,
*Assistant Secretary to the Commission.*

## PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

GENERAL PROVISIONS


Sec.
30.1 Purpose and scope.
30.2 Resolution of conflict.
30.3 Activities requiring license.
30.4 Definitions.
30.5 Interpretations.
30.6 Communications.

EXEMPTIONS

30.11 Exemptions from licensing.
30.12 Persons operating Commission-owned facilities.
30.13 Carriers.
30.14 Exempt concentrations.
30.15 Certain luminous timepieces.
30.16 Lock illuminators installed in automobile locks.
30.17 Balances of precision.

LICENSES

30.31 Types of licenses.
30.32 Applications for specific licenses.
30.33 General requirements for issuance of specific licenses.
30.34 Terms and conditions of licenses.
30.35 References in licenses outstanding on effective date of recodification of this part.
30.36 Expiration of licenses.
30.37 Applications for renewal of licenses.
30.38 Applications for amendment of licenses.
30.39 Commission action on applications to renew or amend.

RECORDS, INSPECTIONS AND TESTS

30.51 Records.
30.52 Inspections.
30.53 Tests.

ENFORCEMENT

30.61 Modification and revocation of licenses.
30.62 Right to withhold or recall byproduct material.
30.63 Violations.

SCHEDULES

30.70 Schedule A—Exempt concentrations.


AUTHORITY: The provisions of this Part 30 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 82, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2112, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958; 42 U.S.C. 2273, § 30.34(c) issued under sec. 161 b., 68 Stat. 948; 42 U.S.C. 2201 (b) and §§ 30.51 and 30.52 issued under sec. 161 p., 68 Stat. 950; 42 U.S.C. 2201(p).

GENERAL PROVISIONS

### § 30.1 Purpose and scope.

This part prescribes rules governing licensing of byproduct material under the Atomic Energy Act of 1954, as amended (68 Stat. 919), and exemptions from the licensing requirements permitted by section 81 of the Act, applicable to all persons in the United States.

[§§ 30.1, 30.2]

### § 30.2 Resolution of conflict.

The requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In any conflict between the requirements in this part and a specific requirement in another part of the regulations in this chapter, the specific requirement governs.

### § 30.3 Activities requiring license.

Except for persons exempt as provided in this part and Part 150 of this chapter, no person shall manufacture, produce, transfer, receive, acquire, own, possess, use, import or export byproduct material except as authorized in a specific or general license issued pursuant to the regulations in this chapter.

[§ 30.3]

### § 30.4 Definitions.

As used in this part and Parts 31–36 of this chapter:

(a) "Act" means the Atomic Energy Act of 1954, including any amendments thereto;

[§ 30.4(a)]

(b) Terms defined in section 11 of the Act shall have the same meaning when used in the regulations in this part and Parts 31–36 to the extent such terms are not specifically defined in this part;

[§ 30.4 (q)]

(c) "Agreement State" means any State with which the Commission has entered into an effective agreement under subsection 274 b. of the Act. "Non-agreement State" means any other State;

[§ 30.4 (u)]

(d) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

[§ 30.4(b)]

(e) "Commission" means the Atomic Energy Commission and its duly authorized representatives;

[§ 30.4 (c)]

(f) "Curie" means that amount of radioactive material which disintegrates at the rate of 37 billion atoms per second;

[§ 30.4(d)]

(g) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

[§ 30.4 (v)]

(h) "Human use" means the internal or external administration of byproduct material, or the radiation therefrom, to human beings;

[§ 30.4(e)]

(i) "License", except where otherwise specified means a license for byproduct material issued pursuant to the regulations in this chapter;

[§ 30.4(f)]

(j) "Microcurie" means that amount of radioactive material which disintegrates at the rate of 37 thousand atoms per second;

[§ 30.4(g)]

(k) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing;

[§ 30.4(h)]

(l) "Physician" means an individual licensed by a State or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine;

[§ 30.4(i)]

(m) "Production facility" means production facility as defined in the regulations contained in Part 50 of this chapter;

[§ 30.4(j)]

(n) "Radiographer" means any individual who performs or who, in attendance at the site where the sealed source or sources are being used, personally supervises radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of the Commission's regulations and the conditions of the license;

[§ 30.4(r)]

(o) "Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses radiographic exposure devices, sealed sources or related handling tools, or survey instruments in radiography;

[§ 30.4(s)]

(p) "Radiography" means the examination of the structure of materials by nondestructive methods, utilizing sealed sources of byproduct materials;

[§ 30.4(t)]

(q) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes. "Research and development" as used in this part and Parts 31–36 does not include the internal or external administration of byproduct material, or the radiation therefrom, to human beings;

[§ 30.4(k)]

(r) "Sealed source" means any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material;

[§ 30.4(l)]

(s) "Source material" means source material as defined in the regulations contained in Part 40 of this chapter;

[§ 30.4(m)]

(t) "Special nuclear material" means special nuclear material as defined in the regulations contained in Part 70 of this chapter;

[§ 30.4(n)]

(u) "United States", when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone and Puerto Rico;

[§ 30.4(o)]

(v) "Utilization facility" means a utilization facility as defined in the regulations contained in Part 50 of this chapter.

[§ 30.4(p)]

### § 30.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part and Parts 31–36 by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

[§ 30.5]

### § 30.6 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and Parts 31–36 and applications filed under them, should be addressed to the United States Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Materials Licensing. Communications and reports may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

EXEMPTIONS

### § 30.11 Exemptions from licensing.

The Commission may upon the application of any interested person, or upon its own initiative, exempt certain classes or quantities of byproduct material or kinds of uses or users from the requirements for a license set forth in section 81 of the Act and in the regulations in this part and Parts 31–36 when it makes a finding that the exemption of such classes or quantities of such material or such kinds of uses or users will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

[§ 30.8]

### § 30.12 Persons operating Commission-owned facilities.

Any person is exempt from the requirements for a license set forth in section 81 or 82 of the Act and from the regulations in this part and Parts 31–36 to the extent that such person operates Commission-owned plants and laboratories on behalf of the Commission. In any such case, such person's obligations with respect to the byproduct material are covered by the applicable contract between such person and the Commission.

[§ 30.6]

### § 30.13 Carriers.

Common and contract carriers and the United States Post Office Department are exempt from the regulations in this part and Parts 31–36 and the requirements for a license set forth in section 81 of the Act to the extent that they transport byproduct material in the regular course of their business as carriers.

[§ 30.7]

### § 30.14 Exempt concentrations.

(a) Except as provided in paragraphs (c) and (d) of this section, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part and Parts 31–36 of this chapter to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing byproduct material in concentrations not in excess of those listed in § 30.70.

[§ 30.9(a)]

(b) This section shall not be deemed to authorize the import of byproduct material or products containing byproduct material.

[§ 30.9(b)]

(c) A manufacturer, processor, or producer of a product or material in an agreement State is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part and Parts 31, 32, 33, 34 and 36, to the extent that he transfers byproduct material contained in a product or material in concentrations not in excess of those specified in § 30.70 and introduced into the product or material by a licensee holding a specific license issued by an agreement State or the Commission expressly authorizing such introduction. This exemption does not apply to the transfer of byproduct material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

[§30.9(c)]

(d) Notwithstanding the provisions of this section and § 30.34(c), no person may introduce byproduct material into a product or material knowing or having reason to believe that it will be transferred to persons not licensed by the Commission or by an agreement State, except in accordance with a license issued pursuant to § 32.11 of this chapter.

[§ 30.32(f)]

### § 30.15 Certain luminous timepieces.

(a) Except for persons who apply tritium to luminous timepieces or hands or dials and persons who import for sale or distribution luminous timepieces or hands or dials containing tritium, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns or acquires luminous timepieces or hands or dials containing tritium.

(b) Any person who desires to apply tritum to luminous timepieces or hands or dials for sale or distribution, or desires to import for sale or distribution luminous timepieces or hands or dials containing tritium, should apply for a specific license, pursuant to § 32.14 of this chapter, which license states that the luminous timepieces or hands or dials may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

[§ 30.10]

### § 30.16 Lock illuminators installed in automobile locks.

Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that he receives, possesses, uses, transfers, exports, owns or acquires lock illuminators each containing not more than 15 millicuries of tritium installed in an automobile lock. The manufacture, installation into automobile locks, or importation for sale or distribution of lock illuminators whether or not installed in automobile locks, is not included in this exemption, but may be authorized by a specific license under the provisions of Part 32 of this chapter.

[§ 30.12]

### § 30.17 Balances of precision.

(a) Except for persons who apply tritium to balances of precision or the parts thereof and persons who import for sale or distribution balances of precision or the parts thereof containing tritium, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that he receives, possesses, uses, transfers, exports,[1] owns or acquires such balances or balance parts, provided that each balance part contains not more

[1] Export shipment of precision balances is subject to the licensing authority and regulations of the Department of Commerce. Issuance of an exemption by the Atomic Energy Commission for export of tritium contained in balances of precision or the parts thereof does not relieve any person from complying with the licensing requirements and regulations of the Department of Commerce.

than 0.5 millicurie of tritium and each balance contains not more than 1.0 millicurie of tritium.

(b) Any person who desires to apply tritium to balances of precision or the parts thereof for sale or distribution or desires to import for sale or distribution balances of precision or the parts thereof containing tritium, should apply for a specific license, pursuant to § 32.18 of this chapter, which license states that the balances of precision or the parts thereof may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

[§ 30.14]

LICENSES

### § 30.31 Types of licenses.

Licenses for byproduct material are of two types: General and specific. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part and Parts 32–36. General licenses are effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons.

[§ 30.20]

### § 30.32 Applications for specific licenses.

(a) Applications for specific licenses shall be filed on Form AEC 313, "Application for By-Product Material License", with the United States Atomic Energy Commission, 1717 H Street NW., Washington, D.C., 20545, Attention: Director, Division of Materials Licensing, and shall set forth the information called for by the form. Information contained in previous applications, statements or reports filed with the Commission may be incorporated by reference, provided that such references are clear and specific.

(b) The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked.

(c) Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.

(d) An application for license filed pursuant to the regulations in this part and Parts 32–36 will be considered also as an application for licenses authorizing other activities for which licenses are required by the Act, provided that the application specifies the additional activities for which licenses are requested and complies with regulations of the Commission as to applications for such licenses.

[§ 30.22]

### § 30.33 General requirements for issuance of specific licenses.

(a) An application for a specific license will be approved if:

(1) The application is for a purpose authorized by the Act;

(2) The applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property;

(3) The applicant is qualified by training and experience to use the material for the purpose requested in such manner as to protect health and minimize danger to life or property; and

(4) The applicant satisfies any special requirements contained in Parts 32–36.

[§ 30.23]

(b) Upon a determination that an application meets the requirements of the Act, and the regulations of the Commission, the Commission will issue a specific license authorizing the possession and use of byproduct material (Form AEC 374, "Byproduct Material License").

[§ 30.31(a)]

### § 30.34 Terms and conditions of licenses.

(a) Each license issued pursuant to the regulations in this part and the regulations in Parts 31–36 shall be subject to all the provisions of the Act, now or hereafter in effect, and to all valid rules, regulations and orders of the Commission.

[§ 30.32(a)]

(b) No license issued or granted pursuant to the regulations in this part and Parts 31–36, nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

[§§ 30.32(b), 30.38]

(c) Each person licensed by the Commission pursuant to the regulations in this part and Parts 31–46 shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part and Parts 31–36 shall carry with it the right to receive, acquire, own, possess and import byproduct material and to transfer such material to other licensees within the United States authorized to receive such material.

[§ 30.32(c)]

(d) Each license issued pursuant to the regulations in this part and Parts 31–36 shall be deemed to contain the provisions set forth in section 183b.–d., inclusive, of the Act, whether or not these provisions are expressly set forth in the license.

[§ 30.32(d)]

(e) The Commission may incorporate, in any license issued pursuant to the regulations in this part and Parts 31–36, at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of byproduct material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security;

(2) Protect health or to minimize danger to life or property;

(3) Protect restricted data;

(4) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and regulations thereunder.

[§ 30.31(b)]

### § 30.35 References in licenses outstanding on effective date of recodification of this part.

References to sections of Parts 30 and 31 and to Parts 30 and 31 in licenses outstanding on _____ shall be deemed to be references to the sections of Parts 30–36 and to Parts 30–36 superseding those denoted in the outstanding licenses.

### § 30.36 Expiration of licenses.

Except as provided in § 30.37(b), each specific license shall expire at the end of the day, in the month and year stated therein.

[§ 30.34]

### § 30.37 Applications for renewal of licenses.

(a) Applications for renewal of a specific license shall be filed in accordance with § 30.32.

(b) In any case in which a licensee, not less than thirty (30) days prior to the expiration of his existing license, has filed an application in proper form for renewal or for a new license, such existing license shall not expire until the application has been finally determined by the Commission.

[§ 30.35]

### § 30.38 Applications for amendment of licenses.

Applications for amendment of a license shall be filed in accordance with § 30.32 and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

[§ 30.36]

### § 30.39 Commission action on applications to renew or amend.

In considering an application by a licensee to renew or amend his license the Commission will apply the applicable criteria set forth in § 30.33 and Parts 32–36 of this chapter.

[§ 30.37]

RECORDS, INSPECTIONS AND TESTS

### § 30.51 Records.

Each person who receives byproduct material pursuant to a license issued pursuant to the regulations in this part and Parts 31–36 shall keep records showing the receipt, transfer, export and disposal of such byproduct material.

[§ 30.41]

### § 30.52 Inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect byproduct material and the premises and facilities wherein byproduct material is used or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by him pursuant to the regulations in this chapter.

[§ 30.43]

### § 30.53 Tests.

Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part and Parts 31–36, including tests of:

(a) Byproduct material,

(b) Facilities wherein byproduct material is utilized or stored,

(c) Radiation detection and monitoring instruments, and

(d) Other equipment and devices used in connection with the utilization or storage of byproduct material.

[§ 30.44]

ENFORCEMENT

### § 30.61 Modification and revocation of licenses.

(a) The terms and conditions of each license issued pursuant to the regulations in this part and Parts 31–36 shall be subject to amendment, revision or modification by reason of amendments to the Act, or by reason of rules, regulations and orders issued in accordance with the terms of the Act.

(b) Any license may be revoked, suspended or modified, in whole or in part, for any material false statement in the application or any statement of fact required under section 182 of the Act, or because of conditions revealed by such application or statement of fact or any report, record or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and provisions of the Act or of any rule, regulation or order of the Commission.

(c) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

[§ 30.51]

### § 30.62 Right to withhold or recall byproduct material.

The Commission may withhold, recall or order the withholding or recall of byproduct material from any licensee who is not equipped to observe or fails to observe such safety standards to protect health, as may be established by the Commission, or who uses such materials in violation of law or regulation of the Commission, or in a manner other than as disclosed in the application therefor or approved by the Commission.

[§ 30.52]

### § 30.63 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

[§ 30.61]

SCHEDULES

### § 30.70 Schedule A—Exempt concentrations.

| Element (atomic number) | Isotope | Column I Gas concentration uc/ml [1] | Column II Liquid and solid concentration uc/ml [2] |
|---|---|---|---|
| Antimony (51) | Sb 122 | ---------- | $3\times10^{-4}$ |
| | Sb 124 | ---------- | $2\times10^{-4}$ |
| | Sb 125 | ---------- | $1\times10^{-3}$ |
| Argon (18) | A 37 | $1\times10^{-3}$ | ---------- |
| | A 41 | $4\times10^{-7}$ | ---------- |
| Arsenic (33) | As 73 | ---------- | $5\times10^{-3}$ |
| | As 74 | ---------- | $5\times10^{-4}$ |
| | As 76 | ---------- | $2\times10^{-4}$ |
| | As 77 | ---------- | $8\times10^{-4}$ |
| Barium (56) | Ba 131 | ---------- | $2\times10^{-3}$ |
| | Ba 140 | ---------- | $3\times10^{-4}$ |
| Beryllium (4) | Be 7 | ---------- | $2\times10^{-3}$ |
| Bismuth (83) | Bi 206 | ---------- | $4\times10^{-4}$ |
| Bromine (35) | Br 82 | $4\times10^{-7}$ | $3\times10^{-3}$ |
| Cadmium (48) | Cd 109 | ---------- | $2\times10^{-3}$ |
| | Cd 115m | ---------- | $3\times10^{-4}$ |
| | Cd 115 | ---------- | $3\times10^{-4}$ |
| Calcium (20) | Ca 45 | ---------- | $9\times10^{-4}$ |
| | Ca 47 | ---------- | $5\times10^{-4}$ |
| Carbon (6) | C 14 | $1\times10^{-4}$ | $8\times10^{-3}$ |
| Cerium (58) | Ce 141 | ---------- | $9\times10^{-4}$ |
| | Ce 143 | ---------- | $4\times10^{-4}$ |
| | Ce 144 | ---------- | $1\times10^{-4}$ |
| Cesium (55) | Cs 131 | ---------- | $2\times10^{-2}$ |
| | Cs 134m | ---------- | $6\times10^{-3}$ |
| | Cs 134 | ---------- | $9\times10^{-3}$ |
| Chlorine (17) | Cl 38 | $9\times10^{-7}$ | $4\times10^{-3}$ |
| Chromium (24) | Cr 51 | ---------- | $2\times10^{-3}$ |
| Cobalt (27) | Co 57 | ---------- | $5\times10^{-3}$ |
| | Co 58 | ---------- | $1\times10^{-3}$ |
| | Co 60 | ---------- | $5\times10^{-4}$ |
| Copper (29) | Cu 64 | ---------- | $3\times10^{-3}$ |
| Dysprosium (66) | Dy 165 | ---------- | $4\times10^{-3}$ |
| | Dy 166 | ---------- | $4\times10^{-4}$ |
| Erbium (68) | Er 169 | ---------- | $9\times10^{-4}$ |
| | Er 171 | ---------- | $1\times10^{-3}$ |
| Europium (63) | Eu 152 (T/2=9.2 Hrs) | ---------- | $6\times10^{-4}$ |
| | Eu 155 | ---------- | $2\times10^{-3}$ |
| Fluorine (9) | F 18 | $2\times10^{-6}$ | $8\times10^{-3}$ |
| Gadolinium (64) | Gd 153 | ---------- | $2\times10^{-3}$ |
| | Gd 159 | ---------- | $8\times10^{-4}$ |
| Gallium (31) | Ga 72 | ---------- | $4\times10^{-4}$ |
| Germanium (32) | Ge 71 | ---------- | $2\times10^{-2}$ |
| Gold (79) | Au 196 | ---------- | $2\times10^{-3}$ |
| | Au 198 | ---------- | $5\times10^{-4}$ |
| | Au 199 | ---------- | $2\times10^{-3}$ |
| Hafnium (72) | Hf 181 | ---------- | $7\times10^{-4}$ |
| Hydrogen (1) | H 3 | $5\times10^{-6}$ | $3\times10^{-2}$ |
| Indium (49) | In 113m | ---------- | $1\times10^{-2}$ |
| | In 114m | ---------- | $2\times10^{-4}$ |
| Iodine (53) | I 126 | $3\times10^{-8}$ | $2\times10^{-3}$ |
| | I 131 | $3\times10^{-8}$ | $2\times10^{-4}$ |
| | I 132 | $8\times10^{-8}$ | $6\times10^{-4}$ |
| | I 133 | $1\times10^{-7}$ | $7\times10^{-4}$ |
| | I 134 | $2\times10^{-7}$ | $1\times10^{-3}$ |
| Iridium (77) | Ir 190 | ---------- | $2\times10^{-3}$ |
| | Ir 192 | ---------- | $4\times10^{-4}$ |
| | Ir 194 | ---------- | $3\times10^{-4}$ |
| Iron (26) | Fe 55 | ---------- | $8\times10^{-3}$ |
| | Fe 59 | ---------- | $6\times10^{-4}$ |
| Krypton (36) | Kr 85m | $1\times10^{-6}$ | ---------- |
| | Kr 85 | $3\times10^{-6}$ | ---------- |
| Lanthanum (57) | La 140 | ---------- | $2\times10^{-4}$ |
| Lead (82) | Pb 203 | ---------- | $4\times10^{-3}$ |
| Lutetium (71) | Lu 177 | ---------- | $1\times10^{-3}$ |
| Manganese (25) | Mn 52 | ---------- | $3\times10^{-4}$ |
| | Mn 54 | ---------- | $1\times10^{-3}$ |
| | Mn 56 | ---------- | $1\times10^{-3}$ |
| Mercury (80) | Hg 197m | ---------- | $2\times10^{-3}$ |
| | Hg 197 | ---------- | $3\times10^{-3}$ |
| | Hg 203 | ---------- | $2\times10^{-4}$ |
| Molybdenum (42) | Mo 99 | ---------- | $2\times10^{-3}$ |
| Neodymium (60) | Nd 147 | ---------- | $6\times10^{-4}$ |
| | Nd 149 | ---------- | $3\times10^{-3}$ |
| Nickel (28) | Ni 65 | ---------- | $1\times10^{-3}$ |
| Niobium (Columbium) (41) | Nb 95 | ---------- | $1\times10^{-3}$ |
| | Nb 97 | ---------- | $9\times10^{-3}$ |
| Osmium (76) | Os 185 | ---------- | $7\times10^{-4}$ |
| | Os 191m | ---------- | $3\times10^{-2}$ |
| | Os 191 | ---------- | $2\times10^{-3}$ |
| | Os 193 | ---------- | $6\times10^{-4}$ |
| Palladium (46) | Pd 103 | ---------- | $3\times10^{-3}$ |
| | Pd 109 | ---------- | $9\times10^{-4}$ |
| Phosphorus (15) | P 32 | ---------- | $2\times10^{-4}$ |
| Platinum (78) | Pt 191 | ---------- | $1\times10^{-3}$ |
| | Pt 193m | ---------- | $1\times10^{-3}$ |
| | Pt 197m | ---------- | $1\times10^{-3}$ |
| | Pt 197 | ---------- | $1\times10^{-3}$ |
| Potassium (19) | K 42 | ---------- | $3\times10^{-3}$ |
| Praseodymium (59) | Pr 142 | ---------- | $3\times10^{-4}$ |
| | Pr 143 | ---------- | $5\times10^{-4}$ |
| Promethium (61) | Pm 147 | ---------- | $2\times10^{-3}$ |
| | Pm 149 | ---------- | $4\times10^{-4}$ |
| Rhenium (75) | Re 183 | ---------- | $6\times10^{-3}$ |
| | Re 186 | ---------- | $9\times10^{-4}$ |
| | Re 188 | ---------- | $6\times10^{-4}$ |
| Rhodium (45) | Rh 103m | ---------- | $1\times10^{-1}$ |
| | Rh 105 | ---------- | $1\times10^{-3}$ |
| Rubidium (37) | Rb 86 | ---------- | $7\times10^{-4}$ |
| Ruthenium (44) | Ru 97 | ---------- | $4\times10^{-3}$ |
| | Ru 103 | ---------- | $8\times10^{-4}$ |
| | Ru 105 | ---------- | $1\times10^{-3}$ |
| | Ru 106 | ---------- | $1\times10^{-4}$ |
| Samarium (62) | Sm 153 | ---------- | $8\times10^{-4}$ |
| Scandium (21) | Sc 46 | ---------- | $4\times10^{-4}$ |
| | Sc 47 | ---------- | $9\times10^{-4}$ |
| | Sc 48 | ---------- | $3\times10^{-4}$ |
| Selenium (34) | Se 75 | ---------- | $3\times10^{-3}$ |
| Silicon (14) | Si 31 | ---------- | $9\times10^{-3}$ |
| Silver (47) | Ag 105 | ---------- | $1\times10^{-3}$ |
| | Ag 110m | ---------- | $3\times10^{-4}$ |
| | Ag 111 | ---------- | $4\times10^{-4}$ |
| Sodium (11) | Na 24 | ---------- | $2\times10^{-3}$ |
| Strontium (38) | Sr 89 | ---------- | $1\times10^{-4}$ |
| | Sr 91 | ---------- | $7\times10^{-4}$ |
| | Sr 92 | ---------- | $7\times10^{-4}$ |
| Sulfur (16) | S 35 | $9\times10^{-4}$ | $6\times10^{-4}$ |
| Tantalum (73) | Ta 182 | ---------- | $4\times10^{-4}$ |
| Technetium (43) | Tc 96m | ---------- | $1\times10^{-1}$ |
| | Tc 96 | ---------- | $1\times10^{-3}$ |
| Tellurium (52) | Te 125m | ---------- | $2\times10^{-3}$ |
| | Te 127m | ---------- | $6\times10^{-4}$ |
| | Te 127 | ---------- | $3\times10^{-3}$ |
| | Te 129m | ---------- | $3\times10^{-4}$ |
| | Te 131m | ---------- | $6\times10^{-4}$ |
| | Te 132 | ---------- | $3\times10^{-4}$ |
| Terbium (65) | Tb 160 | ---------- | $4\times10^{-4}$ |
| Thallium (81) | Tl 200 | ---------- | $4\times10^{-3}$ |
| | Tl 201 | ---------- | $3\times10^{-3}$ |
| | Tl 202 | ---------- | $1\times10^{-3}$ |
| | Tl 204 | ---------- | $1\times10^{-3}$ |
| Thulium (69) | Tm 170 | ---------- | $6\times10^{-4}$ |
| | Tm 171 | ---------- | $5\times10^{-3}$ |
| Tin (50) | Sn 113 | ---------- | $9\times10^{-4}$ |
| | Sn 125 | ---------- | $2\times10^{-4}$ |
| Tungsten (Wolfram) (74) | W 181 | ---------- | $4\times10^{-3}$ |
| | W 187 | ---------- | $7\times10^{-4}$ |
| Vanadium (23) | V 48 | ---------- | $3\times10^{-4}$ |
| Xenon (54) | Xe 131m | $4\times10^{-6}$ | ---------- |
| | Xe 133 | $3\times10^{-6}$ | ---------- |
| | Xe 135 | $1\times10^{-6}$ | ---------- |
| Ytterbium (70) | Yb 175 | ---------- | $1\times10^{-3}$ |
| Yttrium (39) | Y 90 | ---------- | $2\times10^{-3}$ |
| | Y 91m | ---------- | $3\times10^{-3}$ |
| | Y 91 | ---------- | $3\times10^{-4}$ |
| | Y 92 | ---------- | $6\times10^{-4}$ |
| | Y 93 | ---------- | $3\times10^{-4}$ |
| Zinc (30) | Zn 65 | ---------- | $1\times10^{-2}$ |
| | Zn 69m | ---------- | $7\times10^{-4}$ |
| | Zn 69 | ---------- | $2\times10^{-2}$ |
| Zirconium (40) | Zr 95 | ---------- | $6\times10^{-4}$ |
| | Zr 97 | ---------- | $2\times10^{-4}$ |
| Beta and/or gamma emitting byproduct material not listed above with half-life less than 3 years. | ---------- | $1\times10^{-10}$ | $1\times10^{-6}$ |

NOTE 1: Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations in Schedule A, the activity stated is that of the parent isotope and takes into account the daughters.

NOTE 2: For purposes of § 30.14 where there is involved a combination of isotopes, the limit for the combination should be derived as follows:

Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in Schedule A for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

Example:

$$\frac{\text{Concentration of Isotope A in Product}}{\text{Exempt concentration of Isotope A}} + \frac{\text{Concentration of Isotope B in Product}}{\text{Exempt concentration of Isotope B}} \leq 1$$

[1] Values are given only for those materials normally used as gases.

[2] uc/gm for solids.

[§ 30.73]

CROSS REFERENCE TABLE

| Proposed section | | Present section |
|---|---|---|
| | GENERAL PROVISIONS | |
| 30.1 | Purpose and scope | 30.1, 30.2. |
| 30.2 | Resolution of conflict | New. |
| 30.3 | Activities requiring license | 30.3. |
| 30.4 | Definitions | 30.4. |
| 30.5 | Interpretations | 30.5. |
| 30.6 | Communications | New. |
| | EXEMPTIONS | |
| 30.11 | Exemptions from licensing | 30.8. |
| 30.12 | Persons operating Commission-owned facilities | 30.6. |
| 30.13 | Carriers | 30.7. |
| 30.14 | Exempt concentrations | 30.9, 30.32(f). |
| 30.15 | Certain luminous timepieces | 30.10. |
| 30.16 | Lock illuminators installed in automobile locks | 30.12. |
| 30.17 | Balances of precision | 30.14. |
| | LICENSES | |
| 30.31 | Types of licenses | 30.20. |
| 30.32 | Applications for specific licenses | 30.22. |
| 30.33 | General requirements for issuance of specific licenses. | 30.23, 30.31(a). |
| 30.34 | Terms and conditions of licenses | 30.32(a)–(d), 30.31(b), 30.38. |
| 30.35 | References in licenses outstanding on effective date of recodification of this part. | New. |
| 30.36 | Expiration of licenses | 30.34. |
| 30.37 | Applications for renewal of licenses | 30.35. |
| 30.38 | Applications for amendment of licenses | 30.36. |
| 30.39 | Commission action on applications to renew or amend. | 30.37. |
| | RECORDS, INSPECTIONS AND TESTS | |
| 30.51 | Records | 30.41. |
| 30.52 | Inspections | 30.43. |
| 30.53 | Tests | 30.44. |
| | ENFORCEMENT | |
| 30.61 | Modification and revocation of licenses | 30.51. |
| 30.62 | Right to withhold or recall byproduct material | 30.52. |
| 30.63 | Violations | 30.61. |
| | SCHEDULES | |
| 30.70 | Schedule A—Exempt concentrations | 30.73. |

## PART 31—GENERAL LICENSES FOR CERTAIN QUANTITIES OF BYPRODUCT MATERIAL AND BYPRODUCT MATERIAL CONTAINED IN CERTAIN ITEMS

Sec.
31.1 Purpose and scope.
31.2 Terms and conditions.
31.3 Certain devices and equipment.
31.4 Certain quantities of byproduct material.
31.5 Certain measuring, gauging or controlling devices.
31.6 General license to install devices generally licensed in § 31.5.
31.7 Luminous safety devices for use in aircraft.
31.8 Americium 241 in the form of calibration or reference sources.
31.9 General license to own byproduct material.

SCHEDULES

31.100 Schedule A—Generally licensed quantities.

AUTHORITY: The provisions of this Part 31 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 82, 183, 68 Stat. 935, 954; 42 U.S.C. 2111, 2112, 2233. For the purpose of sec. 223, 68 Stat. 958; 42 U.S.C. 2273, § 31.2(b) issued under sec. 161b., 68 Stat. 948; 42 U.S.C. 2201(b).

### § 31.1 Purpose and scope.

This part establishes general licenses for certain quantities of byproduct material and byproduct material contained in certain items. Part 30 of this chapter also contains provisions applicable to the subject matter of this part.

### § 31.2 Terms and conditions.

(a) The general licenses provided in this part are subject to the provisions of §§ 30.14(d), 30.34 (a) through (e), 30.51 through 30.63 and Parts 20 and 36 of this chapter[1] unless indicated otherwise in the language of the general license.

(b) Persons who transfer, receive, acquire, own, possess, use or import items and quantities of byproduct material pursuant to the general licenses provided in §§ 31.3 and 31.4:

(1) Shall not effect an increase in the radioactivity of said items or quantities by adding other radioactive material thereto, by combining byproduct material from two or more such items or quantities, or by altering them in any other manner so as to increase thereby the rate of radiation therefrom;

(2) Shall not administer externally or internally, or direct the administration of, said items or quantities or any part thereof to a human being for any purpose, including, but not limited to, diagnostic, therapeutic, and research purposes;

(3) Shall not add, or direct the addition of, said items or quantities or any part thereof to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being;

(4) Shall not include said items or quantities or any part thereof in any device, instrument, apparatus (including component parts and accessories thereto) intended for use in diagnosis, treatment or prevention of disease in human beings or animals or otherwise intended to affect the structure or any function of the body of human beings or animals.

[§ 30.21(b)]

[1] Attention is directed particularly to the provisions of the regulations in Part 20 of this chapter which relate to the labelling of containers.

### § 31.3 Certain devices and equipment.

A general license is hereby issued to transfer, receive, acquire, own, possess and use byproduct material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with the specifications contained in a specific license issued to him by the Commission.

(a) *Static elimination device.* Device designed for use as static eliminators which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of Polonium 210 per device.

(b) *Spark gap and electronic tubes.* Spark gap tubes and electronic tubes which contain byproduct material consisting of not more than 5 microcuries per tube of Cesium 137, or Nickel 63, or Krypton 85 gas, or not more than one microcurie per tube of Cobalt 60.

(c) *Light meter.* Devices designed for use in measuring or determining light intensity which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 200 microcuries of Strontium 90 per device.

(d) *Ion generating tube.* Devices designed for ionization of air which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of Polonium 210 per device or of a total of not more than 50 millicuries of Hydrogen 3 (tritium) per device.

[§§ 30.21(a)(1) and 30.71]

### § 31.4 Certain quantities of byproduct material.

A general license is hereby issued to transfer, receive, acquire, own, possess, use and import the quantities of byproduct material listed in § 31.100, Schedule A, provided that no person shall at any one time possess or use, pursuant to the general licensing provisions of this section, more than a total of ten such scheduled quantities.

[§ 30.21(a)(2)]

### § 31.5 Certain measuring, gauging or controlling devices.

(a) Subject to the provisions of this section, a general license is hereby issued to own, receive, acquire, possess and use byproduct material when contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(b) The general license contained in this section applies only to devices which have been:

(1) Manufactured in accordance with the specifications contained in a specific license issued by the Commission to the manufacturer of the device pursuant to § 32.51 of this chapter, or in accordance with the specifications contained in a specific license issued to the manufacturer by an agreement State; and

(2) Installed on the premises of the general licensee by a person authorized to install such devices under a specific license issued to the installer by the Commission pursuant to Parts 30 and 32 or by an agreement State, provided that the specific license referred to in subparagraph (1) of this paragraph contains provisions authorizing the transfer of such devices to, and the installation of such devices in the premises of, general licensees.

(c) The general license contained in this section applies only to devices which (1) are labeled in accordance with the provisions of the specific license which authorizes the distribution of the device to general licensees, and (2) bear a label containing the following or a substantially similar statement which contains the information called for in the following statement:

This device, generally licensed pursuant to § 31.5 of 10 CFR, Part 31 [2] has been manufactured and distributed pursuant to license No. ------ issued by ---------- (insert either "Atomic Energy Commission" or name of agreement State, whichever is applicable).

----------
(Name of supplier)

(d) Persons who own, receive, acquire, possess or use a device pursuant to the general license contained in this section:

(1) Shall not transfer, abandon or dispose of the device, except by transfer to a person authorized by a specific license from the Commission or an agreement State to receive such device;

(2) Shall assure that all labels affixed to the device at the time of receipt and bearing the statement, "Removal of this label is prohibited by regulations of the Atomic Energy Commission", are maintained thereon and shall comply with all instructions contained in such labels;

(3) Shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals; provided that devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose;

(4) Shall have the tests required by subparagraph (3) of this paragraph and all other services involving the radioactive material, its shielding and containment, performed by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices;

(5) Shall maintain records of all tests performed on the devices as required under this section, including the dates and results of the tests and the names of the persons conducting the tests;

(6) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding or containment of the radioactive material or the on-off mechanism or indicator, shall immediately suspend operation of the device until it has been repaired by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices, or disposed of by transfer to a person authorized to receive the byproduct material contained in the device; and

(7) Shall be exempt from the requirements of Part 20 of this chapter, except that such persons shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

(e) Persons who possess byproduct material pursuant to this general license shall not export such byproduct material without a specific license from the Commission authorizing such export.

[§ 30.21(c)(1)–(5)]

[2] Devices acquired not more than 8 months after ----------, may bear labels referring instead to "§ 30.21(c) of 10 CFR, Part 30," until the label is replaced.

### § 31.6 General license to install devices generally licensed in § 31.5.

Any person who holds a specific license issued by an agreement State authorizing the holder to manufacture, install or service a device described in § 31.5 within such agreement State is hereby granted a general license to install and service such device in any nonagreement State; *Provided*, That:

(a) Such person shall file a report with the United States Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Materials Licensing, within 30 days after the end of each calendar quarter in which any device is transferred or installed. Each such report shall identify each general licensee under § 31.5 by name and address, the type of device transferred, and the quantity and type of byproduct material contained in the device.

(b) The device has been manufactured, labelled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the agreement State.

(c) Such person assures that any labels required to be affixed to the device under regulations of the agreement State which licensed manufacture of the device bear a statement that "Removal of this label is prohibited by the regulations of the Atomic Energy Commission."

(d) Such person shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in § 31.5.

[§ 30.21(c)(6)]

### § 31.7 Luminous safety devices for use in aircraft.

(a) A general license is hereby issued to own, receive, acquire, possess and use tritium contained in luminous safety devices for use in aircraft, provided each device contains not more than four curies of tritium and that each device has been manufactured, assembled or imported in accordance with a license issued under the provisions of § 32.53 of this chapter.

(b) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in this section are exempt from the requirements of Part 20 of this chapter, except that they shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

(c) This general license does not authorize the manufacture, assembly, repair or import of luminous safety devices containing tritium.

(d) This general license does not authorize the export of luminous safety devices containing tritium except in accordance with the provisions of Part 36 of this chapter.

[§ 30.21(d)]

### § 31.8 Americium 241 in the form of calibration or reference sources.

(a) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use and transfer, in accordance with the provisions of paragraphs (b) and (c) of this section, americium 241 in the form of calibration or reference sources:

(1) Any person in a non-agreement State who holds a specific license issued by the Commission which authorizes him to receive, possess, use and transfer byproduct material, source material, or special nuclear material; and

(2) Any Government agency, as defined in § 30.4(g) of this chapter, which holds a specific license issued by the Commission which authorizes it to receive, possess, use and transfer byproduct material, source material, or special nuclear material.

(b) The general license in paragraph (a) of this section applies only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued by the Commission to the manufacturer or importer of the sources pursuant to § 32.57 of this chapter or in accordance with the specifications contained in a specific license issued to the manufacturer by an agreement State which authorizes manufacture of the sources for distribution to persons generally licensed by the agreement State.

(c) The general license in paragraph (a) of this section is subject to the provisions of §§ 30.14(d), 30.34 (a) through (e), and 30.51 through 30.63 of this chapter, and to the provisions of Part 20 of this chapter. In addition, persons who own, receive, acquire, possess, use and transfer one or more calibration or reference sources pursuant to this general license:

(1) Shall not possess at any one time, at any one location of storage or use, more than 5 microcuries of americium 241 in such sources;

(2) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label which includes the following statement





or a substantially similar statement which contains the information called for in the following statement:

| Column No. I | Column No. II |
|---|---|

## PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR



for the issuance of specific licenses to persons who introduce byproduct ma-

The report shall be submitted within 30 days after the end or each calendar year

### § 32.15 Certain automobile lock illuminators; requirements for li-

devices for use in aircraft, provided each

or a substantially similar statement which contains the information called for in the following statement:

**The receipt, possession, use and transfer of this source, Model ——, Serial No. ——, are subject to a general license and the regulations of the United States Atomic Energy Commission or of a State with which the Commission has entered into an agrement for the exercise of regulatory authority. Do not remove this label.**

**CAUTION — RADIOACTIVE MATERIAL — THIS SOURCE CONTAINS AMERICIUM 241. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.**

---

**(Name of manufacturer or importer)**

(3) Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the Commission or an agreement State to receive the source.

(4) Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium 241 which might otherwise escape during storage.

(5) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(d) This general license does not authorize the manufacture or import of calibration or reference sources containing americium 241.

(e) This general license does not authorize the export of calibration or reference sources containing americium 241.

[§ 30.21(e)]

### § 31.9 General license to own byproduct material.

A general license is hereby issued to own byproduct material without regard to quantity. Notwithstanding any other provision of this chapter, a general licensee under this paragraph is not authorized to manufacture, produce, transfer, receive, possess, use, import or export byproduct material, except as authorized in a specific license.

[§ 30.21(f)]

SCHEDULES

### § 31.100 Schedule A—Generally licensed quantities.

The following quantities of byproduct material are generally licensed pursuant to § 31.4.

| Byproduct material | Column No. I Not as a sealed source (microcuries) | Column No. II As a sealed source (microcuries) |
|---|---|---|
| Antimony (Sb 124) | 1 | 10 |
| Arsenic 76 (As 76) | 10 | 10 |
| Arsenic 77 (As 77) | 10 | 10 |
| Barium 140—Lanthanum 140 (Ba-La 140) | 1 | 10 |
| Beryllium (Be 7) | 50 | 50 |
| Cadmium 109—Silver 109 (CdAg 109) | 10 | 10 |
| Calcium 45 (Ca 45) | 10 | 10 |
| Carbon 14 (C14) | 50 | 50 |
| Cerium 144 — Praseodymium (CePr 144) | 1 | 10 |
| Cesium—Barium 137 (CsBa 137) | 1 | 10 |
| Chlorine 36 (Cl 36) | 1 | 10 |
| Chromium 51 (Cr 51) | 50 | 50 |
| Cobalt 60 (Co 60) | 1 | 10 |
| Copper 64 (Cu 64) | 50 | 50 |
| Europium 154 (Eu 154) | 1 | 10 |
| Fluorine 18 | 50 | 50 |
| Gallium 72 (Ga 72) | 10 | 10 |
| Germanium 71 (Ge 71) | 50 | 50 |
| Gold 198 (Au 198) | 10 | 10 |
| Gold 199 (Au 199) | 10 | 10 |
| Hydrogen 3 (Tritium) (H 3) | 250 | 250 |
| Indium 114 (In 114) | 1 | 10 |
| Iodine 131 (I 131) | 10 | 10 |
| Iridium 192 (Ir 192) | 10 | 10 |
| Iron 55 (Fe 55) | 50 | 50 |
| Iron 59 (Fe 59) | 1 | 10 |
| Lanthanum 140 (La 140) | 10 | 10 |
| Manganese 52 (Mn 52) | 1 | 10 |
| Manganese 56 (Mn 56) | 50 | 50 |
| Molybdenum 99 (Mo 99) | 10 | 10 |
| Nickel 59 (Ni 59) | 1 | 10 |
| Nickel 63 (Ni 63) | 1 | 10 |
| Niobium 95 (Nb 95) | 10 | 10 |
| Palladium 109 (Pd 109) | 10 | 10 |
| Palladium 103—Rhodium 103 (Pd-Rh 103) | 50 | 50 |
| Phosphorus 32 (P 32) | 10 | 10 |
| Polonium 201 (Po 210) | 0.1 | 1 |
| Potassium 42 (K–42) | 10 | 10 |
| Praseodymium 143 (Pr 143) | 10 | 10 |
| Promethium 147 (Pm 147) | 10 | 10 |
| Rhenium 186 (Re 186) | 10 | 10 |
| Rhodium 105 (Rh 105) | 10 | 10 |
| Rubidium 86 (Rb 86) | 10 | 10 |
| Ruthenium 106—Rhodium 106 (RuRh 106) | 1 | 10 |
| Samarium 153 (Sm 153) | 10 | 10 |
| Scandium 46 (Sc 46) | 1 | 10 |
| Silver 105 (Ag 105) | 1 | 10 |
| Silver 111 (Ag 111) | 10 | 10 |
| Sodium 22 (Na 22) | 10 | 10 |
| Sodium 24 (Na 24) | 10 | 10 |
| Strontium 89 (Sr 89) | 1 | 10 |
| Strontium 90—Yttrium 90 (SrY) | 0.1 | 1 |
| Sulfur 35 (S 35) | 50 | 50 |
| Tantalum 182 (Ta 182) | 10 | 10 |
| Technetium 96 (Tc 96) | 1 | 10 |
| Technetium 99 (Tc 99) | 1 | 10 |
| Tellurium 127 (Te 127) | 10 | 10 |
| Tellurium 129 (Te 129) | 1 | 10 |
| Thallium 204 (Tl 204) | 50 | 50 |
| Tin 113 (Sn 113) | 10 | 10 |
| Tungsten 185 (W 185) | 10 | 10 |
| Vanadium 48 (V 48) | 1 | 10 |
| Yttrium 90 (Y 90) | 1 | 10 |
| Yttrium 91 (Y 91) | 1 | 10 |
| Zinc 65 (Zn 65) | 10 | 10 |
| Beta and/or Gamma emitting byproduct material not listed above | 1 | 10 |

[§ 30.72]

CROSS REFERENCE TABLE

| Proposed section | | Present section |
|---|---|---|
| 31.1 | Purpose and scope | New. |
| 31.2 | Terms and conditions | 30.21(b). |
| 31.3 | Certain devices and equipment | 30.21(a)(1), 30.71. |
| 31.4 | Certain quantities of byproduct material | 30.21(a)(2). |
| 31.5 | Certain measuring, gauging, or controlling devices | 30.21(c)(1)–(5). |
| 31.6 | General license to install devices generally licensed in § 31.5 | 30.21(c)(6). |
| 31.7 | Luminous safety devices for use in aircraft | 30.21(d). |
| 31.8 | Americium 241 in the form of calibration or reference sources. | 30.21(e). |
| 31.9 | General license to own byproduct material | 30.21(f). |
| SCHEDULES | | |
| 31.100 | Schedule A—Generally licensed quantities | 30.72. |

## PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Sec.


32.1 Purpose and scope.

Subpart A—Exempt Concentrations and Items

32.11 Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: requirements for license.
32.12 Same; material transfer reports.
32.13 Same; prohibition of introduction.
32.14 Certain luminous timepieces; requirements for license to apply or import tritium.
32.15 Certain automobile lock illuminators; requirements for license to install or import.
32.16 Same; quality control.
32.17 Same; material transfer reports.
32.18 Balances of precision; requirements for license to apply or import tritium.
32.19 Same; material transfer reports.
32.40 Schedule A—Prototype tests for automobile lock illuminators.

Subpart B—Generally Licensed Items

32.51 Certain measuring, gauging or controlling devices generally licensed under § 31.5 of this chapter; requirements for license to distribute.
32.52 Same; material transfer reports.
32.53 Luminous safety devices for use in aircraft; requirements for license to manufacture, assemble, repair or import.
32.54 Same; labelling of devices.
32.55 Same; quality control; prohibition of transfer.
32.56 Same; material transfer reports.
32.57 Calibration or reference sources containing americium 241; requirements for license to manufacture or import.
32.58 Same; labelling of devices.
32.59 Same; leak testing of each source.
32.60 Same; material transfer reports.
32.101 Schedule B—Prototype tests for luminous safety devices for use in aircraft.
32.102 Schedule B—Prototype tests for calibration or reference sources containing americium 241.

Subpart C—Quality Control Sampling Procedures

32.110 Quality control sampling precedures under certain specific licenses.


AUTHORITY: The provisions of this Part 32 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2232, 2233.

### § 32.1 Purpose and scope.

(a) This part prescribes requirements for the issuance of specific licenses to persons who manufacture, distribute or import items containing byproduct material for distribution to (1) persons exempted from the licensing requirements of Part 30, or (2) persons generally licensed under Parts 31 or 35. This part also prescribes certain regulations governing holders of such licenses. In addition, this part prescribes requirements for the issuance of specific licenses to persons who introduce byproduct material into a product or material owned by or in the possession of the licensee or another and regulations governing holders of such licenses.

(b) The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part.

## Subpart A—Exempt Concentrations and Items

### § 32.11 Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: requirements for license.

An application for a specific license authorizing the introduction of byproduct material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the byproduct material will be approved if the applicant:

(a) Satisfies the general requirements specified in § 30.33 of this chapter;

(b) Provides a description of the product or material into which the byproduct material will be introduced, intended use of the byproduct material and the product or material into which it is introduced, method of introduction, initial concentration of the byproduct material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioisotopes in the product or material at the time of transfer; and

(c) Provides reasonable assurance that the concentrations of byproduct material at the time of transfer will not exceed the concentrations in § 30.70, that reconcentration of the byproduct material in concentrations exceeding those in § 30.70 is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

[§ 30.24(h)(1)]

### § 32.12 Same; material transfer reports.

Each person licensed under § 32.11 shall file a report in duplicate with the Director, Division of Materials Licensing, describing the type and quantity of each product or material into which byproduct material has been introduced during the reporting period, name and address of the person who owns or possesses the product or material into which byproduct material has been introduced, the type and quantity of byproduct material introduced into each such product or material, and the initial concentrations of byproduct material in the product or material at time of transfer of the byproduct material by the licensee. The report shall be submitted within 30 days after the end or each calendar year in which the licensee introduces byproduct material into a product or material pursuant to a license granted under § 32.11.

[§ 30.24(h)(2)]

### § 32.13 Same; prohibition of introduction.

Notwithstanding the provisions of §§ 30.14 and 30.34(c) of this chapter no person may introduce byproduct material into a product or material knowing or having reason to believe that it will be transferred to persons not licensed by the Commission or by an agreement State, except in accordance with a license issued pursuant to § 32.11.

[§30.32(f)]

### § 32.14 Certain luminous timepieces; requirements for license to apply or import tritium.

An application for a specific license to apply tritium contained in luminous compounds to timepieces or hands or dials, or to import timepieces or hands or dials containing tritium for use pursuant to § 30.15 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant submits sufficient information relating to the chemical and physical composition and characteristics of the luminous compound(s), the method of application of each compound, quality control procedures and prototype testing of luminous dials, and

(c) The tritium is bound in the luminous compound in a non-water-soluble and non-labile form and the compound is bound to the dials or hands. The tritium will be considered to be properly bound to the dials and hands if there is no visible flaking or chipping and the total loss of tritium does not exceed 5 percent of the total tritium when prototype dials and hands are subjected to the following tests in the order specified below:

(1) Attachment of dials to a vibrating fixture and vibration at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2 G for a period of not less than one hour; and

(2) Attachment of the hub ends of the hands to a clamp and bending of hands over a one-inch diameter cylinder; and

(3) Total immersion of the dials and hands used in the tests described in subparagraphs (1) and (2) of this paragraph in 100 milliliters of water at room temperature for a period of 24 consecutive hours and analysis of the test water for its radioactive material content by liquid scintillation counting or other equally sensitive method.

(d) Not more than a total of 25 millicuries of tritium will be applied per timepiece; and

(e) Not more than a total of 5 millicuries of tritium will be applied per hand and not more than 15 millicuries will be applied per dial (bezels when used shall be considered as part of the dial).

[§ 30.24(i)]

### § 32.15 Certain automobile lock illuminators; requirements for license to install or import.

An application for a specific license to install lock illuminators into automobile locks, or to import for sale or distribution lock illuminators in automobile locks for use pursuant to § 30.16 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant submits sufficient information regarding the lock illuminators pertinent to evaluation of the potential radiation exposure, including:

(1) Chemical and physical form and maximum quantity of tritium in each lock illuminator;

(2) Details of construction and design of the lock illuminator;

(3) Details of the method of binding or containing the tritium;

(4) Details of the method of installing the lock illuminators into the automobile lock so that the lock illuminator is not readily removable from the automobile lock;

(5) Procedures for and results of prototype testing to demonstrate that the lock illuminator will not become detached from the lock and the tritium will not be released to the environment under the most severe conditions likely to be encountered in normal use of the lock illuminator;

(6) Quality control procedures to demonstrate that production lots of the lock illuminators will meet the specifications established by the Commission for such lock illuminators;

(7) Any additional information, including experimental studies and tests, required by the Commission to facilitate determination of the safety of the lock illuminator.

(c) Each lock illuminator will contain no more than 15 millicuries of tritium;

(d) The Commission determines that:

(1) The tritium is bound in the luminous compound in a nonwater soluble and nonlabile form, and the compound is incorporated and bound in the lock illuminator in such a manner that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling;

(2) The tritium is incorporated in the lock illuminator so as to preclude direct physical contact by any person with the tritium;

(3) The method of installing the lock illuminator into the automobile lock is such that the lock illuminator will not become detached from the lock under the most severe conditions which are likely to be encountered in normal use and handling;

(4) The device consisting of the automobile lock with the installed lock illuminator has been subjected to the prototype tests and meets the requirements prescribed by § 32.40, Schedule A.

[§ 30.24(m)(1)(i)–(iv)]

### § 32.16 Same; quality control.

Each person licensed under § 32.15 shall:

(a) Maintain quality control in the manufacture of lock illuminators, or the

installation of lock illuminators into automobile locks;

(b) Subject production lots to such quality control tests as may be required as a condition of the license issued under this paragraph, sampled in accordance with § 32.110; and

(c) Visually inspect each device in production lots and reject any device which has an observable physical defect that could affect containment of the tritium.

[§ 30.24(m)(2)]

**§ 32.17 Same; material transfer reports.**

Each person licensed under § 32.15 shall file an annual report with the Director, Division of Materials Licensing, which shall state the total quantity of tritium transferred to other persons under § 30.16 of this chapter, during the reporting period, in the form of lock illuminators contained in automobile locks. Such report shall identify by name and address all persons to whom a total of more than 5 curies of tritium were distributed under § 30.16 of this chapter during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

[§ 30.24(m)(3)]

**§ 32.18 Balances of precision; requirements for license to apply or import tritium.**

An application for a specific license to apply tritium to balances of precision or the parts thereof, or to import balances of precision or the parts thereof containing tritium, for use pursuant to § 30.17 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant submits sufficient information regarding the balance parts pertinent to evaluation of the potential radiation exposure, including:

(1) Chemical and physical form and maximum quantity of tritium in each balance part;

(2) Details of construction and design of the balance part;

(3) Details of the method of incorporation and binding of the tritium in the balance part;

(4) Procedures for and results of prototype testing of balance parts to demonstrate that the tritium contained in each part will not be released or be removed from the part under normal conditions of use of the balance;

(5) Details of quality control procedures to be followed in the fabrication of balance parts containing tritium; and

(6) Any additional information, including experimental studies and tests, required by the Commission to facilitate determination of the safety of the balance part.

(c) Each balance part will contain no more than 0.5 millicurie of tritium and each balance will contain no more than 1.0 millicurie of tritium.

(d) The Commission determines that:

(1) The method of incorporation and binding of the tritium in the balance part is such that the tritium will not be released or be removed from the part under normal conditions of use and handling; and

(2) The tritium is incorporated or enclosed in the balance part so as to preclude direct physical contact with the tritium by any person under ordinary circumstances of use.

[§ 30.24(o)(1)]

**§ 32.19 Same; material transfer reports.**

Each person licensed under § 32.18 shall file an annual report with the Director, Division of Materials Licensing, which shall state the total quantity of tritium transferred to other persons under § 30.17 of this chapter, during the reporting period, in the form of balances of precision or the parts thereof. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

[§ 30.24(o)(2)]

**§ 32.40 Schedule A—Prototype tests for automobile lock illuminators.**

An applicant for a license pursuant to § 32.15 shall conduct the following prototype tests on each of five prototype devices, consisting of the automobile lock with the installed illuminator in the following order:

(a) The device shall be subjected to 100 hours of accelerated weathering in a suitable weathering machine which simulates the most severe conditions of normal use;

(b) The device shall be dropped upon a concrete or iron surface in a 3-foot free gravitational fall, or shall be subjected to an equivalent treatment in a test device simulating such a fall. The drop test shall be repeated 100 times from random orientations;

(c) The device shall be attached to a vibratory fixture and vibrated at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2 G for a period of not less than 1 hour;

(d) On completion of the foregoing tests, the device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry into the lock illuminator. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles emanating from within the lock illuminator, or water entering the lock illuminator, shall be considered leakage;

(e) After each of the tests prescribed by this section, each device shall be examined for evidence of physical damage and for loss of tritium. Any evidence of damage to or failure of any device which could affect the containment of the tritium in such devices shall be cause for rejection of the design on which such prototype devices were constructed or manufactured if the damage or failure is attributable to design defect. Loss of tritium from each tested device shall be measured both by sampling the immersion test water used in paragraph (d) of this section and by wiping with filter paper the entire accessible area of the lock illuminator. Measurements of tritium shall be made in an apparatus calibrated to measure tritium. If more than 0.1 percent of the original amount of tritium in the device is found in the immersion test water of test (d) of this section, or if more than 2,200 disintegrations per minute of tritium on the filter paper is measured after any of the tests in (a) to (d) of this section the device shall be rejected.

[§ 30.24(m)(1)(v)(a)–(e)]

## Subpart B—Generally Licensed Items

**§ 32.51 Certain measuring gauging or controlling devices generally licensed under § 31.5 of this chapter: requirements for license to distribute.**

An application for a specific license to distribute devices, containing byproduct material, designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, to persons generally licensed under § 31.5 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling, proposed uses and potential hazards of the device to provide reasonable assurance that:

(1) The byproduct material contained in the device will not be lost;

(2) No person would receive a radiation exposure to a major portion of his body in excess of 0.5 rem in a year under ordinary circumstances of use;

(3) The device can be safely operated by persons not having training in radiological protection; and

(4) The byproduct material within the device would not be accessible to unauthorized persons.

(c) In describing the label or labels and contents thereof to be affixed to the device, the applicant should separately indicate those instructions and precautions which are necessary to assure safe operation of the device. Such instructions and precautions shall be contained on labels bearing the statement, "Removal of this label prohibited by regulations of the Atomic Energy Commission."

[§ 30.24(f)]

**§ 32.52 Same: material transfer reports.**

Each licensee authorized under § 32.51 to distribute the devices described therein to generally licensed persons shall:

(a) Report to the Director, Division of Materials Licensing, all transfers of such devices to persons generally licensed under § 31.5 of this chapter. Such report shall identify each general licensee by name and address, the type of device transferred, and the quantity and type of byproduct material contained in the device. The report shall be submitted within 30 days after the end of each calendar quarter in which such a device is transferred to generally licensed persons; and

(b) Furnish to each general licensee to whom he transfers such device a copy of the general license contained in § 31.5 of this chapter.

[§ 30.32(e)]

**§ 32.53 Luminous safety devices for use in aircraft: requirements for license to manufacture, assemble, repair or import.**

An application for a specific license to manufacture, assemble, repair or import luminous safety devices containing tritium for use in aircraft, for distribution to persons generally licensed under § 31.7 of this chapter, will be approved if:

(a) The application satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant submits sufficient information regarding each device pertinent to evaluation of the potential radiation exposure, including:

(1) Chemical and physical form and maximum quantity of tritium in each device;

(2) Details of construction and design;

(3) Details of the method of binding or containing the tritium;

(4) Procedures for and results of prototype testing to demonstrate that the tritium will not be released to the environment under the most severe conditions likely to be encountered in normal use;

(5) Any quality control procedures proposed as alternatives to those prescribed by § 32.55;

(6) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the device.

(c) Each device will contain no more than four curies of tritium.

(d) The Commission determines that:

(1) The method of incorporation and binding of the tritium in the device is such that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling of the device;

(2) The tritium is incorporated or enclosed so as to preclude direct physical contact by any person with it;

(3) The device is so designed that it cannot easily be disassembled; and

(4) The device has been subjected to and has satisfactorily passed the prototype tests prescribed by § 32.101, Schedule B.

[§ 30.24(j)(1)(i)–(iv)]

**§ 32.54 Same: labelling of devices.**

A person licensed under § 32.53 to manufacture, assemble or import devices containing tritium for distribution to persons generally licensed under § 31.7 of this chapter shall affix to each device a label which shall include the manufacturer's or importer's license number, the radiation symbol prescribed by § 20.203 (a) of this chapter, a statement that the device contains tritium and is generally licensed by the USAEC pursuant to § 31.7, and such other information as may be required by the Commission, including disposal instructions when appropriate. If the Commission determines that labelling on the device is not feasible and that an unreasonable risk to the health and safety of the public will not be created, it may dispense with the labelling of the device on condition that a leaflet bearing the prescribed information is enclosed in the container in which the device is shipped.

[§ 30.24(j)(1)(vi)]

**§ 32.55 Same: quality control: prohibition of transfer.**

(a) Each person licensed under § 32.53 shall visually inspect each device and shall reject any which has an observable physical defect that could affect containment of the tritium.

(b) Each person licensed under § 32.53 shall subject a number of devices from each production lot, sampled in accordance with § 32.110, to the following quality control procedures:

(1) Each device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any device which leaks as evidenced by bubbles emanating from within the device, or water entering the device, shall be rejected.

(2) The immersion test water from the preceding test (1) of this paragraph shall be measured for tritium content by an apparatus that has been calibrated to measure tritium. If more than 0.1 percent of the original amount of tritium in any device is found to have leaked into the immersion test water, the leaking device shall be rejected.

(c) An application for a license or for amendment of a license may include a description of quality control procedures proposed as alternatives to those prescribed by paragraph (b), and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that they will assure the rejection of any device which has a leakage rate exceeding 0.1 percent of the original quantity of tritium in any 24-hour period.

(d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this chapter any luminous safety device which has been tested and rejected under the criteria and procedures specified in this section.

[§ 30.24(j)(2)]

**§ 32.56 Same; material transfer reports.**

Each person licensed under § 32.53 shall file an annual report with the Director, Division of Materials Licensing, which shall state the total quantity of tritium transferred to persons generally licensed under § 31.7 of this chapter. The report shall identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium in each kind of device. Each report shall cover the year ending June 30 and shall be filed within thirty (30) days thereafter.

[§ 30.24(j)(3)]

**§ 32.57 Calibration or reference sources containing americium 241: requirements for license to manufacture or import.**

An application for a specific license to manufacture or import calibration or reference sources containing americium 241, for distribution to persons generally licensed under § 31.8 of this chapter, will be approved if:

(a) The applicant satisfies the general requirements of § 30.33 of this chapter;

(b) The applicant submits sufficient information regarding each type of calibration or reference source pertinent to evaluation of the potential radiation exposure, including:

(1) Chemical and physical form and maximum quantity of americium 241 in the source;

(2) Details of construction and design;

(3) Details of the method of incorporation and binding of the americium 241 in the source;

(4) Procedures for and results of prototype testing of sources, which are designed to contain more than 0.005 microcurie of americium 241, to demonstrate that the americium 241 contained in each source will not be released or be removed from the source under normal conditions of use;

(5) Details of quality control procedures to be followed in manufacture of the source;

(6) Description of labelling to be affixed to the source or the storage container for the source;

(7) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the source.

(c) Each source will contain no more than 5 microcuries of americium 241.

(d) The Commission determines, with respect to any type of source containing more than 0.005 microcurie of americium 241, that:

(1) The method of incorporation and binding of the americium 241 in the source is such that the americium 241 will not be released or be removed from the source under normal conditions of use and handling of the source; and

(2) The source has been subjected to and has satisfactorily passed the prototype tests prescribed by § 32.102, Schedule C.

[§ 30.24(n)(1)(i)–(iv)]

**§ 32.58 Same: labelling of devices.**

Each person licensed under § 32.57 shall affix to each source, or storage container for the source, a label which shall contain sufficient information relative to safe use and storage of the source and shall include the following statement or a substantially similar statement which contains the information called for in the following statement:

The receipt, possession, use and transfer of this source, Model ------, Serial No. ------, are subject to a general license and the regulations of the United States Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION — RADIOACTIVE MATERIAL — THIS SOURCE CONTAINS AMERICIUM 241. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

---

(Name of manufacturer or importer)

[§ 30.24(n)(2)]

**§ 32.59 Same; leak testing of each source.**

Each person licensed under § 32.57 shall perform a dry wipe test upon each source containing more than 0.1 microcurie of americium 241 prior to transferring the source to a general licensee under § 31.8 of this chapter. This test shall be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure. The radioactivity on the paper shall be measured by using radiation detection instrumentation capable of detecting 0.005 microcurie of americium 241. If any such test discloses more than 0.005 microcurie of radioactive material, the source shall be deemed to be leaking or losing americium 241 and shall not be transferred to a general licensee under § 31.8 of this chapter.

[§ 30.24(n)(3)]

**§ 32.60 Same; material transfer reports.**

Each person licensed under § 32.57 shall file an annual report with the Director, Division of Materials Licensing, which shall state the total quantity of americium 241 transferred to persons generally licensed under § 31.8 of this chapter. The report shall identify each general licensee by name and address, state the kinds and numbers of sources transferred, and specify the quantity (in microcuries) of americium 241 in each kind of source. Each report shall cover the calendar year and shall be filed within thirty (30) days after the end of each calendar year.

[§ 30.24(n)(4)]

**§ 32.101 Schedule B—Prototype tests for luminous safety devices for use in aircraft.**

An applicant for a license pursuant to § 32.53 shall conduct prototype tests on each of five prototype luminous safety devices for use in aircraft as follows:

(a) *Temperature-altitude test.* The tritium device shall be placed in a test chamber as it would be used in service. A temperature-altitude condition schedule shall be followed as outlined in the following steps:

Step 1. The internal temperature of the test chamber shall be reduced to −62° C. (−80° F.) and the device shall be maintained for at least 1 hour at this temperature at atmospheric pressure.

Step 2. The internal temperature of the test chamber shall be raised to −54° C. (−65° F.) and maintained until the temperature of the device has stabilized at −54° C. at atmospheric pressure.

Step 3. The atmospheric pressure of the chamber shall be reduced to 83 millimeters of mercury absolute pressure while the chamber temperature is maintained at −54° C.

Step 4. The internal temperature of the chamber shall be raised to −10° C. (+14° F.) and maintained until the temperature of the device has stabilized at −10° C., and the internal pressure of the chamber shall then be adjusted to atmospheric pressure. The test chamber door shall then be opened in order that frost will form on the device, and shall remain open until the frost has melted but not long enough to allow the moisture to evaporate. The door shall then be closed.

Step 5. The internal temperature of the chamber shall be raised to +85° C. (185° F.) at atmospheric pressure. The temperature of the device shall be stabilized at +85° C. and maintained for 2 hours. The device shall then be visually inspected to determine the extent of any deterioration.

Step 6. The chamber temperature shall be reduced to +71° C. (160° F.) at atmospheric pressure. The temperature of the device shall be stabilized at +71° C. for a period of 30 minutes.

Step 7. The chamber temperature shall be reduced to +55° C. (130° F.) at atmospheric pressure. The temperature of the device shall be stabilized at this temperature for a period of 4 hours.

Step 8. The internal temperature of the chamber shall be reduced to +30° C. (86° F.) and the pressure to 138 millimeters of mercury absolute pressure and stabilized. The device shall be maintained under these conditions for a period of 4 hours.

Step 9. The temperature of the test chamber shall be raised to +35° C. (95° F.) and the pressure reduced to 83 millimeters of mercury absolute pressure and stabilized. The device shall be maintained under these conditions for a period of 30 minutes.

Step 10. The internal pressure of the chamber shall be maintained at 83 millimeters of mercury absolute pressure and the temperature reduced to +20° C. (68° F.) and stabilized. The device shall be maintained under these conditions for a period of 4 hours.

(b) *Vibration tests.* This procedure applies to items of equipment (including vibration isolating assemblies) intended to be mounted directly on the structure of aircraft powered by reciprocating, turbojet, or turbo-propeller engines or to be mounted directly on gas-turbine engines. The device shall be mounted on an apparatus dynamically similar to the most severe conditions likely to be encountered in normal use. At the end of the test period, the device shall be inspected thoroughly for possible damage. Vibration tests shall be conducted under both resonant and cycling conditions according to the following Vibration Test Schedule (Table I):

VIBRATION TEST SCHEDULE

TABLE I

[Times shown refer to one axis of vibration]

| Type | Vibration at room temperature | Vibration at 160° F. (71° C.) | Vibration at −65° F. (−54° C.) |
|---|---|---|---|
| | *Minutes* | *Minutes* | *Minutes* |
| Resonance | 60 | 15 | 15 |
| Cycling | 60 | 15 | 15 |

(1) *Determination of resonance frequency.* Individual resonance frequency surveys shall be conducted by applying vibration to each device along each of any set of three mutually perpendicular axes and varying the frequency of applied vibration slowly through a range of frequencies from 5 cycles per second to 500 cycles per second with the double amplitude of the vibration not exceeding that shown in Figure 1 for the related frequency.

(2) *Resonance tests.* The device shall be vibrated at the determined resonance frequency for each axis of vibration for the periods and temperature conditions shown in Table I and with the applied double amplitude specified in Figure 1 for that resonance frequency. When more than one resonant frequency is encountered with vibration applied along any one axis, the test period may be accomplished at the most severe resonance or the period may be divided among the resonant frequencies, whichever is considered most likely to produce failure. When resonant frequencies are not apparent within the specified frequency range, the specimen shall be vibrated for periods twice as long as those shown for resonance in Table I at a frequency of 55 cycles per second and an applied double amplitude of 0.060 inch.



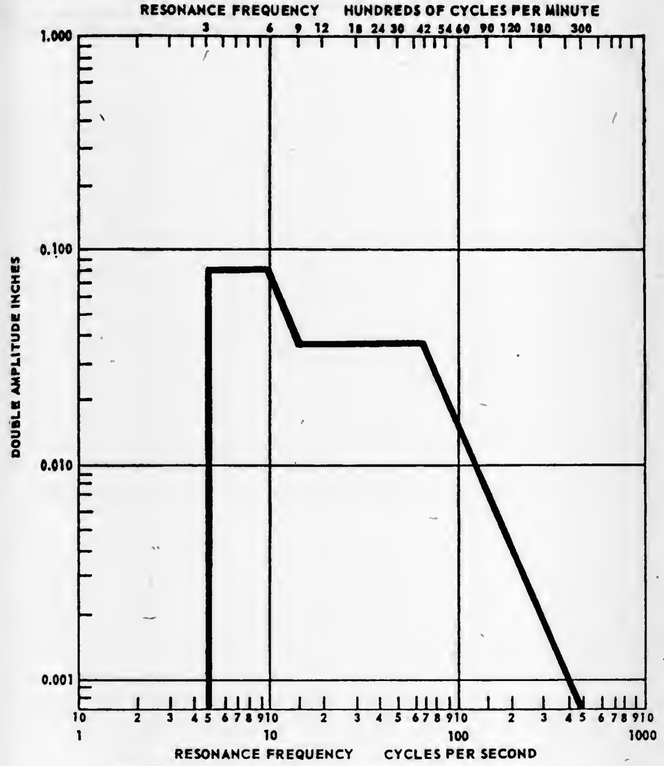



FIGURE 1—Amplitude of vibration at resonance frequency.

(3) *Cycling.* Devices to be mounted only on vibration isolators shall be tested by applying vibration along each of three mutually perpendicular axes of the device with an applied double amplitude of 0.060 inch and the frequency cycling between 10 and 55 cycles per second in 1-minute cycles for the periods and temperature conditions shown in Table I. Devices to be installed in aircraft without vibration isolators shall be tested by applying vibration along each of three mutually perpendicular axes of the device with an applied double amplitude of 0.036 inch or an applied acceleration of 10G, whichever is the limiting value, and the frequency cycling between 10 and 500 cycles per second in 15-minute cycles for the periods and temperature conditions shown in Table I.

(c) *Accelerated weathering tests.* The device shall be subjected to 100 hours of accelerated weathering in a suitable weathering machine. Panels of Corex D glass shall surround the arc to cut off the ultraviolet radiation below a wavelength of 2,700 angstroms. The light of the carbon arcs shall fall directly on the face of the device. The temperature at the sample shall be maintained at 50° C. plus or minus 3° C. Temperature measurements shall be made with a black panel thermometer.

(d) *Shock test.* The device shall be dropped upon a concrete or iron surface in a 3-foot free gravitational fall, or shall be subjected to equivalent treatment in a test device simulating such a free fall. The drop test shall be repeated 100 times from random orientations.

(e) *Hermetic seal and waterproof test.* On completion of all other tests prescribed by this section, the device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles emanating from within the device, or water entering the device, shall be considered leakage.

(f) *Observations.* After each of the tests prescribed by this section, each device shall be examined for evidence of physical damage and for loss of tritium. Any evidence of damage to or failure of any device which could affect containment of the tritium shall be cause for rejection of the design if the damage or failure is attributable to a design defect. Loss of tritium from each tested device shall be measured by wiping with filter paper an area of at least 100 square centimeters on the outside surface of the device, or by wiping the entire surface area if it is less than 100 square centimeters. The amount of tritium in the water used in the hermetic seal and waterproof test prescribed by test (e) of this section shall also be measured. Measurements shall be made in an apparatus calibrated to measure tritium. The detection on the filter paper of more than 2,200 disintegrations per minute of tritium per 100 square centimeters of surface wiped or in the water of more than 0.1 percent of the original amount of tritium in any device shall be cause for rejection of the tested device.

[§ 30.24(j)(1)(v)(a)-(f)]

**§ 32.102 Schedule C—Prototye tests for calibration or reference sources containing americium 241.**

An applicant for a license pursuant to § 32.57 shall, for any type of source which is designed to contain more than 0.005 microcurie of americium 241, conduct prototype tests, in the order listed, on each of five prototypes of such source, which contains more than 0.005 microcurie of americium 241, as follows:

(a) *Initial measurement.* The quantity of radioactive material deposited on the source shall be measured by direct counting of the source.

*Dry wipe test.* The entire radioactive surface of the source shall be wiped with filter paper with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper or by direct measurement of the radioactivity on the source following the dry wipe.

(c) *Wet wipe test.* The entire radioactive surface of the source shall be wiped with filter paper, moistened with water, with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper after it has dried or by direct measurement of the radioactivity on the source following the wet wipe.

(d) *Water soak test.* The source shall be immersed in water at room temperature for a period of 24 consecutive hours. The source shall then be removed from the water. Removal of radioactive material from the source shall be determined by direct measurement of the radioactivity on the source after it has dried or by measuring the radioactivity in the residue obtained by evaporation of the water in which the source was immersed.

(e) *Dry wipe test.* On completion of the preceding tests in this section, the dry wipe test described in paragraph (b) shall be repeated.



(f) *Observations.* Removal of more than 0.005 microcurie of radioactivity in any test prescribed by this section shall be cause for rejection of the source design if the damage or failure is attributable to a design defect. Sampling Table B for a lot of that size, all devices in that lot shall be sampled or the entire lot rejected. Succeeding lots

## PART 33—SPECIFIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL



CROSS REFERENCE TABLE

| Proposed section | Present section |
|---|---|
| §33.1 Purpose and scope | New. |

ability to comply with the operating and emergency procedures of the applicant;

(c) The applicant has established and submits to the Commission satisfactory

(f) *Observations.* Removal of more than 0.005 microcurie of radioactivity in any test prescribed by this section shall be cause for rejection of the source design. Results of prototype tests submitted to the Commission shall be given in terms of radioactivity in microcuries and percent of removal from the total amount of radioactive material deposited on the source.

[§ 30.24(n)(1)(v)]

## Subpart C—Quality Control Sampling Procedures

### § 32.110 Quality control sampling procedures under certain specific licenses.

(a) Each production lot of devices licensed under §§ 32.14, 32.15, or 32.53 shall be sampled in accordance with Sampling Table A in this section. If the permissible number of rejects specified in Sampling Table A for a lot of that size is exceeded, all devices in that lot shall be sampled or the entire lot rejected. If ten (10) or more successive lots have been tested and none of them includes a larger number of rejects than specified in Sampling Table A, the succeeding lots may be sampled in accordance with Sampling Table B in this section.

(b) If any lot sampled in accordance with Sampling Table B includes a larger number of rejects than specified in Sampling Table B for a lot of that size, all devices in that lot shall be sampled or the entire lot rejected. Succeeding lots shall be sampled in accordance with the provisions of paragraph (a) of this section.

(c) Sampling Table A:

| Lot size | Sample size | Permissible number of rejects |
|---|---|---|
| Less than 15 | All | 0 |
| 15–110 | 15 | 0 |
| 111–180 | 25 | 0 |
| 181–300 | 35 | 0 |
| 301–500 | 50 | 1 |
| 501–800 | 75 | 2 |
| 801–1,300 | 110 | 3 |
| 1,301–3,200 | 150 | 4 |
| 3,201–8,000 | 225 | 5 |
| 8,001–22,000 | 300 | 7 |

(d) Sampling Table B:

| Lot size | Sample size | Permissible number of rejects |
|---|---|---|
| Less than 5 | All | 0 |
| 5–110 | 3 | 0 |
| 111–180 | 5 | 0 |
| 181–300 | 7 | 1 |
| 301–500 | 10 | 1 |
| 501–800 | 15 | 1 |
| 801–1,300 | 22 | 2 |
| 1,301–3,200 | 30 | 2 |
| 3,201–8,000 | 45 | 3 |
| 8,001–22,000 | 60 | 4 |

[§ 30.25]

CROSS REFERENCE TABLE

| *Proposed section* | | *Present section* |
|---|---|---|
| 32.1 | Purpose and scope | New. |
| | **Subpart A—Exempt Concentrations and Items** | |
| 32.11 | Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: requirements for license. | 30.24(h)(1). |
| 32.12 | Same: Material transfer reports | 30.24(h)(2). |
| 32.13 | Same: Prohibition of introduction | 30.32(f). |
| 32.14 | Certain luminous timepieces: requirements for license to apply or import tritium. | 30.24(i). |
| 32.15 | Certain automobile lock illuminators: requirements for license to install or import. | 30.24(m)(1)(i)–(iv). |
| 32.16 | Same: Quality control | 30.24(m)(2). |
| 32.17 | Same: Material transfer reports | 30.24(m)(3). |
| 32.18 | Balances of precision: requirements for license to apply or import tritium. | 30.24(o)(1). |
| 32.19 | Same: Material transfer reports | 30.24(o)(2). |
| 32.40 | Schedule A—Prototype tests for automobile lock illuminators. | 30.24(m)(1)(v)(a–e). |
| | **Subpart B—Generally Licensed Items** | |
| 32.51 | Certain measuring, gauging or controlling devices generally licensed under § 31.5 of this chapter: requirements for license to distribute. | 30.24(f). |
| 32.52 | Same: Material transfer reports | 30.32(e). |
| 32.53 | Luminous safety devices for use in aircraft: requirements for license to manufacture, assemble, repair or import. | 30.24(j)(1)(i)–(iv). |
| 32.54 | Same: Labelling of devices | 30.24(j)(1)(vi). |
| 32.55 | Same: Quality control; prohibition of transfer | 30.24(j)(2). |
| 32.56 | Same: Material transfer reports | 30.24(j)(3). |
| 32.57 | Calibration or reference sources containing americium 241: requirements for license to manufacture or import. | 30.24(n)(1)(i)–(iv). |
| 32.58 | Same: Labelling of devices | 30.24(n)(2). |
| 32.59 | Same: Leak testing of each source | 30.24(n)(3). |
| 32.60 | Same: Material transfer reports | 30.24(n)(4). |
| 32.101 | Schedule B—Prototype tests for luminous safety devices for use in aircraft. | 30.24(j)(1)(v)(a)–(f). |
| 32.102 | Schedule C—Prototype tests for calibration or reference sources containing americium 241. | 30.24(n)(1)(v). |
| | **Subpart C—Quality Control Sampling Procedures** | |
| 32.110 | Quality control sampling procedures under certain specific licenses. | 30.25. |

## PART 33—SPECIFIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

Sec.
33.1 Purpose and scope.

REQUIREMENTS FOR SPECIFIC LICENSES

33.11 Licenses for multiple quantities or types of byproduct material for use in research and development.
33.12 Licenses for multiple quantities or types of byproduct material for use in processing.

AUTHORITY: The provisions of this Part 33 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2232, 2233.

### § 33.1 Purpose and scope.

This part prescribes requirements for the issuance of specific licenses of broad scope for byproduct material and certain regulations governing holders of such licenses. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part.

REQUIREMENTS FOR SPECIFIC LICENSES

### § 33.11 License for multiple quantities or types of byproduct material for use in research and development.

An application for a specific license for multiple quantities or types of byproduct material for use in research and development will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant has received a reasonable number of licenses for a variety of radioisotopes for a variety of research and development uses; and

(c) The applicant has established an isotope committee (composed of such persons as a radiological safety officer, a representative of the business office, and one or more persons trained or experienced in the safe use of radioactive materials) which will review and approve, in advance of purchase of radioisotopes, proposals for such uses; and

(d) The applicant has appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems.

[§ 30.24(d)]

### § 33.12 Licenses for multiple quantities or types of byproduct material for use in processing.

An application for a specific license for multiple quantities and types of byproduct material for use in processing for distribution to other authorized persons will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant has received a reasonable number of licenses for processing and distribution of a variety of radioisotopes; and

(c) The applicant has appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems.

[§ 30.24(e)]



CROSS REFERENCE TABLE

| *Proposed section* | | *Present section* |
|---|---|---|
| 33.1 | Purpose and scope | New. |
| | REQUIREMENTS FOR SPECIFIC LICENSES | |
| 33.11 | Licenses for multiple quantities or types of byproduct material for use in research and development. | 30.24(d). |
| 33.12 | Licenses for multiple quantities or types of byproduct material for use in processing. | 30.24(e). |

## PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

Sec.
34.1 Purpose and scope.
34.2 Definitions.
34.3 Applications for specific licenses.

**Subpart A—Specific Licensing Requirements**

34.11 Issuance of specific licenses for use of sealed sources in radiography.

**Subpart B—Radiation Safety Requirements**

EQUIPMENT CONTROL

34.21 Limit on levels of radiation for radiographic exposure devices and storage containers.
34.22 Locking of radiographic exposure devices and storage containers.
34.23 Storage precautions.
34.24 Radiation survey instruments.
34.25 Leak testing, repair, tagging, opening, modification and replacement of sealed sources.
34.26 Quarterly inventory.
34.27 Utilization logs.

PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHERS' ASSISTANT

34.31 Limitations.
34.32 Operating and emergency procedures.
34.33 Personnel monitoring control.

PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

34.41 Security.
34.42 Posting.
34.43 Radiation surveys and survey records.

EXEMPTIONS

34.51 Applications for exemptions.
Appendix A.

AUTHORITY: The provisions of this Part 34 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2232, 2233.

### § 34.1 Purpose and scope.

This part prescribes requirements for the issuance of licenses for the use of sealed sources containing byproduct material and radiation safety requirements for persons using such sealed sources in radiography. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the privisions of Part 30 of this chapter apply to applications and licenses subject to this part. Nothing in this part shall apply to uses of byproduct material for medical diagnosis or therapy.

### § 34.2 Definitions.

As used in this part:

(a) "Radiography" means the examination of the structure of materials by nondestructive methods, utilizing sealed sources of byproduct materials;

(b) "Radiographer" means any individual who performs or who, in attendance at the site where the sealed source or sources are being used, personally supervise radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of the Commission's regulations and the conditions of the license;

(c) "Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses radiographic exposure devices, sealed sources or related handling tools, or radiation survey instruments in radiography;

(d) "Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure;

(e) "Sealed source" means any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material;

(f) "Storage container" means a device in which sealed sources are transported or stored.

[§ 31.3(a)–(f)]

### § 34.3 Applications for specific licenses.

Applications for specific licenses for use of sealed sources in radiography shall be filed on Form AEC 313R, "Application for Byproduct Material Licenses—Use of Sealed Sources in Radiography."

## Subpart A—Specific Licensing Requirements

### § 34.11 Issuance of specific licenses for use of sealed sources in radiography.

An application for a specific license for use of sealed sources in radiography will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant will have an adequate program for training radiographers and radiographers' assistants and submits to the Commission a schedule or description of such program which specifies the:

(1) Initial training;

(2) Periodic training;

(3) On-the-job training;

(4) Means to be used by the licensee to determine the radiographers' knowledge and understanding of and ability to comply with Commission regulations and licensing requirements, and the operating and emergency procedures of the applicant; and

(5) Means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant;

(c) The applicant has established and submits to the Commission satisfactory written operating and emergency procedures as described in § 34.32;

(d) The applicant will have an adequate internal inspection system, or other management control, to assure that Commission license provisions, Commission regulations, and the applicant's operating and emergency procedures are followed by radiographers and radiographers' assistants;

(e) The applicant submits a description of its over-all organizational structure pertaining to the radiography program, including specified delegations of authority and responsibility for operation of the program; and

(f) The applicant who desires to conduct his own leak tests has established adequate procedures to be followed in leak testing sealed sources, for possible leakage and contamination and submits to the Commission a description of such procedures including:

(1) Instrumentation to be used,

(2) Method of performing test, e.g., points on equipment to be smeared and method of taking smear, and

(3) Pertinent experience of the person who will perform the test.

[§ 30.24(g)]

## Subpart B—Radiation Safety Requirements

EQUIPMENT CONTROL

### § 34.21 Limits on levels of radiation for radiographic exposure devices and storage containers.

Radiographic exposure devices measuring less than four (4) inches from the sealed source storage position to any exterior surface of the device shall have no radiation level in excess of 50 milliroentgens per hour at six (6) inches from any exterior surface of the device. Radiographic exposure devices measuring a minimum of four (4) inches from the sealed source storage position to any exterior surface of the device, and all storage containers for sealed sources or for radiographic exposure devices, shall have no radiation level in excess of 200 milliroentgens per hour at any exterior surface, and ten (10) milliroentgens per hour at one meter from any exterior surface. The radiation levels specified are with the sealed source in the shielded (i.e., "off") position.

[§ 31.101]

### § 34.22 Locking of radiographic exposure devices and storage containers.

Each radiographic exposure device shall be provided with a lock or outer locked container designed to prevent unauthorized or accidental removal or exposure of a sealed source and shall be kept locked at all times except when under the direct surveillance of a radiographer or radiographer's assistant, or as may be otherwise authorized pursuant to § 34.41. Each storage container likewise shall be provided with a lock and



kept locked when containing sealed sources except when the container is under the direct surveillance of a radiographer or radiographer's assistant. The locking mechanism shall be protected against unauthorized or accidental removal.

### § 34.23 Storage precautions.

(a) Sealed sources shall be stored in a manner which will minimize danger from explosion or fire.

(b) When not in use, radiographic exposure devices containing sealed sources shall be secured against unauthorized movement.

(c) When not in use, storage containers shall be locked and secured against unauthorized movement.

### § 34.24 Radiation survey instruments.

(a) Each radiographer and each radiographer's assistant shall have available to him at all times when sealed sources are in use at a temporary jobsite a radiation survey instrument capable of measuring radiation levels from 0.5 milliroentgen per hour to 50 milliroentgens per hour.

(b) Each radiographer and each radiographer's assistant shall have available to him at all times when sealed sources are in use at a temporary jobsite a radiation survey instrument capable of measuring radiation levels from 0.5 milliroentgen per hour to 1 roentgen per hour.

(c) Each radiation survey instrument required by paragraphs (a) and (b) of this section shall be calibrated at intervals not to exceed six months and after each instrument repair.

### § 34.25 Leak testing, repair, tagging, opening, modification and replacement of sealed sources.

(a) Each sealed source shall be tested for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, the sealed source shall not be put in use until tested. The test for leakage shall be capable of detecting the presence of 0.005 microcurie of radioactivity on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is mounted or stored on which one might reasonably expect contamination to accumulate. A record of each leak test shall be kept in units of microcuries and maintained for inspection by the Commission for one year after the next required leak test is performed or until the sealed source is transferred or disposed of.

(b) Any sealed source which is found to be leaking shall be withdrawn from use immediately and repaired or disposed of in accordance with Commission regulations. A report describing the sealed source and the circumstances which led to the discovery of the leaking sealed source shall be filed with the Commission within five days of the discovery.

(c) Repair of any sealed source, or opening or modification by any person other than the manufacturer, which may expose radiographers, radiographers' assistants or other persons to radiation shall be performed only by persons specifically authorized by the Commission or an Agreement State to perform such work.

(d) Each sealed source, except those containing only hydrogen, shall be tagged with a durable, legible, readily visible identification tag bearing the word "Caution" and the standard radiation symbol.

### § 34.26 Quarterly inventory.

Each licensee shall conduct a quarterly inventory to account for all sealed sources and for devices containing depleted uranium received and possessed under the license. Records of inventories shall be maintained for one year from the date of the inventory and shall include sufficient information to identify each sealed source and device containing depleted uranium by radionuclide, quantity, and serial number or other unique identifier.

### § 34.27 Utilization logs.

Each licensee shall maintain utilization logs showing for each sealed source the following information:

(a) A description, including the radionuclide and quantity, and the manufacturer's identification number of the sealed source;

(b) The identity of the radiographer to whom assigned;

(c) The plant or jobsite where used and the dates of use; and

(d) The date returned to storage.

PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHERS' ASSISTANT

### § 34.31 Limitations.

(a) Neither radiographers nor radiographers' assistants shall act as such for more than five consecutive days.

(b) Radiographers and radiographers' assistants shall not engage in radiography during the 24 hours immediately following five consecutive days of radiography.

### § 34.32 Operating and emergency procedures.

(a) Each licensee shall maintain current operating and emergency procedures and shall provide a copy of such procedures to each radiographer and each radiographer's assistant. The operating procedures shall include:

(1) Inspection of the job and the surrounding area to determine whether conditions at the jobsite are such that operations can be conducted safely;

(2) Use of the minimum exposure time, distance, and shielding necessary to make safe exposures;

(3) Actions to be taken to establish a restricted area;

(4) Use of survey instruments to determine that sources have returned to the shielded position after each exposure;

(5) Use of survey instruments to determine that each area is safe before leaving the jobsite;

(6) Actions to be taken if a sealed source fails to return to the shielded position;

(7) Actions to be taken if the dosimeter reading is off scale or if the dosimeter is damaged;

(8) Actions to be taken if a sealed source is ruptured; and

(9) Actions to be taken if a radiographer or radiographer's assistant is involved in an accident.

(b) Each licensee shall maintain current emergency procedures and shall provide a copy of such procedures to each radiographer and each radiographer's assistant. The emergency procedures shall include:

(1) Actions to be taken to assure the safety of persons in the event of an accident;

(2) Actions to be taken to secure the sealed source and to minimize exposure of persons to radiation in the event a sealed source is ruptured;

(3) Actions to be taken to control persons exposed to radiation in excess of the limits specified in Part 20 of this chapter;

(4) Actions to be taken to assure that persons who have been exposed to excessive radiation receive prompt medical attention; and

(5) Actions to be taken to notify the Commission or other appropriate regulatory agency in the event of an accident involving sealed sources.

### § 34.33 Personnel monitoring control.

(a) Each licensee shall supply dosimeters to radiographers and radiographers' assistants and shall require their use.

(b) Each licensee shall require that each dosimeter worn by a radiographer or radiographer's assistant be returned for processing and reading at intervals not to exceed one month.

(c) Each licensee shall maintain records of the radiation exposure of all radiographers and radiographers' assistants for inspection by the Commission. The records shall be maintained for one year after the next required entry is made.

PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

### § 34.41 Security.

Each licensee shall control access to sealed sources in storage to prevent tampering or removal by unauthorized persons.

### § 34.42 Posting.

(a) Each area in which sealed sources are used at a temporary jobsite shall be conspicuously posted with a sign or signs bearing the standard radiation symbol and the words "Caution, Radioactive Material" and "Do Not Operate Without Authorization."

(b) Each area in which sealed sources are stored shall be conspicuously posted with a sign or signs bearing the standard radiation symbol and the words "Caution, Radioactive Material" and "Do Not Operate Without Authorization."

### § 34.43 Radiation surveys and survey records.

(a) Each licensee shall make or cause to be made surveys of all areas where sealed sources are used or stored to assure compliance with § 20.105 of this chapter.

(b) Each licensee shall maintain records of surveys made to comply with paragraph (a) of this section for inspection by the Commission. The records shall be maintained for one year after the next required entry is made.

EXEMPTIONS

### § 34.51 Applications for exemptions.

Any person may apply for an exemption from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security. Any such application shall be filed in accordance with § 30.11 of this chapter.

Appendix A.

[Reserved]



## PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Sec.
35.1 Purpose and scope.
35.2 Definitions.
35.3 Applications for specific licenses.

**Subpart A—Specific Licensing Requirements**

35.11 Issuance of specific licenses for use of byproduct material in the healing arts.

**Subpart B—Radiation Safety Requirements**

35.21 Radiation safety.
35.22 Quarterly inventory.
35.23 Records of use.

**Subpart C—Precautionary Procedures**

35.31 Notifications, reports and records of misadministrations.
35.32 Safety instruction.
35.33 Surveillance.
35.34 Control of sealed sources.
35.35 Control of mobile remote afterloader units.
35.36 Suspension of licensee's authority.

AUTHORITY: The provisions of this Part 35 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2232, 2233.

### § 35.1 Purpose and scope.

This part prescribes requirements for the issuance of specific licenses for the use of byproduct material in the healing arts and certain regulations governing holders of such licenses. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part.

### § 35.2 Definitions.

As used in this part:

(a) "Authorized user" means a physician who is authorized by the Commission or an Agreement State to use byproduct material for medical purposes.

(b) "Authorized medical physicist" means an individual who is authorized by the Commission or an Agreement State to perform medical physics services.

(c) "Authorized nuclear pharmacist" means a pharmacist who is authorized by the Commission or an Agreement State to prepare radiopharmaceuticals for medical use.

(d) "Misadministration" means the administration of byproduct material or radiation from byproduct material to a patient, whether or not he is the human research subject, in accordance with the written directive, where the administration results in, or is likely to result in, a substantial adverse effect on the health of the patient or human research subject.

(e) "Mobile remote afterloader unit" means a device containing sealed sources which is used to transport sealed sources to and from a treatment site and to remotely load the sealed sources into applicators.

(f) "Physician" means a person licensed by a State or Territory to prescribe and administer drugs in connection with the healing arts.

(g) "Written directive" means an order in writing for a specific patient, dated and signed by a physician before administration of byproduct material or radiation from byproduct material to the patient, whether or not he is the human research subject, specifying the byproduct material and dose to be administered.

### § 35.3 Applications for specific licenses.

Applications for specific licenses for use of byproduct material in the healing arts shall be filed on Form AEC 313, "Application for Byproduct Material Licenses—Use of Sealed Sources in Radiography."

## Subpart A—Specific Licensing Requirements

### § 35.11 Issuance of specific licenses for use of byproduct material in the healing arts.

An application for a specific license for use of byproduct material in the healing arts will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant will have an adequate program for training physicians, authorized medical physicists, authorized nuclear pharmacists, and individuals who will operate mobile remote afterloader units and submits to the Commission a description of such program which specifies the:

(1) Initial training;

(2) Periodic training;

(3) On-the-job training;

(4) Means to be used by the licensee to determine the trainees' knowledge and understanding of and ability to comply with Commission regulations and licensing requirements, and the operating and emergency procedures of the applicant; and

(5) Means to be used by the licensee to determine the trainees' knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant;

(c) The applicant has established and submits to the Commission satisfactory written operating and emergency procedures as described in § 35.32;

(d) The applicant will have an adequate internal inspection system, or other management control, to assure that Commission license provisions, Commission regulations, and the applicant's operating and emergency procedures are followed by physicians, authorized medical physicists, authorized nuclear pharmacists, individuals who will operate mobile remote afterloader units, and their assistants;

(e) The applicant submits a description of its over-all organizational structure pertaining to the medical program, including specified delegations of authority and responsibility for operation of the program; and

(f) The applicant who desires to conduct his own leak tests has established adequate procedures to be followed in leak testing sealed sources, for possible leakage and contamination and submits to the Commission a description of such procedures including:

(1) Instrumentation to be used,

(2) Method of performing test, e.g., points on equipment to be smeared and method of taking smear, and

(3) Pertinent experience of the person who will perform the test.

[§ 30.24(g)]

## Subpart B—Radiation Safety Requirements

### § 35.21 Radiation safety.

(a) Each licensee shall secure sealed sources against unauthorized removal from storage.

(b) Each licensee shall control access to sealed sources in storage to prevent tampering or removal by unauthorized persons.

(c) Each licensee shall conduct adequate radiation surveys of each area where sealed sources are used or stored to assure compliance with § 20.105 of this chapter.

(d) Each licensee shall maintain records of surveys made to comply with paragraph (c) of this section for inspection by the Commission. The records shall be maintained for one year after the next required entry is made.

(e) Each licensee shall maintain adequate survey instruments.

(f) Each licensee shall test each sealed source for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, the sealed source shall not be put in use until tested. The test for leakage shall be capable of detecting the presence of 0.005 microcurie of radioactivity on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is mounted or stored on which one might reasonably expect contamination to accumulate. A record of each leak test shall be kept in units of microcuries and maintained for inspection by the Commission for one year after the next required leak test is performed or until the sealed source is transferred or disposed of.

(g) Any sealed source which is found to be leaking shall be withdrawn from use immediately and repaired or disposed of in accordance with Commission regulations. A report describing the sealed source and the circumstances which led to the discovery of the leaking sealed source shall be filed with the Commission within five days of the discovery.

(h) Each licensee shall maintain current operating and emergency procedures and shall provide a copy of such procedures to each physician, authorized medical physicist, authorized nuclear pharmacist, individual who will operate mobile remote afterloader units, and their assistants. The operating procedures shall include:

(1) Use of the minimum exposure time, distance, and shielding necessary to make safe exposures;

(2) Actions to be taken to establish a restricted area;

(3) Use of survey instruments to determine that sources have returned to the shielded position after each exposure;

(4) Use of survey instruments to determine that each area is safe before leaving the jobsite;

(5) Actions to be taken if a sealed source fails to return to the shielded position;

(6) Actions to be taken if the dosimeter reading is off scale or if the dosimeter is damaged;

(7) Actions to be taken if a sealed source is ruptured; and

(8) Actions to be taken if a physician, authorized medical physicist, authorized nuclear pharmacist, individual who will operate mobile remote afterloader units, or their assistants is involved in an accident.

(i) Each licensee shall maintain current emergency procedures and shall provide a copy of such procedures to each physician, authorized medical physicist, authorized nuclear pharmacist, individual who will operate mobile remote afterloader units, and their assistants. The emergency procedures shall include:

(1) Actions to be taken to assure the safety of persons in the event of an accident;

(2) Actions to be taken to secure the sealed source and to minimize exposure of persons to radiation in the event a sealed source is ruptured;

(3) Actions to be taken to control persons exposed to radiation in excess of the limits specified in Part 20 of this chapter;

(4) Actions to be taken to assure that persons who have been exposed to excessive radiation receive prompt medical attention; and

(5) Actions to be taken to notify the Commission or other appropriate regulatory agency in the event of an accident involving sealed sources.

### § 35.22 Quarterly inventory.

Each licensee shall conduct a quarterly inventory to account for all sealed sources and for devices containing depleted uranium received and possessed under the license. Records of inventories shall be maintained for one year from the date of the inventory and shall include sufficient information to identify each sealed source and device containing depleted uranium by radionuclide, quantity, and serial number or other unique identifier.

### § 35.23 Records of use.

Each licensee shall maintain records showing for each sealed source the following information:

(a) A description, including the radionuclide and quantity, and the manufacturer's identification number of the sealed source;

(b) The identity of the physician, authorized medical physicist, authorized nuclear pharmacist, individual who will operate mobile remote afterloader units, or their assistants to whom assigned;

(c) The plant or jobsite where used and the dates of use; and

(d) The date returned to storage.

## Subpart C—Precautionary Procedures

### § 35.31 Notifications, reports and records of misadministrations.

(a) Each licensee shall notify the Commission by telephone and telegram, mailgram or facsimile transmission of any misadministration within 24 hours after discovery of the misadministration.

(b) Each licensee shall report in writing to the Commission within 15 days after discovery of the misadministration:

(1) The name of the prescribing physician;

(2) A brief description of the event;

(3) The effect on the patient;

(4) Action taken to prevent recurrence; and

(5) Whether the licensee notified the patient or human research subject.

(c) Each licensee shall maintain records of misadministrations for inspection by the Commission. The records shall be maintained for one year after the next required entry is made.

### § 35.32 Safety instruction.

(a) Each licensee shall provide safety instruction to physicians, authorized medical physicists, authorized nuclear pharmacists, individuals who will operate mobile remote afterloader units, and their assistants, and to other personnel who work in or frequent areas where sealed sources are used or stored. The safety instruction shall include:

(1) Precautions and procedures to minimize exposure of personnel to radiation;

(2) Purpose and responsibility of the licensee's radiation protection program;

(3) Duties of personnel working in or frequenting areas where sealed sources are used or stored;

(4) Responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations or the conditions of the license or unnecessary exposure to radiation; and

(5) Appropriate responses to emergencies or unusual conditions.

(b) Each licensee shall maintain records of safety instruction for inspection by the Commission. The records shall be maintained for one year after the next required entry is made.

### § 35.33 Surveillance.

(a) Each licensee shall provide dosimeters to physicians, authorized medical physicists, authorized nuclear pharmacists, individuals who will operate mobile remote afterloader units, and their assistants and shall require their use.

(b) Each licensee shall require that each dosimeter worn by a physician, authorized medical physicist, authorized nuclear pharmacist, individual who will operate mobile remote afterloader units, or their assistants be returned for processing and reading at intervals not to exceed one month.

(c) Each licensee shall maintain records of the radiation exposure of all physicians, authorized medical physicists, authorized nuclear pharmacists, individuals who will operate mobile remote afterloader units, and their assistants for inspection by the Commission. The records shall be maintained for one year after the next required entry is made.

### § 35.34 Control of sealed sources.

(a) Each licensee shall control access to sealed sources in storage to prevent tampering or removal by unauthorized persons.

(b) Each licensee shall post each area in which sealed sources are used at a temporary jobsite with a sign or signs bearing the standard radiation symbol and the words "Caution, Radioactive Material" and "Do Not Operate Without Authorization."

(c) Each licensee shall post each area in which sealed sources are stored with a sign or signs bearing the standard radiation symbol and the words "Caution, Radioactive Material" and "Do Not Operate Without Authorization."

### § 35.35 Control of mobile remote afterloader units.

(a) Each licensee shall control access to mobile remote afterloader units to prevent tampering or removal by unauthorized persons.

(b) Each licensee shall post each area in which mobile remote afterloader units are used with a sign or signs bearing the standard radiation symbol and the words "Caution, Radioactive Material" and "Do Not Operate Without Authorization."

(c) Each licensee shall post each area in which mobile remote afterloader units are stored with a sign or signs bearing the standard radiation symbol and the words "Caution, Radioactive Material" and "Do Not Operate Without Authorization."

### § 35.36 Suspension of licensee's authority.

The Commission may suspend, in whole or in part, the licensee's authority to use byproduct material in the healing arts where it finds that the licensee has failed to comply with the requirements of this part.

kept locked when containing sealed sources except when the container is under the direct surveillance of a radiographer or radiographer's assistant.

[§ 31.102]

**§ 34.23 Storage precautions.**

Locked radiographic exposure devices and storage containers shall be physically secured to prevent tampering or removal by unauthorized personnel.

[§ 31.103]

**§ 34.24 Radiation survey instruments.**

The licensee shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this part and Part 20 of this chapter. Each radiation survey instrument shall be calibrated at intervals not to exceed three (3) months and after each instrument servicing and a record maintained of the latest date of calibration. Instrumentation required by this section shall have a range such that two millifroentgens per hour through one roentgen per hour can be measured.

[§ 31.104]

**§ 34.25 Leak testing, repair, tagging, opening, modification and replacement of sealed sources.**

(a) The replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing, repair, tagging, opening or any other modification of any sealed source shall be performed only by persons specifically authorized by the Commission to do so.

(b) Each sealed source shall be tested for leakage at intervals not to exceed 6 months. In the absence of a certificate from a transferor that a test has been made within the 6 months prior to the transfer, the sealed source shall not be put into use until tested.

(c) The leak test shall be capable of detecting the presence of 0.005 microcurie of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure to be approved pursuant to § 34.11 (f). Records of leak test results shall be kept in units of microcuries and maintained for inspection by the Commission.

(d) Any test conducted pursuant to paragraphs (b) and (c) of this section which reveals the presence of 0.005 microcurie or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of, in accordance with Commission regulations. A report shall be filed within 5 days of the test, with the United States Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Materials Licensing, describing the equipment involved, the test results, and the corrective action taken. A copy of such report shall be sent to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of Part 20 of this chapter "Standards for Protection Against Radiation."

(e) A sealed source which is not fastened to or contained in a radiographic exposure device shall have permanently attached to it a durable tag at least one (1) inch square bearing the prescribed radiation caution symbol in conventional colors, magenta or purple on a yellow background, and at least the instructions: "Danger—Radioactive Material—Do Not Handle—Notify Civil Authorities if Found.

[§31.105]

**§ 34.26 Quarterly inventory.**

Each licensee shall conduct a quarterly physical inventory to account for all sealed sources received and possessed under his license. The records of the inventories shall be maintained for inspection by the Commission, and shall include the quantities and kinds of byproduct material, location of sealed sources, and the date of the inventory.

[§ 31.106]

**§ 34.27 Utilization logs.**

Each licensee shall maintain current logs, which shall be kept available for inspection by the Commission at the address specified in the license, showing for each sealed source the following information:

(a) A description (or make and model number) of the radiographic exposure device or storage container in which the sealed source is located;

(b) The identity of the radiographer to whom assigned; and

(c) The plant or site where used and dates of use.

[§ 31.107]

PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHERS' ASSISTANTS

**§ 34.31 Limitations.**

(a) The licensee shall not permit any person to act as a radiographer until such person:

(1) Has been instructed in the subjects outlined in Appendix A of this part and shall have demonstrated understanding thereof;

(2) Has received copies of and instruction in the regulations contained in this part and the applicable sections of Part 20 of this chapter, AEC license(s), and the licensee's operating and emergency procedures, and shall have demonstrated understanding thereof; and

(3) Has demonstrated competence to use the radiographic exposure devices, sealed sources, related handling tools and survey instruments which will be employed in his assignment.

(b) The licensee shall not permit any person to act as a radiographer's assistant until such person:

(1) Has received copies of and instructions in the licensee's operating and emergency procedures, and shall have demonstrated understanding thereof; and

(2) Has demonstrated competence to use under the personal supervision of the radiographer the radiographic exposure devices, sealed sources, related handling tools and radiation survey instruments which will be employed in his assignment.

[§ 31.201]

**§ 34.32 Operating and emergency procedures.**

The licensee's operating and emergency procedures shall include instructions in at least the following:

(a) The handling and use of licensed sealed sources and radiographic exposure devices to be employed such that no person is likely to be exposed to radiation doses in excess of the limits established in Part 20 of this chapter "Standards for Protection Against Radiation";

(b) Methods and occasions for conducting radiation surveys;

(c) Methods for controlling access to radiographic areas;

(d) Methods and occasions for locking and securing radiographic exposure devices, storage containers and sealed sources;

(e) Personnel monitoring and the use of personnel monitoring equipment;

(f) Transporting sealed sources to field locations, including packing of radiographic exposure devices and storage containers in the vehicles, posting of vehicles and control of the sealed sources during transportation;

(g) Minimizing exposure of persons in the event of an accident;

(h) The procedure for notifying proper persons in the event of an accident; and

(i) Maintenance of records.

[§ 31.202]

**§ 34.33 Personnel monitoring control.**

(a) The licensee shall not permit any person to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such person shall wear a film badge and either a pocket dosimeter or pocket chamber. Pocket dosimeters and pocket chambers shall be capable of measuring doses from zero to at least 200 milliroentgens. A film badge shall be assigned to and worn by only one person.

(b) Pocket dosimeters and pocket chambers shall be read and doses recorded daily. A film badge shall be immediately processed if a pocket chamber or pocket dosimeter is discharged beyond its range. The film badge reports received from the film badge processor and records of pocket dosimeter and pocket chamber readings shall be maintained for inspection by the Commission.

[§ 31.203]

PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

**§ 34.41 Security.**

During each radiographic operation the radiographer or radiographer's assistant shall maintain a direct surveillance of the operation to protect against unauthorized entry into a high radiation area, as defined in Part 20 of this chapter, except (a) where the high radiation area is equipped with a control device or an alarm system as described in § 20.203 (c) (2), or (b) where the high radiation area is locked to protect against unauthorized or accidental entry.

[§ 31.301]

**§ 34.42 Posting.**

Notwithstanding any provisions in § 20.204(c) of this chapter, areas in which radiography is being performed shall be conspicuously posted as required by § 20.203 (b) and (c) (1) of this chapter.

[§ 31.302]

**§ 34.43 Radiation surveys and survey records.**

(a) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation as described in § 34.24 is available and used at each site where radiographic exposures are made.

(b) A physical radiation survey shall be made after each radiographic exposure during a radiographic operation to determine that the sealed source has been returned to its shielded condition.

(c) A physical radiation survey shall be made to determine that each sealed source is in its shielded condition prior to securing the radiographic exposure device and storage container as specified in § 34.22.

(d) Records shall be kept of the surveys required by paragraph (c) of this section and maintained for inspection by the Commission.

[§ 31.303]

EXEMPTIONS

**§ 34.51 Applications for exemptions.**

The Commission may, upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property.

[§ 31.401]

APPENDIX A

I. Fundamentals of radiation safety.
A. Characteristics of gamma radiation.
B. Units of radiation dose (mrem) and quantity of radioactivity (curie).
C. Hazards of excessive exposure of radiation.
D. Levels of radiation from licensed material.
E. Methods of controlling radiation dose.
1. Working time.
2. Working distances.
3. Shielding.
II. Radiation detection instrumentation to be used.
A. Use of radiation survey instruments.
1. Operation.
2. Calibration.
3. Limitations.
B. Survey techniques.
C. Use of personnel monitoring equipment.
1. Film badges.
2. Pocket dosimeters.
3. Pocket chambers.
III. Radiographic equipment to be used.
A. Remote handling equipment.
B. Radiographic exposure devices.
C. Storage containers.
IV. The requirements of pertinent Federal Regulations.
V. The licensee's written operating and emergency procedures.

[Appendix A, Part 31]

CROSS REFERENCE TABLE

| Proposed section | | Present section |
|---|---|---|
| 34.1 | Purpose and scope | New. |
| 34.2 | Definitions | 31.3(a)–(f). |
| 34.3 | Applications for specific licenses | New. |
| | **Subpart A—Specific Licensing Requirements** | |
| 34.11 | Issuance of specific licenses for use of sealed sources in radiography | 30.24(g). |
| | **Subpart B—Radiation Safety Requirements** | |
| | EQUIPMENT CONTROL | |
| 34.21 | Limit on levels of radiation for radiographic exposure devices and storage containers. | 31.101. |
| 34.22 | Locking of radiographic exposure devices and storage containers | 31.102. |
| 34.23 | Storage precautions | 31.103. |
| 34.24 | Radiation survey instruments | 31.104. |
| 34.25 | Leak testing, repair, tagging, opening, modification and replacement of sealed sources. | 31.105. |
| 34.26 | Quarterly inventory | 31.106. |
| 34.27 | Utilization logs | 31.107. |
| | PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHERS' ASSISTANTS | |
| 34.31 | Limitations | 31.201. |
| 34.32 | Operating and emergency procedures | 31.202. |
| 34.33 | Personnel monitoring control | 31.203. |
| | PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS | |
| 34.41 | Security | 31.301. |
| 34.42 | Posting | 31.302. |
| 34.43 | Radiation surveys and survey records | 31.303. |
| | EXEMPTIONS | |
| 34.51 | Applications for exemptions | 31.401. |
| | Appendix A | Appendix A, 31.102. |





## PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Sec.
35.1 Purpose and scope.
35.2 License requirements.
35.3 Definitions.

SPECIFIC LICENSES

35.11 Specific licenses for human use of byproduct material in institutions.
35.12 Specific licenses to individual physicians for human use of byproduct material.
35.13 Specific licenses for human use of byproduct material in sealed sources.

AUTHORITY: The provisions of this Part 35 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2232, 2233.

**§ 35.1 Purpose and scope.**

This part prescribes regulations governing the licensing of byproduct material for human uses. It includes special requirements for issuance of specific licenses authorizing human use of byproduct material, general licenses for human use of byproduct material of specified types and forms, and certain regulations governing the holders of such specific and general licenses. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part.

**§ 35.2 License requirements.**

No person subject to the regulations in this chapter shall receive, possess, use or transfer byproduct material for any human use except in accordance with a specific or general license issued pursuant to the regulations in this part and Part 30 or with an exemption under Part 30.

**§ 35.3 Definitions.**

As used in this part:

(a) "Human use" means the internal or external administration of byproduct material, or the radiation therefrom, to human beings;

[§ 30.4(e)]

(b) "Physician" means an individual licensed by a State or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine.

[§ 30.4(l)]

SPECIFIC LICENSES

**§ 35.11 Specific licenses for human use of byproduct material in institutions.**

An application by an institution for a specific license for human use of byproduct material will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant has appointed a medical isotopes committee of at least three members to evaluate all proposals for research, diagnosis, and therapeutic use of radioisotopes within that institution. Membership of the committee

should include physicians expert in internal medicine, hematology, therapeutic radiology, and a person experienced in assay of radioisotopes and protection against ionizing radiations;

(c) The applicant possesses adequate facilities for the clinical care of patients;

(d) The physician designated on the application as the individual user has substantial experience in the proposed use, the handling and administration of radioisotopes and, where applicable, the clinical management of radioactive patients; and

(e) If the application is for a license to use unspecified quantities or multiple types of byproduct material, the applicant has previously received a reasonable number of licenses for a variety of byproduct materials for a variety of human uses.

[§ 30.24(a)]

**§ 35.12 Specific licenses to individual physicians for human use of byproduct material.**

An application by an individual physician for a specific license for human use of byproduct material will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and

(c) The applicant has extensive experience in the proposed use, the handling and administration of radioisotopes, and where applicable, the clinical management of radioactive patients. (The physician shall furnish suitable evidence of such experience with his application. A statement from the medical isotope committee in the institution where he acquired his experience, indicating its amount and nature, may be submitted as evidence of such experience.)

[§ 30.24(b)]

**§ 35.13 Specific licenses for human use of byproduct material in sealed sources.**

An application for a specific license for use of a sealed source for human use will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant or, if the application is made by an institution, the individual user (1) has specialized training in the therapeutic use of the radioactive device considered (teletherapy unit, beta applicator, etc.) or has experience equivalent to such training; and (2) is a physician.

[§ 30.24(c)]

CROSS REFERENCE TABLE

| | Proposed section | Present section |
|---|---|---|
| 35.1 | Purpose and scope | New. |
| 35.2 | License requirements | New. |
| 35.3 | Definitions | 30.4(e) and (l). |
| | SPECIFIC LICENSES | |
| 35.11 | Specific licenses for human use of byproduct material in institutions. | 30.24(a). |
| 35.12 | Specific licenses to individual physicians for human use of byproduct material. | 30.24(b). |
| 35.13 | Specific licenses for human use of byproduct material in sealed sources. | 30.24(c). |

## PART 36—EXPORT AND IMPORT OF BYPRODUCT MATERIAL

Sec.
36.1 Purpose and scope.
36.2 Communications.
36.3 License requirements for export of byproduct material.

SPECIFIC LICENSES

36.11 Applications for specific licenses.
36.12 Issuance of specific licenses for export of byproduct material.

GENERAL LICENSES

36.21 Export of certain byproduct material to countries other than Cuba or Subgroup A countries.
36.22 Export of certain quantities of tritium and polonium 210.
36.23 Export of americium 241.

SCHEDULES

36.50 Schedule A.

AUTHORITY: The provisions of this Part 36 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 82, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2112, 2232, 2233.

**§ 36.1 Purpose and scope.**

This part prescribes regulations governing specific licenses for the export of byproduct material and establishes certain general licenses for the export from and import into the United States of byproduct material. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 apply to applications and licenses subject to this part.

**§ 36.2 Communications.**

(a) All communications and reports concerning the regulations in this part with regard to export should be addressed to the United States Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of State and Licensee Relations.

(b) All communications and reports concerning the regulations in this part with regard to import should be addressed to the United States Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Materials Licensing.

(c) Communications and reports may be delivered in person at the Commission's office at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

**§ 36.3 License requirements for export of byproduct material.**

(a) No person shall export byproduct material from the United States except as authorized pursuant to the regulations in this part and Part 30.

(b) No person may export byproduct material from the United States knowing or having reason to believe that it is to be reexported directly or indirectly, in whole or in part, from the country of ultimate destination shown on the export license, shipper's export declaration, bill of lading, or commercial invoice, unless either:

(1) The reexport has been authorized by the Commission; or

(2) At the time of export, the material may be exported directly from the United States to the new country of ultimate destination under the terms of one of the general licenses established in this part.

[§ 30.33 (a), (h)]

SPECIFIC LICENSES

**§ 36.11 Applications for specific licenses.**

Applications for specific licenses for export of byproduct material from the United States shall be filed in triplicate on Form AEC–7 with the United States Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of State and Licensee Relations. Applications may also be filed in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

**§ 36.12 Issuance of specific licenses for export of byproduct material.**

The Commission may, upon application by an interested person, issue a license authorizing the export of byproduct material to a country or destination listed in § 36.50, Schedule A, for the export of byproduct material in quantities or forms not authorized for export under general license if, in the opinion of the Commission, the proposed export would not be inimical to the common defense and security.

[§ 30.33(e)]

GENERAL LICENSES

**§ 36.21 Export of certain byproduct material to countries other than Cuba or Subgroup A countries.**

Any licensee may export byproduct material covered by his license to any foreign country except Cuba or countries or areas now or hereafter listed as Subgroup A countries or destinations in § 371.3 of the Comprehensive Export Schedule of the United States Department of Commerce (15 CFR 371.3): *Provided*, That the authority conferred by this section shall apply only to byproduct material having an atomic number from 3 to 83, inclusive, and to tritium when contained in luminous safety devices installed in aircraft and distributed as generally licensed items pursuant to § 31.7 of this chapter.

[§ 30.33(b)]

**§ 36.22 Export of certain quantities of tritium and polonium 210.**

(a) A general license is hereby issued authorizing any person to export from the United States to any countries or destinations not listed in § 36.50, Schedule A, 5,000 curies of tritium and 5,000 curies of polonium 210 in a calendar quarter. Not more than 1,000 curies of tritium may be exported by any person to any one country or destination in a calendar quarter and not more than 100 curies of tritium may be exported by any person in a single shipment under this general license. Exports under this general license may be in one or more of the following forms or products only:

(1) Tritium activated luminous paint;
(2) Tritium labeled organic compounds;
(3) Tritiated accelerator targets;
(4) Polonium 210 static eliminators;
(5) Polonium 210 neutron sources;
(6) Tritium or polonium 210 calibration standards;
(7) Luminescent light sources;
(8) Tritium sources for chromatography instruments;
(9) Electron tubes; or
(10) Tritium as a contaminant of Helium 3 in a concentration not to exceed 2.5 millicuries of tritium per liter of Helium 3.[1]

(b) A person exporting byproduct material pursuant to the general license established by paragraph (a) of this section, shall file with the Collector of Customs, or the Postmaster, one copy, in addition to those otherwise required, of the Shipper's Export Declaration, covering each export, marked for transmittal to the Division of State and Licensee Relations of the United States Atomic Energy Commission, Washington, D.C., 20545. In addition to such other information as may be required, the following information shall be included in the Shipper's Export Declaration: Identification of the byproduct material; the quantity in curies; and the ratio of tritium to the total quantity of hydrogen if the material is tritium-activated luminous paint.

[§ 30.33 (d) and (f)]

**§ 36.23 Export of americium 241.**

A general license designated AEC–GRO–BMG is hereby issued authorizing any person to export americium 241 from the United States to any countries or destinations not listed in § 36.50, Schedule A.

[§ 30.33(g)]

[1] Export shipments of Helium gas are subject to the licensing authority and regulations of the Department of State. Issuance of a specific or general license by the Commission for tritium contained in Helium 3 does not relieve any person from complying with the licensing requirements and regulations of the Department of State applicable to the export of Helium 3.



SCHEDULES

**§ 36.50 Schedule A.**

(a) Albania.
(b) Bulgaria.
(c) China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province).
(d) Communist-controlled area of Viet Nam.
(e) Cuba.
(f) Czechoslovakia.
(g) East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
(h) Estonia.
(i) Hungary.
(j) Latvia.
(k) Lithuania.
(l) North Korea.
(m) Outer Mongolia.
(n) Poland.
(o) Rumania.
(p) Union of Soviet Socialist Republics.

[§ 30.75]

CROSS REFERENCE TABLE

| | Proposed section | Present section |
|---|---|---|
| 36.1 | Purpose and scope | New. |
| 36.2 | Communications | New. |
| 36.3 | License requirements for export of byproduct material | 30.33 (a) and (h). |
| | SPECIFIC LICENSES | |
| 36.11 | Applications for specific licenses | New. |
| 36.12 | Issuance of specific licenses for export of byproduct material | 30.33(e). |
| | GENERAL LICENSES | |
| 36.21 | Export of certain byproduct material to countries other than Cuba or Subgroup A countries. | 30.33(b). |
| 36.22 | Export of certain quantities of tritium and polonium 210 | 30.33 (d) and (f). |
| 36.23 | Export of americium 241 | 30.33(g). |
| | SCHEDULES | |
| 36.50 | Schedule A | 30.75. |

[F.R. Doc. 64–12818; Filed, Dec. 16, 1964; 8:45 a.m.]

## [10 CFR Parts 30, 150]

## LICENSING OF BYPRODUCT MATERIAL: EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES[1]

### Transfers of Exempt Concentrations of Byproduct Material

Under the Commission's current regulations, a person such as a radiotracer firm may be authorized, by a specific Commission license, to introduce, in non-agreement States, byproduct materials in exempt concentrations into a product or material owned by another (10 CFR 30.24). The licensee of an agreement State may be authorized, under a specific agreement State license, to perform the same type of services in the agreement State. However, the agreement State licensee would not be authorized, under a strict interpretation of the Commission's regulations, to perform such service for owners of products or materials in non-agreement States without a specific license from the Commission, even though § 150.20 of 10 CFR Part 150 grants to any person possessing a specific license from an agreement State, a general license to conduct the same activity in non-agreement States for twenty days in any twelve consecutive months.[2] The reason for this is that § 150.20(b)(2) prohibits the general licensee from transferring or disposing of radioactive material in non-agreement States except by transfer to a person specifically licensed by the Commission to receive such material, and introduction of byproduct material into a product or material in the course of performing radiotracer services may be considered a "transfer" to the owner.[3]

No useful purpose would be served, in these circumstances, in requiring an additional Commission license authorizing the introduction of exempt concentrations into products or materials to enable the holder of an agreement State specific license to perform services in non-agreement States which he could perform under his State license alone in the agreement State.

Consequently, the Commission proposes to revise its regulations so that, subject to the conditions of the general license of 10 CFR 150.20 (which is limited to twenty days in any twelve consecutive months) a person holding an agreement State specific license may introduce byproduct material in exempt concentrations into products or materials for persons in non-agreement States

[1] States to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

[2] This general license is provided only if the agreement State license does not limit the authorized activity to specified installations or locations.

[3] The product owner in the non-agreement State may obtain a specific license from the Commission to receive the byproduct material and the radiotracer firm from the agreement State could then perform the radiotracer service under the general license of § 150.20. In most instances, however, the firms which contract for radiotracer services are relying on the technical competence of the radiotracer firm and do not desire to file an application with the Commission and obtain a specific license.

who are exempt under § 30.9 of 10 CFR Part 30. This would be accomplished by amending § 150.20(b)(2) to authorize transfer of radioactive material, under the general license of § 150.20, to persons exempt under § 30.9, as well as to persons specifically licensed by the Commission to receive such material.

Title 10 CFR Part 30 would also be amended by the deletion of § 30.32(f), which contains the requirement for a specific license for the introduction of byproduct material into a product for transfer to persons exempt under § 30.9, and by the incorporation of the requirement into § 30.9 as a new paragraph (d). The language of the paragraph would be modified to permit introduction of byproduct material under the general license of § 150.20, as well as under a license issued pursuant to § 30.24(h) of Part 30, and to make other clarifying, editorial changes. The purpose of moving the substance of present § 30.32(f) into § 30.9 is to consolidate in one section both the exemption for certain concentrations of byproduct material and the limitations on that exemption. In addition, § 30.9(a) would be amended by adding to the excepting clause a reference to paragraph (c) as well as paragraph (d) (in lieu of § 30.32(f)).

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments of 10 CFR Parts 30 and 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within sixty days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 30.9 of Part 30 is amended by revising paragraph (a) and adding a new paragraph (d) to read as follows:

**§ 30.9 Exempt concentrations.**

(a) Except as provided in paragraphs (c) and (d) of this section, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing byproduct material in concentrations not in excess of those listed in § 30.73.

* * * * *

(d) No person may introduce byproduct material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under this section or equivalent regulations of an agreement State, except in accordance with a license issued pursuant to § 30.24(h) of this part or the general license provided in § 150.20 of Part 150.

2. Section 30.32(f) of Part 30 is deleted.

3. Section 150.20(b)(2) of Part 150 is amended to read as follows:

**§ 150.20 Recognition of State licenses.**

* * * * *

(b) * * *

(2) Shall not in any non-agreement State transfer or dispose of radioactive material possessed or used under the general license provided in this section except by transfer to a person (i) specifically licensed by the Commission to receive such material, or (ii) exempt from the requirements for a license for such material under § 30.9 of Part 30.

(Sec. 161, Stat. 948; 42 U.S.C. 2201; sec. 274, 73 Stat. 688; 42 U.S.C. 2021)

Dated at Washington, D.C., this 14th day of December 1964.

For the Atomic Energy Commission.

W. B. McCOOL,
*Secretary.*

[F.R. Doc. 64–13023; Filed, Dec. 16, 1964; 11:18 a.m.]

# Notices

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### STATEMENT OF ORGANIZATION

### Ports of Entry; New York

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

The list of Class B ports of entry of District No. 7—Buffalo, N.Y., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by deleting "Chaumont, N.Y.," and "Heart Island, N.Y. (June–September)."

Dated: December 14, 1964.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 64–12950; Filed, Dec. 16, 1964; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

### Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

DECEMBER 9, 1964.

1. Plat of rectangular survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m., January 4, 1965.

SEWARD MERIDIAN

T. 30 S., R. 29 W.,
Sec. 29, lots 1–8;
Sec. 30, lots 1–8, N½NE¼, E½NW¼;
Sec. 31, lots 1–11, S½SE¼; SE¼SW¼;
Sec. 32, lots 1–5, S½NE¼, SE¼NW¼, SW¼, SE¼.
Containing 1,348.66 acres.

2. The land in this survey, in general, is nearly level to rolling along the shore line on both sides of Larsen Bay and Uyak Bay, becoming mountainous with distance inland from shore. The soil is a mixture of gravel, sand, clay and loam throughout the survey. The timber is birch and cottonwood, with an undergrowth of alder; scattered willow is predominant along the flat land and along the streams near the meander lines. The village of Larsen Bay is located along the shore in Secs. 31 and 32. The only access to the land is via airplane or boat.

3. Subject to any existing valid rights, the provisions of existing withdrawals, and the requirements of applicable law, the above described land is hereby opened to filing applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land land laws may be presented to the Manager, Anchorage District and Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on January 4, 1965, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing. The lands will also be open to mining location at that date and hour.

4. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claim. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 1821.2–3 (formerly § 295.8) of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in §§ 2233.9–1(a), 2211.9–1(a), and 2211.0–6(a) (formerly in Parts 64, 65 and 166) of Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, Anchorage District and Land Office, 555 Cordova Street, Anchorage, Alaska.

JAMES W. SCOTT,
*Manager,*
*Anchorage District and Land Office.*

[F.R. Doc. 64–12944; Filed, Dec. 16, 1964; 8:48 a.m.]

### NEVADA

### Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

DECEMBER 8, 1964.

1. Plats of survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective at 10:00 a.m. on January 12, 1965.

MOUNT DIABLO MERIDIAN

T. 33 S., R. 66 E. (Group 395),
Sec. 5, lots 7, 8;
Sec. 15, lots 3, 4, 5, 6, 7, NE¼NW¼, SE¼NW¼, SW¼NE¼, W½SE¼, SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, lots 5, 6, NE¼NE¼, SE¼NE¼;
Sec. 22, lots 1, 2, 3, 4, 5, NW¼NE¼, NW¼.

2. The area described above aggregates 1,155.73 acres. The plat was accepted May 17, 1962. Available data indicates the lands included in this plat, consist of the old flood plain of the Colorado River ascending into the rolling desert on the west side. Soils vary from sandy loam and silt to gravel and exposed granite formation. The above described lands are withdrawn by order dated October 16, 1931, under first form for the Colorado River Reclamation Project and by order dated June 22, 1923, as Power Site Classification 55. In addition, all the lands except section 22 are segregated from entry pursuant to Public Law 433 approved April 22, 1960 (74 Stat. 74) for conveyance to the Colorado River Commission of Nevada acting for the State of Nevada. In view of this, the lands described will not be subject to disposition under the general public land laws by reason of official filing of this plat.

T. 10 N., R. 43 E. (Group 384),
Sec. 6, lots 16, 17, 18;
Sec. 7, lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 16, lots 1, 2, 5, 6.

3. The area described above aggregates 650.81 acres. The plat was accepted May 6, 1963. Available data indicates the lands included in the plat are nearly level to gently rolling to rough with sandy and gravelly clay loam soils. The above described lands are withdrawn by Presidential Proclamation dated December 10, 1910, and are now a part of the Toiyabe National Forest and are not subject to disposition under the general public land laws by reason of official filing of this plat.

T. 16 N., R. 35 E. (Group 407),
Tract 37.

4. The area described above aggregates 5.00 acres. The plat was accepted August 16, 1963. The above land has been patented pursuant to the Act of Congress of June 1, 1938 (52 Stat. 609) as amended and is not subject to disposition under the general public land laws by reason of official filing of this plat.

T. 21 S., R. 64 E. (Group 397),
Tract 37.

5. The area described above aggregates 5.00 acres. The plat was accepted

August 16, 1963. The above land has been patented pursuant to the Act of Congress of August 27, 1954 (68 Stat. A2 23) and is not subject to disposition under the general public land laws by reason of official filing of this plat.

T. 25 S., R. 62 E. (Group 372),
Secs. 1 through 36 incl.

6. The area described above aggregates 24,171.08 acres. The plat was accepted December 18, 1963. Available data indicates the lands included in this plat varies from nearly level in the south to rough mountainous in the north with sandy and gravelly clay loam soils. The above described lands are segregated from entry pursuant to Public Law 339 approved March 6, 1958, for conveyance to the Colorado River Commission of Nevada acting for the State of Nevada and are not subject to disposition under the general public land laws by reason of official filing of this plat.

T. 26 S., R. 62 E. (Group 372),
Secs. 1 through 36 incl.

7. The area described above aggregates 24,384.07 acres. The plat was accepted December 18, 1963. Available data indicates the lands included in the plat varies from nearly level and rolling in the east, rough, broken mountainous in the central, and gently rolling to level in the west. The soils are sandy and gravelly. The following lands are segregated from entry pursuant to Public Law 339 approved March 6, 1958, for conveyance to the Colorado River Commission of Nevada acting for the State of Nevada and are not subject to disposition under the general public land laws by reason of official filing of this plat:

T. 26 S., R. 62 E.,
Secs. 1, 2, 11, 12, 13, 14.

T. 25 S., R. 64 E. (Group 372),
Secs. 1 through 36 incl.

8. The area described above aggregates 23,135.83 acres. The plat was accepted December 18, 1963. Available data indicates the lands included in the plat varies from an alluvial fan in the north, while the remainder of the township is broken mountainous terrain. The following lands are segregated from entry pursuant to Public Law 339 approved March 6, 1958, for conveyance to the Colorado River commission of Nevada acting for the State of Nevada and are not subject to disposition under the general public land laws by reason of official filing of this plat:

T. 25 S., R. 64 E.,
Secs. 1, 2, 3, 4, 5, 6.

T. 18 S., R. 66 E. (Group 415),
Secs. 1, 2, 3, 4, 11, 12.

9. The area described above aggregates 3,829.38 acres. The plat was accepted February 6, 1964. Available data indicate the lands included in this plat consists of very rough limestone and exposed red sandstone formations.

T. 8 S., R. 44 E. (Group 396),
Secs. 5, 6, 7, 8.

10. The area described above aggregates 2,555.96 acres. The plat was accepted February 24, 1964. Available data indicates the lands included in this plat consists of sandy loam and clay soils, suitable for cultivation if water for irrigation is available. The following lands are embraced in allowed Pittman entry, Nevada 010898 and are not subject to disposition under the general public land laws by reason of official filing of this plat:

T. 8 S., R. 44 E.,
Secs. 7, 8.

11. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract and Desert Land Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid Settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., January 12, 1965, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

12. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1551, Reno, Nev.

DONALD I. BAILEY,
*Acting Manager,*
*Nevada Land Office.*

[F.R. Doc. 64-12929; Filed, Dec. 16, 1964; 8:46 a.m.]

### Office of the Secretary

[Order 2508, Amdt. 62]

### COMMISSIONER OF INDIAN AFFAIRS

### Delegation of Authority With Respect to Authority Under Specific Acts

Section 30 of Order 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272; 25 F.R. 436, 575, 729, 1385, 1994, 4655, 7192, 8892; 26 F.R. 6944; 27 F.R. 2328, 11560; 28 F.R. 1072, 2199, 2927, 5687, 12633; 29 F.R. 7811), is further amended by the addition of a new subparagraph under paragraph (a) to read as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere is this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts and any acts amendatory thereof:

* * * * *

(27) The Act of August 20, 1964 (Public Law 88-462; 88th Congress, 2d Session; 78 Stat. 559).

STEWART L. UDALL,
*Secretary of the Interior.*

DECEMBER 11, 1964.

[F.R. Doc. 64-12925; Filed, Dec. 16, 1964; 8:45 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

### LAWRENCE H. ZAHN

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: Occidental Petro.; Sealed Air Corp.

This statement is made as of December 3, 1964.

LAWRENCE H. ZAHN.

DECEMBER 3, 1964.

[F.R. Doc. 64-12940; Filed, Dec. 16, 1964; 8:47 a.m.]

## CIVIL SERVICE COMMISSION

### DIGITAL COMPUTER SYSTEMS ANALYST AND SUPERVISORY DIGITAL COMPUTER SYSTEMS OPERATOR

### Positions for Which There Is Determined To Be Manpower Shortage

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

| Series and grade | Positions | Location | Effective date |
|---|---|---|---|
| GS-334-12 | Digital computer systems analyst | New Orleans, La. metropolitan area. | Nov. 13, 1964 |
| GS-332-11 | Supervisory digital computer systems operator. | New Orleans, La. metropolitan area. | Do. |

Comparable positions not subject to the Classification Act also are covered.

Expenses of travel and transportation to their first duty stations may be paid for appointees to positions as listed above. Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12948; Filed, Dec. 16, 1964; 8:48 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-11]

### KENTUCKY AUTHORITY FOR EDUCATIONAL TELEVISION

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted study (EA-OE-5782) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Kentucky Authority for Educational Television, Lexington, Ky., proposes to construct a television antenna structure near Somerset, Ky., at latitude 37°10'00" N., longitude 84°40'28" W. The overall height of the structure would be 2549.2 feet above mean sea level (1019.2 feet above ground).

This proposal was previously studied under Case No. 1-OE-2852. The result was a Determination of No Hazard issued by the Eastern Region on January 10, 1963. Since this determination has expired and the application is still pending with the Federal Communications Commission, the proponent has requested that the determination be extended.

The structure would exceed the standards for determining hazards to air navigation in § 77.23(a)(1) of the Federal Aviation Regulations by 519.2 feet.

The aeronautical study disclosed that the structure would not require a change in instrument flight rule (IFR) minimum altitudes or procedures and would have no adverse effect upon IFR aeronautical operations. Further, it would not be located in proximity to a commonly used visual flight rules (VFR) route or in an area where there is a significant volume of VFR traffic.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on December 8, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-12921; Filed, Dec. 16, 1964; 8:45 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-3693, etc.]

### ELLIOTT OIL, INC., ET AL.

### Findings and Order

DECEMBER 8, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successor in interest co-respondent, redesignating proceedings, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Harvey H. Henry, Applicant in Docket No. G-20508, proposes to continue the sales of natural gas made by Delhi-Taylor Oil Corporation, heretofore authorized in said docket. Applicant proposes to sell natural gas pursuant to a contract dated June 16, 1958, as supplemented and amended, which has heretofore been designated as Delhi-Taylor Oil Corporation FPC Gas Rate Schedule No. 32, and which is herein redesignated as Harvey H. Henry FPC Gas Rate Schedule No. 1. The rate proposed to be collected by Applicant under said rate schedule is in effect subject to refund in Docket No. RI64-89. Applicant has filed a motion in said docket to be joined as a co-respondent therein, insofar as said proceeding pertains to sales made under Harvey H. Henry's FPC Gas Rate Schedule No. 1. Accordingly, Applicant will be joined as a co-respondent in Docket No. RI64-89, said proceeding will be redesignated, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected on or after September 1, 1963, in excess of the amount determined to be just and reasonable in said proceeding.

After due notice a petition to intervene by the Philadelphia Gas Works Division of The United Gas Improvement Company was filed in Docket No. CI65-50 in the matter of the application filed July 20, 1964, in said docket. A notice of intervention filed by the Public Utilities Commission of the State of California and a petition to intervene by Pacific Gas and Electric Company were filed in Docket No. CI65-101 in the matter of the application filed August 3, 1964, in said docket. The petitions to intervene and the notice of intervention have been withdrawn, and no other petitions to intervene, notices of intervention, or protest to the granting of any of the respective applications in this order have been received.

At a hearing held on November 30, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3693, G–4537, G–5716, G–8832, G–14459, G–15404, G–10818, G–19563, G–19565, G–20508, G–20566, CI61–613, CI61–1592, CI61–1612, CI61–1714, CI62–434, CI62–857, CI63–318, CI63–869, CI63–1040, and CI64–136 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein, and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Harvey H. Henry should be joined as a co-respondent in Docket No. RI64–89, that said proceeding should be redesignated, and that Applicant be required to file an agreement and undertaking.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the name of the respondent in the rate proceedings pending in Docket Nos. RI60–228 [1] and RI64–332 be changed from Elliott, Inc., to Elliott Oil, Inc., that said proceedings be redesignated accordingly, and that the agreements and undertakings filed in said proceedings by Elliott, Inc. shall remain in full force and effect as though filed by Elliott Oil, Inc.

(10) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts here involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G–4537, G–15404, G–19563, G–19565, CI61–1592, CI63–318, CI63–1040 and CI64–136 are hereby amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. G–5716, G–10818, CI61–613 and CI63–869 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI64–1173, CI65–330, CI65–369 and CI64–1309.

(F) The certificate heretofore issued in Docket No. G–3693 is hereby amended to reflect the change in corporate name from Elliott, Inc. to Elliott Oil, Inc., as indicated in the tabulation herein.

(G) The certificates heretofore issued in Docket Nos. G–8832, G–14459, G–20508, G–20566, CI61–612, CI61–1714, CI62–434, CI62–857 and CI63–869 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(H) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(I) The certificates heretofore issued in Docket Nos. G–5566, G–8404, G–11985, G–20476, CI61–240 and CI63–823 are hereby terminated.

(J) Applicant in Docket No. CI65–50 shall submit a supplement to its related rate schedule and a revised billing statement to reflect the 20.0¢ rate.

(K) The certificate issued in Docket No. CI65–362 is hereby conditioned as follows:

(a) The initial price, including tax reimbursement shall not exceed 15.0 cents per Mcf at 14.65 psia.

(b) In the event that the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle area and the "Other Oklahoma" area so as to increase the initial wellhead price for new gas in the areas involved herein, Applicant thereupon may substitute the new rate consistent with the contract reflecting the amount of such increase, and thereafter collect the new rate prospectively, in lieu of the initial rate herein required.

(c) The allowances for take-or-pay provisions in the related rate schedule are subject to the ultimate disposition with respect to such provisions in the rule-making proceeding in Docket No. R–199; however, Applicant will not be required to file take-or-pay provisions for less than 80 percent of the annual quantity.

(L) Harvey H. Henry is hereby joined as a co-respondent in Docket No. RI64–89, and said proceeding is redesignated accordingly.[2]

(M) Within 30 days from the issuance of this order Harvey H. Henry shall execute, in the form set out below,[3] and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI64–89 to assure the refund of any excess charges, together with interest at the rate of 7 percent per annum, collected by him on or after September 1, 1963, for sales under his FPC Gas Rate Schedule No. 1.

(N) Harvey H. Henry shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and his agreement and undertaking filed in Docket No. RI64–89 shall remain in full force and effect until discharged by the Commission.

(O) The name of the respondent in the rate proceedings pending in Docket Nos. RI60–228 and RI64–332 be and the same is hereby changed from Elliott, Inc. to Elliott Oil, Inc., and said proceedings are redesignated accordingly.[4] The agreements and undertakings filed in said proceedings by Elliott, Inc. shall remain in full force and effect as though filed by Elliott Oil, Inc.

(P) The respective related rate schedules and supplements as indicated in the tabulation herein, are hereby accepted for filing; the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Consolidated with Docket No. AR61–1, et al.

[2] Tenneco Oil Company, Continental Oil Company and Harvey H. Henry. (Tenneco and Continental acquired all of Delhi-Taylor's natural gas properties as of January 1, 1964.)

[3] Form filed as part of original document.

[4] Elliott Oil, Inc.





| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| CI61–1612, E 9–28–64 | D. J. Stone (successor to Alamo Corp.). | Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans. | Alamo Corp., FPC GRS No. 1. Notice of succession (undated). | 2 | |
| | do | do | Assignment 5–27–64 [1]. Alamo Corp., FPC GRS No. 2. | 2 3 | 1 |
| | | | Supplement No. 1 Notice of succession (undated). | 3 | 1 |
| CI61–1612, E 9–28–64 | do | do | Assignment 5–27–64 [1]. Alamo Corp., FPC GRS No. 4. | 3 4 | 2 |
| | | | Notice of succession (undated). | | |
| CI61–1714, E 10–14–64 | E. C. Metz (successor to Zora A. Hafer). | Pountzil Co., Elk District, Kanawha County, W. Va. | Effective date: 6–9–64 [2]. Assignment 5–27–64 [1]. Zora S. Hafer, FPC GRS No. 1. | 4 1 | 1 |
| | | | Supplement No. 1 Notice of succession 10–9–64. | 1 | 1 |
| CI62–434, E 9–28–64 | Beatrice Henry (successor to John W. Henry). | Colorado Interstate Gas Co., Morse Field, Beaver County, Okla. | Assignment 9–18–64 [1]. John W. Henry, FPC GRS No. 1. | 1 1 | 3 |
| | | | Supplement Nos. 1–6 Notice of succession 9–24–64. | 1 | 1–6 |
| CI62–857, E 9–16–64 | Mid-America Trust, Inc.,[4] agent for O. W. Martin, et al. (successor to Mid-America Trust, Inc., et al.). | Hope Natural Gas Co., Hilton District, Clay County, W. Va. | Assignment 12–31–63 [1]. Mid-America Trust, Inc., et al., FPC GRS No. 1. | 1 1 | 7 |
| | | | Notice of succession 9–15–64. | | |
| CI63–318, C 10–14–64 | Frank A. Schultz, et al. | El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex. | Supplemental agreement 7–13–64 [3]. Supplemental agreement 9–25–64 [3]. | 1 8 | 13 |
| CI63–869, A 1–17–63 | Delhi-Taylor Oil Corp. (Operator), et al. | Transcontinental Gas Pipe Line Corp., North Thibodaux Field, Lafourche Parish, La. | Contract 1–10–63. Supplemental agreement 3–27–63. | 55 55 | 1 2 |
| | | | Supplemental agreement 2–22–63. | 55 | |
| CI63–869, E 4–27–64 | Tenneco Oil Co. (Operator), et al. (successor to Delhi-Taylor Oil Corp. (Operator), et al.). | do | Delhi-Taylor Oil Corp. (Operator), et al., FPC GRS No. 55. | 166 | |
| | | | Supplement Nos. 1–2 Notice of succession 4–27–64. | 166 | 1–2 |
| | | | Conveyance (undated). | 166 | 3 |
| CI63–1030, A 2–18–63 | Bel Oil Corp. | Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La. | Effective date: 1–1–64 Contract 2–5–63. Letter 2–1–63. | 12 12 | 1 |
| CI63–1040, C 10–12–64 | R. J. Caraway (Operator), et al. | Arkansas Louisiana Gas Co., Monroe Field, Wood County, Tex. | Amendment 9–22–64 | 3 | 4 |
| CI64–136, C 9–23–64 | Cities Service Oil Co. | Arkansas Louisiana Gas Co., SW Lacy Field, Kingfisher County, Okla. | Supplemental agreement 8–27–64. | 172 | 4 |
| CI64–136, C 10–8–64 | do | do | Supplemental agreement 9–14–64. | 172 | 5 |
| A CI64–1173, (G–5716) F 4–6–64 as amended 4–29–64 and 10–13–64 | Jas. F. Smith | Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans. | Contract 11–15–62. Assignment 12–31–63 [5]. Assignment 12–31–63 [5]. Assignment 12–31–63 [10]. Amendment 2–7–64 [11]. Letter agreement 3–5–64. | 13 13 13 13 13 | 1 2 3 4 5 |
| | | | Supplemental agreement 9–24–64 [11]. | 13 | 6 |

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G–3693, 8–26–64 [1] | Elliott Oil, Inc. (formerly Elliott, Inc.). | El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex. | Elliott, Inc., FPC GRS No. 2 | 2 | |
| | | | Supplement Nos. 1–5 Notice of change in name 8–26–64. | 2 | 1–5 |
| G–3693, 8–26–64 [1] | do | El Paso Natural Gas Co., Dollarhide Field, Lea County, N. Mex. | Effective date: 6–9–64 Elliott, Inc., FPC GRS No. 3. | 3 | |
| | | | Supplement Nos. 1–4 Notice of change in name 8–26–64. | 3 | 1–4 |
| | | | Effective date: 6–9–64 | | |
| G–4537, C 12–5–62 [2] | Sinclair Oil & Gas Co. (Operator), et al. | El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex. | Supplemental agreement 11–28–62. | 265 | 6 |
| G–8832, E 10–8–64 | O. G. McClain, et al. (successor to Drilling Exploration Co., Inc., et al.). | Coastal States Gas Producing Co., Alfred Field, Jim Wells County, Tex. | Drilling & Exploration Co., Inc., et al., FPC GRS No. 6. | 1 | |
| | | | Supplement Nos. 1–3 Notice of succession 10–1–64. | 1 | 1–3 |
| G–14459, E 9–8–64 | E. G. Rodman (successor to E. G. Rodman and W. D. Noel). | El Paso Natural Gas Co., Midland and Reagan Counties, Tex. | Assignment 9–13–61 [3]. E. G. Rodman and W. D. Noel, FPC GRS No. 1. | 1 6 | 4 |
| | | | Supplement Nos. 1–5 Notice of succession 9–24–64. | 6 | 1–5 |
| | | | Assignment 7–1–64 [4]. | 6 | 6 |
| | | | Assignment 7–1–64 [4]. | 6 | 7 |
| G–15404, C 10–15–64 | Francis A. Callery, et al. | Southern Natural Gas Co., Conquille Field, Plaquemines Parish, La. | Effective date: 6–1–64. Letter agreement 8–18–64. | 15 | 3 |
| G–19563, C 10–14–64 | Ambassador Oil Corp. (Operator), et al. | Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla. | Letter agreement 6–4–64. | 8 | 4 |
| G–19565, C 10–15–64 | Stonestreet Lands Co., et al. | Hope Natural Gas Co., Hilton District, Calhoun County, W. Va. | Letter agreement 8–26–64.[3] | 3 | 3 |
| G–20508, E 9–14–64 | Harvey H. Henry (successor to Delhi-Taylor Oil Corp.). | El Paso Natural Gas Co., Bisti Area, San Juan County, N. Mex. | Delhi-Taylor Oil Corp., FPC GRS No. 32. | 1 | |
| | | | Supplement Nos. 1–9 Notice of succession 9–10–64. | 1 | 1–9 |
| G–20566, E 9–14–64 | Harvey H. Henry (successor to Kenneth Murchison (Operator), et al.). | do | Assignment 10–1–63 [3]. Kenneth Murchison (Operator), et al., FPC GRS No. 2. | 1 2 | 10 |
| | | | Supplement Nos. 1–8. | 2 | 1–8 |
| CI61–1592, C 10–8–64 | Don W. Hardman, d.b.a. Okey Hinzman Oil & Gas Co. | Hope Natural Gas Co., Union District, Ritchie County, W. Va. | Notice of succession 9–10–64. Assignment 10–1–63 [3]. Supplemental agreement 8–26–63. | 2 6 | 9 1 |
| | | | Letter agreement 7–1–64 [5]. | 6 | 2 8 |

Filing code: A—Initial service
B—Abandonment
C—Amendment to add acreage
D—Amendment to delete acreage
E—Succession
F—Partial Succession

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| A CI64-1309 (CI63-869) F 4-20-64 | Continental Oil Co. | Transcontinental Gas Pipe Line Corp., North Thibodaux Field, La-Fourche Parish, La. | Notice of succession (undated).[14] | 281 | |
| | | | Contract 1-10-63 | 281 | |
| | | | Supplemental agreement 2-22-63. | 281 | 1 |
| | | | Supplemental agreement 5-27-63. | 281 | 2 |
| | | | Conveyance (undated)[15] Effective date: 1-1-64 | 281 | 3 |
| CI64-1547 C 10-12-64 | Joseph E. Seagram & Sons, Inc., d. b. a. Texas Pacific Oil Co. | Kansas-Nebraska Natural Gas Co., Inc., Frenchie Draw Unit, Fremont and Natrona Counties, Wyo. | Letter agreement 8-24-64.[3] | 79 | 1 |
| CI65-50 A 7-20-64 10-1-64 [16] | Union Texas Petroleum, A Division of Allied Chemical Corp. | Transcontinental Gas Pipe Line Corp., Trahan Main Camerina Gas Unit, Jefferson Davis Parish, La. | Ratification 6-4-64 | 77 | |
| | | | Contract 10-21-58 [3] | 77 | 1 |
| CI65-101 A 8-3-64 C 10-20-64 | Pan American Petroleum Corp. [11] | El Paso Natural Gas Co., Tocito Dome Field, San Juan County, N. Mex. | Contract 5-18-64 | 400 | |
| | | | Letter agreement 5-18-64. | 400 | 1 |
| | | | Letter agreement 6-22-64. | 400 | 2 |
| | | | Supplemental agreement 10-15-64.[3] | 400 | 3 |
| CI65-298 A 9-28-64 | Cuttychamp Oil and Gas Corp. | Arkansas Louisiana Gas Co., Arkoma Area, Le-Flore County, Okla. | Ratification 6-16-64 | 1 | |
| | | | Contract 10-16-63 [3] | 1 | 1 |
| CI65-319 A 10-1-64 | Sohio Petroleum Co. | Northern Natural Gas Co., Laverne Area, Harper County, Okla. | Contract 5-21-64 [3] | 108 | |
| CI65-321 A 10-1-64 | Pan American Petroleum Corp. | Texas Eastern Transmission Corp., Cottonwood Creek Field, De-Witt County, Tex. | Contract 8-17-64 [3] | 406 | |
| CI65-330 (D-10818) F 9-28-64 | D. J. Stone [12] | Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans. | Contract 6-29-56 | 1 | |
| | | | Assignment 9-12-57 | 1 | 1 |
| | | | Assignment 12-12-57 | 1 | 2 |
| | | | Assignment 5-27-64 [3] | 1 | 3 |
| CI65-345 A 10-8-64 | Placid Oil Co. | Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La. | Contract 9-9-64 | (13) | |
| CI65-347 (G-11985) B 10-7-64 | Socony Mobil Oil Co., Inc. | United Fuel Gas Co., Gum Cove Field, Cameron Parish, La. | Notice of cancellation 10-6-64.[20 21] | 1 | 15 |
| CI65-348 A 10-7-64 | Sierra Petroleum Co., Inc. (Operator), et al. | Cities Service Gas Co., Palmer Field, Barber County, Kans. | Contract 8-17-64 [3] | 4 | |
| CI65-352 A 10-9-64 | George Mitchell & Associates, Inc., agent for Mitchell & Mitchell Gas & Oil Corp., et al. | Texas Eastern Transmission Corp., Sheridan Field, Colorado County, Tex. | Contract 6-30-64 [3] | 30 | |
| CI65-354 A 10-12-64 | Texas American Oil Corp. (Operator), et al. | Northern Natural Gas Co., Ozona (Upper Canyon), Southwest Field, Crockett County, Tex. | Contract 9-11-64 [3] | 2 | |
| CI65-355 (G-8404) B 10-12-64 | Cecil Meadows, et al. | Hope Natural Gas Co., Troy District, Gilmer County, W. Va. | Notice of cancellation 10-8-64.[21 22] | 1 | 1 |
| CI65-356 (CI61-1632) B 10-8-64 | Allegheny Land & Mineral Co. | Hope Natural Gas Co., Lee District, Calhoun County, W. Va. | Notice of cancellation 10-6-64.[21 22] | 7 | 2 |
| CI65-357 A 10-12-64 | Amax Petroleum Corp. (Operator), et al. | Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla. | Contract 9-10-64 | 15 | |
| CI65-359 A 10-12-64 | Texaco Inc. | Panhandle Eastern Pipe Line Co., Northeast Carthage Field, Texas County, Okla. | Contract 9-8-64 [3] | 344 | |
| CI65-361 A 10-12-64 | King-Stevenson Gas and Oil Co. (Operator), et al. | Northern Natural Gas Co., Northeast Gate Field, Harper County, Okla. | Contract 8-18-64 [3] | 6 | |

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| CI65-362 A 10-12-64 | King-Stevenson Gas and Oil Co., et al.[23] | Arkansas Louisiana Gas Co., Starr Field, Kingfisher County, Okla. | Contract 7-26-64 [24] | 7 | |
| | | | Contract 9-24-62 [3] | 7 | 1 |
| CI65-363 (CI63-823) B 10-12-64 | Tidewater Oil Co. | United Gas Pipe Line Co., Southwest Kinder Field, Allen Parish, La. | Notice of cancellation 10-7-64.[20 21] | 122 | 4 |
| CI65-365 A 10-15-64 | The Pure Oil Co. | Kansas-Nebraska Natural Gas Co., Inc., Waltman Area, Natrona County, Wyo. | Contract 9-11-64 [3] | 85 | |
| CI65-367 (G-5566) B 10-14-64 | George W. Miller, et al. | Hope Natural Gas Co., DeKalb District, Gilmer County, W. Va. | Notice of cancellation 10-12-64.[21 22] | 3 | 3 |
| CI65-368 A 10-14-64 | Sweetland Land and Mineral Co. | United Fuel Gas Co., Jefferson District, Lincoln County, W. Va. | Contract 9-23-64 [3] | 13 | |
| A CI65-369 (CI61-613) F 10-13-64 | Jas. F. Smith | Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans. | Contract 5-13-59 [25] | 14 | |
| | | | Letter agreement 6-29-60.[26] | 14 | 1 |
| | | | Assignment 12-31-63 [27] | 14 | 2 |
| CI65-370 A 10-14-64 | J. F. Deem | Equitable Gas Co., Union District, Ritchie County, W. Va. | Contract 9-23-64 [3] | 10 | |
| CI65-371 A 10-15-64 | Sinclair Oil & Gas Co. | Lone Star Gas Co., Northeast Walnut Bend Field, Cooke County, Tex. | Contract 8-24-64 | 330 | |
| CI65-372 (G-20476) B 10-15-64 | Stafford Oil Co. | Hope Natural Gas Co., McClellan District, Doddridge County, W. Va. | Notice of cancellation 10-14-64.[21 22] | 1 | 1 |

[1] Petition to amend certificate to show change in corporate name.
[2] Original filing of Dec. 5, 1962, was made by predecessor, Western Natural Gas Co.; by letter dated Nov. 26, 1963, Sinclair was substituted as certificate holder therein.
[3] Effective date: Date of transfer of properties.
[4] Transfers all of W. D. Noel's interest to E. G. Rodman.
[5] Effective date: Date of initial delivery.
[6] Mid-America Trust, Inc., is succeeding Virginia Rutherford as agent.
[7] Contract between Northern Natural Gas Producing Co., and buyer which covers assigned acreage; on file as Northern's FPC GRS No. 2.
[8] To Smith from Northern Natural Gas Producing Co. for its interest in No. 2 Mills "A" Well (depths below 3,400').
[9] To Smith from Northern Natural Gas Producing Co. for its interest in No. 1 Brown Well (depths below top of Pennsylvanian System).
[10] To Smith from Northern Natural Gas Producing Co. for its interest in No. 2 Nix "A" Well (depths below top of Pennsylvanian System).
[11] To be accepted as supplement only, not as a change in predecessors filed rate.
[12] Agreement whereby Smith is to connect Brown and Nix (low-deliverability) Wells to buyer's existing gathering system.
[13] Deletes acreage from coverage by the Feb. 7, 1964 amendment (supplement No. 4) which was acquired by Smith from Shell Oil Co., and is to be covered by Smith's FPC GRS No. 14.
[14] Succession to 50 percent of the interests of Delhi-Taylor Oil Corp.
[15] Sale of Delhi-Taylor properties to Continental and Tenneco Oil Co.
[16] Supplement to application which applicant expresses a willingness to accept a certificate at 20.0 cents per Mcf in lieu of the proposed price of 20.625 cents per Mcf.
[17] Contract provides for rate of 17.0 cents per Mcf, however, applicant agrees to accept permanent certificate at area ceiling rate of 13.0 cents per Mcf.
[18] Partially succeeding Gulf Oil Corp.'s FPC GRS No. 52.
[19] Contract filed as exhibit to certificate application. No rate schedule filings submitted.
[20] Source of gas depleted.
[21] Effective date: Date of this order.
[22] Production of gas no longer economically feasible.
[23] Basic contract provides for initial rate of 16.8 cents per Mcf, however, applicant states it is willing to accept a permanent certificate at 15.0 cents per Mcf and under same terms and conditions as the certificate issued to Cleary in Docket No. CI61-1461, by order issued Mar. 30, 1964.
[24] Adopts basic contract between Cleary Petroleum, Inc., and Arkansas Louisiana Gas Co.; on file as Cleary's FPC GRS No. 6.
[25] Contract between Shell Oil Co. and buyer which covers assigned acreage; on file as Shell's FPC GRS No. 240.
[26] Sets price at 14 cents for gas produced from formation below 3,400 feet and above top of Morrowan Series and 16 cents for gas produced from formations below top of Morrowan Series. Present production will be from deep zone at 16-cent price.
[27] To Smith from Shell for its interest in No. 1 Brown Well.
[28] Production failure.

[F.R. Doc. 64-12864; Filed, Dec. 16, 1964; 8:45 a.m.]



[Docket Nos. G-3626, etc.]

## TENNECO OIL CO. ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 10, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-3626 E 3-5-62 [2] | Tenneco Oil Co. (successor to Tennessee-Texan Oil Co.). | Tennessee Gas Transmission Co., Seeligson Field, Jim Wells County, Tex. | [3] 17.24347 | 14.65 |
| G-5716 D 11-27-64 | Northern Natural Gas Producing Co. | Northern Natural Gas Co., Acreage in Finney County, Okla. | 11.0 | 14.65 |
| G-6103 E 11-19-64 | Pan American Petroleum Corp. | Cities Service Gas Co., Hugoton Field, Kearny County, Kans. | 12.0 | 16.4 |
| G-10139 C 11-23-64 | Cities Service Oil Co. | Tennessee Gas Transmission Co., Grand Isle Block 43 Area, Offshore Louisiana. | 19.0 | 15.025 |
| G-10143 C 11-30-64 | The Atlantic Refining Co. | Tennessee Gas Transmission Co., West Delta and Grand Isle Areas, Offshore Plaquemines and Jefferson Parishes, La. | 19.0 | 15.025 |
| G-10146 C 11-18-64 | Tidewater Oil Co. | Tennessee Gas Transmission Co., Grand Isle Block 43 Area, Offshore Jefferson and Plaquemines Parishes, La. | 19.0 | 15.025 |
| G-11413 E 11-23-64 | Walter Pidgeon, et al. (successor to Realitos Oil Co.). | Tennessee Gas Transmission Co., La Copita Field, Starr County, Tex. | 14.6 | 14.65 |
| G-13341 C 11-20-64 | Messman-Rinehart Oil Co. (operator), et al. | Panhandle Eastern Pipe Line Co., Laredo Field, Reno County, Kans. | 13.0 | 14.65 |
| G-17090 C 11-19-64 | Roland S. Bond | Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla. | [3] 19.5 | 14.65 |
| G-17566 D 9-28-64 | Continental Oil Co. | Hope Natural Gas Co., West Rayne Field, Acadia Parish, La. | (4) | |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-17647 G 11-27-64 [5] | Shell Oil Co. (operator), et al. | Transcontinental Gas Pipe Line Corp., Big Foot Field, Frio and Atascosa Counties, Tex. | 13.68225 | 14.65 |
| G-18445 D 11-25-64 | The British-American Oil Producing Co. | Coastal Transmission Corp., Shuteston Field, St. Landry Parish, La. | (6) | |
| G-20147 D 11-19-64 | The California Co., a division of California Oil Co. (partial abandonment). | Southern Natural Gas Co., Breton Sound Block 49 Field, Offshore Plaquemines Parish, La. | Uneconomical | |
| G-20182 C 8-29-63 | Reuben W. Mayronne, Jr., d.b.a. Riverside Oil Company (Operator), et al. | Transcontinental Gas Pipe Line Corp., North Duson Field, Lafayette Parish, La. | [7] 21.25 | 15.025 |
| CI60-252 D 11-25-64 | Socony Mobil Oil Co., Inc. (partial abandonment). | Panhandle Eastern Pipe Line Co., Guymon-Hugoton Field, Texas County, Okla. | Assigned | |
| CI61-525 E 12-1-64 | Edith Swadley (successor to L. J. Swadley). | Equitable Gas Co., Acreage in Ritchie County, W. Va. | 25.0 | 15.325 |
| CI62-365 C 11-25-64 | Continental Oil Co. | El Paso Natural Gas Co., Lindrith Area, Rio Arriba County, N. Mex. | 12.2295 | 15.025 |
| CI62-1308 D 11-25-64 | The R. W. Rine Drilling Co. (Operator and Agent), et al. (partial abandonment). | Panhandle Eastern Pipe Line Co., Iuka-Carmi, Connell Grove Field, Pratt County, Kans. | Uneconomical | |
| CI63-179 C 11-27-64 | Irwin Miller (Operator), et al. | Trunkline Gas Co., South Mermentau Field, Acadia Parish, La. | [8] 20.625 | 15.025 |
| CI63-318 C 11-27-64 | Frank A. Schultz, et al. | El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI63-330 C 11-24-64 | E. G. Pence, et al. | Hope Natural Gas Co., Spencer District, Roane County, W. Va. | 25.0 | 15.325 |
| CI63-1090 D 11-24-64 | Humble Oil & Refining Co. | Arkansas Louisiana Gas Co., Lacey Area, Kingfisher County, Okla. | Assigned | |
| CI63-1302 C 11-25-64 | Tenneco Oil Co. | Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla. | 11.0 | 14.65 |
| CI64-136 C 12-2-64 | Cities Service Oil Co. | Arkansas Louisiana Gas Co., Lacey Area, Kingfisher County, Okla. | 15.0 | 14.65 |
| CI64-157 C 11-20-64 | Skelly Oil Co. | Kansas-Nebraska Natural Gas Co., Inc., Gum Unit, Hamilton County, Kans. | 12.5 | 14.65 |
| CI64-317 E 11-20-64 | Jumbo Oil & Gas, Inc. (successor to Galen McKibben, et al. d.b.a. B & M Drilling Co., et al.) | Hope Natural Gas Co., Glenville District, Gilmer County, W. Va. | 25.0 | 15.325 |
| CI64-656 F 11-29-63 | H. C. Brillhart, Jr. | Northern Natural Gas Co., Perryton Field, Ochiltree Count Tex. | [9] 15.5 | 14.65 |
| CI64-821 C 11-20-64 | Continental Oil Co. | Arkansas Louisiana Gas Co., Star Field, Kingfisher County, Okla. | 15.0 | 14.65 |
| CI64-1470 C 11-27-64 | Shell Oil Co. (Operator), et al. | Montana Dakota Utilities Co., Wind River Basin Area, Fremont County, Wyo. | 16.384 | 15.025 |
| CI65-197 C 11-24-64 | Humble Oil & Refining Co. | Kansas-Nebraska Natural Gas Co., Inc., Frenchie Draw Field, Sweetwater County, Wyo. | 15.0 | 14.65 |
| CI65-484 B 11-4-64 | Mull Drilling Co., Inc. (Operator), et al. | Cities Service Gas Co., Acreage in Barber County, Kans. | Depleted | |
| CI65-486 A 11-20-64 | Ne-O-Tex Corp. | El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex. | 16.0 | 14.65 |
| CI65-487 B 11-20-64 | Texaco, Inc. | Tennessee Gas Transmission Co., Odem Field, San Patricio County, Tex. | Uneconomical | |
| CI65-488 A 11-23-64 | Falcon Seaboard Drilling Co. (Operator), et al. | Northern Natural Gas Co., Northeast Eubank Field, Haskell County, Kans. | [10] 12.0<br>[11] 14.0<br>[12] 16.0 | 14.65<br>14.65<br>14.65 |
| CI65-489 A 11-23-64 | Northern Pump Co. (Operator), et al. | Texas Eastern Transmission Corp., Yoward Field Area, Bee County, Tex. | 10.92096 | 14.65 |
| CI65-490 A 11-23-64 | Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. | El Paso Natural Gas Co., Payton Field, Pecos County, Tex. | 15.2025 | 14.65 |
| CI65-491 A 11-23-64 | Sydney Spofforth and Charles L. Reed. | Hope Natural Gas Co., Grant District, Ritchie County, W. Va. | 25.0 | 15.325 |
| CI65-492 A 11-23-64 | Creslenn Oil Co., Inc. | Hope Natural Gas Co., Salt Lick District, Braxton County, and Glenville District, Gilmer County, W. Va. | [13] 27.0 | 15.325 |
| CI65-493 B 11-23-64 | W. H. Mossor, et al. | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | Uneconomical | |
| CI65-494 F 11-23-64 | J. C. Trahan, Drilling Contractor, Inc. (successor to Franks Petroleum, et al.). | Texas Eastern Transmission Corp., Liberty Hill Field, Bienville Parish, La. | [14] 16.7756 | 15.025 |

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| C165-493, A 11-20-64 | Callery Properties, Inc. (Operator), et al. | American Louisiana Pipe Line Co., Lolsel Field, Iberia Parish, La. | 15.0 | 14.65 |
| C165-496, A 11-20-64 | ....do.... | United Fuel Gas Co., Hamilton Field, Franklin Parish, La. | [2] 17.5 | 15.025 |
| C165-497, A 11-20-64 | ....do.... | Transcontinental Gas Pipe Line Corp., Block 208 Field, Ship Shoal Area, Offshore Terrebonne Parish, La. | 19.0 | 15.025 |
| C165-498, A 11-23-64 | Wm. Gruenerwald (Operator), et al. | Panhandle Eastern Pipe Line Co., Carthage Area, Texas County, Okla. | [3] 16.0 | 14.65 |
| C165-499, A 11-23-64 | Zapata Off-Shore Company, Operator. | Natural Gas Pipeline Company of America, Indian Basin Area, Eddy County, N. Mex. | 20.625 | 15.025 |
| C165-500, B 11-24-64 | Gulf Oil Corp. (Operator), et al. | Transcontinental Gas Pipe Line Corp., Ship Shoals Area, Block 72 Field, Gulf of Mexico | Uneconomical | |
| C165-501, A 11-24-64 | Edward Tekiell | Hope Natural Gas Co., Sheridan District, Lewis County, W. Va. | 25.0 | 15.025 |
| C165-502, A 11-20-64 | Jake L. Hamon | Kansas-Nebraska Natural Gas Co., Inc., Otis Pool, Washington County, Colo. Lincoln District, Pennrod Co., Lincoln County, W. Va. | 12.0 | 14.65 |
| C165-503, A 11-20-64 | | Transwestern Pipeline Co., West Feldman Field, Hemphill County, Tex. | 17.0 | 14.65 |
| C165-504, A 11-25-64 | Josaline Production Co. (Operator), et al. | Lone Star Gas Co., Sholem Alechem Field, Carter County, Okla. | [3] 13.0 | 14.65 |
| C165-505, A 11-25-64 | Socony Mobil Oil Co., Inc. | Panhandle Eastern Pipe Line Co., Pringle Slaugh Area, Texas County, Okla. | 16.0 | 15.025 |
| C165-506, A 11-25-64 | Tenneco Oil Co. | El Paso Natural Gas Co., San Juan Basin, Rio Arriba County, N. Mex. | 13.0 | 15.025 |
| C165-507, A 11-26-64 | Flournoy Production Co., et al. | United Gas Pipe Line Co., Blanconia Field, Lee County, Tex. | 13.5 | 14.65 |
| C165-508, A 11-25-64 | C. Howard Phifer | Transcontinental Gas Pipe Line Co., Cecil Noble Field, Colorado County, Tex. | 15.0 | 14.65 |
| C165-509, A 11-27-64 | Roy L. Cook | Southern Union Gathering Co., Dakota Formation, San Juan County, N. Mex. | 13.0 | 15.025 |
| C165-510, B 11-27-64 | Continental Oil Co. | El Paso Natural Gas Co., Ignacio Field, Ute No. 2, La Plata County, Colo. | Depleted | |
| C165-511, B 11-27-64 | ....do.... | El Paso Natural Gas Co., Ignacio Field, Ute No. 1, La Plata County, Colo. | Depleted | |
| C165-512, A 11-27-64 | Sun Oil Co. (Southwest Division). | West Texas Gathering Co., Emperor (Lower Hoth) Field, Winkler County, Tex. | 16.0 | 14.65 |
| C165-513, A 11-27-64 | The Atlantic Refining Co., et al. | Natural Gas Pipeline Company of America, Indian Basin Field, Eddy County, N. Mex. | 16.0 | 14.65 |
| C165-514, B 11-27-64 | Clark Fuel Producing Co., Operator. | Florida Gas Transmission Co., Cortez Field, Hardee County, Fla. | ([4]) | ([4]) |
| C165-515, A 11-27-64 | The Atlantic Refining Co. | Texas Eastern Transmission Corp., North Lansing Field, Harrison County, Tex. | [5] 15.0 | 14.65 |
| C165-516, A 11-27-64 | Shell Oil Co. | Northern Natural Gas Co., Denison (Strawn) Field, Sutton County, Tex. | 16.0 | 15.025 |
| C165-517, A 11-27-64 | ....do.... | Valley Gas Transmission, Inc., West Hackberry and Black Bayou Fields, Cameron Parish, La. | 15.0 | 15.025 |
| C165-518, A 11-30-64 | Continental Oil Co. | El Paso Natural Gas Co., Jill-Way Block, San Juan County, N. Mex. | 13.0 | 15.025 |
| C165-519, F 11-30-64 | Bachus Oil Co (successor to the Atlantic Refining Co. and H. E. Haskett, et al.). | Cities Service Gas Co., Hardiner Field, Barber County, Kans. | [3] 13.0<br>[7] 12.0 | 14.65 |
| C165-520, A 11-30-64 | Parker & Parsley, et al. | El Paso Natural Gas Co., Spraberry Trend Area Field, Upton County, Tex. | 16.0 | 14.65 |
| C165-521, A 11-30-64 | J. M. Huber Corp. | Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla. | [3] 13.0<br>[3] 14.0 | 14.65 |
| C165-522, A 11-30-64 | J. R. Abraham | El Paso Natural Gas Co., Acreage in Rio Arriba County, N. Mex. | 12.0 | 15.025 |

See footnotes at end of table.

[1] Application filed in Docket No. C162-1081; being treated as a petition to amend Docket No. G-3626 to show succession in interest.
[2] Subject to upward B.t.u. adjustment.
[3] Applicant's share of gas from Klumpp "D" Sand Unit "F" will be disposed of under contract with new purchaser.
[4] Amendment filed to add acreage and to cover interests of nonoperators.
[5] The quantity of gas attributable to this small interest does not economically merit the laying of gathering facilities for sale of gas to purchaser.
[6] As conditioned per order issued in Docket Nos. G-13221, et al.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Application previously noticed Dec. 17, 1963, in Docket Nos. G-5671, et al. at a rate of 15.6235 cents per Mcf; however applicant agreed to accept last clean rate of predecessor, Everbright Oil Co.
[9] Production above base of Permian System.
[10] Production below Permian System and above Pennsylvanian System.
[11] Production below top of Pennsylvanian System.
[12] Includes 2.0 cents gathering and treatment charge.
[13] Includes 1.0 cent per Mcf for compression charge.
[14] Maximum 2.0 cents per Mcf deducted from price in the event Buyer elects to install compression.
[15] Lease has lapsed by its own terms.
[16] Rate per Mcf for gas from that portion of Ohlson "B" lease acquired from H. E. Bangert, et al.
[17] Production from Clemence Unit.
[18] Production from Olson Unit.
[19] Subject to B.t.u. adjustment and deduction by buyer if buyer treats gas.

[F.R. Doc. 64-12896; Filed, Dec. 16, 1964; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1684]

## NATIONAL INDUSTRIES, INC.

### Notice of Filing of Application for Order That Company Is Not an Investment Company

DECEMBER 11, 1964.

Notice is hereby given that National Industries, Inc. ("National"), Louisville, Ky., a Kentucky corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses. All interested persons are referred to the application, which is on file with the Commission, for a full statement of applicant's representations, which are summarized below.

A summary of National's assets as of June 30, 1964, adjusted to reflect certain sales and acquisitions through October 12, 1964, on the basis of the values assigned by National is set forth in Table I below:



TABLE I

| | Percent voting securities owned | National's assets | |
|---|---|---|---|
| | | Amount | Percent |
| Securities of majority-owned subsidiaries: | | | |
| G*E*S* Stores, Inc. | 100.0 | $2,449,219 | 7.81 |
| Bargain Town, U.S.A., Inc. | 50.7 | 4,830,700 | 15.40 |
| Magic World of Sound, Inc.[1] | 100.0 | 8,140,727 | 25.96 |
| The Protective Life Ins. Co.[2] | 90.0 | 300,000 | .96 |
| International Life Insurance Co. of the Americas | 96.0 | 500,000 | 1.59 |
| National Auto Realty Co. | 100.0 | 38,230 | |
| Eighth & Oak Auto Salvage Co. | 100.0 | 19,327 | |
| Durham & Wagner, Inc. | 100.0 | 200 | |
| Due from subsidiaries | | 232,269 | .74 |
| Total | | 16,501,772 | 52.61 |
| Miscellaneous assets | | 335,043 | 1.07 |
| Securities of companies less than majority-owned: | | | |
| Foundation Life Insurance Co. | 36.7 | 5,250,000 | 16.74 |
| RIC Group, Inc. | 11.8 | 1,131,900 | 3.61 |
| Hamilton Life Insurance Co. | 4.5 | 798,171 | 2.55 |
| Missouri-Kansas Texas R.R. | 17.1 | 2,534,218 | 8.08 |
| Notes receivable | | 3,473,256 | 11.07 |
| Investments in oil properties | | 899,372 | 2.87 |
| Investments in other companies | | 439,400 | 1.40 |
| Total | | 14,526,317 | 46.32 |
| Total assets less cash | | 31,363,132 | 100.00 |
| Cash | | 711,632 | |
| | | 32,074,764 | |

[1] The assets of Magic World of Sound, Inc. include 96,529 shares (12.6 percent) of the outstanding common stock of Life Insurance Co. of Kentucky valued at $7,432,733.
[2] The assets of The Protective Life Insurance Co. consist of 26,754 shares (4 percent) of the common stock of Missouri Fidelity Insurance Co. and options to purchase additional shares.

Investment securities represented by National's holdings of less than majority-owned subsidiaries aggregate $14,526,317, or approximately 46 percent of its total assets exclusive of cash. If Magic World of Sound, Inc.'s holdings of Life Insurance Company of Kentucky are deemed to be assets of National, the parent of Magic World of Sound, Inc., and if a proportionate part of the assets of The Protective Life Insurance Co. are deemed to belong to National, which owns 90 percent of its outstanding common stock, National's investment securities would aggregate $22,229,050, or 70.9 percent of its total assets exclusive of cash. Consequently, it appears that National is an investment company, as defined in section 3(a)(3) of the Act. However, National claims that it is entitled to a finding that it is not an investment company because of the following circumstances.

National states that it is primarily engaged in the following businesses: used car sales, financing used car purchases, repair of automatic transmissions, sale of automobile parts (all on its own account); distribution of children's educational records (through Magic World of Sound, Inc., a wholly-owned subsidiary); retail discount store operations (through G*E*S* Stores, Inc., a wholly-owned subsidiary, and Bargain Town, U.S.A., Inc., a 50.7 percent owned subsidiary); life insurance (through Foundation Life Insurance Co., 36.7 percent owned, International Life Ins. Co. of the Americas, 96 percent owned, and Life Insurance Co. of Kentucky, controlled through Magic World of Sound, Inc. together with others).

Notice is further given that any interested person may, not later than December 28, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12922; Filed, Dec. 16, 1964; 8:45 a.m.]

[File No. 811-461]

## STANDARD SYSTEM INVESTMENT CORP.

### Notice of Proposal To Terminate Registration

DECEMBER 11, 1964.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion proposes to declare by order, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), that Standard System Investment Corp. ("Standard"), 1002 Liberty National Bank & Trust Company Building, Savannah, Ga., has ceased to be an investment company.

Standard registered as a face-amount certificate company under section 8(a) of the Act by notification of registration filed on February 23, 1942. At that time Standard was in receivership and was in the process of a court-supervised liquidation. Thereafter, all of the assets of the company were distributed to security holders and, on June 4, 1947, the receiver was discharged by order of the Court, Chatham County, Savannah, Ga.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 8, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the motion may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this motion shall be issued upon request or upon the Commission's direction.

For the Commission (Pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12923; Filed, Dec. 16, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1095]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 14, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of pratice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67392. By order of December 10, 1964, The Transfer Board approved the transfer to Andrew Malatesta, Sr., Andrew Malatesta, Jr., and Stella Malatesta, a partnership, doing business as S. Malatesta & Sons, Paterson, N.J., of the operating rights issued by the Commission, August 25, 1958, under Certificate in No. MC 20551, to Andrew Malatesta, Sr., Andrew Malatesta, Jr., Frank Malatesta and Stella Malatesta, a partnership, doing business as S. Malatesta & Sons, Paterson, N.J., authorizing the transportation, over irregular routes, of household goods, between points in Passaic, Essex, Hudson, Union, Morris, and Bergen Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, and Connecticut; between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland; between Philadelphia, Pa., and points in Pennsylvania within 25 miles of City Hall, Philadelphia, on the one hand, and, on the other, points in New Jersey; household goods, between Baltimore, Md., and points in Maryland within 25 miles of Baltimore, on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Rhode Island, Delaware, Massachusetts, Connecticut, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Illinois, Michigan and the District of Columbia, subject to certain restrictions; and between Baltimore, Md., and points in Baltimore County, Md., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Delaware, Rhode Island, Massachusetts, Connecticut, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. John M. Zachara, Post Office Box 2860, Paterson, N.J., attorney for applicants.

No. MC–FC 67397. By order of December 10, 1964, The Transfer Board approved the transfer to Robert A. Reader, doing business as Reader's Express, West Winfield, N.Y., of the operating rights in Certificate No. MC 14749, issued October 31, 1957, to Richard H. DuPont, doing business as DuPont's Express Service, Mohawk, N.Y., authorizing the transportation, over regular routes, of: General commodities with the usual exceptions, between Utica, N.Y., and Little Falls, N.Y., serving specified intermediate points. L. Murray Doody, Jr., 75 State Street, Albany, N.Y., 12207, attorney for applicants.

No. MC–FC 67398. By order of December 10, 1964, The Transfer Board approved the transfer to Max Marquis, doing business as Valley Trucking Co., Post Office Box 1626, Brownsville, Tex., of the operating rights in Certificate No. MC 118341, issued May 11, 1962, to H & R Distributors, Inc., 164 Calle Jacaranda, Brownsville, Tex., authorizing the transportation over irregular routes of: Frozen vegetables, from Brownsville, Tex., to specified points in Louisiana, Tennessee, Virginia, Ohio, Michigan, Florida, New York, Mississippi, Pennsylvania, and Georgia.

No. MC–FC 67399. By order of December 10, 1964, The Transfer Board approved the transfer to M & M Construction Service, Inc., New Albany, Ind., of the operating rights in Certificate No. MC 114295, issued March 26, 1956, to Harry T. Neely and Bertha J. Neely, doing business as M & M Construction Service, New Albany, Ind., authorizing the transportation, over irregular routes, of: Such commodities (except cement) as are transported in dump trucks, from Louisville, Ky., to points in a specified portion of Indiana and Kentucky. Ollie L. Merchant, 140 South Fifth Street, Louisville, Ky., 40202, attorney for applicants.

No. MC–FC 67400. By order of December 10, 1964, The Transfer Board approved the transfer to James D. Newton, Post Office Box 122, Hillsdale, Kans., of the operating rights in Certificates Nos. MC 64575, MC 64575 Sub 1, and MC 64575 Sub 2, issued May 11, 1949, January 17, 1947, and May 26, 1964, respectively, to Ray B. Rees, Hillsdale, Kans., authorizing the transportation, over regular routes, of: General commodities, with certain exceptions, from Kansas City, Mo., to Hillsdale, Kans.; household goods and emigrant movables, between Hillsdale, and points within ten miles, on the one hand, and, on the other, points in Missouri; feed, seed, and agricultural implements and parts between Hillsdale, Kans., and Kansas City, Mo.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12934; Filed Dec. 16, 1964; 8:46 a.m.]

## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

### 3 CFR

| | Page |
|---|---|
| PROCLAMATIONS: | |
| 3630 | 15941 |
| 3631 | 16243 |
| EXECUTIVE ORDER: | |
| Mar. 31, 1911 (revoked in part by PLO 3493) | 16859 |
| Dec. 31, 1912 (revoked in part by PLO 3487) | 16829 |
| Sept. 30, 1916 (revoked in part by PLO 3508) | 16864 |
| May 21, 1920 (revoked in part by PLO 3508) | 16864 |
| 5289 (revoked in part by PLO 3486) | 16830 |

### 4 CFR

| | |
|---|---|
| 51 | 16313 |
| 52 | 16313 |

### 5 CFR

| | |
|---|---|
| 213 | 17065. 17084, 17085, 17893 |

### 7 CFR

| | |
|---|---|
| 15 | 16274, 16966 |
| 29 | 16854 |
| 401 | 17029, 17085 |
| 717 | 16184 |
| 719 | 16185 |
| 722 | 16248, 16775 |
| 724 | 16077 |
| 729 | 16185 |
| 730 | 17086 |
| 777 | 17086 |
| 850 | 17029 |
| 855 | 17029 |
| 905 | 16313–16315 |
| 907 | 16315, 16907, 17030, 17814 |
| 909 | 17030 |
| 910 | 16078, 16316, 17031 |
| 916 | 16966 |
| 917 | 16854 |
| 929 | 16078 |
| 1004 | 16966 |
| 1005 | 16855 |
| 1136 | 17815 |
| 1421 | 15943 |
| 1485 | 17032 |
| 1600 | 16784 |
| 1601 | 16784 |
| PROPOSED RULES: | |
| 26 | 17816 |
| 812 | 17122 |
| 911 | 16258 |
| 912 | 16993 |
| 915 | 16258 |
| 917 | 16993 |
| 971 | 16833 |
| 1004 | 16994 |
| 1005 | 16259 |
| 1030 | 16395, 16417 |
| 1031 | 16417 |
| 1036 | 16197 |
| 1044 | 16200 |
| 1046 | 17908 |
| 1047 | 17041, 17816 |
| 1049 | 17816 |
| 1050 | 17822 |
| 1065 | 16920 |
| 1131 | 16866, 17822 |
| 1126 | 16198 |

### 9 CFR

| | |
|---|---|
| 74 | 15943 |
| 94 | 16907 |
| 97 | 16316 |

### 10 CFR

| | |
|---|---|
| 2 | 16831 |
| PROPOSED RULES: | |
| Ch. I | 15957 |
| 2 | 16934 |
| 30 | 17916, 17933 |
| 31 | 17920 |
| 32 | 17922 |
| 33 | 17928 |
| 34 | 17929 |
| 35 | 17931 |
| 36 | 17932 |
| 150 | 17933 |

### 12 CFR

| | |
|---|---|
| 1 | 17087 |
| 217 | 15944, 16317 |
| 218 | 16065 |
| 224 | 16855 |



### 12 CFR—Continued

| | Page |
|---|---|
| 329 | 15944 |
| 545 | 16856 |
| 563 | 17088 |

### 13 CFR

| | |
|---|---|
| 107 | 16825, 16946, 16967 |
| 121 | 15945 |
| PROPOSED RULES: | |
| 107 | 16094 |

### 14 CFR

| | |
|---|---|
| 7 | 16149 |
| 27 [New] | 16065, 17885 |
| 29 [New] | 16149 |
| 39 [New] | 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797. |
| 42 | 16968 |
| 71 [New] | 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088, 17503, 17797. |
| 73 [New] | 15948, 16184, 16972, 17037, 17727. |
| 75 [New] | 16066, 16319, 17775 |
| 93 [New] | 15948 |
| 97 [New] | 16067, 16789, 17798, 17886 |
| 302 | 16972 |
| 389 | 16907 |
| 1204 | 17892 |
| PROPOSED RULES: | |
| 39 [New] | 16429, 16430, 17044 |
| 71 [New] | 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823. |
| 75 [New] | 16432, 16836 |
| 91 [New] | 15959 |
| 135 [New] | 16836 |
| 221 | 16867 |
| 399 | 17042 |

### 15 CFR

| | |
|---|---|
| 7 | 16973 |
| 50 | 17089 |
| 201 | 16319 |
| 365 | 16186 |

### 16 CFR

| | |
|---|---|
| 13 | 16186, 16826, 16856 |

### 17 CFR

| | |
|---|---|
| 200 | 16187 |
| 230 | 16982 |
| 239 | 16856 |
| 240 | 16245, 16856, 16982 |
| 260 | 16982 |
| 270 | 16982 |
| 275 | 16982 |
| PROPOSED RULES: | |
| 15 | 15957 |
| 19 | 15957 |

### 18 CFR

| | |
|---|---|
| 501 | 16188 |
| 502 | 16189 |
| 503 | 16189 |
| 504 | 16190 |
| 505 | 16191 |
| 506 | 16192 |
| 507 | 16193 |
| 508 | 16194 |
| PROPOSED RULES: | |
| 12 | 16997 |

### 19 CFR

| | |
|---|---|
| 4 | 15949 |
| 14 | 16320 |
| PROPOSED RULES: | |
| 6 | 17042 |

### 20 CFR

| | Page |
|---|---|
| 395 | 16322 |

### 21 CFR

| | |
|---|---|
| 8 | 15949, 16983, 17089 |
| 9 | 16983 |
| 14 | 16194 |
| 15 | 16194 |
| 16 | 16194, 16858 |
| 17 | 16194 |
| 18 | 16194 |
| 19 | 16194 |
| 20 | 16194 |
| 22 | 16194 |
| 27 | 16194 |
| 29 | 16194 |
| 37 | 16194 |
| 42 | 16194, 16983 |
| 45 | 16194 |
| 46 | 16194 |
| 51 | 16194 |
| 53 | 16194 |
| 121 | 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893. |
| 144 | 16984 |
| 145 | 16911 |
| 148c | 16984 |
| 148u | 16911 |
| 148x | 16251 |
| PROPOSED RULES: | |
| 27 | 16866 |
| 31 | 16866 |
| 45 | 16994 |
| 46 | 16429 |
| 53 | 16934 |
| 120 | 16935 |
| 121 | 16935, 16994 |

### 24 CFR

| | |
|---|---|
| 1 | 16280 |
| 201 | 17893 |
| 203 | 17893 |
| 207 | 17893 |
| 213 | 17894 |
| 220 | 17894 |
| 221 | 17895 |
| 231 | 17897 |
| 232 | 17898 |
| 234 | 17899 |
| 603 | 17899 |
| 809 | 17899 |
| 903 | 17899 |

### 25 CFR

| | |
|---|---|
| 43d | 16080 |

### 26 CFR

| | |
|---|---|
| 1 | 16081, 17806, 17899 |
| 45 | 16083 |
| PROPOSED RULES: | |
| 1 | 15957, 16090 |
| 48 | 16993 |

### 27 CFR

| | |
|---|---|
| 4 | 16984 |

### 29 CFR

| | |
|---|---|
| 31 | 16284 |
| 608 | 17811 |
| 609 | 17811 |
| 611 | 17812 |
| 689 | 15949 |
| PROPOSED RULES: | |
| 601 | 16428 |
| 670 | 16428 |
| 673 | 17822 |
| 675 | 16428 |
| 677 | 17822 |
| 678 | 17822 |
| 720 | 16428 |

### 31 CFR

| | Page |
|---|---|
| 328 | 16914 |
| PROPOSED RULES: | |
| 306 | 16330 |
| 315 | 16330 |
| 316 | 16330 |
| 321 | 16330 |
| 332 | 16330 |

### 32 CFR

| | |
|---|---|
| 132 | 17885 |
| 517 | 15949 |
| 536 | 16985 |
| 577 | 16251 |
| 701 | 16194 |
| 710 | 16055 |
| 719 | 16194 |
| 721 | 17812 |
| 804 | 16323 |
| 1001 | 17037 |
| 1002 | 17038 |
| 1003 | 17038 |
| 1007 | 17038 |
| 1030 | 17040 |
| 1057 | 17039 |

### 32A CFR

| | |
|---|---|
| OEP (Ch. I): | |
| DMO I–4 | 16251 |
| OIA (Ch. X): | |
| OI Reg. 1 | 16986 |

### 33 CFR

| | |
|---|---|
| 202 | 16859, 17040 |
| 203 | 16251, 17040 |
| 206 | 15949 |

### 35 CFR

| | |
|---|---|
| 4 | 17903 |
| 5 | 16328 |

### 36 CFR

| | |
|---|---|
| 7 | 17091 |

### 38 CFR

| | |
|---|---|
| 3 | 16252, 16328, 17092 |
| 12 | 17903, 17904 |

### 39 CFR

| | |
|---|---|
| 16 | 16125 |
| 21 | 16252 |
| 22 | 16125, 16252 |
| 24 | 16125 |
| 25 | 16252 |
| 57 | 16858 |
| 61 | 16125 |
| 112 | 16858 |
| 168 | 16858 |

### 41 CFR

| | |
|---|---|
| Ch. 2 | 17092 |
| 4–1 | 17040 |
| 8–1 | 16323, 17903 |
| 8–2 | 16323 |
| 9–9 | 17113 |
| 11–1 | 16252, 16255 |
| 11–2 | 16253, 16255 |
| 11–4 | 16253 |
| 11–14 | 16255 |
| Ch. 18 | 16502 |
| 101–6 | 15972, 16287 |
| 101–7 | 16797 |
| 101–8 | 16800 |
| 101–9 | 16800 |
| 101–10 | 16801 |
| 101–11 | 16807 |
| 101–12 | 16824 |
| 101–13 | 16824 |
| 101–18 | 15973 |
| 101–19 | 15978 |
| 101–20 | 15984 |
| 101–25 | 15990 |

**41 CFR—Continued** Page

101–27 ... 15997
101–28 ... 15998
101–29 ... 16002
101–30 ... 16004
101–40 ... 16008
101–43 ... 16012
101–44 ... 16027
101–45 ... 16035
101–47 ... 16126

**42 CFR**

51 ... 16915
55 ... 16915
57 ... 15952

**43 CFR**

17 ... 16293
PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) ... 16827
3447 (corrected by PLO 3485) ... 16829
3464 ... 16084
3465 ... 16084
3466 ... 16084
3467 ... 16085
3468 ... 16085
3469 ... 16085
3470 ... 16086
3471 ... 16086
3472 ... 16087
3473 ... 16087
3474 ... 16256
3475 ... 16827
3476 ... 16827
3477 ... 16827
3478 ... 16827
3479 ... 16828
3480 ... 16828
3481 ... 16828
3482 ... 16828
3483 ... 16829
3484 ... 16829

**43 CFR—Continued** Page

PUBLIC LAND ORDERS—Continued
3485 ... 16829
3486 ... 16830
3487 ... 16829
3488 ... 16830
3489 ... 16830
3490 ... 16830
3491 ... 16831
3492 ... 16831
3493 ... 16859
3494 ... 16859
3495 ... 16860
3496 ... 16860
3497 ... 16860
3498 ... 16860
3499 ... 16861
3500 ... 16861
3501 ... 16862
3502 ... 16862
3503 ... 16863
3504 ... 16863
3505 ... 16863
3506 ... 16863
3507 ... 16864
3508 ... 16864
3509 ... 16864
3510 ... 16987
3511 ... 16987
3512 ... 16987
3513 ... 17905
3514 ... 17905
3515 ... 17905

**44 CFR**

1 ... 16832
2 ... 16832
3 ... 16832
4 ... 16832
5 ... 16832
6 ... 16832
7 ... 16832
55 ... 15954

**44 CFR—Continued** Page

60 ... 15954
100 ... 15954
102 ... 15954
110 ... 16195
Ch. VII ... 16832

**45 CFR**

80 ... 16298, 16988
150 ... 15955
611 ... 16305

**46 CFR**

506 ... 16195, 17121
PROPOSED RULES:
Ch. IV ... 16433

**47 CFR**

73 ... 16196, 16916, 16988
81 ... 16196
87 ... 16865
PROPOSED RULES:
1 ... 17823
2 ... 17824
21 ... 16204, 17840
25 ... 17840, 17848
73 ... 16205, 16207, 16837, 17850

**49 CFR**

0 ... 16087
176 ... 16125
192 ... 16256
PROPOSED RULES:
170 ... 17850

**50 CFR**

2 ... 17905
11 ... 17905
14 ... 17905
16 ... 17905
32 ... 17906
33 ... 16917, 16918, 17814, 17906, 17907
256 ... 16088
257 ... 16990


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DEC 1964
MAIN READING ROOM

*Part II begins on page 18031*

*Pages 17947–18042*

PART I

# FEDERAL REGISTER

VOLUME 29 NUMBER 246

*Washington, Friday, December 18, 1964*

## Contents


**AGRICULTURAL MARKETING SERVICE**

**Rules and Regulations**
Milk handling; certain marketing areas:
Cedar Rapids-Iowa City ... 18008
Des Moines, Iowa ... 18010
North Central Iowa ... 18009
Quad Cities-Dubuque ... 18007

**Proposed Rule Making**
Milk in Washington, D.C., marketing area ... 18014

**AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE**

**Rules and Regulations**
Marketing quotas, acreage allotments and referendum date, 1965 crop:
Extra long staple cotton ... 18003
Upland cotton ... 18004
Land use adjustment program; miscellaneous amendments ... 18007

**AGRICULTURE DEPARTMENT**

*See* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

**CIVIL AERONAUTICS BOARD**

**Notices**
*Hearings, etc.:*
International Air Transport Association (2 documents) ... 18018, 18019
Las Vegas-Grand Canyon nonstop service ... 18020
Reopened service to Spokane case ... 18020

**CIVIL RIGHTS COMMISSION**

**Rules and Regulations**
Revision of chapter ... 17949

**CIVIL SERVICE COMMISSION**

**Rules and Regulations**
Defense Department; excepted service ... 18003

**COAST GUARD**

**Rules and Regulations**
Pilot rules for inland waters; day signals and lights for dredges ... 18011

**COMMERCE DEPARTMENT**

*See* National Bureau of Standards.

**EMERGENCY PLANNING OFFICE**

**Notices**
Trust Territory of the Pacific Islands; notice of major disaster ... 18025

**FEDERAL AVIATION AGENCY**

**Rules and Regulations**
Airworthiness standards; normal, utility, and acrobatic category airplanes ... 17955
Federal aid to airports; fringe benefit requirements ... 18000

**Proposed Rule Making**
Control zone, control area extension, and transition area; proposed alteration, designation and revocation ... 18014
Federal airway:
Alteration ... 18015
Revocation ... 18015

**FEDERAL MARITIME COMMISSION**

**Notices**
Containerships, Inc.; investigation and hearing ... 18020
Mediterranean pools investigation ... 18020

**FEDERAL POWER COMMISSION**

**Notices**
*Hearings, etc.:*
Algonquin Gas Transmission Co ... 18022
Montana-Dakota Utilities Co ... 18023
Morenci National Gas Co ... 18023
Public Utility District No. 1 of Okanogan County ... 18023
Southern Natural Gas Co ... 18023
Southwest Gas Corp ... 18024
Tennessee Gas Transmission Co ... 18024
United Gas Pipe Line Co ... 18024
Village of Karnak, Ill ... 18025

**FEDERAL RESERVE SYSTEM**

**Notices**
First Virginia Corp.; notice of application for approval of acquisition of shares of bank ... 18025

**FISH AND WILDLIFE SERVICE**

**Notices**
Boat Pat-San-Marie, Inc.; notice of hearing ... 18017

**FOOD AND DRUG ADMINISTRATION**

**Rules and Regulations**
Drugs; tests and methods of assay and certification ... 18012
Food additives:
Sodium methyl sulfate ... 18012
Synthetic flavoring substances and adjuvants ... 18012

**Notices**
Petitions regarding food additives:
American Cyanamid Co ... 18017
British Cellophane Ltd ... 18018
Elanco Products Co ... 18018

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See* Food and Drug Administration; Public Health Service.

**IMMIGRATION AND NATURALIZATION SERVICE**

**Rules and Regulations**
Denials, appeals, and precedent decisions ... 18010

**INTERIOR DEPARTMENT**

*See also* Fish and Wildlife Service; Land Management Bureau.

**Notices**
Southwestern Power Administration; delegation of authority ... 18017


(*Continued on next page*)

**INTERSTATE COMMERCE COMMISSION**

Notices

Fourth section applications for relief ..... 18026
Rerouting of traffic; expiration date:
Georgia & Florida Railway ..... 18026
Midland Valley Railroad Co ..... 18026

**JUSTICE DEPARTMENT**

*See* Immigration and Naturalization Service.

**LAND MANAGEMENT BUREAU**

Notices

Alaska; proposed withdrawal and reservation of lands ..... 18017

**NATIONAL AERONAUTICS AND SPACE COUNCIL**

Notices

Executive Secretary; notice of basic compensation ..... 18025

**NATIONAL BUREAU OF STANDARDS**

Rules and Regulations

Test fee schedules; metrology ..... 18032

**PUBLIC HEALTH SERVICE**

Rules and Regulations

Grants for dental health services ..... 17954

**SMALL BUSINESS ADMINISTRATION**

Proposed Rule Making

Small business investment companies; purchases from underwriters; Special Discretionary Portfolio ..... 18016

Notices

Washington; declaration of disaster area ..... 18026

**TREASURY DEPARTMENT**

*See* Coast Guard.

**VETERANS ADMINISTRATION**

Rules and Regulations

Contract clauses; safety requirements, accident prevention, etc ..... 18013


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**5 CFR**

213 ..... 18003

**7 CFR**

722 (2 documents) ..... 18003, 18004
751 ..... 18007
1063 ..... 18007
1070 ..... 18008
1078 ..... 18009
1079 ..... 18010

PROPOSED RULES:
1003 ..... 18014

**8 CFR**

103 ..... 18010

**13 CFR**

PROPOSED RULES:
107 ..... 18016

**14 CFR**

3 ..... 17955
23 [New] ..... 17955
151 [New] ..... 18000

PROPOSED RULES:
71 [New] (3 documents) ..... 18014, 18015

**15 CFR**

202 ..... 18032

**21 CFR**

121 (2 documents) ..... 18012
141 ..... 18012
146 ..... 18012
146a ..... 18012

**33 CFR**

80 ..... 18011

**41 CFR**

8-7 ..... 18013

**42 CFR**

51 ..... 17954

**45 CFR**

701 ..... 17949
702 ..... 17950
703 ..... 17952
704 ..... 17953

*Volume 77*

**UNITED STATES STATUTES AT LARGE**

**[88th Cong., 1st Sess.]**

**Contains laws and concurrent resolutions enacted by the Congress during 1963, reorganization plan, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.**

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# Rules and Regulations

## Title 45—PUBLIC WELFARE

### Chapter VII—Commission on Civil Rights

### REVISION OF CHAPTER

Chapter VII of Title 45 of the Code of Federal Regulation is revised to read as follows:


Part
701 Organization and functions of the Commission.
702 Rules on hearings of the Commission.
703 Operations and functions of State Advisory Committees.
704 Communications and confidential information.


### PART 701—ORGANIZATION AND FUNCTIONS OF THE COMMISSION


Subpart A—Operations and Functions

701.1 Establishment.
701.2 Responsibilities.

Subpart B—Organization Statement

701.11 Membership of the Commission.
701.12 Staff organization.


AUTHORITY: The provisions of this Part 701 issued under secs. 101-106, 71 Stat. 634-636, as amended; 42 U.S.C. 1975-1975e.

#### Subpart A—Operations and Functions

**§ 701.1 Establishment.**

The United States Commission on Civil Rights (hereinafter referred to as the "Commission") is a bipartisan agency of the Executive branch of the Government. Established under the Civil Rights Act of 1957, 71 Stat. 634, the Commission derives its responsibilities from that Act and from amendments to it in the Civil Rights Act of 1960, 74 Stat. 86, and in the Civil Rights Act of 1964, 78 Stat. 241. (Hereinafter the 1957 Act as amended will be referred to as "the Act.")

**§ 701.2 Responsibilities.**

(a) The Commission's responsibilities under section 104(a) of the Act may be summarized briefly as follows:

(1) Investigating sworn allegations that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of color, race, religion, or national origin;

(2) Studying and collecting information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;

(3) Appraising the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution;

(4) Serving as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, or national origin;

(5) Investigating sworn allegations that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination.

(b) Under section 104(b) of the Act the Commission is charged with: The submission of interim reports to the President and to the Congress at such times as the Commission, the Congress, or the President shall deem desirable, and the submission to the President and to the Congress of the final report of its activities, findings, and recommendations not later than January 31, 1968.

(c) In fulfilling these responsibilities the Commission is authorized by the Act to hold hearings; to constitute State Advisory Committees; to consult with Governors, Attorneys General, other representatives of State and local governments, and private organizations; and to issue subpenas for the production of documents and the attendance of witnesses. The Act also provides that all Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

#### Subpart B—Organization Statement

**§ 701.11 Membership of the Commission.**

Pursuant to section 101 of the Act:

(a) The Commission is composed of six members, appointed by the President by and with the advice and consent of the Senate, not more than three of whom are of the same political party.

(b) The Chairman and Vice-Chairman of the Commission are designated by the President, the Vice-Chairman acting as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(c) No vacancy in the Commission affects its powers and any vacancy is filled in the same manner and subject to the same limitation with respect to party affiliations as the original appointment was made.

(d) Four members of the Commission constitute a quorum.

**§ 701.12 Staff organization.**

(a) Pursuant to section 105(a) of the Act, the staff of the Commission consists of a Staff Director, appointed by the President by and with the advice and consent of the Senate, and of such other personnel as the Commission may appoint within the limitations of its appropriation.

(b) The staff organization of the Commission is as follows:

(1) *Office of the Staff Director.* The Office of the Staff Director is responsible, following general directives of the Commission, for fulfilling the statutory duties and responsibilities enumerated in the Act, as amended, by: Providing for the over-all organization, management and administration of the Commission staff; developing and recommending top-level policies for Commission action, planning, organizing, operating and reporting on all programs, functions and activities approved by the Commission, and providing leadership to the heads of the several staff divisions and offices to assure a coordinated effort resulting in the maximum efficiency and effectiveness.

(2) *Office of General Counsel.* The Office of General Counsel is responsible for: The final review as to legal sufficiency, prior to submission to the Staff Director and the Commission, of the work product of the several staff units; final determination of all matters relating to the jurisdiction of the Commission and of its State Advisory Committees; the docketing, processing and disposition of complaints filed with the Commission; the planning, development and conduct of Commission hearings; all matters related to the issuance of subpenas by the Commission; the conduct of Commission approved projects or surveys concerning the administration of justice; the preparation of Commission testimony on civil rights legislation; and all matters relating to the contractual authority of the agency and concerning all laws, rules and regulations affecting the day-to-day operation of the agency.

(3) *Office of Business Administration.* The Office of Business Administration is responsible for: The day-to-day administrative functioning of the agency; planning, installing and implementing management controls and practices; providing personnel services including recruitment, placement and classification; the administration of funds including salaries, travel, procurement of supplies, materials, and the like; and providing general office services including messenger, files, reproduction, mail, space and related services.

(4) *Information Office.* The Information Office is responsible for: The preparation and dissemination of Commission information by press release, press conference, personal appearance, personal contact or appropriate literature; maintaining the necessary liaison with all news media in connection with Commission hearings and other activity; and informational liaison with public and private groups and with the general public, including the reception and briefing of visitors and the scheduling of speaking engagements.

(5) *Federal Programs Division.* The Federal Programs Division is responsible for: Maintaining liaison with the various Federal agencies on civil rights matters; appraising the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; providing services to the Federal agencies in respect to civil rights policies and their implementation; the conduct of studies and field surveys in respect to Federal program policy and implementation; the preparation of analyses and reports on specific Federal

programs for submission to the Commission; and the conduct of meetings and conferences for the purpose of exchanging ideas and information among Federal authorities and between Federal authorities and other public or private groups.

(6) *Research and Publications Division.* The Research and Publications Division is responsible for: Locating, acquiring, classifying, analyzing and disseminating information on literature and events concerning the status of equal protection of the laws under the Constitution; maintaining a library and information center containing a comprehensive collection of materials pertinent to the civil rights field and a system of retrieval capable of filling requests for a wide range of information; the publication of periodic bulletins containing information on current developments and new literature in the various subject fields; research and preparation of special reports analyzing and interpreting series of developments in particular subject areas; the preparation of other pertinent informational materials; the editing and preparation for publication of Commission manuscripts and transcripts of Commission hearings; and maintaining the necessary liaison with the Government Printing Office and the General Services Administration in connection with Commission publications.

(7) *Field Services Division.* The Field Services Division is responsible for: Organizing, servicing, supervising and keeping at full strength, State Advisory Committees in the 50 States and the District of Columbia; evaluating and assessing potential Committee members in order to maintain a representative Committee in each State; acting as liaison for Commission research projects requiring State Advisory Committee and regional, State and local public or private organization assistance or cooperation; planning such meetings and conferences of State Advisory Committees as may be necessary to enable the Committees to fulfill their role as advisors to the Commission on State and local civil rights matters; giving technical advice and aid to the Committees in the development of reports to the Commission, including the preparation of such reports for publication; assisting in the collection and dissemination of information on the status of equal protection of the laws in the several States through the State Advisory Committee system and through other State and local resources; and the maintenance of such field offices as may be established by the Commission.

(8) *Voting and Investigations Division.* The Voting and Investigations Division is responsible for: The detailed planning and implementation of Commission programs, surveys and investigations concerning denials of voting rights by reason of color, race, religion, or national origin; and concerning voting irregularities in Federal elections resulting from patterns or practices of vote fraud or discrimination; the necessary surveys in specific regional areas with regard to voting disparities, upon which the Commission may recommend that the Secretary of Commerce compile registration and voting statistics; the preparation of detailed analyses and reports on the status of voting rights for submission to the Commission; and such other field survey and investigative work as may be requested by the Staff Director in the implementation of other Commission approved projects or programs.

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## PART 702—RULES ON HEARINGS OF THE COMMISSION


Sec.
702.1 Definitions.
702.2 Authorization for hearing.
702.3 Notice of hearing.
702.4 Subpenas.
702.5 Conduct of hearings.
702.6 Executive session.
702.7 Counsel.
702.8 Evidence at Commission hearings.
702.9 Cross-examination at public session.
702.10 Voluntary witnesses at public session.
702.11 Special executive session.
702.12 Contempt of the Commission.
702.13 Intimidation of witnesses.
702.14 Transcript of Commission proceedings.
702.15 Witness fees.
702.16 Attendance of news media.
702.17 Communications with respect to Commission hearings.


AUTHORITY: The provisions of this Part 702 issued under secs. 101–106, 71 Stat. 634–636, as amended; 42 U.S.C. 1975–1975e.

### § 702.1 Definitions.

For purposes of the following Rules on Hearings of the United States Commission on Civil Rights, the following definitions shall apply, unless otherwise provided:

(a) "The Act" shall refer to the Civil Rights Act of 1957, 71 Stat. 634, as amended.

(b) "The Commission" shall refer to the United States Commission on Civil Rights or, as provided in § 702.2, to any authorized subcommittee thereof.

(c) "The Chairman" shall refer to the Chairman of the Commission or authorized subcommittee thereof or to any acting Chairman of the Commission or of such subcommittee.

(d) "Hearing" shall refer collectively to a public session of the Commission and any executive session held in connection therewith.

(e) "The rules in this part" shall refer to the Rules on Hearings of the Commission.

### § 702.2 Authorization for hearing.

Under section 105(f) of the Act the Commission or, on the authorization of the Commission, any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of the Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable; and the holding of hearings by the Commission or the appointment of a subcommittee to hold hearings pursuant to this section must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

### § 702.3 Notice of hearing.

At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the FEDERAL REGISTER notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing.

### § 702.4 Subpenas.

(a) Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued by the Commission over the signature of the Chairman and may be served by any person designated by him.

(b) A witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the rules in this part at the time of service of the subpena.

(c) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

(d) The Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses except as otherwise provided in § 702.6(e).

(e) Requests for subpena shall be in writing, supported by a showing of the general relevance and materiality of the evidence sought. Witness fees and mileage, computed pursuant to § 702.15, shall be paid by the person at whose instance a witness is subpenaed.

(f) Witnesses shall be subpenaed at a reasonably sufficient time in advance of their scheduled appearance, in order to give the witness an opportunity to prepare for his appearance and to employ counsel, should he so desire.

### § 702.5 Conduct of hearings.

(a) The Chairman shall announce in an opening statement the subject of the hearing.

(b) Following the opening statement, the Commission shall first convene in executive session if one is required pursuant to the provisions of § 702.6.

(c) At a hearing, the Chairman shall, subject to the approval of the Commission—

(1) Set the order of presentation of evidence and appearance of witnesses;

(2) Rule on objections and motions;

(3) Administer oaths and affirmations;

(4) Make all rulings with respect to the introduction into or exclusion from the record of documentary or other evidence;



(5) Regulate the course and decorum of the hearing and the conduct of the parties and their counsel to insure that the hearing be conducted in a fair and impartial manner.

(d) Hearings shall proceed with reasonable dispatch and due regard shall be had for the convenience and necessity of witnesses.

(e) The questioning of witnesses shall be conducted only by Members of the Commission, by authorized Commission staff personnel, or by counsel to the extent provided in § 702.7.

(f) In addition to persons served with a copy of the rules in this part pursuant to §§ 702.4 and 702.6, a copy of the rules in this part will be made available to all witnesses at a hearing.

(g) The Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

### § 702.6 Executive session.

(a) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session.

(b) The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony.

(1) Such person shall be served with notice in writing of the date, time, and place made available for the appearance of witnesses at executive session, at least ten days prior to such date, or where service is by mail at least 14 days prior to such date. This notice shall be accompanied by a copy of the rules in this part and by a brief summary of the information which the Commission has determined may tend to defame, degrade, or incriminate such person.

(2) The notice, summary, and rules in this part shall be served personally, by depositing the same in the United States mail as certified mail, or by leaving a copy thereof at the last known residence or business address of such person.

(3) The date of service, for purposes of this section, shall be the day when the material is deposited in the United States mail or is delivered in person, as the case may be. When service is made by certified mail, the return post office receipt shall be proof of service; in all other cases, the acknowledgment of the party served, or the verified return of the one making service shall be proof of the same.

(c) If a person receiving notice under this section notifies the Commission within five days of service of such notice, or where service is by mail within 8 days of service of such notice, that the time scheduled therein constitutes a hardship, the Commission may, in its discretion, set a new time for his appearance at executive session.

(d) In the event such person fails to appear at executive session at the time and place made available under paragraph (b) or (c) of this section, he shall not be entitled to another opportunity to appear at executive session, except as provided in § 702.11.

(e) If such person intends to submit sworn statements of himself or others, or if he intends to request that witnesses appear in his behalf at executive session, he shall, no later than 48 hours prior to the time set under paragraph (b) or (c) of this section, submit to the Commission all such statements and a list of all such witnesses. The Commission will inform such person whether the number of witnesses requested is reasonable within the meaning of paragraph (b) of this section. In addition, the Commission will receive and dispose of requests from such person to subpena other witnesses. Requests for subpenas shall be made sufficiently in advance of the scheduled executive session as to afford persons subpenaed reasonable notice of their obligation to appear at that session. Subpenas returnable at executive session shall be governed by the provisions of § 702.4.

(f) Persons for whom an executive session has been scheduled, and persons compelled to appear at such session, may be represented by counsel at such session to the extent provided by § 702.7.

(g) Attendance at executive session shall be limited to Members of the Commission, authorized Commission staff personnel, witnesses and their counsel at the time scheduled for their appearance, and such other persons whose presence is requested or consented to by the Commission.

(h) In the event the Commission determines to release or use evidence or testimony which it has determined may tend to defame, degrade, or incriminate any person, in such a manner as to reveal publicly the identity of such person, such evidence or testimony, prior to such public release or use, will be given at a public session, and the Commission will afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others.

### § 702.7 Counsel.

(a) Any person compelled to appear in person before the Commission and any witness appearing at a public session of the Commission will be accorded the right to be accompanied and advised by counsel, who will have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections.

(b) For the purpose of this section, "counsel" shall mean an attorney at law admitted to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States.

(c) The failure of any person to obtain counsel shall not excuse him from attendance in response to a subpena, nor shall any person be excused in the event his counsel is excluded from the hearing pursuant to § 702.5(g). In the latter case, however, the witness shall be afforded a reasonable time to obtain other counsel, said time to be determined by the Commission.

### § 702.8 Evidence at Commission hearings.

(a) The rules of evidence prevailing in courts of law or equity shall not control hearings of the Commission.

(b) Where a witness testifying at a public session offers the sworn statements of other persons, such statements, in the discretion of the Commission, may be included in the record, provided they are received by the Commission 24 hours in advance of his appearance.

(c) The prepared statement of a witness testifying at a public session, in the discretion of the Commission, may be placed into the record or may be read into the record, provided that such statement is received by the Commission 24 hours in advance of his appearance.

(d) In the discretion of the Commission, evidence may be included in the record after the close of a public session, provided the Commission determines that such evidence does not tend to defame, degrade, or incriminate any person.

(e) The Commission will determine the pertinency of testimony and evidence adduced at its hearings, and may refuse to include in the record of a hearing or may strike from the record any evidence it considers to be cumulative, immaterial, or not pertinent.

### § 702.9 Cross-examination at public session.

If the Commission determines that oral testimony of a witness at a public session tends to defame, degrade, or incriminate any person, such person or his counsel shall be permitted to submit questions to the Commission in writing, which, in the discretion of the Commission, may be put to such witness by the Chairman or by authorized Commission staff personnel.

### § 702.10 Voluntary witnesses at public session.

A person who has not been subpenaed and who has not been afforded an opportunity to appear pursuant to § 702.6, may be permitted, in the discretion of the Commission, to make an oral or written statement at a public session. Such person may be questioned to the same extent and in the same manner as other witnesses before the Commission.

### § 702.11 Special executive session.

If, during the course of a public session, new evidence is submitted which the Commission determines may tend to defame, degrade, or incriminate any person, the provisions of § 702.6 shall apply, and such extensions, recesses or continuances of the public session as it deems necessary shall be ordered by the Commission, except that the time and notice requirements of § 702.6 may be modified by the Commission provided reasonable notice of a scheduled executive session is afforded such person, and except that the Commission may, in its discretion, strike such evidence from the record, in which case the provisions of § 702.6 shall not apply.



### § 702.12 Contempt of the Commission.

Proceedings and process of the Com-

executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript


Sec.
703.4 Membership.
703.5 Officers.




each member subject to the duration of advisory committees prescribed by sec-

(d) Pursuant to the authority of Executive Order 11007, dated February

## PART 704—COMMUNICATIONS AND CONFIDENTIAL INFORMATION

**§ 702.12 Contempt of the Commission.**

Proceedings and process of the Commission are governed by section 105(g) of the Act, which provides:

In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

**§ 702.13 Intimidation of witnesses.**

Witnesses to Commission hearings are protected by the provisions of 18 U.S.C. 1505, which provide:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any Committee of either House, or any joint committee of the Congress; or

Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein; or

Whoever, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part with any civil investigative demand duly and properly made under the Antitrust Civil Process Act willfully removes from any place, conceals, destroys, mutilates, alters, or by other means falsifies any documentary material which is the subject of such demand; or

Whoever corruptly, or by threats of force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

**§ 702.14 Transcript of Commission proceedings.**

(a) An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof. Transcripts shall be recorded solely by the official reporter, or by any other person or means designated by the Commission.

(b) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof.

(c) Any person who has presented testimony at a hearing may ask within sixty days after the close of the hearing to correct errors in the transcript of his testimony. Such requests shall be granted only to make the transcript conform to his testimony as presented at the hearing.

**§ 702.15 Witness fees.**

Pursuant to section 102(j) of the Act: A witness attending any session of the Commission shall receive $6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and ten cents per mile for going from and returning to his place of residence; witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance; and mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

**§ 702.16 Attendance of news media.**

Subject to the physical limitations of the hearing room and consideration of the physical comfort of Commission Members, staff, and witnesses, reasonable access for coverage of public sessions shall be provided to the various means of communication, including newspapers, magazines, radio, newsreels, and television. However, no witness shall be televised, filmed, or photographed during the hearing nor shall his testimony be broadcast or recorded for broadcasting, if he objects.

**§ 702.17 Communications with respect to Commission hearings.**

During any hearing held outside Washington, D.C., communications to the Commission with respect to such hearing must be made to the Chairman or authorized Commission staff personnel in attendance. All requests for subpenas returnable at a hearing, requests for appearance of witnesses at a hearing, and statements or other documents for inclusion in the record of a hearing, required to be submitted in advance, must be submitted to the Chairman, or such authorized person as he may appoint, at an office located in the community where such hearing is scheduled to be held. The location of such office will be set forth in all subpenas issued under the rules in this part and in all notices prepared pursuant to § 702.6.

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## PART 703—OPERATIONS AND FUNCTIONS OF STATE ADVISORY COMMITTEES

Sec.
703.1 Name and establishment.
703.2 Functions.
703.3 Scope of subject matter.
703.4 Membership.
703.5 Officers.
703.6 Subcommittees.
703.7 Meetings.
703.8 Reimbursement of members.

AUTHORITY: The provisions of this Part 703 issued under secs. 101–106, 71 Stat. 634–636, as amended; 42 U.S.C. 1975–1975e.

**§ 703.1 Name and establishment.**

Pursuant to section 105(c) of the Act, there are established by the Commission the State Advisory Committees to the Commission (each of which is called in this part the State Committee).

**§ 703.2 Functions.**

By invitation of the Commission, the State Committee is authorized to exercise the following functions within the limits defined in § 703.3.

(a) Advise the Commission in writing of any knowledge or information it has of any alleged deprivation of the right to vote and to have the vote counted, by reason of color, race, religion, or national origin, or that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination.

(b) Advise the Commission concerning legal developments constituting a denial of equal protection of the laws under the Constitution, and as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws.

(c) Advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.

(d) Receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee.

(e) Initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied.

(f) Assist the Commission in matters in which the Commission shall request the assistance of the State Committee.

(g) Attend, as observers, any open hearing or conference which the Commission may hold within the State.

**§ 703.3 Scope of subject matter.**

The scope of subject matter to be dealt with by the State Committee shall be those subjects of inquiry or study with which the Commission itself is authorized to deal, pursuant to section 104(a) of the Act. The State Committee shall confine its studies to the State. It may, however, undertake to study subjects other than those chosen by the Commission for study, within the limits of the Act.

**§ 703.4 Membership.**

Subject to special exceptions made from time to time by the Commission to fit special circumstances, the State Committee shall consist of at least five members appointed by the Commission. Members of the State Committee shall serve for a fixed term to be set by the Commission upon the appointment of each member subject to the duration of advisory committees prescribed by section 8 of Executive Order 11007, February 26, 1962 (3 CFR).



**§ 703.5 Officers.**

(a) The officers of the State Committee shall be a chairman and vice chairman and such other officers as the State Committee deems advisable.

(b) The chairman shall be appointed by the Commission.

(c) The vice chairman and other officers shall be elected by the State Committee by a majority vote of the full membership of the State Committee.

(d) The chairman, or in his absence, the vice chairman, shall:

(1) Call meetings of the State Committee.

(2) Preside over all meetings of the State Committee.

(3) Appoint all subcommittees of the State Committee, with the approval of a majority of the State Committee.

(4) Perform such other functions as the State Committee may authorize or the Commission may request, within the limits of the Act.

**§ 703.6 Subcommittees.**

The State Committee may:

(a) Approve the establishment of subcommittees, composed of members of the State Committee to study and report upon matters under consideration, and it may authorize such subcommittees to take specific action upon matters within the competence of the State Committee.

(b) Designate, with the prior approval of the Commission, or at the request of the Commission, individual members of the State Committee to perform special projects involving research or study within the scope of the subject matter defined in § 703.3.

**§ 703.7 Meetings.**

(a) Meetings of the State Committee shall be called whenever it is deemed necessary or desirable by the Chairman, or by a majority of the State Committee, or by the Commission, provided that the following conditions have been met:

(1) The Commission has given prior written approval of such meeting, and

(2) There is a quorum present. A quorum shall consist of one-half or more of the members of the State Committee, or five members, whichever is the lesser.

(b) Summary minutes shall be prepared and made available as soon as practicable after each meeting for distribution to the members of the State Committee and to the Commission.

(c) In connection with its functions under the regulations in this part and subject to them, a State Committee may hold open meetings for the purpose of soliciting information and advice from local officials and other persons respecting subject matter within its jurisdiction, provided however, that a State Committee shall not, in conjunction with its meetings, or otherwise, purport to conduct a formal hearing or adversary proceeding of any type, take oral testimony under oath, or issue subpenas.

(d) Pursuant to the authority of Executive Order 11007, dated February 26, 1962, section 6(f) thereof, the Chairman of the Commission has made the following determinations:

(1) That compliance with the requirements of section 6, subsections (a), (b), and (c), of the aforesaid Executive Order would interfere with the proper functioning of the State Advisory Committees of the Commission on Civil Rights, in that the assignment of a full-time salaried officer or employee of the Commission to each of the State Advisory Committee meetings would be impossible and impractical within the limitations of the staff and budget of the Commission, and

(2) That the Commission on Civil Rights has retained Consultants, on a part-time basis, to assist the Commission staff in attendance at State Advisory Committee meetings to the end that the intent of the aforesaid Executive Order is complied with, and

(3) That adequate provisions have been otherwise made by the statement governing State Advisory Committees published herewith to insure that such committee operations are subject to Government control and in conformity with the proper purposes and functioning of the Commission, and

(4) That the nature of the function of the State Advisory Committees as set forth in the said statement governing the State Advisory Committees is such that the waiver of the aforesaid requirement specified in section 6, subsections (a), (b), and (c), of the said Executive Order are in the public interest; and

(5) That, therefore, the meeting of a State Advisory Committee shall not be subject to the requirements specified in section 6, subsections (a), (b), and (c), of the Executive Order 11007, dated February 26, 1962.

**§ 703.8 Reimbursement of members.**

(a) State Committee members may be reimbursed by the Commission by a per diem subsistence allowance and for travel expenses at rates not to exceed those prescribed by Congress for Government employees, for the following activities only:

(1) Attendance at meetings, as defined in § 703.7.

(2) Any activity specifically requested and authorized by the Commission to be reimbursed.

(b) Members will be reimbursed for the expense of travel by private automobile on a mileage basis only to the extent such expense is no more than that of suitable public transportation for the same trip, unless special circumstances justify the additional expense of travel by private automobile.

(c) From time to time, the Commission may give prior authorization for the reimbursement of the State Committee for secretarial help and expenses of duplication and the like, for projects specifically requested by the Commission.

(d) No appropriated funds shall be made available to the State Committee except for the reimbursements authorized in this section.

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## PART 704—COMMUNICATIONS AND CONFIDENTIAL INFORMATION

Sec.
704.1 Communications with the Commission.
704.2 Confidential information.

AUTHORITY: The provisions of this Part 704 issued under secs. 101–106, 71 Stat. 634–636, as amended; 42 U.S.C. 1975–1975e.

**§ 704.1 Communications with the Commission.**

(a) *Complaints.* Any person may bring to the attention of the Commission a grievance which he believes falls within the jurisdiction of the Commission, as set forth in section 104 of the Act. This shall be done by submitting a complaint in writing to Office of General Counsel, United States Commission on Civil Rights, 1701 Pennsylvania Avenue NW., Washington, D.C., 20425. Allegations falling under section 104(a) (1) and (5) of the Act (discrimination or fraud in voting) must be under oath or affirmation. All complaints should set forth the pertinent facts upon which the complaint is based, including but not limited to specification of (1) names and titles of officials or other persons involved in acts forming the basis for the complaint; (2) accurate designations of place locations involved; (3) dates of events described in complaint.

(b) *Other communications.* Requests for information and for Commission literature should be directed to Information Office, United States Commission on Civil Rights, 1701 Pennsylvania Avenue NW., Washington, D.C., 20425. Communications with respect to Commission hearings should be made pursuant to § 702.17 of this chapter. All other communications with the Commission should be directed to Staff Director, United States Commission on Civil Rights, 1701 Pennsylvania Avenue NW., Washington, D.C., 20425.

**§ 704.2 Confidential information.**

(a) By the provisions of section 102(g) of the Act, no evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission, and any person who releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

(b) All information or documents obtained or prepared by any Member, officer or employee of the Commission, including members of State Advisory Committees, in the course of his official duties, or by virtue of his official status, shall, unless a matter of public record, be deemed confidential. No such person may permit the disclosure or use of the same for any purpose other than for the performance of his official duties.

(c) Any Member, officer or employee of the Commission, including members of State Advisory Committees, who is served with a subpena requiring the disclosure of such information or the production of such documents shall appear in response to such subpena and, unless



otherwise directed by the Commission, shall respectfully decline to disclose the

culosis, (3) establishing and maintaining public health services, (4) the preven-

fiscal year or such longer period for which such plan is approved shall be

otherwise directed by the Commission, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this section. Any such person who is served with such a subpena shall promptly advise the Commission of the service of such subpena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

*Supersedure.* This revision of Chapter VII supersedes the notice published at 27 F.R. 4569, concerning the operations and functions of the State Advisory Committees of the Commission, and the notice published at 27 F.R. 4570, concerning meetings of the State Advisory Committees.

Dated: December 15, 1964.

JOHN A. HANNAH,
*Chairman,*
*U.S. Commission on Civil Rights.*

[F.R. Doc. 64-13022; Filed, Dec. 17, 1964; 8:50 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

## PART 51—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

### Grants for Dental Health Services

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted as unnecessary in the issuance of the following amendments to this part which relate solely to grants for programs relating to dental health services. The purpose of these amendments is to add new material providing the basis for grants for dental health services for which funds were made available by the Department of Health, Education, and Welfare Appropriation Act, 1965.

Pursuant to section 314(j) of the Public Health Service Act, as amended (58 Stat. 695; 42 U.S.C. 246(j)), these amendments are made after consultation with, and with the agreement of, a conference of the State health authorities.

*Effective date.* These amendments shall be effective on the date of publication in the FEDERAL REGISTER.

1. Section 51.1(f) is amended to read as follows:

§ 51.1 Definitions.

* * * * *

(f) "Plans" refers to the information and proposals submitted by the State health authority pursuant to the regulations in this part for activities of the State and political subdivisions thereof for (1) the prevention, treatment and control of venereal disease, (2) the prevention, treatment and control of tuberculosis, (3) establishing and maintaining public health services, (4) the prevention, treatment and control of mental illness, including emotional, psychiatric and neurological disorders, (5) establishing and maintaining organized community programs of heart disease control, (6) the prevention, control and eradication of cancer, (7) services for the chronically ill and the aged, (8) establishing and maintaining radiological health services, or (9) establishing and maintaining dental health services.

* * * * *

2. Section 51.2 is amended by adding thereto a new paragraph (h) which reads as follows:

§ 51.2 Allotments; extent of health problems.

* * * * *

(h) *Dental health.* The extent of the dental health problem shall be determined to be equal to the population of each State.

3. Section 51.3 is amended by adding thereto a new paragraph (i) which reads as follows:

§ 51.3 Basis of allotments.

* * * * *

(i) *Dental health.* Of the amount available for allotment for dental health programs, 100 percent on the basis of population weighted by financial need.

4. Section 51.4(c) is amended to read as follows:

§ 51.4 Allotments; estimates; time of making; duration.

* * * * *

(c) Allotments for each program for the first six months shall be made prior to the beginning of the fiscal year or as soon thereafter as practicable, and shall equal not less than 60 percent nor more than 70 percent of the total sum determined to be available for allotment during that fiscal year. At the end of the second quarter, the amounts of allotments for the first six-month period which have not been certified for payment to the respective States pursuant to § 51.8 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted: *Provided,* That with respect to grants for mental health activities, such amounts of the allotment to any State in any year as are approved in its plan for the development of comprehensive mental health planning shall remain available for expenditure by that State for that purpose during the fiscal year in which the State plan is approved and during such portion of the next succeeding fiscal year as may be approved by the Surgeon General or his designee, and in such cases (1) payments from such amounts shall be made during the period for which such plan has been approved without regard to the six-month allotment limitation in § 51.8(d), and (2) expenditures of public funds of the State or its political subdivision (otherwise allowable for matching payments of mental health grant funds as authorized by § 51.9(a)) which are made during the fiscal year or such longer period for which such plan is approved shall be allowable for matching such payments; and *Provided further,* That with respect to grants from the fiscal year 1965 appropriation for dental health, 100 percent of the funds available for allotment during that year shall be allotted as soon as practicable in the fiscal year, and that such allotments shall remain available for the remainder of the fiscal year.

* * * * *

5. The first sentence in section 51.6(b) is amended to read as follows:

§ 51.6 Plans; contents.

* * * * *

(b) The State health department shall, with respect to its total annual expenditures of Federal and required matching funds for its venereal disease, tuberculosis, heart, cancer, mental health, the chronically ill and the aged, radiological health, and dental health programs, provide in its State plan for the allocation of such expenditures to such programs in accordance with either of the following procedures:

* * * * *

6. Section 51.9(a) is amended to read as follows:

§ 51.9 Required expenditure of State and local funds; funds of cooperating agencies.

(a) Moneys paid to any State or to a cooperating agency pursuant to section 314 of the Act shall be paid upon the condition that there be expended in the State during the fiscal year for which payment is made and for purposes specified in the plan with respect to which payment is made, public funds of the State and its political subdivision (or in the case of payments to a cooperating agency having an approved heart disease control plan, funds of the cooperating agency) in amounts which shall be exclusive of any funds derived from loan or grant from the United States for the same general purpose and which shall equal separately for venereal disease control, tuberculosis, mental health, general health, the chronically ill and the aged, heart disease, radiological health, and dental health, 100 percent of the Federal grant funds expended pursuant to the plan, except that with respect to Federal grant funds appropriated especially for services for the chronically ill and the aged the percentage shall be 50 percent for fiscal years 1962, 1963, and 1964, and 66⅔ percent for fiscal year 1965.

* * * * *

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 314, 58 Stat. 693, as amended; 42 U.S.C. 246)

Dated: November 24, 1964.

[SEAL] LUTHER L. TERRY,
*Surgeon General.*

Approved: December 14, 1964.

ANTHONY J. CELEBREZZE,
*Secretary.*

[F.R. Doc. 64-12986; Filed, Dec. 17, 1964; 8:49 a.m.]



propeller clearance for airplanes with leaf spring shock struts, has been included in order to eliminate the need for extensive testing ranges for such airplanes. The deflection corresponding to 1.5*g* has been found to be safe and reliable for this purpose and has therefore been included in the rule. That CAM material that has not been incorporated in Part 23 [New] has been determined to be advisory, not regulatory, in nature. This material is being reviewed, and where current and necessary, it will be issued in the Agency's Advisory Circular System.

In the table in present § 3.106, yaw values are given for the "stick" and "wheel" when in fact the yaw values are applicable only to rudder pedal application. The table in this part has been revised accordingly.

The requirement in present CAM 3.294 with regard to approved bolts, pins, screws, and rivets and locking devices for them has been deleted as unnecessary as the Agency does not require specific approval of these items.

Paragraphs A23.7(e) (1) and (3) of Appendix A were reworded, in light of comments received, to make them consistent with the structural load criteria in the basic part.

Other minor changes of a technical clarifying nature have been made. They are not substantive and do not impose any burden on regulated persons.

The definitions, abbreviations, and rules of construction in Part 1 [New] of the Federal Aviation regulations apply to Part 23 [New].

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. The Agency is particularly appreciative of the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 is amended as follows, effective February 1, 1965:

1. By deleting Part 3.

2. By adding a Part 23 [New] reading as hereinafter set forth.

Issued in Washington, D.C., on September 28, 1964.

N. E. HALABY,
*Administrator.*

changes that have been made do not affect substance. They have been made to ensure consistency in language throughout the new Federal Aviation Regulations, thereby making them easier to understand and apply. Part 23 [New] substitutes the word "must" for "shall". This has been done to reflect the fact that airworthiness standards are simply conditions precedent that are required to be met for the issue of a type certificate. The imperative "shall" would be inappropriate in this case. The failure to meet the standards simply results in a denial of the issue of the type certificate.

The sections in Part 23 [New] have been rearranged and renumbered. This will allow the requirements of this Part to be numbered identically with the comparable requirements in Parts 25 [New], 27 [New], and 29 [New]. In addition, some material has been rearranged in order that the requirements be more logically placed within the Part. An example of this is the regrouping of the requirements in §§ 3.73, 3.73–3, 3.76, 3.84, 3.86, 3.120, 3.123, 3.124, and 3.437 through 3.780, dealing with recording of data and information, into the division of Part 23 [New] dealing with flight manual requirements. A similar rearrangement was the combining of the flutter requirements of §§ 3.159 and 3.311 into § 23.629.

As was stated in the preamble of the notice of proposed rule making of Part 23, those definitions in present Part 3 (and not now in Part 1 or executed in this part) that are necessary, will be recodified with the definitions of other airworthiness parts and added to Part 1 [New].

FAR 23 [New] contains, in addition to the CAM material included in the notice of proposed rule making, CAMs 3.71–1 and 3.311–1, and the second sentence of CAM 3.422–2. CAM 3.71–1 was included as it relaxes the rule by allowing certain tolerances during flight testing. These tolerances are necessary for the proper conduct of flight testing and such tolerances have been safely used in the past. They are now specifically included in the rule on flight testing. The flutter prevention method described in CAM 3.311–1 has been an additional safe acceptable method meeting the flutter requirements of CAR 3.311 and therefore has been included in this part. The second sentence of § 3.422–2, with regard to the amount of deflection necessary to show

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Regulatory Docket No. 4080]

## PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES [NEW]

This amendment adds Part 23 [New] to the Federal Aviation regulations to replace Part 3 of the Civil Air Regulations and is a part of the Agency recodification program announced in Draft Release 61-25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

Part 23 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on April 14, 1964 (29 F.R. 5111), and given further distribution as Notice No. 64-17.

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as this one, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Many of the comments received recommended specific substantive changes to the regulations. Although many of the recommendations appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and delete obsolete or redundant provisions. To attempt substantive changes, other than relaxatory ones that are completely noncontroversial, would delay the project and be contrary to the ground rules specified for it in Draft Release 61-25. However, we recognize that an overall substantive review of the Part is long overdue. This review is now being undertaken and all substantive comments received are being carefully studied.

Present CAR Part 3 reflects the various writing styles used by those who have worked on it in the past. The recodification has allowed us to use one style throughout Part 23 [New]. The style

Subpart A—General

Sec.
23.1 Applicability.
23.3 Airplane categories.

Subpart B—Flight

General

23.21 Proof of compliance.
23.23 Load distribution limits.
23.25 Weight limits.
23.29 Empty weight and corresponding center of gravity.
23.31 Removable ballast.
23.33 Propeller speed and pitch limits.

Performance

23.45 General.
23.49 Stalling speed.
23.51 Takeoff.
23.65 Climb: all engines operating.
23.67 Climb: one engine inoperative.
23.75 Landing.
23.77 Balked landing.

Flight Characteristics

23.141 General.

Controllability and Maneuverability

23.143 General.
23.145 Longitudinal control.
23.147 Directional and lateral control.
23.149 Minimum control speed.
23.151 Acrobatic maneuvers.

Trim

23.161 Trim.

Stability

23.171 General.
23.173 Static longitudinal stability.
23.175 Demonstration of static longitudinal stability.
23.177 Directional and lateral stability.
23.179 Instrumented stick force measurements.
23.181 Dynamic longitudinal stability.

Stalls

23.201 Stall demonstration.
23.203 Stall characteristics.
23.205 Stalls: critical engine inoperative.
23.207 Stall warning.

Spinning

23.221 Spinning.

Ground and Water Handling Characteristics

23.231 Longitudinal stability and control.
23.233 Directional stability and control.
23.235 Taxiing condition.
23.239 Spray characteristics.

Miscellaneous Flight Requirements

23.251 Vibration and buffeting.

Subpart C—Structure

General

Sec.
23.301 Loads.
23.303 Factor of safety.
23.305 Strength and deformation.
23.307 Proof of structure.

Flight Loads

23.321 General.
23.331 Symmetrical flight conditions.
23.333 Flight envelope.
23.335 Design airspeeds.
23.337 Limit maneuvering load factors.
23.341 Gust load factors.
23.345 High lift devices.
23.347 Unsymmetrical flight conditions.
23.349 Rolling conditions.
23.351 Yawing conditions.
23.361 Engine torque.
23.363 Side load on engine mount.
23.365 Pressurized cabin loads.
23.369 Special conditions for rear lift truss.

Control Surface and System Loads

23.391 Control surface loads.
23.395 Control system.
23.397 Control system loads.
23.399 Dual control system.
23.405 Secondary control system.
23.407 Trim tab effects.
23.409 Tabs.
23.415 Ground gust conditions.

Horizontal Tail Surfaces

23.421 Balancing loads.
23.423 Maneuvering loads.
23.425 Gust loads.
23.427 Unsymmetrical loads.

Vertical Tail Surfaces

23.441 Maneuvering loads.
23.443 Gust loads.
23.445 Outboard fins.

Ailerons, Wing Flaps, and Special Devices

23.455 Ailerons.
23.457 Wing flaps.
23.459 Special devices.

Ground Loads

23.471 General.
23.473 Ground load conditions and assumptions.
23.477 Landing gear arrangement.
23.479 Level landing conditions.
23.481 Tail down landing conditions.
23.483 One-wheel landing conditions.
23.485 Side load conditions.
23.493 Braked roll conditions.
23.497 Supplementary conditions for tail wheels.
23.499 Supplementary conditions for nose wheels.
23.505 Supplementary conditions for skiplanes.

Water Loads

Sec.
23.521 Water load conditions.

Emergency Landing Conditions

23.561 General.

Fatigue Evaluation

23.571 Pressurized cabin.

Subpart D—Design and Construction

23.601 General.
23.603 Materials and workmanship.
23.605 Fabrication methods.
23.607 Self-locking nuts.
23.609 Protection of structure.
23.611 Inspection provisions.
23.613 Material strength properties and design values.
23.615 Design properties.
23.617 Interchangeability of seamwelded and seamless steel tubing.
23.619 Special factors.
23.621 Casting factors.
23.623 Bearing factors.
23.625 Fitting factors.
23.627 Fatigue strength.
23.629 Flutter.

Wings

23.641 Proof of strength.
23.643 Rib tests.

Control Surfaces

23.651 Proof of strength.
23.655 Installation.
23.657 Hinges.
23.659 Mass balance.

Control Systems

23.671 General.
23.673 Primary flight controls.
23.675 Stops.
23.677 Trim systems.
23.679 Control system locks.
23.681 Limit load static tests.
23.683 Operation tests.
23.685 Control system details.
23.687 Spring devices.
23.689 Cable systems.
23.693 Joints.
23.697 Wing flap controls.
23.699 Wing flap position indicator.
23.701 Flap interconnection.

Landing Gear

23.721 General.
23.723 Shock absorption tests.
23.725 Limit drop tests.
23.727 Reserve energy absorption drop test.
23.729 Retracting mechanism.
23.731 Wheels.
23.733 Tires.
23.735 Brakes.
23.737 Skis.

Floats and Hulls

Sec.
23.751 Main float buoyancy.
23.753 Main float design.
23.755 Hulls.
23.757 Auxiliary floats.

Personnel and Cargo Accommodations

23.771 Pilot compartment.
23.773 Pilot compartment view.
23.775 Windshields and windows.
23.777 Cockpit controls.
23.779 Motion and effect of cockpit controls.
23.781 Cockpit control knob shape.
23.783 Doors.
23.785 Seats and berths.
23.787 Cargo compartments.
23.807 Emergency exits.
23.831 Ventilation.

Pressurization

23.841 Pressurized cabins.
23.843 Pressurization tests.

Fire Protection

23.853 Compartment interiors.
23.859 Combustion heater fire protection.

Miscellaneous

23.871 Leveling marks.

Subpart E—Powerplant

General

23.901 Installation.
23.903 Engines.
23.905 Propellers.
23.907 Propeller vibration.
23.925 Propeller clearance.

Fuel System

23.951 General.
23.953 Fuel system independence.
23.955 Fuel flow.
23.957 Flow between interconnected tanks.
23.959 Unusable fuel supply and fuel system operation on low fuel.
23.961 Fuel system hot weather operation.
23.963 Fuel tanks: general.
23.965 Fuel tank tests.
23.967 Fuel tank installation.
23.969 Fuel tank expansion space.
23.971 Fuel tank sump.
23.973 Fuel tank filler connection.
23.975 Fuel tank vents and carburetor vapor vents.
23.977 Fuel tank outlet.

Fuel System Components

23.991 Fuel pumps.
23.993 Fuel system lines and fittings.
23.995 Fuel valves and controls.
23.997 Fuel strainer or filter.
23.999 Fuel system drains.





Oil System

Sec.
23.1011 General.
23.1013 Oil tanks.
23.1015 Oil tank tests.
23.1017 Oil lines and fittings.
23.1019 Oil strainer or filter.
23.1021 Oil system drains.
23.1023 Oil radiators.
23.1027 Propeller feathering system.

Cooling

23.1041 General.
23.1043 Cooling tests.
23.1045 Cooling test procedures for single-engine airplanes.
23.1047 Cooling test procedures for multi-engine airplanes.

Liquid Cooling

23.1061 Installation.
23.1063 Coolant tank tests.

Induction System

23.1091 Air induction.
23.1093 Induction system icing protection.
23.1095 Carburetor deicing fluid flow rate.
23.1097 Carburetor deicing fluid system capacity.
23.1099 Carburetor deicing fluid system detail design.
23.1101 Carburetor air preheater design.
23.1103 Induction system ducts.
23.1105 Induction system screens.

Exhaust System

23.1121 General.
23.1123 Exhaust manifold.
23.1125 Exhaust heat exchangers.

Powerplant Controls and Accessories

23.1141 Powerplant controls: general.
23.1143 Throttle controls.
23.1145 Ignition switches.
23.1147 Mixture controls.
23.1149 Propeller speed and pitch controls.
23.1153 Propeller feathering controls.
23.1157 Carburetor air temperature controls.
23.1163 Powerplant accessories.
23.1165 Engine ignition systems.

Powerplant Fire Protection

23.1183 Lines and fittings.
23.1189 Shutoff means.
23.1191 Firewalls.
23.1193 Cowling.

Subpart F—Equipment

General

23.1301 Function and installation.
23.1303 Flight and navigation instruments.
23.1305 Powerplant instruments.
23.1307 Miscellaneous equipment.

Instruments: Installation

Sec.
23.1321 Arrangement and visibility.
23.1323 Airspeed indicating system.
23.1325 Static air vent system.
23.1327 Magnetic direction indicator.
23.1329 Automatic pilot system.
23.1331 Instruments using a power supply.
23.1335 Flight director instrument.
23.1337 Powerplant instruments.

Electrical Systems and Equipment

23.1351 General.
23.1353 Storage battery design and installation.
23.1357 Circuit protective devices.
23.1361 Master switch.
23.1365 Electric cables.
23.1367 Switches.

Lights

23.1381 Instrument lights.
23.1383 Landing lights.
23.1385 Position light system installation.
23.1387 Position light system dihedral angles.
23.1389 Position light distribution and intensities.
23.1391 Minimum intensities in the horizontal plane of forward and rear position lights.
23.1393 Minimum intensities in any vertical plane of forward and rear position lights.
23.1395 Maximum intensities in overlapping beams of forward and rear position lights.
23.1397 Color specifications.
23.1399 Riding light.
23.1401 Anticollision light system.

Safety Equipment

23.1411 Accessibility.
23.1413 Safety belts.
23.1415 Ditching equipment.
23.1419 Deicers.

Miscellaneous Equipment

23.1431 Electronic equipment.
23.1435 Hydraulic systems.
23.1437 Accessories for multiengine airplanes.

Subpart G—Operating Limitations and Information

23.1501 General.
23.1505 Airspeed limitations.
23.1507 Maneuvering speed.
23.1511 Flap extended speed.
23.1513 Minimum control speed.
23.1519 Weight and center of gravity.

Sec.
23.1521 Powerplant limitations.
23.1523 Minimum flight crew.
23.1525 Kinds of operation.

Markings and Placards

23.1541 General.
23.1543 Instrument markings: general.
23.1545 Airspeed indicator.
23.1547 Magnetic direction indicator.
23.1549 Powerplant instruments.
23.1551 Oil quantity indicator.
23.1553 Fuel quantity indicator.
23.1555 Control markings.
23.1557 Miscellaneous markings and placards.
23.1559 Operating limitations placard.
23.1561 Safety equipment.
23.1563 Airspeed placards.
23.1567 Flight maneuver placard.

Airplane Flight Manual

23.1581 General.
23.1583 Operating limitations.
23.1585 Operating procedures.
23.1587 Performance information.
23.1589 Loading information.

Appendix A—Simplified Design Load Criteria for Conventional, Single-Engine Airplanes of 6,000 Pounds or Less Maximum Weight

Sec.
A23.1 General.
A23.3 Special symbols.
A23.5 Certification in more than one category.
A23.7 Flight loads.
A23.9 Flight conditions.
A23.11 Control surface loads.
A23.13 Control system loads.

Appendix B—Control Surface Loadings

B23.1 General.
B23.11 Control surface loads.

Appendix C—Basic Landing Conditions

C23.1 Basic landing conditions.

Appendix D—Wheel Spin-Up Loads

D23.1 Wheel spin-up loads.


Authority: The provisions of this Part 23 issued under secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423.

## Subpart A—General

**§ 23.1 Applicability.**

(a) This part prescribes airworthiness standards for the issue of type certificates, and changes to those certificates, for small airplanes in the normal, utility, and acrobatic categories.

(b) Each person who applies under Part 21 [New] for such a certificate or change must show compliance with the applicable requirements of this part.

**§ 23.3 Airplane categories.**

(a) The normal category is limited to airplanes intended for nonacrobatic operation. Nonacrobatic operation includes any maneuvers incident to normal flying, stalls (except whip stalls), and turns in which the angle of bank is not more than 60 degrees.

(b) The utility category is limited to airplanes intended for limited acrobatic operation. Limited acrobatic operation includes any maneuvers incident to normal flying, stalls (except whip stalls), spins (if approved for the particular type of airplane), lazy eights, chandelles, and steep turns in which the angle of bank is more than 60 degrees.

(c) The acrobatic category is limited to airplanes intended for use without restrictions other than those shown to be necessary as a result of required flight tests.

(d) Small airplanes may be certificated in more than one category if the requirements of each requested category are met.

## Subpart B—Flight

### General

**§ 23.21 Proof of compliance.**

(a) Each requirement of this subpart must be met at each appropriate combination of weight and center of gravity within the range of loading conditions for which certification is requested. This must be shown—

(1) By tests upon an airplane of the type for which certification is requested, or by calculations based on, and equal in accuracy to, the results of testing; and

(2) By systematic investigation of each probable combination of weight and center of gravity, if compliance cannot be reasonably inferred from combinations investigated.

(b) The following general tolerances are allowed during flight testing. However, greater tolerances may be allowed in particular tests:

| Item | Tolerance |
|---|---|
| Weight | +5%, −10%. |
| Critical items affected by weight | +5%, −1%. |
| C.G. | ±7% total travel. |

**§ 23.23 Load distribution limits.**

Ranges of weights and centers of gravity within which the airplane may be safely operated must be established. If low fuel adversely affects balance or stability, the airplane must be tested under conditions simulating those that would exist when the amount of usable fuel does not exceed one gallon for each 12 maximum continuous horsepower of the engine or engines.

**§ 23.25 Weight limits.**

(a) *Maximum weight.* The maximum weight (the highest weight at which compliance with each applicable requirement of this part is shown) must be established so that it is—

(1) Not more than—

(i) The highest weight selected by the applicant;

(ii) Except as provided in § 23.473 for multiengine airplanes, the design maximum weight (the highest weight at which compliance with each applicable structural loading condition of this part is shown); or

(iii) The highest weight at which compliance with each applicable flight requirement of this part is shown; and

(2) Assuming a weight of 170 pounds for each occupant of each seat for normal category airplanes and 190 pounds (unless otherwise placarded) for utility and acrobatic category airplanes, not less than the weight with—

(i) Each seat occupied, oil at full tank capacity, and at least enough fuel for one-half hour of operation at rated maximum continuous power; or

(ii) The required minimum crew, and fuel and oil to full tank capacity.

(b) *Minimum weight.* The minimum weight (the lowest weight at which compliance with each applicable requirement of this part is shown) must be established so that it is not more than the sum of—

(1) The empty weight determined under § 23.29;

(2) The weight of the required minimum crew (assuming a weight of 170 pounds for each crewmember);

(3) The weight of the oil at full tank capacity; and

(4) The weight of no more than the quantity of fuel necessary for one-half hour of operation at rated maximum continuous power.

**§ 23.29 Empty weight and corresponding center of gravity.**

(a) The empty weight and corresponding center of gravity must be determined by weighing the airplane with—

(1) Fixed ballast;

(2) Unusable fuel determined under § 23.959;

(3) Undrainable oil (the oil remaining in the airplane while in the ground attitude after drainage of all drainable oil in that attitude);

(4) Engine coolant; and

(5) Hydraulic fluid.

(b) The condition of the airplane at the time of determining empty weight must be one that is well defined and can be easily repeated.

**§ 23.31 Removable ballast.**

Removable ballast may be used in showing compliance with the flight requirements of this subpart, if—

(a) The place for carrying ballast is properly designed and installed, and is marked under § 23.1557; and



(b) The Airplane Flight Manual includes instructions for the proper placement of the removable ballast under each loading condition for which removable ballast is necessary.

**§ 23.33 Propeller speed and pitch limits.**

(a) *General.* The propeller speed and pitch must be limited to values that will assure safe operation under normal operating conditions.

(b) *Propellers not controllable in flight.* For each propeller whose pitch cannot be controlled in flight—

(1) During takeoff and initial climb at $V_Y$, the propeller must limit the engine r.p.m., at full throttle or at maximum allowable takeoff manifold pressure, to a speed not greater than the maximum allowable takeoff r.p.m.; and

(2) During a closed throttle glide at the placarded "never-exceed speed", the propeller may not cause an engine speed above 110 percent of maximum continuous speed.

(c) *Controllable pitch propellers without constant speed controls.* Each propeller that can be controlled in flight, but that does not have constant speed controls, must have a means to limit the pitch range so that—

(1) The lowest possible pitch allows compliance with paragraph (b)(1) of this section; and

(2) The highest possible pitch allows compliance with paragraph (b)(2) of this section.

(d) *Controllable pitch propellers with constant speed controls.* Each controllable pitch propeller with constant speed controls must have—

(1) With the governor in operation, a means at the governor to limit the maximum engine speed to the maximum allowable takeoff r.p.m.; and

(2) With the governor inoperative, a means to limit the maximum engine speed to 103 percent of the maximum allowable takeoff r.p.m. with the propeller blades at the lowest possible pitch and with takeoff manifold pressure, the airplane stationary, and no wind.

### Performance

**§ 23.45 General.**

Compliance with the performance requirements of this subpart must be shown for still air with a standard atmosphere.

**§ 23.49 Stalling speed.**

(a) $V_{S_0}$ is the stalling speed, if obtainable, or the minimum steady speed, in miles per hour (CAS), at which the airplane is controllable, with the—

(1) Engines idling, throttles closed (or at not more than the power necessary for zero thrust at a speed not more than 110 percent of the stalling speed);

(2) Propellers in the takeoff position;

(3) Landing gear extended;

(4) Wing flaps in the landing position;

(5) Cowl flaps closed;

(6) Center of gravity in the most unfavorable position within the allowable landing range; and

(7) Weight used when $V_{S_0}$ is being used as a factor to determine compliance with a required performance standard.

(b) $V_{S_0}$ at maximum weight may not exceed 70 miles per hour for—

(1) Single-engine airplanes; and

(2) Multiengine airplanes of 6,000 pounds or less maximum weight that cannot meet the minimum rate of climb specified in § 23.67(b) with the critical engine inoperative.

(c) $V_{S_1}$ is the calibrated stalling speed, if obtainable, or the minimum steady speed, in miles per hour, at which the airplane is controllable, with the—

(1) Engines idling, throttles closed (or at not more than the power necessary for zero thrust at a speed not more than 110 percent of the stalling speed);

(2) Propellers in the takeoff position;

(3) Airplane in the condition existing in the test in which $V_{S_1}$ is being used; and

(4) Weight used when $V_{S_1}$ is being used as a factor to determine compliance with a required performance standard.

(d) $V_{S_0}$ and $V_{S_1}$ must be determined by flight tests, using the procedure specified in § 23.201.

**§ 23.51 Takeoff.**

(a) For airplanes of more than 6,000 pounds maximum weight (except skiplanes for which landplane takeoff data has been determined under this paragraph and furnished in the Airplane Flight Manual)—

(1) The distance required to take off and climb over a 50-foot obstacle must be determined with—

(i) The engines operating within approved operating limitations; and

(ii) The cowl flaps in the normal takeoff position;

(2) Upon reaching a height of 50 feet above the takeoff surface level, the airplane must have reached a speed of not less than—

(i) $1.3\ V_{S_1}$; or

(ii) Any lesser speed, not less than $V_X$ plus 5 miles per hour, that is shown to be safe under any condition, including turbulence and complete engine failure;

(3) The starting point for measuring seaplane and amphibian takeoff distance may be the point at which a speed of not more than three miles per hour is reached; and

(4) No takeoff made to determine the data required by this section may require exceptional piloting skill or exceptionally favorable conditions.

(b) For airplanes of 6,000 pounds or less maximum weight—

(1) The takeoff may not require exceptional piloting skill;

(2) With takeoff power, there must be enough elevator control—

(i) For a tail-wheel type airplane, to maintain, at $0.8\ V_{S_1}$, an attitude that will allow holding the airplane on the runway until a safe takeoff speed is reached; and

(ii) For a nose-wheel type airplane to raise the nose-wheel clear of the takeoff surface at $0.85\ V_{S_1}$.

**§ 23.65 Climb: all engines operating.**

(a) For airplanes of more than 6,000 pounds maximum weight—

(1) Each airplane must have a steady rate of climb at sea level of at least 300 feet per minute and a steady angle of climb of at least 1:12 for land planes or 1:15 for seaplanes and amphibians with—

(i) Not more than maximum continuous power on each engine;

(ii) The landing gear retracted;

(iii) The wing flaps in the takeoff position; and

(iv) The cowl flaps in the position used in the cooling tests required by §§ 23.1041 through 23.1047;

(2) Each airplane with engines for which the takeoff and maximum continuous power ratings are identical and that has fixed-pitch, two-position, or similar propellers, may use a lower propeller pitch setting than that allowed by § 23.33 to obtain rated engine r.p.m. at $V_X$, if—

(i) The airplane shows marginal performance (such as when it can meet the rate of climb requirements of paragraph (a)(1) of this section but has difficulty in meeting the angle of climb requirements of paragraph (a)(1) of this section or of § 23.77); and

(ii) Acceptable engine cooling is shown at the lower speed associated with the best angle of climb.

(b) Each airplane of 6,000 pounds or less maximum weight must have a steady rate of climb at sea level of at least 300 feet per minute, or $10\ V_{S_1}$ (that is, the number of feet per minute is obtained by multiplying the number of miles per hour by 10), whichever is greater, with—

(1) Takeoff power;

(2) The landing gear extended;

(3) The wing flaps in the takeoff position; and

(4) The cowl flaps in the position used in the cooling tests required by §§ 23.1041 through 23.1047.

**§ 23.67 Climb: one engine inoperative.**

(a) Each multiengine airplane of more than 6,000 pounds maximum weight must be able to maintain a steady rate of climb of at least $0.02\ V_{S_0}^2$ (that is, the number of feet per minute is obtained by multiplying the square of the number of miles per hour by 0.02) at an altitude of 5,000 feet with the—

(1) Critical engine inoperative, and its propeller in the minimum drag position;

(2) Remaining engines at not more than maximum continuous power;

(3) Landing gear retracted;

(4) Wing flaps in the most favorable position; and

(5) Cowl flaps in the position used in the cooling tests required by §§ 23.1041 through 23.1047.

(b) For multiengine airplanes of 6,000 pounds or less maximum weight, the following apply:

(1) Each airplane with a $V_{S_0}$ of more than 70 miles per hour must be able to maintain a steady rate of climb of at least $0.02\ V_{S_0}^2$ (that is, the number of feet per minute is obtained by multiplying the square of the number of miles per hour by 0.02), at an altitude of 5,000 feet with the—

(i) Critical engine inoperative and its propeller in the minimum drag position;
(ii) Remaining engines at not more than maximum continuous power;
(iii) Landing gear retracted;
(iv) Wing flaps in the most favorable position; and
(v) Cowl flaps in the position used in the cooling tests required by §§ 23.1041 through 23.1047.

(2) For each airplane with a stalling speed of 70 miles per hour or less, the steady rate of climb at 5,000 feet must be determined with the—
(i) Critical engine inoperative and its propeller in the minimum drag position;
(ii) Remaining engines at not more than maximum continuous power;
(iii) Landing gear retracted;
(iv) Wing flaps in the most favorable position; and
(v) Cowl flaps in the position used in the cooling tests required by §§ 23.1041 through 23.1047.

### § 23.75 Landing.

(a) For airplanes of more than 6,000 pounds maximum weight (except skiplanes for which landplane landing data have been determined under this paragraph and furnished in the Airplane Flight Manual), the horizontal distance required to land and come to a complete stop (or to a speed of approximately three miles per hour for seaplanes and amphibians) from a point 50 feet above the landing surface must be determined as follows:

(1) A steady gliding approach with a calibrated airspeed of at least 1.5 $V_{S_1}$ must be maintained down to the 50 foot height.

(2) The landing may not require exceptional piloting skill or exceptionally favorable conditions.

(3) The landing must be made without excessive vertical acceleration or tendency to bounce, nose over, ground loop, porpoise, or water loop.

(b) Airplanes of 6,000 pounds or less maximum weight must be able to be landed safely and come to a stop without exceptional piloting skill and without excessive vertical acceleration or tendency to bounce, nose over, ground loop, porpoise, or water loop.

### § 23.77 Balked landing.

For balked landings, each airplane with a maximum weight of—

(a) More than 6,000 pounds, must be able to maintain a steady angle of climb at sea level of at least 1: 30 with—
(1) Takeoff power on each engine;
(2) The landing gear extended; and
(3) The wing flaps in landing position, except that, if the flaps may safely be retracted in two seconds or less without loss of altitude and without sudden changes of angle of attack or exceptional piloting skill, they may be retracted; and

(b) 6,000 pounds or less, must be able to maintain a steady rate of climb at sea level of at least 200 feet per minute, or 5 $V_{S_0}$ (that is, the number of feet per minute is obtained by multiplying the number of miles per hour by five), whichever is greater, with—
(1) Takeoff power on each engine;
(2) The landing gear extended; and
(3) The wing flaps in the landing position, except that, if rapid retraction is possible with safety, without loss of altitude, and without sudden changes of angle of attack or exceptional piloting skill, they may be retracted.

## FLIGHT CHARACTERISTICS

### § 23.141 General.

The airplane must meet the requirements of §§ 23.143 through 23.221—
(a) At the normally expected operating altitudes;
(b) Under any critical loading conditions within the center of gravity range; and
(c) Unless otherwise specified, at the highest weight for which certification is requested.

## CONTROLLABILITY AND MANEUVERABILITY

### § 23.143 General.

(a) The airplane must be safely controllable and maneuverable during—
(1) Takeoff;
(2) Climb;
(3) Level flight;
(4) Dive; and
(5) Landing (power on and power off).

(b) It must be possible to make a smooth transition from one flight condition to another (including turns and slips) without exceptional piloting skill, alertness, or strength, and without danger of exceeding the limit load factor, under any probable operating condition (including, for multiengine airplanes, those conditions normally encountered in the sudden failure of any engine).

(c) If marginal conditions exist with regard to required pilot strength, the "strength of pilots" limits must be shown by quantitative tests. In no case may the limits exceed those prescribed in the following table:

| Values in pounds of force as applied to the control wheel or rudder pedals | Pitch | Roll | Yaw |
|---|---|---|---|
| (a) For temporary application: | | | |
| Stick | 60 | 30 | |
| Wheel (applied to rim) | 75 | 60 | |
| Rudder pedal | | | 150 |
| (b) For prolonged application | 10 | 5 | 20 |

### § 23.145 Longitudinal control.

(a) It must be possible, at speeds below the trim speed, to pitch the nose downward so that the rate of increase in airspeed allows prompt acceleration to the trim speed with—
(1) Maximum continuous power on each engine and the airplane trimmed at $V_X$;
(2) Power off and the airplane trimmed at 1.5 $V_{S_1}$ or at the minimum trim speed, whichever is higher; and
(3) Wing flaps and landing gear (i) retracted, and (ii) extended.

(b) With the landing gear extended, no change in trim or exertion of more control force than can be readily applied with one hand for a short period of time may be required for the following maneuvers:
(1) With power off, flaps retracted, and the airplane trimmed at 1.5 $V_{S_1}$, or at the minimum trim speed, whichever is higher, extend the flaps as rapidly as possible while maintaining the airspeed at approximately 40 percent above the instantaneous value of the stalling speed.
(2) Repeat subparagraph (1) of this paragraph except initially extend the flaps and then retract them as rapidly as possible.
(3) Repeat subparagraph (2) of this paragraph except with maximum continuous power.
(4) With power off, flaps retracted, and the airplane trimmed at 1.5 $V_{S_1}$, or at the minimum trim speed, whichever is higher, apply takeoff power rapidly while maintaining the same airspeed.
(5) Repeat subparagraph (4) of this paragraph, except with the flaps extended.
(6) With power off, flaps extended, and the airplane trimmed at 1.5 $V_{S_1}$, or at the minimum trim speed, whichever is higher, obtain and maintain airspeeds between 1.1 $V_{S_1}$ and either 1.7 $V_{S_1}$ or $V_F$, whichever is lower.

(c) It must be possible, without exceptional piloting skill, to maintain approximately level flight when flap retraction from any position is made during steady horizontal flight at 1.1 $V_{S_1}$ with simultaneous application of not more than maximum continuous power.

(d) It must be possible, with a pilot control force of not more than 10 pounds, to maintain a speed of not more than 1.5 $V_{S_1}$ during a power-off glide with landing gear and wing flaps extended, and with—
(1) The most forward center of gravity approved for the maximum weight; and
(2) The most forward center of gravity approved for any weight.

(e) It must be possible, by using the normal flight and power controls except the primary longitudinal control, to control the descent of the airplane to a zero rate of descent and to an attitude suitable for a controlled landing, without exceptional piloting skill, alertness, or strength, and without exceeding the operational and structural limitations of the airplane.

### § 23.147 Directional and lateral control.

(a) For each multiengine airplane, it must be possible to make turns with 15 degrees of bank both towards and away from an inoperative engine, from a steady climb at 1.4 $V_{S_1}$ or $V_Y$ with—
(1) One engine inoperative and its propeller in the minimum drag position;
(2) The remaining engines at not more than maximum continuous power;
(3) The rearmost allowable center of gravity;
(4) The landing gear (i) retracted, and (ii) extended;
(5) The flaps in the most favorable climb position; and



(6) Maximum weight.

(b) For each multiengine airplane, it must be possible, while holding the wings level within five degrees, to make sudden changes in heading safely in both directions. This must be shown at 1.4 $V_{S_1}$ or $V_F$ with heading changes up to 15 degrees (except that the heading change at which the rudder force corresponds to the limits specified in § 23.143 need not be exceeded), with the—
(1) Critical engine inoperative and its propeller in the minimum drag position;
(2) Remaining engines at maximum continuous power;
(3) Landing gear (i) retracted, and (ii) extended;
(4) Flaps in the most favorable climb position; and
(5) Center of gravity at its rearmost allowable position.

### § 23.149 Minimum control speed.

(a) $V_{MC}$ is the minimum calibrated airspeed at which, when any engine is suddenly made inoperative, it is possible to recover control of the airplane with that engine still inoperative and maintain straight flight, either with zero yaw, or, at the option of the applicant, with an angle of bank of not more than five degrees. $V_{MC}$ may not exceed 1.2 $V_{S_1}$ with—
(1) Takeoff or maximum available power on each engine;
(2) The rearmost allowable center of gravity;
(3) The flaps in the takeoff position; and
(4) The landing gear retracted.

(b) At $V_{MC}$, the rudder forces required to maintain control may not exceed the limitations set forth in § 23.143, and it may not be necessary to throttle the remaining engines. During recovery, the airplane may not assume any dangerous attitude or require exceptional piloting skill, alertness, or strength to prevent a heading change of more than 20 degrees.

### § 23.151 Acrobatic maneuvers.

Each acrobatic and utility category airplane must be able to perform safely the acrobatic maneuvers for which certification is requested. Safe entry speeds for these maneuvers must be determined.

## TRIM

### § 23.161 Trim.

(a) *General.* Each airplane must meet the trim requirements of this section after being trimmed, and without further pressure upon, or movement of, the primary controls or their corresponding trim controls by the pilot or the automatic pilot.

(b) *Lateral and directional trim.* The airplane must maintain lateral and directional trim in level flight at 0.9 $V_H$ or $V_C$, whichever is lower, with the landing gear and wing flaps retracted.

(c) *Longitudinal trim.* The airplane must maintain longitudinal trim during—
(1) A climb with maximum continuous power at a speed between $V_X$ and 1.4 $V_{S_1}$, with the landing gear and wing flaps retracted;
(2) A climb with maximum continuous power at a speed between $V_X$ and 1.4 $V_{S_1}$, with the landing gear retracted and the wing flaps in the takeoff position;
(3) A power approach at 1.5 $V_{S_1}$, with a three degree angle of descent, the landing gear extended, and the wing flaps retracted;
(4) A power approach at 1.5 $V_{S_1}$, with a three degree angle of descent, the landing gear and wing flaps exended, and the most forward center of gravity approved for the maximum weight;
(5) A power approach at 1.5 $V_{S_1}$, with a three degree angle of descent, the landing gear and wing flaps extended, and the most forward center of gravity approved for any weight; and
(6) Level flight at any speed from 0.9 $V_H$ to either $V_X$ or 1.4 $V_{S_1}$, with landing gear and wing flaps retracted.

(d) In addition, each multiengine airplane must maintain longitudinal and directional trim at a speed between $V_Y$ and 1.4 $V_{S_1}$, with—
(1) The critical engine inoperative;
(2) The remaining engines at maximum continuous power;
(3) The landing gear retracted;
(4) The wing flaps retracted; and
(5) An angle of bank of not more than five degrees.

## STABILITY

### § 23.171 General.

The airplane must be longitudinally, directionally, and laterally stable under §§ 23.173 through 23.181. In addition, the airplane must show suitable stability and control "feel" (static stability) in any condition normally encountered in service, if flight tests show it is necessary for safe operation.

### § 23.173 Static longitudinal stability.

Under the conditions specified in § 23.175 and with the airplane trimmed as indicated, the characteristics of the elevator control forces and the friction within the control system must be as follows:

(a) A pull must be required to obtain and maintain speeds below the specified trim speed and a push required to obtain and maintain speeds above the specified trim speed. This must be shown at any speed that can be obtained without excessive control force, except speeds more than the appropriate maximum allowable speed or less than the minimum speed for steady unstalled flight.

(b) The airspeed must return to within plus or minus 10 percent of the original trim speed when the control force is slowly released at any speed within the speed range specified in paragraph (a) of this section.

(c) The stick force must vary with speed so that any substantial speed change results in a stick force clearly perceptible to the pilot.

### § 23.175 Demonstration of static longitudinal stability.

Static longitudinal stability must be shown as follows:

(a) *Climb.* The stick force curve must have a stable slope at speeds between 1.2 $V_{S_1}$, and 1.6 $V_{S_1}$, with—
(1) Flaps retracted;
(2) Landing gear retracted;
(3) Maximum weight;
(4) 75 percent of maximum continuous power; and
(5) The airplane trimmed at 1.4 $V_{S_1}$.

(b) *Cruise.* The stick force curve must have a stable slope at any speed obtainable with a stick force not more than 40 pounds at speeds between 1.3 $V_{S_1}$ and the maximum allowable speed, with—
(1) Landing gear retracted;
(2) Flaps retracted;
(3) Maximum weight;
(4) 75 percent of maximum continuous power; and
(5) The airplane trimmed for level flight.

Compliance with this paragraph must also be shown with the landing gear extended and without exceeding level flight trim speed.

(c) *Approach.* The stick force curve must have a stable slope and the stick force may not exceed 40 pounds at speeds between 1.1 $V_{S_1}$ and 1.8 $V_{S_1}$, with—
(1) Flaps in the landing position;
(2) Landing gear extended;
(3) Maximum weight; and
(4) The airplane trimmed at 1.5 $V_{S_1}$ with enough power to maintain a three degree angle of descent.

### § 23.177 Directional and lateral stability.

(a) *Three-control airplanes.* The stability requirements for three-control airplanes are as follows:

(1) The static directional stability, as shown by the tendency to recover from a skid with the rudder free, must be positive for any landing gear and flap position appropriate to the takeoff, climb, cruise, and approach configurations. This must be shown with symmetrical power up to maximum continuous power, and at speeds from 1.2 $V_{S_1}$ up to the maximum allowable speed for the condition being investigated. The angle of skid for these tests must be appropriate to the type of airplane. At larger angles of skid up to that at which full rudder is used or a control force limit in § 23.143 is reached, whichever occurs first, and at speeds from 1.2 $V_{S_1}$ to $V_A$, the rudder pedal force must not reverse.

(2) The static lateral stability, as shown by the tendency to raise the low wing in a slip, must be positive for any landing gear and flap positions. This must be shown with symmetrical power up to 75 percent of maximum continuous power at speeds above 1.2 $V_{S_1}$, up to the maximum allowable speed for the configuration being investigated. The static lateral stability may not be nega-

tive at 1.2 $V_{S_1}$. The angle of slip for these tests must be appropriate to the type of airplane, but in no case may the slip angle be less than that obtainable with 10 degrees of bank.

(3) In straight, steady slips at 1.2 $V_{S_1}$ for any landing gear and flap positions, and for any symmetrical power conditions up to 50 percent of maximum continuous power, the aileron and rudder control movements and forces must increase steadily (but not necessarily in constant proportion) as the angle of slip is increased up to the maximum appropriate to the type of airplane. At larger slip angles up to the angle at which the full rudder or aileron control is used or a control force limit contained in § 23.143 is obtained, the rudder pedal force may not reverse. Enough bank must accompany slipping to hold a constant heading. Rapid entry into, or recovery from, a maximum slip may not result in uncontrollable flight characteristics.

(4) Any short period oscillation, occurring between stalling speed and the maximum allowable speed, must be heavily damped with the primary controls (i) free and (ii) in a fixed position.

(b) *Two-control (or simplified control) airplanes.* The stability requirements for two-control airplanes are as follows:

(1) The directional stability of the airplane must be shown by showing that, in each configuration, it can be rapidly rolled from a 45 degree bank in one direction to a 45 degree bank in the opposite direction without showing dangerous skid characteristics.

(2) The lateral stability of the airplane must be shown by showing that it will not assume a dangerous attitude or speed when the controls are abandoned for two minutes. This must be done in moderately smooth air with the airplane trimmed for straight level flight at 0.9 $V_H$ or $V_C$, whichever is lower, with flaps and landing gear retracted, and with a rearward center of gravity.

(3) Any short period oscillation occurring between the stalling speed and the maximum allowable speed must be heavily damped with the primary controls (i) free and (ii) in a fixed position.

**§ 23.179 Instrumented stick force measurements.**

Instrumented stick force measurements must be made unless—

(a) Changes in speed are clearly reflected by changes in stick forces; and

(b) The maximum forces obtained under §§ 23.173 and 23.175 are not excessive.

**§ 23.181 Dynamic longitudinal stability.**

Any short period longitudinal oscillation occurring between the stalling speed and the maximum allowable speed must be heavily damped with the primary controls (a) free and (b) fixed.

STALLS

**§ 23.201 Stall demonstration.**

(a) Level wing stalls must be shown with—

(1) Power off; and

(2) A power setting not less than that required to show compliance with § 23.65 for an airplane of more than 6,000 lbs. maximum weight, or with 90 percent of maximum continuous power for an airplane of 6,000 lbs. or less maximum weight.

(b) In either condition required by paragraph (a) of this section, it must be possible to comply with the applicable requirements of § 23.203(a) with flaps and landing gear in any position.

(c) The following procedure must be used to show compliance with § 23.203(a):

(1) With the trim controls adjusted for straight flight at 1.5 $V_{S_1}$, or at the minimum trim speed, whichever is higher, reduce the speed with the elevator control until the speed is slightly above the stalling speed.

(2) Then pull back the elevator control so that the rate of speed reduction will not exceed one mile per hour per second until a stall is produced, as shown by an uncontrollable downward pitching motion of the airplane, or until the control reaches the stop. Normal use of the elevator control for recovery is allowed after the pitching motion has unmistakably developed.

(d) Except where made inapplicable by the special features of a particular type of airplane, the following procedure must be used to measure loss of altitude during a stall:

(1) The approach to the stall must be made as prescribed in paragraph (b) of this section.

(2) The loss of altitude encountered in the stall (power on or power off) is the change in altitude (as observed on the sensitive altimeter testing installation) between the altitude at which the airplane pitches and the altitude at which horizontal flight is regained.

(3) If required, the power used during stall recovery must be that which would be used under normal operating conditions in this maneuver. However, the power used to regain level flight may not be applied until flying control is regained.

(d) For turning flight stalls, the following maneuver must be used to show compliance with § 23.203(b):

(1) Establish a steady, curvilinear, level, coordinated turn in a 30 degree bank and, while maintaining the 30 degree bank, stall the airplane by steadily and progressively tightening the turn with the elevator control until the airplane is stalled, or until the elevator has reached its stop.

(2) When the stall has fully developed, regain level flight with normal use of the controls.

**§ 23.203 Stall characteristics.**

(a) For level wing stalls—

(1) For an airplane with independently controlled rolling and directional controls, it must be possible to produce and to correct roll by unreversed use of the rolling contro and to produce and correct yaw by unreversed use of the directional control, up to the time the airplane pitches in the maneuver prescribed in § 23.201(b);

(2) For an airplane with interconnected lateral and directional controls (two control), for an airplane with only one of these controls, it must be possible to produce and correct roll by unreversed use of the rolling control without producing excessive yaw, up to the time the airplane pitches in the maneuver prescribed in § 23.201(b); and

(3) During the recovery part of the manuever prescribed in § 23.201(b), it must be possible to prevent more than 15 degrees of roll or yaw by the normal use of the controls.

(b) For turning flight stalls, when stalled during a coordinated turn with 30 degrees of bank, 75 percent maximum continuous power on each engine, and flaps and landing gear retracted, it must be possible to regain normal level flight without excessive loss of altitude or uncontrollable rolling or spinning tendencies.

(c) For limited elevator control stalls, it must be possible, when stalled from an excessive climb attitude, to recover without exceeding airspeed or acceleration limits.

**§ 23.205 Stalls: critical engine inoperative.**

(a) A multiengine airplane must have stall characteristics that prevent unintentional spin entry. This must be shown by performing the maneuver prescribed in paragraph (b) of this section, at the lowest practical altitude, with—

(1) The critical engine inoperative and its propeller in the normal inoperative position;

(2) Landing gear extended, with the flaps (i) retracted and (ii) extended; and

(3) The remaining engines at full throttle or maximum continuous power.

(b) The maneuver required by paragraph (a) of this section is as follows: Establish a steady, curvilinear turn and, while maintaining a 15 degree bank (1), toward and (2) away from the inoperative engine, steadily increase the angle of attack with the elevator control until an uncontrollable downward pitching motion occurs. In performing this maneuver it must be possible to—

(1) Produce and correct roll by unreversed use of the lateral control until the airplane stalls; and

(2) Recover immediately to full flight control with wings level, from the stalled condition, by normal use of the controls, reducing power on the operating engines if desired, without exceeding a 60 degree angle of bank.

**§ 23.207 Stall warning.**

There must be a clear and distinct stall warning with the flaps and the landing gear in any position, both in straight and in turning flight. The stall warning must begin at a speed exceeding the stalling speed by not less than five, and not more than 10, miles per hour, and must continue until the stall occurs.



SPINNING

**§ 23.221 Spinning.**

(a) *Normal category.* A single-engine, normal category airplane must be able to recover from a one-turn spin in not more than one additional turn, with the controls used in the manner normally used for recovery. In addition—

(1) For both the flaps-retracted and flaps-extended conditions, the applicable airspeed limit and positive limit maneuvering load factor may not be exceeded;

(2) There may be no excessive back pressure during the spin or recovery; and

(3) It must be impossible to obtain uncontrollable spins with any use of the controls.

For the flaps-extended condition, the flaps may be retracted during recovery.

(b) *Utility category.* A utility category airplane must meet the requirements of paragraph (a) of this section or the requirements of paragraph (c) of this section.

(c) *Acrobatic category.* An acrobatic category airplane must be able to spin at least six turns, and must meet the following requirements:

(1) The airplane must recover from any point in a spin, not exceeding six turns with flaps retracted and one turn with flaps extended, in not more than one and one-half additional turns after normal recovery application of the controls.

(2) For both the flaps-retracted and flaps-extended conditions, the applicable airspeed limit and positive limit maneuvering load factor may not be exceeded. For the flaps-extended condition, the flaps may be retracted during recovery, if a placard is installed prohibiting intentional spins with flaps extended.

(3) It must be impossible to obtain uncontrollable spins with any use of the controls.

(d) *Airplanes "characteristically incapable of spinning".* If it is desired to designate an airplane as "characteristically incapable of spinning", this characteristic must be shown with—

(1) A weight five percent more than the highest weight for which approval is requested;

(2) A center of gravity at least three percent aft of the rearmost position for which approval is requested;

(3) An available elevator up-travel four degrees in excess of that to which the elevator travel is to be limited for approval; and

(4) An available rudder travel seven degrees, in both directions, in excess of that to which the rudder travel is to be limited for approval.

GROUND AND WATER HANDLING CHARACTERISTICS

**§ 23.231 Longitudinal stability and control.**

(a) A landplane may have no uncontrollable tendency to nose over in any reasonably expected operating condition, including rebound during landing or takeoff. Wheel brakes must operate smoothly and may not induce any undue tendency to nose over.

(b) A seaplane or amphibian may not have dangerous or uncontrollable porpoising characteristics at any normal operating speed on the water.

**§ 23.233 Directional stability and control.**

(a) There may be no uncontrollable ground or water looping tendency in 90 degree cross winds, up to a wind velocity of 0.2 $V_{S_0}$, at any speed at which the airplane may be expected to be operated on the ground or water.

(b) A landplane must be satisfactorily controllable, without exceptional piloting skill or alertness, in power-off landings at normal landing speed, without using brakes or engine power to maintain a straight path.

(c) The airplane must have adequate directional control during taxiing.

**§ 23.235 Taxiing condition.**

The shock-absorbing mechanism may not damage the structure of the airplane when the airplane is taxied on the roughest ground that may reasonably be expected in normal operation.

**§ 23.239 Spray characteristics.**

Spray may not dangerously obscure the vision of the pilots or damage the propellers or other parts of a seaplane or amphibian at any time during taxiing, takeoff, and landing.

MISCELLANEOUS FLIGHT REQUIREMENTS

**§ 23.251 Vibration and buffeting.**

Each part of the airplane must be free from excessive vibration under any appropriate speed and power conditions up to at least the minimum value of $V_D$ allowed in § 23.335. In addition, there may be no buffeting, in any normal flight condition, severe enough to interfere with the satisfactory control of the airplane, cause excessive fatigue to the crew, or result in structural damage. Stall warning buffeting within these limits is allowable.

## Subpart C—Structure

### GENERAL

**§ 23.301 Loads.**

(a) Strength requirements are specified in terms of limit loads (the maximum loads to be expected in service) and ultimate loads (limit loads multiplied by prescribed factors of safety). Unless otherwise provided, prescribed loads are limit loads.

(b) Unless otherwise provided, the air, ground, and water loads must be placed in equilibrium with inertia forces, considering each item of mass in the airplane. These loads must be distributed to conservatively approximate or closely represent actual conditions.

(c) If deflections under load would significantly change the distribution of external or internal loads, this redistribution must be taken into account.

(d) Simplified structural design criteria may be used if they result in design loads not less than those prescribed in §§ 23.331 through 23.521. For conventional, single-engine airplanes with design weights of 6,000 pounds or less, the design criteria of Appendix A of this part are an approved equivalent of §§ 23.331 through 23.399. If Appendix A is used, the entire Appendix must be substituted for the corresponding sections of this part.

**§ 23.303 Factor of safety.**

Unless otherwise provided, a factor of safety of 1.5 must be used.

**§ 23.305 Strength and deformation.**

(a) The structure must be able to support limit loads without detrimental, permanent deformation. At any load up to limit loads, the deformation may not interfere with safe operation.

(b) The structure must be able to support ultimate loads without failure for at least three seconds. However, when proof of strength is shown by dynamic tests simulating actual load conditions, the three second limit does not apply.

**§ 23.307 Proof of structure.**

(a) Compliance with the strength and deformation requirements of § 23.305 must be shown for each critical load condition. Structural analysis may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made. Dynamic tests, including structural flight tests, are acceptable if the design load conditions have been simulated.

(b) Certain parts of the structure must be tested as specified in Subpart D of this part.

### FLIGHT LOADS

**§ 23.321 General.**

(a) Flight load factors represent the ratio of the aerodynamic force component (acting normal to the assumed longitudinal axis of the airplane) to the weight of the airplane. A positive flight load factor is one in which the aerodynamic force acts upward, with respect to the airplane.

(b) Compliance with the flight load requirements of this subpart must be shown—

(1) At each critical altitude within the range in which the airplane may be expected to operate;

(2) At each weight from the design minimum weight to the design maximum weight; and

(3) For each required altitude and weight, for any practicable distribution of disposable load within the operating limitations specified in §§ 23.1583 through 23.1589.

**§ 23.331 Symmetrical flight conditions.**

(a) The appropriate balancing horizontal tail load must be accounted for in a rational or conservative manner when determining the wing loads and linear inertia loads corresponding to any of the symmetrical flight conditions specified in §§ 23.331 through 23.341.

(b) The incremental horizontal tail loads due to maneuvering and gusts must be reacted by the angular inertia of the airplane in a rational or conservative manner.

**§ 23.333 Flight envelope.**

(a) *General.* Compliance with the strength requirements of this subpart must be shown at any combination of airspeed and load factor on and within the boundaries of a flight envelope (similar to the one in paragraph (d) of this section) that represents the envelope of the flight loading conditions specified by the maneuvering and gust criteria of paragraphs (b) and (c) of this section respectively.

(b) *Maneuvering envelope.* Except where limited by maximum (static) lift coefficients, the airplane is assumed to be subjected to symmetrical maneuvers resulting in the following limit load factors:

(1) The positive maneuvering load factor specified in § 23.337 at speeds up to $V_D$;

(2) The negative maneuvering load factor specified in § 23.337 at $V_C$; and

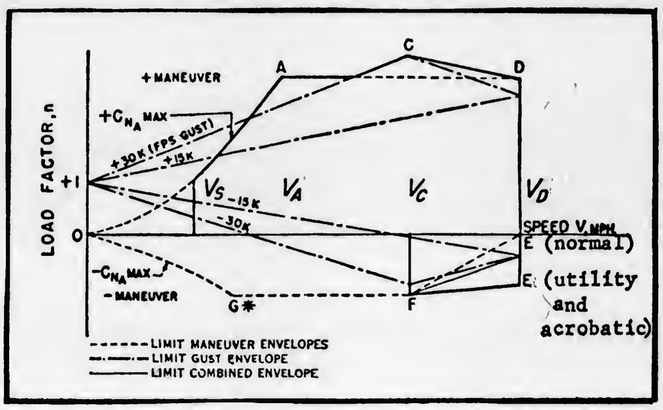
(3) Factors varying linearly with speed from the specified value at $V_C$ to 0.0 at $V_D$ for the normal category, and −1.0 at $V_D$ for the acrobatic and utility categories.

(c) *Gust envelope.* Limit gust loads are the loads that would result when the airplane encounters the following symmetrical vertical gusts (assuming that gust load factors vary linearly between $V_C$ and $V_D$):

(1) Positive (up) and negative (down) gusts of 30 feet per second nominal intensity at speeds up to $V_C$.

(2) Positive and negative gusts of 15 feet per second at $V_D$.

(d) *Flight envelope.*




NOTE: Point G need not be investigated when the supplementary condition specified in § 23.369 is investigated.

**§ 23.335 Design airspeeds.**

The selected design airspeeds are equivalent airspeeds (EAS).

(a) *Design cruising speed, $V_C$.* For $V_C$, the following apply:

(1) $V_C$ (in miles per hour) may not be less than—

(i) $38\sqrt{W/S}$ (for normal and utility category airplanes); and

(ii) $42\sqrt{W/S}$ (for acrobatic category airplanes).

(2) For values of $W/S$ more than 20, the numerical multiplying factors must be decreased linearly with $W/S$ to a value of 33 where $W/S=100$. The required minimum value need not be more than $0.9\ V_H$ obtained at sea level.

(b) *Design dive speed, $V_D$.* For $V_D$, the following apply:

(1) With $V_{C\ min}$ the required minimum design cruising speed, $V_D$ (in miles per hour) may not be less than—

(i) $1.40\ V_{C\ min}$ (for normal category airplanes);

(ii) $1.50\ V_{C\ min}$ (for utility category airplanes); and

(iii) $1.55\ V_{C\ min}$ (for acrobatic category airplanes).

(2) For values of $W/S$ more than 20, the numerical multiplying factors must



be decreased linearly with $W/S$ to a value of 1.35 at $W/S=100$.

(c) *Design maneuvering speed $V_A$.* For $V_A$, the following applies:

(1) $V_A$ (in miles per hour) may not be less than $V_S\sqrt{n}$ where—

(i) $V_S$ is a computed stalling speed with flaps retracted at the design weight, normally based on the maximum airplane normal force coefficients, $C_{N_A}$; and

(ii) $n$ is the limit maneuvering load factor used in design.

(2) The value of $V_A$ need not exceed the value of $V_C$ used in design.

**§ 23.337 Limit maneuvering load factors.**

(a) The positive limit maneuvering load factor $n$ may not be less than—

(1) $2.1+\frac{24{,}000}{W+10{,}000}$ for normal category airplanes, except that $n$ need not be more than 3.8 nor may it be less than 2.5;

(2) 4.4 for utility category airplanes; or

(3) 6.0 for acrobatic category airplanes.

(b) The negative limit maneuvering load factor may not be less than—

(1) 0.4 times the positive load factor for the normal and utility categories; or

(2) 0.5 times the positive load factor for the acrobatic category.

(c) Maneuvering load factors lower than those specified in this section may be used if the airplane has design features that make it impossible to exceed these values in flight.

**§ 23.341 Gust load factors.**

In applying gust load requirements—

(a) The slope of the lift curve may be assumed to be that of the wing alone; and

(b) The gust load factors must be computed as follows:

$$n=1+\frac{KUVm}{575(W/S)}$$

where—

$K=\frac{1}{2}(W/S)^{1/4}$ (for $W/S<16$ p.s.f.);

$K=1.33-\frac{2.67}{(W/S)^{3/4}}$ (for $W/S>16$ p.s.f.);

$U$ = nominal gust velocity, f.p.s. (Note that the "effective sharp-edged gust" equals $KU$);

$V$ = airplane speed, m.p.h.;

$m$ = slope of lift curve, $C_L$ per radian, corrected for aspect ratio;

$W/S$ = wing loading, p.s.f.

**§ 23.345 High lift devices.**

(a) If flaps or similar high lift devices to be used for takeoff, approach, or landing are installed, the airplane, with the flaps fully deflected at $V_F$, is assumed to be subjected to symmetrical maneuvers and gusts resulting in limit load factors within the range determined by—

(1) Maneuvering, to a positive limit load factor of 2.0; and

(2) Positive and negative gusts of 15 feet per second acting normal to the flight path in level flight.

(b) $V_F$ must be assumed to be not less than $1.4\ V_S$ or $1.8\ V_{SF}$, whichever is greater, where—

$V_S$ is the computed stalling speed with flaps retracted at the design weight; and

$V_{SF}$ is the computed stalling speed with flaps fully extended at the design weight.

However, if an automatic flap load limiting device is used, the airplane may be designed for the critical combinations of airspeed and flap position allowed by that device.

(c) In designing the flaps and supporting structures, slipstream effects must be accounted for, as specified in paragraph (b) of § 23.457.

(d) In determining external loads on the airplane as a whole, thrust, slipstream, and pitching acceleration may be assumed to be zero.

(e) The requirements of §§ 23.175(c), 23.457, and this section, may be complied with separately or in combination.

**§ 23.347 Unsymmetrical flight conditions.**

The airplane is assumed to be subjected to the unsymmetrical flight conditions of §§ 23.349 and 23.351. Unbalanced aerodynamic moments about the center of gravity must be reacted in a rational or conservative manner, considering the principal masses furnishing the reacting inertia forces.

**§ 23.349 Rolling conditions.**

The wing and wing bracing must be designed for the following loading conditions:

(a) Unsymmetrical wing loads appropriate to the category. Unless the following values result in unrealistic loads, the rolling accelerations may be obtained by modifying the symmetrical flight conditions in § 23.333(d) as follows:

(1) For the acrobatic category, in conditions A and F, assume that 100 percent of the wing airload acts on one side of the plane of symmetry and 60 percent of this load acts on the other side.

(2) For the normal and utility categories, in condition A, assume that 100 percent of the wing airload acts on one side of the airplane and 70 percent of this load acts on the other side. For airplanes of more than 1,000 pounds design weight, the latter percentage may be increased linearly with weight up to 75 percent at 12,500 pounds.

(b) The loads resulting from the aileron deflections and speeds specified in § 23.455, in combination with an airplane load factor of at least two thirds of the positive maneuvering load factor used for design. Unless the following values result in unrealistic loads, the effect of aileron displacement on wing torsion may be accounted for by adding the following increment to the basic airfoil moment coefficient over the aileron portion of the span in the critical condition determined in § 23.333(d):

$$\Delta c_m=-0.01\delta$$

where—

$\Delta c_m$ is the moment coefficient increment; and

$\delta$ is the down aileron deflection in degrees in the critical condition.

**§ 23.351 Yawing conditions.**

The airplane must be designed for yawing loads on the vertical tail surfaces resulting from the loads specified in §§ 23.441 through 23.445.

**§ 23.361 Engine torque.**

(a) Each engine mount and its supporting structure must be designed for the effects of—

(1) The limit torque corresponding to takeoff power and propeller speed acting simultaneously with 75 percent of the limit loads from flight condition A; and

(2) The limit torque corresponding to maximum continuous power and propeller speed, acting simultaneously with the limit loads from flight condition A.

(b) The limit torque is obtained by multiplying the mean torque by a factor of—

(1) 1.33 for engines with five or more cylinders; or

(2) Two, three, or four, for engines with four, three, or two cylinders, respectively.

(c) Engine torque effects need not be investigated for any other conditions.

**§ 23.363 Side load on engine mount.**

(a) Each engine mount and its supporting structure must be designed for a limit load factor in a lateral direction, for the side load on the engine mount, of not less than—

(1) 1.33, or

(2) One-third of the limit load factor for flight condition A.

(b) The side load prescribed in paragraph (a) of this section may be assumed to be independent of other flight conditions.

**§ 23.365 Pressurized cabin loads.**

For each pressurized compartment, the following apply:

(a) The airplane structure must be strong enough to withstand the flight loads combined with pressure differential loads from zero up to the maximum relief valve setting.

(b) The external pressure distribution in flight, and any stress concentrations, must be accounted for.

(c) If landings may be made, with the cabin pressurized, landing loads must be combined with pressure differential loads from zero up to the maximum allowed during landing.

(d) The airplane structure must be strong enough to withstand the pressure differential loads corresponding to the maximum relief valve setting multiplied by a factor of 1.3, omitting other loads.

(e) If a pressurized cabin has two or more compartments separated by bulkheads or a floor, the primary structure must be designed for the effects of sudden release of pressure in any compartment with external doors or windows. This condition must be investigated for the effects of failure of the largest opening in the compartment. The effects of intercompartmental venting may be considered.

**§ 23.369 Special conditions for rear lift truss.**

(a) If a rear lift truss is used, it must be designed for conditions of reversed airflow at a design speed of—

$V=10\sqrt{W/S}+10$ (m.p.h.).

(b) Either aerodynamic data for the particular wing section used, or a value of $C_L$ equalling −0.8 with a chordwise distribution that is triangular between a peak at the trailing edge and zero at the leading edge, must be used.

CONTROL SURFACE AND SYSTEM LOADS

**§ 23.391 Control surface loads.**

(a) The control surface loads specified in §§ 23.397 through 23.459 are assumed to occur in the conditions described in §§ 23.331 through 23.351.

(b) If allowed by the following sections, the values of control surface loading in Appendix B of this part may be used, instead of particular control surface data, to determine the detailed rational requirements of §§ 23.397 through 23.459, unless these values result in unrealistic loads.

**§ 23.395 Control system.**

(a) Each flight control system and its supporting structure must be designed for loads corresponding to at least 125 percent of the computed hinge moments of the movable control surface in the conditions prescribed in §§ 23.391 through 23.459. In addition, the following apply:

(1) The system limit loads need not exceed the higher of the loads that can be produced by the pilot and automatic devices operating the controls. However, autopilot forces need not be added to pilot forces. The system must be designed for the maximum effort of the pilot or autopilot, whichever is higher. In addition, if the pilot and the autopilot act in opposition, the part of the system between them may be designed for the maximum effort of the one that imposes the lesser load.

(2) The design must, in any case, provide a rugged system for service use, considering jamming, ground gusts, taxiing downwind, control inertia, and friction.

(b) A 125 percent factor on computed hinge moments must be used to design elevator, aileron, and rudder systems. However, a factor as low as 1.0 may be used if hinge moments are based on accurate flight test data, the exact reduction depending upon the accuracy and reliability of the data.

(c) Acceptable maximum and minimum pilot forces for elevator, aileron, and rudder controls are shown in § 23.397(b). These pilot forces are assumed to act at the appropriate control grips or pads as they would in flight, and to react at the attachments of the control system to the control surface horns.

**§ 23.397 Control system loads.**

(a) *General.* In the control surface flight loading condition, the airloads on movable sufaces and the corresponding deflections need not exceed those that would result in flight from the application of any pilot force within the ranges specified in paragraph (b) of this section. In applying this criterion, the effects of control system boost and servomechanisms, and the effects of tabs must be considered. The automatic pilot effort must be used for design if it alone can produce higher control surface loads than the human pilot.

(b) *Limit pilot forces.* The limit pilot forces are as follows:

| Control | Maximum forces for design weight $W$ equal to or less than 5,000 pounds [1] | Minimum forces [2] |
|---|---|---|
| Aileron: | | |
| Stick | 67 pounds | 40 pounds. |
| Wheel [3] | 53 $D$ in-pounds [4] | 40 $D$ in-pounds. [4] |
| Elevator: | | |
| Stick | 167 pounds | 100 pounds. |
| Wheel | 200 pounds | 100 pounds. |
| Rudder | 200 pounds | 130 pounds. |

[1] For design weight ($W$) more than 5,000 pounds, the specified maximum values must be increased linearly with weight to 1.18 times the specified values at a design weight of 12,500 pounds.

[2] If the design of any individual set of control systems or surfaces makes these specified minimum forces inapplicable, values corresponding to the pertinent hinge moments obtained under § 23.415, but not less than 0.6 of the specified minimum forces, may be used.

[3] The critical parts of the aileron control system must also be designed for a single tangential force with a limit value of 1.25 times the couple force determined from the above criteria.

[4] $D$=wheel diameter.

**§ 23.399 Dual control system.**

Each dual control system must be designed for the pilots operating in opposition, using individual pilot forces not less than—

(a) 0.75 times those obtained under § 23.395; or

(b) The minimum forces specified in § 23.397(b).

**§ 23.405 Secondary control system.**

Secondary controls, such as wheel brakes, spoilers, and tab controls, must be designed for the maximum forces that a pilot is likely to apply to those controls.

**§ 23.407 Trim tab effects.**

The effects of trim tabs on the control surface design conditions must be accounted for only where the surface loads are limited by maximum pilot effort. In these cases, the tabs are considered to be deflected in the direction that would assist the pilot. These deflections must correspond to the maximum degree of "out of trim" expected at the speed for the condition under consideration.

**§ 23.409 Tabs.**

Control surface tabs must be designed for the most severe combination of airspeed and tab deflection likely to be obtained within the flight envelope for any usable loading condition.

**§ 23.415 Ground gust conditions.**

(a) The control system must be investigated as follows for control surface loads due to ground gusts and taxiing downwind:

(1) If an investigation of the control system for ground gust loads is not required by subparagraph (2) of this paragraph, but the applicant elects to design a part of the control system for these loads, these loads need only be carried from control surface horns through the nearest stops or gust locks and their supporting structures.

(2) If pilot forces less than the minimums specified in § 23.397(b) are used for design, the effects of surface loads due to ground gusts and taxiing downwind must be investigated for the entire control system according to the formula:

$$H=KcSq$$

where—

$H$=limit hinge moment (ft.-lbs.);
$c$=mean chord of the control surface aft of the hinge line (ft.);
$S$=area of control surface aft of the hinge line (sq. ft.);
$q$=dynamic pressure (p.s.f.) based on a design speed not less than $10\sqrt{W/S}+10$ (m.p.h.) except that the design speed need not exceed 60 m.p.h.; and
$K$=limit hinge moment factor for ground gusts derived in paragraph (b) of this section. (For ailerons and elevators, a positive value of $K$ indicates a moment tending to depress the surface and a negative value of $K$ indicates a moment tending to raise the surface).

(b) The limit hinge moment factor $K$ for ground gusts must be derived as follows:

| Surface | $K$ | Position of controls |
|---|---|---|
| (a) Aileron | 0.75 | Control column locked or lashed in mid-position. |
| (b) Aileron | ±0.50 | Ailerons at full throw; + moment on one aileron, − moment on the other. |
| (c) Elevator | ±0.75 | (c) Elevator full up (−). |
| (d) Elevator | | (d) Elevator full down (+). |
| (e) Rudder | ±0.75 | (e) Rudder in neutral. |
| (f) Rudder | | (f) Rudder at full throw. |

HORIZONTAL TAIL SURFACES

**§ 23.421 Balancing loads.**

(a) A horizontal tail balancing load is a load necessary to maintain equilibrium in any specified flight condition with no pitching acceleration.

(b) Horizontal tail surfaces must be designed for the balancing loads occurring at any point on the limit maneuvering envelope and in the flap conditions specified in § 23.345. The distribution in figure 6 of Appendix B may be used.

**§ 23.423 Maneuvering loads.**

Each horizontal tail surface must be designed for maneuvering loads imposed by the following conditions:

(a) A sudden deflection of the elevator control, at $V_A$, to (1) the maximum upward deflection, and (2) the maximum downward deflection, as limited by the control stops, or pilot effort, whichever is critical. The average loading of B23.11 of Appendix B and the distribution in figure 7 of Appendix B may be used.

(b) A sudden upward deflection of the elevator, at speeds above $V_A$, followed by a downward deflection of the elevator, resulting in the following combinations of normal and angular acceleration:



| Condition | Normal acceleration ($n$) | Angular acceleration (radian/sec.$^2$) |
|---|---|---|
| Down load | 1.0 | $+\frac{45}{V}n_m(n_m-1.5)$ |
| Up load | $n_m$ | $-\frac{45}{V}n_m(n_m-1.5)$ |

where—
(1) $n_m$=positive limit maneuvering load factor used in the design of the airplane; and
(2) $V$=initial speed in miles per hour.

The conditions in this paragraph involve loads corresponding to the loads that may occur in a "checked maneuver" (a maneuver in which the pitching control is suddenly displaced in one direction and then suddenly moved in the opposite direction), the deflections and timing avoiding exceeding the limit maneuvering load factor. The total tail load for both down and up load conditions is the sum of the balancing tail loads at $V$ and the specified value of the normal load factor $n$, plus the maneuvering load increment due to the specified value of the angular acceleration. The maneuvering load increment in figure 2 of Appendix B and the distributions in figure 7 (for down loads) and in figure 8 (for up loads) of Appendix B may be used.

**§ 23.425 Gust loads.**

(a) Each horizontal tail surface must be designed for loads resulting from—

(1) Positive and negative gusts of 30 feet per second nominal intensity at $V_C$, corresponding to the flight condition specified in § 23.333(c), with flaps retracted; and

(2) Positive and negative gusts of 15 feet per second nominal intensity at $V_F$, corresponding to the flight condition specified in § 23.345(a)(2), with flaps extended and at $V_D$ corresponding with the flight conditions specified in § 23.333(c)(2) with flaps retracted.

(b) The average loadings in figures 3 and 4 of Appendix B and the distribution in figure 8 of Appendix B may be used instead of the requirements of subparagraph (a)(1).

(c) When determining the total load on the horizontal tail for the conditions specified in paragraph (a) of this section, the initial balancing tail loads for steady unaccelerated flight at the pertinent design speeds $V_F$, $V_C$, and $V_D$ must first be determined. The incremental tail load resulting from the gusts must be added to the initial balancing tail load to obtain the total tail load.

(d) The incremental tail load due to the gust may be computed by the formula

$$\Delta t=0.1KUVS_t a_t\left[1-\frac{36d_w}{R_w}\right]$$

where—
$\Delta t$= the limit gust load increment on the tail in pounds;
$K$=gust coefficient $K$ derived from § 23.341;
$U$=nominal gust intensity in feet per second;
$V$=airplane speed in miles per hour;
$S_t$=tail surface area in square feet;
$a_t$=slope of lift curve of tail surface, $C_L$ per degree, corrected for aspect ratio;
$a_w$=slope of lift curve of wing, $C_L$ per degree; and
$R_w$=aspect ratio of the wing.

**§ 23.427 Unsymmetrical loads.**

The maximum horizontal tail surface loading (load per unit area), as determined under §§ 23.421 through 23.425, must be applied to the horizontal surfaces on one side of the plane of symmetry and the following percentage of that loading must be applied to the opposite side:

$\%=100-10(n-1)$ where $n$ is the specified positive maneuvering local factor

This value may not be more than 80 percent.

VERTICAL TAIL SURFACES

**§ 23.441 Maneuvering loads.**

(a) At speeds up to $V_A$, the vertical tail surfaces must be designed to withstand—

(1) A sudden displacement of the rudder control (with the airplane in unaccelerated flight with zero yaw) to the maximum deflection allowed by the control stops or by pilot strength, whichever is critical;

(2) A yaw angle of 15 degrees with the rudder fully deflected (except as limited by pilot strength) in the direction tending to increase the slip; and

(3) A yaw angle of 15 degrees with the rudder control maintained in the neutral position (except as limited by pilot strength).

(b) The average loading of B23.11 and figure 1 of Appendix B and the distribution in figures 7, 6, and 8 of Appendix B may be used instead of the requirements of subparagraphs (a)(1), (a)(2), and (a)(3), respectively.

(c) The yaw angles specified in paragraph (a)(3) of this section may be reduced if the yaw angle chosen for a particular speed cannot be exceeded in—

(1) Steady slip conditions;

(2) Uncoordinated rolls from steep banks; or

(3) Sudden failure of the critical engine with delayed corrective action.

**§ 23.443 Gust loads.**

(a) Vertical tail surfaces must be designed to withstand, in unaccelerated flight at $V_C$, a gust of 30 feet per second nominal intensity normal to the plane of symmetry.

(b) The gust loading for that part of a vertical tail surface with a well defined leading edge must be computed by the formula

$$\bar{w}=\frac{KUVm}{575}$$

where—
$\bar{w}$=average limit unit pressure in pounds per square foot;
$K=1.33-\frac{4.5}{(W/S_v)^{3/4}}$, except that $K$ may not be less than 1.0.
$U$=nominal gust intensity in feet per second;
$V$=airplane speed in miles per hour;
$m$=slope of lift curve of vertical surface, $C_L$ per radian, corrected for aspect ratio;
$W$=design weight in pounds; and
$S_v$=vertical surface area in square feet.

A value of $K$ obtained by rational determination may be used.

(c) The average loading in figure 5 and the distribution in figure 8 of Appendix B may be used.

**§ 23.445 Outboard fins.**

(a) If outboard fins are on the horizontal tail surface, the tail surfaces must be designed for the maximum horizontal surface load in combination with the corresponding loads induced on the vertical surfaces by endplate effects. These induced effects need not be combined with other vertical surface loads.

(b) If outboard fins extend above and below the horizontal surface, the critical vertical surface loading (the load per unit area as determined under §§ 23.441 and 23.443 must be applied to—

(1) The part of the vertical surfaces above the horizontal surface with 80 percent of that loading applied to the part below the horizontal surface; and

(2) The part of the vertical surfaces below the horizontal surface with 80 percent of that loading applied to the part above the horizontal surface.

AILERONS, WING FLAPS, AND SPECIAL DEVICES

**§ 23.455 Ailerons.**

(a) The ailerons must be designed for the loads to which they are subjected—

(1) In the neutral position during symmetrical flight conditions; and

(2) By the following deflections (except as limited by pilot effort), during unsymmetrical flight conditions:

(i) Sudden maximum displacement of the aileron control at $V_A$. Suitable allowance may be made for control system deflections.

(ii) Sufficient deflection at $V_C$, where $V_C$ is more than $V_A$, to produce a rate of roll not less than obtained in subparagraph (2)(i).

(iii) Sufficient deflection at $V_D$ to produce a rate of roll not less than one-third of that obtained in subparagraph (2)(i).

(b) The average loading in B23.11 and figure 1 of Appendix B and the distribution in figure 9 of Appendix B may be used.

**§ 23.457 Wing flaps.**

(a) The wing flaps, their operating mechanisms, and their supporting structures must be designed for critical loads occurring in the flaps-extended flight conditions with the flaps in any position. However, if an automatic flap load limiting device is used, these components may be designed for the critical combinations of airspeed and flap position allowed by that device.

(b) The effects of propeller slipstream, corresponding to takeoff power, must be taken into account at not less than $1.4\ V_S$, where $V_S$ is the computed stalling speed with flaps fully retracted at the design weight. For the investigation of slipstream effects, the load factor may be assumed to be 1.0.

**§ 23.459 Special devices.**

The loading for special devices using aerodynamic surfaces (such as slots and

spoilers) must be determined from test data.

GROUND LOADS

**§ 23.471 General.**

The limit ground loads specified in this subpart are considered to be external loads and inertia forces that act upon an airplane structure. In each specified ground load condition, the external reactions must be placed in equilibrium with the linear and angular inertia forces in a rational or conservative manner.

**§ 23.473 Ground load conditions and assumptions.**

(a) The design landing weight (the maximum weight for landing conditions at the maximum descent velocity) may be used for structural design purposes only. Except as provided in paragraphs (b) and (c) of this section, this weight may not be less than the maximum weight.

(b) The design landing weight may be as low as 95 percent of the maximum weight if—

(1) The structural limit load values at the maximum weight are not exceeded at speeds up to takeoff speed over terrain as rough as that expected in service;

(2) The minimum fuel capacity is enough for at least one-half hour of operation at maximum continuous power plus the capacity equal to a fuel weight equal to the difference between the maximum weight and the design landing weight; and

(3) The operating limitations limit the takeoff weight to ensure that landing weights in normal operation do not exceed the design landing weight.

(c) The design landing weight of a multiengine airplane may be less than 95 percent of the maximum weight if—

(1) The airplane meets the one-engine-inoperative climb requirements of § 23.67; and

(2) Instead of the corresponding requirements of this part, compliance is shown with the following requirements of Part 25 [New]:

(i) The ground load requirements of §§ 25.471 and 25.473.

(ii) The landing gear requirements of §§ 25.721 through 25.733.

(iii) The fuel jettisoning system requirements of § 25.1001.

(d) The selected limit vertical inertia load factor at the center of gravity of the airplane for the ground load conditions prescribed in this subpart may not be less than that which would be obtained when landing with a descent velocity ($V$), in feet per second, equal to 4.4 $(W/S)^{1/4}$, except that this velocity need not be more than 10 feet per second and may not be less than seven feet per second.

(e) Wing lift not exceeding two-thirds of the weight of the airplane may be assumed to exist throughout the landing impact and to act through the center of gravity. The ground reaction load factor may be equal to the inertia load factor minus the ratio of the above assumed wing lift to the airplane weight.

(f) Energy absorption tests (to determine the limit load factor corresponding to the required limit descent velocities) must be made under § 23.725.

(g) No inertia load factor used for design purposes may be less than 2.67, nor may the limit ground reaction load factor be less than 2.0, unless these lower values will not be exceeded in taxiing at speeds up to takeoff speed over terrain as rough as that expected in service.

**§ 23.477 Landing gear arrangement.**

Sections 23.479 through 23.483, or the conditions in Appendix C, apply to airplanes with conventional arrangements of main and nose gear, or main and tail gear.

**§ 23.479 Level landing conditions.**

(a) For a level landing, the airplane is assumed to be in the following attitudes:

(1) For airplanes with tail wheels, a normal level flight attitude.

(2) For airplanes with nose wheels, attitudes in which—

(i) The nose and main wheels contact the ground simultaneously; and

(ii) The main wheels contact the ground and the nose wheel is just clear of the ground.

The attitude used in subdivision (i) of this subparagraph may be used in the analysis required under subdivision (ii) of this subparagraph.

(b) When investigating landing conditions, the drag components simulating the forces required to accelerate the tires and wheels up to the landing speed must be properly combined with the corresponding instantaneous vertical ground reactions, assuming wing lift and a tire-sliding coefficient of friction of 0.8. However, the drag loads may not be less than 25 percent of the maximum vertical ground reactions (neglecting wing lift).

(c) In determining the wheel spin-up loads for landing conditions, the method set forth in Appendix D or the arbitrary drag components in Appendix C must be used. However, if Appendix D is used, the 25 percent value for the minimum drag component must be used.

**§ 23.481 Tail down landing conditions.**

(a) For a tail down landing, the airplane is assumed to be in the following attitudes:

(1) For airplanes with tail wheels, an attitude in which the main and tail wheels contact the ground simultaneously.

(2) For airplanes with nose wheels, a stalling attitude, or the maximum angle allowing ground clearance by each part of the airplane, whichever is less.

(b) For airplanes with either tail or nose wheels, ground reactions are assumed to be vertical, with the wheels up to speed before the maximum vertical load is attained.

**§ 23.483 One-wheel landing conditions.**

For the one-wheel landing condition, the airplane is assumed to be in the level attitude and to contact the ground on one side of the main landing gear. In this attitude, the ground reactions must be the same as those obtained on that side under § 23.479.

**§ 23.485 Side load conditions.**

(a) For the side load condition, the airplane is assumed to be in a level attitude with only the main wheels contacting the ground and with the shock absorbers and tires in their static positions.

(b) The limit vertical load factor must be 1.33, with the vertical ground reaction divided equally between the main wheels.

(c) The limit side inertia factor must be 0.83, with the side ground reaction divided between the main wheels so that—

(1) $0.5(W)$ is acting inboard on one side; and

(2) $0.33(W)$ is acting outboard on the other side.



**§ 23.493 Braked roll conditions.**

Under braked roll conditions, with the shock absorbers and tires in their static positions, the following apply:

(a) The limit vertical load factor must be 1.33.

(b) The attitudes and ground contacts must be those described in § 23.479 for level landings.

(c) A drag reaction equal to the vertical reaction at the wheel multiplied by a coefficient of friction of 0.8 must be applied at the ground contact point of each wheel with brakes, except that the drag reaction need not exceed the maximum value based on limiting brake torque.

**§ 23.497 Supplementary conditions for tail wheels.**

In determining the ground loads on the tail wheel and affected supporting structures, the following apply:

(a) For the obstruction load, the limit ground reaction obtained in the tail down landing condition is assumed to act up and aft through the axle at 45 degrees. The shock absorber and tire may be assumed to be in their static positions.

(b) For the side load, a limit vertical ground reaction equal to the static load on the tail wheel, in combination with a side component of equal magnitude, is assumed. In addition—

(1) If a swivel is used, the tail wheel is assumed to be swiveled 90 degrees to the airplane longitudinal axis with the resultant ground load passing through the axle;

(2) If a lock, steering device, or shimmy damper is used, the tail wheel is also assumed to be in the trailing position with the side load acting at the ground contact point; and

(3) The shock absorber and tire are assumed to be in their static positions.

**§ 23.499 Supplementary conditions for nose wheels.**

In determining the ground loads on nose wheels and affected supporting structures, and assuming that the shock absorbers and tires are in their static positions, the following conditions must be met:

(a) For aft loads, the limit force components at the axle must be—

(1) A vertical component of 2.25 times the static load on the wheel; and

(2) A drag component of 0.8 times the vertical load.

(b) For forward loads, the limit force components at the axle must be—

(1) A vertical component of 2.25 times the static load on the wheel; and

(2) A forward component of 0.4 times the vertical load.

(c) For side loads, the limit force components at ground contact must be—

(1) A vertical component of 2.25 times the static load on the wheel; and

(2) A side component of 0.7 times the vertical load.

**§ 23.505 Supplementary conditions for skiplanes.**

In determining ground loads on skiplanes, and assuming that the airplane is resting on the ground with one main ski frozen at rest and the other main ski and the tail ski free to slide, a limit side force equal to $P/3$ must be applied at the most convenient point near the tail assembly, with—

(a) $P$ being the static ground reaction on the tail ski; and

(b) A factor of safety of 1.0.

WATER LOADS

**§ 23.521 Water load conditions.**

(a) The structure of seaplanes and amphibians must be designed for water loads developed during takeoff and landing with the seaplane in any attitude likely to occur in normal operation at appropriate forward and sinking velocities under the most severe sea conditions likely to be encountered.

(b) Unless the applicant makes a rational analysis of the water loads, or uses the standards in ANC-3, §§ 25.523 through 25.537 of this chapter apply.

(c) Floats certificated under Part 4a of this chapter before November 9, 1945, may be installed on airplanes that are designed under this part.

EMERGENCY LANDING CONDITIONS

**§ 23.561 General.**

(a) The airplane, although it may be damaged in emergency landing conditions, must be designed as prescribed in this section to protect each occupant under those conditions.

(b) The structure must be designed to give each occupant every reasonable chance of escaping serious injury in a minor crash landing when—

(1) Proper use is made of belts or harnesses provided for in the design; and

(2) The occupant experiences the ultimate inertia forces shown in the following table:

ULTIMATE INERTIA FORCES

| | Normal and utility categories | Acrobatic category |
|---|---|---|
| Upward | 3.0$g$ | 4.5$g$ |
| Forward | 9.0$g$ | 9.0$g$ |
| Sideward | 1.5$g$ | 1.5$g$ |

(c) Each airplane with retractable landing gear must be designed to protect each occupant in a landing—

(1) With the wheels retracted;

(2) With moderate descent velocity; and

(3) Assuming—

(i) An upward ultimate inertia force of 3g; and

(ii) A coefficient of friction of 0.5 at the ground.

(d) If a turnover is reasonably probable, the structure must be designed to protect the occupants in a complete turnover, assuming—

(1) An upward ultimate inertia force of 3g; and

(2) A coefficient of friction of 0.5 at the ground.

(e) Except as provided in § 23.787 the supporting structure must be designed to restrain, under loads up to those specified in paragraph (b)(2) of this section, each item of mass that could injure an occupant if it came loose in a minor crash landing.

FATIGUE EVALUATION

**§ 23.571 Pressurized cabin.**

The strength, detail design, and fabrication of the pressure cabin structure must be evaluated under either of the following:

(a) A fatigue strength investigation, in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service.

(b) A fail safe strength investigation, in which it is shown by analysis, tests, or both that catastrophic failure of the structure is not probable after fatigue failure, or obvious partial failure, of a principal structural element, and that the remaining structures are able to withstand a static ultimate load factor of 75 percent of the limit load factor at $V_C$, considering the combined effects of normal operating pressures, expected external aerodynamic pressures, and flight loads. These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

## Subpart D—Design and Construction

### § 23.601 General.

The suitability of each questionable design detail and part having an important bearing on safety in operations, must be established by tests.

### § 23.603 Materials and workmanship.

(a) The suitability and durability of materials used in the structure must be—

(1) Established by experience or tests; and

(2) Meet approved specifications that ensure their having the strength and other properties assumed in the design data.

(b) Workmanship must be of a high standard.

### § 23.605 Fabrication methods.

The methods of fabrication used must produce consistently sound structures. If a fabrication process (such as gluing, spot welding, or heat-treating) requires close control to reach this objective, the process must be performed under an approved process specification.

### § 23.607 Self-locking nuts.

No self-locking nut may be used on any bolt subject to rotation in operation.

### § 23.609 Protection of structure.

Each part of the structure must—

(a) Be suitably protected against deterioration or loss of strength in service due to any cause, including—

(1) Weathering;

(2) Corrosion; and

(3) Abrasion; and

(b) Have adequate provisions for ventilation and drainage.

### § 23.611 Inspection provisions.

There must be means to allow close examination of each part requiring recurring inspection, adjustments for proper alignment and function, or lubrication.

### § 23.613 Material strength properties and design values.

(a) Material strength properties must be based on enough tests of material meeting specifications to establish design values on a statistical basis.

(b) The design values must be chosen so that the probability of any structure being understrength because of material variations is extremely remote.

(c) Unless they are inapplicable in a particular case, the design values must be those contained in the following publications (obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402):

MIL-HDBK-5, "Metallic Materials and Elements for Flight Vehicle Structure";
MIL-HDBK-17, "Plastics for Flight Vehicles";
ANC-18, "Design of Wood Aircraft Structures"; and
MIL-HDBK-23, "Composite Construction for Flight Vehicles".

### § 23.615 Design properties.

(a) Design properties outlined in MIL-HDBK-5 may be used subject to the following conditions:

(1) Where applied loads are eventually distributed through a single member within an assembly, the failure of which would result in the loss of the structural integrity of the component involved, the guaranteed minimum design mechanical properties ("A" values) listed in MIL-HDBK-5 must be met. Examples of these items include—

(i) Wing lift struts;

(ii) Wing spars;

(iii) Sparcaps in regions such as wing cutouts and wing center sections where loads are transmitted through caps only; and

(iv) Primary attachment fittings dependent on single bolts for load transfer.

(2) Redundant structures in which the partial failure of individual elements would result in applied loads being safely distributed to other load carrying members may be designed on the basis of the "90 percent probability" ("B" values) listed in MIL-HDBK-5. Examples of these items are sheet-stiffener combinations and multirivet or multiple bolt connections.

(b) Design values greater than the guaranteed minimums required by paragraph (a) of this section may be used if a "premium selection" of the material is made in which a specimen of each individual item is tested before use to determine that the actual strength properties of that particular item will equal or exceed those used in design.

(c) Material correction factors for structural items such as sheets, sheet-stringer combinations, and riveted joints, may be omitted if sufficient test data are obtained to allow a probability analysis showing that 90 percent or more of the elements will equal or exceed allowable selected design values.

### § 23.617 Interchangeability of seam-welded and seamless steel tubing.

Seam-welded and seamless steel tubing may be interchanged as follows:

(a) SAE 4130 welded tubing meeting Specification MIL-T-6731 and SAE 4130 seamless tubing meeting Specification MIL-T-6736.

(b) SAE 1025 welded tubing and SAE 1025 seamless tubing meeting Specification MIL-T-5066.

(c) SAE 8630 welded tubing meeting Specification MIL-T-6734 and SAE 8630 seamless tubing meeting Specification MIL-T-6732.

### § 23.619 Special factors.

(a) If there is uncertainty concerning the actual strength of a part of the structure, or if the strength is likely to deteriorate in service before normal replacement, increased factors of safety must be used to ensure that the reliability of that part is not less than that of the rest of the structure, as specified in paragraph (b) of this section and in §§ 23.619 through 23.625.

(b) For parts whose strength is subject to appreciable variability due to uncertainties in manufacturing processes and inspection methods, the factor of safety must be increased so that the probability of any part being understrength from these causes is extremely remote.

(c) Minimum variability factors are in §§ 23.621 through 23.625. Only the highest pertinent variability factor need be considered.

### § 23.621 Casting factors.

(a) *General.* The factors, tests, and inspections specified in paragraphs (b) through (d) of this section must be applied in addition to those necessary to establish foundry quality control. The inspections must meet approved specifications. Paragraphs (c) and (d) of this section apply to any structural castings except castings that are pressure tested as parts of hydraulic or other fluid systems and do not support structural loads.

(b) *Bearing stresses and surfaces.* The casting factors specified in paragraphs (c) and (d) of this section—

(1) Need not exceed 1.25 with respect to bearing stresses regardless of the method of inspection used; and

(2) Need not be used with respect to the bearing surfaces of a part whose bearing factor is larger than the applicable casting factor.

(c) *Critical castings.* For each casting whose failure would preclude continued safe flight and landing of the airplane or result in serious injury to occupants, the following apply:

(1) Each critical casting must—

(i) Have a casting factor of not less than 1.25; and

(ii) Receive 100 percent inspection by visual, radiographic, and magnetic particle or penetrant inspection methods or approved equivalent nondestructive inspection methods.

(2) For each critical casting with a casting factor less than 1.50, three sample castings must be static tested and shown to meet—

(i) The strength requirements of § 23.305 at an ultimate load corresponding to a casting factor of 1.25; and

(ii) The deformation requirements of § 23.305 at a load of 1.15 times the limit load.

(3) Examples of these castings are structural attachment fittings, parts of flight control systems, control surface hinges and balance weight attachments, seat, berth, safety belt, and fuel and oil tank supports and attachments, and cabin pressure valves.

(d) *Noncritical castings.* For each casting other than those specified in paragraph (c) of this section, the following apply:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, the casting factors and corresponding inspections must meet the following table:

| *Casting factor* | *Inspection* |
|---|---|
| 2.0 or more | 100 per cent visual. |
| Less than 2.0 but more than 1.5. | 100 percent visual, and magnetic particle or penetrant or equivalent nondestructive inspection methods. |
| 1.25 through 1.50. | 100 percent visual, magnetic particle or penetrant, and radiographic, or approved equivalent nondestructive inspection methods. |



(2) The percentage of castings inspected by nonvisual methods may be reduced below that specified in subparagraph (1) of this paragraph when an approved quality control procedure is established.

(3) For castings procured to a specification that guarantees the mechanical properties of the material in the casting and provides for demonstration of these properties by test of coupons cut from the castings on a sampling basis—

(i) A casting factor of 1.0 may be used; and

(ii) The castings must be inspected as provided in subparagraph (1) of this paragraph for casting factors of "1.25 through 1.50" and tested under paragraph (c) (2) of this section.

### § 23.623 Bearing factors.

(a) Except as provided in paragraph (b), the factor of safety in bearings at bolted or pinned joints must be increased to provide for—

(1) Relative motion in operation; and

(2) Joints, with clearance (free fit), subject to pounding or vibration.

(b) No bearing factor need be applied if other special factors apply.

### § 23.625 Fitting factors.

For each fitting (a part or terminal used to join one structural member to another), the following apply:

(a) For each fitting whose strength is not proven by limit and ultimate load tests in which actual stress conditions are simulated in the fitting and surrounding structures, a fitting factor of at least 1.15 must be applied to each part of—

(1) The fitting;

(2) The means of attachment; and

(3) The bearing on the joined members.

(b) No fitting factor need be used for joint designs based on comprehensive test data (such as continuous joints in metal plating, welded joints, and scarf joints in wood).

(c) For each integral fitting, the part must be treated as a fitting up to the point at which the section properties become typical of the member.

### § 23.627 Fatigue strength.

The structure must be designed, as far as practicable, to avoid points of stress concentration where variable stresses above the fatigue limit are likely to occur in normal service.

### § 23.629 Flutter.

(a) Each part of the airplane must be free from flutter under each appropriate speed and power condition up to at least the minimum value of $V_D$ allowed in § 23.335. In addition—

(1) The wings, tail, and control surfaces must be free from flutter, airfoil divergence, and control reversal from lack of rigidity for any condition of operation within the limit $V$-$n$ envelope;

(2) Adequate wing torsional rigidity must be shown by tests or other approved methods;

(3) The mass balance of surfaces must be designed to prevent flutter; and

(4) The natural frequencies of main structural components must be determined by vibration tests or other approved methods.

(b) Flight flutter tests are acceptable as proof of freedom from flutter if it is shown by these tests that proper and adequate attempts to induce flutter have been made within the speed range up to $V_D$, and that the vibratory response of the structure during the test indicates freedom from flutter.

(c) Compliance with the rigidity and mass balance criteria (pages 4–12) in Air Frame and Equipment Engineering Report No. 45 (as corrected) "Simplified Flutter Prevention Criteria" (published by the Federal Aviation Agency) is acceptable as proof of freedom from flutter if—

(1) The wing and aileron flutter prevention criteria, as represented by the wing torsional stiffness and aileron balance criteria, are limited to airplanes without large mass concentrations (such as engines, floats, or fuel tanks in outer wing panels) along the wing span; and

(2) The elevator and rudder balance criteria are used only for tail surface configurations that have fixed-fin and fixed-stabilizer surfaces.

### Wings

### § 23.641 Proof of strength.

The strength of stressed-skin wings must be proven by load tests or by combined structural analysis and load tests.

### § 23.643 Rib tests.

(a) Rib tests must simulate the conditions in the airplane with respect to—

(1) Torsional rigidity of spars;

(2) Fixity conditions;

(3) Lateral supports; and

(4) Attachment to spars.

(b) The effects of ailerons and high lift devices must be accounted for.

### Control Surfaces

### § 23.651 Proof of strength.

(a) Limit load tests of control surfaces are required. These tests must include the horn or fitting to which the control system is attached.

(b) In structural analyses, rigging loads due to wire bracing must be accounted for in a rational or conservative manner.

### § 23.655 Installation.

(a) Movable tail surfaces must be installed so that there is no interference between any surfaces or their bracing when one surface is held in its extreme position and the others are operated through their full angular movement.

(b) If an adjustable stabilizer is used, it must have stops that will limit its ranged travel to that allowing safe flight and landing.

### § 23.657 Hinges.

(a) Control surface hinges, except ball and roller bearing hinges, must have a factor of safety of not less than 6.67 with respect to the ultimate bearing strength of the softest material used as a bearing.

(b) For ball or roller bearing hinges, the approved rating of the bearing may not be exceeded.

(c) Hinges must have enough strength and rigidity for loads parallel to the hinge line.

### § 23.659 Mass balance.

The supporting structure and the attachment of concentrated mass balance weights used on control surfaces must be designed for—

(a) 24$g$ normal to the plane of the control surface;

(b) 12$g$ fore and aft; and

(c) 12$g$ parallel to the hinge line.

### Control Systems

### § 23.671 General.

(a) Each control must operate easily, smoothly, and positively enough to allow proper performance of its functions.

(b) Controls must be arranged and identified to provide for convenience in operation and to prevent the possibility of confusion and subsequent inadvertent operation.

### § 23.673 Primary flight controls.

(a) Primary flight controls are those used by the pilot for the immediate control of pitch, roll, and yaw.

(b) The design of two-control airplanes must minimize the likelihood of complete loss of lateral or directional control in the event of failure of any connecting or transmitting element in the control system.

### § 23.675 Stops.

(a) Each control system must have stops that positively limit the range of motion of the pilot's controls.

(b) Each stop must be so located in the system that the range of travel of its control is not appreciably affected by—

(1) Wear;

(2) Slackness; or

(3) Takeup adjustments.

(c) Each stop must be able to withstand the loads corresponding to the design conditions for the system.

### § 23.677 Trim systems.

(a) Proper precautions must be taken to prevent inadvertent, improper, or abrupt trim tab operation. There must be means near the trim control to indicate to the pilot the direction of trim control movement relative to airplane motion. In addition, there must be means to indicate to the pilot the position of the trim device with respect to the range of adjustment. This means must be visible to the pilot and must be located and designed to prevent confusion.

(b) Trimming devices must be designed so that, when any one connecting or transmitting element in the primary flight control system fails, normal trimming operation may be continued with—

(1) For single-engine airplanes, the longitudinal trimming devices; or

(2) For multiengine airplanes, the longitudinal and directional trimming devices.

(c) Tab controls must be irreversible unless the tab is properly balanced and has no unsafe flutter characteristics. Irreversible tab systems must have adequate rigidity and reliability in the portion of the system from the tab to the attachment of the irreversible unit to the airplane structure.

**§ 23.679 Control system locks.**

If there is a device to lock the control system on the ground or water, there must be means to—

(a) Give unmistakable warning to the pilot when the lock is engaged; and

(b) Prevent the lock from engaging in flight.

**§ 23.681 Limit load static tests.**

(a) Compliance with the limit load requirements of this part must be shown by tests in which—

(1) The direction of the test loads produces the most severe loading in the control system; and

(2) Each fitting, pulley, and bracket used in attaching the system to the main structure is included.

(b) Compliance must be shown (by analyses or individual load tests) with the special factor requirements for control system joints subject to angular motion.

**§ 23.683 Operation tests.**

(a) It must be shown by operation tests that, when the controls are operated from the pilot compartment with the system loaded as prescribed in paragraph (b) of this section, the system is free from—

(1) Jamming;

(2) Excessive friction; and

(3) Excessive deflection.

(b) The prescribed test loads are—

(1) For the entire system, loads corresponding to the limit airloads on the appropriate surface; and

(2) For secondary controls, loads not less than those corresponding to the maximum pilot effort established under § 23.405.

**§ 23.685 Control system details.**

(a) Each detail of each control system must be designed and installed to prevent jamming, chafing, and interference from cargo, passengers, or loose objects.

(b) There must be means in the cockpit to prevent the entry of foreign objects into places where they would jam the system.

(c) There must be means to prevent the slapping of cables or tubes against other parts.

(d) Each element of the flight control system must have design features, or must be distinctively and permanently marked, to minimize the possibility of incorrect assembly that could result in malfunctioning of the control system.

**§ 23.687 Spring devices.**

The reliability of any spring device used in the control system must be established by tests simulating service conditions unless failure of the spring will not cause flutter or unsafe flight characteristics.

**§ 23.689 Cable systems.**

(a) Each cable, cable fitting, turnbuckle, splice, and pulley used must meet approved specifications. In addition—

(1) No cable smaller than ⅛ inch diameter may be used in primary control systems;

(2) Each cable system must be designed so that there will be no hazardous change in cable tension throughout the range of travel under operating conditions and temperature variations; and

(3) There must be means for visual inspection at each fairlead, pulley, terminal, and turnbuckle.

(b) Each kind and size of pulley must correspond to the cable with which it is used, as specified in the pulley specification. Each pulley must have closely fitted guards to prevent the cables from being misplaced or fouled, even when slack. Each pulley must lie in the plane passing through the cable so that the cable does not rub against the pulley flange.

(c) Fairleads must be installed so that they do not cause a change in cable direction of more than three degrees.

(d) Clevis pins subject to load or motion and retained only by cotter pins may not be used in the control system.

(e) Turnbuckles must be attached to parts having angular motion in a manner that will positively prevent binding throughout the range of travel.

(f) Tab control cables are not part of the primary control system and may be less than ⅛ inch diameter in airplanes that are safely controllable with the tabs in the most adverse positions.

**§ 23.693 Joints.**

Control system joints (in push-pull systems) that are subject to angular motion, except those in ball and roller bearing systems, must have a special factor of safety of not less than 3.33 with respect to the ultimate bearing strength of the softest material used as a bearing. This factor may be reduced to 2.0 for joints in cable control systems. For ball or roller bearings, the approved ratings may not be exceeded.

**§ 23.697 Wing flap controls.**

(a) Each wing flap control must be designed so that, when the flap has been placed in any position upon which compliance with the performance requirements of this part is based, the flap will not move from that position unless the control is adjusted or is moved by the automatic operation of a flap load limiting device.

(b) The rate of movement of the flaps in response to the operation of the pilot's control or automatic device must give satisfactory flight and performance characteristics under steady or changing conditions of airspeed, engine power, and attitude.

**§ 23.699 Wing flap position indicator.**

There must be a wing flap position indicator for—

(a) Flap installations with only the retracted and fully extended position, unless—

(1) A direct operating mechanism provides a sense of "feel" and position (such as when a mechanical linkage is employed); or

(2) The flap position is readily determined without seriously detracting from other piloting duties under any flight condition, day or night; and

(b) Flap installation with intermediate flap positions if—

(1) Any flap position other than retracted or fully extended is used to show compliance with the performance requirements of this part; and

(2) The flap installation does not meet the requirements of paragraph (a)(1) of this section.

**§ 23.701 Flap interconnection.**

(a) The motion of flaps on opposite sides of the plane of symmetry must be synchronized by a mechanical interconnection unless the airplane has safe flight characteristics with the flaps retracted on one side and extended on the other.

(b) If an interconnection is used in multiengine airplanes, it must be designed to account for the unsymmetrical loads resulting from flight with the engines on one side of the plane of symmetry inoperative and the remaining engines at takeoff power. For single-engine airplanes, it may be assumed that 100 percent of the critical air load acts on one side and 70 percent on the other.

LANDING GEAR

**§ 23.721 General.**

(a) The shock absorbing elements in main, nose, and tail wheel units must be substantiated by the tests specified in § 23.723.

(b) The shock absorbing ability of the landing gear during taxiing must be shown in the operational tests required by § 23.235.

**§ 23.723 Shock absorption tests.**

(a) It must be shown by energy absorption tests that the limit load factors selected for design under § 23.473 will not be exceeded in landings with the limit descent velocity specified in that section.

(b) The landing gear may not fail, but may yield, in a test showing its reserved energy absorption capacity, simulating a descent velocity of 1.2 times the limit descent velocity, assuming wing lift equal to the weight of the airplane.

**§ 23.725 Limit drop tests.**

(a) If compliance with § 23.723(a) is shown by free drop tests, these tests must be made on the complete airplane, or on units consisting of wheel, tire, and shock absorber, in their proper relation, from free drop heights not less than those determined by the following formula:

$$h \text{ (inches)} = 3.6\ (W/S)^{1/2}$$

However, the free drop height may not be less than 9.2 inches and need not be more than 18.7 inches.





(b) If wing lift is simulated in free drop tests, the landing gear must be dropped with an effective weight equal to

$$W_e = W\left[\frac{h+(1-L)d}{h+d}\right]$$

where—

$W_e$ = the effective weight to be used in the drop test (lbs.);

$h$ = specified free drop height (inches);

$d$ = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass (inches);

$W = W_M$ for main gear units (lbs.), equal to the static weight on that unit with the airplane in the level attitude (with the nose wheel clear in the case of nose wheel type airplanes);

$W = W_T$ for tail gear units (lbs.), equal to the static weight on the tail unit with the airplane in the tail-down attitude;

$W = W_N$ for nose wheel units (lbs.), equal to the vertical component of the static reaction that would exist at the nose wheel, assuming that the mass of the airplane acts at the center of gravity and exerts a force of $1.0g$ downward and $0.33g$ forward; and

$L$ = the ratio of the assumed wing lift to the airplane weight, but not more than 0.667.

(c) The attitude in which a landing gear unit is drop tested must simulate the critical landing conditions for the unit.

(d) The value of $d$ used in the computation of $W_e$ in paragraph (b) of this section may not exceed the value actually obtained in the drop test.

(e) The limit inertia load factor must be determined from the drop test in paragraph (b) of this section according to the following formula:

$$n = n_j\frac{W_e}{W} + L$$

where—

$n_j$ = the load factor developed in the drop test (that is, the acceleration $(dv/dt)$ in $g$'s recorded in the drop test) plus 1.0; and

$W_e$, $W$, and $L$ are the same as in the drop test computation.

(f) The value of $n$ determined in accordance with paragraph (e) may not be more than the limit inertia load factor used in the landing conditions in § 23.473.

**§ 23.727 Reserve energy absorption drop test.**

(a) If compliance with the reserve energy absorption requirement in § 23.723 (b) is shown by free drop tests, the drop height may not be less than 1.44 times that specified in § 23.725.

(b) If wing lift equal to the airplane weight is simulated, the units must be dropped with an effective mass equal to $W_e = W\left(\frac{h}{h+d}\right)$ where the symbols and other details are the same as in § 23.725.

**§ 23.729 Retracting mechanism.**

(a) *General.* For airplanes with retractable landing gear, the following apply:

(1) Each landing gear retracting mechanism and its supporting structure must be designed for maximum flight load factors with the gear retracted and must be designed for the combination of friction, inertia, brake torque, and air loads, occurring during retraction at any airspeed up to 1.6 $V_{S_1}$ with flaps retracted, and for any load factor up to those specified in § 23.345 for the flaps-extended condition.

(2) The landing gear and retracting mechanism, including the wheel well doors, must withstand flight loads with the landing gear extended at any speed up to at least 1.6 $V_{S_1}$ with flaps retracted.

(b) *Landing gear lock.* There must be positive means (other than the use of hydraulic pressure) to keep the landing gear extended.

(c) *Emergency operation.* A landplane without manually operated landing gear must have an auxiliary means of extending the gear.

(d) *Operation test.* The proper functioning of the retracting mechanism must be shown by operation tests.

(e) *Position indicator and warning device.* There must be means to indicate to the pilot when the wheels are secured in the extreme positions. In addition, landplanes must have an aural or equally effective warning device that functions continuously, when one or more throttles are closed, until the gear is down and locked. A throttle stop is not an acceptable alternative to an aural landing gear warning device.

**§ 23.731 Wheels.**

(a) Each main and nose wheel must be approved.

(b) The maximum static load rating of each wheel may not be less than the corresponding static ground reaction with—

(1) Design maximum weight; and

(2) Critical center of gravity.

(c) The maximum limit load rating of each wheel must equal or exceed the maximum radial limit load determined under the applicable ground load requirements of this part.

**§ 23.733 Tires.**

(a) Each landing gear wheel must have a tire—

(1) That is a proper fit on the rim of the wheel; and

(2) Whose tire rating (assigned by the Tire and Rim Association or the Administrator) is not exceeded—

(i) By a load on each main wheel tire equal to the corresponding static ground reaction under the design maximum weight and critical center of gravity; and

(ii) By a load on nose wheel tires (to be compared with the dynamic rating established for such tires) equal to the reaction obtained at the nose wheel, assuming the mass of the airplane to be concentrated at the most critical center of gravity and exerting a force of $1.0W$ downward and $0.31W$ forward (where $W$ is the design maximum weight), with the reactions distributed to the nose and main wheels by the principles of statics, and with the drag reaction at the ground applied only at wheels with brakes.

(b) If specially constructed tires are used, the wheels must be plainly and conspicuously marked to that effect. The markings must include the make, size, number of plies, and identification marking of the proper tire.

**§ 23.735 Brakes.**

There must be brakes that are adequate to—

(a) Prevent the airplane from rolling on a paved runway with takeoff power on the critical engine; and

(b) Provide adequate speed control during taxiing without excessive pilot loads.

**§ 23.737 Skis.**

Each ski must be approved. The maximum limit load rating of each ski must equal or exceed the maximum limit load determined under the applicable ground load requirements of this part.

FLOATS AND HULLS

**§ 23.751 Main float buoyancy.**

(a) Each main float must have—

(1) A buoyancy of 80 percent in excess of that required to support the maximum weight of the seaplane or amphibian in fresh water; and

(2) Enough watertight compartments to provide reasonable assurance that the seaplane or amphibian will stay afloat if any two compartments of the main floats are flooded.

(b) Each main float must contain at least four watertight compartments approximately equal in volume.

**§ 23.753 Main float design.**

Each seaplane main float must be approved and must meet the requirements of § 23.521.

**§ 23.755 Hulls.**

(a) The hull of a hull seaplane or amphibian of 1,500 pounds or more maximum weight must have watertight compartments designed and arranged so that the hull, auxiliary floats, and tires (if used), will keep the airplane afloat in fresh water when—

(1) For airplanes of 5,000 pounds or more maximum weight, any two adjacent compartments are flooded; and

(2) For airplanes of 1,500 pounds up to, but not including, 5,000 pounds maximum weight, any single compartment is flooded.

(b) The hulls of hull seaplanes or amphibians of less than 1,500 pounds maximum weight need not be compartmented.

(c) Bulkheads with watertight doors may be used for communication between compartments.

**§ 23.757 Auxiliary floats.**

Auxiliary floats must be arranged so that, when completely submerged in fresh water, they provide a righting moment of at least 1.5 times the upsetting moment caused by the seaplane or amphibian being tilted.

PERSONNEL AND CARGO ACCOMMODATIONS

**§ 23.771 Pilot compartment.**

For each pilot compartment—

(a) The compartment and its equipment must allow each pilot to perform his duties without unreasonable concentration or fatigue; and

(b) The aerodynamic controls listed in § 23.779, excluding cables and control rods, must be located with respect to the propellers so that no part of the pilot or the controls lies in the region between the plane of rotation of any inboard propeller and the surface generated by a line passing through the center of the propeller hub making an angle of 5 degrees forward or aft of the plane of rotation of the propeller.

**§ 23.773 Pilot compartment view.**

(a) Each pilot compartment must be free from glare and reflections that could interfere with the pilot's vision, and designed so that—

(1) The pilot's view is sufficiently extensive, clear, and undistorted, for safe operation; and

(2) Each pilot is protected from the elements so that moderate rain conditions do not unduly impair his view of the flight path in normal flight and while landing.

(b) If certification for night operation is requested, compliance with paragraph (a) of this section must be shown in night flight tests.

**§ 23.775 Windshields and windows.**

(a) Nonsplintering safety glass must be used in internal glass panes.

(b) The design of windshields, windows, and canopies in pressurized airplanes must be based on factors peculiar to high altitude operation, including—

(1) The effects of continuous and cyclic pressurization loadings;

(2) The inherent characteristics of the material used; and

(3) The effects of temperatures and temperature gradients.

(c) On pressurized airplanes, an inclosure canopy including a representative part of the installation must be subjected to special tests to account for the combined effects of continuous and cyclic pressurization loadings and flight loads.

(d) The windshield and side windows forward of the pilot's back when he is seated in the normal flight position must have a luminous transmittance value of not less than 70 percent.

**§ 23.777 Cockpit controls.**

(a) Each cockpit control must be located and (except where its function is obvious) identified to provide convenient operation and to prevent confusion and inadvertent operation.

(b) The controls must be located and arranged so that the pilot, when seated, has full and unrestricted movement of each control without interference from either his clothing or the cockpit structure.

(c) Identical powerplant controls for each engine must be located to prevent confusion as to the engines they control.

(d) Wing flap and auxiliary lift device controls must be located—

(1) Centrally, or to the right of the pedestal or powerplant throttle control centerline; and

(2) Far enough away from the landing gear control to avoid confusion.

(e) The landing gear control must be located to the left of the throttle centerline or pedestal centerline.

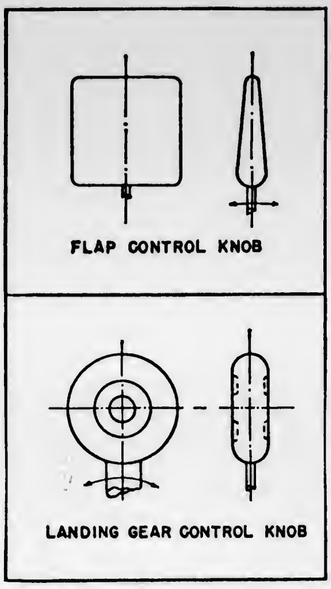
**§ 23.779 Motion and effect of cockpit controls.**

Cockpit controls must be designed so that they operate as follows:

| *Controls* | *Motion and effect* |
|---|---|
| Aerodynamic: | |
| Aileron | Right (clockwise) for right wing down. |
| Elevator | Rearward for nose up. |
| Rudder | Right pedal forward for nose right. |
| Powerplant: | |
| Throttle | Forward to open. |

**§ 23.781 Cockpit control knob shape.**

Cockpit control knobs must conform to the general shapes (but not necessarily the exact sizes or specific proportions) in the following figure:




**§ 23.783 Doors.**

(a) Each closed cabin with passenger accommodations must have at least one adequate and easily accessible external door.

(b) No passenger door may be located with respect to any propeller disc so as to endanger persons using that door.

**§ 23.785 Seats and berths.**

(a) Each seat, berth, and its supporting structure, must be designed for occupants weighing at least 170 pounds (or 190 pounds with parachute for seats in utility and acrobatic category airplanes), and for the maximum load factors corresponding to the specified flight and ground load conditions, including the emergency landing conditions prescribed in § 23.561.

(b) Each seat and berth must be approved.

(c) Each pilot seat must be designed for the reactions resulting from the application of pilot forces to the primary flight controls, as prescribed in § 23.395.

(d) Unless otherwise placarded, each seat in utility and acrobatic category airplanes must be designed to accommodate passengers wearing parachutes.

(e) Each berth installed parallel to the longitudinal axis of an airplane must be designed so that the forward part has a padded end-board, canvas diaphragm, or equivalent means that can withstand the static load reaction of the occupant when the occupant is subjected to the forward inertia forces prescribed in § 23.561. In addition—

(1) The berth must have an approved safety belt and may not have corners or other parts likely to cause serious injury to a person occupying it during emergency conditions; and

(2) Safety belt attachments for the berth must be designed to withstand the critical loads resulting from relevant flight and ground load conditions and from the emergency landing conditions prescribed in § 23.561, with the exception of the forward load.

(f) Proof of compliance with the strength and deformation requirements of this section for seats and berths approved as part of the type design and for seat and berth installations may be shown by—

(1) Structural analysis, if the structure conforms to conventional airplane types for which existing methods of analysis are known to be reliable;

(2) A combination of structural analysis and static load tests to limit loads; or

(3) Static load tests to ultimate loads.

The inertia forces prescribed in § 23.561 must be multiplied by a factor of 1.33 (rather than by the fitting factor prescribed in § 23.625) in determining the strength of the atachment of each seat or berth to the structure.

**§ 23.787 Cargo compartments.**

(a) Each cargo compartment must be designed for its placarded maximum weight of contents and for the critical load distributions at the appropriate maximum load factors corresponding to the flight and ground load conditions of this part.

(b) There must be means to prevent the contents of any cargo compartment from becoming a hazard by shifting.

(c) There must be means to protect the passengers from injury by the contents of any cargo compartment when the ultimate forward inertia force is 4.5*g*.

**§ 23.807 Emergency exits.**

(a) *Number and location.* Emergency exits must be located to allow escape without crowding in any probable crash attitude. The airplane must have at least the following emergency exits:

(1) For an airplane with a seating capacity of more than five occupants, but less than 16, at least one emergency exit on the opposite side of the cabin from the main door specified in § 23.783.

(2) For an airplane with a seating capacity of more than 15 occupants, the emergency exit specified in subparagraph (1) of this paragraph, and an emergency exit in the top or side of the cabin for each seven occupants, or fraction thereof, above 15. However, no more than four exits are required if their arrangement and size allow quick evacuation of each occupant.

(3) If the pilot compartment is separated from the cabin by a door that is likely to block the pilot's escape in a minor crash, there must be an exit in the pilot's compartment. The number of exits required by subparagraphs (1) and (2) of this paragraph must then be separately determined for the passenger compartment, using the seating capacity of that compartment.

(b) *Type and operation.* Emergency exits must be movable windows, panels, or external doors, that provide a clear and unobstructed opening large enough to admit a 19-by-26-inch ellipse. In addition, each emergency exit must—

(1) Be readily accessible, requiring no exceptional agility to be used in emergencies;

(2) Have a method of opening that is simple and obvious;

(3) Be arranged and marked for easy location and operation, even in darkness;

(4) Have reasonable provisions against jamming by fuselage deformation; and

(5) In the case of acrobatic category airplanes, allow each occupant to bail out quickly with parachutes at any speed between $V_{S_0}$ and $V_D$.

(c) *Tests.* The proper functioning of each emergency exit must be shown by tests.

**§ 23.831 Ventilation.**

Each passenger and crew compartment must be suitably ventilated. Carbon monoxide concentration may not exceed one part in 20,000 parts of air.

PRESSURIZATION

**§ 23.841 Pressurized cabins.**

Pressurized cabins must have at least the following valves, controls, and indicators, for controlling cabin pressure:

(a) Two pressure relief valves (at least one of which is the normal regulating valve) to automatically limit the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. The combined capacity of the relief valves must be large enough so that the failure of any one valve would not cause an appreciable rise in the pressure differential. The pressure differential is positive when the internal pressure is greater than the external.

(b) Two reverse pressure differential relief valves (or their equivalents) to automatically prevent a negative pressure differential that would damage the structure. However, one valve is enough if it is of a design that reasonably precludes its malfunctioning.

(c) A means by which the pressure differential can be rapidly equalized.

(d) An automatic or manual regulator for controlling the intake or exhaust airflow, or both, for maintaining the required internal pressures and airflow rates.

(e) Instruments to indicate to the pilot the pressure differential, the absolute pressure in the cabin, and the rate of change of the absolute pressure.

(f) A warning device to indicate to the pilot when the safe or preset pressure differential and absolute cabin pressure limits are exceeded.

(g) A warning placard for the pilot if the structure is not designed for pressure differentials up to the maximum relief valve setting in combination with landing loads.

(h) A means to stop rotation of the compressor or to divert airflow from the cabin if continued rotation of an engine-driven cabin compressor or continued flow of any compressor bleed air will create a hazard if a malfunction occurs.

**§ 23.843 Pressurization tests.**

(a) *Strength test.* The complete pressurized cabin, including doors, windows, canopy, and valves, must be tested as a pressure vessel for the pressure differential specified in § 23.365(d).

(b) *Functional tests.* The following functional tests must be performed:

(1) Tests of the functioning and capacity of the positive and negative pressure differential valves, and of the emergency release valve, to simulate the effects of closed regulator valves.

(2) Tests of the pressurization system to show proper functioning under each possible condition of pressure, temperature, and moisture, up to the maximum altitude for which certification is requested.

(3) Flight tests, to show the performance of the pressure supply, pressure and flow regulators, indicators, and warning signals, in steady and stepped climbs and descents at rates corresponding to the maximum attainable within the operating limitations of the airplane, up to the maximum altitude for which certification is requested.

(4) Tests of each door and emergency exit, to show that they operate properly after being subjected to the flight tests prescribed in subparagraph (3) of this paragraph.

FIRE PROTECTION

**§ 23.853 Compartment interiors.**

For each compartment to be used by the crew or passengers—

(a) The materials must be at least flash-resistant;

(b) If smoking is to be allowed—

(1) The wall and ceiling linings, and the covering of upholstery, floors, and furnishings must be at least flame resistant; and

(2) There must be an adequate number of self-contained ash trays; and

(c) If smoking is to be prohibited, there must be a placard so stating.

**§ 23.859 Combustion heater fire protection.**

Each gasoline-operated combustion heater must be approved and installed to meet the applicable powerplant installation requirements covering fire hazards and precautions. In addition—

(a) Each applicable requirement concerning fuel tanks, lines, and exhaust systems must be met; and

(b) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off and hold off the ignition and fuel supply of that heater at a point remote from that heater, when—

(1) The heat exchanger temperature or ventilating air temperature exceeds safe limits; or

(2) Either the combustion airflow or the ventilating airflow becomes inadequate for safe operation.

MISCELLANEOUS

**§ 23.871 Leveling marks.**

There must be reference marks for leveling the airplane on the ground.

## Subpart E—Powerplant

### General

**§ 23.901 Installation.**

(a) For the purpose of this part, the airplane powerplant installation includes each component that—

(1) Is necessary for propulsion; and

(2) Affects the safety of the major propulsive units.

(b) Each powerplant must be constructed, arranged, and installed to—

(1) Ensure safe operation; and

(2) Be accessible for necessary inspections and maintenance.

**§ 23.903 Engines.**

Each engine must be type certificated under Part 33 [New].

**§ 23.905 Propellers.**

(a) Each propeller must be type certificated under Part 35 [New] of this chapter.

(b) Engine power and propeller shaft rotational speed may not exceed the limits for which the propeller is certificated.

(c) Each featherable propeller must have a means to unfeather it in flight.

**§ 23.907 Propeller vibration.**

(a) Each propeller with metal blades or highly stressed metal components must be shown to have vibration stresses, in normal operating conditions, that do not exceed values that have been shown by the propeller manufacturer to be safe for continuous operation. This must be shown by—

(1) Measurement of stresses through direct testing of the propeller;

(2) Comparison with similar installations for which these measurements have been made; or

(3) Any other acceptable test method or service experience that proves the safety of the installation.

(b) Proof of safe vibration characteristics for any type of propeller, except for conventional, fixed-pitch, wood propellers must be shown where necessary.

**§ 23.925 Propeller clearance.**

Unless smaller clearances are substantiated, propeller clearances with the airplane at maximum weight, with the most adverse center of gravity, and with the propeller in the most adverse pitch position, may not be less than the following:

(a) *Ground clearance.* There must be a clearance of at least seven inches (for each airplane with nose wheel landing gear) or nine inches (for each airplane with tail wheel landing gear) between each propeller and the ground with the landing gear statically deflected and in the level, normal takeoff, or taxiing attitude, whichever is most critical. In addition, for each airplane with conventional landing gear struts using fluid or mechanical means for absorbing landing shocks, there must be positive clearance between the propeller and the ground in the level takeoff attitude with the critical tire completely deflated and the corresponding landing gear strut bottomed. Positive clearance for airplanes using leaf spring struts is shown with a deflection corresponding to 1.5$g$.

(b) *Water clearance.* There must be a clearance of at least 18 inches between each propeller and the water, unless compliance with § 23.237 can be shown with a lesser clearance.

(c) *Structural clearance.* There must be—

(1) At least one inch radial clearance between the blade tips and the airplane structure, plus any additional radial clearance necessary to prevent harmful vibration;

(2) At least one-half inch longitudinal clearance between the propeller blades or cuffs and stationary parts of the airplane; and

(3) Positive clearance between other rotating parts of the propeller or spinner and stationary parts of the airplane.

### Fuel System

**§ 23.951 General.**

(a) Each fuel system must be constructed and arranged to ensure a flow of fuel at a rate and pressure established for proper engine functioning under any normal operating condition.

(b) Each fuel system must be arranged to allow a fuel pump to draw fuel from one tank at a time. No gravity feed system may supply fuel to an engine from more than one tank at a time, unless the tank air spaces are interconnected so that interconnected tanks will feed equally.

**§ 23.953 Fuel system independence.**

(a) Each fuel system for a multiengine airplane must be arranged so that, in at least one system configuration, the failure of any one component (other than a fuel tank) will not result in the loss of power of more than one engine or require immediate action by the pilot to prevent the loss of power of more than one engine.

(b) If a single fuel tank (or series of fuel tanks interconnected to function as a single fuel tank) is used on a multiengine airplane, the following must be provided:

(1) Independent tank outlets for each engine, each incorporating a shutoff valve at the tank. This shutoff valve may also serve as the firewall shutoff valve required by § 23.995 if the line between the valve and the engine compartment does not contain a hazardous amount of fuel that can drain into the engine compartment.

(2) At least two vents arranged to minimize the probability of both vents becoming obstructed simultaneously.

(3) Filler caps designed to minimize the probability of incorrect installation or inflight loss.

(4) A fuel system in which those parts of the system from each tank outlet to any engine are independent of each part of the system supplying fuel to any other engine.

**§ 23.955 Fuel flow.**

(a) *General.* The ability of the fuel system to provide fuel at the rates specified in this section and at a pressure sufficient for proper carburetor operation must be shown in the attitude that is most critical with respect to fuel feed and quantity of unusable fuel. These conditions may be simulated in a suitable mockup. In addition—

(1) The quantity of fuel in the tank may not exceed the amount established as the unusable fuel supply for that tank under § 23.959 plus that necessary to show compliance with this section; and

(2) If there is a fuel flowmeter, it must be blocked during the flow test and the fuel must flow through the meter bypass.

(b) *Gravity systems.* The fuel flow rate for gravity systems (main and reserve supply) must be 150 percent of the takeoff fuel consumption of the engine.

(c) *Pump systems.* The fuel flow rate for each pump system (main and reserve supply) must be 0.9 pound per hour for each takeoff horsepower or 125 percent of the takeoff fuel consumption of the engine, whichever is more. In addition—

(1) This flow rate is required for each primary engine-driven pump and each emergency pump, and must be available when the pump is running as it would during takeoff; and

(2) For each hand-operated pump, this rate must occur at not more than 60 complete cycles (120 single strokes) per minute.

(d) *Auxiliary fuel systems and fuel transfer systems.* Paragraphs (b) and (c) of this section apply to each auxiliary and transfer system, except that—

(1) The required fuel flow rate must be established upon the basis of maximum continuous power and engine rotational speed, instead of takeoff power and fuel consumption; and

(2) A lesser flow rate may be used for a small auxiliary tank feeding into a large main tank, if there is a suitable placard stating that the auxiliary tank is not to be opened to the main tank unless a predetermined amount of fuel remains in the main tank.

**§ 23.957 Flow between interconnected tanks.**

It must be impossible, in a gravity feed system with interconnected tank outlets, for enough fuel to flow between the tanks to cause an overflow of fuel from any tank vent under the conditions in § 23.959, except that full tanks must be used.

**§ 23.959 Unusable fuel supply and fuel system operation on low fuel.**

(a) The unusable fuel supply for each tank must be established as not less than the quantity at which the first evidence of malfunctioning occurs under the conditions specified in this section. If more than one fuel tank is involved—

(1) Each tank not needed to feed the engine under the conditions specified in this section need only be investigated for the flight conditions in which it is to be used; and

(2) The unusable fuel supply for that tank is based on the most critical applicable conditions.





(b) For test purposes, the quantity of fuel to be used to show compliance with this section must be chosen by the applicant. In addition, when establishing the unusable fuel supply, the following flight conditions must be arranged in order, from the most to the least critical:

(1) Level flight at maximum continuous power, or at the power required for level flight at $V_C$, whichever is lower.

(2) Climb at maximum continuous power at the calculated best angle of climb at minimum weight.

(3) Rapid application of power and subsequent transition to best rate of climb from a power-off glide at 1.3 $V_{S_0}$.

(4) Slips and skids in level flight, climb, and glide, under the applicable conditions specified in subparagraphs (1), (2), and (3) of this paragraph, of the greatest severity likely to be encountered in normal service or turbulent air.

(c) For each acrobatic and utility category airplane, there may be no evidence of malfunctioning during any maneuver in the Airplane Flight Manual. During this test the amount of fuel in each tank may not exceed the unusable fuel supply established under paragraph (b) of this section, plus 0.03 gallon for each maximum continuous horsepower for which certification is requested.

(d) There may be no evidence of malfunctioning during takeoff and one minute of climb at the calculated best angle of climb at takeoff power and minimum weight where the takeoff is begun with the amount of fuel in each tank specified in paragraph (c) of this section.

(e) If an engine can be supplied with fuel from more than one tank, it must be possible, in level flight, to regain full power and fuel pressure to that engine in not more than 10 seconds (for single-engine airplanes) or 20 seconds (for multiengine airplanes) after switching to any full tank after engine malfunctioning due to fuel depletion becomes apparent while the engine is being supplied from any other tank.

**§ 23.961 Fuel system hot weather operation.**

Each fuel system conducive to vapor formation must be free from vapor lock when using fuel at a temperature of 110° F. under critical operating conditions.

**§ 23.963 Fuel tanks: general.**

(a) Each fuel tank must be able to withstand, without failure, the vibration, inertia, fluid, and structural loads that it may be subjected to in operation.

(b) Each flexible fuel tank liner must be of an acceptable kind.

(c) Each integral fuel tank must have adequate facilities for interior inspection and repair.

(d) The total usable capacity of the fuel tanks must be enough for at least one-half hour of operation at maximum continuous power.

(e) Each fuel quantity indicator must be adjusted, as specified in § 23.1337(b), to account for the unusable fuel supply determined under § 23.959.

**§ 23.965 Fuel tank tests.**

(a) Each fuel tank must be able to withstand the following pressures without failure or leakage:

(1) For each conventional metal tank and nonmetallic tank with walls not supported by the airplane structure, a pressure of 3.5 p.s.i., or that pressure developed during maximum ultimate acceleration with a full tank, whichever is greater.

(2) For each integral tank, the pressure developed during the maximum limit acceleration of the airplane with a full tank, with simultaneous application of the critical limit structural loads.

(3) For each nonmetallic tank with walls supported by the airplane structure and constructed in an acceptable manner using acceptable basic tank material, and with actual or simulated support conditions, a pressure of 2 p.s.i. for the first tank of a specific design. The supporting structure must be designed for the critical loads occurring in the flight or landing strength conditions combined with the fuel pressure loads resulting from the corresponding accelerations.

(b) Each fuel tank with large, unsupported, or unstiffened flat areas must be able to withstand the following test without leakage or failure:

(1) Each complete tank assembly and its supports must be vibration tested while mounted to simulate the actual installation.

(2) Except as specified in subparagraph (4) of this paragraph, the tank assembly must be vibrated for 25 hours at an amplitude of not less than 1/32 of an inch (unless another amplitude is substantiated) while 2/3 filled with water or other suitable test fluid.

(3) The test frequency of vibration must be as follows:

(i) If no frequency of vibration resulting from any r.p.m. within the normal operating range of engine speeds is critical, the test frequency of vibration, in number of cycles per minute, must be the number obtained by multiplying the maximum continuous engine speed (r.p.m.) by 0.9.

(ii) If only one frequency of vibration resulting from any r.p.m. within the normal operating range of engine speeds is critical, that frequency of vibration must be the test frequency.

(iii) If more than one frequency of vibration resulting from any r.p.m. within the normal operating range of engine speeds is critical, the most critical of these frequencies must be the test frequency.

(4) Under subparagraph (3) (ii) and (iii) of this paragraph, the time of test must be adjusted to accomplish the same number of vibration cycles that would be accomplished in 25 hours at the frequency specified in subparagraph (3) (i) of this paragraph.

(5) During the test, the tank assembly must be rocked at a rate of 16 to 20 complete cycles per minute, through an angle of 15 degrees on either side of the horizontal (30 degrees total), about an axis parallel to the axis of the fuselage, for 25 hours.

(c) Each integral tank using methods of construction and sealing not previously proven to be adequate by test data or service experience must be able to withstand the vibration test specified in subparagraphs (1) through (4) of paragraph (b).

(d) Each tank with a nonmetallic liner must be subjected to the sloshing test outlined in subparagraph (5) of paragraph (b) of this section, with the fuel at room temperature. In addition, a specimen liner of the same basic construction as that to be used in the airplane must, when installed in a suitable test tank, withstand the sloshing test with fuel at a temperature of 110° F.

**§ 23.967 Fuel tank installation.**

(a) Each fuel tank must be supported so that tank loads are not concentrated. In addition—

(1) There must be pads, if necessary, to prevent chafing between each tank and its supports;

(2) Padding must be nonabsorbent or treated to prevent the absorption of fuel;

(3) If a flexible tank liner is used, it must be supported so that it is not required to withstand fluid loads;

(4) Interior surfaces adjacent to the liner must be smooth and free from projections that could cause wear, unless—

(i) Provisions are made for protection of the liner at those points; or

(ii) The construction of the liner itself provides such protection; and

(5) A positive pressure must be maintained within the vapor space of each bladder cell under any condition of operation, including the critical conditions of low air-speed and rate of descent likely to be encountered.

(b) Each tank compartment must be ventilated and drained to prevent the accumulation of flammable fluids or vapors. Each compartment adjacent to a tank that is an integral part of the airplane structure must also be ventilated and drained.

(c) No fuel tank may be on the engine side of the firewall. There must be at least one-half inch of clearance between the fuel tank and the firewall. No part of the engine nacelle skin that lies immediately behind a major air opening from the engine compartment may act as the wall of an integral tank.

(d) No fuel tank may be in the personnel compartment of a multiengine airplane. If a fuel tank is in the personnel compartment of a single engine airplane, it must—

(1) If no larger than 25 gallons total capacity, be properly drained and ventilated; and

(2) If larger than 25 gallons total capacity—

(i) (For a conventional fuel tank) be isolated from the personnel compartment by fume and fuel proof enclosures; or

(ii) (For a bladder type fuel cell) have a retaining shell that is at least equivalent to a metal fuel tank in structural integrity and in fume and fuel

tightness, and that is drained to the exterior of the airplane.

**§ 23.969 Fuel tank expansion space.**

Each fuel tank must have an expansion space of not less than two percent of the tank capacity, unless the tank vent discharges clear of the airplane (in which case no expansion space is required). It must be impossible to fill the expansion space inadvertently with the airplane in the normal ground attitude.

**§ 23.971 Fuel tank sump.**

Each fuel tank must have a drainable sump with an effective capacity, in the normal ground and flight attitudes, of 0.25 percent of the tank capacity, or 1/16 gallon, whichever is greater, unless—

(a) The fuel system has a sediment bowl or chamber that is accessible for drainage and has a capacity of 1 ounce for every 20 gallons of fuel tank capacity; and

(b) Each fuel tank outlet is located so that, in the normal ground attitude, water will drain from all parts of the tank to the sediment bowl or chamber.

**§ 23.973 Fuel tank filler connection.**

(a) Each fuel tank filler connection must be marked as prescribed in § 23.1557(c).

(b) Spilled fuel must be prevented from entering the fuel tank compartment or any part of the airplane other than the tank itself.

(c) Each filler cap must provide a fuel-tight seal for the main filler opening. However, there may be small openings in the fuel tank cap for venting purposes or for the purpose of allowing passage of a fuel gauge through the cap.

**§ 23.975 Fuel tank vents and carburetor vapor vents.**

(a) Each fuel tank must be vented from the top part of the expansion space. In addition—

(1) Each vent outlet must be located and constructed in a manner that minimizes the possibility of its being obstructed by ice or other foreign matter;

(2) Each vent must be constructed to prevent siphoning of fuel during normal operation;

(3) The venting capacity must allow the rapid relief of excessive differences of pressure between the interior and exterior of the tank;

(4) Airspaces of tanks with interconnected outlets must be interconnected;

(5) There may be no undrainable points in any vent line where moisture can accumulate with the airplane in either the ground or level flight attitudes; and

(6) No vent may terminate at a point where the discharge of fuel from the vent outlet will constitute a fire hazard or from which fumes may enter personnel compartments.

(b) Each carburetor with vapor elimination connections must have a vent line to lead vapors back to one of the fuel tanks. If there is more than one fuel tank, and if it is necessary to use these tanks in a definite sequence for any reason, the vapor vent return line must lead back to the fuel tank to be used first, unless the relative capacities of the tanks are such that return to another tank is preferable.

(c) For acrobatic category airplanes, excessive loss of fuel during acrobatic maneuvers, including short periods of inverted flight, must be prevented. It must be impossible for fuel to siphon from the vent when normal flight has been resumed after any acrobatic maneuver for which certification is requested.

**§ 23.977 Fuel tank outlet.**

(a) There must be a fuel strainer, with 8 to 16 meshes per inch, for the fuel tank outlet. The diameter of the strainer must be at least equal to that of the fuel tank outlet.

(b) If a finger strainer is used—

(1) The length of the strainer must be at least four times the diameter of the outlet; and

(2) Each strainer must be accessible for inspection and cleaning.

FUEL SYSTEM COMPONENTS

**§ 23.991 Fuel pumps.**

(a) *Main pumps.* If there are fuel pumps to maintain a supply of fuel to the engine, at least one pump for each engine must be directly driven by the engine. The fuel pumps must be adequate to meet the flow requirements of applicable § 23.955.

(b) *Emergency pumps.* There must be emergency pumps to feed the engines after the failure of any engine-driven fuel pump other than a fuel injection pump (a pump that supplies proper flow and pressure for fuel injection when the injection is not accomplished in a carburetor) approved as part of an engine.

(c) *Warning means.* If both the normal pump and emergency pump operate continuously, there must be a means to indicate to the appropriate flight crewmembers a malfunction of either pump.

**§ 23.993 Fuel system lines and fittings.**

(a) Each fuel line must be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure and accelerated flight conditions.

(b) Each fuel line connected to components of the airplane between which relative motion could exist must have provisions for flexibility.

(c) Each flexible connection in fuel lines that may be under pressure and subjected to axial loading must use flexible hose assemblies.

(d) Each flexible hose must be approved or must be shown to be suitable for the particular application.

(e) No flexible hose that might be adversely affected by exposure to high temperatures may be used where excessive temperatures will exist during operation or after engine shutdown.

**§ 23.995 Fuel valves and controls.**

(a) There must be a means to allow appropriate flight crew members to rapidly shut off, in flight, the fuel to each engine individually.

(b) No shutoff valve may be on the engine side of any firewall. In addition, there must be means to—

(1) Guard against inadvertent operation of each shutoff valve; and

(2) Allow appropriate flight crew members to reopen each valve rapidly after it has been closed.

(c) Each valve and fuel system control must—

(1) Have either positive stops or "feel" in the "on" and "off" positions; and

(2) Be supported so that loads resulting from its operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

(d) Each valve or fuel system control must be installed so that the effect of gravity and vibration will tend to turn its handle to the open or "on" position, not to the closed or "off" position.

(e) Each fuel valve handle and its connections to the valve mechanism must have design features that minimize the possibility of incorrect installation.

**§ 23.997 Fuel strainer or filter.**

(a) There must be a fuel strainer or filter between the fuel tank outlet and the carburetor inlet (or engine driven fuel pump, if there is one).

(b) Each strainer or filter must be accessible for drainage and cleaning.

(c) Each strainer screen must be removable.

**§ 23.999 Fuel system drains.**

(a) There must be at least one drain to allow safe drainage of the entire fuel system with the airplane in its normal ground attitude.

(b) Each drain must have a means to lock it closed.

OIL SYSTEM

**§ 23.1011 General.**

(a) Each engine must have an independent oil system that can supply it with an appropriate quantity of oil at a temperature not above that safe for continuous operation.

(b) The usable oil tank capacity may not be less than the product of the endurance of the airplane under critical operating conditions and the maximum oil consumption of the engine under the same conditions, plus a suitable margin to ensure adequate circulation and cooling.

(c) For an oil system without an oil transfer system, only the usable oil tank capacity may be considered. The amount of oil in the engine oil lines, the oil radiator, and the feathering reserve, may not be considered.

(d) If an oil transfer system is used, and the transfer pump can pump some of the oil in the transfer lines into the main engine oil tanks, the amount of oil in these lines that can be pumped by the transfer pump may be included in the oil capacity.

**§ 23.1013 Oil tanks.**

(a) *Installation.* Each oil tank must be installed to—

(1) Meet the requirements of § 23.967 (a) and (b); and





(2) Withstand any vibration, inertia, and fluid loads expected in operation.

(b) *Expansion space.* Oil tank expansion space must be provided so that—

(1) Each oil tank has an expansion space of not less than the greater of—

(i) 10 percent of the tank capacity; or

(ii) 0.5 gallon; and

(2) It is impossible to fill the expansion space inadvertently with the airplane in the normal ground attitude.

(c) *Filler connection.* Each oil tank filler connection must be marked under § 23.1557(c).

(d) *Vent.* Oil tanks must be vented as follows:

(1) Each oil tank must be vented to the engine crankcase from the top part of the expansion space so that the vent connection is not covered by oil under any normal flight condition.

(2) Oil tank vents must be arranged so that condensed water vapor that might freeze and obstruct the line cannot accumulate at any point.

(3) For acrobatic category airplanes, there must be means to prevent hazardous loss of oil during acrobatic maneuvers, including short periods of inverted flight.

(e) *Outlet.* No oil tank outlet may be enclosed or covered by any screen or guard that might reduce the flow of oil. No oil tank outlet diameter may be less than the diameter of the engine oil pump inlet.

(f) *Flexible liners.* Each flexible oil tank liner must be of an acceptable kind.

**§ 23.1015 Oil tank tests.**

Each oil tank must be tested under § 23.965, except that—

(a) The applied pressure must be five p.s.i. for the tank construction instead of the pressures specified in § 23.965(a); and

(b) For a tank with a nonmetallic liner the test fluid must be oil rather than fuel as specified in § 23.965(d), and the slosh test on a specimen liner must be conducted with the oil at 250° F.

**§ 23.1017 Oil lines and fittings.**

(a) *General.* Each oil line must meet the requirements of § 23.993, except that the inside diameter of the engine oil inlet and outlet lines may not be less than the diameter of the corresponding engine oil pump inlet and outlet.

(b) *Breather lines.* Breather lines must be arranged so that—

(1) Condensed water vapor that might freeze and obstruct the line cannot accumulate at any point;

(2) The breather discharge will not constitute a fire hazard if foaming occurs, or cause emitted oil to strike the pilot's windshield;

(3) The breather does not discharge into the engine air induction system; and

(4) For acrobatic category airplanes, there is no excessive loss of oil from the breather during acrobatic maneuvers, including short periods of inverted flight.

**§ 23.1019 Oil strainer or filter.**

Each oil strainer or filter in the powerplant installation must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

**§ 23.1021 Oil system drains.**

There must be at least one accessible drain that—

(a) Allows safe drainage of the entire oil system; and

(b) Has manual or automatic means for positive locking in the closed position.

**§ 23.1023 Oil radiators.**

Each oil radiator and its supporting structures must be able to withstand the vibration, inertia, and oil pressure loads to which it would be subjected in operation.

**§ 23.1027 Propeller feathering system.**

(a) If the propeller feathering system depends on engine oil, there must be means to trap an amount of oil in the tank if the supply becomes depleted due to failure of any part of the lubricating system, other than the tank itself.

(b) The amount of trapped oil must be enough to accomplish feathering and must be available only to the feathering pump.

(c) The ability of the system to accomplish feathering with the trapped oil must be shown.

COOLING

**§ 23.1041 General.**

The powerplant cooling provisions must be able to maintain the temperatures of powerplant components and fluids within the limits established during ground and flight operation.

**§ 23.1043 Cooling tests.**

(a) *General.* Compliance with § 23.1041 must be shown under critical ground, water, and flight operating conditions. For these tests, the following apply:

(1) If the tests are conducted under conditions deviating from the maximum anticipated air temperatures specified in paragraph (b) of this section, the recorded powerplant temperatures must be corrected under paragraphs (c) and (d) of this section, unless a more rational correction method is applicable.

(2) No corrected temperature determined under subparagraph (1) of this paragraph may exceed established limits.

(3) The fuel used during the cooling tests must be of the minimum grade approved for the engines, and the mixture settings must be those used in normal operation.

(4) The test procedures must be as prescribed in §§ 23.1045 and 23.1047.

(5) Water taxiing tests must be conducted on each hull seaplane that may reasonably be expected to be taxied for extended periods.

(b) *Maximum anticipated air temperature.* For cooling tests, the maximum anticipated temperature (hot-day condition) is 100 degrees F. at sea level, decreasing from this value at the rate of 3.6 degrees F. per thousand feet of altitude above sea level up to the altitude at which a temperature of −69.7 degrees F. is reached, above which altitude the temperature is constant at −69.7 degrees F. However, cooling test results for winterization installations may be corrected to any desired temperature.

(c) *Correction factor for cylinder head, oil inlet, carburetor air, and engine and transmission coolant outlet temperatures.* The cylinder head, oil inlet, carburetor air, and engine coolant outlet temperatures must be corrected by adding to them the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum head, oil, air, or coolant temperatures recorded during the cooling test.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures must be corrected by adding to them 0.7 times the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test.

**§ 23.1045 Cooling test procedures for single-engine airplanes.**

(a) For each single-engine airplane, engine cooling tests must be conducted as follows:

(1) Engine temperatures must be stabilized in flight with the engines at not less than 75 percent of maximum continuous power.

(2) After temperatures have stabilized, a climb must be begun at the lowest practicable altitude and continued for one minute with the engine at takeoff power.

(3) At the end of one minute, the climb must be continued at maximum continuous power for at least five minutes after the occurrence of the highest temperature recorded.

(b) The climb required in paragraph (a) of this section must be conducted at a speed not more than the best rate-of-climb speed with maximum continuous power unless—

(1) The slope of the flight path at the speed chosen for the cooling test is equal to or greater than the minimum required angle of climb determined under § 23.65(a)(1); and

(2) The airplane has a cylinder head temperature indicator as specified in § 23.1337(e).

(c) The stabilizing and climb parts of the test must be conducted with cowl flap settings selected by the applicant.

**§ 23.1047 Cooling test procedures for multiengine airplanes.**

(a) For each multiengine airplane that meets the minimum one-engine-inoperative climb performance specified in § 23.67(a) or § 23.67(b)(1), engine cooling tests must be conducted as follows:

(1) The airplane must be in the configuration specified in § 23.67(a) or § 23.67(b)(1), except that, when above the critical altitude, the operating engines must be at maximum continuous power or at full throttle.



No. 246—Pt. I——5

(2) The stabilizing and climb parts of the test must be conducted with cowl flap settings selected by the applicant.

(3) The temperatures of the operating engines must be stabilized in flight, with the engines at not less than 75 percent of the maximum continuous power.

(4) After engine temperatures have stabilized, a climb must be—

(i) Begun from 1,000 feet below the critical altitude (or, if this is impracticable, at the lowest altitude that the terrain will allow) or 1,000 feet below the altitude at which the single-engine-inoperative rate of climb is 0.02 $V_{S_0}^2$, whichever is lower; and

(ii) Continued for at least five minutes after the highest temperature has been recorded.

(5) The climb must be conducted at a speed not more than the highest speed at which compliance with the climb requirement of § 23.67(a) or § 23.67(b)(1) can be shown. If the speed used exceeds the speed for best rate of climb with one engine inoperative, the airplane must have a cylinder head temperature indicator as specified in § 23.1337(e).

(b) For each multiengine airplane that cannot meet the minimum one-engine-inoperative climb performance specified in § 23.67(a) or § 23.67(b)(1), engine cooling tests must be conducted as prescribed in paragraph (a) of this section, except that, after stabilizing temperatures in flight, the climb (or descent, for airplanes with zero or negative one-engine-inoperative rates of climb) must be—

(1) Begun as close to sea level as is practicable; and

(2) Conducted at the best rate-of-climb speed (or the speed of minimum rate of descent, for airplanes with zero or negative one-engine-inoperative rates of climb).

LIQUID COOLING

**§ 23.1061 Installation.**

(a) *General.* Each liquid-cooled engine must have an independent cooling system (including coolant tank) installed so that—

(1) Each coolant tank is supported so that tank loads are distributed over a large part of the tank surface;

(2) There are pads between the tank and its supports to prevent chafing; and

(3) No air or vapor can be trapped in any part of the system, except the expansion tank, during filling or during operation.

Padding must be nonabsorbent or must be treated to prevent the absorption of flammable fluids.

(b) *Coolant tank.* The tank capacity must be at least one gallon, plus 10 percent of the cooling system capacity. In addition—

(1) Each coolant tank must be able to withstand the vibration, inertia, and fluid loads to which it may be subjected in operation;

(2) Each coolant tank must have an expansion space of at least 10 percent of the total cooling system capacity; and

(3) It must be impossible to fill the expansion space inadvertently with the airplane in the normal ground attitude.

(c) *Filler connection.* Each coolant tank filler connection must be marked as specified in § 23.1557(c). In addition—

(1) Spilled coolant must be prevented from entering the coolant tank compartment or any part of the airplane other than the tank itself; and

(2) Each recessed coolant filler connection must have a drain that discharges clear of the entire airplane.

(d) *Lines and fittings.* Each coolant system line and fitting must meet the requirements of § 23.993, except that the inside diameter of the engine coolant inlet and outlet lines may not be less than the diameter of the corresponding engine inlet and outlet connections.

(e) *Radiators.* Each coolant radiator must be able to withstand any vibration, inertia, and coolant pressure load to which it may normally be subjected. In addition—

(1) Each radiator must be supported to allow expansion due to operating temperatures and prevent the transmittal of harmful vibration to the radiator; and

(2) If flammable coolant is used, the air intake duct to the coolant radiator must be located so that (in case of fire) flames from the nacelle cannot strike the radiator.

(f) *Drains.* There must be an accessible drain that—

(1) Drains the entire cooling system (including the coolant tank, radiator, and the engine) when the airplane is in the normal ground attitude;

(2) Discharges clear of the entire airplane; and

(3) Has means to positively lock it closed.

**§ 23.1063 Coolant tank tests.**

Each coolant tank must be tested under § 23.965, except that—

(a) The test required by § 23.965(a)(1) must be replaced with a similar test using the sum of the pressure developed during the maximum ultimate acceleration with a full tank or a pressure of 3.5 pounds per square inch, whichever is greater, plus the maximum working pressure of the system; and

(b) For a tank with a nonmetallic liner the test fluid must be coolant rather than fuel as specified in § 23.965(d), and the slosh test on a specimen liner must be conducted with the coolant at operating temperature.

INDUCTION SYSTEM

**§ 23.1091 Air induction.**

(a) The air induction system for each engine must supply the air required by that engine under the operating conditions for which certification is requested.

(b) Each engine must have at least two separate air intake sources, except that an engine with a fuel injection pump need have only one air intake source if the air intake, opening, or passage, is not obstructed by a screen, filter, or other part on which ice might form and restrict the airflow so as to adversely affect engine operation.

(c) Primary air intakes may open within the cowling if that part of the cowling is isolated from the engine accessory section by a fire-resistant diaphragm or if there are means to prevent the emergence of backfire flames.

(d) Each alternate air intake must be located in a sheltered position and may not open within the cowling if the emergence of backfire flames will result in a hazard.

(e) The supplying of air to the engine through the alternate air intake system of the carburetor air preheater may not result in a loss of excessive power in addition to the power loss due to the rise in air temperature.

**§ 23.1093 Induction system icing protection.**

Each engine air induction system must have means to prevent and eliminate icing. Unless this is done by other means, it must be shown that, in air free of visible moisture at a temperature of 30 degrees F.—

(a) Each airplane with sea level engines using conventional venturi carburetors has a preheater that can provide a heat rise of 90° F. with the engines at 75 percent of maximum continuous power;

(b) Each airplane with altitude engines using conventional venturi carburetors has a preheater that can provide a heat rise of 120° F. with the engines at 75 percent of maximum continuous power;

(c) Each airplane with altitude engines using carburetors tending to prevent icing has a preheater that, with the engines at 60 percent of maximum continuous power, can provide a heat rise of—

(1) 100° F.; or

(2) 40° F., if a fluid deicing system meeting the requirements of §§ 23.1095 through 23.1099 is installed;

(d) Each single-engine airplane with a sea level engine using a carburetor tending to prevent icing has a sheltered alternate source of air with a preheat of not less than that provided by the engine cooling air down-stream of the cylinders; and

(e) Each multiengine airplane with sea level engines using a carburetor tending to prevent icing has a preheater that can provide a heat rise of 90° F. with the engines at 75 percent of maximum continuous power.

**§ 23.1095 Carburetor deicing fluid flow rate.**

(a) If a carburetor deicing fluid system is used, it must be able to simultaneously supply each engine with a rate of fluid flow, expressed in pounds per hour, of not less than 2.5 times the square root of the maximum continuous power of the engine.

(b) The fluid must be introduced into the air induction system—

(1) Close to, and upstream of, the carburetor; and



(2) So that it is equally distributed over the entire cross section of the induction system air passages.

**§ 23.1097 Carburetor deicing fluid system capacity.**

(a) The capacity of each carburetor deicing fluid system—

(1) May not be less than the greater of—

(i) That required to provide fluid at the rate specified in § 23.1095 for a time equal to three percent of the maximum endurance of the airplane; or

(ii) 20 minutes at that flow rate; and

(2) Need not exceed that required for two hours of operation.

(b) If the available preheat exceeds 50° F. but is less than 100° F., the capacity of the system may be decreased in proportion to the heat rise available in excess of 50° F.

**§ 23.1099 Carburetor deicing fluid system detail design.**

Each carburetor deicing fluid system must meet the applicable requirements for the design of a fuel system, except as specified in §§ 23.1095 and 23.1097.

**§ 23.1101 Carburetor air preheater design.**

Each carburetor air preheater must be designed and constructed to—

(a) Ensure ventilation of the preheater when the engine is operated in cold air;

(b) Allow inspection of the exhaust manifold parts that it surrounds; and

(c) Allow inspection of critical parts of the preheater itself.

**§ 23.1103 Induction system ducts.**

(a) Each induction system duct must have a drain to prevent the accumulation of fuel or moisture in the normal ground and flight attitudes. No open drain may be on the pressure side of turbosupercharger installations. No drain may discharge where it will cause a fire hazard.

(b) Each duct connected to components between which relative motion could exist must have means for flexibility.

**§ 23.1105 Induction system screens.**

If induction system screens are used—

(a) Each screen must be upstream of the carburetor;

(b) No screen may be in any part of the induction system that is the only passage through which air can reach the engine, unless—

(1) The available preheat is at least 100° F.; and

(2) The screen can be deiced by heated air;

(c) No screen may be deiced by alcohol alone; and

(d) It must be impossible for fuel to strike any screen.

EXHAUST SYSTEM

**§ 23.1121 General.**

(a) Each exhaust system must ensure safe disposal of exhaust gases without fire hazard or carbon monoxide contamination in any personnel compartment.

(b) Unless suitable precautions are taken, no exhaust system part may be dangerously close to any system carrying flammable fluids or vapors, or under any such system that may leak.

(c) Each exhaust system component must be separated by fireproof shields from adjacent flammable parts of the airplane that are outside the engine compartment.

(d) No exhaust gases may discharge dangerously near any fuel or oil system drain.

(e) No exhaust gases may be discharged where they will cause a glare seriously affecting pilot vision at night.

(f) Each exhaust system component must be ventilated to prevent points of excessively high temperature.

**§ 23.1123 Exhaust manifold.**

(a) Each exhaust manifold must be fireproof and corrosion-resistant, and must have means to prevent failure due to expansion by operating temperatures.

(b) Each exhaust manifold must be supported to withstand the vibration and inertia loads to which it may be subjected in operation.

(c) Parts of the manifold connected to components between which relative motion could exist must have means for flexibility.

**§ 23.1125 Exhaust heat exchangers.**

(a) Each exhaust heat exchanger must be constructed and installed to withstand the vibration, inertia, and other loads that it may be subjected to in normal operation. In addition—

(1) Each exchanger must be suitable for continued operation at high temperatures and resistant to corrosion from exhaust gases;

(2) There must be means for inspection of critical parts of each exchanger; and

(3) Each exchanger must be ventilated where it is subject to contact with exhaust gases.

(b) Each heat exchanger used for heating ventilating air must be constructed so that exhaust gases may not enter the ventilating air.

POWERPLANT CONTROLS AND ACCESSORIES

**§ 23.1141 Powerplant controls: general.**

(a) Powerplant controls must be located and arranged under § 23.777 and marked under § 23.1555(a).

(b) Each flexible control must be of an acceptable kind.

(c) Each control must be able to maintain any necessary position without—

(1) Constant attention by flight crew members; or

(2) Tendency to creep due to control loads or vibration.

(d) Each control must be able to withstand operating loads without failure or excessive deflection.

**§ 23.1143 Throttle controls.**

(a) There must be a separate throttle control for each engine.

(b) Throttle controls must be arranged to allow—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(c) Each throttle control must give a positive and immediately responsive means of controlling its engine.

**§ 23.1145 Ignition switches.**

(a) Ignition switches must control each ignition circuit on each engine.

(b) There must be means to quickly shut off all ignition on multiengine airplanes by the grouping of switches or by a master ignition control.

(c) Each master ignition control must have means to prevent its inadvertent operation.

**§ 23.1147 Mixture controls.**

If there are mixture controls, each engine must have a separate control. The controls must be grouped and arranged to allow—

(a) Separate control of each engine; and

(b) Simultaneous control of all engines.

**§ 23.1149 Propeller speed and pitch controls.**

(a) If there are propeller speed or pitch controls, they must be grouped and arranged to allow—

(1) Separate control of each propeller; and

(2) Simultaneous control of all propellers.

(b) The controls must allow ready synchronization of all propellers on multiengine airplanes.

**§ 23.1153 Propeller feathering controls.**

If there are propeller feathering controls, each propeller must have a separate control. Each control must have means to prevent inadvertent operation.

**§ 23.1157 Carburetor air temperature controls.**

There must be a separate carburetor air temperature control for each engine.

**§ 23.1163 Powerplant accessories.**

(a) Each engine-driven accessory must—

(1) Be satisfactory for mounting on the engine concerned; and

(2) Use the provisions on the engine for mounting.

(b) Electrical equipment subject to arcing or sparking must be installed to minimize the probability of contact with any flammable fluids or vapors that might be present in a free state.

**§ 23.1165 Engine ignition systems.**

(a) Each battery ignition system must be supplemented by a generator that is automatically available as an alternate source of electrical energy to allow continued engine operation if any battery becomes depleted.

(b) The capacity of batteries and generators must be large enough to meet the simultaneous demands of the engine ignition system and the greatest demands of any electrical system components that draw from the same source.

(c) The design of the engine ignition system must account for—

(1) The condition of an inoperative generator;

(2) The condition of a completely depleted battery with the generator running at its normal operating speed; and

(3) The condition of a completely depleted battery with the generator operating at idling speed, if there is only one battery.

(d) There must be means to warn appropriate crewmembers if malfunctioning of any part of the electrical system is causing the continuous discharge of any battery used for engine ignition.

POWERPLANT FIRE PROTECTION

**§ 23.1183 Lines and fittings.**

(a) Except as provided in paragraph (b) of this section, each line and fitting carrying flammable fluids in any area subject to engine fire conditions must meet the following requirements:

(1) The line and fitting must be at least fire resistant.

(2) Flexible hose assemblies (hose and end fittings) must be approved.

(b) Paragraph (a) of this section does not apply to—

(1) Lines and fittings forming an integral part of an engine; and

(2) Vent and drain lines, and their fittings, whose failure will not result in, or add to, a fire hazard.

**§ 23.1189 Shutoff means.**

For each multiengine airplane subject to §§ 23.67(a) or 23.67(b)(1), the following apply:

(a) Each engine must have means to shut off or otherwise prevent hazardous quantities of fuel, oil, deicing fluid, and other flammable fluids from flowing into, within, or through any engine compartment, except in lines forming an integral part of an engine.

(b) The closing of the fuel shutoff valve for any engine may not make any fuel unavailable to the remaining engines.

(c) Operation of any shutoff means may not interfere with the later emergency operation of other equipment such as propeller feathering devices.

(d) Each shutoff must be outside of the engine compartment unless an equal degree of safety is provided with the shutoff inside the compartment.

(e) No hazardous amount of flammable fluid may drain into the engine compartment after shutoff.

(f) There must be means to guard against inadvertent operation of each shutoff means, and to make it possible for the crew to reopen the shutoff means in flight after it has been closed.

**§ 23.1191 Firewalls.**

(a) Each engine, auxiliary power unit, fuel burning heater, and other combustion equipment intended for operation in flight, must be isolated from the rest of the airplane by firewalls, shrouds, or equivalent means.

(b) Each firewall or shroud must be constructed so that no hazardous quantity of liquid, gas, or flame can pass from the engine compartment to other parts of the airplane.

(c) Each opening in the firewall or shroud must be sealed with close fitting, fireproof grommets, bushings, or firewall fittings.

(d) Fire-resistant seals may be used on single-engine airplanes and multiengine airplane not subject to § 23.67(a) or (b)(1), if—

(1) Each engine has a volumetric displacement of 1,000 cubic inches or less; and

(2) No opening in the firewall or shroud will allow the passage of a hazardous amount of flame without seals.

(e) Each firewall and shroud must be fireproof and protected against corrosion.

(f) Compliance with the criteria for fireproof materials or components must be shown as follows:

(1) The flame to which the materials or components are subjected must be 2,000±50° F.

(2) Sheet materials approximately 10 inches square must be subjected to the flame from a suitable burner.

(3) The flame must be large enough to maintain the required test temperature over an area approximately five inches square.

(g) Firewall materials and fittings must resist flame penetration for at least 15 minutes.

(h) The following materials may be used in firewalls or shrouds without being tested as required by this section:

(1) Stainless steel sheet, 0.015 inch thick.

(2) Mild steel sheet (coated with aluminum or otherwise protected against corrosion) 0.018 inch thick.

(3) Terne plate, 0.018 inch thick.

(4) Monel metal, 0.018 inch thick.

(5) Steel or copper base alloy firewall fittings.

**§ 23.1193 Cowling.**

(a) Each cowling must be constructed and supported so that it can resist any vibration, inertia, and air loads to which it may be subjected in operation.

(b) There must be means for rapid and complete drainage of each part of the cowling in the normal ground and flight attitudes. No drain may discharge where it will cause a fire hazard.

(c) Cowling must be at least fire resistant.

(d) Each part behind an opening in the engine compartment cowling must be at least fire resistant for a distance of at least 24 inches aft of the opening.

(e) Each part of the cowling subjected to high temperatures due to its nearness to exhaust system ports or exhaust gas impingement, must be fire proof.



## Subpart F—Equipment

GENERAL

**§ 23.1301 Function and installation.**

(a) Each item of equipment essential for safe operation, including radio communication and navigation equipment, must—

(1) Adequately perform its intended function;

(2) In the case of equipment other than radio communications and navigation equipment, function properly when installed;

(3) In the case of radio communications and navigation equipment, be installed as prescribed in § 23.1431; and

(4) Where appropriate, be adequately labeled as to its identification, function, and operating limitations.

(b) Whenever necessary, additional equipment that is installed as prescribed in the operating rules of this chapter, must meet the requirements of this section.

**§ 23.1303 Flight and navigation instruments.**

The following are required flight and navigational instruments:

(a) An airspeed indicator.

(b) An altimeter.

(c) A magnetic direction indicator.

**§ 23.1305 Powerplant instruments.**

(a) The following are required powerplant instruments for each engine or tank:

(1) A fuel quantity indicator.

(2) An oil pressure indicator.

(3) An oil temperature indicator.

(4) A tachometer.

(b) The following powerplant instruments, for each engine or tank, are required as prescribed in this subpart:

(1) A cylinder head temperature indicator.

(2) A fuel pressure indicator for pump fed engines.

(3) A manifold pressure indicator for altitude engines.

(4) An oil quantity indicator.

**§ 23.1307 Miscellaneous equipment.**

(a) There must be an approved safety belt for each occupant.

(b) The following miscellaneous equipment is required as prescribed in this subpart:

(1) A master switch arrangement.

(2) An adequate source of electrical energy.

(3) Electrical protective devices.

INSTRUMENTS: INSTALLATION

**§ 23.1321 Arrangement and visibility.**

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be easily visible to him.

(b) For each multiengine airplane, identical powerplant instruments must be located so as to prevent confusion as to which engine each instrument relates.

(c) Instrument panel vibration may not damage, or impair the accuracy of, any instrument.

**§ 23.1323 Airspeed indicating system.**

(a) Except for an allowable installational error of plus or minus three percent of the calibrated airspeed, or five miles per hour, whichever is greater, each airspeed indicating system must indicate true airspeed at sea level with a standard atmosphere—

(1) At speeds from $V_C$ to 1.3 $V_{S_1}$, with flaps up; and

(2) At 1.3 $V_{S_1}$, with flaps extended.

(b) Calibration must be made in flight.

**§ 23.1325 Static air vent system.**

Each instrument with static air case connections must be vented so that the influence of speed, the opening and closing of windows, airflow variation, and moisture or other foreign matter does not seriously affect its accuracy.

**§ 23.1327 Magnetic direction indicator.**

(a) Each magnetic direction indicator must be installed so that its accuracy is not excessively affected by the airplane's vibration or magnetic fields.

(b) The compensated installation may not have a deviation, in level flight, greater than ten degrees on any heading.

**§ 23.1329 Automatic pilot system.**

If an automatic pilot system is installed, it must meet the following:

(a) Each system must be designed so that the automatic pilot can—

(1) Be quickly and positively disengaged by the pilots to prevent it from interfering with their control of the airplane; or

(2) Be sufficiently overpowered by one pilot to let him control the airplane.

(b) Unless there is automatic synchronization, each system must have a means to readily indicate to the pilot the alignment of the actuating device in relation to the control system it operates.

(c) Each manually operated control for the system operation must be readily accessible to the pilot. Each control must operate in the same plane and sense of motion as specified in § 23.779 for cockpit controls. The direction of motion must be plainly indicated on or near each control.

(d) Each system must be designed and adjusted so that, within the range of adjustment available to the pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path, under any flight condition appropriate to its use, either during normal operation or in the event of a malfunction, assuming that corrective action begins within a reasonable period of time.

(e) Each system must be designed so that a single malfunction will not produce a hardover signal in more than one control axis. If the automatic pilot integrates signals from auxiliary controls or furnishes signals for operation of other equipment, positive interlocks and sequencing of engagement to prevent improper operation are required.

(f) There must be protection against adverse interaction of integrated components, resulting from a malfunction.

**§ 23.1331 Instruments using a power supply.**

(a) For each airplane—

(1) Each gyroscopic instrument must derive its energy from power sources adequate to maintain its required accuracy at any speed above the best rate-of-climb speed;

(2) Each gyroscopic instrument must be installed so as to prevent malfunction due to rain, oil, and other detrimental elements; and

(3) There must be a means to indicate the adequacy of the power being supplied to the instruments.

(b) For each multiengine airplane—

(1) There must be at least two independent sources of power (not driven by the same engine), a manual or an automatic means to select each power source, and a means to indicate the adequacy of the power being supplied by each source; and

(2) The installation and power supply systems must be designed so that—

(i) The failure of one instrument will not interfere with the proper supply of energy to the remaining instruments; and

(ii) The failure of the energy supply from one source will not interfere with the proper supply of energy from any other source.

**§ 23.1335 Flight director instrument.**

(a) The flight director instrument, if installed, may not affect the performance and accuracy of the required instruments.

(b) There must be a means to disconnect the flight director instrument from the required instruments or their installations.

**§ 23.1337 Powerplant instruments.**

(a) *Instrument lines.* Each powerplant instrument line must meet the requirements of § 23.993. Each line carrying inflammable fluids or gases under pressure must have restricting orifices or other safety devices at the source of pressure to prevent escape of excessive fluid or gas if the line fails.

(b) *Fuel quantity indicator.* There must be a means to indicate to the flight crewmembers the quantity of fuel in each tank during flight. An indicator, calibrated in either gallons or pounds, and clearly marked to indicate which scale is being used, may be used. In addition—

(1) Each fuel quantity indicator must be calibrated to read "zero" during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply determined under § 23.959;

(2) Each exposed sight gauge used as a fuel quantity indicator must be protected against damage;

(3) Each sight gauge that forms a trap in which water can collect and freeze must have means to allow drainage on the ground;

(4) Tanks with interconnected outlets and airspaces may be considered as one tank and need not have separate indicators; and

(5) No fuel quantity indicator is required for a small auxiliary tank that is

used only to transfer fuel to other tanks if the relative size of the tank, the rate of fuel transfer, and operating instructions are adequate to—

(i) Guard against overflow; and

(ii) Give the flight crewmembers prompt warning if transfer is not proceeding as planned.

(c) *Fuel flowmeter system.* If a fuel flowmeter system is installed, each metering component must have a means to by-pass the fuel supply if malfunctioning of that component severely restricts fuel flow.

(d) *Oil quantity indicator.* There must be a means to indicate the quantity of oil in each tank—

(1) On the ground (such as by a stick gauge); and

(2) In flight, to the flight crew members, if there is an oil transfer system or a reserve oil supply system.

(e) *Cylinder head temperature indicator.* There must be a cylinder head temperature indicator for—

(1) Each air cooled engine with cowl flaps; and

(2) Each airplane for which compliance with § 23.1041 is shown at a speed higher than $V_Y$.

ELECTRICAL SYSTEMS AND EQUIPMENT

**§ 23.1351 General.**

(a) *Electrical system capacity.* Each electrical system must be adequate for the intended use. In addition—

(1) Electric power sources, their transmission cables, and their associated control and protective devices, must be able to furnish the required power at the proper voltage to each load circuit essential for safe operation; and

(2) Compliance with subparagraph (1) of this paragraph must be shown by an electrical load analysis, or by electrical measurements, that account for the electrical loads applied to the electrical system in probable combinations and for probable durations.

(b) *Function.* For each electrical system, the following apply:

(1) Each system, when installed, must be—

(i) Free from hazards in itself, in its method of operation, and in its effects on other parts of the airplane; and

(ii) Protected from fuel, oil, water, other detrimental substances, and mechanical damage.

(2) Electric power sources must function properly when connected in combination or independently.

(3) No failure or malfunction of any electric power source may impair the ability of any remaining source to supply load circuits essential for safe operation.

(4) Each electric power source control must allow the independent operation of each source.

(c) *Generating system.* There must be at least one generator if the electrical system supplies power to load circuits essential for safe operation. In addition—

(1) Each generator must be able to deliver its continuous rated power;

(2) Generator voltage control equipment must be able to dependably regulate the generator output within rated limits; and

(3) Each generator must have a reverse current cutout designed to disconnect the generator from the battery and from the other generators when enough reverse current exists to damage that generator.

(d) *Instruments.* There must be a means to indicate to appropriate flight crewmembers the electric power system quantities essential for safe operation. For direct current systems, an ammeter that can be switched into each generator feeder may be used and if there is only one generator, the ammeter may be in the battery feeder.

**§ 23.1353 Storage battery design and installation.**

(a) Each storage battery must be designed and installed as prescribed in this section.

(b) Safe cell temperatures and pressures must be maintained during any probable charging and discharging condition. No uncontrolled increase in cell temperature may result when the battery is recharged (after previous complete discharge)—

(1) At maximum regulated voltage;

(2) During a flight of maximum duration; and

(3) Under the most adverse cooling condition likely to occur in service.

(c) Compliance with paragraph (b) of this section must be shown by tests unless experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(d) No explosive or toxic gases emitted by any battery in normal operation, or as the result of any probable malfunction in the charging system or battery installation, may accumulate in hazardous quantities within the airplane.

(e) No corrosive fluids or gases that may escape from the battery may damage surrounding structures or adjacent essential equipment.

**§ 23.1357 Circuit protective devices.**

(a) Protective devices, such as fuses or circuit breakers, must be installed in all electrical circuits other than—

(1) The main circuits of starter motors; and

(2) Circuits in which no hazard is presented by their omission.

(b) No protective device may protect more than one circuit essential to flight safety.

(c) Each resettable circuit protective device ("trip free" device in which the tripping mechanism cannot be overridden by the operating control) must be designed so that—

(1) A manual operation is required to restore service after tripping; and

(2) If an overload or circuit fault exists, the device will open the circuit regardless of the position of the operating control.

(d) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, that circuit breaker or fuse must be so located and identified that it can be readily reset or replaced in flight.

(e) If fuses are used, there must be one spare of each rating, or 50 percent spare fuses of each rating, whichever is greater.

**§ 23.1361 Master switch arrangement.**

(a) There must be a master switch arrangement to allow ready disconnection of electric power sources from the main bus. The point of disconnection must be adjacent to the sources controlled by the switch.

(b) Load circuits may be connected so that they remain energized after the switch is opened, if they are protected by circuit protective devices, rated at five amperes or less, adjacent to the electric power source.

(c) The master switch or its controls must be so installed that the switch is easily discernible and accessible to a crewmember in flight.

**§ 23.1365 Electric cables.**

(a) Each electric connecting cable must be of adequate capacity.

(b) Each cable that would overheat in the event of circuit overload or fault must be at least flame resistant and may not emit dangerous quantities of toxic fumes.

**§ 23.1367 Switches.**

Each switch must be—

(a) Able to carry its rated current;

(b) Constructed with enough distance or insulating material between current carrying parts and the housing so that vibration in flight will not cause shorting;

(c) Accessible to appropriate flight crewmembers; and

(d) Labeled as to operation and the circuit controlled.

LIGHTS

**§ 23.1381 Instrument lights.**

The instrument lights must—

(a) Make each instrument and control easily readable and discernible;

(b) Be installed so that their direct rays, and rays reflected from the windshield or other surface, are shielded from the pilot's eyes; and

(c) Have enough distance or insulating material between current carrying parts and the housing so that vibration in flight will not cause shorting.

A cabin dome light is not an instrument light.

**§ 23.1383 Landing lights.**

(a) Each installed landing light must be acceptable.

(b) Each landing light must be installed so that—

(1) No dangerous glare is visible to the pilot;

(2) The pilot is not seriously affected by halation; and

(3) It provides enough light for night landing.

**§ 23.1385 Position light system installation.**

(a) *General.* Each part of each position light system must meet the applicable requirements of this section and each system as a whole must meet the requirements of §§ 23.1387 through 23.1397.

(b) *Forward position lights.* Forward position lights must consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the airplane so that, with the airplane in the normal flying position, the red light is on the left side and the green light is on the right side. Each light must be approved.

(c) *Rear position light.* The rear position light must be a white light mounted as far aft as practicable, and must be approved.

(d) *Circuit.* The two forward position lights and the rear position light must make a single circuit.

(e) *Light covers and color filters.* Each light cover or color filter must be at least flame resistant and may not change color or shape or lose any appreciable light transmission during normal use.

**§ 23.1387 Position light system dihedral angles.**

(a) Each forward and rear position light must, as installed, show unbroken light within the dihedral angles described in this section.

(b) Dihedral angle *L* (left) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the airplane, and the other at 110 degrees to the left of the first, as viewed when looking forward along the longitudinal axis.

(c) Dihedral angle *R* (right) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the airplane, and the other at 110 degrees to the right of the first, as viewed when looking forward along the longitudinal axis.

(d) Dihedral angle *A* (aft) is formed by two intersecting vertical planes making angles of 70 degrees to the right and to the left, respectively, to a vertical plane passing through the longitudinal axis, as viewed when looking aft along the longitudinal axis.

**§ 23.1389 Position light distribution and intensities.**

(a) *General.* The intensities prescribed in this section must be provided by new equipment with each light cover and color filter in place. Intensities must be determined with the light source operating at a steady value equal to the average luminous output of the source at the normal operating voltage of the airplane. The light distribution and intensity of each position light must meet the requirements of paragraph (b) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights must be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams, within dihedral angles *L*, *R*, and *A*, and must meet the following requirements:

(1) *Intensities in the horizontal plane.* Each intensity in the horizontal plane (the plane containing the longitudinal axis of the airplane and perpendicular to the plane of symmetry of the airplane) must equal or exceed the values in § 23.1391.

(2) *Intensities in any vertical plane.* Each intensity in any vertical plane (the plane perpendicular to the horizontal plane) must equal or exceed the appropriate value in § 23.1393, where *I* is the minimum intensity prescribed in § 23.1391 for the corresponding angles in the horizontal plane.

(3) *Intensities in overlaps between adjacent signals.* No intensity in any overlap between adjacent signals may exceed the values in § 23.1395, except that higher intensities in overlaps may be used with main beam intensities substantially greater than the minima specified in §§ 23.1391 and 23.1393, if the overlap intensities in relation to the main beam intensities do not adversely affect signal clarity. When the peak intensity of the forward position lights is more than 100 candles, the maximum overlap intensities between them may exceed the values in § 23.1395 if the overlap intensity in Area A is not more than 10 percent of peak position light intensity and the overlap intensity in Area B is not more than 2.5 percent of peak position light intensity.

(c) *Rear position light installation.* A single rear position light may be installed in a position displaced laterally from the plane of symmetry of an airplane if—

(1) The axis of the maximum cone of illumination is parallel to the flight path in level flight; and

(2) There is no obstruction aft of the light and between planes 70 degrees to the right and left of the axis of maximum illumination.

**§ 23.1391 Minimum intensities in the horizontal plane of forward and rear position lights.**

Each position light intensity must equal or exceed the applicable values in the following table:

| Dihedral angle (light included) | Angle from right or left of longitudinal axis, measured from dead ahead | Intensity (candles) |
|---|---|---|
| *L* and *R* (forward red and green) | 0° to 10° | 40 |
| | 10° to 20° | 30 |
| | 20° to 110° | 5 |
| *A* (rear white) | 110° to 180° | 20 |

**§ 23.1393 Minimum intensities in any vertical plane of forward and rear position lights.**

Each position light intensity must equal or exceed the applicable values in the following table:

| Angle above or below the horizontal plane | Intensity |
|---|---|
| 0° | 1.00 *I.* |
| 0° to 5° | 0.90 *I.* |
| 5° to 10° | 0.80 *I.* |
| 10° to 15° | 0.70 *I.* |
| 15° to 20° | 0.50 *I.* |
| 20° to 30° | 0.30 *I.* |
| 30° to 40° | 0.10 *I.* |
| 40° to 90° | 0.05 *I.* |

**§ 23.1395 Maximum intensities in overlapping beams of forward and rear position lights.**

No position light intensity may exceed the applicable values in the following table, except as provided in § 23.1389(b)(3):

| Overlaps | Maximum intensity | |
|---|---|---|
| | Area A (candles) | Area B (candles) |
| Green in dihedral angle *L* | 10 | 1 |
| Red in dihedral angle *R* | 10 | 1 |
| Green in dihedral angle *A* | 5 | 1 |
| Red in dihedral angle *A* | 5 | 1 |
| Rear white in dihedral angle *L* | 5 | 1 |
| Rear white in dihedral angle *R* | 5 | 1 |

Where—

(a) Area A includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 10 degrees but less than 20 degrees; and

(b) Area B includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 20 degrees.

**§ 23.1397 Color specifications.**

Each position light color must have the applicable International Commission on Illumination chromaticity coordinates as follows:

(a) *Aviation red*—

"*y*" is not greater than 0.335; and
"*z*" is not greater than 0.002.

(b) *Aviation green*—

"*x*" is not greater than $0.440-0.320y$;
"*x*" is not greater than $y-0.170$; and
"*y*" is not less than $0.390-0.170x$.

(c) *Aviation white*—

"*x*" is not less than 0.350;
"*x*" is not greater than 0.540; and
"$y-y_0$" is not numerically greater than 0.01, "$y_0$" being the *y* coordinate of the Planckian radiator for which $x_0=x$.

**§ 23.1399 Riding light.**

(a) Each riding (anchor) light required for a seaplane or amphibian, must be installed so that it can—

(1) Show a white light for at least two miles at night under clear atmospheric conditions; and

(2) Show the maximum unbroken light practicable when the airplane is moored or drifting on the water.

(b) Externally hung lights may be used.

**§ 23.1401 Anticollision light system.**

(a) *General.* If certification for night operation is requested, the airplane must have an anticollision light system that—

(1) Consists of one or more approved anticollision lights located so that their light will not impair the flight crewmembers' vision or detract from the conspicuity of the position lights; and

(2) Meets the requirements of paragraphs (b) through (f) of this section.

(b) *Field of coverage.* The system must consist of enough lights to illuminate the vital areas around the airplane, considering the physical configuration and flight characteristics of the airplane. The field of coverage must extend in

each direction within at least 30 degrees above and 30 degrees below the horizontal plane of the airplane, except that there may be solid angles of obstructed visibility totaling not more than 0.5 steradians.

(c) *Flashing characteristics.* The arrangement of the system, that is, the number of light sources, beam width, speed of rotation, and other characteristics, must give an effective flash frequency of not less than 40, nor more than 100, cycles per minute. The effective flash frequency is the frequency at which the airplane's complete anticollision light system is observed from a distance, and applies to each sector of light including any overlaps that exist when the system consists of more than one light source. In overlaps, flash frequencies may exceed 100, but not 180, cycles per minute.

(d) *Color.* Each anticollision light must be aviation red and must meet the requirements of § 23.1397(a).

(e) *Light intensity.* The minimum light intensities in any vertical plane, measured with the red filter and expressed in terms of "effective" intensities, must meet the requirements of paragraph (f) of this section. The following relation must be assumed:

$$I_e = \frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2+(t_2-t_1)};$$

where:

$I_e$ = effective intensity (candles).
$I(t)$ = instantaneous intensity as a function of time.
$t_2-t_1$ = flash time interval (seconds).

Normally, the maximum value of effective intensity is obtained when $t_2$ and $t_1$ are chosen so that the effective intensity is equal to the instantaneous intensity at $t_2$ and $t_1$.

(f) *Minimum effective intensities for anticollision lights.* Each anticollision light effective intensity must equal or exceed the applicable values in the following table.

| Angle above or below the horizontal plane: | *Effective intensity (candles)* |
|---|---|
| 0° to 5° | 100 |
| 5° to 10° | 60 |
| 10° to 20° | 20 |
| 20° to 80° | 10 |

**§ 23.1411 Accessibility.**

Required safety equipment to be used by the flight crew in an emergency, such as automatic liferaft releases, must be readily accessible.

**§ 23.1413 Safety belts.**

(a) The rated strength of safety belts may not be less than that corresponding with the ultimate load factors specified in § 23.561(b); considering the dimensional characteristics of the belt installation for the specific seat or berth arrangement.

(b) Each belt must be attached so that no part of its anchorage can fail at any load lower than that corresponding with the ultimate load factors specified in § 23.561(b) times a factor of 1.33. This factor must be used instead of the fitting factor prescribed in § 23.625.

(c) For safety belts for berths parallel to the longitudinal axis of the airplane, the forward load factor specified in § 23.561(b) need not be applied.

**§ 23.1415 Ditching equipment.**

(a) Emergency flotation and signaling equipment required by any operating rule in this chapter must be installed so that it is readily available to the crew and passengers.

(b) Each raft and each life preserver must be approved.

(c) Each raft released automatically or by the pilot must be attached to the airplane by a line to keep it alongside the airplane. This line must be weak enough to break before submerging the empty raft to which it is attached.

(d) Each signaling device required by any operating rule in this chapter, must be accessible, function satisfactorily, and must be free of any hazard in its operation.

**§ 23.1419 Deicers.**

Each pneumatic deicer must be installed under approved data. There must be a positive means to deflate the pneumatic boots.

MISCELLANEOUS EQUIPMENT

**§ 23.1431 Electronic equipment.**

Radio equipment and installations must be free from hazards in themselves, in their method of operation, and in their effects on other components.

**§ 23.1435 Hydraulic systems.**

(a) *Design.* Each hydraulic system and its elements must withstand, without yielding, the structural loads expected in addition to hydraulic loads.

(b) *Tests.* Each system must be substantiated by proof pressure tests. When proof tested, no part of any system may fail, malfunction, or experience a permanent set. The proof load of each system must be at least 1.5 times the maximum operating pressure of that system.

(c) *Accumulators.* No hydraulic accumulator or pressurized reservoir may be installed on the engine side of any firewall unless it is an integral part of an engine.

**§ 23.1437 Accessories for multiengine airplanes.**

For multiengine airplanes, engine-driven accessories essential to safe operation must be distributed among two or more engines so that the failure of any one engine will not impair safe operation through the malfunctioning of these accessories.



## Subpart G—Operating Limitations and Information

No. 246—Pt. I——6

**§ 23.1501 General.**

(a) Each operating limitation upon which the type design is based must be made available to the pilot and other appropriate crewmembers.

(b) Any information not covered in paragraph (a) of this section that is necessary for safety must be made available to the crewmembers.

(c) Each operating limitation specified in §§ 23.1505 through 23.1525, and each similar limitation must, if necessary for safety, be—

(1) Established for the airplane; and

(2) Made available to the crewmembers as prescribed in §§ 23.1541 through 23.1589.

**§ 23.1505 Airspeed limitations.**

(a) The never-exceed speed $V_{NE}$ must be established so that it is—

(1) Not less than 0.9 times the minimum value of $V_D$ allowed under § 23.335; and

(2) Not more than the lesser of—

(i) 0.9 $V_D$ established under § 23.335; or

(ii) 0.9 times the maximum speed shown under § 23.251.

(b) The maximum structural cruising speed $V_{NO}$ must be established so that it is—

(1) Not less than the minimum value of $V_C$ allowed under § 23.335; and

(2) Not more than the lesser of—

(i) $V_C$ established under § 23.335; or

(ii) 0.89 $V_{NE}$ established under paragraph (a) of this section.

**§ 23.1507 Maneuvering speed.**

The maneuvering speed $V_A$, determined under § 23.335, must be established as an operating limitation.

**§ 23.1511 Flap extended speed.**

(a) The flap extended speed $V_{FE}$ must be established so that it is—

(1) Not less than the minimum value of $V_F$ allowed in §§ 23.345 and 23.457; and

(2) Not more than the lesser of—

(i) $V_F$ established under § 23.345; or

(ii) $V_F$ established under § 23.457.

(b) Additional combinations of flap setting, airspeed, and engine power may be established if the structure has been proven for the corresponding design conditions.

**§ 23.1513 Minimum control speed.**

The minimum control speed $V_{MC}$, determined under § 23.149, must be established as an operating limitation.

**§ 23.1519 Weight and center of gravity.**

The weight and center of gravity limitations determined under § 23.23 must be established as operating limitations.

**§ 23.1521 Powerplant limitations.**

(a) *General.* The powerplant limitations prescribed in this section must be established so that they do not exceed the corresponding limits for which the engines or propellers are type certificated.

(b) *Takeoff operation.* The powerplant takeoff operation must be limited by—

(1) The maximum rotational speed (rpm);

(2) The maximum allowable manifold pressure (for reciprocating engines);

(3) The maximum allowable gas temperature (for turbine engines);

(4) The time limit for the use of the power or thrust corresponding to the limitations established in subparagraphs (1) through (3) of this paragraph; and

(5) If the time limit in subparagraph (4) of this paragraph exceeds two minutes, the maximum allowable cylinder head (as applicable), liquid coolant, and oil temperatures.

(c) *Continuous operation.* The continuous operation must be limited by—

(1) The maximum rotational speed;

(2) The maximum allowable manifold pressure (for reciprocating engines);

(3) The maximum allowable gas temperature (for turbine engines); and

(4) The maximum allowable cylinder head, oil, and liquid coolant temperatures.

(d) *Fuel grade or designation.* The minimum fuel grade (for reciprocating engines), or fuel designation (for turbine engines), must be established so that it is not less than that required for the operation of the engines within the limitations in paragraphs (b) and (c) of this section.

**§ 23.1523 Minimum flight crew.**

The minimum flight crew for safe operation under VFR must be established, considering the availability and satisfactory operation of the necessary controls by each appropriate crewmember.

**§ 23.1525 Kinds of operation.**

The kinds of operation to which the airplane is limited are established by the category in which it is eligible for certification and by the installed equipment.

MARKINGS AND PLACARDS

**§ 23.1541 General.**

(a) The airplane must contain—

(1) The markings and placards specified in §§ 23.1545 through 23.1567; and

(2) Any additional information, instrument markings, and placards required for the safe operation if it has unusual design, operating, or handling characteristics.

(b) Each marking and placard prescribed in paragraph (a) of this section—

(1) Must be displayed in a conspicuous place; and

(2) May not be easily erased, disfigured, or obscured.

(c) If the airplane is to be certificated in more than one category—

(1) The applicant must select one category on which the placards and markings are to be based;

(2) The placard and marking information for the other categories in which the airplane is to be certificated must be recorded in the Airplane Flight Manual; and

(3) A reference to this information must be on a placard that also indicates the category on which the placards and markings are based.

**§ 23.1543 Instrument markings: general.**

For each instrument—

(a) When markings are on the cover glass of the instrument, there must be means to maintain the correct alignment of the glass cover with the face of the dial; and

(b) Each arc and line must be wide enough and located to be clearly visible to the pilot.

**§ 23.1545 Airspeed indicator.**

(a) Each airspeed indicator must be marked to show calibrated airspeed.

(b) The following markings must be made:

(1) For the never-exceed speed $V_{NE}$, a radial red line.

(2) For the caution range, a yellow arc extending from the red line specified in subparagraph (1) of this paragraph to the upper limit of the green arc specified in subparagraph (3) of this paragraph.

(3) For the normal operating range, a green arc with the lower limit at $V_{S_1}$ with maximum weight and with landing gear and wing flaps retracted, and the upper limit at the maximum structural cruising speed $V_{NO}$ established under § 23.1505(b).

(4) For the flap operating range, a white arc with the lower limit at $V_{S_0}$ at the maximum weight, and the upper limit at the flaps-extended speed $V_{FE}$ established under § 23.1511.

(c) If $V_{NE}$ or $V_{NO}$ vary with altitude, there must be means to indicate to the pilot the appropriate limitations throughout the operating altitude range.

**§ 23.1547 Magnetic direction indicator.**

(a) A placard meeting the requirements of this section must be installed on or near the magnetic direction indicator.

(b) The placard must show the calibration of the instrument in level flight with the engines operating.

(c) The placard must state whether the calibration was made with radio receivers on or off.

(d) Each calibration reading must be in terms of magnetic headings in not more than 30 degree increments.

**§ 23.1549 Powerplant instruments.**

For each required powerplant instrument—

(a) Each maximum and, if applicable, minimum safe operating limit must be marked with a red radial line;

(b) Each normal operating range must be marked with a green arc not extending beyond the maximum and minimum continuous safe operating limits;

(c) Each takeoff and precautionary range must be marked with a yellow arc; and

(d) Each engine speed range that is restricted because of excessive vibration must be marked with a red arc.

**§ 23.1551 Oil quantity indicator.**

Each oil quantity indicator must be marked in sufficient increments to indicate readily and accurately the quantity of oil.

**§ 23.1553 Fuel quantity indicator.**

If the unusable fuel supply for any tank exceeds one gallon, or five percent of the tank capacity, whichever is greater, a red arc must be marked on its indicator extending from the calibrated zero reading to the lowest reading obtainable in level flight.

**§ 23.1555 Control markings.**

(a) Each cockpit control, other than primary flight controls and simple push button type starter switches, must be plainly marked as to its function and method of operation.

(b) Each secondary control must be suitably marked.

(c) For powerplant fuel controls—

(1) Each fuel tank selector control must be marked to indicate the position corresponding to each tank and to each existing cross feed position;

(2) If safe operation requires the use of any tanks in a specific sequence, that sequence must be marked on or near the selector for those tanks; and

(3) Each valve control for any engine of a multiengine airplane must be marked to indicate the position corresponding to each engine controlled.

(d) The usable capacity of each tank must be marked on or near each selector controlling that tank.

(e) For accessory, auxiliary, and emergency controls—

(1) If retractable landing gear is used, the indicator required by § 23.729 must be marked so that the pilot can, at any time, ascertain that the wheels are secured in the extreme positions; and

(2) Each emergency control must be red and must be marked as to method of operation.

**§ 23.1557 Miscellaneous markings and placards.**

(a) *Baggage and cargo compartments, and ballast location.* Each baggage and cargo compartment, and each ballast location, must have a placard stating any limitations on contents, including weight, that are necessary under the loading requirements.

(b) *Seats.* If the maximum allowable weight to be carried in a seat is less than 170 pounds, a placard stating the lesser weight must be permanently attached to the seat structure.

(c) *Fuel and oil filler openings.* The following must be marked on or near each appropriate filler cover:

(1) The word "fuel", the minimum fuel grade or designation for the engines, and the usable fuel tank capacity.

(2) The word "oil" and the oil tank capacity.

(d) *Emergency exit placards.* Each placard and operating control for each emergency exit must be red. A placard must be near each emergency exit control and must clearly indicate the location of that exit and its method of operation.

**§ 23.1559 Operating limitations placard.**

(a) There must be a placard in clear view of the pilot stating: "This airplane must be operated as a ------ or ------ category airplane in compliance with the operating limitations stated in the form of placards, markings, and manuals" (insert correct categories).

(b) There must be a placard in clear view of the pilot that specifies the kind of operations (such as VFR, IFR, day, or night) and the meteorological conditions (such as icing conditions) to which the operation of the airplane is limited, or from which it is prohibited, by the equipment installed.

**§ 23.1561 Safety equipment.**

(a) Safety equipment must be plainly marked as to method of operation.

(b) Stowage provisions for required safety equipment must be marked for the benefit of occupants.

**§ 23.1563 Airspeed placards.**

(a) *For all airplanes.* There must be an airspeed placard in clear view of the pilot and as close as practicable to the airspeed indicator. This placard must list:

(1) The maximum speed for landing gear operation $V_{LO}$ and the maximum speed with landing gear extended $V_{LE}$, if the airplane has retractable landing gear;

(2) The design maneuvering speed $V_A$;

(3) The minimum control speed $V_{MC}$; and

(4) The demonstrated crosswind velocity.

(b) *For airplanes of more than 6,000 pounds.* The placard required by paragraph (a) of this section must also include—

(1) The recommended climb speed;

(2) The best angle of climb speed $V_X$;

(3) The engine-inoperative-climb speed; and

(4) The approach speeds.

**§ 23.1567 Flight maneuver placard.**

(a) For normal category airplanes, there must be a placard in front of and in clear view of the pilot stating: "No acrobatic maneuvers, including spins, approved."

(b) For utility category airplanes, there must be a placard in clear view of the pilot stating: "Acrobatic maneuvers are limited to the following ------" (list approved maneuvers).

(c) For acrobatic category airplanes, there must be a placard in clear view of the pilot listing the approved acrobatic maneuvers and the recommended entry airspeed for each. If inverted flight maneuvers are not approved, the placard must bear a notation to this effect.

AIRPLANE FLIGHT MANUAL

**§ 23.1581 General.**

(a) *Furnishing information.* The applicable information in §§ 23.1583 through 23.1589 must be furnished—

(1) For each airplane of more than 6,000 pounds maximum weight, in an Airplane Flight Manual; and

(2) For each airplane of 6,000 pounds or less maximum weight, in an Airplane Flight Manual or in any combination of manuals, markings, and placards.

(b) *Approval and segregation of information.* Each part of Airplane Flight Manual containing information prescribed in §§ 23.1583 through 23.1589 must be approved, segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) *Additional information.* Any information not specified in §§ 23.1583 through 23.1589 that is required for safe operation because of unusual design, operating, or handling characteristics, must be furnished.

**§ 23.1583 Operating limitations.**

(a) *Airspeed limitations.* Information necessary for the marking of the airspeed limits on the indicator as required in § 23.1545 must be furnished, including $V_A$ and $V_{LO}$. The significance of each limitation and of the color coding must be explained.

(b) *Powerplant limitations.* Information must be furnished to explain the powerplant limitations and to allow marking the instruments under § 23.1549.

(c) *Weight.* The airplane flight manual must include—

(1) The maximum weight;

(2) The empty weight and center of gravity location;

(3) The useful load; and

(4) The composition of the useful load, including the total weight of fuel and oil with full tanks.

(d) *Load distribution.* The established center of gravity limits must be furnished. If the available loading space is adequately placarded or arranged so that no reasonable distribution of the useful load listed in paragraph (c) of this section will result in a center of gravity outside of the stated limits, the Airplane Flight Manual (where required) need not include any information other than the statement of center of gravity limits. In other cases, the manual must include enough information to indicate loading combinations that will keep the center of gravity within established limits.

(e) *Maneuvers.* The following authorized maneuvers, appropriate airspeed limitations, and unauthorized maneuvers must be furnished as prescribed in this section.

(1) *Normal category airplanes.* For normal category airplanes, acrobatic maneuvers, including spins, are unauthorized. If the airplane has been shown to be "characteristically incapable of spinning" under § 23.221(d), a statement to this effect must be entered. Other normal category airplanes must be placarded against spins.

(2) *Utility category airplanes.* For utility category airplanes, authorized maneuvers shown in the type flight tests must be furnished, together with recommended entry speeds. No other maneuver is authorized. If the airplane has been shown to be "characteristically incapable of spinning" under § 23.221(d), a statement to this effect must be entered.

(3) *Acrobatic category airplanes.* For acrobatic category airplanes, the approved flight maneuvers shown in the type flight tests must be included, together with recommended entry speeds. A placard listing the use of the controls required to recover from spinning maneuvers must be in the cockpit.

(f) *Flight load factor.* The positive limit load factors, in $g$'s, must be furnished.

(g) *Flight crew.* If a flight crew of more than one is required for safety, the number and functions of the minimum flight crew must be furnished.

(h) *Kinds of operation.* The kinds of operation (such as VFR, IFR, day, or night) in which the airplane may or may not be used, and the meteorological conditions under which it may or may not be used, must be furnished. Any installed equipment that affects any operating limitation must be listed and identified as to operational function.

(i) If the unusable fuel supply in any tank exceeds five percent of the tank capacity, or one gallon, whichever is greater, information, showing that the fuel remaining in the tank when the quantity indicator reads "zero" cannot be safely used in flight, must be furnished. This information must be in the Airplane Flight Manual (if provided) and on a placard.

**§ 23.1585 Operating procedures.**

(a) For each airplane, information concerning normal and emergency procedures and other pertinent information necessary to safe operation must be furnished.

(b) For airplanes of more than 6,000 pounds maximum weight, procedures and pertinent information relating to the use of the airspeeds prescribed in § 23.1563 (b) must be furnished.

**§ 23.1587 Performance information.**

(a) *General.* For each airplane, the following information must be furnished:

(1) Any loss of altitude more than 100 feet, or any pitch more than 30 degrees below flight level, occurring during the recovery part of the maneuver prescribed in § 23.201(b).

(2) The conditions under which the full amount of usable fuel in each tank can safely be used. This information must be in the Airplane Flight Manual (if provided) or on a placard.

(b) *Airplanes of more than 6,000 pounds maximum weight.* For each airplane of more than 6,000 pounds maximum weight, the following information must be furnished:

(1) The stalling speed, $V_{S_0}$ at maximum weight.

(2) The stalling speed, $V_{S_1}$ at maximum weight and with landing gear and wing flaps retracted, and the effect upon this stalling speed of angles of bank up to 60 degrees.

(3) The takeoff distance determined under § 23.51(a), the airspeed at the 50-foot height, the airplane configuration (if pertinent), the kind of surface used in the tests, and the pertinent information with respect to cowl flap position, use of flight-path control devices, and use of the landing gear retraction system.

(4) The landing distance determined under § 23.75(a), the airplane configuration (if pertinent), the kind of surface used in the tests, and the pertinent information with respect to flap position and the use of flight-path control devices.

(5) The steady rate of climb, determined under §§ 23.65(a), 23.67(a) (if appropriate) and 23.77(a), the airspeed, power, and, if pertinent, the airplane configuration.

(6) The calculated approximate effect on takeoff distance (subparagraph (3) of this paragraph), landing distance (subparagraph (4) of this paragraph), and steady rate of climb (subparagraph (5) of this paragraph), of variations in—

(i) Altitude from sea level to 8,000 feet; and

(ii) Temperature at these altitudes from minus 60 degrees F. below standard to plus 40 degrees F. above standard.

For skiplanes, a statement in the Airplane Flight Manual of the approximate reduction in climb performance may be used instead of complete new data for the skiplane configuration if—

(1) The landing gear is fixed in both landplane and skiplane configurations;

(2) The climb requirements are not critical; and

(3) The climb reduction in the skiplane configurations is small (30 to 50 feet per minute).

(c) *Multiengine airplanes.* For multiengine airplanes, the following information must be furnished:

(1) The loss of altitude during the one engine inoperative stall shown under § 23.205 (as measured from the altitude at which the airplane starts to pitch uncontrollably to the altitude at which level flight is regained) and the pitch angle during that maneuver. This information must be furnished—

(i) In the Airplane Flight Manual, for airplanes of more than 6,000 pounds maximum weight; and

(ii) On a placard, for airplanes of 6,000 pounds or less maximum weight.

(2) The best climb speed, or the minimum descent speed, with one engine inoperative.

**§ 23.1589 Loading information.**

The following loading information must be furnished:

(a) The weight and location of each item of equipment installed when the airplane was weighed under § 23.25.

(b) Appropriate loading instructions for each possible loading condition between the maximum and minimum weights determined under § 23.25 that can result in a center of gravity beyond—

(1) The extremes selected by the applicant;

(2) The extremes within which the structure is proven; or

(3) The extremes within which compliance with each functional requirement is shown.

## APPENDIX A—SIMPLIFIED DESIGN LOAD CRITERIA FOR CONVENTIONAL, SINGLE-ENGINE AIRPLANES OF 6,000 POUNDS OR LESS MAXIMUM WEIGHT

**A23.1** *General.*

(a) The design load criteria in this Appendix are an approved equivalent of those in §§ 23.321 through 23.399 of this subchapter for the certification of conventional, single-engine airplanes of 6,000 pounds or less maximum weight.

(b) Unless otherwise stated, the nomenclature and symbols in this Appendix are the same as the corresponding nomenclature and symbols in Part 23.

**A23.3** *Special symbols.*

$n_1$ = Airplane Positive Maneuvering Limit Load Factor.

$n_2$ = Airplane Negative Maneuvering Limit Load Factor.

$n_3$ = Airplane Positive 30 fps Gust Limit Load Factor at $V_C$.

$n_4$ = Airplane Negative 30 fps Gust Limit Load Factor at $V_C$.

$n_{flap}$ = Airplane Positive Limit Load Factor With Flaps Fully Extended at $V_F$.

*$V_{F\ min}$ = Minimum Design Flap Speed = $12.5\sqrt{n_1 W/S}$

*$V_{A\ min}$ = Minimum Design Maneuvering Speed = $17.0\sqrt{n_1 W/S}$

*$V_{C\ min}$ = Minimum Design Cruising Speed = $19.5\sqrt{n_1 W/S}$

*$V_{D\ min}$ = Minimum Design Dive Speed = $27.3\sqrt{n_1 W/S}$

*Also see paragraph A23.7(e)(2) of this Appendix.

**A23.5** *Certification in more than one category.*

The criteria in this Appendix may be used for certification in the normal, utility, and acrobatic categories, or in any combination of these categories. If certification in more than one category is desired, the design category weights must be selected to make the term "$n_1 W$" constant for all categories or greater for one desired category than for others. The wings and control surfaces (including wing flaps and tabs) need only be investigated for the maximum value of "$n_1 W$", or for the category corresponding to the maximum design weight, where "$n_1 W$" is constant. If the acrobatic category is selected, a special unsymmetrical flight load investigation in accordance with subparagraphs A23.9(c)(2) and A23.11(c)(2) of this Appendix must be completed. The wing, wing carrythrough, and the horizontal tail structures must be checked for this condition. The basic fuselage structure need only be investigated for the highest load factor design category selected. The local supporting structure for dead weight items need only be designed for the highest load factor imposed when the particular items are installed in the airplane. The engine mount, however, must be designed for a higher side load factor, if certification in the acrobatic category is desired, than that required for certification in the normal and utility categories. When designing for landing loads, the landing gear and the airplane as a whole need only be investigated for the category corresponding to the maximum design weight. These simplifications apply to single-engine aircraft of conventional types for which experience is available, and the Administrator may require additional investigations for aircraft with unusual design features.

**A23.7** *Flight loads.*

(a) Each flight load may be considered independent of altitude and, except for the local supporting structure for dead weight items, only the maximum design weight conditions must be investigated.

(b) Table 1 and figures 3 and 4 of this Appendix must be used to determine values of $n_1$, $n_2$, $n_3$, and $n_4$, corresponding to the maximum design weights in the desired categories.

(c) Figures 1 and 2 of this Appendix must be used to determine values of $n_3$ and $n_4$ corresponding to the minimum flying weights in the desired categories, and, if these load factors are greater than the load factors at the design weight, the supporting structure for dead weight items must be substantiated for the resulting higher load factors.

(d) Each specified wing and tail loading is independent of the center of gravity range. The applicant, however, must select a c.g. range, and the basic fuselage structure must be investigated for the most adverse dead weight loading conditions for the c.g. range selected.

(e) The following loads and loading conditions are the minimums for which strength must be provided in the structure:

(1) *Airplane equilibrium.* The aerodynamic wing loads may be considered to act normal to the relative wind, and to have a magnitude of 1.05 times the airplane normal loads (as determined from paragraphs A23.9 (b) and (c) of this appendix) for the positive flight conditions and a magnitude equal to the airplane normal loads for the negative conditions. Each chordwise and normal component of this wing load must be considered.

(2) *Minimum design airspeeds.* The minimum design airspeeds may be chosen by the applicant except that they may not be less than the minimum speeds found by using figure 3 of this Appendix. In addition, $V_{C\ min}$ need not exceed values of $0.9V_H$ actually obtained at sea level for the lowest design weight category for which certification is desired. In computing these minimum design airspeeds, $n_1$ may not be less than 3.8.

(3) *Flight load factor.* The limit flight load factors specified in Table 1 of this Appendix represent the ratio of the aerodynamic force component (acting normal to the assumed longitudinal axis of the airplane) to the weight of the airplane. A positive flight load factor is an aerodynamic force acting upward, with respect to the airplane.

**A23.9** *Flight conditions.*

(a) *General.* Each design condition in paragraphs (b) and (c) of this section must be used to assure sufficient strength for each condition of speed and load factor on or within the boundary of a $V$–$n$ diagram for the airplane similar to the diagram in figure 4 of this Appendix. This diagram must also be used to determine the airplane structural operating limitations as specified in §§ 23.1501(c) through 23.1513 and 23.1519.

(b) *Symmetrical flight conditions.* The airplane must be designed for symmetrical flight conditions as follows:

(1) The airplane must be designed for at least the four basic flight conditions, "A", "D", "E", and "G" as noted on the flight envelope of figure 4 of this Appendix. In addition, the following requirements apply:

(i) The design limit flight load factors corresponding to conditions "D" and "E" of figure 4 must be at least as great as those specified in Table 1 and figure 4 of this Appendix, and the design speed for these conditions must be at least equal to the value of $V_D$ found from figure 3 of this Appendix.

(ii) For conditions "A" and "G" of figure 4, the load factors must correspond to those specified in Table 1 of this Appendix, and the design speeds must be computed using these load factors with the maximum static lift coefficient $C_{N_A}$ determined by the applicant. However, in the absence of more precise computations, these latter conditions may be based on a value of $C_{N_A} = \pm 1.35$ and the design speed for condition "A" may be less than $V_{A\ min}$.

(iii) Conditions "C" and "F" of figure 4 need only be investigated when $n_3 W/S$ or $n_4 W/S$ are greater than $n_1 W/S$ or $n_2 W/S$ of this Appendix, respectively.

(2) If flaps or other high lift devices intended for use at the relatively low airspeed of approach, landing, and takeoff, are installed, the airplane must be designed for the two flight conditions corresponding to the values of limit flap-down factors specified in Table 1 of this Appendix with the flaps fully extended at not less than the design flap speed $V_{F\ min}$ from figure 3 of this Appendix.

(c) *Unsymmetrical flight conditions.* Each affected structure must be designed for unsymmetrical loadings as follows:

(1) The aft fuselage-to-wing attachment must be designed for the critical vertical surface load determined in accordance with subparagraphs A23.11(c) (1) and (2) of this Appendix.

(2) The wing and wing carry-through structures must be designed for 100 percent of condition "A" loading on one side of the plane of symmetry and 70 percent on the opposite side for certification in the normal and utility categories, or 60 percent on the opposite side for certification in the acrobatic category.

(3) The wing and wing carry-through structures must be designed for the loads resulting from a combination of 75 percent of the positive maneuvering wing loading on both sides of the plane of symmetry and the maximum wing torsion resulting from aileron displacement. The effect of aileron displacement on wing torsion at $V_C$ or $V_A$ using the basic airfoil moment coefficient modified over the aileron portion of the span, must be computed as follows:

(i) $C_m = C_m + 0.01\delta_a$ (up aileron side) wing basic airfoil.

(ii) $C_m = C_m - 0.01\delta_d$ (down aileron side) wing basic airfoil, where $\delta_a$ is the up aileron deflection and $\delta_d$ is the down aileron deflection.

(4) $\Delta$ critical, which is the sum of $\delta_a + \delta_d$, must be computed as follows:

(i) Compute $\Delta_a$ and $\Delta_b$ from the formulas:

$$\Delta_a = \frac{V_A}{V_C} \times \Delta_p \text{ and}$$

$$\Delta_b = 0.5\frac{V_A}{V_D} \times \Delta_p$$

where $\Delta_p$ = the maximum total deflection (sum of both aileron deflections) at $V_A$ with $V_A$, $V_C$, and $V_D$ described in subparagraph (2) of § 23.7(e) of this Appendix.

(ii) Compute $K$ from the formula:

$$K = \frac{(C_m - 0.01\delta_b)V_D^2}{(C_m - 0.01\delta_a)V_C^2}$$

where $\delta_a$ is the down aileron deflection corresponding to $\Delta_a$, and $\delta_b$ is the down aileron deflection corresponding to $\Delta_b$ as computed in step (i).

(iii) If $K$ is less than 1.0, $\Delta_a$ is $\Delta$ critical and must be used to determine $\delta_u$ and $\delta_d$. In this case, $V_C$ is the critical speed which must be used in computing the wing torsion loads over the aileron span.

(iv) If $K$ is equal to or greater than 1.0, $\Delta_b$ is $\Delta$ critical and must be used to determine $\delta_u$ and $\delta_d$. In this case, $V_D$ is the critical speed which must be used in computing the wing torsion loads over the aileron span.

(d) *Supplementary conditions; rear lift truss; engine torque; side load on engine mount.* Each of the following supplementary conditions must be investigated:

(1) In designing the rear lift truss, the special condition specified in § 23.369 may be investigated instead of condition "G" of figure 4 of this Appendix. If this is done, and if certification in more than one category is desired, the value of $W/S$ used in the formula appearing in § 23.369 must be



that for the category corresponding to the maximum gross weight.

(2) Each engine mount and its supporting structures must be designed for the maximum limit torque corresponding to METO power and propeller speed acting simultaneously with the limit loads resulting from the maximum positive maneuvering flight load factor $n_1$. The limit torque must be obtained by multiplying the mean torque by a factor of 1.33 for engines with five or more cylinders. For 4, 3, and 2 cylinder engines, the factor must be 2, 3, and 4, respectively.

(3) Each engine mount and its supporting structure must be designed for the loads resulting from a lateral limit load factor of not less than 1.47 for the normal and utility categories, or 2.0 for the acrobatic category.

**A23.11** *Control surface loads.*

(a) *General.* Each control surface load must be determined using the criteria of paragraph (b) of this section and must lie within the simplified loadings of paragraph (c) of this section.

(b) *Limit pilot forces.* In each control surface loading condition described in paragraphs (c) through (e) of this section, the airloads on the movable surfaces and the corresponding deflections need not exceed those which could be obtained in flight by employing the maximum limit pilot forces specified in the table in § 23.397(b). If the surface loads are limited by these maximum limit pilot forces, the tabs must either be considered to be deflected to their maximum travel in the direction which would assist the pilot or the deflection must correspond to the maximum degree of "out of trim" expected at the speed for the condition under consideration. The tab load, however, need not exceed the value specified in Table 2 of this Appendix.

(c) *Surface loading conditions.* Each surface loading condition must be investigated as follows:

(1) Simplified limit surface loadings and distributions for the horizontal tail, vertical tail, aileron, wing flaps, and trim tabs are specified in Table 2 and figures 5 and 6 of this Appendix. If more than one distribution is given, each distribution must be investigated.

(2) If certification in the acrobatic category is desired, the horizontal tail must be investigated for an unsymmetrical load of 100 percent $\overline{w}$ on one side of the airplane centerline and 50 percent on the other side of the airplane centerline.

(d) *Outboard fins.* Outboard fins must meet the requirements of § 23.455.

(e) *Special devices.* Special devices must meet the requirements of § 23.459.

**A23.13** *Control system loads.*

(a) *Primary flight controls and systems.* Each primary flight control and system must be designed as follows:

(1) The flight control system and its supporting structure must be designed for loads corresponding to 125 percent of the computed hinge moments of the movable control surface in the conditions prescribed in A23.11 of this Appendix. In addition—

(i) The system limit loads need not exceed those that could be produced by the pilot and automatic devices operating the controls; and

(ii) The design must provide a rugged system for service use, including jamming, ground gusts, taxiing downwind, control inertia, and friction.

(2) Acceptable maximum and minimum limit pilot forces for elevator, aileron, and rudder controls are shown in the table in § 23.397(b). These pilots loads must be assumed to act at the appropriate control gripe or pads as they would under flight conditions, and to be reacted at the attachments of the control system to the control surface horn.

(b) *Dual controls.* If there are dual controls, the systems must be designed for pilots operating in opposition, using individual pilot loads equal to 75 percent of those obtained in accordance with paragraph (a) of this section, except that individual pilot loads may not be less than the minimum limit pilot forces shown in the table in § 23.397(b).

(c) *Ground gust conditions.* Ground gust conditions must meet the requirements of § 23.415.

(d) *Secondary controls and systems.* Secondary controls and systems must meet the requirements of § 23.405.

TABLE 1—LIMIT FLIGHT LOAD FACTORS

| LIMIT FLIGHT LOAD FACTORS | | | Normal category | Utility category | Acrobatic category |
|---|---|---|---|---|---|
| FLIGHT Load Factors | Flaps Up | $n_1$ | 3.8 | 4.4 | 6.0 |
| | | $n_2$ | $-0.5n_1$ | | |
| | | $n_3$ | Find $n_3$ from Fig. 1 | | |
| | | $n_4$ | Find $n_4$ from Fig. 2 | | |
| | Flaps Down | $n_{flap}$ | $0.5n_1$ | | |
| | | $n_{flap}$ | Zero* | | |

*Vertical wing load may be assumed equal to zero and only the flap part of the wing need be checked for this condition.

TABLE 2—AVERAGE LIMIT CONTROL SURFACE LOADING

| AVERAGE LIMIT CONTROL SURFACE LOADING | | | | |
|---|---|---|---|---|
| SURFACE | DIRECTION OF LOADING | MAGNITUDE OF LOADING | CHORDWISE DISTRIBUTION | |
| HORIZONTAL TAIL I | a) Up and Down | Figure 5 Curve (2) | Elev. LE, ℄ Hinge, C, C/4 | (A) |
| | b) Unsymmetrical loading (Up and Down) | 100% $\overline{w}$ on one side airplane ℄, 65% $\overline{w}$ on other side of airplane ℄ for the normal and utility categories. For the acrobatic category see A23.11(c). | | (B) |
| VERTICAL TAIL II | a) Right and Left | Figure 5 Curve (1) | Same as (A) above | |
| | b) Right and Left | Figure 5 Curve (1) | Same as (B) above | |
| AILERON III | a) Up and Down | Figure 6 Curve (3) | ℄ Hinge | (C) |
| WING FLAP IV | a) Up | Figure 6 Curve (4) | | (D) |
| | b) Down | .25 x Up Load (a) | Same as (D) above | |
| TRIM TAB V | a) Up and Down | Figure 6 Curve (5) | | |

FIGURE 1 – CHART FOR FINDING $n_3$ FACTOR AT SPEED $V_C$

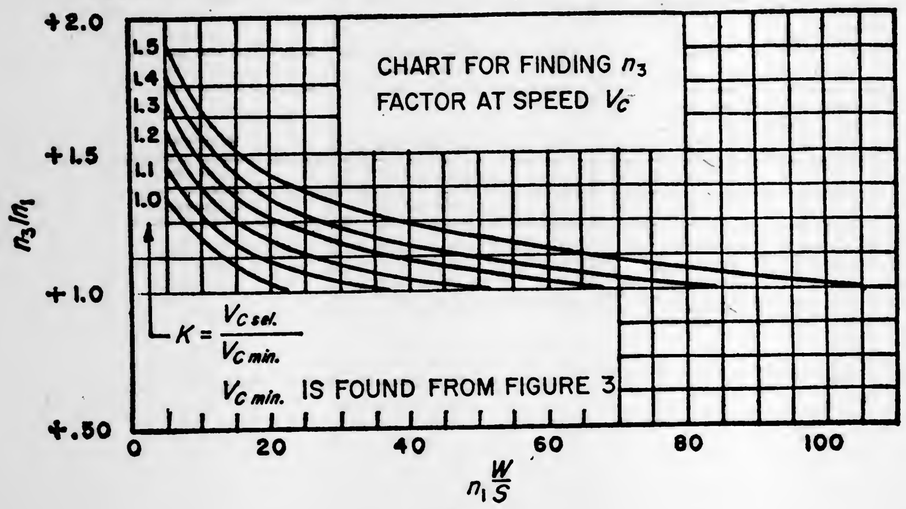



FIGURE 2 – CHART FOR FINDING $n_4$ FACTOR AT SPEED $V_C$

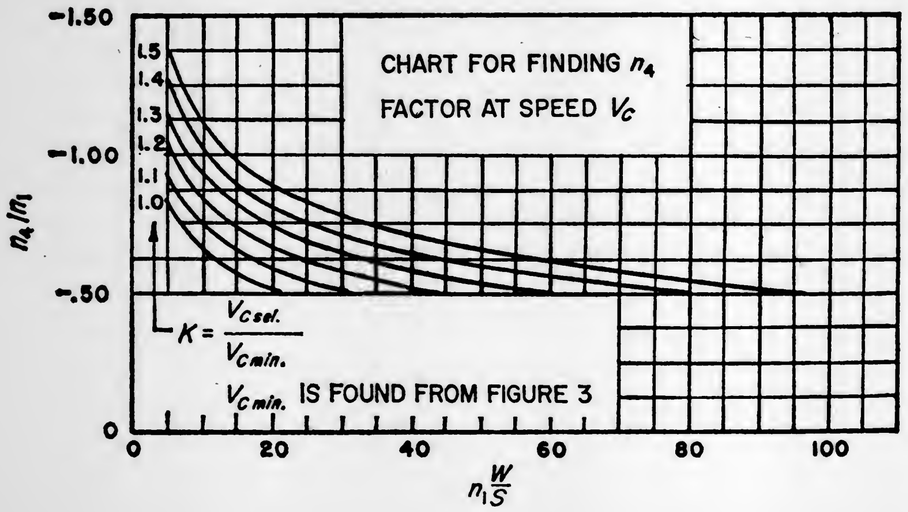
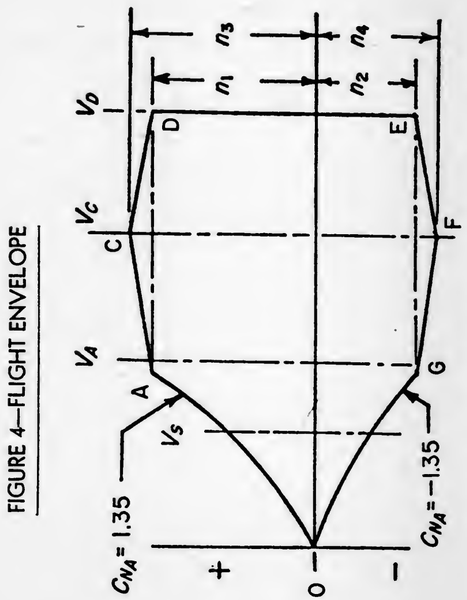





FIGURE 4—FLIGHT ENVELOPE




1. Conditions "C" or "F" need only be investigated when $n_3 \frac{W}{S}$ or $n_4 \frac{W}{S}$ is greater than $n_1 \frac{W}{S}$ or $n_2 \frac{W}{S}$, respectively.

2. Condition "G" need not be investigated when the supplementary condition specified in § 23.369 is investigated.

FIGURE 3 – MINIMUM DESIGN AIRSPEEDS

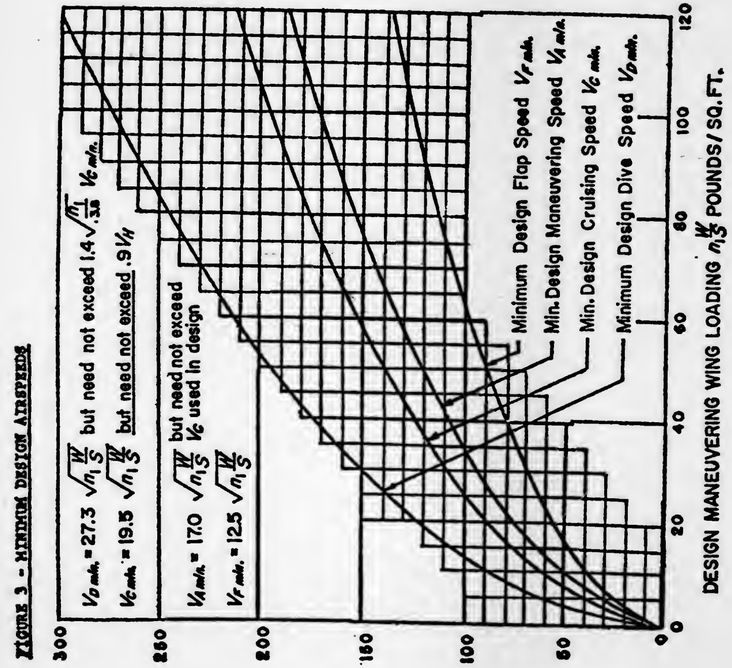


FIGURE 5 - AVERAGE LIMIT CONTROL SURFACE LOADING

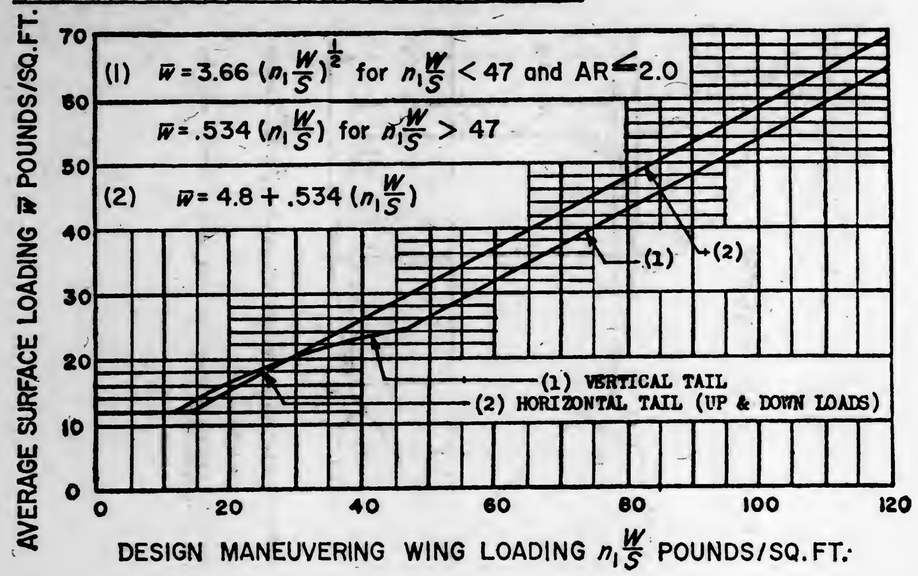
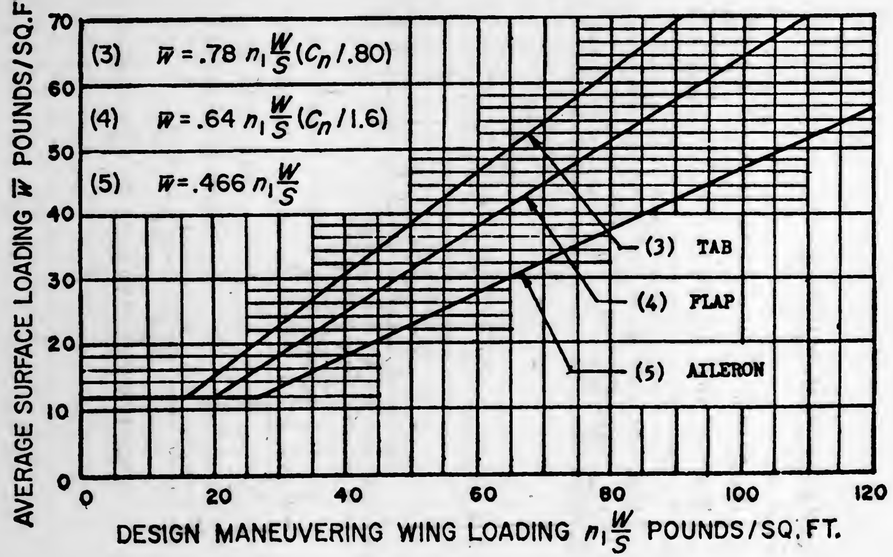



FIGURE 6 - AVERAGE LIMIT CONTROL SURFACE LOADING





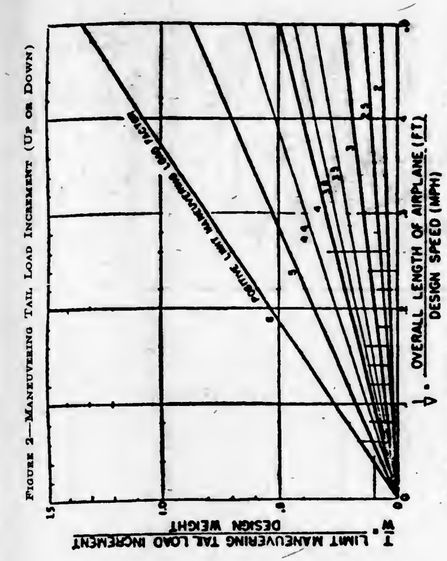




FIGURE 2—MANEUVERING TAIL LOAD INCREMENT (UP OR DOWN)

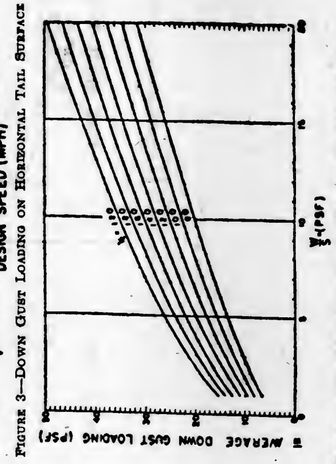



FIGURE 3—DOWN GUST LOADING ON HORIZONTAL TAIL SURFACE

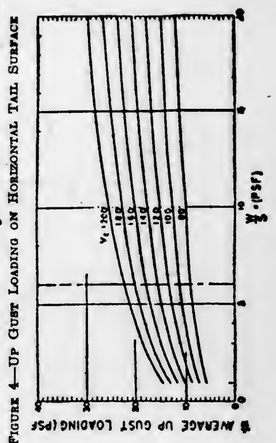



FIGURE 4—UP GUST LOADING ON HORIZONTAL TAIL SURFACE

APPENDIX B—CONTROL SURFACE LOADINGS

B23.1 *General.*

(a) If allowed by the specific requirements in this part, the values of control surface loading in this appendix may be used to determine the detailed rational requirements of §§ 23.397 through 23.459 unless the Administrator finds that these values result in unrealistic loads.

(b) For a seaplane version of a landplane, the landplane wing loadings may be used to determine the limit maneuvering control surface loadings (in accordance with B23.11 and figure 1 of Appendix B) if—

(1) The power of the seaplane engines does not exceed the power of the landplane engines;

(2) The placard maneuver speed of the seaplane does not exceed the placard maneuver speed of the landplane;

(3) The maximum weight of the seaplane does not exceed the maximum weight of the landplane by more than 10 percent;

(4) The landplane service experience does not show any serious control-surface load problem; and

(5) The landplane service experience is of sufficient scope to ascertain with reasonable accuracy that no serious control-surface load problem will develop on the seaplane.

B23.11 *Control surface loads.*

Acceptable values of limit average maneuvering control-surface loadings may be obtained from figure 1 of this Appendix in accordance with the following:

(a) For horizontal tail surfaces—

(1) With the conditions in § 23.423(a), obtain $\bar{w}$ as a function of W/S and surface deflection, using—

(i) Curve C of figure 1 for a deflection of 10° or less;

(ii) Curve B of figure 1 for a deflection of 20°;

(iii) Curve A for a deflection of 30° or more;

(iv) Interpolation for all other deflections; and

(v) The distribution of figure 7; and

(2) With the conditions in § 23.423(b), obtain $\bar{w}$ from curve B of figure (1) using the distribution of figure 7.

(b) For vertical tail surfaces—

(1) With the conditions in § 23.441(a)(1), obtain $\bar{w}$ as a function of W/S and surface deflection using the same requirements as used in subdivisions (a)(1)(i) through (a)(1)(v);

(2) With the conditions in § 23.441(a)(2), obtain $\bar{w}$ from Curve C, using the distribution of figure 6; and

(3) With the conditions in § 23.441(a)(3), obtain $\bar{w}$ from Curve A, using the distribution of figure 8.

(c) For allerons, obtain $\bar{w}$ from Curve B, acting in both the up and down directions, using the distribution of figure 9.

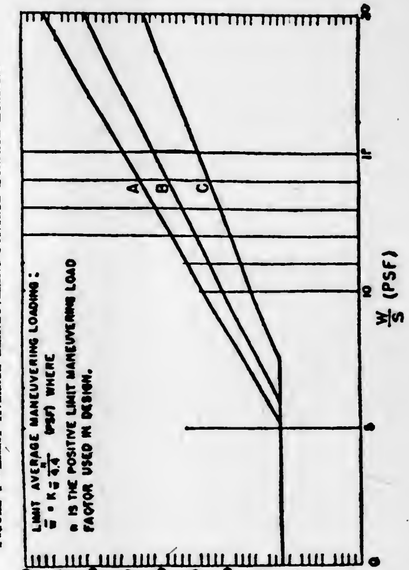



FIGURE 1—LIMIT AVERAGE MANEUVERING CONTROL SURFACE LOADING

Note: In no case may $\bar{w}$ be less than 12 psf.

FIGURE 5—GUST LOADING ON VERTICAL TAIL SURFACE

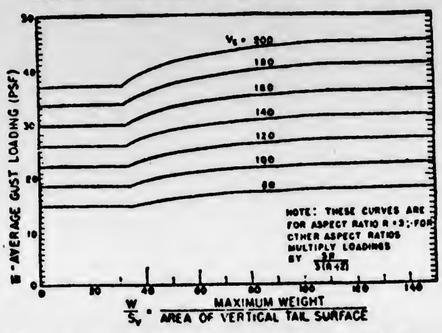
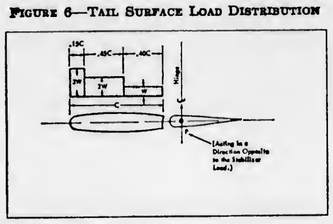



FIGURE 6—TAIL SURFACE LOAD DISTRIBUTION




Notes:

(a) In the balancing conditions in § 23.421—$P$=40% of net balancing load (flaps retracted); and $P$=0 (flaps deflected).

(b) In the condition in § 23.441(a)(2), $P$=20% of net tail load.

FIGURE 7—TAIL SURFACE LOAD DISTRIBUTION

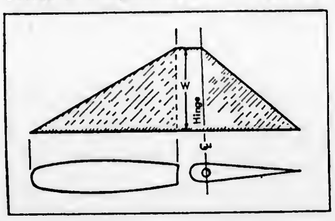



FIGURE 8—TAIL SURFACE LOAD DISTRIBUTION

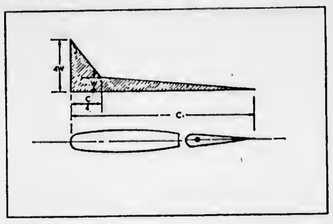
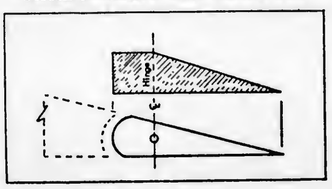



FIGURE 9—AILERON LOAD DISTRIBUTION




APPENDIX C—BASIC LANDING CONDITIONS

C23.1 *Basic landing conditions.*

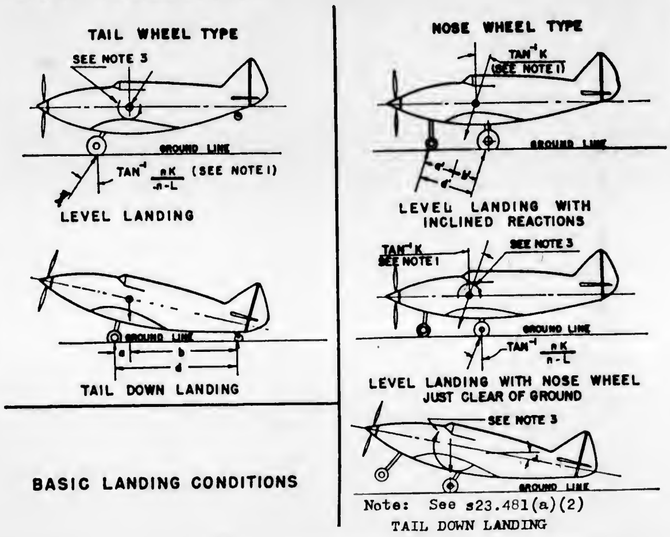
| Condition | Tail wheel type | | Nose wheel type | | |
|---|---|---|---|---|---|
| | Level landing | Tail-down landing | Level landing with inclined reactions | Level landing with nose wheel just clear of ground | Tail-down landing |
| Reference section | 23.479(a)(1) | 23.481(a)(1) | 23.479(a)(2)(i) | 23.479(a)(2)(ii) | 23.481(a)(2) and (b) |
| Vertical component at c. g. | $nW$ | $nW$ | $nW$ | $nW$ | $nW$ |
| Fore and aft component at c. g. | $K_nW$ | 0 | $K_nW$ | $K_nW$ | 0 |
| Lateral component in either direction at c. g. | 0 | 0 | 0 | 0 | 0 |
| Shock absorber extension (hydraulic shock absorber) | Note (2) | Note (2) | Note (2) | Note (2) | Note (2) |
| Shock absorber deflection (rubber or spring shock absorber) | 100% Static | 100% Static | 100% Static | 100% Static | 100% Static |
| Tire deflection | $(n-L)W$ | $(n-L)Wb/d$ | $(n-L)Wa'/d'$ | $(n-L)W$ | $(n-L)W$ |
| Main wheel loads (both wheels) | $V_r$: $K_nW$; $D_r$: 0 | 0 | $K_nWa'/d'$ | $K_nW$ | 0 |
| Tail (nose) wheel loads | $V_f$: 0; $D_f$: 0 | $(n-L)Wa/d$ 0 | $(n-L)Wb'/d'$ $K_nWb'/d'$ | 0 0 | 0 0 |
| Notes | (1), (3), and (4) | (4) | (1) | (1), (3), and (4) | (3) and (4) |

NOTE (1). $K$ may be determined as follows: $K$=0.25 for $W$=3,000 pounds or less; $K$=0.33 for $W$=6,000 pounds or greater, with linear variation of $K$ between these weights.

NOTE (2). For the purpose of design, the maximum load factor is assumed to occur throughout the shock absorber stroke from 25 percent deflection to 100 percent deflection unless otherwise shown and the load factor must be used with whatever shock absorber extension is most critical for each element of the landing gear.

NOTE (3). Unbalanced moments must be balanced by a rational or conservative method.

NOTE (4). $L$ is defined in § 23.725(b).




BASIC LANDING CONDITIONS

Note: See s23.481(a)(2) TAIL DOWN LANDING



APPENDIX D—WHEEL SPIN-UP LOADS

D23.1 *Wheel spin-up loads.*

(a) The following method for determining wheel spin-up loads for landing conditions is based on NACA T.N. 863. However, the drag component used for design may not be less than the drag load prescribed in § 23.479(b).

$$F_{H\,max}=\frac{1}{r_e}\sqrt{\frac{2I_w(V_H-V_c)nF_{V\,max}}{t_s}}$$

where—

$F_{H\,max}$ = maximum rearward horizontal force acting on the wheel (in pounds);

$r_e$ = effective rolling radius of wheel under impact based on recommended operating tire pressure (which may be assumed to be equal to the rolling radius under a static load of $n_fW_e$) in feet;

$I_w$ = rotational mass moment of inertia of rolling assembly (in slug feet);

$V_H$ = linear velocity of airplane parallel to ground at instant of contact (assumed to be 1.2 $V_{S_0}$, in feet per second);

$V_c$ = peripheral speed of tire, if pre-rotation is used (in feet per second) (there must be a positive means of pre-rotation before pre-rotation may be considered);

$n$ = effective coefficient of friction (0.80 may be used);

$F_{V\,max}$ = maximum vertical force on wheel (pounds) = $n_fW_e$, where $W_e$ and $n_f$ are defined in § 23.725;

$t_s$ = time interval between ground contact and attainment of maximum vertical force on wheel (seconds). (However, if the value of $F_{V\,max}$, from the above equation exceeds 0.8 $F_{V\,max}$, the latter value must be used for $F_{H\,max}$.)

(b) This equation assumes a linear variation of load factor with time until the peak load is reached and under this assumption, the equation determines the drag force at the time that the wheel peripheral velocity at radius $r_e$ equals the airplane velocity. Most shock absorbers do not exactly follow a linear variation of load factor with time. Therefore, rational or conservative allowances must be made to compensate for these variations. On most landing gears, the time for wheel spin-up will be less than the time required to develop maximum vertical load factor for the specified rate of descent and forward velocity. For exceptionally large wheels, a wheel peripheral velocity equal to the ground speed may not have been attained at the time of maximum vertical gear load. However, as stated above, the drag spin-up load need not exceed 0.8 of the maximum vertical loads.

DISTRIBUTION TABLE

| Former section | Revised section |
|---|---|
| 3.0 | 23.1. |
| 3.1 | Executed or transferred to Part 1 [New]. |
| 3.10–3.19 | Transferred to Part 21 [New]. |
| 3.20 (less 2d sentence of (a)(2) and 2d and 3d sentences of (b)). | 23.3. |
| 3.20(a)(2) (2d sentence) | Surplusage. |
| 3.20(b) (2d and 3d sentences) | Obsolete. |
| 3.20–1 | 23.3. |
| 3.20–2 (1st sentence) | 23.3. |
| 3.20–2 (less 1st sentence) | Not a rule. |
| 3.61 | 23.21 |
| 3.62–3.65 | Transferred to Part 21 [New]. |
| 3.71 | 23.23. |
| 3.71–1 | 23.21. |
| 3.72 | 23.31. |
| 3.72–1 | Not a rule. |
| 3.73 (1st sentence) | 23.29. |
| 3.73 (less 1st sentence) | 23.1591. |
| 3.73–1 | Transferred to Part 21 [New]. |
| 3.72–2 | Not a rule. |
| 3.73–3(a) | Not a rule. |
| 3.73–3(b) | 23.29. |
| 3.73–3 (less (a) and (b)) | 23.1589. |
| 3.74 | 23.25. |
| 3.75 | 23.25. |
| 3.76 | 23.1589. |
| 3.76–1 | Not a rule. |
| 3.80 | Surplusage. |
| 3.81 | 23.45. |
| 3.82 | 23.49. |
| 3.82–1 | 23.49. |
| 3.83 | 23.49. |
| 3.84 (less (c)) | 23.51. |
| 3.84(c) | 23.1587. |
| 3.84–1 | Not a rule. |
| 3.84–2 | 23.51. |
| 3.84–3 | Not a rule. |
| 3.84a | 23.51. |
| 3.85(a) | 23.65. |
| 3.85(b) | 23.67. |
| 3.85 (less (a) and (b)) | 23.77. |
| 3.85–1 | Not a rule. |
| 3.85–2 | Obsolete. |
| 3.85–3 | 23.67. |
| 3.85–4 (last sentence) | 23.473. |
| 3.85–4 (less last sentence) | Surplusage. |
| 3.85–5(b) (less (1) and (2)) | 23.65. |
| 3.85–5(b) (1) and (2) | Not a rule. |
| 3.85–5 (less (b)) | Not a rule. |
| 3.85a(a) | 23.65. |
| 3.85a(b) | 23.67. |
| 3.85a (less (a) and (b)) | 23.77. |
| 3.86(a) | 23.75. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 3.86(b) | 23.1587. |
| 3.86–1 | Not a rule. |
| 3.86–2 | Not a rule. |
| 3.87 | 23.75. |
| 3.105 | 23.141. |
| 3.106 | 23.143. |
| 3.107 | 23.151. |
| 3.108 | 23.151. |
| 3.109 | 23.145. |
| 3.110 | 23.147. |
| 3.111 | 23.149. |
| 3.112 | 23.161. |
| 3.113 | 23.171. |
| 3.114 | 23.173. |
| 3.115 (less (a)–(c)) | 23.173. |
| 3.115(a)–(c) | 23.175. |
| 3.116 | 23.179. |
| 3.117 | 23.181. |
| 3.118 | 23.177. |
| 3.118–2 | Not a rule. |
| 3.120(a) | 23.201. |
| 3.120(b) | 23.201. |
| 3.120(c) | 23.203. |
| 3.120(d) | 23.203. |
| 3.120(e) (1st through 26th words). | 23.208. |
| 3.120(e) (less 1st through 26th words). | 23.1587. |
| 3.120(f) | 23.207. |
| 3.120 (less (a)–(f)) | 23.201. |
| 3.120–1 | 23.201. |
| 3.120–2 | Not a rule. |
| 3.121 | 23.208. |
| 3.121–1 | Not a rule. |
| 3.122 (2d sentence) | 23.201. |
| 3.122 (less 2d sentence) | 23.203. |
| 3.123(a) | 23.205. |
| 3.123(b) (1) and (2) | 23.205. |
| 3.123(b) (less (1) and (2)) | 23.1587. |
| 3.124(a) (less last sentence) | 23.221. |
| 3.124(a) (last sentence) | 23.1583. |
| 3.124(b) | 23.221. |
| 3.124(c) (less (4)) | 23.221. |
| 3.124(c)(4) | 23.1583. |
| 3.124(d) | 23.221. |
| 3.143 | Surplusage. |
| 3.144 | 23.231. |
| 3.145 | 23.233. |
| 3.146 | 23.235. |
| 3.147 | 23.239. |
| 3.159 | 23.251. |
| 3.171 | 23.301. |
| 3.171–1 | 23.301. |
| 3.171–2 | Not a rule. |
| 3.172 | 23.303. |
| 3.173 | 23.305. |
| 3.173–1 | Not a rule. |
| 3.174 | 23.307. |
| 3.174–1 through 8 | Surplusage or not rules. |
| 3.181 | 23.321. |
| 3.182 | 23.321. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 3.183 | 23.331. |
| 3.184 | 23.335. |
| 3.185 | 23.333. |
| 3.186 | 23.337. |
| 3.187 | 23.333. |
| 3.188 | 23.341. |
| 3.188–1 | 23.341. |
| 3.189 | 23.331. |
| 3.190 and note | 23.345. |
| 3.190–1 | 23.345. |
| 3.191 (less (a) and (b)) | 23.347. |
| 3.191(a) and note | 23.349. |
| 3.191(b) | 23.351. |
| 3.191–1 | Not a rule. |
| 3.194 and note | 23.369. |
| 3.195 | 23.361. |
| 3.196 | 23.363. |
| 3.197 | 23.365. |
| 3.211 | 23.391. |
| Note following 3.211 | Appendix B. |
| 3.211–1 | Not a rule. |
| 3.212 | 23.397. |
| 3.212–1 | 23.397. |
| 3.213 | 23.407. |
| 3.214 | Surplusage. |
| 3.215 and note | 23.421. |
| 3.216 and notes | 23.423. |
| 3.216–1 | Not a rule. |
| 3.216–2 | Not a rule. |
| 3.216–3 | Not a rule. |
| 3.216–4 (a) and (b) | 23.423. |
| 3.216–4 (less (a) and (b)) | Not a rule. |
| 3.216–5 | Not a rule. |
| 3.216–6 | Not a rule. |
| 3.217 and notes | 23.425. |
| 3.217–1 | Not a rule. |
| 3.218 | 23.427. |
| 3.219 and notes | 23.441. |
| 3.219–1 | Not a rule. |
| 3.220 | 23.443. |
| 3.220–1 | Not a rule. |
| 3.221 | 23.445. |
| 3.222 (a), (b), and (e) | 23.455. |
| 3.222 (less (a), (b) and (e)) | Not a rule. |
| 3.223 | 23.457. |
| 3.223–1 | Not a rule. |
| 3.224 | 23.409. |
| 3.224–1 | Not a rule. |
| 3.225 | 23.459. |
| 3.231 | 23.395. |
| 3.231–1 (1st and 4th sentences). | 23.395. |
| 3.231–1 (less 1st and 4th sentences). | Not a rule. |
| 3.231–2 | 23.395. |
| 3.231–3 | Not a rule. |
| 3.232 | 23.399. |
| 3.233 | 23.415. |
| 3.233–1 | 23.415. |
| 3.234 | 23.405. |
| 3.241 | 23.471. |
| 3.241–1 | Not a rule. |
| 3.241–2 | Not a rule. |
| 3.242 | 23.473. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 3.243 | 23.473. |
| 3.244 | 23.477. |
| 3.244–1 | Not a rule. |
| 3.245 | 23.479. |
| 3.245–1(a) | Not a rule. |
| 3.245–1(b) (before equation) | 23.479. |
| 3.245–1(b) (equation and following). | Appendix D. |
| 3.245–1 (less (a) and (b)) | Not a rule. |
| 3.245–2 | Not a rule. |
| 3.246 | 23.481. |
| 3.247 | 23.483. |
| 3.248 | 23.493. |
| 3.249 | 23.485. |
| 3.250 | 23.497. |
| 3.251 | 23.497. |
| 3.252 | 23.497. |
| 3.253 | 23.499. |
| 3.254 | 23.499. |
| 3.255 | 23.499. |
| 3.256 | 23.499. |
| 3.257 | 23.505. |
| 3.257–1 | Obsolete. |
| 3.257–2 | Not a rule. |
| 3.257–3 | Not a rule. |
| 3.265 | 23.521. |
| 3.265–1(a) | 23.521. |
| 3.265–1 (less (a)) | Not a rule. |
| 3.265–2 | 23.521. |
| 3.270 | 23.571. |
| 3.291 | 23.601. |
| 3.292 | 23.603. |
| 3.293 | 23.605. |
| 3.294 (less last sentence) | Not a rule. |
| 3.294 (last sentence) | 23.607. |
| 3.295 | 23.609. |
| 3.296 | 23.611. |
| 3.301 and note | 23.613. |
| 3.301–1 | 23.615. |
| 3.301–2 | 23.617. |
| 3.302 | 23.619. |
| 3.303 | 23.619. |
| 3.304 | 23.621. |
| 3.305 | 23.623. |
| 3.306 | 23.625. |
| 3.307 | 23.627. |
| 3.311 | 23.629. |
| 3.311–1 | 23.629. |
| 3.311–2(a) | 23.629. |
| 3.311–2 (less (a)) | Not a rule. |
| 3.317 | 23.641. |
| 3.318 | 23.643. |
| 3.318–1 | Not a rule. |
| 3.327 | 23.651. |
| 3.328 | 23.655. |
| 3.328–1 | Not a rule. |
| 3.329 | 23.657. |
| 3.330 | 23.659. |
| 3.335 | 23.671. |
| 3.336 | 23.673. |
| 3.336–1 | Not a rule. |
| 3.337 | 23.677. |
| 3.337–1 | Not a rule. |
| 3.337–2 | Not a rule. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 3.337–3 | Not a rule. |
| 3.338 (less 2d and 3d sentences). | 23.697. |
| 3.338 (2d and 3d sentences) | 23.699. |
| 3.338–1 | 23.699. |
| 3.339 | 23.701. |
| 3.340 | 23.675. |
| 3.341 | 23.679. |
| 3.342 | 23.681. |
| 3.343 | 23.683. |
| 3.344 | 23.685. |
| 3.345 | 23.689. |
| 3.345–1 | 23.689. |
| 3.345–2 | Not a rule. |
| 3.345–3 | Not a rule. |
| 3.346 | 23.693. |
| 3.347 | 23.687. |
| 3.351 | 23.721. |
| 3.352 | 23.723. |
| 3.352–1 | Not a rule. |
| 3.353 | 23.725. |
| 3.354 | 23.725. |
| 3.355 | 23.727. |
| 3.356 | 23.729. |
| 3.356–1(b) (last sentence) | 23.729. |
| 3.356–1 (less (b) (last sentence)). | Not a rule. |
| 3.357 | 23.729. |
| 3.358 | 23.729. |
| 3.359 and last sentence of note. | 23.729. |
| 3.360 | Surplusage. |
| 3.361 | 23.731. |
| 3.362 | 23.733. |
| 3.362–1 | 23.733. |
| 3.362–2 | Not a rule. |
| 3.363 | 23.735. |
| 3.364 | 23.737. |
| 3.364–1 | Not a rule. |
| 3.371 (introductory paragraph (1st sentence)). | 23.753. |
| 3.371 (less introductory paragraph (1st sentence)). | 23.751. |
| 3.372 | 23.755. |
| 3.373 | 23.757. |
| 3.381 | 23.771. |
| 3.382 | 23.773. |
| 3.382–1 | Not a rule. |
| 3.382–2 | Not a rule. |
| 3.383 (including note following (b)). | 23.775. |
| 3.383–1 | Not a rule. |
| 3.384(a) (less parenthetical note). | 23.777. |
| 3.384(a) (parenthetical note) | 23.779. |
| 3.384(c) (1) and (2) | 23.777. |
| 3.384(c) (less (1) and (2)) | 23.781. |
| 3.384 (less (a) and (c)) | 23.777. |
| 3.385 | Surplusage. |
| 3.386 | 23.561. |
| 3.386–1 | Not a rule. |
| 3.387 | 23.807. |
| 3.388(a) | 23.853. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 3.388 (less (a)) | 23.859. |
| 3.388–1 | Not a rule. |
| 3.388–2 | Not a rule. |
| 3.388–3 | Not a rule. |
| 3.388–4 | Not a rule. |
| 3.389 | 23.783. |
| 3.390 | 23.785. |
| 3.390–1 | Surplusage. |
| 3.390–2 | 23.785. |
| 3.390–3 | Not a rule. |
| 3.392 | 23.787. |
| 3.392–1 | Not a rule. |
| 3.393 | 23.831. |
| 3.394 | Surplusage. |
| 3.395 | 23.841. |
| 3.396 | 23.843. |
| 3.401 | 23.871. |
| 3.411 | 23.901. |
| 3.411–1 | Not a rule. |
| 3.415 | 23.903. |
| 3.416 | 23.905. |
| 3.417 | 23.907. |
| 3.418 | 23.33. |
| 3.419 | 23.33. |
| 3.419–1(a) (2d sentence) | 23.65. |
| 3.419–1 (less 2d sentence of (a)). | Not a rule. |
| 3.420 | 23.33. |
| 3.421 | 23.33. |
| 3.422 | 23.925. |
| 3.422–1 | Not a rule. |
| 3.422–2 | 23.925. |
| 3.429 | 23.951. |
| 3.430 | 23.951. |
| 3.431 | 23.953. |
| 3.431–1 | Not a rule. |
| 3.433 | 23.955. |
| 3.434 | 23.955. |
| 3.435 | 23.955. |
| 3.436 | 23.955. |
| 3.437(a) (less last sentence) | 23.959. |
| 3.437(a) (last sentence) | 23.1587. |
| 3.437 (less (a)) | 23.959. |
| 3.438 | 23.961. |
| 3.439 | 23.957. |
| 3.440 (less last two sentences) | 23.963. |
| 3.440 (next to last sentence) | 23.1587. |
| 3.440 (last sentence) | Surplusage. |
| 3.441 | 23.965. |
| 3.442 | 23.967. |
| 3.442–1 | 23.967. |
| 3.443 | 23.969. |
| 3.444 | 23.971. |
| 3.445 | 23.973. |
| 3.446 | 23.975. |
| 3.447A | 23.975. |
| 3.448 | 23.977. |
| 3.449 | 23.991. |
| 3.449–1 | 23.991. |
| 3.550 | 23.993. |
| 3.551 | 23.995. |
| 3.552 | 23.997. |
| 3.553 | 23.999. |
| 3.554 | Surplusage. |





DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 3.561 | 23.1011. |
| 3.561–1(b) | 23.1011. |
| 3.561–1 (less (b)) | Not a rule. |
| 3.562 | Surplusage. |
| 3.563 | 23.1013. |
| 3.564 | 23.1015. |
| 3.565 | 23.1013. |
| 3.566 | 23.1013. |
| 3.567 | 23.1013. |
| 3.568 | 23.1013. |
| 3.569 | 23.1013. |
| 3.570 | 23.1017. |
| 3.571 | Surplusage. |
| 3.572 | 23.1023. |
| 3.573 | 23.1019. |
| 3.574 | 23.1021. |
| 3.575 | 23.1017 |
| 3.576 | Surplusage. |
| 3.577 | 23.1027. |
| 3.581 | 23.1041. |
| 3.582 | 23.1043. |
| 3.582–1 | 23.1043. |
| 3.583 | 23.1043. |
| 3.583–1 (1st sentence) | 23.1043. |
| 3.583–1 (less 1st sentence) | Surplusage. |
| 3.584 | 23.1043. |
| 3.585 | 23.1043. |
| 3.586 | 23.1045. |
| 3.587 | 23.1047. |
| 3.587–1 | Not a rule. |
| 3.588 | 23.1061. |
| 3.589 | 23.1061. |
| 3.590 | 23.1063. |
| 3.591 | 23.1061. |
| 3.592 | 23.1061. |
| 3.593 | 23.1061. |
| 3.594 | 23.1061. |
| 3.595 | 23.1061. |
| 3.596 | Surplusage. |
| 3.605 | 23.1091. |
| 3.606 | 23.1093. |
| 3.606–1 | Not a rule. |
| 3.607 | 23.1095. |
| 3.608 | 23.1097. |
| 3.609 | 23.1099. |
| 3.610 | 23.1101. |
| 3.611 | 23.1103. |
| 3.612 | 23.1105. |
| 3.615 | 23.1121. |
| 3.616 | 23.1123. |
| 3.617 | 23.1125. |
| 3.618 | 23.1125. |
| 3.623 | 23.1191. |
| 3.623–1 | 23.1191. |
| 3.624 | 23.1191. |
| 3.625 | 23.1193. |
| 3.627 | 23.1141. |
| 3.628 | 23.1143. |
| 3.629 | 23.1145. |
| 3.630 | 23.1147. |
| 3.631 | 23.1149. |
| 3.632 | 23.1153. |
| 3.633 | 23.995. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 3.634 | 23.1157. |
| 3.635 | 23.1163. |
| 3.636 | 23.1165. |
| 3.637 | 23.1189. |
| 3.638 | 23.1183. |
| 3.651 (less 1st sentence) | 23.1301. |
| 3.651 (1st sentence) | Surplusage. |
| 3.652 | 23.1301. |
| 3.652–1 | 23.1301. |
| 3.652–2 | Not a rule. |
| 3.655(a) | 23.1303. |
| 3.655(b) | 23.1305. |
| 3.655(d)(1) | 23.1307. |
| 3.655(d) (less (1)) | Surplusage. |
| 3.655 (less (a), (b), and (d)) | 23.1307. |
| 3.661 | 23.1321. |
| 3.662 | 23.1321. |
| 3.663 | 23.1323. |
| 3.664 | Surplusage. |
| 3.665 | 23.1325. |
| 3.666 | 23.1327. |
| 3.667 | 23.1329. |
| 3.668 | 23.1331. |
| 3.669 | 23.1335. |
| 3.670 | Surplusage. |
| 3.671 | 23.1337. |
| 3.672 | 23.1337. |
| 3.672–1 | 23.1337. |
| 3.673 | 23.1337. |
| 3.674 | 23.1337. |
| 3.675 | 23.1337. |
| 3.681 | 23.1351. |
| 3.682 | 23.1351. |
| 3.683 | 23.1353. |
| 3.685 | 23.1351. |
| 3.686 | 23.1351. |
| 3.687 | 23.1351. |
| 3.688 | 23.1361. |
| 3.689 | 23.1361. |
| 3.690 | 23.1357. |
| 3.691 | 23.1357. |
| 3.692 | 23.1357. |
| 3.693 | 23.1365. |
| 3.694 | 23.1367. |
| 3.695 | 23.1367. |
| 3.696 | 23.1381. |
| 3.696–1 | 23.1381. |
| 3.697 | 23.1381. |
| 3.698 | 23.1383. |
| 3.699 | 23.1383. |
| 3.700 | 23.1385. |
| 3.700–1 | Not a rule. |
| 3.701 | 23.1387. |
| 3.702 | 23.1389. |
| 3.702–1 | 23.1389. |
| 3.702–2 | 23.1389. |
| 3.703 | 23.1397. |
| 3.704 | 23.1399. |
| 3.705 | 23.1401. |
| 3.705–1 (1st sentence) | 23.1401. |
| 3.705–1 (less 1st sentence) | Not a rule. |
| 3.711 (1st through 27th words). | 23.1411. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 3.711 (less 1st through 27th words). | 23.1561. |
| 3.712 | Obsolete. |
| 3.713 | Obsolete. |
| 3.714 | 23.1413. |
| 3.715 | 23.1415. |
| 3.716 | Surplusage. |
| 3.716–1 | 23.1415. |
| 3.717 | 23.1415. |
| 3.718 | 23.1431. |
| 3.721 | Not a rule. |
| 3.721–1 | Not a rule. |
| 3.721–2 | 23.1437. |
| 3.725 | 23.1435. |
| 3.726 | 23.1435. |
| 3.727 | 23.1435. |
| 3.728 | 23.1501. |
| 3.735 | 23.1501. |
| 3.737 | 23.1505. |
| 3.738 | 23.1505. |
| 3.739 | 23.1505. |
| 3.740 | 23.1507. |
| 3.741 | 23.1511. |
| 3.742 | 23.1513. |
| 3.743 | 23.1521. |
| 3.744 | 23.1519. |
| 3.748 | 23.1523. |
| 3.749 | 23.1525. |
| 3.750 | 23.1541. |
| 3.755 | Not a rule. |
| 3.755–1 | Not a rule. |
| 3.755–2 | 23.1543. |
| 3.756 | 23.1545. |
| 3.757 | Not a rule. |
| 3.757–1 | 23.1547. |
| 3.758 | 23.1549. |
| 3.759 | Not a rule. |
| 3.759–1 | 23.1551. |
| 3.760 | 23.1553. |
| 3.761 (less 49th through 85th words). | 23.1583. |
| 3.761 (49th through 85th words). | 23.1555. |
| 3.762 | 23.1555. |
| 3.762–1 | 23.1555. |
| 3.763 | 23.1555. |
| 3.764 | 23.1555. |
| 3.765 | 23.1557. |
| 3.766 | 23.1557. |
| 3.767 | 23.1557. |
| 3.768 | 23.1567. |
| 3.769 | 23.1559. |
| 3.770 | 23.1563. |
| 3.771 | 23.1559. |
| 3.772 | 23.1581. |
| 3.777 | Not a rule. |
| 3.777–1 | Not a rule. |
| 3.777–2 | Not a rule. |
| 3.777–3 | Not a rule. |
| 3.777–4 | 23.1583. |
| 3.778 | 23.1585. |
| 3.779 | 23.1587. |
| 3.780 | Not a rule. |
| 3.780–2 | |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 3.780–3(a) (1st sentence) | 23.51 and 23.75. |
| 3.780–3(a) (less 1st sentence) | Not a rule. |
| 3.780–3(b) (1st sentence) | 23.1587. |
| 3.780–3 (less (a) and (b) 1st sentence). | Not a rule. |
| 3.791 | Transferred to Part 45 [New] |
| 3.792 | Transferred to Part 45 [New] |
| Figure 3–1 | 23.333. |
| Figure 3–3(a) | Appendix B. |
| Figure 3–3(b) | Appendix B. |
| Figure 3–4 | Appendix B. |
| Figure 3–5(a) | Appendix B. |
| Figure 3–5(b) | Appendix B. |
| Figure 3–6 | Appendix B. |
| Figure 3–7 | Appendix B. |
| Figure 3–8 | Appendix B. |
| Figure 3–9 | Appendix B. |
| Figure 3–10 | Appendix B. |
| Figure 3–11 | 23.397. |
| Figure 3–12(a) | Appendix C. |
| Figure 3–12(b) | Appendix C. |
| Figure 3–13 | 23.781. |
| Figure 3–14 | 23.779. |
| Figure 3–15 | 23.1391. |
| Figure 3–16 | 23.1393. |
| Figure 3–17 | 23.1395. |
| Figure 3–18 | 23.1401. |

| Appendix A former section | Revised section |
|---|---|
| 1.0 | 23.217. |
| 1.1 (less last sentence) | A23.1. |
| 1.1 (last sentence) | Not a rule. |
| 1.2 (1st and 2d sentences) | 23.217. |
| 1.2 (less 1st and 2d sentences) | Not a rule. |
| 2.1 | Not a rule. |
| 2.2 | Not a rule. |
| 2.30 | Not a rule. |
| 2.31 | Not a rule. |
| 2.32 | Not a rule. |
| 2.33 | Not a rule. |
| 2.4 | Not a rule. |
| 3.1 (introductory paragraph) | A23.1. |
| 3.1 (less introductory paragraph). | A23.3. |
| 4.0 | A23.5. |
| 5.1 (1st sentence) | A23.7. |
| 5.1 (2d sentence) | A23.7. |
| 5.10 | A23.7. |
| 5.11 | A23.7. |
| 5.12 | A23.7. |
| 5.2 (less 3d sentence) | A23.7. |
| 5.2 (3d sentence) | Surplusage. |
| 5.3 | A23.7. |
| 5.4 | A23.7. |
| 6.1 | A23.9. |
| 6.20 | A23.9. |
| 6.201 | A23.9. |
| 6.202 | A23.9. |
| 6.203 | A23.9. |

New Appendix H contains the contract provisions required by the Secretary of Labor. For convenience, the provisions are presented in the form of one article to be inserted in the contracts. Paragraph (1) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 5 of the Davis-Bacon Act, as amended. Paragraph (2) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 2 of the Davis-Bacon Act, as amended. Paragraph (3) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 3 of the Davis-Bacon Act, as amended. Paragraph (4) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 4 of the Davis-Bacon Act, as amended. Paragraph (5) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (6) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (7) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (8) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (9) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (10) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (11) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (12) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (13) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (14) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (15) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (16) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (17) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended. Paragraph (18) of the article contains the contract provisions required by the Secretary of Labor in accordance with section 1 of the Davis-Bacon Act, as amended.

(1) The Secretary of Labor may modify any wage determination before the award of the contract or contracts for which it was sought. If the proposed amount of more than $2,000 must be awarded on the basis of public advertising or other method for use on a particular airport development project, each contract

[Docket No. 6357; Amdt. 151-6]

## PART 151—FEDERAL AID TO AIRPORTS [NEW]

### Davis-Bacon Act Fringe Benefit Requirements

The purpose of this amendment to Part 151 [New] of the Federal Aviation Regulations is to incorporate the "Fringe Benefit Requirements" of the Davis-Bacon Act to the extent required by the regulations of the Secretary of Labor (29 CFR Part 5) as amended effective September 30, 1964 (29 F.R. 13462), issued under the Contract Work Hours Standards Act (49 U.S.C. 327-330), and under the Davis-Bacon Act (40 U.S.C. 276a—276a-5). Also, editorial changes in the form of the affected provisions are made that do not involve any substantive change.

Section 15(b) of the Federal Airport Act (49 U.S.C. 1114(b)) requires that "all contracts in excess of $2,000 * * * which involve labor" must contain provisions establishing the minimum wage rates contractors and subcontractors must pay to laborers, and that these minimum wage rates are to be predetermined by the Secretary of Labor. Public Law 88-349 added a provision to section 15(b) stating that the wage determinations of the Secretary of Labor are to be "in accordance with the Davis-Bacon Act, as amended". On September 30, 1964, the Secretary of Labor issued amendments to his regulations, to implement the amendments to the Davis-Bacon Act requiring that locally prevailing fringe benefits be included in future wage determinations, and revising the contract provisions (required by the Contract Work Hours Standards Act) to reflect the new fringe benefit requirements.

Paragraph (c) of § 151.47, "Procedure for the Secretary of Labor's wage determinations", is amended to require sponsors to furnish available pertinent information as to locally prevailing fringe benefits, as well as wage payment information, with Form DB-11. The reference to Form DB-11(a) is deleted as inapplicable. Paragraph (d) of § 151.47, "Use and effectiveness of the Secretary of Labor's wage determination", is amended to allow the Administrator, upon a finding that there is a reasonable time to notify bidders, to give effect to the modified wage determinations of the Secretary of Labor received less than 10 days before bid opening. A new paragraph (f) is added to § 151.47 to make the interpretations of the Secretary of Labor of the fringe benefit provisions of the Davis-Bacon Act (29 CFR 5.20–5.32) applicable to § 151.47.

At present, all provisions that sponsors must insert in full in construction contracts are contained in § 151.49(a). To clearly distinguish between the contract provisions the FAA requires and those the regulations of the Secretary of Labor require, the form of § 151.49(a) is substantially revised, and a new Appendix H is added. The FAA-required contract provisions remain in § 151.49(a), and the contract provisions required by the Secretary of Labor are transferred to new Appendix H.

Revised § 151.49(a) contains subparagraphs (1) through (7), representing all of old subparagraphs (1) through (4), (7) and (14) respectively, and new subparagraphs (8) and (9), representing pertinent parts of old subparagraphs (15) and (16). Since subparagraph (17) of § 151.49(a) was superseded by Amdt. 151-5 to Part 151 [New], effective December 21, 1964, it is deleted as inapplicable to construction contracts made under grant agreements entered into after that date. Also, the statement of applicability of old subparagraph (17) is deleted from amended § 151.49(b). Of course, the deleted provision remains effective as to construction contracts made under grant agreements entered into before December 21, 1964, as each grant agreement provides. The Director of Airports Service is delegated authority in revised § 151.49(a) to amend Appendix H to the extent required from time to time by the rule-making action of the Secretary of Labor. Also, two new paragraphs are added to § 151.49. New paragraph (d), "Corrected wage determinations", reflects the rule of the Secretary of Labor that any wage determinations may be corrected by the Secretary of Labor to rectify clerical errors at the Administrator's request or on his own motion. New paragraph (e) makes the Secretary of Labor's interpretations of the fringe benefit provisions of the Davis-Bacon Act applicable to all provisions of § 151.49.

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| Figure 5 | Follow A23.13. |
| Table 1 | Follow A23.13. |
| Table 2 | Follow A23.13. |
| Figure 6 | Follow A23.13. |
| Figure 7 | Follow A23.13. |
| Figure 8 | Follow A23.13. |
| Figure 9 | Follow A23.13. |
| Appendix B | Nonregulatory. |
| Appendix C | Nonregulatory. |
| Appendix D: SR 392D | Obsolete. |
| SR 425C | Transferred to Parts 21 [New], and 121 [New]. |

[F.R. Doc. 64-12987; Filed, Dec. 17, 1964; 8:45 a.m.]

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 6.21 | A23.9. |
| 6.3 | A23.9. |
| 6.30 | A23.9. |
| 6.31 | A23.9. |
| 6.32 (1st and 2d sentences) | A23.9. |
| 6.32 (3d sentence to end) | A23.9. |
| 6.4 | A23.9. |
| 6.40 | A23.9. |
| 6.41 | A23.9. |
| 6.42 | A23.9. |
| 7.1 | A23.11. |
| 7.2 | A23.11. |
| 7.30 | A23.11. |
| 7.31 | A23.11. |
| 7.4 | A23.11. |
| 7.5 | A23.11. |
| 8.10 | A23.13. |
| 8.101 | A23.13. |
| 8.102 | A23.13. |
| 8.11 | A23.13. |
| 8.2 | A23.13. |
| 8.3 | A23.13. |
| 8.4 | A23.13. |
| Figure 4 | Follow A23.13. |



New Appendix H contains the contract provisions required by the Secretary of Labor. For convenience, the provisions are presented in the form of one article to be inserted in the contracts. Paragraphs are numbered A through H, representing old subparagraphs (5), (6) and (8) through (13), and paragraphs I and J, representing pertinent parts of old subparagraphs (15) and (16) of § 151.49(a). Several of these provisions are directly affected by the amendments to § 5.5 of the Department of Labor regulations (29 CFR 5.5). Paragraph A, "Minimum wages", is amended to add new subparagraphs (3) and (4). Subparagraph (3) provides for the establishment of cash equivalents for required fringe benefits. Subparagraph (4) requires the approval of the Secretary of Labor before the contractor may consider the cost of specified fringe benefits as part of the wages of laborers and mechanics. Paragraph C, "Payrolls and payroll records", is substantially revised. Amended subparagraph (1) requires the contractor to keep additional records concerning required fringe benefits. Amended subparagraph (2) requires the contractor to submit with its "Weekly Statement of Compliance" additional information when approval under § 151.49(a)(5)(iv) is required, and makes the contractor responsible for the submission of subcontractors' payroll records. Paragraph D, "Apprentices", is amended to require the contractor to submit to the sponsor proof of registration of its apprentice program and its apprentices before any apprentices are used.

Since the amendments to §§ 151.47 and 151.49 are so extensive, these sections are published in full as amended. Also, several minor editorial changes are included, and catchlines are added where appropriate. The practice of citing underlying sections of the regulations of the Secretary of Labor is retained in Appendix H only, and these citations are deleted throughout revised §§ 151.47 and 151.49. Section 151.54(b) is also amended to delete a similar citation.

The procedural and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) do not apply to this amendment because it is within the exception in that section relating to public loans, grants, benefits and contracts.

In consideration of the foregoing, effective January 18, 1965, Part 151 [New] of Chapter I of Title 14 of the Code of Federal Regulations, is amended as hereinafter set forth.

This amendment is made under the authority of the Federal Airport Act, as amended (49 U.S.C. 1101–1120) and Part 5 of Title 29 of the Code of Federal Regulations, as amended.

Issued in Washington, D.C., on December 11, 1964.

N. E. HALABY,
*Administrator.*

1. Section 151.47 is amended to read as follows:

**§ 151.47 Performance of construction work: letting of contracts.**

(a) *Advertising required; exceptions.* Unless the Administrator approves another method for use on a particular airport development project, each contract for construction work on a project in the amount of more than $2,000 must be awarded on the basis of public advertising and open competitive bidding under the local law applicable to the letting of public contracts. Any oral or written agreement or understanding between a sponsor and another public agency that is not a sponsor of the project, under which that public agency undertakes construction work for or as agent of the sponsor, is not considered to be a construction contract for the purposes of this section, or §§ 151.45, 151.49, and 151.51.

(b) *Advertisement; conditions and contents.* There may be no advertisement for bids on, or negotiation of, a construction contract until the Administrator has approved the plans and specifications. The advertisement shall inform the bidders of the contract and reporting provisions required by § 151.54. Unless the estimated contract price or construction cost is $2,000 or less, there may be no advertisement for bids or negotiation until the Administrator has given the sponsor a copy of a decision of the Secretary of Labor establishing the minimum wage rates for skilled and unskilled labor under the proposed contract. In each case, a copy of the wage determination decision must be set forth in the initial invitation for bids or proposed contract or incorporated therein by reference to a copy set forth in the advertised or negotiated specifications.

(c) *Procedure for the Secretary of Labor's wage determinations.* At least 60 days before the intended date of advertising or negotiating under paragraph (b) of this section, the sponsor shall send to the District Airport Engineer, completed Department of Labor Form DB–11, with only the classifications needed in the performance of the work checked. General entries (such as "entire schedule" or "all applicable classifications") may not be used. Additional necessary classifications not on the form may be typed in the blank spaces or on an attached separate list. A classification that can be fitted into classifications on the form, or a classification that is not generally recognized in the area or in the industry, may not be used. Except in areas where the wage patterns are clearly established, the Form must be accompanied by any available pertinent wage payment or locally prevailing fringe benefit information.

(d) *Use and effectiveness of the Secretary of Labor's wage determinations.* (1) Wage determinations are effective only for 120 days from the date of the determinations. If it appears that a determination may expire between bid opening and award, the sponsor shall so advise the FAA as soon as possible. If he wishes a new request for wage determination to be made and if any pertinent circumstances have changed, he shall submit a new Form DB–11 and accompanying information. If he claims that the determination expires before award and after bid opening due to unavoidable circumstances, he shall submit proof of the facts which he claims support a finding to that effect.

(2) The Secretary of Labor may modify any wage determination before the award of the contract or contracts for which it was sought. If the proposed contract is awarded on the basis of public advertisement and open competitive bidding, any modification that the FAA receives less than 10 days before the opening of bids is not effective, unless the Administrator finds that there is reasonable time to notify bidders. A modification may not continue in effect beyond the effective period of the wage determination to which it relates. The Administrator sends any modification to the sponsor as soon as possible. If the modification is effective, it must be incorporated in the invitation for bids, by issuing and addendum to the specifications or otherwise.

(e) *Requirements for awarding construction contracts.* A sponsor may not award a construction contract without the written concurrence of the Administrator (through the District Airport Engineer) that the contract prices are reasonable and that the contract conforms to the sponsor's grant agreement with the United States. A sponsor that awards contracts on the basis of public advertising and open competitive bidding, shall, after the bids are opened, send a tabulation of the bids and its recommendations for award to the District Airport Engineer. The allowable project costs of the work, on which the Federal participation is computed, may not be more than the bid of the lowest responsible bidder. The sponsor may not accept a bid by a contractor whose name appears on the current list of ineligible contractors published by the Comptroller General of the United States under § 5.6(b) of Title 29 of the regulations of the Secretary of Labor (29 CFR Part 5), or a bid by any firm, corporation, partnership, or association in which that contractor has a substantial interest.

(f) *Secretary of Labor's interpretations apply.* Where applicable by their terms, the regulations of the Secretary of Labor (29 CFR 5.20–5.32) interpreting the fringe benefit provisions of the Davis-Bacon Act apply to this section.

2. Section 151.49 is amended to read as follows:

**§ 151.49 Performance of construction work: contract requirements.**

(a) *Contract provisions.* In addition to any other provisions necessary to ensure completion of the work in accordance with the grant agreement, each sponsor entering into a construction contract for an airport development project shall insert in the contract the provisions required by the Secretary of Labor, as set forth in Appendix H of this Part. The Director, Airports Service, may amend any provision in Appendix H from time to time to accord with rule-making action of the Secretary of Labor. The provisions in the following subparagraphs also must be inserted in the contract:

(1) *Federal Aid to Airport Program Project.* The work in this contract is included in Federal-aid Airport Project No. ------ which is being undertaken and accomplished by the [insert sponsor's name] in accordance with the terms and conditions of a grant



agreement between the [insert sponsor's name] and the United States, under the Federal Airport Act (49 U.S.C. 1101) and Part 151 of the Federal Aviation Regulations

liquidated damages under section 104(a) of the Contract Work Hours Standards Act is incorrect or that he violated in-

structively made or incurred during such weekly period (29 CFR 5.5(a)(1)(i)).

(2) Any class of laborers or mechanics which is not listed in the wage determi-



the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or

in excess of forty hours in such workweek, as the case may be (29 CFR 5.5(c)(1)).

*G. Violations; liability for unpaid wages; liquidated damages.* In the event of any

of Defense (Manpower); the Assistant Secretary of Defense (International Security Affairs); the Senior Military Aide

agreement between the [insert sponsor's name] and the United States, under the Federal Airport Act (49 U.S.C. 1101) and Part 151 of the Federal Aviation Regulations (14 CFR Part 151), pursuant to which the United States has agreed to pay a certain percentage of the costs of the project that are determined to be allowable project costs under that Act. The United States is not a party to this contract and no reference in this contract to the FAA or any representative thereof, or to any rights granted to the FAA or any representative thereof, or the United States, by the contract, makes the United States a party to this contract.

(2) *Consent to assignment.* The contractor shall obtain the prior written consent of the [insert sponsor's name] to any proposed assignment of any interest in or part of this contract.

(3) *Convict labor.* No convict labor may be employed under this contract.

(4) *Veterans' preference.* In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United States (as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940) and have been honorably discharged from that service, except that preference may be given only where that labor is available locally and is qualified to perform the work to which the employment relates.

(5) *Withholding: Sponsor from contractor.* Whether or not payments or advances to the [insert sponsor's name] are withheld or suspended by the FAA, the [insert sponsor's name] may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract.

(6) *Nonpayment of wages.* If the contractor or subcontractor fails to pay any laborer or mechanic employed or working on the site of the work any of the wages required by this contract the [insert sponsor's name] may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds until the violations cease.

(7) *FAA inspection and review.* The contractor shall allow any authorized representative of the FAA to inspect and review any work or materials used in the performance of this contract.

(8) *Subcontracts.* The contractor shall insert in each of his subcontracts the provisions contained in paragraphs [insert designations of 6 paragraphs of contract corresponding to subparagraphs (1), (3), (4), (5), (6) and (7) of this paragraph], and also a clause requiring the subcontractors to include these provisions in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

(9) *Contract termination.* A breach of paragraphs [insert designation of 3 paragraphs corresponding to subparagraphs (5), (6) and (7) of this paragraph] may be grounds for termination of the contract.

(b) *Exemption of certain contracts.* Appendix H to this Part and paragraph (a)(5) of this section do not apply to prime contracts of $2,000 or less.

(c) *Adjustment in liquidated damages.* A contractor or subcontractor who has become liable for liquidated damages under paragraph G of Appendix H and who claims that the amount administratively determined as liquidated damages under section 104(a) of the Contract Work Hours Standards Act is incorrect or that he violated inadvertently the Contract Work Hours Standards Act notwithstanding the exercise of due care, may—

(1) If the amount determined is more than $100, apply to the Administrator for a recommendation to the Secretary of Labor that an appropriate adjustment be made or that he be relieved of liability for such liquidated damages; or

(2) If the amount determined is $100 or less, apply to the Administrator for an appropriate adjustment in liquidated damages or for release from liability for the liquidated damages.

(d) *Corrected wage determinations.* The Secretary of Labor corrects any wage determination included in any contract under this section whenever the wage determination contains clerical errors. A correction may be made at the Administrator's request or on the initiative of the Secretary of Labor.

(e) *Secretary of Labor's interpretations apply.* Where applicable by their terms, the regulations of the Secretary of Labor (29 CFR 5.20–5.32) interpreting the "fringe benefit provisions" of the Davis-Bacon Act apply to the contract provisions in Appendix H, and to this section.

§ 151.54 [Amended]

3. Section 151.54(b) is amended by striking out the citation "(29 CFR 5.6 (a)(1))" at the end thereof.

4. Appendix H is added to Part 151 [New] to read as follows:

APPENDIX H

There is set forth below the contract provision required by the regulations of the Secretary of Labor in Part 5 of Title 29 of the Code of Federal Regulations. Section 151.49(a) requires sponsors to insert this provision in full in each construction contract.

PROVISION REQUIRED BY THE REGULATIONS OF THE SECRETARY OF LABOR

*A. Minimum wages.* (1) All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act [29 CFR Part 3]), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision(s) shall be posted by the contractor at the site of the work in a prominent place where it (they) can be easily seen by the workers. For the purpose of this paragraph, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of subparagraph (4) below. Also for the purpose of this paragraph, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period (29 CFR 5.5(a)(1)(i)).

(2) Any class of laborers or mechanics which is not listed in the wage determination(s) and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination(s), and a report of the action taken shall be sent by the [insert sponsor's name] to the FAA for approval and transmittal to the Secretary of Labor. In the event that the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of the FAA shall be referred to the Secretary of Labor for final determination (29 CFR 5.5(a)(1)(ii)).

(3) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the FAA shall be referred to the Secretary of Labor for determination (29 CFR 5.5(a)(1)(iii)).

(4) The contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision(s) of the Secretary of Labor which is included in this contract, only when the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the contractor should request the Secretary of Labor to make such findings before the making of the contract. In the case of unfunded plans and programs, the Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program (29 CFR 5.5(a)(1)(iv)).

*B. Withholding: FAA from sponsor.* Pursuant to the terms of the grant agreement between the United States and [insert sponsor's name], relating to Federal-aid Airport Project No. ——, and Part 151 of the Federal Aviation Regulations (14 CFR Part 151), the FAA may withhold or cause to be withheld from the [insert sponsor's name] so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, the FAA may, after written notice to the [insert sponsor's name], take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased (29 CFR 5.5(a)(2)).

*C. Payrolls and basic records.* (1) Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found, under 29 CFR 5.5(a)(1)(iv) (see subparagraph (4) of paragraph (A) above), that



the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits (29 CFR 5.5(a)(3)(i)).

(2) The contractor will submit weekly a copy of all payrolls to the [insert sponsor's name] for transmission to the FAA, as required by § 151.53(a). The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance" which is required under this contract and the Copeland regulations of the Secretary of Labor (29 CFR Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor, under 29 CFR 5.5(a)(1)(iv) (see subparagraph (4) of paragraph (A) above), shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the FAA and the Department of Labor, and will permit such representatives to interview employees during working hours on the job (29 CFR 5.5(a)(3)(ii)).

*D. Apprentices.* Apprentices will be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the [insert sponsor's name] written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work (29 CFR 5.5(a)(4)).

*E. Compliance with Copeland Regulations.* The contractor shall comply with the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference (29 CFR 5.5(a)(5)).

*F. Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer or mechanic received compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be (29 CFR 5.5(c)(1)).

*G. Violations; liability for unpaid wages; liquidated damages.* In the event of any violation of paragraph F of this provision, the contractor and any subcontractor responsible therefore shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of said paragraph F of this provision, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by said paragraph F of this provision (29 CFR 5.5(c)(2)).

*H. Withholding for unpaid wages and liquidated damages.* The FAA may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in paragraph G of this provision (29 CFR 5.5(c)(3)).

*I. Subcontracts.* The contractor will insert in each of his subcontracts the clauses contained in paragraphs A through H and J of this provision, and also a clause requiring the subcontractors to include these provisions in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made (29 CFR 5.5(a)(6), 5.5(c)(4)).

*J. Contract termination; debarment.* A breach of paragraphs A through I of this provision may be grounds for termination of the contract. A breach of paragraphs A through E and I may also be grounds for debarment as provided in 29 CFR 5.6 of the regulations of the Secretary of Labor (29 CFR 5.5(a)(7)).

[F.R. Doc. 64–12955; Filed, Dec. 17, 1964; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 213—EXCEPTED SERVICE

### Department of Defense

Section 213.3306 is amended to show the exception under Schedule C of two positions of Secretary, one to the Assistant Secretary of Defense (Administration) and one to the Special Assistant to the Secretary. The section is also amended to show that the position of Secretary to the Assistant Secretary of Defense (Medical and Health) is no longer excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraphs (2) and (16) of paragraph (a) of § 213.3306 are amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: The Director of Defense Research and Engineering; the Assistant Secretary of Defense (Manpower); the Assistant Secretary of Defense (International Security Affairs); the Senior Military Aide to the President; the Assistant Secretary of Defense (Public Affairs); the Assistant Secretary of Defense (Installations and Logistics); the Assistant Secretary of Defense (Administration); the General Counsel; and the Assistant to the Secretary of Defense (Atomic Energy).

• • • • • •

(16) Three Private Secretaries to the Special Assistant to the Secretary of Defense.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–12989; Filed, Dec. 17, 1964; 8:49 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

## PART 722—COTTON

### Subpart—1965 Crop of Extra Long Staple Cotton—National Marketing Quota; National Allotment and Apportionment to the States and Counties; Referendum Date

COUNTY RESERVE

(a) Section 722.354 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserve for the 1965 crop of extra long staple cotton. Such determination was made initially by the respective county committees and is hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

(b) Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on September 12, 1964 (29 F.R. 12878) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since the establishment of county reserves under this section requires immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.354 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary



to the public interest and § 722.354 shall be effective upon filing this document



CALIFORNIA—Continued

| County | County |
|---|---|

GEORGIA—Continued

| County | County |
|---|---|

MARYLAND

| County |
|---|

to the public interest and § 722.354 shall be effective upon filing this document with the Director, Office of the Federal Register.

**§ 722.354 County reserve.**

The county reserve for the 1965 crop of extra long staple cotton is established in accordance with § 722.309 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton (28 F.R. 11034, as amended). The following table sets forth the county reserve:

ARIZONA

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Cochise | 1.9 | Pinal | 14.5 |
| Gila | 0 | Santa Cruz | 0 |
| Graham | 9.4 | Yuma | 2.9 |
| Maricopa | 25.5 | | |
| Pima | 5.5 | State total | 59.7 |

CALIFORNIA

| | |
|---|---|
| Imperial | 1.1 |
| Riverside | 6.1 |
| State total | 7.2 |

FLORIDA

| | | | |
|---|---|---|---|
| Alachua | 0.1 | Putnam | 0 |
| Bradford | .4 | Sumter | 0 |
| Hamilton | 0 | Suwannee | .3 |
| Jefferson | .1 | Union | 0 |
| Lake | 0 | Volusia | .1 |
| Madison | 0 | | |
| Marion | 9 | State total | 1.0 |

GEORGIA

| | |
|---|---|
| Berrien | 12.9 |
| Cook | 0 |
| Lanier | .1 |
| State total | 13.0 |

NEW MEXICO

| | | | |
|---|---|---|---|
| Chaves | 1.8 | Otero | .1 |
| Dona Ana | 6.4 | Sierra | 20.6 |
| Eddy | 8.7 | | |
| Hidalgo | .6 | State total | 38.9 |
| Luna | .7 | | |

TEXAS

| | | | |
|---|---|---|---|
| Brewster | 0 | Presidio | .2 |
| Culberson | 4.9 | Reeves | 1.3 |
| El Paso | 5.3 | Ward | .4 |
| Hudspeth | 5.8 | | |
| Loving | 0 | State total | 18.7 |
| Pecos | .8 | | |

PUERTO RICO

| | |
|---|---|
| North Area | 39.6 |
| South Area | 6.4 |
| Total | 46.0 |

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 63 Stat. 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 10, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12915; Filed, Dec. 15, 1964; 8:49 a.m.]

## PART 722—COTTON

### Subpart—1965 Crop of Upland Cotton—National Marketing Quota; National Allotment and National Reserve and Apportionment to the States and Counties; National Domestic Acreage Allotment; Referendum Date

COUNTY RESERVE

(a) Section 722.262 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserve for the 1965 crop of upland cotton. Such determination was made initially by the respective county committees and is hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

(b) Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on September 12, 1964 (29 F.R. 12878) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since the establishment of county reserves under this section requires immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.262 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.262 shall be effective upon filing this document with the Director, Office of the Federal Register.

**§ 722.262 County reserve.**

The county reserve is established for the 1965 crop of upland cotton in accordance with § 722.209 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041, as amended). The following table sets forth the county reserve:

ALABAMA

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Autauga | 162.9 | Colbert | 21.3 |
| Baldwin | 10.2 | Conecuh | 245.6 |
| Barbour | 98.1 | Coosa | 34.6 |
| Bibb | 10.3 | Covington | 43.0 |
| Blount | 1,069.8 | Crenshaw | 102.8 |
| Bullock | 161.0 | Cullman | 60.1 |
| Butler | 203.9 | Dale | 86.5 |
| Calhoun | 406.4 | Dallas | 216.5 |
| Chambers | 234.4 | DeKalb | 20.0 |
| Cherokee | 26.9 | Elmore | 311.3 |
| Chilton | 33.1 | Escambia | 139.4 |
| Choctaw | 304.4 | Etowah | 579.2 |
| Clarke | 170.0 | Fayette | 302.0 |
| Clay | 78.2 | Franklin | 85.0 |
| Cleburne | 50.4 | Geneva | 158.5 |
| Coffee | 287.5 | Greene | 63.3 |

ALABAMA—Continued

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Hale | 29.6 | Morgan | 842.9 |
| Henry | 114.5 | Perry | 20.2 |
| Houston | 135.0 | Pickens | 268.6 |
| Jackson | 35.1 | Pike | 298.2 |
| Jefferson | 343.3 | Randolph | 105.1 |
| Lamar | 552.8 | Russell | 45.1 |
| Lauderdale | 98.0 | St. Clair | 564.6 |
| Lawrence | 53.0 | Shelby | 94.1 |
| Lee | 175.4 | Sumter | 289.4 |
| Limestone | 219.2 | Talladega | 19.3 |
| Lowndes | 40.0 | Tallapoosa | 293.3 |
| Macon | 213.7 | Tuscaloosa | 26.8 |
| Madison | 78.3 | Walker | 577.7 |
| Marengo | 507.1 | Washington | 141.8 |
| Marion | 418.0 | Wilcox | 239.7 |
| Marshall | 129.2 | Winston | 461.8 |
| Mobile | 110.5 | | |
| Monroe | 40.9 | | |
| Montgomery | 291.9 | State total | 13,650.7 |

ARIZONA

| | | | |
|---|---|---|---|
| Cochise | 11.7 | Santa Cruz | 4.9 |
| Gila | 0 | Yavapai | 0 |
| Graham | 11.5 | Yuma | 28.9 |
| Greenlee | 2.5 | | |
| Maricopa | 81.1 | State total | 168.8 |
| Mohave | 2.0 | | |
| Pima | 14.6 | | |
| Pinal | 11.6 | | |

ARKANSAS

| | | | |
|---|---|---|---|
| Arkansas | 8.8 | Logan | 4.1 |
| Ashley | 4.7 | Lonoke | 108.7 |
| Baxter | 1.9 | Madison | 0 |
| Benton | 0 | Marion | 0 |
| Boone | 0 | Miller | 28.4 |
| Bradley | 377.6 | Mississippi | 10.5 |
| Calhoun | 86.0 | Monroe | 6.0 |
| Carroll | 0 | Montgomery | 0 |
| Chicot | 16.0 | Nevada | 23.8 |
| Clark | 10.5 | Newton | 0 |
| Clay | 15.9 | Ouachita | 7.5 |
| Cleburne | 5.5 | Perry | 0 |
| Cleveland | 23.2 | Phillips | 21.1 |
| Columbia | 14.4 | Pike | 2.0 |
| Conway | 11.5 | Poinsett | 1.4 |
| Craighead | 18.4 | Polk | 2.0 |
| Crawford | 3.6 | Pope | 15.8 |
| Crittenden | 36.3 | Prairie | 19.9 |
| Cross | 5.0 | Pulaski | 3.3 |
| Dallas | 3.9 | Randolph | 7.3 |
| Desha | 14.2 | St. Francis | 36.0 |
| Drew | 15.1 | Saline | 10.5 |
| Faulkner | 30.2 | Scott | 25.0 |
| Franklin | 3.3 | Searcy | 1.0 |
| Fulton | 3.5 | Sebastian | 29.2 |
| Garland | 0 | Sevier | 5.1 |
| Grant | 6.8 | Sharp | 51.3 |
| Greene | 10.1 | Stone | 1.1 |
| Hempstead | 61.3 | Union | 10.9 |
| Hot Spring | 50.0 | Van Buren | 10.5 |
| Howard | 2.3 | Washington | 0 |
| Independence | 2.6 | White | 17.6 |
| Izard | 6.9 | Woodruff | 17.3 |
| Jackson | 2.3 | Yell | 2.3 |
| Jefferson | 26.3 | | |
| Johnson | 6.4 | State total | 1,599.0 |
| Lafayette | 111.4 | | |
| Lawrence | 3.9 | | |
| Lee | 54.2 | | |
| Lincoln | 22.6 | | |
| Little River | 36.8 | | |

CALIFORNIA

| | | | |
|---|---|---|---|
| San Benito | .9 | Kern | 175.5 |
| Fresno | 108.5 | Kings | 40.4 |
| | | Madera | 124.7 |



CALIFORNIA—Continued

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Merced | 14.1 | San Bernardino | 10.0 |
| Stanislaus | .6 | San Diego | 1.9 |
| Tulare | 76.6 | | |
| Imperial | 24.5 | State total | 608.5 |
| Los Angeles | 3.0 | | |
| Riverside | 27.8 | | |

FLORIDA

| | | | |
|---|---|---|---|
| Alachua | .1 | Levy | 0 |
| Baker | 0 | Liberty | 2.1 |
| Bay | 2.7 | Madison | 170.6 |
| Okaloosa | 195.9 | Nassau | 0 |
| Clay | 1.0 | Okaloosa | 195.9 |
| Columbia | 37.3 | Putnam | 0 |
| Dixie | .1 | Santa Rosa | 111.4 |
| Duval | 0 | Suwannee | 92.7 |
| Escambia | 207.2 | Taylor | 3.8 |
| Gadsden | 10.2 | Union | .7 |
| Gilchrist | 0 | Walton | 114.9 |
| Hamilton | 62.3 | Washington | 80.9 |
| Holmes | 51.0 | | |
| Jackson | 226.4 | State total | 1,602.3 |
| Jefferson | 25.9 | | |
| Lafayette | 15.6 | | |
| Leon | 96.8 | | |

GEORGIA

| | | | |
|---|---|---|---|
| Appling | 78.2 | Forsyth | 26.9 |
| Atkinson | 33.6 | Franklin | 153.2 |
| Bacon | 66.3 | Fulton | 31.6 |
| Baker | 161.3 | Gilmer | .4 |
| Baldwin | 11.8 | Glascock | 187.9 |
| Banks | 96.4 | Glynn | 0 |
| Barrow | 51.6 | Gordon | 140.9 |
| Bartow | 67.8 | Grady | 48.7 |
| Ben Hill | 177.6 | Greene | 63.6 |
| Berrien | 23.9 | Gwinnett | 50.2 |
| Bibb | 45.2 | Habersham | 1.1 |
| Bleckley | 46.5 | Hall | 108.0 |
| Brantley | 1.9 | Hancock | 72.8 |
| Brooks | 35.2 | Haralson | 18.3 |
| Bryan | 21.3 | Harris | 17.6 |
| Bulloch | 183.8 | Hart | 86.8 |
| Burke | 2,016.8 | Heard | 38.2 |
| Butts | 113.9 | Henry | 377.7 |
| Calhoun | 41.5 | Houston | 77.6 |
| Camden | 0 | Irwin | 71.7 |
| Candler | 125.7 | Jackson | 244.9 |
| Carroll | 112.5 | Jasper | 61.9 |
| Catoosa | 126.1 | Jeff Davis | 73.4 |
| Charlton | 1.6 | Jefferson | 105.3 |
| Chatham | .5 | Jenkins | 50.9 |
| Chattahoochee | 2.2 | Johnson | 713.0 |
| Chattooga | 71.5 | Jones | 14.9 |
| Cherokee | 17.9 | Lamar | 30.1 |
| Clarke | 46.4 | Lanier | 6.8 |
| Clay | 86.5 | Laurens | 87.4 |
| Clayton | 48.0 | Lee | 103.5 |
| Clinch | 3.6 | Liberty | 8.7 |
| Cobb | 72.8 | Lincoln | 70.2 |
| Coffee | 111.8 | Long | 6.0 |
| Colquitt | 354.2 | Lowndes | 81.5 |
| Columbia | 37.7 | Lumpkin | 2.0 |
| Cook | 119.0 | McDuffie | 31.1 |
| Coweta | 102.1 | McIntosh | .3 |
| Crawford | 24.0 | Macon | 540.1 |
| Crisp | 40.5 | Madison | 515.9 |
| Dade | 31.5 | Marion | 146.8 |
| Dawson | 8.9 | Meriwether | 643.2 |
| Decatur | 50.8 | Miller | 72.4 |
| DeKalb | 20.5 | Mitchell | 367.5 |
| Dodge | 307.0 | Monroe | 24.9 |
| Dooly | 56.6 | Montgomery | 13.5 |
| Dougherty | 20.2 | Morgan | 178.6 |
| Douglas | 26.0 | Murray | 228.5 |
| Early | 71.3 | Muscogee | 2.4 |
| Echols | 1.0 | Newton | 79.9 |
| Effingham | 14.0 | Oconee | 432.2 |
| Elbert | 367.6 | Oglethorpe | 108.2 |
| Emanuel | 468.3 | Paulding | 57.7 |
| Evans | 9.7 | Peach | 36.6 |
| Fannin | 0 | Pickens | 35.0 |
| Fayette | 51.2 | Pierce | 123.7 |
| Floyd | 619.5 | Pike | 399.2 |

GEORGIA—Continued

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Polk | 175.4 | Treutlen | 86.2 |
| Pulaski | 31.5 | Troup | 15.6 |
| Putnam | 25.4 | Turner | 21.5 |
| Quitman | 56.7 | Twiggs | 51.7 |
| Rabun | 0 | Union | 0 |
| Randolph | 63.4 | Upson | 24.2 |
| Richmond | 17.9 | Walker | 51.9 |
| Rockdale | 50.9 | Walton | 844.5 |
| Schley | 31.3 | Ware | 17.8 |
| Screven | 134.6 | Warren | 100.4 |
| Seminole | 60.0 | Washington | 141.8 |
| Spalding | 115.5 | Wayne | 66.8 |
| Stephens | 25.6 | Webster | 21.9 |
| Stewart | 177.1 | Wheeler | 59.2 |
| Sumter | 90.4 | White | 48.0 |
| Talbot | 47.6 | Whitfield | 224.3 |
| Taliaferro | 48.2 | Wilcox | 108.0 |
| Tattnall | 14.8 | Wilkes | 18.2 |
| Taylor | 34.4 | Wilkinson | 65.9 |
| Telfair | 175.5 | Worth | 107.8 |
| Terrell | 192.3 | | |
| Thomas | 93.2 | State total | 17,942.1 |
| Tift | 60.7 | | |
| Toombs | 36.2 | | |
| Towns | 0 | | |

ILLINOIS

| | |
|---|---|
| Alexander | 149.1 |
| Massac | 0 |
| Pulaski | 80.8 |
| State total | 229.9 |

KANSAS

| | |
|---|---|
| Montgomery | 0 |
| State total | 0 |

KENTUCKY

| | | | |
|---|---|---|---|
| Ballard | 1.7 | Mc-Cracken | .5 |
| Calloway | 9.2 | Marshall | 4.8 |
| Carlisle | 7.1 | | |
| Fulton | 4.5 | State total | 178.0 |
| Graves | 20.5 | | |
| Hickman | 129.7 | | |

LOUISIANA

| Parish | Parish reserve (acres) | Parish | Parish reserve (acres) |
|---|---|---|---|
| Acadia | 778.8 | Madison | 132.8 |
| Allen | 82.4 | Morehouse | 576.3 |
| Ascension | 61.8 | Natchitoches | 664.5 |
| Assumption | 0 | Ouachita | 1,152.8 |
| Avoyelles | 2,782.6 | Pointe Coupee | 1,007.5 |
| Beauregard | 33.4 | Rapides | 1,839.1 |
| Bienville | 525.3 | Red River | 1,090.0 |
| Bossier | 2,057.2 | Richland | 643.6 |
| Caddo | 3,754.2 | Sabine | 59.3 |
| Calcasieu | 20.8 | St. Helena | 200.7 |
| Caldwell | 194.3 | St. James | 0 |
| Cameron | 0 | St. John | 0 |
| Catahoula | 978.5 | St. Landry | 1,796.6 |
| Claiborne | 694.9 | St. Martin | 840.3 |
| Concordia | 1,076.9 | St. Tammany | 38.4 |
| DeSoto | 594.5 | Tangipahoa | 169.6 |
| East Baton Rouge | 5.1 | Tensas | 244.6 |
| East Carroll | 240.0 | Union | 422.8 |
| East Feliciana | 359.0 | Vermilion | 583.0 |
| Evangeline | 701.2 | Vernon | 74.5 |
| Franklin | 850.7 | Washington | 526.1 |
| Grant | 545.7 | Webster | 650.3 |
| Iberia | 47.4 | West Baton Rouge | 123.0 |
| Iberville | 57.8 | West Carroll | 268.8 |
| Jackson | 117.0 | West Feliciana | 96.2 |
| Jefferson | 0 | Winn | 53.7 |
| Jefferson Davis | 54.7 | | |
| Lafayette | 740.2 | State total | 30,920.5 |
| LaSalle | 32.3 | | |
| Lincoln | 258.6 | | |
| Livingston | 20.7 | | |

MARYLAND

| County | County reserve (acres) |
|---|---|
| Caroline | 0 |
| State total | 0 |

MISSISSIPPI

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Adams | 143.7 | Lowndes | 146.9 |
| Alcorn | 106.1 | Madison | 174.1 |
| Amite | 464.2 | Marion | 315.2 |
| Attala | 89.8 | Marshall | 484.8 |
| Benton | 224.1 | Monroe | 151.7 |
| Bolivar | 59.7 | Montgomery | 174.4 |
| Calhoun | 921.9 | Neshoba | 772.6 |
| Carroll | 173.2 | Newton | 1,086.1 |
| Chickasaw | 185.6 | Noxubee | 234.1 |
| Choctaw | 204.7 | Oktibbeha | 72.4 |
| Claiborne | 345.2 | Panola | 163.7 |
| Clarke | 511.3 | Pearl River | 39.8 |
| Clay | 443.2 | Perry | 48.4 |
| Coahoma | 4.1 | Pike | 300.0 |
| Copiah | 264.8 | Pontotoc | 180.2 |
| Covington | 677.0 | Prentiss | 179.2 |
| DeSoto | 40.3 | Quitman | 42.9 |
| Forrest | 99.3 | Rankin | 103.3 |
| Franklin | 25.9 | Scott | 292.5 |
| George | 140.0 | Sharkey | 3.8 |
| Greene | 36.8 | Simpson | 349.1 |
| Grenada | 120.0 | Smith | 415.5 |
| Hancock | 3.4 | Stone | 21.0 |
| Harrison | 0 | Sunflower | 13.7 |
| Hinds | 44.6 | Tallahatchie | 33.3 |
| Holmes | 6.6 | Tate | 56.6 |
| Humphreys | 8.9 | Tippah | 196.8 |
| Issaquena | 5.3 | Tishomingo | 89.4 |
| Itawamba | 286.6 | Tunica | 11.1 |
| Jackson | 0 | Union | 82.4 |
| Jasper | 483.0 | Walthall | 490.1 |
| Jefferson | 185.6 | Warren | 127.7 |
| Jefferson Davis | 471.7 | Washington | 21.5 |
| Jones | 421.4 | Wayne | 100.9 |
| Kemper | 368.0 | Webster | 164.6 |
| Lafayette | 109.3 | Wilkinson | 459.7 |
| Lamar | 139.4 | Winston | 181.7 |
| Lauderdale | 294.5 | Yalobusha | 101.4 |
| Lawrence | 277.4 | Yazoo | 18.8 |
| Leake | 58.8 | State total | 16,796.1 |
| Lee | 217.3 | | |
| Leflore | 17.2 | | |
| Lincoln | 212.8 | | |

MISSOURI

| | | | |
|---|---|---|---|
| Bollinger | 3.8 | Oregon | 15.0 |
| Butler | 8.0 | Ozark | 0 |
| Cape Girardeau | 0 | Pemiscot | 7.4 |
| Carter | 2.0 | Ripley | 8.9 |
| Dunklin | 72.2 | Scott | 12.1 |
| Howell | 5.0 | Stoddard | 3.1 |
| Mississippi | 12.8 | Vernon | 0 |
| New Madrid | 50.0 | Wayne | 0 |
| | | State total | 200.3 |

NEVADA

| | |
|---|---|
| Clark | 0 |
| Nye | 0 |
| State total | 0 |

NEW MEXICO

| | | | |
|---|---|---|---|
| Bernalillo | 0 | Luna | 0 |
| Chaves | 966.7 | Otero | 1.0 |
| Curry | 5.9 | Quay | 14.1 |
| De Baca | 1.1 | Roosevelt | 1.6 |
| Dona Ana | 47.3 | Sierra | 173.6 |
| Eddy | 33.5 | Socorro | 1.4 |
| Grant | 0 | Valencia | 0 |
| Guadalupe | 0 | State total | 1,293.9 |
| Hidalgo | .5 | | |
| Lea | 47.2 | | |

NORTH CAROLINA

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Alamance | 7.9 | Martin | 267.8 |
| Alexander | 97.9 | Mecklenburg | 252.2 |
| Anson | 383.1 | Montgomery | 140.2 |
| Beaufort | 46.7 | Moore | 123.8 |
| Bertie | 915.4 | Nash | 78.9 |
| Bladen | 436.6 | New Hanover | 1.6 |
| Brunswick | 20.1 | Northampton | 541.8 |
| Burke | 9.1 | Onslow | 26.4 |
| Cabarrus | 106.1 | Orange | 10.7 |
| Caldwell | 2.8 | Pamlico | 28.0 |
| Camden | 28.0 | Pasquotank | 16.0 |
| Carteret | 4.3 | Pender | 32.6 |
| Catawba | 236.9 | Perquimans | 59.4 |
| Chatham | 38.6 | Person | 0 |
| Chowan | 328.0 | Pitt | 1,147.7 |
| Cleveland | 2,093.6 | Polk | 26.1 |
| Columbus | 77.2 | Randolph | 7.3 |
| Craven | 27.6 | Richmond | 218.5 |
| Cumberland | 5.6 | Robeson | 1,747.7 |
| Currituck | 23.0 | Rowan | 119.3 |
| Davidson | 95.4 | Rutherford | 101.6 |
| Davie | 145.4 | Sampson | 637.3 |
| Duplin | 35.8 | Scotland | 1,972.2 |
| Durham | 14.8 | Stanly | 239.1 |
| Edgecomb | 137.2 | Tyrrell | 15.0 |
| Forsyth | 14.0 | Union | 210.2 |
| Franklin | 1,505.4 | Vance | 110.0 |
| Gaston | 96.3 | Wake | 54.9 |
| Gates | 76.1 | Warren | 375.4 |
| Granville | 13.4 | Washington | 85.2 |
| Greene | 136.6 | Wayne | 216.7 |
| Guilford | 9.2 | Wilkes | 9.8 |
| Halifax | 12.0 | Wilson | 505.0 |
| Harnett | 235.4 | Yadkin | 5.1 |
| Hertford | 565.2 | | |
| Hoke | 1,672.2 | State total | 22,847.2 |
| Hyde | 5.7 | | |
| Iredell | 261.4 | | |
| Johnston | 3,068.4 | | |
| Jones | 18.2 | | |
| Lee | 27.3 | | |
| Lenoir | 323.7 | | |
| Lincoln | 69.9 | | |

OKLAHOMA

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Adair | 8.4 | Latimer | 20.0 |
| Atoka | 185.8 | LeFlore | 353.1 |
| Beaver | 0 | Lincoln | 47.7 |
| Beckham | 0 | Logan | 61.3 |
| Blaine | 42.6 | Love | 783.1 |
| Bryan | 2,028.2 | McClain | 185.7 |
| Caddo | 344.6 | McCurtain | 695.2 |
| Canadian | 151.9 | McIntosh | 197.5 |
| Carter | 101.7 | Major | 225.2 |
| Cherokee | 0 | Marshall | 256.4 |
| Choctaw | 403.7 | Mayes | 79.8 |
| Cimarron | 0 | Murray | 15.8 |
| Cleveland | 99.7 | Muskogee | 788.2 |
| Coal | 285.2 | Noble | 2.6 |
| Comanche | 431.9 | Nowata | 84.7 |
| Cotton | 565.5 | Okfuskee | 463.3 |
| Craig | 4.8 | Oklahoma | 35.8 |
| Creek | 172.8 | Okmulgee | 345.2 |
| Custer | 1,269.4 | Osage | 317.0 |
| Dewey | 121.7 | Pawnee | 116.1 |
| Ellis | 20.4 | Payne | 109.1 |
| Garfield | 7.5 | Pittsburg | 222.6 |
| Garvin | 113.7 | Pontotoc | 122.8 |
| Grady | 129.3 | Pottawatomie | 82.5 |
| Grant | 0 | Pushmataha | 58.3 |
| Greer | 19.5 | Roger Mills | 162.5 |
| Harmon | 80.4 | Rogers | 74.4 |
| Harper | 0 | Seminole | 75.8 |
| Haskell | 80.6 | Sequoyah | 85.4 |
| Hughes | 250.4 | Stephens | 326.5 |
| Jackson | 33.8 | Texas | 0 |
| Jefferson | 1,518.6 | Tillman | 5.2 |
| Johnston | 121.9 | | |
| Kay | 15.1 | | |
| Kingfisher | 19.9 | | |
| Kiowa | 62.2 | | |

OKLAHOMA—Continued

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Tulsa | 188.1 | Woodward | 59.8 |
| Wagoner | 663.7 | | |
| Washington | 0 | State total | 23,013.2 |
| Washita | 7,011.7 | | |

SOUTH CAROLINA

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Abbeville | 608.9 | Hampton | 133.7 |
| Aiken | 873.8 | Horry | 278.2 |
| Allendale | 145.7 | Jasper | 59.9 |
| Anderson | 2,028.6 | Kershaw | 262.9 |
| Bamberg | 207.2 | Lancaster | 178.5 |
| Barnwell | 209.3 | Laurens | 252.6 |
| Beaufort | 124.6 | Lee | 552.3 |
| Berkeley | 128.1 | Lexington | 253.6 |
| Calhoun | 265.4 | McCormick | 180.8 |
| Charleston | 100.4 | Marion | 190.6 |
| Cherokee | 1,085.8 | Marlboro | 125.9 |
| Chester | 189.7 | Newberry | 510.5 |
| Chesterfield | 479.0 | Oconee | 467.9 |
| Clarendon | 487.5 | Orangeburg | 196.2 |
| Colleton | 337.7 | Pickens | 493.4 |
| Darlington | 483.6 | Richland | 90.8 |
| Dillon | 353.1 | Saluda | 512.0 |
| Dorchester | 146.5 | Spartanburg | 457.8 |
| Edgefield | 735.5 | Sumter | 622.2 |
| Fairfield | 247.7 | Union | 136.2 |
| Florence | 554.0 | Williamsburg | 506.3 |
| Georgetown | 68.5 | York | 257.7 |
| Greenville | 385.1 | State total | 17,271.9 |
| Greenwood | 306.2 | | |

TENNESSEE

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Bedford | 96.8 | Lewis | 30.9 |
| Benton | 17.5 | Lincoln | 99.5 |
| Bradley | 31.8 | Loudon | 4 |
| Cannon | 2.0 | McMinn | 25.7 |
| Carroll | 155.3 | McNairy | 47.6 |
| Chester | 25.8 | Madison | 60.3 |
| Coffee | 183.8 | Marion | 36.4 |
| Crockett | 90.0 | Marshall | 21.0 |
| Davidson | 0 | Maury | 25.3 |
| Decatur | 135.9 | Meigs | 9.8 |
| DeKalb | 1.9 | Monroe | 1.9 |
| Dyer | 51.6 | Moore | 3.1 |
| Fayette | 40.8 | Obion | 70.8 |
| Franklin | 278.3 | Perry | 12.1 |
| Gibson | 41.5 | Polk | 12.4 |
| Giles | 245.5 | Rhea | 2.3 |
| Grundy | 20.3 | Robertson | 0 |
| Hamilton | 49.1 | Rutherford | 30.6 |
| Hardeman | 20.4 | Shelby | 39.3 |
| Hardin | 70.0 | Tipton | 78.7 |
| Haywood | 71.0 | Van Buren | 3.0 |
| Henderson | 136.2 | Warren | 5.4 |
| Henry | 38.2 | Wayne | 52.4 |
| Hickman | .7 | Weakley | 70.4 |
| Humphreys | 1.0 | White | 4.6 |
| Lake | 41.2 | Williamson | 1.9 |
| Lauderdale | 18.0 | Wilson | .1 |
| Lawrence | 152.8 | State total | 2,763.3 |

TEXAS

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Anderson | 30.5 | Bastrop | 898.2 |
| Andrews | 4.3 | Baylor | 7.2 |
| Angelina | 278.5 | Bee | 18.9 |
| Aransas | .2 | Bell | 97.5 |
| Archer | 19.8 | Bexar | 61.4 |
| Armstrong | 9.1 | Blanco | 5.0 |
| Atascosa | 100.3 | Borden | 2.8 |
| Austin | 923.3 | Bosque | 606.9 |
| Bailey | 18.1 | Bowie | 271.0 |
| Bandera | .3 | Brazoria | 44.4 |

TEXAS—Continued

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Brazos | 48.6 | Haskell | 76.9 |
| Brewster | 0 | Hays | 36.8 |
| Briscoe | 24.8 | Hemphill | 1.5 |
| Brooks | 6.9 | Henderson | 250.3 |
| Brown | 75.1 | Hidalgo | 97.6 |
| Burleson | 537.6 | Hill | 2,775.5 |
| Burnet | 24.9 | Hockley | 10.1 |
| Caldwell | 53.5 | Hood | 206.4 |
| Calhoun | 10.6 | Hopkins | 94.5 |
| Callahan | 256.0 | Houston | 1,010.1 |
| Cameron | 25.7 | Howard | 3.7 |
| Camp | 20.1 | Hudspeth | 10.6 |
| Carson | 20.5 | Hunt | 124.3 |
| Cass | 293.9 | Irion | 1.6 |
| Castro | 32.3 | Jack | 27.2 |
| Chambers | 2.0 | Jackson | 23.3 |
| Cherokee | 177.2 | Jasper | 60.0 |
| Childress | 30.9 | Jeff Davis | 0 |
| Clay | 20.1 | Jefferson | 2.0 |
| Cochran | 11.4 | Jim Hogg | 7.0 |
| Coke | 13.7 | Jim Wells | 34.2 |
| Coleman | 87.8 | Johnson | 139.2 |
| Collin | 1,750.6 | Jones | 40.6 |
| Collingsworth | 47.7 | Karnes | 151.4 |
| Colorado | 766.3 | Kaufman | 1,798.2 |
| Comal | 14.4 | Kendall | 1.3 |
| Comanche | 243.9 | Kent | 4.9 |
| Concho | 152.7 | Kerr | 7.0 |
| Cooke | 369.9 | Kimble | 19.4 |
| Coryell | 56.5 | King | 0 |
| Cottle | 11.8 | Kinney | 30.0 |
| Crockett | 0 | Kleberg | 18.0 |
| Crosby | 9.1 | Knox | 20.0 |
| Culberson | 8.7 | Lamar | 20.5 |
| Dallam | 5.7 | Lamb | 19.2 |
| Dallas | 4,348.5 | Lampasas | 61.6 |
| Dawson | 21.5 | La Salle | 113.0 |
| Deaf Smith | 138.6 | Lavaca | 203.0 |
| Delta | 134.0 | Lee | 84.2 |
| Denton | 739.0 | Leon | 36.0 |
| DeWitt | 21.6 | Liberty | 199.7 |
| Dickens | 35.6 | Limestone | 36.7 |
| Dimmit | 18.5 | Live Oak | 27.6 |
| Donley | 8.9 | Llano | 15.1 |
| Duval | 23.6 | Loving | .2 |
| Eastland | 72.0 | Lubbock | 20.6 |
| Ector | 27.0 | Lynn | 7.6 |
| Ellis | 2,001.5 | McCulloch | 64.9 |
| El Paso | 160.4 | McLennan | 108.7 |
| Erath | 91.7 | McMullen | 33.5 |
| Falls | 1,668.9 | Madison | 150.6 |
| Fannin | 1,444.0 | Marion | 147.0 |
| Fayette | 963.9 | Martin | 18.7 |
| Fisher | 6.1 | Mason | 20.5 |
| Floyd | 20.3 | Matagorda | 1.4 |
| Foard | 1.3 | Maverick | 24.0 |
| Fort Bend | 5.6 | Medina | 52.5 |
| Franklin | 59.1 | Menard | 12.5 |
| Freestone | 37.6 | Midland | 10.9 |
| Frio | 7.8 | Milam | 111.7 |
| Gaines | 9.6 | Mills | 312.4 |
| Galveston | 3.0 | Mitchell | 86.5 |
| Garza | 35.3 | Montague | 30.0 |
| Gillespie | 50.1 | Montgomery | 9.8 |
| Glasscock | 2.1 | Moore | 13.2 |
| Goliad | 32.6 | Morris | 94.6 |
| Gonzales | 1,791.2 | Motley | 5.4 |
| Gray | 10.3 | Nacogdoches | 88.0 |
| Grayson | 915.7 | Navarro | 163.4 |
| Gregg | 15.2 | Newton | 77.4 |
| Grimes | 58.5 | Nolan | 45.6 |
| Guadalupe | 1,313.4 | Nueces | 33.7 |
| Hale | 30.4 | Ochiltree | 22.3 |
| Hall | 31.1 | Oldham | .1 |
| Hamilton | 86.4 | Palo Pinto | 38.2 |
| Hansford | 8.6 | Panola | 99.3 |
| Hardeman | 39.4 | Parker | 107.7 |
| Hardin | 5.5 | Parmer | 40.4 |
| Harris | 491.0 | Pecos | 8.9 |
| Harrison | 82.4 | Polk | 33.4 |
| Hartley | 5.0 | Potter | .9 |



TEXAS—Continued

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Presidio | 1.5 | Throckmorton | 29.2 |
| Rains | 23.3 | Titus | 443.5 |
| Randall | 4.2 | Tom Green | 137.5 |
| Reagan | 1.2 | Travis | 20.4 |
| Real | 2.1 | Trinity | 60.9 |
| Red River | 152.1 | Tyler | 3.3 |
| Reeves | 5.2 | Upshur | 51.1 |
| Refugio | 4.5 | Upton | .3 |
| Roberts | 5.8 | Uvalde | 20.1 |
| Robertson | 42.6 | Val Verde | 2.0 |
| Rockwall | 328.2 | Van Zandt | 53.9 |
| Runnels | 57.5 | Victoria | 37.8 |
| Rusk | 561.3 | Walker | 200.0 |
| Sabine | 206.2 | Waller | 570.3 |
| San Augustine | 179.4 | Ward | .3 |
| San Jacinto | 35.5 | Washington | 48.7 |
| San Patricio | 42.9 | Webb | 16.6 |
| San Saba | 75.2 | Wharton | 25.8 |
| Schleicher | 4.1 | Wheeler | 36.2 |
| Scurry | 25.1 | Wichita | 28.8 |
| Shackelford | 32.1 | Wilbarger | 56.7 |
| Shelby | 163.9 | Willacy | 19.6 |
| Smith | 323.6 | Williamson | 57.2 |
| Somervell | 32.7 | Wilson | 554.3 |
| Starr | 93.5 | Winkler | 0 |
| Stephens | 39.6 | Wise | 42.9 |
| Sterling | 22.3 | Wood | 381.2 |
| Stonewall | 4.9 | Yoakum | 5.9 |
| Sutton | 0 | Young | 150.7 |
| Swisher | 7.4 | Zapata | 25.4 |
| Tarrant | 890.2 | Zavala | 10.3 |
| Taylor | 66.7 | | |
| Terrell | 1.0 | State total | 42,191.6 |
| Terry | 14.6 | | |

VIRGINIA

| County | County reserve (acres) | County | County reserve (acres) |
|---|---|---|---|
| Accomack | 0 | Lunenburg | 24.0 |
| Appomattox | 0 | Mecklenburg | 11.6 |
| Brunswick | 53.0 | Nansemond | 31.6 |
| Charlotte | .9 | Patrick | 0 |
| Chesapeake | 0 | Prince Edward | .7 |
| Chesterfield | 0 | Prince George | 6.3 |
| Cumberland | .6 | Southampton | 92.4 |
| Dinwiddie | 20.6 | Surry | .6 |
| Franklin | 0 | Sussex | 35.6 |
| Greensville | 41.0 | Virginia Beach | 0 |
| Halifax | 0 | | |
| Henrico | 0 | State total | 325.2 |
| Isle of Wight | 6.3 | | |

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 10, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12916; Filed, Dec. 15, 1964; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

## PART 751—LAND USE ADJUSTMENT PROGRAM

### Miscellaneous Amendments

The regulations governing the 1964–1965 Cropland Conversion Program, 29 F.R. 13559, are hereby amended as follows:

**§ 751.55 [Amended]**

1. The second sentence of § 751.55 is amended by inserting immediately after the word "payment," the words "rates of forestry incentive payment,".

**§ 751.56 [Amended]**

2. The second sentence of § 751.56 is amended by inserting immediately after the word "payment," the words "rates of forestry incentive payment,".

**§ 751.74 [Amended]**

3.a. The third sentence of paragraph (a) of § 751.74 is amended by inserting immediately after the word "adjustment" in each of the two places where it appears in the sentence the words "and forestry incentive".

b. The second sentence of paragraph (b) of § 751.74 is amended by inserting immediately after the word "adjustment" in each of the two places where it appears in the sentence the words "and forestry incentive,".

**§ 751.77 [Amended]**

4.a. Paragraph (a) of § 751.77 is amended by inserting immediately after the word "adjustment" a comma and the words "forestry incentive,".

b. Paragraph (b) of § 751.77 is amended by inserting immediately after the word "adjustment," the words "forestry incentive,".

**§ 751.78 [Amended]**

5. The second sentence of § 751.78 is amended by inserting immediately after the word "adjustment" a comma and the words "forestry incentive,".

**§ 751.81 [Amended]**

6.a. The first sentence of § 751.81 is amended by inserting immediately after the word "adjustment" a comma and the words "forestry incentive,".

b. The second sentence of § 751.81 is amended by inserting immediately after the word "adjustment" the words "or forestry incentive".

7. Section 751.91 is added to read as follows:

**§ 751.91 Forestry incentive payment.**

Where approved by the Deputy Administrator as necessary because the returns from forestry plantings are remote, a forestry incentive payment may be made in connection with forestry plantings. The forestry incentive payment per acre shall be established or approved by the Deputy Administrator in an amount determined to be fair and reasonable and necessary to encourage the conservation and development of forestry resources. The forestry incentive payment shall be divided among landowners, tenants, and sharecroppers in the manner agreed upon by them as representing their respective contributions to the adjustment in land use (for the period covered by the agreement and for the additional period before returns from the forestry plantings can be expected, resulting from the forestry plantings, except that the county committee may refuse to accept any agreement with respect to which it considers the proposed division of the forestry incentive payment is not fair and equitable. The division of the forestry incentive payment and the amount thereof shall be specified in the agreement.

(Sec. 16(e), 76 Stat. 606; 16 U.S.C. 590p(e))

Effective date: Date of signature.

Signed at Washington, D.C., on December 15, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12994; Filed, Dec. 17, 1964; 8:50 a.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 63]

## PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

### Order Amending Order

**§ 1063.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Quad Cities-Dubuque marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued October 9, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 3, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Quad Cities-Dubuque marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

**§ 1063.22 [Amended]**

1. In § 1063.22(j)(1) the reference "§ 1063.50(a)" is revised to read "§ 1063.50(b)" and the reference "§ 1063.50(b)" is revised to read "§ 1063.50(c)".

2. In § 1063.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1063.50 Basic formula and class prices.**

Subject to the provisions of §§ 1063.51 and 1063.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June and $1.10 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

* * * * *

3. Section 1063.52(a) is revised to read as follows:

**§ 1063.52 Location differentials to handlers.**

(a) For milk received from producers at a pool plant and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to paragraph (b) of this section shall be reduced as follows:

(1) At a plant in Dubuque and Jackson Counties, Iowa, and East Dubuque, Illinois, by 10 cents; and

(2) At a plant located outside the marketing area and 70 miles or more from the City Hall, Rock Island, Ill., by the shortest hard-surfaced highway distance as determined by the market administrator, at the rate set forth in the following schedule:

| | *Rate per hundredweight (cents)* |
|---|---|
| Distance from the Rock Island City Hall (miles): | |
| 70 but less than 80 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1965.

Signed at Washington, D.C., on December 15, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–12974; Filed, Dec. 17, 1964; 8:48 a.m.]

[Milk Order No. 70]

## PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

### Order Amending Order

**§ 1070.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued October 9, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 3, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

**§ 1070.22 [Amended]**

1. In § 1070.22(j)(1) the reference "1070.50(a)" is revised to read "§ 1070.50(b)" and the reference "1070.50(b)" is revised to read "§ 1070.50(c)".

2. In § 1070.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1070.50 Basic formula and class prices.**

Subject to the provisions of §§ 1070.51 and 1070.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June and $1.05 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

* * * * *

**§ 1070.52 [Amended]**

3. In § 1070.52(a) the reference to "§ 1070.50(a)" is revised to read "§ 1070.50(b)".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)



Effective date: January 1, 1965.

Signed at Washington, D.C., on December 15, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–12975; Filed, Dec. 17, 1964; 8:48 a.m.]

[Milk Order No. 78]

## PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

### Order Amending Order

**§ 1078.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Central Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued October 9, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 3, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Central Iowa marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

**§ 1078.22 [Amended]**

1. In § 1078.22(j)(1) the reference "1078.50(a)" is revised to read "1078.50(b)" and the reference "1078.50(b)" is revised to read "1078.50(c)".

2. In § 1078.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1078.50 Basic formula and class prices.**

Subject to the provisions of §§ 1078.51 and 1078.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June and $1.05 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That for milk received from producers at a pool plant north of the base zone the price otherwise applicable pursuant to this paragraph shall be reduced five cents.

• • • • •

§ 1078.52 [Amended]

3. In § 1078.52 the reference to "§ 1078.50(a)" is revised to read "§ 1078.50(b)".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1965.

Signed at Washington, D.C., on December 15, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–12976; Filed, Dec. 17, 1964; 8:48 a.m.]

[Milk Order No. 79]

## PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

### Order Amending Order

§ 1079.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued October 9, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 3, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1079.27 [Amended]

1. In § 1079.27(j)(1) the reference "§ 1079.50(a)" is revised to read "§ 1079.50(b)" and the reference "§ 1079.50(b)" is revised to read "§ 1079.50(c)".

2. In § 1079.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

§ 1079.50 Basic formula and class prices.

Subject to the provisions of §§ 1079.51 and 1079.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.45 August through November, $1.05 March through June and $1.25 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 10 cents because of such adjusted supply-demand ratio: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

• • • • •

§ 1079.52 [Amended]

3. In § 1079.52(a) the reference to "§ 1079.50" is revised to read "§ 1079.50(b)".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1965.

Signed at Washington, D.C., on December 15, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–12977; Filed, Dec. 17, 1964; 8:48 a.m.]

# Title 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

## PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

### Denials, Appeals, and Precedent Decisions

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:



The headnote to § 103.3 is amended to read "Denials, appeals, and precedent decisions" and the following sentence is added at the end thereof. Section 103.3 reads as follows:

§ 103.3 Denials, appeals and precedent decisions.

• • • Those decisions of the Service, the Board of Immigration Appeals (§ 3.1 (g) of this chapter), and the Attorney General which are of precedential value are published and may be purchased from the United States Government Printing Office, Washington, D.C., 20402, or examined at the principal field offices of the Service.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: December 14, 1964.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 64–12978; Filed, Dec. 17, 1964; 8:48 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 64–81]

## PART 80—PILOT RULES FOR INLAND WATERS

### Day Signals and Lights for Dredges

The provisions of 33 CFR 80.21 specify the day signals and lights for "self-propelling suction dredges under way and engaged in dredging operations." The purpose of the amendment to 33 CFR 80.21 is to provide for a new type of operation, i.e., for non-self-propelled suction dredges under way and engaged in dredging operations while being pushed ahead by a towboat. The text of 33 CFR 80.21 is revised so the wording includes all dredges under way and engaged in dredging operations, whether self-propelled or non-self-propelled. This change in 33 CFR 80.21 became necessary when it was found that a non-self-propelled dredge (250-foot barge) was engaged in dredging operations while being pushed ahead by a towboat, and the vessels displayed only the lights of a towboat and tow being pushed ahead. Because of its encumbered navigation when performing dredging activities, it was deemed imperative that the mariners in the area should be made aware of this "unit's" limited maneuvering capability. Therefore, by a letter to the owner of this dredge permission was granted to show a central range of white lights and the special red "dredging" lights, while the "unit" is under way and engaged in dredging operations, as well as the proper sidelights for both the barge and towboat. In addition, the arc of visibility of the two red lights in a vertical line at the stern was changed from 4 to 12 points to complete, with the 20-point forward red lights, coverage around the horizon.

Since 1914 the provisions regarding "lights and day signals for vessels, dredges of all types, and vessels working on wrecks and obstructions, etc.," in 33 CFR 80.18 to 80.31a have been identical with the rules for Western Rivers in 33 CFR 95.51 to 95.66 and similar Department of the Army regulations applicable on the Great Lakes in 33 CFR 201.1 to 201.16. The amendment to 33 CFR 80.21 in this document was concurred in by the Corps of Engineers, Department of the Army, but it was decided this change should only answer the immediate problem. Therefore, similar amendments are not included at this time revising the provisions for suction dredges in 33 CFR 95.55 (Western Rivers) and 33 CFR 201.5 (Great Lakes).

The National Association of River and Harbor Contractors was also notified of this change in 33 CFR 80.21 and no adverse comments were received.

Because of the necessity to provide identifying day signals and lights for a non-self-propelled dredge under way while being pushed ahead and engaged in dredging operations in inland waters, an emergency exists as contemplated by section 157(b) in Title 33, U.S. Code, and by section 1003(a) in Title 5, U.S. Code, and it is hereby found that compliance with the provisions of such laws respecting notice of proposed rule making, public rule making procedures thereon and effective date requirements is exempted by specific provisions in such laws.

The amendment to 33 CFR 80.16a(f) corrects a mistake in Coast Guard document CGFR 64–21 (F.R. document 64–4307) published in the FEDERAL REGISTER of April 30, 1964 (29 F.R. 5731). The amendment to § 80.16a(f) inserts the word "length" after the word "hawser" so the phrase will read "with a hawser length, between vessels, of less than 75 feet." In addition, the instruction for the amendment to 33 CFR 80.17(b)(3) is corrected by changing the identification of subparagraph from a non-existent paragraph "(e)(3)" to "(b)(3)."

The authority for 33 CFR Part 80 is amended to include the reference to the Treasury Department Order 167–33, which delegates to the Commandant, U.S. Coast Guard, authority to prescribe regulations under the listed statutory authority.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120, July 31, 1950 (15 F.R. 6521), and 167–33, September 23, 1958 (23 F.R. 7592), and the statutes cited with the regulations below, the following amendments are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

1. The authority for Part 80 is amended to read as follows:

AUTHORITY: The provisions of this part issued under sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157. Treasury Department Order 167–33, Sept. 23, 1958, 23 F.R. 7592. Other statutory provisions interpreted or applied are cited to text.

2. The introductory sentence only in § 80.16a(f) is amended to read as follows:

§ 80.16a Lights for barges, canal boats, scows and other nondescript vessels on certain inland waters of the Gulf Coast and the Gulf Intracoastal Waterway.

• • • • •

(f) When two or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed behind a steam vessel in tandem, with a hawser length, between vessels, of less than 75 feet, such vessels shall carry white lights as follows:

• • • • •

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157. Interpret or apply R.S. 4233A, as amended, sec. 1, 30 Stat. 98, as amended; 33 U.S.C. 353, 178. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167–33, Sept. 23, 1958, 23 F.R. 7592)

LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES OF ALL TYPES, AND VESSELS WORKING ON WRECKS AND OBSTRUCTIONS, ETC.

3. The "note" preceding § 80.18 is amended to read as follows:

NOTE: The regulations in §§ 80.18 to 80.31a are applicable on the harbors, rivers, and inland waters along the Atlantic and Pacific Coasts and the Coast of the Gulf of Mexico as described in § 80.01. Similar regulations in §§ 95.51 to 95.66 are applicable on the "western rivers" as described in § 95.01. Similar Department of the Army (Corps of Engineers) regulations in §§ 201.1 to 201.16 of this title are applicable on the Great Lakes and their connecting and tributary waters as far east as Montreal. The provisions of § 80.21 now apply to all dredges under way and engaged in dredging operations while the similar provisions in §§ 95.55 and 201.5 apply to self-propelled suction dredges under way and engaged in dredging operations.

4. Section 80.21 is amended to read as follows:

§ 80.21 Dredges under way and engaged in dredging operations.

(a) Dredges under way and engaged in dredging operations shall display by day two black balls not less than two feet in diameter and carried in a vertical line not less than three feet nor more than six feet apart, where they can best be seen from all directions. The term "dredging operations" shall include maneuvering into or out of position at the dredging site but shall not include proceeding to or from the site.

(b) By night, self-propelled dredges under way and engaged in dredging operations shall carry, in addition to the regular running lights, two red lights of the same character as the white masthead light, in a vertical line beneath that light. These red lights shall be not less than three feet nor more than six feet apart and the upper red light shall be not less than three feet nor more than six feet below the masthead light. They

shall also carry on or near the stern two red lights in a vertical line not less than three feet nor more than six feet apart, to show through twelve points of the compass; that is, from right astern to six points on each quarter.

(c) By night, a non-self-propelled dredge which is under way and engaged in dredging operations while being pushed ahead by a towboat shall be considered, with such towboat, for the purpose of compliance with Rules of the Road requirements for lights and shapes, as a single vessel. This vessel shall carry the lights described in paragraph (b) of this section, except that both the dredge and towboat shall carry the sidelights normally required for a barge towed by being pushed ahead and a vessel towing, respectively. When not engaged in dredging operations, this unit shall carry the regular lights for vessels towing and being towed.

Dated: December 14, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 64-12949; Filed, Dec. 17, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

SYNTHETIC FLAVORING SUBSTANCES AND ADJUVANTS

No objections were received in response to the notice published in the FEDERAL REGISTER of October 27, 1964 (29 F.R. 14641), proposing that the food additive regulations (21 CFR 121.1164; 29 F.R. 14625) be amended to provide for the safe use in food of certain synthetic flavoring substances and adjuvants. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1164(b) is amended as proposed by inserting alphabetically in the list of substances five new items, as follows:

**§ 121.1164 Synthetic flavoring substances and adjuvants.**

* * * * *

(b) * * *

Anisyl phenylacetate.

* * *

delta-Dodecalactone; 5-hydroxydodecanoic acid, deltalactone.

* * *

Isoamyl acetoacetate.

* * *

Isoamyl isobutyrate.

* * *

Sorbitan monostearate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the foregoing order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: December 14, 1964.

JOHN L. HARVEY,
*Deputy Commissioner*
*of Food and Drugs.*

[F.R. Doc. 64-12981; Filed, Dec. 17, 1964; 8:48 a.m.]

### PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM METHYL SULFATE

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 1347) filed by General Foods Corporation, 250 North Street, White Plains, N.Y., and other relevant material, and has concluded that a food additives regulation should issue to prescribe the safety of residual sodium methyl sulfate resulting from the methylation treatment of pectin. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), a new section is added to Subpart D of the regulations, as follows:

**§ 121.1171 Sodium methyl sulfate.**

Sodium methyl sulfate may be present in pectin in accordance with the following conditions.

(a) It is present as the result of methylation of pectin by sulfuric acid and methyl alcohol and subsequent treatment with sodium bicarbonate.

(b) It does not exceed 0.10 percent by weight of the pectin.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 11, 1964.

JOHN L. HARVEY,
*Deputy Commissioner*
*of Food and Drugs.*

[F.R. Doc. 64-12980; Filed, Dec. 17, 1964; 8:48 a.m.]

### SUBCHAPTER C—DRUGS

### PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

### PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

### PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

### Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for the certification and tests and methods of assay of antibiotic and antibiotic-containing drugs are amended as follows:

1. Section 146a.1 is renumbered § 146a.113.

2. Part 146a is amended by adding thereto the following new section, which contains the text formerly located in § 146.1-(*l*) (21 CFR 146.1(*l*), 1964 Revision):

**§ 146a.1 Interpretative statements relating to penicillin and penicillin-containing drugs.**

(a) *Penicillin and penicillin-containing drugs intended for treatment or prevention of mastitis in dairy animals by intramammary infusion; dosage limitation.* Whenever the labeling of a penicillin or penicillin-containing drug included in the regulations in this chapter suggests or recommends its use in the prevention or treatment of mastitis in dairy animals by intramammary infusion, the penicillin content of each single dose shall not exceed 100,000 units when used as directed in such labeling.

3. Part 141 is amended by adding thereto the following new section, which contains the text formerly located in § 146.1 (n) and (o) (21 CFR 146.1 (n) and (o), 1964 Revision):



**§ 141.1 Definitions and interpretations applicable to Part 141.**

(a) *Sterility tests; "filling operation" and "sample" defined.* (1) The term "filling operation" when used in connection with samples of a batch required for sterility testing refers to that period of time not longer than 24 consecutive hours during which a homogeneous quantity of a drug is being filled continuously into market-size containers and during which no changes are made in the equipment used for filling. (Short rest periods for operators of the filling equipment and the time required to change operators between consecutive shifts are not considered as a break in continuity of the filling operation.) If more than one filling device is used during the filling operation, the samples shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill a batch, each container in the sample shall be identified with the number of the operation.

(2) For the purpose of sterility testing, the term "sample" means the total number of containers taken from each filling operation.

(b) *Sterility tests; packaging requirements for samples.* If a batch of a sterile antibiotic is packaged for repacking or for use as an ingredient in the manufacture of another drug, the sample required for sterility testing may be packaged in one container, in lieu of 20 containers, or in two containers in lieu of 40 containers, under the following conditions:

(1) The weight or volume of the sample is equivalent to the composite weight or volume required for a multiple container sample;

(2) The sample is a composite of samples taken from all parts of the batch; and

(3) The sterility test method prescribed for the drug by the regulations in this chapter is "Bacterial membrane filter method" described in § 141.2(e)(1).

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the changes merely relocate existing regulations for a more logical arrangement.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: December 11, 1964.

JOHN L. HARVEY,
*Deputy Commissioner*
*of Food and Drugs.*

[F.R. Doc. 64-12982; Filed, Dec. 17, 1964; 8:49 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 8—Veterans Administration

### PART 8-7—CONTRACT CLAUSES

### Safety Requirements, Accident Prevention, Etc.

Section 8-7.650-20 is revised as follows:

**§ 8-7.650-20 Safety requirements, accident prevention, etc.**

*Safety Requirements, Accident Prevention, Etc.*

(a) In order to protect the lives and health of employees and others, the Contractor in performance of this contract shall take such safety precautions as are required by insurance underwriters, and shall comply with all provisions of Department of Army, Corps of Engineers, U.S. Army, "General Safety Requirements," EM 385-1-1, 13 March 1958, as amended prior to the date of this contract. If compliance with a provision of said "General Safety Requirements," would cause the Contractor to be in noncompliance with a requirement of the insurance underwriters, then the requirement of the insurance underwriters, in that specific instance, shall govern.

(b) The Contractor shall maintain an accurate record of, and shall report to the Contracting Officer through the Resident Engineer in the manner and on forms prescribed by the Contracting Officer, all cases of death, occupational disease, and traumatic injury arising out of, or in course of performance of this contract.

(c) The Contracting Officer, through the Resident Engineer, will notify the Contractor in writing of any noncompliance with the General Safety Requirements and necessary corrective action to be taken. Upon receipt of such notice, the Contractor will immediately correct the conditions to which attention has been directed.

(d) If the Contractor fails to promptly comply with the Contracting Officer's demand for necessary corrective action, as mentioned in the preceding paragraph, the Contracting Officer may order a stoppage of all or any part of the work and have corrective action taken by others and the cost of such corrective action shall be charged to the Contractor. Work stoppage(s), issued hereunder, will be lifted when necessary corrective action has been taken by the Contractor or the Government. Work stoppage(s) issued hereunder shall not be the basis of a claim for time lost or for any delays directly or indirectly attributable to Contractor's failure to comply with the above specified safety requirements.

(e) The General Safety Requirements, mentioned above, may be obtained from the Contracting Officer.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

This regulations is effective 45 days following publication in the FEDERAL REGISTER, but may be observed earlier.

Approved: December 14, 1964.

By direction of the Administrator.

[SEAL] A. H. MONK,
*Associate Deputy Administrator.*

[F.R. Doc. 64-12954; Filed, Dec. 17, 1964; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 1003 ]

[Docket No. AO–293–A9]

### MILK IN WASHINGTON, D.C. MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Washingtonian Motel, U.S. Interstate Route 70 at Shady Grove Road, Gaithersburg, Md., beginning at 10:00 a.m. e.s.t., on January 6, 1965, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Washington, D.C., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Maryland and Virginia Milk Producers' Association, Inc.

*Proposal No. 1.* Delete § 1003.16(d) and substitute therefor:

(d) "Base Milk" means milk received from a producer by a pool handler during any of the months of April through June of each year which is not in excess of such producer's daily average base computed pursuant to § 1003.63 multiplied by the number of days during the month.

*Proposal No. 2.* In § 1003.63 "Computation of Base for each Producer" the provision in the introductory text is revised and a new paragraph (e) is added to read as follows: "*Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 154, except as set forth in paragraph (e) of this section: • • •"

• • • • • •

(e) For any producer whose milk has been directed to be held off of the Washington, D.C., market during the period of July 1, 1964, through December 31, 1964, because it contained residues of pesticide, the quantity of milk receipts shall be the total pounds of milk received from such producer during such July–December period by pool handlers divided by days of actual shipment, or the previous year's base, whichever is greater.

*Proposal No. 3.* Delete § 1003.64 in its entirety and substitute the following:

**§ 1003.64 Base rules.**

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 1003.63 or as designated pursuant to paragraph (c) of this section may be transferred in its entirety to any other person upon written application to the market administrator on or before the second day of the month following the month of transfer. Such application shall be on a form approved by the market administrator and shall be signed by the base holder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, or assigns.

(b) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1003.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm;

(c) Only one base shall be allocated with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated; *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total the interests of the partners in the base is filed with the market administrator before the end of the base-making period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraph (a) of this section (including transfer to a partnership of which he is a member) such division with respect to any member of the partnership to be effective as of the end of any month during which an application for such division signed by each member is received by the market administrator.

Proposed by Sealtest Foods Division, National Dairy Products Corporation.

*Proposal No. 4.* In the first sentence of § 1003.15, delete the words "(except a plant fully subject to the pricing provisions of another Federal order)" and substitute therefor: "• • • (except a plant of a producer-handler or a plant where such milk would be priced as producer milk subject to the provisions of another order issued pursuant to the Act)",

Proposed by Breakstone Foods, Division National Dairy Products Corporation.

*Proposal No. 5.* Amend § 1003.16(a) by adding the words "yogurt (containing less than 3 percent butterfat)" after the word "except" in the second parenthesis.

*Proposal No. 6.* Make any other change in the Order necessary to clearly define yogurt as a Class II product.

Proposed by the Dairy Division, Agricultural Marketing Service.

*Proposal No. 7.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Edward L. St. Clair, Post Office Box 9245, Rosslyn Station, Arlington, Va., 22209, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on December 15, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–12995; Filed, Dec. 17, 1964; 8:50 a.m.]

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63–WE–92]

### CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

### Proposed Alteration, Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Redmond, Oregon, terminal area.

The following controlled airspace is presently designated in the Redmond, Oreg., terminal area:

1. The Redmond control zone is designated within a 5-mile radius of Roberts Field (latitude 44°15'11" N., longitude 121°08'55" W.) and within 2 miles either side of the Redmond VOR 090° radial extending from the 5-mile radius zone to the VOR.

2. The Redmond control area extension is designated as that airspace within 5 miles either side of the Redmond RR NW and SE courses extending from 17 miles NW to 15 miles SE of the RR, and within 5 miles either side of the Redmond VOR 090° and 270° radials extending from 17 miles W to 8 miles E of the VOR.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Redmond, Oregon, terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:





1. Redesignate the Redmond control zone as that airspace within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.).

2. Revoke the Redmond control area extension.

3. Designate the Redmond transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Redmond VOR 089° and 269° True radials, extending from the arc of a 5-mile radius circle centered on Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.) to 8 miles west of the VOR; within 2 miles each side of the 230° True bearing from Roberts Field, Redmond, Oreg., extending from the arc of a 5-mile radius circle centered on Roberts Field to 10 miles southwest of the airport; within 2 miles each side of the Redmond VOR 162° True radial, extending from the VOR to 5 miles south of the VOR and within 2 miles each side of the 302° True bearing from the Redmond radio beacon (radio range to be converted to radio beacon in March 1965), extending from the arc of a 5-mile radius circle centered on Roberts Field to 8 miles NW of the RBN; that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the Redmond VOR 269° True radial, extending from the VOR to 12 miles west of the VOR; within 14 miles northeast and 2 miles southwest of the Redmond VOR 122° and 302° True radials, extending from 18 miles northwest to 15 miles southeast of the VOR and within 6 miles west and 9 miles east of the Redmond VOR 189° True radial, extending from the VOR to 19 miles south of the VOR."

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The action proposed herein would, in part, reduce the size of the present Redmond control zone by revoking the west extension.

The portion of the proposed Redmond transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of prescribed instrument approach and departure procedures conducted beyond the limits of the Redmond control zone and below the floor of the proposed 1,200-foot floor area. The portion of the proposed transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing approach and holding procedures conducted within the Redmond terminal area above 1,500 feet above the surface.

At a future date, after adjacent terminal areas have been examined under the CAR 60–21/29 implementation program, it is planned that the floors of VOR airways connecting with Redmond will be raised to 1,200 feet or more above the surface.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be introduced nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 11, 1964.

JOSEPH H. TIPPETS,
*Director, Western Region.*

By: A. E. Horning.

[F.R. Doc. 64–12956; Filed, Dec. 17, 1964; 8:45 a.m.]

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–EA–55]

### FEDERAL AIRWAY

### Proposed Revocation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke Red Federal airway No. 25 from the Baker, Maine Intersection to the United States-Canadian border.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

There is not a sufficient amount of aircraft using Red Federal airway No. 25 in the United States to justify its retention. An extension of VOR Federal airway No. 314 from Millinocket, Maine, to Quebec, Canada, presently is under consideration (airspace docket 64–WA–68). If this airway is designated it would remove a requirement for R–25. This proposal has been coordinated with the Canadian Department of Transport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 11, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–12957; Filed, Dec. 17, 1964; 8:45 a.m.]

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–SW–50]

### FEDERAL AIRWAY

### Proposed Alteration

The Federal Aviation Agency is considering a proposal to amend Part 71 [New] of the Federal Aviation Regulations which would realign VOR Federal airway No. 198, in part, from Fort Stockton, Tex., to the Comfort, Tex., Intersection, via Junction, Tex., and which would revoke the Rock Springs, Tex., VOR as a low altitude reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The present alignment of V–198 between Fort Stockton and San Antonio

via Rock Springs, Tex., is not required for air traffic control purposes. The action proposed, herein, would combine the traffic on V–222 and V–198 between Fort Stockton and San Antonio into a single airway. The mileage via Junction in lieu of Rock Springs would be essentially the same. If this segment of V–198 is realigned, the Rock Springs VOR would no longer be required for air traffic control purposes as a low altitude reporting point.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 11, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–12958; Filed, Dec. 17, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

## [ 13 CFR Part 107 ]

## SMALL BUSINESS INVESTMENT COMPANIES

### Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946, by adding thereto two new §§ 107.750 and 107.751. Prior to the final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of fifteen (15) days of the date of this notice in the FEDERAL REGISTER.

*Information.* Proposed new § 107.750 would authorize Licensees to acquire equity securities of a small business concern issued by it or sold by or through an underwriter in connection with a public offering by such concern. The purchase would have to be consummated within thirty (30) days after the offering is lawfully made. The securities could not be offered for the account of persons other than the issuer. The fact that title to the securities may rest temporarily with the underwriter or that, technically, the sale to the Licensee is being made by the underwriter rather than the issuer-concern would be deemed immaterial.

Section 107.751 would permit Licensees to maintain a Special Discretionary Portfolio. Under proposed paragraph (a), they could invest and have outstanding in such portfolio up to 20 percent of their total adjusted assets. "Total adjusted assets" means total assets reduced by the aggregate outstanding balance of SBA loans received by the Licensee from SBA under § 107.402 and from other sources with terms of less than 1 year. The 20 percent maximum would be computed as of the date of the Licensee's most recently required financial report to SBA (March 31 or September 30). Under proposed paragraph (b), Licensees would be permitted to make the following types of investments up to the 20 percent maximum authorized by paragraph (a), notwithstanding provisions of Part 107 to the contrary, except for restrictive or prohibitive provisions which are mandatorily required under the Act:

(1) *Amortization at rate of 40 percent of declining balance per annum.* Debt or equity securities with a minimum term of 5 years to be amortized at a rate not exceeding 40 percent per annum of the declining principal balance outstanding, except for the final year of the term.

(2) *Short-term financing to portfolio concern as incidental part of long-term financing by Licensee.* Debt or equity financing evidencing an indebtedness with a term of less than 5 years to a portfolio small concern as an incidental part of long-term financing actually disbursed by the Licensee, but not to exceed 25 percent of such long-term financing.

(3) *Financing small insurance companies.* Debt or equity financing of small insurance companies which are duly licensed and operating under State or Federal law.

(4) *Equity securities purchased from non-issuer as incidental part (not exceeding 25 percent) of direct financing.* Equity securities purchased in the open market or from individuals as an incidental part of financing provided directly to a small concern, but not to exceed 25 percent of the direct financing.

Proposed paragraph (c) makes it clear that SBA may from time to time, by amendment of the Regulations, exempt other types of investments from Part 107 provisions and permit them within the 20 percent maximum prescribed by paragraphs (a) and (b).

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By adding a new § 107.750, which would read as follows:

**§ 107.750 Purchases from underwriters.**

A Licensee may purchase debt or equity securities issued by a small business concern or sold by or through an underwriter in connection with a public offering thereof by such small business concern: *Provided, however,* That such purchase is consummated not later than 30 days after such offering is lawfully made: *And provided further,* That the securities are not offered for the account of persons other than the issuer.

2. By adding a new § 107.751, which would read as follows:

**§ 107.751 Special Discretionary Portfolio.**

(a) *Authorization.* A Licensee may establish and maintain a Special Discretionary Portfolio. The maximum amount which may be invested and outstanding in such portfolio at any time shall not exceed 20 percent of the Licensee's total adjusted assets as of the date of its most recently required financial report to SBA. "Total adjusted assets" means total assets reduced by the outstanding aggregate balance of SBA loans under § 107.402 and other loans having terms of less than 1 year.

(b) *Investments permitted.* Notwithstanding otherwise applicable provisions of Part 107, except restrictive provisions required under the Act, a Licensee may make the following types of investments up to the maximum authorized by paragraph (a) of this section:

(1) Long-term debt or equity securities evidencing a debt with a minimum term of 5 years amortized at a rate not exceeding 40 percent per annum of the declining principal balance outstanding, except for the final year of the term.

(2) Debt or equity financing with a term of less than 5 years to a portfolio small business concern when it constitutes an incidental part of long-term financing actually disbursed by the Licensee to such concern. Debt or equity financing with a term of less than 5 years shall not be deemed an incidental part when it exceeds 25 percent of the total amount of such long-term financing.

(3) Debt or equity financing of small insurance companies duly licensed and operating under applicable State or Federal law.

(4) Equity securities purchased in the open market or from individuals as an incidental part of financing provided directly to a small business concern. Such purchase shall not be deemed an incidental part if it exceeds 25 percent of the direct financing.

(c) *Further exemptions.* SBA may from time to time exempt, by amendment of these regulations in this part, other types of investments from the provisions of this Part 107 and permit them within the 20 percent maximum prescribed by paragraphs (a) and (b) of this section.

Dated: December 16, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64–13053; Filed, Dec. 17, 1964; 8:50 a.m.]

# Notices

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 10, 1964.

The Bureau of Commercial Fisheries has filed an application, Serial Number Anchorage 061931, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws. The applicant desires the land for an administrative site for shellfish investigations.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for the consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Commercial Fisheries.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

Beginning at a point, at approximate latitude 59°27'40" N., longitude 151°33'30" W. on the south shore of Kasitsna Bay on Kenai Peninsula and from which corner No. 2, U.S. Survey 2675 bears approximately North 390 feet; thence South approximately 950 feet to a point; West approximately 1,800 feet to a point; North approximately 670 feet to a point on the line of mean high tide; thence By meanders Easterly and Northerly along the line of mean high tide to the point of beginning.

The area described aggregates approximately 25.0 acres.

JAMES W. SCOTT,
*Manager, Anchorage District and Land Office.*

[F.R. Doc. 64–12969; Filed, Dec. 17, 1964; 8:47 a.m.]

## Fish and Wildlife Service

[Docket No. Sub-B–15]

## BOAT PAT-SAN-MARIE, INC.

### Notice of Hearing

Boat Pat-San-Marie, Inc., New Bedford, Mass., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 100-foot overall steel vessel to engage in the fishery for scallops, groundfish, and flounders.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88–498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on January 20, 1965, at 9:00 a.m., e.s.t. in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

DONALD L. MCKERNAN,
*Director,*
*Bureau of Commercial Fisheries.*

DECEMBER 16, 1964.

[F.R. Doc. 64–13054; Filed, Dec. 17, 1964; 8:50 a.m.]

## Office of the Secretary

## SOUTHWESTERN POWER ADMINISTRATION

### Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

This material supersedes 270 DM 2.1 (29 F.R. 5569) April 25, 1964.

270.2.1 *Designation as Marketing Agency.* The Southwestern Power Administration is designated as the agency to market available surplus electric power and energy generated at the following reservoir projects pursuant to section 5 of the Act of December 22, 1944 (58 Stat. 890; 16 U.S.C. 825s): Beaver; Blakely Mountain; Broken Bow; Bull Shoals; Dardanelle; DeGray; Denison; Eufaula; Fort Gibson; Greers Ferry; Kaysinger Bluff; Keystone; Narrows; Norfolk; Robert S. Kerr; Sam Rayburn; Stockton; Table Rock; Tenkiller Ferry; and Whitney.

(Sec. 2 Reorg. Plan No. 3 of 1950; 5 U.S.C. sec. 133z–15, note)

STEWART L. UDALL,
*Secretary of the Interior.*

DECEMBER 11, 1964.

[F.R. Doc. 64–12970; Filed, Dec. 17, 1964; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## AMERICAN CYANAMID CO.

### Notice of Filing of Petition for Food Additives Resinous and Polymeric Coatings for Polyolefin Films

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 4B1334) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, N.J., 07470, proposing that paragraph (b)(3) of § 121.2569 *Resinous and polymeric coatings* • • • be amended as follows:

1. By inserting alphabetically under resins and polymers in subdivision (i) new items, as follows:

| *List of substances* | *Limitations* |
|---|---|
| (i) Resins and polymers: | |
| • • • | • • • |
| Melamine-formaldehye as the basic polymer or chemically modified with methyl alcohol. | ------- |
| • • • | • • • |
| Polyesters formed by reaction of one or more of the following polybasic acids with one or more of the following polyhydric alcohols: | ------- |
| Polybasic acids: | |
| Adipic. | |
| Fatty acids and dimers thereof, from natural sources. | |
| Fumaric. | |
| Isophthalic. | |
| Maleic. | |
| Orthophthalic. | |
| Sebacic. | |
| Terephthalic. | |
| Trimellitic. | |
| Polyhydric alcohols: | |
| 1,3-Butylene glycol. | |
| Diethylene glycol. | |
| Dipropylene glycol. | |
| Ethylene glycol. | |
| Glycerol. | |
| Mannitol. | |
| α-Methyl glucoside. | |
| Pentaerythritol. | |
| Propylene glycol. | |
| Sorbitol. | |
| Trimethylol ethane. | |
| Trimethylol propane. | |





2. By inserting alphabetically under adjuvants in the list of substances in subdivision (iii) the following new items:

Dated: December 11, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner*



paratory to the Cargo Conference to be held next spring. As we have indicated

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind

2. By inserting alphabetically under adjuvants in the list of substances in subdivision (iii) the following new items:

| List of substances | Limitations |
|---|---|
| • • • | • • • |
| (iii) Adjuvants (release agents, waxes, and dispersants): | |
| Acetone | |
| • • • | • • • |
| Ethyl acetate | |
| • • • | • • • |
| Tetrahydrofuran | |

Dated: December 11, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12983; Filed, Dec. 17, 1964; 8:49 a.m.]

## BRITISH CELLOPHANE LTD.

### Notice of Filing of Petition for Food Additive Cellophane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1378) has been filed by British Cellophane Limited, Bath Road, Bridgwater, Somerset, England, proposing an amendment to § 121.2507 *Cellophane* of the food additive regulations to provide for the safe use of the distearic acid ester of di(hydroxyethyl)diethylenetriamine monoacetate as an optional component at a level not to exceed 0.06 percent by weight of finished food-packaging cellophane.

Dated: December 11, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12984; Filed, Dec. 17, 1964; 8:49 a.m.]

## ELANCO PRODUCTS CO., DIVISION OF ELI LILLY AND CO.

### Notice of Withdrawal of Petition for Food Additive Tylosin and 3-Nitro-4-Hydroxyphenylarsonic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Company, a division of Eli Lilly and Company, Indianapolis 6, Ind., has withdrawn its petition (FAP 1068), published in the FEDERAL REGISTER of August 23, 1963 (28 F.R. 9329), proposing the issuance of a regulation to provide for the use of tylosin and 3-nitro-4-hydroxyphenylarsonic acid in swine feed for growth promotion and feed efficiency.

The withdrawal of this petition is without prejudice to a future filing.

Dated: December 11, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-12985; Filed, Dec. 17, 1964; 8:49 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-21586]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of December 1964.

Agreement adopted by the Traffic Conferences of the International Air Transport Association at meetings in Athens relating to cargo rates; Docket 15353, Agreement C.A.B. 18081, R-1 through R-13.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at the Athens Traffic Conference meetings (October 1964). The agreement has been assigned the above-designated C.A.B. Agreement number.

For the most part, the resolutions in question are designed to effect improvements in IATA procedures with respect to cargo rate matters. The carriers have agreed that passenger and cargo conferences should be separated and held in alternate years. To this end, the agreement provides for the revalidation of existing cargo rate structures in all conference areas, now scheduled to expire March 31, 1965, for a five-month period through August 31, 1965. In this connection, it is our understanding that a composite cargo conference will be held next spring to negotiate world-wide rates for a two-year period beginning September 1, 1965. The agreement further provides for a revision in existing specific commodity rates board machinery so as to place under a single committee all joint conference specific commodity rates. It is our view that the revisions are reasonable and desirable from a practical and administrative standpoint. The establishment of a single committee with full authority to deal with specific commodity rates seems entirely appropriate in view of the interrelationship of rates involved. We will therefore approve the resolutions in question. We are, however, imposing essentially the same conditions as are attached to the existing commodity rates board machinery with respect to the submission of Minutes and Reports of committee meetings and the filing with, and approval by, the Board of rates agreed to prior to their being placed in effect.

The agreement also proposes changes in the containers program. Among other things, the revisions to be applicable on the North Atlantic and North and Central Pacific routes provide for: (1) A reduction in the minimum capacity requirements for the registration of containers and pallets owned by non-members from 18 cubic feet to 12 cubic feet to better accommodate their use in combination aircraft and (2) a straight reduction of 12 percent in charges for consignments sent in containers owned by non-members which have been approved and registered by the Containers Board, provided the total weight (or volume) is not less than 220 pounds. The present formula provides that charges will be based on the weight (or volume) less the weight of the container or pallet, or less 10 percent of gross weight (including the container or pallet), whichever results in the higher charge, and thus establishes a floor based on the net weight of the shipment without the container or pallet. The discount now proposed will in some degree offer a price incentive to shippers to use containers and pallets.

Although the rate incentive will result in lower rates for shipments in containers than for shipments not in containers, we believe the potential for cost savings to the carriers, increased efficiencies, and added protection from pilferage warrants the differential in price on an experimental basis. As in the case of most other cargo resolutions here involved, the resolution will expire on August 31, 1965.

We are conditioning our approval of the Containers Board (Resolution 520) so as to require the submission of the filing of Minutes or Reports of its meetings and also copies of the Register of Approved Containers or Pallets. The Containers Board is required to approve all applications for registration of containers and pallets, which registration is essential for eligibility for the incentive discount. In this connection, one forwarder has complained that absent the provision for automatic approval of containers owned by non-members, which was eliminated by mail-vote action, the Containers Board may act capriciously in denying approval of some applications while granting others. The complainant did not allege that the Containers Board has acted in this manner. Such a possibility does exist, but we believe that the discriminatory treatment of applications would only forestall the development of a sound containers program and is unlikely. The Containers Board is expected to have criteria and to evaluate applications on a nondiscriminatory basis. The requirement for the submission of Containers Board Minutes will afford the Board an opportunity to review the actions of the Containers Board and take any action that might be indicated.

As an additional point, it appears from the Cargo Minutes that Working or Policy Groups, e.g., The Cargo Agency Policy Sub-Committee, will concern themselves with various problems preparatory to the Cargo Conference to be held next spring. As we have indicated in discussions and in correspondence with the United States carriers, pertaining to documentation, we will expect that copies of reports and recommendations of such groups be submitted to the Board at the time of their circulation among IATA members.



The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. The Board finds that on the basis of all facts presently known, the following resolutions contained in Agreement C.A.B. 18081, do not affect air transportation within the meaning of the Act:

| CAB No. | IATA No. | Title | Application |
|---|---|---|---|
| R-1 | 001c | Special Effectiveness Resolution—Cargo Revalidating and Amending insofar as it relates to: | |
| | | 590n—Specific Commodity Rates—South Atlantic | 1/2 |
| R-2 | 002a | Cargo Revalidation Resolution insofar as it relates to: | |
| | | 115g—Meeting Non-IATA Cargo Competition between Europe and the Middle East. | 2 |
| | | 203c—Reduced Fares for Consolidators | 2 |
| | | 501—Minimum Charges for Cargo | 2 |
| | | 511a—Live Animals Other than Monkeys and Primates | 2 |
| R-3 | 003a | Rescission Resolution—Cargo insofar as it relates to: | |
| | | 590—Commodity Rates Board | 2 |
| | | 590a—Specific Commodity Rates | 2 |
| | | 590b—Application Form for Specific Commodity Rate | 2 |
| | | 590r—Specific Commodity Rates Board—Amending | 2 |
| | | 590n—Specific Commodity Rates—South Atlantic | 1/2 |
| R-6 | 512c | Charge for Preparation of Air Waybill—Amending | 2 |
| R-11 | 590 | Specific Commodity Rates Committee | 2 |

2. The Board does not find the following resolutions contained in Agreement C.A.B. 18081 to be adverse to the public interest or in violation of the Act:

| CAB No. | IATA No. | Title | Application |
|---|---|---|---|
| R-1 | 001c | Special Effectiveness Resolution—Cargo-Revalidating and Amending [1] | 1/2; 1/2/3. |
| R-2 | 002a | Cargo Revalidation Resolution [1] | Worldwide. |
| R-3 | 003a | Rescission Resolution—Cargo [1] | 2; 3; 1/2; 2/3; 3/1; 1/2/3. |
| R-4 | 502 | Low Density Cargo—Amending | Worldwide. |
| R-5 | 511 | Monkeys and Primates—Amending | 2; 3; 2/3; 3/1; 1/2/3. |
| R-6 | 512c | Charge for Preparation of Air Waybill—Amending | 3; 1/2. |
| R-8 | 521 | Use of Containers and Pallets—Amending | Worldwide. |
| R-9 | 557 | Joint Conference 123 Cargo Rates—Readopting and Amending. | 1/2/3. |
| R-13 | 590f | Commodity Rates Board—Parts, Accessories and Supplies—Amending. | 1. |

[1] Except that portion over which jurisdiction is disclaimed as noted in finding paragraph 1.

3. The Board does not find the following resolutions contained in Agreement C.A.B. 18081 to be adverse to the public interest or in violation of the Act, provided that approval thereof is subject to the conditions specified with respect to each:

| CAB No. | IATA No. | Title | Application |
|---|---|---|---|
| R-7 | 520 | Containers Board—Amending Provided that copies of Minutes and/or Reports of meetings shall be submitted to the Board, as well as copies of Registers of Approved Containers and Pallets at the time of their circulation among members. | Worldwide. |
| R-10 | 590 | Specific Commodity Rates Committee | 1/2; 2/3; 3/1; 1/2/3. |
| R-12 | 590 | Specific Commodity Rates Committee | 3. |

*Provided*, That:

(a) With respect to R-10 which is applicable in Joint Conferences, copies of Minutes or Reports of meetings shall be submitted to the Board at the conclusion of meetings, as well as copies of all notices and status reports at the time of circulation among members.

(b) Rates established pursuant to said resolutions which are applicable in air transportation as defined by the Federal Aviation Act of 1958, or which are combinable with rates in air transportation, shall be filed with the Board under section 412 of the Act and approved by it prior to being placed in effect;

(c) The Board will not exercise jurisdiction with respect to rates adopted pursuant to said resolutions except as provided in (b) above.

*Accordingly, it is ordered*, That:

1. Jurisdiction over that portion of Agreement C.A.B. 18081 set forth in finding paragraph 1 is disclaimed;

2. That portion of Agreement C.A.B. 18081 set forth in finding paragraph 2 is approved; and

3. That portion of Agreement C.A.B. 18081 set forth in finding paragraph 3 is approved subject to the conditions stated therein.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-12990; Filed, Dec. 17, 1964; 8:49 a.m.]

[Docket No. 15353; Order E-21588]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of December 1964.

Agreements adopted by Traffic Conference 1 and Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket 15353, Agreement C.A.B. 17666, R-66 through R-74; Agreement C.A.B. 17868, R-17.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreements, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, name additional specific commodity rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the subject agreements to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered:*

That Agreement C.A.B. 17666, R-66 through R-74, and C.A.B. 17868, R-17, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreements, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any

[1] Filed as part of original document.

such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-12991; Filed, Dec. 17, 1964; 8:50 a.m.]

[Docket No. 15406 etc.]

## LAS VEGAS-GRAND CANYON NONSTOP SERVICE

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 12, 1965, at 10 a.m., local time, in the County Commission chambers, second floor, Clark County Courthouse, 2d and Carson Streets, Las Vegas, Nev., before the undersigned Examiner.

Dated at Washington, D.C., December 14, 1964.

[SEAL] WALTER W. BRYAN, *Hearing Examiner.*

[F.R. Doc. 64-12992; Filed, Dec. 17, 1964; 8:50 a.m.]

[Docket No. 9093 etc.]

## REOPENED SERVICE TO SPOKANE CASE

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 27, 1965, at 10:00 a.m., e.s.t., in Room 726, Universal Building, Florida and Connecticut Avenues, NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., December 15, 1964.

[SEAL] THOMAS L. WRENN, *Associate Chief Examiner.*

[F.R. Doc. 64-12993; Filed, Dec. 17, 1964; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

[Docket No. 1216]

## CONTAINERSHIPS, INC.

### Activities, Tariff Filing Practices and Carrier Status; Notice of Investigation and Hearing

Containerships, Inc. until recently filed tariffs as a common carrier in the trade from Atlantic Coast ports to ports in Puerto Rico. It established and maintained tariffs FMC-F Nos. 1 and 2, naming local commodity rates from, to, and between the United States and Puerto Rico as required by section 2, Intercoastal Shipping Act, 1933.

On October 19, 1964, Containerships, Inc. announced that henceforth it would operate non-common carrier service and cancelled its tariffs effective November 28, 1964.

The Commission is of the opinion that an expedited investigation should be undertaken to determine the exact manner in which Containerships, Inc. has solicited or transported cargo between North Atlantic ports and ports in Puerto Rico since September 1, 1964, so that it can determine whether Containerships' southbound operations since said date violate section 18(a), Shipping Act, 1916, or section 2, Intercoastal Shipping Act, 1933.

*Therefore, it is ordered,* That an investigation be, and it is hereby instituted, pursuant to sections 18(a) and 22 of the Shipping Act, 1916 (46 U.S.C. 817 and 821), and section 2, Intercoastal Shipping Act, 1933 (46 U.S.C. 844), to determine whether operations of Containerships, Inc., since September 1, 1964, from North Atlantic ports to ports in Puerto Rico are or have been in violation of section 18(a), Shipping Act, 1916, and section 2, Intercoastal Shipping Act, 1933, with a view of making such findings and orders in the premises as the facts and circumstances shall warrant;

*It is further ordered,* That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, (II) the hearing be commenced on January 5, 1965, 45 Broadway, New York, N.Y., in Room No. 705, at 9:30 a.m., e.s.t., and the evidence taken at the hearing be limited to the nature of Containerships' service since September 1, 1964, and its contemplated service; (III) Containerships, Inc. is hereby made respondent in this proceeding; (IV) a copy of this order shall forthwith be served upon said respondent; (V) this order be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein should file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73) of the Commission's rules of practice and procedure on or before December 29, 1964, with copy to respondent.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64-12979; Filed, Dec. 17, 1964; 8:48 a.m.]

[Docket No. 1212]

[Agreements 9361, 8680, 8680-3, 8680-4, 8680-5, 9233, 9060, 9060-1, 9020, 9020-2, 9020-3, 9020-4, 9020-5]

## MEDITERRANEAN POOLS INVESTIGATION

On July 1, 1964, seven of the members of the Marseilles/North Atlantic U.S.A. Freight Conference filed Agreement No. 9361, the Marseilles/North Atlantic Freight Pool, with the Federal Maritime Commission for approval under section 15 of the Shipping Act, 1916. Proposed Agreement No. 9361 provides for the division of revenue among the pool members on cargo moving from Marseilles to certain U.S. North Atlantic ports. The agreement is to be effective retroactively from July 1, 1964, to December 31, 1966, and provides for automatic extension thereafter for one year periods. The United States Department of Justice has filed a petition for hearing on the question of whether Agreement No. 9361 should be approved, disapproved or modified.

In making its decision as to whether agreements should be approved, disapproved or modified under section 15, and in determining under that section whether concerted anti-competitive practices among ocean common carriers should be granted an exemption from United States Anti-Trust laws, the Commission is charged with the responsibility of making an informed judgment as to whether the operation of such agreements will be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or will operate to the detriment of the commerce of the United States or will be contrary to the public interest. In order to carry out its responsibilities under section 15 with respect to this pooling agreement the Commission considers it necessary that there be a full investigation to determine whether the agreement should be approved, disapproved or modified under the standards set forth in section 15.

There are four other pooling agreements covering inbound trades from various Mediterranean areas to U.S. North Atlantic and Great Lakes ports.

These are:

Agreement No. 8680, covering the trade from ports on the West Coast of Italy to U.S. North Atlantic ports.

Agreement No. 9233, covering the trade between Israel and U.S. North Atlantic ports.

Agreement No. 9060, covering the trade from Venice on the East Coast of Italy to U.S. North Atlantic ports.

Agreement No. 9020, covering the trade from various Mediterranean ports to U.S. Great Lakes ports.

Two of these pooling agreements, Agreement No. 8680 and Agreement No. 9233, are currently involved in Commission ordered docketed proceedings to determine whether they should be approved, disapproved or modified under section 15 (Dockets 1169 and 1178). There is a high degree of overlapping membership in these various pooling agreements, as indicated in attached Appendix A, and the agreements and the trading areas covered appear in other ways to be closely related and competitive with each other.

In order for the Commission to properly understand and evaluate the impact of this newly filed Marseilles Pooling Agreement No. 9361, and the other pooling agreements in the Mediterranean trade, certain of which have already been docketed for Commission investigation, the Commission considers it essential that its investigation encompass the inter-relationships and overlapping membership of all these various pools.



Examination of each of these separate pooling agreements on an isolated and segmented basis, without regard to the inter-relationship between them, would not permit the Commission to fully evaluate the effect of the pools and their total impact on the foreign commerce of the United States and the public interest.

The Commission has therefore decided that, in order to properly determine whether any or all of these agreements should be approved, disapproved or modified under the standards of section 15, it will order a single investigation into all these Mediterranean pooling agreements to determine the manner in which these pooling agreements operate, the degree of inter-relationships between the various pooling agreements, the purpose for which these agreements have been instituted and why they are considered necessary by the parties, whether these agreements as filed with the Commission represent the full and complete agreements of the parties, whether there are any additional unfiled understandings or arrangements among the various carrier members of these pools which have not been filed with and approved by the Commission, whether sailings, revenues, ports or trading areas have been allotted or divided up between these different trading areas through the inter-relationships of these pooling agreements, the effect these agreements have had and will have on the rate structure and service within these trades and related trades in the foreign commerce of the United States, the effect these agreements have had and will have on other carriers, shippers, exporters, importers, ports, and on these trades and related trades in the foreign commerce of the United States, and whether any one of these agreements, or any combination of them, will be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operate to the detriment of the commerce of the United States, or be contrary to the public interest, or be in violation of the Shipping Act, 1916, and should be approved, disapproved or modified under the standards of section 15. The investigation will particularly determine whether any provisions of these agreements can be approved for any period of time prior to such approval or can be made applicable to any period of time prior to such approval.

With respect to the pooling agreement between the West Coast of Italy and U.S. North Atlantic ports, Agreement No. 8680, there is now pending before the Commission in Docket No. 1178, an investigation to determine whether continued approval should be accorded to that pooling agreement, and whether Agreements No. 8680, 8680-3, 8680-4, and 8680-5 should be approved, disapproved or modified pursuant to section 15. The investigation in Docket No. 1178 is hereby discontinued and the issues in that proceeding as to Agreements 8680, 8680-3, 8680-4 and 8680-5 will be included in the Mediterranean pools investigation herein ordered.

With respect to the pooling agreement in the trade between Israel and North Atlantic ports, Agreement No. 9233, there is now pending before the Commission in Docket No. 1169 a formal investigation to determine whether that pooling agreement should be approved, disapproved, or modified. The investigation in Docket No. 1169 is hereby discontinued and the issues in that proceeding as to Agreement 9233 will be included in the Mediterranean pools investigation herein ordered.

With respect to the pooling agreement in the trade from Venice on the East Coast of Italy to U.S. North Atlantic ports, Agreement No. 9060, the Commission considers that because of the overlapping membership and apparent interrelationships between this agreement and other pooling agreements in the Mediterranean trade the Mediterranean pools investigation herein ordered will include an investigation to determine whether continued approval should be accorded Agreement 9060.

In addition, there has been filed Agreement No. 9060-1, which would modify basic Agreement No. 9060 to change certain loading and discharging expenses and adjust pooling percentages retroactively to a period prior to Commission approval. The Commission considers that there should be a full investigation to determine whether Agreement No. 9060-1 should be approved, disapproved or modified. The Mediterranean pools investigation herein ordered will include such an investigation.

With respect to the pooling agreement from Mediterranean ports to U.S. Great Lakes Ports, Agreement No. 9020, the Commission considers that because of the overlapping membership and apparent competitive inter-relationships between that pooling agreement and the other pooling agreements in the Mediterranean trade, the Mediterranean pools investigation herein ordered will include an investigation to determine whether continued approval should be accorded Agreement 9020.

In addition, there have been filed with the Commission various modifications to basic Agreement No. 9020 for approval under section 15 of the Shipping Act, 1916, Agreements Nos. 9020-2, 9020-3, 9020-4, and 9020-5. These modifications would make various changes in membership, minimum number of calls, allocation of shares between parties, and various other provisions, many of them to be retroactive to a date prior to approval by the Commission. The Commission considers that there should be a full investigation to determine whether Agreements Nos. 9020-2, 9020-3, 9020-4, and 9020-5 should be approved, disapproved or modified. The Mediterranean pools investigation herein ordered will include such an investigation.

Now, Therefore, by authority vested in the Commission;

*It is ordered,* That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission institute an investigation and hearing with respect to pooling Agreements 9361, 8680, 9233, 9060, and 9020, together with modification Agreements Nos. 8680-3, 8680-4, 8680-5, 9060-1, 9020-2, 9020-3, 9020-4, and 9020-5, which have been filed with the Commission for approval under section 15, in order to determine:

1. The manner in which these pooling agreements operate.

2. The degree of inter-relationships between the various pooling agreements.

3. The purpose for which these agreements have been instituted and why they are considered necessary by the parties.

4. Whether these agreements as filed with the Commission represent the full and complete agreements of the parties.

5. Whether there are any additional understandings or arrangements among the various carrier members of these pools which have not been filed with and approved by the Commission.

6. Whether sailings, revenues, ports or trading areas have been allotted or divided up between these different trading areas through the inter-relationships of these pooling agreements.

7. The effect these agreements have had and will have on the rate structure and service within these trades and related trades in the foreign commerce of the United States.

8. The effect these agreements have had and will have on carriers, shippers, exporters, importers, ports, and on these trades and related trades in the foreign commerce of the United States.

9. Whether any one of these agreements, or any combination of them, will be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operate to the detriment of the commerce of the United States, or be contrary to the public interest, or be in violation of the Shipping Act, 1916.

10. Whether Agreement 9361 should be approved, disapproved or modified pursuant to the standards of section 15 of the Shipping Act, 1916.

11. Whether continued approval should be accorded to Agreement 8680, and whether such agreement should be disapproved or modified, and whether Agreements 8680-3, 8680-4, 8680-5 should be approved, disapproved or modified pursuant to section 15 of the Shipping Act, 1916.

12. Whether Agreement 9233 should be approved, disapproved or modified pursuant to the standards of section 15 of the Shipping Act, 1916.

13. Whether continued approval should be accorded Agreement 9060 and whether such agreement should be disapproved or modified, and whether Agreement 9060-1 should be approved, disapproved or modified pursuant to the standards of section 15 of the Shipping Act, 1916.

14. Whether continued approval should be accorded Agreement 9020, and whether such agreement should be disapproved or modified, and whether Agreements 9020-2, 9020-3, 9020-4, and 9020-5 should be approved, disapproved or modified pursuant to the standards of section 15 of the Shipping Act, 1916.

15. Whether any provisions of the foregoing agreements can be approved for any period of time prior to such ap-

proval or can be made applicable to any period of time prior to such approval.

*It is further ordered,*

1. That the investigation to determine whether Agreements 8680, 8680–3, 8680–4 and 8680–5 should be approved, disapproved or modified, previously ordered in Docket No. 1178, be discontinued, since the issues in that investigation have been included in this Mediterranean pools investigation, provided however, that approval of the modification to Agreement 8680 granted by the Commission in its order dated April 20, 1964, in Docket No. 1178, will continue in effect until the Commission approves, disapproves, cancels or modifies Agreements 8680, 8680–3, 8680–4 and 8680–5 in this proceeding, or until otherwise ordered by the Commission.

2. That the investigation to determine whether Agreement No. 9233 should be approved, disapproved or modified, previously ordered by the Commission in Docket No. 1169, be discontinued, since the issues in that investigation have been included in this Mediterranean pools investigation.

*It is further ordered,* That the parties to these agreements, as set forth in Appendix A below, be made respondents in this proceeding.

*It is further ordered,* That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner;

*It is further ordered,* That notice of this Order and notice of hearing be published in the FEDERAL REGISTER, and copy of such order and notice of hearing be served upon respondents.

*It is further ordered,* That persons other than respondents who desire to become parties to this proceeding and to participate herein shall file with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, a petition to intervene in accordance with Rule 5(n) of the Commission's rules of practice and procedure on or before December 30, 1964, with copy to each of the respondents.

*It is further ordered,* That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
*Secretary.*

APPENDIX A

[Docket No. 1212]

MEDITERRANEAN POOLS INVESTIGATION

LIST OF RESPONDENTS AND POOLING AGREEMENTS TO WHICH THEY ARE PARTIES

*Parties and agreements*

American Export Isbrandtsen Lines, Inc., 8680, 8680–3, 8680–4, 8680–5, 9060, 9060–1, 9233, 9361, 9020, 9020–2, 9020–3, 9020–4, and 9020–5.

Fabre Line, 8680, 8680–3, 8680–4, 8680–5, 9361, 9020, 9020–2, 9020–3, 9020–4, and 9020–5.

"Italia" Societa Per Azioni di Navigazione, 8680, 8680–3, 8680–4, and 8680–5.

Mitsui O.S.K. Line, Ltd., 8680, 8680–3, 8680–4, and 8680–5.

American President Lines, Ltd., 8680, 8680–3, 8680–4, 8680–5, and 9361.

Concordia Line, 8680, 8680–3, 8680–4, and 8680–5.

Concordia Line and Niagara Line (Joint Service Agreement 8358), 9020, 9020–2, 9020–3, 9020–4, and 9020–5.

Costa Line, 8680, 8680–3, 8680–4, and 8680–5.

Jugoslavenska Linijska Plovidba, 8680, 8680–3, 8680–4, 8680–5, 9060, and 9060–1.

A. P. Moller-Maersk Line, 8680, 8680–3, 8680–4, and 8680–5.

Kulukundis Lines, Ltd., 8680, 8680–3, 8680–4, and 8680–5.

Prudential Lines, Inc., 8680, 8680–3, 8680–4, and 8680–5.

Hansa Line, 8680–4, 8680–5, and 9361.

Torm Line, 8680–5.

Zim Israel Navigation Co., Ltd., 8680–5, 9233, 9361, and 9020, 9020–2, 9020–3, 9020–4, and 9020–5.

Fresco Line, 9361.

Fassio Line, 9361.

Montship-Capo Great Lakes Service, 9020, 9020–2, 9020–3, 9020–4, and 9020–5.

Watta Watts Mediterranean Service, 9020, 9020–2, 9020–3, 9020–4, and 9020–5.

Jadranska Slobodna Plovidba, 9020–3, 9020–4, and 9020–5.

United Arab Maritime Co. (Canada Orient Line), 9020–4, and 9020–5.

IDENTIFICATION OF PARTIES FOR SERVICE

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York 4, N.Y.

Fabre Line, 17 State Street, New York 4, N.Y.

"Italia" Societa Per Azioni di Navigazione, One Whitehall Street, New York, N.Y., 10004.

Mitsui O.S.K. Line, Ltd., 17 Battery Place, New York, N.Y., 10004.

American President Lines, Ltd., 601 California Street, San Francisco 8, Calif.

Concordia Line, 90 Broad Street, New York 4, N.Y.

Niagara Line and Concordia Line, Boise-Griffin Steamship Co., Inc., General Agents, 90 Broad Street, New York 4, N.Y.

Costa Line, J. H. Winchester and Co., General Agents, 19 Rector Street, New York 6, N.Y.

Jugoslavenska Linijska Plovidba, Crossocean Shipping Co., Inc., 17 Battery Place, New York, N.Y.

A. P. Moller-Maersk Line, 67 Broad Street, New York 4, N.Y.

Kulukundis Lines, Ltd., Star Line Agency, Inc. (James Katsouris, attorney in fact), 80 Broad Street, New York 4, N.Y.

Prudential Lines, Inc., One Whitehall Street, New York 4, N.Y.

Hansa Line, Hartmann, F. W. & Co., Inc., Agents, 120 Wall Street, New York 5, N.Y.

Torm Line, Peralta Shipping Corp., General Agents, 85 Broad Street, New York 4, N.Y.

Zim Israel Navigation Co., Ltd., 42 Broadway, New York 4, N.Y.

Fresco Line, 120 Wall Street, New York 4, N.Y.

Fassio Line, Norton, Lilly & Co., Inc., Agents, 26 Beaver Street, New York 4, N.Y.

Montship-Capo Great Lakes Service, Sagus Marine Corp., Agents, 26 Broadway, New York 4, N.Y.

Watts Watts Mediterranean Service, Watts-Watts Shipping Agencies, Ltd., Agents, 17 Battery Place, New York, N.Y., 10004.

Jadranska Slobodna Plovidba, Crossocean Shipping Co., Inc., General Agents, 17 Battery Place, New York, N.Y., 10004.

United Arab Maritime Co. (Canada Orient Line), Ewig, Carl F., Agent, 44 Whitehall Street, New York 4, N.Y.

[F.R. Doc. 64–13032; Filed, Dec. 17, 1964; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP65–63]

## ALGONQUIN GAS TRANSMISSION CO.

### Notice of Application

DECEMBER 11, 1964.

Take notice that on September 3, 1964, as supplemented on October 12, 1964, Algonquin Gas Transmission Company (Applicant), Boston, Massachusetts, filed in Docket No. CP65–63 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the construction and operation of other facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to relocate approximately two miles of its lateral pipeline J–1 in Lexington, Massachusetts by abandoning in place approximately two miles of the existing 26-inch lateral pipeline and constructing approximately two miles of 30-inch pipeline.

The application states that the proposed relocation is necessary due to the scheduled regrading of Massachusetts State Route 2 in Lexington, Massachusetts.

The total estimated cost of the relocation is $628,000. Applicant will be reimbursed approximately $15,000 by the Commonwealth of Massachusetts, and will finance the remaining costs with current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12959; Filed, Dec 17, 1964; 8:46 a.m.]

[Docket No. CP65–108]

## MONTANA-DAKOTA UTILITIES CO.

### Notice of Application

DECEMBER 11, 1964.

Take notice that on October 26, 1964, Montana-Dakota Utilities Co. (Applicant), Minneapolis, Minn., filed in Docket No. CP65–108 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the sale of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a gas measurement station in Hot Springs County, Wyoming to meter natural gas to be sold to Wyoming Gas Company (Wyoming) for resale and distribution in Thermopolis and East Thermopolis, Wyoming. Applicant seeks further authorization to sell natural gas to Wyoming in accordance with Applicant's FPC Gas Tariff, Original Volume No. 3.

Estimated annual and peak day sales for the initial three year period are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 382,000 | 383,000 | 385,000 |
| Peak day (Mcf) | 3,250 | 3,250 | 3,250 |

The estimated cost of Applicant's proposed facilities is $12,300, and will be financed with internally generated funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12960; Filed, Dec. 17, 1964; 8:46 a.m.]

[Docket No. CP65–161]

## MORENCI NATIONAL GAS CO.

### Notice of Application

DECEMBER 11, 1964.

Take notice that on December 4, 1964, Morenci National Gas Company (Applicant), Morenci, Mich., filed in Docket No. CP65–161 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing American Louisiana Pipe Line Company to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in Morenci and Weston, Michigan and environs, Lewanee County, Mich., all as more fully set forth in the application on file with the Commission and open to public inspection.

The estimated initial three year period of annual and peak day requirements are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 258,054 | 276,742 | 295,819 |
| Peak day (Mcf) | 1,898 | 2,086 | 2,281 |

Total estimated cost of Applicant's proposed distribution system is $579,255, and will be financed by means of First Mortgage Bonds, common stock, and equity capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12961; Filed, Dec. 17, 1964; 8:46 a.m.]

[Project No. 2062]

## OKANOGAN COUNTY, WASHINGTON

### Notice of Postponement of Hearing

DECEMBER 11, 1964.

Public Utility District No. 1 of Okanogan County, Project No. 2062.

Upon consideration of the motion filed December 9, 1964 by Commission Staff Counsel, notice is hereby given that the hearing fixed in the above-designated proceeding for December 16, 1964 by order issued November 25, 1964 (29 F.R. 16232) is postponed to January 20, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–12962; Filed, Dec. 17, 1964; 8:46 a.m.]

[Docket No. CP65–81]

## SOUTHERN NATURAL GAS CO.

### Notice of Application

DECEMBER 11, 1964.

Take notice that on September 25, 1964, Southern Natural Gas Company (Applicant), Birmingham, Ala., filed in Docket No. CP65–81 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 6.3 miles of 8⅝-inch loop line, 350 additional horsepower at Applicant's Rankin Station, and compressing facilities of 1,080 horsepower to be installed at Applicant's existing Gwinville Station.

The application states that the proposed facilities are requested to enable Applicant to deliver additional quantities of natural gas to Mississippi Chemical Corporaton (Mississippi) at Missssippi's plants located near Yazoo City, Miss., pursuant to a letter agreement between the parties dated August 26, 1964.

The application further states that Mississippi's proposed firm gas requirements of 29,000 Mcf per day are 21,000 Mcf more than its present maximum firm requirements of 8,000 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission

designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12963; Filed, Dec. 17, 1964; 8:46 a.m.]

[Docket No. CP65-99]

## SOUTHWEST GAS CORP.

### Notice of Application

DECEMBER 11, 1964.

Take notice that on October 13, 1964, Southwest Gas Corporation (Applicant), Las Vegas, Nev., filed in Docket No. CP 65-99 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, authorizing the operation of its northern Nevada transmission system as a natural gas company, and authorizing the sale of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Nevada Northern Gas Company (Nevada Northern) was merged into Applicant, effective December 31, 1963. The application further states that the facilities formerly operated by Nevada Northern are wholly intrastate, and have been from their inception exempt from the provisions of the Natural Gas Act pursuant to section 1(c).

The subject application is concerned with the construction of certain additional facilities on Applicant's northern Nevada system and the sale, in interstate commerce for resale and consumption beyond the border of the State of Nevada, of natural gas purchased from El Paso Natural Gas Company (El Paso). Accordingly, if the certificate is granted, Applicant anticipates that its operations with respect to its Northern Nevada Division will no longer be exempt from the provisions of the Natural Gas Act under section 1(c).

Specifically, Applicant seeks authorization to construct and operate metering and regulating facilities necessary to deliver natural gas to South Tahoe, El Dorado County, California, and seeks further authorization for the sale of natural gas in South Tahoe, California, to South Tahoe Gas Co. The estimated initial three year period of annual and peak day sales are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 498,000 | 894,000 | 1,046,000 |
| Peak day (Mcf) | 3,978 | 7,212 | 8,438 |

The estimated cost of Applicant's facilities is $5,392, and will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12964; Filed, Dec. 17, 1964; 8:46 a.m.]

[Docket No. CP65-93]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Application

DECEMBER 11, 1964.

Take notice that on October 6, 1964, as supplemented on November 6, 1964, Tennessee Gas Transmission Company (Applicant), Tennessee Building, Houston, Tex., filed in Docket No. CP65-93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to transport the 10,000 Mcf of natural gas per day which Iroquois Gas Corporation (Iroquois) plans to purchase from Valley Gas Transmission, Inc. The gas will be transported by Applicant for Iroquois' account from producing areas in Texas and Louisiana to points of delivery to Iroquois in New York.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12965; Filed, Dec. 17, 1964; 8:46 a.m.]

[Docket No. CP65-88]

## UNITED GAS PIPE LINE CO.

### Notice of Application

DECEMBER 11, 1964.

Take notice that on October 12, 1964, United Gas Pipe Line Company (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP65-88 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of natural gas in interstate commerce to Stanton Prestressed Concrete Products, Division of Service Construction Company, Inc. (Stanton) located near Bryam, Hinds County, Miss., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 400 feet of 2-inch pipeline to connect with its existing 2-inch lateral in Hinds County, and to construct and operate a meter and regulator station and appurtenant facilities in order to deliver and sell to Stanton its fuel requirements estimated to be 80 Mcf on a maximum day and 24,800 Mcf on an annual basis during the third year of operation.

Applicant states that Stanton will use the natural gas for boiler fuel to produce steam for utilization in the drying and running of precast concrete products and other miscellaneous uses.

The total estimated cost of such facilities is $3,658, which will be financed out of Applicants' current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12966; Filed, Dec. 17, 1964; 8:47 a.m.]

[Docket No. CP65-95]

## VILLAGE OF KARNAK, ILL.

### Notice of Application

DECEMBER 11, 1964.

Take notice that on October 9, 1964, the Village of Karnak, Ill. (Applicant), filed in Docket No. CP65-95 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Company to establish physical connection of its natural gas transmission facilities with the distribution facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for distribution and resale in the Village of Karnak, Ill. and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

The estimated initial three years period of annual and peak day requirements are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 18,270 | 23,060 | 28,730 |
| Peak day (Mcf) | 235 | 290 | 365 |

The estimated cost of Applicant's proposed distribution system is $143,000, and will be financed by means of Gas Public Utility Certificates to be issued by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12967; Filed, Dec. 17, 1964; 8:47 a.m.]

# FEDERAL RESERVE SYSTEM

## FIRST VIRGINIA CORP.

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by The First Virginia Corporation, a registered bank holding company located in Arlington, Va., for the Board's prior approval of the acquisition by Applicant of 80 per cent or more of the voting shares of Peoples Bank of Radford, Radford, Va.

In determining whether to approve an application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 11th day of December 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-12951; Filed, Dec. 17, 1964; 8:45 a.m.]

# NATIONAL AERONAUTICS AND SPACE COUNCIL

## EXECUTIVE SECRETARY

### Notice of Basic Compensation

*Position to be changed.* Executive Secretary, $20,000 p.a.

*Notice of basic compensation.*

Name and title: Edward C. Welsh, Executive Secretary.

New pay rate: $27,000 p.a.

Old pay rate: $20,000 p.a.

*Authority for pay change.* Title III, Section 304(b), Clause 105 reads: "The President is authorized to fix the compensation of the six administrative assistants authorized to be appointed under section 106 of this title, of the Executive Secretary of the National Security Council, of the Executive Secretary of the National Aeronautics and Space Council, and of eight other secretaries or immediate staff assistants in the White House Office at rates of basic compensation not to exceed that of level II of the Federal Executive Salary Schedule."

*Effective date.* July 5, 1964.

E. L. LACEY,
*Administrative Officer.*

[F.R. Doc. 64-12988; Filed, Dec. 17, 1964; 8:49 a.m.]

# OFFICE OF EMERGENCY PLANNING

## TRUST TERRITORY OF THE PACIFIC ISLANDS

### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated December 10, 1964, reading in part as follows:

I have determined the damage in various areas of the Trust Territory of the Pacific Islands adversely affected by Typhoon Louise to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and resources of the Territorial Government.

I do hereby determine the following





## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of**

warrant disaster assistance by the Federal Government to supplement the efforts and resources of the Territorial Government.

I do hereby determine the following areas in the Trust Territory of the Pacific Islands to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 10, 1964:

The Islands of:

Angaur.
Koror.
Peleliu.

Dated: December 11, 1964.

EDWARD A. MCDERMOTT,
*Director, Office of Emergency Planning.*

[F.R. Doc. 64–12968; Filed, Dec. 17, 1964; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 15, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 39457: *Liquid caustic soda to Cartersville, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–8652), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Plaquemine, La., to Cartersville, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 162 to Southwestern Freight Bureau, agent, tariff I.C.C. 4450.

FSA 39458: *Liquid caustic soda to Cedartown, Ga.* Filed by O. W. South, Jr., agent (No. A4607), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from McIntosh, Ala., to Cedartown, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 161 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA 39459: *Vegetable oils between points in southern territory.* Filed by O. W. South, Jr., agent (No. A4609), for interested rail carriers. Rates on vegetable oils and related articles, in carloads and tank-car loads, between points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 40 to Southern Freight Association, agent, tariff I.C.C. S–418.

FSA 39460: *Iron or steel plates to Pascagoula, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (No. E.R. 2755), for interested rail carriers. Rates on iron or steel articles, viz.: plate or sheet, noibn, galvanized or plain, corrugated or not corrugated; and strip steel, noibn, in carloads, from specified points in Pennsylvania, also Claymont, Del., Sparrows Point, Md., and Buffalo, N.Y., to Pascagoula, Miss.

Grounds for relief: Market competition.

Tariff: Supplement 13 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C–428.

FSA 39461: *Bituminous fine coal to Cornell, Wis.* Filed by Illinois Freight Association, agent (No. 267), for interested rail carriers. Rates on bituminous fine coal, in carloads, subject to annual volume minimum of 20,000 tons, from mines in Illinois, Indiana and western Kentucky groups, to Cornell, Wis.

Grounds for relief: Natural gas competition.

Tariff: Supplement 8 to Illinois Freight Association, agent, tariff I.C.C. 1050.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–12971; Filed, Dec. 17, 1964; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 170, Amdt. 2]

## GEORGIA & FLORIDA RAILWAY

### Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 170 (Georgia & Florida Railway) and good cause appearing therefor:

*It is ordered,* That, Taylor's I.C.C. Order No. 170 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., December 31, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 14, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64–12972; Filed, Dec. 17, 1964; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 176, Amdt. 1]

## MIDLAND VALLEY RAILROAD CO.

### Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 176 (Midland Valley Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's I.C.C. Order No. 176 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., December 17, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 14, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64–12973; Filed, Dec. 17, 1964; 8:48 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 496]

## WASHINGTON

### Declaration of Disaster Area

Whereas, it has been reported that during the month of December 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Snohomish County in the State of Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about December 4, 1964.

*Office*

Small Business Administration Regional Office,
506 Second Avenue,
Seattle 4, Wash.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1965.

Dated: December 8, 1964.

ROSS D. DAVIS,
*Executive Administrator.*

[F.R. Doc. 64–12953; Filed, Dec. 17, 1964; 8:45 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


**3 CFR** — Page

PROCLAMATIONS:
3630 — 15941
3631 — 16243

EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) — 16859
Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
Sept. 30, 1916 (revoked in part by PLO 3508) — 16864
May 21, 1920 (revoked in part by PLO 3508) — 16864
5289 (revoked in part by PLO 3486) — 16830

**4 CFR**

51 — 16313
52 — 16313

**5 CFR**

213 — 17065, 17084, 17085, 17893, 18003

**7 CFR**

15 — 16274, 16966
29 — 16854
401 — 17029, 17085
717 — 16184
719 — 16185
722 — 16428, 16775, 18003, 18004
724 — 16077
729 — 16185
730 — 17086
751 — 18007
777 — 17086
850 — 17029
855 — 17029
905 — 16313–16315
907 — 16315, 16907, 17030, 17814
909 — 17030
910 — 16078, 16316, 17031
916 — 16966
917 — 16854
929 — 16078
1004 — 16966
1005 — 16855
1063 — 18007
1070 — 18008
1078 — 18009
1079 — 18010
1136 — 17815
1421 — 15943
1485 — 17032
1600 — 16784
1601 — 16784

PROPOSED RULES:
26 — 17816
812 — 17122
911 — 16258
912 — 16993
915 — 16258
917 — 16993
971 — 16833
1003 — 18014
1004 — 16994
1005 — 16259
1030 — 16395, 16417
1031 — 16417
1036 — 16197
1044 — 16200
1046 — 17908
1047 — 17041, 17816
1049 — 17816

**7 CFR—Continued** — Page

PROPOSED RULES—Continued
1050 — 17822
1065 — 16920
1131 — 16866, 17822
1126 — 16198

**8 CFR**

103 — 18010

**9 CFR**

74 — 15943
94 — 16907
97 — 16316

**10 CFR** — Page

2 — 16831

PROPOSED RULES:
Ch. I — 15957
2 — 16934
30 — 17916, 17933
31 — 17920
32 — 17922
33 — 17928
34 — 17929
35 — 17931
36 — 17932
150 — 17933

**12 CFR**

1 — 17087
217 — 15944, 16317
218 — 16065
224 — 16855
329 — 15944
545 — 16856
563 — 17088

**13 CFR**

107 — 16825, 16946, 16967
121 — 15945

PROPOSED RULES:
107 — 16094, 18016

**14 CFR**

3 — 17955
7 — 16149
23 [New] — 17955
27 [New] — 16065, 17885
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797.
42 — 16968
71 [New] — 15945–15948, 16065, 16066, 16318, 16788, 16969–16972, 17036, 17037, 17088, 17503, 17797.
73 [New] — 15948, 16184, 16972, 17037, 17727.
75 [New] — 16066, 16319, 17775
93 [New] — 15948
97 [New] — 16067, 16789, 17798, 17886
151 [New] — 18000
302 — 16972
389 — 16907
1204 — 17892

PROPOSED RULES:
39 [New] — 16429, 16430, 17044
71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823, 18014, 18015
75 [New] — 16432, 16836
91 [New] — 15959
135 [New] — 16836

**14 CFR—Continued** — Page

PROPOSED RULES—Continued
221 — 16867
399 — 17042

**15 CFR**

7 — 16973
50 — 17089
201 — 16319
202 — 18032
365 — 16186

**16 CFR**

13 — 16186, 16826, 16856

**17 CFR**

200 — 16187
230 — 16982
239 — 16856
240 — 16245, 16856, 16982
260 — 16982
270 — 16982
275 — 16982

PROPOSED RULES:
15 — 15957
19 — 15957

**18 CFR**

501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194

PROPOSED RULES:
12 — 16997

**19 CFR**

4 — 15949
14 — 16320

PROPOSED RULES:
6 — 17042

**20 CFR** — Page

395 — 16322

**21 CFR**

8 — 15949, 16983, 17089
9 — 16983
14 — 16194
15 — 16194
16 — 16194, 16858
17 — 16194
18 — 16194
19 — 16194
20 — 16194
22 — 16194
27 — 16194
29 — 16194
37 — 16194
42 — 16194, 16983
45 — 16194
46 — 16194
51 — 16194
53 — 16194
121 — 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893, 18012.
141 — 18012
144 — 16984
145 — 16911
146 — 18012
146a — 18012
148c — 16984

**21 CFR—Continued** Page

148u ... 16911
148x ... 16251
PROPOSED RULES:
27 ... 16866
31 ... 16866
45 ... 16994
46 ... 16429
53 ... 16934
120 ... 16935
121 ... 16935, 16994

**24 CFR**

1 ... 16280
201 ... 17893
203 ... 17893
207 ... 17893
213 ... 17894
220 ... 17894
221 ... 17895
231 ... 17897
232 ... 17898
234 ... 17899
603 ... 17899
809 ... 17899
903 ... 17899

**25 CFR**

43d ... 16080

**26 CFR**

1 ... 16081, 17806, 17899
45 ... 16083
PROPOSED RULES:
1 ... 15957, 16090
48 ... 16993

**27 CFR**

4 ... 16984

**29 CFR**

31 ... 16284
608 ... 17811
609 ... 17811
611 ... 17812
689 ... 15949
PROPOSED RULES:
601 ... 16428
670 ... 16428
673 ... 17822
675 ... 16428
677 ... 17822
678 ... 17822
720 ... 16428

**31 CFR** Page

328 ... 16914
PROPOSED RULES:
306 ... 16330
315 ... 16330
316 ... 16330
321 ... 16330
332 ... 16330

**32 CFR**

132 ... 17885
517 ... 15949
536 ... 16985
577 ... 16251
701 ... 16194
710 ... 16055
719 ... 16194
721 ... 17812
804 ... 16323
1001 ... 17037
1002 ... 17038
1003 ... 17038
1007 ... 17038
1030 ... 17040
1057 ... 17039

**32A CFR** Page

OEP (Ch. I):
DMO I-4 ... 16251
OIA (Ch. X):
OI Reg. 1 ... 16986

**33 CFR**

80 ... 18011
202 ... 16859, 17040
203 ... 16251, 17040
206 ... 15949

**35 CFR**

4 ... 17903
5 ... 16328

**36 CFR**

7 ... 17091

**38 CFR**

3 ... 16252, 16328, 17092
12 ... 17903, 17904

**39 CFR**

16 ... 16125
21 ... 16252
22 ... 16125, 16252
24 ... 16125
25 ... 16252
57 ... 16858
61 ... 16125
112 ... 16858
168 ... 16858

**41 CFR**

Ch. 2 ... 17092
4-1 ... 17040
8-1 ... 16323, 17903
8-2 ... 16323
8-7 ... 18013
9-9 ... 17113
11-1 ... 16252, 16255
11-2 ... 16253, 16255
11-4 ... 16253
11-14 ... 16255
Ch. 18 ... 16502
101-6 ... 15972, 16287
101-7 ... 16797
101-8 ... 16800
101-9 ... 16800
101-10 ... 16801
101-11 ... 16807
101-12 ... 16824
101-13 ... 16824
101-18 ... 15973
101-19 ... 15978
101-20 ... 15984
101-25 ... 15990
101-27 ... 15997
101-28 ... 15998
101-29 ... 16002
101-30 ... 16004
101-40 ... 16008
101-43 ... 16012
101-44 ... 16027
101-45 ... 16035
101-47 ... 16126

**42 CFR**

51 ... 16915, 17954
55 ... 16915
57 ... 15952

**43 CFR**

17 ... 16293
PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) ... 16827
3447 (corrected by PLO 3485) ... 16829
3464 ... 16084

**43 CFR—Continued** Page

PUBLIC LAND ORDERS—Continued
3465 ... 16084
3466 ... 16084
3467 ... 16085
3468 ... 16085
3469 ... 16085
3470 ... 16086
3471 ... 16086
3472 ... 16087
3473 ... 16087
3474 ... 16256
3475 ... 16827
3476 ... 16827
3477 ... 16827
3478 ... 16827
3479 ... 16828
3480 ... 16828
3481 ... 16828
3482 ... 16828
3483 ... 16829
3484 ... 16829
3485 ... 16829
3486 ... 16830
3487 ... 16829
3488 ... 16830
3489 ... 16830
3490 ... 16830
3491 ... 16831
3492 ... 16831
3493 ... 16859
3494 ... 16859
3495 ... 16860
3496 ... 16860
3497 ... 16860
3498 ... 16860
3499 ... 16861
3500 ... 16861
3501 ... 16862
3502 ... 16862
3503 ... 16863
3504 ... 16863
3505 ... 16863
3506 ... 16863
3507 ... 16864
3508 ... 16864
3509 ... 16864
3510 ... 16987
3511 ... 16987
3512 ... 16987
3513 ... 17905
3514 ... 17905
3515 ... 17905

**44 CFR**

1 ... 16832
2 ... 16832
3 ... 16832
4 ... 16832
5 ... 16832
6 ... 16832
7 ... 16832
55 ... 15954
60 ... 15954
100 ... 15954
102 ... 15954
110 ... 16195
Ch. VII ... 16832

**45 CFR**

80 ... 16298, 16988
150 ... 15955
611 ... 16305
701 ... 17949
702 ... 17950
703 ... 17952
704 ... 17953





**46 CFR** Page

506 ... 16195, 17121
PROPOSED RULES:
Ch. IV ... 16433

**47 CFR**

73 ... 16196, 16916, 16988
81 ... 16196
87 ... 16865
PROPOSED RULES:
1 ... 17823
2 ... 17824
21 ... 16204, 17840
25 ... 17840, 17848
73 ... 16205, 16207, 16837, 17850

**49 CFR**

0 ... 16087
176 ... 16125
192 ... 16256
PROPOSED RULES:
170 ... 17850

**50 CFR**

2 ... 17905
11 ... 17905
14 ... 17905
16 ... 17905
32 ... 17906
33 ... 16917, 16918, 17814, 17906, 17907
256 ... 16088
257 ... 16990

Pages 18031–18042

PART II

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Department of Commerce

National Bureau of Standards

# Metrology Test Fee Schedules

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

### SUBCHAPTER A—TEST FEE SCHEDULES

## PART 202—METROLOGY

Pursuant to authority contained in 15 U.S.C. 275a the following revision is effective upon publication in the FEDERAL REGISTER.

Photometry and Colorimetry


Sec.
202.101 Lamp standards of candlepower.
202.102 Photometric instruments and accessories.
202.103 Miscellaneous photometric measurements and tests.
202.104 Rating of incandescent electric lamps.
202.105 Spectrophotometric standards.
202.106 Spectrophotometric measurements.
202.107 Colorimetry.
202.108 Reflectometry.
202.109 Opacimetry.
202.111 Lovibond glasses.
202.112 Signal glasses.
202.113 Haze standards.
202.114 Radiometry.


Refractometry


202.201 Optical instruments.
202.202 Photographic objectives.
202.203 Optical components, spectacle lenses, goggle lenses, etc.
202.204 Refractometric instruments.
202.205 Refractive indices.
202.206 Polarimetric instruments.


Photographic Research


202.311 Photography (step table density, residual thiosulfate concentration, etc.).


Length


202.401 Reference line standards of length.
202.402 Working line standards of length.
202.403 Commercial line standards of length.
202.404 Steel tapes.
202.405 Invar base-line tapes.
202.406 Surveyors' measuring instruments (other than tapes).
202.407 Sieves.
202.408 Haemacytometers.
202.409 Areas and area-measuring instruments.
202.410 Precision circles.
202.411 Linear thermal expansion of solids.
202.412 Gage blocks.


Engineering Metrology


202.500 General.
202.501 End standards of length.
202.502 Plain cylindrical plug and ring gages.
202.503 Thread plug and ring gages.
202.504 Instruments and components.
202.505 Optical reference planes.
202.506 Angle blocks.
202.507 Polygons.
202.508 Master balls.
202.509 Gears.


Mass and Volume


202.620 General.
202.621 Reference standards of mass.
202.622 Large mass standards.
202.623 Calibration of mass elements of pressure-gage testing equipment.
202.624 Recalibration of mass standards.
202.625 Glass volumetric apparatus.
202.626 Metal volumetric apparatus.
202.627 Hydrometers.
202.628 Density determination of solids and liquids.


AUTHORITY: The provisions of this Part 202 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

PHOTOMETRY AND COLORIMETRY

### § 202.101 Lamp standards of candlepower.

(a) The Bureau is prepared to furnish to other standardizing laboratories lamps that have been seasoned and standardized, the respective fees being as given in the test fee schedule in this section.

(b) A normal incandescent lamp when operated at constant voltage usually increases slightly in candlepower for a short time, the length of which depends upon the temperature of the filament. A relatively stable period is then reached, after which there is a progressive drop in the candlepower. Therefore, in order that a lamp may be useful as a photometric standard, it must be seasoned by a preliminary burning sufficient to bring it to the stable state. This seasoning is usually done by operating the lamp at a voltage somewhat higher than the normal operating voltage of the lamp.

(c) Lamps with coiled filaments are not usually satisfactory as standards unless they have been specially constructed for this purpose. In particular, lamps of this type are not suitable for standards of horizontal candlepower unless they are of the monoplane-filament projection type. This type of gas-filled lamp with clear bulb (items 202.101 a, b, and c) has been found to be satisfactory as a standard of horizontal candlepower when standardized with a diaphragm in front of the lamp. This diaphragm is slightly larger than the filament and allows only the light coming directly from the filament to reach the photometer. In addition, great care must be taken to orient such standards properly because their candlepower varies appreciably with change of angle around both a vertical axis and a horizontal axis. Recently made available are gas-filled standards of horizontal candlepower in tubular, inside-frosted bulbs with medium-bipost bases (items 202.101 d, e, f, and g), which are calibrated and used without a diaphragm and for which accurate orientation has been found to be much less critical. These inside-frosted lamps are recommended for use where reproducibility of candlepower to 1 percent or better is required.

(d) In the reports which are issued with standard lamps, the voltage and the corresponding current and candlepower are given. The Bureau cannot guarantee the permanence of these values, since all lamps change gradually with use.

| Item | Description | Fee |
|---|---|---|
| | Incandescent lamps issued from stock as standards of luminous intensity: | |
| 202.101a | Clear bulb, approximately 120-volt lamps, horizontal candles in a specified direction, screw base, 100-watt size, calibrated at 105 volts, 1 lamp each | $42.00 |
| 202.101b | Same, 250-watt size, 1 lamp each | 48.00 |
| 202.101c | Same, 500-watt size, 1 lamp each | 51.00 |
| 202.101d | Inside-frosted, T-20 bulb, approximately 120-volt lamps, horizontal candles in a specified direction, medium-bipost base, 100-watt size, calibrated at 110 volts, 1 lamp each | 56.00 |
| 202.101e | Same, 300-watt size, 1 lamp each | 59.00 |
| 202.101f | Same, 500-watt size, 1 lamp each | 61.00 |
| 202.101g | Same, 1,000-watt size, 1 lamp each | 66.00 |
| 202.101z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.102 Photometric instruments and accessories.

| Item | Description | Fee |
|---|---|---|
| 202.102f | Standard of luminous directional transmittance (approximately 0.5 f/(f/e) supplied from stock, each | $43.00 |
| 202.102z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.103 Miscellaneous photometric measurements and tests.

| Item | Description | Fee |
|---|---|---|
| 202.103a | Determination of luminous transmittance of neutral or colored filter, one sample | $65.00 |
| 202.103z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.104 Rating of incandescent electric lamps.

| Item | Description | Fee |
|---|---|---|
| | Rating tests on lamps. These are routine photometric rating tests of the type made initially on lamps to be life-tested, the same standards and equipment being used. The purpose of these tests is to afford a quick check of the photometric values assigned to lamps by various lamp life-test laboratories. Lamp standards of candlepower are issued under 202.101. | |
| 202.104a | Rating of incandescent lamps up to 1,000 watts, 1 lamp | $27.00 |
| 202.104b | Same, each additional lamp of same size and type | 7.00 |
| 202.104z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.105 Spectrophotometric standards.

(a) Note on item a. Transmittances of these disks at wavelengths from 365 to 390 nm (nanometer, $10^{-9}$ meter) and from 750 to 1,000 nm will also be determined on request in accordance with item c of fee schedule 202.105. Values will be obtained for a temperature of 25° C. The effect of change of temperature has not been determined for these glasses outside the range from 390 to 750 nm. It is known, however, that for all four types of glass the temperature effects are very small from 750 to 1,000 nm, probably negligible for the usual room-temperature variations. On the other hand, temperature effects are always large for these kinds of glass when the transmittance curve is decreasing rapidly towards shorter wavelengths, so that increasingly large temperature effects may be expected for these filters in the ultraviolet.

(b) Note on items j and k. In the General Electric recording spectrophotometer the design is such that the radiant energy is incident in a slightly diverging beam whose axis is at 6° to the perpendicular to the surface. The specular component of the reflected energy is thus diverted away from the entrance aperture towards a port on the side. This port may be filled with MgO or with a black material, so that the specular component may be respectively "included" in, or (for plane surfaces) "excluded" from, the measurements. This is covered in items j and k.

(c) Only one Vitrolite working standard is needed for the measurement of spectral directional reflectance on the General Electric recording spectrophotometer. This calibrated Vitrolite standard and the samples to be tested are in turn placed at the sample aperture of the integrating spheres, and any highly reflecting substance such as MgO or $MgCO_3$ may be used at the comparison aperture provided the material to be tested does not reflect more than the comparison material. The directional reflectances of the test samples relative to freshly prepared MgO are then obtained by multiplying (at the respective corrected wavelength) the values for these samples read from the curve sheet, by the ratios of (1) the standard Vitrolite values reported to (2) the values for the Vitrolite read from the curve sheet.

| Item | Description | Fee |
|---|---|---|
| | Standards of spectral transmittance for checking the photometric scale of spectrophotometers; these consist of polished disks glass, 2 to 3 mm thick and 30 mm in diameter, designated as cobalt blue, copper green, carbon yellow, and selenium orange (copper green filter also available in 25 mm square size); report includes (1) values of transmittance at 25° C. at certain wavelengths from 390 to 750 nm, (2) estimated uncertainty of each value, (3) effect of temperature change on transmittance at each wavelength: | |
| 202.105a | Each disk | $120.00 |
| | Transmittance, 365 to 1,000 nm for standardization purposes. Samples submitted must be in good optical condition. Measurements at room temperature. (If the sample is a disk 29.7±0.2 mm in diameter, the measurements can be made at a specified temperature): | |
| 202.105b | One sample at one wavelength | 47.00 |
| 202.105c | Each additional wavelength on the same sample | 11.00 |
| 202.105d | Didymium glass standards for checking the wavelength calibration of General Electric recording spectrophotometers; these consist Corning 5120 glass, 2 x 2 in., 3.0 mm thick, polished; report includes table of wavelengths of minimum transmittance: 400 to 750 nm, 10 nm slits, each standard | $60.00 |
| 202.105e | 730 to 1,080 nm, 20 nm slits, each standard | 60.00 |
| 202.105f | For two calibrations on the same glass (items 202.105d and 202.105e), each standard | 92.00 |
| | Holmium oxide glass standards for checking the ultraviolet and visible wavelength calibrations of recording spectrophotometers with slit width less than 2 nm; these consist of Corning 3130 glass 2 x 2 in., 2.5 mm thick, polished; report includes table of wavelengths of minimum transmittance: | |
| 202.105g | 240 to 370 nm, each standard | 105.00 |
| 202.105h | 360 to 650 nm, each standard | 105.00 |
| 202.105i | For 2 calibrations on the same glass (items 202.105g and 202.105h), each standard | 130.00 |
| | Working standards of spectral directional reflectance for use on General Electric recording spectrophotometers with 6° from perpendicular irradiation and diffuse reception; standards consist of white structural Vitrolite glass, 4 by 4 in., ¾₁₆ in. thick; report includes table of spectral directional reflectances relative to freshly prepared MgO at every 10 nm: | |
| 202.105j | 400 to 750 nm, specular component both included and excluded (on same glass), 10 nm slits, each standard | 130.00 |
| 202.105k | 730 to 1,080 nm, specular component both included and excluded (on same glass), 20 nm slits, each standard | 130.00 |
| | Working standards of spectral directional reflectance for use on the Beckman Model DU quartz spectrophotometer with nearly perpendicular irradiation and approximately 45° circular reception; standards consist of white structural Vitrolite glass, 1½ by 2 in., ¾₁₆ in. thick; report includes table of spectral reflectances relative to freshly prepared MgO at every 10 nm: | |
| 202.105l | 380 to 770 nm, each standard | 76.00 |
| 202.105m | 750 to 1,000 nm, each standard | 76.00 |
| 202.105n | 350 to 1,000 nm, each standard | 140.00 |
| 202.105z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.106 Spectrophotometric measurements.

The tests described in this section are primarily made for informational purposes, and samples so tested should not be accepted as "standards." All measurements are made at room temperatures. For various types of spectrophotometric standards, see 202.105.

| Item | Description | Fee |
|---|---|---|
| | Spectral transmittance, 210 to 1,000 nm: | |
| 202.106a | One sample at one wavelength | $51.00 |
| 202.106b | Each additional wavelength on the same sample | 6.00 |
| 202.106c | Each additional sample, each wavelength | 6.00 |
| | Spectral directional reflectance relative to MgO, normal irradiation and 45° circular reception, as obtained with the Beckman Model DU spectrophotometer, 254 to 1,000 nm: | |
| 202.106d | One sample at one wavelength | 51.00 |
| 202.106e | Each additional wavelength on the same sample | 6.00 |
| 202.106f | Each additional sample, each wavelength | 6.00 |
| 202.106g | Testing a single sample, 400 to 750 nm or 730 to 1,080 nm, with slits approximately 10 nm or 20 nm (respectively) of spectrum, either spectral range | $69.00 |
| 202.106h | Each additional curve or each additional sample | 11.00 |
| 202.106i | Same as 202.106g, but with both spectral ranges, 400 to 1,080 nm | 95.00 |
| 202.106j | Each additional pair of curves or each additional sample | 17.00 |
| | Spectral directional reflectance curves obtained on General Electric recording spectrophotometer, including (1) Vitrolite calibration curve for correcting values relative to fresh MgO as 100 percent, (2) zero curve, (3) didymium glass curve for checking the wavelength calibration; report includes ozalids of tracings: | |
| 202.106k | One sample, 400 to 750 nm, or 730 to 1,080 nm, with slits approximately 10 nm or 20 nm (respectively) of spectrum, with specular component of reflected energy included or excluded, either specular range, and either condition of specular reflection | 69.00 |
| 202.106l | Each additional curve or each additional sample, each curve | 11.00 |
| 202.106m | Same as 202.106k, but both spectral ranges, 400 to 1,080 nm | 95.00 |
| 202.106n | Each additional pair of curves or each additional sample | 17.00 |
| 202.106o | Reduction of data obtained as in 202.106g to 202.106n, giving table of values of transmittance, transmittancy, or directional reflectance relative to MgO for every 10 nm, for each curve | 27.00 |
| 202.106z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.107 Colorimetry.

| Item | Description | Fee |
|---|---|---|
| 202.107a | Computing chromaticity coordinates and luminous directional reflectance or transmittance from spectrophotometric data for certain specified light sources, per source per sample | $15.00 |
| 202.107b | Computing luminous directional reflectance or transmittance from spectrophotometric data for certain specified light sources, per source per sample | 11.00 |
| 202.107c | Determination of the Munsell renotation or book notation of a specimen from its daylight reflectance and chromaticity coordinates, each specimen | 9.00 |
| 202.107d | Conformity to chromaticity of standard, sample and standard illuminated normally by artificial daylight or by incandescent-lamp light, chromaticity difference expressed in terms of chromaticity coordinates on fundamental colorimetric coordinate system, one sample relative to a standard | 37.00 |
| 202.107e | Each additional sample relative to the same standard | 9.00 |
| 202.107f | Each additional sample relative to an additional standard | 14.00 |
| 202.107g | Color temperature of 120-v, screw-base incandescent lamp, voltage for specified color temperature, current for neighboring voltage to check permanence, one color temperature, each lamp | 40.00 |

| Item | Description | Fee |
|---|---|---|
| 202.107h | Color temperature standard supplied from stock, 100-w, medium-screw base or 500-w, mogul-screw base projection type lamp, calibrated for 2,854° K., one lamp each | $40.00 |
| 202.107i | Same, calibrated for any one other specified color temperature, one lamp each | 43.00 |
| 202.107j | Each additional color temperature on the same lamp | 15.00 |
| 202.107k | Equation giving any color temperature from 2,000 to 2,854° K., each lamp (fee includes cost of 500-w projection lamp) | 105.00 |
| 202.107z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.108 Reflectometry.

Standards issued: Standards have been prepared for use in the measurement of daylight 450°0° directional reflectance (45° illumination, perpendicular viewing) of paints, paper, textiles, ceramic products, and other opaque materials. The standards are intended for use only with reflectometers designed to measure daylight 45°0° directional reflectance such as the multipurpose reflectometer developed at the Bureau. (Refer to J. Res. NBS 25, 581 (1940) RP 1345.) Standards are available also for the tristimulus colorimetry of reflecting specimens of nearly the same spectral character. A detailed discussion of the method of photoelectric tristimulus colorimetry, its capabilities and limitations, is contained in NBS Circular 429 (1942). The standards are calibrated in terms of the CIE tristimulus values X, Y, and Z. Information sheets describing these standards more fully are available on request.

| Item | Description | Fee |
|---|---|---|
| | *Standards issued* | |
| | KB chromatic reflectance standards—calibrated for CIE tristimulus values X, Y, Z; 3 x 5 in. plaques in colors commonly called white, bath green, kitchen green, orchid, ivory, bath blue, delphinium blue, royal blue, and red: | |
| 202.108d | One KB chromatic standard | $52.00 |
| 202.108e | Each additional KB chromatic standard | 21.00 |
| 202.108f | Set of 10 KB chromatic standards in above listed colors | 165.00 |
| | S chromatic reflectance standards—calibrated for CIE tristimulus values X, Y, Z; 4¼-in. sq with ¼-in., 90-dge fold at each edge; in colors commonly called safety red, aviation orange, safety orange, school bus chrome, safety yellow, safety green, and safety blue: | |
| 202.108g | One S chromatic standard | 52.00 |
| 202.108h | Each additional S chromatic standard | 21.00 |
| 202.108i | Set of 7 S chromatic standards in above listed colors | 155.00 |
| | *Samples or standards submitted for calibration* | |
| 202.108z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.109 Opacimetry.

Opacity of diffusing glass by contrast-ratio (ratio of luminous directional reflectance with black backing to that with white backing), illumination nearly perpendicular to surface of glass, reception of all reflected flux regardless of angle. Reflectance of white backing taken so as to accord with Bausch & Lomb type photoelectric opacimeter correctly adjusted to read contrast-ratio for thin samples with a white backing reflecting 0.915 relative MgO (TAPPI test method T425m–60). Diffusing glass rectangles, 5 x 12 cm, supplied by the Bureau.

| Item | Description | Fee |
|---|---|---|
| 202.109a | Each diffusing-glass opacity standard, opacity between 0.60 and 0.96 as desired | $43.00 |
| 202.109b | Set of four diffusing-glass opacity standards, opacities approximately equal to 0.72, 0.79, 0.86, and 0.93 | 130.00 |
| 202.109z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.111 Lovibond glasses.

Lovibond red glasses, determination of numeral on the AOCS scale established in 1961 by agreement with the Color Committee of the American Oil Chemists' Society, the value given being the effective value when the given red glass is used in combination with a 35-yellow glass, each glass to be engraved with the National Bureau of Standards test number and the numeral found for the glass.

| Item | Description | Fee |
|---|---|---|
| 202.111a | For testing a single red glass | $43.00 |
| 202.111b | For each additional red glass | 17.00 |
| 202.111z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.112 Signal glass limit glasses and IPL calibrating filters.

(a) Railroad, highway (traffic), and aviation signal glasses for use as chromaticity limits or transmittance standards in accord with specifications approved by the cognizant technical association or government agency will be issued when available. The report of calibration includes chromaticity coordinates, luminous transmittance, or both as determined relative to national standards filters for the specified color temperature or source.

(b) Instrument Panel Lighting (IPL) calibrating filters are available in 2-in. polished squares. They have the following designations (approximate chromaticity coordinates for color temperature 2,854° K are shown below in parentheses): NBS 3056 (x=0.723, y=0.277), NBS 3114 (x=0.712, y=0.288), NBS 3215 (x=0.698, y=0.302), and NBS 3648 (x=0.667, y=0.333). The NBS 3215 filters define the pale limit for airplane red instrument panel lighting and are usually used in pairs; the other types of filters listed are for calibrating photometers used for measuring panel luminance.

| Item | Description | Fee |
|---|---|---|
| 202.112a | Signal limit glasses, each | $165.00 |
| 202.112b | IPL calibrating filters, calibrated for chroma-coordinates and transmittance for 2,854° K | 67.00 |
| 202.112c | Calibration for transmittance at an additional color temperature | 12.00 |
| 202.112z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.113 Haze standards.

Standards are available for checking the accuracy of hazemeters designed to measure haze according to ASTM Method D1003. Standards consist of hazy cellulose acetate sheeting laminated between glass; they are 2-inch squares about ¼ inch thick. Several nominal haze values between 1 and 30 are usually available.

| Item | Description | Fee |
|---|---|---|
| | *Standards issued* | |
| 202.113a | One haze standard | $49.00 |
| 202.113b | Each additional haze standard ordered at the same time | 14.00 |
| 202.113v | Set of four haze standards | 76.00 |
| | *Samples or standards submitted for calibration* | |
| 202.113d | One haze sample or standard | 43.00 |
| 202.113e | Each additional haze sample or standard submitted at the same time | 11.00 |
| 202.113z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.114 Radiometry.

| Item | Description | Fee |
|---|---|---|
| 202.114a | Eye protective glasses—calibration for transmittance of ultraviolet, visible, and total radiation | $65.00 |
| 202.114b | Calibration of radiant energy meter for energy of 2537 Å | 65.00 |
| 202.114c | Measurement of radiant flux of 2537 Å, from germicidal or sterilamp | 65.00 |
| 202.114h | Standard of spectral irradiance—quartz iodine lamp seasoned and calibrated for spectral irradiance from 0.25 to 2.6μ | 380.00 |
| 202.114z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

## REFRACTOMETRY

### § 202.201 Optical instruments.

| Item | Description | Fee |
|---|---|---|
| 202.201z | Tests of telescopes, microscopes, binoculars, etc., to determine conformance to specifications of resolving power, aperture, alinement of axes, etc. Fees determined by the actual cost of the work. | |

### § 202.202 Photographic objectives.

The following information is pertinent to the tests a to o in this schedule.

a. This test is applied to photographic objectives that are mounted in a lens barrel or shutter. A visual or a photographic method is used, depending upon the probable use of the lens. The back focal distance determines the lens position with respect to the focal plane for an airplane camera or other fixed focus camera focused for an infinitely distant objective. The equivalent focal length determines the scale factor for the interpretation of aerial photographs.

b. This test is given to the photographic objectives that are to be used in precision copying cameras. The information is used in calibrating the camera scales that enable the user to obtain the proper settings of lens, object plane, and image plane for any desired magnification without visual focusing.

c, d. The test includes the information obtained in 202.202b, together with information on distortion. It is applied to photographic objectives that are to be used in precision copying cameras where the user wishes to be certain that the relative proportions of the image are not significantly different from those of the object. Since the distortion changes with magnification, it is advisable to specify a ratio for test that corresponds to the magnification most commonly used.

e. This is a general-purpose test to determine the suitability of a lens so far as its definition characteristics are concerned. It is performed photographically. In general, if a lens yields satisfactory results when subjected to this test, it is probable that no additional test for lateral aberration is necessary, and the lens will doubtless perform satisfactorily for either black-and-white or color photography.

f. This the qualifying test for photographic objectives intended for use in airplane mapping projects. It is a photographic test and the determinations are made for the plane of best average definition.

g, h. The f-number may be obtained by dividing the equivalent focal length of the lens by the diameter of the effective aperture. These tests are primarily of value in determining the accuracy of the geometric f-number markings at maximum aperture and at additional specified apertures.

i, j. This test is applied to photographic objectives mounted in cameras. As the test is a photographic one requiring a time exposure, it is necessary that the stop be open when the lens is submitted for test. This is a useful test for nonprecision type airplane cameras where the collimation index markers are located in a detachable magazine.

k. This test is applied to the platen of a precision aerial mapping camera, which is the surface against which the film is pressed during exposure. It is a test to determine conformance to specifications requiring that the platen shall not depart from a true plane by more than ±0.0005 inch.

l. This test is applied to photographic objectives mounted in cameras. It gives the same information as test 202.202f except for back-focal distance. It is preferable that these lens characteristics be determined for the lens as mounted in a barrel shutter, but occasionally it is desirable to determine these quantities for the lens mounted in a camera. The shutter of the lens should be open when the camera is submitted for test.

m. This test is applied to a lens-camera combination that is to be used in photogrammetric mapping. It gives the departure of the principal point from the center of collimation which is the intersection point of lines joining opposite pairs of collimation index markers. Since it is necessary to determine the shift of the principal point resulting from the prism effect in the lens, the equivalent focal length of the lens as mounted in the camera is incidentally determined in this test, which checks whether the lens has been properly mounted to yield best average definition throughout the image field.

This test cannot be performed on a camera having a detachable magazine which bears the collimation index markers. This is the preliminary test on a precision type camera to determine compliance with specification. If no provision has been made for ready adjustment of the collimation index markers and the 90° condition is not satisfied, the camera is returned to the firm or agency submitting the camera with recommendations regarding the necessary adjustments. If the 90° condition is satisfied, but no provision has been made for ready adjustment of the principal point with respect to the center of collimation, the camera is returned with recommendations regarding the necessary adjustments.

n. If no provision has been made for ready adjustment of the lens in a transverse direction to properly position the principal point with respect to the center of collimation, or if this can be done by ready movement of the collimation index markers, this task is done in the course of the test. Following adjustment, the camera is checked and, if satisfactory, pins are set to insure preservation of the space relations between collimation index markers and principal point.

When a camera is submitted for test, it is mandatory that the drill holes for the pins be already present in one of the members that move with respect to one another. In addition, a proper sized drill and reamer and a sufficient number of pins to perform the doweling must accompany the camera. It is desired that roll pins be submitted for this task.

| Item | Description | Fee |
|---|---|---|
| 202.202a | Determination of focal length and back focal distance | $38.00 |
| 202.202b | Determination of equivalent focal length, back focal distance, separation of nodal points, and thickness | 54.00 |
| 202.202c | Determination of equivalent focal length, back focal distance, separation of nodal points, and distortion at 5° intervals from the center to edge of field for one specified ratio of object to image size | 165.00 |
| 202.202d | Fee for each additional ratio | 81.00 |
| 202.202e | Determination of resolving power at 5° intervals from center to edge of field for parallel light at one aperture | 43.00 |
| 202.202f | Determination of back focal distance, equivalent focal length, distortion and resolving power at 5° intervals from the center to edge of the field. This is the test usually required for lenses that are to be mounted in precision airplane cameras. | 98.00 |
| 202.202g | Determination of equivalent focal length and true geometric f-number for one marked stop | 54.00 |
| 202.202h | Fee for each additional stop | 17.00 |
| 202.202i | Determination of focal length for lens mounted camera | 60.00 |
| 202.202j | Fee for each extra magazine | 38.00 |
| 202.202k | Determination of compliance of camera platen with flatness requirements to ±0.0005 in | 17.00 |
| 202.202l | Determination of equivalent focal length, distortion, and resolving power at 7.5° intervals from center to edge of field for lens mounted in camera | 130.00 |
| 202.202m | Location of the principal point, and check of 90° condition for lens mounted in camera | 135.00 |
| 202.202n | Setting the principal point and 90° condition, checking and doweling for lens mounted in camera | 110.00 |
| 202.202z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |



### § 202.203 Optical components, spectacle lenses, goggle lenses, etc.

| Item | Description | Fee |
|---|---|---|
| | *Optical components* | |
| 202.203a | Determination of equivalent focal length of single-component lens | $38.00 |
| 202.203b | Determination of a single radius of curvature (single surface or matched pair). Fee determined by the nature of the work required; minimum fee | 81.00 |
| 202.203c | Determination of spherical and cylindrical power, axis of sphere, and axis of cylinder for a single spectacle lens | 22.00 |
| 202.203d | Fee for each additional lens | 17.00 |
| 202.203e | Determination of spherical and cylindrical powers, axis of sphere, and axis of cylinder for a single spectacle lens with bifocal segment | 33.00 |
| 202.203f | Fee for each additional lens | 22.00 |
| | *Sunglass lenses* | |
| 202.203g | Determination of refractive power, surface quality, and definition to determine compliance of a single sunglass lens with commercial standards | 22.00 |
| 202.203h | Fee for each additional lens | 17.00 |
| | *Goggle lenses* | |
| 202.203i | Determination of lens dimensions, refractive power, prismatic power, and definition; and making drop test on a single hardened goggle lens to determine compliance with Federal Specification GGG–G–501b | 22.00 |
| 202.203j | Fee for each additional lens | 17.00 |
| 202.203z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.204 Refractometric instruments.

Every instrument submitted for test should be in good working order. The test slab or standard supplied by the maker, and the tables if any, must accompany each refractometer. Upon request special attention will be given to such portions of the scale as may be of particular importance in the contemplated use of the instrument. Refractometers with compensators will be tested with "white" light unless otherwise specified. Refractometers without compensators will be tested only with sodium light unless otherwise specified.

| Item | Description | Fee |
|---|---|---|
| 202.204z | For special tests and calibrations of refractometric measurements, fees will be charged dependent upon the nature of the test. | |

### § 202.205 Refractive indices.

When submitting media for index measurement, the temperature, wavelength of light (or spectral line), and approximate degree of desired precision should be specified. Liquid samples should usually be as large as 10 ml. Solids for item d must be in the form of test slabs, approximately 1 x ½ x $\frac{3}{16}$ inch, such as are commonly used for the adjustment of Abbe refractometers. Two surfaces must be pitch polished (plane within approximately one wavelength) and intersect at 90° to form an unbeveled edge.

| Item | Description | Fee |
|---|---|---|
| | Index of refraction ($\pm1\times10^{-4}$) for D spectrum line for one liquid by precision Abbe refractometer: | |
| 202.205a | Determination of index for single temperature | $43.00 |
| 202.205b | Determination of index for each additional sample submitted at the same time for same temperature, or for each determination and additional spectral lines for same temperature | 22.00 |
| 202.205c | One index determination at each additional temperature | 27.00 |
| | Index of refraction ($\pm1\times10^{-4}$) for D spectrum line for one solid by precision Abbe refractometer: | |
| 202.205d | Determination of index for one sample | 27.00 |
| 202.205e | Determination of index for each additional spectrum line, C, F, or G | 11.00 |
| | Determination of index of refraction ($\pm1\times10^{-4}$) of solid submitted in form of 60° prism for one visible spectrum line: | |
| 202.205f | Determination of index | 38.00 |
| 202.205g | For each additional line in the visible spectrum | 18.00 |
| 202.205z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.206 Polarimetric instruments.

| Item | Description | Fee |
|---|---|---|
| 202.206a | Calibration of quartz saccharimeter-control plates: | |
| | Single plate | $110.00 |
| | Double plates | 165.00 |

## PHOTOGRAPHIC RESEARCH

### § 202.311 Photography.

The following information is pertinent to the tests a to f in this schedule.

a. American Standard Printing Transmission Density (Type P2–b) is measured on step tablets of 21 steps or less, with a densitometer calibrated to ±0.01 density or ±1 percent of the density, whichever is the greater. This type of density is the one most commonly employed in the photographic industry and is customarily implied when the type of density is not specified.

b. American Standard Diffuse Visual Transmission Density (Type VI–b) is measured on step tablets of 21 steps or less, with a densitometer calibrated to ±0.01 density or ±1 percent of the density, whichever is the greater.

c, d. The determination of the residual sodium thiosulfate content of processed photographic film is made according to American Standard Method PH4.8–1958 or the latest revision thereof.

Hypo concentrations less than 0.005 mg per square inch are reported as "nil." When hypo concentration is 0.005 mg per square inch or over, it is reported to one significant figure.

Each sample submitted should be properly identified, contain no image (slight fog permissible), and must be submitted immediately after processing.

Each sample submitted should be 6 to 8 inches in length and should be attached securely to request letter by stapling.

Samples are not returned since they are destroyed during test.

e, f. The determination of residual sodium thiosulfate concentration of processed photographic paper is made according to American Standard Method PH4.30–1962 or the latest revision thereof.

Each sample submitted should be properly identified, contain no image (slight fog permissible), and be of such dimensions that two strips, 1 x 4 inches, can be cut for test.

| Item | Description | Fee |
|---|---|---|
| 202.311a | Calibration of photographic step tablets for printing density, one sample | $33.00 |
| 202.311b | Calibration of photographic step tablets for visual density, one sample | 33.00 |
| 202.311c | Residual sodium thiosulfate concentration of processed film, one sample | 14.00 |
| 202.311d | Each additional sample for the determination of residual sodium thiosulfate in film submitted at the same time | 4.00 |
| 202.311e | Residual sodium thiosulfate concentration of processed photographic paper, one sample | 24.00 |
| 202.311f | Each additional sample for the determination of residual thiosulfate concentration of processed photographic paper submitted at the same time | 6.00 |
| 202.311z | For special tests not covered by the above schedule, such as precise determination of contact printing density and measurements of resolving power of photographic materials, fees will be charged dependent upon the nature of the test. | |

## LENGTH

### § 202.401 Reference line standards of length.

| Item | Description | Fee |
|---|---|---|
| 202.401z | Calibrations of reference line standards to a higher degree of accuracy than that provided schedule 202.402 are regarded as special tests. Fees will be charged dependent upon the nature of the test; they may be approximately estimated as twice the corresponding fees of schedule 202.402. | |

### § 202.402 Working line standards of length.

| Item | Description | Fee |
|---|---|---|
| 202.402a | Working line standard 40 inches or less in length—determination of the total length, or other interval, at 68° Fahrenheit (20° Celsius) to an accuracy of 0.00004 inch 0.001 mm if the character of the graduation justifies | $165.00 |
| 202.402b | Working line standard—determination of any other single interval | 81.00 |
| 202.402c | Working line standard—determination of equal submultiples of the length determined under item a or b, each | 33.00 |
| 202.402z | For special tests not covered by the above schedule, including determination of linear thermal expansion, fees will be charged dependent upon the nature of the test. | |

### § 202.403 Commercial line standards of length.

| Item | Description | Fee |
|---|---|---|
| 202.403z | Calibrations of commercial line standards of length to an accuracy of 0.01 mm or 0.0004 in., if the character of the graduation justifies, are regarded as special tests. Fees will be charged dependent upon the nature of the test; they may be approximately estimated as one-half of the corresponding fees of schedule 202.402. | |

### § 202.404 Steel tapes.

(a) Steel tapes accepted by the Bureau as suitable for calibration will be issued a National Bureau of Standards Report of Calibration. Steel tapes are used for many types of long-interval measurements. The varied requirements for the application of calibrated steel tapes to length measurements necessarily require variance in type and location of interval markings and accessory attachments. Some tapes, although being of excellent quality and having application that justifies NBS calibration, are not necessarily suitable for use as reference tapes (see paragraph b). Such steel tapes for which a Report of Calibration has been issued will be engraved with an NBS serial number for identification purposes. A steel tape considered by the Bureau to be suitable for use as a reference tape for checking other calibrated or uncalibrated steel tapes, or for other appropriate uses, will also be engraved with a mark indicating the year of calibration. Reports of Calibration normally will indicate the measured lengths of intervals to the nearest 0.001 foot or 0.1 mm. Length values will be reported at 68° F (20° C).

(b) A steel tape considered suitable for use as a reference tape, as defined above, should possess the following minimum requirements: The error in total length of the tape at the standard temperature of 68° F (20° C) and at standard tension shall not exceed 0.1 inch per 100 feet (2 mm per 25 m). The standard tension is 10 lb. (4.5 kg) for tapes 25 to 100 feet, or from 10 to 30 m in length and 20 lb. (9 kg) for tapes longer than 100 feet or 30 m. From the standpoint of inherent stability and to prevent the possibility of accidental displacement of reference graduations, a reference tape should normally possess the following characteristic: All interval graduations should be on a single piece of metal ribbon. This is usually construed to imply that the graduations should not be on pieces of solder, sleeves, thin plates or blocks bonded or attached to the tape, or on wire loops, spring balances, tension handles, or other accessories likely to be detached or changed in shape.

| Item | Description | Fee |
|---|---|---|
| 202.404a | Steel tape—determination of correction to the total length of the tape when supported throughout at standard tension and at standard temperature, for a tape not exceeding 200 ft or 50 m in length | $30.00 |
| | This is the regular standard test which will be made and charged for in each case. To this amount must be added the fees for any additional tests made, and for item (n), if applicable, in accordance with the following schedule. | |
| 202.404b | Steel tape—determination of the correction to the total length when supported throughout at any tension other than standard tension, for a tape not exceeding 200 ft or 50 m in length | 6.00 |
| | Tension desired must be specified. | |
| 202.404c | Steel tape—determination of the correction to total length when supported at the ends only | 6.00 |
| | The Bureau is not prepared to make this test on tapes having a greater length than 200 ft or 50 m. | |
| | Standard tension will be used unless another tension is specified. | |
| 202.404d | Steel tape—determination of the correction to the total length when supported at the ends and at one or more intermediate points, for a tape not exceeding 200 ft or 50 m in length | 6.00 |
| | Standard tension will be used unless another tension is specified. | |



| Item | Description | Fee |
|---|---|---|
| 202.404e | Steel tape—determination of the correction to the length of a subinterval under the same conditions as to tension and points of support as for the total length | $5.00 |
| | The points at which these measurements are made must be points at which the tape is supported. | |
| | The Bureau is not prepared to test tapes supported at points more than 200 ft or 50 m apart. | |
| 202.404f | Steel tape—determination of the correction to the length of a subinterval under different specified conditions as to tension and points of support from those used for the total length | 6.00 |
| | See item (e) above. | |
| 202.404g | Steel tape—determination of the tension to the nearest integral half-pound or quarter kilogram at which the correction to the length of and interval is most nearly zero, under a specified condition of support, for a tape not exceeding 200 ft or 50 m | 6.00 |
| 202.404h | Steel tape—determination of the correction to a subinterval at the tension at which the correction to the total length is most nearly zero and under the conditions of support used in the test under item (e) | 5.00 |
| 202.404i | Steel tape—determination of correction to the total length of an interval on the reverse side of the tape, when supported at standard tension and at standard temperature, for a tape not exceeding 200 ft or 50 m in length | 6.00 |
| 202.404j | Steel tape—determination of the coefficient of expansion of a tape, fee will be determined in each individual case. | |
| 202.404k | Steel tape—determination of Young's modulus of elasticity, for a tape not exceeding 200 ft or 50 m in length | 22.00 |
| | Not recommended for tapes having enameled, plastic, or heavy varnish coatings. | |
| 202.404l | Steel tape—determination of the weight per foot or per meter of a tape | 9.00 |
| 202.404m | Spring balance—testing in horizontal position | 17.00 |
| 202.404n | Steel tape—additional charge for each tape sent without reel | 6.00 |
| 202.404o | Steel tape—determination of A.E. | 17.00 |
| 202.404p | Steel tape—computed values (this does not include charge for necessary measurements) | 6.00 |
| 202.404z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.405 Invar base-line tapes.

For testing of steel tapes, see schedule 202.404. The test of an Invar base-line tape of any length less than 50 m on the NBS geodetic-tape comparator will, in general, be made for the same fee as a 50-m Invar base-line tape. Attention is called to the fact that only Invar base-line tapes of certain lengths can be tested on this comparator. Invar tapes not tested on the geodetic-tape comparator will be tested on the bench standard under items 202.405 (l) and (m).

| Item | Description | Fee |
|---|---|---|
| 202.405a | Invar 50-m base-line tape—determination on the geodetic comparator of total length with a probable error not greater than ±0.050 mm | $165.00 |
| 202.405b | Invar 50-m base-line tape—determination on the geodetic comparator of total length at an additional tension and/or method of support, with a probable error not greater than ±0.50 mm | 43.00 |
| 202.405c | Invar 50-m base-line tape—determination of total length supported throughout, by computation from the observed length when supported at the ends and one or more intermediate points. | 22.00 |
| 202.405d | Invar 50-m base-line tape—high-precision calibration of a group of uniformly spaced subintervals when supported on a horizontal flat surface, using the same tension specified for test item 202.405c. Charge for each interval | $22.00 |
| 202.405e | Invar 50-m base-line tape—determination on the geodetic comparator of the coefficient of expansion with an accuracy of at least 0.000001 per degree Celsius using the electrical resistance method and calibration of its total length at one temperature, tension, and method of support with a probable error not greater than ±0.050 mm | 245.00 |
| 202.405f | Invar base-line tape—determination of Young's modulus of elasticity | 22.00 |
| 202.405g | Invar base-line tape—determination of the weight per meter (or per foot) | 9.00 |
| 202.405h | Spring balance—testing in horizontal position | 17.00 |
| 202.405i | Invar base-line tape—additional charge for each tape sent without a reel | 6.00 |
| 202.405j | Invar base-line tape—determination of A.E. | 17.00 |
| 202.405k | Invar base-line tape—computed values other than as provided in item 202.405e | 17.00 |
| 202.405l | Invar base-line tape not more than 50 m in nominal length—determination on bench standard at room temperature of length of one interval when supported at one method of support and under one tension, or determination of the tension to the nearest integral half pound or quarter kilogram at which the correction to the length of the interval is most nearly zero at a specified method of support | 49.00 |
| 202.405m | Invar base-line tape not more than 50 m in nominal length—each additional determination on bench standard at room temperature of length of interval, or tension to the nearest integral half pound or quarter kilogram at which the correction to the length of an interval is most nearly zero | 18.00 |
| 202.405z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.406 Surveyors' measuring instruments (other than tapes).

| Item | Description | Fee |
|---|---|---|
| 202.406a | Leveling rod—testing principal intervals | $52.00 |
| 202.406z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.407 Sieves.

NOTE: The precision seal of the National Bureau of Standards on any sieve indicates that the sieve has been tested at the Bureau and found to conform to specification. Except by special arrangements, the testing of sieves at the Bureau is limited to No. 2½ to No. 400 inclusive.

| Item | Description | Fee |
|---|---|---|
| 202.407 | Sieve—test of a sieve No. 2½ to No. 400 inclusive to determine conformity to specification, but not including the sieving test | $18.00 |
| 202.407z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.408 Haemacytometers.

Each haemacytometer chamber and each cover glass which passes the specification is marked with a National Bureau of Standards precision seal. In general, work will be discontinued when a substantial number of items in a lot fail to comply with the specifications, and the fee will be computed on the basis of the number of items tested plus a special handling charge. Items 202.408 a to e inclusive will be applicable if a minimum of 12 chambers are submitted at one time; otherwise item 202.408z will be applicable. Only one letter reporting results of test will be supplied for any one test at the prices of items 202.408 a to e inclusive.

| Item | Description | Fee |
|---|---|---|
| 202.408a | Single Neubauer haemacytometer chamber—testing single cell chamber (having Neubauer ruling) and two cover glasses for conformity with specification | $8.00 |
| 202.408b | Single Fuchs-Rosenthal haemacytometer chamber—testing single cell chamber (having Fuchs-Rosenthal ruling) and two cover glasses for conformity with specification | 11.00 |
| 202.408c | Double Neubauer haemacytometer chamber—testing double cell chamber (having two Neubauer rulings) and two cover glasses for conformity with specification | 9.00 |
| 202.408d | Double Fuchs-Rosenthal haemacytometer chamber—testing double cell chamber (having two Fuchs-Rosenthal rulings) and two cover glasses for conformity with specification | 22.00 |
| 202.408e | Quadruple haemacytometer chamber—testing quadruple cell chamber (having two Neubauer rulings and two Fuchs-Rosenthal rulings) and two cover glasses for conformity with specification | 23.00 |
| 202.408z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

### § 202.409 Areas and area-measuring instruments.

| Item | Description | Fee |
|---|---|---|
| 202.409z | Special tests only are conducted in this category and fees will be charged dependent upon the nature of the test. | |

### § 202.410 Precision circles.

| Item | Description | Fee |
|---|---|---|
| 202.410z | Special tests only are conducted in this category and fees will be charged dependent upon the nature of the test. | |

### § 202.411 Linear thermal expansion of solids.

| Item | Description | Fee |
|---|---|---|
| 202.411z | Special tests only are conducted in this category and fees for accepted tests will be charged dependent upon their nature. Only those tests that cannot be carried out elsewhere may be accepted. | |

### § 202.412 Gage blocks.

(a) Test fee schedules in 202.412 include a statement of the accuracy to which measurements are ordinarily made. *However*, If the character of the defining surfaces of a gage block is not such as to warrant this accuracy, the re-

port will show the accuracy actually obtained. All gage blocks submitted for test should be in substantially new block condition and each block should be marked with an identification number.

(b) In the shipment of gage blocks extreme care should be taken both against corrosion and damage by contact with other gage blocks during transit. All defining steel surfaces should be greased and the blocks padded with waxed paper or volatile rust inhibitor treated paper. A greased steel surface coming in contact with newspaper, wrapping paper (unwaxed) or excelsior is very likely to corrode. Sets of gage blocks should have packing inside the case, and the case should be bound shut as the clasps frequently open or break during shipment.

(c) Shipments and purchase orders should be sent to the National Bureau of Standards, Washington, D.C., 2034, marked to the attention of the Length Section.

| Item | Description | Fee |
|---|---|---|
| 202.412a | Gage blocks—determination of length to ±0.000004 in. and excessive errors in flatness and parallelism, for sizes from 0.100 in. to and including 1.000 in., in lots of 10 or more, each. Actual cost of calibration will be charged for smaller lots. | $8.00 |
| 202.412b | Gage blocks—determination of length to ±0.000005, ±0.000006, and ±0.000007 in., respectively, for blocks from 1 to 2 in., 2 to 3 in., and 3 to 4 in. in length, and excessive errors in flatness and parallelism, in lots of three or more, each. Actual cost of calibration will be charged for smaller lots. | 23.00 |
| 202.412ab | Measurements as described under items (a) and (b) for usual 81-block set, per set. Extra blocks will be charged for under items (a) or (e). | 570.00 |
| 202.412c | Gage blocks—determination of length to ±0.000002 in. and excessive errors in flatness and parallelism, for sizes from 0.100 in. to and including 1.000 in., in lots of 10 or more, each. Actual cost of calibration will be charged for smaller lots. | 12.00 |
| 202.412d | Gage blocks—determination of length to ±0.000002, ±0.000003, and ±0.000004 in., respectively, for blocks from 1 to 2 in., 2 to 3 in., and 3 to 4 in. in length, and excessive errors in flatness and parallelism, in lots of three or more, each. Actual cost of calibration will be charged for smaller lots. | 35.00 |
| 202.412cd | Measurements as described under items (c) and (d) for usual 81-block set, per set. Extra blocks will be charged for under items (c) or (e). | 960.00 |
| 202.412e | Gage blocks—determination of length to ±0.000003 in. and excessive errors in flatness and parallelism, for sizes from 0.010 in. to and including 0.060 in., in lots of 10 or more, each. Blocks in this size range are usually warped and do not warrant calibration to a higher accuracy. In special cases blocks 0.040 in. and thicker will be calibrated under item (c) if the errors in flatness of the blocks are not excessive. | 9.00 |
| 202.412f | Gage blocks—determination of length to ±0.000001 in. per inch of length and excessive errors in flatness and parallelism, for blocks of the following length: 5, 6, 7, 8, 10, 12, 16, and 20 in., in lots of three or more, each. Actual cost of calibration will be charged for smaller lots. | 54.00 |
| 202.412z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

ENGINEERING METROLOGY

## § 202.500 General.

(a) Test fee schedules 202.501 to 202.509 include a statement of the relative accuracy to which measurements are ordinarily made. However, if the character of the defining surface of a gage or other article is not such as to warrant the measurement to this accuracy, the report will show the accuracy actually obtained. If a greater accuracy is requested and the defining surfaces are such as to permit measurements to the accuracy requested, the necessary measurements will be made and a special fee will be charged.

(b) In addition to the items covered by schedules 202.501 to 202.509 other items such as gage block accessories, taper plug and ring gages, and gill net gages are occasionally calibrated. Other sizes than those listed in the fee schedules are also calibrated on special request. These tests and calibrations are made so infrequently that it is not practical to list a definite fee, and such work will be done on the basis of the cost of the work.

(c) In the shipment of gages, extreme precautions should be taken both against corrosion and damage by contact with other gages during transit. All defining steel surfaces should be greased and protected with waxed paper or a suitable strippable plastic coating. A greased steel surface coming in contact with newspaper, wrapping paper (unwaxed), or excelsior is very likely to corrode. Small gages suitably wrapped may be fastened in place in a strong rigid container so that no movement is possible. Plug and ring gages should ordinarily not be shipped mated. In the case of large-size threaded plugs and rings, however, mating is permissible as a means of protecting the plug threads. In such cases a grease must be used that will prevent electrolytic corrosion between the mating gages.

(d) Minimum test fee for calibration work is $20.00.

## § 202.501 End standards of length.

| Item | Description | Fee |
|---|---|---|
| | End standards with spherical or pointed ends, of flat ends with area of contact less than ¼ in.²: | |
| 202.501a | Determination of length to ±0.00005 in. for lengths up to and including 8 in., each. | $14.00 |
| 202.501b | Determination of length to ±0.000005 in. per inch of length for lengths over 8 in. up to and including 20 in., each. | 20.00 |
| 202.501c | Determination of length to ±0.000005 in. per inch of length for lengths over 20 in. up to and including 40 in., each. | 24.00 |
| 202.501d | Determination of length to ±0.000006 in. per inch of length for lengths over 40 in. up to and including 72 in., each. | 28.00 |
| 202.501e | Determination of length to ±0.00002 in. for lengths up to and including 8 in., each. | 28.00 |
| 202.501f | Determination of length to ±0.000008 in. per inch of length for lengths over 8 in. up to and including 20 in., each. | 38.00 |
| 202.501g | Determination of length to ±0.000008 in. per inch of length for lengths over 20 in. up to and including 40 in., each. | 43.00 |
| 202.501h | End standards with spherical or pointed ends, etc.—Con. Determination of length to ±0.000063 in. per inch of length for lengths over 40 in. up to and including 72 in., each. | $56.00 |
| 202.501z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

## § 202.502 Plain cylindrical plug and ring gages.

| Item | Description | Fee |
|---|---|---|
| 202.502a | Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.00005 in. for sizes up to and including 4 in., each. | $14.00 |
| 202.502b | Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.00001 in. for sizes up to and including 2 in., each. | 41.00 |
| 202.502c | Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.000005 in. for sizes up to and including 2 in., each. | 50.00 |
| 202.502d | Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.00001 in. for sizes 0.03 in. up to and including 2 in., each. | 59.00 |
| 202.502e | Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.000005 in. for sizes 0.03 in. up to and including 2 in., each. | 89.00 |
| 202.502f | Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.000003 in. for sizes 0.25 in. up to and including 2 in., each. | 115.00 |
| 202.502z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

## § 202.503 Thread plug and ring gages.

| Item | Description | Fee |
|---|---|---|
| 202.503a | Straight thread plug gages and setting thread plug gages—determination of angle to 3′ to 15′ depending on pitch and diameter; lead error and pitch diameter to 0.0001 in., major diameter to 0.0002 in. thread form as to clearance, for sizes ¼ in. to 6 in., each. | $36.00 |
| 202.503b | Straight thread ring gages—determination of angle to 3′ to 15′ depending on pitch and diameter, lead error to 0.0001 in., minor diameter to 0.0002 in., thread form as to clearance, and fit on setting plug, for sizes ¼ in. to 6 in., each. | $36.00 |
| 202.503c | Taper thread plug gages having 60° threads (except API Cable and Rotary gages)—determination of half angles to 3′ to 15′ depending on pitch and diameter, lead error, pitch diameter and taper to 0.0001 in., major diameter to 0.0003 in., and thread form as to clearance, for sizes up to and including 10 in., each. | 89.00 |
| 202.503d | Taper thread plug gages having 60° threads—determination of half angles to 3′ to 15′ depending on pitch and diameter, lead error and taper to 0.000k in., pitch diameter to 0.0002 in., major diameter to 0.0004 in., and thread form as to clearance, for sizes over 10 in., to 24 in., inclusive each. | 115.00 |
| 202.503e | Taper thread ring gages having 60° threads (except API Cable and Rotary gages)—determination of angle to 3′ to 15′ depending on pitch and diameter, lead error to 0.0001 in., taper to 0.0002 in., minor diameter to 0.0005 in. (or truncation of thread crest), thread form as to clearance, and standoff from mating plug to 0.002 in. for sizes up 10 in., each. | 71.00 |
| 202.503f | Taper thread ring gages having 60° threads—determination of angle to 3′ to 15′ depending on pitch and diameter, lead error to 0.0001 in., taper to 0.0002 in., minor diameter to 0.0005 in. (or truncation of thread crest), thread form as to clearance, and standoff from mating plug to 0.002 in. for sizes over 10 in. to 24 in., inclusive, each. | $115.00 |
| 202.503g | API Cable and Rotary taper thread plug gages—determination of dimensions specified in API Standard 7, each. | 130.00 |
| 202.503h | API Cable and Rotary taper thread ring gages—determination of dimensions specified in API Standard 7, each. | 89.00 |
| 202.503i | API Cable and Rotary tool connections gages—determination of mating standoff and standoff from grand master gages, per set. | 27.00 |
| 202.503j | API sucker rod plug gages designated as P1, P5, P7, B8, and B6—determination of dimensions specified in API Standard 11B, each. | 36.00 |
| 202.503k | API sucker rod plug gages designated as P3 and B4—determination of dimensions specified in API Standard 11B, each. | 71.00 |
| 202.503l | API sucker rod ring gages designated as P2, P6, P8, B1, and B5—determination of dimensions specified in API Standard 11B, each. | 36.00 |
| 202.503m | API sucker rod ring gages designated as P4 and B3—determination of dimensions specified in API Standard 11P, each. | 59.00 |
| 202.503n | API sucker rod gages—determination of dimensions specified in API Standard 11B for the inspection of used gages, per set of any size. | 165.00 |
| 202.503o | API buttress casing plug gages—determination of dimensions specified in API Standard 5B, for sizes up to 10 in., each. | 100.00 |
| 202.503p | API buttress casing plug gages—determination of dimensions specified in API Standard 5B, for sizes over 10 in., each. | 125.00 |
| 202.503q | API buttress casing ring gages—determination of dimensions specified in API Standard 5B, for sizes up to 10 in., each. | 82.00 |
| 202.503r | API buttress casing ring gages—determination of dimensions specified in API Standard 5B, for sizes over 10 in., each. | 115.00 |
| 202.503s | API extreme line casing plug gages—determination of dimensions specified in API Standard 5B, each. | 175.00 |
| 202.503t | API extreme line casing ring gages including seal element—determination of dimensions specified in API Standard 5B, each. | 175.00 |
| 202.503u | API extreme line casing gages—determination of mating standoff with grand master gages, R and S dimensions as specified in API Standard 5B, per set. | 120.00 |
| 202.503z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

## § 202.504 Instruments and components.

| Item | Description | Fee |
|---|---|---|
| 202.504a | Micrometer calipers—determination of errors at 10 points selected to test uniformity of graduations as well as lead errors. Also determination of planeness and parallelism errors of contact surfaces, each. | $54.00 |
| 202.504b | Dial micrometers—determination of errors in each one-tenth revolution of the pointer for one revolution and each half revolution up to five revolutions, each. In the case of dial micrometers, the accuracy obtainable depends on the value of the smallest division on the dial and on the mechanical condition of the instrument as evidenced by the degree to which it will repeat its indications. | 38.00 |
| 202.504c | Thread wires—determination of diameter, straightness, and roundness of each of three wires in a set in accordance with specification for wires in NBS Handbook H28, Screw Thread Standards for Federal Services, and determination of mean diameter and C correction, for the best sizes of wires for standard 60° screw threads, from 2 to 80 threads per inch and for 29° Acme screw threads from 1 to 20 threads per inch, per set of three wires. | $6.00 |
| 202.504d | Gear wires—determination of diameter, straightness, and roundness of each of two wires in a set to an accuracy of ±0.000010 inch, per set. | 8.00 |
| 202.504e | Master wires—determination of mean diameter, and straightness to an accuracy of ±0.000005 inch, each. | 18.00 |
| 202.504f | Penetration needles—test for compliance with ASTM Specification D5-61, without reporting actual dimensions, for one to ten needles. | 59.00 |
| 202.504g | Same, each additional needle. | 5.00 |
| 202.504h | Petroleum wax penetration needles—test for compliance with ASTM Specification D1321-61T, without reporting dimensions, each. | 6.00 |
| 202.504i | Penetration needle numbering—all needles must have individual identification numbers, needles received without identification will be marked, each. | 4.00 |
| 202.504j | Polariscope tubes—determination of the average length of polariscope observation tube and marking with NBS serial number if length is within ±0.03 mm of nominal length for 100 to 200 mm tubes and ±0.04 mm for 400 mm tubes, each. | 27.00 |
| 202.504z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

## § 202.505 Optical reference planes.

| Item | Description | Fee |
|---|---|---|
| | Optical reference planes are tested interferometrically, horizontally supported with test surface supported on three equally spaced pads located at 0.7 of the radius from the center. The test is performed along two marked diameters at 90° to each other on each surface, when each diameter is parallel to two of the support pads. Graphs of the profiles are supplied. | |
| 202.505a | Optical reference plane—to an accuracy of ±0.0000005 in. for sizes not exceeding 6 in., per surface. | $82.00 |
| 202.505b | Optical reference plane—to an accuracy of ±0.0000005 in. for sizes larger than 6 in. but not exceeding 8 in. in diameter, per surface. | 120.00 |
| 202.505c | Optical reference plane—to an accuracy of ±0.0000005 in. for sizes larger than 8 in. but not exceeding 10 in. in diameter, per surface. | 175.00 |
| 202.505z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

## § 202.506 Angle blocks.

| Item | Description | Fee |
|---|---|---|
| 202.506a | Calibration of set of AA grade angle blocks consisting of one each of the following sizes. 1, 3, 5, 20, and 30″; 1, 3, 5, 20, and 30′; 1, 3, 5, 15, 30, and 45°—determination of flatness of faces, parallelism of elements of surfaces and angle between faces. Accuracy of angle between faces 0.5″. Per set. | $410.00 |
| 202.506z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

## § 202.507 Polygons.

| Item | Description | Fee |
|---|---|---|
| | Calibration of polygons—determination of flatness of faces, variation of the angles between faces and the base of the polygon (where possible the polygon will be adjusted for minimum variation) and the angle between faces. Accuracy of values for angles between faces 0.5″ or less: | |
| 202.507a | Polygons having 4, 5, or 6 sides, each. | $205.00 |
| 202.507b | Polygons having 8, 9, or 10 sides, each. | 235.00 |
| 202.507c | Polygons having 12 sides, each. | 295.00 |
| 202.507d | Polygons having 15 sides, each. | 355.00 |
| 202.507e | Polygons having 24 sides, each. | 470.00 |
| 202.507f | Polygons having 36 sides, each. | 940.00 |
| 202.507g | Polygons having 72 sides, each. | 2,350.00 |
| 202.507z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

## § 202.508 Master balls.

| Item | Description | Fee |
|---|---|---|
| 202.508a | Steel or Carbide balls—determination of diameter to ±0.000050 in. for sizes from 1/16 in. to 1 in., each. | $12.00 |
| 202.508b | Steel or Carbide balls—determination of diameter to ±0.000010 in. for sizes from 1/16 in. to 1 in., each. | 18.00 |
| 202.508c | Master balls—determination of diameter to ±0.000005 in. by comparison with NBS master and measurement of roundness of two equators, for sizes from 1/16 in. to 1/4 in. by 1/32 in. steps and 1/4 in. to 1 in. by 1/16 in. steps. Tests applied only on balls with diameter variation of 0.000005 in. or less and deviation from nominal size within ±0.000030 in., each. | 29.00 |
| 202.508d | Master balls—determination of mean diameter from three interferometric readings to an accuracy of ±0.000003 in. and measurement of roundness of three equators. For sizes up to 1 in. in diameter. Test made only on balls with diameter variation of 0.000003 in. or less, each. | 71.00 |
| 202.508z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

## § 202.509 Gears.

| Item | Description | Fee |
|---|---|---|
| 202.509a | Tooth index measurement—calibration results recorded in tape form with each tooth location being represented by a plateau and another tape (taken simultaneously) of the reference diameter location during the tooth index calibration. Gears, master gears, gear cutters, and index plates, from 0.125 in. diameter to about 8.0 in. diameter and from about 24 teeth to 500 teeth. The maximum overall length of the part must be less than 3 in. Suitable reference and calibration surfaces must be available to obtain the estimated accuracy of ±3″ of arc. | |
| | For 71 teeth or less, each. | $190.00 |
| | For 72 teeth or more, each. | 235.00 |
| | The cost of any needed adaptors will be added to the calibration cost, if made by the Bureau. | |
| 202.509z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

MASS AND VOLUME

## § 202.620 General.

(a) *Calibration and testing.* (1) Calibration consists of determining the

value, either mass or volume, relative to an accepted standard. It is assumed that all items submitted for calibration will be used as reference standards. (This designation implies the use of a correction or actual value of the standard in all measurements relative to it.) Results of a calibration will be reported in a National Bureau of Standards Report of Calibration listing the value together with an appropriated uncertainty. The Report of Calibration makes no reference to the compliance with existing class tolerances which limit the departure of actual value from the nominal value.

(2) Testing consists of establishing compliance with applicable specifications or tolerances. If the need is critical and the service is not available elsewhere, items may be accepted for test. The results of the test will be reported in a National Bureau of Standards Report of Test, which generally is a statement indicating the compliance, or noncompliance, with the particular specification or tolerance.

(3) Acceptance for calibration or test is based on inspection at the Bureau. Acceptance is based on suitability for use as a reference standard. Items not accepted for calibration or test will be returned, the appropriate cleaning, handling, and inspection fee being applicable.

(4) The established fees are based on satisfactory test or calibration effected by normal procedures. Total cost of test or calibration will include cost of items required to facilitate the use of normal procedures. Examples of items, the cost of which will be added to the established fees as routine procedures, are replacement of missing small weights, repairs to damaged surfaces, the cleaning and greasing of glass stopcocks, repairs to shipping cases or crates, and the reconditioning or modification closures for weight-adjustment cavities.

(5) Occasionally items are received for test which vary excessively from nominal. Such variation becomes evident in the actual calibration or test. Completion of calibration or test may require considerable deviation from normal procedures. For such cases, the fee will be computed on a cost basis.

(6) When requested, receipt of items and purchase orders will be acknowledged. Such acknowledgment will not contain a price quotation. Actual cost of the calibration or test will be stated in the acknowledgment copy of NBS Form 64. Usually, this acknowledgment is issued sufficiently in advance of the completion of the work so that change orders can be processed prior to return shipment.

(b) *Correspondence and purchase orders.* (1) All correspondence concerning calibration and testing should be addressed to the National Bureau of Standards, Attention: Mass and Volume Section 213.31, Washington, D.C., 20234.

(2) The purchase order or calibration request must include complete information concerning the following items:

(i) Purchase order number or authority to charge against existing open purchase order.

(ii) Legal owner of item.

(iii) Nominal designation and total number of items by count.

(iv) Shipping instructions for shipment to other than name stated in (i).

(v) Previous Bureau of Standards test number if appropriate.

(3) After completion of calibration or test, items will be packed and shipped as directed. The Report of Calibration or the Report of Test, whichever is applicable, will be mailed under separate cover.

### § 202.621 Reference standards of mass.

(a) Reference standards of mass are weights or weight sets of design, material, and surface finish comparable to, but not necessarily limited to present Class A, B, M, S, or S–1 as described in Circulars 3 and 547 in Volume III of NBS Handbook 77. Standards accepted are calibrated with reference to NBS standards of mass, with an uncertainty compatible with the equipment and methods used.

(b) Packing and shipping: (1) Weights must be carefully packed. If shipped in their regular cases the weights should be tightly packed in their pockets by the use of extra materials of some sort.

(2) In many instances the sheet-metal weights that are packed under the glass covers of the regular cases reach the Bureau bent or otherwise damaged. Care should be given the packing of these weights. Sufficient extra packing should be used to hold the glass cover firmly in place.

(3) Many of the laboratory and storage weight cases now in service are not designed to retain the weights in the pockets during shipment. Also, shipments of weights are sometimes subjected to exceptionally rough handling. It is strongly recommended that weights larger than 200 g be removed from the laboratory or storage cases and packed for shipment as described in this section. Do not ship empty storage cases.

(4) Some soft but firm materials should be used next to weight and bound tightly against it to avoid possibility of abrasion. If tissue paper is used, many thicknesses should be firmly wrapped on. This then should be covered with thicker, tougher material such as cotton gauze or knit goods. The whole should then be wrapped securely in heavy wrapping paper to exclude the dust and grit from rough packing material. Each package should be clearly labeled.

(5) Weight identification, purchase order number, and legal owner must be clearly designated on the packing slip. Enclose packing slip in envelop and attach to outside of box (wrap with weights if package is small). Envelop should be clearly marked. Also package with the weights an information sheet stating the density and composition or accepted trade name of the material of which the weights are made, also the construction and surface protection of the weights.

(c) Calibration: (1) Cleaning, inspection, and handling in accordance with fee schedule 202.621 (a to d) will apply to all weights accepted for calibration.

(2) The true mass and/or apparent mass corrections are determined using computed volumes based on the manufacturers statement of density of the material. (In the absence of this information, estimated densities are used.) The apparent mass correction at 20° C is computed with reference to Normal Brass (density 8.4 g/cm³ at 0° C: Volume coefficient expansion 0.000054/C°, air density 1.2 mg/cm³). Apparent mass corrections computed to any other basis will be furnished if requested. Fee in accordance with 202.621 (e through z) will apply for calibration.

(3) Measurement of volumes for use in computing corrections will be done on a cost basis (202.621z). Correspondence or consultation as to the exact requirements must provide a basis for such calibration.

| Item | Description | Fee |
|---|---|---|
| | *Inspection, cleaning, and handling (also applies to weights not accepted for calibration)* | |
| 202.621a | For single weight not greater than 50 lb of 20 kg | $24.00 |
| 202.621b | For each set or group of weights submitted as a unit, when the largest weight is not greater than 2 lb or 1 kg | 30.00 |
| 202.621c | For each set or group of weights submitted as a unit, when the largest weight is not greater than 20 lb or 10 kg but is greater than 2 lb or 1 kg | 41.00 |
| 202.621d | For each set or group of weights submitted as a unit, when the largest weight is not greater than 50 lb but is greater than 20 lb or 10 kg | 54.00 |
| | *Calibration, in addition to appropriate inspection, cleaning, and handling fees* | |
| 202.621e | For sets 100 g to 1 mg, or sets within this range | 325.00 |
| 202.621f | For sets 100 g to 50 mg, or sets within this range | 290.00 |
| 202.621g | For sets 100 g to 1 g, or sets within this range | 145.00 |
| 202.621h | For sets 1 g to 1 mg, or sets within this range | 190.00 |
| 202.621i | For individual weights, 100 g or less | 24.00 |
| 202.621j | For each individual weight greater than 100 g but not greater than 2 kg | 30.00 |
| 202.621k | For each individual weight greater than 2 kg but not greater than 20 kg | 48.00 |
| 202.621z | Other operations will be charged for on the basis of actual cost of time and materials. | |

### § 202.622 Large mass standards.

(a) Large mass reference standards are weights over 50 pounds (up to and including 10,000 pounds). Acceptance for calibration is based on suitability with regard to general design and upon assurance of usage as a reference standard.

(b) Weights over 50 pounds will be accepted for testing or standardization provided the need is critical and the service is not available elsewhere. (Testing is to determine compliance or noncompliance with accepted specifications. Standardization includes testing and adjustment to comply with appropriate adjustment tolerance.)

(c) Packing and shipping: (1) Arrangements for testing or calibration should be completed before weights are shipped to the Bureau. All correspondence must be addressed to the National Bureau of Standards, Mass and Volume Section, 212.31, Washington, D.C., 20234.



(2) Weights from 51 pounds to approximately 250 pounds must be clean, suitably protected, and shipped in wooden boxes having screw-fastened covers. Larger weights must be clean, suitably protected, and shipped in reusable crates. Adjustment cavity seals must be packed separately and included with all new weights shipped to the Bureau of Standardization. The empty adjustment cavities must be suitably protected to exclude dirt and moisture while in transit.

(3) Ship weights as follows: (i) Test weights of 50 pounds and reference standards of 51 to 1,000 pounds: From the West Coast and Rocky Mountain area, ship to the National Bureau of Standards, Boulder, Colo., 80301; from the Midwest, ship to the National Bureau of Standards Master Scale Depot, 5800 West 69th Street, Chicago, Ill., 60600; from the East, ship to the National Bureau of Standards, Connecticut Avenue and Van Ness Street NW., Washington, D.C., 20234.

(ii) 1,001 to 10,000 pounds: It is desirable that weights larger than 1,001 pounds be submitted to the National Bureau of Standards Master Scale Depot, 5800 West 69th Street, Chicago, Ill., 60600; however, by previous correspondence, arrangements can be made for accepting such weights at the National Bureau of Standards in Washington, D.C.

(d) Adjusting material: When large amounts of adjusting material are required for new weights, the Bureau reserves the right to add the cost to the test fee or to require the owner or maker to furnish the material.

(e) Calibration, test, and standardization: For a calibration, the value of the weight or object (apparent mass with reference to Normal Brass) together with a statement of uncertainty will be reported on an NBS Report of Calibration. Weights accepted for test will be reported as either complying or not complying with appropriate specifications on an NBS Report of Test. Weights accepted for standardization will be reported as complying with appropriate Adjustment tolerance specifications on an NBS Report of Test. Fees in accordance with 202.622 (a through z) apply.

| Item | Description | Fee |
|---|---|---|
| | *Test weights, 50 lb, Class C, cast iron* | |
| 202.622a | A handling fee of $4.00 per weight in addition to the applicable test fee will be charged for each weight of a group submitted; the minimum handling charge shall be | $24.00 |
| | The Bureau no longer tests weights of this kind on a routine basis. Special need or requirement for this work must be established. | |
| 202.622b | Tolerance testing (no adjustment), per weight | 20.00 |
| 202.622c | Standardization, per weight | 38.00 |
| | *Test weights, 51 to 1,000 lb* | |
| 202.622d | Test and, when adjustable, standardize within Class C adjustment tolerances | 60.00 |
| 202.622e | Calibration only (precision 1/100,000) | 24.00 |

| Item | Description | Fee |
|---|---|---|
| | *Test weights, 1,001 to 2,500 lb* | |
| 202.622f | Test and, when adjustable, standardize to nominal value with precision of 0.01 lb | $87.00 |
| 202.622g | Calibration only (precision 1/100,000) | 71.00 |
| | *Test weights, 2,500 to 10,000 lb* | |
| 202.622h | Calibration only (precision 1/25,000) | 87.00 |
| 202.622i | Calibration only (precision 1/100,000) | 98.00 |
| 202.622j | Standardization, in addition to either 202.622h or 202.622i | 60.00 |
| | *Cars, railway track scale test* | |
| 202.622k | Standardization on Master Track Scale at National Bureau of Standards Master Scale Depot, 5800 West 69th St., Chicago, Ill. | $49.00 |
| | *Test weights, 10,000 to 150,000 lb* | |
| 202.622z | Fees for tests of weights in this grouping will be charged dependent upon the nature of the test. | |

### § 202.623 Calibration of mass elements of pressure-gage testing apparatus.

Calibration consists of cleaning, marking with suitable designation when required, and determining the value, which for weights of one pound and greater is reported to a precision of 1 part in 100,000. The fee is in accordance with fee schedule item 202.623a.

| Item | Description | Fee |
|---|---|---|
| 202.623a | Each item to be calibrated | $17.00 |

### § 202.624 Recalibration of mass standards.

Recalibration of reference mass standards should be based on monitoring the difference between weights or groups of weights in the set. As long as the differences as measured agree with the computed differences, the set can be considered constant. Mass standards submitted for recalibration will be cleaned, inspected, and tested by intercomparison. If this intercomparison shows there has not been a sufficient change to warrant complete recalibration, a letter so stating and referring to the previous National Bureau of Standards Report of Calibration will be issued. Such a letter may include new values for one or two weights if necessary. Fee will not exceed that listed under 202.621, 202.622, or 202.623, whichever is applicable.

### § 202.625 Glass volumetric apparatus.

(a) Glass volumetric apparatus is tested generally by weighing the amount of distilled water contained or delivered with reference to the graduations marked on the instrument. The quality of the markings and the care exercised in reading or setting the liquid level are major factors in both calibration and usage. Occasionally such instruments are used as reference or transfer standards which require calibration. Many usage requirements are satisfied by testing for compliance with existing capacity tolerance specifications. The Mass and Volume Section offers both calibration and testing, subject to certain restrictions.

(b) Instruments suitable for, and to be used for, reference or transfer standards will be accepted for calibration. Such instruments must essentially conform to the specifications contained in NBS Circular 602, Testing of Glass Volumetric Apparatus. Acceptance for calibration is based on correspondence or consultation concerning the exact manner in which the instrument is to be used. If accepted for calibration, the instrument will be marked with an identification number, calibrated, and the results reported on an NBS Report of Calibration. The report will state the capacity under the conditions of test together with an associated statement concerning uncertainty. Fee for calibration will be computed on a cost basis.

(c) Precision grade glass volumetric apparatus will be accepted for testing to determine compliance with specifications and tolerances if the need is critical and the service is not available elsewhere. Acceptance for test is based on conformance with the specifications contained in NBS Circular 602, or other appropriate specifications. The item will be marked with an appropriate stamp if test results indicate conformity with NBS–approved specifications and tolerances. No individual report will be issued (see paragraph d below for exception). Fee for testing is in accordance with 202.625 (a through l).

(d) A report will be furnished listing the test results for groups of blood pipets to be used as factory standards, if requested. Fees in accordance with 202.625p.

| Item | Description | Fee |
|---|---|---|
| | Testing in accordance with specifications in NBS Circular 602 or other approved specifications: | |
| 202.625a | Flasks of capacities up to and including 250 ml, each | $7.00 |
| 202.625b | Flasks of capacities exceeding 250 ml, each | 9.00 |
| 202.625c | Flasks marked both "to contain" and "to deliver," each | 12.00 |
| 202.625d | Flasks, of any capacity, when bearing more than one graduation mark. Primary capacity, each | 8.00 |
| 202.625e | Each capacity in addition to primary (number determined by the Bureau) | 4.00 |
| 202.625f | Flasks, specific gravity, each | 15.00 |
| 202.625g | Cylindrical graduates, capacities up to and including 250 ml, each | 18.00 |
| 202.625h | Cylindrical graduates, capacities exceeding 250 ml, each | 20.00 |
| 202.625i | Transfer pipets, each | 7.00 |
| 202.625j | Burets, except automatic, each | 21.00 |
| 202.625k | Burets, automatic, each | 24.00 |
| 202.625l | Measuring pipets, each | 17.00 |
| 202.625m | Items a thru l disqualified for test on initial inspection, per item | 7.00 |
| 202.625n | Dilution pipet, including Trenner automatic and Sahli, each | 4.00 |
| 202.625o | Dilution pipets, automatic, other than Trenner, each | 10.00 |
| 202.625p | Report of test for quality control purposes (applies to 202.625 n and o only), each item | 4.00 |
| 202.625q | Apparatus n and o disqualified for test on initial inspection, each | 4.00 |
| 202.625r | Items except those above for which there are accepted specifications, such as microozotomcters, spirits measuring flask, etc., will be tested on a cost basis in accordance with 202.625z. (Report of test will include capacities at test points if appropriate.) | |
| 202.625z | For special calibrations not covered by the above schedule, fees will be determined on a cost basis. | |

THE UNIVERSITY OF MICHIGAN

**§ 202.626 Metal volumetric apparatus.**

(a) Only those instruments suitable for use as reference standards (see, for example, specifications contained in NBS Monograph 62, Testing of Metal Volumetric Standards) will be accepted for calibration, based on inspection at the Bureau. Calibration consists of determining the value "to contain" or "to deliver" by either gravimetric means or by the use of transfer standards. The item will be marked, and the value determined will be reported, together with a statement concerning the uncertainty, on a National Bureau of Standards Report of Calibration. Fee in accordance with 202.626 (a thru z) applies. Specify "to contain," "to deliver," or both.

(b) Items not accepted for calibration as a result of initial inspection will be returned, fee in accordance with 202.626o being applicable.

(c) Packing and shipping: (1) The apparatus should be securely packed in cases or packages which will protect against possible damage.

(2) When submitting immersion bottles for calibration, do not include the tank as it is not used in the calibration.

(3) Arrangements for calibration of field standards in excess of 10 gallons capacity must be completed before shipping apparatus to the Bureau.

(4) If requested, the zero index or gage scales will be adjusted and sealed to within accepted tolerance specifications. Adjustment of slicker plate type standards should be made by the manufacturer.

| Item | Description | Fee |
|---|---|---|
| | Calibration "to contain." Fee for calibration "to deliver" is same. For both calibrations, double fee shown. | |
| 202.626a | Slicker plate measures of capacity less than 5 gallons, each | $38.00 |
| 202.626b | Slicker plate measures of 5-gallon capacity, each | 49.00 |
| | Adjustments of slicker plate measures to within accepted capacity tolerances, if requested, are done on a cost basis under 202.626z. | |
| 202.626c | ½ cubic foot bottles for use in testing gas meters, each | 49.00 |
| 202.626d | Cubic foot bottles for use in testing gas meters, each | 71.00 |
| 202.626e | Portable cubic foot standards (Stillman type) | 220.00 |
| 202.626f | Field standards of capacity less than 5 gallons (graduated neck type), each | $38.00 |
| 202.626g | Field standards of 5-gallon capacity, each | 49.00 |
| 202.626h | Field standards in excess of 5 gallons but less than 50-gallon capacity, first 10-gallon increment | 49.00 |
| 202.626i | Each additional 5-gallon increment, field standards of 50 gallons or more capacity | 11.00 |
| 202.626j | First 50-gallon increment | 74.00 |
| 202.626k | Each additional 50-gallon increment | 13.00 |
| 202.626l | Each additional 5-gallon increment | 10.00 |
| 202.626m | Calibration of field standards, graduated neck type, at more than one scale point, each additional point | 26.00 |
| 202.626n | Adjustment of zero index or gage, each | 24.00 |
| 202.626o | Apparatus disqualified for test, inspection and handling, each | 13.00 |
| 202.626z | For calibrations not covered by the above schedule, fees will be charged on a cost basis. | |

**§ 202.627 Hydrometers.**

(a) Hydrometers are considered reference standards. Those instruments conforming with the recommendations on construction contained in NBS Circular 555, Testing of Hydrometers, will be accepted for calibration, acceptance based on inspection at the Bureau.

(b) For the purposes of this fee schedule, the following changes are made in Circular 555:

(1) Hydrometers with duplex scales or flat scales are not considered suitable for use as laboratory standards and will not be accepted for calibration.

(2) The thermometer element of a thermohydrometer will not be calibrated. (See ASTM specification E100, Standard Specification for ASTM Hydrometers.)

(3) The results of calibration will be furnished together with a statement of uncertainty, on a National Bureau of Standards Report of Calibration. Use as a laboratory standard implies the use of corrections; therefore no reference to tolerance compliances will be made on the report.

(c) Calibration consists of comparison at three or more points with a standard hydrometer. Fee in accordance with 202.627 applies.

(d) Apparatus not accepted for calibration will be returned, appropriate inspection and handling fee being applicable. Each scale card must state the name of the manufacturer and his serial number, and standard temperature and type of scale.

| Item | Description | Fee |
|---|---|---|
| 202.627a | Hydrometers, calibrated at three points, lots of 10 or more of identical scale range and design, each | $21.00 |
| 202.627b | Hydrometers, calibrated at three points, lots of less than 10, each of identical range and design, each | 28.00 |
| 202.627c | Calibration at additional points, each point | 7.00 |
| 202.627d | Hydrometers disqualified for calibration—inspection and handling charge | 7.00 |
| 202.627z | For special calibrations not covered by the above schedule, fees will be determined on a cost basis. | |

**§ 202.628 Density determinations of solids and liquids.**

(a) If the need is critical and the service is not available elsewhere, request may be accepted for the following density determinations:

(1) Density of solids, determined by hydrostatic weighing in appropriate liquid. Solids generally to have a mass less than 175 g and a maximum dimension less than 15 cm.

(2) Density of liquids, determined by weighing in picnometers at temperatures between 0 and 70° C.

(3) Associated tests such as the volume of solids, coefficient of thermal expansion for both solids and liquids.

(b) Acceptance for test is based on consultation or correspondence regarding the exact nature of the requirements. Do not ship materials to the Bureau until all arrangements for test have been completed. Fees for all tests are computed on a cost basis.

| Item | Description | Fee |
|---|---|---|
| 202.628z | Density determinations for solids and liquids, fee computed on a cost basis. | |

A. V. ASTIN,
*Director.*

[F.R. Doc. 64-12858; Filed, Dec. 17, 1964; 8:45 a.m.]

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# FEDERAL REGISTER

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## Contents

**AGRICULTURAL MARKETING SERVICE**
Rules and Regulations
Fruit grown in Arizona and California; handling limitations:
Lemons ... 18045
Oranges, navel ... 18045
Milk in certain marketing areas; miscellaneous amendments:
Ozarks ... 18052
Quad Cities-Dubuque ... 18051
St. Louis, Mo ... 18049
Suburban St. Louis ... 18046
Proposed Rule Making
Milk in certain marketing areas:
Chicago, Ill.; extension of time for referendum ... 18091
Northeastern Ohio; decision ... 18091

**AGRICULTURE DEPARTMENT**
See Agricultural Marketing Service.

**ATOMIC ENERGY COMMISSION**
Notices
Niagara Mohawk Power Corp.; application for provisional construction permit; order and hearing ... 18098

**CIVIL AERONAUTICS BOARD**
Notices
*Hearings, etc.:*
All Nippon Airways Co., Ltd ... 18099
Blocked space air freight tariffs ... 18099
Bonanza Air Lines, Inc.; renewal ... 18099
California Floral Traffic Conference et al ... 18099
Pan Continental Tours, Inc., et al ... 18099

**CIVIL SERVICE COMMISSION**
Rules and Regulations
Federal employees health benefits program; withdrawal of approval of health benefits plans; revocation ... 18045

**COMMERCE DEPARTMENT**
*See also* National Bureau of Standards.
Rules and Regulations
Adjustment assistance for firms ... 18059

**COMPTROLLER OF THE CURRENCY**
Rules and Regulations
Investment securities; Massachusetts Port Authority Revenue Refunding and Improvement Bonds ... 18053

**DELAWARE RIVER BASIN COMMISSION**
Notices
Capital budget, 1966; hearing ... 18099

**FEDERAL AVIATION AGENCY**
Rules and Regulations
Control zone; alteration ... 18054
Control zones, control area extensions and transition areas; alterations, designations and revocations (3 documents) ... 18053–18055
Proposed Rule Making
Airworthiness directive; Boeing Models 707 and 720 aircraft rudder power control unit linkage ... 18093
Control zone and transition area; alteration ... 18095
Control zone, control area extension, and transition area; alteration, revocation, and designation ... 18096
Control zones, alteration; and designation of transition areas and revocation of control area extensions ... 18093
Transition areas:
Alteration ... 18096
Designation ... 18097

**FEDERAL COMMUNICATIONS COMMISSION**
Rules and Regulations
Public Safety Radio Service; miscellaneous amendments ... 18057
Notices
*Hearings, etc.:*
Cleveland Telecasting Corp. and Superior Broadcasting Corp ... 18100
Dubuque Broadcasting Co. and Telegraph-Herald ... 18101
Farragut Television Corp. and Peoples Broadcasting Corp ... 18100
International Panorama TV, Inc ... 18100
Kaiser Industries Corp. et al ... 18100
Naugatuck Valley Service, Inc. (WOWW) ... 18101
Trinity Broadcasting Co. and Warner Bros. Pictures, Inc ... 18101
Welch, Melvin S ... 18101
Lanford Telecasting Co., Inc. (KALB-TV); determination of no hazard to air navigation; amendment ... 18100

**FEDERAL HOME LOAN BANK BOARD**
Notices
Members of Federal savings and loan associations; annual meetings on inauguration day ... 18102

**FEDERAL MARITIME COMMISSION**
Notices
Agreements filed for approval:
African Coasters, Ltd., and Lykes Bros. Steamship Co., Inc ... 18102
City of Philadelphia et al ... 18103
City of Philadelphia and Lavino Shipping Co ... 18102
City of Philadelphia and J. A. McCarthy, Inc ... 18102
United States and Atlantic & Gulf-Santo Domingo Conference ... 18103

(*Continued on next page*)

## FEDERAL POWER COMMISSION

**Notices**

*Hearings, etc.:*
- Cities Service Gas Co. — 18103
- Cities Service Gas Co. et al. — 18104
- Knoxville Utilities Board et al. — 18104
- Manufacturers Light and Heat Co. and Texas Eastern Transmission Corp. — 18104
- Michigan Gas Storage Co. — 18105
- Mosser, H. J., et al — 18105
- Northern Natural Gas Co. — 18106
- Plains Gas Farmers' Cooperative Society of Hereford, Texas — 18106
- United Gas Pipe Line Co. (4 documents) — 18106, 18107

## FOOD AND DRUG ADMINISTRATION

**Rules and Regulations**

- Drugs, new; miscellaneous amendments — 18055
- Food additives:
  - Cellophane — 18055
  - X-radiation for processing foods — 18056
- Hazardous substances; paste waxes; exemption from labeling requirements — 18056

## FOREIGN-TRADE ZONES BOARD

**Notices**

- New Orleans, La.; expansion of foreign-trade zone — 18108

## GENERAL SERVICES ADMINISTRATION

**Rules and Regulations**

- Procurement; use of certain standard forms — 18057

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See* Food and Drug Administration.

## INTERNAL REVENUE SERVICE

**Proposed Rule Making**

- Treatment of employee stock options and purchase plans — 18063

## INTERSTATE COMMERCE COMMISSION

**Rules and Regulations**

- Car service; Missouri-Kansas-Texas Railroad Co. rerouting of traffic — 18062

**Notices**

- Finance applications — 18113
- Fourth section applications for relief — 18112
- Motor carrier transfer proceedings — 18113
- Rutland Railroad Corp.; rerouting of traffic — 18113

## NATIONAL BUREAU OF STANDARDS

**Notices**

- Standard frequency and time broadcasts by NBS radio stations; changes — 18098
- Time signals broadcast by NBS radio station WWVB, Fort Collins, Colo.; adjustment in phase — 18098
- Universal time signals; adjustment in phase — 18098

## POST OFFICE DEPARTMENT

**Proposed Rule Making**

- Second class mailing privileges; revocation of proposal — 18093

## SECURITIES AND EXCHANGE COMMISSION

**Notices**

- Westmore, Inc.; hearing, etc. — 18108

## SMALL BUSINESS ADMINISTRATION

**Notices**

- Small business size standards in effect on Oct. 22, 1962 — 18108

## TREASURY DEPARTMENT

*See* Comptroller of the Currency; Internal Revenue Service.


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

### 5 CFR

- 890 — 18045

### 7 CFR

- 907 — 18045
- 910 — 18045
- 1032 — 18046
- 1062 — 18049
- 1063 — 18051
- 1067 — 18052

PROPOSED RULES:
- 1030 — 18091
- 1036 — 18091

### 12 CFR

- 1 — 18053

### 14 CFR

- 71 [New] (4 documents) — 18053–18055

PROPOSED RULES:
- 39 [New] — 18093
- 71 [New] (5 documents) — 18093, 18095–18097

### 21 CFR

- 1 — 18055
- 121 (2 documents) — 18055, 18056
- 130 — 18055
- 191 — 18056

### 26 CFR

PROPOSED RULES:
- 1 — 18063
- 301 — 18063

### 39 CFR

PROPOSED RULES:
- 22 — 18093

### 41 CFR

- Ch. 1 — 18057

### 47 CFR

- 89 — 18057

### 48 CFR

- 310 — 18059

### 49 CFR

- 95 — 18060

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

#### Advertising and Publicity

On June 5, 1964, August 19, 1964, and September 10, 1964, notices of proposed rule making were published in the FEDERAL REGISTER (29 F.R. 7327, 11844, 12784) stating that the Civil Service Commission was considering amendments of the regulations governing the Federal Employees Health Benefits Program.

Except for a proposed change relating to advertising by carriers all of these proposed rule-making procedures were terminated on October 29, 1964, by publication in the FEDERAL REGISTER (29 F.R. 14711) of the proposed amendments.

As indicated in the material accompanying the October 29, 1964, publication, so many comments—or questions—were received about the proposed advertising regulations published as proposed rule making on June 5, 1964, that different regulations were drafted and circulated to carriers by letter of October 8, 1964.

The present regulations have restricted advertising of plans by carriers since 1960, when the Federal Employees Health Benefits Program began. The main reason for the ban was to enable employees to choose a plan from among the large number available to them based on the factual description of benefits in the official brochure. Prior to the program, most employees had never had to exercise such a choice. The Commission now believes that employees, after experiencing three opportunities in five years to study and select or change plans, have learned to rely on the official brochures for an accurate description of a plan's benefits, limitations, and exclusions.

Comments received from carriers on the proposals of June 5 and October 8, 1964, indicate that most of them favor some restrictions on advertising. However, many object to regulations so restrictive as to terminate customary carrier practices which incidentally advertise their plans. While many of these practices are moderate, their variety and number is such that a regulation permitting all of them would in fact permit all forms of advertising. Upon consideration, it appears that removal of the restrictions on advertising will not adversely affect the interests of employees, and is the best solution to the problem confronting carriers.

This change does not affect existing contractual provisions and accounting practices which prohibit carriers from charging advertising costs to health benefit contracts.

Accordingly, § 890.204 of Part 890 of Title 5 is revoked, effective on the date of publication in the FEDERAL REGISTER.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-13014; Filed, Dec. 18, 1964; 8:47 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 65]

### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

**§ 907.365 Navel Orange Regulation 65.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 17, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 20, 1964, and ending at 12:01 a.m., P.s.t., December 27, 1964, are hereby fixed as follows:

(i) District 1: 400,000 cartons;
(ii) District 2: 75,000 cartons;
(iii) District 3: 60,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 18, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-13145; Filed, Dec. 18, 1964; 11:22 a.m.]

[Lemon Reg. 143]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

**§ 910.443 Lemon Regulation 143.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative

Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 15, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 20, 1964, and ending at 12:01 a.m., P.s.t., December 27, 1964, are hereby fixed as follows:

(i) District 1: 46,500 cartons;

(ii) District 2: 97,650 cartons;

(iii) District 3: 60,450 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 17, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–13117; Filed, Dec. 18, 1964; 8:51 a.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 32]

## PART 1032—MILK IN SUBURBAN ST. LOUIS MARKETING AREA

### Order Amending Order

**§ 1032.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Suburban St. Louis marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Suburban St. Louis marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

1. Sections 1032.6 through 1032.19 are revised and renumbered to read as follows:

**§ 1032.6 Suburban St. Louis marketing area.**

"Suburban St. Louis marketing area", hereinafter called "marketing area" means all the territory within the following counties all of which are in the State of Illinois together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county or municipal governments located wholly or partially within such counties:

(a) *Northern zone.* The counties of Bond, Calhoun, Fayette, Greene, Jersey, Macoupin and Montgomery.

(b) *Base zone.* The counties of Clinton, Franklin, Jackson, Jefferson, Madison, Marion, Monroe, Perry, Randolph, St. Clair (except Scott Military Reservation, East St. Louis, Centerville, Canteen and Stites Townships and the city of Belleville), Washington and Williamson.

**§ 1032.7 Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1032.14.

**§ 1032.8 Producer-handler.**

"Producer-handler" means a person who:

(a) Operates a distributing plant and processes milk from his own farm production, and who distributes all or a portion of such milk within the marketing area on a route but who receives no milk from other dairy farmers or from nonpool plants in the form of fluid milk products; and

(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

**§ 1032.9 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to milk from producers diverted for its account from a pool plant to a nonpool plant or another pool plant pursuant to § 1032.14;

(d) Any cooperative association with respect to the milk of its members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association, if the cooperative association, prior to delivery, notifies in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. Milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered; and

(e) A producer-handler, or any person who operates an other order plant described in § 1032.61.

**§ 1032.10 Distributing plant.**

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

**§ 1032.11 Supply plant.**

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

**§ 1032.12 Pool plant.**

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1032.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section.

(c) Any supply plant during the months of February through August that was a pool plant during each of the preceding months of September through January, unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section.

**§ 1032.13 Nonpool plant.**

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month;

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products are shipped to a pool plant.

**§ 1032.14 Producer milk.**

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month (1) by a cooperative association in its capacity as a handler pursuant to § 1032.9 (c) or (d), or (2) at a pool plant directly from producers (including milk which is commingled at a reload point) except that received by diversion pursuant to paragraph (b)(1) of this section: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted by the operator of a pool plant or by a cooperative association subject to the following conditions:

(1) Diverted during the month from a pool plant to another pool plant(s) for not more days of production of producer milk by such producer than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of February through August and in any other month for not more days of production of producer milk by such producer than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section: *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is unconditionally subject to the pricing and pooling provisions of the other order;

(4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted.

**§ 1032.15 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

**§ 1032.16 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), cream (sweet or sour), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk and mixtures of milk, skim milk or cream (except frozen dessert mixes, eggnog, aerated cream, and sterilized products in hermetically sealed containers).

**§ 1032.17 Route.**

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet other than a pool plant or a nonpool plant.

**§ 1032.18 Chicago butter price.**

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

**§ 1032.19 Reload point.**

"Reload point" means a location at which facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before

entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing milk, which equipment is in current use, shall be considered a supply plant rather than a reload point.

2. Paragraph (i) of § 1032.22 is revised to read as follows:

**§ 1032.22 Duties.**

* * * * *

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

* * * * *

3. Section 1032.41 is revised to read as follows:

**§ 1032.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1032.42 to 1032.46 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), (4), (5), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) Class II. Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1032.46(b)(1), but not to exceed the following:

(i) Two percent of milk received directly from producers; plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handlers; plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1032.9(d); plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; less

(v) One and one-half percent of milk disposed of in bulk tank lots to plants of other handlers (except when the milk is diverted, the applicable percentage shall be two percent) and to nonpool plants; and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1032.46(b)(2).

4. In § 1032.43 the text of paragraph (a) preceding subparagraph (1), all of paragraph (c), the text of paragraph (d) preceding subparagraph (1), and the text of paragraph (e) preceding subparagraph (1) are revised to read as follows:

**§ 1032.43 Transfers.**

* * * * *

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted to the pool plant of another handler, subject in either event to the following conditions:

* * * * *

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 450 miles from the County Courthouse in Vandalia, Illinois, by shortest highway distance as determined by the market administrator, except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced.

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 450 miles from the County Courthouse in Vandalia, Illinois, unless the requirement of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

* * * * *

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

**§ 1032.45 [Amended]**

5. In § 1032.45(a)(1) the reference "§ 1032.41(b)(6)" is changed to "§ 1032.41(b)(7)".

**§ 1032.46 [Amended]**

6. In § 1032.46(b) the references to "1032.41(b)(6)" are changed to "§ 1032.46(b)(7)".

7. Section 1032.50 is revised to read as follows:

**§ 1032.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

8. Section 1032.51 is revised to read as follows:

**§ 1032.51 Class prices.**

The respective minimum prices per hundredweight to be paid by each handler f.o.b. his plant for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* (1) The Class I price for plants located in the Base Zone shall be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months. Such price shall be increased or decreased respectively, by whatever amounts the Class I prices computed pursuant to Part 1030 (Chicago) and Part 1062 (St. Louis, Missouri) are increased or decreased by the supply-demand adjustors computed for such month under such Parts: *Provided*, That the price so determined shall be increased 15 cents per hundredweight from the effective date of this amended order through March 31, 1965; and

(2) The Class I price at plants in the Northern Zone shall be five cents less than the price computed pursuant to subparagraph (1) of this paragraph;

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

9. Section 1032.61 is revised to read as follows:

**§ 1032.61 Plants subject to other Federal orders.**

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and which is fully subject to such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding months shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I



disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant meeting the requirements of § 1032.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is so disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order; and

(c) Any plant qualified pursuant to § 1032.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

**§ 1032.62 [Amended]**

10. In § 1032.62(a) the reference to "§ 1032.13(b)" is changed to "§ 1032.12(b)".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1965.

Signed at Washington, D.C., on December 16, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–13086; Filed, Dec. 18, 1964; 8:51 a.m.]

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[Milk Order 62]

## PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

### Order Amending Order

**§ 1062.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two and one-half cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1062.45(a) (3) and (7) and the corresponding steps of § 1062.45 (b) and (c) Class I milk disposed of on routes in the marketing area from partially regulated city plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1062.6 is revised to read as follows:

**§ 1062.6 St. Louis, Missouri, marketing area.**

"St. Louis, Missouri, marketing area", hereinafter called the "marketing area", means the territory within the corporate limits of the cities of St. Louis and St. Charles and the territory within the counties of Bollinger, Cape Girardeau, Crawford, Franklin, Jefferson, Perry, St. Francois, Ste. Genevieve, St. Louis, and Washington, all in Missouri; and the territory within Scott Military Reservation, and East St. Louis, Centerville, Canteen, and Stites Townships, and the city of Belleville, all in St. Clair County, Illinois.

2. Section 1062.7 is revised to read as follows:

**§ 1062.7 Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1062.14.

3. Section 1062.10 is revised to read as follows:

**§ 1062.10 Pool plant.**

"Pool plant" means:

(a) A city plant from which not less than 50 percent of the receipts of approved milk from dairy farmers, cooperative associations in their capacity as handlers pursuant to § 1062.12(d), and country plants is distributed during the month as Class I milk on routes and from which not less than 10 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is distributed on routes in the marketing area: *Provided*, That a plant which qualifies as a pool plant pursuant to this paragraph during the month shall be a pool plant during the following month;

(b) A country plant from which not less than 20 percent of receipts during the month of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1062.12(d) is shipped to city plants which are pool plants pursuant to paragraph (a) of this section;

(c) A country plant during the months of March through August that was a pool plant in each of the preceding months of September through February, unless the operator of such plant submits a written request to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following receipt of such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments;

(d) A country plant operated by, or under contract to a cooperative association if 50 percent of the total milk supply of producers who are members of such an association has during the immediately preceding 12 months been:

(1) Shipped directly from farms to pool city plants;

(2) Transferred from a country plant operated by, or under contract to, the



cooperative association to a city pool plant; or

(3) Shipped directly from farms to pool country plants not operated by a

product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted

revoked; and the semicolon and the word "and" at the end of paragraph (e)(6) are deleted and a period is substituted



**§ 1062.51 Class prices.**

Subject to the provisions of §§ 1062.52

1062.72, and 1062.80 through 1062.89 shall not apply to a producer-handler.

tance exceeds 40 miles from the City Hall in Cape Girardeau.

cooperative association to a city pool plant; or

(3) Shipped directly from farms to pool country plants not operated by a cooperative association.

4. Section 1062.14 is revised to read as follows:

**§ 1062.14 Producer milk.**

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month (1) by a cooperative association in its capacity as a handler pursuant to § 1062.9(c) or (d), or (2) at a pool plant directly from producers (including milk which is commingled at a reload point) except that received by diversion pursuant to paragraph (b)(1) of this section: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms and provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted pursuant to subparagraphs (1), (2), and (3) of this paragraph by the operator of a pool plant or by a cooperative association in its capacity as a handler. Milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted, except that milk diverted from a pool city plant to a nonpool plant located more than 110 airline miles from the City Hall in St. Louis shall be deemed to have been received at a pool plant at the same location as the nonpool plant to which diverted.

(1) Diverted during the month from a pool plant to another pool plant(s) for not more than 16 days' production;

(2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of March through August and in any other month for not more than 16 days' production;

(3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more than 16 days' production: *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order.

5. Section 1062.16 is revised to read as follows:

**§ 1062.16 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

**§ 1062.17 [Revoked]**

6. Section 1062.17 is revoked.

7. Section 1062.41 is revised to read as follows:

**§ 1062.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1062.42 through 1062.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b)(2), (3), and (4) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Accounted for and used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat authorized by the market administrator to be dumped;

(3) All skim milk and butterfat accounted for as disposed of for livestock feed;

(4) In inventory of fluid milk products on hand at the end of the month;

(5) The weight of the skim milk in fortified fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

(6) In shrinkage of skim milk and butterfat, respectively, but not to exceed the following:

(i) Two percent of milk received from dairy farmers exclusive of that diverted pursuant to § 1062.14; plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handlers; plus

(iii) One and one-half percent of receipts of fluid milk products in bulk tank lots from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of such plants and the handler; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk tank lots from unregulated country plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(v) One and one-half percent of milk disposed of in bulk tank lots to pool plants of other handlers and to nonpool plants (exclusive of milk diverted pursuant to § 1062.14); and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1062.46(b)(2).

8. In § 1062.43 the text of paragraph (a) preceding subparagraph (1), the text of paragraph (c) preceding subparagraph (2), all of paragraph (d) and the text of paragraph (e) preceding subparagraph (1) are revised; paragraph (f) is revoked; and the semicolon and the word "and" at the end of paragraph (e)(6) are deleted and a period is substituted therefor to read as follows:

**§ 1062.43 Transfers.**

* * * * *

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted to the pool plant of another handler, subject in either event to the following conditions:

* * * * *

(c) As Class I milk if moved to a nonpool plant which is neither an other order plant nor the plant of a producer-handler unless the requirements of subparagraphs (1), (2) and (3) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment set forth in subparagraph (4) of this paragraph:

(1) The transferee plant is located within 350 airline miles of the City Hall in St. Louis, Missouri;

* * * * *

(d) As Class I milk if moved in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 350 airline miles from the City Hall in St. Louis, Missouri, except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A Certification and that the contents were for manufacturing use and that the shipment was so invoiced; and

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph:

* * * * *

**§ 1062.45 [Amended]**

9. In § 1062.45 the reference in paragraph (a)(1) which reads "§ 1062.41(b)(4)" is revised to read "§ 1062.41(b)(6)" and the provision in paragraphs (a)(4)(i) and (7) which reads "and from dairy farmers for other markets" is revoked.

**§ 1064.46 [Amended]**

10. In § 1062.46 the reference in paragraphs (b)(1) and (c) which reads "§ 1062.41(b)(4)" is revised to read "§ 1062.41(b)(6)".

11. Section 1062.50 is revised to read as follows:

**§ 1062.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

12. In § 1062.51 the text preceding paragraph (a)(1) and paragraph (b) are revised to read as follows:



**§ 1062.51 Class prices.**

Subject to the provisions of §§ 1062.52 and 1062.53, the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I price shall be the basic formula price for the preceding month plus $1.60 during the months of August, September, October and November; plus $1.40 during the months of December, January, February and July; and plus $1.20 during all other months. Such price shall be increased or decreased by whatever amount the Class I price computed pursuant to Part 1030 (Chicago) is increased or decreased by the supply-demand adjustor computed for such month under such part; and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph: *Provided*, That the price so determined shall be increased 15 cents per hundredweight from the effective date of this amended order through March 31, 1965.

(1) * * *

(b) *Class II milk price.* The Class II price shall be the basic formula price for the month.

13. Section 1062.52(a) is revised to read as follows:

**§ 1062.52 Location adjustments to handlers.**

(a) For producer milk which is received at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, which is classified as Class I milk, and for other source milk for which a location adjustment credit is applicable, the price specified in § 1062.51(a) shall, except as provided in subparagraphs (1), (2), and (3) of this paragraph, be reduced by 16 cents per hundredweight plus one cent for each 10 miles or fraction thereof that such distance exceeds 40 miles.

(1) At a pool plant located more than 30 airline miles from the City Hall in St. Louis but located in Madison, Monroe or St. Clair County or in Sugar Creek, Looking Glass, St. Rose, Breese or Germantown Township in Clinton County, all in the State of Illinois, the price specified in § 1062.51(a) shall be reduced 10 cents per hundredweight; and

(2) At a pool plant located in Cape Girardeau, Perry or Ste. Genevieve County, Missouri, the price specified in § 1062.51(a) shall be increased 15 cents per hundredweight; and

(3) At a pool plant outside the counties of Cape Girardeau, Perry or Ste. Genevieve and more than 30 airline miles from the City Hall in Cape Girardeau but nearer to the City Hall in Cape Girardeau than to the City Hall in St. Louis, the price specified in § 1062.51(a) shall be reduced one cent plus an additional one cent for each 10 miles or fraction thereof that such distance exceeds 40 miles from the City Hall in Cape Girardeau.

* * * * *

14. Section 1062.60 is revised to read as follows:

**§ 1062.60 Producer-handlers.**

Sections 1062.40 through 1062.46, 1062.50 through 1062.54, 1062.70 through 1062.72, and 1062.80 through 1062.89 shall not apply to a producer-handler.

15. In § 1062.61 paragraph (b) is revised to read as follows:

**§ 1062.61 Plants subject to other Federal orders.**

* * * * *

(b) Any country plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualifies as a pool plant pursuant to § 1062.10 and ships more milk to city plants regulated under this order than to city plants regulated pursuant to such other order.

16. In § 1062.70 paragraph (e) is revised to read as follows:

**§ 1062.70 Computation of the net pool obligation of each pool handler.**

* * * * *

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume of skim milk and butterfat was received from an unregulated country plant and which was subtracted from Class I pursuant to § 1062.45(a)(7) and the corresponding step of § 1062.45(b).

17. In § 1062.71 paragraph (b) is revised to read as follows:

**§ 1062.71 Computation of uniform price.**

* * * * *

(b) Add an amount equal to the value of the net location differentials (reduction minus increases) applicable to the uniform price pursuant to § 1062.82;

* * * * *

18. Section 1062.82 is revised to read as follows:

**§ 1062.82 Location differential to producers.**

(a) The uniform price for producer milk received at a pool plant located more than 30 miles from the City Hall in St. Louis, Missouri, shall, except as provided in subparagraphs (1), (2) and (3) of this paragraph, be reduced 16 cents per hundredweight plus one cent for each 10 miles or fraction thereof that such distance exceeds 40 miles;

(1) At a pool plant located more than 30 miles from the City Hall in St. Louis but located in Madison, Monroe or St. Clair County or in Sugar Creek, Looking Glass, St. Rose, Breese or Germantown Township in Clinton County, all in the State of Illinois, the uniform price shall be reduced 10 cents per hundredweight; and

(2) At a pool plant located in Cape Girardeau, Perry or Ste. Genevieve County, Missouri, the uniform price shall be increased 15 cents per hundredweight.

(3) At a pool plant outside the counties of Cape Girardeau, Perry or Ste. Genevieve and more than 30 miles from the City Hall in Cape Girardeau but nearer to the City Hall in Cape Girardeau than to the City Hall in St. Louis, the uniform price shall be reduced one cent plus an additional one cent for each 10 miles or fraction thereof that such distance exceeds 40 miles from the City Hall in Cape Girardeau.

(b) For purposes of computations pursuant to §§ 1062.84 and 1062.85 the weighted average price shall be adjusted at the rates set forth in paragraph (a) of this section applicable at the location of the nonpool plant from which the milk was received.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1965.

Signed at Washington, D.C., on December 16, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–13069; Filed, Dec. 18, 1964; 8:50 a.m.]

[Milk Order 63]

## PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

### Order Amending Order

**§ 1063.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Quad Cities-Dubuque marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, three cents per hundredweight or such amount not to exceed three cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1063.46 (a) (3) and (7) and the corresponding steps of § 1063.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Quad Cities-Dubuque marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

Section 1063.6 is revised to read as follows:

**§ 1063.6 Quad Cities-Dubuque marketing area.**

"Quad Cities-Dubuque marketing area" hereinafter called the marketing area means the territory within the boundaries of the counties of Clinton, Dubuque, Jackson, Muscatine and Scott in the State of Iowa; the counties of Henry, Mercer and Rock Island, and the city of East Dubuque, in the State of Illinois, including territory within such boundaries that is occupied by Government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

(Secs. 1–9, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1965.

Signed at Washington, D.C., on December 16, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–13070; Filed, Dec. 18, 1964; 8:50 a.m.]

[Milk Order 67]

## PART 1067—MILK IN OZARKS MARKETING AREA

### Order Amending Order

**§ 1067.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ozarks marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Ozarks marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1067.11 paragraph (a) is revised to read as follows:

**§ 1067.11 Pool plant.**

"Pool plant" means:

(a) An approved plant from which not less than 50 percent of its receipts of approved milk during the month is disposed of as Class I milk to wholesale or retail outlets (including sales through plant stores or vendors but not including sales to pool plants or nonpool plants) and from which not less than 10 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is disposed of as Class I milk in the marketing area to wholesale or retail outlets (including sales through plant stores or vendors but not including sales to pool plant or nonpool plants).

* * * * *

2. Section 1067.14 is revised to read as follows:

**§ 1067.14 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

3. Section 1067.41 is revised to read as follows:

**§ 1067.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1067.43 through 1067.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3) and (4) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II.

(b) Class II milk shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat authorized by the market administrator to be dumped;

(3) All skim milk and butterfat accounted for as disposed of for livestock feed;

(4) The inventories of fluid milk products on hand at the end of the month;

(5) The weight of the skim milk in fortified fluid milk products not classified as Class I pursuant to paragraph (a) (1) of this section;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1067.42(b) (1), but not to exceed the following:

(i) Two percent of milk received directly from producers (except producer milk diverted in producer cans to a nonpool plant pursuant to § 1067.7) and from a cooperative association which is the handler for such milk pursuant to § 1067.8(b); plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handlers; plus

(iii) One and one-half percent of receipts of fluid milk products in bulk from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of such plants and the handler; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(v) One and one-half percent of milk disposed of in bulk tanks lots to pool plants of other handlers; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1067.42(b) (2).

**§ 1067.46 [Amended]**

4. In section 1067.46(a) (1) the reference "§ 1067.41(b) (4)" is changed to "§ 1067.41(b) (6)".

5. Section 1067.50 is revised to read as follows:

**§ 1067.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

6. In section 1067.51 paragraph (b) is revised to read as follows:

**§ 1067.51 Class prices.**

* * * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1965.

Signed at Washington, D.C., on December 16, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–13071; Filed, Dec. 18, 1964; 8:50 a.m.]



# Title 12—BANKS AND BANKING

## Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

### PART 1—INVESTMENT SECURITIES REGULATION

### Massachusetts Port Authority Revenue Refunding and Improvement Bonds

**§ 1.162 Massachusetts Port Authority Revenue Refunding and Improvement Bonds.**

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $107,500,000 Massachusetts Port Authority Revenue Refunding and Improvement Bonds, dated July 1, 1964, for investment by National Banks under the provisions of paragraph seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Massachusetts Port Authority, a body corporate and a public instrumentality of the Commonwealth of Massachusetts, was created to assume and coordinate the control, operation and management of the Mystic River Bridge, Logan International Airport (Boston), Hanscom Field (Bedford) and certain Port properties in Boston, and to construct or acquire additional facilities when authorized by the legislature of the Commonwealth. The bonds were issued to redeem, on October 1, 1969, all of the then outstanding Authority Revenue Bonds, Series A, dated February 1, 1959, and to pay certain costs of extensions and improvements to the Airport and Port Properties of the Authority.

(2) The bonds mature serially from 1969 to 1989 and are payable from the tolls and revenues (over and above the costs of operation and maintenance) from the properties owned by the Authority. The Authority is obligated to fix and collect revenues for the use of its properties sufficient to pay the cost of maintaining, repairing and operating the properties and to pay the principal of and the interest on all bonds issued by the Authority as the same become due. The projections of revenues from the properties appear to be sufficient to pay the debt service and administrative expenses of the bond issue as well as the operating expenses of the properties.

(c) *Ruling.* It is the conclusion of this Office that a National Bank may, in these circumstances, determine that there is adequate evidence that the Authority will be able to perform all that it undertakes to perform and that the $107,500,000 Massachusetts Port Authority Revenue Refunding and Improvement Bonds, dated July 1, 1964, meet the requirements of § 1.5(a) of this part and, therefore, are eligible for investment by National Banks under the provision and subject to the 10 percent limitation of paragraph Seventh of 12 U.S.C. 24.

Dated: December 11, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64–13030; Filed, Dec. 18, 1964; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64–CE–50]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone and Transition Area and Revocation of Control Area Extension

On October 16, 1964, a notice of proposed rule meking was published in the FEDERAL REGISTER (29 F.R. 14236) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Great Falls, Mont., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. Inasmuch as weather reporting service is provided at both Great Falls International Airport and Malmstrom Air Force Base, the Agency has determined that it is advisable to provide control zones at each airport rather than the single control zone originally proposed. There will be no change in the amount of airspace proposed for the single control zone. Since this change in the proposed rule is minor in nature and imposes no additional burden on any person, further notice and public procedure hereon are not necessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. Section 71.165 (29 F.R. 1073) is amended as follows: The Great Falls, Mont., control area extension is revoked.

2. In § 71.171 (29 F.R. 1101), the Great Falls, Mont., control zone is amended to read:

GREAT FALLS, MONTANA (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Great Falls International Airport (latitude 47°29'00" N., longitude 111°22'00" W.); within 2 miles each side of the Great Falls ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Great Falls VOR 222° radial; extending from the 5-mile radius zone to 8 miles SW of the VOR; and within 2 miles each side of the Malmstrom AFB VOR 222° radial, extending from the arc of a 5-mile radius from Malmstrom AFB (latitude 47°30'35" N., longitude 111°11'35" W.) to 10 miles SW of the Malmstrom AFB VOR, excluding the portion within the Great Falls (Malmstrom AFB) control zone.

GREAT FALLS, MONTANA (MALMSTROM AIR FORCE BASE)

Within a 5-mile radius of Malmstrom AFB (latitude 47°30'35" N., longitude 111°11'35" W.); within 2 miles each side of the Malmstrom AFB VOR 036° radial extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the Malmstrom AFB VOR 042° radial, extending from the 5-mile radius zone to 10 miles NE of the VOR; within 2 miles each side of the Malmstrom AFB VOR 038° radial, extending from the 5-mile radius zone to 10 miles NE of the VOR; and within 2 miles each side of the 225° bearing from the Malmstrom AFB RBN, extending from the 5-mile radius zone to the RBN, excluding the portion SW of a line between the INT's of the 5-mile radius zone and the 5-mile radius of the Great Falls (International Airport) control zone.

3. In § 71.181 (29 F.R. 1160), the following is added:

GREAT FALLS, MONTANA

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Malmstrom AFB (latitude 47°-30'35" N., longitude 111°11'35" W.); and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles N and 8 miles S of the Great Falls VOR 074° radial, extending from the 40-mile radius area to 61 miles E of the VOR; and within 12 miles S and 8 miles N of the Great Falls VOR 271° radial, extending from the 40-mile radius area to 56 miles W of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on December 10, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-12998; Filed, Dec. 18, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-51]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the time of designation of the Junction, Tex., control zone.

The Junction control zone is presently designated on a full-time basis. However, effective January 4, 1965, weather and communications service will be available only from 0600 to 1800 hours, local time, daily. Therefore, action is taken herein to redesignate the Junction control zone with effective hours coincident with those during which weather and communications service is provided.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended 0001 e.s.t., January 4, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1127) the Junction, Tex., control zone is amended to read:

JUNCTION, TEX.

Within a 3-mile radius of the Kimble County Airport, Junction, Tex. (latitude 30°30'35" N., longitude 99°45'45" W.); within 2 miles each side of the Junction VOR 150° radial, extending from 4 miles SE of the airport to the VOR; and within 2 miles each side of the extended centerline of the Kimble County Airport Runway 17, extending from the 3-mile radius zone to 4 miles S of the S end of Runway 17. This control zone is effective from 0600 to 1800 hours, local time, daily.

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on December 9, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-12999; Filed, Dec. 18, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-55]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone; Designation of Transition Area; and Revocation of Control Zone and Control Area Extension

On October 9, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13974) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Killeen, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

A full-time control zone was proposed in the notice for Killeen, Tex. Since communications and weather services will not be available on a full-time basis, the Killeen control zone is designated herein as a part-time control zone. The hours of designation of the control zone will be published in the Airman's Information Manual. This is necessary to allow for minor variations in the time of designation as dictated by military training activities conducted at Robert Gray and Fort Hood AAF's. Since this change imposes no additional burden on any person, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 1, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1128), the Killeen, Tex., control zone is amended to read as follows:

KILLEEN, TEX.

That airspace within a 5-mile radius of Robert Gray AAF, Killeen, Tex. (latitude 31°04'20" N., longitude 97°49'45" W.), within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), within 2 miles each side of the 339° bearing from the Gray RBN extending from the 5-mile radius zone to 7 miles N. of the RBN, within 2 miles each side of the Hood VOR 271° radial extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Hood VOR 352° radial extending from the 5-mile radius zone to the VOR. The portion of this control zone within R-6302A, R-6302B, and R-6302C shall be used only after obtaining prior approval from appropriate authority. This control zone is effective during the dates and times established in advance by publication of special Notices in the Airman's Information Manual.

2. In § 71.171 (29 F.R. 1119) the Fort Hood, Tex., control zone is revoked.

3. In § 71.165 (29 F.R. 1086) the Lometa, Tex., control area extension is revoked.

4. In § 71.181 (29 F.R. 1160) the following transition area is added:

KILLEEN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), within a 7-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.), within 2 miles each side of the 339° bearing from the Gray RBN extending from the Robert Gray AAF 7-mile radius area to 8 miles N of the RBN, and within 8 miles W and 5 miles E of the Hood VOR 352° and 172° radials extending from 5 miles N to 12 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 30°48'00" N., longitude 97°39'00" W.; to latitude 30°48'00" N., longitude 98°03'00" W.; to latitude 30°-33'30" N., longitude 98°31'30" W.; to latitude 31°13'00" N., longitude 98°38'00" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48" N., longitude 97°40'32" W.; to latitude 31°19'-37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 30°57'00" N., longitude 97°36'00" W.; to point of beginning. The portions of this transition area within R-6302A, R-6302B, and R-6302C shall be used only after obtaining prior approval from appropriate authority.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on December 9, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-13000; Filed, Dec. 18, 1964; 8:45 a.m.]



[Airspace Docket No. 63-SW-113]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zones, Designation and Alteration of Transition Areas, and Revocation of Control Area Extension

On October 8, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13905) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Brownsville, Tex., terminal area. On October 30, 1964, a correction to the notice was published in the FEDERAL REGISTER (29 F.R. 14797) correcting a typographical error in the description of the proposed Brownsville transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice in the FEDERAL REGISTER, the name of the Harlingen, Tex. Municipal Airport was officially changed to Harlingen Industrial Airpark and, accordingly, is changed herein. Since the changes herein are editorial in nature and impose no additional burden on any person, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1107), the Brownsville, Tex., control zone is amended to read:

BROWNSVILLE, TEX.

That airspace within a 5-mile radius of Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°26'25" W.); within 2 miles each side of the 344° bearing from the Brownsville RBN extending from the 5-mile radius zone to 7 miles N of the RBN, and within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 7 miles E of the VORTAC, excluding the portion outside the United States.

2. In § 71.171 (29 F.R. 1133) the McAllen, Tex., control zone is amended to read:

MCALLEN, TEX.

That airspace within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.), within 2 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 7 miles E of the VOR, within 2 miles each side of the McAllen VOR 322° and 324° radials extending from the 5-mile radius zone to 7 miles NW of the VOR, and within two miles each side of the 320° bearing from latitude 26°12'20" N., longitude 98°16'05" W. extending from the 5-mile radius zone to 7 miles NW of latitude 26°12'20" N., longitude 98°16'05" W., excluding the portion outside the United States.

3. In § 71.165 (29 F.R. 13164) the Brownsville, Tex., control area extension is revoked.

4. In § 71.181 (29 F.R. 1160) the following transition area is added:

BROWNSVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°-25'25" W.), within 2 miles each side of the Brownsville ILS localizer N course extending from the 7-mile radius area to 8 miles N of the OM, within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 7-mile radius area to 8 miles E of the VORTAC, and within 2 miles each side of the 344° bearing from the Brownsville RBN extending from the 7-mile radius area to 8 miles N of the RBN, excluding the portion outside the United States; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 26°30'00" N., longitude 98°18'00" W.; to latitude 26°51'00" N., longitude 97°58'30" W.; to latitude 26°50'-00" N., longitude 97°51'00" W.; thence NE to a point 3 nautical miles from the shoreline at latitude 27°11'20" N.; thence 3 nautical miles from and parallel to the shoreline south to the United States/Mexican border, thence W via the United States/Mexican border to longitude 98°25'00" W.; thence N via longitude 98°25'00" W. to latitude 26°17'00" N., longitude 98°25'00" W.; to point of beginning.

5. In § 71.181 (29 F.R. 1160) the following transition area is added:

HARLINGEN, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Industrial Airpark (latitude 26°12'10" N., longitude 97°45'10" W.), and within 2 miles each side of the Harlingen VOR 337° and 157° radials extending from the 5-mile radius area to 8 miles N. of the VOR.

6. In § 71.181 (29 F.R. 1187) the McAllen, Tex., transition area is amended to read:

MCALLEN, TEX.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the McAllen VOR 095° radial extending from the VOR to 8 miles E., within 2 miles each side of the 320° bearing extending from latitude 26°12'20" N., longitude 98°16'-05" W. to 8 miles NW., and within 2 miles each side of the McAllen VOR 322° and 324° radials extending from the VOR to 8 miles NW.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on December 9, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-13001; Filed, Dec. 18, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER A—GENERAL

## PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

### SUBCHAPTER C—DRUGS

## PART 130—NEW DRUGS

### Miscellaneous Amendments

The following changes are made in Parts 1 and 130 of Title 21, necessitated by amendments to the Federal Food, Drug, and Cosmetic Act effected by Public Law 87-781 (76 Stat. 788 et seq.):

§ 1.106 [Amended]

1. In Part 1, the word "effective" is changed to read "approved" in the following places: § 1.106 (b) (3) (iii), first sentence, and (b) (4) (i), (c) (3) (ii) and (4) (i), (g) (1) and (2); (i), second sentence, (k) (3), (l) (1) and (2).

§ 130.102 [Amended]

2. In Part 130, the word "effective" is changed to "approved" in the following places: § 130.102(a) (1) (iii), (2) (iii), (3) (iii), (4) (iii), (6) (iii), (7) (iii), (8) (iii), (10) (iii), (11) (iii), (12) (iii), (13) (iii), (14) (iii), (15) (iii), (16) (iii), (18) (iii), (19) (iii), (20) (iii), (21) (iii), (22) (iii), (23) (iii), (24) (iii), (25) (iii), and (26) (iii).

3. Oxytetracycline, polymyxin B sulfate, and neomycin sulfate drug preparations for human use are now certified pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Therefore, § 130.102(a) is further amended by deleting therefrom subparagraphs (5), (9), and (17).

*Effective date.* The nature of these amendments is such that the requirement for notice, public procedure, and delayed effective date are not essential; therefore, this order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 505, 507, 76 Stat. 788, 59 Stat. 463 as amended; 21 U.S.C. 355, 357)

Dated: December 16, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13055; Filed, Dec. 18, 1964; 8:49 a.m.]

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CELLOPHANE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by FMC Corporation, American Viscose Division, Marcus Hook, Pa. (FAP 1009); E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., 19898 (FAP 972); Transparent Paper Limited, Bridge Hall Mills, Heap Bridge, Bury, Lancashire, England (FAP 4B1377), and other relevant material, has concluded that the food additive regulations (21 CFR 121.2507; 29 F.R. 12871) should be amended to provide for the use of additional substances as optional components of food-packaging cellophane. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29

F.R. 471), § 121.2507(c) is amended by inserting alphabetically in the list of substances new items, as follows:

§ 121.2507 Cellophane.

* * * * * *

(c) List of substances:

| | *Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)* |
|---|---|
| * * * | * * * |
| Di-*n*-octyltin bis(2-ethylhexyl maleate) | For use only as a stabilizer at a level not to exceed 0.55 percent by weight of the coating solids in vinylidene chloride copolymer waterproof coatings prepared from vinylidene chloride copolymers identified in this paragraph, provided that such vinylidene chloride copolymers contain not less than 90 percent by weight of polymer units derived from vinylidene chloride. |
| * * * | * * * |
| Epoxidized polybutadiene | For use only as a primer subcoat to anchor surface coatings to the base sheet. |
| * * * | * * * |
| Sorbitan monooleate | |
| * * * | * * * |
| Sorbitan trioleate | |
| Sorbitan tristearate | |
| * * * | * * * |

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 16, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13056; Filed, Dec. 18, 1964; 8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

X-RADIATION FOR PROCESSING FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4M1433) filed by Radiation Dynamics, Inc., 1800 Shames Drive, Westbury Industrial Park, Westbury, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to provide for conditions under which X-radiation may be safely used in the radiation processing of canned bacon. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471) Part 121 is amended by adding to Subpart G the following new section:

§ 121.3005 X-radiation for the processing of food.

X-radiation for the processing of food may be safely used under the following conditions:

(a) The radiation is a beam of X-rays produced by an electron beam from a particle accelerator striking a target, where the electrons do not exceed an energy level of 5 million electron volts.

(b) The X-radiation is used or intended for use as follows:

| Irradiated food | Limitation | Use |
|---|---|---|
| Canned bacon... | Irradiated in cans coated with polymeric and resinous coatings meeting the specifications in § 121.2514, after packing under vacuum or in an inert atmosphere; absorbed dose 4.5 to 5.6 megarads. | Radiation preservation. |

(c) In the case of X-radiation used for the preservation of food, the following permanent records shall be obtained:

(1) A record of total dose absorbed, by the use of phantoms having the same geometry as the containers of food, and containing dosimeters suitable for the maintenance of a permanent record of exposure.

(2) A record of the operating intensity of the beam by use of a permanent pen trace of the beam current used.

Such records shall be identified with the particular lot or batch number involved, and shall be retained for Food and Drug Administration inspection for a period of 1 year.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 15, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13057; Filed, Dec. 18, 1964; 8:49 a.m.]

## SUBCHAPTER D—HAZARDOUS SUBSTANCES

## PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

### Paste Waxes; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, as provided in the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt certain paste waxes from the labeling which would otherwise be required by section 2(p)(1) of the act because such waxes are flammable solids.

The Commissioner has concluded, on the basis of information supplied to him by the petitioner and obtained on his own initiative, that flammable paste waxes which contain only solvents which are not flammable liquids as defined by section 2(1) of the act need not bear a warning statement required by section 2(p)(1) of the act. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374, 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (21 CFR 2.90; 29 F.R. 471), § 191.63(a) is amended by changing subparagraph (8) to read as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

(a) * * *



(8) Containers of paste shoe waxes, paste auto waxes, and paste furniture and floor waxes containing toluene (also known as toluol), xylene (also known as xylol), petroleum distillates and/or turpentine in the concentrations described in § 191.7(a) (4) and (6) are exempt from the labeling requirements of § 191.7(b) (3)(ii) and (5) if the viscosity of such products is sufficiently high that they will not flow from their opened containers when inverted for 5 minutes at a temperature of 80° F., and are exempt from bearing a flammability warning statement if the flammability of such waxes is due solely to the presence of solvents which have flashpoints above 80° F. when tested by the method described in § 191.13.

* * * * * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order since the amendment relaxes existing requirements and the Commissioner finds that it is not necessary for the protection of the public health and safety for the products involved to be labeled with the warning statement required by section 2(p)(1) of the Federal Hazardous Substances Labeling Act.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated December 16, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13058; Filed, Dec. 18, 1964; 8:50 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 1—Federal Procurement Regulations

### USE OF CERTAIN STANDARD FORMS

The revision of the Federal Procurement Regulations (29 F.R. 10102) prescribed the use, among others, of the June 1964 editions of Standard Forms 18, 19A, 21, 22, 23A, 32, 147, and 148. Due to delays in the availability of stocks of these revised forms in some procurement offices, use is hereby authorized of the 1955 edition of Standard Form 147, the 1953 edition of Standard Form 148, the 1959 editions of Standard Forms 18 and 19A, and the 1961 editions of Standard Forms 21, 22, 23A, and 32 in invitations for bids and requests for proposals issued prior to March 1, 1965.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This regulation is effective December 1, 1964.

Dated: December 15, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-13074; Filed, Dec. 18, 1964; 8:51 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 89—PUBLIC SAFETY RADIO SERVICES

### Miscellaneous Amendments

In the matter of amendment of Part 89[1] of the Commission's rules and regulations to effect certain editorial changes therein:

The Commission having under consideration the desirability of making certain editorial changes in Part 89 of its rules and regulations; and,

It appearing, that, by its Report and Order (FCC 62-1254) in Docket No. 14712, in the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16 and 21 of the Commission's rules to designate portions of the 2110-2200 Mc/s band exclusively for the use of Domestic Fixed Public Stations and for the use of Operational Fixed and International Control Stations and to reserve a portion thereof for omnidirectional operations, released December 10, 1962; its Report and Order (FCC 63-637) in Docket No. 14729, in the matter of amendment of Parts 2, 4, 7, 8, 9, 10, 11, 16 and 21 of the Commission's rules concerning the allocation of the frequency bands 6425-6575, 10550-10680 and 11700-12200 Mc/s, released July 12, 1963; and its Report and Order (FCC 63-722) in Docket No. 14744, in the matter of amendment of Parts 2 and 4 of the Commission rules and regulations to establish a new class of educational television service for the transmission of instructional and cultural material to multiple receiving locations on channels in the 1990-2110 Mc/s or 2500-2690 Mc/s frequency band, amendment of Parts 1, 7, 9, 10, 11 and 16, released July 30, 1963, the Commission, inter alia, amended Part 89 to conform with the determinations made in these proceedings, the formal codification of such changes to be accomplished by a subsequent order of the Commission; and,

It further appearing, that, formal codification of the changes herein ordered in Part 89 conforms without any substantive changes to the terms in the above-described Orders and, being editorial in nature, the prior public notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable; and,

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.261 of the Commission's rules and regulations;

*It is ordered*, This 14th day of December 1964, that Part 89 of the Commission's rules is amended as set forth below, effective December 31, 1964.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[1] Prior to December 21, 1963, Part 89 of the Commission's rules had been designated Part 10.

Released: December 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 89.101 is amended by adding the attached charts for channels 4 and 5 following paragraph (c); by revising subparagraph (f)(3); by revising the table in paragraph (h); by adding assignment limitations (7), (8), and (9) in paragraph (i); and by adding paragraphs (m), (n), and (o), all to read as follows:

§ 89.101 Frequencies.

* * * * * *

(f) * * *

(3) The application is accompanied by a signed statement that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on the same or adjacent channels have concurred with such assignment, or is accompanied by a report based on a field study which indicates the probable interference to the operation of existing stations, together with a signed statement that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on the same or adjacent channels have been notified of applicant's intention to request the assignment.

* * * * * *

(h) * * *

| Frequency band—Mc/s | Class of station(s) | Limitations |
|---|---|---|
| 952-960 | Operational fixed | 5, 6 |
| 1850-1990 | do | 6 |
| 2130-2150 | do | 6 |
| 2150-2160 | do | 7 |
| 2180-2200 | do | 6 |
| 2450-2500 | Base, mobile, operational fixed, and radiolocation | 2, 4, 6 |
| 2500-2690 | Operational fixed | 8 |
| 2900-3100 | Radiolocation | 9 |
| 6525-6575 | Base and mobile | 6 |
| 6575-6875 | Operational fixed | 6 |
| 8400-8500 | Base, mobile, and operational fixed | 1 |
| 10, 500-10, 550 | Radiolocation | 3, 6 |
| 10, 550-10, 680 | Base and mobile | 6 |
| 12, 200-12, 700 | Operational fixed | 6 |
| 13, 200-13, 250 | Base, mobile, and operational fixed | 1 |
| 17, 700-19, 300 | do | 1 |
| 19, 400-19, 700 | do | 1 |
| 27, 525-31, 300 | do | 1 |
| 38, 600-40, 000 | do | 1 |

(i) * * *

(7) Available on a developmental basis only for omnidirectional operation.

(8) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified, or expanded by the addition of new stations, upon appropriate application therefor.

(9) Authorizations in this band are subject to the condition that no harmful interference is caused to Government services.

* * * * * *

(m) Stations authorized to operate in the bands 2110–2130, 2150–2160, and 2160–2180 Mc/s prior to January 15, 1963, will be authorized to continue to operate in those bands until January 15, 1968.

(n) Stations authorized to operate in the band 6425–6525 Mc/s prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

(o) Operational fixed stations authorized to operate in the 10550–10680 Mc/s band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

2. Section 89.117(c) is amended to read as follows:

**§ 89.117 Acceptability of transmitters for licensing.**

* * * * *

(c) Transmitters to be operated in any of the frequency bands between 952 and 12700 Mc/s, except the 8400–8500 Mc/s band, authorized under this part shall be type accepted if specified in an application filed after July 20, 1962, except that equipment authorized prior thereto may continue to be used provided such operation does not result in harmful interference to other stations or systems which are conforming to the microwave technical standards in § 89.121.

3. Section 89.121 is amended to read as follows:

**§ 89.121 Microwave technical standards.**

The technical standards indicated in the table in this section shall govern, beginning July 20, 1961, the issuance of authorizations for private microwave systems using the frequency bands above 952 Mc/s listed in the table. However, these standards shall not be applicable to transmitting equipment (including antennas) which were authorized to be operated on these frequencies prior to July 20, 1961, or for which an authorization is issued based on an application filed with the Commission prior to July 20, 1961. Such licensees of equipment and systems not subject to these technical standards, including their successors or assigns in business, will be permitted to utilize such equipment provided such operation does not result in harmful interference to another station or system which is conforming to these technical standards. In case of such harmful interference, such non-conforming licensee will be required to take whatever corrective measures are necessary to alleviate the interference.

| Frequency band—Mc/s | Power [1] (watts) | Tolerance (percent) | Bandwidth [2] | Beamwidth [3] (degrees) |
|---|---|---|---|---|
| 952–960 | [9] 30 | 0.0005 | 100 kc/s | [9] 20 |
| 1850–1990 | 18 | .02 | 8 Mc/s | 10 |
| 2130–2150 | 15 | [7] .001 | 800 kc/s [7] | 10 |
| 2150–2160 | 15 | [7] .001 | 10 Mc/s | 360 |
| 2180–2200 | 15 | [7] .001 | 800 kc/s [7] | 10 |
| 2450–2500 [4] | 12 | [5] | [4] | [5] |
| 2500–2690 [6] | 12 | .02 | 4 Mc/s | 10 |
| 6525–6575 | 7 | .02 | 25 Mc/s | 7 |
| 6575–6875 | 7 | .02 | 10 Mc/s | 5 |
| 10550–10680 | 5 | [5] | 25 Mc/s | 4 |
| 12200–12700 | 5 | .05 | 20 Mc/s | 4 |
| Above 16000 | 5 | [5] | 50 Mc/s | [5] |

[1] Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed five times this limit.

[2] Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except in the 2130–2150 and 2180–2200 Mc/s bands, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952–960 Mc/s, bandwidths up to 500 kc/s may be authorized.

[3] Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

[4] Subject to no protection from ISM equipment on 2450 Mc/s.

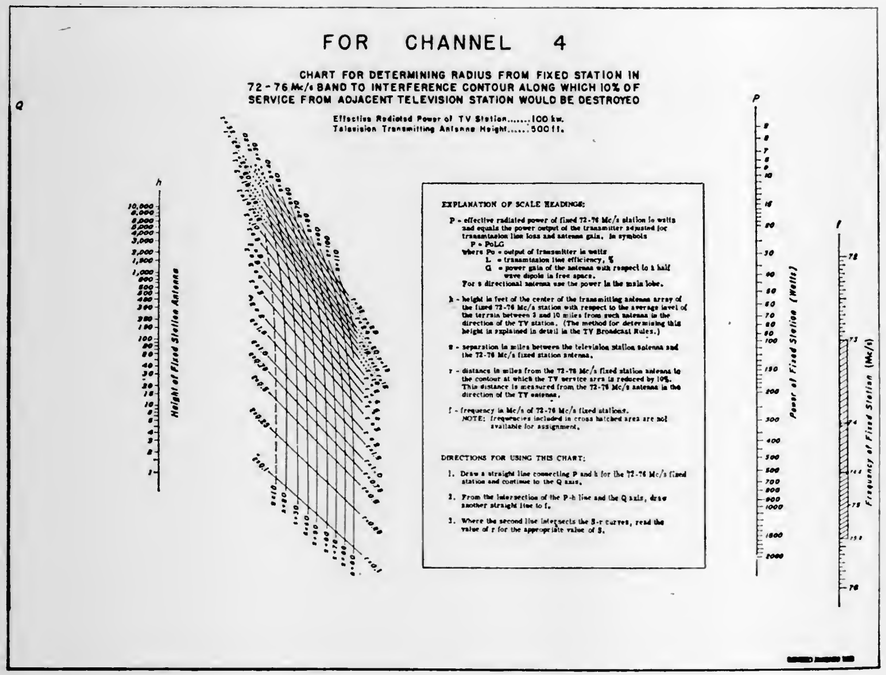
[5] To be specified in the station authorization.

[6] Operational fixed stations employing television transmissions in this band must utilize transmitting equipment which meets the technical requirements for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq., of this chapter. See also § 89.101(i)(8).

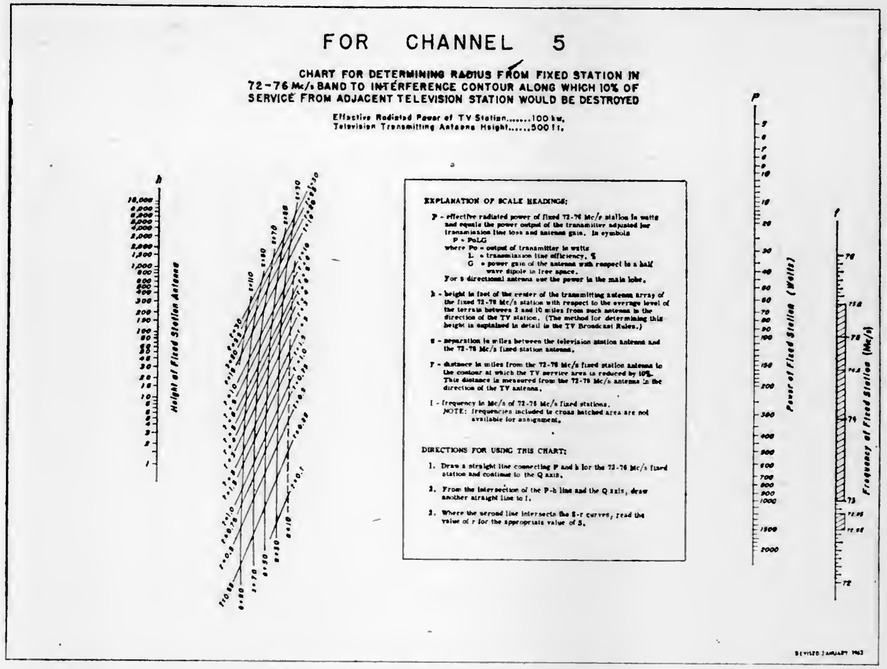
[7] Stations authorized prior to January 15, 1963, will not be required to comply with these standards until January 15, 1968.

[8] Except for the frequencies 952.1, 952.2, 952.3, 952.4, 952.5, 952.6, and 952.7 Mc/s and the frequency pairs 959.9 and 956.3; 959.8 and 956.2; 956.5 and 952.9; and 956.4 and 952.8 Mc/s, where the beamwidth may be 360°.

[9] Except for the frequencies 952.1, 952.2, 952.3, 952.4, 952.5, 952.6, and 952.7 Mc/s, where the maximum power may be 100 watts.






[F.R. Doc. 64–13015; Filed, Dec. 18, 1964; 8:47 a.m.]

# Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

## Chapter III—Department of Commerce

## PART 310—ADJUSTMENT ASSISTANCE FOR FIRMS

Pursuant to authority contained in the Trade Expansion Act of 1962 (Public Law 87–794, 76 Stat. 872), Executive Order 11075 of January 15, 1963 (28 F.R. 473), as amended by Executive Order 11106 of April 20, 1963 (28 F.R. 3911), and Commerce Department Order No. 181 (Revised) of October 14, 1963 (28 F.R. 11430), there is hereby established Part 310 of Title 48 of the Code of Federal Regulations to provide for carrying out the functions and the responsibilities of the Secretary of Commerce relating to adjustment assistance to firms under title III of the Act.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules relate to public benefits. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER.



Part 310 is added to Chapter III, Title 48 of the Code of Federal Regulations to read as follows:

### Subpart A—General

Sec.
310.1 Scope and purpose.
310.2 Definitions.
310.3 Applications and communications.
310.4 Inspection of records.
310.5 Records not available for examination.
310.6 Denial of certification.
310.7 Records.
310.8 Audit and inspection.
310.9 Disclosure.
310.10 Penalties.

### Subpart B—Certification of Eligibility to Apply for Adjustment Assistance

310.20 Certification under section 302(b)(1) of the Act, following Tariff Commission report of affirmative finding of injury to an industry.
310.21 Certification under section 302(c) of the Act, following Tariff Commission report of affirmative finding of injury to a firm.

### Subpart C—Adjustment Assistance to Eligible Firms

310.30 General.
310.31 Applications for adjustment assistance.
310.32 Adjustment proposals.

### Subpart D—Adjustment Assistance Guidelines

310.40 Technical assistance.
310.41 Financial assistance.
310.42 Tax assistance.

AUTHORITY: The provisions of this Part 310 issued under sec. 401 of the Trade Expansion Act of 1962, 76 Stat. 902, 19 U.S.C. 1802; E.O. 11075, 28 F.R. 473; E.O. 11106, 28 F.R. 3911.

### Subpart A—General

**§ 310.1 Scope and purpose.**

The purpose of this chapter is to set forth regulations relating to the responsibilities vested in the Secretary of Commerce under the Trade Expansion Act of 1962. This Part 310 relates generally to the responsibilities vested in the Secretary of Commerce by title III, chapters 1 and 2 of the Act, and by section 7 of Executive Order 11075 of January 15, 1963 (28 F.R. 473). This part reflects the delegations of authority contained in Department Order No. 152 (Revised), including the Organization and Function Supplement thereto, both dated April 2, 1964 (29 F.R. 5408–5410).

**§ 310.2 Definitions.**

(a) "Act" means the Trade Expansion Act of 1962, 76 Stat. 872, 19 U.S.C. 1801, et seq.

(b) "Secretary" means the Secretary of Commerce.

(c) "Assistant Secretary" means the Assistant Secretary of Commerce for Domestic and International Business.

(d) "Director" means the Director of the Office of Trade Adjustment of the Department of Commerce.

(e) "Firm" includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative trustees in bankruptcy, and receivers under decree of any court.

(f) "Eligible firm" means a firm certified as eligilible to apply for adjustment assistance.

**§ 310.3 Applications and communications.**

Applications or other documents relating to adjustment assistance under this Part 310, supporting material, and communications in connection therewith, shall be addressed to and filed with the Director, Office of Trade Adjustment, Department of Commerce, Washington, D.C., 20230. Copies of application forms referred to in this Part 310 may be obtained from the Office of Trade Adjustment or from the Department of Commerce Field Offices.

**§ 310.4 Inspection of records.**

All documents and communications filed with the Director, except as set forth in § 310.5, may be inspected by persons concerned on request to the Director.

**§ 310.5 Records not available for examination.**

(a) Documents transmitted in confidence by the Tariff Commission or other Government agency the release of which has not been authorized by the Commission or such other Government agency shall not be available to the public.

(b) Confidential business data, within the meaning of 18 U.S.C. 1905, shall not be available to the public. Information submitted in confidence shall be on separate sheets clearly marked "Business Confidential". The firm or its authorized representative will be notified and permitted to withdraw information determined by the Director not to be entitled to confidential treatment.

**§ 310.6 Denial of certification.**

A denial of application for certification of eligibility to apply for adjustment assistance will include an explanatory statement therefor.

**§ 310.7 Records.**

Each recipient of adjustment assistance under section 313, 314, or 317 of the Act shall make and preserve for at least 3 years records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Director may prescribe.

**§ 310.8 Audit and inspection.**

The Director and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to adjustment assistance under sections 313, 314, and 317 of the Act.

**§ 310.9 Disclosure.**

No adjustment assistance shall be extended under section 313, 314, or 317 of the Act to any firm unless the owners, partners, or officers certify to the Director—

(a) The names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance, and

(b) The fees paid or to be paid to any such person.

**§ 310.10 Penalties.**

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Secretary under title III, chapter 2, of the Act, or for the purpose of obtaining money, property, or anything of value under that chapter, shall be fined not more than $5,000 or imprisoned for not more than two years, or both. (Section 319 of the Act.)

## Subpart B—Certification of Eligibility to Apply for Adjustment Assistance

**§ 310.20 Certification under section 302 (b)(1) of the Act, following Tariff Commission report of affirmative finding to injury to an industry.**

(a) *General.* Under section 302(b)(1) of the Act, the Assistant Secretary shall certify, as eligible to apply for adjustment assistance, any firm in an industry with respect to which the President has acted under section 302(a)(2) of the Act, upon a showing by such firm to the satisfaction of the Assistant Secretary that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused serious injury or threat thereof to such firm.

(b) *Who may apply.* Any firm in an industry with respect to which the President has acted under section 302(a)(2) of the Act may apply for certification of eligibility under this § 310.20.

(c) *When application may be made.* Application may be made within such time as may be specified by the President in acting under section 302(a)(2) of the Act or, if no time is specified, within six months from the date on which the President so acted.

(d) *How to apply.* Application for certification of eligibility to apply for adjustment assistance under this § 310.20 shall be made on Form OTA–1, completed in triplicate, and forwarded to the Director.

(e) *Processing and certification procedure.* Upon receipt of a completed application under this section 310.20, the Director will conduct, or order to be conducted, such investigation as he determines to be necessary and appropriate. Within 60 days after receipt of the application, properly filed, the Director shall forward the application, together with pertinent material developed during investigation and his recommendation that the application be approved or denied, to the Assistant Secretary. The applicant will be promptly advised of the Assistant Secretary's determination in the matter.

**§ 310.21 Certification under section 302 (c) of the Act, following Tariff Commission report of affirmative finding of injury to a firm.**

(a) *General.* Under section 302(c) of the Act, the Assistant Secretary may certify as eligible to apply for adjustment assistance any firm with respect to which the Tariff Commission has reported an affirmative finding of injury under section 301(c) of the Act.

(b) *Processing and certification procedure.* Upon receipt of the Tariff Commission report of its affirmative finding of injury to a firm, the Director will conduct, or order to be conducted, such investigation as he determines necessary and appropriate. Within 20 days after receipt of the Tariff Commission report, the Director shall forward the report to the Assistant Secretary, together with pertinent material developed during any investigation, and also the Director's recommendation as to whether certification under this § 310.21 should be approved or denied. The firm involved will be promptly advised of the Assistant Secretary's determination in the matter.

## Subpart C—Adjustment Assistance to Eligible Firms

**§ 310.30 General.**

Adjustment assistance may be provided to eligible firms to assist them in adjusting to the impact of increased imports and in reestablishing their competitive strength. A firm certified as eligible to apply for adjustment assistance may, at any time within two years after the date of such certification, file an application for adjustment assistance. Concurrently, or within a reasonable time thereafter, the firm shall present a proposal for its economic adjustment. Types of adjustment assistance which may be furnished to carry out a firm's certified adjustment proposal are technical assistance, financial assistance, and tax assistance, either singly or in any combination thereof.

**§ 310.31 Applications for adjustment assistance.**

(a) *Who may apply.* Any firm certified as eligible to apply for adjustment assistance under Subpart B in this Part 310 may apply for such assistance.

(b) *When application may be made.* Application for adjustment assistance may be made at any time within two years after the date on which the firm is certified under Subpart B in this Part 310 as eligible to apply therefor.

(c) *How to apply.* Application for adjustment assistance shall be made on Form OTA–3, completed in triplicate, and forwarded to the Director.

**§ 310.32 Adjustment proposals.**

(a) *Preparation and presentation.* A firm's proposal for its economic adjustment shall be made on Form OTA–4, completed in triplicate, and, together with such supporting material as the firm or the Director may deem appropriate, forwarded to the Director. The adjustment proposal shall describe in detail the firm's plan for its economic recovery, the anticipated benefits of the plan, and the type and extent of the adjustment assistance requested to carry out the plan. The adjustment proposal shall conform with the conditions prescribed for adjustment assistance in title III, chapter 2, of the Act, and in the adjustment assistance guidelines set forth in Subpart D of this Part 310. The Director may furnish technical assistance to an eligible firm which has applied for adjustment assistance to assist it in preparing a sound adjustment proposal.

(b) *Processing proposals.* The Director will conduct, or order to be conducted, such investigation of the firm's adjustment proposal as he determines to be necessary and appropriate. Thereafter the Director shall promptly forward the application for adjustment assistance, the adjustment proposal, the material developed during his investigation of the proposal, and his recommendation as to the action to be taken thereon, to the Secretary.

(c) *Certification.* The Secretary may approve and certify an adjustment proposal as submitted by the applicant, or he may approve and certify such proposal with such modifications and upon such terms and conditions as he may deem appropriate, or he may deny such proposal. No proposal shall be certified unless the Secretary determines that the proposal:

(1) Is reasonably calculated materially to contribute to the economic adjustment of the firm,

(2) Gives adequate consideration to the interests of the workers of such firm adversely affected by such actions taken in carrying out trade agreements, and

(3) Demonstrates that the firm will make all reasonable efforts to use its own resources for economic development.

Certification, unless sooner revoked, shall remain in force for such period as may be prescribed therein by the Secretary.

(d) *Administration of adjustment assistance.* The Director shall provide or arrange for financial and technical assistance in accordance with the provisions of the certified adjustment proposal. Such assistance shall be provided through existing Government agencies to the maximum extent practicable, and for this purpose the Director shall refer the certified adjustment proposal to such Federal agency or agencies as he determines to be appropriate to furnish the technical and financial assistance necessary to carry out such proposal. The agencies to which such proposal may be referred include the Department of Commerce and agencies thereunder. In the event and to the extent that any agency determines not to furnish this assistance, the Director, if he determines that such assistance is necessary to carry out the certified proposal, may provide such assistance on terms and conditions consistent with the guidelines set forth in Subpart D of this part and other applicable provisions of law. The Director shall be responsible for ascertaining the firm's progress toward adjustment objectives and for assuring compliance with the terms of certified adjustment proposals, including the use of funds for approved purposes.



## Subpart D—Adjustment Assistance Guidelines

**§ 310.40 Technical assistance.**

(a) Technical assistance includes, but is not limited to, information, market and other economic research, managerial advice and counseling, and training and assistance in research and development.

(b) To the maximum extent practicable, technical assistance shall be furnished through existing Federal agencies, and otherwise through private individuals, firms, or institutions.

(c) Firms receiving technical assistance, either under a certified adjustment proposal or in the preparation of an adjustment proposal, shall be required to share the cost thereof to the extent administratively determined to be appropriate.

**§ 310.41 Financial assistance.**

(a) Funds made available through financial assistance (direct loans, loan guarantees, or agreements for deferred participation in loans) shall be used only for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery, or, in exceptional cases as determined by the Secretary, to supply working capital. The term "working capital" includes funds for financing technical assistance.

(b) No loan guarantee or agreement for deferred participation in a loan shall be made in an amount which exceeds 90 percent of that portion of the loan made for the purposes described in this paragraph (a).

(c) Any loan made or deferred participation taken up shall bear interest at a rate not less than the greater of:

(1) Four percent per annum, or

(2) The rate fixed by the Secretary of the Treasury under section 315(b)(2) of the Act for the year in which the loan is made or the agreement for deferred participation is entered into.

(d) Loan guarantees or agreements for deferred participation shall be made only with respect to loans bearing interest at a rate determined to be reasonable in comparison with normal terms for comparable loans from private sources. In no event shall the guaranteed portion of any loan, or the portion covered by an agreement for deferred participation, bear interest at a rate in excess of 1 percent per annum more than the rate prescribed under paragraph (c) of this section unless it is determined that special circumstances justify a higher rate, which, however, shall not be in excess of 2 percent per annum more than such prescribed rate.

(e) No direct loan, loan guarantee, or loan in which a deferred participation is taken shall have a maturity period in excess of 25 years including renewals and extensions except as provided in section 315(d) of the Act.

(f) No financial assistance shall be provided unless it is determined that such assistance is not otherwise available to the firm on reasonable terms from sources other than the United States, and that there is reasonable assurance of the firms's repayment of the loan.

(g) No financial assistance shall be provided to any firm unless its owners, partners, or officers shall execute an agreement binding them and the firm for a period of 2 years after such financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which shall have been administratively determined to involve discretion with respect to the provision of such financial assistance.

**§ 310.42 Tax assistance.**

(a) *Application.* Any eligible firm may apply for tax assistance, as authorized by section 317 of the Act, with respect to a net operating loss alleged to have been sustained by the applicant in a taxable year which closed not more than 24 months prior to such application. Application may be made by specific request therefor included in the application for adjustment assistance (Form OTA–3), or in the adjustment proposal (Form OTA–4) or may be made by separate letter to the Director. In each case, the applicant shall identify by its closing date the taxable year in which the net operating loss is alleged to have occurred.

(b) *Notice.* At such time and in such manner as may be prescribed in regulations issued by the Commissioner of Internal Revenue, the firm (and its proprietor if a sole proprietorship, its partners if a partnership, or its shareholders if an electing small business corporation under subchapter S of Chapter 1 of the Internal Revenue Code of 1954) must file with the appropriate District Director of Internal Revenue notice of the application for tax assistance and, if such assistance is approved, a copy of the Secretary's certification of eligibility therefor (Form OTA–6).

(c) *Certification.* Eligibility for tax assistance, to carry out a firm's certified adjustment proposal, will be certified by the Secretary, if he determines that:

(1) The application for tax assistance was filed within 24 months after the close of a taxable year in which a net operating loss is alleged to have been sustained by the firm,

(2) The alleged net operating loss of the firm arose predominantly out of carrying on a trade or buiness which was seriously injured, during the year of the loss, by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements, and

(3) The tax assistance requested will materially contribute to the economic adjustment of the firm.

NOTE: The record keeping and reporting requirements of this part have been ap-

proved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., this 16th day of December, 1964.

THOMAS G. WYMAN,
*Assistant Secretary of Commerce for Domestic and International Business.*

[F.R. Doc. 64-13091; Filed, Dec. 18, 1964; 8:51 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 957]

### PART 95—CAR SERVICE

### Missouri-Kansas-Texas Railroad Company Rerouting of Traffic; Substitute Switching Service at Mangum and Frederick, Okla.

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 10th day of December A.D., 1964.

It appearing, that the Missouri-Kansas-Texas Railroad Company due to track and roadbed conditions between its yard limits at Wichita Falls, Texas, on the south and a point designated as Hocker, Oklahoma, on the north is unable to transport traffic routed over that line. The Missouri-Kansas-Texas Railroad Company having filed a petition with the Commission wherein the petitioner prays that the Commission enter an emergency order or orders under sections 1(15) and 1(16), (1) authorizing petitioner to discontinue or suspend service on its lines between its yard limits at Wichita Falls, Texas, on the south and a point designated as Hocker, Oklahoma, on the north; (2) authorizing petitioner as to all traffic to or from points on said line to disregard shippers' routing and to reroute such traffic over other railroads; and (3) directing petitioner to arrange for the performance of its switching service at Mangum and Frederick, Oklahoma, by other railroads serving those points. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered,* That,

§ 95.957 **Missouri-Kansas-Texas Railroad Company rerouting of traffic; substitute switching service at Mangum and Frederick, Oklahoma.**

(a) The Missouri-Kansas-Texas Railroad Company and its connections, being unable to transport traffic because of track and roadbed conditions between yard limits at Wichita Falls, Texas, and a point designated as Hocker, Oklahoma, in accordance with shippers' routing is hereby authorized to disregard shippers' routing and reroute over other railroads all traffic to or from all points on the Missouri-Kansas-Texas Railroad Company's line between yard limits at Wichita Falls, Texas, and a point designated as Hocker, Oklahoma, over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) The Missouri-Kansas-Texas Railroad Company shall permit other carriers, as far as practicable, to operate over their said tracks for the purpose of serving industries located on the said Missouri-Kansas-Texas line; and arrange for the performance of its switching at Mangum and Frederick, Oklahoma, by other railroads serving those points.

(c) The Missouri-Kansas-Texas Railroad Company will continue to maintain switching service at Altus and Hocker, Oklahoma.

*It is further ordered,* That the petition in all other respects is denied.

*Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

*Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Secs. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

*It is further ordered,* That this order shall become effective at 12:01 a.m., December 17, 1964, and shall remain in force and effect until further order of the Commission; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-13025; Filed, Dec. 18, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Parts 1, 301 ]

### INCOME TAX

### Treatment of Employee Stock Options and Purchase Plans

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 402, 421 through 425, 691, 1012, 1014, 6039, 6071, and 6091 of the Internal Revenue Code of 1954, and the Procedure and Administration Regulations (26 CFR Part 301) under sections 6652, and 6678 of the Internal Revenue Code of 1954, to section 221 of the Revenue Act of 1964 (78 Stat. 63), such regulations are amended as follows:

PARAGRAPH 1. Section 1.402(a) is amended by revising section 402(a)(3)(B) and by adding a historical note. These amended and added provisions read as follows:

§ 1.402(a) **Statutory provisions; taxability of beneficiary of employees' trust; exempt trust.**

*Sec. 402. Taxability of beneficiary of employees' trust*—(a) *Taxability of beneficiary of exempt trust.* • • •

(3) *Definitions.* • • •

(B) The term "securities of the employer corporation" include securities of a parent or subsidiary corporation (as defined in subsections (e) and (f) of section 425) of the employer corporation.

• • • • •

[Sec. 402(a) as amended by sec. 4(c), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825); sec. 221(c)(1), Rev. Act 1964 (78 Stat. 75)]

PAR. 2. Paragraph (b)(1)(ii) of § 1.402(a)-1 is amended to read as follows:

§ 1.402(a)-1 **Taxability of beneficiary under a trust which meets the requirements of section 401(a).**

• • • • •

(b) *Distributions including securities of the employer corporation*—(1) *In general.* • • •

(ii) For purposes of section 402(a) and of this section, the term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form, and the term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in subsections (e) and (f) of section 425) of the employer corporation.

• • • • •

PAR. 3. The center heading "Miscellaneous Provisions" which immediately precedes § 1.421 is revised to read as follows:

CERTAIN STOCK OPTIONS

PAR. 4. Section 1.421 is amended by revising the heading thereof, by revising section 421 (including the heading), and by revising the historical note at the end thereof. These amended provisions and historical note read as follows:

§ 1.421 **Statutory provisions; general rules.**

Sec. 421. *General rules*—(a) *Effect of qualifying transfer.* If a share of stock is transferred to an individual in a transfer in respect of which the requirements of section 422(a), 423(a), or 424(a) are met—

(1) Except as provided in section 422(c)(1), no income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(2) No deduction under section 162 (relating to trade or business expenses) shall be allowable at any time to the employer corporation, a parent or subsidiary corporation of such corporation, or a corporation issuing or assuming a stock option in a transaction to which section 425(a) applies, with respect to the share so transferred; and

(3) No amount other than the price paid under the option shall be considered as received by any of such corporations for the share so transferred.

(b) *Effect of disqualifying disposition.* If the transfer of a share of stock to an individual pursuant to his exercise of an option would otherwise meet the requirements of section 422(a), 423(a), or 424(a) except that there is a failure to meet any of the holding period requirements of section 422(a)(1), 423(a)(1), or 424(a)(1), then any increase in the income of such individual or deduction from the income of his employer corporation for the taxable year in which such exercise occurred attributable to such disposition, shall be treated as an increase in income or a deduction from income in the taxable year of such individual or of such employer corporation in which such disposition occurred.

(c) *Exercise by estate*—(1) *In general.* If an option to which this part applies is exercised after the death of the employee by the estate of the decedent, or by a person who acquired the right to exercise such option by bequest or inheritance or by reason of the death of the decedent, the provisions of subsection (a) shall apply to the same extent as if the option had been exercised by the decedent, except that—

(A) The holding period and employment requirements of sections 422(a), 423(a), and 424(a) shall not apply, and

(B) Any transfer by the estate of stock acquired shall be considered a disposition of such stock for purposes of sections 423(c) and 424(c)(1).

(2) *Deduction for estate tax.* If an amount is required to be included under section 422(c)(1), 423(c), or 424(c)(1) in gross income of the estate of the deceased employee or of a person described in paragraph (1), there shall be allowed to the estate or such person a deduction with respect to the estate tax attributable to the inclusion in the taxable estate of the deceased employee of the net value for estate tax purposes of the option. For this purpose, the deduction shall be determined under section 691(c) as if the option acquired from the deceased employee were an item of gross income in respect of the decedent under section 691 and as if the amount includible in gross income under section 422(c)(1), 423(c), or 424(c)(1) were an amount included in gross income under section 691 in respect of such item of gross income.

(3) *Basis of shares acquired.* In the case of a share of stock acquired by the exercise of an option to which paragraph (1) applies—

(A) The basis of such share shall include so much of the basis of the option as is attributable to such share; except that the basis of such share shall be reduced by the excess (if any) of (i) the amount which would have been includible in gross income under section 422(c)(1), 423(c), or 424(c)(1) if the employee had exercised the option on the date of his death and had held the share acquired pursuant to such exercise at the time of his death, over (ii) the amount which is includible in gross income under such section; and

(B) The last sentence of sections 422(c)(1), 423(c), and 424(c)(1) shall apply only to the extent that the amount includible in gross income under such sections exceeds so much of the basis of the option as is attributable to such share.

[Sec. 421 as amended by sec. 1, Act of February 11, 1958 (Pub. Law 85-320, 72 Stat. 4); sections 25 and 26, Technical Amendments Act 1958 (72 Stat. 1623, 1624); sec. 221(a), Rev. Act. 1964 (78 Stat. 63)]

PAR. 5. Section 1.421-1 is amended by revising the heading thereof, and by adding a new paragraph (g) at the end thereof. These revised and added provisions read as follows:

§ 1.421-1 **Taxable years affected and meaning and use of certain terms.**

• • • • •

(g) *Taxable years affected.* Sections 1.421-1 through 1.421-5 are applicable only to taxable years ending before January 1, 1964, and only with respect to options granted after February 26, 1945, and before January 1, 1964, and all ref-

erences therein to sections of the Code are to the Internal Revenue Code of 1954, before the amendments made by section 221 of the Revenue Act of 1964 (78 Stat. 63). Section 1.421–6 is applicable only to options granted on or after February 26, 1945, and all references to sections of the Code are to the Internal Revenue Code of 1954, as amended. Sections 1.421–7 and 1.421–8 are applicable only to taxable years beginning after December 31, 1963, and all references therein to sections of the Code are to the Internal Revenue Code of 1954, as amended.

PAR. 6. Section 1.421–6 is amended by revising paragraphs (a) (1), (d) (7), and (f) thereof. These amended provisions read as follows:

**§ 1.421–6 Options to which section 421 does not apply.**

(a) *Scope of section.* (1) If an employer or other person grants to an employee or other person for any reason connected with the employment of such employee an option to purchase stock of the employer or other property, and if section 421 is not applicable, then this section shall apply. This section will apply, for example, when an option is not a qualified or restricted stock option at the time it is granted or an option granted under an employee stock purchase plan, or when an option is modified so that it no longer qualifies as such an option, or when there is a disqualifying disposition of stock acquired by the exercise of such an option so that section 421 does not apply. When an option is granted for any reason connected with the employment of an employee, this section applies, if section 421 does not apply, irrespective of whether the option is granted by the employer, by a parent or subsidiary of the employer, by a stockholder of any of such corporations, or by any other person, and irrespective of whether the option is granted to the employee, to a member of his family, or to any other person, and irrespective of whether the option is to purchase the stock of the employer, the stock of the parent or subsidiary of the employer, the stock of any other corporation, or to purchase any other property. In addition, § 1.61–15 makes the rules of this section applicable in determining the time when certain other options result in the realization of income and the amount of such income.

* * * * *

(d) *Options without a readily ascertainable fair market value.* * * *

(7) Notwithstanding the other provisions of this paragraph, if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a qualified or restricted stock option, or acquired by the exercise of an option granted under an employee stock purchase plan, the taxable year of the employee for which he is required to include in his gross income the compensation resulting from such option is determined under section 421(b) and paragraph (b) of § 1.421–8 (or, in the case of taxable years ending before January 1, 1964, under section 421(f) and paragraph (e) of § 1.421–5) and, in the case of a disqualifying disposition of a share of stock acquired by the exercise of a qualified stock option, the amount of such compensation shall be subject to the limitation provided by section 422(c)(4) and paragraph (b) of § 1.422–1.

* * * * *

(f) *Deductions.* If the employer grants an option to which this section applies, the employer of the employee in connection with whose employment the option is granted is considered to have paid compensation to such employee at the same time and in the same amount as such employee is considered under paragraph (c) or (d) of this section to have realized compensation. The deductibility of the amount considered so paid is determined under section 162 or other provision of the Code which is applicable to such a payment. Whether such amount may be deducted in the taxable year considered so paid, or whether such amount is a capital expenditure which is not deductible or which may be amortized, depends upon the nature of the transaction involved and the facts and circumstances of each case. If this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a qualified or restricted stock option, or acquired by the exercise of an option granted under an employee stock purchase plan, the employer's taxable year for which such compensation is deductible is determined under section 421(b) and paragraph (b) of § 1.421–8 (or, in the case of taxable years ending before January 1, 1964, under section 421(f) and paragraph (e) of § 1.421–5).

PAR. 7. There are inserted immediately after § 1.421–6 the following new sections:

**§ 1.421–7 Meaning and use of certain terms.**

(a) *Option.* (1) For purposes of sections 421 through 425, the term "option" includes the right or privilege of an individual to purchase stock from a corporation by virtue of an offer of the corporation continuing for a stated period of time, whether or not irrevocable, to sell such stock at a price determined under paragraph (e) of this section, such individual being under no obligation to purchase. Such right or privilege, when granted, must be evidenced in writing. The individual who has such right or privilege is referred to as the optionee and the corporation offering to sell stock under such an arrangement is referred to as the optionor. While no particular form of words is necessary, the written option should express, among other things, an offer to sell at the option price and the period of time during which the offer shall remain open.

(2) An option may be granted as part of or in conjunction with an employee stock purchase plan or subscription contract. See section 423.

(3) An arrangement between a corporation and an employee may involve more than one option. For example, if a corporation on June 1, 1964, grants to an employee the right to purchase 1,000 shares of its stock on or after June 1, 1965, another 1,000 shares on or after June 1, 1966, and a further 1,000 shares on or after June 1, 1967, all shares to be purchased before June 1, 1968, provided the employee at the time of exercise of any of the purchase rights is employed by the corporation, such an arrangement will be construed as the grant to the employee on June 1, 1964, of three options, each for the purchase of 1,000 shares. However, if a corporation grants to an employee on January 1, 1965, the right to purchase 1,000 shares of its stock at $65 per share during 1965, or at $75 per share during 1966, or at $85 per share during 1967, such an arrangement will be construed as the grant to the employee on January 1, 1965, of but one option for the purchase of 1,000 shares, which ceases to be outstanding when fully exercised at the price in effect at the time of exercise.

(b) *Statutory options.* (1) The term "statutory option", used for purposes of convenience hereinafter in this section and in §§ 1.421–8 through 1.425–1, means a qualified stock option, as defined by section 422(b) and § 1.422–2; an option granted under an employee stock purchase plan, as defined by section 423(b) and § 1.423–2; and a restricted stock option, as defined in section 424(b) and § 1.424–2.

(2) An option may qualify as a statutory option only if the option is not transferable (other than by will or by the laws of descent and distribution) by the individual to whom it is granted, and is exercisable, during the lifetime of such individual, only by him. See sections 422(b)(6), 423(b)(9), and 424(b)(2). Accordingly, an option which is transferable by the individual to whom it is granted during his lifetime, or is exercisable during such individual's lifetime by another person, is not a statutory option. However, in case the option or the plan under which the option was granted contains a provision permitting the individual to whom the option was granted to designate the person who may exercise the option after his death, neither such provision, nor a designation pursuant to such provision, disqualifies the option as a statutory option.

(3) (i) The determination of whether an option is a statutory option is made as of the date such option is granted. An option which is a statutory option when granted does not lose its character as such an option by reason of subsequent events, and an option which is not a statutory option when granted does not become such an option by reason of subsequent events. See, however, paragraph (e) of § 1.425–1, relating to modification, extension, or renewal of an option.

(ii) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* S–1 Corporation is a subsidiary of S Corporation which, in turn, is a subsidiary of P Corporation. On June 1, 1964, P grants to an employee of P a statutory option to purchase a share of stock of S–1. On January 1, 1965, S sells a portion of the S–1 stock which it owns to an unrelated corporation and, as of that date, S–1 ceases to be a subsidiary of S. On May 1, 1965, while still employed by P, the employee exercises his option to purchase a share of S–1 stock. Section 421 applies to such exercise.



*Example (2).* Assume P grants an option to an employee under the same facts as in example (1) above, except that on June 1, 1964, S–1 is not a subsidiary of either S or P. Such option is not a statutory option on June 1, 1964. On January 1, 1965, S purchases from an unrelated corporation a sufficient number of shares of S–1 stock to make S–1, as of that date, a subsidiary of S. On May 1, 1965, while still employed by P, the employee exercises his option to purchase a share of S–1 stock. The employee has not exercised a statutory option.

(c) *Time and date of granting option.* (1) For purposes of sections 421 through 425, the words "the date of the granting of the option" and "the time such option is granted", and similar phrases refer to the date or time when the corporation completes the corporate action constituting an offer of stock for sale to an individual under the terms and conditions of a statutory option. Ordinarily, if the corporate action contemplates an immediate offer of stock for sale to an individual or to a class including such individual, or contemplates a particular date on which such offer is to be made, the time or date of the granting of the option is the time or date of such corporate action if the offer is to be made immediately, or the date contemplated as the date of the offer, as the case may be. However, an unreasonable delay in the giving of notice of such offer to the individual or to the class will be taken into account as indicating that the corporation contemplated that the offer was to be made at the subsequent date on which such notice is given.

(2) If the corporation imposes conditions on the granting of an option (as distinguished from conditions governing the exercise of the option), such conditions shall be given effect in accordance with the intent of the corporation. However, under section 425(f), if the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval. A condition which does not require corporate action, such as the approval of some regulatory or governmental agency, for example, a stock exchange or the Securities and Exchange Commission, is ordinarily considered a condition upon the exercise of the option unless the corporate action clearly indicates that the option is not to be granted until such condition is satisfied. If an option is granted to an individual upon the condition that such individual will become an employee of the corporation granting the option or of a related corporation, such option is not granted prior to the date the individual becomes such an employee.

(3) In general, conditions imposed upon the exercise of an option will not operate to make ineffective the granting of the option. For example, on June 1, 1964, the A Corporation grants to X, an employee, an option to purchase 5,000 shares of the corporation's stock, exercisable by X on or after June 1, 1965, provided he is employed by the corporation on June 1, 1965, and provided that A's profits during the fiscal year preceding the year of exercise exceed $200,000. Such an option is granted to X on June 1, 1964, and will be treated as outstanding as of such date.

(d) *Stock.* For purposes of sections 421 through 425, the term "stock" means capital stock of any class, including voting or nonvoting common or preferred stock. Except as otherwise provided, the term includes both treasury stock and stock of original issue. Special classes of stock authorized to be issued to and held by employees are within the scope of the term "stock" as used in such sections, provided such stock otherwise possesses the rights and characteristics of capital stock.

(e) *Option price.* (1) For purposes of sections 421 through 425, the term "option price" or "price paid under the option" means the consideration in money or property which, pursuant to the terms of the option, is the price at which the stock subject to the option is purchased. The term "option price" does not include amounts paid as interest under a deferred payment arrangement or treated as interest under section 483 and the regulations thereunder.

(2) In the case of a statutory option, any reasonable valuation method may be used for the purpose of determining whether at the time the option is granted the option price satisfies the pricing requirements of section 422(b)(4) (relating to qualified stock options), section 423(b)(6) (relating to employee stock purchase plans), or section 424(b)(1) (relating to restricted stock options), whichever is applicable, with respect to the stock subject to the option. Such methods include the valuation methods described in § 20.2031–2 of this chapter (Estate Tax Regulations).

(f) *Exercise.* For purposes of sections 421 through 425, the term "exercise", when used in reference to an option, means the act of acceptance by the optionee of the offer to sell contained in the option. In general, the time of exercise is the time when there is a sale or a contract to sell between the corporation and the individual. A promise to pay the option price does not constitute an exercise of the option unless the optionee is subject to personal liability on such promise. An agreement or undertaking by the employee to make payments under an employee stock purchase plan does not constitute the exercise of an option so long as the payments made remain subject to withdrawal by the employee.

(g) *Transfer.* For purposes of sections 421 through 425, the term "transfer", when used in reference to the transfer to an individual of a share of stock pursuant to his exercise of a statutory option, means the transfer of ownership of such share, or the transfer of substantially all the rights of ownership. Such transfer must, within a reasonable time, be evidenced on the books of the corporation.

(h) *Employment relationship.* (1) Section 421 is applicable to the exercise of a statutory option only if at the time the option is granted, the optionee is an employee of the corporation granting the option, or a related corporation of such corporation, unless the option has been assumed or a new option has been issued in its place under section 425(a). In case of such an assumption or issuance, the optionee must, at the time of such assumption or issuance, be an employee of the corporation so assuming or issuing the option, or a related corporation of such corporation. The determination of whether the optionee is an employee at the time the option is granted (or at the time of the assumption or issuance under section 425(a)) will be made in accordance with the rules contained in section 3401(c) and the regulations thereunder. As to the granting of an option conditioned upon employment, see paragraph (c)(2) of this section. A statutory option must be granted for a reason connected with the individual's employment by the corporation or by its related corporation.

(2) In order to qualify for the special tax treatment of section 421, in addition to meeting the rquirements of subparagraph (1) of this paragraph, an individual exercising a qualified stock option or an option granted under an employee stock purchase plan must, at all times during the period beginning with the date of the granting of such option and ending at the time of such exercise or on the day 3 months before the date of such exercise, be an employee of either the corporation granting such option, a related corporation of such corporation, or a corporation or a related corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies. For this purpose, the employment relationship in respect of an option granted in accordance with the requirements of subparagraph (1) of this paragraph will be treated as continuing intact while the individual is on military or sick leave if the period of such leave does not exceed 90 days, or, if longer, so long as the individual's right to reemployment with the corporation granting the option (or a related corporation of such corporation, or a corporation or a related corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies) is guaranteed either by statute or by contract.

(3) For purposes of determining whether an individual meets the requirements of this paragraph, the term "employer corporation", as used in section 425 (e) and (f), shall be read as "grantor corporation" or "corporation issuing or assuming a stock option in a transaction to which section 425(a) is applicable", as the case may be. For purposes of the employment requirement, the determination of whether a corporation is a related corporation is based upon whether such corporation was a related corporation of the corporation granting an option at the time of such grant or of a corporation which issued or assumed an option under section 425(a) at the time of such issuance or assumption.

(4) The application of this paragraph may be illustrated by the following examples:

*Example (1).* On June 1, 1964, X Corporation granted a statutory option to A, an employee of X Corporation, to purchase a share of X stock. On February 1, 1965, X sold the plant where A was employed to M

Corporation, an unrelated corporation, and A was employed by M. If A exercises his statutory option on June 1, 1965, section 421 is not applicable to such exercise, because on June 1, 1965, A is not employed by the corporation which granted the option or by a related corporation of such corporation, nor was he employed by any of such corporations within three months before June 1, 1965.

*Example* (2). Assume the facts to be the same as in example (1), except that when A was employed by M Corporation, the option to purchase X stock was terminated and was replaced by an option to buy M stock in such circumstances that M Corporation is treated as a corporation issuing an option under section 425(a). If A exercises the option to purchase the share of M stock on June 1, 1965, section 421 is applicable for A is then employed by a corporation which issued an option under section 425(a).

*Example* (3). E is an employee of S Corporation, which is a subsidiary of P Corporation. On June 1, 1964, P grants E a statutory option to purchase a share of P stock. On June 1, 1965, P sells a portion of its S stock so that S Corporation is no longer a subsidiary of P Corporation. E continues to be employed by S Corporation until June 1, 1966, on which date he exercises his option to purchase the share of P stock. Section 421 is applicable to such exercise.

*Example* (4). E is an employee of P Corporation. On June 1, 1964, P grants E a statutory option to purchase a share of P stock. On June 1, 1965, P acquires 100 percent of the stock of S Corporation; on such date S becomes a subsidiary of P. On July 1, 1965, E ceases to be employed by P and becomes employed by S. On October 10, 1965, while still employed by S, E exercises his option to buy P stock. Since E's exercise occurs more than 3 months after he ceased to be an employee of P Corporation, and since E is not at the time he exercises the option an employee of a corporation which was, at the time such option was granted, a parent or subsidiary of the grantor corporation, section 421 is not applicable to such exercise.

*Example* (5). Assume the same facts as in example (4) except assume that at the time E became an employee of S Corporation, S assumed E's option to purchase P stock under section 425(a). Section 421 is applicable to E's exercise of his option to buy P stock.

*Example* (6). M Corporation grants a qualified stock option to E, an employee of such corporation. E is an officer in a reserve Air Force unit. E goes on military leave with his unit for three weeks. Regardless of whether E is an employee of M within the meaning of section 3401(c) and the regulations thereunder during such 3-week period, E's employment relationship with M is treated as uninterrupted during the period of E's military leave.

*Example* (7). Assume the same facts as in example (6) and assume further that E's active duty status is extended indefinitely, but that E has an employment contract with M which provides that upon the termination of any military duty E may be required to serve, E will be entitled to re-employment with M or a parent or subsidiary of M. E exercises his M option while on active military duty. Irrespective of whether E is an employee of M within the meaning of section 3401(c) and the regulations thereunder at the time of such exercise or within 3 months before such exercise, section 421 can apply to such exercise.

*Example* (8). X Corporation grants a qualified stock option to A, an employee of X Corporation, whose employment contract provides that in the event of illness, A's right to re-employment with X, or a parent or subsidiary of X, will continue for one year after the time A becomes unable to perform his duties for X. A falls ill for 90 days. For purposes of section 422(a)(2), A's employment relationship with X will be treated as uninterrupted during the 90-day period. If A's incapacity extends beyond 90 days, then, for purposes of section 422(a)(2), A's employment relationship with X will be treated as continuing uninterrupted until A's re-employment rights terminate. Under section 422(a)(2), A has 3 months in which to exercise his qualified stock option after his employment relationship with X (and its parent and subsidiary corporation) is terminated.

(i) *Related corporation.* The term "related corporation", used for purposes of convenience in this section and §§ 1.421–8 through 1.425–1, means a corporation which is a parent or subsidiary corporation (as defined by section 425 (e) and (f) and the regulations thereunder)

**§ 1.421–8 General rules.**

(a) *Effect of qualifying transfer.* (1) If a share of stock is transferred to an individual pursuant to his exercise of a statutory option, and if the requirements of section 422(a) (relating to qualified stock options), section 423(a) (relating to employee stock purchase plans), or section 424(a) (relating to restricted stock options), whichever is applicable, are met, then—

(i) Except as provided in section 422 (c)(1) (relating to exercise of option when price is less than value of stock), and paragraph (e)(2) of § 1.422–2, no income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(ii) No deduction under section 162 or the regulations thereunder (relating to trade or business expenses) shall be allowable at any time to the employer corporation, a related corporation of such corporation, or a corporation issuing or assuming a stock option in a transaction to which section 425(a) and paragraph (a) of § 1.425–1 (relating to corporate reorganizations, liquidations, etc.) applies, with respect to the share so transferred; and

(iii) No amount other than the price paid under the option shall be considered as received by any of such corporations for the share so transferred.

(2) For the purpose of this paragraph, each share of stock transferred pursuant to a statutory option is treated separately. For example, if an individual, while employed by a corporation granting him a statutory option, exercises the option with respect to part of the stock covered by the option, and if such individual exercises the balance of the option more than three months after leaving such employment, the application of section 421 to the stock obtained upon the earlier exercise of the option is not affected by the fact that the income taxes of the employer and the individual with respect to the stock obtained upon the later exercise of the option are not determined under section 421.

(b) *Effect of disqualifying disposition.* (1) The disposition of a share of stock, acquired by the exercise of a statutory option before the expiration of the applicable holding period as determined under section 422(a)(1), 423(a)(1), or 424(a)(1), makes section 421 inapplicable to the transfer of such share. The income attributable to such transfer shall be treated by the individual as income received in the taxable year in which such disposition occurs. Similarly, the deduction attributable to the transfer of the share of stock pursuant to the exercise of the option shall be allowable to the grantor of the option for the taxable year in which such disposition occurs. In such cases, no amount shall be treated as income, and no amount shall be allowed as a deduction, for any taxable year other than the taxable year in which the disposition occurs. If the stock was transferred pursuant to the exercise of the option in a taxable year other than the taxable year of the disposition, the amount of the deduction shall be determined as if the employee had been paid compensation at the time provided in paragraph (d) of § 1.421–6.

(2) Section 421 is not made inapplicable by a transfer before the expiration of the applicable holding period as determined under section 422(a)(1), 423(a)(1), or 424(a)(1), if such transfer is not a disposition of the stock as defined in section 425(c) and paragraph (c) of § 1.425–1, for example, a transfer from the decedent to his estate or a transfer by bequest or inheritance. Similarly, a disposition by the executor, administrator, heir, or legatee is not a disposition by the decedent. In case a statutory option is exercised by the estate of the individual to whom the option was granted, or by a person who acquired the option by bequest or inheritance or by reason of the death of such individual, see paragraph (c) of this section.

(3) For special rules relating to a disqualifying disposition of a share of stock acquired by the exercise of a qualified stock option, see paragraph (b) of § 1.422–1.

(c) *Exercise by estate.* (1) If a statutory option is exercised by the estate of the individual to whom the option was granted, or by any person who acquired such option by bequest or inheritance or by reason of the death of such individual, section 421(a) applies to such exercise in the same manner as if such option had been exercised by such deceased individual. Consequently, except as provided by section 422(c)(1) and paragraph (e)(2) of § 1.422–2, neither the estate nor such person is required to include any amount in gross income as a result of a transfer of stock pursuant to such exercise of the option. Nor does section 421(a) become inapplicable if such executor, administrator, or person disposes of the stock so acquired before the expiration of the applicable holding period as determined under section 422(a)(1), 423(a)(1), or 424(a)(1). This special rule does not affect the applicability of section 1222, relating to what constitutes a short-term and long-term capital gain or loss. The executor, administrator, or such person need not exercise the option within three months after the death of the individual to whom the option was granted for section 421(a) to be applicable. However, the exercise of the option must be pursuant to the terms of the option, and any change in the terms of the option is subject to the rules of paragraph (e) of § 1.425–1, relating to the modification, extension, or renewal of the option. Section 421(a) is applicable even though such executor, administrator, or person is not employed by the corporation granting the option, or a related corporation, either when the option is exercised or at any time. However, section 421(a) is not applicable to an exercise of the option by the estate or by such person, unless the individual to whom the option was granted met the employment requirements of section 422(a)(2), 423(a)(2), or 424(a)(2), whichever is applicable, either at the time of his death or within three months before such time. If the option is exercised by a person other than the executor or administrator, or other than a person who acquired the option by bequest or inheritance or by reason of the death of such deceased individual, section 421(a) is not applicable to the exercise. For example, if the option is sold by the estate, section 421(a) does not apply to an exercise of the option by such buyer; but if the option is distributed by the administrator to an heir as part of the estate, section 421(a) is applicable to an exercise of the option by such heir.

(2) Any transfer by the estate, whether a sale, a distribution of assets, or otherwise, of the stock acquired by its exercise of the option under this paragraph is a disposition of the stock. Therefore, if section 423(c), or 424(c)(1) is applicable, the estate must include an amount as compensation in its gross income. Similarly, if section 423(c) or 424(c)(1) is applicable in case of an exercise of the option under this paragraph by a person who acquired the option by bequest or inheritance or by reason of the death of the individual to whom the option was granted, there must be included in the gross income of such person an amount as compensation, either when such person disposes of the stock, or when he dies owning the stock.

(3)(i) If, under section 422(c)(1), 423(c), or 424(c)(1), an amount is required to be included in the gross income of the estate or of such person, the estate or such person shall be allowed a deduction as a result of the inclusion of the value of the option in the estate of the individual to whom the option was granted. Such deduction shall be computed under section 691(c) by treating the option as an item of gross income in respect of a decedent under section 691 and by treating the amount required to be included in gross income under section 422(c)(1), 423(c), or 424(c)(1), as an amount included in gross income under section 691 in respect of such item of gross income. No such deduction shall be allowable with respect to any amount other than an amount includible under section 422(c)(1), 423(c), or 424(c)(1). For the rules relating to the computation of a deduction under section 691(c), see § 1.691(c)–1.

(ii) The application of subdivision (i) may be illustrated by the following example:

*Example.* On June 1, 1964, E was granted an option under an employee stock purchase plan to purchase for $85 one share of the stock of his employer. On such day, the fair market value of such stock was $100 per share. E died on February 1, 1966, without having exercised such option. The option was, however, exercisable by his estate, and for purposes of the estate tax was valued at $30. On March 1, 1966, the estate exercised the option, and on March 15, 1966, sold for $150 the share of stock so acquired. For its taxable year including March 15, 1966, the estate is required by sections 421(c)(1)(B) and 423(c) to include in its gross income as compensation the amount of $15. During such taxable year, no amounts of income were properly paid, credited, or distributable to the beneficiaries of the estate. However, under section 421(c)(2), the estate is entitled to a deduction determined in the following manner. E's estate includes no other items of income in respect of a decedent referred to in section 691(a), and no deductions referred to in section 691(b), so that the value for estate tax purposes of the option, $30, is also the net value of all items of income in respect of the decedent. The estate tax attributable to the inclusion of the option in the estate of E is $10. Since $15, the amount includible in gross income by reason of sections 421(c)(1)(B) and 423(c), is less than the value for estate tax purposes of the option, only 15/30 of the estate tax attributable to the inclusion of the option in the estate is deductible; that is, 15/30 of $10, or $5. No deduction under section 421(c)(2) is allowable with respect to any capital gain.

(4)(i) In the case of an employee dying before January 1, 1957, the basis of any share of stock acquired by the exercise of a restricted stock option under this paragraph, determined under section 1011, shall be increased by an amount equal to the amount includible as compensation in his gross income under section 424(c)(1). The basis of the share shall not be increased by reason of the inclusion of the value of the restricted stock option in the estate for estate tax purposes.

(ii)(*a*) In the case of an employee dying after December 31, 1956, the basis of any share of stock acquired by the exercise of an option under this paragraph, determined under section 1011, shall be increased by an amount equal to the portion of the basis of the option attributable to such share. For example, if a statutory option to acquire 10 shares of stock has a basis of $100, the basis of one share acquired by a partial exercise of the option, determined under section 1011, would be increased by 1/10th of $100, or $10. The option acquires a basis, determined under section 1014(a), only if the transfer of the share pursuant to the exercise of such option qualifies for the special tax treatment provided by section 421(a). To the extent the option is so exercised, in whole or in part, it will acquire a basis equal to its fair market value at the date of the employee's death or, if an election is made under section 2032, its value at its applicable valuation date. In certain cases, the basis of the share is subject to the adjustments provided by (*b*) and (*c*) of this subdivision, but such adjustments are only applicable in the case of an option which is subject to section 422(c)(1), 423(c), or 424(c)(1).

(*b*) If the amount which would have been includible in gross income under section 422(c)(1), 423(c), or 424(c)(1) had the employee exercised the option on the date of his death and held the share at the time of his death exceeds the amount which is includible in gross income under such section, the basis of the share, determined under (*a*) of this subdivision, shall be reduced by such excess. For example, if $15 would have been includible in the gross income of the employee had he exercised the option and held such share at the time of his death, and only $10 is includible under section 422(c)(1), 423(c), or 424(c)(1), the basis of the share, determined under (*a*) of this subdivision, would be reduced by $5. For purposes of determining the amount which would have been includible in gross income under section 422(c)(1), 423(c), or 424(c)(1), if the employee had exercised the option and held such share at the time of his death, the amount which would have been paid for the share shall be computed as if the option had been exercised on the date the employee died.

(c) If the amount includible in gross income under section 422(c)(1), 423(c), or 424(c)(1), exceeds the portion of the basis of the option attributable to the share, the basis of the share, determined under (*a*) of this subdivision, shall be increased by such excess. Thus, if $15 is includible in gross income under such section, and the basis of the option with respect to the share is $10, the basis of the share, determined under (*a*) of this subdivision, will be increased by $5.

(iii) If a statutory option is not exercised by the estate of the individual to whom the option was granted, or by the person who acquired such option by bequest or inheritance or by reason of the death of such individual, the option shall be considered to be property which constitutes a right to receive an item of income in respect of a decedent to which the rules of sections 691 and 1014(c) apply.

(iv) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* On June 1, 1955, the X Corporation granted to E, an employee, a restricted stock option to purchase a share of X Corporation's stock for $85. The fair market value of the X Corporation stock on such date was $100 per share. On June 1, 1956, E died. The fair market value of X Corporation stock on such date exceeded $100 per share and the fair market value of the option on the applicable valuation date was $35. On August 1, 1964, the estate of E exercised the option and sold the share of X Corporation stock at a time when the fair market value of the share was $90. The estate is required by section 424(c)(1) to include $5 in its gross income as compensation. Since E died before January 1, 1957, the basis of the share is $90 (the $85 paid for the stock plus the $5 includible in gross income as compensation), and the basis of the share is not increased by reason of the inclusion of the value of the option in the estate of E (see section 1014(d) (as in effect with respect to taxable years ending before January 1, 1957)). Thus, no gain or loss is realized on the disposition of the share since the basis of the share is equal to the sale price.

*Example (2).* On June 1, 1964, the X Corporation granted to E, an employee, an option under its employee stock purchase plan to purchase a share of X Corporation stock for $85. The fair market value of X

Corporation stock on such date was $100 per share. On June 1, 1966, E died. The fair market value of X Corporation stock on such date exceeded $100 per share and the fair market value of the option on the applicable valuation date was $35. On August 1, 1966, the estate of E exercised the option and sold the share of X Corporation stock at a time when the fair market value of the share was $120. The basis of the share is $120 (the $85 paid for the stock plus the $35 basis of the option). When the share is sold for $120, the estate is required to include $15 in its gross income as compensation. Since $15 would have been includible in E's gross income if he had exercised the option and held such share at the time of his death, subdivision (ii)(*b*) of this subparagraph does not apply. Moreover, since the $15 includible in the gross income of the estate does not exceed the basis of the option ($35), subdivision (ii)(*c*) of this subparagraph does not apply. Since the basis of the stock and the sale price are the same, no gain or loss is realized by the estate on the disposition of the share.

*Example* (3). Assume the same facts as in example (2), except that the fair market value of the share of stock at the time of its sale was $90. The basis of the share, determined under subdivision (ii)(*a*) of this subparagraph, is $120 (the $85 paid for the stock plus the $35 basis of the option). When the share is sold for $90, the estate is required to include $5 in its gross income as compensation. If the employee had exercised the option and held the share at the time of his death, $15 would have been includible in gross income as compensation for the taxable year ending with his death. Since such amount exceeds by $10 the amount which the estate is required to include in its gross income, subdivision (ii)(*b*) of this subparagraph applies, and the basis of the share ($120), determined under subdivision (ii)(*a*) of this subparagraph is reduced by $10. Accordingly, the basis is $110, and a capital loss of $20 is realized on the disposition of the share.

*Example* (4). Assume the same facts as in example (2), except that the fair market value of the option on the applicable valuation date was $5, and that the fair market value of X Corporation stock on the date the employee died did not exceed $100. The basis of the share, determined under subdivision (ii)(*a*) of this subparagraph, is $90 (the $85 paid for the stock plus the $5 basis of the option). When the share is sold for $120, the estate is required to include $15 in its gross income as compensation. Since such amount exceeds by $10 the basis of the option, subdivision (ii)(*c*) of this subparagraph applies, and the basis of the share ($90), determined under subdivision (ii)(*a*) of this subparagraph, is increased by $10. Accordingly, the basis is $100 and a capital gain of $20 is realized on the disposition of the share.

*Example* (5). Assume the same facts as in example (2), except that on June 1, 1966, the date the employee died, the fair market value of X Corporation stock was $98, and that on June 1, 1967, the alternate valuation date, the fair market value of the stock had declined substantially, and the fair market value of the option was $5. On August 1, 1967, the estate of E exercised the option and sold the share when its fair market value was $92. The basis of the share, determined under subdivision (ii)(*a*) of this subparagraph, is $90 (the $85 paid for the stock plus the $5 basis of the option). When the share is sold for $92, the estate is required to include $7 in its gross income as compensation. Since $13 would have been includible in E's gross income if he had exercised the option and held such share at the time of his death, subdivision (ii)(*b*) of this subparagraph applies, and the basis of the share ($90), determined under subdivision (ii)(*a*) of this subparagraph, is reduced by $6 to $84. Furthermore, since the $7 that the estate is required to include in its gross income when the share is sold for $92 exceeds by $2 the basis of the option, subdivision (ii)(*c*) of this subparagraph applies, and the basis of the share ($84), determined under subdivision (ii)(*a*) and (ii)(*b*) of this subparagraph, is increased by $2. Accordingly, the basis is $86 and a capital gain of $6 is realized on the disposition of the share.

### § 1.422 Statutory provisions; qualified stock options.

Sec. 422. *Qualified stock options*—(a) *In general.* Subject to the provisions of subsection (c)(1), section 421(a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise of a qualified stock option if—

(1) No disposition of such share is made by such individual within the 3-year period beginning on the day after the day of the transfer of such share, and

(2) At all times during the period beginning with the date of the granting of the option and ending on the day 3 months before the date of such exercise, such individual was an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies.

(b) *Qualified stock option.* For purposes of this part, the term "qualified stock option" means an option granted to an individual after December 31, 1963 (other than a restricted stock option granted pursuant to a contract described in section 424(c)(3)(A)), for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

(1) The option is granted pursuant to a plan which includes the aggregate number of shares which may be issued under options, and the employees (or class of employees) eligible to receive options, and which is approved by the stockholders of the granting corporation within 12 months before or after the date such plan is adopted;

(2) Such option is granted within 10 years from the date such plan is adopted, or the date such plan is approved by the stockholders, whichever is earlier;

(3) Such option by its terms is not exercisable after the expiration of 5 years from the date such option is granted;

(4) Except as provided in subsection (c)(1), the option price is not less than the fair market value of the stock at the time such option is granted;

(5) Such option by its terms is not exercisable while there is outstanding (within the meaning of subsection (c)(2)) any qualified stock option (or restricted stock option) which was granted, before the granting of such option, to such individual to purchase stock in his employer corporation or in a corporation which (at the time of the granting of such option) is a parent or subsidiary corporation of the employer corporation, or in a predecessor corporation of any of such corporations;

(6) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(7) Such individual, immediately after such option is granted, does not own stock possessing more than 5 percent of the total combined voting power or value of all classes of stock of the employer corporation or of its parent or subsidiary corporation; except that if the equity capital of such corporation or corporations (determined at the time the option is granted) is less than $2,000,000, then, for purposes of applying the limitation of this paragraph, there shall be added to such 5 percent the percentage (not higher than 5 percent) which bears the same ratio to 5 percent as the difference between such equity capital and $2,000,000 bears to $1,000,000.

(c) *Special rules*—(1) *Exercise of option when price is less than value of stock.* If a share of stock is transferred pursuant to the exercise by an individual of an option which fails to qualify as a qualified stock option under subsection (b) because there was a failure in an attempt, made in good faith, to meet the requirement of subsection (b)(4), the requirement of subsection (b)(4) shall be considered to have been met, but there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income for the taxable year in which such option is exercised, an amount equal to the lesser of—

(A) 150 percent of the difference between the option price and the fair market value of the share at the time the option was granted, or

(B) The difference between the option price and the fair market value of the share at the time of such exercise.

The basis of the share acquired shall be increased by an amount equal to the amount included in his gross income under this paragraph in the taxable year in which the exercise occurred.

(2) *Certain options treated as outstanding.* For purposes of subsection (b)(5)—

(A) Any restricted stock option which is not terminated before January 1, 1965, and

(B) Any qualified stock option granted after December 31, 1963,

shall be treated as outstanding until such option is exercised in full or expires by reason of the lapse of time. For purposes of the preceding sentence, a restricted stock option granted before January 1, 1964, shall not be treated as outstanding for any period before the first day on which (under the terms of such option) it may be exercised.

(3) *Options granted to certain shareholders.* For purposes of subsection (b)(7)—

(A) The term "equity capital" means—

(i) In the case of one corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property for determining gain), less the amount of its indebtedness (other than indebtedness to shareholders), and

(ii) In the case of a group of corporations consisting of a parent and its subsidiary corporations, the sum of the equity capital of each of such corporations adjusted, under regulations prescribed by the Secretary or his delegate, to eliminate the effect of intercorporate ownership and transactions among such corporations;

(B) The rules of section 425(d) shall apply in determining the stock ownership of the individual; and

(C) Stock which the individual may purchase under outstanding options shall be treated as stock owned by such individual.

If an individual is granted an option which permits him to purchase stock in excess of the limitation of subsection (b)(7) (determined by applying the rules of this paragraph), such option shall be treated as meeting the requirement of subsection (b)(7) to the extent that such individual could, if the option were fully exercised at the time of grant, purchase stock under such option without exceeding such limitation. The portion of such option which is treated as meeting the requirement of subsection (b)(7) shall be deemed to be that portion of the option which is first exercised.

(4) *Certain disqualifying dispositions where amount realized is less than value at exercise.* If—



(A) An individual who has acquired a share of stock by the exercise of a qualified stock option makes a disposition of such share within the 3-year period described in subsection (a)(1), and

(B) Such disposition is a sale or exchange with respect to which a loss (if sustained) would be recognized to such individual,

then the amount which is includible in the gross income of such individual, and the amount which is deductible from the income of his employer corporation, as compensation attributable to the exercise of such option shall not exceed the excess (if any) of the amount realized on such sale or exchange over the adjusted basis of such share.

(5) *Certain transfers by insolvent individuals.* If an insolvent individual holds a share of stock acquired pursuant to his exercise of a qualified stock option, and if such share is transferred to a trustee, receiver, or other similar fiduciary, in any proceeding under the Bankruptcy Act or any other similar insolvency proceeding, neither such transfer nor any other transfer of such share for the benefit of his creditors in such proceeding, shall constitute a "disposition of such share" for purpoees of subsection (a)(1).

(6) *Application of subsection (b)(5) where options are for stock of same class in same corporation.* The requirement of subsection (b)(5) shall be considered to have been met in the case of any option (referred to in this paragraph as "new option") granted to an individual if—

(A) The new option and all outstanding options referred to in subsection (b)(5) are to purchase stock of the same class in the same corporation, and

(B) The new option by its terms is not exercisable while there is outstanding (within the meaning of paragraph (2)) any qualified stock option (or restricted stock option) which was granted, before the granting of the new option, to such individual to purchase stock in such corporation at a price (determined as of the date of grant of the new option) higher than the option price of the new option.

[Sec. 422 as added by sec. 221(a), Rev. Act 1964 (78 Stat. 63)]

### § 1.422–1 Qualified stock options—general rules.

(a) *Applicability of section 421(a).* (1)(i) Subject to the provisions of section 422(c)(1), the special rules of income tax treatment provided in section 421(a) are applicable with respect to the transfer of a share of stock to an individual pursuant to his exercise of a qualified stock option provided that the following conditions are satisfied—

(*a*) The individual must make no disposition of such share before the expiration of the 3-year period beginning on the day after the day of the transfer of such share, and

(*b*) At all times during the period beginning with the date of the granting of the option and ending on the day 3 months before the date of such exercise, the individual was an employee of either the corporation granting the option, a related corporation of such corporation, or a corporation or a related corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies.

(ii) For rules relating to the requisite employment relationship, see paragraph (h) of § 1.421–7.

(2)(i) An exception to the holding period requirement of section 422(a)(1) is provided with respect to certain transfers by insolvent individuals. If an insolvent individual holds a share of stock acquired pursuant to his exercise of a qualified stock option, and if such share is transferred to a trustee, receiver, or other similar fiduciary in any proceeding under the Bankruptcy Act or any other similar insolvency proceeding (such as an assignment for the benefit of creditors, a composition, etc.), neither such transfer, nor any other transfer of such share for the benefit of the insolvent individual's creditors in such proceeding shall constitute a disposition of such share for the purpose of section 422(a)(1). For the purpose of this subparagraph, an individual is an insolvent only if his liabilities exceed his assets, or if he is unable to satisfy his liabilities as they become due.

(ii) Notwithstanding that a transfer by the trustee or other fiduciary is not treated as a disposition for the purpose of section 422(a)(1), such transfer may constitute a sale or exchange for purposes of recognizing capital gain or loss with respect to the share so transferred. For example, if the trustee transfers the share to a creditor in the insolvency proceeding in complete or partial satisfaction of such creditor's claim against the insolvent individual, capital gain or loss must be recognized by the insolvent individual to the extent of the difference between the fair market value of the share on the date of such transfer and the adjusted basis of such share. To the extent any transfer by the trustee or other fiduciary (other than a transfer back to the insolvent individual) is not for the exclusive benefit of the creditors in such insolvency proceeding, such transfer will be treated as a disposition for purposes of section 422(a)(1). Similarly, if the trustee or other fiduciary transfers the share back to the insolvent individual, any subsequent disposition of the share which is not made in respect of the insolvency proceeding and for the exclusive benefit of the creditors in such proceeding will be treated as a disposition for purposes of section 422(a)(1).

(b) *Failure to satisfy holding period.* (1) The special tax treatment of section 421(a) is not applicable with respect to the transfer of a share of stock pursuant to the exercise of a qualified stock option if the individual disposes of the share before the expiration of the 3-year period beginning on the day after the day of the transfer of such share to him. For general rules relating to the effect of such a disqualifying disposition, see section 421(b) and paragraph (b) of § 1.421–8. For definition of the term "disposition", see section 425(c) and paragraph (c) of § 1.425–1.

(2) If an individual who has acquired a share of stock by the exercise of a qualified stock option makes a disqualifying disposition of such share, and if such disposition is a sale or exchange with respect to which a loss (if sustained) would be recognized to the individual, then, under section 422(c)(4), the amount includible in the gross income of such individual, and deductible from the income of his employer corporation, as compensation attributable to the exercise of such option, shall not exceed the excess (if any) of the amount realized on such sale or exchange over the adjusted basis of such share. Thus, the limitation does not apply when the disqualifying disposition is a sale described in section 1091 (relating to loss from wash sales of stock or securities), a gift, or a sale described in section 267(a)(1) (relating to sales between related persons), since a loss sustained in any such transaction would not be recognized. Subject to the limitation provided by section 422(c)(4) and this subparagraph, the amount of compensation attributable to the exercise of the option is determined under § 1.421–6 and paragraph (b) of § 1.421–8.

(3) The application of this paragraph may be illustrated by the following examples:

*Example* (1). On June 1, 1964, X Corporation grants a qualified stock option to A, an employee of X Corporation, entitling A to purchase one share of X Corporation stock. On June 1, 1965, A exercises his option and the share of X Corporation stock is transferred to him on June 10, 1965. In order to meet the 3-year holding period requirement of section 422(a)(1), A must not dispose of the share acquired by exercise of his qualified stock option before June 11, 1968.

*Example* (2). Assume the same facts as in example (1) and assume further that the option price was $100, the fair market value of X Corporation stock on June 1, 1964, and that the fair market value of X Corporation stock was $200 on June 1, 1965, the date of exercise. A makes a disposition by selling his share on June 1, 1967, for $250. Under section 422(c)(4), the amount of compensation includible in A's income, and deductible by X Corporation, attributable to the exercise of A's option cannot exceed $150 (the excess of the amount realized on the sale, $250, over the adjusted basis of the share, $100). Under § 1.421–6 (relating to options to which section 421 does not apply) the amount of compensation attributable to A's exercise is $100 (the difference between the fair market value of the share at the date of exercise, $200, and the amount paid for the share, $100). Thus, section 422(c)(4) does not affect the amount of compensation attributable to the exercise of A's option which is includible by A and deductible by X Corporation. A must include in his gross income for the taxable year in which the sale occurred $100 as compensation and $50 as capital gain ($250, the amount realized from the sale, less A's basis of $200, the $100 paid for the share plus the $100 increase in basis resulting from the inclusion of that amount in A's gross income as compensation attributable to the exercise of the option). For its taxable year in which the disqualifying disposition occurs, X Corporation is allowed a deduction of $100 for compensation attributable to A's exercise of the qualified stock option.

*Example* (3). Assume the same facts as in example (2), except that A sells the share for $150. Under section 422(c)(4), A must include only $50 (the excess of the amount realized on such sale, $150, over the adjusted basis of the share, $100) in his gross income as compensation attributable to the exercise of his qualified stock option instead of the $100 which otherwise would have been includible as compensation under § 1.421–6. A realizes no capital gain or loss as a result of the sale, since his basis for the share is $150 (the $100 which he paid for the share, plus the $50 increase in basis resulting from the inclusion of that amount in A's gross income as compensation attributable to the exercise of the option). For its taxable year in which the disqualifying disposition occurs, X Corporation is allowed a deduction of $50 for com-

pensation attributable to A's exercise of the qualified stock option.

*Example (4).* Assume the same facts as in example (2), except that A sells the share for $50. The limitation of section 422(c)(4) applies and A is not required to include any amount in gross income as compensation attributable to the exercise of his qualified stock option. A is allowed a capital loss of $50 (the difference between the amount realized on the sale, $50, and the adjusted basis of the share, $100). X Corporation is not allowed any deduction for compensation attributable to A's exercise of the qualified stock option and disqualifying disposition.

*Example (5).* Assume the same facts as in example (3) except that A sells the share to his son for $150. Under section 267, a loss sustained in such a sale would not be recognized. Therefore, the limitation of section 422(c)(4) does not apply. Accordingly, under § 1.421–6, A must include $100 (the difference between the fair market value of the share at the date of exercise, $200, and the amount paid for the share, $100) in his gross income as compensation attributable to the exercise of his qualified stock option in the taxable year in which the disqualifying disposition occurred. A will recognize no capital gain or loss on the transaction. X Corporation will be allowed a $100 deduction for compensation paid to A in its taxable year in which the disqualifying disposition occurred.

*Example (6)* Assume the same facts as in example (3) except assume that, as a result of the failure of a good-faith attempt to set the option price at the fair market value of X Corporation stock on the date of grant, the option price was set at $90 instead of $100. Under section 422(c)(1), A includes $15 (the lesser of 150 percent of the difference between the option price, $90, and the fair market value of the share at grant, $100; or the difference between the option price, $90, and the fair market value of the share at exercise, $200) in his gross income as compensation in the year of exercise. Under section 421(a)(2), X Corporation is allowed no deduction at such time. Upon his sale of the share, A will include $45 (the excess of the amount realized on such sale, $150, over the adjusted basis of the share, $105 ($90, the option price, plus $15, the amount included in A's gross income as compensation at exercise)) in his gross income as compensation attributable to his exercise in the taxable year in which the disqualifying disposition occurs. A will have no capital gain or loss as a result of such sale. Under section 422(c)(4), X Corporation will be allowed a deduction of $45 as compensation attributable to A's exercise, in the taxable year of A's disqualifying disposition.

**§ 1.422–2 Qualified stock options defined.**

(a) *Qualified stock option defined.* (1)(i) The term "qualified stock option" means an option which meets the requirements of section 422(b) (1) through (7) and this section. Section 422(b)(1) requires that a qualified stock option be granted pursuant to a plan which meets certain requirements. See paragraph (b) of this section. However, options granted after December 31, 1963, and before January 1, 1965, need not be granted under an option plan to be qualified stock options. See paragraph (b)(4) of this section. Section 422(b)(2) limits the duration of a qualified stock option plan to 10 years. In order to grant qualified stock options after the expiration of such 10-year period, a new plan must be adopted and approved. See paragraph (c) of this section. Paragraphs (3) through (6) of section 422(b) establish certain requirements which must be met by the terms of a qualified stock option. An option which, when granted, does not by its terms meet these requirements cannot be a qualified stock option. See paragraphs (d) through (g) of this section. However, if the terms of an option granted after December 31, 1963, are amended before January 1, 1965, to permit the option to satisfy the requirements of section 422(b) (3), (4), or (5), such amendment will be given retroactive effect. See paragraphs (d)(2), (e)(3), and (f)(3)(ii) of this section. In addition, if the terms of an option are amended at any time to permit such option to meet the requirement of section 422(b)(6), such amendment will be given retroactive effect. See section 425(b)(3)(B) and paragraph (e)(5)(ii) of § 1.425–1. Section 422(b)(7) bars the grant of a qualified stock option to any employee whose stock ownership exceeds the limits provided by such section. To the extent the grant of an option entitles the employee to purchase stock in excess of such limitation, the option cannot be a qualified stock option. See paragraph (h) of this section.

(ii) The determination of whether a particular option is a qualified stock option is made at the time such option is granted. Accordingly, except as is otherwise specifically provided by sections 421 through 425 and the regulations thereunder, events subsequent to the grant of an option cannot affect the status of the option. For example, an option which is granted to an employee whose stock ownership exceeds the limitation provided by section 422(b)(7) is not a qualified stock option when granted and can never become a qualified stock option, irrespective of whether the individual's stock ownership exceeds such limitation at the time such option is exercised.

(2) Section 422 and this section do not apply to an option which is a restricted stock option.

(b) *Option plan.* (1) A qualified stock option granted after December 31, 1964, must be granted pursuant to a plan which is approved by the stockholders of the granting corporation within 12 months before or after the date the plan is adopted. Stockholder approval must be expressed in the manner provided by the corporate by-laws or by the laws of the state of incorporation which relate to stockholder approval of an increase in the authorized shares of the class of shares with respect to which the options are to be granted. For example, if the applicable corporate by-law or the law of the state of incorporation requires that an increase in the authorized shares of a class of stock be by a ⅔ majority of the shareholders of the classes of stock affected, the approval of the option plan must meet this standard.

(2) The plan required by section 422 must be approved within 12 months before or after the date the plan is adopted. Ordinarily, a plan is adopted when approved by the board of directors and the date of such board action will be the reference point for determining whether stockholder approval comes within the 12-month period.

(3) The plan as adopted and approved must indicate the aggregate number of shares which may be issued under the plan and the employees or class of employees eligible to receive options under the plan. A plan which merely provides that the number of shares which may be issued under options shall not exceed a stated percentage of the shares outstanding at the time of each grant under the plan will not satisfy the requirement that the plan state the aggregate number of shares which may be issued under options. The requirement that the plan as adopted and approved must indicate the employees (or class of employees) eligible to receive options will be considered satisfied although the board of directors or another group is given the authority to select the particular employees to whom options are to be granted from a described class, and to determine the number of shares to be optioned to each such employee. For example, a provision that the board of directors or some executive committee of the corporation may select the particular employees to receive options from among the key employees of the corporation (or a related corporation) will meet the requirements of section 422(b)(1). The provisions relating to the aggregate number of shares to be issued under the plan and the employees (or class of employees) eligible to receive options under the plan, are the only provisions of a stock option plan which require stockholder approval for purposes of section 422(b)(1). Any change in the aggregate number of shares which may be issued under the plan (other than a change merely reflecting a change in capitalization such as a stock dividend or stock split-up), or in the description of the employees or class of employees eligible to receive options under the plan will be considered as the adoption of a new plan requiring stockholder approval within the prescribed 12-month period. Amendments to a stock option plan which do not affect the number of shares which may be issued under the plan or the employees (or class of employees) eligible to receive options under the plan need not be submitted for stockholder approval under section 422(b)(1). An option will be treated as having been issued pursuant to a plan notwithstanding that the terms of the option conflict with certain terms of the plan unless such option is issued to an employee not eligible to receive options under the plan or options have been issued on stock in excess of the aggregate number of shares which may be issued under the plan. A stock option plan which otherwise meets the requirements of section 422(b)(1) and this paragraph may be availed of for the granting of qualified stock options although the adoption and approval of such plan occurred before January 1, 1964.

(4) In the case of an option granted after December 31, 1963, and before January 1, 1965, section 422(b) (1) and (2), and this paragraph do not apply. Thus, an option granted during the calendar year 1964, which meets the requirements of section 422(b) (3) through (7), will be a qualified stock option irrespective of whether such option is granted pursuant to a plan; or, if granted pursuant to a plan, irrespective of whether such option was granted within 10 years from the date such plan was adopted or approved by shareholders, and irrespective of whether such plan specifies the employees or class of employees to whom options may be granted or the number of shares which may be granted under options.



(c) *Duration of plan.* A qualified stock option must be granted within 10 years from the date the option plan (required by section 422(b)(1) and paragraph (b) of this section) is adopted, or the date such plan is approved by the stockholders, whichever is earlier. Thus, a plan for the granting of qualified stock options expires 10 years after the adoption or approval of such plan, whichever is earlier. This is equally true whether the adoption or approval occurred before January 1, 1964 (as in the case of a restricted stock option plan which met the requirement of section 422(b)(1) when adopted and approved), or after such date. For example, a restricted stock option plan which was adopted June 1, 1956, and approved August 1, 1956, and which otherwise met the requirements of section 422(b)(1) and paragraph (b) of this section may be availed of for the granting of qualified stock options only through May 31, 1966, after which date the plan will expire for purposes of section 422(b)(1) and (2).

(d) *Period for exercising options.* (1) A qualified stock option by its terms must not be exercisable after the expiration of 5 years from the date the option is granted. Except as provided by subparagraph (2) of this paragraph, an option which does not contain such a provision when granted cannot be a qualified stock option.

(2) An exception to the requirement of section 422(b)(3) and this paragraph is provided in the case of options granted after December 31, 1963, and before January 1, 1965. If, at the time of grant, such an option did not contain the provision required by section 422(b)(3) and this paragraph, the option may be amended before January 1, 1965, to add such a provision and such amendment will not be treated as a modification under section 425(h)(1) or § 1.425–1. Furthermore, the amendment will be considered as retroactive to the date of grant of the option and will in no way affect such grant.

(e) *Option price.* (1) In general, the option price of a qualified stock option must not be less than the fair market value of the stock subject to the option at the time the option is granted. For general rules relating to the option price see paragraph (e) of § 1.421–7. For rules relating to the determination of when an option is granted, see paragraph (c) of § 1.421–7. The option price may be determined in any manner so long as the minimum price possible under the terms of the option cannot (except as provided by section 422(c)(1) and subparagraph (2) of this paragraph) be less than the fair market value of the stock at the date of grant.

(2)(i) Under section 422(c)(1), if a share of stock is transferred to an individual pursuant to his exercise of an option which fails to qualify as a qualified stock option because there was a failure of an attempt, made in good faith, to meet the requirements of section 422(b)(4) and subparagraph (1) of this paragraph, the requirements of such section and subparagraph shall be considered to have been met. However, in such a case there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in the gross income of the individual for his taxable year in which such option is exercised, an amount equal to the lesser of—(*a*) 150 percent of the difference between the option price and the fair market value of the stock at the time the option was granted, or (*b*) the difference between the option price and the fair market value of the stock at the time of such exercise. The basis of the stock acquired shall be increased by an amount equal to the amount included in the gross income of the individual.

(ii) Whether there was a good-faith attempt to set the option price at not less than the fair market value of the stock subject to the option at the time the option was granted, depends on the facts and circumstances surrounding the case. For example, if it is shown that the fair market value of the stock at the date of grant was established by using an average of the fair market values as of such date set forth in the opinions of completely independent and well-qualified experts, such a showing will establish that there was a good-faith attempt to meet the requirements of section 422(b)(4) and this paragraph. In order to establish a good-faith attempt for purposes of applying the rule of section 422(c)(1) and this subparagraph in the case of a publicly held stock which was actively traded in an established market at the time the option was granted, the fair market value of such a stock must be determined by the valuation methods described in § 20.2031–2 of this chapter (Estate Tax Regulations).

(3) A further exception to the requirement of section 422(b)(4) and subparagraph (1) of this paragraph is provided in the case of options granted after December 31, 1963, and before January 1, 1965. An amendment to the terms of such an option made before January 1, 1965, to satisfy the requirements of section 422(b)(4) and subparagraph (1) of this paragraph will not be considered a modification for purposes of section 425(h) and § 1.425–1. Furthermore, the amendment will be considered as retroactive to the date of grant of the option, and will in no way affect such grant.

(f) *Prior outstanding options.* (1)(i) Section 422(b)(5) provides that a qualified stock option must, by its terms, not be exercisable while there is outstanding any qualified or restricted stock option which was granted, before the granting of the new qualified stock option, to the individual to purchase stock in his employer corporation, or in a corporation which, at the time of the granting of the new qualified stock option, is a parent or subsidiary corporation of the employer corporation, or a predecessor corporation of any of such corporations. Thus, in general, under section 422(b)(5), a qualified stock option must not be exercisable until all qualified and restricted stock options which were previously granted to the individual by the grantor corporation, or by related or predecessor corporations, have been exercised in full or have expired solely by reason of the lapse of time. The limitation of section 422(b)(5) applies irrespective of whether the transfer of stock pursuant to such prior outstanding restricted or qualified stock options can qualify for the special tax treatment of section 421. The exercisability of a qualified stock option is not affected by options which are not qualified or restricted stock options.

(ii) If the new qualified stock option being granted to the individual, and all the outstanding qualified and restricted stock options previously granted to the individual, are to purchase stock of the same class in the same corporation, section 422(c)(6) provides that the requirement of section 422(b)(5) will be considered to have been met if the new option by its terms is not exercisable while there is outstanding (within the meaning of section 422(c)(2)) any such previously granted option with an option price (determined as of the date of grant of the new option) higher than the option price of the new option. Thus, a qualified stock option to which section 422(c)(6) applies may be exercisable without regard to a prior outstanding option to purchase stock of the same class in the same corporation, if the option price payable under such prior outstanding option is not greater than the price of the new option.

(iii) The restriction imposed by section 422(b)(5) (or section 422(c)(6)) must be set forth in the terms of the option unless the individual in fact has no prior outstanding qualified or restricted stock options (or restricted stock options previously granted which will become outstanding at a future time) to purchase stock of the grantor corporation, a related corporation, or a predecessor corporation of any of such corporations, at the time the new qualified stock option is granted. Except as provided by this subdivision, if an option is granted which does not contain the restriction imposed by section 422(b)(5), such option cannot be a qualified stock option, irrespective of whether such restriction is in fact complied with at the time the option is exercised, and irrespective of whether the plan under which the option is granted contains the restriction required by section 422(b)(5). If the terms of an option granted after December 31, 1963, and before January 1, 1965, are amended before January 1, 1965, to satisfy the requirements of this subdivision, the amendment will not be considered a modification for purposes of section 425(h) and § 1.425–1, the amendment will be considered as retroactive to the date of grant of the option, and the amended op-

tion will be treated as an outstanding qualified stock option as of the date of the original grant.

(2) For purposes of section 422(b)(5) and this paragraph, the term "predecessor corporation" means a corporation which was a party to a transaction described in section 425(a) (irrespective of whether a substitution or assumption under such section was in fact effected) with the grantor corporation, or a corporation which, at the time the new qualified stock option is granted, is a related corporation of the grantor corporation, or a predecessor corporation of any of such corporations.

(3)(i) Except as is otherwise provided by this subparagraph, for purposes of section 422(b)(5), a qualified or restricted stock option is treated as outstanding according to its original terms until such option is exercised in full. If any portion of such an option is not exercised, such portion will be treated as outstanding until the expiration of the maximum period for which such portion, according to the terms of the option when granted, could have been exercised under any circumstances. A qualified or restricted stock option previously held by an individual and replaced in a transaction to which section 425(a) applies will not thereafter be treated as outstanding.

(ii) A restricted stock option granted before January 1, 1964, will not be treated as outstanding for any period before the first day on which (under the terms of such option) it may be exercised. If such an option is exercisable in installments, each installment will be treated as a separate option for purposes of this rule, with each installment becoming outstanding as of the first day it becomes exercisable under the terms of the option. However, this special rule does not affect the date on which the option is treated as granted. Thus, such a restricted stock option affects the exercise of a qualified stock option granted subsequent to the grant of such a restricted stock option to the extent the qualified stock option is not exercised before the restricted stock option becomes outstanding. See example (7) under subparagraph (4) of this paragraph.

(iii) A restricted stock option terminated before January 1, 1965, will not be treated as outstanding irrespective of the reason for which such option was terminated. If, under this subdivision, the number of shares subject to a restricted stock option is reduced, such option will be treated as outstanding for purposes of section 422(b)(5) only with respect to such reduced number of shares.

(4) The application of this paragraph may be illustrated by the following examples:

*Example (1).* S Corporation is a subsidiary of P Corporation. In 1963 E was an employee of S Corporation and was granted a restricted stock option by S to buy S stock. In June of 1964 E left S and became an employee of X Corporation, where he was granted a qualified stock option to purchase X stock. X Corporation is neither a related nor predecessor corporation of P or S. On June 1, 1965, E leaves X to become an employee of P Corporation, and on such date E is granted a qualified stock option by P to purchase P stock. E's restricted stock option to buy S stock was not cancelled during 1964, and both his restricted stock option on S stock and his qualified stock option on X stock are outstanding on June 1, 1965, when E is granted a qualified stock option to purchase P stock. In order to meet the requirement of section 422(b)(5), E's qualified stock option on P stock must, by its terms, not be exercisable until E's restricted stock option on S stock is exercised in full or expires solely by reason of the lapse of time.

*Example (2).* E is an employee of P Corporation. E holds a restricted stock option granted June 1, 1963, and a qualified stock option granted June 1, 1965. Both options were granted to him by P to purchase P stock. E has been granted no other qualified or restricted stock options by P, a related corporation, or a predecessor corporation of any of such corporations. The price payable under E's restricted stock option as of June 1, 1965, is $100; the option price of E's qualified stock option is $90. On June 1, 1966, P grants another qualified stock option to E to purchase P stock at $95. Under section 422(b)(5) and (c)(6), neither of E's qualified stock options may be exercisable until E's restricted stock option is exercised in full or expires solely by reason of the lapse of time. Assuming the restricted stock option is fully exercised on June 1, 1967, E will be free to exercise either his 1965 or 1966 qualified stock option.

*Example (3).* Assume the same facts as in example (2). On November 30, 1964, P cancels E's restricted stock option and in exchange therefor issues a qualified stock option to E in place of the cancelled restricted stock option. For purposes of section 422(b)(5), E's restricted stock option is treated as terminated and no longer outstanding as of such date, and will not affect the exercise of E's 1964, 1965, or 1966 qualified stock options. The qualified stock option issued in place of E's restricted stock option will be treated as outstanding for purposes of section 422(b)(5) as of November 30, 1964.

*Example (4).* Assume the same facts as in example (3) except assume that the cancellation of the restricted stock option takes place on November 30, 1965, and that the new option is a qualified stock option as of such date. Assume further that the option prices are as follows:

| | |
|---|---|
| Restricted stock option | $100 |
| Qualified stock option (granted June 1, 1965) | 90 |
| Qualified stock option (granted November 30, 1965, upon cancellation of restricted stock option) | 85 |
| Qualified stock option (granted June 1, 1966) | 95 |

and that each qualified stock option runs 5 years from grant, and that the restricted stock option, according to its terms when granted, would have expired solely by reason of the lapse of time at the close of business on May 31, 1969. Under section 422 (b)(5), and (c)(2) and (6), E's restricted stock option is treated as outstanding according to its original terms when granted, and E cannot exercise any of his qualified stock options until June 1, 1969 (the first day after the expiration of the original period for which E's restricted stock option was granted). On June 1, 1969, E's June 1, 1965, qualified stock option will be fully exercisable. E's November 30, 1965, qualified stock option will not be exercisable until after the full exercise or expiration of E's June 1, 1965, qualified stock option. The exercise of E's June 1, 1966, qualified stock option is barred only by E's restricted stock option. Thus, upon the expiration of E's restricted stock option, E is free to exercise either his June 1965 qualified stock option, or his June 1966 qualified stock option, while the exercise of his November 1965 qualified stock option must await the full exercise or expiration of his June 1965 qualified stock option.

*Example (5).* Assume the same facts as in example (4). On June 1, 1968, P Corporation sells all of its assets to M Corporation, and on such date E becomes an employee of M Corporation. Assume further that M Corporation substitutes new options to purchase M stock for the P options held by E, in a transaction to which section 425(a) applies. For purposes of section 422(b)(5), each M Corporation option received by E in substitution of a P Corporation option will be treated as outstanding to the same extent and in the same manner as the P option which it replaces. Thus, none of the M options received by E in substitution for his qualified stock options on P stock may be exercisable before June 1, 1969, and the M option issued in substitution for E's November 1965, qualified stock option may be exercisable only after the full exercise or expiration of the M option issued in substitution for E's June 1, 1965, option on P stock. If, in 1969, E is granted another qualified stock option by M Corporation, such qualified stock option will be subject to the qualified stock options granted by M to E in 1968 in substitution for E's qualified stock options to purchase P stock. The qualified stock options to purchase P stock which were replaced by M in the transaction to which section 425(a) applied will not be treated as outstanding for any purpose under section 422(b)(5).

*Example (6).* Assume the same facts as in example (5) except assume that M does not effect a substitution or assumption of E's P Corporation qualified stock options under section 425(a). Although P is neither a parent nor subsidiary of M, for purposes of section 422(b)(5), P is a predecessor corporation of M Corporation. Accordingly, any qualified stock options granted to E by M (or its parent or subsidiary corporations, or a predecessor corporation of any of such corporations) must, by their terms, not be exercisable until the expiration of the option periods for all of E's qualified and restricted stock options granted to E by P Corporation. Section 422(c)(6) cannot apply to permit E to exercise his M options before the expiration of the option periods of his P options because not all of E's qualified and restricted stock options which are outstanding (within the meaning of section 422(c)(2)) are to purchase stock of the same class in the same corporation.

*Example (7).* F is an employee of N Corporation. Prior to January 1, 1964, N granted a restricted stock option to F to purchase 100 shares of N Corporation stock at a price of $100 per share. The option is exercisable in installments as follows: 20 shares on or after June 1, 1965; another 40 shares on or after June 1, 1967; and the last 40 shares on or after June 1, 1969. Under section 422(c)(2), each installment of F's restricted stock option will be treated as becoming outstanding as of the first day on which such installment may be exercised. Thus, under the facts given, any qualified stock options granted to F by N Corporation to purchase N stock at less than $100 per share will be affected by F's restricted stock option as follows: Before June 1, 1965, F may exercise such qualified stock options without regard to his restricted stock option; between May 31, 1965, and June 1, 1967, F may exercise such qualified stock options only after the full exercise of the first installment of his restricted stock option; between May 31, 1967, and June 1, 1969, F may exercise such qualified stock options only after the full exercise of the first and second installments of his restricted stock option; after May 31, 1969, F may exercise such qualified stock options only after the full exercise or expiration of all installments of his restricted stock option.

(g) *Restriction on transferability.* A qualified stock option must, by its terms, not be transferable by the individual to whom it is granted otherwise than by will or the laws of descent and distribution, and must be exercisable, during the lifetime of such individual, only by him. For general rules relating to the restriction on transferability required by section 422(b)(6), see paragraph (b)(2) of § 1.421-7. For a limited exception to the requirement of section 422(b)(6), see section 425(h)(3).

(h) *Options granted to certain shareholders.* (1)(i) In general, an option is not a qualified stock option to the extent that, immediately after such option is granted, the optionee owns stock possessing more than 5 percent of the total combined voting power or value of all classes of stock of the employer corporation, or a related corporation of such corporation. Section 422(c)(3) provides that, in applying the limitation of section 422(b)(7), the rules of section 425(d) (relating to attribution of stock ownership) shall apply in determining the stock ownership of the individual, and stock which the individual may purchase under outstanding options (whether or not such options qualify for the special tax treatment afforded by section 421(a)) shall be treated as stock owned by the individual. An option is outstanding for purposes of section 422(b)(7) although under its terms it may be exercised only in installments or after the expiration of a fixed period of time. The rules of section 422(c)(2) which are applied in determining whether an option is outstanding for purposes of section 422(b)(5) do not apply with respect to section 422(b)(7) and paragraph (c)(3).

(ii) The determination of the percentage of the total combined voting power or value of all classes of stock of his employer corporation (or a related corporation of such corporation) that is owned by the individual is made by comparing the voting power or value of the shares owned (or treated as owned) by the individual to the aggregate voting power or value of all shares actually issued and outstanding immediately after the grant of the option to such individual. The aggregate voting power or value of all shares actually issued and outstanding immediately after the grant of the option does not include the voting power or value of treasury shares or shares authorized for issue under outstanding options held by the individual or any other person.

(2) If an individual is granted an option which permits him to purchase stock in excess of the limitation of section 422(b)(7) (determined by applying the rules of section 422(c)(3) and this paragraph), such option shall be treated as meeting the requirement of section 422(b)(7) to the extent that such individual could, if the option were exercised in full at the time of grant, purchase stock under such option without exceeding such limitation. If shares in excess of the number allowable under section 422(b)(7) are transferred to the individual under an option, such shares will not be treated as transferred pursuant to the exercise of a qualified stock option, irrespective of whether the stock ownership of the individual at the time of such transfer exceeds the limitation of section 422(b)(7). The shares purchased under an option described in this subparagraph which will be treated as shares transferred pursuant to the exercise of a qualified stock option will be the first shares acquired under the option. If more shares are acquired in any one exercise of the option than can qualify as being transferred pursuant to the exercise of a qualified stock option under the rules of section 422(b)(7) and this paragraph, the individual must designate which shares are to be treated as having been transferred pursuant to the exercise of a qualified stock option.

(3)(i) If at the time the option is granted the combined equity capital of the employer corporation and its related corporations does not exceed $2,000,000, the 5-percent limitation of section 422(b)(7) is increased by adding to such 5 percent the percentage (not higher than 5 percent) which bears the same ratio to 5 percent as the difference between such combined equity capital and $2,000,000 bears to $1,000,000. Thus, if the employer corporation and its related corporations have combined equity capital of $1,000,000 or less, an employee may be granted a qualified stock option so long as the value or voting power of the stock owned (or treated as owned) by such employee does not exceed 10 percent of the total combined voting power or value of all classes of stock of any of such corporations.

(ii)(a) Section 422(c)(3) provides that the term "equity capital" means, in the case of one corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property for determining gain), less the amount of its indebtedness (other than indebtedness to shareholders). In the case of a group of corporations consisting of a parent and its subsidiary corporations, the term "equity capital" means the sum of the equity capital of each of such corporations adjusted in the manner provided by (b) of this subdivision.

(b) In determining the equity capital of a corporation which is a member of a group of corporations consisting of a parent and its subsidiary corporations, the following adjustments shall be made:

(i) The sum of the money and other property (in an amount equal to the adjusted basis of such property for determining gain) of such corporation shall be reduced by the amount included in the equity capital of such corporation in respect of: stock owned by such corporation in any other corporation in the group; cash, property, or services due such corporation by any other corporation in the group; inventory owned by such corporation, to the extent the adjusted basis (for determining gain) of such inventory includes profits realized by any other corporation in the group; and fixed assets owned by such corporation, to the extent the adjusted basis (for determining gain) of such fixed assets includes profits realized by any other corporation in the group; and

(ii) The total indebtedness of such corporation which is taken into account in determining its equity capital shall be reduced by the amount of such indebtedness which is owed to any other corporation in the group.

In making the reductions required by this subdivision, no adjustments shall be made to reflect any minority interest in intercompany profits, indebtedness, or stock ownership; and no reduction is required to be made in respect of amounts representing profits in the inventory or fixed assets of a corporation arising from intercompany transactions which occurred before such corporation became a member of the group.

(4) The application of this paragraph may be illustrated by the following examples:

*Example (1).* E, an employee of M Corporation, owns 6,000 shares of the common stock of M Corporation, the only class of M stock outstanding. M has 100,000 shares of its common stock outstanding. M's equity capital (as defined by section 422(c)(3) and this paragraph) exceeds $2,000,000. Since E owns 6 percent of the combined voting power or value of all classes of M Corporation stock, M cannot grant a qualified stock option to E. Any option granted to E which purports to be a qualified stock option will be treated as a compensatory option, and as such, subject to the rules of § 1.421-6 of the regulations. If E's father and brother each owned 3,000 shares of M stock, and E owned no M stock in his own name, the result in this case would be the same, since under section 425(d) a person is treated as owning stock held by his father and his brother. Similarly, the result would be the same if, instead of actually owning 6,000 shares, E merely held an option on 6,000 shares of M stock, irrespective of whether the transfer of stock under such option could qualify for the special tax treatment of section 421, since section 422(c)(3)(C) provides that stock which the individual may purchase under outstanding options shall be treated as stock owned by such individual.

*Example (2).* Assume the same facts as in example (1) and assume further that M is a subsidiary corporation of P Corporation. Irrespective of whether E owns any P stock, and irrespective of the amount of P's equity capital or number of P shares outstanding, E cannot receive a qualified stock option from P. This results from E's ownership of more than 5 percent of the total combined voting power of all classes of stock of a subsidiary of P Corporation, i.e., M Corporation. Thus, an individual who owns (or is treated as owning) stock in excess of the limitation of section 422(b)(7), in any corporation in a group of corporations, consisting of a parent and its subsidiary corporations, cannot receive a qualified stock option from any corporation in the group.

*Example (3).* F is an employee of R Corporation. R's equity capital is in excess of $2,000,000. R has only one class of stock, of which 100,000 shares are issued and outstanding. Assuming F owns no stock in R or in any parent or subsidiary of R for purposes of section 422(b)(7), R can grant a qualified stock option to F for 5,000 shares, since immediately after the grant of the option F will be treated as owning 5,000 shares of a total of 100,000 shares actually issued and outstanding at such time. The 5,000 shares which F will be treated as owning by reason of section 422(c)(3)(C) will not be added to the 100,000 shares actually issued and outstanding immediately after the grant for purposes of determining whether F's stock ownership exceeds the limitation of section 422(b)(7).

*Example (4).* Assume the same facts as in example (3) and assume further that on

June 1, 1965, R grants F an option, purporting to be a qualified stock option, for 5,200 shares at an option price of $100 per share, the fair market value of R stock on such date. This option will only be a qualified stock option to the extent of 5,000 shares. Assume R transfers 5,000 shares to F pursuant to F's partial exercise of the option. Such transfer can qualify for the special tax treatment of section 421. However, no further transfer of shares pursuant to an exercise of this option can qualify for the special tax treatment of section 421, since the option was not a qualified stock option when granted to the extent it covered more than 5,000 shares. This is true although F's stock ownership immediately after the transfer of the 5,000 shares to him does not exceed the 5-percent limitation of section 422(b)(7), since F owns only 5,200 shares (5,000 shares outright, plus 200 shares by reason of section 22(c)(3)(C) of a total 105,000 shares actually issued and outstanding (the 100,000 shares issued and outstanding when the option was granted to F, plus an additional 5,000 shares issued and outstanding as a result of F's exercise).

*Example (5).* E is an employee of P Corporation. P owns 60 percent in value of the stock of S Corporation, and P and S have combined equity capital (as defined by section 422(c)(3)(A)(ii) and subparagraph (3) of this paragraph) of $1,600,000. Since the combined equity capital of P and S is less than $2,000,000, there may be added to the 5-percent limitation of section 422(b)(7) the additional percentage which bears the same proportion to 5 percent as the difference between the combined equity capital of P and S and $2,000,000 ($2,000,000 minus $1,600,000, or $400,000) bears to $1,000,000. Accordingly, there may be added to the 5-percent limitation of section 422(b)(7) an additional 2 percent ($400,000 is to $1,000,000, as 2 percent is to 5 percent), resulting in a limitation of 7 percent (5 percent plus 2 percent) for purposes of section 422(b)(7). Thus, an option which otherwise meets the requirements of section 422(b) and which is granted to E by P or S to purchase the stock of either of such corporations will meet the requirement of section 422(b)(7) to the extent that, immediately after such option is granted, E will not own (or be treated as owning) stock in either P or S possessing more than 7 percent of the total combined voting power or value of all classes of the stock of either of such corporations which is actually issued and outstanding at such time. If, at the time the option is granted, E owns stock possessing more than 7 percent of the total combined voting power or value of the stock of either P or S, the option could not qualify as a qualified stock option, irrespective of which corporation's stock was the subject of the option.

### § 1.423 Statutory provisions; employee stock purchase plans.

Sec. 423. *Employee stock purchase plans*—(a) *General rule.* Section 421(a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise of an option granted after December 31, 1963 (other than a restricted stock option granted pursuant to a plan described in section 424(c)(3)(B)), under an employee stock purchase plan (as defined in subsection (b)) if—

(1) No disposition of such share is made by him within 2 years after the date of the granting of the option nor within 6 months after the transfer of such share to him; and

(2) At all times during the period beginning with the date of the granting of the option and ending on the day 3 months before the date of such exercise, he is an employee of the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies.

(b) *Employee stock purchase plan.* For purposes of this part, the term "employee stock purchase plan" means a plan which meets the following requirements:

(1) The plan provides that options are to be granted only to employees of the employer corporation or of its parent or subsidiary corporation to purchase stock in any such corporation;

(2) Such plan is approved by the stockholders of the granting corporation within 12 months before or after the date such plan is adopted;

(3) Under the terms of the plan, no employee can be granted an option if such employee, immediately after the option is granted, owns stock possessing 5 percent or more of the total combined voting power or value of all classes of stock of the employer corporation or of its parent or subsidiary corporation. For purposes of this paragraph, the rules of section 425(d) shall apply in determining the stock ownership of an individual, and stock which the employee may purchase under outstanding options shall be treated as stock owned by the employee;

(4) Under the terms of the plan, options are to be granted to all employees of any corporation whose employees are granted any of such options by reason of their employment by such corporation, except that there may be excluded—

(A) Employees who have been employed less than 2 years,

(B) Employees whose customary employment is 20 hours or less per week,

(C) Employees whose customary employment is for not more than 5 months in any calendar year, and

(D) Officers, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees;

(5) Under the terms of the plan, all employees granted such options shall have the same rights and privileges, except that the amount of stock which may be purchased by any employee under such option may bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of employees, and the plan may provide that no employee may purchase more than a maximum amount of stock fixed under the plan;

(6) Under the terms of the plan, the option price is not less than the lesser of—

(A) An amount equal to 85 percent of the fair market value of the stock at the time such option is granted, or

(B) An amount which under the terms of the option may not be less than 85 percent of the fair market value of the stock at the time such option is exercised;

(7) Under the terms of the plan, such option cannot be exercised after the expiration of—

(A) Five years from the date such option is granted if, under the terms of such plan, the option price is to be not less than 85 percent of the fair market value of such stock at the time of the exercise of the option, or

(B) 27 months from the date such option is granted, if the option price is not determinable in the manner described in subparagraph (A);

(8) Under the terms of the plan, no employee may be granted an option which permits his rights to purchase stock under all such plans of his employer corporation and its parent and subsidiary corporations to accrue at a rate which exceeds $25,000 of fair market value of such stock (determined at the time such option is granted) for each calendar year in which such option is outstanding at any time. For purposes of this paragraph—

(A) The right to purchase stock under an option accrues when the option (or any portion thereof) first becomes exercisable during the calendar year;

(B) The right to purchase stock under an option accrues at the rate provided in the option, but in no case may such rate exceed $25,000 of fair market value of such stock (determined at the time such option is granted) for any one calendar year; and

(C) A right to purchase stock which has accrued under one option granted pursuant to the plan may not be carried over to any other option; and

(9) Under the terms of the plan, such option is not transferrable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him.

For purposes of paragraphs (3) to (9), inclusive, where additional terms are contained in an offering made under a plan, such additional terms shall, with respect to options exercised under such offering, be treated as a part of the terms of such plan.

(c) *Special rule where option price is between 85 percent and 100 percent of value of stock.* If the option price of a share of stock acquired by an individual pursuant to a transfer to which subsection (a) applies was less than 100 percent of the fair market value of such share at the time such option was granted, then, in the event of any disposition of such share by him which meets the holding period requirements of subsection (a), or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever applies, an amount equal to the lesser of—

(1) The excess of the fair market value of the share at the time of such disposition or death over the amount paid for the share under the option, or

(2) The excess of the fair market value of the share at the time the option was granted over the option price.

If the option price is not fixed or determinable at the time the option is granted, then for purposes of this subsection, the option price shall be determined as if the option were exercised at such time. In the case of the disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

[Sec. 423 as added by sec. 221(a), Rev. Act 1964 (78 Stat. 63)]

### § 1.423–1 Applicability of section 421(a).

(a) *General rule.* Subject to the provisions of section 423(c) and paragraph (k) of this section, the special rules of income tax treatment provided in section 421(a) apply with respect to the transfer of a share of stock to an individual pursuant to his exercise of an option granted after December 31, 1963, under an employee stock purchase plan provided that the following conditions are satisfied—

(1) The individual must make no disposition of such share within 2 years from the date of the granting of the option, nor within 6 months after the transfer of such share to him; and

(2) At all times during the period beginning with the date of the granting of the option and ending on the day three months before the date of such exercise, the individual must be an employee of either the corporation granting the option, a related corporation of such corporation, or a corporation or a related



corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies.

(b) *Cross-references.* For rules relating to the employment relationship, see paragraph (h) of § 1.421–7. For rules relating to the effect of a disqualifying disposition, see section 421(b) and paragraph (b) of § 1.421–8. For definition of the term "disposition", see section 425(c) and paragraph (c) of § 1.425–1.

### § 1.423–2 Employee stock purchase plan defined.

(a) *In general.* (1) The term "employee stock purchase plan" means a plan which meets the requirements of paragraphs (1) through (9) of section 423(b). If the terms of the plan do not satisfy the requirements of paragraphs (3) through (9) of section 423(b), such requirements may be satisfied by the terms of an offering made under such plan. However, in such a case, such requirements will be treated as satisfied only with respect to options exercised under such offering.

(2) The determination of whether a particular option is an option granted under an employee stock purchase plan is made at the time such option is granted. If the terms of an option are inconsistent with the terms of the employee stock purchase plan or an offering under such a plan, the option will not be treated as granted under an employee stock purchase plan. If such an option is granted to an employee who is entitled to the grant of an option under the terms of the plan or offering, and such employee is not granted an option under such offering which qualifies as an option granted under an employee stock purchase plan, such offering will not meet the requirements of section 423(b)(4). Accordingly, none of the options granted under such offering will be eligible for the special tax treatment of section 423(b)(4). If such an option is granted to an individual who is not entitled to the grant of an option under the terms of the plan or offering, such option will not be treated as an option granted under an employee stock purchase plan, and the grant of the option will not disqualify the plan or the options granted under such plan or offering. For example, an option granted to an individual who is ineligible to receive an option under an employee stock purchase plan by reason of his ownership of 5 percent or more of the voting power or value of the stock of the grantor corporation (or a related corporation of such corporation), will not be treated as an option granted under an employee stock purchase plan, and the grant of such an option will not disqualify options granted under such plan from the special tax treatment of section 421. If all the options granted under an offering do not give the respective optionees the same rights and privileges, none of the options granted under such offering will be treated as having been granted under an employee stock purchase plan. If, at the time an option is granted, it qualifies as an option granted under an employee stock purchase plan, but the terms of the option are not in fact met, the option will not qualify for the special tax treatment of section 421. However, the failure of such an option to qualify for the special tax treatment of section 421, will not disqualify other options granted under the plan.

(b) *Options restricted to employees.* An employee stock purchase plan must provide that options are to be granted only to employees of the employer corporation or of its related corporations to purchase stock in any such corporation. If such a provision is not included in the terms of the plan, the plan will not be an employee stock purchase plan and options granted under such plan will not qualify for the special tax treatment of section 421. For rules relating to the employment requirement, see paragraph (h) of § 1.421–7.

(c) *Stockholder approval.* (1) An employee stock purchase plan must be approved by the stockholders of the granting corporation within 12 months before or after the date such plan is adopted. Stockholder approval must be expressed in the manner provided by the corporate by-laws or by the laws of the state of incorporation which relate to stockholder approval of an increase in the authorized shares of the class of shares to be issued under options granted under the plan. For example, if the applicable corporate by-law or the law of the state of incorporation requires that approval of an increase in the authorized shares of a class of stock be by a ⅔ majority of the shareholders of the classes of stock affected, the approval of the employee stock purchase plan must meet this standard.

(2) The plan required by section 423 must be approved within 12 months before or after the date the plan is adopted. Ordinarily, a plan is adopted when approved by the board of directors and the date of such board action will be the reference point for determining whether stockholder approval comes within the 12-month period.

(3) The plan as adopted and approved must indicate the aggregate number of shares which may be issued under the plan, and the corporations whose employees will be offered options under such plan. A plan which merely provides that the number of shares which may be issued under options shall not exceed a stated percentage of the shares outstanding at the time of each offering or grant under the plan will not satisfy the requirement that the plan state the aggregate number of shares which may be issued under options.

(4) Any change in the aggregate number of shares which may be issued under the plan (other than a change merely reflecting a change in capitalization such as a stock dividend or stock split-up) will be treated as the adoption of a new plan requiring approval of the stockholders with 12 months of such adoption. Similarly, any change in the designation of corporations whose employees will be offered options under the plan will be treated as the adoption of a new plan requiring shareholder approval, irrespective of whether, at the time the plan was first approved, the board of directors or an option committee of the grantor corporation was authorized to designate from time to time which corporations of the group of corporations consisting of the grantor corporation and its parent and subsidiary corporations would participate in offerings under the plan. No other change in the terms of an employee stock purchase plan will be considered the adoption of a new plan.

(5) A plan which otherwise meets the requirements of section 423(b) and this section may be used as an employee stock purchase plan although the adoption and approval of such plan occurred before January 1, 1964.

(d) *Options granted to certain shareholders.* (1) An employee stock purchase plan must by its terms provide that no employee can be granted an option if such employee, imediately after the option is granted, owns stock possessing 5 percent or more of the total combined voting power or value of all classes of stock of the employer corporation or its parent or subsidiary corporation. In determining whether the stock ownership of an employee equals or exceeds this 5 percent limit, the rules of section 425(d) (relating to attribution of stock ownership) shall apply, and stock which the employee may purchase under outstanding options (whether or not such options qualify for the special tax treatment afforded by section 421(a)) shall be treated as stock owned by the employee. An option is outstanding for purposes of section 423(b)(3) although under its terms it may be exercised only in installments or after the expiration of a fixed period of time. If an option is granted to an individual whose stock ownership (as determined under this paragraph for purposes of section 423(b)(3)) exceeds the limitation of section 423(b)(3), no portion of such option will be treated as having been granted under an employee stock purchase plan.

(2) The determination of the percentage of the total combined voting power or value of all classes of stock of his employer corporation (or a related corporation of such corporation) that is owned by the individual is made by comparing the voting power or value of the shares owned (or treated as owned) by the individual to the aggregate voting power or value of all shares actually issued and outstanding immediately after the grant of the option to such individual. The aggregate voting power or value of all shares actually issued and outstanding immediately after the grant of the option does not include the voting power or value of treasury shares or shares authorized for issue under outstanding options held by the individual or any other person.

(3) The application of this paragraph may be illustrated by the following examples:

*Example (1).* E, an employee of M Corporation, owns 6,000 shares of the common stock of M Corporation, the only class of M stock outstanding. M has 100,000 shares of its common stock outstanding. Since E owns 6 percent of the combined voting power or value of all classes of M Corporation stock, M cannot grant an option to E under M's employee stock purchase plan. If E's father and brother each owned 3,000 shares of M stock

and E owned no M stock in his own name, the result in this case would be the same, since under section 425(d) a person is treated as owning stock held by his father and his brother. Similarly, the result would be the same if, instead of actually owning 6,000 shares, E merely held an option on 6,000 shares of M stock, irrespective of whether the transfer of stock under such option could qualify for the special tax treatment of section 421, since section 423(b)(3) provides that stock which the employee may purchase under outstanding options shall be treated as stock owned by such employee.

*Example* (2). Assume the same facts as in example (1) and assume further that M is a subsidiary corporation of P Corporation. Irrespective of whether E owns any P stock, E cannot receive an option from P under P's employee stock purchase plan since he owns 5 percent of the total combined voting power of all classes of stock of a subsidiary of P Corporation, i.e., M Corporation. Thus, an individual who owns (or is treated as owning) stock in excess of the limitation of section 423(b)(3), in any corporation in a group of corporations, consisting of a parent and its subsidiary corporations, cannot receive an option under an employee stock purchase plan from any corporation in the group.

*Example* (3). F is an employee of R Corporation. R has only one class of stock, of which 100,000 shares are issued and outstanding. Assuming F owns no stock in R or in any parent or subsidiary of R for purposes of section 423(b)(3), R can grant an option to F under its employee stock purchase plan for 4,999 shares, since immediately after the grant of the option, F would not own 5 percent or more of the combined voting power or value of all classes of R stock actually issued and outstanding at such time. The 4,999 shares which F would be treated as owning under section 423(b)(3) would not be added to the 100,000 shares actually issued and outstanding immediately after the grant for purposes of determining whether F's stock ownership exceeds the limitation of section 423(b)(3).

*Example* (4). Assume the same facts as in example (3) and assume further than on June 1, 1965, R grants F an option, purportedly under its employee stock purchase plan, for 5,000 shares. No portion of this option will be treated as granted under an employee stock purchase plan.

(e) *Employees covered by plan.* (1) Subject to the limitations of section 423(b)(3) and (8), section 423(b)(4) requires that an employee stock purchase plan must, by its terms, provide that options are to be granted to all employees of any corporation which grants options to any of its employees by reason of their employment by such corporation, except that one or more of the following categories of employees may be excluded from the coverage of the plan: employees who have been employed less than 2 years; employees whose customary employment is 20 hours or less per week; employees whose customary employment is for not more than 5 months in any calendar year; and officers, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. Thus, each offering under the plan must be open to all employees entitled to participate under the plan, other than employees who may be excluded under section 423(b)(4) and paragraph (e) of this section, and employees barred from participation by reason of section 423(b)(3) and (8), and paragraphs (d) and (i) of this section. If an employee to whom an option is required to be granted under this paragraph is wholly or partially barred from being granted an option or participating in an offering under a plan by reason of such employees' continuing participation in a prior grant or offering under such plan (or under an employee stock purchase plan of a parent or subsidiary corporation of the grantor corporation), such employee must be given the right to terminate his participation under the prior grant or offering in order to become eligible to participate in the most recent grant or offering under the plan. If an option is not granted to any employee who is entitled to the grant of an option under the terms of the plan or offering, none of the options granted under such offering will be treated as having been granted under an employee stock purchase plan.

(2) For purposes of section 423(b)(3) the existence of the employment relationship between an individual and the corporation participating under the plan will be determined under paragraph (h) of § 1.421–7 (relating to employment relationship).

(3) The application of this paragraph may be illustrated by the following examples:

*Example* (1). M Corporation has a stock purchase plan which meets all the requirements of section 423(b) except that by its terms, options are not required to be granted to employees whose weekly rate of pay is less than $100. As a matter of corporate practice, M grants options under its plan to all employees, irrespective of their weekly rate of pay. M's plan is not an employee stock purchase plan.

*Example* (2). Assume the same facts as in example (1) and assume further that the first offering under M's plan provides by its terms that options will be granted to all employees of M Corporation. With respect to options exercised under such offering the terms of such offering will be treated as part of the terms of M's plan. Accordingly, stock transferred pursuant to options exercised under such offering will be treated as stock transferred pursuant to the exercise of options granted under an employee stock purchase plan for purposes of section 421.

(f) *Equal rights and privileges.* (1) An employee stock purchase plan must, by its terms, provide that all employees granted options under such plan shall have the same rights and privileges; however, a plan will not fail to satisfy this requirement merely because the amount of stock which may be purchased by any employee under such plan is determined on the basis of a uniform relationship to the total compensation, or the basic or regular rate of compensation of employees, or because the plan provides that no employee may purchase more than a maximum amount of stock fixed under the plan. Thus, the provisions applying to one option under an offering (such as the provisions relating to the method of payment for the stock and the determination of the purchase price per share) must apply to all other options under such offering in the same manner. If all the options granted under a plan or offering do not, by their terms, give the respective optionees the same rights and privileges, none of such options shall be treated as having been granted under an employee stock purchase plan for purposes of section 421.

(2) The requirements of section 423(b)(5) and this paragraph do not prevent the maximum amount of stock which an employee may purchase from being determined on the basis of a uniform relationship to the total compensation, or the basic or regular rate of compensation, of all employees. For example, if an employee stock purchase plan provides that the maximum amount of stock which each employee may purchase under the offering is one share for each $100 of annual gross pay, options granted under such offering will be treated as meeting the requirement of section 423(b)(5). However, such a provision must not exclude employees from participation under the plan or offering. For example, a plan which provides for the grant of options based on one share for each $100 of annual gross pay in excess of $10,000 will not meet the requirements of section 423(b)(5).

(3) The application of this paragraph may be illustrated by the following example:

*Example.* Assume that N Corporation has an employee stock purchase plan, and that the first offering under such plan provides that an employee may participate under such offering only to the extent his contributions toward the purchase of shares under all employee stock purchase plans of N do not exceed 15 percent of his gross weekly pay. Assume further that the option price under such offering is 90 percent of the fair market value of N stock at exercise. The second offering under such plan contains a similar provision as to the maximum amount of contributions allowable toward the purchase of stock under all the employee stock purchase plans of N. Assume further that under the second offering, the option price is 85 percent of the fair market value of N stock at the time of exercise. In order to satisfy the requirements of section 423(b)(4) and (5), any employee who would be totally or partially barred from participating under N's second offering by reason of his participation under N's first offering to the full extent allowed by N (*i.e.*, 15 percent of his weekly pay), must be allowed to terminate his participation under N's first offering, and to participate in the second offering.

(g) *Option price.* (1) An employee stock purchase plan must, by its terms, provide that the option price will not be less than the lesser of—

(i) An amount equal to 85 percent of the fair market value of the stock at the time such option is granted, or

(ii) An amount which under the terms of the option may not be less than 85 percent of the fair market value of the stock at the time such option is exercised.

For definition of the term "option price", and general rules relating to such term, see paragraph (e) of § 1.421–7. For rules relating to the determination of when an option is granted, see paragraph (c) of § 1.421–7. Any option which does not meet the minimum pricing requirements of section 423(b)(6) and this paragraph will not be treated as granted under an employee stock purchase plan irrespective of whether the plan itself or the offering satisfies such requirements. If such an option is granted to an employee who is entitled to the grant of an option under the terms of the plan or offering, and such employee is not granted an option under such offering which qualifies as an option granted under an employee stock purchase plan, such offering will not meet the requirements of section 423(b)(4). Accordingly, none of the options granted under such offering will be eligible for the special tax treatment of section 423(b)(4).

(2) The option price may be stated either as a percentage or as a dollar amount. If the option price is stated as a dollar amount, the requirement of section 423(b)(6) and this paragraph can only be met by a plan or offering in which the price is fixed at not less than 85 percent of the fair market value of the stock at the time the option is granted. If the fixed price is less than 85 percent of the fair market value of the stock at grant, the option cannot meet the requirement of section 423(b)(6) even if a decline in the fair market value of the stock results in such fixed price being not less than 85 percent of the fair market value of the stock at the time the option is exercised, since such a result was not certain to occur under the terms of the option.

(3) The application of this paragraph may be illustrated by the following examples:

*Example* (1). M Corporation has an employee stock purchase plan which provides that the option price will be 85 percent of the fair market value of the stock at grant, or 85 percent of the stock at exercise, whichever amount is the lesser. Upon the exercise of an option issued under M's plan, M agrees to accept an amount which is less than the minimum amount allowable under the terms of such plan. Notwithstanding that the option was issued under an employee stock purchase plan, the transfer of stock pursuant to the exercise of such option does not satisfy the requirement of section 423(b)(6) and cannot qualify for the special tax treatment of section 421.

*Example* (2). Assume the same facts as in example (1) and assume further that at the time of grant, the fair market value of M Corporation stock is $100 per share and that the option price is set at 85 percent of the fair market value of M stock at exercise, but not less than $80 per share. The option satisfies the requirement of section 422(b)(6), and can qualify for the special tax treatment of section 421.

*Example* (3). Assume the same facts as in example (2), except assume that the option price is set at 85 percent of the fair market value of M stock at exercise, but not more than $80 per share. This option cannot satisfy the requirement of section 423(b)(6) irrespective of whether, at the time the option is exercised, 85 percent of the fair market value of M stock is $80 or less.

(h) *Option period.* An employee stock purchase plan must, by its terms, provide that options granted under such plan cannot be exercised after the expiration of 27 months from the date of grant unless, under the terms of such plan, the option price is to be not less than 85 percent of the fair market value of the stock at the time of the exercise of the option. If the option price is to be not less than 85 percent of the fair market value of the stock at the time the option is exercised, then the option period provided under the plan must not exceed 5 years from the date of grant. If the requirement of section 423(b)(7) is not met by the terms of the plan or offering, options issued under such plan or offering will not be treated as options granted under an employee stock purchase plan irrespective of whether such options, by their terms, are exercisable beyond the period allowable under section 423(b)(7) and this paragraph. An option which provides that the option price is to be not less than 85 percent of the fair market value of the stock at exercise may have an option period of 5 years irrespective of whether the fair market value of the stock at exercise is more or less than the fair market value of such stock at grant. However, if the option provides that the option price is to be 85 percent of the fair market value of the stock at exercise, but not more than some other fixed amount, then irrespective of the price paid on exercise, the option period must not be more than 27 months.

(i) *Restriction on amount of optioned stock.* (1) Under section 423(b)(8), an employee stock purchase plan must, by its terms, provide that no employee may be permitted to purchase stock under all the employee stock purchase plans of his employer corporation and its related corporations at a rate which exceeds $25,000 in fair market value of such stock (determined at the time the option is granted) for each calendar year in which any such option granted to such individual is outstanding at any time. In applying the limitation of section 423(b)(8)—

(i) The right to purchase stock under an option is deemed to accrue when the option (or any portion thereof) first becomes exercisable during the calendar year;

(ii) The right to purchase stock under an option accrues at the rate provided in the option, but in no case may such rate exceed $25,000 of fair market value of such stock (determined at the time such option is granted) for any one calendar year; and

(iii) A right to purchase stock which has accrued under one option granted pursuant to the plan may not be carried over to any other option.

If an option is granted under an employee stock purchase plan which satisfies the requirement of section 423(b)(8), but such option gives the optionee the right to buy stock in excess of the maximum rate allowable under such section and this paragraph, no portion of such option will be treated as having been granted under an employee stock purchase plan. Furthermore, if the option was granted to an employee entitled to the grant of an option under the terms of the plan or offering, and such employee is not granted an option under such offering which qualifies as an option granted under an employee stock purchase plan, such offering will not meet the requirements of section 423(b)(4). Accordingly, none of the options granted under such offering will be eligible for the special tax treatment of section 421.

(2) The limitation of section 423(b)(8) and this paragraph applies only to options granted under employee stock purchase plans and does not limit the amount of stock which an employee may purchase under qualified stock options (as defined in section 422(b)), restricted stock options (as defined in section 424(b)), or any other stock options (except those to which section 423 applies). Stock purchased under options to which section 423 does not apply will not limit the amount which an employee may purchase under an employee stock purchase plan, except for purposes of the 5-percent stock ownership provision of section 423(b)(3).

(3) Under the limitation of section 423(b)(8), an individual may purchase up to $25,000 of stock (based on the fair market value of such stock at the time the option was granted) in each calendar year during which an option granted to such individual under an employee stock purchase plan is outstanding. Alternatively, an individual may purchase more than $25,000 of stock (based on the fair market value of such stock at the time the option was granted) in a calendar year, so long as the total amount of stock which he purchases does not exceed $25,000 in fair market value of such stock (determined at the time the option was granted) for each calendar year in which the option was outstanding. If in any calendar year the individual holds two or more outstanding options granted under employee stock purchase plans of his employer corporation, or a related corporation of such corporation, his purchases of stock attributable to such year under all such options must not exceed $25,000 in fair market value of such stock (determined at the time such options were granted). Under an employee stock purchase plan, an individual may not purchase stock in anticipation that the option will be outstanding for some future year. Thus, the individual may purchase only the amount of stock which does not exceed the limitation of section 423(b)(8) for the year of the purchase and for preceding years during which the option was outstanding. Thus, the amount of stock which may be purchased under an option depends on the number of years in which the option is actually outstanding. The amount of stock which may be purchased under an employee stock purchase plan may not be increased by reason of the failure to grant an option in an earlier year under such plan, or by reason of the failure to exercise an earlier option. For example, if an option is granted to an individual and expires without having been exercised at all, the failure to exercise the option does not increase the amount of stock which such individual may be permitted to purchase under an option granted in a year following the year of such expiration. If an option granted under an employee stock purchase plan is outstanding in more than one calendar year, stock purchased pursuant to the exercise of such an option will be applied first, to the extent allowable under section 423(b)(8) and this paragraph, against the $25,000 limitation for the earliest year in which such option was outstanding, then, against the $25,000 limitation for each succeeding year, in order. For example, if an individual purchases $60,000 in fair market value of stock (determined at the time

the option was granted) by the exercise of an option granted under an employee stock purchase plan of his employer corporation, and if such option was outstanding in 3 calendar years, then $25,000 in fair market value of such stock (determined at the time the option was granted) will be attributed to the first calendar year in which such option was outstanding, another $25,000 in fair market value of such stock will be attributed to the second calendar year in which such option was outstanding, and the remaining $10,000 in fair market value of such stock will be attributed to the last calendar year in which such option was outstanding. Thus, the individual may receive a right under another option granted under such employee stock purchase plan (or under an employee stock purchase plan of a parent or subsidiary corporation of his employer corporation) entitling him to purchase another $15,000 in fair market value of such stock (determined as of the date such option is granted) for such last calendar year.

(4) The application of section 423(b)(8) and this paragraph may be illustrated by the following examples:

*Example (1).* Assume that P Corporation maintains an employee stock purchase plan and that E is employed by P. On June 1, 1964, P grants E an option under the plan to purchase a total of 750 shares of P stock at $85 per share. On such date, the fair market value of P stock is $100 per share. The option provides that it cannot be exercised after May 31, 1966. Under section 423(b)(8), the option must not permit E to purchase more than 250 shares of P stock during the calendar year 1964, since 250 shares are equal to $25,000 in fair market value of P stock determined at the time of grant. During the calendar year 1965, E may purchase under such option an amount of P stock equal to the difference between $50,000 in fair market value of P stock (determined at the time the option was granted) and the fair market value of P stock (determined at the time of grant of the option) purchased during 1964. During the calendar year 1966, E may purchase an amount of P stock equal to the difference between $75,000 in fair market value of such stock (determined at the time of grant of the option) and the total amount of the fair market value of such stock (determined at the time of grant of the option) purchased under such option during the calendar years 1964 and 1965. E may purchase $25,000 of stock for the year 1964 and $25,000 of stock for the year 1966, although the option was outstanding for only a part of each of such years. However, E may not be granted another option under an employee stock purchase plan of P or a related corporation to purchase stock of any of such corporations during the calendar years 1964, 1965, and 1966, so long as the option granted June 1, 1964, is outstanding. If this option permitted E to purchase only $15,000 of P's stock for each year it is outstanding, then E could be granted another option by P, or by a related corporation, in 1964, permitting him to purchase an additional $10,000 of stock for each year it is outstanding.

*Example (2).* Assume the same facts as in example (1), and assume further that the option granted to E in 1964 is terminated in 1965 without any part of such option having been exercised, and that subsequent to such termination and during 1965, E is granted another option under P's employee stock purchase plan. Under such option, E may be permitted to purchase $25,000 of stock for 1965. On the other hand, if, in 1966, E exercised the option granted to him in 1964 and purchased 600 shares of P stock, 500 shares, the maximum amount of stock which could have been purchased in 1965 under the option, is treated as having been purchased for the years 1964 and 1965. Thus, only 100 shares of the stock are treated as having been purchased for 1966, and E may be permitted under the new option to purchase for 1966 stock having a fair market value of $15,000 at the time the new option is granted.

(j) *Restriction on transferability.* An employee stock purchase plan must, by its terms, provide that options granted under such plan are not transferable by the optionee otherwise than by will or the laws of descent and distribution, and must be exercisable, during his lifetime, only by him. For general rules relating to the restriction on transferability required by section 423(b)(9), see paragraph (b)(2) of § 1.421-7. For a limited exception to the requirement of section 423(b)(9), see section 425(h)(3).

(k) *Special rule where option price is between 85 percent and 100 percent of value of stock.* (1)(i) If all the conditions necessary for the application of section 421(a) exist, section 423(c) provides additional rules which are applicable in cases where, at the time the option is granted, the option price per share is less than 100 percent (but not less than 85 percent) of the fair market value of such share. In such case, upon the disposition of such share by the individual after the expiration of the 2-year and the 6-month holding periods, or upon his death while owning such share (whether occurring before or after the expiration of such periods), there shall be included in the individual's gross income as compensation (and not as gain upon the sale or exchange of a capital asset) the lesser of—

(*a*) The amount, if any, by which the price paid under the option was exceeded by the fair market value of the share at the time the option was granted, or

(*b*) The amount, if any, by which the price paid under the option was exceeded by the fair market value of the share at the time of such disposition or death.

For purposes of applying the rules of section 423(c) and this paragraph, if the option price is not fixed or determinable at the time the option is granted, the option price will be computed as if the option had been exercised at such time. The amount of compensation resulting from the application of section 423(c) and this paragraph shall be included in the individual's gross income for the taxable year in which the disposition occurs, or for the taxable year closing with his death, whichever event results in the application of section 423(c).

(ii) The application of the special rules provided in section 423(c) shall not affect the rules provided in section 421(a) with respect to the individual exercising the option, the employer corporation, or its parent or subsidiary corporation. Thus, notwithstanding the inclusion of an amount as compensation in the gross income of an individual, as provided in section 423(c), no income results to the individual at the time the stock is transferred to him, and no deduction under section 162 is allowable at any time to the employer corporation or its parent or subsidiary with respect to such amount.

(iii) If, during his lifetime, the individual exercises an option granted under an employee stock purchase plan, but such individual dies before the stock is transferred to him pursuant to his exercise of the option, the transfer of such stock to the individual's executor, administrator, heir, or legatee is deemed, for the purpose of sections 421 and 423, to be a transfer of the stock to the individual exercising the option and a further transfer by reason of death from such individual to his executor, administrator, heir, or legatee.

(2) If the special rules provided in section 423(c) are applicable to the disposition of a share of stock by an individual, the basis of such share in the individual's hands at the time of such disposition, determined under section 1011, shall be increased by an amount equal to the amount includible as compensation in his gross income under section 423(c). However, the basis of a share of stock acquired after the death of an employee by the exercise of an option granted to such employee under an employee stock purchase plan shall be determined in accordance with the rules of section 421(c) and paragraph (c) of § 1.421-8. If the special rules provided in section 423(c) are applicable to a share of stock upon the death of an individual, the basis of such share in the hands of the estate or the person receiving the stock by bequest or inheritance shall be determined under section 1014, and shall not be increased by reason of the inclusion upon the decedent's death of any amount in his gross income under section 423(c). See example (9) of this paragraph with respect to the determination of basis of the share in the hands of a surviving joint owner.

(3) The application of this paragraph may be illustrated by the following examples:

*Example (1).* On June 1, 1964, the X Corporation grants to E, an employee, an option under X's employee stock purchase plan to purchase a share of X Corporation's stock for $85. The fair market value of the X Corporation stock on such date is $100 per share. On June 1, 1965, E exercises the option and on that date the X Corporation transfers the share of stock to E. On January 1, 1967, E sells the share for $150, its fair market value on that date. E makes his income tax return on the basis of the calendar year. The income tax consequences to E and X Corporations are as follows: (i) compensation in the amount of $15 is includible in E's gross income for 1967, the year of the disposition of the share. The $15 represents the difference between the option price ($85) and the fair market value of the share on the date the option was granted ($100), since such value is less than the fair market value of the share on the date of disposition ($150). For the purpose of computing E's gain or loss on the sale of the share, E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100. Since the share was sold for $150, E realizes a gain of $50, which is treated as long-term capital gain; (ii) the X Corporation is entitled to no deduction under section 162 at any time with respect to the share transferred to E.



*Example (2).* Assume the same facts as in example (1), except assume that E sells the share of X Corporation stock on January 1, 1968, for $75, its fair market value on that date. Since $75 is less than the option price ($85), no amount in respect of the sale is includible as compensation in E's gross income for 1968. E's basis for determining gain or loss on the sale is $85. Since E sold the share for $75, E realized a loss of $10 on the sale, which loss is treated as a long-term capital loss.

*Example (3).* Assume the same facts as in example (1), except assume that the option provides that the option price shall be 90 percent of the fair market value of the stock on the day the option is exercised. On June 1, 1965, when the option is exercised, the fair market value of the stock is $120 per share so that E pays $108 for the share of the stock at the time the option was $10 is includible in E's gross income for 1967, the year of the disposition of the share. This is determined in the following manner: The excess of the fair market value of the stock at the time of the disposition ($150) over the price paid for the share ($108) is $42; and the excess of the fair market value of the stock at the time the option was granted ($100) over the option price, computed as if the option had been exercised at such time ($90), is $10. Accordingly, $10, the lesser, is includible in gross income. In this situation, E's cost basis of $108 is increased by $10, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $118. Since the share was sold for $150, E realizes a gain of $32, which is treated as long-term capital gain.

*Example (4).* Assume the same facts as in example (1), except assume that instead of selling the share on January 1, 1967, E makes a gift of the share on that day. In such case, $15 is includible as compensation in E's gross income for 1967. E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100, which becomes the donee's basis, as of the time of the gift, for determining gain or loss.

*Example (5).* Assume the same facts as in example (2) except assume that instead of selling the share on January 1, 1968, E makes a gift of the share on that date. Since the fair market value of the share on that day ($75) is less than the option price ($85), no amount in respect of the disposition by way of gift is includible as compensation in E's gross income for 1968. E's basis for the share is $85, which becomes the donee's basis, as of the time of the gift, for the purpose of determining gain. The donee's basis for the purpose of determining loss, determined under section 1015(a), is $75 (fair market value of the share at the date of gift).

*Example (6).* Assume the same facts as in example (1), except assume that after acquiring the share of stock on June 1, 1965, E dies on August 1, 1966, at which time the share has a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death, such $15 being the difference between the option price ($85) and the fair market value of the share when the option was granted ($100), since such value is less than the fair market value at date of death ($150). The basis of the share in the hands of E's estate is determined under section 1014 without regard to the $15 includible in the decedent's gross income.

*Example (7).* Assume the same facts as in example (6), except assume that E dies on August 1, 1965, at which time the share has a fair market value of $150. Although E's death occurred within six months after the transfer of the share to him, the income tax consequences are the same as in example (6).

*Example (8).* Assume the same facts as in example (1), except assume that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and that E and his wife sold the share on June 15, 1965, for $150, its fair market value on that date. Compensation in the amount of $15 is includible in E's gross income for 1966, the year of the disposition of the share. The basis of the share in the hands of E and his wife for the purpose of determining gain or loss on the sale is $100, that is, the cost of $85 increased by the amount of $15 includible as compensation in E's gross income. The gain of $50 on the sale is treated as long-term capital gain, and is divided equally between E and his wife.

*Example (9).* Assume the same facts as in example (1), except assume that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and that E predeceased his wife on August 1, 1966, at which time the share had a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death. See example (6). The basis of the share in the hands of E's wife as survivor is determined under section 1014 without regard to the $15 includible in the decedent's gross income.

*Example (10).* Assume the same facts as in example (9), except assume that E's wife predeceased him on July 1, 1966. Section 423(c) does not apply in respect of her death. Upon the subsequent death of E on August 1, 1966, the income tax consequences in respect of E's taxable year closing with the date of his death, and in respect of the basis of the share in the hands of his estate, are the same as in example (6). If E had sold the share on July 15, 1966 (after the death of his wife), for $150, its fair market value at that time, the income tax consequences would be the same as in example (1).

### § 1.424 Statutory provisions; restricted stock options.

Sec. 424. *Restricted stock options*—(a) *In general.* Section 421(a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise after 1949 of a restricted stock option, if—

(1) No disposition of such share is made by him within 2 years from the date of the granting of the option nor within 6 months after the transfer of such share to him, and

(2) At the time he exercises such option—

(A) He is an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies, or

(B) He ceased to be an employee of such corporations within the 3-month period preceding the time of exercise.

(b) *Restricted stock option.* For purposes of this part, the term "restricted stock option" means an option granted after February 26, 1945, and before January 1, 1964 (or, if it meets the requirements of subsection (c)(3), an option granted after December 31, 1963), to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

(1) At the time such option is granted—

(A) The option price is at least 85 percent of the fair market value at such time of the stock subject to the option, or

(B) In the case of a variable price option, the option price (computed as if the option had been exercised when granted), is at least 85 percent of the fair market value of the stock at the time such option is granted;

(2) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

(3) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of the employer corporation or of its parent or subsidiary corporation. This paragraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option, and such option either by its terms is not exercisable after the expiration of 5 years from the date such option is granted or is exercised within one year after August 16, 1954. For purposes of this paragraph, the provisions of section 425(d) shall apply in determining the stock ownership of an individual; and

(4) Such option by its terms is not exercisable after the expiration of 10 years from the date such option is granted, if such option has been granted on or after June 22, 1954.

(c) *Special rules*—(1) *Options under which option price is between 85 percent and 95 percent of value of stock.* If no disposition of a share of stock acquired by an individual on his exercise after 1949 of a restricted stock option is made by him within 2 years from the date of the granting of the option nor within 6 months after the transfer of such share to him, but, at the time the restricted stock option was granted, the option price (computed under subsection (b)(1)) was less than 95 percent of the fair market value at such time of such share, then, in the event of any disposition of such share by him, or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever applies—

(A) In the case of a share of stock acquired under an option qualifying under subsection (b)(1)(A), an amount equal to the amount (if any) by which the option price is exceeded by the lesser of—

(i) The fair market value of the share at the time of such disposition or death, or

(ii) The fair market value of the share at the time the option was granted; or

(B) In the case of stock acquired under an option qualifying under subsection (b)(1)(B), an amount equal to the lesser of—

(i) The excess of the fair market value of the share at the time of such disposition or death over the price paid under the option, or

(ii) The excess of the fair market value of the share at the time the option was granted over the option price (computed as if the option had been exercised at such time).

In the case of a disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

(2) *Variable price option.* For purposes of subsection (b)(1), the term "variable price option" means an option under which the purchase price of the stock is fixed or determinable under a formula in which the only variable is the fair market value of the stock at any time during a period of 6 months which includes the time the option is exercised; except that in the case of options granted after September 30, 1958, such term does not include any such option in which such formula provides for determining such price by reference to the fair market value of the stock at any time before the option is exercised if such value may be greater than the average fair market value of the

stock during the calendar month in which the option is exercised.

(3) *Certain options granted after December 31, 1963.* For purposes of subsection (b), an option granted after December 31, 1963, meets the requirements of this paragraph if granted pursuant to—

(A) A binding written contract entered into before January 1, 1964, or

(B) A written plan adopted and approved before January 1, 1964, which (as of January 1, 1964, and as of the date of the granting of the option)—

(i) Met the requirements of paragraphs (4) and (5) of section 423(b), or

(ii) Was being administered in a way which did not discriminate in favor of officers, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees.

[Sec. 424 as added by sec. 221(a), Rev. Act 1964 (78 Stat. 63)]

**§ 1.424–1 Applicability of section 421 (a).**

(a) *In general.* (1) Subject to the provisions of section 424(c), the special rules of income tax treatment provided in section 421(a) apply with respect to the transfer of a share of stock to an individual pursuant to his exercise after 1949 of a restricted stock option provided that—

(i) The individual makes no disposition of such share within 2 years from the date of the granting of the option, nor within 6 months after the transfer of such share to him; and

(ii) At the time he exercised such option—

(*a*) The individual is an employee of either the corporation granting the option, a related corporation of such corporation, or a corporation or a related corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies, or

(*b*) The individual ceased to be an employee of such corporations within the 3-month period preceding the time of such exercise.

(2) For general rules relating to the employment relationship, see paragraph (h) of § 1.421–7. For rules relating to the employment relationship when there has been a transaction described in section 425(a) (relating to corporate reorganizations, liquidations, etc.) see § 1.425–1. For rules relating to the effect of a disqualifying disposition, see section 421(b) and paragraph (b) of § 1.421–8. For definition of the term "disposition", see section 425(c) and paragraph (c) of § 1.425–1.

(b) *Examples.* The application of this section may be illustrated by the following examples:

*Example (1).* On June 1, 1958, X Corporation grants a restricted stock option to A, an employee of X Corporation, to purchase a share of X stock. A continues to be employed by X Corporation until February 1, 1964, when X sells the plant where A is employed to M Corporation, an unrelated corporation. On such date, A becomes employed by M. A continues to be employed by M Corporation until June 1, 1964, when A exercises his option on X Corporation. Section 421 is not applicable to this exercise, because on June 1, 1964, A was not employed by the corporation which granted the option or by a related corporation of such corporation, nor was he employed by any of such corporations within three months before June 1, 1964.

*Example (2).* Assume the facts to be the same as in example (1), except that when A was employed by M Corporation, the option to purchase X stock was terminated, and was replaced by an option to buy M stock in such circumstances that M Corporation is treated as a corporation issuing an option under section 425(a). If A exercises the option to purchase the share of M stock on June 1, 1964, section 421 is applicable, for A is then employed by a corporation which issued an option under section 425(a).

*Example (3).* Assume that P Corporation owns all of the stock of S Corporation and grants a restricted stock option to E, an employee of S Corporation. If E exercises the option, section 421 is applicable since E is employed by a corporation which is a subsidiary of the corporation which granted the restricted stock option.

**§ 1.424–2 Restricted stock option.**

(a) *Restricted stock option defined.* (1) A "restricted stock option" is an option granted after February 26, 1945, and before January 1, 1964 (or, if it meets the requirements of section 424(c)(3), an option granted after December 31, 1963), to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or a related corporation, to purchase stock of any such corporations, but, except in the case of options described in subparagraph (2) of this paragraph, only if—

(i) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option;

(ii) Such option by its terms is not transferable by such individual otherwise than by will or by the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

(iii) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock either of the employer corporation or of its parent or subsidiary corporation; and

(iv) In the case of options granted after June 21, 1954, such option by its terms is not exercisable after the expiration of ten years from the date on which such option was granted.

For purposes of applying the rule of subdivision (i) of this subparagraph to a variable price option (as defined by section 424(c)(2) and paragraph (c) of this section) under which the option price is determined by a formula described in paragraph (c) of this section, the option price shall, notwithstanding any provision of the option, be computed as if such option is exercised on the day when it is granted. For example, if on June 15, 1959, an option is granted providing that the option price shall be $10 under the average fair market value of the stock during the month in which the option is exercised or the average fair market value of the stock during the preceding month, whichever is lower, and if on June 15, 1959, the value of the stock subject to the option is $100 a share, to determine if the option meets the requirement of subdivision (i) of this subparagraph, it is necessary to determine the average fair market value of the stock during the months of May and June 1959. If such lower average fair market value is $95 or more, the option meets the requirement of subdivision (i) of this subparagraph.

(2) Regardless of the extent to which the individual to whom the option is granted owns stock of either the employer corporation, or of a related corporation, an option is a restricted stock option if—

(i) Such option is granted after February 26, 1945, to such individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or a related corporation, to purchase stock of any of such corporations;

(ii) At the time such option is granted the option price is at least 110 percent of the fair market value at such time of the stock subject to the option;

(iii) Such option by its terms is not transferable by such individual otherwise than by will or by the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(iv) Such option by its terms is not exercisable after the expiration of ten years from the date on which such option was granted.

(3) In determining the amount of stock owned by an individual for the purpose of applying the 10 percent test of section 424(b)(3), the rules of section 425(d) (relating to attribution of stock ownership) shall apply. See § 1.425–1.

(4) For general rules relating to the employment relationship, see paragraph (h) of § 1.421–7. For general rules relating to the restriction on transferability required by section 424(b)(2) and this paragraph, see paragraph (b)(2) of § 1.421–7. For a limited exception to the requirement of section 424(b)(2), see section 425(h)(3).

(b) *Special rule where option price is between 85 percent and 95 percent of value of stock.* (1)(i) If all the conditions necessary for the application of section 421(a) exist, section 424(c)(1) provides additional rules which are applicable in cases where, at the time the restricted stock option is granted, the option price per share is less than 95 percent (but not less than 85 percent) of the fair market value of such share. In such case, upon the disposition of such share by the individual after the expiration of the 2-year and the 6-month holding periods, or upon his death while owning such share (whether occurring before or after the expiration of such periods), there shall be included in the individual's gross income as compensation (and not as gain upon the sale or exchange of a capital asset) an amount determined in the following manner. If, at the time the option was granted, the option price was fixed or determinable, and was at least 85 percent of the fair market value of the stock subject to such option, such amount shall be the amount, if any, by which the option price is exceeded by the lesser of the fair market value of the share at the time the option was granted or the fair market value of the share at the time of such disposition or death. However, in the case of a variable price option (as defined by section 424(c)(2) and paragraph (c) of this section) under which the option price (computed as if the option had been exercised when granted) at the time the option was granted was at least 85 percent of the fair market value of the stock subject to such option, such amount shall be whichever of the following amounts is the lesser:

(*a*) The excess of the fair market value of the share at the time of such disposition or death over the price paid under the option, or

(*b*) The excess of the fair market value of the share at the time the option was granted over the option price, computed as if the option had been exercised at such time.

The amount of such compensation shall be included in the individual's gross income for the taxable year in which the disposition occurs or for the taxable year closing with his death, whichever event results in the application of section 424(c)(1) and this paragraph.

(ii) The application of the special rules provided in section 424(c) shall not affect the rules provided in section 421(a) with respect to the individual exercising his option, the employer corporation, or a related corporation. Thus, notwithstanding the inclusion of an amount as compensation in the gross income of an individual, as provided in section 424(c)(1), no income results to the individual at the time the stock is transferred to him, and no deduction under section 162 is allowable at any time to the employer corporation or a related corporation with respect to such amount.

(iii) If the individual exercises a restricted stock option during his lifetime and dies before the stock is transferred to him pursuant to his exercise of the option, the transfer of such stock to the individual's executor, administrator, heir, or legatee.

(2) If the special rules provided in section 424(c) are applicable to the disposition of a share of stock by an individual, the basis of such share in the individual's hands at the time of such disposition, determined under section 1011, shall be increased by an amount equal to the amount includible as compensation in his gross income under section 424(c)(1). However, in the case of a share of stock acquired by the exercise of a restricted stock option after the death of the employee to whom the option was granted, the basis of such share shall be determined in accordance with the rules of section 421(c) and paragraph (c) of § 1.421–8. If the special rules provided in section 424(c)(1) are applicable to a share of stock upon the death of an individual, the basis of such share in the hands of the estate or the person receiving the stock by bequest or inheritance shall be determined under section 1014, and shall not be increased by reason of the inclusion upon the decedent's death of any amount in his gross income under section 424(c)(1). See example (9) of this paragraph with respect to the determination of basis of the share in the hands of a surviving joint owner.

(3) The application of this paragraph may be illustrated by the following examples:

*Example (1).* On June 1, 1959, the X Corporation grants to E, an employee, a restricted stock option to purchase a share of X Corporation's stock for $85. The fair market value of the X Corporation stock on such date is $100 per share. On June 1, 1965, E exercises the option and on that date the X Corporation transfers the share of stock to E. On January 1, 1967, E sells the share for $150, its fair market value on that date. E makes his income tax return on the basis of the calendar year. The income tax consequences to E and X Corporation are as follows: (i) Compensation in the amount of $15 is includible in E's gross income for 1967, the year of the disposition of the share. The $15 represents the difference between the option price ($85) and the fair market value of the share on the date the option was granted ($100), since such value is less than the fair market value of the share on the date of disposition ($150). For the purpose of computing E's gain or loss on the sale of the share, E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100. Since the share was sold for $150, E realizes a gain of $50, which is treated as long-term capital gain; (ii) the X Corporation is entitled to no deduction under section 162 at any time with respect to the share transferred to E.

*Example (2).* Assume the same facts as in example (1), except assume that E sells the share of X Corporation stock on January 1, 1968, for $75, its fair market value on that date. Since $75 is less than the option price ($85), no amount in respect of the sale is includible as compensation in E's gross income for 1968. E's basis for determining gain or loss on the sale is $85. Since E sold the share for $75, E realized a loss of $10 on the sale, which loss is treated as a long-term capital loss.

*Example (3).* Assume the same facts as in example (1), except assume that the option provides that the option price shall be 90 percent of the fair market value of the stock on the day the option is exercised. On June 1, 1965, when the option is exercised, the fair market value of the stock is $120 per share so that E pays $108 for the share of stock. Compensation in the amount of $10 is includible in E's gross income for 1967, the year of the disposition of the share. This is determined in the following manner. The excess of the fair market value of the stock at the time of the disposition ($150) over the price paid for the share ($108) is $42; and the excess of the fair market value of the stock at the time the option was granted ($100) over the option price, computed as if the option had been exercised at such time ($90), is $10. Accordingly, $10, the lesser, is includible in gross income. In this situation, E's cost basis of $108 is increased by $10, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $118. Since the share was sold for $150, E realizes a gain of $32, which is treated as long-term capital gain.

*Example (4).* Assume the same facts as in example (1), except assume that instead of selling the share on January 1, 1967, E makes a gift of the share on that day. In such case, $15 is includible as compensation in E's gross income for 1967. E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100, which becomes the donee's basis, as of the time of the gift, for determining gain or loss.

*Example (5).* Assume the same facts as in example (2) except assume that instead of selling the share on January 1, 1968, E makes a gift of the share on that date. Since the fair market value of the share on that day ($75) is less than the option price ($85), no amount in respect of the disposition by way of gift is includible as compensation in E's gross income for 1968. E's basis for the share is $85, which becomes the donee's basis, as of the time of the gift, for the purpose of determining gain. The donee's basis for the purpose of determining loss, determined under section 1015(a), is $75 (fair market value of the share at the date of gift).

*Example (6).* Assume the same facts as in example (1), except assume that after acquiring the share of stock on June 1, 1965, E dies on August 1, 1966, at which time the share has a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death, such $15 being the difference between the option price ($85) and the fair market value of the share when the option was granted ($100), since such value is less than the fair market value at date of death ($150). The basis of the share in the hands of E's estate is determined under section 1014 without regard to the $15 includible in the decedent's gross income.

*Example (7).* Assume the same facts as in example (6), except assume that E dies on August 1, 1965, at which time the share has a fair market value of $150. Although E's death occurred within six months after the transfer of the share to him, the income tax consequences are the same as in example (6).

*Example (8).* Assume the same facts as in example (1), except assume that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and that E and his wife sold the share on June 15, 1956, for $150, its fair market value on that date. Compensation in the amount of $15 is includible in E's gross income for 1966, the year of the disposition of the share. The basis of the share in the hands of E and his wife for the purpose of determining gain or loss on the sale is $100, that is, the cost of $85 increased by the amount of $15 includible as compensation in E's gross income. The gain of $50 on the sale is treated as long-term capital gain, and is divided equally between E and his wife.

*Example (9).* Assume the same facts as in example (1), except assume that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and that E predeceased his wife on August 1, 1966, at which time the share had a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death. See example (6). The basis of the share in the hands of E's wife as survivor is determined under section 1014 without regard to the $15 includible in the decedent's gross income.

*Example (10).* Assume the same facts as in example (9), except assume that E's wife predeceased him on July 1, 1966. Section 423(c) does not apply in respect of her death. Upon the subsequent death of E on August 1, 1966, the income tax consequences in respect of E's taxable year closing with the date of his death, and in respect of the basis of the share in the hands of his estate, are the same as in example (6). If E had sold the share on July 15, 1966 (after the death of his wife), for $150, its fair market value at that time, the income tax consequences would be the same as in example (1).

(c) *Variable price option defined.* (1) For purposes of section 424 and this section, the term "variable price option" means an option under which the option price is determined by a formula in which the only variable is the fair mar-





ket value of the stock at any time during a period of six consecutive months which includes the day on which such option

the fair market value of the stock 30 days before the date on which the option is exercised, but not more than $85, will

of January 1, 1964, and as of the date of the granting of the option)—

(*a*) Met the requirements of section



paragraph, a plan (which is not otherwise discriminatory) will not be considered discriminatory merely because, for example, options are granted only to

to him on his exercise of such option. A similar rule shall be applied in the case of a series of such distributions.

(c) *Disposition*—(1) *In general.* Except

(i) The fair market value of such stock on the date of the original granting of the option,

(ii) The fair market value of such stock on

ket value of the stock at any time during a period of six consecutive months which includes the day on which such option is exercised. Except as provided in subparagraph (2) of this paragraph, such formula may provide for determining such price by reference to such value on any particular day in such 6-month period, or by reference to an average value of the stock over either the whole of such 6-month period or over any shorter period included in such 6-month period. Such 6-month period may begin with, end with, or in any other manner span the day on which such option is exercised. Such formula may also depend upon factors other than such value of the stock, but such other factors must not be variable and must be fixed in the option when granted. For example, such formula may provide that the option price shall be 85 percent of the value of the stock on the day the option is exercised, but such price shall not be less than $85, nor more than $110. Another example of a formula which meets the requirements of this paragraph is a provision that the option price shall be 95 percent of the fair market value of the stock on the day the option is exercised but not more than $95. However, the requirements of this paragraph are not met by a formula which provides that if the profits of the employer for the year do not exceed $100,000, the option price shall be $15 under the fair market value of the stock the option is exercised, but if such profits exceeds $100,000, the option price shall be $20 under such value of the stock. For an example of how to determine whether an option which contains a formula meeting the requirements of this paragraph also meets the requirement that the option price must be at least 85 percent of the fair market value of the stock at the time the option is granted, see paragraph (a)(1) of § 1.424–2.

(2) In the case of an option granted after September 30, 1958, the term "variable price option" does not include any option in which the formula provides for determining the option price by reference to the fair market value of the stock at any time before the option is exercised if such value may be greater than the average fair market value of the stock during the calendar month in which the option is exercised. Whether an option meets the requirement of this paragraph shall be determined solely by reference to the terms of the option, and the circumstances existing at the time the option is granted or exercised are immaterial. Thus, an option, granted after September 30, 1958, and containing a pricing formula which takes into consideration the value of the stock at any time before the option is exercised, is subject to the new limitation and does not meet the requirement of this paragraph, even though the option price is not actually based upon such prior fair market value either at the time the option is exercised or at the time the option price is computed as if it were exercised for the purpose of applying the 85 percent test of section 424(b)(1). For example, a formula which provides that the option price is to be 45 percent of the fair market value of the stock 30 days before the date on which the option is exercised, but not more than $85, will not qualify under this paragraph since under this formula the price may be determinable by reference to a higher prior value. On the other hand, a formula which provides that the option price is to be 90 percent of the average value of the stock during the month the option is exercised or the average value of the stock during the preceding month, whichever is lower, will qualify. In the case of an option granted after September 30, 1958, the only way that a formula which provides for determining the option price by reference to the fair market value of the stock at a time before the option is exercised can come within the requirement of this paragraph is to provide that the option price is to be determined by reference to such fair market value only if such fair market value is not greater than the average fair market value of the stock during the month in which the option is exercised. If under the terms of an option the price is to be determined by reference to the fair market value of the stock at a time before the option is exercised, whether such value is higher or lower than the average fair market value of the stock during the month the option is exercised, such option will not be considered a restricted stock option since the option price may be based upon the prior value of the stock when such value exceeds the average fair market value of the stock during the month the option is exercised. However, if an option provides for determining the option price by reference to a prior fair market value of the stock only when such value is lower than such average value of the stock, such option can qualify as a restricted stock option. The average fair market value of the stock during the month in which the option is exercised means such value during the calendar month the option is exercised and not merely during a 30- or 31-day period including the time the option is exercised. To compute the average fair market value of the stock for the month, it will be necessary to ascertain the fair market value of the stock for each day during the month, including those days which are not business days. In ascertaining the fair market value of the stock for each day, the generally accepted principles for ascertaining such value will be applied.

(d) *Certain options granted after December 31, 1963.* (1) In general, the term "restricted stock option" means only a stock option which is granted after February 26, 1945, and before January 1, 1964, and which meets the requirements of section 424(b) and paragraph (a) of this section. However, section 424(c)(3) provides that if an option is granted after December 31, 1963, and such option meets the requirements of section 424(b) and this section, the option will be treated as a restricted stock option, provided such option is granted pursuant to—

(i) A binding written contract entered into before January 1, 1964, or

(ii) A written plan adopted and approved before January 1, 1964, which (as of January 1, 1964, and as of the date of the granting of the option)—

(*a*) Met the requirements of section 423(b)(4) and (5) and paragraphs (e) and (f) of § 1.423–2 (relating to employees covered by the plan, and equal rights and privileges, respectively), or

(*b*) Was being administered in a way which did not discriminate in favor of officers, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees.

In determining whether an option is granted pursuant to a plan described in subdivision (ii) of this subparagraph, the terms of any written offering that was made on or before January 1, 1964, will be treated as a part of the terms of the plan.

(2) For purposes of section 424(c)(3)(A) and this paragraph, a binding written contract means only a written contract under which the employee has an enforceable right to compel the grant or modification (as defined by section 425(h) and paragraph (e) of § 1.425–1) of a restricted stock option, or to obtain damages upon the breach of such contract. A contract which provides that the individual's right to a restricted stock option is contingent upon the happening of an event (including the passage of time) may satisfy the requirements of section 424(c)(3)(A). However, if the event itself, or the determination of whether the event has occurred, rests with the board of directors or any other individual or group (other than an arbitrator), the contract will not be treated as giving the employee an enforceable right for purposes of section 424(c)(3)(A) or this paragraph.

(3)(i) For purposes of applying section 424(c)(3)(B) with respect to options granted after December 19, 1964, the adoption and approval of a plan required by such section and this paragraph is the same as that required in respect of an employee stock purchase plan under section 423(b)(2) except that the adoption and approval required by section 424(c)(3)(B) and this paragraph need not occur within 12 months of one another. Accordingly, such approval must be expressed in the manner provided by paragraph (c)(1) of § 1.423–2. For purposes of applying section 424(c)(3)(B) with respect to options granted on or before December 19, 1964, the adoption and approval need not meet the requirements of paragraph (c)(1) of § 1.423–2 provided the plant was adopted and approved in the manner required by the applicable law of the state of incorporation. For example, an option granted on or before December 19, 1964, pursuant to a written plan which was not approved by the stockholders of the granting corporation, but which was adopted by an authorized executive committee and approved by the board of directors of the granting corporation before January 1, 1964, may meet the requirements of section 424(c)(3)(B), provided that the granting of options pursuant to such a plan is not contrary to the applicable state law.

(ii) In applying section 424(c)(3)(B)(ii) and subparagraph (1)(ii)(*b*) of this paragraph, a plan (which is not otherwise discriminatory) will not be considered discriminatory merely because, for example, options are granted only to full-time employees (rather than employees working 20 hours per week or more), or because employees with less than 6 months employment per taxable year are omitted (rather than employees whose annual employment is for not more than 5 months per taxable year). However, if a plan, as of January 1, 1964, or as of the date of the grant of the option, excluded any employees (other than employees in favor of whom a plan must not discriminate) from its coverage because their basic or regular salary or wage rate was below a certain specified minimum; because of their coverage under some other stock option plan or plan of deferred compensation of the grantor corporation (or a parent or subsidiary of such corporation); because of the method by which their pay is determined; or because of their membership in any group for purposes of collective bargaining, such plan cannot meet the requirements of section 424(c)(3)(B) and (1)(ii)(*b*) of this paragraph.

(4) An option issued or assumed in a transaction to which section 425(a) applies is treated as a continuation of the option previously held by such individual. Accordingly, if the option previously held by the individual was a restricted stock option (whether or not such restricted stock option was granted before, on, or after December 31, 1963), the option received in the transaction to which section 425(a) applies will be treated as a restricted stock option irrespective of whether such option meets the requirements of section 424(c)(3).

**§ 1.425 Statutory provisions; definitions and special rules.**

Sec. 425. *Definitions and special rules*—(a) *Corporate reorganizations, liquidations, etc.* For purposes of this part, the term "issuing or assuming a stock option in a transaction to which section 425(a) applies" means a substitution of a new option for the old option, or an assumption of the old option, by an employer corporation, or a parent or subsidiary of such corporation, by reason of a corporate merger, consolidation, acquisition of property or stock, separation, reorganization, or liquidation, if—

(1) The excess of the aggregate fair market value of the shares subject to the option immediately after the substitution or assumption over the aggregate option price of such shares is not more than the excess of the aggregate fair market value of all shares subject to the option immediately before such substitution or assumption over the aggregate option price of such shares, and

(2) The new option or the assumption of the old option does not give the employee additional benefits which he did not have under the old option.

For purposes of this subsection, the parent-subsidiary relationship shall be determined at the time of any such transaction under this subsection.

(b) *Acquisition of new stock.* For purposes of this part, if stock is received by an individual in a distribution to which section 305, 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) applies, and such distribution was made with respect to stock transferred to him upon his exercise of the option, such stock shall be considered as having been transferred to him on his exercise of such option. A similar rule shall be applied in the case of a series of such distributions.

(c) *Disposition*—(1) *In general.* Except as provided in paragraph (2), for purposes of this part, the term "disposition" includes a sale, exchange, gift, or a transfer of legal title, but does not include—

(A) A transfer from a decedent to an estate or a transfer by bequest or inheritance;

(B) An exchange to which section 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) applies; or

(C) A mere pledge or hypothecation.

(2) *Joint tenancy.* The acquistion of a share of stock in the name of the employee and another jointly with the right of survivorship or a subsequent transfer of a share of stock into such joint ownership shall not be deemed a disposition, but a termination of such joint tenancy (except to the extent such employee acquires ownership of such stock) shall be treated as a disposition by him occurring at the time such joint tenancy is terminated.

(d) *Attribution of stock ownership.* For purposes of this part, in applying the percentage limitations of sections 422(b)(7), 423(b)(3), and 424(b)(3)—

(1) The individual with respect to whom such limitation is being determined shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(2) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

(e) *Parent corporation.* For purposes of this part, the term "parent corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations ending with the employer corporation if, at the time of the granting of the option, each of the corporations other than the employer corporation owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(f) *Subsidiary corporation.* For purposes of this part, the term "subsidiary corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations beginning with the employer corporation if, at the time of the granting of the option, each of the corporations other than the last corporation in the unbroken chain owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(g) *Special rule for applying subsections (e) and (f).* In applying subsections (e) and (f) for purposes of section 422(a)(2), 423(a)(2), and 424(a)(2), there shall be substituted for the term "employer corporation" wherever it appears in subsections (e) and (f) the term "grantor corporation", or the term "corporation issuing or assuming a stock option in a transaction to which section 425(a) applies", as the case may be.

(h) *Modification, extension, or renewal of option*—(1) *In general.* For purposes of this part, if the terms of any option to purchase stock are modified, extended, or renewed, such modification, extension, or renewal shall be considered as the granting of a new option.

(2) *Special rules for sections 423 and 424 options.* (A) In the case of the transfer of stock pursuant to the exercise of an option to which section 423 or 424 applies and which has been so modified, extended, or renewed, then, except as provided in subparagraph (B), the fair market value of such stock at the time of the granting of such option shall be considered as whichever of the following is the highest:

(i) The fair market value of such stock on the date of the original granting of the option,

(ii) The fair market value of such stock on the date of the making of such modification, extension, or renewal, or

(iii) The fair market value of such stock at the time of the making of any intervening modification, extension, or renewal.

(B) Subparagraph (A) shall not apply with respect to a modification, extension, or renewal of a restricted stock option before January 1, 1964 (or after December 31, 1963, if made pursuant to a binding written contract entered into before January 1, 1964), if the aggregate of the monthly average fair market values of the stock subject to the option for the 12 consecutive calendar months before the date of the modification, extension, or renewal, divided by 12, is an amount less than 80 percent of the fair market value of such stock on the date of the original granting of the option or the date of the making of any intervening modification, extension, or renewal, whichever is the highest.

(3) *Definition of modification.* The term "modification" means any change in the terms of the option which gives the employee additional benefits under the option, but such term shall not include a change in the terms of the option—

(A) Attributable to the issuance or assumption of an option under subsection (a);

(B) To permit the option to qualify under sections 422(b)(6), 423(b)(9), and 424(b)(2); or

(C) In the case of an option not immediately exercisable in full, to accelerate the time at which the option may be exercised.

If a restricted stock option is exercisable after the expiration of 10 years from the date such option is granted, subparagraph (B) shall not apply unless the terms of the option are also changed to make it not exercisable after the expiration of such period.

(i) *Stockholder approval.* For purposes of this part, if the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval.

(j) *Cross references.* For provisions requiring the reporting of certain acts with respect to a qualified stock option, options granted under employer stock purchase plans, or a restricted stock option, see section 6039.

[Sec. 425 as added by sec. 221(a), Rev. Act 1964 (78 Stat. 63)]

**§ 1.425–1 Definitions and special rules applicable to statutory options.**

(a) *Corporate reorganizations, liquidations, etc.* (1)(i) The term "issuing or assuming a stock option in a transaction to which section 425(a) applies" means, for purposes of sections 421 through 425, a substitution of a new option for an old option, or an assumption of such old option, by an employer corporation, or a related corporation of such corporation, by reason of a corporate transaction (as defined by subdivision (ii) of this subparagraph), if—

(*a*) The excess of the aggregate fair market value of the shares subject to the option immediately after the substitution or assumption over the aggregate option price of such shares is not more than the excess of the aggregate fair market value of all shares subject to the option immediately before such substitution or assumption over the aggregate option price of such shares, and







(*b*) The new option or the assumption of the old option does not give the employee additional benefits which he did

(iii) Section 425(a) applies only when the assumption or substitution occurs by reason of a corporate transaction as de-

by E, an employee of S. Assume that E's S option had 8 years to run on the date of the substitution. If the P option granted to E in substitution for his S option runs for more



been granted the option which the employer corporation, or parent or subsidiary thereof, is issuing or assuming. An

methods described in § 20.2031–2 of this chapter (the Estate Tax Regulations). In the case of stock listed on a stock ex-

expiration of the holding period required with respect to the original stock acquired pursuant to the exercise of the option, the special tax treatment provided by section

(b) The new option or the assumption of the old option does not give the employee additional benefits which he did not have under the old option.

(ii) For purposes of this section, the term "corporate transaction" means any merger of a corporation into another corporation, any consolidation of two or more corporations into another corporation, any purchase or acquisition of property or stock by any corporation, any separation of a corporation (including a spin-off or other distribution of stock or property by a corporation), any reorganization of a corporation (whether or not such reorganization comes within the definition of such term in section 368), or any partial or complete liquidation by a corporation, if such action by such corporation results in a significant number of employees being transferred to a new employer or discharged, or in the creation or severance of a parent-subsidiary relationship.

(2) (i) A change in the terms of an option attributable to the issuance or assumption of an option by reason of a corporate transaction (as defined under section 425 (a) and subparagraph (1) (ii) of this paragraph) is not a modification of such option. See section 425(h)(3) and paragraph (e) of this section. Thus, section 425(a), in effect, provides rules under which a new employer, or a parent or subsidiary of a new employer, may by reason of a corporate transaction assume a statutory option granted by the former employer or parent or subsidiary thereof, or issue a new statutory option in place of the option granted by the former employer or parent or subsidiary thereof, without having such assumption or substitution being considered as a modification of the option. For example, section 425(a) may apply where there is a merger of X Corporation into Y Corporation and Y Corporation wishes to employ the employees of X Corporation and to assume statutory options which had been granted to them by their former employer, X Corporation. Another example is where X Corporation forms a new subsidiary, Y Corporation, and transfers to it certain assets and employees, and where Y Corporation wishes to grant to such employees a statutory option to purchase its stock in place of the statutory option which they had to purchase stock of X Corporation.

(ii) Section 425(a) also provides rules under which a new parent or subsidiary corporation of the employer corporation may by reason of a corporate transaction assume a statutory option granted by the employer or parent or subsidiary thereof, or issue a new statutory option in place of the option granted by the employer or parent or subsidiary thereof, without having such assumption or substitution considered a modification of the option. Section 425(a) may apply, for example, where X Corporation acquires a new subsidiary, Y Corporation, by purchase of stock and desires to grant to the employees of Y Corporation a statutory option to buy stock of X Corporation in place of a statutory option which they have to purchase the stock of Y Corporation.

(iii) Section 425(a) applies only when the assumption or substitution occurs by reason of a corporate transaction as defined in this paragraph. Thus, section 425(a) may apply where as a result of a corporate transaction a statutory option can no longer be exercised, or if exercised, section 421 would not apply (see the first example in subdivision (i) of this subparagraph). Moreover, section 425(a) may apply in any case where the reason for the assumption or substitution grows out of a corporate transaction even though there could have been a valid exercise under section 421 of the original option (see the second example in subdivision (i) of this subparagraph and the example in subdivision (ii) of this subparagraph). However, a corporation which has issued an option may not substitute a new option for such option under section 425(a). See, however, paragraph (e) of this section.

(3) For section 425(a) to apply, it is not necessary to show that the corporation assuming or substituting the option is under any obligation to do so. In fact, section 425(a) may apply where the option which is being assumed or replaced expressly provides that it will terminate upon the occurrence of certain corporate transactions. However, section 425(a) cannot be applied to revive a statutory option which, for reasons not related to the corporate transaction, expires before it can properly be assumed or replaced under section 425(a). For section 425 (a) to apply, the assumed or substituted option must qualify as a statutory option.

(4) (i) Section 425(a) does not apply if the terms of the assumed or substituted option confer on the employee more favorable benefits than he had under the old option. Section 425(a) can apply to a corporate transaction only if, on a share by share comparison, the ratio of the option price to the fair market value of the stock subject to the option immediately after the substitution or assumption is no more favorable to the optionee than the ratio of the option price to the fair market value of the stock subject to the old option immediately before such substitution or assumption. The number of shares subject to an option issued or assumed may be adjusted to compensate for any change in the aggregate spread between the aggregate option price and the aggregate fair market value of the stock subject to the option immediately after the substitution or assumption as compared to the aggregate spread between the option price and the aggregate fair market value of the stock subject to the option immediately before such substitution or assumption. Such an adjustment will not prevent section 425(a) from applying to such substitution or assumption.

(ii) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* On June 1, 1965, P Corporation acquires 100 percent of the stock of S Corporation and on such date S becomes a subsidiary of P Corporation. Also on such date, P Corporation substitutes a qualified stock option to purchase P stock for a qualified stock option to purchase S stock held by E, an employee of S. Assume that E's S option had 3 years to run on the date of the substitution. If the P option granted to E in substitution for his S option runs for more than 3 years from the date of the substitution, section 425(a) cannot apply, since the effect of such an option would be to give E an additional benefit which he did not enjoy under his S option.

*Example (2).* E is an employee of S Corporation. E holds a qualified stock option which was granted to him by S to purchase 60 shares of S stock at $12 per share. On June 1, 1967, S Corporation is merged into P Corporation, and on such date P substitutes a qualified stock option to purchase P stock for E's qualified stock option to purchase S stock. Immediately before the substitution, the fair market value of S stock was $32 per share; immediately after the substitution, the fair market value of P stock is $24 per share. The new option entitles E to buy P stock at $9 per share. Since on a share by share comparison the ratio of the new option price ($9 per share) to the fair market value of P stock immediately after the substitution ($24 per share) is not more favorable to E than the ratio of the old option price ($12 per share) to the fair market value of S stock immediately before the substitution ($32 per share) (9/24=12/32) the requirement of subparagraph (4)(i) of this paragraph is met. The number of shares subject to E's option to purchase P stock is set at 80. Since the excess of the aggregate fair market value over the aggregate option price of the stock subject to E's new option to purchase P stock, $1,200 (80 x $24 minus 80 x $9), is not greater than the excess of the aggregate fair market value over the aggregate option price of the stock subject to E's old option to purchase S stock, $1,200 (60×$32 minus 60×$12), the requirement of subparagraph (1)(i)(a) of this paragraph is met. Thus, section 425(a) may apply to the substitution.

*Example (3).* Assume the same facts as in example (2), except assume that the fair market value of S stock immediately before the substitution was $8 per share and that the option price was $10 per share, and that the fair market value of P stock immediately after the substitution is $12 per share. P sets the new option price at $15 per share. Since on a share by share comparison the ratio of the new option price ($15 per share) to the fair market value of P stock immediately after the substitution ($12 per share) is not more favorable to E than the ratio of the old option price ($10 per share) to the fair market value of S stock immediately before the substitution ($8 per share) ($15/12=10/8$), the requirement of subparagraph (4)(i) of this paragraph is met. Assume further that the number of shares subject to E's P option is set at 20 as compared to 60 shares under E's old option to buy S stock. Immediately after the substitution, 2 shares of P stock are worth $24, which is what 3 shares of S stock were worth immediately before the substitution ($2\times\$12=3\times\$8$). Thus, to completely replace E's S option, E should have received an option to purchase 40 shares of P stock, i.e., 2 shares of P for each 3 shares of S which E could have purchased under his old option ($\frac{2}{3}=\frac{40}{60}$). Since E's new option covers 20 shares of P stock, it is clear that P has replaced only ½ of E's stock option. The portion of E's stock option which was not replaced by P is an outstanding stock option to purchase stock of a predecessor corporation of P Corporation for purposes of section 422(b)(5) and (c)(2).

(5) For the purpose of applying section 425(a), the assumption or substitution shall be considered to occur at the time that the optionee would, except for section 425(a), be considered to have been granted the option which the employer corporation, or parent or subsidiary thereof, is issuing or assuming. An assumption or substitution which occurs by reason of a corporate transaction may occur before or after the corporate transaction.

(6) In order to have a substitution of an option under section 425(a) the optionee must, in connection with the corporate transaction, lose his rights under the old option. There cannot be a substitution of a new option for an old option within the meaning of section 425 (a) if it is contemplated that the optionee may exercise both the old option and the new option. It is not necessary, however, to have a complete substitution of a new option for the old option. However, if the old option was a qualified or restricted stock option, any portion of such option which is not substituted or assumed in a transaction to which section 425(a) applies will be treated as an outstanding option to purchase stock of a predecessor corporation of the new employer or grantor corporation. See section 422 (b)(5) and (c)(2) and paragraph (f) of § 1.422–2. For example, assume that X Corporation forms a new corporation, Y Corporation, by a transfer of certain assets and distributes the stock of Y Corporation to the shareholders of X Corporation. Assume further that E, an employee of X Corporation, is thereafter an employee of both X Corporation and Y Corporation. Y Corporation wishes to substitute an option to purchase some of its stock for the statutory option which E has, entitling him to purchase 100 shares of the stock of X Corporation. The option to purchase the stock of X Corporation, at $50 a share, was granted when the stock had a fair market value of $50 a share, and the stock was worth $100 a share just before the distribution of the new corporation's stock to the shareholders of X Corporation. The stock of X Corporation and of Y Corporation is worth $50 a share just after such distribution, which also is the time of the substitution. On these facts an option to purchase 200 shares of stock of Y Corporation at $25 a share could be given to the employee in complete substitution for the old option. It would also be permissible to give the employee an option to purchase 100 shares of stock of Y Corporation at $25 a share in substitution for his right to purchase 50 of the shares covered by the old option. However, if the option to purchase X stock was a qualified or restricted stock option, then to the extent the old option is not assumed or a new option issued in substitution therefor in a transaction to which section 425(a) applies, such old option will be treated as an outstanding option under section 422(c)(2) for purposes of section 422(b)(5). See paragraph (f) of § 1.422–2.

(7) Any reasonable methods may be used to determine the fair market value of the stock subject to the option immediately before the assumption or substitution and the fair market value of the stock subject to the option immediately after the assumption or substitution. Such methods include the valuation methods described in § 20.2031–2 of this chapter (the Estate Tax Regulations). In the case of stock listed on a stock exchange, the fair market value may be based on the last sale before and the first sale after the assumption or substitution if such sales clearly reflect the fair market value of the stock, or may be based upon an average selling price during a longer period, such as the day or week before, and the day or week after, the assumption or substitution. If the stocks are not listed, or if they are newly issued, it will be reasonable to base the determination on experience over even longer periods. In the case of a merger, consolidation, or other reorganization which is arrived at by arm's-length negotiations, the fair market value of the stocks subject to the option before and after the assumption or substitution may be based upon the values assigned to the stock for purposes of the reorganization. For example, if in the case of a merger the parties treat each share of the merged company as being equal in value to a share of the surviving company, it will be reasonable to assume that the stocks are of equal value so that the substituted option may permit the employee to purchase at the same price one share of the surviving company for each share he could have purchased of the merged company.

(8) For the purpose of applying section 425(a) and this paragraph, the determination of whether the parent-subsidiary relationship exists shall be based upon circumstances existing immediately after the corporate transaction.

(b) *Acquisition of new stock.* (1) Section 425(b) provides that the rules provided by sections 421 through 425 which are applicable with respect to stock transferred to an individual upon his exercise of an option, shall likewise be applicable with respect to stock acquired by a distribution or an exchange to which section 305, 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) applies. Stock so acquired shall, for purposes of sections 421 through 425, be considered as having been transferred to the individual upon his exercise of the option. A similar rule shall be applied in the case of a series of such acquisitions. With respect to such acquisitions, section 425(b) does not make inapplicable any of the provisions of section 305, 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036).

(2) The application of this paragraph may be illustrated by the following example:

*Example.* If, with respect to stock transferred pursuant to the timely exercise of a statutory option, there is a distribution of new stock to which section 305(a) is applicable, and if there is a disposition of such new stock before the expiration of the applicable holding period required with respect to the stock originally acquired pursuant to the exercise of such option, such disposition makes section 421 inapplicable to the transfer of the original stock pursuant to the exercise of the option to the extent that the disposition effects a reduction of the individual's total interest in the old and new stock. However, if the new stock, as well as the old stock, is not disposed of before the expiration of the holding period required with respect to the original stock acquired pursuant to the exercise of the option, the special tax treatment provided by section 421 is applicable to both the original shares and the shares acquired by virtue of the distribution to which section 305(a) applies.

(c) *Disposition of stock.* (1) For purposes of sections 421 through 425, the term "disposition" includes a sale, exchange, gift, or any transfer of legal title, but does not include—

(i) A transfer from a decedent to his estate or a transfer by bequest or inheritance; or

(ii) An exchange to which is applicable section 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036); or

(iii) A mere pledge or hypothecation. However, a disposition of the stock pursuant to a pledge or hypothecation is a disposition by the individual, even though the making of the pledge or hypothecation is not such a disposition.

(2) If an individual exercises a statutory option, a share of stock acquired pursuant to such exercise is not considered disposed of by the individual if such share is taken in the name of the individual and another person jointly with right of survivorship, or is subsequently transferred into such joint ownership, or is retransferred from such joint ownership to the sole ownership of the individual. However, any termination of such joint ownership is a disposition of such share, except to the extent that the individual reacquires ownership of the share. For example, if such individual and his joint owner transfer such share to another person, the individual has made a disposition of such share. Likewise, if a share of stock held in the joint names of such individual and another person is transferred to the name of such other person, there is a disposition of such share by the individual. If an individual exercises a statutory option and a share of stock is transferred to another or is transferred to such individual in his name as trustee for another, the individual has made a disposition of such share.

(3) The application of this paragraph may be illustrated by the following examples:

*Example (1).* On June 1, 1964, the X Corporation grants to E, an employee, a qualified stock option to purchase 100 shares of X Corporation stock at $100 per share, the fair market value of X Corporation stock on that date. On June 1, 1965, while employed by X Corporation, E exercises the option in full and pays X Corporation $10,000, and on that day X Corporation transfers to E 100 shares of its stock having a fair market value of $12,000. Before June 1, 1968, E makes no disposition of the 100 shares so purchased. E realizes no income on June 1, 1965, with respect to the transfer to him of the 100 shares of X Corporation stock. X Corporation is not entitled to any deduction at any time with respect to its transfer to E of the stock. E's basis for such 100 shares is $10,000.

*Example (2).* Assume the same facts as in example (1), except assume that on August 1, 1968, three years and two months after the transfer of the shares to him, E sells the 100 shares of X Corporation stock for $13,000 which is the fair market value of the stock on that date. For the taxable year

in which the sale occurs, E realizes a gain of $3,000 ($13,000 minus E's basis of $10,000), which is treated as long-term capital gain.

*Example* (3). Assume the same facts as in example (2), except assume that on August 1, 1968, E makes a gift of the 100 shares of Y Corporation stock to his son. Such disposition results in no realization of gain to E either for the taxable year in which the option is exercised or the taxable year in which the gift is made. E's basis of $10,000 becomes the donee's basis for determining gain or loss.

*Example* (4). Assume the same facts as in example (1), except assume that on May 1, 1968, two years and 11 months after the transfer of the shares to him, E sells the 100 shares of X Corporation stock for $13,000. The special rules of section 421(a) are not applicable to the transfer of the stock by X Corporation to E, because disposition of the stock was made by E within three years from the date the shares were transferred to him.

*Example* (5). Assume the same facts as in example (1), except assume that E dies on September 1, 1965, owning the 100 shares of X Corporation stock acquired by him pursuant to his exercise on June 1, 1965, of the qualified stock option. On the date of death, the fair market value of the stock is $12,500. No income is realized by E by reason of the transfer of the 100 shares to his estate. If the stock is valued as of the date of E's death for estate tax purposes, the basis of the 100 shares in the hands of the executor is $12,500.

(d) *Attribution of stock ownership.* Section 425(d) provides that in determining the amount of stock owned by an individual for purposes of applying the percentage limitations of section 422(b)(7), 423(b)(3), and 424(b)(3), stock of the employer corporation or of a related corporation which is owned (directly or indirectly) by or for such individual's brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants, shall be considered as owned by such individual. Also, for such purpose, if a domestic or foreign corporation, partnership, estate, or trust owns (directly or indirectly) stock of the employer corporation or of its parent or subsidiary, such stock shall be considered as being owned proportionately by or for the shareholders, partners, or beneficiaries of the corporation, partnership, estate, or trust.

(e) *Modification, extension, or renewal of option.* (1) Section 425(h) provides the rules for determining whether a share of stock transferred to an individual upon his exercise of an option, after the terms thereof have been modified, extended, or renewed, is transferred pursuant to the exercise of a statutory option. Such rules and the rules of this section are applicable to modifications, extensions, or renewals (or to changes which are not treated as modifications) of an option in any taxable year of the optionee which begins after December 31, 1963, except that section 425(h)(1) and this paragraph shall not apply to any change made before January 1, 1965, in the terms of an option granted after December 31, 1963, to permit such option to meet the requirements of section 422(b)(3), (4), or (5), and the regulations thereunder. See paragraphs (d), (e), and (f), of § 1.422–2, relating to period for exercising options, option price, and prior outstanding options, respectively, in the case of qualified stock options.

(2) Any modification, extension, or renewal of the terms of an option to purchase stock shall be considered as the granting of a new option.

(3) Except as otherwise provided in subparagraph (4) of this paragraph, in case of a modification, extension, or renewal of an option, the highest of the following values shall be considered to be the fair market value of the stock at the time of the granting of such option for purposes of applying the rules of sections 423(b)(6), and 424(b)(1)—

(i) The fair market value on the date of the original granting of the option,

(ii) The fair market value on the date of the making of such modification, extension, or renewal, or

(iii) The fair market value at the time of the making of any intervening modification, extension, or renewal.

(4)(i) In the case of a modification, extension, or renewal of a restricted stock option before January 1, 1964 (or after December 31, 1963, if made pursuant to a binding written contract entered into before January 1, 1964), the rules of subparagraph (3) of this paragraph do not apply if the aggregate of the monthly average fair market values of the stock subject to the option for the 12 consecutive calendar months preceding the month in which the modification, extension, or renewal occurs, divided by 12, is an amount less than 80 percent of the fair market value of such stock on the date of the original granting of the option or the date of the making of any intervening modification, extension, or renewal, whichever is the highest. In such case, any modification, extension, or renewal of the option is treated as the granting of a new option but only the fair market value of the stock subject to the option at the time of the modification, extension, or renewal is considered in determining whether the option is a restricted stock option. In the case of stocks listed on a stock exchange, the average fair market value of the stock for any month may be determined by adding the highest and lowest quoted selling prices during such month and dividing the sum by two. The method used for determining the average fair market value of the stock for any month must be used for all twelve months, except where it is shown that such method cannot be used for any month or does not clearly reflect the average fair market value of the stock for any such month.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following example:

*Example.* On June 1, 1962, a restricted stock option was granted to purchase before July 1, 1965, a share of stock for $85. The fair market value of such stock on June 1, 1962, was $100. On June 15, 1963, when the fair market value of the stock is $60, such option is extended so that it is exercisable at any time before July 1, 1966, at $55 a share. The average fair market value of the stock subject to the option for each of the 12 calendar months preceding June 1963, is as follows:

| 1962 | | 1963 | |
|---|---|---|---|
| June | $100 | January | $90 |
| July | 90 | February | 80 |
| August | 80 | March | 70 |
| September | 70 | April | 60 |
| October | 80 | May | 60 |
| November | 80 | | |
| December | 90 | | |

The aggregate of such values is $950. When this sum is divided by 12, the result is $79.17, which is an amount less than 80 percent of the fair market value of the stock ($100) when the option was granted. Accordingly, when the option is extended on June 15, 1963, the option price could have been reduced as low as $51 (85 percent of the fair market value of the stock on such day) without disqualifying the option as a restricted stock option. If the aggregate fair market values of the stock so ascertained had amounted to $960 or more, the rules of subparagraph (3) of this paragraph would have been applicable with the result that any reduction in the option price would have disqualified the option as a restricted stock option.

(5)(i) The time or date when an option is modified, extended, or renewed shall be determined, insofar as applicable, in accordance with the rules governing determination of the time or date of granting an option provided in paragraph (c) of § 1.421–7. For purposes of sections 421 through 425, the term "modification" means any change in the terms of the option which gives the optionee additional benefits under the option. For example, a change in the terms of the option, which shortens the period during which the option is exercisable, is not a modification. However, a change which provides more favorable terms for the payment for the stock purchased under the option, is a modification. Where an option is amended solely to increase the number of shares subject to the option, such increase shall not be considered as a modification of the option, but shall be treated as the grant of a new option for the additional shares.

(ii)(*a*) A change in the number or price of the shares of stock subject to an option merely to reflect a stock dividend, or stock split-up, is not a modification of the option.

(*b*) A change in the number or price of the shares of stock subject to an option to reflect a corporate transaction (as defined by paragraph (a)(1)(ii) of this section) is not a modification of the option provided that the excess of the aggregate fair market value (determined immediately after such corporate transaction) of the shares subject to the option immediately after such change over the aggregate new option price of such shares is not more than the excess of the aggregate fair market value of the shares subject to the option immediately before the transaction over the aggregate former option price of such shares, and provided that the option after such change does not give the employee additional benefits which he did not have before such change. The ratio of the option price immediately after the change to the fair market value of the stock subject to the option immediately after the corporate transaction must not be more favorable to the optionee on a share by share comparison than the ratio of the old option price to the fair market value of the stock subject to the option immediately before such transaction. A reduction in the option price of an option, other than as specifically provided for in this section, is a modification of such option.

(c) The application of (*b*) of this subdivision may be illustrated by the following example:

*Example.* E, an employee of P Corporation, holds a qualified stock option granted to him by P to buy 90 shares of P stock at $36 per share. P Corporation is a party to a corporate transaction (as defined by paragraph (a)(1)(ii) of this section) which results in a decline in the fair market value of P stock. Immediately before such transaction the fair market value of P stock was $64 per share. Immediately after such transaction, the fair market value of P stock is $48 per share. Two weeks after such transaction, P proposes to amend E's option in order to reflect the decline in the fair market value of P stock attributable to the transaction. At such time, the fair market value of P stock is $50 per share. However, since the change was not made at the time of the transaction, the fair market value of P stock at the time of the change is irrelevant for purposes of determining whether the change comes under the rule of (*b*) of this subdivision. P changes the terms of E's option to lower the option price to $27 per share and to increase the number of shares subject to the option to 120. No other terms of the option are changed. The aggregate fair market value (determined immediately after the corporate transaction) of the shares subject to the option immediately after the change is $5,760 ($48 x 120). The aggregate option price of the shares subject to the option immediately after the change is $3,240 ($27 x 120). Thus, the excess of such fair market value over such option price is $2,520 ($5,760−$3,240). The aggregate fair market value of the stock subject to the option immediately before the corporate transaction is $5,760 ($64 x 90). The aggregate option price for the stock subject to the option immediately before the change is $3,240 ($36 x 90). Thus, the excess of such fair market value over such option price is $2,520 ($5,760−$3,240). Accordingly, the excess after the change does not exceed the excess before the corporate transaction. Moreover, the ratio of the option price immediately after the change ($27 per share) to the fair market value of P stock immediately after the transaction ($48 per share) is not more favorable to E on a share by share comparison than the ratio of the old option price ($36 per share) to the fair market value of P stock immediately before the transaction ($64) (27/48=36/64). For purposes of section 425(h), the changes made do not confer additional benefits on E which he did not have before the change. Accordingly, the changes do not constitute a modification of E's option.

(iii) Any change in the terms of an option for the purpose of qualifying the option as a statutory option grants additional benefits and, therefore, is a modification. However, if the terms of an option are changed to provide that the optionee cannot transfer the option except by will or by the laws of descent and distribution in order to meet the requirements of section 422(b)(6), 423(b)(9), or 424(b)(2), such change is not a modification, provided that in any case where the purpose of the change is to meet the requirements of section 424(b)(2) the option is at the same time changed so that it is not exercisable after the expiration of ten years from the date the option was granted. Where an option is not immediately exercisable in full, a change in the terms of such option to accelerate the time at which the option (or any portion thereof) may be exercised is not a modification for purposes of section 425(h) and this section.

(iv) An extension of an option refers to the granting by the corporation to the optionee of an additional period of time within which to exercise the option beyond the time originally prescribed. A renewal of an option is the granting by the corporation of the same rights or privileges contained in the original option on the same terms and conditions. The rules of this paragraph apply as well to successive modifications, extensions, and renewals.

(6) A statutory option may, as a result of a modification, extension, or renewal, thereafter cease to be a statutory option, or any option may, by modification, extension, or renewal, thereafter become a statutory option.

(7) The application of this paragraph may be illustrated by the following examples:

*Example* (1). On June 1, 1964, the X Corporation grants to an employee an option under X's employee stock purchase plan to purchase 100 shares of the stock of X Corporation at $90 per share, such option to be exercised on or before June 1, 1966. At the time the option is granted, the fair market value of the X Corporation stock is $100 per share. On February 1, 1965, before the employee exercises the option, X Corporation modifies the option to provide that the price at which the employee may purchase the stock shall be $80 per share. On February 1, 1965, the fair market value of the X Corporation stock is $90 per share. Under section 425(h), the X Corporation is deemed to have granted an option to the employee on February 1, 1965. Such option shall be treated as an option to purchase at $80 per share 100 shares of stock having a fair market value of $100 per share, that is, the higher of the fair market value of the stock on June 1, 1964, or on February 1, 1965. The exercise of such option by the employee after February 1, 1965, is not the exercise of a statutory option.

*Example* (2). On June 1, 1964, the X Corporation grants to an employee an option under X's employee stock purchase plan to purchase 100 shares of X Corporation stock at $90 per share, exercisable after December 31, 1965, and on or before June 1, 1966. On June 1, 1964, the fair market value of X Corporation's stock is $100 per share. On February 1, 1965, X Corporation modifies the option to provide that the option shall be exercisable on or before September 1, 1966. On February 1, 1965, the fair market value of X Corporation stock is $110 per share. Under section 425(h), X Corporation is deemed to have granted an option to the employee on February 1, 1965, to purchase at $90 per share 100 shares of stock having a fair market value of $110 per share, that is, the higher of the fair market value of the stock on June 1, 1964, or on February 1, 1965. The exercise of such option by the employee is not the exercise of a statutory option.

*Example* (3). The facts are the same as in example (1), except that the employee exercised the option to the extent of 50 shares on January 15, 1965, before the date of the modification of the option. Any exercise of the option after February 1, 1965, the date of the modification, is not the exercise of a statutory option. See example (1) in this subparagraph. The exercise of the option on January 15, 1965, pursuant to which 50 shares were acquired, is the exercise of a statutory option.

*Example* (4). On June 1, 1964, the X Corporation grants to an employee an option to purchase 100 shares of the stock of X Corporation at $80 per share, such option to be exercised on or before June 1, 1966. At the time the option is granted, the fair market value of the X Corporation stock is $100 per share. On February 1, 1965, before the employee exercises the option, the X Corporation modifies the option to provide that the number of shares of stock which the employee may purchase at $80 per share will be 250. On February 1, 1965, the fair market value of X Corporation stock is $80 per share. Under these facts, the X Corporation has granted two options, one option (not a statutory option) with respect to 100 shares having been granted on June 1, 1964, and the other option (a qualified stock option) with respect to the additional 150 shares having been granted on February 1, 1965. In the absence of facts identifying which option is exercised first, the employee will be deemed to have exercised the options in the order in which they were granted.



PAR. 8. Section 1.691(c) is amended by revising section 691(c)(2)(B) and by adding a historical note. These amended and added provisions read as follows:

**§ 1.691(c) Statutory provisions; recipients of income in respect of decedents; deduction for estate tax.**

Sec. 691. *Recipients of income in respect of decedents.* • • •

(c) *Deduction for estate tax.* • • •

(2) *Method of computing deduction.* • • •

(B) The net value for estate tax purposes of all the items described in subsection (a)(1) shall be the excess of the value for estate tax purposes of all the items described in subsection (a)(1) over the deductions from the gross estate in respect of claims which represent the deductions and credit described in subsection (b). Such net value shall be determined with respect to the provisions of section 421(c)(2), relating to the deduction for estate tax with respect to stock options to which part II of subchapter D applies.

• • • • •

[Sec. 691(c) as amended by sec. 221(c)(2), Rev. Act 1964 (78 Stat. 75)]

PAR. 9. Paragraph (c)(1) and example (1) of paragraph (d) of § 1.691(c)–1 are amended to read as follows:

**§ 1.691(c)–1 Deduction for estate tax attributable to income in respect of a decedent.**

• • • • •

(c) *Amounts deemed to be income in respect of a decedent.* • • •

(1) The value for estate tax purposes of stock options in respect of which amounts are includible in gross income under section 421(b), in the case of taxable years ending before January 1, 1964, or under section 422(c)(1), 423(c), or 424(c)(1), whichever is applicable, in the case of taxable years ending after December 31, 1963. See section 421(d)(6), in the case of taxable years ending before January 1, 1964, and section 421(c)(2), in the case of taxable years ending after December 31, 1963.

• • • • •

(d) *Examples.* • • •

*Example (1).* X, an attorney who kept his books by use of the cash receipts and disbursements method, was entitled at the date of his death to a fee for services rendered in a case not completed at the time of his death, which fee was valued in his estate at $1,000, and to accrued bond interest, which was valued in his estate at $500. In all, $1,500 was included in his gross estate in respect of income described in section 691(a)(1). There were deducted as claims against his estate $150 for business expenses for which his estate was liable and $50 for taxes accrued on certain property which he owned. In all, $200 was deducted for claims which represent amounts described in section 691(b) which are allowable as deductions to his estate or to the beneficiaries of his estate. His gross estate was $185,000 and, considering deductions of $15,000 and an exemption of $60,000, his taxable estate amounted to $110,000. The estate tax on this amount is $23,700 from which is subtracted a $75 credit for State death taxes leaving an estate tax liability of $23,625. In the year following the closing of X's estate, the fee in the amount of $1,200 was collected by X's son, who was the sole beneficiary of the estate. This amount was included under section 691(a)(1)(C) in the son's gross income. The son may deduct, in computing his taxable income for such year, $260 on account of the estate tax attributable to such income, computed as follows:

| | |
|---|---|
| (1) (i) Value of income described in section 691(a)(1) included in computing gross estate | $1,500 |
| (ii) Deductions in computing gross estate for claims representing deductions described in section 691(b) | 200 |
| (iii) Net value of items described in section 691(a)(1) | 1,300 |
| (2) (i) Estate tax | 23,625 |
| (ii) Less: Estate tax computed without including $1,300 (item (1)(iii)) in gross estate | 23,235 |
| (iii) Portion of estate tax attributable to net value of items described in section 691(a)(1) | 390 |
| (3) (i) Value in gross estate of items described in section 691(a)(1) received in taxable year (fee) | 1,000 |
| (ii) Value in gross estate of all income items described in section 691(a)(1) (item (1)(i)) | 1,500 |
| (iii) Part of estate tax deductible on account of receipt of $1,200 fee (1,000/1,500 of $390) | 260 |

Although $1,200 was later collected as the fee, only the $1,000 actually included in the gross estate is used in the above computations. However, to avoid distortion, section 691(c) provides that if the value included in the gross estate is greater than the amount finally collected, only the amount collected shall be used in the above computations. Thus, if the amount collected as the fee were only $500, the estate tax deductible on the receipt of such amount would be 500/1,500 of $390, or $130. With respect to taxable years ending before January 1, 1964, see paragraph (d)(3) of § 1.421–5 for a similar example involving a restricted stock option. With respect to taxable years ending after December 31, 1963, see paragraph (c)(3) of §1.421–9 for a similar example involving a stock option subject to the provisions of part II of subchapter D.

• • • • •

PAR. 10. Paragraph (d) of § 1.1012–1 is amended to read as follows:

**§ 1.1012–1 Basis of property—cost.**

• • • • •

(d) *Special rules.* For special rules for determining the basis for gain or loss in the case of vessels acquired through the Maritime Commission (or its successor), see sections 510 and 511 of the Merchant Marine Act of 1936 (46 U.S.C. 1160, 1161). For special rules for determining the unadjusted basis of property recovered in respect of war losses, see section 1336. For special rules with respect to taxable years beginning before January 1, 1964, for determining the basis for gain or loss in the case of a disposition of a share of stock acquired pursuant to the timely exercise of a restricted stock option where the option price was between 85 percent and 95 percent of the fair market value of the stock at the time the option was granted, see paragraph (b) of § 1.421–5. See sections 423(c)(1) or 424(c)(1), whichever is applicable, for special rules with respect to taxable years ending after December 31, 1963 for determining the basis for gain or loss in the case of the disposition of a share of stock acquired pursuant to the timely exercise of a stock option described in such sections. See section 422(c)(1) for special rule with respect to taxable years ending after December 31, 1963, for determining the basis for gain or loss in the case of an exercise of a qualified stock option.

PAR. 11. Paragraph (c) of § 1.1014–1 is amended to read as follows:

**§ 1.1014–1 Basis of property acquired from a decedent.**

• • • • •

(c) *Property to which section 1014 does not apply.* Section 1014 shall have no application to the following classes of property:

(1) Property which constitutes a right to receive an item of income in respect of a decedent under section 691; and

(2) Restricted stock options described in section 421 which the employee has not exercised at death if the employee died before January 1, 1957. In the case of employees dying after December 31, 1956, see paragraph (d)(4) of § 1.421–5. In the case of employees dying in a taxable year ending after December 31, 1963, see paragraph (c)(4) of § 1.421–9 with respect to an option described in part II of subchapter D.

PAR. 12. There are inserted immediately after § 1.6038–2 the following new sections:

**§ 1.6039 Statutory provisions; returns required in connection with certain stock options.**

Sec. 6039. *Information required in connection with certain options*—(a) *Requirement of reporting.* Every corporation—

(1) Which in any calendar year transfers a share of stock to any person pursuant to such person's exercise of a qualified stock option or a restricted stock option, or

(2) Which in any calendar year records (or has by its agent recorded) a transfer of the legal title of a share of stock—

(A) Acquired by the transferor pursuant to his exercise of an option described in section 423(c) (relating to special rule where option price is between 85 percent and 100 percent of value of stock), or

(B) Acquired by the transferor pursuant to his exercise of a restricted stock option described in section 424(c)(1) (relating to options under which option price is between 85 percent and 95 percent of value of stock),

shall, for such calendar year, make a return at such time and in such manner, and setting forth such information, as the Secretary or his delegate may by regulations prescribe. For purposes of the preceding sentence, any option which a corporation treats as a qualified stock option, a restricted stock option, or an option granted under an employee stock purchase plan, shall be deemed to be such an option. A return is required by reason of a transfer described in paragraph (2) of a share only with respect to the first transfer of such share by the person who exercised the option.

(b) *Statements to be furnished to persons with respect to whom information is furnished.* Every corporation making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement setting forth such information as the Secretary or his delegate may by regulations prescribe. The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.

(c) *Identification of stock.* Any corporation which transfers any share of stock pursuant to the exercise of an option described in subsection (a)(2) shall identify such stock in a manner adequate to carry out the purposes of this section.

(d) *Cross references.* For definition of—

(1) The term "qualified stock option", see section 422(b).

(2) The term "employee stock purchase plan", see section 423(b).

(3) The term "restricted stock option", see section 424(b).

[Sec. 6039 as added by sec. 221(b)(1), Rev. Act 1964 (78 Stat. 73)]

**§ 1.6039–1 Information returns required of corporations with respect to certain stock option transactions occurring on or after January 1, 1964.**

(a) *Requirement of return under section 6039(a)(1).* Every corporation which transfers stock to any person pursuant to such person's exercise on or after January 1, 1964, of a qualified stock option described in section 422(b), or a restricted stock option described in section 424(b), shall make, for each calendar year in which such a transfer occurs, an information return with respect to the transfers made during such year. The return shall include the following information:

(1) The name, address and employer identification number of the corporation transferring the stock;

(2) The name, address and identifying number of the person to whom the share or shares of stock were transferred;

(3) The name and address of the corporation the stock of which is the subject of the option (if other than the corporation transferring the stock);

(4) The date the option was granted;

(5) The date the option was exercised;

(6) The date the shares were transferred to the person exercising the option;

(7) The option price per share;

(8) The fair market value of the stock at the time the option was granted;



(9) The fair market value of the stock at the time the option was exercised;

(10) The number of shares of stock transferred pursuant to the option; and

(11) Such other information as may be required by the return or by the instructions issued with respect thereto.

(b) *Requirement of return under section 6039(a)(2).* (1) Every corporation which records, or has by its agent recorded, a transfer of the title to stock acquired by the transferor pursuant to his exercise on or after January 1, 1964, of

(i) An option granted under an employee stock purchase plan which meets the requirements of section 423(b), and with respect to which the special rule of section 423(c) applies, or

(ii) A restricted stock option which meets the requirements of section 424(b), and with respect to which the special rule of section 424(c)(1) applies,

shall make, for each calendar year in which such a recorded transfer of title to such stock occurs, an information return containing the information required by subparagraph (2) of this paragraph.

(2) The return required by subparagraph (1) of this paragraph shall contain the following information:

(i) The name and address of the corporation whose stock is being transferred;

(ii) The name, address, and identifying number of the transferor;

(iii) The date such stock was issued to the transferor; and

(iv) The number of shares to which title is being transferred.

(3) If the return required by this paragraph is made by the authorized "transfer agent" of the corporation, it shall be deemed to have been made by the corporation. The term "transfer agent", as used in this paragraph, means any designee authorized to keep the stock ownership records of a corporation and to record a transfer of title of the stock of such corporation on behalf of such corporation.

(4) Where a corporation is required by this paragraph to make an information return for the calendar year, such return will only have to supply information relating to the first recorded transfer of title to the share or shares of stock. Thus, for example, if the owner has record title to a share or shares of stock transferred to a recognized broker or financial institution and the stock is subsequently sold by such broker or institution (on behalf of the owner) the corporation is only required to report information relating to the transfer of record title to the broker or financial institution. Similarly, a return is required when a share of stock is transferred by the optionee to himself and another person or persons as joint tenants or tenants in common. However, when stock is originally issued to the optionee and another person or persons as joint tenants, or as tenants by the entirety, and a stock certificate was not previously actually issued to the optionee as a sole owner, the return required by this paragraph shall be made (at such time and in such manner as is provided by this section with respect to a transfer by the optionee) in respect of the first transfer of the title to such stock by the optionee.

(5) Every corporation which transfers any share of stock pursuant to the exercise of an option described in this paragraph shall identify such stock in a manner sufficient to enable the accurate reporting of the transfer of record title to such shares. Such identification may be accomplished by assigning to the certificates of stock issued pursuant to the exercise of such options a special serial number, or color.

(c) *Time and place for filing.* (1) The returns required by this section shall be filed with the district director for the district where the income tax return of the corporation required to file such return is filed. Such return must be filed on or before February 28 of the year following the calendar year for which such return is required, and must be signed by the person required to file the return or its duly authorized agent.

(2) If a return is made by the authorized "transfer agent" of the corporation, as described in paragraph (b)(3) of this section, it shall be filed with the district director for the district where the income tax return of the principal corporation is filed after the close of the calendar year for which the return is required, but on or before February 28th of the following calendar year.

(3) For provisions relating to the extension of time for filing the returns required by this section, see § 1.6081–1.

(4) For provisions relating to the time for performance of an act when the last day prescribed for performance falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

(d) *Stock to which this section applies.* The rules of this section shall apply to stock acquired pursuant to the exercise of any option which the employer corporation, or a parent or subsidiary corporation of such corporation, treats as a qualified stock option, restricted stock option, or as an option granted under an employee stock purchase plan, irrespective of whether the transfer of stock pursuant to such exercise qualifies for the special tax treatment of section 421 and the regulations thereunder. In addition, the rules of paragraph (b) of this section shall apply to any full shares of stock received in respect of stock which was originally acquired pursuant to the exercise of an option described in the preceding sentence. See section 425(b). A return is required under paragraph (b) of this section irrespective of whether the transfer of title constitutes a disposition of such stock as defined by section 425(c).

**§ 1.6039–2 Statements to persons with respect to whom information is furnished.**

(a) *Requirement and form of statement.* Every corporation required to make a return under section 6039(a) and § 1.6039–1 shall furnish to each person whose identifying number is (or should be) shown on such return a written statement containing the information required to be shown on the information return required by paragraph (a) or (b) of this section, whichever is applicable. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person as his last known address.

(b) *Time for furnishing statements*—(1) *In general.* Each statement required by this section to be furnished to any person for a calendar year shall be furnished to such person on or before January 31 of the year following the year for which the statement is required.

(2) *Extension of time.* For good cause shown upon written application of the corporation required to furnish statements under this section, the district director may grant an extension of time not exceeding 30 days in which to furnish such statements. The application shall be addressed to the district director with whom the income tax returns of the applicant-corporation are filed and shall contain a full recital of the reasons for requesting the extension to aid the district director in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to the district director signed by the applicant (or its agent) will suffice as an application. The application shall be filed on or before the date prescribed in subparagraph (1) of this paragraph for furnishing the statements required by this section.

(3) *Last day for furnishing statement.* For provisions relating to the time for performance of an act when the last day prescribed for performance falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

(c) *Penalty.* For provisions relating to the penalty provided for failure to furnish a statement under this section, see § 301.6678–1 of this chapter (Regulations on Procedure and Administration).

PAR. 13. Paragraph (c) of § 1.6071–1 is amended to read as follows:

**§ 1.6071–1 Time for filing returns and other documents.**

• • • • •

(c) *Time for filing certain information returns.* (1) For provisions relating to the time for filing returns of partnership income, see paragraph (e)(2) of § 1.6031–1.

(2) For provisions relating to the time for filing information returns by banks with respect to common trust funds, see § 1.6032–1.

(3) For provisions relating to the time for filing information returns by certain organizations exempt from taxation under section 501(a), see paragraph (e) of § 1.6033–1.

(4) For provisions relating to the time for filing returns by trusts claiming charitable deductions under section 642(c), see paragraph (c) of § 1.6034–1.

(5) For provisions relating to the time for filing information returns by officers, directors, and shareholders of foreign personal holding companies, see §§ 1.6035–1 and 1.6035–2.

(6) For provisions relating to the time for filing information returns with respect to certain stock option transactions, see paragraph (c) of § 1.6039–1.

(7) For provisions relating to the time for filing information returns by persons making certain payments, see § 1.6041–6.

(8) For provisions relating to the time for filing information returns regarding payments of dividends, see paragraph (d) of § 1.6042–1, and paragraph (c) of § 1.6042–2 (relating to returns for calendar years after 1962).

(9) For provisions relating to the time for filing information returns by corporations with respect to contemplated dissolution or liquidations, see paragraph (a) of § 1.6043–1.

(10) For provisions relating to the time for filing information returns by corporations with respect to distributions in liquidation, see paragraph (a) of § 1.6043–2.

(11) For provisions relating to the time for filing information returns with respect to payments of patronage dividends, see paragraph (b) of § 1.6044–1, and paragraph (d) of § 1.6044–2 (relating to returns for calendar years after 1962).

(12) For provisions relating to the time for filing information returns with respect to formation or reorganization of foreign corporations, see § 1.6046–1.

(13) For provisions relating to the time for filing information returns regarding certain payments of interest, see paragraph (c) of § 1.6049–1.

PAR. 14. Paragraph (b) of § 1.6091–1 is amended to read as follows:

**§ 1.6091–1 Place for filing returns or other documents.**

* * * * *

(b) *Place for filing certain information returns.* (1) For the place for filing returns of partnership income, see paragraph (e)(1) of § 1.6031–1.

(2) For the place for filing information returns by banks with respect to common trust funds, see § 1.6032–1.

(3) For the place for filing information returns by certain organizations exempt from taxation under section 501(a), see paragraph (e) of § 1.6033–1.

(4) For the place for filing information returns by trusts claiming charitable deductions under section 642(c), see paragraph (c) of §1.6034–1.

(5) For the place for filing information returns by officers, directors, and shareholders of foreign personal holding companies, see paragraph (d) of § 1.6035–1 and paragraph (d) of § 1.6035–2.

(6) For the place for filing information returns relating to certain stock option transactions, see paragraph (c) of § 1.6039–1.

(7) For the place for filing returns of information reporting certain payments on Forms 1099 and 1096, see § 1.6041–6.

(8) For the place for filing returns of information regarding payments of dividends, see paragraph (d) of § 1.6042–1 and paragraph (c) of § 1.6042–2 (relating to returns for calendar years after 1962).

(9) For the place for filing information returns by corporations relating to contemplated dissolution or liquidation, see paragraph (a) of § 1.6043–1.

(10) For the place for filing information returns by corporations relating to distributions in liquidation, see paragraph (a) of § 1.6043–2.

(11) For the place for filing returns of information regarding payments of patronage dividends, see paragraph (b) of § 1.6044–1, and paragraph (d) of § 1.6044–2 (relating to returns for calendar years after 1962).

(12) For the place for filing information returns relating to formation or reorganization of foreign corporations, see paragraph (e) of § 1.6046–1.

(13) For the place for filing information returns regarding certain payments of interest, see paragraph (c) of § 1.6049–1.

PAR. 15. Section 301.6652 is amended by revising section 6652(a), and by adding a historical note. These amended and added provisions read as follows:

**§ 301.6652 Statutory provisions; failure to file certain information returns.**

Sec. 6652. *Failure to file certain information returns*—(a) *Returns relating to payments of dividends, etc., and certain transfers of stock.* In the case of each failure—

(1) To file a statement of the aggregate amount of payments to another person required by section 6042(a)(1) (relating to payments of dividends aggregating $10 or more), section 6044(a)(1) (relating to payments of patronage dividends aggregating $10 or more), or section 6049(a)(1) (relating to payments of interest aggregating $10 or more),

(2) To make a return required by section 6039(a) (relating to reporting information in connection with certain options) with respect to a transfer of stock or a transfer of legal title to stock, or

(3) To make a return required by section 6052(a) (relating to reporting payment of wages in the form of group-term life insurance) with respect to group-term life insurance on the life of an employee, on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary or his delegate and in the same manner as tax), by the person failing to file a statement referred to in paragraph (1) or failing to make a return referred to in paragraph (2) or (3), $10 for each such failure, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $25,000.

* * * * *

[Sec. 6652 as amended by sec. 85, Technical Amendments Act 1958 (72 Stat. 1664); sec. 19(d), Rev. Act 1962 (76 Stat. 1057); sec. 221(b)(2), Rev. Act 1964 (78 Stat. 74)]

PAR. 16. The last sentence of paragraph (a)(1) of § 301.6652–1 is revised, and paragraphs (c), (d) and (e) of § 301.6652–1 are deleted, and new paragraphs (c), (d), (e), (f) and (g) are added thereto. These revised and added provisions read as follows:

**§ 301.6652–1 Failure to file certain information returns.**

(a) *Returns with respect to payments made in calendar years after 1962*—(1) *Payments of dividends, interest, or patronage dividends aggregating $10 or more.* In the case of each failure to file a statement required by—

(i) Section 6042(a)(1), relating to information returns with respect to payments of dividends aggregating $10 or more in a calendar year, in effect with respect to payments made after December 31, 1962,

(ii) Section 6044(a)(1), relating to information returns with respect to certain payments by cooperatives aggregating $10 or more in a calendar year, in effect with respect to payments made on or after the first day of the first taxable year of the cooperative beginning after December 31, 1962, with respect to patronage occurring on or after such first day, or

(iii) Section 6049(a)(1), relating to information returns with respect to payments of interest aggregating $10 or more in a calendar year, in effect with respect to payments made after December 31, 1962, and the regulations under such section, within the time prescribed for filing such statement (determined with regard to any extension of time for filing), there shall be paid by the person failing to so file the statement $10 for each such statement not so filed. However, the total amount imposed on the delinquent person for all such failures under section 6652(a) and this section during any calendar year shall not exceed $25,000.

* * * * *

(c) *Returns with respect to reporting payments of wages in the form of group-term life insurance provided in a calendar year after December 31, 1963.* In the case of each failure to file a return required by section 6052(a), relating to reporting payment of wages in the form of group-term life insurance provided for any employee on his life in a calendar year after December 31, 1963, and the regulations under such section, within the time prescribed for filing such return (determined with regard to any extension of time for filing), there shall be paid by the person failing to so file such return $10 for each such return not so filed. However, the total amount imposed on the delinquent person for all such failures under section 6652(a) and this section during any calendar year shall not exceed $25,000.

(d) *Returns with respect to transfer of stock or record title thereto pursuant to options exercised on or after January 1, 1964.* In the case of each failure to file a statement of the transfer of stock or of record title thereto as required by section 6039(a) and the regulations under such section within the time prescribed for filing such statement (determined with regard to any extension of time for filing), there shall be paid by the corporation failing to so file such statement, $10 for each such statement not so filed. However, the total amount imposed on the delinquent corporation for all such failures under section 6652(a) and this section during any calendar year shall not exceed $25,000.

(e) *Manner of payment.* The penalty imposed under section 6652 and this section on any person shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(f) *Showing of reasonable cause.* The penalty imposed by section 6652 shall not apply with respect to a failure to file a statement within the time prescribed if it is established to the satisfaction of the district director or the director of the regional service center that such failure was due to reasonable cause and not to willful neglect. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration that it is made under the penalties of perjury, setting forth all the facts alleged as a reasonable cause.

(g) *Alcohol and tobacco taxes.* For penalties for failure to file certain information returns with respect to alcohol and tobacco taxes, see, generally, subtitle E of the Code.



PAR. 17. Section 301.6678 is amended by revising section 6678 and by adding a historical note. These amended and added provisions read as follows:

**§ 301.6678 Statutory provisions; failure to furnish certain statements.**

Sec. 6678. *Failure to furnish certain statements.* In the case of each failure to furnish a statement under section 6039(b), 6042(c), 6044(e), 6049(c) and 6052(b) on the date prescribed therefor to a person with respect to whom a return has been made under section 6039(a), 6042(a)(1), 6044(a)(1), 6049(a)(1), or 6052(a), respectively, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary or his delegate and in the same manner as tax), by the person failing to so furnish the statement, $10 for each such statement not so furnished, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $25,000.

[Sec. 6678 as added by sec. 19(e), Rev. Act 1962 (76 Stat. 1058) and as amended by secs. 204(c)(2), 221(b)(3), Rev. Act 1964 (78 Stat. 37, 75)]

PAR. 18. Paragraph (a) of § 301.6678–1 is amended by adding thereto new subparagraphs (4) and (5). These added provisions read as follows:

**§ 301.6678–1 Failure to furnish statements.**

(a) *In general.* * * *

(4) Under section 6039(b) and § 1.6039–2 to a person with respect to whom a return has been made under section 6039(a), relating to information returns with respect to certain stock option transactions occurring in a calendar year, or

(5) Under section 6052(b) and § 1.6052–2 to a person with respect to whom a return has been made under section 6052(a), relating to information returns with respect to payment of wages in the form of group-term life insurance provided for an employee on his life.

* * * * *

[F.R. Doc. 64–12936; Filed, Dec. 17, 1964; 12:40 p.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 1030 ]

[Docket No. AO–101–A29]

## MILK IN CHICAGO, ILL., MARKETING AREA

### Notice of Extension of Time for Completing the Referendum Provided for in the Decision of the Secretary

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for completing the referendum pursuant to the referendum order in the Assistant Secretary's decision which was issued November 30, 1964 (29 F.R. 16395) with respect to a proposed marketing agreement and order regulating the handling of milk in the Chicago, Ill., marketing area is hereby extended to be completed on or before January 18, 1965.

Signed at Washington, D.C., on December 16, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–13072; Filed, Dec. 18, 1964; 8:51 a.m.]

## [ 7 CFR Part 1036 ]

[Docket No. AO–179–A24]

## MILK IN NORTHEASTERN OHIO MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, on October 20–21, 1964, pursuant to notice thereof issued on September 24, 1964 (29 F.R. 13483).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on November 27, 1964 (29 F.R. 16197; F.R. Doc. 64–12364) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Diversion of producer milk;
2. Qualifications for attaining pool plant status;
3. Accounting for bulk tank milk under certain specified conditions;
4. Classification provisions;
5. The Class I milk price;
6. The Class II milk price;
7. Location differentials;
8. Seasonal incentive payments; and
9. Miscellaneous and conforming changes.

This decision is concerned only with that portion of Issue No. 5 relating to the use of market statistics of the North Central Ohio milk order (Part 1037) in the computation of the supply-demand adjustment under the Northeastern Ohio milk order. Other aspects of the Class I pricing provisions and the remaining issues of the hearing will be considered in a further decision.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The use of North Central Ohio order (Order 37) supplies and sales data in the Northeastern Ohio supply-demand adjustment provision should be discontinued and the "standard utilization percentages" adjusted to compensate for the elimination of such data.

The supply-demand adjustment is computed by comparing the "current utilization percentage" (i.e., the ratio of combined producer receipts to combined Class I sales during the second and third months preceding the pricing month) with a standard utilization percentage or "norm" applicable for the pricing month. The Class I price adjustment is based on the deviation of the current utilization percentage above or below this norm. At the present time the supply-demand adjustor is reducing the Northeastern Ohio Class I price.

On November 13, 1964, a decision was issued which would consolidate the North Central Ohio and Toledo, Ohio orders into a single regulation (tentatively designated as the Northwestern Ohio order). This decision also would expand the marketing area and provide for a marketwide pooling provision.[1] From the effective date of the Northwestern Ohio order, the supplies and sales data for the North Central Ohio order will no longer be available for use in the Order 36 supply-demand computation in the manner provided in the present order.

There was no testimony offered on the record of this hearing as to whether market data for the consolidated and expanded order should be included in the Order 36 supply-demand computation. In any event, a decision on this matter would be premature without some experience under the consolidated order.

The individual-handler pool market of North Central Ohio historically has maintained a higher Class I utilization than Northeastern Ohio. To avoid unwarranted price changes through the elimination of Order 37 data, the standard utilization percentages should be increased four percentage points in each month of the year.

Proponent cooperative associations testified that an increase of five percentage points in the standard utilization percentages would be necessary to maintain the present price level. A handler representative stated that an increase of three percentage points would accomplish this end.

The "current utilization percentages" used to compute the supply-demand adjustment averaged 158 during 1963. Excluding data for North Central Ohio, such percentages would have averaged 163, or five points higher than the actual average percentages. For the 11-month period of January–November 1964 (data for December are not yet available) the current utilization percentages used to compute the supply-demand adjustment averaged 149. Excluding Order 37 data, such percentages would have averaged 153, or four points higher than the actual percentages. Increasing the standard utilization percentages four percentage points and eliminating Order 37 data

[1] Official notice is taken of the final decision on this matter which was issued on November 13, 1964 (29 F.R. 15416).

would not have changed the Class I price in any month during this 23-month period. An increase of five points, however, would have caused a 7-cent higher Class I price in one month (January 1964). An increase of four percentage points will offset the exclusion of North Central Ohio producer receipts and Class I sales, and thus maintain the present annual Class I price level.

Other proposed amendments to the Class I pricing provisions were offered at the hearing. However, to expedite the decision on the above matter, the remaining proposals will be considered in a later decision. Accordingly, no further changes are proposed at this time, and the present level and seasonality of the Class I price are retained.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Northeastern Ohio Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of October 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Northeastern Ohio marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 15, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order [1] Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area*

**§ 1036.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

Subparagraphs (1) and (2) of § 1036.51 (a) are revised to read as follows:

**§ 1036.51 Class I milk prices.**

* * * * * *

(a) * * *

(1) Divide the total quantity of producer milk during the second and third months preceding by the gross quantity of milk utilized as Class I (adjusted to eliminate duplications due to interhandler transfers) at pool plants in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

| *Month for which the price is being computed* | *Standard utilization percentage* |
|---|---|
| January | 130 |
| February | 129 |
| March | 129 |
| April | 130 |
| May | 131 |
| June | 132 |
| July | 141 |
| August | 149 |
| September | 142 |
| October | 128 |
| November | 126 |
| December | 128 |

[F.R. Doc. 64-13024; Filed, Dec. 18, 1964; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



# POST OFFICE DEPARTMENT

**[ 39 CFR Part 22 ]**

## SECOND CLASS MAILING PRIVILEGES

### Revocation of Notice of Proposed Rule Making

Under date of November 24, 1964, there was published in the FEDERAL REGISTER at page 15772 a notice of proposed rule making affecting § 22.2(b)(5) of Title 39, Code of Federal Regulations. The notice proposed a revision of the cited section for the purpose of establishing standards and procedures respecting subscriptions, to second-class publications, that are paid for by subscribers in connection with and as a part of membership dues paid, or contributions or pledges made, to organizations or institutions. Although the procedures in 39 CFR 22.2(b)(5) relate to a proprietary function of the Government, patrons of the postal service were given an opportunity to present to the Department written views concerning the proposed revision, within thirty days after publication of the notice in the FEDERAL REGISTER.

Upon further consideration, the Department desires at this time to cancel the subject notice of proposed rule making. Accordingly, said notice is hereby revoked.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351-4370)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-13143; Filed, Dec. 18, 1964; 11:29 a.m.]

# FEDERAL AVIATION AGENCY

**[ 14 CFR Part 39 [New] ]**

[Docket No. 6391]

## AIRWORTHINESS DIRECTIVE

### Boeing Models 707 and 720 Aircraft Rudder Power Control Unit Linkage

The Federal Aviation Agency has under consideration a proposal to amend Part 39 [New] of the Federal Aviation Regulations to include an airworthiness directive for Boeing Models 707 and 720 aircraft. It has been shown that if the input rod or attachments to the rudder power control unit valve should fail while the rudder is being deflected, the valve slide will remain in the last selected position. If the valve is open, the rudder will continue to the fully deflected position or until the rudder boost is turned off and mechanical rudder control is used. To correct this condition, this AD requires a modification to provide temporary hydraulic control until the rudder boost is turned off in the event of failure of the input rod or attachments to the rudder power unit valve.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 18, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), by adding the following airworthiness directive:

BOEING. Applies to Models 707 and 720 aircraft, Serial Numbers 7009 through 7011, 17586 through 17612, 17614 through 17652, 17658 through 17690, 17692 through 17724, 17903 through 17905, 17907 through 17930, 18012 through 18037, 18041 through 18050, 18054 through 18087, 18154 through 18167, 18240 through 18246, 18248 through 18251, 18334 through 18339, 18351 through 18357, 18372 through 18397, 18400 through 18409, 18411 through 18425, 18451 through 18463, 18579 through 18591, 18685 through 18694, 18707 through 18718, 18737 through 18738, 18746 through 18749, and 18764.

Compliance required within 6,000 hours' time in service after the effective date of this AD, unless already accomplished.

To provide temporary hydraulic control until the rudder boost is turned off in the event of failures of the input rod or attachments to the rudder power control unit valve, accomplish the following:

Modify the rudder power unit by reworking the input arm and input link and installing dual control linkage in accordance with Part 3 "Modification Data" of Boeing Service Bulletin No. 1930 or an equivalent approved by the Aircraft Engineering Division, FAA Western Region.

(Boeing Service Bulletin No. 1930 covers this same subject.)

Issued in Washington, D.C., on December 15, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-13002; Filed, Dec. 18, 1964; 8:45 a.m.]

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 64-CE-81]

## CONTROL ZONES, TRANSITION AREAS AND CONTROL AREA EXTENSIONS

### Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Chicago, Ill., terminal area.

The following controlled airspace is presently designated in the Chicago, Ill., terminal area:

1. The Chicago Midway Airport control zone is designated as that airspace within a 6-mile radius of Chicago-Midway Airport (latitude 41°47'04" N., longitude 87°45'12" W.); and within 2 miles either side of the Chicago-Midway ILS localizer SE course extending from the 6-mile radius zone to the Chicago Heights, Ill., VOR 044° radial, and within 2 miles either side of the Chicago-Midway ILS localizer NW course extending from the 6-mile radius zone to 12 miles NW of the Chicago-Midway OM, excluding the portion within the O'Hare International Airport, Chicago, Ill., control zone.

2. The Chicago O'Hare Airport control zone is designated as that airspace within a 6-mile radius of Chicago-O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'28" W.); and within 2 miles either side of the Chicago-O'Hare VOR 331° radial extending from the 6-mile radius zone to the INT of the Northbrook, Ill., VOR 195° and the Chicago-O'Hare VOR 331° radials, and within 2 miles either side of the Chicago-O'Hare Runway 14-R ILS localizer NW course, extending from the 6-mile radius zone to Runway 14-R OM, excluding the portion NE of a line between the INTs of the 6-mile radius and the 5-mile radius of Glenview, Ill., control zone.

3. The Chicago Meigs Airport control zone is designated as that airspace within a 3-mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°-36'30" W.), from 0600 to 2200 hours local time, daily, excluding the portion W of longitude 87°37'00" W.

4. The Glenview, Ill., control zone is designated within a 5-mile radius of NAS Glenview (latitude 42°05'21" N., longitude 87°49'07" W.); and within a 1-mile radius of Chicagoland Airport, Wheeling, Ill. (latitude 42°11'35" N., longitude 87°56'05" W.), and within 2 miles either side of the Northbrook, Ill., VORTAC 138° and 159° radials extending from the Glenview 5-mile and the Chicago-O'Hare, Ill., 6-mile radius zones to the VORTAC, excluding the portion within the Chicago-O'Hare control zone.

5. The Joliet, Ill., control zone is designated as that airspace within a 5-mile radius of Joliet Municipal Airport (latitude 41°31'05" N., longitude 88°10'30" W.) and within 2 miles either side of the Joliet VORTAC 104° and 284° radials, extending from the 5-mile radius zone to the 12 miles W of the VORTAC.

6. The St. Charles, Ill., control zone is designated as that airspace within a 3-mile radius of DuPage County Airport, St. Charles, Ill. (latitude 41°54'45" N., longitude 88°14'35" W.), and within 2 miles either side of the DuPage VOR 069° radial extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours, local time, daily.

7. That portion of the Bradford, Ill., control area extension within a 15-mile radius of the Bradford VOR north of latitude 41°10'00" N.

8. The Chicago control area extension is designated as that airspace within a

30-mile radius of the Midway Airport, Chicago, Ill. (latitude 41°47'05" N., longitude 87°45'05" W.), and within a 15-mile radius of the Chicago Heights, Ill., VORTAC; that airspace NE, E, and SE bounded by a line beginning at the INT of the E boundary of V–7 and the S boundary of V–84, thence E along the S boundary of V–84 to its INT with the South Bend, Ind., VORTAC 314° radial, thence SE along this radial to its INT with the N boundary of V–100, thence E along V–100 to its INT with the arc of a 35-mile radius circle centered on the Battle Creek, Mich., VORTAC, thence counterclockwise along this arc to latitude 41°57'30" N., longitude 85°44'30" W., thence to latitude 41°41'00" N., longitude 85°49'40" W., thence counterclockwise along the arc of a 15-mile radius circle centered on the Goshen, Ind., VOR to its INT with the W boundary of V–55 W, thence S along this boundary to its INT with the N boundary of V–38, thence W along this boundary to its INT with the E boundary of V–7, thence along this boundary to the point of beginning.

9. That portion of the Danville, Ill., control area extension northeast of Danville and north of latitude 40°45'00" N. bounded on the NE by V–53 and on the W by V–171.

10. That portion of the Fort Wayne, Ind., control area extension west of Fort Wayne within a 40-mile radius of the Fort Wayne VORTAC, north of latitude 41°00'00" N., and west of longitude 85°50'00" W.

11. That portion of the Lafayette, Ind., control area extension within a 25-mile radius of the Purdue University Airport north of latitude 40°45'00" N.

12. That portion of the Milwaukee, Wis., control area extension south of latitude 42°30'00" N., bounded on the S by V–84 east of Northbrook, Ill., VORTAC and V–100 west of Northbrook VORTAC.

13. That portion of the Moline, Ill., control area extension east of longitude 89°50'00" W. within 5 miles either side of a direct line extending from the Polo, Ill., VORTAC to the INT of the Quad City, Ill., ILS localizer E course and the 318° radial of the Bradford, Ill., VOR.

14. The Peotone, Ill., control area extension is designated as that airspace SE of Peotone bounded on the E by V–7, on the SW by V–491, on the W by V–53 and on the N by V–38.

15. That portion of the Peru, Ind., control area extension northwest of Peru north of a line extending from latitude 41°00'00" N., longitude 85°57'00" W.; to latitude 41°00'00" N., longitude 86°33'00" W.; to latitude 40°45'00" N., longitude 86°33'00" W.; to latitude 40°45'00" N., longitude 87°04'00" W., bounded on the S by the Lafayette, Ind., control area extension, on the W by V–7, on the N by V–38 and on the E by the Fort Wayne control area extension.

16. That portion of the Pontiac, Ill., control area extension north of latitude 40°45'00" N. and west of longitude 88°40'00" W. within a 15-mile radius of the Pontiac VOR.

Having completed a comprehensive review of airspace requirements in the Chicago, Ill., terminal area, including studies attendant to the implementation of the provisions of Amendments 60–21 and 60–29 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace actions:

1. Redesignate the Chicago Midway Airport control zone to comprise that airspace within a 5-mile radius of Chicago Midway Airport (latitude 41°47'04" N., longitude 87°45'12" W.); and within 2 miles each side of the Chicago Midway ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the Kedzie RBN; and within 2 miles each side of the Chicago Midway ILS localizer NW course extending from the 5-mile radius zone to the OM.

2. Redesignate the Chicago O'Hare control zone to comprise that airspace within a 5-mile radius of Chicago O'Hare International Airport (latitude 41°59'-10" N., longitude 87°54'28" W.); within 2 miles each side of the Chicago O'Hare Runway 14R and 14L ILS localizer NW courses, extending from the 5-mile radius zone to 7 miles NW of the airport, and within 2 miles each side of the Chicago O'Hare Runway 32R and 32L ILS localizer SE courses, extending from the 5-mile radius zone to 7 miles SE of the airport excluding the portion NE of a line between the INT's of the 5-mile radius zone and the 5-mile radius zone of Glenview, Ill., control zone.

3. Redesignate the Chicago Meigs control zone to comprise that airspace within a 3 mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°-36'30" W.) from 0600 to 2200 hours, local time, daily.

4. Redesignate the Glenview control zone to comprise that airspace within a 5-mile radius of NAS Glenview (latitude 42°05'21" N., longitude 87°49'07" W.); and within 2 miles each side of the Northbrook, Ill., VORTAC 128° and 159° radials extending from the Glenview 5-mile and the Chicago-O'Hare, Ill., 5-mile radius zones to 1 mile SE and SW of the VORTAC; and within 2 miles either side of the Northbrook VORTAC 071° radial extending from 1 mile E of the VORTAC to 6 miles E of the VORTAC; and within 2 miles each side of the 002° bearing from the Glenview RBN extending from the 5-mile radius zone to 12 miles N of the RBN.

5. Redesignate the Joliet, Ill., control zone to comprise that airspace within a 5-mile radius of Joliet Municipal Airport (latitude 41°31'05" N., longitude 88°10'30" W.) and within 2 miles each side of the Joliet VORTAC 104° radial, extending from the 5-mile radius zone to the Joliet VORTAC.

6. Designate the Chicago transition area as that airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°31'00" N., longitude 87°47'-00" W.; to latitude 41°29'00" N., longitude 87°34'00" W.; to latitude 41°29'00" N., longitude 87°19'00" W.; to latitude 41°55'00" N., longitude 87°19'00" W.; to latitude 42°30'00" N., longitude 87°35'-00" W.; to latitude 42°38'00" N., longitude 87°52'00" W.; to latitude 42°30'00" N., longitude 87°59'00" W.; to latitude 42°25'00" N., longitude 88°10'00" W.; to latitude 42°15'00" N., longitude 88°-10'00" W.; to latitude 42°15'00" N., longitude 88°25'00" W.; to latitude 41°-55'00" N., longitude 88°25'00" W.; to latitude 41°53'00" N., longitude 88°31'00" W.; to latitude 41°50'00" N., longitude 88°31'00" W.; thence counterclockwise via the arc of a 5-mile radius circle centered on the Aurora Municipal Airport (latitude 41°46'14" N., longitude 88°28'-16" W.) to latitude 41°48'00" N., longitude 88°52'50" W. to latitude 41°50'00" N., longitude 88°12'00" W. to point of beginning and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 41°55'00" N., longitude 89°50'00" W. to latitude 41°55'00" N., longitude 88°30'00" W. to latitude 42°30'00" N., longitude 88°30'00" W. to latitude 42°30'00" N., longitude 87°00'-00" W. to latitude 41°20'00" N., longitude 87°00'00" W. to latitude 41°20'00" N., longitude 85°50'00" W. to latitude 41°00'00" N., longitude 85°50'00" W. to latitude 40°45'00" N., longitude 86°33'-00" W. to latitude 40°45'00" N., longitude 88°40'00" W. to latitude 41°10'00" N., longitude 88°40'00" W. to latitude 41°10'00" N., longitude 89°50'00" W. thence north to point of beginning.

7. Designate the Morris, Ill., transition area as that airspace extending upward from 700 feet above the surface within a 4-mile radius of the Morris Municipal Airport (latitude 41°25'46" N., longitude 88°25'12" W.) and within 2 miles each side of the Joliet, Ill., VORTAC 213° radial extending from the 5-mile radius area to the VORTAC.

8. Designate the Kankakee, Ill., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Greater Kankakee Airport (latitude 41°04'17" N., longitude 87°50'56" W.), and within 2 miles each side of the Peotone, Ill., VORTAC 192° radial extending from the 5-mile radius area to the VORTAC; and within 2 miles each side of the 042° and 222° bearings from the Greater Kankakee Airport extending from the 5-mile radius area to 8 miles NE and SW of the airport.

9. Designate the Sterling, Ill., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Whiteside County Airport and 2 miles either side of the 168° bearing from the Whiteside County Airport extending from the 5-mile radius area to 8 miles south of the Whiteside County Airport.

10. Designate the Dixon, Ill., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles R. Walgreen Field, Dixon, Ill. (latitude 41°50'03" N., longitude 89°26'37" W.), and within 2 miles each side of the Polo, Ill., VORTAC 155° radial extending from the 5-mile radius area to the VORTAC.

11. Revoke the Chicago, Bradford, Danville, Fort Wayne, Lafayette, Pontiac, Milwaukee, Moline, Peotone and Peru control area extensions.

The floors of the airways that would traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

The proposed alterations to the Chicago Midway, O'Hare, Meigs control zones and the Glenview and Joliet control zones would provide protection for aircraft executing the prescribed instrument approach and departure procedures at the airports within these control zones. The St. Charles control zone would be retained as currently designated.

The actions proposed herein would raise the floor of controlled airspace beyond the immediate vicinity of Greater Chicago from 700 feet to 1,200 feet above the surface and, as a result, would make such airspace available for other uses. However, sufficient controlled airspace with floors of 700 feet above the surface would be retained to provide adequate protection for aircraft executing prescribed instrument approach, departure and radar vectoring procedures at Midway, O'Hare, Meigs, Gary, Glenview, Fort Sheridan, Waukegan, Chicagoland, Sky Harbor, Pal-Waukee, Crystal Lake, Elgin, DuPage County, Aurora, Joliet, Morris, Dixon, Kankakee, and Whiteside County Airports. The proposed transition areas eliminate the necessity for the Chicago, Bradford, Danville, Fort Wayne, Lafayette, Pontiac, Milwaukee, Moline, Peotone and Peru control area extensions.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

In addition to complimenting the control zones and the transition areas extending from 700 feet above the surface, the transition area extending upward from 1200 feet above the surface would provide protection for aircraft utilizing the Chicago, Illinois, Air Route Traffic Control Center's long range radar vectoring service which is provided through use of long range radar outlets located near McCook, Illinois, LaGrange, Indiana, and West Branch, Iowa.

Specific details of the changes to procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on December 9, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64–13003; Filed, Dec. 18, 1964; 8:45 a.m.]

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## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–CE–94]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Menominee, Mich., terminal area.

As a result of prior studies attendant to the implementation of the provisions of Amendments 60–21 and 60–29 of Part 60 of the Civil Air Regulations, the following controlled airspace is presently designated in the Menominee, Mich., terminal area:

1. The Menominee control zone is designated within a 5-mile radius of Menominee County Airport (latitude 45°-07'25" N., longitude 87°38'20" W.) and within 2 miles either side of the Menominee VOR 351° radial, extending from the 5-mile radius zone to 8 miles N of the VOR from 0700 to 2300 hours, local time, daily.

2. The Menominee transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Menominee County Airport (latitude 45°07'25" N., longitude 87°38'20" W.) and within 2 miles each side of the Menominee VOR 351° radial, extending from the 5-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1200 feet above the surface within 5 miles E and 8 miles W of the Menominee VOR 351° and 171° radials, extending from 12 miles N to 3 miles S of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Menominee terminal area, proposes the following airspace actions:

1. Designate the Menominee control zone to comprise that airspace within a 5-mile radius of Menominee County Airport (latitude 45°07'25" N., longitude 87°38'20" W.) within 2 miles each side of the Menominee VOR 351° radial, extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

2. Designate the Menominee transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Menominee County Airport (latitude 45°07'25" N., longitude 87°38'20" W.) within 2 miles each side of the Menominee VOR 351° radial, extending from the 5-mile radius area to 8 miles NW of the airport and that airspace extending upward from 1200 feet above the surface within 5 miles E and 8 miles W of the Menominee VOR 351° and 171° radials, extending from 12 miles N to 3 miles S of the VOR and within 5 miles SW and 8 miles NE of the 320° bearing from the Menominee County Airport extending from the airport to 12 miles NW of the airport.

The proposed alteration of the Menominee control zone will provide protection for aircraft executing the "Special" instrument approach procedure approved for use by North Central Airlines for Runway 14 at Menominee County Airport and others under contract with them. This control zone will be effective during the hours of operation of the weather reporting service to be provided by duly certificated personnel of North Central Airlines. Initially, weather observations and the dissemination of weather information will be from 0700 to 2300 hours, local time, daily. In the event of airline schedule changes, these hours may vary. Normally, thirty days notice will be given prior to any change by a Notice to Airmen and continuously published in the Airman's Information Manual.

The proposed extension of the Menominee 1200 foot transition area will provide protection for aircraft executing the procedure turn portion of the "Special" instrument approach procedure. The proposed extension of the Menominee 700 foot transition area will provide protection for aircraft executing the "Special" instrument approach procedure during the hours that the control zone is not in effect.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The pro-

posal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on December 9, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-13004; Filed, Dec. 18, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SW-64]

## CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

### Proposed Alteration, Revocation and Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Laredo, Tex., terminal area.

The following controlled airspace is presently designated in the Laredo, Tex., terminal area:

1. The Laredo, Tex., control zone is designated as that airspace within a 10-mile radius of Laredo AFB and within 2 miles either side of the Laredo VORTAC 147° radial extending from the 10-mile radius zone to 10 miles SE of the VORTAC, excluding the portion outside the United States.

2. The Laredo, Tex., control area extension is designated as that airspace over United States territory within a 35-mile radius of the Laredo AFB, RBN.

The Federal Aviation Agency having completed a comprehensive review of the terminal airspace structure requirements in the Laredo, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Laredo, Tex., control zone as that airspace within a 5-mile radius of Laredo AFB (latitude 27°32'35'' N., longitude 99°27'40'' W.); within 2 miles each side of the 327° bearing from the Laredo AFB RBN extending from the 5-mile radius zone to 7 miles NW of the RBN; excluding that portion outside the United States.

2. Revoke the Laredo, Tex., control area extension.

3. Designate the Laredo, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Laredo AFB (latitude 27°32'35'' N., longitude 99°27'40'' W.); within 2 miles each side of the Laredo VORTAC 147° radial extending from the 9-mile radius area to 12 miles SE of the VORTAC, and within 2 miles each side of the 327° bearing from the Laredo AFB RBN extending from the 9-mile radius area to 12 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by the arc of a 35-mile radius circle centered on the Laredo RBN; excluding that portion outside the United States; and that airspace extending upward from 4,500 feet MSL within an area bounded by a line beginning at latitude 27°44'00'' N., longitude 98°27'00'' W.; to latitude 28°07'00'' N., longitude 98°27'00'' W.; to latitude 28°05'00'' N., longitude 98°48'00'' W.; to latitude 28°06'00'' N., longitude 99°08'00'' W.; to latitude 28°08'20'' N., longitude 99°18'20'' W.; to latitude 28°32'00'' N., longitude 99°28'00'' W.; to latitude 28°52'00'' N., longitude 99°25'00'' W.; to latitude 28°20'00'' N., at the United States/Mexico border; thence SE along the United States/Mexico border to the NW portion of the arc of a 35-mile radius circle centered at the Laredo RBN; thence clockwise along this arc to latitude 27°39'10'' N., to point of beginning, excluding the portion extending upward from 4,500 feet MSL within Federal Airways.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area with the exception of those within the 4,500 foot MSL portion.

The proposed alterations to the Laredo control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures. The proposed designation of the 1,200 foot floor of the Laredo transition area and the revocation of the Laredo control area extension would raise the floor of controlled airspace beyond the immediate vicinity of the Laredo AFB from 700 to 1,200 feet above the surface, yet the transition area proposed herein would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures within the Laredo terminal area. The portion of the transition area proposed with a floor of 4,500 feet MSL would provide protection for aircraft executing the higher altitude portion of standard instrument departure procedures from Laredo AFB.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on December 9, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-13005; Filed, Dec. 18, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SW-102]

## TRANSITION AREAS

### Alterations; Supplemental Notice of Proposed Rule Making

In a notice of proposed rule making published in the FEDERAL REGISTER on September 12, 1964 (29 F.R. 12879), it was stated, in part, that the Federal Aviation Agency proposed to designate transition areas at San Antonio and Johnson City, Tex.

Subsequent to the publication of the notice, the Federal Aviation Agency has determined that the proposed transition areas require alteration to accommodate current IFR operations. Therefore, it is proposed herein to expand the 1,200 foot floor portion of the San Antonio transition area east of San Antonio for en route transitioning and radar vectoring requirements at minimum altitudes between San Antonio and Houston, Tex.; to delete a portion of the 6,500 foot floor portion of the San Antonio transition area; to increase the Johnson City transition area from a 5 to 7 mile radius to provide protection for aircraft climbing to 1,200 feet above the surface.

Accordingly, the notice is hereby amended, in part, to:

1. Propose the San Antonio transition area as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30'' N., longitude 97°47'00'' W., thence W via latitude 29°22'30'' N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50'' N., longitude 98°28'12'' W., to latitude 29°46'30'' N., E of longitude 98°30'00'' W.; thence to latitude 29°43'00'' N., longitude 98°-01'30'' W., thence to point of beginning, and within 5 miles NE and 8 miles SW of the 149° bearing from the Randolph AFB RBN extending from the RBN to 12 miles SE, within 5 miles NE and 8 miles SW of the La Vernia VOR 149° radial extending from the VOR to 12 miles SE, within 2 miles each side of the 189° bearing from the Kelly AFB OM extending from the OM to 23 miles S, and within 2 miles each side of the Kelly VOR 189° radial extending from the VOR to 26 miles S; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°33'30'' N., longitude 98°31'30'' W.; thence to latitude 29°45'30'' N., longitude 98°06'00'' W.; to latitude 29°-50'08'' N., longitude 97°25'45'' W.; to latitude 29°54'00'' N., longitude 96°49'00'' W.; to latitude 29°30'00'' N., longitude 96°39'30'' W.; to latitude 29°30'00'' N., longitude 97°26'00'' W.; to latitude 29°19'45'' N., longitude 97°26'00'' W.; to latitude 29°00'00'' N., longitude 97°43'00'' W.; to latitude 28°43'30'' N., longitude 98°17'30'' W.; to latitude 28°54'00'' N., longitude 99°05'00'' W.; to latitude 30°10'40'' N., longitude 99°18'40'' W.; thence to point of beginning; and that airspace extending upward from 4,500 feet MSL bounded by a line beginning at latitude 29°24'00'' N., and the arc of a 75-mile radius circle centered at latitude 29°38'37.7'' N., longitude 98°27'39.7'' W.; thence clockwise along this arc to longitude 98°33'00'' W.; thence to latitude 30°33'30'' N., longitude 98°31'30'' W.; to latitude 30°10'40'' N., longitude 99°18'40'' W.; to latitude 29°19'50'' N., longitude 99°10'30'' W.; thence to point of beginning; and that airspace extending upward from 6,500 feet MSL bounded by a line beginning at latitude 29°30'00'' N., longitude 97°26'00'' W.; to latitude 29°30'00'' N., longitude 96°39'30'' W.; to latitude 29°08'00'' N., longitude 97°00'00'' W.; to latitude 29°00'00'' N., longitude 97°17'00'' W.; to latitude 29°00'00'' N., longitude 97°43'00'' W.; to latitude 29°19'45'' N., longitude 97°26'00'' W.; thence to a point of beginning; excluding the portions of the transition area with floors of 4,500 and 6,500 feet MSL that lie within federal airways.

2. Propose the Johnson City transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City, Tex. airport (latitude 30°15'20'' N., longitude 98°37'15'' W.); and within 2 miles each side of the 175° bearing from the Johnson City RBN extending from the 7-mile radius area to 8 miles S of the RBN.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 45 days after the date of publication of this supplemental notice in the FEDERAL REGISTER.

Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on December 9, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-13006; Filed, Dec. 18, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-78]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace in the Auburn, Ind., terminal area.

Having completed a comprehensive review of airspace requirements at Auburn, Ind., including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of the Civil Air Regulations, the Federal Aviation Agency proposes to establish a transition area at Auburn, Ind.

The proposed Auburn transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Auburn Airport (latitude 41°19'00'' N., longitude 85°04'00'' W.) and within 2 miles each side of the Fort Wayne, Ind., VORTAC 015° radial extending from the 5-mile radius area to 7 miles S of the Auburn Airport.

Instrument approach and departure procedures for the Auburn, Ind., Airport are presently executed within the controlled airspace of VOR Federal Airways. However, the implementation of Amendments 60-21 and 60-29 of the Civil Air Regulations in the Fort Wayne, Ind., area (Airspace Docket No. 63-CE-127) will result in the floor of the airspace in the Auburn, Ind., area being raised to 1,200 feet above the surface. The designation of a transition area with a floor of 700 feet at Auburn, Ind., will provide protection of aircraft executing instrument approach and departure procedures at Auburn Airport.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on December 3, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-13007; Filed, Dec. 18, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF COMMERCE

### National Bureau of Standards

### STANDARD FREQUENCY AND TIME BROADCASTS BY NBS RADIO STATIONS

#### Notice of Changes

I. The Bureau International de l'Heure (B.I.H.) has announced that the fractional offset from nominal of coordinated transmissions for 1965 will be:

$$-150\times10^{-10}$$

Accordingly, the frequencies of HF transmissions and VLF transmissions from NBS stations WWV, WWVH, and WWVL, will be offset by this amount from standard frequencies controlled by the United States Frequency Standard (USFS).

This offset for 1965 remains the same as that for 1964.

As in the past, signal pulses which are emitted from WWV and WWVH will be in synchronism, to within one millesecond, with those from other U.S. and foreign stations. These signals are approximately within 0.1 second of UT2. UT2 is closely associated with the rotation of the earth on its axis.

II. On January 1, 1965, the standard carrier broadcasts from the National Bureau of Standards LF station, WWVB, will be maintained without offset with respect to the USFS at the frequency of 60.0 kHz within a tolerance limit of $\pm2\times10^{-11}$.

As in the past, time pulses which are emitted from WWVB will be produced by amplitude modulation of the carrier. Each pulse is initiated at the same relative phase of a cycle of the carrier. The pulses will be repeated at intervals of 60 kilocycles of the 60 kHz carrier, that is, once a second. In this way the international unit of time, the second, will be made directly available to listeners.

The phase of these periodic time pulses relative to the carrier phase will be shifted by a step adjustment of 200 ms no more often than once each month in order to remain within approximately 100 ms of the UT2 scale. Adjustments will always be carried out at 0000 UT on the first of each month.

Keyed Morse Code announcements, which provide the time difference: UT2 minus time of pulse, will be broadcast from WWVB in the way used for WWV and WWVH. During the identification period on the hour and every 20 minutes thereafter there will be broadcast from WWVB in International Morse Code:

UT2 AD

or:

UT2 SU

followed by a 3-digit number. This three-digit number is the difference in milliseconds. To obtain UT2, add the difference to the time indicated by the time pulse if the AD is broadcast. Subtract if SU is broadcast. These differences will be revised daily, the new value appearing for the first time during the day after 0 hours Universal Time continuing as indicated for the following 24-hour period. Daily UT2 information is obtained from weekly forecasts of UT2 provided by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

Advance announcements in the FEDERAL REGISTER will be made each month stating whether a step adjustment is to be made or not on the first of the following month, so that listeners can be adequately prepared.

These actions are in accordance with the NBS mission and follow the recent action of the International Committee of Weights and Measures which designated the frequency characteristic of a certain energy transition made by the Cesium atom to be used temporarily as the basis for the physical measure of time. They will also lead to information pertaining to the answer to a question concerning methods for providing both the epoch of UT2 and the international unit of time interval proposed by the U.S. Study Group VII of the CCIR (International Radio Consultative Committee).

A. V. ASTIN,
*Director,*
*National Bureau of Standards.*

[F.R. Doc. 64-13009; Filed, Dec. 18, 1964; 8:46 a.m.]

### UNIVERSAL TIME SIGNALS

#### Adjustment in Phase

An adjustment in the transmission of Universal Time Signals is announced jointly by the U.S. Naval Observatory and the National Bureau of Standards, U.S. Department of Commerce. The clocks at the radio stations will be retarded 100 milliseconds 1 January 1965 at zero hours, Universal Time (7:00 p.m., e.s.t., of 31 December).

The adjustment becomes necessary because of changes in speed of rotation of the earth, as determined by astronomical observation. Such adjustments are made following an international agreement, according to a plan whereby the times of emission of Universal Time signals are synchronized to about 1 millisecond and are maintained within about 100 ms of the Universal Time scale, UT2. The last previous adjustment in phase of Universal Time signal pulses was made 1 September 1964.

The countries participating in the coordination of Universal Time signal transmissions are Argentina, Australia, Canada, Czechoslovakia, France, Italy, Japan, South Africa, Switzerland, United Kingdom, and the United States.

The U.S. stations include the NBS stations WWV, Greenbelt, Md.; and WWVH, Maui, Hawaii; and the U.S. Navy stations NBA, Canal Zone; NPG, San Francisco, Calif.; NPM, Lualualei, Hawaii; NPN, Guam, Mariana Islands; and NSS, Annapolis, Md.

A. V. ASTIN,
*Director,*
*National Bureau of Standards.*

T. S. BASKETT,
*Captain, U.S. Navy, Superintendent, U.S. Naval Observatory.*

[F.R. Doc. 64-13010; Filed, Dec. 18, 1964; 8:46 a.m.]

### TIME SIGNALS BROADCAST BY NBS RADIO STATION WWVB, FORT COLLINS, COLO.

#### Adjustment in Phase

An adjustment in the phase of time signals from radio station WWVB is announced by the National Bureau of Standards. On 1 January 1965, the clock at the station will be retarded by 200 ms at 0000 hours UT (7:00 p.m., e.s.t., of 31 December).

This adjustment initiates a service, announced elsewhere in this issue of the FEDERAL REGISTER, whereby the international unit of time, the second will be made directly available to listeners. The phase adjustment merely insures that the time pulses will remain within about 100 ms of the UT2 scale. It is made necessary because of changes in the speed of rotation of the earth, with which the UT2 scale is associated.

Daily UT2 information, which enables the predictions to be made of this and future adjustments, is furnished weekly to the NBS by the Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
*Director,*
*National Bureau of Standards.*

[F.R. Doc. 64-13011; Filed, Dec. 18, 1964; 8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-220]

### NIAGARA MOHAWK POWER CORP.

#### Application for Provisional Construction Permit; Order and Notice of Hearing

1. Notice is hereby given that the hearing upon the above application will be commenced at 10:00 a.m. on Tuesday, January 19, 1965 in the main courtroom of the County Courthouse, East Oneida Street, Oswego, N.Y. The issues to be considered at the hearing are those stated in the Atomic Energy Commission's notice of hearing which was published on November 13, 1964 at 29 F.R. 15267. Pursuant to the law and published regulations cited in the above notice, certain procedures governing the hearing were clarified and defined at the Prehearing Conference which was held at Oswego, N.Y. on December 15, 1964 in conformity with the Atomic Safety and Licensing Board's order and notice as published on December 4, 1964 at 29 F.R. 16266.

2. Procedures for intervention and for limited participation in this proceeding by interested persons are set out in the above-cited notice of hearing and in the Commission's rules of practice there cited. In view of the postponement of the hearing, and in conformity with the notice of hearing, it is now specified that the time for filing petitions for leave to intervene is extended to December 31, 1964.

*It is ordered,* This 17th day of December 1964 that this Order and Notice of Hearing be promptly published in the FEDERAL REGISTER.

Issued: December 17, 1964, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
J. D. BOND,
*Chairman.*

[F.R. Doc. 64-13106; Filed, Dec. 18, 1964; 8:51 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15677]

### ALL NIPPON AIRWAYS CO., LTD.

#### Notice of Hearing

Application of All Nippon Airways Company, Ltd., for an amendment of its foreign air carrier permit to authorize it to engage in foreign air transportation of persons, property, and mail over a regular route between a point or points in Japan and Naha, Okinawa.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the above-entitled proceeding is hereby assigned for hearing on January 13, 1965, at 10 a.m., in room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the pleadings in this proceeding, particular attention will be directed to the following matters:

1. Will the air transportation proposed in the application be in the public interest?

2. Is the applicant fit, willing, and able properly to perform the air transportation proposed in its application and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder?

3. If the application is granted, what terms, conditions, and limitations, if any, should be imposed?

4. Is substantial ownership and effective control of the applicant vested in nationals of Japan?

For further details with respect to the issues in this proceeding, interested persons are referred to the documents filed by the parties and the examiner's report of prehearing conference served December 4, 1964, which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before January 6, 1965, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., December 15, 1964.

[SEAL] RALPH L. WISER,
*Hearing Examiner.*

[F.R. Doc. 64-13064; Filed, Dec. 18, 1964; 8:50 a.m.]

[Docket No. 15419]

### BLOCKED SPACE AIR FREIGHT TARIFFS

#### Notice of Prehearing Conference

Pursuant to the request of The Slick Corporation by letter dated December 1, 1964, to which no party has entered objection, this proceeding is set for prehearing conference at 10 a.m., January 5, 1965, in room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

The matters listed below shall be submitted in writing, with copy to the examiner and all parties, by December 28, 1964.

1. Proposed statements of issues.
2. Proposed stipulations.
3. Requests for information.
4. Statements of position of the parties.
5. Proposed procedural dates.

Dated at Washington, D.C., December 15, 1964.

[SEAL] RALPH L. WISER,
*Hearing Examiner.*

[F.R. Doc. 64-13065; Filed, Dec. 18, 1964; 8:50 a.m.]

[Docket No. 15241]

### PAN CONTINENTAL TOURS, INC., ET AL.

#### Notice of Hearing

Pan Continental Tours, Inc., Cultural Programing Services, Inc., Nathan Greenblatt, individually; enforcement proceeding, Docket 15241.

Hearing in the above-indicated proceeding, previously scheduled for December 8, 1964, hereby is assigned to be held January 26, 1965, at 10:00 a.m., e.s.t., in Conference Room E, 30 Church Street, New York City.

Dated at Washington, D.C., December 16, 1964.

[SEAL] HERBERT K. BRYAN,
*Hearing Examiner.*

[F.R. Doc. 64-13066; Filed, Dec. 18, 1964; 8:50 a.m.]

[Docket No. 13377]

### BONANZA AIR LINES, INC.

#### Notice of Postponement of Prehearing Conference

Renewal of Bonanza Air Lines, Inc., Segment 4; Docket 13377.

Pursuant to the request of Bonanza Air Lines, Inc., the prehearing conference in this proceeding is hereby postponed from January 5, 1965, to January 6, 1965, at 10 a.m., in room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., December 15, 1964.

[SEAL] RALPH L. WISER,
*Hearing Examiner.*

[F.R. Doc. 64-13067; Filed, Dec. 18, 1964; 8:50 a.m.]

[Docket No. 11022]

### CALIFORNIA FLORAL TRAFFIC CONFERENCE ET AL.

#### Notice of Prehearing Conference

Reopened California Floral Traffic Conference et al., tariff liability rule complaint (Airborne Freight Corporation Tariff Rules, etc.), Docket 11022.

Notice is hereby given that a prehearing conference pursuant to Order E-21560 in the above-entitled matter is assigned to be held on January 8, 1965, at 10 a.m., in room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., December 15, 1964.

[SEAL] RALPH L. WISER,
*Hearing Examiner.*

[F.R. Doc. 64-13068; Filed; Dec. 18, 1964; 8:50 a.m.]

## DELAWARE RIVER BASIN COMMISSION

### CAPITAL BUDGET, 1966

#### Notice of Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on a proposal to adopt a capital budget for fiscal year 1966. The purpose of the capital budget would be to reimburse the Federal Government for that part of the funds to be advanced during construction of the Beltzville, Tocks Island and Blue Marsh projects which pertains to the water supply portion of the three projects. The budget, totaling $2,000, provides for payment of $1,000 each by Pennsylvania and New Jersey as initial inputs to a reimbursement fund to be established by the Commission. Payments from the fund to the United States would be made by the Commission as required by the progress of construction.

Copies of the proposed capital budget, including projected cost analyses, may be obtained from the offices of the Com-

## FEDERAL COMMUNICATIONS

lumbus, Ohio, Docket No. 15620, File No. BPCT-3333; for construction permit for new television broadcast station

and Industrial Union Council, Chicago, Illinois, Docket No. 15708, File No. BPCT-

(2) The parties' direct affirmative cases on issues 1, 2, 6 and 7 shall be pre-

[Docket Nos. 15442, 15443; FCC 64M-1253]

### DUBUQUE BROADCASTING CO. AND

Copies of the proposed capital budget, including projected cost analyses, may be obtained from the offices of the Commission.

The hearing will be held at 2 p.m. on December 29, 1964. The hearing will take place in Room 1306 of the Pennsylvania State Office Building, Broad and Spring Garden Streets, Philadelphia. Those persons or organizations wishing to testify are requested to register in advance with the secretary.

W. BRINTON WHITALL,
*Secretary.*

DECEMBER 18, 1964.

[F.R. Doc. 64-13013; Filed, Dec. 18, 1964; 8:47 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64-SW-5, amended]

## LANFORD TELECASTING CO., INC. (KALB-TV)

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency issued a determination of no hazard to air navigation on September 29, 1964, with regard to a proposal by Lanford Telecasting Co., Inc. (KALB-TV), Alexandria, La., to construct a television antenna structure at latitude 31°02'14" north, longitude 92°29'44" west, near Forest Hill, Louisiana. The overall height of the structure would be 1,749 feet above mean sea level (1,589 feet above ground).

Subsequent to the issuance of the determination, the proponent advised that due to property availability it was necessary to adjust the site approximately 100 feet north and 100 feet east of the approved location. The elevations would remain the same.

The Agency has reviewed the effects the new site would have on the safe and efficient utilization of the navigable airspace. The review has disclosed that the amended proposal would have no greater effect upon aeronautical operations, procedures or minimum flight altitudes than the original proposal.

Therefore, pursuant to the authority delegated to me by the Administrator, Federal Aviation Agency's OE Docket No. 64-SW-5 is hereby revised to amend the coordinates from latitude 31°02'14" north, longitude 92°29'44" west, to latitude 31°02'15.1" north, longitude 92°29'-43" west.

This amended determination is effective as of the date of issuance.

Issued in Washington, D.C., on December 11, 1964.

GEORGE R. BORSARI,
*Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 64-13008; Filed, Dec. 18, 1964; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15249, 15250; FCC 64M-1246]

## CLEVELAND TELECASTING CORP. AND SUPERIOR BROADCASTING CORP.

### Order Continuing Prehearing Conference

In re applications of Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT-3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a request, filed on December 11, 1964 by Cleveland Telecasting Corp., for continuance to January 6, 1965 of the further session of the prehearing conference in the above-entitled proceeding, presently scheduled for December 15, 1964; and

It appearing, that because of a death in the family of one of the attorneys for the applicant Cleveland Telecasting Corp., and because of the pressure of heavy workloads for both attorneys, it will not be possible for either of them to be present at the prehearing conference as presently scheduled; and

It further appearing, That counsel for The Superior Broadcasting Corp. and for the Broadcast Bureau have informally agreed to a waiver of the four-day requirement of the Commission's Rules and indicated that they have no objection to a grant of the instant request for continuance;

*It is ordered,* This 14th day of December 1964, that the request be and it is hereby granted; and the further session of the prehearing conference in the above-entitled proceeding, presently scheduled for December 15, 1964 at 10:00 a.m., be and it is hereby rescheduled for January 6, 1965, at 10:00 a.m., in Washington, D.C.

Released: December 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13016; Filed, Dec. 18, 1964; 8:47 a.m.]

[Docket Nos. 15619, 15620; FCC 64M-1250]

## FARRAGUT TELEVISION CORP. AND PEOPLES BROADCASTING CORP.

### Order Continuing Hearing

In re applications of Farragut Television Corporation, Columbus, Ohio, Docket No. 15619, File No. BPCT-3319; Peoples Broadcasting Corporation, Columbus, Ohio, Docket No. 15620, File No. BPCT-3333; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a letter dated December 9, 1964 from counsel for Peoples Broadcasting Corporation requesting a continuance of the date for commencement of hearing;

It appearing, that counsel requires additional time for the purpose of preparing exhibits to be exchanged in the first phase of the hearing and that counsel for the other parties have consented to the continuance and to immediate consideration of this request;

*It is ordered,* This 14th day of December 1964, that the commencement of hearing is continued from December 16 to December 30, 1964.

Released: December 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13017; Filed, Dec. 18, 1964; 8:47 a.m.]

[Docket No. 15641; FCC 64M-1252]

## INTERNATIONAL PANORAMA TV, INC.

### Order Scheduling Hearing

In re application of International Panorama TV, Inc., Fontana, California, Docket No. 15641, File No. BPCT-3181; for construction permit for new television broadcast station (Channel 40).

*It is ordered,* This 15th day of December 1964, in accordance with tentative plans made during conference of counsel held November 10, 1964, that hearings in the above-entitled proceeding shall be convened in Los Angeles, California, at 10:00 a.m., January 13, 1965: And *It is further ordered,* That Walther W. Guenther, in lieu of James D. Cunningham, shall serve as presiding officer herein.

Released: December 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13018; Filed, Dec. 18, 1964; 8:47 a.m.]

[Docket No. 15667 etc.; FCC 64M-1248]

## KAISER INDUSTRIES CORP. ET AL.

### Order Scheduling Hearing

In re applications of Kaiser Industries Corporation, Chicago, Illinois, Docket No. 15667, File No. BPCT-3092; Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Illinois, Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 15669, File No. BPCT-3271; Chicago Federation of Labor and Industrial Union Council, Chicago, Illinois, Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station (Channel 38).

A prehearing conference having been held on December 11, 1964, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order:

*It is ordered,* This 14th day of December 1964, that:

(1) The direct affirmative cases of the applicants shall be presented entirely in the form of sworn written exhibits;

(2) Copies of the applicants' exhibits directed to issues 1, 2 and 6 to be exchanged on or before February 8, 1965, and copies of Warner Bros. Pictures, Inc.'s exhibits directed to issues 3, 4 and 5 to be exchanged on or before March 11, 1965;

(3) Hearing shall commence on February 24, 1965 at 10:00 a.m. in the offices of the Commission at Washington, D.C., at which time the parties' exhibits directed to issues 1, 2 and 6 shall be offered into evidence, and any objections to the receipt of such exhibits shall be entertained; and,

(4) A further hearing session shall convene at 10:00 a.m. on April 1, 1965 at which time the Warner Bros. exhibits directed to issues 3, 4 and 5 shall be offered into evidence and any objections thereto entertained, such hearing session to be consolidated with the hearing session in Docket 15714, et al.

Released: December 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13019; Filed, Dec. 18, 1964; 8:47 a.m.]

[Docket Nos. 15714, 15715; FCC 64M-1247]

## TRINITY BROADCASTING CO. AND WARNER BROS. PICTURES, INC.

### Order Scheduling Hearing

In re applications of Trinity Broadcasting Company, Fort Worth, Texas, Docket No. 15714, File No. BPCT-3172; Warner Bros. Pictures, Inc., Fort Worth, Texas, Docket No. 15715, File No. BPCT-3272; for construction permit for new television broadcast station (Channel 20).

A prehearing conference having been held on December 11, 1964, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order:

*It is ordered,* This 14th day of December 1964, that:

(1) The direct affirmative case of Warner Bros. Pictures, Inc. on issues 3, 4 and 5 shall be entirely in the form of sworn written exhibits;

(2) The parties' direct affirmative cases on issues 1, 2, 6 and 7 shall be presented orally, provided that on or before January 11, 1965, the parties may file with the Hearing Examiner a written stipulation to the effect that all or any part of their direct affirmative cases are to be presented in the form of sworn written exhibits;

(3) Copies of the applicants' exhibits directed to issues 3, 4 and 5 shall be exchanged on or before March 11, 1965, and, in the event the parties stipulate to present any of their cases on issues 1, 2, 6 and 7 in writing, copies of the exhibits directed to such issues shall be exchanged on or before March 1, 1965;

(4) In the event the parties exchange any exhibits directed to issues 1, 2, 6 and 7, a hearing session shall be convened on March 15, 1965, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C., for the purpose of offering such exhibits into evidence and entertaining any objections thereto; and,

(5) In any event, a hearing session for the purpose of offering into evidence the Warner Bros. exhibits directed to issues 3, 4 and 5 and entertaining any objections thereto shall convene on April 1, 1965, at 10:00 a.m., said hearing session to be consolidated with the hearing session in Docket 15667, et al.

Released: December 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13020; Filed, Dec. 18, 1964; 8:47 a.m.]

[Docket No. 15712; FCC 64M-1239]

## MELVIN S. WELCH

### Order Changing Date and Place of Hearing

In the matter of Melvin S. Welch, Stone Mountain, Georgia, Docket No. 15712; order to show cause why the license for radio station KDB-0264 in the citizens radio service should not be revoked.

*It is ordered,* This 11th day of December 1964, upon consideration of a request by respondent which is supported by a showing of good and sufficient cause, that hearing in the above-entitled proceeding which is presently scheduled to commence January 5, 1965, in Washington, D.C., is hereby continued to February 2, 1965, and will be held in Atlanta, Ga.

Released: December 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13021; Filed, Dec. 18, 1964; 8:47 a.m.]

[Docket Nos. 15442, 15443; FCC 64M-1253]

## DUBUQUE BROADCASTING CO. AND TELEGRAPH-HERALD

### Order Continuing Hearing

In re applications of Dubuque Broadcasting Company, Dubuque, Iowa, Docket No. 15442, File No. BPH-3920; Telegraph-Herald, Dubuque, Iowa, Docket No. 15443, File No. BPH-4288; for construction permits.

The Hearing Examiner having before him a letter from counsel for Telegraph-Herald, dated December 14, 1964, requesting postponement of hearing in the above-entitled matter now scheduled for December 17, 1964; and

It appearing that a petition for rule making looking toward a resolution of conflict has been filed and should it be approved need for hearing may be eliminated; and

It further appearing that both counsel for Dubuque Broadcasting Company and counsel for the Broadcast Bureau, the only other parties to the proceeding, join in the request;

*It is ordered,* This 15th day of December 1964, that the request for postponement described above is granted; and the hearing in the above-entitled proceeding now scheduled for December 17, 1964, is continued to January 25, 1965.

Released: December 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13060; Filed, Dec. 18, 1964; 8:50 a.m.]

[Docket No. 15658; FCC 64M-1254]

## NAUGATUCK VALLEY SERVICE, INC. (WOWW)

### Order re Procedural Dates

In re applications of Naugatuck Valley Service, Inc. (WOWW), Naugatuck, Conn., Docket No. 15658, File No. BP-14829; for construction permit.

The Hearing Examiner having under consideration a Motion to Postpone Exhibit Exchange Dates filed by applicant on December 11, 1964; and

It appearing that applicant seeks to have the dates governing various procedural steps in this proceeding advanced one month; and

It further appearing that applicant's newly hired engineer contemplates making changes in applicant's technical proposal and because of other commitments has not been able to effect those changes; and

It further appearing that the other participants in the proceeding have given their consent to grant of the subject motion and to its immediate consideration;

*Accordingly, it is ordered,* This 15th day of December 1964, that the calendar



of procedural steps designated by Exam-

By the Federal Home Loan Bank Board

Interested parties may inspect and obtain a copy of the agreement(s) at



Notice of agreement filed for approval By:

wharfage, dockage, and for use of the pier other than storage may be fixed by

# FEDERAL POWER COMMISSION

of procedural steps designated by Examiner's Order dated November 10, 1964, released November 12, 1964 (FCC 64M–1122) is amended in the following respects:

| Procedural step | Present designation | Amended designation |
|---|---|---|
| Preliminary exchange of applicant's technical presentation | Dec. 14, 1964 | Jan. 14, 1965 |
| Final exchange of applicant's technical presentation (if any) of applicant's lay presentation | Dec. 28, 1964 | Jan. 28, 1965 |
| Notification by respondents of applicant's witnesses it is desired be present at hearing for examination | Jan. 4, 1965 | Feb. 4, 1965 |
| Notification by respondents of intention to make rebuttal presentation accompanied by recommended date for such presentation | do | Do. |
| Freeze date—date after which applicant agrees not to make, on own volition, substantial changes in presentation | do | Do. |
| Hearing | Jan. 11, 1965 | Feb. 11, 1965 |

Released: December 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–13061; Filed, Dec. 18, 1964; 8:50 a.m.]

# FEDERAL HOME LOAN BANK BOARD

[No. 18,667]

## MEMBERS OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS

### Notice Concerning Annual Meetings on Inauguration Day

DECEMBER 16, 1964.

Resolved That the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of publishing its policy concerning the treatment of Inauguration Day as a "legal holiday" for purposes of section 1 of the Prescribed Bylaws, hereby adopts the following statement concerning the holding of the annual meetings of members of Federal savings and loan associations on Inauguration Day:

(a) For the purpose of compliance with section 1 of the Prescribed Bylaws, Inauguration Day shall be deemed a "legal holiday" in the District of Columbia metropolitan area, as defined in Public Law 85–1, approved January 11, 1957. A Federal association within this area may hold its annual meeting on the first business day thereafter.

(b) A Federal association located outside the District of Columbia metropolitan area, as defined in Public Law 85–1, may treat Inauguration Day as a "legal holiday" for the purpose of section 1 of the Prescribed Bylaws, and may hold its annual meeting on the first business day thereafter.

Resolved further That the Secretary to the Board is directed to transmit the foregoing to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 64–13063; Filed, Dec. 18, 1964; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

## AFRICAN COASTERS LTD. AND LYKES BROS. STEAMSHIP CO., INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. H. Hagan, Jr.,
Lykes Bros. Steamship Co., Inc.,
1770 Tchoupitoulas Street, P.O. Box 50998,
New Orleans, La. 70150

Agreement 9409, between Lykes Bros. Steamship Co., Inc. and African Coasters (PTY) Ltd., covers a through billing arrangement for transportation of cargo from ports in Malagasy, Mauritius, Reunion and Comore Islands to U.S. Gulf ports with transshipment at South and East African Ports (Capetown-Mombasa, inclusive), in accordance with the terms and conditions set forth therein.

Dated: December 16, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–13033; Filed, Dec. 18, 1964; 8:48 a.m.]

## CITY OF PHILADELPHIA AND LAVINO SHIPPING CO.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

City of Philadelphia,
Municipal Pier No. 4 South,
Delaware Avenue and Chestnut Street,
Philadelphia 6, Pennsylvania

Agreement No. T–107, as amended by T–107–1, between the City of Philadelphia (City) and the Lavino Shipping Company, provides for a five year lease of a portion of Pier No. 82 in Philadelphia at a fixed annual rental which includes a certain payment toward a pier maintenance fund. The agreement also provides that the maximum rates for wharfage, dockage, and for use of the pier other than storage may be fixed by the Director of Commerce of the City, provided that such rates shall not be discriminatory.

Dated: December 16, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–13034; Filed, Dec. 18, 1964; 8:48 a.m.]

## CITY OF PHILADELPHIA AND J. A. McCARTHY, INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

City of Philadelphia,
Municipal Pier No. 4 South,
Delaware Avenue and Chestnut Street,
Philadelphia 6, Pennsylvania

Agreement No. T–1737, between the City of Philadelphia (City) and J. A. McCarthy, Inc., provides for a five year lease of a portion of Pier No. 82 in Philadelphia at a fixed annual rental which includes a certain payment toward a pier maintenance fund. The agreement also provides that the maximum rates for wharfage, dockage, and for use of the pier other than storage may be fixed by the Director of Commerce of the City; provided that such rates shall not be discriminatory.

Dated: December 16, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–13035; Filed, Dec. 18, 1964; 8:48 a.m.]

## CITY OF PHILADELPHIA ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

City of Philadelphia and J. A. McCarthy, Inc. and Lavino Shipping Company.

Notice of agreement filed for approval by:

City of Philadelphia,
Municipal Pier No. 4 South,
Delaware Avenue and Chestnut Street,
Philadelphia 6, Pennsylvania

Agreement No. T–1736, between the City of Philadelphia (City) and the J. A. McCarthy, Inc. and Lavino Shipping Company provides for a five year lease of a portion of Pier No. 82 in Philadelphia at a fixed annual rental which includes a certain payment toward a pier maintenance fund. The agreement also provides that the maximum rates for wharfage, dockage, and for use of the pier other than storage may be fixed by the Director of Commerce of the City; provided that such rates shall not be discriminatory.

By Order of the Federal Maritime Commission.

Dated: December 16, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–13036; Filed, Dec. 18, 1964; 8:48 a.m.]

## UNITED STATES ATLANTIC AND GULF-SANTO DOMINGO CONFERENCE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733; 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, not later than December 22, 1964. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. C. D. Marshall, Chairman,
United States Atlantic & Gulf-Santo Domingo Conference,
11 Broadway,
New York, N.Y. 10004.

Agreement No. 6080–12 between the member lines of the United States Atlantic & Gulf-Santo Domingo Conference has been filed with the Commission for approval to preface Item 6a of the basic agreement, as amended, which presently reads:

All freights and charges on southbound cargo must be prepaid in the United States in United States Currency at the time such freight or charges shall become due and payable and no part thereof shall be directly or indirectly, illegally or unlawfully, refunded or remitted in any manner or by any device. The Carrier may extend credit in those cases where evidence of financial responsibility has been furnished the Carrier.

with the following:

Except as may be otherwise unanimously agreed and provided in the governing tariff.

Dated: December 18, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–13146; Filed, Dec. 18, 1964; 11:29 a.m.]



# FEDERAL POWER COMMISSION

[Docket No. CP65–162]

## CITIES SERVICE GAS CO.

### Notice of Application

DECEMBER 14, 1964.

Take notice that on December 7, 1964, Cities Service Gas Co. (Applicant), Oklahoma City, Okla., filed an application in Docket No. CP65–162 pursuant to sections 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain transmission and compressor facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes the following:

(A) Construction of approximately 25 miles of 26-inch pipeline and one mile of 16-inch pipeline between Applicant's Tonganoxie Compressor Station, Leavenworth County, Kans., and The Gas Service Co.'s distribution systems, Platte County, Mo. and Wyandotte County, Kans.

(B) Replacement of approximately 9.7 miles of the existing Lawrence-Tonganoxie 16-inch pipeline with 26-inch pipeline, Douglas and Leavenworth Counties, Kans.

(C) Construction of approximately .6 mile of 20-inch pipeline to connect Applicant's Ottawa-Lawrence 20-inch pipeline with its North Topeka 16-inch pipeline, Douglas County, Kans.

(D) Reclamation of one 2,000 horsepower compressor unit at the Marion Compressor Station, Marion County, Kans., and reinstallation of said unit at the Americus Compressor Station, Lyon County, Kans.

(E) Construction of approximately 1.45 miles of 8-inch pipeline to serve the town of Humboldt, Kans.; replacement of approximately 96 mile of the existing Humboldt 5½-inch pipeline with 8-inch pipeline; and reclamation of approximately 1.68 miles of the existing Humboldt 8-inch pipeline and regulator setting, all in Allen County, Kans.

(F) Looping of approximately 8 miles of the Hugoton Station 30-inch intake pipeline with 26-inch pipeline, Grant County, Kans.

(G) Reclamation of two 1,000 horsepower compressor units at the Pampa Compressor Station in Gray County, Tex., and reinstallation of said units, together with two new 2,000 horsepower units, at a proposed Burnett Compressor Station, Carson County, Tex.

(H) Installation of 230 additional horsepower at both the White Deer and Hughey Field Compressor Stations, Carson and Gray Counties, Tex.

The application states that the proposed facilities are necessary to either (1) provide for new delivery facilities into its major Kansas City market area and to maintain balanced delivery pat-

terns to distribution company customers in the area; (2) maintain system inputs into its transmission system and ratable taking from producing areas connected to its system, by offset, declining wellhead pressures; (3) increase deliverability of its transmission system by more fully utilizing existing compressor facilities; or (4) replace facilities which have become physically deteriorated to the extent replacement is deemed necessary.

The estimated total cost of Applicant's proposed construction is $5,409,000, and will be financed with funds on hand; said estimated cost reflects the cost of removal and salvage credit for facilities to be abandoned.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13037; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. RP64-9 etc.]

## CITIES SERVICE GAS CO. ET AL.

### Notice of Further Extension of Time

DECEMBER 14, 1964.

Cities Service Gas Co., Docket No. RP64-9; Area Rate Proceeding, et al. (Hugoton Anadarko Area), Docket No. AR64-1, et al.; Columbian Fuel Corp., Docket No. RI61-316, RI61-518, RI62-49; Cities Service Oil Co., Docket No. RI63-485 and RI65-269.

Upon consideration of the motion filed on December 2, 1964 by counsel for Cities Service Oil Co. and Columbian Fuel Corp. for an extension of time within which to file their prepared direct testimony and exhibits on the affiliated purchased gas cost issue in the above-designated matter;

Notice is hereby given that the time is further extended to and including: February 19, 1965 within which Cities Service Gas Co., Cities Service Oil Co., and Columbian Fuel Corp. shall serve upon all parties of record their prepared testimony and exhibits; April 30, 1965 within which Staff Counsel shall file their testimony and exhibits upon all parties; and May 14, 1965 within which intervenors proposing to present evidence on the aforementioned issue shall file their prepared testimony and exhibits upon all parties.

Further, notice is hereby given that the prehearing conference presently scheduled to be held on March 23, 1965 is postponed to May 25, 1965 at 10:00 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13038; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. RP65-4]

## KNOXVILLE UTILITIES BOARD, INC., ET AL.

### Notice of Extension of Time

DECEMBER 14, 1964.

Knoxville Utilities Board, et al., Complainant, v. East Tennessee Natural Gas Co., Defendant; Docket No. RP65-4.

Upon consideration of the request filed on December 2, 1964 by counsel for East Tennessee Natural Gas Co. for an extension of time within which to serve its prepared testimony and exhibits comprising its direct case;

Notice is hereby given that the time is extended to and including: January 8, 1965 within which East Tennessee Natural Gas Co. shall serve upon all parties its prepared testimony and exhibits comprising its direct case; and January 29, 1965 within which staff counsel and all other parties to this proceeding proposing to present evidence herein shall serve on all parties their prepared testimony and exhibits.

Further, the prehearing conference presently scheduled to commence at 10:00 a.m. on January 12, 1965 is postponed to February 9, 1965 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13039; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket Nos. CP65-84, CP65-85]

## MANUFACTURERS LIGHT AND HEAT CO. AND TEXAS EASTERN TRANSMISSION CORP.

### Notice of Applications

DECEMBER 15, 1964.

Take notice that on September 30, 1964, The Manufacturers Light and Heat Co. (Manufacturers), 800 Union Trust Building, Pittsburgh, Pa., 15219, filed in Docket No. CP65-84, and Texas Eastern Transmission Corp. (Texas Eastern), Southern National Bank Building, Houston, Tex., filed in Docket No. CP65-85, their respective applications pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing the construction and operation of facilities, and the sale and delivery of natural gas, all as more fully set forth in the applications on file with the Commission and open to public inspection.

Manufacturers proposes to provide an additional delivery point for the sale and delivery of a volume of natural gas to United Gas Improvement Co. (UGI) ranging from 46,800 Mcf annually in 1965 to 74,300 Mcf annually in 1969, for resale in the Borough of Bally, Pa., and surrounding area.

Texas Eastern proposes (1) to construct and operate measuring and regulating facilities on its 30-inch Penn-Jersey pipeline at said delivery point in Berks County, Pa., and make additional deliveries to UGI for the account of Manufacturers, (2) to increase its maximum daily deliveries of natural gas to the City of Pulaski, Tenn. by 600 Mcf, (3) reduce and convert the maximum daily quantity of firm gas allocated to the City Gas Co. of New Jersey (City Gas)[1] from 4080 Mcf daily under Rate Schedule SGS-D to 1285 Mcf daily under Rate Schedule GS-D and 857 Mcf daily under Rate Schedule WS for a total reduction of 1938 Mcf, and (4) reduce the volume of gas authorized to be sold to Equitable Gas Co. by the amount contracted for by Waynesburg Gas Co. prior to the merger of Waynesburg with Equitable, i.e., 2,195 Mcf daily under Texas Eastern's Rate Schedule GS and of 337 Mcf daily under Texas Eastern's Rate Schedule WS for a total reduction to Equitable of 2,532 Mcf daily.

The cost of the measuring and regulating facilities to be constructed by Texas Eastern is estimated to be $27,000.00. Manufacturers will reimburse Texas Eastern for the cost thereof.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 6, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the requested authorizations are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[1] Modification of the order of the Commission issued in Docket No. G-9784 on October 9, 1956, in connection with Opinion No. 296, authorizing an increase of Maximum Daily Quantity to City Gas Co. of New Jersey under Texas Eastern's SGS-D Rate Schedule up to 4,000 Mcf daily.



JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13040; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. CP65-86]

## MICHIGAN GAS STORAGE CO.

### Notice of Application

DECEMBER 15, 1964.

Take notice that on September 30, 1964, as supplemented on December 2, 1964, Michigan Gas Storage Co. (Applicant), Jackson, Mich., filed in Docket No. CP65-86 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate (1) approximately 31 miles of 26-inch pipeline, extending from a point of connection with Applicant's Main Line in Gratiot County, Mich., to a proposed point of interchange (to be known as Saginaw Junction) with the so-called "North Line" of Panhandle Eastern Pipe Line Co. (Panhandle) in Saginaw County, Mich.; and (2) a new interchange or delivery point with Panhandle at the eastern end of the proposed 26-inch pipeline, at Saginaw Junction.

The application, as supplemented, states that the proposed facilities are required in order to increase the peak day deliverability of Applicant's facilities to Consumers Power Co. (Consumers) for the Saginaw Bay City Area. Consumers peak day capability in the area at present is approximately 171,400; the proposed facilities will enable Consumers to meet anticipated peak day requirements of approximately 186,000 Mcf during the 1965-66 heating season, and anticipated peak day requirements of 284,000 Mcf by 1969-70.

The estimated cost of Applicant's proposed construction is $2,995,000, and will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13041; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. RI65-292 etc.]

## H. J. MOSSER ET AL.

### Order Permitting Substitution of Rate Filing, Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 14, 1964.

H. J. Mosser, Docket No. RI65-292; J. C. Trahan, Drilling Contractor, Inc., Docket No. RI65-293; Jonnell Gas, Incorporated (Operator), et al., Docket No. RI65-331.

Each of the above-designated Respondents filed proposed increased rates from 17.24 cents to 18.74 cents per Mcf for jurisdictional sales of natural gas to Tennessee Gas Transmission Company from Texas District No. 4, which by orders issued October 30, 1964, in Docket Nos. RI65-292 and RI65-293 and November 27, 1964, in Docket Nos. RI65-292, RI65-293 and RI65-331[1] were respectively suspended and consolidated for immediate hearing.

On November 17, 1964, J. C. Trahan, Drilling Contractor, Inc. (Trahan) tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. By the proposed change Trahan proposes to substitute the instant increased rate for the 18.74 cents per Mcf rate, designated as Supplement No. 7 to Trahan's Rate Schedule No. 17, which is under suspension at the present time in Docket No. RI65-293. The proposed change is contained in the following designated filing:

Description: Notice of Change, dated November 17, 1964.
Purchaser and producing area: Tennessee Gas Transmission Co. (Lopeno Field, Zapata County, Tex.) (R.R. District No. 4).
Rate schedule designation: Supplement No. 8 to Trahan's FPC Gas Rate Schedule No. 17.
Effective date: November 14, 1964.[2]
Amount of annual increase: $3,438.
Effective rate: 17.24 cents.[3]
Proposed rate: 18.0 cents per Mcf.[3]
Pressure base: 14.65 psia.

The proposed substitute increase to 18 cents tendered by Trahan represents a portion of the contractually due periodic increase. Since the proposed 18 cent rate does not pierce the 18 cent triggering level in Texas District No. 4, there is no necessity for holding an immediate hearing in this case. We shall therefore sever Docket No. RI65-293 from the above consolidated proceedings which are set for immediate hearing and cancel the immediate hearing previously ordered insofar as it relates to Docket No. RI65-293. We also consider it appropriate here to make the suspension period for Trahan's substitute rate filing the same as the suspension period provided for the original notice which has now been superseded.

Trahan's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for permitting Trahan to substitute its proposed increased rate of 18 cents per Mcf, designated as Supplement No. 8 to Trahan's FPC Gas Rate Schedule No. 17, for the proposed rate of 18.74 cents suspended in the proceeding in Docket No. RI65-293, and for suspending the substitute proposed rate in said docket until April 14, 1965, the expiration date of the suspension period ordered for Trahan's previous filing.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the instant proposed change, and that Supplement No. 8 to Trahan's FPC Gas Rate Schedule No. 17 be suspended and the use thereof deferred as hereinafter ordered.

(3) Docket No. RI65-293 should be severed from the consolidated proceedings in Docket No. RI65-292 and RI65-331 and the immediate hearing previously ordered in Docket No. RI65-293 should be cancelled.

The Commission orders:

(A) Supplement No. 8 to Trahan's FPC Gas Rate Schedule No. 17 is hereby substituted for the previous rate filed in Docket No. RI65-293 and Supplement No. 7 to Trahan's FPC Gas Rate Schedule No. 17 is hereby deemed to be superseded.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Trahan's FPC Gas Rate Schedule No. 17.

(C) Pending such hearing and decision thereon, Supplement No. 8 to Trahan's FPC Gas Rate Schedule No. 17 is hereby suspended and the use thereof deferred until April 14, 1965, and there-

[1] Jonnell Gas, Incorporated (Operator), et al. filed two increased rate proposals, one to 18.74 cents per Mcf and the other to 18.0 cents per Mcf, which were suspended in Docket No. RI65-331. It was noted in the aforementioned order of November 27, 1964, that had these producers filed "fractured" increased rates not in excess of 18 cents per Mcf, there would have been no necessity for setting these matters for immediate hearing.

[2] Effective date proposed by Trahan.

[3] Rates subject to downward Btu adjustment.

after until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Docket No. RI65–293 is hereby severed from the consolidated proceedings in Docket Nos. RI65–292 and RI65–331 and the immediate hearing scheduled in Docket No. RI65–293 is hereby cancelled.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 25, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–13042; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. CP65–164]

## NORTHERN NATURAL GAS CO.

### Notice of Application

DECEMBER 15, 1964.

Take notice that on December 8, 1964, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65–164 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities in Dakota County, Minn., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon measuring and regulating facilities and appurtenances originally installed to enable Minneapolis Gas Co. (Minneapolis) to serve the Orest and Crystal View Heights Housing Associations (Orest) in Dakota County, Minn.

The application states that due to current highway construction Minneapolis extended its distribution system in order to avoid interruption of service to Orest, and is presently serving the area through another existing measuring station, located approximately one mile south of the Orest Station. Since Minneapolis is no longer utilizing the Orest Station, Applicant requests permission and approval to abandon and remove this station.

The application further states that Minneapolis contributed the entire cost of constructing the Orest Station, and that Applicant will, therefore, refund to Minneapolis the original cost of the station less depreciation and the cost of removal. The adjusted refund to Minneapolis is stated to be $1,804.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–13043; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. CP65–163]

## PLAINS GAS FARMERS' CO-OPERATIVE SOCIETY OF HEREFORD, TEX.

### Notice of Application

DECEMBER 15, 1964.

Take notice that on December 7, 1964, Plains Gas Farmers' Co-operative Society of Hereford, Tex. (Applicant), Deaf Smith County, Tex., filed in Docket No. CP65–163 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Transwestern Pipeline Co. (Transwestern) to establish physical connection of its natural gas transmission facilities with the facilities of Applicant, and to sell and deliver natural gas to Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests an order directing Transwestern to establish physical connection in order to tie on already existing gas lines owned by members of Applicant, upon which there are presently located approximately 100 irrigation wells and a few residences, and seeks further authorization to make such other taps onto the line of Transwestern as may be necessary or expedient to serve the members of Applicant.

The estimated annual and peak day requirements of Applicant are stated to be 196,200 and 1,204 Mcf respectively.

The application states that the only initial cost to be incurred by Applicant is approximately $750 for each of four taps to be made onto the Transwestern line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–13044; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. CP65–75]

## UNITED GAS PIPE LINE CO.

### Notice of Application

DECEMBER 15, 1964.

Take notice that on September 16, 1964, as supplemented on November 4, 1964, United Gas Pipe Line Co. (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65–75 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon a total of approximately 4.76 miles of 2-inch pipe, along with appurtenant facilities, heretofore utilized to serve eight heater stations of Hess Pipe Line Co., formerly Gulf Refining Co. (Hess), located in Forrest, Perry and George Counties, Miss., and Mobile County, Ala. The application states that Hess has not operated these heaters since 1960, and that by letter agreement dated December 19, 1963, the parties agreed to the cancellation of the contract under which deliveries had been made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity.



If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–13045; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. CP65–88]

## UNITED GAS PIPE LINE CO.

### Notice of Application

DECEMBER 14, 1964.

Take notice that on October 1, 1964, United Gas Pipe Line Co. (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65–88 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 400 feet of two-inch pipeline and a sales meter and regulator station and appurtenant equipment, all in Hinds County, Miss., for the purpose of enabling Applicant to make deliveries of natural gas pursuant to an agreement between the parties dated September 3, 1964, to Stanton Prestressed Concrete Products Division of Service Construction Co., Inc. (Stanton), to meet Stanton's fuel requirements for the operation of its precast concrete products plant located near Byram, Hinds County, Miss.

Stanton's requirements for the initial three year period are estimated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 20,000 | 20,000 | 24,800 |
| Peak day (Mcf) | 64 | 64 | 80 |

The estimated cost of Applicant's proposed construction is $3,658, and will be financed with current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commisson on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–13046; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. CP65–90]

## UNITED GAS PIPE LINE CO.

### Notice of Application

DECEMBER 14, 1964.

Take notice that on October 2, 1964, United Gas Pipe Line Co. (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65–90 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to transport natural gas for Spencer Chemical Division (Spencer) of Gulf Oil Corp., pursuant to an agreement between the parties dated August 31, 1964. Applicant proposes to receive, in Lisbon Field, Claiborne Parish, La., natural gas belonging to Spencer, and transport and deliver such gas to Spencer's Vicksburg Chemical Plant in Warren County, Miss.

Estimated annual and peak day transportation for the initial three year period is stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 3,650,000 | 3,650,000 | 3,650,000 |
| Peak day (Mcf) | 15,000 | 15,000 | 15,000 |

The application states that no construction by Applicant will be involved inasmuch as the proposed transportation will take place by means of existing facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–13047; Filed, Dec. 18, 1964; 8:48 a.m.]

[Docket No. CP65–111]

## UNITED GAS PIPE LINE CO.

### Notice of Application

DECEMBER 15, 1964.

Take notice that on October 26, 1964, as supplemented on November 13, 1964, United Gas Pipe Line Co. (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65–111 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately .8 mile of 6-inch pipe line, .7 mile of 4-inch pipe line, and a sales meter and appurtenant facilities, located in Harrison County, Miss., for the purpose of enabling Applicant to deliver natural gas to Richhold Chemicals, Inc. for use in its chemical plant near Gulfport, Harrison County, Miss.

Estimated annual and peak day requirements for the initial three year period are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 201,600 | 302,000 | 403,200 |
| Peak day (Mcf) | 700 | 1,400 | 1,400 |

The estimated cost of Applicant's construction is $56,456, which will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13048; Filed, Dec. 18, 1964; 8:49 a.m.]

# FOREIGN-TRADE ZONES BOARD

[Foreign-Trade Zone 2, Order 64]

## NEW ORLEANS, LA.

### Expansion of Foreign-Trade Zone

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order, which is promulgated for the information and guidance of all concerned:

Whereas, the Board of Commissioners of the Port of New Orleans, as Grantee of Foreign-Trade Zone No. 2, filed an application dated August 28, 1964, for permission to extend the boundary of the zone to include an area to the east, and to close an indentation in the boundary to the north, all of which will expand the size of the zone by 3.20 acres.

Whereas, the expansion will provide space for future development as well as benefit in handling certain cargoes moving in and out of the zone via direct water transportation.

Now, therefore, the Foreign-Trade Zones Board, after consideration, hereby orders:

That the boundaries of Foreign-Trade Zone No. 2 be, and they are hereby modified to include an area to the east adjacent to the Napoleon Avenue Wharf, and to close an indentation in the north side of the zone boundary, in conformity with Exhibits Nos. 1, 3, 8, 10(b), and 13 filed with the Board, and subject to settlement locally with the District Collector of Customs and the District Army Engineer, regarding requirements for physical security and protection of the revenue.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this Order, because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on the parties of interest. The effective date of this Order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 15th day of December 1964.

[SEAL] LUTHER H. HODGES,
*Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.*

Attest: RICHARD H. LAKE,
*Executive Secretary,*
*Foreign-Trade Zones Board.*

[F.R. Doc. 64-13062; Filed, Dec. 18, 1964; 8:50 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-5325]

## WESTMORE, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 14, 1964.

I. Westmore, Inc. (Westmore), 137 South Avenue, Fanwood, N.J., a New Jersey corporation, filed with the Commission on December 1, 1960, a notification on Form 1–A and an offering circular, relating to a proposed public offering of 150,000 shares of its 40¢ par value common stock at $2.00 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to amend the notification and offering circular to reflect:

(a) A cash deficit which it incurred before the date of the offering circular;

(b) Certain loans which the named underwriter made to the issuer to help the latter meet its day-to-day expenses;

(c) The retention of A. T. Brod & Co. as an underwriter;

(d) Certain proposed mergers which were being negotiated as of the date of the offering.

2. The issuer filed a false and misleading report of sales on Form 2–A which:

(a) Falsely stated that the issuer continued to be in the business described in the offering circular when the issuer's sales were in totally unrelated lines;

(b) Falsely stated that Vincent, James & Co., Inc., New York, New York, was the sole underwriter when A. T. Brod & Co. performed that function and sold a major portion of the shares offered;

(c) Falsely stated the expenses of the underwriting by failing to disclose certain payments to persons who promoted the underwriting;

(d) Failed to disclose that the issuer had attempted to effect mergers with two corporations with proceeds from the underwriting; and

(e) Falsely stated that the number of shares held by each director was the same as that described in the offering circular.

B. The issuer purchased from a director non-exempted Westmore stock which was to be held in escrow for a period of one year from the date of the offering circular pursuant to Rule 17 CFR 230.253(c) of Regulation A, and hence it did not comply with the terms and conditions of said regulation.

C. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The educational background of the president and vice-president of Westmore;

2. The proposed use of proceeds of the offering in that the proceeds were expended on payments to and for the benefit of Westmore's officers; and

3. The actual source of Westmore's sales and the nature of its business, which was the distribution of sundry automobile accessories and not the development of scientific testing equipment.

D. The offerings was made in violation of section 17(a) of the Securities Act of 1933, as amended, and section 10(b) of the Securities Exchange Act of 1934 and Rule 10(b)(5) promulgated thereunder.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

*It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F.R. Doc. 64-13012; Filed, Dec. 18, 1964; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

## SMALL BUSINESS SIZE STANDARDS IN EFFECT ON OCTOBER 22, 1962

Under the provisions of section 213(a) of the War Claims Act of 1948, as amended, and § 121.3–13(a) of the Small Business Size Standards Regulation, as amended, successful claimants before the Foreign Claims Settlement Commission are entitled to priority of payment if they had been, on the date of loss, damage, or destruction, small business concerns under the Small Business Size Standards in effect on October 22, 1962.

For the convenience of the public, notice is hereby given that the following pertinent Small Business Size Standards Regulations were in effect on October 22, 1962:

§ 121.3–2 *Definition of terms used in this part.*

(a) "Affiliates." Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors including common ownership, common management, and contractual relationships.

(b) "Annual sales or annual receipts" means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

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(e) "Crude-oil capacity" means the maximum daily average crude through-put of a refinery in complete operation, with allowance for necessary shut-down time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

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(i) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not scutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(j) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the center line of a joint partition and from outside wall faces.

(k) "Hospital" means a health facility duly licensed as a hospital providing in-patient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owners, stockholders, or members.

(l) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

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(n) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, and license agreements, facilities, sales territory, and nature of business activity.

(o) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the 15th day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the 15th day of each month.

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(s) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(t) "Size determination" means a ruling by SBA that a concern is or is not a small business within the meaning of this part.

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§ 121.3–10 *Definition of small business for SBA business loans.*

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. If an applicant for an SBA business loan is engaged in the production of a number of products or the providing of a variety of services which are classified into different industries or fields of operation, the appropriate standard to be used is that which has been established for the industry or activity in which it is primarily engaged. An applicant's primary activity is that which produced the greatest percentage of gross sales or receipts for the past fiscal year. When computing the size status of an applicant, its affiliates, number of employees, annual sales or receipts, or other applicable standards shall be included.

(a) *Construction.* Any concern primarily engaged in construction is small if its average annual receipts do not exceed $5 million for the preceding three fiscal years.

(b) *Manufacturing.* Any concern primarily engaged in manufacturing is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,000 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,000 persons;

(4) As small if it is primarily engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* Any concern primarily engaged in retailing is classified:

(1) As small if its annual sales do not exceed $1 million;

(2) As small if it is primarily engaged in making retail sales of groceries and fresh meats and its annual sales do not exceed $2 million;

(3) As small if it is primarily engaged in making retail sales of new or used motor vehicles and its annual sales do not exceed $3 million.

(d) *Services.* Any concern primarily engaged in service industries is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the trailer courts and parks industry and its annual receipts do not exceed $100,000: *Provided*, That a minimum of 50 percent of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of 30 days;

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 100 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital, or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million.

(e) *Shopping Centers.* (1) Any concern engaged in operating shopping centers is small if it does not have assets exceeding $5 million, (2) it does not have net worth in excess of $2½ million, (3) it does not have an average net income, after Federal income taxes, for the preceding two fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss), and (4) it does not lease more than 25 percent of the gross leasable area to concerns which do not meet the small business definitions contained in this section. For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation.* Any concern primarily engaged in passenger and freight transportation is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in trucking and/or warehousing (local and long distance) and its annual receipts do not exceed $3 million.

NOTE: Pending further study of the relationship between large interstate van lines and small household movers, freight forwarders, booking and hauling agents and similar enterprises, no such concern will be denied an SBA business loan solely because of its relationship with an interstate van line, provided that its annual receipts have not exceeded $3 million during the concern's most recently completed fiscal year. Applications for SBA business loans submitted by household movers, freight forwarders, booking and hauling agents and similar enterprises must state the amount, if any, of such annual receipts which are directly attributable to the applicant's relationship with an interstate van line.

(g) *Wholesale.* Any concern primarily engaged in wholesaling is small if its annual sales do not exceed $5 million. Any wholesale concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

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SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of SBA business loan applicants)

| Census classification code | Industry | Employment size standard (number of employees) [1] |
|---|---|---|
| 23 | Apparel and related products | 250 |
| | Chemicals and allied products: | |
| 2894 | Acids, fatty | 500 |
| 2879 | Agricultural chemicals, n.e.c.[2] | 500 |
| 2812 | Alkalies and chlorine | 1,000 |
| 2831 | Biological products | 250 |
| 2823 | Cellulosic man-made fibers | 1,000 |
| 2895 | Carbon, black | 750 |
| 2899 | Chemical products, n.e.c | 250 |
| 2842 | Cleaning and polishing products, except soaps and detergents | 500 |
| 2816 | Color pigments, inorganic | 1,000 |
| 2815 | Colors, organic, and intermediates | 1,000 |
| 2814 | Cyclic (coal-tar) crudes | 500 |
| 2892 | Explosives | 1,000 |
| 2871 | Fertilizers | 500 |
| 2872 | Fertilizers (mixing only) | 500 |
| 2824 | Fibers, synthetic, except cellulosic | 1,000 |
| 2891 | Glue and gelatin | 250 |
| 2861 | Gum and wood chemicals | 250 |
| 2813 | Industrial gases | 750 |
| 2893 | Ink, printing | 250 |
| 2819 | Inorganic chemicals, industrial, n.e.c | 750 |
| 2833 | Medicinal chemicals, including botanicals | 750 |
| 2818 | Organic chemicals, industrial, n.e.c | 1,000 |
| 2851 | Paints and varnishes | 250 |
| 2873 | Pesticides, agricultural | 500 |
| 2834 | Pharmaceutical preparations | 750 |
| 2821 | Plastic materials, synthetic resins, and nonvulcanizable elastomers | 750 |
| 2822 | Rubber, synthetic (vulcanizable elastomers) | 1,000 |
| 2841 | Soap and other detergents | 1,000 |
| 2843 | Surface active agents | 250 |
| 2844 | Toilet preparations, perfumes and cosmetics | 500 |
| 2852 | Putty, caulking compounds, and allied products | 250 |
| | Electrical machinery: | |
| 3630 | Appliances, electrical household | 750 |
| 3692 | Batteries, primary (dry and wet) | 1,000 |
| 3691 | Batteries, storage | 500 |
| 3624 | Carbon and graphite products | 750 |
| 3622 | Controls, industrial | 500 |
| 3669 | Electrical products, n.e.c | 500 |
| 3679 | Electronic components and accessories, n.e.c | 500 |
| 3694 | Engine electrical equipment | 750 |
| 3633 | Household laundry equipment | 1,000 |
| 3629 | Industrial apparatus, electrical, n.e.c | 500 |
| 3641 | Lamps, electric (bulbs) | 1,000 |
| 3642 | Lighting fixtures | 250 |
| 3611 | Measuring instruments and test equipment, electrical | 500 |
| 3621 | Motors and generators | 750 |
| 3652 | Phonograph records | 750 |
| 3651 | Radios and television receiving sets | 750 |
| 3662 | Radio and television transmitting, signaling and detection equipment | 500 |
| 3613 | Switchgear and switchboard apparatus | 500 |
| 3661 | Telephone and telegraph equipment | 1,000 |
| 3612 | Transformers (power, distribution, and specialty) | 750 |
| 3619 | Transmission and distribution equipment, n.e.c | 500 |
| 3671 | Tubes, and TV receiving type electron tubes | 1,000 |
| 3672 | Tubes, cathode ray | 1,000 |
| 3673 | Tubes, transmitting, industrial, and special purpose | 1,000 |
| 3623 | Welding apparatus, electrical | 250 |
| 3643 | Wiring devices, current carrying | 500 |
| 3644 | Wiring devices, noncurrent carrying | 500 |
| 3693 | X-ray apparatus and tubes | 500 |
| | Fabricated metal products: | |
| 3449 | Architectural and misc. metal work | 250 |
| 3491 | Barrels, drums and pails, metal | 500 |
| 3443 | Boiler shop products | 250 |
| 3452 | Bolts, nuts, washers, screws and rivets | 500 |
| 3479 | Coating, engraving and allied services, n.e.c | 250 |
| 3421 | Cutlery | 500 |
| 3442 | Doors, sash and trim, metal | 250 |
| 3471 | Electroplating, plating, polishing, anodizing and coloring | 250 |
| 3498 | Fabricated pipe and fabricated pipe fittings | 250 |
| 3497 | Foil, metal and leaf | 500 |

See footnotes at end of table.

| Census classification code | Industry | Employment size standard (number of employees) [1] |
|---|---|---|
| | Fabricated metal products—Continued | |
| 3479 | Galvanizing | 250 |
| 3429 | Hardware, n.e.c | 250 |
| 3433 | Heating equipment, except electric | 500 |
| 3499 | Metal products, fabricated, n.e.c | 250 |
| 3432 | Plumbing fixtures and fittings | 500 |
| 3492 | Safes and vaults | 500 |
| 3425 | Saws and saw blades, hand | 250 |
| 3451 | Screw-machine products | 250 |
| 3444 | Sheet-metal work | 250 |
| 3461 | Stampings, metal | 250 |
| 3493 | Steel springs | 500 |
| 3441 | Structural steel, fabricated | 250 |
| 3411 | Tin cans and other metal cans | 1,000 |
| 3423 | Tools, edge | 250 |
| 3423 | Tools, hand, n.e.c | 250 |
| 3496 | Tubes, collapsible | 250 |
| 3494 | Valves and pipe fittings, except plumbers' brass goods | 500 |
| 3431 | Vitreous-enameled products | 250 |
| 3481 | Wirework, n.e.c | 250 |
| | Food and kindred products: | |
| 2042 | Animal feeds, prepared | 250 |
| 2082 | Beer and ale | 500 |
| 2052 | Biscuit, crackers and pretzels | 750 |
| 2051 | Bread and other bakery products | 250 |
| 2021 | Butter, creamery | 250 |
| 2043 | Cereal breakfast foods | 750 |
| 2022 | Cheese, natural | 250 |
| 2073 | Chewing gum | 500 |
| 2072 | Chocolate and cocoa products | 500 |
| 2071 | Confectionery products | 250 |
| 2046 | Corn wet milling | 750 |
| 2025 | Dairy products, special | 250 |
| 2031 | Fish, cured and canned | 250 |
| 2087 | Flavoring extracts and syrups, n.e.c | 500 |
| 2041 | Flour and meal | 500 |
| 2045 | Flour mixes | 500 |
| 2099 | Food preparations, miscellaneous, n.e.c | 250 |
| 2033 | Fruits and vegetables, canned | 500 |
| 2034 | Fruits and vegetables, dehydrated | 500 |
| 2037 | Fruits and vegetables, frozen | 500 |
| 2094 | Grease and tallow | 250 |
| 2097 | Ice, manufactured | 250 |
| 2024 | Ice cream and frozen desserts | 500 |
| 2085 | Liquor, distilled | 750 |
| 2098 | Macaroni and spaghetti | 250 |
| 2083 | Malt | 250 |
| 2011 | Meat packing plants | 500 |
| 2013 | Meats, prepared | 500 |
| 2023 | Milk, concentrated | 500 |
| 2026 | Milk, fluid | 500 |
| 2091 | Oil mills, cottonseed | 250 |
| 2093 | Oil mills, linseed | 1,000 |
| 2092 | Oil mills, soybean | 500 |
| 2093 | Oil mills, vegetables, n.e.c | 250 |
| 2095 | Oils, animal and marine, n.e.c | 250 |
| 2035 | Pickled fruits and vegetables, sauces | 250 |
| 2015 | Poultry dressing plants | 250 |
| 2044 | Rice milling | 250 |
| 2031 | Seafood, canned | 250 |
| 2036 | Seafood, fresh or frozen | 250 |
| 2096 | Shortening, table oils and margarine | 750 |
| 2086 | Soft drinks, bottled and canned | 250 |
| 2032 | Specialties, canned | 250 |
| 2063 | Sugar, beet | 750 |
| 2061 | Sugar, raw cane | 250 |
| 2062 | Sugar, refining, cane | 750 |
| 2084 | Wines and brandy | 250 |
| | Furniture and fixtures: | |
| 2599 | Furniture and fixtures, n.e.c | 250 |
| 2511 | House furniture, wood, not upholstered | 250 |
| 2514 | Household furniture, metal | 250 |
| 2519 | Household furniture, n.e.c | 250 |
| 2512 | Household furniture, wood upholstered | 250 |
| 2515 | Mattresses and bedsprings | 250 |
| 2522 | Office furniture, metal | 500 |
| 2521 | Office furniture, wood | 250 |
| 2541 | Partitions and fixtures, wood | 250 |



| Census classification code | Industry | Employment size standard (number of employees) [1] |
|---|---|---|
| | Furniture and fixtures—Continued | |
| 2542 | Partitions and fixtures, metal | 250 |
| 2531 | Public building furniture | 250 |
| 2591 | Shades, window | 500 |
| 2591 | Venetian blinds | 250 |
| | Instruments and related products: | |
| 3843 | Dental equipment and supplies | 250 |
| 3821 | Measuring instruments, mechanical | 500 |
| 3851 | Ophthalmic goods | 250 |
| 3831 | Optical instruments and lenses | 250 |
| 3861 | Photographic equipment | 750 |
| 3811 | Scientific instruments | 500 |
| 3841 | Surgical and medical instruments | 250 |
| 3842 | Surgical appliances and supplies | 250 |
| 3822 | Temperature controls, automatic | 500 |
| 3872 | Watchcases | 250 |
| 3871 | Watches, clocks, and parts | 500 |
| | Leather and leather products: | |
| 3121 | Belting and packing, industrial leather | 250 |
| 3131 | Footwear cut stock | 250 |
| 3141 | Footwear, except rubber and house slippers | 500 |
| 3151 | Gloves, leather, dress and work | 250 |
| 3171 | Handbags and purses | 250 |
| 3199 | Leather goods, n.e.c | 250 |
| 3172 | Leather goods, personal | 250 |
| 3161 | Luggage | 250 |
| 3142 | Slippers, house | 250 |
| 3111 | Tanning and finishing leather | 250 |
| 24 | Lumber and products, except furniture | 250 |
| | Machinery (except electrical): | |
| 3562 | Bearings, ball and roller | 750 |
| 3564 | Blowers and fans | 250 |
| 3571 | Computing and related machines | 1,000 |
| 3531 | Construction machinery | 500 |
| 3535 | Conveyors | 250 |
| 3544 | Dies and tools, special | 250 |
| 3534 | Elevators and escalators | 500 |
| 3519 | Engines, internal-combustion | 1,000 |
| 3511 | Engines and turbines, steam | 1,000 |
| 3522 | Farm machinery (except tractors) | 500 |
| 3551 | Food-products machinery | 250 |
| 3567 | Furnaces and ovens, industrial | 250 |
| 3536 | Hoists, cranes and monoralls | 250 |
| 3569 | Industrial, general, machinery, n.e.c | 250 |
| 3559 | Industry, special, machinery, n.e.c | 250 |
| 3582 | Laundry and dry-cleaning machinery, commercial | 250 |
| 3599 | Machinery and parts, n.e.c | 250 |
| 3591 | Machine shops | 250 |
| 3541 | Machine tools, metal cutting types | 500 |
| 3542 | Machine tools, metal forming types | 500 |
| 3545 | Machine tool accessories and measuring devices | 250 |
| 3581 | Merchandising machines, automatic | 250 |
| 3548 | Metalworking machinery, except machine tools | 500 |
| 3532 | Mining machinery | 500 |
| 3579 | Office machines, n.e.c | 500 |
| 3533 | Oil-field machinery and tools | 500 |
| 3554 | Paper-industries machinery | 250 |
| 3565 | Patterns, industrial | 250 |
| 3566 | Power-transmission equipment | 500 |
| 3555 | Printing-trades machinery | 500 |
| 3561 | Pumps and compressors | 500 |
| 3586 | Pumps, measuring and dispensing | 750 |
| 3585 | Refrigeration machinery and air conditioning units | 750 |
| 3576 | Scales and balances | 250 |
| 3589 | Service industry machines, n.e.c | 250 |
| 3552 | Textile machinery | 250 |
| 3522 | Tractors | 1,000 |
| 3537 | Trucks and tractors, industrial | 250 |
| 3572 | Typewriters | 1,000 |
| 3584 | Vacuum cleaners, industrial | 750 |
| 3553 | Woodworking machinery | 250 |
| | Miscellaneous manufactures: | |
| 1961 | Ammunition, arms, small | 1,000 |
| 1951 | Arms, small | 1,000 |
| 3952 | Artists' materials | 250 |
| 3999 | Beauty and barber shop equipment | 250 |
| 3981 | Brooms and brushes | 250 |
| 3963 | Buttons | 250 |

See footnotes at end of table.

| Census classification code | Industry | Employment size standard (number of employees) [1] |
|---|---|---|
| | Miscellaneous manufactures—Continued | |
| 3984 | Candles | 250 |
| 3955 | Carbon paper and inked ribbons | 250 |
| 3942 | Dolls | 250 |
| 3982 | Floor coverings, hard surface | 750 |
| 3962 | Flowers, artificial | 250 |
| 3992 | Furs, dressed and dyed | 250 |
| 3941 | Games and toys | 250 |
| 3999 | Hair work | 250 |
| 3912 | Jewelers' findings | 250 |
| 3961 | Jewelry, costume | 250 |
| 3911 | Jewelry (precious metal) | 250 |
| 3913 | Lapidary work | 250 |
| 3953 | Marking devices | 250 |
| 3983 | Matches | 500 |
| 3999 | Miscellaneous products, n.e.c | 250 |
| 3988 | Morticians' goods | 250 |
| 3931 | Musical instruments | 250 |
| 3964 | Needles, pins, and fasteners | 250 |
| 3952 | Pencils and crayons, lead | 250 |
| 3951 | Pens and mechanical pencils | 500 |
| 3931 | Piano and organ parts | 500 |
| 3931 | Pianos | 500 |
| 3999 | Pipes, tobacco | 250 |
| 3987 | Shades, lamp | 250 |
| 3993 | Signs and advertising displays | 250 |
| 3914 | Silverware and plated ware | 500 |
| 3949 | Sporting and athletic goods | 250 |
| 3995 | Umbrellas, parasols, and canes | 250 |
| 3943 | Vehicles, children's | 250 |
| | Paper and allied products: | |
| 2643 | Bags, except textile bags | 500 |
| 2653 | Boxes, corrugated and solid fiber | 250 |
| 2651 | Boxes, paperboard, folding | 250 |
| 2652 | Boxes, paperboard, set-up | 250 |
| 2661 | Building paper and building board mills | 750 |
| 2641 | Coating and glazing paper | 500 |
| 2649 | Converted paper and paperboard products, n.e.c | 500 |
| 2642 | Envelopes | 250 |
| 2655 | Fiber cans, tubes, drums, etc | 250 |
| 2645 | Paper and board, die-cut, and cardboard | 250 |
| 2621 | Paper mills | 750 |
| 2631 | Paperboard mills | 750 |
| 2646 | Pulp goods, pressed and molded | 500 |
| 2611 | Pulp mills | 750 |
| 2654 | Sanitary food containers | 250 |
| 2644 | Wallpaper | 250 |
| | Petroleum and coal products: | |
| 2952 | Asphalt felts and coatings | 500 |
| 2992 | Lubricating oils and greases | 500 |
| 2951 | Paving mixtures and blocks | 250 |
| 2999 | Petroleum and coal products, n.e.c | 250 |
| 2911 | Petroleum refining [3] | 1,000 |
| | Primary metal industries: | |
| 3334 | Aluminum, primary | 1,000 |
| 3352 | Aluminum rolling and drawing | 750 |
| 3331 | Copper, primary | 1,000 |
| 3351 | Copper rolling and drawing | 750 |
| 3313 | Electrometallurgical products | 750 |
| 3321 | Foundries, gray-iron | 500 |
| 3322 | Foundries, malleable-iron | 500 |
| 3360 | Foundries, nonferrous | 250 |
| 3323 | Foundries, steel | 500 |
| 3391 | Iron and steel forgings | 500 |
| 3332 | Lead, primary | 1,000 |
| 3399 | Metal industries, primary, n.e.c | 750 |
| 3315 | Nails and spikes | 500 |
| 3356 | Nonferrous metal rolling and drawing, n.e.c | 500 |
| 3339 | Nonferrous metals, primary, n.e.c | 750 |
| 3341 | Nonferrous metals, secondary | 250 |
| 3317 | Pipes and tubes, steel | 750 |
| 3312 | Steel works and rolling mills, blast furnaces | 1,000 |
| 3316 | Steel sheet, strip and bars | 1,000 |
| 3315 | Wire drawing, steel | 750 |
| 3357 | Wire, drawing and insulating, nonferrous | 750 |
| 3333 | Zinc, primary | 750 |
| 27 | Printing and publishing industries | 250 |
| | Rubber products: | |
| 3069 | Fabricated rubber products, n.e.c | 500 |

| Census classification code | Industry | Employment size standard (number of employees) [1] |
|---|---|---|
| | Rubber products—Continued | |
| 3021 | Footwear, rubber | 1,000 |
| 3079 | Plastic Products | 250 |
| 3081 | Reclaimed rubber | 500 |
| 3011 | Tires and inner tubes | 1,000 |
| | Stone, clay and glass products: | |
| 3291 | Abrasive products | 250 |
| 3292 | Asbestos products | 750 |
| 3251 | Brick and structural clay tile | 250 |
| 3241 | Cement, hydraulic | 500 |
| 3259 | Clay products, structural, n.e.c | 250 |
| 3271 | Concrete brick and block | 250 |
| 3272 | Concrete products, except block and brick | 250 |
| 3273 | Concrete, ready mixed | 250 |
| 3221 | Containers, glass | 750 |
| 3281 | Cut-stone and stone products | 250 |
| 3211 | Flat glass | 1,000 |
| 3231 | Glass products made of purchased glass | 250 |
| 3229 | Glassware, pressed and blown, n.e.c | 750 |
| 3275 | Gypsum products | 1,000 |
| 3274 | Lime | 500 |
| 3299 | Mineral products, nonmetallic, n.e.c | 250 |
| 3296 | Mineral wool | 500 |
| 3295 | Minerals, ground or treated | 250 |
| 3261 | Plumbing fixtures, vitreous | 500 |
| 3264 | Porcelain electrical supplies | 500 |
| 3269 | Pottery products, n.e.c | 250 |
| 3255 | Refractories, clay | 250 |
| 3297 | Refractories, nonclay | 500 |
| 3293 | Steam and other packing | 500 |
| 3253 | Tile, floor and wall | 500 |
| 3263 | Utensils, earthenware food | 500 |
| 3262 | Utensils, vitreous-china food | 500 |
| | Textile mill products: | |
| 2272 | Carpets and rugs, except wool | 250 |
| 2271 | Carpets and rugs, wool | 750 |
| 2298 | Cordage and twine | 500 |
| 2295 | Fabric, coated except rubberized | 250 |
| 2241 | Fabric, narrow, mills | 250 |
| 2211 | Fabrics, cotton broad-woven | 1,000 |
| 2221 | Fabrics, synthetic and silk broad woven | 500 |
| 2231 | Fabrics, broad-woven wool (incl. dyeing & finishing) | 500 |
| 2291 | Felt goods, n.e.c | 250 |
| 2261 | Finishers of broad-woven fabrics of cotton | 750 |
| 2262 | Finishers of broad-woven fabrics of man-made fiber and silk | 500 |
| 2251 | Hosiery, full-fashioned, mills | 250 |
| 2252 | Hosiery, seamless, mills | 250 |
| 2256 | Knit fabric mills | 250 |
| 2253 | Knit outerwear mills | 250 |
| 2254 | Knit underwear mills | 250 |
| 2259 | Knitting mills, n.e.c | 250 |
| 2292 | Lace goods | 250 |
| 2293 | Paddings and upholstery filling | 250 |
| 2297 | Scouring and combing plants, wool | 250 |
| 2261 | Textile finishing, cotton broad-woven fabrics | 500 |
| 2262 | Textile finishing, man-made fiber and silk | 500 |
| 2299 | Textile goods, n.e.c | 250 |
| 2294 | Textile waste, processed | 500 |
| 2284 | Thread mills | 500 |
| 2296 | Tire cord and fabric | 250 |
| 2281 | Yarn mills, cotton and silk systems | 500 |
| 2283 | Yarn mills, wool, incl. carpet and rug yarn | 250 |
| 2282 | Yarn throwing mills | 250 |
| | Tobacco manufacturers: | |
| 2131 | Chewing and smoking tobacco | 500 |
| 2111 | Cigarettes | 1,000 |
| 2121 | Cigars | 500 |
| 2141 | Stemming and redrying tobacco | 500 |
| | Transportation equipment: | |
| 3721 | Aircraft | 1,000 |
| 3722 | Aircraft engines | 1,000 |
| 3729 | Aircraft equipment, n.e.c | 1,000 |
| 3723 | Aircraft propellers | 1,000 |
| 3732 | Boat building and repairing | 250 |
| 3712 | Car bodies, passenger | 1,000 |
| 3741 | Locomotives and parts | 1,000 |
| 3751 | Motorcycles and bicycles | 1,000 |
| 3711 | Motor vehicles | 1,000 |
| 3714 | Motor vehicle parts | 250 |
| 3742 | Railroad and street cars | 750 |
| 3731 | Shipbuilding and repairing | 750 |
| 3791 | Trailer coaches | 250 |
| 3715 | Trailers, truck | 500 |
| 3799 | Transportation equipment, n.e.c | 250 |
| 3713 | Truck and bus bodies | 250 |

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters.

[2] The abbreviation "n.e.c." means not elsewhere classified.

[3] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

This notice dated: December 1, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64–12952; Filed, Dec. 18, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 16, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA 39462: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 527), for interested rail carriers. Rates on animal or poultry feed, in carloads, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff: Supplement 24 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA 39464: *Starch or Dextrine to Charlotte, N.C.* Filed by Illinois Freight Association, agent (No. 266), for interested rail carriers. Rates on starch or dextrine, in carloads, from Chicago, Ill., and points grouped therewith, to Charlotte, N.C.

Grounds for relief: rate relationship.

Tariff: Supplement 109 to Illinois Freight Association, agent, tariff I.C.C. 979.

FSA 39465: *T.O.F.C. rates to points in Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B–8654), for interested rail carriers. Rates on paper and paper articles and ground wood papers, loaded in trailers and transported on railroad flat cars, from points in Minnesota and Wisconsin to points in southwestern territory.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 130 to Southwestern Freight Bureau, agent, tariff I.C.C. 4480.

FSA 39466: *T.O.F.C. rates from and to Lewisburg, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B–8655), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flat cars, between Lewisburg, Tenn., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 28 to Southwestern Freight Bureau, agent, tariff I.C.C. 4577.

FSA 39467: *T.O.F.C. rates from points in Florida.* Filed by Southwestern Freight Bureau, agent (No. B–8656), for interested rail carriers. Rates on foodstuffs and beverages, loaded in trailers and transported on railroad flat cars, from specified points in Florida to points in southwestern territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 28 to Southwestern Freight Bureau, agent, tariff I.C.C. 4577.

FSA 39468: *Flaxseed screenings from points in North Dakota.* Filed by Great Northern Railway Company (No. 1090), for itself and interested rail carriers. Rates on screenings, from flaxseed or other seeds, ground or unground, as described in the application, in carloads, from specified points in North Dakota to Duluth, Minneapolis, Minnesota Transfer, St. Paul, Minn., Superior, Wis., and points taking same rates.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 54 to Great Northern Railway Company tariff I.C.C. A–9048.

FSA 39469: *Corn and soybeans from points in North Dakota.* Filed by Great Northern Railway Company (No. 1091), for itself and interested rail carriers. Rates on Corn (not popcorn), soybeans, and direct products of corn, in carloads, from Emerado, Hamar, Manvel and Warwick, N. Dak., to Duluth, Minneapolis, Minnesota Transfer, St. Paul, Minn., Superior, Wis., and points taking same rates.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 54 to Great Northern Railway Company tariff I.C.C. A–9048.

FSA 39470: *Liquid caustic soda to points in Georgia and South Carolina.* Filed by O. W. South, Jr., agent (No. A4608), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, subject to minimum shipment of four tank-car loads per day, from Charleston, Tenn., Evans City, McIntosh, Redstone Arsenal, Ala., and Saltville, Va., to Graniteville, S.C., also from Saltville, Va., to Nixon and Westover, Ga.

Grounds for relief: Market competition.

Tariff: Supplements 102, 162 and 3 to Southern Freight Association, agent, tariffs I.C.C. S–207, S–194 and S–484, respectively.

### AGGREGATE-OF-INTERMEDIATES

FSA 39463: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 528), for interested rail carriers. Rates on ethylene oxide and liquid caustic soda, in tank-car loads, also animal or poultry feed, in carloads, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 24 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–13028; Filed, Dec. 18, 1964; 8:47 a.m.]

[Notice 9]

## FINANCE APPLICATIONS

DECEMBER 16, 1964.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23409—By application filed December 4, 1964, The Texas and Pacific Railway Company, Fidelity Union Tower, 1507 Pacific Ave., Dallas, Tex., 75201, seeks authority under Section 20 of the Interstate Commerce Act to assume obligation and liability in respect of $2,700,000 aggregate principal amount of its Serial Equipment Trust Certificates, Series Y, comprising the first installment of a proposed two installment issue not exceeding $6,900,000 principal amount. Applicant's Attorney: M. M. Hennelly, Vice President—Law. The Texas and Pacific Railway Company, 210 N. 13th St., St. Louis, Mo., 63103. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23410—By application filed December 4, 1964, Missouri Pacific Railroad Company, 210 N. 13th St., St. Louis, Mo., 63103, seeks authority under Section 20a of the Interstate Commerce Act to assume obligation and liability in respect of $4,350,000 aggregate principal amount of its Serial Equipment Trust Certificates, Series V, comprising the first installment of a proposed two installment issue not exceeding $9,600,000 principal amount. Applicant's Attorney: Karl F. Kraus, Assistant General Counsel, Missouri Pacific Railroad Company, 210 N. 13th St., St. Louis, Mo., 63103. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23411—By application filed December 7, 1964, Southern Railway Company, P.O. Box 1808, Washington, D.C., 20013, seeks authority under Section 20a of the Interstate Commerce Act to assume obligation and liability in respect of $5,700,000 principal amount of Southern Railway Equipment Trust No. 1 of 1965 Certificates, being the first installment of a proposed issue of $11,400,000 principal amount of said certificates. Applicant's attorneys: Seddon G. Boxley, General Solicitor and R. Allan Wimbish, Solicitor, Southern Railway Company, P.O. Box 1808, Washington, D.C., 20013. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23417—By application filed December 10, 1964, Green Mountain Railroad Corporation, P.O. Box 71, Bellows Falls, Vt., seeks authority under Section 20a of the Interstate Commerce Act to issue 750 shares of Common Capital Stock of the par value of $100 per share. Applicant's attorney: Thomas P. Salmon, Atty., 39 Square, Bellows Falls, Vt., 05101. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–13027; Filed, Dec. 18, 1964; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 136, Amdt. 16]

## RUTLAND RAILROAD CORP.

### Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corporation) and good cause appearing therefor:

*It is ordered,* That, Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1965, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., December 31, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 15, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64–13028; Filed, Dec. 18, 1964; 8:47 a.m.]

[Notice 1096]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested per-

son may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66788. By order of December 11, 1964, the Transfer Board approved the transfer to Thruway Transfer, Inc., West Haven, Conn., of the operating rights in Certificates Nos. MC 55830 and MC 55830 Sub 3, issued January 6, 1954, and April 25, 1961, respectively, to Freight Transfer, Incorporated, West Haven, Conn., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between New Haven, Conn., and New York, N.Y., and over irregular routes, junk, between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, New York, and New Jersey; and nonferrous scrap metals, loose (and not in containers), from New Haven, Conn., to Philadelphia, Pa. William J. Cousins, 129 Church Street, New Haven 10, Conn., attorney for transferee. William D. Traub, 10 East 40th Street, New York 16, N.Y., representative for transferor.

No. MC–FC 67402. By order of December 11, 1964, the Transfer Board approved the transfer to Whitehurst Transport, Inc., Richmond, Va., of the operating rights in Certificate No. MC 123790 Sub 2, issued November 15, 1962, to Whitehurst Paving Company, Incorporated, Richmond, Va., authorizing the transportation, over irregular routes, of: Liquid asphalt, in bulk, in tank vehicles, from Richmond and Bellwood, Va., to points in a specified portion of North Carolina, subject to certain restrictions. Jno. C. Goddin, 10 South Tenth Street, Richmond, Va., attorney for applicants.

No. MC–FC 67403. By order of December 11, 1964, the Transfer Board approved the transfer to Ward Rugh, Inc., Ellensburg, Wash., of the operating rights in Certificate No. MC 113587, issued April 21, 1961, to Ward Rugh, Ellensburg, Wash., authorizing the transportation, over irregular routes, of: Fibreboard boxes, and parts therefor, starch, and paper and pulpboard, between points in Idaho, Washington, and Oregon. Joseph O. Earp, 411 Lyon Bldg., Seattle, Wash., 98104, representative for applicants.

No. MC–FC 67405. By order of December 11, 1964, the Transfer Board approved the transfer of the Certificate of Registration in No. MC 98677 Sub 1, to Carson Valley Freight Lines, Inc., Reno, Nev., evidencing a right to engage in interstate or foreign commerce, solely within the State of Nevada, in the transportation of general commodities, issued December 3, 1963, to Gerald Underwood, doing business as Carson Valley Freight Lines, Inc., Reno, Nev. Leslie B. Gray, One East First St., Reno, Nev., attorney for applicants.

No. MC–FC 67406. By order of December 11, 1964, the Transfer Board approved the transfer to Robbins Distributing Company, Racine, Wis., of the operating rights in Certificate No. MC 118457, issued July 7, 1959, to Thomas W. Robbins, and Raymond S. Pulda, doing business as Robbins Distributing Company, Racine, Wis., authorizing the transportation, over irregular routes, of: Frozen foods, and empty containers therefor, between specified points in Illinois and Wisconsin. William C. Dineen, 710 N. Plankton Ave., Milwaukee, Wis., 53203, attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64–13029; Filed, Dec. 18, 1964; 8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


### 3 CFR

Page

PROCLAMATIONS:
3630 — 15941
3631 — 16243

EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) — 16859
Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
Sept. 30, 1916 (revoked in part by PLO 3508) — 16864
May 21, 1920 (revoked in part by PLO 3508) — 16864
5289 (revoked in part by PLO 3486) — 16830

### 4 CFR

51 — 16313
52 — 16313

### 5 CFR

213 — 17065, 17084, 17085, 17893, 18003
890 — 18045

### 7 CFR

15 — 16274, 16966
29 — 16854
401 — 17029, 17085
717 — 16184
719 — 16185
722 — 16428, 16775, 18003, 18004
724 — 16077
729 — 16185
730 — 17086
751 — 18007
777 — 17086
850 — 17029
855 — 17029
905 — 16313–16315
907 — 16315, 16907, 17030, 17814, 18045
909 — 17030
910 — 16078, 16316, 17031, 18045
916 — 16966
917 — 16854
929 — 16078
1004 — 16966
1005 — 16855
1032 — 18046
1062 — 18049
1063 — 18007, 18051
1067 — 18052
1070 — 18008
1078 — 18009
1079 — 18010
1136 — 17815
1421 — 15943
1485 — 17032
1600 — 16784
1601 — 16784

PROPOSED RULES:
26 — 17816
812 — 17122
911 — 16258
912 — 16993
915 — 16258
917 — 16993
971 — 16833
1003 — 18014
1004 — 16994
1005 — 16259
1030 — 16395, 16417, 18091
1031 — 16417
1036 — 16197, 18091
1044 — 16200

### 7 CFR—Continued

Page

PROPOSED RULES—Continued
1046 — 17908
1047 — 17041, 17816
1049 — 17816
1050 — 17822
1065 — 16920
1131 — 16866, 17822
1126 — 16198

### 8 CFR

103 — 18010

### 9 CFR

74 — 15943
94 — 16907
97 — 16316

### 10 CFR

2 — 16831

PROPOSED RULES:
Ch. I — 15957
2 — 16934
30 — 17916, 17933
31 — 17920
32 — 17922
33 — 17928
34 — 17929
35 — 17931
36 — 17932
150 — 17933

### 12 CFR

1 — 17087, 18053
217 — 15944, 16317
218 — 16065
224 — 16855
329 — 15944
545 — 16856
563 — 17088

### 13 CFR

107 — 16825, 16946, 16967
121 — 15945

PROPOSED RULES:
107 — 16094, 18016

### 14 CFR

3 — 17955
7 — 16149
23 [New] — 17955
27 [New] — 16065, 17885
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797.
42 — 16968
71 [New] — 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088, 17503, 17797, 18053–18055.
73 [New] — 15948, 16184, 16972, 17037, 17727.
75 [New] — 16066, 16319, 17775
93 [New] — 15948
97 [New] — 16067, 16789, 17798, 17886
151 [New] — 18000
302 — 16972
389 — 16907
1204 — 17892

PROPOSED RULES:
39 [New] — 16429, 16430, 17044, 18093
71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823, 18014, 18015, 18093, 18095–18097.
75 [New] — 16432, 16836
91 [New] — 15959
135 [New] — 16836
221 — 16867
399 — 17042

### 14 CFR—Continued

Page

PROPOSED RULES—Continued

### 15 CFR

7 — 16973
50 — 17089
201 — 16319
202 — 18032
365 — 16186

### 16 CFR

13 — 16186, 16826, 16856

### 17 CFR

200 — 16187
230 — 16982
239 — 16856
240 — 16245, 16856, 16982
260 — 16982
270 — 16982
275 — 16982

PROPOSED RULES:
15 — 15957
19 — 15957

### 18 CFR

501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194

PROPOSED RULES:
12 — 16997

### 19 CFR

4 — 15949
14 — 16320

PROPOSED RULES:
6 — 17042

### 20 CFR

395 — 16322

### 21 CFR

1 — 18063
8 — 15949, 16983, 17089
9 — 16983
14 — 16194
15 — 16194
16 — 16194, 16858
17 — 16194
18 — 16194
19 — 16194
20 — 16194
22 — 16194
27 — 16194
29 — 16194
37 — 16194
42 — 16194, 16983
45 — 16194
46 — 16194
51 — 16194
53 — 16194
121 — 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893, 18012, 18055, 18056

**21 CFR—Continued** Page

130 18055
141 18012
144 16984
145 16911
146 18012
146a 18012
148c 16984
148u 16911
148x 16251
191 18056
PROPOSED RULES:
27 16866
31 16866
45 16994
46 16429
53 16934
120 16935
121 16935, 16994

**24 CFR**

1 16280
201 17893
203 17893
207 17893
213 17894
220 17894
221 17895
231 17897
232 17898
234 17899
603 17899
809 17899
903 17899

**25 CFR**

43d 16080

**26 CFR**

1 16081, 17806, 17899
45 16083
PROPOSED RULES:
1 15957, 16090, 18063
48 16993
301 18063

**27 CFR**

4 16984

**29 CFR**

31 16284
608 17811
609 17811
611 17812
689 15949
PROPOSED RULES:
601 16428
670 16428
673 17822
675 16428
677 17822
678 17822
720 16428

**31 CFR**

328 16914
PROPOSED RULES:
306 16330
315 16330
316 16330
321 16330
332 16330

**32 CFR**

132 17885
517 15949
536 16985
577 16251
701 16194
710 16055
719 16194
721 17812
804 16323

**32 CFR—Continued** Page

1001 17037
1002 17038
1003 17038
1007 17038
1030 17040
1057 17039

**32A CFR**

OEP (Ch. I):
DMO I-4 16251
OIA (Ch. X):
OI Reg. 1 16986

**33 CFR**

80 18011
202 16859, 17040
203 16251, 17040
206 15949

**35 CFR**

4 17903
5 16328

**36 CFR**

7 17091

**38 CFR**

3 16252, 16328, 17092
12 17903, 17904

**39 CFR**

16 16125
21 16252
22 16125, 16252
24 16125
25 16252
57 16858
61 16125
112 16858
168 16858
PROPOSED RULES:
22 18093

**41 CFR**

Ch. 1 18057
Ch. 2 17092
4-1 17040
8-1 16323, 17903
8-2 16323
8-7 18013
9-9 17113
11-1 16252, 16255
11-2 16253, 16255
11-4 16253
11-14 16255
Ch. 18 16502
101-6 15972, 16287
101-7 16797
101-8 16800
101-9 16800
101-10 16801
101-11 16807
101-12 16824
101-13 16824
101-18 15973
101-19 15978
101-20 15984
101-25 15990
101-27 15997
101-28 15998
101-29 16002
101-30 16004
101-40 16008
101-43 16012
101-44 16027
101-45 16035
101-47 16126

**42 CFR**

51 16915, 17954
55 16915
57 15952

**43 CFR** Page

17 16293
PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) 16827
3447 (corrected by PLO 3485) 16829
3464 16084
3465 16084
3466 16084
3467 16085
3468 16085
3469 16085
3470 16086
3471 16086
3472 16087
3473 16087
3474 16256
3475 16827
3476 16827
3477 16827
3478 16827
3479 16828
3480 16828
3481 16828
3482 16828
3483 16829
3484 16829
3485 16829
3486 16830
3487 16829
3488 16830
3489 16830
3490 16830
3491 16831
3492 16831
3493 16859
3494 16859
3495 16860
3496 16860
3497 16860
3498 16860
3499 16861
3500 16861
3501 16862
3502 16862
3503 16863
3504 16863
3505 16863
3506 16863
3507 16864
3508 16864
3509 16864
3510 16987
3511 16987
3512 16987
3513 17905
3514 17905
3515 17905

**44 CFR**

1 16832
2 16832
3 16832
4 16832
5 16832
6 16832
7 16832
55 15954
60 15954
100 15954
102 15954
110 16195
Ch. VII 16832

**45 CFR**

80 16298, 16988
150 15955
611 16305
701 17949
702 17950





**45 CFR—Continued** Page

703 17952
704 17953

**46 CFR**

506 16195, 17121
PROPOSED RULES:
Ch. IV 16433

**47 CFR**

73 16196, 16916, 16988
81 16196
87 16865
89 18057
PROPOSED RULES:
1 17823
2 17824
21 16204, 17840
25 17840, 17848
73 16205, 16207, 16837, 17850

**48 CFR**

310 18059

**49 CFR**

0 16087
95 18062
176 16125
192 16256
PROPOSED RULES:
170 17850

**50 CFR**

2 17905
11 17905
14 17906
16 17905
32 17906
33 16917, 16918, 17814, 17906, 17907

**50 CFR—Continued** Page

256 16088
257 16990



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## Contents


### AGRICULTURAL MARKETING SERVICE

**Rules and Regulations**

Milk in St. Joseph, Mo., marketing area; order suspending certain provision ..... 18152

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

**Rules and Regulations**

Continental sugar; requirements and quotas for 1965 ..... 18149
National agricultural conservation; miscellaneous amendments ..... 18149
Sugar or liquid sugar; requirements relating to importing into U.S. ..... 18151

### AGRICULTURE DEPARTMENT

*See also* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.

**Notices**

Louisiana; designation of areas for emergency loans ..... 18182

### ALIEN PROPERTY OFFICE

**Notices**

Chwala, August; vested property, intentions to return ..... 18182

### CIVIL SERVICE COMMISSION

**Rules and Regulations**

Excepted service:
Farm Credit Administration ..... 18153
State Department ..... 18153

### COAST GUARD

**Rules and Regulations**

Dangerous cargoes; miscellaneous amendments ..... 18163
Navigable waters of United States in certain States ..... 18162

### COMMODITY CREDIT CORPORATION

**Rules and Regulations**

Payment program:
Mohair ..... 18153
Wool ..... 18153

### FEDERAL AVIATION AGENCY

**Rules and Regulations**

Alterations:
Restricted area ..... 18156
Transition area ..... 18156
Federal airway; designation ..... 18156

**Proposed Rule Making**

Control zone and transition area; designation and alteration ..... 18180

**Notices**

Determinations of no hazard to air navigation:
Daymon Radio Service ..... 18183
WLOX Broadcasting Co., Inc ..... 18183

### FEDERAL COMMUNICATIONS COMMISSION

**Rules and Regulations**

Television broadcast stations; Redding, Calif.; table of assignments ..... 18172

**Notices**

*Hearings, etc.:*
Martin, Robert J., and Talton Broadcasting Co ..... 18184
Skylark Corp., and Kingston Broadcasters, Inc ..... 18184
Western California Telephone Co., and Pacific Telephone and Telegraph Co. (2 documents) ..... 18184

### FEDERAL HOME LOAN BANK BOARD

**Rules and Regulations**

Branch offices; operations ..... 18154
Short term advances ..... 18154
Unsecured loans; operations ..... 18156

**Proposed Rule Making**

Limitations upon borrowing; determination not to adopt proposed amendment ..... 18181

### FEDERAL MARITIME COMMISSION

**Rules and Regulations**

Fees and charges for special services ..... 18171

**Notices**

Port of San Diego; investigation of free time practices ..... 18185
United Forwarders Service, et al.; agreements filed for approval ..... 18185

### FEDERAL POWER COMMISSION

**Notices**

*Hearings, etc.:*
Ashland Oil & Refining Co., et al ..... 18186
Central Vermont Public Service Corp ..... 18190
Community Natural Gas Co., Inc ..... 18189
Pacific Power & Light Co ..... 18191
Sinclair Oil & Gas Co ..... 18190
Sun Oil Co ..... 18191

### FOOD AND DRUG ADMINISTRATION

**Rules and Regulations**

Cheese, certain types; definitions and standards of identity ..... 18121
Frozen desserts; optional ingredients and labeling requirements ..... 18123

**Proposed Rule Making**

Frozen raw breaded and frozen raw lightly breaded shrimp; proposed definitions and standards of identity ..... 18175

### GENERAL SERVICES ADMINISTRATION

*See* Utilization and Disposal Service.

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See also* Food and Drug Administration.

**Notices**

Public Health Service; statement of organization and delegations of authority ..... 18182


*(Continued on next page)*

**HOUSING AND HOME FINANCE AGENCY**

**Notices**

Acting Assistant Commissioner for Urban Planning and Community Development, Urban Renewal Administration; designation (2 documents) ---------- 18192

**INTERIOR DEPARTMENT**

*See* Land Management Bureau.

**INTERNAL REVENUE SERVICE**

**Rules and Regulations**

Income tax; gain on stock of certain foreign corporations------ 18128
Income and employment taxes; allowance and denial of deduction for certain State, local, and foreign taxes---------- 18144

**Proposed Rule Making**

Income tax; treatment of carrying charges with respect to installment method of accounting ---------- 18173

**INTERSTATE COMMERCE COMMISSION**

**Notices**

Fourth section applications for relief---------- 18194
Missouri-Kansas-Texas Railroad Co.; vacation of order--------- 18194
Motor carrier transfer proceedings---------- 18194

**JUSTICE DEPARTMENT**

*See* Alien Property Office.

**LABOR DEPARTMENT**

**Rules and Regulations**

Farm labor contractor registration---------- 18156

**LAND MANAGEMENT BUREAU**

**Notices**

Alaska; proposed withdrawal and reservation of lands---------- 18182

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

*Hearings, etc.:*
American Natural Gas Co., et al_ 18192
Worldwide Fund Ltd---------- 18193

**SMALL BUSINESS ADMINISTRATION**

**Notices**

Delegations of authority:
Deputy Administrator for Financial Assistance---------- 18194
Regional Directors---------- 18194

**TREASURY DEPARTMENT**

**Rules and Regulations**

Claims regulations; miscellaneous amendments---------- 18161
*See also* Coast Guard; Internal Revenue Service.

**UTILIZATION AND DISPOSAL SERVICE**

**Notices**

Darby Creek Disposal Area; transfer of property---------- 18191


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**5 CFR**

213 (2 documents)---------- 18153

**7 CFR**

701---------- 18149
811---------- 18149
817---------- 18151
1061---------- 18152
1488---------- 18153
1472---------- 18153

**12 CFR**

525---------- 18154
545 (2 documents)--------- 18154, 18156

PROPOSED RULES:

563---------- 18181

**14 CFR**

71 [New] (2 documents)---------- 18156
73 [New]---------- 18156

PROPOSED RULES:

71 [New]---------- 18180

**21 CFR**

19---------- 18121
20---------- 18123

PROPOSED RULES:

36---------- 18175

**26 CFR**

1 (2 documents)---------- 18128, 18144
31---------- 18144

PROPOSED RULES:

1---------- 18173

**29 CFR**

40---------- 18156

**31 CFR**

3---------- 18161

**33 CFR**

2---------- 18162

**46 CFR**

146---------- 18163
147---------- 18163
502---------- 18171

**47 CFR**

73---------- 18172


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# Rules and Regulations

## Title 21—FOOD AND DRUGS

**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare**

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

**PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS**

**Order Promulgating Definitions and Standards of Identity for Mozzarella Cheese, Scamorza Cheese; Part-Skim Mozzarella Cheese, Part-Skim Scamorza Cheese**

In the matter of establishing definitions and standards of identity for mozzeralla cheese, scamorza cheese; part-skim mozzarella cheese, part-skim scamorza cheese:

Notice of the filing of a petition setting forth proposed definitions and standards of identity for mozzarella cheese, scamorza cheese, part-skim mozzarella cheese, part-skim scamorza cheese was published in the FEDERAL REGISTER of January 23, 1957 (22 F.R. 428). By order published in the FEDERAL REGISTER of October 4, 1957 (22 F.R. 7906) the proposals were rejected. To this order objections were filed and a hearing was scheduled to take evidence on the proposals (22 F.R. 9731; 23 F.R. 1012, 1796).

Findings of fact and a tentative order in this matter were published July 22, 1961 (26 F.R. 6599). On the basis of the evidence received at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055 as amended; 70 Stat. 919; 21 U.S.C. 341, 371) and delegated by the Secretary to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471) and after consideration of written arguments, suggested findings, and exceptions to the tentative order, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, the following order is issued:

*Findings of fact.*[1] 1. Many years ago there originated in Italy a soft, uncured, moist, light-colored, bland, milky cheese of the pasta-filata type which acquired the name "mozzarella." Originally this cheese was made from the milk of water buffaloes. In more recent years cow's milk was used either in whole or in part. The curd was stretched in hot water and formed into various shapes, generally somewhat rounded. One shape acquired the name "scamorza," but with the passage of time the name "scamorza" came to be used alternatively with the name "mozzarella." Mozzarella cheese has continued to be made in Italy. An excerpt from the Italian book "Legislation on Foods, Farm Products and Products for Farm Uses, 6th Edition, March 1958" shows mozzarella and scamorza under the general category of "pasta filata cheese from cow's milk," and this reference shows that such cheese is required to have a minimum butterfat on the dry basis of 44 percent. An excerpt from another Italian book "Food Products—Analysis—Legislation" describes pasta-filata type (drawn curd) cheeses currently made in Italy and lists mozzarella and scamorza. The fat content for mozzarella is prescribed as: "Minimum in dry matter 45%."

(R. 16–19, 57, 132–133, 173, 301, 488, 516–517, 608, 862, 866, 882–884, 1057, 1317; Ex. 9, 38, 39)

2. Italian immigrants coming to the United States and settling in eastern cities, particularly New York, accounted for the development of a demand in this country for mozzarella cheese. Since mozzarella is a high-moisture, soft, uncured cheese it was not practical to import it from the old country. As early as 1900 and earlier, cheesemakers among the Italian immigrants began producing mozzarella cheese in this country. Here they used cow's milk, and they followed in general the procedures that had been developed in Italy. In many instances these procedures were handed down from father to son. In more recent years there have been some developments that represent deviations from the older practices. One of these developments is a greater mechanization in the factories. Another development is pasteurization of the milk to comply with requirements of state and local laws. Also, the practice of using partly skimmed milk has developed, so that some producers distribute two or three so-called grades of mozzarella, depending on whether the starting mix consists of whole milk, or part-skim milk. These cheesemakers located in New York State and some other Eastern States were represented at the hearings by the Italian Fresh Cheese Manufacturers Association, and their products were sometimes characterized as "eastern type."

(R. 142, 157, 174, 402, 403, 488, 713, 753–755, 801–803, 860–866, 888, 889, 1059, 1099, 1135, 1162, 1199, 1236, 1237, 1274; Ex. 9)

3. The steps in making mozzarella cheese from whole milk, as this cheese is made in the Eastern States, are as follows:

Whole milk, which in many instances is not adjusted to any particular fat content but which in some cases is adjusted by separating part of the fat or by adding skim milk or cream, is pasteurized. At a temperature of approximately 88° F. it is inoculated with a relatively small amount of starter, a culture of harmless lactic-acid-producing bacteria. It may be slightly acidified with vinegar. A small amount of liquid rennet may be added. After the curd forms, it is cut and then stirred to aid in separating the whey. The whey is drained, and cold water may be added and then drained off. The curd is collected and as drainage progresses the curd ripens further, the rate depending in part upon the temperature. The temperature may be controlled by using ice or holding the curd under refrigeration. The curd may be cut. It is warmed in hot water or steam and is kneaded and stretched and then molded into the desired shape. The units are firmed by immersion in cold water and may be brined and drained.

(R. 9, 699–702, 713–715, 746, 767, 1067, 1081, 1148–1161, 1237–1238, 1270, 1314, 1344; Ex. 6–9, 30)

4. The mozzarella cheese made in the Eastern States is relatively high in moisture content. As a cheese that is used to some extent for table use, the high moisture content is one of its important characteristics. The moisture falls in the range of from 52 percent up to as high as 60 percent. The milk fat content varies with the fat of the starting mix. In most natural cheeses made from whole milk, the solids of the cheese contain not less than 50 percent fat. However, where cheeses or kneaded and stretched in hot water there is some loss of fat, and for such cheeses it is reasonable to require that the finished food shall have not less than 45 percent of milk fat, calculated on the solids basis. The standard for provolone cheese, which is also a stretched-curd cheese made from cow's milk, requires not less than 45 percent of milk fat on the solids basis. The method for determining the moisture and the fat content of cheese, as set out in the definition and standard of identity for cheddar cheese (21 CFR 19.500), is applicable to mozzarella cheese.

(R. 126, 167, 177–178, 211–212, 228, 308–309, 436–443, 458, 720, 755, 781, 796, 865, 904, 1148–1149, 1245, 1253, 1294, 1299, 1308, 1350; 21 CFR 19.500, 19.590; Ex. 7, 9, 10, 31, 32, 38, 39)

5. In rare instances the fat content of cheese is expressed on an "as is" basis, that is, on the basis of the entire weight of the cheese including its moisture. However, cheese standards generally prescribe the minimum fat content on the "dry" basis, that is, as the percent of fat in the solids of the cheese. The "dry" basis has the advantage that prescribing the minimum fat in the solids of the mozzarella cheese at the value which results from using whole milk starting mix (see finding 4) differentiates mozzarella cheese from cheese made from part-skim milk. Witnesses for the Italian Fresh Cheese Manufacturers Association recommended that the mozzarella cheese standard should prescribe the minimum milk fat requirement on an "as is" basis at 18 percent. To follow the recommendation of these witnesses

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

would have the disadvantage of permitting cheese made by the procedure set out in finding 3, and having a moisture content of 52 percent or slightly more, to be made from part-skim milk but to be labeled "mozzarella cheese" rather than "part-skim mozzarella cheese" (see finding 6). When the moisture content of a cheese is known, the fat content can be converted from the "as is" basis to the "dry" basis by a simple calculation. For example, if a mozzarella cheese with 60 percent moisture contains 18 percent fat on the "as is" basis it contains 18 parts of fat in 40 parts of solids and this amounts to 45 percent fat on the "dry" basis.

(R. 18, 22–24, 50–51, 165–167, 191–192, 197–198, 211–217, 226, 257–258, 306–311, 354, 754, 893–895, 914, 1050, 1058, 1114, 1239, 1245–1246, 1252–1253, 1280, 1294, 1299, 1308; Ex. 10, 30, 31, 38, 39)

6. In addition to the mozzarella made from whole milk, either with or without adjustment, cheesemakers have developed a mozzarella made by the same procedure but using part-skim milk as the starting mix. Generally, the fat content of the starting mix is reduced to about 2 percent, which is substantially lower than the fat content of whole milk. Representatives of eastern manufacturers reported that the content of milk fat in the whole milk they use runs 3.3 percent or higher. The proportion of milk fat to nonfat solids in a starting mix testing 2 percent fat is such that the part-skim mix yields a mozzarella having a fat content of 30 percent or higher on the "dry" basis. The product made in the Eastern States from part-skim milk is similar in its high moisture content to the mozzarella made from whole milk; that is, the moisture ranges between 52 and 60 percent. It is reasonable for the standard, in specifying the name for the article made from part-skim milk, to prescribe that the words "part-skim" be included in the name.

(R. 22, 50, 126, 152, 164, 295, 310, 613, 676–677, 753–755, 792, 801, 816, 883, 1067, 1114–1115, 1148–1149, 1181, 1201, 1245, 1294, 1299, 1311, 1349, 1351, 1369; Ex. 9, 31)

7. It is in the interest of consumers to require that the milk or the part-skim milk used be pasteurized for the purpose of destroying pathogenic micro-organisms. Testimony by a public health expert showed that some pathogens survive when milk is held for 30 minutes at 143° F. but are destroyed with the same holding period if the temperature is maintained at not less than 145° F. Most plants use so-called flash pasteurizers in which the milk is heated for a much shorter time but at a temperature sufficiently higher to be equally effective in destroying micro-organisms. An appropriate test for pasteurization is the phosphatase destruction test (provolone modification) as set out in detail in the standard for cheddar cheese (21 CFR 19.500), and it is reasonable to prescribe that the finished cheese shall be deemed not to have been made from pasteurized milk when this test shows for 0.25 gram of the cheese a phenol equivalent of more than 3 micrograms.

(R. 26, 42, 47–48, 157, 364, 392, 407, 416–417, 468–476, 519, 531, 538, 760–761, 809, 889, 1149, 1244, 1354. 21 CFR 19.500; Ex. 11)

8. Until after World War II, the demand for mozzarella cheese in this country was not great except among segments of the population of eastern cities having an Italian background. This demand was supplied by the eastern producers. Then there developed throughout the country a striking growth in popularity of a food item known by the name "pizza," which is the Italian word for pie. Cheese of a soft, bland, "stretching", pastafilata type is a preferred cheese ingredient for pizza, and so the demand for such cheese grew with the growth in popularity of pizza. To supply this geographically widened and substantially increased demand, cheesemakers in Wisconsin and some other Midwestern States rapidly built up their production of cheese suitable for making pizza.

(R. 20–21, 56–57, 100–101, 132, 215, 221, 295, 354, 489, 500–501, 517–518, 521–522, 806, 822, 847, 876, 1163, 1317; Ex. 18, 33–36)

9. This cheese for pizza as made in the Midwest differed in some respects from eastern-type mozzarella cheese. It tended to be somewhat more like an uncured provolone cheese. Its moisture content was intermediate between the lower range for mozzarella, as that cheese had been made for many years in New York State, and the maximum of 45 percent permitted by the standard for provolone cheese. In the standards advocated by midwestern producers, several of the provisions to which objections were taken by eastern producers corresponded to provisions in the standard for provolone cheese. Among these were the provision for reheating, after cutting the curd, to reduce the moisture content of the cheese; the provision permitting use of 0.02 percent of calcium chloride and rennet paste or extract of rennet paste; the provision permitting reconstituted skim milk to be used in adjusting the starting mix; and the provision that has been called the "alternative make" provision, which permits other procedures to be used, provided the finished cheese has the same physical and chemical properties that it would have if the procedures recited in the standard are followed. The provision for optional use of unspecified enzyme preparations for curing and developing flavor, as permitted by the provolone standard, is not an appropriate provision for inclusion in a standard for cheese for pizza because cheese for that usage is expected to be bland and not highly flavored. The proposals sponsored by midwestern producers provided for two products, a whole-milk cheese and a part-skim milk cheese, the former to have not less than 45 percent fat on the "dry" basis and the latter to be lower in fat but to have not less than 30 percent fat on the "dry" basis. Finding 7 concerning pasteurization is applicable to both products.

(R. 15, 22–23, 27, 40–50, 54–55, 60–83, 132–133, 248, 264–266, 313, 365, 367, 436–443, 490, 523, 535, 544, 563, 581, 612–613, 897, 1148–1158, 1246, 1249–1250, 1280, 1323, 1365; Ex. 4, 10)

10. Cheese made by the procedure recited in finding 3 has been designated by the name "mozzarella cheese" (or "scamorza cheese") throughout the years it has been sold in this country. A significant characteristic of this cheese is its high moisture content which has been observable by purchasers when they bought it at neighborhood cheese shops and when they used it as a table cheese.

The cheese referred to in finding 8, when first made by a midwestern producer of Italian-type cheese, was designated as "scamorza"; however, when this cheese was produced in much greater volume to meet the demand resulting from the postwar popularity of pizza, it was generally represented to be and labeled as "mozzarella." Labels used on the small units for retail sale often showed that this cheese was for use in making pizzas. In some cases, especially in the New York area, large loaves (5 pounds or larger) were sold to commercial pizza producers as "pizza cheese." To these commercial purchasers this designation probably meant a low-moisture, mozzarella-type cheese.

The difference between the type of cheese made in the East for many years and the type more recently developed in the Midwest are such as to call for distinctive labeling in order to promote honesty and fair dealing in the interest of consumers. Witnesses at the hearing suggested various names to distinguish between the two types. Some proposed that the eastern type should be designated "Italian style mozzarella" or "High moisture mozzarella." Others proposed that the midwestern type should be designated "American style mozzarella" or "low moisture mozzarella." The terms "Italian style" and "American style" give no indication that, as between the two types, the difference in moisture content is significant. The terms "high moisture" and "low moisture" are forthright and meaningful. The promotion of the interest of consumers does not require that both designations, "high moisture" for one type and "low moisture" for the other type, be prescribed. As between the two types the name "mozzarella" has been used much longer for the eastern-type cheese and, accordingly, it is logical for it to continue to be so designated and for the midwestern type to be designated "low moisture mozzarella cheese."

(R. 15, 16, 58, 84, 92–94, 102, 118, 122, 132, 196, 206–209, 217, 232, 272, 297–298, 313, 315, 346, 354–355, 369, 376, 478, 484, 521, 664, 814, 844, 847–848, 854, 874, 878, 1021, 1142, 1144, 1178, 1180, 1199, 1205, 1242, 1252, 1324, 1335, 1365; Ex. 23, 26–28)

*Conclusions.* On the basis of the foregoing findings of fact, and taking into consideration the substantial evidence of the entire record, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish definitions and standards of identity as follows:

**§ 19.600 Mozzarella cheese, scamorza cheese; identity.**

(a) Mozzarella cheese, scamorza cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It may be molded into various shapes. It contains more than 52 percent but not more than 60 percent of moisture, and its milk fat content, calculated on the solids basis, is not less than 45 percent, as determined by the methods prescribed in § 19.500(c).

(b) Milk, which is pasteurized, is warmed to approximately 88° F. and subjected to the action of harmless lactic-acid-producing bacteria, which may be added thereto as starter. The milk may be acidified with vinegar. Liquid rennet may be added to aid in setting the milk to a semisolid mass. The mass is cut, and it may be stirred to facilitate separation of whey from the curd. The whey is drained and the curd may be washed with cold water and the water drained off. The curd may be collected in bundles for further drainage and for ripening. The curd may be iced, it may be held under refrigeration, and it may be permitted to warm to room temperature and ripen further. The curd may be cut. It is immersed in hot water or heated with steam and is kneaded and stretched until smooth and free of lumps. Then it is cut and molded. The molded curd is firmed by immersion in cold water and may be salted in brine and drained.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding cream or skim milk or both.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 145° F. for a period of not less than 30 minutes, or for a time and temperature equivalent thereto in phosphatase destruction. The finished food shall be deemed not to have been made from pasteurized milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f), provolone modification.

**§ 19.601 Part-skim mozzarella cheese, part-skim scamorza cheese; identity.**

Part-skim mozzarella cheese, part-skim scamorza cheese conforms to the definition and standard of identity as prescribed for mozzarella cheese by § 19.600, except that its milk fat content, calculated on the solids basis, is less than 45 percent but not less than 30 percent.

**§ 19.605 Low moisture mozzarella cheese, low moisture scamorza cheese; identity.**

(a) Low moisture mozzarella cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It may be molded into various shapes. Its moisture content is more than 45 percent but not more than 52 percent, and its milk fat content, calculated on the solids basis, is not less than 45 percent, as determined by the method prescribed in § 19.500(c).

(b) Milk, which is pasteurized, and which may be clarified or homogenized or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, which may be added thereto as starter. The milk may be acidified with vinegar. Rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.2 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to aid in setting the milk to a semisolid mass. The mass is cut, stirred, and allowed to stand. It may be reheated and again stirred. The whey is drained, and the curd may be cut and piled to promote further separation of whey. It may be washed with cold water and the water drained off. The curd may be collected in bundles for further drainage and ripening. The curd may be iced, it may be held under refrigeration, and it may be permitted to warm to room temperature and ripen further. The curd may be cut. It is immersed in hot water or heated with steam and is kneaded and stretched until smooth and free of lumps. Then it is cut and molded. In molding, the curd is kept sufficiently warm to cause proper sealing of the surface. The molded curd is firmed by immersion in cold water and may be salted in brine and drained.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, and water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 145° F. for a period of 30 minutes or for a time and temperature equivalent thereto in phosphatase destruction. The finished food shall be deemed not to have been made from pasteurized milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f), provolone modification.

**§ 19.606 Low moisture part-skim mozzarella cheese, low moisture part-skim scamorza cheese; identity.**

Low moisture part-skim mozzarella cheese conforms to the definition and standard of identity as prescribed for low moisture mozzarella cheese by § 19.605, except that its milk fat content, calculated on the solids basis, is less than 45 percent but not less than 30 percent.

*Effective date.* This order shall become effective 120 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 401, 701; 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: December 15, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12996; Filed, Dec. 21, 1964; 8:45 a.m.]



## PART 20—FROZEN DESSERTS

### Miscellaneous Amendments of Definitions and Standards of Identity re Optional Ingredients and Labeling Requirements

In the matter of amending the definitions and standards of identity for frozen desserts: (1) To provide for use of phosphoric acid as an acidulant permitted in the fruit ingredients used in each of the foods; (2) to permit the use of the optional ingredients skim milk (in concentrated or dried form) modified by treatment with calcium hydroxide and disodium phosphate, concentrated cheese whey, and dried cheese whey in ice cream, frozen custard, ice milk, and fruit sherbets; (3) to change the designation of the optional permitted ingredients "Irish moss" and "extract of Irish moss" to read "carrageenan" and "salts of carrageenan," respectively; (4) to permit the use of furcelleran and salts of furcelleran as optional ingredients in each of the foods standardized; (5) to permit the use of propylene glycol and glycerin as carriers of the optional stabilizing ingredients; (6) to delete the requirement for label declaration of optional whey ingredients and natural flavorings, when used; (7) to expand the list of stabilizing ingredients for use in fruit sherbets and water ices to include propylene glycol ether of methylcellulose; and (8) provide for other labeling changes.

Notices announcing the filing of petitions proposing amendments of the standards for frozen desserts were published in the FEDERAL REGISTER of February 10, 1962 (27 F.R. 1274) and May 7, 1964 (29 F.R. 6016).

Two petitions proposed that the list of dairy ingredients should be expanded to include a modified skim milk product and to include the whey ingredients, concentrated whey and dried whey. The order establishing standards for frozen desserts was based on public hearings. At the hearings, witnesses referred to the modified skim milk product by the proprietary name "Nutrimix." Their testimony left doubt in the record concerning the composition of "Nutrimix." The petition proposing that this modified skim milk product be listed as a permitted dairy ingredient prescribes that it is made by treating concentrated skim milk with calcium hydroxide and disodium phosphate and sets specifications to guard against the use of soured dairy ingredients. The order promulgated July 27, 1960, did not include whey ingredients among the optional dairy ingredients of ice cream. The hearings on which the order was based were held before United States grade standards for dried whey were announced and before whey ingredients had been adequately tested in commercial ice cream. Since the hearings, ice cream makers have been able, by using appropriate specifications, to obtain good quality whey ingredients (formerly available only in limited quantity) and have found them to be suitable dairy ingredients to supply up to one-fourth of the nonfat milk solids of ice cream. Such use of whey ingredi-

ents makes no perceptible difference in the ice cream. The other dairy ingredients of ice cream are not designated for label declaration, and it would be illogical to single out concentrated whey and dried whey as dairy ingredients required to be named on the labels.

Proposals were made for amending the provisions concerning the stabilizing ingredients permitted in frozen desserts. The witnesses at the hearings used the name "Irish moss," and "extract of Irish moss" for the stabilizers of seaweed origin. Since the hearings, food additive regulations have designated these ingredients by the names "carrageenan" and "salts of carrageenan." It is appropriate to use these established names in the frozen dessert standards to replace the designations "Irish moss" and "extract of Irish moss."

Food additive regulations have been established for stabilizers derived from other species of seaweeds. In their functional effectiveness these stabilizers are similar to carrageenan and its salts. They are designated "furcelleran" and "salts of furcelleran." It is reasonable to adopt the proposed amendment for adding furcelleran and salts of furcelleran to the lists of permitted stabilizers.

A petition requested that the list of stabilizing ingredients for use in fruit sherbets and water ices be expanded to include propylene glycol ether of methylcellulose. It included evidence that this stabilizer has advantages in improving the whippability of the mixes used in freezing sherbets and water ices. The name used for this ingredient in the food additive regulation is "hydroxypropyl methylcellulose."

As promulgated, the frozen dessert order listed only dextrin as a carrier for the stabilizing ingredients. A petition proposed that the liquid carriers propylene glycol and glycerin be listed also. These ingredients facilitate the incorporation of stabilizers in a fluid form in frozen dessert mixes.

In the frozen dessert order, the finding concerning fruit ingredients states that they may be acidulated before use. The standards list only citric and ascorbic acids as optional acidifying ingredients. A petition proposed that phosphoric acid be permitted also. It included a showing that phosphoric acid functions effectively and has been extensively used as an acidifying ingredient for fruits used in frozen desserts.

Of the labeling changes requested in the petitions, the principal one was a proposed revision of the paragraph prescribing the requirements for label declaration of the flavor characterizing ingredients of ice cream (§ 20.1(g)). For ice cream characterized by blends of artificial and natural flavoring ingredients, the proposed revision called for different labeling, depending upon whether the natural or the artificial flavoring predominates. Where artificial flavoring predominates or is the only flavoring used, the name would be preceded by the term "artificial" or "artificially flavored." Where the natural flavoring predominates, the name of the characterizing flavor would be followed by the word "flavored" and the label would also bear the declaration "artificial flavor added." This proposal included requirements for size of type to be used and provisions to show when artificial flavoring is deemed to predominate in fruit ice cream, nut ice cream, and ice cream characterized by the flavor of vanilla. The proposal sets out the labeling requirements for ice cream in more definite terms and in greater detail than they are set out in the paragraph of the standard to be replaced.

The petitions also proposed that the standard for fruit sherbet be amended to delete the label declaration requirement for whey ingredients. Sherbets are generally made by blending plain ice cream mix with fruit ingredients.

The frozen dessert order as promulgated did not permit whey ingredients to be used in ice cream mix. In that order it was logical to designate for label declaration whey ingredients when specially used in making fruit sherbets. Amending the ice cream standard to permit whey ingredients in ice cream mix changes the situation. With the amendment of the ice cream standard, it is consistent to delete the label declaration requirement for whey ingredients in fruit sherbets.

The standards for fruit sherbets and water ices now require label declaration of any natural flavors used with fruit ingredients. It was proposed that this labeling requirement be deleted. Comments received point out that these standards require the use of not less than 2 percent of citrus fruits, 6 percent of berry fruits, and 10 percent of other fruits. In consideration of these requirements and of the fact that such flavorings as citrus oils left in citrus juices produce the same flavor effects as if they were added separately, it is reasonable to adopt the proposed amendment.

Polyoxyethylene (20) sorbitan tristearate and polysorbate 80 were recognized by food additive regulations in §§ 121.1008 and 121.1009 as permissible for limited use in ice cream, frozen custard, and ice milk. Propylene glycol alginate was recognized by food additive regulation § 121.1015 as permissible for limited use in ice cream, frozen custard, ice milk, fruit sherbets, and water ices. In the identity standards for the frozen desserts, these three permitted ingredients have been referred to only by a cross-reference footnote. This has been found to be unsatisfactory. Accordingly, in the revision of the standards for the frozen desserts hereinafter set forth these three ingredients are specifically named as permitted optional ingredients. Since this is an editorial change it is not subject to the filing of objections and requests for a hearing. Also, other minor editorial changes are made. The references to coloring as an optional ingredient are changed to "coloring, including artificial coloring." In § 20.1 this reference is relocated at the end of paragraph (a) and a footnote is used to call attention to the labeling exemption made by section 403(k) of the Federal Food, Drug, and Cosmetic Act for artificial coloring in ice cream.

On the basis of the information furnished in the petitions proposing the amendments, the comments filed, and other data available, it is concluded that it will promote honesty and fair dealing in the interests of consumers to amend the standards as hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471); *It is ordered*, That the definitions and standards of identity for ice cream, frozen custard, ice milk, fruit sherbets, and water ices (21 CFR 20.1, 20.2, 20.3, 20.4, 20.5) be amended as follows:

1. Section 20.1 is amended to provide in paragraph (b)(4) for: (1) The use of phosphoric acid as an acidulant permitted in optional fruit ingredients used; (2) to provide in paragraph (c) that skim milk (in concentrated or dried form) modified by treatment with calcium hydroxide and disodium phosphate, concentrated cheese whey, and dried cheese whey may be used as optional dairy ingredients; (3) to provide in paragraph (f)(2) that the designations "Irish moss" and "extract of Irish moss" be changed to "carrageenan" and "salts of carrageenan," respectively; that "furcelleran" and "salts of furcelleran" be included in the list; and that propylene glycol and glycerin be recognized as ingredients permitted for use as carriers of the optional stabilizing ingredients; and (4) substitution for paragraph (g), wherein labeling requirements are prescribed, a new paragraph (g) as proposed in the notice published May 7, 1964 (29 F.R. 6016).

As revised, § 20.1 reads as follows:

**§ 20.1 Ice cream; identity; label statement of optional ingredients.**

(a) Ice cream is the food prepared by freezing, while stirring, a pasteurized mix composed of one or more of the optional ingredients specified in paragraph (c) of this section, sweetened with one or more of the optional sweetening ingredients specified in paragraph (d) of this section. One or more of the optional characterizing ingredients specified in paragraph (b) of this section and one or more of the optional ingredients specified in paragraph (d) (5) to (10) may be used to characterize the ice cream. One or more of the optional caseinates specified in paragraph (e) and one or more of the optional ingredients specified in paragraph (f) of this section may be used, subject to the conditions hereinafter set forth. The mix may be seasoned with salt, and may be homogenized. The kind and quantity of optional dairy ingredients used, as specified in paragraph (c) of this section, and the content of milk fat and nonfat milk solids therein, are such that the weights of milk fat and total milk solids are not less than 10 percent and 20 percent, respectively, of the weight of the finished ice cream; but in no case shall the content of milk solids not fat be less than 6 percent, except that when one or more of the bulky optional ingredients as specified in paragraph (b) (3) to (8), inclusive, of this section, are used, the weights of milk fat and total milk solids (exclusive of such fat and solids in any malted milk used) are not less than 10 percent and 20 percent, respectively, of the remainder obtained by subtracting the weight of such optional ingredients, modified as prescribed below, from the weight of the finished ice cream; but in no case is the weight of milk fat or total milk solids less than 8 percent and 16 percent, respectively, of the weight of the finished ice cream. The optional caseinates specified in paragraph (e) of this section are not deemed to be milk solids. In calculating the reduction of milk fat and total milk solids from the use of bulky optional ingredients, chocolate and cocoa solids used shall be considered the bulky ingredients of paragraph (b)(3) of this section. In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight multiplied by 1.4. The finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon. Artificial flavoring in any chocolate, cocoa, confectionery, or other ingredient used is an optional ingredient of the finished ice cream. Coloring, including artificial coloring, may be added.[1]

(b) The optional characterizing ingredients referred to in paragraph (a) of this section are:

(1) Ground spice, ground vanilla beans, infusion of coffee or tea, or any natural food flavoring.

(2) Artificial food flavoring.

(3) Chocolate or cocoa, which may be added as such or as a suspension in sirup, and which may contain disodium phosphate or sodium citrate in such quantity that the finished ice cream contains not more than 0.2 percent by weight of disodium phosphate or sodium citrate. For the purposes of this section, the term "cocoa" means one or any combination of two or more of the following: Cocoa, breakfast cocoa, low-fat cocoa, and the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.

(4) Mature fruit or the juice of mature fruit, either of which may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be whole, shredded, or comminuted; it may be sweetened, thickened with pectin or with one or more of the ingredients named in paragraph (f)(2) of this section, subject to the restriction on the total quantity of such substances in ice cream prescribed in that paragraph, and it may be acidulated with citric acid, ascorbic acid, or phosphoric acid. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. In the case of fruit or fruit juice from which part of the water is removed, the substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of the citrus fruits the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juice, cold-pressed citrus oil may be added in an amount not exceeding that which would have been obtained if the peel from the whole fruit had been used. For the purposes of this section, the flesh of the coconut shall be considered a fruit.

(5) Nut meats, which may be roasted, cooked in an edible fat or oil, or preserved in sirup, and which may be salted.

(6) Malted milk.

(7) Confectionery. For the purposes of this section, the term "confectionery" means candy, cakes, cookies, and glacéed fruits.

(8) Properly prepared and cooked cereal.

(9) Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the ice cream.

(c) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed partskim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any concentrated cheese whey and dried cheese whey used contribute not more than 25 percent by weight of the total nonfat milk solids content of the finished food. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1*N* HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent, calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1*N* HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid. The modified skim milk, when adjusted with water to a total solids content of 9 percent, is substantially free of lactic acid as determined by titration with 0.1*N* NaOH and it has a pH value in the range of 8.0 to 8.3.

(d) The optional sweetening ingredients referred to in paragraph (a) of this section are:

(1) Sugar (sucrose) or sugar sirup.

(2) Dextrose.

(3) Invert sugar (in paste or sirup form).

(4) Corn sirup, dried corn sirup, glucose sirup, dried glucose sirup.

(5) Maple sirup, maple sugar.

(6) Honey.

(7) Brown sugar.

(8) Malt sirup, maltose sirup, malt extract.

(9) Dried malt sirup, dried maltose sirup, dried malt extract.

(10) Refiner's sirup.

(11) Molasses (other than blackstrap).

(12) Lactose.

(13) Fructose.

(e) The optional caseinates referred to in paragraph (a) of this section which may be added to ice cream mix containing not less than 20 percent total milk solids are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali.

(f) Other optional ingredients referred to in paragraph (a) of this section are:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, and dried egg yolks. Any egg ingredient used is added to the mix before it is pasteurized. The total weight of egg yolk solids in the finished ice cream from one or a combination of two or more such ingredients is less than the minimum prescribed for frozen custard by § 20.2 of this chapter (1.4 percent).

(2) Agar-agar, algin (sodium alginate), calcium sulfate, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, lecithin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient and pectin added separately to the fruit ingredient) is not more than 0.5 percent of the weight of the finished ice cream. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

(3) Monoglycerides or diglycerides or both of fat-forming fatty acids. The total weight of such ingredients is not more than 0.2 percent of the weight of

[1] Section 403(k) of the Federal Food, Drug, and Cosmetic Act grants label declaration exemption for artificial coloring in ice cream.

the finished ice cream. If the preparation used is one having a high proportion of monoglycerides (over 90 percent), it may be preblended with edible fat, but the amount of such fat does not exceed 20 percent by weight of the blend, and the total amount of the blend used does not exceed 0.2 percent of the weight of the finished ice cream.

(4) Polyoxethylene (20) sorbitan tristearate, polysorbate 80, or both (complying with the provisions of § 121.1008 and § 121.1009 of this chapter including the limit on either used separately or both used in combination of not more than 0.1 percent by weight of the finished frozen dessert).

(5) Propylene glycol alginate (complying with the provisions of § 121.1015 of this chapter including the limit of not more than 0.5 percent by weight of the finished frozen dessert).

(g) (1) The name of the food is "ice cream."

(2) (i) If the food contains no artificial flavor, the label shall bear the common or usual name of the characterizing flavor, e.g., "vanilla," in letters not less than one-half the height of the letters used in the name of the food.

(ii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the label shall bear, wherever the name of the food appears so conspicuously as to be easily seen under customary conditions of purchase, the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the name of the food, followed by the word "flavored," in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "VANILLA flavored," or "PEACH flavored," or "VANILLA flavored and STRAWBERRY flavored".

(iii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone, the label shall bear, wherever the name of the food appears so conspicuously as to be easily seen under customary conditions of purchase, the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in declaring the name of the food, preceded by "artificial" or "artificially flavored," in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "artificial VANILLA," or "artificially flavored STRAWBERRY" or "artificially flavored VANILLA and artificially flavored STRAWBERRY."

(3) If the food is subject to the requirements of subparagraph (2)(ii) of this paragraph or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial -------- flavor added," the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it. Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this subparagraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over; *Provided, however,* That where the characterizing flavor and a trade mark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trade mark or brand, may intervene if the required words are in such relationship with the trade mark or brand as to be clearly related to the characterizing flavor; *and provided further,* That if the finished product contains more than one flavor of ice cream subject to the requirements of this subparagraph, the statements required by this subparagraph need appear only one in each statement of characterizing flavors present in such ice cream, e.g., "VANILLA flavored, CHOCOLATE and STRAWBERRY flavored, artificial flavors added."

(4) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor."

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin, if the amount of vanillin used is greater than 1 ounce per 13.35 ounces of vanilla beans or than one unit of vanilla constitutent, as that term is defined in § 22.1(c) of this chapter.

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 percent in the case of citrus ice cream, 6 percent in the case of berry or cherry ice cream, and 10 percent in the case of ice cream prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream, the weight of the nut meats is less than 2 percent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice, or nut meat is less than one-half the applicable percentage specified in subdivision (ii) or (iii) of this subparagraph, e.g., 5 percent banana plus 1 percent almond would qualify for "BANANA flavored and ALMOND flavored"; 5 percent pineapple plus 3 percent strawberry would qualify for "PINEAPPLE flavored and STRAWBERRY flavored"; 3 percent raspberry plus 1 percent orange would qualify for "RASPBERRY flavored and ORANGE flavored."

(6) If two or more flavors of ice cream are distinctively combined in one package, e.g., "Neapolitan" ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination.

Because of the cross-references employed, the amendments ordered in the standard for ice cream (§ 20.1) become applicable to the standards for frozen custard (§ 20.2) and ice milk (§ 20.3).

2. In § 20.3 *Ice milk* * * *, paragraph (h) is amended by changing the word "flavorings" to "flavoring".

3. Section 20.4 is amended (1) in paragraph (b) to provide for the use of phorphoric acid as an acidulant permitted in optional fruit ingredients used; (2) to provide in paragraph (c) that the designations for the permitted whey ingredients be reworded as "concentrated cheese whey" and "dried cheese whey."; (3) to provide in paragraph (e)(2) that the designations "Irish moss" and "extract of Irish moss" be changed to "carrageenan" and "salts of carrageenan," respectively; that "furcelleran," "salts of furcelleran," and "hydroxypropyl methylcellulose" be included in the list; and that propylene glycol and glycerin be recognized as ingredients permitted for use as carriers of the optional stabilizing ingredients; and (4) by deleting from paragraph (g) the provisions prescribing labeling requirements for optional whey ingredients and natural flavoring, when used. As revised, this section reads as follows:

**§ 20.4 Fruit sherbets; identity; label statement of optional ingredients.**

(a) Fruit sherbets are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing fruit ingredients specified in paragraph (b) of this section and one or more of the optional ingredients specified in paragraph (c) of this section, sweetened with one or more of the optional sweetening ingredients specified in paragraph (d) of this section. One or more of the optional ingredients specified in paragraph (e) of this section may be used, subject to the conditions hereinafter set forth. The mix of combined dairy ingredients, with or without other ingredients, is pasteurized. The titratable acidity of the finished fruit sherbet, calculated as lactic acid, is not less than 0.35 percent. The mix with or without added water may be seasoned with salt, and may be homogenized. The optional dairy ingredients used and the content of milk fat and nonfat milk solids therein are such that the weight of milk fat is not less than 1 percent and not more than 2 percent, and the weight of total milk solids is not less than 2 percent and not more than 5 percent of the weight of the finished fruit sherbet. The optional caseinates specified in paragraph (e)(5) of this section are not deemed to be milk solids. The finished fruit sherbet weighs not less than 6 pounds to the gallon.



(b) The optional fruit characterizing ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph (e)(2) of this section, subject to the restriction on the total quantity of such substances in fruit sherbets prescribed in that paragraph. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric acid, ascorbic acid, or phosphoric acid. In the case of concentrated fruit or fruit juices, from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than 2 percent in the case of citrus sherbets, 6 percent in the case of berry sherbets, and 10 percent in the case of sherbets prepared with other fruits. For the purposes of this section, tomatoes and rhubarb are considered as kinds of fruit.

(c) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic, cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid.

(d) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

(e) Other optional ingredients referred to in paragraph (a) of this section are:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the weight of egg yolk solids therein is less than 0.5 percent of the weight of the finished fruit sherbet.

(2) Agar-agar, algin (sodium alginate), calcium sulfate, egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, lecithin, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient added separately to the fruit ingredient) is not more than 0.5 percent of the weight of the finished fruit sherbet. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

(3) Monoglycerides or diglycerides or both of fat-forming fatty acids. The total weight of such ingredients is not more than 0.2 percent of the weight of the finished fruit sherbet. If the preparation used is one having a high proportion of monoglycerides (over 90 percent), it may be preblended with edible fat, but the amount of such fat does not exceed 20 percent by weight of the blend, and the total amount of the blend used does not exceed 0.2 percent of the weight of the finished fruit sherbet.

(4) Polyoxyethylene (20) sorbitan tristearate, polysorbate 80, or both (complying with the provisions of § 121.1008 and § 121.1009 of this chapter including the limit on either used separately or both used in combination of not more than 0.1 percent by weight of the finished frozen dessert).

(5) Propylene glycol alginate (complying with the provisions of § 121.1015 of this chapter including the limit of not more than 0.5 percent by weight of the finished frozen dessert).

(6) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.

(7) Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, sodium caseinate.

(8) Any natural food flavoring.

(9) Any artificial flavoring.

(10) Coloring, including artificial coloring.

(f) The name of each such fruit sherbet is "---------- sherbet," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used.

(g) When the optional ingredients artificial coloring, or artificial flavoring, are used in fruit sherbet they shall be named on the labels as follows:

(1) The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "---------- an artificial color added," the blank being filled in with the name of the artificial coloring used.

(2) The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or "---------- an artificial flavor added," the blank being filled in with the name of the artificial flavoring used.

(3) Whenever artificial flavoring is not added as such but as a component of some other ingredient, the label shall include the statement "---------- artificially flavored," the blank being filled in with the name of such other ingredient. Label statements may be combined, as for example, "with added artificial flavoring and artificial coloring."

(h) Where one or more of the optional ingredients artifical coloring or artificial flavoring are used and there appears on the label any representation as to the fruit or fruits in the sherbet, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in paragraph (g) of this section, showing the optional ingredients used.

(i) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

4. Section 20.5 is amended to provide in paragraph (d)(2) for the use of phosphoric acid as an acidulant; in paragraph (d)(1) that the designations "Irish moss" and "extract of Irish moss" be changed to "carrageenan" and "salts of carrageenan," respectively; that "fur-

celleran," "salts of furcelleran," and "hydroxypropyl methylcellulose" be included in the list; and that propylene glycol and glycerin be recognized as ingredients permitted for use as carriers of the optional stabilizing ingredients; and to delete from paragraph (f) the requirement for label declaration of natural flavorings, when used. As revised, this section reads as follows:

**§ 20.5 Water ices; identity; label statement of optional ingredients.**

(a) Water ices are the foods, each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing fruit ingredients specified in paragraph (b) of this section, sweetened with one or more of the optional sweetening ingredients specified in paragraph (c) of this section. One or more of the optional ingredients specified in paragraph (d) of this section may be used, subject to the conditions hereinafter set forth. The titratable acidity of the finished water ice, calculated as lactic acid, is not less than 0.35 percent. The mix, with or without added water, may be seasoned with salt, and may be homogenized. The finished water ice weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph (d)(1) of this section subject to the restriction on the total quantity of such substances in water ices prescribed in that paragraph. The fruit is prepared by the removal of pits, seeds, skins, and cores where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric acid, ascorbic acid, or phosphoric acid. In the case of fruit or fruit juices from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that in relation to the weig ht of the finished water ice, the weight of fruit or fruit juice as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is not less than 2 percent in the case of citrus ices, 6 percent in the case of berry ices, and 10 percent in the case of ices prepared with other fruits.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

(d) Other optional ingredients referred to in paragraph (a) of this section are:

(1) Agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, propylene glycol alginate, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used (including any such ingredient added separately to the fruit ingredient), is not more than 0.5 percent of the weight of the finished water ice. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

(2) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.

(3) Any natural flavoring.

(4) Any artificial flavoring.

(5) Coloring, including artificial coloring.

(e) The name of each such water ice is "_____ ice," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient used is obtained. When the names of two or more fruits are included, such names shall appear in the order of predominance, if any, by weight of the respective fruit ingredients used.

(f) When the optional ingredients artificial coloring, and artificial flavoring are used in water ices they shall be named on the labels as follows:

(1) The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "_____, an artificial color added," the blank being filled in with the name of the artificial coloring used.

(2) The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or "_____, and artificial flavor added," the blank being filled in with the name of the artificial flavoring used.

Label statements may be combined, as for example, "flavoring and artificial coloring added."

(g) Where one or more of the optional ingredients artificial coloring or artificial flavoring are used and there appears on the labeling any representation as to the fruit or fruits in the ice, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in paragraph (f) of this section, showing the optional ingredients used.

(h) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements set out in this section showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective 180 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 15, 1964.

JOHN L. HARVEY,
*Deputy Commissioner, of Food and Drugs.*

[F.R. Doc. 64-12997; Filed, Dec. 21, 1964; 8:45 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 6779]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Gain on Stock of Certain Foreign Corporations

On July 30, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform the regulations to section 1248 of the Internal Revenue Code of 1954, as added by section 15 of the Revenue Act of 1962 (76 Stat. 1041), relating to gain on stock of certain foreign corporations, was published in the FEDERAL REGISTER (29 F.R. 10588). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.1248-1, as set forth in the notice of proposed rule making, is changed by revising paragraph (d)(2) and by adding a new paragraph (f).



PAR. 2. Section 1.1248-2, as set forth in the notice of proposed rule making, is changed by revising paragraph (d)(1).

PAR. 3. Section 1.1248-3, as set forth in the notice of proposed rule making, is changed by revising paragraph (b)(1), paragraph (c)(4), example (1) of paragraph (d)(5), and paragraph (d)(6).

PAR. 4. Section 1.1248-4, as set forth in the notice of proposed rule making, is changed by revising paragraph (d)(1) and (2) and paragraph (e)(3).

PAR. 5. Section 1.1248-7, as set forth in the notice of proposed rule making, is changed by revising paragraph (a)(1)(i), so much of paragraph (d)(1) as precedes subdivision (i) thereof, so much of paragraph (d)(2) as precedes subdivision (i) thereof, and paragraph (e).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 16, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 1248 of the Internal Revenue Code of 1954, as added by section 15 of the Revenue Act of 1962 (76 Stat. 1041), there are inserted immediately after § 1.1244(e)-1 the following new sections:

**§ 1.1248 Statutory provisions; gain from certain sales or exchanges of stock in certain foreign corporations.**

SEC. 1248. *Gain from certain sales or exchanges of stock in certain foreign corporations*—(a) *General rule.* If—

(1) A United States person sells or exchanges stock in a foreign corporation, or if a United States person receives a distribution from a foreign corporation which, under section 302 or 331, is treated as an exchange of stock, and

(2) Such person owns, within the meaning of section 958(a), or is considered as owning by applying the rules of ownership of section 958(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such foreign corporation at any time during the 5-year period ending on the date of the sale or exchange when such foreign corporation was a controlled foreign corporation (as defined in section 957), then the gain recognized on the sale or exchange of such stock shall be included in the gross income of such person as a dividend, to the extent of the earnings and profits of the foreign corporation attributable (under regulations prescribed by the Secretary or his delegate) to such stock which were accumulated in taxable years of such foreign corporation beginning after December 31, 1962, and during the period or periods the stock sold or exchanged was held by such person while such foreign corporation was a controlled foreign corporation.

(b) *Limitation on tax applicable to individuals.* In the case of an individual, if the stock sold or exchanged is a capital asset (within the meaning of section 1221) and has been held for more than 6 months, the tax attributable to an amount included in gross income as a dividend under subsection (a) shall not be greater than a tax equal to the sum of—

(1) A pro rata share of the excess of—

(A) The taxes that would have been paid by the foreign corporation with respect to its income had it been taxed under this chapter as a domestic corporation (but without allowance for deduction of, or credit for, taxes described in subparagraph (B)), for the period or periods the stock sold or exchanged was held by the United States person in taxable years beginning after December 31, 1962, while the foreign corporation was a controlled foreign corporation, adjusted for distributions and amounts previously included in gross income of a United States shareholder under section 951, over

(B) The income, war profits, or excess profits taxes paid by the foreign corporation with respect to such income; and

(2) An amount equal to the tax that would result by including in gross income, as gain from the sale or exchange of a capital asset held for more than 6 months, an amount equal to the excess of (A) the amount included in gross income as a dividend under subsection (a), over (B) the amount determined under paragraph (1).

(c) *Determination of earnings and profits*—(1) *In general.* For purposes of this section, the earnings and profits of any foreign corporation for any taxable year shall be determined according to rules substantially similar to those applicable to domestic corporations, under regulations prescribed by the Secretary or his delegate.

(2) *Earnings and profits of subsidiaries of foreign corporations.* If—

(A) Subsection (a) applies to a sale or exchange by a United States person of stock of a foreign corporation and, by reason of the ownership of the stock sold or exchanged, such person owned within the meaning of section 958(a)(2) stock of any other foreign corporation; and

(B) Such person owned, within the meaning of section 958(a), or was considered as owning by applying the rules of ownership of section 958(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such other foreign corporation at any time during the 5-year period ending on the date of the sale or exchange when such other foreign corporation was a controlled foreign corporation (as defined in section 957),

then, for purposes of this section, the earnings and profits of the foreign corporation the stock of which is sold or exchanged which are attributable to the stock sold or exchanged shall be deemed to include the earnings and profits of such other foreign corporation which—

(C) Are attributable (under regulations prescribed by the Secretary or his delegate) to the stock of such other foreign corporation which such person owned within the meaning of section 958(a)(2) (by reason of his ownership within the meaning of section 958(a)(1)(A) of the stock sold or exchanged) on the date of such sale or exchange; and

(D) Were accumulated in taxable years of such other corporation beginning after December 31, 1962, and during the period or periods—

(i) Such other corporation was a controlled foreign corporation, and

(ii) Such person owned within the meaning of section 958(a)(2) the stock of such other foreign corporation.

(d) *Exclusions from earnings and profits.* For purposes of this section, the following amounts shall be excluded, with respect to any United States person, from the earnings and profits of a foreign corporation.

(1) *Amounts included in gross income under section 951.* Earnings and profits of the foreign corporation attributable to any amount previously included in the gross income of such person under section 951, with respect to the stock sold or exchanged, but only to the extent the inclusion of such amount did not result in an exclusion of an amount from gross income under section 959.

(2) *Gain realized from the sale or exchange of property in pursuance of a plan of complete liquidation.* If a foreign corporation adopts a plan of complete liquidation in a taxable year of a foreign corporation beginning after December 31, 1962, and if section 337(a) would apply if such foreign corporation were a domestic corporation, earnings and profits of the foreign corporation attributable (under regulations prescribed by the Secretary or his delegate) to any net gain from the sale or exchange of property.

(3) *Less developed country corporations.* Earnings and profits accumulated by a foreign corporation while it was a less developed country corporation (as defined in section 902(d)), if the stock sold or exchanged was owned for a continuous period of at least 10 years, ending with the date of the sale or exchange, by the United States person who sold or exchanged such stock. In the case of stock sold or exchanged by a corporation, if United States persons who are individuals, estates, or trusts (each of whom owned within the meaning of section 958(a), or were considered as owning by applying the rules of ownership of section 958(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such corporation) owned, or were considered as owning, at any time during the 10-year period ending on the date of the sale or exchange more than 50 percent of the total combined voting power of all classes of stock entitled to vote of such corporation, this paragraph shall apply only if such United States persons owned, or were considered as owning, at all times during the remainder of such 10-year period more than 50 percent of the total combined voting power of all classes of stock entitled to vote of such corporation. For purposes of this paragraph, stock owned by a United States person who is an individual, estate, or trust which was acquired by reason of the death of the predecessor in interest of such United States person shall be considered as owned by such United States person during the period such stock was owned by such predecessor in interest, and during the period such stock was owned by any other predecessor in interest if between such United States person and such other predecessor in interest there was no transfer other than by reason of the death of an individual.

(4) *United States income.* Any item includible in gross income of the foreign corporation under this chapter as income derived from sources within the United States of a foreign corporation engaged in trade or business in the United States.

(5) *Amounts included in gross income under section 1247.* If the United States person whose stock is sold or exchanged was a qualified shareholder (as defined in section 1247(c)) of a foreign corporation which was a foreign investment company (as described in section 1246(b)(1)), the earnings and profits of the foreign corporation for taxable years in which such person was a qualified shareholder.

(e) *Sales or exchanges of stock in certain domestic corporations.* Under regulations prescribed by the Secretary or his delegate, if—

(1) A United States person sells or exchanges stock of a domestic corporation, or receives a distribution from a domestic corporation which, under section 302 or 331, is treated as an exchange of stock, and

(2) Such domestic corporation was formed or availed of principally for the holding, directly or indirectly, of stock of one or more foreign corporations,

such sale or exchange shall, for purposes of this section, be treated as a sale or exchange of the stock of the foreign corporation or corporations held by the domestic corporation.

(f) *Exceptions.* This section shall not apply to—

(1) Distributions to which section 303 (relating to distributions in redemption of stock to pay death taxes) applies;

(2) Gain realized on exchanges to which section 356 (relating to receipt of additional consideration in certain reorganizations) applies; or

(3) Any amount to the extent that such amount is, under any other provision of this title, treated as—

(A) A dividend,

(B) Gain from the sale of an asset which is not a capital asset, or

(C) Gain from the sale of an asset held for not more than 6 months.

(g) *Taxpayer to establish earnings and profits.* Unless the taxpayer establishes the amount of the earnings and profits of the foreign corporation to be taken into account under subsection (a), all gain from the sale or exchange shall be considered a dividend under subsection (a), and unless the taxpayer establishes the amount of foreign taxes to be taken into account under subsection (b), the limitation of such subsection shall not apply.

[Sec. 1248 as added by sec. 15, Rev. Act 1962 (76 Stat. 1041)]

### § 1.1248–1 Treatment of gain from certain sales or exchanges of stock in certain foreign corporations.

(a) *In general.* (1) If a United States person (as defined in section 7701(a)(30)) recognizes gain on a sale or exchange after December 31, 1962, of stock in a foreign corporation, and if in respect of such person the conditions of subparagraph (2) of this paragraph are satisfied, then the gain shall be included in the gross income of such person as a dividend to the extent of the earnings and profits of such corporation attributable to such stock under § 1.1248–2 or 1.1248–3, whichever is applicable, which were accumulated in taxable years of such foreign corporation beginning after December 31, 1962, during the period or periods such stock was held (or was considered as held by reason of the application of section 1223) by such person while such corporation was a controlled foreign corporation. See section 1248(a). For computation of earnings and profits attributable to such stock if there are any "lower tier" corporations, see paragraph (a) (3) and (4) of § 1.1248–2 or paragraph (a) of § 1.1248–3, whichever is applicable. In general, the amount of gain to be included in a person's gross income as a dividend under section 1248 (a) shall be determined separately for each share of stock sold or exchanged. However, such determination may be made in respect of a block of stock if earnings and profits attributable to the block are computed under § 1.1248–2 or 1.1248–3. See paragraph (b) of § 1.1248–2 and paragraph (a)(5) of § 1.1248–3. For the limitation on the tax attributable to an amount included in an individual's gross income as a dividend under section 1248(a), see section 1248 (b) and § 1.1248–4. For the treatment, under certain circumstances, of the sale or exchange of stock in a domestic corporation as the sale or exchange of stock held by the domestic corporation in a foreign corporation, see section 1248(e) and § 1.1248–6. For the nonapplication of section 1248 in certain circumstances, see section 1248(f) and paragraph (e) of this section. For the requirement that the person establish the amount of earnings and profits attributable to the stock sold or exchanged and, for purposes of section 1248(b), the amount of certain taxes, see section 1248(g) and § 1.1248–7.

(2) In respect of a United States person who sells or exchanges stock in a foreign corporation, the conditions referred to in subparagraph (1) of this paragraph are satisfied only if (i) such person owned, within the meaning of section 958(a), or was considered as owning by applying the rules of ownership of section 958(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such foreign corporation at any time during the 5-year period ending on the date of the sale or exchange, and (ii) at such time such foreign corporation was a controlled foreign corporation (as defined in section 957).

(3) For purposes of subparagraph (2) of this paragraph, (i) a foreign corporation shall not be considered to be a controlled foreign corporation at any time before the first day of its first taxable year beginning after December 31, 1962, and (ii) the percentage of the total combined voting power of stock of a foreign corporation owned (or considered as owned) by a United States person shall be determined in accordance with the principles of section 951(b) and the regulations thereunder.

(4) The application of this paragraph may be illustrated by the following examples:

*Example (1).* Corporation F is a foreign corporation which has outstanding 100 shares of one class of stock. F was a controlled foreign corporation for the period beginning on January 1, 1963, and ending on June 30, 1965, but was not a controlled foreign corporation at any time thereafter. On December 31, 1965, Brown, a United States person who has owned 15 shares of F stock since 1962, sells 7 of his 15 shares and recognizes gain with respect to each share sold. Since Brown owned stock representing at least 10 percent of the total combined voting power of F at a time during the 5-year period ending on December 31, 1965, while F was a controlled foreign corporation, the conditions of subparagraph (2) of this paragraph are satisfied. Therefore, section 1248(a) applies to the gain recognized by Brown to the extent of the earnings and profits attributable under § 1.1248–3 to such shares.

*Example (2).* Assume the same facts as in example (1). Assume further that on February 1, 1970, Brown sells the remainder of his shares in F Corporation and recognizes gain with respect to each share sold. Even though Brown did not own stock representing at least 10 percent of the total combined voting power of F on February 1, 1970, nevertheless, in respect of each of the 8 shares of F stock which he sold on such date, the conditions of subparagraph (2) of this paragraph are satisfied since Brown owned stock representing at least 10 percent of such voting power at a time during the 5-year period ending on February 1, 1970, while F was a controlled foreign corporation. Therefore, section 1248(a) applies to the gain recognized by Brown to the extent of the earnings and profits attributable under § 1.1248–3 to such shares. If, however, Brown had sold the reminder of his shares in F on July 1, 1970, since the last date on which Brown owned stock representing at least 10 percent of the total combined voting power of F while F was a controlled foreign corporation was June 30, 1965, a date which is not within the 5-year period ending July 1, 1970, the conditions of subparagraph (2) of this paragraph would not be satisfied and section 1248(a) would not apply.

*Example (3).* Corporation G, a foreign corporation created in 1950, has outstanding 100 shares of one class of stock and uses the calendar year as its taxable year. Corporation X, a United States person, owns 60 shares of G stock and has owned such stock since G was created. Corporation Y, a United States person, owned 15 shares of the G stock from 1950 until December 1, 1962, on which date it sold 10 of such shares. On December 31, 1963, Y sells its remaining 5 shares of the G stock and recognizes gain on the sale. Since G is not considered to be a controlled foreign corporation at any time before January 1, 1963, and since Y did not own stock representing at least 10 percent of the total combined voting power of G at any time on or after such date, the conditions of subparagraph (2) of this paragraph are not satisfied and section 1248(a) does not apply.

(b) *Sale or exchange.* For purposes of this section and §§ 1.1248–2 through 1.1248–7, the term "sale or exchange" includes the receipt of a distribution which is treated as in exchange for stock under section 302(a) (relating to distributions in redemption of stock), section 331(a)(1) (relating to distributions in complete liquidation of a corporation), or section 331(a)(2) (relating to distributions in partial liquidation of a corporation).

(c) *Gain recognized.* Section 1248(a) applies to a sale or exchange of stock in a foreign corporation only if gain is recognized in whole or in part upon such sale or exchange. Thus, for example, if a United States person exchanges stock in a foreign corporation, and if under section 332, 351, 354, 355, or 361 no gain is recognized as a result of a determination by the Commissioner under section 367 that the exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes, then no amount is includible in the gross income of such person as a dividend under section 1248(a).

(d) *Credit for foreign taxes.* (1) If a domestic corporation includes an amount in its gross income as a dividend under section 1248(a) upon a sale or exchange of stock in a foreign corporation (referred to as a "first tier" corporation), and if on the date of the sale or exchange the domestic corporation owns directly at least 10 percent of the voting stock of the first tier corporation—

(i) The foreign tax credit provisions of sections 901 through 905 shall apply in the same manner and subject to the same conditions and limitations as if the first tier corporation on such date distributed to the domestic corporation as a dividend that portion of the amount included in gross income under section 1248(a) which does not exceed the earnings and profits of the first tier corporation attributable to the stock under § 1.1248–2 or § 1.1248–3, as the case may be, and

(ii) If on such date such first tier corporation owns directly 50 percent or more of the voting stock of a "lower tier" corporation described in paragraph (a)(3) of § 1.1248–2 or paragraph (a)(3) of § 1.1248–3, as the case may be (referred to as a "second tier" corporation), then the foreign tax credit provisions of sections 901 through 905 shall apply in the same manner and subject to the same conditions and limitations as if on such date (*a*) the domestic corporation owned directly that percentage of the stock in the second tier corporation which such domestic corporation is considered to own by reason of the application of section 958(a)(2), and (*b*) the second tier corporation had distributed to the domestic corporation as a dividend that portion of the amount included in gross income under section 1248(a) which does not exceed the earnings and profits of the second tier corporation attributable to such stock under § 1.1248–2 or 1.1248–3, as the case may be.

(2) A credit shall not be allowed under subparagraph (1) of this paragraph in respect of taxes which are not actually paid or accrued. For the inclusion as a dividend in the gross income of a domestic corporation of an amount equal to the taxes deemed paid by such corporation under section 902(a)(1), see section 78.

(3) If subparagraph (1)(ii) of this paragraph applies, and if the amount included in gross income under section 1248(a) upon the sale or exchange of the stock in a first tier corporation described in subparagraph (1)(ii) of this paragraph is less than the sum of the earnings and profits of the first tier corporation attributable to such stock under § 1.1248–2 or § 1.1248–3, as the case may be, plus the earnings and profits of the second tier corporation attributable to such stock under § 1.1248–2 or § 1.1248–3, as the case may be, then the amount considered distributed to the domestic corporation as a dividend shall be determined by multiplying the amount included in gross income under section 1248(a) by—

(i) For purposes of applying subparagraph (1)(i) of this paragraph, the percentage that (*a*) the earnings and profits of the first tier corporation attributable to such stock under § 1.1248–2 or § 1.1248–3, as the case may be, bears to (*b*) the sum of the earnings and profits of the first tier corporation attributable to such stock under § 1.1248–2 or § 1.1248–3, as the case may be, plus the earnings and profits of the second tier corporation attributable to such stock under § 1.1248–2 or § 1.1248–3, as the case may be, and

(ii) For purposes of applying subparagraph (1)(ii) of this paragraph, the percentage that (*a*) the earnings and profits of the second tier corporation attributable to such stock under § 1.1248–2 or § 1.1248–3, as the case may be, bears to (*b*) the sum referred to in subdivision (i)(*b*) of this subparagraph.

(4) The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* On June 30, 1964, domestic corporation D owns 10 percent of the voting stock of controlled foreign corporation X. On such date, D sells a share of X stock and includes $200 of the gain on the sale in its gross income as a dividend under section 1248(a). X does not own any stock of a lower tier corporation referred to in paragraph (a)(3) of § 1.1248–3. D uses the calendar year as its taxable year and instead of deducting foreign taxes under section 164, D chooses the benefits of the foreign tax credit provisions for 1964. If D had included $200 in its gross income as a dividend with respect to a distribution from X on June 30, 1964, the amount of the foreign income taxes paid by X which D would be deemed to have paid under section 902(a) in respect of such distribution would be $60. Thus, in respect of the $200 included in D's gross income as a dividend under section 1248(a), and subject to the applicable limitations and conditions of sections 901 through 905, D is entitled under this paragraph to a foreign tax credit of $60 for 1964.

*Example (2).* On June 30, 1965, domestic corporation D owns all of the voting stock of foreign corporation Y, and Y (the first tier corporation) owns all of the voting stock of foreign corporation Z (a second tier corporation). On such date, D sells a block of Y stock and includes $400 of the gain on the sale in its gross income as a dividend under section 1248(a). The earnings and profits attributable under § 1.1248–3 to the block are $600 from Y and $1,800 from Z. D uses the calendar year as its taxable year and instead of deducting foreign taxes under section 164, D chooses the benefits of the foreign tax credit provisions for 1965. For purposes of applying the foreign tax credit provisions, Y is considered under subparagraph (3) of this paragraph to have distributed to D a dividend of $100 ($400×600/2400) and Z is considered to have so distributed to D a dividend of $300 ($400×1800/2400). If D had included $100 in its gross income as a dividend with respect to a distribution from Y on June 30, 1965, the amount of foreign income taxes paid by Y which D would be deemed to have paid under section 902(a) in respect of such distribution is $80. If D had owned the stock in Z directly, and if D had included $300 in its gross income as a dividend with respect to a distribution from Z, the amount of foreign income taxes paid by Z which D would be deemed to have paid under section 902(a) in respect of such distribution is $120. Thus, in respect of the $400 included in D's gross income as a dividend under section 1248(a), and subject to the applicable limitations and conditions of sections 901 through 905, D is entitled under this paragraph to a foreign tax credit of $200 ($80 plus $120) for 1965.

(e) *Exceptions.* Under section 1248 (f), this section and §§ 1.1248–2 through 1.1248–7 shall not apply to—

(1) Distributions to which section 303 (relating to distributions in redemption of stock to pay death taxes) applies;

(2) Gain realized on exchanges to which section 356 (relating to receipt of additional consideration in certain reorganizations) applies; or

(3) Any amount to the extent that such amount is, under any other provision of the Code, treated as (i) a dividend, (ii) gain from the sale of an asset which is not a capital asset, or (iii) gain from the sale of an asset held for not more than 6 months.

(f) *Installment method.* (1) Gain from a sale or exchange to which section 1248 applies may be reported under the installment method if such method is otherwise available under section 453 of the Code. In such case, the income (other than interest) on each installment payment shall be deemed to consist of gain which is included in gross income under section 1243 as a dividend until all such gain has been reported, and the remaining portion (if any) of such income shall be deemed to consist of gain to which section 1248 does not apply. For treatment of amounts as interest on certain deferred payments, see section 483.

(2) The application of this paragraph may be illustrated by the following example:

*Example.* Jones contracts to sell stock in a controlled foreign corporation for $5,000 to be paid in 10 equal payments of $500 each, plus a sufficient amount of interest so that section 483 does not apply. He properly elects under section 453 to report under the installment method gain of $1,000 which is includible in gross income under section 1248 as a dividend and gain of $500 which is a long-term capital gain. Accordingly, $150 of each of the first 6 installment payments and $100 of the seventh installment payment are included in gross income under section 1248 as a dividend, and $50 of the seventh installment payment and $150 of each of the last 3 installment payments are long-term capital gain.

### § 1.1248–2 Earnings and profits attributable to a block of stock in simple cases.

(a) *General*—(1) *Manner of computation.* For purposes of paragraph (a)(1) of § 1.1248–1, if a United States person sells or exchanges a block of stock (as defined in paragraph (b) of this section) in a foreign corporation, and if the conditions of paragraph (c) of this section are satisfied in respect of the block, then the earnings and profits attributable to the block which were accumulated in taxable years of the corporation beginning after December 31, 1962, during the period such block was held (or was considered to be held by reason of the application of section 1223) by such person while such corporation was a controlled foreign corporation, shall be computed in accordance with the steps set forth in subparagraphs (2), (3), and (4) of this paragraph.

(2) *Step 1.* (i) For each taxable year of the corporation beginning after December 31, 1962, the earnings and profits accumulated for each such taxable year by the corporation shall be computed in the manner prescribed in paragraph (d) of this section, and (ii) for the period the person held (or is considered to have held by reason of the application of section 1223) the block, the amount of earnings and profits attributable to the block shall be computed in the manner prescribed in paragraph (e) of this section.

(3) *Step 2.* If the conditions of paragraph (c)(5)(ii) of this section must be satisfied in respect of stock in a "lower tier" foreign corporation which such person owns within the meaning of section 958(a)(2), then (i) the earnings and profits accumulated for each such taxable year by such lower tier corporation shall be computed in the manner prescribed in paragraph (d) of this section, and (ii) for the period the person held (or is considered to have held by reason of the application of section 1223) the block, the amount of earnings and profits of the lower tier corporation attributable to the block shall be computed in the manner prescribed in paragraph (e) of this section applied as if such person owned directly the percentage of such stock in such lower tier corporation which such person owns within the meaning of section 958(a)(2).

(4) *Step 3.* The amount of earnings and profits attributable to the block shall be the sum of the amounts computed under steps 1 and 2.

(b) *Block of stock.* For purposes of this section, the term "block of stock" means a group of shares sold or exchanged in one transaction, but only if—

(1) The amount realized, basis, and holding period are identical for each such share, and

(2) In case, during the period the person held (or is considered to have held by reason of the application of section 1223) such shares, any amount was included under section 951 in the gross income of the person (or another person) in respect of the shares, the excess under paragraph (e)(3)(ii) of this section (computed as if each share were a block) is identical for each such share.

(c) *Conditions to application.* This section shall apply only if the following conditions are satisfied:

(1)(i) On each day of the period during which the block of stock was held (or is considered as held by reason of the application of section 1223) by the person during taxable years of the corporation beginning after December 31, 1962, the corporation is a controlled foreign corporation, and (ii) on no such day is the corporation a foreign personal holding company (as defined in section 552) or a foreign investment company (as defined in section 1246(b)).

(2) The corporation had only one class of stock, and the same number of shares of such stock were outstanding, on each day of each taxable year of the corporation beginning after December 31, 1962, any day of which falls within the period referred to in subparagraph (1) of this paragraph.

(3) For each taxable year referred to in subparagraph (2) of this paragraph, the corporation is not a less developed country corporation (as defined in section 902(d)).

(4) For each taxable year referred to in subparagraph (2) of this paragraph, the corporation does not make any distributions out of its earnings and profits other than distributions which, under section 316 (as modified by section 959), are considered to be out of earnings and profits accumulated in taxable years beginning after December 31, 1962, during the period such person held (or is considered to have held by reason of the application of section 1223) the block while such corporation was a controlled foreign corporation.

(5)(i) If (*a*) on the date of the sale or exchange such person, by reason of his ownership of such block, owns within the meaning of section 958(a)(2) stock in another foreign corporation (referred to as a "lower tier" corporation), and (*b*) the conditions of paragraph (a)(2) of § 1.1248–1 would be satisfied by such person in respect of such stock in the lower tier corporation if such person were deemed to have sold or exchanged such stock in the lower tier corporation on the date he actually sold or exchanged such block in the first tier corporation, then the conditions of subdivision (ii) of this subparagraph must be satisfied.

(ii) In respect of stock in such lower tier corporation, (*a*) the conditions set forth in subparagraphs (1) through (4) of this paragraph (applied as if such person owned directly such stock in such lower tier corporation) must be met and (*b*) such person must own within the meaning of section 958(a)(2) the same percentage of the shares of such stock on each day which falls within the period referred to in subparagraph (1) of this paragraph.

(d) *Earnings and profits accumulated for a taxable year*—(1) *General.* For purposes of this section, the earnings and profits accumulated for a taxable year of a foreign corporation shall be the earnings and profits for such year computed in accordance with the rules prescribed in § 1.964–1 (relating to determination of earnings and profits for a taxable year of a controlled foreign corporation) and reduced by any distributions therefrom. If the stock in the corporation is sold or exchanged before any action is taken by or on behalf of the corporation under paragraph (c) of § 1.964–1, the computation of earnings and profits under § 1.964–1 for purposes of this section shall be made as if no elections had been made and no accounting method had been adopted.

(2) *Special rules.* (i) The earnings and profits of the corporation accumulated for a taxable year (computed without any reduction for distributions) shall not include the excess of any item includible in gross income of the foreign corporation under section 882(b) as gross income derived from sources within the United States over any deductions allocable to such item under section 882(c). See section 1248(d)(4). Any item which is required to be excluded from gross income or which is taxed at a reduced rate under an applicable treaty obligation of the United States shall not be excluded under this subdivision from earnings and profits accumulated for a taxable year (computed without any reduction for distributions).

(ii) If a foreign corporation adopts a plan of complete liquidation in a taxable year of the corporation beginning after December 31, 1962, and if because of the application of section 337(a) gain or loss would not be recognized by the corporation from the sale or exchange of property if the corporation were a domestic corporation, then the earnings and profits of the corporation accumulated for the taxable year (computed without any reduction for distributions) shall be determined without regard to the amount of such gain or loss. See section 1248(d)(2). For the nonapplication of section 337(a) to a liquidation by a collapsible corporation (as defined in section 341) and to certain other liquidations, see section 337(c).

(e) *Earnings and profits attributable to block*—(1) *General.* Except as provided in subparagraph (3) of this paragraph, the earnings and profits attributable to a block of stock of a controlled foreign corporation for the period a United States person held (or is considered to have held by reason of the application of section 1223) the block are an amount equal to—

(i) The sum of the earnings and profits accumulated for each taxable year of the corporation beginning after December 31, 1962 (computed under paragraph (d) of this section) during such period, multiplied by

(ii) The percentage that (*a*) the number of shares in the block, bears to (*b*) the total number of shares of the corporation outstanding during such period.

(2) *Special rule.* For purposes of computing the sum referred to in subparagraph (1)(i) of this paragraph, in case the block was held (or is considered as held by reason of the application of section 1223) during a taxable year beginning after December 31, 1962, but not on each day of such taxable year, there shall be included in such sum only that portion which bears the same ratio to (*i*) the total earnings and profits for such taxable year (computed under paragraph (d) of this section), as (*ii*) the number of days during such taxable year the block was held (or is considered as so held), bears to (*iii*) the total number of days in such taxable year.

(3) *Amounts included in gross income under section 951.* (i) If, during the period the person held (or is considered to have held by reason of the application of section 1223) the block, any amount was included under section 951 in the gross income of such person (or of another person whose holding of the stock sold or exchanged is, by reason of the application of section 1223, attributed to such person) in respect of the block, then the earnings and profits attributable to the block for such period shall be an amount equal to (*a*) the earnings and profits attributable to the block which would have been computed under subparagraph (1) of this paragraph if this subparagraph did not apply, reduced by (*b*) the excess computed under subdivision (ii) of this subparagraph. See section 1248(d)(1).

(ii) The excess computed under this subdivision is the excess (if any) of (*a*) amounts included under section 951 in the gross income of such person (or such other person) in respect of the block during such period, over (*b*) the portion of such amounts which, in any taxable year of such person (or such other person), resulted in an exclusion from the gross income of such person (or such other person) under section 959(a)(1) (relating to exclusion from gross income of distributions of previously taxed earnings and profits).

(iii) This subparagraph shall apply notwithstanding an election under section 962 by such person to be subject to tax at corporate rates.

(4) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* On May 26, 1965, Green, a United States person, purchases at its fair market value a block of 25 of the 100 outstanding shares of the only class of stock of controlled foreign corporation F. He sells the block on January 1, 1968. In respect of the block, Green did not include any amount in his gross income under section 951. F uses the calendar year as its taxable year and does not own stock in any lower tier corporation referred to in paragraph (c)(5)(i) of this section. All of the conditions of paragraph (c) of this section are satisfied in respect of the block. The earnings and profits accumulated by F (computed under paragraph (d) of this section) are $10,000 for 1965, $13,000 for 1966, and $11,000 for 1967. The earnings and profits of F attributable to the block are $7,500, determined as follows:

| | |
|---|---|
| Sum of earnings and profits accumulated by F during period block was held: | |
| For 1965 (219/365 × $10,000) | $6,000 |
| For 1966 | 13,000 |
| For 1967 | 11,000 |
| Sum | 30,000 |
| Multiplied by: | |
| Number of shares in block (25), divided by total number of shares outstanding (100) | 25% |
| Earnings and profits attributable to block | $7,500 |

*Example (2).* Assume the same facts as in example (1) except that in respect of the block Green includes in his gross income under section 951 the total amount of $2,800 for 1965 and 1966, and because of such inclusion the amount of $2,300 which was distributed to Green by F on January 15, 1967, is excluded from his gross income under section 959(a)(1). Accordingly, the earnings and profits of F attributable to the block are $7,000, determined as follows:

| | |
|---|---|
| Earnings and profits attributable to the block, as computed in example (1) | $7,500 |
| Minus: | |
| Excess of amount included in Green's gross income under section 951 ($2,800), over portion thereof which resulted in an exclusion under section 959(a)(1) ($2,300) | 500 |
| Earnings and profits attributable to block | 7,000 |

*Example (3).* Assume the same facts as in example (1) except that on each day beginning on January 1, 1966 (the date controlled foreign corporation G was organized) through January 1, 1968, F owns 80 of the 100 outstanding shares of the only class of G stock. Since, by reason of his ownership of 25 shares of F stock, Green owns within the meaning of section 958(a)(2) the equivalent of 20 shares of G stock (25/100 of 80 shares), G is a lower tier corporation referred to in paragraph (c)(5)(i)(*a*) of this section. If Green had sold the 20 shares of G stock on January 1, 1968, the date he actually sold the block of F stock, the conditions of paragraph (a)(2) of § 1.1248–1 would be satisfied in respect of the G stock, and, accordingly, the conditions of paragraph (c)(5)(ii) of this section must be satisfied. Assume further that such conditions are satisfied, that G uses the calendar year as its taxable year, and that the earnings and profits accumulated by G (computed under paragraph (d) of this section) are $19,000 for 1966 and $21,000 for 1967. The earnings and profits of F and of G attributable to the block are $15,500, determined as follows:

| | |
|---|---|
| Sum of earnings and profits accumulated by G for period Green owned G stock within the meaning of section 958(a)(2) ($19,000 plus $21,000) | $40,000 |
| Multiplied by: | |
| Number of G shares deemed owned within the meaning of section 958(a)(2) by Green (20), divided by total number of G shares outstanding (100) | 20% |
| Earnings and profits of G attributable to block | $8,000 |
| Earnings and profits of F attributable to block, as determined in example (1) | $7,500 |
| Total earnings and profits attributable to block | $15,500 |

**§ 1.1248–3 Earnings and profits attributable to stock in complex cases.**

(a) *General*—(1) *Manner of computation.* For purposes of paragraph (a)(1) of § 1.1248–1, if a United States person sells or exchanges stock in a foreign corporation, and if the provisions of § 1.1248–2 do not apply, then the earnings and profits attributable to the stock which were accumulated in taxable years of the corporation beginning after December 31, 1962, during the period or periods such stock was held (or was considered to be held by reason of the application of section 1223) by such person while such corporation was a controlled foreign corporation, shall be computed in accordance with the steps set forth in subparagraphs (2), (3), and (4) of this paragraph.

(2) *Step 1.* For each taxable year of the corporation beginning after December 31, 1962, (i) the earnings and profits accumulated for such taxable year by the corporation shall be computed in the manner prescribed in paragraph (b) of this section, (ii) the person's "tentative ratable share" of such earnings and profits shall be computed in the manner prescribed in paragraph (c) or (d) (whichever is applicable) of this section, and (iii) the person's "ratable share" of such earnings and profits shall be computed by adjusting the tentative ratable share in the manner prescribed in paragraph (e) of this section.

(3) *Step 2.* If the provisions of paragraph (f) of this section (relating to earnings and profits of "lower tier" foreign corporations) apply, the amount of the person's ratable share of the earnings and profits accumulated by each "lower tier" corporation attributable to any such taxable year (i) shall be computed in the manner prescribed by paragraph (f) of this section, and (ii) shall be added to such person's ratable share for such taxable year determined in step 1.

(4) *Step 3.* The amount of earnings and profits attributable to the share shall be the sum of the ratable shares computed for each such taxable year in the manner prescribed in steps 1 and 2.

(5) *Share or block.* In general, the computation under this paragraph shall be made separately for each share of stock sold or exchanged, except that if a group of shares constitute a block of stock the computation may be made in respect of the block. For purposes of this section, the term "block of stock" means a group of shares sold or exchanged in one transaction, but only if (i) the amount realized, basis, and holding period are identical for each such share, and (ii) the adjustments (if any) under paragraphs (e) and (f)(5) of this section of the tentative ratable shares would be identical for each such share if such adjustments were computed separately for each such share.

(6) *Deficit in earnings and profits.* For purposes of this section and §§ 1.1248–4 through 1.1248–7, in respect of a taxable year, the term "earnings and profits accumulated" for a taxable year (but only if computed under paragraph (b) of this section) includes a deficit in earnings and profits accumulated for such taxable year. Similarly, a tentative ratable share, or a ratable share, may be a deficit.

(7) *Examples.* The application of the provisions of this paragraph may be illustrated by the following examples:

*Example (1).* On December 31, 1967, Brown sells 10 shares of stock in foreign corporation X, which uses the calendar year as its taxable year. The 10 shares constitute a block of stock under subparagraph (5) of this paragraph. Under step 1, Brown's ratable shares of the earnings and profits of X attributable to the block are as follows:

| *Taxable year of X* | *Ratable shares* |
|---|---|
| 1963 | $100 |
| 1964 | 150 |
| 1965 | −50[1] |
| 1966 | 50 |
| 1967 | 100 |
| Sum | 350 |

[1] Deficit.

The amount of the earnings and profits attributable to such block under step 3 is $350.

*Example (2).* Assume the same facts as in example (1), except that in respect of X there are "lower tier" corporations Y and Z to which the provisions of paragraph (f) of this section apply. Brown's ratable shares of the earnings and profits of X, Y, and Z attributable to the block under steps 1 and 2 for each taxable year of X are as follows:

| Taxable year of X | Ratable shares | | | |
|---|---|---|---|---|
| | X | Y | Z | Total |
| 1963 | $100 | $40 | $20 | $160 |
| 1964 | 150 | 40 | −50 | 140 |
| 1965 | −50 | 30 | 50 | 30 |
| 1966 | 50 | 50 | 30 | 130 |
| 1967 | 100 | −40 | 40 | 100 |
| Sum | 350 | 120 | 80 | 550 |

The amount of the earnings and profits attributable to such block under step 3 is $550.

(b) *Earnings and profits accumulated for a taxable year*—(1) *General.* For purposes of this section, the earnings and profits accumulated for a taxable year of a foreign corporation shall be the earnings and profits for such year, computed in accordance with the rules prescribed in § 1.964–1 (relating to determination of earnings and profits for a taxable year of a controlled foreign corporation), except that (i) the special rules of subparagraph (2) of this paragraph shall apply, and (ii) adjustments shall be made under subparagraph (3) of this paragraph for distributions made by the corporation during such taxable year. If the stock in the corporation is sold or exchanged before any action is taken by or on behalf of the corporation under paragraph (c) of § 1.964–1, the computation of earnings and profits under § 1.964–1 for purposes of this section shall be made as if no elections had been made and no accounting method had been adopted. The amount of earnings and profits accumulated for a taxable year of a foreign corporation, as computed under this paragraph, is not necessarily the same amount as the earnings and profits of the taxable year computed under section 316(a)(2) or paragraph (d) of § 1.1248–2. Thus, for example, if a distribution with respect to stock is in excess of the amount of earnings and profits of the taxable year computed under section 316(a)(2), such excess is treated under section 316(a)(1) or para-

graph (d) of § 1.1248–2 as made out of any earnings and profits accumulated in prior taxable years, whereas the amount of such excess may create, or increase, a deficit in the earnings and profits accumulated for the taxable year as computed under this paragraph. See subparagraph (3) of this paragraph.

(2) *Special rules.* (i) The earnings and profits of the corporation accumulated for a taxable year shall not include the excess of any item includible in gross income of the foreign corporation under section 882(b) as gross income derived from sources within the United States over any deductions allocable to such item under section 882(c). See section 1248(d)(4). Any item which is required to be excluded from gross income or which is taxed at a reduced rate under an applicable treaty obligation of the United States shall not be excluded under this subdivision from earnings and profits accumulated for a taxable year.

(ii) If a foreign corporation adopts a plan of complete liquidation in a taxable year of the corporation beginning after December 31, 1962, and if because of the application of section 337(a) gain or loss would not be recognized by the corporation from the sale or exchange of property if the corporation were a domestic corporation, then the earnings and profits of the corporation accumulated for the taxable year shall be determined without regard to the amount of such gain or loss. See section 1248(d)(2). For the nonapplication of section 337(a) to a liquidation by a collapsible corporation (as defined in section 341) and to certain other liquidations, see section 337(c).

(3) *Adjustment for distributions.* (i) The earnings and profits of a foreign corporation accumulated for a taxable year (computed without regard to this subparagraph) shall be reduced (if necessary below zero so as to create a deficit), or a deficit in such earnings and profits shall be increased, by the amount of the distributions (other than in redemption of stock under section 302(a) or 303) made by the corporation in respect of its stock during such taxable year (*a*) out of such earnings and profits, or (*b*) out of earnings and profits accumulated for prior taxable years beginning after December 31, 1962 (computed under this paragraph). Except for purposes of applying this subparagraph, the application of the preceding sentence shall not affect the amount of earnings and profits accumulated for any such prior taxable year.

(ii) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* X Corporation, which uses the calendar year as its taxable year, was organized on January 1, 1965, and was a controlled foreign corporation on each day of 1965. The amount of X's earnings and profits accumulated for 1965 (computed under this paragraph without regard to the adjustment for distributions under this subparagraph) is $400,000, of which $100,000 is distributed by X as dividends during 1965. The amount of X's earnings and profits accumulated for 1965 (computed under this paragraph) is $300,000 (that is, $400,000 minus $100,000). The result would be the same even if X was not a controlled foreign corporation on each day of 1965.

*Example (2).* Assume the same facts as in example (1). Assume further that the amount of X's earnings and profits accumulated for 1966 (computed under this paragraph without regard to the adjustment for distributions under this subparagraph) is $150,000, and that X distributes the amount of $260,000 as dividends during 1966. Since $150,000 of the distribution is from earnings and profits accumulated for 1966 (computed without regard to the adjustment for distributions under this subparagraph), and since $110,000 is from earnings and profits accumulated for 1965, the earnings and profits of X accumulated for 1966 are a deficit of $110,000 (that is, $150,000 minus $260,000). However, the earnings and profits accumulated for 1965 are still $300,000 for purposes of computing in the manner prescribed in paragraph (c) of this section a person's tentative ratable share.

(c) *Tentative ratable share if earnings and profits accumulated for a taxable year not less than zero*—(1) *General rule.* For purposes of paragraph (a)(2)(ii) of this section, in respect of a share (or block) of stock in a foreign corporation, if the amount of the earnings and profits accumulated for a taxable year of the corporation (computed under paragraph (b) of this section), beginning after December 31, 1962, is not less than zero, then the person's tentative ratable share for such taxable year shall be equal to—

(i) (*a*) Such amount (if the computation is made in respect of a block, multiplied by the number of shares in the block), divided by (*b*) the number of shares in the corporation outstanding, or deemed under subparagraph (2) of this paragraph to be outstanding, on each day of such taxable year, multiplied by

(ii) The percentage that (*a*) the number of days in such taxable year of the corporation during the period the person held (or was considered to have held by reason of the application of section 1223) the share (or block) while the corporation was a controlled foreign corporation, bears to (*b*) the total number of days in such taxable year.

(2) *Shares deemed outstanding for a taxable year.* For purposes of this section and §§ 1.1248–4 through 1.1248–7, if the number of shares of stock in a foreign corporation outstanding on each day of a taxable year of the corporation is not constant, then the number of such shares deemed outstanding on each such day shall be the sum of the fractional amounts in respect of each share outstanding on any day of the taxable year. The fractional amount in respect of a share shall be determined by dividing (*i*) the number of days in the taxable year during which such share was outstanding (excluding the day the share became outstanding, but including the day the share ceased to be outstanding), by (*ii*) the total number of days in such taxable year.

(3) *Examples.* The application of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

*Example (1).* On each day of 1964, S owns a block consisting of 30 of the 100 shares of the only class of stock outstanding in F Corporation, and on each such day F is a controlled foreign corporation. F uses the calendar year as its taxable year and F's earnings and profits accumulated for 1964 (computed under paragraph (b) of this section) are $10,000. S's tentative ratable share with respect to the block is $3,000, computed as follows:

| | |
|---|---|
| Earnings and profits accumulated for taxable year | $10,000 |
| Multiplied by: | |
| Number of shares in block (30), divided by number of shares outstanding (100) | 30% |
| Multiplied by: | |
| Number of days in 1964 S held block while F was a controlled foreign corporation (365), divided by number of days in 1964 (365) | 100% |
| Tentative ratable share for block | $3,000 |

*Example (2).* On December 31, 1964, X Corporation, a controlled foreign corporation which uses the calendar year as its taxable year, had 100 shares of one class of stock outstanding, 15 of which were owned by T. T's 15 shares were redeemed by X on March 14, 1965. On December 31, 1965, in addition to the remaining 85 shares, 10 new shares of stock (which were issued on May 26, 1965) were outstanding. Thus, during 1965, 15 shares were outstanding for 73 days, 10 for 219 days, and 85 for 365 days. The earnings and profits (computed under paragraph (b) of this section) accumulated for X's taxable year ending on December 31, 1965, are $18,800. T's tentative ratable share with respect to one share of stock is $40, computed as follows:

| | |
|---|---|
| Earnings and profits accumulated for taxable year | $18,800 |
| Divided by: | |
| Number of shares deemed outstanding each day of 1965: | |
| 15 for 73 days (15×73/365) | 3 |
| 10 for 219 days (10×219/365) | 6 |
| 85 for 365 days (85×365/365) | 85 |
| Total number of shares deemed outstanding each day of 1965 | 94 |
| Earnings and profits accumulated per share | $200 |
| Multiplied by: | |
| Number of days in 1965 T held his share while X was a controlled foreign corporation (73), divided by number of days in 1965 (365) | 20% |
| T's tentative ratable share per share of stock | $40 |

*Example (3).* Assume the same facts as in example (2) except that X was not a controlled foreign corporation after January 31, 1965. T's tentative ratable share with respect to one share of stock for 1965 is $17, computed as follows:

| | |
|---|---|
| Earnings and profits accumulated per share, determined in example (2) | $200 |
| Multiplied by: | |
| Number of days in 1965 T held X stock while X was a controlled foreign corporation (31), divided by number of days in 1965 (365) | 8.5% |
| Tentative ratable share | $17 |

(4) *More than one class of stock.* If a foreign corporation for a taxable year has more than one class of stock outstanding, then before applying subparagraphs (1) and (2) of this paragraph the earnings and profits accumulated for the taxable year of the corporation (computed under paragraph (b) of this section) shall be allocated to each class of stock in accordance with the principles of paragraph (d)(2)(i) (*d*) and (*e*) of § 1.963–2, applied as if the corporation were a controlled foreign corporation on each day of such taxable year.

(d) *Tentative ratable share if deficit in earnings and profits accumulated for taxable year*—(1) *General rule.* For purposes of paragraph (a)(2)(ii) of this section, in respect of a share (or block) of stock in a foreign corporation, if there is a deficit in the earnings and profits accumulated for a taxable year of the corporation (computed under paragraph (b) of this section) beginning after December 31, 1962, the person's tentative ratable share for such taxable year shall be an amount equal to the sum of the partial tentative ratable shares computed under subparagraphs (2) and (3) of this paragraph.

(2) *Operating deficit.* The partial tentative ratable share under this subparagraph is computed in 2 steps. First, compute (under paragraph (b) of this section without regard to the adjustment for distributions under subparagraph (3) thereof) the deficit (if any) in earnings and profits accumulated for such taxable year. Second, compute the partial tentative ratable share in the same manner as the tentative ratable share for such taxable year would be computed under paragraph (c) of this section if such deficit were the amount referred to in paragraph (c)(1)(i)(*a*) of this section.

(3) *Deficit from distributions.* The partial tentative ratable share under this subparagraph is computed in 2 steps. First, compute and treat as a deficit only that portion of the adjustment for distributions under paragraph (b)(3) of this section for such taxable year which is attributable under subparagraph (4) of this paragraph to distributions out of earnings and profits accumulated during prior taxable years of the corporation beginning after December 31, 1962, during the period or periods the corporation was a controlled foreign corporation and the share (or block) of stock was owned by a United States shareholder (as defined in section 951(b) and the regulations thereunder). Second, compute the partial tentative ratable share for such taxable year in the same manner as the tentative ratable share for such taxable year would be computed under paragraph (c) of this section if (i) such deficit were the amount referred to in paragraph (c)(1)(i)(*a*) of this section, and (ii) the corporation were a controlled foreign corporation on each day of such taxable year.

(4) *Order of distributions.* For purposes of applying subparagraph (3) of this paragraph only, the adjustment for distributions under paragraph (b)(3) of this section for a taxable year of a foreign corporation shall be treated as attributable first to distributions of earnings and profits for the taxable year (computed under paragraph (b) of this section without regard to such adjustment) to the extent thereof, and then to distributions out of the most recent of earnings and profits accumulated during prior taxable years beginning after December 31, 1962 (computed under paragraph (b) of this section). If the foreign corporation was a controlled foreign corporation during a prior taxable year for a period or periods which was only part of such prior taxable year, then for purposes of the preceding sentence (i) such taxable year shall be divided into periods the corporation was or was not a controlled foreign corporation, (ii) distributions of the earnings and profits accumulated during such prior taxable year shall be considered made from the most recent period first, and (iii) the earnings and profits accumulated during such prior taxable year shall be allocated to a period during such year in the same proportion as the number of days in the period bears to the number of days in such year. Except for purposes of applying subparagraph (3) of this paragraph, the application of this subparagraph shall not affect the amount of earnings and profits accumulated for any such prior taxable year (computed under paragraph (b) of this section).

(5) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* On each day of 1965 X Corporation, which uses the calendar year as its taxable year, was a controlled foreign corporation having 100 shares of one class of stock outstanding, a block of 25 of which were owned by T, who acquired them in 1962 and sold them in 1967. The deficit in X's earnings and profits accumulated for 1965 (computed under paragraph (b) of this section without regard to the adjustment for distributions under subparagraph (3) thereof) is $100,000, and thus in respect of the block T's partial tentative ratable share computed under subparagraph (2) of this paragraph is a deficit of $25,000 (that is, $100,000×25/100). During 1965 X does not make any distributions in respect of its stock, and thus in respect of the block T's partial tentative ratable share computed under subparagraph (3) of this paragraph is zero. Accordingly, T's tentative ratable share in respect of the block of X stock for 1965 is a deficit of $25,000. If, however, X was a controlled foreign corporation for only 292 days during 1965, T's tentative ratable share in respect of the block for 1965 would be a deficit of $20,000 (that is, $25,000×292/365).

*Example (2).* (i) Assume the same facts as in example (1) except that at no time during 1965 is X a controlled foreign corporation and that during 1965 X distributes $80,000 with respect to its stock. Assume further that X was a controlled foreign corporation on each day of 1964, but only for the first 146 days of 1963, and that X's earnings and profits accumulated for prior taxable years computed under paragraph (b) of this section are $70,000 for 1964 and $20,000 for 1963.

(ii) Since X was not a controlled foreign corporation on any day of 1965, in respect of the block T's partial tentative ratable share computed under subparagraph (2) of this paragraph is zero.

(iii) The partial tentative ratable share under subparagraph (3) of this paragraph is computed in the following manner: For 1965 the adjustment for distributions under paragraph (b)(3) of this section is $80,000. Under subparagraph (4) of this paragraph $70,000 of such adjustment is attributable to the distribution of all of the earnings and profits accumulated during 1964, on every day of which X was a controlled foreign corporation, and $10,000 of the adjustment is attributable to the distribution of $10,000 of the earnings and profits accumulated by X in 1963 attributable to the first 146 days in 1963 during which X was a controlled foreign corporation is $8,000 (that is, $20,000×146/365), and the portion attributable to the period in 1963 during which X was not a controlled foreign corporation is $12,000 (that is, $20,000×219/365). Under subparagraph (4) (ii) of this paragraph, the distribution in 1965 of $10,000 of earnings and profits accumulated during 1963 is attributable to the more recent period in 1963, that is, the period X was not a controlled foreign corporation. Accordingly, the portion of the adjustment for distributions under paragraph (b)(3) of this section attributable to earnings and profits accumulated during periods X was a controlled foreign corporation is $70,000, and in respect of the block T's partial tentative ratable share under subparagraph (3) of this paragraph is a deficit of $17,500 (that is, $70,000×25/100).

(iv) T's tentative ratable share in respect of the block of X stock for 1965 is a deficit of $17,500 (that is, the sum of the partial tentative ratable share for the block computed under subparagraph (2) of this paragraph, zero, plus the partial tentative ratable share for the block computed under subparagraph (3) of this paragraph, a deficit of $17,500).

(v) Assume that X had 100 shares of one class of stock outstanding on each day of 1964 and 1963. Notwithstanding the distributions in 1965 of earnings and profits accumulated during 1964 and 1963 (computed under paragraph (b) of this section), nevertheless, in respect of the block T's tentative ratable share for 1964 is $17,500 (that is, earnings and profits accumulated during 1964 so computed of $70,000, multiplied by 25 shares/100 shares) and in respect of the block T's tentative ratable share for 1963 is $2,000 (that is, earnings and profits accumulated during 1963 so computed of $20,000, multiplied by 25 shares/100 shares, and multiplied by the percentage that the number of days in 1963 on which X was a controlled foreign corporation bears to the total number of days in 1963, 146/365).

*Example (3).* Assume the same facts as in example (2) except that X was a controlled foreign corporation on each day of 1965. The tentative ratable share with respect to the block of stock for 1965 is a deficit of $42,500, that is, the sum of the partial tentative ratable share under subparagraph (2) of this paragraph (as determined in example (1)), a deficit of $25,000, plus the partial tentative ratable share under subparagraph (3) of this paragraph (as determined in example (2)), a deficit of $17,500.

(6) *More than one class of stock.* If a foreign corporation for a taxable year has more than one class of stock outstanding, then before applying subparagraph (1) of this paragraph the earnings and profits accumulated for the taxable year of the corporation (computed under paragraph (b) of this section) shall be allocated to each class of stock in accordance with the principles of paragraph (d)(2)(i) (*d*) and (*e*) of § 1.963–2, applied as if the corporation were a controlled foreign corporation on each day of such taxable year.

(e) *Ratable share of earnings and profits accumulated for a taxable year*—(1) *In general.* For purposes of paragraph (a)(2)(iii) of this section, in respect of a share (or block) of stock in a foreign corporation, the person's ratable share of the earnings and profits accumulated for a taxable year beginning after December 31, 1962, shall be an amount equal to the tentative ratable share computed under paragraph (c) or

(d) (as the case may be) of this section, adjusted in the manner prescribed in subparagraphs (2) through (6) of this paragraph.

(2) *Amounts included in gross income under section 951.* (i) In respect of a share (or block) of stock in a foreign corporation, a person's tentative ratable share for a taxable year of the corporation (computed under paragraph (c) of this section) shall be reduced (but not below zero) by the excess of (*a*) the amount, if any, included (in respect of such corporation for such taxable year) under section 951 in the gross income of such person or (during the period such share, or block, was considered to be held by such person by reason of the application of section 1223) in the gross income of any other person who held such share (or block), over (*b*) the portion of such amount which, in any taxable year of such person or such other person, resulted in an exclusion from the gross income of such person or such other person of an amount under section 959(a)(1) (relating to exclusion from gross income of distributions of previously taxed earnings and profits). See section 1248(d)(1). This subdivision shall apply notwithstanding an election under section 962 by such person to be subject to tax at corporate rates.

(ii) The application of this subparagraph may be illustrated by the following example:

*Example.* On December 31, 1975, Brown sells one share of stock in X Corporation, a controlled foreign corporation which has never been a less developed country corporation (as defined in section 902(d)). Both Brown and X use the calendar year as the taxable year. In respect of his share, Brown's tentative ratable share for 1971 (computed under paragraph (c) of this section) is $35. In respect of his share, Brown included $4 in his gross income for 1971 under section 951, and the amount of $3, which was distributed to him by X on January 15, 1972, is excluded from Brown's gross income under section 959(a)(1). In respect of the stock, Brown's ratable share for 1971 is $34, determined as follows:

| | |
|---|---|
| Tentative ratable share | $35 |
| Minus: | |
| Excess of amount of tentative ratable share included in Brown's gross income under section 951 ($4), over portion thereof which resulted in exclusion under section 959(a)(1) ($3) | 1 |
| Ratable share | 34 |

(3) *Amounts included in gross income under section 551.* In respect of a share (or block) of stock in a foreign corporation, a person's tentative ratable share for a taxable year of the corporation (computed under paragraph (c) of this section) shall be reduced (but not below zero) by the amount, if any, included (in respect of such corporation for such taxable year) under section 551 in the gross income of such person or (during the period such share, or block, was considered to be held by such person by reason of the application of section 1223) in the gross income of any other person who held such share (or block).

(4) *Less developed country corporations.* (i) If the foreign corporation was a less developed country corporation as defined in section 902(d) for a taxable year of the corporation, and if the person who sold or exchanged a share (or block) of stock in such corporation satisfies the requirements of paragraph (a) of § 1.1248–5 in respect of such stock, then his ratable share for such taxable year shall be zero. See section 1248(d)(3).

(ii) The application of this subparagraph may be illustrated by the following example:

*Example.* Assume the same facts as in the example in subparagraph (2)(ii) of this paragraph except that X was a less developed country corporation for 1971. Assume further that Brown satisfies the requirements of paragraph (a) of § 1.1248–5. Brown's ratable share in respect of the stock for 1971 is zero.

(5) *Qualified shareholder of foreign investment company.* In respect of a share (or block) of stock in a foreign corporation which was a foreign investment company described in section 1246(b)(1), if the election under section 1247(a) to distribute income currently was in effect for a taxable year of the company, and if the person who sold or exchanged the stock (or another person who actually owned the stock during such taxable year and whose holding of the stock is attributed by reason of the application of section 1223 to the person who sold or exchanged the stock) was a qualified shareholder (as defined in section 1247(c)) for his taxable year in which or with which such taxable year of the company ends, then the ratable share in respect of the share (or block) for such taxable year of the company shall be zero. See section 1248(d)(5). In case gain is recognized under section 1246 in respect of a share (or block), see section 1248(f)(3)(B).

(6) *Adjustment for certain distributions.* If (i) the person who sold or exchanged the share or block (or another person who actually owned the share or block and whose holding of the share or block is attributed by reason of the application of section 1223 to such person) received a distribution during a taxable year of the corporation, and (ii) such distribution was not included in the gross income of such person (or such other person) by reason of the application of section 959(a)(1) to amounts which were included under section 951(a)(1) in the gross income of a United States shareholder whose holding of the share or block is not attributed by reason of the application of section 1223 to such person (or such other person), then the amount of such distribution shall be added to such person's tentative ratable share for such taxable year. Thus, for example, such tentative ratable share may be increased, or a deficit reduced, by the amount of such distribution.

(f) *Earnings and profits of subsidiaries of foreign corporations*—(1) *Application of paragraph.* (i) In respect of a person who sells or exchanges stock in a foreign corporation (referred to as a "first tier" corporation), the provisions of this paragraph shall apply if the following 3 conditions exist:

(*a*) The conditions of paragraph (a)(2) of § 1.1248–1 are satisfied by the person in respect of such stock;

(*b*) By reason of his ownership of such stock, on the date of such sale or exchange such person owned, within the meaning of section 958(a)(2), stock in another foreign corporation (referred to as a "lower tier" corporation); and

(*c*) The conditions of paragraph (a)(2) of § 1.1248–1 would be satisfied by such person in respect of such stock in the lower tier corporation if such person were deemed to have sold or exchanged such stock in the lower tier corporation on the date he actually sold or exchanged such stock in the first tier corporation.

(ii) If the provisions of this paragraph apply, (*a*) the person's tentative ratable share (or shares) of the earnings and profits accumulated by the lower tier corporation attributable to a taxable year of the first tier corporation shall be computed under subparagraph (2) or (4) of this paragraph, whichever is applicable, and (*b*) such person's ratable share (or shares) for the lower tier corporation attributable to a taxable year of the first tier corporation shall be computed under subparagraph (5) of this paragraph. For the manner of taking into account the ratable share for a lower tier corporation, see paragraph (a)(3) of this section.

(iii) The application of this subparagraph may be illustrated by the following example:

*Example.* On each day of 1964 and 1965 corporations X and Y are controlled foreign corporations, and each has outstanding 100 shares of one class of stock. On January 15, 1965, T, a United States person, owns one share of stock in X and X directly owns 20 shares of stock in Y. Thus, T owns, within the meaning of section 958(a)(2), stock in Y. On that date, T sells his share in X and satisfies the conditions of paragraph (a)(2) of § 1.1248–1 in respect of his stock in X. Assuming that the conditions of paragraph (a)(2) of § 1.1248–1 would be satisfied by T in respect of the stock he indirectly owns in Y if, on January 15, 1965, he were deemed to have sold such stock in Y, the provisions of this paragraph apply.

(2) *Tentative ratable share (of lower tier corporation attributable to a taxable year of first tier corporation) not less than zero.* If the provisions of this paragraph apply to a sale or exchange by a United States person of a share (or block) of stock in a first tier corporation, and if the amount of earnings and profits accumulated (computed under paragraph (b) of this section) for a taxable year (beginning after December 31, 1962) of the lower tier corporation is not less than zero, then in respect of the share (or block) such person's tentative ratable share of the earnings and profits accumulated for such taxable year of the lower tier corporation attributable to any taxable year (beginning after December 31, 1962) of such first tier corporation shall be an amount equal to—

(i) (*a*) Such amount of earnings and profits accumulated for such taxable year of the lower tier corporation (if the computation is made in respect of a block in the first tier corporation, multiplied by the number of shares in the block), divided by (*b*) the number of shares in the first tier corporation outstanding, or deemed under paragraph (c)(2) of this section to be outstanding, on each day of such taxable year of the first tier corporation, multiplied by

(ii) The percentage that (*a*) the number of days during the period or periods in such taxable year of the first tier corporation on which such person held (or was considered to have held by reason of the application of section 1223) the share (or block) in the first tier corporation while the first tier corporation owned (within the meaning of section 958(a)) stock of such lower tier corporation at times while such lower tier corporation was a controlled foreign corporation, bears to (*b*) the total number of days in such taxable year of the first tier corporation, multiplied by

(iii) The percentage that (*a*) the average number of shares in the lower tier corporation which were owned within the meaning of section 958(a) by the first tier corporation during such period or periods (referred to in subdivision (ii)(*a*) of this subparagraph), bears to (*b*) the total number of such shares outstanding, or deemed under the principles of paragraph (c)(2) of this section to be outstanding, during such period or periods, multiplied by

(iv) The percentage that (*a*) the number of days in such taxable year of the lower tier corporation which fall within the taxable year of the first tier corporation, bears to (*b*) the total number of days in such taxable year of the lower tier corporation.

(3) *Examples.* The application of subparagraph (2) of this paragraph may be illustrated by the following examples:

*Example (1).* In a year subsequent to 1969, Brown, a United States person, sells 5 of his shares of stock in X Corporation in a transaction as to which the provisions of this paragraph apply. Brown had purchased the 5 shares prior to 1969. On each day of 1969 X Corporation actually had 100 shares of one class of stock outstanding. On each such day X Corporation directly owned all of the shares of stock in Y Corporation, and Y Corporation directly owned all of the shares of stock in Z Corporation. Z Corporation on each such day was a controlled foreign corporation. Both X and Z use the calendar year as the taxable year. Z's earnings and profits accumulated for 1969 (computed under paragraph (b) of this section) are $2,000. Brown's tentative ratable share of the earnings and profits accumulated by Z attributable to the 1969 calendar year of X is $20 per share, computed as follows:

| | |
|---|---|
| (1) Z's earnings and profits for 1969 ($2,000), divided by the number of shares in X deemed outstanding each day of 1969 (100) | $20 |
| Multiplied by: | |
| (ii) Since on each day of 1969 Brown (by reason of owning directly his shares in X) owned, within the meaning of section 958(a)(2), stock in Z while Z was a controlled foreign corporation, the percentage determined under subparagraph (2)(ii) of this paragraph equals | 100% |
| Multiplied by: | |
| (iii) Since on each day of 1969 X owned 100 percent of the stock of Y while Y owned 100 percent of the stock in Z, the percentage determined under subparagraph (2)(iii) of this paragraph equals | 100% |
| Multiplied by: | |
| (iv) Since X and Z each use the same taxable year, the percentage determined under subparagraph (2)(iv) of this paragraph equals | 100% |
| Total | $20 |

*Example (2).* Assume the same facts as in example (1), except that Brown sold his stock in X on October 19, 1969. Brown's tentative ratable share of the earnings and profits accumulated by Z attributable to the 1969 calendar year of X is $16 per share, computed as follows:

| | |
|---|---|
| (1) The amount determined in subdivision (i) of example (1) | $20 |
| Multiplied by: | |
| (ii) The number of days in the period during 1969 Brown (by reason of owning directly his stock in X) owned, within the meaning of section 958(a)(2), his stock in Z while Z was a controlled foreign corporation (292), divided by the number of days in 1969 (365), equals | 80% |
| Multiplied by: | |
| (iii) The percentage determined in subdivision (iii) of example (1) | 100% |
| Multiplied by: | |
| (iv) The percentage determined in subdivision (iv) of example (1) | 100% |
| Total | $16 |

*Example (3).* Assume the same facts as in examples (1) and (2), except that on each day during 1969 Y owned (within the meaning of section 958(a)(2)) 81 of the 100 shares of Z's outstanding stock. Brown's tentative ratable share of the earnings and profits accumulated by Z attributable to the 1969 calendar year of X is $12.96 per share, computed as follows:

| | |
|---|---|
| (1) The amount determined in subdivision (i) of example (1) | $20 |
| Multiplied by: | |
| (ii) The percentage determined in subdivision (ii) of example (2) | 80% |
| Multiplied by: | |
| (iii) The average number of shares in Z which were owned (within the meaning of section 958(a)) by X during the applicable period (81), divided by the total number of shares in Z during such period (100) | 81% |
| Multiplied by: | |
| (iv) The percentage determined in subdivision (iv) of example (1) | 100% |
| Total | $12.96 |

The result would be the same if X owned (within the meaning of section 958(a)(2)) 81 percent of the stock in Y while Y so owned 100 percent of the stock in X, or if X so owned 90 percent of the stock in Y while Y so owned 90 percent of the stock in Z.

*Example (4).* Assume the same facts as in example (3), except that Z Corporation uses a fiscal year ending June 30 as its taxable year. Assume further that Z's earnings and profits accumulated for its fiscal year ending June 30, 1969, and for its fiscal year ending June 30, 1970, are $3,000 and $2,000, respectively. Brown's tentative ratable share of the earnings and profits accumulated by Z attributable to the 1969 calendar year of X is $16.17 per share, computed as follows:

| | *In respect of Z's taxable year ending* June 30, 1969 | June 30, 1970 |
|---|---|---|
| (1) Z's earnings and profits, divided by the number of shares in X deemed outstanding on each day of 1969: | | |
| $3,000/100 | $30 | |
| $2,000/100 | | $20 |
| Multiplied by: | | |
| (ii) The percentage determined in subdivision (ii) of example (2) | 80% | 80% |
| Multiplied by: | | |
| (iii) The percentage determined in subdivision (iii) of example (3) | 81% | 81% |
| Multiplied by: | | |
| (iv) Number of days in Z's taxable year which fall within 1969, divided by total number of days in Z's taxable year: | | |
| 181/365 | 49.6% | |
| 184/365 | | 50.4% |
| Totals | $9.64 | $6.53 |
| (v) Sum of tentative ratable shares of Z attributable to X's 1969 calendar year: | | |
| For Z's taxable year ending | | |
| June 30, 1969 | $9.64 | |
| June 30, 1970 | 6.53 | |
| Sum | $16.17 | |

(4) *Deficit in tentative ratable share of lower tier corporation attributable to a taxable year of first tier corporation.* (i) If there is a deficit in the earnings and profits accumulated for a taxable year of a lower tier corporation beginning after December 31, 1962 (computed under paragraph (b) of this section), the person's tentative ratable share for such taxable year of such lower tier corporation attributable to a taxable year of a first tier corporation shall not be computed under subparagraph (2) of this paragraph but shall be an amount equal to the sum of the partial tentative ratable shares computed under subdivisions (ii) and (iii) of this subparagraph.

(ii) The partial tentative ratable share under this subdivision is computed in 2 steps. First, compute (under paragraph (b) of this section without regard to the adjustments for distributions under subparagraph (3) thereof) the deficit (if any) in earnings and profits accumulated for such taxable year of such lower tier corporation. Second, compute the partial tentative ratable share in the same manner as such tentative ratable share would be computed under subparagraph (2) of this paragraph if such deficit were the amount referred to in subparagraph (2)(i)(*a*) of this paragraph.

(iii) The partial tentative ratable share under this subdivision is computed in 2 steps. First, compute and treat as a deficit the portion of the adjustment for distributions under paragraph (b)(3) of this section for such taxable year which is attributable under paragraph

(d)(4) of this section to distributions of earnings and profits accumulated during prior taxable years of the lower tier corporation beginning after December 31, 1962, during the period or periods such lower tier corporation was a controlled foreign corporation and the percentage of the stock of such lower tier corporation (which the person owns within the meaning of section 958(a)(2)) was owned within the meaning of section 958(a) by a United States shareholder (as defined in section 951(b) and the regulations thereunder). Second, compute the partial tentative ratable share in the same manner as such tentative ratable share would be computed under subparagraph (2) of this paragraph if (*a*) such deficit were the amount referred to in subparagraph (2)(i)(*a*) of this paragraph, and (*b*) such lower tier corporation were a controlled foreign corporation on each day of such taxable year.

(5) *Ratable share of lower tier corporation attributable to a first tier corporation.* (i) If the provisions of this paragraph apply in respect of a share of stock in a first tier corporation, a person's ratable share of the earnings and profits accumulated by the lower tier corporation attributable to a taxable year of the first tier corporation shall be an amount equal to the tentative ratable share computed under subparagraph (2) or (4) of this paragraph, adjusted in the manner prescribed in this subparagraph.

(ii) If the first tier corporation and the lower tier corporation use the same taxable year, then in respect of a share (or block) of stock in the first tier corporation the person's tentative ratable share of the accumulated earnings and profits of the lower tier corporation attributable to the taxable year of the first tier corporation (computed under subparagraph (2) of this paragraph) shall be reduced (but not below zero) by the excess of (*a*) the amount, if any, included (in respect of such lower tier corporation for its taxable year) under section 951 in the gross income of such person or during the period such stock was considered to be held by such person by reason of the application of section 1223) in the gross income of any other person who held such stock, over (*b*) the portion of such amount which, in any taxable year of such person or such other person, resulted in an exclusion from the gross income of such person or such other person of an amount under section 959(a)(1). For an illustration of the principles in the preceding sentence, see the example in paragraph (e)(2)(ii) of this section.

(iii) If the first tier corporation and the lower tier corporation do not use the same taxable year, and if there would be an excess computed under subdivision (ii) of this subparagraph in respect of a taxable year of the lower tier corporation (were the taxable years of such corporations the same), then such person's tentative ratable share of the accumulated earnings and profits for a taxable year of the lower tier corporation attributable to such taxable year of the first tier corporation shall be reduced (but not below zero) by an amount which bears the same ratio to (*a*) such excess, as (*b*) the number of days in the taxable year of the lower tier corporation which fall within the taxable year of the first tier corporation, bears to (*c*) the total number of days in the taxable year of the first tier corporation.

(iv) If the first tier corporation and the lower tier corporation use the same taxable year, then in respect of a share (or block) of stock in the first tier corporation the person's tentative ratable share of the accumulated earnings and profits of the lower tier corporation attributable to the taxable year of the first tier corporation (computed under subparagraph (2) of this paragraph) shall be reduced (but not below zero) by the amount, if any, included (in respect of such corporation for such taxable year) under section 551, by reason of the application of section 555(b), in the gross income of such person or (during the period such share (or block) was considered to be held by such person by reason of the application of section 1223) in the gross income of any other person who held such share (or block).

(v) If the first tier corporation and the lower tier corporation do not use the same taxable year, and if there would be a reduction in the person's tentative ratable share of the accumulated earnings and profits of the lower tier corporation attributable to the taxable year of the first tier corporation by an amount computed under subdivision (iv) of this subparagraph in respect of a taxable year of the lower tier corporation (were the taxable years of such corporations the same), then such person's tentative ratable share of the accumulated earnings and profits for a taxable year of the lower tier corporation attributable to such taxable year of the first tier corporation shall be reduced by an amount which bears the same ratio to (*a*) such amount, as (*b*) the number of days in the taxable year of the lower tier corporation which fall within the taxable year of the first tier corporation, bears to (*c*) the total number of days in the taxable year of the first tier corporation.

(vi) If the lower tier corporation was a less developed country corporation as defined in section 902(d) for a taxable year of the corporation, see paragraph (g) of this section.

(g) *Lower tier corporation a less developed country corporation*—(1) *General.* If the lower tier corporation was a less developed country corporation as defined in section 902(d) for a taxable year of such corporation, and if the person who sold or exchanged a share (or block) of stock in the first tier corporation satisfies on the date of such sale or exchange—

(i) The requirements of paragraph (a)(1) of § 1.1248–5 with respect to such stock, and

(ii) The requirements of paragraph (d)(1) of § 1.1248–5 with respect to any stock of the lower tier corporation which such person, by reason of his direct ownership of such stock in the first tier corporation, owned within the meaning of section 958(a)(2),

then such person's ratable share (or a deficit in such ratable share) for such taxable year of the lower tier corporation attributable to a taxable year of the first tier corporation (determined without regard to this paragraph) shall be reduced by an amount computed by multiplying such ratable share (so determined without regard to this paragraph) by the percentage computed under either subparagraph (2) or (4) of this paragraph, whichever is applicable.

(2) *Percentage for second tier corporation.* For purposes of subparagraph (1) of this paragraph, if stock of a lower tier corporation (hereinafter referred to as a "second tier" corporation) is owned directly by the first tier corporation on the date of the sale or exchange referred to in such subparagraph (1), the percentage under this subparagraph shall be computed by dividing (i) the number of shares of stock of the second tier corporation which the first tier corporation has owned directly for an uninterrupted 10-year period ending on such date, by (ii) the total number of shares of the stock of such second tier corporation owned directly by such first tier corporation on such date.

(3) *Examples.* The provisions of subparagraph (2) of this paragraph may be illustrated by the following examples:

*Example (1).* On January 1, 1966, Smith, a United States person, recognizes gain upon the sale of one share of the only class of stock of F Corporation, which he has owned continuously since 1955. He includes a portion of the gain in his gross income as a dividend under section 1248(a). On January 1, 1966, F owns directly 60 shares of the 100 outstanding shares of the only class of stock of G Corporation, which F acquired in 1955 and owned continuously until such sale. F uses a taxable year ending June 30, and G uses the calendar year as the taxable year. For 1964, G was a less developed country corporation, and on each day of 1964 G was a controlled foreign corporation. Smith's ratable share for G's taxable year ending December 31, 1964, attributable to F's taxable year ending June 30, 1965 (determined without regard to this paragraph) is $6.00. Since the percentage computed under subparagraph (2) of this paragraph is 100 percent (60 shares divided by 60 shares), Smith's ratable share for G's taxable year ending December 31, 1964, attributable to F's taxable year ending June 30, 1965 (after the application of subparagraph (2) of this paragraph) is zero (that is, $6.00 reduced by 100 percent of $6.00).

*Example (2).* Assume the same facts as in example (1) except that of the 60 shares of G Corporation which F Corporation owned on January 1, 1966, 20 shares were acquired in 1961. The percentage computed under subparagraph (2) of this paragraph is 66⅔ percent (40 shares divided by 60 shares). Accordingly, Smith's ratable share for G's taxable year ending December 31, 1964, attributable to F's taxable year ending June 30, 1965 (after the application of subparagraph (2) or this paragraph) is $2.00 (that is, $6.00 reduced by 66⅔ percent of $6.00).

(4) *Percentage for lower tier corporations other than second tier corporation.* For purposes of subparagraph (1) of this paragraph, if stock of a lower tier corporation (other than a second tier corporation) is owned within the meaning of section 958(a)(2) by the first tier corporation on the date of the sale or exchange referred to in such subparagraph (1), the percentage under this subparagraph shall be computed in the following manner:



(i) First, determine the percentage for the second tier corporation in accordance with subparagraph (2) of this paragraph.

(ii) Second, determine a partial percentage for each other lower tier corporation in the same manner as the percentage for the second tier corporation is determined. Thus, for example, the partial percentage for a third tier corporation is determined by dividing (*a*) the number of shares of stock of the third tier corporation which the second tier corporation has owned directly for an uninterrupted 10-year period ending on the date of the sale or exchange referred to in subparagraph (1) of this paragraph, by (*b*) the total number of shares of stock of such third tier corporation owned directly by such second tier corporation on such date.

(iii) Third, the percentage for a third tier corporation is the percentage for the second tier corporation multiplied by the partial percentage for the third tier corporation. The percentage for a fourth tier corporation is the percentage for the third tier corporation (as determined in the preceding sentence) multiplied by the partial percentage for the fourth tier corporation. In a similar manner, the percentage for any other lower tier corporation may be determined.

(5) *Example.* The application of subparagraph (4) of this paragraph may be illustrated by the following example:

*Example.* On January 1, 1967, Brown, a United States person recognizes gain upon the sale of one share of the only class of stock of W Corporation, which he has owned continuously since 1955. He includes a portion of the gain in his gross income as a dividend under section 1248(a). W is the first tier corporation of a chain of foreign corporations W, X, Y, and Z. W and Z each use the calendar year as the taxable year. For 1964, Z was a less developed country corporation and on each day of 1964 Z was a controlled foreign corporation. Additional facts are set forth in the table below:

| Corporation | Shares directly owned by preceding tier— | | Column (2) divided by column (3) (percent) |
|---|---|---|---|
| | For uninterrupted 10-year period ending Jan. 1, 1967 | On Jan. 1, 1967 | |
| (1) | (2) | (3) | (4) |
| X | 40 | 60 | 66⅔ |
| Y | 30 | 40 | 75 |
| Z | 20 | 30 | 66⅔ |

For 1964, the percentage referred to in subparagraph (4) of this paragraph for Z is 33⅓ percent (66⅔% × 75% × 66⅔%).

(6) *Special rule.* For purposes of applying the provisions of this paragraph, a lower tier corporation may be treated as a second tier corporation with respect to any of its stock which is owned directly by a first tier corporation whereas such lower tier corporation may be treated as a lower tier corporation other than a second tier corporation with respect to other stock in such lower tier corporation which is owned (within the meaning of section 958(a)(2)) by such first tier corporation. Thus, for example, if corporations X, Y, and Z are foreign corporations, X is a first tier corporation owning directly 100 percent of the stock of Y and 40 percent of the stock of Z, and in addition Y owns directly 60 percent of the stock of Z, then the 40 percent of the Z stock (which X owns directly) is considered to be stock in a second tier corporation and the 60 percent of the Z stock (which Y owns directly and which X is considered to own within the meaning of section 958(a)(2)) is considered to be stock in a third tier corporation.

### § 1.1248–4 Limitation on tax applicable to individuals.

(a) *General rule*—(1) *Limitation on tax.* Under section 1248(b), if during a taxable year an individual sells or exchanges stock in a foreign corporation, then in respect of the stock the increase in the individual's income tax liability for such taxable year which is attributable (under paragraph (b) of this section) to the amount included in his gross income as a dividend under section 1248(a) shall not be greater than an amount equal to the sum of—

(i) The excess, computed under paragraph (c) of this section in respect of the stock, of the United States taxes which would have been paid by the corporation over the taxes (including United States taxes) actually paid by the corporation, plus

(ii) An amount equal to the increase in the individual's income tax liability which would be attributable to the inclusion in his gross income for such taxable year, as long-term capital gain, of an amount equal to the excess of (*a*) the amount included in the individual's gross income as a dividend under section 1248(a) in respect of such stock, over (*b*) the excess referred to in subdivision (i) of this subparagraph.

(2) *Share or block.* In general, the limitation on tax attributable (under paragraph (b) of this section) to the amount included in an individual's gross income as a dividend under section 1248(a) shall be determined separately for each share of stock sold or exchanged. However, such determination may be made in respect of a block of stock if earnings and profits attributable to the block are computed under § 1.1248–2 or 1.1248–3. See paragraph (b) of § 1.1248–2 and paragraph (a)(5) of § 1.1248–3.

(3) *Application of limitation.* The provisions of subparagraph (1) of this paragraph shall not apply unless the individual establishes—

(i) In the manner prescribed in § 1.1248–7, the amount of the earnings and profits of the corporation attributable under paragraph (a)(1) of § 1.1248–2 or under paragraph (a)(1) of § 1.1248–3, whichever is applicable, to the stock, and

(ii) The amount equal to the sum described in subparagraph (1) of this paragraph, computed in accordance with the provisions of this section.

(4) *Example.* The provisions of this paragraph may be illustrated by the following example:

*Example.* On December 31, 1966, Smith, a United States person, sells a share of stock of X Corporation which he has owned continuously since December 31, 1965, and includes $100 of the gain on the sale in his gross income as a dividend under section 1248(a). Both X and Smith use the calendar year as the taxable year. The increase in Smith's income tax liability for 1966 which is attributable (under paragraph (b) of this section) to the inclusion of the $100 in his gross income as a dividend is $70. X was a controlled foreign corporation on each day of 1966. The excess, computed under paragraph (c) of this section in respect of the share, of the United States taxes which X would have paid over the taxes (including United States taxes) actually paid by X is $49. Under section 1248(b), the limitation on the tax attributable to the $100 included by Smith in his gross income as a dividend under section 1248(a) is $61.75, computed as follows:

| | |
|---|---|
| (i) Excess, computed under paragraph (c) of this section, of United States taxes which X Corporation would have paid in 1966 over the taxes actually paid by X in 1966 | $49.00 |
| (ii) The amount determined under subparagraph (1)(ii) of this paragraph: | |
| The amount Smith included in his gross income as a dividend under section 1248(a) | $100.00 |
| Less the excess referred to in subdivision (i) of this example | 49.00 |
| Difference | 51.00 |
| Increase in Smith's tax liability attributable to including $51 in his gross income as long-term capital gain (25 percent of $51) | 12.75 |
| (iii) Limitation on tax | 61.75 |

(b) *Tax attributable to amount treated as dividend*—(1) *General.* For purposes of paragraph (a)(1) of this section, in respect of a share (or block) of stock in a foreign corporation sold or exchanged by an individual during a taxable year, the tax attributable to the amount included in his gross income as a dividend under section 1248(a) shall be the amount which bears the same ratio to (*i*) the excess of (*a*) his income tax liability for the taxable year determined without regard to section 1248(b) over (*b*) such tax liability determined as if the portion of the total gain recognized during the taxable year which is treated as a dividend under section 1248(a) had not been recognized, as (*ii*) the amount included as a dividend under section 1248(a) in respect of the share (or block), bears to (*iii*) the total amount included as a dividend under section 1248(a) in the individual's gross income for such taxable year.

(2) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* (i) During 1963, Brown, an unmarried United States person, sells a block of stock in a controlled foreign corporation. On the sale, he recognizes $22,000 gain, of which $18,000 is treated as a dividend under section 1248(a) and $4,000 as long-term capital gain. Brown computes his income tax liability for his taxable year ending December 31, 1963, under section 1201 (relating to alternative tax) in accordance with the additional facts assumed in the following table:

| | Computation of income tax liability without regard to section 1248(b) | Computation of income tax liability as if the gain treated as a dividend under section 1248(a) had not been recognized |
|---|---|---|
| Income from salary | $300,000 | $300,000 |
| Long-term capital gain resulting from sale of stock, less deduction for capital gains under section 1202 ($4,000 less $2,000) | 2,000 | 2,000 |
| Amount treated as a dividend under section 1248(a) | 18,000 | 0 |
| Adjusted gross income | 320,000 | 302,000 |
| Charitable contribution of $100,000 to church (limited under section 170(b) to 30 percent of adjusted gross income) | (96,000) | (90,600) |
| Other itemized deductions and personal exemption | (7,700) | (7,700) |
| Taxable income | 216,300 | 203,700 |
| Less 50 percent of $4,000 | 2,000 | 2,000 |
| Amount subject to partial tax under section 1201(b)(1) | 214,300 | 201,700 |
| Partial tax | 169,833 | 158,367 |
| 25 percent of $4,000 | 1,000 | 1,000 |
| Tax liability | 170,833 | 159,367 |

(ii) The tax attributable to the $18,000 treated as a dividend under section 1248(a) is $11,466 ($170,833 minus $159,367).

*Example (2).* Assume the same facts as in example (1) except that the $18,000 treated as a dividend under section 1248(a) is attributable to the sale of a block of stock in X Corporation and a block of stock in Y Corporation. Assume further that $10,000 of the gain on the block of X stock was treated as a dividend and that $8,000 of the gain on the block of Y stock was treated as a dividend. Thus, the tax attributable to the amount treated as a dividend in respect of the block of X stock is $6,370 ($10,000/$18,000 of $11,466) and the amount in respect of the block of Y stock is $5,096 ($8,000/$18,000 of $11,466). The result would be the same if both blocks of stock were blocks of stock in the same corporation.

(c) *Excess (of United States taxes which would have been paid over taxes actually paid) attributable to a share (or block)*—(1) *General.* For purposes of paragraph (a)(1)(i) of this section—

(i) The term "taxes" means income, war profits, or excess profits taxes, and

(ii) The excess (and the portion of such excess attributable to an individual's share or block of stock in a foreign corporation) of the United States taxes which would have been paid by the corporation over the taxes (including United States taxes) actually paid by the corporation, for the period or periods the stock was held (or was considered to be held by reason of the application of section 1223) by the individual in taxable years of the corporation beginning after December 31, 1962, while the corporation was a controlled foreign corporation, shall be computed in accordance with the steps set forth in subparagraphs (2), (3), and (4) of this paragraph.

(2) *Step 1.* For each taxable year of the corporation beginning after December 31, 1962, in respect of the individual's share (or block) of such stock (i) the taxable income of the corporation shall be computed in the manner prescribed in paragraph (d) of this section, and (ii) the excess (and the portion of such excess attributable to the stock) of the United States taxes which would have been paid by the corporation on such taxable income over the taxes (including United States taxes) actually paid by the corporation shall be computed in the manner prescribed in paragraph (e) of this section.

(3) *Step 2.* If during such taxable year the corporation is a first tier corporation to which paragraph (f) of this section applies, (i) the excess (and the portion of such excess attributable to the individual's share, or block, of stock in the first tier corporation) of the United States taxes which would have been paid by any lower tier corporation over the taxes (including United States taxes) actually paid by such lower tier corporation shall be computed under paragraph (f) of this section, and (ii) such portion shall be added to the portion of the excess attributable to the individual's share (or block) of such stock as determined in step 1 for such taxable year.

(4) *Step 3.* The excess, in respect of the individual's share (or block), of the United States taxes which would have been paid by the corporation over the taxes actually paid by the corporation shall be the sum of the portions computed for each such taxable year in the manner prescribed in steps 1 and 2.

(d) *Taxable income.* For purposes of paragraph (c)(2)(i) of this section, taxable income shall be computed in respect of an individual's share (or block) in accordance with the following rules:

(1) *Application of principles of § 1.952–2.* Except as otherwise provided in this paragraph, the principles of paragraphs (a)(1), (b)(1), and (c) of § 1.952–2 (other than subparagraphs (2)(iii)(*b*), (2)(v), (5)(i), and (6) of such paragraph (c)) shall apply.

(2) *Effect of elections.* In respect of a taxable year of a foreign corporation, no effect shall be given to an election or an adoption of accounting method unless for such taxable year effect is given to such election or adoption of accounting method under paragraph (d)(1) of § 1.1248–2 or paragraph (b)(1) of § 1.1248–3, whichever is applicable.

(3) The deductions for certain dividends received provided in sections 243, 244, and 245 shall not be allowed.

(4) *Deduction for taxes.* In computing the amount of the deduction allowed under section 164, there shall be excluded income, war profits, or excess profits taxes paid or accrued which are imposed by the authority of any foreign country or possession of the United States.

(5) *Capital loss carryover.* In determining the amount of a net capital loss to be carried forward under section 1212 to the taxable year—

(i) No net capital loss shall be carried forward from a taxable year beginning before January 1, 1963.

(ii) The portion of a net capital loss or a net capital gain for a taxable year beginning after December 31, 1962, which shall be taken into account shall be the amount of such loss or gain (as the case may be), multiplied by the percentage which (*a*) the number of days in such taxable year during which the individual held (or was considered to have held by reason of the application of section 1223) the share (or block) of stock sold or exchanged while the corporation was a controlled foreign corporation, bears to (*b*) the total number of days in such taxable year.

(iii) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* Corporation X is a foreign corporation which was created on January 1, 1963, and which uses the calendar year as its taxable year. X was a controlled foreign corporation on each day of the period March 15, 1963, through December 31, 1965, but was not a controlled foreign corporation on any day during the period January 1, 1963, through March 14, 1963. On December 31, 1965, Smith, a United States person, sells a share of X stock which he has owned continuously since January 1, 1963. A portion of the gain recognized on the sale is includible in Smith's gross income as a dividend under section 1248(a). X had a net capital loss (determined without regard to subchapter N, chapter 1 of the Code) of $200 for 1963. Since, however, X was a controlled foreign corporation for only 292 days in 1963, for purposes of determining the net capital loss carryover to 1964 the portion of the net capital loss of $200 for 1963 which Smith takes into account under subdivision (ii) of this subparagraph is $160 (292/365 of $200), and, accordingly, the amount of the net capital loss carryover to 1964 is $160.

*Example (2).* Assume the same facts as in example (1), except that X was not a controlled foreign corporation on any day of the period May 26, 1964, through June 30, 1965. Assume further that X had a net capital gain (determined without regard to subchapter N, chapter 1, of the Code) of $160 for 1964. In computing X's taxable income for 1964 under this paragraph, Smith applies the net capital loss carryover of $160 from 1963 to reduce the net capital gain of $160 for 1964 to zero. Since, however, X was a controlled foreign corporation for only 146 days in 1964, for purposes of computing the portion of the 1963 capital loss of $160 which is a net capital loss carryover to 1965, the portion of the 1964 capital gain which Smith takes into account under subdivision (ii) of this subparagraph is $63.83 (146/366 of $160). Thus, the net capital loss carryover to 1965 is $96.17 ($160 minus $63.83).

(6) *Net operating loss deduction.* (i) The individual shall reduce the taxable income (computed under subparagraphs (1) through (5) of this paragraph) of the corporation for the taxable year by the amount of the net operating loss deduction of the corporation computed under section 172, as modified in the manner prescribed in this subparagraph.

(ii) The rules of subparagraphs (1) through (5) of this paragraph shall apply for purposes of determining the excess referred to in section 172(c) and the taxable income referred to in section 172(b)(2).

(iii) A net operating loss shall not be carried forward from, or carried back to, a taxable year beginning before January 1, 1963.

(iv) The portion of a net operating loss incurred, or of taxable income earned, in a taxable year beginning after December 31, 1962, which shall be taken into account under section 172(b)(2) shall be the amount of such loss or income (as the case may be), multiplied by



the percentage which (*a*) the number of days in such taxable year during which the individual held (or was considered to have held by reason of the application of section 1223) the share (or block) of stock sold or exchanged while the corporation was a controlled foreign corporation, bears to (*b*) the total number of days in such taxable year.

(v) For illustrations of the principles of this subparagraph, see the examples relating to net capital loss carryovers in subparagraph (5)(iii) of this paragraph.

(7) *Adjustment for amount previously included in gross income of United States shareholders.* In respect of the individual's share (or block) of stock sold or exchanged, the taxable income of the corporation for the taxable year (determined without regard to this subparagraph and subparagraph (8) of this paragraph) shall be reduced (but not below zero) by an amount equal to the sum of the amounts included under section 951 in the gross income of United States shareholders (as defined in section 951(b)) of the corporation for the taxable year.

(8) *Adjustment for distributions.* In respect of the individual's share (or block) of stock sold or exchanged, the taxable income of the corporation for the taxable year (determined without regard to this subparagraph) shall be reduced (but not below zero) by the amount of the distributions (other than in redemption of stock under section 302(a) or 303) made by the corporation out of earnings and profits of such taxable year (within the meaning of section 316(a)(2)). For purposes of the preceding sentence, distributions shall be taken into account only to the extent not excluded from the gross income of the United States shareholders of the corporation under section 959.

(e) *Excess attributable to a share (or block) of stock*—(1) *Excess of United States taxes which would have been paid over taxes actually paid.* For purposes of paragraph (c)(2)(ii) of this section, in respect of a taxable year of a foreign corporation, the portion of the excess under this subparagraph which is attributable to an individual's share (or block) of such stock shall be an amount equal to—

(i) The excess (if any) of (*a*) the United States taxes which would have been paid by the corporation on its taxable income (computed under paragraph (d) of this section) for the taxable year had it been taxed as a domestic corporation under chapter 1 of the Code (but without regard to subchapters F, G, H, L, M, N, S, and T thereof) for such taxable year, over (*b*) the income, war profits, or excess profits taxes actually paid by the corporation during such taxable year (including such taxes paid to the United States),

(ii) Multiplied by the percentage that (*a*) the number of days in such taxable year of the corporation during the period or periods the share (or block) was held (or was considered as held by reason of the application of section 1223) by the individual while the corporation was a controlled foreign corporation, bears to (*b*) the total number of days in such taxable year,

(iii) If the computation is made in respect of a block, multiplied by the number of shares in the block, and

(iv) Divided by the number of shares in the corporation outstanding, or deemed under paragraph (c)(2) of § 1.1248–3 to be outstanding, on each day of such taxable year.

(2) *Example.* The provisions of this paragraph may be illustrated by the following example:

*Example.* (i) Jones, a United States person, owns on each day of 1963 10 shares of the 100 shares of the only class of outstanding stock of X corporation. He sells one of such shares on December 31, 1963. X Corporation is a controlled foreign corporation on each day of 1963 and Jones and X each use the calendar year as the taxable year. For 1963, the excess of the United States taxes which would have been paid by X had it been taxable as a domestic corporation over the taxes (including United States taxes) actually paid by X is $23,500, computed as follows:

| | |
|---|---|
| Amount subject to partial tax under section 1201(a)(1), as computed by Jones: | |
| Taxable income | $300,000 |
| Less excess of net long-term capital gain over net short-term capital loss | 100,000 |
| Amount subject to partial tax | 200,000 |
| Excess determined under subparagraph (1)(i) of this paragaph: | |
| 30 percent × $25,000 | $7,500 |
| 52 percent × $175,000 | 91,000 |
| Partial tax | 98,500 |
| 25 percent × $100,000 | 25,000 |
| United States taxes X would have paid (alternative tax computed under section 1201(a)) | 123,500 |
| Less income taxes X actually paid to: | |
| United States | $10,000 |
| Foreign countries | 90,000 |
| Total | 100,000 |
| Excess | 23,500 |
| Multiplied by: | |
| Percentage determined under subparagraph (1)(ii) of this paragraph: Since on each day of 1963, Jones held the share of X stock while X was a controlled foreign corporation, the percentage equals | 100% |
| Total | 23,500 |

(ii) The portion of the excess determined in subdivision (i) of this example which is attributable to the share held by Jones is $235, that is, the amount of such excess ($23,500), divided by the number of shares of X deemed to be outstanding on each day of 1963 (100).

(3) *More than one class of stock.* If a foreign corporation for a taxable year has more than one class of stock outstanding, then before applying subparagraph (1) of this paragraph the excess (if any) which would be determined under subparagraph (1)(i) of this paragraph shall be allocated to each class of stock in accordance with the principles of paragraph (d)(2)(i) (*d*) and (*e*) of § 1.963–2, applied as if the corporation were a controlled foreign corporation on each day of such taxable year.

(f) *Subsidiaries of foreign corporations*—(1) *Excess for lower tier corporation attributable to taxable year of first tier corporation.* For purposes of paragraph (c)(3) of this section, if the provisions of paragraph (a)(3) of § 1.1248–2 or paragraph (f) of § 1.1248–3 apply in the case of the sale or exchange by an individual of a share (or block) of stock in a first tier corporation, then in respect of a taxable year of a lower tier corporation (beginning after December 31, 1962) which includes at least one day which falls within a taxable year of the first tier corporation (beginning after December 31, 1962), the portion of the excess under this subparagraph attributable to the share shall be an amount equal to—

(i) The excess (if any) of (*a*) the United States taxes which would have been paid by the lower tier corporation on its taxable income (computed under paragraph (g) of this section) for such taxable year of the lower tier corporation had it been taxed as a domestic corporation under chapter 1 of the Code (but without regard to subchapters F, G, H, L, M, N, and T thereof) for such taxable year of the lower tier corporation, over (*b*) the income, war profits, or excess profits taxes actually paid by the lower tier corporation during such taxable year (including such taxes paid to the United States),

(ii) Multiplied by each of the percentages described under paragraph (f)(2)(ii), (iii), and (iv) of § 1.1248–3 in respect of such taxable year of the first tier corporation,

(iii) If the computation is made in respect of a block of stock, multiplied by the number of shares in the block, and

(iv) Divided by the number of shares in the first tier corporation outstanding, or deemed under paragraph (c)(2) of § 1.1248–3 to be outstanding, on each day of such taxable year of the first tier corporation.

(2) *More than one class of stock.* If a foreign corporation for a taxable year has more than one class of stock outstanding, then before applying subparagraph (1) of this paragraph the principles of paragraph (e)(3) of this section shall apply.

(g) *Taxable income of lower tier corporations*—(1) *General.* For purposes of paragraph (f)(1)(i) of this section, in respect of the individual's share (or block) the taxable income of a lower tier corporation shall be computed in the manner provided in paragraph (d) of this section, except as provided in this paragraph.

(2) *Capital loss carryover.* For purposes of subparagraph (1) of this paragraph, the provisions of paragraph (d)(5)(ii) of this section shall not apply. In determining the amount of a net capital loss to be carried forward under section 1212 to the taxable year of a lower tier corporation, the portion of a net capital loss or a net capital gain for a taxable year of the lower tier corporation beginning after December 31, 1962, which shall be taken into account shall be

the amount of such loss or gain (as the case may be), multiplied by the percentage which (i) the number of days in such taxable year during the period or periods the individual held (or was considered to have held by reason of the application of section 1223) the share (or block) of stock in the first tier corporation sold or exchanged while the first tier corporation owned (within the meaning of section 958 (a)) stock in the lower tier corporation while the lower tier corporation was a controlled foreign corporation, bears to (ii) the total number of days in such taxable year.

(3) *Net operating loss deduction.* For purposes of subparagraph (1) of this paragraph, the provisions of paragraph (d)(6)(iv) of this section shall not apply. In determining the amount of the net operating loss deduction for a taxable year of a lower tier corporation, the portion of a net operating loss incurred, or of taxable income earned, in a taxable year of the lower tier corporation beginning after December 31, 1962, which shall be taken into account under section 172 (b)(2) shall be the amount of such loss or income (as the case may be) multiplied by the percentage described in subparagraph (2) of this paragraph for such taxable year.

**§ 1.1248–5 Stock ownership requirements for less developed country corporations.**

(a) *General rule*—(1) *Requirements.* For purposes of paragraph (e)(4) of § 1.1248–3, a United States person shall be considered as satisfying the requirements of this paragraph with respect to a share (or block) of stock of a foreign corporation if on the date he sells or exchanges such share (or block)—

(i) The 10-year stock ownership requirement of paragraph (b) of this section is met with respect to such share (or block), and

(ii) In the case of a United States person which is a domestic corporation, the requirement of paragraph (c) of this section, if applicable, is met.

(2) *Ownership of stock.* For purposes of this section—

(i) The rules for determining ownership of stock prescribed by section 958 (a) and (b) shall apply.

(ii) Stock owned by a United States person who is an individual, estate, or trust which was acquired by reason of the death of the predecessor in interest of such United States person shall be considered as owned by such United States person during the period such stock was owned by such predecessor in interest, and during the period such stock was owned by any other predecessor in interest if between such United States person and such other predecessor in interest there was no transfer other than by reason of the death of an individual.

(b) *10-year stock ownership requirement*—(1) *General.* A United States person meets the 10-year stock ownership requirement with respect to a share (or block) of stock in a foreign corporation which he sells or exchanges only if the share (or block) was owned (under the rules of paragraph (a)(2) of this section) by such person for a continuous period of at least 10 years ending on the date of the sale or exchange. See the first sentence of section 1248(d)(3). Thus, for example, if Jones, a United States person, sells a share of stock in a foreign corporation on January 1, 1965, the 10-year stock ownership requirement is met with respect to the share only if the share was owned (under the rules of paragraph (a)(2) of this section) by Jones continuously from January 1, 1955, to January 1, 1965. If a foreign corporation has not been in existence for at least 10 years on the date of the sale or exchange of the share, the 10-year stock ownership requirement cannot be met.

(2) *Special rule.* For purposes of this paragraph, a United States person shall be considered to have owned stock during the period he was considered to have held the stock by reason of the application of section 1223.

(c) *Disqualification of domestic corporation as a result of changes in ownership of its stock*—(1) *General.* (i) For purposes of paragraph (a)(1)(ii) of this section, the requirement of this paragraph must be met only if, on at least one day during the 10-year period ending on the date of the sale or exchange by a domestic corporation of a share of stock in a foreign corporation, one or more noncorporate United States shareholders (as defined in subdivision (iii) of this subparagraph) own more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the domestic corporation.

(ii) The requirement of this paragraph is that if one or more persons are noncorporate United States shareholders on the first such day (referred to in subdivision (i) of this subparagraph), such person or persons continue after such first day, at all times during the remainder of such 10-year period, to own in the aggregate more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the domestic corporation. For purposes of determining whether a domestic corporation meets the requirement of this paragraph, the stock owned by a United States person who is a noncorporate United States shareholder of a domestic corporation on such first day shall not be counted at any time after he ceases during such 10-year period to be a noncorporate United States shareholder of such corporation.

(iii) For purposes of this paragraph, the term "noncorporate United States shareholder" means, with respect to a domestic corporation, a United States person who is an individual, estate, or trust and who owns 10 percent or more of the total combined voting power of all classes of stock of such domestic corporation.

(iv) For purposes of this paragraph, the percentage of the total combined voting power of stock of a foreign corporation owned by a United States person shall be determined in accordance with the principles of section 951(b) and the regulations thereunder.

(2) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* During the entire period beginning December 31, 1954, and ending December 31, 1964, domestic corporation N owns all the stock of controlled foreign corporation X, a less developed country corporation. On December 31, 1964, N recognizes gain upon the sale of all its X stock. A, B, and C, who are unrelated individuals, were the only United States persons owning, or considered as owning, 10 percent or more of the total combined voting power of all classes of stock entitled to vote of N at any time during the 10-year period December 31, 1954, through December 31, 1964. The percentages of the total combined voting power in N, which A, B, and C owned during such 10-year period, are as follows:

| Owner | Dec. 31, 1954–Apr. 1, 1957 | Apr. 2, 1957–Oct. 1, 1959 | Oct. 2, 1959–Dec. 31, 1964 |
|---|---|---|---|
| | *Percent* | *Percent* | *Percent* |
| A | 20 | 20 | 20 |
| B | 9 | 30 | 30 |
| C | 30 | 15 | 9 |

Domestic corporation N does not meet the requirement of this paragraph with respect to the stock of controlled foreign corporation X for the following reasons:

(i) April 2, 1957, is the first day (during the 10-year period ending on December 31, 1964, the date N sells the X stock) on which noncorporate United States shareholders of N own more than 50 percent of the total combined voting power in N, and thus the requirement of this paragraph must be met. See subparagraph (1)(i) of this paragraph. Although A, B, and C did own, in the aggregate, more than 50 percent of such voting power before April 2, 1957, the voting power owned by B is not counted because B was not a noncorporate United States shareholder of N before such date.

(ii) Although C is a noncorporate United States shareholder on April 2, 1957, C ceases to own 10 percent or more of the total combined voting power in N on October 2, 1959. Thus, after October 1, 1959, the N stock which C owns is not counted for purposes of determining whether the more-than-50-percent stock ownership test is met. See subparagraph (1)(ii) of this paragraph. Accordingly, after October 1, 1959, the requirement of this paragraph is not met.

*Example (2).* Assume the same facts as in example (1), except that B's wife owns directly 5 percent of the total combined voting power in N from December 31, 1954, to December 31, 1964. On the basis of the assumed facts, N meets the requirement of this paragraph with respect to the stock of controlled foreign corporation X for the following reasons:

(i) December 31, 1954, is the first day (of the 10-year period ending on the date N sells the X stock) on which noncorporate United States shareholders of N own more than 50 percent of the total combined voting power in N. B is a noncorporate United States shareholder on such date because he owns, and is considered as owning, 14 percent of the total combined voting power in N (9 percent directly, and, under section 958(h), 5 percent constructively). Thus, on December 31, 1954, noncorporate United States shareholders A, B, and C own, in the aggregate, more than 50 percent of the total combined voting power in N.

(ii) A, B, and C, the noncorporate United States shareholders of N on December 31, 1954, own, and are considered as owning, more than 50 percent of the total voting power of N from December 31, 1954, to October 1, 1959. Since beginning on October 2, 1959, A owns 20 percent and B owns, and is considered as owning, 35 percent of the total combined voting power in N, A and B own, and are considered as owning, more than 50 percent of the total combined voting power in N from October 2, 1959, to December 31, 1964. Therefore, the requirement of this paragraph is met.



(d) *Application of section to lower tier corporation*—(1) *General.* For purposes of paragraph (g)(1)(ii) of § 1.1248–3, a United States person satisfies the requirements of this subparagraph in respect of stock of a lower tier corporation which such person, by reason of his direct ownership of the share (or block) of the first tier corporation sold or exchanged, owned within the meaning of section 958(a)(2) on the date he sold or exchanged such share (or block), if on such date—

(i) The 10-year stock ownership requirement of paragraph (b) of this section is met by such person with respect to any stock in the lower tier corporation which such person so owned, and

(ii) In the case of a United States person which is a domestic corporation, the requirement of paragraph (c) of this section, if applicable, is met.

(2) *Special rule.* For purposes of this paragraph, in applying paragraphs (b) and (c) of this section, the sale or exchange of a share (or block) of stock in a first tier corporation by a United States person shall be deemed to be the sale or exchange of any stock in a lower tier corporation which the person, by reason of his direct ownership of such share (or block) of the first tier corporation, owned within the meaning of section 958(a)(2) on the date he actually sold or exchanged such share (or block) in the first tier corporation.

**§ 1.1248–6 Sale or exchange of stock in certain domestic corporations.**

(a) *General rule.* If a United States person recognizes gain upon the sale or exchange of a share (or block) of stock of a domestic corporation which was formed or availed of principally for the holding, directly or indirectly, of stock of one or more foreign corporations, and if the conditions of paragraph (a)(2) of § 1.1248–1 would be met by such person in respect of the share (or block) if the domestic corporation were a foreign corporation, then section 1248 shall apply in respect of such gain in accordance with the rules provided in paragraph (b) of this section.

(b) *Application.* (1) The gain referred to in paragraph (a) of this section shall be included in the gross income of the United States person as a dividend under section 1248(a) to the extent of the earnings and profits attributable under § 1.1248–2 or § 1.1248–3, whichever is applicable, to the share (or block), computed, however, in accordance with the following rules:

(i) The domestic corporation shall be treated as if it were a first tier foreign corporation;

(ii) If, after the application of subdivision (i) of this subparagraph, the provisions of paragraph (a)(3) of § 1.1248–2 or paragraph (f) of § 1.1248–3 (as the case may be) would apply in respect of a foreign corporation the stock of which is owned (within the meaning of section 958(a)) by the domestic corporation treated as the first tier corporation, such foreign corporation shall be considered a lower tier corporation;

(iii) Except to the extent provided in subdivision (iv) of this subparagraph, the earnings and profits of the domestic corporation treated as the first tier corporation accumulated for a taxable year, as computed under paragraph (d) of § 1.1248–2 or paragraph (b) of § 1.1248–3 (as the case may be), shall be considered to be zero; and

(iv) If, during a taxable year, a domestic corporation treated as the first tier corporation realizes gain upon the sale or exchange of stock in a foreign corporation, and solely by reason of the application of section 337 (relating to certain liquidations) the gain was not recognized, then the earnings and profits of such domestic corporation accumulated for the taxable year as computed under paragraph (d) of § 1.1248–2 or paragraph (b) of § 1.1248–3 (as the case may be), shall be considered to be an amount equal to the portion of such gain realized during the taxable year which, if section 337 had not applied, would have been treated as a dividend under section 1248(a).

(2) If the person selling or exchanging the stock in the domestic corporation is an individual, the limitation on tax attributable to the amount included in his gross income as a dividend under subparagraph (1) of this paragraph shall be determined, in accordance with the principles of paragraph (f) of § 1.1248–4, by treating the domestic corporation as a first tier corporation.

(3)(i) If the earnings and profits of the foreign corporation or corporations (or of the domestic corporation treated as a first tier corporation) to be taken into account under subparagraph (1) of this paragraph are not established in the manner provided in paragraph (a)(1) of § 1.1248–7, all of the gain from the sale or exchange of the share (or block) of the domestic corporation shall be treated as a dividend.

(ii) To the extent that the person does not establish, in the manner provided in paragraph (c) of § 1.1248–7, the foreign taxes paid by such foreign corporation or corporations to be taken into account for purposes of computing the limitation on tax attributable to a share, such foreign taxes shall not be taken into account for purposes of such computation.

(c) *Corporation formed or availed of principally for holding stock of foreign corporations.* Whether or not a domestic corporation is formed or availed of principally for the holding, directly or indirectly, of stock of one or more foreign corporations shall be determined on the basis of all the facts and circumstances of each particular case.

**§ 1.1248–7 Taxpayer to establish earnings and profits and foreign taxes.**

(a) *In general.* (1) If a taxpayer sells or exchanges stock in a foreign corporation which was a controlled foreign corporation and the Commissioner determines that the taxpayer has not established the amount of the earnings and profits of the corporation attributable to the stock under § 1.1248–2 or § 1.1248–3, whichever is applicable, all the gain from such sale or exchange shall be treated as a dividend under section 1248(a). See section 1248(g). A taxpayer shall be considered to have established such amount if—

(i) He attaches to his income tax return, filed on or before the last day prescribed by law (including extensions thereof) for his taxable year in which he sold or exchanged the stock, the schedule prescribed by paragraph (b) of this section or, if such last day is before April 1, 1965, he files such schedule before such date with the district director with whom such return was filed, and

(ii) He establishes in the manner prescribed by paragraph (d) of this section the correctness of each amount shown on such schedule.

(2) Notwithstanding an omission of information from, or an error with respect to an amount shown on, the schedule referred to in subparagraph (1)(i) of this paragraph, a taxpayer shall be considered to have complied with such subparagraph (1)(i) if—

(i) He establishes that such omission or error was inadvertent, or due to reasonable cause and not due to willful neglect, and that he has substantially complied with the requirements of this section, and

(ii) The taxpayer corrects such omission or error at the time when he complies with paragraph (d) of this section.

(3) For the requirement to establish the amount of foreign taxes to be taken into account for purposes of section 1248(b), see paragraph (c) of this section.

(b) *Schedule attached to return.* (1) The taxpayer shall attach to his income tax return for his taxable year in which he sold or exchanged the stock, a schedule showing his name, address, and identifying number. Except to the extent provided in paragraph (e) of this section, the schedule shall also show the amount of the earnings and profits attributable under paragraph (a) of § 1.1248–2 or paragraph (a) of § 1.1248–3 (as the case may be) to the stock, and, in order to support the computation of such amount, any additional information required by subparagraphs (2), (3), (4), and (5) of this paragraph.

(2) The schedule shall also show for the first tier corporation, and for each lower tier corporation as to which information is required under subparagraph (4) of this paragraph, (i) the name of the corporation, (ii) the country under whose laws the corporation is created or organized, and (iii) the last day of the taxable year which the corporation regularly uses in computing its income.

(3) If the amount of earnings and profits attributable to a block of stock sold or exchanged are computed under § 1.1248–2, the schedule shall also show—

(i) For each taxable year of the corporation, beginning after December 31, 1962, during the period the taxpayer held (or was considered to have held by reason of the application of section 1223) the block, (*a*) the earnings and profits accumulated for each such taxable year computed under paragraph (d) of § 1.1248–2, and (*b*) the sum thereof computed under paragraph (e)(1)(i) and (2) of § 1.1248–2,

(ii) The number of shares in the block and the total number of shares of the corporation outstanding during such period,

(iii) If during the period the person held (or is considered to have held by reason of the application of section 1223) the block any amount was included under section 951 in the gross income of such person (or another person), in respect of the block, the computation of the excess referred to in paragraph (e)(3)(ii) of § 1.1248–2, and

(iv) If the amount of earnings and profits of a lower tier corporation attributable to the block are computed under paragraph (a)(3) of § 1.1248–2, (*a*) the number of shares in the lower tier corporation which the taxpayer owns within the meaning of section 958(a)(2), (*b*) the total number of shares of such lower tier corporation outstanding during such period, and (c) in respect of such lower tier corporation, the information prescribed in subdivisions (i) and (iii) of this subparagraph.

(4) If the amount of earnings and profits attributable to a share (or block) sold or exchanged are computed under § 1.1248–3, the schedule shall also show for each taxable year of the corporation beginning after December 31, 1962, any day of which falls in a period or periods the taxpayer held (or was considered to have held by reason of the application of section 1223) the stock while the corporation was a controlled foreign corporation—

(i) The number of days in such period or periods, but only if such number is less than the total number of days in such taxable year,

(ii) The earnings and profits accumulated for the taxable year computed under paragraph (b) of § 1.1248–3,

(iii) The number of shares in the corporation outstanding, or deemed under paragraph (c)(2) of § 1.1248–3 to be outstanding, on each day of the taxable year,

(iv) The taxpayer's tentative ratable share computed under paragraph (c) or (d) (as the case may be) of § 1.1248–3,

(v) The amount of, and a short description of each adjustment to, the tentative ratable share under paragraph (e) of § 1.1248–3, and

(vi) The amount of the ratable share referred to in paragraph (e)(1) of § 1.1248–3.

(5) In respect of a taxable year referred to in subparagraph (4) of this paragraph of a first tier corporation, if the taxpayer is required to compute under paragraph (f)(5) of § 1.1248–3 his ratable share of the earnings and profits for a taxable year of the lower tier corporation attributable to such taxable year of such first tier corporation, then for such taxable year of the lower tier corporation the schedule shall show—

(i) The earnings and profits accumulated for the taxable year of the lower tier corporation, computed under paragraph (b) of § 1.1248–3,

(ii) Each percentage described in paragraph (f)(2)(ii), (iii), and (iv) of § 1.1248–3,

(iii) The amount of the taxpayer's tentative ratable share computed under paragraph (f)(2) or (4) (as the case may be) of § 1.1248–3,

(iv) The amount of, and a short description of each adjustment to, the tentative ratable share under paragraph (f)(5)(i) of § 1.1248–3, and

(v) The amount of the ratable share referred to in paragraph (f)(5)(i) of § 1.1248–3.

(c) *Foreign taxes.* (1) If the taxpayer fails to establish any portion of the amount of any foreign taxes which he is required to establish by subparagraph (2) of this paragraph, then such portion shall not be taken into account under section 1248(b)(1)(B).

(2) The taxpayer shall establish in respect of the stock he sells or exchanges the amount of the foreign taxes described in section 1248(b)(1)(B) paid by the first tier corporation for each taxable year of such corporation for which the information is required under paragraph (b)(3) or (4) of this section, and the amount of such taxes paid by each lower tier corporation for each taxable year (as to which information is required under paragraph (b)(3)(iv) or (5) of this section) of each such lower tier corporation. A taxpayer shall be considered to have established the amount of such foreign taxes if—

(i) He attaches to the schedule described in paragraph (b) of this section a supplementary schedule which, except to the extent provided in paragraph (e) of this section, sets forth the amount of such foreign taxes for each taxable year (of the first tier corporation and of each such lower tier corporation) as to which such amount must be established under this subparagraph, and

(ii) He establishes in the manner prescribed by paragraph (d)(2) of this section the correctness of each amount shown on such supplementary schedule.

(d) *Establishing amounts on schedules.* (1) A taxpayer shall be considered to have established, in respect of the stock he sold or exchanged, the correctness of an amount shown on a schedule described in paragraph (b) of this section only if he produces or provides within 180 days after demand by the district director (or within such longer period to which such director consents)—

(i) The books of original entry, or similar systematic accounting records maintained by any person or persons on a current basis as supplements to such books, which establish to the satisfaction of the district director the correctness of each such amount, and

(ii) In respect of any such books or records which are not in the English language, either an accurate English translation of any such records as are demanded, or the services of a qualified interpreter satisfactory to such director.

(2) A shareholder shall be considered to have established in respect of such stock the correctness of an amount shown on a supplementary schedule described in paragraph (c) of this section only if he produces or provides within 180 days after demand by the district director (or within such longer period to which such director consents)—

(i) Evidence described in paragraph (a)(2) of § 1.905–2 of such amount, or

(ii) Secondary evidence of such amount, in the same manner and to the same extent as would be permissible under paragraph (b) of § 1.905–2 in the case of a taxpayer who claimed the benefits of the foreign tax credit in respect of such amount.

(e) *Insufficient information at time return is filed.* If stock in a foreign corporation, which was a controlled foreign corporation, is sold or exchanged by a taxpayer during a taxable year of the corporation (or of a lower tier corporation) which ends after the last day of the taxpayer's taxable year in which the sale or exchange occurs, and if—

(1) For the taxpayer's taxable year, the last day referred to in paragraph (a)(1) of this section for filing his income tax return with a schedule prescribed in paragraph (b) of this section, and, if applicable, with a supplemental schedule prescribed in paragraph (c) of this section, or

(2) The last day referred to in paragraph (a)(1) of this section (that is, April 1, 1965) for filing any such schedule or schedules with the district director with whom such return was filed, is not later than 90 days after the close of such taxable year of any such corporation, then such return with such schedule or schedules may be filed, or any such schedule or schedules may be filed, on the basis of estimates of amounts or percentages (for any such taxable year of any such corporation) required to be shown on any such schedule or schedules. If any such estimate differs from the actual amount or percentage, the taxpayer shall, within 90 days after the close of any such taxable year of any such corporation, file (or attach to a claim for refund or amended return filed) at the office of the district director with whom he filed the return a new schedule or schedules showing the actual amounts or percentages.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–13052; Filed, Dec. 21, 1964; 8:45 a.m.]

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[T.D. 6780]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER C—EMPLOYMENT TAXES

## PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

### Allowance and Denial of Deduction for Certain State, Local, and Foreign Taxes

On October 27, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 164 and 275 of the Internal Revenue Code of 1954, relating to the allowance and denial of deduction for certain State, local, and foreign taxes, and the Employment Tax Regulations (26 CFR Part 31) under section 3502, relating to nondeductibility of taxes in computing taxable income, to conform the regulations to changes made by section 207 of the Revenue Act of 1964 (78 Stat. 40) was published in the FEDERAL REGISTER (29 F.R. 14637). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 16, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) to the amendments made to the Internal Revenue Code of 1954 by section 207 of the Revenue Act of 1964 (78 Stat. 40), such regulations are amended as follows:

PARAGRAPH 1. Section 1.164 is amended by revising subsections (a), (b), (c), (f), and (g) of section 164, and by revising the historical note. These amended and revised provisions read as follows:

**§ 1.164 Statutory provisions; taxes.**

SEC. 164. *Taxes*—(a) *General rule.* Except as otherwise provided in this section, the following taxes shall be allowed as a deduction for the taxable year within which paid or accrued:

(1) State and local, and foreign, real property taxes.

(2) State and local personal property taxes.

(3) State and local, and foreign, income, war profits, and excess profits taxes.

(4) State and local general sales taxes.

(5) State and local taxes on the sale of gasoline, diesel fuel, and other motor fuels.

In addition, there shall be allowed as a deduction State and local, and foreign, taxes not described in the preceding sentence which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in section 212 (relating to expenses for production of income).

(b) *Definitions and special rules.* For purposes of this section—

(1) *Personal property taxes.* The term "personal property tax" means an ad valorem tax which is imposed on an annual basis in respect of personal property.

(2) *General sales taxes*—(A) *In general.* The term "general sales tax" means a tax imposed at one rate in respect of the sale at retail of a broad range of classes of items.

(B) *Special rules for food, etc.* In the case of items of food, clothing, medical supplies, and motor vehicles—

(i) The fact that the tax does not apply in respect of some or all of such items shall not be taken into account in determining whether the tax applies in respect of a broad range of classes of items, and

(ii) The fact that the rate of tax applicable in respect of some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

(C) *Items taxed at different rates.* Except in the case of a lower rate of tax applicable in respect of an item described in subparagraph (B), no deduction shall be allowed under this section for any general sales tax imposed in respect of an item at a rate other than the general rate of tax.

(D) *Compensating use taxes.* A compensating use tax in respect of an item shall be treated as a general sales tax. For purposes of the preceding sentence, the term "compensating use tax" means, in respect of any item, a tax which—

(i) Is imposed on the use, storage, or consumption of such item, and

(ii) Is complementary to a general sales tax, but only if a deduction is allowable under subsection (a)(4) in respect of items sold at retail in the taxing jurisdiction which are similar to such item.

(3) *State or local taxes.* A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

(4) *Foreign taxes.* A foreign tax includes only a tax imposed by the authority of a foreign country.

(5) *Separately stated general sales taxes and gasoline taxes.* If the amount of any general sales tax or of any tax on the sale of gasoline, diesel fuel, or other motor fuel is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.

(c) *Deduction denied in case of certain taxes.* No deduction shall be allowed for the following taxes:

(1) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not prevent the deduction of so much of such taxes as is properly allocable to maintenance or interest charges.

(2) Taxes on real property, to the extent that subsection (d) requires such taxes to be treated as imposed on another taxpayer.

* * * * *

(f) *Payments for municipal services in atomic energy communities.* For purposes of this section, amounts paid or accrued, to compensate the Atomic Energy Commission for municipal-type services, by any owner of real property within any community (within the meaning of section 21b of the Atomic Energy Community Act of 1955) shall be treated as State real property taxes paid or accrued. For purposes of this subsection, the term "owner" includes a person who holds the real property under a leasehold of 40 or more years and a person who has entered into a contract to purchase under section 81 of the Atomic Energy Community Act of 1955. Subsection (d) of this section shall not apply to a sale by the United States of property with respect to which this subsection applies.

(g) *Cross references.* (1) For provisions disallowing any deduction for the payment of the tax imposed by subchapter B of chapter 3 (relating to tax-free covenant bonds), see section 1451.

(2) For provisions disallowing any deduction for certain taxes, see section 275.

[Sec. 164 as amended by sec. 6, Technical Amendments Act 1958 (72 Stat. 1608); sec. 207, Rev. Act 1964 (78 Stat. 40)]

PAR. 2. Section 1.164–1 is amended to read as follows:

**§ 1.164–1 Deduction for taxes.**

(a) *In general.* Only the following taxes shall be allowed as a deduction under this section for the taxable year within which paid or accrued, according to the method of accounting used in computing taxable income:

(1) State and local, and foreign, real property taxes.

(2) State and local personal property taxes.

(3) State and local, and foreign, income, war profits, and excess profits taxes.

(4) State and local general sales taxes.

(5) State and local taxes on the sale of gasoline, diesel fuel, and other motor fuels. In addition, there shall be allowed as a deduction State and local, and foreign, taxes not described in subparagraphs (1) through (5) of this paragraph which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in section 212 (relating to expenses for production of income). For example, dealers or investors in securities and dealers or investors in real estate may deduct State stock transfer and real estate transfer taxes, respectively, under section 164, to the extent they are expenses incurred in carrying on a trade or business or an activity for the production of income. In general, taxes are deductible only by the person upon whom they are imposed. However, see § 1.164–5 in the case of certain taxes paid by the consumer.

(b) *Taxable years beginning before January 1, 1964.* For taxable years beginning before January 1, 1964, except as otherwise provided in §§1.164–2 through 1.164–8, inclusive, taxes imposed by the United States, any State, territory, possession of the United States, or a political subdivision of any of the foregoing, or by any foreign country, are deductible from gross income for the taxable year in which paid or accrued, according to the method of accounting used in computing taxable income. For this purpose, postage is not a tax and automobile license or registration fees are ordinarily taxes.

(c) *Cross references.* For the definition of the term "real property taxes", see paragraph (b) of § 1.164–3. For the definition of the term "foreign taxes", see paragraph (d) of § 1.164–4. For the definition of the term "general sales taxes", see paragraph (f) of § 1.164–3. For the treatment of gasoline, diesel fuel, and other motor fuel taxes, see § 1.164–5. For apportionment of taxes on real property between seller and purchaser, see section 164(d) and § 1.164–6. For the general rule for taxable year of deduction, see section 461. For provisions disallowing any deduction for the tax paid at the source on interest from tax-free covenant bonds, see section 1451(f).

PAR. 3. Section 1.164–2 is amended to read as follows:

**§ 1.164–2 Deduction denied in case of certain taxes.**

This section and § 1.275 describe certain taxes for which no deduction is allowed. In the case of taxable years beginning before January 1, 1964, the denial is provided for by section 164(b) (prior to being amended by section 207 of the Revenue Act of 1964 (78 Stat. 40)). In the case of taxable years beginning after December 31, 1963, the denial is governed by sections 164 and 275. No deduction is allowed for the following taxes:

(a) *Federal income taxes.* Federal income taxes, including the taxes imposed by section 3101, relating to the tax on employees under the Federal Insurance Contributions Act (chapter 21 of the Code); sections 3201 and 3211, relating to the taxes on railroad employees and

railroad employee representatives; section 3402, relating to the tax withheld at source on wages; and by corresponding provisions of prior internal revenue laws.

(b) *Federal war profits and excess profits taxes.* Federal war profits and excess profits taxes including those imposed by Title II of the Revenue Act of 1917 (39 Stat. 1000), Title III of the Revenue Act of 1918 (40 Stat. 1088), Title III of the Revenue Act of 1921 (42 Stat. 271), section 216 of the National Industrial Recovery Act (48 Stat. 208), section 702 of the Revenue Act of 1934 (48 Stat. 770), subchapter D, chapter 1 of the Internal Revenue Code of 1939, and subchapter E, chapter 2 of the Internal Revenue Code of 1939.

(c) *Estate and gift taxes.* Estate, inheritance, legacy, succession, and gift taxes.

(d) *Foreign income, war profits, and excess profits taxes.* Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 901, relating to the credit for taxes of foreign countries and possessions of the United States.

(e) *Real property taxes.* Taxes on real property, to the extent that section 164(d) and § 1.164–6 require such taxes to be treated as imposed on another taxpayer.

(f) *Federal duties and excise taxes.* Federal import or tariff duties, business, license, privilege, excise, and stamp taxes (not described in paragraphs (a), (b), or (c) of this section, or § 1.164–4) paid or accrued within the taxable year. The fact that any such tax is not deductible as a tax under section 164 does not prevent (1) its deduction under section 162 or section 212, provided it represents an ordinary and necessary expense paid or incurred during the taxable year by a corporation or an individual in the conduct of any trade or business or, in the case of an individual for the production or collection of income, for the management, conservation, or maintenance of property held for the production of income, or in connection with the determination, collection, or refund of any tax, or (2) its being taken into account during the taxable year by a corporation or an individual as a part of the cost of acquiring or producing property in the trade or business or, in the case of an individual, as a part of the cost of property held for the production of income with respect to which it relates.

(g) *Taxes for local benefits.* Except as provided in § 1.164–4, taxes assessed against local benefits of a kind tending to increase the value of the property assessed.

PAR. 4. Section 1.164–3 is amended to read as follows:

**§ 1.164–3 Definitions and special rules.**

For purposes of section 164 and § 1.164–1 to § 1.164–8, inclusive—

(a) *State or local taxes.* A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

(b) *Real property taxes.* The term "real property taxes" means taxes imposed on interests in real property and levied for the general public welfare, but it does not include taxes assessed against local benefits. See § 1.164–4.

(c) *Personal property taxes.* The term "personal property tax" means an ad valorem tax which is imposed on an annual basis in respect of personal property. To qualify as a personal property tax, a tax must meet the following three tests:

(1) The tax must be ad valorem—that is, substantially in proportion to the value of the personal property. A tax which is based on criteria other than value does not qualify as ad valorem. For example, a motor vehicle tax based on weight, model year, and horsepower, or any of these characteristics is not an ad valorem tax. However, a tax which is partly based on value and partly based on other criteria may qualify in part. For example, in the case of a motor vehicle tax of 1 percent of value plus 40 cents per hundredweight, the part of the tax equal to 1 percent of value qualifies as an ad valorem tax and the balance does not qualify.

(2) The tax must be imposed on an annual basis, even if collected more frequently or less frequently.

(3) The tax must be imposed in respect of personal property. A tax may be considered to be imposed in respect of personal property even if in form it is imposed on the exercise of a privilege. Thus, for taxable years beginning after December 31, 1963, State and local taxes on the registration or licensing of highway motor vehicles are not deductible as personal property taxes unless and to the extent that the tests prescribed in this subparagraph are met. For example, an annual ad valorem tax qualifies as a personal property tax although it is denominated a registration fee imposed for the privilege of registering motor vehicles or of using them on the highways.

(d) *Foreign taxes.* The term "foreign tax" includes only a tax imposed by the authority of a foreign country. A tax imposed by a political subdivision of a foreign country is considered to be imposed by the authority of that foreign country.

(e) *Sales tax.* (1) The term "sales tax" means a tax imposed upon persons engaged in selling tangible personal property, or upon the consumers of such property, including persons selling gasoline or other motor vehicle fuels at wholesale or retail, which is a stated sum per unit of property sold or which is measured by the gross sales price or the gross receipts from the sale. The term also includes a tax imposed upon persons engaged in furnishing services which is measured by the gross receipts for furnishing such services.

(2) In general, the term "consumer" means the ultimate user or purchaser; it does not include a purchaser such as a retailer, who acquires the property for resale.

(f) *General sales tax.* A "general sales tax" is a sales tax which is imposed at one rate in respect of the sale at retail of a broad range of classes of items. No foreign sales tax is deductible under section 164(a) and paragraph (a)(4) of § 1.164–1. To qualify as a general sales tax, a tax must meet the following two tests:

(1) The tax must be a tax in respect of sales at retail. This may include a tax imposed on persons engaged in selling property at retail or furnishing services at retail, for example, if the tax is measured by gross sales price or by gross receipts from sales or services. Rentals qualify as sales at retail if so treated under applicable State sales tax laws.

(2) The tax must be general—that is, it must be imposed at one rate in respect of the retail sales of a broad range of classes of items. A sales tax is considered to be general although imposed on sales of various classes of items at more than one rate provided that one rate applies to the retail sales of a broad range of classes of items. The term "items" includes both commodities and services.

(g) *Special rules relating to general sales taxes.* (1) A sales tax which is general is usually imposed at one rate in respect of the retail sales of all tangible personal property (with exceptions and additions). However, a sales tax which is selective—that is, a tax which applies at one rate with respect to retail sales of specified classes of items also qualifies as general if the specified classes represent a broad range of classes of items. A selective sales tax which does not apply at one rate to the retail sales of a broad range of classes of items is not general. For example, a tax which applies only to sales of alcoholic beverages, tobacco, admissions, luxury items, and a few other items is not general. Similarly, a tax imposed solely on services is not general. However, a selective sales tax may be deemed to be part of the general sales tax and hence may be deductible, even if imposed by a separate Title, etc., of the State or local law, if imposed at the same rate as the general rate of tax (as defined in subparagraph (4) of this paragraph) which qualifies a tax in the taxing jurisdiction as a general sales tax. For example, if a State has a 5 percent general sales tax and a separate selective sales tax of 5 percent on transient accommodations, the tax on transient accommodations is deductible.

(2) A tax is imposed at one rate only if it is imposed at that rate on generally the same base for all items subject to tax. For example, a sales tax imposed at a 3 percent rate on 100 percent of the sales price of some classes of items and at a 3 percent rate on 50 percent of the sales price of other classes of items would not be imposed at one rate with respect to all such classes. However, a tax is considered to be imposed at one rate although it allows dollar exemptions, if the exemptions are designed to exclude all sales under a certain dollar amount. For example, a tax may be imposed at one rate although it applies to all sales of tangible personal property but applies only to sales amounting to more than 10 cents.

(3) The fact that a sales tax exempts food, clothing, medical supplies, and motor vehicles, or any of them, shall not be taken into account in determining whether the tax applies to a broad range of classes of items. The fact that a sales tax applies to food, clothing, medical supplies, and motor vehicles, or any of them, at a rate which is lower than the general rate of tax (as defined in subparagraph (4) of this paragraph) is not taken into account in determining whether the tax is imposed at one rate on the retail sales of a broad range of classes of items. For purposes of this section, the term "food" means food for human consumption off the premises where sold, and the term "medical supplies" includes drugs, medicines, and medical devices.

(4) Except in the case of a lower rate of tax applicable in respect of food, clothing, medical supplies, and motor vehicles, or any of them, no deduction is allowed for a general sales tax in respect of any item if the tax is imposed on such item at a rate other than the general rate of tax. The general rate of tax is the one rate which qualifies a tax in a taxing jurisdiction as a general sales tax because the tax is imposed at such one rate on a broad range of classes of items. There can be only one general rate of tax in any one taxing jurisdiction. However, a general sales tax imposed at a lower rate or rates on food, clothing, motor vehicles, and medical supplies, or any of them, may nonetheless be deductible with respect to such items. For example, a sales tax which is imposed at 1 percent with respect to food, imposed at 3 percent with respect to a broad range of classes of tangible personal property, and imposed at 4 percent with respect to transient accommodations would qualify as a general sales tax. Taxes paid at the 1 percent and the 3 percent rates are deductible, but tax paid at the 4 percent rate is not deductible. The fact that a sales tax provides for the adjustment of the general rate of tax to reflect the sales tax rate in another taxing jurisdiction shall not be taken into account in determining whether the tax is imposed at one rate on the retail sales of a broad range of classes of items. Moreover, a general sales tax imposed at a lower rate with respect to an item in order to reflect the tax rate in another jurisdiction is also deductible at such lower rate. For example, State E imposes a general sales tax whose general rate is 3 percent. The State E sales tax law provides that in areas bordering on States with general sales taxes, selective sales taxes, or special excise taxes, the rate applied in the adjoining State will be used if such rate is under 3 percent. State F imposes a 2 percent sales tax. The 2 percent sales tax paid by residents of State E in areas bordering on State F is deductible.

(h) *Compensating use taxes.* A compensating use tax in respect of any item is treated as a general sales tax. The term "compensating use tax" means, in respect of any item, a tax which is imposed on the use, storage, or consumption of such item and which is complementary to a general sales tax which is deductible with respect to sales of similar items.

(i) *Special rules relating to compensating use taxes.* (1) In general, a use tax on an item is complementary to a general sales tax on similar items if the use tax is imposed on an item which was not subject to such general sales tax but which would have been subject to such general sales tax if the sale of the item had taken place within the jurisdiction imposing the use tax. For example, a tax imposed by State A on the use of a motor vehicle purchased in State B is complementary to the general sales tax of State A on similar items, if the latter tax applies to motor vehicles sold in State A.

(2) Since a compensating use tax is treated as a general sales tax, it is subject to the rule of subparagraph (C) of section 164(b)(2) and paragraph (g)(4) of this section that no deduction is allowed for a general sales tax imposed in respect of an item at a rate other than the general rate of tax (except in the case of lower rates on the sale of food, clothing, medical supplies, and motor vehicles). The fact that a compensating use tax in respect of any item provides for an adjustment in the rate of the compensating use tax or the amount of such tax to be paid on account of a sales tax on such item imposed by another taxing jurisdiction is not taken into account in determining whether the compensating use tax is imposed in respect of the item at a rate other than the general rate of tax. For example, a compensating use tax imposed by State C on the use of an item purchased in State D is considered to be imposed at the general rate of tax even though the tax imposed by State C allows a credit for any sales tax paid on such item in State D, or the rate of such compensating use tax is adjusted to reflect the rate of sales tax imposed by State D.

PAR. 5. Section 1.164–4 is amended to read as follows:

**§ 1.164–4 Taxes for local benefits.**

(a) So-called taxes for local benefits referred to in paragraph (g) of § 1.164–2 more properly assessments, paid for local benefits such as street, sidewalks, and other like improvements, imposed because of and measured by some benefit inuring directly to the property against which the assessment is levied are not deductible as taxes. A tax is considered assessed against local benefits when the property subject to the tax is limited to property benefited. Special assessments are not deductible, even though an incidental benefit may inure to the public welfare. The real property taxes deductible are those levied for the general public welfare by the proper taxing authorities at a like rate against all property in the territory over which such authorities have jurisdiction. Assessments under the statutes of California relating to irrigation, and of Iowa relating to drainage, and under certain statutes of Tennessee relating to levees, are limited to property benefited, and if the assessments are so limited, the amounts paid thereunder are not deductible as taxes. For treatment of assessments for local benefits as adjustments to the basis of property, see section 1016(a)(1) and the regulations thereunder.

(b)(1) Insofar as assessments against local benefits are made for the purpose of maintenance or repair or for the purpose of meeting interest charges with respect to such benefits, they are deductible. In such cases, the burden is on the taxpayer to show the allocation of the amounts assessed to the different purposes. If the allocation cannot be made, none of the amount so paid is deductible.

(2) Taxes levied by a special taxing district which was in existence on December 31, 1963, for the purpose of retiring indebtedness existing on such date, are deductible, to the extent levied for such purpose, if (i) the district covers the whole of at least one county, (ii) if at least 1,000 persons are subject to the taxes levied by the district, and (iii) if the district levies its assessments annually at a uniform rate on the same assessed value of real property, including improvements, as is used for purposes of the real property tax generally.

PAR. 6. Section 1.164–5 is amended to read as follows:

**§ 1.164–5 Certain retail sales taxes and gasoline taxes.**

For taxable years beginning before January 1, 1964, any amount representing a State or local sales tax paid by a consumer of services or tangible personal property is deductible by such consumer as a tax, provided it is separately stated and not paid in connection with his trade or business. For taxable years beginning after December 31, 1963, only the amount of any separately stated State and local general sales tax (as defined in paragraph (g) of § 1.164–3) and tax on the sale of gasoline, diesel fuel or other motor fuel paid by the consumer (other than in connection with his trade or business) is deductible by the consumer as tax. The fact that, under the law imposing it, the incidence of such State or local tax does not fall on the consumer is immaterial. The requirement that the amount of tax must be separately stated will be deemed complied with where it clearly appears that at the time of sale to the consumer, the tax was added to the sales price and collected or charged as a separate item. It is not necessary, for the purpose of this section, that the consumer be furnished with a sales slip, bill, invoice, or other statement on which the tax is separately stated. For example, where the law imposing the State or local tax for which the taxpayer seeks a deduction contains a prohibition against the seller absorbing the tax, or a provision requiring a posted notice stating that the tax will be added to the quoted price, or a requirement that the tax be separately shown in advertisements or separately stated on all bills and invoices, it is presumed that the amount of the State or local tax was separately stated at the time paid by the consumer; except that such presumption shall have no application to a tax on the sale of gasoline, diesel fuel or other motor fuel imposed upon a wholesaler unless such provisions of law apply with respect to both the sale at wholesale and the sale at retail.

PAR. 7. Paragraphs (a) and (c) of § 1.164–8 are amended to read as follows:

**§ 1.164–8 Payments for municipal services in atomic energy communities.**

(a) *General.* For taxable years beginning after December 31, 1957,

amounts paid or accrued by any owner of real property within any community (as defined in section 21b of the Atomic Energy Community Act of 1955 (42 U.S.C. 2304)) to compensate the Atomic Energy Commission for municipal-type services (or any agent or contractor authorized by the Atomic Energy Commission to charge for such services) shall be treated as State real property taxes paid or accrued for purposes of section 164. Such amounts shall be deductible as taxes to the extent provided in section 164, §§ 1.164–1 through 1.164–7, and this section. See paragraph (b) of this section for definition of the term "Atomic Energy Commission"; paragraph (c) of this section for the definition of the term "municipal-type services"; and paragraph (d) of this section for the definition of the term "owner".

• • • • •

(c) *Municipal-type services.* For purposes of paragraph (a) of this section, the term "municipal-type services" includes services usually rendered by a municipality and usually paid for by taxes. Examples of municipal-type services are police protection, fire protection, public recreational facilities, public libraries, public schools, public health, public welfare, and the maintenance of roads and streets. The term shall include sewage and refuse disposal which are maintained out of revenues derived from a general charge for municipal-type services; however, the term shall not include sewage and refuse disposal if a separate charge for such services is made. Charges assessed against local benefits of a kind tending to increase the value of the property assessed are not charges for municipal-type services. See section 164(c)(1) and § 1.164–4.

PAR. 8. There are inserted immediately after § 1.274–8 the following new sections:

**§ 1.275 Statutory provisions; certain taxes.**

Sec. 275. *Certain taxes*—(a) *General rule.* No deduction shall be allowed for the following taxes:

(1) Federal income taxes, including—

(A) The tax imposed by section 3101 (relating to the tax on employees under the Federal Insurance Contributions Act);

(B) The taxes imposed by sections 3201 and 3211 (relating to the taxes on railroad employees and railroad employee representatives); and

(C) The tax withheld at source on wages under section 3402, and corresponding provisions of prior revenue laws.

(2) Federal war profits and excess profits taxes.

(3) Estate, inheritance, legacy, succession, and gift taxes.

(4) Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 901 (relating to the foreign tax credit).

(5) Taxes on real property to the extent that section 164(d) requires such taxes to be treated as imposed on another taxpayer.

(b) *Cross reference.* For disallowance of certain other taxes, see section 164(c).

[Sec. 275 as added by sec. 207(b)(3)(A), Rev. Act 1964 (78 Stat. 42)]

**§ 1.275–1 Deduction denied in case of certain taxes.**

For description of the taxes for which a deduction is denied under section 275, see paragraphs (a), (b), (c), (d), and (e) of § 1.164–2.

PAR. 9. Section 1.535 is amended by revising section 535(b)(1) and the historical note to read as follows:

**§ 1.535 Statutory provisions; accumulated taxable income.**

Sec. 535. *Accumulated taxable income.* • • •

(b) *Adjustments to taxable income.* • • •

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law.

• • • • •

[Sec. 535 as amended by sec. 31, Technical Amendments Act 1958 (72 Stat. 1631); sec. 205 Small Business Tax Revision Act 1958 (72 Stat. 1680); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); sec. 207, Rev. Act 1964 (78 Stat. 40)]

PAR. 10. Section 1.901 is amended by revising section 901(d)(1) and the historical note to read as follows:

**§ 1.901 Statutory provisions; taxes of foreign countries and of possessions of United States.**

Sec. 901. *Taxes of foreign countries and of possessions of United States.* • • •

(d) *Cross reference.* (1) For deductions of income, war profits, and excess profits taxes paid to a foreign country or a possession of the United States see sections 164 and 275.

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[Sec. 901 as amended by sec. 3 (a) and (b), Act of Sept. 14, 1960 (Pub. Law 86–780, 74 Stat. 1013); secs. 9(d)(3) and 12(b)(1), Rev. Act 1962 (76 Stat. 1001, 1031); sec. 207, Rev. Act 1964 (78 Stat. 42)]

PAR. 11. Section 1.901–1 is amended by revising paragraphs (c) and (h) to read as follows:

**§ 1.901–1 Allowance of credit for taxes.**

• • • • •

(c) *Deduction denied if credit claimed.* If a taxpayer chooses with respect to any taxable year to claim a credit for taxes to any extent, such choice will be considered to apply to income, war profits, and excess profits taxes paid or accrued in such taxable year to all foreign countries and possessions of the United States, and no portion of any such taxes shall be allowed as a deduction from gross income in such taxable year or any succeeding taxable year. See section 275(a)(4).

• • • • •

(h) *Taxpayers denied credit in a particular taxable year.* • • •

(2) A taxpayer who elects to deduct taxes paid or accrued to any foreign country or possession of the United States (see sections 164 and 275);

• • • • •

PAR. 12. Section 1.903 is amended by revising section 903 and adding a historical note. These amended and revised provisions read as follows:

**§ 1.903 Statutory provisions; credit for taxes in lieu of income, etc., taxes.**

Sec. 903. *Credit for taxes in lieu of income etc., taxes.* For purposes of this subpart and of sections 164(a) and 275(a), the term "income, war profits, and excess profits taxes" shall include a tax paid in lieu of a tax on income, war profits, or excess profits otherwise generally imposed by any foreign country or by any possession of the United States.

[Sec. 903 as amended by sec. 207(b)(8), Rev. Act 1964 (78 Stat. 42)]

PAR. 13. Section 1.903–1 is amended by revising paragraph (a) to read as follows:

**§ 1.903–1 Definition of taxes in lieu of income, war profits, or excess profits taxes.**

(a) *In general.* For the purposes of subpart A (section 901 and following), part III, subchapter N, chapter 1 of the Code, and sections 164(a) and 275(a), the term "income, war profits, and excess profits taxes" includes a tax imposed by statute or decree by a foreign country or by a possession of the United States if—

(1) Such country or possession has in force a general income tax law,

(2) The taxpayer claiming the credit would, in the absence of a specific provision applicable to such taxpayer, be subject to such general income tax, and

(3) Such general income tax is not imposed upon the taxpayer thus subject to such substituted tax.

• • • • •

PAR. 14. Section 31.3502–1 is amended to read as follows:

**§ 31.3502–1 Nondeductibility of taxes in computing taxable income.**

For provisions relating to the nondeductibility, in computing taxable income under subtitle A, of the taxes imposed by sections 3101, 3201, and 3211, and of the tax deducted and withheld under chapter 24, see §§ 1.164–2 and 1.275–1 of this chapter (Income Tax Regulations). For provisions relating to the credit allowable to the recipient of the income in respect of the tax deducted and withheld under chapter 24, see § 1.31–1 of this chapter (Income Tax Regulations).

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–13093; Filed, Dec. 21, 1964; 8:45 a.m.]



# Title 7—AGRICULTURE

**Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture**

**SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS**

[ACP–1964, Supp. 3]

## PART 701—NATIONAL AGRICULTURAL CONSERVATION

### Subpart 1964

MISCELLANEOUS AMENDMENTS

1. Section 701.14 is revised, effective beginning with the 1964 program, to read as follows:

**§ 701.14 Opportunity for requesting cost-sharing.**

Each farmer or rancher, regardless of his race, creed, color, or national origin, shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The county committee, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, and without regard to the race, creed, color, or national origin of the farmer or rancher, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

2. Section 701.25 is revised, effective beginning with the 1964 program, by adding paragraph (d) as follows:

**§ 701.25 Conservation materials and services.**

• • • • •

(d) *Eligibility to furnish conservation materials and services.* To be eligible to furnish conservation materials or services on the basis of purchase orders issued by the county committee, a vendor must agree that he will fill purchase orders without regard to the race, creed, color, or national origin of the farmer or rancher to whom the purchase order is issued.

(Sec. 4, 49 Stat. 164, Secs. 7 to 17, 49 Stat. 1148, as amended, P.L. 88–55; 16 U.S.C. 590g–590q)

Signed at Washington, D.C., on December 16, 1964.

CHARLES S. MURPHY,
*Under Secretary.*

[F.R. Doc. 64–13087; Filed, Dec. 21, 1964; 8:45 a.m.]

**Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture**

**SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS**

## PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTA

### Requirements and Quotas for 1965

*Basis and purpose and bases and considerations.* The purpose of Sugar Regulations 811 is to determine pursuant to Section 201 of the Sugar Act of 1948, as amended (hereinafter called the "Act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1965, and to establish sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the amount determined by the Secretary of Agriculture to be needed in 1965. Further, this regulation establishes quantities of certain quotas that may be filled by direct-consumption sugar and establishes a liquid sugar quota.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) there was published in the FEDERAL REGISTER (29 F.R. 14669) a notice of proposed rule making for the issuance of a regulation determining sugar requirements for the continental United States and establishing quotas for the calendar year 1965. Written data, views, or arguments for consideration in connection with the proposed regulation were to be submitted by interested persons prior to November 12, 1964. All data, views, and comments received relative to the proposed regulation were thoroughly considered. This determination differs from the proposed determination in several respects. Pursuant to section 202(a)(2)(B) of the Sugar Act the quota for Hawaii has been increased by 5,479 tons because Hawaii's 1964 production resulted in sugar being available for marketing in excess of its 1954 quota. This change has resulted in small downward adjustments in 1965 quota prorations for foreign countries other than the Republic of the Philippines. Also in view of price circumstances, provision has been made to limit the importation of raw sugar from foreign countries during the first and second quarters of the year.

Section 201 of the Act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determination and states that such determination shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

During the 12-month period ended October 31, 1964, distribution of sugar for consumption in the continental United States totaled 9,670,000 short tons, raw value. Based on this distribution, the quantity of sugar needed in the calendar year 1965 would be expected to be about 9,800,000 short tons, raw value, if allowance is made for increased consumption due to the normal increase in population and for refining losses.

Refiners' inventories of quota sugar at the end of 1964 are expected to be well below the level of a year earlier but above the average of recent years.

The domestic price of raw sugar which was higher than usual during most of 1963 and the first four months of 1964 returned to a more normal level in May of 1964. Much of the time since July, such prices have been nearly .5 cent per pound below the level of the price reference point in Section 201 of the Act. Though, prices increased in late November and early December, they are still below the price reference level.

High sugar prices during the 1963–64 period had an adverse impact on the consumption of beet and cane sugar. The reduced use of such sugar in some products and the greater use of nonsucrose sweeteners lowered the per capita consumption of sugar. It is unlikely that the trend toward a slightly lower per capita use of sugar will be reversed in 1965.

To encourage the maintenance of sugar prices in line with the objectives of the Act at a level which will protect the domestic sugar industry, quotas established by this regulation total 9.2 million tons or slightly more than 600,000 tons below anticipated consumption.

In view of the wide differential between the price of domestic raw sugar and the world price of raw sugar it is possible that unduly large importations of foreign sugar during the early part of 1965 could prevent meeting the price objectives of the Act. Accordingly, provision has been made for quantitative limitations on the importation of raw sugar from foreign countries by quarters for the first half of the year.

Section 202 of the Act provides that whenever a determination is made, pursuant to Section 201, of the amount of sugar needed to meet the requirements of consumers, the Secretary shall establish quotas. The methods for establishing quotas for the domestic areas and the Republic of the Philippines are set forth in paragraphs (a) and (b) of Section 202, but paragraph (c) which provides the method for prorating the quota for foreign countries other than the Republic of the Philippines will have expired at the end of 1964. However, Section 403(a) of the Act authorizes the Secretary to make such orders or regulations, which shall have the force and effect of law, as may be necessary to

carry out the power vested in him by the Act. In order to carry out the objectives of the Act as intended by the Congress and the requirement of Section 202 of the Act, it is necessary to use the authority provided by Section 403 of the Act to establish quota prorations for foreign countries, other than for the Republic of the Philippines.

This quota is prorated to those countries which have supplied sugar to the United States and with which the United States maintains diplomatic relations. The quota prorations for such foreign countries are herein made on the basis of actual deliveries of quota sugar into the continental United States during the calendar years 1963 and 1964. In determining the quotas for 1965, the 1963 deliveries are given a weighting of one-third and 1964 deliveries are given a weighting of two-thirds. The quantity of sugar prorated on this basis will be equal to the difference between total sugar requirements and the sum of the quotas for the domestic areas and the Republic of the Philippines.

The years 1963 and 1964 constitute a recent period and, in addition, a time when sugar was scarce throughout the world. Performance of countries in importing sugar into the United States in these years is clearly indicative of their relative ability to service the United States market on a continuing basis. At the time commitments were made to export sugar to the United States for 1964 delivery, the unfavorable price differential of the United States market was much greater than it had been at the time 1963 supplies were committed. Accordingly, 1964 performance is given double weighting.

The quotas prorated herein are based on final data for 1963 and on preliminary data for 1964 and accordingly represent only 90 percent of the total for foreign countries other than the Republic of the Philippines. After final outturn weights become available covering actual imports of sugar into the continental United States during 1964, prorations of the quota will be redetermined.

No import fee is provided for, solely in view of legal limitations. The Administration intends to recommend to the Congress reinstitution of a system of import fees for later years in connection with long-term legislation. The Administration has no intention of recommending that such fees apply to any of the sugar to be imported during the year 1965.

Effective date. The Act provides that the Secretary of Agriculture shall, during December 1964, determine sugar requirements and establish sugar quotas for the continental United States for the calendar year 1965. The regulations determining 1965 sugar requirements and quotas apply not only to sugar imported or marketed beginning January 1, 1965, but also to any sugar imported prior thereto for refining, storage and subsequent release within 1965 quotas as may be provided for by regulation. Accordingly, it is hereby found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act. The aspects of § 811.33 relating to the submission and approval or acceptance of applications shall be effective when published in the FEDERAL REGISTER and all other provisions of this regulation shall become effective January 1, 1965.

Sec.
811.30 Sugar requirements, 1965.
811.31 Quotas for domestic areas.
811.32 [Reserved]
811.33 Quotas for foreign countries.
811.34 [Reserved]
811.35 Applicability of quotas.
811.36 Restrictions on importations and marketings within quotas.

AUTHORITY: The provisions of this Part 811 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended, sec. 213 as added by Pub. Law 87-535 approved July 13, 1962; 7 U.S.C. 1111, 1112, 1117, 1118, and 1119.

### § 811.30 Sugar requirements, 1965.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1965 is hereby determined to be 9,200,000 short tons, raw value.

### § 811.31 Quotas for domestic areas.

(a) For the calendar year 1965 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

| Area | Quotas | Direct-consumption limits |
|---|---|---|
| | Short tons, raw value | |
| | (1) | (2) |
| Domestic beet sugar | 2,650,000 | No limit. |
| Mainland cane sugar | 895,000 | No limit. |
| Hawaii | 1,115,479 | 31,464. |
| Puerto Rico | 1,140,000 | 138,000. |
| Virgin Islands | 15,232 | 0. |

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

### § 811.32 [Reserved]

### § 811.33 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1965 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), and (e) of this section.

(b) For the calendar year 1965 the quota for the Republic of the Philippines is 1,050,000 short tons, raw value. The quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value; and the quantity that may be filled by raw sugar is subject to the limitation as set forth in paragraph (c)(2) of this section.

(c)(1) For the calendar year 1965, the quantity available for proration to individual foreign countries other than the Republic of the Philippines is 2,334,289 short tons, raw value. Of that quantity, 90 percent is hereby prorated subject to limitations as set forth in subparagraph (2) of this paragraph to individual countries as follows:

| Country: | Short tons, raw value |
|---|---|
| Argentina | 59,244 |
| Australia | 171,913 |
| Belgium | 1,744 |
| Brazil | 204,057 |
| British Honduras | 3,845 |
| British West Indies | 112,690 |
| China | 63,026 |
| Colombia | 27,038 |
| Costa Rica | 32,143 |
| Dominican Republic | 357,566 |
| Ecuador | 45,652 |
| El Salvador | 15,820 |
| Fiji Islands | 41,954 |
| France | 5,315 |
| French West Indies | 39,706 |
| Guatemala | 36,828 |
| Haiti | 20,168 |
| India | 89,224 |
| Ireland | 7,983 |
| Madagascar | 6,723 |
| Mauritius | 13,866 |
| Mexico | 358,617 |
| Nicaragua | 37,395 |
| Panama | 13,298 |
| Peru | 222,691 |
| Reunion | 2,038 |
| South Africa | 98,047 |
| Southern Rhodesia | 8,403 |
| Turkey | 1,408 |
| Venezuela | 2,458 |
| Total | 2,100,860 |

(2) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, only 1,700,000 short tons, raw value of raw sugar may be authorized for importation from all foreign countries in accordance with Part 817 of this chapter during the first six months of 1965, and of such 1,700,000 short tons, raw value, only 500,000 short tons, raw value may be authorized for importation during the first quarter of the year and 1,200,000 short tons, raw value, may be authorized during the second quarter of the year. The importation of sugar within the above specified quarterly limitations will be authorized on the basis of applications submitted in accordance with Sugar Regulations 817: *Provided, however,* That applications accompanied by evidence satisfactory to the Secretary that a charter or other similar firm commitment of a vessel to ship the sugar was irrevocably made prior to 4:00 p.m. (e.s.t.) November 30, 1964, shall have first priority: *And provided further,* That in determining priorities provided for in Sugar Regulation 817, applications, covering sugar for importation during the first quarter of 1965, received on or before five days after the effective date of this regulation shall be considered as having been received at the same time, and applications covering sugar for importation during the second quarter of 1965, received on or before January 15, 1965 shall be considered as having been received at the same time.

(d) For the calendar year 1965, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

| Country: | Short tons, raw value |
|---|---|
| Ireland | 7,983 |
| Panama | 3,817 |
| Belgium | 182 |

(e) For the calendar year 1965 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

### § 811.34 [Reserved]

### § 811.35 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 of this chapter or Part 817 of this chapter which prescribe the time, manner and conditions under which quotas, prorations, or quantities made available to countries as a group are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by §§ 811.31 and 811.33, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to sections 211 and 212 of the Act in accordance with the provisions of Part 816 of this chapter or Part 817 of this chapter.

### § 811.36 Restrictions on importations and marketings within quotas.

Subject to the provisions of Part 816 and Part 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States any sugar or liquid sugar in excess of or after the applicable quota or quantity set forth in §§ 811.31 to 811.33, inclusive, has been filled, or any sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

Issued at Washington, D.C., this 18th day of December 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-13189; Filed, Dec. 18, 1964; 4:43 p.m.]

## Agricultural Stabilization and Conservation Service

## PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

### Miscellaneous Amendments

*Basis and purpose and bases and considerations.* This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended).—The purpose of this amendment is to implement the importation of sugar within the time limitations specified in Part 811 of this chapter, and to provide for set-aside applications and agreements limited to such specific periods. Because of the time and quantitative limitations established in Part 811 of this chapter, new methods of establishing eligibility for approval of set-aside applications are necessary.

*Effective date.* To afford all interested persons the opportunity of making commitments to supply this market with sugar and to make arrangements for the orderly shipping of such sugar to serve the needs of this market during the first six months of 1965, it is important that these amendments be made effective at the earliest possible time. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impractical and contrary to the public interest and the amendments herein shall become effective when published in the FEDERAL REGISTER.

Pursuant to the provisions of section 403 of the Act (61 Stat. 932), paragraph (e) of § 817.4 is amended by adding a new subparagraph (4) and paragraph (b) of § 817.6 is amended to read as follows:

### § 817.4 Application by importer.

* * * * * * *

(e) * * *

(4)(i) With respect to importations during the calendar year 1965 application for set-aside of quota or quota proration for the importation of a specified quantity of raw sugar may be made to the Sugar Quota Group and approved, as provided in this subparagraph (4). Such application for set-aside shall be in the form of a Set-Aside Application and Agreement Form SU-8-A as hereafter set forth. The submission of a Set-Aside Application does not relieve the applicant of the necessity of submitting an application for authorization for release of sugar as required under paragraph (a) of this section. Any application for set-aside of quota or quota proration submitted pursuant to this subparagraph (4) covering a quantity of sugar to be imported within a quota or quota proration established in Part 811 of this chapter for a specified foreign country or a quantity of sugar to be imported within a quota deficit quantity established for allocation in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this chapter, not more than 75 days prior to the first day of the quarterly period which includes the month of importation stated in the Set-Aside Application and Agreement. During the period from the date of approval of a Set-Aside Application and Agreement through the 15th day after the last day of the month of importation stated therein, both dates inclusive, and subject to the terms and conditions of such Application and Agreement, the quota or quota proration designated in the application shall be set aside to the extent of the quantity of sugar approved for set-aside under such Application and Agreement.

(ii) Set-Aside Applications and Agreements submitted pursuant to this subparagraph (4) shall be submitted in triplicate on Form SU 8-A to provide the following information and certification:

SET-ASIDE APPLICATION AND AGREEMENT

I, _____ of
(Name of applicant)

_____
(Street address) (City) (State)

hereby certify that as owner, or as agent or broker for the owner, I have under my sole control _____ short tons (commercial weight) of sugar in _____, and
(Name of country)

and I hereby make application under the provisions of § 817.4(e)(4) of Sugar Regulation 817 for the set-aside of _____ short tons (commercial weight) of the quota or quota proration for such country established in § 811.____ of Sugar Regulation 811.

I agree that in consideration of the approval of this application I will import such quantity into the continental United States during the month of _____ in accordance with the provisions of this agreement and applicable provisions of Sugar Regulation 817 and 811, regardless of whether sugar quotas are suspended on or before such date of importation.

It is hereby agreed by and between the United States of America and the undersigned that the failure to import the quantity of sugar approved for set-aside of quota or quota proration pursuant to this application will substantially damage the program established under the Sugar Act of 1948, as amended, for providing supplies of sugar to be consumed at prices that will not be excessive to consumers in the United States; that the amount of such damages is very difficult to accurately estimate; that the undersigned will pay liquidated damages to the United States of 0.50 cent per pound for each pound of sugar approved for set-aside of quota or quota proration under this application which is not imported into the continental United States on or before the 15th day after the end of the month of importation stated in this application, except that no liquidated damages shall be paid (1) for a quantity of sugar not imported which is within an allowance for normal shipping losses and normal loading variations equal to the smaller of eleven per centum of the quantity imported (commercial weight) or five thousand tons, and (2) for sugar not imported with respect to which the applicant, within a period of time prescribed by the Administrator, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, furnishes evidence satisfactory to the Administrator that importation within the period ending 15 days after the end of the month of importation stated in this application was prevented by disasters at sea, acts of God, strikes so extensive and of such duration or the occurrence of an insuperable and extraordinary interference which could not have been foreseen or prevented by the applicant's exercise of prudence, diligence, and care as to prevent such importation.

I further certify that I have arranged for and will deposit an irrevocable letter of credit within three business days after the approval date of this application and agreement expiring no earlier than 60 days after end of the month of importation stated in this agreement, issued by

_____
(Name and address of bank)

in an amount not less than an amount determined by multiplying the total number of tons stated in this application by 2,000

and multiplying the product thereof by 0.5 cent. It is further agreed that such letter of credit shall authorize the Agricultural Stabilization and Conservation Service, United States Department of Agriculture, to draw upon the letter of credit on the basis of a written statement signed by the Administrator, Agricultural Stabilization and Conservation Service, or his authorized representative, which sets forth that a specified amount is due as liquidated damages under the terms and conditions of this Application and Agreement. It is further agreed that if such letter of credit as described above is not received by the Agricultural Stabilization and Conservation Service or a wire notice from a United States bank of the issuance of such letter of credit has not been received by the Agricultural Stabilization and Conservation Service within three business days after the approval date of this Application and Agreement as furnished to the applicant by a telegraphic notice from the Sugar Quota Group, any approval of this Application and Agreement will be cancelled and this Application and Agreement shall be null and void.

In the event the full quantity applied for cannot be approved, I will accept a smaller quantity of not less than ------ short tons, commercial weight.

Signed ----------

Date ----------

Approved as Set-Aside No. ------, for ------ short tons (commercial weight), on ----------, by ----------.

(Date)

**§ 817.6 Specific authorization for release.**

* * * * *

(b) *Order of eligibility of applications for authorizations for release of sugar and for the set-aside of quantities for future release.* The order of eligibility for authorization or approval of applications provided for in this paragraph (b) is subject to such modifications as are specified in Part 811 of this chapter. An application on "Sugar Quota Clearance Record", Form SU-3, for authorization to a Collector for the release of sugar which is not being imported under an application for set-aside approved under § 817.4(e) shall become eligible for authorization at 12:01 a.m., on the fifth calendar day prior to the date stated on the application as the date of departure of the shipment of sugar from the area of origin, or at the time of receipt of the application, whichever time occurs later. An application for set-aside submitted pursuant to § 817.4(e) shall become eligible for approval at 12:01 a.m. on the first day that such application for set-aside may be approved as provided in § 817.4(e), or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release by the Collector of sugar not being imported under an application for set-aside and approve applications for set-aside in the same order as such applications for release or set-aside become eligible for authorization or approval. If an application for the release of sugar and an application for set-aside applicable to the same quota become eligible for authorization and approval at the same time, the application for release of sugar shall have priority. If two or more applications for the release of sugar applicable to the same quota become eligible for authorization at the same time, such applications shall be authorized in the order of the date of departure stated thereon, earliest first. If two or more such applications state the same dates of departure and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications, the quantity authorized for release under each such application shall be determined by multiplying the quantity covered by each application by the percentage which the unfilled balance of the quota or quota proration is of the total quantity covered by such applications. If two or more applications for set-aside become eligible at the same time and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications the quantity to be approved under each such application shall be determined by multiplying the quantity covered by each application by the percentage which the unfilled balance of the quota or quota proration is of the total quantity covered by such applications. The order of eligibility among applications for release and applications for Set-Aside provided for in this paragraph (b) with respect to a quota or quota proration shall also apply with respect to the quantitative limitations for specified periods imposed on the total importations from all foreign countries as a group under Part 811 of this chapter: *Provided, however,* That if two or more applications to import sugar within a quantitative limitation for a specified period, are of equal priority and become eligible at the same time; and the unfilled balance of such quantitative limitation is less than the total quantity of sugar covered by such applications, such applications shall be approved giving first priority to the application covering sugar from the country having the smallest percentage relationships between the quantity authorized for entry from such country for the year 1965 thru the applicable time limitation period and the average of the quantities imported from such country during the same periods of 1963 and 1964: *And provided further,* That in case of ties in such percentage relationships, the application for the smallest quantity shall have priority and in the case of a further tie the application covering sugar from the country having the smallest quota shall be given priority.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 101, 202, 211, 212; 61 Stat. 922, as amended, 924, as amended, 928, as amended, 929, as amended, sec. 213 as added by Pub. Law 87-535, Pub. Law 87-539; 7 U.S.C. 1101, 1112, 1121, 1122)

Issued at Washington, D.C., this 18th day of December 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-13190; Filed, Dec. 18, 1964; 4:43 p.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 61]

## PART 1061—MILK IN ST. JOSEPH, MO., MARKETING AREA

### Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Joseph, Mo., marketing area (7 CFR Part 1061), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of January and February 1965.

(1) All of § 1061.12(a)(2) following the introductory text except the words "January, February" and "35 percent".

This will result in § 1061.12(a)(2) reading as follows:

**§ 1061.12 Pool plant.**

* * * * *

(a) * * *

(2) As Class I milk not less than the applicable percentage of such plant's receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1061.8 (c): January, February, 35 percent.

* * * * *

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will reduce from 45 to 35 the percentage of milk receipts which must be utilized in Class I by a distributing plant to maintain pool plant status. The temporary reduction in the pooling requirement is needed to permit the pooling of producer milk received at a plant which has been associated with the market as a pool plant since the inception of the order. This plant which has both route and bulk Class I sales will lose a substantial block of Class I sales due to a contract change effective January 1, 1965. Its bulk sales have also been reduced by the consolidation, undertaken by some of its bulk purchasers, of plant processing operations in other markets.

(4) This suspension action was requested by producers at a public hearing held December 3, 1964, at Overland Park, Kansas. At the hearing witnesses testified that emergency action in the form of a suspension order is necessary to maintain producer status for certain dairy farmers pending the time when an amended order can be issued. The proponent cooperative and another cooperative which supported the proposal at the hearing represent all producers on the market. No testimony in opposition to the proposal was offered at the hearing.

Therefore, good cause exists for making this order effective January 1, 1965.

*It is therefore ordered,* That the aforesaid provision of the order is hereby suspended for the period January and February 1965.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: January 1, 1965.

Signed at Washington, D.C., on December 17, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-13118; Filed, Dec. 21, 1964; 8:49 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Amdt. 7]

## PART 1468—MOHAIR

### Subpart—Payment Program for Mohair

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Mohair, as amended (27 F.R. 7417; 28 F.R. 579, 1033, 6532, 10289, 12160, 12735; 29 F.R. 3754), are further amended as follows:

1. At the end of § 1468.202, the following new paragraph (e) is inserted:

**§ 1468.202 Support level and payments.**

* * * * *

(e) *1965 marketing year.* For the 1965 marketing year (i.e., the period from January 1 through December 31, 1965), the price support level was announced on July 2, 1964, as 72 cents per pound of mohair, grease basis.

**§ 1468.208 [Amended]**

2. In § 1468.208(a), subparagraph (5) is amended by the addition of the following at the end thereof: "Association dues are to be considered marketing deductions if they include compensation for marketing services."

3. In § 1468.208(a), subparagraph (7) is amended to read as follows:

**§ 1468.208 Contents of sales documents.**

* * * * *

(7) Other deductions, such as those for bags, storage, interest, association dues which do not include compensation for marketing services, and other charges not directly related to the marketing of the mohair.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912, secs. 401-403, 72 Stat. 994-995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446)

Effective date. Date of publication.

Signed at Washington, D.C., on December 16, 1964.

H. D. GODFREY,
*Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64-13088; Filed, Dec. 21, 1964; 8:45 am.]

[Amdt. 8]

## PART 1472—WOOL

### Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool), as amended (27 F.R. 933, 9714; 28 F.R. 579, 1034, 6532, 10290, 12160, 12735; 29 F.R. 3754), are further amended as follows:

1. At the end of § 1472.1102, the following new paragraph (e) is inserted:

**§ 1472.1102 Incentive level and payments.**

* * * * *

(e) *1965 marketing year.* For the 1965 marketing year (i.e., the period from January 1 through December 31, 1965), the price support level was announced on July 2, 1964, as 62 cents per pound of shorn wool, grease basis.

**§ 1472.1108 [Amended]**

2. In § 1472.1108(a), subparagraph (5) is amended by the addition of the following at the end thereof: "Association dues are to be considered marketing deductions if they include compensation for marketing services."

3. In § 1472.1108(a), subparagraph (7) is amended to read as follows:

**§ 1472.1108 Contents of sales document.**

* * * * *

(7) Other deductions, such as those for bags, storage, interest, association dues which do not include compensation for marketing services, and other charges not directly related to the marketing of the wool.

* * * * *

4. At the end of § 1472.1148, the following new paragraph (d) is added:

**§ 1472.1148 Deductions for promotion.**

* * * * *

(d) For the 1964 marketing year, a deduction will be made from each shorn wool payment at the rate of 1 cent a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 5 cents per hundredweight of live animals, as announced in the Department's press release issued June 16, 1964. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912, secs. 401-403, 72 Stat. 994-995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446)

Effective date. Date of publication.

Signed at Washington, D.C., on December 16, 1964.

H. D. GODFREY,
*Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64-13089; Filed, Dec. 21, 1964; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 213—EXCEPTED SERVICE

### Farm Credit Administration

Section 213.3343 is amended to show that one of the four provisions of Deputy Director of Credit Services is no longer excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 213.3343 is amended as set out below.

**§ 213.3343 Farm Credit Administration.**

* * * * *

(d) Three Deputy Directors of Credit Services.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-13115; Filed, Dec. 21, 1964; 8:49 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of State

Section 213.3304 is amended to show that the position, Staff Assistant to the Assistant Secretary of State for African Affairs, is excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (r) of § 213.3304 as set out below.

**§ 213.3304 Department of State.**

* * * * *

(r) *Bureau of African Affairs.* * * *

(5) One Staff Assistant to the Assistant Secretary.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-13116; Filed, Dec. 21, 1964; 8:49 a.m.]

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 18,649]

### PART 525—ADVANCES

### Short Term Advances

DECEMBER 11, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 13433), and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 525.32 of the regulations for the Federal Home Loan Bank System (12 CFR 525.32) to enable savings bank members and permanent stock deposit institutions to obtain advances from the Federal Home Loan Banks upon the same terms and conditions as mutual institutions, and for the purpose of effecting such amendment, hereby amends said § 525.32 to read as follows, effective December 22, 1964:

**§ 525.32 Short term advances.**

In addition to unsecured or secured advances with a maturity of not to exceed one year which may be made under the provisions of section 11(g)(4) of the Act, advances on an unsecured basis or on any kind of security that may be readily available may be made to members under the provisions of section 11(g)(3) of the Act. Such advances must have been unanimously approved by the executive committee of the Bank or by a majority of the directors or by 2 officers of the Bank and shall either be paid at maturity or refunded with eligible collateral. The resulting aggregate of advances made under this section, together with the unpaid principal of any other advances having an unexpired maturity of more than 30 days, except advances made in accordance with or secured as provided in §§ 525.10, 525.25 or 525.26, shall not exceed 5 per centum of the member's withdrawable accounts.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the above said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-13119; Filed, Dec. 21, 1964; 8:49 a.m.]

### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 18,648]

### PART 545—OPERATIONS

### Branch Offices

DECEMBER 11, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 12848) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) to codify the procedure to be employed in the processing of branch office applications, and for the purpose of effecting such amendment, hereby amends said Part 545 as hereinafter set forth, effective December 22, 1964.

Section 545.14 of the rules and regulations for the Federal Savings and Loan System is hereby amended to read as follows:

**§ 545.14 Branch office.**

(a) *General provisions.* (1) Any business of a Federal association, as authorized by the association's board of directors, may be transacted at a branch office, except that loans, other than loans to borrowers on the security of their savings accounts in such association, shall not be approved by the personnel of any such office.

(2) A Federal association shall not establish a branch office without prior written approval by the Board. Determination by a Federal association to make an application for permission to establish a branch office shall be evidenced by a resolution duly adopted by the association's board of directors. The making, filing, and processing of, and action on an application for permission to establish a branch office shall be in accordance with this section.

(3) All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal home loan bank of the district in which the applicant association is located or any other officer or employee of such bank appointed by the Board as agent as provided by § 501.11 of this chapter of the general regulations of the Federal Home Loan Bank Board. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with branch office applications shall be deemed to be privileged and confidential and subject to the provisions of §§ 505.10, 505.11 and 505.12 of this chapter of the general regulations of the Federal Home Loan Bank Board.

(4) An application by a Federal association for permission to establish a branch office shall be approved or disapproved by the Board within a period not exceeding 9 months after publication of the notice required by paragraph (g) of this section, unless the Board, with respect to a particular application, extends such period.

(b) *Eligibility.* No application for permission to establish a branch office by a Federal association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the date on which such application is filed with the Board,

(1) The association has not been in operation for a period of at least 3 years;

(2) More than 12 months have expired from the date of publication of the notice of application for the association's most recently approved branch, if not yet opened;

(3) The association does not submit in support of its application evidence giving reasonable assurance that the proposed branch office, if approved, will be opened within 21 months after the date on which the application is filed;

(4) The association has on file any other application for permission to establish a branch office with respect to which action by the Board is pending; or

(5) A period of at least 9 months has not elapsed since disapproval by the Board of an application by the association for permission to establish a branch office to serve any substantial part of the same area as determined by the Supervisory Agent.

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. A Federal association may obtain from the Supervisory Agent the prescribed application form and "Outline of Information to be Submitted in Support of an Application for Permission to Establish (Maintain) a Branch Office." Information shall be furnished in support of the application in accordance with such Outline designed to show: (1) There is a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions. The application shall include an estimate of the annual income and expenses of the proposed branch office and of the annual volume of business to be transacted by it, and a statement of the functions to be performed at such office and of the personnel and office facilities to be provided for the operation of the office. A branch office application shall be deemed to be complete when the foregoing requirements of this paragraph (c) have been met.

(d) *Filing of application; annual budget.* An application for permission to establish a branch office shall be filed with the Board by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent. In addition to and concurrently with the filing of such application and supporting information, the applicant shall deliver to the Supervisory Agent, for confidential use by the Board, two copies of a proposed annual budget of the association.

(e) *Amendment of application; filing of additional information.* After a complete application for permission to establish a branch office has been filed with the Board, and prior to the date of advice by the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to paragraph (g) of this section, the applicant may file additional information in support of the application and may amend the application; after the date of such advice, the applicant may not amend the application or, unless and until a hearing on the branch office application is ordered, file any additional supporting information unless requested by or on behalf of the Board.

(f) *Disapproval or deferral for supervisory reasons.* No application for permission to establish a branch office shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(g) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish a branch office is complete, that the association is eligible and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed branch office, a notice of the filing of the application in the following form:

NOTICE OF FILING OF BRANCH OFFICE APPLICATION

Notice is hereby given that, pursuant to the provisions of § 545.14 of the rules and regulations for the Federal Savings and Loan System, the ---------- Federal Savings and Loan Association ----------, ----------, has filed an application with the Federal Home Loan Bank Board for permission to establish a branch office at, or in the immediate vicinity of, ----------, ----------, ----------.

The application has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of ----------, ----------, ----------. Any person may file communications in favor of or in protest of said application at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Under the said rules and regulations for the Federal Savings and Loan System, a hearing in Washington, D.C., may be held if, pursuant to this notice, any interested person expresses a written protest, which shall be filed in duplicate, supported by specific written objections, to said application and requests a hearing at which he expresses intention to appear, provided such protest and request are received at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Any such written protest which is not coupled with a request for hearing will also be considered if received at the aforesaid office of the Supervisory Agent within 20 days of the date of this publication. The complete application, together with all communications in favor or in protest thereof, are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

---------- FEDERAL SAVINGS AND LOAN ASSOCIATION ----------

(2) Within 20 days after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications in favor or in protest of the branch office application.

(3) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(4) The complete application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons following the date of publication of the notice as hereinabove provided. Prior to the issuance to the applicant association of advice to publish a notice, the application and the fact that it has been filed shall be held as confidential.

(h) *Hearings*—(1) *General provisions.* A hearing shall be held upon an application for permission to establish a branch office in any case in which a hearing is ordered unless it is dispensed with as provided in the order for a hearing. A copy of an order for a hearing shall be mailed to the applicant association and to all persons who have filed written statements protesting approval of the branch office application. In any case in which the Board has disapproved an application without a hearing, a hearing may be held, at the discretion of the Board, if such hearing is requested by the applicant association within 30 days after receipt by it of advice that the Board has disapproved the application. Notwithstanding any other provision of this section, the Board may at any time, in its discretion and on its own motion, order a hearing on an application for permission to establish a branch office. Any interested person may appear, in person or by attorney, at any hearing held on an application for permission to establish a branch office and submit any evidence pertinent to the questions at issue.

(2) *Procedure.* After a hearing has been ordered, the order for such hearing, the application and supporting information, and any protest and information in support of any protest, shall be available at the office of the Secretary to the Board for inspection during regular working hours. The hearing shall be held before a hearing officer who shall be a member of the staff of the General Counsel of the Federal Home Loan Bank Board and who shall be designated by the General Counsel or a Deputy or Associate General Counsel. The hearing officer shall have complete charge of the hearing; may receive, admit, allow, exclude, and deny petitions, briefs, and evidence, including the hearing of testimony according to the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States, provided, however, that such rules may be relaxed by the hearing officer in order to expedite the proceedings or promote the just determination of the ultimate issue; may make rulings and note exceptions, but shall not have power to grant any motion to dismiss the proceedings or other motion that involves final determination of the ultimate issue; may hear arguments; may adjourn the said hearing from time to time, if, in his judgment, it is desirable to the orderly conduct of the said hearing or to promote the just determination of the ultimate issue; shall order the preparation of a record, including a transcript of the testimony and evidence presented; and may do all such things and have all such powers as are necessary or proper for the orderly conduct of the hearing or to promote the just determination of the ultimate issue, but shall not have power to finally determine the ultimate issue. The hearing officer shall determine whether the filing of briefs after a hearing will be permitted, and if such filing is permitted, the hearing officer shall restrict the time for filing to a postmark date not later than 30 days after the conclusion of the hearing, unless for good cause a longer period is allowed. The hearing officer shall not permit the filing of reply briefs.

(i) *Branch office incidental to conversion or merger.* A Federal association into which an existing institution is converted shall not thereafter maintain any office of the predecessor institution as a branch office of such Federal association, and a Federal association shall not maintain any office of another institution which is absorbed by merger, without prior written approval by the Board of an application by the association for permission to maintain such office. Such application shall be in form prescribed by the Board and shall be filed at the same time as a preliminary application for conversion is submitted to the Board pursuant to § 543.9 of this chapter or at the same time as an application for approval by the Board of a merger is submitted pursuant to § 546.2 of this chapter, and shall be processed in accordance with the provisions of this section with respect to applications for permission to establish a branch office, with the following exceptions:

(1) The provisions of this section with respect to hearing and public notice shall be applicable only in cases in which it is so determined by or on behalf of the Board, and the Supervisory Agent shall not advise an applicant association to publish notice pursuant to paragraph (g) of this section unless so instructed by or on behalf of the Board; and

(2) The eligibility requirements of paragraph (b) of this section shall not be applicable to such application.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that the Board hereby finds that publication of the aforesaid amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act would, in the opinion of the Board, result in confusion and unnecessary expense in the filing and processing of branch office applications prior to the effective date hereof

and the Board hereby provides that the aforesaid amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-13120; Filed, Dec. 21, 1964; 8:50 a.m.]

[No. 18,650]

## PART 545—OPERATIONS

### Unsecured Loans

DECEMBER 11, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 13214) and all relevant material presented or available have been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 545.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8) in order to implement and to effect conformity with the provisions of section 5(c) of the Home Owners' Loan Act of 1933, as amended by Public Law 88-560, approved September 2, 1964, relating to unsecured loans, and for the purpose of effecting such amendment hereby amends subparagraphs (1), (4) and (5) of § 545.8(b) of the rules and regulations for the Federal Savings and Loan System to read as follows, effective January 22, 1965.

**§ 545.8 Unsecured loans.**

* * * * * *

(b) * * *

(1) The net proceeds of any such loan do not exceed $5,000;

* * * * * *

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 20 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 8 years:

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-13121; Filed, Dec. 21, 1964; 8:50 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-WA-68]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Federal Airway

On November 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 15219) stating that the Federal Aviation Agency had under consideration a designation of a Federal airway from Millinocket, Maine, to a new VOR to be commissioned near Quebec, Canada.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 1009) is amended as follows: In V-314 "From Millinocket, Maine, via Princeton, Maine" is deleted and "From Quebec, Canada, via Millinocket, Maine; Princeton, Maine;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 11, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-13077; Filed, Dec. 21, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-59]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Transition Area

On October 7, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13829) stating that the Federal Aviation Agency proposed to alter the transition area at Joplin, Mo.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160), the Joplin, Missouri, transition area is amended to read:

JOPLIN, MISSOURI

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Joplin ILS localizer NW course, extending from the arc of a 5-mile radius circle centered at the Joplin, Missouri, Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.), to 8 miles NW of the OM, and the airspace extending upward from 1200 feet above the surface within 8 miles NE and 6 miles SW of the Joplin ILS localizer NW and SE courses, extending from 12 miles NW to 31 miles SE of the OM, and within 5 miles each side of the Neosho VOR 345° radial extending north from the Neosho VOR to the Joplin ILS OM.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on December 11, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-13078; Filed, Dec. 21, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-87]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Alteration of Restricted Area

The purpose of this amendment to Part 73 [New] of the Federal Aviation Regulations is to change the using agency for the Brookville, Kans. restricted area R-3601.

The United States Air Force has requested a change in the using agency of R-3601 since there has been a transfer of operational control from Strategic Air Command to Tactical Air Command. R-3601 is presently used to train all SAC and TAC gunners. Therefore, the activity for which this restricted area was designated will not be affected by the change in using agency requested.

Since this amendment is procedural in nature and of very minor consequence to the public, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.36 (29 F.R. 1252), the Brookville, Kans. restricted area R-3601 is amended by deleting "Using agency. Commander, Schilling AFB, Kans." and substituting therefor "Using agency. Commander, McConnell AFB, Kans."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 15, 1964.

CLIFFORD P. BURTON,
*Acting Director, Air Traffic Service.*

[F.R. Doc. 64-13079; Filed, Dec. 21, 1964; 8:45 a.m.]

# Title 29—LABOR

## Subtitle A—Office of the Secretary of Labor

## PART 40—FARM LABOR CONTRACTOR REGISTRATION

Pursuant to section 14 of the Farm Labor Contractor Registration Act of 1963 (Pub. Law 88-582; Approved September 7, 1964), 29 CFR Part 40 is hereby established to read as set forth below.

Because these regulations establish the requirements for obtaining certificates of registration which must be applied for and issued prior to January 1, 1965, notice of proposed rule making, public participation in their adoption, and delay in effective date are found to be impracticable. Therefore, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found to, and I do hereby, make these regulations effective upon publication in the FEDERAL REGISTER. Interested persons may at any time, however, submit petitions for amendment of these regulations in accordance with 29 CFR 40.29. Interpretative material will also be published shortly.

The new 29 CFR Part 40 reads as follows:



Sec.

40.1 Purpose and scope.
40.2 Definitions.
40.3 Certificate of Registration Required.
40.4 Application for Certificate of Registration.
40.5 Corporations, partnerships, associations and other organizations.
40.6 Farm Labor Contractor Identification Cards, applications.
40.7 Office of filing, action.
40.8 Regional Administrator; duties, action.
40.9 The Administrator; duties, action.
40.10 Terms of Certificates of Registration, other conditions and obligations.
40.11 Cancellation of insurance, review of financial responsibility, change of ownership.
40.12 Report of violation, investigation.
40.13 Action following investigation, Regional Administrator.
40.14 Action following investigation, Administrator.
40.15 Voluntary compliance.
40.16 Notice of proposed denial of an application for or renewal of a Certificate of Registration or a Farm Labor Contractor Identification Card or suspension or revocation thereof.
40.17 Notice and hearing.
40.18 Answer.
40.19 Service by mail.
40.20 The hearing—presiding officer.
40.21 The hearing—appearances.
40.22 The hearing—evidence.
40.23 The hearing—witnesses.
40.24 The hearing—examiner's decision.
40.25 The hearing—exceptions to examiner's decision.
40.26 Issuance of order.
40.27 Initial certificate.
40.28 Compliance with other Federal and State statutes.
40.29 Amendment to the regulations in this part.


AUTHORITY: The provisions of this Part 40 issued under sec. 14, 78 Stat. 924.

**§ 40.1 Purpose and scope.**

The Farm Labor Contractor Registration Act of 1963 requires certain persons to obtain Certificates of Registration prior to performing any activities which constitute engagement in farm labor contracting within the meaning of the Act. This part sets forth the Regulations of the Secretary of Labor, United States Department of Labor, which are promulgated pursuant to section 14 of the Act to provide the procedure for applying for Certificates of Registration and allied documents, the issuance, renewal, suspension, or revocation thereof and rules of practice for administrative hearings relating thereto.

**§ 40.2 Definitions.**

For the purposes of this part:

(a) The term "person" includes any individual, partnership, association, joint stock company, trust, or corporation.

(b) The term "farm labor contractor" means any person, who, for a fee, either for himself or on behalf of another person, recruits, solicits, hires, furnishes, or transports ten or more migrant workers (excluding members of his immediate family) at any one time in any calendar year for interstate agricultural employment. The term "farm labor contractor" does not include (1) any nonprofit charitable organization, public or nonprofit private educational institution, or similar organization; (2) any farmer, processor, canner, ginner, packing shed operator, or nurseryman who engages in any such activity for the purpose of supplying migrant workers solely for his own operation; (3) any full-time or regular employe of any entity referred to in subparagraph (1) or (2) of this paragraph; or (4) any person who engages in any such activity for the purpose of obtaining migrant workers of any foreign nation for employment in the United States, if the employment of such workers is subject to (i) an agreement between the United States and such foreign nation, or (ii) an arrangement with the government of any foreign nation under which written contracts for the employment of such workers are provided for and the enforcement thereof is provided for in the United States by an instrumentality of such foreign nation.

(c) The term "fee" includes any money or other valuable consideration paid or promised to be paid to a person for services as a farm labor contractor.

(d) The term "interstate agricultural employment" means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, as amended (29 USC 203(f)), or section 3121(g) of the Internal Revenue Code of 1954 (26 USC 3121(g)), when such service or activity is performed by an individual worker who has been transported from one State to another or from any place outside of a State to any place within a State.

(e) The term "migrant worker" means an individual whose primary employment is in agriculture, as defined in section 3(f) of the Fair Labor Standards Act of 1938, as amended (29 USC 203(f)), or who performs agricultural labor, as defined in section 3121(g) of the Internal Revenue Code of 1954 (26 USC 3121(g)), on a seasonal or other temporary basis.

(f) The term "immediate family" includes only (1) a spouse; (2) children, step-children, and foster children; and (3) parents, step-parents, and foster parents.

(g) The "Regional Administrator" is the administrative officer in charge of a regional office of the Bureau of Employment Security, United States Department of Labor.

(h) The term "Secretary" means the Secretary of Labor, United States Department of Labor.

(i) The "Administrator" means the Manpower Administrator of the United States Department of Labor or his authorized representative.

(j) The "Examiner" is an examiner appointed pursuant to § 11 of the Administrative Procedure Act and is the officer who presides at hearings conducted pursuant to §§ 40.17–40.26.

(k) The term "State" means any of the States of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and Guam.

(l) "Convicted" means that a final judgment of guilt has been rendered by a court of competent jurisdiction from which no opportunity for appeal remains.

(m) A "full-time or regular employee" is a person who performs farm labor contracting activities solely on behalf of one employer and is not an independent contractor.

(n) A "Certificate of Registration" is the certificate issued by the Secretary which permits a person to engage in activities as a farm labor contractor.

(o) A "Farm Labor Contractor Identification Card" is a card issued pursuant to this part permitting a full-time or regular employee of a person holding a valid Certificate of Registration to engage in activities as a farm labor contractor.

**§ 40.3 Certificate of Registration required.**

On and after January 1, 1965, the effective date of the Farm Labor Contractor Registration Act of 1963, any person who desires to engage in activities as a farm labor contractor must first obtain a Certificate of Registration. A full-time or regular employee of a person holding a valid Certificate of Registration may engage in activities as a farm labor contractor solely on behalf of his employer without obtaining a Certificate of Registration providing he first obtains and has in his possession while engaging in such activities a Farm Labor Contractor Identification Card.

**§ 40.4 Application for Certificate of Registration.**

(a) Any person desiring to obtain or renew a Certificate of Registration shall execute and file ES-410 Application for Certificate of Registration which is available at the local offices of the Employment Services of the various States. The application must be executed and filed in triplicate at any office of the Employment Services of the various States, except that in States requiring licensing or registration of farm labor contractors under State law such application shall be available and shall be filed at the Employment Service office of such State or the same office where the State registration or license is filed, whichever may be designated by the Governor of such State.

(b) The application shall set forth the information required thereon, shall be subscribed and sworn to by the applicant, set forth information concerning the applicant's conduct and his method of operation as a farm labor contractor, and have attached:

(1) The fingerprints of the applicant on a completed form FD-258.

(2) One of the following:

(i) Photostat or other copies of an insurance policy or policies for the period of the Certificate of Registration for which application is made, from an insurance carrier licensed or otherwise authorized to do business in the State in which the insurance is obtained, which insures the applicant against liability for damages to persons or property arising out of the applicant's ownership or operation of or his causing to be operated any vehicle for the transportation of migrant workers in connection with his business, activities, or operations as a farm labor contractor. The policy or policies shall provide insur-

ance in an amount not less than that required by any law or regulation of any State in which the applicant operates a vehicle in connection with his business, activities, or operations as a farm labor contractor; but in no event shall the amount of such insurance be less than $5,000 for bodily injuries to or death of one person; $20,000 for bodily injuries to or death of all persons injured or killed in any one accident; $5,000 for the loss or damage in any one accident to property of others; or

(ii) A letter of intention addressed to an insurance carrier licensed or otherwise authorized to do business in one of the several States, and countersigned or endorsed by such insurance carrier indicating that insurance coverage as provided in subdivision (i) of this subparagraph will be in effect prior to the use, or operation, of any vehicle by or at the instance of the applicant in the course of his business, activities, or operations as a farm labor contractor; or

(iii) Proof of financial responsibility evidenced by a liability bond executed by the applicant, identified in the instrument as the "principal," together with a third party, identified in the instrument as the "surety," to assure payment of any liability, up to $50,000, for damages to persons or property arising out of the applicant's ownership of, operation of, or his causing to be operated any vehicle for the transportation of migrant workers in connection with his business, activities, or operations as a farm labor contractor. Every bond furnished in connection with activities as a farm labor contractor shall be supported by a corporate surety which appears on the list contained in Treasury Department Circular 570, with an underwriting limit of not less than $50,000 or which has been approved by the Secretary under the Welfare and Pension Plans Disclosure Act, as amended. Treasury Department Circular 570 may be obtained from the United States Treasury Department, Bureau of Accounts, Division of Deposits and Investments, Surety Bonds Branch, Washington, D.C., 20226.

(3) Evidence satisfactory to the Regional Administrator that the applicant has complied and does comply with rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce.

(c) If a Certificate of Registration is lost or destroyed, a duplicate Certificate of Registration may be obtained by submission to the office at which application was originally made of an affidavit explaining the loss or destruction together with a letter requesting that a duplicate be issued.

### § 40.5 Corporations, partnerships, associations and other organizations.

Any corporation, partnership, association or other organization which is a farm labor contractor must obtain a farm labor contractor Certificate of Registration. Any officer, director, partner or member engaging in activities as a farm labor contractor on behalf of the corporation, partnership, association or other organization is for the purposes of this part, a full-time or regular employee of a farm labor contractor.

### § 40.6 Farm Labor Contractor Identification Cards, applications.

(a) Full-time or regular employees of a holder of a valid Certificate of Registration who desire to obtain a Farm Labor Contractor Identification Card shall execute ES–412, Application for Farm Labor Contractor Identification Card, which is available at the local offices of the Employment Services of the various States or any office designated by the Governor of a State pursuant to § 40.4. The application must be executed and filed in quadruplicate at any such office. Each application shall set forth as required thereon information concerning the applicant's conduct and a description of his activities as a farm labor contractor. The application shall be sworn to and subscribed by the applicant and contain a certification by the holder of the valid Certificate of Registration that the applicant is his full-time or regular employee. The application shall have attached the fingerprints of the applicant on a completed form FD–258, which is available at any local office of the Employment Services of the various States or any office designated by the Governor of a State pursuant to § 40.4.

(b) Applications for Farm Labor Contractor Identification Cards shall be acknowledged by the Regional Administrator. Such acknowledgement shall authorize the applicant to engage in the activities of a farm labor contractor as a full-time or regular employee of the holder of the valid Certificate of Registration until a determination is made upon the application.

(c) If a Farm Labor Contractor Identification Card is lost or destroyed a duplicate Farm Labor Contractor Identification Card may be obtained by submission to the office at which application was originally made of an affidavit explaining the loss or destruction together with a letter requesting that a duplicate be issued.

### § 40.7 Office of filing, action.

Each application for a Certificate of Registration or a Farm Labor Contractor Identification Card filed at any of the offices designated in §§ 40.4 and 40.6 shall be transmitted promptly to the appropriate Regional Administrator.

### § 40.8 Regional Administrator; duties, action.

The Regional Administrator shall:

(a) Review each application transmitted to him by the offices of filing and determine whether such application is complete and properly executed.

(b) When appropriate, notify the applicant in writing of any incompleteness or error in execution and return the application to him for correction and completion.

(c) Determine after appropriate investigation whether the applicant has complied with the requirements of the Act and this Part and do one of the following:

(1) Issue a Certificate of Registration or Farm Labor Contractor Identification Card.

(2) Recommend that the Administrator refuse to issue a Certificate of Registration or Farm Labor Contractor Identification Card.

(d) Transmit to the Administrator all recommendations that issuance or renewal of a Certificate of Registration or Farm Labor Contractor Identification Card be refused together with the reasons for his recommendation.

### § 40.9 The Administrator; duties, action.

The Administrator shall:

(a) Review all recommendations by Regional Administrators that issuance or renewal of Certificates of Registration or Farm Labor Contractor Identification Cards be refused.

(b) When appropriate, return to the Regional Administrator for such further investigation, consideration, and determination as he deems necessary any application with reference to which the Regional Administrator has recommended that he refuse to issue or renew a Certificate of Registration or Farm Labor Contractor Identification Card.

(c) When appropriate, concur in the recommendation to refuse issuance or renewal of a Certificate of Registration or Farm Labor Contractor Identification Card.

(d) When appropriate, notify the applicant in writing of his proposed action and the grounds and reasons therefor in accordance with § 40.16.

### § 40.10 Terms of Certificates of Registration, other conditions and obligations.

(a) Certificates of Registration shall be issued for a calendar year and shall expire at midnight on each December 31. Receipt of any application for renewal in accordance with § 40.4 on or before November 30 of the year preceding the year for which certification is sought shall be acknowledged by the Regional Administrator. Such acknowledgment shall extend the applicant's Certificate of Registration until a determination is made upon the application for renewal.

(b) Farm Labor Contractor Identification Cards shall be valid, unless suspended or revoked pursuant to the Act, or this part, so long as the Farm Labor Contractor who employs the full-time or regular employee holds a valid Certificate of Registration.

(c) Certificates of Registration and Farm Labor Contractor Identification Cards may be revoked or suspended, or issuance or renewal thereof refused, if the applicant or registrant:

(1) Fails to carry his Certificate of Registration or identification card with him at all tmes while engaging in activities as a farm labor contractor or fails to exhibit the same when requested to do so, to any person with whom he undertakes to deal in his capacity as a farm labor contractor.

(2) Knowingly has made any misrepresentation or false statements in his application for a Certificate of Registration or identification card, or any renewal thereof.

(3) Knowingly has given false or misleading information to migrant workers concerning the terms, conditions, or existence of agricultural employment.

(4) Has failed, without justification, to perform agreements entered into or arrangements made with farm operators.

(5) Has failed, without justification, to comply with the terms of any working arrangements he has made with migrant workers.

(6) Has recruited, employed, or utilized the services of a person with knowledge that such person is violating the provisions of the immigration and nationality laws of the United States.

(7) Has been convicted of any crime under State or Federal law relating to gambling or to the sale, distribution, or possession of alcoholic liquors in connection with or incident to his activities as a farm labor contractor; or has been convicted of any crime under State or Federal law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or crimes involving prostitution.

(8) Has failed to comply with rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce.

(9) Knowingly employs or continues to employ any person, to whom subsection (b) of section 4 of the Act applies, who has taken any action, except for that listed in subparagraph 15 of this section, which could be used by the Administrator to refuse to issue a Certificate of Registration.

(10) Has failed to comply with any of the provisions of the Act or any regulations issued thereunder.

(11) Has failed to ascertain and disclose to each worker at the time the worker is recruited the following information to the best of his knowledge and belief: (i) The area of employment, (ii) the crops and operations on which he may be employed, (iii) the transportation, housing, and insurance to be provided him, (iv) the wage rates to be paid him, and (v) the charges to be made by the contractor for his services.

(12) Has failed or refused, upon arrival at a given place of employment, to post in a conspicuous place a written statement of the terms and conditions of that employment.

(13) Has failed or refused to post in a conspicuous place the terms and conditions of occupancy, in the event he manages, supervises, or otherwise controls the housing facilities.

(14) Has failed or refused to comply with or perform any of the following, in the event he pays migrant workers engaged in interstate agricultural employment, either on his own behalf or on behalf of another person:

(i) To keep payroll records which shall show for each worker total earnings in each payroll period, all withholdings from wages, net earnings, the hours worked each day and the total hours worked during each payroll period.

(ii) For any worker employed on a time basis, to record on the payroll records the time period constituting the basis for payment of each worker and if the unit is other than an hour the number of hours of work comprising such unit.

(iii) For workers employed on a piece rate basis, to record on the payroll records the number of units of work performed and the rate per unit.

(iv) To provide to each migrant worker engaged in interstate agricultural employment with whom he deals in a capacity as a farm labor contractor, a statement of all sums paid to him (including sums received on behalf of such migrant worker) on account of the labor of such migrant worker.

(v) To provide each migrant worker, engaged in interstate agricultural employment with whom he deals in a capacity as a farm labor contractor, an itemized statement showing all sums withheld by him from the amount he received on account of the labor of such worker, and the purpose for which withheld.

(15) Has failed to obtain or has had cancelled any insurance policy required by the Act and this Part and cannot demonstrate financial responsibility acceptable to the Secretary or his representative.

(16) Has failed to furnish, or refused to allow a designated representative of the Secretary to obtain appropriate information necessary to make a determination of eligibility for a Certificate of Registration or a Farm Labor Contractor Identification Card as provided by section 5(b) of the Farm Labor Contractor Registration Act of 1963.

### § 40.11 Cancellation of insurance, review of financial responsibility, change of ownership.

Any insurance policy or bond required by the Act or this Part shall provide that it cannot be cancelled or lapse or otherwise terminate without prior written notice to the Regional Administrator with whom proof of such policy or bond is filed at least twenty (20) days before such cancellation. Any change in the membership or officers of a holder of a Certificate of Registration from that most recently reported shall within twenty (20) days of the change be reported in writing to the Regional Administrator who issued the Certificate of Registration.

### § 40.12 Report of violation, investigation.

(a) Any person may report a violation of the Act or this part to any local office of the Employment Services of the various States or any office designated by the Governor of a State pursuant to § 40.4 or any Regional Administrator or any of his representatives. The office receiving such a report shall refer it to the Regional Administrator of the Region in which the reported violation is alleged to have occurred. The Regional Administrator shall make or cause to be made an appropriate investigation of any alleged violation.

(b) The Regional Administrator shall also make or cause to be made an appropriate investigation when he has reasonable grounds to believe that a farm labor contractor has violated any provisions of the Act or this part.

### § 40.13 Action following investigation Regional Administrator.

The Regional Administrator who makes or causes to be made an investigation in accordance with § 40.12 shall as appropriate:

(a) If the investigation relates to a Certificate of Registration or a Farm Labor Contractor Identification Card issued by him and he finds no or insufficient grounds to recommend suspension or revocation thereof, close the investigation without further action.

(b) If he finds grounds for suspension or revocation of the Certificate of Registration or the Farm Labor Contractor Identification Card to which the investigation relates, recommend suspension or revocation thereof by reporting the investigation and his recommendation to the Administrator with the reasons and basis for his recommendation.

(c) Report all other investigations to the Administrator.

### § 40.14 Action following investigation, Administrator.

The Administrator in cases in which revocation or suspension of a Certificate of Registration or Farm Labor Contractor Identification Card is recommended shall, utilizing the same procedures set forth in § 40.9 relating to issuance or renewal, make an appropriate determination. When he determines that the recommendation of the Regional Administrator should be followed, he shall give notice thereof as provided in § 40.16.

### § 40.15 Voluntary compliance.

Except in cases of willfulness, prior to making any recommendation to revoke or suspend a Certificate of Registration or Farm Labor Contractor Identification Card in cases in which compliance can be achieved, the Regional Administrator shall call to the attention of the holder of or applicant for a Certificate of Registration or Farm Labor Contractor Identification Card, the facts and conduct upon which he intends to base his recommendation. He shall afford such holder or applicant a reasonable opportunity to demonstrate or achieve voluntary compliance.

### § 40.16 Notice of proposed denial of an application for or renewal of a Certificate of Registration or a Farm Labor Contractor Identification Card or suspension or revocation thereof.

Upon a determination by the Administrator that a Certificate of Registration or a Farm Labor Contractor Identification Card should be suspended or revoked or that issuance or renewal thereof should be refused, the Administrator shall notify the applicant therefor or holder thereof of his proposed action. In cases involving a determination relating to a Farm Labor Contractor Identification Card notice shall also be given to the holder of the Certificate of Registration under which the card is applied for. The notice shall be in writing, set forth the proposed action

and the reasons therefor, and inform the applicant or holder of his right to a hearing. The notice shall:

(a) Set forth the proposed determination of the Administrator and the reasons therefor;

(b) Apprise the applicant or holder of his right to a hearing on the proposed action and that such a hearing will be held upon his request, provided that his request is made in writing not later than twenty (20) days after the service of the notice, and mailed to the Manpower Administrator, United States Department of Labor, Washington, D.C., 20210; and

(c) Inform the applicant or holder that in the absence of a request for a hearing the proposed determination shall become the order of the Secretary.

**§ 40.17 Notice and hearing.**

Upon receipt of a request, pursuant to § 40.16, the Administrator shall refer the matter to the Chief Hearing Examiner, United States Department of Labor, Washington, D.C., 20210. Such request shall provide the basis for initiation of a hearing on the issues raised in the notice given pursuant to § 40.16. Within a reasonable time following the aforesaid reference, the Examiner to whom the matter is referred shall issue and serve upon the person requesting a hearing and the Administrator, a Notice of Hearing prescribing the day and time, the place, and the purpose of the hearing to determine whether a Certificate of Registration or Farm Labor Contractor Identification Card or renewal thereof should be issued, suspended or revoked. The hearing contemplated by the notice shall not be held prior to 14 days after the date of notice.

**§ 40.18 Answer.**

Any person served with a Notice of Hearing pursuant to § 40.17 may, at any time prior to the commencement of the hearing for which notice has been given, file with the Chief Hearing Examiner an answer denying, explaining, or otherwise responding to the proposed determination. No such answer or any response is required, but if filed, must be signed by the person answering or responding or his representative.

**§ 40.19 Service by mail.**

Any application, notice or other document required by this Part to be filed or served on any person may be filed or served personally or by mail. If done by mail, filing or service is complete upon mailing. Service of any such notice or other document by mail upon applicants for or holders of Certificates of Registration or Farm Labor Contractor Identification Cards shall be made at the address designated either on such applicant's or holder's most recent ES–410, Application for Certificate of Registration, or ES–412, Application for Farm Labor Contractor Identification Card, or by any subsequent written communication to the Regional Administrator who issued the Certificate of Registration or the Identification Card as the place to which service of all notices and documents may be made.

**§ 40.20 The hearing—presiding officer.**

(a) The Hearing contemplated by the Act and this Part shall be conducted by an Examiner.

(b) In any proceeding assigned to him, the Examiner shall have all powers necessary to conduct a fair and impartial hearing as enumerated in section 7(b) of the Administrative Procedure Act (5 U.S.C. 1006(b)).

**§ 40.21 The hearing—appearances.**

(a) Each party shall have the right to appear in person, through an authorized agent, or by or with counsel. The Solicitor of the United States Department of Labor or his designee shall represent the Administrator in each proceeding before the Examiner.

(b) For good cause shown, the Examiner may permit any interested person or party to intervene at a hearing. A petition to intervene shall be in writing and shall state briefly and with particularity the petitioner's relationship to the matters involved in the proceedings and the nature of the presentation he would make.

(c) If any party to the proceeding, after being properly served with notice of the hearing, should fail to appear at the hearing, the matter may be set for further hearing upon notice or the Examiner may make his decision without further hearing. Failure to appear at a hearing, however, shall not be deemed to be a waiver of the respondent's right to be served with a copy of the Examiner's decision and to file exceptions with respect thereto.

**§ 40.22 The hearing—evidence.**

(a) The testimony of witnesses shall be upon oath or affirmation administered by the Examiner and shall be subject to such cross-examination as may be required for a full and true disclosure of the facts. The Examiner shall exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(b) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the Examiner may be relied upon subsequently in the proceeding. A formal exception to an adverse ruling is not required.

(c) Official notice may be taken of any material fact, not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department by reason of its functions is presumed to be expert: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the Examiner's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary.

(d) At the end of the hearing, the Examiner shall afford any party a reasonable opportunity, upon request, to file with him proposed findings of fact, conclusions of law, and a proposed order, together with a supporting brief including the reasons for any proposals. Such proposals shall be accompanied by a certification that service of the proposals has been made upon all other parties.

(e) The hearing shall be open to the public, unless otherwise ordered by the Examiner.

**§ 40.23 The hearing—witnesses.**

The Examiner, either at the request of the parties or upon his own motion, may request persons to appear to testify as witnesses, where such action is deemed necessary to serve the purposes of the hearing.

**§ 40.24 The hearing—examiner's decision.**

(a) Following the hearing the Examiner shall prepare a decision as promptly as practicable after the expiration of the time set for filing proposals provided for in § 40.22, if any. He shall include in the decision findings of fact and conclusions which set forth the reasons and basis for his decision with respect to all material issues of fact, law and discretion. If the respondent does not appear at the hearing, the Examiner shall, subject to the authority granted in § 40.21(c), prepare his decision on the record before him. He shall prepare an order affirming or rejecting the proposed action of the Administrator or providing such other relief or sanction as may be appropriate.

(b) The Examiner shall transmit the entire record which includes the original of his decision to the Administrator and serve copies of the decision on each of the other parties.

**§ 40.25 The hearing—exceptions to Examiner's decision.**

Within 20 days of service of the Examiner's decision any party to the proceedings may file with the Chief Hearing Examiner a written statement setting forth exceptions to the decision or proceedings. Each exception shall set forth specifically the matters of law, fact or policy to which exceptions are taken, shall identify the portions of the record relied upon, and shall state the grounds for the exceptions. Exceptions may be accompanied by a separate brief or memoranda of law.

**§ 40.26 Issuance of order.**

If within the time provided no exceptions have been filed, the Examiner's order shall become the order of the Secretary. If exceptions are filed, the Administrator shall transmit the entire record to the Secretary. The Secretary shall as soon as practicable rule on each such exception and upon the basis of the entire record make the Examiner's order final or such other order as he may find appropriate. The Secretary's order will be served upon all parties forthwith.

**§ 40.27 Initial certificate.**

Applications for Certificates of Registration for the calendar year 1965 made on or before March 1, 1965, which are complete and properly executed shall immediately be acknowledged. Until a determination is made upon such application, the applicant shall not be deemed to be in violation of the Act or this part if, while having such acknowledgement in his immediate personal possession, he engages in activities as a farm labor contractor during the calendar year 1965.

**§ 40.28 Compliance with other Federal and State statutes.**

This part and the provisions contained herein are intended to supplement State action, and compliance herewith shall not excuse anyone from compliance with applicable State and Federal laws or regulations, including but not limited to such Federal laws as the Child Labor provisions of the Fair Labor Standards Act of 1938, as amended, the regulations governing the transportation of migrant workers under sections 203(a) and 204(a) of the Interstate Commerce Act, the provisions of Title 2 of the Social Security Act relating to Federal Old-Age, Survivors, and Disability Insurance Benefits, and the provisions of U.S.C. Title 18, section 1231, prohibiting the interstate transportation of strikebreakers.

**§ 40.29 Amendment to the regulations in this part.**

The Secretary may at any time upon his own motion or upon written petition of any person setting forth reasonable grounds therefor amend or revoke any of the terms of the regulations contained in this part. Such petitions should be filed by mail with the Secretary of Labor, United States Department of Labor, Washington, D.C., 20210.

Signed at Washington, D.C., this 15th day of December 1964.

W. WILLARD WIRTZ,
*Secretary.*

[F.R. Doc. 64–13085; Filed, Dec. 21, 1964; 8:45 a.m.]



# Title 31—MONEY AND FINANCE: TREASURY

## Subtitle A—Office of the Secretary of the Treasury

[CGFR 64–78]

## PART 3—CLAIMS REGULATIONS

### Miscellaneous Amendments

Public Law 86–223 amended section 2734 of Title 10 of the United States Code to enlarge the period of time from one year to two years within which a claim must be presented after it accrues. Sections 3.88 and 3.99 are amended to conform to the provisions of Public Law 86–223. Section 3.101 is amended as set forth herein.

### Subpart F—Claims Arising Outside the United States

(1) Section 3.88 is amended to read as follows:

**§ 3.88 When claims must be presented.**

A claim may not be considered under this subpart unless presented within two years after it accrues, or filed within those years with a foreign government under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, Article XVIII of the Japanese Administrative Agreement, or other similar treaty or agreement. If examination of a claim discloses that it was not seasonably presented, the claimant may be advised to that effect without further action being required. A claim otherwise within this subpart but not presented within two years will not be settled under other claims regulations.

(2) Section 3.99(a) is amended to read as follows:

**§ 3.99 Procedure.**

(a) A foreign claims commission, upon receipt of a claim and supporting documents, will consider the claim and determine how it should be processed for settlement. If the claim was not presented within two years, the claimant will be advised by the commission that the claim is barred. If necessary, the commission will conduct a further investigation. It may confer with the claimant to resolve or determine the facts and, if deemed in the best interest of the Government and permitted by the situation, conduct a hearing and take testimony. Claims under other laws, treaties, agreements or regulations will be returned promptly to the appointing authority. Payment of claims approved under this subpart will be made by sending the originals of the completed claim form, commission settlement action and release, if obtainable in advance, as follows:

* * * * * *

(3) Section 3.101 is amended to read as follows:

**§ 3.101 Cross-servicing of claims.**

(a) Any claim cognizable under 10 U.S.C. 2734 generated by any United States Armed Force, will, upon request, be processed or settled in accordance with these regulations by a commission appointed by the Commandant, U.S. Coast Guard, or his designee.

(b) A claim cognizable under 10 U.S.C. 2734 arising in a foreign country where another service has been assigned responsibility for its settlement, normally will be investigated and sent to that service for settlement.

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by section 633 of Title 14, U.S. Code; section 2736, 76 Stat. 767, 10 U.S.C. 2736; Treasury Department Order 167–54, dated August 21, 1963 (28 F.R. 9481), the following regulations are prescribed:

### Subpart G—Claims Incident to the Use of Government Vehicles or Other Property of the United States Not Cognizable Under Other Law

Sec.
3.110 Statutory authority.
3.111 Definitions.
3.112 Scope.
3.113 Claims payable.
3.114 Claims not payable.
3.115 When claim must be presented.
3.116 Procedures.
3.117 Settlement agreement.

AUTHORITY: The provisions of this subpart is issued under sec. 633, 63 Stat. 545, 14 U.S.C. 633; sec. 2736, 76 Stat. 767; 10 U.S.C. 2736, Treasury Department Order 167–54, dated August 21, 1963 (28 F.R. 9481).

**§ 3.110 Statutory authority.**

The statutory authority for §§ 3.110–3.117 is contained in the Act of October 9, 1962 (76 Stat. 767), commonly known as the "Non-Scope of Employment Claims Act of 1962".

**§ 3.111 Definitions.**

The definitions of terms set forth in § 3.1 of this part are applicable to §§ 3.110 to 3.117 except as follows:

(a) *Civilian official or employee.* Includes civilian officials or employees of the Coast Guard, paid from appropriated funds at the time the incident resulting in the claim occurred.

(b) *Government installation.* A United States Government facility having fixed or relatively fixed boundaries owned or controlled by the Government.

(c) *Vehicle.* Includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land (1 U.S.C. 4).

**§ 3.112 Scope.**

Sections 3.110–3.117 prescribe the substantive bases and special procedural requirements for the settlement of claims against the United States not cognizable under any other provision of law, determined to be meritorious in amounts not more than $1,000, for damage to, or loss of property, or personal injury or death caused by a member of the Coast Guard or a civilian official or employee of the Coast Guard, incident to the use of a vehicle of the United States at any place, or any other property of the United States on a Government installation.

**§ 3.113 Claims payable.**

(a) *General.* A claim for personal injury, death, or damage to or loss of property, real or personal, is payable under §§ 3.110–3.117 when:

(1) Caused by a member of the Coast Guard, or a civilian official or employee of the Coast Guard and is

(i) Incident to the use of a vehicle of the United States at any place, or,

(ii) Incident to the use of any other property of the United States on a Government installation.

(2) The claim is not cognizable under any other provision of law and regulations.

(3) The claim has been determined to be meritorious in an amount not in excess of $1,000, and the approving authority has obtained a settlement agreement in full satisfaction of the claim prior to approval of the claim for payment.

(b) *Personal injury or death.* A claim for personal injury or death is allowable only for the cost of reasonable medical, hospital, and burial expenses actually incurred, not otherwise furnished or paid by the United states.

**§ 3.114 Claims not payable.**

A claim is not allowable under §§ 3.110–3.117 which:

(a) Is cognizable under any other provision of law administered by the Coast Guard.

(b) **Results wholly or partly from the negligent or wrongful act of the claimant, his agent, or his employee.** The doctrine of comparative negligence is not applicable.

(c) **Is for medical, hospital, and burial expenses furnished or paid by the United States.**

(d) **Is for any element of damage pertaining to personal injuries or death other than provided in** § 3.113(b). All other items of damage, for example, compensation for loss of earnings and services, diminution of earning capacity, anticipated medical expenses, physical disfigurement, and pain and suffering, are not payable.

(e) **Is legally recoverable by the claimant under an indemnifying law or indemnity contract.** If the claim is legally recoverable in part, that part recoverable by the claimant is not payable.

**§ 3.115 When claim must be presented.**

A claim may be settled under §§ 3.110–3.117 only if it is presented in writing within 2 years after it accrues.

**§ 3.116 Procedures.**

So far as not inconsistent with §§ 3.110–3.117 the procedures for the investigation and processing of claims contained in Subpart A of this part will be followed.

**§ 3.117 Settlement agreement.**

No claim is payable under §§ 3.110–3.117 unless a settlement agreement has been obtained from the claimant accepting the amount determined to be meritorious in full satisfaction of any claim against the United States arising out of the incident.

Dated: December 15, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 64-13095; Filed, Dec. 21, 1964; 8:46 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 64-80]

## PART 2—GENERAL DUTIES AND JURISDICTION

### Navigable Waters of United States in Certain States

The purpose for this document is to publish the determinations made by the Commandant, United States Coast Guard, with respect to certain navigable waters of the United States in Arizona, Connecticut, Iowa, Massachusetts, Nebraska, New Hampshire, South Carolina, Utah, and Vermont, as well as determinations that certain waters which are in New York and South Carolina are considered to be nonnavigable waters of the United States.

In the administration and enforcement of various navigation and vessel inspection laws, rules and regulations, it was necessary to determine whether or not certain bodies of water were in fact navigable waters of the United States and subject to laws administered by the Coast Guard. The information in this document is intended also to further the development, use and enjoyment of all the navigable waters within the United States, and to clarify responsibility with respect to laws, rules and regulations intended to promote safety of life and property on those waters as further described in 33 CFR 2.10–5 and 2.15–1.

Because the rules in this document are interpretations, it is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon and effective date requirements).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 in Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167–17 dated June 29, 1955 (20 F.R. 4976), to promulgate regulations in accordance with section 1002 in Title 5, U.S. Code, and section 633 in Title 14, U.S. Code, cited with the regulations below, the following regulations are prescribed and shall be in effect on and after the date of publication in the FEDERAL REGISTER.

### Subpart 2.23—Navigable Waters of the United States—Arizona

1. Subpart 2.23 is amended by adding after § 2.23–1 a new § 2.23–5 reading as follows:

**§ 2.23–5 Lake Powell.**

Lake Powell, an impoundment of the waters of the Colorado River.

2. Part 2 is amended by inserting after § 2.25–5 a new Subpart 2.27, consisting of § 2.27–1, reading as follows:

### Subpart 2.27—Navigable Waters of the United States—Connecticut

**§ 2.27–1 Connecticut River.**

Connecticut River.

### Subpart 2.37—Navigable Waters of the United States—Iowa

3. Subpart 2.37 is amended by adding after § 2.37–1 a new § 2.37–5 reading as follows:

**§ 2.37–5 Desoto Bend.**

Desoto Bend, also known as Desoto Lake.

4. Part 2 is amended by inserting after § 2.42–1 a new Subpart 2.43, consisting of § 2.43–1, reading as follows:

### Subpart 2.43—Navigable Waters of the United States—Massachusetts

**§ 2.43–1 Connecticut River.**

Connecticut River.

### Subpart 2.49—Navigable Waters of the United States—Nebraska

5. Subpart 2.49 is amended by adding after § 2.49–1 a new § 2.49–5 reading as follows:

**§ 2.49–5 Desoto Bend.**

Desoto Bend, also known as Desoto Lake.

### Subpart 2.51—Navigable Waters of the United States—New Hampshire

6. Subpart 2.51 is amended by adding after § 2.51–1 a new § 2.51–5 reading as follows:

**§ 2.51–5 Connecticut River.**

Connecticut River.

### Subpart 2.54—Navigable Waters of the United States—New York

**§ 2.54–5 [Canceled]**

7. Section 2.54–5 *Keuka Lake* is canceled. (See 2.99–170(b) stating that it is a nonnavigable water of the United States.)

### Subpart 2.63—Navigable Waters of the United States—South Carolina

7a. Section 2.63–5 is amended to read as follows:

**§ 2.63–5 Cooper River.**

The Cooper River and its West Branch.

8. Subpart 2.63 is amended by adding after § 2.63–40 new §§ 2.63–45, 2.63–50, and 2.63–55, reading as follows:

**§ 2.63–45 Lake Moultrie.**

Lake Moultrie.

**§ 2.63–50 Diversionary Canal.**

Diversionary Canal, which unites Lake Marion and Lake Moultrie.

**§ 2.63–55 Tail Race Canal.**

Tail Race Canal, which unites West Branch of Cooper River with Lake Moultrie.

9. Part 2 is amended by inserting after § 2.66–15 a new Subpart 2.67, consisting of § 2.67–1, and a new Subpart 2.68, consisting of § 2.68–1, reading as follows:

### Subpart 2.67—Navigable Waters of the United States—Utah

**§ 2.67–1 Lake Powell.**

Lake Powell, an impoundment of the waters of the Colorado River.

### Subpart 2.68—Navigable Waters of the United States—Vermont

**§ 2.68–1 Connecticut River.**

Connecticut River.

### Subpart 2.99—Nonnavigable Waters of the United States

10. Section 2.99–170 is amended by adding a new paragraph (b) reading as follows:

**§ 2.99–170 New York.**

* * * * *

(b) Keuka Lake.

11. Section 2.99–215 is amended by canceling paragraph (a) and redesignating paragraph (b) as paragraph (a) so this section reads as follows:

**§ 2.99–215 South Carolina.**

(a) Saluda River.

(Sec. 3, 60 Stat. 238, sec. 633, 63 Stat. 545, 5 U.S.C. 1002, 14 U.S.C. 633)



Dated: December 16, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard,*
*Commandant.*

[F.R. Doc. 64-13096; Filed, Dec. 21, 1964; 8:46 a.m.]

# Title 46—SHIPPING

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 64-83]

## PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

## PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES OF SHIPS' STORES AND SUPPLIES

### Miscellaneous Amendments

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02–18 and 146.02–19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Change Order Nos. 63, 64 and 65 has made changes in the ICC regulations with respect to definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification for certain dangerous cargoes, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities.

The amendments to 46 CFR Part 146 and Part 147 are considered to be interpretations of law, or revised requirements to agree with existing ICC regulations, or editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), and CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on and after January 1, 1965:

### Subpart 146.04—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

1. Section 146.04–5 is amended by adding or changing certain items as follows:

**§ 146.04–5 List of explosives and other dangerous articles and combustible liquids.**

| Article | Classed as— | Label required [1] |
|---|---|---|
| * * * | * * * | * * * |
| *Items changed* | | |
| * * * | * * * | * * * |
| Acetyl benzoyl peroxide, solid (see "*Organic peroxides*") | Not permitted | |
| Acetyl benzoyl peroxide, solution (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Acetyl peroxide, solid (see "*Organic peroxides*") | Not permitted | |
| Acetyl peroxide, solution (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| *Aqua ammonia solution containing anhydrous ammonia | Noninf. G | Green gas. |
| * * * | * * * | * * * |
| Benzoyl peroxide, wet (*with not less than 30 percent water*) (see "*Organic peroxides*"). | Oxy. M | Yellow. |
| Benzoyl peroxide, dry (*granular form*) (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Caprylyl peroxide (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Chlorobenzoyl peroxide (para), dry (see "*Organic peroxides*") | Oxy. M | Yellow. |
| Chlorobenzoyl peroxide (para), wet (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Cumene hydroperoxide (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Cyclohexanone peroxide not over 50 percent concentration (see "*Organic peroxides*"). | Oxy. M | Yellow. |
| Cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dry (see "*Organic peroxides*"). | Oxy. M | Yellow. |
| Cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, wet (see "*Organic peroxides*"). | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Dicumyl peroxide, 50 percent solution (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Dimethylhexane dihydroperoxide, dry (see "*Organic peroxides*") | Inf. S | Yellow. |
| Dimethylhexane dihydroperoxide, wet (*wet with at least 30 percent of water by weight*) (see "*Organic peroxides*"). | Inf. S | Yellow. |
| * * * | * * * | * * * |
| Hydraulic accumulators (*pressurized with noninflammable, nonliquefied compressed gas*). | Noninfl. G | Green Gas. |
| Lauroyl peroxide, dry (see "*Organic peroxides*") | Oxy. M | Yellow. |
| Lauroyl peroxide, wet (*when wet with not less than 30 percent by weight of water*) (see "*Organic peroxides*"). | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Magnesium scrap (*borings, clippings, shavings, sheets, turnings or scalpings*). | Inf. S | Yellow. |
| * * * | * * * | * * * |
| *Nitrogen fertilizer solution | Noninfl. G | Green Gas. |
| * * * | * * * | * * * |
| Paramenthane hydroperoxide (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Peroxides, organic, liquid, N.O.S. (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Succinic acid peroxide, dry (see "*Organic peroxides*") | Oxy. M | Yellow. |
| Succinic acid peroxide, wet (*with not less than 30 percent water*) (see "*Organic peroxides*"). | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Tertiary butylisopropyl benzene hydroperoxide (see "*Organic peroxides*"). | Oxy. M | Yellow. |
| *Urea peroxide (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| *Items added* | | |
| * * * | * * * | * * * |
| Diisopropylbenzene hydroperoxide (see "*Organic peroxides*") | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| Methyl bromide mixture, liquid (*containing no class A poison*) | Pois. B | Poison. |
| * * * | * * * | * * * |
| Sodium aluminum hydride | Inf. S | Yellow. |
| * * * | * * * | * * * |
| Sodium nitrite mixtures (*sodium nitrate, sodium nitrite, and potassium nitrate*). | Oxy. M | Yellow. |
| * * * | * * * | * * * |
| *Van or truck body with refrigerating or heating equipment on board vessels* (see §146.07–5(d) and §146.08–55). | * * * | * * * |

[1] Unless otherwise exempt by the provisions of the detailed regulations.

## Subpart 146.20—Detailed Regulations Governing Explosives

**§ 146.20–200 [Amended]**

2. Section 146.20–200 *Table B—Classification: Class B; less dangerous explosives* is amended as follows:

A. Amend "Propellant explosives (liquid), Class B" as follows:

(1) In column 4, add the following:

Propellant explosives (liquid) packed or prepared for shipment in any other manner must be approved by the Commandant, U.S. Coast Guard.

## Subpart 146.21—Detailed Regulations Governing Inflammable Liquids

**§ 146.21–100 [Amended]**

3. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended as follows:

A. Amend the following items as indicated:

1. Methyl dichlorosilane.
2. Trichlorosilane.

(1) In column 4, after "Cylinders as prescribed, etc.", insert the following:

Authorized for stowage "On deck in open" only: Portable tanks (ICC–51) not over 20,000 lb. gr. wt.

## Subpart 146.22—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

**§ 146.22–25 [Amended]**

4. Section 146.22–25 *Exemptions for inflammable solids and oxidizing materials* is amended by adding the following item to paragraph (d) as follows:

Sodium aluminum hydride.

**§ 146.22–100 [Amended]**

5. Section 146.22–100 *Table E—Classification: Inflammable Solids and Oxidizing Materials* is amended as follows:

A. Delete the following entries and all text pertaining thereto:

1. Acetyl benzoyl peroxide, solution, etc.
2. Acetyl benzoyl peroxide, solid.
3. Acetyl peroxide solution, etc.
4. Acetyl peroxide, solid.
5. Benzoyl peroxide, dry.
6. Benzoyl peroxide, wet, etc.
7. Caprylyl peroxide solution.
8. Chlorobenzoyl peroxide (para), dry.
9. Chlorobenzoyl peroxide (para), wet, etc.
10. Cumene hydroperoxide, etc.
11. Cyclohexanone peroxide, not over 50 percent concentration.
12. Cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dry.
13. Cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, wet.
14. Dicumyl peroxide, etc.
15. Paramenthane hydroperoxide, etc.
16. Tertiary butylisopropyl benzene hydroperoxide, etc.
17. Dimethylhexane dihydroperoxide, dry.
18. Dimethylhexane dihydroperoxide, wet, etc.
19. Lauroyl peroxide, wet, etc.
20. Lauroyl peroxide, dry.
21. Peroxides, organic, liquid, N.O.S., etc.
22. Succinic acid peroxide, dry.
23. Succinic acid peroxide, wet, etc.
24. Urea peroxide.

B. Amend "Phosphorus, amorphous, red" as follows:

(1) In columns 4, 5, 6 and 7, delete "Mailing tubes (ICC–29), etc." and insert in lieu thereof:

Mailing tubes (ICC–29) WIC of glass in hermetically sealed metal can, not over 100 gms. net wt.

C. Amend "Magnesium scrap (borings, etc." as follows:

(1) In column 1, delete the present text and insert in lieu thereof:

Magnesium scrap (*borings, clippings, shavings*, sheets, turnings or scalpings).

(2) In column 4, delete "Magnesium scrap consisting of clippings, or sheets:" and insert in lieu thereof:

Magnesium scrap consisting of clippings, scalpings, or sheets:

(3) In column 4, delete "Note: Magnesium scrap, etc." and insert in lieu thereof:

NOTE: Magnesium scrap consisting of clippings, scalpings, or sheets in tightly and securely closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking other than name of contents, and label requirements.

D. After "Reclaimed rubber or regenerated rubber, etc." insert the following:

(1) In column 1, insert:

Sodium aluminum hydride.

(2) In column 2, insert:

*White crystalline material.*
*On contact with water ignites and may explode.*
Do not stow with explosives, inflammable liquids or acids.
Keep cool and dry.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums:
(ICC–6A) not over 55 gal. cap.
(ICC–5, 6B, 6C) not over 110 gal. cap.
(ICC–37A, 37B) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box.
(ICC–17C) STC, not over 55 gal. cap.
Wooden boxes (ICC–15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIMC, not over 250 lb. gr. wt.

(5) In columns 5, 6 and 7, insert:

Not permitted.

E. After "strontium nitrate" insert the following:

(1) In column 1, insert:

*Organic peroxides*

F. After "*Organic peroxides*" insert the following:

(1) In column 1, insert:

Acetyl benzoyl peroxide, solution (*solution must not contain more than 40% by weight of the peroxide in a nonvolatile solvent*).

(2) In column 2, insert:

*Solution of an organic peroxide in a nonvolatile solvent.*
*Clear, colorless liquid with a sharp odor.*
*Burns very rapidly with accelerating in intensity when ignited.*
Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes:
(ICC–12B) WIC, not over 1 gal. cap.
(ICC–12P) WIC ICC–2U, not over 5 gal. cap.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 1 gal. cap.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes:
(ICC–12B) WIC, not over 1 gal. cap.
(ICC–12P) WIC ICC–2U, not over 5 gal. cap.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes:
(ICC–12B) WIC, not over 1 gal. cap.
(ICC–12P) WIC ICC–2U, not over 5 gal. cap.

G. After "Acetyl benzoyl peroxide, solution, etc." insert the following:

(1) In column 1, insert:

Acetyl benzoyl peroxide, solid.

(2) In columns 4, 5, 6 and 7, insert:

Not permitted.

H. After "Acetyl benzoyl peroxide, solid" insert the following:

(1) In column 1, insert:

Acetyl peroxide solution (*solution must not contain more than 25 percent by weight of the peroxide in a nonvolatile solvent*).

(2) In column 2, insert:

*Solution of 25 percent acetyl peroxide in dimethyl phthalate. Clear colorless liquid with a strong pungent odor.*
*Burns rapidly when ignited.*
*Sensitive to heat.*
Do not stow with combustible materials, explosives, or acids.
Keep cool.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes:
(ICC–12B) WIC, not over 1 gal. cap.
(ICC–12P) WIC ICC–2U, not over 5 gal. cap.



(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 1 gal. cap.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes:
(ICC–12B) WIC, not over 1 gal. cap.
(ICC–12P) WIC ICC–2U, not over 5 gal. cap.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes:
(ICC–12B) WIC, not over 1 gal. cap.
(ICC–12P) WIC ICC–2U, not over 5 gal. cap.

I. After "Acetyl peroxide, solution etc.", insert the following:

(1) In column 1, insert:

Acetyl peroxide, solid.

(2) In columns 4, 5, 6 and 7, insert:

Not permitted.

J. After "Acetyl peroxide, solid", insert the following:

(1) In column 1, insert:

Benzoyl peroxide, dry.

(2) In column 2, insert:

*Granular form is highly inflammable.*
*Strong supporter of combustion.*
*Insoluble in water.*
Keep cool and dry.
Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

K. After "Benzoyl peroxide, dry", insert the following:

(1) In column 1, insert:

Benzoyl peroxide, wet (*when wet with not less than 30% by weight of water*).

Shipping containers must have marked thereon the gross, tare, and net weight of the package.

(2) In column 2, insert:

*A light, finely divided white crystalline powder in water solution.*
*In dry condition burns rapidly.*
When in powdered or crystalline form must be wet with at least 30% by weight of water.
Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.
Do not stow with explosives, combustible material, and acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums (ICC–5, 5B, 6A, 6B, 6C) WIL, not over 350 lb. gr. wt.
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Steel barrels or drums (ICC–5, 5B, 6A, 6B, 6C) WIL, not over 350 lb. gr. wt.
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Steel barrels or drums (ICC–5, 5B, 6A, 6B, 6C) WIL, not over 350 lb. gr. wt.
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(7) In Column 7, insert:

Ferry stowage (BB).
Outside containers:
Steel barrels or drums (ICC–5, 5B, 6A, 6B, 6C) WIL, not over 350 lb. gr. wt.
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

L. After "Benzoyl peroxide, wet, etc.", insert the following:

(1) In column 1, insert:

Caprylyl peroxide solution.

(2) In column 2, insert:

*Straw-colored liquid with a sharp odor.*
*Burns rapidly and vigorously with increasing intensity.*
*Immiscible with water.*
Do not stow with explosives, combustible materials, or acids.
Keep cool.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 1 gal. cap.
Authorized only for material which will not react dangerously with, or cause decomposition of polyethylene:
Fiberboard boxes (ICC–12P) WIC ICC–2U or polyethylene bottles, not over 5 gal. cap. ea.
Steel barrels or drums:
(ICC–5B, 6J, 37A) STC, WIC ICC–2S polyethylene, not over 15 gal. cap.
(ICC–37P) NRC, not over 5 gal. cap.
Following barrels and drums authorized for materials which will not react dangerously with the drum's metal, or be decomposed by contact with it:
Steel barrels or drums (ICC–17C, 17E) STC, not over 15 gal. cap.
Aluminum drums (ICC–42B) not over 15 gal. cap.

(5) In columns 5, 6 and 7, insert:

Not permitted.

M. After "Caprylyl peroxide solution", insert the following:

(1) In column 1, insert:

Chlorobenzoyl peroxide (para), dry.

(2) In column 2, insert:

*White, odorless powder.*
*Can be ignited by external flame and when so ignited burns rapidly.*
*Insoluble in water.*
Do not stow with explosives, combustible materials, or acids.
Keep cool and dry.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(6) In column 6, insert:

Stowage:
Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(7) In column 7, insert:

Stowage:
Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

N. After "Chlorobenzoyl peroxide (para), dry", insert the following:

(1) In column 1, insert:

Chlorobenzoyl peroxide (para), wet (*when wet with not less than 30% by weight of water*).

Shipping containers must have marked thereon the gross, tare and net weight of the package.

(2) In column 2, insert:

*White odorless powder in water solution. In dry condition burns rapidly.*

When in powdered or crystalline form must be wet with at least 30 percent by weight of water.

Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.

Do not stow with explosives, combustible materials, or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

O. After "Chlorobenzoyl peroxide (para), wet, etc.", insert the following:

(1) In column 1, insert:

Cumene hydroperoxide (*strength not exceeding 90% in a nonvolatile solvent*).

(2) In column 2, insert:

*A colorless to pale-yellow liquid consisting of a solution of the solid peroxide in a liquid such as phthalate. Solution is combustible.*

*When ignited the burning rate becomes more rapid as the combustion proceeds.*

Do not stow with explosives, combustible materials or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums (ICC–17E) STC, with interiors so treated that they will be resistant to the contents. Not over 55 gal. cap.

Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Also authorized for cumene hydroperoxide strength not exceeding 96% in a nonvolatile solvent.

Authorized for stowage "On deck" and "First deck below":

Tank cars complying with ICC regulations (trainships only).

(5) In columns 5 and 6, insert:

Not permitted.

(6) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Tank cars complying with ICC regulations.

P. After "Cumene hydroperoxide, etc.", insert the following:

(1) In column 1, insert:

Cyclohexanone peroxide, not over 50% concentration.

(2) In column 2, insert:

*Thick grayish white paste.*

*Organic peroxide compounded with a nonvolatile solvent such as dibutyl phthalate.*

Keep cool.

Do not stow with explosives, acids or combustible materials.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums:
(ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt.
(ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. gr. wt.
(ICC–11A, 11B) WIC, not over 600 lb. gr. wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.
Fiber drum (ICC–21C) not over 250 lb. net wt.
Plywood drums:
(ICC–22A) not over 225 lb. gr. wt.
(ICC–22B) WIMC, not over 225 lb. gr. wt.

(5) In column 5, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums:
(ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
Wooden barrels or kegs:
(ICC–11A, 11B) WIC, not over 600 lb. gr. wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Steel barrels or drums:
(ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC–6B, 6C) not over 110 gal. Cap. and not exceeding 1760 lb. gr. wt.
(ICC–17C, 17E, 17H, 37A, 37B) STC, not ovef 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. gr. wt.
(ICC–11A, 11B) WIC, not over 600 lb. gr. wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.
Fiber drum (ICC–21C) not over 250 lb. net wt.
Plywood drums:
(ICC–22A) not over 225 lb. gr. wt.
(ICC–22B) WIMC, not over 225 lb. gr. wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Steel barrels or drums:
(ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt.
(ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. gr. wt.
(ICC–11A, 11B) WIC, not over 600 lb. gr. wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19C) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.
Fiber drum (ICC–21C) not over 250 lb. net wt.
Plywood drums:
(ICC–22A) not over 225 lb. gr. wt.
(ICC–22B) WIMC, not over 225 lb. gr. wt.

Q. After "Cyclohexanone peroxide, not over 50% concentration" insert the following:

(1) In column 1, insert:

Cyclohexanone peroxide over 50% concentration but not exceeding 85% concentration, dry.

(2) In column 2, insert:

*White granules.*

*Flammable, burns rapidly when ignited.*

Keep cool.

Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC not over 1 lb. cap. ea., not over 50 lb. net wt.



(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A 15B) WIC not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC not over 1 lb. cap. ea., not over 50 lb. net wt.

R. After "Cyclohexanone peroxide over 50% concentration but not exceeding 85% concentration, dry", insert the following:

(1) In column 1, insert:

Cyclohexanone peroxide over 50% concentration but not exceeding 85% concentration, wet.

(2) In column 2, insert:

*Organic peroxide compounded with a nonvolatile solvent such as dibutyl phthalate.*

Keep cool.

Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC not over 1 lb. cap. ea., not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiber drum (ICC–21C) WIC of plastic, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC not over 1 lb. cap. ea., not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiber drum (ICC–21C) WIC of plastic, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC not over 1 lb. cap. ea., not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiber drum (ICC–21C) WIC of plastic, not over 50 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC not over 1 lb. cap. ea., not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiber drum (ICC–21C) WIC of plastic, not over 50 lb. net wt.

S. After "Cyclohexanone peroxide * * *, wet," insert the following:

(1) In column 1, insert:

Dicumyl peroxide (*strength not exceeding 50% in a nonvolatile solvent*).

(2) In column 2, insert:

*Solution of the peroxide in a nonvolatile solvent.*

Keep cool.

Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums (ICC–17E) STC, with interiors so treated that they will be resistant to the contents. Not over 55 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC not over 250 lb. gr. wt.

(5) In columns 5, 6 and 7, insert:

Not permitted.

T. After "Dicumyl peroxide, etc.", insert the following:

(1) In column 1, insert:

Diisopropylbenzene hydroperoxide (*strength not exceeding 60% in a nonvolatile solvent*).

(2) In column 2, insert:

*Colorless to pale yellow liquid.*

*Burns vigorously and persistently, especially in large quantities.*

Do not stow with explosives, combustible materials or acids.

Keep cool.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums (ICC–17E) STC, with interiors so treated that they will be resistant to the contents. Not over 55 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC not over 250 lb. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Tank cars complying with ICC regulations (trainships only).

(5) In columns 5 and 6, insert:

Not permitted.

(6) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Tank cars complying with ICC regulations.

U. After "diisopropylbenzene hydroperoxide, etc.", insert the following:

(1) In column 1, insert:

Dimethylhexane dihydroperoxide, dry.

(2) In column 2, insert:

*Finely divided white powder.*

*Inflammable and burns steadily when ignited.*

*Will decompose at elevated temperatures.*

Keep cool and dry.

Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.
Fiber drums (ICC–21C) WIC of plastic, not over 100 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.
Fiber drums (ICC–21C) WIC of plastic, not over 100 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.
Fiber drums (ICC–21C) WIC of plastic, not over 100 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B), WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.
Fiber drums (ICC–21C) WIC of plastic, not over 100 lb. net wt.

V. After "Dimethylhexane dihydroperoxide, dry", insert the following:

(1) In column 1, insert:

Dimethylhexane dihydroperoxide, wet (*wet with at least 30% of water by weight*).

Shipping containers must have marked thereon the gross, tare, and net weight of the package.

(2) In column 2, insert:

*Finely divided white powder in water.*

*Inflammable when dry.*

Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.

Do not stow with explosives, combustible materials or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiber drums (ICC–21C) WIC of plastic, not over 100 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiber drums (ICC–21C) WIC of plastic, not over 100 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiber drums (ICC–21C) WIC of plastic, not over 100 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 1 lb. cap. ea., not over 50 lb. net wt.
Fiber drums (ICC–21C) WIC of plastic, not over 100 lb. net wt.

W. After "Dimethylhexane dihydroperoxide, wet, etc.", insert the following:

(1) In column 1, insert:

Lauroyl peroxide, dry.

(2) In column 2, insert:

*White coarse powder; faint pungent odor. Strong supporter of combustion.*
*Insoluble in water.*
Do not stow with explosives, combustible materials, or acids.
Keep cool and dry.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 100 lb. net wt.
Fiber drum (ICC–21C) not over 100 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 100 lb. net wt.
Fiber drum (ICC–21C) not over 100 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 100 lb. net wt.
Fiber drum (ICC–21C) not over 100 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 100 lb. net wt.
Fiber drum (ICC–21C) not over 100 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

X. After "Lauroyl peroxide, dry", insert the following:

(1) In column 1, insert:

Lauroyl peroxide, wet (*when wet with not less than 30% by weight of water*).

Shipping containers shall have marked thereon the gross, tare, and net weight of package.

(2) In column 2, insert:

*White coarse powder in water solution.*
When in powdered or crystalline form, must be wet with at least 30% by weight of water.
Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.
Do not stow with explosives, combustible materials or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck under cover."
"On deck protected."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

Y. After "Lauroyl peroxide, wet, etc.", insert the following:

(1) In column 1, insert:

Paramethane hydroperoxide (*strength not exceeding 60% in a nonvolatile solvent*).

(2) In column 2, insert:

*Organic peroxide in a nonvolatile solvent.*
Keep cool.
Do not stow with explosives, combustible materials or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums (ICC–17E) STC, with interiors so treated that they will be resistant to the contents. Not over 55 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC not over 250 lb. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Tank cars complying with ICC regulations (trainships only).

(5) In columns 5 and 6, insert:

Not permitted.

(6) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Tank cars complying with ICC regulations.

Z. After "Paramenthane hydroperoxide, etc.", insert the following:

(1) In column 1, insert:

Peroxides, organic, liquid, N.O.S.
Peroxides, organic, solution, liquid, N.O.S.

(2) In column 2, insert:

*Combustible liquids, usually colorless, with sharp penetrating odor. Readily ignitable and burn with acceleration.*
*Immiscible with water.*
Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC not over 1 gal. cap., total 6 gal. cap.
Authorized only for material which will not react dangerously with, or cause decomposition of polyethylene:
Plywood drums (ICC–22C) WIC (ICC–2T) not over 13 gal. cap.
Cylindrical steel overpack: (ICC–6D, 37M (NRC), WIC ICC–2S, not over 15 gal. cap.
Steel drums (ICC–37P) NRC, not over 5 gal. cap.
Fiberboard boxes (ICC–12P) WIC ICC–2U or polyethylene bottles, not over 5 gal. cap. ea.
Following barrels or drums authorized for materials which will not react dangerously with the drum's metal, or be decomposed by contact with it:
Steel barrels or drums (ICC–17C, 17E) STC, not over 15 gal. cap.
Aluminum drums (ICC–42B) not over 15 gal. cap.

(5) In columns 5, 6 and 7, insert:

Not permitted.

AA. After "Peroxides, organic, liquid, N.O.S., etc." insert the following:

(1) In column 1, insert:

Succinic acid peroxide, dry.

(2) In column 2, insert:

*White powder.*
*Combustible, burns rapidly when ignited.*
*Insoluble in water.*
Do not stow with combustible materials, explosives, or acids.
Keep cool.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.



(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

BB. After "Succinic acid peroxide, dry", insert the following:

(1) In column 1, insert:

Succinic acid peroxide, wet (*when wet with not less than 30 percent by weight of water*).

Shipping containers must have marked thereon the gross, tare, and net weight of the package.

(2) In column 2, insert:

*White powder in water solution.*
*Combustible, burns rapidly when ignited.*
Do not stow with combustible materials, explosives or acids.
Keep cool.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 50 lb. net wt.

CC. After "Succinic acid, wet etc.", insert the following:

(1) In column 1, insert:

Tertiary butylisopropyl benzene hydroperoxide (*strength not exceeding 60% in a nonvolatile solvent*).

(2) In column 2, insert:

*White crystalline solid in a nonvolatile solvent.*
Keep cool.
Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums (ICC–17E) STC with interiors so treated that they will be resistant to the contents. Not over 55 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.

(5) In columns 5, 6, and 7, insert:

Not permitted.

DD. After "Tertiary butylisopropyl benzene hydroperoxide, etc.", insert the following:

(1) In column 1, insert:

Urea peroxide.

(2) In column 2, insert:

*A white crystalline organic solid.*
*Unstable at elevated temperatures.*
*Decomposes very slightly at normal temperatures.*
*May be compounded with waxes, etc., and made up into pellet form.*
Do not stow with combustible materials, explosives, or acids.
Keep cool and dry.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Fiberboard boxes (ICC–12B) WIC of plastic or rubber, not over 65 lb. gr. wt.
Fiber drums (ICC–21C) coated on inside with a suitable wax not over 250 lb. net wt.
Plywood drums (ICC–22A) WIC ICC–2J, coated on inside with a suitable wax, not over 220 lb. gr. wt.

(5) In columns 5, 6, and 7, insert:

Not permitted.

EE. Amend "Sodium nitrite", as follows:

(1) In column 1, insert:

Sodium nitrite mixtures.

(2) In column 2, insert:

*Mixtures of sodium nitrate, sodium nitrite and potassium nitrate.*

FF. Amend the following items as indicated:

1. Barium peroxide, etc.
2. Calcium metallic.
3. Calcium peroxide.
4. Compounds, tree or weed killing, solids.
5. Drugs, chemicals, medicines, or cosmetics, etc.
6. Inflammable solids, N.O.S., etc.
7. Lacquer base, or lacquer chips, dry, etc.
8. Lithium peroxide.
9. Magnesium metallic, etc.
10. Magnesium peroxide, solid.
11. Motion-picture film, old and worn out (*nitrocellulose base*).
12. Oxidizing materials, N.O.S.
13. *Perchlorates*, etc.
14. *Permanganates*, etc.
15. Potassium bromate.
16. Potassium nitrite.
17. Potassium peroxide.
18. Pyroxylin plastics, rods, etc.
19. Pyroxylin plastic, scrap.
20. Rubber scrap, etc.
21. Sodium bromate.
22. Sodium hydrosulfite.
23. Sodium methylate, dry.
24. Strontium peroxide.
25. Zinc peroxide.

(1) In columns 4, 5, 6 and 7, wherever applicable, delete "Fiber drum (ICC–21C), etc." and insert in lieu thereof:

Fiber drums (ICC–21C) not over 250 lb. gr. wt.

GG. Amend the following items as indicated:

1. *Chlorates*, etc.
2. Lithium amide, powdered.

(1) In columns 4, 6 and 7, wherever applicable, delete "Fiber drum (ICC–21C), etc." and insert in lieu thereof:

Fiber drum (ICC–21C) WIMC ICC–2F not over 250 lb. gr. wt.

## Subpart 146.23—Detailed Regulations Governing Corrosive Liquids

### § 146.23–100 [Amended]

6. Section 146.23–100 *Table F—Classification: Corrosive liquids* is amended as follows:

A. Amend "Sulfuric acid (oil of vitriol), etc.", as follows:

(1) In columns 4, 6 and 7, under "For sulfuric acid of concentration not to exceed 95% (approximately 1.835 specific gravity (66° Baume)):" delete "Fiber drum (ICC–21C), etc." and insert in lieu thereof:

Fiber drum (ICC–21C) WIC ICC–2T or 2U, not over 15 gal. cap.

## Subpart 146.24—Detailed Regulations Governing Compressed Gases

7. Section 146.24–1 is amended by deleting the present text and inserting in lieu thereof:

### § 146.24–1 Definitions of compressed gases.

(a) A compressed gas is defined by the Interstate Commerce Commission as any material or mixture having in the container an absolute pressure exceeding 40 psi at 70° F.; or regardless of the pressure at 70° F., having an absolute pressure exceeding 104 psi at 130° F.; or any liquid flammable material having a vapor pressure exceeding 40 psi absolute at 100° F. as determined by the Reid method covered by the American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D–323).

(b) Any compressed gas as defined in paragraph (a) of this section shall be classified as an "inflammable compressed gas" if any one of the following occurs:

(1) Either a mixture of 13 percent or less (by volume) with air forms an inflammable mixture or the inflammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Interstate Commerce Commission.

(2) Using the Bureau of Explosives' Flame Projection Apparatus,[1] the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(3) Using the Bureau of Explosives' Open Drum Apparatus,[2] there is any sig-

[1] See footnote at end of section.

[2] A description of the Bureau of Explosives Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 63 Vesey Street, New York, New York 10000.

nificant propagation of flame away from the ignition source.

(4) Using the Bureau of Explosives' Closed Drum Apparatus,[1] there is any explosion of the vapor-air mixture in the drum.

(c) A "non-liquified compressed gas" is a gas, other than gas in solution, which under the charged pressure is entirely gaseous at a temperature of 70° F.

(d) A "liquefied compressed gas" is a gas which, under the charged pressure, is partially liquid at a temperature of 70° F.

(e) A "compressed gas in solution" is a nonliquefied compressed gas which is dissolved in a solvent.

8. Section 146.24–15 is amended by changing paragraph (c) and (f) to read as follows:

**§ 146.24–15 Containers.**

• • • • •

(c) Cylinders of foreign manufacture received from foreign countries for charging with compressed gas may be accepted for transportation as indicated in the table for the particular character vessels involved provided such cylinders are retested and recharged in accordance with the Interstate Commerce Commission regulations applying to such cylinders and the compressed gas involved. The bill of lading or other shipping paper shall, when possible, identify the containers and shall carry the following certification:

These containers have been retested and refilled in accordance with the ICC requirements for export.

• • • • •

(f) Mixtures containing compressed gases or gases including insecticides and refrigerant gases, which are noninflammable and nonpoisonous may be shipped in inside metal containers ICC–2P equipped with safety devices of a type approved by the Interstate Commerce Commission and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 psi absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATION" and shall bear the proper label.

• • • • •

9. Section 146.24–20 is amended by deleting all the present text and inserting in lieu thereof:

**§ 146.24–20 Exemptions for compressed gases.**

Compressed gases, except poisonous gases as defined in the regulations in this part, and except those listed in paragraph (e) of this section, are exempt from specification packaging, marking other than true shipping name of contents, and labeling requirements as follows:

(a) In containers of not more than 4 fluid ounces water capacity (7.22 cubic inches or less).

(b) In metal containers filled with non-dangerous material to not over 90 percent capacity at 70° F., then charged with noninflammable, nonliquefied gas; each container must be tested to three times the gas pressure at 70° F., and, when refilled and reshipped, must be retested at this pressure before each shipment, provided one of the following conditions is met:

(1) Container is not over 1 quart capacity charged to not over 170 psig at 70° F.

(2) Container is not over 30 gallons capacity charged to not over 75 psig pressure at 70° F.

(c) In inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases which are nonpoisonous, provided all of the following conditions are met:

(1) Capacity must not exceed 32 cubic inches.

(2) Pressure in container must not exceed 75 pounds per square inch absolute at 70° F.; however, if the pressure exceeds 55 pounds per square inch at 70° F., an ICC specification 2P container must be used.

(3) Liquid content of the material and gas must not completely fill the container at 130° F.

(4) If the contents are inflammable as provided in § 146.24–1(b)(2)(3)(4), as determined by Bureau of Explosives method, the flash point must not be less than 20° F.

(5) Each completed container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect.

(d) In inside nonrefillable metal containers charged with a solution of nonpoisonous and noninflammable materials and nonliquefied compressed gas, provided all the following conditions are met:

(1) Capacity does not exceed 31.83 cubic inches (17.6 fluid ounces).

(2) Pressure in container does not exceed 140 pounds per square inch absolute at 130° F.

(3) The metal container must be capable of withstanding without bursting a pressure of two times the pressure of the container at 70° F. or one and one-half times the pressure of the container at 130° F., whichever is greater.

(e) The following articles in any quantity are not exempt from any of the regulations in this subpart:

(1) Argon.

(2) Engine starting fluid.

(3) Oxygen, pressurized liquid.

10. After section 146.24–20 add a new section 146.24–21 as follows:

**§ 146.24–21 Exemptions for foodstuffs, soap, cosmetics, beverages, biologicals, electronic tubes and audible fire alarm systems.**

Compressed gases, except poisonous gases as defined in the regulations in this part, and except those listed in paragraph 146.24–20(e), are exempt from specification packaging, marking other than true shipping name of contents, and labeling requirements as follows:

(a) Carbonated beverages.

(b) Foodstuffs or soaps in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 115 pounds per square inch absolute at 70° F., or 150 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of contents at 70° F., or one and one-half times the pressure of the contents at 130° F., whichever is greater.

(c) (1) Inside nonrefillable metal containers charged with compressed gas and a solution which is nonpoisonous and noninflammable containing

(i) A biological product, or

(ii) A medical preparation which will be determined by heat.

(2) The capacity of each inside container shall not exceed 31.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the product and gas must not completely fill the container at 130° F. One completed container out of each lot of 500 or less, filled for shipment, must have been heated, until content reached a minimum temperature of 130° F., without evidence of leakage, distortion or other defect.

(d) Electronic tubes of not more than 30 cubic inch volume charged with gas to a pressure of not more than 35 pounds per square inch gauge.

(e) Inside metal containers of a capacity not to exceed 35 cubic inches, charged with noninflammable, nonpoisonous liquefied compressed gas to be used in conjunction with audible fire alarm systems. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. The completely assembled containers must be capable of withstanding without bursting a pressure of 100 pounds per square inch absolute. The liquid portion of the gas must not completely fill the container at 130° F.

11. After the new § 146.24–21, add a new § 146.24–22 as follows:

**§ 146.24–22 Exemptions for fire extinguishers and component parts thereof.**

Fire extinguishers and component parts thereof are exempt from specifications packaging, marking other than true name of contents, and labeling requirements provided all the following conditions are met:

(a) Compressed gas in the container is for the purpose of expelling the fire extinguishing contents:

(b) The gas must be nonliquefied in containers exceeding 30 cubic inches.

(c) Must be shipped as inside containers.

(d) The container under stored pressure shall have an internal volume not exceeding 1,100 cubic inches.

(e) The pressure in the container shall not exceed 200 pounds per square inch absolute at 70° F.

(f) The contents shall be noninflammable, nonpoisonous, and noncorrosive as defined in the regulations in this part.

(g) Except as provided in paragraph (h) of this section, each container must be tested before shipment to at least three times the pressure in the container at 70° F. when charged and not less than 120 pounds per square inch absolute, and before refilling and reshipping must be retested at this pressure before each shipment. The container shall show no leakage or damage when subjected to this pressure.

(h) When ICC specification 2P inside metal containers are used for pressures not exceeding 85 pounds per square inch absolute, at 70° F. or 115 pounds per square inch absolute, at 130° F., the test requirements of paragraph (g) of this section do not apply, but each container must be capable of having the contents heated to 130° F. without evidence of leakage or permanent distortion.



## Subpart 146.25—Detailed Regulations Governing Poisonous Articles

**§ 146.25–55 [Amended]**

12. Section 146.25–55 *Exemptions for poisons, Class B* is amended by changing subparagraph (a)(3) as follows:

(1) Insert in the listing the following:

(Methyl) bromide mixture, liquid (*containing no class A poison*).

12a. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows:

A. Amend "Chlorpicrin, liquid, etc.", as follows:

(1) In column 4, change "Authorized only for chlorpicrin mixtures containing not to exceed 15% chlorpicrin; etc.", to read as follows:

Authorized only for chlorpicrin mixtures containing not to exceed 15% chlorpicrin by weight or 15% chlorpicrin by volume, 85% by volume dichloropropene technical, and only authorized for such mixtures not classed as inflammable under the regulations in this part:

(2) In column 4, after "Fiberboard boxes (ICC–12B)", insert:

Authorized for stowage "On deck" and "First deck below:"
Tank cars complying with ICC regulations (trainships only).

B. Amend the following items as indicated:

1. Alcohol allyl, etc.
2. Aldrin mixtures, liquids, etc.
3. Arsenic acid, liquid.
4. Arsenic chloride (arsenous), liquid, etc.
5. Arsenical compounds or mixtures, N.O.S., liquid, etc.
6. Carbolic acid (phenol) liquid, etc.
7. Compounds, tree or wood killing, liquid.
8. Dinitrobenzol, liquid.
9. Dinitrophenol solutions.
10. Drugs, chemicals, medicines or cosmetics, N.O.S. (liquid).
11. Insecticide, liquid.
12. Mercuric iodide solution.
13. Nicotine hydrochloride, etc.
14. Nitrobenzol, liquid, etc.
15. Nitroxylol.
16. Parathion, liquid, etc.
17. Parathion mixtures, liquid, etc.
18. Poisonous liquids, N.O.S., etc.
19. Sodium arsenite (solution), liquid.
20. Tetraethyl pyrophosphate, liquid.
21. Tetraethyl pyrophosphate mixtures, liquid, etc.

(1) In columns 4, 5, 6 and 7, wherever applicable, delete "Fiber drum (ICC–21C), etc." and insert in lieu thereof:

Fiber drum (ICC–21C) WIC, glass, not over 1 gal. cap. ea.; total gr. wt. not over 250 lb.

C. Amend the following items as indicated:

1. Aldrin mixtures, dry, etc.
2. Ammonium arsenate, solid.
3. Arsenic acid, solid, etc.
4. Arsenic bromide, solid, etc.
5. Arsenic sulfied (powder) solid.
6. Arsenical compounds or mixtures, N.O.S. solid.
7. Bordeaux arsenites, solid, etc.
8. Cocculus, solid (fishberry), etc.
9. Cyanides or cyanide mixtures, dry, etc.
10. Dinitrobenzol, solid, etc.
11. Drugs, chemicals, medicines or cosmetics, N.O.S. (solid).
12. Ferric arsenate, solid, etc.
13. Insecticide, dry, etc.
14. Lead arsenate, solid, etc.
15. *Mercury compounds, solid.*
16. Nicotine salicylate.
17. Parathion mixtures, dry.
18. Poisonous solids, N.O.S.
19. Potassium arsenate, etc.
20. Tetraethyl pyrophosphate, mixture, dry.
21. Thallium salts, solid, etc.
22. Zinc arsenate, etc.

(1) In columns 4, 5, 6 and 7, delete "Fiber drums (ICC–21C), etc." and insert in lieu thereof:

Fiber drum (ICC–21C) not over 250 lb. gr. wt.

D. Amend "Methyl bromide, liquid, etc.", as follows:

(1) In column 1, after "Methyl bromide, liquid (*bromomethane*), etc.", insert the following:

Methyl bromide mixtures, liquid (*Containing no Class A poison*).

13. Section 146.25–300 *Table H—Classification: Class C, tear gas or irritating substances* is amended as follows:

A. Amend the following items as indicated:

1. Brombenzyl cyanide, liquid.
2. Chloracetophenone, gas, liquid, or solid, etc.

(1) In column 4, under "Steel drums or barrels", delete "(ICC–5, 5A, 5B, etc.", and insert in lieu thereof:

(ICC–5, 5A, 5B, 5C, 6B, 6C) not over 110 gal. cap.

B. Amend the following items as indicated:

1. Poisonous liquids, N.O.S., etc.
2. Tear gas material, liquid or solid, N.O.S., etc.

(1) In column 4, under "Steel drums or barrels", delete "(ICC–5, 5A, 5B, etc.", and insert in lieu thereof:

(ICC–5, 5A, 5B, 5C, 6B, 6C) not over 110 gal. cap. and not over 1760 lb. gr. wt.

**§ 147.05–100 [Amended]**

14. Section 147.05–100 *Table S—Classification: Ships' stores and supplies of a dangerous nature* is amended as follows:

A. Delete the entry "Starting fluid, etc.", and all text in table relating thereto.

B. After "Drugs and medicines, etc.", insert the following:

(1) In column 1, insert:

Engine starting fluid, inflammable, in metal containers. Not permitted in gelatin capsules.

(2) In column 2, insert:

*Used for starting engines.*
*Flashpoint usually below 0° F.*
Must be packaged in metal containers that will not rupture when exposed to temperatures of 200° F. or below.
Protect from excessive temperature.

(3) In column 3, insert:

No label required.

(4) In columns 4, 5, 6 and 7, insert:

Stowage: In metal locker selected and supervised by the chief engineer, with the knowledge and approval of the master.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1964, 19 F.R. 8026)

Dated: December 16, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard,*
*Commandant.*

[F.R. Doc. 64–13097; Filed, Dec. 21, 1964; 8:45 a.m.]

## Chapter IV—Federal Maritime Commission

### SUBCHAPTER A—GENERAL PROVISIONS

[General Order 8, Part II; Amdt. 2]

### PART 502—RULES OF PRACTICE AND PROCEDURE

### Fees and Charges for Special Services

On pages 15380 and 15381 of the FEDERAL REGISTER of November 17, 1964, there was published a notice of proposed rule making to issue regulations governing fees and charges for special services. Interested persons were given the opportunity to submit written comments, suggestions, or objections with respect to the proposed regulations.

No objections have been received and no comments have been submitted.

The proposed regulations are hereby adopted without change, to be effective January 1, 1965.

THOMAS LISI,
*Secretary.*

**§ 502.6 Fees and charges for special services.**

(a) *Policy and services available.* Pursuant to policies established by the Congress, the Government's costs for special services furnished to individuals or firms who request such service are to be recovered by the payment of fees (Act of August 31, 1951—5 U.S.C. 140). Upon written request directed to and within the discretion of the Federal Maritime Commission, there are available upon payment of the fees hereinafter prescribed, with respect to documents subject to inspection, services as follows:

(1) Copying records/documents.

(2) Certification of copies of documents.

(3) Records search.

(4) Subscriptions to publications of the Commission.

(5) Transcripts of hearings.

(b) *Payment of fees and charges.* The fees charged for special services may be paid by check, draft, or postal money order, payable to the Federal Maritime Commission, except for charges for transcript of hearings. Fees for transcript of hearings are payable to the firm providing the services.

(c) *Fees for services.* The basic fees set forth below provide for documents to be mailed with ordinary first class postage prepaid. If copy is to be transmitted by registered, certified, air or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(1) The copying of records and documents will be available at the rate of 25 cents per page (one side) by the Xerox process, limited to size 8¼" x 14" or smaller.

(2) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $1.00 for each such certification.

(3) To the extent that time can be made available, records and information search will be performed for reimbursement at the following rates:

(i) By clerical personnel at a rate of $4.00 per person per hours.

(ii) By professional personnel at an actual hourly cost basis to be established prior to search.

(iii) Minimum charge $2.00.

(4) Annual subscriptions to Commission publications for which there are regular mailing lists are available at the charges indicated below. Subscriptions will be available effective Jaunary 1, 1965, for a one-year term, and for calendar year terms thereafter. Subscriptions for periods of less than a full calendar year will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser.

(i) Orders, notices, rulings and decisions (initial and final) issued by hearing examiners and by the Commission in all formal docketed proceedings before the Federal Maritime Commission are available at an annual subscription rate of $30.00.

(ii) Final decisions (only) issued by the Commission in all formal docketed proceedings before the Commission are available at an annual subscription rate of $10.00.

(iii) General Orders of the Commission, including all proposed and final rules, are available at an annual subscription rate of $2.00 (initial annual subscription will entitle the purchaser to a complete set of current General orders issued to date).

(iv) Exceptions: No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of Commission publications individually requested, in person or by mail. In addition a subscription to Commission mailing lists will be entered without charge when one of the following conditions is present:

(a) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization.

(b) The recipient is another government agency, Federal, State or local, concerned with the domestic or foreign commerce by water of the United States or, having a legitimate interest in the proceedings and activities of the Commission.

(c) The recipient is a college or university.

(d) The recipient does not fall into 1, 2, or 3 above, but is determined by the Commission to be appropriate in the interest of its program.

(5) Transcripts of testimony and of oral argument are furnished by a non-Government contractor, and may be purchased directly from the reporting firm.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13102; Filed, Dec. 21, 1964; 8:50 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 15683; FCC 64-1167]

## PART 73—RADIO BROADCAST SERVICES

### Table of Assignments; Television Broadcast Stations

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Redding, Calif.); Docket No. 15683, RM-606.

*Report and order.* 1. The Commission has before it for consideration its notice of proposed rule making, released October 29, 1964 (FCC 64-996), proposing to reserve for educational use Channel 9, Redding, Calif., where it is now assigned unreserved. Northern California Educational Television Association, Inc. (NCETA) is already occupying the channel, its Station KIXE-TV having commenced regular operation as a noncommercial educational broadcaster on October 5, 1964, under temporary authority. NCETA was the petitioner seeking the reservation and the only party filing in response to the notice.

2. Redding, with a population of 12,773, is the county seat of Shasta County, which has a population of 59,468 (1960 U.S. Census). The area is served by two commercial stations, KVIP-TV, Channel 7, Redding, and KHSL-TV, Channel 12, Chico, Calif. In an earlier petition NCETA pointed out that the northern portion of the state is not presently served by and has no allocation for an educational television station and asserted that because of the population pattern of the north state area, with small and relatively isolated schools, an instructional facility such as an educational television station would be "an even greater servant to education" than a similar facility in a metropolitan area.

3. Petitioner has stated that it will operate on a noncommercial educational basis, with plans for instructional service to the schools, telecourses to provide in-service courses for teachers, and cultural enrichment programs. In its comments, petitioner reports that it is at present furnishing to schoolrooms in nine counties of northern California educational programs originated by Stations KQED-TV, San Francisco, and KVIE-TV, Sacramento, and Chico State College, Chico, Calif.; also that it is now assembling its staff and expects to have its studios and regular program operations in effect in the near future. We also note that the California educational television authority (California State Television Advisory Committee) strongly supported this Channel 9 reservation in a statement filed in Docket No. 14229, the overall UHF proceeding.

4. The Commission is of the view that adoption of the proposal would enhance opportunities for needed educational television service in the northern California area, and that a reservation of Channel 9 for noncommercial educational use at Redding would serve the public interest.

5. In view of the foregoing: *It is ordered*, That, effective January 25, 1965, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the community named is concerned, to read as follows:

| City: | Channel No. |
|---|---|
| Redding, Calif | 7, *9 |

6. The action herein is taken pursuant to authority found in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 48 Stat. 1066, as amended, 1082, as amended, 1083; 47 U.S.C. 154, 303, 307)

Adopted: December 16, 1964.

Released: December 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13110; Filed, Dec. 21, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[26 CFR Part 1]

### INCOME TAX

### Treatment of Carrying Charges With Respect to the Installment Method of Accounting

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 453 of the Internal Revenue Code of 1954 to section 3 of the Act of August 31, 1964 (Public Law 88-539, 78 Stat. 746), and to make certain other changes, such regulations are amended as follows:

PARAGRAPH 1. Section 1.453 is amended by adding a new subsection (e) to section 453, by revising subsections (a) and (d)(4) of section 453, by adding a new paragraph (5) to section 453(d) and by revising the historical note. Such added and amended provisions read as follows:

**§ 1.453 Statutory provisions; installment method.**

Sec. 453. *Installment method*—(a) *Dealers in personal property*—(1) *In general.* Under regulations prescribed by the Secretary or his delegate, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price.

(2) *Total contract price.* For purposes of paragraph (1), the total contract price of all sales of personal property on the installment plan includes the amount of carrying charges or interest which is determined with respect to such sales and is added on the books of account of the seller to the established cash selling price of such property. This paragraph shall not apply with respect to sales of personal property under a revolving credit type plan or with respect to sales or other dispositions of property the income from which is, under subsection (b), returned on the basis and in the manner prescribed in paragraph (1).

* * * * * * *

(d) *Gain or loss on disposition of installment obligations.* * * *

(4) *Effect of distribution in certain liquidations*—(A) *Liquidations to which section 332 applies.* If—

(i) An installment obligation is distributed by one corporation to another corporation in the course of a liquidation, and

(ii) Under section 332 (relating to complete liquidations of subsidiaries) no gain or loss with respect to the receipt of such obligation is recognized in the case of the recipient corporation,

Then no gain or loss with respect to the distribution of such obligation shall be recognized in the case of the distributing corporation. If the basis of the property of the liquidating corporation in the hands of the distributee is determined under section 334(b)(2) then the preceding sentence shall not apply to the extent that under paragraph (1) gain to the distributing corporation would be considered as gain to which section 341(f) or section 1245(a) or 1250(a) applies.

(B) *Liquidations to which section 337 applies.* If—

(i) An installment obligation is distributed by a corporation in the course of a liquidation, and

(ii) Under section 337 (relating to gain or loss on sales or exchanges in connection with certain liquidations) no gain or loss would have been recognized to the corporation if the corporation had sold or exchanged such installment obligation on the day of such distribution,

Then no gain or loss shall be recognized to such corporation by reason of such distribution. The preceding sentence shall not apply to the extent that under paragraph (1) gain to the distributing corporation would be considered as gain to which section 341(f) or section 1245(a) or 1250(a) applies.

(5) *Life insurance companies.* In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in section 801(a)) to such an insurance company or to a partnership of which such an insurance company is a partner, no provision of this subtitle providing for the nonrecognition of gain shall apply with respect to any gain resulting under paragraph (1). If a corporation which is a life insurance company for the taxable year was (for the preceding taxable year) a corporation which was not a life insurance company, such corporation shall, for purposes of this paragraph and paragraph (1), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year, all installment obligations which it held on such last day. A partnership of which a life insurance company becomes a partner shall, for purposes of this paragraph and paragraph (1), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such insurance company becomes a partner.

(e) *Carrying charges not included in total contract price.* If the carrying charges or interest with respect to sales of personal property, the income from which is returned under subsection (a)(1), is not included in the total contract price, payments received with respect to such sales shall be treated as applying first against such carrying charges or interest. This subsection shall not apply with respect to sales or other dispositions of property the income from which is, under subsection (b), returned on the basis and in the manner prescribed in subsection (a)(1).

[Sec. 453 as amended by sec. 27, Technical Amendments Act 1958 (72 Stat. 1624); sec. 13(f)(5), Rev. Act 1962 (76 Stat. 1035); secs. 222(a) and 231(b)(5), Rev. Act 1964 (78 Stat. 75, 105); sec. 1(b)(2), Act of Aug. 22, 1964 (Pub. Law 88-484, 78 Stat. 597); sec. 3, Act of Aug. 31, 1964 (Pub. Law 88-539, 78 Stat. 746)]

PAR. 2. Section 1.453-2 is amended by revising paragraph (c) and (d)(2)(ii), the material preceding subdivision (i) of paragraph (d)(6), paragraph (d)(6)(v), by revising example (2) in paragraph (d)(4), and by adding example (3) to paragraph (d)(4). Such amended and added provisions read as follows:

**§ 1.453-2 Special rules applicable to dealers in personal property.**

* * * * * * *

(c) *Installment income of dealers in personal property*—(1) *In general.* The income from sales on the installment plan of a dealer, that is, a person regularly engaged in the sale of personal property on the installment plan, may be ascertained by treating as income that proportion of the total payments received in the taxable year from sales on the installment plan (such payments being allocated to the year against the sales of which they apply) which the gross profit realized or to be realized on the total sales on the installment plan made during each year bears to the total contract price of all such sales made during that respective year. However, if the dealer demonstrates to the satisfaction of the district director that income from sales on the installment plan is clearly reflected, the income from such sales may be ascertained by treating as income that proportion of the total payments received in the taxable year from sales on the installment plan (such payments being allocated to the year against the sales of which they apply) which either (i) the gross profit realized or to be realized on the total credit sales made during each year bears to the total contract price of all credit sales during that respective year, or (ii) the gross profit realized or to be realized on all sales made during each year bears to the total contract price of all sales made during that respective year. See, however, paragraph (d)(6)(vi) of this section for rules permitting, under certain circumstances, all sales under a revolving credit

plan to be considered as having been made in the taxable year. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method in accordance with the provisions of this section, section 446, and § 1.446–1.

(2) *Gross profit and total contract price.* For purposes of subparagraph (1) of this paragraph, in computing the gross profit realized or to be realized on the total sales on the installment plan, there shall be included in the total selling price and, thus, in the total contract price of all such sales,

(i) The amount of carrying charges or interest which is determined at the time of each sale and is added to the established cash selling price of such property and is treated as part of the selling price on the books of the seller and for customer billing purposes, and

(ii) In the case of sales made in taxable years beginning on or after January 1, 1960, the amount of carrying charges or interest determined with respect to such sales which are added contemporaneously with the sale on the books of account of the seller but are treated as periodic service charges for customer billing purposes.

Any change in the amount of the carrying charges or interest in a year subsequent to the sale will not affect the computation of the gross profit for the year of sale but will be taken into account at the time the carrying charges or interest are adjusted. However, this subparagraph does not apply to sales of personal property under a revolving credit plan described in paragraph (d)(1) of this section, nor to sales described in section 453(b)(1) and paragraph (c) of § 1.453–1. The application of this subparagraph to carrying charges or interest described in subdivision (ii) of this subparagraph may be illustrated by the following example:

*Example.* X Corporation makes sales on the traditional installment plan. The customer's order specifies that the total price consists of a cash price plus a "time price differential" of 1½ percent per month on the outstanding balance in his account and he is billed in this manner. On its books and for purposes of reporting to stockholders, X Corporation consistently makes the following entries each month when it records its sales. A debit entry is made to accounts receivable (for the total price) and balancing credit entries are made to sales (for the established selling price) and to a reserve account for collection expense (for the amount of the time price differential). In computing the gross profit realized or to be realized on the total sales on the installment plan, the total selling price and, thus, the total contract price for purposes of this paragraph would, with respect to sales made in taxable years beginning on or after January 1, 1960, include the time price differential.

(3) *Carrying charges not included in total contract price.* In the case of sales by dealers in personal property made during taxable years beginning after December 31, 1963, the income from which is returned on the installment method, if the carrying charges or interest with respect to such sales is not included in the total contract price, payments received with respect to such sales shall be treated as applying first against such carrying charges or interest. For application of this rule to revolving credit sales, see paragraph (d)(6)(v) of this section.

(d) *Revolving credit plans.* • • •

(2) • • •

(ii) For taxable years ending before January 31, 1964, a taxpayer who has reported for income tax purposes all or a portion of sales under a revolving credit plan as sales on the installment method may apply the percentage obtained for the first taxable year ending on or after such date in determining the percentage of charges under a revolving credit plan for such prior taxable year (or years) which will be treated as sales on the installment plan. However, in computing the percentage to be applied in determining the percentage of charges under a revolving credit plan which will be treated as sales on the installment plan for such prior taxable year (or years), the rule stated in paragraph (c)(3) of this section shall not apply. See subparagraph (6)(v) of this paragraph for rules relating to the application of payments to finance charges for such prior taxable years.

• • • • •

(4) • • •

*Example* (2). This example is applicable with respect to sales made during taxable years beginning before January 1, 1964. Under the terms of the taxpayer's revolving credit plan, payments are required in accordance with the following schedule:

| *Unpaid balance* | *Required monthly payment* |
|---|---|
| 0– $99.99 | $20 |
| $100–$199.99 | 40 |
| $200–$299.99 | 60 |

Customer B's revolving credit ledger account for the period beginning on September 21, 1963 and ending February 20, 1964 shows the following:

| Month ending— | Aggregate sales in month [1] | Returns and allowances | Payments | Finance charges | Balance |
|---|---|---|---|---|---|
| Oct. 20 | $55.00 | 0 | 0 | 0 | $55.00 |
| Nov. 20 | 45.00 | 0 | $20.00 | $0.35 | 80.35 |
| Dec. 20 | 20.00 | 0 | 20.00 | .60 | 80.95 |
| Jan. 20 | 26.00 | $5.00 | 20.00 | .61 | 82.56 |
| Feb. 20 | 0 | 10.00 | 72.56 | 0 | 0 |

[1] Including sales of personal property and nonpersonal property sales.

The three $20 payments and the $5 return or allowance made in the billing-months ending in the taxable year are applied, under the rules in subparagraph (6)(v), to liquidate the earliest outstanding charges, first to the $55 aggregate of sales in the billing-month ending October 20 and next to $10 of the aggregate of sales made in the billing-month ending November 20. Thus, the balance of the account as of the close of the billing-month ending January 20, $82.56, is made up as follows:

| | |
|---|---|
| Remainder of sales in billing-month ending Nov. 20 ($45—$10) | $35.00 |
| Finance charge for billing-month ending Nov. 20 | .35 |
| Sales for billing-month ending Dec. 20 | 20.00 |
| Finance charge for billing-month ending Dec. 20 | .60 |
| Sales for billing-month ending Jan. 20 | 26.00 |
| Finance charge for billing-month ending Jan. 20 | .61 |
| | 82.56 |

The sales of $35 remaining from the aggregate of sales for the billing-month ending November 20 meet the requirements of subparagraph (3)(i) of this paragraph because the aggregate of sales charged during such billing-month ($45) exceeds the required monthly payment ($20), and such sales meet the requirements of subparagraph (3)(ii) of this paragraph because the first payment after the billing-month of sale ($20) is an amount less than the balance of the account as of the close of such month ($80.35). Therefore, $35 of sales will be treated as sales on the installment plan. The $20 aggregate of sales charged during the billing-month ending December 20 does not meet the requirements of subparagraph (3)(i) of this paragraph because it is in an amount which does not exceed the required monthly payment ($20). (The finance charge of $0.60 added in the billing-month does not enter into the determination of the aggregate of sales for the month because the term "sales" (as defined in subparagraph (6)(i) of this paragraph) does not include finance charges). The $26 aggregate of sales for the billing-month ending January 20 does not meet the requirements of subparagraph (3)(ii) of this paragraph because the first payment after such billing-month ($72.56) was equal to the balance of the account as of the close of such billing-month ($72.56). For this purpose, the balance of $82.56 is reduced by the $10 return or allowance which was credited after the billing-month of sale and before February 20. Thus, of the $82.56 balance of B's account as of the close of the last billing-month ending within corporation X's taxable year, $35 will be treated as sales on the installment plan for purposes of determining the percentage provided for in subparagraph (2) of this paragraph.

*Example* (3). This example is applicable with respect to sales made during taxable years beginning after December 31, 1963. Assume the facts in example (2), except that Customer B's revolving credit ledger account is for the period beginning on September 21, 1964 and ending February 20, 1965. Since payments received are first used to liquidate any outstanding finance charges under the rule in subparagraph (6)(v), the $20 payment in December liquidated the $0.35 finance charge accrued at the end of the November billing-month and the $20 payment in January liquidated the $0.60 finance charge accrued at the end of the December billing-month. The balance of the three $20 payments ($59.05) and the $5 return or allowance are applied (under the rules in subparagraph (6)(v)) to liquidate the earliest outstanding sales, first to the $55 aggregate of sales in the billing-month ending October 20 and next to $9.05 of the aggregate of sales made in the billing-month ending November 20. Thus, the balance of the account as of the close of the billing-month ending January 20, $82.56, is made up as follows:

| | |
|---|---|
| Remainder of sales in billing-month ending Nov. 20 ($45—$9.05) | $35.95 |
| Sales for billing-month ending Dec. 20 | 20.00 |
| Sales for billing-month ending Jan. 20 | 26.00 |
| Finance charge for billing-month ending Jan. 20 | .61 |
| | 82.56 |

The sales of $35.95 remaining from the aggregate of sales for the billing-month ending November 20 meet the requirements of subparagraph (3)(i) of this paragraph because the aggregate of sales charged during such billing-month ($45) exceeds the required monthly payment ($20), and such sales meet the requirements of subparagraph (3)(ii) of this paragraph because the first payment after the billing-month of sale ($20) is an amount less than the balance of the account as of the close of such month ($80.35). Therefore, $35.95 of sales will be treated as sales on the installment plan. The $20 aggregate of sales charged during the billing-month ending December 20 does not meet the requirements of subparagraph (3)(i) of this paragraph because it is in an amount which does not exceed the required monthly payment ($20). The $26 aggregate of sales for the billing-month ending January 20 does not meet the requirements of subparagraph (3)(ii) of this paragraph because the first payment after such billing-month ($72.56) was equal to the balance of the account as of the close of such billing-month ($72.56). For this purpose, the balance of $82.56 is reduced by the $10 return or allowance which was credited after the billing-month of sale and before February 20. Thus, of the $82.56 balance of B's account as of the close of the last billing-month ending within corporation X's taxable year $35.95 will be treated as sales on the installment plan for purposes of determining the percentage provided for in subparagraph (2) of this paragraph.

• • • • •

(6) For purposes of this paragraph—

• • • • •

(v) Except as otherwise provided in this subdivision, each payment received from a customer under a revolving credit plan before the close of the last billing-month ending in the taxable year shall be applied to liquidate the earliest outstanding charges under such plan, notwithstanding any rule of law or contract provision to the contrary. For purposes of determining which charges remain in the balance of an account at the end of the last billing-month ending in the taxable year, the taxpayer may apply returns and allowances which are credited before the close of the last billing-month ending in the taxable year either (*a*) to liquidate or reduce the charge for the specific item so returned or for which an allowance is permitted, or (*b*) to liquidate or reduce the earliest outstanding charges. The method so selected for applying returns and allowances shall be followed on a consistent basis from year to year unless the district director consents to a change. Additionally, finance or service charges which are computed on the basis of the balance of the account at the end of the previous billing-month (usually reduced by payments during the current billing-month) are accrued at the end of the current billing-month and are therefore considered, for purposes of determining the earliest outstanding charges, as charged to the account after any sales made during the current billing month. However, for purposes of determining which charges remain in the balance of an account at the end of the last billing-month ending in a taxable year which began after December 31, 1963, payments received during such year shall be applied first against any finance or service charges which were outstanding at the time such payment was received. The preceding sentence shall not apply with respect to a computation made for purposes of applying the rule described in subparagraph (2)(ii) of this paragraph.

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[F.R. Doc. 64–13094; Filed, Dec. 21, 1964; 8:46 a.m.]





# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 36 ]

[Docket No. FDC–73]

## SHELLFISH; FROZEN RAW BREADED AND LIGHTLY BREADED SHRIMP; DEFINITIONS AND STANDARDS OF IDENTITY

### Proposed Findings of Fact and Tentative Order

In the matter of establishing definitions and standards of identity for frozen raw breaded shrimp and frozen raw lightly breaded shrimp:

Notice of proposed rule making was published in the FEDERAL REGISTER of March 31, 1961 (26 F.R. 2722), setting forth proposals of the National Fisheries Institute, Inc., 1614 Twentieth Street NW., Washington 9, D.C., and the National Shrimp Breaders Association, Inc., 624 South Michigan Avenue, Chicago 5, Ill., representing members who are processors of breaded shrimp, for the establishment of definitions and standards of identity for frozen raw breaded shrimp. An order was published in the FEDERAL REGISTER of May 7, 1963 (28 F.R. 4556), promulgating identity standards for frozen raw breaded shrimp (21 CFR 36.30) and for frozen raw lightly breaded shrimp (21 CFR 36.31). Objections to the order were filed, asserting grounds for a public hearing on several issues, and an announcement was published on July 6, 1963 (28 F.R. 6915) staying the order. In response to the notice in the FEDERAL REGISTER of December 21, 1963 (28 F.R. 13940) and following a notice of postponement published in the issue of January 11, 1964 (29 F.R. 297), a hearing was held.

Based upon the evidence received at the hearing and having given consideration to the written arguments and suggested findings, some of which were adopted in whole or in part and some of which were rejected, the Commissioner, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055 as amended, 70 Stat. 919; 21 U.S.C. 341, 371(e)) delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), proposes that the following findings of fact, conclusions, and definitions and standards of identity for frozen raw breaded shrimp and frozen raw lightly breaded shrimp be issued:

*Findings of fact.*[1] Frozen raw breaded shrimp and frozen raw lightly breaded shrimp are prepared by coating appropriate forms of peeled shrimp with safe and suitable batter and breading ingredients and then freezing. Only the "tail" portion of shrimp is used. The tail portions are prepared in the following forms:

a. Split or butterfly, with tail fins remaining and with or without first adjoining shell segment.

b. Split or butterfly, tail fins and all shell segments removed.

c. Round, unsplit shrimp with tail fins remaining and with or without first adjoining shell segment.

d. Round, unsplit shrimp, tail fins and all shell segments removed.

e. Pieces of shrimp, tail fins and all shell segments removed.

f. Composited units consisting of two or more shrimp pieces or whole shrimp or a combination of both with tail fins and all shell segments removed.

Breaded shrimp is a relatively new commercial food, having been first commercially distribute d about 1947 or 1948. Breaded shrimp is prepared from either iced or frozen shrimp or both and from one or more of the so-called white, pink, or brown varieties. Shrimp are obtained from many different parts of the world (R. 151–170, 228, 274; Ex. 2, 27).

2. When frozen raw breaded shrimp first appeared on the market it contained appreciably more shrimp material than breading. Due to many factors, including economics and product acceptability, the percentage of shrimp material in the food decreased. However, a small portion of the production was maintained at a higher percentage of shrimp for those purchasers, primarily volume purchasers, such as institutional users, who wanted such higher shrimp percentage (R. 124, 170, 234).

3. After negotiations with industry, the United States Department of the Interior, through its Fish and Wildlife Service, caused to be published United States Standards for Grades of Frozen Raw Breaded Shrimp with an effective date of March 1, 1958. These standards were recodified and republished on July 1, 1958, by the United States Department of the Interior. Within 2 or 3 years after publication of the grade

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

standards, approximately 85 percent of the production of breaded shrimp was being inspected by the United States Department of the Interior for compliance. Among other requirements, the product description of the standards for grades requires a minimum of 50 percent shrimp material as determined by the procedure set out in the grade standards (R. 608; Ex. 26).

4. The Food and Drug Administration order establishing the definitions and standards of identity for frozen raw breaded shrimp and frozen raw lightly breaded shrimp invited persons claiming to be adversely affected by such order to submit relevant objections specifying with particularity that part of the order to which objection was taken. In the event a hearing should be required on an issue or issues raised by objectors, they were to be prepared to support such objections at the hearing.

A person claiming to be adversely affected by the order objected to the requirement that frozen raw breaded shrimp contain not less than 50 percent shrimp material. He proposed instead that the minimum shrimp material for the food be set at 60 percent. He also objected because the order did not require the size of the raw shrimp used to be listed on the label; because standards were not established for size based on the number of shrimp per pound; because the order did not require the numerical percentage of breading actually in the food to be declared on the label; because it did not require label statement of the geographic origin of the shrimp; and because it did not limit the time raw frozen shrimp may be held in storage prior to breading.

Others claiming to be adversely affected objected to the order because it did not provide for optional use of alternative names for the food designated as "breaded shrimp pieces"; because it did not provide for the optional use of the alternative designation "breaded round fantail shrimp" for the food designated as "breaded round shrimp"; because it did not specify that size of those large shrimp that the order permitted to be parenthetically designated as "prawns"; and because the method for determination of the percentage of shrimp material in the food included the use of a rubber-tipped glass stirring rod.

The objections were duly noted and set out as issues for the hearing. At the hearing, no objectors or representatives of the objectors, nor any other person supported the objections listed in this finding of fact. Accordingly, there is no basis in the record for changing the order as it concerns these issues (Ex. 2, 4).

5. Some consumers demand breaded shrimp with an appreciably higher proportion of shrimp material than coating. Such lightly breaded shrimp containing not less than 70 percent shrimp material can be prepared. In Federal Specifications, provision is made for the purchase of it and a purchase specification by one of the large grocery chains provides for lightly breaded shrimp with not less than 70 percent shrimp material. However, there was evidence adduced at the hearing that at the 70 percent shrimp material level the present state of the technique of the industry is such that:

a. Only larger size shrimp would satisfactorily lend themselves to being lightly breaded.

b. The coating often shows a number of cracks and voids so that the food would not meet the requirements for Grade A, as set out in the United States Standards for Grades of Frozen Raw Breaded Shrimp.

c. The need for "hand" breading this food increases the price considerably.

d. Packers produce a 70 percent lightly breaded shrimp only upon a customer's order.

On the other hand, breaded shrimp prepared with not less than 65 percent shrimp material substantially overcomes the problems arising with the 70 percent product. Lightly breaded shrimp at the level of 65 percent shrimp material is recognizably different from ordinary breaded shrimp in which the shrimp material amounts to only slightly more than 50 percent (R. 124, 127, 189–192, 219, 234, 235, 238, 320, 325, 532–535, 574, 597–605, 874–876, 918, 1185–1188, 1241, 1244, 1246, 1249, 1250, 1253–1258; Ex. 2, 6, 20, 29–38).

6. Section 403(f) of the Federal Food, Drug, and Cosmetic Act requires mandatory labeling to be placed on food labels with such prominence and conspicuousness as to render it likely to be read and understood under customary conditions of purchase and use. Section 1.9(a) of Title 21, Code of Federal Regulations, points out that this statutory requirement may be offended if required labeling is not shown "on the part or panel of the label which is presented or displayed under customary conditions of purchase." Frozen raw breaded shrimp is usually packaged and sold in six-sided packages. Two of the rectangular panels opposite to each other each have a much greater surface area than any of the other four panels. The top one of these panels is ordinarily used as the principal display panel. Principal display panels are easily recognized since they usually carry the manufacturer's brand name, the name of the food in large letters, and often a colorful vignette of the food. In boxes of frozen raw breaded shrimp this panel is sometimes referred to as the main or front panel. Designers of labels and manufacturers of the food intend for this panel to be the one displayed at the point of sale in order to catch the purchaser's eye. It is recognized that sometimes more than one panel is intended for display purposes. Section 403(f) of the act and § 1.9(a) of the regulations apply not only to foods for which there have been established standards of identity but also to nonstandardized foods (R. 179, 180, 290–292; Ex. 21, 22, 41–44, 46–49):

7. Many foods have been defined and standards of identity established in accordance with section 401 of the act. Many of the standards require certain optional ingredients to be listed on the label. A few standardized foods have lengthy lists of optional ingredients providing for many, if not all, to be designated for label declaration. Frozen raw breaded shrimp has a coating that may consist of many ingredients. No objections were received to the order establishing the standard as it concerns the coating ingredients and the provision that it shall be mandatory that they all be listed on labels. The length of the listing of optional ingredients used should not preclude its prominent and conspicuous display. There is substantial evidence of record supporting the placement of the optional ingredient listing on the principal display panel or panels comprising the surface of the label usually displayed to the consumer at the time of purchase. Questions raised concerning the significance and meaning to the consumer of some of the chemical names of certain of the optional ingredients were not sufficient to overcome the need for ready availability of such information to the consumer who seeks such information. The fact that many labels presently used on frozen raw breaded shrimp and other nonstandardized foods do not present the ingredient listing on the principal display panel does not overcome the statutory requirement that the listing be prominent and conspicuous. Evidence of record revealed that the changing of labels or the development of new labels is expensive. However, despite the costs, witnesses revealed that labels are constantly being revised and new labels developed. Some witnesses believed that the order as objected to had required that wherever and as often as the name of the food appeared on the label the ingredient listing must also appear. It was made clear that such listing is to be required only upon the principal display panel (or panels). If the ingredient listing is conspicuously displayed on the principal display panel or panels of the packages of frozen raw breaded shrimp, it is not necessary to require that such labeling immediately precede or follow the name of the food, without intervening written, printed, or graphic matter. It was asserted that it would be difficult to locate and to read the ingredient listing, regardless of position placement on the label, under certain adverse conditions of frost, light, etc. It is not reasonable to conclude that if such adverse conditions sometimes develop it is unnecessary to prescribe the position placement of such listing. On the other hand, it would be reasonable and in the interest of consumers to prescribe the location of the ingredient listing so that under normal and expected conditions of sale such listing may be easily located and read (R. 66, 72, 78, 80, 81, 88, 94, 142, 180, 183, 186, 241–243, 537, 538, 542, 543, 548, 578, 579, 591, 594, 595, 709, 1070, 1071, 1073, 1075–1080, 1083, 1086, 1090, 1091, 1093, 1095, 1097, 1126, 1127, 1130, 1136, 1138, 1145, 1146, 1160, 1161, 1171, 1174; Ex. 2, 41–44, 46–49).

8. A form of frozen raw breaded shrimp is prepared from two or more whole shrimp, that is, the tail portion of the shrimp with all shell and tail fins removed, or pieces of such shrimp, or both. These units are compressed in a mold, frozen, and coated with a batter and breading. Frozen units, prior to coating, may be cut into smaller units. One such product, prepared from blocks, in its finished form is in the shape of fish sticks and is labeled "shrimp sticks." Another such product is prepared from shrimp caught in Alaskan waters. For this latter product the tail portions are peeled, tail fins removed, placed in a mold, and frozen. The frozen composited units of this shrimp material prepared in Alaska are termed "logs." The logs, in frozen form, are shipped to Ponchatoula, La., where they are then sliced perpendicularly to their long axes. The slices are then individually coated with a batter and breading, refrozen, packaged, and distributed. Each slice consists of many pieces of shrimp. In the approximately two years this product had been on the commercial market prior to the date of hearing, the form and size of the individual serving unit was prepared to resemble that of a "jumbo" shrimp of about "10–15 count." It was asserted that the size of the individual shrimp used is so small that they are unmarketable as single breaded units but do have a commercial market when composited.

The composited units prepared from shrimp caught in Alaskan waters, when breaded, have been sold under the name "Alaskan Breaded Shrimp." There is also on the market a product designated by the manufacturer as "Alaskan Angel Shrimp." This product is packaged frozen and glazed in block form and consists of the individual tail portion of peeled shrimp, tail fins removed. When thawed, the individual uncoated tail portions separate one from another. The witness for the processor stated that the word "Angel" in the name of the food has no meaning or significance. The witness for the packer of the Alaskan products testified that both were prepared from tiny shrimp. However, a size comparison of the pieces of shrimp in the breaded composited units and the single units of glazed shrimp with the size designations found in the United States Standards for Grades of Frozen Raw Headless Shrimp revealed that the composited units and the single units were prepared from shrimp consisting of a preponderance of medium-size shrimp. Shrimp of such size from other areas are often prepared as individual breaded units. The composited units prepared from shrimp caught in Alaskan waters could be formed into many shapes, including that shape and size known as "sticks." Composited units could be made from small or broken shrimp, or both, from any waters where shrimp are obtained and in the same shape and size as the composited units prepared in Alaska. The geographic origin of the Shrimp" are different forms of the food, consumer the form of the shrimp units. For example, the food sold as "Alaskan Breaded Shrimp" and "Alaskan Angel Shrimp" are different forms of the food the former consisting of composited units and the latter consisting of single units. It is reasonable to believe that the uninitiated consumer would be confused and unable to differentiate the forms of the two foods from the names presently appearing on the labels. This follows from the manner in which the geographic origin is used in both names as presently applied to the labels and to the lack of labeling to show the form of the units. It would not be in the consumer's interest to provide in standards that foods prepared in composite form from shrimp obtained from different geographic areas shall bear the same name, such as "Alaskan breaded shrimp," with no additional meaningful description. Further, it would be confusing to the consumer for the order to provide for foods prepared in different geographic areas but in the same manner and having the same form to bear different names; for example, "Alaskan Breaded Shrimp" vs. "Louisiana Breaded Shrimp."

A witness for the Food and Drug Administration testified that personnel of a large chain store have been advertising and selling the composited form of breaded shrimp from Alaska as "jumbo shrimp," without realizing that the units were not single shrimp. The name of the food apparently did not reveal to the sales personnel that the food consisted of composited units. It is not unreasonable to expect that all the various forms of breaded shrimp units encompassed within the order should be indicative of the form of the units, whether it be single split, single round, single pieces, or composited of several whole shrimp or pieces. It would not be contrary to the consumer's interest to provide in the standards that labels may show the geographic origin of the shrimp (R. 634, 641, 644, 646, 650, 652, 655–658, 661–664, 676–678, 681, 682, 686, 689, 699, 1273, 1276–1279, 1283, 1286, 1288, 1289, 1291, 1292, 1294, 1296, 1299–1304; Ex. 2, 20, 23–25, 48, 49, 54, 55, 57–59).

9. In 1958 the United States Department of the Interior published a standard for grades of frozen raw breaded shrimp wherein the product description requires that the finished food contain not less than 50 percent shrimp material. Such requirement has been continued to the date of the hearing and included in the proposal to establish a standard of identity for the food. The method for determining the percentage of shrimp material in the food is incorporated within the grade standard. This method provides for weighing the finished food; removing the coating by means of an agitating water bath; draining and weighing the debreaded shrimp material; and calculating the percentage of shrimp material. To the result obtained from the calculation of shrimp material provision is made for the addition of 5 percent. (For example, if the calculated result for the finished food is 45 percent shrimp material one then adds 5 percent so that the food is now stated to contain 50 percent shrimp material.) A footnote is appended to the calculation in the published grade standard which states, "A tentative correction factor of 5 percent is employed pending completion of definitive studies" (R. 903, 904, 921; Ex. 1, 26).

10. The petitioners proposing the establishment of a standard for frozen raw breaded shrimp provided for a minimum shrimp material content of not less than 50 percent, to be determined in accordance with the method set out in the United States Standards for Grades, including the 5 percent correction factor. Following publication of the proposed standard of identity, the Commissioner of Food and Drugs, after reviewing comments received and considering other information available to him, published the order establishing the definition and standard of identity. In the Commissioner's order, the correction factor was prescribed as plus 2 percent. The change in this value was objected to by interested parties claiming to be adversely affected and was therefore set up as an issue for the hearing.

Some testimony of record would support the complete deletion of a correction factor, particularly in view of the fact that the product is professed to contain not less than 50 percent of shrimp material. However, the question of deleting the correction factor was not an issue for the hearing, and therefore these findings of fact and conclusions restrict themselves to the question of plus 5 versus plus 2. It is readily recognized that any positive adjustment factor favors the packer. It is reasonable to believe that a packer exercising good commercial controls (good controls of processing are available and are being practiced) would minimize processing variations and therefore can easily produce the finished food well within an adjustment factor of plus 2. For some packers who have been producing a frozen raw breaded shrimp with somewhat less than 50 percent shrimp material a slight increase in weight of shrimp material used will make certain that the consumer will receive a finished food, containing not less than 50 percent shrimp material at the time of purchase. It is well established in the processed food industry that with variable raw materials careful producers do not aim for the lower limits of acceptance because of the dangers inherent in such practice. Since all producers of the food would be subject to the same requirement for minimum shrimp material content, and this percentage will be determined in the same manner, none would be placed at a competitive disadvantage by the changes.

Arguments were advanced that reducing the so-called correction factor from plus 5 to plus 2 would increase the costs to the consumer. Although the cost to the consumer for frozen raw breaded shrimp has increased through the years, the production and consumption of the food have increased at a greater rate. It is not reasonable to believe that the question of possibly slightly higher costs being passed on to the consumer in return for the inclusion of more shrimp material is germane to the issue, particularly in view of the fact that many packers are presently supplying foods containing in excess of the 50 percent shrimp material requirement. Additionally, it was argued that small differences in the amount of shrimp material were not recognizable to the consumer and therefore the change from plus 5 to plus 2 is unnecessary in the interest of consumers. Opposed to this was the argument that where consumers were unable to protect themselves it is in this area that the standard serves its purpose best by of-

fering such protection from those packers inclined to substitute cheap breading for expensive shrimp (R. 225, 260, 456, 613, 614, 779, 782, 879, 896, 897, 919, 964, 973, 974, 983, 993, 997–999, 1030, 1031, 1050, 1199–1201, 1205, 1216, 1217, 1230, 1236, 1237; Ex. 1, 2, 4).

11. A witness testified that studies he had carried out in preparation for the hearing would not support the plus 2 adjustment factor ordered by the Commissioner. This study had not been published nor had it been available prior to the hearing. The witness proposed that the plus 5 be retained. However, referring to his own studies he stated that such studies were not definitive. An examination of his data and his testimony as a whole revealed many inconsistencies and incompatibilities. One striking segment of his data revealed that of a particular set of 20 samples of frozen raw breaded shrimp 19 were admittedly prepared with less than 50 percent shrimp material. All 20 samples were frozen and stored prior to analysis. Upon analysis for shrimp material content, when plus 5 was added to the result obtained, all 20 samples were reported to contain 50 percent or more of shrimp material. It is readily seen that it would not be in the interest of the consumer to provide for an adjustment factor of plus 5 since, with such factor products intentionally packed to contain less than 50 percent shrimp material would on examination, appear to be in compliance with the shrimp requirement in the standard (R. 439, 733, 757–759, 778, 790, 844, 867, 1201–1204, 1260, 1262; Ex. 40).

12. The record reveals that the correction factor of plus 5 in the United States Standards for Grades of Frozen Raw Breaded Shrimp was both tentative and inadequate to reasonably reflect the shrimp material level in the finished food. As suggested by the footnote to the procedure, the correction factor was not the result of definitive studies. The plus 5 had been included at the time of publication at the request of industry. No witness at the hearing was aware of any work published in support of such plus 5. In fact, it was asserted that the plus 5 was based on admittedly inadequate information (R. 297–299, 963, 994–996, 1195; Ex. 26).

13. Prior to the publication of the Commissioner's order, the Food and Drug Administration was apprised of the details of a study and recommendation by seafood scientists of the United States Department of the Interior, Fish and Wildlife Service, Bureau of Commercial Fisheries, concerning the correction factor. Prior to the hearing, the study and recommendation were reported in the Commercial Fisheries Review published by the Bureau of Commercial Fisheries. It was the only published paper, known to the witnesses at the hearing, on the subject. Substantial testimony concerning the investigations reported supports the following:

a. The plus 5 correction factor was only tentative, pending definitive studies.

b. It is desirable to make the correction factor as small as the accuracy of the method will permit to insure uniformity of product.

c. The tentative correction factor of 5 percent is too large.

d. A change in the correction factor from plus 5 to plus 2 more correctly reflects the shrimp content of the finished food.

e. The accuracy of the method for determining the quantity of shrimp material in the finished food warrants the reduction from plus 5 to plus 2.

The study reflects representative commercial handling of the food from preparation to packaging and storage. The published scientific report is definitive of the subject, which was to determine the accuracy of the method for testing samples of frozen raw breaded shrimp in order to reveal the shrimp material content as the consumer receives it. The report embodies a scientific approach to the problem of determining the proper correction factor to be applied in the formula for calculating the amount of shrimp material in breaded shrimp. It is authoritative and reliable. An averaging of results in the report would actually support a slightly negative adjustment factor; that is, on an average basis the percentage of shrimp material in the finished food is slightly higher than that put in at the time of preparation. However, since some samples, when tested, showed a slight decrease in percentage of shrimp material it need not be considered contrary to the promotion of honesty and fair dealing in the interest of consumers to provide a safety factor for the producer by means of an adjustment factor of plus 2. One witness testified that the Bureau of Commercial Fisheries had reviewed the paper and determined that from its accuracy and consideration of the conclusions drawn it warranted publication. Further, prior to publication it had been distributed to representative members of industry for comment and no comments were submitted. Another witness testified that he had personal knowledge of the methods and had personally studied the paper and concluded it supported the conclusions drawn. Further, the data reported had been submitted to statistical analysis and found to warrant the conclusions drawn. The method is reproducible and has a low error. The test is capable of being conducted prior to and at time of consumer purchase and properly reflects the percentage of shrimp material in the food. It is in the interest of consumers to lower the correction factor from plus 5 to plus 2 (R. 780–782, 898–900, 921, 962, 1000–1007, 1049–1051, 1196, 1202, 1212–1223; Ex. 27, 51A–51C).

14. The Commissioner's order required that the method for determining the percentage of shrimp material be the same for all forms of the food provided for, and such method was incorporated in the order. However, substantial evidence of record reveals that the method provided for was not easily applicable to the food in composited form. A witness of the U.S. Department of the Interior testified that the method incorporated in the U.S. Standards for Grades of Frozen Raw Breaded Fish Portions would better reflect the shrimp material content in composited units of raw breaded shrimp. Such method is also provided for in the Federal Specification which covers this item of food (R. 261, 262, 680, 914–916, 1012; Ex. 20, 52).

*Conclusions.* On the basis of the foregoing findings of fact and taking into consideration the weight of substantial evidence of the entire record, the following conclusions are drawn:

1. Certain objections to the order, which were set up as issues for the hearing, are rejected because the objectors failed to support their objections at the hearing. These objections had been submitted in opposition to the order because:

a. The minimum shrimp material content of frozen raw breaded shrimp should be changed to require a minimum of 60 percent shrimp material.

b. The size of raw shrimp used should be required for label declaration.

c. The order should establish standards for size based on the number of shrimp per pound.

d. Mandatory label declaration of the percentage of breading actually in the package of food should be required.

e. Mandatory label declaration of geographic origin of the shrimp used should be provided for.

f. The order should impose a requirement setting forth the maximum time that shrimp may remain in storage prior to being coated with a batter and breading.

g. Provision should be included for optional use of alternative names for the food designated as "breaded shrimp pieces."

h. The standard should provide for the optional use of an alternative designation "breaded round fantail shrimp" for the food designated as "breaded round shrimp."

i. The standard should include a specification for the size of shrimp that may be parenthetically further designated as "prawns."

j. The method for determining the percentage of shrimp material in the finished food should not provide for the use of a rubber-tipped glass stirring rod.

The order as it relates to the above objections stands as promulgated.

2. The food designated as frozen raw lightly breaded shrimp shall contain not less than 65 percent shrimp material.

3. All safe and suitable coating ingredients are provided for optional use without specific listing in the regulation with certain exceptions. The consumer is unable to determine from a reading of the regulation what specific optional ingredients are permitted. Therefore, the label declaration of optional coating ingredients used in the preparation of the food should appear prominently and conspicuously on the principal panel or panels of the label used for display to the consumer at time of purchase.

4. The food prepared from the tail portion of shrimp from which all shell segments and tail fins are removed and wherein two or more whole shrimp, or pieces of shrimp, or both, are formed and pressed into composite units prior to coating are designated as "Breaded shrimp _____," the blank to be filled in with the words or phrase that accurately describe the shape or form, but which is not misleading. For example, if in the shape of fish sticks the food shall be designated as "Breaded shrimp sticks."

5. The percentage of shrimp material in frozen raw breaded shrimp, other than composited units, shall be calculated as follows:

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample}}{\text{Weight of sample}} \times 100 + 2$$

6. The method for determining the percentage of shrimp material in frozen raw breaded shrimp in the form of composited units shall be in accordance with the method prescribed in the United States Standards for Grades of Frozen Raw Breaded Fish Portions (50 CFR 266.-21(f)).

On the basis of the foregoing findings of fact and conclusions drawn therefrom, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish definitions and standards of identity as follows:

**§ 36.30 Frozen raw breaded shrimp; identity; label statement of optional ingredients.**

(a) Frozen raw breaded shrimp is the food prepared by coating one of the optional forms of shrimp specified in paragraph (c) of this section with safe and suitable batter and breading ingredients as provided in paragraph (d) of this section. The food is frozen.

(b) The food tests not less than 50 percent of shrimp material as determined by the method prescribed in paragraph (g) of this section, except that if the shrimp are composite units the method prescribed in paragraph (h) of this section is used.

(c) The term "shrimp" means the tail portion of properly prepared shrimp of commercial species. Except for composite units, each shrimp unit is individually coated. The optional forms of shrimp are:

(1) Fantail or butterfly: Prepared by splitting the shrimp; the shrimp are peeled, except that tail fins remain attached and the shell segment immediately adjacent to the tail fins may be left attached.

(2) Butterfly, tail off: Prepared by splitting the shrimp; tail fins and all shell segments are removed.

(3) Round: Round shrimp, not split; the shrimp are peeled, except that tail fins remain attached and the shell segment immediately adjacent to the tail fins may be left attached.

(4) Round, tail off: Round shrimp, not split; tail fins and all shell segments are removed.

(5) Pieces: Each unit consists of a piece or a part of a shrimp; tail fins and all shell segments are removed.

(6) Composite units: Each unit consists of two or more whole shrimp or pieces of shrimp, or both, formed and pressed into composite units prior to coating; tail fins and all shell segments are removed; large composite units, prior to coating, may be cut into smaller units.

(d) The batter and breading ingredients referred to in paragraph (a) of this section are the fluid constituents and the solid constituents of the coating around the shrimp. These ingredients consist of suitable substances which are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act. Batter and breading ingredients that perform a useful function are regarded as suitable, except that artificial flavorings, artificial sweeteners, artificial colors, and chemical preservatives, other than those provided for in this paragraph, are not suitable ingredients of frozen raw breaded shrimp. Chemical preservatives that are suitable are:

(1) Ascorbic acid, which may be used in a quantity sufficient to retard development of dark spots on the shrimp; and

(2) The antioxidant preservatives listed in § 121.101(d)(2) of this chapter that may be used to retard development of rancidity of the fat content of the food, in amounts within the limits prescribed by that section.

(e) The label shall name the food, as prepared from each of the optional forms of shrimp specified in paragraph (c) (1) to (6), inclusive, of this section, and following the numbered sequence of such subparagraph, as follows:

(1) "Breaded fantail shrimp." The word "butterfly" may be used in lieu of "fantail" in the name.

(2) "Breaded butterfly shrimp, tail off."

(3) "Breaded round shrimp."

(4) "Breaded round shrimp, tail off."

(5) "Breaded shrimp pieces."

(6) Composite units:

(i) If the composite units are in a shape similar to that of breaded fish sticks the name is "Breaded shrimp sticks"; if they are in the shape of meat cutlets, the name is "Breaded shrimp cutlets."

(ii) If prepared in a shape other than that of sticks or cutlets, the name is "Breaded shrimp _____," the blank to be filled in with the word or phrase that accurately describes the shape, but which is not misleading.

In the case of the names specified in subparagraphs (1) through (5) of this paragraph, the words in each name may be arranged in any order, provided they are so arranged as to be accurately descriptive of the food. The word "prawns" may be added in parentheses immediately after the word "shrimp" in the name of the food if the shrimp are of large size; for example, "Fantail breaded shrimp (prawns)." If the shrimp are from a single geographic area, the adjectival designation of that area may appear as part of the name; for example, "Breaded Alaskan shrimp sticks."

(f) The names of the optional ingredients used, as provided for in paragraph (d) of this section, shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase. If a spice that also imparts color is used, it shall be designated as "spice and coloring," unless the spice is designated by its specific name. If ascorbic acid is used to retard development of dark spots on the shrimp, it shall be designated as "Ascorbic acid added as a preservative" or "Ascorbic acid added to retard discoloration of shrimp." If any other antioxidant preservative, as provided in paragraph (c) of this section, is used, such preservative shall be designated by its common name followed by the statement "Added as a preservative."

(g) The method for determining percentage of shrimp material for those forms specified in paragraph (c)(1) through (5) of this section is as follows:

(1) *Equipment needed.* (i) Two-gallon container, approximately 9 inches in diameter.

(ii) Two-vaned wooden paddle, each vane measuring approximately 1¾ inches by 3¾ inches.

(iii) Stirring device capable of rotating the wooden paddle at 120 r.p.m.

(iv) Balance accurate to 0.01 ounce (or 0.1 gram).

(v) U.S. Standard sieve No. 20, 12-inch diameter.[1]

(vi) U.S. Standard sieve, ½-inch sieve opening, 12-inch diameter.[1]

(vii) Forceps, blunt points.

(viii) Shallow baking pans.

(ix) Rubber-tipped glass stirring rod.

(2) *Procedure.* (i) Weigh the sample to be debreaded. Fill the container three-fourths full of water at 70° F.–80° F. Suspend the paddle in the container, leaving a clearance of at least 5 inches below the paddle vanes, and adjust speed to 120 r.p.m. Add shrimp and stir for 10 minutes. Stack the sieves, the ½-inch mesh over the No. 20, and pour the contents of the container onto them. Set the sieves under a faucet, preferably with spray attached, and rinse shrimp with no rubbing of flesh, being careful to keep all rinsings over the sieves and not having the stream of water hit the shrimp on the sieve directly. Lay the shrimp out singly on the sieve as rinsed. Inspect each shrimp and use the rubber-tipped rod and the spray to remove the breading material that may remain on any of them, being careful to avoid undue pressure or rubbing, and return each shrimp to the sieve. Remove the top sieve and drain on a slope for 2 minutes, then remove the shrimp to weighing pan. Rinse contents of the No. 20 sieve onto a flat pan and collect any particles other than breading (i.e., flesh and tail fins) and add to shrimp on balance pan and weigh.

(ii) Calculate percent shrimp material:

[1] The sieves shall comply with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L.C. 584 of the U.S. Department of Commerce, National Bureau of Standards.

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample}}{\text{Weight of sample}} \times 100 + 2$$

(h) The method for determining percentage of shrimp material for composite units, specified in paragraph (c) (6) of this section, is as follows:

(1) *Equipment needed.* (i) Water bath (for example a 3 liter to 4 liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch readable to a second.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(vii) Nut picker.

(viii) Thermometer (immersion type) accurate to ±2° F.

(ix) Copper sulfate crystals ($CuSo_4 \cdot 5H_2O$).

(2) *Procedure.* (i) Weigh all composite units in the sample while they are still hard frozen.

(ii) Place each composite unit individually in a water bath that is maintained at 63° F.–86° F., and allow to remain until the breading becomes soft and can easily be removed from the still frozen shrimp material (between 10 seconds to 80 seconds for composite units held in storage at 0° F.). If the composite units were prepared using batters that are difficult to remove after one dipping, redip them for up to 5 seconds after the initial debreading and remove residual batter materials.

[NOTE: Several preliminary trials may be necessary to determine the exact dip time required for "debreading" the composite units in a sample. For these trials only, a saturated solution of copper sulfate (1 pound of copper sulfate in 2 liters of tap water) is necessary. The correct dip time is the minimum time of immersion in the copper sulfate solution required before the breading can easily be scraped off: *Provided*, That the "debreaded" units are still solidly frozen and only a slight trace of blue color is visible on the surface of the "debreaded" shrimp material.]

(iii) Remove the unit from the bath; blot lightly with double thickness of paper toweling; and scrape off or pick out coating from the shrimp material with the spatula or nut picker.

(iv) Weigh all the "debreaded" shrimp material.

(v) Calculate the percentage of shrimp material in the sample, using the following formula:

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded shrimp sample}}{\text{Weight of sample}} \times 100$$

**§ 36.31 Frozen raw lightly breaded shrimp; identity; label statement of optional ingredients.**

Frozen raw lightly breaded shrimp complies with the provisions of § 36.30, except that it contains not less than 65 percent of shrimp material, as determined by the method prescribed in § 36.30 (g) or (h), as appropriate, and that in the name prescribed the word "lightly" immediately precedes the words "breaded shrimp."

Any interested person may, within 30 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written exceptions thereto, preferably in quintuplicate. Exceptions shall point out with particularity the alleged errors in the findings of fact, conclusions, and proposed order, and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by memoranda or briefs in support thereof.

Dated: December 4, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13031; Filed, Dec. 21, 1964; 8:45 a.m.]

# FEDERAL AVIATION AGENCY

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 64-CE-93]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Bloomington, Ill., terminal area:

As a result of prior studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Bloomington transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 4-mile radius of Bloomington Municipal Airport (latitude 40°28'50'' N., longitude 88°55'45'' W.), and within 2 miles each side of the Bloomington VOR 043° radial, extending from the 4-mile radius circle to 8 miles NE of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Bloomington terminal area, proposes the following airspace actions:

(1) Designate a control zone at Bloomington to comprise that airspace within a 5-mile radius of Bloomington Municipal Airport (latitude 40°28'50'' N., longitude 88°55'45'' W.); and within 2 miles each side of the Bloomington VOR 043° radial, extending from the 5-mile radius zone to a point 8 miles NE of the VOR. The control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

(2) Designate the Bloomington transition area as that airspace extending upward from 700' above the surface within a 5-mile radius of Bloomington Municipal Airport (latitude 40°28'50'' N., longitude 88°55'45'' W.), and within 2 miles each side of the Bloomington VOR 043° radial, extending from the 5-mile radius circle to 8 miles NE of the VOR.

The proposed control zone at Bloomington will provide protection for aircraft executing the prescribed VOR approach procedures when descending below 1,000 feet above the surface and for aircraft executing departure and missed approach procedures until reaching an altitude of 700 feet above the surface. This control zone will be effective during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Ozark Airlines. Initially, weather observations and the dissemination of weather information will be from 0600 to 2000 hours, local time, daily. In the event of airline schedule changes, these hours may vary. Normally, thirty days notice will be given prior to any change by a Notice to Airmen and continuously published in the Airman's Information Manual.

During hours when the control zone is not in effect, the proposed transition area will provide protection for aircraft executing the prescribed VOR approach procedures when descending from 1200 feet to 700 feet above the surface and for aircraft executing missed approach and departure procedures during climb from 700 feet to 1200 feet above the surface. The Peoria, Ill., transition area will provide protection for aircraft in prescribed holding patterns, for aircraft transitioning from enroute altitudes and for aircraft executing the procedure turn portion of the VOR approach in the Bloomington terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on December 11, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-13080; Filed, Dec. 21, 1964; 8:45 a.m.]



# FEDERAL HOME LOAN BANK BOARD

**[ 12 CFR Part 563 ]**

[No. FSLIC-1,940]

## FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

### Limitations Upon Borrowing

DECEMBER 11, 1964.

Whereas, by Resolution No. FSLIC-1,555, dated March 15, 1963, and duly published in the FEDERAL REGISTER on March 22, 1963 (28 F.R. 2861), this Board resolved, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), to propose that § 563.8 of the rules and regulations for Insurance of Accounts (12 CFR 563.8) be amended by the addition of sentences, the substance of which amendment was set out in said publication, and

Whereas, careful consideration has been given to such proposed amendment, and

Whereas, the subject matter of the proposed amendment is now covered by a policy statement of this Board;

It is resolved, that this Board hereby determines not to adopt the amendment proposed by said Resolution No. FSLIC-1,555.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp)

By the Federal Home Loan Bank Board.

[SEAL] GREENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[F.R. Doc. 64-13122; Filed, Dec. 21, 1964; 8:50 a.m.]

# Notices

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### DR. AUGUST CHWALA

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property and location*

Professor Dr. August Chwala, Zieglergasse 61, Vienna VII/62, Austria; Claim No. 57843; Vesting Order No. 500A-31; $190.94 in the Treasury of the United States.

Executed at Washington, D.C., December 15, 1964.

For the Attorney General.

ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-13073; Filed, Dec. 21, 1964; 8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 15, 1964.

The Bureau of Sport Fisheries and Wildlife has filed an application Serial Number Anchorage 061928 for the withdrawal of lands described below, from all forms of appropriation under the public land laws. The applicant desires the land for use as an administrative site for the Kodiak National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the Bureau of Sport Fisheries and Wildlife. The determination by the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

GIBSON COVE AREA, KODIAK ISLAND, ALASKA

A tract of land situated between the Abbert Highway Right-of-Way and St. Paul Harbor, within U.S. Survey No. 2539, at the Eastern end of Gibson Cove and more particularly described as:

Beginning at a point at the intersection of the right-of-way of the Abbert Highway as shown on Bureau of Public Roads Project No. AD-2(3) Sheet "As Built" and the line of Mean High Water of St. Paul Harbor, said point lying S. 50°40' W., approximately 547 feet from Meander Corner No. 1, U.S. Survey 2537B (Tract A) which is also Meander Corner No. 12, U.S. Survey No. 2539; thence on a 3°16' curve right with a tangency of 16°53' and a radius of 1,759.85 feet for a distance of approximately 205 feet to the point of tangency; thence along a tangent S. 74°52'50" W., 1,038.9 feet, to a point of curvature; on a 10°07' curve to the left with a tangency of 26°38' and a radius of 566.20 feet for a distance of 263.18 feet to the point of tangency; south, approximately 105 feet to the line of mean high water; easterly, along the line of mean high water to the point of beginning of this description.

The area described aggregates approximately 10.0 acres.

JAMES W. SCOTT,
*Manager, Anchorage District*
*and Land Office.*

[F.R. Doc. 64-13109; Filed, Dec. 21, 1964; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### LOUISIANA

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named parishes in the State of Louisiana natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

| | |
|---|---|
| Bienville. | Morehouse. |
| Bossier. | Natchitoches. |
| Caddo. | Red River. |
| Claiborne. | Sabine. |
| De Soto. | Tensas. |
| Franklin. | Union. |
| Jackson. | Webster. |
| Lincoln. | West Carroll. |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named parishes after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-13090; Filed, Dec. 21, 1964; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of the Secretary

### PUBLIC HEALTH SERVICE

### Statement of Organization and Delegations of Authority

The Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (22 F.R. 1045, as amended by 28 F.R. 10433, 10688, 11647, and 13374, and 29 F.R. 12482), is hereby amended as follows:

1. Section 4.20(b), subparagraph 12, is hereby revised to read as follows:

(12) The functions vested in the Secretary by sections 740-745, Part C, Title VII, of the Public Health Service Act, 42 U.S.C. 294 to 294e, as added by the Health Professions Educational Assistance Act of 1963, P.L. 88-129, 77 Stat. 170, and as amended by P.L. 88-654, 78 Stat. 1086, relating to student loans.

2. Section 4.20, paragraph (b), is amended by adding a new subparagraph 16 as follows:

(16) The functions vested in the Secretary by sections 822-828, Part B, Title VIII, of the Public Health Service Act, 42 U.S.C. 297a-297g, except the making of regulations authorized by section 823, as added by the Nurse Training Act of 1964, P.L. 88-581, 78 Stat. 913, relating to nursing student loans.

3. Section 4.30, paragraph (e), is revised to read as follows:

(e) The functions exercised by the Surgeon General under Part C, Title VII, of the Public Health Service Act, as added by the Health Professions Educational Assistance Act of 1963, and as amended by P.L. 88-654, and under Part B, sections 822-828 of Title VIII, Public Health Service Act, as added by the Nurse Training Act of 1964, shall be exercised by the Surgeon General after consultation with the Commissioner of Education in order to ensure the maximum possible consistency between the policies and methods of administration of the student loan programs of the Health Professions Educational Assistance Act of 1963 and the Nurse Training Act of 1964 and the student loan program authorized by the National Defense Education Act.

[SEAL] ANTHONY J. CELEBREZZE,
*Secretary, Department of Health,*
*Education, and Welfare.*

DECEMBER 17, 1964.

[F.R. Doc. 64-13105; Filed, Dec. 21, 1964; 8:47 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-10]

### DAYMON RADIO SERVICE

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (EA-OE-5638) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Daymon Radio Service, Findlay, Ohio, proposes to construct a guyed radio antenna structure near Findlay, Ohio, at latitude 41°01'20" N., longitude 83°-38'40" W. The overall height of the proposed structure would be 950 feet above mean sea level (170 feet above ground).

A similar proposal for a tower 999 feet above mean sea level (219 feet above ground) at the above site was considered in Aeronautical Study No. 1-OE-161. As a result of the study, a Determination of Hazard was issued in OE Docket No. 62-EA-2 on March 21, 1962.

Subsequent to the issuance of the above determination, a runway threshold was established 795 feet from the northeast end of Runway 7/25. In addition, following a recalculation of the relation of existing obstructions to the runway threshold the glide angle to Runway 25 was decreased from 40:1 to 45:1. The Federal Aviation Facilities Record for this airport, dated April 29, 1964, indicates a tree 3,000 feet from the displaced threshold of Runway 25 to be the controlling obstruction for this runway.

The currently proposed structure would be located approximately 5,700 feet northeast of the displaced threshold at the northeast end of Runway 7/25 of the Findlay Airport, Findlay, Ohio. It would be approximately on the extended centerline of this runway. At this location, it would exceed the standards for determining hazards to air navigation as defined in § 77.27(b)(1) of the Federal Aviation Regulations by 34 feet as applied to Runway 25. This is based on measurement from the displaced threshold which is 795 feet from the physical end of the runway.

The aeronautical study disclosed that:

1. There is no straight-in instrument approach established for Runway 25.

2. The proposed tower will have no adverse effect on instrument operations, procedures or minimum flight altitudes, nor would it preclude future establishment of a straight-in ADF or VOR approach with 400-foot minimums.

3. Although the proposed tower is 170 feet above ground, it would be only 138 feet above the airport and located 1.1 miles from the end of the runway.

4. The approach path of Runway 25 is over a congested area and although regulations concerning altitudes of aircraft over congested areas do not apply to aircraft landing or taking off, normal safety precautions dictate that reasonable altitudes be maintained over congested areas. Therefore, at 1.1 miles from the runway, aircraft would be expected to be at altitudes high enough to sufficiently clear the tower.

5. The Determination of Hazard for the original proposal was based largely upon the fact that the tower would exceed a 50:1 glide slope to Runway 25 by 102 feet, whereas the Blanchard Valley Hospital exceeded the 50:1 slope by only 47 feet. The limiting height, 897 feet above mean sea level, was established in the previous determination since it would not exceed the 50:1 slope. A conclusion was made that the hospital would not shield the tower.

6. The tower now under consideration exceeds the 50:1 glide slope by 34 feet and, as a result of the threshold being displaced, the hospital now exceeds the 50:1 slope by a lesser amount. The situation presented by the currently proposed tower would be less restrictive than that which existed at the time the Determination of Hazard was written.

7. The glide angle for Runway 25 is based on the distance of obstructions from the threshold. Construction of the tower would result in a glide angle of 40:1.

8. The objection made by the Aircraft Owners and Pilots Association and supported by the Air Transport Association of America at the Eastern Regional Informal Airspace Meeting No. 58, held on September 15, 1964, was a desire to see the tower located off the extended centerline of the runway. This was the only objection voiced at the meeting.

9. Other objections received were general in nature and stated that the structure would be a hazard to aircraft operations at the Findlay Airport, made reference to the previous Determination of Hazard, and quoted the 897-foot above mean sea level height stated therein.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure at the location and height specified would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes at the Findlay Airport, Findlay, Ohio. No other aeronautical operations, procedures or minimum flight altitudes would be affected.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on December 11, 1964.

GEORGE R. BORSARI,
*Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-13081; Filed, Dec. 21, 1964; 8:45 a.m.]

[OE Docket No. 64-SO-26]

### WLOX BROADCASTING CO., INC.

### Amended Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-5189) to determine its effect upon the safe and efficient utilization of navigable airspace.

The WLOX Broadcasting Co., Inc., Biloxi, Miss., proposes to increase by 20 feet the overall height of a previously-approved television antenna structure (see FAA's OE Docket No. 63-SO-17). The proposed structure would be located at latitude 30°43'25" N., longitude 89°05'29" W., such location being approximately three miles northeast of McHenry, Miss. The new overall height would be 1319 feet above ground level (AGL); the height above mean sea level (AMSL) would remain the same at 1549 feet.

The aeronautical study disclosed that the proposed structure would have no different effect upon aeronautical operations, procedures or minimum flight altitudes than the previously-approved structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated,

a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on December 11, 1964.

GEORGE R. BORSARI,
*Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-13062; Filed, Dec. 21, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15741, 15742]

## ROBERT J. MARTIN AND TALTON BROADCASTING CO.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert J. Martin, Selma, Ala., Requests: 100.1mc, #261; 2.64kw; 129.2 ft., Docket No. 15741, File No. BPH-4499; Talton Broadcasting Co., Selma, Ala., Requests: 100.1mc, #261; 3kw; 123.25 ft., Docket No. 15742, File No. BPH-4572; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the captioned applications on December 16, 1964;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that concurrent operation would result in mutually destructive interference; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed FM broadcast station.

(b) The proposals of each of the applicants with respect to management and operation of the proposed stations.

(c) The programming services proposed in each of the applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue which of the applications should be granted.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(3) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13111; Filed, Dec. 21, 1964; 8:49 a.m.]

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[Docket Nos. 15436, 15437; FCC 64M-1257]

## SKYLARK CORP. AND KINGSTON BROADCASTERS, INC.

### Order Continuing Prehearing Conference

In re applications of Skylark Corp., Kingston, N.Y., Docket No. 15436, File No. BPH-4256; Kingston Broadcasters, Inc., Kingston, N.Y., Docket No. 15437, File No. BPH-4357; for construction permits.

The Hearing Examiner having under consideration a verbal request from counsel for all parties for a continuance of the date for further prehearing conference;

It appearing, that proposed rule making is pending which would materially affect the course of this hearing:

*It is ordered,* This 16th day of December 1964, that the further prehearing conference is continued from December 21, 1964, to January 22, 1965 at 2:00 p.m.

Released: December 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13112; Filed, Dec. 21, 1964; 8:49 a.m.]

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[Docket Nos. 15675, 15676; FCC 64M-1258]

## WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE AND TELEGRAPH CO.

### Order Continuing Prehearing Conference

In re applications of Western California Telephone Co., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Gatos, Calif., Docket No. 15675, File No. 4409-C2-P-64; The Pacific Telephone and Telegraph Co., for a construction permit to modify the facilities of station KMA612 in the Domestic Public Land Mobile Radio Service at San Jose, Calif., Docket No. 15676, File No. 5774-C2-P-64.

Pursuant to the December 10, 1964, joint oral request for continuance submitted by counsel for the above-named applicants (confirmed by letter received December 14, 1964), and with the consent of counsel for the Commission's Common Carrier Bureau, for the reasons advanced in support of the request (negotiations presently carried on in an attempt to settle the subject conflicting applications): *It is ordered,* This 16th day of December 1964, that the prehearing conference presently scheduled for December 17, 1964, is continued to 9:00 a.m., January 21, 1965, in the Offices of the Commission in Washington, D.C.

Released: December 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13113; Filed, Dec. 21, 1964; 8:49 a.m.]

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[Docket Nos. 15677, 15678; FCC 64M-1256]

## WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE AND TELEGRAPH CO.

### Order Continuing Prehearing Conference

In re applications of Western California Telephone Co., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Novato, Calif., Docket No. 15677, File No. 4411-C2-P-64; The Pacific Telephone and Telegraph Co., for a construction permit to modify the facilities of station KMA745 in the Domestic Public Land Mobile Radio Service at San Francisco, Calif., Docket No. 15678, File No. 5775-C2-P-64.

Pursuant to the December 10, 1964 joint oral request for continuance submitted by counsel for the above-named applicants (confirmed by letter received December 14, 1964), and with the consent of counsel for the Commission's Common Carrier Bureau, for the reasons advanced in support of the request (negotiations presently carried on in an attempt to settle the subject conflicting applications: *It is ordered,* This 16th day of December 1964, that the prehearing conference presently scheduled for December 17, 1964, is continued to 11:00 a.m., January 21, 1965, in the Offices of the Commission in Washington, D.C., when the date for the commencement of hearing will be established. (See Hearing Examiner's order released November 13, 1964, FCC 64M-1128.)

Released: December 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13114; Filed, Dec. 21, 1964; 8:49 a.m.]



# FEDERAL MARITIME COMMISSION

[Docket No. 1217]

## PORT OF SAN DIEGO

### Investigation of Free Time Practices; Order of Investigation

On November 1, 1964, the San Diego Unified Port District, Port of San Diego, Calif., issued its Tariff No. 1-D and amended its Cotton Tariff No. 3, effective December 1, 1964. These tariffs now provide that thirty calendar days free time will be allowed on all commodities, with the exception of certain lumber and forest products.

The Ports of San Francisco, Oakland, Sacramento and Encinal Terminals filed protests objecting to the thirty days free time allowance requesting that the Commission institute an investigation to determine the lawfulness of such practice under the Shipping Act.

The Commission has reviewed the free time allowances and the protests and it appears that such practices may be contrary to section 16, First, or section 17, Shipping Act, 1916.

*Now therefore, it is ordered,* That the Commission on its own motion, enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether the free time practices of the Port of San Diego are contrary to the provisions of section 16, First, or section 17 of said Act;

*It is further ordered,* That the San Diego Unified Port District, Port of San Diego, Calif., is hereby made respondent in this proceeding; and

*It is further ordered,* That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner; and

*It is further ordered,* That notice of this Order and notice of hearing be published in the FEDERAL REGISTER, and copy of such order and notice of hearing be served upon respondents;

*It is further ordered,* That persons other than respondent who desire to become parties to this proceeding and to participate herein shall file with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, a petition to intervene in accordance with Rule 5(n) of the Commission's rules of practice and procedure on or before January 12, 1965, with copy to the respondent; and

*It is further ordered,* That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference shall be mailed directly to all parties of record.

By the Commission.

THOMAS LISI,
[SEAL] *Secretary.*

[F.R. Doc. 64-13103; Filed, Dec. 21, 1964; 8:47 a.m.]

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## UNITED FORWARDERS SERVICE ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

United Forwarders Service, Miami, Fla., is party to the agreements, the terms of which are identical. The other parties are:

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| A. J. Arango, Inc., Tampa, Fla | FF-1750 |
| J. Cortina, Tampa, Fla | FF-1751 |

The following agreements have similar terms:

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|---|---|
| Wolf & Gerber, Inc., New York, N.Y., and Port Everglades Terminal Co., Fort Lauderdale, Fla | FF-1744 |
| Charles Kurz Co., Philadelphia, Pa., and Henry E. Sullivan, Jr., Jacksonville, Fla | FF-1747 |
| H. L. Ziegler, Inc., Houston, Tex., and J. P. Harle Forwarding Co., Houston, Texas | FF-1748 |
| J. D. Smith Inter-Ocean, Inc., New York, N.Y., and George S. Bush & Co. Inc., Seattle, Wash | FF-1752 |
| W. G. Kesler, New Orleans, La., and Robert L. Keller, Miami, Fla | FF-1755 |
| Thornley & Pitt, Inc., San Francisco, Calif., and Tooze and Associates, Portland, Oreg | FF-1756 |
| Wedemann & Godknecht, Inc., New York, N.Y., and Lusk Shipping Co., Inc., New Orleans, La | FF-1757 |
| Castelazo & Associates, Los Angeles, Calif., and Maher & Co., Inc., New Orleans, La | FF-1759 |
| Loretz & Co., Los Angeles, Calif., and J. D. Smith Inter-Ocean, Inc., New York, N.Y | FF-1760 |
| Amerford International Corp., Jamaica, N.Y., Amerford International Corp., Miami, Fla., and Air-Sea Forwarders, Inc., Los Angeles, Calif | FF-1761 |
| L. T. Burke d.b.a. Pacific Forwarders, San Francisco, Calif., and Judson Sheldon International Corp., New York, N.Y | FF-1762 |

Agreement FF 1745 between Alonso Shipping Company, New Orleans, Louisiana, and Wehrli Shipping Company, New York, New York, is a working arrangement under which forwarding and service fees are $5.00 per shipment. Ocean freight compensation is to be divided equally between the parties.

Agreement FF-1746 between King Shipping Co., New York, N.Y., and J. Ashton Greene, New Orleans, La., under which forwarding and service fees are subject to agreement, ocean freight compensation is to be retained by King Shipping Co.

Agreement FF-1749 between C. S. Greene and Co., Inc., Chicago, Ill., and Paul A. Boulo & Co., Mobile, Ala., is a working arrangement under which forwarding and service fees range from $4.50 to $9.50. Ocean freight compensation is to be divided equally between the parties.

Agreement FF-1753 between Francesco Parisi International Transports (U.S.A.) Inc., New York, N.Y., (a), and Advance Shipping Co., Houston, Tex., party (b), is a working arrangement under which forwarding and service fees are $5.50 per shipment. Ocean freight compensation is to be divided; 75 percent to party (a) and 25 percent to party (b).

Agreement FF-1754 between H. L. Ziegler, Inc., Houston, Tex., and Mar Shipping Corp., New York, N.Y., is a working arrangement under which forwarding and service fees are to be divided as agreed. Ocean freight compensation is to be divided equally between the parties.

Agreement FF-1758 between Sunshine Forwarders, Inc., Jacksonville, Fla., and All Cargo Transport, Inc., Miami, Fla., is an arrangement under which forwarding and service fees are to be as follows:

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|---|---|
| Bermuda and Nassau | $2.50 |
| All other countries: | |
| To pass completed export declarations | 1.25 |
| To pass completed bills of lading | 1.25 |
| To prepare or complete and pass export declarations | 2.50 |
| To prepare or complete and pass bills of lading | 2.50 |
| Preparation of Consul documents | 5.00 |
| Consular documents (at cost) | ----- |
| Telephone calls, teletypes or telegrams (at cost) | ----- |

Ocean freight compensation is to be divided equally on a 50/50 basis between both parties.

Dated: December 17, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13104; Filed, Dec. 21, 1964; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G-3913, etc.]

## ASHLAND OIL & REFINING CO. ET AL.

### Findings and Order After Statutory Hearing

DECEMBER 15, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, redesignating proceedings, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Occidental Petroleum Corp., Applicant in Docket No. G-14307, proposes to continue the sale of natural gas heretofore authorized in said docket and rendered by Jefferson Lake Sulphur Co. pursuant to its FPC Gas Rate Schedule Nos. 1, 2, and 3 which are herein redesignated as Occidental's FPC Gas Rate Schedule Nos. 3, 4, and 5, respectively. The presently effective rate under Jefferson Lake's FPC Gas Rate Schedule No. 1 is in effect subject to refund in Docket No. RI62-355. A lesser increased rate was also collected under said rate schedule for a locked-in period subject to refund in Docket No. G-12303.[1] The presently effective rate under Jefferson Lake's FPC Gas Rate Schedule No. 2 is in effect subject to refund in Docket No. G-17997.[1] The presently effective rate under Jefferson Lake's FPC Gas Rate Schedule No. 3 is in effect subject to refund in Docket No. RI61-330.[1] Jefferson Lake has filed another increased rate under said rate schedule which has been suspended in Docket No. RI64-73 and has not yet been made effective. On September 18, 1964, Occidental filed a motion in the aforementioned rate proceedings to be substituted therein as party respondent in lieu of Jefferson Lake. Concurrently with said motion Occidental filed in Docket Nos. G-12303, G-17997, RI61-330 and RI62-355 an agreement and undertaking to assure the refund of any amounts, together with interest, collected in excess of the amount determined to be just and reasonable in said dockets. Accordingly, Occidental will be substituted as respondent in the rate proceedings, said proceedings will be redesignated, and the agreement and undertaking will be accepted for filing.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on December 11, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3913, G-6595, G-8087, G-9852, G-11019, G-11479, G-11700, G-11821, G-12707, G-12888, G-14307, G-14895, G-17570, CI60-546, CI61-2, CI61-1557, CI61-1772, CI62-797, CI62-1251, CI62-1553, CI63-848, CI63-1026, CI63-1230, CI64-812, CI64-935 and CI64-1246 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the temporary certificate heretofore issued in Docket No. G-18741 should be amended by deleting therefrom authorization only as to the Lance Lease.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein, and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Occidental Petroleum Corp. should be substituted in lieu of Jefferson Lake Sulfur Co. as respondent in the proceedings pending in Docket Nos. G-12303, G-17997, RI61-330, RI62-355 and RI64-73, that said proceedings should be redesignated accordingly, and that the agreement and undertaking submitted by Occidental in Docket Nos. G-12303, G-17997, RI61-330 and RI62-355 should be accepted for filing.

(10) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-3913, G-8087, G-11479, G-11821, G-12888, G-17570, CI61-2, CI61-1557, CI62-797, CI62-1251, CI62-1553, CI63-848, CI63-1026, CI64-812 and CI64-1246 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. G-11019 and G-11700 are hereby amended by deleting therefrom authorization granted herein in Docket Nos. CI65-334 and CI65-207.

(F) The temporary certificate heretofore itssued in Docket No. G-18741 is hereby amended by deleting therefrom authorization only as to the Lance Lease.

(G) The certificate heretofore issued in Docket No. CI61-1772 is hereby amended to include the additional dedication and such authorization is conditioned as was its certificate issued March 20, 1964.

(H) The certificate heretofore issued in Docket No. CI64-935 is hereby amended to include the additional dedication and such authorization is conditioned as provided in the Commission's Opinion No. 353, issued March 7, 1962, in Docket Nos. CP61-102, et al.

(I) The certificates heretofore issued in Docket Nos. G-6595, G-9852, G-12707, G-14307, G-14895, CI60-546 and CI63-1230 are hereby amended by changing the certificate holders to the successors in interest as indicated in the tabulation herein.

(J) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(K) The certificates heretofore issued in Docket Nos. G-6594, G-7105, G-10680 and G-17473 are hereby terminated.

(L) In view of the abandonment authorization granted herein, in Docket No. CI65-364 the certificate heretofore issued in Docket No. G-12341 is hereby terminated and such authorization does not relieve Applicant of any refund obligation in the related rate suspension proceeding in Docket No. RI61-534.

(M) The certificate issued herein in Docket No. CI65-344 for the subject sale covers only the depths above the base of the Chase Group.

(N) Occidental Petroleum Corp. be and it is hereby substituted in lieu of Jefferson Lake Sulfur Co. as respondent in the proceedings pending in Docket Nos. G-12303, G-17997, RI61-330, RI62-355, and RI64-73; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by Occidental in Docket Nos. G-12303, G-17997, RI61-330 and RI62-355 is hereby accepted for filing.

(O) Occidental Petroleum Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Commission's regulations thereunder, and the agreement and undertaking filed by Occidental in Docket Nos. G-12303, G-17997, RI61-330 and RI62-355 shall remain in full force and effect until discharged by the Commission.

(P) The respective related rate schedules and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G-3913 ..... D 9-28-64 | Ashland Oil & Refining Co. (partial abandonment). | Columbian Fuel Corp., Monroe Field, Morehouse Parish, La. | Notice of cancellation 9-22-64.[1 2] | 100 | 5 |
| G-6595 ..... E 8-31-64 | Hydrocarbon Chemicals, Inc. (successor to Watson Oil & Gas Co., Inc.). | Equitable Gas Co., Court House District, Lewis County, W. Va. | Watson Oil & Gas Co., Inc., FPC GRS No. 5. | 10 | ..... |
| | | | Supplement Nos. 1-5 | 10 | 1-5 |
| | | | Notice of succession 8-19-64. | ..... | ..... |
| | | | Assignment 8-7-59[3] | 10 | 6 |
| G-8087 [4] ..... D 10-12-64 | Texaco Inc. | Colorado Interstate Gas Co., Northeast Carthage Field, Texas County, Okla. | Amendment 9-17-64 [2 4] | 125 | 7 |
| G-9852 ..... E 10-5-64 | Alma Oringderff (Operator), et al. (successor to Maurice A. Machris (Operator), et al.). | Natural Gas Pipeline Co. of America, Lips Morrow Field, Ochiltree County, Tex. | Maurice A. Machris (Operator), et al. FPC GRS No. 2. | 4 | ..... |
| | | | Supplement Nos. 1-2 | 4 | 1-2 |
| | | | Notice of succession 9-30-64. | ..... | ..... |
| | | | Assignment 6-18-64 | 4 | 3 |
| | | | Effective date: 5-1-64 | ..... | ..... |
| G-11479 ..... C 10-15-64 | Pan American Petroleum Corp. (Operator), et al. | El Paso Natural Gas Co., Justis Blinebry Field, Lea County, N. Mex. | Supplement agreement 8-19-64.[5] | 168 | 18 |
| G-11821 ..... D 10-7-64 | Marathon Oil Co. (Operator), et al. | United Gas Pipe Line Co., Maxie and Pistol Ridge Fields [7], Forrest County, Miss. | Assignment 5-5-64 [2 5] | 16 | 12 |
| G-12707 ..... E 10-15-64 | Mesa Petroleum Co., et al. (successor to Steeple Oil & Gas Co., et al.). | Natural Gas Pipeline Co. of America, Quinduno Field, Roberts County, Tex. | Steeple Oil & Gas Co., et al., FPC GRS No. 1. | 1 | ..... |
| | | | Supplement No. 1 | 1 | 1 |
| | | | Notice of succession 10-7-64. | ..... | ..... |
| | | | Assignment 2-12-64 | 1 | 2 |
| | | | Assignment 6-29-64 | 1 | 3 |
| | | | Assignment 7-28-64 | 1 | 4 |
| | | | Effective date: 2-1-64 | ..... | ..... |
| G-12888 ..... D 10-19-64 | Murphy Oil Corp. (partial abandonment). | Texas Gas Transmission Corp., Sligo Field, Bossier Parish, La. | Notice of partial cancellation 10-15-64.[2 5] | 16 | 8 |
| G-14307 ..... E 9-18-64 | Occidental Petroleum Corp. (successor to Jefferson Lake Sulphur Co.). | Texas Gas Transmission Corp., Ellis Field, Acadia Parish, La. | Jefferson Lake Sulphur Co., FPC GRS No. 1. | 3 | ..... |
| | | | Supplement Nos. 1-8 | 3 | 1-8 |
| | | | Notice of succession 9-16-64. | ..... | ..... |
| | | | Plan of merger 11-27-63.[10] | 3 | 9 |
| | | | General conveyance 3-2-64.[11] | 3 | 10 |
| | | | Assignment 3-2-64 [12] | ..... | 3—11 |
| | | | Assignment 6-11-64 [2 13] | ..... | 3—12 |
| G-14307 ..... E 9-18-64 | Occidental Petroleum Corp. (Operator), et al. (successor to Jefferson Lake Sulphur Co. (Operator), et al.). | Transcontinental Gas Pipe Line Corp., Ellis Field, Acadia Parish, La. | Jefferson Lake Sulphur Co., (Operator), et al., FPC GRS No. 2. | 3 | ..... |
| | | | Supplement Nos. 1-6 | 4 | 1-6 |
| | | | Notice of succession 9-16-64. | ..... | ..... |
| | | | Plan of merger 11-27-63.[10] | 4 | 7 |
| | | | General conveyance 3-2-64.[11] | 4 | 8 |
| | | | Assignment 3-2-64 [12] | 4 | 9 |
| | | | Assignment 6-11-64 [2 13] | 4 | 10 |
| G-14307 ..... E 9-18-64 | Occidental Petroleum Corp. (Agent), et al. (successor to Jefferson Lake Sulphur Co. (Agent), et al.). | United Fuel Gas Co., Ellis Field, Acadia Parish, La. | Jefferson Lake Sulphur Co. (Agent), et al., FPC GRS No. 3. | 5 | ..... |
| | | | Supplement Nos. 1-7 | 5 | 1-7 |
| | | | Notice of succession 9-16-64. | ..... | ..... |
| | | | Plan of merger 11-27-63.[10] | 5 | 8 |
| | | | General conveyance 3-2-64.[11] | 5 | 9 |
| | | | Assignment 3-2-64 [12] | 5 | 10 |
| | | | Assignment 6-11-64 [2 13] | 5 | 11 |

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] Consolidated with Docket No. AR61-2, et al.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| C164-1415 A 8-27-64. | Eastern Pipe Line Co. | Texas Eastern Transmission Corp., East Bernard Field, Wharton County, Tex. | Contract 5-1-64 [4] | 1 | |
| C165-53 A 7-21-64. | Woods Exploration & Production Co., (Operator) et al. | Eastern Pipeline Co., East Bernard Field, Wharton County, Tex. | ....do [4] | 1 | 1-4 |
| C165-175 A 8-24-64. | Sohio Petroleum Co. | Northern Natural Gas Co., Drinkard Field, Lea County, N. Mex. | Agreement 11-18-53 [32]<br>Conveyance 2-20-59 [32]<br>Amendment 1-15-64 [32]<br>Amendment 7-15-64 [32] | 107<br>107<br>107<br>107 | 1<br>2<br>3<br>4 |
| C165-192 (G-4594) B 8-31-64. | Watson Oil & Gas Co., Inc. [34] | Equitable Gas Co., Union District, Marion County, W. Va. | Notice of Cancellation (undated). [11] | 6 | 4 |
| C165-193 (G-7105) B 8-31-64. | Earl Goodwin, et al. [34] | Equitable Gas Co., Freeman Creek District, Lewis County, W. Va. | ....do | 6 | 6 |
| A C165-194 (G-11700) F 9-4-64 | Associated Oil & Gas Co. | Texas Eastern Transmission Corp., Englehart Field, Colorado County, Tex. | Contract 4-16-53 [32]<br>Letter agreement 12-5-53.<br>Letter agreement 4-28-54.<br>Ratification 8-6-57 [32]<br>Letter agreement 6-17-57.<br>....do<br>Letter agreement 7-24-57.<br>....do<br>....do<br>Amendment 5-5-61<br>Letter agreement 9-12-63. [32]<br>Letter agreement 10-21-63. [4] | 18<br>18<br>18<br>18<br>18<br>18<br>18<br>18<br>18<br>18<br>18<br>18 | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12 |
| C165-224 A 9-14-64 | Aladdin Oil Co., Inc. [34] | Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La. | Agreement 2-12-64<br>Contract 8-31-61 | 2<br>2 | 1<br>6<br>7 |
| C165-233 (G-10680) B 9-14-64 | Subsurface Reserve Corp. (Operator), et al. | Texas Eastern Transmission Corp., Live Oak County, Tex. | Notice of cancellation 8-1-64. [11] | 4 | 10<br>2 |
| A C165-334 (G-11019) F 9-28-64 | Socony Mobil Oil Co., Inc. | Trunkline Gas Co., Ragley Field, Beauregard Parish, La. | Contract 7-11-56 [13]<br>Letter agreement 11-20-58. [32] | 355<br>353 | 1<br>2<br>4<br>11 |
| C165-344 A 10-2-64 | A. S. Ritchie, et al. | Panhandle Eastern Pipe Line Co., Hugoton Gas Field, Stevens County, Kans. | Effective date: 9-1-64 [4].<br>Contract 12-26-60 [32]. | 355 | 1<br>1 |
| C165-364 (G-12341) H 9-15-64 | Pan American Petroleum Corp. (Operator), et al. | Phillips Petroleum Co., Fullerton Gas Field, Andrews County, Tex. | Notice of cancellation 10-12-64. [11] | 197 | 7 |
| C165-372 A 10-16-64 | Cobb Oil Co. (Operator), et al. | Northern Natural Gas Co., Ozona Southwest Canyon Field, Crockett County, Tex. | Contract 9-11-64 [4] | 2 | |
| C165-374 A 10-16-64 | Pan American Petroleum Corp. | El Paso Natural Gas Co., Pinedale Dome (Pennsylvania "D") Field, San Juan County, N. Mex. | Contract 10-5-64.<br>Supplement 10-5-64. | 405<br>405 | 1 |
| C165-375 A 10-16-64 | W. R. Hughey Operating Co., et al. | Arkansas Louisiana Gas Co., Clinton Lake Field, Marion County, Tex. | Contract 5-28-64 [4] | 1 | |
| C165-376 A 10-19-64 | C. T. McLaughlin (Operator), et al. | Kansas-Nebraska Natural Gas Co., Inc., Undesignated field in Township 8N, Range 57W, Weld County, Colo. | Contract 6-30-64. | 1 | 1 |
| C165-377 A 10-19-64 | Sentry Royalty Co. | Texas Gas Transmission Corp., Mt. Olivet Area, Muhlenberg County, Ky. | Contract 9-21-64 [4] | 1 | |

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| G-14686 E 9-18-64 | Occidental Petroleum Corp. (Operator), et al. (Successor to Jefferson Lake Sulphur Co. (Operator), et al.). | United Gas Pipe Line Co., Calcasieu Creek Field, Goliad County, Tex. | Jefferson Lake Sulphur Co. (Operator), et al., FPC GRS No. 4, Supplement Nos. 1-4.<br>Notice of succession 9-10-64.<br>Plan of merger 11-27-63. [9]<br>General conveyance 2-2-64. [11]<br>Assignment 2-2-64 [12]<br>Assignment 6-11-64 [12]<br>Partial release 9-22-64. [13] [14] | 6<br>6<br>6<br>6<br>6<br>140 | 1-4<br>5<br>6<br>7<br>8<br>7 |
| G-17570 D 10-15-64 | Humble Oil & Refining Co. | United Gas Pipe Line Co., Northeast Gibson Field, Terrebonne Parish, La. | Notice of partial cancellation 6-10-64. [3] [15] | 2 | 3 |
| G-18741 [16] D 9-23-64 | Estate of J. A. Pitman, et. al. (partial abandonment). | Transwestern Pipeline Co., Lance Lease, Ochiltree County, Tex. | Jefferson Lake Sulphur Co. (Operator), et al., FPC GRS No. 4. | 7 | |
| C160-646 E 9-18-64 | Occidental Petroleum Corp. (Operator), et al. (successor to Jefferson Lake Sulphur Co. (Operator), et al.). | Valley Gas Transmission, Inc., Ramirena N.W. Field, and Chapman Ranch Field, Live Oak County, Tex. | Notice of succession 9-10-64. | | |
| C161-2 C 10-2-64 10-21-64 [17] | Graham-Michaelis Drilling Co. (Operator), et al. | Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla. | Plan of Merger 11-27-63. [9]<br>General Conveyance 3-2-64. [11]<br>Assignment 2-2-64 [12]<br>Assignment 6-11-64 [12]<br>Ratification 8-10-64<br>Letter Agreement 6-4-64. [3] | 7<br>7<br>7<br>40<br>40 | 1<br>2<br>3<br>4<br>5<br>7 |
| C161-1557 C 10-22-64 | Livingston Oil Co. (Operator), et al. | Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla. | Amendment 9-20-64 | 1 | 12 |
| C161-1772 C 9-11-64 | Pan American Petroleum Corp. [18] | Lone Star Gas Co., Durant Field, Bryan County, Okla. | Amendment 6-4-64<br>Amendment 8-17-64. [12] | 310<br>310 | 6<br>7 |
| C162-797 C 10-19-64 10-26-64 | Roy G. Hildreth d/b/a Four H Drilling Co. | Hope Natural Gas Co., Spencer District, Roane County, W. Va. | Contract 10-3-61 [32]<br>Letter Agreement 8-12-64. [3] | 15<br>16 | 2 |
| C163-1251 C 10-15-64 | Joseph E. Seagram & Sons, Inc. d/b/a Texas Pacific Oil Co. (Operator), et al. | Arkansas Louisiana Gas Co., Milton-Spiro Area, Leflore and Haskell Counties, Okla. | Amendment 7-31-64 [4] | 10 | 4 |
| C163-1553 C 10-21-64 | Texas Star Oil & Gas Corp. | El Paso Natural Gas Co., Mesa Verde-Dakota Formations, Ignacio Field, LaPlata County, Colo. | Supplemental Agreement 10-5-64. [3] [11] | 29 | 11 |
| C163-848 C 10-16-64 | Southwestern Development Co. | Hope Natural Gas Co., Union District, Ritchie County, W. Va. | Letter agreement 3-20-64. [4] | 8 | 7 |
| C163-1026 C 10-16-64 | Shiclair Oil & Gas Co. | Arkansas Louisiana Gas Co., Dover-Hennessey Field, Kingfisher County, Okla. | Agreement 9-21-64 [4] | 244 | 2 |
| C163-1250 E 5-4-64 | Livingston Oil Co., (Successor to Crescent Oil & Gas Corp.). | Arkansas Louisiana Gas Co., North Cooperfield Field, Blaine County, Okla. | Crescent Oil & Gas Corp. FPC GRS No. 9, Supplement Nos. 1-3.<br>Notice of succession 4-10-64. | 16<br>16 | 1-3 |
| C164-812 C 10-16-64 | Logue & Patterson | Lone Star Gathering Co., South Geuda Springs Field, Sumner County, Kans. | Amendment 9-21-64 [4] | 9 | 2 |
| C164-925 C 10-16-64 | Southern Union Production Co. [19] | Michigan Wisconsin Pipe Line Co., Woodward Area, Woods County, Okla. | Amendatory agreement 9-11-64. [4] | 11 | 1 |
| C164-1246 C 10-16-64 | Thomas E. Berry (Operator), et al. | Panhandle Eastern Pipe Line Co., Mocane-Laverne Area, Beaver County, Okla. | Amendment 9-10-64 [4] | 10 | 1 |

See footnotes at end of table.



| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| C165-378 A 10-19-64 | Pan American Petroleum Corp. | Northern Natural Gas Co., West Lips Field, Roberts County, Tex. | Contract 7-28-64 [4] | 407 | |
| C165-379 A 10-19-64 | William Gruenerwald & Associates, Inc., et al. | Panhandle Eastern Pipe Line Co., Acreage in Texas County, Okla. | Contract 8-5-64 [4] | 9 | |
| C165-380 A 10-19-64 | Murphy Oil Corp | Arkansas Louisiana Gas Co., Sligo Field, Bossier Parish, La. | Contract 9-28-64 [4] | 21 | |
| C165-381 A 10-19-64 | Union Texas Petroleum, a division of Allied Chemical Corp. | Northern Natural Gas Co., Rosston Area, Harper County, Okla. | Contract 8-3-64 [4] | 78 | |
| C165-383 A 10-20-64 | J. C. Trahan, Drilling Contractor, Inc. | Arkansas Louisiana Gas Co., Arkana Field, Bossier Parish, La. | Contract 9-28-64 [4] | 30 | |
| C165-387 A 10-21-64 | Krebs Oil Co. | United Fuel Gas Co., Elk District, Kanawha County, W. Va. | Contract 10-13-64 [4] | 8 | |
| C165-390 (G-17473) B 10-21-64 | Amerada Petroleum Corp. | Kansas-Nebraska Natural Gas Co., Inc., Jackpot Field, Morgan and Weld Counties, Colo. | Notice of cancellation 10-19-64. [34] | 78 | 2 |
| C165-391 A 10-22-64 | Hays and Company, agent for Jumbo Oil & Gas Co. | Hope Natural Gas Co., Buckhannon District, Upshur County, W. Va. | Contract 6-24-64 [4] | 32 | |
| C165-392 A 10-22-64 | Francis E. Cain, et al. d/b/a Davis Mathess Oil & Gas Partnership. | Hope Natural Gas Co., Sheridan District, Calhoun County, W. Va. | Contract 8-12-64 [4] | 24 | |
| C165-393 A 10-22-64 | Hays and Co., agent for R. E. Garrett Tract, et al. | Hope Natural Gas Co., Lee District, Calhoun County, W. Va. | Contract 8-28-64 [4] | 31 | |

[1] Well produces 65-75 Mcf per day and the line serving the well is deteriorated, but replacement not economically justified. Buyer has heretofore been granted authorization in Docket No. C164-717 to abandon resale of gas to Texas Gas Transmission Corp.
[2] Effective date: Date of this order.
[3] Effective date: Date of transfer of properties.
[4] Docket No. G-8087 presently consolidated with Docket Nos. G-4281, et al.
[5] Buyer is unable to justify laying a pipeline into area.
[6] Effective date: Date of initial delivery.
[7] Pertains to lease dated Nov. 24, 1952, only insofar as it covers all depths from surface to stratigraphic equivalent of 50 feet below depth of 4,791 feet.
[8] Instrument whereby Marathon conveys the subject properties to Southern Natural Gas Co.; Southern Natural Gas Co. has made related filings in Docket No. CP65-51 to render the service at the same rate authorized Marathon.
[9] Pressure insufficient for gas to enter buyer's line and compression not justified. Applicant in Docket No. C165-380 proposes to sell its 20-percent interest in production to Arkansas Louisiana Gas Co., 1 of 2 present buyers of remaining 80-percent interest, at lower pressure and at lower price.
[10] Executed by Occidental Petroleum and Jefferson Lake Sulphur (N.J.).
[11] Conveys properties from Jefferson Lake Sulphur Co. (N.J.) to Occidental Petroleum Corp.
[12] Conveys properties from Occidental Petroleum Corp. to Jefferson Lake Sulphur Co. (Del.).
[13] Conveys properties from Jefferson Lake Sulphur Co. (Del.) to Occidental Petroleum Corp.
[14] Releases acreage from the subject contract which is presently being covered by Bradco Properties, Inc., in Docket No. C164-1382 (Bradco's FPC GRS No. 4).
[15] Partial abandonment only as to Lance Lease; temporary certificate covering subject sales issued July 8, 1960.
[16] Source of gas depleted.
[17] Amendment filed to reflect a rate of 17.0 cents per Mcf in lieu of 16.6 cents per Mcf.
[18] By letter filed Nov. 16, 1964, applicant agreed to accept additional authorization conditioned as was its certificate issued Mar. 30, 1964.
[19] Deletes the indefinite pricing provisions contained in the basic contract with respect to the additional dedication.
[20] Replaces short-form statement filed on Jan. 17, 1962, pursuant to section 154.92(c) of the Regulations.
[21] Adds acreage and deletes 1.0 cent minimum guarantee and favored nations provisions insofar as they pertain to the additional acreage.
[22] Contract rate is 19.5 cents per Mcf plus B.t.u. plus tax reimbursement, but Southern accepted a permanent certificate in the original application conditioned the same as in opinion No. 353 and requests the same for this additional acreage.
[23] Agreement between Neville G. Penrose, Inc., and Permian Basin Pipeline Co. (now Northern Natural Gas Co.) whereby Penrose agrees to sell gas under the contract dated Feb. 29, 1952, between Amerada Petroleum Corp. and Northern Natural Gas Co.
[24] Transfer of acreage from Neville G. Penrose, Inc., to the Sohio Petroleum Co. (filed Sept. 30, 1964). Acreage involved herein previously nonproductive and not certificated.
[25] Deletes indefinite pricing provisions contained in the Feb. 29, 1952, contract.
[26] Abandonment application filed by Hydrocarbon Chemicals, Inc., as successor to Watson Oil & Gas Co., Inc., and Earl Goodwin, et al. Hydrocarbon has made succession filings, but in view of the abandonments, it is recommended that no action will be taken on the succession filings.
[27] Production of gas no longer economically feasible.
[28] Presently on file as Prince Marine Drilling & Exploration Co. (Operator), et al., FPC GRS No. 1.
[29] Instrument whereby Prince Marine ratified the basic contract of Apr. 16, 1953, executed by H. J. Chavanne, Trustee, et al.
[30] Farmout whereby Associated Oil & Gas Co. acquired the authorization to drill the related previously nonproducing dedication.
[31] By letter filed Nov. 12, 1964, applicant expressed willingness to accept a permanent certificate at 20.0 cents per Mcf, inclusive of applicable tax reimbursement.
[32] Between Byrd Oil Corp (predecessor of Bayview Oil Corp., et al.) and Trunkline Gas Co., presently on file as Texas Gulf Producing Co. (Operator), et al., FPC GRS No. 23 (Bayview is a nonoperating party under this FPC GRS No. 23).
[33] Stipulates date of initial delivery under basic contract as being Nov. 15, 1956.
[34] Conveys properties from Bayview to Socony.
[35] Adopts terms of contract dated Mar. 21, 1960, between Cities Service Oil Co. and buyer. Applicant previously nonoperator under Cities Service FPC GRS No. 139.
[36] Applicant's rate schedule No. 1, as amended, was filed June 5, 1961, and became effective July 6, 1961 (30 days after filing). Acceptance covered only those depths above the Chase Group.

[F.R. Doc. 64-13049; Filed, Dec. 21, 1964; 8:45 a.m.]

[Docket No. CP65-62]

## COMMUNITY NATURAL GAS CO., INC.

### Notice of Application

DECEMBER 15, 1964.

Take notice that on September 3, 1964, as supplemented on October 16, 1964 and December 2, 1964, Community Natural Gas Co., Inc. (Applicant), Owensville, Ind., filed in Docket No. CP65-62 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing American Louisiana Pipe Line Co. to establish physical connection of its natural gas transmission facilities with the distribution facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant, for resale and distribution in the community of Dale, Ind., all as more fully set forth in the application on file with the Commission and open to public inspection.

The estimated initial three year period of annual and peak day requirements are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 30,635 | 35,005 | 39,482 |
| Peak day (Mcf) | 316 | 369 | 426 |

The estimated cost of Applicant's proposed distribution system is $145,000 which will be financed by the sale of common stock.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13124; Filed, Dec. 21, 1964; 8:50 a.m.]

[Project No. 2490]

## CENTRAL VERMONT PUBLIC SERVICE CORP.

### Notice of Application for License

DECEMBER 17, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corp. (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vt.) for a license for constructed Project No. 2490, known as the Taftsville Plant, located on the Ottauquechee River, in Windsor County, Vt., in the vicinity of Taftsville, Vt.

The project consists of: (1) A concrete dam approximately 220 feet long and 16 feet high containing a spillway section and on the west end a concrete structure housing head gates and trash racks; (2) a spillway 194 feet long topped by 18-inch wood flashboards; (3) a reservoir 16.6 acres in size with storage limited to hourly pondage; (4) a rectangular concrete penstock 11 feet high, six feet eight inches wide, and approximately 36 feet long; (5) a powerhouse with a concrete foundation and brick superstructure equipped with one vertical turbine with a capacity of 675 hp connected to a generator having a capacity of 500 kw; (6) a substation with three 44 kv transmission lines; and (7) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 2, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13123; Filed, Dec. 21, 1964; 8:50 a.m.]

[Docket No. G-2793, etc.[1]]

## SINCLAIR OIL & GAS CO. AND TEXAS GULF PRODUCING CO.

### Notice of Application

DECEMBER 14, 1964.

Take notice that on November 27, 1963, Sinclair Oil & Gas Co. (Applicant) filed in Docket No. G-2793, et al., an application pursuant to section 7(c) of the Natural Gas Act to amend orders of the Commission issuing certificates of public convenience and necessity to Texas Gulf Producing Co. (Texas Gulf) for the sale for resale of natural gas in interstate commerce by substituting Applicant in lieu of Texas Gulf as certificate holder, all as more fully set forth in the Appendix hereto and in the application which is on file with the Commission and open to public inspection.

The application states that effective January 1, 1964, Applicant will have acquired the gas producing properties and contracts of Texas Gulf and that service will have been continued by Applicant as of that date.

Applicant has submitted notices of succession to the FPC gas rate schedules of Texas Gulf which have been accepted for filing. The rate schedules have been redesignated as those of Applicant as set forth in the Appendix hereto. In cases in which increased rates have been suspended and made effect subject to refund by Texas Gulf, Applicant has filed a motion to be substituted as party respondent in the related rate proceeding together with agreements and undertakings to assure the refund of any amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Applicant also requests to be made party respondent in lieu of Texas Gulf in proceedings in which increased rates have been suspended and not yet made effective.

Petitions to intervene, notices of intervention, or protests to the granting of the application may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX

| Docket No. | New designation—Sinclair Oil & Gas Co. rate schedule | Supplement | Former designation—Texas Gulf Producing Co. rate schedule | Purchaser | Location | Price (¢/Mcf) and pressure base (psia) |
|---|---|---|---|---|---|---|
| G-2830 | 292 | 1-5 | 1 | Texas Gas Pipe Line Corp. | North Port Neches Field, Orange County, Tex. | 11.1056<br>14.65 |
| G-2826 | 293 | 1-3 | 2 | Transcontinental Gas Pipeline Corp. | Coquat Field, Live Oak County, Tex. | 8.8909<br>14.65 |
| G-4319 | [1] 294 | 1-12 | [1] 3 | Trunkline Gas Co. | Columbus Field, Colorado County, Tex. | 15.0<br>14.65 |
| G-3056 | [1] 295 | 1-12 | [1] 4 | do | do | 15.0<br>14.65 |
| G-2829 | 296 | 1-16 | 6 | United Gas Pipe Line Co. | North McFaddin Field, Victoria County, Tex. | 15.0<br>14.65 |
| G-2793 | [2] 297 | 1-13 | [2] 10 | United Fuel Gas Co. | Lake Long Field, Lafourche Parish, La. | 17.5<br>15.025 |
| G-2831 | [2] 298 | 1-7 | [2] 12 | El Paso Natural Gas Co. | Headlee Field, Ector County, Tex. | [3] 17.1147<br>14.65 |
| G-2828 | 299 | 1-3 | 13 | Northern Natural Gas Co. | Monument Field, Lea County, N. Mex. | [4] 10.5<br>14.65 |
| G-3910 | 300 | 1-12 | 17 | United Gas Pipe Line Co. | Cotton Valley Field, Webster Parish, La. | 13.05076<br>15.025 |
| G-9783 | 301 | 1 | 20 | Northern Natural Gas Co. | Eunice Field, Lea County, N. Mex. | [5] 9.5<br>14.65 |
| G-10228 | 302 | 1-2 | 21 | El Paso Natural Gas Co. | Piceance Creek Field, Rio Blanco County, Colo. | 11.0<br>15.025 |
| G-10355 | 303 | 1-7 | 22 | Trunkline Gas Co. | Clear Creek Field, Beauregard Parish, La. | 17.7<br>15.025 |
| G-11019 | [2] 304 | 1-11 | [2] 23 | do | Ragley Field, Beauregard Parish, La. | 17.7<br>15.025 |
| G-10849 | 305 | 1-3 | 24 | Tennessee Gas Transmission Co. | Piedre Lumbre Field, Duval County, Tex. | 15.0<br>14.65 |
| G-12128 | 306 | 1-5 | 25 | United Gas Pipe Line Co. | Bayou Rambio Field, Terrebonne Parish, La. | 17.75<br>15.025 |
| G-12449 | 307 | 1-2 | 27 | El Paso Natural Gas Co. | Wemac Field, Andrews County, Tex. | [6] 13.68225<br>14.65 |
| G-3146 | 308 | 1-6 | 29 | Southern Natural Gas Co. | Gwinville Field, Jefferson Davis County, Miss. | 14.0<br>15.025 |
| G-3010 | 309 | 1-5 | 31 | United Gas Pipe Line Co. | DeLarge Field, Terrebonne Parish, La. | 17.75<br>15.025 |
| G-3009 | 310 | 1-5 | 32 | do | Dulac Field, Terrebonne Parish, La. | 17.75<br>15.025 |
| G-4288 | 311 | 1-5 | 33 | Tennessee Gas Transmission Co. | Seeligson Field, Jim Wells County, Tex. | 15.0<br>14.65 |
| CI64-54 | 312 | 1 | 35 | Natural Gas Pipeline Co. of America. | Lundell Field, Duval County, Tex. | 16.0<br>14.65 |
| G-12308 | 313 | 1-6 | 26 | Transcontinental Gas Pipe Line Corp. | Gueydan Field, Vermilion Parish, La. | 17.5<br>15.025 |
| G-14832 | 314 | 1-5 | 30 | United Gas Pipe Line Co. | Abbeville Field, Vermilion Parish, La. | 15.75<br>15.025 |
| CI63-772 | 315 | 1 | 34 | Texas Transmission Corp. | North Hayes Field, Calcasieu Parish, La. | 20.625<br>15.025 |

[1] Additional dockets are listed in the Appendix.

[1] "et al."
[2] "(Operator), et al."
[3] Effective subject to refund in Docket No. RI60-25. Prior increased rates have been collected subject to refund in Docket Nos. G-14066 and G-16537.
[4] An increased rate has been suspended in Docket No. RI64-631 and has not yet been made effective.
[5] An increased rate has been suspended in Docket No. RI64-637 and has not yet been made effective.
[6] Effective subject to refund in Docket No. RI60-26.

[F.R. Doc. 64-13050; Filed, Dec. 21, 1964; 8:45 a.m.]



[Docket No. E-7197]

## PACIFIC POWER & LIGHT CO.

### Notice of Application

DECEMBER 17, 1964.

Take notice that on December 11, 1964, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Pacific Power & Light Co. (Applicant) a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office in Portland, Oreg., seeking an order authorizing the issuance of 100,000 shares of its Serial Preferred Stock of the par value of $100 per share.

Applicant is primarily engaged in the business of generating, purchasing, transmitting, and distributing electric energy. Applicant's electric operations accounted for approximately 97 percent of its revenues during the 12 months ending October 31, 1964. The territories served by Applicant are located in Oregon, Wyoming, Washington, California, Montana, and Idaho.

The New Preferred Stock is proposed to be issued under and pursuant to the applicable provisions of Applicant's bylaws, as heretofore amended and as to be further amended by an appropriate amendment thereto creating the new series and fixing its distinctive characteristics. The New Preferred Stock will be entitled to cumulative dividends at the rate per annum to be fixed by competitive bidding and the holders thereof will be entitled to one vote for each share held together with certain additional voting privileges during any periods when preferred stock dividends may be in arrears. Applicant proposes to sell the New Preferred Stock at competitive bidding in accordance with the applicable requirements of § 34.1(a) of the Commission's rules and regulations under the Federal Power Act.

Applicant represents that it will supply information by amendment promptly after competitive bidding for these securities shall have taken place, showing both per unit and in total amount, (a) the price at which the New Preferred Stock is to be offered to the public by the underwriters, (b) the discounts at which said securities are to be sold by Applicant to the underwriters, and (c) the resulting net proceeds to Applicant from the sale of said securities.

Applicant proposes to apply the net proceeds from the sale of the New Preferred Stock to the redemption of 100,000 outstanding shares of its 5.64 percent Serial Preferred Stock at 107 percent of the par value thereof plus an amount equivalent to unpaid accumulated dividends to the date of redemption. According to the application, the amount required to redeem these shares, exclusive of dividends accumulated after December 31, 1964, is $10,700,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 8, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13125; Filed, Dec. 21, 1964; 8:50 a.m.]

[Docket No. G-3653, etc.]

## SUN OIL CO.

### Notice of Applications

DECEMBER 14, 1964.

Take notice that Sun Oil Co. (Applicant) filed in the dockets listed in the Appendix hereto applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce or to amend orders issuing certificates by authorizing the sale of natural gas from additional acreage, all as more fully set forth in the Appendix hereto and in the applications which are on file with the Commission and open to public inspection.

In several cases Applicant has submitted FPC gas rate schedules or supplements to FPC gas rate schedules. These have been accepted for filing and designated as set forth in the Appendix hereto. The prices set forth in the Appendix are those approved by the Commission in a settlement order issued October 1, 1964, in Docket No. G-8288, et al.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, further notice of a hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX

| Docket No. | Filing date | Sun Oil Co. Rate schedule | Sun Oil Co. Supplement | Purchaser | Location | Price (¢/Mcf) and pressure base (psia) |
|---|---|---|---|---|---|---|
| CI60-490 | 4-19-60 | (1) | | United Fuel Gas Co. | South Pecan Lake Field, Cameron Parish, La. | 18.0 cents. |
| G-3653 [2] | 8-22-60 | 38 | 8 | do | Ellis Field, Acadia Parish, La. | 17.5 cents.<br>15.025 psia. |
| G-11116 [2] | 11-16-62 | 76 | 9 | do | North Chalkley Field, Calcasieu and Jefferson Davis Parishes, La. | 19.1 cents.<br>15.025 psia. |
| G-15267 | 6-11-58 | 98<br>98 | <br>1-4 | do | Midland—Esterwood Field, Acadia Parish, La. | 17.5 cents.<br>15.025 psia. |
| CI60-75 [2] | 1-20-60 | 119 | | Tennessee Gas Transmission Co. | Lower Mud Lake Field, Cameron Parish, La. | 20.0 cents.<br>15.025 psia. |
| CI63-13 | 3- 2-64<br>7- 3-62 | 119<br>150<br>150 | 4<br><br>1-3 | El Paso Natural Gas Co. | North Jameson (Strawn) Field, Nolan and Mitchell Counties, Tex. | 14.5 cents [3]<br>15.7093 cents. [4]<br>14.65 psia. |
| CI63-1142 [2] | 6-14-63 | 155 | 1 | Northern Natural Gas Co. | John Creek Field, Hutchinson County, Tex. | 17.0 cents.<br>14.65 psia. |
| CI63-1360 | 5- 3-63 | 157<br>157 | <br>1-6 | Tennessee Gas Transmission Co. | Northwest Chalkley Field, Calcasieu Parish, La. | 20.0 cents.<br>15.025 psia. |
| CI64-315 | 9-10-63 | [5] (160) | | do | Patterson Field, St. Mary Parish, La. | 20.0 cents.<br>15.025 psia. |

[1] No rate schedule on file.
[2] Addition of acreage.
[3] Nolan County.
[4] Mitchell County.
[5] There is no rate schedule on file. When and if an appropriate rate schedule is filed, it will be designated as shown.

[F.R. Doc. 64-13051; Filed, Dec. 21, 1964; 8:45 a.m.]

# GENERAL SERVICES ADMINISTRATION

### Utilization and Disposal Service

[Wildlife Order 74]

## DARBY CREEK DISPOSAL AREA; TINICUM TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA

### Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, New York Regional Office, dated November 23, 1964, the property comprising 16.5 acres, known as the Darby Creek Disposal Area, located in Tinicum Township, Delaware County, Pa., and more particularly described in the letter of request dated November 17, 1964, from the Department of the Interior, has been transferred, effective November 27, 1964, to the Department of the Interior.

2. The above-described property was transferred to the Department of the In-

terior for the national migratory bird management program in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: December 15, 1964.

WALTER C. MORELAND,
*Assistant Commissioner for Real Property, Utilization and Disposal Service.*

[F.R. Doc. 64-13101; Filed, Dec. 21, 1964; 8:47 a.m.]

# HOUSING AND HOME FINANCE AGENCY

## Office of the Administrator

### ACTING ASSISTANT COMMISSIONER FOR URBAN PLANNING AND COMMUNITY DEVELOPMENT, URBAN RENEWAL ADMINISTRATION

#### Designation

The officers appointed to the following listed positions in the Urban Renewal Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Assistant Commissioner for Urban Planning and Community Development during the absence of the Assistant Commissioner for Urban Planning and Community Development, with all the powers, functions, and duties redelegated or assigned to the Assistant Commissioner for Urban Planning and Community Development, provided that no officer is authorized to serve as Acting Assistant Commissioner for Urban Planning and Community Development unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Commissioner for Urban Planning and Community Development.
2. Deputy Assistant Commissioner for Open-Space Land.
3. Director, Urban Planning Assistance Branch.
4. Director, Community Development Branch.

This designation supersedes the designation effective May 22, 1963 (28 F.R. 6417, June 21, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation published at 25 F.R. 9874, Oct. 14, 1960, as amended at 28 F.R. 2933, March 23, 1963, and 29 F.R. 8153, June 26, 1964)

Effective as of the 2d day of February 1964.

[SEAL] WILLIAM L. SLAYTON,
*Urban Renewal Commissioner.*

[F.R. Doc. 64-13107; Filed, Dec. 21, 1964; 8:47 a.m.]

### ACTING ASSISTANT COMMISSIONER FOR URBAN PLANNING AND COMMUNITY DEVELOPMENT, URBAN RENEWAL ADMINISTRATION

#### Designation

The officers appointed to the following listed positions in the Urban Renewal Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Assistant Commissioner for Urban Planning and Community Development during the absence of the Assistant Commissioner for Urban Planning and Community Development, with all the powers, functions, and duties redelegated or assigned to the Assistant Commissioner for Urban Planning and Community Development, provided that no officer is authorized to serve as Acting Assistant Commissioner for Urban Planning and Community Development unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Commissioner for Urban Planning.
2. Deputy Assistant Commissioner for Open-Space Land.
3. Director, Urban Planning Assistance Branch.
4. Director, Community Development Branch.

This designation supersedes the designation effective February 2, 1964 (29 F.R. 18192).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's degelation published at 25 F.R. 9874, Oct. 14, 1960, as amended at 28 F.R. 2933, March 23, 1963, and 29 F.R. 8153, June 26, 1964)

Effective as of the 22d day of November 1964.

[SEAL] WILLIAM L. SLAYTON,
*Urban Renewal Commissioner.*

[F.R. Doc. 64-13108; Filed, Dec. 21, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 37-60]

## AMERICAN NATURAL GAS CO. ET AL.

### Notice of Proposed Modifications of Organization and Conduct of Business of Subsidiary Service Company and Related Transactions

DECEMBER 14, 1964.

Notice is hereby given that American Natural Gas Service Co. ("Service Company"), a wholly-owned subsidiary company of American Natural Gas Co. ("American Natural"), a registered holding company, Michigan Consolidated Gas Co. ("Michigan Consolidated"), a public-utility subsidiary company of American Natural, American Louisiana Pipe Line Co. ("American Louisiana") and Michigan Wisconsin Pipe Line Co. ("Michigan-Wisconsin"), gas transmission subsidiary companies of American Natural, and American Natural have filed a joint application-declaration, and an amendment thereto, pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") requesting authorization by the Commission of certain proposed modifications in the organization and conduct of business of Service Company and related sales and acquisitions of securities and other assets. Applicants-declarants have designated sections 6, 7, 9, 10, 12(f) and 13(b) of the Act and Rules 40(b), 42(b)(2), 43, 50(a)(3), 88 and 91 promulgated thereunder as being applicable to the proposed transactions.

All interested persons are referred to the said amended application-declaration on file in the office of the Commission for a statement of the proposals which are summarized below.

Service Company performs managerial, professional and technical services at cost for associate companies in the American Natural holding-company system, and its capitalization consists solely of authorized capital stock in the amount of 2,500 shares, par value $100 per share, of which 2,000 shares with aggregate par value of $200,000 are issued and outstanding and are owned entirely by American Natural.

Effective as at January 1, 1965, Service Company proposes to acquire from American Louisiana, Michigan Consolidated, and Michigan-Wisconsin for cash, and such companies propose to sell to Service Company at their respective depreciated costs thereof aggregating $325,000, certain electronic data processing and related equipment. Such equipment, together with other data processing equipment heretofore leased by the aforesaid operating subsidiary companies, will be installed by Service Company in a new System Data Processing Center. In connection therewith, all data processing center personnel (approximately 90) of Michigan Consolidated will be transferred to the payroll of Service Company. Service Company also proposes to execute new service agreements with all associate companies and to perform expanded data processing and related advisory services for such companies at cost. The costs of operation of the Data Processing Center will be allocated among all associate companies on the basis of benefits conferred in accordance with methods described in the aforesaid application-declaration.

Service Company proposes to issue and sell for cash shortly after issuance of the Commission's order herein, and American Natural proposes to acquire, the 500 shares of Service Company's authorized but unissued capital stock at the aggregate par value thereof of $50,000 and long-term unsecured notes at the aggregate principal amount thereof of $450,000. Service Company further proposes to issue and sell for cash at the principal amount thereof, and American Natural proposes to acquire, additional amounts of unsecured notes from time to time during the period ending December 31, 1969, and to prepay and reissue and sell during such period part or all of the notes theretofore issued: *Provided, however,* (a) That the aggregate principal amount of such notes to be outstanding at anytime will not exceed $1,000,000, and (b) that the aggregate of the principal amount of Service Company's outstanding notes, and the par value of its outstanding capital stock, and its retained earnings will be maintained at an amount equivalent to approximately the sum of Service Company's operating expenses for two months, and its prepayments and petty cash working funds, and the depreciated cost of its fixed assets.

The application-declaration states that each note will mature December 31, 1989, and will bear interest at a rate ¼ of one percent above the prime rate in effect at a specified bank in New York on the date of issuance. Such interest rate will be adjusted to the prime rate plus ¼ percent as of the first day of the month following any change in the prime rate. It is represented that the proposed interest rate of ¼ percent above the prime rate recognizes the fact that long-term loans consistently command higher rates of interest than short-term loans. Service Company will reserve the right to prepay part or all of the aforesaid notes at any time without penalty.

Service Company states that, effective as at January 1, 1965, it will include in its monthly charges to associate companies for services rendered such an amount of compensation for the use of its equity capital as will, together with the interest to be paid on its proposed notes, provide an overall return of 6½ percent per annum, after income taxes, on its monthly average capitalization. The applicants-declarants assert that such return will represent a reasonable return on only the amount of capital reasonably required by Service Company to perform services for associate companies and that such return is permitted by the terms of Rule 91(b) under the Act. In this connection, the applicants-declarants have agreed to a reservation of jurisdiction by the Commission in its order herein to determine whether the aforesaid return on Service Company's capitalization, including the interest rate on the proposed notes, is consistent with the provisions of Rule 91, and they have requested that the Commission's determination of this matter be made retroactive to January 1, 1965.

Service Company estimates that its annual service charges to associate companies, which totalled $1,704,000 for the 12 months ended September 30, 1964, will increase by an amount of $1,600,000 in 1965 if the proposed transactions are authorized and that further increases may result in subsequent years as additional applications are adapted to the Data Processing Center. It is also represented that, based upon the proposed initial capitalization of $700,000 and an assumed interest rate of 4.75 percent on the proposed notes, such increase in service charges in 1965 would include interest of $21,375, Federal income taxes of $22,292 and compensation of $24,125 (after income taxes) for use of equity capital. Such compensation would be equivalent to approximately 9.65 percent on the $250,000 par value of Service Company's capital stock proposed to be outstanding.

The applicants-declarants represent that the centralization in the System Data Processing Center of the data processing functions, heretofore provided by the operating subsidiary companies primarily for their own needs with less efficient arrangements, will produce substantial overall savings and other benefits to the operating companies of the System. It is also represented that the proposed modifications will not result in any increase in the consolidated operating expenses of the American Natural System; and that such modifications will not result in, or be the basis for, a request to increase the present rates of any operating subsidiary company, although the proposed increase in service charges will increase the aggregate operating expenses of such subsidiary companies by a corresponding amount.

The Public Service Commission of Wisconsin has jurisdiction over the proposed service agreement to be executed by Service Company with Milwaukee Gas Light Co. A petition for approval of the service agreement has been filed with the Wisconsin Commission and a copy of the order issued pursuant thereto will be filed by amendment. The applicants-declarants represent that no other State commission or Federal commission has jurisdiction in respect of the proposed transactions, however, copies of the aforesaid application-declaration have been furnished to the Federal Power Commission and to the State Commissions of Michigan and Wisconsin.

Notice is further given that any interested person may, not later than January 8, 1965, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the said amended joint application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration as amended, or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rule as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F.R. Doc. 64-13083; Filed, Dec. 21, 1964; 8:45 a.m.]



[File No. 811-1101]

## WORLDWIDE FUND LTD.

### Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

DECEMBER 16, 1964.

Notice is hereby given that Worldwide Fund Ltd. ("Applicant"), 60 Broad Street, New York, N.Y., 10004, a Bermuda corporation and a management open-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein.

Applicant represents that it is not offering its securities to the public; that it does not presently propose a public offering of its securities; and that its 10,440 outstanding shares of common stock are owned beneficially by forty-eight persons.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than December 30, 1964 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulation promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an

order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-13084; Filed, Dec. 21, 1964; 8:45 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4, Amdt. 1]

## DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE

### Delegation on Financial Assistance

In order to include the source authority under the Economic Opportunity Act of 1964 by which previously delegated functions may also be performed, the first paragraph of Item I of Delegation of Authority No. 4, 29 F.R. 5489 is hereby amended to read as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526 and Delegation of Authority to the Administrator of the Small Business Administration from the Director, Office of Economic Opportunity (29 F.R. 14764), there is hereby delegated to the Deputy Administrator for Financial Assistance the following authority:

• • • • • •

Effective date: December 9, 1964.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 64-13075; Filed, Dec. 21, 1964; 8:45 a.m.]

[Delegation of Authority 30 (Revision 9), Amdt. 4]

## REGIONAL DIRECTORS

### Delegation of Authority To Conduct Program Activities in the Regional Offices

In order to include the source authority under the Economic Opportunity Act of 1964 by which previously delegated functions may also be performed, the first paragraph of Item I of Delegation of Authority No. 30 (Revision 9), as amended, 29 F.R. 11777, 12570, 13354 and 14093 is hereby amended to read as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526 and Delegation of Authority to the Administrator of the Small Business Administration from the Director, Office of Economic Opportunity (29 F.R. 14764), there is hereby delegated to each regional director within his region, the authority:

• • • • •

Effective date: December 9, 1964.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 64-13076; Filed, Dec. 21, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 17, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 39471: *T.O.F.C. rates from and to official territory points.* Filed by Southwestern Freight Bureau, agent (No. B-8658) for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flatcars, between Bond and Lone Star (Morris County), Tex., on the one hand, and points in official (not including Illinois) territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 50 and 40 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4571 and 4547, respectively.

FSA 39472: *T.O.F.C. rates from and to Ravenna, Ohio.* Filed by Southwestern Freight Bureau, agent (No. B-8659), for interested rail carriers. Rates on property moving on class rates loaded in trailers and transported on railroad flatcars, between Ravenna, Ohio, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 40 to Southwestern Freight Bureau, agent, tariff I.C.C. 4547.

FSA 39473: *Freight loaded in containers—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 32), for itself and interested motor carriers. Rates on property moving on class rates, loaded in containers and transported over joint routes of applicant motor carriers and Seatrain Lines, Inc., between points in Arkansas, Louisiana, and Texas, on the one hand, and points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, on the other.

Grounds for relief: Motor-water-motor competition.

Tariff: Supplement 22 to Seatrain Lines, Inc., tariff I.C.C. 199.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-13098; Filed, Dec. 21, 1964; 8:46 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 177-A]

## MISSOURI-KANSAS-TEXAS RAILROAD CO.

### Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 177 (Missouri-Kansas-Texas Railroad Co.) and good cause appearing therefor:

*It is ordered,* That:

(a) Taylor's I.C.C. Order No. 177, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 12:01 a.m., December 17, 1964.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 16, 1964.

INTERSTATE COMMERCE COMMISSION, [SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13099; Filed, Dec. 21, 1964; 8:46 a.m.]

[Notice 1097]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 17, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67301. By order of December 14, 1964, The Transfer Board approved the transfer to John D. Bohr, Jr., Annville, Pa., of the operating rights issued by this Commission, November 22, 1961, August 28, 1962, July 12, 1962, October 1, 1962, October 4, 1962, July 16, 1963, and December 12, 1963, respectively, under Certificates Nos. MC 118876 Sub 2, MC 118876 Sub 5, MC 118876 Sub 9, MC 118876 Sub 10, MC 118876 Sub 12, MC 118876 Sub 17, and MC 118876 Sub 21, to Graves Transfer Co., a corporation, Georgetown, Del., authorizing the transportation of: Fish oil and fish solubles, in bulk, in tank vehicles, and fish scrap and fish meal, in bulk, from Lewes, Del., to Denton and Hagerstown, Md., Rohestown, Allentown and York, Pa., Romney, W. Va., Cartersville, Ga., Akron and Wooster, Ohio, and Lakewood, N.J.; fish meal, in bulk, from Wildwood, N.J., to



site of Ralston Purina Co., Wilmington, Del.; meat scrap, from Bristol and Philadelphia, Pa., and Baltimore, Md., to plant sites at Wilmington and Delmar, Del.; fish oil, fish solubles, fish scrap, and fish meal, from Lewes, Del., to points in 9 counties in Maryland, and Accomack and Northampton Counties, Va.; dry meat scrap, in bulk, from Philadelphia and Bristol, Pa., to points in New Castle County, Del., and Cecil County, Md.; from Baltimore, Md., to points in New Castle County, Del.; dry meat scrap and other dry feed ingredients in bulk and in bags, from Philadelphia and Bristol, Pa., to points in 8 counties in Maryland, 2 in Virginia, and 2 in Delaware; from Baltimore, Md., to points in Accomack and Northampton Counties, Va.; dry meat scrap and other dry feed ingredients, in bulk, in bags, from Baltimore, Md., to points in Kent and Sussex Counties, Del.; dry soy bean meal and dry soy bean hulls, in bulk, and in bags, from points in Sussex County, Del., and Wicomico County, Md., to points in Maryland and New Jersey, and points in 12 counties in Pennsylvania, and points in 2 counties in Virginia, dry meat scrap and other dry feed ingredients, in bulk, etc., from Tuckerton and Port Monmouth, N.J., to points in Maryland, Virginia, and Delaware; dry meat scrap and other dry feed ingredients, in bulk, etc., from Wildwood, N.J., to Delmar, Del.; from points in New Jersey, with exceptions, Atlantic, and Camden Counties, N.J., to points in Maryland, Virginia, and Delaware; from points in 16 counties in Pennsylvania to points in Maryland, Virginia, and Delaware; and dry meat scrap and other dry feed ingredients used in the manufacture of prepared animal and poultry feed, in bulk and in bags, from points in Harford County, Md., to Delmar, Del. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney for applicants.

No. MC-FC 67343. By order of December 14, 1964, The Transfer Board approved the transfer to the Estate of Geo. S. Snyder, Hatfield, Pa., of the operating rights issued by the Commission, April 20, 1964, under Certificate No. MC 118876 Sub 16, to Graves Transfer Co., Georgetown, Del., authorizing the transportation, over irregular routes, of prepared poultry and animal feeds, in bulk (except liquid feeds in tank vehicles), from Wilmington, Del., to points in Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa. John E. Landis, 425 West Main Street, Landsdale, Pa., attorney for applicants.

No. MC-FC 67393. By order of December 14, 1964, The Transfer Board approved the transfer to Wayne Warehousing & Cartage, Inc., Fort Wayne, Ind., of all the operating rights issued by the Commission May 5, 1952, under Certificates Nos. MC 9448, MC 9448 Sub 3 and MC 9448 Sub 4, to Clifford H. Borgmann, doing business as A. C. Borgmann and Son, Fort Wayne, Ind., authorizing the transportation, over irregular routes, of household goods, between points in Indiana, on the one hand, and, on the other, points in Illinois, Michigan, Ohio, Pennsylvania, Connecticut, Delaware, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, Rhode Island, Vermont, West Virginia, Wisconsin, New York, and the District of Columbia; Christmas trees, between Fort Wayne, Ind., on the one hand, and, on the other, points in Indiana within 60 miles of Fort Wayne; general commodities, excluding household goods, and other specified commodities, between points in Allen County, Ind.; heavy machinery and other equipment, requiring special equipment for handling, between points in Indiana within 60 miles of Fort Wayne, Ind., including Fort Wayne; general commodities, over regular routes, between Fort Wayne, Ind., and Ferguson, Ind.; between Fort Wayne, Ind., and site of Casad Ordnance Depot, near New Haven, Ind. Arthur H. Fruechtenicht, 421 Standard Building, Fort Wayne, Ind., attorney for applicants.

No. MC-FC 67413. By order of December 14, 1964, The Transfer Board approved the transfer to Mitchell M. Vassar, doing business as Mitch Vassar, Route 1, Box 148, Wilkerson Ranch, Bishop, Calif., of Certificate No. MC 116809, issued September 2, 1958, to Charles H. Olds, Jr., 148 Shepard Lane, Bishop, Calif., authorizing the transportation of general commodities, including household goods but excluding commodities in bulk, between Bishop, Calif., and Tonopah, Nev., serving all intermediate points, with specified restrictions.

No. MC-FC 67416. By order of December 14, 1964, The Transfer Board approved the transfer to C. J. Weber Trucking, Inc., 540 Broad Street, Tonawanda, N.Y., of Certificate No. MC 62275, issued August 8, 1958, to Charles J. Weber and Isabel M. Weber, a partnership, doing business as Charles J. Weber, 540 Broad Street, Tonawanda, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Tonawanda, Buffalo, and Niagara Falls, N.Y.

No. MC-FC 67424. By order of December 14, 1964, The Transfer Board approved the transfer to L. J. Navy Trucking Co., a corporation, 202 Eighth Avenue W., Huntington, W. Va., of the operating rights in Certificate No. MC 123887, issued September 7, 1962, to L. J. Navy, doing business as L. J. Navy Trucking Company, 202 Eighth Avenue W., Huntington, W. Va., authorizing the transportation, over irregular routes, of: Malt beverages, from, to, and between specified points, and described portions, of Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and West Virginia.

No. MC-FC 67432. By order of December 14, 1964, The Transfer Board approved the transfer to Shantz Cartage, Inc., Akron, Ohio, of the operating rights in Permit No. MC 123009, issued May 22, 1961, to Merchandise Cartage Co., a corporation, Akron, Ohio, authorizing the transportation, over irregular routes, of: Perchlorethylene, in tank vehicles, and laundry cleaning supplies, from Akron, Ohio, to points in specified counties in Pennsylvania. James E. Davis, 165 West Center Street, Akron, Ohio, 44302, attorney for applicants.

No. MC-FC 67433. By order of December 14, 1964, The Transfer Board approved the transfer to Medill Transfer, Inc., Peoria, Ill., of the Certificate of Registration No. MC 99996 Sub 1, issued January 9, 1964, evidencing a right to engage in interstate or foreign commerce within the State of Illinois, to John W. Medill, doing business as Medill Transfer, Peoria, Ill. Delbert Loos, 510 Vermont Street, Quincy, Ill., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-13100; Filed, Dec. 21, 1964; 8:46 a.m.]

# CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

## 3 CFR

Page

PROCLAMATIONS:
3630 ... 15941
3631 ... 16243

EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) ... 16859
Dec. 31, 1912 (revoked in part by PLO 3487) ... 16829
Sept. 30, 1916 (revoked in part by PLO 3508) ... 16864
May 21, 1920 (revoked in part by PLO 3508) ... 16864
5289 (revoked in part by PLO 3486) ... 16830

## 4 CFR

51 ... 16313
52 ... 16313

## 5 CFR

213 ... 17065, 17084, 17085, 17893, 18003, 18153
890 ... 18045

## 7 CFR

15 ... 16274, 16966
29 ... 16854
401 ... 17029, 17085
701 ... 18149
717 ... 16184
719 ... 16185
722 ... 16428, 16775, 16003, 18004
724 ... 16077
729 ... 16185
730 ... 17086
751 ... 18007
777 ... 17086
811 ... 18149
817 ... 18151
850 ... 17029
855 ... 17029
905 ... 16313–16315
907 ... 16315, 16907, 17030, 17814, 18045
909 ... 17030
910 ... 16078, 16316, 17031, 18045
916 ... 16966
917 ... 16854
929 ... 16078
1004 ... 16966
1005 ... 16855
1032 ... 18046
1061 ... 18152
1062 ... 18049
1063 ... 18007, 18051
1067 ... 18052
1070 ... 18008
1078 ... 18009
1079 ... 18010
1136 ... 17815
1421 ... 15943
1468 ... 18153
1472 ... 18153
1485 ... 17032
1600 ... 16784
1601 ... 16784

PROPOSED RULES:
26 ... 17816
812 ... 17122
911 ... 16258
912 ... 16993
915 ... 16258
917 ... 16993
971 ... 16833

## 7 CFR—Continued

Page

PROPOSED RULES—Continued
1003 ... 18014
1004 ... 16994
1005 ... 16259
1030 ... 16395, 16417, 18091
1031 ... 16417
1036 ... 16197, 18091
1044 ... 16200
1046 ... 17908
1047 ... 17041, 17816
1049 ... 17816
1050 ... 17822
1065 ... 16920
1131 ... 16866, 17822
1126 ... 16198

## 8 CFR

103 ... 18010

## 9 CFR

74 ... 15943
94 ... 16907
97 ... 16316

## 10 CFR

2 ... 16831

PROPOSED RULES:
Ch. I ... 15957
2 ... 16934
30 ... 17916, 17933
31 ... 17920
32 ... 17922
33 ... 17928
34 ... 17929
35 ... 17931
36 ... 17932
150 ... 17933

## 12 CFR

1 ... 17087, 18053
217 ... 15944, 16317
218 ... 16065
224 ... 16855
329 ... 15944
525 ... 18154
545 ... 16856, 18154, 18156
563 ... 17088

PROPOSED RULES:
563 ... 18181

## 13 CFR

107 ... 16825, 16946, 16967
121 ... 15945

PROPOSED RULES:
107 ... 16094, 18016

## 14 CFR

3 ... 17955
7 ... 16149
23 [New] ... 17955
27 [New] ... 16065, 17885
29 [New] ... 16149
39 [New] ... 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797.
42 ... 16968
71 [New] ... 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088 17503, 17797, 18053–18055, 18156
73 [New] ... 15948, 16184, 16972, 17037, 17727, 18156
75 [New] ... 16066, 16319, 17775
93 [New] ... 15948

## 14 CFR—Continued

Page

97 [New] ... 16067, 16789, 17798, 17886
151 [New] ... 18000
302 ... 16972
389 ... 16907
1204 ... 17892

PROPOSED RULES:
39 [New] ... 16429, 16430, 17044, 18093
71 [New] ... 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823, 18014, 18015, 18093, 18095–18097, 18180.
75 [New] ... 16432, 16836
91 [New] ... 15959
135 [New] ... 16836
221 ... 16867
399 ... 17042

## 15 CFR

7 ... 16973
50 ... 17089
201 ... 16319
202 ... 18032
365 ... 16186

## 16 CFR

13 ... 16186, 16826, 16856

## 17 CFR

200 ... 16187
230 ... 16982
239 ... 16856
240 ... 16245, 16856, 16982
260 ... 16982
270 ... 16982
275 ... 16982

PROPOSED RULES:
15 ... 15957
19 ... 15957

## 18 CFR

501 ... 16188
502 ... 16189
503 ... 16189
504 ... 16190
505 ... 16191
506 ... 16192
507 ... 16193
508 ... 16194

PROPOSED RULES:
12 ... 16997

## 19 CFR

4 ... 15949
14 ... 16320

PROPOSED RULES:
6 ... 17042

## 20 CFR

395 ... 16322

## 21 CFR

1 ... 18063
8 ... 15949, 16983, 17089
9 ... 16983
14 ... 16194
15 ... 16194
16 ... 16194, 16858
17 ... 16194
18 ... 16194
19 ... 16194, 18121
20 ... 16194, 18123
22 ... 16194
27 ... 16194
29 ... 16194



## 21 CFR—Continued

Page

37 ... 16194
42 ... 16194, 16983
45 ... 16194
46 ... 16194
51 ... 16194
53 ... 16194
121 ... 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893, 18012, 18055, 18056
130 ... 18055
141 ... 18012
144 ... 16984
145 ... 16911
146 ... 18012
146a ... 18012
148c ... 16984
148u ... 16911
148x ... 16251
191 ... 18056

PROPOSED RULES:
27 ... 16866
31 ... 16866
36 ... 18175
45 ... 16994
46 ... 16429
53 ... 16934
120 ... 16935
121 ... 16935, 16994

## 24 CFR

1 ... 16280
201 ... 17893
203 ... 17893
207 ... 17893
213 ... 17894
220 ... 17894
221 ... 17895
231 ... 17897
232 ... 17898
234 ... 17899
603 ... 17899
809 ... 17899
903 ... 17899

## 25 CFR

43d ... 16080

## 26 CFR

1 ... 16081, 17806, 17899, 18128, 18144
31 ... 18144
45 ... 16083

PROPOSED RULES:
1 ... 15957, 16090, 18063, 18173
48 ... 16993
301 ... 18063

## 27 CFR

4 ... 16984

## 29 CFR

31 ... 16284
40 ... 18156
608 ... 17811
609 ... 17811
611 ... 17812
689 ... 15949

PROPOSED RULES:
601 ... 16428
670 ... 16428
673 ... 17822
675 ... 16428
677 ... 17822
678 ... 17822
720 ... 16428

## 31 CFR

3 ... 18161
328 ... 16914

PROPOSED RULES:
306 ... 16330
315 ... 16330
316 ... 16330

## 31 CFR—Continued

Page

PROPOSED RULES—Continued
321 ... 16330
332 ... 16330

## 32 CFR

132 ... 17885
517 ... 15949
536 ... 16985
577 ... 16251
701 ... 16194
710 ... 16055
719 ... 16194
721 ... 17812
804 ... 16323
1001 ... 17037
1002 ... 17038
1003 ... 17038
1007 ... 17038
1030 ... 17040
1057 ... 17039

## 32A CFR

OEP (Ch. I):
DMO I–4 ... 16251
OIA (Ch. X):
OI Reg. 1 ... 16986

## 33 CFR

2 ... 18162
80 ... 18011
202 ... 16859, 17040
203 ... 16251, 17040
206 ... 15949

## 35 CFR

4 ... 17903
5 ... 16328

## 36 CFR

7 ... 17091

## 38 CFR

3 ... 16252, 16328, 17092
12 ... 17903, 17904

## 39 CFR

16 ... 16125
21 ... 16252
22 ... 16125, 16252
24 ... 16125
25 ... 16252
57 ... 16858
61 ... 16125
112 ... 16858
168 ... 16858

PROPOSED RULES:
22 ... 18093

## 41 CFR

Ch. 1 ... 18057
Ch. 2 ... 17092
4–1 ... 17040
8–1 ... 16323, 17903
8–2 ... 16323
8–7 ... 18013
9–9 ... 17113
11–1 ... 16252, 16255
11–2 ... 16253, 16255
11–4 ... 16253
11–14 ... 16255
Ch. 18 ... 16502
101–6 ... 15972, 16287
101–7 ... 16797
101–8 ... 16800
101–9 ... 16800
101–10 ... 16801
101–11 ... 16807
101–12 ... 16824
101–13 ... 16824
101–18 ... 15973
101–19 ... 15978
101–20 ... 15984
101–25 ... 15990

## 41 CFR—Continued

Page

101–27 ... 15997
101–28 ... 15998
101–29 ... 16002
101–30 ... 16004
101–40 ... 16008
101–43 ... 16012
101–44 ... 16027
101–45 ... 16035
101–47 ... 16126

## 42 CFR

51 ... 16915, 17954
55 ... 16915
57 ... 15952

## 43 CFR

17 ... 16293

PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) ... 16827
3447 (corrected by PLO 3485) ... 16829
3464 ... 16084
3465 ... 16084
3466 ... 16084
3467 ... 16085
3468 ... 16085
3469 ... 16085
3470 ... 16086
3471 ... 16086
3472 ... 16087
3473 ... 16087
3474 ... 16256
3475 ... 16827
3476 ... 16827
3477 ... 16827
3478 ... 16827
3479 ... 16828
3480 ... 16828
3481 ... 16828
3482 ... 16828
3483 ... 16829
3484 ... 16829
3485 ... 16829
3486 ... 16830
3487 ... 16829
3488 ... 16830
3489 ... 16830
3490 ... 16830
3491 ... 16831
3492 ... 16831
3493 ... 16859
3494 ... 16859
3495 ... 16860
3496 ... 16860
3497 ... 16860
3498 ... 16860
3499 ... 16861
3500 ... 16861
3501 ... 16862
3502 ... 16862
3503 ... 16863
3504 ... 16863
3505 ... 16863
3506 ... 16863
3507 ... 16864
3508 ... 16864
3509 ... 16864
3510 ... 16987
3511 ... 16987
3512 ... 16987
3513 ... 17905
3514 ... 17905
3515 ... 17905

## 44 CFR

1 ... 16832
2 ... 16832
3 ... 16832
4 ... 16832
5 ... 16832

THE UNIVERSITY

| 44 CFR—Continued | Page |
|---|---|
| 6 | 16832 |
| 7 | 16832 |
| 55 | 15954 |
| 60 | 15954 |
| 100 | 15954 |
| 102 | 15954 |
| 110 | 16195 |
| Ch. VII | 16832 |
| **45 CFR** | |
| 80 | 16298, 16988 |
| 150 | 15955 |
| 611 | 16305 |
| 701 | 17949 |
| 702 | 17950 |
| 703 | 17952 |
| 704 | 17953 |
| **46 CFR** | |
| 146 | 18163 |
| 147 | 18163 |
| 502 | 18171 |
| 506 | 16195, 17121 |
| PROPOSED RULES: | |
| Ch. IV | 16433 |
| **47 CFR** | |
| 73 | 16196, 16916, 16988, 18172 |
| 81 | 16196 |
| 87 | 16865 |
| 89 | 18057 |
| PROPOSED RULES: | |
| 1 | 17823 |
| 2 | 17824 |
| 21 | 16204, 17840 |
| 25 | 17840, 17848 |
| 73 | 16205, 16207, 16837, 17850 |
| **48 CFR** | |
| 310 | 18059 |
| **49 CFR** | |
| 0 | 16087 |
| 95 | 18062 |
| 176 | 16125 |
| 192 | 16256 |
| PROPOSED RULES: | |
| 170 | 17850 |
| **50 CFR** | |
| 2 | 17905 |
| 11 | 17905 |
| 14 | 17906 |
| 16 | 17905 |
| 32 | 17906 |
| 33 | 16917, 16918, 17814, 17906, 17907 |
| 256 | 16088 |
| 257 | 16990 |

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# FEDERAL REGISTER

VOLUME 29 NUMBER 249

Washington, Wednesday, December 23, 1964

## Contents

**AGRICULTURAL MARKETING SERVICE**
Notices
Wallace Stockyards et al.; proposed posting of stockyards 18238

**AGRICULTURE DEPARTMENT**
*See* Agricultural Marketing Service; Commodity Credit Corporation.

**ATOMIC ENERGY COMMISSION**
Notices
Jersey Central Power & Light Co.; issuance of provisional construction permit 18240
Nuclear Engineering Co., Inc.; amendment of license 18239

**CIVIL AERONAUTICS BOARD**
Proposed Rule Making
General policy; wet leases to foreign air carriers; extension of time for comments 18230
Notices
*Hearings, etc.:*
Aerolineas Argentinas 18240
Domestic trunkline and local-service carrier 18241
International Air Transport Association 18240

**CIVIL SERVICE COMMISSION**
Notices
Positions for which there is determined to be a manpower shortage; cancellation of listings 18242

**COMMODITY CREDIT CORPORATION**
Rules and Regulations
Participation of commercial banks in pools of price support loans; increase in rate of interest:
Cotton 18213
Grains and related commodities 18212

**FEDERAL AVIATION AGENCY**
Rules and Regulations
Control zone; correction 18213
Transition area; correction 18213
Proposed Rule Making
Airborne distance measuring equipment; foreign aircraft 18232
Control zone, control area extension, and transition areas; revocation, alteration and designation 18231
Federal airways; alteration 18230
Jet routes and reporting points; designations and revocation 18230
Transition area; alteration of proposed designation 18231

**FEDERAL COMMUNICATIONS COMMISSION**
Rules and Regulations
Industrial Radio Service; miscellaneous amendments 18219

**FEDERAL HOME LOAN BANK BOARD**
Rules and Regulations
Federal Savings and Loan System; branch offices; correction 18213
Proposed Rule Making
Federal Savings and Loan Insurance Corp.; definition of slow loans 18233

**FEDERAL MARITIME COMMISSION**
Notices
Agreements filed for approval:
Continental-Atlantic Corp., and Mediterranean Transport Corp 18243
International Household Goods Rate Agreement 18243
New Zealand North Atlantic Line 18243
Port of Seattle and Sea-Land Service, Inc 18244
Scandinavia Baltic Lakes Westbound Freight Conference 18244
United States-Guam Trade Rate Agreement 18244
West Coast United States and Canada/India, Pakistan, Ceylon and Burma Rate Agreement 18244

**FEDERAL POWER COMMISSION**
Rules and Regulations
Uniform system of accounts; investment tax credit:
Natural gas companies 18216
Public utilities and licensees 18214
Proposed Rule Making
Gas pipeline tariffs; unauthorized overrun penalty provisions 18233
Notices
*Hearings, etc.:*
Central Vermont Public Service Corp 18246
Natural Gas Pipeline Company of America 18246
Public Utility District No. 1 of Pend Oreille County, Washington 18246
Sharples and Company Properties et al 18245

**FEDERAL RESERVE SYSTEM**
Notices
Wells Fargo Bank; order approving merger of banks 18246

**FISH AND WILDLIFE SERVICE**
Rules and Regulations
Sport fishing in Upper Mississippi River Wildlife and Fish Refuge 18229

**FOOD AND DRUG ADMINISTRATION**
Rules and Regulations
Food additives; rosins and rosin derivatives 18216
Notices
Petitions regarding food additives:
American Cyanamid Co 18239
Elanco Products Co 18239
General Mills, Inc 18239
Heterochemical Corp 18239
Vanderbilt, R. T., Co., Inc 18239

*(Continued on next page)*

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See* Food and Drug Administration.

**INTERIOR DEPARTMENT**

*See* Fish and Wildlife Service; Land Management Bureau; National Park Service.

**INTERNAL REVENUE SERVICE**

**Rules and Regulations**

Income taxes; income of controlled foreign corporation from insurance of U.S. risks ..... 18201

**INTERSTATE COMMERCE COMMISSION**

**Notices**

Motor carrier applications and certain other proceedings ..... 18247
Motor carrier, broker, water carrier and freight forwarder applications ..... 18250
Motor carrier transfer proceedings (2 documents) ..... 18265

**LAND MANAGEMENT BUREAU**

**Rules and Regulations**

Nevada; public land order withdrawing land for proposed Moapa Valley Pumping Station ..... 18219

**Notices**

Alaska; amendment of proposed withdrawal and reservation of lands ..... 18238
Colorado; filing of protraction diagrams; amendment ..... 18238

**NATIONAL PARK SERVICE**

**Rules and Regulations**

Boating; miscellaneous amendments ..... 18218

**Notices**

Procurement and Property Management Assistant, Big Bend National Park; delegation of authority ..... 18238

**POST OFFICE DEPARTMENT**

**Notices**

Postal employee uniform apparel, maroon necktie; issuance of specifications ..... 18238

**SECURITIES AND EXCHANGE COMMISSION**

**Proposed Rule Making**

Registration of reporting procedures ..... 18234

**Notices**

*Hearings, etc.:*
Continental Vending Machine Corp ..... 18242
Tastee Freez Industries, Inc ..... 18242

**SMALL BUSINESS ADMINISTRATION**

**Notices**

Richmond Regional Office; delegation of authority to conduct program activities ..... 18242

**TREASURY DEPARTMENT**

*See* Internal Revenue Service.

**VETERANS ADMINISTRATION**

**Rules and Regulations**

Medical; authorization of outpatient dental treatment ..... 18219


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**7 CFR**

1421 ..... 18212
1427 ..... 18213

**12 CFR**

545 ..... 18213

PROPOSED RULES:
561 ..... 18233

**14 CFR**

71 [New] (2 documents) ..... 18213

PROPOSED RULES:
71 [New] (4 documents) ..... 18230, 18231
75 [New] ..... 18230
91 [New] ..... 18232
129 [New] ..... 18232
399 ..... 18230

**17 CFR**

PROPOSED RULES:
230 ..... 18234
240 ..... 18234

**18 CFR**

101 ..... 18214
104 ..... 18214
141 ..... 18214
201 ..... 18216

PROPOSED RULES:
154 ..... 18233

**21 CFR**

121 ..... 18216

**26 CFR**

1 ..... 18201

**36 CFR**

7 ..... 18218

**38 CFR**

17 ..... 18219

**43 CFR**

PUBLIC LAND ORDERS:
3501 ..... 18219

**47 CFR**

91 ..... 18219

**50 CFR**

33 ..... 18229


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# Rules and Regulations

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6781]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Income of Controlled Foreign Corporation From Insurance of United States Risks

On July 30, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 953 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), was published in the FEDERAL REGISTER (29 F.R. 10603). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment to the regulations as proposed is hereby adopted, subject to the changes set forth below in paragraphs 1 through 5. In addition, pargaraph 6 of this Treasury decision contains an amendment which revises paragraph (d)(3) of § 1.954–2. These amendments shall apply for taxable years of foreign corporations beginning after December 31, 1962, and for taxable years of United States shareholders within which or with which such taxable years of such corporations end.

PARAGRAPH 1. Section 1.053–1, as set forth in the notice of proposed rule making, is changed by adding after subparagraph (5) of paragraph (c) a new subparagraph (6).

PAR. 2. Section 1.953–2, as set forth in the notice of proposed rule making, is changed by revising subdivision (i) of paragraph (b)(2), by redesignating subdivisions (ii) through (ix) of paragraph (b)(2) as subdivisions (iii) through (x), by adding after subdivision (i) of paragraph (b)(2) a new subdivision (ii), by revising subdivisions (iii)(a), (iv), (v), (viii), and (x) of paragraph (b)(2), as so redesignated, and by revising paragraph (c).

PAR. 3. Section 1.953–4, as set forth in the notice of proposed rule making, is changed by revising paragraph (a)(1) and (2), by revising paragraph (c), and by revising paragraph (f)(2)(iii).

PAR. 4. Section 1.953–5, as set forth in the notice of proposed rule making, is changed by revising paragraphs (c)(2)(ii)(a) and (c)(3)(ii)(a).

PAR. 5. Section 1.953–6, as set forth in the notice of proposed rule making, is changed by revising the first sentence of paragraph (a).

PAR. 6. Paragraph (d)(3) of § 1.954–2 is amended.

Because paragraph 6 of this Treasury decision substantially conforms to provisions which were published with notice of proposed rule making on December 27, 1962 (27 F.R. 12762), it is hereby found that it is unnecessary to issue such paragraph of this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 16, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 953 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended to include the following new sections, effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

**§ 1.953 Statutory provisions; income from insurance of United States risks.**

SEC. 953. *Income from insurance of United States risks*—(a) *General rule.* For purposes of section 952(a)(1), the term "income derived from the insurance of United States risks" means that income which—

(1) Is attributable to the reinsurance or the issuing of any insurance or annuity contract—

(A) In connection with property in, or liability arising out of activity in, or in connection with the lives or health of residents of, the United States, or

(B) In connection with risks not included in subparagraph (A) as the result of any arrangement whereby another corporation receives a substantially equal amount of premiums or other consideration in respect to any reinsurance or the issuing of any insurance or annuity contract in connection with property in, or liability arising out of activity in, or in connection with the lives or health of residents of, the United States, and

(2) Would (subject to the modifications provided by paragraphs (1), (2), and (3) of subsection (b)) be taxed under subchapter L of this chapter if such income were the income of a domestic insurance corporation.

This section shall apply only in the case of a controlled foreign corporation which receives, during any taxable year, premiums or other consideration in respect of the reinsurance, and the issuing, of insurance and annuity contracts described in paragraph (1) in excess of 5 percent of the total of premiums and other consideration received during such taxable year in respect of all reinsurance and issuing of insurance and annuity contracts.

(b) *Special rules.* For purposes of subsection (a)—

(1) In the application of part I of subchapter L, life insurance company taxable income is the gain from operations as defined in section 809(b).

(2) A corporation which would, if it were a domestic insurance corporation, be taxable under part II of subchapter L shall apply subsection (a) as if it were taxable under part III of subchapter L.

(3) The following provisions of subchapter L shall not apply:

(A) Section 809(d)(4) (operations loss deduction),

(B) Section 809(d)(5) (certain nonparticipating contracts),

(C) Section 809(d)(6) (group life, accident, and health insurance),

(D) Section 809(d)(10) (small business deduction),

(E) Section 817(b) (gain on property held on December 31, 1958, and certain substituted property acquired after 1958),

(F) Section 832(b)(5) (certain capital losses).

(4) The items referred to in—

(A) Section 809(c)(1) (relating to gross amount of premiums and other considerations),

(B) Section 809(c)(2) (relating to net decrease in reserves),

(C) Section 809(d)(2) (relating to net increase in reserves), and

(D) Section 832(b)(4) (relating to premiums earned on insurance contracts),

shall be taken into account only to the extent they are in respect of any reinsurance or the issuing of any insurance or annuity contract described in subsection (a)(1).

(5) All items of income, expenses, losses, and deductions (other than those taken into account under paragraph (4)) shall be properly allocated or apportioned under regulations prescribed by the Secretary or his delegate.

[Sec. 953 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006)]

**§ 1.953–1 Income from insurance of United States risks.**

(a) *In general.* The subpart F income of a controlled foreign corporation for any taxable year includes its income derived from the insurance of United States risks for such taxable year. See section 952(a)(1). A controlled foreign corporation shall have income derived from the insurance of United States risks for such purpose if it has taxable income, as determined under § 1.953–4 or § 1.953–5, which is attributable to the reinsuring or the issuing of any insurance or annuity contract in connection with United States risks, as defined in § 1.953–2 or § 1.953–3, and if it satisfies the 5-percent minimum premium requirement prescribed in paragraph (b) of this section. It is immaterial for purposes of this section whether the person insured or the beneficiary of any insurance, annuity, or reinsurance contract is, as to such corporation, a related person or a United States shareholder. For definition of the term "controlled foreign corporation" for purposes of taking into account income derived from the insurance of United States risks under section 953, see section 957 (a) and (b) and §§ 1.957–1 and 1.957–2.

(b) *5-percent minimum premium requirement.* A controlled foreign corporation shall not have income derived from the insurance of United States risks for purposes of this section unless the premiums received by such corporation during the taxable year which are attributable to the reinsuring and the issuing of insurance and annuity contracts in connection with the United States risks exceed 5 percent of the total premiums which are received by such corporation during such taxable year and which are attributable to the reinsuring and the issuing of insurance and annuity contracts in connection with all risks.

(c) *General definitions.* For purposes of §§ 1.953–1 to 1.953–6, inclusive—

(1) *Reinsurance, etc.* The terms "reinsurance", "insurance", and "annuity contract" have the same meaning which they have for purposes of applying section 809(c)(1) or section 832(b)(4), as the case may be.

(2) *Premiums.* The term "premiums" means the items taken into account for the taxable year under section 809(c)(1), or the amount computed for the taxable year under section 832(b)(4) without the application of subparagraph (B) thereof, as the case may be; except that, for purposes of determining the amount of premiums received in applying paragraph (b) of this section or paragraph (a) of § 1.953–3, advance premiums and deposits shall not be taken into account.

(3) *Insurance company.* The term "insurance company" has the same meaning which it has for purposes of applying section 801(a), determined by applying the principles of paragraph (a) of § 1.801–3.

(4) *Related person.* The term "related person", when used with respect to a controlled foreign corporation, shall have the meaning assigned to it by paragraph (e) of § 1.954–1.

(5) *Policy period.* With respect to any insurance or annuity contract under which a corporation is potentially liable at any time during its taxable year, the term "policy period" means with respect to such year each period of coverage under the contract if such period begins or ends with or within the taxable year, except that, if such period of coverage is more than one year, such term means such of the following periods as are applicable, each one of which is a policy period with respect to the taxable year:

(i) The one-year period which begins with the effective date of the contract and begins or ends with or within the taxable year,

(ii) The one-year period which begins with an anniversary of the contract and begins or ends with or within the taxable year, and

(iii) The period of less than one year if such period begins with an anniversary of the contract, ends with the date on which coverage under the contract terminates, and begins or ends with or within the taxable year.

For such purposes, the effective date of the contract is the date on which coverage under the contract begins, and the anniversary of the contract is the annual return of the effective date. The period of coverage under a contract is the period beginning with the effective date of the contract and ending with the date on which the coverage under the contract expires; except that, if the risk under the contract has been transferred by assumption reinsurance, the period of coverage shall end with the effective date of such transfer or, if the contract is cancelled, with the effective date of cancellation. For this purpose, the term "assumption reinsurance" shall have the meaning provided by paragraph (a)(7)(ii) of § 1.809–5. The application of this subparagraph may be illustrated by the following examples:

*Example (1).* Controlled foreign corporation A issues to domestic corporation M an insurance contract which provides coverage for the 2½ year period beginning on July 1, 1963. Corporation A uses the calendar year as the taxable year. For 1963, the policy period under such contract as to A Corporation is July 1, 1963, to June 30, 1964. For 1964, the policy periods under such contract as to A Corporation are July 1, 1963, to June 30, 1964, and July 1, 1964, to June 30, 1965. For 1965, the policy periods under such contract as to A Corporation are July 1, 1964, to June 30, 1965, and July 1, 1965, to December 31, 1965.

*Example (2).* The facts are the same as in example (1) except that M Corporation cancels the contract on August 31, 1963. For 1963, the policy period under such contract as to A Corporation is July 1, 1963, to August 31, 1963.

*Example (3).* The facts are the same as in example (1) except that on January 15, 1965, A Corporation cedes insurance under the contract to controlled foreign corporation B, which also uses the calendar year as the taxable year. For 1964, the policy periods under such contract as to A Corporation are July 1, 1963, to June 30, 1964, and July 1, 1964, to June 30, 1965. For 1965, the policy periods under such contract as to both A Corporation and B Corporation are July 1, 1964, to June 30, 1965, and July 1, 1965, to December 31, 1965.

*Example (4).* Controlled foreign corporation C, which uses the calendar year as the taxable year, issues to domestic corporation N an insurance contract which covers the marine risks in connection with shipping a machine to Europe. The contract does not specify the dates during which the machine is covered, but provides coverage from the time the machine is delivered alongside a named vessel in Hoboken, New Jersey, until the machine is delivered alongside such vessel in Liverpool, England. Such deliveries in New Jersey and England take place on February 1, and February 28, 1963, respectively. For 1963, the policy period under such contract as to C Corporation is February 1, to February 28, 1963.

(6) *Foreign country.* The term "foreign country" includes, where not otherwise expressly provided, a possession of the United States.

### § 1.953–2 Actual United States risks.

(a) *In general.* For purposes of paragraph (a) of § 1.953–1, the term "United States risks" means risks described in section 953(a)(1)(A)—

(1) In connection with property in the United States (as defined in paragraph (b) of this section),

(2) In connection with liability arising out of activity in the United States (as defined in paragraph (c) of this section), or

(3) In connection with the lives or health of residents of the United States (as defined in paragraph (d) of this section).

For purposes of section 953(a), the term "United States" is used in a geographical sense and includes only the States and the District of Columbia. Therefore, the reinsuring or the issuing of insurance or annuity contracts by a controlled foreign corporation in connection with property located in a foreign country or a possession of the United States, in connection with activity in a foreign country or a possession, or in connection with the lives or health of citizens of the United States who are not residents of the United States will not give rise to income to which paragraph (a) of § 1.953–1 applies, unless the income derived by the controlled foreign corporation from such contracts constitutes income derived in connection with risks which are deemed to be United States risks, as defined in § 1.953–3.

(b) *Property in the United States.* The term "property in the United States" means property, as defined in subparagraph (1) of this paragraph, which is in the United States, within the meaning of subparagraph (2) of this paragraph.

(1) *Property defined.* The term "property" means any interest of an insured in tangible (including real and personal) or intangible property. Such interests include, but are not limited to, those of an owner, landlord, tenant, mortgagor, mortgagee, trustee, beneficiary, or partner. Thus, for example, if insurance is issued against loss from fire and theft with respect to an insured's home and its contents, such risks are risks in connection with property, whether the insured is the owner or lessee and whether the contents include furniture or cash and securities. Furthermore, if insurance is issued against all risks of damage or loss with respect to the automobile of an insured, such risks are risks in connection with property, whether the risks insured against may be caused by the insured, another person, or natural forces.

(2) *United States location*—(i) *In general.* Property will be considered property in the United States when it is exclusively located in the United States. Conversely, property will be considered property not in the United States when it is exclusively located outside the United States. In addition, property which is ordinarily located in, but temporarily located outside, the United States will be considered property in the United States both when it is ordinarily located in, and when it is temporarily located outside, the United States if the premium which is attributable to the reinsuring or issuing of any insurance contract in connection with such property cannot be allocated to, or apportioned between, risks incurred when such property is acutally located in the United States and risks incurred when it is actually located outside the United States. If such premium can be so allocated or apportioned on a reasonable basis, however, such property will be considered property not in the United States when it is actually located outside the United States. However, property will not be considered property in the United States if it is neither property which is exclusively located in the United States nor property which is ordinarily located in, but temporarily located outside, the United States. The rules prescribed in subdivision (ii) of this subparagraph shall apply in determining whether a premium can be allocated or apportioned on a reasonable basis to or between risks incurred when property is actually located in the United States and risks incurred when such property is actually located outside the United States. The rules prescribed in subdivisions (iii) through (x) of this subparagraph shall apply in determining whether property is, or will be considered, exclusively located in or outside the United States and whether property is, or will be considered, ordinarily located in the United States; such rules also limit the rule of premium allocation and apportionment prescribed in this subdivision and subdivision (ii) of this subparagraph. The determinations required by this subparagraph shall be made with respect to the location of property during the policy period applicable to the taxable year of the insuring or reinsuring corporation, or, if more than one policy period exists with respect to such taxable year, such determinations shall be made separately with respect to the location of property during each such policy period.

(ii) *Premium allocation or apportionment.* Whether a premium can be allocated or apportioned on a reasonable basis to or between risks incurred when property is actually located in the United States and risks incurred when such property is actually located outside the United States shall depend on the intention of the parties to the insurance contract, as determined from its provisions and the facts and circumstances preceding its execution. Contract provisions on the basis of which the premium reasonably may be so allocated or apportioned include, but are not limited to, provisions which separately describe each risk covered, the period of coverage of each risk, the special warranties for each risk, the premium for each risk (or the basis for determining such premium), and the conditions of paying the premium for each risk. For purposes of this subdivision, it shall be unnecessary formally to make a separate policy with respect to each risk covered or with respect to each clause attached to the policy, provided that the intention of the parties to the contract is reasonably clear. For example, if in the ordinary course of carrying on an insurance business an insurance policy is issued which covers fire, theft, and water damage risks incurred when property is actually located in the United States and marine risks incurred when such property is actually located outside the United States and which, pursuant to accepted insurance principles, properly describes the premium rates as percentages of the amount of coverage as ".825% plus .3% fire, etc. risks plus .12% water risks = 1.245%", a reasonable basis exists to allocate a $124.50 premium paid for $10,000 of such coverage to $82.50 for foreign risks and $42.00 ($30.00+$12.00) to United States risks.

(iii) *Property in general—(a) Ordinary and temporary location.* Except as otherwise provided in subdivisions (iv) through (x) of this subparagraph, the determination of whether property is ordinarily located in the United States will depend on all the facts and circumstances in each case. Property is ordinarily located in the United States if its location in the United States is regular, usual, or often occurring. However, in all cases property will be considered ordinarily located in the United States if it is actually located in the United States for an aggregate of more than 50 percent of the days in the applicable policy period whereas property will, under no circumstances, be considered ordinarily located in the United States if it is actually located in the United States for an aggregate of not more than 30 percent of the days in the applicable policy period. Property which is ordinarily located in the United States is temporarily located outside the United States when it is actually located outside the United States. For purposes of determining the number and percent of the days in an applicable policy period, the term "day" means, not any 24-consecutive-hour period, but a continuous period of twenty-four hours commencing from midnight and ending with the following midnight; in determining the location of property for such purposes, an amount of time which is at least one-half of such a day, but less than the entire day, shall be considered a day, and an amount of time which is less than one-half of such a day shall not be considered a day.

(*b*) *Illustrations.* The application of this subdivision may be illustrated by the following examples:

*Example (1).* Controlled foreign corporation A issues to domestic corporation M a comprehensive blanket or floater insurance policy which, for one year, covers inventory samples which M Corporation regularly ships from the United States in order to encourage sales. Such shipments are made on the condition that they be returned to the United States within 5 days after they are received. During the one-year policy period, such samples are sent from, and returned to, the United States 50 times, and during such one-year period are actually located in the United States for an aggregate of 120 days. Since the location of the samples in the United States during such one-year period is often recurring, they are property ordinarily located in, but temporarily located outside, the United States. Therefore, they will be considered property in the United States even though for such one-year period their location in the United States is not regular or usual and is not for an aggregate of more than 50 percent of the days in the policy period. However, if, by considering such factors as the terms and premium schedule of the insurance contract as well as the number, value, and duration of the location in and outside the United States, of such samples, the premium which is attributable to the issuing of such contract can be allocated to, or apportioned between, risks occurring when such samples are actually located in the United States and risks occurring when they are actually located outside the United States, such samples will be considered property not in the United States when they are actually located outside the United States.

*Example (2).* A machine, located for several years in a foreign branch of a United States manufacturer, is permanently transferred to the home office of such manufacturer, where it arrives on January 1, 1963, and remains for the remainder of 1963. Under a separate insurance contract issued by a controlled foreign corporation, which uses the calendar year as the taxable year, such machine is insured against damage for the three-year period commencing on May 1, 1962. Because of the change in location of the machine, the premiums are increased as of January 1, 1963. Since the machine is in the United States from January 1, 1963, to April 30, 1963, its location in the United States is regular and usual during the policy period of May 1, 1962, to April 30, 1963. Accordingly, the machine is ordinarily located in the United States for such policy period. However, since the premium which is attributable to the issuing of such contract is allocable to risks occurring when the machine is actually located in, and when it is actually located outside, the United States, such machine will be considered property not in the United States from May 1, 1962, through December 31, 1962.

(iv) *Commercial motor vehicles, ships, aircraft, railroad rolling stock, and containers.* Any motor vehicle, ship, aircraft, railroad rolling stock, or any container transported thereby, which is used exclusively in the commercial transportation of persons or property to or from the United States (including such transportation from one place to another in the United States) and is ordinarily located in the United States will be considered property in the United States both when such property is ordinarily located in, and when such property is temporarily located outside, the United States. Whether such property is used in the transportation of persons or property to or from the United States and is ordinarily located in the United States are issues to be determined from all the facts and circumstances in each case. However, in all cases such transportation property will be considered ordinarily located in the United States if either more than 50 percent of the miles traversed during the applicable policy period in the use of such property are traversed within the United States or such property is located in the United States more than 50 percent of the time during such period. Further, such transportation property will not at any time be considered property in the United States if either not more than 30 percent of the miles traversed during the applicable policy period in the use of such property are traversed within the United States or such property is located in the United States for not more than 30 percent of the time during such period. Nevertheless, if not more than 30 percent of the miles traversed during the applicable policy period in the use of such transportation property are traversed within the United States, such property will be considered ordinarily located in the United States if it is located in the United States more than 50 percent of the time during such period. Moreover, if such transportation property is located in the United States for not more than 30 percent of the time

during the applicable policy period, such property will be considered ordinarily located in the United States if more than 50 percent of the miles traversed during such period in the use of such property are traversed within the United States. If such transportation property is considered property in the United States because more than 50 percent of the miles traversed during the applicable policy period in the use of such property are traversed within the United States, the apportionment of premium provided in subdivision (i) of this subparagraph shall be made on a mileage basis. If, however, such property is considered property in the United States because such property is located in the United States more than 50 percent of the time during the applicable policy period, the apportionment of premium provided in subdivision (i) of this subparagraph shall be made on a time basis.

(v) *Noncommercial motor vehicles, ships, aircraft, and railroad rolling stock.* Except as provided in subdivision (iv) of this subparagraph, any motor vehicle, ship or boat, aircraft, or railroad rolling stock which at any time is actually located in the United States and which either (*a*) is registered with the United States, a State (including any political subdivision thereof), or any agency thereof or (*b*), if not so registered, is owned by a citizen, resident, or corporation of the United States will be considered property which is ordinarily located in the United States. Unless the premium which is attributable to the reinsuring or issuing of any insurance contract in connection with such property considered ordinarily located in the United States is specifically allocated under the contract to risks incurred when such property is actually located in the United States and to risks incurred when it is actually located outside the United States, such property will be considered property in the United States both when it is ordinarily located in, and when it is temporarily located outside, the United States; under no circumstances will such property be considered outside the United States on the basis of any apportionment of such premium.

(vi) *Property exported or imported by railroad or motor vehicle.* Any property which is exported from, or imported to, the United States by railroad or motor vehicle will be considered property ordinarily located in the United States which, when such property is not actually located in the United States, is temporarily located outside the United States. For example, if an insurance contract reinsured or issued in connection with property exported from the United States by motor vehicle covers risks commencing when such property is loaded on the motor vehicle at the United States warehouse and terminating when such property is unloaded at the foreign warehouse, and if the premium payable with respect to risks incurred when the property is in the United States and risks incurred when the property is in the foreign country is not separately stated, such property will be considered property in the United States only until such property is actually located outside the United States, provided that the premium can be properly apportioned (for example) on the basis of time or mileage, between risks incurred when the property is actually located in the United States and risks incurred when it is actually located outside the United States. If in such case the premium is not so apportionable, such property will be considered property in the United States both when such property is ordinarily located in, and when it is temporarily located outside, the United States.

(vii) *Property exported by ship or aircraft.* If an insurance contract which is reinsured or issued in connection with property which is exported from the United States by ship or aircraft covers risks all of which terminate when such property is placed aboard a ship or aircraft at the United States port of exit for shipment from the United States, such property will be considered property in the United States. If such insurance contract covers risks all of which commence when such property is placed aboard a ship or aircraft at the United States port of exit for shipment from the United States, such property will be considered property not in the United States. If such insurance contract covers risks commencing before, and terminating after, such property is placed aboard a ship or aircraft at the United States port of exit for shipment from the United States, such property will be considered property ordinarily located in the United States which, after such property is placed aboard such ship or aircraft at the United States port of exit, is temporarily located outside the United States. The application of this subdivision may be illustrated by the following example:

*Example.* A controlled foreign corporation issues an insurance contract in connection with property exported from the United States by ship. The contract covers risks commencing after such property is removed from the United States warehouse and terminating when such property is unloaded at the foreign port of entry. Assuming that the premium payable with respect to the risks incurred before and the risks incurred after the property is placed aboard the ship at the United States port of exit for shipment from the United States or with respect to the steps in handling such property during such coverage, such as transporting the property to the United States port of exit, unloading the property there, placing the property aboard the ship, holding the property aboard the ship in port, the actual voyage, and unloading the property at the foreign port of entry, is separately stated in, or is determinable from, such contract, the property will be considered property in the United States only until such property is placed aboard the ship at the United States port of exit for shipment from the United States. Assuming, however, that the premiums payable with respect to such steps, or with respect to the risks incurred before and the risks incurred after the property is placed aboard the ship at the United States port of exit, are not allocable or apportionable under the contract, such property will be considered property in the United States both before and after such property is placed aboard the ship at the United States port of exit.

(viii) *Property imported by ship or aircraft.* If an insurance contract which is reinsured or issued in connection with property which is imported to the United States by ship or aircraft covers risks all of which terminate when such property is unloaded at the United States port of entry, such property will be considered property not in the United States. If such insurance contract covers risks all of which commence after such property is unloaded at the United States port of entry, such property will be considered property in the United States. If such insurance contract covers risks commencing before, and terminating after, such property is unloaded at the United States port of entry, such property will be considered property ordinarily located in the United States which, before such property is unloaded at the United States port of entry, is temporarily located outside the United States. For an illustration pertaining to the allocation or apportionment of the premium, see the example in subdivision (vii) of this subparagraph.

(ix) *Shipments originating and terminating in the United States.* Any property which is shipped from one place in the United States to another place in the United States, on or over a foreign country, the high seas, or the coastal waters of the United States will be considered property actually located at all times in the United States. For example, property which is shipped from New York City to Los Angeles via the Panama Canal or from San Francisco to Hawaii or Alaska will be considered property actually located at all times in the United States.

(x) *Shipments originating and terminating in a foreign country.* Any property which is shipped by any means, or a combination of means, of transportation from one foreign country to another foreign country, or from a contiguous foreign country to the same contiguous foreign country, on or over the United States will be considered property exclusively located outside the United States. Notwithstanding the foregoing, any property which is shipped by any means, or a combination of means, of transportation from one contiguous foreign country to another contiguous foreign country on or over the United States will be considered property ordinarily located in the United States which, when such property is not actually located in the United States, is temporarily located outside the United States.

(c) *Liability from United States activity.* The term "liability arising out of activity in the United States" means a loss, as described in subparagraph (1) of this paragraph, or a liability, as described in subparagraph (2) of this paragraph, which could arise from activity performed in the United States, as defined in subparagraph (3) of this paragraph.

(1) *Loss described.* The term "loss" includes all loss of an insured which could arise from the occurrence of the event insured against except that such term does not include any loss in connection with property described in paragraph (b) of this section. For example, such term includes, in the case of a promoter of outdoor sporting events, the loss which could arise from the cancellation of such an event because of inclement weather.

(2) *Liability described.* The term "liability" includes all liability of an insured in tort, contract, property, or otherwise. It includes, for example, the liability of a principal for the acts of his agent, of a husband for the acts of his spouse, and of a parent for the acts of his child. The term not only includes the direct liability which may be incurred, for example, by a tortfeasor to the person harmed, but also the indirect liability which may be incurred, for example, by a manufacturer to the purchaser at retail for a breach of warranty.

(3) *Activity in the United States*—(i) *In general.* A loss or liability will be considered a loss or liability which could arise from activity performed in the United States if the loss or liability would result, if at all, from an activity exclusively carried on in the United States. Conversely, a loss or liability will be considered a loss or liability which could not arise from activity performed in the United States if the loss or liability would result, if at all, from an activity exclusively carried on outside the United States. In addition, a loss or liability will be considered a loss or liability which could arise from activity performed in the United States if the loss or liability would result, if at all, from an activity ordinarily carried on in, but partly carried on outside, the United States. If the premium which is attributable to the reinsuring or issuing of any insurance contract in connection with an activity ordinarily carried on in, but partly carried on outside, the United States can, on a reasonable basis, be allocated to, or apportioned between, the risks incurred with respect to the activity carried on in, and the risks incurred with respect to the activity carried on outside, the United States, such loss or liability will be considered a loss or liability which could not arise from activity performed in the United States to the extent the loss or liability would result, if at all, from that activity carried on outside the United States. However, a loss or liability will not be considered a loss or liability which could arise from an activity performed in the United States if such loss or liability would result, if at all, from an activity which is neither exclusively carried on in the United States nor ordinarily carried on in, but partly carried on outside, the United States. The principles of paragraph (b) (2) (ii) of this section for allocating or apportioning a premium on a reasonable basis to or between risks incurred when property is actually located in the United States and risks incurred when such property is actually located outside the United States shall apply for allocating or apportioning a premium on a reasonable basis to or between the risks incurred with respect to the activity carried on in, and the risks incurred with respect to the activity carried on outside, the United States. The rules prescribed in subdivisions (ii) through (vi) of this subparagraph shall apply in determining whether an activity is, or will be considered, exclusively carried on in or outside the United States and whether an activity is, or will be considered, ordinarily carried on in the United States and in determining what is the activity which is performed by the insured from which a loss or liability results or could result; such rules also limit the rule of premium allocation and apportionment prescribed in this subdivision. The determinations required by this subparagraph shall be made with respect to the location of an activity of the insured performed during the policy period applicable to the taxable year of the insuring or reinsuring corporation, or, if more than one policy period exists with respect to such taxable year, such determinations shall be made separately with respect to the location of the activity during each such policy period.

(ii) *Substantial activity carried on in the United States.* The term "activity" is used in its broadest sense and includes the performance of an act unlawfully undertaken, the wrongful performance of an act lawfully undertaken, and the wrongful failure to perform an act lawfully required to be undertaken. With respect to a loss described in subparagraph (1) of this paragraph, the term "activity" includes the occurrence of the event insured against. The determination of whether an activity ordinarily is carried on in, but is partly carried on outside, the United States will depend on all the facts and circumstances in each case. An activity ordinarily is carried on in the United States if a substantial amount of such activity is carried on in the United States. Factors which will be taken into account in determining whether a substantial amount of activity is carried on in the United States are those which are connected with the activity and include, but are not limited to, the location of the insured's assets, the place where personal services are performed, and the place where sales occur, but only if such assets, services, and sales are connected with the activity. In all cases an activity will be considered substantially carried on in the United States if more than 50 percent of the insured's total assets, personal services, and sales, if any, connected with such activity are located, performed, or occur in the United States. On the other hand, an activity will, under no circumstances, be considered substantially carried on in the United States if not more than 30 percent of the insured's total assets, personal services, and sales, if any, connected with such activity are located, performed, or occur in the United States. For this purpose, the mean of the value of the total assets at the beginning and end of the policy period shall be used, determined by taking assets into account at their actual value (not reduced by liabilities), which, in the absence of affirmative evidence to the contrary, shall be deemed to be (*a*) face value in the case of bills receivable, accounts receivable, notes receivable, and open accounts held by an insured using the cash receipts and disbursements method of accounting and (*b*) adjusted basis in the case of all other assets. Personal services shall be measured by the amount of compensation paid or accrued for such services, and sales shall be measured by the volume of gross sales. An activity is carried on partly outside the United States if it is carried on, whether substantially or insubstantially, outside the United States.

(iii) *Manufacturing, producing, constructing, or assembling activity.* If a person who manufactures, produces, constructs, or assembles property is liable with regard to the consumption or use of such property, such liability will be considered to result from the activity performed of manufacturing, producing, constructing, or assembling such property. If such person manufactures, produces, constructs, or assembles more than one type of product, the liability with regard to the consumption or use of one of such products will be considered to result from the activity performed of manufacturing, producing, constructing, or assembling that particular product. For example, the liability of a building contractor, which constructs apartment buildings only in the United States, for the improper construction of, or the failure to construct, an apartment building, will be considered to result from an activity exclusively carried on in the United States and will be considered a liability which could arise from activity performed in the United States. In further illustration, the liability (which is covered by a single policy of insurance) of a domestic corporation, which assembles refrigerators exclusively in the United States and manufactures automobiles both in a foreign country and in the United States through substantial activity carried on in each of such countries, for the negligent manufacturing of a part for one of the automobiles by the foreign branch, will be considered to result from an activity ordinarily carried on in, but partly carried on outside, the United States and will be considered a liability which could arise from activity performed in the United States.

(iv) *Selling activity.* If a person is liable with regard to selling activity performed, such liability will be considered, except as provided in subdivisions (iii), (v), and (vi) of this subparagraph, to result from such selling activity. A person will be considered to be engaged in selling activity if such person engages in an activity resulting in the sale of property. Thus, it is immaterial that, under the Code, such activity would not constitute engaging in or carrying on a trade or business in the country in which such activity is carried on, the property in the goods does not pass in such country, or delivery of the property is not made in such country. For example, if a foreign wholesale distributor, which manages its entire business operations in a foreign country and sells its inventory exclusively in the United States—its only contact in the United States being the promotion of such sales to United States retail outlets by advertising in trade publications and distributing sales catalogues—is liable for a breach of warranty with regard to the sale of property to a United States retail outlet, such liability will be considered to result from an activity exclusively carried on in the United States and will be considered a liability

which could arise from activity performed in the United States.

(v) *Liability from service or driving activity—(a) In general.* If a person is liable with regard to any service activity performed, or is liable with regard to driving activity performed in connection with a motor vehicle, ship or boat, aircraft, or railroad rolling stock, whether or not exclusively used in the commercial transportation of persons or property, such liability will be considered to result from such service or driving activity. For example, if an oil company which drills for oil exclusively in a foreign country is liable with regard to the negligent handling by its employees of explosives in the course of such drilling there, such liability will be considered to result from an activity exclusively carried on outside the United States and will be considered a liability which could not arise from activity performed in the United States. In further illustration, if a corporation which services machinery exclusively in a foreign country under servicing contracts is liable with regard to the negligent repairing of a machine under such a contract, such liability will be considered to result from an activity exclusively carried on outside the United States and will be considered a liability which could not arise from activity performed in the United States.

(b) *Location of activities in connection with transportation property.* For purposes of subdivision (a) of this subdivision, service or driving activity performed in connection with a motor vehicle, ship or boat, aircraft, or railroad rolling stock, whether or not exclusively used in the commercial transportation of persons or property, will be considered activity performed in the United States if the activity is carried on at a time when such property is or will be considered, in accordance with subdivision (iv) or (v) of paragraph (b)(2) of this section, actually in the United States or ordinarily located in the United States. However, if the premium which is attributable to the reinsuring or issuing of any insurance contract in connection with such service or driving activity which is carried on at a time when such property is, or will be considered, ordinarily located in the United States can be allocated to, or apportioned between, the risks incurred when such property is actually located in the United States and risks incurred when it is actually located outside the United States, such liability will be considered a liability which could arise from activity performed in the United States only when such property is actually located in the United States. Any allocation or apportionment of premium under the preceding sentence shall be made in accordance with the rules of allocation and apportionment provided in subdivision (iv) or (v) of paragraph (b)(2) of this section. For example, if a person is liable with regard to the performance of services outside the United States in the operation of a motor vehicle which is used exclusively in the commercial transportation of persons to and from the United States and which, because more than 50 percent of the miles traversed during the applicable policy period in the use of such property are traversed within the United States, is considered ordinarily located in the United States, such liability will be considered to be a liability which could not arise from activity performed in the United States only to the extent that the premium which is attributable to the reinsuring or issuing of any insurance contract in connection with such service activity is apportioned on a mileage basis between the risks incurred when such motor vehicle is actually located in the United States and when such vehicle is actually located outside the United States. See paragraph (b)(2)(iv) of this section. In further illustration, if a person is liable with regard to his negligent driving of a motor vehicle which is not used exclusively in the commercial transportation of persons or property, which is registered with any State, and which is driven both in the United States and a foreign country, such liability will be considered a liability which could arise from activity performed in the United States, unless the premium which is attributable to the reinsuring or issuing of an insurance contract in connection with such driving performed in such motor vehicle ordinarily located in the United States is specifically allocated under the contract to risks incurred with respect to driving performed in, and to risks incurred with respect to driving performed outside, the United States. See paragraph (b)(2)(v) of this section.

(c) *Illustration.* The application of this subdivision may be further illustrated by the following example:

*Example.* Controlled foreign corporation A is a wholly owned subsidiary of domestic corporation M. Both corporations are insurance companies and use the calendar year as the taxable year. Corporation M is exclusively engaged in issuing to owners of commercial rental property which is located in the United States insurance contracts which cover any harm which may be caused in 1963 by the tortious conduct of the owners' employees in managing and maintaining such property. The owners insured under such contracts include both residents and nonresidents of the United States. In 1963, M Corporation cedes to A Corporation one-half of the insurance contracts issued by M Corporation in that year, including the contracts issued to nonresidents. Income of A Corporation derived in 1963 from reinsuring the risks of M Corporation is income from the insurance of United States risks since all the insurance contracts reinsured by it are in connection with a liability which could arise from service activity performed in the United States.

(vi) *Liability from delivery of property.* If the person who is obligated to deliver property is liable with regard to such delivery, such liability will be considered to result from the activity performed of delivering such property. For example, if a corporation which exports all of its inventory from the United States to foreign countries or possessions of the United States is liable with regard to its failure to make delivery outside the United States of inventory it has sold, such liability will be considered to result from an activity exclusively carried on outside the United States and will be considered a liability which could not arise from activity performed in the United States. In further illustration, if a corporation which exports all of its inventory from a foreign country to the United States is liable with regard to its improper delivery in the United States of inventory it has sold, such liability will be considered to result from an activity exclusively carried on in the United States and will be considered a liability which could arise from activity performed in the United States.

(d) *Lives or health of United States residents.* Risks in connection with the lives or health of residents of the United States include those risks which are the subject of insurance contracts referred to in section 801(a), relating to the definition of a life insurance company. If the insured is a resident of the United States at the time the insurance contract is approved, the risk is in connection with the life or health of a resident of the United States for the period of coverage under the contract. However, if during such period of coverage the insured notifies the insurer, or circumstances known to the insurer indicate, that the insured is no longer a resident of the United States, the risk shall cease to be a risk in connection with the life or health of a resident of the United States for the policy period in which the insured gives such notice or such circumstances are known to the insurer, and for each subsequent policy period. Conversely, if the insured is a resident of a particular foreign country at the time the insurance contract is approved, the risk is in connection with the life or health of a resident of such foreign country for the period of coverage under the contract. However, if during such period of coverage the insured notifies the insurer, or circumstances known to the insurer indicate, that the insured is no longer a resident of such foreign country, the risk shall cease to be a risk in connection with the life or health of a resident of such particular foreign country for the policy period in which the insured gives such notice or such circumstances are known to the insurer, and for each subsequent policy period. In determining the country of residence of an insured, the principles of §§ 1.871–2 to 1.871–5, inclusive, and of paragraph (a) of § 1.911–2, relating to the determination of residence and nonresidence in the United States, and of foreign residence, shall apply. Citizens of the United States are not residents of the United States merely because of their citizenship. The application of this paragraph may be illustrated by the following example:

*Example.* Controlled foreign corporation A is a wholly owned subsidiary of domestic corporation M. Corporation A uses the calendar year as the taxable year and is engaged in the life insurance business in foreign country X. In 1963, A Corporation issues ordinary life insurance contracts on the lives of residents of the United States, including one issued on February 1, 1963, to R, a citizen of foreign country Y and a resident of the United States on such date. All activity in connection with the issuing of such contracts is transacted by mail. On May 1, 1963, R abandons his United States residence and establishes residence in foreign country Z. There are no circumstances known to A Corporation that R has changed his residence until R, on March 1, 1964, actually notifies A Corporation of that change. Income of A Corporation for the policy period of February 1, 1963, to January 31, 1964, from issuing such insurance contracts is income derived from the insurance of United States risks. However, income of A Corporation derived for the policy period of February 1, 1964, to January 31, 1965, from R's insurance contract is not income derived from the insurance of United States risks.



### § 1.953–3 Risks deemed to be United States risks.

(a) *Artificial arrangements.* For purposes of paragraph (a) of § 1.953–1, the term "United States risks" also includes under section 953(a)(1)(B) risks which are deemed to be United States risks. They are risks (other than United States risks described in section 953(a)(1)(A) and § 1.953–2) which a controlled foreign corporation reinsures under an insurance or annuity contract, or with respect to which a controlled foreign corporation issues any insurance or annuity contract, in accordance with any arrangement whereby another corporation which is not a controlled foreign corporation receives an amount of premiums (for reinsuring or issuing any insurance or annuity contract in connection with the United States risks described in section 953(a)(1)(A) and § 1.953–2) which is substantially equal to the amount of premiums which the controlled foreign corporation receives under its contracts. Arrangements to which this rule applies include those entered into by the controlled foreign corporation, by its United States shareholders, or by a related person.

(b) *Evidence of arrangements.* The determination of the existence of an arrangement referred to in paragraph (a) of this section shall depend on all the facts and circumstances in each case. In making this determination, it will be recognized that arrangements of this type generally are orally entered into outside the United States and that direct evidence of such an arrangement is not ordinarily available. Therefore, in determining the existence of such an arrangement, consideration will be given to whether or not there is substantial similarity between the type, location, profit margin expected, and loss experience of the risks which the corporation which is not a controlled foreign corporation insures or reinsures and the risks which the controlled foreign corporation insures or reinsures. Further, consideration will be given to the existence of prior similar arrangements between, and the identity of the directors or shareholders of, the corporation which is not a controlled foreign corporation, its shareholders, or related persons and the controlled foreign corporation, its shareholders, or related persons. However, the absence of such prior arrangements or identity of directors or shareholders will not of itself establish the nonexistence of an arrangement referred to in paragraph (a) of this section. In determining whether the amounts received by the controlled foreign corporation and the corporation which is not a controlled foreign corporation are substantially equal, the period in which the controlled foreign corporation receives premiums need not be the same as, or identical in length with, that of the corporation which is not a controlled foreign corporation nor limited to a taxable year of the controlled foreign corporation.

(c) *Illustrations.* The application of this section may be illustrated by the following examples:

*Example (1).* Controlled foreign corporation A is a wholly owned subsidiary of domestic corporation M. Foreign corporation B is a wholly owned subsidiary of foreign corporation R. All corporations use the calendar year as the taxable year. Corporations M and R, which are not related persons, agree that from July 1, 1963, through December 31, 1963, B Corporation will reinsure all risks of M Corporation which are United States risks described in section 953(a)(1)(A), and that from January 1, 1964, through June 30, 1964, A Corporation will reinsure all risks of R Corporation which are not United States risks described in section 953(a)(1)(A). The amount of premiums received by A Corporation and B Corporation, respectively, as a result of the agreement are substantially equal. The income of A Corporation derived in 1964 from reinsuring the risks of R Corporation is income derived from the insurance of United States risks described in section 953(a)(1)(B).

*Example (2).* Assume the same facts as in example (1), except that M and R Corporations also agree, as part of their arrangement, that from July 1, 1964, through December 31, 1964, B Corporation will reinsure all risks of M Corporation which are United States risks described in section 953(a)(1)(A), and that from January 1, 1965, through June 30, 1965, A Corporation will reinsure all risks of R Corporation which are not United States risks described in section 953(a)(1)(A). The amount of premiums derived by B Corporation from July 1, 1963, through December 31, 1963, under the agreement is not substantially equal to the amount of premiums derived by A Corporation from January 1, 1964, through June 30, 1964, and the amount of premiums derived by B Corporation from July 1, 1964, through December 31, 1964, is not substantially equal to the amount of premiums derived by A Corporation from January 1, 1965, through June 30, 1965. However, the aggregate amount of premiums received by B Corporation under the arrangement is substantially equal to the aggregate amount of premiums received by A Corporation. The income of A Corporation derived in 1964 and 1965 from reinsuring the risks of R Corporation is income derived from the insurance of United States risks described in section 953(a)(1)(B).

*Example (3).* Assume the same facts as in example (1), except that foreign corporation C is also a wholly owned subsidiary of R Corporation. Assume that C Corporation uses the calendar year as its taxable year. Assume further that M Corporation and R Corporation agree that from July 1, 1963, through December 31, 1963, B Corporation and C Corporation together will reinsure the United States risks described in section 953(a)(1)(A) of M Corporation. The amount of premiums received by B Corporation in respect of such United States risks is equal to one-third of the amount received by A Corporation in respect of the risks which are not United States risks described in section 953(a)(1)(A), and the amount of premiums received by C Corporation in respect of such United States risks is equal to two-thirds of the amount so received by A Corporation. The income of A Corporation derived in 1964 from reinsuring the risks of R Corporation is income derived from the insurance of United States risks described in section 953(a)(1)(B).

*Example (4).* Assume the same facts as in example (3), except that controlled foreign corporation D is also a wholly owned subsidiary of M Corporation and uses the calendar year as its taxable year. Assume further that M Corporation and R Corporation agree that in 1964 R Corporation will pay premiums of $300,000 to A Corporation and $700,000 to D Corporation to reinsure all risks of R Corporation which are not United States risks described in section 953(a)(1)(A), and that in 1963 M Corporation will pay premiums of $400,000 to B Corporation and $600,000 to C Corporation to reinsure all risks of M Corporation which are United States risks described in section 953(a)(1)(A). The income of A Corporation and D Corporation derived in 1964 from reinsuring the risks of R Corporation is income derived from the insurance of United States risks described in section 953(a)(1)(B).

*Example (5).* Controlled foreign corporation A is a wholly owned subsidiary of domestic insurance corporation M. Controlled foreign corporation B is a wholly owned subsidiary of domestic insurance corporation N. All corporations use the calendar year as the taxable year. As a result of an arrangement between M Corporation and N Corporation, in 1963 A Corporation reinsures all the United States risks described in section 953(a)(1)(A) of N Corporation, and B Corporation reinsures all the United States risks described in section 953(a)(1)(A) of M Corporation. The premiums and other consideration received by A Corporation and B Corporation in respect of such reinsurance are not substantially equal. The income of A Corporation and B Corporation in 1963 from reinsuring the risks of N Corporation and M Corporation, respectively, is income derived from the insurance of United States risks described in section 953(a)(1)(A) and is not income derived from the insurance of United States risks described in section 953(a)(1)(B).

*Example (6).* Assume the same facts as in example (5), except that B Corporation is not a controlled foreign corporation. The income of A Corporation in 1963 from reinsuring the risks of N Corporation is income derived from the insurance of United States risks described in section 953(a)(1)(A) and is not income derived from the insurance of United States risks described in section 953(a)(1)(B).

### § 1.953–4 Taxable income to which section 953 applies.

(a) *Taxable income defined—(1) Life insurance taxable income.* For a controlled foreign corporation which is engaged in the business of reinsuring or issuing insurance or annuity contracts and which, if it were a domestic corporation engaged only in such business, would be taxable as a life insurance company to which part I (sections 801

through 820) of subchapter L of the Code applies, the term "taxable income" means for purposes of paragraph (a) of § 1.953–1 the gain from operations, as defined in section 809(b) and as modified by this section, derived from, and attributable to, the insurance of United States risks. For purposes of determining such taxable income, the provisions of section 802(b) (relating to the definition of life insurance company taxable income) shall not apply. Determinations for purposes of this subparagraph shall be made without regard to section 501(a).

(2) *Mutual and other insurance taxable income.* For a controlled foreign corporation which is engaged in the business of reinsuring or issuing insurance or annuity contracts and which, if it were a domestic corporation engaged only in such business, would be taxable as a mutual insurance company to which part II (sections 821 through 826) of subchapter L of the Code applies or a mutual marine insurance or other insurance company to which part III (sections 831 and 832) of subchapter L of the Code applies, the term "taxable income" means for purposes of paragraph (a) of § 1.953–1 taxable income, as defined in section 832(a) and as modified by this section, derived from, and attributable to, the insurance of United States risks. Determinations for purposes of this subparagraph shall be made without regard to section 501(a).

(3) *Corporations not qualifying as insurance companies.* For special rules applicable under this section in the case of a controlled foreign corporation which, if it were a domestic corporation, would not qualify as an insurance company, see § 1.953–5.

(b) *Certain provisions inapplicable.* In determining taxable income under this section, the following provisions of subchapter L of the Code shall not apply:

(1) Section 809(d)(4), relating to the operations loss deduction;

(2) Section 809(d)(5), relating to certain nonparticipating contracts;

(3) Section 809(d)(6), relating to certain accident and health insurance and group life insurance;

(4) Section 809(d)(10), relating to small business deduction;

(5) Section 817(b), relating to gain on property held on December 31, 1958, and certain substituted property acquired after 1958; and

(6) Section 832(c)(5), relating to capital losses.

(c) *Computation of reserves required by law*—(1) *Law applicable in determining reserves.* The reserves which will be taken into account as reserves required by law under section 801(b)(2), both in determining for any taxable year whether a controlled foreign corporation is a controlled foreign corporation described in paragraph (a)(1) or paragraph (2) of this section and in determining taxable income of such corporation for the taxable year under paragraph (a) of this section, shall be the following reserves:

(i) *Reserves required by the law of a State.* The reserves which are required by the law of the State or States to which the insurance business of the controlled foreign corporation is subject, but only with respect to its United States business, if any, which is taxable under section 819(a).

(ii) *Reserves deemed to be required.* To the extent of such controlled foreign corporation's insurance business not taxable under section 819(a)—

(a) Except as provided in subdivision (b) of this subdivision (ii), the reserves which would result if such reserves were determined by applying the minimum standards of the law of New York as if such controlled foreign corporation were an insurance company transacting all of its insurance business (other than its United States business which is taxable under section 819(a)) for such taxable year in such State, and

(b) With respect to all risks covered by insurance ceded to such controlled foreign corporation by an insurance company to which apply the provisions of subchapter L of the Code (determined without regard to section 501(a)) and in respect of which an election is made by or on behalf of such controlled foreign corporation to determine its reserves in accordance with this subdivision (b), the amount of reserves against such risks which would result if all of such reserves were determined by applying the law of the State, to which the risks in the hands of such insurance company are subject, as if such controlled foreign corporation were an insurance company engaged in reinsuring such risks in such State.

(2) *Rules of application.* For purposes of subparagraph (1) of this paragraph, the following rules shall apply:

(i) *Life insurance reserves computed on preliminary term basis.* For purposes of determining under paragraph (a) of this section the taxable income of a controlled foreign corporation, an election may be made by or on behalf of such corporation that the amount of reserves which are taken into account as life insurance reserves with respect to contracts for which reserves are computed on a preliminary term basis shall be determined as provided in section 818(c). This election shall apply, subject to section 818(c), to all life insurance reserves of the controlled foreign corporation, whether or not reserves applicable to the United States business taxable under section 819(a). However, reserves determined as provided in section 818(c) shall not be taken into account in determining whether a controlled foreign corporation is a controlled foreign corporation described in paragraph (a)(1) or paragraph (2) of this section.

(ii) *Actual reserves required.* (a) A controlled foreign corporation will be considered to have a reserve only to the extent the reserve has been actually held during the taxable year for which such reserve is claimed.

(b) For determining when reserves are required by the law of a State, see paragraph (b) of § 1.801–5 of this chapter.

(iii) *Total reserves to be taken into account.* The total reserves of a controlled foreign corporation shall be taken into account in determining whether such corporation is a controlled foreign corporation described in paragraph (a)(1) or paragraph (2) of this section. Therefore, in making such determination, the reserves which, under subparagraph (1)(i) of this paragraph, are required by the law of any State shall be taken into account together with the reserves which, under subparagraph (1)(ii) of this paragraph, are deemed to be required. Moreover, reserves applicable to the reinsuring or the issuing of insurance or annuity contracts of both United States risks and foreign risks shall be taken into account. Finally, except as provided in subdivision (i) of this subparagraph, the reserves which are taken into account in determining whether a controlled foreign corporation is a controlled foreign corporation described in paragraph (a)(1) or paragraph (2) of this section shall be the same reserves which are taken into account in determining under paragraph (a) of this section the taxable income of such corporation.

(iv) *Method of comparing reserves when subject to more than one State.* If the insurance business of a controlled foreign corporation is subject to the law of more than one State, the amount of reserves taken into account under subparagraph (1)(i) of this paragraph shall be the amount of the highest aggregate reserve required by any State, determined as provided in paragraph (a) of § 1.801–5 of this chapter.

(d) *Domestic corporation tax attributes.* In determining taxable income of a controlled foreign corporation under this section there shall be allowed, except as provided in section 953(b), this section, and § 1.953–5, the exclusions and deductions from gross income which would be allowed if such corporation were a domestic insurance company engaged in the business of only reinsuring or issuing the insurance or annuity contracts which have been reinsured or issued by such corporation. For this purpose, the provisions of sections 819, 821(e), 822(e), 831(b), and 832(d), relating to foreign insurance companies, shall not apply; however, for the exclusion from the taxable income determined under section 953 of amounts derived from sources within the United States, see section 952(b) and paragraph (b) of § 1.952–1. Furthermore, taxable income shall be determined under this section without regard to section 882(b) and (c), relating to gross income and deductions of a foreign corporation, and without regard to whether the controlled foreign corporation is carrying on an insurance business in the United States. For other rules relating to the determination of gross income and taxable income of a foreign corporation for purposes of subpart F, see § 1.952–2.

(e) *Limitation on certain amounts in respect of United States risks.* In determining taxable income under this section the following amounts shall not, in accordance with section 953(b)(4), be taken into account except to the extent they are attributable to the reinsuring or issuing of any insurance or annuity contract in connection with United States risks described in § 1.953–2 or § 1.953–3:

(1) The amount of premiums determined under section 809(c)(1);

(2) The net decrease in reserves determined under section 809(c)(2);

(3) The net increase in reserves determined under section 809(d)(2); and

(4) The premiums earned on insurance contracts during the taxable year, as determined under section 832(b)(4).

For the allocation and apportionment of such amounts to income from the insurance of United States risks, see paragraphs (f) and (g) of this section.

(f) *Items allocated or apportioned*—(1) *Rules of allocation or apportionment.* In determining taxable income under this section, first determine all items of income, expenses, losses, and other deductions which directly relate to the premiums received for the reinsuring or the issuing of any insurance or annuity contract in connection with United States risks, as defined in §§ 1.953–2 and 1.953–3, and allocate such items to the insurance of United States risks. For example, the deductions allowed by section 809(d)(1), relating to death benefits, section 809(d)(3), relating to dividends to policyholders, and section 809(d)(7), relating to the assumption by another person of liabilities under insurance contracts, shall be allocated to the insurance of United States risks to the extent they relate directly to the premiums received for reinsuring or issuing insurance or annuity contracts in connection with United States risks. Next, determine all items of income, expenses, losses, and other deductions which directly relate to the premiums received for the reinsuring or the issuing of any insurance or annuity contract in connection with foreign risks and allocate such items to the reinsuring of foreign risks. Finally, determine all items of income, expenses, losses, and other deductions which relate to the premiums received for the reinsuring or the issuing of any insurance or annuity contract in connection with both United States risks and foreign risks, and, except as provided in paragraph (g) of this section, apportion such items between the insurance of United States risks and the insurance of foreign risks in the manner prescribed in subparagraph (2) or (3) of this paragraph, as the case may be. As used in this section, the term "foreign risks" means risks which are not United States risks as defined in § 1.953–2 or § 1.953–3.

(2) *Method of apportionment in determination of life insurance taxable income*—(i) *Investment yield and net long-term capital gain.* Unless they can be allocated to the insurance of United States risks, as provided in subparagraph (1) of this paragraph, in determining a controlled foreign corporation's taxable income for any taxable year under paragraph (a)(1) of this section—

(a) The investment yield under section 804(c),

(b) The amount (if any) under section 809(b)(1)(B) by which the net long-term capital gain exceeds the net short-term capital loss, and

(c) Those deductions allowed under section 809(d)(8), (9), and (12) which relate to gross investment income

shall be apportioned to the reinsuring and issuing of insurance and annuity contracts in connection with United States risks in an amount which bears the same ratio to each of such amounts of investment yield, excess gain, and deductions as the sum of the mean of each of the items described in section 810(c) at the beginning and end of the taxable year attributable to reinsuring and issuing any insurance and annuity contracts in connection with United States risks bears to the sum of the mean of each of the items described in section 810(c) at the beginning and end of the taxable year attributable to reinsuring and issuing all insurance and annuity contracts. Thus, for example, if the ratio which the sum of the mean of each of the items described in section 810(c) at the beginning and end of the taxable year attributable to reinsuring and issuing insurance and annuity contracts in connection with United States risks bears to the sum of the mean of each of the items described in section 810(c) at the beginning and end of the taxable year attributable to reinsuring and issuing all insurance and annuity contracts in one to three, then, unless an allocation to the insurance of United States risks can be made as provided in subparagraph (1) of this paragraph, one-third of each of such amounts of investment yield, excess gain, and deductions shall be apportioned to the reinsuring and issuing of insurance and annuity contracts in connection with United States risks, and two-thirds of each of such amounts shall be apportioned to the reinsuring and issuing of insurance and annuity contracts in connection with foreign risks.

(ii) *Other income and deductions*—(a) *Amount taken into account.* In determining a controlled foreign corporation's taxable income for any taxable year under paragraph (a)(1) of this section, all items of income taken into account under section 809(c)(3), relating to other amounts of gross income, and the other deductions allowed under section 809(d)(12) to the extent that such other deductions do not relate to gross investment income shall be apportioned to the reinsuring and issuing of insurance and annuity contracts in connection with United States risks in an amount which bears the same ratio to each of such items of income or of such other deductions as the numerator determined under (b) of this subdivision bears to the denominator determined under (c) of this subdivision.

(b) *Numerator.* The numerator used for purposes of the apportionment under (a) of this subdivision shall be an amount which equals the amount determined under (c) of this subdivision, but only to the extent that the amount so determined is taken into account under paragraph (e) of this section in determining taxable income for the taxable year.

(c) *Denominator.* The denominator used for purposes of the apportionment under (a) of this subdivision shall be an amount which equals—

(1) The amount of premiums determined under section 809(c)(1) for the taxable year, plus

(2) The net decrease in reserves determined under section 809(c)(2) for such year, minus

(3) The net increase in reserves determined under section 809(d)(2) for such year.

(iii) *Reserves used in apportionment formula.* The rules for determining which reserves are taken into account in determining the taxable income of a controlled foreign corporation under paragraph (a) of this section shall also apply under subdivision (ii) (b) and (c) of this subparagraph in determining the net decrease in reserves under section 809 (c)(2) or the net increase in reserves under section 809(d)(2). See paragraph (c) of this section.

(3) *Method of apportionment in determination of mutual and other insurance income*—(i) *In general.* In determining a controlled foreign corporation's taxable income for any taxable year under paragraph (a)(2) of this section, any item which is required to be apportioned under subparagraph (1) of this paragraph shall be apportioned to the reinsuring and issuing of insurance and annuity contracts in connection with United States risks in an amount which bears the same ratio to the total amount of such item as the amount of premiums earned on insurance contracts during the taxable year which is required to be taken into account by such corporation under paragraph (e)(4) of this section in determining such taxable income bears to the total amount of all its premiums earned (as determined under section 832(b)(4)) on insurance contracts during the taxable year.

(ii) *Reserves used in apportionment formula.* The principles of subparagraph (2)(iii) of this paragraph shall apply in determining the reserves included in premiums earned on insurance contracts during the taxable year for purposes of subdivision (i) of this subparagraph.

(g) *Separate accounting.* The methods of apportionment prescribed in subparagraphs (2) and (3) of paragraph (f) of this section for determining taxable income under this section shall not apply if the district director determines that the controlled foreign corporation, in good faith and unaffected by considerations of tax liability, regularly employs in its books of account a detailed segregation of receipts, expenditures, assets, liabilities, and net worth which clearly reflects the income derived from the reinsuring or issuing of insurance or annuity contracts in connection with United States risks. The district director, in making such determination, shall give effect to any foreign law, satisfactory evidence of which is presented by the United States shareholder to the district director, which requires a reasonable segregation of those items of income, expense, losses, and other deductions which relate to determining such taxable income.

(h) *Illustration.* The application of paragraphs (e) and (f) of this section may be illustrated by the following example:

*Example.* Controlled foreign corporation A, incorporated under, and engaged in an insurance business subject to, the laws of foreign country X, is a wholly owned subsidiary of domestic corporation M. Both corporations use the calendar year as the taxable year. Corporation M is a life insurance company as defined in section 801(a); A Corporation would, if it were a domestic corporation, be taxable under part I of subchapter L of the Code. In 1963, A Corporation derives income from the insurance of United States risks as a result of reinsuring the life insurance policies issued by M Corporation on lives of residents of the United States. In 1963, A Corporation also issues policies of life insurance on individuals who are not residents of the United States, but its premiums from the reinsuring of United States risks exceed the 5-percent minimum premium requirement prescribed in paragraph (b) of § 1.953–1. Based upon the facts set forth in paragraph (a) of this example, A Corporation for 1963 has taxable income under this section of $40,200, which is attributable to the reinsuring of life insurance contracts in connection with United States risks, determined in the manner provided in paragraphs (b), (c), and (d) of this example.

(a) A summary of the entire operations of A Corporation for 1963, determined under this section as though such corporation were a domestic life insurance company but without applying paragraph (f) of this section, is as follows:

| Item | Attributable to all insurance | Attributable to reinsuring U.S. risks | Attributable to insuring foreign risks |
|---|---|---|---|
| Investment Income: | | | |
| (1) Investment yield under sec. 804(c) | $90,000 | Unallocable | Unallocable |
| (2) Sum of the mean of each of the items described in sec. 810(c) at beginning and end of 1963 | 2,500,000 | $1,000,000 | $1,500,000 |
| (3) Ratio of (1) to (2) | 60,000 | 20,000 | 35,000 |
| (4) Deductions allowed under sec. 809(d)(8), (9), and (12) which relate to gross investment income. | 10,000 | Unallocable | Unallocable |
| Underwriting Income: | | | |
| (5) Premiums under sec. 809(c)(1) | 600,000 | 200,000 | 400,000 |
| (6) Net decrease in reserves under sec. 809(c)(2) | 10,000 | None | 10,000 |
| (7) Net increase in reserves under sec. 809(d)(2) | 40,000 | 40,000 | None |
| (8) Deductions allowed under sec. 809(d)(6), (9), and (12), which relate to gross investment income, unallocable but as apportioned under paragraph (b)(3) | 10,000 | 4,000 | 6,000 |
| (9) Deductions allowed under sec. 809(d)(8), (9), and (12) which relate to gross investment income: | | | |
| (i) allocable | 330,000 | 110,000 | 220,000 |
| (ii) unallocable | 60,000 | Unallocable | Unallocable |

(b) The unallocable investment yield ($90,000) under paragraph (a)(1) of this example and the unallocable deductions ($10,000) under paragraph (a)(4) relating to gross investment income are apportioned to the reinsuring of United States risks under paragraph (f)(1)(i) of this section in the amounts of $36,000, and $4,000, respectively, determined as follows:

| Item | Attributable to all insurance | Attributable to reinsuring U.S. risks | Attributable to insuring foreign risks |
|---|---|---|---|
| Item: | | | |
| (i) Investment yield under sec. 804(c) (paragraph (a)(1)), unallocable but as apportioned under paragraph (b)(4) | $90,000 | $36,000 | $54,000 |
| (ii) Less: Required interest under sec. 809(a)(2) (paragraph (a)(3)) | 60,000 | 25,000 | 35,000 |
| (iii) Life insurance company's share of investment yield under sec. 809(b)(1)(A) | $30,000 | $11,000 | $19,000 |
| Plus sum of: | | | |
| (iv) Premiums under sec. 809(c)(1) (paragraph (a)(5)) | 600,000 | 200,000 | 400,000 |
| (v) Net decrease in reserves under sec. 809(c)(2) (paragraph (a)(6)) | 10,000 | 10,000 | 10,000 |
| Sum determined under sec. 809(b)(1) | $40,000 | 211,000 | $29,000 |
| Less sum of: | | | |
| (vi) Net increase in reserves under sec. 809(d)(2) (paragraph (a)(7)) | 40,000 | 40,000 | None |
| (vii) Deductions allowed under sec. 809(d)(6), (9), and (12), which relate to gross investment income, unallocable but as apportioned under paragraph (b)(4) (paragraph (a)(8)) | 10,000 | 4,000 | 6,000 |
| (viii) Deductions allowed under sec. 809(d)(8), (9), and (12) which relate to gross investment income (other than deductions allowed under sec. 809(d)(6), (9), and (12)): | | | |
| (a) allocable | 330,000 | $110,000 | $220,000 |
| (b) unallocable | 60,000 | Unallocable | Unallocable |
| (ix) Less: Net increase in reserves under sec. 809(d)(2) attributable to all insurance (paragraph (a)(7)) | $600,000 | | |
| (x) Plus: Net decrease in reserves under sec. 809(c)(2) attributable to all insurance (paragraph (a)(6)) | 10,000 | | |
| (xi) Less: Net increase in reserves under sec. 809(d)(2) attributable to insurance (paragraph (a)(7)) | 40,000 | | |
| (xii) Ratio which constitutes its income derived from the insurance of United States risks for purposes of paragraph (a) of § 1.953–1 is | $570,000 | | |
| (xiii) Premiums under sec. 809(c)(1) attributable to all insurance (paragraph (a)(5)) | $600,000 | | |
| (xiv) Ratio which the numerator determined under subparagraph (1) bears to the denominator determined under subparagraph (2) ($160,000/$570,000)—28%. | | | |
| (xv) Amount of deductions attributable to reinsuring of U.S. risks (28% of $60,000)—$16,800. | | | |

(d) The taxable income of A Corporation for 1963 which constitutes its income derived from the insurance of United States risks for purposes of paragraph (a) of § 1.953–1 is $40,200, determined as follows:

| | | |
|---|---|---|
| (i) Sum of the mean of each of the items described in sec. 810(c) at beginning and end of 1963, attributable to reinsuring U.S. risks (paragraph (a)(2)) | | $1,000,000 |
| (2) Sum of the mean of each of the items described in sec. 810(c) at beginning and end of 1963, attributable to all insurance (paragraph (a)(2)) | | 2,500,000 |
| (3) Ratio of amount under subparagraph (1) to amount under subparagraph (2) ($1,000,000/$2,500,000) | 40% | |
| (4) Amount of investment yield attributable to reinsuring of U.S. risks (40% of $90,000) | $36,000 | |
| (5) Amount of such deductions attributable to reinsuring of U.S. risks (40% of $10,000) | $4,000 | |
| (c) The unallocable deductions ($60,000) under paragraph (a)(6)(ii) of this example which do not relate to gross investment income are apportioned to the reinsuring of United States risks under paragraph (f)(2)(ii)(b) of this section in the amount of $16,800, determined as follows: | | |
| (1) The numerator determined under paragraph (f)(2)(ii)(b) of this section is $160,000, determined as follows: | | |
| (i) Premiums under sec. 809(c)(1) attributable to reinsuring U.S. risks (paragraph (a)(5)) | $200,000 | |
| (ii) Plus: Net decrease in reserves under sec. 809(c)(2) attributable to reinsuring U.S. risks (paragraph (a)(6)) | none | |
| | $200,000 | |
| (2) The denominator determined under paragraph (f)(2)(ii)(c) of this section is $570,000, determined as follows: | | |
| (i) Premiums under sec. 809(c)(1) attributable to all insurance (paragraph (a)(6)) | 10,000 | |
| (ii) Plus: Net decrease in reserves under sec. 809(c)(2) attributable to all insurance (paragraph (a)(6)) | 10,000 | |
| (iii) Less: Net increase in reserves under sec. 809(d)(2) attributable to all insurance (paragraph (a)(7)) | 40,000 | |
| | $570,000 | |
| (3) Ratio which the numerator determined under subparagraph (1) bears to the denominator determined under subparagraph (2) ($160,000/$570,000)—28%. | | |
| (4) Amount of deductions attributable to reinsuring of U.S. risks (28% of $60,000)—$16,800.

derived from the reinsuring or issuing of insurance or annuity contracts. The district director, in making such determination, shall give effect to any foreign law, satisfactory evidence of which is presented by the United States shareholder to the district director, which requires a reasonable segregation of the insurance assets of the controlled foreign corporation.

**§ 1.953–6 Relationship of sections 953 and 954.**

(a) *Priority of application.* For purposes of determining the subpart F income of a controlled foreign corporation under section 952 for any taxable year, the provisions of section 954, relating to foreign base company income, shall be applied, after first applying section 953, only with respect to income which is not income derived from the insurance of United States risks under section 953. For example, the provisions of section 954 may be applied with respect to the income of a controlled foreign corporation which is not income derived from the insurance of United States risks under section 953 because such corporation does not satisfy the 5-percent minimum premium requirement prescribed in paragraph (b) of § 1.953–1, even though such corporation has taxable income, as determined under § 1.953–4, which is attributable to the reinsuring or the issuing of any insurance or annuity contracts in connection with United States risks. In addition, the provisions of section 954 may apply with respect to the income of a controlled foreign corporation to the extent such income is not allocated or apportioned under § 1.953–4 to the insurance of United States risks.

(b) *Decrease in income not material.* It is not material that the income of a controlled foreign corporation is decreased as a result of the application of paragraph (a) of this section. Thus, in applying § 1.953–4 to the income of a controlled foreign corporation described in paragraph (c)(2) of § 1.953–5 which would, but for paragraph (a) of this section, be subject to the provisions of section 954, there shall be allowed, in determining the taxable income derived from the insurance of United States risks under § 1.953–4, a deduction under section 809(a)(1) for the share of each and every item of investment yield set aside for policyholders; it is not material that in determining foreign base company income such deduction would not be allowed under section 954(b)(5). Further, income of a controlled foreign corporation which is required to be taken into account under section 953 in determining income derived from the insurance of United States risks and would, but for the provisions of paragraph (a) of this section, constitute foreign base company income under section 954 shall not be taken into account under section 954(b)(3)(B) in determining whether foreign base company income exceeds 70 percent of gross income for the taxable year.

(c) *Increase in income not material.* It is not material that the income of a controlled foreign corporation is increased as a result of the application of paragraph (a) of this section. Thus, in applying § 1.953–4 to income of a controlled foreign corporation which would, but for paragraph (a) of this section, be subject to the provisions of section 954, it is not material that the dividends, interest, and gains from the sale or exchange of stock or securities derived from certain investments which would not be included in foreign personal holding company income under section 954(c)(3)(B) are included under section 953 in income derived from the insurance of United States risks. Further, income of a controlled foreign corporation which is required to be taken into account under section 953 in determining income derived from the insurance of United States risks and would, but for paragraph (a) of this section, constitute foreign base company income shall not be excluded under section 954(b)(3)(A) for the taxable year.

**§ 1.954–2 Foreign personal holding company income.**

* * * * * *

(d) *Certain income received from unrelated persons in the active conduct of a trade or business.* * * *

(3) *Dividends, interest, and gains on securities, derived from investments by insurance companies and received from unrelated persons—*

(i) *In general.* Foreign personal holding company income of a controlled foreign corporation which is an insurance company does not include dividends or interest derived from, or the excess of gains over losses from sales or exchanges of stock or securities held as, investments if its unearned premiums or of its reserves which are ordinary and necessary for the proper conduct of its insurance business, if such dividends or interest is received from, or if such sales or exchanges are made to or with, unrelated persons, as defined in paragraph (e)(2) of § 1.954–1. See section 954(c)(3)(B). Although the name, charter powers, and subjection to the insurance laws of a foreign country are significant in determining the business which a controlled foreign corporation is authorized and intends to carry on, the character of the business actually done in the taxable year shall determine whether it is an insurance company for purposes of section 954(c)(3)(B). The term "unearned premium," as used in this subparagraph, means the amount which will cover the cost of carrying the insurance risk for the period for which the premium has been paid in advance.

(ii) *Reserves which are ordinary and necessary.* In determining, for purposes of this subparagraph, whether a reserve is ordinary and necessary for the proper conduct of an insurance business, an insurance company will be permitted to make use of the highest reserve which it is required to maintain with respect to such business by a foreign country or State or possession of the United States, in which it carries on insurance business. If no jurisdiction in which an insurance company carries on its insurance business requires a reserve to be maintained, the district director may require the United States shareholder of such insurance company to submit such detailed information with respect to such company's actual experience as is deemed necessary to establish that the reserve is ordinary and necessary for the proper conduct of its insurance business; however, for this purpose, reserves which are determined on the basis of recognized mortality or morbidity tables and assumed rates of interest will generally be accepted by the district director as being ordinary and necessary. For purposes of this subparagraph, a reserve must actually be held by the insurance company for the taxable year (or for such part of such year as may be applicable) for which the reserve is claimed in order to be considered ordinary and necessary for the proper conduct of the insurance business. Notwithstanding the foregoing provisions of this subdivision, a reserve will be considered ordinary and necessary for the proper conduct of the insurance business for purposes of this subparagraph if, assuming the controlled foreign corporation were for the taxable year an insurance company to which section 953 applies for such year, such reserve would be taken into account in determining the taxable income of such corporation for such year under paragraph (a) of § 1.953–4.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 64–13092; Filed, Dec. 22, 1964; 8:45 a.m.]

# Title 7—AGRICULTURE

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 4]

## PART 1421—GRAINS AND RELATED COMMODITIES

### Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities, are hereby further amended to increase from 3.875 to 4.1 percent per annum, effective December 27, 1964, the rate of interest on certificates evidencing participation in financing price support loans.

I. Section 1421.3825(a) is amended to read as follows:

**§ 1421.3825 Rate of interest and basis of computation of interest earned.**

(a) *Rate of interest.* Certificates shall earn interest at the rate of 3.70 percent per annum through and including November 14, 1964, 3.875 percent per annum from November 15, 1964, through and including December 26, 1964, and 4.1 percent per annum thereafter.

* * * * * *



(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on December 21, 1964.

E. A. JAENKE,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64–13266; Filed, Dec. 22, 1964; 10:50 a.m.]

[Amdt. 5]

## PART 1427—COTTON

### Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton

INCREASE IN RATE OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 6192, as amended, containing the terms and conditions under which commercial banks may participate in pools of CCC price support loans on cotton are hereby further amended to increase from 3.875 to 4.1 percent per annum, effective December 27, 1964 the rate of interest on certificates evidencing participation in financing cotton price support loans.

Section 1427.1238 is amended to read as follows:

**§ 1427.1238 Rate of interest and basis of computation of interest earned.**

Certificates shall earn interest at the rate of 3.70 percent per annum through and including November 14, 1964, 3.875 percent per annum from November 15, 1964, through and including December 26, 1964 and 4.1 percent per annum thereafter. This interest rate of 4.1 percent may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided*, That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 15 days subsequent to the date of publication of such amendment in the FEDERAL REGISTER. Interest earned will be paid on a 365-day basis from and including the date shown on the certificate to, but not including, the maturity date of the certificate, the date the certificate is purchased by CCC, or the date the certificate is to be presented to CCC for purchase in accordance with notice given the holder of record pursuant to § 1427.1237, whichever date first occurs. If the amount of accrued interest on a certificate presented for purchase is $3.00 or less, CCC shall not be obligated to pay any interest on the certificate.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on December 21, 1964.

E. A. JAENKE,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64–13267; Filed, Dec. 22, 1964; 10:50 a.m.]

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 18,674]

## PART 545—OPERATIONS

### Branch Offices; Correction

DECEMBER 21, 1964.

Resolved that in Federal Register Document No. 64–13120 amending Part 545 of Subchapter C of Chapter V of Title 12 of the Code of Federal Regulations, published at 29 F.R. 18154, the following correction is hereby made: The word "more" in subparagraph (2) of paragraph (b) of § 545.14, as amended, is changed to "less". As so corrected, subparagraph (2) of paragraph (b) of § 545.14, as amended effective December 11, 1964, reads as follows:

**§ 545.14 Branch office.**

* * * * * *

(b) * * *

(2) Less than 12 months have expired from the date of publication of the notice of application for the association's most recently approved branch, if not yet opened;

* * * * * *

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 64–13253; Filed, Dec 22, 1964; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SO–39]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zones and Designation of Transition Areas; Correction

On December 4, 1964, Federal Register Document No. 64–12385 was published in the FEDERAL REGISTER (29 F.R. 16245) which amended Part 71 of the Federal Aviation Regulations. A portion of the Greensboro, N.C., transition area extending upward from 700 feet above the surface was designated to 8 miles SE of the Rebel Intersection. The Rebel Intersection is established by the intersection of the Greensboro ILS SE course and the Greensboro VOR 087° radial. The designation of the transition area should have been within 2 miles each side of the Greensboro ILS SE course to 8 miles SE of the Greensboro VOR 087° radial in lieu of referring to the Rebel Intersection. Action is taken herein to correct this discrepancy.

Since this correction is editorial in nature, notice and public procedure hereon are unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document No. 64–12385 is altered as follows: In the description of the Greensboro, N.C., transition area "Rebel Intersection;" is deleted and "Greensboro VOR 087° radial;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on December 15, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64–13185; Filed, Dec. 22, 1964; 8:48 a.m.]

[Airspace Docket No. 64–SO–54]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Designation of Transition Area; Correction

On November 5, 1964, Federal Register Document No. 64–11278 was published in the FEDERAL REGISTER (29 F.R. 14982) which amended Part 71 of the Federal Aviation Regulations. This amendment specified the location of the NAS Atlanta TACAN as latitude 33°54'08" N., longitude 84°30'35" W. whereas it is actually located at latitude 33°55'02.9" N., longitude 84°32'05.5" W.

The designated airspace based upon this facility is described as 2 miles each side of the 301° radial of the NAS Atlanta TACAN and the insertion of the latitude and longitude coordinates of the NAS Atlanta TACAN in the description serves no useful purpose. Action is taken herein to correct this discrepancy.

Since this correction is editorial in nature, notice and public procedure hereon are unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document No. 64–11278 is altered as follows: In the description of the Atlanta, Ga. (Dobbins AFB/NAS Atlanta) control zone "(Lat. 33°54'08" N, Long. 84°30'35" W)" is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on December 15, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64–13186; Filed, Dec. 22, 1964; 8:48 a.m.]

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter I—Federal Power Commission

[Docket Nos. R-232, R-231; Order 290]

## PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

## PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

## PART 141—STATEMENTS AND REPORTS (SCHEDULES)

### Miscellaneous Amendments

DECEMBER 17, 1964.

The Commission, in this order, is concluding the portion of this proceeding wherein, by notice issued January 15, 1963 (28 F.R. 528), it proposed the prescription of accounting requirements with respect to public utilities and licensees to reflect the tax credit for investment in certain depreciable property (investment tax credit) provided under section 2 of the Internal Revenue Act of 1962 (26 U.S.C. 38).[1]

Following the receipt of numerous responses to the invitation in the notice for the submission of comments on the proposals, oral argument was had before the Commission on October 7, 1963. However, due to the pendency in the Congress of legislation dealing with the investment credit, further consideration was postponed until after the enactment of the Revenue Act of 1964 (P.L. 88-272, Feb. 26, 1964).

Thereafter, on May 1, 1964, the Commission announced the accounting treatment it proposed to provide—that the accounting to be prescribed should afford the various choices afforded by the Congress in that Act to the companies affected. Then, as also there announced, the Commission issued, on September 1, 1964, a notice of proposed rulemaking (29 F.R. 12735, Sept. 9, 1964) with respect to public utilities and licensees. It is the subject matter of that notice which is now before use for action.

The September 1 notice provided for the submission of comments from interested parties by October 15, 1964. Comments were received from 31 sources including licensees, public utilities, distributors, State regulatory agencies, firms of accountants, the National Association of Railroad and Utilities Commissioners Committee on Accounts and one Federal agency. The majority of the responses approve the basic accounting proposed in the notice. Some requested clarification in texts, 12 recommended deletion of the amendment (attachment C to the notice) which proposed an amendment with respect to annual reports to stockholders, 3 requested that we provide accounting for balances accumulated in 1962 and 1963 under the interim order of the Commission, 12 recommended removal of the provision that approval by the Commission is needed for accounting changes when a company changes its election to pass or not to pass on the benefits of the tax credit to consumers, 2 included recomendations for changes in the reporting schedules, 1, a public utility, questioned the authority to issue the regulations and requested a hearing, and 3 distribution companies requested opportunity to appear if a hearing should be held.

All comments, recommendations and objections have been carefully considered. Many of the clarifying suggestions have been adopted and we will provide, as requested by three respondents, for the disposition of the investment tax credits which have been accumulated in Account 253 pursuant to the Commission's Interim Order of January 9, 1963, in Docket No. R-231.

Many of the comments were most helpful, some with respect to substance and others which suggested pertinent clarifying changes in the text of the accounts. As a result, we are modifying certain language and account requirements that were originally proposed in the notice. Most significant is the change in paragraph A of Account 255, which we are modifying to permit changes in accounting methods used for the investment tax credits relating to nonelectric and other operations as authorized in paragraph C of that Account without specific authorization by the Commission. A similar conforming change has been made in Account 411.1. Paragraph B, as here adopted, refers solely to electric utility property rather than to total property as was implied in the notice. Finally, paragraph D has been modified so that companies will not be required to keep records on each of the properties acquired but rather on total properties acquired during the year on a weighted-average service life basis. An addition to the account also provides that tax investment records related to property acquisitions are not necessary when tax credits are not deferred. Slight conforming modifications have been made in the schedules being added to the annual report forms, FPC Nos. 1 and 1-F.

Since the Commission's authority to prescribe the basic accounting to be followed by public utilities and licensees is firmly established, questions raised on that issue by certain of the respondents are clearly without merit.

Paragraphs 2 and 3 of the September 1 notice herein fully explain the provisions of the Revenue Acts of 1962 and 1964 upon which this proceeding is based and the conclusions the Commission reached with respect to the proper and adequate accounting treatment for investment tax credits. The statements there made are still pertinent.

As we previously indicated, under section 2 of the Revenue Act of 1962 (26 U.S.C. 38), a credit is provided against Federal income tax, based on investment in certain depreciable property placed in service during the tax year. Limitations on the amount of the credit which may be applied against the tax in any 1 year are provided, as well as carry-back and carry-forward provisions. The amount of the credit is 7 percent for qualified property with the exception of public utility property, for which a credit of 3 percent is allowed. Section 203(e) of the Revenue Act of 1964 places limitations on the amount of the investment tax credit which may be used by the Commission in any 1 year to reduce the Federal income tax of public utilities and licensees for the purpose of establishing cost of service for these utilities. In the case of public utility property, the Commission may use for this purpose no more than "a proportionate part (determined with reference to the average useful life of the property with respect to which the credit was allowed) of the credit against tax allowed for any taxable year * * *," without the consent of the taxpayer. Section 203(e) specifically recognizes that such public utilities and licensees may voluntarily pass along the entire amount of the tax credit in the year that it is used to reduce tax liability to their customers in the form of lower rates. It should also be noted that the Revenue Act of 1964 does not restrict the states in their treatment of the investment tax credit for ratemaking purposes.

In interpreting section 203(e) the Commission has concluded that the accounting prescribed for public utilities and licensees should accommodate the choices afforded the public utilities and licensees by the Congress, and that it should give such companies the option in accounting for the investment tax credit to elect between (1) prorating the benefits of the investment tax credit over a period of years not to exceed the useful life of the property which gave rise to the credit, by means of a deferral account; or (2) reflecting the benefits of the investment tax credit in the income statement of the year in which the credit is used to reduce income taxes.

The accounting we have prescribed herein is sufficiently flexible to accommodate any requirement which might be imposed upon a company by one or more state regulatory bodies which might have cognizance over some of the company's operations. Accordingly, there should be no problems caused by the possibility of conflicts between state regulatory bodies or between such groups and this Commission.

Upon consideration of the entire record in this proceeding, the Commission further finds:

(1) The amendments herein adopted are necessary and appropriate for the purposes of the administration of the Federal Power Act.

(2) Since the amendments to the Uniform System of Accounts herein adopted will, in effect, supersede the interim accounting prescribed in Order No. 261, in Docket No. R-231, issued January 9, 1963, and the Interim Order in Docket No. R-232, issued January 23, 1964, it is appropriate to terminate those orders insofar as they relate to accounting by public utilities and licensees.

(3) In view of the termination referred to in finding clause (2), above, it is necessary and appropriate for the purposes of the Administration of the Federal Power Act to provide, as hereinafter ordered, for the disposition of amounts of investment tax credits which have been accumulated in Account 253, Other deferred credits, pursuant to the directions contained in Order No. 261.

(4) Since it is desirable that the new schedule being added to F.P.C. Form Nos. 1 and 1-F be made available for reporting for the year 1964, good cause exists for making the amendments herein effective forthwith.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825(a), 825c(a) and 825h), orders:

(A) Parts 101, 104, and 105, Uniform System of Accounts prescribed for public utilities and licensees, Subchapter C of Chapter I, Title 18 of the Code of Federal Regulations, are amended by adding at appropriate points therein two new accounts, viz, Account 255, Accumulated deferred investment tax credits and Account 411.1, Investment tax credit adjustments, to read, respectively, as set out in Attachment A, hereto.

(B) F.P.C. Forms Nos. 1 and 1-F, prescribed for public utilities and licensees by §§ 141.1 and 141.2, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, are amended, effective for the reporting year 1964, by adding at appropriate points therein, two new schedules, viz: Investment Tax Credits Generated and Utilized and Accumulated Deferred Investment Credits (Account 255), to read as set forth in Attachment B, hereto.[2]

(C) Paragraph (d) of the aforesaid § 141.1 and paragraph (c) of the aforesaid § 141.2 are amended respectively by inserting, to follow the line "Accumulated Deferred Income Taxes" in § 141.1 (d), and to precede the line "Verification" in § 141.2(c) the following new schedule titles:

Investment Tax Credits Generated and Utilized.
Accumulated Deferred Investment Tax Credits.

(D) The aforesaid Part 141 is amended by adding a new § 141.100 to read as follows:

**§ 141.100 General requirements for annual reports to stockholders and others.**

All annual reports to stockholders and others shall include an appropriate summary of the investment tax credits generated and utilized and a statement of the accounting method elected by the company in connection with the utilization of the credits.

(Secs. 301, 304, 309, 49 Stat. 854, 855, 858; 16 U.S.C. 825(a), 825c(a), 825h)

(E) Effective upon the issuance of this order, the provisions of Order No. 261 in Docket No. R-231 and the Interim Order of January 23, 1964, in Docket No. R-232 are terminated to the extent that they relate to public utilities and licensees.

(F) In view of our order herein terminating Order No. 261, issued January 9, 1963, insofar as it relates to the interim accounting of public utilities and licensees, such companies shall dispose of the amounts of accumulated investment tax credits in Account 253, Other deferred credits, accumulated in accordance with the interim procedure established by that order during 1962 and 1963 as follows:

1. Companies which will not follow deferral accounting for nonelectric and other operations whereby all or a part of the tax credits are not to be passed on to customers in accordance with the provisions of this order and the texts of accounts prescribed herein, shall credit all or such portion of those balances as applicable to Account 421, Miscellaneous Nonoperating Income, for the reporting period ending December 31, 1964.

2. Companies which will not follow deferral accounting whereby all or a part of the tax credits are to be passed on to electric utility customers in accordance with the provisions of this order and the texts of accounts prescribed herein, shall credit all or such portion of those balances as applicable to Account 411.1, Investment Tax Credit Adjustments, for the reporting period ending December 31, 1964.

3. Companies which will follow deferral accounting for all or a part of the investment tax credits in accordance with the provisions of this order and the texts of accounts prescribed herein, shall transfer the applicable balances from Account 253 to Account 255, Accumulated Deferred Investment Tax Credits. Any amounts in such balances shall be recorded in the same manner as if the procedures and instructions in texts of Accounts 255 and 411.1 as promulgated in this order, had been effective in 1962 and 1963. In other words, amounts under deferral accounting procedures pertaining to 1962 and 1963 that would have been amortized in those respective years to Account 411.1 or to nonelectric or to other operations accounts had this order been then in effect, shall be recorded in the same manner as the amounts to be amortized for 1964.

It is recognized that for 1964 the amounts that will be shown as credits to Account 411.1 and to other accounts will be overstated. It is believed that such amounts should not be sufficiently large in most instances to distort the net income of reporting companies. Separation of the amounts in Account 411.1 by years (1962, 1963 and 1964) will be shown in the schedules of F.P.C. Forms Nos. 1 and 1-F prescribed herein.

(G) The caption of Docket No. R-232 is amended, for the purposes of this order, to read as set forth above.

(H) The amendments herein made to Parts 101, 104 and 141 and to Annual Report F.P.C. Forms Nos. 1 and 1-F shall be effective upon the issuance of this order.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

PROPOSED NEW ACCOUNTS FOR UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES

ACCOUNT 255—ACCUMULATED DEFERRED INVESTMENT TAX CREDITS

A. This account shall be credited and Account 411.1, Investment Tax Credit Adjustments, debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. There can be neither changes in accounting method for electric utility operations nor transfers from this account, except as authorized herein or as may otherwise be authorized by the Commission (see Account 411.1).

B. This account shall be debited and Account 411.1 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate, or such lesser period of time as may be adopted and consistently followed by the company.

C. Subdivisions of this account by department shall be maintained for deferred investment tax credits that are related to nonelectric utility or other operations. Contra entries affecting such account subdivisions shall be appropriately recorded in Account 414, Other Utility Operating Income; Account 416, Costs and Expenses of Merchandising, Jobbing, and Contract Work; Account 417, Income from Nonutility Operations; or Account 418, Nonoperating Rental Income. Use of deferral or nondeferral accounting procedures adopted for nonelectric utility or other operations are to be followed on a consistent basis.

D. Separate records for electric and nonelectric utility or other operations shall be maintained identifying the properties giving rise to the investment tax credits for each year with the weighted-average service life of such properties and any unused balances of such credits. Such records are not necessary unless the tax credits are deferred.

ACCOUNT 411.1—INVESTMENT TAX CREDIT ADJUSTMENTS

A. This account shall be debited with the amounts of investment tax credits related to electric utility property that are credited to Account 255, Accumulated Deferred Investment Tax Credits, by companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year in which such credit is realized (see Account 255).

B. This account shall be credited with the amounts debited to Account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and consistently followed by the company.

[F.R. Doc. 64-13156; Filed, Dec. 22, 1964; 8:46 a.m.]

[1] On Jan. 9, 1963, the Commission had prescribed an interim accounting treatment (Order No. 261 in Docket No. R-231, 29 FPC 62, 28 F.R. 402) to be followed by the companies in closing their books for the year 1962 and in accounting for income taxes. Order No. 261 was continued in effect by a subsequent Interim Order, still effective with respect to public utilities and licensees as of the date hereof, issued in the instant proceeding January 23, 1964 (31 FPC —, 29 F.R. 1567). The portion of this proceeding relating to natural gas companies was concluded by Order No. 289, issued Nov. 2, 1964 (32 FPC —, 29 F.R. 15020).

[2] Filed as part of the original document.

[3] Commissioner O'Connor's dissenting statement filed as part of the original document.

[Docket No. R-232; Order 289-A]

## PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

### Investment Tax Credit

DECEMBER 17, 1964.

On November 2, 1964, the Commission issued Order No. 289 (32 FPC —, 29 F.R. 10520) in which it prescribed, among other things, a new Account 255, Accumulated deferred investment tax credits for use by natural gas companies under the Natural Gas Act (15 U.S.C. 717g).

Concurrently herewith, we are issuing Order No. 290 in which we prescribe generally similar accounting requirements for public utilities and licensees under the Federal Power Act (16 U.S.C. 825). As a result of the comments received relating to public utilities and licensees in Docket No. R-232, we revised Paragraph B of Account 255, as originally proposed, to permit changes in accounting method with respect to other than electric utility operations. A similar change should be made, as well, to that account as it applies to natural gas companies. Accordingly, we are here amending Paragraph B of Account 255, as prescribed in Order No. 289 to clarify our intention that the instruction relates solely to gas utility property and related consumers.

The Commission finds:

(1) The amendment herein adopted is necessary and appropriate for the purpose of the administration of the Natural Gas Act.

(2) For the reasons expressed above and in Order No. 289, it is unnecessary to comply with the notice and effective date provisions of section 4 of the Administrative Procedure Act.

The Commission, acting pursuant to the authority set out in Order No. 289, orders:

(A) Effective upon the issuance of this order, Paragraph B of Account 255, prescribed by Order No. 289 as an amendment to Part 201, Subchapter F, Chapter I, Title 18 of the Code of Federal Regulations, is amended by changing the words "useful life of the property", to "useful life of gas utility property". As so amended, Paragraph B of Account 255 will read as follows:

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and Account 411.1 credited with a proportionate amount determined in relation to the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to Account 420.

(Secs. 8, 16, 52 Stat. 825, 830; 15 U.S.C. 717g, 717o)

(B) The caption of Docket No. R-232 is amended, for the purposes of this order, to read as set forth above.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-13155; Filed, Dec. 22, 1964; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ROSINS AND ROSIN DERIVATIVES

Several comments were received in response to the notice of proposed rule making published in the FEDERAL REGISTER of April 17, 1964 (29 F.R. 5278), relative to the amendment of the regulations with respect to food additives resulting from the use of rosins and rosin derivatives as components of articles intended for use in contact with food. The Commissioner of Food and Drugs has studied the data submitted and the suggestions made were accepted in part and rejected in part as will be noted from the amendments published below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1784 et seq.; 21 U.S.C. 348), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended in the following respects:

1. By adding to Subpart F the following new section:

**§ 121.2592 Rosins and rosin derivatives.**

The rosins and rosin derivatives identified in paragraph (a) of this section may safely be used in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The rosins and rosin derivatives are identified as follows:

(1) Rosins:

(i) Gum rosin, refined to color grade of K or paler.

(ii) Wood rosin, refined to color grade of K or paler.

(iii) Tall oil rosin, refined to color grade of K or paler.

(iv) Dark tall oil rosin, a fraction resulting from the refining of tall oil rosin produced by multicolumnar distillation of crude tall oil to effect removal of fatty acids and pitch components and having a saponification number of from 110–135 and 32 percent–44 percent rosin acids.

(v) Dark wood rosin, all or part of the residue after the volatile terpene oils are distilled from the oleoresin extracted from pine wood.

(2) Modified rosins manufactured from rosins identified in subparagraph (1) of this paragraph:

(i) Partially hydrogenated rosin, catalytically hydrogenated to a maximum refractive index of 1.5012 at 100° C., and a color of WG or paler.

(ii) Fully hydrogenated rosin, catalytically hydrogenated to a maximum dehydroabietic acid content of 2 percent, a minimum drop-softening point of 79° C., and a color of X or paler.

(iii) Partially dimerized rosin, dimerized by sulfuric acid catalyst to a drop-softening point of 95° C.–105° C., and a color of WG or paler.

(iv) Fully dimerized rosin, dimerized by sulfuric acid catalyst, and from which sufficient nondimerized rosin has been removed by distillation to achieve a minimum drop-softening point of 143° C., and a color of H or paler.

(v) Disproportionated rosin, catalytically disproportionated to a minimum dehydroabietic acid content of 45 percent, a maximum abietic acid content of 1 percent, a maximum content of substituted phenanthrenes (as retene) of 0.25 percent, and a color of WG or paler.

(3) Rosin esters manufactured from rosins and modified rosins identified in subparagraphs (1) and (2) of this paragraph:

(i) Glycerol ester of wood rosin purified by steam stripping to have an acid number of 5 to 9, a drop-softening point of 88° C.–96° C., and a color of N or paler.

(ii) Glycerol ester of partially hydrogenated wood rosin, having an acid number of 3 to 10, a drop-softening point of 79° C.–88° C., and a color of N or paler.

(iii) Glycerol ester of partially dimerized rosin, having an acid number of 3 to 8, a drop-softening point of 109° C.–119° C., and a color of M or paler.

(iv) Glycerol ester of fully dimerized rosin, having an acid number of 5 to 16, a drop-softening point of 165° C.–175° C., and a color of H or paler.

(v) Glycerol ester of maleic anhydride-modified wood rosin, having an acid number of 30 to 40, a drop-softening point of 138° C.–146° C., a color of M or paler, and a saponification number less than 280.

(vi) Methyl ester of rosin, partially hydrogenated, purified by steam stripping to have an acid number of 4 to 8, a refractive index of 1.5170 to 1.5205 at 20° C., and a viscosity of 23 to 66 poises at 25° C.

(vii) Pentaerythritol ester of wood rosin, having an acid number of 6 to 16, a drop-softening point of 109° C.–116° C., and a color of M or paler.

(viii) Pentaerythritol ester of partially hydrogenated wood rosin, having an acid number of 7 to 18, a drop-softening point of 102° C.–110° C., and a color of K or paler.

(ix) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 8 to 16, a drop-softening point of 154° C.–162° C., a color of M or paler, and having a saponification number less than 280.

(x) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 9 to 16, a drop-softening point of 130° C.–140° C., a color of N or paler, and having a saponification number less than 280.

(xi) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 134 to 145, a drop-softening point of 127° C.–137° C., a color of M or paler, and having a saponification number less than 280.

(xii) Pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 30 to 40, a drop-softening point of 131° C.–137° C., a color of N or paler, and having a saponification number less than 280.

(xiii) Pentaerythritol ester of maleic anhydride-modified wood rosin, further modified by reaction with 4,4'-isopropylidenediphenol-formaldehyde condensate, having an acid number of 10 to 22, a drop-softening point of 162° C.–172° C., a color of K or paler, a saponification number less than 280, and a maximum ultraviolet absorbance of 0.14 at 296 mμ (using a 1-centimeter cell and 200 milligrams of the rosin ester per liter of solvent consisting of ethyl alcohol made alkaline by addition of 0.1 percent of potassium hydroxide).

(xiv) Mixed methyl and pentaerythritol ester of maleic anhydride-modified wood rosin, having an acid number of 73 to 83, a drop-softening point of 113° C.–123° C., a color of M or paler, and a saponification number less than 280.

(xv) Triethylene glycol ester of partially hydrogenated wood rosin, having an acid number of 2 to 10, a color of K or paler, and a viscosity of 350 to 425 seconds Saybolt at 100° C.

(xvi) Glycerol ester of maleic anhydride-modified wood rosin, having an acid number of 17 to 23, a drop-softening point of 136° C.–140° C., a color of M or paler, and a saponification number less than 280. For use only in cellophane complying with § 121.2507.

(4) Rosin salts and sizes—Ammonium, calcium, potassium, sodium, or zinc salts of rosin manufactured by the partial or complete saponification of gum rosin, wood rosin, tall oil rosin, dark tall oil rosin, dark wood rosin, partially hydrogenated rosin, fully hydrogenated rosin, or disproportionated rosin as identified in subparagraphs (1) and (2) (i), (ii), and (v) of this paragraph, or blends thereof, and with or without modification by reaction with one or more of the following:

(i) Formaldehyde.

(ii) Fumaric acid.

(iii) Maleic anhydride.

(iv) Saligenin.

(b) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect.

(c) The use in any substance or article that is the subject of a regulation in this Subpart F shall conform with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

(d) The provisions of this section are not applicable to rosins and rosin derivatives identified in § 121.2514(b)(3)(v) and used in resinous and polymeric coatings complying with § 121.2514.

(e) The provisions of this section are not applicable to rosins and rosin derivatives identified in § 121.2520(c)(5) and used in defoaming agents complying with § 121.2519, food-packaging adhesives complying with § 121.2520, and rubber articles complying with § 121.2562.

**§ 121.2507 [Amended]**

2. By amending paragraph (c) of § 121.2507 *Cellophane* as follows:

a. By deleting the following items:

| |
|---|
| Glycerin ester of dimerized rosin. |
| Maleic acid- or maleic anhydride-modified glycerin ester of rosin. |
| Rosin (wood, gum, or tall oil) esterified with methanol and condensed with the reaction product of maleic anhydride, ethylene glycol, and phthalic anhydride. |
| Rosin-maleic anhydride ester. |
| Rosin polymerized (from wood, gum, or tall oil rosin) minimum 20 percent dimer * * *. |

b. By inserting alphabetically the following new items:

| |
|---|
| Polyester resin formed by the reaction of the methyl ester of rosin, phthalic anhydride, maleic anhydride, and ethylene glycol, such that the polyester resin has an acid number of 4 to 11, a drop-softening point of 70° C.–92° C., and a color of K or paler. |
| Rosins and rosin derivatives as provided in § 121.2592. |

**§ 121.2514 [Amended]**

3. By amending paragraph (b)(3) of § 121.2514 *Resinous and polymeric coatings* as follows:

a. By changing the introduction to subdivision (v)(*a*) to read:

(*a*) Rosins, refined to color grade of K or paler:

b. By changing the item "Rosin-maleic acid adduct" in subdivision (vii)(*a*) to read:

| |
|---|
| Terpene-maleic acid adduct. |

c. By deleting from subdivision (vii)(*b*) the item "Rosin and rosin acids" and by inserting alphabetically the following new item:

| |
|---|
| Rosins listed in subdivision (v)(*a*) of this subparagraph, for use only as reactants in oil-based or fatty acid-based alkyd resins. |

**§ 121.2519 [Amended]**

4. By amending paragraph (d) of § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* as follows:

a. By deleting from the introduction to subparagraph (2) the term "rosin oils."

b. By inserting alphabetically in subparagraph (3) the following new item:

| |
|---|
| Rosins and rosin derivatives identified in § 121.2520(c)(5). |

**§ 121.2526 [Amended]**

5. By amending paragraph (b) of § 121.2526 *Resinous and polymeric coatings for paper and paperboard* as follows:

a. By changing subparagraph (1) to read as follows:

(b) * * *

(1) Substances identified in § 121.2514(b), with the exception of subparagraph (3)(v), (xxxi), and (xxxii) of that paragraph.

b. By deleting from subparagraph (2) the item "Rosin (wood, gum, or tall oil rosin) * * *".

c. By inserting alphabetically in subparagraph (2) the following new items:

| *List of substances* | *Limitations* |
|---|---|
| * * * | * * * |
| Polyester resin formed by the reaction of the methyl ester of rosin, phthalic anhydride, maleic anhydride, and ethylene glycol, such that the polyester resin has an acid number of 4 to 11, a drop-softening point of 70° C.–92° C., and a color of K or paler. | ---------- |
| Rosin and rosin derivatives. | As provided in § 121.2592. |

**§ 121.2530 [Amended]**

6. By amending paragraph (d)(3) of § 121.2530 *Reinforced wax* by inserting therein alphabetically the new item:

| |
|---|
| Rosins and rosin derivatives as provided in § 121.2592. |

**§ 121.2534 [Amended]**

7. By amending § 121.2534 *Animal glue* by changing the item "Rosin and rosin derivatives * * *" in paragraph (d)(3) to read as follows:

(d) * * *

(3) * * *

| *List of substances* | *Limitations* |
|---|---|
| * * * | * * * |
| Rosins and rosin derivatives. | As provided in § 121.2592. |

**§ 121.2550 [Amended]**

8. By amending § 121.2550 *Closures with sealing gaskets for food containers* in the following respects:

a. By changing the introduction to paragraph (b) to read as follows:

(b) Closure-sealing gaskets and overall discs are formulated from substances identified in § 121.2514(b), with the exception of subparagraph (3)(v), (xxxi), and (xxxii) of that paragraph, and from other optional substances, including the following:

* * * * *

b. By inserting in the "List of substances" in Table 1 of paragraph (b)(5) a new item, immediately following the item "Natural rubber * * *," as follows:

TABLE 1

| *List of substances* | *Limitations (expressed as percent by weight of closure-sealing gasket composition)* |
|---|---|
| * * * | * * * |
| Rosins and rosin derivatives. | As defined in § 121.2514(b)(3)(v) for use only in resinous and polymeric coatings on metal substrates; for all other uses as defined in § 121.2592. |

**§ 121.2556 [Amended]**

9. By amending § 121.2556 *Preservatives for wood* in the following respects:

a. By deleting from the "List of substances" in paragraph (b) the item "Hydrogenated methyl ester of rosin."

b. By inserting alphabetically in the "List of substances" in paragraph (b) a new item as follows:

| *List of substances* | *Limitations* |
|---|---|
| • • • | • • • |
| Rosins and rosin derivatives. | As provided in § 121.2592. |

**§ 121.2557 [Amended]**

10. By amending § 121.2557 *Defoaming agents used in coatings* by inserting alphabetically in the "List of substances" in paragraph (d) (3) a new item as follows:

| *List of substances* | *Limitations* |
|---|---|
| • • • | • • • |
| Rosins and rosin derivatives. | As provided in § 121.2592. |

**§ 121.2562 [Amended]**

11. By amending paragraph (c) (4) of § 121.2562 *Rubber articles intended for repeated use* in the following respects:

a. By deleting from subdivision (iv) the item "Rosin oil" and by changing the item "Rosin and rosin derivatives • • •" in that subdivision to read as follows:

(iv) • • •

Rosins and rosin derivatives identified in § 121.2520(c) (5).

b. By changing the item "Rosin acid salts • • •" in subdivision (viii) to read as follows:

Rosins and rosin derivatives identified in § 121.2520(c) (5).

**§ 121.2571 [Amended]**

12. By amending paragraph (b) of § 121.2571 *Components of paper and paperboard* • • • as follows:

a. By changing the items "Resinous and polymeric coatings • • •" and "Rosins and rosin derivatives" to read:

(b) • • •

| *List of substances* | *Limitations* |
|---|---|
| • • • | • • • |
| Resinous and polymeric coatings and their constituents listed in § 121.2514 (b), with the exception of subparagraph (3) (v), (xxxi), and (xxxii). | ---------- |
| • • • | • • • |
| Rosins and rosin derivatives. | As provided in § 121.2592. |

b. By inserting alphabetically the following new item:

| *List of substances* | *Limitations* |
|---|---|
| • • • | • • • |
| Polyester resin formed by the reaction of the methyl ester of rosin, phthalic anhydride, maleic anhydride, and ethylene glycol, such that the polyester resin has an acid number of 4 to 11, a drop-softening point of 70° C.–92° C., and a color of K or paler. | ---------- |

**§ 121.2577 [Amended]**

13. By amending paragraph (b) (2) of § 121.2577 *Pressure-sensitive adhesives* by deleting the items "Glycerol ester of partially hydrogenated wood rosin • • •" and "Pentaerythritol ester of partially hydrogenated wood rosin • • •" and by inserting alphabetically the following new item:

Rosins and rosin derivatives as provided in § 121.2592.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1784; 21 U.S.C. 348)

Dated: December 17, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–13178; Filed, Dec. 22, 1964; 8:47 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

## PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

### Boating

Notice is hereby given that pursuant to authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and 245 DM–1 (28 F.R. 915), it is proposed to amend Part 7 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of these amendments is to delete those portions of the special boating regulations which are no longer required because of newly adopted general boating regulations, and to bring others in line with the present general boating regulations.

Inasmuch as the following amendments and deletions relieve existing restrictions or eliminate duplicating special regulations, they are exempt from the requirements as to advance publication in the Administrative Procedures Act, and shall become effective immediately upon publication in the FEDERAL REGISTER.

Paragraph (g) of § 7.3 is deleted in its entirety.

**§ 7.3 Glacier National Park.**

• • • • • •

(g) *Boats.* [Deleted]

• • • • •

Subparagraph (2) of paragraph (h) of § 7.4 is deleted in its entirety, and paragraph (h) (1) is redesignated as paragraph (h).

**§ 7.4 Grand Canyon National Park.**

• • • • • •

(h) *Travel on water.* • • •
(2) *Sanitation.* [Deleted]

Subparagraphs (2), (5), (7), (8), (9), (10), and (13), of paragraph (d) of § 7.13 are deleted in their entirety. Subparagraph (3) is amended as shown below.

**§ 7.13 Yellowstone National Park.**

• • • • • •

(d) *Boats.* • • •
(2) *Commercial operation.* [Deleted]
(3) *Size and type limitation.* (i) The following waterborne craft are prohibited from being placed or operated upon the waters of the park:
(*a*) [Deleted]

• • • • •

(c) [Deleted]
(*d*) [Deleted]

• • • • •

(5) *Boat equipment and requirements.* [Deleted]

• • • • •

(7) *Rules of the road.* [Deleted]
(8) *Registration of trip.* [Deleted]
(9) *Sanitation.* [Deleted]
(10) *Limitation of boat loads.* [Deleted]

• • • • •

(13) *Accidents.* [Deleted]

• • • • •

Subparagraphs (2), (4), and (5), of paragraph (g) of § 7.22 are deleted in their entirety; subdivisions (ii) through (vii) of subparagraph (3); and (i) through (iv) and (ix) through (xv) of subparagraph (6) are deleted in their entirety.

**§ 7.22 Grand Teton National Park.**

• • • • • •

(g) *Boats.* • • •
(2) *Numbering of boats.* [Deleted]
(3) *Safety requirements and equipment.* • • •
(ii) through (vii) [Deleted]
(4) *Rules of the road.* [Deleted]
(5) *Accidents.* [Deleted]
(6) *Prohibited operation.*
(i) through (iv) [Deleted]

• • • • •

(ix) through (xv) [Deleted]

• • • • •

Paragraph (h) of § 7.34 is deleted in its entirety.

**§ 7.34 Blue Ridge Parkway.**

• • • • • •

(h) *Boating.* [Deleted]

• • • • •

Paragraph (d) of § 7.36 is deleted in its entirety.



**§ 7.36 Mammoth Cave National Park.**

• • • • • •

(d) *Boating.* [Deleted]

• • • • •

Subparagraph (1) of paragraph (e) of § 7.38 is deleted in its entirety.

**§ 7.38 Isle Royale National Park.**

• • • • • •

(e) *Boating.* (1) [Deleted]

• • • • •

The present heading and introductory text of paragraph (l) of § 7.45 are deleted in their entirety, and paragraph (l) (1) is redesignated paragraph (l) to read as follows:

**§ 7.45 Everglades National Park.**

• • • • • •

(l) *Speed of boats.* Except where different speed limits are indicated by posted signs or markers, speed of boats shall not exceed 40 miles per hour in the waters of the park.

• • • • •

Subparagraph (2) of paragraph (a) of § 7.60 is deleted in its entirety.

**§ 7.60 Grand Canyon National Monument.**

(a) *Travel on water.* • • •
(2) *Sanitation.* [Deleted]

Paragraph (b) of § 7.62 is deleted in its entirety.

**§ 7.62 Fort Sumter National Monument.**

• • • • • •

(b) *Prohibited boat landing and docking.* [Deleted]

JACKSON E. PRICE,
*Acting Director.*

[F.R. Doc. 64–13139; Filed, Dec. 22, 1964; 8:45 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 17—MEDICAL

### Authorization of Outpatient Dental Treatment

In § 17.123, paragraph (b) is amended to read as follows:

**§ 17.123 Authorization of outpatient dental treatment.**

• • • • • •

(b) *Class II.* Those having a service-connected noncompensable dental condition or disability shown to have been in existence at time of discharge or release from active service may be authorized any treatment indicated as reasonably necessary for the one-time correction of the service-connected noncompensable dental disability or condition, but only if application for treatment is made within 1 year after discharge or release, except that if a disqualifying discharge or release has been corrected by competent authority application may be made within 1 year after the date of correction or August 14, 1964, whichever is later. When the services rendered on a one-time basis, as provided in this Class II, are found unacceptable within the limitations of good professional standards, such additional services may be afforded as are required to complete professionally acceptable treatment. The foregoing limitations in this Class II as to existence of disability at time of separation from service, time of filing claim, and one-time completion of treatment are not applicable to Classes II (a) and (b).

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective August 14, 1964.

Approved: December 17, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64–13141; Filed, Dec. 22, 1964; 8:45 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

## APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3501]

[Nevada 058648]

## NEVADA

### Withdrawal for Proposed Moapa Valley Pumping Project

*Correction*

In F.R. Doc. 64–12563, appearing at page 16862 of the issue for Wednesday, Dec. 9, 1964, Sec. 35, under T. 14 S., R. 66 E., should read as follows:

Sec. 35, N½ and NE¼SE¼;

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 91—INDUSTRIAL RADIO SERVICES

### Allocation and Assignment of Frequencies

In the matter of editorial amendments to Part 91[1] of the Commission's rules governing the Industrial Radio Services to reflect substantive changes accomplished in previous omnibus rule making proceedings involving the allocation and assignment of frequencies in the 72–76 Mc/s and microwave frequency bands above 952 Mc/s.

The Commission, having under consideration the amendment of Part 91, Industrial Radio Services, to effect the editorial changes described below; and

[1] Prior to December 21, 1963, Part 91 of the Commission's rules had been designated Part 11. All references to Part 11 in the body of this document predate the redesignation of Part 11 as Part 91.

It appearing, that the Commission, by Report and Order (FCC 61–764) Docket No. 14029, in the matter of amendment of Parts 7, 9, 10, 11, 16 and 19 of the Commission's rules for licensing of private microwave systems on a regular basis above 952 Mc and to provide type acceptance requirements for such systems, released June 23, 1961, published in the FEDERAL REGISTER June 29, 1961 (26 F.R. 5798) amended the above enumerated parts to provide, inter alia, special provisions for stations operating above 952 Mc/s and type acceptance requirements, the formal codification of such changes to be accomplished by subsequent Order; and

It further appearing, that the Commission, by Report and Order (FCC 61–952), Docket No. 13953, in the matter of amendment of Parts 7, 8, 9, 10, 11 and 16 of the Commission's rules to provide frequency pairing in the 952-960 Mc frequency band, and to make the channel 952.5 Mc available to public safety licensees for omnidirectional operations, released July 27, 1961, published in FEDERAL REGISTER August 1, 1961 (26 F.R. 6849) amended the above enumerated Parts to provide, inter alia, for omnidirectional operation for traffic signal control, omnidirectional operation for other than traffic signal control, and certain paired frequencies to be available on a regular grant basis rather than developmental, the formal codification of such changes to be accomplished by subsequent Order; and

It further appearing, that the Commission, by Report and Order (FCC 62–1254), Docket No. 14712, in the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16, and 21 of the Commission's rules to designate portions of the 2110–2200 Mc/s band exclusively for the use of Domestic Fixed Public Stations and for the use of operational fixed and international control stations and to reserve a portion thereof for omnidirectional operations, released December 10, 1962, and published in the FEDERAL REGISTER on December 13, 1962 (27 F.R. 12372) amended the above enumerated Parts to provide, inter alia, that certain portions of the 2110–2200 Mc/s band be withdrawn from availability in the Industrial and certain other Radio Services, in order to accommodate certain specialized needs of Domestic Fixed Public Stations, the formal codification of such changes to be accomplished by subsequent Order; and

It further appearing, that the Commission, by Report and Order, (FCC 63–637), Docket No. 14729, in the matter of amendment of Parts 2, 4, 7, 8, 9, 10, 11, 16, and 21 of the Commission's rules concerning the Allocation of the frequency bands 6425–6575, 10550–10680 and 11700–12200 Mc/s, released July 12, 1963, and published in the FEDERAL REGISTER on July 23, 1963 (28 F.R. 7476), amended the above enumerated Parts to provide, inter alia, certain microwave allocations for mobile service uses and a division of certain bands between the common carrier and private mobile services, etc., the formal codification of such changes to be accomplished by subsequent Order; and

It further appearing, that the Commission, by Report and Order (FCC 63-722), Docket No. 14744, in the matter of amendment of Parts 2 and 4 of the Commission rules and regulations to establish a new class of educational television service for the transmission of instructional and cultural material to multiple receiving locations on channels in the 1990–2110 Mc/s or 2500–2690 Mc/s frequency band, amendment of Parts 1, 7, 9, 10, 11, and 16, released July 30, 1963, and published in the FEDERAL REGISTER on August 8, 1963 (28 F.R. 8103) amended the above enumerated parts of the rules to provide, inter alia, that industrial television transmitters operating in the 2500–2690 Mc/s band be governed by the technical standards established for the instructional television service, the formal codification of such changes to be accomplished by subsequent Order; and

It further appearing, that the Commission, by its Second Memorandum Opinion and Order (FCC 61-1235), Docket No. 13928, in the matter of amendment of Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations to align that part with the Geneva (1959) Radio Regulations to the extent practicable, released Ocober 25, 1961, and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10655), amended the above-noted part to provide, inter alia, that the frequency band 73.0–74.6 Mc/s be reallocated to the Radio Astronomy Service, the formal codification of such changes to be accomplished by subsequent Order; and

It further appearing, that the Commission, by Report and Order (FCC 64-224) Docket No. 14785, in the matter of amendment of Parts 2, 21, 81, 87, 89, 91, and 93 (formerly Parts 2, 21, 7, 9, 10, 11, and 16, respectively) of the Commission's rules to provide for 20 kc/s channeling in the 72–76 Mc/s band for fixed stations in the Domestic Public Radio Services and Operational Fixed Stations in the Safety and Special Radio Services, released March 19, 1964, and published in the FEDERAL REGISTER on March 25, 1964 (29 F.R. 3702) amended the above enumerated parts to provide, inter alia, for 20 kc/s channeling in the subject band and that 10 channels be made available on an exclusive basis to the Manufacturers Radio Service, the formal codification of such changes to be accomplished by subsequent Order; and

It further appearing, that by virtue of the reallocations that have been effected concerning the 72–76 Mc/s band, the charts for determining radius from fixed station in 72–76 Mc/s band to interference contour along which 10 percent of service from adjacent television station would be destroyed, which appear at § 91.8(g), must be and are revised; and

It further appearing, that Part 91 should be editorially amended to conform to Part 2; and

It further appearing, that the formal codification of the changes herein ordered conform without any substantive change to the terms in the above-described Orders and, being editorial in nature, the prior public notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.261 of the Commission's Statement of Delegations of Authority;

*It is ordered*, This 14th day of December 1964, that, effective December 31, 1964, Part 91 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

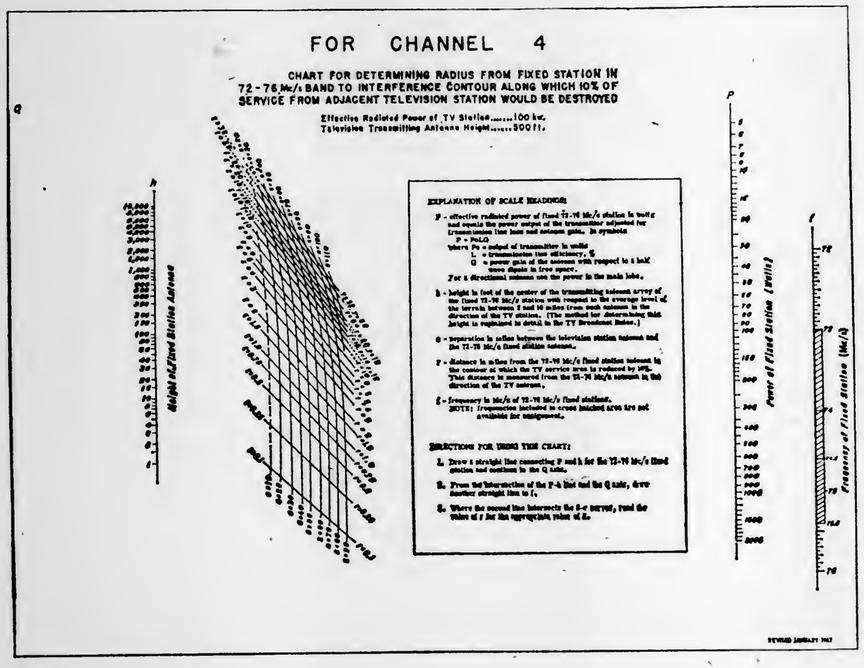
Released: December 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

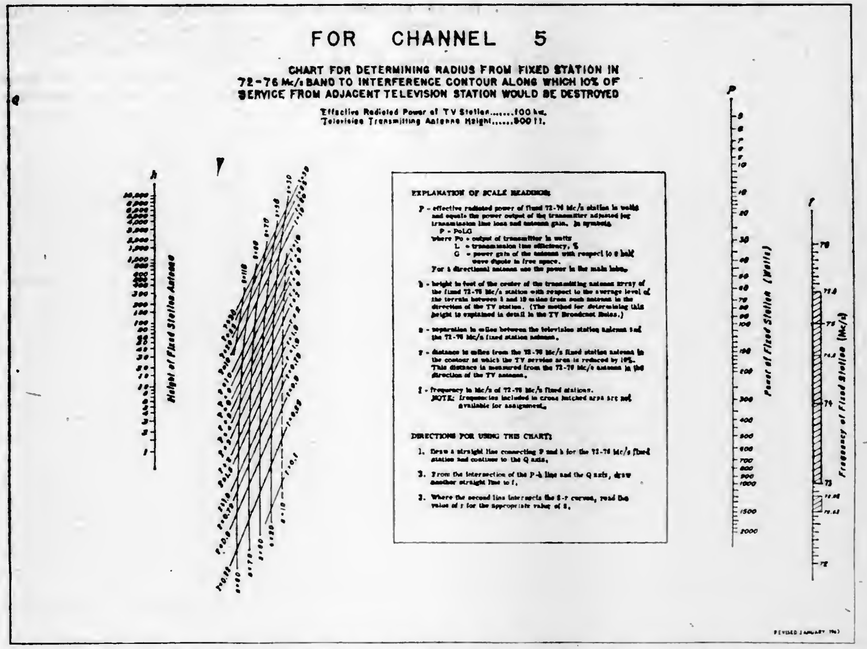
1. Notes 1 and 2 at the beginning of Part 91 are deleted.

§ 91.8 [Amended]

2. In § 91.8(g), the charts for channels 4 and 5 are deleted; and the following new charts for channels 4 and 5 are substituted therefor:






3. In § 91.104, the table in paragraph (b)(2) is amended to read as follows:

§ 91.104 **Emission limitations.**

• • • • • •

(b) • • •
(2) • • •

| Frequency band Mc/s | Authorized bandwidth (kc/s) | Frequency deviation (kc/s) |
|---|---|---|
| 25–50 | 20 | 5 |
| 50–150 | 20 | 5 |
| 150–450 | 20 | 5 |
| 450–1000 | 40 | 15 |

• • • • • •

4. In § 91.109, a new paragraph (c) is added to read as follows:

§ 91.109 **Acceptability of transmitters for licensing.**

• • • • • •

(c) Transmitters to be operated in any of the frequency bands between 952 and 12700 Mc/s, except the 8400–8500 Mc/s band, authorized under this part shall be type accepted if specified in an application filed after July 20, 1962, except that equipment authorized to be used prior thereto may continue to be used provided such operation does not result in harmful interference to other stations or systems which are conforming to the microwave technical standards specified in § 91.111.

5. Section 91.111 is amended to read as follows:

§ 91.111 **Microwave technical standards.**

(a) The technical standards indicated in the table in this section shall govern, beginning July 20, 1961, the issuance of authorizations for private microwave systems using the frequency bands above 952 Mc/s listed in the table. However, these standards shall not be applicable to transmitting equipment (including antennas) which were authorized to be operated on these frequencies prior to July 20, 1961, or for which an authorization is issued based on an application filed with the Commission prior to July 20, 1961. Such licensees of equipment and systems not subject to these technical standards, including their successors or assigns in business, will be permitted to utilize such equipment provided such operation does not result in harmful interference to another station or system which is conforming to these technical standards. In case of such harmful interference, such nonconforming licensee will be required to take whatever measures are necessary to alleviate the interference.

MICROWAVE TECHNICAL STANDARDS TABLE

| Frequency band Mc/s | Power [1] (watts) | Tolerance (percent) | Bandwidth [2] | Beamwidth [3] (degrees) |
|---|---|---|---|---|
| 952–960 | [9] 30 | 0.0005 | 100 kc/s | [9] 20 |
| 1850–1990 | 18 | .02 | 8 Mc/s | 10 |
| 2130–2150 | 15 | [7] .001 | 800 kc/s [7] | 10 |
| 2150–2160 | 15 | [7] .001 | 10 Mc/s | 360 |
| 2180–2200 | 15 | [7] .001 | 800 kc/s | 10 |
| 2450–2500 [4] | 12 | ([5]) | ([5]) | ([5]) |
| 2500–2690 [6] | 12 | .02 | 4 Mc/s | 10 |
| 6525–6575 | 7 | .02 | 25 Mc/s | 7 |
| 6575–6875 | 7 | .02 | 10 Mc/s | 5 |
| 10550–10680 | 5 | ([5]) | 25 Mc/s | 4 |
| 12200–12700 | 5 | .05 | 20 Mc/s | 4 |
| Above 16000 | 5 | ([5]) | 50 Mc/s | ([5]) |

[1] Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only if specifically provided on a particular frequency or under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed 5 times this limit.

[2] Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except in the 2130–2150 and 2180–2200 Mc/s bands, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952–960 Mc/s, bandwidths up to 500 kc/s may be authorized.

[3] Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

[4] Subject to no protection from ISM equipment on 2450 Mc/s.

[5] To be specified in the station authorization.

[6] Operational fixed stations employing television transmissions in this band must utilize transmitting equipment which meets the technical requirements for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq. of this chapter. See also Part 2 of this chapter, § 2.106, footnote NG 47.

[7] Stations authorized prior to Jan. 15, 1963, will not be required to comply with these standards until Jan. 15, 1968.

[8] Except for the frequencies 952.1, 952.2, 952.3, and 952.4 Mc/s and the frequency pairs 952.8 and 956.4; 952.9 and 956.5; 956.2 and 959.8; and 956.3 and 959.9 Mc/s, where the beamwidth may be 360°.

[9] Except for the frequencies 952.1, 952.2, 952.3, and 952.4 Mc/s, where the maximum power may be 100 watts.

(b) Stations authorized to operate on those frequencies above 952 Mc/s which are not restricted to assignment for developmental operation only, shall be constructed and used in such a manner as to conform with all the technical and operating requirements of Subparts C and D of this part, unless deviation therefrom is specifically provided in the station authorization.

6. In § 91.254(a) the table of frequencies is amended to change the entries for 72.02 through 75.98 and 952–960 through 26000–30000 Mc/s, and paragraph (b) is amended by adding new subparagraphs (13), (14), (15), and (16), to read as follows:

**§ 91.254 Frequencies available.**

(a) • • •

POWER RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| • • • | • • • | • • • |
| 72.02 | Operational fixed | 3 |
| 72.04 | do | 3 |
| 72.06 | do | 3 |
| 72.08 | do | 3 |
| 72.10 | do | 3 |
| 72.12 | do | 3 |
| 72.14 | do | 3 |
| 72.16 | do | 3 |
| 72.18 | do | 3 |
| 72.20 | do | 3 |
| 72.22 | do | 3 |
| 72.24 | do | 3 |
| 72.26 | do | 3 |
| 72.28 | do | 3 |
| 72.30 | do | 3 |
| 72.32 | do | 3 |
| 72.34 | do | 3 |
| 72.36 | do | 3 |
| 72.38 | do | 3 |
| 72.40 | do | 3 |
| 72.42 | do | 3 |
| 72.46 | do | 3 |
| 72.50 | do | 3 |
| 72.54 | do | 3 |
| 72.58 | do | 3 |
| 72.62 | do | 3 |
| 72.66 | do | 3 |
| 72.68 | do | 3 |
| 72.70 | do | 3 |
| 72.72 | do | 3 |
| 72.74 | do | 3 |
| 72.76 | do | 3 |
| 72.78 | do | 3 |
| 72.80 | do | 3 |
| 72.82 | do | 3 |
| 72.84 | do | 3 |
| 72.86 | do | 3 |
| 72.88 | do | 3 |
| 72.90 | do | 3 |
| 72.92 | do | 3 |
| 72.94 | do | 3 |
| 72.96 | do | 3 |
| 72.98 | do | 3 |
| 75.42 | do | 3 |
| 75.46 | do | 3 |
| 75.50 | do | 3 |
| 75.54 | do | 3 |
| 75.58 | do | 3 |
| 75.62 | do | 3 |
| 75.64 | do | 3 |
| 75.66 | do | 3 |
| 75.68 | do | 3 |
| 75.70 | do | 3 |
| 75.72 | do | 3 |
| 75.74 | do | 3 |
| 75.76 | do | 3 |
| 75.78 | do | 3 |
| 75.80 | do | 3 |
| 75.82 | do | 3 |
| 75.84 | do | 3 |
| 75.86 | do | 3 |
| 75.88 | do | 3 |
| 75.90 | do | 3 |
| 75.92 | do | 3 |
| 75.94 | do | 3 |
| 75.96 | do | 3 |
| 75.98 | do | 3 |
| • • • | • • • | • • • |
| 952.1 | Operational fixed | 14, 15 |
| 952.2 | do | 14, 15 |
| 952.3 | do | 14, 15 |
| 952.4 | do | 14, 15 |

POWER RADIO SERVICE FREQUENCY TABLE—Continued

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Paired frequencies* | | |
| 952.8 956.4 | Operational fixed | 13 |
| 952.9 956.5 | do | 13 |
| 953.0 956.6 | do | |
| 953.1 956.7 | do | |
| 953.2 956.8 | do | |
| 953.3 956.9 | do | |
| 953.4 957.0 | do | |
| 953.5 957.1 | do | |
| 953.6 957.2 | do | |
| 953.7 957.3 | do | |
| 953.8 957.4 | do | |
| 953.9 957.5 | do | |
| 954.0 957.6 | do | |
| 954.1 957.7 | do | |
| 954.2 957.8 | do | |
| 954.3 957.9 | do | |
| 954.4 958.0 | do | |
| 954.5 958.1 | do | |
| 954.6 958.2 | do | |
| 954.7 958.3 | do | |
| 954.8 958.4 | do | |
| 954.9 958.5 | do | |
| 955.0 958.6 | do | |
| 955.1 958.7 | do | |
| 955.2 958.8 | do | |
| 955.3 958.9 | do | |
| 955.4 959.0 | do | |
| 955.5 959.1 | do | |
| 955.6 959.2 | do | |
| 955.7 959.3 | do | |
| 955.8 959.4 | do | |
| 955.9 959.5 | do | |
| 956.0 959.6 | do | |
| 956.1 959.7 | do | |
| 956.2 959.8 | do | 13 |
| 956.3 959.9 | do | 13 |
| *Frequency band* | | |
| 1850–1990 | do | |
| 2130–2150 | do | |
| 2150–2160 | do | 14 |
| 2180–2200 | do | |
| 2450–2500 | Base, mobile, or fixed | 2 |
| 2500–2690 | Operational fixed | 16 |
| 6525–6575 | Base or mobile | |
| 6575–6875 | Operational fixed | |
| 8400–8500 | Base, mobile, or fixed | 1 |
| 10550–10680 | Base or mobile | |
| 12200–12700 | Operational fixed | |
| 13200–13250 | Base, mobile, or fixed | 1 |
| 17700–19300 | do | 1 |
| 19400–19700 | do | 1 |
| 27525–31300 | do | 1 |
| 38600–40000 | do | 1 |

(b) • • •

(13) Available only for duplex omnidirectional operations on a developmental basis.

(14) Available on a developmental basis only for omnidirectional operation.

(15) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts.

(16) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified, or expanded by the addition of new stations, upon appropriate application therefor.

7. In § 91.255, paragraphs (b), (c), (d), (e), and (f) are added to read as follows:

**§ 91.255 Unlisted frequencies.**

• • • • •

(b) Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue such operation; but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

(c) Operations in the frequency band 952–960 Mc/s authorized prior to July 20, 1961, which are not in accordance with the frequency pairing plan for this band contained in § 91.254(a), may continue provided interference is not caused to the operations of systems which utilize frequencies in accordance with that plan.

(d) Stations authorized to operate in the bands 2110–2130, 2150–2160, and 2160–2180 Mc/s prior to January 15, 1963, will be authorized to continue to operate in those bands until January 15, 1968.

(e) Stations authorized to operate in the band 6425–6525 Mc/s prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

(f) Operational fixed stations authorized to operate in the 10550–10680 Mc/s band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

8. In § 91.304(a) the table of frequencies is amended to change the entries for 72.02 through 75.98 and 952–960 through 26000–30000 Mc/s, and paragraph (b) is amended by adding new subparagraphs (17), (18), (19), and (20), to read as follows:

**§ 91.304 Frequencies available.**

(a) • • •

PETROLEUM RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| • • • | • • • | • • • |
| 72.02 | Operational fixed | 1 |
| 72.04 | do | 1 |
| 72.06 | do | 1 |
| 72.08 | do | 1 |
| 72.10 | do | 1 |
| 72.12 | do | 1 |
| 72.14 | do | 1 |
| 72.16 | do | 1 |
| 72.18 | do | 1 |
| 72.20 | do | 1 |
| 72.22 | do | 1 |
| 72.24 | do | 1 |
| 72.26 | do | 1 |
| 72.28 | do | 1 |
| 72.30 | do | 1 |
| 72.32 | do | 1 |
| 72.34 | do | 1 |
| 72.36 | do | 1 |
| 72.38 | do | 1 |
| 72.40 | do | 1 |
| 72.42 | do | 1 |
| 72.46 | do | 1 |
| 72.50 | do | 1 |
| 72.54 | do | 1 |
| 72.58 | do | 1 |
| 72.62 | do | 1 |
| 72.64 | do | 1 |
| 72.66 | do | 1 |
| 72.68 | do | 1 |
| 72.70 | do | 1 |
| 72.72 | do | 1 |
| 72.74 | do | 1 |
| 72.76 | do | 1 |
| 72.78 | do | 1 |
| 72.80 | do | 1 |
| 72.82 | do | 1 |
| 72.84 | do | 1 |
| 72.86 | do | 1 |
| 72.88 | do | 1 |
| 72.90 | do | 1 |
| 72.92 | do | 1 |
| 72.94 | do | 1 |
| 72.96 | do | 1 |
| 72.98 | do | 1 |
| 75.42 | do | 1 |
| 75.46 | do | 1 |
| 75.50 | do | 1 |
| 75.54 | do | 1 |
| 75.58 | do | 1 |
| 75.62 | do | 1 |
| 75.64 | do | 1 |
| 75.66 | do | 1 |
| 75.68 | do | 1 |
| 75.70 | do | 1 |
| 75.72 | do | 1 |
| 75.74 | do | 1 |
| 75.76 | do | 1 |
| 75.78 | do | 1 |
| 75.80 | do | 1 |
| 75.82 | do | 1 |
| 75.84 | do | 1 |
| 75.86 | do | 1 |
| 75.88 | do | 1 |
| 75.90 | do | 1 |
| 75.92 | do | 1 |
| 75.94 | do | 1 |
| 75.96 | do | 1 |
| 75.98 | do | 1 |
| • • • | • • • | • • • |
| 952.1 | Operational fixed | 18, 19 |
| 952.2 | do | 18, 19 |
| 952.3 | do | 18, 19 |
| 952.4 | do | 18, 19 |
| *Paired frequencies* | | |
| 952.8 956.4 | do | 17 |
| 952.9 956.5 | do | 17 |
| 953.0 956.6 | do | |
| 953.1 956.7 | do | |
| 953.2 956.8 | do | |
| 953.3 956.9 | do | |
| 953.4 957.0 | do | |
| 953.5 957.1 | do | |
| 953.6 957.2 | do | |
| 953.7 957.3 | do | |
| 953.8 957.4 | do | |
| 953.9 957.5 | do | |
| 954.0 957.6 | do | |
| 954.1 957.7 | do | |
| 954.2 957.8 | do | |
| 954.3 957.9 | do | |
| 954.4 958.0 | do | |
| 954.5 958.1 | do | |
| 954.6 958.2 | do | |
| 954.7 958.3 | do | |
| 954.8 958.4 | do | |
| 954.9 958.5 | do | |
| 955.0 958.6 | do | |
| 955.1 958.7 | do | |
| 955.2 958.8 | do | |
| 955.3 958.9 | do | |
| 955.4 959.0 | do | |
| 955.5 959.1 | do | |
| 955.6 959.2 | do | |
| 955.7 959.3 | do | |
| 955.8 959.4 | do | |
| 955.9 959.5 | do | |
| 956.0 959.6 | do | |
| 956.1 959.7 | do | |
| 956.2 959.8 | do | 17 |
| 956.3 959.9 | do | 17 |
| *Frequency band* | | |
| 1850–1990 | do | |
| 2130–2150 | do | |
| 2150–2160 | do | 18 |
| 2180–2200 | do | |
| 2450–2500 | Base, mobile, or fixed | 13 |
| 2500–2690 | Operational fixed | 20 |
| 6525–6575 | Base or mobile | |
| 6575–6875 | Operational fixed | |
| 8400–8500 | Base, mobile, or fixed | 14 |
| 10550–10680 | Base or mobile | |
| 12200–12700 | Operational fixed | |
| 13200–13250 | Base, mobile, or fixed | 14 |
| 17700–19300 | do | 14 |
| 19400–19700 | do | 14 |
| 27525–31300 | do | 14 |
| 38600–40000 | do | 14 |

(b) • • •

(17) Available only for duplex omnidirectional operations on a developmental basis.

(18) Available on a developmental basis only for omnidirectional operation.

(19) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts.

(20) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.-901, et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified, or expanded by the addition of new stations, upon appropriate application therefor.

9. In § 91.305, paragraphs (b), (c), (d), (e), and (f) are added to read as follows:

**§ 91.305 Unlisted frequencies.**

• • • • •

(b) Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue such operation; but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

(c) Operations in the frequency band 952–960 Mc/s authorized prior to July 20, 1961, which are not in accordance with the frequency pairing plan for this band contained in § 91.304(a), may continue provided interference is not caused to the operations of systems which utilize frequencies in accordance with that plan.

(d) Stations authorized to operate in the bands 2110–2130, 2150–2160, and 2160–2180 Mc/s prior to January 15, 1963, will be authorized to continue to operate in those bands until January 15, 1968.

(e) Stations authorized to operate in the band 6425–6525 Mc/s prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

(f) Operational fixed stations authorized to operate in the 10550–10680 Mc/s band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

10. In § 91.354(a) the table of frequencies is amended to change the entries for 72.02 through 75.98 and 952–960 through 26000–30000 Mc/s, and paragraph (b) is amended by adding new subparagraphs (17), (18), (19), and (20), to read as follows:

**§ 91.354 Frequencies available.**

(a) • • •

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| • • • | • • • | • • • |
| 72.02 | Operational fixed | 1 |
| 72.04 | do | 1 |
| 72.06 | do | 1 |
| 72.08 | do | 1 |
| 72.10 | do | 1 |
| 72.12 | do | 1 |
| 72.14 | do | 1 |
| 72.16 | do | 1 |
| 72.18 | do | 1 |
| 72.20 | do | 1 |
| 72.22 | do | 1 |
| 72.24 | do | 1 |
| 72.26 | do | 1 |
| 72.28 | do | 1 |
| 72.30 | do | 1 |
| 72.32 | do | 1 |
| 72.34 | do | 1 |
| 72.36 | do | 1 |
| 72.38 | do | 1 |
| 72.40 | do | 1 |
| 72.42 | do | 1 |
| 72.46 | do | 1 |
| 72.50 | do | 1 |
| 72.54 | do | 1 |
| 72.58 | do | 1 |
| 72.62 | do | 1 |
| 72.64 | do | 1 |
| 72.66 | do | 1 |
| 72.70 | do | 1 |
| 72.72 | do | 1 |
| 72.74 | do | 1 |
| 72.76 | do | 1 |
| 72.78 | do | 1 |
| 72.80 | do | 1 |
| 72.82 | do | 1 |
| 72.84 | do | 1 |
| 72.86 | do | 1 |
| 72.88 | do | 1 |
| 72.90 | do | 1 |
| 72.92 | do | 1 |
| 72.94 | do | 1 |
| 72.96 | do | 1 |
| 72.98 | do | 1 |
| 75.42 | do | 1 |
| 75.46 | do | 1 |
| 75.50 | do | 1 |
| 75.54 | do | 1 |
| 75.58 | do | 1 |
| 75.62 | do | 1 |
| 75.64 | do | 1 |
| 75.66 | do | 1 |
| 75.68 | do | 1 |
| 75.70 | do | 1 |
| 75.72 | do | 1 |
| 75.74 | do | 1 |
| 75.76 | do | 1 |
| 75.78 | do | 1 |
| 75.80 | do | 1 |
| 75.82 | do | 1 |
| 75.84 | do | 1 |
| 75.86 | do | 1 |
| 75.88 | do | 1 |
| 75.90 | do | 1 |
| 75.92 | do | 1 |
| 75.94 | do | 1 |
| 75.96 | do | 1 |
| 75.98 | do | 1 |
| • • • | • • • | • • • |
| 952.1 | Operational fixed | 18, 19 |
| 952.2 | do | 18, 19 |
| 952.3 | do | 18, 19 |
| 952.4 | do | 18, 19 |
| *Paired frequencies* | | |
| 952.8 956.4 | do | 17 |
| 952.9 956.5 | do | 17 |
| 953.0 956.6 | do | |
| 953.1 956.7 | do | |
| 953.2 956.8 | do | |
| 953.3 956.9 | do | |
| 953.4 957.0 | do | |
| 953.5 957.1 | do | |
| 953.6 957.2 | do | |
| 953.7 957.3 | do | |
| 953.8 957.4 | do | |
| 953.9 957.5 | do | |
| 954.0 957.6 | do | |
| 954.1 957.7 | do | |
| 954.2 957.8 | do | |
| 954.3 957.9 | do | |
| 954.4 958.0 | do | |
| 954.5 958.1 | do | |
| 954.6 958.2 | do | |
| 954.7 958.3 | do | |
| 954.8 958.4 | do | |
| 954.9 958.5 | do | |
| 955.0 958.6 | do | |
| 955.1 958.7 | do | |
| 955.2 958.8 | do | |
| 955.3 958.9 | do | |
| 955.4 959.0 | do | |
| 955.5 959.1 | do | |
| 955.6 959.2 | do | |
| 955.7 959.3 | do | |
| 955.8 959.4 | do | |
| 955.9 959.5 | do | |
| 956.0 959.6 | do | |
| 956.1 959.7 | do | |
| 956.2 959.8 | do | 17 |
| 956.3 959.9 | do | 17 |
| *Frequency band* | | |
| 1850–1990 | do | |
| 2130–2150 | do | |
| 2150–2160 | do | 18 |
| 2180–2200 | do | |
| 2450–2500 | Base, mobile, or fixed | 14 |
| 2500–2690 | Operational fixed | 20 |
| 6525–6575 | Base or mobile | |
| 6575–6875 | Operational fixed | |
| 8400–8500 | Base, mobile, and fixed | 15 |
| 10550–10680 | Base or mobile | |
| 12200–12700 | Operational fixed | |
| 13200–13250 | Base, mobile, or fixed | 15 |
| 17700–19300 | do | 15 |
| 19400–19700 | do | 15 |
| 27525–31300 | do | 15 |
| 38600–40000 | do | 15 |

(b) • • •

(17) Available only for duplex omnidirectional operations on a developmental basis.

(18) Available on a developmental basis only for omnidirectional operation.

(19) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts.

(20) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified, or expanded by the addition of new stations, upon appropriate application therefor.

11. In § 91.355, paragraphs (b), (c), (d), (e), and (f) are added to read as follows:

**§ 91.355 Unlisted frequencies.**

* * * * *

(b) Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue such operation; but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

(c) Operations in the frequency band 952–960 Mc/s authorized prior to July 20, 1961, which are not in accordance with the frequency pairing plan for this band contained in § 91.354(a), may continue provided interference is not caused to the operations of systems which utilize frequencies in accordance with that plan.

(d) Stations authorized to operate in the bands 2110–2130, 2150–2160, and 2160–2180 Mc/s prior to January 15, 1963, will be authorized to continue to operate in those bands until January 15, 1968.

(e) Stations authorized to operate in the band 6425–6525 Mc/s prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

(f) Operational fixed stations authorized to operate in the 10550–10680 Mc/s band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

12. In § 91.404(a) the table of frequencies is amended to change the entries for 72.02 through 75.98 and 952–960 through 26000–30000 Mc/s, and paragraph (b) is amended by adding new subparagraphs (8), (9), (10), and (11), to read as follows:

**§ 91.404 Frequencies available.**

(a) * * *

MOTION PICTURE RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| * * * | * * * | * * * |
| 72.02 | Operational fixed | 1 |
| 72.04 | do | 1 |
| 72.06 | do | 1 |
| 72.08 | do | 1 |
| 72.10 | do | 1 |
| 72.12 | do | 1 |
| 72.14 | do | 1 |
| 72.16 | do | 1 |
| 72.18 | do | 1 |
| 72.20 | do | 1 |
| 72.22 | do | 1 |
| 72.24 | do | 1 |
| 72.26 | do | 1 |
| 72.28 | do | 1 |
| 72.30 | do | 1 |
| 72.32 | do | 1 |
| 72.34 | do | 1 |
| 72.36 | do | 1 |
| 72.38 | do | 1 |
| 72.40 | do | 1 |
| 72.42 | do | 1 |
| 72.46 | do | 1 |
| 72.50 | do | 1 |
| 72.54 | do | 1 |
| 72.58 | do | 1 |
| 72.62 | do | 1 |
| 72.64 | do | 1 |
| 72.66 | do | 1 |
| 72.68 | do | 1 |
| 72.70 | do | 1 |
| 72.72 | do | 1 |
| 72.74 | do | 1 |
| 72.76 | do | 1 |
| 72.78 | do | 1 |
| 72.80 | do | 1 |
| 72.82 | do | 1 |
| 72.84 | do | 1 |
| 72.86 | do | 1 |
| 72.88 | do | 1 |
| 72.90 | do | 1 |
| 72.92 | do | 1 |
| 72.94 | do | 1 |
| 72.96 | do | 1 |
| 72.98 | do | 1 |
| 75.42 | do | 1 |
| 75.46 | do | 1 |
| 75.50 | do | 1 |
| 75.54 | do | 1 |
| 75.58 | do | 1 |
| 75.62 | do | 1 |
| 75.64 | do | 1 |
| 75.66 | do | 1 |
| 75.68 | do | 1 |
| 75.70 | do | 1 |
| 75.72 | do | 1 |
| 75.74 | do | 1 |
| 75.76 | do | 1 |
| 75.78 | do | 1 |
| 75.80 | do | 1 |
| 75.82 | do | 1 |
| 75.84 | do | 1 |
| 75.86 | do | 1 |
| 75.88 | do | 1 |
| 75.90 | do | 1 |
| 75.92 | do | 1 |
| 75.94 | do | 1 |
| 75.96 | do | 1 |
| 75.98 | do | 1 |
| * * * | * * * | * * * |
| 952.1 | Operational fixed | 9, 10 |
| 952.2 | do | 9, 10 |
| 952.3 | do | 9, 10 |
| 952.4 | do | 9, 10 |
| *Paired frequencies* | | |
| 952.8 956.4 | do | 8 |
| 952.9 956.5 | do | 8 |
| 953.0 956.6 | do | |
| 953.1 956.7 | do | |
| 953.2 956.8 | do | |
| 953.3 956.9 | do | |
| 953.4 957.0 | do | |
| 953.5 957.1 | do | |
| 953.6 957.2 | do | |
| 953.7 957.3 | do | |
| 953.8 957.4 | do | |
| 953.9 957.5 | do | |
| 954.0 957.6 | do | |
| 954.1 957.7 | do | |
| 954.2 957.8 | do | |
| 954.3 957.9 | do | |
| 954.4 958.0 | do | |
| 954.5 958.1 | do | |
| 954.6 958.2 | do | |
| 954.7 958.3 | do | |
| 954.8 958.4 | do | |
| 954.9 958.5 | do | |
| 955.0 958.6 | do | |
| 955.1 958.7 | do | |
| 955.2 958.8 | do | |
| 955.3 958.9 | do | |
| 955.4 959.0 | do | |
| 955.5 959.1 | do | |
| 955.6 959.2 | do | |
| 955.7 959.3 | do | |
| 955.8 959.4 | do | |
| 955.9 959.5 | do | |
| 956.0 959.6 | do | |
| 956.1 959.7 | do | |
| 956.2 959.8 | do | |
| 956.3 959.9 | do | |

MOTION PICTURE RADIO SERVICE FREQUENCY TABLE—Continued

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Frequency band* | | |
| 1850–1990 | Operational fixed | |
| 2130–2150 | do | |
| 2150–2160 | do | 9 |
| 2180–2200 | do | |
| 2450–2500 | Base, mobile, or fixed | 6 |
| 2500–2690 | Operational fixed | 11 |
| 6525–6575 | Base or mobile | |
| 6575–6875 | Operational fixed | |
| 8400–8500 | Base, mobile, or fixed | 7 |
| 10550–10680 | Base or mobile | 8 |
| 12200–12700 | Operational fixed | 8 |
| 13200–13250 | Base, mobile, or fixed | 7 |
| 17700–19300 | do | 7 |
| 19400–19700 | do | 7 |
| 27525–31300 | do | 7 |
| 38600–40000 | do | 7 |

(b) * * *

(8) Available only for duplex omnidirectional operations on a developmental basis.

(9) Available on a developmental basis only for omnidirectional operation.

(10) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts.

(11) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified, or expanded by the addition of new stations, upon appropriate application therefor.

13. In § 91.405, paragraphs (b), (c), (d), (e), and (f) are added to read as follows:

**§ 91.405 Unlisted frequencies.**

* * * * *

(b) Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue such operation; but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

(c) Operations in the frequency band 952.960 Mc/s authorized prior to July 20, 1961, which are not in accordance with the frequency pairing plan for this band contained in § 91.404(a), may continue provided interference is not caused to the operations of systems which utilize frequencies in accordance with that plan.

(d) Stations authorized to operate in the bands 2110–2130, 2150–2160, and 2160–2180 Mc/s prior to January 15, 1963, will be authorized to continue to operate in those bands until January 15, 1968.

(e) Stations authorized to operate in the band 6425–6525 Mc/s prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

(f) Operational fixed stations authorized to operate in the 10550–10680 Mc/s band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

14. In § 91.454(a) the table of frequencies is amended to change the entries for 72.02 through 75.98 and 952–960 through 26000–30000 Mc/s, and paragraph (b) is amended by adding new subparagraphs (6), (7), (8), and (9), to read as follows:

**§ 91.454 Frequencies available.**

(a) * * *

RELAY PRESS RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| * * * | * * * | * * * |
| 72.02 | Operational fixed | 1 |
| 72.04 | do | 1 |
| 72.06 | do | 1 |
| 72.08 | do | 1 |
| 72.10 | do | 1 |
| 72.12 | do | 1 |
| 72.14 | do | 1 |
| 72.16 | do | 1 |
| 72.18 | do | 1 |
| 72.20 | do | 1 |
| 72.22 | do | 1 |
| 72.24 | do | 1 |
| 72.26 | do | 1 |
| 72.28 | do | 1 |
| 72.30 | do | 1 |
| 72.32 | do | 1 |
| 72.34 | do | 1 |
| 72.36 | do | 1 |
| 72.38 | do | 1 |
| 72.40 | do | 1 |
| 72.42 | do | 1 |
| 72.46 | do | 1 |
| 72.50 | do | 1 |
| 72.54 | do | 1 |
| 72.58 | do | 1 |
| 72.62 | do | 1 |
| 72.64 | do | 1 |
| 72.66 | do | 1 |
| 72.68 | do | 1 |
| 72.70 | do | 1 |
| 72.72 | do | 1 |
| 72.74 | do | 1 |
| 72.76 | do | 1 |
| 72.78 | do | 1 |
| 72.80 | do | 1 |
| 72.82 | do | 1 |
| 72.84 | do | 1 |
| 72.86 | do | 1 |
| 72.88 | do | 1 |
| 72.90 | do | 1 |
| 72.92 | do | 1 |
| 72.94 | do | 1 |
| 72.96 | do | 1 |
| 72.98 | do | 1 |
| 75.42 | do | 1 |
| 75.46 | do | 1 |
| 75.50 | do | 1 |
| 75.54 | do | 1 |
| 75.58 | do | 1 |
| 75.62 | do | 1 |
| 75.64 | do | 1 |
| 75.66 | do | 1 |
| 75.68 | do | 1 |
| 75.70 | do | 1 |
| 75.72 | do | 1 |
| 75.74 | do | 1 |
| 75.76 | do | 1 |
| 75.78 | do | 1 |
| 75.80 | do | 1 |
| 75.82 | do | 1 |
| 75.84 | do | 1 |
| 75.86 | do | 1 |
| 75.88 | do | 1 |
| 75.90 | do | 1 |
| 75.92 | do | 1 |
| 75.94 | do | 1 |
| 75.96 | do | 1 |
| 75.98 | do | 1 |
| * * * | * * * | * * * |
| 952.1 | Operational fixed | 7, 8 |
| 952.2 | do | 7, 8 |
| 952.3 | do | 7, 8 |
| 952.4 | do | 7, 8 |
| *Paired frequencies* | | |
| 952.8 956.4 | do | 6 |
| 952.9 956.5 | do | 6 |
| 953.0 956.6 | do | |
| 953.1 956.7 | do | |
| 953.2 956.8 | do | |
| 953.3 956.9 | do | |
| 953.4 957.0 | do | |
| 953.5 957.1 | do | |
| 953.6 957.2 | do | |
| 953.7 957.3 | do | |
| 953.8 957.4 | do | |
| 953.9 957.5 | do | |
| 954.0 957.6 | do | |

RELAY PRESS RADIO SERVICE FREQUENCY TABLE—Continued

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| 954.1 957.7 | Operational fixed | |
| 954.2 957.8 | do | |
| 954.3 957.9 | do | |
| 954.4 958.0 | do | |
| 954.5 958.1 | do | |
| 954.6 958.2 | do | |
| 954.7 958.3 | do | |
| 954.8 958.4 | do | |
| 954.9 958.5 | do | |
| 955.0 958.6 | do | |
| 955.1 958.7 | do | |
| 955.2 958.8 | do | |
| 955.3 958.9 | do | |
| 955.4 959.0 | do | |
| 955.5 959.1 | do | |
| 955.6 959.2 | do | |
| 955.7 959.3 | do | |
| 955.8 959.4 | do | |
| 955.9 959.5 | do | |
| 956.0 959.6 | do | |
| 956.1 959.7 | do | |
| 956.2 959.8 | do | 6 |
| 956.3 959.9 | do | 6 |
| *Frequency band* | | |
| 1850–1990 | do | |
| 2130–2150 | do | |
| 2150–2160 | do | 7 |
| 2180–2200 | do | |
| 2450–2500 | Base, mobile, or fixed | 4 |
| 2500–2690 | Operational fixed | 9 |
| 6525–6575 | Base or mobile | |
| 6575–6875 | Operational fixed | |
| 8400–8500 | Base, mobile, or fixed | 5 |
| 10550–10680 | Base or mobile | |
| 12200–12700 | Operational fixed | |
| 13200–13250 | Base, mobile, or fixed | 5 |
| 17700–19300 | do | 5 |
| 19400–19700 | do | 5 |
| 27527–31300 | do | 5 |
| 38600–40000 | do | 5 |

(b) * * *

(6) Available only for duplex omnidirectional operations on a developmental basis.

(7) Available on a developmental basis only for omnidirectional operation.

(8) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts.

(9) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified, or expanded by the addition of new stations, upon appropriate application therefor.

15. In § 91.455, paragraphs (b), (c), (d), (e), and (f) are added to read as follows:

**§ 91.455 Unlisted frequencies.**

* * * * *

(b) Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue such operation; but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

(c) Operations in the frequency band 952–960 Mc/s authorized prior to July 20, 1961, which are not in accordance with the frequency pairing plan for this band contained in § 91.454(a), may continue provided interference is not caused to the operations of systems which utilize frequencies in accordance with that plan.

(d) Stations authorized to operate in the bands 2110–2130, 2150–2160, and 2160–2180 Mc/s prior to January 15, 1963, will be authorized to continue to operate in those bands until January 15, 1968.

(e) Stations authorized to operate in the band 6425–6525 Mc/s prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

(f) Operational fixed stations authorized to operate in the 10550–10680 Mc/s band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

16. In § 91.503, paragraph (b) is deleted and the word "[Reserved]" is inserted in lieu thereof, as follows:

**§ 91.503 Station limitations.**

* * * * *

(b) [Reserved]

* * * * *

17. In § 91.504(a) the table of frequencies is amended to change the entries for 72.02 through 75.98 and 952–960 through 26000–30000 Mc/s, and paragraph (b) is amended by adding new subparagraphs (15), (16), (17), and (18), to read as follows:

**§ 91.504 Frequencies available.**

(a) * * *

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | General reference | Limitations |
|---|---|---|---|
| * * * | * * * | * * * | * * * |
| 72.02 | Operational fixed | 72 Mc/s fixed | 3 |
| 72.04 | do | do | 3 |
| 72.06 | do | do | 3 |
| 72.08 | do | do | 3 |
| 72.10 | do | do | 3 |
| 72.12 | do | do | 3 |
| 72.14 | do | do | 3 |
| 72.16 | do | do | 3 |
| 72.18 | do | do | 3 |
| 72.20 | do | do | 3 |
| 72.22 | do | do | 3 |
| 72.24 | do | do | 3 |
| 72.26 | do | do | 3 |
| 72.28 | do | do | 3 |
| 72.30 | do | do | 3 |
| 72.32 | do | do | 3 |
| 72.34 | do | do | 3 |
| 72.36 | do | do | 3 |
| 72.38 | do | do | 3 |
| 72.40 | do | do | 3 |
| 72.42 | do | do | 3 |
| 72.46 | do | do | 3 |
| 72.50 | do | do | 3 |

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE—Continued

| Frequency or band | Class of station(s) | General reference | Limitations |
|---|---|---|---|
| 72.64 | Operational fixed | 72 Mc/s fixed | 3 |
| 72.68 | do | do | 3 |
| 72.62 | do | do | 3 |
| 72.64 | do | do | 3 |
| 72.66 | do | do | 3 |
| 72.68 | do | do | 3 |
| 72.70 | do | do | 3 |
| 72.72 | do | do | 3 |
| 72.74 | do | do | 3 |
| 72.76 | do | do | 3 |
| 72.78 | do | do | 3 |
| 72.80 | do | do | 3 |
| 72.82 | do | do | 3 |
| 72.84 | do | do | 3 |
| 72.86 | do | do | 3 |
| 72.88 | do | do | 3 |
| 72.90 | do | do | 3 |
| 72.92 | do | do | 3 |
| 72.94 | do | do | 3 |
| 72.96 | do | do | 3 |
| 72.98 | do | do | 3 |
| 75.42 | do | do | 3 |
| 75.46 | do | do | 3 |
| 75.50 | do | do | 3 |
| 75.54 | do | do | 3 |
| 75.58 | do | do | 3 |
| 75.62 | do | do | 3 |
| 75.64 | do | do | 3 |
| 75.66 | do | do | 3 |
| 75.68 | do | do | 3 |
| 75.70 | do | do | 3 |
| 75.72 | do | do | 3 |
| 75.74 | do | do | 3 |
| 75.76 | do | do | 3 |
| 75.78 | do | do | 3 |
| 75.80 | do | do | 3 |
| 75.82 | do | do | 3 |
| 75.84 | do | do | 3 |
| 75.86 | do | do | 3 |
| 75.88 | do | do | 3 |
| 75.90 | do | do | 3 |
| 75.92 | do | do | 3 |
| 75.94 | do | do | 3 |
| 75.96 | do | do | 3 |
| 75.98 | do | do | 3 |
| • • • | • • • | • • • | • • • |
| 952.1 | Operational fixed | Microwave fixed | 16, 17 |
| 952.2 | do | do | 16, 17 |
| 952.3 | do | do | 16, 17 |
| 952.4 | do | do | 16, 17 |
| *Paired frequencies* | | | |
| 952.8 956.4 | do | do | 16 |
| 952.9 956.5 | do | do | 15 |
| 953.0 956.6 | do | do | |
| 953.1 956.7 | do | do | |
| 953.2 956.8 | do | do | |
| 953.3 956.9 | do | do | |
| 953.4 957.0 | do | do | |
| 953.5 957.1 | do | do | |
| 953.6 957.2 | do | do | |
| 953.7 957.3 | do | do | |
| 953.8 957.4 | do | do | |
| 953.9 957.5 | do | do | |
| 954.0 957.6 | do | do | |
| 954.1 957.7 | do | do | |
| 954.2 957.8 | do | do | |
| 954.3 957.9 | do | do | |
| 954.4 958.0 | do | do | |
| 954.5 958.1 | do | do | |
| 954.6 958.2 | do | do | |
| 954.7 958.3 | do | do | |
| 954.8 958.4 | do | do | |
| 954.9 958.5 | do | do | |
| 955.0 958.6 | do | do | |
| 955.1 958.7 | do | do | |
| 955.2 958.8 | do | do | |
| 955.3 958.9 | do | do | |
| 955.4 959.0 | do | do | |
| 955.5 959.1 | do | do | |
| 955.6 959.2 | do | do | |
| 955.7 959.3 | do | do | |
| 955.8 959.4 | do | do | |
| 955.9 959.5 | do | do | |
| 956.0 959.6 | do | do | |
| 956.1 959.7 | do | do | |
| 956.2 959.8 | do | do | 15 |
| 956.3 959.9 | do | do | 15 |
| *Frequency band* | | | |
| 1850–1990 | do | do | |
| 2130–2150 | do | do | |
| 2150–2160 | do | Microwave developmental | 16 |
| 2180–2200 | do | Microwave fixed | |
| 2450–2500 | Base, mobile, or fixed | 2450 Mc/s ISM | 2 |
| 2500–2690 | Operational fixed | Microwave fixed | 18 |
| 6525–6575 | Base or mobile | Microwave mobile | |
| 6675–6875 | Operational fixed | Microwave fixed | |
| 8400–8500 | Base, mobile, or fixed | Microwave developmental | 1 |
| 10550–10680 | Base or mobile | Microwave mobile | |
| 12200–12700 | Operational fixed | Microwave fixed | |
| 13200–13250 | Base, mobile, or fixed | Microwave developmental | 1 |
| 17700–19300 | do | do | 1 |
| 19400–19700 | do | do | 1 |
| 27525–31300 | do | do | 1 |
| 38600–40000 | do | do | 1 |

(b) • • •

(15) Available only for duplex omnidirectional operations on a developmental basis.

(16) Available on a developmental basis only for omnidirectional operation.

(17) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts.

(18) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified, or expanded by the addition of new stations, upon appropriate application therefor.

18. Section 91.506, is revised to read as follows:

**§ 91.506 Unlisted frequencies.**

(a) Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue such operation; but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

(b) Operations in the frequency band 952–960 Mc/s authorized prior to July 20, 1961, which are not in accordance with the frequency pairing plan for this band contained in § 91.504(a), may continue provided interference is not caused to the operations of systems which utilize frequencies in accordance with that plan.

(c) Stations authorized to operate in the bands 2110–2130, 2150–2160, and 2160–2180 Mc/s prior to January 15, 1963, will be authorized to continue to operate in those bands until January 15, 1968.

(d) Stations authorized to operate in the band 6425–6525 Mc/s prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

(e) Operational fixed stations authorized to operate in the 10550–10680 Mc/s band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

19. In § 91.553, paragraph (b) is deleted, and the word "[Reserved]" is inserted in lieu thereof, as follows:

**§ 91.553 Station limitations.**

• • • • •

(b) [Reserved]

• • • • •

20. In § 91.554(a) the table of frequencies is amended to change the entries for 72.02 through 75.98 and 952–960 through 26000–30000 Mc/s, and paragraph (b) is amended by adding new subparagraphs (22), (23), and (24), to read as follows:

**§ 91.554 Frequencies available.**

(a) • • •



BUSINESS RADIO SERVICE FREQUENCY TABLE—Continued

| Frequency or band | Class of station(s) | General reference | Limitations |
|---|---|---|---|
| *Paired frequencies* | | | |
| 952.8 966.4 | Operational fixed | Radio alarm | 22 |
| 952.9 966.5 | do | do | 22 |
| 953.0 966.6 | do | do | 22 |
| 953.1 966.7 | do | Control repeater | 22 |
| 953.2 966.8 | do | do | 22 |
| 953.3 966.9 | do | do | 22 |
| 953.4 967.0 | do | do | 22 |
| 953.5 967.1 | do | do | 22 |
| 953.6 967.2 | do | do | 22 |
| 953.7 967.3 | do | do | 22 |
| 953.8 967.4 | do | do | 22 |
| 953.9 967.5 | do | do | 22 |
| 954.0 967.6 | do | do | 22 |
| 954.1 967.7 | do | do | 22 |
| 954.2 967.8 | do | do | 22 |
| 954.3 967.9 | do | do | 22 |
| 954.4 968.0 | do | do | 22 |
| 954.5 968.1 | do | do | 22 |
| 954.6 968.2 | do | do | 22 |
| 954.7 968.3 | do | do | 22 |
| 954.8 968.4 | do | do | 22 |
| 954.9 968.5 | do | do | 22 |
| 955.0 968.6 | do | do | 22 |
| 955.1 968.7 | do | do | 22 |
| 955.2 968.8 | do | do | 22 |
| 955.3 968.9 | do | do | 22 |
| 955.4 969.0 | do | do | 22 |
| 955.5 969.1 | do | do | 22 |
| 955.6 969.2 | do | do | 22 |
| 955.7 969.3 | do | do | 22 |
| 955.8 969.4 | do | do | 22 |
| 955.9 969.5 | do | do | 22 |
| 956.0 969.6 | do | do | 22 |
| 956.1 969.7 | do | do | 22 |
| 956.2 969.8 | do | Radio alarm | 22 |
| 956.3 969.9 | do | do | 22 |
| *Frequency band* | | | |
| 2150–2160 | do | do | 19 |
| 6575–6675 | do | Microwave fixed | |
| 10550–10680 | Base or mobile | Microwave mobile | |
| 12200–12700 | Operational fixed | Microwave fixed | |
| 13250–17700 | Base, mobile, or fixed | Microwave developmental | |
| 17700–19300 | do | do | 1 |
| 19400–19700 | do | do | 1 |
| 27525–31300 | do | do | 1 |
| 38600–40000 | do | do | 1 |

BUSINESS RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | General reference | Limitations |
|---|---|---|---|
| • • • | • • • | • • • | • • • |
| 72.02 | Operational fixed | 72 Mc/s fixed | |
| 72.04 | do | do | |
| 72.06 | do | do | |
| 72.08 | do | do | |
| 72.10 | do | do | |
| 72.12 | do | do | |
| 72.14 | do | do | |
| 72.16 | do | do | |
| 72.18 | do | do | |
| 72.20 | do | do | |
| 72.22 | do | do | |
| 72.24 | do | do | |
| 72.26 | do | do | |
| 72.28 | do | do | |
| 72.30 | do | do | |
| 72.32 | do | do | |
| 72.34 | do | do | |
| 72.36 | do | do | |
| 72.38 | do | do | |
| 72.40 | do | do | |
| 72.42 | do | do | |
| 72.46 | do | do | |
| 72.50 | do | do | |
| 72.54 | do | do | |
| 72.58 | do | do | |
| 72.62 | do | do | |
| 72.64 | do | do | |
| 72.66 | do | do | |
| 72.68 | do | do | |
| 72.70 | do | do | |
| 72.72 | do | do | |
| 72.74 | do | do | |
| 72.76 | do | do | |
| 72.78 | do | do | |
| 72.80 | do | do | |
| 72.82 | do | do | |
| 72.84 | do | do | |
| 72.86 | do | do | |
| 72.88 | do | do | |
| 72.90 | do | do | |
| 72.92 | do | do | |
| 72.94 | do | do | |
| 72.96 | do | do | |
| 72.98 | do | do | |
| 73.42 | do | do | |
| 73.46 | do | do | |
| 73.50 | do | do | |
| 73.54 | do | do | |
| 73.58 | do | do | |
| 73.62 | do | do | |
| 73.66 | do | do | |
| 73.68 | do | do | |
| 73.70 | do | do | |
| 73.72 | do | do | |
| 73.74 | do | do | |
| 73.76 | do | do | |
| 73.78 | do | do | |
| 73.80 | do | do | |
| 73.82 | do | do | |
| 73.84 | do | do | |
| 73.86 | do | do | |
| 73.88 | do | do | |
| 73.90 | do | do | |
| 73.92 | do | do | |
| 73.94 | do | do | |
| 73.96 | do | do | |
| 73.98 | do | do | |
| • • • | • • • | • • • | • • • |
| 952.1 | Operational fixed | Radio alarm | 22, 24 |
| 952.2 | do | do | 22, 24 |
| 952.3 | do | do | 22, 24 |
| 952.4 | do | do | 22, 24 |

(22) Available on a developmental basis only for duplex omnidirectional operations to stations rendering a central station commercial protection service.

(23) Available on a developmental basis only for omnidirectional operations to those organizations rendering a central station commercial protection service.

(24) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts.

**§ 91.556 Unlisted frequencies.**

(a) Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue such operation; but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

(b) Operations in the frequency band 952–960 Mc/s authorized prior to July 20, 1961, which are not in accordance with the frequency pairing plan for this band contained in § 91.554(a), may continue provided interference is not caused to the operations of systems which utilize frequencies in accordance with that plan.

(c) Operational fixed stations authorized to operate in the 10550–10680 Mc/s

band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

22. In § 91.729, paragraph (c) is deleted, and the word "[Reserved]" is inserted in lieu thereof, as follows:

**§ 91.729 Station limitations.**

• • • • • •

(c) [Reserved]

23. In § 91.730(a) the table of frequencies is amended to change the entries for 952–960 through 26000–30000 Mc/s, and paragraph (b) is amended by adding new subparagraphs (9), (10), (11), and (12), to read as follows:

**§ 91.730 Frequencies available.**

(a) • • •

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| • • • | • • • | • • • |
| 952.1 | Operational fixed | 10, 11 |
| 952.2 | do | 10, 11 |
| 952.3 | do | 10, 11 |
| 952.4 | do | 10, 11 |
| *Paired frequencies* | | |
| 952.8 956.4 | do | 9 |
| 952.9 956.5 | do | 9 |
| 953.0 956.6 | do | |
| 953.1 956.7 | do | |
| 953.2 956.8 | do | |
| 953.3 956.9 | do | |
| 953.4 957.0 | do | |
| 953.5 957.1 | do | |
| 953.6 957.2 | do | |
| 953.7 957.3 | do | |
| 953.8 957.4 | do | |
| 953.9 957.5 | do | |
| 954.0 957.6 | do | |
| 954.1 957.7 | do | |
| 954.2 957.8 | do | |
| 954.3 957.9 | do | |
| 954.4 958.0 | do | |
| 954.5 958.1 | do | |
| 954.6 958.2 | do | |
| 954.7 958.3 | do | |
| 954.8 958.4 | do | |
| 954.9 958.5 | do | |
| 955.0 958.6 | do | |
| 955.1 958.7 | do | |
| 955.2 958.8 | do | |
| 955.3 958.9 | do | |
| 955.4 959.0 | do | |
| 955.5 959.1 | do | |
| 955.6 959.2 | do | |
| 955.7 959.3 | do | |
| 955.8 959.4 | do | |
| 955.9 959.5 | do | |
| 956.0 959.6 | do | |
| 956.1 959.7 | do | |
| 956.2 959.8 | do | 9 |
| 956.3 959.9 | do | 9 |
| *Frequency band* | | |
| 1850–1990 | do | |
| 2130–2150 | do | |
| 2150–2160 | do | 10 |
| 2180–2200 | do | |
| 2450–2500 | Base, mobile, or fixed | 2 |
| 2500–2690 | Operational fixed | 12 |
| 6525–6575 | Base or mobile | |
| 6575–6875 | Operational fixed | |
| 8400–8500 | Base, mobile, or fixed | 5 |
| 10550–10680 | Base or mobile | |
| 12200–12700 | Operational fixed | |
| 13200–13250 | Base, mobile, or fixed | 5 |
| 17700–19300 | do | 5 |
| 19400–19700 | do | 5 |
| 27525–31300 | do | 5 |
| 38600–40000 | do | 5 |

(b) • • •

(9) Available only for duplex omnidirectional operations on a developmental basis.

(10) Available on a developmental basis only for omnidirectional operation.

(11) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts.

(12) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified, or expanded by the addition of new stations, upon appropriate application therefor.

24. New § 91.731 is added to read as follows:

**§ 91.731 Unlisted frequencies.**

(a) Operations in the frequency band 952–960 Mc/s authorized prior to July 20, 1961, which are not in accordance with the frequency pairing plan for this band contained in § 91.730(a), may continue provided interference is not caused to the operations of systems which utilize frequencies in accordance with that plan.

(b) Stations authorized to operate in the bands 2110–2130, 2150–2160, and 2160–2180 Mc/s prior to January 15, 1963, will be authorized to continue to operate in those bands until January 15, 1968.

(c) Stations authorized to operate in the band 6425–6525 Mc/s prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

(d) Operational fixed stations authorized to operate in the 10550–10680 Mc/s band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

25. In § 91.753, paragraph (b) is deleted, and the word "[Reserved]" is inserted in lieu thereof, as follows:

**§ 91.753 Station limitations.**

• • • • • •

(b) [Reserved]

26. In § 91.754(a), the table of frequencies is amended to change the entries for 952–960 through 26000–30000 Mc/s, and paragraph (b) is amended by deleting subparagraph (6) and adding new subparagraphs (6), (7), (8), and (9), to read as follows:

**§ 91.754 Frequencies available.**

(a) • • •

TELEPHONE MAINTENANCE RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| • • • | • • • | • • • |
| 952.1 | Operational fixed | 7, 8 |
| 952.2 | do | 7, 8 |
| 952.3 | do | 7, 8 |
| 952.4 | do | 7, 8 |
| *Paired frequencies* | | |
| 952.8 956.4 | do | 6 |
| 952.9 956.5 | do | 6 |
| 953.0 956.6 | do | |
| 953.1 956.7 | do | |
| 953.2 956.8 | do | |
| 953.3 956.9 | do | |
| 953.4 957.0 | do | |
| 953.5 957.1 | do | |
| 953.6 957.2 | do | |
| 953.7 957.3 | do | |
| 953.8 957.4 | do | |
| 953.9 957.5 | do | |
| 954.0 957.6 | do | |
| 954.1 957.7 | do | |
| 954.2 957.8 | do | |
| 954.3 957.9 | do | |
| 954.4 958.0 | do | |
| 954.5 958.1 | do | |
| 954.6 958.2 | do | |
| 954.7 958.3 | do | |
| 954.8 958.4 | do | |
| 954.9 958.5 | do | |
| 955.0 958.6 | do | |
| 955.1 958.7 | do | |
| 955.2 958.8 | do | |
| 955.3 958.9 | do | |
| 955.4 959.0 | do | |
| 955.5 959.1 | do | |
| 955.6 959.2 | do | |
| 955.7 959.3 | do | |
| 955.8 959.4 | do | |
| 955.9 959.5 | do | |
| 956.0 959.6 | do | |
| 956.1 959.7 | do | |
| 956.2 959.8 | do | 6 |
| 956.3 959.9 | do | 6 |
| *Frequency band* | | |
| 1850–1990 | do | |
| 2130–2150 | do | |
| 2150–2160 | do | 7 |
| 2180–2200 | do | |
| 2450–2500 | Base, mobile, or fixed | 3 |
| 2500–2690 | Operational fixed | 9 |
| 6525–6575 | Base or mobile | |
| 6575–6875 | Operational fixed | |
| 8400–8500 | Base, mobile, or fixed | 5 |
| 10550–10680 | Base or mobile | |
| 12200–12700 | Operational fixed | |
| 13200–13250 | Base, mobile, or fixed | 5 |
| 17700–19300 | do | 5 |
| 19400–19700 | do | 5 |
| 27525–31300 | do | 5 |
| 38600–40000 | do | 5 |

(b) • • •

(6) Available only for duplex omnidirectional operations on a developmental basis.

(7) Available on a developmental basis only for omnidirectional operation.

(8) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts.

(9) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified, or expanded by the addition of new stations, upon appropriate application therefor.

27. New § 91.755 is added to read as follows:

**§ 91.755 Unlisted frequencies.**

(a) Operations in the frequency band 952–960 Mc/s authorized prior to July 20, 1961, which are not in accordance with the frequency pairing plan for this band contained in § 91.754(a), may continue provided interference is not caused to the operations of systems which utilize frequencies in accordance with that plan.

(b) Stations authorized to operate in the bands 2110–2130, 2150–2160, and 2160–2180 Mc/s prior to January 15, 1963, will be authorized to continue to operate in those bands until January 15, 1968.

(c) Stations authorized to operate in the band 6425–6525 Mc/s prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

(d) Operational fixed stations authorized to operate in the 10550–10680 Mc/s band prior to July 15, 1963, will be authorized to continue to operate in that band until July 15, 1968.

[F.R. Doc. 64–13059; Filed, Dec. 22, 1964; 8:45 a.m.]



# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Upper Mississippi River Wildlife and Fish Refuge; Illinois, Iowa, Minnesota and Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Sport fishing on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Open season: Date of publication in FEDERAL REGISTER through December 31, 1965, subject further to applicable States' seasons.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1965.

W. P. SCHAEFER,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 11, 1964.

[F.R. Doc. 64–13144; Filed, Dec. 22, 1964; 8:46 a.m.]

# Proposed Rule Making

## CIVIL AERONAUTICS BOARD

**[ 14 CFR Part 399 ]**

[Docket No. 15731]

### STATEMENTS OF GENERAL POLICY

**Wet Leases to Foreign Air Carriers; Extension of Time for Comments**

DECEMBER 21, 1964.

The Board, by publication in 29 F.R. 17042, and by circulation of a Notice of Proposed Rule Making, PSDR–9, dated December 8, 1964, gave notice that it is considering the desirability of amending Part 399, its Statements of General Policy, to establish a new Board policy with respect to so-called "wet leases" by United States air carriers to foreign air carriers. Interested persons were invited to participate in the rule making proceeding through the submission of ten (10) copies of written data, views, or arguments, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before December 23, 1964.

British Overseas Airways Corp., British West Indian Airways, Ltd., and Bahamas Airways Ltd. have jointly requested that the time for filing comments be extended thirty days. The undersigned finds that the additional time requested is not warranted. However, an additional ten days will be allowed.

Accordingly, pursuant to authority delegated under Section 7.3C of Public Notice PN–15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposal until January 4, 1965. All relevant matter in communications received on or before that date will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

(Secs. 204(a), 412 and 416, Federal Aviation Act of 1958, 72 Stat. 743, 770, 771; 49 U.S.C. 1324, 1382, 1386 and sec. 3 of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
*Associate General Counsel,*
*Rules and Special Counsel Division.*

[F.R. Doc. 64–13254; Filed, Dec. 22, 1964; 8:48 a.m.]

## FEDERAL AVIATION AGENCY

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 64–WE–62]

### FEDERAL AIRWAYS

**Proposed Alteration**

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter VOR Federal airway No. 23 between Portland, Oreg., and Seattle, Wash., and which would alter VOR Federal airway No. 287 between Portland and Olympia, Wash.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would realign V–23 via the intersection of the Portland VORTAC 350° and the Seattle VORTAC 197° True radials, and would realign V–287 from the Portland VORTAC direct to the Olympia VORTAC. This would permit the lowering of the MEA from 6,000 to 5,000 feet on V–23 between the Portland VORTAC and the Rainier Intersection, and on V–287 between Portland and Olympia. The resulting increased IFR capacity of these airway segments is needed to facilitate the movement of IFR traffic at lower altitudes between Portland and Seattle and Portland and Olympia.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 16, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–13133; Filed, Dec. 22, 1964; 8:45 a.m.]

**[ 14 CFR Parts 71, 75 [New] ]**

[Airspace Docket No. 64–EA–54]

### JET ROUTES AND REPORTING POINTS

**Proposed Designation, Realignment and Revocation**

The Federal Aviation Agency is considering amendments to Parts 71 and 75 [New] of the Federal Aviation Regulations which would designate a jet route from Appleton, Ohio to Westminster, Md., and which would realign Jet Routes Nos. 6, 8, 12, 48, 61, 75, and 77 via the Westminster VOR instead of the Baltimore, Md. VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering using the Westminster VOR (latitude 39°29'42" N., longitude 76°58'44" W.) in lieu of the Baltimore VORTAC in the jet route structure in order to facilitate traffic control in the Baltimore-Washington, D.C. area. Elimination of the Baltimore VORTAC would necessitate realignment of Jet Routes Nos. 6, 8, 12, 48, 61, 75, and 77. Additionally, in order to facilitate traffic control of arrivals to, and departures from, the Baltimore area a jet route from Appleton, Ohio, direct to Westminster, is proposed. If this proposal is adopted amendments to existing jet routes would be made as hereinafter set forth.

1. In § 75.100 (29 F.R. 1287) the following actions would be taken:

(a) Jet Route No. 6 would be amended by deleting "Front Royal, Va.; Yardley, Pa." and substituting therefor, "Front Royal, Va.; Westminster, Md.; Yardley, Pa."

(b) Jet Route No. 8 would be amended by deleting "Front Royal, Va.; Yardley, Pa.;" and substituting therefor, "Front Royal, Va.; Westminster, Md.; Yardley, Pa."

(c) Jet Route No. 12 would be amended by deleting from the caption "to Baltimore, Md.)." and substituting "to Westminster, Md.)." therefor; and by deleting from the text "Baltimore, Md." and substituting therefor, "Westminster, Md."

(d) Jet Route No. 48 would be amended by deleting from the caption "to Delta, Pa.)." and substituting "to Westminster, Md.)." therefor; and by deleting from the text "From Pulaski, Va., via Herndon, Va., to the INT of the





direct radials between Gordonsville, Va., and Huguenot, N.Y., and between Front Royal, Va., and Yardley Pa." and substituting "From Pulaski, Va., to Westminster, Md." therefor.

(e) Jet Route No. 61 would be amended by deleting from the caption "(Baltimore, Md." and substituting "(Westminster, Md." therefor; and by deleting from the text "From Baltimore, Md., via Philipsburg, Pa.," and substituting "From Westminster, Md., via Philipsburg, Pa.," therefor.

(f) Jet Route No. 75 would be amended by deleting "Gordonsville, Va.; Huguenot, N.Y." and substituting "Gordonsville, Va.; Westminster, Md.; Huguenot, N.Y." therefor.

(g) Jet Route No. 77 would be amended by deleting "Gordonsville, Va., Huguenot, N.Y." and substituting "Gordonsville, Va.; Westminster, Md.; Huguenot, N.Y." therefor.

2. In § 71.207 (29 F.R. 1223), Westminster, Md., would replace Baltimore, Md., as a high altitude reporting point.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 16, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–13134; Filed, Dec. 22, 1964; 8:45 a.m.]

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 64–SO–60]

### CONTROL ZONE AND TRANSITION AREA

**Proposed Designation and Redesignation; Supplemental Notice**

In a notice of proposed rule making published in the FEDERAL REGISTER on November 7, 1964 (29 F.R. 15092) it was stated, in part, that the Federal Aviation Agency proposed to redesignate the transition area at Crossville, Tenn.

The proposed redesignated Crossville transition area was described as follows:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.); within 5 miles SW and 8 miles NE of the Crossville VORTAC 154° radial, extending from the VORTAC to 12 miles SE, excluding the area SE of a line 16 miles NW of and parallel to the Chattanooga, Tennessee, VORTAC 037° radial; within 8 miles S and 5 miles N of the 073° bearing from the Crossville RBN (latitude 35°58'06" N., longitude 84°59'40" W.) extending from the 6-mile radius area to 12 miles E of the RBN, excluding that airspace within a 10-mile radius of Fowler Field, Rockwood, Tenn. (latitude 35°55'15" N., longitude 84°41'25" W.).

It was stated that the proposed transition area would provide protection for the proposed new instrument approach procedure to be established on the non-directional radio beacon the City of Crossville is installing at latitude 35°-58'06" N., longitude 84°59'40" W. The new instrument approach procedure will be published under Part 97 of the Federal Aviation Regulations.

Subsequent to the publication of the notice, it was disclosed that the procedure turn could be executed at a lower altitude and the landing minimums would be lower if the proposed instrument approach procedure were modified.

The modification of the proposed instrument approach procedure would have no effect upon the proposed control zone but would alter the proposed transition area redesignation. As altered, the transition area would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Crossville Memorial Airport (latitude 35°57'55" N., longitude 85°05'05" W.); within 5 miles SW and 8 miles NE of the Crossville VORTAC 154° radial, extending from the VORTAC to 12 miles SE, excluding the area SE of a line 16 miles NW of and parallel to the Chattanooga, Tennessee, VORTAC 037° radial; within 8 miles N and 5 miles S of the 062° bearing from the Crossville RBN (latitude 35°58'06" N., longitude 84°-59'40" W.) extending from the 6-mile radius area to 12 miles NE of the RBN, excluding that airspace within a 10-mile radius of Fowler Field, Rockwood, Tennessee (latitude 35°55'15" N., longitude 84°41'25" W.).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on December 15, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64–13187; Filed, Dec. 22, 1964; 8:48 a.m.]

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 63–SO–43]

### CONTROL AREA EXTENSION, CONTROL ZONES AND TRANSITION AREAS

**Proposed Revocation, Alteration, and Designation**

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the control area extension in the vicinity of Valdosta, Ga., alter the control zones in the Valdosta terminal area and designate transition areas in the vicinity of Valdosta, Moultrie, and Waycross, Ga.

The Valdosta, Ga., control area extension is presently designated as that airspace bounded on the N by latitude 32°00'00" N., on the E by V–5, on the S by V–22, and on the W by V–35.

The Valdosta, Ga. (Valdosta Municipal Airport) control zone is presently designated as within a 5-mile radius of the Valdosta Municipal Airport and within 2 miles either side of the Valdosta VOR 004° and 184° radials extending from the 5-mile radius zone to 10 miles SW of the VOR, excluding the portion within the Moody AFB control zone.

The Valdosta, Ga. (Moody AFB) control zone is presently designated within a 10-mile radius of Moody AFB, Valdosta, Ga.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Valdosta, Moultrie, and Waycross, Ga., terminal areas, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Valdosta, Ga., control area extension would be revoked.

2. The Valdosta, Ga. (Valdosta Municipal Airport) control zone would be redesignated within a 5-mile radius of the Valdosta Municipal Airport (latitude 30°46'58" N., longitude 83°16'44" W.); within 2 miles each side of the Valdosta VOR 007° radial, extending from the 5-mile radius zone to the VOR.

3. The Valdosta, Ga. (Moody AFB) control zone would be redesignated within a 5-mile radius of Moody AFB (latitude 30°58'01" N., longitude 83°11'27" W.); within 2 miles each side of the Moody VOR 007° radial, extending from the 5-mile radius zone to 12 miles N of the VOR; within 2 miles each side of the Moody VOR 173° radial, extending from the 5-mile radius zone to 12 miles SE of the VOR; within 2 miles each side of the Valdosta VOR 016° radial, extending from the 5-mile radius zone to the Valdosta Municipal Airport 5-mile radius control zone; within 2 miles each side of the Moody TACAN 360° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN; within 2 miles each side

of the Moody TACAN 180° radial, extending from the 5-mile radius zone to the Valdosta Municipal Airport 5-mile radius control zone. This control zone shall be effective only during specific dates and times established 30 days in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

4. A Valdosta, Ga., transition area would be designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Valdosta VOR 187° radial, extending from the VOR to 8 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the S by V–22, on the W by V–35/97, on the NW by a 30-mile arc centered on Albany Airport (latitude 31°32'00" N., longitude 84°11'35" W.), on the N by latitude 31°35'00" N., on the NE by V–243 and on the E by V–157; and that airspace extending upward from 2,000 feet MSL bounded on the N by latitude 32°00'00" N., on the E by V–243, on the S by latitude 31°35'00" N. and on the W by a 40-mile arc centered on Turner Air Force Base (latitude 31°35'55" N., longitude 84°05'39" W.); excluding that airspace which coincides with the Waycross, Ga., transition area.

5. The Valdosta, Ga. (Moody AFB) transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Moody AFB (latitude 30°58'01" N., longitude 83°11'27" W.); within 2 miles each side of the Moody ILS localizer N course, extending from the 7-mile radius area to 12 miles N of the LOM; within 2 miles each side of the Moody TACAN 180° radial, extending from the 7-mile radius area to 12 miles S of the TACAN. The transition area shall be effective only during specific dates and times established 30 days in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

6. The Moultrie, Ga., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Sunset Airport (latitude 31°04'48" N., longitude 83°48'15" W.); within a 6-mile radius of Spence Field (latitude 31°08'26" N., longitude 83°42'24" W.); within 2 miles each side of the Moultrie VOR 271° radial, extending from the 5-mile radius area to 8 miles W of the VOR; within 2 miles each side of the Moultrie VOR 199° and 230° radials, extending from the 5-mile radius area to 8 miles S and SW of the VOR.

7. The Waycross, Ga., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross, Ga., VOR (proposed at latitude 31°16'09" N., longitude 82°33'12" W.) 100° radial, extending from the 5-mile radius area to Waycross VOR 207° and 027° radials; including that airspace extending upward from 1200 feet above the surface within 8 miles N and 5 miles S of the Waycross VOR 297° radial, extending from the VOR to 12 miles NW of the VOR; within 8 miles N and 5 miles S of the 086° bearing from a point at latitude 31°15'42" N., longitude 82°19'26" W., extending from this point to 12 miles E of this point.

The proposed control zone alterations and transition area designations are required to protect prescribed (and proposed) instrument approach and departure procedures at Valdosta Municipal Airport, Moody AFB, Sunset Airport (Moultrie), Waycross-Ware County Airport, Thomasville Airport, and Spence (Air Force) Auxiliary Field (Moultrie). They are also required for protection of approved holding patterns and aircraft being radar vectored by Valdosta Approach Control and Jacksonville Air Route Traffic Control Center.

The redesignated Valdosta, Ga. (Moody AFB) control zone and the Valdosta (Moody AFB) 700-foot transition area would be part-time, effective only during the dates and times the Moody AFB traffic control tower is in operation. Since the hours of operation of the Moody AFB traffic control tower vary with the seasons of the year, appropriate military authority will issue, 30 days in advance, a Notice to Airmen specifying the dates and times the control zone will be effective. This Notice to Airmen will appear continuously in the Airman's Information Manual.

The floors of airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument approach procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency; Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on December 15, 1964.

PAUL H. BOATMAN,
*Acting Director,*
*Southern Region.*

[F.R. Doc. 64–13188; Filed, Dec. 22, 1964; 8:48 a.m.]

## [ 14 CFR Parts 91 [New], 129 [New] ]

[Reg. Docket No. 6395; Notice 64–53]

## AIRBORNE DISTANCE MEASURING EQUIPMENT; FOREIGN AIRCRAFT

### Notice of Proposed Rule Making

The Federal Aviation Agency is considering a proposal to require foreign civil aircraft when operating within the 48 contiguous States and the District of Columbia to be equipped with distance measuring equipment (DME).

This equipment must be installed on each foreign civil aircraft when operated at and above 24,000 feet MSL after December 31, 1965. In addition, it must be installed on each of the following airplanes operated by a foreign air carrier, regardless of the altitude flown, after the indicated dates.

(1) Turbojet airplanes—December 31, 1965.

(2) Turboprop airplanes—June 30, 1966.

(3) Pressurized reciprocating engine airplanes—December 31, 1966.

(4) Other airplanes having a maximum certificated takeoff weight of more than 12,500 pounds—December 31, 1967.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 22, 1965, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

By amendments to Parts 40, 41, 42, and 43 (now 91 [New]) similar requirements were prescribed for U.S. air carrier airplanes and other civil aircraft of the United States. A discussion of the DME including its need for the safe and efficient use of the airspace was set forth in the notice of proposed rule making and the final amendments to those parts (Draft Release 61–11, 26 F.R. 4455; amendments 40–38, 41–2, 42–44, 43–16, 28 F.R. 479–484). Interested persons may obtain copies of the draft release and amendments by directing a request to the Publications Division, Federal Aviation Agency, Washington, D.C., 20553. The Agency now finds that in order to achieve the maximum safety and efficiency provided by the VORTAC system of navigation the DME equipment requirement should be extended to foreign civil aircraft operating within the same environment in the United States.

At the present time, positive control for both VFR and IFR flights is exercised along approximately 11,637 nautical miles of VOR airways. All DME installations serving the high route structure of these airways are nearly completed. Those installations serving other route structures, although behind schedule, are being installed as rapidly as possible. In addition, VORTACs have been commissioned by the Agency for all principal terminal airports into which foreign air carriers are now authorized to operate. Therefore, the use of DME equipment on foreign civil aircraft will not only provide the pilots of those aircraft with continuous and accurate information regarding holding fixes, crossing points, and other information for the safe operation of the airplane in an environment of very high speed traffic, but will also provide the Agency with an efficient aid in the exercise of air traffic control within those areas.

The installation of these DME facilities along the VOR airways is in accord with the aeronautical telecommunications standards and recommendations of Annex 10 to the Convention on International Civil Aviation. As in the case of other equipment used on foreign civil aircraft, the DME equipment will not be required to be approved by the Administrator. However, such equipment should meet the specifications of Annex 10 and provide continuous and accurate information in the airplane for measurement of distance along the VORTAC system established by the Administrator.

In consideration of the foregoing, it is proposed to amend Parts 91 [New] and 129 [New] of the Federal Aviation Regulations as follows:

1. By amending § 91.43 by adding a new paragraph (e) to read:

§ 91.43 Special rules for foreign civil aircraft.

* * * * *

(e) *Flight at and above 24,000 feet MSL.* After December 31, 1965, if VOR navigational equipment is required under paragraph (c) (1) (ii) of this section, no person may operate a foreign civil aircraft in the 48 contiguous States or in the District of Columbia, at and above 24,000 feet MSL, unless the aircraft is equipped with distance measuring equipment (DME) capable of receiving and indicating distance information from the VORTAC facilities to be used. When DME required by this paragraph fails at and above 24,000 feet MSL, the pilot in command of the aircraft shall notify ATC immediately, and may then continue operations at and above 24,000 feet MSL to the next airport of intended landing at which repairs or replacement of the equipment can be made.

2. By amending § 129.17 by designating the provisions of that section as paragraph (a), and adding a paragraph (b) to read as follows:

§ 129.17 Radio equipment.

* * * * *

(b) Whenever VOR navigational equipment is required by paragraph (a) of this section, at least one distance measuring equipment (DME), capable of receiving and indicating distance information from the VORTAC facilities to be used, must be installed on each airplane when operated within the 48 contiguous States and the District of Columbia at and above 24,000 feet MSL after December 31, 1965, and must be installed on each of the following airplanes, regardless of the altitude flown, when operating within the 48 contiguous States and the District of Columbia after the indicated dates.

(1) Turbojet airplanes—December 31, 1965.

(2) Turboprop airplanes—June 30, 1966.

(3) Pressurized reciprocating engine airplanes—December 31, 1966.

(4) Other airplanes having a maximum certificated takeoff weight of more than 12,500 pounds—December 31, 1967.

This amendment is proposed under the authority of sections 313(a), 307, and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1348 and 1421).

Issued in Washington, D.C., on December 18, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64–13192; Filed, Dec. 22, 1964; 8:48 a.m.]



# FEDERAL HOME LOAN BANK BOARD

## [ 12 CFR Part 561 ]

[No. FSLIC–1,943]

## FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

### Proposed Amendment Relating to Definition of Slow Loans

DECEMBER 17, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the Rules and Regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 561.16 of the Rules and Regulations for Insurance of Accounts (12 CFR 561.16) be amended by an amendment the substance of which is as follows:

Amend paragraph (e) of § 561.16 of the Rules and Regulations for Insurance of Accounts to read as follows:

§ 561.16 Slow loans.

* * * * *

(e) Any loan or land contract that has been modified or refinanced within the preceding 12 months while contractually delinquent, except a mortgage loan or land contract more than 2 years old and less than 30 days delinquent at the time of the modification or refinancing and not previously modified or refinanced subsequent to January 1, 1964.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than January 8, 1965, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64–13183; Filed, Dec. 22, 1964; 8:47 a.m.]

# FEDERAL POWER COMMISSION

## [ 18 CFR Part 154 ]

[Docket No. R–242]

## GAS PIPELINE TARIFFS

### Unauthorized Overrun Penalty Provisions; Order Terminating Proceeding

DECEMBER 17, 1964.

The Commission issued a notice on July 15, 1963, wherein it proposed to amend § 154.38 of the regulations under the Natural Gas Act by prescribing uniform unauthorized overrun penalty provisions to be included in rate schedules filed, pursuant to section 4 of the Natural Gas Act, by natural gas pipeline companies where a contracted volume is specified. The notice was published in the FEDERAL REGISTER on July 20, 1963 (28 F.R. 7432) and mailed to persons who would be affected or interested including Federal and State agencies. Comments on the proposed rule were received from 79 respondents, including 19 pipeline companies, 48 distributors, 12 State commissions, municipalities, and municipal associations. Of these, sixty respondents strongly opposed the proposal for a variety of reasons.

We have concluded, in the light of the opposition expressed by all segments of the industry and various regulatory bodies, that the regulations as proposed are not necessary for general application at this time. We have decided to withdraw the proposal for the present.

However, as indicated in paragraph (3) of the July 15, 1963 notice, the existence of overrun penalty provisions in contracts between pipeline companies and their buyers could result in discriminatory practices in administering the penalty provisions among buyers who seek or take overrun gas. Hence, while the regulations originally proposed in this proceeding may not be necessary for general application at this time, it is important that we obtain from the pipeline companies information as to their actual experience and practice in administering the overrun penalty provisions. We have, therefore, instructed the staff to prepare a notice of proposed rulemaking to add a schedule to FPC Form No. 2 for the purpose of obtaining such information.

The Commission, therefore, orders:

(A) Effective upon the issuance of this order, the proceeding in Docket No. R-242 is terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-13157; Filed, Dec. 22, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

**[ 17 CFR Parts 230, 240 ]**

**[Release 33-4742, 34-7470]**

## REGISTRATION AND REPORTING PROCEDURES

### Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to its general rules and regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934.

The amendments to the rules under the Securities Act of 1933 would reflect the new numbering of the subsections of section 4 of the Act effected by the Securities Acts Amendments of 1964. The purpose of the proposed amendments to the general rules and regulations under the Securities Exchange Act of 1934 is to make those rules generally applicable to issuers required to register securities pursuant to the new section 12(g) of the Act. The result would be that registrants under that section of the Act would follow the same registration and reporting procedures as registrants which have securities registered on a national securities exchange. The proposed changes are described in more detail below.

Rule 0-6 (to be redesignated 17 CFR 240.0-6) under the Securities Exchange Act of 1934 relating to disclosure detrimental to the national security would be amended to include a reference to registration statements as well as other documents filed with the Commission.

Regulation 12B (17 CFR 240.12b-1 to 240.12b-36) under the Securities Exchange Act of 1934 as now in effect contains general rules relating to the preparation and filing of applications for registration of securities on a national securities exchange pursuant to section 12(b) of that Act, reports by listed companies pursuant to section 13 of the Act and reports pursuant to section 15(d) of the Act by certain registrants under the Securities Act of 1933. The amendments to Regulation 12B would make the provisions of that regulation applicable to registration statements filed pursuant to the new section 12(g) of the Act.

Regulation 13A (17 CFR 240.13a-1 to 240.13a-15) under the Securities Exchange Act of 1934 contains certain special rules relating to the filing of periodic and other reports pursuant to section 13 of the Act by issuers having securities registered on a national securities exchange. The amendments to this regulation would extend the applicability of those rules to reports filed pursuant to section 13 of the Act by issuers having securities registered pursuant to section 12(g).

Regulation 15D (17 CFR 240.15d-1 to 240.15d(21)) under the Securities Exchange Act of 1934 contains certain special rules relating to the filing of periodic and other reports required by section 15(d) of the Act by certain issuers having securities registered under the Securities Act of 1933. The amendments to these rules are designed to conform them to the provisions of section 15(d) of the Act as amended by the Securities Acts Amendments of 1964. In addition, Rule 15d-20 (17 CFR 240.15d-20), containing an exemption for certain closely held issuers from the reporting requirements of section 15(d) of the Act, would be rescinded since it is no longer necessary under the provisions of the amended section 15(d).

Section 16(a) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1964, requires the directors, officers, and principal equity security holders of listed companies and companies registered pursuant to the new section 12(g) of the Act to file reports of their beneficial ownership of equity securities of their respective companies. The rules under this section would be amended to make them applicable to the additional reports required by the amended section.

The Securities Acts Amendments of 1964 redesignated section 16(d) of the Act as "Section 16(e)." Rule 16d-1 (17 CFR 240.16d-1), which relates to arbitrage transactions under section 16, would be amended to redesignate it as "Rule 16e-1" (17 CFR 240.16e-1) and to make it apply to securities registered pursuant to the new section 12(g) of the Act.

The text of the proposed amendments is set forth below. Rules and portions of rules not referred to would remain unchanged.

I. Part 230 of Title 17 would be amended as follows:

Sections 230.151, 230.152, 230.155, and 230.156 would be amended by changing "section 4(1)," wherever it appears in the caption or text of those sections, to "section 4(2)."

Section 230.152A would be amended by changing the phrase "within the meaning of the first clause of section 4(1) of the Act" to "within the meaning of section 4(1) of the Act."

Sections 230.133 and 230.154 would be amended by changing "section 4(2)," wherever it appears in the caption or text of those sections, to "section 4(4)."

II. Section 240.6 of Title 17 would be redesignated as § 240.0-6 and would be amended as follows:

**§ 240.0-6 Disclosure detrimental to the national security.**

(a) Any requirement to the contrary notwithstanding, no application for registration, registration statement, report, proxy statement or other document filed with the Commission or any securities exchange shall contain any document or information that has been classified or determined by an appropriate department or agency of the United States to require protection in the interests of national defense.

* * * * *

III. The heading "Applications and reports" following § 240.12a-5 would be changed to read "Regulation 12B: Registration and reporting." The following sections of Regulation 12B (§§ 240.12b-1 to 240.12b-36) would be amended as indicated below.

**§ 240.12b-1 Scope of regulation.**

The rules contained in §§ 240.12b-1 to 240.12b-36, inclusive, shall govern all applications for registration and registration statements filed pursuant to section 12 of the act and all reports filed pursuant to sections 13 and 15(d) of the act, including all amendments to such applications, statements and reports, except that any provision in a form covering the same subject matter as any such rule shall be controlling.

**§ 240.12b-2 Definitions.**

Unless the context otherwise requires, the following terms, when used in the rules contained in §§ 240.12b-1 to 240.12b-36, inclusive, or in §§ 240.13a-1 to 240.13b-1, inclusive, or §§ 240.15d-1 to 240.15d-21, inclusive, or in the forms for applications, statements and reports filed pursuant to section 12, 13, or 15(d) of the act, shall have the respective meanings indicated in this rule:

* * * * *

(m) *Previously filed or reported.* The terms "previously filed" and "previously reported" mean previously filed with, or reported in, an application or statement under section 12, a report under section 13 or 15(d), a definitive proxy statement under section 14 of the act, or a registration statement under the securities act of 1933: *Provided,* That information contained in any such document shall be deemed to have been previously filed with, or reported to, an exchange only if such document is filed with such exchange.

* * * * *



**§ 240.12b-10 Requirements as to proper form.**

Every application, statement or report shall be on the form prescribed therefor by the Commission, as in effect on the date of filing. Any application, statement or report shall be deemed to be filed on the proper form unless objection to the form is made by the Commission within 30 days after the date of filing.

**§ 240.12b-11 Number of copies; signatures; binding.**

(a) Except as provided in a particular form, three complete copies of each application, statement or report, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy of each application shall be filed with each exchange on which the securities covered thereby are being registered. At least one complete copy of each report under section 13 of the act shall be filed with each exchange on which the registrant has securities registered.

(b) At least one copy of each application, statement or report filed with the Commission and one copy of each application or report filed with each exchange shall be manually signed in the manner prescribed by the appropriate form. If the application, statement or report is typewritten, one of the signed copies filed with the Commission shall be an original "ribbon" copy. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the application, statement or report.

(c) Each copy of an application, statement or report filed with the Commission or with an exchange shall be bound in one or more parts. Copies filed with the Commission shall be bound without stiff covers. The application, statement or report shall be bound on the left side in such a manner as to leave the reading matter legible.

**§ 240.12b-12 Requirements as to paper, printing and language.**

(a) Applications, statements and reports shall be filed on good quality, unglazed, white paper 8½ x 13 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper if folded to that size.

(b) The application, statement or report and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mineographed, or typewritten. However, the application, statement or report or any portion thereof may be prepared by a similar process which, in the opinion of the Commission, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(c) The body of all printed applications, statements and reports shall be in roman type at least as large as ten-point modern type. However, to the extent necessary for convenient presentation, financial statements and other statistical or tabular data and the notes thereto may be in type at least as large as eight-point modern type. All type shall be leaded at least two points.

(d) Applications, statements and reports shall be in the English language. If any exhibit or other paper or document filed with an application, statement or report is in a foreign language, it shall be accompanied by a translation into the English language.

**§ 240.12b-13 Preparation of application, statement or report.**

The application, statement or report shall contain the numbers and captions of all items of the appropriate form, but the text of the items may be omitted provided the answers thereto are so prepared as to indicate to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. However, where any item requires information to be given in tabular form, it shall be given in substantially the tabular form specified in the item. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

**§ 240.12b-14 Riders; inserts.**

Riders shall not be used. If the application, statement or report is typed on a printed form, and the space provided for the answer to any given item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and caption and the complete answer are given.

**§ 240.12b-15 Amendments.**

All amendments shall be filed under cover of Form 8 and shall comply with all pertinent requirements applicable to applications, statements and reports. Amendments shall be filed separately for each separate application, statement or report amended. Amendments to an application or statement may be filed either before or after registration becomes effective.

**§ 240.12b-20 Additional information.**

In addition to the information expressly required to be included in an application, statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made not misleading.

**§ 240.12b-23 Incorporation by reference.**

(a) Matter contained in any part of an application, statement or report, other than exhibits, may be incorporated by reference in answer or partial answer to any item of the same application, statement or report. Matter contained in an exhibit may be so incorporated to the extent permitted in § 240.12b-24. An application for registration of an additional class of securities of the registrant on the same exchange may incorporate by reference any item contained in any application pursuant to which such prior registration is effective.

(b) Any financial statement filed with the Commission pursuant to any Act administered by the Commission may be incorporated by reference in an application, statement or report, filed with the Commission by the same or any other person, if it substantially conforms to the requirements of the form on which the application, statement or report is filed. Any financial statement filed with an exchange pursuant to the Act may be incorporated by reference in any application or report filed with the exchange by the same or any other person, if it substantially conforms to the requirements of the form on which the application or report is filed. If any financial statement filed with the Commission is incorporated by reference in copies of an application or report filed with the Commission pursuant to section 12 or 13 of the act, copies of the financial statement may be filed with the exchange in lieu of the corresponding financial statement required by the form on which the application or report is filed.

(c) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the application, statement or report where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the application, statement or report incomplete, unclear or confusing.

**§ 240.12b-32 Incorporation of exhibits by reference.**

(a) Any document or part thereof filed with the Commission pursuant to any act administered by the Commission may, subject to § 201.24 of this chapter, be incorporated by reference as an exhibit to any application, statement or report filed with the Commission by the same or any other person. Any document or part thereof filed with an exchange pursuant to the Act may be incorporated by reference as an exhibit to any application or report filed with the exchange by the same or any other person.

* * * * * *

**§ 240.12b-33 Annual reports to other Federal agencies.**

Notwithstanding any rule or other requirement to the contrary, whenever copies of an annual report by a registrant to any other Federal agency are required or permitted to be filed as an exhibit to an application, statement or report filed by such registrant with the Commission or with a securities exchange, only one copy of such annual report need be filed with the Commission and one copy thereof with each such exchange, provided appropriate reference to such copy is made in each copy of the application, state-

ment or report filed with the Commission or with such exchange.

**§ 240.12b–36 Use of financial statements filed under other acts.**

Where copies of certified financial statements filed under other acts administered by the Commission are filed with an application, statement or report, the accountant's certificate shall be manually signed, or manually-signed copies of the certificate shall be filed with the financial statements. Where such financial statements are incorporated by reference in an application, statement or report, the written consent of the accountant to such incorporation by reference shall be filed with the application, statement or report. Such consent shall be dated and signed manually.

IV. The heading "Reports of issuers of listed securities" following § 240.12f–6 would be changed to read "Regulation 13A: Reports of issuers of securities registered pursuant to section 12." The following section of Regulation 13A (§§ 240.13a–1 to 240.13a–15) would be amended as indicated below.

**§ 240.13a–1 Requirement of annual reports.**

Every issuer having securities registered pursuant to section 12 of the act shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed in its application for registration or registration statement. Registrants on Form 8–B shall file an annual report for each fiscal year beginning on or after the date as of which the succession occurred. The report shall be filed within 120 days after the close of the fiscal year or within such other period as may be specified in the appropriate form.

**§ 240.13a–2 Annual reports of predecessors.**

Every issuer having securities registered pursuant to section 12 of the act on Form 8–B shall file an annual report pursuant to § 240.13a–1 for each of its predecessors which had securities registered pursuant to section 12 covering the last full fiscal year of the predecessor prior to the registrant's succession, unless such report has been filed by the predecessor. Such annual report shall contain the information that would be required if filed by the predecessor.

**§ 240.13a–3 Reports in case of new registration.**

(a) Notwithstanding § 240.13a–1, any registrant which has filed, within the period prescribed for filing an annual report pursuant to that section:

(1) A registration statement under the Securities Act of 1933 which has become effective and is not subject to any proceeding under section 8(d) of that act or to an order entered thereunder, or

(2) An application for registration or registration statement pursuant to section 12 of the act, which has become effective and is not subject to any proceeding under section 15(c)(4) or 19(a)(2) of the act or to an order thereunder,

may file as its annual report pursuant to § 240.13a–1 copies of the registration statement or application in lieu of an annual report on the appropriate annual report form if the statement or application covers the fiscal period that would be covered by a report on the appropriate annual report form and contains all of the information, including financial statements and exhibits, required by the appropriate annual report form.

• • • • •

**§ 240.13a–10 Interim reports.**

(a) Every issuer which changes its fiscal closing date after the last fiscal year for which financial statements were filed in its application for registration or registration statement pursuant to section 12 of the act shall file a report covering the resulting interim period not more than 120 days after the close of the interim period or after the date of the determination to change the fiscal closing date, whichever is later.

(b) Every issuer having securities registered on Form 8–B shall file an interim report for the period, if any, between the close of the fiscal year covered by the last annual report of its predecessor or predecessors and the beginning of the first fiscal year of the registrant subsequent to the succession. The report shall be filed within 120 days after the close of the period. It shall include information regarding the predecessor or predecessors from the close of the most recent fiscal year prior to the succession as if such predecessor or predecessors were the registrant. The financial statements filed with the report shall give effect to the operations of, and transactions by the predecessor or predecessors during the period as if they were the registrant. A statement that effect has been given to such operations and transactions shall be made in a note or otherwise. Separate financial statements for the predecessor or predecessors need not be filed .

• • • • •

**§ 240.13a–13 Semiannual reports on Form 9–K.**

(a) Every issuer of a security registered pursuant to section 12 of the act which is required to file annual reports on Form 10–K (§ 249.310 of this chapter) or Form U5S (§ 259.5s of this chapter), or which is required to file a report on one of such forms as Part II of Form 16–K (§ 249.316 of this chapter) or Form 19–K (§ 249.319 of this chapter), shall file a semiannual report on Form 9–K (§ 249.309 of this chapter) for the first half of each fiscal year ending after the close of the latest fiscal year for which financial statements of such issuer were filed in an application for registration or registration statement pursuant to section 12: *Provided, however,* That no such report need be filed for any semiannual period ending prior to June 30 1955.

(b) Such reports on Form 9–K (§ 249.309 of this chapter) shall be filed not more than 45 days after the end of the six-month period for which they are filed. However, the report for any period ending prior to the date on which a class of securities of the issuer first becomes effectively registered pursuant to section 12 may be filed not more than 45 days after the effective date of such registration.

• • • • •

**§ 240.13a–15 Quarterly reports of certain real estate companies.**

(a) Except as provided in paragraph (b) of this section every issuer of a security registered pursuant to section 12 of the act (i) which is a real estate investment trust, as defined in section 856 of the Internal Revenue Code, or (ii) whose business is primarily that of acquiring and holding for investment real estate or interests in real estate or interests in other issuers whose business is primarily that of acquiring and holding real estate or interests in real estate for investment, shall file a report on Form 7–K (§ 249.307) for each fiscal quarter ending on or after June 1, 1962, or the date on which such issuer's registration statement under the Securities Act of 1933 becomes effective, whichever date is later. Such reports shall be filed not more than 45 days after the end of the fiscal quarter for which they are filed.

• • • • •

V. The heading "Reports of registrants under the Securities Act of 1933" following § 240.15c3–2 would be changed to read "Regulation 15D: Reports of registrants under the Securities Act of 1933." Section 240.15d–20 would be rescinded. The following sections of Regulation 15D (§§ 240.15d–1 to 240.15d–21) would be amended as indicated below.

**§ 240.15d–1 Requirements of annual reports.**

Every registrant under the Securities Act of 1933 which is subject to section 15(d) of the Securities Exchange Act of 1934 shall file an annual report for each fiscal year after the last full fiscal year for which certified financial statements were contained in its registration statement at the time such statement became effective. The report shall be filed within 120 days after the close of the fiscal year or within such other periods as may be specified in the appropriate annual report form.

**§ 240.15d–13 Semiannual reports on Form 9–K.**

(a) Every issuer which, pursuant to § 240.15d–1 is required to file annual reports on Form 10–K (§ 249.310) or Form U5S (§ 259.5s) shall file a semiannual report on Form 9–K (§ 249.309) for the first half of each fiscal year ending after the close of the latest fiscal year for which financial statements of such issuer were filed in a registration statement under the Securities Act of 1933: *Provided, however,* That no such report need be filed for any semiannual period prior to June 30, 1955.

• • • • •

**§ 240.15d–15 Quarterly reports of certain real estate companies.**

(a) Except as provided in paragraph (b), every issuer which is subject to section 15(d) of the act and (1) which is a real estate investment trust, as defined in section 856 of the Internal Revenue Code, or (2) whose business is primarily that of acquiring and holding for investment real estate or interests in real estate or interests in other issuers whose business is primarily that of acquiring and holding real estate or interests in real estate for investment, shall file a report on Form 7–K (§ 249.307) for each fiscal quarter ending on or after June 1, 1962, or the date on which such issuer's registration statement under the Securities Act of 1933 becomes effective, whichever date is later. Such reports shall be filed not more than 45 days after the end of the fiscal quarter for which they are filed.

• • • • •

VI. The following sections of Part 240 of Title 17 would be amended as indicated below.

**§ 240.16a–1 Filing of statements.**

• • • • •

(b) A person who is already filing statements pursuant to section 16(a) with respect to securities registered pursuant to either section 12(b) or 12(g) of the act need not file an additional statement on Form 3 (§ 249.103):

(1) When an additional class of securities of the same issuer becomes registered pursuant to the same subsection of the act or, in the case of a class of securities registered pursuant to section 12(b), when another class of securities of the same issuer becomes registered pursuant to section 12(g); or

(2) When such person assumes another or an additional relationship to the issuer; for example, when an officer becomes a director.

• • • • •

**§ 240.16a–2 Ownership of more than 10 percent of an equity security.**

In determining, for the purpose of section 16(a) of the act whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of any equity security, such class shall be deemed to consist of the total amount of such class which has been issued, regardless of whether any part of such amount is held by or for the account of the issuer; except that for the purpose of determining the percentage of ownership of voting trust certificates or certificates of deposit for equity securities, the class of voting trust certificates or certificates of deposit shall be deemed to consist of the entire amount of voting trust certificates or certificates of deposit issuable in respect of the class of equity securities which may be deposited under the voting trust agreement or deposit agreement in question, whether or not all of such class has been so deposited.

**§ 240.16a–4 Exemptions from sections 16(a) and 16(b).**

(a) During the period of 12 months following their appointment and qualification, securities held by the following persons shall be exempt from sections 16(a) and 16(b) of the act:

(1) Executors or administrators of the estate of a decedent;

(2) Guardians or committees for an incompetent; and

(3) Receivers, trustees in bankruptcy, assignees for the benefit of creditors, conservators, liquidating agents, and other similar persons duly authorized by law to administer the estate or assets of other persons.

(b) After the 12-month period following their appointment or qualification the foregoing persons shall be required to file reports with respect to the securities held by the estates which they administer under section 16(a) and shall be liable for profits realized from trading in such securities pursuant to section 16(b) only when the estate being administered is a beneficial owner of more than 10 percent of any class of equity security (other than an otherwise exempted security) which is registered pursuant to section 12 of the act.

(c) Securities reacquired by or for the account of an issuer and held by it for its account shall be exempt from sections 16(a) and 16(b) during the time they are held by the issuer.

**§ 240.16a–8 Ownership of securities held in trust.**

• • • • •

(c) In the event that 10 percent of any class of any equity security (other than an exempted security) which is registered pursuant to section 12 of the act is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 16(a) of the act.

• • • • •

(f) In determining, for the purposes of section 16(a) of the act, whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of any equity security, the interest of such person in the remainder of a trust shall be excluded from the computation.

• • • • •

VII. Section 240.16d–1 would be redesignated § 240.16e–1 and would be amended as follows:

**§ 240.16e–1 Arbitrage transactions under section 16.**

It shall be unlawful for any director, or officer of an issuer of an equity security which is registered pursuant to section 12 of the act to effect any foreign or domestic arbitrage transaction in any equity security of such issuer, whether registered or not, unless he shall include such transaction in the statements required by section 16(a) and shall account to such issuer for the profits arising from such transaction, as provided in section 16(b). The provision of section 16(c) shall not apply to such arbitrage transactions. The provisions of section 16 shall not apply to any bona fide foreign or domestic arbitrage transaction insofar as it is effected by any person other than such director or officer of the issuer of such security.

(Secs. 4 and 19, 48 Stat. 77, 85, as amended, 15 U.S.C. 77d, 77s; secs. 12, 13, 15 and 16, 48 Stat. 892, 894, 895 and 896, as amended; 15 U.S.C. 78l, 78m, 78o and 78p)

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before December 30, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

NOVEMBER 30, 1964.

[F.R. Doc. 64–13135; Filed, Dec. 22, 1964; 8:45 a.m.]

# Notices

## POST OFFICE DEPARTMENT

### POSTAL EMPLOYEE UNIFORM APPAREL

#### Maroon Neckties; Specifications

On November 4, 1964, the Post Office Uniform Quality Control Office, U.S. Army Natick Laboratories, issued to the uniform industry PODUQC—No. 7, specifications for Maroon Necktie.

1. *Ties.* Effective April 1, 1965, a a maroon necktie conforming to the new specifications is authorized for wear. Reimbursement is authorized for purchases made of such ties on and after April 1, 1965, by the following categories of employees:

a. Male letter carriers.
b. Special delivery messengers.
c. Male window service personnel.
d. Guards and watchmen.
e. Male elevator operator or elevator starter.
f. Letter box mechanics.

Until November 1, 1965, Post Office Department employees may continue to purchase and be reimbursed for ties which conform to specifications which were in effect prior to November 4, 1964. On and after November 1, 1965, reimbursement shall be made only for uniform ties manufactured with the specifications issued on November 4, 1964.

Wear-out period. Uniform ties which conform to the specifications which were in effect prior to November 4, 1964, may continue to be worn until no longer serviceable.

2. *Quality Control Provisions.* The Quality Control Certificate number used on a label indicating that the tie has been manufactured in accordance with requirements of this new specification must be attached to each tie.

(R.S. 161, as amended; 38 Stat. 1084, as amended, 68 Stat. 1114, as amended; 5 U.S.C. 22, 2131–2133, 31 U.S.C. 686, 39 U.S.C. 501, 3116)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64–13142; Filed, Dec. 22, 1964; 8:46 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

#### Notice of Amendment of Proposed Withdrawal and Reservation of Lands

DECEMBER 16, 1964.

The Federal Aviation Agency has filed an application to amend Serial Number Fairbanks 031968, application for withdrawal to include the lands described below. These lands are to be withdrawn from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the Materials Act of 1947, as amended. The applicant desires the land for establishing an Air Navigational Facility, under section 303c of the Federal Aviation Act of 1958, Public Law 85–726 (72 Stat. 748) and (63 Stat. 377; 40 U.S.C. 471).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the Federal Aviation Agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

KOTZEBUE, ALASKA

TRACT A

Commencing at the point of beginning of the State of Alaska, Division of Aviation's Tract V, proceed S. 79°15'00" E. 2,007.89 feet along the south boundary line of said Tract V to the true point of beginning of this description; thence continuing along said boundary S. 79°15'00" E. 4,692.87 feet to the Southeast Corner of Tract V; thence N. 10°45'00" W. 2,500 feet to the Northeast Corner of said Tract V; thence along the north boundary line of Tract V, N. 79°15'00" W. 4,154.39 feet to a point; thence S. 10°45'00" W. 705.63 feet to a point; thence S. 5°32'08" W. 1,343.80 feet to a point; thence S. 66°18'01" W. 806.33 feet to the point of beginning. An area containing 238.543 acres more or less.

DONALD E. HARDING,
*Acting Manager, District and Land Office.*

[F.R. Doc. 64–13162; Filed, Dec. 22, 1964; 8:47 a.m.]

### COLORADO

#### Notice of Filing of Colorado Protraction Diagrams; Amendment

DECEMBER 15, 1964.

Notice of filing of protraction diagrams, page 16839, FEDERAL REGISTER, December 8, 1964 is amended as follows:

So much of Colorado Protraction Diagram No. 31 as reads:

T. 34 N., R. 13 W., North of Ute Line
Sec. 6: W½.

is amended to read:

T. 34 N., R. 13 W., North of Ute Line
Sec. 6: W½;
Sec. 7: SE¼;
Sec. 8: S½;
Sec. 9: SW¼.

The last paragraph is amended to read: "Copies of all diagrams are for sale for $1.50 each at the Colorado Land Office, Bureau of Land Management, Insurance Exchange Building, 910 15th Street, Denver, Colorado, 80202.

EVERETT K. WEEDIN,
*Acting Land Office Manager.*

[F.R. Doc. 64–13163; Filed, Dec. 22, 1964; 8:47 a.m.]

### National Park Service

[Order No. 1; Amdt. 1]

### BIG BEND NATIONAL PARK, TEXAS

#### Procurement and Property Management Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

Section 2 is added to Order No. 1 published 24 F.R. 2914, April 16, 1959.

SEC. 2. The Procurement and Property Management Assistant, Big Bend National Park, may execute and approve contracts not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southwest Region Order No. 3 (21 F.R. 1494))

Dated: November 20, 1964.

PERRY E. BROWN,
*Superintendent, Big Bend National Park.*

[F.R. Doc. 64–13140; Filed, Dec. 22, 1964; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### WALLACE STOCKYARDS ET AL.

#### Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Wallace Stockyards, Ashville, Ala.
Ripon Horse Auction, Ripon, Calif.
Kelley Live Stock Marketing Co., Vandalia, Ill.
Maquoketa Sales Co., Maquoketa, Iowa.
Dawson Sales Barn, Dawson, Minn.
Lewis Brothers Livestock & Commission Sales Company, Cleveland, Tenn.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 17th day of December 1964.

K. A. POTTER,
*Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64–13191; Filed, Dec. 22, 1964; 8:48 a.m.]



### AMERICAN CYANAMID CO.

#### Notice of Filing of Petition for Food Additive Sulfachloropyrazine, Sodium Sulfachloropyrazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4D1292) has been filed by American Cyanamid Company, Fine Chemicals Department, Pearl River, New York, proposing the issuance of a regulation to provide for the safe use of sulfachloropyrazine or sodium sulfachloropyrazine as follows:

| Principal ingredient | Amount | Limitations | Indications for use |
|---|---|---|---|
| Sulfachloropyrazine | 950 mg. per gallon (0.025%). | For growing chickens; treat 3 to 6 days; as sole source of drinking water; withdraw 72 hours before slaughter; as sulfachloropyrazine or sodium sulfachloropyrazine. | Treatment of coccidiosis. |
| Sulfachloropyrazine | 950 mg.-1420 mg. per gallon (0.025%-0.0375%). | For growing chickens; treat with 1420 mg. per gallon for first 3 days followed by 950 mg. per gallon for 2 to 3 days; withdraw 72 hours before slaughter; as sulfachloropyrazine or sodium sulfachloropyrazine; as sole source of drinking water. | Treatment of severe outbreaks of coccidiosis. |

Dated: December 17, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–13179; Filed, Dec. 22, 1964; 8:47 a.m.]

### ELANCO PRODUCTS CO., DIVISION OF ELI LILLY AND CO.

#### Notice of Withdrawal of Petition for Food Additive Hygromycin B and 3-Nitro-4-Hydroxyphenylarsonic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Company, a division of Eli Lilly and Company, Indianapolis 6, Indiana, has withdrawn its petition (FAP 1159), published in the FEDERAL REGISTER of August 23, 1963 (28 F.R. 9329), proposing the issuance of a regulation to amend § 121.213 *Hygromycin B* to provide for the use of hygromycin B with 3-nitro-4-hydroxyphenylarsonic acid in chicken feed for growth promotion, feed efficiency, and increasing egg production.

The withdrawal of this petition is without prejudice to a future filing.

Dated: December 17, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–13180; Filed, Dec. 22, 1964; 8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### R. T. VANDERBILT CO., INC.

#### Notice of Filing of Petition Regarding Color Additive Pyrophyllite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 403; 21 U.S.C. 376(d)), notice is given that a petition (CAP 15) has been filed by R. T. Vanderbilt Co., Inc., 230 Park Avenue, New York, N.Y., proposing the issuance of a regulation to provide for the safe use and exemption from certification of pyrophyllite, a naturally occurring hydrous aluminum silicate, as a color for externally applied drugs and cosmetics.

Dated: December 16, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–13138; Filed, Dec. 22, 1964; 8:45 a.m.]

### GENERAL MILLS, INC.

#### Notice of Filing of Petition for Food Additive Cellophane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1420) has been filed by General Mills, Inc., Chemical Division, South Kensington Road, Kankakee, Ill., 60901, proposing that § 121.2507(c) be amended by adding the following item to the list of optional substances that may be used in the production of cellophane: Polyamide resins derived from dimerized vegetable oil acids (containing not more than 20 percent of monomer acids) and ethylenediamine, as the basic resin.

Dated: December 17, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–13181; Filed, Dec. 22, 1964; 8:47 a.m.]

### HETEROCHEMICAL CORP.

#### Notice of Filing of Petition for Food Additive Menadione Dimethylpyrimidinol Bisulfite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4C1337) has been filed by Heterochemical Corporation, 111 East Hawthorn Avenue, Valley Stream, N.Y., proposing the issuance of a regulation to provide for the safe use of menadione dimethylpyrimidinol bisulfite as a source of vitamin K activity in poultry feeds.

Dated: December 17, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–13182; Filed, Dec. 22, 1964; 8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 27–10]

### NUCLEAR ENGINEERING CO., INC.

#### Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 21 to License No. 4–3766–1 which amends the license to provide for the following:

1. Receipt at General Atomics, San Diego, Calif., of one hundred ninety-two (192) 55-gallon drums and two 6' x 4' x 4' boxes of radioactive waste material containing a total of 3,000 grams of Uranium 235, transportation to the Nuclear Engineering Co. facility near Beatty, Nev., and burial in the soil upon arrival at the burial facility. No single drum or box contains more than 20 grams of Uranium 235.

2. Receipt at General Electric Co.'s Vallecitos, Calif., facility of 1933.25 grams of special nuclear material contained in liners prepared by General Electric Company, transportation to the Nuclear Engineering Co. facility near Beatty, Nev., in Bureau of Explosives approved shipping casks, and removal of the liners from the shipping casks and burial in the soil. The maximum quantity which may be contained in a cask at any one time shall be 250 grams of special nuclear material. The liners shall be buried at a minimum distance of 10 feet apart.

License No. 4-3766-1 provides for the possession of a maximum of 500 grams of Uranium 235 provided that there is not more than 100 grams of Uranium 235 in a single package. The license also provides that no special nuclear material may be removed from shipping containers. This amendment is to provide for possession of a quantity in excess of the 500 gram limit and to provide for more than 100 grams of Uranium 235 in a single package. This amendment is valid only for the receipt, transportation and burial of the special nuclear material described above in containers which have been prepared by General Atomics and General Electric.

The Commission has determined that under the conditions of transportation and the licensee's procedures for burial there is no possibility of accidental criticality. The Commission has also determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve hazard considerations different from those previously evaluated.

The Atomic Energy Commission has found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material for the purpose requested in such manner as to protect health and minimize danger to life or property.

C. The application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, and is for a purpose authorized by the Act.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petition for leave to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of this amendment is set forth below.

Dated at Bethesda, Md., on December 15, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director,*
*Division of Materials Licensing.*

[License No. 4-3766-1; Amdt. 21]

In accordance with application dated October 21, 1964, and application dated October 30, 1964, and amendments thereto dated November 10, 1964, and November 13, 1964, License No. 4-3766-1 is amended to add the following new conditions:

26. Notwithstanding Condition 1.C.(2), the licensee is authorized to receive, transport, and dispose of the one hundred ninety-two 55-gallon drums and the two 6'x4'x4' boxes prepared by General Atomics, San Diego, Calif., as described in the licensee's application dated October 21, 1964. No single 55-gallon drum or box prepared by General Atomics shall contain more than 20 grams of Uranium 235. The drums and boxes shall be buried immediately upon arrival at the licensee's Nevada facility without opening any box or drum.

This authorization is valid only for the containers prepared by General Atomics, San Diego, Calif., as specified in the licensee's application dated October 21, 1964.

27. Notwithstanding Condition 1.C.(2) and Condition 22., the licensee is authorized to receive, transport, and dispose of 1933.25 grams of Uranium 235 contained in sealed liners in Bureau of Explosives-approved shipping casks prepared by the General Electric Co., Vallecitos, Calif. No cask transported by the licensee shall contain more than 250 grams of Uranium 235 and the total quantity of Uranium 235 transported at any one time shall not exceed 500 grams. The licensee may remove the sealed liners from the shipping cask and shall bury them at a distance of not less than 10 feet apart.

This authorization is valid only for the containers prepared by the General Electric Co., Vallecitos, Calif., as specified in the licensee's application dated October 30, 1964, and amendments thereto dated November 10, 1964, and November 13, 1964.

Dated at Bethesda, Md., on December 15, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director,*
*Division of Materials Licensing.*

[F.R. Doc. 64-13161; Filed, Dec. 22, 1964; 8:46 a.m.]

[Docket No. 50-219]

## JERSEY CENTRAL POWER & LIGHT CO.

### Notice of Issuance of Provisional Construction Permit

Please take notice that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board dated December 4, 1964, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-15 to Jersey Central Power & Light Co. for the construction of a boiling water nuclear reactor to be located at Oyster Creek, Lacey Township, Ocean County, N.J.

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 15th day of December 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director,*
*Division of Reactor Licensing.*

[F.R. Doc. 64-13130; Filed, Dec. 22, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15735]

## AEROLINEAS ARGENTINAS

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 29, 1964, at 10:00 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., December 16, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-13128; Filed, Dec. 22, 1964; 8:45 a.m.]

[Docket No. 15353; Order E-21591]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Passenger Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of December 1964.

Agreement adopted by the Traffic Conferences of the International Air Transport Association at meetings in Athens relating to passenger fare matters, Docket 15353, Agreement C.A.B. 18086.[1]

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at the Athens Traffic Conference meetings (October-November 1964). The agreement, which has been assigned the above-designated C.A.B. Agreement number, includes resolutions with intended early effectiveness dates of December 1 and 15, 1964, and January 1, 1965.

Among other things, the agreement (1) establishes special rules governing sales of transportation by air, including sales under installment plans, in South American countries, (2) subject to outstanding government conditions, proposes restrictions precluding carriers from entering into additional credit card agreements pending Conference action on recommendations to be developed by a Credit Study Group,[2] (3) encompasses a number of resolutions relating to procedural and technical matters and amendments of a limited nature to existing fare resolutions.

[1] Including only R-8, R-8a, R-18 through R-20, R-22, R-30 through R-39, R-41, R-59, R-66 through R-70, and R-75 through R-78.



The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions incorporated in Agreement C.A.B. 18086 to be adverse to the public interest or in violation of the Act:

| CAB No. | IATA No. | Title | Application |
|---|---|---|---|
| R-8 | 003 | Standard Rescission Resolution | 1 |
| R-8a | 003 | Standard Rescission Resolution insofar as it relates to: | |
| | | 035 Unethical Disclosure of Information | 2 |
| | | 310 Free Baggage Allowance | 2 |
| | | 311 Baggage Excess Weight Charges | 2 |
| R-18 | 019 | Worldwide Credit Cards | 1; 2; 3 |
| R-19 | 021b | Rates of Exchange—Revalidating and Amending | 1; 2; 3 |
| R-20 | 021d | Sales of Transportation in Chile | 1 |
| R-22 | 021h | Special Rules Relating to Sales of Air Transportation—Brazil | 1 |
| R-30 | 052 | Conference 2 First Class Fares | 2 |
| R-31 | 054c | South Atlantic Normal First Class Fares | 2 |
| R-32 | 055 | Joint Conference 2/3 First Class Fares | 2/3 |
| R-33 | 058 | First Class Polar Fares | 2/3; 1/2/3 |
| R-34 | 062 | Conference 2 Tourist/Economy Fares | 2 |
| R-35 | 064a | North Atlantic Economy Class Fares | 1/2 |
| R-36 | 064b | Mid Atlantic Economy Class Fares | 1/2 |
| R-37 | 064c | South Atlantic Economy Class Fares | 1/2 |
| R-38 | 065 | Joint Conference 2/3 Economy Class Fares | 2/3 |
| R-39 | 068 | Economy Class Polar Fares | 2/3; 1/2/3 |
| R-41 | 0304 | North Atlantic 21-day Excursion Fare | 1/2 |
| R-59 | 092 | Student Fares—Revalidating and Amending | 2; 3; 1/2 |
| R-66 | 200 | Free and Reduced Fare or Rate Transportation—Revalidating and Amending. | Worldwide |
| R-67 | 200a | Free and Reduced Fare Transportation—Avianca—Amending | 1; 1½ |
| R-68 | 200f | Effective Government Orders | Worldwide |
| R-69 | 200g | Government Orders for Free and Reduced Fare or Rate Transportation—Revalidating. | Worldwide |
| R-70 | 200h | Free and Reduced Fare Transportation for Inaugural Flights | 2 |
| R-75 | 281 | Sale of Tickets under Instalment Plans—South America | 1 |
| R-76 | 281a | Sale of Tickets under Instalment Plans—Brazil | 1 |
| R-77 | 281b | Sale of Tickets under Instalment Plans—Argentina, Paraguay, and Uruguay. | 1 |
| R-78 | 281e | Sale of Tickets under Instalment Plans—Chile | 1 |

*Accordingly, it is ordered,* That:

Agreement C.A.B. 18086 as set forth in the above finding paragraph is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-13127; Filed, Dec. 22, 1964; 8:45 a.m.]

[Docket Nos. 6599, etc.; Order E-21596]

## DOMESTIC TRUNKLINE AND LOCAL-SERVICE CARRIER

### Service Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of December 1964.

Domestic trunkline and local-service carrier, service mail rates; Dockets 6599 et al., Docket 7251.

By Order E-21514, issued November 19, 1964, new service mail rates were established for the international transatlantic services of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., and for the transpacific services of Pan American World Airways, Inc., and Northwest Airlines, Inc. That order contained a provision authorizing those carriers to equalize their rates (1) between Post Office Department international exchange offices and the points to which such offices are authorized to dispatch mail and (2) between foreign points. Such equalization may involve the participation of a carrier which receives its mail compensation under the domestic multielement service mail rate formula (21 C.A.B. 8, E-9284, June 7, 1955, and 21 C.A.B. 894, E-9630, October 7, 1955), which for the most part does not authorize equalization of rates for services other than those between domestic points.

Amendment of the domestic multielement service mail rate formula will therefore be necessary in order to bring it into line with the equalization concepts adopted and expressed in the new transatlantic and transpacific rates. In order that there shall be no confusion in the application of the new equalization provisions, we will use the show cause procedure in accomplishing such amendment.

The Board proposes to issue an order amending Order E-9284, June 7, 1955, as amended, and Order E-9630, October 7, 1955, as amended, by adding the following paragraph after section B.4(e) of the respective orders:

(f) Effective December 16, 1964, the provisions of Order E-21514, November 19, 1964, relating to equalization of rates, notice of election to equalize rates, division of equalized rates, and divisions of equalized rates prescribed by the Board shall also be applicable to carriers which provide domestic services pursuant to the mail rate formula established by Orders E-9284 and E-9630, as amended, for purposes of equalizing rates between any point where a United States Post Office Department international exchange office is located[1] and any other point to which such international exchange office is authorized to dispatch air mail.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302: *It is ordered,* That:

1. All interested persons are directed to show cause why the Board should not adopt an order in the form proposed above to be effective on and after the date of the final order herein.

2. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to issuance of an order in the form proposed above, notice of objection shall be filed within seven days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after the date of service of this order.

3. If notice of objection or answer is not filed, as specified in 14 CFR Part 302 and this order, all persons shall be deemed to have waived further procedural steps herein before issuance of an order in the form proposed above.

4. If any answer is filed presenting issues for hearing, the issues involved thereafter shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with 14 CFR 302.307.

5. This order shall be served upon all trunkline and local service air carriers and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-13129; Filed, Dec. 22, 1964; 8:45 a.m.]

[1] International exchange offices currently authorized to dispatch mail for the transatlantic area are located in Boston, New York, Washington, Chicago, Miami, San Francisco, Los Angeles, Seattle, and San Juan. Such offices for the transpacific area are currently located in Seattle, Anchorage, San Francisco, Los Angeles, Honolulu, Wake, Guam, Pago Pago, Washington, Chicago, and New York. The terms of this paragraph shall apply to points at which international exchange offices are hereafter established and shall cease to apply to any points at which international exchange offices are discontinued. The Postmaster General will file a notice of such new and discontinued offices in this docket and serve a copy on each carrier subject to this order.

[2] In Order E-15020, the Board conditioned its approval of IATA provisions prohibiting the use of credit cards in settlement of sales of air transportation other than a U.A.T.P. card or member's credit card so as to render such provisions inapplicable to the United States or air transportation. Our approval herein of the Resolution in question (Resolution 019) is predicated on the understanding that the restriction precluding credit card agreements pending Conference action is not intended to and does not apply to sales within the United States or to sales of air transportation as defined by the Act.

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–IV (Revision 1), Amdt. 1]

## RICHMOND REGIONAL OFFICE

### Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as amended, 29 F.R. 12570, 13354 and 14093; Delegation of Authority No. 30–IV, 29 F.R. 16880, is hereby amended by deleting Items I.K. 13. and 14. in their entirety and substituting the following in lieu thereof:

I. • • •

K. • • •

13. *Special for Cleveland Branch Manager and Chief, Financial Assistance Section* (for the entire State of Ohio). Item I.C.12.

14. *Special for the Cleveland Branch Manager and Administrative Assistant* (for the entire State of Ohio). Item I.J.

• • • • • •

Effective date: December 3, 1964.

CLARENCE P. MOORE,
*Regional Director,*
*Richmond Regional Office.*

[F.R. Doc. 64–13132; Filed, Dec. 22, 1964; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

DECEMBER 17, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered,* Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 18, 1964, through December 27, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64–13136; Filed, Dec. 22, 1964; 8:45 a.m.]

[File No. 1–4722]

## TASTEE FREEZ INDUSTRIES, INC.

### Order Suspending Trading

DECEMBER 17, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered,* Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 18, 1964, to December 21, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64–13137; Filed, Dec. 22, 1964; 8:45 a.m.]

# CIVIL SERVICE COMMISSION

## MILITARY INSTALLATIONS PLANNER ET AL.

### Positions for Which There is Determined To Be a Manpower Shortage; Cancellation of Listings

Under the provisions of Public Law 86–587, the Civil Service Commission has determined that the Notices of Listing for the following positions are cancelled and the positions are removed from the manpower shortage list effective March 15, 1965.

| Series, code, and grade | Positions | Location |
|---|---|---|
| GS–020 | Military Installations Planner | District Public Works Office, 12th Naval District, San Bruno, Calif. |
| GS–111–18 | Chief Economist | Federal Power Commission, Washington, D.C. |
| GS–180–14 | Research Psychologist (Clinical), position No. F–2815. | Federal Aviation Agency, Washington, D.C. |
| GS–404–11 | Biological Laboratory Technician (Microbiology). | Ames Research Center, Moffett Field, Calif. |
| GS–701–12 | Veterinarian, requiring experience in the examination of, and surgery on, chimpanzees. | National Aeronautics and Space Administration, Ames Research Center, Moffett Field, Calif. |
| GS–703–15 | Veterinarian (Veterinary Pathology) | Walter Reed Army Medical Center, Washington, D.C. |
| GS–802–9–13 | Engineering Technician (Nuclear Reactor Operator). | National Aeronautics and Space Administration, Sandusky, Ohio. |
| GS–802–9 | Mechanical Engineering Technician (Nuclear Reactor Operator). | Charleston Naval Shipyard, Charleston, S.C. |
| GS–802 | Engineering Aid and Technician | California.[1] |
| GS–816 | Cartographic Drafting | California. |
| GS–817 | Surveying Technician | California. |
| GS–818 | Engineering Drafting | St. Paul-Minneapolis area and States of California and Utah.[1] |
| GS–856 | Electronic Technician | States of California, Arizona, Colorado, Idaho, Monana, Nevada, New Mexico, Utah, Oregon, Washington, and Wyoming.[2] |
| GS–1074–17 | Director, Television Service | United States Information Agency, Washington, D.C. |
| GS–1083–9–12 | Technical Publications writers and/or editors (engineering and/or physical science specializations). | Indianapolis, Ind.[3] |
| GS–1083–9–12 | Technical manuals and/or specifications writers and/or editors (for positions where the subject-matter knowledge required is in engineering or physical science). | Indianapolis, Ind.[3] |
| GS–1101–15 | Program Coordinator (Aircraft Depot Maintenance). | Headquarters, U.S. Army Transportation Aeronautical Depot Maintenance Center, Corpus Christi, Tex. |
| GS–1130–12 | Public Utilities Soecialist (Electric Power Marketing and Sales). | Bureau of Reclamation, Boulder City, Nev. |
| GS–1150–9–11 | Industrial Specialist (Coffee) | Headquarters, Military Subsistence Supply Agency, Chicago, Ill. |
| GS–1150–12 | Supervisory Industrial Specialist (Coffee) | Headquarters, Military Subsistence Supply Agency, Chicago, Ill. |
| GS–1410–11 | Technical Librarian (Administration, Physical Sciences and Engineering) (Unique position). | U.S. Naval Ordnance Test Station, Pasadena Annex, Pasadena, Calif. |
| GS–1530–5 and 7 | Statistician | Washington, D.C. Metropolitan Area. |
| GS–1530–5 | Statistician | Cincinnati, Ohio Metropolitan Area. |
| GS–1530–7 | Survey Statistician | Cincinnati, Ohio Metropolitan Area. |
| GS–1530–7 | Statistician in the subject-matter areas of Demography, Economics, Health, Social Science, Medicine, Operations, and Administration, and General. | Cincinnati, Ohio Metropolitan Area. |
| GS–1530–13 | Statistician (General) | Atlanta Regional Service Center, Internal Revenue Service, Chamblee, Ga. |
| GS–1530–5–7 | Statistician | Baltimore Metropolitan Area, Aberdeen and Edgewood, Md. |
| GS–1530–16 | Chief, Research Statistics Division | Department of Medicine and Surgery, Veterans Administration, Washington, D.C. |
| | Glass Apparatus Maker | Naval Ordnance Test Station, China Lake, Calif. |

See footnotes at end of table.



| Series, code, and grade | Positions | Location |
|---|---|---|
| GS–1712–6 | Trainee Instructor (Vietnamese Language) | Army Language School, Presidio of Monterey, Calif. |
| GS–1965–13 | Supervisory Materials Treatment Processes Quality Control Specialist (Nondestructive Testing). | Portsmouth Naval Shipyard, Portsmouth, N.H. |
| GS–15 | Assistant Executive Director for which qualifications requirements include extensive and significant experience in the field of low rent public housing. | National Capital Housing Authority, Washington, D.C. |
| | Scientific Director, U.S. Navy Medical Neuropsychiatric Research Unit, San Diego, Calif. | U.S. Navy Medical Neuropsychiatric Research Unit, San Diego, Calif. |
| | Executive Director, GS–17, District of Columbia Redevelopment Land Agency, for which position qualifications requirements include professional urban planning. | District of Columbia Redevelopment Land Agency, Washington, D.C. |
| | Director, Defense Study of Military Compensation, GS–17. | Office of the Secretary of Defense, Washington, D.C. |
| | Deputy Head, Office of Science Information | National Science Foundation, Washington, D.C. |
| | Head, Office of Science Resources Planning | National Science Foundation, Washington, D.C. |

[1] The authorization remains in effect for the following: U.S. Naval Air Facility and Naval Aerospace Recovery Facility, El Centro, Calif.; Edwards Air Force Base, Calif.; U.S. Naval Ordnance Test Station, China Lake, Calif.; and U.S. Army Armor and Desert Training Center, Ft. Irwin, Barstow, Calif.

[2] The authorization remains in effect for the following: Edwards Air Force Base, Calif.; and U.S. Naval Ordnance Test Station, China Lake, Calif.

[3] The authorization remains in effect for the following: Washington, D.C., Metropolitan Area; State of California; New London, Conn.; Indianhead, Md.; and Yorktown, Va.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–13184; Filed, Dec. 22, 1964; 8:48 a.m.]

# FEDERAL MARITIME COMMISSION

## CONTINENTAL-ATLANTIC CORP. AND MEDITERRANEAN TRANSPORT CORP.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of cancellation of agreement filed by:

Raymond Horgan, Executive Vice President,
Stockard Shipping Co., Inc.,
17 Battery Place,
New York, N.Y. 10004

Agreement 7812–10, between Continental-Atlantic Corp. and Mediterranean Transport Corp., provides for the cancellation of Agreement 7812, as amended, covering the establishment and maintenance of the "Levant Line" joint service, and an arrangement for the sharing on an equal basis of the net revenues, as well as the net losses, resulting from the operation thereof, in the trades between U.S. Atlantic and Gulf ports and Canadian ports, on the one hand, and ports in Portugal, Spain, France, Italy, Yugoslavia, Albania, Greece, Bulgaria, Rumania, Union of Soviet Socialist Republics, Turkey, Cyprus, Lebanon, Israel (Palestine), Suez, United Arab Republics (Egypt and Syria), Libya, Tunisia, Algeria, Morocco, and the various islands in the Mediterranean, ports of the Red Sea and Persian Gulf, India, Pakistan, Ceylon, Burma, Federation of Malaya, Colony of Singapore, the United States of Indonesia, British North Borneo and to also include ports in Mexico, Central America, and the islands in the West Indies, on the other hand.

Dated: December 18, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–13147; Filed, Dec. 22, 1964; 8:46 a.m.]

## INTERNATIONAL HOUSEHOLD GOODS RATE AGREEMENT

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with in 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

William J. Lippman, Esq.,
Galland, Kharasch, Calkins & Lippman,
1824 R Street NW.,
Washington, D.C. 20009

Agreement 8470–4 between the member lines of the International Household Goods Rate Agreement has been filed with the Commission for approval to establish a Self-Policing System, pursuant to General Order 7 (46 CFR Part 528) and to modify the Admission, Withdrawal and Expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523).

Dated: December 18, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–13148; Filed, Dec. 22, 1964; 8:46 a.m.]

## NEW ZEALAND NORTH AMERICAN LINE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Elmer C. Haddy, Esq.,
Kirlim, Campbell & Keating,
One Twenty Broadway,
New York, N.Y. 10005

Agreement 9410 between the Federal New Zealand Line (a joint service under approved Agreement 7786), Allerman & Bucknall Associated Line (a joint service under approved Agreement 7788),

Port and Associated Lines (a joint service under approved Agreement 7791), Shaw, Savill & Albion Co., Ltd. and Blue Star Line Ltd., establishes a new joint service (New Zealand North American Line) from ports in the Dominion of New Zealand and Pacific Islands to all U.S. ports (excluding Pacific Coast, Alaska and Hawaii), Puerto Rico, Virgin Islands, and Panama Canal.

Dated: December 18, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13149; Filed, Dec. 22, 1964; 8:46 a.m.]

## PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Sea-Land Service, Inc.,
Post Office Box 1050,
Elizabeth, N.J.

Agreement No. T-170-2, between the Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land), amends the basic agreement which provides for the lease of certain property on Pier 5, Seattle, for the accommodation of Sea-Land's vessels and for operations incidental thereto. The purpose of the modification is to permit Sea-Land to make certain additions to buildings on the leased premises and to provide additional berthing space for the accommodation of barges or vessels operated by Sea-Land. The modification also provides for increases in the annual rental as a result of additions to the facility.

Dated: December 18, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13150; Filed, Dec. 22, 1964; 8:46 a.m.]

## SCANDINAVIA BALTIC GREAT LAKES WESTBOUND FREIGHT CONFERENCE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Lars Inge Carlsio, Secretary,
Scandinavia Baltic Great Lakes Westbound Freight Conference,
Packhusplatsen 6,
Gothenburg, Sweden

Agreement 9408 between the Fjell Line Joint Service (No. 7762), Swedish Chicago Line Joint Service (No. 8036), Aktiebolaget Svenska Amerika Linien (Swedish American Line) and Den Norske Amerikalinje A/S (Norwegian America Line), cancels and supersedes the present Scandinavia Baltic Great Lakes Westbound Freight Conference Agreement No. 8360, in the trade westbound from ports in Finland, Sweden, Denmark, Norway, Estonia, Latvia, Lithuania, Poland, and Russian Baltic ports to ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, Newfoundland, and New Brunswick. The terms of the superseded agreement are modified to the extent that member lines shall not file rates on commodities declared open for cargo loaded and carried in bulk without mark or count with the Governmental Agency charged with the Administration of section 15, Shipping Act of 1916. In addition, provision is made to bring the agreement into conformity with the Admission, Withdrawal and Expulsion provisions of General Order 9 (46 CFR Part 523).

Dated: December 18, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13151; Filed, Dec. 22, 1964; 8:46 a.m.]

## U.S.-GUAM TRADE RATE AGREEMENT

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

S. G. Holmes, Manager,
Rates and Conferences,
American President Lines,
601 California Street,
San Francisco, Calif. 94108

Agreement 8454-2 between the member lines of the United States-Guam Trade Rate Agreement has been filed with the Commission for approval to modify the Admission, Withdrawal and Expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523).

Dated: December 18, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13152; Filed, Dec. 22, 1964; 8:46 a.m.]

## WEST COAST U.S. & CANADA/INDIA, PAKISTAN, CEYLON AND BURMA RATE AGREEMENT

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. S. G. Holmes,
Manager—Rates and Conferences,
American President Lines,
601 California Street,
San Francisco 8, Calif.

Agreement No. 8760-3 between the member lines of the West Coast United States and Canada/India, Pakistan, Ceylon and Burma Rate Agreement has been filed with the Commission for approval to modify the Admission, Withdrawal, and Expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523).

Dated: December 18, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13153; Filed, Dec. 22, 1964; 8:46 a.m.]



# FEDERAL POWER COMMISSION

[Docket Nos. G-6080 etc.]

## SHARPLES AND COMPANY PROPERTIES ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 16, 1964.

Sharples and Company Properties (Operator), et al., and other applicants listed herein:

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-6080 [1] C&D 11-16-64 | Sharples and Co. Properties (Operator), et al. | El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex. | 10.096 | 14.65 |
| G-6103 [3] E 11-19-64 | Pan American Petroleum Corp. (successor to E. S. Pester). | Cities Service Gas. Co., Hugoton Field, Kearny County, Kans. | 10.7195 | 14.65 |
| G-10976 D 11-23-64 | Cabot Corp. | Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans. | (2) | |
| G-11949 C 12-8-64 [4] | Socony Mobil Oil Co., Inc. | El Paso Natural Gas Co., Pegasus Field, Midland and Upton Counties, Tex. | 10.096 | 14.65 |
| G-12271 E 7-6-64 | James Rolland Matthews (Operator), et al. (successor to Lon H. Cron (Operator), et al. | United Gas Pipe Line Co., Bloomington Field, Victoria County, Tex. | 8.1024 | 14.65 |
| G-15039 [4] C 10-29-64 | Mississippi River Fuel Corp. | Southern Natural Gas Co., Bay Coquille Field, Plaquemines Parish, La. | 18.0 | 15.025 |
| G-16589 D 11-27-64 | Edwin G. Bradley, Agent, et al. (partial abandonment). | Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans. | Depleted | |
| G-18336 D 11-27-64 | Edwin G. Bradley (partial abandonment). | do | do | |
| C160-159 E 12-7-64 | Gulf Oil Corp. (successor to Spencer Chemical Co.). | Cities Service Gas Co., Hugoton Field, Seward County, Kans., and Texas County, Okla. | 16.0 | 14.65 |
| C161-1146 C 12-7-64 | J. M. Huber Corp. | Michigan Wisconsin Pipe Line Co., North Oakdale Field, Woods County, Okla. | [5] 15.0 | 14.65 |
| C163-215 C 12-10-64 | The Pure Oil Co. | Arkansas Louisiana Gas Co., Arkoma area, Haskell and LeFlore Counties, Okla. | 15.0 | 14.65 |
| C163-234 C 12-8-64 | Socony Mobil Oil Co., Inc. | Arkansas Louisiana Gas Co., Red Oak Field, Latimer and LeFlore Counties, Okla. | 15.0 | 14.65 |
| C163-265 C 6-29-64 | Forest Oil Corp. | Michigan Wisconsin Pipe Line Co., Hensley Gas Unit, Woodward County, Okla. | [7] 17.0 | 14.65 |
| C163-509 E 12-8-64 | Thomas C. Canan (Operator), et al. (successor to O. B. Kiel, Jr., et al.) | Trunkline Gas Co., Cox-Scogin Unit I, Jim Wells County, Tex. | 13.0 | 14.65 |
| C163-1557 C 12-4-64 | J. M. Huber Corp. | Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla. | 17.0 | 14.65 |
| CN64-121 C 10-5-64 | Roland S. Bond | Michigan Wisconsin Pipe Line Co., Northwest Oakdale Field, Woodward Area, Woods County, Okla. | 15.0 | 14.65 |
| CI64-647 C 12-9-64 | George L. Yaste, d/b/a Oil States Sales Co. | Equitable Gas Co., Union District, Ritchie County, W. Va. | 25.0 | 15.325 |
| CI64-831 11-13-64 [8] | Gandy-McAuley, Inc., agent for Jenney Manufacturing Co., et al. (formerly Tarpon Management Co., agent for Jenney Manufacturing Co., et al.). | Trunkline Gas Co., East Edinburg Field, Hidalgo County, Tex. | 12.696 | 14.65 |
| CI64-1140 D 12-10-64 | Humble Oil & Refining Co. | Michigan Wisconsin Pipe Line Co., Quinlan Field, Woodward County, Okla. | Assigned | |
| CI65-529 A 12-3-64 | Petroleum, Inc. (Operator), et al. | Northern Natural Gas Co., Como Area and Mocane Field, Beaver County, Okla. | 17.0 | 14.65 |
| CI65-530 A 12-3-64 | Guy I. Warren, Operator | United Gas Pipe Line Co., Circle "A" Field, Bee and Goliad Counties, Tex. | 13.8 | 14.65 |
| CI65-531 A 12-4-64 | Monsanto Co. | Natural Gas Pipeline Co. of America, Dagger Draw Area, Eddy County, N. Mex. | [9] 16.0 | 14.65 |
| CI65-532 A 12-4-64 | M. J. Moran, et al. | Hope Natural Gas Co., Glenville District, Gilmer County, W. Va. | 25.0 | 15.325 |
| CI65-533 B 12-7-64 | C. E. Beardmore | Hope Natural Gas Co., Grant District, Ritchie County, W. Va. | Uneconomical | |
| CI65-534 F 12-7-64 | Thomas A. Dugan (successor to Occidental Petroleum Corp.). | El Paso Natural Gas Co., Blanco Pool, Rio Arriba County, N. Mex. | 13.0 | 15.025 |
| CI65-535 A 12-8-64 | Nabob Production Co., et al. | Northern Natural Gas Co., Collier Gas Field, Hansford County, Tex. | 17.0 | 14.65 |
| CI65-536 A 12-8-64 | Socony Mobil Oil Co., Inc. | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | 13.0 | 15.025 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Sucession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI65-538 A 12-9-64 | MacTay Investment Co., Inc. | Hope Natural Gas Co., Skin Creek District, Lewis County, W. Va. | 26.0 | 15.325 |
| CI65-539 A 12-9-64 | Union Oil Co. of California | Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex. | 16.0 | 14.65 |
| CI65-540 A 12-9-64 | Tell McDonald Well No. 1 | Hope Natural Gas Co., Sherman District, Calhoun County, W. Va. | 26.0 | 15.325 |
| CI65-541 A 12-9-64 | Sun Oil Co. (southwest division). | South Texas Natural Gas Gathering Co., Carter (2400' Sand) Field, Starr County, Tex. | 16.0 | 14.65 |
| CI65-542 A 12-7-64 | Rincon Oil & Gas Corp. | El Paso Natural Gas Co., Pictured Cliffs and Mesa Verde Fields, Rio Arriba County, N. Mex. | [10] 10.0<br>[11 12] 12.0 | 15.025<br>15.025 |
| CI65-543 A 12-9-64 | Sinclair Oil & Gas Co. | Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex. | 16.0 | 14.65 |
| CI65-544 A 12-10-64 | Jumbo Oil & Gas, Inc., et al. | Hope Natural Gas Co., Warren District, Upshur County, W. Va. | 25.0 | 15.325 |
| CI65-545 A 12-10-64 | Ashland Oil & Refining Co. | Northern Natural Gas Co., acreage in Ellis County, Okla. | 17.0 | 14.65 |
| CI65-546 A 12-10-64 | Carey Oil Co., et al. | Hope Natural Gas Co., Grant District, Doddridge County, W. Va. | 25.0 | 15.325 |

[1] Adds and deletes acreage by cross-assignment between Applicant and Hudson Oil & Metals Co.
[2] Application erroneously noticed Dec. 10, 1964 in Docket Nos. G-3626, et al. at 12.0 cents per Mcf—16.4 p.s.i.a.
[3] Deletes acreage from depths above the base of the Mississippian Formation.
[4] Adds acreage acquired from estate of Lee H. Clark.
[5] Adds sale of casinghead gas from presently dedicated acreage.
[6] Applicant states willingness to accept rate of 15.0 cents per Mcf plus contract B.t.u.
[7] Applicant agreed to accept 17.0 cents per Mcf at 14.65 p.s.i.a.
[8] Amendment to certificate filed to reflect change in Operator and Agent.
[9] Subject to B.t.u. adjustment and deduction by buyer if buyer treats gas.
[10] Production from Pictured Cliffs formation.
[11] Production from Mesa Verde formation.
[12] Includes 1.0 cent per Mcf guarantee for liquids.

[F.R. Doc. 64-13126; Filed, Dec. 22, 1964; 8:45 a.m.]

[Project No. 2488]

## CENTRAL VERMONT PUBLIC SERVICE CORP.

### Notice of Application for License

DECEMBER 17, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vt.) for a license for constructed Project No. 2488, known as the Bradford Plant, located on Waits River, in Orange County, Vt., in Village of Bradford, Vt.

The project consists of: (1) A dam (founded on rock and constructed of large cut stones capped with concrete) approximately 200 feet long, 22 feet wide at the base tapering to four feet at the top, and a maximum height of 70 feet which contains a spillway section, five stanchion sections adjacent to the north abutment, and a concrete structure housing a set of trash racks and head gates adjacent to the south abutment; (2) a 116-foot spillway which is the main portion of the dam; (3) a 6.3-acre reservoir; (4) a steel penstock five feet six inches in diameter extending 128 feet to a surge tank with a diameter of six feet and 80 feet of five-foot diameter penstock between the surge tank and the powerhouse; (5) a powerhouse with stone masonry foundation, concrete floor and brick superstructure equipped with one 600 hp horizontal turbine with two wheels and two draft tubes which drive two generators having a capacity of 180 kw each; (6) a 2,400 volt transmission line to the 44 kv Bradford substation; and (7) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 2, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13158; Filed, Dec. 22, 1964; 8:46 a.m.]

[Docket No. RP61-8]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice Fixing Oral Argument

DECEMBER 18, 1964.

Upon consideration of the motion by Natural Gas Pipeline Company of America filed herein for an opportunity to present oral argument;

Notice is given that an oral argument is hereby scheduled to be held at 10:00 a.m., January 12, 1965, in a hearing room of the Federal Power Commission on the reserved issue of the proper treatment of liberalized depreciation in this proceeding;

Any party desiring to participate in the oral argument should notify the Secretary of the Federal Power Commission, Washington, D.C., 20426, on or before December 24, 1964, of the time desired for the presentation of argument.

By direction of the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13159; Filed, Dec. 22, 1964; 8:46 a.m.]

[Project No. 2225]

## PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON

### Notice of Application for Amendment of License

DECEMBER 17, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Utility District No. 1 of Pend Oreille County, Washington (correspondence to: F. R. Jordan, President, PUD No. 1 of Pend Oreille County, Washington, Newport, Washington) for amendment of its license for proposed Project No. 2225 located on Sullivan Lake, Outlet Creek and Sullivan Creek, a tributary of Pend Oreille River, in the vicinity of Metaline Falls, Pend Oreille County, Washington, and affecting lands of the United States within the Kaniksu National Forest.

The application seeks to eliminate from the license the proposed Mill Pond Dam and Reservoir. The proposed elimination is based upon a feasibility study of possible enlargement of the Sullivan Lake Project made by the licensee, pursuant to Article 30 of its license for the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 10, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13160; Filed, Dec. 22, 1964; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## WELLS FARGO BANK

### Order Approving Merger of Banks

In the matter of the application of Wells Fargo Bank for approval of merger with Bank of Amador County.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Wells Fargo Bank, San Francisco, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bank of Amador County, Jackson, Calif., under the charter and title of Wells Fargo Bank. As an incident to the merger, the three offices of Bank of Amador County would become branches of Wells Fargo Bank.

Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

*It is hereby ordered*, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 16th day of December 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-13131; Filed, Dec. 22, 1964; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of San Francisco. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, Mitchell, and Daane. Voting against this action: Governor Robertson.





# INTERSTATE COMMERCE COMMISSION

[Notice 712]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 18, 1964.

The following publications are governed by the new special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

MOTOR CARRIERS OF PROPERTY

No. MC 1801 (Sub-No. 17), filed October 12, 1962. Applicant: FORD VAN LINES, INCORPORATED, 56th and Cornhusker Highway, Lincoln, Nebr. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New dental, church, hospital, household, institutional, library, laboratory, medical, office, physicians, scientific and school appliances, equipment, fixtures, furniture and furnishings; helicopters; organs, pianos, consoles, benches, claviers, speakers, and other musical instruments; vehicle seats; animal cages; antennas, coolers and refrigerators; duplicating and reproducing equipment; vending machines and coin operated amusement devices; voting machines;* all uncrated (except that small parts and pieces accompanying shipments may be packed in a container and attached to individual article of which it is a component part or shipped separately), between points in the United States (except Alaska and Hawaii).

NOTE: Applicant states that nothing here described is intended to duplicate any authority presently held by applicant as a Household Goods Carrier, but only includes those articles which do not properly come within the Commodity description Household Goods as defined by the Commission in 17 M.C.C. 467.

*HEARING:* January 25, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 126772, filed December 1, 1964, Applicant: P. M. BROOKS, JR., INC., High Street Extended, Chestertown, Md. Applicant's attorney: Paul Coyle, 5631 Utah Avenue NW., Washington 15, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank vehicles, (1) from Baltimore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, and (2) from points in Virginia (except Chesapeake, Va.), to points in North Carolina, and West Virginia.

*HEARING:* January 26, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 59680 (Sub-No. 142), filed December 7, 1964. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between New Orleans, La., and Shreveport, La.; from New Orleans, La., over U.S. Highway 61 to junction U.S. Highway 190, thence over U.S. Highway 190 to junction U.S. Highway 71, thence over U.S. Highway 71 to Shreveport, La., and return over the same route, serving all points within 10 miles of New Orleans, La., as off-route points, and restricted against traffic originating at, or destined to points more than 10 miles from New Orleans, La., corporate limits and on U.S. Highway 61 on or south of junction of U.S. Highway 190.

NOTE: This is a matter directly related to MC–F 8798, published in FEDERAL REGISTER issue July 8, 1964. Applicant states that the purpose of this application is to convert (subject to the outcome of the MC–F 8798 proceeding) a portion of the irregular-route authority of England Transportation Company, Inc. to regular-route authority. It also proposes to tack the above proposed authority to its presently authorized regular-route authority.

MOTOR CARRIER OF PASSENGER

No. MC 109736 (Sub-No. 21) (CORRECTION), filed November 25, 1964, published FEDERAL REGISTER issue of December 16, 1964, and republished as corrected this issue. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Tamaqua and South Tamaqua, Pa., over U.S. Highway 309, serving all intermediate points.

NOTE: This matter was erroneously published as directly related to MC–F–8745.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8968. Authority sought for purchase by JAMES L. BOWMAN, doing business as BOWMAN TRUCKING CO., Post Office Box 6, Stephens City, Va., of the operating rights of R. H. McILWEE, Post Office Box 836, Winchester, Va. Applicants' representative: Eston H. Alt, Post Office Box 81, Winchester, Va. Operating rights sought to be transferred: *Agricultural lime, limestone*, and *fertilizer*, in bulk, as a *common carrier*, over irregular routes, from Alexandria, Va., and points in Clarke, Frederick, Loudoun, and Warren Counties, Va., and Frederick County, Md., to points in Maryland (except Baltimore City and points in Harford County), points in Adams, Franklin, and Fulton Counties, Pa., points in Clarke, Fairfax, Frederick, Fauquier, Prince Williams, Loudoun, Shenandoah, and Warren Counties, Va., and points in Grant, Berkeley, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties, W. Va. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, West Virginia, Delaware, New Jersey, North Carolina, New York, Ohio, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8969. Authority sought for control by MIDWEST FREIGHT FORWARDING COMPANY, INC., 3220 South Wolcott Avenue, Chicago, Ill., of CATANIA BROTHERS CARTAGE COMPANY, INC., 539 West 14th Place, Chicago, Ill., and for acquisition by A. E. DeCEANNE and ROSE DeCEANNE, both of 3220 South Wolcott Avenue, Chicago, Ill., of control of CATANIA BROTHERS CARTAGE COMPANY, INC., through the acquisition by MIDWEST FREIGHT FORWARDING COMPANY, INC. Ap-

plicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., 60603, and Isadore Goodman, 10 South La Salle Street, Chicago, Ill., 60603. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC–120297 Sub-1, covering the transportation of commodities general, as a common carrier, in intrastate commerce, within the state of Illinois. MIDWEST FREIGHT FORWARDING COMPANY, INC., is authorized to operate as a *common carrier* in Connecticut, Illinois, Massachusetts, and New York. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–120297 Sub-2 is a matter directly related.

No. MC–F–8970. Authority sought for purchase by R–C MOTOR LINES, INC., Post Office Box 2501, 2500 Laura Street., Jacksonville, Fla., of a portion of the operating rights of BIANCHI MOTOR TRANSPORTATION, INC., 338 Copeland Street, Quincy 69, Mass., and for acquisition by B. S. REID, and GEORGE D. JOYNER, both, also of Jacksonville, Fla., of control of such rights through the purchase. Applicants' attorneys: McCarthy Crenshaw, Post Office Box 1086, 1205 Universal Marion Building, Jacksonville, Fla., John F. Dargin, Jr., 18 Tremont Street, Boston, Mass., and Bowes & Millner, 1060 Broad Street, Newark, N.J. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, commodities requiring refrigeration, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, quarry products, artificial stone, quarry machinery, and machinery incidental to the manufacture, preparation for use, or erection of artificial or natural stone, as a *common carrier*, over irregular routes, between New York, N.Y., on the one hand, and, on the other, Providence, R.I., Worcester, Mass., and Boston, Mass., and points within 25 miles of the State House of Boston; *solid fuel*, from Providence, R.I., to Bridgewater, Mass.; *roofing materials*, from East Rutherford, N.J., to Norwood, Mass.; *nails*, from Wareham, Mass., to New York and Albany, N.Y.; and *lumber*, between Middleboro, Mass., on the one hand, and, on the other, Portsmouth, Providence, and Woonsocket, R.I. Vendee is authorized to operate as a *common carrier* in Florida, Maryland, Virginia, South Carolina, Georgia Pennsylvania, North Carolina, New York, Delaware, New Jersey, Alabama, Tennessee and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8972. Authority sought for purchase by RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind., of the operating rights of EXPRESSWAYS, INC. (JOHN G. REIBER, TRUSTEE), 1418 Anthony Wayne Bank Building, Fort Wayne, Ind., 46802, and for acquisition by L. B. RENNER, also of Indianapolis, Ind., of control of such rights through the purchase. Applicants' attorneys: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind., and Donald W. Smith, 511 Fidelity Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Marshall, Mich., and Lansing, Mich., between Jackson, Mich., and Lansing, Mich., between Coldwater, Mich., and Marshall, Mich., serving all intermediate points. RESTRICTION: The next above authority between Marshall and Tekonsha, Mich., and intermediate points thereto is restricted against any service except on traffic moving to or from other points on the above-specified routes; between Adrian, Mich., and Lansing, Mich., between Tecumseh, Mich., and Adrian, Mich., between Adrian, Mich., and Morenci, Mich., serving no intermediate points, two alternate routes for operating convenience only; *general commodities*, between junction U.S. Highway 27 and Indiana Highway 327, at or near Garrett, Ind., and Jackson, Mich., between Fort Wayne, Ind., and Jonesville, Mich., between Angola, Ind., and Orland, Ind., serving all intermediate points, between Waterloo, Ind., and Corunna, Ind., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in the State of Indiana; and in pending Docket No. MC–57239 Sub-8, seeks a certificate of registration in the State of Indiana. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–57239 Sub-9 is a matter directly related.

No. MC–F–8974. Authority sought for purchase by ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt., of the operating rights and certain property of MONTOURI BROS., INC., 310 Broad Street, Fitchburg, Mass., and for acquisition by HARRY J. ZABARSKY, also of St. Johnsbury, Vt., and MILTON J. ZABARSKY and MAURICE ZABARSKY, both of 40 Erie Street, Cambridge, Mass., of control of such rights and property through the purchase. Applicants' attorneys: Francis E. Barrett, 25 Bryant Avenue, East Milton, Mass., 02186, and Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and Bellows Falls, Vt., between Worcester, Mass., and Bellows Falls, Vt., serving all intermediate and certain off-route points; *general commodities*, with exceptions as specified above, over irregular routes, between Fitchburg, Mass., on the one hand, and, on the other, New York, N.Y., Newark, N.J., and points in New Jersey within 15 miles of Newark, and those in Rhode Island and Connecticut. Vendee is authorized to operate as a *common carrier* in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8975. Authority sought for purchase by RELIABLE DELIVERY SERVICE, INC., 7701 East Rosecrans Boulevard, Paramount, Calif., of the operating rights and property of L. H. DOWE, doing business as PIONEER TRANSFER CO. OF CALEXICO, 337 Emerson Avenue, Calexico, Calif., and for acquisition by BABE TALSKY, also known as ABE TALSKY, 9610 Cresta Drive, Los Angeles, Calif., GORDON TALSKY, 5835 Natick, Van Nuys, Calif., JACQUELINE RADIS, 2415 Guthrie Court, Los Angeles, Calif., and GOLDIE TALSKY, also of 9610 Cresta Drive, Los Angeles, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif., 90212, and Arthur H. Glanz, 639 South Spring Street, Los Angeles, Calif., 90014. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier*, over irregular routes between points in California within ten miles of Calexico, Calif., including Calexico; *bran, cotton*, and *cotton-seed by-products*, from ports of entry at the boundary of the United States and Mexico near Calexico, Calif., to points in Imperial, San Diego, Riverside, San Bernardino, and Los Angeles Counties, Calif.; *furniture, hides*, and *flour-mill rolls*, from ports of entry at the boundary of the United States and Mexico near Calexico, Calif., to Los Angeles, Los Angeles Harbor, and Long Beach, Calif.; *steel drums, grain bags, cork, fullers earth, chemicals, bale ties and hoops, iron ore, iron shavings, fire brick, culverts, lumber, iron and steel plates, tin cans, machinery, coke, bottles, bagging, pipe, turpentine, fertilizer*, and *pyrites*, from Los Angeles, Los Angeles Harbor and Long Beach, Calif., to Calexico, Calif., and ports of entry at the boundary of the United States and Mexico near Calexico; *cement*, from Riverside and Colton, Calif., to Calexico, Calif., and ports of entry at the boundary of the United States and Mexico near Calexico; *feed, fertilizer, malt beverages*, and *empty malt-beverage containers*, between ports of entry at the boundary of the United States and Mexico near Calexico, Calif., on the one hand, and, on the other, points in Imperial County, Calif.; *honey, flour, lumber, feed, paste, fertilizer, malt beverages*, and *empty malt-beverage containers*, between points at the boundary of the United States and Mexico near Calexico, Calif., on the one hand, and, on the other, points in San Diego County, Calif.; and *cement*, in bulk and in sacks, from Cushenbury, Calif., to ports of entry at or near Calexico, Calif., on the United States-Mexico Boundary line; and in pending Docket No. MC–44837 Sub-4, seeking a certificate of registration, covering the transportation of property as a common carrier in intrastate commerce within the State of California. Vendee is authorized to operate as a *common carrier* in the State of California. Application has been filed for temporary authority under section 210a(b).



No. MC–F–8976. Authority sought for purchase by EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala., of a portion of the operating rights of VICTORY FREIGHT LINES, INC., 214 South 10th, Birmingham, Ala., and for acquisition by F. W. EDWARDS and O. M. COOK, both of 830 North 33d Street, Birmingham, Ala., of control of such rights through the purchase. Applicants' attorney: Donald L. Morris, 2027 City Federal Building, Birmingham, Ala., 35203. Operating rights sought to be transferred: In pending Docket No. MC–99653 Sub-2, seeking a certificate of registration, covering the transportation of building materials, lumber, paints, glass, roofing and tar, machinery, culvert pipe, boilers, and stacks, boiler parts, petroleum products, empty drums and auto parts, as a common carrier, in intrastate commerce, between Birmingham, Ala., on the one hand, and points located within a radius of 130 miles of Birmingham, on the other hand, in truckloads only, minimum 5,000 pounds; and cast iron pipe, iron and steel articles, as described in Alabama Motor Bureau Tariff No. 1 APSC No. 1, and contractors' equipment, between Birmingham, Ala., on the one hand, and, between points located within a radius of 150 miles of Birmingham, on the other hand, in truckloads only, minimum 10,000 pounds. Vendee is authorized to operate as a *common carrier* in Georgia, Mississippi, Tennessee, Alabama, Florida, Louisiana, Texas, Virginia, Arkansas, South Carolina, North Carolina, Iowa, Kansas, Missouri, Illinois, Michigan, Ohio, Wisconsin, Kentucky, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8977. Authority sought for purchase by W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., of a portion of the operating rights of APEX EXPRESS, INC., 455 Seaman Avenue, Perth Amboy, N.J., and for acquisition by LAWRENCE E. SMITH and HELEN E. SMITH, both also of Watertown, N.Y., of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., and Maxwell A. Howell, 1511 "K" Street NW., Washington, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Philadelphia, Pa., and certain points in New Jersey, serving all intermediate points, and the off-route point of Pedricktown, N.J.; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between New York, N.Y., and Philadelphia, Pa., serving no intermediate points in Pennsylvania except Philadelphia, and serving the off-route points of Gloucester and Palmyra, N.J. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Illinois, Michigan, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8978. Authority sought for control and merger by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla., of the operating rights and property of RYDER TRUCK LINES OF TENN., INC., Memphis, Tenn., and for acquistion by RYDER SYSTEM, INC., and, in turn by, JAR CORPORATION and TEMCO INDUSTRIES, INC., and, in turn by J. A. RYDER, R. B. RYDER and R. N. REEDY, all of 2701 South Bayshore Drive, Miami, Fla., of control of such rights and property through the transaction. Applicants' attorneys: David G. Macdonald, 1000 16th Street NW., Washington, D.C., and Raymond H. Mathisen, 2701 South Bayshore Drive, Miami 33, Fla. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Corinth, Miss., and Athens, Ala., serving certain intermediate points, between Huntsville, Ala., and Atlanta, Ga., serving certain intermediate and off-route points, between Memphis, Tenn., and junction U.S. Highway 45 and U.S. Highway 72 near Corinth, Miss., serving no intermediate points, from Corinth, Miss., to Iuka, Miss., serving all intermediate points, and the off-route point of Rienzi, Miss.; three alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Athens, Ala., and Huntsville, Ala., serving all intermediate points, between Sheffield, Ala., and site of aluminum plant near Listerhill, Ala., serving no intermediate points; *general commodities*, excepting, among others, commodities in bulk, but not excepting, household goods, between Corinth, Miss., and Tishomingo, Miss., serving all intermediate points, and the off-route point of Rienzi, Miss., between Corinth, Miss., and Blue Mountain, Miss., serving all intermediate points. RYDER TRUCK LINES, INC., is authorized to operate as a *common carrier* in Alabama, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Texas, Louisiana, Mississippi, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8979. Authority sought for control and merger by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla., of the operating rights and property of RYDER TANK LINE, INC., Greensboro, N.C., and for acquisition by RYDER SYSTEM, INC., and, in turn by, JAR CORPORATION and TEMCO INDUSTRIES, INC., and, in turn by J. A. RYDER, R. B. RYDER, and R. N. Reedy, all of 2701 South Bayshore Drive, Miami, Fla., of control of such rights and property through the transaction. Applicants' attorneys: David G. Macdonald, 1000 16th Street NW., Washington, D.C., and Raymond H. Mathisen, 2701 South Bayshore Drive, Miami 33, Fla. Operating rights sought to be controlled and merged: Numerous specified commodities, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from, to, and between specified points in the United States (except Alaska and Hawaii) and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC–110698 and Subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety thereof. RYDER TRUCK LINES, INC., is authorized to operate as a *common carrier* in Alabama, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Texas, Louisiana, Mississippi, and Florida. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8973. Authority sought for control by CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State Street, New Haven, Conn., of SHER-WILL CORP., doing business as FAIRFIELD COUNTY AIRPORT SERVICE, 83 Wall Street, Norwalk, Conn., and for acquisition by EDWARD DiLAURO, JR., 855 Prospect Street, Hamden, Conn., of control of SHER-WILL CORP., doing business as FAIRFIELD COUNTY AIRPORT SERVICE, through the acquisition by CONNECTICUT LIMOUSINE SERVICE, INC. Applicants' attorney: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, Conn. Operating rights sought to be controlled: Passengers and their baggage, limited to the transportation of not more than eight passengers in any one vehicle, not including the driver thereof, as a *common carrier*, over regular routes between Danbury, Conn., and La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y., serving the intermediate points of Wilton, Ridgefield, and Norwalk, Conn.; and in pending Docket No. MC–124732 Sub 5, covering the transportation of passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, between Danbury, Conn., and La Guardia Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y. CONNECTICUT LIMOUSINE SERVICE, INC. is authorized to operate as a *common carrier* in Connecticut, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 64–13167; Filed, Dec. 22, 1964; 8:47 a.m.]

[Notice No. 718]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 18, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 409 (Sub-No. 16), filed December 1, 1964. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions* in bulk, in tank vehicles, and *dry fertilizer* in bulk, from the plant site of Cominco Products, Inc. located at or near Hoag, Nebr., to points in Iowa, Kansas, South Dakota, Minnesota, Missouri, and Illinois, and *damaged or rejected shipments* of same commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 1124 (Sub-No. 201), filed December 4, 1964. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and commodities in bulk) between Jasper, Tex., and Leesville, La.: From Jasper over Texas Highway 63 to the Texas-Louisiana State line, thence over Louisiana Highway 8 to Leesville, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Dallas, Tex., and Leesville, La.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 2202 (Sub-No. 273), filed December 7, 1964. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Montgomery, Ala., and Baton Rouge, La.; from Montgomery, Ala., over U.S. Highway 31 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, Fla., thence over U.S. Highway 90 to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, La., and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 8768 (Sub-No. 29), filed December 8, 1964. Applicant: SECURITY VAN LINES, INC., 100 West Airline Highway, Kenner (New Orleans), La. Applicant's attorney: W. T. Croft, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 10297 (Sub-No. 19), filed December 1, 1964. Applicant: CAPITOL MOTOR TRANSPORTATION CO., INC., 69 Norman Street, Everett, Mass. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard and pulpboard, and incidental materials and supplies* used in or in connection with the installation thereof, when moving in the same vehicle therewith, from Lisbon Falls, Maine, to points in Pennsylvania, and *returned, rejected and damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 16682 (Sub-No. 66), filed December 3, 1964. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store and office fixtures and equipment, and new furniture, and returned, rejected and damaged shipments*, between Flemington, N.J., on the one hand, and, on the other, points in Delaware, New York, Pennsylvania, Maryland, Ohio, Virginia, and the District of Columbia.

NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 21170 (Sub-No. 60), filed December 7, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 402 West Main Street, Marshalltown, Iowa, 50158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, frozen or other than frozen, from points in Montcalm County, Mich., to points in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 61), filed December 7, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 402 West Main Street, Marshalltown, Iowa, 50158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products, frozen or other than frozen* from points in Montcalm County, Mich., to points in Indiana, Ohio, West Virginia, Virginia, District of Columbia, Delaware, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25828 (Sub-No. 2), filed December 7, 1964. Applicant: THOMAS R. TRAVERS, doing business as WESTERN VAN & STORAGE COMPANY, 1055 Harrison Street, Berkeley 10, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 25869 (Sub-No. 27), filed December 7, 1964. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 184, South Omaha Station, 2509 Q Street, South Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of Bethlehem Steel Company Burns Harbor plant located in Porter County, Ind., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 31600 (Sub-No. 577), filed December 4, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel desiccant*, in bulk, in pneumatic tank vehicles, from Paulsboro, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, New York, Ohio, Pennsylvania, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 32882 (Sub-No. 29), filed December 3, 1964. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 2300 NW. 30th Avenue, Portland, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg., 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Del Norte County, Calif., to Brookings, Oreg.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 35334 (Sub-No. 57), filed November 25, 1964. Applicant: COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Plymouth Township, Pa., as an off-route point in connection with applicant's authorized regular route operations to and from Philadelphia, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 35334 (Sub-No. 58), filed November 25, 1964. Applicant: COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. Applicant's attorney: Harris J. Klein, 280 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Nonferrous metal scrap*, in bulk, not requiring special equipment, serving the plant site of the Chase Brass & Copper Co., Jefferson Township, Williams County, Ohio, as an off-route point in connection with applicant's authorized regular-route operations to and from Cleveland, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 35469 (Sub-No. 27), filed December 7, 1964. Applicant: MODERN TRANSFER CO., INC., 1300 Hanover Avenue, Allentown, Pa. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *equipment and supplies*, used or useful in the production and distribution of such articles, between the site of the Bethlehem Steel Company, Burns Harbor plant located in Porter County, Ind., on the one hand, and, on the other, points in Illinois, Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 35484 (Sub-No. 58), filed December 4, 1964. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South 6th Street, St. Louis, Mo., 63102. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Yazoo City, Miss., as an intermediate point in connection with applicant's authorized regular-route operations between Jackson, Miss., and Greenville, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 38320 (Sub-No. 11), filed December 7, 1964. Applicant: CENTRAL MOTOR EXPRESS, INC., Post Office Box 216, Campbellsville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Greensburg, Ky. and Nashville, Tenn., from Greensburg over U.S. Highway 68 to Glasgow, Ky., thence over U.S. Highway 31E to Nashville, Tenn., and return over the same route serving no intermediate points and (2) between Columbia, and Edmonton, Ky., from Columbia over Kentucky Highway 80 to Edmonton serving no intermediate points and serving Edmonton for purposes of joinder only.

NOTE: Applicant states it proposes to tack the authority sought with present authority so as to render through service between points sought and present points authorized. If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky.

No. MC 41309 (Sub-No. 26), filed December 7, 1964. Applicant: JEFERIES-EAVES, INC., 333 Osuna Road NW., Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe or tubing, culvert, and accessories and parts thereof*, in truckload lots, on ordinary flat-bed-trailers, from the plant site of Kaiser Aluminum and Chemical Sales, Inc. located near Gallup, N. Mex., to points in Arizona, Utah, Colorado, and points in Texas on and north of U.S. Highway 180 and on and west of U.S. Highway 83, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 43654 (Sub-No. 59), filed December 7, 1964. Applicant: DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Post Office Box 750, Akron 9, Ohio. Applicant's attorney: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except perishables, livestock, petroleum and its products in tank trucks, coal, sand, gravel, grain, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment), serving Lordstown, Ohio, an unincorporated town at the junction of Ohio Highway 45 and Saltsprings Road in Lordstown Township, Trumbull County, Ohio, and points within the commercial zone (2½ air miles of said road junction) of Lordstown, as intermediate or off-route points in connection with carrier's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 51104 (Sub-No. 3), filed December 7, 1964. Applicant: G. F. KIESEL (GEORGE F. KIESEL, JR. AND ROBERT S. KIESEL, ADMINISTRATORS), doing business as PARAMOUNT HAULING, 1936 South Vandeventer, St. Louis 10, Mo. Applicant's attorney: Ernest A Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, between points in that part of Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 51510 (Sub-No. 1), filed December 9, 1964. Applicant: R. T. SKEWES FREIGHT LINES, INC., 1501 East Chicago Avenue, East Chicago, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the site of the Bethlehem Steel Company, Burns Harbor plant, located in Porter County, Ind., to points in In-

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

diana, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 52574 (Sub-No. 15), filed December 8, 1964. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers therefor*, (1) from Newark, N.J., to Middle Island, Bay Shore and Huntington, N.Y., and (2) from Newark, N.J., and Bronx, N.Y., to Wethersfield and Hartford, Conn., under continuing contract or contracts with Ward Baking Co.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 52953 (Sub-No. 29), filed December 7, 1964. Applicant: ET&WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading) between Athens and Etowah, Tenn., (1) from Athens over Tennessee Highway 30 to Etowah and return over the same route serving all intermediate points and (2) from Athens over Tennessee Highway 30 to junction Tennessee Highway 39, thence over Tennessee Highway 39 to junction U.S. Highway 411, thence over U.S. Highway 411 to Etowah and return over the same route serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 55236 (Sub-No. 100), filed December 7, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow and grease*, in bulk, in tank vehicles, from Green Bay, Wis., to points in Illinois, Indiana (except those points within that area bounded by a line drawn from Zion, Ill., to Grays Lake, Ill., thence southeast to Libertyville, Ill., thence southwest through Elgin and Sycamore, to De Kalb, Ill., thence southeast through Aurora to Joliet, Ill., thence east through Chicago Heights and Gary, Ind., to Lake Michigan, thence north along the shore of Lake Michigan to a point directly east of Zion, Ill., and thence west to Zion, Ill.), Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 57880 (Sub-No. 6), filed December 4, 1964. Applicant: JAMES E. ASHTON, doing business as ASHTON TRUCKING COMPANY, 1201 North Broadway, Monte Vista, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato starch*, from Monte Vista, Colo., and points within five (5) miles thereof, to the plantsite of the Texas-Gulf Sulphur Co., located approximately eight (8) airline miles (18 highway miles) southwest of Moab, Utah.

NOTE: Applicant holds contract carrier authority in MC 62538 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61396 (Sub-No. 117), filed December 3, 1964. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia and fertilizer solutions* in bulk in tank vehicles, from the site of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Illinois, and (2) *dry fertilizer* in bulk and in bags, from the site of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Iowa, Illinois, Kansas, South Dakota, Minnesota, and Missouri, and *returned* and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 65271 (Sub-No. 7), filed December 4, 1964. Applicant: LOUIS MAX CO., INC., 192 Water Street, Brooklyn, N.Y. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Department store merchandise, and returned, unsold and damaged department store merchandise*, between Long Island City and Manhattan, N.Y., on the one hand, and, on the other, Radnor, Pa.

NOTE: Applicant states the above proposed operations will be restricted to service to be performed under a continuing contract with B. Altman & Co., New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 65802 (Sub-No. 32), filed December 3, 1964. Applicant: LYNDEN TRANSFER, INC., Post Office Box 433, Lynden, Wash., 98264. Applicant's attorney: James T. Johnson, 609 Norton Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission), between Seattle, Wash., on the one hand, and, on the other, points in Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 69833 (Sub-No. 74), filed December 10, 1964. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700 One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Welsh Industries, Inc., located approximately four (4) miles east of Vassar, Mich., and one and one-eighth miles south of Michigan Highway 38 as an off-route point in connection with applicant's authorized regular-route service at Vassar, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 69695 (Sub-No. 9), filed December 7, 1964. Applicant: RAY L. BRANDT TRUCKING CO., a corporation, 460 West Philadelphia Street, York, Pa. Applicant's attorney: John E. Fullerton, 509 North Second Street, Harrisburg, Pa., 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from the plantsite of Thomasville Stone and Lime Company, Thomasville, Pa., to points in New York New Jersey, Ohio, Virginia, West Virginia, Maryland, Delaware, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 70451 (Sub-No. 247), filed November 6, 1964. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver bars*, between Selby, Calif., and Denver, Colo.; (1) from Selby, Calif., over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 to Denver, Colo., and return over the same route, serving all intermediate points, and (2) from Selby, Calif., over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 to Oakland, Calif., thence over U.S. Highway 50 to junction U.S. Highway 99, thence over U.S. Highway 99 to junction U.S. Highway 466 at Bakersfield, Calif., thence over U.S. Highway 466 to Barstow, Calif., thence over U.S. Highway 66 to junction U.S. Highway 89, thence over U.S. Highways 89 and 66 to Flagstaff, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 64 (Navajo Trail Route No. 1), thence over Arizona Highway 64 (Navajo Trail Route No. 1) through Tuba City, Kayenta, and Mexican Water, Ariz., to junction Arizona Highway 364, thence over Arizona Highway 364 to the Arizona-New Mexico State line, thence over unnumbered highway to the New Mexico–Colorado State line, thence over Colorado Highway 40 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction U.S. Highway 160 at Cortez, Colo., thence over U.S. Highway 160 to junction U.S. Highway 87, thence over U.S. Highway 87 to Denver, Colo., and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76032 (Sub-No. 192), filed December 3, 1964. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex., 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Phoenix and Holbrook, Ariz.; from Phoenix over Arizona Highway 87 to junction Arizona Highway 160 at or near Payson, Ariz., thence over Arizona Highway 160 to junction Arizona Highway 277 at or near Heber, Ariz., thence over Arizona Highway 277 to junction Arizona Highway 77 at or near Snowflake, Ariz., thence over Arizona Highway 77 to Holbrook, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 76177 (Sub-No. 298), filed December 8, 1964. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic fibre, synthetic fibre yarn, tire cord yarn, and containers used in the transportation thereof* from Gonzalez, Fla., to Montgomery, Ala., and (2) *general commodities*, (except those of unusual value, Classes A and B explosives, blasting supplies, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from Montgomery, Ala., to Gonzalez, Fla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76177 (Sub-No. 299), filed December 8, 1964. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fibre, synthetic fibre yarn*, and *tire cord yarn* from Decatur, Ala., to points in Georgia, Louisiana, Mississippi, and Tennessee and *empty beams, bobbins, and containers* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.



No. MC 83539 (Sub-No. 131), filed December 7, 1964. Applicant: C&H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 NW Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traction engines, or tractors, steam or internal combustion* (not including tractors with vehicle beds, vehicle bed frames, or fifth wheels) from Houston, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 83539 (Sub-No. 132), filed December 7, 1964. Applicant: C&H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 NW Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traction engines, or tractors, steam or internal combustion* (not including tractors with vehicle beds, vehicle bed frames or fifth wheels), from New Orleans, La., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 84511 (Sub-No. 20), filed December 2, 1964. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City, Mo. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts* (except commodities in bulk), and *articles distributed by meat-packinghouses* (except commodities in bulk), as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Joseph, Mo., and points within five miles thereof, to Highland, Munster, and Griffith, Ind.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 92983 (Sub-No. 456), filed December 7, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Oklahoma to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95540 (Sub-No. 614), filed December 9, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Kearney County, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, and the Commercial Zone thereof).

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant did not specify it be held at any particular place.

No. MC 95540 (Sub-No. 615), filed December 10, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts. and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dawson County, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis and points in its Commercial Zone).

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant did not specify it be held at any particular place.

No. MC 95540 (Sub-No. 616), filed December 11, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Des Moines, Fort Dodge and Webster City, Iowa, to points in Florida, Georgia, North Carolina, and South Carolina.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 101075 (Sub-No. 93), filed December 9, 1964. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having prior movement by rail, between points in Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 103051 (Sub-No. 184), filed December 3, 1964. Applicant: FLEET

TRANSPORT COMPANY, INC., 340 Armour Drive, Northeast, Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Suite 403–11 Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103378 (Sub-No. 310), filed December 7, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammoniating solutions* and *aqua ammonia*, in bulk, from points in Decatur County, Ga., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 104654 (Sub-No. 137), filed December 9, 1964. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 297, Belleville, Ill. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Tri-City Regional Port Complex located in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 105275 (Sub-No. 31), filed November 27, 1964. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Jefferson, Lewis and St. Lawrence Counties, N.Y., on the one hand, and, on the other, points in Vermont, New Hampshire, and Maine.

NOTE: Applicant states those who "own and control applicant also own and control Pulp Transport, Ltd., a contract carrier holding Permit No. MC 124024 (Sub-No. 1)." If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 105387 (Sub-No. 35), filed December 4, 1964. Applicant: R. A. CORBETT (GRACE LEE CORBETT, INDEPENDENT EXECUTRIX), doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil* from the site of the Calumet Refining Co. plant located near Princeton, La., to points in Illinois and *empty containers or other such incidental facilities* used in transporting the above commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 106297 (Sub-No. 35), filed December 2, 1964. Applicant: MID-STATES TRAILER TRANSPORT, INC., Post Office Box 243, Oak Glen Station, Lansing, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, designed to be drawn by passenger automobiles, and equipment, furnishings and accessories* when moving as a part of and in conjunction therewith, from points in Rowan County, N.C., to points in the United States, including points in Alaska (but excluding Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Charlotte, N.C.

No. MC 106398 (Sub-No. 254), filed December 7, 1964. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. Applicant's attorney: Fred Mock, 1925 National Plaza, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, in truckaway service, from points in Niagara County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, West Virginia, Ohio, Michigan, Indiana, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Iowa, Wisconsin, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 106497 (Sub-No. 32), filed December 7, 1964. Applicant: PARKHILL TRUCK COMPANY, a corporation, 4219 South Memorial Drive, Tulsa, Okla. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City, Mo., 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials and supplies* used in or in connection with the construction, operation, maintenance, servicing, repair or dismantling of pipelines, between points in the United States, including Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 106893 (Sub-No. 15), filed December 2, 1964. Applicant: PHILLIP G. WIEDERHOLD AND EDWARD E. WIEDERHOLD, a partnership, doing business as WIEDERHOLD BROTHERS, 5224 Whalen Street, Elkton, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bags, from Cleveland, Ohio, to points in Washtenaw County, Mich., and (2) *fertilizer, brick and stone*, from points in Washtenaw County, Mich., to Cleveland, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 107107 (Sub-No. 330), filed December 4, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and related advertising and promotional materials*, from Davenport, Iowa, and Moline, Ill., to points in Florida, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa, or Moline, Ill.

No. MC 107107 (Sub-No. 332), filed December 9, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, in mechanically refrigerated equipment, from Gaffney, S.C., to Eau Claire, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107417 (Sub-No. 5), filed December 2, 1964. Applicant: JERSEY COAST FREIGHT LINES, INC., 830 Old Corlies Avenue, Neptune, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between points in Atlantic and Gloucester Counties, N.J.

NOTE: Applicant states that it intends to tack the above authority with the authority it holds in Certificate No. MC 107417 and that which its affiliate, Bilkays Express Co., holds in Certificate No. MC 73616, and which the latter has acquired in MC–F 8801, all of which authorize the transportation of general commodities, with exceptions, between specified points or areas in New Jersey and New York. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 343), filed December 7, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, and chemicals, fertilizer, fertilizer solutions and fertilizer ingredients*, in bulk, from Fulton, and Sullivan, Ill., and points within five (5) miles of each, to points in Illinois, Indiana, Iowa, Michigan, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.



No. MC 107515 (Sub-No. 503) (AMENDMENT), filed November 12, 1964, published FEDERAL REGISTER issue of November 25, 1964, amended December 9, 1964, and republished as amended this issue. Applicant: REFRIGERATED TRANSPORT CO. INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as defined by the Commission, from Gaffney, S.C., to points in Wisconsin and Minnesota.

NOTE: The purpose of this republication is to broaden the destination territory in Wisconsin and include Minnesota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107743 (Sub-No. 4), filed December 2, 1964. Applicant: GEORGE W. CULLY AND S. J. CULLY, JR., a partnership, doing business as CULLY TRUCKING COMPANY, South 1615 Bowdish Road, Spokane 64, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and treated poles*, from points in that part of Washington east of the Cascade Mountain Range, points in that part of Idaho north of the Snake River, and points in that part of Montana, on and west of U.S. Highway 89, to points in Illinois, Iowa, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 108058 (Sub-No. 8), filed December 2, 1964. Applicant: BARBER TRUCKING, INC., 407 Daniels Street, Toronto, Ohio. Applicant's representative: D. L. Bennett, 213 First National Bank, 2207 National Road, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard* from Toronto, Ohio to points in Michigan, except the Detroit, Mich., commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 108189 (Sub-No. 2), filed December 3, 1964. Applicant: MULLOY D. MILLS, doing business as MILLS TRUCK LINE, 7 North Jackson Street, Aberdeen, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Aberdeen, S. Dak., and Jamestown, N. Dak., over U.S. Highway 281, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Aberdeen, S. Dak.



No. MC 108449 (Sub-No. 187), filed December 3, 1964. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Northwestern States Portland Cement Co., at or near Cedar Rapids, Iowa, to points in Illinois, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 110098 (Sub-No. 49), filed December 7, 1964. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Station A, Box 7249, San Antonio, Tex. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and dairy products and articles distributed by meat packinghouses* (except in bulk, in tank vehicles), from El Paso, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 110093 (Sub-No. 50), filed December 9, 1964. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Station A, Box 7249, San Antonio, Tex., 78207. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, from Greenville, Mich. and from warehouses and storage and processing plants located in Montcalm County, Mich., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 400), filed December 7, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in stainless steel tank vehicles, from Danville, Ill. to Decatur, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 401), filed December 7, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Carpentersville, Ill. to points in Arizona, California, Connecticut, Delaware, District of Columbia, Idaho, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 402), filed December 7, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Monmouth, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 403), filed December 7, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Lincoln, Nebr., to Kansas City, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 692), filed December 7, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street, Madison Building, Washington, D.C., and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry pyrites cinder fines*, in bulk, in tank or hopper-type vehicles, from Claymont, Del., to Nazareth, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 110525 (Sub-No. 693), filed December 9, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, from South Point and Ironton, Ohio to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110604 (Sub-No. 9), filed December 3, 1964. Applicant: INGRAM TRUCKING CO., INC., Ball Ground, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone, including crushed stone*, from points in Chattooga County, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, Minnesota, Nebraska, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 110988 (Sub-No. 100), filed December 3, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, in tank vehicles from the plant site of the Central Chemical Division of Wilson & Co., located at or near Elwood, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111302 (Sub-No. 28), filed December 7, 1964. Applicant: HIGHWAY TRANSPORT, INC., Albany Highway, Post Office Box XX, Thomasville, Ga. Applicant's representative: Lamar Kennedy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, from Tri-City Regional Port District Complex, Madison County, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111401 (Sub-No. 163), filed December 7, 1964. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, Okla. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and materials and anhydrous ammonia*, in tank vehicles, from points in Navarro County, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 111792 (Sub-No. 2) (CLARIFICATION), filed October 26, 1964, published FEDERAL REGISTER issue of November 11, 1964, clarified December 10, 1964, and republished as clarified this issue. Applicant: PALMER BROS. INC., Box 4910 Akron-Cleveland Road, Peninsula, Ohio. Applicant's attorney: Edwin C. Reminger, 905 Leader Building, Cleveland, Ohio, 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Concrete sewer pipe, the transportation of which, because of size or weight, requires the use of special equipment*, (1) from Cleveland and Youngstown, Ohio to points in Pennsylvania on, south and west of a line beginning at the Ohio-Pennsylvania State line, and extending east along U.S. Highway 422 to Indiana, Pa., thence south on and along U.S. Highway 119 to junction U.S. Highway 22, thence west on U.S. Highway 22 to the West Virginia-Pennsylvania State line, (2) from Erie and points in Fairview Township, Erie County, Pa., to points in Ohio on and north of U.S. Highway 40, and those on and east of Ohio Highway 13, (3) from Buffalo, N.Y., to points in Pennsylvania north and east of a line beginning at the Ohio-Pennsylvania State line, and extending east along U.S. Highway 422 to Indiana, Pa., thence north along U.S. Highway 119 to junction of U.S. Highway 219 thence along U.S. Highway 219 to Ridgway, Pa., thence along U.S. Highway 120 to Lock Haven, Pa., thence along U.S. Highway 220 to Williamsport, Pa., and thence north along U.S. Highway 15 to the New York-Pennsylvania State line and (4) from Erie and points in Fairview Township, Erie County, Pa., to points in New York on and west of U.S. Highway 15 to Rochester, N.Y., and thence north along the Genesee River to Ontario Beach., N.Y., including the points named, and thence on the indicated portions of the highway specified, (B) *Concrete pipe forms, cores, and pallets*, from points in Fairview Township, Erie County, Pa., to Cleveland, Sandusky and Youngstown, Ohio, and Binghamton, Buffalo and Rochester, N.Y., (2) from Erie, Pa., to Buffalo and Rochester, N.Y., (3) from Buffalo, N.Y. to Cleveland, Sandusky and Youngstown, Ohio, and Erie and points in Fairview Township, Erie County, Pa., and (4) from Cleveland, Sandusky and Youngstown, Ohio, to points in Fairview Township, Erie County, Pa., and Buffalo, N.Y.

NOTE: The purpose of this republication is to clarify the location of Fairview Township. Applicant states no duplication of authority is sought. Further, should the hereinabove authority sought be granted, it will surrender the following authority, which is embraced in the authority described above: "Concrete sewer pipe, from Erie, Pa., to points in Ohio, on, north and east of U.S. Highway 422, with no transportation for compensation on return except as otherwise authorized; and, from Erie, Pa., to points in Chautauqua County, N.Y., with no transportation for compensation on return except as otherwise authorized. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 111812 (Sub-No. 270), filed November 27, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Duluth, Minn., to points in Idaho, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112446 (Sub-No. 41), filed December 7, 1964. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue, North, Post Office Box 1165, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Decatur, Ala., and points within fifteen (15) miles thereof, to points in Tennessee, Georgia, and Alabama, and *rejected shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, or Montgomery, Ala.

No. MC 112669 (Sub-No. 5), filed November 27, 1964. Applicant: ABE K. FRIESEN, doing business as FRIESEN TRUCK LINE, 1207 East Second, Hutchinson, Kans. Applicant's attorney: D. S. Hults, Post Office Box 225, Lawrence National Bank Building, Lawrence, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pepper and mineral mixtures in mixed shipments with salt, salt products*, and *related articles*, and (2) *mineral mixtures*, from Hutchinson, Kanopolis, and Lyons, Kans., to points in Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 112962 (Sub-No. 6), filed November 27, 1964. Applicant: CRUPPER TRANSPORT CO., INC., 2908-10 North Plum Street, Hutchinson, Kans. Applicant's attorney: D. S. Hults, Post Office Box 225, Lawrence National Bank Building, Lawrence, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pepper* and *mineral mixtures* in mixed shipments with *salt* and *related articles*, from Hutchinson, Kans., to points in Missouri (except St. Joseph and St. Louis); (2) *mineral mixtures* and (3) *pepper* and *mineral mixtures* in mixed shipments with *salt* and *related articles*, from Lyons, Kans., to points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 113267 (Sub-No. 138), filed December 4, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's attorney: Dale Woodall, 150 East Court Avenue, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Gaffney, S.C., to points in Wisconsin and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113267 (Sub-No. 139), filed December 7, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Post Office Box 548, Caseyville, Ill. Applicant's attorney: R. H. Burroughs (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (1) from Woodruff, S.C., to points in Michigan, Illinois, Kentucky, Ohio, and Indiana, and (2) from Haddock, Ga., to points in Michigan and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 113267 (Sub-No. 140), filed December 7, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Post Office Box 548, Caseyville, Ill., 62232. Applicant's attorney: R. H. Burroughs (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Council Bluffs, Iowa, and Omaha, Nebr., to points in Louisiana, Mississippi, Alabama, South Carolina, North Carolina, Georgia, Florida, Tennessee, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 141), filed December 7, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Post Office Box 548, Caseyville, Ill. Applicant's attorney: R. H. Burroughs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, dairy products, and articles distributed by meat packinghouses*, from points in Iowa, to points in Louisiana, Mississippi, Georgia, Tennessee, Kentucky, and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113271 (Sub-No. 21), filed December 7, 1964. Applicant: CHEMICAL TRANSPORT, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Post Office Box 2567, Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk from points in San Bernardino and Inyo Counties, Calif., to points in Montana, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 113362 (Sub-No. 58), filed December 7, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113678 (Sub-No. 97), filed December 4, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts and packinghouse products* (except commodities in bulk, in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City, Iowa.

No. MC 113678 (Sub-No. 98), filed December 4, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except liquids in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113678 (Sub-No. 99), filed December 9, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles), from Greeley, Colo., to points in Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113828 (Sub-No. 72), filed December 7, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from the plant site of the Thomasville Stone & Lime Company, located at Thomasville, Pa., to points in New York, New Jersey, Ohio, Virginia, West Virginia, Maryland (except points in Frederick, Carroll, Baltimore, Cecil, and Harford Counties, Md.), Delaware, and the District of Columbia.

NOTE: Applicant states it does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 155), filed December 4, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 706 West Tampa, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable juices*, in bulk, in tank vehicles, from points in the lower peninsula of Michigan (except Lawton, Mattawan, and Sodus, Mich.), and points in Ohio, to North East, Pa., and Westfield, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 165), filed December 2, 1964. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Kansas, Missouri, Minnesota, North Dakota, Nebraska, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 114045 (Sub-No. 166), filed December 2, 1964. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from Mason City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Virginia, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 114552 (Sub-No. 23) (CORRECTION), filed November 18, 1964, published in FEDERAL REGISTER issue of December 2, 1964, and republished as corrected this issue. Applicant: SENN TRUCKING COMPANY, a corporation,

Post Office Box 333, Newberry, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, and *wood boxes* knocked down, between points in Georgia, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: The purpose of this republication is to remove the comma in the commodity description after the words wood boxes. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 114569 (Sub-No. 69), filed November 13, 1964. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Underwear and component parts thereof*, and *accessories therefor*, and *material, supplies, machinery and machinery parts*, no single piece or package of machinery or machinery parts to weigh more than 2,000 pounds, such machinery and parts, and material and supplies to be used in the manufacture or sale of underwear, between Ephrata, Pa., and Casa Grande, Ariz.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114789 (Sub-No. 13), filed December 1, 1964. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's attorney: William S. Rosen, 400 Minnesota Building, St. Paul, Minn., 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products* from Lena and Crivitz, Wis., to Anaheim, Oakland, and San Francisco, Calif., Denver, Colo., Spokane and Seattle, Wash., Portland, Oreg., Albuquerque, N. Mex., Tucson and Phoenix, Ariz., Kansas City, Mo., Wichita, Kans., Salt Lake City, Utah, and Pocatello, Idaho.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 117940 sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115113 (Sub-No. 6), filed December 7, 1964. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 448, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 115117 (Sub-No. 1), filed December 3, 1964. Applicant: SAM GORDON TRUCKING COMPANY, INC., 2440 North Main Street, Warren, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Niles, Ohio, on the one hand, and, on the other, the sites of the plants of General Motors Corporation located in or near Lordstown Township, Trumbull County, Ohio.

NOTE: Applicant states it proposes to tack the applied-for authority with its existing authority (as specified in Certificate MC 115117) between Niles, Ohio, on the one hand, and, on the other, points in that part of Pennsylvania west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 62 to Tionesta, Pa., thence along unnumbered highway to its junction with Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Greensburg, Pa., and thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, including points on the involved portions of the highways specified. If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 115322 (Sub-No. 41), filed December 4, 1964. Applicant: BLYTHE MOTOR LINES, INC., Post Office Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Westfield, and Buffalo, N.Y., and Erie, and North East, Pa., to points in Florida, Georgia, and South Carolina.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 115322 (Sub-No. 42), filed December 4, 1964. Applicant: BLYTHE MOTOR LINES, INC., Post Office Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, and food materials, and related advertising and promotional materials*, from points in Dade and Broward Counties, Fla., to points in South Carolina, North Carolina, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Maine, Rhode Island, New Hampshire, Vermont, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 115322 (Sub-No. 43), filed December 4, 1964. Applicant: BLYTHE MOTOR LINES, INC., Post Office Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mixed shipments with frozen foods, from Westfield and Buffalo, N.Y., and Erie and North East, Pa., to points in North Carolina.

NOTE: Applicant states it holds authority to transport fruit juices, fruit concentrates, fruit drinks, fruit crystals, fruit sauces, jams, jellies, preserves, and tomato juice, except canned goods from points in North Carolina, as well as various frozen commodities including frozen fruit juices from Westfield, N.Y., and points within 100 miles thereof in MC 115322 Sub-No. 26 and Sub-No. 32. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 115818 (Sub-No. 8), filed December 7, 1964. Applicant: WESTBURY TRANSPORT, INC., 397 East 54th Street, East Paterson, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail furniture stores, uncrated and crated, (1) from Jessup, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia, and (2) from New Cassel, N.Y., to points in New Jersey and Connecticut, and *returned shipments* of the above-described commodities, from the above-described destination points, to the above-described points of origin. RESTRICTION: The proposed operation shall be limited to a transportation service to be performed under a continuing contract with H. L. Klion, Inc. of East Paterson, N.J.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115826 (Sub-No. 33), filed December 2, 1964. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas* and (2) *commodities*, the transportation of which is partially exempt under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle at the same time with bananas, from Los Angeles and San Francisco, Calif., to Boise and Twin Falls, Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 115826 (Sub-No. 34), filed December 2, 1964. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and canned fruits*, from Delta, Colo., to points in New Mexico, Oklahoma, Texas, Nebraska, Kansas, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115826 (Sub-No. 35), filed December 2, 1964. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as defined in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272) and 766 (except commodities in bulk, in tank vehicles), from Darr, Nebr., and points within 15 miles thereof, to points in Arizona, Colorado, Nevada, California, Oregon, Washington, Idaho, and Utah.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115826 (Sub-No. 36), filed December 2, 1964. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as defined in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272) and 766 (except commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 115841 (Sub-No. 217), filed November 27, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food preparations* (except in bulk or tank vehicles) in vehicles equipped with mechanical refrigeration, from the plantsite and warehouses of the Commercial Cold Storage Company, located at or near Doraville, Ga., to points in Alabama, Tennessee, Mississippi, Louisiana, and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115931 (Sub-No. 12), filed November 30, 1964. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash and pozzolan* in bulk and in bags (1) between railheads and points in Idaho and (2) between railheads and points in Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 116077 (Sub-No. 169), filed December 7, 1964. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and materials, and anhydrous ammonia*, in tank vehicles, from points in Navarro County, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116077 (Sub-No. 170), filed December 7, 1964. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex., 77011. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, from points in Hopkins County, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116254 (Sub-No. 46), filed December 7, 1964. Applicant: CHEMHAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer ingredients*, from points in Hamilton County, Tenn., to points in Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116254 (Sub-No. 47), filed December 7, 1964. Applicant: CHEMHAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Magnolia, Ark., and points within 10 miles thereof, to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 116273 (Sub-No. 38), filed December 3, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products* (except coal tar chemicals), in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana, Iowa, Michigan, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 181), filed December 4, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery syrups, sauces, toppings and chocolate products* (except in bulk in tank vehicles) and *advertising materials and displays and dispensing equipment and premiums*, when moving in connection with confectionery syrups, sauces, topping and chocolate products (except in tank vehicles, in bulk), from Oakdale, Calif. to points in Arizona, New Mexico, Texas, Colorado, Utah, Nevada, Wyoming, Montana, Idaho, Oregon, and Washington.

NOTE: Applicant states it does not propose to tack the authority requested to any authority presently held by applicant. If a hearing is deemed necessary, applicant does not specify location.

No. MC 117344 (Sub-No. 142), filed December 7, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles from Cincinnati, Ohio, to points in Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119422 (Sub-No. 26), filed December 4, 1964. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Aveue, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry milled corn products* from points in Indiana to points in Missouri and Illinois and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119489 (Sub-No. 5), filed December 3, 1964. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 596, Norfolk, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizer*, in bulk, from the plant site of Cominco Products, Inc., at or near Hoag, Nebr., to points in Iowa, Kansas, South Dakota, Minnesota, Missouri, and

Illinois, and *damaged and rejected shipments thereof*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119577 (Sub-No. 8), filed December 7, 1964. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* (bottles) from Joliet, Ill., to Lawrenceburg, Ind., and Louisville, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 43), filed December 9, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* from the plant site of the Black Hills Packing Co., located at or near Rapid City, S. Dak., to Milwaukee, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 119767 (Sub-No. 44), filed December 9, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal fats, animal oils, and vegetable oils*, including *products and blends thereof*, with or without emulsifiers, preservatives, coloring, or additives, in packages, and *oleomargarine*, in packages, from Bradley, Ill., to points in Minnesota, North Dakota, South Dakota, and the upper peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 45), filed December 9, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage containers*, from the plant site of the American Can Company located at or near Shakopee, Minn., to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119767 (Sub-No. 46), filed December 9, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in North Dakota and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119777 (Sub-No. 31), filed December 7, 1964. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal waste storage tanks*, steel, knocked down, glass lined, (2) *livestock scales*, steel, knocked down, with weighing attachments, (3) *livestock feed bunkers*, steel, knocked down, glass lined, (4) *forage metering devices*, (5) *animal waste spreader tanks*, steel, glass lined, and (6) *soil savers*, steel, knocked down, glass lined, from Kankakee, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120906 (Sub-No. 3), filed December 9, 1964. Applicant: SPECIAL SERVICE DELIVERY, INC., 828 Prouty Avenue, Toledo, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Toledo, Ohio, on the one hand, and, on the other, points in Allen, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucus, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot Counties, Ohio, and points in Lenawee, Monroe, Wayne, and Washtenaw Counties, Mich., restricted to the transportation of shipments not exceeding 100 pounds in weight and to the delivery of shipments on the same day on which they are received.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 120931 (Sub-No. 2) filed November 16, 1964. Applicant: NORTH TENNESSEE FREIGHT LINE, INC., Post Office Box 12, Portland, Tenn. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, and articles requiring special equipment), (1) between Portland, Tenn., and Nashville, Tenn.; (a) from Portland, Tenn., over Tennessee Highway 52 to junction U.S. Highway 31–W, thence over U.S. Highway 31–W to Nashville, Tenn., and return over the same route, serving all intermediate points between Goodlettsville and Portland, Tenn. (but restricted against service at Goodlettsville), (b) from Portland, Tenn., over Tennessee Highway 109 to Gallatin, Tenn., thence over U.S. Highway 31–E to Nashville, Tenn., and return over the same route serving no intermediate points between Gallatin and Nashville, Tenn., including Gallatin, and serving Fountain Head, Tenn., as an off-route point; (2) between junction Tennessee Highway 52 and U.S. Highway 31–W, and Mitchellville, Tenn.; from junction Tennessee Highway 52 and U.S. Highway 31–W, north over U.S. Highway 31–W to junction unnumbered highway near the Tennessee-Kentucky State line, thence east over unnumbered highway to Mitchellville, Tenn., and return over the same route, serving all intermediate points, (3) between junction U.S. Highway 31–W and Tennessee Highway 109, and Portland, Tenn., over Tennessee Highway 109, serving all intermediate points, (4) between junction U.S. Highway 31–W and Tennessee Highway 52, and junction Tennessee Highway 25 and U.S. Highway 31–W; from junction U.S. Highway 31–W and Tennessee Highway 52, west over Tennessee Highway 52 to Orlinda, Tenn., thence south over new unnumbered highway to Cross Plains, Tenn., thence east over Tennessee Highway 25 to junction U.S. Highway 31–W, and return over the same route, serving all intermediate points, (5) between Mitchell, Tenn., and Lexington, Ky.; from Mitchell, Tenn. (approximately one-half mile south of the Tennessee-Kentucky State line), over U.S. Highway 31–W to Elizabethtown, Ky., thence over U.S. Highway 62 to junction U.S. Highway 60, thence over U.S. Highway 60 to Lexington, Ky., and return over the same route, serving Elizabethtown, Ky., and all points on U.S. Highways 62 and 60 between Elizabethtown and Lexington, Ky., as intermediate points, and serving Cave City, Ky., as a point of joinder only, (6) between Cave City, Ky., and Lexington, Ky.; from Cave City, Ky., over Kentucky Highway 70 to junction U.S. Highway 68, thence over U.S. Highway 68 to junction U.S. Highway 127, at or near Harrodsburg, Ky., thence over U.S. Highway 127 to Frankfort, Ky., thence over U.S. Highway 60 to Lexington, Ky., and return over the same route, serving Greensburg, Ky., and all points between Greensburg and Lexington, Ky., as intermediate points, and all points within five miles of Frankfort, Ky., as off-route points, and serving Cave City, Ky., as a point of joinder only, (7) between Danville, Ky., and Bardstown, Ky., over U.S. Highway 150, serving all intermediate points, (8) between Springfield, Ky., and Lebanon, Ky., over Kentucky Highway 55, serving all intermediate points, and (9) between Danville, Ky., and Harrodsburg, Ky., over U.S. Highway 127, serving all intermediate points.



NOTE: Applicant states that it proposes to tack the authority sought in sections (1) through (4) above, to the authority sought in (5) through (9) above, at Mitchell, Tenn., and the authority sought in sections (5) through (9) are to be restricted against service by applicant between points in Kentucky, except applicant does propose to provide service between Elizabethtown, and Lexington, Ky. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., and Frankfort, Ky.

No. MC 123135 (Sub-No. 8), filed December 4, 1964. Applicant: CHARLES BEIL & SONS, INC., Millstadt, Ill. Applicant's attorney: Delmar O. Koebel, Suite 500 Spivey Building, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, starch* and *whey*, in bags and in bulk, from points in Missouri to Millstadt, Ill., (2) *manufactured and prepared food products*, from Millstadt, Ill., to points in Indiana and Missouri, and (3) *flour*, in bulk, from Chester, Ill., to points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124230 (Sub-No. 3), filed December 2, 1964. Applicant: C. B. JOHNSON, INC., Post Office Drawer "S," Cortez, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ore and concentrates*, (a) between points in San Juan County, Utah, and points in Montrose, Ouray, San Miguel, Hinsdale, Dolores, San Juan, Montezuma, LaPlata, Mesa, Delta, Gunnison, Mineral, and Archuleta Counties, Colo., and (b) from points in San Juan County, Utah, and points in Montrose, Ouray, San Miguel, Hinsdale, Dolores, San Juan, Montezuma, LaPlata, Mesa, Delta, Gunnison, Mineral, and Archuleta Counties, Colo., to El Paso and Amarillo, Tex., Tooele and Midvale, Utah, and Bernalillo and Gallup, N. Mex., (2) *fly-ash*, from Albuquerque and Gallup, N. Mex., to Shiprock, N. Mex., and points within five (5) miles thereof, and (3) *sand, gravel, and aggregates*, between points in Apache County, Ariz., San Juan County, N. Mex., San Juan County, Utah, and Montezuma County, Colo.

NOTE: Applicant states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125777 (Sub-No. 40), filed December 2, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump vehicles, from Chicago, Ill., to points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 41), filed December 2, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in removable containers, from Bridgman, Mich., to South Bend, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No MC 126333 (Sub-No. 2), filed December 2, 1964. Applicant: CLIFFORD EARL FARNSWORTH, doing business as FARNSWORTH'S AIR FREIGHT SERVICE, 4765 Barrville Road, Elba, N.Y. Applicant's attorney: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment), restricted to traffic having an immediately prior or immediately subsequent movement by aircraft, (1) between The Great Buffalo International Airport (Erie County), N.Y., Rochester-Monroe County Airport (Monroe County), N.Y., and points in Genesee County, N.Y., and (2) between The Greater Buffalo International Airport (Erie County), N.Y., and Rochester-Monroe County Airport (Monroe County), N.Y., on the one hand, and, on the other, the following airports: Clarence E. Hancock Airport (Onondaga County), Chemung County Airport (Chemung County), Oneida County Airport (Oneida County), Albany County Airport (Albany County), Broome County Airport (Broome County), Tompkins County Airport (Tompkins County), John F. Kennedy International Airport (Nassau and Queens Counties), La Guardia Airport (Queens County), Watertown Airport (Jefferson County), Massena Airport (St. Lawrence County), Jamestown Municipal Airport (Chautauqua County), Olean Municipal Airport (Cattaraugus County), N.Y., and Newark Airport (Essex County), N.J., Bradford-McKean County Airport (McKean County), Pa., and Cleveland-Hopkins Municipal Airport (Cuyahoga County), Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126579 (Sub-No. 2), filed December 9, 1964. Applicant: EDMOND WALLACE, doing business as WALLACE TRUCKING COMPANY, 826 Grove Street SW., Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, alfalfa meal, and meal ground food stuffs (wafer meal)*, (1) from Guntersville, Ala., and Chattanooga, Tenn., to points in Hall and Forsyth Counties, Ga., and (2) from Morrow, Ga., to Guntersville, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126626 (AMENDMENT) filed October 2, 1964, published FEDERAL REGISTER issue of November 4, 1964, amended November 12, and December 4, 1964, and republished this issue. Applicant: HAROLD TIMPERLEY, doing business as TIMPERLEY TRUCKING, 607 North 8th, Norfolk, Nebr. Applicant's attorney: George H. Moyer, Jr., Loan Association Building, Madison, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *anhydrous ammonia*, which requires special equipment, and *commodities in bulk* (but excluding Classes A and B explosives, and household goods, as defined by the Commission), between Madison, Nebr., and points within a 25 mile radius thereof, on the one hand, and, on the other, points in Nebraska, Kansas, Iowa, South Dakota, points in Henry, Whiteside, Carroll, Jo Daviess, Rock Island, Mercer, Pike, Brown, Schuyler, Fulton, Peoria, Stark, Quincy, Hancock, McDonough, Henderson, Warren, and Knox Counties, Ill., Lafayette, Green, Dane, Grant, Iowa, Sauk, Juneau, Monroe, Crawford, Richland, Vernon, La Crosse, Jackson, Trempealeau, Buffalo, Pepin, Eau Claire, Chippewa, Dunn, Pierce, Barron, St. Croix, Polk, Washburn, and Burnett Counties, Wis., Pine, Kanabec, Aitkin, Crow Wing, Cass, Wadena, Otter Tail, Becker, Clay, Chisago, Washington, Dakota, Goodhue, Wabasha, Winona, Houston, Fillmore, Olmstead, Rice, Scott, Hennepin, Ramsey, Anoka, Isanti, Mille Lacs, Morrison, Benton, Sherburne, Wright, Carver, Le Sueur, Dodge, Mower, Freeborn, Steele, Waseca, Faribault, Blue Earth, Nicollet, Sibley, McLeod, Meeker, Stearns, Todd, Kandiyohi, Renville, Brown, Watonwan, Martin, Jackson, Cottonwood, Redwood, Grant, Douglas, Stevens, Pope, Swift, Chippewa, Wilkin, Traverse, Big Stone, Lac Qui Parle, Yellow Medicine, Lincoln, Lyon, Pipestone, Murray, Rock, and Nobles Counties, Minn., Cass, Barnes, Stutsman, Kidder, Burleigh, Morton, Grant, Hettinger, Slope, Bowman, Adams, Sioux, Emmons, Logan, McIntosh, La Moure, Dickey, Ransom, Sargent, and Richland Counties, N. Dak., Weston, Niobrara, Goshen, and Laramie Counties, Wyo., Larimer, Weld, Adams, Denver, Arapahoe, Elbert, Lincoln, Cheyenne, Kiowa, Prowers, Baca, Kit Carson, Yuma, Washington, Phillips, Sedgwick, Logan, and Morgan Counties, Colo., Cimarron, Texas, Beaver, Harper, Woodward, Dewey, Blaine, Canadian, Oklahoma, Lincoln, Creek, Tulsa, Rogers, Mayes, Craig, Ottowa, Woods, Major, Kingfisher, Garfield, Alfalfa, Grant, Logan, Payne, Noble, Kay, Osage, Pawnee, Washington, and Nowata Counties, Okla., and Newton, Jasper, Barton, Vernon, Cedar, St. Clair, Hickory, Camden, Miller, Cole, Callaway, Audrain, Pike, Bates, Henry, Benton, Morgan, Moniteau, Boone, Monroe, Ralls, Cass, Johnson, Pettis, Cooper, Jackson, Lafayette, Saline, Howard, Platte, Clay, Ray, Carroll, Chariton, Randolph, Buchanan, Clinton, Caldwell, Linn, Livingston, Macon, Shelby, Marion, Holt, Andrew, DeKalb, Daviess, Grundy, Sullivan, Adair, Knox, Lewis, Atchison, Nodaway, Gentry, Worth, Harrison, Mercer, Putnam, Schuyler, Scotland, and Clark Counties, Mo.

NOTE: The purpose of this republication is to show that applicant seeks radial authority, rather than nonradial as previously published. The amendment also eliminates the transportation of household goods. If this eliminates any protests filed as a result of the former publication, said protestants

should immediately advise the Commission of its withdrawal. Applicant states that on return trips it proposes to transport farm products, grain, and livestock. If a hearing is deemed necessary, applicant requests it be held at Madison, Nebr.

No. MC 126651 (Sub-No. 1), filed December 7, 1964. Applicant: CARVER TRUCKING, INC., Post Office Box 2101, Houston, Tex. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruitcake*, from Houston, Tex., and New Orleans, La., to points in the United States (except Alaska and Hawaii), and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 126771, filed December 2, 1964. Applicant: JOHN H. WOLF, doing business as JOHN H. WOLF EXCAVATING & TRUCKING COMPANY, 101 Spring Street, Alton, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete asphalt*, in bulk, *sand, rock, cinders, dirt, coal, cement, ready mix concrete, lumber and heavy equipment* from points in Madison County, Ill., to points in St. Charles and St. Louis Counties, Mo., St. Clair County, Ill., and the city of St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Alton, Ill.

No. MC 126777, filed December 4, 1964. Applicant: EVELYN E. DU BOIS, doing business as BORO TAXI SERVICE, 9 Charleston Street, Wellsboro, Pa. Applicant's attorney: Thomas A. Walrath, 7 Central Avenue, Wellsboro, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parcels* not exceeding 250 lbs. in weight, from Wellsboro, Pa., to points in New York.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 126778, filed December 7, 1964. Applicant: PRESGRAVE BROS., INC., 8114 Harvard, Cleveland, Ohio, 44105. Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drums, pails, and related materials, and rejected and returned drums, pails, and related materials*, between Cleveland, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky, Michigan, and New York.

NOTE: Applicant states the above proposed operations will be under a continuing contract with Inland Steel Container Company, of Cleveland, Ohio. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 80998, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126784, filed December 1, 1964. Applicant: ERVIN ERIKSEN, Mora, Minn. Applicant's representative: Henry A. Archambo, 4005 Wood End Drive, Minneapolis, Minn., 55424. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, ice cream containers*, and *cartons*, for Land O'Lakes Creameries, Inc., between Mora, Minn., on the one hand, and, on the other, Grand Forks, N. Dak., and Amery and Whitehall, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126785, filed December 3, 1964. Applicant: LOVINGTON STORAGE COMPANY, a corporation, Box 11, Lovington, N. Mex. Applicant's attorney: H. J. Blanchard, Suite 1706 Great Plains Building, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated beet pulp with or without molasses*, in pellet or bulk, from points in Deaf Smith County, Tex., to points in Hidalgo, Grant, Luna, Sierra, Dona Ana, Otero, Eddy, Chaves, Lea, Roosevelt, Lincoln, DeBaca, Curry, Quay, Guadalupe, San Miguel, Socorro, Harding, Mora, Union, and Colfax Counties, N. Mex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lubbock, Tex.

No. MC 126786, filed December 2, 1964. Applicant: MARION J. PERRET, doing business as L & M TRANSPORTATION CO., 650 South Galvez Street, New Orleans, La. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are manufactured, distributed, or sold by persons engaged in the manufacture of gypsum, gypsum products, building materials, and insulating materials, from New Orleans, La., to points in Louisiana, Arkansas, Texas, Tennessee, Mississippi, and Alabama, and *returned shipments* of the commodities specified above on return.

NOTE: Applicant states that the above service will be performed under contract with Bestwall Gypsum Company of Paoli, Pa. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 126790, filed December 8, 1964. Applicant: STEVE TESTA, 46 Beechwood Terrace, Matawan, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides and fungicides*, in containers between Robbinsville, N.J., on the one hand, and, on the other, points in Hudson and Essex Counties, N.J., Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y.

NOTE: Applicant states the proposed operations will be under contract with Agrisec Chemical Corp. and/or its affiliates. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126791, filed December 9, 1964. Applicant: RICHARD E. PAGANO, doing business as BEAR TRANSFER & STORAGE, 1855 East Avenue, Sand City, Calif. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (a) between points in Santa Barbara, San Luis Obispo, Monterey, San Benito, and Santa Cruz Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said counties, and (b) from points in Santa Barbara, San Luis Obispo, Monterey, San Benito, and Santa Cruz Counties, Calif., to points in the Port of San Francisco, Calif., and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 61016 (Sub-No. 21), filed December 4, 1964. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations consisting of round-trip conducted, sightseeing and pleasure tours, beginning and ending at points in Hampden, and Hampshire Counties, Mass., and extending to points in the continental United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 95127 (Sub-No. 3), filed December 2, 1964. Applicant: HOWARD MOUNTAIN LINE, INC., 833 Empire Boulevard, Brooklyn, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than eight (8) passengers in any one vehicle, but not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, between New York, N.Y., on the one hand, and, on the other, points in Liberty, Thompson, and Fallsburg Townships, Sullivan County, and Wawarsing Township, Ulster County, N.Y.

NOTE: Applicant states by this application it seeks to amend its Certificate MC 95127 to read "8 passengers in any one vehicle" rather than "6 passengers in any one vehicle", and to eliminate the seasonal restriction contained in the present certificate. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 100853 (Sub-No. 8), filed November 30, 1964. Applicant: W. HOWARD PINKETT, 517 Gay Street, Denton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Atlanta, Del., and Federalsburg, Md.; from Atlanta over Delaware Highway 30 to junction Delaware Highway 561, thence over Delaware Highway 561 to junction Delaware Highway 18, thence over Delaware Highway 18 to junction Delaware Highway 46, thence over Delaware Highway 46 to junction Delaware Highway 516, thence over Delaware Highway 516 to junction Delaware Highway 20, thence over Delaware Highway 20 to junction Delaware Highway 30, thence over Delaware Highway 30 to junction Delaware Highway 18, thence over Delaware Highway 18 to the Delaware-Maryland State line and thence over Maryland Highway 318 to Federalsburg, and return over the same route serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109736 (Sub-No. 21) (CORRECTION), filed November 25, 1964, published FEDERAL REGISTER issue of December 16, 1964, and republished as corrected this issue. Applicant: CAPITOL BUS COMPANY, a corporation, 4th and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Tamaqua and South Tamaqua, Pa. over U.S. Highway 309, serving all intermediate points.

NOTE: The purpose of this republication is to show this is a matter *not* directly related to MC-F-8745.

No. MC 115116 (Sub-No. 16), filed December 3, 1964. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express* in the same vehicle with passengers, (1) between points in Montgomery Township, N.J., as follows: from Belle Mead in Montgomery Township, over U.S. Highway 206 to its junction with Somerset County Highway 518 in Montgomery Township, and return over the same route serving all intermediate points; and (2) between Montgomery Township, N.J., and New Brunswick, N.J., as follows: from Belle Mead in Montgomery Township, over U.S. Highway 206 to its junction with County Highway 514 in Hillsborough Township, N.J., thence over County Highway 514 to New Brunswick, N.J., and return over the same route, serving all intermediate points.

NOTE: Applicant states that it proposes to provide service to and from New York, N.Y., by joining the proposed routes to its presently authorized routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126783, filed December 7, 1964. Applicant: WILLIAM E. HESSELGRAVE, doing business as PUYALLUP SUMNER STAGES, 1208 Main Street, Sumner, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers, express* and *mail*, in the same vehicle with passengers, (1) between Tacoma, Wash., and Fairfax, Wash.; from Tacoma, Wash., over U.S. Highway 410 to Buckley, Wash., thence over Washington Highway 165 (formerly Washington Highway 5) to junction Washington Highway 162, thence over Washington Highway 162 to South Prairie, Wash., thence return over Washington Highway 162 to junction Washington Highway 165, thence over Washington Highway 165 to junction unnumbered road, thence over unnumbered road to Fairfax, Wash., and return over the same route, serving the intermediate points of Fife, Puyallup, Sumner, Bonney Lake, Buckley, South Prairie, Wilkeson, and Carbonado, Wash., and (2) between Tacoma, Wash., and Orting, Wash.; from Tacoma, Wash., over U.S. Highway 410 to Sumner, Wash., thence over unnumbered road to junction Washington Highway 162, thence over Washington Highway 162 to Orting, Wash., and return over the same route, serving the intermediate points of Fife, Puyallup, and Sumner, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12720 (Sub-No. 1), filed December 2, 1964. Applicant: TRAVEL & TOUR SERVICE, INC., 722 North Third Street., Milwaukee, Wis., 53203. Applicant's attorney: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. For a license (BMC 5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in groups and as individuals, in charter or special operations, beginning and ending at points in Illinois, Iowa, Michigan, Minnesota, and Wisconsin, and extending to points in the United States, including Alaska and Hawaii.

No. MC 12935, filed December 3, 1964. Applicant: RAVENEL AGENCY, INC., 67 Broad Street, Charleston, S.C. For a license (BMC 5) to engage in operations as a *broker* at Charleston, S.C., in arranging for transportation in interstate or foreign commerce of *Passengers and their baggage*, in groups, between points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PASSENGERS

No. MC 28573 (Sub-No. 26), filed December 3, 1964. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: James R. Walker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minot, N. Dak, and the site of the United States Air Force Base, located approximately eleven (11) miles north of Minot, N. Dak., restricted to traffic having an immediately prior or subsequent movement by rail.

NOTE: Applicant states this application duplicates the same authority granted it in MC 28573 Sub 11, except that it would delete the condition that the prior or subsequent rail movement between Minot, N. Dak. and the United States Air Force Base be "in so-called piggy-back service."

No. MC 29116 (Sub-No. 14), filed December 2, 1964. Applicant: DIRECT TRANSPORTS, INC., 1400 Kansas Avenue, Kansas City, Kans., 66105. Applicant's representative: Vernon M. Masters (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Omaha, Nebr. and St. Joseph, Mo., (1) from Omaha over U.S. Highway 275 to Sidney, Iowa, thence over Iowa Highway 2 to Clarinda, Iowa, thence over U.S. Highway 71 to junction Missouri Highway 48, thence over Missouri Highway 48 to junction Missouri County Road M, thence over Missouri County Road M to junction U.S. Highway 169, thence over U.S. Highway 169 to St. Joseph, Mo., and (2) from Omaha, over U.S. Highway 75 to junction Nebraska Highway 2 at Nebraska City, thence over Nebraska Highway 2 across the Missouri River to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction Iowa Highway 333, thence over Iowa Highway 333 to junction U.S. Highway 59, thence over U.S. Highway 59 to Tarkio, thence over U.S. Highway 136 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Missouri Highway 48, thence over Missouri Highway 48 to junction Missouri County Road M, thence over Missouri County Road M to junction U.S. Highway 169, thence over U.S. Highway 169 to St. Joseph, Mo. and return over the same routes serving no intermediate points.

NOTE: This application is filed pursuant to MC-C-4366, dated April 21, 1964, served April 28, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 50069 (Sub-No. 310), filed December 1, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* in bulk, in tank or hopper vehicles from Pontiac, Ill. to points in Indiana and Ohio.

No. MC 50069 (Sub-No. 309), filed December 1, 1964. Applicant: REFINERS

TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrolyzed fats*, in bulk, in tank vehicles, from Chicago, Ill. to Buffalo, N.Y.

No. MC 107107 (Sub-No. 331), filed December 3, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), from Minden, Nebr., and points within five miles thereof, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis and its commercial zone).

No. MC 109478 (Sub-No. 78), filed December 7, 1964. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such materials and supplies* as are used in the distribution and sale of such foodstuffs when moving therewith (excluding commodities in bulk, in tank vehicles), from North East, Pa., and Westfield, N.Y., to points in Ohio, Indiana, and Illinois.

No. MC 109637 (Sub-No. 270), filed December 4, 1964. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fluorine*, in bulk, in tank vehicles, from Metropolis, Ill., to points in Minnesota.

NOTE: Applicant states it proposes to transport *"empty shipper-owned fluorine trailers* from points in Minnesota to Metropolis, Ill."

No. MC 116347 (Sub-No. 1), filed December 4, 1964. Applicant: PRATT'S TRANSPORTATION INCORPORATED, 1929 Center Avenue NW., Roanoke, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Roanoke and Lynchburg, Va.; (1) from Roanoke over U.S. Highway 460 to Lynchburg, and (2) from Roanoke over U.S. Highway 460 to junction Virginia Highway 297 at Bedford, Va., thence over Virginia Highway 297 to Lynchburg, and return over the same routes, serving the intermediate point of Bedford and serving points in Virginia within 100 miles of Roanoke as off-route points.

NOTE: Applicant holds irregular-route authority between Roanoke and Lynchburg, Va. which it will cancel if and when the regular-route authority is granted. This application is filed pursuant to MC-C-4366, dated April 21, 1964, served April 28, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 118318 (Sub-No. 6), filed December 7, 1964. Applicant: IDA-CAL FREIGHT LINES, INC., 1798 Floral Avenue, Post Office Box 455, Twin Falls, Idaho. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Caldwell, Idaho to Reno, Nev.

NOTE: Common control may be involved.

No. MC 126254 (AMENDMENT), filed May 7, 1964, published in FEDERAL REGISTER issue of June 10, 1964, amended December 10, 1964, and republished as amended this issue. Applicant: SAM PARLAPIANO, 1827 East 10th Street, Pueblo, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (including but not limited to vermouth, brandy and champagne) *scotch and other whiskey*, in containers, in truck load lots, from Los Angeles, Calif., including Los Angeles Harbor, Ripon, Reedley and Madera, Calif., to Pueblo, Denver and Sterling, Colo., restricted (1) on service from Los Angeles commercial zone or the Los Angeles Harbor commercial zone to partial loading at Ripon, Reedley or Madera, Calif., and (2) all deliveries must be made at the site of the Diodosio Wholesale Liquor Company, Pueblo, Colo., Western Distributing Co., Denver, Colo., or Pomeroy and Pomeroy Distributing Co., at Sterling, Colo.

NOTE: Applicant states that dual operations may be involved. It is respectfully requested that should the authority be granted herein as a common carrier, the authority that might be granted in MC 125269 to the same carrier as a contract carrier be canceled. This is necessary because of the liquor code of California. The purpose of this republication is to add Sterling, Colo., as a destination point. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126463, filed August 3, 1964. Applicant: GREER BROS. TRUCKING CO., a corporation, North Main Street, London, Ky. Applicant's attorney: J. Milton Luker, 108 East 4th Street, London, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Stone and gravel:* (1) from the plant sites of Naley and Boone Stone Company, located three miles south of Jellico, Campbell County, Tenn. and Keystone Lime Company, located approximately four miles south of LaFollette, Tenn. to points in Campbell and Anderson Counties, Tenn., and Whitley and Laurel Counties, Ky.; (2) from Somerset Stone Company located at Somerset, Ky., and Strunk Construction Company located at Burnside, Pulaski County, Ky. to points in Scott County, Tenn.; (3) from Middlesboro, Ky. to points in Bell County, Ky. and Claiborne County, Tenn., restricted to shipments having a prior or subsequent movement by railroad, (4) from Barbourville, Knox County, Ky. to points in Knox County, Ky., restricted to shipments having a prior or subsequent movement by railroad, (B) *sand, cement, blacktop* and *asphalt material* restricted to shipments having a prior or subsequent movement by railroad (1) from Williamsburg, Whitley County, Ky. to points in Campbell and Anderson Counties, Tenn., and Whitley County, Ky., (2) from Whitley City, McCreary County, Ky. to points in Scott County, Tenn.; (3) from Middlesboro, Ky. to points in Claiborne County, Tenn., and Bell County, Ky.; (4) from London, Laurel County, Ky. to points in Laurel and Clay Counties, Ky.; (5) from Corbin, Ky. to points in Whitley County, Ky. (C) *Salt* in bulk and in bags in dump or self-unloading type vehicles, between points in Bell, Harlan, Letcher, Perry, Breathitt, Lee, Owsley, Jackson, Rockcastle, Laurel, Clay, Leslie, Knox, Whitley, McCreary, Pulaski, and Wayne Counties, Ky. restricted to shipments having a prior or subsequent movement by railroad.

NOTE: Applicant states it will transport empty containers or other such incidental facilities used in transporting the commodities in A, B, and C above on return.

No. MC 126749 (Sub-No. 1), filed December 3, 1964. Applicant: K. P. MOVING & STORAGE, INC., 1475 South Acoma Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live bees*, in hives and *supplies* used by beekeepers, to include *used furniture*, when such supplies are moving on the same vehicle and at the same time with live bees in hives, between points in Texas, Oklahoma, and New Mexico, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, California and Arizona.

NOTE: Common control may be involved.

No. MC 126792, filed December 9, 1964. Applicant: BAILEY M. BUSH, doing business as BAILEY M. BUSH TRUCKING, 343 North River Avenue, Weston, W. Va. Applicant's attorney: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md., 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles from Berkeley Springs, W. Va., to Clarksburg, W. Va.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 67), filed November 30, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street., Chicago, Ill., 60603. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers; *Revision of California Route No. 116 on Certificate Sheet No. 25.* Establish a new regular route of operation over a relocated segment of U.S. Highway 99 between North Selma Junction and South Kingsburg Junction, to be included as a segment of regular Route No. 116, in lieu of the presently authorized segment of route between said termini over former U.S. Highway 99 herein proposed to be revoked, to read as follows: "between San Francisco and Los Angeles: from San Francisco over San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward to junction U.S. Highway 50 northeast of Hayward (Hayward Junction), thence over U.S. Highway 50 to junction California Highway 120 (San Joaquin Bridge), thence over California Highway 120 to junction unnumbered highway (Manteca), thence over unnumbered highway to junction U.S. Highway 99 south of Manteca (South Manteca), thence over U.S. Highway 99 to junction Interstate Highway 5 (San Fernando Junction), thence over Interstate Highway 5 to Los Angeles, and return over the same route. Authority is granted to serve all intermediate points and also the points of Malaga, Fowler, Selma, and Kingsburg over available access highways to U.S. Highway 99," subject to the general conditions and orders set forth on First Revised Sheet No. 1A of former Certificate No. 1501 (Sub-No. 138), now assigned No. 1515 (Sub-No. 7).

NOTE: The change in operating authority hereinabove shown and explained is proposed to be incorporated in the designated revised sheet to said Certificate No. MC 1501 (Sub-No. 138), now MC 1515 (Sub-No. 7). Common control may be involved.

No. MC 1515 (Sub-No. 68), filed December 10, 1964. Applicant: GREYHOUND LINES, Inc., 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Hamilton, Ala. and junction New U.S. Highway 78 and Old U.S. Highway 78, approximately 6½ miles east of Tremont, Miss., over New U.S. Highway 78, serving all intermediate points.

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-13169; Filed, Dec. 22, 1964; 8:47 a.m.]

[Notice No. 1098]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 18, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35393. By order of December 16, 1964, the Transfer Board approved the lease to D. F. Rogers, 3408 Quirt Street, Lubbock, Tex., of the divided portion of SMC Certificate 5134, assigned Certificate No. 22273, on August 25, 1964, for a period extending from July 16, 1964 and expiring July 16, 1967, Certificate of Registration No. MC 37681 Sub 2 having been issued to L. G. Blumentritt, doing business as Iraan Motor Freight Line, Post Office Box 342, Iraan, Tex., on April 24, 1964. The lessee to be authorized to transport specified commodities between all points in Texas and oilfield equipment and pipe when moving as oilfield equipment.

No. MC-FC 67323. By order of December 16, 1964, the Transfer Board approved the transfer to C. W. Bedford of Certificates Nos. MC 2718 and MC 2718 Sub 1, issued November 3, 1939 and October 25, 1943, respectively, in the name of Larry Reicks, Carroll, Iowa, authorizing the transportation of livestock, between Carroll, Iowa, and Omaha, Nebr.; commodities generally, including household goods but excluding commodities in bulk, over the regular route, serving intermediate and off-route points within 10 miles of Carroll; and empty containers, from Carroll, Iowa, to Omaha, Nebr., with service authorized to and from the intermediate and off-route points within 10 miles of Carroll, Iowa. Joseph N. Wittry, East 5th Street, Carroll, Iowa, Representative for applicants.

No. MC-FC 67410. By order of December 16, 1964, the Transfer Board approved the transfer to Duffy Bros., Inc., Columbus, Wis., of the operating rights in Certificate No. MC 53989, issued February 24, 1955, to Thomas Duffy, doing business as Duffy Bros., Columbus, Wis., authorizing the transportation, over irregular routes, of livestock, from Columbus, Wis., and points within 20 miles of Columbus, to Chicago, Ill. Jack W. Van Metre, The Law Building, 159 S. Ludington Street, Columbus, Wisconsin, Attorney for applicants.

No. MC-FC 67419. By order of December 16, 1964, the Transfer Board approved the transfer to Johnson Trucking Service, Inc., Hornbrook, Calif., of the Certificate of Registration in No. MC 99723 Sub 1, issued February 5, 1964, to Thomas B. Watt, Jr., and Walter J. Nelson, doing business as Johnson's Trucking Service, Hornbrook, Calif., authorizing the transportation in interstate and foreign commerce corresponding to the grant of authority in State Certificate No. 61589, issued February 28, 1961, by the Public Utilities Commission of the State of California. Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif., 94104, Attorney for applicants.

No. MC-FC 67426. By order of December 16, 1964, the Transfer Board approved the transfer to James H. Swiney, Jr., doing business as Commercial Hot Shot Service, Vidalia, La., of the operating rights in Certificate No. MC 123752 Sub 1, issued July 25, 1962, to Samuel P. Tiffee, doing business as Tiffee's Light Oil Field Hauling, Natchez, Miss., authorizing the transportation, over irregular routes, of: Machinery, equipment, materials and supplies used in replacing, servicing, and repair of machinery and equipment used in, or in connection with the discovery, development and production of natural gas and petroleum and their products and byproducts, restricted to shipments weighing 1,500 pounds or less each, between points in Adams County, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, and Louisiana. Joseph S. Zuccaro, 133 South Commerce Street, Natchez, Miss., Attorney for applicants.

No. MC-FC 67437. By order of December 16, 1964, the Transfer Board approved the transfer to Ciro Trucking Corp., Brooklyn, N.Y., of the operating rights in Certificate No. MC 18302, issued January 17, 1941, to Beisner Storage Co., Inc., Bronx, N.Y., authorizing the transportation of: Household goods, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points and places in Connecticut, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania, traversing Rhode Island. Morris Honig, 150 Broadway, New York, N.Y., 10038, Attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-13170; Filed, Dec. 22, 1964; 8:47 a.m.]

[Notice 1096-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 18, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67421. By order of December 16, 1964, the Transfer Board approved the transfer to American Van Lines, Inc., Oklahoma City, Okla., of certificate in No. MC 75829, issued July 10, 1961, to Wesley G. King, doing business

as King Transfer & Storage Co., Okmulgee, Okla., authorizing the transportation of: Household goods, between points as specified in Alabama, Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-13171; Filed, Dec. 22, 1964; 8:47 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

### 3 CFR

Page

PROCLAMATIONS:
3630 ... 15941
3631 ... 16243

EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) ... 16859
Dec. 31, 1912 (revoked in part by PLO 3487) ... 16829
Sept. 30, 1916 (revoked in part by PLO 3508) ... 16864
May 21, 1920 (revoked in part by PLO 3508) ... 16864
5289 (revoked in part by PLO 3486) ... 16830

### 4 CFR

51 ... 16313
52 ... 16313

### 5 CFR

213 ... 17065, 17084, 17085, 17893, 18003, 18153
890 ... 18045

### 7 CFR

15 ... 16274, 16966
29 ... 16854
401 ... 17029, 17085
701 ... 18149
717 ... 16184
719 ... 16185
722 ... 16428, 16775, 18003, 18004
724 ... 16077
729 ... 16185
730 ... 17086
751 ... 18007
777 ... 17086
811 ... 18149
817 ... 18151
850 ... 17029
855 ... 17029
905 ... 16313–16315
907 ... 16315, 16907, 17030, 17814, 18045
909 ... 17030
910 ... 16078, 16316, 17031, 18045
916 ... 16966
917 ... 16854
929 ... 16078
1004 ... 16966
1005 ... 16855
1032 ... 18046
1061 ... 18152
1062 ... 18049
1063 ... 18007, 18051
1067 ... 18052
1070 ... 18008
1078 ... 18009
1079 ... 18010
1136 ... 17815
1421 ... 15943, 18212
1427 ... 18213
1468 ... 18153
1472 ... 18153
1485 ... 17032
1600 ... 16784
1601 ... 16784

PROPOSED RULES:
26 ... 17816
812 ... 17122
911 ... 16258
912 ... 16993
915 ... 16258
917 ... 16993

### 7 CFR—Continued

Page

PROPOSED RULES—Continued
971 ... 16833
1003 ... 18014
1004 ... 16994
1005 ... 16259
1030 ... 16395, 16417, 18091
1031 ... 16417
1036 ... 16197, 18091
1044 ... 16200
1046 ... 17908
1047 ... 17041, 17816
1049 ... 17816
1050 ... 17822
1086 ... 16920
1131 ... 16866, 17822
1126 ... 16198

### 8 CFR

103 ... 18010

### 9 CFR

74 ... 15943
94 ... 16907
97 ... 16316

### 10 CFR

2 ... 16831

PROPOSED RULES:
Ch. I ... 15957
2 ... 16934
30 ... 17916, 17933
31 ... 17920
32 ... 17922
33 ... 17928
34 ... 17929
35 ... 17931
36 ... 17932
150 ... 17933

### 12 CFR

1 ... 17087, 18053
217 ... 15944, 16317
218 ... 16065
224 ... 16855
329 ... 15944
525 ... 18154
545 ... 16856, 18154, 18156, 18213
563 ... 17088

PROPOSED RULES:
563 ... 18181
561 ... 18233

### 13 CFR

107 ... 16825, 16946, 16967
121 ... 15945

PROPOSED RULES:
107 ... 16094, 18016

### 14 CFR

3 ... 17955
7 ... 16149
23 [New] ... 17955
27 [New] ... 16065, 17885
29 [New] ... 16149
39 [New] ... 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797.
42 ... 16968
71 [New] ... 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088 17503, 17797, 18053–18055, 18156, 18213.
73 [New] ... 15948, 16184, 16972, 17037, 17727, 18156

### 14 CFR—Continued

Page

75 [New] ... 16066, 16319, 17775
93 [New] ... 15948
97 [New] ... 16067, 16789, 17798, 17886
151 [New] ... 18000
302 ... 16972
389 ... 16907
1204 ... 17892

PROPOSED RULES:
39 [New] ... 16429, 16430, 17044, 18093
71 [New] ... 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823, 18014, 18015, 18093, 18095–18097, 18180, 18230, 18231.
75 [New] ... 16432, 16836, 18230
91 [New] ... 15959, 18232
129 ... 18232
135 [New] ... 16836
221 ... 16867
399 ... 17042, 18230

### 15 CFR

7 ... 16973
50 ... 17089
201 ... 16319
202 ... 18032
365 ... 16186

### 16 CFR

13 ... 16186, 16826, 16856

### 17 CFR

200 ... 16187
230 ... 16982
239 ... 16856
240 ... 16245, 16856, 16982
260 ... 16982
270 ... 16982
275 ... 16982

PROPOSED RULES:
15 ... 15957
19 ... 15957
230 ... 18234
240 ... 18234

### 18 CFR

101 ... 18214
104 ... 18214
141 ... 18214
201 ... 18216
501 ... 16188
502 ... 16189
503 ... 16189
504 ... 16190
505 ... 16191
506 ... 16192
507 ... 16193
508 ... 16194

PROPOSED RULES:
12 ... 16997
154 ... 18233

### 19 CFR

4 ... 15949
14 ... 16320

PROPOSED RULES:
6 ... 17042

### 20 CFR

395 ... 16322

### 21 CFR

1 ... 18063
8 ... 15949, 16983, 17089

## 21 CFR—Continued


Page
9 16983
14 16194
15 16194
16 16194, 16858
17 16194
18 16194
19 16194, 18121
20 16194, 18123
22 16194
27 16194
29 16194
37 16194
42 16194, 16983
45 16194
46 16194
51 16194
53 16194
121 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893, 18012, 18055, 18056, 18216.
130 18055
141 18012
144 16984
145 16911
146 18012
146a 18012
148c 16984
148u 16911
148x 16251
191 18056
PROPOSED RULES:
27 16866
31 16866
36 18175
45 16994
46 16429
53 16934
120 16935
121 16935, 16994


## 24 CFR


1 16280
201 17893
203 17893
207 17893
213 17894
220 17894
221 17895
231 17897
232 17898
234 17899
603 17899
809 17899
903 17899


## 25 CFR


43d 16080


## 26 CFR


1 16081, 17806, 17899, 18128, 18144, 18201
31 18144
45 16083
PROPOSED RULES:
1 15957, 16090, 18063, 18173
48 16993
301 18063


## 27 CFR


4 16984


## 29 CFR


31 16284
40 18156
608 17811
609 17811
611 17812
689 15949


## 29 CFR—Continued


Page
PROPOSED RULES:
601 16428
670 16428
673 17822
675 16428
677 17822
678 17822
720 16428


## 31 CFR


3 18161
328 16914
PROPOSED RULES:
306 16330
315 16330
316 16330
321 16330
332 16330


## 32 CFR


132 17885
517 15949
536 16985
577 16251
701 16194
710 16055
719 16194
721 17812
804 16323
1001 17037
1002 17038
1003 17038
1007 17038
1030 17040
1057 17039


## 32A CFR


OEP (Ch. I):
DMO I–4 16251
OIA (Ch. X):
OI Reg. 1 16986


## 33 CFR


2 18162
80 18011
202 16859, 17040
203 16251, 17040
206 15949


## 35 CFR


4 17903
5 16328


## 36 CFR


7 17091, 18218


## 38 CFR


3 16252, 16328, 17092
12 17903, 17904
17 18219


## 39 CFR


16 16125
21 16252
22 16125, 16252
24 16125
25 16252
57 16858
61 16125
112 16858
168 16858
PROPOSED RULES:
22 18093


## 41 CFR


Page
9–9 17113
11–1 16252, 16255
11–2 16253, 16255
11–4 16253
11–14 16255
Ch. 18 16502
101–6 15972, 16287
101–7 16797
101–8 16800
101–9 16800
101–10 16801
101–11 16807
101–12 16824
101–13 16824
101–18 15973
101–19 15978
101–20 15984
101–25 15990
101–27 15997
101–28 15998
101–29 16002
101–30 16004
101–40 16008
101–43 16012
101–44 16027
101–45 16035
101–47 16126


## 42 CFR


51 16915, 17954
55 16915
57 15952


## 43 CFR


17 16293
PUBLIC LAND ORDERS:
3359 (revoked in part by PLO 3478) 16827
3447 (corrected by PLO 3485) 16829
3464 16084
3465 16084
3466 16084
3467 16085
3468 16085
3469 16085
3470 16086
3471 16086
3472 16087
3473 16087
3474 16256
3475 16827
3476 16827
3477 16827
3478 16827
3479 16828
3480 16828
3481 16828
3482 16828
3483 16829
3484 16829
3485 16829
3486 16830
3487 16829
3488 16830
3489 16830
3490 16830
3491 16831
3492 16831
3493 16859
3494 16859
3495 16860
3496 16860
3497 16860
3498 16860
3499 16861
3500 16861
3501 16862
Corrected 16219
3502 16862




## 43 CFR—Continued


Page
PUBLIC LAND ORDERS—Continued
3503 16863
3504 16863
3505 16863
3506 16863
3507 16864
3508 16864
3509 16864
3510 16987
3511 16987
3512 16987
3513 17905
3514 17905
3515 17905


## 44 CFR


1 16832
2 16832
3 16832
4 16832
5 16832
6 16832
7 16832
55 15954
60 15954
100 15954


## 44 CFR—Continued


Page
102 15954
110 16195
Ch. VII 16832


## 45 CFR


80 16298, 16988
150 15955
611 16305
701 17949
702 17950
703 17952
704 17953


## 46 CFR


146 18163
147 18163
502 18171
506 16195, 17121
PROPOSED RULES:
Ch. IV 16433


## 47 CFR


73 16196, 16916, 16988, 18172
81 16196
87 16865
89 18057
91 18219


## 47 CFR—Continued


Page
PROPOSED RULES:
1 17823
2 17824
21 16204, 17840
25 17840, 17848
73 16205, 16207, 16837, 17850


## 48 CFR


310 18059


## 49 CFR


0 16087
95 18062
176 16125
192 16256
PROPOSED RULES:
170 17850


## 50 CFR


2 17905
11 17905
14 17906
16 17905
32 17906
33 16917, 16918, 17814, 17906, 17907, 16229
256 16088
257 16990



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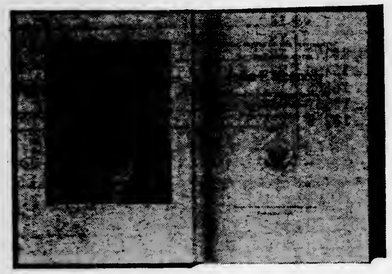
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# FEDERAL REGISTER

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# Contents

**AGENCY FOR INTERNATIONAL DEVELOPMENT**

**Rules and Regulations**

Commodity transactions financed by A.I.D.; continuation in effect of certain prior issuances ---- 18288

**Notices**

Authority delegation; miscellaneous amendments ---- 18392
Christian Reformed World Relief Committee, Inc.; registration as a voluntary foreign aid agency -- 18392

**AGRICULTURAL MARKETING SERVICE**

**Proposed Rule Making**

Milk in certain marketing areas; recommended decisions:
Colorado Springs-Pueblo ---- 18380
Eastern Colorado ---- 18381

**AGRICULTURAL RESEARCH SERVICE**

**Rules and Regulations**

Animal semen; importation ---- 18274

**AGRICULTURE DEPARTMENT**

*See also* Agricultural Marketing Service; Agricultural Research Service.

**Notices**

Texas; designation of areas for emergency loans ---- 18394

**CIVIL AERONAUTICS BOARD**

**Notices**

Western Alaska Airlines, Inc.; notice of prehearing conference --- 18398

**CIVIL SERVICE COMMISSION**

**Rules and Regulations**

Excepted service:
Army Department ---- 18288
Labor Department ---- 18288
Positions other than those of confidential or policy-determining character for which it is not practicable to examine- 18288

**COAST GUARD**

**Rules and Regulations**

Contract dispute appeals ---- 18368

**COMMERCE DEPARTMENT**

*See* International Commerce Bureau.

**DEFENSE DEPARTMENT**

*See* Navy Department.

**EMERGENCY PLANNING OFFICE**

**Rules and Regulations**

Regional coordination; revocation. 18368

**FEDERAL AVIATION AGENCY**

**Rules and Regulations**

Airworthiness directives:
Boeing Models 707 and 720 Series aircraft ---- 18353
Piper Model PA–30 aircraft ---- 18353
Alterations:
Control zone (2 documents) --- 18354
Control zone and transition area ---- 18354
Miscellaneous amendments to chapter ---- 18289
Restricted area; modification ---- 18354

**Proposed Rule Making**

Control zone, control area extension and transition area; alteration, designation, and revocation (3 documents) ---- 18382, 18383

**FEDERAL COMMUNICATIONS COMMISSION**

**Rules and Regulations**

Aviation services; frequencies available ---- 18377
Organization; waiver of type acceptance requirements ---- 18373
Standard, FM, and television broadcast stations; multiple ownership ---- 18376
Television broadcast stations; Rhinelander, Wis., and Ironwood, Mich.; table of assignments ---- 18373

**Proposed Rule Making**

Television broadcast stations; proposed table of assignments -- 18384

**Notices**

Second VHF station in major markets; applications to acquire interests ---- 18399
*Hearings, etc.:*
Dubuque Broadcasting Co., and Telegraph-Herald ---- 18398
International Panorama TV, Inc ---- 18398
Martin, Robert J., and Talton Broadcasting Co ---- 18399
Midwest Television, Inc. (WMBD–FM) and Peoria Journal Star, Inc ---- 18398
Naugatuch Valley Service, Inc. (WOWW) ---- 18398
Southern Newspapers, Inc., and Radio Hot Springs Co ---- 18399
WEZY, Inc., and WKKO Radio, Inc ---- 18399

**FEDERAL RESERVE SYSTEM**

**Notices**

Sumit Trust Co.; order approving merger of banks ---- 18400

**FISH AND WILDLIFE SERVICE**

**Rules and Regulations**

Parker River National Wildlife Refuge, Mass.; hunting ---- 18378

*(Continued on next page)*

## FOOD AND DRUG ADMINISTRATION

**Notices**

Petitions filed regarding food additives:
- Elanco Products Co. — 18398
- Massengill, S. E., Co. — 18397

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See* Food and Drug Administration.

## INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

**Notices**

Cotton textiles produced or manufactured in the Republic of the Philippines; restraint levels — 18400

## INTERIOR DEPARTMENT

*See* Fish and Wildlife Service; Land Management Bureau; Reclamation Bureau.

## INTERNAL REVENUE SERVICE

**Rules and Regulations**

Income tax:
- Annuity contracts — 18356
- Rents or royalties derived in active conduct of a trade or business — 18366
- Treatment of nonresident alien individuals who participate in certain exchange or training programs — 18355

**Proposed Rule Making**

Miscellaneous regulations relating to:
- Liquor — 18379
- Tobacco materials, tobacco products, and cigarette paper and tubes — 18379

## INTERNATIONAL COMMERCE BUREAU

**Notices**

Export privileges:
- Murphy, P. J., and Murphy Brothers, Ltd. — 18396
- Mussot, Jose Luis and Yamil Amado Haron Kouri y Perez — 18394
- Shepherd Export & Trading Co., and Denis H. Shepherd — 18396

## INTERSTATE COMMERCE COMMISSION

**Rules and Regulations**

Car service (4 documents) — 18377, 18378

**Notices**

Applications for motor carrier "grandfather" certificate of registration — 18403
Baltimore and Ohio Rail Road Co., and Chicago, Rock Island and Pacific Railroad Co.; shortage of freight cars — 18405
Fourth section applications for relief — 18407
Motor carrier alternate route deviation notices — 18404
Motor carrier intrastate applications; filing — 18405
Motor carrier transfer proceedings (2 documents) — 18407, 18408
Organization; Divisions of the Commission — 18403
Vacation of orders:
- Baltimore and Ohio Rail Road Co., and Chicago, Rock Island and Pacific Railroad Co. — 18406
- Central Railroad Company of New Jersey and Erie-Lackawanna Co. — 18405
- Erie-Lackawanna Railroad Co. (2 documents) — 18406
- Pennsylvania Railroad Co., and Illinois Central Railroad Co. — 18406

## LAND MANAGEMENT BUREAU

**Notices**

Colorado; filing of protraction diagrams — 18393
Lands and resources; redelegations of authority — 18393
Minnesota; filing of plat of survey — 18393
Nevada; filing of protraction diagrams — 18392
New Mexico; opening of public lands — 18392

## NAVY DEPARTMENT

**Rules and Regulations**

Official records in civil court; disclosure of medical information — 18275
Personnel; miscellaneous amendments — 18276

## POST OFFICE DEPARTMENT

**Proposed Rule Making**

International air transportation; dispatch and division of air-mail — 18380

## PUBLIC HEALTH SERVICE

**Rules and Regulations**

Commissioned officers; prescription of numbers in grade — 18288

## RECLAMATION BUREAU

**Notices**

Yuma Irrigation Project; annual operation, maintenance, and water rental charges — 18394

## SECURITIES AND EXCHANGE COMMISSION

**Proposed Rule Making**

Proxy rules; solicitations of proxies — 18386

**Notices**

*Hearings, etc.:*
- Dominick Fund, Inc., et al. — 18401
- Nucleonics, Chemistry & Electronics Shares, Inc., and Research Investing Corp. — 18402
- RIDC Industrial Development Fund — 18401

## STATE DEPARTMENT

*See* Agency for International Development.

## TREASURY DEPARTMENT

*See* Coast Guard; Internal Revenue Service.




# Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

**5 CFR**
213 (3 documents) — 18288

**7 CFR**
PROPOSED RULES:
1135 — 18380
1137 — 18381

**9 CFR**
92 — 18274

**14 CFR**
1 [New] — 18289
4a — 18289
4b — 18289
25 [New] — 18289
39 [New] (2 documents) — 18353
71 [New] (4 documents) — 18354
73 [New] — 18354
91 [New] — 18289
PROPOSED RULES:
71 [New] (3 documents) — 18382, 18383

**17 CFR**
PROPOSED RULES:
240 — 18386

**22 CFR**
201 — 18288

**26 CFR**
1 (3 documents) — 18355, 18356, 18366
PROPOSED RULES:
170 — 18379
296 — 18379

**32 CFR**
701 — 18275
713 — 18276
730 — 18276

**32A CFR**
OEP (CH. I):
DMO–I–1 — 18368

**39 CFR**
PROPOSED RULES:
96 — 18380

**41 CFR**
11–60 — 18368

**42 CFR**
21 — 18288

**47 CFR**
0 — 18373
73 (2 documents) — 18373, 18376
87 — 18377
PROPOSED RULES:
73 — 18384

**49 CFR**
95 (4 documents) — 18377, 18378

**50 CFR**
32 — 18378


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**TABLES OF LAWS AFFECTED in Volumes 70–74**

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# Rules and Regulations

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

### PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

#### Importation of Animal Semen

On May 29, 1964, there was published in the FEDERAL REGISTER (29 F.R. 7122) a notice of proposed amendments to Part 92, Title 9, Code of Federal Regulations, with respect to the importation of animal semen. Interested persons were given an opportunity to submit written data, views, or arguments concerning the proposed amendments by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after publication in the FEDERAL REGISTER. The acceptable date for submitting written data, views, or arguments concerning the proposed amendments was extended on two occasions. The first appeared in the FEDERAL REGISTER (29 F.R. 11458) of August 8, 1964, which extended the time until August 31, 1964; and the second was in the FEDERAL REGISTER (29 F.R. 13037) on September 17, 1964, which extended the time until November 30, 1964.

After due consideration of all relevant matters in connection with the proposed amendments and pursuant to the provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended (21 U.S.C. 102–105), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), section 203 of the Act of August 14, 1946 (7 U.S.C. 1622), and the Act of July 2, 1962 (21 U.S.C. 134 et seq.), Part 92, Subchapter D, Chapter I, Title 9, Code of Federal Regulations, as amended, is amended in the following respects:

1. Section 92.4 of Part 92 is amended by adding at the end of paragraph (a) (2), the phrase "except as provided in paragraph (d) of this section."

2. A new paragraph (d) is added to § 92.4 to read as follows:

**§ 92.4 Import permits for ruminants, swine, and poultry and for animal semen.**

* * * * *

(d) *Animal semen from countries where rinderpest or foot-and-mouth disease exists.* Importation of semen of ruminants or swine, originating in any country designated in paragraph (a) of section 94.1 of this subchapter as a country where rinderpest or foot-and-mouth disease is determined to exist, is prohibited, except that semen from ruminants or swine originating in such a country may be offered for entry into the United States at the port of New York and later released from such port provided the following conditions have been fulfilled:

(1) The importer has applied for and obtained an import permit for the semen in accordance with the provisions of this section and related requirements concerning application therefor, which permit is in effect at the time of importation, and has deposited with the Department prior to the issuance of the permit sufficient funds so as to be available for defraying estimated expenses to be incurred in connection with the proposed semen importation and following the issuance of the permit has deposited such other amounts as may be required from time to time to defray unanticipated costs or increased expenses. Such an import permit may be denied for the reasons specified in subparagraph (a) (3) of this section. Furthermore, an import permit will be revoked unless the following conditions have been complied with:

(i) The donor animal shall have been inspected on the farm of origin by a veterinarian of the United States Department of Agriculture who, in cooperation with the veterinary service of the country of origin of the donor animal, shall have determined, insofar as possible, that the donor animal was never infected with rinderpest or foot-and-mouth disease; that the donor animal was never on a farm or other premise where rinderpest or foot-and-mouth disease then existed; that no animal on the farm of origin which was susceptible to the virus of rinderpest or foot-and-mouth disease was exposed to either disease during the 12 months immediately prior to the date of inspection of the donor animal; that the donor animal has never been vaccinated against rinderpest or foot-and-mouth disease; and that the donor animal was free from evidence of other communicable disease;

(ii) The donor animal shall have been permanently identified in a manner satisfactory to a veterinarian of this Department; blood samples from such donor animal for virus neutralization and fluorescent antibody tests or other tests shall have been collected by a veterinarian of the United States Department of Agriculture and transported by air to the New York Port Veterinarian for delivery to the Plum Island Animal Disease Laboratory of the United States Department of Agriculture in containers approved by a veterinarian of this Department, sealed in the country of origin by a veterinarian of this Department; and pending the results of the tests, the donor animal shall have been kept in isolation on the farm of origin or other acceptable location under the supervision of a veterinarian of this Department, and during such isolation period no animal susceptible to rinderpest or foot-and-mouth disease shall have been permitted to enter such farm or location and no other source of exposure to rinderpest or foot-and-mouth disease shall have been present;

(iii) The blood samples from the donor animal shall have been negative to the virus neutralization and fluorescent antibody tests made at the Plum Island Animal Disease Laboratory of the United States Department of Agriculture and to any other test for rinderpest, foot-and-mouth disease or other communicable disease prescribed by the Director of Division;

(iv) Following isolation, preliminary veterinary inspection, and testing while the donor animal was on the farm of origin or other acceptable location, the donor animal shall have been transported, under such conditions as the Department veterinarian prescribed to prevent exposure of the animal to the virus of rinderpest or foot-and-mouth disease, to an isolation facility properly equipped for the necessary care and maintenance of the donor animal and for the proper collection and handling of semen, approved by a veterinarian of this Department and under the direct supervision of such veterinarian;

(v) The semen of the donor animal shall have been collected at the approved isolation facility under the direct supervision of a veterinarian of this Department; and all handling procedures, such as examination, dilution, refrigeration, and preparation of the semen for shipment, shall have been under the direct supervision of a veterinarian of this Department.

(2) The semen collected at the approved isolation facility shall have been at all times, except during air transportation to New York, in the custody of a veterinarian of this Department.

(3) The semen for which an import permit has been issued shall have been transported by air to the port of New York in liquid nitrogen containers approved by a veterinarian of this Department; sealed in the country of origin by a veterinarian of this Department; and accompanied by a statement by such veterinarian showing the identification of the donor animal and the dates the semen was collected, along with a certificate regarding the health status of the donor animal as of the date of shipment of the semen to the port of New York. All semen received at the port of New York shall be held under quarantine in liquid nitrogen storage at such port in the custody of the Animal Inspection and Quarantine Division until released or otherwise disposed of as provided in this section. Quarantine of the semen at the port of New York shall be for a minimum period of 60 days in facilities and under conditions prescribed by the Director of Division, during which time additional tests shall be conducted as provided in subparagraphs (4), (5), and (6) of this paragraph.

(4) The donor animal shall have been retained at the approved isolation facility in the country where the semen was collected for at least 60 days after such collection; and after such 60-day retention period, blood samples shall have been collected from the donor animal by a veterinarian of this Department for virus neutralization and fluorescent antibody tests at the Plum Island Animal Disease Laboratory of the United States Department of Agriculture, and any other tests as required by the Director of Division.

(5) While the imported semen is in storage under quarantine at the port of New York, a sample of each lot of semen collected from the donor animal shall have been tested at the Plum Island Laboratory. Such test shall consist of injecting not less than 10 percent of the volume of each lot of semen into test animals which are susceptible to rinderpest or foot-and-mouth disease. The Director of Division may also require such other tests as he deems necessary to determine whether the semen harbors the virus of rinderpest or foot-and-mouth disease, or any other communicable disease.

(6) If it is determined that the requirements set forth in this paragraph have been complied with and there are no indications that the donor animal or the semen from the donor animal harbors the virus of rinderpest or foot-and-mouth disease or any other communicable disease and if the donor animal, blood samples from the donor animal, and semen samples from the donor animal are negative to all other tests required, the semen shall be released for shipment to the consignee listed by the importer; otherwise the semen shall be destroyed or disposed of as the Director of Division may direct.

(Secs. 6, 7, 8, 26 Stat. 416, as amended, sec. 10, 26 Stat. 417, as amended, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, sec. 203, 60 Stat. 1087, sec. 2, 76 Stat. 129, secs. 3, 4, 76 Stat. 130, sec. 11, 76 Stat. 132; 7 U.S.C. 1622, 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134 et seq.; 19 F.R. 74, as amended)

The purpose of these amendments is to provide for procedures whereby the semen of ruminants or swine from certain countries where rinderpest or foot-and-mouth disease exists may be imported under conditions which are considered to be adequate for the prevention of the introduction of these diseases and other communicable diseases in order that new bloodlines may be established for herd improvements. The available facilities at the Department's Plum Island Animal Disease Laboratory for testing purposes make it impossible to process more than 20 lots of semen per year on the basis of one lot being the amount of semen collected from one donor animal over a period not to exceed 60 days.

The costs of providing necessary Department personnel and services related to a proposed semen importation shall be borne by the importer and are in addition to other expenses involved in the procurement and operation of the isolation facility, the care, feed, and handling of the donor animal, and the actual semen collection. These latter expenses shall also be borne by the importer through whatever arrangements are necessary between the importer and the various people concerned. However, the isolation facilities must be approved by the Department and the operation thereof must be supervised by a Department veterinarian.

Before an import permit is issued, the importer must deposit with the Department a sum of money, the amount of which will vary depending upon many factors which cannot be definitely determined until all applications have been received and a determination made concerning the permits that are to be issued. Variations in costs will depend upon factors such as the number of donor animals involved, the number of isolation facilities under supervision, and the assignment of Department personnel. In requesting an import permit, the importer must designate the country in which the donor animal is presently maintained, the species and breed of the donor animal, the general location in which the isolation facility is contemplated, and the target date for starting the 60-day Department supervised semen collection from such animal in the isolation facility. An application for an import permit must contain a statement by the importer as follows: "The specified amount of money will be deposited with the Department upon request." If the initial application is accepted, the importer will be so advised in order that he can obtain the additional information requested and proceed with the completion of further details as required by the Department before further consideration can be given to the issuance of the import permit. These include, but are not limited to, the identity of the donor animal and a complete list of premises showing the names, locations, and dates where such donor animal has been kept since birth. The amount of money requested by the Department must be deposited with the Department before an import permit is issued. If, after the importer has deposited the amount of money requested by the Department, an import permit is not issued, the importer may withdraw his application and the total amount of his deposit will be refunded. At any time after the permit is issued, it may be cancelled by the Department upon request of the importer, or it may be revoked by the Department if the donor animal fails to meet the requirements stipulated in these regulations, if other conditions specified in these regulations are not fulfilled, or if there is reason to believe that the proposed semen importation will constitute a disease hazard insofar as it concerns foot-and-mouth disease, rinderpest, or certain other diseases of similar importance. Under such circumstances, the importer will be refunded the unobligated portion of the deposit. If, at any time, the total number of lots of semen to be imported drops below the number that was used as a basis for computing the amount of each importer's deposit, each remaining importer may be required to deposit additional funds with the Department to cover the added costs.

The Department will accept applications for semen import permits following the effective date of these amendments to the regulations, and all applications received on or before March 1, 1965, will be considered as a group so that the permits can be issued on an equitable basis. From time to time, when appropriate, other dates for the acceptance and consideration of applications for import semen permits under these regulations will be established by publication of notice thereof in the FEDERAL REGISTER.

*Effective date.* The foregoing amendments shall become effective on January 30, 1965.

Done at Washington, D.C., this 18th day of December 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–13228; Filed, Dec. 23, 1964; 8:46 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

SUBCHAPTER A—OFFICIAL RECORDS

### PART 701—AVAILABILITY OF OFFICIAL RECORDS

#### Official Records in Civil Court

*Scope and purpose.* Section 701.2(e) is revised in order to cite the current edition of the Navy Civilian Personnel Instruction referred to therein.

Section 701.2(e) and its footnote are revised to read as follows:

**§ 701.2 Official records in civil court.**

* * * * *

(e) *Medical and other records of civilian employees.* Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of Executive Order 10561, 19 F.R. 5963, as implemented by Navy Civilian Personnel Instruction 290.4–61.[1]

b. *Disclosure of medical information.* Agencies have not been delegated authority to release medical information relating to employees subject to the Civil Service Act. Therefore, requests received by agencies from whatever source (other Federal agencies; State governmental organizations, including law offices; courts; corporations; or individuals) for copies of medical certificates or for information from medical certificates should be referred to the Civil Service Commission together with the medical certificates or other medical reports concerned. After review of the evidence the Commission will decide when and to what extent to comply with the requests.

Records of civilian employees other than medical records may be produced upon receipt of a court order without procuring specific authority from the Secretary of the Navy provided there is not involved any classified or otherwise confidential material such as loyalty and security records. Records relating to compensation benefits administered by the Bureau of Employees' Compen-

[1] NCPI 290.4–6b reads as follows:

sation may not be disclosed except upon the written approval of the Bureau (20 CFR 1.21). Further, in any case of doubt, the matter should be handled in accordance with the general rule under paragraph (a) of this section. Where information is furnished hereunder in response to a court order, it is advisable that certified copies rather than originals be furnished and that, where original records shall be produced, the assistance of the U.S. Attorney or U.S. Marshal be required so that custody be kept of the records.

(R.S. 161, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031; E.O. 10561, 19 F.R. 5963, 3 CFR 1954–58 Comp. p. 205)

Dated: December 18, 1964.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

[F.R. Doc. 64–13193; Filed, Dec. 23, 1964; 8:48 a.m.]

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SUBCHAPTER C—PERSONNEL

## PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

## PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

### Miscellaneous Amendments

*Scope and purpose.* The amendments update Parts 713 and 730 in accordance with Change 10 to the Bureau of Naval Personnel Manual as distributed to naval commands in due course.

1. Section 713.36 is revised to read as follows:

**§ 713.36 Termination of status.**

(a) A Reservist who completes the courses of study required for graduation from an approved school of medicine, dentistry or theology must request appointment or reappointment in the appropriate Staff Corps, resignation or discharge. Failure to take one of these actions will result in discharge through administrative action due to his possessing a rating or designator incompatible with his civilian qualifications. A waiver to retain his present designator may be requested if a grave injustice, through rank disparity, would result because of his appointment in the Staff Corps. Such waiver, however, will not in itself authorize retention in the Ready Reserve, active duty for training with pay, or assignment in a pay billet.

(b) A Medical or Dental Officer in the Ready Reserve who is an Intern or Resident, including a Berry Plan participant:

(1) Will be assigned to the Active Status Pool while deferred from active duty, unless he volunteers for assignment to a Reserve Unit for a minimum of one year.

(2) Will not be issued mobilization orders while a member of the Active Status Pool. (The Berry Plan is the Armed Forces Physicians' Appointment and Residency Consideration Program as disseminated to medical interns.)

(c) A member of the Ready Reserve who is enrolled in an approved school of medicine or dentistry:

(1) Will be relieved of training requirements if he requests and accepts an appointment as Ensign 1915 or 1925.

(2) Will be transferred to Standby Reserve if he is eligible and is not appointed as Ensign 1915 or 1925 and is needed as an individual reinforcement.

(3) Will be required to serve on active duty if he remains in the Ready Reserve other than as Ensign 1915 or 1925 and is needed as an individual reinforcement.

(4) Is not eligible for assignment to a Naval Reserve unit in pay status.

(d) A member of the Ready Reserve who is enrolled in an approved school of theology:

(1) Will be transferred to the Standby Reserve, unless he accepts an appointment as Ensign 1945, or otherwise executes a written agreement to remain in the Ready Reserve for at least 1 year.

(2) Is not eligible for assignment to a Naval Reserve unit in pay status.

2. Section 713.68 is revised to read as follows:

**§ 713.68 Equipment loaned to States for use of Naval Militia.**

Such vessels, equipment, material, armament, or other facilities of the Navy as are or may be made available for the Naval Reserve may also be made available for issue or loan to the several states, territories or the District of Columbia for the use of the Naval Militia. No such facilities of the Navy will be furnished for use by any portion or unit of the Naval Militia, however, unless at least 95 percent of its personnel are members of the Naval or Marine Corps Reserve and are attached to or associated with pay units of the Naval or Marine Corps Reserve, and unless its training, organization, and administration conform to standards that will be prescribed from time to time by the Secretary of the Navy. (BUPERS Instruction 4423.1 (series) concerns loan of rifles.)

3. Section 713.214 is amended by revising paragraph (d) to read as follows:

**§ 713.214 Officer service record, inactive officers.**

* * * * * * *

(d) *Maintenance responsibility.* An officer service record shall be maintained for each inactive officer. Where this will be depends upon whether or not the officer is participating.

(1) For those who are not participating (do not have orders for any type of inactive duty training) the service record will be maintained by the Commanding Officer, Naval Reserve Manpower Center, Bainbridge, Md.

(2) The service records of inactive officers who are participating in any program (those who have orders to appropriate and/or other duty), except under the cognizance of the Chief of Naval Air Reserve Training, will be maintained by the commandant who wrote the orders. In most cases, this will be in the same naval district where the officer resides.

(3) For officers participating in a training program under the cognizance of the Chief of Naval Air Reserve Training, the officer service record will be maintained by the commanding officer of the naval air station or naval air reserve training unit, having responsibility for the training program.

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4. Section 713.222 is amended by deleting paragraph (b).

**§ 713.222 Enlisted service record.**

* * * * * * *

(b) [Deleted]

5. Section 713.325 is amended by revising paragraph (a) to read as follows:

**§ 713.325 Qualifications for original appointment.**

(a) Except as otherwise approved by the Secretary of the Navy, the limiting ages for original appointments in the Naval Reserve of all officers are prescribed as follows:

| Grade | Line (less SDO (law)) SC [1] | CEC [2] | Medical Service Corps | Nurse Corps [3] | MC, DC, ChC, and SDO (law) | MC and DC students |
|---|---|---|---|---|---|---|
| LCDR | 39½–48½ | 39½–48½ | 39½–48½ | | 39½–48½ | |
| LT | 33½–39½ | 33½–39½ | 33½–39½ | 21–40 | 33½–39½ | |
| LTJG | 27½–33½ | 21–33½ | 21–33½ | 21–35 | 21–33½ | |
| ENS | 19–27½ | 19–27½ | [4] 21–32 | 21–34 | | |
| ENS 19X5 | | | | | 19–30 | [4] 19–33 |
| Warrant | 21–44 | 21–44 | | | | |

[1] Minimum age for Line/SC, USNR is 20 years for women.
[2] Grade to be offered will depend on professional experience.
[3] Minimum age for appointment in the Women's Specialists Section is 18.
[4] At time of expected graduation. "19X5" designates a Naval Reserve officer (unrestricted line—prospective staff corps) and applies only to officers under instruction in civilian schools.

NOTE: The maximum age limit for men and women with prior active military service may be adjusted on a month-for-month basis, depending upon the number of months of active military service performed, but in no case to exceed 36 months.

* * * * * * *

6. Section 713.337 is amended by revising paragraphs (a)(1), (b) and (c) to read as follows:

**§ 713.337 Extension of enlistment.**

(a) *Definitions.* In the discussion of extensions of enlistments in this section the following definitions are applicable:

(1) "Agreement to Extend Enlistment" or "Enlistment as extended"—Whenever these terms are used, the legal form of agreement (Page 1A of the service record (NAVPERS 601–1A/NAVCOMPT 513) is meant and not an unofficial agreement or personal assurance of intention to extend. Agreements on other than the legal form are of an informal and unofficial nature and could be repudiated or withdrawn by the individual.

* * * * * * *

(b) *Terms of extensions.* Provided they are serving under an enlistment contract, Naval Reserve personnel on inactive duty who meet the qualifications for reenlistment, may extend their enlistments for periods of 1, 2, 3, or 4 years provided such extension together with other extensions, if any, since enlistment or the last reenlistment does not exceed an aggregate of 4 years. Personnel not eligible for reenlistment may not extend their enlistments without prior approval of the Chief of Naval Personnel. Commanding officers should set forth all pertinent facts and their recommendation on the forwarding endorsement to the request for such approval. Former Regular Navy personnel who have been transferred to inactive duty in the Naval Reserve to complete their UMT&S obligation are not eligible to execute an extension of enlistment contract unless they have reenlisted and are serving under an enlistment contract at the time the extension is executed. (Article C–1407 of the Bureau of Naval Personnel Manual should be consulted for provisions regarding extension of enlistment of Naval Reservists on active duty.)

(c) *Execution of extension agreement.* Extensions shall be prepared on the latest revision of Form NAVPERS 601–1A/NAVCOMPT 513 only and, except as otherwise provided in this section, shall be executed by the organization having custody of the service record of the individual concerned. When it is inconvenient or impracticable for the individual to appear in person for the purpose of executing the extension of enlistment at the activity having custody of his service record, the extension form may be mailed to the member for execution and return. See paragraphs (d) and (e) of this section for further information regarding requirements of extensions executed by mail. In order to be valid, an agreement to extend enlistment must be entered into by the individual concerned prior to, or on the date of, expiration of enlistment. In mailing extension forms, necessary precautions must be taken to insure their receipt and execution not later than the individual's expiration of enlistment. An individual should not normally be permitted to agree to extend his enlistment more than 3 months prior to the end of the term of his enlistment, unless agreement to extend is required to acquire sufficient obligated service for recall to active duty.

* * * * * * *

7. Section 713.375 is amended by revising paragraph (b) to read as follows:

**§ 713.375 Selection boards.**

* * * * * * *

(e) For the purpose of complying with paragraph (a) of this section, selection boards will be convened by order of the Secretary of the Navy, from time to time, as may be required. Each such board will normally be composed of not less than 5 officers of the corps and of or above the grade for which selections are to be made. The membership of selection boards considering both regular and reserve personnel shall include an appropriate number of reserve officers otherwise qualified to serve. The membership of selection boards considering reserve personnel only shall include at least a majority of reserve members. The procedure will, in general, be the same as that followed by selection boards for the Regular Navy.

* * * * * * *

8. Section 713.412 is amended by revising paragraph (a)(3)(iv), adding paragraph (a)(6), revising paragraph (b), redesignating old paragraphs (c) to (e) as (d) to (f), and adding paragraph (c), to read as follows:

**§ 713.412 Discharge of inactive-duty enlisted personnel.**

(a) * * *

(3) * * *

(iv) Upon request for transfer to a reserve component of another armed service in accordance with the procedures outlined in paragraph (c) of this section.

* * * * * * *

(6) *Physical disability.* When authorized in accordance with procedures outlined in § 713.413, or when otherwise directed by the Chief of Naval Personnel.

(b) Discharge for cause: Enlisted Reservists on inactive duty are subject to discharge by reason of unsuitability, security, unfitness or misconduct in accordance with articles C–10310 through C–10313 of the Bureau of Naval Personnel Manual (§§ 730.10 to 730.15 of this chapter). The commandant of the naval district in which the Reservist resides is responsible for processing or designating an activity to process such cases. An enlisted person who is subject to undesirable discharge by reason of unfitness or misconduct shall, if his whereabouts is known, be informed as to the basis for the contemplated action and be afforded an opportunity to request or waive, in writing, any or all of the privileges set forth in article C–10311 or C–10312 of the Bureau of Naval Personnel Manual (§ 730.12 or 730.13 of this chapter).

(1) In general, field board hearings afforded under article C–10313 of the Bureau of Naval Personnel Manual (§ 730.15 of this chapter) are to be held at the location of the individual's commanding officer. However, a hearing at that location or at the district headquarters may, in some cases, seriously inconvenience or deprive the individual of substantial rights. Accordingly, if such a Reservist requests that a hearing be held in his case, it is permissible for the commandant to refer the matter to a conveniently located naval activity which has facilities for conducting the hearing. The commanding officer to whom the case is referred should be designated as the individual's commanding officer for this purpose, furnished the individual's service record, or be advised to obtain the record from the NRMC Bainbridge as appropriate, and instructed to afford the individual the privileges. The commandant is to ensure that a sufficient number of officers, including Reserve officers on active duty, are available for appointment to the board. (Note that the privilege of having a service lawyer appointed as the individual's counsel applies only if such a lawyer is reasonably available.) Regardless of where the hearing is to be held, it is incumbent upon the inactive Reservist to furnish his own transportation to the hearing. After the case has been processed at the command, it should be forwarded via the commandant to the Chief of Naval Personnel.

(2) Considerable latitude is afforded for the presentation of the respondent's case. If he requests a hearing but is unable or does not desire to attend the hearing, he may submit written statements for consideration of the field board and may waive representation by counsel. If he is to be represented by counsel, the counsel may take any or all of the following actions:

(i) Present the respondent's written statements.

(ii) Make representations in respondent's behalf.

(iii) Introduce testimony of witnesses for the respondent either orally or in writing, or both.

(iv) Cross-examine government witnesses.

(c) Interservice transfers:

(1) Interservice transfer of persons, not on active duty, between reserve components of the Armed Forces, may be accomplished only in cases wherein the Reservist requests or consents to such transfer and wherein it is mutually agreed by the two Military Departments concerned that such transfers are in the best interests of the Armed Forces.

(2) Service-initiated requests for transfers of individual reservists may be initiated at the area commander level or higher level and transmitted direct to the corresponding service area commander level or higher level for approval. Such requests normally will not be forwarded to the Departments of the Army, Navy, Air Force or Commandant (PR) U.S. Coast Guard, level except in cases of disapproval where the requesting service feels that adjudication at higher level is necessary to the best interests of the Department of Defense. Such transfers will normally be handled at area commander level. For purposes of this paragraph, "area commander" is defined as Army Area Commanders, Naval District Commandants, Chief of Naval Air Reserve Training, Marine Corps District Directors, Commanding General, Marine Corps Air Reserve Training Command, Coast Guard District Commanders, Commanding Generals of the Numbered Air Forces and the Army State Instructors.

(3) Individual reservists may initiate requests for transfer to a reserve component of another armed service. Such requests will be processed in accordance with the procedures outlined herein. Final action on such requests will normally be taken at area commander level unless adjudication at higher level is desired or necessary to the best interests of the Department of Defense.

(4) Under procedures established by the Secretary of Defense, requests for transfer between reserve components of the Armed Forces will be approved under the following conditions:

(i) When the individual concerned will be enlisted in a reserve component of another branch of the Armed Forces incident to enrollment in any officers training program, or will be appointed as a student in an officers training program wherein the individual will have a mili-

tary status. (In such cases member will be discharged pursuant to § 713.412(a)(3)(ii); or

(ii) When the service to which transfer is desired has a specific vacancy for the individual in an accredited training program within a reasonable distance of the individual's domicile or place of business and will assign him to such program, provided one of the following conditions is met:

(*a*) The service to which the individual belongs has no accredited training program within a reasonable distance of the individual's domicile or place of business to which the reservist may be usefully assigned, or

(*b*) The individual has special experience or professional, educational or technical background which is clearly of greater use to the service to which transfer is requested and outweighs the value of his previous training in his present service.

(5) Requests for transfer to another reserve component will include, (i) a statement from appropriate authority in the service to which transfer is desired covering in detail the requirement specified in paragraph (c)(4)(i) or (ii) of this section as applicable, and (ii) a statement by the individual that in the event of approval of the transfer he will accept assignment to and participate in the accredited training program of the service to which transferred.

(6) Upon approval of a request for transfer, the corresponding service authority will be advised that discharge will be issued upon receipt of notification that the individual has signed enlistment papers or accepted appointment in the gaining service. Disapproved requests will be returned to the corresponding service authority for information or action as desired. Discharges in connection with transfers between reserve components shall be effective the date preceding enlistment or appointment in the gaining service. Cite § 713.402(a)(3)(iv) as authority in effecting discharges, except that in the case of discharge to enlist or enroll in an officer training program, § 713.402(a)(3)(ii) will be cited as the authority. (Where membership in the officer training program does not confer military status, discharge will be for the purpose of immediate enlistment in the reserve component of the gaining armed force.) Discharge certificate should be forwarded to the cognizant authority of the gaining service for delivery. Discharge for this purpose does not constitute a fulfillment of the military obligation. Additional service performed after such discharge will be counted toward fulfillment of such obligation. If appropriate, cognizant authority of the gaining service will be notified of the number of constructive credit points earned by the reservist as of the date of discharge.

(7) *Enlistment of a Naval Reservist in another reserve component without obtaining a conditional release.* When information is received of the enlistment of a Naval Reservist in another reserve component without obtaining a conditional release, the command holding the member's service record is authorized to take the following action:

(i) Discharge effective the date preceding enlistment in the gaining service citing BUPERS Manual Article H–31202(1)(c)4 (§ 713.402(a)(3)(iv)) as authority, provided one of the following conditions exists:

(*a*) The member is serving on extended active duty of more than six months duration as a member of the reserve component of the other service.

(*b*) The member's transfer to the reserve component of the other service would have been approved under the conditions prescribed in paragraph (c)(4) of this section, and the enlistment appears to have been contracted in good faith by the other service.

(ii) If none of the conditions in subdivision (i) of this subparagraph exists, action shall be initiated to obtain member's discharge from the other service.

(iii) The following cases shall be forwarded to the Chief of Naval Personnel for decision:

(*a*) The other service requests adjudication of the case at the departmental level.

(*b*) The other service requests reconsideration of the case due to certain unusual circumstances and the command holding member's service record considers such referral is appropriate.

(c) The individual is performing, or has performed, six months active duty for training in the reserve component of the other service.

(*d*) Reservists will be discharged with the same type and character of discharge as provided for enlisted personnel of the Regular Navy.

(*e*) Full information regarding the reason for discharge together with substantiating evidence where appropriate, shall be filed in the individual's service record.

(*f*) The service records of members of the Naval Reserve on inactive duty who have failed to reply to official correspondence and for whom there is no valid address should be closed out at expiration of obligated service and forwarded to the Chief of Naval Personnel. A discharge certificate will be prepared in accordance with the instructions contained in article C–10504 of the Bureau of Naval Personnel Manual and inserted in the closed-out service record for subsequent delivery to the dischargee. Appropriate entries shall be made in the service record of the fact that discharge was effected at expiration of obligated service.

9. Part 713 is amended by inserting section 713.413 to read as follows:

**§ 713.413 Physically disqualified reservists.**

Upon notification by the Chief of Naval Personnel that an enlisted reservist on inactive duty has been found by the Chief, Bureau of Medicine and Surgery to be not physically qualified for retention in the Naval Reserve, the Command holding his service record will take the following action:

(a) Inform the member of his status using the following sample:

From: Commanding Officer.
To: (Name of reservist).
Subj: Finding of Physical Disqualification.
Ref: (a) Title 10, United States Code, (b) Section 18, Chapter 3, Part H, BUPERS Manual [§§ 713.421 to 713.430].
Encl: (1) Form for requesting discharge.

1. I regret to inform you that the Chief, Bureau of Medicine and Surgery, Department of the Navy, has found that you are not physically qualified for retention in the Naval Reserve by reason of (state defect. Example: Diabetes mellitus.)

2. Section 1004(c) of reference (a) provides for the removal from the Reserve rolls of the naval service of any person who is not physically qualified for assignment to active duty.

3. In view of the foregoing, it is requested that you take one of the following courses of action:

a. Request discharge by reason of being not physically qualified. Enclosure (1) is a form you may use for this.

b. Request transfer to the Retired Reserve if eligible under the provisions of reference (b).

c. Request a hearing before a physical evaluation board. The purpose of such a hearing is to comply with Section 1214 of reference (a), quoted herewith for your information:

"No member of the armed forces may be retired or separated for physical disability without a full and fair hearing if he demands it."

Appearance must be at your own expense. Moreover, you are not eligible to receive retirement pay, severance pay or any other benefits specified in Chapter 61 of reference (a). Do not use enclosure (1) to request a hearing.

4. If no reply is received from you within 30 days, it will be considered that you do not desire a hearing. Therefore, at that time, action will be taken to discharge you involuntarily by reason of being physically not qualified.

---
(Signature of Commanding Officer)

Enclosure (1) to Sample Letter to Reservists:

From:
---
(Rate)
---
(First Name) (Middle Name) (Last Name)
---
(Service No.)
---
(Street Number) (City) (State)

To: Commanding Officer.
Subj: Discharge, request for.
Ref: (a) CO ---------- ltr dated ----------

1. Having been informed in reference (a) that the Chief, Bureau of Medicine and Surgery, Department of the Navy, has found that I am not physically qualified for retention in the Naval Reserve, I request discharge by reason of Physical Disability.

---
(Signature)

(b) If discharge is requested, issue appropriate discharge certificate citing Bureau of Naval Personnel Manual, article H–31202(1)(f) (§ 713.412(a)(6)) and the letter informing member of his status as authority therefor. Make appropriate service record entries and forward closed out record to the Chief of Naval Personnel.

(c) If transfer to the Retired Reserve is requested, provided the reservist is eligible therefor under the provisions of Part H, Chapter 3, Section 13 of the Bureau of Naval Personnel Manual (§§ 713.421 to 713.430), transfer to Retired Reserve in accordance therewith.

(d) If Physical Evaluation Board Hearing is requested, issue authorization as shown in Sample Orders for Physical Evaluation Board Hearing (in this subparagraph, below) for reservist to appear before the board listed in Physical Evaluation Board Address List (see mailing list in this subparagraph, below) nearest the reservist's home.

SAMPLE ORDERS FOR PHYSICAL EVALUATION BOARD HEARING

From: Commanding Officer.
To:
Via: Senior Member, Physical Evaluation Board (insert appropriate mailing address shown in listing below).
Subj: Authorization to appear before a Physical Evaluation Board.
Ref: (a) Disability Separation Manual (NAVEXOS P–1990) [Part 725 of this chapter].
Encl: (1) Statement of Rights in triplicate (NAVEXOS–3332 can be requisitioned from the Forms and Publications Supply Distribution points).

1. When notified by the via addressee that the necessary records are available for presentation of your case, you are authorized to report to that officer for an evaluation of your present physical condition.

2. In the evaluation of your physical condition, the Physical Evaluation Board is directed to conduct the proceedings in all respects as provided for hearings in the case of active duty members except that it will make only the recommended finding that you are or are not physically qualified for active service, and if not so qualified, will set forth the disqualifying defect or disability with the diagnostic nomenclature number therefor and an opinion whether such disability is or is not due to intentional misconduct or willful neglect. The Board's attention is invited to paragraph 0427 of reference (a) [§ 725.427 of this chapter] which sets forth the authority for your hearing.

3. The above is authorized with the understanding that you will not be entitled to reimbursement for mileage or expense in connection therewith. In case you do not desire to bear this expense or if for any reason you fail to report to the Physical Evaluation Board on the date specified, you will regard paragraph 1 of this authorization as revoked.

4. You are advised that if for any reason you are unable to report in person to the Physical Evaluation Board on the date specified, you may waive your right to appear in person. If you waive your right to appear in person, your case will be submitted to the Physical Evaluation Board for an examination on the record. It is requested that you execute the enclosed Statement of Rights and return it to the via addressee prior to the date set for your examination.

5. Whether you appear in person or waive your right to appear in person, you may be represented by counsel if you so desire. You are advised that if you desire counsel to assist or represent you in presenting your case before the Physical Evaluation Board, competent legal assistance is available without expense to you. Should you desire to avail yourself of this service, you may apply to the Senior Member of the Physical Evaluation Board.

6. By endorsement hereon the via addressee is requested to notify you of the date and place you are to appear.

---
(Signature of Commanding Officer)

Copy to:
BUMED (Code S351)
Chief of Naval Personnel (Pers B222)
Individual concerned—4





MAILING LIST OF PHYSICAL EVALUATION BOARDS

NOTE: Address all correspondence to Senior Member:

Example: Senior Member, Physical Evaluation Board, Headquarters, Ninth Naval District, Great Lakes, Ill., 60088.

First Naval District:
U.S. Naval Hospital
Chelsea, Mass. 02150
Third Naval District:
U.S. Naval Hospital
St. Albans, L.I., N.Y. 11412
Fourth Naval District:
U.S. Naval Hospital
Philadelphia, Pa. 19145
Fifth Naval District:
U.S. Naval Hospital
Portsmouth, Va. 23708
Sixth and Eighth Naval Districts:
U.S. Naval Hospital
U.S. Naval Base
Charleston, S.C. 29408
U.S. Naval Hospital
Camp Lejeune, N.C. 28542
Ninth Naval District:
Headquarters, Ninth Naval District
Great Lakes, Ill. 60088
Eleventh Naval District:
U.S. Naval Hospital
San Diego, Calif. 92134
U.S. Naval Hospital
Camp Pendleton, Calif. 92055
Twelfth and Thirteenth Naval Districts:
U.S. Naval Hospital
Oakland, Calif. 94614
Potomac River Naval Command:
U.S. Naval Hospital
Bethesda, Md. 20014

NOTE: Do not include entitlement to travel allowance in the authorization to appear before the board, since such must be at the member's own expense. As explained in the letter to the individual (see sample letter in paragraph (a) of this section), the option of requesting a hearing before a physical evaluation board is offered solely to comply with the provision of 10 U.S.C. 1214, which states that no member of the armed forces may be retired or separated for physical disability without a full and fair hearing. Since such hearing will usually serve no useful purpose, particularly in cases of individuals who have never served on active duty and who are not qualified for retention in the Naval Reserve by reason of conditions arising in civilian life, individuals who inquire relative to the advisability of requesting a hearing should be so advised and discouraged from requesting a hearing due to the time and expense involved.

(e) If no reply to the letter informing the reservist of his status is received within 30 days, issue an appropriate discharge certificate citing the Bureau of Naval Personnel Manual, article H–31202(1)(f) (§ 713.412) and the letter informing the reservist of his status as authority therefor.

10. Section 713.441 is revised to read as follows:

**§ 713.441 Travel and residence overseas.**

(a) This section pertains to Naval Reserve personnel on inactive duty, including those in retired status, who travel or reside in any country not within the jurisdiction of a Naval District. Those employed aboard merchant vessels or aircraft of the United States or friendly foreign registry are excepted unless homeported in a foreign country.

(b) Upon arrival in and departure from each country, except for brief tours, the reservist shall report to the nearest U.S. Naval Attache.

(c) If travel or residence will exceed 30 days, the Reservist shall submit advance notice to the command holding his service record, giving (1) date of departure from the United States, (2) duration of absence, (3) itinerary, including approximate dates of arrival in and departure from countries where the U.S. Naval Attache will be contacted, and (4) overseas mail addresses (official mail will be forwarded via the nearest U.S. Naval Attache).

(d) Return to the United States shall be reported to the command holding the service record.

(e) The uniform may be worn only when attending, by formal invitation, ceremonies or social functions at which the wearing of the uniform is required by the terms of the invitation or by the regulations or customs of the country, and then only with the approval of the nearest U.S. Naval Attache.

(f) Official naval titles shall not be used in connection with public appearances unless authorized by the nearest U.S. Naval Attache.

(g) Overseas training is covered in § 713.521.

11. Section 713.443 is revised to read as follows:

**§ 713.443 Use of official Naval titles.**

The use of official naval titles by Reserve personnel on inactive duty is authorized except as provided in § 713.441(f) and in § 137.8(b) of this title.

12. Section 713.451 is revised to read as follows:

**§ 713.451 Requirements.**

(a) Officers and enlisted personnel of the Naval Reserve on inactive duty shall possess the minimum uniform items specified in U.S. Navy Uniform Regulations and Bureau of Naval Personnel Instruction 1020.4 (series), respectively.

(b) U.S. Navy Uniform Regulations govern the occasions when wearing of the uniform is mandatory and when it is permissive.

(c) Additionally, commanding officers of Specialist units, Naval Reserve Officers Schools, and Composite companies shall designate a minimum of one drill per quarter as a "drill in uniform" for all nonpay members. Such drills shall begin with a formal personnel inspection.

(d) Commanding officers of all Naval Reserve units shall encourage the wearing of name plates by all members during drills. Name plates shall conform to the standards prescribed in U.S. Navy Uniform Regulations, and shall be positioned on the uniform as prescribed therein.

13. Section 713.517 is amended by revising paragraph (c)(1)(i) and (2)(i) to read as follows:

**§ 713.517 Appropriate duty (including air).**

* * * * * *

(c) * * *

(1) * * *

(i) To 2105, 2205, 2305, and 2905 officers for the performance of medical and dental examinations, and essential services of an administrative nature for Na-

val Reserve or Marine Corps Reserve units.

• • • • •

(2) • • •

(i) To 2105, 2205, and 2305 officers for duty as consultants at naval activities. (Appointments of officers for this duty must be approved by the commanding officer of the activity concerned and by the Chief, Bureau of Medicine and Surgery.)

• • • • •

14. Section 730.4 is amended by revising paragraphs (e) (5), (10), (11) and (12) to read as follows:

**§ 730.4 Separation of enlisted personnel by reason of expiration of enlistment, fulfillment of service obligation, or expiration of tour of active service.**

• • • • •

(e) • • •

(5) *Undergoing medical treatment or hospitalization.*

(i) Enlisted personnel of the Regular Navy or Naval Reserve on active duty whose enlistments or enlistments as extended expire while they are suffering disease or injury incident to the service and who are in need of medical care or hospitalization may be retained in service beyond the normal date of expiration of their enlistments or enlistments as extended, with their consent which should be indicated in writing and signed by the individual concerned on the administrative remarks page of the service record. They may be retained until they shall have recovered to the extent which would enable them to meet the physical requirements for discharge and reenlistment, or until it shall have been ascertained that the disease or injury is of a character that recovery to such an extent would be impossible. Tacit consent may be assumed for retention in service beyond expiration of enlistment in cases of mental incompetency or physical incapacity. A person in this category ordinarily will not be retained in excess of 6 months beyond expiration of enlistment. Further retention may be authorized, however, in meritorious cases upon proper recommendation accompanied by the supporting facts. (10 U.S.C. 5537.)

(ii) In the event the member persists in his desire to be separated, effect his separation provided he signs the following entry on page 13 of his service record and on Standard Form 88, witnessed by an officer, at time examined for separation:

I, ----------, desire to be
(Name)
separated from the Naval Service on my normal expiration of active obligated service date. I understand that I will not be eligible for further follow-up studies or treatment at a U.S. Armed Forces medical facility; that I will be ineligible for disability benefits under laws administered by the Navy and that any further treatment and/or benefits would be under the jurisdiction of the Veterans Administration.

Personnel being processed before a physical evaluation board will not normally be released from active duty or discharged until final action on their case has been completed by the Secretary of the Navy and instructions received from the Chief of Naval Personnel. An untimely separation of a member who is the subject of a physical evaluation board proceeding may prejudice his case in view of the fact that the law requires that the Secretary make the necessary physical disability determinations while the member is entitled to receive basic pay, except in cases of Reservists on training duty of 30 days or less. This should be explained to any member whose enlistment or term of active service is about to expire and who requests discharge or release from active duty prior to the time such determinations are made. Any request for separation which is not withdrawn following such explanation shall be entered on page 13 of the Service Record as follows:

I, ----------, desire to be
(Name)
separated from the Naval Service notwithstanding the fact that such separation may prejudice any rights or benefits to which I may be entitled as a result of the physical evaluation board hearings under Title 10, U.S. Code, Chapter 61. I have been fully advised of my rights in this matter and request that I be discharged from the Naval Service as soon as possible without further hearing and without disability retirement pay or severance pay and without any compensation whatsoever. I understand that I am not required, and am under no obligation, to give this certificate and I hereby certify that I give the certificate voluntarily.

The foregoing statement shall be signed by the individual and witnessed by an officer.

• • • • •

(10) *Retention as party to a court of inquiry.* When an enlisted member has been named a party to a court of inquiry, and the proceedings have been entered upon prior to the expiration of enlistment or term of obligated service, the individual may be retained in the service as a party to the said court of inquiry, and for resultant trial if such is indicated.

(11) *Voluntarily making up lost time.* Enlisted personnel who before 24 July 1956 lost time in excess of 24 consecutive hours from their enlistments or enlistments as extended due to unauthorized absence, confinement, or nonperformance of duty (civil arrest) as defined in paragraph 044019–1 of the Navy Comptroller Manual (§ 719.203 of this chapter) may be permitted to make up such lost time in order to complete the term for which they enlisted or extended their enlistments. In order to be valid, application to make up lost time must be submitted by the individual and approved by or on behalf of the commanding officer prior to expiration of the enlistment or extension of enlistment during which the time was lost. Appropriate entry shall be made on the administrative remarks page of the service record which shall reflect the date on which the application was approved.

(12) *Mandatorily making up lost time.* Instructions concerning mandatorily making up lost time due to sickness misconduct occurring before, on, or after July 24, 1956, and unauthorized absence, confinement, and nonperformance of duty (civil arrest) occurring on or after July 24, 1956, are contained in § 730.4a.

• • • • •

15. Section 730.5 is amended by revising paragraph (e) (2) to read as follows:

**§ 730.5 Separation of enlisted personnel by reason of physical disability.**

• • • • •

(e) • • •

(2) If processing of a case by a physical evaluation board has been authorized, retain the individual in service until final disposition is directed by the Chief of Naval Personnel, unless the individual concerned states in writing that he does not desire to be retained until final action has been taken on the recommended findings and proceedings of a physical evaluation board. (See § 730.4(e) (5).)

• • • • •

16. Section 730.6 is revised to read as follows:

**§ 730.6 Separation of enlisted personnel for convenience of the Government.**

(a) The Chief of Naval Personnel may authorize or direct the separation of enlisted or inducted personnel prior to the expiration of their active obligated service dates for any one of the reasons listed in this section. The term "separation" as used in this section includes discharge or transfer to the Naval Reserve and concurrent release to inactive duty, or release to inactive duty in certain cases of Naval Reservists serving on active duty who have time remaining in service obligation or enlistment contract.

(1) General demobilization, reduction in authorized strength, or by an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a permanent appointment as officer in any branch of the armed services.

(3) To permit immediate reenlistment at the request of the individual prior to normal expiration of enlistment in accordance with instructions issued from time to time by the Chief of Naval Personnel.

(4) National health, safety or interest.

(5) Erroneous enlistment, reenlistment, extension or induction.

(6) Other good and sufficient reasons when determined by the Chief of Naval Personnel.

(b) Subject to the following instructions, the commanding officer shall, as appropriate, discharge or transfer for discharge for the convenience of the Government, an enlisted woman for any one of the following reasons: (The instructions contained in this paragraph should not be interpreted as precluding the commanding officer from forwarding any case to the Chief of Naval Personnel for decision should he consider such action appropriate. In the case of either parenthood or pregnancy of a married enlisted woman who has over 18 years of service but insufficient time for retirement the commanding officer will forward the case to the Chief of Naval Personnel for a decision.)



(1) Parenthood, when it is established that a woman is the parent, by birth or adoption, of a child under 18; has personal custody of a child under 18; is the stepparent of a child under 18 and the child resides within the household of the woman for a period of more than 30 days a year; or during her current enlistment or extension of enlistment, has given birth to a living child. In any case wherein a woman is the natural parent of a child born prior to her entry into the naval service and wherein all rights to custody and control of the child are asserted to have been lost through formal adoption proceedings prior to the woman's entry into the service, the commanding officer shall not effect discharge of the woman concerned without specific authorization of the Chief of Naval Personnel.

(2) Pregnancy, regardless of marital status, upon determination by a naval medical officer. The type of discharge shall be as warranted by her service record regardless of marital status. If pregnancy is terminated prior to separation, a full report of the circumstances shall be submitted to the Chief of Naval Personnel including whether or not the termination was a result of a spontaneous or therapeutic abortion or a still birth, or if there is evidence of nontherapeutic abortion, together with servicewoman's desires as to retention in the service and the Commanding Officer's recommendation thereon.

(3) Marriage, upon written request to the commanding officer provided she is not serving at a duty station which is sufficiently close to the location of her husband to permit the establishment of a joint household and further provided member meets all the conditions set forth below which are applicable in her case. (If two or more of the conditions apply, the period of time which results in retaining her to the latest date shall govern). In any case discharge will not be effected earlier than six months from the date of submission of written request therefor except that commanding officers may waive the six months' delay in discharge in those cases wherein a contact relief is not required or at such time as a relief becomes available.

(i) Must have served not less than 12 months subsequent to completion of recruit training and not less than 12 months at current duty station, or not less than 12 months at new duty station if separation requested after issuance of transfer orders.

(ii) If member attended a service school during her enlistment:

(*a*) If length of course was 24 weeks or less, must have served 18 months after completion of the course or disenrollment therefrom.

(*b*) If length of course was over 24 weeks, must have served 24 months after completion of the course or disenrollment therefrom.

Ensure that a copy of the member's request and information as to the command's action thereon is submitted to the Bureau of Naval Personnel (Pers B2122) and the cognizant personnel distributor in all cases. (Article A–4204 of the Bureau of Naval Personnel Manual contains instructions relative to recoupment of reenlistment bonus, if paid.)

(c) Attend college:

(1) Commanding officers are hereby authorized to separate or transfer for separation enlisted personnel for the purpose of commencing or resuming their college education provided eligibility is established in accordance with the following:

(i) The requested date of separation must be within 3 months of the individual's normal expiration of active-obligated service and, within this limitation, not earlier than 10 days prior to the date of registration as prescribed by the educational institution. (Normal expiration of active-obligated service is the date on which the individual would normally be eligible for release to inactive duty. It is not the "advanced" separation date established by any early separation program which may be in effect.)

(ii) The applicant must demonstrate an ability and willingness to make the required payment of an entrance fee, if required, provided he has not already done so. The applicant must also demonstrate that the specific school term for which he is seeking early release is academically the most opportune time for him to begin or resume his education; and that delay of enrollment until a date subsequent to normal separation date would handicap him in the pursuit of his education.

(iii) The applicant must obtain a statement from the educational institution which establishes:

(*a*) That the applicant has been accepted for enrollment without qualification for entrance in a specified school term. (A summer term may be used to fulfill this requirement.)

(*b*) That the applicant will be enrolled in a full-time course of instruction leading to a baccalaureate or higher degree. (Enrollment in an accredited Junior College may be used to fulfill this requirement.)

(*c*) The convening date of class for the specified school term.

(*d*) The registration dates for the specified school term.

(*e*) That the educational institution is currently listed in Part III of the Educational Directory published by U.S. Department of Health, Education and Welfare.

(iv) The applicant's performance of duty must have been such that he is deserving of consideration for early separation. Additionally, requirements for honorable discharge in article C–7821 (10) (b) of the Bureau of Naval Personnel Manual must be met.

(v) The loss occasioned by the early release of the applicant, without immediate replacement, will not reduce the operational readiness of the command to an unacceptable degree.

(vi) The commanding officer will assure, to his satisfaction, that early release is not being requested for the purpose of avoiding service.

(2) Exceptions: The Chief of Naval Personnel, as a policy, will not authorize the early separation of personnel who do not fully meet the requirements set forth in paragraph (c) (1) of this section. In no case will early release for educational purposes be authorized earlier than 3 months in advance of normal expiration of active-obligated service. While the Chief of Naval Personnel does not desire to prevent personnel who are not fully qualified under paragraph (c) (1) of this section above from applying for early release, such personnel should be carefully and completely informed of the Bureau's firm policy in this regard and discouraged from submitting an official request except for unusual reasons. However, if the individual concerned still wishes to submit a request for early release in accordance with article B–1105 of the Bureau of Naval Personnel Manual, the request should be forwarded to the Chief of Naval Personnel (Attn: Pers B222) with the information listed in paragraphs (c) (1) (i) to (iii) of this section. The commanding officer in his endorsement will comment on the factors listed in subdivisions (iv) to (vi) of paragraph (c) (1) of this section.

(3) Personnel not eligible for early release to attend college. Personnel in the following categories are not eligible for early release under the provisions of paragraph (c) (1) of this section.

(i) Aliens seeking to qualify for citizenship by completion of 3 years' active military service, since early release might jeopardize their expeditious naturalization.

(ii) Personnel who will have a reserve obligation remaining upon separation, as determined by article C–1402 of the BUPERS Manual, will not be separated until they have completed 21 months' active duty on their current term of active-obligated service.

(iii) Personnel who are ordered to 6 months' active duty for training.

(iv) Personnel whose services are essential to the mission of the command.

(d) Commanding officers shall discharge or transfer for discharge those non-petty officers serving in their first enlistment who have served continuously on active duty for more than 12 months and are considered to be a burden to the Command due to substandard performance or inability to adapt to military service provided (1) they have a tenth grade education or less or a GCT of 41 or less, (2) are not potential petty officer material, and (3) have average performance marks below the minimum required for honorable discharge and reenlistment.

(e) Full information regarding the reason for separation and a recommendation concerning reenlistment in accordance with article C–10103 of the Bureau of Naval Personnel Manual based upon enlisted performance evaluations (article C–7821 of the Bureau of Naval Personnel Manual and applicable Bureau directives) shall be entered on page 13 of the service record in connection with all cases within the purview of this section.

17. Section 730.7 is amended by revising paragraph (a) (2) to read as follows:

**§ 730.7 Discharge of enlisted personnel for own convenience and furlough without pay.**

(a) • • •

(2) Returning to school, except as provided in § 730.6(c).

• • • • •

18. Section 730.8 is amended by revising paragraphs (b) to (e) to read as follows:

**§ 730.8 Discharge or release to inactive duty for reasons of dependency and hardship.**

• • • • •

(b) Enlisted personnel who desire to request discharge or release to inactive duty, as appropriate, for dependency or hardship reasons shall be informed of the proper procedure to follow. It should be clearly explained to each applicant that a request shall be submitted via official channels and that submission of a request is no assurance that discharge or release to inactive duty will be authorized. While each request received is carefully and sympathetically considered, final decision is based upon its individual merits.

(c) Policies governing discharge or release to inactive duty on account of dependency or hardship—

(1) Dependency or hardship discharges, or releases to inactive duty, will not be authorized solely for financial or business reasons; for indebtedness; for personal convenience; when an individual is under charges or in confinement; or because of the member's physical or mental condition.

(2) Discharges or releases to inactive duty will not be disapproved under the provisions of this section solely because an individual's services are needed in his assigned duties, or because he is indebted to the Government or to an individual.

(3) The Chief of Naval Personnel may direct discharge or release to inactive duty when it is considered that undue and genuine hardship exists, that the hardship is not of a temporary nature, that the conditions have arisen or have been aggravated to an excessive degree since entry into the service, and the member has made every reasonable effort by means of application for basic allowance for quarters and voluntary contributions which have proven inadequate; that the discharge or release of the individual will result in the elimination of, or will materially alleviate, the condition and that there are no means of alleviation readily available other than by such discharge or release. Examples of meritorious cases are those in which the evidence shows that, either as a result of the death or disability of a member of an enlisted person's family, the separation of the person concerned is necessary for the support or care of a member or members of the family; or that the individual or the family is undergoing hardships more severe than normally encountered by dependents of families of members of the naval service. Undue hardship does not necessarily exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service. Pregnancy of an enlisted man's wife is not in itself a circumstance for which separation will be authorized.

(d) A written application for discharge or release to inactive duty for dependency or hardship shall be forwarded to the Chief of Naval Personnel via the enlisted person's commanding officer. In unusual circumstances, personnel in an authorized leave status may submit requests for dependency or hardship discharge to the Chief of Naval Personnel. To facilitate and expedite the request and to ensure that it is properly prepared in accordance with existing instructions, it should be prepared by and submitted via the nearest naval activity. The anticipated date of the individual's departure from the leave address must be included in the request. All requests must be accompanied by affidavits substantiating the dependency or hardship claim. Where practicable, one affidavit should be from the dependent concerned. The request should contain the following additional information:

(1) Reason in full for request.

(2) Complete home address of dependent and applicant.

(3) Names and addresses of persons familiar with the situation.

(4) Statement as to marital status and date of marriage.

(5) Financial statement: Complete itemized budget for serviceman and/or dependent family members, including rent, food, clothing, utilities, fuel, medical expenses, and other regular expenses; list of existing debts, including names of creditors, original amount of debt, amount of debt remaining to be paid, amount of monthly payments, date debt contracted and purpose; specific amounts and modes of contributions of serviceman to dependents.

(6) Names, ages, occupations, and monthly incomes of members of the individual's family, if any, and the reasons why these members cannot contribute to the necessary care or support of the individual's family. If dependency is the result of death of a member of the enlisted person's family occurring after entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the enlisted person's family occurring after entrance into the service, a physician's certificate should be furnished showing specifically when such disability occurred, diagnosis, duration of hospitalization and/or convalescence.

(7) Other income of dependent family members such as from pensions, insurance, Veterans Administration compensation, rental or sale of real estate, interest on bank deposits or funds invested, fees, alimony, or moneys received of any description whatsoever, whether regular or occasional, or social security benefits.

(8) Documentary evidence if the request is based solely on marital difficulties, i.e., divorce, separation, desertion of wife, or where the serviceman or persons other than the legal spouse have been awarded custody of minor children.

(e) Before forwarding the request the commanding officer shall interview the enlisted person concerned in order to elicit any further information and to insure that the required information is supplied. The forwarding endorsement shall include:

(1) A definite recommendation for approval or disapproval of the request.

(2) A statement regarding the status of any disciplinary action pending with recommended action.

(3) An itemization of all sources of income, including type family separation allowance, if any, as determined from individual's pay record.

(4) An itemization of pay record deductions, including allotments, the amount, to whom registered and effective date.

The Commanding Officer's recommendation on an individual's request for hardship discharge should be confined to the above areas. In no case should this endorsement include a recommendation for a substitute type of discharge, i.e., general, undesirable, etc. A hardship discharge is intended to be used as an instrument to alleviate personal hardships encountered by enlisted personnel when such discharge is the only solution. It is not intended to be used as a means to rid the service of undesirables, misfits or persons considered unsuitable for continuation in the naval service.

• • • • •

19. Section 730.10 is revised to read as follows:

**§ 730.10 Discharge of enlisted personnel by reason of unsuitability.**

(a) Enlisted personnel may be separated, by reason of unsuitability, with an honorable or general discharge as warranted by their military record. A discharge by reason of unsuitability, regardless of the attendant circumstances, will be effected only when directed by or authorized by the Chief of Naval Personnel.

(b) An enlisted person may be discharged by reason of unsuitability because of:

(1) Inaptitude: Applicable to those persons who are best described as inapt due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn.

(2) Character and behavior disorders: Duly diagnosed character and behavior disorders, disorders of intelligence, and transient personality disorders due to acute or special stress, as listed in "Department of Defense Disease and Injury Codes" (NAVMED P–5082).

(3) Apathy, defective attitudes and inability to expend effort constructively: A significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

(4) Homosexual tendencies: When there is also evidence of involvement in homosexual acts in the current enlistment, processing must be in accordance with Secretary of the Navy Instruction 1900.9 or revision and § 730.12. Likewise, if there is evidence of homosexual acts prior to enlistment or during a previous enlistment and homosexual tendencies were denied on SF 89, processing in accordance with § 730.13 for fraudulent enlistment should be considered.

(5) Enuresis.

(6) Alcoholism: Chronic, or addiction to alcohol.

(7) Other good and sufficient reasons, as determined by the Chief of Naval Personnel.

(c) Prior to processing an individual under this section, review §§ 730.12 and 730.13 to insure that processing under one of those sections is not more appropriate. In this regard, chronic military misbehavior or serious involvement with civilian authorities should not be used as the basis for unsuitability processing unless there is accompanying evidence of a psychiatric disorder which significantly contributed to the misbehavior. Military misbehavior and involvement with civilian police subject the respondent to the possibility of undesirable discharge and, therefore should normally be processed under the provisions of § 730.12 or § 730.13 as appropriate.

(d) In each case processed in accordance with this section, the enlisted person shall be informed in writing of the reason(s) he is being considered for discharge and shall be afforded an opportunity to make a statement in his own behalf. In the event a statement cannot be obtained, a page 13 entry of explanation shall be made and a copy of the page 13 forwarded as an enclosure to the letter of transmittal.

(e) Recommendations for discharge by reason of unsuitability shall include the following:

(1) A letter of transmittal prepared in the format given in paragraph (g) of this section.

(2) The respondent's signed statement of awareness and his statement in his own behalf, or statement that he does not desire to make a statement in his own behalf.

(3) Psychiatric or medical evaluation as appropriate.

(4) Copy of page 9 of the service record.

(5) Comment and recommendation of the commanding officer.

(f) Enlisted personnel serving on board ships, overseas stations, and continental U.S. activities lacking separation facilities who are recommended for discharge in accordance with paragraph (b)(2), (4) or (5) of this section, whose immediate transfer is clearly indicated in the best interest of the man concerned, may be transferred to the nearest separation activity to await instructions from the Chief of Naval Personnel. The transfer orders and records must accurately reflect the person's status and reason for transfer in order to ensure that the individual is held pending receipt of the instructions from the Chief of Naval Personnel. In this connection, forward a copy of the letter of transmittal to the separation activity under a separate letter. All other personnel recommended for discharge in accordance with this section shall be retained on board pending receipt of instructions from the Chief of Naval Personnel.

(g) Format of letter of transmittal:

January 15, 1963

From: Commanding Officer, U.S.S. EVERSAIL (DD–00).

To: Chief of Naval Personnel.

Subj: DOE, John Robert, 123 45 67, SN, USN; Recommendation for discharge by reason of unsuitability.

Encl: (1) Statement of DOE; (2) Copy of page 9; (3) Psychiatric evaluation.

1. The following information is submitted in the case of subject man:

a. *Basic record data.*

Date of current enlistment: Nov. 15, 1961 for four years. EAOS: Nov. 16, 1965.

Marital Status: Single. Dependents: 0. Months on Board: 12. Age: 22. GCT: 45. Years education: 12. Total Service: (Active) 1 yr. 2 mos (Inactive) 0.

b. *Diagnosis.* Emotional instability reaction (3210).

c. Military Offenses: Feb. 15, 1962. NJP Page 13–(3)—UA 2 days—2 wks. restr.

d. *Comment and Recommendation of Commanding Officer.* It is recommended that DOE be separated from the naval service by reason of unsuitability. Because of his personality disorder, further retention in the service would not be in the best interest of DOE or the naval service.

A. B. SEE,
*Commander, USN.*

20. Section 730.12 is revised to read as follows:

**§ 730.12 Discharge of enlisted personnel by reason of unfitness.**

(a) Enlisted personnel may be separated by reason of unfitness with an undesirable discharge, or with a higher type discharge when it is warranted by the particular circumstances in a given case. A discharge by reason of unfitness, regardless of the attendant circumstances, will be effected only when directed by or authorized by the Chief of Naval Personnel. The provisions of this section are not to be used as a substitute for action under the Uniform Code of Military Justice. Therefore, discharge by reason of unfitness will not be issued in lieu of disciplinary action, except upon the determination by the Chief of Naval Personnel that the interests of the service as well as the individual will best be served by administrative discharge. Accordingly, discharge by reason of unfitness normally will not be recommended in lieu of disciplinary action. Also, where there is a suspended punitive discharge pending, an administrative discharge normally will not be recommended under this section.

(b) An enlisted person may be recommended for discharge by reason of unfitness to free the service of persons whose military record is characterized by one or more of the following:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) Sexual perversion including but not limited to (i) lewd and lascivious acts, (ii) homosexual acts, (iii) sodomy, (iv) indecent exposure, (v) indecent acts with or assault upon a child under age 16, or (vi) other indecent acts or offenses. (Secretary of the Navy Instruction 1900.9 or revision sets forth controlling policy and additional action required in homosexual cases).

(3) Drug addiction or the unauthorized use or possession of habit-forming narcotic drugs or marijuana.

(4) An established pattern of shirking.

(5) An established pattern showing dishonorable failure to pay just debts.

(6) Other good and sufficient reasons, as determined by the Chief of Naval Personnel.

(c) In each case processed in accordance with this section, the individual is subject to an undesirable discharge. If his whereabouts is known, he must be informed in writing as to the circumstances which are the basis for the contemplated action and must be afforded in writing an opportunity to request or waive in writing any or all of the following privileges: (If held by the civil authorities or not on active duty, this may be accomplished by mail).

(1) To have his case heard by a board of not less than three officers.

(2) To appear in person before such board (unless in civil confinement or otherwise unavailable).

(3) To be represented by counsel who, if reasonably available, should be a lawyer.

(4) To submit statements in his own behalf.

If the individual requests that his case be heard by a field board of officers, the commanding officer shall convene an administrative board in accordance with § 730.15. The recorder for the field board shall be furnished a brief of the case completed to the extent possible and the service record of the individual concerned. In the event attempts to obtain a request for or waiver of privileges fail, make a page 13 entry of explanation and forward a copy of the page 13 along with the other processing papers to the Chief of Naval Personnel.

(d) Enlisted personnel, except those processed under paragraph (b)(2) or (3) of this section, shall be retained on board pending receipt of instructions from the Chief of Naval Personnel. Enlisted personnel serving on board ships, overseas stations, and continental U.S. activities lacking separation facilities, who are recommended for discharge in accordance with paragraph (b)(2) or (3) of this section, may be transferred to the nearest separation activity to await instructions from the Chief of Naval Personnel. The transfer orders and records must accurately reflect the person's status and reason for transfer in order to ensure that the individual is held pending receipt of the instructions from the Chief of Naval Personnel. In this connection, forward a copy of the letter of transmittal (less the field board proceedings) to the separation activity under a separate letter.

(e) A letter of transmittal shall be prepared in the format given in paragraph (f) of this section and shall contain the following information:

(1) *Principal reason for processing.* Indicate reason as given in paragraph (b) of this section, such as repeated military offenses, indebtedness, homosexual involvement, etc.

(2) *Summary of military offenses.* List in chronological order all disciplinary action during current enlistment. Include service record entry page numbers, date of nonjudicial punishment or court-martial by type, description of offense(s), nonjudicial punishment or sentence as approved and approval date, and all violations of brig or disciplinary command regulations during current confinement with action taken thereon.

(3) *Unclean habits, if any.* Substantiate all unclean habits including the occurrence of repeated venereal disease infections during the current enlistment. When reporting venereal diseases, indicate the date of each admission and nature of the infection.

(4) *Civil convictions, if any, on the basis of information contained in the service record or otherwise readily available.* List date and court in which convicted, offense, and sentence awarded.

(5) *Remarks.* Include location of the individual and his records, any disciplinary action pending, identification of any other military personnel involved and action taken or contemplated in regard thereto, and other information pertinent to the case.

(6) *Findings and recommendation of field board, if held.*

(7) *Comment and recommendation of the Commanding Officer.* (If discharge is recommended, include type and reason.)

(8) *Enclosures.* (i) Request for or waiver of privileges. Must include the following signed statement:

I understand that I am being considered for an administrative discharge because of (one or more of the reasons listed in this section) and that I am subject to and may be separated with an undesirable discharge. I understand that an undesirable discharge is under other than honorable conditions and may deprive me of virtually all veteran's benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. I understand that I may request or waive the privileges listed below. Understanding all of the foregoing, I desire to avail myself of the privileges I have checked below:

- ☐ None of the privileges.
- ☐ To have my case heard by a board of not less than three officers.
- ☐ To appear in person before such board (unless in civil confinement or otherwise unavailable).
- ☐ To be represented by counsel who, if reasonably available, should be a lawyer.
- ☐ To submit statements in my own behalf.

(ii) Copy of page 9 of the service record.

(iii) Statements of subject, if made.

(iv) Proceedings of field board, if held.

(v) Other available documents such as psychiatric or medical evaluation, police reports, etc. If being processed as result of indebtedness, include financial statement as required by article C–11104A of the Bureau of Naval Personnel Manual.

(f) Format of letter of transmittal:

January 15, 1963

From: Commanding Officer, U.S.S. "Eversail" (DD–00).

To: Chief of Naval Personnel.

Subj: DOE, John Robert, 123 45 67, SN, USN; Recommendation for discharge by reason of unfitness.

Encl: (1) Subject's request for privileges; (2) Page 9 (copy of); (3) Statement of subject; (4) Proceedings of field board, if held; (5) Other exhibits.

1. The following information is submitted in the case of subject man:

a. *Primary reason for processing.* (Repeated military offenses, indebtedness, homosexual involvement, etc.)

b. *Basic record data.*

Date of current enlistment: November 15, 1960 for four years. EAOS: February 6, 1965. Marital status: Single. Dependents: 0. Months on board: 12. Age: 22. GCT: 45. Years of education: 12. Total service (Active) 2 yrs 2 mos. (Inactive) 0.

c. Military offenses:

February 15, 1961 NJP; Pg 13–(3); UA 2 days—2 wks. restr.

April 11, 1961 NJP; Pg 13 –(5); UA 1 day—1 wk. extra duty.

August 5, 1961 NJP; Pg 13–(7); Failed to obey lawful order—2 wks. extra duty.

May 1, 1962 SPCM; Pg 6–(1); UA 15 days—15 days conf. approved.

October 1, 1962 SPCM; Pg 6–(2); UA 20 days—1 month conf. forf. $30.00 a month for 1 mo. approved.

January 5, 1963 NJP; Pg 13–(9); UA 5 hrs.—1 wk. restr.

d. *Other involvements.*

September 12, 1961—Convicted by civil authorities of drunkenness and fined $5.00.

December 5, 1962—Contracted VD infection.

e. *Remarks.* DOE retained on board to await action by Chief of Naval Personnel. (In accordance with authority contained in § 730.12(d), DOE being transferred on January 20, 1963 to RecSta, T. I., to await action by CNP.) Other naval personnel involved: SMITH, T. H., 645 32 21, TN, USN. Commanding Officer, U.S.S. "Lexington" has been notified.

f. *Findings, recommendation, and opinion of Board.* Had frequent involvement of a discreditable nature with military authorities. Discharge under other than honorable conditions (discharge under honorable conditions, retain, etc.).

g. *Comment and recommendation of Commanding Officer.* Concur in recommendation and opinion of field board. Recommend undesirable discharge by reason of unfitness (or other appropriate recommendation).

A. B. SEE,
*Commander, USN.*

21. Section 730.13 is revised to read as follows:

**§ 730.13 Discharge of enlisted personnel by reason of misconduct.**

(a) Enlisted personnel may be separated by reason of misconduct with an undesirable discharge, or with a higher type discharge when it is warranted by the particular circumstances in a given case. A discharge by reason of misconduct, regardless of the attendant circumstances, will be effected only when directed by or authorized by the Chief of Naval Personnel.

(b) Processing in accordance with this section is mandatory in any of the following cases:

(1) Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice (10 U.S.C. 801–940) is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishment authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

(2) Procurement of a fraudulent enlistment, induction, or period of obligated service through any deliberate material misrepresentation or concealment which, except for such misrepresentation or concealment, may have resulted in rejection. The enlistment of a minor with false representation as to age or without proper consent will not in itself be considered as a fraudulent enlistment.

(3) Prolonged unauthorized absence. When unauthorized continuous absence of 1 year or more has been established but punitive discharge has not been authorized by competent authority.

(c) In each case processed in accordance with this section, the individual is subject to an undesirable discharge. If his whereabouts is known, he must be informed in writing as to the circumstances which are the basis for the contemplated action and must be afforded in writing an opportunity to request or waive, in writing, any or all of the following privileges: (If held by civil authorities or not on active duty this may be accomplished by mail.)

(1) To have his case heard by a board of not less than three officers.

(2) To appear in person before such board (unless in civil confinement or otherwise unavailable).

(3) To be represented by counsel who, if reasonably available, should be a lawyer.

(4) To submit statements in his own behalf.

If the individual requests that his case be heard by a field board of officers, the commanding officer shall convene an administrative board in accordance with § 730.15. The recorder for the field board shall be furnished a brief of the case completed to the extent possible and the service record of the individual concerned. In the event attempts to obtain a request for or waiver of privileges fail, make a page 13 entry of explanation and forward a copy of the page 13 along with the other processing papers to the Chief of Naval Personnel.

(d) Personnel processed in accordance with this section normally shall be retained on board pending instructions from the Chief of Naval Personnel. However, if the particular circumstances clearly indicate that the individual should be transferred, a request for transfer, indicating the reason therefor, may be submitted to the Chief of Naval Personnel.

(e) A letter of transmittal shall be prepared in the format given in paragraph (f) of this section and shall contain the following information:

(1) Circumstances of offense(s): Include a brief resume of the circumstances surrounding the offense (must include sufficient detail to clarify reasons for initial arrest).

(2) Action of civil authorities: Include citation of any civil statute(s) violated, charge on which tried and convicted, court in which convicted, sentence of court, and maximum punishment which could have been imposed for such a conviction under the UCMJ, D.C. Code, or U.S. Code as applicable.

(3) Previous civil convictions, if any, on the basis of information contained in the service record or otherwise readily available: List date and court in which convicted, offense, and sentence awarded.

(4) Summary of military offenses, if any: List in chronological order all disciplinary action during current enlistment. Include service record entry page numbers, date of nonjudicial punishment or court-martial by type, description of offense(s), nonjudicial punishment or sentence as approved and date of approval, and all violations of brig or disciplinary command regulations during the current confinement, with action taken thereon.

(5) Remarks: Include location of the individual and his records, any unauthorized absence involved, and disciplinary action taken or pending, identification of any other military personnel involved in the case and action taken or contemplated in regard thereto, and other information pertinent to the case.

(6) Findings and recommendation of field board, if held.

(f) Format of letter of transmittal:

January 15, 1963

From: Commanding Officer, U.S.S. EVERSAIL (DD–00).

To: Chief of Naval Personnel.

Subj: DOE, John Robert, 123 45 67, SN, USN; Recommendation for discharge by reason of misconduct.

Encl: (1) Subject's request for privileges; (2) Arrest report; (3) Page 9 (copy of); (4) Statement of subject; (5) Proceedings of field board, if held; (6) Other exhibits.

1. The following information is submitted in the case of subject man:

a. *Primary reason for processing.* (Civil conviction, fraudulent enlistment, or prolonged unauthorized absence).

b. *Basic record data.*

Date of current enlistment: November 15, 1960 for four years. EAOS: Undetermined. Marital status: Single. Dependents: 0. Months on board: 12. Age: 22. GCT: 45. Years education: 12. Total service (Active) 2 yrs. 2 mos. (Inactive) 0.

(Active) (Inactive)

c. *Circumstances of offense(s) in detail.* While on authorized leave on 1/1/63, arrested by the civil authorities of Colorado Springs, Colorado, on the charge of auto theft.

d. *Action of civil authorities.* Tried on 1/5/63 at Colorado Springs, Colorado, for violation of Title 29, Chapter 133.24 (Car theft) and convicted. Received an indeterminate term up to five years confinement. Presently serving his sentence at the Colorado State Prison, Canon City, Colorado. Maximum penalty—Article 121, UCMJ, 5 years.

e. *Summary of Military Offense(s).* 4/11/61; NJP; Pg 13–(5); UA 1 day—1 wk. extra duty.

f. *Remarks.* Records and effects located at this command. Other personnel involved: SMITH, T. H., 645 32 21, TN, USN. Commanding Officer, U.S.S. LEXINGTON, has been notified.

g. *Findings, recommendation and opinion of Board.* Convicted as indicated above. Discharge under other than honorable conditions (discharge under honorable conditions, retain, etc.).

h. *Comment and recommendation of Commanding Officer.* Concur in recommendation and opinion of field board. Recommend undesirable discharge by reason of misconduct (or other appropriate recommendation).

A. B. SEE,
*Commander, USN.*

(7) Comment and recommendation of the Commanding Officer: (If discharge is recommended, include type and reason.)

(8) Enclosures:

(i) Request for or waiver of privileges. Must include the following signed statement:

I understand that I am being considered for an administrative discharge because of (one of the reasons listed in § 730.13) and that I am subject to and may be separated with an undesirable discharge. I understand that an undesirable discharge is under other than honorable conditions and may deprive me of virtually all veteran's benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. I understand that I may request or waive the privileges listed below. Understanding all of the foregoing, I desire to avail myself of the privileges I have checked below.

- ☐ None of the privileges.
- ☐ To have my case heard by a board of not less than three officers.
- ☐ To appear in person before such board (unless in civil confinement or otherwise unavailable).
- ☐ To be represented by counsel who, if reasonably available, should be a lawyer.
- ☐ To submit statements in my own behalf.

ii. Statement of witnesses, arrest reports, copies of court records, probation orders, or any other pertinent documents.

iii. Copy of page 9 of the service record.

iv. Statements of subject, if made.

v. Proceedings of field board, if held.

vi. Other pertinent exhibits.

**§ 730.14 [Deleted]**

22. Section 730.14 is deleted.

23. Section 730.15 is revised to read as follows:

**§ 730.15 Field board of officers.**

(a) *Appointment and composition.* When a field board hearing is to be held, the commanding officer shall appoint a board of not less than three commissioned officers in an active duty status to consider the case. The board may be composed of Regular or Reserve Navy or Marine Corps officers, or a combination thereof. If the individual under consideration (hereinafter called respondent) is a woman, the board must include a woman officer. The commanding officer shall also appoint as recorder an officer in an active duty status. The senior member of the board presides at the hearing and is responsible for its proper conduct. Prior to the hearing, the senior member shall ensure that all members of the board are familiar with the provisions of pertinent sections of this part.

(1) *Reserve membership.* If the respondent is a Reservist the membership of the board shall, if available, include a majority of Reserve officers. In any instance where a majority of Reserve officers is not available, the board will include not less than one Reserve officer among its members.

(2) *Counsel for the respondent.* If the respondent requests in writing that he be represented by counsel but does not specify a particular person, the commanding officer shall appoint an officer he considers qualified to act as counsel for the respondent. When practicable, a person selected by the respondent will be appointed as his counsel. The respondent may retain civilian counsel at his own expense, and any previously appointed counsel may accordingly be excused. The hearing should not be unduly delayed to permit attendance by counsel. If undue delay appears likely, other counsel who is immediately available should be selected or appointed.

(3) *Recorder.* The recorder is responsible for the clerical and preliminary work of the hearing, but is not a member of the board. He conducts a preliminary review of available evidence and prior to the hearing interviews prospective witnesses after warning them of their rights under article 31, UCMJ, where appropriate. After consultation with the commanding officer and the senior member, he notifies the members, respondent, and counsel as to the time, date, and place of the hearing. Subject to the provisions of paragraph (2) of this section, the recorder arranges for the attendance at the hearing of the respondent, all witnesses for the government, and military witnesses for the respondent. He verifies the information contained in the brief concerning the respondent and assembles pertinent directives, regulations and records for use by the board. At the hearing he presents the case against the respondent. He is responsible for preparing the report of the hearing.

(4) *Reporter.* Although a summary of testimony will normally suffice, the recorder or senior member may request a reporter for the purpose of making a verbatim record of the testimony if it appears that a substantial number of witnesses will testify, that the testimony will be lengthy, or that other good reason exists for making a verbatim record.

(b) *Obtaining witnesses.* No authority exists for the issuance of subpoenas in connection with these hearings. Appearance as witnesses of civilians including members of the Armed Forces on inactive duty may be arranged for on a voluntary basis. Appropriations are not available to pay witnesses' fees or

reimbursement for travel and other expenses of such persons and this fact shall be made known to them if and when they are invited to appear and testify at the hearing. Attendance at the hearing of military personnel on active duty who are in the local area shall be arranged for by the recorder if reasonably available. Testimony of active duty military personnel not in the immediate area, if needed, should be obtained and presented in the form of written statements.

(c) *ONI reports.* If an ONI report is involved which cannot be made available to the respondent and his counsel, the commanding officer should request the District or Area Intelligence Officer to furnish a resume of the report which may be made available to the respondent and his counsel in accordance with current ONI instructions. The resume but not the ONI report may be considered by the field board. The purpose of this provision is to ensure that the field board considers only matters which are also available to the respondent and his counsel.

(d) *General procedural instructions.* The proceedings of boards of officers under the provisions of this section need not conform to provisions of the Manual for Courts Martial United States, or of the JAG Manual. Such provisions may, however, be followed in specific cases and, if followed, will satisfy the requirement of this section. Whenever applicable, article 31 of the Uniform Code of Military Justice (10 U.S.C. 831) is to be complied with. Attention is directed to the fact that (1) Military personnel on active duty may not be compelled to testify or produce evidence that will incriminate them, nor may they be required to answer questions not material to the issue which might tend to degrade them and (2) Civilians, including members of the Armed Forces on inactive duty, may not be compelled to testify or produce evidence at the hearing. The board should consider any matter presented which is relevant to the issue whether written or oral, sworn or unsworn. Real evidence as distinct from testimonial evidence may be exhibited to the board and should be accurately described or reproduced for the record. The board may refuse to consider or to consider further any oral or written matter presented if it is irrelevant, immaterial, or unnecessarily repetitive and cumulative, but no such matter should be rejected or withheld from consideration on the ground that it would be incompetent for presentation to a court of law. The board will rely on its own judgment and experience in determining the weight and credibility to be given material received in evidence. Board proceedings under this section should not be in the nature of a formal fact-finding tribunal, or judicial trial, but should be formalized to the extent of assuring full opportunity for presentation of the respondent's case. If an objection is made at any stage during the proceedings the senior member will ensure that the objection and the basis therefor are noted in the record but should not make a formal ruling thereon. Any member of the board may be challenged but only on grounds which show that the member cannot render a fair and impartial decision. The challenged member may be examined by the respondent, his counsel, and other members of the board. The commanding officer, upon being informed of the circumstances of the challenge and the recommendation of the other members, may appoint a substitute for the challenged member if he deems such action appropriate.

(e) *Conduct of hearing.* (1) The senior member, upon calling the meeting to order, should direct the recorder to make a record as to the time, date, and place of the hearing, the identity and presence of the appointed members of the board and of the recorder, the respondent, his counsel, and any witnesses. The senior member should then commence the hearing by explaining in substance that:

(i) The board has been convened for the purpose of considering the pertinent facts relating to the case of (name, service number, rate, and class), who it is alleged (state the specific allegations against the respondent). The board will make findings of fact, a recommendation as to the disposition to be made in this case, and will render an opinion as to character of separation to be given if separation is recommended by the board.

(ii) The proceedings are administrative in nature, and the board is not bound by formal rules of evidence.

(iii) The respondent has the right to present evidence, to cross-examine all witnesses who appear at the hearing and to hear all evidence against him. (If evidence is classified observe the provisions of Department of the Navy Security Manual for Classified Information.)

(iv) The respondent has the right to submit an oral or written statement in his own behalf.

(v) The respondent may testify in his own behalf or remain silent, and, if he testifies he may be examined on his testimony and on the question of his general credibility.

(vi) There is no right of peremptory challenge, but a member may be challenged for cause.

(vii) Objections will be heard and noted, but there should be no formal ruling thereon.

(2) After the preliminary procedures have been completed, the recorder will present the case against the respondent who will be afforded the opportunity for rebuttal and for presentation of evidence. The general procedural instruction stated in paragraph (d) of this section will be followed. Witnesses will be excluded except while testifying. Before testifying, each witness and the respondent will be asked whether or not he elects to give his testimony under oath or affirmation. After all evidence is in and questioning and oral argument, if any, are complete the hearing will be closed.

(f) *Report of board.* The board will make and render its findings, recommendation, and opinion in closed session. The report of the field board of officers shall be completed, using the form set forth in paragraph (h) of this section as a guide, and shall be signed by all members. The dissent of any member will be duly recorded therein. Where a verbatim record has been made, only so much of the verbatim oral testimony as bears upon the critical situations of the case should be incorporated into the record of proceedings. The remainder may be summarized. Written testimony and statements which have been furnished the board shall be attached to the record as exhibits. The complete record will be authenticated by the senior member or by another member if he is not immediately available. Upon request the respondent will be provided with a copy of the record of proceedings with all exhibits, but he will not be furnished a copy of the report of the board or brief accompanying the case.

(g) *Review and forwarding of reports.* After reviewing the record of the hearing and the report of the board, the commanding officer shall note on the report his concurrence or nonconcurrence in the findings, recommendation, and opinion of the board and enter any additional comment deemed appropriate. If the commanding officer determines that the respondent should be retained in the service, he may close the case except where sexual perversion or drug addiction within the purview of § 730.12 or any case within the purview of § 730.13 is an issue. Cases in which sexual perversion or drug addiction or misconduct within the purview of the aforesaid sections is an issue must be forwarded to the Chief of Naval Personnel for final action.

(h) *Format of report of field board of officers.*

REPORT OF FIELD BOARD OF OFFICERS IN THE CASE OF

Name, DOE, John Robert; Service number, 123 45 67; Rate, SN; Class, USN.

Findings of the Board: The respondent (has) (is)

(Use one or more of the following as appropriate):

a. Had frequent involvement of a discreditable nature with civil or military authorities.

b. Chronic alcoholism or addicted to alcohol.*

c. Without authority (used) (possessed) habit forming narcotic drugs or marijuana.

d. A sexual pervert.

e. Committed homosexual acts in current enlistment.

f. Homosexual tendencies.*

g. Committed homosexual acts not in current enlistment.

h. An established pattern showing dishonorable failure to pay just debts.

i. An established pattern of shirking.

j. Been convicted of a civil offense within the purview of § 730.13.

k. Prolonged unauthorized absence within the purview of § 730.13.

l. Perpetrated a fraudulent (enlistment) (induction).

m. Other (explain).

Board Recommendation: ☐ Discharge ☐ Retain ☐ Release to inactive duty.

Opinion of Board as to character of separation: ☐ Honorable ☐ Under honorable conditions ☐ Under conditions other than honorable.

* If discharge is recommended under this finding it should be for unsuitability rather than unfitness or misconduct and the provisions of § 730.10 must be complied with.

Signature of Board Members: (include name, grade, and component).

Dissent: (Reasons).

(Signature—Include name, grade, and component)

Findings, Recommendation and Opinion of Majority ☐ Concurrence ☐ Nonconcurrence

(Comment, if any)

(Commanding officer—include name, grade, and component)

(i) *Board of officers convened by the Chief of Naval Personnel.* There is established in the Bureau of Naval Personnel an Enlisted Performance Evaluation Board composed of not less than three officers which considers cases referred to it, including performance cases submitted under § 730.12 or § 730.13. The Board will examine all evidence submitted and will make recommendation to the Chief of Naval Personnel as to final disposition. The Board will consider each case on its individual merits. All matters of record, including such variables as the person's military record, civil record, age, GCT/AFQT, education, length of service, performance marks, psychiatric and medical determinations, duty stations, nature of offense and actions taken thereon, length of time since commission of last offense, individual's statement, the field board action (when applicable), commanding officer's comments and recommendations, and other pertinent factors are carefully considered, evaluated, and correlated in arriving at a decision.

(j) *Action by the Chief of Naval Personnel.* Final disposition of performance cases acted upon under the provisions of this section will be directed by the Chief of Naval Personnel. Disposition of each case will be based upon the recommendation of the Commanding Officer, field board of officers, and the Enlisted Performance Evaluation Board together with policy or legal considerations.

(2) The final action approved by the Chief of Naval Personnel in an individual case will not, as a matter of policy and/or law, include a discharge under other than honorable conditions unless such action is proposed by the Enlisted Performance Evaluation Board. If the final action approved is less favorable to the individual than that proposed by the field board, the Chief of Naval Personnel will generally afford the individual an opportunity to make representations in an effort to show cause why the less favorable action should not be taken. If the less favorable action is an undesirable discharge and the individual so requests in writing to his commanding officer, he will be offered an opportunity to appear in person, with or without counsel, before the Enlisted Performance Evaluation Board. Instructions incident to such appearance will be included in the letter directing discharge. Personal appearance before the Board will not be authorized in the cases of personnel in civil confinement or otherwise not available.

(3) When considered appropriate, the Chief of Naval Personnel will authorize or direct that the individual be retained in the service in a probationary status. In such a case, the action of the Chief of Naval Personnel will include instructions concerning the terms of the probation and will specify the type of discharge which is to be executed without reference to the Bureau of Naval Personnel in the event the individual does not fulfill the terms of his probation. A discharge other than the type specified will not be given the probationer unless his case is reproceased under the provisions of this section which govern discharge by reason of unsuitability, unfitness, or misconduct, as applicable, and such discharge is directed by the Chief of Naval Personnel.



24. Section 730.16 is revised to read as follows:

**§ 730.16 General provisions and restrictions relating to enlisted separations.**

(a) *Effective time of discharge.* Subject to any law providing otherwise, the discharge of an enlisted person on active duty, regardless of the reason for separation, takes effect upon delivery of the discharge certificate. In the case of a person discharged while absent without authority or in civil confinement, constructive delivery of the discharge certificate is accomplished at the time it is signed by proper authority. If a discharge is effected as a result of a person's immediate entry in the same or any other component of the Armed Forces in the same or any other status, the discharge will, for administrative purposes, be dated as of the date preceding such entry or re-entry.

(b) *Effective time of release to inactive duty.* Subject to any law providing otherwise, the release to inactive duty of a Reservist who was called to active duty as a Reservist takes effect at the actual time of his arrival home or at the expiration of his authorized travel time, whichever is earlier. The release to inactive duty of members of the Regular Navy transferred to the Naval Reserve and concurrently released to inactive duty takes effect upon delivery of the separation documents.

NOTE: When a discharged member is seriously injured while returning home and is taken to a Navy hospital, he may be eligible for hospitalization and other benefits from the Veterans Administration and should be advised to file an appropriate claim with that agency.

(c) *Civilian clothing.* An enlisted member who is discharged by reason of unsuitability, security, unfitness, or misconduct with an honorable or general discharge or who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge shall surrender the outer garments and distinctive parts of the uniform which are in the member's possession at time of discharge. When the items of clothing authorized to be retained by the dischargee are insufficient to provide the dischargee with one outfit of civilian clothing suitable for wearing home, necessary items of civilian clothing may be issued at no cost to the dischargee to augment the retained clothing. These clothes shall be furnished without regard to the state of member's accounts or amount of personal funds in the member's possession. However, no extra items of clothing such as a spare shirt or socks and no accessories such as an umbrella or luggage may be issued to the dischargee. The items procured for issuance must be moderately priced but need not be the lowest quality available. Members transferred prior to the actual execution of the discharge shall take all their uniforms with them to the place to which transferred. Issuance of the outfit of civilian clothing under this paragraph is subject to the following exceptions:

(1) The clothing may be issued to a person discharged in absentia pursuant to article C–10201 (6) of the Bureau of Naval Personnel Manual only if he requests the clothing, and all conditions set forth in the first two sentences of this paragraph are met.

(2) The clothing is not to be issued to a person who is discharged while on leave granted in accordance with current instructions (see Secretary of the Navy Instruction 1050.3 (§ 719.206 of this chapter) or revisions thereof) to await completion of appellate review of a court-martial sentence which includes punitive discharge.

(For detailed instructions regarding issuance of civilian clothing, its cost, and recovery of uniforms of dischargees, see Bureau of Supplies and Accounts Manual, paragraph 25940.)

(d) *Wearing of uniform after discharge.* Enlisted personnel discharged with an honorable or general discharge (except those discharged by reason of unsuitability, security, unfitness, or misconduct), are entitled to retain their uniforms and may within 3 months after discharge wear them from place of discharge to their homes, except that persons who have served less than 6 months on active duty subsequent to last authorization of an initial clothing allowance, unless discharged to accept a direct commission or appointment as an officer or warrant officer, are entitled to retain only one complete uniform appropriate to the season. The 3-month period relates to the period between the date of discharge and the date of the person's arrival home, and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. Enlisted personnel discharged to accept a commission or appointment as an officer or warrant officer may retain all clothing in their possession.

(e) *Cash allowance.* An enlisted person who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge and who would be otherwise without funds to meet his immediate needs shall, upon discharge, be paid a sum not to exceed $25 or such portion thereof as will, together with other funds available to the individual concerned, total $25. The cash allowance is not payable to a member who is discharged while on leave granted in accordance with current instructions (see Secretary of the Navy Instruction (§ 719.206 of this chapter) or revisions thereof) to await completion of appellate review of a court-martial sentence which includes punitive discharge.

(f) *Not recommended for reenlistment.* Every enlisted person discharged who is not recommended for reenlistment shall be informed orally that fraudulent enlistment in any branch of the service undoubtedly will be detected by fingerprints, and that if concealment of previous service and discharge results in reenlistment that person will be subject to disciplinary action.

(g) *Information concerning the Honorable Discharge Button.* Information concerning the Honorable Discharge Button is set forth in article B–2107 of the Bureau of Naval Personnel Manual.

(h) *Information concerning recoupment of reenlistment bonus.* Information concerning recoupment of reenlistment bonus is set forth in article A–4204 of the Bureau of Naval Personnel Manual.

(R.S. 161, secs. 280, 1162, 5031, 6291–6298, 70A Stat. 14, 89, 278, 391–393, as amended; 5 U.S.C. 22, 10 U.S.C. 280, 1162, 5031, 6291–6298)

By direction of the Secretary of the Navy.

Dated: December 22, 1964.

[SEAL] WILFRED HEARN,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

[F.R. Doc. 64–13302; Filed, Dec. 23, 1964; 8:48 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 213—EXCEPTED SERVICE

### Positions Other Than Those of Confidential or Policy-Determining Character for Which it is Not Practicable To Examine.

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 213.3101, having expired by its own terms, is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–13305; Filed, Dec. 23, 1964; 8:49 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of the Army

Section 213.3307 is amended to show the exception under Schedule C of the position of Special Assistant to the Assistant Secretary of the Army (Installations and Logistics) for Planning. Effective upon publication in the FEDERAL REGISTER, subparagraph (15) is added to paragraph (a) of § 213.3307 as set out below.

**§ 213.3307 Department of the Army.**

(a) *Office of the Secretary.* * * *

(15) One Special Assistant to the Assistant Secretary of the Army (Installations and Logistics) for Planning.

* * * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–13306; Filed, Dec. 23, 1964; 8:49 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of Labor

Section 213.3315 is amended to show the exception under Schedule C of the position of Director, Neighborhood Youth Corps. Effective upon publication in the FEDERAL REGISTER, subparagraph (19) is added to paragraph (a) of § 213.3315 as set out below.

**§ 213.3315 Department of Labor.**

(a) *Office of the Secretary.* * * *

(19) The Director, Neighborhood Youth Corps.

* * * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–13307; Filed, Dec. 23, 1964; 8:49 a.m.]

# Title 22—FOREIGN RELATIONS

## Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

## PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Part 201 of Chapter II, Title 22 (A.I.D. Regulation 1), is amended as follows:

In § 201.86 designate the present text as paragraph (a) and add the following new paragraph (b).

As amended § 201.86 reads as follows:

**§ 201.86 Continuation in effect of certain prior issuances.**

(a) The following documents, if issued or executed by A.I.D. or any predecessor agency or corporation prior to the effective date of this Part 201, will continue in effect subject to all the terms and conditions of such documents and, to the extent applicable, all the terms and conditions of Regulation 1 as in effect on the date of the issuance of such documents: Project agreements, procurement authorizations and project implementation orders, United States Government agency purchase requisitions, loan agreements and implementation letters, letters of commitment and letters of notification to banks, requests for the opening of a special letter of credit and letters of commitment to suppliers. Authorizations, bank contracts, letters of guaranty to banks or suppliers issued by A.I.D. or any predecessor agency or corporation prior to the effective date of this Part 201 will continue in effect in accordance with their terms. Amendments to any of the above documents may continue to be made in accordance with the procedures in effect prior to the effective date of this Part 201.

(b) Whenever a Supplier's Certificate A.I.D. Form 280 is required to be submitted under the provisions of this part as in effect prior to November 1, 1964, a Supplier's Certificate A.I.D. Form 281 completed and executed in accordance with the provisions of § 201.52(a) (6) and (b) may, at the election of the supplier, be submitted in lieu of such Supplier's Certificate A.I.D. Form 280, and, if such Supplier's Certificate A.I.D. Form 281 is submitted, the supplier executing the same shall be bound by the provisions thereof and by the provisions of this part as in effect at the time of his execution of such Supplier's Certificate.

Dated: December 9, 1964.

WILLIAM S. GAUD,
*Deputy Administrator.*

[F.R. Doc. 64–13220; Filed, Dec. 23, 1964; 8:46 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

## PART 21—COMMISSIONED OFFICERS

### Prescription of Numbers in Grade

Section 21.111 of Subpart G is amended to read as follows:

**§ 21.111 Prescription of numbers in grade.**

The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1964, and ending June 30, 1965:

| | |
|---|---|
| Director grade | 665 |
| Senior grade | 830 |
| Full grade | 710 |
| Senior Assistant grade | 500 |
| Assistant grade | 65 |
| Junior Assistant grade | 30 |

(Sec. 206, 58 Stat. 694, as amended; 42 U.S.C. and Sup., 207)

This amendment shall be effective as of July 1, 1964.

Dated: December 2, 1964.

[SEAL] LUTHER L. TERRY,
*Surgeon General.*

Approved: December 16, 1964.

ANTHONY J. CELEBREZZE,
*Secretary.*

[F.R. Doc. 64–13248; Filed, Dec. 23, 1964; 8:46 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 5066; Amdts. 1–6; 91–10]

## PART 1—DEFINITIONS AND ABBREVIATIONS [NEW]

## PART 4a—AIRPLANE AIRWORTHINESS

## PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

## PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES [NEW]

## PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

This amendment adds Part 25 [New] to the Federal Aviation Regulations to replace Part 4b of the Civil Air Regulations, and is a part of the Agency recodification program announced in Draft Release 61–25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

Part 25 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on June 2, 1964 (29 F.R. 7169), and given further distribution as Notice No. 64–28.

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as this one, are labeled "[New]". The label will be dropped at the completion of the project as all of the regulations will be new.

Many of the comments received recommended specific substantive changes to the regulations. Many of these recommendations appear to be meritorious. However, they cannot be adopted as a part of the recodification program, since the purpose of the program is simply to streamline and clarify present regulatory language and delete obsolete or redundant provisions. To attempt substantive changes, other than relaxatory ones that are completely noncontroversial, would delay the project and be contrary to the ground rules specified for it in Draft Release 61–25. However, all comments of this nature will be preserved and considered in any later substantive revision of this part.

Present CAR Part 4b reflects the various writing styles used by those who have worked on it in the past. The recodification has allowed us to use one style throughout Part 25 [New]. The style changes that have been made do not affect substance. They have been made to ensure consistency in language throughout the new Federal Aviation Regulations, thereby making them easier to understand and apply. Part 25 [New] substitutes the word "must" for "shall". This has been done to reflect the fact that airworthiness standards are simply conditions precedent that are required to be met for the issue of a type certificate. The imperative "shall" would be inappropriate in this case. The failure to meet the standards simply results in a denial of the issue of the type certificate.

The sections in Part 25 [New] have been rearranged and renumbered so that the requirements of this part have the same number as comparable requirements in Parts 23 [New], 27 [New], and 29 [New]. Where there is no comparable requirement in Part 25, there is a gap in the section numbering (in addition to gaps from the use of odd section numbers only and the "growth" gaps between subtopics). In addition, some material has been rearranged in order to more logically place some requirements within the part. An example of this was the grouping of the parts of §§ 4b.117, 4b.361, 4b.362, 4b.437, 4b.640, 4b.719, 4b.736, 4b.740 through 4b.743, and SR 422B sections 4T.123 and 4T.743, dealing with recording of information and data in the Airplane Flight Manual, into the Airplane Flight Manual subdivision of this part. A similar rearrangement was made by combining the flutter requirements of §§ 4b.190(a), 4b.210(c)(3), and 4b.308 into § 25.629 and vibration requirements of these same sections into § 25.251.

The most significant changes to Part 25 since the notice are listed below. The numbers in parentheses refer to the section number in the notice and in former Part 4b, respectively.

Section 25.1001 (§ 25.733) (§ 4b.437) has been revised by changing the requirement for a placard to warn flight crewmembers against jettisoning fuel with flaps lowered (if it has not been shown that it is safe to do so with them lowered). It now reads "means (including flaps, slots, and slats) for changing the airflow across or around the wing" instead of the word flaps. This was done to update the language as these other devices (slats and slots) take the place of the flaps in some airplanes and are referred to in other regulations (particularly in ADs).

In § 25.611 (§ 25.401) (§ 4b.305) "periodic inspection" has been replaced with "recurring inspection". This avoids any potential conflict between the intent of the subject section, to cover all inspections that occur at regular intervals, and the more specific use of the term "periodic inspection" in Parts 43 [New] and 91 [New].

In response to a comment, a cross reference to § 25.1145(b) has been added to § 25.1307 (§ 25.947) (§ 4b.605) to make it clear that a ganged ignition switch may be used to satisfy the subject requirement.

Other minor changes of a technical clarifying nature have been made. They are not substantive and do not impose any burden on regulated persons. For example, the Agency is standardizing the language used to describe an aircraft, with respect to the type of engine installed, as follows:

An aircraft powered by a reciprocating engine is a "reciprocating engine powered aircraft".

An aircraft powered by a turbine engine is a "turbine engine powered aircraft".

An aircraft powered by a particular subtype of turbine engine is a "turbo-propeller powered aircraft" or "turbo-jet powered aircraft", whichever is appropriate.

In the notice, it was proposed to convert references to "miles" and "miles per hour" to their nautical equivalents. The only comment received was favorable. To make this part uniform and to conform to modern practice, "nautical miles" and "knots" have been used throughout. The associated values have been adjusted so that no increase in burden results.

This part incorporates Amendment 4b–15, Installation of Cockpit Voice Recorders, published in the FEDERAL REGISTER July 3, 1964, and Amendment 4b–16, Flutter Deformation and Vibration Requirements, published in the FEDERAL REGISTER on September 5, 1964.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to Part 25 [New].

When Part 1 [New] was adopted, its preamble stated that it would be amended as necessary in order to apply to specific regulations as they were recodified. As part of this action, Part 1 [New] is being amended to incorporate definitions and abbreviations found to be necessary because of the adoption of subsequently issued Federal Aviation Regulations, including Subchapter C.

The definition of "accelerate-stop distance" has been incorporated from Parts 4b, 40, 41, and 42, that of "critical altitude", from Parts 3, 4b, 6, 7, and 13, and that of "load factor", from Parts 3, 4b, 6, and 7. The definitions of "clearway" and "stopway" have been incorporated from Special Civil Air Regulations 422A and 422B and, as a result, § 91.37 is being amended to delete the definitions of "clearway" and "stopway" in paragraph (d). Also, since SRs 422A and 422B, together, set forth the certification procedures for all turbine engine powered airplanes certificated after September 30, 1958, the references to the two SRs in § 91.37 have been replaced by references to their respective periods of effectiveness.

In addition to these definitions, Part 1 [New] is being amended to correctly reflect the "½" in the definition of "true airspeed" as a power rather than as a multiplicand.

The abbreviations and symbols set forth below have been incorporated from Parts 3, 4b, 6, and 7.

The performance and Airplane Flight Manual requirements of SR 422B are in this part. The corresponding requirements of SRs 422 and 422A are being deleted as they may no longer be used for airplanes to be certificated under this part. They will have the same status as any superseded section of a current rule. The operating rules of SRs 422, 422A, and 422B where current, will be put in the Air Carrier Operating rules.

As CAR Part 4a, "Airplane Airworthiness" has not been used for certification of new airplanes since 1947, it is being deleted. This action is consistent with the recodification aim of eliminating ob-

solete or unnecessary provisions and is similar to the action taken with Part 33 of the Civil Air Regulations and Parts 450, 560, and 580 of the Regulations of the Administrator. CAR 4a will have the same status as any superseded section of a current rule.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. The Agency is particularly appreciative of the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 is amended as follows, effective February 1, 1965.

1. By deleting items 1 and 2 of SR 422.

2. By deleting items 1, 2, and 5 of SR 422A.

3. By deleting items 1, 2, and 5 of SR 422B.

4. By deleting Part 4a "Airplane Airworthiness".

5. By deleting Part 4b "Airplane Airworthiness, Transport Category".

6. By amending Part 1 "Definitions and Abbreviations" [New] as follows:

(a) By inserting the following new definitions in § 1.1:

"Accelerate-stop distance" means the distance required to accelerate an airplane to a specified speed and, assuming failure of the critical engine at the instant that speed ($V_1$) is attained, to bring the airplane to a stop.

"Clearway" means:

(1) For turbine engine powered airplanes certificated after August 29, 1959, an area beyond the runway, not less than 500 feet wide, centrally located about the extended centerline of the runway, and under the control of the airport authorities. The clearway is expressed in terms of a clearway plane, extending from the end of the runway with an upward slope not exceeding 1.25 percent, above which no object nor any terrain protrudes. However, threshold lights may protrude above the plane if their height above the end of the runway is 26 inches or less and if they are located to each side of the runway.

(2) For turbine engine powered airplanes certificated after September 30, 1958, but before August 30, 1959, an area beyond the takeoff runway extending no less than 300 feet on either side of the extended centerline of the runway, at an elevation no higher than the elevation of the end of the runway, clear of all fixed obstacles, and under the control of the airport authorities.

"Critical altitude" means the maximum altitude at which, in standard atmosphere, it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(1) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude.

(2) The maximum continuous rated manifold pressure, in the case of engines, the maximum continuous power of which is governed by a constant manifold pressure.

"Load factor" means the ratio of a specified load to the total weight of the aircraft. The specified load is expressed in terms of any of the following: aerodynamic forces, inertia forces, or ground or water reactions.

"Stopway" means an area beyond the takeoff runway, no less wide than the runway and centered upon the extended centerline of the runway, able to support the airplane during an aborted takeoff, without causing structural damage to the airplane, and designated by the airport authorities for use in decelerating the airplane during an aborted takeoff.

(b) By amending the definition of "True airspeed" in § 1.1 to read as follows:

"True airspeed" means the airspeed of an aircraft relative to undisturbed air. True airspeed is equal to equivalent airspeed multiplied by $(\rho 0/\rho)^{1/2}$.

(c) By inserting the following new abbreviations and symbols in § 1.2:

EAS means equivalent airspeed.
IAS means indicated airspeed.
*M* means mach number.
PAR means precision approach radar.
TAS means true airspeed.
$V_A$ means design maneuvering speed.
$V_B$ means design speed for maximum gust intensity.
$V_C$ means design cruising speed.
$V_D$ means design diving speed.
$V_{DF}/M_{DF}$ means demonstrated flight diving speed.
$V_F$ means design flap speed.
$V_{FC}/M_{FC}$ means maximum speed for stability characteristics.
$V_{FE}$ means maximum flap extended speed.
$V_H$ means maximum speed in level flight with rated r.p.m. and power.
$V_{LE}$ means maximum landing gear extended speed.
$V_{LO}$ means maximum landing gear operating speed.
$V_{LOF}$ means lift-off speed.
$V_{MC}$ means minimum control speed with the critical engine inoperative.
$V_{MO}/M_{MO}$ means maximum operating limit speed.
$V_{MU}$ means minimum unstick speed.
$V_{NE}$ means never-exceed speed.
$V_R$ means rotation speed.
$V_S$ means the stalling speed or the minimum steady flight speed at which the airplane is controllable.
$V_{S_0}$ means the stalling speed or the minimum steady flight speed in the landing configuration.
$V_{S_1}$ means the stalling speed or the minimum steady flight speed obtained in a specified configuration.
$V_X$ means speed for best angle of climb.
$V_Y$ means speed for best rate of climb.
$V_1$ means critical-engine-failure speed.
$V_2$ means takeoff safety speed.
$V_{2\ min}$ means minimum takeoff safety speed.

7. By amending § 91.37 to read as follows:

**§ 91.37 Transport category civil airplane weight limitations.**

(a) No person may take off any transport category airplane (other than a turbine engine powered airplane certificated after September 30, 1958) unless—

(1) The takeoff weight does not exceed the authorized maximum takeoff weight for the elevation of the airport of takeoff;

(2) The elevation of the airport of takeoff is within the altitude range for which maximum takeoff weights have been determined;

(3) Normal consumption of fuel and oil in flight to the airport of intended landing will leave a weight on arrival not in excess of the authorized maximum landing weight for the elevation of that airport; and

(4) The elevations of the airport of intended landing and of all specified alternate airports are within the altitude range for which maximum landing weights have been determined.

(b) No person may operate a turbine engine powered transport category airplane certificated after September 30, 1958 contrary to the Airplane Flight Manual, nor take off that airplane unless—

(1) The takeoff weight does not exceed the takeoff weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of takeoff;

(2) Normal consumption of fuel and oil in flight to the airport of intended landing and to the alternate airports will leave a weight on arrival not in excess of the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures expected at the time of landing;

(3) The takeoff weight does not exceed the weight shown in the Airplane Flight Manual to correspond with the minimum distances required for takeoff considering the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of takeoff; and

(4) Where the takeoff distance includes a clearway, the clearway distance is not greater than one-half of—

(i) The takeoff run, in the case of airplanes certificated after September 30, 1958 and before August 30, 1959; or

(ii) The runway length, in the case of airplanes certificated after August 29, 1959.

(c) No person may take off a turbine engine powered transport category airplane certificated after August 29, 1959 unless, in addition to the requirements of paragraph (b) of this section—

(1) The accelerate-stop distance is no greater than the length of the runway plus the length of the stopway (if present);

(2) The takeoff distance is no greater than the length of the runway plus the length of the clearway (if present); and

(3) The takeoff run is no greater than the length of the runway.

8. By adding a Part 25 [New] reading as hereinafter set forth.

Issued in Washington, D.C., on November 3, 1964.

N. E. HALABY,
*Administrator.*



**Subpart A—General**


Sec.
25.1 Applicability.


**Subpart B—Flight**

GENERAL


25.21 Proof of compliance.
25.23 Load distribution limits.
25.25 Weight limits.
25.27 Center of gravity limits.
25.29 Empty weight and corresponding center of gravity.
25.31 Removable ballast.
25.33 Propeller speed and pitch limits.


PERFORMANCE: RECIPROCATING ENGINE POWERED AIRPLANES


25.45 General.
25.47 Wing flap position.
25.49 Stalling speeds.
25.51 Takeoff.
25.55 Takeoff speeds.
25.57 Accelerate-stop distance.
25.59 Takeoff path.
25.61 Temperature accountability.
25.65 Climb: all engines operating.
25.67 Climb: one engine inoperative.
25.69 Climb: two engines inoperative.
25.75 Landing.


PERFORMANCE: TURBINE ENGINE POWERED AIRPLANES


25.101 General.
25.103 Stalling speed.
25.105 Takeoff.
25.107 Takeoff speeds.
25.109 Accelerate-stop distance.
25.111 Takeoff path.
25.113 Takeoff distance and takeoff run.
25.115 Takeoff flight path.
25.117 Climb: general.
25.119 Landing climb: All-engine-operating.
25.121 Climb: One-engine-inoperative.
25.123 En route flight paths.
25.125 Landing.


CONTROLLABILITY AND MANEUVERABILITY


25.143 General.
25.145 Longitudinal control.
25.147 Directional and lateral control.
25.149 Minimum control speed.


TRIM


25.161 Trim.


STABILITY


25.171 General.
25.173 Static longitudinal stability.
25.175 Demonstration of static longitudinal stability.
25.177 Static directional and lateral stability.
25.181 Dynamic longitudinal, directional, and lateral stability.


STALLS


Sec.
25.201 Stall demonstration.
25.203 Stall characteristics.
25.205 Stalls: critical engine inoperative.
25.207 Stall warning.


GROUND AND WATER HANDLING CHARACTERISTICS


25.231 Longitudinal stability and control.
25.233 Directional stability and control.
25.235 Taxiing condition.
25.237 Wind velocities.
25.239 Spray characteristics and control and stability on water.


MISCELLANEOUS FLIGHT REQUIREMENTS


25.251 Vibration and buffeting.
25.253 High-speed characteristics.


**Subpart C—Structure**

GENERAL


25.301 Loads.
25.303 Factor of safety.
25.305 Strength and deformation.
25.307 Proof of structure.


FLIGHT LOADS


25.321 General.


FLIGHT MANEUVER AND GUST CONDITIONS


25.331 General.
25.333 Flight envelope.
25.335 Design airspeeds.
25.337 Limit maneuvering load factors.
25.341 Gust loads.
25.343 Design fuel and oil loads.
25.345 High lift devices.
25.349 Rolling conditions.
25.351 Yawing conditions.


SUPPLEMENTARY CONDITIONS


25.361 Engine torque.
25.363 Side load on engine mount.
25.365 Pressurized cabin loads.
25.367 Unsymmetrical loads due to engine failure.
25.371 Gyroscopic loads.
25.373 Speed control devices.


CONTROL SURFACE AND SYSTEM LOADS


25.391 Control surface loads; general.
25.393 Loads parallel to hinge line.
25.395 Control system.
25.397 Control system loads.
25.399 Dual control systems.
25.405 Secondary control system.
25.407 Trim tab effects.
25.409 Tabs.
25.415 Ground gust conditions.
25.427 Unsymmetrical loads.
25.445 Outboard fins.
25.457 Wing flaps.
25.459 Special devices.

GROUND LOADS

Sec.
25.471 General.
25.473 Ground load conditions and assumptions.
25.477 Landing gear arrangement.
25.479 Level landing conditions.
25.481 Tail-down landing conditions.
25.483 One-wheel landing conditions.
25.485 Side load conditions.
25.487 Rebound landing conditions.
25.489 Ground handling conditions.
25.491 Takeoff run.
25.493 Braked roll conditions.
25.495 Turning.
25.497 Tail-wheel yawing.
25.499 Nose-wheel yaw.
25.503 Pivoting.
25.507 Reversed braking.
25.509 Towing loads.
25.511 Ground loads: unsymmetrical loads on multiple-wheel units.

WATER LOADS

25.521 General.
25.523 Design weights and center of gravity positions.
25.525 Application of loads.
25.527 Hull and main float load factors.
25.529 Hull and main float landing conditions.
25.531 Hull and main float takeoff condition.
25.533 Hull and main float bottom pressures.
25.535 Auxiliary float loads.
25.537 Seawing loads.

EMERGENCY LANDING CONDITIONS

25.561 General.
25.563 Structural ditching provisions.

FATIGUE EVALUATION

25.571 Fatigue evaluation of flight structure.
25.573 Fatigue evaluation of landing gear.

Subpart D—Design and Construction

GENERAL

25.601 General.
25.603 Materials.
25.605 Fabrication methods.
25.607 Self-locking nuts.
25.609 Protection of structure.
25.611 Inspection provisions.
25.613 Material strength properties and design values.
25.615 Design properties.
25.619 Special factors.
25.621 Casting factors.
25.623 Bearing factors.
25.625 Fitting factors.
25.629 Flutter, deformation, and fail-safe criteria.

CONTROL SURFACES

Sec.
25.651 Proof of strength.
25.655 Installation.
25.657 Hinges.

CONTROL SYSTEMS

25.671 General.
25.673 Two-control airplanes.
25.675 Stops.
25.677 Trim systems.
25.679 Control system gust locks.
25.681 Limit load static tests.
25.683 Operation tests.
25.685 Control system details.
25.689 Cable systems.
25.693 Joints.
25.695 Power boost and power-operated control system.
25.697 Wing flap controls.
25.699 Wing flap position indicator.
25.701 Flap interconnection.

LANDING GEAR

25.721 General.
25.723 Shock absorption tests.
25.725 Limit drop tests.
25.727 Reserve energy absorption drop tests.
25.729 Retracting mechanism.
25.731 Wheels.
25.733 Tires.
25.735 Brakes.
25.737 Skis.

FLOATS AND HULLS

25.751 Main float buoyancy.
25.753 Main float design.
25.755 Hulls.

PERSONNEL AND CARGO ACCOMMODATIONS

25.771 Pilot compartment.
25.773 Pilot compartment view.
25.775 Windshields and windows.
25.777 Cockpit controls.
25.779 Motion and effect of cockpit controls.
25.781 Cockpit control knob shape.
25.783 Doors.
25.785 Seats, berths, safety belts, and harnesses.
25.787 Cargo and baggage compartments.

EMERGENCY PROVISIONS

25.801 Ditching.
25.803 Emergency evacuation.
25.805 Flight crew emergency exits.
25.807 Passenger emergency exits.
25.809 Emergency exit arrangement.
25.811 Emergency exit marking.
25.813 Emergency exit access.
25.815 Width of main aisle.

VENTILATION AND HEATING

25.831 Ventilation.
25.833 Heating systems.

PRESSURIZATION

Sec.
25.841 Pressurized cabins.
25.843 Tests for pressurized cabins.

FIRE PROTECTION

25.851 Fire extinguishers.
25.853 Compartment interiors.
25.855 Cargo and baggage compartments.
25.857 Cargo compartment classification.
25.859 Combustion heater fire protection.
25.863 Flammable fluid fire protection.

MISCELLANEOUS

25.871 Leveling marks.
25.875 Reinforcement near propellers.

Subpart E—Powerplant

GENERAL

25.901 Installation.
25.903 Engines.
25.905 Propellers.
25.907 Propeller vibration.
25.925 Propeller clearance.
25.929 Propeller deicing.
25.933 Reversing systems.
25.937 Turbopropeller-drag limiting systems.
25.939 Turbine engine powerplant operating characteristics.

FUEL SYSTEM

25.951 General.
25.953 Fuel system independence.
25.955 Fuel flow.
25.957 Flow between interconnected tanks.
25.959 Unusable fuel supply.
25.961 Fuel system hot weather operation.
25.963 Fuel tanks: general.
25.965 Fuel tank tests.
25.967 Fuel tank installations.
25.969 Fuel tank expansion space.
25.971 Fuel tank sump.
25.973 Fuel tank filler connection.
25.975 Fuel tank vents and carburetor vapor vents.
25.977 Fuel tank outlet.
25.979 Under-wing fueling provisions.

FUEL SYSTEM COMPONENTS

25.991 Fuel pumps.
25.993 Fuel system lines and fittings.
25.995 Fuel valves.
25.997 Fuel strainer or filter.
25.999 Fuel system drains.
25.1001 Fuel jettisoning system.

OIL SYSTEM

25.1011 General.
25.1013 Oil tanks.
25.1015 Oil tank tests.
25.1017 Oil lines and fittings.
25.1019 Oil strainer or filter.
25.1021 Oil drains.
25.1023 Oil radiators.
25.1025 Oil valves.
25.1027 Propeller feathering system.

COOLING

Sec.
25.1041 General.
25.1043 Cooling tests.
25.1045 Cooling test procedures.

INDUCTION SYSTEM

25.1091 Air induction.
25.1093 Induction system deicing and anti-icing provisions.
25.1101 Carburetor air preheater design.
25.1103 Induction system ducts.
25.1105 Induction system screens.
25.1107 Inter-coolers and after-coolers.

EXHAUST SYSTEM

25.1121 General.
25.1123 Exhaust piping.
25.1125 Exhaust heat exchangers.
25.1127 Exhaust driven turbo-superchargers.

POWERPLANT CONTROLS AND ACCESSORIES

25.1141 Powerplant controls: general.
25.1143 Throttle and antidetonant injection system controls.
25.1145 Ignition switches.
25.1147 Mixture controls.
25.1149 Propeller speed and pitch controls.
25.1153 Propeller feathering controls.
25.1155 Reverse thrust controls.
25.1157 Carburetor air temperature controls.
25.1159 Supercharger controls.
25.1161 Fuel jettisoning system controls.
25.1163 Powerplant accessories.
25.1165 Engine ignition systems.

POWERPLANT FIRE PROTECTION

25.1181 Designated fire zones; regions included.
25.1183 Lines and fittings.
25.1185 Flammable fluids.
25.1187 Drainage and ventilation of fire zones.
25.1189 Shutoff means.
25.1191 Firewalls.
25.1193 Cowling and nacelle skin.
25.1195 Fire extinguishing systems.
25.1197 Fire extinguishing agents.
25.1199 Extinguishing agent containers.
25.1203 Fire-detector system.
25.1205 Fire protection: other components.

Subpart F—Equipment

GENERAL

25.1301 Function and installation.
25.1303 Flight and navigation instruments.
25.1305 Powerplant instruments.
25.1307 Miscellaneous equipment.
25.1309 Equipment systems and installations.

INSTRUMENTS; INSTALLATION

25.1321 Arrangement and visibility.
25.1323 Airspeed indicating system.





Sec.
25.1325 Static air vent and pressure altimeter systems.
25.1327 Magnetic direction indicator.
25.1329 Automatic pilot system.
25.1331 Instruments using a power supply.
25.1333 Duplicate instrument systems.
25.1337 Powerplant instruments.

ELECTRICAL SYSTEMS AND EQUIPMENT

25.1351 General.
25.1353 Electrical equipment and installations.
25.1355 Distribution system.
25.1357 Circuit protective devices.
25.1359 Electrical system fire and smoke protection.
25.1363 Electrical system tests.
25.1369 Lightning strike protection.

LIGHTS

25.1381 Instrument lights.
25.1383 Landing lights.
25.1385 Position light system installation.
25.1387 Position light system dihedral angles.
25.1389 Position light distribution and intensities.
25.1391 Minimum intensities in the horizontal plane of forward and rear position lights.
25.1393 Minimum intensities in any vertical plane of forward and rear position lights.
25.1395 Maximum intensities in overlapping beams of forward and rear position lights.
25.1397 Color specifications.
25.1399 Riding light.
25.1401 Anticollision light system.

SAFETY EQUIPMENT

25.1411 General.
25.1413 Safety belts.
25.1415 Ditching equipment.
25.1419 Ice protection.

MISCELLANEOUS EQUIPMENT

25.1431 Electronic equipment.
25.1433 Vacuum systems.
25.1435 Hydraulic systems.
25.1439 Protective breathing equipment.
25.1441 Oxygen equipment and supply.
25.1443 Minimum mass flow of supplemental oxygen.
25.1445 Equipment standards for the oxygen distributing system.
25.1447 Equipment standards for oxygen dispensing units.
25.1449 Means for determining use of oxygen.
25.1451 Fire protection for oxygen equipment.
25.1453 Protection of oxygen equipment from rupture.

Sec.
25.1455 Draining of fluids subject to freezing.
25.1457 Cockpit voice recorders.

Subpart G—Operating Limitations and Information

25.1501 General.

OPERATING LIMITATIONS

25.1503 Airspeed limitations: general.
25.1505 Maximum operating limit speed.
25.1507 Maneuvering speed.
25.1511 Flap extended speed.
25.1513 Minimum control speed.
25.1515 Landing gear speeds.
25.1519 Weight, center of gravity, and weight distribution.
25.1521 Powerplant limitations.
25.1523 Minimum flight crew.
25.1525 Kinds of operation.
25.1527 Maximum operating altitude.
25.1531 Maneuvering flight load factors.
25.1533 Additional operating limitations for turbine engine powered airplanes.

MARKINGS AND PLACARDS

25.1541 General.
25.1543 Instrument markings; general.
25.1545 Airspeed limitation information.
25.1547 Magnetic direction indicator.
25.1549 Powerplant instruments.
25.1551 Oil quantity indicator.
25.1553 Fuel quantity indicator.
25.1555 Control markings.
25.1557 Miscellaneous markings and placards.
25.1561 Safety equipment.

AIRPLANE FLIGHT MANUAL

25.1581 General.
25.1583 Operating limitations.
25.1585 Operating procedures.
25.1587 Performance information.

APPENDIXES

APPENDIX A

APPENDIX B

APPENDIX C


AUTHORITY: The provisions of this Part 25 issued under secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423.

## Subpart A—General

### § 25.1 Applicability.

(a) This part prescribes airworthiness standards for the issue of type certificates, and changes to those certificates, for transport category airplanes.

(b) Each person who applies under Part 21 [New] for such a certificate or change must show compliance with the applicable requirements in this part.

## Subpart B—Flight

GENERAL

### § 25.21 Proof of compliance.

(a) Each requirement of this subpart must be met at each appropriate combination of weight and center of gravity within the range of loading conditions for which certification is requested. This must be shown—

(1) By tests upon an airplane of the type for which certification is requested, or by calculations based on, and equal in accuracy to, the results of testing; and

(2) By systematic investigation of each probable combination of weight and center of gravity, if compliance cannot be reasonably inferred from combinations investigated.

(b) If there is less than a 2 knot difference in the forward and rearward c.g. stalling speeds, the flying qualities may be based upon the forward c.g. stalling speeds.

(c) The controllability, stability, trim, and stalling characteristics of the airplane must be shown for each altitude up to the maximum expected in operation.

(d) The following general tolerances from specified values are allowed during flight testing. However, greater tolerances may be allowed in particular tests. These tolerances are plus or minus variations unless otherwise noted in the particular test:

| *Item* | *Tolerance* |
|---|---|
| Weight | +5%, −10%. |
| Critical items affected by weight. | +5%, −1%. |
| C.G | 7% total travel. |
| Airspeed | 3 knots or 3%, whichever is higher. |
| Power | 5%. |
| Wind (takeoff and landing tests). | As low as possible but not to exceed approximately 12% $V_{S_1}$ or 10.0 knots, whichever is lower, along the runway—measured at a height of six feet above the runway surface. |

### § 25.23 Load distribution limits.

(a) Ranges of weights and centers of gravity within which the airplane may be safely operated must be established. If a weight and center of gravity combination is allowable only within certain load distribution limits (such as spanwise) that could be inadvertently exceeded, these limits and the corresponding weight and center of gravity combinations must be established.

(b) The load distribution limits may not exceed—

(1) The selected limits;

(2) The limits at which the structure is proven; or

(3) The limits at which compliance with each applicable flight requirement of this subpart is shown.

### § 25.25 Weight limits.

(a) *Maximum weight.* The maximum weight (the highest weight at which compliance with each applicable requirement of this part is shown) must be established so that it is not more than—

(1) The highest weight selected by the applicant;

(2) The design maximum weight (the highest weight at which compliance with each applicable structural loading condition of this part is shown; or

(3) The highest weight at which compliance with each applicable flight requirement is shown.

(b) *Minimum weight.* The minimum weight (the lowest weight at which compliance with each applicable requirement of this part is shown) must be established so that it is not less than—

(1) The lowest weight selected by the applicant;

(2) The design minimum weight (the lowest weight at which compliance with each structural loading condition of this part is shown); or

(3) The lowest weight at which compliance with each applicable flight requirement is shown.

### § 25.27 Center of gravity limits.

The extreme forward and the extreme aft center of gravity limitations must be established for each practicably separable operating condition. No such limit may lie beyond—

(a) The extremes selected by the applicant;

(b) The extremes within which the structure is proven; or

(c) The extremes within which compliance with each applicable flight requirement is shown.

**§ 25.29 Empty weight and corresponding center of gravity.**

(a) The empty weight and corresponding center of gravity must be determined by weighing the airplane with—

(1) Fixed ballast;

(2) Unusable fuel determined under § 25.959;

(3) Undrainable oil; and

(4) Hydraulic fluid.

(b) The condition of the airplane at the time of determining empty weight must be one that is well defined and can be easily repeated.

**§ 25.31 Removable ballast.**

Removable ballast may be used in showing compliance with the flight requirements of this subpart.

**§ 25.33 Propeller speed and pitch limits.**

(a) The propeller speed and pitch must be limited to values that will ensure—

(1) Safe operation under normal operating conditions; and

(2) Compliance with the performance requirements in §§ 25.45 through 25.75 for reciprocating engine powered airplanes, and §§ 25.101 through 25.125 for turbopropeller powered airplanes.

(b) There must be a propeller speed limiting means at the governor. It must limit the maximum possible governed engine speed to a value not exceeding the maximum allowable r.p.m.

(c) The low pitch blade stop, or other means used to limit the low pitch position of the propeller blades, must be set so that the engine speed does not exceed 103 percent of the maximum allowable engine r.p.m. with—

(1) The propeller blades at the low pitch limit and governor inoperative; and

(2) Takeoff manifold pressure with the airplane stationary under standard atmospheric conditions.

PERFORMANCE: RECIPROCATING ENGINE POWERED AIRPLANES

**§ 25.45 General.**

(a) For reciprocating engine powered airplanes, compliance with each applicable performance requirement of this subpart must be shown—

(1) For still air with a standard atmosphere; and

(2) Where engine power affects performance, with air at 80 percent relative humidity, in accordance with paragraph (c) of this section.

(b) Performance data required for a particular flight condition must be determined with each powerplant accessory absorbing the normal amount of power appropriate to that condition.

(c) Engine power corrections for vapor pressure must be made in accordance with the following table:

| Altitude $H$ (ft.) | Vapor pressure $e$ (in. Hg.) | Specific humidity $\omega$ (lb. moisture per lb. dry air) | Density ratio $\frac{\rho}{\rho_0}=\frac{0.0023769}{\rho}$ |
|---|---|---|---|
| 0 | 0.403 | 0.00849 | 0.99508 |
| 1,000 | .354 | .00773 | .96672 |
| 2,000 | .311 | .00703 | .93895 |
| 3,000 | .272 | .00638 | .91178 |
| 4,000 | .238 | .00578 | .88514 |
| 5,000 | .207 | .00523 | .85910 |
| 6,000 | .1805 | .00472 | .83361 |
| 7,000 | .1566 | .00425 | .80870 |
| 8,000 | .1356 | .00382 | .78434 |
| 9,000 | .1172 | .00343 | .76053 |
| 10,000 | .1010 | .00307 | .73722 |
| 15,000 | .0463 | .001710 | .62868 |
| 20,000 | .01978 | .000890 | .53293 |
| 25,000 | .00778 | .000436 | .44806 |

**§ 25.47 Wing flap position.**

Takeoff, en route, approach, and landing wing flap positions must be selected by the applicant. Flap positions may vary with weight and altitude.

**§ 25.49 Stalling speeds.**

(a) $V_{S_0}$ is the calibrated stalling speed, or the minimum steady speed, in knots, at which the airplane is controllable, with the—

(1) Engines idling, throttles closed (or at not more than the power necessary for zero thrust at a speed not more than 110 percent of the stalling speed);

(2) Propeller pitch in the takeoff position;

(3) Landing gear extended;

(4) Wing flaps in the landing position;

(5) Cowl flaps closed;

(6) Center of gravity in the most unfavorable position within the allowable landing range; and

(7) Weight used when $V_{S_0}$ is being used as a factor to determine compliance with a required performance standard.

(b) $V_{S_1}$ is the calibrated stalling speed, or the minimum steady speed, in knots, at which the airplane is controllable, with the—

(1) Engines idling, throttles closed (or at not more than the power necessary for zero thrust at a speed not more than 110 percent of the stalling speed);

(2) Propeller pitch in the takeoff position;

(3) Airplane in other respects (such as flaps and landing gear) in the condition existing in the test in which $V_{S_1}$ is being used; and

(4) Weight used when $V_{S_1}$ is being used as a factor to determine compliance with a required performance standard.

(c) The stalling speeds $V_{S_0}$ and $V_{S_1}$ are the minimum speeds obtained in flight tests conducted as follows:

(1) At a speed great enough above the probable stall speed to ensure steady conditions, apply the elevator control at a rate so that the airplane speed reduction does not exceed one knot per second.

(2) During these tests—

(i) The airplane must be trimmed at 1.4 $V_{S_1}$ except that airplanes with adjustable stabilizers may be trimmed at any speed from 1.2 $V_{S_1}$ to 1.4 $V_{S_1}$; and

(ii) The flight requirements of § 25.203 must be met.

**§ 25.51 Takeoff.**

(a) The takeoff speeds described in § 25.55, the accelerate-stop distance described in § 25.57, and the takeoff path described in § 25.59, must be determined—

(1) At each weight and altitude selected by the applicant;

(2) With a constant takeoff flap position for the weight and altitude; and

(3) With the operating engines within approved operating limitations.

(b) No takeoff made to determine the data required by this section may require exceptional piloting skill or alertness.

(c) The takeoff data must be based on—

(1) A smooth, dry, hard-surfaced runway, in the case of landplanes and amphibians;

(2) Smooth water, in the case of seaplanes and amphibians; and

(3) Smooth, dry snow, in the case of skiplanes.

(d) Temperature accountability corrections must be made in accordance with § 25.61.

**§ 25.55 Takeoff speeds.**

(a) $V_1$ must be selected by the applicant and must be at least the minimum calibrated airspeed at which controllability is shown (during the takeoff run) to be adequate to safely continue the takeoff, using normal piloting skill, when the critical engine is suddenly made inoperative. This need not be shown if the engine failure is assumed to occur at $V_2$ or above.

(b) $V_2$, in terms of calibrated airspeed, must be selected by the applicant to allow the rate of climb required in § 25.67 (a) and b). However, $V_2$ may not be less than—

(1) 1.2 $V_{S_1}$ for two-engine airplanes;

(2) 1.15 $V_{S_1}$ for airplanes with more than two engines; or

(3) 1.10 times $V_{MC}$ established under § 25.149.

**§ 25.57 Accelerate-stop distance.**

(a) Means other than wheel brakes may be used to determine the accelerate-stop distance if that means—

(1) Is safe and reliable;

(2) Is used so that consistent results can be expected under normal operating conditions; and

(3) Is such that exceptional skill is not required to control the airplane.

(b) The landing gear must remain extended throughout the accelerate-stop distance.

**§ 25.59 Takeoff path.**

(a) The takeoff path consists of the following elements:

(1) The distance required to accelerate to $V_2$, assuming the critical engine fails at $V_1$.

(2) The horizontal distance traversed, and the height reached, by the airplane in the time required to retract the landing gear at $V_2$, with the landing gear extended, the critical engine inoperative, and—

(i) The propeller of the inoperative engine windmilling and its control in a position normally used during takeoff until (if applicable) the rotation is stopped; and



(ii) The propeller of the inoperative engine feathered (if applicable) for the rest of the gear retraction time.

(3) If applicable, the horizontal distance traversed and the height reached by the airplane in the time elapsed from the end of the element in paragraph (a) (2) of this section until the rotation of the propeller of the inoperative engine is stopped—

(i) With the stopping of the propeller begun no earlier than the time at which the airplane is 50 feet above the takeoff surface;

(ii) At $V_2$;

(iii) With the landing gear retracted; and

(iv) With the propeller of the inoperative engine windmilling with the propeller control in the normal takeoff position.

(4) If applicable, the horizontal distance traversed and the height reached by the airplane in the time from the end of the element in paragraph (a) (3) until the time limit on the use of takeoff power is reached—

(i) At $V_2$;

(ii) With the propeller of the inoperative engine stopped; and

(iii) With the landing gear retracted.

(5) The slope of the flight path followed by the airplane in the configuration prescribed in paragraph (a) (4) with not more than maximum continuous power on the operating engines.

(b) For automatically feathering propellers for which the net work produced, from the instant of engine failure to completion of feathering under any kind of engine failure, is positive (using a datum based on feathered propeller drag), it may be assumed that the propeller of the failed engine is in the feathered drag condition from the instant $V_2$ is reached.

**§ 25.61 Temperature accountability.**

(a) Operating correction factors for temperatures above and below standard must be determined for takeoff weight and distance.

(b) The average full temperature accountability must be computed for the range of weights, altitudes above sea level, and ambient temperatures expected in operations. The effect of temperature on the aerodynamic characteristics and on engine power must be considered. Full temperature accountability, in terms of a weight correction, a takeoff distance correction, and a change, if any, in $V_1$, must be expressed per degree change in temperature.

(c) The operating correction factors for the weight and takeoff distance must be at least one-half of the full accountability values. The value of $V_1$ must be further corrected by the average amount necessary to ensure that the airplane can stop within the runway length at the ambient temperature. However, the corrected value of $V_1$ may not be less than the minimum at which the airplane can be controlled with the critical engine inoperative.

**§ 25.65 Climb: all engines operating.**

(a) *Cruising configuration.* The steady rate of climb in feet per minute at 5,000 feet, in the cruising configuration, must be at least 9.0 $V_{S_0}$ (that is, the number of feet per minute is obtained by multiplying the number of knots by 9.0). In addition, the steady rate of climb must be determined at any altitude at which the airplane is expected to operate and at any weight for which certification is requested. The steady rate of climb must be shown under the following conditions:

(1) Landing gear fully retracted.

(2) Wing flaps in the most favorable position.

(3) Cowl flaps (or other means of controlling the engine cooling air supply) in the position that provides adequate cooling in the hot-day condition.

(4) Most unfavorable center of gravity position.

(5) Engines operating within the maximum continuous power limitations.

(6) Maximum takeoff weight.

(b) *Landing configuration.* The steady rate of climb in feet per minute in the landing configuration must be at least 0.092 $V_{S_0}^2$ at any altitude within the range of altitudes in which landing weight is certificated, and must be shown under the following conditions:

(1) Landing gear extended.

(2) Wing flaps in the landing position.

(3) Cowl flaps in the position normally used in an approach to a landing.

(4) The most unfavorable center of gravity allowed for landing.

(5) Engines operating at the takeoff power available at that altitude.

(6) The weight equal to maximum landing weight for that altitude.

(7) A climb speed not more than 1.4 $V_{S_0}$.

**§ 25.67 Climb: one engine inoperative.**

(a) *Flaps in takeoff position; landing gear extended.* The steady rate of climb without ground effect must be at least 50 ft./min. at any altitude within the range of takeoff altitudes for which certification is requested, and must be shown at $V_2$ with—

(1) Wing flaps in the takeoff position;

(2) Cowl flaps in the normal takeoff position;

(3) The most unfavorable center of gravity allowed for takeoff;

(4) The critical engine inoperative and (except as provided in paragraph (c) of this section) its propeller windmilling with the propeller control in a normal takeoff position;

(5) The remaining engines operating at the available takeoff power;

(6) The maximum takeoff weight for the takeoff altitude; and

(7) Landing gear extended.

(b) *Flaps in takeoff position; landing gear retracted.* With the landing gear retracted, the steady rate of climb in feet per minute must be at least 0.046 $V_{S_1}^2$ under the conditions described in paragraph (a) of this section.

(c) *Automatic feathering.* The propeller of the inoperative engine may be in the feathered condition during the landing gear extended or retracted conditions if—

(1) The propeller would be completely feathered at the beginning of these segments of the takeoff flight path; or

(2) The net work produced by the feathering propeller during the segment is positive, using a datum based on feathered propeller drag.

(d) *Flaps in en route position.* The steady rate of climb in feet per minute, at any expected operating altitude and at any weight within the range of weights for which certification is requested, must be determined. At a standard altitude of 5,000 feet and at the maximum takeoff weight, this rate must be at least

$$\left(0.079-\frac{0.106}{N}\right)V_{S_0}^2,$$

where $N$ is the number of engines. The steady rate of climb must be shown with the—

(1) Landing gear retracted;

(2) Wing flaps in the most favorable position;

(3) Cowl flaps (or other means of controlling the engine-cooling air supply) in the position that provides adequate cooling in the hot-day condition;

(4) The most unfavorable center of gravity;

(5) Critical engine inoperative and its propeller stopped; and

(6) Remaining engines at the maximum continuous power available for the altitude.

(e) *Flaps in approach position.* The steady rate of climb in feet per minute must be at least 0.053 $V_{S_0}^2$ at any altitude within the range of altitudes for which landing weight is certificated, and must be shown with the—

(1) Landing gear retracted;

(2) Wing flaps set in position so that $V_{S_1}$ does not exceed 1.10 $V_{S_0}$;

(3) Cowl flaps in the normal approach position;

(4) The most unfavorable center of gravity position allowed for landing;

(5) Critical engine inoperative and its propeller stopped;

(6) Remaining engines at the available takeoff power;

(7) Weight equal to the maximum landing weight for the altitude; and

(8) Climb speed not more than 1.5 $V_{S_1}$.

**§ 25.69 Climb: two engines inoperative.**

For airplanes with four or more engines, the steady rate of climb at any expected operating altitude, and at any weight within the range of weights specified in the Airplane Flight Manual, must be determined with the—

(a) Landing gear retracted;

(b) Wing flaps in the most favorable position;

(c) Cowl flaps (or other means of controlling the engine cooling air supply) in the position that provides adequate cooling in the hot-day condition;

(d) The most unfavorable center of gravity;

(e) Two critical engines on one side of the airplane inoperative and their propellers stopped; and

(f) Remaining engines at the maximum continuous power available at each altitude.

No. 250

**§ 25.75 Landing.**

(a) The horizontal distance necessary to land and to come to a complete stop (or to a speed of approximately 3 knots for water landings) from a point 50 feet above the landing surface must be determined (for the range of weights and altitudes selected by the applicant) as follows:

(1) A steady gliding approach, with a calibrated airspeed of at least 1.3 $V_{S_0}$, must be maintained down to the 50 foot height.

(2) After reaching the 50 foot height—

(i) The nose may not be depressed; and

(ii) Forward thrust may not be increased by the application of power.

(3) The flaps must be in the landing position from a point immediately before landing to the point at which the airplane is on the landing surface and the calibrated airspeed is reduced to 0.9 $V_{S_0}$.

(4) The landing must be made without excessive vertical acceleration, tendency to bounce, nose over, ground loop, porpoise, or water loop.

(5) The landing may not require exceptionally favorable conditions.

(b) For landplanes and amphibians, the landing distance on land must be determined on a dry, hard-surfaced runway. In addition—

(1) The pressures on the wheel braking system may not exceed those specified by the brake manufacturer;

(2) The brakes may not be used so as to cause tire skidding or excessive heating requiring replacement during a series of five test landings; and

(3) Means other than wheel brakes may be used if that means—

(i) Is safe and reliable;

(ii) Is used so that consistent results can be expected in service; and

(iii) Is such that exceptional skill is not required to control the airplane.

(c) For seaplanes and amphibians, the landing distance on water must be determined on smooth water.

(d) For skiplanes, the landing distance on snow must be determined on smooth, dry snow.

## PERFORMANCE: TURBINE ENGINE POWERED AIRPLANES

**§ 25.101 General.**

(a) Unless otherwise prescribed, turbine powered airplanes must meet the applicable performance requirements of this subpart for ambient atmospheric conditions and still air.

(b) The performance, as affected by engine power or thrust, must be based on a relative humidity of—

(1) 80 percent, at and below standard temperatures; and

(2) 34 percent, at and above standard temperatures plus 50° F.

Between these two temperatures, the relative humidity must vary linearly.

(c) The performance must correspond to the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraph (b) of this section. The available propulsive thrust must correspond to engine power or thrust, not exceeding the approved power or thrust, less—

(1) Installation losses; and

(2) The power or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(d) Unless otherwise prescribed, the applicant must select the takeoff, en route, approach, and landing configurations for the airplane.

(e) The airplane configurations may vary with weight, altitude, and temperature, to the extent they are compatible with the operating procedures required by paragraph (f) of this section.

(f) Unless otherwise prescribed, in determining the accelerate-stop distances, takeoff flight paths, takeoff distances, and landing distances, changes in the airplane's configuration, speed, power, and thrust, must be made in accordance with procedures established by the applicant for operation in service.

(g) Procedures for the execution of balked landings and missed approaches associated with the conditions prescribed in §§ 25.119 and 25.121(d) must be established.

(h) The procedures established under paragraphs (f) and (g) of this section must—

(1) Be able to be consistently executed in service by crews of average skill;

(2) Use methods or devices that are safe and reliable; and

(3) Include allowance for any time delays, in the execution of the procedures, that may reasonably be expected in service.

**§ 25.103 Stalling speed.**

(a) $V_S$ is the calibrated stalling speed, or the minimum steady flight speed, in knots, at which the airplane is controllable, with—

(1) Zero thrust at the stalling speed, or, if the resultant thrust has no appreciable effect on the stalling speed, with engines idling and throttles closed;

(2) Propeller pitch controls (if applicable) in the position necessary for compliance with subparagraph (1) of this paragraph and the airplane in other respects (such as flaps and landing gear) in the condition existing in the test in which $V_S$ is being used;

(3) The weight used when $V_S$ is being used as a factor to determine compliance with a required performance standard; and

(4) The most unfavorable center of gravity allowable.

(b) The stalling speed $V_S$ is the minimum speed obtained as follows:

(1) Trim the airplane for straight flight at any speed not less than 1.2 $V_S$ or more than 1.4 $V_S$. At a speed sufficiently above the stall speed to ensure steady conditions, apply the elevator control at a rate so that the airplane speed reduction does not exceed one knot per second.

(2) Meet the flight characteristics provisions of § 25.203.

**§ 25.105 Takeoff.**

(a) The takeoff speeds described in § 25.107, the accelerate-stop distance described in § 25.109, the takeoff path described in § 25.111, and the takeoff distance and takeoff run described in § 25.113, must be determined—

(1) At each weight, altitude, and ambient temperature within the operational limits selected by the applicant; and

(2) In the selected configuration for takeoff.

(b) No takeoff made to determine the data required by this section may require exceptional piloting skill or alertness.

(c) The takeoff data must be based on—

(1) A smooth, dry, hard-surfaced runway, in the case of land planes and amphibians;

(2) Smooth water, in the case of seaplanes and amphibians; and

(3) Smooth, dry snow, in the case of skiplanes.

(d) The takeoff data must include, within the established operational limits of the airplane, the following operational correction factors:

(1) Not more than 50 percent of nominal wind components along the takeoff path opposite to the direction of takeoff, and not less than 150 percent of nominal wind components along the takeoff path in the direction of takeoff.

(2) Effective runway gradients.

**§ 25.107 Takeoff speeds.**

(a) $V_1$ must be selected by the applicant and must be at least the minimum calibrated airspeed at which controllability by primary aerodynamic controls alone is shown (during the takeoff run) to be adequate to safely continue the takeoff, using normal piloting skill, when the critical engine is suddenly made inoperative.

(b) $V_{2\ min}$, in terms of calibrated airspeed, may not be less than—

(1) 1.2 $V_S$ for—

(i) Two-engine and three-engine turbopropeller powered airplanes; and

(ii) Turbojet powered airplanes without provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(2) 1.15 $V_S$ for—

(i) Turbopropeller powered airplanes with more than three engines; and

(ii) Turbojet powered airplanes with provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed; and

(3) 1.10 times $V_{MC}$ established under § 25.149.



(c) $V_2$, in terms of calibrated airspeed, must be selected by the applicant to provide at least the gradient of climb required by § 25.121(b) but may not be less than—

(1) $V_{2\ min}$; and

(2) $V_R$ plus the speed increment attained (in accordance with § 25.111(c)(2)) before reaching a height of 35 feet above the takeoff surface.

(d) $V_{MU}$ is the calibrated airspeed at and above which the airplane can safely lift off the ground, and continue the takeoff. $V_{MU}$ speeds must be selected by the applicant for the all-engines-operating and the one-engine-inoperative conditions. These speeds may be established from free air data if these data are verified by ground takeoff tests.

(e) $V_R$, in terms of calibrated airspeed, must be selected in accordance with the conditions of subparagraphs (1) through (4) of this paragraph:

(1) $V_R$ may not be less than—

(i) $V_1$;

(ii) 105 percent of $V_{MC}$;

(iii) The speed (determined in accordance with § 25.111(c)(2)) that allows reaching $V_2$ before reaching a height of 35 feet above the takeoff surface; or

(iv) A speed that, if the airplane is rotated at its maximum practicable rate, will result in a $V_{LOF}$ of not less than 110 percent of $V_{MU}$ in the all-engines-operating condition or less than 105 percent of $V_{MU}$ in the one-engine-inoperative condition.

(2) For any given set of conditions (such as weight, configuration, and temperature), a single value of $V_R$, obtained in accordance with this paragraph, must be used to show compliance with both the one-engine-inoperative and the all-engines-operating takeoff provisions.

(3) It must be shown that the one-engine-inoperative takeoff distance, using a rotation speed of 5 knots less than $V_R$ established in accordance with subparagraphs (1) and (2) of this paragraph, does not exceed the corresponding one-engine-inoperative takeoff distance using the established $V_R$. The takeoff distances must be determined in accordance with § 25.113(a)(1).

(4) Reasonably expected variations in service from the established takeoff procedures for the operation of the airplane (such as over-rotation of the airplane and out-of-trim conditions) may not result in unsafe flight characteristics or in marked increases in the scheduled takeoff distances established in accordance with § 25.113(a).

(f) $V_{LOF}$ is the calibrated airspeed at which the airplane first becomes airborne.

**§ 25.109 Accelerate-stop distance.**

(a) The accelerate-stop distance is the sum of the distances necessary to—

(1) Accelerate the airplane from a standing start to $V_1$; and

(2) Come to a full stop from the point at which $V_1$ is reached, assuming that the critical engine fails at $V_1$.

(b) Means other than wheel brakes may be used to determine the accelerate-stop distance if that means—

(1) Is safe and reliable;

(2) Is used so that consistent results can be expected under normal operating conditions; and

(3) Is such that exceptional skill is not required to control the airplane.

(c) The landing gear must remain extended throughout the accelerate-stop distance.

(d) If the accelerate-stop distance includes a stopway with surface characteristics substantially different from those of a smooth hard-surfaced runway, the takeoff data must include operational correction factors for the accelerate-stop distance. The correction factors must account for the particular surface characteristics of the stopway and the variations in these characteristics with seasonal weather conditions (such as temperature, rain, snow, and ice) within the established operational limits.

**§ 25.111 Takeoff path.**

(a) The takeoff path extends from a standing start to a point in the takeoff at which the airplane is 1,500 feet above the takeoff surface, or at which the transition from the takeoff to the en route configuration is completed and a speed is reached at which compliance with § 25.121(c) is shown, whichever point is higher. In addition—

(1) The takeoff path must be based on the procedures prescribed in § 25.101(c);

(2) The airplane must be accelerated on the ground to $V_1$, at which point the critical engine must be made inoperative and remain inoperative for the rest of the takeoff; and

(3) After reaching $V_1$, the airplane must be accelerated to $V_2$.

(b) During the acceleration to speed $V_2$, the nose gear may be raised off the ground at a speed not less than $V_R$. However, landing gear retraction may not be begun until the airplane is airborne.

(c) During the takeoff path determination in accordance with paragraphs (a) and (b) of this section—

(1) The slope of the airborne part of the takeoff path must be positive at each point;

(2) The airplane must reach $V_2$ before it is 35 feet above the takeoff surface and must continue at a speed as close as practical to, but not less than $V_2$, until it is 400 feet above the takeoff surface;

(3) At each point along the takeoff path, starting at the point at which the airplane reaches 400 feet above the takeoff surface, the available gradient of climb may not be less than—

(i) 1.2 percent for two-engine airplanes;

(ii) 1.5 percent for three-engine airplanes; and

(iii) 1.7 percent for four-engine airplanes; and

(4) Except for gear retraction and propeller feathering, the airplane configuration may not be changed until the airplane is 400 feet above the takeoff surface.

(d) The takeoff path must be determined by a continuous demonstrated takeoff or by synthesis from segments. If the takeoff path is determined by the segmental method—

(1) The segments must be clearly defined and must be related to the distinct changes in the configuration, power or thrust, and speed;

(2) The weight of the airplane, the configuration, and the power or thrust must be constant throughout each segment and must correspond to the most critical condition prevailing in the segment;

(3) The flight path must be based on the airplane's performance without ground effect; and

(4) The takeoff path data must be checked by continuous demonstrated takeoffs up to the point at which the airplane is out of ground effect and its speed is stabilized, to ensure that the path is conservative relative to the continuous path.

The airplane is considered to be out of the ground effect when it reaches a height equal to its wing span.

**§ 25.113 Takeoff distance and takeoff run.**

(a) Takeoff distance is the greater of—

(1) The horizontal distance along the takeoff path from the start of the takeoff to the point at which the airplane is 35 feet above the takeoff surface, determined under § 25.111; or

(2) 115 percent of the horizontal distance along the takeoff path, with the engines operating, from the start of the takeoff to the point at which the airplane is 35 feet above the takeoff surface, as determined by a procedure consistent with § 25.111.

(b) If the takeoff distance includes a clearway, the takeoff run is the greater of—

(1) The horizontal distance along the takeoff path from the start of the takeoff to a point equidistant between the point at which $V_{LOF}$ is reached and the point at which the airplane is 35 feet above the takeoff surface, as determined under § 25.111; or

(2) 115 percent of the horizontal distance along the takeoff path, with the engines operating, from the start of the takeoff to a point equidistant between the point at which $V_{LOF}$ is reached and the point at which the airplane is 35 feet above the takeoff surface, determined by a procedure consistent with § 25.111.

**§ 25.115 Takeoff flight path.**

(a) The takeoff flight path begins 35 feet above the takeoff surface at the end of the takeoff distance determined in accordance with § 25.113(a).

(b) The net takeoff flight path data must be determined so that they represent the actual takeoff flight paths (determined in accordance with § 25.111 and with paragraph (a) of this section) reduced at each point by a gradient of climb equal to—

(1) 0.8 percent for two-engine airplanes;

(2) 0.9 percent for three-engine airplanes; and

(3) 1.0 percent for four-engine airplanes.

(c) The prescribed reduction in climb gradient may be applied as an equivalent reduction in acceleration along that part of the takeoff flight path at which the airplane is accelerated in level flight.

**§ 25.117 Climb: general.**

Compliance with the requirements of §§ 25.119 and 25.121 must be shown at each weight, altitude, and ambient temperature within the operational limits established for the airplane and with the most unfavorable center of gravity for each configuration.

**§ 25.119 Landing climb: All-engine-operating.**

In the landing configuration, the steady gradient of climb may not be less than 3.2 percent, with—

(a) The engines at the power or thrust that is available eight seconds after initiation of movement of the power or thrust controls from the minimum flight idle to the takeoff position; and

(b) A climb speed of not more than $1.3\ V_S$.

**§ 25.121 Climb: One-engine-inoperative.**

(a) *Takeoff; landing gear extended.* In the critical takeoff configuration existing along the flight path (between the points at which the airplane reaches $V_{LOF}$ and at which the landing gear is fully retracted) and in the configuration used in § 25.111 but without ground effect, the steady gradient of climb must be positive for two-engine airplanes, and not less than 0.3 percent for three-engine airplanes or 0.5 percent for four-engine airplanes, at $V_{LOF}$ and with—

(1) The critical engine inoperative and the remaining engines at the power or thrust available when retraction of the landing gear is begun in accordance with § 25.111 unless there is a more critical power operating condition existing later along the flight path but before the point at which the landing gear is fully retracted; and

(2) The weight equal to the weight existing when retraction of the landing gear is begun, determined under § 25.77.

(b) *Takeoff; landing gear retracted.* In the takeoff configuration existing at the point of the flight path at which the landing gear is fully retracted, and in the configuration used in § 25.111 but without ground effect, the steady gradient of climb may not be less than 2.4 percent for two-engine airplanes, 2.7 percent for three-engine airplanes, and 3.0 percent for four-engine airplanes, at $V_2$ and with—

(1) The critical engine inoperative, the remaining engines at the takeoff power or thrust available at the time the landing gear is fully retracted, determined under § 25.111, unless there is a more critical power operating condition existing later along the flight path but before the point where the airplane reaches a height of 400 feet above the takeoff surface; and

(2) The weight equal to the weight existing when the airplane's landing gear is fully retracted, determined under § 25.111.

(c) *Final takeoff.* In the en route configuration at the end of the takeoff path determined in accordance with § 25.111, the steady gradient of climb may not be less than 1.2 percent for two-engine airplanes, 1.5 percent for three-engine airplanes, and 1.7 percent for four-engine airplanes, at not less than $1.25\ V_S$ and with—

(1) The critical engine inoperative and the remaining engines at the available maximum continuous power or thrust; and

(2) The weight equal to the weight existing at the end of the takeoff path, determined under § 25.111.

(d) *Approach.* In the approach configuration corresponding to the normal all-engines-operating procedure in which $V_S$ for this configuration does not exceed 110 percent of the $V_S$ for the related landing configuration, the steady gradient of climb may not be less than 2.1 percent for two-engine airplanes, 2.4 percent for three-engine airplanes, and 2.7 percent for four-engine airplanes, with—

(1) The critical engine inoperative, the remaining engines at the available takeoff power or thrust;

(2) The maximum landing weight; and

(3) A climb speed established in connection with normal landing procedures, but not exceeding $1.5\ V_S$.

**§ 25.123 En route flight paths.**

(a) For the en route configuration, the flight paths prescribed in paragraphs (b) and (c) of this section must be determined at each weight, altitude, and ambient temperature, within the operating limits established for the airplane. The variation of weight along the flight path, accounting for the progressive consumption of fuel and oil by the operating engines, may be included in the computation. The flight paths must be determined at any selected speed, with—

(1) The most unfavorable center of gravity;

(2) The critical engines inoperative;

(3) The remaining engines at the available maximum continuous power or thrust; and

(4) The means for controlling the engine-cooling air supply in the position that provides adequate cooling in the hot-day condition.

(b) The one-engine-inoperative net flight path data must represent the actual climb performance diminished by a gradient of climb of 1.1 percent for two-engine airplanes, 1.4 percent for three-engine airplanes, and 1.6 percent for four-engine airplanes.

(c) For three- or four-engine airplanes, the two-engine-inoperative net flight path data must represent the actual climb performance diminished by a gradient of climb of 0.3 percent for three-engine airplanes and 0.5 percent for four-engine airplanes.

**§ 25.125 Landing.**

(a) The horizontal distance necessary to land and to come to a complete stop (or to a speed of approximately 3 knots for water landings) from a point 50 feet above the landing surface must be determined (for standard temperatures, at each weight, altitude, and wind within the operational limits established by the applicant for the airplane) as follows:

(1) The airplane must be in the landing configuration.

(2) A steady gliding approach, with a calibrated airspeed of not less than $1.3\ V_S$, must be maintained down to the 50 foot height.

(3) Changes in configuration, power or thrust, and speed, must be made in accordance with the established procedures for service operation.

(4) The landing must be made without excessive vertical acceleration, tendency to bounce, nose over, ground loop, porpoise, or water loop.

(5) The landings may not require exceptional piloting skill or alertness.

(b) For landplanes and amphibians, the landing distance on land must be determined on a level, smooth, dry, hard-surfaced runway. In addition—

(1) The pressures on the wheel braking systems may not exceed those specified by the brake manufacturer;

(2) The brakes may not be used so as to cause excessive wear of brakes or tires; and

(3) Means other than wheel brakes may be used if that means—

(i) Is safe and reliable;

(ii) Is used so that consistent results can be expected in service; and

(iii) Is such that exceptional skill is not required to control the airplane.

(c) For seaplanes and amphibians, the landing distance on water must be determined on smooth water.

(d) For skiplanes, the landing distance on snow must be determined on smooth, dry, snow.

(e) The landing distance data must include correction factors for not more than 50 percent of the nominal wind components along the landing path opposite to the direction of landing, and not less than 150 percent of the nominal wind components along the landing path in the direction of landing.

(f) If any device is used that depends on the operation of any engine, and if the landing distance would be noticeably increased when a landing is made with that engine inoperative, the landing distance must be determined with that engine inoperative unless the use of compensating means will result in a landing distance not more than that with each engine operating.

CONTROLLABILITY AND MANEUVERABILITY

**§ 25.143 General.**

(a) The airplane must be safely controllable and maneuverable during—

(1) Takeoff;
(2) Climb;
(3) Level flight;
(4) Descent; and
(5) Landing.

(b) It must be possible to make a smooth transition from one flight condition to any other without exceptional piloting skill, alertness, or strength and without danger of exceeding the limit-load factor under any probable operating conditions (including the sudden failure of any engine).

(c) If, during the testing required by paragraphs (a) and (b) of this section, marginal conditions exist with regard to required pilot strength, the "strength of pilots" limits may not exceed the limits prescribed in the following table:

| Values in pounds of force as applied to the control wheel or rudder pedals. | Pitch | Roll | Yaw |
|---|---|---|---|
| For temporary application | 75 | 60 | 180 |
| For prolonged application | 10 | 5 | 20 |

(d) In showing the temporary control force limitations of paragraph (c) of this section, approved operating procedures or conventional operating practices must be followed (including being as nearly trimmed as possible at the next preceding steady flight condition, except that, in the case of takeoff, the airplane must be trimmed in accordance with approved operating procedures).

(e) For the purpose of complying with the prolonged control force limitations of paragraph (c) of this section, the airplane must be as nearly trimmed as possible.

**§ 25.145 Longitudinal control.**

(a) It must be possible at any speed between the trim speed prescribed in § 25.49(c)(2)(i) and $V_{S_1}$ (for reciprocating engine powered airplanes), or at any speed between the trim speed prescribed in § 25.103(b)(i) and $V_S$ (for turbine engine powered airplanes), to pitch the nose downward so that the acceleration to this selected trim speed is prompt with—

(1) The airplane trimmed at the trim speed prescribed in § 25.49(c)(2)(i) (for reciprocating engine powered airplanes), or in § 25.103(b)(1) (for turbine engine powered airplanes);

(2) The landing gear extended;

(3) The wing flaps (i) retracted and (ii) extended; and

(4) Power (i) off and (ii) at maximum continuous power on the engines.

(b) With the landing gear extended, no change in trim control, or exertion of more than 50 pounds control force (representative of the maximum temporary force that readily can be applied by one hand) may be required for the following maneuvers:

(1) With power off, flaps retracted, and the airplane trimmed at $1.4\ V_{S_1}$, extend the flaps as rapidly as possible while maintaining the airspeed at approximately 40 percent above the stalling speed existing at each instant throughout the maneuver.

(2) Repeat subparagraph (1) except initially extend the flaps and then retract them as rapidly as possible.

(3) Repeat subparagraph (2) except with takeoff power.

(4) With power off, flaps retracted, and the airplane trimmed at $1.4\ V_{S_1}$, apply takeoff power rapidly while maintaining the same airspeed.

(5) Repeat subparagraph (4) except with flaps extended.

(6) With power off, flaps extended, and the airplane trimmed at $1.4\ V_{S_1}$, obtain and maintain airspeeds between $1.1\ V_{S_1}$ and $1.7\ V_{S_1}$ or $V_{FE}$, whichever is less.

(c) It must be possible, without exceptional piloting skill, to prevent loss of altitude when flap retraction from any position is begun during steady, straight, level flight at $1.1\ V_{S_1}$ with—

(1) Simultaneous application of not more than maximum continous power;

(2) The landing gear extended; and

(3) The maximum sea level landing weight.

**§ 25.147 Directional and lateral control.**

(a) *Directional control; general.* It must be possible, while holding the wings approximately level, to safely make reasonably sudden changes in heading in both directions. This must be shown at $1.4\ V_{S_1}$ for heading changes up to 15° (except that the heading change at which the rudder pedal force is 180 pounds need not be exceeded), and with—

(1) The critical engine inoperative and its propeller in the minimum drag position;

(2) The power required for level flight at $1.4\ V_{S_1}$, but not more than maximum continuous power;

(3) The most unfavorable center of gravity;

(4) Landing gear retracted;

(5) Flaps in the approach position; and

(6) Maximum landing weight.

(b) *Directional control; airplanes with four or more engines.* Airplanes with four or more engines must meet the requirements of paragraph (a) of this section except that—

(1) The two critical engines must be inoperative with their propellers (if applicable) in the minimum drag position;

(2) The center of gravity must be in the most forward position; and

(3) The flaps must be in the most favorable climb position.

(c) *Lateral control; general.* It must be possible to make 20° banked turns, with and against the inoperative engine, from steady flight at a speed equal to $1.4\ V_{S_1}$, with—

(1) The critical engine inoperative and its propeller (if applicable) in the minimum drag position;

(2) The remaining engines at maximum continuous power;

(3) The most unfavorable center of gravity;

(4) Landing gear (i) retracted and (ii) extended;

(5) Flaps in the most favorable climb position; and

(6) Maximum takeoff weight.

(d) *Lateral control; airplanes with four or more engines.* Airplanes with four or more engines must be able to make 20° banked turns, with and against the inoperative engines, from steady flight at a speed equal to $1.4\ V_{S_1}$, with maximum continuous power, and with the airplane in the configuration prescribed by paragraph (b) of this section.

(e) *Lateral control; all engines operating.* With the engines operating, roll response must allow normal maneuvers (such as recovery from upsets produced by gusts and the initiation of evasive maneuvers). There must be enough excess lateral control in sideslips (up to sideslip angles that might be required in normal operation), to allow a limited amount of maneuvering and to correct for gusts. Lateral control must be enough at any speed up to $V_{FC}/M_{FC}$ to provide a peak roll rate necessary for safety, without excessive control forces or travel.

**§ 25.149 Minimum control speed.**

(a) $V_{MC}$ is the calibrated airspeed, at which, when the critical engine is suddenly made inoperative, it is possible to recover control of the airplane with that engine still inoperative, and maintain straight flight either with zero yaw or, at the option of the applicant, with an angle of bank of not more than five degrees.

(b) For reciprocating engine powered airplanes, $V_{MC}$ may not exceed $1.2\ V_{S_1}$ with—

(1) Takeoff or maximum available power on the engines;

(2) The rearmost center of gravity;

(3) The airplane trimmed for takeoff;

(4) The maximum sea level takeoff weight (or any lesser weight necessary to show $V_{MC}$);

(5) Flaps in the takeoff position;

(6) Landing gear retracted;

(7) Cowl flaps in the normal takeoff position;

(8) The propeller of the inoperative engine—

(i) Windmilling;

(ii) In the most probable position for the specific design of the propeller control; or

(iii) Feathered, if the airplane has an automatic feathering device acceptable for showing compliance with the climb requirements of § 25.67; and

(9) The airplane airborne and the ground effect negligible.

(c) For turbine engine powered airplanes, $V_{MC}$ may not exceed $1.2\ V_S$ with—

(1) Maximum available takeoff power or thrust on the engines;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for takeoff;

(4) The maximum sea level takeoff weight (or any lesser weight necessary to show $V_{MC}$);

(5) The airplane in the most critical takeoff configuration existing along the flight path after the airplane becomes airborne, except with the landing gear retracted; and

(6) The airplane airborne and the ground effect negligible.

(d) The rudder forces required to maintain control at $V_{MC}$ may not exceed 180 pounds nor may it be necessary to reduce power or thrust of the operative engines. During recovery, the airplane may not assume any dangerous attitude or require exceptional piloting skill, alertness, or strength to prevent a heading change of more than 20 degrees.

### TRIM

**§ 25.161 Trim.**

(a) *General.* Each airplane must meet the trim requirements of this section after being trimmed, and without further pressure upon, or movement of, either the primary controls or their corresponding trim controls by the pilot or the automatic pilot.

(b) *Lateral and directional trim.* The airplane must maintain lateral and directional trim with the most adverse lateral displacement of the center of gravity within the relevant operating limitations, during normally expected conditions of operation (including operation at any speed from 1.4 $V_{S_1}$ to $V_{MO}/M_{MO}$).

(c) *Longitudinal trim.* The airplane must maintain longitudinal trim during—

(1) A climb with maximum continuous power at a speed not more than 1.4 $V_{S_1}$, with the landing gear retracted, and the flaps (i) retracted and (ii) in the takeoff position;

(2) A glide with power off at a speed not more than 1.4 $V_{S_1}$, with the landing gear extended, the wing flaps (i) retracted and (ii) extended, the most forward center of gravity position approved for landing with the maximum landing weight, and with the most forward center of gravity position approved for landing regardless of weight; and

(3) Level flight at any speed from 1.4 $V_{S_1}$ to $V_{MO}/M_{MO}$, with the landing gear and flaps retracted, and from 1.4 $V_{S_1}$ to $V_{LE}$ with the landing gear extended.

(d) *Longitudinal, directional, and lateral trim.* The airplane must maintain longitudinal, directional, and lateral trim (and for lateral trim, the angle of bank may not exceed five degrees) at 1.4 $V_{S_1}$ during climbing flight with—

(1) The critical engine inoperative;

(2) The remaining engines at maximum continuous power; and

(3) The landing gear and flaps retracted.

(e) *Airplanes with four or more engines.* Each airplane with four or more engines must maintain trim in rectilinear flight—

(1) At the climb speed, configuration, and power required by § 25.69 for the purpose of establishing the rate of climb;

(2) With the most unfavorable center of gravity position; and

(3) At the weight at which the two-engine-inoperative climb is equal to at least 0.013 $V_{S_0}^2$ at an altitude of 5,000 feet.

### STABILITY

**§ 25.171 General.**

The airplane must be longitudinally, directionally, and laterally stable in accordance with the provisions of §§ 25.173 through 25.177. In addition, suitable stability is required in any condition normally encountered in service, if flight tests show it is necessary for safe operation.

**§ 25.173 Static longitudinal stability.**

Under the conditions specified in § 25.175, the characteristics of the elevator control forces (including friction) and the elevator control surface displacement must be as follows:

(a) A pull must be required to obtain and maintain speeds below the specified trim speed, and a push must be required to obtain and maintain speeds above the specified trim speed. In addition, if the elevator control forces are not dependent upon the hinge moments of the elevator control surface, it must also be shown that upward displacement of the elevator trailing edge is required to obtain and maintain speeds below the specified trim speed, and a downward displacement of the elevator trailing edge is required to obtain and maintain speeds above the specified trim speed. This must be shown at any speed that can be obtained except speeds higher than the landing gear or wing flap operating limit speeds or $V_{FC}/M_{FC}$, whichever is appropriate, or lower than the minimum speed for steady, unstalled flight.

(b) The airspeed must return to within 10 percent of the original trim speed when the control force is slowly released from any speed within the range specified in paragraph (a) of this section.

(c) The stable slope of the stick force versus speed curve may not be less than 0.5 pound for each three knots or exceed a value beyond which control of the airplane is difficult.

**§ 25.175 Demonstration of static longitudinal stability.**

Static longitudinal stability must be shown as follows:

(a) *Climb.* The stick force curve and, if required by § 25.173(a), the elevator angle curve must have stable slopes at speeds between 85 and 115 percent of the speed at which the airplane—

(1) Is trimmed, with—

(i) Wing flaps retracted;

(ii) Landing gear retracted;

(iii) Maximum takeoff weight; and

(iv) 75 percent of maximum continuous power for reciprocating engines or the maximum power or thrust selected by the applicant as an operating limitation for use during climb for turbine engines; and

(2) Is trimmed at the speed for best rate-of-climb except that the speed need not be less than 1.4 $V_{S_1}$.

(b) *Cruise.* Static longitudinal stability must be shown in the cruise condition as follows:

(1) With the landing gear retracted at high speed, the stick force curve and, if required by § 25.173(a), the elevator angle curve must have stable slopes at speeds from $V_{FC}/M_{FC}$ to the lower of $V_{FC}-\left(\frac{V_{FC}-1.4\,V_{S_1}}{2}\right)$, or 50 knots less than the trim speed specified in subdivision (iv) of this subparagraph (however, the speed need not be less than 1.4 $V_{S_1}$) and the stick force may not exceed 50 pounds with—

(i) Flaps retracted;

(ii) The most critical weight between maximum landing weight and maximum takeoff weight;

(iii) 75 percent of maximum continuous power for reciprocating engines or, for turbine engines, the maximum cruising power (though it need not exceed that power required at $V_{MO}/M_{MO}$) selected by the applicant as an operating limitation; and

(iv) The airplane trimmed for level flight with the power required in subdivision (iii) of this subparagraph.

(2) With the landing gear retracted at low speed, the stick force curve and, if required by § 25.173(a) the elevator angle curve must have stable slopes at speeds from a speed equal to $V_{FC}-\left(\frac{V_{FC}-1.4\,V_{S_1}}{2}\right)$ to 1.4 $V_{S_1}$, and the stick force may not exceed 50 pounds, with—

(i) Flaps retracted;

(ii) The most critical weight between the maximum landing weight and maximum takeoff weight;

(iii) Power required for level flight at a speed equal to $V_{FC}-\left(\frac{V_{FC}-1.4\,V_{S_1}}{2}\right)$; and

(iv) The airplane trimmed for level flight with the power required in subdivision (iii) of this subparagraph.

At altitudes where Mach number is critical, the calibrated airspeed corresponding to $M_{FC}$ may be used to calculate the speed $V_{FC}-\left(\frac{V_{FC}-1.4\,V_{S_1}}{2}\right)$.

(3) With the landing gear extended, the stick force curve and, if required by § 25.173(a), the elevator angle curve must have stable slopes at speeds between 1.4 $V_{S_1}$ and $V_{LE}$, and the stick force may not exceed 50 pounds with—

(i) Wing flaps retracted;

(ii) The most critical weight between the maximum landing weight and maximum takeoff weight;

(iii) Power required for level flight at $V_{LE}$; and

(iv) The airplane trimmed for level flight with the power required in subparagraph (3)(iii) of this paragraph.

(c) *Approach.* The stick force curve and, if required by § 25.173(a), the elevator angle curve must have stable slopes at speeds between 1.1 $V_{S_1}$ and 1.8 $V_{S_1}$, with—

(1) Wing flaps in the approach position;

(2) Landing gear retracted;

(3) Maximum landing weight; and

(4) The airplane trimmed at 1.4 $V_{S_1}$ with enough power to maintain level flight at this speed.

(d) *Landing.* The stick force curve and, if required by § 25.173(a), the elevator angle curve must have stable slopes, and the stick force may not exceed 80 pounds, at speeds between 1.1 $V_{S_0}$ and 1.8 $V_{S_0}$ with—

(1) Wing flaps in the landing position;

(2) Landing gear extended;

(3) Maximum landing weight;

(4) Power or thrust off on the engines; and

(5) The airplane trimmed at 1.4 $V_{S_0}$ with power or thrust off.

**§ 25.177 Static directional and lateral stability.**

(a) The static directional stability (as shown by the tendency to recover from a skid with the rudder free) must be positive for any landing gear and flap position and symmetrical power condition, at speeds from 1.2 $V_{S_1}$ up to $V_{FE}$, $V_{LE}$, or $V_{FC}/M_{FC}$ (as appropriate).

(b) The static lateral stability (as shown by the tendency to raise the low wing in a sideslip with the aileron controls free and for any landing gear and flap position and symmetrical power condition) must be positive at $V_{FE}$, $V_{LE}$, or $V_{FC}/M_{FC}$ (as appropriate) and may not be negative at 1.2 $V_{S_1}$.

(c) In straight, steady, sideslips (unaccelerated forward slips) the aileron and rudder control movements and forces must be substantially proportional to the angle of sideslip, and the factor of proportionality must lie between limits found necessary for safe operation throughout the range of sideslip angles appropriate to the operation of the airplane. At greater angles, up to the angle at which full rudder control is used or a rudder pedal force of 180 pounds is obtained, the rudder pedal forces may not reverse and increased rudder deflection must produce increased angles of sideslip. Unless the airplane has a yaw indicator, there must be enough bank accompanying sideslipping to clearly indicate any departure from steady unyawed flight.

**§ 25.181 Dynamic longitudinal, directional, and lateral stability.**

Any short period oscillation occurring between stalling speed and maximum allowable speed appropriate to the configuration of the airplane (for example, $V_{FE}$, $V_{LE}$, or $V_{FC}/M_{FC}$) must be heavily damped with the primary controls (1) free and (2) in a fixed position.

### STALLS

**§ 25.201 Stall demonstration.**

(a) Stalls must be shown in straight flight and in 30 degree banked turns with—

(1) Power off; and

(2) The power necessary to maintain level flight at 1.6 $V_{S_1}$ (where $V_{S_1}$ corresponds to the stalling speed with flaps in the approach position, the landing gear retracted, and maximum landing weight).

(b) In either condition required by paragraph (a) of this section, it must be possible to meet the applicable requirements of § 25.203 with—

(1) Flaps and landing gear in any likely combination of positions;

(2) Representative weights within the range for which certification is requested; and

(3) The most adverse center of gravity for recovery.

(c) The following procedure must be used to show compliance with § 25.203:

(1) With the airplane trimmed for straight flight at the speed prescribed in § 25.49(c)(2)(i) for reciprocating engine powered airplanes, or in § 25.103(b)(1) for turbine engine powered airplanes, reduce the speed with the elevator control until it is steady at slightly above stalling speed. Apply elevator control so that the speed reduction does not exceed one knot per second until (i) the airplane is stalled, or (ii) the control reaches the stop.

(2) The airplane is considered stalled when, at an angle of attack measurably greater than that of maximum lift, the inherent flight characteristics give a clear indication to the pilot that the airplane is stalled. Typical indications of a stall are a nose-down pitch, or a roll, that cannot be readily arrested, or, if clear enough, a loss of control effectiveness, an abrupt change in control force or motion, characteristic buffeting, or a distinctive vibration of the pilot's controls. However, for airplanes with unmistakable inherent aerodynamic warning (such as buffeting, small amplitude pitch or roll oscillations, or distinctive shaking of the pilot's control) associated with the stall in each required configuration, the speed need not be reduced below a value providing an adequate stall warning margin as specified in § 25.207.

(3) As soon as the airplane is stalled, recover by normal recovery techniques.

**§ 25.203 Stall characteristics.**

(a) It must be possible to produce and to correct roll and yaw by unreversed use of the aileron and rudder controls, up to the time the airplane is stalled. No abnormal nose-up pitching may occur. The longitudinal control force must be positive up to and throughout the stall. In addition, it must be possible to promptly prevent stalling and to recover from a stall by normal use of the controls.

(b) For level wing stalls, the roll occurring between the stall and the completion of the recovery may not exceed approximately 20 degrees.

(c) For turning flight stalls, the action of the airplane after the stall may not be so violent or extreme as to make it difficult, with normal piloting skill, to effect a prompt recovery and to regain control of the airplane.

**§ 25.205 Stalls: Critical engine inoperative.**

(a) It must be possible to safely recover from a stall with the critical engine inoperative—

(1) Without applying power to the inoperative engine;

(2) With flaps and landing gear retracted; and

(3) With the remaining engines at up to 75 percent of maximum continuous power, or up to the power at which the wings can be held level with the use of maximum control travel, whichever is less.

(b) The operating engines may be throttled back during stall recovery from stalls with the critical engine inoperative.

**§ 25.207 Stall warning.**

(a) Stall warning with sufficient margin to prevent inadvertent stalling with the flaps and landing gear in any normal position must be clear and distinctive to the pilot in straight and turning flight.

(b) The warning may be furnished either through the inherent aerodynamic qualities of the airplane or by a device that will give clearly distinguishable indications under expected conditions of flight. However, a visual stall warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

(c) The stall warning must begin at a speed exceeding the stalling speed by seven percent or at any lesser margin if the stall warning has enough clarity, duration, distinctiveness, or similar properties.

### GROUND AND WATER HANDLING CHARACTERISTICS

**§ 25.231 Longitudinal stability and control.**

(a) Landplanes may have no uncontrollable tendency to nose over in any reasonably expected operating condition or when rebound occurs during landing or takeoff. In addition—

(1) Wheel brakes must operate smoothly and may not cause any undue tendency to nose over; and

(2) If a tail-wheel landing gear is used, it must be possible, during the takeoff ground run on concrete, to maintain any attitude up to thrust line level, at 80 percent of $V_{S_1}$.

(b) For seaplanes and amphibians, the most adverse water conditions safe for takeoff, taxiing, and landing, must be established.

**§ 25.233 Directional stability and control.**

(a) There may be no uncontrollable ground-looping tendency in 90° cross winds, up to a wind velocity of 0.2 $V_{S_0}$ at any speed at which the airplane may be expected to be operated on the ground. This may be shown while establishing the cross wind component velocity required by § 25.237.

(b) Landplanes must be satisfactorily controllable, without exceptional piloting skill or alertness, in power-off landings at normal landing speed, without using brakes or engine power to maintain a straight path. This may be shown during power-off landings made in conjunction with other tests.

(c) The airplane must have adequate directional control during taxiing. This may be shown during taxiing prior to takeoffs made in conjunction with other tests.

**§ 25.235 Taxiing condition.**

The shock absorbing mechanism may not damage the structure of the airplane when the airplane is taxied on the roughest ground that may reasonably be expected in normal operation.

**§ 25.237 Wind velocities.**

(a) For landplanes, a cross component of wind velocity, shown to be safe for takeoff and landing, must be established.

(b) For seaplanes and amphibians, the following wind velocities must be established:

(1) A lateral wind component, not less than 0.2 $V_{S_0}$, up to which takeoff and landing is safe under any water condition that may reasonably be expected in normal operation.

(2) A wind velocity up to which taxiing is safe in any direction under water conditions that may reasonably be expected in normal operation.

**§ 25.239 Spray characteristics and control stability on water.**

(a) For seaplanes and amphibians, during takeoff, taxiing, and landing, and in the conditions set forth in paragraph (b) of this section, there may be no—

(1) Spray characteristics that would impair the pilot's view, cause damage, or result in the taking in of an undue quantity of water;

(2) Dangerously uncontrollable porpoising, bounding, or swinging tendency; or

(3) Immersion of auxiliary floats or sponsons, wing tips, propeller blades, or other parts not designed to withstand the resulting water loads.

(b) Compliance with the requirements of paragraph (a) of this section must be shown—

(1) In water conditions, from smooth to the most adverse condition established in accordance with § 25.231;

(2) In wind and cross-wind velocities, water currents, and associated waves and swells that may reasonably be expected in operation on water;

(3) At speeds that may reasonably be expected in operation on water;

(4) With sudden failure of the critical engine at any time while on water; and

(5) At each weight and center of gravity position, relevant to each operating condition, within the range of loading conditions for which certification is requested.

(c) In the water conditions of paragraph (b) of this section, and in the corresponding wind conditions, the seaplane or amphibian must be able to drift for five minutes with engines inoperative, aided, if necessary, by a sea anchor.

MISCELLANEOUS FLIGHT REQUIREMENTS

**§ 25.251 Vibration and buffeting.**

(a) The airplane must be designed to withstand any vibration and buffeting that might occur in any likely operating condition. This must be shown by calculations, resonance tests, or other tests found necessary by the Administrator.

(b) Each part of the airplane must be shown in flight to be free from excessive vibration, under any appropriate speed and power conditions up to at least the minimum value of $V_D$ allowed in § 25.335. The maximum speeds shown must be used in establishing the operating limitations of the airplane in accordance with § 25.1505. In addition, it must be shown by analysis or tests, that the airplane is free from such vibration that would prevent safe flight under the conditions in § 25.629(d).

(c) There may be no buffeting condition, in normal flight, severe enough to interfere with the control of the airplane, to cause excessive fatigue to the crew, or to cause structural damage. Stall warning buffeting within these limits is allowable.

**§ 25.253 High-speed characteristics.**

(a) *Speed increase and recovery characteristics.* The following speed increase and recovery characteristics must be met:

(1) Operating conditions and characteristics likely to cause inadvertent speed increases (including upsets in pitch and roll) must be simulated with the airplane trimmed at any likely cruise speed up to $V_{MO}/M_{MO}$. These conditions and characteristics include gust upsets, inadvertent control movements, low stick force gradient in relation to control friction, passenger movement, leveling off from climb, and descent from Mach to airspeed limit altitudes.

(2) Allowing for pilot reaction time after effective inherent or artificial speed warning occurs, it must be shown that the airplane can be recovered to a normal altitude and its speed reduced to $V_{MO}/M_{MO}$, without—

(i) Exceptional piloting strength or skill;

(ii) Exceeding $V_D/M_D$, $V_{DF}/M_{DF}$, or the structural limitations; and

(iii) Buffeting that would cause structure damage.

(3) There may be no control reversal about any axis at any speed up to $V_{DF}/M_{DF}$. Any reversal of elevator control force or tendency of the airplane to pitch, roll, or yaw must be mild and readily controllable, using normal piloting techniques.

(b) *Maximum speed for stability characteristics, $V_{FC}/M_{FC}$.* $V_{FC}/M_{FC}$ is the maximum speed at which the requirements of §§ 25.147(e), 25.175(b)(1), 25.177, 25.181, and 25.187 must be met with flaps and landing gear retracted. It may not be less than a speed midway between $V_{MO}/M_{MO}$ and $V_{DF}/M_{DF}$, except that, for altitudes where Mach number is the limiting factor, $M_{FC}$ need not exceed the Mach number at which effective speed warning occurs.



## Subpart C—Structure

GENERAL

**§ 25.301 Loads.**

(a) Strength requirements are specified in terms of limit loads (the maximum loads to be expected in service) and ultimate loads (limit loads multiplied by prescribed factors of safety). Unless otherwise provided, prescribed loads are limit loads.

(b) Unless otherwise provided, the specified air, ground, and water loads must be placed in equilibrium with inertia forces, considering each item of mass in the airplane. These loads must be distributed to conservatively approximate or closely represent actual conditions.

(c) If deflections under load would significantly change the distribution of external or internal loads, this redistribution must be taken into account.

**§ 25.303 Factor of safety.**

Unless otherwise provided, a factor of safety of 1.5 must be used.

**§ 25.305 Strength and deformation.**

(a) The structure must be able to support limit loads without detrimental permanent deformation. At any load up to limit loads, the deformation may not interfere with safe operation.

(b) The structure must be able to support ultimate loads without failure for at least three seconds. However, when proof of strength is shown by dynamic tests simulating actual load conditions, the three second limit does not apply.

(c) Where structural flexibility is such that any rate of load application likely to occur in the operating conditions might produce transient stresses appreciably higher than those corresponding to static loads, the effects of this rate of application must be considered.

**§ 25.307 Proof of structure.**

(a) Compliance with the strength and deformation requirements of this subpart must be shown for each critical loading condition. Structural analysis may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made.

(b) Compliance with the fatigue evaluation requirements of §§ 25.571 and 25.573 must be shown.

(c) Certain parts of the structure must be tested as specified in § 25.601.

FLIGHT LOADS

**§ 25.321 General.**

(a) Flight load factors represent the ratio of the aerodynamic force component (acting normal to the assumed longitudinal axis of the airplane) to the weight of the airplane. A positive load factor is one in which the aerodynamic force acts upward with respect to the airplane.

(b) Considering compressibility effects at each speed, compliance with the flight load requirements of this subpart must be shown—

(1) At each critical altitude within the range of altitudes selected by the applicant;

(2) At each weight from the design minimum weight to the design maximum weight; and

(3) For each required altitude and weight, for any practicable distribution of disposable load within the operating limitations recorded in the Airplane Flight Manual.

FLIGHT MANEUVER AND GUST CONDITIONS

**§ 25.331 General.**

(a) *Procedure.* The analysis of symmetrical flight must include at least the conditions specified in paragraphs (b) through (d) of this section. The following procedure must be used:

(1) Enough points on the maneuvering and gust envelopes must be investigated to ensure that the maximum load for each part of the airplane structure is obtained. A conservative combined envelope may be used.

(2) The significant forces acting on the airplane must be placed in equilibrium in a rational or conservative manner. The linear inertia forces must be considered to be in equilibrium with wing and horizontal tail surface loads, while the angular (pitching) inertia forces must be considered to be in equilibrium with wing and fuselage aerodynamic moments and horizontal tail surface loads.

(3) Where sudden displacement of a control is specified, the assumed rate of displacement need not exceed the rate that could be applied by the pilot.

(4) In determining elevator angles and chordwise load distribution (in the maneuvering conditions of paragraphs (b) and (c) of this section) in turns and pullups, the effect of corresponding pitching velocities must be taken into account.

(b) *Maneuvering balanced conditions.* Assuming the airplane to be in equilibrium with zero pitching acceleration, the maneuvering conditions A through I on the maneuvering envelope in § 25.333(b) must be investigated.

(c) *Maneuvering pitching conditions.* The following conditions involving pitching acceleration must be investigated:

(1) *Maximum elevator displacement at $V_A$.* The airplane is assumed to be flying in steady level flight (point $A_1$, § 25.333(b)) and, except as limited by pilot effort in accordance with § 25.397(b), the pitching control is suddenly moved to obtain extreme positive pitching (nose up).

(2) *Checked maneuver at speeds between $V_A$ and $V_D$.* The airplane is assumed to be subjected to a checked maneuver (a maneuver in which the pitching control is suddenly displaced in one direction and then suddenly moved in the opposite direction) from steady level flight (points $A_1$ to $D_1$, § 25.333(b)), and from the positive load factor (points $A_2$ to $D_2$, § 25.333(b)) as follows:

(i) Unless lesser values could not be exceeded, a positive pitching acceleration (nose up) is assumed to be reached concurrently with the airplane load factor of 1.0 (points $A_1$ to $D_1$, § 25.333(b)). This positive acceleration must be equal to at least $\frac{39}{V}n$ (n—1.5) (radians/sec.$^2$), where—

(a) $n$ is the positive load factor at the speed under consideration; and

(b) $V$ is the airplane equivalent speed in knots.

(ii) Unless lesser values could not be exceeded, a negative pitching acceleration (nose down) is assumed to be reached concurrently with the positive maneuvering load factor (points $A_2$ to $D_2$, § 25.333(b)). This negative pitching acceleration must be equal to at least

$$-\frac{26}{V}n\ (n-1.5)\ \text{(radians/sec.}^2\text{)}$$

where—

(a) $n$ is the positive load factor at the speed under consideration; and

(b) $V$ is the airplane equivalent speed in knots.

(3) *Specified control displacement.* Instead of the conditions in subparagraph (2) of this paragraph, a checked maneuver, based on a rational pitching control motion vs. time profile, may be established in which the design limit load factor specified in § 25.337 will not be exceeded. Unless lesser values cannot be exceeded, the airplane response must result in pitching accelerations not less than those specified in subparagraph (2).

(d) *Gust conditions.* The gust conditions B' through J', § 25.333(c), must be investigated. The following provisions apply:

(1) The air load increment due to a specified gust must be added to the initial balancing tail load corresponding to steady level flight.

(2) The alleviating effect of wing down-wash and of the airplane's motion in response to the gust may be included in computing the tail gust load increment.

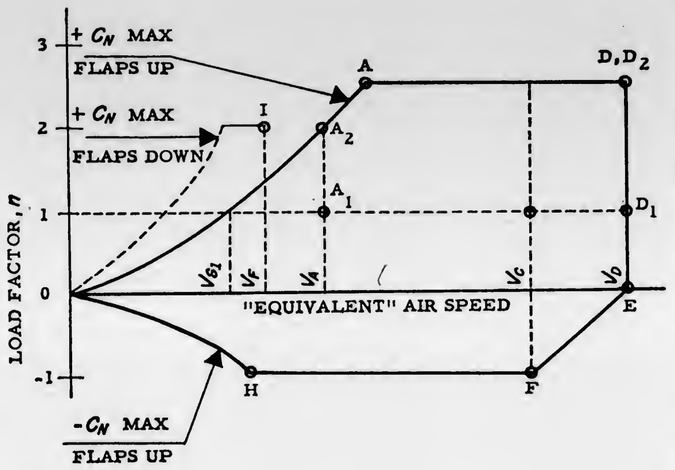
(3) Instead of a rational investigation of the airplane response, the gust alleviation factor $K_g$ may be applied to the specified gust intensity for the horizontal tail.

**§ 25.333 Flight envelope.**

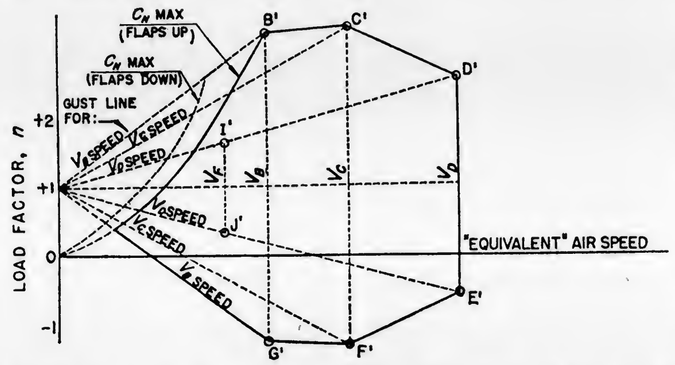
(a) *General.* The strength requirements must be met at each combination of airspeed and load factor on and within the boundaries of the representative maneuvering and gust envelopes ($V$–$n$ diagrams) of paragraphs (b) and (c) of this section. These envelopes must also be used in determining the airplane structural operating limitations as specified in § 25.1501.

(b) *Maneuvering envelope.*

No. 250—6




(c) *Gust envelope.*




**§ 25.335 Design airspeeds.**

The selected design airspeeds are equivalent airspeeds (EAS). Estimated values of $V_{S_0}$ and $V_{S_1}$ must be conservative.

(a) *Design cruising speed, $V_C$.* For $V_C$, the following apply:

(1) The minimum value of $V_C$ must be sufficiently greater than $V_B$ to provide for inadvertent speed increases likely to occur as a result of severe atmospheric turbulence.

(2) In the absence of a rational investigation substantiating the use of other values, $V_C$ may not be less than $V_B+43$ knots. However, it need not exceed the maximum speed in level flight at maximum continuous power for the corresponding altitude.

(3) At altitudes where $V_D$ is limited by Mach number, $V_C$ may be limited to a selected Mach number.

(b) *Design dive speed, $V_D$.* The selected design dive speed must be used in determining the maximum operating limit speed for the airplane in accordance with § 25.1505.

(c) *Design maneuvering speed $V_A$.* For $V_A$, the following apply:

(1) $V_A$ may not be less than $V_{S_1}\sqrt{n}$ where—

(i) $n$ is the limit positive maneuvering load factor at $V_C$; and

(ii) $V_{S_1}$ is the stalling speed with flaps retracted.

(2) $V_A$ and $V_S$ must be evaluated at the design weight and altitude under consideration.

(3) $V_A$ need not be more than $V_C$ or the speed at which the positive $C_{N\ max}$ curve intersects the positive maneuver load factor line, whichever is less.

(d) *Design speed for maximum gust intensity, $V_B$.* For $V_B$, the following apply:

(1) $V_B$ may not be less than the speed determined by the intersection of the line representing the maximum positive lift $C_{N\ max}$ and the line representing the rough air gust velocity on the gust $V$-$n$ diagram, or $(\sqrt{n_g})\ V_{S_1}$, whichever is less, where—

(i) $n_g$ is the positive airplane gust load factor due to gust, at speed $V_C$ (in accordance with § 25.341), and at the particular weight under consideration; and

(ii) $V_{S_1}$ is the stalling speed with the flaps retracted at the particular weight under consideration.

(2) $V_B$ need not be greater than $V_C$.

(e) *Design flap speeds, $V_F$.* For $V_F$, the following apply:

(1) The design flap speed for each flap position (established in accordance with § 25.697(a)) must be sufficiently greater than the operating speed recommended for the corresponding stage of flight (including balked landings) to allow for probable variations in control of airspeed and for transition from one flap position to another.

(2) If an automatic flap positioning or load limiting device is used, the speeds and corresponding flap positions programmed or allowed by the device may be used.

(3) $V_F$ may not be less than—

(i) 1.6 $V_{S_1}$ with the flaps in takeoff position at maximum takeoff weight;

(ii) 1.8 $V_{S_1}$ with the flaps in approach position at maximum landing weight; and

(iii) 1.8 $V_{S_0}$ with the flaps in landing position at maximum landing weight.

**§ 25.337 Limit maneuvering load factors.**

(a) Except where limited by maximum (static) lift coefficients, the airplane is assumed to be subjected to symmetrical maneuvers resulting in the limit maneuvering load factors prescribed in this section. Pitching velocities appropriate to the corresponding pull-up and steady turn maneuvers must be taken into account.

(b) The positive limit maneuvering load factor $n$ for any speed up to $V_D$ may not be less than 2.5.

(c) The negative limit maneuvering load factor—

(1) May not be less than −1.0 at speeds up to $V_C$, and

(2) Must vary linearly with speed from the value at $V_C$ to zero at $V_D$.

(d) Maneuvering load factors lower than those specified in this section may be used if the airplane has design features that make it impossible to exceed these values in flight.

**§ 25.341 Gust loads.**

(a) The airplane is assumed to be subjected to symmetrical vertical gusts in level flight. The resulting limit load factors must correspond to the conditions determined as follows:

(1) Positive (up) and negative (down) rough air gusts of 66 fps at $V_B$ must be considered at altitudes between sea level and 20,000 feet. The gust velocity may be reduced linearly from 66 fps at 20,000 feet to 38 fps at 50,000 feet.

(2) Positive and negative gusts of 50 fps at $V_C$ must be considered at altitudes between sea level and 20,000 feet. The gust velocity may be reduced linearly from 50 fps at 20,000 feet to 25 fps at 50,000 feet.

(3) Positive and negative gusts of 25 fps at $V_D$ must be considered at altitudes between sea level and 20,000 feet. The gust velocity may be reduced linearly from 25 fps at 20,000 feet to 12.5 fps at 50,000 feet.

(b) The following assumptions must be made:

(1) The shape of the gust is

$$U=\frac{U_{ds}}{2}\left(1-\cos\frac{2\pi s}{25\bar{C}}\right)$$

where—

$s$ = distance penetrated into gust (ft);
$\bar{C}$ = mean geometric chord of wing (ft); and
$U_{ds}$ = derived gust velocity referred to in paragraph (a) (fps).

(2) Gust load factors vary linearly between the specified conditions B' through G', as shown on the gust envelope in § 25.333(c).

(c) In the absence of a more rational analysis, the gust load factors must be computed as follows:

$$n=1+\frac{K_g\,U_{ds}\,Va}{498\,(W/S)}$$

where—

$K_g=\frac{0.88\mu_g}{5.3+\mu_g}$ = gust alleviation factor;

$\mu_g=\frac{2(W/S)}{\rho\bar{C}ag}$ = airplane mass ratio;

$U_{ds}$ = derived gust velocities referred to in paragraph (a) (fps);

$\rho$ = density of air (slugs/cu. ft.);

$W/S$ = wing loading (psf);

$\bar{C}$ = mean geometric chord (ft.);

$g$ = acceleration due to gravity (ft/sec.²);

$V$ = airplane equivalent speed (knots); and

$a$ = slope of the airplane normal force coefficient curve $C_{N_A}$ per radian if the gust loads are applied to the wings and horizontal tail surfaces simultaneously by a rational method. The wing lift curve slope $C_L$ per radian may be used when the gust load is applied to the wings only and the horizontal tail gust loads are treated as a separate condition.

**§ 25.343 Design fuel and oil loads.**

(a) The disposable load combinations must include each fuel and oil load in the range from zero fuel and oil to the selected maximum fuel and oil load. A structural reserve fuel condition, not exceeding 45 minutes of fuel under the operating conditions in § 25.1001(c), may be selected.

(b) If a structural reserve fuel condition is selected, it must be used as the minimum fuel weight condition for showing compliance with the flight load requirements as prescribed in this subpart. In addition—

(1) The structure must be designed for a condition of zero fuel and oil in the wing at limit loads corresponding to—

(i) A maneuvering load factor of +2.25; and

(ii) Gust intensities equal to 85 percent of the values prescribed in § 25.341; and

(2) Fatigue evaluation of the structure must account for any increase in operating stresses resulting from the design condition of subparagraph (b)(1) of this paragraph; and

(3) The flutter, deformation, and vibration requirements must also be met with zero fuel.

**§ 25.345 High lift devices.**

(a) If flaps are to be used during takeoff, approach, or landing, at the design flap speeds established for these stages of flight under § 25.335(e) and with the flaps in the corresponding positions, the airplane is assumed to be subjected to symmetrical maneuvers and gusts within the range determined by—

(1) Maneuvering to a positive limit load factor of 2.0; and

(2) Positive and negative 25 fps derived gusts acting normal to the flight path in level flight.

(b) The airplane must be designed for the conditions prescribed in paragraph (a) of this section, except that the airplane load factor need not exceed 1.0, taking into account, as separate conditions, the effects of—

(1) Propeller slipstream corresponding to maximum continuous power at the design flap speeds $V_F$, and with takeoff power at not less than 1.4 times the stalling speed for the particular flap position and associated maximum weight; and

(2) A head-on gust of 25 feet per second velocity (EAS).

(c) If flaps or similar high lift devices are to be used as speed brakes in en route conditions, and with flaps in the appropriate position at speeds up to the flap design speed chosen for these conditions, the airplane is assumed to be subjected to symmetrical maneuvers and gusts within the range determined by—

(1) Maneuvering to a positive limit load factor of 2.5; and

(2) Positive and negative derived gusts as prescribed in § 25.341 acting normal to the flight path in level flight.

**§ 25.349 Rolling conditions.**

The airplane must be designed for rolling loads resulting from the conditions specified in paragraphs (a) and (b) of this section. Unbalanced aerodynamic moments about the center of gravity must be reacted in a rational or conservative manner, considering the principal masses furnishing the reacting inertia forces.

(a) *Maneuvering.* The following conditions, speeds, and aileron deflections (except as the deflections may be limited by pilot effort) must be considered in combination with an airplane load factor of zero and of two-thirds of the positive maneuvering factor used in design. In determining the required aileron deflections, the torsional flexibility of the wing must be considered in accordance with § 25.301(b):

(1) Conditions corresponding to steady rolling velocities must be investigated. In addition, conditions corresponding to maximum angular acceleration must be investigated for airplanes with engines or other weight concentrations outboard of the fuselage. For the angular acceleration conditions, zero rolling velocity may be assumed in the absence of a rational time history investigation of the maneuver.

(2) At $V_A$, a sudden deflection of the aileron to the stop is assumed.

(3) At $V_C$, the aileron deflection must be that required to produce a rate of roll not less than that obtained in subparagraph (2) of this paragraph.

(4) At $V_D$, the aileron deflection must be that required to produce a rate of roll not less than one-third of that in subparagraph (2) of this paragraph.

(b) *Unsymmetrical gusts.* The condition of unsymmetrical gusts must be considered by modifying the symmetrical flight conditions B' or C' (in § 25.333(c)) whichever produces the greater load factor. It is assumed that 100 percent of the wing air load acts on one side of the airplane and 80 percent acts on the other side.

**§ 25.351 Yawing conditions.**

The airplane must be designed for loads resulting from the conditions specified in paragraphs (a) and (b) of this section. Unbalanced aerodynamic moments about the center of gravity must be reacted in a rational or conservative manner considering the principal masses furnishing the reacting inertia forces:

(a) *Maneuvering.* At speeds from $V_{MC}$ to $V_A$, the following maneuvers must be considered. In computing the tail loads, the yawing velocity may be assumed to be zero:

(1) With the airplane in unaccelerated flight at zero yaw, it is assumed that the rudder control is suddenly displaced to the maximum deflection, as limited by the control stops or by a 300 lb. rudder pedal force, whichever is critical.

(2) With the rudder deflected as specified in subparagraph (1) of this paragraph, it is assumed that the airplane yaws to the resulting sideslip angle.

(3) With the airplane yawed to the static sideslip angle corresponding to the rudder deflection specified in subparagraph (1) of this paragraph, it is assumed that the rudder is returned to neutral.

(b) *Lateral gusts.* The airplane is assumed to encounter derived gusts normal to the plane of symmetry while in unaccelerated flight. The derived gusts and airplane speeds corresponding to conditions B' through J' (in § 25.333(c)) (as determined by §§ 25.341 and 25.345(a)(2) or 25.345(c)(2)) must be investigated. The shape of the gust must be as specified in § 25.341. In the absence of a rational investigation of the airplane's response to a gust, the gust

loading on the vertical tail surfaces must be computed as follows:

$$L_t = \frac{K_{g_t} U_{de} V a_t S_t}{498}$$

where—

$L_t$ = vertical tail load (lbs.);

$K_{g_t} = \frac{0.88 \mu_{g_t}}{5.3 + \mu_{g_t}}$ = gust alleviation factor;

$\mu_{g_t} = \frac{2W}{\rho \bar{C}_t g a_t S_t \left(\frac{K}{l_t}\right)^2}$ = lateral mass ratio;

$U_{de}$ = derived gust velocity (fps);

$\rho$ = air density (slugs/cu. ft.);

$W$ = airplane weight (lbs.);

$S_t$ = area of vertical tail (ft.²);

$\bar{C}_t$ = mean geometric chord of vertical surface (ft.);

$a_t$ = lift curve slope of vertical tail (per radian);

$K$ = radius of gyration in yaw (ft.);

$l_t$ = distance from airplane c.g. to lift center of vertical surface (ft.);

$g$ = acceleration due to gravity (ft./sec.²); and

$V$ = airplane equivalent speed (knots).

SUPPLEMENTARY CONDITIONS

**§ 25.361 Engine torque.**

(a) Each engine mount and its supporting structures must be designed for engine torque effects combined with—

(1) The limit engine torque corresponding to takeoff power and propeller speed acting simultaneously with 75 percent of the limit loads from flight condition A of § 25.333(b);

(2) The limit engine torque corresponding to maximum continuous power and propeller speed acting simultaneously with the limit loads from flight condition A of § 25.333(b); and

(3) For turbopropeller installations, in addition to the conditions specified in subparagraphs (1) and (2) of this paragraph, the limit engine torque corresponding to takeoff power and propeller speed multiplied by a factor of 1.6 acting simultaneously with 1$g$ level flight loads.

(b) For turbine engine installations, the limit engine torque load imposed by sudden engine stoppage due to malfunction or structural failure (such as compressor jamming) must be considered in the design of the engine mounts and supporting structure.

(c) The limit engine torque is obtained by multiplying the mean torque for maximum continuous power by a factor of—

(1) 1.25 for turbopropeller installations;

(2) 1.33 for reciprocating engines with five or more cylinders; or

(3) Two, three, or four, for engines with four, three, or two cylinders, respectively.

**§ 25.363 Side load on engine mount.**

(a) Each engine mount and its supporting structure must be designed for a limit load factor in a lateral direction, for the side load on the engine mount, at least equal to the maximum load factor obtained in the yawing conditions but not less than—

(1) 1.33; or

(2) One-third of the limit load factor for flight condition A.

(b) The side load prescribed in paragraph (a) of this section may be assumed to be independent of other flight conditions.

**§ 25.365 Pressurized cabin loads.**

For each pressurized compartment for occupants, the following apply:

(a) The airplane structure must be strong enough to withstand the flight loads combined with pressure differential loads from zero up to the maximum relief valve setting.

(b) The external pressure distribution in flight, and stress concentrations and fatigue effects must be accounted for.

(c) If landings may be made with the cabin pressurized, landing loads must be combined with pressure differential loads from zero up to the maximum allowed during landing.

(d) The airplane structure must be strong enough to withstand the pressure differential loads corresponding to the maximum relief valve setting multiplied by a factor of 1.33, omitting other loads.

(e) If a pressurized cabin has two or more compartments separated by partitions, bulkheads, or floors, the structure supporting the prescribed flight and grounds loads (and any other structure that, if it failed, could interfere with continued safe flight and landing) must be designed to withstand the effects of sudden release of pressure in any compartment through an opening resulting from the failure or penetration of an external door, window, or windshield panel, or from structural fatigue or penetration of the fuselage in this compartment, unless it is shown that the probability of failure or penetration is extremely remote.

(f) In determining the probability of failure or penetration and probable size of openings, the fail-safe features of the design may be considered if possible improper operation of closure devices and inadvertent door openings are also considered. The pressure relief provided by intercompartment venting may also be considered.

(g) Reasonable design precautions must be taken to minimize the probability of parts becoming detached and injuring occupants while in their seats.

**§ 25.367 Unsymmetrical loads due to engine failure.**

(a) The airplane must be designed for the unsymmetrical loads resulting from the failure of the critical engine. Turbopropeller airplanes must be designed for the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between $V_{MC}$ and $V_D$, the loads resulting from power failure because of fuel flow interruption are considered to be limit loads.

(2) At speeds between $V_{MC}$ and $V_C$, the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag build-up occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than two seconds after the engine failure. The magnitude of the corrective action may be based on the control forces specified in § 25.397(b) except that lower forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

**§ 25.371 Gyroscopic loads.**

The structure supporting the engines must be designed for gyroscopic loads associated with the conditions specified in §§ 25.331, 25.349, and 25.351, with the engines at maximum continuous r.p.m.

**§ 25.373 Speed control devices.**

If speed control devices (such as spoilers and drag flaps) are installed for use in en route conditions—

(a) The airplane must be designed for the symmetrical maneuvers and gusts prescribed in §§ 25.333, 25.337, and 25.341, and the yawing maneuvers and lateral gusts in § 25.351, with the device extended at speeds up to the placard device extended speed; and

(b) If the device has automatic operating or load limiting features, the airplane must be designed for the maneuver and gust conditions prescribed in paragraph (a) of this section, at the speeds and corresponding device positions that the mechanism allows.

CONTROL SURFACE AND SYSTEM LOADS

**§ 25.391 Control surface loads: general.**

The control surfaces must be designed for the limit loads resulting from the flight conditions in §§ 25.331, 25.349, and 25.351 and the ground gust conditions in § 25.415, considering the requirements for—

(a) Loads parallel to hinge line, in § 25.393;

(b) Pilot effort effects, in § 25.397;

(c) Trim tab effects, in § 25.407;

(d) Unsymmetrical loads, in § 25.427; and

(e) Outboard fins, in § 25.445.

**§ 25.393 Loads parallel to hinge line.**

(a) Control surfaces and supporting hinge brackets must be designed for inertia loads acting parallel to the hinge line.

(b) In the absence of more rational data, the inertia loads may be assumed to be equal to $KW$, where—

(1) $K$=24 for vertical surfaces;

(2) $K$=12 for horizontal surfaces; and

(3) $W$=weight of the movable surfaces.



**§ 25.395 Control system.**

(a) Elevator, aileron, and rudder control systems and their supporting structures must be designed for loads corresponding to 125 percent of the computed hinge moments of the movable control surface in the conditions prescribed in § 25.391.

(b) The system limit loads, except the loads resulting from ground gusts, need not exceed the loads that can be produced by the pilot (or pilots) and by automatic devices operating the controls. The loads must be great enough to provide a rugged system for service use, considering jamming, ground gusts, taxiing tail to wind, control inertia, and friction.

**§ 25.397 Control system loads.**

(a) *General.* The maximum and minimum pilot forces, specified in paragraph (c) of this section, are assumed to act at the appropriate control grips or pads (in a manner simulating flight conditions) and to be reacted at the attachment of the control system to the control surface horn.

(b) *Pilot effort effects.* In the control surface flight loading condition, the air loads on movable surfaces and the corresponding deflections need not exceed those that would result in flight from the application of any pilot force within the ranges specified in paragraph (c) of this section. Two-thirds of the maximum values specified for the aileron and elevator may be used if control surface hinge moments are based on reliable data. In applying this criterion, the effects of servo mechanisms, tabs, and automatic pilot systems, must be considered.

(c) *Limit pilot forces.* The limit pilot forces are as follows:

| Control | Maximum forces | Minimum forces |
|---|---|---|
| Aileron: | | |
| Stick | 100 lbs. | 40 lbs. |
| Wheel* | 80 $D$ in.-lbs.** | 40 $D$ in.-lbs. |
| Elevator: | | |
| Stick | 250 lbs. | 100 lbs. |
| Wheel | 300 lbs. | 100 lbs. |
| Rudder | 300 lbs. | 130 lbs. |

*The critical parts of the aileron control system must be designed for a single tangential force with a limit value equal to 1.25 times the couple force determined from these criteria.

**$D$=wheel diameter (inches).

**§ 25.399 Dual control system.**

(a) Each dual control system must be designed for the pilots operating in opposition, using individual pilot forces not less than—

(1) 0.75 times those obtained under § 25.395; or

(2) The minimum forces specified in § 25.397(c).

(b) The control system must be designed for pilot forces applied in the same direction, using individual pilot forces not less than 0.75 times those obtained under § 25.395.

**§ 25.405 Secondary control system.**

Secondary controls, such as wheel brake, spoiler, and tab controls, must be designed for the maximum forces that a pilot is likely to apply to those controls. The following values may be used:

PILOT CONTROL FORCE LIMITS (SECONDARY CONTROLS)

| Control | Limit pilot forces |
|---|---|
| Miscellaneous: | |
| *Crank, wheel, or lever. | $\left(\frac{1+R}{3}\right) \times 50$ lbs., but not less than 50 lbs. nor more than 150 lbs. ($R$=radius). (Applicable to any angle within 20° of plane of control). |
| Twist | 133 in.-lbs. |
| Push-pull | To be chosen by applicant. |

*Limited to flap, tab, stabilizer, spoiler, and landing gear operation controls.

**§ 25.407 Trim tab effects.**

The effects of trim tabs on the control surface design conditions must be accounted for only where the surface loads are limited by maximum pilot effort. In these cases, the tabs are considered to be deflected in the direction that would assist the pilot, and the deflections are—

(a) For elevator trim tabs, those required to trim the airplane at any point within the positive portion of the pertinent flight envelope in § 25.333(b), except as limited by the stops; and

(b) For aileron and rudder trim tabs, those required to trim the airplane in the critical unsymmetrical power and loading conditions, with appropriate allowance for rigging tolerances.

**§ 25.409 Tabs.**

(a) *Trim tabs.* Trim tabs must be designed to withstand loads arising from all likely combinations of tab setting, primary control position, and airplane speed (obtainable without exceeding the flight load conditions prescribed for the airplane as a whole), when the effect of the tab is opposed by pilot effort forces up to those specified in § 25.397(b).

(b) *Balancing tabs.* Balancing tabs must be designed for deflections consistent with the primary control surface loading conditions.

(c) *Servo tabs.* Servo tabs must be designed for deflections consistent with the primary control surface loading conditions obtainable within the pilot maneuvering effort, considering possible opposition from the trim tabs.

**§ 25.415 Ground gust conditions.**

(a) The control system must be designed as follows for control surface loads due to ground gusts and taxiing downwind:

(1) The control system between the stops nearest the surfaces and the cockpit controls must be designed for loads corresponding to the limit hinge moments $H$ of subparagraph (2) of this paragraph. These loads need not exceed—

(i) The loads corresponding to the maximum pilot loads in § 25.397(c) for each pilot alone; or

(ii) 0.75 times these maximum loads for each pilot when the pilot forces are applied in the same direction.

(2) The control system stops nearest the surfaces, the control system locks, and the parts of the systems (if any) between these stops and locks and the control surface horns, must be designed for limit hinge moments $H$ obtained from the formula, $H=KcSq$, where—

$H$=limit hinge moment (ft. lbs.);

$c$=mean chord of the control surface aft of the hinge line (ft.);

$S$=area of the control surface aft of the hinge line (sq. ft.);

$q$=dynamic pressure (p.s.f.) based on a design speed not less than $14.6\sqrt{W/S}+14.6$ (f.p.s.), except that the design speed need not exceed 88 f.p.s.; and

$K$=limit hinge moment factor for ground gusts derived in paragraph (b) of this section.

(b) The limit hinge moment factor $K$ for ground gusts must be derived as follows:

| Surface | $K$ | Position of controls |
|---|---|---|
| (a) Aileron | 0.75 | Control column locked or lashed in mid-position. |
| (b) Aileron | *±0.50 | Ailerons at full throw. |
| (c) Elevator | *±0.75 | (c) Elevator full down. |
| (d) Elevator | *±0.75 | (d) Elevator full up. |
| (e) Rudder | 0.75 | (e) Rudder in neutral. |
| (f) Rudder | 0.75 | (f) Rudder at full throw. |

*A positive value of $K$ indicates a moment tending to depress the surface, while a negative value of $K$ indicates a moment tending to raise the surface.

**§ 25.427 Unsymmetrical loads.**

(a) Horizontal tail surfaces and their supporting structure must be designed for unsymmetrical loads arising from yawing and slipstream effects, in combination with the prescribed flight conditions.

(b) In the absence of more rational data, the following apply:

(1) For airplanes that are conventional in regard to location of propellers, wings, tail surfaces, and fuselage shape—

(i) 100 percent of the maximum loading from the symmetrical flight conditions may be assumed to act on the surface on one side of the plane of symmetry; and

(ii) 80 percent of this loading may be assumed to act on the other side.

(2) For airplanes that are not conventional (such as where the horizontal tail surfaces have appreciable dihedral or are supported by the vertical tail surfaces), the surfaces and supporting structures may be designed for combined vertical and horizontal surface loads resulting from the prescribed maneuvers.

**§ 25.445 Outboard fins.**

(a) If outboard fins are on the horizontal tail surface, the tail surfaces must be designed for the maximum horizontal surface load in combination with the corresponding loads induced on the vertical surfaces by endplate effects. These induced effects need not be combined with other vertical surface loads.

(b) To provide for unsymmetrical loading when outboard fins extend above and below the horizontal surface, the critical vertical surface loading (load per unit area) determined under § 25.391 must also be applied as follows:

(1) 100 percent to the area of the vertical surfaces above (or below) the horizontal surface.

(2) 80 percent to the area below (or above) the horizontal surface.

**§ 25.457 Wing flaps.**

Wing flaps, their operating mechanisms, and their supporting structures must be designed for critical loads occurring in the conditions prescribed in § 25.345, accounting for the loads occurring during transition from one flap position and airspeed to another.

**§ 25.459 Special devices.**

The loading for special devices using aerodynamic surfaces (such as slots and spoilers) must be determined from test data.

GROUND LOADS

**§ 25.471 General.**

(a) *Loads and equilibrium.* For limit ground loads—

(1) Limit ground loads obtained under this subpart are considered to be external forces applied to the airplane structure; and

(2) In each specified ground load condition, the external loads must be placed in equilibrium with the linear and angular inertia loads in a rational or conservative manner.

(b) *Critical centers of gravity.* The critical centers of gravity within the range for which certification is requested must be selected so that the maximum design loads are obtained in each landing gear element.

(c) *Design weights.* Design weights may be used for structural design only.

(d) *Landing gear dimension data.* Figure (1) of Appendix A contains the basic landing gear dimension data.

**§ 25.473 Ground load conditions and assumptions.**

(a) For the landing conditions specified in §§ 25.479 through 25.485, the following apply:

(1) The selected limit vertical inertia load factors at the center of gravity of the airplane may not be less than the values that would be obtained—

(i) In the attitude and subject to the drag loads associated with the particular landing condition;

(ii) With a limit descent velocity of 10 f.p.s. at the design landing weight (the maximum weight for landing conditions at the maximum descent velocity); and

(iii) With a limit descent velocity of 6 f.p.s. at the design takeoff weight (the maximum weight for taxiing conditions and landing conditions at a reduced descent velocity).

(2) A wing lift, not exceeding the airplane weight, may be assumed to exist throughout the landing impact and to act through the center of gravity of the airplane.

(b) The prescribed descent velocities may be modified if it is shown that the airplane has design features that make it impossible to develop these velocities.

(c) The minimum limit inertia load factors corresponding to the required limit descent velocities must be determined in accordance with § 25.723(a).

**§ 25.477 Landing gear arrangement.**

Sections 25.479 through 25.485 apply to airplanes with conventional arrangements of main and nose gears, or main and tail gears, when normal operating techniques are used.

**§ 25.479 Level landing conditions.**

(a) In the level attitude, the airplane is assumed to contact the ground at forward velocity components, ranging from $V_{L_1}$ to 1.25 $V_{L_2}$, parallel to the ground, and to be subjected to the load factors prescribed in § 25.473(a)(1) with—

(1) $V_{L_1}$ equal to $V_{S_0}$ (TAS) at the appropriate landing weight and in standard sea level conditions; and

(2) $V_{L_2}$ equal to $V_{S_0}$ (TAS) at the appropriate landing weight and altitudes in a hot day temperature of 41 degrees F. above standard.

(b) The effects of increased contact speeds must be investigated if approval of downwind landings exceeding 10 knots is desired.

(c) Assuming that the following combinations of vertical and drag components act at the axle centerline, the following apply:

(1) For the condition of maximum wheel spin-up load, drag components simulating the forces required to accelerate the wheel rolling assembly up to the specified ground speed must be combined with the vertical ground reactions existing at the instant of peak drag loads. The coefficient of friction between the tires and the ground may be established by considering the effects of skidding velocity and tire pressure. However, this coefficient of friction need not be more than 0.8. This condition must be applied to the landing gear, directly affected attaching structure, and large mass items such as external fuel tanks and nacelles.

(2) For the condition of maximum wheel vertical load, an aft acting drag component of not less than 25 percent of the maximum vertical ground reaction must be combined with the maximum ground reaction of § 25.473.

(3) For the condition of maximum springback load, forward-acting horizontal loads resulting from a rapid reduction of the spin-up drag loads must be combined with the vertical ground reactions at the instant of the peak forward load. This condition must be applied to the landing gear, directly affected attaching structure, and large mass items such as external fuel tanks and nacelles.

(d) For the level landing attitude for airplanes with tail wheels, the conditions specified in paragraph (a) of this section must be investigated with the airplane horizontal reference line horizontal in accordance with figure 2 of Appendix A.

(e) For the level landing attitude for airplanes with nose wheels, shown in Figure 2 of Appendix A, the conditions specified in paragraphs (a) through (c) of this section must be investigated, assuming the following attitudes:

(1) An attitude in which the main wheels are assumed to contact the ground with the nose wheel just clear of the ground.

(2) If reasonably attainable at the specified descent and forward velocities, an attitude in which the nose and main wheels are assumed to contact the ground simultaneously. For this attitude—

(i) The nose and main gear may be separately investigated under the conditions in paragraph (c)(1) and (3) of this section; and

(ii) The pitching moment is assumed, under the condition in paragraph (c)(2) of this section, to be resisted by the nose gear.

**§ 25.481 Tail-down landing conditions.**

(a) In the tail-down attitude, the airplane is assumed to contact the ground at forward velocity components, ranging from $V_{L_1}$ to $V_{L_2}$, parallel to the ground, and is subjected to the load factors prescribed in § 25.473(a)(1) with—

(1) $V_{L_1}$ equal to $V_{S_0}$ (TAS) at the appropriate landing weight and in standard sea level conditions; and

(2) $V_{L_2}$ equal to $V_{S_0}$ (TAS) at the appropriate landing weight and altitudes in a hot day temperature of 41 degrees F. above standard.

The combination of vertical and drag components specified in § 25.479(c) (1) and (3) is considered to be acting at the main wheel axle centerline.

(b) For the tail-down landing condition for airplanes with tail wheels, the main and tail wheels are assumed to contact the ground simultaneously, in accordance with figure 3 of Appendix A. Ground reaction conditions on the tail wheel are assumed to act—

(1) Vertically; and

(2) Up and aft through the axle at 45 degrees to the ground line.

(c) For the tail-down landing condition for airplanes with nose wheels, the airplane is assumed to be at an attitude corresponding to either the stalling angle or the maximum angle allowing clearance with the ground by each part of the airplane other than the main wheels, in accordance with figure 3 of Appendix A, whichever is less.

**§ 25.483 One-wheel landing conditions.**

For the one-wheel landing condition, the airplane is assumed to be in the level attitude and to contact the ground on one side of the main landing gear, in accordance with Figure 4 of Appendix A. In this attitude—

(a) The ground reactions must be the same as those obtained on that side under § 25.479(c)(2); and

(b) Each unbalanced external load must be reacted by airplane inertia in a rational or conservative manner.

**§ 25.485 Side load conditions.**

(a) For the side load condition, the airplane is assumed to be in the level attitude with only the main wheels contacting the ground, in accordance with figure 5 of Appendix A.

(b) Side loads of 0.8 of the vertical reaction (on one side) acting inward and 0.6 of the vertical reaction (on the other side) acting outward must be combined with one-half of the maximum vertical ground reactions obtained in the level landing conditions. These loads are assumed to be applied at the ground contact point and to be resisted by the inertia of the airplane. The drag loads may be assumed to be zero.



**§ 25.487 Rebound landing condition.**

(a) The landing gear and its supporting structure must be investigated for the loads occurring during rebound of the airplane from the landing surface.

(b) With the landing gear fully extended and not in contact with the ground, a load factor of 20.0 must act on the unsprung weights of the landing gear. This load factor must act in the direction of motion of the unsprung weights as they reach their limiting positions in extending with relation to the sprung parts of the landing gear.

**§ 25.489 Ground handling conditions.**

Unless otherwise prescribed, the landing gear and airplane structure must be investigated for the conditions in §§ 25.491 through 25.509 with the airplane at the design takeoff weight. No wing lift may be considered. The shock absorbers and tires may be assumed to be in their static position.

**§ 25.491 Takeoff run.**

The landing gear and the airplane structure are assumed to be subjected to loads not less than those obtained under conditions described in § 25.235.

**§ 25.493 Braked roll conditions.**

(a) An airplane with a tail wheel is assumed to be in the level attitude with the load on the main wheels, in accordance with figure 6 of Appendix A. The limit vertical load factor is 1.2 at the design landing weight, and 1.0 at the design takeoff weight. A drag reaction equal to the vertical reaction multiplied by a coefficient of friction of 0.8, must be combined with the vertical ground reaction and applied at the ground contact point.

(b) For an airplane with a nose wheel, the limit vertical load factor is 1.2 at the design landing weight, and 1.0 at the design takeoff weight. A drag reaction equal to the vertical reaction, multiplied by a coefficient of friction of 0.8, must be combined with the vertical reaction and applied at the ground contact point of each wheel with brakes. The following two attitudes, in accordance with figure 6 of Appendix A, must be considered:

(1) The level attitude with the wheels contacting the ground and the loads distributed between the main and nose gear. Zero pitching acceleration is assumed.

(2) The level attitude with only the main gear contacting the ground and with the pitching moment resisted by angular acceleration.

(c) A drag reaction lower than that prescribed in paragraphs (a) and (b) of this section may be used if it is substantiated that an effective drag force of 0.8 times the vertical reaction cannot be attained under any likely loading condition.

**§ 25.495 Turning.**

In the static position, in accordance with figure 7 of Appendix A, the airplane is assumed to execute a steady turn by nose gear steering, or by application of sufficient differential power, so that the limit load factors applied at the center of gravity are 1.0 vertically and 0.5 laterally. The side ground reaction of each wheel must be 0.5 of the vertical reaction.

**§ 25.497 Tail-wheel yawing.**

(a) A vertical ground reaction equal to the static load on the tail wheel, in combination with a side component of equal magnitude, is assumed.

(b) If there is a swivel, the tail wheel is assumed to be swiveled 90° to the airplane longitudinal axis with the resultant load passing through the axle.

(c) If there is a lock, steering device, or shimmy damper the tail wheel is also assumed to be in the trailing position with the side load acting at the ground contact point.

**§ 25.499 Nose-wheel yaw.**

(a) A vertical load factor of 1.0 at the airplane center of gravity, and a side component at the nose wheel ground contact equal to 0.8 of the vertical ground reaction at that point, are assumed.

(b) With the airplane assumed to be in static equilibrium with the loads resulting from the use of brakes on one side of the main landing gear, the nose gear, its attaching structure, and the fuselage structure must be designed for the following loads:

(1) A vertical load factor at the center of gravity of 1.0.

(2) A forward acting load at the airplane center of gravity of 0.8 times the vertical load on one main gear.

(3) Side and vertical loads at the ground contact point on the nose gear that are required for static equilibrium.

(4) A side load factor at the airplane center of gravity of zero.

(c) If the loads prescribed in paragraph (a) of this section result in a nose gear side load higher than 0.8 times the vertical nose gear load, the design nose gear side load may be limited to 0.8 times the vertical load, with unbalanced yawing moments assumed to be resisted by airplane inertia forces.

(d) For the landing gear and airplane structure, the loading conditions are those prescribed in paragraph (b) of this section, except that—

(1) A lower drag reaction may be used if an effective drag force of 0.8 times the vertical reaction cannot be reached under any likely loading condition; and

(2) The forward acting load at the center of gravity need not exceed the maximum drag reaction on one main gear, determined in accordance with § 25.493(b).

**§ 25.503 Pivoting.**

(a) The airplane is assumed to pivot about one side of the main gear with the brakes on that side locked. The limit vertical load factor must be 1.0 and the coefficient of friction 0.8.

(b) The airplane is assumed to be in static equilibrium, with the loads being applied at the ground contact points, in accordance with figure 8 of Appendix A.

**§ 25.507 Reversed braking.**

(a) The airplane must be in a three point static ground attitude. Horizontal reactions parallel to the ground and directed forward must be applied at the ground contact point of each wheel with brakes. The limit loads must be equal to 0.55 times the vertical load at each wheel or to the load developed by 1.2 times the nominal maximum static brake torque, whichever is less.

(b) For airplanes with nose wheels, the pitching moment must be balanced by rotational inertia.

(c) For airplanes with tail wheels, the resultant of the ground reactions must pass through the center of gravity of the airplane.

**§ 25.509 Towing loads.**

(a) The towing loads specified in paragraph (d) of this section must be considered separately. These loads must be applied at the towing fittings and must act parallel to the ground. In addition—

(1) A vertical load factor equal to 1.0 must be considered acting at the center of gravity;

(2) The shock struts and tires must be in their static positions; and

(3) With $W_T$ as the design maximum takeoff weight, the towing load, $F_{TOW}$, is—

(i) 0.3 $W_T$ for $W_T$ less than 30,000 pounds;

(ii) $\frac{6W_T+450,000}{70}$ for $W_T$ between 30,000 and 100,000 pounds; and

(iii) 0.15 $W_T$ for $W_T$ over 100,000 pounds.

(b) For towing points not on the landing gear but near the plane of symmetry of the airplane, the drag and side tow load components specified for the auxiliary gear apply. For towing points located outboard of the main gear, the drag and side tow load components specified for the main gear apply. Where the specified angle of swivel cannot be reached, the maximum obtainable angle must be used.

(c) The towing loads specified in paragraph (d) of this section must be reacted as follows:

(1) The side component of the towing load at the main gear must be reacted by a side force at the static ground line of the wheel to which the load is applied.

(2) The towing loads at the auxiliary gear and the drag components of the towing loads at the main gear must be reacted as follows:

(i) A reaction with a maximum value equal to the vertical reaction must be applied at the axle of the wheel to which the load is applied. Enough airplane inertia to achieve equilibrium must be applied.

(ii) The loads must be reacted by airplane inertia.

(d) The prescribed towing loads are as follows:

| Tow point | Position | Load | | |
|---|---|---|---|---|
| | | Magnitude | No. | Direction |
| Main gear. | | 0.75 $F_{TOW}$ per main gear unit. | 1<br>2<br>3<br>4 | Forward, parallel to drag axis.<br>Forward, at 30° to drag axis.<br>Aft, parallel to drag axis.<br>Aft, at 30° to drag axis. |
| Auxiliary gear. | Swiveled forward. | 1.0 $F_{TOW}$. | 5<br>6 | Forward.<br>Aft. |
| | Swiveled aft. | | 7<br>8 | Forward.<br>Aft. |
| | Swiveled 45° from forward. | 0.5 $F_{TOW}$. | 9<br>10 | Forward, in plane of wheel.<br>Aft, in plane of wheel. |
| | Swiveled 45° from aft. | | 11<br>12 | Forward, in plane of wheel.<br>Aft, in plane of wheel. |

**§ 25.511 Ground load; unsymmetrical loads on multiple-wheel units.**

(a) *General.* Multiple-wheel landing gear units are assumed to be subjected to the limit ground loads prescribed in this subpart under paragraphs (b) through (f) of this section. In addition—

(1) A tandem strut gear arrangement is a multiple-wheel unit; and

(2) In determining the total load on a gear unit with respect to the provisions of paragraphs (b) through (f) of this section, the transverse shift in the load centroid, due to unsymmetrical load distribution on the wheels, may be neglected.

(b) *Distribution of limit loads to wheels; tires inflated.* The distribution of the limit loads among the wheels of the landing gear must be established for each landing, taxiing, and ground handling condition, taking into account the effects of the following factors:

(1) The number of wheels and their physical arrangements. For truck type landing gear units, the effects of any see-saw motion of the truck during the landing impact must be considered in determining the maximum design loads for the fore and aft wheel pairs.

(2) Any differentials in tire diameters resulting from a combination of manufacturing tolerances, tire growth, and tire wear. A maximum tire-diameter differential equal to ⅔ of the most unfavorable combination of diameter variations that is obtained when taking into account manufacturing tolerances, tire growth, and tire wear, may be assumed.

(3) Any unequal tire inflation pressure, assuming the maximum variation to be ±5 percent of the nominal tire inflation pressure.

(4) A runway crown of zero and a runway crown having a convex upward shape that may be approximated by a slope of 1½ percent with the horizontal. Runway crown effects must be considered with the nose gear unit on either slope of the crown.

(5) The airplane attitude.

(6) Any structural deflections.

(c) *Deflated tires.* The effect of deflated tires on the structure must be considered with respect to the loading conditions specified in paragraphs (d) through (f) of this section, taking into account the physical arrangement of the gear components. In addition—

(1) The deflation of any one tire for each multiple wheel landing gear unit, and the deflation of any two critical tires for each landing gear unit using four or more wheels per unit, must be considered; and

(2) The ground reactions must be applied to the wheels with inflated tires except that, for multiple-wheel gear units with more than one shock strut, a rational distribution of the ground reactions between the deflated and inflated tires, accounting for the differences in shock strut extensions resulting from a deflated tire, may be used.

(d) *Landing conditions.* For one and for two deflated tires, the applied load to each gear unit is assumed to be 60 percent and 50 percent, respectively, of the limit load applied to each gear for each of the prescribed landing conditions. However, for the drift landing condition of § 25.485, 100 percent of the vertical load must be applied.

(e) *Taxiing and ground handling conditions.* For one and for two deflated tires—

(1) The applied side or drag load factor, or both factors, at the center of gravity must be the most critical value up to 50 percent and 40 percent, respectively, of the limit side or drag load factors, or both factors, corresponding to the most severe condition resulting from consideration of the prescribed taxiing and ground handling conditions;

(2) For the braked roll conditions of § 25.493(a) and (b)(2), the drag loads on each inflated tire may not be less than those at each tire for the symmetrical load distribution with no deflated tires;

(3) The vertical load factor at the center of gravity must be 60 percent and 50 percent, respectively, of the factor with no deflated tires, except that it may not be less than 1g; and

(4) Pivoting need not be considered.

(f) *Towing conditions.* For one and for two deflated tires, the towing load, $F_{TOW}$, must be 60 percent and 50 percent, respectively, of the load prescribed.

## WATER LOADS

**§ 25.521 General.**

(a) Seaplanes must be designed for the water loads developed during takeoff and landing, with the seaplane in any attitude likely to occur in normal operation, and at the appropriate forward and sinking velocities under the most severe sea conditions likely to be encountered.

(b) Unless a more rational analysis of the water loads is made, or the standards in ANC-3 are used, §§ 25.523 through 25.537 apply.

(c) The requirements of this section and §§ 25.523 through 25.537 apply also to amphibians.

**§ 25.523 Design weights and center of gravity positions.**

(a) *Design weights.* The water load requirements must be met at each operating weight up to the design landing weight except that, for the takeoff condition prescribed in § 25.531, the design takeoff weight must be used.

(b) *Center of gravity positions.* The critical centers of gravity within the limits for which certification is requested must be considered to reach maximum design loads for each part of the seaplane structure.

**§ 25.525 Application of loads.**

(a) Unless otherwise prescribed, the seaplane as a whole is assumed to be subjected to the loads corresponding to the load factors specified in § 25.527.

(b) In applying the loads resulting from the load factors prescribed in § 25.527, the loads may be distributed over the hull or main float bottom (in order to avoid excessive local shear loads and bending moments at the location of water load application) using pressures not less than those prescribed in § 25.533 (b).

(c) For twin float seaplanes, each float must be treated as an equivalent hull on a fictitious seaplane with a weight equal to one-half the weight of the twin float seaplane.

(d) Except in the takeoff condition of § 25.531, the aerodynamic lift on the seaplane during the impact is assumed to be ⅔ of the weight of the seaplane.

**§ 25.527 Hull and main float load factors.**

(a) Water reaction load factors $n_w$ must be computed in the following manner:

(1) For the step landing case

$$n_w = \frac{C_1 V_{S_0}^2}{\tan^{2/3}\beta W^{1/3}}$$

(2) For the bow and stern landing cases

$$n_w = \frac{C_1 V_{S_0}^2}{\tan^{2/3}\beta W^{1/3}} \times \frac{K_1}{(1+r_x^2)^{2/3}}.$$

(b) The following values are used:

(1) $n_w$=water reaction load factor (that is, the water reaction divided by seaplane weight).

(2) $C_1$=empirical seaplane operations factor equal to 0.012 (except that this factor may not be less than that necessary to obtain the minimum value of step load factor of 2.33).

(3) $V_{S_0}$=seaplane stalling speed with flaps extended in the appropriate landing position and with no slipstream effect.

(4) $\beta$=angle of dead rise at the longitudinal station at which the load factor is being determined, in accordance with figure 1 of Appendix B.

(5) $W$=seaplane design landing weight in pounds.



(6) $K_1$=empirical hull station weighing factor, in accordance with figure 2 of Appendix B.

(7) $r_x$=ratio of distance, measured parallel to hull reference axis, from the center of gravity of the seaplane to the hull longitudinal station at which the load factor is being computed to the radius of gyration in pitch of the seaplane, the hull reference axis being a straight line, in the plane of symmetry, tangential to the keel at the main step.

(c) For a twin float seaplane, because of the effect of flexibility of the attachment of the floats to the seaplane, the factor $K_1$ may be reduced at the bow and stern to 0.8 of the value shown in figure 2 of Appendix B. This reduction applies only to the design of the carry-through and seaplane structure.

**§ 25.529 Hull and main float landing conditions.**

(a) *Symmetrical step, bow, and stern landing.* For symmetrical step, bow, and stern landings, the limit water reaction load factors are those computed under § 25.527. In addition—

(1) For symmetrical step landings, the resultant water load must be applied at the keel, through the center of gravity, and must be directed perpendicularly to the keel line;

(2) For symmetrical bow landings, the resultant water load must be applied at the keel, one-fifth of the longitudinal distance from the bow to the step, and must be directed perpendicularly to the keel line; and

(3) For symmetrical stern landings, the resultant water load must be applied at the keel, at a point 85 percent of the longitudinal distance from the step to the stern post, and must be directed perpendicularly to the keel line.

(b) *Unsymmetrical landing for hull and single float seaplanes.* Unsymmetrical step, bow, and stern landing conditions must be investigated. In addition—

(1) The loading for each condition consists of an upward component and a side component equal, respectively, to 0.75 and 0.25 tan $\beta$ times the resultant load in the corresponding symmetrical landing condition; and

(2) The point of application and direction of the upward component of the load is the same as that in the symmetrical condition, and the point of application of the side component is at the same longitudinal station as the upward component but is directed inward perpendicularly to the plane of symmetry at a point midway between the keel and chine lines.

(c) *Unsymmetrical landing; twin float seaplanes.* The unsymmetrical loading consists of an upward load at the step of each float of 0.75 and a side load of 0.25 tan $\beta$ at one float times the step landing load reached under § 25.527. The side load is directed inboard, perpendicularly to the plane of symmetry midway between the keel and chine lines of the float, at the same longitudinal station as the upward load.

**§ 25.531 Hull and main float takeoff condition.**

For the wing and its attachment to the hull or main float—

(a) The aerodynamic wing lift is assumed to be zero; and

(b) A downward inertia load, corresponding to a load factor computed from the following formula, must be applied:

$$n = \frac{C_{TO} V_{S_1}^2}{\tan^{2/3}\beta W^{1/3}}$$

where—

$n$=inertia load factor;

$C_{TO}$=empirical seaplane operations factor equal to 0.004;

$V_{S_1}$=seaplane stalling speed at the design takeoff weight with the flaps extended in the appropriate takeoff position;

$\beta$=angle of dead rise at the main step (degrees); and

$W$=seaplane design takeoff weight in pounds.

**§ 25.533 Hull and main float bottom pressures.**

(a) *General.* The hull and main float structure, including frames and bulkheads, stringers, and bottom plating, must be designed under this section.

(b) *Local pressures.* For the design of the bottom plating and stringers and their attachments to the supporting structure, the following pressure distributions must be applied:

(1) For an unflared bottom, the pressure at the chine is 0.75 times the pressure at the keel, and the pressures between the keel and chine vary linearly, in accordance with figure 3 of Appendix B. The pressure at the keel (psi) is computed as follows:

$$P_k = C_2 \frac{K_2 V_{S_1}^2}{\tan \beta_k}$$

where—

$P_k$=pressure at the keel;

$C_2$=0.00213;

$K_2$=hull station weighing factor, in accordance with figure 2 of Appendix B;

$V_{S_1}$=seaplane stalling speed at the design takeoff weight with flaps extended in the appropriate takeoff position; and

$\beta_k$=angle of dead rise at keel, in accordance with figure 1 of Appendix B.

(2) For a flared bottom, the pressure at the beginning of the flare is the same as that for an unflared bottom, and the pressure between the chine and the beginning of the flare varies linearly, in accordance with figure 3 of Appendix B. The pressure distribution is the same as that prescribed in subparagraph (1) of this paragraph for an unflared bottom except that the pressure at the chine is computed as follows:

$$P_{ch} = C_3 \frac{K_2 V_{S_1}^2}{\tan \beta}$$

where—

$P_{ch}$=pressure at the chine;

$C_3$=0.0016;

$K_2$=hull station weighing factor, in accordance with figure 2 of Appendix B;

$V_{S_1}$=seaplane stalling speed at the design takeoff weight with flaps extended in the appropriate takeoff position; and

$\beta$=angle of dead rise at appropriate station.

The area over which these pressures are applied must simulate pressures occurring during high localized impacts on the hull or float, but need not extend over an area that would induce critical stresses in the frames or in the overall structure.

(c) *Distributed pressures.* For the design of the frames, keel, and chine structure, the following pressure distributions apply:

(1) Symmetrical pressures are computed as follows:

$$P = C_4 \frac{K_2 V_{S_0}^2}{\tan \beta}$$

where—

$P$=pressure;

$C_4$=0.078 $C_1$ (with $C_1$ computed under § 25.527);

$K_2$=hull station weighing factor, determined in accordance with figure 2 of Appendix B;

$V_{S_0}$=seaplane stalling speed with landing flaps extended in the appropriate position and with no slipstream effect; and

$\beta$=angle of dead rise at appropriate station.

(2) The unsymmetrical pressure distribution consists of the pressures prescribed in subparagraph (1) of this paragraph on one side of the hull or main float centerline and one-half of that pressure on the other side of the hull or main float centerline, in accordance with figure 3 of Appendix B.

These pressures are uniform and must be applied simultaneously over the entire hull or main float bottom. The loads obtained must be carried into the sidewall structure of the hull proper, but need not be transmitted in a fore and aft direction as shear and bending loads.

**§ 25.535 Auxiliary float loads.**

(a) *General.* Auxiliary floats and their attachments and supporting structures must be designed for the conditions prescribed in this section. In the cases specified in paragraphs (b) through (e) of this section, the prescribed water loads may be distributed over the float bottom to avoid excessive local loads, using bottom pressures not less than those prescribed in paragraph (g) of this section.

(b) *Step loading.* The resultant water load must be applied in the plane of symmetry of the float at a point three-fourths of the distance from the bow to the step and must be perpendicular to the keel. The resultant limit load is computed as follows, except that the value of $L$ need not exceed three times the weight of the displaced water when the float is completely submerged:

$$L = \frac{C_5 V_{S_0}^2 W^{2/3}}{\tan^{2/3}\beta_s (1+r_y^2)^{2/3}}$$

where—

$L$=limit load;

$C_5$=0.0053;

$V_{S_0}$=seaplane stalling speed with landing flaps extended in the appropriate position and with no slipstream effect;

$W$=seaplane design landing weight in pounds;

$\beta_s$=angle of dead rise at a station ¾ of the distance from the bow to the step, but need not be less than 15 degrees; and

$r_y$=ratio of the lateral distance between the center of gravity and the plane of symmetry of the float to the radius of gyration in roll.

(c) *Bow loading.* The resultant limit load must be applied in the plane of symmetry of the float at a point one-fourth of the distance from the bow to the step and must be perpendicular to the tangent to the keel line at that point. The magnitude of the resultant load is that specified in paragraph (b) of this section.

(d) *Unsymmetrical step loading.* The resultant water load consists of a component equal to 0.75 times the load specified in paragraph (a) of this section and a side component equal to 0.25 tan $\beta$ times the load specified in paragraph (b) of this section. The side load must be applied perpendicularly to the plane of symmetry of the float at a point midway between the keel and the chine.

(e) *Unsymmetrical bow loading.* The resultant water load consists of a component equal to 0.75 times the load specified in paragraph (b) of this section and a side component equal to 0.25 tan $\beta$ times the load specified in paragraph (c) of this section. The side load must be applied perpendicularly to the plane of symmetry at a point midway between the keel and the chine.

(f) *Immersed float condition.* The resultant load must be applied at the centroid of the cross section of the float at a point one-third of the distance from the bow to the step. The limit load components are as follows:

$$\text{vertical} = \rho g V,$$

$$\text{aft} = C_x \frac{\rho}{2} V^{2/3} (K V_{S_0})^2$$

$$\text{side} = C_y \frac{\rho}{2} V^{2/3} (K V_{S_0})^2$$

where—

$\rho$=mass density of water;

$V$=volume of float;

$C_x$=coefficient of drag force, equal to 0.133;

$C_y$=coefficient of side force, equal to 0.106;

$K$=0.8, except that lower values may be used if it is shown that the floats are incapable of submerging at a speed of 0.8 $V_{S_0}$ in normal operations;

$V_{S_0}$=seaplane stalling speed with landing flaps extended in the appropriate position and with no slipstream effect; and

$g$=acceleration due to gravity (ft/sec²).

(g) *Float bottom pressures.* The float bottom pressures must be established under § 25.533. The angle of dead rise to be used in determining the float bottom pressures is set forth in paragraph (b) of this section.

**§ 25.537 Seawing loads.**

Seawing design loads must be based on applicable test data.

EMERGENCY LANDING CONDITIONS

**§ 25.561 General.**

(a) The airplane, although it may be damaged in emergency landing conditions on land or water, must be designed as prescribed in this section to protect each occupant under those conditions.

(b) The structure must be designed to give each occupant every reasonable chance of escaping serious injury in a minor crash landing when—

(1) Proper use is made of seats, belts, and all other safety design provisions;

(2) The wheels are retracted (where applicable); and

(3) The occupant experiences the following ultimate inertia forces relative to the surrounding structure:

(i) Upward—2.0 $g$.

(ii) Forward—9.0 $g$.

(iii) Sideward—1.5 $g$.

(iv) Downward—4.5 $g$, or any lesser force that will not be exceeded when the airplane absorbs the landing loads resulting from impact with an ultimate descent velocity of five f.p.s. at design landing weight.

(c) The supporting structure must be designed to restrain, under all loads up to those specified in paragraph (b)(3) of this section, each item of mass that could injure an occupant if it came loose in a minor crash landing.

**§ 25.563 Structural ditching provisions.**

Structural strength considerations of ditching provisions must be in accordance with § 25.801(e).

FATIGUE EVALUATION

**§ 25.571 Fatigue evaluation of flight structure.**

(a) *Strength, detail design, and fabrication.* Those parts of the structure (including wings, fixed and movable control surfaces, the fuselage, and their related primary attachments), whose failure could result in catastrophic failure of the airplane, must be evaluated under the provisions of either paragraph (b) or (c) of this section.

(b) *Fatigue strength.* The structure must be shown by analysis, tests, or both, to be able to withstand the repeated loads of variable magnitude expected in service. In addition, the following apply:

(1) The evaluation must include—

(i) The typical loading spectrum expected in service;

(ii) Identification of principal structural elements and detail design points, the fatigue failure of which could cause catastrophic failure of the airplane; and

(iii) An analysis or repeated load tests, or a combination of analysis and load tests, of principal structural elements and detail design points identified in subdivision (ii) of this subparagraph.

(2) The service history of airplanes of similar structural design, taking due account of differences in operating conditions and procedures, may be used.

(3) If substantiation of the pressure cabin by fatigue tests is required, the cabin, or representative parts of it, must be cycle-pressure tested, using the normal operating pressure plus the effects of external aerodynamic pressure combined with the flight loads. The effects of flight loads may be represented by an increased cabin pressure or may be omitted if they are shown to have no significant effect upon fatigue.

(c) *Fail safe strength.* It must be shown by analysis, tests, or both, that catastrophic failure or excessive structural deformation, that could adversely affect the flight characteristics of the airplane, are not probable after fatigue failure or obvious partial failure of a single principal structural element. After these types of failure of a single principal structural element, the remaining structure must be able to withstand static loads corresponding to the following:

(1) An ultimate maneuvering load factor of 2.0 at $V_C$.

(2) Gust loads as specified in §§ 25.341 and 25.351(b) except that these gust loads are considered to be ultimate loads and the gust velocities are—

(i) At speed $V_B$, 49 fps from sea level to 20,000 feet, thereafter decreasing linearly to 28 fps at 50,000 feet;

(ii) At speed $V_C$, 33 fps from sea level to 20,000 feet, thereafter decreasing linearly to 16.5 fps at 50,000 feet; and

(iii) At speed $V_D$, 15 fps from sea level to 20,000 feet, thereafter decreasing linearly to 6 fps at 50,000 feet.

(3) Eighty percent of the limit loads resulting from the conditions specified in § 25.427. These loads are considered to be ultimate loads.

(4) Eighty percent of the limit maneuvering loads resulting from the conditions specified in § 25.351(a), except that the load need not exceed 100 percent of the critical load obtained in compliance with § 25.351(a), using a pilot effort of 180 pounds. This load is an ultimate load.

The loads prescribed in this paragraph must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered. For a pressurized cabin, the normal operating pressures combined with the expected external aerodynamic pressures must be applied simultaneously with the flight loading conditions specified in this paragraph.

**§ 25.573 Fatigue evaluation of landing gear.**

(a) The strength, detail design, and fabrication of those parts of the airplane landing gear and its attachment fittings in which fatigue may be critical, must be evaluated under either the provisions of paragraph (b) or (c) of this section.

(b) The fatigue strength of the landing gear must be evaluated as follows:

(1) The evaluation must include—

(i) The typical loading spectrum expected in service;

(ii) Identification of principal structural elements and detail design points, the fatigue failure of which could cause catastrophic failure of the landing gear; and

(iii) Analysis or repeated load testing of the principal structural elements and detail design points identified in subdivision (ii) of this subparagraph.

(2) Where the evaluation indicates its necessity, inspection or other procedures must be established to prevent catastrophic fatigue failure.

(3) The service history of airplanes of similar structural design, taking due account of differences in operating conditions and procedures, may be used.

(c) The fail-safe strength of the landing gear must be shown as follows:

(1) It must be shown by analysis or tests that catastrophic failure is not probable after fatigue failure, or obvious partial failure, of any single principal structural element.

(2) After these kinds of failure, the remaining structure must be able to withstand static loads corresponding to 80 percent of the limit loads resulting from the conditions prescribed in § 25.473. These static loads are ultimate loads.



## Subpart D—Design and Construction

GENERAL

**§ 25.601 General.**

The airplane may not have design features or details that experience has shown to be hazardous or unreliable. The suitability of each questionable design detail and part must be established by tests.

**§ 25.603 Materials.**

The suitability and durability of materials used in the structure must—

(a) Be established on the basis of experience or tests; and

(b) Conform to approved specifications (such as industry or military specifications, or Technical Standard Orders) that ensure their having the strength and other properties assumed in the design data.

**§ 25.605 Fabrication methods.**

The methods of fabrication used must produce a consistently sound structure. If a fabrication process (such as gluing, spot welding, or heat treating) requires close control to reach this objective, the process must be performed under an approved process specification.

**§ 25.607 Self-locking nuts.**

No self-locking nut may be used on any bolt subject to rotation during airplane operation.

**§ 25.609 Protection of structure.**

Each part of the structure must—

(a) Be suitably protected against deterioration or loss of strength in service due to any cause, including—

(1) Weathering;

(2) Corrosion; and

(3) Abrasion; and

(b) Have provisions for ventilation and drainage where necessary for protection.

**§ 25.611 Inspection provisions.**

There must be means to allow close examination of each part requiring recurring inspection, adjustment for proper alignment and function, or lubrication.

**§ 25.613 Material strength properties and design values.**

(a) Material strength properties must be based on enough tests of material meeting approved specifications to establish design values on a statistical basis.

(b) Design values must be chosen so that the probability of any structure being understrength because of material variations is extremely remote.

(c) The effects of temperature on allowable stresses used for design in an essential component or structure must be considered where thermal effects are significant under normal operating conditions.

(d) The strength, detail design, and fabrication of the structure must minimize the probability of disastrous fatigue failure, particularly at points of stress concentration.

(e) Unless they are shown to be inapplicable in a particular case, the design values must be those contained in the following publications (obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402):

MIL-HDBK-5, "Metallic Materials and Elements for Flight Vehicle Structure";

MIL-HDBK-17, "Plastics for Flight Vehicles";

ANC-18, "Design of Wood Aircraft Structures"; and

MIL-HDBK-23, "Composite Construction for Flight Vehicles".

**§ 25.615 Design properties.**

(a) Design properties outlined in MIL-HDBK-5 may be used subject to the following conditions:

(1) Where applied loads are eventually distributed through a single member within an assembly, the failure of which would result in the loss of the structural integrity of the component involved, the guaranteed minimum design mechanical properties ("A" values) listed in MIL-HDBK-5 must be met.

(2) Redundant structures, in which the failure of individual elements would result in applied loads being safely distributed to other load-carrying members, may be designed on the basis of the "90 percent probability ("B" values)" listed in MIL-HDBK-5.

(b) Design values greater than the guaranteed minimums required by paragraph (a) of this section may be used where only guaranteed minimum values are normally allowed if a "premium selection" of the material is made in which a specimen of each individual item is

tested before use to determine that the actual strength properties of that particular item will equal or exceed those used in design.

**§ 25.619 Special factors.**

The factors of safety prescribed in § 25.303 must be multiplied by the special factors of safety prescribed in §§ 25.621 through 25.625 for each part of the structure whose strength is—

(a) Uncertain;

(b) Likely to deteriorate in service before normal replacement; or

(c) Subject to appreciable variability because of uncertainties in manufacturing processes or inspection methods.

**§ 25.621 Casting factors.**

(a) *General.* The factors, tests, and inspections specified in paragraphs (b) through (d) of this section must be applied in addition to those necessary to establish foundry quality control. The inspections must meet approved specifications. Paragraphs (c) and (d) of this section apply to any structural castings except castings that are pressure tested as parts of hydraulic or other fluid systems and do not support structural loads.

(b) *Bearing stresses and surfaces.* The casting factors specified in paragraphs (c) and (d) of this section—

(1) Need not exceed 1.25 with respect to bearing stresses regardless of the method of inspection used; and

(2) Need not be used with respect to the bearing surfaces of a part whose bearing factor is larger than the applicable casting factor.

(c) *Critical castings.* For each casting whose failure would preclude continued safe flight and landing of the airplane or result in serious injury to occupants, the following apply:

(1) Each critical casting must—

(i) Have a casting factor of not less than 1.25; and

(ii) Receive 100 percent inspection by visual, radiographic, and magnetic particle or penetrant inspection methods or approved equivalent nondestructive inspection methods.

(2) For each critical casting with a casting factor less than 1.50, three sample castings must be static tested and shown to meet—

(i) The strength requirements of § 25.305 at an ultimate load corresponding to a casting factor of 1.25; and

(ii) The deformation requirements of § 25.305 at a load of 1.15 times the limit load.

(3) Examples of these castings are structural attachment fittings, parts of flight control systems, control surface hinges and balance weight attachments, seat, berth, safety belt, and fuel and oil tank supports and attachments, and cabin pressure valves.

(d) *Noncritical castings.* For each casting other than those specified in paragraph (c) of this section, the following apply:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, the casting factors and corresponding inspections must meet the following table:

| *Casting factor* | *Inspection* |
|---|---|
| 2.0 or more---- | 100 percent visual. |
| Less than 2.0 but more than 1.5. | 100 percent visual, and magnetic particle or penetrant or equivalent nondestructive inspection methods. |
| 1.25 through 1.50. | 100 percent visual, magnetic particle or penetrant, and radiographic, or approved equivalent nondestructive inspection methods. |

(2) The percentage of castings inspected by nonvisual methods may be reduced below that specified in subparagraph (1) of this paragraph when an approved quality control procedure is established.

(3) For castings procured to a specification that guarantees the mechanical properties of the material in the casting and provides for demonstration of these properties by test of coupons cut from the castings on a sampling basis—

(i) A casting factor of 1.0 may be used; and

(ii) The castings must be inspected as provided in subparagraph (1) of this paragraph for casting factors of "1.25 through 1.50" and tested under paragraph (c) (2) of this section.

**§ 25.623 Bearing factors.**

(a) Except as provided in paragraph (b) of this section, each part that has clearance (free fit), and that is subject to pounding or vibration, must have a bearing factor large enough to provide for the effects of normal relative motion.

(b) No bearing factor need be used for a part for which any larger special factor is prescribed.

**§ 25.625 Fitting factors.**

For each fitting (a part or terminal used to join one structural member to another), the following apply:

(a) For each fitting whose strength is not proven by limit and ultimate load tests in which actual stress conditions are simulated in the fitting and surrounding structures, a fitting factor of at least 1.15 must be applied to each part of—

(1) The fitting;

(2) The means of attachment; and

(3) The bearing on the joined members.

(b) No fitting factor need be used—

(1) For joints made under approved practices and based on comprehensive test data (such as continuous joints in metal plating, welded joints, and scarf joints in wood); or

(2) With respect to any bearing surface for which a larger special factor is used.

(c) For each integral fitting, the part must be treated as a fitting up to the point at which the section properties become typical of the member.

**§ 25.629 Flutter, deformation, and fail-safe criteria.**

(a) *General.* Compliance with this section must be shown by calculations, resonance tests, or other tests found necessary by the Administrator.

(b) *Flutter and divergence prevention.* The dynamic evaluation of the airplane must include an investigation of the significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller. In addition the following apply:

(1) The airplane must be designed to be free from flutter and divergence (unstable structural distortion due to aerodynamic loading) at speeds up to 1.2 $V_D$.

(2) A smaller margin above $V_D$ may be used if—

(i) The characteristics of the airplane (including the effects of compressibility) make a speed of 1.2 $V_D$ unlikely to be reached;

(ii) A proper margin of damping exists at $V_D$; and

(iii) There is no large and rapid reduction in damping as $V_D$ is approached.

(3) If concentrated balance weights are used on control surfaces, their effectiveness and strength, including supporting structure, must be substantiated.

For the purposes of subparagraph (2) of this paragraph, in the absence of more accurate data, the terminal velocity in a dive of 30 degrees to the horizontal may be used as the maximum speed likely to be reached.

(c) *Loss of control due to structural deformation.* The airplane must be designed to be free from control reversal and from undue loss of longitudinal, lateral, and directional stability and control, as a result of structural deformation (including that of the control surface covering) at speeds up to the speed prescribed in paragraph (b) of this section for flutter prevention.

(d) *Fail-safe criteria.* The following fail-safe criteria must be met:

(1) It must be shown, by analysis or tests, that the airplane is free from such flutter or divergence that would preclude safe flight, at any speed up to $V_D$, after—

(i) Each of the failures, malfunctions, or adverse conditions listed in subparagraph (4) of this paragraph; and

(ii) Any other reasonably probable single failure, malfunction, or adverse condition affecting flutter or divergence.

(2) If a failure, malfunction, or adverse condition described in subparagraph (4) of this paragraph is simulated during a flight test in showing compliance with this paragraph, the maximum speed investigated need not exceed $V_{FC}$ if it is shown, by correlation of the flight test data with other test data or analyses, that hazardous flutter or divergence will not occur at any speed up to $V_D$.

(3) The structural failures described in subparagraph (4) (i) and (4) (ii) of this paragraph need not be considered in showing compliance with this paragraph if engineering data substantiate that the probability of their occurrence is negligible by showing that the structural element is designed with—

(i) Conservative static strength margins for each ground and flight loading condition specified in this part; or





(ii) Sufficient fatigue strength for the loading spectrum expected in operation.

(4) The failures, malfunctions, or adverse conditions used to show compliance with this paragraph are as follows:

(i) Failure of any single element of the structure supporting any engine, independently mounted propeller shaft, large auxiliary power unit, or large externally mounted aerodynamic body (such as an external fuel tank).

(ii) Any single failure of the engine structure, on turbopropeller airplanes, that would reduce the yaw or pitch rigidity of the propeller rotational axis.

(iii) Absence of propeller aerodynamic forces resulting from the feathering of any single propeller, and, for airplanes with four or more engines, the feathering of the critical combination of two propellers. In addition, any single feathered propeller must be paired with the failures, specified in subdivision (i) of this subparagraph, involving failure of any single element of the structure supporting any engine or independently mounted propeller shaft, and the failures specified in subdivision (ii) of this subparagraph.

(iv) Any single propeller rotating at the highest likely overspeed.

(v) Failure of each principal structural element for which compliance with the alternative provisions of § 25.571(c) is selected. Safety following a failure may be substantiated by showing that possible losses in rigidity or changes in frequency, modal form, or damping, resulting from the failure, are within the general parameter variations covered in the flutter and divergence investigations.

(vi) Failure, malfunction, or disconnection of any single element in the main flight control system (including automatic flight control systems, if installed), in any tab control system, or in any flutter damper connected to a control surface or tab. Investigation of the forced structural vibrations, other than flutter resulting from failures, malfunctions, or adverse conditions in the automatic flight control system, may be limited to airspeeds up to $V_C$.

CONTROL SURFACES

**§ 25.651 Proof of strength.**

(a) Limit load tests of control surfaces are required. These tests must include the horn or fitting to which the control system is attached.

(b) Compliance with the special factors requirements of §§ 25.619 through 25.625, and 25.657 for control surface hinges must be shown by analysis or individual load tests.

**§ 25.655 Installation.**

(a) Movable tail surfaces must be installed so that there is no interference between any surfaces when one is held in its extreme position and the others are operated through their full angular movement.

(b) If an adjustable stabilizer is used, it must have stops that will limit its range of travel to the maximum for which the airplane is shown to meet the trim requirements of § 25.161.

**§ 25.657 Hinges.**

(a) Control surface hinges, except ball and roller bearing hinges, must have a factor of safety of not less than 6.67 with respect to the ultimate bearing strength of the softest material used as a bearing.

(b) For ball or roller bearing hinges, the approved rating of the bearing may not be exceeded.

(c) Hinges must have enough strength and rigidity for loads parallel to the hinge line.

CONTROL SYSTEMS

**§ 25.671 General.**

(a) Each control and control system must operate with the ease, smoothness, and positiveness appropriate to its function.

(b) Each element of each flight control system must be designed, or distinctively and permanently marked, to minimize the probability of incorrect assembly that could result in the malfunctioning of the system.

(c) Each tab control system must be designed so that disconnection or failure of any element at speeds up to $V_C$ cannot jeopardize safety.

(d) Each adjustable stabilizer must have means to allow any adjustment necessary for continued safety of the flight after the occurrence of any reasonably probable single failure of the actuating system.

**§ 25.673 Two-control airplanes.**

Two-control airplanes must be able to continue safely in flight and landing if any one connecting element in the directional-lateral flight control system fails.

**§ 25.675 Stops.**

(a) Each control system must have stops that positively limit the range of motion of the control surfaces.

(b) Each stop must be located so that wear, slackness, or take-up adjustments will not adversely affect the control characteristics of the airplane because of a change in the range of surface travel.

(c) Each stop must be able to withstand any loads corresponding to the design conditions for the control system.

**§ 25.677 Trim systems.**

(a) Trim controls must be designed to prevent inadvertent or abrupt operation and to operate in the plane, and with the sense of motion, of the airplane.

(b) There must be means adjacent to the trim control to indicate the direction of the control movement relative to the airplane motion. In addition, there must be clearly visible means to indicate the position of the trim device with respect to the range of adjustment.

(c) Trim devices must be able to continue normal operation if any one connecting or transmitting element of the primary flight control system fails. Trim control systems must be designed to prevent creeping in flight. Trim tab controls must be irreversible unless the tab is appropriately balanced and shown to be free from flutter.

(d) If an irreversible tab control system is used, the part from the tab to the attachment of the irreversible unit to the airplane structure must consist of a rigid connection.

**§ 25.679 Control system gust locks.**

(a) There must be a device to prevent damage to the control surfaces (including tabs), and to the control system, from gusts striking the airplane while it is on the ground or water. If the device, when engaged, prevents normal operation of the control surfaces by the pilot, it must—

(1) Automatically disengage when the pilot operates the primary flight controls in a normal manner; or

(2) Limit the operation of the airplane so that the pilot receives unmistakable warning at the start of takeoff.

(b) The device must have means to preclude the possibility of it becoming inadvertently engaged in flight.

**§ 25.681 Limit load static tests.**

(a) Compliance with the limit load requirements of this Part must be shown by tests in which—

(1) The direction of the test loads produces the most severe loading in the control system; and

(2) Each fitting, pulley, and bracket used in attaching the system to the main structure is included.

(b) Compliance must be shown (by analyses or individual load tests) with the special factor requirements for control system joints subject to angular motion.

**§ 25.683 Operation tests.**

It must be shown by operation tests that, when the controls are operated from the pilot compartment with the system loaded to correspond to 80 percent of the limit load specified for the system, the system is free from—

(a) Jamming;

(b) Excessive friction; and

(c) Excessive deflection.

**§ 25.685 Control system details.**

(a) Each detail of each control system must be designed and installed to prevent jamming, chafing, and interference from cargo, passengers, or loose objects.

(b) There must be means in the cockpit to prevent the entry of foreign objects into places where they would jam the system.

(c) There must be means to prevent the slapping of cables or tubes against other parts.

(d) Sections 25.689 and 25.693 apply to cable systems and joints.

**§ 25.689 Cable systems.**

(a) Each cable, cable fitting, turnbuckle, splice, and pulley must be approved. In addition—

(1) No cable smaller than ⅛ inch in diameter may be used in the aileron, elevator, or rudder systems; and

(2) Each cable system must be designed so that there will be no hazardous change in cable tension throughout the

range of travel under operating conditions and temperature variations.

(b) Each kind and size of pulley must correspond to the cable with which it is used. Pulleys and sprockets must have closely fitted guards to prevent the cables and chains from being displaced or fouled. Each pulley must lie in the plane passing through the cable so that the cable does not rub against the pulley flange.

(c) Fairleads must be installed so that they do not cause a change in cable direction of more than three degrees.

(d) Clevis pins subject to load or motion and retained only by cotter pins may not be used in the control system.

(e) Turnbuckles must be attached to parts having angular motion in a manner that will positively prevent binding throughout the range of travel.

(f) There must be provisions for visual inspection of fairleads, pulleys, terminals, and turnbuckles.

**§ 25.693 Joints.—**

Control system joints (in push-pull systems) that are subject to angular motion, except those in ball and roller bearing systems must have a special factor of safety of not less than 3.33 with respect to the ultimate bearing strength of the softest material used as a bearing. This factor may be reduced to 2.0 for joints in cable control systems. For ball or roller bearings, the approved ratings, including those established in MIL-HDBK-5 "Metallic Materials and Elements for Flight Vehicle Structure", may not be exceeded.

**§ 25.695 Power-boost and power-operated control system.**

(a) If a power-boost or power-operated control system is used, an alternate system must be immediately available to allow continued safe flight and landing in the event of a single failure in the power portion.

(b) Each alternate system may be a duplicate power portion or a manually operated mechanical system. The power portion includes the power source, such as hydraulic pumps, and such items as valves, lines, and actuators.

(c) The failure of mechanical parts (such as piston rods and links) and the jamming of power cylinders must be considered unless they are extremely remote.

(d) Both the primary and alternate systems must be operable if any engine fails. For airplanes with more than two engines, at least one system must be operable if any two engines fail. It must be shown by analysis that the airplane is controllable if all engines fail.

**§ 25.697 Wing flap controls.**

(a) Each wing flap control must be designed so that the flight crew can place the flaps in any takeoff, en route, approach, and landing position established under § 25.47. The flaps must maintain these positions, except for flap movement produced by an automatic flap positioning or load limiting device, without further attention by the flight crew.

(b) The wing flap control must be designed and located to make inadvertent operation improbable.

(c) The rate of motion of the flaps in response to the operation of the control and the characteristics of the automatic flap positioning or load limiting device must give satisfactory flight and performance characteristics under steady or changing conditions of airspeed, engine power, and airplane attitude.

(d) The wing flap control must be designed to retract the flaps from the fully extended position, during steady flight at maximum continuous engine power, at any speed below $V_F+8.5$ (knots).

**§ 25.699 Wing flap position indicator.**

(a) There must be means to indicate the takeoff, en route, approach, and landing flap positions.

(b) If any extension of the flaps beyond the landing position is possible, the flap control must be clearly marked to identify this range of extension.

**§ 25.701 Flap interconnection.**

(a) The motion of flaps on opposite sides of the plane of symmetry must be synchronized by a mechanical interconnection unless the airplane has safe flight characteristics with the flaps retracted on one side and extended on the other.

(b) If a mechanical interconnection is used, there must be means to prevent hazardous unsymmetrical operation of the wing flaps after any reasonably possible single failure of the flap actuating system.

(c) If a wing flap interconnection is used, it must be designed to account for the applicable unsymmetrical loads, including those resulting from flight with the engines on one side of the plane of symmetry inoperative and the remaining engines at takeoff power.

(d) For airplanes with flaps that are not subjected to slipstream conditions, the structure must be designed for the loads imposed when the wing flaps on one side are carrying the most severe load occurring in the prescribed symmetrical conditions and those on the other side are carrying not more than 80 percent of that load.

## LANDING GEAR

**§ 25.721 General.**

(a) The landing gear must meet the requirements of this section and §§ 25.723 through 25.737.

(b) The shock absorbing elements for the main, nose, and tail wheel units must be substantiated by the tests specified in §§ 25.723 through 25.727. The shock absorbing ability of the landing gear in taxiing must be shown by the tests prescribed in § 25.235.

(c) The landing gear must withstand the tests prescribed in §§ 25.723 through 25.727.

**§ 25.723 Shock absorption tests.**

(a) It must be shown by energy absorption tests that the limit load factors selected for design in accordance with § 25.471(c) for takeoff and landing weights, respectively, will not be exceeded.

(b) The landing gear may not fail in a test, demonstrating its reserve energy absorption capacity, simulating a descent velocity of 12 f.p.s. at design landing weight, assuming wing lift not greater than the airplane weight acting during the landing impact.

**§ 25.725 Limit drop tests.**

(a) If compliance with § 25.723(a) is shown by free drop tests, these tests must be made on the complete airplane, or on units consisting of a wheel, tire, and shock absorber, in their proper positions, from free drop heights not less than—

(1) 18.7 inches for the design landing weight conditions; and

(2) 6.7 inches for the design takeoff weight conditions.

(b) If wing lift is simulated in free drop tests, the landing gear must be dropped with an effective weight equal to

$$W_e=W\left(\frac{h+(1-L)d}{h+d}\right)$$

where—

$W_e$ = the effective weight to be used in the drop test (lbs.);

$h$ = specified free drop height (inches);

$d$ = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass (inches);

$W=W_M$ for main gear units (lbs.), equal to the static weight on that unit with the airplane in the level attitude (with the nose wheel clear in the case of nose wheel type airplanes);

$W=W_T$ for tail gear units (lbs.), equal to the static weight on the tail unit with the airplane in the tail-down attitude;

$W=W_N$ for nose wheel units (lbs.), equal to the vertical component of the static reaction that would exist at the nose wheel, assuming that the mass of the airplane acts at the center of gravity and exerts a force of $1.0g$ downward and $0.25g$ forward; and

$L$ = the ratio of the assumed wing lift to the airplane weight, but not more than 1.0.

(c) The attitude in which a landing gear unit is drop tested must simulate the critical airplane landing conditions for the unit.

(d) The value of $d$ used in the computation of $W_e$ in paragraph (b) of this section may not exceed the value actually obtained in the drop test.

(e) The limit inertia load factor $n$ must be determined from the free drop test in paragraph (b) of this section according to the following formula:

$$n=n_j\frac{W_e}{W}+L$$

where—

$n_j$ = the load factor developed in the drop test (that is, the acceleration $dv/dt$ in $g$'s recorded in the drop test) plus 1.0; and

$W_e$, $W$, and $L$ are the same as in the drop test computation.

(f) The value of $n$ determined in paragraph (e) of this section may not be more than the limit inertia load factor used in the landing conditions in § 25.473.



**§ 25.727 Reserve energy absorption drop tests.**

(a) If compliance with the reserve energy absorption condition specified in § 25.723(b) is shown by free drop tests, the drop height may not be less than 27 inches.

(b) If wing lift equal to the airplane weight is simulated, the units must be dropped with an effective mass equal to $W_e=W\left(\frac{h}{h+d}\right)$ where the symbols and other details are the same as in § 25.725(b).

**§ 25.729 Retracting mechanism.**

(a) *General.* For airplanes with retractable landing gear, the following apply:

(1) The landing gear retracting mechanism, wheel well doors, and supporting structure, must be designed for—

(i) The loads occurring in the flight conditions when the gear is in the retracted position;

(ii) The combination of friction, inertia, brake torque, and air loads, occurring during retraction and extension at any airspeed up to 1.6 $V_{S_1}$ (with the flaps in the approach position at design landing weight); and

(iii) Any load factor up to those specified in § 25.345 for the flaps extended condition.

(2) Unless there are other means to decelerate the airplane in flight at this speed, the landing gear, the retracting mechanism, and the airplane structure (including wheel well doors) must be designed to withstand the flight loads occurring with the landing gear in the extended position at any speed up to 0.67 $V_C$.

(3) Landing gear doors, their operating mechanism, and their supporting structures must be designed for the yawing maneuvers prescribed for the airplane in addition to the conditions of airspeed and load factor prescribed in subparagraphs (1) and (2) of this paragraph.

(b) *Landing gear lock.* There must be positive means to keep the landing gear extended, in flight and on the ground.

(c) *Emergency operation.* There must be an emergency means for extending the landing gear in the event of—

(1) Any reasonably probable failure in the normal retraction system; or

(2) The failure of any single source of hydraulic, electric, or equivalent energy supply.

(d) *Operation test.* The proper functioning of the retracting mechanism must be shown by operation tests.

(e) *Position indicator and warning device.* If a retractable landing gear is used, there must be a landing gear position indicator (as well as necessary switches to actuate the indicator) or other means to inform the pilot that the gear is secured in the extended (or retracted) position. This means must be designed as follows:

(1) If switches are used, they must be located and coupled to the landing gear mechanical systems in a manner that prevents an erroneous indication of "down and locked" if the landing gear is not in a fully extended position, or of "up and locked" if the landing gear is not in the fully retracted position. The switches may be located where they are operated by the actual landing gear locking latch or device.

(2) Landplanes must have an aural warning device that will function continuously when one or more throttles are closed, if the landing gear is not fully extended and locked.

(3) If there is a manual shutoff for the warning device prescribed in subparagraph (2) of this paragraph, it must be installed so that reopening the throttles will reset the warning mechanism.

(4) Landplanes must have an aural warning device that will function continuously, when the wing flaps are extended beyond the maximum approach position determined under § 25.67(e), if the gear is not fully extended and locked. There may not be a manual shutoff for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this device may use any part of the system (including the aural warning device) for the device required in subparagraph (2) of this paragraph.

(f) *Protection of equipment in wheel wells.* Equipment that is essential to safe operation of the airplane and that is located in wheel wells must be protected from the damaging effects of—

(1) A bursting tire, unless it is shown that a tire cannot burst from overheat; and

(2) A loose tire tread, unless it is shown that a loose tire tread cannot cause damage.

**§ 25.731 Wheels.**

(a) Each main and nose wheel must be approved.

(b) The maximum static load rating of each wheel may not be less than the corresponding static ground reaction with—

(1) Design takeoff weight; and

(2) Critical center of gravity.

(c) The maximum limit load rating of each wheel must equal or exceed the maximum radial limit load determined under the applicable ground load requirements of this part.

**§ 25.733 Tires.**

(a) Each landing gear wheel must have a tire—

(1) That is a proper fit on the rim of the wheel; and

(2) Whose load rating is not exceeded under—

(i) Equal static loads, corresponding to the most critical combination of maximum takeoff weight and center of gravity position, on each main wheel tire; and

(ii) Equal loads corresponding to the ground reactions in paragraph (b) of this section, on each nose wheel tire.

(b) The applicable ground reactions are as follows:

(1) The static ground reaction for the tire with the most critical combination of takeoff weight and center of gravity position. This load may not exceed the static rating of the tire.

(2) The dynamic ground reaction for the tire at maximum landing weight, assuming that the mass of the airplane is concentrated at the most critical location of the center of gravity for this weight and is exerting a force of $1.0g$ downward and $0.31g$ forward with the reactions being distributed to the nose and main wheels by the principles of statics and with a $0.31g$ drag reaction at the ground applied at each wheel with brakes. This load may not exceed the dynamic rating of the tire.

(3) The dynamic ground reaction for the tire at design takeoff weight, assuming that the mass of the airplane is concentrated at the most critical location of the center of gravity for this weight and is exerting a force of $1.0g$ downward and $0.20g$ forward. The reactions in this case must be distributed to the nose and main wheels by the principles of statics and a $0.20g$ drag reaction at the ground is applied at each wheel with brakes. This load may not exceed the dynamic rating of the tire.

**§ 25.735 Brakes.**

(a) Each brake must be approved.

(b) The brake system must be designed and constructed so that, if any connecting or transmitting element (excluding the operating pedal or handle) fails, or if any single source of hydraulic or other brake operating energy supply is lost, it is possible to bring the airplane to rest under conditions specified in § 25.75, with a mean deceleration during the landing roll of at least 50 percent of that obtained in determining the landing distance as prescribed in that section. Unless the leakage of hydraulic fluid resulting from failure of the sealing elements in hydraulic brakes, the brake drum, shoes, and actuators, (or their equivalents) does not reduce the braking effectiveness below that required by this paragraph, these units are considered to be connecting or transmitting elements.

(c) Brake controls may not require excessive control force in their operation.

(d) The airplane must have a parking control that, when set by the pilot, will without further attention, prevent the airplane from rolling on a paved, level runway with takeoff power on the critical engine.

(e) If antiskid devices are installed, the devices and associated systems must be designed so that no single probable malfunction will result in a hazardous loss of braking ability or directional control of the airplane. Antiskid devices meeting the airworthiness portions of Military Specification MIL-B-8075 (ASG) and any amendments thereto, are acceptable.

(f) The brake kinetic energy capacity rating of each main wheel-brake assembly may not be less than the kinetic energy absorption requirements determined under either of the following methods:

(1) The brake kinetic energy absorption requirements must be based on a

rational analysis of the sequence of events expected during operational landings at maximum landing weight. This analysis must include conservative values of airplane speed at which the brakes are applied, braking coefficient of friction between tires and runway, aerodynamic drag, propeller drag or powerplant forward thrust, and (if more critical) the most adverse single engine or propeller malfunction.

(2) Instead of a rational analysis, the kinetic energy absorption requirements for each main wheel brake assembly may be derived from the following formula, which assumes an equal distribution of braking between main wheels:

$$KE = \frac{0.0444\, W V_{S_0}{}^2}{N}$$

where—

$KE$ = kinetic energy per wheel (ft. lb.);
$W$ = design landing weight (lb.);
$V_{S_0}$ = power-off stalling speed of the airplane at sea level, at the design landing weight, and in the landing configuration; and
$N$ = number of main wheels.

The formula must be modified in cases of unequal braking distribution.

(g) The minimum stalling speed rating of each main wheel-brake assembly (that is, the initial speed used in the dynamometer tests) may not be more than the $V_{S_0}$ used in the determination of kinetic energy in accordance with paragraph (f) of this section, assuming that the test procedures for wheel-brake assemblies involve a specified rate of deceleration, and, therefore, for the same amount of kinetic energy, the rate of energy absorption (the power absorbing ability of the brake) varies inversely with the initial speed.

**§ 25.737 Skis.**

Each ski must be approved. The maximum limit load rating of each ski must equal or exceed the maximum limit load determined under the applicable ground load requirements of this Part.

FLOATS AND HULLS

**§ 25.751 Main float buoyancy.**

Each main float must have—

(a) A buoyancy of 80 percent in excess of that required to support the maximum weight of the seaplane or amphibian in fresh water; and

(b) Not less than five watertight compartments approximately equal in volume.

**§ 25.753 Main float design.**

Each main float must be approved and must meet the requirements of § 25.521.

**§ 25.755 Hulls.**

(a) Each hull must have enough watertight compartments so that, with any two adjacent compartments flooded, the buoyancy of the hull and auxiliary floats (and wheel tires, if used) provides a margin of positive stability great enough to minimize the probability of capsizing in rough, fresh water.

(b) Bulkheads with watertight doors may be used for communication between compartments.

PERSONNEL AND CARGO ACCOMMODATIONS

**§ 25.771 Pilot compartment.**

(a) Each pilot compartment and its equipment must allow the minimum flight crew (established under § 25.1523) to perform their duties without unreasonable concentration fatigue.

(b) The primary controls listed in § 25.779(a), excluding cables and control rods, must be located with respect to the propellers so that no member of the minimum flight crew (established under § 25.1523), or part of the controls, lies in the region between the plane of rotation of any inboard propeller and the surface generated by a line passing through the center of the propeller hub making an angle of five degrees forward or aft of the plane of rotation of the propeller.

(c) If provision is made for a second pilot, the airplane must be controllable with equal safety from either pilot seat.

(d) The pilot compartment must be constructed so that, when flying in rain or snow, it will not leak in a manner that will distract the crew or harm the structure.

(e) The airplane must have a door, between the passenger and pilot compartments, that has a locking means to prevent passengers from opening it without the pilot's permission.

(f) Vibration and noise characteristics of cockpit equipment may not interfere with safe operation of the airplane.

**§ 25.773 Pilot compartment view.**

(a) *Nonprecipitation conditions.* For nonprecipitation conditions, the following apply:

(1) Each pilot compartment must be arranged to give the pilots a sufficiently extensive, clear, and undistorted view, to enable them to safely perform any maneuvers within the operating limitations of the airplane, including taxiing, takeoff, approach, and landing.

(2) Each pilot compartment must be free of glare and reflection that could interfere with the normal duties of the minimum flight crew (established under § 25.1523). This must be shown in day and night flight tests under nonprecipitation conditions.

(b) *Precipitation conditions.* For precipitation conditions, the following apply:

(1) The airplane must have a means to maintain a clear portion of the windshield, during precipitation conditions, sufficient for both pilots to have a sufficiently extensive view along the flight path in normal flight attitudes of the airplane. This means must be designed to function, without continuous attention on the part of the crew, in—

(i) Heavy rain at speeds up to 1.6 $V_{S_1}$, with flaps retracted; and

(ii) The icing conditions specified in § 25.1419 if certification with ice protection provisions is requested.

(2) The first pilot must have a window that—

(i) When the cabin is not pressurized, is openable under the conditions prescribed in subparagraph (1) of this paragraph and provides the view specified in that paragraph; and

(ii) Gives sufficient protection from the elements against impairment of the pilot's vision.

**§ 25.775 Windshields and windows.**

(a) Nonsplintering safety glass must be used in internal glass panes.

(b) Windshield panes directly in front of the pilots in the normal conduct of their duties, and the supporting structures for these panes, must withstand, without penetration, the impact of a four-pound bird when the velocity of the airplane (relative to the bird along the airplane's flight path) is equal to the value of $V_C$, at sea level, selected under § 25.335(a).

(c) Unless it can be shown by analysis or tests that the probability of occurrence of a critical windshield fragmentation condition is of a low order, the airplane must have a means to minimize the danger to the pilots from flying windshield fragments due to bird impact. This must be shown for each transparent pane in the cockpit that—

(1) Appears in the front view of the airplane;

(2) Is inclined 15 degrees or more to the longitudinal axis of the airplane; and

(3) Has any part of the pane located where its fragmentation will constitute a hazard to the pilots.

(d) The design of windshields and windows in pressurized airplanes must be based on factors peculiar to high altitude operation, including the effects of continuous and cyclic pressurization loadings, the inherent characteristics of the material used, and the effects of temperatures and temperature differentials. The windshield and window panels must be strong enough to withstand the maximum cabin pressure differential loads combined with critical aerodynamic pressure and temperature effects, after failure of any load-carrying element of the windshield or window. It may be assumed that, after a single failure that is obvious to the flight crew (established under § 25.1523), the cabin pressure differential is reduced from the maximum, in accordance with appropriate operating limitations, to allow continued safe flight of the airplane with a cabin pressure altitude of not more than 15,000 feet.

**§ 25.777 Cockpit controls.**

(a) Each cockpit control must be located to provide convenient operation and to prevent confusion and inadvertent operation.

(b) The direction of movement of cockpit controls must meet the requirements of § 25.779. Wherever practicable, the sense of motion involved in the operation of other controls must correspond to the sense of the effect of the operation upon the airplane or upon the part operated. Controls of a variable nature using a rotary motion must move clockwise from the off position, through an increasing range, to the full on position.

(c) The controls must be located and arranged, with respect to the pilots' seats,





so that there is full and unrestricted movement of each control without interference from the cockpit structure or the clothing of the minimum flight crew (established under § 25.1523) when any member of this flight crew, from 5'2" to 6'0" in height, is seated with the seat belt fastened.

(d) Identical powerplant controls for each engine must be located to prevent confusion as to the engines they control.

(e) Wing flap controls and other auxiliary lift device controls must be located on top of the pedestal, aft of the throttles, centrally or to the right of the pedestal centerline, and not less than 10 inches aft of the landing gear control.

(f) The landing gear control must be located forward of the throttles and must be operable by each pilot when seated with seat belts fastened.

(g) Control knobs must be shaped in accordance with § 25.781. In addition, the knobs must be of the same color, and this color must contrast with the color of control knobs for other purposes and the surrounding cockpit.

(h) If a flight engineer is required as part of the minimum flight crew (established under § 25.1523), the airplane must have a flight engineer station located and arranged so that the flight crewmembers can perform their functions efficiently and without interfering with each other.

**§ 25.779 Motion and effect of cockpit controls.**

Cockpit controls must be designed so that they operate in accordance with the following movement and actuation:

(a) Aerodynamic controls:

(1) *Primary.*

| *Controls* | *Motion and effect* |
|---|---|
| Aileron | Right (clockwise) for right wing down. |
| Elevator | Rearward for nose up. |
| Rudder | Right pedal forward for nose right. |

(2) *Secondary.*

| *Controls* | *Motion and effect* |
|---|---|
| Flaps (or auxiliary lift devices). | Forward for flaps up; rearward for flaps down. |
| Trim tabs (or equivalent). | Rotate to produce similar rotation of the airplane about an axis parallel to the axis of the control. |

(b) Powerplant and auxiliary controls:

(1) *Powerplant.*

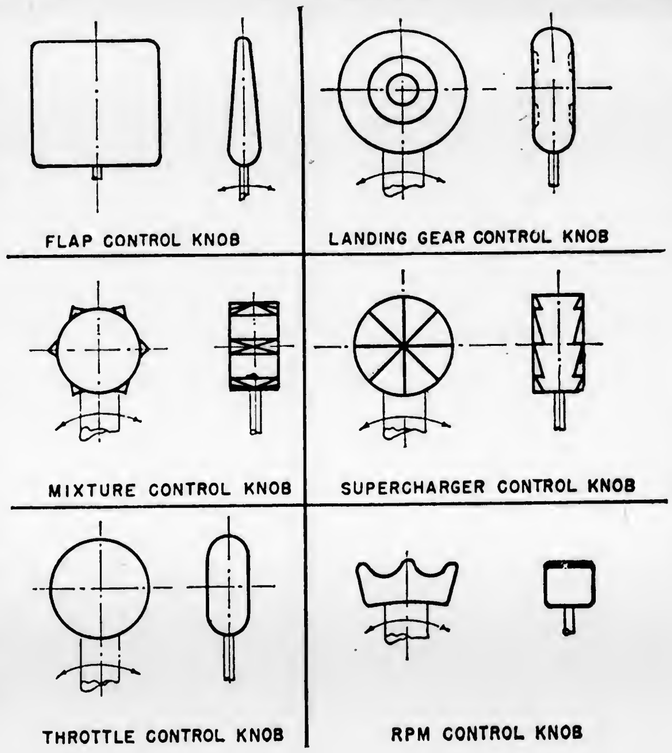
| *Controls* | *Motion and effect* |
|---|---|
| Throttles | Forward to increase forward thrust and rearward to increase rearward thrust. |
| Propellers | Forward to increase rpm. |
| Mixture | Forward or upward for rich. |
| Carburetor air heat. | Forward or upward for cold. |
| Supercharger. | Forward or upward for low blower. For turbosuperchargers, forward, upward, or clockwise, to increase pressure. |

(2) *Auxiliary.*

| *Controls* | *Motion and effect* |
|---|---|
| Landing gear | Down to extend. |

**§ 25.781 Cockpit control knob shape.**

Cockpit control knobs must conform to the general shapes (but not necessarily the exact sizes or specific proportions) in the following figure:



**§ 25.783 Doors.**

(a) Each cabin must have at least one easily accessible external door.

(b) There must be a means to lock and safeguard each external door against opening in flight (either inadvertently by persons or as a result of mechanical failure). Each external door must be openable from both the inside and the outside, even though persons may be crowded against the door on the inside of the airplane. Inward opening doors may be used if there are means to prevent occupants from crowding against the door to an extent that would interfere with the opening of the door. The means of opening must be simple and obvious and must be arranged and marked so that it can be readily located and operated, even in darkness. Auxiliary locking devices may be used.

(c) Each external door must be reasonably free from jamming as a result of fuselage deformation in a minor crash.

(d) Each external door must be located where persons using them will not be endangered by the propellers when appropriate operating procedures are used.

(e) There must be a provision for direct visual inspection of the locking mechanism by crewmembers to determine whether external doors, for which the initial opening movement is outward (including passenger, crew, service, and cargo doors), are fully locked. In addition, there must be a visual means to signal to appropriate crewmembers when normally used external doors are closed and fully locked.

(f) Cargo and service doors not suitable for use as an exit in an emergency need only meet paragraph (e) of this section and be safeguarded against opening in flight as a result of mechanical failure.

**§ 25.785 Seats, berths, safety belts, and harnesses.**

(a) Each seat, berth, safety belt, harness, and adjacent part of the airplane at each station designated as occupiable during takeoff and landing must be designed so that a person making proper use of these facilities will not suffer serious injury in an emergency landing as a result of the inertia forces specified in § 25.561.

(b) Each seat and berth must be approved.

(c) Each occupant must be protected from head injury by—

(1) A safety belt and shoulder harness that will prevent the head from contacting any injurious object;

(2) A safety belt plus the elimination of any injurious object within striking radius of the head; or

(3) A safety belt plus a cushioned rest that will support the arms, shoulders, head, and spine.

(d) If the seat backs do not have a firm hand hold, there must be a hand grip or rail along each aisle to enable occupants to steady themselves while using the aisles in moderately rough air.

(e) Each projecting object that would injure persons seated or moving about the airplane in normal flight must be padded.

(f) Each berth must be designed so that the forward part has a padded end board, canvas diaphragm, or equivalent means, that can withstand the static load reaction of the occupant when subjected to the forward inertia force specified in § 25.561. Berths must be free from corners and protuberances likely to cause serious injury to a person occupying the berth during emergency conditions.

(g) Each crewmember seat at flight deck stations must have provisions for a shoulder harness. These seats must meet the strength requirements of paragraph (i) of this section.

(h) Cabin attendant seats must be in the passenger compartment near approved floor level emergency exits.

(i) Each seat berth, and its supporting structure, must be designed for an occupant weight of 170 pounds, considering the maximum load factors, inertia forces, and reactions between the occupant, seat, and safety belt or harness, at each relevant flight and ground load condition (including the emergency landing conditions prescribed in § 25.561). For berths, the forward inertia force must be considered in accordance with paragraph (f) of this section and need not be considered with respect to the safety belt. In addition—

(1) The structural analysis and testing of the seats, berths, and their supporting structures may be determined by—

(i) Assuming that the critical load in the forward, sideward, downward, and rearward directions (as determined from the prescribed flight, ground, and emergency landing conditions) acts separately; and

(ii) Using selected combinations of loads if the required strength in each specified direction is substantiated;

(2) Each pilot seat must be designed for the reactions resulting from the application of the pilot forces prescribed in § 25.395; and

(3) The inertia forces specified in § 25.561 must be multiplied by a factor of 1.33 (instead of the fitting factor prescribed in § 25.625) in determining the strength of the attachment of—

(i) Each seat to the structure; and

(ii) Each belt or harness to the seat or structure.

**§ 25.787 Cargo and baggage compartments.**

(a) Each cargo and baggage compartment must be designed for its placarded maximum weight of contents and for the critical load distributions at the appropriate maximum load factors corresponding to the specified flight and ground load conditions, except the emergency landing conditions of § 25.561.

(b) There must be a means to prevent the contents in the compartments from becoming a hazard by shifting, under the loads specified in paragraph (a) of this section.

(c) There must be a means to protect the occupants from injury by the contents of any compartment, under the emergency landing conditions of § 25.561.

EMERGENCY PROVISIONS

**§ 25.801 Ditching.**

(a) If certification with ditching provisions is requested, the airplane must meet the requirements of this section and §§ 25.807(d), 25.1411, and 25.1415(a).

(b) Each practicable design measure, compatible with the general characteristics of the airplane, must be taken to minimize the probability that in an emergency landing on water, the behavior of the airplane would cause immediate injury to the occupants or would make it impossible for them to escape.

(c) The probable behavior of the airplane in a water landing must be investigated by model tests or by comparison with airplanes of similar configuration for which the ditching characteristics are known. Scoops, flaps, projections, and any other factor likely to affect the hydrodynamic characteristics of the airplane, must be considered.

(d) It must be shown that, under reasonably probable water conditions, the flotation time and trim of the airplane will allow the occupants to leave the airplane and enter the liferafts required by § 25.1415. If compliance with this provision is shown by buoyancy and trim computations, appropriate allowances must be made for probable structural damage and leakage. If the airplane has fuel tanks (with fuel jettisoning provisions) that can reasonably be expected to withstand a ditching without leakage, the jettisonable volume of fuel may be considered as buoyancy volume.

(e) Unless the effects of the collapse of external doors and windows are accounted for in the investigation of the probable behavior of the airplane in a water landing (as prescribed in paragraphs (c) and (d) of this section), the external doors and windows must be designed to withstand the probable maximum local pressures.

**§ 25.803 Emergency evacuation.**

(a) Each crew and passenger area must have emergency means to allow rapid evacuation in crash landings, with the landing gear extended and retracted, considering the possibility of the airplane being on fire.

(b) The passenger and crew access doors and service doors may be considered as emergency exits if they meet the applicable requirements of this section and §§ 25.805 through 25.813.

(c) If the airplane is divided into separate compartments without the minimum unobstructed passageway between compartments required by § 25.813, this section and §§ 25.805 through 25.815 apply to each compartment independently.

**§ 25.805 Flight crew emergency exits.**

Except for airplanes with a passenger capacity of 20 or less in which the proximity of passenger emergency exits to the flight crew area offers a convenient and readily accessible means of evacuation for the flight crew, the following apply:



(a) There must be either one exit on each side of the airplane or a top hatch, in the flight crew area.

(b) Each exit must be of sufficient size and must be located so as to allow rapid evacuation of the crew. An exit size and shape of other than at least 19 by 20 inches unobstructed rectangular opening may be used only if exit utility is satisfactorily shown, by a typical flight crewmember, to the Administrator.

**§ 25.807 Passenger emergency exits.**

(a) *Type and location.* For the purpose of this part, the types and locations of exits are as follows:

(1) *Type I:* This type must have a rectangular opening of not less than 24 inches wide by 48 inches high, with corner radii not greater than ⅓ the width of the exit. The first Type I exit on each side of the fuselage must be in the rearward part of the passenger compartment unless another location affords a more effective means of passenger evacuation. Type I exits must be floor level exits.

(2) *Type II:* This type must have a rectangular opening of not less than 20 inches wide by 44 inches high, with corner radii not greater than ⅓ the width of the exit. Unless Type I exits are required, one Type II exit on each side of the fuselage must be in the rearward part of the passenger compartment unless another location affords a more effective means of passenger evacuation. Type II exits must be floor level exits unless located over the wing, in which case they may not have a step-up inside the airplane of more than 10 inches nor a step-down outside the airplane of more than 17 inches.

(3) *Type III:* This type must have a rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than ⅓ the width of the exit, located over the wing, with a step-up inside the airplane of not more than 20 inches and a step-down outside the airplane of not more than 27 inches.

(4) *Type IV:* This type must have a rectangular opening of not less than 19 inches wide by 26 inches high, with corner radii not greater than ⅓ the width of the exit, located over the wing, with a step-up inside the airplane of not more than 29 inches and a step-down outside the airplane of not more than 36 inches. Step-down distance as used in this section means the actual distance between the bottom of the required opening and a usable foothold, extending out from the fuselage, that is large enough to be effective without searching by sight or feel.

(b) *Accessibility.* Each required passenger emergency exit must be accessible to the passengers and located where it will afford the most effective means of passenger evacuation. Openings larger than those specified in this section, whether or not of rectangular shape, may be used if—

(1) The specified rectangular opening can be inscribed within the opening; and

(2) The base of the inscribed rectangular opening meets the specified step-up and step-down heights.

(c) *Passenger emergency exits; side-of-fuselage.* The exits prescribed in this paragraph need not be diametrically opposite each other, but must be provided as follows:

(1) Except as provided in subparagraphs (2) through (5) of this paragraph, the number and type of passenger emergency exits must be in accordance with the following table:

| Passenger seating capacity | Emergency exits for each side of the fuselage | | | |
|---|---|---|---|---|
| | Type I | Type II | Type III | Type IV |
| 1 through 10 | | | | 1 |
| 11 through 19 | | | 1 | |
| 20 through 39 | | 1 | | 1 |
| 40 through 59 | 1 | | | 1 |
| 60 through 79 | 1 | | 1 | |
| 80 through 109 | 1 | | 1 | 1 |
| 110 through 139 | 2 | | 1 | |
| 140 through 179 | 2 | | 2 | |
| 180 through 219 | 2 | 2 | | |

(2) Two Type IV exits may be installed instead of each required Type III exit.

(3) Additional exits, providing an effective means of passenger evacuation consistent with the minimum number prescribed in subparagraph (1) of this paragraph, are required for airplanes with a passenger capacity of 220 or more.

(4) If, there are additional emergency evacuation means on the airplane, the passenger/emergency exit relationship may be increased by not more than 10 passengers beyond the limits specified in subparagraph (1) of this paragraph. If this means is an approved inflatable slide installed at each floor level exit (other than over-the-wing exits), the passenger/emergency exit relationship may be increased by—

(i) Not more than five passengers on airplanes with at least two of these exits; and

(ii) Not more than 10 passengers on airplanes with at least four of these exits.

(5) For airplanes on which the vertical location of the wing does not allow the installation of over-the-wing exits, an exit of at least the dimensions of a Type III must be installed instead of each Type III and each Type IV exit required by subparagraph (1) of this paragraph.

(d) *Ditching emergency exits.* In addition to the requirements of paragraph (c) of this section, the following apply:

(1) There must be at least one emergency exit for each unit (or part of a unit) of 35 passengers, but no less than two such exits, both above the waterline with one on each side of the airplane, meeting the minimum dimensions of—

(i) A Type IV exit for airplanes with a passenger seating capacity of 10 or less; and

(ii) A Type III exit for airplanes with a passenger seating capacity of 11 or more.

(2) If side exits cannot be above the waterline, the side exits must be replaced by an equal number of overhead hatches of not less than the dimensions of a Type III exit except that, for airplanes with a passenger capacity of 35 or less, the two required Type III side exits need be replaced by only one overhead hatch.

(3) Two Type IV exits may be installed instead of each required Type III exit.

**§ 25.809 Emergency exit arrangement.**

(a) Each emergency exit, including a flight crew emergency exit, must be a movable door or hatch in the external walls of the fuselage, allowing unobstructed opening to the outside.

(b) Each emergency exit must be openable from the inside and the outside except that sliding window emergency exits in the flight crew area need not be openable from the outside if other approved exits are convenient and readily accessible to the flight crew area.

(c) The means of opening emergency exits must be simple and obvious and may not require exceptional effort. Internal exit-opening means involving sequence operations (such as operation of two handles or latches or the release of safety catches) may be used for flight crew emergency exits if it can be reasonably established that these means are simple and obvious to crewmembers trained in their use.

(d) There must be a means to lock each emergency exit and to safeguard against its opening in flight, either inadvertently by persons or as a result of mechanical failure. In addition, there must be a means for direct visual inspection of the locking mechanism by crewmembers to determine that each emergency exit, for which the initial opening movement is outward, is fully locked.

(e) There must be provisions to minimize the probability of jamming of the emergency exits resulting from fuselage deformation in a minor crash landing.

(f) Each landplane emergency exit (other than exits located over the wing) more than six feet from the ground with the airplane on the ground and the landing gear extended, must have an approved means to assist the occupants in descending to the ground. In addition—

(1) The assist device for crew exits may be a rope or any other device demonstrated to be suitable for the purpose;

(2) The assist device for passenger exits may be an inflatable slide, a non-inflatable slide, or other approved device; and

(3) Ropes and ladders may not be used at passenger floor level exits.

(g) The proper functioning of each emergency exit must be shown by tests.

**§ 25.811 Emergency exit marking.**

(a) Each passenger emergency exit, its means of access, and its means of opening must be conspicuously marked.

(b) The identity and location of each emergency exit must be recognizable from a distance equal to the width of the cabin.

(c) The location of each emergency exit operating handle and the instructions for opening must be marked on or

adjacent to the emergency exit, and this marking must be readable from a distance of 30 inches.

(d) A source of light, independent of the main lighting system, must be installed to illuminate each passenger emergency exit marking.

(e) Each exit light must be designed to function automatically in a crash landing and to operate manually.

(f) Each emergency exit that is required to be openable from the outside, and its means of opening, must be marked on the outside of the airplane.

(g) Exits marked as emergency exits, though in excess of the required number of emergency exits, must meet the requirements for emergency exits of the particular type. Emergency exits customarily used in entering or leaving the airplane need only be marked with the word "EXIT".

### § 25.813 Emergency exit access.

(a) Except as provided in § 25.803(c) with regard to passageways between individual compartments, each passageway between individual passenger areas, and passageways leading to Type I and Type II emergency exits, must be unobstructed and at least 20 inches wide.

(b) For each emergency exit covered by § 25.809(f), there must be enough space adjacent to that exit to allow a crewmember to assist in the evacuation of passengers without reducing the unobstructed width of the passageway below that required for that exit.

(c) There must be access from the main aisle to each Type III and Type IV exit. The access may not be obstructed by seats, berths, or other protrusions, to an extent that would reduce the effectiveness of the exit. However, there may be minor obstructions if there are compensating factors to maintain the effectiveness of the exit.

(d) If it is necessary to pass through a doorway to reach any required emergency exit from any seat in the passenger cabin, the door must have a means to latch it in the open position.

### § 25.815 Width of main aisle.

The main passenger aisle width at any point between seats must equal or exceed the values in the following table:

| Passenger seating capacity | Minimum main passenger aisle width | |
|---|---|---|
| | Less than 25 inches from floor | 25 inches and more from floor |
| | *Inches* | *Inches* |
| 10 or less | 12 | 18 |
| 11 through 19 | 12 | 20 |
| 20 or more | 15 | 20 |

VENTILATION AND HEATING

### § 25.831 Ventilation.

(a) Each passenger and crew compartment must be ventilated, and each crew compartment must have enough fresh air (but not less than 10 cu. ft. per minute per crewmember) to enable crewmembers to perform their duties without undue discomfort or fatigue.

(b) Crew and passenger compartment air must be free from harmful or hazardous concentrations of gases or vapors. In meeting this requirement, the following apply:

(1) Carbon monoxide concentrations in excess of one part in 20,000 parts of air are considered hazardous. For test purposes, any acceptable carbon monoxide detection method may be used.

(2) Carbon dioxide in excess of three percent by volume (sea level equivalent) is considered hazardous in the case of crewmembers. Higher concentrations of carbon dioxide may be allowed in crew compartments if appropriate protective breathing equipment is available.

(c) There must be provisions made to ensure that the conditions prescribed in paragraph (b) of this section are met after reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems and equipment.

(d) If accumulation of hazardous quantities of smoke in the cockpit area is reasonably probable, smoke evacuation must be readily accomplished, starting with full pressurization and without depressurizing beyond safe limits.

(e) There must be a means to enable the crew to control the temperature and quantity of ventilating air supplied to the crew compartment, independently of the temperature and quantity of ventilating air supplied to other compartments.

### § 25.833 Heating systems.

(a) Combustion heaters must be approved and must meet the fire protection requirements of § 25.859.

(b) Engine exhaust heaters must meet the provisions of § 25.1125.

PRESSURIZATION

### § 25.841 Pressurized cabins.

(a) Pressurized cabins and compartments to be occupied must be equipped to provide a cabin pressure altitude of not more than 8,000 feet at the maximum operating altitude of the airplane under normal operating conditions. If certification for operation over 25,000 feet is requested, the airplane must be able to maintain a cabin pressure altitude of not more than 15,000 feet in the event of any reasonably probable failure or malfunction in the pressurization system.

(b) Pressurized cabins must have at least the following valves, controls, and indicators for controlling cabin pressure:

(1) Two pressure relief valves (at least one of which is the normal regulating valve) to automatically limit the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. The combined capacity of the relief valves must be large enough so that the failure of any one valve would not cause an appreciable rise in the pressure differential. The pressure differential is positive when the internal pressure is greater than the external.

(2) Two reverse pressure differential relief valves (or their equivalents) to automatically prevent a negative pressure differential that would damage the structure. One valve is enough, however, if it is of a design that reasonably precludes its malfunctioning.

(3) A means by which the pressure differential can be rapidly equalized.

(4) An automatic or manual regulator for controlling the intake or exhaust airflow, or both, for maintaining the required internal pressures and airflow rates.

(5) Instruments at the pilot or flight engineer station to show the pressure differential, the absolute pressure in the cabin, and the rate of change of the absolute pressure.

(6) Warning indication at the pilot or flight engineer station to indicate when the safe or preset pressure differential and absolute cabin pressure limits are exceeded. Appropriate warning markings on the cabin pressure differential indicator meet the warning requirement for pressure differential limits and an aural or visual signal (in addition to cabin altitude indicating means) meets the warning requirement for absolute cabin pressure limits if it warns the flight crew when the cabin absolute pressure is below that equivalent to 10,000 feet.

(7) A warning placard at the pilot or flight engineer station if the structure is not designed for pressure differentials up to the maximum relief valve setting in combination with landing loads.

### § 25.843 Tests for pressurized cabins.

(a) *Strength test.* The complete pressurized cabin, including doors, windows, and valves, must be tested as a pressure vessel for the pressure differential specified in § 25.365(d).

(b) *Functional tests.* The following functional tests must be performed:

(1) Tests of the functioning and capacity of the positive and negative pressure differential valves, and of the emergency release valve, to simulate the effects of closed regulator valves.

(2) Tests of the pressurization system to show proper functioning under each possible condition of pressure, temperature, and moisture, up to the maximum altitude for which certification is requested.

(3) Flight tests, to show the performance of the pressure supply, pressure and flow regulators, indicators, and warning signals, in steady and stepped climbs and descents at rates corresponding to the maximum attainable within the operating limitations of the airplane, up to the maximum altitude for which certification is requested.

(4) Tests of each door and emergency exits, to show that they operate properly after being subjected to the flight tests prescribed in subparagraph (3) of this paragraph.



FIRE PROTECTION

### § 25.851 Fire extinguishers.

(a) *Hand fire extinguishers.* For hand fire extinguishers the following apply:

(1) Each hand fire extinguisher must be approved.

(2) The types and quantities of each extinguishing agent used must be appropriate to the kinds of fires likely to occur where used.

(3) Each extinguisher for use in a personnel compartment must be designed to minimize the hazard of toxic gas concentrations.

(4) A readily accessible hand fire extinguisher must be available for use in each Class A or Class B cargo compartment.

(b) *Built-in fire extinguishers.* If a built-in fire extinguishing system is required—

(1) The capacity of each system, in relation to the volume of the compartment where used and the ventilation rate, must be adequate for any fire likely to occur in that compartment; and

(2) Each system must be installed so that—

(i) No extinguishing agent likely to enter personnel compartments will be hazardous to the occupants; and

(ii) No discharge of the extinguisher can cause structural damage.

### § 25.853 Compartment interiors.

For each compartment to be used by the crew or passengers—

(a) The materials must be at least flash-resistant;

(b) The wall and ceiling linings, and the covering of upholstery, floors, and furnishings must be at least flame resistant;

(c) Each compartment where smoking is to be allowed must have self-contained, removable, ash trays, and each other compartment must be placarded against smoking;

(d) Each receptacle for towels, paper, or waste must be at least fire resistant and must have means for containing possible fires;

(e) There must be at least one hand fire extinguisher for use by the flight crewmembers; and

(f) There must be at least the following number of hand fire extinguishers conveniently located in passenger compartments:

| Passenger capacity: | *Minimum number of hand fire extinguishers* |
|---|---|
| 7 through 30 | 1 |
| 31 through 60 | 2 |
| 61 or more | 3 |

### § 25.855 Cargo and baggage compartments.

(a) Each cargo and baggage compartment (including tie-down equipment) must be constructed of materials that are at least flame resistant.

(b) No compartment may contain any controls, wiring, lines, equipment, or accessories whose damage or failure would affect safe operation, unless those items are protected so that—

(1) They cannot be damaged by the movement of cargo in the compartment; and

(2) Their breakage or failure will not create a fire hazard.

(c) There must be means to prevent cargo or baggage from interfering with the functioning of the fire-protective features of the compartment.

(d) Sources of heat within the compartment must be shielded and insulated to prevent igniting the cargo.

(e) Cargo compartments must meet one of the class requirements of § 25.857. In addition, flight tests must be conducted to show compliance with the provisions of § 25.857 concerning—

(1) Compartment accessibility;

(2) The entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers; and

(3) The dissipation of the extinguishing agent in Class C compartments.

During these tests, it must be shown that no inadvertent operation of smoke or fire detectors in any compartment would occur as a result of fire contained in any one compartment, either during or after extinguishment, unless the extinguishing system floods each such compartment simultaneously.

### § 25.857 Cargo compartment classification.

(a) *Class A.* A Class A cargo or baggage compartment is one in which—

(1) The presence of a fire would be easily discovered by a crewmember while at his station; and

(2) Each part of the compartment is easily accessible in flight.

(b) *Class B.* A Class B cargo or baggage compartment is one in which—

(1) There is sufficient access in flight to enable a crew member to effectively reach any part of the compartment with the contents of a hand fire extinguisher;

(2) When the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent, will enter any compartment occupied by the crew or passengers;

(3) There is a separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station; and

(4) There is a fire-resistant lining.

(c) *Class C.* A Class C cargo or baggage compartment is one not meeting the requirements for either a Class A or B compartment but in which—

(1) There is a separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station;

(2) There is an approved built-in fire-extinguishing system controllable from the pilot or flight engineer stations;

(3) There are means to exclude hazardous quantities of smoke, flames, or extinguishing agent, from any compartment occupied by the crew or passengers;

(4) There are means to control ventilation and drafts within the compartment so that the extinguishing agent used can control any fire that may start within the compartment; and

(5) There is a fire-resistant lining.

(d) *Class D.* A Class D cargo or baggage compartment is one in which—

(1) A fire occurring in it will be completely confined without endangering the safety of the airplane or the occupants;

(2) There are means to exclude hazardous quantities of smoke, flames, or other noxious gases, from any compartment occupied by the crew or passengers;

(3) Ventilation and drafts are controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits;

(4) There is a fire-resistant lining; and

(5) Consideration is given to the effect of heat within the compartment on adjacent critical parts of the airplane.

For compartments of 500 cu. ft. or less, an airflow of 1500 cu. ft. per hour is acceptable.

(e) *Class E.* A Class E cargo compartment is one on airplanes used only for the carriage of cargo and in which—

(1) There is a fire-resistant lining;

(2) There is a separate approved smoke or fire detector system to give warning at the pilot or flight engineer station;

(3) There are means to shut off the ventilating airflow to, or within, the compartment, and the controls for these means are accessible to the flight crew in the crew compartment;

(4) There are means to exclude hazardous quantities of smoke, flames, or noxious gases, from the flight crew compartment; and

(5) The required crew emergency exists are accessible under any cargo loading condition.

### § 25.859 Combustion heater fire protection.

(a) *Combustion heater fire zones.* The following combustion heater fire zones must be protected from fire in accordance with the applicable provisions of §§ 25.1181 through 25.1191 and 25.1195 through 25.1203:

(1) The region surrounding the heater, if this region contains any flammable fluid system components (excluding the heater fuel system), that could—

(i) Be damaged by heater malfunctioning; or

(ii) Allow flammable fluids or vapors to reach the heater in case of leakage.

(2) The region surrounding the heater, if the heater fuel system has fittings that, if they leaked, would allow fuel or vapors to enter this region.

(3) The part of the ventilating air passage that surrounds the combustion chamber. However, no fire extinguishment is required in cabin ventilating air passages.

(b) *Ventilating air ducts.* Each ventilating air duct passing through any fire zone must be fireproof. In addition—

(1) Unless isolation is provided by fireproof valves or by equally effective means, the ventilating air duct downstream of each heater must be fireproof

for a distance great enough to ensure that any fire originating in the heater can be contained in the duct; and

(2) Each part of any ventilating duct passing through any region having a flammable fluid system must be constructed or isolated from that system so that the malfunctioning of any component of that system cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* Each combustion air duct must be fireproof for a distance great enough to prevent damage from backfiring or reverse flame propagation. In addition—

(1) No combustion air duct may have a common opening with the ventilating airstream unless flames from backfires or reverse burning cannot enter the ventilating airstream under any operating condition, including reverse flow or malfunctioning of the heater or its associated components; and

(2) No combustion air duct may restrict the prompt relief of any backfire that, if so restricted, could cause heater failure.

(d) *Heater controls; general.* Provision must be made to prevent the hazardous accumulation of water or ice on or in any heater control component, control system tubing, or safety control.

(e) *Heater safety controls.* For each combustion heater there must be the following safety control means:

(1) There must be means for each heater, independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow, to automatically shut off the ignition and fuel supply to that heater at a point remote from that heater, when—

(i) The heat exchanger temperature or ventilating air temperature exceeds safe limits; or

(ii) Either the combustion airflow or the ventilating airflow becomes inadequate for safe operation.

(2) The means of complying with subparagraph (1) of this paragraph for any individual heater must be independent of any component serving any other heater whose heat output is essential for safe operation.

(3) There must be means to warn the crew when any heater whose heat output is essential for safe operation has been shut off by the automatic means prescribed in subparagraph (1) of this paragraph.

(f) *Air intakes.* Each combustion and ventilating air intake must be located so that no flammable fluids or vapors can enter the heater system under any operating condition—

(1) During normal operation; or

(2) As a result of the malfunctioning of any other component.

(g) *Heater exhaust.* Heater exhaust systems must meet the provisions of §§ 25.1121 and 25.1123. In addition, there must be provisions in the means exhaust system to safely expel the products of combustion to prevent the occurrence of—

(1) Fuel leakage from the exhaust to surrounding compartments;

(2) Exhaust gas impingement on surrounding equipment or structure;

(3) Ignition of flammable fluids by the exhaust, if the exhaust is in a compartment containing flammable fluid lines; and

(4) Restriction by the exhaust of the prompt relief of backfires that, if so restricted, could cause heater failure.

(h) *Heater fuel systems.* Each heater fuel system must meet each powerplant fuel system requirement affecting safe heater operation. Each heater fuel system component within the ventilating airstream must be protected by shrouds so that no leakage from those components can enter the ventilating airstream.

(i) *Drains.* There must be means to safely drain fuel that might accumulate within the combustion chamber or the heat exchanger. In addition—

(1) Each part of any drain that operates at high temperatures must be protected in the same manner as heater exhausts; and

(2) Each drain must be protected from hazardous ice accumulation under any operating condition.

**§ 25.863 Flammable fluid fire protection.**

If flammable fluids or vapors might be liberated by the leakage of fluid systems, there must be means to—

(a) Prevent the ignition of those fluids or vapors by any other equipment; or

(b) Control any fire resulting from that ignition.

MISCELLANEOUS

**§ 25.871 Leveling marks.**

There must be reference marks for leveling the airplane on the ground.

**§ 25.875 Reinforcement near propellers.**

(a) Each part of the airplane near the propeller tips must be strong and stiff enough to withstand the effects of the induced vibration and of ice thrown from the propeller.

(b) No window may be near the propeller tips unless it can withstand the most severe ice impact likely to occur.



## Subpart E—Powerplant

GENERAL

**§ 25.901 Installation.**

(a) For the purpose of this part, the airplane powerplant installation includes each component that—

(1) Is necessary for propulsion;

(2) Affects the control of the major propulsive units; or

(3) Affects the safety of the major propulsive units between normal inspections or overhauls.

(b) For each powerplant—

(1) The engine installation must meet the applicable provisions of this subpart;

(2) The components of the installation must be constructed, arranged, and installed so as to ensure their continued safe operation between normal inspections or overhauls;

(3) The installation must be accessible for necessary inspections and maintenance; and

(4) The major components of the installation must be electrically bonded to the other parts of the airplane.

**§ 25.903 Engines.**

(a) *Engine type certification.* Each engine must be type certificated under Part 33 [New].

(b) *Engine isolation.* The powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect the engine, will not—

(1) Prevent the continued safe operation of the remaining engines; or

(2) Require immediate action by any crewmember for continued safe operation.

(c) *Control of engine rotation.* There must be a means to individually stop and restart the rotation of any engine in flight unless, for turbine engine installations, continued rotation could not jeopardize the safety of the airplane. Each component of the stopping and restarting system on the engine side of the firewall, and that might be exposed to fire, must be at least fire resistant. If hydraulic propeller feathering systems are used for this purpose, the feathering lines must be at least fire resistant under the operating conditions that may be expected to exist during feathering.

(d) *Turbine engine installations.* Unless the engine type certificate specifies that the engine rotor cases can contain damage resulting from rotor blade failure, turbine engine powerplant installations must have a protection means so that rotor blade failure in any engine will not affect the operation of remaining engines or jeopardize continued safety. In addition, design precautions must be taken to minimize the probability of jeopardizing safety if an engine turbine rotor fails, unless—

(1) The engine type certificate specifies that the turbine rotors can withstand damage-inducing factors (such as those that might result from abnormal rotor speed, temperature, or vibration); and

(2) The powerplant systems associated with engine control devices, systems, and instrumentation give reasonable assurance that those engine operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

**§ 25.905 Propellers.**

(a) Each propeller must be type certificated under Part 35 [New].

(b) Engine power and propeller shaft rotational speed may not exceed the limits for which the propeller is certificated.

**§ 25.907 Propeller vibration.**

(a) The magnitude of the propeller blade vibration stresses under any normal condition of operation must be determined by actual measurement or by comparison with similar installations for which these measurements have been made.

(b) The determined vibration stresses may not exceed values that have been shown to be safe for continuous operation.

**§ 25.925 Propeller clearance.**

Unless smaller clearances are substantiated, propeller clearances with the airplane at maximum weight, with the most adverse center of gravity, and with the propeller in the most adverse pitch position, may not be less than the following:

(a) *Ground clearance.* There must be a clearance of at least seven inches (for each airplane with nose wheel landing gear) or nine inches (for each airplane with tail wheel landing gear) between each propeller and the ground with the landing gear statically deflected and in the level takeoff, or taxiing attitude, whichever is most critical. In addition, there must be positive clearance between the propeller and the ground when in the level takeoff attitude with the critical tire completely deflated and the corresponding landing gear strut bottomed.

(b) *Water clearance.* There must be a clearance of at least 18 inches between each propeller and the water, unless compliance with § 25.239(a) can be shown with a lesser clearance.

(c) *Structural clearance.* There must be—

(1) At least one inch radial clearance between the blade tips and the airplane structure, plus any additional radial clearance necessary to prevent harmful vibration;

(2) At least one-half inch longitudinal clearance between the propeller blades or cuffs and stationary parts of the airplane; and

(3) Positive clearance between other rotating parts of the propeller or spinner and stationary parts of the airplane.

**§ 25.929 Propeller deicing.**

(a) For airplanes intended for use where icing may be expected, there must be a means to prevent or remove hazardous ice accumulation on propellers or on accessories where ice accumulation would jeopardize engine performance.

(b) If combustible fluid is used for propeller deicing, §§ 25.1181 through 25.1185 and 25.1189 apply.

**§ 25.933 Reversing systems.**

(a) Reversing systems intended for ground operation only must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbojet reversing systems intended for inflight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Compliance with this section may be shown by failure analysis, testing, or both, for propeller systems that allow propeller blades to move from the flight low-pitch position to a position that is substantially less than that at the normal flight low-pitch stop position. The analysis may include or be supported by the analysis made to show compliance with the requirements of § 35.21 for the propeller and associated installation components.

**§ 25.937 Turbopropeller-drag limiting systems.**

Turbopropeller powered airplane propeller-drag limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the airplane was designed under § 25.367. Failure of structural elements of the drag limiting systems need not be considered if the probability of this kind of failure is extremely remote.

**§ 25.939 Turbine engine powerplant operating characteristics.**

Turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

FUEL SYSTEM

**§ 25.951 General.**

(a) Each fuel system must be constructed and arranged to ensure a flow of fuel at a rate and pressure established for proper engine functioning under each likely operating condition, including any maneuver for which certification is requested.

(b) Each fuel system must be arranged so that—

(1) No fuel pump can draw fuel from more than one tank at a time; or

(2) There are means to prevent introducing air into the system.

**§ 25.953 Fuel system independence.**

Each fuel system must meet the requirements of § 25.903(b) by—

(a) Allowing the supply of fuel to each engine through a system independent of each part of the system supplying fuel to any other engine; or

(b) Any other acceptable method.

**§ 25.955 Fuel flow.**

(a) Each fuel system must provide at least 100 percent of the fuel flow required under each intended operating condition and maneuver. Compliance must be shown as follows:

(1) Fuel must be delivered to each engine at a pressure within the limits specified in the engine type certificate.

(2) The quantity of fuel in the tank may not exceed the amount established as the unusable fuel supply for that tank under the requirements of § 25.959 plus that necessary to show compliance with this section.

(3) Each main pump must be used that is necessary for each operating condition and attitude for which compliance with this section is shown, and the appropriate emergency pump must be substituted for each main pump so used.

(4) If there is a fuel flowmeter, it must be blocked and the fuel must flow through the meter or its bypass.

(b) If an engine can feed from more than one fuel tank, the fuel system must supply the full fuel pressure to that engine in not more than 20 seconds after switching to any other fuel tank when engine malfunctioning becomes apparent due to the depletion of the fuel supply in any tank from which the engine can be fed.

**§ 25.957 Flow between interconnected tanks.**

If fuel can be pumped from one tank to another in flight, the fuel tank vents and the fuel transfer system must be designed so that no structural damage to the tanks can occur because of overfilling.

**§ 25.959 Unusable fuel supply.**

The unusable fuel supply for each tank must be established as not less than that quantity at which the first evidence of malfunctioning occurs under the most adverse fuel feed condition occurring under each intended operation and flight maneuver involving that tank.

**§ 25.961 Fuel system hot weather operation.**

(a) The fuel system must perform satisfactorily in hot weather operation. This must be shown by climbing from the altitude of the airport elected by the applicant to the altitude corresponding to that at which the one-engine-inoperative best rate of climb is not more than the en route climb with the configuration and weight specified in § 25.67(d). There may be no evidence of vapor lock or other malfunctioning during the climb test conducted under the following conditions:

(1) For reciprocating engine powered airplanes, the engines must operate at maximum continuous power, except that takeoff power must be used for the altitudes from 1,000 feet below the critical altitude through the critical altitude. The time interval during which takeoff power is used may not be less than the takeoff time limitation.

(2) For turbine engine powered airplanes, the engines must operate at takeoff power for the time interval selected for showing the takeoff flight path, and at maximum continuous power for the rest of the climb.

(3) The weight of the airplane must be the weight with full fuel tanks, minimum crew, and the ballast necessary to maintain the center of gravity within allowable limits.

(4) The speed of climb may not exceed that allowing compliance with the minimum climb requirement specified in § 25.65(a).

(5) The fuel temperature must be at least 110° F.

(b) The test prescribed in paragraph (a) of this section may be performed in flight or on the ground under closely simulated flight conditions. If a flight test is performed in weather cold enough to interfere with the proper conduct of the test, the fuel tank surfaces, fuel lines, and other fuel system parts subject to cold air must be insulated to simulate, insofar as practicable, flight in hot weather.

**§ 25.963 Fuel tanks: general.**

(a) Each fuel tank must be able to withstand, without failure, the vibration, inertia, fluid, and structural loads that it may be subjected to in operation.

(b) Flexible fuel tank liners must be approved or must be shown to be suitable for the particular application.

(c) Integral fuel tanks must have facilities for interior inspection and repair.

(d) Fuel tanks within the fuselage contour must be able to resist rupture, and to retain fuel, under the inertia forces prescribed for the emergency landing conditions in § 25.561. In addition, these tanks must be in a protected position so that exposure of the tanks to scraping action with the ground is unlikely.

(e) The augmentation liquid tank capacity available for the use of each engine must be large enough to allow operation of the airplane under the approved procedures for the use of liquid-augmented power. The computation of liquid consumption must be based on the maximum approved rate appropriate for the desired engine output, and must include the effect of temperature on engine performance as well as any other factors that might vary the amount of liquid required.

**§ 25.965 Fuel tank tests.**

(a) It must be shown by tests that the fuel tanks, as mounted in the airplane, can withstand, without failure or leakage, the more critical of the pressures resulting from the conditions specified in subparagraphs (1) and (2) of this paragraph. In addition, it must be shown by either analysis or tests, that tank surfaces subjected to more critical pressures resulting from the condition of subparagraphs (3) and (4) of this paragraph, are able to withstand the following pressures:

(1) An internal pressure of 3.5 psi.

(2) 125 percent of the maximum air pressure developed in the tank from ram effect.

(3) Fluid pressures developed during maximum limit accelerations, and deflections, of the airplane with a full tank.

(4) Fluid pressures developed during the most adverse combination of airplane roll and fuel load.

(b) Each metallic tank with large unsupported or unstiffened flat surfaces, whose failure or deformation could cause fuel leakage, must be able to withstand the following test, or its equivalent, without leakage or excessive deformation of the tank walls:

(1) Each complete tank assembly and its supports must be vibration tested while mounted to simulate the actual installation.

(2) Except as specified in subparagraph (4) of this paragraph, the tank assembly must be vibrated for 25 hours at an amplitude of not less than ½2 of an inch (unless another amplitude is substantiated) while ⅔ filled with water or other suitable test fluid.

(3) The test frequency of vibration must be as follows:

(i) If no frequency of vibration resulting from any r.p.m. within the normal operating range of engine speeds is critical, the test frequency of vibration, in number of cycles per minute, must be the number obtained by multiplying the maximum continuous engine speed (r.p.m.) by 0.9.

(ii) If only one frequency of vibration resulting from any r.p.m. within the normal operating range of engine speeds is critical, that frequency of vibration must be the test frequency.

(iii) If more than one frequency of vibration resulting from any r.p.m. within the normal operating range of engine speeds is critical, the most critical of these frequencies must be the test frequency.

(4) Under subparagraph (3) (ii) and (iii) of this paragraph, the time of test must be adjusted to accomplish the same number of vibration cycles that would be accomplished in 25 hours at the frequency specified in subparagraph (3) (i) of this paragraph.

(5) During the test, the tank assembly must be rocked at the rate of 16 to 20 complete cycles per minute, through an angle of 15° on both sides of the horizontal (30° total), about the most critical axis, for 25 hours. If motion about more than one axis is likely to be critical, the tank must be rocked about each critical axis for 12½ hours.

(c) Except where satisfactory operating experience with a similar tank in a similar installation is shown, nonmetallic tanks must withstand the test specified in paragraph (b) (5) of this section, with fuel at a temperature of 110° F. During this test, a representative specimen of the tank must be installed in a supporting structure simulating the installation in the airplane.



**§ 25.967 Fuel tank installations.**

(a) Each fuel tank must be supported so that tank loads (resulting from the weight of the fuel in the tanks) are not concentrated on unsupported tank surfaces. In addition—

(1) There must be pads, if necessary, to prevent chafing between the tank and its supports;

(2) Padding must be nonabsorbent or treated to prevent the absorption of fluids;

(3) If a flexible tank liner is used, it must be supported so that it is not required to withstand fluid loads; and

(4) Each interior surface of the tank compartment must be smooth and free of projections that could cause wear of the liner unless—

(i) Provisions are made for protection of the liner at these points; or

(ii) The construction of the liner itself provides that protection.

(b) Spaces adjacent to tank surfaces must be ventilated to avoid fume accumulation due to minor leakage. If the tank is in a sealed compartment, ventilation may be limited to drain holes large enough to prevent excessive pressure resulting from altitude changes.

(c) The location of each tank must meet the requirements of § 25.1185(a).

(d) No engine nacelle skin immediately behind a major air outlet from the engine compartment may act as the wall of an integral tank.

(e) Each fuel tank must be isolated from personnel compartments by a fumeproof and fuelproof enclosure.

**§ 25.969 Fuel tank expansion space.**

Each fuel tank must have an expansion space of not less than two percent of the tank capacity. It must be impossible to fill the expansion space inadvertently with the airplane in the normal ground attitude.

**§ 25.971 Fuel tank sump.**

(a) Each fuel tank must have a sump with an effective capacity, in the normal ground attitude, of not less than the greater of 0.10 percent of the tank capacity or one-sixteenth of a gallon unless operating limitations are established to ensure that the accumulation of water in service will not exceed the sump capacity.

(b) Each fuel tank must allow drainage of any hazardous quantity of water from any part of the tank to its sump with the airplane in the ground attitude.

(c) Each fuel tank sump must have an accessible drain that—

(1) Allows complete drainage of the sump on the ground;

(2) Discharges clear of each part of the airplane; and

(3) Has manual or automatic means for positive locking in the closed position.

**§ 25.973 Fuel tank filler connection.**

Each fuel tank filler connection must prevent the entrance of fuel into any part of the airplane other than the tank itself. In addition—

(a) Each filler must be marked as prescribed in § 25.1557(c);

(b) Each recessed filler connection that can retain any appreciable quantity of fuel must have a drain that discharges clear of each part of the airplane; and

(c) Each filler cap must provide a fuel-tight seal.

**§ 25.975 Fuel tank vents and carburetor vapor vents.**

(a) *Fuel tank vents.* Each fuel tank must be vented from the top part of the expansion space so that venting is effective under any normal flight condition. In addition—

(1) Each vent must be arranged to avoid stoppage by dirt or ice formation;

(2) The vent arrangement must prevent siphoning of fuel during normal operation;

(3) The venting capacity and vent pressure levels must maintain acceptable differences of pressure between the interior and exterior of the tank, during—

(i) Normal flight operation;

(ii) Maximum rate of ascent and descent; and

(iii) Refueling and defueling (where applicable);

(4) Airspaces of tanks with interconnected outlets must be interconnected;

(5) There may be no point in any vent line where moisture can accumulate with the airplane in the ground attitude or the level flight attitude, unless drainage is provided; and

(6) No vent or drainage provision may end at any point—

(i) Where the discharge of fuel from the vent outlet would constitute a fire hazard; or

(ii) From which fumes could enter personnel compartments.

(b) *Carburetor vapor vents.* Each carburetor with vapor elimination connections must have a vent line to lead vapors back to one of the fuel tanks. In addition—

(1) Each vent system must have means to avoid stoppage by ice; and

(2) If there is more than one fuel tank, and it is necessary to use the tanks in a definite sequence, each vapor vent return line must lead back to the fuel tank used for takeoff and landing.

**§ 25.977 Fuel tank outlet.**

There must be a fuel strainer with 8 to 16 meshes per inch for the fuel tank outlet or for the booster pump. In addition—

(a) The clear area of each fuel tank outlet strainer must be at least five times the area of the outlet line;

(b) The diameter of each strainer must be at least that of the fuel tank outlet; and

(c) Each finger strainer must be accessible for inspection and cleaning.

**§ 25.979 Under-wing fueling provisions.**

(a) Each under-wing fuel tank connection must have means to prevent the escape of hazardous quantities of fuel from that tank, while the cover plate is removed, if the fuel entry valve malfunctions.

(b) A means, in addition to the normal means for limiting the tank content, must be installed to prevent damage to the tank if the normal means fails.

## Fuel System Components

**§ 25.991 Fuel pumps.**

(a) *Main pumps.* Each fuel pump required for proper engine operation, or required to meet the fuel system requirements of this subpart (other than those in paragraph (b) of this section), is a main pump. For each main pump, provision must be made to allow the bypass of each positive displacement fuel pump other than a fuel injection pump (a pump that supplies the proper flow and pressure for fuel injection when the injection is not accomplished in a carburetor) approved as part of the engine.

(b) *Emergency pumps.* There must be emergency pumps or another main pump to feed each engine immediately after failure of any main pump (other than a fuel injection pump approved as part of the engine).

**§ 25.993 Fuel system lines and fittings.**

(a) Each fuel line must be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure and accelerated flight conditions.

(b) Each fuel line connected to components of the airplane between which relative motion could exist must have provisions for flexibility.

(c) Each flexible connection in fuel lines that may be under pressure and subjected to axial loading must use flexible hose assemblies.

(d) Flexible hose must be approved or must be shown to be suitable for the particular application.

(e) No flexible hose that might be adversely affected by exposure to high temperatures may be used where excessive temperatures will exist during operation or after engine shut-down.

**§ 25.995 Fuel valves.**

In addition to the requirements of § 25.1189 for shutoff means, each fuel valve must—

(a) Have positive stops or suitable index provisions in the "on" and "off" positions; and

(b) Be supported so that no loads resulting from their operation or from accelerated flight conditions are transmitted to the lines attached to the valve.

**§ 25.997 Fuel strainer or filter.**

(a) There must be a fuel strainer or filter between the tank outlet and the fuel metering device of the engine. In addition, the fuel strainer or filter must be—

(1) Between the tank outlet and the engine-driven pump inlet, if there is an engine-driven fuel pump;

(2) Accessible for drainage and cleaning and, for the strainer screen, easily removable; and

(3) Mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself.

(b) Unless there are means in the fuel system to prevent the accumulation of

ice on the filter, there must be means to automatically maintain the fuel flow if ice-clogging of the filter occurs.

(c) The fuel strainer or filter must be of adequate capacity (with respect to operating limitations established to ensure proper service) and of appropriate mesh to ensure proper engine operation, with the fuel contaminated to a degree (with respect to particle size and density) that can be reasonably expected in service. The degree of fuel filtering may not be less than that established for the engine under Part 33 [New].

**§ 25.999 Fuel system drains.**

(a) Drainage of the fuel system must be accomplished by the use of fuel strainer and fuel tank sump drains.

(b) Each drain must discharge clear of each part of the airplane and must have manual or automatic means for positive locking in the closed position.

**§ 25.1001 Fuel jettisoning system.**

(a) If the maximum takeoff weight is more than 105 percent of the maximum landing weight, there must be a fuel jettisoning system able to jettison enough fuel to bring the takeoff weight down to the maximum landing weight. The average rate of fuel jettisoning must be at least 1 percent of the maximum takeoff weight per minute, except that the time required to jettison the fuel need not be less than 10 minutes. This must be shown at maximum takeoff weight, with flaps and landing gear up, and in—

(1) A power-off glide at 1.4 $V_{S_1}$;

(2) A climb at the one-engine-inoperative best rate-of-climb speed, with the critical engine inoperative and the remaining engines at maximum continuous power; and

(3) Level flight at 1.4 $V_{S_1}$, if the results of the tests in the conditions specified in subparagraphs (1) and (2) of this paragraph show that this condition could be critical.

(b) During the flight tests prescribed in paragraph (a) of this section, it must be shown that—

(1) The fuel jettisoning system and its operation are free from fire hazard;

(2) The fuel discharges clear of any part of the airplane;

(3) Fuel or fumes do not enter any parts of the airplane; and

(4) The jettisoning operation does not adversely affect the controllability of the airplane.

(c) For reciprocating engine powered airplanes, the jettisoning system must be designed so that it is not possible to jettison the fuel in the tanks used for takeoff and landing below the level allowing 45 minutes flight at 75 percent maximum continuous power. However, if there is an auxiliary control independent of the main jettisoning control, the system may be designed to jettison all the fuel.

(d) For turbine engine powered airplanes the jettisoning system must be designed so that it is not possible to jettison fuel in the tanks used for takeoff and landing below the level allowing climb from sea level to 10,000 feet and thereafter allowing 45 minutes cruise at a speed for maximum range.

(e) The fuel jettisoning valve must be designed to allow flight personnel to close the valve during any part of the jettisoning operation.

(f) Unless it is shown that using any means (including flaps, slots, and slats) for changing the airflow across or around the wings does not adversely affect fuel jettisoning, there must be a placard, adjacent to the jettisoning control, to warn flight crewmembers against jettisoning fuel while the means that change the airflow are being used.

(g) The fuel jettisoning system must be designed so that any reasonably probable single malfunction in the system will not result in a hazardous condition due to unsymmetrical jettisoning of, or inability to jettison, fuel.

OIL SYSTEM

**§ 25.1011 General.**

(a) Each engine must have an independent oil system that can supply it with an appropriate quantity of oil at a temperature not above that safe for continuous operation.

(b) The usable oil capacity may not be less than the product of the endurance of the airplane under critical operating conditions and the approved maximum allowable oil consumption of the engine under the same conditions, plus a suitable margin to ensure system circulation. Instead of a rational analysis of airplane range for the purpose of computing oil requirements for reciprocating engine powered airplanes, the following fuel/oil ratios may be used:

(1) For airplanes without a reserve oil or oil transfer system, a fuel/oil ratio of 30:1 by volume.

(2) For airplanes with either a reserve oil or oil transfer system, a fuel/oil ratio of 40:1 by volume.

(c) Fuel/oil ratios higher than those prescribed in paragraphs (b) (1) and (2) of this section may be used if substantiated by data on actual engine oil consumption.

**§ 25.1013 Oil tanks.**

(a) *Installation.* Each oil tank installation must meet the requirements of § 25.967. However, an engine oil tank may be in a designated fire zone if the tank and its supports are fireproof to the extent that damage by fire to any non-fireproof part will not cause leakage or spillage of oil.

(b) *Expansion space.* Oil tank expansion space must be provided as follows:

(1) Each oil tank must have an expansion space of not less than the greater of—

(i) 10 percent of the tank capacity; or

(ii) 0.5 gallon.

(2) Each reserve oil tank not directly connected to any engine may have an expansion space of not less than two percent of the tank capacity.

(3) It must be impossible to fill the expansion space inadvertently with the airplane in the normal ground attitude.

(c) *Filler connection.* Each recessed oil tank filler connection that can retain any appreciable quantity of oil must have a drain that discharges clear of each part of the airplane. In addition—

(1) Each oil tank filler cap must provide an oil-tight seal; and

(2) Each oil filler must be marked under § 25.1557(c).

(d) *Vent.* Oil tanks must be vented as follows:

(1) Each oil tank must be vented from the top part of the expansion space so that venting is effective under any normal flight condition.

(2) Oil tank vents must be arranged so that condensed water vapor that might freeze and obstruct the line cannot accumulate at any point.

(e) *Outlet.* There must be means to prevent entrance into the tank itself, or into the tank outlet, of any object that might obstruct the flow of oil through the system. No oil tank outlet may be enclosed by any screen or guard that would reduce the flow of oil below a safe value at any operating temperature.

(f) *Flexible oil tank liners.* Each flexible oil tank liner must be approved or must be shown to be suitable for the particular application.

**§ 25.1015 Oil tank tests.**

Each oil tank must be designed and installed so that—

(a) It can withstand, without failure, each vibration, inertia, and fluid load that it may be subjected to in operation; and

(b) It meets the provisions of § 25.965, except—

(1) The test pressure must be five p.s.i. instead of the pressure specified in § 25.965(a); and

(2) The test fluid must be oil at 250° F. instead of the fluid specified in § 25.965(c).

**§ 25.1017 Oil lines and fittings.**

(a) Each oil line must meet the requirements of § 25.993 and each oil line and fitting in any designated fire zone must meet the requirements of § 25.1183.

(b) Breather lines must be arranged so that—

(1) Condensed water vapor that might freeze and obstruct the line cannot accumulate at any point;

(2) The breather discharge does not constitute a fire hazard if foaming occurs or causes emitted oil to strike the pilot's windshield; and

(3) The breather does not discharge into the engine air induction system.

**§ 25.1019 Oil strainer or filter.**

Each oil strainer or filter in the powerplant installation must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

**§ 25.1021 Oil drains.**

There must be at least one accessible drain that—

(a) Allows safe drainage of the entire oil system; and

(b) Has manual or automatic means for positive locking in the closed position.



**§ 25.1023 Oil radiators.**

(a) Each oil radiator must be able to withstand, without failure, any vibration, inertia, and oil pressure load to which it would be subjected in operation.

(b) Each oil radiator air duct must be located so that, in case of fire, flames coming from normal openings of the engine nacelle cannot impinge directly upon the radiator.

**§ 25.1025 Oil valves.**

(a) Each oil shutoff must meet the requirements of § 25.1189.

(b) The closing of oil shutoff means may not prevent propeller feathering.

(c) Each oil valve must have positive stops or suitable index provisions in the "on" and "off" positions and must be supported so that no loads resulting from its operation or from accelerated flight conditions are transmitted to the lines attached to the valve.

**§ 25.1027 Propeller feathering system.**

(a) If the propeller feathering system depends on engine oil, there must be means to trap an amount of oil in the tank if the supply becomes depleted due to failure of any part of the lubricating system other than the tank itself.

(b) The amount of trapped oil must be enough to accomplish the feathering operation and must be available only to the feathering pump.

(c) The ability of the system to accomplish feathering with the trapped oil must be shown. This may be done on the ground using an auxiliary source of oil for lubricating the engine during operation.

COOLING

**§ 25.1041 General.**

The powerplant cooling provisions must be able to maintain the temperatures of powerplant components and engine fluids within the temperature limits established for these components and fluids, under ground, water, and flight operating conditions.

**§ 25.1043 Cooling tests.**

(a) *General.* Compliance with § 25.1041 must be shown by tests, under critical ground, water, and flight operating conditions. For these tests, the following apply:

(1) If the tests are conducted under conditions deviating from the maximum ambient atmospheric temperature, the recorded powerplant temperatures must be corrected under paragraphs (c) and (d) of this section.

(2) No corrected temperatures determined under subparagraph (1) of this paragraph may exceed established limits.

(3) For reciprocating engines, the fuel used during the cooling tests must be the minimum grade approved for the engines, and the mixture settings must be those normally used in the flight stages for which the cooling tests are conducted. The test procedures must be as prescribed in § 25.1045.

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding to sea level conditions must be established as a limitation on the operation of the airplane. The temperature lapse rate is 3.6° F. per thousand feet of altitude above sea level until a temperature of −69.7° F. is reached, above which altitude, the temperature is considered constant at −69.7° F.

(c) *Correction factor (except cylinder barrels).* Unless a more rational correction applies, temperatures of engine fluids and powerplant components (except cylinder barrels) for which temperature limits are established, must be corrected by adding to them the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of the maximum component or fluid temperature recorded during the cooling test.

(d) *Correction factor for cylinder barrel temperatures.* Unless a more rational correction applies, cylinder barrel temperatures must be corrected by adding to them 0.7 times the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test.

**§ 25.1045 Cooling test procedures.**

(a) Compliance with § 25.1041 must be shown for the takeoff, climb, en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions, that are critical relative to cooling during each stage of flight. For the cooling tests, a temperature is "stabilized" when its rate of change is less than two degrees F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated, unless the entry condition normally is not one during which component and engine fluid temperatures would stabilize (in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow temperatures to reach their natural levels at the time of entry). The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

(d) For reciprocating engine powered airplanes, it may be assumed, for cooling test purposes, that the takeoff stage of flight is complete when the airplane reaches an altitude of 1,500 feet above the takeoff surface or reaches a point in the takeoff where the transition from the takeoff to the en route configuration is completed and a speed is reached at which compliance with § 25.67(d) is shown, whichever point is at a higher altitude.

(e) For hull seaplanes and amphibians, cooling must be shown during taxiing downwind for 10 minutes, at five knots above step speed.

INDUCTION SYSTEM

**§ 25.1091 Air induction.**

(a) The air induction system for each engine must supply—

(1) The air required by that engine under each operating condition for which certification is requested; and

(2) The air for proper fuel metering and mixture distribution with the induction system valves in any position.

(b) Each reciprocating engine must have an alternate air source that prevents the entry of rain, ice, or any other foreign matter.

(c) Air intakes may not open within the cowling, unless—

(1) That part of the cowling is isolated from the engine accessory section by means of a fireproof diaphragm; or

(2) There are means to prevent the emergence of backfire flames.

(d) For turbine engine powered airplanes—

(1) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake system; and

(2) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

**§ 25.1093 Induction system deicing and anti-icing provisions.**

(a) *Reciprocating engines.* Each reciprocating engine air induction system must have means to prevent and eliminate icing. Unless this is done by other means, it must be shown that, in air free of visible moisture at a temperature of 30° F., each airplane with altitude engines using—

(1) Conventional venturi carburetors has a preheater that can provide a heat rise of 120° F. with the engine at 60 percent of maximum continuous power; or

(2) Carburetors tending to reduce the probability of ice formation has a preheater that can provide a heat rise of 100° F. with the engine at 60 percent of maximum continuous power.

(b) *Turbine engines.* Each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

**§ 25.1101 Carburetor air preheater design.**

Each carburetor air preheater must be designed and constructed to—

(a) Ensure ventilation of the preheater when the engine is operated in cold air;

(b) Allow inspection of the exhaust manifold parts that it surrounds; and

(c) Allow inspection of critical parts of the preheater itself.

**§ 25.1103 Induction system ducts.**

(a) Each induction system duct upstream of the first stage of the supercharger must have a drain to prevent the hazardous accumulation of fuel and moisture in the ground attitude. The drains may not discharge in locations that might cause a fire hazard.

(b) Each induction system duct must be—

(1) Strong enough to prevent induction system failures resulting from normal backfire conditions; and

(2) Fire-resistant if it is in any fire zone for which a fire-extinguishing system is required.

(c) Each duct connected to components between which relative motion could exist must have means for flexibility.

**§ 25.1105 Induction system screens.**

If induction system screens are used—

(a) Each screen must be upstream of the carburetor;

(b) No screen may be in any part of the induction system that is the only passage through which air can reach the engine, unless it can be deiced by heated air;

(c) No screen may be deiced by alcohol alone; and

(d) It must be impossible for fuel to strike any screen.

**§ 25.1107 Inter-coolers and after-coolers.**

Each inter-cooler and after-cooler must be able to withstand any vibration, inertia, and air pressure load to which it would be subjected in operation.

EXHAUST SYSTEM

**§ 25.1121 General.**

(a) Each exhaust system must ensure safe disposal of exhaust gases without fire hazard or carbon monoxide contamination in any personnel compartment. For test purposes, any acceptable carbon monoxide detection method may be used to show the absence of carbon monoxide.

(b) Unless suitable precautions are taken, no exhaust system part may be dangerously close to parts of any system carrying flammable fluids or vapors, or under parts of such a system that may leak.

(c) Each component that hot exhaust gases could strike, or that could be subjected to high temperatures from exhaust system parts, must be fireproof. All exhaust system components must be separated by fireproof shields from adjacent parts of the airplane that are outside the engine compartment.

(d) No exhaust gases may discharge so as to cause a fire hazard with respect to any flammable fluid vent or drain.

(e) No exhaust gases may discharge where they will cause a glare seriously affecting pilot vision at night.

(f) Each exhaust system component must be ventilated to prevent points of excessively high temperature.

(g) Each exhaust shroud must be ventilated or insulated to avoid, during normal operation, a temperature high enough to ignite any flammable fluids or vapors external to the shroud.

**§ 25.1123 Exhaust piping.**

(a) Exhaust piping must be heat and corrosion resistant, and must have provisions to prevent failure due to expansion by operating temperatures.

(b) Piping must be supported to withstand any vibration and inertia loads to which it would be subjected in operation; and

(c) Piping connected to components between which relative motion could exist must have means for flexibility.

**§ 25.1125 Exhaust heat exchangers.**

(a) Each exhaust heat exchanger must be constructed and installed to withstand each vibration, inertia, and other load to which it would be subjected in operation. In addition—

(1) Each exchanger must be suitable for continued operation at high temperatures and resistant to corrosion from exhaust gases;

(2) There must be means for the inspection of the critical parts of each exchanger;

(3) Each exchanger must have cooling provisions wherever it is subject to contact with exhaust gases; and

(4) No exhaust heat exchanger or muff may have any stagnant areas or liquid traps that would increase the probability of ignition of flammable fluids or vapors that might be present in case of the failure or malfunction of components carrying flammable fluids.

(b) If an exhaust heat exchanger is used for heating ventilating air—

(1) There must be a secondary heat exchanger between the primary exhaust gas heat exchanger and the ventilating air system; or

(2) Other means must be used to preclude the harmful contamination of the ventilating air.

**§ 25.1127 Exhaust driven turbo-superchargers.**

(a) Each exhaust driven turbo-supercharger must be approved or shown to be suitable for the particular application. It must be installed and supported to ensure safe operation between normal inspections and overhauls. In addition, there must be provisions for expansion and flexibility between exhaust conduits and the turbine.

(b) There must be provisions for lubricating the turbine and for cooling turbine parts where temperatures are critical.

(c) If the normal turbo-supercharger control system malfunctions, the turbine speed may not exceed its maximum allowable value. Except for the waste gate operating components, the components provided for meeting this requirement must be independent of the normal turbo-supercharger controls.

POWERPLANT CONTROLS AND ACCESSORIES

**§ 25.1141 Powerplant controls: general.**

Each powerplant control must be located, arranged, and designed under §§ 25.777 through 25.781 and marked under § 25.1555. In addition, it must meet the following requirements:

(a) Each control must be located so that it cannot be inadvertently operated by persons entering, leaving, or moving normally in, the cockpit.

(b) Each flexible control must be approved or must be shown to be suitable for the particular application.

(c) Each control must have sufficient strength and rigidity to withstand operating loads without failure and without excessive deflection.

(d) Each control must be able to maintain any set position without constant attention by flight crewmembers and without creep due to control loads or vibration.

**§ 25.1143 Throttle and antidetonant injection system controls.**

(a) There must be a separate throttle control for each engine.

(b) Throttle controls must be arranged to allow—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(c) Each throttle control must provide a positive and immediately responsive means of controlling its engine.

(d) If there is an antidetonant injection system, the flow of A.D.I. fluid must be automatically controlled with relation to the amount of power produced by the engine. In addition to the automatic control, there must be a separate control for the A.D.I. pumps.

**§ 25.1145 Ignition switches.**

(a) Ignition switches must control each engine ignition circuit on each engine.

(b) There must be means to quickly shut off all ignition by the grouping of switches or by a master ignition control.

(c) Each master ignition control must have a guard to prevent its inadvertent operation.

**§ 25.1147 Mixture controls.**

(a) If there are mixture controls, each engine must have a separate control. The controls must be grouped and arranged to allow—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(b) Each intermediate position of the mixture controls that corresponds to a normal operating setting must be identifiable by feel and sight.

(c) The mixture controls must be accessible to both pilots. However, if there is a separate flight engineer station with a control panel, the controls need be accessible only to the flight engineer.

**§ 25.1149 Propeller speed and pitch controls.**

(a) There must be a separate propeller speed and pitch control for each propeller.

(b) The controls must be grouped and arranged to allow—



(1) Separate control of each propeller; and

(2) Simultaneous control of all propellers.

(c) The controls must allow synchronization of all propellers.

(d) The propeller speed and pitch controls must be to the right of, and at least one inch below, the pilot's throttle controls.

**§ 25.1153 Propeller feathering controls.**

(a) There must be a separate propeller feathering control for each propeller. The control must have means to prevent its inadvertent operation.

(b) If feathering is accomplished by movement of the propeller pitch or speed control lever, there must be means to prevent the movement of this lever to the feathering position during normal operation.

**§ 25.1155 Reverse thrust controls.**

Reverse thrust controls must have a means to prevent their inadvertent operation. The means must have a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime (forward thrust regime for turbojet powered airplanes).

**§ 25.1157 Carburetor air temperature controls.**

There must be a separate carburetor air temperature control for each engine.

**§ 25.1159 Supercharger controls.**

Each supercharger control must be accessible to the pilots or, if there is a separate flight engineer station with a control panel, to the flight engineer.

**§ 25.1161 Fuel jettisoning system controls.**

Each fuel jettisoning system control must have guards to prevent inadvertent operation. No control may be near any fire extinguisher control or other control used to combat fire.

**§ 25.1163 Powerplant accessories.**

(a) Engine-mounted accessories must be approved for installation on the engine concerned and use the provisions on the engine for mounting.

(b) Electrical equipment subject to arcing or sparking must be installed to minimize the probability of contact with any flammable fluids or vapors that might be present in a free state.

(c) If continued rotation of an engine-driven cabin supercharger or of any remote accessory driven by the engine is hazardous if malfunctioning occurs, there must be means to prevent rotation without interfering with the continued operation of the engine.

**§ 25.1165 Engine ignition systems.**

(a) Each battery ignition system must be supplemented by a generator that is automatically available as an alternate source of electrical energy to allow continued engine operation if any battery becomes depleted.

(b) The capacity of batteries and generators must be large enough to meet the simultaneous demands of the engine ignition system and the greatest demands of any electrical system components that draw electrical energy from the same source.

(c) The design of the engine ignition system must account for—

(1) The condition of an inoperative generator;

(2) The condition of a completely depleted battery with the generator running at its normal operating speed; and

(3) The condition of a completely depleted battery with the generator operating at idling speed, if there is only one battery.

(d) Magneto ground wiring (for separate ignition circuits) that lies on the engine side of the fire wall, must be installed, located, or protected, to minimize the probability of simultaneous failure of two or more wires as a result of mechanical damage, electrical faults, or other cause.

(e) No ground wire for any engine may be routed through a fire zone of another engine unless each part of that wire within that zone is fireproof.

(f) Each ignition system must be independent of any electrical circuit not used for analyzing the operation of that system.

(g) There must be means to warn appropriate flight crewmembers if the malfunctioning of any part of the electrical system is causing the continuous discharge of any battery necessary for engine ignition.

POWERPLANT FIRE PROTECTION

**§ 25.1181 Designated fire zones: regions included.**

(a) Designated fire zones are—

(1) The engine power section;

(2) The engine accessory section;

(3) Any complete powerplant compartment in which no isolation is provided between the engine power section and the engine accessory section;

(4) Any auxiliary power unit compartment;

(5) Any fuel-burning heater and other combustion equipment installation described in § 25.859;

(6) The compressor and accessory sections of turbine engines; and

(7) Combustor, turbine, and tailpipe sections of turbine engine installations that contain lines or components carrying flammable fluids or gases.

(b) Each designated fire zone must meet the requirements of §§ 25.1185 through 25.1205.

(c) The nacelle area immediately behind the fire wall must meet the requirements of §§ 25.863, 25.1103(b), 25.1165 (d) and (e), 25.1183, 25.1185(c), 25.1187, 25.1189, and 25.1195 through 25.1203. If there is a retractable landing gear in this area, compliance with this paragraph need be shown only with the landing gear retracted.

**§ 25.1183 Lines and fittings.**

(a) Except as provided in paragraph (b), each line and fitting carrying flammable fluids in any area subject to engine fire conditions, and each fuel line or fitting in a designated fire zone, must meet the following requirements:

(1) The line and fitting must be at least fire resistant.

(2) Flexible hose assembly (hose and end fitting) must be approved.

(b) Paragraph (a) of this section does not apply to—

(1) Lines and fittings forming an integral part of an engine; and

(2) Vent and drain lines, and their fittings, whose failure will not result in, or add to, a fire hazard.

**§ 25.1185 Flammable fluids.**

(a) No tank or reservoir that is part of a system containing flammable fluids or gases may be in a designated fire zone unless the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and control provide a degree of safety equal to that which would exist if the tank or reservoir were outside such a zone.

(b) There must be at least one-half inch of clear airspace between each tank or reservoir and each firewall or shroud isolating a designated fire zone.

(c) Absorbent materials close to flammable fluid system components that might leak must be covered or treated to prevent the absorption of hazardous quantities of fluids.

**§ 25.1187 Drainage and ventilation of fire zones.**

(a) There must be complete drainage of each part of each designated fire zone to minimize the hazards resulting from failure or malfunctioning of any component containing flammable fluids. The drainage means must be—

(1) Effective under conditions expected to prevail when drainage is needed; and

(2) Arranged so that no discharged fluid will cause an additional fire hazard.

(b) Each designated fire zone must be ventilated to prevent the accumulation of flammable vapors.

(c) No ventilation opening may be where it would allow the entry of flammable fluids, vapors, or flame from other zones.

(d) Each ventilation means must be arranged so that no discharged vapors will cause an additional fire hazard.

(e) Unless the extinguishing agent capacity and rate of discharge are based on maximum air flow through a zone, there must be means to allow the crew to shut off sources of forced ventilation to any fire zone except the engine power section of the nacelle and the combustion heater ventilating air ducts.

**§ 25.1189 Shutoff means.**

(a) Except for lines forming an integral part of an engine, each engine and each fire zone specified in § 25.1181(a) (4) and (5) must have a means to shut off or otherwise prevent hazardous quantities of fuel, oil, deicer, and other flammable fluids, from flowing into, within, or through any designated fire zone.

(b) The closing of any fuel shutoff valve for any engine may not make fuel unavailable to the remaining engines.

(c) Operation of any shutoff may not interfere with the later emergency operation of other equipment, such as the means for feathering the propeller.

(d) Each shutoff must be outside of designated fire zones, unless an equal degree of safety is otherwise provided.

(e) No hazardous quantity of flammable fluid may drain into any designated fire zone after shutoff.

(f) There must be means to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means in flight after it has been closed.

**§ 25.1191 Firewalls.**

(a) Each engine, auxiliary power unit, fuel-burning heater, other combustion equipment intended for operation in flight, and the combustion, turbine, and tailpipe sections of turbine engines, must be isolated from the rest of the airplane by firewalls, shrouds, or equivalent means.

(b) Each firewall and shroud must be—

(1) Fireproof;

(2) Constructed so that no hazardous quantity of air, fluid, or flame can pass from the compartment to other parts of the airplane;

(3) Constructed so that each opening is sealed with close fitting fireproof grommets, bushings, or firewall fittings; and

(4) Protected against corrosion.

**§ 25.1193 Cowling and nacelle skin.**

(a) Each cowling must be constructed and supported so that it can resist any vibration, inertia, and air load to which it may be subjected in operation.

(b) Cowling must meet the drainage and ventilation requirements of § 25.1187.

(c) On airplanes with a diaphragm isolating the engine power section from the engine accessory section, each part of the accessory section cowling subject to flame in case of fire in the engine power section of the powerplant must—

(1) Be fireproof; and

(2) Meet the requirements of § 25.1191.

(d) Each part of the cowling subject to high temperatures due to its nearness to exhaust system parts or exhaust gas impingement must be fireproof.

(e) Each airplane must—

(1) Be designed and constructed so that no fire originating in any fire zone can enter, either through openings or by burning through external skin, any other zone or region where it would create additional hazards;

(2) Meet subparagraph (1) of this paragraph with the landing gear retracted (if applicable); and

(3) Have fireproof skin in areas subject to flame if a fire starts in the engine power or accessory sections.

**§ 25.1195 Fire extinguishing systems.**

(a) Except for combustor, turbine, and tail pipe sections of turbine engine installations that contain lines or components carrying flammable fluids or gases for which it is shown that a fire originating in these sections can be controlled, there must be a fire extinguisher system serving each designated fire zone.

(b) An individual "one shot" fire extinguishing system may be used for auxiliary power units, fuel-burning heaters, and other combustion equipment. The fire extinguishing system, the quantity of extinguishing agent, and the rate of discharge, in other designated fire zones must be able to provide two adequate discharges. It must be possible to direct both discharges to any main engine installation.

(c) The fire-extinguishing system for a nacelle must be able to simultaneously protect each zone of the nacelle for which protection is provided.

**§ 25.1197 Fire extinguishing agents.**

(a) Extinguishing agents must be methyl bromide, carbon dioxide, or any other agent with equal extinguishing action.

(b) If methyl bromide, carbon dioxide, or any other toxic extinguishing agent is used, provisions must be made to prevent harmful concentrations of fluid or fluid vapors (from leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight) from entering any personnel compartment, even though a defect may exist in the extinguishing system. This must be shown by test except for built-in carbon dioxide fuselage compartment fire extinguishing systems for which—

(1) Five pounds or less of carbon dioxide will be discharged, under established fire control procedures, into any fuselage compartment; or

(2) There is protective breathing equipment for each flight crewmember on flight deck duty.

(c) Each methyl bromide container must be charged with a dry agent and sealed. This must be done by the fire extinguisher manufacturer or any person using appropriate recharging equipment.

**§ 25.1199 Extinguishing agent containers.**

(a) Each extinguishing agent container must have a pressure relief to prevent bursting of the container by excessive internal pressures.

(b) Each discharge line from a relief connection must terminate outside the airplane in a location convenient for inspection on the ground.

(c) There must be a visual discharge indicator at the discharge end of each discharge line.

(d) The temperature of each container must be maintained, under intended operating conditions, to prevent the pressure in the container from—

(1) Falling below that necessary to provide an adequate rate of discharge; or

(2) Rising high enough to cause premature discharge.

**§ 25.1201 Fire extinguishing system materials.**

(a) No material in any fire extinguishing system may react chemically with any extinguishing agent so as to create a hazard.

(b) Each system component in an engine compartment must be fireproof.

**§ 25.1203 Fire-detector system.**

(a) There must be approved, quick acting fire or overheat detectors in each designated fire zone, and in the combustion, turbine, and tailpipe sections of turbine engine installations, in numbers and locations ensuring prompt detection of fire in those zones.

(b) Each fire detector must be constructed and installed to withstand the vibration, inertia, and other loads to which it may be subjected to in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow the crew to check, in flight, the functioning of each fire-detector electric circuit.

(e) Wiring and other components of each fire-detector system in a fire zone must be at least fire-resistant.

(f) No fire-detector system component for any fire zone may pass through another fire zone, unless—

(1) It is protected against the possibility of false warnings resulting from fires in zones through which its passes; or

(2) Each zone involved is simultaneously protected by the same detector and extinguishing system.

**§ 25.1205 Fire protection: other components.**

(a) Surfaces to the rear of the nacelles, within one nacelle diameter of the nacelle centerline, must be at least fire-resistant.

(b) Paragraph (a) of this section does not apply to tail surfaces to the rear of the nacelles that could not be readily affected by heat, flames, or sparks coming from a designated fire zone or engine compartment of any nacelle.



## Subpart F—Equipment

### General

**§ 25.1301 Function and installation.**

Each item of installed equipment must—

(a) Be of a kind and design appropriate to its intended function;

(b) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors;

(c) Be installed according to limitations specified for that equipment; and

(d) Function properly when installed.

**§ 25.1303 Flight and navigation instruments.**

(a) The following are required flight and navigation instruments:

(1) An airspeed indicating system. If airspeed limitations vary with altitude, the indicator must have a maximum allowable airspeed indication showing the variation of $V_{MO}/M_{MO}$ with (i) altitude and (ii) compressibility limitations.

(2) An altimeter (sensitive or precision).

(3) A rate-of-climb indicator (vertical speed).

(4) A free air temperature indicator.

(5) A clock (sweep-second pointer).

(6) A rate-of-turn indicator (gyroscopic, with integral bank or slip indicator).

(7) A bank and pitch indicator (gyroscopically stabilized).

(8) A direction indicator (gyroscopically stabilized, magnetic or nonmagnetic).

(9) A direction indicator (nonstabilized magnetic compass).

(10) A machmeter (for airplanes with compressibility limitations not otherwise indicated under § 25.1545 to the pilot).

(11) A speed warning device (for each turbine engine powered airplane and each other airplane with $V_{MO}/M_{MO}$ greater than 0.8 $V_{DF}/M_{DF}$ or 0.8 $V_D/M_D$).

(b) The speed warning device required by subparagraph (a) (11) of this section must give effective aural warning (differing distinctively from aural warnings used for other purposes) to the pilots, whenever the speed exceeds $V_{MO}$ plus six knots or $M_{MO}+0.01$. The upper limit of the production tolerance for the warning device may not exceed the prescribed warning speed.

**§ 25.1305 Powerplant instruments.**

The following are required powerplant instruments:

(a) A carburetor air temperature indicator for each reciprocating engine.

(b) A cylinder head temperature indicator for each air-cooled reciprocating engine.

(c) A gas temperature indicator for each turbine engine.

(d) A manifold pressure indicator for each reciprocating engine.

(e) A fuel pressure indicator (to indicate the pressure at which the fuel is supplied) for each reciprocating engine.

(f) A fuel pressure warning means for each engine, or a master warning means for all engines with provision for isolating the individual warning means from the master warning means.

(g) A fuel flowmeter indicator for each turbine engine.

(h) A fuel flowmeter, or fuel mixture indicator, for each reciprocating engine without an automatic altitude mixture control.

(i) A fuel quantity indicator for each fuel tank.

(j) An augmentation liquid quantity indicator (appropriate for the manner in which the liquid is to be used in operation) for each tank.

(k) An oil quantity indicator for each oil tank.

(l) An oil pressure indicator for each independent pressure oil system of each engine.

(m) An oil pressure warning means for each engine, or a master warning means for all engines with provision for isolating the individual warning means from the master warning means.

(n) An oil temperature indicator for each engine.

(o) A tachometer for each reciprocating engine.

(p) A tachometer (to indicate the speed of the rotors with established limiting speeds) for each turbine engine.

(q) Fire-warning indicators.

(r) An indicator to indicate a change in thrust resulting from any deficiency in the engine, or to indicate a gas stream pressure that can be related to thrust, for each turbojet engine.

(s) A torque indicator for each turbopropeller engine.

(t) A device that indicates, to the flight crew (during flight), any change in the power output, for each reciprocating engine with—

(1) An automatic propeller feathering system, whose operation is initiated by a power output measuring system; or

(2) A total engine piston displacement of 2,000 cubic inches or more.

(u) Position indicating means to indicate to the flight crew when the propeller blade angle is below the flight low pitch position, for each turbopropeller engine propeller.

(v) A means to indicate to the pilot when the propeller is in reverse pitch, for each reversing propeller of reciprocating engines.

(w) A position indicating means to indicate to the flight crew when the thrust reversing device is in the reverse thrust position, for each turbine engine using a thrust reversing device.

**§ 25.1307 Miscellaneous equipment.**

The following is required miscellaneous equipment:

(a) An approved seat for each occupant.

(b) An approved safety belt for each occupant.

(c) An adequate source of electrical energy.

(d) Electrical protective devices.

(e) A two way radio communication system.

(f) A radio navigation system.

(g) A windshield wiper, or equivalent, for each pilot station.

(h) An ignition switch for each engine meeting the requirements of § 25.1145(b).

(i) An approved portable fire extinguisher.

**§ 25.1309 Equipment systems and installations.**

(a) The equipment systems and installations whose functioning is required by this subchapter, must be designed and installed to ensure that they perform their intended functions under any foreseeable operating condition.

(b) The equipment systems and installations must be designed to prevent hazards to the airplane if they malfunction or fail.

(c) Each installation whose functioning is required by this subchapter, and that requires a power supply, is an "essential load" on the power supply. The power sources and the system must be able to supply the following power loads in probable operating combinations and for probable durations:

(1) Loads connected to the system with the system functioning normally.

(2) Essential loads, after failure of any one prime mover, power converter, or energy storage device.

(3) Essential loads after failure of—

(i) Any one engine, on two- or three-engine airplanes; and

(ii) Any two engines on four-or-more-engine airplanes.

(d) In determining compliance with paragraph (c) (2) and (3) of this section, the power loads may be assumed to be reduced under a monitoring procedure consistent with safety in the kinds of operation authorized. Loads not required in controlled flight need not be considered for the two-engine-inoperative condition on airplanes with four or more engines.

(e) In showing compliance with paragraphs (a) and (b) of this section with regard to the electrical system and equipment design and installation, critical environmental conditions must be considered. For electrical generation, distribution, and utilization equipment required by or used in complying with this chapter, except equipment covered by Technical Standard Orders containing environmental test procedures, the ability to provide continuous, safe service under foreseeable environmental conditions may be shown by environmental tests, design analysis, or reference to previous comparable service experience on other aircraft.

### Instruments: Installation

**§ 25.1321 Arrangement and visibility.**

(a) Duplicate instrument arrangements at two or more crew stations may be used—

(1) To meet the instrument visibility requirements of this section; and

(2) If required by the operating rules of this chapter for reliability, or cross-check purposes, in particular kinds of operations.

(b) Each flight, navigation, and powerplant instrument for use by any pilot

must be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking forward along the flight path.

(c) The flight instruments required by § 25.1303 must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. In addition—

(1) The instrument that most effectively indicates attitude must be on the panel in the top center position;

(2) The instrument that most effectively indicates airspeed must be adjacent to and directly to the left of the instrument in the top center position;

(3) The instrument that most effectively indicates altitude must be adjacent to and directly to the right of the instrument in the top center position; and

(4) The instrument that most effectively indicates direction of flight must be adjacent to and directly below the instrument in the top center position.

(d) Required powerplant instruments must be closely grouped on the instrument panel. In addition—

(1) The location of identical powerplant instruments for the engines must prevent confusion as to which engine each instrument relates; and

(2) Powerplant instruments vital to the safe operation of the airplane must be plainly visible to the appropriate crewmembers.

(e) Instrument panel vibration may not damage or impair the accuracy of any instrument.

**§ 25.1323 Airspeed indicating system.**

For each airspeed indicating system, the following apply:

(a) Each airspeed indicating instrument must be approved and must be calibrated to indicate true airspeed (at sea level with a standard atmosphere) with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are applied.

(b) Each system must be calibrated to determine the system error (that is, the relation between IAS and CAS) in flight and during the accelerated takeoff ground run. The ground run calibration must be determined—

(1) From 0.8 of the minimum value of $V_1$ to the maximum value of $V_2$, considering the approved ranges of altitude and weight; and

(2) With the flaps and power settings corresponding to the values determined in the establishment of the takeoff path under § 25.59 or § 25.111 assuming that the critical engine fails at the minimum value of $V_1$.

(c) The airspeed error of the installation, excluding the airspeed indicator instrument calibration error, may not exceed three percent or five knots, whichever is greater, throughout the speed range, from—

(1) $V_{MO}$ to 1.3 $V_{S_1}$ with flaps retracted; and

(2) 1.3 $V_{S_0}$ to $V_{FE}$ with flaps in the landing position.

(b) Each system must be arranged, so far as practicable, to prevent malfunction or serious error due to the entry of moisture, dirt, or other substances.

(e) Each system must have a heated pitot tube or an equivalent means of preventing malfunction due to icing.

(f) Where duplicate airspeed indicators are required, their respective pitot tubes must be far enough apart to avoid damage to both tubes in a collision with a bird.

**§ 25.1325 Static air vent and pressure altimeter systems.**

(a) Each instrument with static air case connections must be vented to the outside atmosphere through an appropriate piping system.

(b) Each vent must be located where its orifices are least affected by airflow variation moisture, or other foreign matter.

(c) Except for the vent into the atmosphere, each system must be airtight.

(d) Each pressure altimeter must be approved and must be calibrated to indicate pressure altitude in a standard atmosphere, with a minimum practicable calibration error when the corresponding static pressures are applied.

(e) Each system must be designed and installed so that the error in indicated pressure altitude, at sea level, with a standard atmosphere, excluding instrument calibration error, does not result in an error of more than ±30 feet per 100 knots speed for the appropriate configuration in the speed range between 1.3 $V_{S_0}$ with flaps extended and 1.8 $V_{S_1}$ with flaps retracted. However, the error need not be less than ±30 feet.

**§ 25.1327 Magnetic direction indicator.**

(a) Each magnetic direction indicator must be installed so that its accuracy is not excessively affected by the airplane's vibration or magnetic fields.

(b) The compensated installation may not have a deviation, in level flight, greater than 10 degrees on any heading.

**§ 25.1329 Automatic pilot system.**

(a) Each automatic pilot system must be approved and must be designed so that the automatic pilot can be quickly and positively disengaged by the pilots to prevent it from interfering with their control of the airplane.

(b) Unless there is automatic synchronization, each system must have a means to readily indicate to the pilot the alignment of the actuating device in relation to the control system it operates.

(c) Each manually operated control for the system must be readily accessible to the pilots.

(d) Quick release (emergency) controls must be on both control wheels, on the side of each wheel opposite the throttles.

(e) Attitude controls must operate in the plane and sense of motion specified in §§ 25.777(b) and 25.779(a) for cockpit controls. The direction of motion must be plainly indicated on, or adjacent to, each control.

(f) The system must be designed and adjusted so that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane, or create hazardous deviations in the flight path, under any condition of flight appropriate to its use, either during normal operation or in the event of a malfunction, assuming that corrective action begins within a reasonable period of time.

(g) If the automatic pilot integrates signals from auxiliary controls or furnishes signals for operation of other equipment, there must be positive interlocks and sequencing of engagement to prevent improper operation. Protection against adverse interaction of integrated components, resulting from a malfunction, is also required.

**§ 25.1331 Instruments using a power supply.**

(a) For each rate-of-turn, bank and pitch, and direction indicator required by § 25.1303(a) (6), (7), and (8), that uses a power supply, the following apply:

(1) Each instrument must have a visual means integral with, or adjacent to, the instrument, to indicate when power adequate to sustain proper instrument performance is not being supplied. The power must be measured at or near the point where it enters the instruments. For electric instruments, the power is considered to be adequate when the voltage is within approved limits.

(2) Each instrument must have two independent power sources and a means for selecting either source. For duplicate independent instruments with independent power sources, source selection is not required.

(3) Each instrument and its related power supply system must be designed and installed so that failure of one instrument, or the failure of the energy supply from one source, or a fault in any part of the power distribution system, does not interfere with the proper supply of energy from the other source.

(b) As used in this section, "instrument" includes devices that are physically contained in one unit, and devices that are composed of two or more physically separate units or components connected together (such as a remote indicating gyroscopic direction indicator that includes a magnetic sensing element, a gyroscopic unit, an amplifier, and an indicator connected together).

**§ 25.1333 Duplicate instrument systems.**

If duplicate flight instruments are required by any operating rule in this chapter—

(a) Each operating system for flight instruments for the first pilot, and required to be duplicated at other flight crew stations, must be independent of the operating system for other flight crew stations;

(b) Only the required flight instruments, and duplicates of required instruments, provided for the first pilot may be connected to the operating system provided for the first pilot; and

(c) If instruments other than required instruments and their duplicates are connected to systems other than the first pilot's operating system, there must be means to disconnect or isolate these instruments in flight.





**§ 25.1337 Powerplant instruments.**

(a) *Instrument lines.* Each powerplant instrument line must meet the requirements of §§ 25.993 and 25.1183. Each line carrying flammable fluids or gases under pressure must have restricting orifices or equivalent safety devices, at the source of the pressure, to prevent the escape of excessive fluid or gas if the line fails.

(b) *Fuel quantity indicator.* There must be means to indicate to the flight crewmembers, the quantity, in gallons or equivalent units, of usable fuel in each tank during flight. In addition—

(1) Each fuel quantity indicator must be calibrated to read "zero" during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply determined under § 25.959;

(2) Tanks with interconnected outlets and airspaces may be treated as one tank and need not have separate indicators; and

(3) Each exposed sight gauge, used as a fuel quantity indicator, must be protected against damage.

(c) *Fuel flowmeter system.* If a fuel flowmeter system is installed, each metering component must have a means for bypassing the fuel supply if malfunction of that component severely restricts fuel flow.

(d) *Oil quantity indicator.* There must be a stick gauge or equivalent means to indicate the quantity of oil in each tank. If an oil transfer or reserve oil supply system is installed, there must be a means to indicate to the flight crew, in flight, the quantity of oil in each tank.

(e) *Turbopropeller blade position indicator.* Required turbopropeller blade position indicators must begin indicating before the blade moves more than eight degrees below the flight low pitch stop. The source of indication must directly sense the blade position.

(f) *Fuel pressure indicator.* There must be means to measure fuel pressure, in each system supplying reciprocating engines, at a point downstream of any fuel pump except fuel injection pumps. In addition—

(1) If necessary for the maintenance of proper fuel delivery pressure, there must be a connection to transmit the carburetor air intake static pressure to the proper pump relief valve connection; and

(2) If a connection is required under subparagraph (1) of this paragraph, the gauge balance lines must be independently connected to the carburetor inlet pressure to avoid erroneous readings.

ELECTRICAL SYSTEMS AND EQUIPMENT

**§ 25.1351 General.**

(a) *Electrical system capacity.* The required generating capacity, and number and kinds of power sources must—

(1) Be determined by an electrical load analysis; and

(2) Meet the requirements of § 25.1309.

(b) *Generating system.* The generating system includes electrical power sources, main power busses, transmission cables, and associated control, regulation, and protective devices. It must be designed so that—

(1) Power sources function properly when independent and when connected in combination;

(2) No failure or malfunction of any power source can create a hazard or impair the ability of remaining sources to supply essential loads;

(3) The system voltage and frequency (as applicable) at the terminals of all essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating condition; and

(4) System transients due to switching, fault clearing, or other causes do not make essential loads inoperative, and do not cause a smoke or fire hazard.

(5) There are means accessible, in flight, to appropriate crewmembers for the individual and collective disconnection of the electrical power sources from the system.

(6) There are means to indicate to appropriate crewmembers the generating system quantities essential for the safe operation of the system, such as the voltage and current supplied by each generator.

**§ 25.1353 Electrical equipment and installations.**

(a) Electrical equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other electrical unit or system essential to the safe operation.

(b) Cables must be grouped, routed, and spaced so that damage to essential circuits will be minimized if there are faults in heavy current-carrying cables.

(c) Storage batteries must be designed and installed as follows:

(1) Safe cell temperatures and pressures must be maintained during any probable charging or discharging condition. No uncontrolled increase in cell temperature may result when the battery is recharged (after previous complete discharge)—

(i) At maximum regulated voltage;

(ii) During a flight of maximum duration; and

(iii) Under the most adverse cooling condition likely to occur in service.

(2) Compliance with subparagraph (1) of this paragraph must be shown by test unless experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(3) No explosive or toxic gases emitted by any battery in normal operation, or as the result of any probable malfunction in the charging system or battery installation, may accumulate in hazardous quantities within the airplane.

(4) No corrosive fluids or gases that may escape from the battery may damage surrounding airplane structures or adjacent essential equipment.

**§ 25.1355 Distribution system.**

(a) The distribution system includes the distribution busses, their associated feeders, and each control and protective device.

(b) Each system must be designed so that essential load circuits can be supplied in the event of reasonably probable faults or open circuits.

(c) If two independent sources of electrical power for particular equipment or systems are required by this chapter, their electrical energy supply must be ensured by means such as duplicate electrical equipment, throwover switching, or multi-channel or loop circuits separately routed.

**§ 25.1357 Circuit protective devices.**

(a) Automatic protective devices must be used to minimize distress to the electrical system and hazard to the airplane in the event of wiring faults or serious malfunction of the system or connected equipment.

(b) The protective and control devices in the generating system must be designed to de-energize and disconnect faulty power sources and power transmission equipment from their associated busses with sufficient rapidity to provide protection from hazardous over-voltage and other malfunctioning.

(c) Each resettable circuit protective device must be designed so that, when an overload or circuit fault exists, it will open the circuit irrespective of the position of the operating control.

(d) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, that circuit breaker or fuse must be located and identified so that it can be readily reset or replaced in flight.

(e) Each circuit for essential loads must have individual circuit protection. However, individual protection for each circuit in an essential load system (such as each position light circuit in a system) is not required.

(f) If fuses are used, there must be spare fuses for use in flight equal to at least 50 percent of the number of fuses of each rating required for complete circuit protection.

(g) Automatic reset circuit breakers may be used as integral protectors for electrical equipment (such as thermal cut-outs) if there is circuit protection to protect the cable to the equipment.

**§ 25.1359 Electrical system fire and smoke protection.**

(a) Components of the electrical system must meet the applicable fire and smoke protection requirements of §§ 25.831(c), 25.863, and 25.1205.

(b) Electrical cables, terminals, and equipment in designated fire zones, that are used during emergency procedures, must be at least fire-resistant.

**§ 25.1363 Electrical system tests.**

(a) When laboratory tests of the electrical system are conducted—

(1) The tests must be performed on a mock-up using the same generating equipment used in the airplane;

(2) The equipment must simulate the electrical characteristics of the distribution wiring and connected loads to the extent necessary for valid test results; and

(3) Laboratory generator drives must simulate the actual prime movers on the airplane with respect to their reaction to generator loading, including loading due to faults.

(b) For each flight condition that cannot be simulated adequately in the laboratory or by ground tests on the airplane, flight tests must be made.

**§ 25.1369 Lightning strike protection.**

Parts that are electrically insulated from the basic airframe must be connected to it through lightning arrestors unless a lightning strike on the insulated part—

(a) Is improbable because of shielding by other parts; or

(b) Is not hazardous.

LIGHTS

**§ 25.1381 Instrument lights.**

(a) The instrument lights must—

(1) Make each instrument, switch, and other device for which they are provided easily readable; and

(2) Be installed so that—

(i) Their direct rays are shielded from the pilot's eyes; and

(ii) No objectionable reflections are visible to the pilot.

(b) Unless undimmed instrument lights are satisfactory under each expected flight condition, there must be a means to control the intensity of illumination.

**§ 25.1383 Landing lights.**

(a) Each landing light must be approved, and must be installed so that—

(1) No objectionable glare is visible to the pilot;

(2) The pilot is not adversely affected by halation; and

(3) It provides enough light for night landing.

(b) Except when one switch is used for the lights of a multiple light installation at one location, there must be a separate switch for each light.

(c) There must be a means to indicate to the pilots when the landing lights are extended.

**§ 25.1385 Position light system installation.**

(a) *General.* Each part of each position light system must meet the applicable requirements of this section and each system as a whole must meet the requirements of §§ 25.1387 through 25.1397.

(b) *Forward position lights.* Forward position lights must consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the airplane so that, with the airplane in the normal flying position, the red light is on the left side and the green light is on the right side. Each light must be approved.

(c) *Rear position light.* The rear position light must be a white light mounted as far aft as practicable, and must be approved.

(d) *Light covers and color filters.* Each light cover or color filter must be at least flame resistant and may not change color or shape or lose any appreciable light transmission during normal use.

(e) *Passing light.* If an additional steady red light (commonly known as a passing light) is installed, it must be—

(1) Within the left landing light unit;

(2) On the centerline of the airplane nose; or

(3) In the leading edge of the left wing, outboard of the propeller disc.

**§ 25.1387 Position light system dihedral angles.**

(a) Each forward and rear position light must, as installed, show unbroken light within the dihedral angles described in this section.

(b) Dihedral angle *L* (left) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the airplane, and the other at 110 degrees to the left of the first, as viewed when looking forward along the longitudinal axis.

(c) Dihedral angle *R* (right) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the airplane, and the other at 110 degrees to the right of the first, as viewed when looking forward along the longitudinal axis.

(d) Dihedral angle *A* (aft) is formed by two intersecting vertical planes making angles of 70 degrees to the right and to the left, respectively, to a vertical plane passing through the longitudinal axis, as viewed when looking aft along the longitudinal axis.

**§ 25.1389 Position light distribution and intensities.**

(a) *General.* The intensities prescribed in this section must be provided by new equipment with light covers and color filters in place. Intensities must be determined with the light source operating at a steady value equal to the average luminous output of the source at the normal operating voltage of the airplane. The light distribution and intensity of each position light must meet the requirements of paragraph (b) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights must be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams, within dihedral angles *L*, *R*, and *A*, and must meet the following requirements:

(1) *Intensities in the horizontal plane.* Each intensity in the horizontal plane (the plane containing the longitudinal axis of the airplane and perpendicular to the plane of symmetry of the airplane) must equal or exceed the values in § 25.1391.

(2) *Intensities in any vertical plane.* Each intensity in any vertical plane (the plane perpendicular to the horizontal plane) must equal or exceed the appropriate value in § 25.1393, where *I* is the minimum intensity prescribed in § 25.1391 for the corresponding angles in the horizontal plane.

(3) *Intensities in overlaps between adjacent signals.* No intensity in any overlap between adjacent signals may exceed the values given in § 25.1395, except that higher intensities in overlaps may be used with main beam intensities substantially greater than the minima specified in §§ 25.1391 and 25.1393 if the overlap intensities in relation to the main beam intensities do not adversely affect signal clarity. When the peak intensity of the forward position lights is more than 100 candles, the maximum overlap intensities between them may exceed the values given in § 25.1395 if the overlap intensity in Area A is not more than 10 percent of peak position light intensity and the overlap intensity in Area B is not greater than 2.5 percent of peak position light intensity.

**§ 25.1391 Minimum intensities in the horizontal plane of forward and rear position lights.**

Each position light intensity must equal or exceed the applicable values in the following table:

| Dihedral angle (light included) | Angle from right or left of longitudinal axis, measured from dead ahead | Intensity (candles) |
|---|---|---|
| *L* and *R* (forward red and green) | 0° to 10° | 40 |
| | 10° to 20° | 30 |
| | 20° to 110° | 5 |
| *A* (rear white) | 110° to 180° | 20 |

**§ 25.1393 Minimum intensities in any vertical plane of forward and rear position lights.**

Each position light intensity must equal or exceed the applicable values in the following table:

| Angle above or below the horizontal plane: | *Intensity* |
|---|---|
| 0° | 1.00 *I*. |
| 0° to 5° | 0.90 *I*. |
| 5° to 10° | 0.80 *I*. |
| 10° to 15° | 0.70 *I*. |
| 15° to 20° | 0.50 *I*. |
| 20° to 30° | 0.30 *I*. |
| 30° to 40° | 0.10 *I*. |
| 40° to 90° | 0.05 *I*. |

**§ 25.1395 Maximum intensities in overlapping beams of forward and rear position lights.**

No position light intensity may exceed the applicable values in the following table, except as provided in § 25.1389 (b) (3).

| Overlaps | Maximum intensity | |
|---|---|---|
| | Area A (candles) | Area B (candles) |
| Green in dihedral angle *L* | 10 | 1 |
| Red in dihedral angle *R* | 10 | 1 |
| Green in dihedral angle *A* | 5 | 1 |
| Red in dihedral angle *A* | 5 | 1 |
| Rear white in dihedral angle *L* | 5 | 1 |
| Rear white in dihedral angle *R* | 5 | 1 |

Where—

(a) Area A includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 10 degrees but less than 20 degrees; and



(b) Area B includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 20 degrees.

**§ 25.1397 Color specifications.**

Each position light color must have the applicable International Commission on Illumination chromaticity coordinates as follows:

(a) *Aviation red*—

"*y*" is not greater than 0.335; and
"*z*" is not greater than 0.002.

(b) *Aviation green*—

"*x*" is not greater than $0.440-0.320y$;
"*x*" is not greater than $y-0.170$; and
"*y*" is not less than $0.390-0.170x$.

(c) *Aviation white*—

"*x*" is not less than 0.350;
"*x*" is not greater than 0.540; and
"$y-y_0$" is not numerically greater than 0.01, "$y_0$" being the *y* coordinate of the Planckian radiator for which $x_0=x$.

**§ 25.1399 Riding light.**

(a) Each riding (anchor) light required for a seaplane or amphibian must be installed so that it can—

(1) Show a white light for at least two nautical miles at night under clear atmospheric conditions; and

(2) Show the maximum unbroken light practicable when the airplane is moored or drifting on the water.

(b) Externally hung lights may be used.

**§ 25.1401 Anticollision light system.**

(a) *General.* The airplane must have an anticollision light system that—

(1) Consists of one or more approved anticollision lights located so that their light will not impair the crew's vision or detract from the conspicuity of the position lights; and

(2) Meets the requirements of paragraphs (b) through (f) of this section.

(b) *Field of coverage.* The system must consist of enough lights to illuminate the vital areas around the airplane considering the physical configuration and flight characteristics of the airplane. The field of coverage must extend in each direction within at least 30 degrees above and 30 degrees below the horizontal plane of the airplane, except that a solid angle or angles of obstructed visibility totaling not more than 0.03 steradians is allowable within a solid angle equal to 0.15 steradians centered about the longitudinal axis in the rearward direction.

(c) *Flashing characteristics.* The arrangement of the system, that is, the number of light sources, beam width, speed of rotation, and other characteristics, must give an effective flash frequency of not less than 40, nor more than 100, cycles per minute. The effective flash frequency is the frequency at which the airplane's complete anticollision light system is observed from a distance, and applies to each sector of light including any overlaps that exist when the system consists of more than one light source. In overlaps, flash frequencies may exceed 100, but not 180, cycles per minute.

(d) *Color.* Each anticollision light must be aviation red and must meet the requirements of § 25.1397(a).

(e) *Light intensity.* The minimum light intensities in all vertical planes, measured with the red filter and expressed in terms of "effective" intensities, must meet the requirements of paragraph (f) of this section. The following relation must be assumed:

$$I_e=\frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2+(t_2-t_1)};$$

where:

$I_e$ = effective intensity (candles).
$I(t)$ = instantaneous intensity as a function of time.
$t_2-t_1$ = flash time interval (seconds).

Normally, the maximum value of effective intensity is obtained when $t_2$ and $t_1$ are chosen so that the effective intensity is equal to the instantaneous intensity at $t_2$ and $t_1$.

(f) *Minimum effective intensities for anticollision lights.* Each anticollision light effective intensity must equal or exceed the applicable values in the following table.

| *Angle above or below the horizontal plane:* | *Effective intensity (candles)* |
|---|---|
| 0° to 5° | 100 |
| 5° to 10° | 60 |
| 10° to 20° | 20 |
| 20° to 30° | 10 |

SAFETY EQUIPMENT

**§ 25.1411 General.**

(a) *Accessibility.* Required safety equipment to be used by the crew in an emergency, such as automatic liferaft releases, must be readily accessible.

(b) *Stowage provisions.* Stowage provisions for required emergency equipment must be furnished and must—

(1) Be arranged so that the equipment is directly accessible and its location is obvious; and

(2) Protect the safety equipment from inadvertent damage.

(c) *Emergency exit descent device.* The stowage provisions for the emergency exit descent device required by § 25.807(c)(4) must be at the exits for which they are intended.

(d) *Liferafts.* The stowage provisions for the liferafts described in § 25.1415 must accommodate enough rafts for the maximum number of occupants for which certification for ditching is requested. Liferafts must be stowed near exits through which the rafts can be launched during an unplanned ditching. Rafts automatically or remotely released outside the airplane must be attached to the airplane by means of the static line prescribed in § 25.1415.

(e) *Long-range signaling device.* The stowage provisions for the long-range signaling device required by § 25.1415 must be near an exit available during an unplanned ditching.

(f) *Life preserver stowage provisions.* The stowage provisions for life preservers described in § 25.1415 must accommodate one life preserver for each occupant for which certification for ditching is requested. Each life preserver must be within easy reach of each seated occupant.

(g) *Life line stowage provisions.* If certification for ditching under § 25.801 is requested, there must be provisions to store life lines. These provisions must—

(1) Allow one life line to be attached to each side of the fuselage; and

(2) Be arranged to allow the life lines to be used to enable the occupants to stay on the wing after ditching.

**§ 25.1413 Safety belts.**

(a) If there are means to indicate to the passengers when safety belts should be fastened, they must be installed to be operated from either pilot seat.

(b) The rated strength of safety belts may not be less than that required to withstand the ultimate load factors specified in § 25.561, considering the dimensional characteristics of the belt installation for the specific seat or berth arrangement.

(c) Each belt must be attached so that no part of the anchorage can fail at a load lower than that which would result from the application of ultimate load factors equal to those specified in § 25.561, multiplied by a factor of 1.33. This factor must be used instead of the fitting factor prescribed in § 25.625. The forward load factor need not be applied to safety belts for berths.

**§ 25.1415 Ditching equipment.**

(a) Ditching equipment used in airplanes to be certificated for ditching under § 25.801, and operated under the operating rules of this chapter, must meet the requirements of this section.

(b) Each liferaft and each life preserver must be approved. In addition—

(1) Unless excess rafts of enough capacity are provided, the buoyancy and seating capacity beyond the rated capacity of the rafts must accommodate all occupants of the airplane in the event of a loss of one raft of the largest rated capacity; and

(2) Each raft must have a trailing line, and must have a static line designed to hold the raft near the airplane but to release it if the airplane becomes totally submerged.

(c) Approved survival equipment must be attached to each liferaft.

(d) There must be an approved long-range signaling device for use in one liferaft.

(e) For airplanes not certificated for ditching under § 25.801 and not having approved life preservers, there must be an approved flotation means for each occupant. This means must be within easy reach of each seated occupant and must be readily removable from the airplane.

**§ 25.1419 Ice protection.**

(a) If certification with ice protection provisions is desired, compliance with this section must be shown.

(b) The airplane must be able to safely operate in the continuous maximum and intermittent maximum icing conditions determined under Appendix C. An analysis must be performed to establish, on the basis of the airplane's operational needs, the adequacy of the

ice protection system for the various components of the airplane.

(c) In addition to the analysis and physical evaluation prescribed in paragraph (b) of this section, the effectiveness of the ice protection system and its components must be shown by—

(1) Laboratory dry air or simulated icing tests, or a combination of both, of the components or models of the components;

(2) Flight dry air tests of the ice protection system as a whole, or of its individual components;

(3) Flight tests of the airplane or its components in measured simulated icing conditions; or

(4) Flight tests of the airplane in measured natural atmospheric icing conditions.

(d) For turbine engine powered airplanes, the ice protection provisions of this section are considered to be applicable primarily to the airframe. For the powerplant installation, certain additional provisons of Subpart E of this part may be found applicable.

MISCELLANEOUS EQUIPMENT

**§ 25.1431 Electronic equipment.**

(a) In showing compliance with § 25.1309 (a) and (b) with respect to radio and electronic equipment and their installations, critical environmental conditions must be considered.

(b) Radio and electronic equipment must be supplied with power under the requirements of § 25.1355(c).

(c) Radio and electronic equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other radio or electronic unit, or system of units, required by this chapter.

**§ 25.1433 Vacuum systems.**

(a) There must be means, in addition to the normal pressure relief, to automatically relieve the pressure in the discharge lines from the vacuum air pump when the delivery temperature of the air becomes unsafe.

(b) Each vacuum air system line and fitting on the discharge side of the pump that might contain flammable vapors or fluids must meet the requirements of § 25.1183 if they are in a designated fire zone.

(c) Other vacuum air system components in designated fire zones must be at least fire resistant.

**§ 25.1435 Hydraulic systems.**

(a) *Design.* Each hydraulic system must be designed as follows:

(1) Each element of the hydraulic system must be designed to withstand, without detrimental, permanent deformation, any structural loads that may be imposed simultaneously with the maximum operating hydraulic loads.

(2) Each element of the hydraulic system must be designed to withstand pressures sufficiently greater than those prescribed in paragraph (b) of this section to show that the system will not rupture under service conditions.

(3) There must be means to indicate the pressure in each main hydraulic power system.

(4) There must be means to ensure that no pressure in any part of the system will exceed a safe limit above the maximum operating pressure of the system, and to prevent excessive pressures resulting from any fluid volumetric change in lines likely to remain closed long enough for such a change to take place. The possibility of detrimental transient (surge) pressures during operation must be considered.

(5) Each hydraulic line, fitting, and component must be installed and supported to prevent excessive vibration and to withstand inertia loads. Each element of the installation must be protected from abrasion, corrosion, and mechanical damage.

(6) Means for providing flexibility must be used to connect points in a hydraulic fluid line, between which relative motion or differential vibration exists.

(b) *Tests.* Each element of the system must be tested to a proof pressure of 1.5 times the maximum pressure to which that element will be subjected in normal operation, without failure, malfunction, or detrimental deformation of any part of the system.

(c) *Fire protection.* Each hydraulic system using flammable hydraulic fluid must meet the applicable requirements of §§ 25.863, 25.1183, 25.1185, and 25.1189.

**§ 25.1439 Protective breathing equipment.**

(a) If there is a class A, B, or E cargo compartment, protective breathing equipment must be installed for the use of appropriate crewmembers.

(b) For protective breathing equipment required by paragraph (a) of this section or by any operating rule of this chapter, the following apply:

(1) The equipment must be designed to protect the flight crew from smoke, carbon dioxide, and other harmful gases while on flight deck duty and while combating fires in cargo compartments.

(2) The equipment must include—

(i) Masks covering the eyes, nose, and mouth; or

(ii) Masks covering the nose and mouth, plus accessory equipment to cover the eyes.

(3) The equipment, while in use, must allow the flight crew to use the radio equipment and to communicate with each other, while at their assigned duty stations.

(4) The part of the equipment protecting the eyes may not cause any appreciable adverse effect on vision and must allow corrective glasses to be worn.

(5) The equipment must supply protective oxygen of 15 minutes duration per crewmember at a pressure altitude of 8,000 feet with a respiratory minute volume of 30 liters per minute BTPD. If a demand oxygen system is used, a supply of 300 liters of free oxygen at 70° F. and 760 mm. Hg. pressure is considered to be of 15-minute duration at the prescribed altitude and minute volume. If a continuous flow protective breathing system is used (including a mask with a standard rebreather bag) a flow rate of 60 liters per minute at 8,000 feet (45 liters per minute at sea level) and a supply of 600 liters of free oxygen at 70° F. and 760 mm. Hg. pressure is considered to be of 15-minute duration at the prescribed altitude and minute volume. BTPD refers to body temperature conditions (that is, 37° C., at ambient pressure, dry).

(6) The equipment must meet the requirements of paragraphs (b) and (c) of § 25.1441.

**§ 25.1441 Oxygen equipment and supply.**

(a) If certification with supplemental oxygen equipment is requested, the equipment must meet the requirements of this section and §§ 25.1443 through 25.1453.

(b) The oxygen system must be free from hazards in itself, in its method of operation, and in its effect upon other components.

(c) There must be a means to allow the crew to readily determine, during flight, the quantity of oxygen available in each source of supply.

(d) The oxygen flow rate and the oxygen equipment for airplanes for which certification for operation above 40,000 feet is requested must be approved.

**§ 25.1443 Minimum mass flow of supplemental oxygen.**

(a) If continuous flow equipment is installed for use by flight crewmembers, the minimum mass flow of supplemental oxygen required for each crewmember may not be less than the flow required to maintain, during inspiration, a mean tracheal oxygen partial pressure of 149 mm. Hg. when breathing 15 liters per minute, BTPS, and with a maximum tidal volume of 700 cc. with a constant time interval between respirations.

(b) If demand equipment is installed for use by flight crewmembers, the minimum mass flow of supplemental oxygen required for each crewmember may not be less than the flow required to maintain, during inspiration, a mean tracheal oxygen partial pressure of 122 mm. Hg., up to and including a cabin pressure altitude of 35,000 feet, and 95 percent oxygen between cabin pressure altitudes of 35,000 and 40,000 feet, when breathing 20 liters per minute BTPS. In addition, there must be means to allow the crew to use undiluted oxygen at their discretion.

(c) For passengers and cabin attendants, the minimum mass flow of supplemental oxygen required for each person at various cabin pressure altitudes may not be less than the flow required to maintain, during inspiration and while using the oxygen equipment (including masks) provided, the following mean tracheal oxygen partial pressures:

(1) At cabin pressure altitudes above 10,000 feet up to and including 18,500 feet, a mean tracheal oxygen partial pressure of 100 mm. Hg. when breathing 15 liters per minute, BTPS, and with a tidal volume of 700 cc. with a constant time interval between respirations.

(2) At cabin pressure altitudes above 18,500 feet up to and including 40,000 feet, a mean tracheal oxygen partial pressure of 83.8 mm. Hg. when breathing





30 liters per minute, BTPS, and with a tidal volume of 1,100 cc. with a constant time interval between respirations.

(d) If first-aid oxygen equipment is installed, the minimum mass flow of oxygen to each user may not be less than four liters per minute, STPD. However, there may be a means to decrease this flow to not less than two liters per minute, STPD, at any cabin altitude. The quantity of oxygen required is based upon an average flow rate of three liters per minute per person for whom first-aid oxygen is required.

(e) If portable oxygen equipment is installed for use by crewmembers, the minimum mass flow of supplemental oxygen is the same as specified in paragraph (a) or (b) of this section, whichever is applicable.

**§ 25.1445 Equipment standards for the oxygen distributing system.**

(a) When oxygen is supplied to both crew and passengers, the distribution system must be designed for either—

(1) A source of supply for the flight crew on duty and a separate source for the passengers and other crewmembers; or

(2) A common source of supply with means to separately reserve the minimum supply required by the flight crew on duty.

(b) Portable walk-around oxygen units of the continuous flow, diluter-demand, and straight demand kinds may be used to meet the crew or passenger breathing requirements.

**§ 25.1447 Equipment standards for oxygen dispensing units.**

If oxygen dispensing units are installed, the following apply:

(a) There must be an individual dispensing unit for each occupant for whom supplemental oxygen is to be supplied. Units must be designed to cover the nose and mouth and must be equipped with a suitable means to retain the unit in position on the face. Flight crew masks for supplemental oxygen must have provisions for the use of communication equipment.

(b) If certification for operation up to and including 25,000 feet is requested, an oxygen supply terminal and unit of oxygen dispensing equipment for the immediate use of oxygen by each crewmember must be within easy reach of that crewmember. For any other occupants, the supply terminals and dispensing equipment must be located to allow the use of oxygen as required by the operating rules in this chapter.

(c) If certification for operation above 25,000 feet is requested, there must be oxygen dispensing equipment meeting the following requirements:

(1) There must be an oxygen dispensing unit connected to oxygen supply terminals immediately available to each occupant, wherever seated. If certification for operation above 30,000 feet is requested, the dispensing units providing the required oxygen flow rate must be automatically presented to the occupants. The total number of dispensing units and outlets must exceed the number of seats by at least 10 percent. The extra units must be as uniformly distributed throughout the cabin as practicable.

(2) Crewmembers on flight deck duty must be provided with demand equipment. In addition, there must be an oxygen dispensing unit, connected to an oxygen supply terminal, immediately available to each flight crewmember when seated at his station.

(3) There must be at least two outlets and units of dispensing equipment of a type similar to that required by subparagraph (1) of this paragraph in—

(i) Each washroom; and

(ii) Each lavatory, if separate from the washroom.

(4) Portable oxygen equipment must be immediately available for each cabin attendant.

**§ 25.1449 Means for determining use of oxygen.**

There must be a means to allow the crew to determine whether oxygen is being delivered to the dispensing equipment.

**§ 25.1451 Fire protection for oxygen equipment.**

(a) Oxygen equipment and lines may not be in any designated fire zone.

(b) Oxygen equipment and lines must be protected from heat that may be generated in, or escape from, any designated fire zone.

(c) Oxygen equipment and lines must be installed so that escaping oxygen cannot cause ignition of grease, fluid, or vapor accumulations that are present in normal operation or as a result of failure or malfunction of any system.

**§ 25.1453 Protection of oxygen equipment from rupture.**

Oxygen pressure tanks, and lines between tanks and the shutoff means, must be—

(a) Protected from unsafe temperatures; and

(b) Located where the probability and hazards of rupture in a crash landing are minimized.

**§ 25.1455 Draining of fluids subject to freezing.**

If fluids subject to freezing may be drained overboard in flight or during ground operation, the drains must be designed and located to prevent the formation of ice on the airplane as a result of the drainage.

**§ 25.1457 Cockpit voice recorders.**

(a) Each cockpit voice recorder required by the operating rules of this chapter must be approved and must be installed so that it will record—

(1) Voice communications transmitted from or received in the airplane by radio;

(2) Voice communications of flight crewmembers on the flight deck;

(3) Voice communications of flight crewmembers on the flight deck, using the airplane's interphone system;

(4) Voice communications of flight crewmembers using the loud speaker system (if there is one); and

(5) Voice or audio signals identifying navigation or approach aids introduced into a headset or speaker.

(b) The recording requirements of paragraph (a)(2) of this section must be met by installing one or more cockpit-mounted area microphones arranged to pick up continuously any voice communication by flight crewmembers when at their assigned stations on the flight deck. The microphones must be located, and the preamplifiers and filters of the recorder must be adjusted or supplemented, if necessary, so that the intelligibility of the recorded communications will be as high as practicable, when recorded under flight cockpit noise conditions and played back. Repeated aural or visual playback of the record may be used in evaluating intelligibility.

(c) Each cockpit voice recorder must be installed so that the part of the communication or audio signals specified in paragraph (a) of this section obtained from each of the following sources is recorded on a separate channel:

(1) For the first channel, from each microphone, headset, or speaker used at the first pilot station.

(2) For the second channel, from each microphone, headset, or speaker used at the second pilot station.

(3) For the third channel, from the cockpit-mounted area microphone best located for recording voice communications originating at the first and second pilot stations.

(4) For the fourth channel, from each other source including—

(i) Each second cockpit-mounted area microphone, if one is required for any required flight crewmember station other than the first or second pilot station;

(ii) Each microphone, headset, or speaker used at the station for a third crewmember (if required), if the signals at that station are not picked up by another channel; and

(iii) Each microphone on the flight deck that is used with the airplane's loud speaker system, if its signals are not picked up by another channel.

(d) Each cockpit voice recorder must be installed so that—

(1) It receives its electric power from the bus that provides the maximum reliability for operation of the cockpit voice recorder without jeopardizing service to essential or emergency loads;

(2) There is an automatic means to stop each erasure feature from functioning at the instant of crash impact; and

(3) There is an aural or visual means for preflight checking of the recorder for proper operation.

(e) The record container must be located and mounted to minimize the probability of rupture of the container as a result of crash impact and consequent heat damage to the record from fire. In meeting this requirement, the record container must be as far aft as practicable, but may not be where aft mounted engines may crush the container during impact. However, it need not be outside of the pressurized compartment.

(f) If the cockpit voice recorder has a bulk erasure device, the installation must be designed to minimize the probability of inadvertent operation and actuation of the device during crash impact.

(g) Each recorder container must be bright orange.

## Subpart G—Operating Limitations and Information

**§ 25.1501 General.**

Each operating limitation specified in §§ 25.1503 through 25.1533 and other information necessary for safe operation must be—

(a) Included in the Airplane Flight Manual;

(b) Expressed in markings and placards; and

(c) Made available by any other means that will convey the information to the crewmembers.

OPERATING LIMITATIONS

**§ 25.1503 Airspeed limitations: general.**

When airspeed limitations are a function of weight, weight distribution, altitude, or Mach number, limitations corresponding to each critical combination of these factors must be established.

**§ 25.1505 Maximum operating limit speed.**

(a) The maximum operating limit speed ($V_{MO}/M_{MO}$—airspeed or Mach number, whichever is critical at a particular altitude) is a speed that may not be deliberately exceeded in any regime of flight (climb, cruise, or descent), unless a higher speed is authorized for flight test or pilot training operations. $V_{MO}/M_{MO}$ must be established so that it is not greater than the design cruising speed $V_C$ and so that it is sufficiently below $V_D/M_D$ or $V_{DF}/M_{DF}$ to make it highly improbable that the latter speeds will be inadvertently exceeded in operations. The speed margin between $V_{MO}/M_{MO}$ and $V_D/M_D$ or $V_{DF}/M_{DF}$ must be determined under the detailed requirements of paragraph (b) of this section or may be selected in accordance with paragraph (c) of this section. However, the speed margin may not be less than the margin found necessary in the flight tests conducted under § 25.253.

(b) The minimum speed margin is the greater of the values determined under subparagraphs (1) and (2) of this paragraph:

(1) From an initial condition of stabilized flight at $V_{MO}/M_{MO}$, the airplane is assumed to be upset, flown for 20 seconds along a flight path 7.5 degrees below the initial path, and then pulled up at a load factor of 1.5 (.5g acceleration increment). The speed increase occurring in this maneuver may be calculated if reliable or conservative aerodynamic data are used. Power, as specified in § 25.173(a), is assumed until the pullup is initiated, at which time power reduction and the use of pilot controlled drag devices may be assumed.

(2) The minimum speed margin must be enough to provide for atmospheric variations (such as horizontal gusts, penetration of jet stream or cold front) and for instrument errors and airframe production variations. These factors may be considered on a probability basis. However, the margin at altitudes where $M_{MO}$ is limited by compressibility effects may not be less than 0.05M.

(c) The minimum speed margin may be chosen so that $V_{MO}/M_{MO}$ is not greater than 0.8 $V_D/M_D$ or 0.8 $V_{DF}/M_{DF}$.

**§ 25.1507 Maneuvering speed.**

The maneuvering speed must be established so that it does not exceed the design maneuvering speed $V_A$ determined under § 25.335(c).

**§ 25.1511 Flap extended speed.**

The established flap extended speed $V_{FE}$ must be established so that it does not exceed the design flap speed $V_F$ chosen under §§ 25.335(e) and 25.345, for the corresponding flap positions and engine powers.

**§ 25.1513 Minimum control speed.**

The minimum control speed $V_{MC}$ determined under § 25.149 must be established as an operating limitation.

**§ 25.1515 Landing gear speeds.**

(a) The established landing gear operating speed $V_{LO}$ may not exceed the speed at which it is safe to extend or retract the landing gear, as determined under § 25.729 or by flight characteristics.

(b) The established landing gear extended speed $V_{LE}$ may not exceed the speed at which it is safe to fly with the landing gear secured in the fully extended position, and that determined under § 25.729.

**§ 25.1519 Weight, center of gravity, and weight distribution.**

The airplane weight, center of gravity, and weight distribution limitations determined under §§ 25.23 through 25.27 must be established as operating limitations.

**§ 25.1521 Powerplant limitations.**

(a) *General.* The powerplant limitations prescribed in this section must be established so that they do not exceed the corresponding limits for which the engines or propellers are type certificated.

(b) *Takeoff operation.* The powerplant takeoff operation must be limited by—

(1) The maximum rotational speed (r.p.m.);

(2) The maximum allowable manifold pressure (for reciprocating engines);

(3) The maximum allowable gas temperature (for turbine engines);

(4) The time limit for the use of the power or thrust corresponding to the limitations established in subparagraphs (1) through (3) of this paragraph; and

(5) If the time limit established in subparagraph (4) of this paragraph exceeds two minutes, or if the maximum cylinder head and oil temperatures differ from the maximum limits for continuous operation, the maximum allowable cylinder head (for reciprocating engines) and oil temperatures.

(c) *Continuous operation.* The continuous operation must be limited by—

(1) The maximum rotational speed;

(2) The maximum allowable manifold pressure (for reciprocating engines);

(3) The maximum allowable gas temperature (for turbine engines); and

(4) The maximum allowable cylinder head and oil temperatures.

(d) *Fuel grade or designation.* The minimum fuel grade (for reciprocating engines), or fuel designation (for turbine engines), must be established so that it is not less than that required for the operation of the engines within the limitations in paragraphs (b) and (c) of this section.

(e) *Ambient temperature.* Ambient temperature limitations must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 25.1041 through 25.1045 is shown.

**§ 25.1523 Minimum flight crew.**

The minimum flight crew must be established so that it is sufficient for safe operation, considering—

(a) The workload on individual crewmembers;

(b) The accessibility and ease of operation of necessary controls by the appropriate crewmember; and

(c) The kind of operation authorized under § 25.1525.

**§ 25.1525 Kinds of operation.**

The kinds of operation to which the airplane is limited are established by the category in which it is eligible for certification and by the installed equipment.

**§ 25.1527 Maximum operating altitude.**

The maximum altitude up to which operation is allowed, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be established.

**§ 25.1531 Maneuvering flight load factors.**

Load factor limitations, not exceeding the positive limit load factors determined from the maneuvering diagram in § 25.333(b), must be established.

**§ 25.1533 Additional operating limitations for turbine engine powered airplanes.**

(a) Additional operating limitations for turbine engine powered airplanes must be established as follows:

(1) The maximum takeoff weights must be established as the weights at which compliance is shown with the applicable provisions of this part (including the takeoff climb provisions of § 25.121(a) through (c), for altitudes and ambient temperatures).

(2) The maximum landing weights must be established as the weights at which compliance is shown with the applicable provisions of this part (including the landing and takeoff climb provisions of §§ 25.119 and 25.121 for altitudes and ambient temperatures).

(3) The minimum takeoff distances must be established as the distances at which compliance is shown with the applicable provisions of this part (including the provisions of §§ 25.109 and 25.113, for weights, altitudes, temperatures, wind components, and runway gradients).

(b) The extremes for variable factors (such as altitude, temperature, wind, and runway gradients) are those at which compliance with the applicable provisions of this part is shown.

MARKINGS AND PLACARDS

**§ 25.1541 General.**

(a) The airplane must contain—

(1) The specified markings and placards; and

(2) Any additional information, instrument markings, and placards required for the safe operation if there are unusual design, operating, or handling characteristics.

(b) Each marking and placard prescribed in paragraph (a) of this section—

(1) Must be displayed in a conspicuous place; and

(2) May not be easily erased, disfigured, or obscured.

**§ 25.1543 Instrument markings: general.**

For each instrument—

(a) When markings are on the cover glass of the instrument, there must be means to maintain the correct alignment of the glass cover with the face of the dial; and

(b) Each arc and line must be wide enough, and located, to be clearly visible to the pilot.

**§ 25.1545 Airspeed limitation information.**

The airspeed limitations required by § 25.1583(a) must be easily read and understood by the flight crew.

**§ 25.1547 Magnetic direction indicator.**

(a) A placard meeting the requirements of this section must be installed on, or near, the magnetic direction indicator.

(b) The placard must show the calibration of the instrument in level flight with the engines operating.

(c) The placard must state whether the calibration was made with radio receivers on or off.

(d) Each calibration reading must be in terms of magnetic heading in not more than 45 degree increments.

**§ 25.1549 Powerplant instruments.**

For each required powerplant instrument—

(a) Each maximum and, if applicable, minimum safe operating limit must be marked with a red radial line;

(b) Each normal operating range must be marked with a green arc not extending beyond the maximum and minimum safe operating limits; and

(c) Each takeoff and precautionary range must be marked with a yellow arc.

(d) Each engine or propeller speed range that is restricted because of excessive vibration stresses must be marked with red arcs.

**§ 25.1551 Oil quantity indicator.**

Each oil quantity indicator must be marked with enough increments to indicate readily and accurately the quantity of oil.

**§ 25.1553 Fuel quantity indicator.**

If the unusable fuel supply for any tank exceeds one gallon, or five percent of the tank capacity, whichever is greater, a red arc must be marked on its indicator extending from the calibrated zero reading to the lowest reading obtainable in level flight.

**§ 25.1555 Control markings.**

(a) Each cockpit control, other than primary flight controls and controls whose function is obvious, must be plainly marked as to its function and method of operation.

(b) Each aerodynamic control must be marked under the requirements of §§ 25.677 and 25.699.

(c) For powerplant fuel controls—

(1) Each fuel tank selector control must be marked to indicate the position corresponding to each tank and to each existing cross feed position;

(2) If safe operation requires the use of any tanks in a specific sequence, that sequence must be marked on, or adjacent to, the selector for those tanks; and

(3) Each valve control for each engine must be marked to indicate the position corresponding to each engine controlled.

(d) For accessory, auxiliary, and emergency controls—

(1) Each emergency control (including each fuel jettisoning and fluid shutoff control) must be colored red; and

(2) Each visual indicator required by § 25.729(e) must be marked so that the pilot can determine at any time when the wheels are locked in either extreme position, if retractable landing gear is used.

**§ 25.1557 Miscellaneous markings and placards.**

(a) *Baggage and cargo compartments, and ballast location.* Each baggage and cargo compartment, and each ballast location must have a placard stating any limitations on contents, including weight, that are necessary under the loading requirements.

(b) *Fuel and oil filler openings.* The following must be marked on, or near, each appropriate filler cover:

(1) The word "fuel", the minimum fuel grade or designation for the engines, and the usable fuel tank capacity.

(2) The word "oil" and the oil tank capacity.

(c) *Emergency exit placards.* Each emergency exit placard must meet the requirements of § 25.811.

(d) *Doors.* Each door that must be used in order to reach any required emergency exit must have a suitable placard stating that the door is to be latched in the open position during takeoff and landing.

**§ 25.1561 Safety equipment.**

(a) Each safety equipment control to be operated by the crew in emergency, such as controls for automatic liferaft releases, must be plainly marked as to its method of operation.

(b) Each location, such as a locker or compartment, that carries any fire extinguishing, signaling, or other life saving equipment must be marked accordingly.

(c) Stowage provisions for required emergency equipment must be conspicuously marked to identify the contents and facilitate removal of the equipment.

(d) Each liferaft must have obviously marked operating instructions.

(e) Approved survival equipment must be marked for identification and method of operation.

**§ 25.1563 Airspeed placard.**

A placard showing the maximum airspeeds for flap extension for the takeoff, approach, and landing positions must be installed in clear view of each pilot.

AIRPLANE FLIGHT MANUAL

**§ 25.1581 General.**

(a) An Airplane Flight Manual must be furnished with each airplane, unless otherwise prescribed.

(b) Each part of the manual listed in §§ 25.1583 through 25.1587, that is appropriate to the airplane, must be furnished, verified, and approved, and must be segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) Any information not specified in §§ 25.1583 through 25.1587 that is required for safe operation because of unusual design, operating, or handling characteristics, must be furnished.

**§ 25.1583 Operating limitations.**

(a) *Airspeed limitations.* The following airspeed limitations and any other information necessary to meet the requirements of § 25.1545 must be furnished:

(1) The maximum operating limit speed $V_{MO}/M_{MO}$ and a statement that this speed limit may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training.

(2) If an airspeed limitation is based upon compressibility effects, a statement to this effect and information as to any symptoms, the probable behavior of the airplane, and the recommended recovery procedures.

(3) The maneuvering speed $V_A$ and a statement that full application of rudder and aileron controls, as well as maneuvers that involve angles of attack near the stall, should be confined to speeds below this value.

(4) The flap extended speed $V_{FE}$ and the pertinent flap positions and engine powers.

(5) The landing gear operating speed $V_{LO}$ and a statement that this is the maximum speed at which it is safe to extend or retract the landing gear.

(6) The landing gear extended speed $V_{LE}$, if greater than $V_{LO}$, and a statement that this is the maximum speed at which the airplane can be safely flown with the landing gear extended.

(b) *Powerplant limitations.* Information must be furnished to explain the powerplant limitations and to allow

marking the instruments under §§ 25.1549 through 25.1563.

(c) *Weight and loading distribution.* The weight and center of gravity limits required by §§ 25.25 and 25.27 must be furnished, together with the items included in the empty weight in § 25.29(a). In addition—

(1) There must be loading instructions, for each loading condition within these limits, that affect weight and center of gravity;

(2) If certification for more than one center of gravity range is requested, the appropriate limitations, with regard to weight and loading procedures, for each separate center of gravity range, must be furnished; and

(3) The positive maneuvering limit load factors for which the structure is proven, described in terms of accelerations, and a statement that these accelerations limit the angle of bank in turns and limit the severity of pull-up maneuvers, must be furnished.

(d) *Flight crew.* The number and functions of the minimum flight crew determined under § 25.1523 must be furnished.

(e) *Kinds of operation.* The kinds of operation approved under § 25.1525 must be furnished.

(f) *Altitudes.* The altitude established under § 25.1527 and an explanation of the limiting factors must be furnished.

(g) *Usable fuel.* A statement that the fuel remaining in fuel tanks when the quantity indicator reaches "zero" is not usable in flight must be furnished.

(h) *Turbine engine powered airplanes.* For turbine engine powered airplanes, the operation limitations established under § 25.1533 must be furnished.

§ 25.1585 **Operating procedures.**

(a) Information and instructions regarding the peculiarities of normal operations (including starting and warming the engines, taxiing, operation of wing flaps, landing gear, and the automatic pilot) must be furnished, together with recommended procedures for—

(1) Engine failure (including minimum speeds, trim, operation of the remaining engines, and operation of flaps);

(2) Stopping the rotation of propellers in flight;

(3) Restarting turbine engines in flight (including the effects of altitude);

(4) Fire, decompression, and similar emergencies;

(5) Ditching (including the procedures based on the requirements of §§ 25.801, 25.807(d), 25.1411, and 25.1415 (a) through (e)); and

(6) Use of ice protection equipment.

§ 25.1587 **Performance information.**

(a) *Each airplane.* For each airplane, the Airplane Flight Manual must contain information to warn flight crewmembers against jettisoning fuel when any means (including flaps, slots, and slats) for changing the airflow across or around the wing are being used.

(b) *Reciprocating engine powered airplanes.* For each reciprocating engine powered airplane, the Airplane Flight Manual must contain a summary of any pertinent performance data, including data necessary for the application of any operating rule of this chapter, together with descriptions of the conditions, such as airspeeds, under which those data were determined, and must contain—

(1) The indicated airspeeds, corresponding to those determined for takeoff, and the procedures to be followed if a critical engine fails during takeoff;

(2) Instructions for use and adjustment of flap controls necessary to obtain the pertinent performance data specified in this paragraph;

(3) An explanation of significant or unusual flight or ground handling characteristics; and

(4) Operating correction factors that are determined under § 25.61, and that are approved.

(c) *Turbine engine powered airplanes.* For each turbine engine powered airplane, the Airplane Flight Manual must contain the performance information computed under the applicable provisions of this part (including §§ 25.115, 25.123, and 25.125 for the weights, altitudes, temperatures, wind components, and runway gradients, as applicable) within the operational limits of the airplane, and must contain the following:

(1) The conditions under which the performance information was obtained.

(2) The following performance information (determined by extrapolation and computed for the range of weights between the maximum landing and maximum takeoff weights):

(i) Climb in the landing configuration.

(ii) Climb in the approach configuration.

(iii) Landing distance.

(3) Procedures established under § 25.101(c) that are related to the limitations and information required by § 25.1533 and by this paragraph. These procedures must be in the form of guidance material, including any relevant limitations or information.

(4) An explanation of significant or unusual flight or ground handling characteristics of the airplane.



## Appendix A

FIGURE 1—Basic landing gear dimension data.

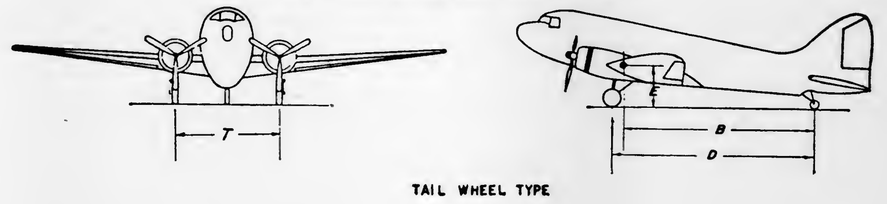



FIGURE 2—Level landing.

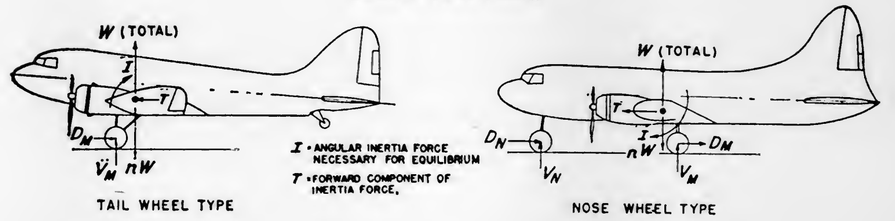



FIGURE 3—Tail-down landing.

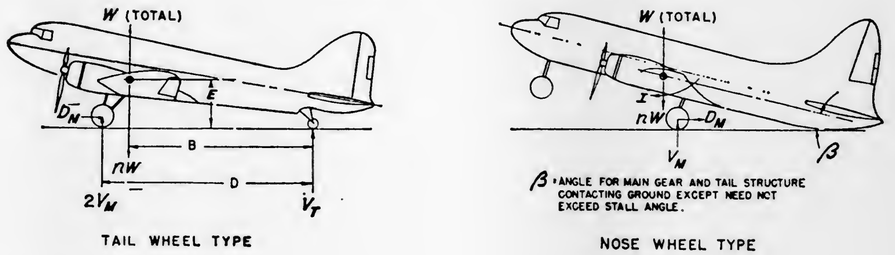


FIGURE 4—One-wheel landing.




FIGURE 5—Lateral drift landing.




FIGURE 6—Braked roll.




FIGURE 7—Ground turning.



## Appendix B




FIGURE 1—Pictorial definition of angles, dimensions, and directions on a seaplane.




FIGURE 8—Pivoting, nose or tail wheel type.

FIGURE 2—Hull station weighing factor.

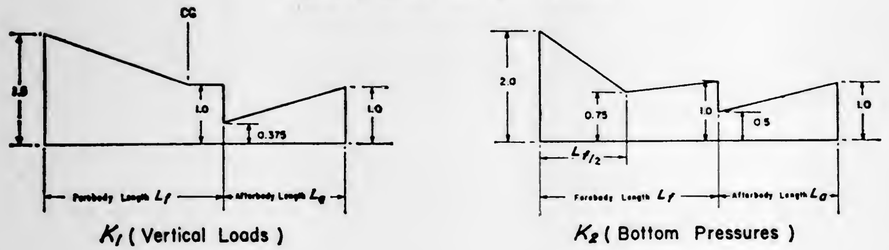



FIGURE 3—Transverse pressure distributions.

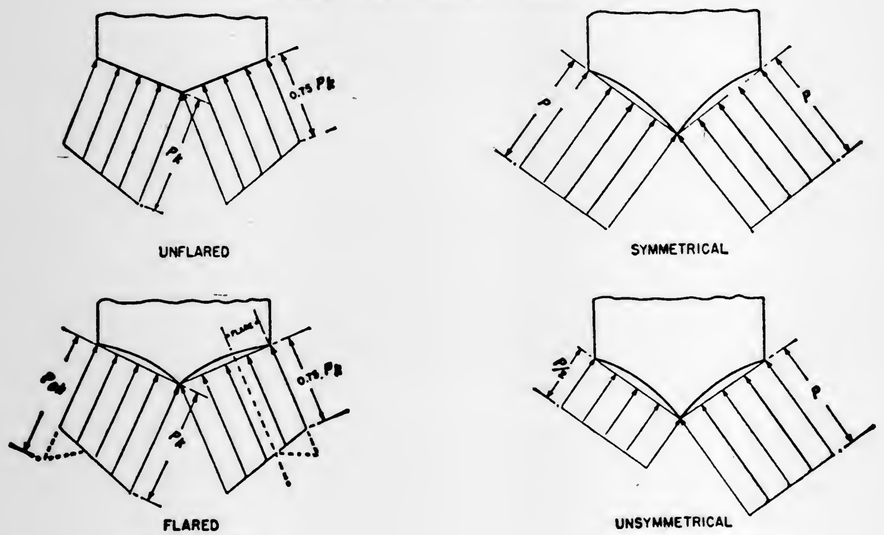





FIGURE 1.

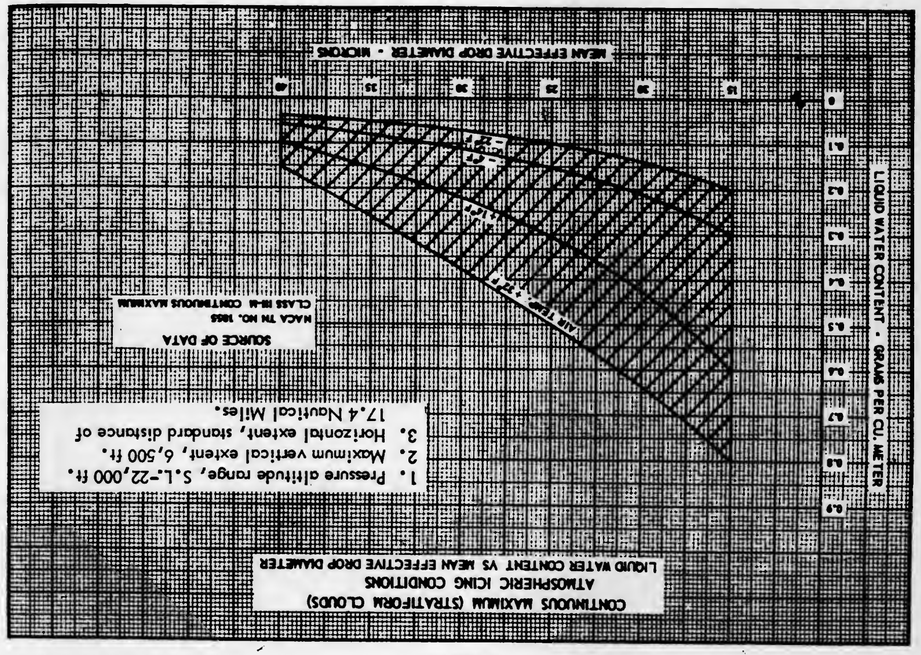



FIGURE 1.

## Appendix C

(a) *Continuous maximum icing.* The maximum continuous intensity of atmospheric icing conditions (continuous maximum icing) is defined by the variables of the cloud liquid water content, the mean effective diameter of the cloud droplets, the ambient air temperature, and the inter-relationship of these three variables as shown in figure 1 of this appendix. The limiting icing envelope in terms of altitude and temperature is given in figure 2 of this appendix. The inter-relationship of cloud liquid water content with drop diameter and altitude is determined from figures 1 and 2. The cloud liquid water content for continuous maximum icing conditions of a horizontal extent, other than 17.4 nautical miles, is determined by the value of liquid water content of figure 1, multiplied by the appropriate factor from figure 3 of this appendix.

(b) *Intermittent maximum icing.* The intermittent maximum intensity of atmospheric icing conditions (intermittent maximum icing) is defined by the variables of the cloud liquid water content, the mean effective diameter of the cloud droplets, the ambient air temperature, and the inter-relationship of these three variables as shown in figure 4 of this appendix. The limiting icing envelope in terms of altitude and temperature is given in figure 5 of this appendix. The inter-relationship of cloud liquid water content with drop diameter and altitude is determined from figures 4 and 5. The cloud liquid water content for intermittent maximum icing conditions of a horizontal extent, other than 2.6 nautical miles, is determined by the value of cloud liquid water content of figure 4 multiplied by the appropriate factor in figure 6 of this appendix.

FIGURE 3.



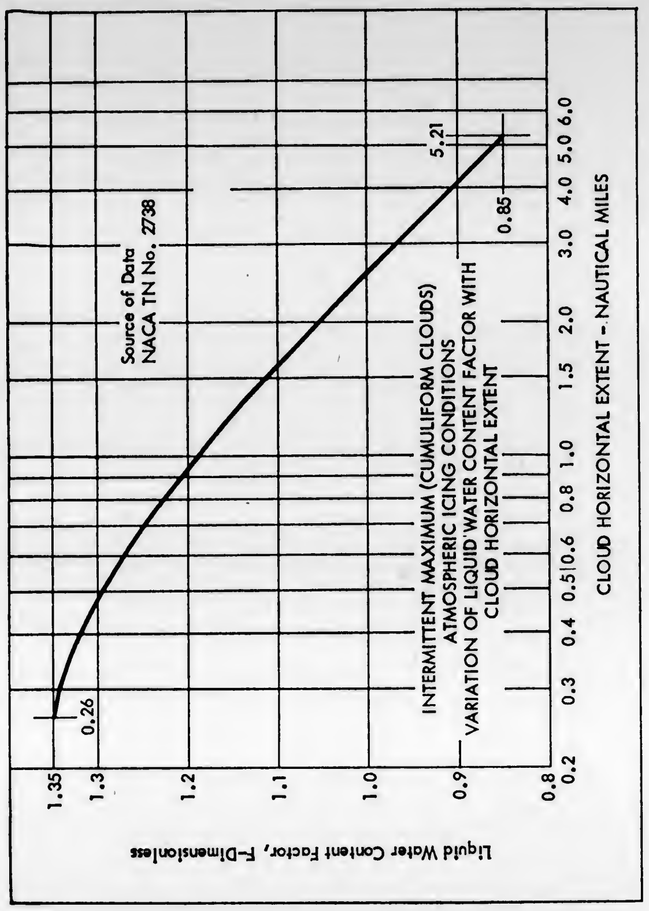

FIGURE 2.






FIGURE 4.

FIGURE 6.




DISTRIBUTION TABLE

| Former section | Revised section |
|---|---|
| 4b.0 | 25.1. |
| 4b.1 | Transferred to Part 1 [New] or executed. |
| 4b.10 through 4b.19 | Transferred to Part 21 [New]. |
| 4b.100 (less (d)-(g)) | 25.21. |
| 4b.100(d)-(g) | Transferred to Part 21 [New]. |
| 4b.100-1 (less 1st sentence of (b)(1)). | Not a rule. |
| 4b.100-1 (1st sentence of (b)(1)). | 25.21. |
| 4b.100-1 (less (b)(2)) | Not a rule. |
| 4b.100-1(b)(2) | 25.21. |
| 4b.100-2 | Not a rule. |
| 4b.100-3 (less 1st sentence). | Not a rule. |
| 4b.100-3 (1st sentence) | 25.21. |
| 4b.101 | 25.25. |
| 4b.102 | 25.27. |
| 4b.103 | 25.23. |
| 4b.104 | 25.29. |
| 4b.105 | 25.31. |
| 4b.105-1 | Not a rule. |
| 4b.110 | 25.45. |
| 4b.110-1 (less (a)) | Not a rule. |
| 4b.110-1(a) | 25.45. |
| 4b.110-2 | Not a rule. |
| 4b.111 | 25.47. |
| 4b.111-1 | Not a rule. |
| 4b.112 | 25.49. |
| 4b.112-1 | Not a rule. |
| 4b.113 | 25.51. |
| 4b.113-1 | Not a rule. |
| 4b.113-2 | Not a rule. |
| 4b.114 | 25.55. |
| 4b.114-1 | Not a rule. |
| 4b.115(a) | Transferred to Part 1 [New]. |
| 4b.115 (less (a)) | 25.57. |
| 4b.115-1 | Not a rule. |
| 4b.115-2 | Not a rule. |
| 4b.115-3 | Not a rule. |
| 4b.115-4 | Not a rule. |
| 4b.116 | 25.59. |
| 4b.116-1 | 25.59. |
| 4b.116-2 | Not a rule. |
| 4b.117 (Introductory paragraph) (21st-35th words). | 25.1587. |
| 4b.117 (less intro. para. (21st-35th words)). | 25.61. |
| 4b.118 | Surplusage. |
| 4b.118-1 | Not a rule. |
| 4b.119 | 25.65. |
| 4b.119-1 | Not a rule. |
| 4b.120 | 25.67. |
| 4b.120-1 | 25.67. |
| 4b.120-2 | Not a rule. |
| 4b.121 | 25.69. |
| 4b.121-1 | Not a rule. |
| 4b.122 | 25.75. |
| 4b.122-1 | Not a rule. |
| 4b.122-2 | Not a rule. |
| 4b.122-3 | Not a rule. |
| 4b.122-4 | Not a rule. |
| 4b.123 | 25.75. |
| 4b.123-1 | 25.75. |
| 4b.123-2 | Not a rule. |
| 4b.123-3 | Not a rule. |
| 4b.123-4 | Not a rule. |
| 4b.124 | 25.75. |
| 4b.124-1 | Not a rule. |
| 4b.125 | 25.75. |
| 4b.125-1 | Not a rule. |
| 4b.130 | 25.143. |
| 4b.130-1 | Not a rule. |
| 4b.131 | 25.145. |
| 4b.131-1 | Not a rule. |
| 4b.132 | 25.147. |
| 4b.132-1 | Not a rule. |
| 4b.133 | 25.149. |
| 4b.133-1 | Not a rule. |
| 4b.140 | 25.161. |
| 4b.140-1 | Not a rule. |
| 4b.141 | 25.161. |
| 4b.141-1 | Not a rule. |
| 4b.142 | 25.161. |
| 4b.142-1 | Not a rule. |
| 4b.143 | 25.161. |
| 4b.143-1 | Not a rule. |
| 4b.144 | 25.161. |
| 4b.144-1 | Not a rule. |
| 4b.150 | 25.171. |
| 4b.151 | 25.173. |
| 4b.152 | 25.175. |
| 4b.153 | 25.175. |
| 4b.154 | 25.175. |
| 4b.155 | 25.175. |
| 4b.156 | 25.187. |
| 4b.156-1 | Not a rule. |
| 4b.157 | 25.177. |
| 4b.157-1 | Not a rule. |
| 4b.158 | 25.181. |
| 4b.158-1 | Not a rule. |
| 4b.160(a)-(c) | 25.201. |
| 4b.160 (less (a)-(c)) | 25.203. |
| 4b.160-1 | Not a rule. |
| 4b.161 | 25.205. |
| 4b.161-1 | Not a rule. |
| 4b.162 | 25.207. |
| 4b.162-1 (less last sentence). | Not a rule. |
| 4b.162-1 (last sentence). | 25.207. |
| 4b.170 | 25.231. |
| 4b.170-1 | Not a rule. |
| 4b.170-2 | Not a rule. |
| 4b.170-3 | Not a rule. |
| 4b.171 | 25.233. |
| 4b.171-1 | 25.233. |
| 4b.171-2 | Not a rule. |
| 4b.171-3 | Not a rule. |
| 4b.172 | 25.235. |
| 4b.172-1 | Not a rule. |
| 4b.173 | 25.237. |



DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b.173-1 | Not a rule. |
| 4b.173-2 | Not a rule. |
| 4b.180 | 25.231. |
| 4b.180-1 | Not a rule. |
| 4b.181 | 25.237. |
| 4b.181-1 | Not a rule. |
| 4b.182 | 25.239. |
| 4b.182-1 | Not a rule. |
| 4b.182-2 | Not a rule. |
| 4b.190 (as applicable to flutter). | Surplusage. |
| 4b.190 (less applicability to flutter). | 25.251. |
| 4b.190-1 | Not a rule. |
| 4b.191 | 25.253. |
| 4b.200 (less (a)) | 25.301. |
| 4b.200(a) | 25.303. |
| 4b.201 | 25.305. |
| 4b.202 | 25.307. |
| 4b.210 (less (b) and (c)). | 25.321. |
| 4b.210(b) | 25.335. |
| 4b.210(c) | 25.343. |
| 4b.211 (less (a) and (b)). | 25.333. |
| 4b.211(a) | 25.337. |
| 4b.211(b) | 25.341. |
| 4b.212 | 25.345. |
| 4b.213 | 25.331. |
| 4b.214 | 25.349. |
| 4b.215 | 25.351. |
| 4b.216 (less (b)-(e)) | 25.361. |
| 4b.216(b) | 25.363. |
| 4b.216(c) | 25.365. |
| 4b.216(d) | 25.367. |
| 4b.216(e) | 25.371. |
| 4b.217 | 25.373. |
| 4b.220 (less (a)-(e)) | 25.391. |
| 4b.220(a) | 25.397. |
| 4b.220(b) | 25.407. |
| 4b.220(c) | 25.427. |
| 4b.220(d) | 25.445. |
| 4b.220(e) | 25.393. |
| 4b.221 | 25.457. |
| 4b.222 | 25.409. |
| 4b.223 | 25.459. |
| 4b.224 (less last two sentences of (a)). | 25.395. |
| 4b.224 (last two sentences of (a)). | 25.397. |
| 4b.225 | 25.399. |
| 4b.226 | 25.415. |
| 4b.227 | 25.405. |
| 4b.230 (less (b)) | 25.471. |
| 4b.230(b)(3) (1st sentence). | 25.477. |
| 4b.230 (less (b)(3) (1st sentence)). | 25.473. |
| 4b.231 | 25.479. |
| 4b.232 | 25.481. |
| 4b.233 | 25.483. |
| 4b.234 | 25.485. |
| 4b.234a | 25.487. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b.235 (Introductory paragraph) (less last sentence). | 25.489. |
| 4b.235 (Introductory paragraph) (last sentence). | 25.493 and 25.499. |
| 4b.235(a) | 25.491. |
| 4b.235(b) | 25.493. |
| 4b.235(c) | 25.495. |
| 4b.235(d) | 25.503. |
| 4b.235(e) | 25.499. |
| 4b.235(f) | 25.497. |
| 4b.235(g) | 25.507. |
| 4b.235 (less introductory paragraph and (a) through (g)). | 25.509. |
| 4b.236 | 25.511. |
| 4b.250 | 25.521. |
| 4b.250-1 | 25.521. |
| 4b.251 | 25.523. |
| 4b.252 | 25.525. |
| 4b.253 | 25.527. |
| 4b.254 | 25.529. |
| 4b.255 | 25.531. |
| 4b.256 | 25.533. |
| 4b.257 | 25.535. |
| 4b.258 | 25.537. |
| 4b.260 | 25.561. |
| 4b.261 | 25.563. |
| 4b.270 | 25.571. |
| 4b.270-1 | 25.571. |
| 4b.270-2 | Not a rule. |
| 4b.271 | 25.573. |
| 4b.300 | 25.601. |
| 4b.300-1 | Not a rule. |
| 4b.301 | 25.603. |
| 4b.301-1 (less 1st sentence). | Not a rule. |
| 4b.301-1 (1st sentence) | 25.603. |
| 4b.302 | 25.605. |
| 4b.303 (last sentence) | 25.607. |
| 4b.303 (less last sentence). | Not a rule. |
| 4b.304 | 25.609. |
| 4b.305 | 25.611. |
| 4b.306 (less (d)) | 25.613. |
| 4b.306(d) | 25.615. |
| 4b.306-1 (less (c)) | 25.615. |
| 4b.306-1(c) | Not a rule. |
| 4b.307 (less (a)-(c)) | 25.619. |
| 4b.307(a) | 25.621. |
| 4b.307(b) | 25.623. |
| 4b.307(c) | 25.625. |
| 4b.308 (less (c) and (d) as appropriate to vibration). | 25.629. |
| 4b.308 (c) and (d) (as appropriate to vibration). | 25.251. |
| 4b.310 | Surplusage. |
| 4b.311 | 25.651. |
| 4b.312 | 25.655. |
| 4b.313 | 25.657. |
| 4b.320 (less (b)) | 25.671. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b.320(b) | 25.695. |
| 4b.321 | 25.673. |
| 4b.322 | 25.677. |
| 4b.323 (less (e) and (f)). | 25.697. |
| 4b.323 (e) and (f) | 25.699. |
| 4b.324 | 25.701. |
| 4b.324-1 | Not a rule. |
| 4b.325 | 25.675. |
| 4b.326 | 25.679. |
| 4b.327 | 25.681. |
| 4b.328 | 25.683. |
| 4b.329 (less (a) and (b)). | 25.685. |
| 4b.329(a) | 25.689. |
| 4b.329(b) | 25.693. |
| 4b.329-1 | Not a rule. |
| 4b.329-2 | Not a rule. |
| 4b.329-3 | Not a rule. |
| 4b.329-4 | Not a rule. |
| 4b.329-5 | Not a rule. |
| 4b.329-6 | 25.693. |
| 4b.330 | 25.721. |
| 4b.331 | 25.721. |
| 4b.332 (introductory paragraph). | 25.721. |
| 4b.332 (less introductory paragraph, (a) and (b)). | 25.727. |
| 4b.332(a) | 25.723. |
| 4b.332(b) | 25.625. |
| 4b.333 | 25.625. |
| 4b.334 | 25.729. |
| 4b.334-1 | Not a rule. |
| 4b.334-2 | 25.729. |
| 4b.335 (a) and (b) | 25.731. |
| 4b.335 (less (a) and (b)). | 25.735. |
| 4b.336 | 25.733. |
| 4b.337 | 25.735. |
| 4b.337-1 | Not a rule. |
| 4b.337-2 | Not a rule. |
| 4b.337-3 | Not a rule. |
| 4b.337-4 (less 1st sentence). | Not a rule. |
| 4b.337-4 (1st sentence) | 25.735. |
| 4b.338 | 25.737. |
| 4b.340 | Surplusage. |
| 4b.341 (less (a) and (b)). | 25.753. |
| 4b.341 (a) and (b) | 25.751. |
| 4b.342 | 25.755. |
| 4b.350 | 25.771. |
| 4b.350-1 | Not a rule. |
| 4b.351 | 25.773. |
| 4b.351-1 | Not a rule. |
| 4b.351-2 | Not a rule. |
| 4b.351-3 | Not a rule. |
| 4b.352 | 25.775. |
| 4b.353 | 25.777. |
| 4b.353-1 | Not a rule. |
| 4b.354 | Surplusage. |
| 4b.355 | Surplusage. |
| 4b.356 | 25.783. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b.356-1 (less last sentence). | Not a rule. |
| 4b.356-1 (last sentence). | 25.783. |
| 4b.356-2 (less (a) (1st sentence)). | Not a rule. |
| 4b.356-2(a) (1st sentence). | 25.783. |
| 4b.356-3 | Not a rule. |
| 4b.356-4 | Not a rule. |
| 4b.356-5 | Not a rule. |
| 4b.356-6 | Not a rule. |
| 4b.358 | 25.785. |
| 4b.358-1 (less 2d and 3d sentences). | Not a rule. |
| 4b.358-1 (2d and 3d sentences). | 25.785. |
| 4b.359 | 25.787. |
| 4b.360 | Surplusage. |
| 4b.361 (Introductory paragraph) (last sentence). | 25.1585. |
| 4b.361 (less introductory paragraph (last sentence)). | 25.801. |
| 4b.362 (introductory paragraph). | 25.803. |
| 4b.362(a) | 25.805. |
| 4b.362(b) | 25.807. |
| 4b.362(c) | 25.807. |
| 4b.362(d) | 25.807. |
| 4b.362(e) | 25.809. |
| 4b.362(f) | 25.811. |
| 4b.362(g) (last sentence). | 25.1557. |
| 4b.362(g) (less last sentence). | 25.813. |
| 4b.362 (less introductory paragraph and (a)-(g)). | 25.815. |
| 4b.362-1 (less (a)) | 25.809 and 25.811. |
| 4b.362-1(a) | 25.805. |
| 4b.362-2 | 25.807. |
| 4b.362-3 (less (a)) | 25.807. |
| 4b.362-3(a) | Surplusage. |
| 4b.362-4 | 25.809. |
| 4b.362-5 (less (c)) | 25.811. |
| 4b.362-5(c) | Not a rule. |
| 4b.362-6 | Not a rule. |
| 4b.362-7 | Not a rule. |
| 4b.370 | Surplusage. |
| 4b.371 | 25.831. |
| 4b.371-1 | 25.831. |
| 4b.372 | 25.833. |
| 4b.372-1 | Not a rule. |
| 4b.373 | Surplusage. |
| 4b.374 | 25.841. |
| 4b.375 | 25.841. |
| 4b.375-1 | 25.841. |
| 4b.376 | 25.843. |
| 4b.380 (less (c)) | 25.851. |
| 4b.380(c) | 25.1439. |
| 4b.380-1 | Not a rule. |
| 4b.380-2 | Not a rule. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b.381 | 25.853. |
| 4b.381–1 | Not a rule. |
| 4b.382 | 25.855. |
| 4b.383 (less 2d sentence of (a) and (b)(3)). | 25.857. |
| 4b.383 (2d sentence of (a) and (b)(3)). | 25.851. |
| 4b.384 | 25.855. |
| 4b.384–1 | Not a rule. |
| 4b.385 | 25.863. |
| 4b.386 | 25.859. |
| 4b.390 | 25.875. |
| 4b.391 | 25.871. |
| 4b.400 | 25.901. |
| 4b.400–1 | Not a rule. |
| 4b.400–2 | Surplusage. |
| 4b.401 | 25.903. |
| 4b.401–1 | Not a rule. |
| 4b.401–2 | Not a rule. |
| 4b.401–3 | Not a rule. |
| 4b.401–4 | Not a rule. |
| 4b.402 | 25.905. |
| 4b.402–1 | Not a rule. |
| 4b.403 | 25.907. |
| 4b.404 | 25.38. |
| 4b.405 | 25.925. |
| 4b.406 | 25.929. |
| 4b.406–1 | Not a rule. |
| 4b.407 | 25.933. |
| 4b.407–1 (less 1st sentences of (b) and (c)). | 25.933. |
| 4b.407–1 (1st sentence of (b) and (c)). | Not a rule. |
| 4b.408 | 25.937. |
| 4b.409 | 25.939. |
| 4b.410 | 25.951. |
| 4b.411 | 25.953. |
| 4b.413 | 25.955. |
| 4b.416 | 25.959. |
| 4b.417 | 25.961. |
| 4b.417–1 | Not a rule. |
| 4b.418 | 25.957. |
| 4b.420 | 25.963. |
| 4b.420–1 | Not a rule. |
| 4b.421 | 25.965. |
| 4b.422 | 25.967. |
| 4b.423 | 25.969. |
| 4b.424 | 25.971. |
| 4b.425 | 25.973. |
| 4b.426 | 25.975. |
| 4b.427 | 25.977. |
| 4b.428 | 25.979. |
| 4b.430 | 25.991. |
| 4b.430–1 | 25.991. |
| 4b.432 | 25.993. |
| 4b.433 | 25.1183. |
| 4b.434 | 25.995. |
| 4b.435 | 25.997. |
| 4b.436 | 25.999. |
| 4b.437 (less (e) (last sentence)). | 25.1001. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b.437(e) (last sentence). | 25.1587. |
| 4b.437–1 | Not a rule. |
| 4b.440 | 25.1011. |
| 4b.441 | 25.1013. |
| 4b.442 | 25.1015. |
| 4b.443 | 25.1013. |
| 4b.444 | 25.1017. |
| 4b.445 | 25.1025. |
| 4b.446 | 25.1023. |
| 4b.447 | 25.1019. |
| 4b.448 | 25.1021. |
| 4b.449 | 25.1027. |
| 4b.449–1 | 25.1027. |
| 4b.450 | 25.1041. |
| 4b.451 | 25.1043. |
| 4b.452 | 25.1045. |
| 4b.454 | 25.1045. |
| 4b.460 | 25.1091. |
| 4b.461 | 25.1093. |
| 4b.461–1 | Not a rule. |
| 4b.462 | 25.1101. |
| 4b.463 | 25.1103. |
| 4b.464 | 25.1105. |
| 4b.466 | 25.1107. |
| 4b.467(a) | 25.1121. |
| 4b.467(b) | 25.1123. |
| 4b.467(c) | 25.1125. |
| 4b.467(d) | 25.1125. |
| 4b.467 (less (a)–(d)) | 25.1127. |
| 4b.467–1 (less 1st sentence). | Not a rule. |
| 4b.467–1 (1st sentence) | 25.1121. |
| 4b.467–2 | Not a rule. |
| 4b.470 | 25.1141. |
| 4b.471 | 25.1143. |
| 4b.472 | 25.1145. |
| 4b.473 | 25.1147. |
| 4b.474(a) | 25.1149. |
| 4b.474 (less (a)) | 25.1153. |
| 4b.474–1 | Not a rule. |
| 4b.474a | 25.1155. |
| 4b.475 | 25.1161. |
| 4b.476 | 25.1157. |
| 4b.476a | 25.1159. |
| 4b.477 | 25.1163. |
| 4b.478 | 25.1165. |
| 4b.480 (less 21–49 words of (a)(7)). | 25.1181. |
| 4b.480 (21–49 words of (a)(7)). | 25.1195. |
| 4b.481 | 25.1185. |
| 4b.482 | 25.1189. |
| 4b.483 | 25.1183. |
| 4b.484(a) | 25.1195. |
| 4b.484(b) | 25.1197. |
| 4b.484(c) | 25.1199. |
| 4b.484(d) | 25.1199. |
| 4b.484 (less (a)–(d)) | 25.1201. |
| 4b.484–1 (less 18th–30th words of paragraph (a) and subparagraphs (a) (1) and (2)). | Not a rule. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b.484–1 (18th–30th words of paragraph (a) and subparagraphs (a) (1) and (2)). | 25.1197. |
| 4b.485 | 25.1203. |
| 4b.485–1 | Not a rule. |
| 4b.486 | 25.1191. |
| 4b.487 | 25.1193. |
| 4b.489 | 25.1187. |
| 4b.490 | 25.1205. |
| 4b.600 | 25.1801. |
| 4b.601 | 25.1801. |
| 4b.602 | Surplusage. |
| 4b.603 | 25.1303. |
| 4b.604 | 25.1305. |
| 4b.605 | 25.1307. |
| 4b.606 | 25.1309. |
| 4b.606–1 | Not a rule. |
| 4b.606–2 | Not a rule. |
| 4b.610 | 25.1321. |
| 4b.611 | 25.1321. |
| 4b.611–1 | Not a rule. |
| 4b.612(a) | 25.1323. |
| 4b.612(b) | 25.1325. |
| 4b.612(c) | 25.1327. |
| 4b.612(d) | 25.1329. |
| 4b.612(e) | 25.1331. |
| 4b.612 (less (a)–(c)) | 25.1333. |
| 4b.612–1 | Not a rule. |
| 4b.612–2 | Not a rule. |
| 4b.612–3 | Not a rule. |
| 4b.612–4 | Not a rule. |
| 4b.612–5 | Not a rule. |
| 4b.613 | 25.1337. |
| 4b.620 | Surplusage. |
| 4b.621 | 25.1351. |
| 4b.622 | 25.1351. |
| 4b.622–1 | Not a rule. |
| 4b.623 | 25.1355. |
| 4b.624 | 25.1357. |
| 4b.624–1 (1st sentence) | Not a rule. |
| 4b.624–1 (less 1st sentence). | 25.1357. |
| 4b.625 | 25.1363. |
| 4b.625–1 (introductory paragraph) (1st sentence). | 25.1363. |
| 4b.625–1 (less introductory paragraph) (1st sentence). | Not a rule. |
| 4b.626 | 25.1359. |
| 4b.626–1 | Not a rule. |
| 4b.627 | 25.1363. |
| 4b.628 | 25.1369. |
| 4b.630 | 25.1387. |
| 4b.631 | 25.1383. |
| 4b.632 | 25.1385. |
| 4b.632–1 (1st sentence) | 25.1385. |
| 4b.632–1 (less 1st sentence). | Not a rule. |
| 4b.633 | 25.1387. |
| 4b.634 | 25.1389. |
| 4b.634–1 | 25.1389. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b.635 | 25.1397. |
| 4b.636 | 25.1399. |
| 4b.637 | 25.1401. |
| 4b.640 (less introductory paragraph) (third sentence). | 25.1419. |
| 4b.640 (introductory paragraph) (third sentence). | 25.1585. |
| 4b.641 | Surplusage. |
| 4b.642 | Obsolete. |
| 4b.642–1 | Not a rule. |
| 4b.643 | 25.1413. |
| 4b.644 | 25.1413. |
| 4b.645 (less (e) and applicability to marking). | 25.1415. |
| 4b.645 (less (e) as applicable to marking). | 25.1561. |
| 4b.645(e) | 25.1411. |
| 4b.646 (less 4th sentence of introductory paragraph). | 25.1411. |
| 4b.646 (4th sentence of introductory paragraph). | 25.1561. |
| 4b.647 | 25.1415. |
| 4b.650 | 25.1431. |
| 4b.651(a) | 25.1441. |
| 4b.651(b) | 25.1443. |
| 4b.651(c) | 25.1445. |
| 4b.651(d) | 25.1447. |
| 4b.651(e) | 25.1449. |
| 4b.651(f) | 25.1451. |
| 4b.651(g) | 25.1453. |
| 4b.651 (less (a)–(g)) | 25.1439. |
| 4b.651–1 | Not a rule. |
| 4b.651–2 | Not a rule. |
| 4b.651–3 | Not a rule. |
| 4b.651–4 | Not a rule. |
| 4b.651–5(a) | 25.1445. |
| 4b.651–5 (less (a)) | Not a rule. |
| 4b.651–6 | Not a rule. |
| 4b.651–7 | Not a rule. |
| 4b.651–8 | Not a rule. |
| 4b.651–9 | Not a rule. |
| 4b.651–10 | Not a rule. |
| 4b.651–11 | Not a rule. |
| 4b.651–12 | Not a rule. |
| 4b.653 | 25.1435. |
| 4b.654 | 25.1435. |
| 4b.655 | 25.1435. |
| 4b.656 | 25.1457. |
| 4b.658 | 25.1433. |
| 4b.660 | 25.1455. |
| 4b.700 | 25.1501. |
| 4b.700–1 | Not a rule. |
| 4b.710 | 25.1503. |
| 4b.711 | 25.1505. |
| 4b.713 | 25.1507. |
| 4b.714 | 25.1511. |
| 4b.715 | 25.1515. |
| 4b.716 | 25.1515. |



DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b.717 | 25.1513. |
| 4b.718 | 25.1521. |
| 4b.718–1 | Not a rule. |
| 4b.719 (1st sentence) | 25.1519. |
| 4b.719 (less 1st sentence). | 25.1583. |
| 4b.720 | 25.1523. |
| 4b.721 | 25.1525. |
| 4b.722 | 25.1527. |
| 4b.723 | 25.1531. |
| 4b.730 | 25.1541. |
| 4b.730–1 | Not a rule. |
| 4b.731 | 25.1543. |
| 4b.732 | 25.1545. |
| 4b.733 | 25.1547. |
| 4b.734 | 25.1549. |
| 4b.735 | 25.1551. |
| 4b.736 (less last sentence). | 25.1553. |
| 4b.736 (last sentence) | 25.1563. |
| 4b.737 | 25.1555. |
| 4b.738(a) | 25.1557. |
| 4b.738(b) | 25.1557. |
| 4b.738(c) | 25.1557. |
| 4b.738(d) | 25.1561. |
| 4b.738 (less (a)–(d)) | 25.1563. |
| 4b.740 | 25.1581. |
| 4b.740–1 | Not a rule. |
| 4b.740–2 | Not a rule. |
| 4b.741 | 25.1583. |
| 4b.742 | 25.1585. |
| 4b.743 | 25.1587. |
| 4b.750 | Transferred to Part 45 [New]. |
| 4b.751 | Transferred to Part 45 [New]. |
| *Figures* | |
| 4b–1 | Not a rule. |
| 4b–2 | 25.333. |
| 4b–3 | 25.333. |
| 4b–4 | 25.415. |
| 4b–5 | 25.397. |
| 4b–6 | 25.405. |
| 4b–7 | Fig. 1 of Appendix A. |
| 4b–8 | Fig. 2 of Appendix A. |
| 4b–9 | Fig. 3 of Appendix A. |
| 4b–10 | Fig. 4 of Appendix A. |
| 4b–11 | Fig. 5 of Appendix A. |
| 4b–12 | Fig. 6 of Appendix A. |
| 4b–13 | Fig. 7 of Appendix A. |
| 4b–14 | Fig. 8 of Appendix A. |
| 4b–15a | Fig. 1 of Appendix B. |
| 4b–15b | Fig. 2 of Appendix B. |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 4b–15c | Fig. 3 of Appendix B. |
| 4b–16 | 25.779. |
| 4b–17 | 25.779. |
| 4b–18 | 25.1391. |
| 4b–19 | 25.1393. |
| 4b–20 | 25.1395. |
| 4b–21 | Previously deleted. |
| 4b–22 | 25.781. |
| 4b–23 | Previously deleted. |
| 4b–24a | Fig. 1 of Appendix C. |
| 4b–24b | Fig. 2 of Appendix C. |
| 4b–24c | Fig. 3 of Appendix C. |
| 4b–25a | Fig. 4 of Appendix C. |
| 4b–25b | Fig. 5 of Appendix C. |
| 4b–25c | Fig. 6 of Appendix C. |
| 4b–26 | 25.509. |
| 4b–27 | 25.1401. |
| *SR 422B* | |
| Item 1 | Surplusage. |
| Item 2, comprised of an introductory paragraph, §§ 4T.110–4T.123, and § 4T.743, distributed as follows: | |
| Introductory paragraph. | 25.101. |
| 4T.110(a) | Surplusage. |
| 4T.110 (less (a)) | 25.101. |
| 4T.111 | 25.101. |
| 4T.112 (a) and (b) | 25.103. |
| 4T.112 (less (a) and (b)). | 25.149. |
| 4T.113 | 25.105. |
| 4T.114 | 25.107. |
| 4T.115 | 25.109. |
| 4T.116 | 25.111. |
| 4T.117 | 25.113. |
| 4T.117a | 25.115. |
| 4T.118 | 25.117. |
| 4T.119 | 25.119. |
| 4T.120 | 25.121. |
| 4T.121 | 25.123. |
| 4T.122 | 25.125. |
| 4T.123(a) | 25.1583. |
| 4T.123 (less (a)) | 25.1587. |
| 4T.743(a) | 25.1583. |
| 4T.743 (less (a)) | 25.1587. |
| Item 3 | Transferred to Part 121 [New]. |
| Item 4 | Transferred to Part 91 [New]. |
| SR 422B (less items 1–4). | Transferred to Part 1 [New]. |

[F.R. Doc. 64–13261; Filed, Dec. 23, 1964; 8:48 a.m.]

[Docket No. 6102; Amdt. 39–16]

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring the installation of a placard on the cockpit fuel dump chute panel prohibiting speed brake actuation during fuel jettisoning and a notation in the limitations section of the Airplane Flight Manual to this effort on Boeing Models 707 and 720 Series aircraft was published in 29 F.R. 10523. Since the publication of that proposal, Part 507 has been recodified into Part 39 of the Federal Aviation Regulations, effective November 20, 1964, therefore this amendment is being made to Part 39.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments received objected to the placard, feeling that the Airplane Flight Manual notation would be sufficient. Both a placard and an Airplane Flight Manual notation are required by the Civil Air Regulations with respect to the prohibition against dumping fuel with the speed brakes extended since this prohibition is an operating limitation of the airplane. A placard is not required regarding the use of full and rapid aileron control while dumping fuel since this is only a precautionary note in the Airplane Flight Manual. In addition, the manufacturer has already accomplished a Flight Manual change to include the note regarding the use of ailerons while dumping fuel and the limitation prohibiting the use of speedbrakes while dumping fuel. As a result of a comment received, the AD has been revised to allow a compliance time of 500 flight hours to be compatible with scheduled routing maintenance periods.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft.

Compliance required as indicated.

Flight tests have disclosed that speed brake actuation during fuel jettisoning causes fuel to impinge on the horizontal stabilizer. To correct this condition, accomplish the following:

(a) Within 500 hours' time in service after the effective date of this AD, unless already accomplished:

(1) Install a placard on the fuel dump chute panel in the cockpit that reads,

"Do not dump fuel with the speed brakes extended."

(2) Amend the limitations section of the FAA approved Airplane Flight Manual by adding the following two statements under fuel dumping limitations:

(i) "Do not dump fuel with speed brakes extended."

(ii) "NOTE: Do not use full and rapid aileron control while dumping fuel."

(b) Equivalent wording, subject to prior approval by the Chief, Aircraft Engineering Division, FAA Western Region, may be used in lieu of that specified in this AD.

This amendment shall become effective January 23, 1965.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 17, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64–13194; Filed, Dec. 23, 1964; 8:45 a.m.]

[Docket No. 6393; Amdt. 39–15]

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Piper Model PA–30 Aircraft

Amendment 769, 29 F.R. 9823, AD 64–16–7, as revised by Amendment 798, 29 F.R. 11971, requires the installation of a placard which restricts the airspeed limits until a new design stabilator torque tube is installed on Piper Model PA–30 aircraft. This was to be accomplished on an optional basis. As the result of an additional failure, it has now been determined that the installation of the heavy-walled torque tube should be mandatory, and Amendment 769 is being superseded by a new directive to specify this installation.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-30 aircraft, serial numbers 30-1 through 30-565.

Compliance required within 30 hours' time in service after the effective date of this AD, unless already accomplished:

As a result of instances of progressively stronger stabilator vibration, accomplish the following:

Install a new design stabilator torque tube, Piper P/N 22655-07, in accordance with the instructions attached to Piper Service Bulletin No. 222A, dated August 10, 1964, or an equivalent modification approved by the Engineering and Manufacturing Branch, FAA Eastern Region and then remove the "Do not exceed 205 m.p.h. IAS" placard.

Note: The original stabilator torque tube removed during compliance with this AD should be destroyed to avoid inadvertent reinstallation.

(Piper Service Letter No. 428, dated June 30, 1964, and Piper Service Bulletin No. 222A, dated August 10, 1964, pertains to this subject.)

This supersedes Amendment 769, 29 F.R. 9823, AD 64-16-7, as revised by Amendment 798, 29 F.R. 11971.

This amendment shall become effective December 24, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 17, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-13195; Filed, Dec. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WE-73]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the description of the Salt Lake City, Utah, control zone.

The Salt Lake City control zone extensions are presently designated with reference to the Salt Lake City radio beacon. However, the Federal Aviation Agency is decomissioning the radio beacon as it is no longer required for air traffic control purposes. Since a requirement remains for the retention of the control zone extensions, action is taken herein to substitute geographical coordinates for the radio beacon in the description of the Salt Lake City control zone.

A comprehensive review of the controlled airspace requirements in the Salt Lake City area is presently being conducted under the CAR Amendments 60-21/60-29 implementation program and further alteration of the Salt Lake City control zone will be made upon the completion of this review.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary. In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended effective March 4, 1965, as hereinafter set forth.

In § 71.171 (28 F.R. 966), the Salt Lake City, Utah, control zone is amended to read:

SALT LAKE CITY, UTAH

Within a 5-mile radius of Salt Lake City Municipal Airport No. 1 (latitude 40°47'10" N., longitude 111°58'05" W.); within 2 miles each side of the 346° bearing from latitude 40°49'45" N., longitude 111°57'39" W., extending from the 5-mile radius zone to the Layton FM and within 2 miles each side of the 263° bearing from latitude 40°49'45" N., longitude 111°57'39" W., extending from the 5-mile radius zone to 10 miles W. of latitude 40°49'45" N., longitude 111°57'39" W.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on December 16, 1964.

A. E. HORNING,
*Acting Director,*
*Western Region.*

[F.R. Doc. 64-13196; Filed, Dec. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WE-74]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the description of the Laramie, Wyo., control zone.

The Laramie control zone is presently designated, in part, with reference to the Laramie nondirectional radio beacon. The Federal Aviation Agency plans to decommission this facility on March 4, 1965. Therefore, action is taken herein to redescribe the control zone extension based entirely on the Laramie VOR.

Since the change effected by this amendment is less restrictive in nature than at present, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit the appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective March 4, 1965, as hereinafter set forth.

In § 71.171 (28 F.R. 10563), the Laramie, Wyoming, control zone is altered as follows: Within a 5-mile radius of General Brees Field, Laramie, Wyo. (latitude 41 18'50" N., longitude 105°40'25" W.); within 2 miles each side of the Laramie VOR 332° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on December 16, 1964.

A. E. HORNING,
*Acting Director.*

[F.R. Doc. 64-13197; Filed, Dec. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-51]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Transition Area

On October 7, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13828) stating that the Federal Aviation Agency proposed to alter the control zone and transition area at Bozeman, Montana.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 4, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the Bozeman, Mont., control zone is amended to read:

BOZEMAN, MONTANA

Within a 5-mile radius of Gallatin-Bozeman Airport (latitude 45°46'50" N., longitude 111°09'20" W.), and within 2 miles each side of the Bozeman VOR 277° radial extending from the 5-mile radius zone to 6 miles W of the VOR.

In § 71.181 (29 F.R. 1160) the Bozeman, Mont., transition area is amended to read:

BOZEMAN, MONTANA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Gallatin-Bozeman Airport (latitude 45°46'50" N., longitude 111°09'20" W.), and that airspace extending upward from 1,200 feet above the surface within 6 miles S and 8 miles N of the Bozeman VOR 097° and 277° radials extending from 8 miles E to 13 miles W of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on December 15, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-13198; Filed, Dec. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-23]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Modification of Restricted Area

On September 25, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13349) stating that the Federal Aviation Agency proposed to change the time of use of Restricted Area R-6303 from "sunrise to sunset" to "continuous" and to designate the area as joint-use.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 73 [New] are amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.151 (29 F.R. 17550), add the following:

R-6303 Matagorda Island, Tex.

2. In § 73.63 (29 F.R. 17766), the Matagorda Island, Tex., Restricted Area R-6303 is amended to read as follows:

*Boundaries.* Beginning at latitude 28°15'20" N., longitude 96°26'50" W.; to latitude 28°18'55" N., longitude 96°27'45" W.; to latitude 28°20'55" N., longitude 96°29'15" W.; to latitude 28°12'00" N., longitude 96°46'00" W.; to latitude 28°07'00" N., longitude 96°42'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

*Designated altitudes.* Surface to flight level 600.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, San Antonio ARTC Center.

*Using agency.* Commander, Second Air Force, Barksdale AFB, La.

(Sec. 307(a), Federal Aviation Act of 1958;

Issued in Washington, D.C., on December 17, 1964.

CLIFFORD P. BURTON,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64-13199; Filed, Dec. 23, 1964; 8:45 a.m.]



# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6782]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Treatment of Nonresident Alien Individuals Who Participate in Certain Exchange or Training Programs

On December 17, 1963, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 117, 871, and 872 of the Internal Revenue Code of 1954 to conform the regulations to subsections (a) through (c) of section 110 of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 535), was published in the FEDERAL REGISTER (28 F.R. 13749). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, except that the amendment of paragraph (b) of § 1.871-2, as set forth in paragraph 4 of the notice of proposed rule making, is hereby deleted.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 21, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 117, 871, and 872 of the Internal Revenue Code of 1954 to subsections (a) through (c) of section 110 of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 535), such regulations are amended as follows:

PARAGRAPH 1. Section 1.117 is amended by revising section 117(b)(2)(A) and by adding a historical note. These revised and added provisions read as follows:

§ 1.117 Statutory provisions; scholarships and fellowship grants.

Sec. 117. *Scholarships and fellowship grants*—• • •

(b) *Limitations*—• • •

(2) *Individuals who are not candidates for degrees.* • • •

(A) *Conditions for exclusion.* The grantor of the scholarship or fellowship grant is—

(i) An organization described in section 501(c)(3) which is exempt from tax under section 501(a),

(ii) A foreign government,

(iii) An international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961, or

(iv) The United States, or an instrumentality or agency thereof, or a State, a territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

• • • • •

[Sec. 117 as amended by sec. 110(a), Mutual Educational and Cultural Exchange Act 1961 (75 Stat. 535)]

PAR 2. Paragraph (b)(1) of § 1.117-2 is amended to read as follows:

§ 1.117-2 Limitations.

• • • • •

(b) *Individuals who are not candidates for degrees*—(1) *Conditions for exclusion.* In the case of an individual who is not a candidate for a degree at an educational institution, the exclusion from gross income of an amount received as a scholarship or a fellowship grant shall apply (to the extent provided in subparagraph (2) of this paragraph) only if the grantor of the scholarship or fellowship grant is—

(i) An organization described in section 501(c)(3) which is exempt from tax under section 501(a),

(ii) The United States or an instrumentality or agency thereof, or a State, a territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia, or

(iii) For taxable years beginning after December 31, 1961, a foreign government, an international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to section 103 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2453).

PAR. 3. Section 1.871 is amended by redesignating paragraph (d) as paragraph (e), by inserting after paragraph (c) a new paragraph (d), and by revising the historical note. These added and revised provisions read as follows:

§ 1.871 Statutory provisions; tax on nonresident alien individuals.

Sec. 871. *Tax on nonresident alien individuals*—• • •

(d) *Participants in certain exchange or training programs.* For purposes of this section, a nonresident alien individual who (without regard to this subsection) is not engaged in trade or business within the United States and who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, shall be treated as a nonresident alien individual engaged in trade or business within the United States.

(e) *Cross references.* (1) For doubling of tax on citizens of certain foreign countries, see section 891.

(2) For tax treatment of certain amounts distributed by the United States to nonresident alien individuals, see section 402(a)(4).

[Sec. 871 as amended by secs. 40(a) and 41(a), Technical Amendments Act 1958 (72 Stat. 1638, 1639); sec. 2(b), Act of April 22, 1960 (Pub. Law 86-487, 74 Stat. 79); sec. 110(b), Mutual Educational and Cultural Exchange Act 1961 (75 Stat. 535)]

PAR. 4. Section 1.871-7 is amended by revising subparagraph (3) of paragraph (a), and by revising subparagraphs (1) and (4) of paragraph (d). These amended provisions read as follows:

§ 1.871-7 Tax on nonresident alien individuals.

(a) *Classes of nonresident aliens*—• • •

(3) *Class 3.* Nonresident alien individuals who at any time during the taxable year are engaged in trade or business within the United States and, for taxable years beginning after December 31, 1961, nonresident alien individuals who are deemed to be engaged in trade or business for purposes of section 871 because they are temporarily present in the United States as nonimmigrants under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101). A nonresident alien individual who is temporarily present in the United States as a nonimmigrant under such subparagraph (J) includes a nonresident alien individual admitted to the United States as an "exchange visitor" under section 201 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1446); and

• • • • •

(d) *United States business*—(1) *Imposition of tax.* Except as otherwise provided by paragraph (e) of this section, a nonresident alien individual within class 3 is, in accordance with the provisions of subsections (c) and (d) of section 871, subject to tax under section 1 or, in the alternative, under section 1201(b) upon his taxable income.

• • • • •

(4) *Inapplicable provisions.* The provisions of paragraphs (b) and (c) of this section have no application in determining the tax of nonresident alien individuals described in paragraph (a)(3) of this section.

PAR. 5. Section 1.871-8 is amended by adding a new paragraph (d) which reads as follows:

**§ 1.871–8 Definition of engaging in trade or business within the United States.**

* * * * *

(d) *Participants in certain exchange or training programs.* For taxable years beginning after December 31, 1961, a nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101), and who is not engaged in trade or business within the United States, shall be deemed to be engaged in trade or business within the United States for purposes of section 871.

PAR. 6. Section 1.872 is amended by adding a paragraph (3) to section 872 (b) and by adding a historical note. These added provisions read as follows:

**§ 1.872 Statutory provisions; gross income.**

Sec. 872. *Gross income*—* * *

(b) *Exclusions.* * * *

(3) *Compensation of participants in certain exchange or training programs.* Compensation paid by a foreign employer to a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended. For purposes of this paragraph, the term "foreign employer" means—

(A) A nonresident alien individual, foreign partnership, or foreign corporation, or

(B) An office or place of business maintained in a foreign country or in a possession of the United States by a domestic corporation.

[Sec. 872 as amended by sec. 110(c), Mutual Educational and Cultural Exchange Act 1961 (75 Stat. 536)]

PAR. 7. Section 1.872–2 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and by inserting a new paragraph (b). These amended provisions read as follows:

**§ 1.872–2 Exclusions from gross income of nonresident alien individuals.**

* * * * *

(b) *Compensation of participants in certain exchange or training programs.* For taxable years beginning after December 31, 1961, compensation paid to a nonresident alien individual for the period that the nonresident alien individual is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101) shall be excluded from gross income if the compensation is paid to such alien by his foreign employer. A nonresident alien individual who is temporarily present in the United States as a nonimmigrant under such subparagraph (J) includes a nonresident alien individual admitted to the United States as an "exchange visitor" under section 201 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1446). For purposes of this paragraph, a foreign employer means a nonresident alien individual, a foreign partnership, a foreign corporation, and an office or place of business maintained in a foreign country or in a possession of the United States by a domestic corporation. Thus, if a French citizen employed in the Paris branch of a banking company incorporated in the State of New York was admitted to the United States under section 101(a)(15)(J) of the Immigration and Nationality Act to study monetary theory and continued to receive a salary from such foreign branch while studying in the United States, such salary would not be includible in his gross income.

(c) *Tax conventions.* Income of any kind which is exempt from United States tax under the provisions of a tax convention or treaty to which the United States is a party shall not be included in the gross income of a nonresident alien individual. Income on which the tax is limited by tax convention shall, however, be included in the gross income of such an individual if it is not otherwise excluded from gross income. See paragraph (e) of §§ 1.871–7 and 1.894–1.

(d) *Other exclusions.* Income which is from sources without the United States, as determined under the provisions of part I (section 861 and following), subchapter N, chapter 1 of the Code, and the regulations thereunder, or under the provisions of an applicable tax convention, shall not be included in the gross income of a nonresident alien individual. To determine specific exclusions in the case of other items which are from sources within the United States, see the applicable sections of the Code.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–13240; Filed, Dec. 23, 1964; 8:46 a.m.]

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[T.D. 6783]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Annuity Contracts

On August 27, 1963, notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) under sections 72, 101, 402, 403, and 404 of the Internal Revenue Code of 1954 to reflect the amendments made by section 23 (a), (b), (c), and (d) and section 24 of the Technical Amendments Act of 1958 (72 Stat. 1620 and 1623), by section 3 of the Act of October 4, 1961 (Pub. Law 87–370, 75 Stat. 801), was published in the FEDERAL REGISTER (28 F.R. 9389). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below. These regulations supersede § 18.1–5 of Treasury Decision 6335 (26 CFR Part 18), approved November 18, 1958 (23 F.R. 8979, 8980).

Section 1.403(b)–1, as set forth in the notice of proposed rule making, is revised.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 21, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

The Income Tax Regulations (26 CFR Part 1) under sections 72, 101, 402, 403, and 404 of the Internal Revenue Code of 1954 are hereby amended to reflect the amendments made by section 23 (a), (b), (c), and (d) and section 24 of the Technical Amendments Act of 1958 (72 Stat. 1620 and 1623) and section 3 of the Act of October 4, 1961 (Pub. Law 87–370, 75 Stat. 801).

PARAGRAPH 1. Section 1.72–8 is amended by adding a new paragraph (d) at the end thereof. This amended provision reads as follows:

**§ 1.72–8 Effect of certain employer contributions with respect to premiums or other consideration paid or contributed by an employee.**

* * * * *

(d) *Amounts includible in gross income of employee when his rights under annuity contract change to nonforfeitable rights.* Any amount which, by reason of section 403(d) and after the application of paragraph (b) of § 1.403(b)–1, is required to be included in an employee's gross income for the year when his rights under an annuity contract change from forfeitable to nonforfeitable rights shall be considered an amount contributed by the employee and shall be aggregated with amounts, if any, to which paragraphs (a), (b), and (c) of this section apply for the purpose of determining the aggregate amount of premiums or other consideration paid or contributed by the employee for such annuity contract. In other words, if, under section 403(d), an employee of an organization exempt from tax under section 501(a) of 521(a) is required to include an amount in gross income by reason of his rights under an annuity contract changing from forfeitable to nonforfeitable rights, such amount, to the extent it is not excludable from gross income under paragraph (b) of § 1.403(b)–1, shall be considered an amount contributed by such employee for the annuity contract.

PAR. 2. Paragraph (a) of § 1.101–1 is amended to read as follows:

**§ 1.101–1 Exclusion from gross income of proceeds of life insurance contracts payable by reason of death.**

(a)(1) *In general.* Section 101(a)(1) states the general rule that the proceeds of life insurance policies, if paid by reason of the death of the insured, are excluded from the gross income of the recipient. Death benefit payments having the characteristics of life insurance proceeds payable by reason of death under contracts, such as workmen's compensation insurance contracts, endowment contracts, or accident and health insurance contracts, are covered by this provision. For provisions relating to death benefits paid by or on behalf of employers, see section 101(b) and § 1.101–2. The exclusion from gross income allowed by section 101(a) applies whether payment is made to the estate of the insured or to any beneficiary (individual, corporation, or partnership) and whether it is made directly or in trust. The extent to which this exclusion applies in cases where life insurance policies have been transferred for a valuable consideration is stated in section 101(a)(2) and in paragraph (b) of this section. In cases where the proceeds of a life insurance policy, payable by reason of the death of the insured, are paid other than in a single sum at the time of such death, the amounts to be excluded from gross income may be affected by the provisions of section 101(c) (relating to amounts held under agreements to pay interest) or section 101(d) (relating to amounts payable at a date later than death). See §§ 1.101–3 and 1.101–4. However, neither section 101(c) nor section 101(d) applies to a single sum payment which does not exceed the amount payable at the time of death even though such amount is actually paid at a date later than death.

(2) *Cross references.* For rules governing the taxability of insurance proceeds constituting benefits payable on the death of an employee—

(i) Under pension, profit-sharing, or stock bonus plans described in section 401(a) and exempt from tax under section 501(a), or under annuity plans described in section 403(a), see section 72(m)(3) and paragraph (c) of § 1.72–16; or

(ii) Under annuity contracts to which paragraph (a) or (b) of § 1.403(b)–1 applies, see paragraph (c)(3) of § 1.403(b)–1.

For the definition of a life insurance company, see section 801.

PAR. 3. Section 1.101–2 is amended (A) by revising the third sentence of paragraph (a)(3), (B) by revising the last sentence of paragraph (b), (C) by revising the first sentence of paragraph (d)(1), (D) by revising the first sentence of paragraph (d)(2), (E) by revising the first sentence of paragraph (d)(3)(i) and by adding a new sentence at the end of such paragraph, and (F) by adding a new subparagraph (4) at the end of paragraph (d). These revised and added provisions read as follows:

**§ 1.101–2 Employees' death benefits.**

(a) *In general.* * * *

(3) The total amount excludable with respect to any employee may not exceed $5,000, regardless of the number of employers or the number of beneficiaries. For allocation of the exclusion among beneficiaries, see paragraph (c) of this section. For rules governing the taxability of benefits payable on the death of an employee under pension, profit-sharing, or stock bonus plans described in section 401(a) and exempt under section 501(a), or under annuity plans described in section 403(a), or under annuity contracts to which paragraph (a) or (b) of § 1.403(b)–1 applies, see sections 72(m)(3), 402(a), and 403 and the regulations thereunder.

(b) *Payments under certain employee benefit plans*—(1) *In general.* Where a payment is made by reason of the death of an employee by an employer-provided welfare fund or a trust, including a stock bonus, pension, or profit-sharing trust described in section 401(a), or by an insurance company (if such payment does not constitute "life insurance" within the purview of section 101(a)), the payment shall be considered to have been made by or on behalf of the employer to the extent that it exceeds amounts contributed by, or deemed contributed by, the deceased employee.

(2) *Cross references.* For provisions governing the taxability of distributions payable on the death of an employee participant—

(i) Under a trust described in section 401(a) and exempt from tax under section 501(a), see paragraph (c) of § 1.72–16 and paragraph (a)(5) of § 1.402(a)–1;

(ii) Under an annuity plan described in section 403(a), see paragraph (c) of § 1.72–16 and paragraph (c) of § 1.403(a)–1;

(iii) Under annuity contracts to which paragraph (a) or (b) of § 1.403(b)–1 applies, see paragraph (c)(2) and (3) of § 1.403(b)–1.

* * * * *

(d) *Nonforfeitable rights.* (1) Except as provided in subparagraphs (3) and (4) of this paragraph, the exclusion provided by section 101(b) does not apply to amounts with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living. Section 101(b)(2)(B). For the purpose of section 101(b) and this paragraph, an employee shall be considered to have had a nonforfeitable right with respect to—

* * * * *

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples, in which it is assumed that the plans are not "qualified" plans and that the employers are not organizations referred to in section 503(b)(1), (2), or (3) and exempt under section 501(a):

* * * * *

(3)(i) Notwithstanding the rule stated in subparagraph (1) of this paragraph and illustrated in subparagraph (2) of this paragraph, the exclusion from gross income provided by section 101(b) applies to the receipt of certain amounts, paid under "qualified" plans, with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living (see section 101(b)(2)(B)(i) and (ii)). The payments to which this exclusion applies are—

(*a*) "Total distributions payable" by a stock bonus, pension, or profit-sharing trust described in section 401(a) which is exempt from tax under section 501(a), and

(*b*) "Total amounts" paid under an annuity contract under a plan described in section 403(a),

provided such distributions or amounts are paid in full within one taxable year of the distributee (see example (3) of subdivision (ii) of this subparagraph). For the purposes of applying section 101(b), "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death, either before or after separation from the service (see section 402(a)(3)(C), the regulations thereunder, and examples (2) and (4) of subdivision (ii) of this subparagraph); and "total amounts" means the balance to the credit of an employee which becomes payable to the payee by reason of the employee's death, either before or after separation from the service (see section 403(a)(2)(B), the regulations thereunder, and example (1) of subdivision (ii) of this subparagraph). See subparagraph (4) of this paragraph relating to the exclusion of amounts which are received under annuity contracts purchased by certain exempt organizations and with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living.

* * * * *

(4)(i) Notwithstanding the rule stated in subparagraph (1) of this paragraph and illustrated in subparagraph (2) of this paragraph, the exclusion from gross income under section 101(b) also applies (but only to the extent provided in the next sentence) to amounts with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living—

(*a*) If such amounts are paid under an annuity contract purchased by an employer which is an organization referred to in section 503(b)(1), (2), or (3) and which is exempt from tax under section 501(a);

(*b*) If such amounts are paid as part of a "total payment" with respect to the deceased employee; and

(*c*) If such "total payment" is paid in full within one taxable year of the payee beginning after December 31, 1957.

However, the amount that is excludable under section 101(b) by reason of this subparagraph shall not exceed an amount which bears the same ratio to the amount which would be includible in the payee's gross income if it were not for the second sentence of section 101(b)(2)(B) and this subparagraph, as the amount contributed by the employer for the annuity contract that was excludable from the deceased employee's gross income under paragraph (b) of § 1.403(b)–1 bears to the total amount contributed by the employer for the annuity contract. See section 101(b)(2)(B)(iii). For purposes of this subparagraph, a "total payment" means a payment of the balance to the credit of an employee with re-

spect to all "section 403(b) annuities" purchased by the employer which becomes payable to the payee by reason of the employee's death, either before or after separation from the service. An annuity contract will be regarded as a "section 403(b) annuity" if any amount contributed (or considered as contributed under paragraph (b)(2) of § 1.403(b)-1) by the employer for such contract was excludable from the employee's gross income under paragraph (b) of § 1.403(b)-1. Under this definition, therefore, an annuity contract may be regarded as a "section 403(b) annuity" even though some of the employer's contributions for the contract were not excludable from the employee's gross income under paragraph (b) of § 1.403(b)-1 because, for example, the employer was not an exempt organization when such contributions were paid. For purposes of computing the ratio described in this subdivision in such a case, the total amount contributed by the employer for the contract includes the amounts contributed by the employer when it was not an exempt organization.

(ii) This subparagraph does not relate to any amounts with respect to which the deceased employee did not possess, immediately before his death, a nonforfeitable right to receive the amounts while living. Such amounts are excludable under the provisions of section 101(b) without regard to section 101(b)(2)(B) and this subparagraph. Thus, if a "total payment" received by a beneficiary of a deceased employee under an annuity contract purchased by an organization described in subdivision (i)(a) of this subparagraph consists both of amounts with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living and of amounts with respect to which the deceased employee did not possess such a nonforfeitable right, only those amounts with respect to which the deceased employee possessed such a nonforfeitable right are amounts to which this subparagraph applies. Therefore, for purposes of computing the ratio described in subdivision (i) of this subparagraph in such a case, there shall be taken into account only the employer contributions attributable to those amounts with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living. See example (3) of subdivision (v) of this subparagraph. In no event, however, may the total amount excludable under section 101(b) with respect to any employee exceed $5,000 (see paragraph (a)(3) of this section).

(iii)(a) In any case when the deceased employee's interest in the employer's contributions for an annuity contract was forfeitable at the time the contributions were made but, at a subsequent date prior to his death, such interest changed to a nonforfeitable interest, then, for purposes of computing the ratio described in subdivision (i) of this subparagraph, the cash surrender value of the contract on the date of the change (except to the extent attributable to employee contributions) shall be considered as the amount contributed by the employer for the contract. In such a case, if only part of the deceased employee's interest in the annuity changed from a forfeitable to a nonforfeitable interest, then only the corresponding part of the cash surrender value of the contract on the date of the change shall be considered as the amount contributed by the employer for the contract. Similarly, if part of the deceased employee's interest in the annuity contract changed from a forfeitable to a nonforfeitable interest on a particular date and another part of his interest so changed on a subsequent date, it is necessary, in order to compute the amount contributed by the employer for the contract, to first determine (under the rules in the preceding sentence) the amount that is considered as the amount contributed by the employer with respect to each change, and then to add these amounts together. For purposes of computing the ratio described in subdivision (i) of this subparagraph, the total amount contributed by X Organization for the annuity contract is $2,500 (½ of the cash surrender value of the annuity contract on the date of the change). To the extent such $2,500 was, under paragraph (b) of § 1.403(b)-1, excludable from A's gross income for the taxable year of the change, it is considered as the amount contributed by the employer that was excludable under paragraph (b) of § 1.403(b)-1.

*Example (3).* Assume the same facts as in example (1) except that one-half of A's interest in the annuity contract changed to a nonforfeitable interest on January 1, 1960, and the other half of his interest changed to a nonforfeitable interest on January 1, 1965. On January 1, 1965, the cash surrender value of the annuity contract was $6,000. For purposes of the ratio described in subdivision (i) of this subparagraph, the total amount contributed by X organization for the annuity contract is $5,500 (*i.e.*, ½ x $5,000 plus ½ x $6,000). The amount contributed by the employer that was excludable from A's gross income under paragraph (b) of § 1.403(b)-1 is an amount equal to the sum of the amount that was, under such paragraph, excludable from A's gross income for the taxable year during which the first change occurred and the amount that was, under such paragraph, excludable from A's gross income for the taxable year in which the second change occurred.

(iv) For purposes of this subparagraph, an annuity contract will be considered to have been purchased by an employer which is an organization referred to in section 503(b)(1), (2), or (3) and which is exempt from tax under section 501(a), if any of the contributions paid toward the purchase of such contract by the employer were paid at a time when the employer was such an organization referred to in section 503(b)(1), (2), or (3) and exempt from tax under section 501(a). Thus, an annuity contract may be regarded as purchased by an organization referred to in section 503(b)(1), (2), or (3) and exempt from tax under section 501(a) even though part of the organization's contributions for such annuity contract were paid at a time when the organization was not such an exempt organization.

(v) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* The widow of A, a deceased employee, elects, under an annuity contract purchased for A by X Organization, to receive in a lump sum the present value of such annuity contract as of the date of A's death. Such present value is $6,000 and is received by the widow in a taxable year beginning after December 31, 1957. X Organization contributed $3,000 toward the purchase of the annuity contract and A contributed $2,000 toward such purchase. A's interest in X Organization's contributions was nonforfeitable at the time such contributions were made. Thus, just before his death, A's entire interest in the annuity contract was a nonforfeitable interest and, if he had retired at that time, he could have received the present value of $6,000. The whole amount of the $3,000 contributed by X Organization for the annuity contract was excludable from A's gross income under paragraph (b) of § 1.403(b)-1. This annuity contract was the only annuity contract purchased by X Organization for A and was not purchased as part of a qualified plan. However, all the contributions paid by X Organization were paid at a time when X Organization was an organization referred to in section 503(b)(1) and exempt from tax under section 501(a). The amount that A's widow may exclude from gross income (assuming no other death benefits) is computed in the following manner:

| | |
|---|---|
| (a) Amount includible in gross income without regard to second sentence of section 101(b)(2)(B) ($6,000 minus $2,000 contributed for contract by A) | $4,000 |
| (b) Total employer contributions for the contract | $3,000 |
| (c) Amount of employer contributions for the contract that was excludable under paragraph (b) of § 1.403(b)-1 | $3,000 |



| | |
|---|---|
| (d) Percent of total employer contributions for the contract that were excludable under paragraph (b) of § 1.403(b)-1 ((c) ÷ (b)) | 100% |
| (e) Amount to which section 101(b) exclusion applies ((d) × (a)) | $4,000 |

*Example (2).* The facts are the same as in example (1) except that only $2,000 of X Organization's contributions for the annuity contract was excludable from A's gross income under paragraph (b) of § 1.403(b)-1 and that the remaining $1,000 was includible in A's gross income for the taxable years during which such amounts were contributed by X Organization. The amount that A's widow may exclude from gross income (assuming no other death benefits) is computed in the following manner:

| | |
|---|---|
| (a) Amount includible in gross income without regard to second sentence of section 101(b)(2)(B) ($6,000 minus $2,000 contributed for contract by A and $1,000 of X Organization's contributions includible in A's gross income) | $3,000 |
| (b) Total employer contributions for the contract | $3,000 |
| (c) Amount of employer contributions for the contract that was excludable under paragraph (b) of § 1.403(b)-1 | $2,000 |
| (d) Percent of total employer contributions for the contract that were excludable under paragraph (b) of § 1.403(b)-1 ((c) ÷ (b)) | 67% |
| (e) Amount to which section 101(b) exclusion applies ((d) × (a)) | $2,000 |

*Example (3).* The widow of B, a deceased employee, elects, under an annuity contract purchased for B by Y Organization, to receive in a lump sum the present value of such annuity contract as of the date of B's death. Such present value is $6,000 and is received by the widow in a taxable year beginning after December 31, 1957. Y Organization contributed $4,000 toward the purchase of the contract; whereas B made no contributions toward the purchase of the contract. This annuity contract was the only annuity contract purchased by Y Organization for B and was not purchased as part of a "qualified" plan. However, all the contributions paid by Y Organization were paid at a time when it was an organization referred to in section 503(b)(1) and exempt from tax under section 501(a). B's interest in Y Organization's contributions was, at the time they were paid, forfeitable. However, prior to his death, one-half of B's interest in the annuity contract changed from a forfeitable to a nonforfeitable interest. Therefore, just before his death, B could have obtained $3,000 under the annuity contract if he had retired at that time. On the date of the change, the cash surrender value of the annuity contract was $5,000. As a result of the change, $1,500 was, under paragraph (b) of § 1.403(b)-1, excludable from B's gross income, and $600 was includible in his gross income for the taxable year in which the change occurred. Part of the value of the annuity contract on the date of the change was attributable to contributions made by Y Organization prior to January 1, 1958, and, consequently, was neither excludable from B's gross income under paragraph (b) of § 1.403(b)-1 nor includible in B's gross income (see paragraph (b) of § 1.403(d)-1. The amount that B's widow may exclude from gross income (assuming no other death benefits) is computed in the following manner:

| | |
|---|---|
| (a) Amount of "total payment" with respect to which A had a forfeitable right at time of death. (½ × $6,000) | $3,000 |
| (b) Amount includible in gross income without regard to second sentence of section 101(b)(2)(B) (½ × $6,000 less $600 includible in B's gross income for year when his rights changed to nonforfeitable rights) | $2,400 |
| (c) Total employer contributions for the contract (½ of cash surrender value of contract on date B's rights changed to nonforfeitable rights) | $2,500 |
| (d) Amount of employer contributions for the contract that was excludable under paragraph (b) of § 1.403(b)-1 | $1,500 |
| (e) Percent of total employer contributions for the contract that were excludable under paragraph (b) of § 1.403(b)-1 ((d) ÷ (c)) | 60% |
| (f) Amount to which setcion 101(b) exclusion applies by reason of the second sentence of section 101(b)(2)(B) ((e) × (b)) | $1,440 |
| (g) Total amount to which section 101(b) exclusion applies ((a) + (f)) | $4,440 |

PAR. 4. Paragraph (a)(2)(i) of § 1.402(b)-1 is amended to read as follows:

**§ 1.402(b)-1 Treatment of beneficiary of a trust not exempt under section 501(a).**

(a) *Taxation by reason of employer contributions.* • • •

(2)(i) An employee's beneficial interest in the contribution is nonforfeitable within the meaning of sections 402(b), 403(b), 403(c), and 404(a)(5) at the time the contribution is made if there is no contingency under the plan which may cause the employee to lose his rights in the contribution. Similarly, an employee's rights under an annuity contract purchased for him by his employer change from forfeitable to nonforfeitable rights within the meaning of section 403(d) at that time when, for the first time, there is no contingency which may cause the employee to lose his rights under the contract. For example, if under the terms of a pension plan, an employee upon termination of his services before the retirement date, whether voluntarily or involuntarily, is entitled to a deferred annuity contract to be purchased with the employer's contributions made on his behalf, or is entitled to annuity payments which the trustee is obligated to make under the terms of the trust instrument based on the contributions made by the employer on his behalf, the employee's beneficial interest in such contributions is nonforfeitable.

PAR. 5. Paragraph (a) of § 1.402(d)-1 is amended to read as follows:

**§ 1.402(d)-1 Effect of section 402(d).**

(a) If the requirements of section 402(d) are met, a contribution made by an employer on behalf of an employee to a trust which is not exempt under section 501(a) shall not be included in the income of the employee in the year in which the contribution is made. Such contribution will be taxable to the employee, when received in later years, as provided in section 72 (relating to annuities), except that section 72(e)(3) shall not apply. See paragraph (b) of § 1.403(c)-1. The intent and purpose of section 402(d) is to give those employees, covered under certain non-exempt trusts to which such section applies, essentially the same tax treatment as those covered by trusts described in section 401(a) and exempt under section 501(a), except that the capital gains treatment referred to in section 402(a)(2) does not apply.

PAR. 6. Section 1.403(a) is amended (A) by revising section 403(a)(1) and (B) by adding a historical note at the end thereof. These revised and added provisions read as follows:

**§ 1.403(a) Statutory provisions; taxation of employee annuities; qualified annuity plan.**

SEC. 403. *Taxation of employee annuities*—(a) *Taxability of beneficiary under a qualified annuity plan*—(1) *General rule.* Except as provided in paragraph (2), if an annuity contract is purchased by an employer for an employee under a plan which meets the requirements of section 404(a)(2) (whether or not the employer deducts the amounts paid for the contract under such section), the employee shall include in his gross income the amounts received under such contract for the year received as provided in section 72 (relating to annuities) except that section 72(e)(3) shall not apply.

• • • • •

[Sec. 403(a) as amended by sec. 23(b), Technical Amendments Act 1958 (72 Stat. 1622)]

PAR. 7. Paragraph (a) of § 1.403(a)-1 is amended to read as follows:

**§ 1.403(a)-1 Taxability of beneficiary under a qualified annuity plan.**

(a) An employee or retired or former employee for whom an annuity contract is purchased by his employer is not required to include in his gross income the amount paid for the contract at the time such amount is paid, whether or not his rights to the contract are forfeitable, if the annuity contract is purchased under a plan which meets the requirements of section 404(a)(2). For purposes of the preceding sentence, it is immaterial whether the employer deducts the amounts paid for the contract under such section 404(a)(2). See § 1.403(b)-1 for rules relating to annuity contracts which are not purchased under qualified plans but which are purchased by organizations described in section 501(c)(3) and exempt under section 501(a) or which are purchased for employees who perform services for certain public schools.

PAR. 8. Section 1.403(b) is amended to read as follows:

**§ 1.403(b) Statutory provisions; taxation of employee annuities; taxability of beneficiary under annuity purchased by section 501(c)(3) organization or public school.**

SEC. 403. *Taxation of employee annuities.* • • •

(b) *Taxability of beneficiary under annuity purchased by section 501(c)(3) organization or public school*—(1) *General rule.* If—

(A) An annuity contract is purchased—

(i) For an employee by an employer described in section 501(c)(3) which is exempt from tax under section 501(a), or

(ii) For an employee (other than an employee described in clause (i)), who performs services for an educational institution (as defined in section 151(e)(4)), by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing,





(B) Such annuity contract is not subject to subsection (a), and

(C) The employee's rights under the contract are nonforfeitable, except for failure

**§ 1.403(b)-1 Taxability of beneficiary under annuity purchased by a section 501(c)(3) organization or public school.**

sion allowance for such taxable year, they are not required to be included in the gross income of such employee for such taxable year, if at the time of the



to the extent such amounts are earned by the employee after the agreement becomes effective. Such an agreement must be legally binding and irrevocable

his employer for two or more annuity contracts for such employee, such two or more annuity contracts shall, for such taxable year, be considered a single con-

contract to which paragraph (a) or (b) of this section applies. For the rules as to nontransferability of such contracts issued after December 31, 1962, see

(B) Such annuity contract is not subject to subsection (a), and

(C) The employee's rights under the contract are nonforfeitable, except for failure to pay future premiums,

then amounts contributed by such employer for such annuity contract on or after such rights become nonforfeitable shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such amounts does not exceed the exclusion allowance for such taxable year. The employee shall include in his gross income the amounts received under such contract for the year received as provided in section 72 (relating to annuities) except that section 72(e)(3) shall not apply.

(2) *Exclusion allowance.* For purposes of this subsection, the exclusion allowance for any employee for the taxable year is an amount equal to the excess, if any, of—

(A) The amount determined by multiplying (i) 20 percent of his includible compensation, by (ii) the number of years of service, over

(B) The aggregate of the amounts contributed by the employer for annuity contracts and excludable from the gross income of the employee for any prior taxable year.

(3) *Includible compensation.* For purposes of this subsection, the term "includible compensation" means, in the case of any employee, the amount of compensation which is received from the employer described in paragraph (1)(A), and which is includible in gross income (computed without regard to sections 105(d) and 911) for the most recent period (ending not later than the close of the taxable year) which under paragraph (4) may be counted as one year of service. Such term does not include any amount contributed by the employer for any annuity contract to which this subsection applies.

(4) *Years of service.* In determining the number of years of service for purpose of this subsection, there shall be included—

(A) One year for each full year during which the individual was a full-time employee of the organization purchasing the annuity for him, and

(B) A fraction of a year (determined in accordance with regulations prescribed by the Secretary or his delegate) for each full year during which such individual was a part-time employee of such organization and for each part of a year during which such individual was a full-time or part-time employee of such organization.

In no case shall the number of years of service be less than one.

(5) *Application to more than one annuity contract.* If for any taxable year of the employee this subsection applies to 2 or more annuity contracts purchased by the employer, such contracts shall be treated as one contract.

(6) *Forfeitable rights which become nonforfeitable.* For purposes of this subsection and section 72(f) (relating to special rules for computing employees' contributions to annuity contracts), if rights of the employee under an annuity contract described in subparagraphs (A) and (B) of paragraph (1) change from forfeitable to nonforfeitable rights, then the amount (determined without regard to this subsection) includible in gross income by reason of such change shall be treated as an amount contributed by the employer for such annuity contract as of the time such rights become nonforfeitable.

[Sec. 403(b) as added by sec. 23(a), Technical Amendments Act 1958 (72 Stat. 1620) and amended by sec. 3, Act of October 4, 1961 (Pub. Law 87-370, 75 Stat. 801)]

PAR. 9. Section 1.403(b)-1 is amended to read as follows:

**§ 1.403(b)-1 Taxability of beneficiary under annuity purchased by a section 501(c)(3) organization or public school.**

(a) *Amounts paid by employer during taxable years beginning before January 1, 1958*—(1) *In general.* If an amount is paid during a taxable year of an employee (or a retired or former employee) beginning before January 1, 1958, toward the purchase for such employee of an annuity contract and such purchase is not part of an annuity plan which meets the requirements of section 404(a)(2), then such amount is not required to be included in the gross income of such employee for such taxable year—

(i) If such amount is paid by an employer which, at the time of the payment, is an organization described in section 501(c)(3) and exempt from tax under section 501(a), and

(ii) If the purchase of the annuity contract is merely a supplement to the past or current compensation of such employee (within the meaning of subparagraph (2) of this paragraph).

For purposes of this paragraph, it is immaterial whether or not the employee's rights to the annuity contract are forfeitable.

(2) *Supplement to past or current compensation.* For purposes of this paragraph, whether the purchase of an annuity contract is merely a "supplement to past or current compensation" is to be determined by all the surrounding facts and circumstances. One of the pertinent facts to be taken into consideration is the ratio of the consideration paid by the employer for an employee's contract to the amount of his past or current compensation. For example, if the annual premium paid for an employee's contract is $1,000 and his annual salary is $10,000, the ratio indicates that the premium paid for the contract is merely a supplement to the employee's current compensation. If, however, an employee receives no current compensation, or the annual premiums paid for his annuity contract approximate his annual salary, the amount paid for his contract will be considered to be current compensation and taxable to the employee in the year in which it is paid by the employer. Other pertinent considerations are whether the annuity contract is purchased as a result of an agreement for a reduction of the employee's annual salary, or whether it is purchased at his request in lieu of an increase in current compensation to which he otherwise might be entitled. In such cases, the amount paid for the contract shall also be considered to be current compensation.

(b) *Amounts paid by employer during taxable years beginning after December 31, 1957*—(1) *In general.* If amounts are contributed by an employer during a taxable year of an employee (or a retired or former employee) beginning after December 31, 1957, toward the purchase for such employee of an annuity contract and such purchase is not part of an annuity plan which meets the requirements of section 404(a)(2), then, to the extent such amounts do not exceed the exclusion allowance for such taxable year, they are not required to be included in the gross income of such employee for such taxable year, if at the time of the contribution—

(i) The employer is an organization described in section 501(c)(3) and exempt from tax under section 501(a), or

(ii) The employer is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing, and the employee is performing (or has performed) services for an educational institution (as defined in section 151(e)(4)), and

(iii) The employee's rights under the annuity contract are nonforfeitable except for failure to pay future premiums.

See paragraph (d) of this section for rules relating to the computation of an employee's exclusion allowance for a taxable year.

(2) *Forfeitable rights which change to nonforfeitable rights.* If an employee's rights under an annuity contract change from forfeitable to nonforfeitable rights, the amount which, under section 403(d), is includible in the gross income of such employee by reason of such change (computed without regard to subparagraph (1) of this paragraph) shall, for purposes of subparagraph (1) of this paragraph, be considered an amount contributed by the employer for such annuity contract as of the time the employee's rights under the contract change to nonforfeitable rights. Such amount will, therefore, be excludable from the employee's gross income for the taxable year in which the change occurs to the extent that it is so excludable under the rules contained in this section. In determining the extent to which such amount is excludable, this section shall be applied in the same manner as in the case of current employer contributions. Thus, no part of such amount is excludable if the employer is not an employer described in subparagraph (1) of this paragraph at the time the employee's rights under the annuity contract change from forfeitable to nonforfeitable rights. In addition, such amount will be excludable only to the extent it does not exceed the employee's exclusion allowance for the taxable year in which the change occurs. Since such an amount is considered as an amount contributed by the employer at the time the change occurs, it is immaterial whether the employer was an employer described in subparagraph (1) of this paragraph at the time the actual contributions were made.

(3) *Agreement to take a reduction in salary or to forego an increase in salary.* (i) There is no requirement that the purchase of an annuity contract for an employee must be merely a "supplement to past or current compensation" in order for the exclusion provided by this paragraph to apply to employer contributions for such annuity contract. Thus, the exclusion provided by this paragraph is applicable to amounts contributed by an employer for an annuity contract as a result of an agreement with an employee to take a reduction in salary, or to forego an increase in salary, but only to the extent such amounts are earned by the employee after the agreement becomes effective. Such an agreement must be legally binding and irrevocable with respect to amounts earned while the agreement is in effect. The employee must not be permitted to make more than one agreement with the same employer during any taxable year of such employee beginning after December 31, 1963; the exclusion provided by this paragraph shall not apply to any amounts which are contributed under any further agreement made by such employee during the same taxable year beginning after such date. However, the employee may be permitted to terminate the entire agreement with respect to amounts not yet earned.

(ii) The rules of this subparagraph may be illustrated by the following example:

*Example.* A is an employee of X Organization (an employer described in section 501(c)(3) and exempt from tax under section 501(a)) for the entire calendar year 1964. A uses the calendar year as a taxable year. A's annual salary as of January 1, 1964, is $12,000. On February 1, 1964, A and his employer enter a binding and irrevocable agreement whereby A is to take a 10-percent reduction in salary (from $1,000 per month to $900 per month) and X Organization is to contribute $100 per month for an annuity contract described in section 403(b). The agreement also provides that A may terminate the entire agreement with respect to amounts not yet earned. Since the agreement to reduce A's salary and invest the amount of such reduction in an annuity contract was made after A earned his salary for January, A's current compensation for January is $1,000 even though the agreement may provide that X Organization shall contribute $100 with respect to January for the benefit of A for an annuity contract described in section 403(b). For February and subsequent months ending before July 1, 1964, X Organization contributes $100 per month for A's annuity. Thus, A's current compensation for each of these months is $900, and the $100 which is contributed during such months by X Organization for an annuity contract for A is an employer contribution to which the exclusion provided in this paragraph applies. On July 1, 1964, A becomes entitled to a salary increase of $200 per month and, pursuant to the agreement of February 1, 1964, X Organization contributes 10 percent of such increase or an additional $20 per month for a section 403(b) annuity. For July and subsequent months ending before October 1, 1964, X Organization contributes $120 per month for A's annuity. Thus, A's current compensation for each of these months is $1,080, and the $120 which is contributed during such months by X Organization for an annuity contract for A is an employer contribution to which the exclusion provided in this paragraph applies. On November 1, 1964, A terminates the entire agreement with respect to amounts not yet earned. Since the termination occurred after A earned his salary for the month of October, the contribution for October is an employer contribution to which the exclusion provided in this paragraph applies. For the months November and December, A's full salary of $1,200 per month is includible in his gross income whether or not his employer makes contributions for a section 403(b) annuity.

(4) *Two or more annuity contracts.* If, during a taxable year of an employee, this paragraph applies to amounts contributed (including amounts which are considered to be contributed under subparagraph (2) of this paragraph) by his employer for two or more annuity contracts for such employee, such two or more annuity contracts shall, for such taxable year, be considered a single contract for purposes of applying the rules contained in this paragraph.

(5) *Employees performing services for public schools.* For purposes of this section, a person shall be considered an employee who performs services for an educational institution (as defined in section 151(e)(4)) if he is performing services as an employee directly or indirectly for such an institution. Thus, for example, the principal, clerical employees, custodial employees, and teachers at a public elementary school are employees performing services directly for such an educational institution. An employee who performs services involving the operation or direction of a State's, or political subdivision's, education program as carried on through educational institutions (as defined in section 151(e)(4)) is an employee performing services indirectly for such institutions. An employee participating in an "in-home" teaching program is included since such program is merely an extension of the activities carried on by such educational institutions. On the other hand, a person occupying an elective or appointive public office is not an employee performing services for an educational institution unless such office is one to which an individual is elected or appointed only if he has received training, or is experienced, in the field of education. The term "public office" includes any elective or appointive office of a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing. Thus, for example, a regent or trustee of a State university or a member of a board of education is not an employee performing services for an educational institution. On the other hand, a commissioner or superintendent of education will generally be considered an employee performing services for an educational institution.

(c) *Taxation of amounts received under annuity contracts*—(1) *In general.* The amounts received by or made available to any employee under an annuity contract to which paragraph (a) or (b) of this section applies shall be included in the gross income of the employee for the taxable year in which received or made available, as provided in section 72 (relating to annuities), except that section 72(e)(3) shall not apply.

(2) *Taxation of beneficiaries.* If, upon the death of an employee or of a retired employee, the widow or other beneficiary of such employee is paid, in accordance with the terms of the annuity contract relating to the deceased employee, an annuity or other death benefit, the extent to which the amounts received by or made available to the beneficiary must be included in the beneficiary's income under subparagraph (1) of this paragraph shall be determined in accordance with the rules presented in paragraph (a)(5) of § 1.402(a)-1.

(3) *Life insurance protection.* An individual contract issued after December 31, 1962, or a group contract, which provides incidental life insurance protection may be purchased as an annuity contract to which paragraph (a) or (b) of this section applies. For the rules as to nontransferability of such contracts issued after December 31, 1962, see § 1.401-9. For the rules relating to the taxation of the cost of the life insurance protection and the proceeds thereunder, see § 1.72-16. Section 403(b) is not applicable to premiums paid after October 26, 1956, for individual contracts which were issued prior to January 1, 1963, and which provide life insurance protection.

(d) *Exclusion allowance*—(1) *In general.* For purposes of paragraph (b) of this section, an employee's exclusion allowance for a taxable year is an amount equal to the excess, if any, of—

(i) The amount determined by multiplying (*a*) 20 percent of such employee's includible compensation in respect of such taxable year, by (*b*) such employee's total number of years of service as of the close of such taxable year, over

(ii) The aggregate of the amounts which have been contributed by the employer for annuity contracts for such employee and which were excludable from the gross income of the employee for any taxable year prior to the taxable year for which the exclusion allowance is being determined.

See paragraph (e) of this section for the definition of an employee's includible compensation in respect of a taxable year and paragraph (f) of this section for rules for computing an employee's total number of years of service for an employer.

(2) *More than one employer.* If, during a taxable year of an employee, amounts are contributed for annuity contracts for such employee by two or more employers described in paragraph (b)(1) (i) or (ii) of this section, a separate exclusion allowance shall be computed with respect to each employer. In such a case, therefore, there shall not be taken into account, in computing the exclusion allowance with respect to one employer, the "includible compensation" received by the employee from any other employer, the employee's years of service with any other employer, or amounts which have been contributed by any other employer for annuity contracts for such employee.

(3) *Amounts previously contributed by the employer which were excludable from the employee's gross income.* In computing, for purposes of subparagraph (1)(ii) of this paragraph, the aggregate of the amounts which have been contributed by an employer for annuity contracts for an employee and which were excludable from the gross income of the employee for any taxable year prior to the taxable year for which the exclusion allowance is being determined, there shall be included all contributions made by the employer for the benefit of the employee—

(i) Which, under section 402(a) or section 403(a), were excludable from the employee's gross income for any such prior taxable year by reason of being contributions to a trust described in section 401(a) and exempt from tax under section 501(a) or contributions toward

the purchase of an annuity contract under a plan which meets the requirements of section 404(a)(2) (whether forfeitable or nonforfeitable); or

(ii) Which, under section 405(d), were excludable from the employee's gross income for any such prior taxable year by reason of being contributions toward the purchase of United States bonds under a plan which meets the requirements of section 405(a)(1); or

(iii) Which were excludable from the employee's gross income for any such prior taxable year by reason of being contributions described in paragraph (a) or (b) of this section; or

(iv)(a) Which were excludable from the employee's gross income for the taxable year when made solely by reason of the fact that the employee's rights to such contributions were forfeitable at the time they were made (and not for any of the reasons described in subdivisions (i), (ii), and (iii) of this subparagraph);

(b) With respect to which the employee's rights changed to nonforfeitable rights prior to the taxable year for which the exclusion allowance is being determined; and

(c) Which were not, under section 403(d) and without regard to paragraph (b) of this section, includible in the employee's gross income for the taxable year in which his rights to such contributions changed from forfeitable to nonforfeitable rights.

For purposes of subdivisions (i) and (iii) of this subparagraph, all references to provisions of the Internal Revenue Code of 1954 and to provisions of the regulations under such Code shall also be considered references to the corresponding provisions of prior law and regulations. See subparagraph (4) of this paragraph for rules relating to the allocation of employer contributions to an employee where the actual contributions are not allocated among individual employees.

(4) *Determination of excludable amounts by allocation of contributions.* If, for any employee, the actual amounts of employer contributions described in subparagraph (3) of this paragraph are not known, such amounts shall be determined under the formula described in this subparagraph or under any other method utilizing recognized actuarial principles which are consistent with the provisions of the plan under which such contributions are made and the method adopted by the employer for funding the benefits under the plan. If the formula described in this subparagraph is to be used, the contributions made by the employer for the benefit of the employee as of the end of any taxable year shall be deemed to be the product of the quantities described in subdivisions (i), (ii), (iii), and (iv) of ths subparagraph. Such quantities are—

(i) The projected annual amount of the employee's pension (as of the end of the taxable year) to be provided at normal retirement age from employer contributions, based upon the provisions of the plan in effect at such time and upon the assumption of the employee's continued employment with his present employer at his then current salary rate.

(ii) The value, from Table I below, at normal retirement age of an annuity of $1.00 per annum payable in equal monthly installments during the life of the employee, based upon the employee's sex and the normal retirement age as defined in the plan.

(iii) The amount from Table II below (representing the level annual contribution which will accumulate to $1.00 at normal retirement age) for the sum of (*a*) the number of years remaining from the end of the taxable year to normal retirement age and (*b*) the lesser of the number of years of service credited through the end of the taxable year or the number of years that the plan has been in existence at such time.

(iv) The lesser of the number of years of service credited through the end of the taxable year or the number of years that the plan has been in existence at such time.

TABLE I

[Value at normal retirement ages of annuity of $1.00 per annum payable in equal monthly installments during life of employee based upon employee's sex]

| Normal retirement age | Value | |
|---|---|---|
| | Sex | |
| | Male | Female |
| 60 | $12.57 | $14.36 |
| 62 | 11.80 | 13.55 |
| 65 | 10.63 | 12.31 |

NOTE. If the normal form of retirement benefit under the plan is other than a straight life annuity, the value from Table I above should be divided by the figure set forth below opposite the normal form of retirement benefit provided by the plan:

| | |
|---|---|
| Annuity for 5 years certain and life thereafter | 0.97 |
| Annuity for 10 years certain and life thereafter | .90 |
| Annuity for 15 years certain and life thereafter | .80 |
| Annuity for 20 years certain and life thereafter | .70 |
| Life annuity with installment refund | .80 |
| Life annuity with cash refund [1] | .75 |

[1] The term "cash refund" refers to refund of accumulated employer contributions, and does not refer to refund of employee contributions only, often referred to as "modified cash refund".

TABLE II

[Level annual contribution which will accumulate to $1.00 at end of number of years]

| Number of years: | Amount | Number of years: | Amount |
|---|---|---|---|
| 1 | $1.0000 | 26 | $0.0242 |
| 2 | .4914 | 27 | .0229 |
| 3 | .3219 | 28 | .0216 |
| 4 | .2373 | 29 | .0204 |
| 5 | .1865 | 30 | .0194 |
| 6 | .1527 | 31 | .0184 |
| 7 | .1285 | 32 | .0174 |
| 8 | .1105 | 33 | .0166 |
| 9 | .0964 | 34 | .0158 |
| 10 | .0852 | 35 | .0150 |
| 11 | .0761 | 36 | .0143 |
| 12 | .0685 | 37 | .0136 |
| 13 | .0621 | 38 | .0130 |
| 14 | .0566 | 39 | .0124 |
| 15 | .0518 | 40 | .0118 |
| 16 | .0477 | 41 | .0113 |
| 17 | .0440 | 42 | .0108 |
| 18 | .0408 | 43 | .0103 |
| 19 | .0379 | 44 | .0099 |
| 20 | .0354 | 45 | .0095 |
| 21 | .0330 | 46 | .0091 |
| 22 | .0309 | 47 | .0087 |
| 23 | .0290 | 48 | .0083 |
| 24 | .0273 | 49 | .0080 |
| 25 | .0257 | 50 | .0076 |

(e) *Includible compensation*—(1) *In general.* For purposes of computing, under paragraph (d) of this section, an employee's exclusion allowance for a taxable year, such employee's includible compensation in respect of such taxable year means the amount of compensation from the employer—

(i) Which was earned during the most recent period (ending not later than the close of the employee's taxable year for which the exclusion allowance is being determined) that, under paragraph (f) of this section, may be counted as one-year of service,

(ii) Which is includible in the employee's gross income, and

(iii) In the case of an employee of an employer described in paragraph (b)(1)(ii) of this section, which is attributable to services performed for an educational institution (as defined in section 151(e)(4)).

See subparagraph (2) of this paragraph for special rules for determining the amount of compensation which is includible in the employee's gross income.

(2) *Special rules for determining the amount of compensation includible in the employee's gross income.* For purposes of subparagraph (1) of this paragraph, the amount of compensation which is includible in the employee's gross income shall be computed without regard to the exclusions allowed by section 105(d) (relating to wage continuation plans) and section 911 (relating to earned income from sources without the United States). Therefore, although amounts received by the employee from the employer while he is absent from work on account of personal injuries or sickness may be excludable from his gross income under section 105(d), such amounts are, nevertheless, considered as includible in his gross income for purposes of computing his includible compensation. On the other hand, in computing the amount which is includible in the gross income of the employee for purposes of subparagraph (1) of this paragraph, there shall not be included any amount which is contributed by the employer for an annuity contract to which paragraph (b) of this section applies. Thus, although the amount of any employer contributions for an annuity contract to which paragraph (b) of this section applies is, to the extent it exceeds in any taxable year the employee's exclusion allowance for such year, includible in the employee's gross income for that year, such amount is not considered as includible in the employee's gross income for purposes of computing his includible compensation for that year.

(3) *Period during which compensation must be earned.* For purposes of computing an employee's exclusion allowance for a taxable year, there may not be taken into account, as includible compensation, any compensation which was earned by the employee during a taxable year ending after the taxable year for which the exclusion allowance is being determined. On the other hand, an employee's includible compensation may include all or part of his compensation earned during a taxable year prior to the taxable year for which the exclusion allowance is being determined. Such a situation can occur, for example, when an employer purchases an annuity contract for a retired employee, or when an employer purchases an annuity contract for a part-time employee whose most recent one-year period of service (within the meaning of paragraph (f) of this section) extends over more than one taxable year of such employee. For purposes of this subparagraph, it is immaterial when the compensation is actually received by the employee or for what taxable year it is includible in his gross income.

(4) *Status of employer.* In computing an employee's exclusion allowance for a taxable year, there is not taken into account, as includible compensation, any compensation which was earned during a period when the employer was not an employer described in paragraph (b)(1)(i) or (ii) of this section since under paragraph (f)(2) of this section an employee is not considered to be in the service of the employer for any such period. On the other hand, it is immaterial whether the employer is an employer described in paragraph (b)(1)(i) or (ii) of this section at the time the compensation is actually received by the employee. Thus, if an employee receives compensation during his 1961 taxable year for services performed during his 1960 taxable year, such compensation can qualify as includible compensation if his employer was an employer described in paragraph (b)(1)(i) or (ii) of this section during 1960, even though such employer was not such an employer during 1961. See, also, paragraph (b) of this section which provides that the exclusion allowance is only applicable with respect to contributions which are made by an employer at a time when such employer is an employer described in paragraph (b)(1)(i) or (ii) of this section.

(f) *Years of service*—(1) *In general.* In computing an employee's exclusion allowance for a taxable year, it is necessary to determine such employee's number of years of service for the employer as of the close of such taxable year. For this purpose, the number of years of service of an employee for an employer shall be determined in accordance with the rules set forth in this paragraph. In addition, such rules are applicable in determining, for purposes of paragraph (e) of this section, an employee's most recent one-year period of service.

(2) *Exempt status requirement.* For purposes of determining an employee's number of years of service for an employer and his most recent one-year period of service for such employer, an employee shall not be considered to be employed by the employer, or to be in the service of the employer, during any period that the employer is not an employer described in paragraph (b)(1)(i) or (ii) of this section, or, in the case of an employee of an employer described in paragraph (b)(1)(ii) of this section, during any period when the employee is not performing services for an educational institution (as defined in section 151(e)(4)). The rule in this subparagraph may be illustrated by the following example: A was employed on a full-time basis by the X scientific organization during the whole of 1959 and 1960 and during half of 1961. Both A and the X Organization use the calendar year as their taxable year. The X Organization was an organization described in section 501(c)(3) and exempt from tax under section 501(a) during the years 1959 and 1961, but not during the year 1960. For purposes of determining A's exclusion allowance for 1961, he is considered to have 1½ years of service (his service during 1959 and 1961) and his most recent one-year period of service ending not later than the close of 1961 consists of his service during 1961 (which is equal to ½ year of service) and his service during the last half of 1959 (which is equal to another ½ year of service).

(3) *Service included.* For purposes of computing an employee's exclusion allowance for a taxable year, there may be taken into account, in determining his number of years of service, all service performed by him as of the close of such taxable year. Therefore, whenever possible, service performed during each of the employee's taxable years should be considered separately in arriving at his total number of years of service. For example, if an employee who reports his income on a calendar year basis is employed on a full-time basis on July 1, 1959, and continues on a full-time basis through December 31, 1960, his number of years of service as of the close of his 1960 taxable year should, if possible, be computed as follows:

| | |
|---|---|
| (*a*) Number of years of service performed during 1959 taxable year | ½ |
| (*b*) Number of years of service performed during 1960 taxable year | 1 |
| (*c*) Total number of years of service as of close of 1960 taxable year ((*a*)+(*b*)) | 1½ |

However, in determining what constitutes a full year of service, the employer's annual work period, and not the employee's taxable year, is the standard of measurement. For example, in determining whether a professor is employed full time, the number of months in the school's academic year shall be the standard of measurement.

(4) *Full-time employee for full year.* (i) Each full year during which an individual was employed full time shall be considered as one year of service. In determining whether an individual is employed full-time, the amount of work which he is required to perform shall be compared with the amount of work which is normally required of individuals holding the same position with the same employer and who generally derive the major portion of their personal service income from such position.

(ii) (*a*) In measuring the amount of work required of individuals holding a particular position, any method that reasonably and accurately reflects such amount may be used. For example, the number of hours of classroom instruction is only an indication of the amount of work required, but it may be used as a measure.

(*b*) In determining whether positions with the same employer are the same, all of the facts and circumstances concerning the positions shall be considered, including the work performed, the methods by which compensation is computed, and the descriptions (or titles) of the positions. For example, an assistant professor employed in the English department of a university will be considered a full-time employee if the amount of work that he is required to perform is the same as the amount of work normally required of assistant professors of English at that university who derive the main portion of their personal service income from such position.

(*c*) In case an individual's position is not the same as another with his employer, the rules of this paragraph shall be applied by considering the same position with similar employers or similar positions with the same employer.

(iii) A full year of service for a particular position means the usual annual work period of individuals employed full-time in that general type of employment at the place of employment. For example, if a doctor employed by a hospital works throughout the 12 months of a year except for a one-month vacation, such doctor will be considered as being employed for a full year, if the other doctors at that hospital work 11 months of the year with a one-month vacation. Similarly, if the usual annual work period at a university consists of the fall and spring semesters, an instructor at that university who teaches those semesters will be considered as working a full year.

(5) *Other employees.* (i) An individual shall be treated as having a fraction of a year of service for each year during which he was a full-time employee for part of the year or for each year during which he was a part-time employee for the entire year or for a part of the year.

(ii) In determining the fraction which represents the fractional year of service for an individual employed full time for part of a year, the numerator shall be the number of weeks (or months) during which the individual was a full-time employee in a position during that year, and the denominator shall be the number of weeks (or months) which is considered under subparagraph (4)(iii) of this paragraph as the usual annual work period for that position. For example, if an instructor is employed full time by a university for the 1959 spring semester (which lasts from February 1959 through May 1959), and the academic year of the university is 8 months long, beginning in October 1958, and ending in May 1959, then he is considered as having completed ⅝ of a year of service.

(iii) In determining the fraction which represents the fractional year of service of an individual who is employed part time for a full year, the numerator shall be the amount of work required to be performed by the individual, and the denominator shall be the amount of work normally required of individuals who hold the same position. The amount of work required to be performed by the individual and the amount of work normally required of individuals holding the same position shall be deter-



mined in accordance with the principles of subparagraph (4) of this paragraph. Thus, if a practicing physician teaches one course at a local medical school 3 consists of his service performed during January through May, 1960 (which is part of the 1959–1960 academic year) and his service performed during Octo-

(3) 20% x includible compensation ..... $600.00

(4) Number of years of service (although A was employed for less than a year, he is



§ 1.403(c) **Statutory provisions; taxation of employee annuities; taxability of beneficiary under a nonqualified annuity.**

(b) If an employer has purchased annuity contracts and transferred the same to a trust or if an employer has made contributions to a trust for the than an annuity contract purchased as part of a plan which meets the requirements of section 404(a)(2)) purchased for him by an employer which is exempt

mined in accordance with the principles of subparagraph (4) of this paragraph. Thus, if a practicing physician teaches one course at a local medical school 3 hours per week for two semesters and other faculty members at that medical school teach 9 hours per week for two semesters, then the practicing physician is considered as having completed ⅜ of a year of service.

(iv) In determining the fraction representing the fractional year of service of an individual who is employed part time for part of a year, it is necessary to compute the fractional year of service if the individual were a part-time employee for a full year, and the fractional year of service if the individual were a full-time employee for the part of a year. The two fractions shall be multiplied and the product is the fractional year of service of such individual who is employed part time for part of a year. For example, if an attorney who is a specialist in a subject teaches a course in that subject for 3 hours per week for one semester at a nearby law school, and the full-time instructors at that law school teach 12 hours per week for two semesters, then the fractional part of a year of service for such part-time instructor is computed as follows: The fractional year of service if the instructor were a part-time employee for a full year is 3/12 (number of hours employed divided by the usual number of hours of work required for that position); the fractional year of service if the instructor were a full-time employee for part of a year is ½ (period worked or one semester, divided by usual work period, or 2 semesters). These fractions are multiplied to obtain the fractional year of service: 3/12 times ½, or 3/24 (⅛).

(6) *Less than one year of service considered as one year.* If, at the close of a taxable year, an employee has, under the rules in this paragraph, a period of service of less than one year, such employee shall, nevertheless, be considered to have one year of service for purposes of computing his exclusion allowance for that taxable year. Such period of service of less than one year shall also be considered to be such employee's most recent one-year period of service for purposes of determining his includible compensation.

(7) *Most recent one-year period of service.* (i) In determining, for purposes of paragraph (e) of this section (relating to includible compensation), an employee's most recent one-year period of service, there is first taken into account all service performed by the employee during the taxable year for which the exclusion allowance is being determined. For this purpose, therefore, an employee's most recent one-year period of service may not be the same as his employer's most recent annual work period. The rule in this subdivision may be illustrated by the following example: A, a professor who reports his income on a calendar year basis, is employed by a university on a full-time basis during the university's 1959–1960 and 1960–1961 academic years (October through May). For purposes of computing A's exclusion allowance for his 1960 taxable year, his most recent one-year period of service consists of his service performed during January through May, 1960 (which is part of the 1959–1960 academic year) and his service performed during October through December 1960 (which is part of the 1960–1961 academic year).

(ii) In the case of a part-time employee or a full-time employee who is employed for only part of a year, it will be necessary to aggregate his most recent periods of service to determine his most recent one-year period of service. In such a case, there is first taken into account his service during the taxable year for which the exclusion allowance is being determined; then there is taken into account his service during his next preceding taxable year and so forth until his service equals, in the aggregate, one year of service. For example, if an employee, who reports his income on the calendar year basis, is employed on a full-time basis during the months July through December 1959 (½ year of service), July through December 1960 (½ year of service), and October through December 1961 (¼ year of service), his most recent one-year period of service for purposes of computing his exclusion allowance for 1961 consists of his service during 1961 (¼ year of service), his service during 1960 (½ year of service), and his service during the months October through December 1959 (¼ year of service).

(g) *Illustration of computation of exclusion allowance.* The exclusion provided under paragraph (b) of this section may be illustrated by the following example: A, a professor who reports his income on the calendar year basis, became a full-time employee of X University on October 1, 1958 (beginning of X University's 1958–1959 academic year) and continued as a full-time employee for the academic years 1958–1959, 1959–1960, and 1960–1961. X University was, during all such academic years, an organization described in section 501(c)(3) and exempt from tax under section 501(a). X University's academic year runs for a period of 8 months: October through May. A received an annual salary, all of which was includible in his gross income, of $8,000 for the 1958–1959 academic year, $8,800 for the 1959–1960 academic year, and $9,600 for the 1960–1961 academic year. Starting in 1958, X University contributed amounts toward the purchase of annuity contracts for A and such purchase was not part of a qualified annuity plan. X University paid, as premiums for such contracts, $1,000 in 1958, $2,000 in 1959, $2,400 in 1960, and $1,400 in 1961. The amount of such premiums which is excludable from A's gross income for the year in which paid is computed as follows:

*1958*

| | |
|---|---|
| (1) Amount contributed by employer for annuity contracts in 1958 | $1,000.00 |
| (2) Includible compensation for most recent one-year period of service (since A was employed for only ⅜ of a year at the close of 1958, this period is counted as most recent one-year period of service) ⅜ × $8,000 | $3,000.00 |
| (3) 20% x includible compensation | $600.00 |
| (4) Number of years of service (although A was employed for less than a year, he is considered to have one-year of service) | 1 |
| (5) Item (4) x item (3) | $600.00 |
| (6) Contributions excludable in prior taxable years of A | None |
| (7) Amount excludable from A's gross income for 1958 ((5)−(6)) | $600.00 |
| (8) Amount includible in A's gross income for 1958 ((1)−(7)) | $400.00 |

*1959*

| | |
|---|---|
| (9) Amount contributed by employer for annuity contracts in 1959 | $2,000.00 |
| (10) Includible compensation for most recent one-year period of service. (⅜ × $8,800 + ⅝ × $8,000) | $8,300.00 |
| (11) 20% x includible compensation | $1,660.00 |
| (12) Number of years of service | 1⅜ |
| (13) Item (12) x item (11) | $2,282.50 |
| (14) Contributions excludable in prior taxable years of A (item (7)) | $600.00 |
| (15) Amount excludable from A's gross income for 1959 ((13)−(14)) | $1,682.50 |
| (16) Amount includible in A's gross income for 1959 ((9)−(15)) | $317.50 |

*1960*

| | |
|---|---|
| (17) Amount contributed by employer for annuity contracts in 1960 | $2,400.00 |
| (18) Includible compensation for most recent one-year period of service (⅜ × $9,600 + ⅝ × $8,800) | $9,100.00 |
| (19) 20% x includible compensation | $1,820.00 |
| (20) Number of years of service | 2⅜ |
| (21) Item (20) x item (19) | $4,322.50 |
| (22) Contributions excludable in prior taxable years ((7)+(15)) | $2,282.50 |
| (23) Amount excludable from A's gross income for 1960 ((21)−(22)) | $2,040.00 |
| (24) Amount includible in A's gross income for 1960 ((17)−(23)) | $ 360.00 |

*1961*

| | |
|---|---|
| (25) Amount contributed by employer for annuity contracts in 1961 | $1,400.00 |
| (26) Includible compensation for most recent one-year period of service (⅜ × $9,600 + ¾ × $9,600) | $9,600.00 |
| (27) 20% x includible compensation | $1,920.00 |
| (28) Number of years of service | 3 |
| (29) Item (28) x item (27) | $5,760.00 |
| (30) Contributions excludable in prior taxable years ((7)+(15)+(23)) | $4,322.50 |
| (31) Amount excludable from A's gross income for 1961 (item (25) since it is less than (29)−(30)) | $1,400.00 |
| (32) Amount includable in A's gross income for 1961 ((25)−(31)) | None |

PAR. 10. There are inserted immediately after § 1.403(b)-1 the following new sections:



**§ 1.403(c) Statutory provisions; taxation of employee annuities; taxability of beneficiary under a nonqualified annuity.**

SEC. 403. *Taxation of employee annuities.* * * *

(c) *Taxability of beneficiary under a nonqualified annuity.* If an annuity contract purchased by an employer for an employee is not subject to subsection (a) and the employee's rights under the contract are nonforfeitable, except for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the gross income of the employee in the year in which the amount is contributed. The employee shall include in his gross income the amounts received under such contract for the year received as provided in section 72 (relating to annuities) except that section 72(e)(3) shall not apply.

[Sec. 403(c) as relettered by sec. 23(a), Technical Amendments Act 1958 (72 Stat. 1620)]

**§ 1.403(c)-1 Taxability of beneficiary under a nonqualified annuity.**

(a) Except as provided in section 402(d), if an employer purchases an annuity contract and if the amounts paid for the contract are not subject to paragraph (a) of § 1.403(a)-1 or paragraph (a) of § 1.403(b)-1, the amount of such contribution shall, to the extent it is not excludable under paragraph (b) of § 1.403(b)-1, be included in the income of the employee for the taxable year during which such contribution is made if, at the time the contribution is made, the employee's rights under the annuity contract are nonforfeitable, except for failure to pay future premiums. If the annuity contract was purchased by an employer which is not exempt from tax under section 501(a) or section 521(a), and if the employee's rights under the annuity contract in such a case were forfeitable at the time the employer's contribution was made for the annuity contract, even though they become nonforfeitable later, the amount of such contribution is not required to be included in the income of the employee at the time his rights under the contract become nonforfeitable. On the other hand, if the annuity contract is purchased by an employer which is exempt from tax under section 501(a) or section 521(a), all or part of the value of the contract may be includible in the employee's gross income at the time his rights under the contract become nonforfeitable (see section 403(d) and the regulations thereunder). As to what constitutes nonforfeitable rights of an employee, see § 1.402(b)-1. The amounts received by or made available to the employee under the annuity contract shall be included in the gross income of the employee for the taxable year in which received or made available, as provided in section 72 (relating to annuities) except that section 72(e)(3) shall not apply. For rules relating to the treatment of employer contributions as part of the consideration paid by the employee, see section 72(f). See also section 101(b)(2)(D) for rules relating to the treatment of the limited exclusion provided thereunder as part of the consideration paid by the employee.

(b) If an employer has purchased annuity contracts and transferred the same to a trust or if an employer has made contributions to a trust for the purpose of providing annuity contracts for his employees as provided in section 402(d) (see paragraph (a) of § 1.402(d)-1), the amount so paid or contributed is not required to be included in the income of the employee, but any amount received by or made available to the employee under the annuity contract shall be includible in the gross income of the employee for the taxable year in which received or made available, as provided in section 72 (relating to annuities), except that section 72(e)(3) shall not apply. In such case the amount paid or contributed by the employer shall not constitute consideration paid by the employee for such annuity contract in determining the amount of annuity payments required to be included in his gross income under section 72 unless the employee has paid income tax for any taxable year beginning before January 1, 1949, with respect to such payment or contribution by the employer for such year and such tax is not credited or refunded to the employee. In the event such tax has been paid and not credited or refunded the amount paid or contributed by the employer for such year shall constitute consideration paid by the employee for the annuity contract in determining the amount of the annuity required to be included in the income of the employee under section 72.

(c) For taxable years beginning before January 1, 1958, the provisions contained in section 403(c) were included in section 403(b) of the Internal Revenue Code of 1954. Therefore, the regulations contained in this section shall, for such taxable years, be considered as the regulations under section 403(b) as in effect for such taxable years.

**§ 1.403(d) Statutory provisions; taxation of employee annuities; taxability of beneficiary under certain forfeitable contracts purchased by exempt organizations.**

SEC. 403. *Taxation of employee annuities* * * *

(d) *Taxability of beneficiary under certain forfeitable contracts purchased by exempt organizations.* Notwithstanding the first sentence of subsection (c), if rights of an employee under an annuity contract purchased by an employer which is exempt from tax under section 501(a) or 521(a) change from forfeitable to nonforfeitable rights, the value of such contract on the date of such change (to the extent attributable to amounts contributed by the employer after December 31, 1957) shall, except as provided in subsection (b), be included in the gross income of the employee in the year of such change.

[Sec. 403(d) as added by sec. 23(c), Technical Amendments Act 1958 (72 Stat. 1622)]

**§ 1.403(d)-1 Taxability of employee when rights under contracts purchased by exempt organizations change from forfeitable to nonforfeitable rights.**

(a) *In general.* If, during a taxable year of an employee beginning after December 31, 1957, the rights of such employee under an annuity contract (other than an annuity contract purchased as part of a plan which meets the requirements of section 404(a)(2)) purchased for him by an employer which is exempt from tax under section 501(a) or 521(a) change from forfeitable to nonforfeitable rights, then the value of such annuity contract on the date of such change shall, to the extent provided in paragraph (b) of this section, be included in the employee's gross income for such taxable year. For purposes of this section, the value of an annuity contract on the date the employee's rights change from forfeitable to nonforfeitable rights means the cash surrender value of such contract on such date. As to what constitutes nonforfeitable rights of an employee, see § 1.402(b)-1.

(b) *Extent to which value of annuity contract is includible in employee's gross income.* For purposes of paragraph (a) of this section, there shall be included in the gross income of an employee for his taxable year in which his rights under an annuity contract change from forfeitable to nonforfeitable rights only an amount equal to the portion of the value of such contract on the date of such change (1) that is attributable to contributions:

(i) Which were made by the employer while it was exempt from tax under section 501(a) or 521(a);

(ii) Which were made after December 31, 1957; and

(iii) Which were not, at the time they were made, excludable from the employee's gross income under paragraph (a) of § 1.403(b)-1;

and (2) that is not excludable from the employee's gross income under paragraph (b) of § 1.403(b)-1. Thus, although amounts are contributed by an employer after December 31, 1957, toward the purchase for an employee of an annuity contract and, at the time of the contribution, such employer is an organization described in section 501(c)(3) and exempt from tax under section 501(a), the value of such annuity contract attributable to such contributions would not be includible in the employee's gross income for the taxable year in which his rights under the contract change to nonforfeitable rights if such amounts were contributed during a taxable year of the employee beginning before January 1, 1958, and were, therefore, excludable from the employee's gross income under paragraph (a) of § 1.403(b)-1. Similarly, the value of such an annuity contract is not includible in the gross income of the employee for the year in which the change occurs to the extent that it is excludable under paragraph (b) of § 1.403(b)-1. See paragraph (b)(2) of § 1.403(b)-1 which provides that the amount otherwise includible in gross income under section 403(d) is considered to be a contribution by the employer for purposes of the exclusion provided in paragraph (b) of § 1.403(b)-1. In addition, the portion of the value of an annuity contract attributable to contributions made by the employer while it was not exempt from tax under either section 501(a) or 521(a) is not includible in the gross income of the employee at the time

his rights under the contract change to nonforfeitable rights even though the employer is exempt from tax under section 501(a) or 521(a) at the time of such change. On the other hand, the value of the annuity contract purchased by an organization exempt from tax under section 501(a) or 521(a) may be includible in the gross income of an employee for the year during which his rights under the contract change to nonforfeitable rights even though such organization is not exempt on the date of such change.

(c) *Partial vesting*—(1) *General rule.* If, during any taxable year of an employee, only part of his beneficial interest in an annuity contract changes from a forfeitable to a nonforfeitable interest, then only the corresponding part of the value of the annuity contract on the date of such change is includible in the employee's gross income for such taxable year. In such a case, it is first necessary to compute, under the rules in paragraphs (a) and (b) of this section but without regard to any exclusion allowable under paragraph (b) of § 1.403(b)-1, the amount which would be includible in the employee's gross income for the taxable year if his entire beneficial interest in the annuity contract had changed to a nonforfeitable interest during such year. The amount that is includible (without regard to any exclusion allowed by paragraph (b) of § 1.403(b)-1) in the gross income of the employee for the taxable year in which the change occurs is an amount equal to the amount determined under the preceding sentence multiplied by the percent of the employee's beneficial interest which changed to a nonforfeitable interest during the taxable year. If at the time the employee's interest changes to a nonforfeitable interest, the employer is an organization described in section 501(c)(3) and exempt from tax under section 501(a), then the amount that is includible in the employee's gross income under this subparagraph is considered as an employer contribution to which the exclusion provided in paragraph (b) of § 1.403(b)-1 applies (see paragraph (b)(2) of § 1.403(b)-1).

(2) *Example.* The provisions in subparagraph (1) of this paragraph may be illustrated by the following example:

X Organization purchased an annuity contract for A, one of its employees who reports his income on a calendar year basis. X contributed ½ of the amount necessary to purchase the contract before January 1, 1958, and the remaining ½ after December 31, 1957. At the time of the contributions, X was an organization exempt from tax under section 501(a) and A's rights under the contract were forfeitable. The annuity contract was not purchased as part of a qualified plan and A made no contributions toward the purchase of the contract. On December 31, 1965, 50 percent of A's interest in the contract changed from a forfeitable to a nonforfeitable interest, and on December 31, 1970, the remaining 50 percent of A's interest in the contract changed to a nonforfeitable interest. The cash surrender value of the contract was $9,900 on December 31, 1965, and $12,000 on December 31, 1970. The amount includible in A's gross income for 1965 and 1970 is computed as follows—

*1965*

| | |
|---|---|
| (i) Amount which would have been includible if A's entire interest had changed to a nonforfeitable interest (cash surrender value of contract on Dec. 31, 1965, attributable to contributions made after Dec. 31, 1957) ½×$9,900 | $6,600 |
| (ii) Percent of A's interest that changed to a nonforfeitable interest on Dec. 31, 1965 | 50% |
| (iii) Amount includible in A's gross income for 1965 ((i)×(i)) | $3,300 |

*1970*

| | |
|---|---|
| (iv) Amount which would have been includible if A's entire interest had changed to a nonforfeitable interest (cash surrender value of contract on Dec. 31, 1970, attributable to contributions made after Dec. 31, 1957) ½×$12,000 | $8,000 |
| (v) Percent of A's interest that changed to a nonforfeitable interest on Dec. 31, 1970 | 50% |
| (vi) Amount includible in A's gross income for 1970 ((v)×(iv)) | $4,000 |

If, on December 31, 1965, X is an organization described in section 501(c)(3) and exempt from tax under section 501(a), then only so much of the $3,300 as is not excludable under paragraph (b) of § 1.403(b)-1 is includible in A's gross income for 1965. Similarly, if, on December 31, 1970, X is an organization described in section 501(c)(3) and exempt from tax under section 501(a), then only so much of the $4,000 as is not excludable under paragraph (b) of § 1.403(b)-1 is includible in A's gross income for 1970.

PAR. 11. Section 1.404(a) is amended (A) by revising so much of section 404(a) as precedes paragraph (1) thereof and (B) by adding a historical note at the end thereof. These revised and added provisions read as follows:

**§ 1.404(a) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; general rule.**

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan*—(a) *General rule.* If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under section 162 (relating to trade or business expenses) or section 212 (relating to expenses for the production of income); but, if they satisfy the conditions of either of such sections, they shall be deductible under this section, subject, however, to the following limitations as to the amounts deductible in any year:

* * * * * *

[Sec. 404(a) as amended by sec. 24, Technical Amendments Act 1958 (72 Stat. 1623)]

(Sec. 7805 of the Internal Revenue Code of 1954; (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 64-13241; Filed, Dec. 23, 1964; 8:46 a.m.]

[T.D. 6784]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Rents or Royalties Derived in the Active Conduct of a Trade or Business

On May 15, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 6403) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) so as to provide specific cases in which rents or royalties will be considered to be derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, § 1.954-2 of such regulations is amended by adding subdivisions (ii) and (iii) to paragraph (d)(1), effective for taxable years of foreign corporations beginning after December 31, 1962, and for taxable years of United States shareholders within which or with which such taxable years of such corporations end. These added provisions read as follows:

**§ 1.954-2 Foreign personal holding company income.**

* * * * * *

(d) *Certain income received from unrelated persons in the active conduct of a trade or business*—(1) *Rents and royalties*— * * *

(ii) *Rents*—(a) *Trade or business cases.* In every case rents will be considered for purposes of this subparagraph to be derived in the active conduct of a trade or business by a controlled foreign corporation which is a lessor of property if such rents are derived from the leasing of—

(1) Property which the lessor has manufactured or produced, or has acquired and added substantial value to, but only so long as the lessor is regularly engaged in the manufacture or production of, or in the acquisition and addition of substantial value to, and leasing of, property of such kind,

(2) Real property with respect to which the lessor performs active and substantial management and operational functions while the property is leased,

(3) Personal property ordinarily used by the lessor in the active conduct of a trade or business and such leasing occurs during a temporary period when the property would, but for such leasing, be idle in the active conduct of such trade or business, or

(4) Property which is leased as a result of the performance of marketing functions by such lessor and the lessor, through its own staff of employees located in a foreign country, maintains and operates an organization in such country which is regularly engaged in the business of marketing, or of marketing and servicing, the leased property



and which is substantial in relation to the amount of rents derived from the leasing of such property.

(b) *Special rules*—(1) *Adding substantial value.* For purposes of subdivision (a)(1) of this subdivision (ii), the performance of marketing functions will not be considered to add substantial value to property.

(2) *Substantiality of foreign organization.* Whether an organization in a foreign country will be considered substantial in relation to the amount of rents, for purposes of subdivision (a)(4) of this subdivision (ii), is to be determined from the facts and circumstances of each case. In every case involving the leasing of personal property, however, an organization in a foreign country will be considered substantial in relation to the amount of rents, for such purposes, if the sum of the deductions incurred by such organization of the lessor which are properly allocable to such rental income and which would be allowable under section 162 to the lessor (were the lessor a domestic corporation) other than—

(i) Deductions for compensation for personal services rendered by shareholders of, or related persons with respect to, the lessor,

(ii) Deductions for rents paid or accrued, and

(iii) Deductions which would be specifically allowable to the lessor under sections other than section 162 (were the lessor a domestic corporation)

equals or exceeds 25 percent of the amount by which the gross income of the lessor from such rental income exceeds the sum of the rents paid or accrued and the amounts which would be allowable to such lessor as deductions under section 167 (were the lessor a domestic corporation) with respect to such rental income.

(3) *Activities of an independent contractor.* (i) In determining under subdivision (a)(4) of this subdivision (ii) whether a lessor maintains and operates an organization in a foreign country which is regularly engaged in the business of marketing, or of marketing and servicing, leased property, the activities of an independent contractor shall not be taken into account.

(ii) Compensation for the services of an independent contractor may be taken into account under, and subject to the limitations imposed by, subdivision (2) of this subdivision (b) in determining whether the sum of deductions incurred equals or exceeds 25 percent of the amount by which the gross income exceeds certain deductions.

(c) *Illustrations.* The application of this subdivision may be illustrated by the following examples:

*Example (1).* Controlled foreign corporation A is regularly engaged in the production of office machines which it leases to others and services. The rental income of A Corporation from such leases is derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (2).* Controlled foreign corporation B leases to others motion picture films, some of which it acquires by purchase and some of which it acquires by lease. Corporation B, through its own staff of employees located in a foreign country, maintains and operates an office in such foreign country at which a complete sales force, composed of its own employees, actively solicits customers to lease such films, conducts advertising and sales promotion campaigns intended to increase attendance at the showing of films which it leases, and engages in other promotional activities directed at increasing its contracts for the leasing of such films to others. Corporation B maintains an inventory of films in such country from which its customers may make selections. Corporation B, by its office, sales force, and inventory, maintains and operates an organization in a foreign country which is regularly engaged in the business of marketing motion picture films. The deductions incurred by such organization abroad are such as to satisfy the 25-percent test of subdivision (b)(2) of this subdivision (ii); thus such organization is substantial in relation to the rents B Corporation receives from leasing the films. The rental income of B Corporation from such leases is derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (3).* Controlled foreign corporation D purchases motor vehicles which it leases to others. In the conduct of its short-term leasing of such vehicles in foreign country X, D Corporation owns a large number of motor vehicles in country X which it services and repairs, leases motor vehicles to customers on an hourly, daily, or weekly basis, maintains offices and service facilities in country X from which to lease and service such vehicles, and maintains therein a sizable staff of its own administrative, sales, and service personnel. Corporation D also leases in country X on a long-term basis, generally for a term of one year, motor vehicles which it owns. Under the terms of the long-term leases, D Corporation is required to repair and service, during the term of the lease, the leased motor vehicles without cost to the lessee. By the maintenance in country X of office, sales, and service facilities and its complete staff of administrative, sales, and service personnel, D Corporation maintains and operates an organization therein which is regularly engaged in the business of marketing and servicing the motor vehicles which are leased. Since such organization is substantial in relation to the rents D Corporation receives from leasing the motor vehicles, such rents are derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (4).* Controlled foreign corporation E owns a complex of apartment buildings which it has acquired by purchase. Corporation E engages a real estate management firm to lease the apartments, manage the buildings and pay over the net rents to the owner. The rental income of E Corporation from such leases is not derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (5).* Controlled foreign corporation F owns a twenty-story office building in a foreign country, three floors of which it occupies and the rest of which it leases. Corporation F, which has acquired this property by purchase, acts as rental agent for the leasing of offices in the building and employs a substantial staff to perform other management and maintenance functions. The rents received by F corporation from such leasing operations are derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (6).* Controlled foreign corporation G owns drilling equipment which it ordinarily uses to perform contracts in foreign countries to drill oil wells. For occasional temporary periods it is unable to obtain contracts requiring immediate performance sufficient to employ all such equipment. During such a period it sometimes leases such idle equipment temporarily. After the expiration of such temporary leasing of the property, G Corporation continues the use of such equipment in the performance of its own drilling contracts. Rents received from the temporary leasing of such idle equipment are derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (7).* Controlled foreign corporation H is organized on January 1, 1963, to make and lease motion pictures. In January 1964, H Corporation completes its first picture and shortly thereafter begins to lease such picture. During the succeeding months, the company investigates several scripts, choosing a promising one in September 1964. Thereafter, the star planned for the leading role in the proposed motion picture is found to be unavailable, so the project is discontinued in January 1965. Another period of search for a suitable script is terminated in May 1965, by commissioning an author to write one. The writing requires 7 months, and thereafter H Corporation contracts with performers, prepares filming plans, and makes other preliminary arrangements for the filming of the script. The filming is done during the 6 months ending in January 1967, and leasing of the second completed picture begins shortly thereafter. Corporation H is regularly engaged in the production and leasing of motion pictures, and rents derived by such corporation during this period from the leasing of these two motion pictures are derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

(iii) *Royalties*—(a) *Trade or business cases.* In every case royalties will be considered for purposes of this subparagraph to be derived in the active conduct of a trade or business by a controlled foreign corporation which is a licensor of property if such royalties are derived from the licensing of—

(1) Property which the licensor has developed, created, or produced, or has acquired and added substantial value to, but only so long as the licensor is regularly engaged in the development, creation, or production of, or in the acquisition and addition of substantial value to, and licensing of, property of such kind, or

(2) Property which is licensed as a result of the performance of marketing functions by such licensor and the licensor, through its own staff of employees located in a foreign country, maintains and operates an organization in such country which is regularly engaged in the business of marketing, or of marketing and servicing, the licensed property and which is substantial in relation to the amount of royalties derived from the licensing of such property.

(b) *Special rules*—(1) *Adding substantial value.* For purposes of subdivision (a)(1) of this subdivision (iii), the performance of marketing functions will not be considered to add substantial value to property.

(2) *Substantiality of foreign organization.* Whether an organization in a foreign country will be considered substantial in relation to the amount of royalties, for purposes of subdivision (a)(2) of this subdivision (iii), is to be determined from the facts and circumstances of each case. In every case involving the leasing of personal property, however, an organization in a foreign country will be considered substantial in relation to the amount of royalties, for

such purposes, if the sum of the deductions incurred by such organization of the licensor which are properly allocable to such royalty income and which would be allowable under section 162 to the licensor (were the licensor a domestic corporation) other than—

(i) Deductions for compensation for personal services rendered by shareholders of, or related persons with respect to, the licensor,

(ii) Deductions for royalties paid or accrued, and

(iii) Deductions which would be specifically allowable to the licensor under sections other than section 162 (were the licensor a domestic corporation)

equals or exceeds 25 percent of the amount by which the gross income of the licensor from such royalty income exceeds the sum of the royalties paid or accrued and the amounts which would be allowable to such licensor as deductions under section 167 (were the licensor a domestic corporation) with respect to such royalty income.

(3) *Activities of an independent contractor.* (i) In determining under subdivision (a)(2) of this subdivision (iii) whether a licensor maintains and operates an organization in a foreign country which is regularly engaged in the business of marketing, or of marketing and servicing, licensed property, the activities of an independent contractor shall not be taken into account.

(ii) Compensation for the services of an independent contractor may be taken into account under, and subject to the limitations imposed by, subdivision (2) of this subdivision (b) in determining whether the sum of deductions incurred equals or exceeds 25 percent of the amount by which the gross income exceeds certain deductions.

(c) *Illustrations.* The application of this subdivision may be illustrated by the following examples:

*Example (1).* Controlled foreign corporation A, through its own staff of employees, maintains and operates a research facility in foreign country X. At the research facility, owned by A Corporation, employees of such corporation who are full-time scientists, engineers, and technicians regularly perform experiments, tests, and other technical activities, which ultimately result in the issuance of patents which are licensed. Royalties received by A Corporation for the privilege of using patented rights which it develops as a result of such research activity are derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (2).* Assume that A Corporation in example (1), in addition to receiving royalties for the use of patents which it develops, receives royalties for the use of patents which it acquires by purchase and licenses to others without adding any value thereto. Corporation A generally consummates royalty agreements on such purchased patents as the result of inquiries received by it from prospective licensees when the fact becomes known in the business community, as a result of the filing of a patent, advertisements in trade journals, announcements, and contacts by employees of A Corporation, that A Corporation has acquired rights under a patent and is interested in licensing its rights. Corporation A does not, however, maintain and operate an organization in a foreign country which is regularly engaged in the business of marketing the purchased patents. The royalties received by A Corporation for the use of the purchased patents are not derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (3).* Controlled foreign corporation B receives royalties for the use of patents which it acquires by purchase. The primary business of B Corporation, operated on a regular basis, consists of licensing patents which it has purchased "raw" from inventors and, through the efforts of a substantial staff of employees consisting of scientists, engineers, and technicians, made susceptible to commercial application. For example, B Corporation, after purchasing patent rights covering a chemical process, designs specialized production equipment required for the commercial adaptation of the process and, by so doing, substantially increases the value of the patent. Royalties received by B Corporation from the use of such patent are derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (4).* Controlled foreign corporation D finances independent persons in the development of patented items in return for an ownership interest in such items from which it derives a percentage of royalty income, if any, subsequently derived from the use by others of the protected right. Corporation D also attempts to increase its royalty income from such patents by contacting prospective licensees and rendering to licensees advice which is intended to promote the use of the patented property. Corporation D does not, however, maintain and operate an organization in a foreign country which is regularly engaged in the business of marketing the patents. Royalties received by D Corporation for the use of such patents are not derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

*Example (5).* Controlled foreign corporation E, incorporated under the laws of foreign country X, is engaged in the music publishing business and derives substantially all of its income from the licensing and turning to account of musical compositions. The rights to exploit such compositions are acquired by license, some from related persons and some from unrelated persons. Corporation E, through its own staff of employees located in country X, maintains and operates an office at which is located its own staff of managerial, technical, administrative, and sales employees. The technical staff translates the lyrics into the language of country X or creates new and different lyrics if the original lyrics are unsuitable in such language or do not appeal to the tastes of the people of country X; the staff then prepares musical arrangements of the composition. The sales force has professional copies of the musical product printed for distribution to professional users; and, in many instances, popular copies printed for sale to the public. The sales force also advertises the musical composition, promotes its use by artists, orchestras, radio and television stations, and phonograph recording companies. Although some of its income is derived from the sale of sheet music, the bulk of its income is from its membership in the performing rights society of country X (from which E Corporation could not derive full benefit were it not incorporated in country X) and from royalties resulting from sales of records. Corporation E, by its staff of managerial, technical, administrative, and sales employees located in country X, maintains and operates an organization in such country which is regularly engaged in the business of marketing such compositions. Since such organization is substantial in relation to the royalties received by E Corporation from the licensing of such musical compositions, such royalties are derived in the active conduct of a trade or business for purposes of section 954(c)(3)(A).

(Sec. 7805 of the Internal Revenue Code of 1954; (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 21, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-13242; Filed, Dec. 23, 1964; 8:46 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Emergency Planning

[DMO I-1]

## DMO I-1—REGIONAL COORDINATION

### Revocation

Defense Mobilization Order I-1, Regional Coordination, dated July 9, 1956 (21 F.R. 5191) is hereby revoked. The responsibilities prescribed by this order have been assigned to Regional Preparedness Committees by OEP Circular 1200.7, which is available from the Office of Emergency Planning.

Dated: December 18, 1964.

EDWARD A. MCDERMOTT,
*Director, Office of Emergency Planning.*

[F.R. Doc. 64-13219; Filed, Dec. 23, 1964; 8:46 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64-69]

## PART 11-60—CONTRACT DISPUTE APPEALS

### Contract Dispute Appeal Requirements

This document revises the Coast Guard's contract dispute appeal regulations and supersedes the regulations published as 41 CFR Part 11-60, containing §§ 11-60.000 to 11-60.117, inclusive, in the FEDERAL REGISTER of May 26, 1964 (29 F.R. 6856 et seq.). The procurement of most items other than land by the Coast Guard is subject to the statutory provisions in Title 10, U.S. Code, sections 2301 to 2314, inclusive; 70A Stat. 127-133. Under the provisions in Title 40, U.S. Code, section 486(c), 63 Stat. 390, the Administrator, General Services Administration, has prescribed regulations concerning contracts. In addition, this law requires that "* * * the head of each executive agency shall cause to be



issued such orders and directives as such head deems necessary to carry out such regulations." The regulations for the Coast Guard in 41 CFR Part 11-60 give effect to the contract "disputes" clause in 41 CFR 1-7.101-12, which is also printed in Coast Guard contracts, and establishes the procedures for processing appeals on disputed questions arising out of Coast Guard contracts.

This document contains the detailed regulations regarding Coast Guard contract dispute appeals and does the following:

a. Establishes a permanent Coast Guard Board of Contract Appeals to serve in lieu of a panel from which individual boards are now selected by the Comptroller to hear assigned contractor dispute appeals.

b. Formalizes and clarifies appeals procedures.

c. Delegates to the Coast Guard Board of Contract Appeals the authority to take final action in contract dispute appeal cases in lieu of the present practice of having the Secretary of the Treasury review the Findings of Fact and Recommendations of individual boards and render decision on the appeal, in which he accepts or rejects, in whole or in part, the Findings and Recommendations of the Board.

Pursuant to the authority vested in the Secretary of the Treasury by Title 40, U.S. Code section 486(c), 63 Stat. 390, and other statutes, the Coast Guard contract dispute appeal regulations presently designated §§ 11-60.000 to 11-60.117, inclusive, are amended, as follows:

**Subpart 11-60.1—Introduction**


Sec.
11-60.100 Scope of part.
11-60.103 Creation and authority of Coast Guard Board of Contract Appeals.
11-60.106 Establishment and purpose.
11-60.109 Effective date and applicability.


**Subpart 11-60.2—Coast Guard Board of Contract Appeals; Organization and Procedures**


11-60.200 Appointment of Board members, alternate members and recorder.
11-60.203 Function and jurisdiction.
11-60.206 Authority to call witnesses.
11-60.209 Quorum.
11-60.212 Appeals docket and public inspection of cases.


**Subpart 11-60.3—General Rules**


11-60.300 Preliminary procedures and time limitations.
11-60.303 Appeals, how taken.
11-60.306 Notice of appeal, contents of.
11-60.309 Forwarding of appeals.
11-60.312 Duties of the Contracting Officer (appellee).
11-60.315 Dismissal for lack of jurisdiction.
11-60.318 Pleadings.
11-60.321 Amendments of pleadings or record.
11-60.324 Election between hearing and submission on the record.
11-60.327 Pre-hearing briefs.
11-60.330 Preliminary review by Board.
11-60.333 Response to notification of results of prehearing review.
11-60.336 Submission without a hearing.
11-60.339 Settling of the record.
11-60.342 Depositions.
11-60.345 Interrogatories to parties; inspection of documents; admission of facts.
11-60.348 Service of papers.


**Subpart 11-60.4—Appeals Hearings**


Sec.
11-60.400 Where and when held.
11-60.403 Notice of hearings.
11-60.406 Unexcused absence of a party.
11-60.409 Nature of hearings.
11-60.412 Examination of witnesses.
11-60.415 Copies of papers.
11-60.418 Post-hearing briefs.
11-60.421 Transcript of proceedings.
11-60.424 Withdrawal of exhibits.
11-60.427 Representation of parties.
11-60.430 Decisions.
11-60.433 Motions for reconsideration.


AUTHORITY: The provisions of this Part 11-60 are prescribed by the Secretary of the Treasury pursuant to sec. 633, 63 Stat. 545, secs. 2301-2314, 70A Stat. 127-133, as amended; 14 U.S.C. 633, 10 U.S.C. 2301-2314. Interpret or apply sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and Treasury Department Orders 167-17 (20 F.R. 4976) and 167-50 (28 F.R. 530).

### Subpart 11-60.1—Introduction

**§ 11-60.100 Scope of part.**

This part establishes the rules, policies and procedures regarding the administrative review and determination of disputed questions arising under Coast Guard contracts.

**§ 11-60.103 Creation and authority of Coast Guard Board of Contract Appeals.**

(a) The Coast Guard Board of Contract Appeals, hereinafter referred to as the "Board", is hereby created and designated as the authorized representative of the Secretary of the Treasury in hearing, considering and determining, as fully and finally as might the Secretary, all appeals by contractors (hereinafter referred to as appellants), from final decisions by contracting officers (hereinafter referred to as appellees) on disputed questions pursuant to the "disputes" provisions of Coast Guard contracts requiring the determination of appeals by the head of the department or his duly authorized representatives.

(b) The Board shall function as an independent and impartial body.

(c) The Secretary of the Treasury shall appoint and terminate appointments of the members.

(d) The Board shall have authority to establish additional rules not inconsistent with the rules contained in this part.

**§ 11-60.106 Establishment and purpose.**

(a) The rules in this part shall govern the appeals procedure and the respective rights and duties of the Board and the parties, i.e., the appellants and appellees.

(b) Except as otherwise provided in a specific contract, any dispute concerning a question of fact arising under a contract, which is not disposed of by agreement between the contractor and the contracting officer, shall be decided by the contracting officer. In each instance the contracting officer shall reduce his decision to writing, state in the document that it is his final decision and forward it together with a copy of this part (Part 11-60) to the contractor. Should the contractor appeal that decision, the issues raised thereby shall be determined by the Board in an impartial manner consistent with principles of fairness and the rules in this part.

(c) It is the purpose of the rules in this part to facilitate resolution of disputes arising out of government contracts. It is impracticable to articulate a rule to fit every possible circumstance which may be encountered. Therefore, the rules will be interpreted so as to secure just and inexpensive determination of appeals without unnecessary delay.

(d) Whenever reference is made to the contractor or appellant, contracting officer or appellee, or parties, this shall include their respective counsel.

**§ 11-60.109 Effective date and applicability.**

(a) The regulations in this part become effective on the 30th day following the date of publication in the FEDERAL REGISTER and shall apply to all contract "dispute" cases wherein appeal from the contracting officer's decision is taken on and after such effective date. The superseded regulations,[1] i.e., the regulations in effect prior to the effective date of the regulations in this part, shall be applicable to all cases pending prior to said effective date except to the extent that the Board determines that the regulations in this part shall apply.

### Subpart 11-60.2—Coast Guard Board of Contract Appeals; Organization and Procedures

**§ 11-60.200 Appointment of Board members, alternate members and recorder.**

(a) The Secretary of the Treasury shall appoint as members of the Board; a chairman, two regular members, either of whom shall be designated vice chairman by the chairman for a particular case; and, two alternates to serve as members in the absence of regular members. He shall also designate a recorder who shall maintain a suitable docket of contract appeal cases and shall be charged with custody of all papers, documents, exhibits, and materials relating to appeal cases. The appointees shall be officers or employees of the Coast Guard.

(b) If for any reason other than malfeasance or misconduct in office an appointment shall be terminated, such termination shall not be effective to disqualify a member to render a decision in any case being considered by him on the record in accordance with section 11-60.336 or being heard by him, except that if an appointment shall terminate by reason of retirement or resignation of a regular member, a new member shall be appointed or an alternate member shall be qualified in accordance with § 11-60.209(c).

(c) The chairman, or, in his stead, the vice chairman for a particular case, shall preside at all hearings and executive sessions convened to deliberate on each con-

[1] Regulations published as 41 CFR Part 11-60, containing §§ 11-60.000 to 11-60.117, inclusive, in the FEDERAL REGISTER of May 26, 1964 (29 F.R. 6856, et seq.).

tract appeal case referred to the Board.

(d) The recorder shall not be a member of the Board.

**§ 11–60.203 Function and jurisdiction.**

(a) The Board shall hear, consider and determine contract appeals in accordance with the rules in this part. The Board shall, inter alia, have the authority to conduct hearings, take official notice of facts within general knowledge, dismiss proceedings and decide cases. Testimony shall be taken under oath or affirmation, except as otherwise provided in § 11–60.412. Cases shall be decided on the facts and on such questions of law as may be necessary to reach a determination.

(b) The Board shall not have jurisdiction to consider and determine claims which are not cognizable under the terms of the contract.

(c) Decisions of the Board shall be by a majority of the members. The Board's decision shall constitute the final administrative action in each case, except that those decisions may be reconsidered upon motion therefor pursuant to § 11–60.433.

**§ 11–60.206 Authority to call witnesses.**

(a) Either party, at his own expense, may invite witnesses to attend and testify.

(b) The Board may also invite such witnesses as it deems necessary.

**§ 11–60.209 Quorum.**

(a) Either party, at his own expense, or vice chairman for a particular case) and two members shall constitute a quorum.

(b) Should any member determine that he is unable to participate in a particular case due to some disability, he shall disqualify himself and the presiding officer shall designate an alternate to serve.

(c) If for any reason an alternate is designated or if a new member is appointed to a Board convened to hear an appeal case during the course of the appeal, that part of the record of the proceedings which was not attended by the new designee or appointee shall be read by him and he shall so certify in writing, which certification shall become a part of the case record. No member or alternate member of a Board shall participate in the decision in a particular case unless he has attended the hearing or has read or heard the entire record of the proceedings.

**§ 11–60.212 Appeals docket and public inspection of cases.**

(a) The appeals docket shall be maintained in the office of the Board. Each appeal shall be assigned a number in the order of filing. Appeals shall be heard in their order on the docket unless advanced or delayed pursuant to § 11–60.400.

(b) The docket and the decisions (except those required for good cause to be held confidential) on completed cases shall be available for public inspection at the Board's offices at Coast Guard Headquarters, Washington, D.C., during regular business hours.

(c) Appeals record files will be maintained for a period of 10 years from the date of the Board's decision.

## Subpart 11–60.3—General Rules

**§ 11–60.300 Preliminary procedures and time limitations.**

(a) Preliminary procedures shall be used to encourage full disclosure of relevant and material facts and to discourage unwarranted surprise.

(b) All time limitations specified herein for various procedural actions shall be considered as maximums. If the action described in this part can be or is accomplished in a lesser period, the Board shall take necessary action without waiting for such time period to lapse.

(c) On good cause shown, the Board shall have authority to extend the various time limits specified in this part, except that the time limit established for the filing of notices of appeals may not be extended. (See § 11–60.303.)

**§ 11–60.303 Appeals, how taken.**

(a) Notice of an appeal must be in writing, and the original, together with four copies, shall be filed with the office of the contracting officer from whose decision the appeal is taken.

(b) The notice of appeal must be mailed or otherwise filed within 30 days of receipt of the contracting officer's decision unless otherwise required by the contract or any provision of law.

**§ 11–60.306 Notice of appeal, contents of.**

(a) A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the name and duty station of the contracting officer cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant or by an officer of the appellant corporation or member of the appellant firm, or by the appellant's duly authorized representative or attorney.

(b) The complaint referred to in § 11–60.318 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

**§ 11–60.309 Forwarding of appeals.**

(a) When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 20 days shall forward said notice of appeal to the Board.

(b) Following receipt by the Board of the original notice of an appeal the appellant and appellee will be promptly advised of its receipt, and a copy of any Board rules governing the conduct of hearings shall be furnished to the appellant.

**§ 11–60.312 Duties of the Contracting Officer (appellee).**

(a) Following the filing of a notice of appeal (§ 11–60.306) the appellee shall, within sixty days, transmit to the Board all documents (or copies thereof) pertinent to the appeal including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(2) The contract, and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties pertinent to the appeal;

(4) Transcripts of any testimony taken and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(5) Such additional information as may be considered material.

(b) Upon completion of the compilation of documents described in paragraph (a) of this section, and at least ten days prior to forwarding the documents to the Board, the appellee shall provide the appellant with a listing of the documents contained therein, and afford him an opportunity to examine the complete compilation at the office of the appellee, for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. Following receipt of this compilation, as it may be augmented, the Board shall promptly advise the parties of the docketing and such other information as may be necessary in the case.

**§ 11–60.315 Dismissal for lack of jurisdiction.**

(a) Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion should be deferred pending hearing on both the merits and the motion.

(b) The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

**§ 11–60.318 Pleadings.**

(a) Within 30 days after the date of the notice of docketing of the appeal, the appellant shall file with the Board an original and four copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although, no particular form or formality is required. Upon receipt thereof, the Recorder of the Board shall serve a copy upon the counsel for the appellee. Should the complaint not be received within 30 days, and if in the opinion of the Board the appellant's claims are sufficiently defined, the counsel for the appellee and the appellant shall be so notified.

(b) Within 45 days from receipt of said complaint, or the aforesaid notice from the Recorder of the Board, the counsel for the appellee shall prepare and file with the Board an original and four copies of an answer thereto, setting forth simple, concise, and direct statements of any defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof, the Recorder shall serve a copy upon appellant. Should the answer not be received within 45 days, it will be deemed that a general denial on behalf of the appellee has been entered and the appellant shall be so notified.



**§ 11–60.321 Amendments of pleadings or record.**

(a) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(b) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 11–60.312 are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the § 11–60.312 documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

**§ 11–60.324 Election between hearing and submission on the record.**

(a) Upon receipt of appellee's answer or the notice referred to in the last sentence of § 11–60.318(b), appellant shall advise whether he desires a hearing, as prescribed in Subpart 11–60.4 of this part, or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in § 11–60.336.

**§ 11–60.327 Pre-hearing briefs.**

(a) Based on an examination of the documentation described in § 11–60.312 and the pleadings, the Board may in its discretion require the parties to submit pre-hearing briefs in any case in which a hearing has been elected pursuant to § 11–60.324. In the absence of a Board requirement therefor either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a pre-hearing brief to the Board. In any case where a pre-hearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party.

**§ 11–60.330 Preliminary review by Board.**

(a) In order to expedite the appeal and to eliminate unnecessary proceedings with respect thereto, the Chairman shall set a date for, and the Board, sitting in executive session, shall conduct a preliminary review of the case.

(b) The Board shall:

(1) Consider the appeal on the record, which shall include all pleadings, briefs, documents, exhibits and materials submitted by the parties.

(2) Determine which claims of the appellant in the Board's judgment find support in the record and are prima facie allowable and in what amount and submit preliminary findings with respect to those claims to the appellee and its counsel. Within 10 days appellee's counsel shall notify the Board whether or not the appellee accepts the Board's determination with respect to specific claims or whether the appellee believes that further proceedings thereon are required.

(3) Note whether certain claims require clarification.

(4) Notify the appellant in writing, with a copy to the appellee, regarding the following:

(i) Each claim referred to in subparagraph (2) of this paragraph and the amount thereof not contested by the appellee.

(ii) That further proceedings before the Board with respect to any particular claim allowed in full shall not be had unless the appellant is of the view that further proceedings thereon are relevant and pertinent to the appeal as a whole.

(iii) That certain issues are still in controversy.

**§ 11–60.333 Response to notification of results of pre-hearing review.**

(a) Upon receipt of the pre-hearing advice specified in § 11–60.330(b)(4), the parties shall:

(1) Advise the estimated length of time required for their presentations at an oral hearing before the Board.

(2) Furnish the names, addresses, and capacities of persons, including witnesses, expected to be present in their behalf.

(3) Provide any additional substantiating matter relative to the appeal which they may wish to have reviewed prior to a hearing.

**§ 11–60.336 Submission without a hearing.**

(a) The parties by agreement may elect to waive a hearing and to submit the case upon the Board record, as settled pursuant to § 11–60.339. In the event of such election to submit, the submission may be supplemented by oral argument (transcribed if requested), and/or by briefs.

**§ 11–60.339 Settling of the record.**

(a) A case submitted on the record pursuant to § 11–60.336 shall be ready for decision when the parties are so notified by the Board.

(b) A case which is heard shall be ready for decision 10 days after receipt of transcript, or upon receipt of post-hearing briefs when such briefs are to be submitted.

(c) At any time prior to the date that a case is ready for decision, either party upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record shall rest within the sound discretion of the Board.

(d) At any time prior to the date that a case is ready for decision either party may at any stage of the proceeding, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

(e) The Board record shall consist of documentation described in § 11–60.312 and any additional material received by the Board pursuant to the rules in this part including pleadings, pre-hearing briefs, record of preliminary review or pre-submission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and post-hearing briefs.

(f) This record will at all times be available for inspection by the parties at the office of the Board at Coast Guard Headquarters, Washington, D.C. In the interest of convenience, prior arrangements for inspection of the record should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

**§ 11–60.342 Depositions.**

(a) *When depositions may be taken.* After an appeal has been docketed the Board may, upon application of either party or upon agreement by the parties, permit the taking of the testimony of any person, by deposition upon oral examination or written interrogatories, for use as evidence in the appeal proceedings. Leave to take a deposition will ordinarily be granted when it appears that it is impracticable to present deponent's testimony at the hearing of the appeal, or when a hearing has been waived and the case submitted pursuant to § 11–60.336.

(b) *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths, or by a Coast Guard officer under authority in Article 10–1–9 of U.S. Coast Guard Regulations promulgated pursuant to section 636 of title 14 U.S. Code, 63 Stat. 545, and Article 136, Uniform Code of Military Justice, 10 U.S.C. 936, 70A Stat. 77.

(c) *By oral examinations.* When either party desires to take the testimony of any person by deposition upon oral examination, the moving party shall give the other party at least 15 days written notice of the time and place where such deposition is proposed to be taken, the name, address, and title of the person before whom it is proposed to be taken, and

the name and address of the witness. This notice is unnecessary in any case where the deposition has been scheduled by mutual agreement. If the party so served finds it impracticable to appear at the taking of the deposition, in person or by counsel, he shall promptly so notify the moving party who shall make available to him a copy of the evidence given at the deposition. Within 15 days after receipt of such copy, the proceedings shall be had thereon as provided in paragraph (d) of this section.

(d) *By written interrogatories.* When either party desires to take the testimony of any person by deposition upon written interrogatories, the moving party shall serve them upon the other party with a notice stating the name and address of the person who is to answer them and the name, address and title of the person before whom the deposition is to be taken. Within 15 days thereafter, the party so served may serve cross-interrogatories upon the moving party. A copy of the notice and copies of all interrogatories served shall be delivered by the moving party to the person before whom the deposition is to be taken, and the latter shall proceed promptly to take the testimony of the witness in response to the interrogatories.

(e) *Form and return of deposition.* Each deposition should show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person taking the deposition shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and he shall enclose the original deposition and exhibits in a sealed package which he shall promptly forward at the expense of the moving party, to the Recorder, Coast Guard Board of Contract Appeals, Coast Guard Headquarters, Washington, D.C., 20226.

(f) *Introduction in evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at the hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such case, it can, however, be utilized to contradict or impeach the testimony of deponent as a witness. If the opportunity to be heard has been waived and the case submitted pursuant to § 11–60.336, the deposition shall be deemed to be part of the record before the Board.

**§ 11–60.345 Interrogatories to parties: inspection of documents; admission of facts.**

(a) Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to serve upon the opposing party a request for the admission of specified facts. Such applications shall be reviewed and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to the proper pursuit of the objective in the particular case.

**§ 11–60.348 Service of papers.**

(a) Service of papers in all proceedings pending before the Board, may be made personally, or by mailing the same in a sealed envelope, registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

## Subpart 11–60.4—Appeals Hearings

**§ 11–60.400 Where and when held.**

(a) Hearings will ordinarily be held in Washington, D.C., except that upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. However, the Board may, on its own motion, or on the motion of a party, advance or defer a scheduled hearing.

**§ 11–60.403 Notice of hearings.**

(a) The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay.

**§ 11–60.406 Unexcused absence of a party.**

(a) The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party without a hearing, as provided in § 11–60.336.

**§ 11–60.409 Nature of hearings.**

(a) Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and appellee may offer at a hearing on the merits such evidence as they deem appropriate, subject however, to the sound discretion of the Board. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the Board. The weight to be attached to evidence presented in any particular form will be with the discretion of the Board, taking into consideration all circumstances of the particular case.

(b) Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

**§ 11–60.412 Examination of witnesses.**

(a) Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board shall otherwise order.

(b) If the testimony of a witness is not given under oath, the Board may, if it seems expedient, warn the witness that his statements are subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

**§ 11–60.415 Copies of papers.**

(a) When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

**§ 11–60.418 Post-hearing briefs.**

(a) Post-hearing briefs may be submitted upon such terms as may be agreed upon by the parties and the Board at the conclusion of the hearing. Ordinarily they will be simultaneous briefs, exchanged within 20 days after receipt of transcript.

**§ 11–60.421 Transcript of proceedings.**

(a) Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the appellant at such rates as may be fixed by contract between the Board and the independent reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts thereof under the conditions set forth in Subpart 1.25 of Title 33, Code of Federal Regulations.

**§ 11–60.424 Withdrawal of exhibits.**

(a) After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

**§ 11–60.427 Representation of parties.**

(a) An individual appellant may appear before the Board in person, a corporation, by an officer thereof; a partnership or joint venture, by a member thereof; or any of these, by an attorney at law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia.

(b) The appellee's counsel shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time.

**§ 11–60.430 Decisions.**

(a) Decisions of the Board shall be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules under which the Board functions and the Board's final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board, at Coast Guard Headquarters, in Washington, D.C.

(b) Decisions of the Board will be based upon the record.

(c) Whenever at any time it appears that the parties are in agreement as to the disposition of the controversy, the Board may in its discretion, dispose of the controversy in accordance with that agreement.

**§ 11–60.433 Motion for reconsideration.**

(a) A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

Dated: December 17, 1964.

[SEAL] JAMES POMEROY HENDRICK,
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64–13223; Filed, Dec. 23, 1964; 8:46 a.m.]



# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 64–1149]

## PART 0—COMMISSION ORGANIZATION

### Delegation of Authority To Grant Requests for Waiver of Type Acceptance Requirements

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 16th day of December 1964:

In the matter of amendment of Part 0 of the Commission's rules to delegate authority to the staff to grant requests for waiver of the type acceptance requirements as set forth in § 89.117 for a period not to extend beyond January 1, 1967.

The Commission having under consideration an additional delegation of authority to the staff; and

It appearing, that it is desirable to delegate to the Chief, Safety and Special Radio Services Bureau the authority to grant requests for waiver of the type acceptance requirements of § 89.117 for a period not to extend beyond January 1, 1967; and

It further appearing, that such delegation of authority will result in a more efficient administration of the Commission's functions; and

It further appearing, that the amendment herein ordered is non-substantive in that it relates to organizational and procedural matters and, therefore, the Public Notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the authority for the delegation herein ordered is contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended:

*It is ordered,* Effective December 28, 1964, that Part 0 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 5, 66 Stat. 713; 47 U.S.C. 155)

Released: December 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

Part 0 is amended as follows:

1. Section 0.331(b) is amended by adding a new subparagraph (17) as follows:

**§ 0.331 Authority delegated.**

• • • • • •

(b) • • •

(17) To grant waivers of the type acceptance requirements of § 89.117 of this chapter for a period not to extend beyond January 1, 1967, in cases substantially the same as those in which the Commission en banc has taken similar action.

• • • • • •

[F.R. Doc. 64–13309; Filed, Dec. 23, 1964; 8:49 a.m.]

[Docket No. 15512; FCC 64–1169]

## PART 73—RADIO BROADCAST SERVICES

### Miscellaneous Amendments

In the matter of amendment of § 73.606, Table of Assignments Television Broadcast Stations (Rhinelander, Wis.; Ironwood, Mich.); Docket No. 15512, RM–518.

Report and order. 1. On June 18, 1964, the Commission released a notice of proposed rule making which invited comments on the following alternative proposals to amend § 73.606 of the rules (the television table of assignments):

ALTERNATIVE NO. 1

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Ironwood, Mich. | 12+, 31– | 31– |
| Rhinelander, Wis. | 22 | 12+, 22 |

ALTERNATIVE NO. 2

| | | |
|---|---|---|
| Rhinelander, Wis. | 22 | 4+, 22 |

2. Alternative No. 1 derives from a petition for rule making (and amendment thereto) filed by Alvin E. O'Konski (petitioner), who holds a construction permit for Station WAEO–TV at Hurley, Wisconsin, using the Channel 12 assignment of Ironwood which is less than 15 miles from Hurley. The petition requested reassignment of Channel 12 from Ironwood to Rhinelander (located about 70 miles southeast of Hurley) and an order to show cause why his permit should not be modified to specify operation at the latter city instead of at Hurley. Alternative No. 2 was suggested by the M & M Broadcasting Company (M & M), licensee of Station WLUK–TV, Channel 11, Green Bay, Wisconsin, in a statement directed at petitioner's proposal. Comments and reply comments have been duly filed,[1] and the matter is now before the Commission for decision.

3. In his comments, petitioner states that he was diligent in his plans to construct Station WAEO–TV, until he learned from a thorough study that a TV station in Hurley would not be economically feasible. He says that he was in contact with every business and wholesale establishment in the area, which he states is classed as a deeply depressed one, and that the businessmen informed him that they could not undertake the additional expense of advertising costs sufficient to support a TV station. In addition, he mentions that all the networks stated that it was not practical to affiliate with a TV station that would serve only 8,000 TV sets or 28,417 persons in its coverage area.[2] Moreover, it is averred that twenty advertising representatives for regional and national businesses stated that it would be impossible to obtain business for a TV station with such coverage.

4. He further mentions that he has received several thousand letters from persons, most of whom reside in areas that would be served by a Rhinelander station (operating with antenna height of 1,000 feet and maximum power of 316 kw), stating that they do not obtain even fair television reception in spite of large expenditure for outdoor antennas, and requesting him to increase his facilities and locate Station WAEO–TV where they might get "their first primary, or at least Class B coverage."[3] Petitioner indicates that, in view of the foregoing, he explored the possibility of expanding the facilities specified in his construction permit and relocating the station so that he could make maximum use of the channel and bring the first acceptable television service to about 107,000 persons and 30,000 TV sets by means of a station that would be financially viable.

5. This study led to his subsequent petition for rule making to reassign Channel 12 to Rhinelander and his request for modification of his permit to

[1] Comments were filed by the following: Alvin E. O'Konski; Association of Maximum Service Telecasters, Inc. (AMST); The Journal Company, licensee of Station WTMJ–TV, Channel 4, Milwaukee, Wis.; Midwest Radio-Television, Inc. (Midwest), licensee of Station WCCO–TV, Channel 4, Minneapolis, Minn.; and M & M. Reply comments were filed by all of the foregoing except AMST.

[2] Petitioner's construction permit for WAEO–TV authorizes antenna height of 420 feet above average terrain and power of 1.7 kw; hence the small coverage area.

[3] The term "primary coverage" is not used in the television broadcast service. Whether the meaning here is that the persons writing desired to be within the Grade A contour of a television station or that they wished to receive a signal not less than that required over a principal community is not clear. In any event, it would appear that the thrust of their pleas was that they desired better service than they were receiving or would receive if Station WAEO at Hurley were ultimately to go on the air with the facilities mentioned in footnote 2.

specify operation there at antenna height of 1000 feet and maximum power of 316 kw. He states that such a facility would bring acceptable television to a "white" area of about 83,000 persons. His comments also incorporate by reference the statements of his amended petition for rule making concerning the Rhinelander area, which include the following: Statements of merchants in the area and of advertising representatives, plus the indications of two networks point to the fact that such a Rhinelander station might be successful. Rhinelander (population 9,200) is the county seat and largest city of Oneida County (population 22,600) which is situated in north-central Wisconsin. The city is a wholesale center for six counties in the proposed coverage area, as well as a center for forestry activity. It has numerous industrial, manufacturing, wholesale, and retail establishments, a daily newspaper, and a radio station. It is the hospital and medical center for northern Wisconsin, and is served by one airline and two railroads. In the summer, its population multiplies ten times. It is the focal point of all activities of northern Wisconsin and would be an ideal focal point of all activities for a television station, in an area which is largely underserved.

6. Engineering statements submitted by various parties show a wide area in which a transmitter may be located if Channel 12 is assigned to Rhinelander, whereas there is a limited area southeast of Rhinelander, roughly rectangular (about 60 miles from east to west and 15 miles from north to south), in which a Channel 4 transmitter would have to be located in order to meet Commission spacing requirements. Petitioner submitted an engineering statement which maintains that, because of air space problems, the nearest point at which a high tower could be built in that rectangle is located 25 miles from Rhinelander.[4]

7. M & M, The Journal Company, Midwest and AMST take no position on whether any channel should be added to Rhinelander. However, in the event that a VHF channel is assigned, M & M urges that it be Channel 4, and The Journal Company and Midwest urge that it be Channel 12. Regardless of the channel assigned, the single concern of AMST is the strict enforcement of the mileage spacing requirements of the rules. These parties state their arguments accordingly.

8. The principal line of argument followed by M & M, Midwest, and The Journal Company is directed at the amount of interference and resulting loss of service that a Rhinelander Channel 4 station would cause to viewers of co-channel Stations WCCO–TV and WTMJ–TV, or that a Rhinelander Channel 12 station would cause to viewers of adjacent channel Station WLUK–TV. Claims and counterclaims are made concerning the methods used by the parties in calculating loss of service, and by various lines of reasoning it is urged that it is in the public interest to assign Channel 4 or Channel 12 as the case may be. Because of our decision (see paragraphs 20–21) we find it unnecessary to evaluate the details of these arguments.

9. AMST urges that regardless of which channel may be assigned to Rhinelander, there should be strict enforcement of the Commission mileage spacing requirements. It observes that if Channel 4 were assigned to Rhinelander, there would be a co-channel short separation of about 4 miles between the Rhinelander reference point and the new transmitter site proposed by WCCO–TV, Channel 4, Minneapolis, in its pending application, File No. BPCT–3292, filed by Midwest Radio-Television, Inc. (on January 30, 1964). It urges that, although there is an area of substantial size east of Rhinelander in which a transmitter for a Channel 4 operation could be located, the Commission should not assign Channel 4 to Rhinelander unless and until it has determined that there would be no air space or other practical obstacles to the location of a Channel 4 transmitter in the area meeting all mileage requirements. It also argues that if Channel 4 is assigned to Rhinelander, the order assigning the channel should make clear that any application for use of the channel will be granted only on condition that the transmitter site meets the separation requirements with respect to all other stations and allocations including the new WCCO–TV transmitter site requested.

*The need for service in the area involved.* 10. As stated above, no party except petitioner has taken a position on the need of the area involved for an additional channel. Thus the only material in the record directed at this point is that supplied by petitioner, who has stated that it is not economically feasible to operate a station at Hurley, that it is economically feasible to operate one at Rhinelander, and that there is a need for service in the latter area. (See paragraphs 3–5, above.) We are of the opinion that there is a substantial need for a television service in the area which a Rhinelander station would serve. The numerous letters received by petitioner are additional evidence of this fact. Also, it is evident that there is a large "white area" to the north of Rhinelander that lies outside the Grade B contour of any television station, and Rhinelander itself lies within the Grade B contour of only one station—WSAU–TV, at Wausau.[5] Except for WSAU–TV, the television stations nearest to Rhinelander are WBAY–TV, WFRV, and WLUK–TV at Green Bay, Wisconsin, about 115 miles away; and WEAU–TV at Eau Claire, Wisc., and WLUC–TV, Marquette, Mich., both about 120 miles distant. Although there are four UHF translator broadcast stations at Rhinelander,[6] as well as a CATV system,[7] and a CATV system at Merrill[8] (which would lie within the Grade B contour of the proposed station at Rhinelander), these services are local to the communities named and serve only about 4,300 homes. Our determination of the need for service in the area is buttressed by the 1960 ARB Television Coverage Survey mentioned in the following paragraph.

11. The 1960 ARB Television Coverage Study shows the number of services received in 1960 by the counties that that would lie within the Grade B contour of the proposed VHF station at Rhinelander. Assuming that a station rendered "substantial service" to a county if it had a net weekly circulation of 75 percent or more within that county, 1960 ARB figures indicate that of all the TV households in the counties under consideration, 4 percent received no substantial service, 56 percent received 1 substantial service, 15 percent received 2 substantial services and 25 percent received 3 substantial services. Under this criterion, three-fourths of the TV households did not receive three substantial services.

12. Having determined a need, the question remains whether the public interest in satisfying that need would best be served by reassigning Channel 12 from Ironwood to Rhinelander, by leaving Channel 12 at Ironwood and assigning Channel 4 to Rhinelander, or by assigning neither of those channels to Rhinelander, leaving the community with its presently assigned Channel 22. An essential consideration in arriving at an answer is that of the impact which assignment of a VHF channel to Rhinelander would have on UHF development in the area.

*Impact of a VHF assignment on UHF development.* 13. It is the policy of the Commission to foster UHF development. Consistent with that policy, we stated in paragraph 15 of the Report and Order (FCC 63–501) in the "drop-in" cases (Docket Nos. 14231–8, Oklahoma City, etc.) released May 31, 1963, that all new VHF assignments and applications would be scrutinized as to their likely effect on UHF development. We therefore proceed to examine the impact that the assignment of a VHF channel at Rhinelander might have on UHF development in the area.

14. Rhinelander is the county seat and largest city of Oneida County. Neither the population of Rhinelander nor of the county has changed significantly since 1940 (county population: 1940—18,938; 1950—20,648; 1960—22,112; Rhinelander population: 1940—8,501; 1950—8,774; 1960—8,790). As previously stated, the nearest television stations are at Wausau (WSAU–TV, Channel 7) about 50 miles away; at Green Bay, about 115 miles away; and at Eau Claire about 120 miles away. The nearest UHF stations are at Madison and Milwaukee, some 180 miles and 200 miles from Rhinelander respectively.

15. Within the Grade B contour of the proposed Rhinelander station, the following situation prevails: There are four UHF assignments: Channel *18 at Park Falls, Channel 22 at Rhinelander, and Channels 16 and *46 at Wausau. All of these channels are unused. In Docket No. 14229 which is concerned with expanded use of UHF channels throughout the country, Channel 62 is proposed for Antigo, and Channel 73 for Merrill. In addition, VHF channels 7 and 9 are assigned at Wausau, the former being occupied by a licensee and the latter by a permittee.

16. Not counting new all-channel sets purchased recently, it would appear that, with the exception of Rhinelander and the area nearby, there is no UHF conversion in the area because of the great distances to the nearest UHF stations.[9] Commission license files indicate that there are four UHF television translator broadcast stations at Rhinelander (see footnote 5) with about 1,850 all-channel UHF converters being used by those who receive service from them. These converters are located in and near Rhinelander, almost entirely within Oneida County, because of the limited range of the translator signals. According to the Standard Rate & Data Service, Inc., 1963 estimate, there are 6,000 households in Oneida County, of which 5,800 are TV households. A VHF station operating at Rhinelander with a tower of 1,000 feet and maximum power (as proposed by petitioner) would serve the 5,800 households in Oneida County, and 74,200 TV households outside that county but within the Grade B contour of the station (based on Standard Rate & Data Service Inc., 1963 estimates), almost none of which apparently are UHF converted. Thus, it would appear that UHF conversion in Oneida County is 32 percent and that conversion in the Grade B contour of the proposed station is 2.3 percent.

17. It appears that while the UHF conversion within Oneida County is considerable, that county alone cannot support a television station. Since the UHF conversion within the general area of the proposed station is minimal, we believe that the chances of having a UHF station at Rhinelander or in the area in the fairly near future are small, and that there would therefore be no adverse impact on UHF in the near future if a VHF channel were assigned to the community. The possible adverse effect that assignment of a VHF channel might have on UHF development in the area in the more distant future is a matter of speculation. If eventually, when all-channel sets become prevalent in the area, the market would support two television stations, the existence of a VHF station would presumably not have an adverse impact on UHF. If the market at that time would only support one station, the existence of a VHF station which might be constructed as a result of a present VHF assignment would effectively preclude the establishment of a UHF station and to that extent would have an adverse impact on UHF development. As to the area generally other than Rhinelander, that substantial long-range impact on UHF development would occur is not sufficiently clear that we would be justified in withholding an otherwise desirable assignment on that basis alone.

*A VHF channel would fulfill the needs of the area sooner.* 18. We have seen that an immediate need for an additional service presently exists in the Rhinelander area. Although Channel 22 has been assigned to Rhinelander since the Sixth Report and Order, that channel has not been used to satisfy the need. Petitioner indicates a desire to fulfill it by use of a VHF channel. Whether he or someone else would fulfill it by use of Channel 22 in the immediate future if a VHF channel were not assigned to Rhinelander is questionable, especially to the extent that lack of UHF conversion in the area acts as a deterrent. It would appear that the best chance to satisfy the need would be by the assignment of a VHF channel to the community. We have found that such an assignment would not have an adverse impact on UHF development in the near future. Although it might have such an effect in the distant future, the matter is speculative, and we believe that, on balance, the public interest will be better served by assigning a VHF channel which shows promise of being used in the near future.

*Channel 12 is the better assignment.* 19. Such a channel could be assigned either by dropping in Channel 4 or by reassigning Channel 12 from Ironwood. The latter course would remove from Ironwood (to which Channel 31 is also assigned) a channel that was assigned to that community about 10 years ago. Two permits for its use have been granted. The first was deleted, and it now appears that the present permit, held by petitioner, will also not be used. Nor is there any evidence that the channel would be used at Ironwood in the foreseeable future. In fact, the statements of petitioner indicate that it would not be. Reassignment of the channel to Rhinelander would, therefore, not appear to be contrary to the public interest, especially since use of the channel at the latter community could also give considerable service in the Ironwood area, and since if in the distant future a station at Ironwood might be viable, Channel 31 remains available for use.

20. We believe that it is in the public interest to reassign Channel 12. This decision is based on the fact that although it is possible to assign either Channel 4 or 12 and meet the mileage spacing requirements of the rules, and provide the required field strength over the principal community, there is substantially more flexibility in the location of a transmitter site for a Channel 12 station than for a Channel 4 station, and this flexibility makes for a more efficient use of that channel than could be made of Channel 4. This greater flexibility also increases the possibility that a tall tower may be erected at a site reasonably close to Rhinelander and still not present air space problems. A transmitter location 25 miles or more from the principal community should be avoided if possible.

21. Two stations have filed comments urging the assignment of Channel 12. One urges the assignment of Channel 4. Their positions are based almost entirely on alleged loss of service to listeners of their stations. Arguments are raised about the amount of loss and the methods used in calculating alleged losses, but we base our selection of Channel 12 on the consideration of transmitter site flexibility. At best, the evidence given concerning losses of service is only fragmentary. If we were to give consideration to the matter of interference and loss of service, far more would have to be considered than loss of service of the three parties which filed comments herein. Interference and loss of service to all existing or potential co-channel and adjacent channel stations in the region, as well as the interference of the signals of such stations with the signal of a Rhinelander station, would have to be taken into account in arriving at a decision in the public interest concerning the proper channel to assign to Rhinelander. Consideration would also have to be given to the other services available to the interference areas. In any event, as we have stated before, our assignment table, which is subject to modification from time to time, is based on the concept of mileage separations, these separations representing a necessary compromise between protection from interference and the making of an adequate number of assignments. Stations are not protected from interference from assignments made in accordance with the separation rules. See § 73.612. Here, in fact, selection of Channel 12 does tend to cause less total interference than would a Channel 4 assignment, since the general degree of separations on the channel to all co-channel and adjacent-channel assignments is greater as shown by the much larger area available for transmitter location. Moreover, since the "interference" claimed is adjacent-channel, there will be substitution of service instead of the loss of service in the area which would be affected by co-channel interference from a Channel 4 assignment.

*Miscellaneous matters.* 22. Two matters mentioned in the comments may be disposed of briefly: (1) The arguments of AMST are directed primarily toward the possible assignment of Channel 4 to Rhinelander and need no consideration in view of our decision to assign Channel 12. (2) WLUK–TV suggests that we may wish to give consideration to the possibility of reserving a VHF channel at Rhinelander for educational use in view of the Commission decision in Docket Nos. 14933–4 on July 24, 1964 (37 F.C.C. 257), which granted applications

[4] Petitioner also states that a transmitter might be located about 16 miles from Rhinelander and give principal city service to both Rhinelander and Merrill, but that a question of antenna height exists because the site is close to the junction of two airways.

[5] When the permittee of Station WAOW–TV, Channel 9, at Wausau builds, Rhinelander will also lie within the Grade B contour of that station. WAOW–TV is the former WCWT (see par. 22).

[6] W76AB, W71AC, W80AC, and W73AD. One of these picks up the signal of the Wausau station. Each of the others picks up the signals of one of the three Green Bay stations.

[7] Television Factbook, 1964 Edition, No. 34, p. 144–c.

[8] Information from FCC Survey of CATV Systems.

[9] The 1960 ARB Television Study showed no UHF conversion in any of the counties involved except for 100 UHF homes in Lincoln County contiguous to Oneida County. Except with respect to Rhinelander and Oneida County, there is no reason to believe that this has substantially changed.

of Central Wisconsin Television, Inc., for assignment of its construction permit for Station WCWT (Channel 9, Wausau) to Midcontinent Broadcasting Company and for extension of time in which to construct the station. Those actions had been opposed by an educational group which has pending before the Commission a petition for rule making (RM-321) to reserve Channel 9 in "central Wisconsin" for educational use. Since comments herein were not addressed to the question of need for an educational reservation at Rhinelander, and there has therefore been no showing of need in this respect, we give no consideration to it here, but will deal with it elsewhere. Educational groups are of course free to apply for Channel 12.

*Request for order to show cause.* 23. Petitioner has requested an order to show cause why his construction permit should not be modified to specify operation at Rhinelander on Channel 12 rather than at Hurley, tower height of 1,000 feet, and power of 316 kw. Under special circumstances in one of the "drop-in" cases mentioned above, we have reassigned a channel from one city to another and modified the license of a station operating on that channel accordingly. In the instant case, however, the record shows that the petitioner holds a construction permit for a station of very low power and low antenna height, and that there has been no construction. We therefore believe that no order to show cause should issue. The channel will accordingly be open to all applicants including petitioner.

24. As stated in the notice herein, since Rhinelander is within 250 miles of the U.S.-Canadian border, concurrence of the Canadian authorities in accordance with the provisions of the U.S.-Canadian Agreement of 1952 was necessary before final action on either proposal could be taken. Such concurrence to assignment of Channel 12+ to Rhinelander has been obtained.

25. Authority for the adoption of the amendment herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

26. In view of the foregoing: *It is ordered*, Effective January 25, 1965, that the Table of Assignments contained in § 73.606 of the Commission rules and regulations is amended insofar as the communities named are concerned, to read as follows:

| City | Channel No. |
|---|---|
| Ironwood, Mich. | 31— |
| Rhinelander, Wis. | 12+, 22 |

27. *It is further ordered*, That the request of Alvin E. O'Konski for an order to show cause why the construction permit for Station WAEO-TV, Hurley, Wis., should not be modified to specify operation on Channel 12 at Rhinelander, Wis., with antenna height of 1,000 feet and power of 316 kilowatts is denied.

28. *It is further ordered*, That this proceeding is terminated.

Adopted: December 16, 1964.

Released: December 18, 1964.

NOTE: Rules changes herein will be covered by T.S. III(64)-5.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13256; Filed, Dec. 23, 1964; 8:47 a.m.]

[FCC 64-1168]

## PART 73—RADIO BROADCAST SERVICES

### Multiple Ownership

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations.

*Order.* At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of December, 1964;

On June 9, 1964, we released our Report and Order in Docket No. 14711 amending the so-called "duopoly" sections of the multiple ownership rules. In the Report and Order, we stated that the rules would apply to assignments and transfers but that "pro-forma transfers and other transfers coming about by operation of law" would be exempted.[1] However, the rules as finally adopted (Sections 73.35, 73.240 and 73.636) specifically exempted only those pro-forma transfers listed in § 1.540(b) of the Commission's rules and failed to provide a specific exemption for other transfers coming about by operation of law. (See § 1.541(b).)

The revised rules contained in the attached Appendix are intended to remedy this omission. As revised, the rules will now provide additional exemptions for involuntary assignments or transfers made necessary by reason of death or legal disability, and for assignments or transfers to beneficiaries under a will or by intestacy where no new or increased overlap would be created between commonly owned stations. Thus, stations with presently overlapping service contours will be able to pass at the death of the owner without coming into conflict with the rules—so long as no new overlap problems are created involving other stations owned by the beneficiaries.

The rule changes adopted here are intended solely to grant an exemption we had intended to create in the original Report and Order in Docket 14711. For this reason and because they relax existing restrictions, we find that formal rule making proceedings described in section 4(a) of the Administrative Procedure Act are unnecessary and that the effective date provisions of section 4(c) are inapplicable.

In view of the foregoing: *It is ordered*, That Part 73 of the Commission's rules and regulations is amended as set forth below.

*It is further ordered*, That the amended sections shall be effective on December 28, 1964.

[1] FCC 64-445, p. 11, footnote 20; 2 Pike & Fischer R.R. 2d 1588, 1602.

Authority for the adoption of the above-amended rules is contained in sections 4(i) and (j), and 303 of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat 1082, as amended; 47 U.S.C. 303)

Released: December 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Note 3 to § 73.35 is amended to read as follows:

**§ 73.35 Multiple ownership.**

* * * * *

NOTE: 1. * * *

3. Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for increased power for Class IV stations, to applications for assignment of license or transfer of control filed in accordance with §§ 1.540(b) or 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy where no new or increased overlap would be created between commonly owned stations. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap no greater than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a) of this section may not be assigned or transferred to a single person, group, or entity, except as provided in this Note.

2. Note 3 to § 73.240 is amended to read as follows:

**§ 73.240 Multiple ownership.**

* * * * *

NOTE: 1. * * *

3. Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with §§ 1.540(b) or 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy where no new or increased overlap would be created between commonly owned stations. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap no greater than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a)(1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided in this Note.



3. Note 3 to § 73.636 is amended to read as follows:

**§ 73.636 Multiple ownership.**

* * * * *

NOTE: 1. * * *

3. Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with §§ 1.540(b) or 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy where no new or increased overlap would be created between commonly owned stations. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap no greater than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a)(1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided in this Note.

[F.R. Doc. 64-13209; Filed, Dec. 23, 1964; 8:45 a.m.]

[Docket No. 14524; FCC 64-1148]

## PART 87—AVIATION SERVICES

### Frequencies Available

In the matter of amendment of Part 87 (formerly Part 9), § 87.293 (formerly § 9.432), to reflect discontinuance of the use of high frequencies for aeronautical mobile (R) communications in the Domestic Service within the continental United States; docket No. 14524.

*Order.* At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of December 1964;

The Commission having under consideration action taken by the Report and Order (FCC 62-919) in this Docket which was adopted September 5, 1962, with respect to the determination whether a limited number of high frequencies should be retained for emergency or back-up use; and,

It appearing, that such determination was to be made by January 1, 1965, which would have allowed the Commission to take into consideration information gathered in preparation for an Aeronautical Extraordinary Administrative Radio Conference, tentatively scheduled to convene in January 1965; and,

It further appearing, that the next session of the ITU Extraordinary Administrative Radio Conference (EARC) to consider the Aeronautical Mobile Allotment Plan is now scheduled to be held early in 1966 and information gathered in preparation for this Conference will be helpful in determining whether a limited number of high frequencies for aeronautical mobile (R) communications should be retained; and,

It further appearing, that any selection of frequencies that may be made should be in accordance with the new plan; and,

It further appearing, that the note following § 87.293(f) should reflect a date that will allow sufficient time for Commission action after the Conference and should make provision for emergency and back-up use until a final determination is made; and,

It further appearing, that authority for this action is contained in sections 4(i), 303 (c), (f) and (r), of the Communications Act of 1934, as amended:

*It is ordered*, That effective December 31, 1964, Part 87 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

The Note following Section 87.293(f) is amended to read as follows:

**§ 87.293 Frequencies available.**

* * * * *

NOTE: The Commission in Docket 14524 provided for discontinuance of the use of HF for aeronautical mobile (R) communications in the Domestic Service within the continental U.S. (excluding Alaska) as of January 1, 1965. However, it will be determined, prior to June 1, 1966, if a limited number of high frequencies should be retained for Domestic use. It should be noted that if certain frequencies are retained, their use will not be on a regular basis. Until final determination is made, the high frequencies presently provided for use in the domestic operation in the aeronautical mobile (R) service may continue to be authorized in this service for emergency and back-up use.

[F.R. Doc. 64-13210; Filed, Dec. 23, 1964; 8:45 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 935; Amdt. 4]

## PART 95—CAR SERVICE

### Appointment of Embargo Agent

DECEMBER 18, 1964.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 935 (25 F.R. 6760, 26 F.R. 12166, 28 F.R. 263, 13936), and good cause appearing therefor:

*It is ordered*, That:

Section 95.935 *Appointment of embargo agent.* Service Order No. 935, be and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof.

**§ 95.935 Appointment of embargo agent.**

* * * * *

(f) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Secs. 1, 12, 15, 24, Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

*It is further ordered*, That a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-13230; Filed, Dec. 23, 1964; 8:46 a.m.]

[S.O. 940; Amdt. 3]

## PART 95—CAR SERVICE

### Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Operate Over Certain Trackage of Fort Dodge, Des Moines & Southern Railway Company

DECEMBER 18, 1964.

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 940 (27 F.R. 6235, 12894, 28 F.R. 13936) and good cause appearing therefore:

*It is ordered*, That:

Section 95.940(a) *The Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of Fort Dodge, Des Moines & Southern Railway Company* of Service Order No. 940 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

**§ 95.940 The Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of Fort Dodge, Des Moines & Southern Railway Company.**

* * * * *

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1965,

unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Secs. 1, 12, 15, 24 Stat. 279, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered,* That a copy of this amendment shall be served upon the Iowa State Commerce Commission, the Illinois Commerce Commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13231; Filed, Dec. 23, 1964; 8:46 a.m.]

[S.O. 941; Amdt. 4]

## PART 95—CAR SERVICE

### Chicago and North Western Railway Company Authorized To Operate Over Certain Trackage of the Chicago North Shore and Milwaukee Railway

DECEMBER 18, 1964.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 941 (28 F.R. 645, 3917, 14225, 29 F.R. 8419) and good cause appearing therefor:

*It is ordered,* That:

Section 95.941(a) *Chicago and North Western Railway Company authorized to operate over certain trackage of the Chicago North Shore and Milwaukee Railway* of Service Order No. 941, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 95.941 Chicago and North Western Railway Company authorized to operate over certain trackage of the Chicago North Shore and Milwaukee Railway.

* * * * *

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(f) Effective date: This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered,* That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13232; Filed, Dec. 23, 1964; 8:46 a.m.]

[S.O. 942; Amdt. 4]

## PART 95—CAR SERVICE

### Feather River Railway Company Authorized To Operate Over Certain Trackage Formerly Operated by the Western Pacific Railroad Company

DECEMBER 18, 1964.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 942 (28 F.R. 826, 6016, 14225, 29 F.R. 8420), and good cause appearing therefor:

*It is ordered,* That:

Section 95.942(a) *Feather River Railway Company authorized to operate over certain trackage formerly operated by the Western Pacific Railroad Company* of Service Order No. 942, be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 95.942 Feather River Railway Company authorized to operate over certain trackage formerly operated by the Western Pacific Railroad Company.

* * * * *

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(e) Effective date: This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered,* That copies of this amendment shall be served upon the Feather River Railway Company, the Public Utilities Commission of the State of California, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13233; Filed, Dec. 23, 1964; 8:46 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Parker River National Wildlife Refuge, Massachusetts

In F.R. Doc. 64–10082, appearing on page 13642 of the issue for Tuesday, October 6, 1964, and in F.R. Doc. 64–12930 appearing on page 17906 of the issue for Thursday, December 17, 1964, subparagraph (2) under special conditions should read as follows to suspend hunting on certain refuge lands after December 23, 1964 because there is no longer a huntable population of Canada geese on the refuge.

(2) The open season for hunting geese (except snow geese) on the Canada Goose Hunting Area is from December 1, 1964 through December 5, 1964, inclusive, and from December 15, 1964 through December 23, 1964, inclusive.

FRED L. JACOBSON, *Acting Regional Director, Boston, Massachusetts.*

DECEMBER 18, 1964.

[F.R. Doc. 64–13218; Filed, Dec. 23, 1964; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 170 ]

### MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING, *Acting Commissioner of Internal Revenue.*

The purpose of this Treasury decision is to revise the regulations in Subpart B of 26 CFR Part 170 to change the requirements for the submission by surety companies of authorizations for agents and officers to execute bonds on their behalf. The provisions for submission of continuing authorizations are changed to provide for separate submission of authority with each bond and each consent to changes in the terms of a bond. Subpart B, 26 CFR Part 170, is revised to read as follows:

Sec.
170.21 Scope of subpart.
170.22 General.
170.23 Filing of powers of attorney.
170.24 Execution of powers of attorney.

§ 170.21 Scope of subpart.

This subpart relates to the submission of powers of attorney given in support of bonds required or provided for by regulations prescribed in this part, and in Parts 197 to 245, inclusive, and in Part 252 of this chapter, authorizing agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties.

§ 170.22 General.

Notwithstanding any other provisions of the regulations in this part, or in Parts 197 to 245, inclusive, and in Part 252 of this chapter, powers of attorney authorizing agents or officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties shall be submitted and passed on as provided in this subpart.

§ 170.23 Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner, alcohol and tobacco tax, who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent. (61 Stat. 648; 6 U.S.C. 6, 7)

§ 170.24 Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity. (61 Stat. 648; 6 U.S.C. 6, 7)

[F.R. Doc. 64–13250; Filed, Dec. 23, 1964; 8:46 a.m.]

### [ 26 CFR Part 296 ]

### MISCELLANEOUS REGULATIONS RELATING TO TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING, *Acting Commissioner of Internal Revenue.*

The purpose of this Treasury decision is to revise the regulations in Subpart D of 26 CFR Part 296 to change the requirements for the submission by surety companies of authorizations for agents and officers to execute bonds on their behalf. The provisions for submission of continuing authorizations are changed to provide for separate submission of authority with each bond and each extension of coverage of bond. Subpart D, 26 CFR Part 296, is revised to read as follows:

Sec.
296.91 Scope of subpart.
296.92 General.
296.93 Filing of powers of attorney.
296.94 Execution of powers of attorney.

§ 296.91 Scope of subpart.

This subpart relates to the submission of powers of attorney given in support of bonds required or provided for by regulations prescribed in this part, and in Parts 270, 280, 285, and 290 of this chapter, authorizing agents and officers to execute bonds or extensions of coverage of bonds on behalf of corporate sureties.

§ 296.92 General.

Notwithstanding any other provisions of the regulations in this part, or in Parts 270, 280, 285, and 290 of this chapter, powers of attorney authorizing agents or officers to execute bonds or extensions of coverage of bonds on behalf of corporate sureties shall be submitted and passed on as provided in this subpart.

§ 296.93 Filing of powers of attorney.

Each bond, and each extension of coverage of bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or extension of coverage of bond to so act on behalf of the surety. The assistant regional commissioner, alcohol and tobacco tax, who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or extension of coverage of bond. (61 Stat. 648; 6 U.S.C. 6, 7)

§ 296.94 Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be ac-

companied by a certification of its validity. (61 Stat. 648; 6 U.S.C. 6, 7)

[F.R. Doc. 64-13239; Filed, Dec. 23, 1964; 8:46 a.m.]

# POST OFFICE DEPARTMENT

## [ 39 CFR Part 96 ]

## INTERNATIONAL AIR TRANSPORTATION

### Notice of Proposed Rule Making

The Post Office Department has determined that the principles and procedures applicable to the dispatch and division of airmail in overseas and foreign air transportation should be restated in the form of rules and regulations which will provide for the expeditious carriage of airmail by aircraft. Accordingly, the memorandum issued by the Assistant Postmaster General, Bureau of Transportation and International Services, dated May 7, 1964, subject: Dispatch of mail by air to other countries, has been rescinded.

The Post Office Department desires to afford to interested persons an opportunity to present data, views, or arguments for consideration in formulating rules and regulations setting forth the principles and procedures to be applicable in the future in the dispatch and division of airmail to be transported by aircraft in overseas or foreign transportation. In this connection the Department tentatively proposes to amend paragraph (d) of § 96.30 of Title 39, Code of Federal Regulations, to read as follows:

**§ 96.30 Authority.**

• • • • •

(d) *Dispatch and division of airmail.* (1) United States air carriers shall have first priority to traffic whenever practicable.

(2) Airmail shall be dispatched by the most expeditious service to the airport of destination.

(3) Airmail for competitive points shall be divided equally between competitive flights if such flights arrive at the airport of destination within one hour of each other. When one carrier operates multiple competitive flights scheduled to arrive at an airport within one hour of a competitive flight or flights of another carrier, the airmail shall be divided equally between air carriers rather than by flights.

(4) The use of a flight or flights may be suspended in the event of cancellation, unduly delayed departure, frequent failure of schedule performance, abnormal mail backlog, or other unusual or unanticipated condition which would otherwise delay the dispatch of airmail or impair the service to be accorded the mail.

• • • • •

Accordingly, notice is hereby given that interested persons may submit in writing to the Assistant Postmaster General, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, at any time prior to January 25, 1965, data, views, or arguments concerning the proposed rules and regulations. All statements submitted in writing pursuant to this notice will be made available for inspection at Room 5000, Post Office Department, after the closing date for submission thereof. Not later than February 5, 1965, interested persons may submit in writing to the Assistant Postmaster General, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, data, views, or arguments limited in scope to rebuttal of any data, views, or arguments initially presented in writing pursuant to this notice.

The original and 11 copies of any paper or document containing data, views, or arguments shall be furnished for use of the Post Office Department.

(R.S. 161, as amended; sec. 405 (a), (d), 72 Stat. 760, 761; 5 U.S.C. 22, 39 U.S.C. 501, 49 U.S.C. 1375 (a), (d))

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-13249; Filed, Dec. 23, 1964; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 1135 ]

[Docket No. AO-300-A8]

## MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed amendment to the tentative marketing agreement and order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendment as hereinafter set forth, to the tentative marketing agreement and to the order as amended, was formulated, was conducted at Colorado Springs, Colorado, on December 2, 1964, pursuant to notice thereof which was issued November 21, 1964 (29 F.R. 15656).

The material issue on the record of the hearing relates to continuing the Class I price at its present level.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The present Class I pricing provisions of the order should be continued. These provide for a differential of $2.10 over the basic formula price (Minnesota-Wisconsin price series) subject to a supply-demand adjustor. The $2.10 Class I price differential has been in the order since November 1, 1961. Prior to that date the differential was $2.20. The supply-demand adjustor was incorporated in the order, effective August 1, 1963.

The Class I pricing provisions expire on January 31, 1965. This termination date was provided as a means of insuring that the pricing mechanism would be reviewed after the supply-demand adjustor had been in effect for a sufficient period of time to judge its effect on marketing conditions.

The principal cooperative association supplying the market proposed that the present Class I pricing provisions be continued without change. Handlers supported this position as it applied to the immediate future. They noted, however, that they have requested that a hearing be held at which consideration would be given to a substantial revision of the Colorado Springs-Pueblo order. They indicated that when such a hearing was held, it would be desirable to review again the level of the Class I price.

In recent years, the market generally has been supplied with an adequate, but not excessive, quantity of milk to meet its fluid requirements. In 1962, producer receipts were 122.4 percent of the Class I utilization, and in 1963 were 121.4 percent. During the first 10 months of 1964, receipts were 119.4 percent of Class I utilization. This compares favorably to percentages of 120.9 and 121.3 percent in like periods of 1962 and 1963, respectively.

A supply-demand adjustor was incorporated in the order on August 1, 1963. It is designed to increase the Class I price automatically whenever the supplies of producer milk available to the three Colorado markets (Eastern Colorado, Colorado Springs-Pueblo, and Western Colorado) are insufficient for the fluid needs plus a reasonable reserve, and to decrease the Class I price if supplies become excessive. Since its adoption, the supply-demand adjustor has been operative in only three months. It increased the Class I price by two cents per hundredweight in each of the months of February, March and April 1964. The Class I price under the Colorado Springs-Pueblo order is directly related to the Class I prices in the Eastern Colorado and Western Colorado markets. Thus it is clear that the present Class I differential has tended to maintain supplies in balance with the needs of the Colorado markets.

The present Class I pricing provisions have also maintained appropriate price alignment with markets in surrounding states. The differences in price that have existed between the Colorado Springs-Pueblo market and surrounding markets have been insufficient to cause any appreciable intermarket shift of producers. Few, if any, producers have transferred to the Colorado Springs-Pueblo market from surrounding milksheds. Likewise, the market has experienced little or no loss of producers to surrounding areas. The loss of producers which has occurred in recent months is due to their having given up dairying rather than to their having transferred to other markets.

The Class I price herein provided is necessary to maintain an adequate, but not excessive, supply of milk for the Colorado Springs-Pueblo marketing area. At the same time it will maintain an appropriate price alignment between the Colorado Springs-Pueblo market and surrounding markets.

No briefs or proposed findings and conclusions were filed on behalf of interested parties.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Colorado Springs-Pueblo marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

In § 1135.51(a), delete the following: "During the period of August 1, 1963, through January 31, 1965, the Class I price shall be".

Signed at Washington, D.C., on December 21, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-13251; Filed, Dec. 23, 1964; 8:47 a.m.]

## [ 7 CFR Part 1137 ]

[Docket No. AO-326-A6]

## MILK IN EASTERN COLORADO MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed amendment to the tentative marketing agreement and order regulating the handling of milk in the Eastern Colorado marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendment as hereinafter set forth, to the tentative marketing agreement and to the order as amended, was formulated, was conducted at Denver, Colo., on December 1, 1964, pursuant to notice thereof which was issued November 21, 1964 (29 F.R. 15656).

The material issue on the record of the hearing relates to continuing the Class I price at its present level.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The present Class I pricing provisions of the order should be continued. These provide for a differential of $2.10 over the basic formula price (Minnesota-Wisconsin price series) subject to a supply-demand adjustor. The $2.10 Class I price differential has been in the order since its inception. The supply-demand adjustor was incorporated in the order effective August 1, 1963.

The Class I pricing provisions expire on January 31, 1965. This termination date was provided as a means of insuring that the pricing mechanism would be reviewed after the supply-demand adjustor had been in effect for a sufficient period of time to judge its effect on marketing conditions.

Cooperative associations supplying the market proposed that the present Class I pricing provisions be continued without change. Handlers supported this position as it applied to the immediate future. They noted, however, that they have requested that a hearing be held at which consideration would be given to a substantial revision of the Eastern Colorado order. They indicated that when such a hearing was held, it would be desirable to review again the level of the Class I price.

Since the inception of the order, the market generally has been supplied with an adequate, but not excessive, quantity of milk to meet its fluid requirements. In 1962, producer receipts were 134 percent of the Class I utilization, and in 1963 were 131 percent. During the first 10 months of 1964, receipts were 137 percent of Class I utilization. This compares favorably to percentages of 136 and 134 percent in like periods of 1962 and 1963, respectively.

A supply-demand adjustor was incorporated in the order on August 1, 1963. It is designed to increase the Class I price automatically whenever the supplies of producer milk available to the three Colorado markets (Eastern Colorado, Colorado Springs-Pueblo, and Western Colorado) are insufficient for the fluid needs plus a reasonable reserve, and to decrease the Class I price if supplies become excessive. Since its adoption, the supply-demand adjustor has been operative in only three months. It increased the Class I price by two cents per hundredweight in each of the months of February, March and April 1964. Class I prices in the Colorado Springs-Pueblo and Western Colorado markets are directly related to the Class I price in the Eastern Colorado market. Thus, it is clear that the present Class I differential has tended to maintain supplies in balance with the needs of the Colorado markets.

The present Class I pricing provisions have also maintained appropriate price alignment with markets in surrounding states. The differences in price that have existed between Eastern Colorado and surrounding markets have been insufficient to cause any appreciable intermarket shift of producers. Few, if any, producers have transferred to the Eastern Colorado market from surrounding milksheds. Likewise, the market has experienced little or no loss of producers to surrounding areas.

The Class I price herein provided is necessary to maintain an adequate, but not excessive, supply of milk for the Eastern Colorado marketing area. At the same time it will maintain an appropriate price alignment between Eastern Colorado and surrounding markets.

The only brief filed supported the findings and conclusions contained herein.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the

findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Eastern Colorado marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

In § 1137.51(a), delete the following: "During the period of August 1, 1963, through January 31, 1965, the Class I price shall be".

Signed at Washington, D.C., on December 21, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R Doc. 64-13252; Filed, Dec. 23, 1964; 8:47 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-WE-95]

## CONTROL ZONE, CONTROL AREA, AND TRANSITION AREAS

### Proposed Alteration, Revocation, Extension and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Boise, Idaho, terminal area.

The following controlled airspace is presently designated in the Boise, Idaho, terminal area:

1. The Boise control zone is designated as that airspace within a 5-mile radius of Boise Air Terminal (latitude 44°33'55'' N., longitude 116°13'35'' W.).

2. The Boise control area extension is designated as that airspace within a 25-mile radius of the Boise VORTAC, extending clockwise from the 319° to the 130° radials; within a 40-mile radius of the Boise VORTAC, extending clockwise from the 130° to the 319° radials; within 5 miles either side of the Boise VORTAC 291° radial, extending from the VORTAC to 67 miles NW, and within a 10-mile radius of the Ontario Municipal Airport, Oreg, (latitude 44°01'15'' N., longitude 117°00'43'' W.), excluding the portion which coincides with the Mountain Home, Idaho, control area extension.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Boise, Idaho, terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Redesignate the Boise control zone as that airspace within a 5-mile radius of Boise Air Terminal (latitude 44°33'55'' N., longitude 116°13'35'' W.); within 2 miles each side of the Boise VORTAC 302° True radial, extending from the 5-mile radius zone to 12 miles NW of the VORTAC and within 2 miles each side of the Boise VORTAC 130° True radial, extending from the 5-mile radius zone to 12 miles SE of the VORTAC.

2. Revoke the Boise, Idaho, control area extension.

3. Designate the Boise, Idaho, transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Boise VORTAC; within 2 miles each side of the 295° True bearing from the ILS OM, extending from the 8-mile radius area to the Eagle fan marker, and within 2 miles each side of the Boise VORTAC 130° True radial, extending from 12 miles to 15 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Boise VORTAC, extending clockwise from a line 8 miles NE of and parallel to the Boise VORTAC 319° True radial to the Boise VORTAC 204° True radial; within a 40-mile radius of the Boise VORTAC, extending clockwise from the Boise VORTAC 204° True radial to a line 8 miles NE of and parallel to the Boise VORTAC 319° True radial; within 8 miles S and 7 miles N of the Boise 269° True radial, extending from the 40-mile radius area to 57 miles W of the VORTAC; within 8 miles NE and 11 miles SW of the Boise VORTAC 294° True radial, extending from the 40-mile radius area to 75 miles NW of the VORTAC; within 8 miles NE and 16 miles SW of the Boise VORTAC 319° True radial, extending from the 40-mile radius area to 55 miles NW of the VORTAC; and that airspace extending upward from 10,500 feet MSL SE of Victor 507, within 5 miles each side of the Rome, Oreg., VORTAC 056° True radial, extending from 46 miles NE of the VORTAC to the Boise 40-mile radius area.

The actions proposed herein would, in part, increase the size of the Boise control zone by the addition of control zone extension northwest and southeast.

The control zone extension northwest of Boise, based on the VORTAC 302° True radial, is required to provide protection for aircraft executing prescribed JAL-57-VOR and TACAN-1 instrument approach procedures when these aircraft are less than 1,000 feet above the surface.

The control zone extension southeast of Boise, based on the VORTAC 130° True radial, is required to provide protection for aircraft executing prescribed instrument departures until aircraft reach 700 feet above the surface.

The portion of the proposed Boise transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures conducted beyond the limits of the Boise control zone and below the floor of the proposed 1,200-foot floor area.

The portion of the proposed Boise transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing prescribed instrument holding, jet penetration, approach and departure procedures conducted within the Boise and Ontario terminal areas above 1,500 feet above the surface.

The additional controlled airspace, with a floor of 10,500 feet MSL SW of Boise, would provide protection for aircraft executing the higher portion of a prescribed departure procedure via the Rome, Oreg., VORTAC 056° True radial to the high altitude route structure.

4. Designate the Ontario, Oreg., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Ontario Municipal Airport (latitude 44°01'15'' N., longitude 117°00'43'' W.); within 2 miles each side of the Ontario radio beacon 159° True bearing, extending from the 5-mile radius area to 8 miles S of the radio beacon, and within 2 miles each side of the Ontario radio beacon 025° True bearing, extending from the 5-mile radius area to 8 miles NE of the radio beacon.

The designation of a 700-foot transition area at Ontario, Oreg., would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Ontario Airport.

The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floor of the transition areas.

Certain minor revisions to prescribed instrument procedures have accompanied the actions proposed herein, but operational complexities have not been increased nor have aircraft performance characteristics or established, landing minimums been adversely affected.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009.

All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 16, 1964.

JOSEPH H. TIPPETS,
*Director, Western Region.*

[F.R. Doc. 64-13200; Filed, Dec. 23, 1964; 8:45 a.m.]



## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-WE-98]

## CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Cheyenne, Wyoming, terminal area.

1. The Cheyenne, Wyo., control zone is presently designated as that airspace within a 5-mile radius of the Cheyenne Municipal Airport (latitude 41°09'25'' N., longitude 104°48'25'' W.); within 2 miles each side of a 296° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 12 miles NW of the RBN; within 2 miles each side of a 090° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 11.5 miles E of the RBN; within 2 miles each side of the Cheyenne ILS localizer E course extending from the 5-mile radius zone to 10 miles E of the airport and within 2 miles each side of the Cheyenne VORTAC 032° radial, extending from the 5-mile radius zone to 10 miles NE of the VORTAC.

2. The Cheyenne control area extension is presently designated as that airspace within 5 miles each side of the Cheyenne VORTAC 032° radial, extending from the VORTAC to 25 miles NE; the airspace bounded on the N by V-6, on the SE by V-207, on the S by V-138 and on the W by V-89E alternate; the airspace SE of Cheyenne within a 25-mile radius of the Cheyenne RBN extending clockwise from a 090° bearing to a 181° bearing from the Cheyenne RBN; and the airspace SW of Cheyenne bounded on the N by V-118, on the E by V-19 and on the SW by V-4N alternate.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Cheyenne area, including studies attendant to the implementation of the provisions of CAR amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Cheyenne, Wyoming, control zone by redesignating it as that airspace within a 5-mile radius of Cheyenne Municipal Airport (latitude 41°09'20'' N., longitude 104°48'30'' W.) and within 2 miles each side of the Cheyenne ILS localizer E course, extending from the 5-mile radius zone to the outer marker.

2. Revoke the Cheyenne, Wyoming, control area extension and designate the Cheyenne transition area as that airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20'' N., longitude 104°48'30'' W.); and that airspace extending upward from 1,200 feet above the surface bounded on the NE by Victor 6, on the southeast by Victor 207, on the southwest by Victor 4N alternate and on the NW by Victor 524; and that airspace NW of Cheyenne within 7 miles NE and 10 miles SW of the Cheyenne VORTAC 305° True radial; extending from the VORTAC to 47 miles NW of the VORTAC, excluding the portions within the Laramie, Wyo., Transition Area.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions proposed herein would, in part, reduce the overall size of the presently designated control zone at the Cheyenne Municipal Airport by reducing the east extension and revoking the northwest and northeast extensions.

The portion of the Cheyenne transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of prescribed instrument approach and departure procedures conducted beyond the limits of the Cheyenne control zone and below the floor of the proposed 1,200-foot area.

The designation of the 1,200-foot portion of the proposed transition area and the revocation of the Cheyenne control area extension would raise the floor of controlled airspace beyond a 14-mile radius of the Cheyenne Municipal Airport from 700 to 1,200 feet above the surface. The portions of controlled airspace released by these actions are no longer required for air traffic control purposes. The portion retained would provide protection for aircraft executing prescribed instrument transition, holding, arrival and departure procedures in the Cheyenne terminal area.

Certain minor revisions to prescribed instrument procedures have been made but operational complexities have not been increased nor have aircraft performance characteristics or established landing minimums been adversely affected.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 16, 1964.

A. E. HORNING,
*Acting Director, Western Region.*

[F.R. Doc. 64-13201; Filed, Dec. 23, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-WE-127]

## CONTROL ZONE, CONTROL AREA EXTENSION, AND TRANSITION AREA

### Proposed Alteration, Revocation, and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Mountain Home AFB, Idaho, terminal area.

The following controlled airspace is presently designated in the Mountain Home AFB, Idaho, terminal area:

1. The Mountain Home AFB control zone is designated as that airspace within a 5-mile radius of the Mountain Home AFB (latitude 43°02'35'' N., longitude 115°52'05'' W.), and within 2 miles either side of the 136° and 316° bearings from the AFB extending from the 5-mile radius zone to 8 miles NW and SE of the RR.





2. The Mountain Home control area extension is designated as that airspace within 5 miles either side of the Moun-

from the 35-mile radius area bounded on the E by longitude 115°39'00'' W., on the S by the arc of a 46-mile radius

Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.



mission, having been advanced in comments filed herein by the Advisory Council on Educational Television of the Com-

4. In addition to Charlottesville Broadcasting[2] and the Advisory Council, Music Productions, Inc., permittee of

means of local expression. It avers that educational use of Channel 11 is important to Virginia's planned state-wide

2. The Mountain Home control area extension is designated as that airspace within 5 miles either side of the Mountain Home VOR 178° and 208° radials extending from the VOR to 61 miles S and SW and that airspace S, SE and W of Mountain Home bounded by a line beginning at the INT of the SW boundary of V–253 and a line 5 miles S of and parallel to the Twin Falls, Idaho, VOR 269° radial, thence W along this line to its INT with a line 5 miles NW of and parallel to the Mountain Home VOR 208° radial, thence NE along this line to its INT with the arc of a 35-mile radius circle centered on Mountain Home AFB (latitude 43°02'30" N., longitude 115°51'50" W.), thence clockwise along this arc to its INT with the SW boundary of V–253, thence SE along this boundary to the point of beginning.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Mountain Home AFB terminal area, including studies attendant to the implementation of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Redesignate the Mountain Home AFB, Idaho, control zone as that airspace within a 5-mile radius of Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.); within 2 miles each side of the extended centerline of Runway 12, extending from the 5-mile radius zone to 7.5 miles SE of the liftoff end of Runway 12; within 2 miles each side of the extended centerline of Runway 30, extending from the 5-mile radius zone to 7.5 miles NW of the liftoff end of Runway 30; within 2 miles each side of the Mountain Home TACAN 129° True radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN, and within 2 miles each side of the Mountain Home TACAN 321° True radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

2. Revoke the present Mountain Home, Idaho, control area extension.

3. Designate the Mountain Home, Idaho, transition area as that airspace extending upward from 700 feet above the surface within 10 miles NE and 9 miles SW of the Mountain Home TACAN 135° and 315° True radials, extending from 18 miles SE to 18 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the NE by the SW boundary of Victor 4, on the SE, S and SW by the arc of a 35-mile radius circle centered on Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.), on the W by the Boise, Idaho, VORTAC 204° True radial, and on the NW by the arc of a 25-mile radius circle centered on the Boise VORTAC; that airspace SE of Mountain Home, extending upward from 6,500 feet MSL, extending from the 35-mile radius area bounded on the E by longitude 115°39'00" W., on the S by the arc of a 46-mile radius circle centered on Mountain Home AFB, and on the NW by a line 5 miles NW of and parallel to the Mountain Home VOR 208° True radial; and that airspace S of Mountain Home, extending upward from 10,500 feet MSL within 5 miles each side of the Mountain Home VOR 178° and 208° True radials, extending from the 46-mile radius circle to 61 miles S and SW of the VOR.

west and southeast, based on the extended centerline of Runway 12/30, are required for the protection of aircraft departing Mountain Home AFB until aircraft reach 700 feet above the surface. In addition, these extensions also provide protection for aircraft executing prescribed ADF and ILS approach procedures.

The control zone extension southeast, based on the Mountain Home TACAN 129° True radial, provides protection for the AL and JAL–323–TACAN–1 instrument approach procedures.

The control zone extension northwest, based on the Mountain Home TACAN 321° True radial, provides protection for AL and JAL–323–TACAN–2 instrument approach procedures.

The 700-foot portion of the transition area is to provide protection to aircraft arriving and departing Mountain Home AFB when those aircraft are maneuvering outside of the control zone at altitudes between 1,500 and 1,000 feet above the surface. Additionally, radar service at Mountain Home regularly vectors aircraft in this area at altitudes less than 1,500 feet above the surface.

The 1,200-foot portion of the transition area is to provide protection to approach, departure and holding procedures when the aircraft are maneuvering at altitudes 1,500 feet and above the surface. In addition to standard instrument departure procedures, air traffic control may authorize random departures. The entire area is under radar coverage and aircraft may be random vectored through any portion of the area.

The portions of the transition area floored at 6,500, 7,500, and 10,500 feet MSL would provide protection to aircraft executing the higher portions of approach, departure, holding and radar vectoring procedures within the Mountain Home terminal area.

It is planned that, at a future date, after adjacent terminal areas have been examined, the floors of low altitude airways adjacent to Mountain Home will be raised to 1,200 feet or higher above the surface.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 16, 1964.

JOSEPH H. TIPPETS,
*Director, Western Region.*

[F.R. Doc. 64–13202; Filed, Dec. 23, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 73 ]

[Docket No. 15138; FCC 64–1165]

## TELEVISION BROADCAST STATIONS

### Proposed Table of Assignments

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Staunton-Waynesboro, Virginia); Docket No. 15138, RM–262.

Report and order. 1. The Commission has under consideration the proposal of Charlottesville Broadcasting Corporation, licensee of Radio Stations WINA (AM) and WINA(FM), Charlottesville, Virginia, to assign Channel 11+ as a "drop-in" first VHF television assignment to Staunton-Waynesboro, Virginia, for commercial use, which involves a proposed change in the offset carrier requirement for Channel 11, Durham, North Carolina (WTVD), from 11+ to 11 even, with respect to which the Notice of Proposed Rule Making (FCC 63–725), released July 29, 1963, invited comments. A conflicting proposal to reserve this proposed assignment for noncommercial educational use is also before the Commission, having been advanced in comments filed herein by the Advisory Council on Educational Television of the Commonwealth of Virginia, a statutory agency within the office of the Governor of Virginia, create[d] and organized in 1962 to plan and further the development of educational television facilities and service on a state-wide basis.

2. Staunton is now assigned Channel 36; Waynesboro (about 15 miles southeast of Staunton), Channel 42. Neither channel is in use. The only television station now operating or that has ever operated in the central Shenandoah Valley area of western Virginia where these cities are located is Station WSVA–TV, which, since 1953, has been operating on the Harrisonburg, Virginia, Channel 3 assignment. Harrisonburg is about 25 miles northeast of Staunton and 30 miles north of Waynesboro. This Shenandoah Valley area relies mainly upon Station WSVA–TV for service—Staunton and Waynesboro are well within its predicted Grade B contour—but also receives some service from more distant VHF stations at Roanoke, Lynchburg, Richmond, and Petersburg, Virginia. Some residents of Staunton, Harrisonburg, and also of Charlottesville (about 25 miles east of Waynesboro), are also served by local CATV systems.[1] The 1960 U.S. Census Reports show a population of 22,232 for Staunton, the county seat of Augusta County; a population of 15,694 for Waynesboro, also in Augusta County, which had a population of 37,363, exclusive of Waynesboro and Staunton; a population of 11,916 for Harrisonburg, and a population of 29,427 for Charlottesville.

3. The Harrisonburg Channel 3 assignment is the only VHF channel now assigned to this Shenandoah Valley area, and Channel 11 is the only other VHF channel available which could be assigned consistent with Commission mileage spacing requirements. While a Channel 11 Staunton-Waynesboro assignment would be technically feasible, in order to meet the required 170-mile spacing from Channel 11 stations at Durham, North Carolina, Baltimore, Maryland, and Pittsburgh, Pennsylvania, it would be necessary to use Channel 11 at a transmitter site in a very small, triangular area, some 25 miles west-southwest of Staunton-and-Waynesboro. This area is within the "National Radio Quiet Zone", the radio interference protection zone that was established in 1958 by Commission action, and by parallel action of the Interdepartment Radio Advisory Committee for Government operations, for radio astronomy observations and research at the National Radio Astronomy Observatory (NRAO), Green Bank, West Virginia, and at the Naval Radio Research Station (NRRS), then called the Naval Radio Research Observatory, Sugar Grove, West Virginia.

[1] The 1964 Television Factbook reports that the Staunton CATV system, in operation since 1952, has 1,300 subscribers; the Harrisonburg system, in operation since 1952, also, 2,300 subscribers; and the Charlottesville system, which commenced operation in 1963, 600 subscribers.

4. In addition to Charlottesville Broadcasting[2] and the Advisory Council, Music Productions, Inc., permittee of Radio Station WBVA (AM), Waynesboro, filed comments and reply comments supporting a Channel 11 Staunton-Waynesboro assignment. Those of the Advisory Council, as above stated, also request and support its designation as a reserved educational assignment. A number of letters endorsing the assignment proposal and, in main, its use for an educational station, were also received (some were filed with the comments of Charlottesville Broadcasting and the Advisory Council rather than directly by the writers) from, among others, the Commonwealth's Superintendent of Public Instruction, two members of the Virginia House of Delegates, and officials of public and private educational institutions in the area. From Charlottesville's calculations, it appears that a Channel 11 station with maximum facilities at its assumed site, some 16 miles southwest of Staunton and 26 miles west of Waynesboro, would serve no area and population not now within the Grade B contour of one or more existing VHF stations but that it would provide a first signal of Grade A intensity to approximately 133,000 people within an area of 3,140 square miles.

5. The thrust of the commercial proponents' argument is that a Channel 11 assignment presents the only realistic means to meet the need of Staunton, Waynesboro, and Augusta County for a viable, competitive, local outlet and to expand and improve television service in the area under existing conditions (presence of VHF signals only, no UHF set conversion, the Staunton CATV system) which make UHF operation infeasible. Music Productions doubts that UHF can ever provide a full commercial service in this area. Charlottesville Broadcasting believes that sound UHF development in the area will be possible in the foreseeable future when, spurred by the all-channel receiver legislation, UHF conversion is sufficiently large to make UHF operations economically possible, and that, with large scale UHF conversion, a VHF Staunton-Waynesboro station would not materially deter UHF development. The Advisory Council urges that the Staunton-Waynesboro area's need for a VHF educational station is more pressing than for a VHF commercial station, arguing that it could best meet local educational needs, would be a vital link in a state-wide educational television system, and could equally serve as a means of local expression. It avers that educational use of Channel 11 is important to Virginia's planned state-wide educational television network because of VHF transmission advantages in the difficult Shenandoah Valley terrain and the savings that can be made in using one VHF Staunton-Waynesboro educational station instead of two UHF educational stations, which will otherwise be required, to serve the area.

[2] On September 28, 1964, Charlottesville Broadcasting also filed a petition requesting leave to file an accompanying "Additional Statement" in which it brings to the Commission's attention and April 1964, Report of the Comptroller General to the United States Congress, entitled "Unnecessary Costs Incurred for the Naval Radio Research Station Project" at Sugar Grove, West Virginia, which concerns the 600-foot radio telescope project at the NRRS which the Navy cancelled in July of 1962. A responsive pleading was filed October 12, 1964, by Shenandoah Valley. While the Report has no decisional significance herein, it is of interest and concerns a relevant factor. Both it and the responsive pleading have been considered.

6. With regard to a Channel 11 station's impact upon research operations at the NRAO, Green Bank, and the NRRS, Sugar Grove, the commercial proponents and the Advisory Council argue that a Channel 11 signal at both Green Bank and Sugar Grove would be comparable to that now received from the Harrisonburg VHF station, to which there has been no complaint; that the NRAO, Green Bank, interests do not oppose the Channel 11 assignment proposal; and that the opposing letters received by the Commission from the Department of the Navy and other governmental agencies concerned with research operations at the NRRS were not accompanied by supporting data or facts. They urge that, in these circumstances, and since a need exists for additional television service in the area, and the "Quiet Zone" was not established to hamper needed broadcast service development, it would not be in the public interest, or consistent with the standards laid down by the Commission in establishing the "Quiet Zone", to reject this proposal.

7. Comments and reply comments opposing a Channel 11 Staunton-Waynesboro assignment were filed by Shenandoah Valley Broadcasting (WSVA–TV and Staunton Video Corporation, which operates the Staunton CATV system. They urge that the public interest requires its rejection because of the protection needed for vital governmental research in the "Quiet Zone" and the harmful and aborting effect a Channel 11 assignment would have upon UHF development in this area. Shenandoah Valley also contends that this area cannot support two maximum facility VHF stations and that its Harrisonburg VHF station would suffer economic injury from a VHF Staunton-Waynesboro commercial station, but that, a VHF educational station would not be subject to these latter objections. An opposing letter was also filed by Havens & Martin, Inc., licensee of Station WTVR, Channel 6, Richmond, and an applicant for Channel 11 translators at Staunton, Waynesboro and Harrisonburg. It urges that the public interest would be better served by authorizing low power translators in these cities since their impact upon research in the "Quiet Zone" would be minor as compared to a high power VHF station, and they could make multiple new services available to them without retarding UHF development. Comments filed by WIIC, Inc., licensee of Station WIIC, Channel 11, Pittsburgh, give notice of its opposition to any change in the subject Channel 11 proposal which would cause objectionable interference to Station WIIC.

8. Comments filed by Associated Universities, Inc. (AUI), the private corporation that operates the NRAO at Green





Bank, report on the measurement studies AUI made on the interference effect of

implement national policies and objectives of benefit to the nation and the

cational use, are denied; *And it is further ordered,* That this proceeding is termi-



of any class of security registered on a national securities exchange pursuant to

recting or financing such a committee or group, even though such person may not

or its subsidiaries or have had a significant interest in dealings between third

Bank, report on the measurement studies AUI made on the interference effect of the proposed Channel 11 assignment upon its operations at the NRAO and indicate that AUI does not oppose a Channel 11 assignment and operation in the zoned area if certain conditions respecting harmonic radiation are met, none of which would deter effective broadcast use of the channel.

9. The Office of Emergency Planning (OEP), Executive Office of the President, by letter to the Chairman, dated August 22, 1963 and filed herein the next day, has advised that the Executive Branch of the Government remains opposed to a Channel 11 assignment in the "National Radio Quiet Zone" and that its position is still represented by the letter, dated April 12, 1963, from the OEP's Director of Telecommunications Management to the Chairman, and its enclosure, a copy of a letter, of the same date, to the OEP from the Department of Defense—both of which oppose the assignment. In its August 22, 1963 letter, the OEP states that those April 12, 1963, OEP and Department of Defense letters "emphasized the great scientific importance placed by the Executive Branch of the Government on radio astronomy and scientific research in the 'National Radio Quiet Zone'; the adverse effect of granting the petition and stated the criteria applied for protection within the Quiet Zone" and that "we wish to reaffirm the substance of that letter and its enclosure (The OEP and Department of Defense April 12, 1963 letters)". This August 22, 1963, OEP letter constitutes a firm, official statement which reaffirms the opposition of the OEP, Department of Defense and the Navy to a Channel 11 assignment in the "Quiet Zone" and their position that cancellation of the 600-foot radio telescope project at the NRRS, Sugar Grove, provides no valid reason for reducing the degree of protection required for governmental research in the protection zone.

10. These April 12, 1963, OEP and Department of Defense letters, the substance of which was given in the rule making notice herein, manifest that the Navy Sugar Grove site is uniquely suited and still essential to the Navy for scientific research to meet its planned and future requirements, including research in the field of low level radio signal detection "to meet highest priority national requirements". They also represent that the cumulative interference from a second VHF station, operating on Channel 11 in the restricted zone, is considered critical to the effectiveness of research essential to the national interest required in the "Quiet Zone", so much so, that the Department of Defense states that a Channel 11 station in the zoned area "is not considered to be in the best interests of the Navy or the United States". Considering the representations of the Department of Defense, and the backing accorded them by the Executive Office of the President, we believe it reasonable to conclude that a Channel 11 assignment has considerable potential for circumscribing and possibly doing irreparable harm to governmental research required in the restricted zone to implement national policies and objectives of benefit to the nation and the public at large. In these circumstances, and particularly since the "Quiet Zone" was established in light of the NRRS's special interference protection requirements for research, we could not reasonably decide that the paramount public interest nevertheless requires the assignment of Channel 11 for use in the zoned area.

11. While no UHF signals are presently received in this Shenandoah Valley area, there is today real prospect for the establishment of a first UHF station and service there in the near future, for on June 18, 1964, the Commission granted the application of Virginia Broadcasting Corporation for a first local Charlottesville station on Channel 64. Other evidence of developing interest in and demand for UHF assignments and facilities in this area exists. An application is pending for Channel 36 at Staunton, filed by Shenandoah Valley Broadcasting, Inc., the licensee of the Harrisonburg Channel 3 station. Virginia's Advisory Council on Educational Television also requests a number of new UHF educational assignments, and also a reserved Channel 11 Staunton-Waynesboro assignment, in a pending rule making petition (RM-494) for components of its planned educational television network for Virginia. If the VHF proposal is rejected, two additional UHF assignments, one each at Harrisonburg and Lexington, are alternatively requested. It is noted that components of the planned network include UHF educational stations at Charlottesville, Winchester and Roanoke, Virginia, whose service areas would be overlapped extensively by that of the planned Channel 11 educational station.

12. The Commission is therefore of the view that to authorize a second VHF channel assignment in this area for either commercial or educational use, would be a short-sighted approach to the problem of satisfying this area's need for additional local television outlets and services and would be at cross-purposes with the Commission's goal of fostering expanded use of UHF channels and optimum conditions for UHF growth. With the present all-VHF character of signals and receivers in this Shenandoah Valley area, a VHF channel has recognized advantages for bringing an immediate, additional local television service to the area. But it could not even meet the demand and need shown in the record for one commercial and one educational outlet at Staunton and Waynesboro, and no other VHF channels could be assigned to this area. One of the other needs would have to be met by UHF, as will all other developing needs for local commercial and educational television outlets and services in this area.

13. In view of the foregoing: *It is ordered,* That the proposal of Charlottesville Broadcasting Corporation for the assignment of Channel 11 to Staunton-Waynesboro, Virginia, and the conflicting proposal of the Advisory Council on Educational Television of the Commonwealth of Virginia for the reservation of Channel 11 at Staunton-Waynesboro for educational use, are denied; *And it is further ordered,* That this proceeding is terminated.

Adopted: December 16, 1964.

Released: December 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13208; Filed, Dec. 23, 1964; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

## [ 17 CFR Part 240 ]

[Release 34-7481]

## PROXY RULES

### Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to its proxy rules contained in Regulation 14 under the Securities Exchange Act of 1934 (CFR 240.14a-1 to 240.14a-11). That regulation (which would be redesignated "Regulation 14A") is applicable to the solicitation of proxies, authorizations and consents with respect to securities registered on a national securities exchange. Rules adopted under the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940 make the regulation applicable also to the solicitation of proxies, authorizations and consents with respect to the securities of certain companies subject to those statutes.

Certain amendments to the proxy rules are needed in order to make such rules applicable to solicitations with respect to securities registered under new section 12(g) of the Act. The proposed amendments accomplish this objective. It also appears desirable to include in the proposed amendments certain changes for the purposes of clarification and to embody in the rules certain long-standing practices of the Commission. A limited number of additional substantive changes in the rules are proposed, principally proposed amendments to Rule 14a-4 (17 CFR 240.14a-4) and to Item 7(f) of Schedule 14A.

On September 15, 1964, the Commission adopted its Rule 12g-1 (17 CFR 240.12g-1, 29 F.R. 13461), paragraph (b) of which exempts from the proxy rules any solicitation of proxies from the holders of any class of securities registered under section 12(g) of the Act, prior to the expiration of two months after the last date on which the registration statement is due, or December 31, 1965, whichever is earlier. Exception is made for solicitations from security holders of a holding company registered under the Public Utility Holding Company Act of 1935 or any subsidiary thereof. It should be emphasized that the exemption will not apply to solicitations of holders of any class of security registered on a national securities exchange pursuant to section 12(b) of the Act.

Persons soliciting proxies with respect to a class of equity security should be aware that any such solicitation commenced before the proxy rules are applicable to such class constitutes a continuing solicitation and proxies received may not be voted after the proxy rules are applicable unless the solicitation was made in accordance with the proxy rules.

The changes involved are briefly described below. It is contemplated that the proposed amendments will be adopted sufficiently in advance of their effective date to give adequate notice to issuers who may be affected by the amended requirements.

*Rule 14a-2 (17 CFR 240.14a-2).* The amendment to this rule would provide that Regulation 14A shall also apply to solicitations with respect to securities registered pursuant to the new section 12(g) of the Act, as well as to those registered on a national securities exchange pursuant to section 12(b) of the Act.

*Rule 14a-4 (17 CFR 240.14a-4).* This rule, which sets forth certain requirements with respect to the form of proxy, would be amended to require that where a proxy is solicited for elections to office and for other specified matters, provision shall be made whereby the security holder may grant or withhold authority to vote for elections to office. This provision would not apply, however, in cases of a merger or consolidation involving elections to office where such elections are part of the plan and are not to be separately voted upon. The purpose of the new provision is to enable security holders to vote upon proposals submitted to them without authorizing the use of the proxy for elections to office.

*Rule 14a-9 (17 CFR 240.14a-9).* This rule, which relates to false or misleading statements in proxy solicitations, would be amended to state specifically that the filing of proxy material with the Commission or the examination of such material by the Commission is not to be deemed a finding by the Commission that such material is accurate or complete or not false or misleading or that the Commission has passed upon the merits of the statements contained therein or any matter to be acted upon by security holders. Representations to the contrary would be prohibited. The purpose of the new requirement would be to forestall representations that the Commission by its review and "clearing" of proxy material has approved the material or the proposals contained therein. The new provision merely makes explicit the Commission's longstanding construction of the proxy rules.

*Rule 14a-11 (17 CFR 240.14a-11).* This rule contains special provisions applicable to election contests. Under the existing rule, any person who takes the initiative in organizing, directing or financing any committee or group which solicits proxies is deemed to be a participant in the solicitation. It is proposed to amend this provision to include in the definition of "participant" any person who engages in organizing, directing or financing such a committee or group, even though such person may not have taken the initiative in so doing.

*Rule 14a-12 (17 CFR 240.14a-12).* The proxy rules provide, in general, that no solicitation may be made prior to furnishing to security holders a written proxy statement containing certain specified information pertinent to the solicitation. However, Rule 14a-11 which relates to contests involving elections to office permits such prior solicitations under certain conditions. The new Rule 14a-12 would permit such prior solicitations under similar conditions in the case of contests involving matters other than elections to office.

*Schedule 14A.* Schedule 14A specifies the information required to be set forth in the proxy statement required by Rule 14a-3 (17 CFR 240.14a-3). It is proposed to amend the following items of the schedule in the respects indicated below.

*Item 2.* This item requires a description of dissenters' rights of appraisal in connection with any matter to be acted upon. It is proposed to add an instruction which would require an indication whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal rights. This instruction would codify current administrative practice in requiring such information.

*Item 5.* This item requires certain information as to the voting securities of the issuer and the principal holders thereof. It is proposed to amend this item to require the disclosure of a change in control of the issuer and with respect to the pledging of or granting of options on securities which may result in a change in control of the issuer. The purpose of these requirements is to inform security holders, prior to their giving proxies, of changes or potential changes in control of the issuer which may not have been previously disclosed to them.

*Item 7.* It is proposed to amend Item 7(a) to provide that in initial filings under the proxy rules by new registrants under section 12 of the Act, the individual remuneration of directors and officers who ceased to be such prior to the time of filing for such registration would not have to be disclosed unless the same information must otherwise be disclosed in other material filed with the Commission. The item would also be clarified in certain respects and would provide that in showing the aggregate remuneration of all directors and officers as a group the number of persons in the group be stated.

Item 7(f) calls for a description of any material interest, direct or indirect, of directors, officers, nominees for election as directors and certain other specified persons in material transactions with the issuer or its subsidiaries. The item as presently in effect requires disclosure of an interest in a transaction only if both the interest and the transaction are material. The Commission's experience in recent years has indicated the need for clarification of the item and that it has fallen short of requiring adequate disclosure in some cases where insiders have had significant dealings with the issuer or its subsidiaries or have had a significant interest in dealings between third persons and the issuer or its subsidiaries.

It is proposed to amend this item to require disclosure with respect to a material interest of the insider in any transaction with the issuer or its subsidiaries. Where the amount involved in any such transaction does not exceed $30,000, the instructions would eliminate the requirement of disclosure. (Previously, the $30,000 amount was related to the interest of the insider rather than to the transaction.) Interpretation of the item is made easier and its scope reduced by eliminating the use of the term "associate" and limiting the categories of persons to whom the item would apply. Previously, by reason of the language of the item requiring disclosure of an indirect material interest of an "associate", the item might require disclose of transactions between a company and an associate of an associate of an insider.

It is contemplated that changes similar to those proposed for Item 7 would, in due course, be made in the corresponding requirements of the registration and reporting forms under both the Securities Act of 1933 and the Securities Exchange Act of 1934.

*Items 9, 10 and 11.* These items specify the information to be furnished where the matter to be acted upon pursuant to the proxy is a bonus, profit sharing or other remuneration plan, a pension or retirement plan or the granting of options, warrants or rights. It is proposed to amend these items to provide that in describing provisions already made for similar benefits for directors, officers and employees, information is to be given not only with respect to plans currently in effect but also with respect to benefits under plans in effect within the last five years. In the past, some persons have construed these items to relate only to plans currently in effect. Where security holders are asked to vote upon a proposed plan providing benefits for directors, officers or employees, the amended items would provide information as to the over-all benefits which have been provided under other plans in recent years.

Item 11(a) would be amended to require, in the case of options, warrants or rights to be granted or extended, a statement as to the tax consequences of the issuance and exercise thereof to the recipient and to the issuer. This proposed amendment codifies current administrative practice in requiring such disclosure.

*Item 12.* This item specifies the information to be furnished where proxies are solicited with respect to the authorization or issuance of securities. Among other things, the item requires a description of the transaction in which the securities are to be issued. It is proposed to amend the item to provide that where it is impracticable to describe the transaction there shall be stated the reason for the claimed impracticability, the purpose of the authorization and whether further authorization for the issuance will be submitted to a vote of security holders prior to the time the securities are issued.

[3] Commissioner Bartley concurring in the result.

*Item 14.* This item specifies the information to be furnished where proxies are solicited in regard to a proposed merger, consolidation, acquisition or similar matter. The item requires certain information to be furnished with respect to each person, other than the issuer, involved in the proposed transaction. It is proposed to amend this item to codify present administrative practice in requiring that such information be furnished for the issuer also in order that security holders may have a complete picture of the nature and effect of the proposed transaction. The amended item would also codify present administrative practice in requiring information with respect to the existing pro forma capitalization and appropriate summaries of earnings on an historical and pro forma basis for the persons involved in the proposed transaction.

*Item 15.* This item requires the furnishing of certified financial statements of the issuer and its subsidiaries, and uncertified statements for other persons involved in proposed transactions to be voted upon by security holders. It is proposed to amend this item to require that the financial statements furnished for persons other than the issuer shall also be certified where practicable. This is in accord with the present administrative practice of asking for certified statements of such persons where they are available or can be furnished without undue effort or expense.

It is also proposed to amend Item 15 to provide more flexibility in permitting the omission of required financial statements or in requiring additional financial statements where they are necessary to the exercise of prudent judgment in regard to any matter to be acted upon.

*Item 17.* This item specifies the information to be furnished when proxies are solicited with respect to a restatement of the accounts of the issuer. It would be amended to require a tabular presentation of amounts when appropriate, particularly in the case of a recapitalization. Such presentation would be required in the interest of greater clarity.

*Item 22.* It is proposed to amend Items 12(d), 13(c), 14(a) and 20 to delete the requirement for stating the voting needed for approval of the matter to be acted upon. This information would be required by a new Item 22 which would call for the vote required for approval of each matter to be submitted to a vote of security holders, other than elections to office. The new item would codify the current administrative practice of calling for such information with respect to all proposals, other than elections to office.

*Schedule 14B.* Schedule 14B specifies the information to be included in statements required by Rule 14a–11 to be filed for each participant in a contest involving elections to office. It is proposed to add a new general instruction to this schedule which would require that where the participant filing the schedule is a partnership, corporation, association or other business entity, the information required by certain items of the schedule shall be given with respect to each partner, officer and director of the organization and each person controlling the organization who is not a participant and is not required to file a schedule. The purpose of this instruction is to penetrate the organizational "veil" and require information with respect to the persons connected with the organization.

*Item 3.* This item calls for information with respect to a participant's interests in securities of the issuer. Among other things, this item requires information as to whether the participant is a party to any contract, arrangement or understanding with any person with respect to any securities of the issuer. It is proposed to amend this item to inquire also whether the participant was a party to any such contract, arrangement or understanding within the past year, the purpose being to obtain information as to transactions which may have been completed at the time of filing the schedule.

*Item 4.* This item calls for a description of certain additional matters involving the participant. It is proposed to amend the item to call also for a statement of the total amount contributed or proposed to be contributed in furtherance of the solicitation if such amendment exceeds or will exceed $500 in the aggregate. The purpose of this requirement is to reveal the extent to which participants are financing the solicitation.

The proposed amendments would be adopted pursuant to section 14(a) of the Securities Exchange Act of 1934, as amended (48 Stat. 895, as amended, 15 U.S.C. 78n(a)). The text of the proposed amendments are attached hereto.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before January 4, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 7, 1964.

SOLICITATIONS OF PROXIES

**§ 240.14a–2 Solicitations to which §§ 240.14a–1 to 240.14a–12 apply.**

Sections 240.14a–1 to 240.14a–12 apply to every solicitation of a proxy with respect to securities registered pursuant to section 12 of the Act, whether or not trading in such securities has been suspended, except the following:

* * * * *

**§ 240.14a–4 Requirements as to proxy.**

(b) (1) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified provided the form of proxy states in bold-face type how it is intended to vote the shares represented by the proxy in each such case.

(2) A form of proxy which provides both for elections to office and for action on other specified matters shall be prepared so as to enable the security holder to grant or withhold authority to vote for elections to office. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for elections to office shall be deemed to grant such authority, provided the form of proxy so states in bold-face type.

NOTE: Paragraph (2) does not apply in the case of a merger or consolidation involving the issuer if the elections to office are an integral part of the plan and are not to be separately voted upon.

* * * * *

**§ 240.14a–9 False or misleading statements.**

(a) No solicitation subject to §§ 240.14a–1 to 240.14a–12 shall be made by means of any proxy statement, form of proxy, notice of meeting or other communication, written or oral, containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter which has become false or misleading.

(b) The fact that a proxy statement, form of proxy or other soliciting material has been filed with or examined by the Commission shall not be deemed a finding by the Commission that such material is accurate or complete or not false or misleading, or that the Commission has passed upon the merits of or approved any statement contained therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

NOTE: * * *

**§ 240.14a–11 Special provisions applicable to election contests.**

* * * * *

(b) *Participant or participant in a solicitation.* For purposes of this rule the terms "participant" and "participant in a solicitation" include the following:

* * * * *

(3) any committee or group which solicits proxies, any member of such committee or group, and any person whether or not named as a member who, acting alone or with one or more other persons directly or indirectly takes the initiative, or engages, in organizing, directing, or financing in excess of $500, any such committee or group;

* * * * *

**§ 240.14a–12 Solicitation prior to furnishing required proxy statement.**

(a) Notwithstanding the provisions of § 240.14a–3(a), a solicitation (other than one subject to § 240.14a–11) may be made prior to furnishing security holders a written proxy statement containing the information specified in Schedule 14A with respect to such solicitation if:

(1) The solicitation is made in opposition to a prior solicitation:

(2) No form of proxy is furnished to security holders prior to the time the written proxy statement required by § 240.14a–3(a) is furnished to security holders: *Provided, however,* That this subparagraph (2) shall not apply where a proxy statement then meeting the requirements of Schedule 14A has been furnished to security holders;

(3) The nature of the interest of the person or persons making the solicitation is set forth in each communication sent or given to security holders in connection with the solicitation; and

(4) A written proxy statement meeting the requirements of this regulation is sent or given to security holders at the earliest practicable date.

(b) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by § 240.14a–3(a) shall be filed with the Commission in preliminary form at least five business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as the Commission may authorize upon a showing of good cause therefor.

NOTE: For the purpose of paragraph (a)(1), the term "prior solicitation" shall include an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting.

SCHEDULE 14A—INFORMATION REQUIRED IN PROXY STATEMENT

*Item 2. Dissenters' rights of appraisal.* Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of adoption of a proposal, the filing of a charter amendment or other similar act, state whether the persons solicited will be notified of such date.

*Instruction.* Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy and notice requirements under State law with respect to appraisal rights.

*Item 5. Voting securities and principal holders thereof.* * * *

(e) If a change in control of the issuer has occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the issuer now owned by such person or persons.

*Instruction.* Include a description of any financing arrangements, the operation of the terms of which may at a subsequent date affect control of the registrant, directly or indirectly, including any pledge of securities of the issuer or any of its parents or subsidiaries.

* * * * *



*Item 7. Remuneration and other transactions with management and others.* * * *

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the issuer and its subsidiaries during the issuer's last fiscal year to the following persons for services in all capacities:

(1) Each director of the issuer whose aggregate direct remuneration exceeded $30,000, and each of the three highest paid officers of the issuer whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and officers of the issuer as a group, stating the number of persons in the group without naming them.

| (A) Name of individual or number of persons in group | (B) Capacities in which remuneration was received | (C) Aggregate direct remuneration |
|---|---|---|
| | | |

*Instructions.* 1. Except as provided in Instruction 2, paragraph (a) of this item applies to any person who was a director or officer of the issuer at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer of the issuer.

2. Paragraph (a)(1) of this item does not apply to any person who was not named as a director or officer of the issuer in the first application for registration or registration statement filed on Form 10 for the registration of a class of securities pursuant to section 12 of the Act, provided (i) such person has not been a director or officer of the issuer since the filing of such application or statement and (ii) the same information is not otherwise required to be disclosed in material filed with the Commission.

3. The information is to be given on an accrual basis if practicable. The tables required by this paragraph (a) and paragraph (b) below may be combined if the issuer so desires.

4. Do not include remuneration paid to a partnership to which any director or officer was a partner, but see paragraph (f) below.

* * * * *

(f) Describe briefly any transactions since the beginning of the issuer's last fiscal year or any proposed transactions, to which the issuer or any of its subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the issuer, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the issuer;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to Item 5(d); or

(4) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the issuer.

*Instructions.* 1. This Item 7(f) applies to any person who held any of the positions or relationships specified at any time during the period specified. However, information need not be given for any portion of the period during which such person did not hold any such position or relationship.

2. No information need be given in answer to this Item 7(f) as to any remuneration or other transaction reported in response to Item 7(a), (b), (c), (d), or (e).

3. No information need be given in answer to this Item 7(f) as to any transaction where—

(a) The rates or charges involved in the transaction are fixed by law or determined by competitive bids;

(b) The transaction involves services as a bank depositary of funds, transfer agent, registrar, trustee under a trust indenture, or similar services;

(c) The amount involved in the transaction, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $30,000;

(d) The transaction involves only the purchase of products or services from the issuer or its subsidiaries in the ordinary course of business on terms not more favorable than those available to persons other than those specified in subparagraphs (1) through (4) above and the aggregate amount of such purchases during the issuer's last fiscal year did not exceed 15 percent of the total sales of the particular class of products or services by the issuer and its subsidiaries during such fiscal year; or

(e) the interest of the specified person arises solely from the ownership of securities of the issuer, the specified person receives no extra or special benefit not shared on a pro rata basis by all holders of securities of the class, and not more than 25 percent of the outstanding securities of such class is owned beneficially, in the aggregate by all of the persons specified in subparagraph (1) through (4) of this Item 7(f).

4. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the issuer or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this Item 7(f) where:

(a) The interest arises only (i) from such person's position as a director of another corporation which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) through (4) above, in the aggregate, of less than a 10 percent interest in another person which is a party to the transaction, or (iii) from both such position and ownership; or

(b) The interest of such person arises solely from an interest in another person which is a party to the transaction with the issuer of any of its subsidiaries and the transaction is not material to such other person.

5. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

6. In describing any transaction involving the purchase or sale of assets by or to the issuer or any of its subsidiaries, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and, if acquired by the seller within two years prior to the transaction, the cost thereof to the seller.

*Item 9. Bonus, profit sharing and other remuneration plans.* If action is to be taken with respect to any bonus, profit sharing or other remuneration plan, furnish the following information:

* * * * *

(d) Describe the benefits received or to be received pursuant to all remuneration or incentive plans, now in effect or in effect



within the last five years, by (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers as a group, if any of such directors or officers may participate in the plan; and (3) all employees, if employees may participate in the

*Instructions.* 1. The term "plan" as used in this item means any plan as defined in Instruction 1 to Item 7(b).

2. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

3. Instruction 2 to Item 9 shall also apply

by the issuer of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the issuer, or (v) the liquidation or dissolution of the issuer:

(a) Outline briefly the material features of the plan. State the reasons therefor and



exercise of prudent judgment in regard to any matter to be acted upon. In the usual case, financial statements are deemed material to the exercise of prudent judgment where the matter to be acted upon is the authorization or issuance of a material

within the last five years, by (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers as a group, if any of such directors or officers may participate in the plan; and (3) all employees, if employees may participate in the plan.

• • • • •

*Instructions.* 1. The term "plan" as used in this item means any plan as defined in Instruction 1 to Item 7(b).

2. Paragraph (d) applies to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation or other remuneration or incentive plans.

3. If the plan is set forth in a written document, three copies thereof shall be filed with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (a) of § 240.14a–6.

*Item 10. Pension and retirement plans.* If action is to be taken with respect to any pension or retirement plan, furnish the following information:

• • • • •

(d) Describe the benefits received or to be received pursuant to all remuneration or incentive plans, now in effect or in effect within the last five years, by (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers as a group, if any of such directors or officers may participate in the plan; and (3) all employees, if employees may participate in the plan.

• • • • •

*Instructions.* 1. The term "plan" as used in this item means any plan as defined in Instruction 1 to Item 7(b).

2. The information called for by paragraph (b)(3) or (c)(2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number years of service.

3. Instruction 2 to Item 9 shall apply to paragraph (d) of this item.

4. Copies of the plan described in answer to this item, if set forth in a written document, shall be filed in accordance with Instruction 3 to Item 9.

*Item 11. Options, warrants or rights.* If action is to be taken with respect to the granting or extension of any options, warrants or rights to purchase securities of the issuer or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants or rights; (ii) the prices, expiration dates and other material conditions upon which the options, warrants or rights may be exercised; (iii) the consideration received or to be received by the issuer or subsidiary for the granting or extension of the options, warrants or rights; (iv) the market value of the securities called for or to be called for by the options, warrants or rights as of the latest practicable date; and (v) in the case of options, the tax consequences of the issuance and exercise of such options to the recipient and to the issuer.

• • • • •

(c) Describe the benefits received or to be received pursuant to all remuneration or incentive plans, now in effect or in effect within the last five years, by (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers as a group, if any of such directors or officers may participate in the plan; and (3) all employees, if employees may participate in the plan.

*Instructions.* 1. The term "plan" as used in this item means any plan as defined in Instruction 1 to Item 7(b).

2. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

3. Instruction 2 to Item 9 shall also apply to paragraph (c) of this item.

4. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past five years through the exercise of options granted during the period of prior thereto, (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

5. Copies of the plan described in answer to this item, if set forth in a written document, shall be filed in accordance with Instruction 3 to Item 9.

NOTE. The Commission should be informed, as supplemental information, when the proxy statement in preliminary form is filed, as to when the options, warrants or rights and the shares called for thereby will be registered under the Securities Act of 1933, or if such registration is not contemplated the section of the Act or rule of the Commission under which exemption from such registration is claimed and the facts relied upon to make the exemption available.

*Item 12. Authorization or issuance of securities otherwise than for exchange.* If action is to be taken with respect to the authorization or issuance of any securities otherwise than for exchange for outstanding securities of the issuer, furnish the following information:

• • • • •

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the issuer, and (2) the approximate amount devoted to each purpose so far as determinable for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, state the reason, indicate the purpose of the authorization of the securities, and state whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance.

(d) If the securities are to be issued otherwise than in a general public offering for cash, state the reasons for the proposed authorization or issuance and the general effect thereof upon the rights of existing security holders.

*Item 13. Modification or exchange of securities.* If action is to be taken with respect to the modification of any class of securities of the issuer, or the issuance or authorization for issuance of securities of the issuer in exchange for outstanding securities of the issuer, furnish the following information:

• • • • •

(c) State the reasons for the proposed modification or exchange and the general effect thereof upon the rights of existing security holders.

• • • • •

*Item 14. Mergers, consolidations, acquisitions and similar matters.* Furnish the following information if action is to be taken with respect to any plan for (1) the merger or consolidation of the issuer into or with any other person or of any other person into or with the issuer, (ii) the acquisition by the issuer or any of its security holders of securities of another issuer, (iii) the acquisition by the issuer of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the issuer, or (v) the liquidation or dissolution of the issuer:

(a) Outline briefly the material features of the plan. State the reasons therefor and the general effect thereof upon the rights of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a–6(a).

(b) Furnish the following information as to the issuer and each person (other than totally-held subsidiaries of the issuer) which is to be merged into the issuer or into or with which the issuer is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by security holders of the issuer. What is required is information essential to an investor's appraisal of the action proposed to be taken.

• • • • •

(4) Furnish a tabulation in columnar form showing the existing and the pro forma capitalization.

(5) Furnish in columnar form for each of the last five fiscal years a historical summary of earnings and show per share amounts of net earnings, dividends declared for each year and book value per share at the end of the latest year.

(6) Furnish in columnar form for each of the last five fiscal years a combined pro forma summary of earnings, as appropriate in the circumstances, indicating the aggregate and per-share earnings for each such year and the pro forma book value per share. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year.

• • • • •

*Item 15. Financial statements.* • • •

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish financial statements for each person specified therein, other than the issuer whose financial statements are required by Item 15(a), such as would currently be required in an original application by such person for registration of securities under the Act. Such statements shall be certified if practicable, but all schedules other than the schedules of supplementary profit and loss information may be omitted. However, such statements may be omitted for (1) a totally-held subsidiary of the issuer which is included in the consolidated statement of the issuer and its subsidiaries, or (ii) a person which is to succeed to the issuer and one or more of its totally-held subsidiaries under such circumstances that Form 8–B would be appropriate for registration of securities of such person issued in exchange for listed securities of the issuer.

*Instruction.* Such statements shall be prepared in accordance with Regulation S–X and, if certified, shall be certified in accordance with that regulation.

(c) The Commission may upon the request of the issuer, permit the omission of any of the statements herein required where such statements are not necessary for the exercise of prudent judgment in regard to any matter to be acted upon, or may permit the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise material for the



exercise of prudent judgment in regard to any matter to be acted upon. In the usual case, financial statements are deemed material to the exercise of prudent judgment where the matter to be acted upon is the authorization or issuance of a material amount of senior securities, but are not deemed material where the matter to be acted upon is the authorization or issuance of common stock, otherwise than in an exchange, merger or consolidation.

• • • • •

*Item 17. Restatement of accounts.* If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the issuer, furnish the following information:

• • • • •

(c) State the name and amount of each account (including any reserve accounts) affected by the restatement thereon. Tabular presentation of the amounts shall be made when appropriate, particularly in the case of recapitalizations.

• • • • •

*Item 20. Amendment of charter, bylaws or other documents.* If action is to be taken with respect to any amendment of the issuer's charter, bylaws or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

*Item 22. Vote required for approval.* As to each matter which is being submitted to a vote of security holders, other than elections to office, state the vote required for its approval.

SCHEDULE 14B

*Instructions.* 1. The item numbers and captions of the items shall be included but the text of the items may be omitted if the answers thereto are so prepared as to indicate clearly the coverage of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state. The information called for by Items 2(a) and 3(a) or a fair summary thereof is required to be included in all preliminary soliciting material by § 240.14a–11(d)(3).

2. If the participant is a partnership, corporation, association or other business entity, the information called for by Items 2, 3 and 4 shall be given with respect to each partner, officer and director of such entity, and each person controlling such entity, who is not a participant.

*Item 3. Interests in securities of the issuer.* • • •

(e) State whether or not you are, or were within the past year, a party to any contract, arrangements or understandings with any person with respect to any securities of the issuer, including, but not limited to joint ventures, loan or option arrangements, puts or calls, guarantees against loss or guarantees of profit, division of losses or profits, or the giving or withholding of proxies. If so, name the parties to such contracts, arrangements or understandings and give the details thereof.

• • • • •

*Item 4. Further matters.* • • •

(d) State the total amount contributed and proposed to be contributed by you in furtherance of the solicitation, directly or indirectly, if such amount exceeds or will exceed $500 in the aggregate.

[F.R. Doc. 64–13224; Filed, Dec. 23, 1964; 8:46 a.m.]



# Notices



T. 23 N., R. 8 W.,
Sec. 16.
T. 23 N., R. 9 W.,
Sec. 2, lots 1, 2, 3, 4, S½N½, SW¼.
T. 5 N., R. 76 W.,
Sec. 2 through 11;
Sec. 14 through 23;
Sec. 26 through 35.

addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico, 87501.

# Notices

## DEPARTMENT OF STATE

### Agency for International Development

### CHRISTIAN REFORMED WORLD RELIEF COMMITTEE, INC.

### Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Christian Reformed World Relief Committee, Inc.
2417 Eastern Avenue, Southeast
Grand Rapids, Michigan 49507

Dated: December 15, 1964.

WILLIAM S. GAUD,
*Acting Administrator.*

[F.R. Doc. 64-13221; Filed, Dec. 23, 1964; 8:45 a.m.]

[Delegation of Authority No. 57]

### DELEGATION OF AUTHORITY

### Miscellaneous Amendments

By virtue of the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961, from the Secretary of State (26 F.R. 10608), I hereby direct that Delegation of Authority Nos. 19 and 27 be, and they are hereby amended, as follows:

SECTION 1. Delegation of Authority No. 19: Insert the following new paragraph immediately preceding the last paragraph: "The Assistant Administrator for Latin America, notwithstanding the preceding limitation with respect to entering into agreements with agencies which do not have a basic agreement with A.I.D., may enter into and implement, agreements with any agency of the United States Government to undertake specific projects or programs financed in whole or in part by A.I.D., subject to the concurrence of the Assistant Administrator for Administration".

SEC. 2. Delegation of Authority No. 27: (a) Amend paragraph 12 of Section II by inserting before the semicolon the following: ", except that the Assistant Administrator for Latin America may detail or assign Foreign Service Reserve and Foreign Service Staff personnel of the Regional Bureau to the Bureau for Latin America, A.I.D./W". (b) Add the following new paragraph following paragraph 4 of Section III: "The Assistant Administrator for Latin America may exercise the following authorities, notwithstanding the foregoing limitations, for the countries or areas within his region: (1) approve the assignment or reassignment of persons employed as Chief of Mission, Deputy Chief of Mission and AID Representatives, subject to the concurrence of the Administrator, and (2) set or approve the grades of the positions of Mission Director, Deputy Director or AID Representative within the standards and criteria prescribed for the classification of such positions as agreed to between State and A.I.D. on April 22, 1963 and subject to the concurrence of the Assistant Administrator for Administration".

The foregoing authorities are to be exercised in accordance with the policies, procedures and regulations of the Agency including those which require the clearance of other offices prior to taking administrative action and those which require consultation with other offices.

This Delegation of Authority shall be effective immediately.

Dated: December 8, 1964.

DAVID E. BELL,
*Administrator.*

[F.R. Doc. 64-13222; Filed, Dec. 23, 1964; 8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### NEVADA

### Notice of Filing of Protraction Diagrams

DECEMBER 17, 1964.

Notice is hereby given that effective at and after 10:00 a.m. January 19, 1965, the following protraction diagrams are officially filed of record in the Nevada Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

NEVADA PROTRACTION DIAGRAMS NOS. 137 THROUGH 145

MOUNT DIABLO MERIDIAN

No. 137

T. 48 N., R. 35 E.
T. 48 N., R. 36 E.
T. 46 N., R. 37 E.
T. 48 N., R. 37 E.

No. 138

T. 41 N., R. 23½ E.
T. 41½ N., R. 23½ E.
T. 41 N., R. 24 E.
T. 41½ N., R. 24 E.
T. 41 N., R. 25 E.
T. 41½ N., R. 25 E.

No. 139

T. 41 N., R. 27 E.
T. 42 N., R. 27 E.
T. 43 N., R. 27 E.
T. 43 N., R. 28 E.
T. 43 N., R. 29 E.

No. 140

T. 45 N., R. 26½ E.
T. 44 N., R. 27 E.
T. 45 N., R. 27 E.
T. 44 N., R. 28 E.
T. 45 N., R. 28 E.
T. 44 N., R. 29 E.
T. 45 N., R. 29 E.
T. 46 N., R. 29 E.

No. 141

T. 41 N., R. 29 E.
T. 42 N., R. 29 E.
T. 41 N., R. 30 E.
T. 42 N., R. 30 E.
T. 43 N., R. 30 E.
T. 42 N., R. 31 E.

No. 142

T. 45 N., R. 33 E.
T. 46 N., R. 33 E.
T. 45 N., R. 34 E.
T. 45 N., R. 35 E.

No. 143

T. 43 N., R. 32 E.
T. 43 N., R. 33 E.
T. 44 N., R. 33 E.
T. 43 N., R. 34 E.
T. 44 N., R. 34 E.

No. 144

T. 42 N., R. 35 E.

No. 145

T. 41 N., R. 32 E.
T. 42 N., R. 32 E.
T. 41 N., R. 33 E.
T. 42 N., R. 33 E.
T. 41 N., R. 34 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Nevada Land Office, Bureau of Land Management, Post Office Box No. 1551, Reno, Nev.

DANIEL P. BAKER,
*Manager.*

[F.R. Doc. 64-13212; Filed, Dec. 23, 1964; 8:45 a.m.]

[Misc. NM 11]

### NEW MEXICO

### Order Providing for Opening of Public Lands

DECEMBER 15, 1964.

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following-described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 1 E.,
Sec. 4, lots 1 to 8, inclusive;
Sec. 5, lots 1 to 8, inclusive;
Sec. 6, lots 1 and 2.
T. 11 N., R. 1 E.,
Sec. 17, lots 2, 3, 4, 5;
Sec. 21;
Sec. 29, lots 1, 2, 3, E½, NE¼NW¼;
Sec. 31, lot 1;
Sec. 33.
T. 23 N., R. 8 W.,
Sec. 16.
T. 23 N., R. 9 W.,
Sec. 2, lots 1, 2, 3, 4, S½N½, SW¼.
T. 29 N., R. 10 W.,
Sec. 16, NE¼NE¼, S½NE¼, NW¼, S½.
T. 19 N., R. 12 W.,
Sec. 32.
T. 18 N., R. 13 W.,
Sec. 2, W½SE¼;
Sec. 16, W½SE¼, SE¼SE¼.
T. 19 N., R. 13 W.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 36.

The areas described aggregate 5,758.15 acres.

2. The lands in Tps. 10 and 11 N., R. 1 E., have been classified for recreational and public purposes pursuant to the Act of June 14, 1926 (44 Stat. 741) as amended by the Act of June 4, 1954 (68 Stat. 173), and under authority of section 7 of the Taylor Grazing Act of June 28, 1934, as amended. This classification segregates the land from all appropriation under the public land laws, including location under the mining laws except as to applications under the Recreation and Public Purposes Act by qualified State and local governments.

3. The lands in Tps. 10 and 11 N., R. 1 E., are located 5 miles west of the City of Albuquerque, and are accessible from U.S. Highway 66 and unimproved dirt roads. The elevation is about 6,000 feet and the precipitation is approximately 8 inches. The lands are gently sloping and the west portion extends into the Rio Puerco drainage. The lands are not suitable for irrigation because of the lack of a known source of irrigation water. The lands in T. 23 N., Rs. 8 and 9 W. are rolling to rough; the vegetation is mostly sage-grass with a number of desert shrub species occurring at various intervals and scattered low-value pinon-juniper in limited amounts. The soil is sandy to sandy-loam in the upland portions and sandy-clay to heavy clay in the lower elevations. The elevation is from 6,700 to 6,800 feet. The land in T. 29 N., R. 10 W., is located about 4½ miles east of Bloomfield, New Mexico and is accessible over an improved dirt road. The terrain is rolling to hilly with gravel outcroppings along the slopes of the higher elevations. Sheet and rill erosion is evident over the entire area. Vegetation consists of annual grasses, scattered juniper and sparse browse. The lands in T. 19 N., R. 12 W. and Tps. 18 and 19 N., R. 13 W., are generally rolling at an elevation of approximately 5,000 feet; the average rainfall is 12 inches. The vegetation consists principally of blue gramma and blue grass with some stipa, rice grass, galleta and other grass types in lesser amounts.

4. Pursuant to authority delegated to me by Order No. 701 of July 23, 1964, section 1.5c, the land affected by this order is hereby restored to the operation of the public land laws, subject to any valid rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations, as of 10:00 a.m., January 20, 1965.

5. The United States did not acquire minerals in the lands described above.

6. Inquiries and applications concerning the lands above described shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico, 87501.

W. J. ANDERSON,
*Acting State Director.*

[F.R. Doc. 64-13213; Filed, Dec. 23, 1964; 8:45 a.m.]

[BLM 080188; Survey Group 95]

### MINNESOTA

### Notice of Filing of Plat of Survey

DECEMBER 18, 1964.

The plat of survey of an island in sec. 1, T. 46 N., R. 19 W., fourth principal meridian, Minnesota, containing 1.28 acres, accepted on November 23, 1964, will be officially filed in this office effective at 10 a.m., on January 22, 1965.

The character of the island and the timber growth thereon indicate its existence when Minnesota was admitted into the Union and at the time of the original survey. It is therefore determined to be public land.

The island is upland in character within the meaning of the swamp land acts.

Except for valid existing rights, the island will not be subject to use and/or disposition under the public land laws, including the mineral leasing and mining laws, until a further order is issued.

All inquiries relating to the island should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA,
*Manager, Land Office.*

[F.R. Doc. 64-13214; Filed, Dec. 23, 1964; 8:45 a.m.]

### COLORADO

### Notice of Filing of Colorado Protraction Diagrams

DECEMBER 15, 1964.

Notice is hereby given that effective February 1, 1965, the following approved protraction diagrams are officially filed of record in the Colorado Land Office. In accordance with Title 43 CFR, these protractions will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. on the above effective date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

COLORADO PROTRACTION DIAGRAM NO. 1

(Approved November 12, 1964)

SIXTH PRINCIPAL MERIDIAN

T. 3 N., R. 73 W.,
Sec. 4 and 5;
Sec. 6, N½, SE¼.
T. 4 N., R. 73 W.,
Sec. 19 through 21;
Sec. 28 through 33.
T. 5 N., R. 73 W.,
Sec. 4 through 9.
T. 5 N., R. 75 W.,
Sec. 1 through 5;
Sec. 8 through 17;
Sec. 20 through 29;
Sec. 32 through 36.
T. 5 N., R. 76 W.,
Sec. 2 through 11;
Sec. 14 through 23;
Sec. 26 through 35.

COLORADO PROTRACTION DIAGRAM NO. 7 WITH SUPPLEMENTAL SHEET SHOWING EXTERIOR BOUNDARIES OF MINERAL SURVEYS FOR LAND INDICATED BY ASTERISK

(Approved November 12, 1964)

SIXTH PRINCIPAL MERIDIAN

T. 2 S., R. 75 W.,* except Tract 37.
T. 2 S., R. 76 W.
T. 3 S., R. 73 W.,*
Sec. 5 through 8;
Sec. 11, S½, NE¼;
Sec. 12 through 36.
T. 3 S., R. 74 W.,*
Sec. 1 through 13;
Sec. 15 through 22;
Sec. 30 and 31.
T. 3 S., R. 75 W.*
T. 3 S., R. 76 W.
T. 4 S., R. 75 W.*
T. 4 S., R. 76 W.

COLORADO PROTRACTION DIAGRAM NO. 27

(Approved November 12, 1964)

NEW MEXICO PRINCIPAL MERIDIAN

T. 37 N., R. 7 W.,
Sec. 1 through 28;
Sec. 34 through 36.
T. 37 N., R. 8 W.,
Sec. 1 through 3;
Sec. 10 through 15;
Sec. 23 through 27;
Sec. 34 through 36.
T. 38 N., R. 6 W.
T. 38 N., R. 7 W.
T. 39 N., R. 6 W.
T. 39 N., R. 7 W.
T. 39 N., R. 8 W.
T. 40 N., R. 6 W.
T. 40 N., R. 7 W.
T. 40 N., R. 8 W.
T. 40 N., R. 8 W.
T. 40 N., R. 9 W.

Copies of all diagrams are for sale for $1.50 each at the Colorado Land Office, Bureau of Land Management, Insurance Exchange Building, 910 15th Street, Denver, Colo., 80202.

EVERETT K. WEEDIN,
*Acting Land Office Manager.*

[F.R. Doc. 64-13216; Filed, Dec. 23, 1964; 8:45 a.m.]

[Bureau Order 701, Amdt. 1]

### LANDS AND RESOURCES

### Redelegations of Authorities

Order No. 701 of July 23, 1964 is amended, as follows: A new paragraph (k) is added to Secs. 1.2 and 2.2, and paragraph (p) of Sec. 1.9 is amended, as follows:

PART I—REDELEGATIONS OF AUTHORITY TO STATE DIRECTORS

• • • • • •

SEC. 1.2 *General and miscellaneous matters.* • • •

(k) *Patents.* Issue patents and amendments of patents or their equivalent for grants of land under the authority of the government in the name of the United States other than conveyances which require the approval or signature of the President of the United States.

• • • • • •

SEC. 1.9 *Land use.* • • •

(p) *State grants.* Take all actions on State grants and selections when authorized by law.

• • • • •

PART II—REDELEGATION TO LAND OFFICE MANAGERS

SEC. 2.2 *General and miscellaneous matters.* • • •

(k) *Patents.* Bureau Order No. 690 as amended is revoked.

• • • • •

L. T. HOFFMAN,
*Acting Associate Director.*

DECEMBER 18, 1964.

[F.R. Doc. 64-13215; Filed, Dec. 23, 1964; 8:45 a.m.]

## Bureau of Reclamation

[No. 83]

### YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIFORNIA

### Public Notice of Annual Operation and Maintenance Charges and Annual Water Rental Charges

NOVEMBER 30, 1964.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the Calendar Year 1965 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $13.00 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72 dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under public notice. Additional water, if available, will be furnished at the rate of $2.75 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under public notice containing less than one acre shall be $13.00.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1965, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the Calendar Year 1965 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: The minimum annual charge shall be $13.00 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.75 per acre-foot. All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

4. *Place of payment.* All payments should be made to the Bureau of Reclamation, Marine Corps Auxiliary Air Station, or mailed to Bureau of Reclamation, Bin 151, Yuma, Arizona.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

A. B. WEST,
*Regional Director.*

DECEMBER 18, 1964.

[F.R. Doc. 64-13217; Filed, Dec. 23, 1964; 8:45 a.m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## TEXAS

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Texas a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Hockley

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-13227; Filed, Dec. 23, 1964; 8:46 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of International Commerce

[Case No. 338]

### JOSE LUIS MUSSOT AND YAMIL AMADO HARON KOURI Y PEREZ

### Order Denying Export Privileges

In the matter of Jose Luis Mussot, Mexicali No. 53-2, Mexico City, Mexico, and Yamil Amado Haron Kouri y Perez, also known as Yamil Kouri, % Centro Nacional Cubano De Investigaciones Cientificas, Calle 21 No. 454, Vedado, Havana, Cuba, respondents; Case No. 338.

Separate charging letters were issued against the above named respondents by the Director of the Investigations Division, Office of Export Control, Bureau of International Commerce. The charging letter against Mussot is dated October 12, 1964 and that against Kouri is dated November 6, 1964. As to each respondent it is charged that in May 1964 he acted in concert with other persons in the execution of a scheme to obtain and ship to Cuba approximately $48,000 worth of U.S.-origin scientific research equipment obtained from a Mexican subsidiary of the U.S. supplier of the equipment. The manner in which each respondent participated is set forth in the respective charging letters.

Prior to the issuance of the charging letters a temporary denial order was issued against each respondent. The temporary order against Mussot for sixty days was issued on September 29, 1964 (29 F.R. 13615). On October 21, 1964 this was extended until the completion of compliance proceedings (29 F.R. 14757). The temporary order against Kouri for sixty days was issued on October 27, 1964 (29 F.R. 14861) and this expires on December 26, 1964.

Kouri has not responded to the charging letter and he is held to be in default. Mussot replied to the temporary denial order and also to the charging letter but he did not request a hearing. In accordance with the usual practice the cases were referred to the Compliance Commissioner. He reported that for the most part the evidence to support the charges against each respondent was identical. He combined the cases, held a joint informal hearing, and issued a single report covering the charges against both respondents.

The Compliance Commissioner has considered the evidence in the cases and has reported the facts to the undersigned with his recommendation that the sanctions hereinafter set forth be imposed against respondents. In the circumstances I consider it appropriate to issue a single order covering charges against both respondents.

After reviewing the facts in the cases and considering the Compliance Commissioner's report and recommendations I hereby make the following findings of fact:

1. The respondent Jose Luis Mussot was a resident of Mexico City, Mexico, and was a registered commission agent. For some months prior to May 1964, and thereafter, he was an active commercial representative of the Cuban Embassy in Mexico City. The respondent Yamil Amado Haron Kouri y Perez, also known as Yamil Kouri, was a resident of Havana, Cuba. He holds a doctors degree and was an official in Centro Nacional Cubano de Investigaciones Cientificas (Cuban National Center of Scientific Research). In May 1964 Dr. Kouri was in Mexico City for the purpose of procuring equipment for use in the institution with which he was connected. He also visited other countries for this purpose.

2. The particular transactions in question took place in the period from May 20, 1964 through May 28, 1964. During this period, on several occasions, the respondent Kouri, accompanied by other individuals, visited the offices of a supplier of scientific research equipment in Mexico City. Said supplier was a subsidiary company of the U.S. supplier of such equipment. The respondent Kouri made arrangements with the Mexican supplier to purchase a wide variety of items of equipment for use in scientific research. He represented to employees of the Mexican supplier that the equipment was to be used in an educational institution in Mexico. These representations were false and Kouri knew them to be false. It was his purpose and intent to procure said equipment for exportation to Cuba.

3. At the time that Kouri was making the arrangements to purchase the equipment in question he knew that many of the items, including some of the most costly, were of U.S.-origin. He also knew that reexportation of U.S.-origin equipment from Mexico to Cuba without prior express approval of the United States Government was in contravention of U.S. laws and regulations.

4. The respondent Kouri purchased the equipment in question and the invoice price was approximately $48,000. On May 27, 1964 Kouri made a partial payment of $25,000 to the Mexican supplier and informed the company that Jose Mussot would pick up the merchandise on the following day and pay the balance due.

5. On May 28, 1964 the respondent Mussot called at the office of the Mexican supplier, paid the balance which was due for the merchandise and took delivery thereof. Mussot knew or had reason to know that many many of the items were of U.S.-origin and that reexportation of U.S.-origin equipment from Mexico to Cuba without prior express authorization from the United States Government was in contravention of U.S. laws and regulations.

6. Mussot arranged for the hire of two trucks to transport the goods from the warehouse of the Mexican supplier to the Cuban Embassy in Mexico City. Such transportation and delivery to the Cuban Embassy was accomplished under the supervision of said Mussot on May 28, 1964. Mussot knew or had reason to know that the goods were intended to be reexported from Mexico to Cuba. Such reexportation did in fact take place at a later date.

Based on the foregoing I have concluded that the respondents violated the U.S. Export Regulations in the following manner: Knowingly aided and abetted in the procurement of U.S.-origin commodities and in their reexportation to an unauthorized destination, in violation of § 381.2; acted in concert together and with other persons for the purpose of bringing about violations of said regulations, in violation of § 381.3; the respondent Kouri ordered, bought, financed, and otherwise serviced commodities exported from the United States with knowledge that a violation of said regulations was about to and intended to occur with respect to such transaction, in violation of § 381.4; the respondent Mussot received, transported, forwarded, and otherwise serviced commodities exported from the United States with knowledge that a violation of said regulations was about to and intended to occur with respect to such transaction, in violation of § 381.4.

As to the sanctions that should be imposed the Compliance Commissioner said:

> Kouri is a resident of Cuba and an official in a research institution there. He has visited various countries outside of the United States for the purpose of obtaining supplies and equipment, some of U.S.-origin, for reexportation to Cuba. To the extent that we can we should prevent him from obtaining U.S.-origin goods in violation of our regulations. I recommend that he be denied U.S. export privileges for the duration of export controls. Mussot is a resident of Mexico City and is a commercial representative of the Cuban Embassy there. He knowingly participated in a transaction in violation of the U.S. Export Regulations. I also recommend that he be denied U.S. export privileges for the duration of export controls. However, if he terminates whatever connection he has with the Cuban Embassy and is able to demonstrate after two years that he has complied with the terms of the order and discloses such details of his activities as may be necessary to determine such compliance and to show that he can be trusted to deal in U.S.-origin commodities, consideration can be given to an application for restoration of privileges under such conditions as may be considered appropriate.

On consideration of the foregoing and based on the entire record, and being of the view that the following order is calculated to achieve effective enforcement of the law and the purposes thereof: *It is hereby ordered:*

I. The restrictions of the temporary denial orders which were entered against the respondent Jose Luis Mussot on September 29, 1964 (29 F.R. 13615) and extended on October 21, 1964 (29 F.R. 14757), and against the respondent Yamil Amado Haron Kouri y Perez, also known as Yamil Kouri, on October 27, 1964 (29 F.R. 14861) are hereby continued in full force and effect.

II. So long as export controls are in effect the respondents, and each of them, are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As parties or as representatives of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents, employees, representatives, partners, and to any firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Two years after the effective date of this order the respondent Mussot may apply to have the effective denial of his export privileges held in abeyance while he remains on probation. Such application shall be supported by evidence showing compliance with the terms of this order and such disclosure of details of his activities during said two years as may be necessary to determine his compliance with this order and whether he may be trusted to participate in transactions involving U.S.-origin commodities and technical data. The application will be considered on its merits and in the light of conditions and policies existing at that time. His export privileges may be restored under such terms and conditions as appear to be appropriate.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any inter-

est or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: December 16, 1964.

WILSON E. SWEENEY,
*Acting Director,*
*Office of Export Control.*

[F.R. Doc. 64-13243; Filed, Dec. 23, 1964; 8:46 a.m.]

[File No. 23-992]

## SHEPHERD EXPORT & TRADING CO. AND DENIS H. SHEPHERD

### Order Denying Export Privileges for an Indefinite Period

In the matter of Shepherd Export & Trading Company, and Denis H. Shepherd also known as D. H. Shepherd, 6 Chichester Road and 19 Chepstow Road, Croydon, Surrey, England, respondents; File No. 23-992.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondents all export privileges for an indefinite period because of the failure of said respondents to furnish responsive answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). A temporary denial order has been in effect against the above respondents since October 28, 1964 (29 F.R. 14897).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that Shepherd Export & Trading Company is a business organization with places of business in Croydon, Surrey, England; that said company is engaged in the import-export business; that Denis H. Shepherd, also known as D. H. Shepherd is the individual primarily responsible for the conduct and operations of said company; that the aforesaid Investigations Division is conducting an investigation into the respondents' receipt and disposition of U.S. origin commodities. It is impracticable to subpoena the respondents and relevant and material interrogatories were served on them pursuant to § 382.15 of the Export Regulations. Said respondents have failed to furnish responsive answers to said interrogatories as required by said section and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

*Accordingly, it is hereby ordered:*

I. This order supersedes the temporary denial order entered against the above named respondents on October 28, 1964.

II. The respondents, their successors or assigns, partners, directors, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

This order shall become effective on publication in the FEDERAL REGISTER.

Dated: December 15, 1964.

WILSON E. SWEENEY,
*Acting Director,*
*Office of Export Control.*

[F.R. Doc. 64-13244; Filed, Dec. 23, 1964; 8:46 a.m.]

[Case No. 337]

## P. J. MURPHY AND MURPHY BROTHERS, LTD.

### Order Denying Export Privileges

In the matter of P. J. Murphy, Murphy Brothers, Ltd., Thurmaston, Liecester, England, respondents; Case No. 337.

By charging letter dated September 4, 1964 the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, charged the above respondents with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondents were served with the charging letter and have not responded or filed an answer and, in accordance with § 382.4 of the Export Regulations are held in default.

In accordance with the usual practice the case was referred to the Compliance Commissioner. He held an informal hearing on October 29, 1964, at which time counsel for the Investigations Division present evidence in support of the charges. The record was reopened on November 30, 1964 for the receipt of additional evidence.



It was charged that on or about March 7 or 8, 1964 respondents exported from England to Cuba three U.S.-origin motor scrapers and two U.S.-origin bulldozers and that respondents knew or had reason to know that the items were of U.S.-origin and that U.S. law prohibited their reexportation from England to Cuba without first obtaining authorization from the United States Government.

The Compliance Commissioner has reported the findings of fact and findings that violations have occurred and has recommended that sanctions, as hereinafter set forth be imposed.

After considering the entire record and the report and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. The respondent Murphy Brothers, Ltd. is a corporation with a place of business in Thurmaston, Leicester, England. The company is engaged in building and civil engineering and is also in the bulk transport and haulage business. The respondent Patrick J. Murphy, also known as P. J. Murphy, is an officer of Murphy Brothers, Ltd. and he acted for the company in the transaction in question.

2. Shortly before March 7, 1964 Murphy Brothers, Ltd. acquired title to two bulldozers located in England. Each bulldozer consisted of a tractor and bulldozer attachment. The tractors were manufactured in the United States. Bulldozer attachments of the make and type in question were manufactured in the United States and certain foreign countries and it is not established by the evidence that the attachments were of U.S.-origin. The tractor of each unit represented approximately 87 percent of the value of the combination.

3. Shortly before March 7, 1964 Murphy Brothers, Ltd. acquired title to three motor scrapers located in England. Each motor scraper consisted of a tractor and scraper attachment. The tractors were manufactured in the United States. Scraper attachments of the make and type in question were manufactured in the United States and certain foreign countries and it is not established by the evidence that the attachments were of U.S.-origin. The tractor of each unit represented approximately 60 percent of the value of the combination.

4. The respondent P. J. Murphy endeavored to obtain a certificate of origin showing that the tractors above referred to were manufactured in the United Kingdom and his request for such certificate was denied. The respondents knew or had reason to know that the said tractors were of U.S.-origin.

5. On or about March 7 or 8, 1964 the respondents exported from England to Cuba the bulldozers and motor scrapers referred to in Findings of Fact 2 and 3. The respondents knew or had reason to know that U.S. law prohibited such exportation without first obtaining authorization from the United States Government.

Based on the foregoing I have concluded that the respondents in violation of § 381.6 of the United States Export Regulations, without specific authorization from the United States Department of Commerce, Office of Export Control, knowingly reexported, transshipped, and diverted U.S.-origin commodities from England to Cuba contrary to the provisions of said regulations.

I have concluded that the recommendation of the Compliance Commissioner as to the sanction that should be imposed against the respondents is fair and just and necessary to achieve effective enforcement of the law.

*Accordingly it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondents for the duration of export controls, are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Two years after the date hereof, without further order of the Bureau of International Commerce, the respondents shall have their export privileges restored to them conditionally, the condition for such restoration being that, during the said two years following the date hereof, the said respondents shall comply in all respects with this order, and thereafter shall comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder.

V. The privileges so conditionally permitted to the respondents herein under Part IV hereof may be revoked summarily and without notice upon a finding by the Director of the Office of Export Control, or such other official as may at that time be exercising the duties now exercised by him, that any respondent has knowingly failed to comply with the conditions applicable to him or it as set forth in Part IV hereof, in which event Part II hereof, insofar as it shall apply to such respondent, shall then be and become effective as to him or them without thereby precluding the Bureau of International Commerce from taking such other and further action based on such violation or violations as it shall deem warranted. In the event that such supplemental order is issued, such respondents as are involved therein shall have a right to review thereof, as provided in the Export Regulations.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on December 22, 1964.

Dated: December 14, 1964.

WILSON E. SWEENEY,
*Acting Director,*
*Office of Export Control.*

[F.R. Doc. 64-13229; Filed, Dec. 23, 1964; 8:46 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## S. E. MASSENGILL CO.

### Notice of Filing of Petition for Food Additives for Use in Milk-Producing Animals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1588) has been filed by the

S. E. Massengill Co., Bristol, Tenn., proposing an amendment to § 121.249 of the food additive regulations to provide for the safe use of a formulation for the treatment of bovine mastitis. Such formulation is to contain per treatment: neomycin (as neomycin sulfate), 70 milligrams; polymyxin B sulfate, 100,000 units.

Dated: December 17, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-13246; Filed, Dec. 23, 1964; 8:46 a.m.]

## ELANCO PRODUCTS CO., AND ELI LILLY AND CO.

### Notice of Filing of Petition for Food Additive Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1601) has been filed by Elanco Products Company, A Division of Eli Lilly and Company, Indianapolis 6, Indiana proposing an amendment to § 121.217 *Tylosin* to provide for the safe use of this food additive in a complete swine feed, as follows:

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| Tylosin | 100 | | | For swine; as tylosin phosphate. | Maintaining weight gains and feed efficiency in the presence of atrophic rhinitis. |

Dated: December 17, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-13247; Filed, Dec. 23, 1964; 8:46 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 11284]

## WESTERN ALASKA AIRLINES, INC.

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on January 6, 1965, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., December 18, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-13255; Filed, Dec. 23, 1964; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15641; FCC 64M-1265]

## INTERNATIONAL PANORAMA TV, INC.

### Order Continuing Hearing

In re application of International Panorama TV, Inc., Fontana, California, Docket No. 15641, File No. BPCT-3181; for construction permit for new television broadcast station (Channel 40).

*It is ordered,* This 18th day of December 1964, on the Hearing Examiner's own motion, that hearing herein, presently scheduled to be convened in Los Angeles, California on January 13, 1965, is continued to 10:00 a.m., January 25, 1965, in Los Angeles, California.

Released: December 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13258; Filed, Dec. 23, 1964; 8:47 a.m.]

[Docket Nos. 15745, 15746; FCC 64M-1267]

## MIDWEST TELEVISION, INC. (WMBD-FM), AND PEORIA JOURNAL STAR, INC.

### Order Scheduling Hearing

In re applications of Midwest Television, Inc. (WMBD-FM), Peoria, Ill., Docket No. 15745, File No. BPH-4277; The Peoria Journal Star, Inc., Peoria, Ill., Docket No. 15746, File No. BPH-4351; for construction permits.

*It is ordered,* This 18th day of December 1964, that Isadore A. Honig shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on February 17, 1965; and that a prehearing conference shall be convened at 9:00 a.m. on January 21, 1965; and, *it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: December 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13259; Filed, Dec. 23, 1964; 8:47 a.m.]

[Docket Nos. 15442, 15443; FCC 64M-1253]

## DUBUQUE BROADCASTING CO. AND TELEGRAPH-HERALD

### Order Continuing Hearing

In re applications of Dubuque Broadcasting Company, Dubuque, Iowa, Docket No. 15442, File No. BPH-3920; Telegraph-Herald, Dubuque, Iowa, Docket No. 15443, Filed No. BPH-4288; for construction permits.

The Hearing Examiner having before him a letter from counsel for Telegraph-Herald, dated December 14, 1964, requesting postponement of hearing in the above-entitled matter now scheduled for December 17, 1964; and

It appearing that a petition for rule making looking toward a resolution of conflict has been filed and should it be approved need for hearing may be eliminated; and

It further appearing that both counsel for Dubuque Broadcasting Company and counsel for the Broadcast Bureau, the only other parties to the proceeding, join in the request:

*It is ordered,* This 15th day of December 1964, that the request for postponement described above is granted; and the hearing in the above-entitled proceeding now scheduled for Decembr 17, 1964, is continued to January 25, 1965.

Released: December 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13203; Filed, Dec. 23, 1964; 8:45 a.m.]

[Docket No. 15658; FCC 64M-1254]

## NAUGATUCK VALLEY SERVICE, INC. (WOWW)

### Order Re Procedural Dates

In re application of Naugatuck Valley Service, Inc. (WOWW), Naugatuck, Conn., Docket No. 15658, File No. BP-14829; for construction permit.

The Hearing Examiner having under consideration a Motion to Postpone Exhibit Exchange Dates filed by applicant on December 11, 1964; and

It appearing that applicant seeks to have the dates governing various procedural steps in this proceeding advanced one month; and

It further appearing that applicant's newly hired engineer contemplates making changes in applicant's technical proposal and because of other commitments has not been able to effect those changes; and

It further appearing that the other participants in the proceeding have given their consent to grant of the subject motion and to its immediate consideration:

*Accordingly, it is ordered,* This 15th day of December 1964, that the calendar of procedural steps designated by Examiner's Order dated November 10, 1964, released November 12, 1964 (FCC 64M-1122) is amended in the following respects:

| Procedural step | Present designation | Amended designation |
|---|---|---|
| Preliminary exchange of Applicant's technical presentation. | Dec. 14, 1964 | Jan. 14, 1965 |
| Final exchange of Applicant's technical presentation (if any) of Applicant's lay presentation. | Dec. 28, 1964 | Jan. 28, 1965 |
| Notification by Respondents of Applicant's witnesses it is desired be present at hearing for examination. | Jan. 4, 1965 | Feb. 4, 1965 |
| Notification by Respondents of Intention to make rebuttal presentation accompanied by recommended date for such presentation. | ----do---- | Do. |
| Freeze date—Date after which applicant agrees not to make, on own volition, substantial changes in presentation. | ----do---- | Do. |
| Hearing | Jan. 11, 1965 | Feb. 11, 1965 |

Released: December 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13204; Filed, Dec. 23, 1964; 8:45 a.m.]



[Docket Nos. 15741, 15742; FCC 64M-1262]

## ROBERT J. MARTIN AND TALTON BROADCASTING CO.

### Order Scheduling Hearing

In re applications of Robert J. Martin, Selma, Ala., Docket No. 15741, File No. BPH-4499; Talton Broadcasting Company, Selma, Ala., Docket No. 15742, File No. BPH-4572; for construction permits.

*It is ordered,* This 18th day of December 1964, that Sol Schildhause shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on February 16, 1965; and that a prehearing conference shall be convened at 9:00 a.m. on January 19, 1965; *and, It is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: December 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13205; Filed, Dec. 23, 1964; 8:45 a.m.]

[Docket Nos. 15701, 15702; FCC 64M-1261]

## SOUTHERN NEWSPAPERS, INC., AND RADIO HOT SPRINGS CO.

### Order Continuing Hearing

In re applications of Southern Newspapers, Inc., Hot Springs, Ark., Docket No. 15701, File No. BPH-3984; C. J. Dickson, Guy R. Beckham and James M. Alexander d/b as Radio Hot Springs Co., Hot Springs, Ark., Docket No. 15702, File No. BPH-4124; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* This 16th day of December 1964, that the hearing presently scheduled to commence on January 25, 1965, be and the same is hereby continued to February 16, 1965, at 10 a.m., in Washington, D.C.

Released: December 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13206; Filed, Dec. 23, 1964; 8:45 a.m.]

[Docket Nos. 15476, 15477; FCC 64M-1263]

## WEZY, INC., AND WKKO RADIO, INC.

### Order Continuing Hearing

In re applications of WEZY, Inc., Cocoa, Fla., Docket No. 15476, File No. BPH-4172; WKKO Radio, Inc., Cocoa, Fla., Docket No. 15477, File No. BPH-4173; for construction permits.

The Hearing Examiner having under consideration a joint motion filed December 16, 1964, by the above-entitled applicants requesting that the evidentiary hearing presently scheduled for December 21, 1964, be continued for thirty days or for such time as may be convenient to the Hearing Examiner; and

It appearing that the reason for the requested continuance is to give the Review Board time to act on an agreement entered into between the parties pursuant to which one of the applications is to be dismissed and the other retained in hearing; and

It further appearing that there are no objections to the immediate favorable consideration of the joint motion, and good cause for granting the same having been shown:

*It is ordered,* This the 17th day of December 1964, that the joint motion for continuance is granted, and the evidentiary hearing now scheduled for December 21, 1964 is continued to January 29, 1965.

Released: December 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13207; Filed, Dec. 23, 1964; 8:45 a.m.]

[FCC 64-1171]

## VHF STATIONS IN MAJOR MARKETS

### Notice of Designation for Hearing of Applications To Acquire Interests

DECEMBER 18, 1964.

For many years the Commission has been concerned about the ownership or control of large numbers of broadcast facilities by a single person or entity. The reasons for this concern have been set forth many times, and need not be detailed at length here. Briefly, our purpose is to prevent undue concentration of control in the broadcasting industry, and to encourage the development of the greatest diversity and variety in the presentation of information, opinion, and broadcast material generally. In our actions in this area, we are guided by the Congressional policy against monopoly in the communications field (e.g., as expressed in section 313 of the Communications Act), and the concept (recognized by the courts) that the broadcasting business is, and should be, one of free competition. In the light of these considerations, in 1954 we adopted the present numerical limitations on broadcast holdings permitted a single individual or group—7 AM stations, 7 FM stations, and 7 television stations of which no more than 5 may be VHF stations.

In recent years, however, there has been a marked increase in the extent of multiple ownership, especially in television. This has been particularly true in the VHF, the older and more extensive service on which the great majority of the nation's viewers rely. Particularly evident is the concentration of such multiple ownership in the largest markets where the numbers of viewers reached are greatest and where diversity of interests and viewpoints should be maximized. Overall, the number of multiple TV station owners increased from 81 to 134 between 1956 and 1964, representing 23.3 and 40.9 percent, respectively, of all station owners. The number of TV stations owned by multiple owners increased from 203 to 372 during the same period, or from 43.4 to 65.7 percent of all stations, while the number of individually owned stations declined (265 to 194). There was an increase in the number of owners of six stations (3 to 5), of five stations (4 to 11), of 4 stations (5 to 20), of 3 stations (22 to 32), and of two stations (46 to 65).

The congealing of multiple ownership interests in the major centers can be summarized as follows:

The top 10 markets include almost 40 percent of all TV households (roughly 20 million homes). Within these markets are 40 VHF stations, of which 37 are held by multiple owners and the remaining 3 are licensed to companies owning daily newspapers in the same cities. Similarly, the top 50 markets include almost 75 percent of all TV homes: Within these markets are 156 VHF stations, of which 111 (71 percent) are licensed to multiple ownership interests while 17 of the remaining 45 stations have joint interests with daily newspapers in the same markets. Moreover, there is a clearly discernible pattern of the largest multiple owners concentrating their holdings in the largest markets. Thus, the eight multiple owners holding the maximum allowable number of 5 VHF stations have 40 VHF stations, of which 22 are located in the top 10 markets, 32 in the top 25 markets, and 38 in the top 50 markets.

We do not believe that this degree of multiple ownership concentration in the largest population centers is desirable.





While we do not now propose a divestiture of existing interests, we have determined that the trend toward concentration in the VHF service is sufficiently serious to require the immediate adoption of an interim policy. We are presently con-

18. Indianapolis, Ind.
19. Kansas City, Mo.
20. Seattle-Tacoma, Wash.
21. Milwaukee, Wis.
22. Buffalo, N.Y.
23. Atlanta, Ga.
24. Miami, Fla.

merger with The Elizabethport Banking Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Summit Trust Company,



of certain cotton textiles and cotton textile products to specified annual amounts. The second year of the agreement will commence on January 1, 1965, and extend through December 31, 1965. The categories which are subject to specific

through December 31, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Categories 32, 39, 45, 50, 51, 60, 61 and 64, in terms of T.S.U.S.A. numbers was published in the FEDERAL REG-

October 1, 1964, but pursuant to its terms, the contract cannot be assigned.

The application states that pursuant to the Fund's by-laws, the next annual meeting of the stockholders of the Fund is scheduled for February 23, 1965, and

While we do not now propose a divestiture of existing interests, we have determined that the trend toward concentration in the VHF service is sufficiently serious to require the immediate adoption of an interim policy. We are presently conducting an overall review of the problem of concentration and diversification of the broadcast media and of allied interests in other public opinion media. Pending the formulation of more comprehensive proposals, we are today adopting the following policy with respect to VHF stations:

Absent a compelling affirmative showing, we will designate for hearing any application filed after December 18, 1964 for the acquisition of a VHF station in one of the top 50 television markets, if the applicant or any party thereto already owns or has interests in one or more VHF stations in the top 50 markets; we shall treat likewise any application to acquire interests in two or more VHF stations in these markets if the applicant now has no interests in VHF stations in these 50 markets. We are adopting this policy because, under presently existing circumstances, we cannot normally make the required finding that grant of an application for a second VHF station in the top 50 markets will serve the public interest without giving the proposal the detailed scrutiny of a hearing.

In listing the largest 50 markets (See Att. 1) we have used the 1963 American Research Bureau ranking based on net weekly circulation.[1] Any party believing that this ranking describes his particular circumstances inaccurately, or wishing to suggest another ranking, may do so and such suggestions will be considered on their merits.

In emphasizing one particular aspect of the concentration problem, we do not mean to suggest lack of concern about others. We shall continue to give close examination to other applications presenting substantial multiple ownership considerations.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
*Secretary.*

TOP 50 TELEVISION MARKETS

1. New York, N.Y.
2. Los Angeles, Calif.
3. Chicago, Ill.
4. Philadelphia, Pa.
5. Boston, Mass.
6. Detroit, Mich.
7. San Francisco, Calif.
8. Cleveland, Ohio
9. Pittsburgh, Pa.
10. Washington, D.C.
11. Providence, R.I.
12. St. Louis, Mo.
13. Hartford-New Haven, Conn.
14. Dallas-Ft. Worth, Tex.
15. Cincinnati, Ohio
16. Minneapolis-St. Paul, Minn.
17. Baltimore, Md.
18. Indianapolis, Ind.
19. Kansas City, Mo.
20. Seattle-Tacoma, Wash.
21. Milwaukee, Wis.
22. Buffalo, N.Y.
23. Atlanta, Ga.
24. Miami, Fla.
25. Wheeling, W. Va.-Steubenville, Ohio
26. Houston, Tex.
27. Dayton, Ohio
28. Harrisburg-Lancaster-Lebanon-York, Pa.
29. Charlotte, N.C.
30. Sacramento-Stockton, Calif.
31. Columbus, Ohio
32. Portland, Oreg.
33. Toledo, Ohio
34. Grand Rapids-Kalamazoo, Mich.
35. Birmingham, Ala.
36. Memphis, Tenn.
37. Lansing, Mich.
38. Johnstown-Altoona, Pa.
39. Albany-Schenectady-Troy, N.Y.
40. Tampa-St. Petersburg, Fla.
41. Syracuse, N.Y.
42. Nashville, Tenn.
43. Louisville, Ky.
44. Charleston-Huntington, W. Va.
45. New Orleans, La.
46. Saginaw-Bay City-Flint, Mich.
47. Denver, Colo.
48. Greenville-Asheville, N.C. Spartanburg, S.C.
49. Oklahoma City, Okla.
50. Greensboro-Winston Salem, N.C.

[1] Based on the circulation of the largest station in each market, the net weekly circulation in these markets ranges from over 5 million to 332,000 homes; assuming 3.3 persons per household, the 332,000 homes would include about 1 million persons.

[2] Commissioner Ford absent.

DISSENTING STATEMENT OF COMMISSIONER ROSEL H. HYDE

I dissent to the issuance of Public Notice No. 60894. The stated purpose of the notice is to prevent undue concentration of control in the broadcast industry and to encourage the development of diversity and variety in presentation of information. I am concerned that the impact of the proposed new policy will have just the opposite effect.

The issues raised will, of course, be subject to further consideration in the light of the information and arguments submitted in response to a Notice of Proposed Rule Making which presumably will be issued. However, on the basis of present information it would appear that the new approach would tend to limit the effectiveness of the competition of other broadcast interests as against the national networks, the dominant forces in the industry. I see no reason why the Commission should feel that larger units should not be permitted to compete in the larger markets where the number of facilities is the greatest and the competition is the strongest. If the percentage of population theory now being advanced is to be followed to its logical conclusion, how can national networks, national publications, and other national services be justified?

I believe that there are serious questions which should receive further consideration before adoption of a policy to designate for hearing all applications for acquisition of VHF stations in the top 50 TV markets where the applicant or any party thereto already owns or has interest in one or more TV stations in the top 50 markets. I think the effect of this pronouncement is to establish what in operation will constitute a freeze against timely consideration of applications filed in accordance with substantive rules and policy.

[F.R. Doc. 64-13260; Filed, Dec. 23, 1964; 8:47 a.m.]

# FEDERAL RESERVE SYSTEM

## SUMMIT TRUST CO.

### Order Approving Merger of Banks

In the matter of the application of The Summit Trust Company for approval of merger with The Elizabethport Banking Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Summit Trust Company, Summit, New Jersey, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Elizabethport Banking Company, Elizabeth, New Jersey, under the charter of the former and the title of Summit and Elizabeth Trust Company. As an incident to the merger, the three offices of each bank would become offices of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger:

*It is hereby ordered*, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 17th day of December 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-13211; Filed, Dec. 23, 1964; 8:45 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF THE PHILIPPINES

### Restraint Levels

DECEMBER 22, 1964.

On February 24, 1964 the United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral agreement with the Republic of the Philippines concerning exports of cotton textiles from the Republic of the Philippines to the United States over a four-year period (TIAS 5519). Under this agreement the Republic of the Philippines has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. The second year of the agreement will commence on January 1, 1965, and extend through December 31, 1965. The categories which are subject to specific export limitation under the agreement are as follows: 32, 39, 45, 50, 51, 60, 61, and 64.

There is published below a letter of December 22, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in Categories 32, 39, 45, 50, 51, 60, 61, and 64 produced or manufactured in the Republic of the Philippines which may be entered, or withdrawn from warehouse, for consumption in the United States from January 1, 1965, through December 31, 1965, be limited to certain designated levels. The levels set forth in this letter are those designated under the bilateral agreement for the second calendar year with certain adjustments agreed to in subsequent arrangements between the United States and the Republic of the Philippines.

THOMAS JEFF DAVIS,
*Acting Chairman, Interagency Textile Administrative Committee and Acting Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

*Washington 25, D.C., December 22, 1964.*

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY
*Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective January 1, 1965, and for the period extending through December 31, 1965, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 32, 39, 45, 50, 51, 60, 61, and 64, produced or manufactured in the Republic of the Philippines in excess of the following levels of restraint:

| Category: | 12-month level of restraint |
|---|---|
| 32 | 3,307,500 dozen. |
| 39 | 236,250 doz. pair. |
| 45 | 23,615 dozen. |
| 50 | 15,750 dozen. |
| 51 | 15,750 dozen. |
| 60 | 7,350 dozen. |
| 61 | 1,260,000 dozen. |
| 64 | 159,784 pounds. |

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 32, 39, 45, 50, 51, 60, 61, and 64, produced or manufactured in the Republic of the Philippines, which have been exported to the United States from the Republic of the Philippines prior to January 1, 1965, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1964, through December 31, 1964. In the event that the level of restraint established for the period January 1, 1964, through December 31, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Categories 32, 39, 45, 50, 51, 60, 61 and 64, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textiles and cotton textile products from the Republic of the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
*Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64-13301; Filed, Dec. 23, 1964; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Unanimous, with all members present.



# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1723]

## DOMINICK FUND, INC., ET AL.

### Notice of Application for Temporary Exemption

DECEMBER 18, 1964.

Notice is hereby given that The Dominick Fund, Inc. ("Fund"), a Delaware corporation and a closed-end investment company registered under the Investment Company Act of 1940 ("Act"), Dominick & Dominick ("Dominick Partnership"), a New York limited partnership which has been the investment adviser of the Fund, and Dominick & Dominick, Incorporated ("Dominick Corporation"), 14 Wall Street, New York, N.Y., a Delaware corporation which proposes to become the investment adviser of the Fund, have filed an application pursuant to section 6(c) of the Act for an order exempting the Fund and Dominick Corporation from the provisions of sections 15(a) and 15(c) of the Act during the period from October 1, 1964, until the date of the annual meeting of the stockholders of the Fund scheduled to be held on February 23, 1965. All interested persons are referred to the application on file with the Commission for a complete statement of applicants' representations which are summarized below.

Dominick Partnership has served the Fund as investment adviser pursuant to a written contract dated February 19, 1945, which contract has been continued annually since that time. The contract provides that it will automatically terminate in the event of its assignment by Dominick Partnership. Dominick Partnership has proposed to transfer its business to Dominick Corporation on October 1, 1964, but pursuant to its terms, the contract cannot be assigned.

The application states that pursuant to the Fund's by-laws, the next annual meeting of the stockholders of the Fund is scheduled for February 23, 1965, and that it would be expensive to call a special meeting solely for the purpose of approving a new contract with Dominick Corporation. Therefore, Dominick Corporation proposes to serve the Fund as investment adviser without a written contract and without being paid any fee, except for regular and customary brokerage commissions on securities sold or purchased for the Fund, until the next annual meeting of the Fund's stockholders on February 23, 1965.

The application states that the persons who have been general partners of Dominick Partnership are officers and stockholders of Dominick Corporation, and that at the inception of Dominick Corporation's operations each of such persons will have substantially the same equity and voting power in Dominick Corporation as he had as a general partner in Dominick Partnership.

Notice is further given that any interested person may, not later than January 11, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-13225; Filed, Dec. 23, 1964; 8:46 a.m.]

[File No. 812-1722]

## RIDC INDUSTRIAL DEVELOPMENT FUND

### Notice of Filing of Application for Order Declaring Company Exempt From Act

DECEMBER 18, 1964.

Notice is hereby given that RIDC Industrial Development Fund ("Develop-

ment Fund"), 471 Union Trust Building, Pittsburgh 19, Pa., a Pennsylvania corporation organized under the Pennsylvania Business Development Credit Corporation Law, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Development Fund from the provisions of the Act. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations therein, which are summarized below.

Development Fund's represents that the Business Development Credit Corporation Law of Pennsylvania has as its purpose, as part of an overall program, the encouragement of the location of new business in the State and the expansion of existing businesses. Its primary purpose is to provide money and credit to new and existing businesses located in 9 counties in the State by means of secured or unsecured loans or advances to a business unable to obtain desired financial assistance from financial institutions on reasonable terms, and, on a limited scale, the purchase of equity securities of such companies.

The authorized capital of Development Fund is $1,000,000 represented by its currently outstanding 100,000 shares of common stock, par value $10 per share. Development Fund obtained its capital through the sale of capital stock to 23 knowledgeable business organizations and has not sold, or offered to sell, and will not sell, or offer to sell, securities to individuals. Development Fund will also obtain funds through term loans from financial institutions within the region pursuant to lending agreements as contemplated by the Pennsylvania Business Development Credit Corporation Law. Development Fund has also obtained letters of commitment from approximately 33 financial institutions to enter into lending agreements under which they agree to loan Development Fund sums totaling $3,295,000. Under the lending agreements, Development Fund has the right to make pro-rata calls on the participating financial institutions for loans to it to be evidenced by promissory notes payable in five years at an interest rate expected to be the prime rate plus one-quarter per cent. Development Fund represents that the business organizations and financial institutions which have purchased the capital stock and entered into lending agreements are sophisticated in security matters and have purchased for investment only and not for resale.

Under the provisions of the Pennsylvania Business Development Credit Corporation Law, six of the fifteen members of the Board of Directors of Development Fund are elected by the shareholders, eight members by the financial institutions who are parties to loan agreements (with each such financial institution being given one vote for each $1,000 of loan obligation under its lending agreement with Development Fund), and the remaining director is ex officio the Secretary of Commerce of the Commonwealth of Pennsylvania.

Since Development Fund will be engaged in the business of investing and since it proposes to acquire investment securities having a value exceeding 40 percent of its total assets, Development Fund is an investment company within the definition of section 3(a)(3) of the Act and is required to register unless exempted pursuant to section 6(c) of the Act.

In support of its application, Development Fund states it will conduct its operations and business so as to implement the public purposes of the Pennsylvania Business Development Credit Corporation Law by seeking to alleviate a critical and chronic condition of unemployment which exists in various areas of the State; by promoting, attracting, stimulating, rehabilitating, and revitalizing commerce, industry, and manufacturing in such areas; and by providing to deserving borrowers financial assistance otherwise unavailable from conventional financial institutions. It also states that the Commonwealth of Pennsylvania will be involved in the management of Development Fund through membership of the Pennsylvania Secretary of Commerce on the board of directors; that neither Development Fund nor any of those to whom it offers its securities is motivated primarily by profit making prospects, but their interest is primarily one of civic responsibility and community service in fulfillment of the public purposes of the Pennsylvania Business Development Credit Corporation Law. The securities of Development Fund have been and will be sold only to corporations, financial institutions and other knowledgeable business entities for whom, it is alleged, the protections of the Act are not designed, and, in addition, Development Fund will be supervised by the State Department of Banking and is required to make annual reports of its condition to the Governor, Legislature, and Secretary of Banking.

Notice is further given that any interested person may, not later than January 6, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Development Fund. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–13226; Filed, Dec. 23, 1964; 8:46 a.m.]

[File No. 812–1735]

## NUCLEONICS, CHEMISTRY & ELECTRONICS SHARES, INC., AND RESEARCH INVESTING CORP.

### Notice of Filing of Application for Order Exempting Proposed Transactions Between Affiliated Persons

DECEMBER 21, 1964.

Notice is hereby given that Nucleonics, Chemistry & Electronics Shares, Inc. ("Nucleonics") and Research Investing Corp. ("Research"), 163 Engle Street, Englewood, N.J., both registered diversified management open-end investment companies, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed merger of Nucleonics into Research. All interested persons are referred to the application on file with the Commission for a complete statement of the applicants' representations therein, which are summarized below.

The proposed merger for accounting purposes will be treated as a "pooling of interests". Accordingly, the assets, liabilities and equity accounts of the merging companies will be carried forward on the books of Research at the amounts theretofore carried on the books of the constituent companies, except that the excess of par value of capital stock issued over that previously outstanding will be charged to paid-in surplus.

The application states that where a shareholder holds certificates for his shares of Nucleonics stock, upon surrender of such Nucleonics share certificates, stock certificates of Research will be issued to him for the largest whole number of Research shares to which he thus shall become entitled, plus a check for the value of any fractional Research share. Where the stockholder's shares are held for him in a contractual or voluntary plan or dividend reinvestment account, shares of Research will be credited to such plan or account for the entire number of whole and fractional Research shares to which he thus shall become entitled. The exchange will be made on the basis of the adjusted per share net asset values of Nucleonics and Research and without any sales load. The purpose is to adjust as between the shareholders of each Fund for an increased or decreased possible tax liability by reason of the value of their holdings in the merged Fund having a higher or lower ratio of unrealized appreciation or depreciation or realized capital gains or losses, as well as to adjust for losses or gains, if any, which may be realized if securities in the portfolio of Nucleonics are sold as not being considered suitable to achieve the policies of Research. The adjustments to the net asset value of the two Funds will be 6½ percent of each Fund's unrealized appreciation or depreciation and 10 percent of each Fund's realized gains or losses.

In the opinion of counsel for both Funds no taxable gain or loss under the United States Internal Revenue Code will result to either of the Funds by reason of the merger or to the stockholders of Nucleonics upon the exchange of their stock for stock of Research, except that the amount of any check received in lieu of fractional shares will be taxed as a dividend. The cost basis of the Research shares for Federal tax purposes will be the same as the cost basis for Nucleonics' shares previously held by each shareholder, adjusted for any fractional share cash distribution. The cost basis of the Nucleonics portfolio assets acquired by Research will remain the same as when such assets were held by Nucleonics.

The agreement of merger has been approved by the Board of Directors of both companies subject to certain conditions, including approval of two-thirds (⅔'s) or more of the outstanding shares of stock of each Fund. The valuation date will be the first full business day on which the New York Stock Exchange is open following the day upon which the merger has been approved by the shareholders of both Funds.

Research and Nucleonics have Templeton, Damroth Security Managers, Inc. as their investment adviser and principal underwriter; Templeton, Dobbrow & Vance, Inc. as their supplementary investment adviser; Renyx Field & Co., Inc. as their principal distributor to handle retail sales; and certain common officers and directors who are also directors and/or officers of the above-named companies as well as of Templeton, Damroth Corp., the parent company of some of such companies. The application represents that no person owns beneficially, directly or indirectly, 25 percent of the voting securities of either Nucleonics or Research; consequently, it is applicants' view that the two Funds are presumed not to be under common control. However, in view of the above-mentioned relationships, applicants have filed the present application, pursuant to section 17(b) of the Act, requesting an exemption from the provisions of section 17(a).

Notice is further given that any interested person may, not later than December 30, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–13238; Filed, Dec. 23, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## ORGANIZATION

### Divisions of the Commission

DECEMBER 11, 1964.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991 and 12789; 27 F.R. 1234, 1747, 2500, 3830 and 9997; 28 F.R. 198, 896 and 8185; and 29 F.R. 3027, 4935, 11401, 12503, 14517 and 16846) as follows:

Under the heading Divisions of the Commission, the last sentence of Item 2.4 has been amended to read as follows:

The Commission reserves to itself the determination (1) as to the disposition of any Commission proceeding subsequent to an adverse decision of a court, and (2) as to the filing and general content of a memorandum or brief filed on behalf of the Commission as amicus curiae in any court.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–13164; Filed, Dec. 23, 1964; 8:45 a.m.]

[Notice 26]

## APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

DECEMBER 18, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The Special Rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

CALIFORNIA

No. MC 99818 (Sub-No. 1) (REPUBLICATION), filed January 18, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: ARTHUR R. BENNETT, doing business as B-LINE EXPRESS, 5105 East Eighth Street, Oakland, Calif., and COAST DRAYAGE, 615 Cedar Street, Berkeley, Calif., joint applicants, California certificates granted by Decisions Nos. 59294 and 59504. Applicant's attorney: Scott Elder, 200 Bush Street, San Francisco 4, Calif.

NOTE: The purpose of this republication is to show Coast Drayage as joint applicant in so far as California certificates granted by Decisions Nos. 59294 and 59504 are concerned.

MASSACHUSETTS

No. MC 120748 (Sub-No. 1) (REPUBLICATION), filed February 6, 1963, published in FEDERAL REGISTER issue of October 2, 1963, and republished this issue. Applicant: SANTUCCI TRUCKING CO., INC., 118 Main Street, Milford, Mass., and JOHN J. MINUTOLI, doing business as JAY JAY FORWARDING SERVICE, 167 Milk Street, Boston, Mass., joint applicants.

NOTE: The purpose of this republication is to show John J. Minutoli, doing business as Jay Jay Forwarding Service, as joint applicant.

OHIO

No. MC 96995 (Sub-No. 1) (REPUBLICATION), filed February 1, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: MIKE MERCURE, Route No. 1, New Waterford, Ohio, and MIKE MERCURE TRUCKING, INC., Route No. 1, New Waterford, Ohio, joint applicants. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio.

NOTE: The purpose of this republication is to show Mike Mercure Trucking, Inc. as joint applicant.

No. MC 120064 (Sub-No. 1) (REPUBLICATION), filed February 6, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: WHITE MOVING & STORAGE CO., 630 South Second Street, Greenfield, Ohio, and HILLSBORO TRANSPORTATION CO., 131½ West Walnut Street, Hillsboro, Ohio, joint applicants, Ohio Certificate Nos. 3010 and 8146. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office

Drawer 70, 5844–5866 North High Street, Worthington, Ohio.

NOTE: The purpose of this republication is to show Hillsboro Transportation Co., as joint applicant in so far as Ohio Certificate Nos. 3010 and 8146 are concerned.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13165; Filed, Dec. 23, 1964; 8:45 a.m.]

[Notice 333]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 18, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 20824 (Deviation No. 4), COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, 111 East McCarty Street, Indianapolis, Ind., 46255, filed December 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Columbus, Ohio, over Interstate Highway 71 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 75, thence over Interstate Highway 75 to Cincinnati, Ohio, and (2) from Dayton, Ohio, over Interstate Highway 75, to Cincinnati, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Columbus, over U.S. Highway 40 to Springfield, Ohio, thence over Highway 4 to Dayton, thence over unnumbered highway (formerly U.S. Highway 25), south of Franklin, Ohio, to junction Ohio Highway 73, thence over Ohio Highway 73 to Middletown, Ohio, thence over Ohio Highway 4 to junction Ohio Highway 63, thence over Ohio Highway 63 to Monroe, Ohio, thence over U.S. Highway 25 to Cincinnati, (2) from Dayton, over U.S. Highway 35 to Eaton, Ohio, thence over U.S. Highway 127 to Cincinnati, (3) from Eaton, over Ohio Highway 122 to Middletown, thence over Ohio Highway 4 to junction Ohio Highway 63, thence over Ohio Highway 63 to Monroe, thence over U.S. Highway 25 to Cincinnati, (4) from Hamilton, Ohio, over Ohio Highway 4 to Cincinnati, and (5) from Eaton, over Ohio Highway 122 to Middletown, thence over Ohio Highway 25 to Cincinnati, and return over the same routes.

No. MC 26739 (Deviation No. 3), CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501, filed December 7, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 36 and 54, 4 miles west of Pittsfield, Ill., over U.S. Highway 54 to junction Interstate Highway 70, thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Monroe City, Mo., thence over U.S. Highway 24 to Kansas City, and (2) from Chicago, over U.S. Highway 66 to Springfield, thence over U.S. Highway 36 to Cameron, Mo., thence over U.S. Highway 69 to Kansas City, and return over the same routes.

No. MC 29130 (Deviation No. 8), THE ROCK ISLAND MOTOR TRANSIT COMPANY, 2744 SE. Market Street, Post Office Box 1355, Des Moines, Iowa, filed December 7, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Davenport, Iowa, over U.S. Highway 61 to Muscatine, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Davenport over U.S. Highway 61 (now Iowa Highway 22) to Muscatine, and return over the same route.

No. MC 29988 (Deviation No. 16), DENVER CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo. Carrier's attorney: Edw. G. Bazelon, 39 South La Salle Street, Chicago 3, Ill., filed December 8, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 70 via Kansas City and St. Louis, Mo., to junction Interstate Highway 70S at or near Washington, Pa., thence over Interstate Highway 70S to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction New Jersey Turnpike at or near the Pennsylvania-New Jersey State line, thence over the New Jersey Turnpike to junction New York Highway 3 at the Lincoln Tunnel Interchange No. 16, approximately 3 miles from New York City, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Denver over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Sterling, Colo. (also from Denver over U.S. Highway 6 to Sterling), thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., (2) from Denver over U.S. Highway 40 to Limon, Colo., thence over U.S. Highway 24 to Halford, Kans., thence over U.S. Highway 83 to Oakley, Kans., thence over U.S. Highway 40 to Topeka, Kans., thence over U.S. Highway 24 to Kansas City (also from Topeka over U.S. Highway 40 to Kansas City), thence over U.S. Highway 40 to St. Louis, and (3) from Chicago over U.S. Highway 20 to junction U.S. Highway 62, approximately 4 miles north of Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 via Avon, Auburn, and Lafayette, N.Y., to Albany, N.Y. (also from Buffalo over New York Highway 5 to Albany), and thence over U.S. Highway 9 (also over U.S. Highway 9W), to New York, and return over the same routes.

No. MC 43654 (Deviation No. 10), DIXIE OHIO EXPRESS, INC., Post Office Box 750, Akron, Ohio, 44309, filed December 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 71 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 75, thence over Interstate Highway 75 via Cincinnati, Ohio, to Lexington, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, over U.S. Highway 62 to junction U.S. Highway 68, thence over U.S. Highway 68 to Lexington, and return over the same route.

No. MC 43654 (Deviation No. 11), DIXIE OHIO EXPRESS, INC., Post Office Box 750, Akron, Ohio, 44309, filed December 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Akron, Ohio, and junction Interstate Highway 80S and Ohio Highway 46, over Interstate Highway 80S, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Akron over Ohio Highway 18 to junction Ohio Highway 45, thence over Ohio Highway 45 to junction Interstate Highway 80S, and (2) from Akron, over Ohio Highway 18 to junction Ohio Highway 46, thence over Ohio Highway 46 to junction Interstate Highway 80S, and return over the same routes.



MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 210) (Cancels Deviation No. 192), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky., 40507, filed December 7, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (1) From Chattanooga, Tenn., over Interstate Highway 75 to junction Georgia Highway 53, thence over Georgia Highway 53 to junction U.S. Highway 41, 3 miles south of Calhoun, Ga., with access roads as follows: (a) From junction Interstate Highway 75 and Georgia Highway 2 over Georgia Highway 2 to Ringgold, Ga., thence over Georgia Highway 151 to junction Interstate Highway 75, (b) from junction Interstate Highway 75 and U.S. Highway 41 over U.S. Highway 41 to Dalton, Ga., and (c) from junction Interstate Highway 75 and U.S. Highway 41, over U.S. Highway 41 to Calhoun, thence over Georgia Highway 156 to junction Interstate Highway 75, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and their baggage over a pertinent service route as follows: From Chattanooga over U.S. Highway 41 via Macon, Ga., to Lake City, Fla., thence over U.S. Highway 90 to Jacksonville, Fla., and return over the same route.

No. MC 1515 (Deviation No. 211) GREYHOUND LINES, INC. (Western Division), Greyhound Building, Market and Fremont Streets, San Francisco 5, Calif., filed December 4, 1964. Carrier's attorney: W. T. Meinhold (same address as carrier). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 99 (North Merced Junction), over U.S. Highway 99 to junction unnumbered highway (South Merced Junction), (2) from Fresno over U.S. Highway 99 to junction unnumbered highway (South Kingsburg Junction), serving the points of Malaga, Fowler, Selma and Kingsburg via available access highways to U.S. Highway 99, (3) from junction unnumbered highway and U.S. Highway 99 (North Bakersfield Junction), over U.S. Highway 99 to junction unnumbered highway (South Bakersfield Junction), serving the points of Bakersfield and Greenfield Corners via available access highways to U.S. Highway 99, and (4) from junction Business Route U.S. Highway 99 and Interstate Highway 5 (San Fernando Junction), over Interstate Highway 5 to Los Angeles, serving the points of San Fernando, Burbank and Glendale via available access highways to Interstate Highway 5, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and their baggage over a pertinent service route as follows: From San Francisco over San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward to junction U.S. Highway 50 northeast of Hayward (Hayward Junction), thence over U.S. Highway 50 to junction California Highway 120 (San Joaquin Bridge), thence over California Highway 120 to junction unnumbered highway (Manteca), thence over unnumbered highway to junction U.S. Highway 99 south of Manteca (South Manteca), thence over U.S. Highway 99 to Los Angeles, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13165; Filed, Dec. 23, 1964; 8:45 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 18, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 46498, filed April 13, 1964. Applicant: POLSLEY TRANSPORTATION SERVICE, Post Office Box, 39, Covelo, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* ((a) except used household goods and personal effects not packed in accordance with the crated property requirements as set forth in paragraphs (a)(1) and (a)(2), Item 20 of Minimum Rate Tariff No. 4–B; (b) liquids, compressed gases, commodities in semi-plastic form nor commodities in suspension; liquids in bulk in tank trucks, tank trailers, or tank and semi trailers or a combination of such highway vehicles; (c) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (d) articles of extraordinary value; and (e) automobiles, trucks or buses, new or used, finished or unfinished, namely; passenger automobiles (including jeeps); ambulances; hearses; taxis; freight automobiles; automobile chassis; truck trailers; trucks and trailers combined; buses or bus chassis), between Willits, on the one hand, and, on the other hand, Dos Rios and Covelo and intermediate points between Dos Rios and Covelo along the county road between said points, service to be restricted to the movement of traffic interlined with the Northwestern Pacific Railroad, Pacific Motor-Trucking Company and Pacific Motor Transport and interchanged with said carriers at Willits, Calif.

NOTE: Applicant states the proposed route of service will be from Willits to Longvale via U.S. Highway 101, thence over county roads from Longvale to Covelo and Dos Rios, returning from Covelo via the same route.

*HEARING:* Date, time and place assigned for hearing this application, not specified.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco 2, Calif., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13168; Filed, Dec. 23, 1964; 8:45 a.m.]

[S.O. 947; Taylor's Car Distribution Order 7–A]

## CENTRAL RAILROAD COMPANY OF NEW JERSEY AND ERIE-LACKAWANNA RAILROAD CO.

### Vacation of Order

Upon further consideration of Taylor's Car Distribution Order No. 7 (The Central Railroad Company of New Jersey; Erie-Lackawanna Railroad Co.) and good cause appearing therefor:

*It is ordered*, That: Taylor's Car Distribution Order No. 7 be, and it is hereby vacated.

*It is further ordered*, That this amendment shall become effective at 12:01 a.m., December 18, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 17, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–13172; Filed, Dec. 23, 1964; 8:45 a.m.]

[S.O. 947; Second Rev. Taylor's Car Distribution Order 9–A]

## BALTIMORE AND OHIO RAIL ROAD CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014 and 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because

of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Baltimore and Ohio Rail Road Co. shall deliver to the Chicago, Rock Island and Pacific Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Chicago, Rock Island and Pacific Railroad Co. under this order will be delivered to the Union Pacific Railroad.

*It is further ordered,* That The Baltimore and Ohio Rail Road Co. shall prepare empty car cards, tickets or movement slips for all cars delivered to the Chicago, Rock Island and Pacific Railroad Co. Such cards, tickets or slips to accompany cars and be delivered with cars to the Union Pacific Railroad.

(c) *Effective date.* This order shall become effective at 12:01 a.m., December 18, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 17, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13173; Filed, Dec. 23, 1964; 8:45 a.m.]

[S.O. 947; Rev. Taylor's Car Distribution Order 14]

## PENNSYLVANIA RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

### Vacation of Order

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014 and 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it its ordered,* That:

(a) The Pennsylvania Railroad Co. shall deliver to the Illinois Central Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Illinois Central Railroad Co. under this order will be delivered to the Union Pacific Railroad.

*It is further ordered,* That The Pennsylvania Railroad Co. shall prepare empty car cards, tickets or movement slips for all cars delivered to the Illinois Central Railroad Co. Such cards, tickets or slips to accompany cars and be delivered with cars to the Union Pacific Railroad.

(c) *Effective date.* This order shall become effective at 12:01 a.m., December 18, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 17, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13174; Filed, Dec. 23, 1964; 8:45 a.m.]

[S.O. 947; Rev. Taylor's Car Distribution Order 22]

## ERIE-LACKAWANNA RAILROAD CO.

### Vacation of Order

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 20 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Erie-Lackawanna Railroad Co. shall deliver to the Chicago Burlington and Quincy Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44'8".

*It is further ordered,* That the Erie-Lackawanna Railroad Co. shall prepare empty car cards, tickets or movement slips for all cars delivered to the Chicago, Burlington and Quincy Railroad.

(c) *Effective date.* This order shall become effective at 12:01 a.m., December 18, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 17, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13175; Filed, Dec. 23, 1964; 8:45 a.m.]

[S.O. 947; Rev. Taylor's Car Distribution Order 23]

## ERIE-LACKAWANNA RAILROAD CO.

### Vacation of Order

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Erie-Lackawanna Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44'8".

*It is further ordered,* That the Erie-Lackawanna Railroad Co. shall prepare empty car cards, tickets or movement slips for all cars delivered to the Chicago, Burlington & Quincy Railroad Co.

(c) *Effective date.* This order shall become effective at 12:01 a.m., December 18, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964 unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 17, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13176; Filed, Dec. 23, 1964; 8:45 a.m.]

[S.O. 947; Rev. Taylor's Car Distribution Order 9-A, Amdt. 2]

## BALTIMORE AND OHIO RAIL ROAD CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

### Vacation of Order

Upon further consideration of Revised Taylor's Car Distribution Order No. 9-A (The Baltimore and Ohio Rail Road Co.; Chicago, Rock Island and Pacific Railroad Co.) and good cause appearing therefor:

*It is ordered,* That: Revised Taylor's Car Distribution Order No. 9-A be, and it is hereby vacated.

*It is further ordered,* That this amendment shall become effective at 12:01 a.m., December 18, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 17, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13177; Filed, Dec. 23, 1964; 8:45 a.m.]



## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 21, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 39474: *Iron or steel articles to Nashville, Tenn.* Filed by O. W. South, Jr., agent (No. A4611), for interested rail carriers. Rates on iron or steel articles, in carloads, from Gulf, south Atlantic and Virginia ports to Nashville, Tenn.

Grounds for relief: Port equalization and rate relationship.

Tariff: Supplement 22 to Southern Freight Association, Agent, tariff I.C.C. S-398.

FSA 39475: *Liquid caustic soda to La Grange, Ga.* Filed by O. W. South, Jr., agent (No. A4610), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Charleston, W. Va., group points to La Grange, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 151 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C-102.

FSA 39476: *Liquid caustic soda to Jeffersonville, Ind.* Filed by O. W. South, Jr., agent (No. A4613), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Calvert, Ky., to Jeffersonville, Ind.

Grounds for relief: Market competition.

Tariff: Supplement 4 to Southern Freight Association, Agent, tariff I.C.C. S-484.

FSA 39477: *Acetaldehyde from Norco, La.* Filed by O. W. South, Jr., agent (No. A4614), for interested rail carriers. Rates on Acetaldehyde, in tank carloads, from Norco, La., to Heyden, N.J., and Tottenville, N.Y.

Grounds for relief: Market competition.

Tariff: Supplement 50 to Southern Freight Association, Agent, tariff I.C.C. S-384.

FSA 39478: *T.O.F.C. rates from and to points in New Mexico.* Filed by Southwestern Freight Bureau, agent (No. B-8657), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in trailers and transported on railroad flat cars, between Amarillo, El Paso and Lubbock, Tex., on the one hand, and points in New Mexico, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 187 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4353.

By the Commission.

HAROLD D. MCCOY,
[SEAL] *Secretary.*

[F.R. Doc. 64-13234; Filed, Dec. 23, 1964; 8:46 a.m.]

[Notice 1099]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 21, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35388. By order of December 16, 1964, the Transfer Board approved the lease for one year to Kansas City Western Express, Inc., Kansas City, Mo., of a portion of the operating rights in Certificate in No. MC 8803, and the entire operating rights in Certificate in No. MC 8803 Sub 2, issued November 25, 1942 and November 10, 1942, respectively, to The Topeka Transfer & Storage Company, a corporation, Topeka, Kans., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Topeka, Kans., and Kansas City, Mo.: From Topeka over U S. Highway 24 to Kansas City and return over the same route. Service is authorized to and from the intermediate and off-route points of Perry, Lawrence, Tonganoxie, and Kansas City, Kans., with service to and from points in the Kansas City, Mo., Kansas City, Kans., commercial zone; Lessors retained operating rights have been restricted against service from or to Perry, Lawrence, Tonganoxie, and Kansas City, Kans., or points in the Kansas City, Mo., Kansas City, Kans., commercial zone; Wentworth E. Griffin, 1221 Baltimore, Kansas City, 5, Mo., attorney for applicants.

No. MC-FC 67298. By order of December 16, 1964, the Transfer Board approved the transfer to Russell B. Hullfish, Inc., Plainsboro, N.J., of Permits Nos. MC 45784 and MC 45784 Sub 1, issued July 5, 1941 and August 11, 1949, respectively, to Russell B. Hullfish, Plainsboro, N.J., authorizing the transportation of dried manure fertilizer, in bags, in seasonal operations commencing September 1 and ending May 31, each year, over irregular routes, from Plainsboro, N.J., to points in Connecticut, New York, and Pennsylvania, within 150 miles of Plainsboro; and milk, cream, and milk products, and empty containers, over irregular routes, between Plainsboro, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester County, N.Y., and those in Fairfield County, Conn. James C. Bennett, 6-8 Charlton Street, Princeton, N.J., representative for applicants.

No. MC-FC 67407. By order of December 16, 1964, the Transfer Board approved the transfer to Kay-Len Trans., Inc., Paterson, N.J., of the operating rights in Certificate No. MC 105822 Sub 1, issued October 26, 1948, to Charles N. Ged and Joseph C. Homcy, a partnership, doing business as G & H Motor Transportation Co., Paterson, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Essex, Union, Morris, Passaic, Bergen, Monmouth, and Middlesex Counties, N.J., on the one hand, and, on the other, New York, N.Y., and tile and tile products, between points in Hudson and Essex Counties, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306, representative for applicants.

No. MC-FC 67417. By order of December 16, 1964, the Transfer Board approved the transfer to Earl M. Young, Inc., Lincoln, Nebr., of the Permits in Nos. MC 118431 and MC 118431 Sub 2, issued August 31, 1960 and August 15, 1962, respectively, to Earl M. Young, Lincoln, Nebr., authorizing the transportation of: Bananas, from New Orleans, La., to points in Nebraska, and from Gulfport, Miss., to points in Nebraska. Charles F. Noren, NSEA Building, 14th and J, Lincoln, Nebr., attorney for applicants.

No. MC-FC 67436. By order of December 16, 1964, the Transfer Board approved the transfer to Holland Clifton McHenry, doing business as Mac's Delivery, 219 Broadway, Sheridan, Wyo., of the operating rights in Certificate No. MC 27033, issued September 2, 1955, to Jack Sparks, doing business as Otter Freight, Post Office Box 274, Sheridan, Wyo., authorizing the transportation, over regular and irregular routes, of general commodities, except livestock, and the transportation of: Farm machinery, and parts, building materials, fencing materials, stock feed and stock salt, subject to certain restrictions, be-

tween specified points in Montana and Wyoming.

No. MC-FC 67439. By order of December 16, 1964, the Transfer Board approved the transfer to Connie's Incorporated, La Grande, Oreg., of the operating rights in Certificate No. MC 108296, issued June 28, 1961, to Olaf C. Braseth and Geraldine E. Braseth, doing business as La Grande Transfer & Warehouse Co., La Grande, Oreg., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission in radial movements, between named counties in Oregon, and points in Idaho and Washington. Earl V. White, 2130 Southwest Fifth Avenue, Portland, Oreg., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-13235; Filed, Dec. 23, 1964; 8:46 a.m.]

[Notice 1099-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 21, 1964.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC 66811. Second application filed December 18, 1964, for NORTHEAST FREIGHT LINES, INC., 509 East 34th Street, Paterson, N.J., to temporarily lease the operating rights of ALFRED SEIFERT, SR., doing business as SEIFERT TRUCKING CO., 14 Wenzel Street, East Paterson, N.J., under Section 210a(b). The Transfer to NORTHEAST FREIGHT LINES, INC., of the operating rights of ALFRED SEIFERT, SR., doing business as SEIFERT TRUCKING CO., is pending after hearing.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-13236; Filed, Dec. 23, 1964; 8:46 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


### 3 CFR

Page

PROCLAMATIONS:
3630 — 15941
3631 — 16243

EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) — 16859
Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
Sept. 30, 1916 (revoked in part by PLO 3508) — 16864
May 21, 1920 (revoked in part by PLO 3508) — 16864
5289 (revoked in part by PLO 3486) — 16830

### 4 CFR

51 — 16313
52 — 16313

### 5 CFR

213 — 17065, 17084, 17085, 17893, 18003, 18153, 18288.
890 — 18045

### 7 CFR

15 — 16274, 16966
29 — 16854
401 — 17029, 17085
701 — 18149
717 — 16184
719 — 16185
722 — 16428, 16775, 18003, 18004
724 — 16077
729 — 16185
730 — 17086
751 — 18007
777 — 17086
811 — 18149
817 — 18151
850 — 17029
855 — 17029
905 — 16313–16315
907 — 16315, 16907, 17030, 17814, 18045
909 — 17030
910 — 16078, 16316, 17031, 18045
916 — 16966
917 — 16854
929 — 16078
1004 — 16966
1005 — 16855
1032 — 18046
1061 — 18152
1062 — 18049
1063 — 18007, 18051
1067 — 18052
1070 — 18008
1078 — 18009
1079 — 18010
1136 — 17815
1421 — 15943, 18212
1427 — 18213
1468 — 18153
1472 — 18153
1485 — 17032
1600 — 16784
1601 — 16784

PROPOSED RULES:
26 — 17816
812 — 17122
911 — 16258
912 — 16993
915 — 16258

### 7 CFR—Continued

Page

PROPOSED RULES—Continued
917 — 16993
971 — 16833
1003 — 18014
1004 — 16994
1005 — 16259
1030 — 16395, 16417, 18091
1031 — 16417
1036 — 16197, 18091
1044 — 16200
1046 — 17908
1047 — 17041, 17816
1049 — 17816
1050 — 17822
1065 — 16920
1131 — 16866, 17822
1126 — 16198
1135 — 18380
1137 — 18381

### 8 CFR

103 — 18010

### 9 CFR

74 — 15943
92 — 18274
94 — 16907
97 — 16316

### 10 CFR

2 — 16831

PROPOSED RULES:
Ch. I — 15957
2 — 16934
30 — 17916, 17933
31 — 17920
32 — 17922
33 — 17928
34 — 17929
35 — 17931
36 — 17932
150 — 17933

### 12 CFR

1 — 17087, 18053
217 — 15944, 16317
218 — 16065
224 — 16855
329 — 15944
525 — 18154
545 — 16856, 18154, 18156, 18213
563 — 17088

PROPOSED RULES:
563 — 18181
561 — 18233

### 13 CFR

107 — 16825, 16946, 16967
121 — 15945

PROPOSED RULES:
107 — 16094, 18016

### 14 CFR

1 [New] — 18289
3 — 17955
4a — 18289
4b — 18289
7 — 16149
23 [New] — 17955
25 [New] — 18289
27 [New] — 16065, 17885
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797, 18353.

### 14 CFR—Continued

Page

42 — 16968
71 [New] — 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088 17503, 17797, 18053–18055, 18156, 18213, 18354.
73 [New] — 15948, 16184, 16972, 17037, 17727, 18156, 18354.
75 [New] — 16066, 16319, 17775
91 [New] — 18289
93 [New] — 15948
97 [New] — 16067, 16789, 17798, 17886
151 [New] — 18000
302 — 16972
389 — 16907
1204 — 17892

PROPOSED RULES:
39 [New] — 16429, 16430, 17044, 18093
71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823, 18014, 18015, 18093, 18095–18097, 18180, 18230, 18231, 18382, 18383.
75 [New] — 16432, 16836, 18230
91 [New] — 15959, 18232
129 — 18232
135 [New] — 16836
221 — 16867
399 — 17042, 18230

### 15 CFR

7 — 16973
50 — 17089
201 — 16319
202 — 18032
365 — 16186

### 16 CFR

13 — 16186, 16826, 16856

### 17 CFR

200 — 16187
230 — 16982
239 — 16856
240 — 16245, 16856, 16982
260 — 16982
270 — 16982
275 — 16982

PROPOSED RULES:
15 — 15957
19 — 15957
230 — 18234
240 — 18234, 18386

### 18 CFR

101 — 18214
104 — 18214
141 — 18214
201 — 18216
501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194

PROPOSED RULES:
12 — 16997
154 — 18233





### 19 CFR

Page

4 — 15949
14 — 16320

PROPOSED RULES:
6 — 17042

### 26 CFR—Continued

Page

PROPOSED RULES:
1 — 15957, 16090, 18063, 18173
48 — 16993
170 — 18379

### 39 CFR

Page

16 — 16125
21 — 16252
22 — 16125, 16252
24 — 16125





### 43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued
3481 — 16828
3482 — 16828
3483 — 16829

### 43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued
3514 — 17905
3515 — 17905

### 44 CFR

### 47 CFR

Page

0 — 18373
73 — 16196, 16916, 16988, 18172, 18373, 18376
81 — 16196
87 — 16865, 18377

## 19 CFR

| | Page |
|---|---|
| 4 | 15949 |
| 14 | 16320 |
| PROPOSED RULES: | |
| 6 | 17042 |

## 20 CFR

| | |
|---|---|
| 395 | 16322 |

## 21 CFR

| | |
|---|---|
| 1 | 18063 |
| 8 | 15949, 16983, 17089 |
| 9 | 16983 |
| 14 | 16194 |
| 15 | 16194 |
| 16 | 16194, 16858 |
| 17 | 16194 |
| 18 | 16194 |
| 19 | 16194, 18121 |
| 20 | 16194, 18123 |
| 22 | 16194 |
| 27 | 16194 |
| 29 | 16194 |
| 37 | 16194 |
| 42 | 16194, 16983 |
| 45 | 16194 |
| 46 | 16194 |
| 51 | 16194 |
| 53 | 16194 |
| 121 | 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893, 18012, 18055, 18056, 18216. |
| 130 | 18055 |
| 141 | 18012 |
| 144 | 16984 |
| 145 | 16911 |
| 146 | 18012 |
| 146a | 18012 |
| 148c | 16984 |
| 148u | 16911 |
| 148x | 16251 |
| 191 | 18056 |
| PROPOSED RULES: | |
| 27 | 16866 |
| 31 | 16866 |
| 36 | 18175 |
| 45 | 16994 |
| 46 | 16429 |
| 53 | 16934 |
| 120 | 16935 |
| 121 | 16935, 16994 |

## 22 CFR

| | |
|---|---|
| 201 | 18288 |

## 24 CFR

| | |
|---|---|
| 1 | 16280 |
| 201 | 17893 |
| 203 | 17893 |
| 207 | 17893 |
| 213 | 17894 |
| 220 | 17894 |
| 221 | 17895 |
| 231 | 17897 |
| 232 | 17898 |
| 234 | 17899 |
| 603 | 17899 |
| 809 | 17899 |
| 903 | 17899 |

## 25 CFR

| | |
|---|---|
| 43d | 16080 |

## 26 CFR

| | |
|---|---|
| 1 | 16081, 17806, 17899, 18128, 18144, 18201, 18355, 18356, 18366. |
| 31 | 18144 |
| 45 | 16083 |

## 26 CFR—Continued

| | Page |
|---|---|
| PROPOSED RULES: | |
| 1 | 15957, 16090, 18063, 18173 |
| 48 | 16993 |
| 170 | 18379 |
| 296 | 18379 |
| 301 | 18063 |

## 27 CFR

| | |
|---|---|
| 4 | 16984 |

## 29 CFR

| | |
|---|---|
| 31 | 16284 |
| 40 | 18156 |
| 608 | 17811 |
| 609 | 17811 |
| 611 | 17812 |
| 689 | 15949 |
| PROPOSED RULES: | |
| 601 | 16428 |
| 670 | 16428 |
| 673 | 17822 |
| 675 | 16428 |
| 677 | 17822 |
| 678 | 17822 |
| 720 | 16428 |

## 31 CFR

| | |
|---|---|
| 3 | 18161 |
| 328 | 16914 |
| PROPOSED RULES: | |
| 306 | 16330 |
| 315 | 16330 |
| 316 | 16330 |
| 321 | 16330 |
| 332 | 16330 |

## 32 CFR

| | |
|---|---|
| 132 | 17885 |
| 517 | 15949 |
| 536 | 16985 |
| 577 | 16251 |
| 701 | 16194, 18275 |
| 710 | 16055 |
| 713 | 18276 |
| 719 | 16194 |
| 721 | 17812 |
| 730 | 18276 |
| 804 | 16323 |
| 1001 | 17037 |
| 1002 | 17038 |
| 1003 | 17038 |
| 1007 | 17038 |
| 1030 | 17040 |
| 1057 | 17039 |

## 32A CFR

| | |
|---|---|
| OEP (Ch. I): | |
| DMO I–1 | 18368 |
| DMO I–4 | 16251 |
| OIA (Ch. X): | |
| OI Reg. 1 | 16986 |

## 33 CFR

| | |
|---|---|
| 2 | 18162 |
| 80 | 18011 |
| 202 | 16859, 17040 |
| 203 | 16251, 17040 |
| 206 | 15949 |

## 35 CFR

| | |
|---|---|
| 4 | 17903 |
| 5 | 16328 |

## 36 CFR

| | |
|---|---|
| 7 | 17091, 18218 |

## 38 CFR

| | |
|---|---|
| 3 | 16252, 16328, 17092 |
| 12 | 17903, 17904 |
| 17 | 18219 |

## 39 CFR

| | Page |
|---|---|
| 16 | 16125 |
| 21 | 16252 |
| 22 | 16125, 16252 |
| 24 | 16125 |
| 25 | 16252 |
| 57 | 16858 |
| 61 | 16125 |
| 112 | 16858 |
| 168 | 16858 |
| PROPOSED RULES: | |
| 22 | 18093 |
| 96 | 18380 |

## 41 CFR

| | |
|---|---|
| Ch. 1 | 18057 |
| Ch. 2 | 17092 |
| 4–1 | 17040 |
| 8–1 | 16323, 17903 |
| 8–2 | 16323 |
| 8–7 | 18013 |
| 9–9 | 17113 |
| 11–1 | 16252, 16255 |
| 11–2 | 16253, 16255 |
| 11–4 | 16253 |
| 11–14 | 16255 |
| 11–60 | 18368 |
| Ch. 18 | 16502 |
| 101–6 | 15972, 16287 |
| 101–7 | 16797 |
| 101–8 | 16800 |
| 101–9 | 16800 |
| 101–10 | 16801 |
| 101–11 | 16807 |
| 101–12 | 16824 |
| 101–13 | 16824 |
| 101–18 | 15973 |
| 101–19 | 15978 |
| 101–20 | 15984 |
| 101–25 | 15990 |
| 101–27 | 15997 |
| 101–28 | 15998 |
| 101–29 | 16002 |
| 101–30 | 16004 |
| 101–40 | 16008 |
| 101–43 | 16012 |
| 101–44 | 16027 |
| 101–45 | 16035 |
| 101–47 | 16126 |

## 42 CFR

| | |
|---|---|
| 21 | 18288 |
| 51 | 16915, 17954 |
| 55 | 16915 |
| 57 | 15952 |

## 43 CFR

| | |
|---|---|
| 17 | 16293 |
| PUBLIC LAND ORDERS: | |
| 3359 (revoked in part by PLO 3478) | 16827 |
| 3447 (corrected by PLO 3485) | 16829 |
| 3464 | 16084 |
| 3465 | 16084 |
| 3466 | 16084 |
| 3467 | 16085 |
| 3468 | 16085 |
| 3469 | 16085 |
| 3470 | 16086 |
| 3471 | 16086 |
| 3472 | 16087 |
| 3473 | 16087 |
| 3474 | 16256 |
| 3475 | 16827 |
| 3476 | 16827 |
| 3477 | 16827 |
| 3478 | 16827 |
| 3479 | 16828 |
| 3480 | 16828 |



## 43 CFR—Continued

| | Page |
|---|---|
| PUBLIC LAND ORDERS—Continued | |
| 3481 | 16828 |
| 3482 | 16828 |
| 3483 | 16829 |
| 3484 | 16829 |
| 3485 | 16829 |
| 3486 | 16830 |
| 3487 | 16829 |
| 3488 | 16830 |
| 3489 | 16830 |
| 3490 | 16830 |
| 3491 | 16831 |
| 3492 | 16831 |
| 3493 | 16859 |
| 3494 | 16859 |
| 3495 | 16860 |
| 3496 | 16860 |
| 3497 | 16860 |
| 3498 | 16860 |
| 3499 | 16861 |
| 3500 | 16861 |
| 3501 | 16862 |
| Corrected | 18219 |
| 3502 | 16862 |
| 3503 | 16863 |
| 3504 | 16863 |
| 3505 | 16863 |
| 3506 | 16863 |
| 3507 | 16864 |
| 3508 | 16864 |
| 3509 | 16864 |
| 3510 | 16987 |
| 3511 | 16987 |
| 3512 | 16987 |
| 3513 | 17905 |

## 43 CFR—Continued

| | Page |
|---|---|
| PUBLIC LAND ORDERS—Continued | |
| 3514 | 17905 |
| 3515 | 17905 |

## 44 CFR

| | |
|---|---|
| 1 | 16832 |
| 2 | 16832 |
| 3 | 16832 |
| 4 | 16832 |
| 5 | 16832 |
| 6 | 16832 |
| 7 | 16832 |
| 55 | 15954 |
| 60 | 15954 |
| 100 | 15954 |
| 102 | 15954 |
| 110 | 16195 |
| Ch. VII | 16832 |

## 45 CFR

| | |
|---|---|
| 80 | 16298, 16988 |
| 150 | 15955 |
| 611 | 16305 |
| 701 | 17949 |
| 702 | 17950 |
| 703 | 17952 |
| 704 | 17953 |

## 46 CFR

| | |
|---|---|
| 146 | 18163 |
| 147 | 18163 |
| 502 | 18171 |
| 506 | 16195, 17121 |
| PROPOSED RULES: | |
| Ch. IV | 16433 |

## 47 CFR

| | Page |
|---|---|
| 0 | 18373 |
| 73 | 16196, 16916, 16988, 18172, 18373, 18376 |
| 81 | 16196 |
| 87 | 16865, 18377 |
| 89 | 18057 |
| 91 | 18219 |
| PROPOSED RULES: | |
| 1 | 17823 |
| 2 | 17824 |
| 21 | 16204, 17840 |
| 25 | 17840, 17848 |
| 73 | 16205, 16207, 16837, 17850, 18384 |

## 48 CFR

| | |
|---|---|
| 310 | 18059 |

## 49 CFR

| | |
|---|---|
| 0 | 16087 |
| 95 | 18062, 18377, 18378 |
| 176 | 16125 |
| 192 | 16256 |
| PROPOSED RULES: | |
| 170 | 17850 |

## 50 CFR

| | |
|---|---|
| 2 | 17905 |
| 11 | 17905 |
| 14 | 17906 |
| 16 | 17905 |
| 32 | 17906, 18378 |
| 33 | 16917, 16918, 17814, 17906, 17907, 18229 |
| 256 | 16088 |
| 257 | 16990 |

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J
83
.A2

# FEDERAL REGISTER

VOLUME 29 NUMBER 251

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## Contents

**AGRICULTURAL MARKETING SERVICE**

**Rules and Regulations**

Fruit grown in Arizona and California; handling limitations:
- Lemons ---------- 18415
- Oranges, navel---------- 18415

Milk in certain marketing areas; miscellaneous amendments:
- Louisville-Lexington-Evansville. 18416
- Northeastern Ohio---------- 18415

**Proposed Rule Making**

Milk in certain marketing areas:
- Delaware Valley; termination of suspension proceedings------ 18429
- Nashville, Tenn.; decision------ 18429
- North Texas; decision--------- 18434

**AGRICULTURAL RESEARCH SERVICE**

**Rules and Regulations**

Dogs, cats and other carnivora; certified products; inspection and certifications; miscellaneous amendments---------- 18418

**AGRICULTURE DEPARTMENT**

*See* Agriculture Marketing Service; Agricultural Research Service.

**ARMY DEPARTMENT**

*See* Engineers Corps.

**CIVIL AERONAUTICS BOARD**

**Notices**

Trans World Airlines, Inc.; temporary suspension of service------ 18438

**CUSTOMS BUREAU**

**Notices**

Nelbro Packing Co.; qualification as U.S. citizen---------- 18439

**DEFENSE DEPARTMENT**

*See* Engineers Corps.

**ENGINEERS CORPS**

**Rules and Regulations**

Bridges and navigation; Snohomish River, Wash., and Hampton Roads and Willoughby Bay, Va---------- 18422

**FEDERAL COMMUNICATIONS COMMISSION**

**Rules and Regulations**

Miscellaneous amendments:
- Public Safety Radio Services--- 18425
- Radio Broadcast Services------ 18423

**FEDERAL MARITIME COMMISSION**

**Notices**

Agreements filed for approval:
- Lykes Bros. Steamship Co., Inc., et al---------- 18438
- M.A.N.Z. Line joint service----- 18438

**FEDERAL POWER COMMISSION**

**Notices**

Idaho Power Co.; application---- 18439

**FOOD AND DRUG ADMINISTRATION**

**Proposed Rule Making**

Shrimp, frozen raw breaded and lightly breaded; correction----- 18436

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See* Food and Drug Administration.

**INTERIOR DEPARTMENT**

*See* Land Management Bureau.

**INTERSTATE COMMERCE COMMISSION**

**Rules and Regulations**

Railroads:
- Authorization to operate over other trackage; expiration dates:
  - Atchison, Topeka and Santa Fe Railway Co. and Union Pacific Railroad---------- 18427
  - Chicago, Burlington & Quincy Railroad Co. and Union Pacific Railroad---------- 18427
  - Chicago, Rock Island and Pacific Railroad Co. and Union Pacific Railroad------- 18426
  - Denver and Rio Grande Western Railroad and Freeport Center, Inc---------- 18427
  - St. Louis-San Francisco Railway Co. and Southern Pacific Co---------- 18426
  - Union Pacific Railroad and Freeport Center, Inc------ 18427
- Uniform system of accounts; equipment and road property- 18426

**Proposed Rule Making**

Railroads; uniform system of accounts---------- 18437

**LABOR DEPARTMENT**

**Rules and Regulations**

Neighborhood Youth Corps projects for unemployed youths-- 18419

**LAND MANAGEMENT BUREAU**

**Rules and Regulations**

Alaska; public land order partially revoking certain withdrawal orders and Executive order----- 18423

**Notices**

Oregon; termination of proposed withdrawal and reservation of lands---------- 18438

*(Continued on next page)*

CONTENTS


**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

Depositors Fund of Boston, Inc.; application for order of exemption ..... 18439

**SMALL BUSINESS ADMINISTRATION**

**Rules and Regulations**

Loan policy; business loans and guaranties ..... 18419

**TREASURY DEPARTMENT**

*See* Customs Bureau.


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**3 CFR**

EXECUTIVE ORDERS:
Jan. 7, 1903 (revoked in part by PLO 3516) ..... 18423

**7 CFR**

907 ..... 18415
910 ..... 18415
1036 ..... 18415
1046 ..... 18416
PROPOSED RULES:
1004 ..... 18429
1098 ..... 18429
1126 ..... 18434

**9 CFR**

155 ..... 18418

**13 CFR**

120 ..... 18419

**21 CFR**

PROPOSED RULES:
36 ..... 18436

**29 CFR**

50 ..... 18419

**33 CFR**

203 ..... 18422
207 ..... 18422

**43 CFR**

PUBLIC LAND ORDERS:
751 (revoked in part by PLO 3516) ..... 18423
3516 ..... 18423

**47 CFR**

73 ..... 18423
89 ..... 18425

**49 CFR**

10 ..... 18426
95 (6 documents) ..... 18426, 18427
PROPOSED RULES:
10 ..... 18437


*Just Released*

**NEW CODIFICATION GUIDE**

**[January–November 1964]**

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 66]

### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

**§ 907.366 Navel Orange Regulation 66.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 23, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 27, 1964, and ending at 12:01 a.m., P.s.t., January 3, 1965, are hereby fixed as follows:

(i) District 1: 350,000 cartons;
(ii) District 2: 90,236 cartons;
(iii) District 3: 50,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 23, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–13377; Filed, Dec. 24, 1964; 8:49 a.m.]

[Lemon Reg. 144]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

**§ 910.444 Lemon Regulation 144.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 22, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., December 27, 1964, and ending at 12:01 a.m., P.s.t., January 3, 1965, are hereby fixed as follows:

(i) District 1: 41,850 cartons;
(ii) District 2: 83,700 cartons;
(iii) District 3: 46,500 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 23, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–13378; Filed, Dec. 24, 1964; 8:49 a.m.]

### Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 36]

### PART 1036—MILK IN NORTHEASTERN OHIO MARKETING AREA

#### Order Amending Order

**§ 1036.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary

and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Associate Administrator was issued November 27, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 15, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Subparagraphs (1) and (2) of § 1036.51(a) are revised to read as follows:

§ 1036.51 Class I milk prices.

* * * * *

(a) * * *

(1) Divide the total quantity of producer milk during the second and third months preceding by the gross quantity of milk utilized as Class I (adjusted to eliminate duplications due to interhandler transfers) at pool plants in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

| Month for which the price is being computed: | *Standard utilization percentage* |
|---|---|
| January | 130 |
| February | 129 |
| March | 129 |
| April | 130 |
| May | 131 |
| June | 132 |
| July | 141 |
| August | 149 |
| September | 142 |
| October | 128 |
| November | 126 |
| December | 128 |

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1965.

Signed at Washington, D.C., on December 21, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–13269; Filed, Dec. 24, 1964; 8:46 a.m.]

[Milk Order 46]

## PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

### Order Amending Order

§ 1046.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, three cents per hundredweight or such amount not to exceed three cents per hundredweight as the Secretary may prescribe, with respect to: (i) Producer milk and milk received from a cooperative association as a handler pursuant to § 1046.8(c); (ii) Other source milk allocated to Class I pursuant to § 1046.46(a) (3) and (7) and the corresponding steps of § 1046.46(b); and (iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Determinations*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling—It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1046.6 is revised to read as follows:

§ 1046.6 Louisville-Lexington-Evansville marketing area.

The "Louisville-Lexington-Evansville marketing area", hereinafter called the "marketing area", means all the territory geographically within the counties listed below and all territory wholly or partly therein occupied by municipal corporations and institutions owned or operated by Federal, State or local governments:

INDIANA COUNTIES

| | |
|---|---|
| Clark. | Orange. |
| Crawford. | Perry. |
| Daviess. | Pike. |
| Dubois. | Posey. |
| Floyd. | Spencer. |
| Gibson. | Vanderburgh. |
| Harrison. | Warrick. |
| Knox. | Washington. |
| Martin. | |

KENTUCKY COUNTIES

| | |
|---|---|
| Adair. | Henderson. |
| Anderson. | Henry. |
| Bourbon. | Hopkins. |
| Boyle. | Jefferson. |
| Breckinridge. | Jessamine. |
| Bullit. | Larue. |
| Butler. | Lincoln. |
| Casey. | Logan. |
| Clark. | Madison. |
| Clinton. | Marion. |
| Cumberland. | McLean. |
| Daviess. | Meade. |
| Edmonson. | Mercer. |
| Fayette. | Muhlenberg. |
| Franklin. | Nelson. |
| Garrard. | Ohio. |
| Grayson. | Oldham. |
| Green. | Pulaski. |
| Hancock. | Russell. |
| Hardin. | Scott. |
| Hart. | Shelby. |

KENTUCKY COUNTIES—Continued

| | |
|---|---|
| Spencer. | Wayne. |
| Taylor. | Webster. |
| Union. | Woodford. |
| Washington. | |

2. Section 1046.14 is revised to read as follows:

§ 1046.14 Producer milk.

"Producer milk" means that skim milk and butterfat contained in milk of a producer which is:

(a) Received from producers at a pool plant for the account of the person operating such plant. When milk is withdrawn at more than one pool plant from the same load delivered by a farm tank pickup truck, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn unless:

(1) There is an agreement among the operators of the pool plants receiving such milk providing for other receiving handler(s) to report and pay for all or a portion of such milk; or

(2) The milk involved is that which is delivered to pool plants for the account of a cooperative association pursuant to § 1046.8(c).

(b) Diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the pool plant from which it is diverted.

(c) Diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant or a cooperative association, subject to the following conditions:

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted; and

(2) Producer milk pursuant to this paragraph shall not include the milk of any person during any of the months of October, November, January and February on days on which it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month.

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

3. Section 1046.15 is revised to read as follows:

§ 1046.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, pancake mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers.

4. Section 1046.17 is revised to read as follows:

§ 1046.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a milk plant(s). A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets without intermediate movement to another milk plant.

5. In § 1046.41, paragraph (b) (4) and (7) is revised to read as follows:

§ 1046.41 Classes of utilization.

* * * * *

(b) * * *

(4) Disposed of for livestock feed, or in fluid milk products dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping.

* * * * *

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1046.42(b)(1), but not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, physically received directly from producers' farms and by diversion from other pool plants; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), except that if the handler operating such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1046.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements, the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk (except bulk cream) as a transfer from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk (except bulk cream) from a pool plant to other plants; and plus

(vii) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c), unless the exception provided in subdivision (ii) of this subparagraph applies; and

6. In § 1046.44, paragraphs (a) and (b) are revised to read as follows:

§ 1046.44 Transfers.

* * * * *

(a) At the utilization reported pursuant to § 1046.30 by the operator(s) of both plants, otherwise as Class I milk, if transferred or diverted by the operator of a pool plant or a cooperative association

in its capacity as a handler pursuant to § 1046.8(c) to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1046.46(a)(7) or (8) and the corresponding steps of § 1046.46(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) If a specified utilization of skim milk and butterfat transferred or diverted to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignment pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46(b), and after assignment of milk for which specified classification has been claimed by handlers pursuant to paragraph (a) of this section.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1965.

Signed at Washington, D.C., on December 22, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–13324; Filed, Dec. 24, 1964; 8:48 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER H—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

### PART 155—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY AND CONDITION

### Miscellaneous Amendments

On October 21, 1964, there was published in the FEDERAL REGISTER (29 F.R. 14441) a notice with respect to proposed amendments to the regulations for inspection and certification of products for dogs, cats, and other carnivora (9 CFR Part 155). After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the regulations for inspection and certification of products for dogs, cats, and other carnivora are hereby amended in the following respects:

1. Paragraphs (p) and (q) are added to § 155.2 to read as follows:

**§ 155.2 Terms defined.**

When used in this part unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

* * * * *

(p) "Poultry" means any domesticated bird slaughtered in accordance with the Poultry Products Inspection Act, Public Law 85–172, 85th Congress, S. 1747, dated August 28, 1957 (21 U.S.C. 451 et seq.).

(q) "Poultry product" means any edible part of fresh poultry which have been slaughtered for human food and from which the blood, feathers, feet, head and viscera have been removed in accordance with rules and regulations promulgated by the Secretary of Agriculture.

2a. Section 155.29(a)(2), (b), and (c)(1) and (3) are amended to read as follows:

**§ 155.29 Composition of certified product for dogs, cats, and other carnivora.**

(a) *Composition of canned maintenance food.* * * *

(2) Not less than 30 percent of meat or animal food meat byproduct or both, or of horse meat or animal food horse meat byproduct or both, or of mule meat or animal food mule meat byproduct or both, or of poultry products, shall be used in the preparation of canned or semimoist certified maintenance food. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used. The uncooked weight of the meat or animal food meat byproduct or both, or of the horse meat or animal food horse meat byproduct or both, or of the mule meat or animal food mule meat byproduct or both, or of the poultry products, or of the combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

* * * * *

(b) *Composition of canned or fresh frozen certified supplemental animal foods.* (1) Certified animal protein supplement shall comply with the following requirements:

(i) Certified animal protein supplement shall contain not less than 95 percent of meat or animal food meat byproduct or both, or of horse meat or animal food horse meat byproduct or both, or of mule meat or animal food mule meat byproduct or both, or of poultry products. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used;

(ii) Certified animal protein supplement shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. 1260), as amended (21 U.S.C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U.S.C. 96), in order to insure decharacterization of the product for human food purposes;

(iii) Certified animal protein supplement may contain not more than 3 percent wheat flour or other processing aid acceptable to the Director of the Division, which shall be of good quality, shall be free from insect infestation, and shall be otherwise fit for use as animal food;

(iv) Certified animal protein supplement shall contain not less than 15 percent protein; and

(v) Certified animal protein supplement shall contain not less than 3 percent fat.

(2) Certified pet food supplement shall comply with the following requirements:

(i) Certified pet food supplement shall contain not less than 50 percent of meat or animal food meat byproduct or both, or of horse meat or animal food horse meat byproduct or both, or of mule meat or animal food mule meat byproduct or both, or of poultry products. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used;

(ii) Certified pet food supplement shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. 1260), as amended (21 U.S.C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U.S.C. 96), in order to insure decharacterization of the product for human food purposes;

(iii) Certified pet food supplement may contain various cereals, flours, vegetables, flavorings, seasonings and other processing aids acceptable to the Director of the Division which shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise fit for use as animal food;

(iv) Certified pet food supplement shall contain not less than 11 percent protein;

(v) Certified pet food supplement shall contain not less than 3 percent fat; and

(vi) Certified pet food supplement may not contain more than 74 percent moisture.

(c) *Composition of certified canned pet stew.* (1) Certified pet stew shall contain not less than 25 percent of meat or animal food meat byproduct or both, or of horse meat or animal food horse meat byproduct or both, or of mule meat or animal food mule meat byproduct or both, or of poultry products. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used.

* * * * *



(3) Vegetables and grains and their derivatives used as ingredients of certified pet stews shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise fit for use as animal food.

* * * * *

2b. Subparagraphs (2), (4), (5), and (6) of paragraph (c) of § 155.29 are amended by adding the word "certified" before the word "pet" wherever the latter occurs in those subparagraphs.

(Sec. 203, 60 Stat. 1087, as amended, sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1622, 1624; 19 F.R. 74, as amended)

*Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments extend the voluntary animal food certification program by permitting the certification of canned and fresh frozen supplemental pet foods, and animal foods which contain poultry products, when such foods meet the requirements in Part 155, Title 9, Code of Federal Regulations. This action will probably make a greater variety of certified animal foods available to purchasers. Accordingly, it is found upon good cause under section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)), that the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of December 1964.

GEORGE W. IRVING, JR.,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–13325; Filed, Dec. 24, 1964; 8:48 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Revision 2, Amdt. 2]

### PART 120—LOAN POLICY

### Business Loans and Guarantees

The Small Business Administration Loan Policy Regulation, as revised in 28 F.R. 6675, and amended in 29 F.R. 2486, is hereby further amended by deleting in § 120.1(d)(10) all words following "investment" in the fifth line thereof. As so amended § 120.1(d)(10) shall provide in full as follows:

**§ 120.1 Business loans and guarantees.**

* * * * *

(d) * * *

(10) If the purpose of the financial assistance is to finance the acquisition, construction, improvement or operation of real property which is, or is to be, held primarily for sale or investment.

* * * * *

*Effective date.* This amendment shall be effective for all applicable loan applications filed on or after January 1, 1965.

Dated: December 17, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64–13276; Filed, Dec. 24, 1964; 8:46 a.m.]

# Title 29—LABOR

## Subtitle A—Office of the Secretary of Labor

### PART 50—NEIGHBORHOOD YOUTH CORPS PROJECTS FOR UNEMPLOYED YOUTHS

Interim regulations of the Secretary of Labor and the Director of the Office of Economic Opportunity implementing Title I, Part B of the Economic Opportunity Act of 1964.

Pursuant to authority contained in section 602(n) of the Economic Opportunity Act of 1964 (78 Stat. 508) and Delegation No. 1–64 (29 F.R. 14764 (1964)), the Secretary of Labor and the Director of the Office of Economic Opportunity hereby amend Title 29 of the Code of Federal Regulations by establishing a new Part 50 to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve matters that relate only to public benefits. We do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

Subpart A—General

Sec.
50.1 Definitions.

Subpart B—Enrollees

50.10 Determination of youth's employment and training needs.
50.11 Selection and referral of enrollees.
50.12 Enrollment in other programs.
50.13 Maximum duration of youth's enrollment.
50.14 Enrollee status.
50.15 Proof of age.

Subpart C—Neighborhood Youth Corps Projects

50.20 Types of projects.
50.21 Work-training agreements.
50.22 Standards for a project.
50.23 Work, training and education.
50.24 Supervision, counseling and job placement.
50.25 Community action programs.
50.26 Safety and workmen's compensation.
50.27 Work rules.
50.28 Length of project.
50.29 Non-discrimination.

Subpart D—Financing Neighborhood Youth Corps Projects

50.30 Effective period of Title I, Part B of the Act.
50.31 Allowable costs.
50.32 Limitations on Federal assistance.

Subpart E—Evaluation, Records and Disclosure

50.40 Evaluation of projects.
50.41 Records, reports and disclosure of information.

Subpart F—Disputes and Review

50.50 Disputes.
50.51 Review by Secretary.

AUTHORITY: The provisions of this Part 50 issued under sec. 602, 78 Stat. 528 (Pub. Law 88–452). Delegation of Director of Office of Economic Opportunity, 29 F.R. 14764.

### Subpart A—General

**§ 50.1 Definitions.**

As used in this part, unless the context clearly indicates otherwise, the term:

(a) "Act" means the Economic Opportunity Act of 1964.

(b) "Contribution in kind" means a contribution, in lieu of cash, of any item or service the purchase of which would be an allowable cost, including but not limited to the use of plant and equipment fairly evaluated.

(c) "Enrollee" means a youth employed in a project.

(d) "Low-income family" means any family whose income is insufficient to provide it with basic needs.

(e) "Neighborhood Youth Corps" means the agency established by the Secretary within the Department of Labor to administer Title I, Part B of the Act.

(f) "Permanent resident of the United States" means a person whose principal, actual dwelling place is within a State or any other place, continental or insular, including the Trust Territory of the Pacific Islands, which is subject to the jurisdiction of the United States and who is not a nonimmigrant alien as defined in section 101(a)(15) of the Immigration and Nationality Act.

(g) "Private nonprofit organization" means any institution, organization, corporation, or agency no part of whose earnings inures or lawfully may inure directly or indirectly to the benefit of any private member, shareholder, or other individual, other than as reasonable compensation for services rendered as an officer or employee, or as goods and services received as a bona fide part of its operations consistent with the purposes for which it was established. It shall be prima facie evidence of such status that an organization is organized as a nonprofit organization under Federal or State law, or is exempt from taxation under section 501(a) of the Internal Revenue Code of 1954.

(h) "Project" means a Neighborhood Youth Corps project, approved by the Secretary pursuant to section 113 of the Act, combining supervised employment of youth for remuneration and, as appropriate, related training, education and other essential services.

(i) "School" means an elementary or secondary school or its equivalent.

(j) "Secretary" means the Secretary of Labor, United States Department of Labor, or his authorized representatives.

(k) "Sponsor" means the State or local public agency, including Indian Tribal groups, or private nonprofit organization (other than political parties) with

which the Secretary has entered into a work-training agreement to undertake a project.

(l) "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(m) "State agency" means the agency of the State which administers the employment security program.

(n) "Unemployed youth" means a youth who at the time of his selection for a project is not working regularly for remuneration in excess of 20 hours a week.

(o) "Wage" means money payments for services performed.

(p) "Youth" means a person, man or woman, who has attained age 16 but not age 22.

## Subpart B—Enrollees

### § 50.10 Determination of a youth's employment and training needs.

As a basis for the selection of a youth for a project, the Secretary shall first determine through the State agency or through such other public agency or private nonprofit organization, as the Secretary may designate, the employment and training needs of each youth with regard to the youth's interests and potentialities. This determination shall be based on a comprehensive evaluation of the individual's achievements, aptitudes and interests, abilities, personal and social adjustments, work experience, health, personal traits, financial resources and other pertinent data adequate to form the basis for (a) establishing that such person is in need of work-training experience to increase such person's employability or to enable such person to resume or continue in school and (b) selecting an employment objective commensurate with the individual's capacities and limitations. This may be done through interviewing, testing, counseling, and a medical examination as necessary. All prospective enrollees, prior to their selection for work-training, shall be encouraged to continue or resume school attendance where that is appropriate to their needs.

### § 50.11 Selection and referral of enrollees.

(a) A youth may be selected for a project which is commensurate with the individual's work-training needs, if at the time of selection, he or she is unemployed and is—

(1) Out of school and not planning to return to school, but needs work experience in order to prepare for skill training or for a job, or

(2) Out of school and needs paid work experience to resume school attendance, or

(3) In school, but needs paid work experience to continue in school, and

(4) A member of a low income family: *Provided*, That it shall be prima facie evidence that a family is a low-income family for purposes of this part if such family, without regard to State or local residence requirements, is eligible for receiving cash or other assistance on a needs basis under any public welfare program or from an approved private organization, and

(5) A permanent resident of the United States.

(b) The selection and referral of youths to projects shall be made by such public agencies, including the State agency and where appropriate the local school system, or such private nonprofit organizations, as the Secretary may designate.

### § 50.12 Enrollment in other programs.

(a) Where the circumstances warrant such action, a youth may be provided assistance from more than one of the programs available under Titles I and II of the Act and training programs under the Manpower Development and Training Act of 1962, as amended, and the Area Redevelopment Act. Such assistance may include, but is not limited to the following:

(1) A youth formerly enrolled in the Job Corps under the Act is eligible for enrollment in a project where enrollment in such project is for the purpose of enabling the youth to resume or maintain school attendance.

(2) A youth formerly enrolled in a program comprising only counseling and related services under the Manpower Development and Training Act is eligible for enrollment in a project.

(b) A youth formerly enrolled in a regular Institutional or On-the-Job Training program under the Manpower Development and Training Act may not be enrolled in a project: *Provided however*, That with the permission of the Secretary a youth may be enrolled in a project which is for the purpose of enabling the youth to resume or maintain school attendance.

### § 50.13 Maximum duration of youth's enrollment.

(a) A youth's enrollment in one or more projects designed to enable the youth to maintain school attendance shall not exceed the period necessary to enable said youth to complete high school.

(b) The period of enrollment of all other youths shall not exceed two years.

(c) In no event shall any youth's period of enrollment extend beyond the day immediately preceding the youth's twenty-second birthday.

### § 50.14 Enrollee status.

An enrollee in a project shall not be deemed an employee of the Federal government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

### § 50.15 Proof of age.

Prior to enrollment in a project, each youth shall submit satisfactory evidence of his or her age. Such evidence of age may consist of:

(a) A birth certificate,

(b) A baptismal record,

(c) A bona fide record of the date and place of the youth's birth kept in the Bible in which the records of the births in the family of the child are preserved,

(d) A parent's, guardian's, or custodian's affidavit of age accompanied by a record of the age as given in the register of the school first attended by the youth, if obtainable, or in the earliest available school census, or

(e) Such other documentary evidence satisfactory to the Secretary.

## Subpart C—Neighborhood Youth Corps Projects

### § 50.20 Types of projects.

A project shall be designed to serve the employment needs of one or more of the groups of youth identified in § 50.11(a), and accordingly, may be either (a) an out-of-school project providing suitable employment for youths who need work experience and assistance in order to prepare for skill training or to increase their employability, or (b) an in-school project providing suitable employment for youths who need work experience and financial assistance to resume or maintain school attendance.

### § 50.21 Work-training agreements.

A project shall be undertaken upon execution of an agreement between a sponsor and the Secretary, on the basis of detailed specifications which meet the requirements set forth in this subpart.

### § 50.22 Standards for a project.

No project shall be approved under this part unless the Secretary has first determined that:

(a) The project will enable enrollees to resume or maintain school attendance, or will increase their employability in fields in which the Secretary finds there is a reasonable expectation of suitable full-time employment;

(b) The project will not provide training in occupations where there is a continuing and substantial surplus of qualified workers available for employment in such occupations;

(c) The employment of the enrollees on the project will not result in the displacement of employed workers or impair existing contracts for services;

(d) The employment of the enrollees will permit or contribute to an undertaking or service in the public interest that would not otherwise be provided, or will contribute to the conservation, development, or management of the natural resources of the State or community or to the development, management or protection of State or community recreational areas;

(e) Enrollees in the project will be employed either on publicly owned and operated facilities or projects, or on local projects sponsored by private nonprofit organizations, other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(f) The project provides for standards and procedures which meet his approval for the selection of enrollees, which shall include, where appropriate, full coordination and cooperation with local and other authorities to encourage students to resume or maintain school attendance;



(g) The enrollees' rates of pay and other conditions of employment are appropriate and reasonable in the light of such factors as the type of work performed, the geographical region and the proficiency of the enrollee, and comply with all applicable Federal, State and local laws, rules and regulations dealing with or relating to employment conditions: *Provided*, That except as may be required by applicable Federal, State, or local law, starting rates of pay shall be set slightly below, and for enrollees performing their duties satisfactorily may be increased at appropriate intervals up to the prevailing entrance wage rate for inexperienced workers engaged in similar occupations in the labor area where the work will be performed and that, consistent with this section, the sponsor may set a uniform wage rate for all enrollees on the project: *Provided further*, That no enrollee shall be employed for more than 40 hours per week; and

(h) The project provides for work and, as appropriate, training, education, and other services in accordance with this subpart.

### § 50.23 Work, training and education.

(a) Each project shall furnish work for which the enrollee is paid wages: *Provided*, That enrollees under 18 years of age shall not be employed in any occupation which the Secretary, under section 3(l) of the Fair Labor Standards Act of 1938, as amended, has declared to be particularly hazardous for youth between the ages of 16 and 18 years. This work, in the case of an out-of-school project, shall be designed to increase the enrollee's employability in appropriate fields through the development of good work habits and attitudes and the acquisition of such skills as may be learned in the process of doing the work.

(b) Each project, in addition to the work provided in paragraph (a) of this section, shall provide, where necessary and as appropriate, supplementary training and remedial education. Accordingly, each project shall be coordinated to the maximum extent feasible with vocational training and educational services adapted to the special needs of enrollees in such project and sponsored by State or local educational agencies: *Provided, however*, That where such services are inadequate or unavailable, the Secretary may make provision for the enlargement, improvement, development, and coordination of such services with the cooperation of, or where appropriate pursuant to agreement with, the Secretary of Health, Education, and Welfare.

(c) In the development and approval of projects, priority shall be given to projects with high training potential.

(d) The sponsor shall provide enrollees instruction and training in safe work practices, such as proper lifting and handling of materials, working with handtools, and using personal protective equipment.

### § 50.24 Supervision, counseling and job placement.

(a) The sponsor shall provide competent work supervision of enrollees and such counseling and guidance as may be needed to assist enrollees in adjusting to the work situation and in planning their vocational goals.

(b) Enrollees in out-of-school projects shall be provided assistance in:

(1) Finding and developing post-project job opportunities;

(2) Referral, following completion of the project, for placement in suitable jobs or for further education or training; and

(3) Follow-up, as appropriate, to assist them in their adjustment on such jobs.

(c) The services referred to in paragraph (b) of this section shall be secured, wherever possible, through the State agency or other appropriate public agency.

### § 50.25 Community action programs.

Sponsors of projects shall assist, utilize and coordinate with, wherever practicable, community action programs authorized under Title II of the Act. In accordance with section 211 of the Act, preference shall be given, to the extent feasible, to a project proposal constituting a component of a community action program which has been approved pursuant to the provisions of Title II or, if not approved, whose approval is pending and is anticipated within the fiscal year.

### § 50.26 Safety and workmen's compensation.

(a) The sponsor shall provide safe conditions of work, including but not limited to safe equipment and machinery, personal protective equipment, safe transportation to and from the work site where provided, and fire prevention and protection.

(b) Acceptable workmen's compensation insurance which meets existing requirements under State law shall be provided for each enrollee and staff employee engaged on the project. Such insurance shall provide, notwithstanding the absence of such a requirement under State law, for the payment of medical, surgical, nursing, and hospital services, medical and surgical apparatus and appliances, and medicines which may be reasonably necessary to treat injury or disease arising out of and in the course of employment. Where the State law limits the liability of the employer in permanent total disability cases to a maximum dollar amount or to a specified period of time, such insurance shall provide benefits for the full period of such disability without regard to any maximum dollar limitation.

### § 50.27 Work rules.

(a) The sponsor shall establish rules, approved by the Secretary governing attendance, conduct, and grievances. Such rules shall set forth the grounds for suspension and termination of an enrollee. The enrollee shall be informed in writing of these rules, which, unless contrary to the purposes and policies of the Act, shall be consistent with any similar rules which are the subject of a collective bargaining contract covering these enrollees.

(b) Grievances of the enrollee which relate to the terms of the work-training agreement or the rules referred to in paragraph (a) of this section shall be resolved by the sponsor, or a duly appointed representative, and shall be subject to review by the Secretary upon request of the enrollee: *Provided however*, That grievances of an enrollee which relate to the terms of a work-training agreement or the rules referred to in paragraph (a) of this section and which are subject to processing under the grievance procedures of a collective bargaining contract covering the enrollees shall be processed in accordance with such procedures, consistent with the regulations in this part and the terms of the work-training agreement.

### § 50.28 Length of project.

Each project shall be for a period which is of sufficient duration to achieve its objective consistent with § 50.22(a), but shall not exceed the fiscal year in which the work-training agreement is executed, plus the following fiscal year, except that this shall not preclude the extension of the work-training agreement for subsequent periods.

### § 50.29 Non-discrimination.

(a) No person in the United States shall, on the grounds of race, creed, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under Title I, Part B of the Act.

(b) In the administration of a project, the Sponsor shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin.

## Subpart D—Financing Neighborhood Youth Corps Projects

### § 50.30 Effective period of Title I, Part B of the Act.

No commitment of funds shall be made pursuant to the authority conferred upon the Secretary under Title I, Part B of the Act after June 30, 1967, unless by Act of Congress the Act is extended beyond that date.

### § 50.31 Allowable costs.

(a) The allowable costs of a project are those costs determined by the Secretary to be allowable in accordance with Part I–15 of the Federal Procurement Regulations (41 CFR 1–15) particularly Subpart 1–15.3 of said part unless otherwise specified in the work-training agreement, and may include the direct costs of the project, plus such indirect costs as are incurred by the sponsor as a result of his undertaking the project: *Provided however*, That the total costs payable shall not exceed an estimated cost for the project which shall be specified in the work-training agreement: *Provided further*, That direct or indirect costs may not include cost of major construction or renovation.

(b) No project shall be undertaken on a "cost-plus-fee" basis.

**§ 50.32 Limitations on Federal assistance.**

(a) Except as provided in paragraph (b) of this section, Federal assistance to any project pursuant to this part shall not exceed 90 per centum of the costs of such project, including costs of administration, for any period prior to August 20, 1966, and shall not exceed 50 per centum of such costs for periods thereafter. Non-federal contributions may be in kind as defined in § 50.1.

(b) Federal assistance to a project may exceed 90 per centum of the costs of such project if the project is sponsored by an Indian tribe whose public facilities (including but not limited to schools, hospitals and parks and other recreational facilities) are owned by the Federal government or receive more than 75 per centum of their revenues from the Federal government.

### Subpart E—Evaluation, Records, and Disclosure

**§ 50.40 Evaluation and projects.**

Pursuant to such standards and criteria as may be established by the Secretary, a continuing and systematic evaluation of the progress and results of a project shall be conducted by the Secretary for the purpose of determining overall effectiveness of projects. The Secretary may at all reasonable times have access to and the right to inspect the place of employment of enrollees in the project when necessary to evaluate the project or to determine compliance with the work-training agreement.

**§ 50.41 Records, reports and disclosure of information.**

(a) The sponsor shall maintain such records and make such reports as required by the Secretary for the purpose of administration of the Act. Such records shall be open for examination by the Secretary in accordance with the provisions of the work-training agreement.

(b) Disclosure of any information contained in the records of the project and secured from youths, sponsors, public agencies, or other persons or groups or organizations as an incident to the administration of the project, including selection of enrollees, shall be governed by the disclosure regulations promulgated by the Secretary. Each work-training agreement or other agreement entered into by the Secretary for the purpose of carrying out an activity under the Act shall contain a provision setting forth this requirement.

### Subpart F—Disputes and Review

**§ 50.50 Disputes.**

Any dispute between the parties to a work-training agreement concerning a question of fact arising under the work-training agreement which is not disposed of by agreement shall be decided by an authorized representative of the Secretary designated for this purpose, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the sponsor.

**§ 50.51 Review by the Secretary.**

(a) The decision referred to in § 50.50 shall be final and conclusive unless within 30 days from the date of receipt of a copy of the decision, the sponsor mails or otherwise furnishes to the official rendering the decision a written appeal addressed to the Secretary of Labor, Washington, D.C. The decision of the Secretary shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence: *Provided*, That the foregoing shall not preclude consideration of law questions, in connection with decisions provided for in § 50.50: *Provided further*, That nothing in this subpart shall be construed as making final the decision of any administrative official, representative, or board on a question of law. In connection with any appeal proceeding under this section, the sponsor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the sponsor shall proceed diligently with the performance of the work-training agreement and in accordance with the decision rendered under § 50.50.

(b) The Secretary may on his own initiative review any determination made under Title I, Part B of the Act where review is not otherwise provided for under the regulations in this part, and if upon such review he determines the action taken was inconsistent with the rules, regulations and procedures promulgated, he may require an appropriate modification of such determination or action.

Signed at Washington, D.C., this 18th day of December 1964.

W. WILLARD WIRTZ,
*Secretary of Labor.*

R. SARGENT SHRIVER,
*Director, Office of Economic Opportunity.*

[F.R. Doc. 64-13272; Filed, Dec. 24, 1964; 8:46 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 203—BRIDGE REGULATIONS

## PART 207—NAVIGATION REGULATIONS

### Snohomish River, Wash.; Hampton Roads and Willoughby Bay, Va.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.805 is hereby amended revoking the third undesignated paragraph of (e) (5) governing the operation of the Northern Pacific Railway Co. and the Great Northern Railway Co. bridges across the Snohomish River at Snohomish, Wash., effective on publication in the FEDERAL REGISTER, since the Secretary of the Army has granted the owners permission to maintain the bridges in a fixed position, as follows:

**§ 203.805 Snohomish River, Steamboat Slough, and Ebey Slough, Wash.; bridges.**

* * * * * *

(e) *Bridges where constant attendance of draw tenders is not required.* * * *

(5) The bridges to which this paragraph applies and the special regulations applicable in each case, are as follows:

* * * * * *

Snohomish River; bridges of the Northern Pacific Railway Co. and the Great Northern Railway Co. at Snohomish. [Revoked]

* * * * * *

[Regs., Dec. 9, 1964, 1502-32 (Snohomish River, Wash.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.156 governing the use of seaplane restricted and prohibited areas in Hampton Roads and Willoughby Bay, Norfolk, Va., is hereby amended with respect to paragraph (b) (1) and (2), to prohibit the public from swimming in these areas during seaplane operations, effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 207.156 Hampton Roads and Willoughby Bay, Norfolk, Va.; seaplane restricted and prohibited areas.**

* * * * * *

(b) *The regulations.* (1) Persons may not enter and vessels may not operate in the prohibited area except on authorization of the Commanding Officer, Naval Air Station, Norfolk, Va.

(2) Intent to conduct seaplane operations in the restricted area will be indicated by any or all of the following: Crashboats showing flashing lights, sounding sirens, or hailing by voice; illumination of seadrome markers and float lights; or "buzzing" by low-flying aircraft. Whenever any of the above-named signals are observed by persons and vessels in the restricted area, they shall carry out such instructions as may be given by Naval crashboat personnel, clear the area promptly, and remain clear until seaplane operations are terminated. Persons and vessels shall give seaplanes the right-of-way in the restricted area.

* * * * * *

[Regs., Sept. 11, 1964, 1507-32 (Hampton Roads-Willoughby Bay, Va.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
*Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 64-13262; Filed, Dec. 24, 1964; 8:45 a.m.]



# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3516]

[Fairbanks 010351]

[Anchorage 053359]

### ALASKA

### Partial Revocation of Certain Withdrawal Orders and Executive Order of January 7, 1903 (St. Lawrence Island)

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U.S.C. 711), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental orders of March 17, 1941, and October 10, 1942, and Public Land Order No. 751 of August 29, 1951, so far as they withdrew the following-described lands for an air navigation site and for townsite purposes are hereby revoked:

SEWARD MERIDIAN

T. 5 N., R. 11 W.,
Sec. 5, lots 1 to 5 incl., and 12 to 19, incl.;
Sec. 6, lots 11 and 30, and NE¼NE¼NE¼;
U.S. Survey No. 2970A and No. 3025A, in secs. 5 and 6.
T. 6 N., R. 11 W.,
Sec. 28, W½;
Sec. 29, SE¼;
Sec. 32;
Sec. 33, W½.

The areas described aggregate 1,716.48 acres of nonpublic lands.

2. The Executive Order of January 7, 1903, withdrawing St. Lawrence Island as a reindeer station, is hereby revoked so far as it affects United States Survey No. 3728, containing 97.78 acres of nonpublic land.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

DECEMBER 21, 1964.

[F.R. Doc. 64-13275; Filed, Dec. 24, 1964; 8:46 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket Nos. 14229, 15096; FCC 64-1166 corrected]

## PART 73—RADIO BROADCAST SERVICES

### Miscellaneous Amendments

In the matter of fostering expanded use of UHF television channels, Docket No. 14229; in the matter of amendment of § 73.606 table of assignments, television broadcast stations (Phoenix, Ariz.), RM-466; in the matter of amendment of § 73.606 table of assignments, television broadcast stations (Phoenix, Ariz.), Docket No. 15096, RM-382, RM-409; in the matter of amendment of § 73.606 table of assignments, television broadcast stations (Pittsburg, Cotati, and Concord, Calif.), RM-477; in the matter of amendment of § 73.606 table of assignments, television broadcast stations (Fort Dodge, Iowa), RM-610; in the matter of amendment of § 73.606 table of assignments, television broadcast stations, Greeneville, Tenn., RM-629.

*Supplement No. 2 to the Third Report and Order.* 1. Pursuant to the policy announced in the Third Report and Order in the above-entitled matter, in which the Commission said that it would attempt to provide UHF channels in selected places where prospective applicants have stated that they are prepared to proceed promptly with the construction and operation of new UHF television broadcast stations, if authorized, as soon as channels become available, we have completed a study of certain cities and have found that assignments may be made without significantly affecting the development of a national assignment plan. These assignments are discussed in the following paragraphs.

FORT DODGE, IOWA

2. Cowles Magazines and Broadcasting, Inc. (Cowles), licensee of KRNT-TV, Channel 8, Des Moines, Iowa, has operated a UHF television translator, K70CL, in Fort Dodge, Iowa, since May 16, 1962. Although Channel 70 is not assigned to Fort Dodge, its use under the UHF television translator rules requires that it meet all minimum geographic spacings with other UHF assignments. K70CL retransmits the signals of KRNT-TV to the Fort Dodge area with maximum effective radiated power of approximately 615 watts from a bi-directional antenna mounted at the 590 foot level of the KQTV tower. KQTV operates on Channel 21 in Fort Dodge and is licensed to Northwest TV Co.

3. On August 30, 1963, Cowles filed an application for authority to increase the power of K70CL by employing a 1 kilowatt transmitter and requested a waiver of § 74.735 (formerly § 4.735) which limits the transmitter power of UHF translators to 100 watts. KQTV supported the request for increased power with a statement that the people of Fort Dodge and the surrounding area would obtain better service and more use of all-channel TV receivers if K70CL employed higher power. There is some evidence which indicates that a second UHF service tends to increase the potential UHF audience and results in increased viewing of both stations. In view of our action herein with respect to Cowles' later application for regular assignment of Channel 70 to Fort Dodge, we need not pass on the requested waiver of the translator rules, and this application is dismissed.

4. On June 1, 1964, Cowles filed a petition (RM-610) to assign Channel 70 to Fort Dodge so that it could apply for a new UHF television broadcast station to operate as a satellite of KRNT-TV. Channel 70 may be assigned to Fort Dodge without any other change in the present Table of Assignments in § 73.606 of the rules. The assignment will conflict with the NAEB proposal to assign Channel 70 to Carroll, Iowa. However, there is considerable flexibility in the upper UHF channels in this area of the country and a suitable replacement could be found if the Commission should decide to adopt the NAEB proposal.

GREENEVILLE, TENN.

5. On July 1, 1964, the Commission received a petition from R. C. Bird, Jr. and Thomas G. Hull, requesting the assignment of Channel 25 or Channel 44 to Greeneville, Tenn. The petition stated that the parties are prepared to proceed promptly with the construction and operation of a new UHF television broadcast station in Greeneville, if a channel is made available and they are awarded a construction permit. On July 8, 1964, the Commission adopted the Third Report and Order in Docket No. 14229, assigning Channel 18 to Linville, N.C. Channel 25 at Greeneville will not meet the required 60 mile minimum separation to Channel 18 at Linville. In a letter dated July 27, 1964, the petitioner noted this conflict and requested that we limit our consideration to the assignment of Channel 44 to Greeneville.

6. Channel 44 may be assigned to Greeneville, Tenn., without any other change in the Table of Assignments in § 73.606 of our rules. The assignment conflicts with our proposal to assign Channel 44 to Johnson City, Tenn. However, the use of the channel at Greeneville will provide service to much of the area that would be served if the channel were used at Johnson City and in any event we do not anticipate too much difficulty in providing a suitable replacement in Johnson City if this is found to be desirable. The assignment also falls a few miles short to the NAEB proposed assignment of Channel 44 to Blacksburg, Va. Since Blacksburg is not in a particularly congested assignment area, we do not anticipate any difficulty in finding a suitable replacement there if the Commission should decide to adopt the NAEB proposal.

MURFREESBORO, TENN.

7. William R. Vogel of Murfreesboro, Tenn., filed a comment in Docket No. 14229, requesting the assignment of Channel 18 to Murfreesboro and stated that he plans to file an application for authority to construct and operate a new UHF television at Murfreesboro as soon as a channel becomes available. An engineering study accompanying the comment showed that the assignment would require deletion of Channel 18 at Chatsworth, Ga., where it is reserved for educational use. The comment proposed the substitution of Channel 14 at Chatsworth by moving it from Chattanooga, Tenn. Mr. Vogel further stated that Murfreesboro receives TV service from four VHF stations in Nashville, approximately 30 miles away and in order to successfully pioneer local TV service for Murfreesboro, he needs a

channel in the lower part of the UHF band. There is no TV channel assigned to Murfreesboro in the present Table of Assignments in Section 73.606 of our rules. Nashville is assigned Channels 2, 4, 5, 8, 30 and 36 with Channel 2 reserved for educational use.

8. On August 20, 1964, Mr. Vogel filed a petition requesting that since a construction permit had been issued for Channel 18 in Chatsworth, we consider in lieu of Channel 18, the assignment of Channel 30 to Murfreesboro. This would, in effect, amount to a shift of Channel 30 from Nashville to Murfreesboro. The Commission proposed, in Docket No. 14229, to assign Channels 52 and 73 to Murfreesboro with Channel 52 reserved for educational use. We also proposed to retain Channels 30 and 36 in Nashville and to add Channel 70 as a second educational reservation. NAEB proposed to assign Channels 20 and 30 to Murfreesboro with Channel 20 reserved for educational use and to replace Channels 30 and 36 in Nashville with Channels 28 and 39, and to reserve Channel 39 for educational use.

9. Channel 30 may be moved from Nashville to Murfreesboro with no other change in the present Table of Assignments in § 73.606 of the rules. There are no pending applications for Channel 30 in Nashville and we are not aware of any current interest in the establishment of a UHF operation on that channel in Nashville. No reply comments were filed opposing the NAEB proposal to move the channel to Murfreesboro. The Metropolitan Board of Education, licensee of WDCN–TV which operates on Channel 2 in Nashville, filed a comment supporting the NAEB proposal to assign and reserve Channel 39 in Nashville. The prospect of early inauguration of UHF television broadcast service on Channel 30 at Murfreesboro warrants favorable action on the request of Mr. Vogel. While this conflicts with the original proposal of the Commission, NAEB has shown that suitable replacement channels can be found for Nashville if necessary. Under the policy announced in the Third Report and Order in the subject proceeding, we are taking early action only with respect to those channels where prospective applicants have stated that they are prepared to proceed promptly with the construction and operation of new UHF stations if awarded a construction permit. Therefore, we are not making any decision at this time as to other channel assignments in Nashville and Murfreesboro.

PITTSBURG, CALIF.

10. On February 15, 1963, Channel 16 was moved from Pittsburg, Calif., to Cotati, Calif., and reserved for educational use, upon petition of the Sonoma State College Foundation, Inc. In the rule making proceeding that led to this action, no opposing comments were filed. On September 3, 1963, Jerry Bassett, Inc. filed a petition (RM–477) requesting the return of Channel 16 to Contra Costa County, specifically to Concord, Calif. The petitioner stated that at the time Sonoma College asked for the shift of Channel 16, it was not legally organized or otherwise fully positioned to apply for Channel 16 in Pittsburg, hence no opposition was filed to the proposed move. However, it was in the process of organizing and planning to apply for a TV channel in Contra Costa County and the removal of the channel dealt a harsh blow to its plans. The petitioner further stated that it was now prepared to apply for authority to construct and operate a new UHF television station on Channel 16 whenever the channel was moved back to Contra Costa County.

11. The petition of Jerry Bassett, Inc., along with a number of others was caught up in the proceeding in Docket No. 14229 which looked toward an overall revision of UHF assignments in the United States. In its comments filed in Docket No. 14229, we were again urged by Jerry Bassett to return Channel 16 to Concord since Sonoma College had made no move to utilize the assignment at Cotati. Comments were filed by a number of other groups and individuals in Contra Costa County, urging the return of the channel so that local TV service could be provided by Bassett. Among these were The Democratic Central Committee of Contra Costa County, Concord Area Chamber of Commerce, the City Council of the City of Pittsburg, the Superintendent, San Ramon School District, Vacaville Chamber of Commerce and Agriculture, Assemblyman, Jerome R. Waldie, of the California Legislature, Rio Vista Chamber of Commerce, Walnut Creek Chamber of Commerce, as well as a number of civic and fraternal orders and local businessmen. Sonoma State College Foundation, Inc. filed comments opposing the move of Channel 16 from Cotati. They referred to the Opposition to the Petition for Rule Making which they had filed, stating that the arguments against the return of Channel 16 to Pittsburg were fully documented therein. The arguments in brief, were that Contra Costa County receives excellent TV service from stations in the San Francisco Bay area, that an educational channel is needed for Sonoma County and adjacent Napa County because the only existing educational station in the area, KQED, San Francisco, provides neither direct instruction in specific college courses nor related supplementary information programming. They further pointed out that since the filing of their opposition, Jerry Bassett, Inc. had filed an application for a construction permit at Walnut Creek, Calif., on Channel 26 and that a transmitter located at Walnut Creek would serve the area that would be served by Channel 16 at Concord or Pittsburg. The Sonoma County public schools, Sonoma County Board of Education, California State Colleges and Santa Rosa Junior College filed letters supporting the opposition of Sonoma State College Foundation, Inc. In reply comments, Jerry Bassett, Inc. stated that the restoration of Channel 16 to Pittsburg would eliminate the need for a hearing involving another applicant for Channel 26 and would result in earlier inauguration of new UHF service in Contra Costa County.

12. While it is true that Sonoma State College Foundation, Inc. has made little progress toward the inauguration of educational TV service, we are not disposed to delete the educational reservation at this time, particularly since we are able to provide a suitable substitute channel at Pittsburg. Channel 42 may be shifted from Stockton to Pittsburg without other changes in the present Table of Assignments. Stockton is currently assigned VHF Channel 12 as well as UHF Channels 36, 42 and 64. Channel 42 is reserved for educational use. The Television Advisory Committee of the State of California, in comments filed in Docket No. 14229, stated that a full-scale study of the needs of the State for educational channels has not yet been made but the general objective will be to provide statewide coverage. They also foresee the need for additional channels but specific details are to be worked out later. The transfer of Channel 42 from Stockton to Pittsburg will not significantly impair our ability to provide the State of California with a fair and equitable share of available UHF channels and distribute them so as to provide for the future growth of both educational and commercial TV service. NAEB proposed to assign Channel 42 to Fairfield, California, approximately 20 miles from Pittsburg, as an unreserved channel. Therefore, the assignment to Pittsburg does not conflict with the NAEB proposal.

PHOENIX, ARIZ.

13. On November 5, 1962, Dwight Harkins filed a petition (RM–382) to assign Channel 20 to Phoenix, Ariz., so that an application for a subscription TV operation could be filed. On January 23, 1963, we received a petition from Power Television Incorporated (RM–409) to assign Channel 26 to Phoenix. Power proposed to construct and operate a conventional TV broadcast station on Channel 26. The two petitions were incorporated in a Notice of Proposed Rule Making (Docket 15096) issued by the Commission on June 6, 1963.

14. When the Commission initiated the proposal in Docket No. 14229 for an overall revision of the Table of Assignments for UHF channels, on October 24, 1963, this outstanding proceeding along with several others were incorporated by reference and the Table of Assignments proposed by the Commission included the assignment of Channels 20 and 26 to Phoenix. On July 25, 1963, e pluribus unum enterprises had filed a petition (RM–466) to also assign Channel 14 to Phoenix. However, the proposed Table of Assignments that was to be presented to the Commission had been completed and inclusion of the e pluribus unum enterprises request at that late date would have required a revision. Therefore, the petition was incorporated into Docket No. 14229 so that it could be considered before a final Table was adopted.

15. Except for one letter from a citizen opposing pay-TV and one letter from a citizen supporting pay-TV, the only comment filed in Docket No. 15096 was a vigorous opposition by Meredith Broadcasting Company, licensee of KPHO and KPHO–TV, in Phoenix. Meredith argued that Phoenix is served by one noncommercial educational TV station, four commercial TV stations, three of which are affiliated with the three national TV networks and that its station operates as an independent station. The size of the Phoenix market does not warrant the establishment of even a fifth TV station, much less a fifth and sixth, and all of the existing station and its station in particular will be adversely affected by the added competition. It is Meredith's position that the petitioners have made no adequate showing of need for the additional service and that in the absence of a specific and detailed showing, the Commission cannot properly weigh the adverse effect of the added competition against the needs of the area. Similar arguments were advanced by Meredith in its opposition to the petition of e pluribus unum enterprises and in comments filed in Docket No. 14229.

16. Comments filed in Docket No. 14229 by Richard A. Clark, a prospective applicant for a new UHF station in Phoenix; Welch, Mott & Morgan representing a local group in Phoenix which is interested in applying for a new UHF television station in Phoenix; and e pluribus unum enterprises, endorsed the proposal to add UHF channels to Phoenix. KTAR Broadcasting Company, licensee of KTAR–TV, Channel 12, Mesa, Ariz., suggested that instead of assigning additional UHF channels to Phoenix that we assign Channel 12 to Phoenix and that we use the proposed UHF channels to provide local outlets in Mesa and Glendale. Clark points to the phenomenal growth of Phoenix and the surrounding area, cites figures for the retail sales and effective buying income, and lists the steadily increasing broadcast revenue figures to show that additional channels are needed and are likely to be used. Welch, Mott & Morgan use similar arguments and point to the fact that the healthy economic climate is not the result of a single specialized industry but covers a broad spectrum and is therefore likely to continue. The three network affiliated stations have little time to devote to local interests and the single local independent station cannot adequately serve all of the varied local interests of the Phoenix market. The principal argument of e pluribus unum enterprises is that there is a pressing need for a TV station to serve the large Spanish-speaking population of Phoenix and its environs. The station it proposes would be programmed largely in the Spanish language and would provide service to an estimated 100,000 people who are inadequately served by the local TV stations because of the language difficulty. The object of such broadcasts would be to help the Spanish-speaking people make the transition to American life and society without losing the major elements of their own culture and heritage. Some English language broadcasts would be made but they too would be directed to the Spanish-speaking population to further that objective.

17. On April 3, 1964, the attorneys for Power Television Incorporated notified the Commission by letter that they were no longer interested in this proceeding and requested that their petition for rule making (RM–409) be dismissed. On August 4, 1964, e pluribus unum enterprises filed a request that we take final action with respect to their petition for the assignment of Channel 14 to Phoenix, stating that it stands ready to prepare and file an application for authority to construct a new UHF television station in Phoenix and that it will do so promptly when the requested assignment is made.

18. Channel 14 may be assigned to Phoenix under the current Table of Assignments in Section 73.606 of our rules, by deleting Channel 14 from Holbrook, Ariz. While the petitioner suggested replacing Channel 14 with Channel 19 at Holbrook, there is no immediate prospect of use of a UHF channel in Holbrook and we would prefer to complete the overall assignment plan before deciding upon a replacement. For the channels involved, the FCC proposal in Docket No. 14229 is identical with the present Table and Channel 14 may be assigned to Phoenix with the same change. The assignment of Channel 14 to Phoenix conflicts with the NAEB overall proposal which includes the assignment of Channel 14 to Winslow, Ariz., as an educational reservation and the assignment of Channels 15, 21, and 27 to Phoenix, with Channel 15 reserved for educational use. By adding Channel 14 to the outstanding proposal in Docket No. 14229 to add Channels 20 and 26 to Phoenix, we can closely parallel the NAEB proposal to assign Channels 15, 21, and 27 to Phoenix. In view of the specific requests for Channels 14 and 20 by parties who have indicated that they are prepared to proceed promptly with applications we believe that the requirement for a second educational channel in Phoenix can be satisfied by reserving Channel 26 for educational use. It should be noted that the addition of Channel 14 to Phoenix requires the concurrence of the Mexican Government under the terms of the United States-Mexican TV Agreement. The proposal to add Channels 20 and 26 has already been accepted. An examination of the assignment pattern in the border area shows no reason to anticipate an unfavorable response from Mexico.

CONCLUSION

19. In view of the representations made by the various petitioners which are discussed in the preceding paragraphs, that they are prepared to proceed promptly with the inauguration of new UHF television broadcast service as soon as suitable channels are made available and if they are awarded construction permits to do so, the adoption of the described changes in the Table of Assignments for UHF channels will assist materially in achieving the objective of Docket No. 14229, i.e., the expanded use of UHF channels, and is therefore in the public interest. The all-channel TV receiver legislation came into force on May 1 of this year and the number of such receivers in the hands of the public is increasing daily. We have a responsibility to eliminate any unnecessary delay in the inauguration of new UHF service so that service may be provided to the public on these channels. The action taken herein will provide channels for which there is an immediate need.

20. Under the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That effective January 25, 1965, § 73.606 of the Commission rules is amended insofar as the communities named are concerned, to read as follows:

| City | Channel No. |
|---|---|
| Pittsburg, Calif. | 42 |
| Stockton, Calif. | 13+, 36, 64 |
| Fort Dodge, Iowa | 21, 70 |
| Greeneville, Tenn. | 44− |
| Murfreesboro, Tenn. | 30+ |
| Nashville, Tenn. | *2−, 4+, 5, 8+, 36+ |
| Phoenix, Ariz. | 3+, 5−, *8+, 10−, 14−, 20, *26+ |

Delete the listing for Holbrook, Arizona.

Frequency assignments on Channels 14–83 inclusive are subject to change in accordance with the final outcome of Docket No. 14229. However, the Commission will endeavor to avoid changes in channel assignments where construction has been authorized and has been completed to a point where a change in channel assignment would result in substantial additional expense to the licensee or permittee. Lack of interest in implementing new UHF channel assignments adopted prior to the development of a revised over-all national assignment plan for UHF channels, may result in deletion of the assignments from the final Table.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: December 16, 1964.

Released: December 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–13311; Filed, Dec. 24, 1964; 8:46 a.m.]

## PART 89—PUBLIC SAFETY RADIO SERVICES

### Frequencies; Correction

The Commission's Order of December 14, 1964 (Mimeo 60149, 29 F.R. 18057) in the above-entitled matter is corrected as follows:

Under Instruction number 1 § 89.101 (i) (9) is corrected to read as follows:

§ 89.101 Frequencies.

• • • • • •

(i) • • •

(9) Authorizations in this band are subject to the condition that no harmful interference is caused to the maritime radionavigation service or to Government services.

• • • • • •

Released: December 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–13312; Filed, Dec. 24, 1964; 8:47 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32153]

### PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 17th day of December A.D. 1964.

The Commission having under consideration a notice of proposed rule making published in the FEDERAL REGISTER on November 19, 1964 (29 F.R. 15539) which proposed amendments of the Uniform System of Accounts for Railroad Companies pertaining to property retired from service, which property previously was subject to amortization accounting, and due consideration having been given to the responses pursuant to said notice and all other aspects of this matter;

*It is ordered*, That the amendments of the Uniform System of Accounts for Railroad Companies (49 CFR Part 10), which amendments appear below and made a part hereof, shall become effective January 1, 1965; and

*It is further ordered*, That notice of this order shall be given to railroad companies hereby affected and to the general public by depositing a copy of said order in the Office of the Secretary of the Commission in Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

ITEM NO. 1. EQUIPMENT

*Account 330, Retirements—Equipment.* In the text of this account eliminate paragraph (a) pertaining to equipment previously subject to amortization accounting and substitute therefor the following revised paragraph (a); also add new paragraph (b) set forth below and change present paragraph (b) to paragraph (c):

330 Retirements; equipment.

(a) When equipment previously subject to amortization accounting (pursuant to rules in effect during the period 1941–1951 consistent with section 124, "Amortization deductions," of the Internal Revenue Code) is retired the difference between (1) the service value (ledger value less value of salvage and insurance recovered) thereof, and (2) the balance in account 736, "Amortization of defense projects—Road and equipment," after appropriate adjustment for any depreciation accrued thereon, shall be included in this account, except for a difference, material in amount, as covered by paragraph (b) of this account.

(b) When the difference referred to in paragraph (a) of this account or the aggregate of all such differences for retirements is so material that inclusion in this account would distort and impair the significance of net income for the year the amount shall be credited to retained income account 606, "Other credits to retained income." (See General Instructions 1–2(d).)

* * * * *

ITEM NO. 2. ROAD PROPERTY

*Account 267, Retirements—Road.* In the text of this account eliminate paragraph (b), pertaining to road property previously subject to amortization accounting; add the following revised paragraph (b); also add new paragraph (c) set forth below and change present paragraph (c) to paragraph (d). (Retain unchanged present paragraph (a) and the Note in this account.)

267 Retirements; road.

* * * * *

(b) When road property previously subject to amortization accounting (pursuant to rules in effect during the period 1941–1951 consistent with section 124, "Amortization deductions," of the Internal Revenue Code) is retired the difference between (1) the service value (ledger value less salvage value and insurance recovered) thereof, and (2) the balance in account 736, "Amortization of defense projects—Road and equipment," after appropriate adjustment for any depreciation accrued thereon, shall be included in this account, except for a difference, material in amount, as covered by paragraph (c) of this account.

(c) When the difference referred to in paragraph (b) of this account or the aggregate of all such differences for retirements is so material that inclusion in this account would distort and impair the significance of net income for the year the amount shall be credited to retained income account 606, "Other credits to retained income." (See General Instructions 1–2(d).)

* * * * *

(Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

[F.R. Doc. 64–13316; Filed, Dec. 24, 1964; 8:47 a.m.]

### PART 95—CAR SERVICE

[Rev. S.O. No. 946; Amdt. 1]

#### St. Louis-San Francisco Railway Company Authorized To Operate Over Certain Trackage of Southern Pacific Company

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Revised Service Order No. 946 (28 F.R. 11735, 12256, 29 F.R. 7425) and good cause appearing therefor:

*It is ordered*, That § 95.946 *The St. Louis-San Francisco Railway Company authorized to operate over certain trackage of the Southern Pacific Company (formerly T&NO)* of Service Order No. 946, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled by the order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered*, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13317; Filed, Dec. 24, 1964; 8:47 a.m.]

[S.O. No. 948; Amdt. 2]

### PART 95—CAR SERVICE

#### Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Trackage of Union Pacific Railroad

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 948 (29 F.R. 564, 5757) and good cause appearing therefor:

*It is ordered*, That § 95.948 *The Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Trackage of Union Pacific Railroad*, of Service Order No. 948, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered*, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13318; Filed, Dec. 24, 1964; 8:47 a.m.]



[S.O. No. 949; Amdt. 2]

### PART 95—CAR SERVICE

#### Atchison, Topeka and Santa Fe Railway Company Authorized To Operate Over Trackage of Union Pacific Railroad

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 949 (29 F.R. 564, 5757) and good cause appearing therefor:

*It is ordered*, That § 95.949 *The Atchison, Topeka and Santa Fe Railway Company authorized to operate over trackage of Union Pacific Railroad* of Service Order No. 949, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Sec. 1, 12, 15, 24, Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered*, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13319; Filed, Dec. 24, 1964; 8:47 a.m.]

[S.O. No. 950; Amdt. 2]

### PART 95—CAR SERVICE

#### Chicago, Burlington & Quincy Railroad Company Authorized To Operate Over Trackage of Union Pacific Railroad

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 950 (29 F.R. 565, 5757) and good cause appearing therefor:

*It is ordered*, That § 95.950 *The Chicago, Burlington & Quincy Railroad Authorized to Operate Over Trackage of Union Pacific Railroad* of Service Order No. 950, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled by the order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

*It is further ordered*, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13320; Filed, Dec. 24, 1964; 8:48 a.m.]

[S.O. No. 951; Amdt. 2]

### PART 95—CAR SERVICE

#### Union Pacific Railroad Authorized To Operate Over Industrial Trackage of Freeport Center, Inc.

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 951 (29 F.R. 1386, 8419) and good cause appearing therefor:

*It is ordered*, That § 95.951 *Union Pacific Railroad authorized to operate over industrial trackage of the Freeport Center, Inc.*, of Service Order No. 951, by, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(e) *Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Secs. 1, 12, 15, 24 Stat. 379, 382, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4))

*It is further ordered*, That copies of this amendment shall be served upon the Department of Business Regulation, Public Service Commission, State of Utah, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13321; Filed, Dec. 24, 1964; 8:48 a.m.]

[S.O. No. 952; Amdt. 2]

### PART 95—CAR SERVICE

#### Denver and Rio Grande Western Railroad Authorized To Operate Over Industrial Trackage of Freeport Center, Inc.

DECEMBER 22, 1964.

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 952 (29 F.R. 1386, 8419) and good cause appearing therefor:

*It is ordered*, That § 95.952 *Denver and Rio Grande Western Railroad authorized to operate over industrial trackage of the Freeport Center, Inc.*, of Service Order No. 952, be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(e) *Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4))

*It is further ordered,* That copies of this amendment shall be served upon the Department of Business Regulation, Public Service Commission, State of Utah, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-13322; Filed, Dec. 24, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 1004 ]

[Milk Order 4]

### MILK IN DELAWARE VALLEY MARKETING AREA

### Termination of Proceeding To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rule making was issued by the Deputy Administrator, Agricultural Marketing Service, on December 8, 1964, with respect to suspension of certain provision of the order regulating the handling of milk in the Delaware Valley marketing area. Interested persons were invited to submit their views, data or arguments to the hearing clerk not later than December 14 in connection with the proposed suspension.

The provision in § 1004.50(a)(4) proposed to be suspended reads "and shall be an additional 20 cents more if the percentage of such receipts to such disposition is less than 126". Such provision relates to the supply-demand adjustment mechanism in the Class I pricing formula which increases the Class I price level when the 12-month average ratio of producer receipts to Class I sales drops below the standard ratio of 126.

Cooperative associations representing a substantial proportion of producers serving the market and fluid milk handlers regulated under the terms of the order requested the suspension to prevent a 20-cent increase in the Class I price for the forthcoming quarter (January–March) over the price level of the current quarter (October–December). Petitioners stated that the higher Class I price would be contraseasonal and would jeopardize their markets because of price disparities between the Delaware Valley and adjacent Federal order markets.

The anticipated price increase which prompted the request for suspension action was based on market information then available to the market administrator and interested parties. Handler reports filed for the month of November revealed that the provision in question will not affect the expected 20-cent increase in the Class I price for the January–March quarter.

Because the requested suspension action would accomplish no useful purpose, it is found and determined that the proposed suspension for the period December 1, 1964 through March 31, 1965, of the aforesaid provision of the order relating to the supply-demand adjustor should not be effectuated; and the proceeding begun in this matter on December 8 is hereby terminated.

Signed at Washington, D.C., on December 21, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-13257; Filed, Dec. 24, 1964; 8:45 a.m.]

[ 7 CFR Part 1098 ]

[Docket No. AO-184-A20]

### MILK IN NASHVILLE, TENN., MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Nashville, Tenn., on July 28–30, 1964, pursuant to notice thereof issued on June 19, 1964 (29 F.R. 8106).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on November 17, 1964 (29 F.R. 15651; F.R. Doc. 64-11910) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of this hearing relate to:

1. Expansion of the marketing area;
2. Location differentials to handlers and producers;
3. Providing a Class II classification for certain designated outlets;
4. Requiring a handler to settle with the market administrator for all producer milk delivered to his pool plant; and
5. Computing the producer butterfat differential to the nearest fifth of a cent.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Nashville, Tenn., marketing area, which now contains 17 Tennessee counties, three Kentucky counties and the Fort Campbell military reservation, should be expanded by adding the 18 Tennessee counties of Cannon, Clay, Coffee, DeKalb, Fentress, Giles, Jackson, Lawrence, Lewis, Maury, Marshall, Overton, Perry, Pickett, Putnam, Warren, Wayne and White; and the three Kentucky counties of Barren, Metcalf and Monroe. The expanded marketing area will comprise a contiguous area in which both wholesale and retail routes of milk handlers doing business in the area are interspersed. The handling of milk in this proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The minimum sanitary requirements applicable to Grade A milk throughout the present and proposed marketing area are those of the States of Tennessee and Kentucky, which are patterned after the U.S. Public Health Ordinance and Code. In the case of some local health authorities, there may be minor variations. Such variations, however, do not materially affect the procurement or distribution of milk within the area.

With the advent of new and better highways, improved and larger transportation equipment, better refrigeration facilities for storing and moving milk, and the shifting by consumers from home delivery to store purchases of fluid milk products, the area serviced by handlers has been expanded. The present marketing area does not constitute the proper marketing area under current marketing conditions. For this reason several Nashville regulated handlers and the principal cooperative association of producers in the market proposed that the present marketing area be expanded by adding the 21 counties enumerated above and Hardin County, Tenn.

One plant in each of the Tennessee counties of Coffee, Giles, Maury, and Warren would become fully regulated because of the marketing area expansion. The plants of two other unregulated distributors with sales in some counties proposed to be added to the marketing area are in Lincoln County, Tenn., and Wayne County, Ky. It was indicated that the Wayne County handler would become fully regulated under the Louisville-Lexington-Evansville order if the marketing area of that order were expanded as proposed at a recent hearing. It is not clear from the record, however, whether or not the Lincoln County handler would become fully regulated under the Nashville order as a result of this marketing area expansion.

More than half the Class I distribution in the 13 counties of Cannon, DeKalb, Jackson, Lawrence, Lewis, Marshall, Overton, Perry, Putnam, Wayne, and White in Tennessee and Barren and Metcalf in Kentucky is made by presently regulated Nashville order handlers. In two of these counties, Lewis and Perry, all milk sold is now regulated under the Nashville order. In the Tennessee counties of Jackson, Overton and Putnam and in the Kentucky counties of Barren and Metcalf, all milk sold is regulated under either the Nashville, Louisville-Lexington-Evansville (assuming the Wayne County, Ky., plant would be regulated under that order) or the Knoxville order. In the six remaining counties mentioned above, one or more presently unregulated handlers also sell fluid milk products.

The addition of Clay, Fentress, and Pickett Counties, Tenn., and Monroe County, Ky., to the marketing area will not subject any additional handlers to regulation under the Nashville order. Practically all Class I distribution in these counties is from the plants of handlers subject to the Nashville, Louisville-Lexington-Evansville and Knoxville orders. Presently, the only unregulated distribution in these counties is the relatively limited sales by the Wayne County, Ky., handler. As indicated above, this handler would become subject to the Louisville-Lexington-Evansville order if the marketing area of that order is expanded as proposed in a recent hearing.

Distributors operating unregulated plants in the Tennessee counties of Coffee, Giles, Maury, and Warren claimed they have the major proportion of the sales of fluid milk products in their respective counties. The cooperative association serving the Nashville market and the regulated handlers, however, presented statistical data showing that in Coffee and Maury Counties, Nashville handlers have about 70 and 65 percent, respectively, of the sales. The operator of the unregulated plant in Coffee County estimated he has slightly over 50 percent of the total sales in that county. The operator of the unregulated plant in Giles County estimated his firm has about two-thirds of the total sales in the county and that his major Nashville competitor had 20 percent of the sales. The operator of the unregulated plant in Maury County estimated he has 60 percent of the wholesale business and 75 percent of the retail business in the county. The operator of the unregulated plant in Warren County estimated he has about 80 percent of the sales in the county. Although there was a conflict in the testimony as to whether Nashville regulated handlers or the unregulated distributors had the major proportion of the sales in these counties, the information presented by the regulated handlers and the cooperative association serving the Nashville market contained detailed statistical data for each county of the sales by all competing handlers. No such detailed summary was presented by these four distributors and, accordingly, greater reliability must be placed upon the testimony presented by the Nashville regulated handlers and the cooperative association.

A substantial proportion of the sales of the three presently unregulated distributors in Coffee, Giles and Warren Counties is within these counties. Nashville regulated handlers also have Class I sales in all three counties. Whether or not Coffee, Giles and Warren Counties are included in the marketing area, the three unregulated handlers would be subject to full regulation because of their sales in other counties in the proposed marketing area. To exclude these counties from the marketing area could place these distributors at a disadvantage in competing with milk from unregulated sources for Class I sales within the counties wherein their plants are located and in which they are among the principal distributors. In view of the above, it would be inappropriate to exclude these counties from the proposed enlarged marketing area.

Nashville regulated handlers have the majority of the sales in Maury County as well as in most adjacent counties and it is an integral part of their sales area. Adding this county to the marketing area will maintain contiguity with the other counties herein to be added. Its omission would create a hiatus in the geographic expanse of the marketing area.

By including Coffee, Giles, Maury and Warren Counties in the marketing area, the major portion of the Class I sales of the four distributors located in these counties would be within the proposed marketing area and inclusion of these counties would not result in the regulation of any other known distributor, either wholly or partially.

Hardin County, Tenn., should not be added to the marketing area at this time. Presently, there is only one handler subject to the Nashville order distributing milk in this county. Of the two other regulated handlers with Class I sales in this county, one is subject to the Memphis order and the other to the Paducah order. Together, these three handlers distribute about 65 percent of the fluid milk products sold in the county. There are two unregulated handlers who also distribute milk in this county. These two handlers, however, have their principal sales in competition with handlers who would not be required to pay the specified minimum prices or account for the use of their milk under the Nashville order.

Five presently unregulated distributors testified at the hearing in opposition to extension of the marketing area. They maintained that regulated handlers are not at a competitive disadvantage when distributing milk in these unregulated counties because the unregulated distributors pay their producers a price that is competitive with the Nashville market price. The dairy farmers delivering milk to the distributors who would become regulated by the Nashville order under this proposal, except the distributor whose plant is located in Giles County, receive payment for their milk without regard to its use. These distributors pay their producers a price based on the Nashville order blend price. In most cases, these distributors use a larger percentage of their milk receipts in Class I than is reflected by the blend price for the Nashville market. To the extent that such distributors have a higher Class I utilization and do not purchase milk on a class-use basis, they do have a competitive advantage over the Nashville handlers who are required to pay class prices according to the use value of their milk.

The dairy farmers who deliver milk to the Giles County distributor sell their milk under a pricing plan described as similar to the plan prescribed by the Nashville order. There is no agency, however, to supervise and enforce this plan. These producers have no means for obtaining an impartial audit of the handler's records to determine whether they are, in fact, receiving the full class utilization value of milk as it would be computed under the Federal order.

These unregulated handlers gave as one of their reasons for opposing regulation that the dairy companies in Nashville would force them out of business. Federal milk orders give assurance to all regulated handlers that their competitors in the marketing area are purchasing their milk supplies at the same prices and upon the same class-use basis. There is no basis for the charge that the proposed extension of the marketing area would force these unregulated handlers out of business.

These same unregulated handlers also argued that the expense of keeping the extra records that would be required by the order would be prohibitive. They did admit, however, that the only extra records involved would be records which show their utilization of milk in Class I and II outlets and that the maintenance of such records would not be burdensome.

A further argument presented by these unregulated handlers was that if they became regulated, they would lose their producers to the producer association in the market and thereby lose control over them. One handler, who operates a Grade A fluid milk plant and a cheese plant at which he received ungraded milk presented an additional argument. At the present time, all the milk of Grade A producers is picked up in cans and is transported to his plant on the same truck with the milk from ungraded milk producers. This milk is transported on the same truck because it would not be economically feasible to haul the ungraded milk on a separate truck since the ungraded milk producers average about 60 pounds of milk per pickup. This handler maintained that if his fluid milk plant became regulated under the order, his Grade A producers would install bulk tanks. This would make it necessary for him to give up over 250 ungraded producers who are presently having their milk delivered on the same trucks as the Grade A producers. Federal milk orders may neither require producers to join cooperative associations nor force producers to deliver their milk in either bulk tanks or cans. Also, there are no restrictions placed on handlers as to where or from whom they may purchase their milk.

Three dairy farmers who produce milk for two of the unregulated handlers also testified against the expansion of the marketing area. These dairy farmers claimed that if they came under the order, they would receive less for their milk.

The prices received by these three dairy farmers for their milk are based upon the Nashville blend prices. The handlers to whom they deliver stated on the record that the price they pay their producers is about the same price as Nashville producers receive for their milk and is not based upon the handler's utilization of their milk. The Class I utilization of the handlers to whom they deliver is somewhat higher than the average for the Nashville market; therefore, regulating these handlers will have a tendency to increase the Nashville blend price and to that extent these producers would realize an increase in the price they receive for their milk.

The representative of the producers' association also claimed that the great majority of dairy farmers in the counties proposed to be added to the marketing area desire the same protection and pricing arrangements as producers delivering to Nashville. Dairy farmers in those counties, it was further stated, want the same checking procedure on weights and tests that are afforded producers who have the benefit of Federal regulation.

It would not be practicable to consider including in the marketing area all territory wherein handlers who would be regulated because of their sales in the expanded marketing area have Class I sales. Neither would it be feasible under this order to attempt to differentiate for the purpose of regulation between Class I sales by such handlers inside and outside the marketing area. It is necessary that all producer milk be fully regulated regardless of where it is sold. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is subject to classification, pricing and pooling, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such handler is fully regulated, he would not, in fact, be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and lead to a complete breakdown of the order.

As noted in three decisions issued June 19, 1964 (29 F.R. 9001, 9109 and 9213, official notice of which is taken) regarding amendments to 75 Federal milk orders, there is no way to treat unregulated milk equally with regulated milk other than to regulate it fully. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize the marketing conditions within the regulated marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the regulated market and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers or a uniform basis of payments to the producers who supply the market.

It is absolutely essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

The marketing area expansion herein proposed requires no change in the maximum administrative assessment of 4 cents per hundredweight now provided in the order. Although, as a result of this decision, about four or five additional distributors would become subject to regulation, the additional quantities of milk involved should not materially alter the maintenance and functioning of the market administrator's office. If it appears at any time that a lower rate will cover administration expenses, the Secretary may set the actual rate at a lower level without the necessity of amending the order.

2. *Location differentials to handlers and producers.* The location differential provisions of the order should not be changed at this time.

For plants located outside the State of Tennessee and more than 50 miles from the State Capitol in Nashville, the order now provides for the Class I price and the blend price paid to producers (except for excess milk) to be reduced by 10 cents with an additional reduction of 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 70 miles.

The two proposals at the hearing to revise the location differential provisions were concerned only with the basing point from which the mileages from the plant where milk was received from producers would be determined. No proposals were made to change the location adjustment rates. A cooperative association proposal would replace Nashville as the basing point with the nearest of the cities of Nashville, Clarksville, Tenn., and Bowling Green, Ky. A proposal made by four Nashville based handlers would establish "the nearest point in the boundary of the marketing area" as the basing point.

Three Nashville regulated handlers whose plants are in Kentucky and more than 50 miles from Nashville, are subject to a location adjustment on milk they receive from producers. A location differential of 10 cents is applicable to the milk received at the plants of two handlers in Bowling Green, which is 65 miles from Nashville. The plant of the third handler, in Hiseville, Ky., is between 100–110 miles from Nashville and the location differential credit of 16 cents is applicable to milk received from producers there.

The Nashville based handlers claim that they are at a disadvantage in competing for sales with these three handlers because of the location adjustment credit that the latter receive. They contend that marketing conditions in the area have changed significantly since the present location differential provisions were incorporated in the order in November 1960. Although the express purpose of the proposals is to require these handlers to pay the same price for Class I milk as Nashville handlers, proponents neither showed that these Kentucky handlers have any cost advantage on Class I milk nor justified the proposed new basing points.

These three handlers in the northern fringe of the present marketing area have their principal distribution in the Kentucky portion of the marketing area. They compete for Class I sales with Louisville-Lexington-Evansville order (Order 46) regulated handlers. No location adjustment is applicable under Order 46 on milk received at plants in Bowling Green, Hiseville, or in the area where these handlers have their principal distribution. On an annual basis, the Order 46 Class I price (before adjustment for supply-demand) is 9 cents below the Nashville order Class I price. However, when the Nashville price is adjusted by the present applicable location differential for plants in the Bowling Green vicinity, it approximates the Order 46 price at that location. Hence, if the Nashville order location differential adjustments now applicable in the Bowling Green area were removed as proposed, these three Nashville regulated handlers would be at a disadvantage in competing with Order 46 handlers for Class I sales in the area where they have their principal distribution.

The three Kentucky based handlers are located in an outlying part of the marketing area north from Nashville. They are nearer to their sources of supply than Nashville handlers and it hence costs farmers less to deliver milk to these locations than the average cost of delivering milk to Nashville. Moreover, because these handlers are located north of Nashville, they are generally closer to alternative sources of supply at lower prices than handlers whose plants are located in Nashville. These factors should be reflected in the location pricing for the plants in the Kentucky area and it appears the present location differentials contained in the Nashville order appropriately reflect these conditions.

The purpose of establishing location differentials is to achieve uniformity in prices to all handlers for milk which is received from producers at plants located at varying distances from the principal consumption area. Nashville is the principal city in the marketing area and is centrally located with respect to the overall marketing area. It is the point where the major portion of producer milk for the market is received and from which milk is distributed to consumers throughout the marketing area. Accordingly, it is appropriate that the mileages for determining location differential adjustments continue to be measured from Nashville, and the proposals to establish other basing points for determining location differential adjustments are denied.

3. *Providing a Class II classification for certain designated outlets.* (a) Skim milk and butterfat in fluid milk products dumped should be classified as Class II. Presently, only the skim milk portion of fluid milk products dumped may be so classified.

Nashville handlers have certain amounts of fluid milk products that they are unable to dispose of for Class I uses. Allowing a Class II classification for both the skim milk and butterfat contained in dumped fluid milk products will recognize the impracticability of

Nashville handlers' recovering the butterfat in route returns and other fluid milk products that are not salable as Class I.

The order now provides as a condition for obtaining a Class II classification for fluid milk products dumped that the market administrator be notified prior to such disposition and afforded the opportunity for verification. Retaining this condition will insure the practical application of the dump provision.

(b) The proposal to classify as Class II sour cream mixtures to which cheese or any food substance other than a milk product has been added which are not labeled Grade A should be adopted. Products that are blends of cultured sour milk and cream with cheese and nondairy food ingredients are known as dip speciality products. These products are not labeled Grade A and compete with similar products distributed in the marketing area that are not subject to the Nashville order.

Since Class I milk should include products which are required to be made from Grade A milk, sour cream mixtures which are labeled Grade A should remain in Class I. Sour cream mixtures sold in the marketing area as Grade A products must be made from Grade A milk. However, if they are not labeled Grade A, they may be made from non-Grade A milk. Since such dip speciality products may be, and are, sold in the marketing area as non-Grade A products, they should not be included in Class I unless labeled Grade A.

(c) Class II classification should be provided for skim milk and butterfat disposed of in bulk fluid milk products to bakeries, candy factories, soup factories and similar establishments at which the fluid milk products are used in the manufacture of food products other than milk products. A Class II classification of such fluid milk products will price them competitively with alternative supplies, such as nonfat dried milk and condensed milk, which are available for the manufacture of food products. Such classification should be limited to disposition of milk products in bulk form, however, to minimize the administrative burden of verifying its ultimate utilization. This limitation is appropriate under the circumstances where packaged fluid milk products sold to bakeries and similar establishments easily may be retailed in this same form to consumers for fluid consumption either on or off the premises.

4. *Requiring a handler to settle with the market administrator for all producer milk delivered to his pool plant.* Pool plant operators should be required to pay the market administrator at the applicable class prices for all producer milk delivered to their plants including the bulk tank deliveries from producers' farms for which a cooperative association is the handler.

The order now specifies that a handler shall pay the market administrator the class prices for milk delivered to his pool plant by producers. The market administrator then pays the uniform price to each producer either directly or through a cooperative association of which the producer is a member.

There is one exception to the above procedure. This involves bulk tank milk that is received at pool plants from a cooperative which elects to be the handler on its producer members' milk that is delivered from the farm to the pool plant of another handler in a tank truck. This milk is considered to be received by the cooperative at the pool plant. Under this arrangement, each handler pays the cooperative the class prices on this milk and the cooperative transmits these payments directly to the market administrator. The cooperative then receives payment from the market administrator at the uniform price on this milk and producer-member milk for which the cooperative is not the handler. This procedure results in extra handling of the money and does not serve any useful purpose.

The cooperative proposed that handlers receiving bulk tank milk from the cooperative in its capacity as a handler on such milk pay the classified value directly to the market administrator. It was claimed that this would expedite payments to producers and simplify the reporting and bookkeeping for all handlers, the cooperative and the market administrator.

Requiring handlers to make payments at the class prices directly to the market administrator on this milk will eliminate the unnecessary involvement of the cooperative in transactions which involve only the market administrator and the pool plant handlers. Handlers who operate the pool plants at which this milk is received are the persons who maintain records which show the quantities of milk utilized in Class I and Class II and report this utilization to the market administrator.

5. *Computing the producer butterfat differential to the nearest fifth of a cent.* The computation of the producer butterfat differential should specify that the differential be rounded to the nearest one-fifth cent.

Presently, the producer butterfat differential is rounded to the nearest one-tenth cent. Also, producers' butterfat tests are adjusted to half-points. It was claimed that when the butterfat differential ends with an odd number (e.g., 7.1 cents) and a producer's average butterfat test contains a half-point (e.g., 3.65 percent) the adjusted price in computing the payment due the producer yields a series of fractions. To prevent the computing of this series of fractions, it was proposed at the hearing that the butterfat differential be rounded to the nearest even mill, i.e., one-fifth cent. There was no opposition to this proposal.

In the interest of marketing efficiency and convenience to the cooperative association and handlers in the market, it is appropriate that the order provide for the rounding of the producer butterfat differential to the nearest one-fifth cent.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe with respect to receipts during the month of (1) Producer milk (including such handler's own farm production), (2) Other source milk allocated to Class I pursuant to § 1098.46(a) (3) and (7) and the corresponding steps of § 1098.46 (b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Referendum order; determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Nashville, Tenn., marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of November 1964, is hereby determined to be the representative period for the conduct of such referendum. J. B. McCroskey is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on December 22, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order [1] Amending the Order Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area*

**§ 1098.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tenn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to receipts during the month of (1) Producer milk (including such handler's own farm production), (2) Other source milk allocated to Class I pursuant to § 1098.46(a) (3) and (7) and the corresponding steps of § 1098.46(b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Nashville, Tenn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1098.6 is revised to read as follows:

**§ 1098.6 Nashville, Tennessee, marketing area.**

"Nashville, Tennessee, marketing area" hereinafter called the "marketing area" means all the territory within the boundaries of the following:

(a) Tennessee counties of:

| | |
|---|---|
| Bedford. | Maury. |
| Cannon. | Montgomery. |
| Cheatham. | Overton. |
| Clay. | Perry. |
| Coffee. | Pickett. |
| Davidson. | Putnam. |
| DeKalb. | Robertson. |
| Dickson. | Rutherford. |
| Fentress. | Smith. |
| Giles. | Stewart. |
| Hickman. | Sumner. |
| Houston. | Trousdale. |
| Humphreys. | Warren. |
| Jackson. | Wayne. |
| Lawrence. | White. |
| Lewis. | Williamson. |
| Macon. | Wilson. |
| Marshall. | |

(b) Kentucky counties of:

| | |
|---|---|
| Allen. | Monroe. |
| Barren. | Simpson. |
| Metcalf. | Warren. |

(c) Fort Campbell military reservation.

2. Section 1098.8(c) is revised to read as follows:

**§ 1098.8 Handler.**

* * * * *

(c) A cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to, such cooperative association for the account of the cooperative association if the cooperative association has notified in writing, prior to delivery, both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received at the location of the plant to which it was delivered;

* * * * *

3. Section 1098.13 is revised to read as follows:

**§ 1098.13 Producer milk.**

"Producer milk" means only that skim milk or butterfat contained in milk:

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1098.8(c); or

(b) Diverted from a pool plant to any other milk plant (except a plant at which such milk is fully subject to the pricing provisions of another order issued pursuant to the Act) in accordance with the provisions of § 1098.7.

4. Section 1098.15 is revised to read as follows:

**§ 1098.15 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream (sweet and sour), or any mixture in fluid form of skim milk and butterfat components of milk (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

**§ 1098.30 [Amended]**

5. In the introductory text of § 1098.30, the reference "§ 1098.8(e) is revised to read "§ 1098.8 (c) or (e)".

6. The introductory text in § 1098.31 (a) is revised to read as follows:

**§ 1098.31 Payroll reports.**

(a) Each handler pursuant to § 1098.8 (a), (b), or (c) shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

* * * * *

7. Section 1098.32 is revised to read as follows:

**§ 1098.32 Other reports.**

(a) On or before the 6th day after the end of each month, each handler pursuant to § 1098.8(c) shall report to the market administrator, in detail and on forms prescribed by him, the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

(b) On or before the 21st day of each month, each handler pursuant to § 1098.8 (c) shall report to the market administrator in detail and on forms prescribed by him, the quantities of producer milk delivered to each pool plant for the first 15 days of such month.

(c) Each producer-handler and each handler exempt pursuant to § 1098.91 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

**§ 1098.35 [Amended]**

8. In § 1098.35, the language, ", except that milk for which the association is the handler," is revoked.

9. Section 1098.41 (a) (1) (ii) and (b) (3) is revised and a new paragraph (b) (3–a) is added to read as follows:

**§ 1098.41 Classes of utilization.**

* * * * *

(a) * * *

(1) * * *

(ii) Products classified pursuant to paragraphs (b) (3) or (3–a) of this section;

* * * * *

(b) * * *

(3) Disposed of and used for livestock feed or dumped after prior notification to, and opportunity for verification by, the market administrator;

(3–a) Disposed of in bulk fluid milk products to bakeries, candy factories, soup factories and similar establishments at which the fluid milk products were used in the manufacture of food products other than milk products;

* * * * *

**§ 1098.44 [Amended]**

10. In the introductory text of § 1098.44(a), the language "or a cooperative association as a handler pursuant to § 1098.8(c)" is revoked.

**§ 1098.46 [Amended]**

11. In § 1098.46(a), subparagraph (4) (i) (b), the language "and from a cooperative association as a handler pursuant to § 1098.8(c)" is revoked and in subparagraph (9), the language "and from a cooperative association in its capacity as a handler pursuant to § 1098.8(c)" is revoked.

**§ 1098.70 [Amended]**

12. In the introductory text of § 1098.70, the reference "§ 1098.8 (a), (b), and (c)" is revised to read "§ 1098.8 (a) and (b)".

13. Section 1098.81(a) is revised to read as follows:

**§ 1098.81 Payments to market administrator.**

(a) On or before the 25th day of each month, each handler receiving milk from producers or from a handler pursuant to § 1098.8(c) shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month;

* * * * *

14. In § 1098.82, paragraph (d) is revoked and paragraph (c) is revised to read as follows:

**§ 1098.82 Payments to producers.**

* * * * *

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payments has been received, a total amount equal to the sum of the individual payments otherwise payable to such producers pursuant to this section.

15. Section 1098.83(a) is revised to read as follows:

**§ 1098.83 Butterfat and location differentials to producers and on nonpool milk.**

(a) The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at a rate, rounded to the nearest one-fifth cent, determined by multiplying by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the previous month.

* * * * *

16. Section 1098.85 is revised to read as follows:

**§ 1098.85 Expense of administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts during the month of:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1098.46(a) (3) and (7) and the corresponding steps of § 1098.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

[F.R. Doc. 64–13270; Filed, Dec. 24, 1964; 8:46 a.m.]

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## [7 CFR Part 1126]

[Docket No. AO–231–A23]

## MILK IN NORTH TEXAS MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Tex., on August 26, 1964, pursuant to notice thereof issued on August 18, 1964 (29 F.R. 11974).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on November 27, 1964 (29 F.R. 16198; F.R. Doc. 64–12365) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues on the record of the hearing related to:

1. The need for an emergency increase in the Class I milk prices established by the order regulating the handling of milk in the above designated marketing areas;

2. Class II classification of dumped milk, half and half, coffee cream and whipping cream;

3. Revision of the method for computing producer butterfat differentials; and

4. Whether an emergency exists concerning Issue No. 1 which requires the omission of a recommended decision and opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

A final decision containing the findings and conclusions on Issue No. 1 and Issue No. 4 was issued September 24, 1964 (29 F.R. 13397) and a final order on September 28, 1964 (29 F.R. 13475). This concluded action on all issues affecting orders other than that for the North Texas marketing area (Part 1126). This decision is concerned with the remaining issues, all of which relate to the North Texas order only.

*Findings and conclusions.* The following findings and conclusions on the remaining material issues (No. 2 and No. 3) are based on evidence presented at the hearing and the record thereof:



2. *Classification in the North Texas order of (a) half and half, coffee cream and whipping cream; and (b) dumped milk.* (a) Half and half, coffee cream and whipping cream should not be classified as Class II milk under the North Texas order.

A handler contended that his firm is meeting adverse competition in the distribution of coffee cream and half and half. The testimony was that substitute products made from mixtures of nonfat dry milk and vegetable fat have caused the handler to lose a substantial volume of the restaurant business for these products in the Dallas portion of the North Texas market.

Sales data for the three products were introduced in evidence. The utilization of butterfat in half and half increased 2.2 percent during the 12-month period ending July 1964 as compared with the same period a year earlier. At the same time, its utilization in coffee cream decreased 26 percent, and in whipping cream remained the same for the periods compared. The total utilization of butterfat in the three products decreased 9.1 percent as compared with a year earlier. About 40 percent of the butterfat used in the three products is disposed of in half and half, 31 percent in coffee cream, and 29 percent in whipping cream.

It may be that coffee cream sales have been lost to substitute products. The data indicate the probability that some of the decrease in butterfat used for coffee cream has been absorbed by the increased utilization of butterfat in half and half. Coffee cream and half and half are interchangeable as dairy products for "creaming" beverages and cereals.

The most important consideration, however, is that health authorities require that the three products be made from inspected milk. So long as this requirement is in effect, the fact that substitute products that do not have to be made from inspected milk may be sold at lower prices is not a convincing reason for changing the classification.

Producers should continue to receive the Class I price for milk sold in these products under the Grade A label, rather than the Class II price which they receive for reserve milk disposed of in dairy products which do not require health department inspection. Under present marketing conditions, the Class II classification of skim milk and butterfat in half and half, coffee cream and whipping cream is unwarranted and is therefore denied.

(b) Class II classification should be provided for milk that is dumped because buttermilk has not been produced from skim milk to which buttermilk culture or "starter" has been added. Class II classification for other fluid milk products dumped should not be provided on the basis of this record.

A handler proposed that "dumped" milk be classified as Class II milk. There is presently no specific provision for classification of milk so disposed of. It is therefore treated as unaccounted for milk, or "shrinkage" for which amounts within specified limits may be accounted for as Class II milk, but amounts in excess of such limits are Class I milk.

Two situations were described in which "dumping" (pouring down the drain) of fluid milk products have reached proportions exceeding the shrinkage limits of the order. One such problem was the failure of buttermilk to "set-up". For three months of the past year, the proponent handler's allowable plant shrinkage was insufficient to accommodate the volume dumped from this cause.

Cultured buttermilk is produced by the addition of culture or "starter" to pasteurized skim milk, which is then held at an appropriate temperature until the desired acidity results. When this degree of acidity is achieved, the buttermilk has "set". At this point the product normally contains less than one percent butterfat.

Buttermilk sometimes fails to set because of improper temperature, substances in the skim milk which inhibit the growth of bacteria (such as antibiotics), bad starter and improper sterilization and cleaning of equipment. Laboratory tests made on buttermilk which fails to set do not reveal conclusively which of these causes may be responsible for such failure in a given situation. Whatever the cause, the resulting product frequently must be dumped because it has no commercial value and must be disposed of promptly. For this reason, it should be provided that when starter has been added to skim milk and the buttermilk fails to set, Class II classification should apply to the product if dumped.

Since the amount of fat contained in the product at this point in processing is normally less than one percent, it would be unreasonable to charge handlers Class I for the fat included in the dumped milk on the supposition that it can be salvaged and used again in a Class I product. It is concluded that the butterfat as well as the skim milk dumped under the conditions described should be classified as Class II.

Dumped milk involves the disappearance of product from the pool accounting problem. Provision is needed to preclude the use of self-serving records by handlers in claiming Class II classification for dumped milk. For this reason it should be provided that the handler give prior notification to and opportunity for verification by the market administrator in such manner as he may require.

Another problem described concerned off-flavored milk. During June and July 1964, about 20 percent of the milk delivered to a North Texas handler's plant was rejected because of bad flavor, and shipped to manufacturing plants. About 40 percent of all milk received is carried over to the next day for processing. The plant runs tests for acidity, butterfat, bacteria and added moisture. Even so, rancidity sometimes develops between the time the milk is received and the time it is processed. It is apparent that this problem results most often from errors made in accepting milk that should have been rejected during the receiving operation.

Ordinarily, the proponent handler's plant shrinkage is about one percent per month, including dumped milk, and is well within the allowable plant shrinkage provided in the order. This being the case, the proposal to extend Class II classification for dumped milk beyond the provision for buttermilk which does not "set" is unnecessary and is therefore denied.

3. *Butterfat differentials.* The producer butterfat differential should be calculated as an average of the Class I and Class II handler butterfat differentials weighted by the proportion of butterfat in producer milk in each class during the month, and should be calculated to the nearest one-tenth cent.

The North Texas order adjusts the uniform price to producers for milk above and below 3.5 percent butterfat content on the basis of a schedule of butterfat differentials directly related to a designated range of butter prices. The butter prices are those which are reported by the Department each month for 92-score bulk creamery butter at Chicago. This method of computation, however, does not relate the producer butterfat differential to the class-use of butterfat in the North Texas market.

Fluid milk products must meet more exacting health standards than milk for manufacturing purposes. The value of butterfat in Class I milk is higher in the North Texas market than is the value of butterfat in Class II milk. It would be more appropriate, therefore, to compute the producer butterfat differential on the basis of a weighted average of the Class I and Class II utilization of butterfat in producer milk. This technique is similar to the one which is followed in computing the uniform price paid to producers. Producers will be more appropriately compensated by adjusting their uniform prices in relation to the class-use of butterfat in producer milk.

The present producer butterfat differential has been relatively inflexible. During the 28 months ending with July 1964, it remained constant at six cents for each one-tenth of one percent butterfat content. The method recommended herein for computing the producer butterfat differential will reflect the relative utilization of butterfat in Class I and Class II milk. It will also be more responsive to changes in the price of butter. It will be consistent with the provisions of most Federal orders which adjust uniform prices to producers with producer butterfat differentials based on a weighted average of the handler butterfat differentials.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of October 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the North Texas marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 21, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area*

**§ 1126.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, That on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1126.41, a new subparagraph (b)(8) is added to read as follows:

**§ 1126.41 Classes of utilization.**

* * * * * * *

(b) * * *

(8) Dumped because buttermilk is not produced from skim milk to which buttermilk culture has been added, if the handler gives prior notification to and opportunity for verification by the market administrator in such manner as the market administrator may require.

2. In § 1126.91, paragraph (a) is revised to read as follows:

**§ 1126.91 Butterfat and location differentials to producers.**

(a) In making payments to producers pursuant to § 1126.90 (a) or (c), the uniform prices shall be increased or decreased by each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 1126.46 by the respective butterfat differential in each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

* * * * * * *

[F.R. Doc. 64-13271; Filed, Dec. 24, 1964; 8:46 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

**[ 21 CFR Part 36 ]**

[Docket No. FDC-73]

## SHELLFISH; FROZEN RAW BREADED AND LIGHTLY BREADED SHRIMP; DEFINITIONS AND STANDARDS OF IDENTITY

### Proposed Findings of Fact and Tentative Order

*Correction*

In F.R. Doc. 64-13031, appearing at page 18175 of the issue for Tuesday, Dec. 22, 1964, the 14th line from the bottom of the first column on page 18177 should read "shrimp is not sufficient to disclose to the".



# INTERSTATE COMMERCE COMMISSION

**[ 49 CFR Part 10 ]**

[No. 32153]

## UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

### Notice of Proposed Rule Making

DECEMBER 17, 1964.

Notice is hereby given, pursuant to Section 4 of the Administrative Procedure Act, that the Commission has under consideration amendment of the uniform system of accounts for railroad companies with regard to accounting for revenues receivable by railroad companies as direct grants or aid for providing passenger commuter or other passenger service. Complete statement of the amendment is set forth in the detailed statement of proposed rule below.

DETAILED STATEMENT OF PROPOSED RULE

*Account 108, Other Passenger-train.* In the text of this account 108, add the following to the list of items:

(d) Revenues receivable from states, cities, and other governmental agencies as direct grants or aid for providing passenger commuter or other passenger-train service. The term "revenues," as used herein, does not apply to aid in the form of abatement or forgiveness of taxes, assumption by local governments of station maintenance costs, and other similar special indirect benefits contributed by governmental agencies.

*Responses.* Railroad companies affected by the proposed rule herein and other interested parties who desire to do so should present written views or comments for our consideration as soon as practicable and not later than January 15, 1965. The Commission will consider all such responses and presentations before deciding the matter herein, after which such order as may be found appropriate will be entered. An original and three copies of any such responses should be submitted.

Notice shall be given to railroad companies hereby affected and to the general public by depositing this Notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this Notice with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-13315; Filed, Dec. 24, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Oregon 015334]

### OREGON

### Notice of Termination of Proposed Withdrawal and Reservation of Land

DECEMBER 18, 1964.

Notice of an application, Serial No. Oregon 015334, for withdrawal and reservation of lands, was published as Federal Register Document No. 64-6814 on page 9401 of the issue for July 9, 1964. The applicant agency, Forest Service, United States Department of Agriculture, has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be relieved of the segregative effect of the withdrawal application at 10:00 a.m. on December 30, 1964.

The land involved in this notice of termination is:

OREGON

WILLAMETTE MERIDIAN

UMPQUA NATIONAL FOREST

*Youtlkut Pillars Geological Area*

T. 27 S., R. 1 E.,
Sec. 14.
Total, 30 acres.

D. B. LEIGHTNER,
*Acting Manager, Land Office.*

[F.R. Doc. 64-13274; Filed, Dec. 24, 1964; 8:46 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15725; Order E-21599]

### TRANS WORLD AIRLINES, INC.

### Order Granting Temporary Suspension of Service

Issued under delegated authority, December 21, 1964.

Application of Trans World Airlines, Inc., for authority to suspend service temporarily at the co-terminal point Detroit, Mich., on its international route; Docket 15725.

Trans World Airlines, Inc., (TWA) filed an application on December 1, 1964, pursuant to Part 205 of the Board's Economic Regulations, for authority to temporarily suspend its air service at Detroit, Mich., from December 29, 1964, until March 8, 1965.

In support of its application, TWA alleges that the low volume of traffic which can be generated at Detroit for the winter months would result in an uneconomical operation for TWA;[1] that the small number of transatlantic passengers to and from Detroit will continue to have ample connecting service with transatlantic flights at the New York gateway; and that suspension of service at Detroit during the indicated period would result in substantial savings to TWA; and is in the public interest.

No objections to the application have been received.

In circumstances substantially similar to those here alleged by TWA, the Board has suspended TWA at Detroit during the winter months on previous occasions.[2] Here, as in that instance, it would appear that TWA's suspension will not appreciably inconvenience Detroit transatlantic passengers during the period of the suspension. PAA's direct Transatlantic service continues to be available, as well as numerous connecting flights to New York.

On the basis of the foregoing considerations, and pursuant to authority duly delegated by the Board's regulations, 14 CFR 385.13(n), it is found that suspension of TWA's authority to serve Detroit on its international Route 147 from December 29, 1964 until March 8, 1965 is in the public interest.

*Accordingly, it is ordered:*

1. That Trans World Airlines, Inc., be and it hereby is authorized to suspend service at Detroit, Mich., on its international Route 147 from December 29, 1964, until March 8, 1965; and

2. That this order may be amended or revoked at any time, in the discretion of the Board, without hearing.

This order will be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-13308; Filed, Dec. 24, 1964; 8:46 a.m.]

[1] TWA alleges that during the first three weeks of November, TWA's average load factor on its weekly Detroit International flight fell to 10.8 percent.

[2] TWA was suspended temporarily at Detroit from January 20, 1964 until March 31, 1964 (Order E-20334 and Order E-20498).

## FEDERAL MARITIME COMMISSION

### LYKES BROS. STEAMSHIP CO., INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

W. J. Amoss, Vice President Traffic,
Lykes Bros. Steamship Co., Inc.,
821 Gravier Street,
New Orleans, La., 70150.

Agreement No. 9360, between Lykes Bros. Steamship Co., Inc., Norddeutscher Lloyd, and Hamburg-Amerika Linie, as refiled, establishes a rate agreement for operation in the eastbound trade from U.S. Gulf ports (Key West, Fla., to Brownsville, Tex., inclusive) to European ports in the Le Havre/Hamburg Range. The agreement provides (1) that the parties shall discuss and agree upon rates for the trade, (2) that each party has the right to alter such rates upon giving forty-eight hours' advance notice thereof, and (3) that each party shall maintain and file its own tariff, in accordance with the terms and conditions set forth therein. Notice of the filing of Agreement 9360, was previously published in the FEDERAL REGISTER on July 13, 1964 (29 F.R. 9635). The agreement previously covered both eastbound and westbound operations.

Dated: December 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13264; Filed, Dec. 24, 1964; 8:45 a.m.]

### M.A.N.Z. LINE JOINT SERVICE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Elmer C. Maddy, Esq.,
Kirlin Campbell & Keating,
One Twenty Broadway, New York, N.Y. 10005.

Agreement 7814-2 between the member lines of the M.A.N.Z. Line Joint Service restates approved Agreement 7814 to eliminate the Montreal, Australia, New Zealand Line from participation, to delete New Zealand from the scope of the agreement, and to add a self-policing provision to the agreement.

Notice of the filing of Agreement 7814-2, between the member lines of this joint service, which also provided that the parties thereto would be separate members of conferences and other section 15 agreements was previously published in the FEDERAL REGISTER on February 1, 1964, 29 F.R. 1674.

Dated: December 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13265; Filed, Dec. 24, 1964; 8:45 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 56326]

### NELBRO PACKING CO.

### Notice of Qualification as Citizen of U.S.

DECEMBER 18, 1964.

This is to give notice that pursuant to § 3.21, Customs Regulations (19 C.F.R. 3.21), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), Nelbro Packing Company, 653 Colman Building, Seattle, Washington, incorporated under the laws of the State of Washington, did on November 27, 1964, file with the Acting Commissioner of Customs, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions, not less than 75 percent of the raw materials used or sold in its operations.

The Acting Commissioner of Customs, having found this oath to be in compliance with the law and regulations, on December 18, 1964, issued to Nelbro Packing Company a certificate of compliance on customs Form 1262 as provided in § 3.21(i) of the regulations. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

[F.R. Doc. 64-13304; Filed, Dec. 24, 1964; 8:46 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. E-7194]

### IDAHO POWER CO.

### Notice of Application

DECEMBER 22, 1964.

Take notice that on November 25, 1964, an application, and on December 21, 1964, an amendment thereto, was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Idaho Power Co. (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Idaho and Nevada, with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of up to 250,000 shares of Common Stock at $5 par value, in the aggregate amount of $1,250,000 par value at or near the market price on outstanding stock. Applicant requests an exemption from § 34.1a (b) and (c) of the Commission's regulations under the Federal Power Act requiring competitive bidding. Applicant proposes to accept the proposal of Kidder, Peabody & Co., New York, for the purchase and underwriting of said Common Stock, at or near the market price, subject to marketing conditions at the time of offering with underwriting commission of 70 cents per share.

Applicant states that the purpose for which the Common Stock is to be issued and sold is to obtain permanent capital for repayment of the principal amount of short-term bank loans now outstanding which it expects will total $7,100,000 by the end of 1964 and for interim financing of the cost of construction, extension and improvement of operating facilities and towards the future construction costs.

Applicant's construction program for 1965 is estimated at $31,333,000, the outstanding items of which are as follows: Generating stations: Hell's Canyon, Homestead, Oreg., three units, total capability 425,000 kw, $11,072,000; transmission facilities, $6,848,000; substation facilities, $5,556,000; distribution lines and substations, $5,911,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 11, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13268; Filed, Dec. 24, 1964; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1744]

### DEPOSITORS FUND OF BOSTON, INC.

### Notice of Application for Order of Exemption

DECEMBER 21, 1964.

Notice is hereby given that Depositors Fund of Boston, Inc. ("Applicant"), 111 Devonshire Street, Boston 9, Mass., a Massachusetts corporation, and an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of Applicant's representations which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 1,999,999 shares of common stock, $1 par value, to be offered to investors in exchange for such investors' securities. Such registration has not yet become effective. The purpose of the Fund is to provide investors holding securities at relatively low tax bases with a means of exchanging such securities for shares of the Fund, thereby obtaining diversification without incurring any Federal capital gains tax liability at the time of such exchange. Vance, Sanders & Co., Inc., the dealer manager, and a group of securities dealers which it will form and manage intend to solicit deposits of securities, to be held by a depository in safekeeping for the separate account of each investor, for a period ending approximately ninety days from the effective date of the Applicant's registration statement under the Securities Act of 1933. At all times during the solicitation

period, the depositing investor will retain all incidents of ownership to the securities deposited, with the right to withdraw such securities from the depository without charge.

The minimum deposit to be accepted from any investor is to be securities having a market value of $25,000, and the exchange will not be consummated unless the market value of the deposited securities as at the effective date of the planned exchange aggregates a minimum of $30,000,000. If such value is obtained upon the termination of the solicitation period, Applicant, within 15 days thereafter, will send a special report to all depositors which will list all securities then on deposit, together with their current fair market values at that time and their respective Federal tax bases, as determined from the information furnished to the Applicant by the depositors, who have the right to withdraw any or all of their deposited securities at any time prior to the mailing of the report to investors and during a period of three weeks thereafter. Applicant will have the right to reject securities on deposit for a period of up to ten days after the end of the period during which the investors may withdraw. All of Applicant's shares which are issued in exchange for securities will be issued simultaneously on the effective date of the exchange. Each depositing investor is to represent that he will acquire shares of Applicant issued to him in the planned exchange without any intention of distributing them to the public.

Notice is further given that any interested person may, not later than January 6, 1965 at 5:30 p.m. submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–13263; Filed, Dec. 24, 1964; 8:45 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

### 3 CFR

Page

PROCLAMATIONS:
3630 — 15941
3631 — 16243

EXECUTIVE ORDER:
Jan. 7, 1903 (revoked in part by PLO 3516) — 18423
Mar. 31, 1911 (revoked in part by PLO 3493) — 16859
Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
Sept. 30, 1916 (revoked in part by PLO 3508) — 16864
May 21, 1920 (revoked in part by PLO 3508) — 16864
5289 (revoked in part by PLO 3486) — 16830

### 4 CFR

51 — 16313
52 — 16313

### 5 CFR

213 — 17065, 17084, 17085, 17893, 18003, 18153, 18288.
890 — 18045

### 7 CFR

15 — 16274, 16966
29 — 16854
401 — 17029, 17085
701 — 18149
717 — 16184
719 — 16185
722 — 16428, 16775, 18003, 18004
724 — 16077
729 — 16185
730 — 17086
751 — 18007
777 — 17086
811 — 18149
817 — 18151
850 — 17029
855 — 17029
905 — 16313–16315
907 — 16315, 16907, 17030, 17814, 18405, 18415
909 — 17030
910 — 16078, 16316, 17031, 18045, 18415
916 — 16966
917 — 16854
929 — 16078
1004 — 16966
1005 — 16855
1032 — 18046
1036 — 18415
1046 — 18416
1061 — 18152
1062 — 18049
1063 — 18007, 18051
1067 — 18052
1070 — 18008
1078 — 18009
1079 — 18010
1136 — 17815
1421 — 15943, 18212
1427 — 18213
1468 — 18153
1472 — 18153
1485 — 17032
1600 — 16784
1601 — 16784

### 7 CFR—Continued

Page

PROPOSED RULES:
26 — 17816
812 — 17122
911 — 16258
912 — 16993
915 — 16258
917 — 16993
971 — 16833
1003 — 18014
1004 — 16994, 18429
1005 — 16259
1030 — 16395, 16417, 18091
1031 — 16417
1036 — 16197, 18091
1044 — 16200
1046 — 17908
1047 — 17041, 17816
1049 — 17816
1050 — 17822
1065 — 16920
1098 — 18429
1126 — 18434
1131 — 16866, 17822
1126 — 16198
1135 — 18380
1137 — 18381

### 8 CFR

103 — 18010

### 9 CFR

74 — 15943
92 — 18274
94 — 16907
97 — 16316
155 — 18418

### 10 CFR

2 — 16831

PROPOSED RULES:
Ch. I — 15957
2 — 16934
30 — 17916, 17933
31 — 17920
32 — 17922
33 — 17928
34 — 17929
35 — 17931
36 — 17932
150 — 17933

### 12 CFR

1 — 17087, 18053
217 — 15944, 16317
218 — 16065
224 — 16855
329 — 15944
525 — 18154
545 — 16856, 18154, 18156, 18213
563 — 17088

PROPOSED RULES:
561 — 18233
563 — 18181

### 13 CFR

107 — 16825, 16946, 16967
120 — 18419
121 — 15945

PROPOSED RULES:
107 — 16094, 18016

### 14 CFR

1 [New] — 18289
3 — 17955

### 14 CFR—Continued

Page

4a — 18289
4b — 18289
7 — 16149
23 [New] — 17955
25 [New] — 18289
27 [New] — 16065, 17885
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797, 18353.
42 — 16968
71 [New] — 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088 17503, 17797, 18053–18055, 18156, 18213, 18354.
73 [New] — 15948, 16184, 16972, 17037, 17727, 18156, 18354.
75 [New] — 16066, 16319, 17775
91 [New] — 18289
93 [New] — 15948
97 [New] — 16067, 16789, 17798, 17886
151 [New] — 18000
302 — 16972
389 — 16907
1204 — 17892

PROPOSED RULES:
39 [New] — 16429, 16430, 17044, 18093
71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823, 18014, 18015, 18093, 18095–18097, 18180, 18230, 18231, 18382, 18383.
75 [New] — 16432, 16836, 18230
91 [New] — 15959, 18232
129 [New] — 18232
135 [New] — 16836
221 — 16867
399 — 17042, 18230

### 15 CFR

7 — 16973
50 — 17089
201 — 16319
202 — 18032
365 — 16186

### 16 CFR

13 — 16186, 16826, 16856

### 17 CFR

200 — 16187
230 — 16982
239 — 16856
240 — 16245, 16856, 16982
260 — 16982
270 — 16982
275 — 16982

PROPOSED RULES:
15 — 15957
19 — 15957
230 — 18234
240 — 18234, 18386

### 18 CFR

101 — 18214
104 — 18214
141 — 18214
201 — 18216
501 — 16188
502 — 16189

## 18 CFR—Continued


Page
503 16189
504 16190
505 16191
506 16192
507 16193
508 16194
PROPOSED RULES:
12 16997
154 18233


## 19 CFR


4 15949
14 16320
PROPOSED RULES:
6 17042


## 20 CFR


395 16322


## 21 CFR


1 18055, 18063
8 15949, 16983, 17089
9 16983
14 16194
15 16194
16 16194, 16858
17 16194
18 16194
19 16194, 18121
20 16194, 18123
22 16194
27 16194
29 16194
37 16194
42 16194, 16983
45 16194
46 16194
51 16194
53 16194
121 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893, 18012, 18055, 18056, 18216.
130 18055
141 18012
144 16984
145 16911
146 18012
146a 18012
148c 16984
148u 16911
148x 16251
191 18056
PROPOSED RULES:
27 16866
31 16866
36 18175, 18436
45 16994
46 16429
53 16934
120 16935
121 16935, 16994


## 22 CFR


201 18288


## 24 CFR


1 16280
201 17893
203 17893
207 17893
213 17894
220 17894
221 17895
231 17897
232 17898
234 17899
603 17899
809 17899
903 17899


## 25 CFR


Page
43d 16080


## 26 CFR


1 16081, 17806, 17899, 18128, 18144, 18201, 18355, 18358, 18366.
31 18144
45 16083
PROPOSED RULES:
1 15957, 16090, 18063, 18173
48 16993
170 18379
296 18379
301 18063


## 27 CFR


4 16984


## 29 CFR


31 16284
40 18156
50 18419
608 17811
609 17811
611 17812
689 15949
PROPOSED RULES:
601 16428
670 16428
673 17822
675 16428
677 17822
678 17822
720 16428


## 31 CFR


3 18161
328 16914
PROPOSED RULES:
306 16330
315 16330
316 16330
321 16330
332 16330


## 32 CFR


132 17885
517 15949
536 16985
577 16251
701 16194, 18275
710 16055
713 18276
719 16194
721 17812
730 18276
804 16323
1001 17037
1002 17038
1003 17038
1007 17038
1030 17040
1057 17039


## 32A CFR


OEP (Ch. I):
DMO I–1 18368
DMO I–4 16251
OIA (Ch. X):
OI Reg. 1 16986


## 33 CFR


2 18162
80 18011
202 16859, 17040
203 16251, 17040, 18422
206 15949
207 18422


## 35 CFR


4 17903
5 16328


## 36 CFR


Page
7 17091, 18218


## 38 CFR


3 16252, 16328, 17092
12 17903, 17904
17 18219


## 39 CFR


16 16125
21 16252
22 16125, 16252
24 16125
25 16252
57 16858
61 16125
112 16858
168 16858
PROPOSED RULES:
22 18093
96 18380


## 41 CFR


Ch. 1 18057
Ch. 2 17092
4–1 17040
8–1 16323, 17903
8–2 16323
8–7 18013
9–9 17113
11–1 16252, 16255
11–2 16253, 16255
11–4 16253
11–14 16255
11–60 18368
Ch. 18 16502
101–6 15972, 16287
101–7 16797
101–8 16800
101–9 16800
101–10 16801
101–11 16807
101–12 16824
101–13 16824
101–18 15973
101–19 15978
101–20 15984
101–25 15990
101–27 15997
101–28 15998
101–29 16002
101–30 16004
101–40 16008
101–43 16012
101–44 16027
101–45 16035
101–47 16126


## 42 CFR


21 18288
51 16915, 17954
55 16915
57 15952


## 43 CFR


17 16293
PUBLIC LAND ORDERS:
751 (revoked in part by PLO 3516) 18423
3359 (revoked in part by PLO 3478) 16827
3447 (corrected by PLO 3485) 16829
3464 16084
3465 16084
3466 16084
3467 16085
3468 16085
3469 16085
3470 16086
3471 16086
3472 16087




## 43 CFR—Continued


Page
PUBLIC LAND ORDERS—Continued
3473 16087
3474 16256
3475 16827
3476 16827
3477 16827
3478 16827
3479 16828
3480 16828
3481 16828
3482 16828
3483 16829
3484 16829
3485 16829
3486 16830
3487 16829
3488 16830
3489 16830
3490 16830
3491 16831
3492 16831
3493 16859
3494 16859
3495 16860
3496 16860
3497 16860
3498 16860
3499 16861
3500 16861
3501 16862
Corrected 18219
3502 16862
3503 16863
3504 16863
3505 16863
3506 16863
3507 16864
3508 16864
3509 16864
3510 16987
3511 16987
3512 16987
3513 17905
3514 17905
3515 17905
3516 18423


## 44 CFR


1 16832
2 16832
3 16832
4 16832
5 16832
6 16832
7 16832
55 15954
60 15954
100 15954
102 15954


## 44 CFR—Continued


Page
110 16195
Ch. VII 16832


## 45 CFR


80 16298, 16988
150 15955
611 16305
701 17949
702 17950
703 17952
704 17953


## 46 CFR


146 18163
147 18163
502 18171
506 16195, 17121
PROPOSED RULES:
Ch. IV 16433


## 47 CFR


0 18373
73 16196, 16916, 16988, 18172, 18373, 18376, 18423.
81 16196
87 16865, 18377
89 18057, 18425
91 18219
PROPOSED RULES:
1 17823
2 17824
21 16204, 17840
25 17840, 17848
73 16205, 16207, 16837, 17850, 18384


## 48 CFR


310 18059


## 49 CFR


0 16087
10 18426
95 18062, 18377, 18378, 18426, 18427
176 16125
192 16256
PROPOSED RULES:
10 18437
170 17850


## 50 CFR


2 17905
11 17905
14 17906
16 17905
32 17906, 18378
33 16917, 16918, 17814, 17906, 17907, 18229
256 16088
257 16990

*Part II, Section 1, begins on page 18651*
*Part II, Section 2, begins on page 18811*

*Pages 18443–19016*

THE ... OF MICHIGAN
JAN 4 1965
...ROOM

PART I

# FEDERAL REGISTER

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## Contents

**AGRICULTURAL MARKETING SERVICE**

**Rules and Regulations**

Milk in certain marketing areas:
Fort Wayne, Indiana ... 18475
Indianapolis, Indiana ... 18476
Poultry soups; postponement of effective date of amendments to regulations ... 18474

**Notices**

Certain fruit grown in California; referendum (2 documents) ... 18514

**AGRICULTURAL RESEARCH SERVICE**

**Proposed Rule Making**

Mexican fruit fly; conditions governing issuance of certificates and limited permits ... 18509

**AGRICULTURE DEPARTMENT**

*See also* Agricultural Marketing Service; Agricultural Research Service.

**Notices**

Designation of areas for emergency loans:
Michigan ... 18514
West Virginia ... 18514

**ATOMIC ENERGY COMMISSION**

**Notices**

Connecticut Yankee Power Co.; order amending provisional construction permit ... 18512
Proposed memorandum of understanding with the State of New York ... 18512

**CIVIL AERONAUTICS BOARD**

**Proposed Rule Making**

Transatlantic charter trips and special services ... 18509

**Notices**

*Hearings, etc.:*
Interim operating certificates ... 18519
Pacific Northwest-Southwest service investigation (2 documents) ... 18517, 18520

**COMMERCE DEPARTMENT**

*See also* Maritime Administration; National Bureau of Standards; Patent Office.

**Rules and Regulations**

Standards for seat belts used in motor vehicles; change in codification ... 18507

**FEDERAL AVIATION AGENCY**

**Rules and Regulations**

Air taxi operators and commercial operators of small aircraft; extension of compliance date ... 18478
Airworthiness directives; Lockheed Aircraft Service Company Models 109C and 109D flight recorders ... 18477
Alterations:
Controlled airspace ... 18478
Reporting point ... 18478
Federal airway and reporting point; revocation ... 18478
Standard instrument approach procedures; miscellaneous amendments (2 documents) ... 18479, 18488

**Proposed Rule Making**

Airframe distance measuring equipment ... 18511
Restricted area; modification ... 18510
Transition area; designation ... 18510

**Notices**

Determination of no hazard to air navigation:
Hawaiian Lanes Inc ... 18524
Outlet Co ... 18520
Soo Electronics, Inc ... 18525
WDEF Broadcasting Co.; order entering final determination of hazard to air navigation ... 18521

**FEDERAL COMMUNICATIONS COMMISSION**

**Notices**

Vanda, Charles et al.; designation of applications for hearing ... 18525

**FEDERAL POWER COMMISSION**

**Notices**

*Hearings, etc.:*
American Writing Paper Division, Brown Co ... 18534
Atlantic Refining Co., et al ... 18530
Baca Gas Gathering System, Inc ... 18526
Bowers Drilling Co., Inc., et al ... 18530
Central Vermont Public Service Corp. (2 documents) ... 18527, 18531
Cities Service Gas Co ... 18532
Cities Service Oil Co., et al ... 18526
City of Grand Tower, Ill ... 18533
El Paso Natural Gas Co ... 18527
Florida Gas Transmission Co ... 18527
Natural Gas Pipeline Company of America ... 18533
Niagara Mohawk Power Corp ... 18528
Northern Natural Gas Co ... 18532
Pacific Gas Transmission Co ... 18533
Panhandle Eastern Pipe Line Co ... 18528
Tennessee Gas Transmission Co ... 18528
Texas Eastern Transmission Corp ... 18529
Town of Wayland, Iowa ... 18533
Transwestern Pipeline Co. (2 documents) ... 18529, 18532
Trunkline Gas Co ... 18529
Union Producing Co., et al ... 18534

**FEDERAL RESERVE SYSTEM**

**Notices**

Valley Bancoporation; order approving application (2 documents) ... 18535

*(Continued on next page)*

**FOOD AND DRUG ADMINISTRATION**

**Rules and Regulations**

Color additive mixtures for cosmetic use; postponement of effective date 18496
Food additives:
Adhesives 18497
Certain additive; extension of date 18496
Ion-exchange resins 18497
Pressure-sensitive adhesives 18497
Hazardous substances; fire extinguishers 18498

**GENERAL SERVICES ADMINISTRATION**

**Rules and Regulations**

Procurement by formal advertising; solicitation of bids 18477

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See* Food and Drug Administration; Public Health Service.

**INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE**

**Notices**

Cotton products from Yugoslavia; restraint levels 18536

**INTERNAL REVENUE SERVICE**

**Rules and Regulations**

Income tax:
Earnings and profits of controlled foreign corporations 18502
Limitation on amount of casualty or theft loss deduction 18500
Substantiation of charitable contribution deductions 18498

**INTERSTATE COMMERCE COMMISSION**

**Rules and Regulations**

Car service (2 documents) 18506
Explosives and other dangerous articles; transportation 18652

**Proposed Rule Making**

Transportation of explosives and other dangerous articles by private carrier 18511

**Notices**

Fourth section applications for relief 18541
Motor transfer proceedings (2 documents) 18541

**LABOR DEPARTMENT**

*See* Wage and Hour Division.

**MARITIME ADMINISTRATION**

**Notices**

List of Free World and Polish Flag vessels arriving in Cuba since January 1, 1963 18515

**NATIONAL BUREAU OF STANDARDS**

**Rules and Regulations**

Test fee schedules; heat 18507

**PATENT OFFICE**

**Rules and Regulations**

Forms and rules of practice 18502

**POST OFFICE DEPARTMENT**

**Rules and Regulations**

Customs; directory of international mail 18506

**Notices**

Military mail; inquiries and claims 18513
Overseas post offices; ZIP code numbers 18513

**PUBLIC HEALTH SERVICE**

**Rules and Regulations**

Grants for construction and modernization of hospitals and medical facilities 18447

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

*Hearings, etc.:*
Gold Seal International A & C, Inc 18537
Virginia Capital Corp 18537

**TREASURY DEPARTMENT**

*See* Internal Revenue Service.

**WAGE AND HOUR DIVISION**

**Notices**

Certificates authorizing employment of learners at special minimum rates 18538


# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

**7 CFR**

81 18474
1047 18475
1049 18476
PROPOSED RULES:
301 18509

**14 CFR**

39 [New] 18477
71 [New] (3 documents) 18478
97 [New] (2 documents) 18479, 18488
135 [New] 18478
PROPOSED RULES:
71 [New] 18510
73 [New] 18510
207 18509
295 18509
514 18511

**15 CFR**

9 18507
203 18507

**21 CFR**

8 18495
121 (4 documents) 18496, 18497
191 18498

**26 CFR**

1 (3 documents) 18498, 18500, 18502

**37 CFR**

1 18502
3 18502

**39 CFR**

151 18506
168 18506

**41 CFR**

2 18477

**42 CFR**

53 18447

**49 CFR**

71–78 18652
95 (2 documents) 18506
PROPOSED RULES:
71–78 18511

# Rules and Regulations

## Title 42—PUBLIC HEALTH

**Chapter I—Public Health Service, Department of Health, Education, and Welfare**

**SUBCHAPTER D—GRANTS**

### PART 53—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

Notice of proposed rule making, public rule making procedures and postponent of effective date have been omitted in the issuance of the following revised Part 53—Grants for Construction and Modernization of Hospitals and Medical Facilities, which relates solely to grants for construction and modernization of public and other nonprofit hospitals and medical facilities.

The following regulations shall become effective on the date of publication in the FEDERAL REGISTER except that (1) Subparts B through F (relating to distribution of beds and facilities) of the regulations in effect prior to this revision (42 CFR 53.11–53.52) shall be applicable to any State until such State has received approval of the State plan conforming to Subparts B through G of these revised regulations, but in any event the State plan must conform to the revised Subparts B through G not later than July 1, 1965; and (2) Section 53.112 (nondiscrimination) of the regulations (42 CFR) in effect prior to this revision shall be applicable until the regulations of the Secretary of Health, Education, and Welfare under the Civil Rights Act (Public Law 88–352) become effective.

1. The table of contents of Part 53—Grants for Construction and Modernization of Hospitals and Medical Facilities, and Subparts A through M of that Part, are revised to read as follows:

2. Subpart M of Part 53 is amended as follows:

"Subpart M (Appendix A) General Standards of Construction and Equipment" is redesignated "Subpart N (Appendix A) General Standards of Construction and Equipment", and §§ 53.131–53.155 are redesignated §§ 53.141–53.165, respectively. As amended, Subpart N will read as set forth below.

The prior section heading "§ 53.136 Mental hospital" is redesignated "§ 53.146 Mental hospital—Long-term care".

The prior section heading "§ 53.137 Psychiatric hospital" is redesignated "§ 53.147 Mental hospital—Intensive care".

The prior section heading "§ 53.138 Chronic disease hospital" is redesignated "§53.148 Facility for long-term care—Chronic disease hospital".

The prior section heading "§ 53.149 Nursing homes" is redesignated "§ 53.159 Facility for long-term care—Nursing home".

Paragraph (b) of prior section 53.155 is deleted and paragraphs "(c)" and "(d)" are resignated "(b)" and "(c)", respectively.

Revised Part 53 reads as set forth below.

This amendment was approved by the Federal Hospital Council on November 4, 1964.

Dated: December 8, 1964.

[SEAL] LUTHER L. TERRY,
*Surgeon General.*

Approved: December 18, 1964.

LUTHER L. TERRY,
*Chairman, Federal Hospital Council.*

Approved: December 18, 1964.

ANTHONY J. CELEBREZZE,
*Secretary.*


**Subpart A—Definitions**

Sec.
53.1 Definitions.

**Subpart B—Distribution of Beds for Acute and Long-Term Illness (Excluding Mental and Tuberculosis)**

53.11 State need (standards of adequacy).
53.12 Service areas.
53.13 Existing general hospital beds and beds in facilities for long-term care.

**Subpart C—Distribution of Tuberculosis Beds**

53.21 State need (standards of adequacy).
53.22 Distribution.
53.23 Existing tuberculosis hospital beds.

**Subpart D—Distribution of Mental Beds**

53.31 Community mental health centers plan.
53.32 State need (standards of adequacy).

**Subpart E—Distribution of Public Health Centers**

53.41 State need (standards of adequacy).
53.42 Distribution.
53.43 Existing public health centers.

**Subpart F—Distribution of Diagnostic or Treatment Centers**

53.51 State need (standards of adequacy).
53.52 Distribution (service areas).
53.53 Existing diagnostic or treatment centers.

**Subpart G—Distribution of Rehabilitation Facilities**

53.61 State need (standards of adequacy).
53.62 Distribution.
53.63 Existing rehabilitation facilities.

**Subpart H—Distribution of Modernization Projects for All Categories of Facilities**

53.71 Determination of need.
53.72 Distribution.

**Subpart I—Priority of Projects**

53.81 General.
53.82 Hospitals (new construction).
53.83 Facilities for long-term care (new construction).
53.84 Diagnostic or treatment centers (new construction).
53.85 Rehabilitation facilities (new construction).
53.86 Public health centers (new construction).
53.87 Modernization.

**Subpart J—Allotments for Modernization and Transfer of Allotments**

53.91 Allotments for modernization.
53.92 Transfer of allotments to another State.
53.93 Transfer of allotments for modernization to another category within a State.

**Subpart K—General Standards of Construction and Equipment**

53.101 General.
53.102 Size of mental hospitals.
53.103 Size of tuberculosis hospitals.
53.104 Size of facilities for long-term care.

**Subpart L—Community Service; Services for Persons Unable To Pay; Nondiscrimination**

53.111 Community service; services for persons unable to pay; nondiscrimination on account of creed.
53.112 Nondiscrimination on account of race, color or national origin.

**Subpart M—Methods of Administration of the State Plan**

53.121 General.
53.122 Construction program.
53.123 Personnel administration.
53.124 Fair hearings.
53.125 Construction standards.
53.126 Minimum standards of maintenance and operation.
53.127 Application; submittal; amendment; processing.
53.128 Assurances from applicant.
53.129 Certification to Surgeon General.
53.130 Requests for construction payments.
53.131 Fiscal and accounting requirements.
53.132 Access by Comptroller General.
53.133 Notice of change of status of facility.
53.134 Good cause for other use of facility.

**Subpart N—(Appendix A) General Standards of Construction and Equipment**

53.141 Introduction.
53.142 Site survey and soil investigation.
53.143 Site.
53.144 General hospital.
53.145 Tuberculosis hospital.
53.146 Mental hospital (long-term care).
53.147 Mental hospital (intensive care).
53.148 Facilities for long-term care—chronic disease hospital.
53.149 Nurses' residence.
53.150 School of nursing.
53.151 Public health centers.
53.152 State public health laboratory.
53.153 Diagnostic or treatment centers.
53.154 Rehabilitation facilities (general).
53.155 Rehabilitation facilities (multiple disability) in a hospital.
53.156 Separate rehabilitation facility (multiple disability) for inpatients and outpatients.
53.157 Separate rehabilitation facility (multiple disability) for outpatients only.
53.158 Single disability rehabilitation facility.
53.159 Facilities for long-term care—nursing home.

Sec.
53.160 Details.
53.161 Finishes.
53.162 Structural.
53.163 Mechanical and electrical.
53.164 Preparation of plans, specifications and estimates.
53.165 Equipment.

AUTHORITY: The provisions of this Part 53 issued under sec. 215, 58 Stat. 690, as amended, sec. 603, 78 Stat. 451; 42 U.S.C. 216, 291c. Interpret or apply secs. 600–625, 78 Stat. 447–462; 42 U.S.C. 291–291o.

## Subpart A—Definitions

### § 53.1 Definitions.

All terms shall have the same meaning as given them in Title VI of the PHS Act, as amended (42 U.S.C. 291 et seq.) hereinafter termed the "Federal Act". In addition the following terms shall have the following meanings when used in the regulations in this part:

(a) *Area.* The geographic territory from which patients come or are expected to come to existing or proposed hospitals, or existing or proposed public health centers, or existing or proposed medical facilities (i.e., facilities for long-term care, diagnostic or treatment centers, rehabilitation facilities), the delineation of which is based on such factors as population distribution, natural geographic boundaries, and transportation and trade patterns, and all parts of which are reasonably accessible to existing or proposed hospitals, public health centers, or medical facilities. When appropriate, interstate areas may be formed with the mutual agreement of the States concerned.

(b) *Hospital.* General, tuberculosis, mental, and other types of hospitals, and related facilities, such as intensive, intermediate, and self-care nursing units, laboratories, outpatient departments, nurses' home facilities (and prior to July 1, 1965, nurses' training facilities), and central service facilities operated in connection with hospitals, but not institutions furnishing primarily domiciliary care. The term "hospital" shall be restricted to institutions providing community service for inpatient medical or surgical care of the sick or injured; this includes obstetrics.

(c) *General hospital.* Any hospital for short-term inpatient medical or surgical care of illness or injury including obstetrics.

(d) *Mental hospital.* A hospital for the comprehensive diagnosis and treatment of patients with mental illness.

(e) *Tuberculosis hospital.* A hospital for the diagnosis and treatment of tuberculosis.

(f) *Facility for long-term care.* A facility providing community service for inpatient care for convalescent or chronic disease patients who require skilled nursing care and related medical services.

(1) Which is a hospital (other than a hospital primarily for the care and treatment of mentally ill or tuberculosis patients) or is operated in connection with a hospital, or

(2) In which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State. Institutions furnishing primarily domiciliary care are not included.

"Chronic disease hospitals" and "nursing homes" as used in Subpart N (Appendix A) constitute "facilities for long-term care".

(g) *Diagnostic or treatment center.* A facility providing community service for the diagnosis or diagnosis and treatment of ambulatory patients (outpatients) which is operated in connection with a hospital, or in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State, or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State. This includes outpatient departments and clinics of public or nonprofit hospitals. The applicant must be either (1) a State, political subdivision, or public agency, or (2) a corporation or an association which owns and operates a nonprofit hospital.

(h) *Rehabilitation facility.* (1) A facility providing community service which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program under competent professional supervision of (i) medical evaluation and services, and (ii) psychological, social, or vocational evaluation and services. The major portion of the required evaluation and services must be furnished within the facility; and the facility must be operated either in connection with a hospital or as a facility in which all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State.

(2) For the purpose of this paragraph:

(i) An integrated program brings together as a team specialized personnel from the (*a*) medical, and (*b*) psychological, social, or vocational areas for the purpose of pooling information, interpretations and opinions for the development of a rehabilitation plan of services in which the disabled individual is viewed as a whole. When members of the team contribute to the diagnosis and treatment of illness, their contributions must be coordinated under medical responsibility. These integrated services may be provided in a facility to care for many types of disabilities or a single type of disability.

(ii) A disabled person is an individual who has a physical or mental condition which, to a material degree, limits, contributes to limiting, or if not corrected, will probably result in limiting, the individual's performance or activities to the extent of constituting a substantial physical, mental, or vocational handicap.

(iii) Medical service, in the case of a rehabilitation facility operated in connection with a hospital, means a service under the direct personal supervision of a medical director, varied and extensive availability of specialized consultants, physical and occupational therapy department and occupational therapy services, and medical evaluation.

(iv) Medical service, in the case of a rehabilitation facility not operated in connection with a hospital, means medical supervision, availability by agreement of medical consultants, and evaluation and services suitable to the needs of the disabled persons to be served.

(v) Social service means evaluation and services by a qualified social worker in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(vi) Psychological service means evaluation and services by a qualified psychologist in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(vii) Vocational service, in the case of a rehabilitation facility operated in connection with a hospital, means evaluation and services by a qualified vocational rehabilitation counselor in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(viii) Vocational service, in the case of a rehabilitation facility not operated in connection with a hospital, means those vocational services required in hospitals plus a variety of vocational services appropriate to the program and the persons to be served, such as prevocational exploration, work evaluation and vocational training.

(i) *Public health center.* A publicly owned facility utilized by a local health unit for the provision of public health services, including related publicly owned facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

(j) *Local health unit.* A single county, city, county-city, or local district health unit, as well as a State health district unit where the primary function of the State district unit is the direct provision of public health services to the population under its jurisdiction.

(k) *Public health services.* Services provided through organized community effort in the endeavor to prevent disease, prolong life, and maintain a high degree of physical and mental efficiency.

(l) *Hospital bed.* A bed for an adult or child patient. Bassinets for the newborn in a maternity unit nursery, beds in labor rooms, recovery rooms, and other beds used exclusively for emergency purposes are not included in this definition.

(m) *Population.* In computing the population of the States or any area thereof, for planning purposes, the State agency shall use the latest figures of civilian population certified by the Federal Department of Commerce and distribute such population among the various areas. The sum of the populations distributed among the various areas shall not exceed the figures certified by the Department of Commerce.

(n) *Projected population.* The State agency shall use the projected State population estimates obtained from the Federal Department of Commerce and provided to the State agency by the Surgeon General, and shall distribute such population among the various areas. The sum of the projected populations distributed among the various areas shall not exceed the figures provided by the Surgeon General.

(o) *Nonprofit hospital, nonprofit diagnostic or treatment center, nonprofit rehabilitation facility, and nonprofit facility for long-term care.* Any hospital, diagnostic or treatment center, rehabilitation facility, or facility for long-term care, as the case may be, owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(p) *Community service.* A facility provides a community service when (1) the services furnished are available to the general public, or (2) admission is limited only on the basis of age, medical indigency, or type or kind of medical or mental disability, or (3) the facility constitutes a medical or nursing care unit of a home or other institution which home or other institution is available in accordance with subparagraph (1) or (2) of this paragraph.

(q) *Modernization.* Modernization includes alteration, major repair, remodeling, replacement, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in equipment of existing buildings. It does not include the replacement of a facility or a portion of a facility to an inpatient capacity greater than the capacity of the existing facility.

(r) *Equipment.* This term includes those items which are necessary for the functioning of the facility but does not include items of current operating expense such as food, fuel, drugs, dressings, paper, printed forms, and soap.

(s) *Built-in equipment.* Built-in equipment is that equipment which is affixed to the facility, and usually included in the construction contract.

(t) *Major repair.* The term "major repair" consists of those repairs to an existing building excluding routine maintenance which restore the building to a sound state, the cost of which is no less than $100,000.

(u) *State.* The 50 States, Puerto Rico, Guam, Virgin Islands, American Samoa, and the District of Columbia.

(v) *State agency.* The State agency designated by the State pursuant to section 604(a)(1) of the Federal Act.

(w) *Surgeon General.* The Surgeon General of the Public Health Service.

(x) *Secretary.* The Secretary of Health, Education, and Welfare.

## Subpart B—Distribution of Beds for Acute and Long-Term Illness (Excluding Mental and Tuberculosis)

### § 53.11 State need (standards of adequacy).

(a) The number of beds for acute and long-term illness required to provide adequate service to the people residing in any State shall be the total of such beds required for individual service areas within the State. The number of beds required for each service area shall be calculated by the State agency, using a formula as follows:

(1) For general hospitals,

Step (i) Multiply the current area use rate (patient days per 1000 population per year) by the projected area population (in thousands) and divide by 365 to obtain a projected area average daily census.

Step (ii) Divide the projected area average daily census by .80 (occupancy factor) and add 10 to obtain the number of beds needed in the area.

State agencies wishing to use a different formula may do so, provided:

(*a*) The formula used shall incorporate area use rate, projected area population and an occupancy or other factor or factors, and

(*b*) The formula is submitted to and approved by the Surgeon General before it is used in the State plan.

(2) For facilities for long-term care, where data on long-term patient days are available and valid, a similar formula shall be used, with .90 occupancy factor, subject to the provisions set forth in subparagraph (1) (*a*) and (*b*) of this paragraph.

### § 53.12 Service areas.

(a) The same service areas shall be used for planning general hospital and long-term care beds and facilities in order that the relationship of these two categories of facilities may be indicated.

(b) Each service area shall have sufficient population that it may have both general hospital and long-term care services appropriately planned in one or more facilities.

(c) The State agency shall describe in the State plan the population characteristics of each service area and outline a program for the distribution of beds and facilities for general hospital and long-term care.

### § 53.13 Existing general hospital beds and long-term care beds.

(a) The count of existing general hospital beds shall include the beds in the hospitals of this category as defined in Subpart A, which are not included in the count of beds for any other category under this part, and beds in any mental hospital, tuberculosis hospital or facility for long-term care which are specifically assigned for general hospital care, provided the beds so assigned in any such facility number 10 or more.

(b) The count of existing beds in facilities for long-term care shall include the beds in the facilities of this category as defined in Subpart A, which are not included in the count of beds in any other category under this part, and beds in any general, mental or tuberculosis hospital which are specifically assigned to long-term care other than mental or tuberculosis, provided the beds so assigned to any such facility number 10 or more.

(c) The count of existing beds described in paragraphs (a) and (b) of this section shall: (1) Include beds in all nursing units, including those currently closed or assigned to easily convertible nonpatient use, and bed space under construction, and (2) exclude beds in labor rooms, recovery rooms, emergency rooms, beds used intermittently for diagnosis or treatment, beds set up for temporary use, bassinets in newborn nurseries in maternity units, and unfinished bed space not under construction.

(d) The number of existing facilities in each category referred to in this subpart shall be counted.

(e) Existing beds described in paragraphs (a) and (b) of this section shall be classified as conforming or nonconforming according to specific standards of plant evaluation. Such standards shall include:

(1) Fire-resistivity of each building;

(2) Fire and other safety factors of each building;

(3) Design and structural factors affecting the function of nursing units;

(4) Design and structural factors affecting the function of service departments.

## Subpart C—Distribution of Tuberculosis Hospital Beds

### § 53.21 State need (standards of adequacy).

The number of beds required to provide adequate hospital services for tuberculosis patients in any State or service area shall be determined:

(a) In relation to the development of outpatient and community based programs and not as isolated inpatients programs; and

(b) On an estimated average occupancy rate of at least 80 percent of the current year's existing beds, except where a lower rate is justified by the State agency.

### § 53.22 Distribution.

Tuberculosis hospitals receiving grants under the Federal Act shall be built in centers of population and shall be a part of or in proximity to general hospitals.

### § 53.23 Existing tuberculosis hospital beds.

(a) The count of existing tuberculosis hospital beds shall include the beds in tuberculosis hospitals, which are not included in the count of beds for any other category, and also beds in any general hospital which are specifically assigned for the care of patients with tuberculosis, provided the beds so assigned in any such general hospital number 10 or more.

(b) Existing tuberculosis hospital beds shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart B of this part.

## Subpart D—Distribution of Mental Hospital Beds

### § 53.31 Community mental health centers plan.

Except as provided in section 53.32 the State plan developed under the Community Mental Health Centers Act, Public Law 88–164, and regulations thereunder (§ 54.201 et seq. of this chapter) shall constitute that portion of the plan for mental health services, beds and facilities required under the Federal Act (Title VI of the Public Health Service Act, as amended).

### § 53.32 State need (standards of adequacy).

Until such time as the State plan under Public Law 88–164 is approved by the Surgeon General, and with respect to

those facilities not programmed under Public Law 88-164, the beds and facilities required to provide adequate services for the care of the mentally ill in the State or service area shall be:

(a) Determined in relation to the development of outpatient and community based programs and not as isolated inpatient programs;

(b) Determined on an average estimated occupancy rate of at least 80 percent of the current year's existing beds, except where a lower rate is justified by the State agency;

(c) Distributed in centers of population and as a part of or in proximity to general hospitals;

(d) Determined in relation to existing beds, services and facilities for the care of the mentally ill. (The count of existing mental hospital beds shall include the beds in mental hospitals, which are not included in the count of beds in any other category, and also beds in any general hospital which are specifically assigned for the comprehensive inpatient care of patients with mental illness. Existing mental hospital beds shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart B of this part.

## Subpart E—Distribution of Public Health Centers

### § 53.41 State need (standards of adequacy).

(a) The number of public health centers to be planned in a State shall be adequate to meet the needs of the people of that State.

(b) The need shall be determined after consultation with the State health authority (where the State Health Department is not the State agency), and with local health departments where such departments are operating independent units.

### § 53.42 Distribution.

The general method of distribution of public health centers throughout the State shall conform to the plan of organization of local health units within the State. In instances where the State Health Department is not the State agency, the method of distribution shall be determined after consultation with the State health authority.

### § 53.43 Existing public health centers.

(a) Where the State Health Department is not the State agency, the number of existing public health centers shall be determined after consultation with the State health authority.

(b) Existing public health centers shall be classified as conforming or nonconforming according to plant evaluation standards, which shall include:

(1) Fire-resistivity of each building;

(2) Fire and other safety factors of each building;

(3) Design and structural factors affecting the function of the center.

## Subpart F—Distribution of Diagnostic or Treatment Centers

### § 53.51 State need (standards of adequacy).

Diagnostic or treatment centers shall be planned in sufficient number to make at least the basic minimum services readily available to all persons in the State. Provision of the basic minimum services requires facilities for examination of patients by a physician or a dentist, and the provision of clinical laboratory and diagnostic X-ray services.

### § 53.52 Distribution (service areas).

(a) To facilitate the necessary relationship between hospitals and diagnostic or treatment centers, distribution of diagnostic or treatment centers shall be planned in the same areas used for distribution of general hospitals and facilities for long-term care.

(b) In determining the need for additional facilities for diagnostic or treatment services in an area as a basis for distribution of such facilities, special consideration shall be given to areas in which there is a shortage of services provided by private physicians and dentists.

### § 53.53 Existing diagnostic or treatment centers.

(a) The count of existing diagnostic or treatment centers shall exclude:

(1) Offices of private physicians and dentists, whether for individual or group practice;

(2) Industrial clinics for employees only, first aid clinics, and similar facilities not furnishing a community service.

(b) Existing diagnostic or treatment centers shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart E of this part.

## Subpart G—Distribution of Rehabilitation Facilities

### § 53.61 State need (standards of adequacy).

(a) Rehabilitation facilities shall be planned by each State so that all persons in the State shall have access to integrated rehabilitation services for all types of disabilities. The facility or facilities may be programed in the State or by joint planning with one or more other States to serve the residents of such States. In determining the number of rehabilitation facilities and services needed, the State shall consider such factors as the particular needs of the population to be served and the scope and nature of service of the existing and proposed facilities.

### § 53.62 Distribution.

In determining the need for additional rehabilitation services as a basis for distribution of rehabilitation facilities, consideration shall be given to (a) rehabilitation services provided in existing facilities, avoiding duplication and overlapping of services; and (b) availability of rehabilitation services to people in all geographical areas.

### § 53.63 Existing rehabilitation facilities.

The count of existing rehabilitation facilities shall include existing beds in such facilities. Such beds shall be classified in accordance with the procedures set forth in Subpart B of this part.

## Subpart H—Distribution of Modernization Projects for all Categories of Facilities

### § 53.71 Determination of need.

(a) Not later than January 1, 1966, the need for modernization shall be determined for each category of facilities by evaluation of existing facilities and with initial consideration being given to the most densely populated areas of the State. The evaluation shall be based on specific standards of plant evaluation, which shall include:

(1) Fire-resistivity of each building;

(2) Fire and other safety factors of each building;

(3) Design and structural factors affecting the function of the facility.

(b) Based on the evaluation, beds or facilities shall be classified as conforming or nonconforming. Those beds or facilities which are classified as nonconforming shall represent the beds and facilities in need of modernization.

(c) In the event that an area has a total of existing conforming beds or facilities and existing nonconforming beds or facilities needing modernization which exceeds the total need for the area, the number of beds or facilities to be modernized shall be reduced accordingly. At no time shall the beds or facilities to be modernized, when added to the existing conforming beds or facilities, be greater than the total beds or facilities needed in any one category.

### § 53.72 Distribution.

Modernization shall be planned for general hospitals, facilities for long-term care, and diagnostic or treatment centers in the service areas used for planning new construction. For other categories of facilities, modernization may be planned on a Statewide basis.

## Subpart I—Priority of Projects

### § 53.81 General.

The general manner in which the State agency shall determine the priority of projects included in the State construction program shall be based on the relative need of different areas lacking adequate facilities and shall conform to the principles set out in this subpart.

### § 53.82 Hospitals (new construction).

Special consideration shall be given to hospitals which will serve rural communities and areas with relatively small financial resources; and prior to July 1, 1965 (and to the extent deemed feasible by the State agency), to hospital facilities which will include new or expanded facilities for nurse training. Relative need for new construction shall be expressed in terms of the ratio of existing conforming beds to total beds needed in each area.



### § 53.83 Facilities for long-term care (new construction).

Priority shall be determined on the basis of the relative need for beds in facilities for long-term care in the area to be served by the project taking into account the utilization of existing beds and giving special consideration to projects operated by or affiliated with hospitals. Relative need for new construction shall be expressed in terms of the ratio of existing conforming beds to total beds needed in each area.

### § 53.84 Diagnostic or treatment centers (new construction).

The priority of diagnostic or treatment center projects shall be determined on the basis of the relative need for additional diagnostic or treatment services in the area to be served by the project taking into account existing available services and their utilization.

### § 53.85 Rehabilitation facilities (new construction).

Priority shall be given to rehabilitation facility projects in the order of importance as given below taking into consideration existing rehabilitation services in the community and the need for additional services in the community.

(a) Facilities operated in connection with a university teaching hospital which will provide an integrated program of medical, psychological, social, and vocational evaluation and services under competent supervision.

(b) Facilities offering rehabilitation services for multiple disabilities in hospitals and medical facilities capable of sustaining an organized department of physical medicine and rehabilitation.

(c) All other rehabilitation facilities.

### § 53.86 Public health centers (new construction).

Highest priority in this category shall be given to the provision of facilities for local health units serving rural communities and communities with relatively small financial resources. Where the agency designated to administer the State plan is not the State health authority, the State agency shall determine the relative priorities to be established after consultation with the State health authority.

### § 53.87 Modernization.

Special consideration for modernization shall be given to areas of high population density. For each category, relative need shall be expressed for inpatient facilities in terms of the ratio of existing conforming beds in each area to total existing beds in such area, and for ambulatory (outpatient) facilities the ratio of existing conforming outpatient facilities in each area to total existing outpatient facilities in such area.

## Subpart J—Allotments for Modernization and Transfer of State Allotments

### § 53.91 Allotments for modernization.

The allotment to the several States under section 602(a)(2) of the Act for modernization shall be, for the period July 1, 1965 to June 30, 1966, computed as follows:

(a) One-half will be allotted to each State in the same proportion as the product of—

(1) The population of each State; and

(2) The square of its allotment percentage bears to the sum of the corresponding products for all of the States.

(b) One-half will be allotted to each State on the basis of need, determined by giving a weight of—

(1) 40 percent to the State's proportion of all hospital beds in existence in the United States in 1948; and

(2) 60 percent to the State's share of all Hill-Burton allotments made for the years 1949 through 1953.

### § 53.92 Transfer of allotments to another State.

A State may submit a request in writing to the Surgeon General that a specified portion of its allotment for the construction of hospitals and public health centers, facilities for long-term care, diagnostic or treatment centers, rehabilitation facilities, or for modernization, be added to the corresponding allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction or modernization of a facility of the type authorized under the allotments in such other State. In determining whether the facility with respect to which the request is made will meet needs of the State making the request and that use of the specified portion of such State's allotment as requested by it will assist in carrying out the purposes of the Federal Act, the Surgeon General (or, in the case of a rehabilitation facility, the Surgeon General and the Secretary) shall consider the accessibility of the facility and the extent to which services will be made available to the residents of the State making the request for the transfer.

### § 53.93 Transfer of allotments for modernization to another category within a State.

(a) For the purpose of transfer of allotments as authorized by section 602(e)(1) of the Federal Act, a reasonable opportunity for applicants to submit approvable applications for modernization projects shall include a period of time during which applications may be submitted which is not less than 12 months from the date an application for such a project could first have been approved in accordance with the Act and these regulations.

(b) A determination under section 602(e)(2) of the Federal Act that there is a greater need for facilities other than modernization projects shall be made only after completion of the determination of the State's needs for modernization projects pursuant to Subpart H of this part and in accordance with the approved State plan.

## Subpart K—General Standards of Construction and Equipment

### § 53.101 General.

(a) Plans and specifications for each project submitted to the Surgeon General for approval, and in the case of rehabilitation facilities, the approval of the Secretary, under the Federal Act shall be prepared in accordance with "General Standards of Construction and Equipment" for facilities of different classes and in different types of locations as set forth in Subpart N (Appendix A) of this part. The Surgeon General may approve, subject also in the case of rehabilitation facilities to the approval of the Secretary, plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled.

(b) The design and construction covered by the plans and specifications must conform with the applicable State and local laws, codes, and ordinances and with the approved State plan. The plans and specifications must be complete and adequate for contract purposes and have the approval and recommendation of the State agency.

(c) Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned.

### § 53.102 Size of mental hospitals.

No application for construction of a mental hospital for intensive care with a capacity of more than 500 beds or of a mental hospital for long-term care with a capacity of more than 3,000 beds shall be approved. This requirement shall not be construed to prevent approval of applications for improvements of mental hospitals with bed capacities equal to or greater than those specified above, if such improvements are designed to provide more intensive treatment facilities within such hospitals.

### § 53.103 Size of tuberculosis hospitals.

No application for construction of a tuberculosis hospital with a capacity of less than 100 beds shall be approved, except that an application for construction of a tuberculosis hospital with a capacity from 50 to 100 beds may be approved where necessary (a) to provide facilities for an isolated area too small to support a larger hospital, or (b) to expand, remodel, or alter existing hospital facilities.

### § 53.104 Size of facilities for long-term care.

No application shall be approved for construction of a facility for long-term care, not an addition to a hospital, with a capacity of less than 10 beds.

## Subpart L—Community Service; Services for Persons Unable To Pay; Nondiscrimination

### § 53.111 Community service; services for persons unable to pay; nondiscrimination on account of creed.

Before an application for the construction of a hospital or medical facility is recommended by a State agency for approval, the State agency shall obtain assurances from the applicant that:

(a) The facility will furnish a community service;

(b) The facility will furnish below cost or without charge a reasonable vol-

ume of services to persons unable to pay therefor. As used in this paragraph, "persons unable to pay therefor" includes persons who are otherwise self-supporting but are unable to pay the full cost of needed services. Such services may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as community chest or may be contributed at the expense of the facility itself. In determining what constitutes a reasonable volume of services to persons unable to pay therefor, there shall be considered conditions in the area to be served by the applicant, including the amount of such services that may be available otherwise than through the applicant. The requirements of assurance from the applicant may be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Surgeon General, that to furnish such services is not feasible financially; and

(c) All portions and services of the entire facility for the construction of which, or in connection with which, aid under the Federal Act is sought, will be made available without discrimination on account of creed; and no professionally qualified person will be discriminated against on account of creed with respect to the privilege of professional practice in the facility.

**§ 53.112 Nondiscrimination on account of race, color, or national origin.**

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88–352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (sec. 601). A regulation implementing such Title VI, applicable to grants for construction and modernization of hospitals and medical facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). This regulation, published in the FEDERAL REGISTER of December 4, 1964 (29 F.R. 16298–16305), will become effective on the 30th day after such publication.

**§ 53.113 Nondiscrimination in construction contracts.**

Each construction contract is subject to the condition that the grantee shall comply with the requirements of, and give the assurances required in Executive Order 11114, June 22, 1963 (28 F.R. 6485), and the applicable rules, regulations and procedures prescribed pursuant thereto by the President's Committee on Equal Employment Opportunity (28 F.R. 9812).

## Subpart M—Methods of Administration of the State Plan

**§ 53.121 General.**

The State plan shall provide for general methods of administration which are in accord with the principles set out in this subpart.

**§ 53.122 Construction program.**

The State programs for hospitals, facilities for long-term care, diagnostic or treatment centers, rehabilitation facilities, public health centers, and modernization shall be developed in the following manner:

(a) The State agency shall determine the need for additional hospital facilities of all types, facilities for long-term care, diagnostic or treatment centers, rehabilitation facilities, public health centers and for modernization of such facilities in accordance with the provisions of Subpart B through Subpart H.

(b) The State agency shall determine through field investigation, and otherwise, the approximate locations in each area in which the various types of health facilities identified in paragraph (a) of this section should most appropriately be built and the locations at which modernization projects are needed.

(c) After having determined the hospital, long-term care facilities, diagnostic or treatment center, rehabilitation facilities, public health center and modernization needs, the State agency shall establish an overall construction program. This program shall set forth all such needs in accordance with the standards specified in Subpart B through Subpart H and shall show the relative need for each project included, irrespective of the availability of funds for construction and for maintenance and operation of such project.

(d) The State agency shall from time to time as necessary, but not less often than annually, review the State plan, including the overall program for the construction of hospitals, long-term care facilities, diagnostic or treatment centers, rehabilitation facilities, public health centers and for modernization, and shall submit to the Surgeon General any modifications of the plan and the construction program as the State agency considers necessary to administer the plan and the annual allotment.

(e) At least thirty days prior to the submission of the State plan or any modification thereof to the Surgeon General, the State agency shall publish in newspapers having general circulation throughout the State a general description of the proposed plan or any such modification, and the State plan shall be available for examination and comment by interested persons prior to submission to the Surgeon General.

(f) The State agency shall establish a separate construction schedule on such forms and for such periods as the Surgeon General may prescribe. Insofar as funds are available for construction and for maintenance and operation, construction shall be scheduled in the order of relative need.

**§ 53.123 Personnel administration.**

(a) *Merit system.* A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(1) Impartial administration of the merit system;

(2) Operation on the basis of published rules or regulations;

(3) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(4) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(5) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(6) Advancement on the basis of capacity and meritorious service; and

(7) Tenure of permanent employees.

Substantial compliance with the Standards for a Merit System of Personnel Administration, issued by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense on January 26, 1963, 28 F.R. 734, including any subsequent amendments thereof, will be deemed to meet the requirements of the regulations in this part.

(b) *Conflict of interest.* No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs, shall receive funds from the applicant, directly or indirectly, in payment for services provided in connection with the planning, design, construction or equipping of the project.

**§ 53.124 Fair hearings.**

The State agency shall establish such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with any action of the State agency regarding its application.

**§ 53.125 Construction standards.**

The State agency shall adopt general standards of construction and equipment for the various types of hospitals, facilities for long-term care, diagnostic or treatment centers, rehabilitation facilities, and public health centers assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Surgeon General and set forth in Subpart N (Appendix A) of this part.

**§ 53.126 Minimum standards of maintenance and operation.**

The State plan shall provide for minimum standards of maintenance and operation of facilities providing inpatient care which receive aid under the Federal Act, and effective not later than July 1, 1966, shall provide for enforcement of such standards.

**§ 53.127 Application; submittal; amendment; processing.**

(a) *Submittal of application.* Construction applications, including both a detailed narrative description and a detailed estimate of the cost of the project, shall be submitted to the Surgeon General through the State agency on forms prescribed by the Surgeon General.



(b) *Amendment to application.* An amendment to any application approved by the Surgeon General shall be processed in the same manner as an original application, except that the original application's conformity with the priority regulations shall suffice for an amendment which does not modify the factors on which the priority was granted.

(c) *Processing of application.* The State agency shall approve, recommend, and forward applications received in the order of priority, except that the State agency may approve, recommend and forward to the Surgeon General applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority; and

(2) The State agency certifies to the Surgeon General that financial resources for the construction, maintenance and operation of projects of higher priority are not then available.

**§ 53.128 Assurances from applicant.**

In addition to any other requirements imposed by law, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Surgeon General may, at any time, approve exceptions to those conditions and assurances where he finds that such exceptions are not inconsistent with the Federal Act and the purposes of the program:

(a) That the applicant (or other public or nonprofit agency which is to operate the facility) has or will have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Surgeon General's approval of the final working drawings and specifications, which conform to the general standards of construction and equipment, will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders; and award the contract to the responsible bidder submitting the lowest acceptable bid; provided, however, that the purchase and installation of equipment which is unique to the facility, as well as kitchen, laundry and laboratory equipment, need not be considered construction work for the purpose of this section, except that if open competitive bidding is employed to obtain any or all of such equipment, the award shall be made to the responsible bidder submitting the lowest acceptable bid;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Surgeon General;

(e) That applicant will submit to the Surgeon General for prior approval changes that substantially alter the scope of work, function, utilities or safety of the facility.

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times;

(h) That applicant will furnish progress reports and such other information as the Surgeon General may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276 et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any calendar day or forty hours in the workweek (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) The provisions of Labor Standards for U.S. Public Health Service Construction Grant Programs (PHS 930–A–5) pertaining to the Copeland Act (Anti-Kickback) Regulations and Labor Standards (prevailing rates of pay and overtime requirements) except in the case of contracts in the amount of $2,000.00 or less;

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance;

(iii) Representatives of the Surgeon General and State agency will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection;

(m) That a facility providing inpatient care will be operated and maintained in accordance with minimum standards prescribed by the State agency for the maintenance and operation of such facilities;

(n) That the applicant will conform to all the applicable requirements of the State plan and the regulations of this part.

**§ 53.129 Certification to the Surgeon General.**

After the State agency has approved a construction application, it shall recommend it to the Surgeon General for approval and shall certify:

(a) That the application contains reasonable assurance as to the availability of funds for the cost of construction and the entire cost of maintenance and operation when completed:

(1) Availability of funds for the non-Federal share of construction costs shall mean (i) funds immediately available, placed in escrow, or acceptably pledged, or (ii) funds or fund sources specifically earmarked in a sum sufficient for that purpose, or (iii) other assurances acceptable to the Surgeon General;

(2) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget, on a form prescribed by the Surgeon General, for the two-year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet any excess of proposed expenditures over anticipated income from the operation of the constructed addition for the two-year period immediately following its completion.

(b) That the application is in conformity with and contains the assurances required by the State plan and these regulations.

**§ 53.130 Requests for construction payments.**

(a) *Certification by State agency.* The State agency shall certify to the Surgeon General the amount of payments due to an applicant for the cost of work performed and materials and equipment furnished.

(1) Except as provided in subparagraph (2) of this paragraph, payments shall be made as follows:

(i) The first installment when not less than 25 percent of the construction of the project has been completed;

(ii) A second installment when not less than 50 percent of the construction of the project has been completed;

(iii) A third installment when not less than 75 percent of the project has been completed;

(iv) A fourth installment when the project is 95 percent completed; and

(v) The final payment when the project is completed and final inspection by a representative of the Surgeon General is made and the amount certified as due and payable as determined by the audit.

(2) Upon a written request and a showing of necessity by the applicant, the Surgeon General may adopt a different schedule of payments.

(b) *Inspection by State agency.* As a basis for certification by the State agency that payment of an installment is due an applicant, the State agency shall make adequate inspections to determine that the work has been performed upon a

project, or purchases have been made, in accordance with the approved plans and specifications.

**§ 53.131 Fiscal and accounting requirements.**

(a) *Construction allotments.* (1) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(2) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(b) *Construction payments.* (1) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local or other funds used for matching purposes.

(2) The State agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(3) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Surgeon General for approved construction projects.

**§ 53.132 Access by Comptroller General.**

The State plan shall provide that the Comptroller General of the United States or his duly authorized representatives will have access for purposes of audit and examination to such records of the State agency as are required to be maintained by the Surgeon General.

**§ 53.133 Notice of change of status of facility.**

The State agency shall promptly notify the Surgeon General in writing, if at any time within 20 years after completion of construction, any facility which received funds under the Federal Act, as amended, is transferred to any person, agency, or organization, not qualified to file an application under the Federal Act or not approved as a transferee by the State agency; or ceases to be a public health center or a public or other nonprofit hospital, diagnostic or treatment center, facility for long-term care or rehabilitation facility, as defined in the Federal Act.

**§ 53.134 Good cause for other use of facility.**

If within twenty years after completion of any construction for which a construction grant has been made the facility shall cease to be a public health center or a public or other nonprofit hospital, diagnostic or treatment center, facility for long-term care, or rehabilitation facility the Surgeon General, in determining whether there is good cause for releasing the applicant or other owner of the facility from its obligation shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to use for another public or nonprofit purpose which will promote the purpose of the Federal Act; or

(b) There are reasonable assurances that for the remainder of the twenty year period other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes.

## Subpart N—(Appendix A) General Standards of Construction and Equipment

**§ 53.141 Introduction.**

(a) The standards set forth in this subpart have been established by the Surgeon General of the U.S. Public Health Service as required by Title VI of the Public Health Service Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the act. They are considered necessary to insure properly planned and well constructed hospitals and public health centers which can be maintained and efficiently operated to furnish adequate services.

(b) Throughout these general standards reference is made to certain sizes of hospitals such as, "up to and including 100 beds," "over 100 beds," etc. These references are not meant to be applied strictly. They indicate the approximate sizes at which certain changes in requirements will occur.

(c) It should be particularly noted that the small hospital of 50 beds or under presents a special problem. The size of the various departments will be generally smaller and will depend upon the requirements of the particular hospital. Some of the functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the best standards of medical and nursing practice. In other respects the general standards set forth in this subpart, including the area requirements, will apply.

(d) In the case of types of hospitals not specifically treated herein the standards for general hospitals will apply. Due allowance will be made for the specialized or unusual requirements of the particular hospital involved.

(e) Since these are minimum requirements it is desirable only that they form a basis for development of higher standards. In the interest of promoting the development of higher standards it is the intention of the Public Health Service to make suggestions and disseminate the latest information as to current good practice in planning and design of health facilities. This information will be distributed from time to time to State agencies and other interested persons.

(f) No attempt has been made in establishing these standards to comply with all the various State and local codes and regulations which, of course, must be observed. The standards set forth in this subpart must be followed where they exceed any State and local codes and regulations. Likewise, compliance is required with minimum standards of construction and equipment promulgated by the State Agency where such requirements provide a higher standard than the standards set forth in this subpart.

**§ 53.142 Site survey and soil investigation.**

(a) The applicant shall provide for a survey and soil investigation of the site and furnish a plat of the site. The purpose of this survey and soil investigation is to obtain all information necessary for the design of the building foundations and mechanical service connections and development of the site. It is suggested that this matter be deferred until the architect has been selected in order that he may cooperate with the engineer who obtains the data.

(b) If any existing structures or improvements on the site are to be removed by the owners or others, the buildings or improvements must be so designated on the plat.

(c) Any discrepancies between the survey and the recorded legal description shall be reconciled or explained.

(d) The plat shall indicate:

(1) The courses and distances of property lines.

(2) Dimensions and location of any buildings, structures, easements, rights-of-way or encroachments on the site.

(3) Details of party walls, or walls and foundations adjacent to the lot lines.

(4) The position, dimensions and elevations of all cellars, excavations, wells, back-filled areas, etc., and the elevation of any water therein.

(5) All trees which may be affected by the building operations.

(6) Detailed information relative to established curb and building lines and street, alley, sidewalk and curb grades at or adjacent to the site and the materials of which they are constructed.

(7) All utility services and the size, characteristics, etc., of these services.

(8) The location of all piping, mains, sewers, poles, wires, hydrants, manholes, etc., upon, over or under the site or adjacent to the site if within the limits of the survey.

(9) Complete information as to the disposal of sanitary, storm water and subsoil drainage and suitability of subsoil for rainwater or sanitary disposal purposes if dry wells are used.

(10) Official datum upon which elevations are based and a bench mark established on or adjacent to the site.

(11) Elevations on a grid system of not more than 20-foot intervals to indicate changes of slope, etc., over that portion of the site to be developed.

(12) Elevations of contours, bottoms of excavations, etc.



(13) Contemplated date and description of any proposed improvements to approaches or utilities adjacent to the site.

(e) The plat shall bear a certification by the city engineer or other qualified official, that the true street lines and the officially established grades of curbs, sidewalks and sewers are correctly given.

(f) Adequate investigation shall be made to determine the subsoil conditions. The investigations shall include a sufficient number of test pits or test borings as will determine, in the judgment of the architect, the true conditions.

(g) Samples of strata of soil or rock taken in each pit or boring shall be retained in suitable containers. Each sample container shall be identified as to the boring and elevations at which taken and the labels initialed by the engineer making the soil investigation.

(h) The following information shall be noted on the plat:

(1) Thickness, consistency, character, and estimated safe bearing value of the various strata encountered in each pit or boring.

(2) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons and effect on the subsoil.

(3) The elevation of rock, if known, and the probability of encountering quicksand.

(4) Average depth of frost effect below surface of ground.

(5) High and low water levels of nearby bodies of water affecting the ground water level.

(6) The probability of freshets overrunning the site.

(7) Whether the soil contains alkali in sufficient quantities to affect concrete foundations.

(8) The elevation and location of the top of workings relative to the site, if the site is underlaid with mines, or old workings are located in the vicinity.

(9) Whether the site is subject to mineral rights which have not been developed.

**§ 53.143 Site.**

(a) The site of any hospital should be reasonably accessible to the center of community activities. Public transportation should be available within a reasonable distance, especially if an outpatient service is to be maintained.

(b) Hospitals should be located in relation to the center of population, close to where patients live and where competent special medical and surgical consultation is readily available and where employees can be recruited and retained.

(c) The site should not be near insect breeding areas, noise or other nuisance producing industrial developments; airports, railways or highways producing noise or air pollution, or near penal or other objectionable institutions or near a cemetery.

(d) Adequate roads and walks shall be provided within the lot lines to the main entrance, ambulance entrance and community activities.

(e) The site for a public health center should be convenient to the center of community activities.

**§ 53.144 General hospital.**

Units required in the general hospital

(a) *Administration department.*

Up to and including 100 beds:
- Business office with information counter.
- PBX Board and night information.[1]
- Administrator's office.
- Director of nurses' office.[1]
- Medical record room.
- Staff lounge.
- Lobby.
- Public toilets.

Over 100 beds:
- Business office.
- Information counter.
- PBX Board and night information.[1]
- Administrator's office.
- Director of nurses' office.
- Admitting office.
- Medical social service room.[1]
- Medical record room (should be easily available to O.P.D.).
- Staff lounge.
- Library, conference and board room.
- Lobby.
- Retiring room.[1]
- Public toilets.

(b) *Adjunct diagnostic and treatment facilities.* Except for the morgue and autopsy, this department preferably should be located covenient to both in- and out-patients.

Laboratory:
- Adequate facilities for chemical, bacteriological, serological, pathological and hematological services.

Basal metabolism and electrocardiography:
- Up to and including 100 beds: No special provisions required. Can be done in bed rooms.
- Over 100 beds: One room near the laboratory.

Morgue and autopsy: [1] May not be required in hospitals under 50 beds if other facilities such as undertaker or coroner are available. Where provided: Combination morgue and autopsy with mortuary refrigerator.

Radiology: Each hospital to have at least [1] radiographic room with adjoining darkroom, toilet, and office. Hospitals of 150 beds and over should have at least 1 additional radiographic room. The radiology department shall have ray protection as required.

Physical therapy: [1] In hospitals of 100 beds and over: Space should be provided for electrotherapy, hydrotherapy, massage, and exercise. Equipment to be furnished when competent technician is acquired.

Pharmacy:
- Up to and including 100 beds: Drug room with minimum facilities for compounding.
- Over 100 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital.

(c) *Nursing department.*

General:
- No room should have more than 4 beds. Each room shall have a lavatory. Nursing units composed of multi-bed rooms shall have a quiet room. No patients' bed rooms shall be located on any floor which is below grade.

Size of nursing unit: Not more than 35 beds.[1]
- Larger units permissible, if additional facilities are provided.
- Minimum room areas: 80 sq. ft. per bed in two- and four-bed rooms. 100 minimum sq. ft. in one-bed rooms.

Service rooms in each nursing unit:
- Nurses' station.
- Utility room.
- Floor pantry (one per floor).[2]
- Toilet facilities.
- Bedpan facilities.
- One bathroom.
- Stretcher alcove.
- Linen and supply storage.
- Janitors' closet.

Treatment room: One for each two nursing units per floor.[1]

Solarium: One for each nursing floor.[1]

Nurses' toilet room: One for each nursing floor. In hospitals of 100 beds and over the maternity department shall be housed in a separate wing or floor.

(d) *Nursery department.*

Full term nursery:
- Area required: Not less than 24 square feet per bassinet, 30 square feet recommended.
- Number of bassinets: No more than 12 bassinets in each full term nursery, 8 recommended.
- Examination and work room: One examination and work room between each two full term nurseries.

Premature nursery: Recommended in hospitals of 16 or more maternity beds and required in hospitals of 25 or more maternity beds.
- Area required: 30 square feet per bassinet.
- Number of bassinets: Not more than six in each premature nursery.
- Workroom: Work area may be within premature nursery but the area so provided shall be in addition to the required bassinet area.

Observation nursery:
- Area required: 40 square feet per bassinet.
- Number of bassinets: Approximately 10% of full term bassinets. Not more than 6 bassinets in each observation nursery.
- Workroom: One workroom for each two observation nurseries.

Formula room: Location in obstetrical nursery area or near kitchen optional.

(e) *Surgical department.* (Shall be located to prevent traffic through it to any other part of the hospital.)

Operating rooms:
- Major: One operating room for each 50 beds or major fraction thereof up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
- Cystoscopy: One in each hospital over 100 beds highly desirable. Should have an adjoining toilet room. Location in hospital optional.
- Fracture room: [1] One in each hospital over 100 beds. Shall have an adjoining splint room. Location in hospital optional.

Auxiliary rooms:
- Sub-sterilizing facilities.
- Scrub-up facilities.
- Nurses' locker room with toilet.
- Janitors' closet.
- Instrument storage.
- Clean-up room.
- Anesthesia equipment storage.
- Surgical Supervisor station.
- Doctor's locker room with toilet.
- Storage closet.
- Stretcher alcove.
- Storage room for sterile supplies beginning at 100 beds.
- Dark room beginning at 100 beds.[1]

[1] Desirable but not mandatory.

[2] As required by program.

Central sterilising and supply room:
- Divided into work space, sterilising space and sterile storage space.
- Adjacent room for storage of unsterile supplies.
- Location in hospital optional.

(f) *Obstetrics department.* (Shall be located to prevent traffic through it to any other part of the hospital. Shall be completely separated from surgical department.)

Delivery rooms: One for each 20 maternity beds.
Labor beds: One for each 10 maternity beds.
Auxiliary rooms:
- Sub-sterilising facilities.
- Scrub-up facilities.
- Clean-up room or utility room.
- Supervisors' station.
- Nurses' locker room with toilet starting at 50 beds.[1]
- Sterile storage closet.
- Stretcher alcove.
- Janitors' closet.
- Doctors' locker room with toilet starting at 50 beds.

(g) *Emergency department.*

Accident room:
- With separate ambulance entrance.[1]
- Shall be separated from operating suite and obstetrical suite.
- Additional facilities will depend on amount of accident work expected.

(h) *Service department.*

Dietary facilities:
- Main kitchen and bakery.
- Dietitian's office.
- Dishwashing room.
- Adequate refrigeration.
- Garbage refrigerator.[1]
- Can washing facilities.
- Day storage room.
- Personnel dining space.
- Provide 12 square feet per person; may be designed for multiple seatings.
- Cafeteria or table service optional.

Housekeeping facilities:
- Laundry; unless commercial or other laundry facilities are available, each hospital shall have a laundry of sufficient capacity to process full 7 days' laundry in work week and contain the following areas:
  - Sorting area—completely enclosed.
  - Processing area.
  - Clean linen and sewing room separate from laundry.
  - Sewing room may be included in clean linen room in hospitals up to and including 100 beds.
  - Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.
- Housekeeper's office: May be combined with clean linen room in hospitals up to 100 beds.

Mechanical facilities:
- Boiler and pump room.
- Shower and locker facilities.[1]
- Engineers' space.
- Maintenance shops: In hospitals up to and including 100 beds at least one room shall be provided.[1] In larger hospitals separation of carpentry, painting and plumbing should be provided.
- For minimum requirements for mechanical and electrical work see the respective sections.

Employees' facilities:
- Nurses' locker room:
  - Lockers as required.
  - Rest room.
  - Toilet room.
- Female help lockers:
  - Locker room.
  - Rest room.
  - Toilet and shower room.[1]
- Male help lockers:
  - Locker room.
  - Toilet and shower room.[1]
- Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.

Storage:
- Inactive record storage.
- General storage: 20 square feet per bed and to be concentrated in one area insofar as possible. Mechanical maintenance storage may be in a separate area.

(i) *Out-patient department.* (If survey indicated that the out-patient department is unnecessary it may be omitted.)

General:
- Out-patient department should be located on the most easily accessible floor. It should have convenient access to radiology, pharmacy, laboratory, and physical therapy.
- The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number of rooms required.
- An out-patient department may be combined with the public health center clinics if the health center is a part of the hospital.

Administrative:
- Waiting space with public toilets.
- Appointment and cashiers' office.
- Social service office.

Clinical:
- History or screening room.
- Examination and treatment rooms:
  - Eye, ear, nose, and throat room.[1]
  - Dental facilities (2 chairs desirable).[1]
- Utility room.

(j) *Contagious disease nursing unit.*[1] Where 10 or more beds are contemplated for nursing contagious diseases, they should be housed in a separate contagious disease nursing unit.

Patient rooms:
- A maximum of 2 beds in each room.
- Glazed partition between beds.[1]
- Patient rooms shall have a view window from corridor.
- Each patient room shall have a separate toilet and a lavatory in the room.

Each nursing unit shall contain:
- Nurses' station.
- Utility room.
- Nurses' work room.
- Treatment room.
- Scrub sinks strategically located in the corridor.
- Serving pantry with separated dishwashing room adjacent.
- Doctors' locker space and gown room.
- Nurses' locker space and gown room.
- Janitors' closet.
- Storage closet.
- Stretcher alcove.

(k) *Pediatric nursing service.*[1]

Where 16 or more pediatric beds are contemplated, a separate pediatric nursing unit shall be provided and contain the following items:

General:
- Each bed in a multi-bedroom shall be in a clear glazed cubicle.[1]
- Each room shall have a lavatory.
- Patients' rooms wherever possible should have clear glazing between them and in the corridor partitions.

Minimum area:
- 80 square feet per bed in two-bed rooms and over.
- 100 square feet in single rooms.
- 40 square feet per bassinet in nurseries.

Each nursing unit shall contain:
- Nursery with bassinets in cubicles.
- Observation suite.
- Treatment room.
- Nurses' station.
- Nurses' toilet room.
- Utility room.
- Floor pantry.[2]
- Play room or solarium.
- Bath room.
- Toilet room for each sex.
- Bed pan facilities.
- Wheelchair and stretcher alcove.
- Janitors' closet.
- Storage closet.

(l) *Psychiatric nursing unit in the general hospital.*[1]

General: Layout and design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. Care must be taken to avoid sharp projections of corners of structure, exposed pipes, heating elements, fixtures, etc., to prevent injury by accident.

Minimum room areas:
- 80 square feet per bed in 4-bed rooms.
- 100 square feet in single rooms.
- 40 to 50 square feet per patient in day rooms.

Each nursing unit shall contain:
- Doctors' office.
- Examination room.
- Nurses' station.
- Day room.
- Utility room.
- Bedpan facilities.
- Pantry.
- Dining room.
- Toilet room.
- Shower and bathroom.
- Continuous tub room (for disturbed patients).[2]
- Patients' laundry (personal) for women's wards only.
- Patients' locker room.
- Storage closet (for recreational and occupational therapy).
- Stretcher closet.
- Linen closet.
- Supply closet.
- Janitors' closet.

## § 53.145 Tuberculosis hospital.

(a) *Administration department.*

From 50 up to and including 200 beds:
- Business office with information counter.[3]
- Medical social service office.[3]
- Medical director's office.
- Secretary's office.[3]
- Supervisor's office.
- Medical record and film filing room.[3]
- Viewing room, library[3] and conference room. Singly or in combination.
- Lobby and waiting room.
- Retiring room.[1]
- Toilets.

Over 200 and up to 500 beds:
- Business office and information counter.[3]
- Business manager's office.[3]
- Secretary.[3]
- Admitting office.[3]
- Two medical social service offices.[3]
- Medical director's office.
- Secretary.
- Assistant medical director's office.
- Supervisor's office.
- Secretary.
- Assistant director of nurses' office.

[1] Desirable but not mandatory.

[2] If required by program.

[3] As required by program.

[4] These facilities need not be provided if the Tuberculosis Hospital is in connection with a general hospital in which such facilities exist.



- Medical record room.[3]
- Library[3] and conference room.
- Staff lounge and locker room.
- Lobby and waiting room.
- Retiring room.[1]
- Toilets.

(b) *Adjunct diagnostic and treatment facilities.*

Except for the morgue and autopsy this department should be preferably located convenient to both in- and out-patients.

Laboratory:
- Adequate facilities for chemical, bacteriological, serological, pathological and hematological services.

Basal metabolism and electrocardiography:
- One room near the laboratory.

Morgue and autopsy:
- From 50 up to and including 200 beds: combination morgue and autopsy room with mortuary refrigerator.[3]
- Over 200 and up to 500 beds:
  - Morgue with mortuary refrigerator.
  - Autopsy room.
  - Shower and toilet room.
  - Separate exit.

Radiology:
- From 50 up to and including 200 beds:
  - Radiographic room.[3]
  - Dark room.[3]
  - Dressing booths.[1]
  - Must be convenient to out-patient department as well as in-patients.
- Over 200 and up to 500 beds:
  - Radiographic room.
  - Dark room.
  - Dressing booths.
  - Viewing room.
  - Roentgenologist's office.
  - Film file room.
  - Must be convenient to out-patient department as well as in-patients.

Pharmacy:
- From 50 up to and including 200 beds: Drug room with minimum facilities for mixing.[3]
- Over 200 and up to 500 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital.

Dental and eye, ear, nose, and throat:
- From 50 up to and including 200 beds:
  - Dental facilities (2 chairs desirable).[3]
  - One eye, ear, nose, and throat room.[3]
- Over 200 and up to 500 beds:
  - Dental facilities (2 chairs desirable).
  - Eye, ear, nose, and throat room.
  - Waiting room.

Occupational therapy:
- Library.
- Barber shop.
- Canteen.
- Assembly room.
- Flexible space for learning and working in crafts and classroom for patient instruction shall be provided.

(c) *Nursing department.*

General: At least 80 percent of the hospital beds should be in single rooms.[1] No room should have more than four beds.[2] Each room shall have a lavatory. No patients' bedrooms shall be located on any floor which is below grade.

Size of nursing unit: No nursing unit shall be larger than 50 beds.

Minimum room areas:
- 80 square feet per bed in two- and four-bed rooms.
- 100 square feet in one-bed rooms.

[1] Desirable but not mandatory.

[2] As required by program.

[3] These facilities need not be provided if the Tuberculosis Hospital is in connection with a general hospital in which such facilities exist.

Service rooms in each nursing unit:
- Nurses' station.
- Utility room.
- Floor pantry (one per floor).[3]
- Toilet and washroom:
  - Water closets—1 to each 8 patients.
  - Lavatories.
  - Dental basins.[1]
- Storage closet for supplies.
- Bath and shower room: Bath tubs and/or showers—1 to 14 patients.
- Gowning space.
- Bed pan facilities.
- Linen closet.
- Janitors' closet.
- Space for wheel chairs and stretchers.
- Storage closet for equipment.

Doctors' office and treatment room—one for each nursing unit.
Solarium: One for each nursing unit.
Sputum technique facilities.
Nurses' toilet room: One for each nursing floor.
Nurses' cloak closet—one for each nursing floor.

(d) *Surgical department.* (Shall be located to prevent traffic through it to any other part of the hospital.)

From 50 up to and including 200 beds:
- Major operating room.[3]
- Sterilizing room.[3]
- Central supply and work room.[3]
- Scrub-up facilities.[3]
- Clean-up room.[3]
- Storage closet.[3]
- Janitors' closet.[3]
- Doctors' locker room with toilet and showers.[3]
- Nurses' locker room with toilet and showers.[3]

Over 200 and up to 500 beds:
- Major operating room: One for each 200 beds or major fraction thereof.
- Minor operating and fracture room.
- Sub-sterilizing facilities.
- Clean-up room.
- Scrub-up facilities.
- Janitors' closet.
- Storage room for sterile supplies.
- Anesthesia storage.
- Surgical supervisor office.
- Doctor's locker room with toilet and shower.
- Nurses' locker room with toilet and shower.
- Storage closet.
- Stretcher alcove.
- Central sterilizing and supply room divided into work space, sterilizing space, and sterile storage space.
- Adjacent room for storage of unsterile supplies.

Pneumothorax suite:
- Pneumothorax room with dressing booths.
- Fluoroscopy room.
- Waiting space.
- From 50 up to and including 200 beds:
  - One pneumothorax suite for 100 beds or major fraction thereof.
- Over 200 and up to 500 beds: One pneumothorax suite for 100 beds or major fraction thereof.

(e) *Service department.*

Dietary facilities:
- Main kitchen and bakery.[3]
- Dietitian's office.[3]
- Patients' dishwashing room.
- Staff and help dishwashing room.[3]
- Adequate refrigeration.[3]
- Garbage refrigerator.[1]
- Can washing room.
- Day storage room.[3]
- Help dining room.[3]
- Staff dining room.[3]
- Patients' dining space—to serve 40 percent of the patients.[1]
- Provide 12 square feet per person in dining rooms. May be designed for two seatings. Cafeteria or table service optional.

Housekeeping facilities:
- Laundry:[3]
  - Sorting area.
  - Processing area.
  - Clean linen room.
  - Sewing room.
- Laundry capacity shall be adequate to process full 7 days' laundry in workweek.
- Housekeeper's office.
- Incinerator.

Mechanical facilities:[3]
- Boiler and pump room.
- Engineers' office.
- Shower and locker facilities.
- Maintenance shops:
  - Carpentry.
  - Painting.
  - Plumbing.
- For minimum requirements for mechanical and electrical work, see the respective sections.

Employees' facilities:[3]
- Nurses' locker room without nurses' residence:
  - Locker room with lockers as required.
  - Rest room.
  - Toilet and shower room.
- Where nurses' residence is adjacent provide only rest room and toilet.
- Female help locker room:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Male help locker room:
  - Locker room.
  - Rest room.
  - Toilet and shower room.

Storage:[3]
- General storage. Provide 20 square feet per bed, preferably concentrated in one area.
- Record storage.
- Out-patient department:[3]
- Out-patient department should be located on most easily accessible floor. Must be convenient to radiology, pharmacy, and laboratory departments.
- Size will vary in different locations and with the availability of other examination and diagnostic facilities, and is not necessarily proportionate to the size of the hospital. The estimated patient load will determine the number, size, and scope of individual facilities in out-patient department.

Facilities required:

Administrative:
- Waiting room with public toilets.
- Information, appointment and records office.
- Medical social service office.
- Janitor's closet.

Clinical:
- History or screening room.
- Examination rooms.
- Dressing booths.
- Pneumothorax room.
- Fluoroscopy room.
- Utility room.
- Storage room.

## § 53.146 Mental hospital (long-term care).

(a) *General.* (1) A mental hospital should be on a large acreage with ample space around all buildings for recreation, attractive landscaping and the proper segregation of the various patient classification groups and building functions; and should be readily accessible to the community which it is to serve. It is strongly urged that mental hospitals be not greater than 1,500 beds.

(2) The mental hospital presents a special problem of patient classification, treatment and supervisory function. In the following minimum requirements an over-all organization is designated with certain supervisory or organizational

functions mentioned in their most desirable, but not mandatory, locations and these may, therefore, be changed to other locations.

(3) Patients have been classified and grouped according to behavior, and requirements vary somewhat for each classification. Minimum room area requirements are grouped into the following main categories, as follows:

(i) Medical and surgical and chronic disease classification: 70 square feet per bed in alcoves and four-bed rooms; 100 square feet in single rooms.

(ii) Tuberculosis classification: 70 square feet per bed in alcoves and four-bed rooms; 100 square feet in single rooms.

(iii) Reception, convalescent, chronic disturbed, industrial classifications: 70 square feet per bed in alcoves and four- (or more) bed rooms: 80 square feet in single rooms.

(iv) Infirm and inactive: 60 square feet per bed in four- (or more) bed rooms; 80 square feet in single rooms.

(4) No patient bedrooms shall be located on any floor which is below grade.

(b) *Administration.* This area includes the administrative, business and public contact functions of the institution.

Location: Near main entrance to institution and close to reception area.
General:
- Entrance lobby.
- Public toilets (male and female).
- Information and telephones (main switchboard).
- Post office.
- Personnel toilets (male and female).
- Mechanical room.

Offices:
- Director.
- Assistant director.
- Conference room.
- Business administrator.
- Business.
- Public relations and services.
- Secretaries.
- Janitors' closet.

Medical:
- Central records office.
- Central records room.
- Inactive records storage.

(c) *Reception.* (1) This area includes the reception and treatment of new patients, most of whom will be entering a mental hospital for the first time. Since they are new patients, and in need of very careful treatment, it is necessary to separate and prohibit contact between patients in the following classifications of behavior:

- Quiet.
- Depressed.
- Disturbed.

(2) In addition, each of the above classifications should be separated by sexes, and each classification should have its own complete nursing units with all nursing facilities available, and each should be readily accessible to an outdoor area. All safety and security measures should be observed in this group. Intensive care and treatment will be given these new patients in an effort to cure them in the first few weeks of treatment. Should the patient fail to recover in this comparatively short period of time he will be sent to other nursing areas for continued treatment. Three other nursing areas will be classified according to the behavior of the patients which they are to house.

(3) The reception area should be set well apart from the other areas of the hospital, and should contain sufficient diagnostic, treatment, recreational and occupational facilities, to furnish complete treatment in order that these new patients may recover without having been transfered to the other areas of the mental hospital.

(4) The number of beds required in this reception area must be determined by study of the total receiving and intensive treatment facilities in the community which is served. The total number of beds in this and the convalescent area should be in accord with the admissions within a three- to six-month period.

Location: Near administration area.
General:
- Lobby.
- Visitors' toilets (male and female).
- Main visitors room with alcoves.
- Janitors' closets.
- Mechanical room.

Administration:
- Medical records office.
- Information.
- Chief psychiatrist's office and conference room.
- Secretaries' offices.
- Clinical psychologist's office.
- Chief of nursing service and staff.
- Chief of social service and offices.
- Personnel toilets (male and female).

Staff facilities:
- Doctors' toilet room.
- Nurses' lounge and toilet room.

Admission:
- Ambulance entrance.
- Patients' bath and toilet.[1]
- Utility room.[1]
- Examination and consultation rooms.

Adjunct diagnostic and treatment facilities:
- Minor surgery and treatment room.
- Portable X-ray storage room.[1]
- Dark room.[1]
- Small laboratory.[1]
- Patients' toilet and shower.
- Small treatment room (for shock therapy, etc.).
- Patients' exercise room (directly accessible to outdoor exercise yard).

Occupational therapy:
- Occupational therapy room (to be located near quiet patient units).
- Storage closets.
- Occupational therapists' office.[1]
- Barber and beauty shop.

Nursing units: The following classifications of nursing units of not more than 25 beds will be required:
- Quiet nursing units (male and female).
- Depressed nursing units (male and female).
- Disturbed nursing units (male and female).
- For small reception facilities a combination of patient classifications may be provided in one nursing unit of not more than 25 beds provided that contact between the patients of each classification may be prohibited or limited.

Suggested bed distribution of nursing units:

Each disturbed nursing unit:

| | Patients |
|---|---|
| Two 4-bed wards | 8 |
| Three 2-bed or 3-bed wards | 6 or 9 |
| Four or six 1-bed rooms | 4 or 6 |
| Two 1-bed rooms (isolation unit) [1] | 2 |
| Total | 20 to 25 |

Each depressed nursing unit:

| | Patients |
|---|---|
| Two 4-bed wards | 8 |
| Two 3-bed alcoves | 6 |
| Four 1-bed rooms | 4 |
| (Isolation unit) [1] | 2 |
| Total | 20 |

Quiet unit: Same bed distribution as disturbed nursing units.

Facilities in each nursing unit:
- Doctor's consultation room (for each two units).
- Examination room.
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Small dining room and pantry:
  - Essential for disturbed.
  - Convenient for depressed.
  - Unnecessary for quiet.
- Patients' locker room.
- Linen closet.
- Patients' shower and bath room.
- Patients' dressing room.
- Patients' toilets.
- Patients' wash room.
- Continuous tub room (for disturbed units).[2]
- Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).
- Occupational therapy storage closet.
- Janitors' closet.

Dietary:
- Patients' dining room cafeteria service: this dining room will be used by patients from convalescent houses as well as from reception area (two seatings may be used).
- Janitor's closet.
- Coat room and toilets (male and female).[1]
- Kitchen (serving).
- Dishwashing room (enclosed).
- Employees' toilet.
- Patients' toilet (male and female).
- Refrigerated garbage storage.
- Can washing room.

(d) *Convalescent.* (1) This area is considered a part of the reception area and will house new patients who have been sent from the reception building, and who are expected to recover within six months to a year. Most of these patients will have the same classification as those in the reception area. Small complete nursing units, separate for each sex, should be provided. Special treatment, such as mechanical fever, electric shock, special electro and hydro therapy, and insulin, etc., can be given in the reception building.

(2) These patients will also use the dining room facilities of the reception area.

(3) In general, while most of these patients are continuing to receive intensive treatment, they are well enough and manageable enough to go freely or be escorted to their activities.

(4) The same security and safety measures are required as those for the reception area.

(5) Location: Grouped by sexes near reception area.

[1] Desirable but not mandatory.

[2] If required by program.



General:
- Entrance lobby.
- Visitors' room with alcoves.
- Visitors' toilets (male and female).
- Attendants' locker and toilet room.
- Mechanical room.
- Nursing units (to contain not more than 50 beds).
- Suggested bed distribution of each nursing unit:

| | Patients |
|---|---|
| One 8-bed ward | 8 |
| Four 4-bed wards | 16 |
| Eleven 1-bed wards | 11 |
| Total | 35 |

Facilities in each nursing unit:
- Doctors' consultation room (for each two units).
- Examination room.
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Pantry (one for each two nursing units).
- Patients' locker.
- Patients' toilet room.
- Patients' shower or bath room.
- Day room (40 to 50 square feet per patient—preferably divided into one large and one small room).
- Storage closet (occupational and recreational therapy equipment).
- Linen closet.
- Janitors' closet.
- Patients' wash room.
- One-third of the nursing units, for both men and women should have one continuous tub room.[2]

(e) *Chronic disturbed.* This area should be separate from the main group of mental hospital facilities and set apart from the nursing areas of other patient classifications because of possible noise or other disturbance. It will be used to treat restless, noisy, assaultive or suicidal patients and must be designed to provide the greatest security and observation. Since these patients are very active it is necessary to have an outdoor area or exercise yard, and due to the amount of equipment and care these patients require, and the resulting necessary space for treatment, not less than two nursing units to a building are recommended.

Location: These buildings to be located away from the other nursing buildings.
General:
- Entrance lobby.
- Visitors' room.
- Visitors' toilets (male and female).
- Beauty shop (female buildings).
- Barber shop (male buildings).
- Attendants' locker and toilet room.
- Pantry (for two nursing units).
- Mechanical room.
- Enclosed exercise yard (100 square feet per patient).

Treatment facilities:
- Hydrotherapist's office and toilet.[2]
- Continuous tub room.[2]
- Linen storage facilities.[2]
- Patients' dressing room.
- Janitors' closet.
- Exercise room (near outdoor exercise yard).
- Storage closet (for small gymnasium equipment).

Nursing units (to contain not more than 30 beds):
Suggested bed distribution of each unit:

| | Patients |
|---|---|
| One 8-bed ward | 8 |
| Two 4-bed wards | 8 |
| Ten 1-bed rooms | 10 |
| Total | 26 |

[2] If required by program.

Facilities in each nursing unit:
- Doctors' office with toilet (for each two units).
- Examination room.
- Nurses' station.
- Utility room.
- Patients' locker room.
- Patients' toilet room.
- Patients' wash room.
- Patients' shower and dressing room.
- Day room (40 to 50 square feet per patient). Preferably divided into (1) small room and (1) large room.
- Storage closet (recreational equipment).
- Occupational therapy room (one for each two units).
- Linen closet.
- Janitors' closet.

Dietary:
- Dining room—cafeteria service.
- Serving kitchen.
- Dishwashing room.
- Employees' toilet.
- Janitors' closet.

(f) *Infirm.* This area will house patients who are in need of considerable medical care and who may be infirm. The very sick will be transferred to the medical and surgical or chronic disease building, but these infirm patients will need constant and careful nursing. Minimum security and all safety measures will be required, and the nursing units should be complete with all facilities available and readily accessible to an out-door yard or area.

Location: Close to medical and surgical building.
General:
- Entrance lobby.
- Visitors' room.
- Visitors' toilets (male and female).
- Barber shop (male buildings).[1]
- Beauty shop (female buildings).[1]
- Attendants' locker and toilet room (male and female).
- Mechanical room.
- Enclosed yard (40 square feet per patient).[1]

Nursing units (to contain not more than 60 beds). Suggested bed distribution for each unit:

| | Patients |
|---|---|
| Two 10-bed wards | 20 |
| Four 4-bed wards | 16 |
| Four 1-bed rooms | 4 |
| Total | 40 |

Facilities in each nursing unit:
- Doctors' office (for each 3 units).
- Examination room.
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Pantry and dining room (one for each two units).
- Patients' locker room.
- Patients' wash room.
- Patients' toilet room.
- Patients' dressing room.
- Patients' shower or bath room.
- Day room (30 square feet per patient).
- Storage closet (for recreational and occupational therapy equipment).
- Linen closet.
- Wheel chair and stretcher closet.
- Janitors' closet.

Dietary:
- Serving kitchen.
- Dishwashing room.
- Employees' toilet.
- Janitors' closet.

(g) *Inactive.* This area will house patients who are lethargic. They need a considerable amount of attention, most of which will be furnished by the physical therapist and occupational therapist. They will be urged into activities furnished in the occupational and recreational therapy buildings, but some of the lighter occupational and physical therapy should be provided in this area. All security and safety measures will be required.

[1] Desirable but not mandatory.

Location: In main group of nursing buildings and near gymnasium and recreation buildings.
General:
- Entrance lobby.
- Visitors' room.
- Visitors' toilets (male and female).
- Occupational therapy room.
- Attendants' locker and toilet room.
- Mechanical room.
- Enclosed yard (100 square feet per patient).[1]

Nursing units (to contain not more than 50 beds) suggested bed distribution (of each unit):

| | Patients |
|---|---|
| Three 10-bed wards | 30 |
| Two 4-bed wards | 8 |
| Four 1-bed rooms | 4 |
| Total | 42 |

Facilities in each nursing unit:
- Doctors' office (for each 3 units).
- Examination room.
- Nurses' station.
- Utility room.
- Bedpan facilities.
- Pantry (for each 2 units).
- Patients' locker room.
- Patients' wash room.
- Patients' toilet room.
- Patients' shower or bath room.
- Patients' dressing room.
- Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).
- Storage closet (for recreational and occupational therapy equipment).
- Linen closet.
- Janitors' closet.

Dietary:
- Dining room.
- Serving kitchen.
- Dishwashing room.
- Employees' toilet.
- Janitors' closet.

(h) *Industrial.* This area will house patients who are well enough to be occupied on the grounds, farm, industrial buildings, shops, kitchens, laundry, etc. Less supervision and care is necessary than in the other groups, and these patients can go to the out-patient department of the medical and surgical building for examination and treatment.

Location: In main group of nursing buildings near service buildings.
General:
- Entrance lobby.
- Visitors' room.
- Visitors' toilets (male and female).
- Attendants' locker and toilet room.
- Mechanical room.

Nursing units (to contain not more than 60 beds) suggested bed distribution:

| | Patients |
|---|---|
| Two 16-bed wards | 32 |
| Two 8-bed wards | 16 |
| Four 1-bed rooms | 4 |
| Total | 52 |

Facilities in each nursing unit:
- Doctors' office and examination room—one for each 3 units.
- Nurses' station.
- Patients' toilet.
- Patients' dressing room.

Patients' shower room.
Patients' locker room.
Patients' wash room.
Day room (40 to 50 square feet per patient) preferably divided into one small and one large room.
Storage closet (for recreation equipment).
Linen closet.
Janitors' closet.

(i) *Medical and surgical.* This area will house patients who have been hospitalized from nursing units of other classifications for short periods of illnesses, and should be housed in a modern general hospital complete with all facilities to serve the entire mental hospital community. Nursing units should be arranged for easy segregation of patients and the adjunct diagnostic and treatment facilities are recommended to be on the first or ground floor for easy access to the out-patient department. All security and safety measures should be incorporated in this building. The number of beds shall be approximately 4 percent of the total patients which this building serves.

Location: Between main group of nursing area and reception area.
General:
Entrance lobby.
Information counter.
Visitors' toilets (male and female).
Mechanical room.
Administration:
Chief physician's office.
Medical record room.
Head nurse's office.
Secretaries' offices.
Personnel toilets (male and female).
Staff facilities:
Doctors' locker and shower room.
Nurses' locker and shower room.
Adjunct diagnostic and and treatment facilities:
Laboratory: Separate spaces for office, clinical pathology, bacteriology and serology, washing and sterilizing
Basal metabolism and electrocardiography: Near laboratory and convenient to out-patient department.
Morgue and autopsy room: [1] Combination morgue and autopsy with mortuary refrigerator.
Radiology:
Radiographic room with an adjoining dark room and office.
X-ray therapy suit.[1]
Physical therapy: Suite for electro-therapy, hydro-therapy, and exercise room with adjoining office.
Pharmacy: Drug room with minimum facilities for mixing. (May be in service area.)
Nursing units (to contain not more than 30 beds) suggested bed distributions:
Medical wards (25 beds each):

| | Patients |
|---|---|
| Two 4-bed wards | 8 |
| Three 2-bed rooms | 6 |
| Nine 1-bed rooms | 9 |
| Isolation suite [1] | 2 |
| Total | 25 |

Surgical wards (25 beds each) same as medical wards.
Employees' wards: [1] Maximum size, 25 to 30 beds.
NOTE: Where isolation suite or contagious disease nursing unit is available the small units in each nursing unit are not required.
Facilities in each nursing unit:
Doctors' examination room (one for each two nursing units).
Nurses' station.
Utility room.
Bed pan facilities.
Pantry (one for each two nursing units).
Patients' bath and shower room.
Supply closet.
Patients' toilet room (male and female).
Day room (approximately 25 square feet per patient). Omit for employees' wards.
Storage closet (recreational and occupational therapy equipment).
Stretcher and wheel chair closet.
Linen closet.
Janitors' closet.
Surgical department: Should be located to prevent traffic through it to any other part of hospital.
Operating rooms:
Major: One for each 50 beds up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
Minor: One in each hospital over 50 beds.
Cystoscopy [1] One in each hospital over 100 beds. Shall have an adjoining toilet room.
Fracture room: One in each hospital over 100 beds. Shall have an adjoining splint room.
Auxiliary rooms:
Substerilizing facilities.
Scrub-up facilities.
Nurses' locker room with toilet and shower.
Instrument room beginning at 100 beds.
Clean-up room.
Anesthesia equipment storage.
Surgical supervisor's station.
Doctor's locker room with toilet and shower.
Storage closet.
Stretcher closet.
Storage room for sterile supplies beginning at 100 beds.
Janitors' closet.
Dark room beginning at 100 beds.
Central sterilizing and supply room:
Divided into work space, sterilizing space, and sterile storage space.
Adjacent room for storage of unsterile supplies.
Emergency department:
Ambulance entrance.
Receiving bath and toilet.
Utility room.
Supply and stretcher storage.
Emergency operating room, near out-patient department.
Service department:
Kitchen (serving).
Dishwashing room.
Refrigerated garbage room.
Can washing room.
Dining rooms (for ⅓ of patients).
Storage.
General storage (20 square feet per bed).
Housekeepers' office.
Linen storage room.
Sewing room.
Linen sorting room.
Personnel facilities:
Locker and toilet rooms (male and female).
Attendants' locker and toilet rooms (male and female).
Out-patient department:
Waiting room.
Examination and treatment rooms (including eye, ear, nose and throat rooms and gynecology room [1]).
Record room.
Dental facilities (2 chairs desirable).
Electroencephalographic unit.
NOTE: Out-patient department should be convenient to radiology, laboratory, therapy, emergency, etc.

(j) *Chronic disease.* (1) This area will house patients who have chronic illness, or who are in need of intensive treatment and nursing care or those who, because of infectious diseases, need to be isolated.

(2) Nursing units of this classification should be attached to the medical and surgical building for easy access to the diagnostic and treatment facilities.

(3) Not all of these nursing units need have maximum safety and security measures.

(4) The number of beds shall be approximately 7.5 percent of the total number of patients which these buildings serve.

Location: Attached to medical and surgical building.
General: Corridors to service department and adjunct facilities.
Nursing units (to contain not more than 30 beds) suggested bed distribution (of each nursing unit):

| | Patients |
|---|---|
| Two 4-bed wards | 8 |
| Three 2-bed wards | 6 |
| Eight 1-bed rooms | 8 |
| Total | 22 |

Facilities in each nursing unit:
Doctors' office (for each 2 units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Pantry (for each 2 nursing units).
Dining room (for ½ of patients in nursing unit).
Patients' locker room.
Patients' wash room.
Patients' toilet.
Patients' dressing room.
Patients' shower or bath room.
Day room (30 square feet per patient).
Closet (recreational and occupational therapy equipment).
Stretcher and wheel chair closet.
Linen closet.
Janitors' closet.

(k) *Tuberculosis.* (1) For patients of this classification, it is recommended to use the requirements of the tuberculosis hospital. In addition, patients will be grouped according to behavior as Quiet or Disturbed. Security and safety measures comparable to those of the reception area are required.

(2) The number of beds shall be determined as approximately 5 percent of the total patients which this building serves.

(l) *Gymnasium, theater, recreation, library and chapel.* (Combination or separate buildings acceptable.)

Location: Adjacent to main group of nursing and reception areas.
General:
Entrance lobby.
Coat rooms and toilets (male and female).
Personnel toilets (male and female).
Mechanical room.
Theater facilities:
Office.
Hall (seating capacity based on 7 square feet per person with 40 percent attendance of patients and personnel).
Projection booth.
Stage.
Dressing rooms with toilets (two for each sex).
Work shop.
Chapel facilities:
Three offices for ecclesiastics.
Toilets.
Three small prayer rooms.
Portable altars (where chapel is not separate).
Storage rooms.
Gymnasium facilities:
Recreational therapists' office.
Personnel locker and toilet rooms (male and female).
Patients' locker and toilet rooms (male and female).
Basketball court (standard college size plus space for collapsible seating).
Small gymnasium (for exercise equipment).
Storage rooms.
Recreational facilities:
Chief recreational therapist's office.
Bowling alleys (with space for spectators).
Billiard room.
Ping pong room.
Patients' barber shop.
Patients' beauty shop.
Canteen (for light lunch, drinks, etc.):
Office and table areas.
Cooking and fountain areas.
Dishwashing and sterilizing.
Storage.
Garbage refrigeration.[1]
Can washing facilities.
Sales rooms.
Storage room.
Library:
Librarians' office.
Reading room (current and request matter).
Stock room.
Work room and storage space.
Music rooms:
Music therapists' office.
Music room (approximately 500 square feet with portable stage).
Store rooms.
Music rooms (approximately 250 square feet).

(m) *Occupational therapy.*

Location: Adjacent to main group of nursing areas and reception area.
General:
Entrance lobby.
Patient coat room and toilets (male and female).
Personnel coat room and toilets (male and female).
Mechanical room.
Administration: Office for occupational therapist.
Facilities:
Open floor space (for occupational equipment).
One or more special purpose rooms.
Storage rooms (for materials and equipment).
Industrial therapy occupations should be located near the service group of buildings.

(n) *Central kitchen and dining rooms.*

Location: In main group of nursing buildings.
General: Load on dining rooms, kitchens and preparation will vary; see requirements of each.
Men patients' coat room and toilet.[1]
Women patients' coat room and toilet.[1]
Men attendants' coat room and toilet.
Women attendants' coat room and toilet.
Dining rooms: Patients' and personnel (capacity 15 square feet per person).
Kitchen:
Dietitians' office and toilet.
Complete cooking and baking facilities.
Dishwashing room.
Preparation (meat and vegetables).
Adequate refrigeration.
Day storage.
Garbage refrigeration.[1]
Can washing facilities.
Janitors' closet.
Personnel lockers and toilets.

(o) *Storage buildings.*

Location: In service groups of buildings.
General: Area (20 square feet per patient).

[1] Desirable but not mandatory.





(p) *Laundry.* Adequate to process seven full days of laundry per work week.

Location: In service group of buildings.
Facilities:
Manager's office and toilet.
Receiving room.
Sorting area.
Contaminated receiving room.
Sterilizing room.
Processing room.
Clean linen storage.
Sewing room.
Personnel locker and toilet room.

(q) *Heating plant.*

Location: In service group of buildings.
General:
Heating plant (to be determined by engineering studies).
Emergency generating facility.
Office.
Personnel toilets.
General repair shop.
Carpenter shop.
Electrical shop.
Plumbing shop.
Paint shop.

(r) *Incinerator.* As required. See § 53.163(a)(13).

### § 53.147 Mental Hospital (intensive care).

(a) *General.* (1) The principles of psychiatric safety shall be followed throughout. Materials and details of construction shall be such that patients will not be afforded opportunity for escape, suicide, etc. Care must be taken to avoid sharp projections of corners of structure, exposed piping, heating elements, fixtures, hardware, etc.

(2) For requirements of sizes of doors, widths of corridors, sizes of elevators, provisions for ventilation, fire protection, etc., see sections on Details, Finishes, etc.

(b) *Administration department.*

Up to and including 100 beds:
Business office with information counter.
Chief psychiatrist's office.
Chief psychologist's office (if there is no out-patient department).
Record office.
Director of nurses' office.[1]
Social service offices (if there is no out-patient department to be near receiving).
Staff lounge.
Lobby.
Public toilets.
From 100 to 500 beds:
Business office.
Chief psychiatrist's office.
Chief psychologist's office (if there is no out-patient department).
Social service offices (if there is no out-patient department).
Director of nursing.
Record room.
Staff lounge.
Library and conference room.
Lobby.
Public toilets.
Toilets for administrative personnel.

(c) *Receiving department.*

Facilities for male and female receiving:
Entrance hall.
Dressing room.
Bath and toilet room.
Medical examination room.
Waiting room.
Stretcher closet.
Clerks' offices.
Doctors' offices.

(d) *Adjunct diagnostic and treatment facilities.*

Laboratory:
Up to and including 100 beds:
Office.
Laboratory.
Over 100 beds: Separate spaces for office, clinical pathology, bacteriology, washing and sterilizing.
Basal metabolism and electrocardiography:
Up to and including 100 beds: No special provision necessary.
Over 100 beds: Room near laboratory and convenient to out-patient department.
Morgue and autopsy: Combination morgue and autopsy with mortuary refrigerator. (Is not required in hospital of less than 100 beds if similar facilities are available nearby.)
Dental facilities (2 chairs desirable).
Eye, ear, nose and throat suite.
Electro-encephalographic suite.
Radiology:
Up to and including 100 beds: One radiographic room and dark room and convenient to out-patient department.
Over 100 beds: At least one additional radiographic room.
Physical therapy:
Electro-therapy.
Hydro-therapy with exercise space.
Continuous tub and pack room.[1]
Small gymnasium, convenient to outdoor area, and to disturbed patients.
Pharmacy: One room with minimum facilities for compounding.
Occupational therapy:
Space for small woodworking tools and benches for carpentry, metal work, leatherwork, printing, weaving, rug making, etc.
Office.
Storage room.

(e) *Surgical department.*

Operating rooms:
Major: One.
Minor: One, with adjoining splint room.
Auxiliary rooms:
Sub-sterilizing facilities.
Scrub-up facilities.
Clean-up room.
Anesthesia room.[1]
Anesthesia storage.
Doctors' locker room with toilet.
Nurses' locker room with toilet.
Storage closet.
Stretcher closet.
Janitors' closet.
Storage room for sterile supplies and instruments.
Surgical department to be located to prevent traffic through it from other parts of the hospital.
Central sterilizing and supply room—divided into work space, sterilizing space, and sterile storage—adjacent room for storage of unsterile supplies.

(f) *Nursing department.*

General: The layout and the design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. No patients' bedrooms shall be located on any floor which is below grade. Provisions shall be made for the following classifications:
New admissions (male).
New admissions (female).
Quiet ambulant (male).
Quiet ambulant (female).
Medical and surgical.
Disturbed (male).
Disturbed (female).
Alcoholic (male).
Alcoholic (female).

[1] If required by program.

Criminalistic (male).
Criminalistic (female).
Children.
Minimum room areas:
80 square feet per bed in alcoves and four-bed rooms.
100 square feet in single rooms.
40 to 50 square feet per patient in day rooms and preferably divided into one large and one small room.
Facilities for each nursing unit:
Doctors' office and examination room.
Nurses' station and toilet.
Day room.
Utility room.
Pantry.
Dining room.
Wash room and toilets.
Patients' locker.
Shower and bath room.
Storage closet (for recreational and occupational therapy).
Supply closet.
Linen closet.
Janitors' closet.
Stretcher closet (medical and surgical unit).
Bedpan facilities (medical and surgical unit).
Isolation suite: In medical and surgical unit.

(g) *Service department.*

Dietary facilities:
Main kitchen and bakery.
Dietitians' office.
Dishwashing room.
Adequate refrigerators.
Garbage refrigerator.[1]
Can washing room.
Day storage room.
Staff dining room (12 square feet per person).
Housekeeping facilities:
Laundry (if provided): Capacity shall be adequate to process full 7 days' laundry in work week.
Sorting area.
Processing room.
Clean linen and sewing room separate from laundry.
Housekeeper's office: Near linen storage.
Mechanical facilities:
Boiler room and pump room (if provided).
Engineers' office.
Shower and locker room.
Maintenance shops—carpentry, painting, mechanical repair rooms.
Employees' facilities:
Nurses' locker rooms. If no nurses' residence:
Locker room.
Rest room.
Toilet and shower room.
Attendants' locker rooms. If no attendants' residence (male and female).
Locker room.
Toilet and shower rooms.
Other female help lockers:
Locker room.
Rest room.
Toilet and shower room.
Other male help lockers:
Locker room.
Toilet and shower room.
Storage:
Record space.
General storage: 20 square feet per bed and to be concentrated in one area.

(h) *Out-patient department.* (If provided.)

General:
Located on the ground floor. Entrance separate from main entrance of hospital.[1] It must be convenient to radiology, laboratory and physical therapy.
The patient load must be estimated in order to determine the number of consultation and examining rooms.

[1] Desirable but not mandatory.

Facilities required:
Administrative:
Waiting room with public toilets.
Cashiers' and appointment office.
Social service offices.
Psychological examination rooms.
Medical examination rooms.
Utility rooms.
Children's rooms.

### § 53.148 Facility for long-term care—chronic disease hospital.

The facilities listed below need not be provided if functionally available in an adjoining hospital.

(a) *Administration department.*

Business office with information counter, telephone switchboard, and cashier's window.
Administrator's office.
Director of nurses' office.
Medical Director's office.
Medical record room.
Medical social service office.
Combination conference room, doctors' lounge, and staff library.
Lobby and waiting room.
Public telephone.
Public toilets.
Personnel toilets.[2]

(b) *Adjunct diagnostic and treatment facilities.*

Except for the morgue and autopsy room, these facilities should be located convenient to both inpatients and outpatients.
Laboratory:
Adequate facilities for chemical, bacteriological, pathological and hematological services.
Basal metabolism and electrocardiography facilities.
Morgue and autopsy room: In Chronic Disease Hospitals of 100 beds or more. Desirable but not mandatory in Chronic Disease Hospitals of under 100 beds if such services are available locally.
Radiology:
Each Chronic Disease Hospital to have at least one radiographic room with toilet, adjoining dark room, film filing space and dressing facilities.
Pharmacy:
Drug room with minimum facilities for compounding and dispensing. Complete pharmacy may include facilities for bulk compounding and solution preparation depending on policy of hospital.
Physical therapy:
Examination room.
Office and work space for physical therapy staff.
Rehabilitation gymnasium for adults.[2]
Rehabilitation gymnasium for children if children are included in program.[2]
Hydrotherapy area.[2]
Thermotherapy and massage area.[2]
Storage for supplies and equipment.
Outdoor exercise area.[2]
Occupational therapy:
Office and work space for occupational therapy staff.
Therapy area:
In large units space should be divided for diversified work. (Separate room for children is desirable.)
Storage for supplies and equipment.
Toilet facilities for physical therapy and occupational therapy departments.
Facilities for teaching activities of daily living.
Speech and hearing facilities: [1]
Offices for therapists and space for examination and treatment.
Artificial appliance facilities: [2]
Space for fitting and adjustment service.

(c) *Out-patient department.*

[2] If required by program.

Should be provided only if survey indicates that an out-patient department is needed.
Should be located on the most easily accessible floor and have convenient access to radiology, pharmacy, laboratory and rehabilitation facilities.
The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number and type of rooms required.
Administration:
Waiting space with public toilets.
Appointment and cashier's desk.
Medical social service office.
Clinical:
Examination and treatment rooms: Number and specialties to be determined by the character of the patient load.
Utility room.

(d) *Nursing department.*

General:
No patients' room shall have more than 4 beds. Six beds, not more than 3 beds deep from outside wall, will be permitted in chronic disease hospitals of 100 beds or more.
Not more than 2 beds per patients' room is desirable. Each patients' room shall have a lavatory. A toilet room with lavatory accessible from adjoining patients' room is recommended. Each nursing unit shall have a separation room
No patients' room shall be located on any floor which is below grade.
Size of nursing unit:
Should not be more than 40 beds. Larger units will be permitted if additional service facilities are provided as required.
Minimum patients' room areas:
80 square feet per bed (100 square feet desirable) in multi-bed patients' rooms; 100 square feet per bed (125 square feet desirable) in one-bed patients' rooms.
Service facilities in each nursing unit:
Nurses' station.
Nurses' toilet.
Utility room.
Treatment room.
Floor pantry.
Solarium:
Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room:
Provide 25 square feet per bed for 75 percent of beds on nursing unit.
The percentage of the beds for which solarium and dining area must be provided may be reduced depending on the type of patient to be cared for.
It is recommended that the dining and solarium areas be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities:
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 8 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathtub.
1 shower. (A separate bath room for each sex, containing at least one bathtub and one shower, is recommended. A ratio of one bathtub or one shower for each 10 beds is desirable.)
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Patient's laundry.[1]

NOTE: It is recommended that a specially designed nursing unit, similar to that required in the section on rehabilitation facilities in a hospital, be provided for rehabilitation patients in the chronic disease hospital.

(e) *Surgical department.*[2]

Shall be located to prevent traffic through it to any other part of the hospital.
Major operating room.
Scrub-up facilities.
Anesthesia equipment storage.
Clean-up room.
Storage closet.
Janitor's closet.
Central sterilizing and supply room.
If a surgical department is not included the central sterilizing and supply room must be provided elsewhere in the hospital.
Doctors' locker room with toilet. (Shower desirable but not mandatory.)
Nurses' locker room with toilet. (Shower desirable but not mandatory.)

(f) *Dental department.*

Facilities for dental diagnosis, treatment and laboratory procedures.

(g) *Service department.*

Dietary facilities:
Main kitchen and dieto-therapy facilities.
Dietitians' space.
Appropriate food service facilities.
Dishwashing room.
Adequate refrigeration.
Garbage disposal facilities.
Day storage room.
Personnel dining room: Provide 12 square feet per person. May be designed for multiple seating.
Janitor's closet.
Housekeeping facilities:
Laundry; unless commercial or other laundry facilities are available, each chronic disease hospital shall have a laundry of sufficient capacity to process full 7 days' laundry in work week and contain the following areas:
Sorting area.
Processing area.
Clean linen and sewing room separate from laundry.
Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.
Housekeeper's office.
Mechanical facilities:
Boiler and pump room.
Desk space for engineer.
Shower and locker facilities.[1]
Maintenance shops: In hospitals up to and including 100 beds at least one room shall be provided. In larger hospitals separation of carpentry, painting, and plumbing should be provided.
Employees' facilities:
Nurses' lockers:[4]
Locker room: one locker for each 2 hospital beds.
Rest room.
Toilet room. (Shower desirable but not mandatory.)
Female help lockers: [4]
Locker room.
Rest room.
Toilet room. (Shower desirable but not mandatory.)
Male help lockers:
Locker room.
Toilet room. (Shower desirable but not mandatory.)
Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.

[1] Desirable but not mandatory.
[2] If required by program.
[4] May be combined.



Storage:
Inactive record storage.
Patients' clothes storage room.
General storage: 20 square feet per bed and to be concentrated in one area.
Storage of outdoor equipment.[1]

### § 53.149 Nurses', residence.

Rooms:
One nurse per room: [1]
100 square feet in single rooms.
150 square feet in double rooms.
Lavoratory in each room.[1]
Closet or wardrobe for each nurse.
No nurses' rooms shall be located on any floor which is below grade.
Common floor facilities:
Lounge with kitchenette to serve 30 to 60 nurses.
Laundry room with 2 trays and 2 ironing boards to serve each 60 nurses.[1] If not provided on each floor, a centrally located laundry room containing the same proportion of trays and ironing boards shall be provided.
Bath room: One shower or tub for each 6 beds.
Toilet room: With lavatories in bedrooms—1 water closet for each 6 beds and 1 lavatory for each 3 water closets. Without lavoratories in bedrooms—1 water closet for each 6 beds and 1 lavatory for each 5 beds.
Linen closet.
Janitors' closet.
Telephone facilities.[1]
General facilities:
Lobby.
Office.
Main lounge (with alcoves [1]).
Men's toilet (off lobby).
Storage room for trunks.
Laundry distribution room.[1]
Employees' toilet room.[1]
Boiler room (if facilities not available elsewhere).

### § 53.150 School of nursing.

(a) *Teaching facilities.*

One science laboratory room.
One dietetics laboratory room.
One nursing arts laboratory with adequate facilities.
One classroom to accommodate approximately twice the number of students as the nursing arts laboratory.
One lecture room to accommodate total student body.
One library.

(b) *Offices.* Offices for instructors.

(c) *General.*

Storage room convenient to class rooms.
Toilet room.
Janitors' closet.

### § 53.151 Public health centers.

(a) *Administration.*

Where health department administration personnel has no offices in health center:
Waiting room.
Public toilets.
Office for public health nurses.
Staff toilets.
Assembly space: Waiting room may be used for this purpose where health centers serve under 30,000 population.
Where health department administration offices are provided in health centers add:
Health officer's office.
Office for sanitary engineers.
Health education office.
Staff room and library: In health center for over 30,000 population.

(b) *Clinical.* The clinical services, and extent of such services, provided in the health center will depend on the program contemplated by the health department to take care adequately of the particular needs of the population served by the health center.

For populations up to 30,000:
Two examination rooms for maternal and child health, V.D. and TB clinics.
Consultation room.
Utility room.
Dental room.[1]
For population over 30,000, if the following services are provided, they shall include areas noted as follows:
Maternal and child health:
Demonstration room.
Examining room.
Toilet.
Tuberculosis and X-ray:
X-ray room with dressing booths.
Dark room.
Consultation and viewing room.
Venereal disease:
Examination room.
Treatment room.
Consultation room.
Toilet.
Dental:
Dental facilities (2 chairs desirable).
Small dental laboratory.
Pharmacy: Dispensing room.

(c) *Laboratory.* The volume and type of laboratory tests in the health center will vary with local conditions and will determine the size of the laboratory. Such factors as density of population, area to be served, type of center, municipal, county, or rural), its use as a branch of the State laboratory and availability of other laboratory facilities must be considered.

One room is required for urinalysis, hematology, and dark field examinations for syphilis and storage of biologicals furnished by the State Health Department.
Where food control, sanitation and communicable disease work is contemplated another room shall be furnished for this purpose.

(d) *Service.*

General storage areas:
Bulk office and janitors' supplies.
Bulk clinical supplies.
Educational material.
Storage closets:
Office supplies.
Medical supplies.
Educational material.
Janitors' closet: Centrally located.
Heating plant.

### § 53.152 State public health laboratory.

(a) *Administration department.*

Director's office.
Secretary's office.
Assistant Director's office.
Information desk and switchboard.
Clerical office.
Office supply room.
Library.
Staff meeting room.
Records and filing room.
Mailing and receiving room for incoming specimens, distribution of containers and of biologicals.
Specimen and emergency treatment room.

(b) *Bacteriology department.*

Office.
Water, food and milk laboratory.
Enteric disease and agglutination laboratory.
Tuberculosis laboratory.

Diagnostic laboratory.
Incubator room.
Sterile room.
Rabies room.
Adequate refrigeration.

(c) *Syphilis serology department.*

Office.
Laboratory: Section of room separated by partitions for centrifuges and preparation of specimens.

(d) *Chemistry department.*

Office.
Laboratory: Facilities for water, food, drug, toxicology, and/or industrial hygiene analyses.
Instrument room: Facilities for darkening.

(e) *Research and investigation.*

Laboratory: Complete laboratory facilities within unit.

(f) *Biologicals department.*

Adequate refrigeration.
Deep freeze unit.
Room temperature storage.

(g) *Central services.*

Culture media and reagent preparation room.
Glassware cleaning room.
Acid cleaning unit.
Sterilizing room for culture media and clean glassware only.
Supply room for storage and issue of sterile supplies, general supplies, chemicals, and glassware. Adjacent to sterilizing and glassware cleaning room.
Bulk storage room.
Janitor service room.
Maintenance and utilities unit: Provisions for metal and woodwork, and glassblowing.
Incinerator (animal).
Animal quarters:
  Animal rooms.
  Room for cleaning and sterilizing cages.
  Preparation room for food and bedding.
  Operating and animal inoculation room.

(h) *Facilities for personnel.*

Men's locker room with washroom and shower.
Women's locker room with washroom and shower.
Rest room.
Lunch room.
Staff toilets.

(i) *Additional facilities.* If the following activities are included, minimum requirements will be as follows:

Consultation and evaluation service to local laboratories:
  Office.
  Laboratory.
Manufacture of biologicals: This department, including Blood and Blood Products, shall be adequately isolated from the other laboratories. In the case of smallpox and tetanus vaccine preparation separation may be satisfactory in the same building if a separate entrance is provided and no interior connection exists to this department. A separate mechanical ventilating system must be provided.
  Office.
  Laboratory: Cubicles for isolation work.
  Culture media room.
  Sterile room.
  Sterilizing room.
  Glaswashing room.
  Adequate refrigeration.
  Deep freeze unit.
  Storage room, controlled temperature.
  Packaging room.
  Incinerator.
  Accessible parking space.[1]

Blood and blood products:
  Laboratory: Space and equipment for processing.
  Sterile room.
  Office (may be shared with biologicals department).
  Adequate refrigeration (may be shared with biologicals department).
  Storage room (may be shared with biologicals department).
Pathology department: Laboratory.
Clinical laboratory department: Laboratory.
Virology department: This department shall be efficiently isolated from other laboratories including a separate mechanical ventilating system:
  Office.
  Laboratory: Cubicles for isolation work.
  Sterile room.
  Sterilizing room.
  Inoculation and operating room.
  Animal quarters:
    Facilities for storage of food and bedding.
    Cleaning and sterilizing of cages.
  Locker room with washroom and shower.

### § 53.153 Diagnostic or treatment centers.

(a) *General.* (1) The extent of the diagnostic, treatment, and ancillary facilities will be determined by the services contemplated and the estimated patient load.

(2) Where the facility is to be an integral part of a hospital, the requirements of adjunct diagnostic and treatment facilities and outpatient department of general hospital, § 53.144(b) shall apply.

(3) Where a diagnostic or treatment center is not to be an integral part of a hospital, then the facilities listed below must be provided unless available for convenient use in an associated health facility.

(4) The planning of diagnostic or treatment centers should provide for the privacy of the patient during interview, examination, and treatment.

(b) *Administration facilities.*

Administrative, business, and receptionist space.
Medical records space.
Waiting space.
Public telephone.

(c) *Diagnostic facilities.* (In certain types of specialized projects, such as mental health clinics, the need for radiological and laboratory facilities will be determined by the services contemplated.)

Radiographic room with adjoining dark room.
Utility and sterilizing facilities.
Laboratory.

(d) *Diagnostic and treatment facilities.* If medical examination and/or treatment are to be included the following shall be added:

Consultation, examination and treatment space is required by the services contemplated.

(e) *Service facilities.*

Storage.
Janitor's closet.
Employees' locker facilities.
Toilet facilities.
Boiler room.

### § 53.154 Rehabilitation facilities (general).

(a) Wherever possible rehabilitation facilities should be located on the ground floor. The evaluation and treatment facilities should be grouped to facilitate integration of the program and located for convenient access by inpatients and outpatients.

(b) In determining the size of facilities for inpatient and outpatient services, it should be considered that the outpatient load is usually much larger than the inpatient load.

### § 53.155 Rehabilitation facilities (multiple disability) in a hospital.

The facilities listed in this section which are in an existing hospital and which are conveniently located and available for use need not be provided.

(a) *Administration.*

Appointment and cashier's space.
Office for volunteer services coordinator.[1]
Lobby and waiting room.
Public telephone booth.
Public toilets.
Personnel toilets.[1]

(b) *Evaluation and treatment facilities.* Evaluation and treatment facilities shall include medical facilities and, depending upon the program, one or more of the following: psychological, social or vocational, as listed below.

Conference and library room.
Medical facilities:
  Offices, examination rooms and work space for medical personnel such as physicians and nurses.
Dental facilities: [2]
  Office and work space for provision of appropriate dental treatment.
Physical therapy:
  Office and work space for physical therapy staff.
  Rehabilitation gymnasium for adults.
  Rehabilitation gymnasium for children if children are included in program.[1]
  Hydrotherapy area.
  Thermotherapy and massage area.
  Storage for supplies and equipment.
  Outdoor exercise area.[1]
Occupational therapy:
  Office and work space for occupational therapy staff.
  Therapy area:
    In large units space should be divided for diversified work (separate room for children is desirable).
Storage space for supplies and equipment.
Facilities for teaching activities of daily living.
Speech and hearing facilities: [2]
  Offices for therapists and space for examination and treatment.
Artificial appliance facilities:
  Space for fitting and adjustment service.
Psychological facilities:
  Office and work for psychological testing evaluation and counseling.
Social service facilities:
  Office space for private interview and counseling.
Vocational facilities:
  Office and work space for counseling, evaluation, prevocational programs and placement. A prevocational area is not required for facilities exclusively serving children under the age of 12.

[1] Desirable but not mandatory.
[2] If required by program.



Special education:
  Schoolroom for children if children are included in program.
General facilities:
  Locker, toilet and shower facilities for patients.
  Clean and soiled linen facilities.
  Locker and toilet facilities for female volunteers.[1]
  Locker and toilet facilities for male volunteers.[1]

(c) *Nursing unit for adults.*[1]

General: It is recommended that this unit be located on the ground floor near the treatment area. Approximately one-fifth of the beds should be in two-bed rooms, the remainder in four-bed rooms. Each patient's room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' rooms. A toilet room, with lavatory, accessible from adjoining patients' rooms, is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit:
  Not more than 50 beds, 35 to 40 beds recommended.
Minimum patients' room areas:
  100 square feet per bed in multi-bed patients' rooms.
Service facilities in each nursing unit for adults:
  Nurses' station.
  Nurses' toilet.
  Utility room.
  Examination and treatment room.
  Floor pantry.
  Solarium: Provides 25 square feet per bed for 75 percent of beds on nursing unit.
  Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
  It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
  Toilet facilities:
    If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
    If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
  Bedpan facilities.
  Bathing facilities:
    1 bathroom for each sex.
    1 shower to each 8 beds.
    1 bathtub.
  Stretcher and wheelchair parking space.
  Clean linen storage.
  Equipment and supply storage.
  Janitor's closet.
  Telephone alcove (one per floor).
  Patients' laundry.[1]

(d) *Nursing unit for children.*[1]

General: It is recommended that this unit be located on the ground floor near the treatment area. No patients room should have more than 4 beds. Provide 2 two-bed rooms in each nursing unit. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' room. A toilet room, with lavatory, accessible from adjoining patient's room is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit:
  Not more than 30 beds.
Minimum room areas:
  100 square feet per bed in two-bed and four-bed rooms. 80 square feet per bed recommended for crib room if provided.
Service facilities in each nursing unit for children:
  Nurses' station.
  Nurses' toilet.
  Utility room.
  Examination and treatment room.
  Floor pantry.
  Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
  Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
  It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
  Toilet facilities:
    If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
    If toilets provided adjacent to patients' rooms are not large enough a separate training toilet, at least 5 feet by 6 feet, should be provided.
  Bedpan facilities.
  Bathing facilities:
    1 bathroom for each sex.
    1 shower to each 8 beds.
    1 bathtub.
  Stretcher and wheelchair parking space.
  Clean linen storage.
  Equipment and supply storage.
  Janitor's closet.
  Telephone alcove (one per floor).

[1] Desirable but not mandatory.

(e) *Service department.* In general the same service facilities will be required as those noted under separate rehabilitation facility (multiple disability) for inpatients and outpatients, § 53.146, except that those service facilities which are available in the adjoining hospital need not be duplicated.

### § 53.156 Separate rehabilitation facility (multiple disability) for inpatients and outpatients.

(a) *Administration.*

Business office with information counter, telephone switchboard and cashier's window.
Administrator's office.
Director of nurses' office.
Office for volunteer services coordinator.[1]
Case records room.
Library for staff and patients.
Lobby and waiting room.
Public telephone booth.
Public toilets.
Personnel toilets.

(b) *Evaluation and treatment facilities.*

Evaluation and treatment facilities shall include medical facilities and, depending upon the program, one or more of the following: psychological, social, or vocational, as listed below.
  Clinical laboratory.[2]
  Radiology: Radiographic room with adjoining dark room, toilet and office.[2]
  Pharmacy: Drug room with minimum facilities for compounding.[2]
  Conference and library room.
  Medical facilities:
    Offices, examination rooms and work space for medical personnel such as physicians and nurses.
  Dental facilities: [2] Office and work space for provision of appropriate dental treatment.
  Physical therapy:
    Office and work space for physical therapy staff.
    Rehabilitation gymnasium for adults.
    Rehabilitation gymnasium for children if children are included in program.[1]
    Hydrotherapy area.
    Thermotherapy and massage area.
    Storage for supplies and equipment.
    Outdoor exercise area.[1]
  Occupational therapy:
    Office and work space for occupational therapy staff.
    Therapy area.
      In large units space should be divided for diversified work (separate room for children is desirable).
  Storage space for supplies and equipment.
  Facilities for teaching activities of daily living.
  Speech and hearing facilities: Offices for therapists and space for examination and treatment.[2]
  Artificial appliance facilities: Space for fitting and adjustment service.
  Psychological facilities: Office and work space for psychological testing evaluation and counseling.
  Social service facilities: Office space for private interview and counseling.
  Vocational facilities:
    Office and work space for counseling, evaluation, prevocational programs and placement. A prevocational area is not required for facilities serving children under the age of 12.
    Special education: Schoolroom for children if children are included in program.
  General facilities:
    Locker, toilet, and shower facilities for patients.
    Clean and soiled linen facilities.

(c) *Nursing unit for adults.*

General: It is recommended that this unit be located on the ground floor near the treatment area. Approximately one-fifth of the beds should be in two-bed rooms, the remainder in four-bed rooms.
Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' rooms. A toilet room, with lavatory, accessible from adjoining patients' rooms, is recommended. No patients' rooms shall be located on any floor which is below grade.
Size of nursing unit: Not more than 50 beds, 35 to 40 beds recommended.
Minimum patients' room areas: 100 square feet per bed in multi-bed patients' rooms.
Service facilities in each nursing unit for adults:
  Nurses' station.
  Nurses' toilet.
  Utility room.
  Examination and treatment room.
  Floor pantry.
  Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
  Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
  It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.

[2] If required by program.

Toilet facilities:
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).
Patients' laundry.[1]

(d) *Nursing unit for children.*[2]

General: It is recommended that this unit be located on the ground floor near the treatment area. No patients' room should have more than 4 beds. Provide 2 two-bed rooms in each nursing unit. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' rooms. A toilet room, with lavatory, accessible from adjoining patients' room is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit: Not more than 30 beds.
Minimum patients' room areas: 100 square feet per bed in 2-bed and 4-bed room. 80 square feet per bed recommended for crib room if provided.
Service facilities in each nursing unit for children:
Nurses' station.
Nurses' toilet.
Utility room.
Examination and treatment room.
Floor pantry.
Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities:
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).

(e) *Service department.*

Central sterilizing and supply room.
Dietary facilities:
Main kitchen.
Dietitians' space.
Dishwashing room.
Adequate refrigeration.
Garbage disposal facilities.
Day storage room.
Personnel dining space. Provide 12 square feet per person; may be designed for multiple seatings.
Outpatients' dining facilities as required.
Janitor's closet.
Housekeeping facilities:
Laundry; unless commercial or other laundry facilities are available, each rehabilitation facility shall have a laundry of sufficient capacity to process full 7 days' laundry in work week and contain the following areas:
Sorting area.
Processing area.
Clean linen and sewing room separate from laundry.
Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.
Housekeeper's office.
Mechanical facilities:
Boiler and pump room.
Shower and locker facilities.[2]
Engineers' space.
Maintenance shops: At least one room shall be provided. In large rehabilitation facilities, separation of carpentry, painting and plumbing is recommended.
Employees' facilities:
Female staff and volunteers lockers:
Locker room.
Rest room.
Toilet and shower room.
Female help lockers:
Locker room.
Rest room.
Toilet and shower room.
Male staff and volunteers lockers:
Locker room.
Toilet and shower room.
Male help lockers:
Locker room.
Toilet and shower room.
Storage:
General storage. 20 square feet per bed and to be concentrated in one area.
Storage of out-door equipment.[1]

### § 53.157 Separate rehabilitation facility (multiple disability) for outpatients only.

(a) *Administration.*

Business office with information counter, telephone switchboard and cashier's window.
Administrator's office.
Director of nurses' office.
Office for volunteer services coordinator.[1]
Case records room.
Library for staff and patients.
Lobby and waiting room.
Public telephone booth.
Public toilets.
Personnel toilets.[1]

(b) *Evaluation and treatment facilities.*

Evaluation and treatment facilities shall include medical facilities and, depending upon the program, one or more of the following: psychological, social or vocational, as listed below.
Conference and library room.
Medical facilities:
Offices, examination rooms and work space for medical personnel such as physicians and nurses.
Dental facilities: [2] Office and work space for provision of appropriate dental treatment.
Physical therapy:
Office and work space for physical therapy staff.
Rehabilitation gymnasium for adults.
Rehabilitation gymnasium for children if children are included in program.[1]
Hydrotherapy area.
Thermotherapy and massage area.
Storage for supplies and equipment.
Outdoor exercise area.[1]
Occupational therapy:
Office and work space for occupational therapy staff.
Therapy area: In large units space should be divided for diversified work (separate room for children is desirable).
Storage space for supplies and equipment.
Facilities for teaching activities of daily living.
Speech and hearing facilities: [2] Offices for therapists and space for examination and treatment.
Artificial appliance facilities: Space for fitting and adjustment service.
Phychological facilities: Office and work space for psychological testing evaluation and counseling.
Social service facilities: Office space for private interview and counseling.
Vocational facilities:
Office and work space for counseling, evaluation, prevocational programs and placement. A prevocational area is not required for facilities exclusively serving children under the age of 12.
Special Education:
Schoolroom for children if children are included in program.
General facilities:
Locker, toilet and shower facilities for patients.
Clean and soiled linen facilities.

(c) *Service facilities.*

Dietary facilities.[2]
Housekeeping facilities: Clean and soiled linen storage.
Janitors' closet(s).
Mechanical facilities:
Boiler room.
Maintenance shop.
Employees' facilities:
Female staff and volunteers lockers:
Locker room.
Rest room.
Toilet and shower room.
Female help lockers:
Locker room.
Rest room.
Toilet and shower room.
Male staff and volunteers lockers:
Locker room.
Toilet and shower room.
Male help lockers:
Locker room.
Toilet and shower room.
Storage:
General storage.

### § 53.158 Single disability rehabilitation facility.

The requirements for a single disability rehabilitation facility will be dependent upon the specific project program, which shall include, however, services in the four basic areas—medical, psychological, social and vocational. In general the single disability rehabilitation facility will follow the pattern established for the multiple disability rehabilitation facility. In other respects the general standards set forth herein shall apply.

[1] Desirable but not mandatory.
[2] If required by program.



### § 53.159 Facility for long-term care—nursing home.

(a) *General.* (1) The facilities listed in this section need not be provided if functionally available in an adjoining hospital.

(2) Nursing homes should be planned to approximate the home atmosphere as closely as possible. It is desirable that larger bedrooms be provided than are generally provided in general hospitals, that each bed be equitably placed in relation to the windows, that wardrobe and closet space in patients' rooms be more generous. The use of more open, informal planning, the provision of inviting recreational spaces both indoors and out, the use of decoration, color, furnishings, etc., to minimize institutional effect is recommended.

(b) *Administration department.*

Business office.[4]
Administrator's office.[4]
Consultation room.[1]
Lobby and waiting room.
Public toilet facilities.
Public telephone.

(c) *Ancillary facilities.*

Recreation room.
Occupational activities room.
Patients' dining room.
Provide at least 50 square feet per bed for 75 percent of the total beds in the nursing home for recreation, occupational activities and patients' dining.
It is recommended that the recreation, occupational activities and patients' dining areas be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Physical therapy services as required.
Patients' laundry.[4]
Storage for occupational and recreational equipment.
Outdoor recreation area.[2]

(d) *Nursing department.*

General: No patients' room shall have more than 4 beds. Six beds, not more than three beds deep from outside wall, will be permitted in nursing homes of over 100 beds. Not more than 2 beds per patients' room is desirable. Each patients' room shall have a lavatory. A toilet room, with lavatory, accessible from adjoining patients' room is recommended. At least one single room with private toilet shall be provided in each nursing unit for each sex for purposes of medical isolation, incompatibility, personality conflict, etc. No patients' room shall be located on any floor which is below grade.
Size of nursing unit: Should not have more than 40 beds. Larger units will be permitted if additional service facilities are provided as required.
Minimum patients' room areas: 80 square feet per bed (100 square feet desirable) in multiple bed patients' rooms; 100 square feet per bed (125 square feet desirable) in one-bed patients' rooms.
Service facilities for each nursing unit:
Nurses' station.
Nurses' toilet.
Utility room.
Treatment room.
Floor pantry: one for each nursing floor in multi-story buildings.[2]
Toilet facilities:
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 8 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathtub.
1 shower. (A separate bath room for each sex, containing at least one bathtub and one shower, is recommended. A ratio of one bathtub or one shower for each 10 beds is desirable.)
Stretcher and wheelchair parking area.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.

(e) *Service department.*

Dietary facilities:
Kitchen.
Dishwashing room.
Adequate refrigeration.
Garbage disposal facilities.
Personnel dining facilities.
Janitors' closet.
Housekeeping facilities:
Clean linen facilities.
Soiled linen facilities.
If commercial laundry is not available, laundry facilities shall be provided.
Mechanical facilities:
Boiler room.
Maintenance facilities—at least a bench in boiler room. In larger Nursing Homes, separate maintenance facilities should be provided.
Incinerator.[1]
Employees' facilities:
Male locker room and toilet.
Female locker room and toilet.
Storage:
General storage—15 square feet per bed and to be concentrated in one area.
Patients' clothes storage room.
Storage for outdoor equipment.[1]

### § 53.160 Details.

The following general requirements apply to all hospitals. Conditions in special hospitals, not covered in the general requirements, are specifically noted.

(a) *General requirements for hospitals.*

Door widths: 3 feet 8 inches (3 feet 10 inches preferable) at all:
Bedrooms.
Treatment rooms.
Operating rooms.
X-ray therapy rooms.
Delivery rooms.
Solariums.
X-ray rooms.
Physical therapy rooms.
Labor rooms.
Door swings: No doors shall swing into the corridor except closet doors.
Corridor widths: 7 feet (8 feet preferred). A greater width should be provided at elevator entrances.
Stair widths: The width of stairways shall be not less than 3 feet 8 inches. The width shall be measured between handrails where handrails project more than 3½ inches.
Elevators: Platform size—5 feet 4 inches x 8 feet. Door opening—3 feet 10 inches. See also mechanical section.
Laundry chutes: Use optional. Where used 2'0" minimum diameter.
Nurses' call system: (Does not apply to mental and psychiatric hospitals and mental units in general hospitals.) Call station between each two beds in two-bed rooms and four-bed rooms and one in each one-bed room.
Corridor dome light over each nursing room.
Dome light and buzzer at nurses' station, utility room and floor pantry.
Fire safety:
Exit facilities:
All exit facilities shall follow the recommendations of the Building Exits Code of the National Fire Protection Association.
Fire protection facilities:
Other fire protection requirements such as standpipes, sprinklers, chemical fire extinguishers and fire alarm systems shall conform to the requirements of any one of the codes listed in § 53.152 (a) (Structural Requirements).
Fire-resistive construction:
See § 53.162(c) for fire-resistive requirements affecting the structural members and connections.
Ray protection: X-ray rooms, surgeries, cystoscopic rooms and other areas containing X-ray producing equipment, other than mobile equipment, shall have ray protection as recommended in applicable handbooks of the National Bureau of Standards.
Radioisotopes: Rooms or areas where radioisotopes are used or stored, including teletherapy apparatus utilizing Radium, Cobalt-60, or Cecium-137 or other radioisotopes, shall have the ray protection necessary to limit the radiation in occupied areas to those levels required by the Atomic Energy Commission. The methods for determining radiation barriers shall be those established in the applicable handbooks of the National Bureau of Standards.
X-ray equipment: X-ray equipment and installation shall comply with recommendations contained in the National Electrical Code and applicable handbooks of the National Bureau of Standards.
Ceiling heights:
Boiler room:
Not less than 12'0" except that a lesser height may be used for these small buildings which may use a domestic type packaged heating unit. When a boiler is set in a depressed pit area, the height shall be measured from the pit floor.
Laundry:
Not less than 11'0" (a higher ceiling is desirable).
Kitchen:
Not less than 10'0" (a higher ceiling is desirable).
Operating rooms, delivery rooms, Cystoscopic rooms, emergency rooms and similar rooms having ceiling-mounted light fixtures—not less than 9'0" (a higher clearance may be necessary for some surgical lights).
All other rooms except those containing special equipment which may require a greater height (X-ray, etc.)—not less than 8'0" except that ceiling heights for corridors, storage rooms, patients' room toilets and other minor auxiliary rooms may be lower.
Insulation in ceilings: Ceilings of boiler rooms, kitchens and laundries shall be insulated where the floor directly above them is to be used for hospital purposes.
Parking space: Adequate parking space should be available for all health facilities.

(b) *Chronic disease hospitals, rehabilitation facilities and nursing homes.*

Space allowances: Space allowances shall be consistent with the need in areas used by patients using crutches, wheelchairs or wheel stretchers.

[1] Desirable but not mandatory.
[2] If required by program.
[4] May be combined.

Doors: All doors through which patients will pass shall be at least 3 feet 8 inches wide. Doors at least 3 feet wide will be permitted at individual toilets adjacent to patients' bedrooms.

Corridors: Corridors used by patients shall be at least 8 feet wide. A greater width should be provided at elevator entrances.

Handrails: Handrails will be required on both sides of corridors used by patients in chronic disease hospitals and nursing homes. Handrails are not required in corridors of rehabilitation facilities.

Thresholds: Thresholds at doorways shall be flush.

Telephone alcoves: Telephone alcoves shall be a minimum of 4 feet square. Phone shall be located on a shelf convenient for patients in wheelchairs. Doors to telephone booths are not recommended.

Drinking fountains: Drinking fountains shall be located in corridors of nursing units and treatment areas and lobby. The fountain shall be accessible to patients in wheelchairs.

Brackets: In rehabilitation facilities brackets should be provided adjacent to patients' beds for braces and crutches.

Water closet stalls: Water closet stalls for patient use shall have handrails on both sides. Curtains are recommended in lieu of doors to stalls.

Toilet rooms: Toilet rooms adjacent to patients' rooms shall permit movement of wheelchairs and shall have handrails on both sides.

Hardware: Hardware on water closet enclosures shall be operable from outside.

Lavatories: The front edge of the lavatory for patient use shall be set not less than 22 inches from the wall to which it is attached.[1] They shall be supported on brackets to allow wheelchairs to slide under.

Mirrors: Mirrors shall be arranged for the convenience of patients in wheelchairs as well as patients in a standing position.

Bathtubs: Bathtubs shall not be elevated in rehabilitation facilities. It is recommended that bathtubs shall not be elevated in chronic disease hospitals and nursing homes. Handrails shall be provided at all bathtubs.

Showers: Showers should be approximately 4 feet square and should have handrails and curtains. Curbs shall be omitted.

(c) *Mental hospitals, psychiatric hospitals and psychiatric units in general hospitals.* The principals of psychiatric security and safety shall be followed throughout. Materials and details of construction shall be such that patients will not be afforded opportunity for escape, suicide, hiding, etc. Care must be taken to avoid projecting sharp corners, exposed piping, heating elements, fixtures, hardware, etc.

(d) *Public health centers and diagnostic or treatment centers.* Width of corridors shall be not less than 5'0''. Greater width preferred. Windows of examination and treatment rooms shall be glazed with obscure glass to insure privacy.[1]

(e) *State public health laboratories.* Provide separate air conditioning or ventilation system for bacteriological and virus laboratories with ample supply and exhaust to function properly with closed windows. Emergency showers shall be provided in chemical laboratories. Each chemical laboratory room shall have a minimum of two exits. All windows must be screened.

[1] Desirable but not mandatory.

§ 53.161 Finishes.

(a) *General.*

Floors:
- The floors of the following areas shall have smooth, waterproof surfaces which are wear resistant:
  - Toilets:
    - Baths.
    - Bedpan rooms.
    - Floor pantries.
    - Utility rooms.
    - Treatment rooms.
    - Sterilizing rooms.
    - Janitors' closets.
- The floors of the following areas shall be smooth and easily cleaned:
  - Pharmacies.
  - Laboratories.
  - Patient rooms.
- The floors of the following areas shall be waterproof, greaseproof, smooth and resistant to heavy wear:
  - Kitchens.
  - Butcher shops.
  - Food preparation.
  - Formula rooms.
- Floors in anesthetizing areas and in rooms used for storage of flammable anesthetic agents in surgical suites shall be conductive as required by the NFPA No. 56—Code for Use of Flammable Anesthetics.

Walls:
- The walls of the following areas shall have a smooth surface with painted or equal washable finish in light color. At the base, they shall be waterproof and free from spaces which may harbor ants and roaches:
  - All rooms where food and drink are prepared, served or stored.
- The walls of the following areas shall have waterproof painted, glazed or similar finishes to a point above the splash or spray line:
  - Kitchens.
  - Scullieries.
  - Utility rooms.
  - Baths.
  - Showers.
  - Dishwashing rooms.
  - Janitors' closets.
  - Sterilizing rooms.
  - Spaces with sinks.
- The walls of the following areas shall have waterproof glazed, painted or similar surface which will withstand washing to a distance of not less than 5'0'':
  - Operating rooms.
  - Delivery rooms.

Ceilings:
- The ceilings of the following areas shall be painted with waterproof paint:
  - Operating rooms.
  - Delivery rooms.
  - All scullieries, kitchens and other rooms where food and drink are prepared.
- The ceilings of the following areas shall be acoustically treated:
  - Corridors in patient areas.
  - Nurses' stations.
  - Labor rooms.
  - Utility rooms.[1]
  - Floor pantries.
  - Kitchens.[1]

(b) *State public health laboratory.*

Floors:
- Resilient, smooth and stain resistant: All laboratories other than chemistry laboratories.
- Resilient, smooth and acid resistant: Chemistry laboratories.
- Smooth, waterproof, grease-proof, easily cleaned, non-slip, resistant to heavy traffic:
  - Culture media rooms.
  - Glasswashing rooms.
  - Sterilization rooms.
  - Acid cleaning rooms.
  - Animal rooms.

Walls:
- Waterproof, painted, glazed or similar finishes to a point above the splash or spray line. They shall be without cracks, and in conjunction with floors shall be waterproof and free of cracks and spaces which may harbor ants and roaches:
  - Laboratories.
  - Incubator rooms.
  - Sterilizing rooms.
  - Culture media rooms.
  - Glasswashing rooms.
  - Acid cleaning rooms.
  - Inoculation and operating rooms.
  - Animal rooms.
- Same as above, but finish to reach to ceiling:
  - Sterile rooms.

Ceilings: Waterproof painted: Sterile rooms.

Shelves and cabinets: Shelves and cabinets which are used for the storage of food, dishes and cooking utensils shall be so constructed and mounted that there shall be no openings or spaces which cannot be cleaned and which might harbor vermin or insects. Cabinets which are used for the storage of open food containers and dishes shall be dust tight.

(c) *Chronic disease hospitals, rehabilitation facilities and nursing homes.*

Wainscot: A wainscot of durable material should be provided in all rooms used by patients for protection of walls against damage caused by wheelchairs, stretchers and carts. Such a wainscot is desirable but not mandatory in chronic disease hospitals and nursing homes.

§ 53.162 Structural.

(a) *Codes.* In addition to compliance with the standards set forth in this subpart, all applicable local and State building codes and regulations must be observed. In areas which are not subject to local or State building codes, the recommendations of any one of the following national codes shall apply insofar as such recommendations are not in conflict with the standards set forth in this subpart.

1. National Building Code: National Board of Fire Underwriters, 85 John Street, New York 38, N.Y.
2. Basic Building Code: Building Officials Conference of America, 1525 East 53d Street, Chicago 15, Ill.
3. Southern Building Code: Southern Building Code Congress, Brown-Marx Building, Birmingham, Ala.
4. Uniform Building Code: International Conference of Building Officials, 610 South Broadway, Los Angeles 14, Calif.

(b) *Design data.*—(1) *General.* The buildings and all parts thereof shall be of sufficient strength to support all dead, live and lateral loads without exceeding the working stresses permitted for the materials of their construction in the applicable code.

(2) *Special.* Special provisions shall be made for machine or apparatus loads which would cause a greater stress than that produced by the specified minimum live load, with due consideration of vibration or impact resulting from operation of such equipment (e.g., some portable X-ray machines weigh as much as 1,000 pounds). Consideration shall be given to structural members and connections of structures which may be subject to hurricanes, tornadoes and earthquakes. Suitable allowance shall be made for future partition changes.



(3) *Live loads.* The following unit live loads shall be taken as the minimum uniformly distributed live loads for the occupancies listed:

Hospital wards, bedrooms, and all adjoining service rooms which comprise a typical nursing unit (except solaria and corridors)—40 p.s.f. Solaria, corridors in nursing units and all corridors above the first floor, operating suites, examination and treatment rooms, laboratories, toilets and locker rooms—60 p.s.f.

Corridors on first floor, waiting rooms and similar public areas, offices, conference room, library, kitchen and radiographic room—80 p.s.f.

Sairways, laundry, large rooms used for dining, recreation or assembly purposes, work shops—100 p.s.f.

Records file room, storage, supply—125 p.s.f.

Mechanical equipment room (unless actual equipment loads are accurately determined)— 150 p.s.f.

Roofs (except use increased value where snow and ice may occur)—20 p.s.f.

Wind—as required by local conditions, but not less than—15 p.s.f.

(c) *Construction including fire-resistive requirements.* (1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Proper bearing values for the soil shall be established in accordance with recognized standards.

(2) One-story buildings shall be constructed of not less than one-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms used for the storage of combustible materials shall be of two-hour fire-resistive noncombustible construction.

(ii) Interior non-load-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating.

(3) Structures built of other than noncombustible materials shall adhere to the floor area restrictions set forth in any one of the national codes listed in paragraph (a) of this section. For purposes of evacuation, the window sills of one-story buildings constructed of other than noncombustible materials shall be not more than six feet above the adjacent ground level.

(4) Buildings more than one story in height shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall follow the requirements of any one of the four national codes listed in paragraph (a) of this section except for the modifications listed below:

(i) Corridor partitions shall be of one-hour fire-resistive construction.

(ii) Walls enclosing stairways, elevators, laundry and trash chutes, and other vertical shafts, boiler rooms and rooms used for storage of combustible materials shall be of two-hour fire-resistive construction.

(5) Interior finish of all exit ways, storage rooms and all areas of unusual fire hazard shall have a flame spread rating of less than 20.

(6) Interior finish of patient rooms, patient day rooms and other areas occupied by patients shall have a flame spread rating of less than 75.

(7) Interior finish of other areas shall have a flame spread rating of less than 75, except that ten percent of the aggregate wall and ceiling areas of any space may have a flame spread rating up to 200.

(8) Interior finish materials shall be classified in accordance with their average flame spread rating on the basis of tests conducted in accordance with ASTM Standard No. E 84.

§ 53.163 Mechanical and electrical.

(a) *Heating; steam systems and ventilation*—(1) *Codes.* The heating system, steam system, boilers, ventilation system, and air conditioning system shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Board of Fire Underwriters and the minimum general standards as set forth in this section. Where there is no local or State boiler code, the recommendations of the A.S.M.E. shall apply. Gas fired equipment shall comply with the regulations of the American Gas Association.

(2) *Boilers.* Boilers shall have the necessary capacity when operating at normal rating to supply the heating system, hot water, and steam operated equipment, such as sterilizers, laundry and kitchen equipment. Spare boiler capacity shall also be provided in a separate unit to replace any boiler which might break down, except that spare boiler capacity for heating will not be required in design temperature zone +20° F. or higher as shown by the current edition of the ASHRAE Guide. Boilers which supply high pressure steam to sterilizers, kitchens, laundry, etc., shall meet the requirements of the city and State boiler codes for 125 pounds working pressure. It is desirable to operate boilers, supplying steam for laundries, at not less than 105 pounds pressure while boilers for sterilizers and kitchen may operate at 50 pounds pressure.

(3) *Heating system.* The building shall be heated by a hot water, steam, or equal type heating system.

(4) *Steam system.* A system of steam and return mains and appurtenances shall be provided to supply all equipment which requires steam heat.

(5) *Boiler accessories.* Boiler feed pumps, return pumps and circulating pumps shall be furnished in duplicate, each of which has a capacity to carry the full load. Blow off valves, relief valves, non-return valves, injectors and fittings shall be provided to meet the requirements of the city and state codes. Where no city or state codes are in force the recommendations of the ASME shall apply.

(6) *Temperatures.* It shall be possible to maintain a temperature of 70° F. in each room and occupied space except that in operating and delivery rooms and nurseries it shall be 75° F. In spaces where radiant heat is used, the minimum temperatures specified may be reduced to maintain an equivalent comfort level. Radiators and convectors, if used, shall be provided with hand control valve except where individual room automatic control is provided.

(7) *Piping.* Steam and hot water piping may be copper pipe and fittings, standard weight steel or iron pipe and cast iron fittings. Pipe used in heating and steam systems shall not be smaller sizes than prescribed by the latest edition of the ASHRAE Guide. The ends of all steam mains and low points in steam mains shall be dripped.

(8) *Valves.* Steam, return and heating risers, steam, return and heating mains shall be controlled separately by a valve. Each steam and return main shall be valved. Each piece of equipment supplied with steam shall be valved on the supply and return ends.

(9) *Thermostatic control.* The heating system shall be thermostatically controlled in one or more zones.

(10) *Auxiliary heat.* The heating system serving operating rooms, delivery rooms, recovery rooms, and nurseries shall be designed so that heat is available on a year round basis.

(11) *Coverings.* Boilers and smoke breeching shall be insulated with covering not less than 1-inch magnesia blocks and ½-inch plastic asbestos finish. All high pressure steam and high pressure return piping shall be insulated with covering not less than the equivalent of 1-inch four ply asbestos covering. Heating mains in the boiler room, in unheated spaces, unexcavated spaces, and where concealed, shall be insulated with covering not less than 1-inch asbestos air cell.

(12) *Ventilation.* (i) Rooms which do not have outside windows and which are used by patients or hospital personnel, such as utility rooms, toilets, bed pan rooms, baths, sterilizer rooms, sterilizer equipment chambers and food storage rooms shall be provided with forced or suitable ventilation to change the air at least once every six minutes.

(ii) Kitchens, morgues and laundries which are located inside the hospital building shall be ventilated by exhaust systems which will discharge the air above the main roof or 50'0'' from any window. The ventilation of these spaces shall comply with the State or local codes but if no code governs, the air in the work spaces shall be exhausted at least once every six minutes with the greater part of the air being taken from the flat work ironer and ranges. Air from the laundry sorting area shall be discharged with no recirculation. Rooms used for the storage of combustible anesthetic agents, paints and other highly flammable materials shall be ventilated to the outside air with intake and discharge ducts. Oxygen storage and oxygen manifold rooms shall comply with the regulations set forth in the latest edition of the NFPA–56.

(iii) The operating and delivery rooms shall be provided with a supply ventilating system with heaters and humidi-

fiers which will change the air at least eight times per hour by supplying fresh filtered air humidified to prevent static. No recirculation will be permitted. The air shall be removed from these rooms by forced system of exhaust. The adjoining sterilizing rooms and sterilizing equipment chambers shall be provided with exhaust ventilation.

(13) *Incinerators:* (i) An incinerator shall be installed in each hospital. The incinerator shall be designed to burn completely 60 percent wet garbage without objectionable smoke or odor. Where garbage is removed from the premises or disposed of by other means, incinerators will be required for the disposal of dressings, contagious and infectious materials, amputations and general rubbish. Rubbish incinerators shall be designed to completely burn 50 percent wet rubbish without objectionable smoke or odor. Gas- or oil-fired incinerators are desirable. Incinerators with capacities up to 500 pounds shall have the enclosing walls of combustion chambers lined with fire brick not less than 4½ inches thick. Incinerators of greater capacity shall have not less than 9-inch fire brick lining. The gases shall be carried to a point above the roof of the hospital. Flue fed type incinerators which have an identical refuse chute and smoke flue shall not be installed in hospitals or medical facilities.

(ii) Incinerators for diagnostic or treatment facilities need not conform in all respects to the above requirements but shall be of such design, construction and capacity to fulfill the needs of such facilities.

(14) *Tests.* The systems shall be tested to demonstrate to the satisfaction of the State agencies having jurisdiction that: The boilers will carry the full load with one boiler in reserve, that the steam supply to all steam heated equipment is ample, that the ventilating equipment meets the minimum requirements and that all systems circulate satisfactorily without leaks or noise.

(15) *Health centers, nurses' residences, laboratories, diagnostic or treatment centers, rehabilitation facilities and nursing homes.* (i) A spare boiler may not be required for health centers, nurses' residences, laboratories, diagnostic or treatment centers, rehabilitation facilities and nursing homes. Incinerators are recommended in health centers, nurses' residences, laboratories, rehabilitation facilities and nursing homes.

(ii) Separate special ventilation or air conditioning systems are required for the bacteriological and virus laboratories.

(16) *Mental hospitals.* Radiators, grilles, pipes, valves and equipment shall be so located that they are not accessible to patients. Hot air heating may be used for spaces occupied by mental patients.

(b) *Plumbing and drainage.* All parts of the plumbing systems shall comply with all applicable local and State codes and the requirements of the State Department of Health and the minimum general standards as set forth in this paragraph. Where no State or local codes are in force or where such codes do not cover special hospital equipment, appliances, and water piping, the National Plumbing Code ASA–A40.8–1955 shall apply.

(1) *Water service.* (i) The water supply available for the hospital shall be tested and approved by the State Department of Health.

(ii) The water service shall be brought into the building to comply with the requirements of the local water department and shall be free of cross connections.

(2) *Hot water heaters and tanks.* (i) The hot water heating equipment shall have sufficient capacity to supply 6½ gallons of water at 125° F. per hour per bed for hospital fixtures, 4 gallons of water at 180° F. per hour per bed for kitchen and 4½ gallons of water at 180° F. per hour per bed for laundry.

(ii) The hot water storage tank or tanks shall have a capacity equal to 80 percent of the heater capacity.

(iii) Where direct fired hot water heaters are used they shall be of an approved high pressure type. Submerged steam heating coils shall be of copper. Storage tanks shall be of noncorrosive metal or be lined with noncorrosive material to comply with the A.S.M.E. Code for pressure vessels. Tanks and heaters shall be fitted with vacuum and relief valves, and where the water is heated by coal or gas they shall have thermostatic relief valves. Heaters shall be thermostatically controlled.

(3) *Water supply systems.* (i) From the cold water service and hot water tanks, cold water and hot water mains and branches shall be run to supply all plumbing fixtures and equipment which require hot or cold water or both for their operation. Pipes shall be sized to supply water to all fixtures with a minimum pressure of 15 pounds at the top floor fixtures during maximum demand periods. All plumbing fixtures except water closets, urinals, bedpan washers and drinking fountains shall have both hot and cold water supplies. Every supply outlet or connection to a fixture or appliance shall be protected against back flow in accordance with the provisions of standards for air gaps and backflow preventers as provided by National Plumbing Code ASA–A40.8–1955. Wherever the usage of fixture or appliance will permit, water supplied to all fixtures, open tanks and equipment, shall be introduced through a suitable air gap between the water supply and the flood level of the fixture. No connections shall be made which will permit backflow.

(ii) Hot water circulating mains and risers shall be run from the hot water storage tank to a point directly below the highest fixture at the end of each branch main. Where the building is higher than 3 stories, each riser shall be circulated. Water pipe sizes shall be equal to those prescribed by the National Plumbing Code ASA–A40.8–1955.

(4) *Drainage system.* All fixtures and equipment shall be connected through traps to soil and waste piping and to the sewer. Indirect waste connections shall be provided for devices or fixtures in which food, drink, water and ice are processed or stored, dishwashing machines, sterilizers, stills and equipment requiring cooling water. All shall conform to the requirements of the National Plumbing Code ASA–A40.8–1955.

(5) *Rain water drains.* Leaders shall be provided to drain the water from roof areas to a point from which it cannot flow into the basement or areas around the building. Courts, yards, and drives which do not have natural drainage from the building shall have catch basins and drains to low ground, storm water system, or dry wells. Where dry wells are used they shall be located at least 20′ 0″ from the building.

(6) *Gas piping.* Gas appliances shall be approved by the American Gas Association and shall be connected in accordance with the requirements of the company furnishing the gas. Gas outlets shall not be provided in patients' bedrooms.

(7) *Oxygen systems.* Where oxygen systems are installed the oxygen piping, outlets, manifolds, manifold rooms and storage rooms shall be installed in accordance with the requirements of N.F.P.A. Bulletins No. 56 and No. 565.

(8) *Pipe.* The building drain, to a point 5′ 0″ from the building, shall be of cast iron. Soil stacks, drains, vents, waste lines, and leaders shall be of copper, cast iron or steel except drain lines in back-fill or soil shall be of cast iron. Oxygen lines shall be of copper tubing not lighter than type "K" or I.P.S. red brass with fittings of brass or copper. Drains from sinks which use chemicals shall be of approved acid resistant material. Gas piping shall be of black iron with malleable fittings or copper tubing.

(9) *Valves.* Each main, branch main, riser and branch to a group of fixtures of the water systems shall be valved.

(10) *Insulation.* (i) Tanks and heaters shall be insulated with covering equal to 1″ 4-ply air cell.

(ii) Hot water and circulating pipes shall be insulated with covering equal to canvas jacketed 3-ply asbestos air cell.

(iii) Cold water mains in occupied spaces and in store rooms shall be insulated with canvas jacketed felt covering to prevent condensation. All pipes in outside walls shall also be insulated to prevent freezing.

(11) *Stand pipe system.* The stand pipe system shall be installed as required by the local and State departments having jurisdiction. Where no local or State codes are in force, the stand pipe system shall comply with the requirements of the National Board of Fire Underwriters.

(12) *Sprinkler system.* To reduce the danger from fire, it is desirable to provide automatic sprinkler systems in those areas which are considered hazardous from a fire safety point of view. Such hazardous areas may include the soiled linen rooms, basement corridors, paint shops, wood working shops, trash rooms, storage rooms, accessible attics, laundry and trash chutes, and entire nonfireproofed buildings.

(13) *Plumbing fixtures.* (i) The material used for plumbing fixtures shall be of an approved non-absorptive acid resisting material.

(ii) Water closets in and adjoining patients' areas shall be of a quiet operating type.



(iii) Flush valves shall be designed for quiet operation with non-return stops, back flow preventers and silencers.

(iv) Patient lavatories, service lavatories, and sinks which may be used for filling pitchers shall have the spout mounted so that it is a minimum distance of 5 inches above the flood rim of the fixture. All lavatories and sinks used by patients, doctors, nurses, and food handlers shall be trimmed with valves which can be operated without the use of the hands. Wrist, knee and foot action valves meet this requirement. If wrist action valves are used on patient lavatories the blade handles shall not exceed 4½ inches in length.

(14) *Drinking fountains.* Drinking fountains shall comply with the A.S.A. Z4.2–1942.

(15) *Tests.* (i) All soil, waste, vent, and drain lines shall be tested by water or air test before they are built in.

(ii) A smoke or chemical test shall be applied after fixtures have been set. Water pipe shall be hydraulically tested to a pressure equal to twice the working pressure. The tests shall demonstrate to the satisfaction of the State Agency that there are no leaks, that hot water is circulating satisfactorily, that all traps are properly vented, that there is ample supply of hot and cold water to all fixtures, that no fixture or equipment can be back syphoned and that there are no backflow connections.

(16) *Sterilizers.* Sterilizers and autoclaves shall be provided of the required types and necessary capacity to adequately sterilize instruments, utensils, dressings, water, operating room material, such as gloves, sutures, etc., and as required for laboratories. The sterilizers shall be of recognized hospital types with approved controls and safety features.

(17) *Mental, psychiatric, tuberculosis and chronic disease hospitals, rehabilitation facilities and nursing homes.* (i) Plumbing fixtures which require hot water and which are accessible to patients shall be supplied with water which is thermostatically controlled to provide a maximum water temperature of 110° F. at the fixture.

(ii) Special consideration shall be given to piping, controls, and fittings of plumbing fixtures as required by the types of mental patient and the doctor in charge of planning. No pipes or traps shall be exposed and fixtures shall be substantially bolted through walls. Generally, for disturbed patients, prison type water closets without seats shall be used and shower and bath controls shall not be accessible to patients.

(iii) The hot water heat and tank capacities for laundries in T.B. and mental hospitals may be reduced to 40 percent of that required for general hospitals.

(18) *Laboratories, nurses' residences and health centers.* (i) Emergency quick acting cold water showers are required at convenient points in chemical laboratories.

(ii) Only one system of hot water will be required in laboratories, nurses' residences and health centers and the elbow or knee action lavatory and sink faucet handles will be required only in clinical rooms of health centers.

(c) *Electrical installations*—(1) *Codes and regulations.* The installation of electrical work and equipment shall comply with all local and State codes and laws applicable to electrical installations and the minimum general standards as set forth in this paragraph. Where such codes and laws are not in effect or where they do not cover special installations the National Electrical Code and standards referenced therein which are applicable shall apply. The regulations of the local utility company shall govern service connections. All materials shall be new and shall equal standards established by the Underwriters Laboratories, Inc. Certificates of approval shall be issued by these departments having jurisdiction before the work will be approved for final payment.

(2) *Service.* Connections from the service mains, with meter connections and service switches shall be installed as required by the Public Service Company.

(3) *Feeders and circuits.* Separate power and light feeders shall be run from the service to a main switchboard and from there sub-feeders shall be provided to the motors and power and light distributing panels. Where there is only one service feeder, separate power and light feeders from the service entrance to the switchboard will not be required. From the power panels feeders shall be provided for large motors, and circuits from the light panels shall be run to the lighting outlets. Large heating elements shall be supplied by separate feeders from the power or light service as directed by the local public service company. Independent feeders shall be furnished for X-ray equipment.

(4) *Switchboard and power panels.* Circuit breakers or dead front type fused switches shall be installed to protect all feeders and sub-feeders. Motor shall be connected with breakers or fused switches.

(5) *Light panels.* Light panels shall be provided on each floor for the lighting circuits on that floor. Light panels shall be located near the load centers not more than 100′ 0″ from the farthest outlet.

(6) *Lighting outlets and switches.* All occupied areas shall be adequately lighted as required by duties performed in the space. Patients' bedrooms shall have as a minimum general illumination a night light and a patient's reading light. The outlets for general illumination and night lights shall be switched at the door. Switches in patients' rooms shall be of an approved mercury or equal, quiet operating type, or shall be placed in the corridor. Operating and delivery rooms shall have general illumination and special lights for the tables each on an independent circuit.

(7) *Equipment and installation in hazardous areas.* All electrical equipment and installation in operating, delivery, emergency, anesthesia storage and anesthesia induction rooms shall comply with National Fire Protection Association Code NFPA No. 56.

(8) *X-ray film illuminator.* Each operating room shall have a film illuminator.

(9) *Receptacles (convenience outlets).* Receptacles suitable for the service shall be located where plug-in service is required. Each bedroom shall not have less than two duplex receptacles, with at least one receptacle near the head of each bed. Polarized receptacles for special equipment shall be installed where required. Grounding type receptacles shall be installed not more than 50 feet apart in all nursing unit corridors. At least three three-pole grounded receptacles shall be installed in each operating, delivery, and emergency room.

(10) *Emergency lighting.* Emergency lighting shall be provided for exits, stairs, and patient corridors which shall be supplied by an emergency service, an automatic emergency generator or battery with automatic switch. Operating and delivery room lights shall be connected with an automatic transfer switch which will throw the circuits to the emergency service in case of current failure. Should an emergency service from the street be used, it shall be from a generating plant independent of that used for the main electric service.

(11) *Nurses call.* Each patient shall be furnished with a nurses' call station which will register a call from the patient; at the corridor door, at the nurses' station, and in each pantry and utility room of the nursing unit. A duplex unit may be used for 2 patients. Indicating lights shall be provided at each station where there are more than two beds in a room. Nurses' call stations will not be required for beds which are used only for children. Operating, delivery and recovery rooms, rooms used for children and nurseries shall have one emergency call each for use of the nurse. Wiring for nurses' call systems shall be installed in conduit.

(12) *Lighting fixtures.* Lighting fixtures shall be furnished for all lighting outlets. They shall be of a type suitable for the space. Should ceiling lights be used in patients' rooms, they shall be of a type which does not shine in the patients' eyes.

(13) *Fire alarms.* A manually operated fire alarm system shall be installed in each hospital, rehabilitation facility, and nursing home. It is recommended that this system be coded and electrically supervised. The alarm system shall comply with applicable local codes, or in the absence of such codes the NFPA 101—"Building Exits Code" and NFPA 72—"Standard for Proprietary Protective Signalling Systems" shall apply.

(14) *Clocks.* A clock system is desirable but not mandatory. Where provided, it should be complete with master clock and time indicator clocks in administrative offices, main lobby, and work areas as required.

(15) *Tests.* Lighting fixtures, all wiring and equipment shall be tested to show that it is free from grounds, shorts, or open circuits, that motors rotate correctly and that all equipment operates as specified.

(16) *Health centers, nurses' residences, laboratories, diagnostic or treatment facilities, and separate rehabilitation facilities for outpatients only.* Emergency lighting and call systems will not be required in health centers, nurses' residences, laboratories, diagnostic or treatment facilities and separate rehabil-

itation facilities for outpatients only except as provided for by local and State codes.

(17) *Mental hospitals.* (i) No lighting fixtures, switches, receptacles or electrical equipment shall be accessible to mental patients.

(ii) Nurses' call systems will not be required in areas occupied by mental patients.

(d) *Elevators and dumbwaiters*—(1) *Codes.* Elevators and dumbwaiters shall comply with all local and State codes, American Standard Safety Code for Elevators, Dumbwaiters, and Escalators (A17.1—1960), The National Board of Fire Underwriters, the National Electrical Code, and the minimum general standards as set forth herein.

(2) *Number of elevators.* (i) Any hospital, rehabilitation facility, or nursing home with patients on one or more floors above the first or where the operating or delivery rooms are above the first floor shall have at least one electric motor driven hospital-type elevator with car inside dimensions of at least 5'0" wide by 7'6" deep and door clear opening of not less than 3'8". Hospitals, rehabilitation facilities, or nursing homes with a bed capacity of from 60 to 200 above the first floor shall have not less than two such elevators. Hospitals with a bed capacity of from 201 to 350 above the first floor shall have not less than three such elevators. Elevators provided in addition to these minimums may be of any type considered suitable.

(ii) Elevator cars shall be constructed of all noncombustible material.

(3) *Controls.* Elevators shall have either generator field control or multivoltage control where speed is greater than 150 feet per minute. Elevators with speeds of more than 350 feet per minute shall be the gearless type. Elevators shall have automatic leveling of the two-way automatic maintaining type with accuracy within plus or minus ½".

(4) *Operation.* Elevators for which operators will not be regularly employed shall be equipped for automatic operation and shall have car switch to permit operation by an attendant during special occasions, or to bypass registered calls in emergencies.

(5) *Dumbwaiters.* Cars of electrically operated dumbwaiters shall be of steel. When travel does not exceed 50 feet, the minimum speed shall be 50 feet per minute; for travel of more than 50 feet, the minimum speed shall be 100 feet per minute. When speed exceeds 100 feet per minute, provision shall be made for a reduced stopping speed of not more than 50 feet per minute. Operation shall be by momentary contact pushbutton.

(6) *Tests.* Elevator and dumbwaiter machines shall be tested for speed and load with and without loads in both directions. Elevators shall be tested for leveling and shall be given overspeed tests as specified in A17.1—1960 American Standard Safety Code for Elevators, Dumbwaiters, and Escalators.

(e) *Refrigeration* — (1) *Codes.* (i) The refrigerators and refrigerating systems shall be furnished and installed to meet all requirements of the local and State codes and regulations, the National Board of Fire Underwriters, and the minimum general standards as set forth in this paragraph.

(ii) This section shall include portable refrigerators, built-in refrigerators, garbage refrigeration, ice-making and refrigerator equipment, morgue boxes.

(2) *Box construction.* (i) Boxes shall be insulated with waterproof, nonabsorbent, verminproof insulation. For the portable boxes, the insulation in the doors and walls shall be equal to 2-inch cork. Outer walls and doors of the walk-in boxes shall have insulation equal to 4-inch cork. Boxes shall be lined with non-absorbent sanitary material which will withstand the heavy use to which it will be subjected and constructed so as to be easily cleaned.

(ii) Refrigerators of adequate capacity shall be provided in all kitchens and other preparation centers, where perishable foods will be stored.

(iii) In the main kitchen, a minimum of two separate sections or boxes shall be provided, one for meats and dairy products, and one for general storage.

(3) *Refrigerator machines.* (i) Toxic, "irritant", or inflammable refrigerants shall not be used in refrigerator machines located in buildings occupied by patients.

(ii) The compressors and evaporators shall have sufficient capacity to maintain temperatures of 35° F. in the meat and dairy boxes, and 40° F. in the general storage boxes when the boxes are being used normally. Compressors shall be automatically controlled.

(4) *Tests.* Compressors, piping, and evaporators shall be tested for leaks and capacity.

(f) *Kitchen equipment*—(1) *Codes.* The kitchen equipment shall be so constructed and installed as to comply with the applicable local and State laws, codes, regulations and requirements, and with the applicable sanitation standards of Public Health Bulletin No. 37, entitled "Ordinance and Code Regulating Eating and Drinking Establishments, recommended by the U.S. Public Health Service," and with the minimum general standards set forth in this section.

(2) *Equipment.* (i) The equipment shall be adequate and so arranged as to enable the storage, preparation, cooking, and serving of food and drink to patients, staff and employees to be done in an efficient and sanitary manner. The equipment shall be selected and arranged in accordance with the types of food service adopted for the hospital.

(ii) Adequate cabinets or other facilities shall be provided for the storage or display of food, drink, and utensils, and shall be designed so as to protect them from contamination by insects, rodents, other vermin, splash, dust, and overhead leakage.

(iii) Adequate facilities shall be provided for the washing and bactericidal treatment of utensils used for eating, drinking, and food preparation. Where utensils are to be washed by hand, there shall be provided an adequate sink equipped with heating facilities to maintain a water temperature of at least 170° F. in the bactericidal treatment compartment throughout the dishwashing period. Where utensils are to be washed by machine, there shall be provided facilities for supplying to the dishwashing machine an adequate supply of rinse water at 170° F., measured at the rinse sprays, throughout the dishwashing period. All tables, shelves, counters, display cases, stoves, hoods, and similar equipment shall be so constructed as to be easily cleaned and shall be free of inaccessible spaces providing harborage for vermin. Where there is not sufficient space between equipment and the walls or floor to permit easy cleaning, the equipment shall be set tight against the walls or floor and the joint properly sealed. All utensils and equipment surfaces with which food or drink comes in contact shall be of smooth, not readily corrodible material free of breaks, corrosion, open seams or cracks, chipped places, and V-type threads. All surfaces with which food or drink comes in contact shall be easily accessible for inspection and cleaning and shall be self-draining, and shall not contain or be plated with cadmium or lead. All water supply and waste line connections to kitchen equipment shall be installed in compliance with the plumbing requirements of these standards.

(g) *Laundry*—(1) *Codes.* (i) The laundry equipment shall be designed and installed to comply with all local and State codes and laws, and the requirements of the State Department of Health and the minimum general standards as set forth in this section.

(ii) Where laundries are provided they shall be complete with washers, extractors, tumblers, ironer and presses which shall be provided with all safety appliances and sanitary requirements.

(2) *Washers.* There shall be at least two washers which shall have a combined rated capacity of not less than 12 pounds of dry laundry per day per patient bed, when operating not more than 40 hours per week.

(3) *Ironer.* Provide one flat work ironer with a capacity equal to 70 percent of the washer capacity when operating 40 hours per week.

(4) *Extractor.* There shall be not less than one extractor with a daily capacity equal to that given above for the washers and for hospitals with more than 100 beds there shall be two extractors.

(5) *Tumbler.* Provide a minimum of one tumbler with a rated capacity equal to 25 percent of the washers, when operating 40 hours per week.

(6) *Presses.* For finished work provide not less than 1 nurses uniform unit consisting of 3 presses or one utility unit with 2 presses which shall be increased for the larger hospitals.

(7) *Wash tubs.* Provide 2 wash tubs.

(8) *Mental and tuberculosis hospitals.* The capacity per bed of laundry equipment for tuberculosis and mental hospitals shall be 40 percent of that required for general hospitals.

### § 53.164 Preparation of plans, specifications and estimates.

(a) *General.* (1) The requirements contained in this section have been established for the guidance of the applicant and the architect to provide a standard method of preparation of drawings, specifications and estimates.



(2) It is expected that the applicant will find it advantageous to submit the material through the State Agency in three stages for its recommendation and approval. However, the applicant may, if he so elects, combine the first two stages.

(3) If the data required under stage 3 is available, it may be submitted without the drawings required under stages one and two.

(4) Copies of the final working drawings and specifications previously submitted under stage three will be submitted for approval with the formal application for the project. The requirements for the material submitted at each of the three stages are as follows:

(b) *Drawings and specifications*—(1) *(First stage) program and schematic plans*—(i) Program.

(a) List in outline form the rooms or spaces to be included in each department, explaining the functions or services to be provided in each, indicating the approximate size, the number of personnel and the kind of equipment or furniture it will contain. Note any special or unusual services or equipment to be included in the facility.

(b) If a hospital project, submit a schedule showing the total number of beds, their distribution in room and in the services, such as medicine, surgery, obstetrics, etc.

(ii) Schematic plans: Single line drawings of each floor showing the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room should be noted. The proposed roads and walks, service and entrance courts, parking and orientation may be shown on either a small plot plan or the 1st floor plan. Simple vertical space diagram should be submitted at this stage.

(iii) Construction outline: A brief description of the type of construction.

(iv) Description of site: If a survey has been made, a plat shall be submitted at this time, if not, it should be submitted with the Preliminary Plans (Second Stage). In lieu of a plat of the survey, a description of the site may be submitted at this time. This shall note the general characteristics of the site, easement, availability of electricity, water and sewer lines, main roadway approaches, direction of prevailing breezes, orientation, etc. A map indicating location of the hospital in its geographic area with particular reference to recommendation given under § 53.143 should be submitted.

(v) Preliminary cost estimates.

(2) *(Second stage) preliminary plans, elevations, and outline specifications.* (i) (a) Development of the preliminary sketch plans indicating in more detail the assignment of all spaces, size of areas and rooms, and including single line layouts of air conditioning and ventilation ducts, heating and steam mains, hot and cold water systems, and soil and waste lines. Indicate in outline the fixed and movable equipment and furniture.

(b) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design.

(c) The total floor area shall be computed and shown on the drawings.

(d) The drawings shall include a plan for each floor, including the basement or ground floor, roof plan, approach plan showing roads, parking areas, sidewalks, etc., elevations of all facades, and sections through the building. Mechanical drawings shall show (1) single line layouts of all air conditioning and ventilation duct systems, (2) layout of heating, chilled water and steam mains, (3) location of heating, ventilation and cooling units, (4) layout of cold and hot water supply and soil and waste systems, (5) layouts of oxygen, nitrous oxide, suction and special piping systems, (6) scale layout of boiler and other equipment rooms, including main pieces of equipment, (7) riser diagrams for the enumerated systems shall be shown for multistory construction.

(ii) Outline specifications shall provide a general description of the construction, including interior finishes; acoustical material, its extent and type; extent of conductive floor covering. Description of the type of pipe and fittings for all plumbing, heating, ventilation and air conditioning systems. Description of the air conditioning, heating and ventilation systems and their controls. Description of the steam heated equipment such as sterilizers, kitchen and laundry equipment, and the type of elevators.

(iii) Revised cost estimates.

(3) *(Third stage) working drawings and specifications.* (i) All working drawings shall be well prepared so that clear and distinct prints may be obtained; accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Separate drawings shall be prepared for each of the following branches of work:

Architectural, structural, mechanical, electrical. They shall include or contain the following:

(a) *Architectural drawings.* (1) Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be seeded. All structures and improvements which are to be removed under the construction contract shall be shown. A print of the survey shall be included with the working drawings for the information of bidders only. The survey shall not be made a contract drawing.

(2) Plan of each floor and roof.

(3) Elevations of each facade.

(4) Sections through building.

(5) Scale and full size details as necessary; scale details at one and one-half (1½) inches to the foot may be necessary to properly indicate portions of the work. Full size details may be prepared after award of construction contract.

(6) Schedule of finishes.

(b) *Equipment drawings.* Large scale drawings of typical and special rooms indicating all fixed equipment and major items of furniture and movable equipment. The furniture and movable equipment will not be included in the construction contract but should be indicated by dotted lines.

(c) *Structural drawings.* (1) Plans for foundations, floors, roofs and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members. Schedule of beams, girders and columns.

(2) Floor levels, column centers, and offsets shall be dimensioned.

(3) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.

(4) Details of all special connections, assemblies and expansion joints shall be given.

(5) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil-bearing pressures.

(6) For special structures, a stress sheet shall be incorporated in the drawings showing:

(i) Outline of the structure.

(ii) All load assumptions used.

(iii) Stresses and bending moments separately for each kind of loading.

(iv) Maximum stress and/or bending moment for which each member is designed, when not readily apparent from (iii).

(v) Horizontal and vertical reactions at column bases.

(d) *Mechanical drawings.* These drawings with specifications shall show the complete heating, steam piping and ventilation systems; plumbing, drainage and stand pipe systems; and laundry.

(1) *Heating, steam piping and ventilation.*

(i) Radiators and steam heated equipment, such as sterilizers, warmers and steam tables.

(ii) Heating and steam mains and branches with pipe sizes.

(iii) Diagram of heating and steam risers with pipe sizes.

(iv) Sizes, types and heating surfaces of boilers, furnaces, with stokers and oil burners, if any.

(v) Pumps, tanks, boiler breeching and piping and boiler room accessories.

(vi) Air conditioning systems with refrigerators, water and refrigerant piping, and ducts.

(vii) Exhaust and supply ventilating systems with steam connections and piping.

(2) *Plumbing, drainage and stand pipe systems.* (i) Size and elevation of: Street sewer, house sewer, house drains, street water main and water service into the building.

(ii) Location and size of soil, waste, and vent stacks with connections to house drains, fixtures and equipment.

(iii) Size and location of hot, cold and circulating mains, branches and risers from the service entrance and tanks.

(iv) Riser diagram to show all plumbing stacks with vents, water risers and fixture connections.

(v) Gas, oxygen and special connections.

(vi) Standpipe system.

(vii) Plumbing fixtures and fixtures which require water and drain connections.

(3) *Elevators and dumbwaiters.* Shaft details and dimensions, size car platform and doors; travel, pit and machine room.

(4) Kitchens, laundry, refrigeration and laboratories shall be detailed at a satisfactory scale to show the location, size and connection of all fixed and movable equipment.

(e) *Electrical drawings.* Drawings shall show all electrical wirings, outlets, and equipment which require electrical connections.

(1) Electrical service entrance with service switches, service feeders to the public service feeders and characteristics of the light and power current. Transformers and their connections if located in the building, shall be shown.

(2) Plan and diagram showing main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.

(3) Light outlets, receptacles, switches, power outlets and circuits.

(4) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the Telephone Co. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the Telephone Company.

(5) Nurses' call systems with outlets for beds, duty stations, door signal lights, annunciators and wiring diagrams.

(6) Doctors' call and doctors' in-and-out systems with all equipment wiring, if provided.

(7) Fire alarm system with stations, gongs, control board and wiring diagrams.

(8) Emergency lighting system with outlets, transfer switch, source of supply, feeders and circuits.

(f) *Additions to existing projects.* (1) Procedures and requirements for working drawings and specifications to be followed and in addition the following information shall be submitted:

(i) Type of activities within the existing building and distribution of existing beds, etc.

(ii) Type of construction of existing building and number of stories high.

(iii) Plans and details showing attachment of new construction to the existing structure and mechanical systems.

(2) Specifications shall supplement the drawings and shall comply with the following:

(i) The specifications shall fully describe, except where fully indicated and described on the drawings, the materials, workmanship, the kind, sizes, capacities, finishes and other characteristics of all materials, products, articles and devices.

(ii) The specifications shall include:

(*i*) Cover or title sheet.

(*ii*) Index.

(*iii*) Invitation for bids.

(*iv*) General conditions.

(*v*) Wage schedule, section 2, Labor Standards and Kickback Regulations.

(*vi*) General requirements.

(*vii*) Sections describing materials and workmanship in detail for each class of work.

(*viii*) Form of bid bond.

(*ix*) Bid form.

(*x*) Form of agreement.

(*xi*) Performance and payment bond forms.

(iii) In order to obtain a standard procedure Standard Specification Forms will be furnished to the State Agency as a guide to the Architect.

(3) Estimates shall show in convenient form and detail the probable total cost of the work to be performed under the contract for construction of new buildings, expansion, remodeling and alteration of existing buildings including provision of fixed equipment contemplated by plans and specifications.

§ 53.165 Equipment.

(a) *General.* Equipment necessary for the functioning of the facility as planned shall be provided in the kind and to the extent required to perform the desired service. The necessary equipment shall be included in the cost of the project and is considered an essential part of the project.

(b) *Classification of equipment.* All equipment shall be classified in three groups as indicated below; the basis of classification being the usual methods of purchasing the equipment and suggested accounting practices in regard to depreciation.

(1) *Group I: Built-in equipment usually included in construction contracts.* Hospital cabinets and counters, laboratory and pharmacy cabinets, X-ray darkroom equipment, cubicle curtain equipment, shades and venetian blinds and any other built-in equipment, including items which have been included previously under §§ 53.144 through 53.164, such as: Kitchen equipment, laundry chutes, elevators, dumbwaiters, boilers, incinerators, refrigerating equipment, sterilizing equipment, surgical lighting, dental units and chairs, autopsy tables and the like.

(2) *Group II: Depreciable equipment of five years' life or more normally purchased through other than construction contracts.* Large items of furniture and equipment having a reasonably fixed location in the building but capable of being moved. Examples: Bedroom and office furniture, anesthesia apparatus, operating and obstetrical tables, radiographic and fluoroscopic units, basal metabolism apparatus and oxygen tents, dental amalgamators and casting machines, centrifuges, microscopes and balances, wheeled equipment and the like.

(3) *Group III: Non-depreciable equipment of less than five years' life normally purchased through other than construction contract.* Small items of low unit cost and suited to storeroom control. Examples: Chinaware, silverware, kitchen utensils, waste baskets, bedpans, dressing jars, catheters, surgical instruments, bed linens, blankets, and the like.

(c) *Responsibility of applicant.* (1) It shall be the responsibility of the applicant to select and purchase all necessary equipment for the complete functioning of all services included in the project in accordance with these standards and any further standards prescribed by the State Agency.

(2) It is essential that the equipment shall be properly apportioned and budgeted to the various services of the facility so that unduly expensive or elaborate equipment is not provided for some services of the project, necessitating the use of cheap and inadequate equipment for other services.

(3) As soon as possible after the award of the construction contract, the applicant shall submit to the Surgeon General through the State Agency for approval a complete list in triplicate of all proposed Groups II and III equipment, including itemized estimate of cost.

[F.R. Doc. 64-13154; Filed, Dec. 28, 1964; 8:45 a.m.]

# Title 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

## PART 81—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

### Notice of Postponement of Effective Date of Certain Amendments of Regulations With Respect to Poultry Soups

*Statement of considerations.* On July 7, 1964 (29 F.R. 8456) there was published in the FEDERAL REGISTER a document amending, inter alia, §§ 81.134 and 81.208 of the regulations (7 CFR 81.134, 81.208) under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.). The document provides that the amendments shall become effective on January 1, 1965. In a court action instituted by one of the affected processors of dehydrated poultry soups, the United States District Court for the District of New Jersey has decided to issue a preliminary injunction restraining, pending final decision in that case, the enforcement of the provisions of §§ 81.134 and 81.208 of the regulations, as so amended, with respect to certain dehydrated soup mixes prepared by such processor. In view of the imminence of such injunction, in order to afford equitable treatment for other poultry soup processors and to avoid confusion in the affected industry, it is deemed necessary to postpone temporarily the effective date of said amendments with respect to all consumer-packaged soups, whether dehydrated, canned, or otherwise prepared, containing poultry ingredients.

*Regulatory action.* Therefore, pursuant to said Poultry Products Inspection Act, the effective date of the provisions of §§ 81.134 and 81.208, as set forth in the amendments published on July 7, 1964, insofar as they relate to consumer-packaged soups containing poultry ingredients, is postponed until February 1, 1965. During such period of postponement, the provisions of the introductory paragraph and paragraph (a) of § 81.208 as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)) shall continue in effect and be applicable to consumer-packaged soups containing poultry ingredients. These provisions are as follows:

§ 81.208 **Exemption of certain human food products which contain poultry.**

The human food products listed in this section, which consist in part of edible parts of poultry, are hereby exempted from classification as poultry products under the Act: *Provided,* That the poultry used in such products is federally inspected or inspected under an approved foreign inspection system and the other conditions set forth herein are met.

(a) Any food product (in a consumer package) not otherwise provided for in this section, which contains less than 10 percent cooked poultry skins, giblets, fat or meat (deboned white or dark poultry meat, or both), separately or in any combination: *Provided,* That it contains less than 2 percent poultry meat. The aforesaid percentages of ingredients shall be computed on the basis of the moist, deboned, cooked poultry in the ready-to-serve product when prepared in accordance with the serving directions on the consumer package.

Section 81.134 of the presently effective regulations (23 F.R. 732, 7 CFR 81.134), which was amended by the July 7, 1964 amendments to include, interalia, minimum meat content specifications for soups containing poultry ingredients, does not now contain such specifications or other provisions with respect to poultry soups. Therefore postponement of the effective date of the July 7, 1964 amendment of § 81.134 with respect to consumer-packaged poultry soups will relieve such products from any requirements under the provisions of § 81.134 during the period of postponement.

The amendments of sections 81.134 and 81.208 with respect to all other products within their provisions, will become effective on January 1, 1965. No change is made concerning the amendments of the other sections (§§ 81.1 and 81.6) of the regulations contained in the document published on July 7, 1964, and they will become effective on January 1, 1965.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the imminence of a preliminary injunction on behalf of one processor, and in order to accomplish its purpose it must be made effective on January 1, 1965, when the July 7, 1964 amendments of the regulations are scheduled to become effective. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice of rule-making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210; 28 F.R. 496, as amended)

This action shall become effective on January 1, 1965.

Done at Washington, D.C., this 23d day of December 1964.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 64-13379; Filed, Dec. 28, 1964; 8:49 a.m.]



## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 47]

## PART 1047—MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

### Order Amending Order

§ 1047.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing records.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than January 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, U.S. Department of Agriculture, concerning the handling of milk in the Fort Wayne and Indianapolis, Indiana, marketing areas was issued November 17, 1964 (29 F.R. 15647; F.R. Doc. 64-11908), and the recommended decision of the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, concerning the handling of milk in the Fort Wayne, Indiana, marketing area was issued November 13, 1964 (29 F.R. 15443; F.R. Doc. 64-11776). The decisions of the Assistant Secretary containing amendment provisions of this order were issued: December 9, 1964 (29 F.R. 17041; F.R. Doc. 64-12815), with respect to the Fort Wayne order only, and December 11, 1964 (29 F.R. 17816; F.R. Doc. 64-12880), with respect to the Indianapolis and Fort Wayne orders. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.*—It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1047.16 is revised to read as follows:

§ 1047.16 **Fluid milk product.**

Fluid milk product means milk, skim milk, buttermilk, flavored milk, flavored

milk drinks, concentrated milk disposed of for fluid consumption (other than in hermetically sealed cans), cream, sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (except frozen cream, aerated cream products, eggnog, milk shake mixes, ice cream, ice cream mixes, other frozen desserts and sterilized products packaged in hermetically sealed containers).

2. In § 1047.51, the introductory text and paragraph (a) are revised to read as follows:

**§ 1047.51 Class prices.**

Subject to the provisions of §§ 1047.52 and 1047.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.20, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (excluding inventory and "overage" and adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1049 of this chapter (Indianapolis, Indiana, order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiplying the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) For each full percentage point that the current utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by two cents; and for each full percentage point that the current utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by two cents.

| Month for which pricing is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 79 | 82 |
| Feb. | Oct., Nov., Dec. | 78 | 81 |
| Mar. | Nov., Dec., Jan. | 77 | 80 |
| Apr. | Dec., Jan., Feb. | 76 | 79 |
| May | Jan., Feb., Mar. | 76 | 79 |
| June | Feb., Mar., Apr. | 73 | 76 |
| July | Mar., Apr., May | 69 | 72 |
| Aug. | Apr., May, June | 64 | 67 |
| Sept. | May, June, July | 62 | 65 |
| Oct. | June, July, Aug. | 64 | 67 |
| Nov. | July, Aug., Sept. | 68 | 71 |
| Dec. | Aug., Sept., Oct. | 75 | 78 |

**§ 1047.52 [Amended]**

3. In section 1047.52(a) the figure "0.125" is changed to "0.120".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1965.

Signed at Washington, D.C., on December 23, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–13380; Filed, Dec. 28, 1964; 8:49 a.m.]

[Milk Order No. 49]

## PART 1049—MILK IN THE INDIANAPOLIS, INDIANA, MARKETING AREA

### Order Amending Order

**§ 1049.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than January 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued November 17, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 11, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1965, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.*—It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Indianapolis, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

In § 1049.51, the introductory text and paragraph (a) are revised to read as follows:

**§ 1049.51 Class prices.**

Subject to the provisions of §§ 1049.52 and 1049.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.27, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I (excluding inventory and "overage" and adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1047 of this chapter (Fort Wayne, Indiana, order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiplying the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";



(2) For each full percentage point that the current utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by two cents; and for each full percentage point that the current utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by two cents.

| Month for which pricing is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 79 | 82 |
| Feb. | Oct., Nov., Dec. | 78 | 81 |
| Mar. | Nov., Dec., Jan. | 77 | 80 |
| Apr. | Dec., Jan., Feb. | 76 | 79 |
| May | Jan., Feb., Mar. | 76 | 79 |
| June | Feb., Mar., Apr. | 73 | 76 |
| July | Mar., Apr., May | 69 | 72 |
| Aug. | Apr., May, June | 64 | 67 |
| Sept. | May, June, July | 62 | 65 |
| Oct. | June, July, Aug. | 64 | 67 |
| Nov. | July, Aug., Sept. | 68 | 71 |
| Dec. | Aug., Sept., Oct. | 75 | 78 |

(Secs. 1–19, 48 State. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1965.

Signed at Washington, D.C., on December 23, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–13381; Filed, Dec. 28, 1964; 8:49 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 1—Federal Procurement Regulations

### PART 2—PROCUREMENT BY FORMAL ADVERTISING

### Subpart 1–2.2—Solicitation of Bids

BIDDERS MAILING LISTS

Sections 1–2.205–1 and 1–2.205–4 covering bidders mailing lists are amended to read as follows:

**§ 1–2.205–1 Establishment of lists.**

(b) All eligible and qualified concerns which have submitted bidders mailing list applications, or which the procuring activity considers capable of filling the requirements of a particular procurement, shall be placed on the appropriate bidders mailing list. Planned producers under the Industrial Readiness Planning Program shall be included on the bidders mailing list for their planned items. The issuance of notices to new prospective suppliers that they have been added to the bidders mailing list shall be handled in accordance with agency procedures. The issuance of a solicitation within a reasonable time may be considered appropriate notification. Those suppliers not meeting the criteria for placement on the bidders mailing list shall be notified accordingly.

**§ 1–2.205–4 Excessively long bidders mailing lists.**

(b) *Rotation of lists.* Mailing lists may be rotated, but to do so will require considerable judgment as to whether the size of the transaction justifies the rotation. Consideration also should be given as to whether time permits utilization of the pre-invitation notice (see § 1–2.205–4(c)). In rotating a list, the interests of small business (see § 1–1.702(b)(2)) and the existence of labor surplus areas (see § 1–1.802–2(e)) shall be considered. Whenever the rotation method is employed, the successful bidder on the previous procurement for the same or similar items and those prospective suppliers who have been added to the bidders mailing list since the last procurement shall be solicited, in addition to those bidders comprising that segment of the list selected for use in a particular procurement, except where such action would be precluded by use of the small business total set-aside portion.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective February 1, 1965, but may be observed earlier.

Dated: December 22, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64–13326; Filed, Dec. 28, 1964; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 6107; Amdt. 39–17]

### PART 39—AIRWORTHINESS DIRECTIVE [NEW]

### Lockheed Aircraft Service Company Models 109C and 109D Flight Recorders

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring the incorporation of certain modifications on Lockheed Aircraft Service Company Models 109C and 109D flight recorders was published in 29 F.R. 10523. Since the publication of that proposal, Part 507 has been recodified into Part 39 [New] of the Federal Aviation Regulations, effective November 20, 1964, therefore this amendment is being made to Part 39 [New].

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments received expressed concern on availability of parts and stringency of the compliance time. The Agency has determined that the necessary parts will be available in sufficient time to enable operators to comply with this AD within 8 months of its effective date, and the AD has been so changed. Objection in principle has also been raised to the use of this AD to impose design changes to an item meeting the requirements of a Technical Standard Order. The Agency appreciates this viewpoint but accident investigation has been hampered by the mechanical and fire damage sustained by flight recorders during accidents. Accordingly, preparation of proposed revisions to the minimum performance standards of the TSO for flight recorders has been undertaken and this AD is necessary to correct the condition of flight recorders presently installed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489) § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

LOCKHEED AIRCRAFT SERVICE COMPANY. Applies to Lockheed Aircraft Service Company Models 109C and 109D flight recorders installed in aircraft as required by applicable operating rules.

Compliance required within eight months time in service after the effective date of this AD, unless already accomplished.

To improve the crash survivability of the flight record, modify the Lockheed Aircraft Service Company flight recorder Models 109C and 109D as follows:

(a) On Model 109C serial numbers up to and including Serial Number 882 and Model 109D up to and including Serial Number 135, replace the tape cassette with a Lockheed Aircraft Service Company stainless steel cassette P/N 4024570–1.

(b) On Model 109C up to and including Serial Number 889, saw off near the case the two latch clamps which are to the left of the pitot pressure line connector when facing the pitot pressure line connector. File the remaining edges of the clamp to conform to the contour of the recorder case and install Lockheed Aircraft Service Company clamping ring P/N 4024582–1.

This amendment shall become effective January 27, 1965.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 21, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64–13364; Filed, Dec. 28, 1964; 8:50 a.m.]

[Airspace Docket No. 64-CE-21]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Revocation of Federal Airway and Reporting Point

On October 3, 1964, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (29 F.R. 13611) stating that the Federal Aviation Agency was considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke Blue Federal airway No. 9 from Duluth, Minn., to the United States-Canada International Border, and which would revoke the Duluth radio beacon as a reporting point associated with Blue 9.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 4, 1965, as hereinafter set forth.

1. In § 71.109 (29 F.R. 17507), Blue Federal airway No. 9 is revoked.

2. In § 71.203 (29 F.R. 17711), "Duluth, Minn., RBN" is deleted.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 21, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-13332; Filed, Dec. 28, 1964; 8:46 a.m.]

[Airspace Docket No. 64-SO-18]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Controlled Airspace

On November 20, 1964, Federal Register Document No. 64-11852 was published in the FEDERAL REGISTER (29 F.R. 15568) altering the alinement of Victor 18 between Augusta, Ga. and Charleston, S.C., and designating an S alternate, effective January 7, 1965. Section 71.7 provides that unless otherwise designated, the airspace between a segment of a main VOR Federal airway and its associated alternate segments is controlled airspace. It was not intended, however, that the airspace between the realined segment of Victor 18 and its associated S alternate be designated as controlled airspace, therefore, this action excludes this encompassed airspace.

Since this alteration is relaxatory in nature, it may be made effective immediately without notice or public procedure thereon, and the original effective date of the rule may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document No. 64-11852 is amended as follows:

In paragraph 1.a. "Allendale." is deleted and "Allendale, excluding the airspace between the main and this alternate airway." is substituted therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 18, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-13333; Filed, Dec. 28, 1964; 8:47 a.m.]

[Airspace Docket No. 64-WA-87]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Reporting Point

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to redesignate the Flint Stone, Md., Intersection as a compulsory low altitude reporting point.

The Flint Stone Intersection is a compulsory low altitude reporting point of VOR Federal airways Nos. 8 and 268 and is presently described as the intersection of the Grantsville, Md. 086° and Martinsburg, W. Va. 297° radials. Redesignation of the Flint Stone Intersection via the Martinsburg VORTAC 297° and St. Thomas, Pa. 239° radials would increase the angular divergence at the intersection, thereby improving holding procedure capabilities.

Since this amendment is procedural in nature and does not alter the geographical location of the intersection, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 4, 1965, as hereinafter set forth.

In § 71.203 (29 F.R. 17711), the Flint Stone INT is amended to read as follows:

Flint Stone INT: INT of St. Thomas, Pa., 239°, Martinsburg, W. Va., 297° radials.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 18, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-13334; Filed, Dec. 28, 1964; 8:47 a.m.]

[Docket No. 6396; Amdt. 135-1]

## PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT [NEW]

### Extension of Compliance Date for Requirement of Alternate Source of Static Pressure

The purpose of this amendment is to extend for six months the compliance date for § 135.155(e) of Part 135 [New] of the Federal Aviation Regulations. This requirement, effective September 7, 1964, provides that for IFR operations with passengers under this Part an airplane must be equipped with an alternate source of static pressure for the altimeter and the airspeed and vertical speed indicators.

Many small airplanes used in air taxi and commercial operations are not equipped with an alternate static pressure source. This was not required under the regulations that preceded Part 135 [New], but it was included as an emergency equipment requirement in proposed Part 47 of the Civil Air Regulations, the forerunner of Part 135 [New].

After adoption of Part 135 [New], a number of unanticipated problems arose with respect to acceptable methods of complying with § 135.155(e). Principally, these problems were concerned with installation and engineering for various types of aircraft, including the use of kits. At least one aircraft manufacturer is now developing a kit that, if approved and installed, would be an acceptable method of compliance with the alternate static source requirement. Additional time will be required to solve these problems. Therefore, pending their resolution, compliance with § 135.155(e) should not be required.

Since this amendment grants relief by extending the date for compliance with a requirement of the Federal Air Regulations, the Administrator finds that notice and public procedure hereon are not necessary, and this amendment may be made effective immediately.

In consideration of the foregoing, § 135.155(e) of Part 135 [New] of the Federal Aviation Regulations is amended, effective December 25, 1964, to read as follows:

§ 135.155 Equipment requirements: airplanes carrying passengers under IFR.

No person may operate an airplane under IFR, carrying passengers, unless it has—

* * * * *

(e) After March 6, 1965, an alternate source of static pressure for the altimeter and the airspeed and vertical speed indicators;

* * * * *

This amendment is made under the authority of sections 313(a) and 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421-1430).

Issued in Washington, D.C., on December 21, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-13335; Filed, Dec. 28, 1964; 8:47 a.m.]



SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6327; Amdt. 405]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Ephrata VOR | EH-LFR | Direct | 3500 | T-dn%<br>C-dn<br>S-dn-34<br>A-dn | 300-1<br>800-2<br>500-1<br>1000-3 | 300-1<br>800-2<br>500-1<br>1000-3 | 200-½<br>800-2<br>500-1<br>1000-3 |

Radar vectoring utilizing Larson RAPCON Radar authorized in accordance with approved patterns.
Procedure turn W side of crs, 157° Outbnd, 337° Inbnd, 3000' within 10 miles. Not authorized beyond 10 miles. (Nonstandard to avoid Larson AFB.)
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 337°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing LFR, turn right, climb to 4000' on E crs Ephrata LFR within 20 miles or, when directed by ATC, turn right, return to EH-LFR, hold at 3000' on W crs, right turns, 1-minute holding pattern.
CAUTION: 2455' radio tower 3.0 miles W of airport.
%Takeoffs all runways: Climb direct to EPH VOR, thence continue climb on R-060 EPH VOR within 10 miles so as to cross EPH VOR at or above: Southwestbound V-2 and V-448, 2800'; westbound V-2N 2800'; all turns N side R-060.
LFR departures: Climb direct to EH LFR, thence continue climb on the S crs EH LFR within 10 miles so as to cross EH LFR at or above: Westbound, 2800'; all turns W side of S crs.
MSA within 25 miles of facility: NE—3500'; SE—3100'; SW—3600'; NW—4900'.
City, Ephrata; State, Wash.; Airport Name, Ephrata Municipal; Elev., 1272'; Fac. Class., BMRLZ; Ident., EH; Procedure No. 1, Amdt. 8; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 7; Dated, 15 Sept. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| RDM VOR | RM LFR | Direct | 6000 | T-dn %<br>C-dn<br>S-dn-10<br>A-dn | 300-1<br>600-1<br>500-1<br>800-2 | 300-1<br>600-1<br>500-1<br>800-2 | 200-½<br>600-1½<br>500-1<br>800-2 |

Procedure turn N side NW crs, 282° Outbnd, 102° Inbnd, 6000' within 10 miles. Not authorized beyond 10 miles terrain.
Minimum altitude over facility on final approach crs, 4000'.
Crs and distance, facility to airport, 102°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing RM LFR, turn right, climb direct to RM LFR, thence continue climb to 6000' in a left turn 1-minute holding pattern on the NW crs of RM LFR.
NOTES: 1. Shuttle to 7000' on SE crs RM LFR within 10 miles. 2. Final approach from holding pattern at RM LFR not authorized. Procedure turn is required.
MSA within 25 miles of facility: NE—6800'; SE—7100'; SW—11,100'; NW—6000'.
%Takeoffs all runways: climb on crs 210° magnetic from Redmond Airport to intercept R-142 RDM VOR, thence direct RDM VOR climbing to cross VOR at or above 5000'. Aircraft departing via V-283 northwestbound continue climb in a 1-minute right turn holding pattern to 8000' on R-160 RDM VOR.
LFR equipped aircraft: climb on crs 210° magnetic from Redmond Airport to intercept S crs RM LFR, thence direct to RM LFR climbing to cross LFR at or above 5000'. Aircraft requiring higher MEA for direction of flight continue climb in a left turn 1-minute holding pattern on NW crs RM LFR to required MEA.
City, Redmond; State, Oreg.; Airport Name, Roberts Field; Elev., 3077'; Fac. Class., SBRAZ; Ident., RM; Procedure No. 1, Amdt. 6; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 5; Dated, 29 Oct. 55

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300-1<br>500-1<br>NA<br>800-2 | 300-1<br>500-1<br>NA<br>800-2 | 300-1<br>500-1½<br>NA<br>800-2 |

Procedure turn S side SW crs, 214° Outbnd, 034° Inbnd, 1500' within 10 miles SW Cape Suckling Int.
Minimum altitude over facility on final approach crs, None.* Minimum altitude over Cape Suckling Int Inbnd on final approach, 1500'.
Crs and distance, facility to airport, 146°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Cape Suckling Int, turn right, climb to 1500' on the SW crs (214°) to Cape Suckling Int. Hold SW of Cape Suckling, 034° Inbnd, 1-minute right turns.
NOTES: 1. VFR flight required from missed approach point to airport. 2. No maneuvering approved NW through E of airport.
CAUTION: High mountain range N through NE to ESE of airport. Terrain 2258'—3 miles E of airport.
*Initial approach to Yakataga LFR not authorized. Initial approach authorized to Cape Suckling Int at MEA.
MSAs within 25 miles of facility: N-13,000'; E-10,500'; S-2,000'; W-12,300'.
City, Yakataga; State, Alaska; Airport Name, Yakataga; Elev., 12'; Fac. Class., BMRL; Ident., CYT; Procedure No. 1, Amdt. 10; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 9, Dated, 30 Sept. 61

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| Burton Int | Kitsap RBn | Direct | 3000 | T-dn | 500–1 | 500–1 | 500–1 |
| Lofall Int | Kitsap RBn | Direct | 3000 | C-dn | 600–1 | 600–1 | 600–1½ |
| SEA VOR | Kitsap RBn | Direct | 3000 | A-dn | 800–2 | 800–2 | 800–2 |
| SJ LFR | Kitsap RBn | Direct | 3000 | | | | |

Radar vectoring using Seattle-Tacoma Radar authorized in accordance with approved patterns.
Procedure turn W side crs, 187° Outbnd, 007° Inbnd, 1800′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing PWT RBn, make immediate right turn, climb to 2000′ on crs 187° from Kitsap RBn within 10 miles.
CAUTION: 1761′ terrain 2.5 miles N of airport.
Other changes: Deletes air carrier and weather restrictions.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2000′; 180°–270°—7700′; 270°–360°—8600′.

City, Bremerton; State, Wash.; Airport Name, Kitsap County; Elev., 482′; Fac. Class., MHW; Ident., PWT; Procedure No. 1, Amdt. 2; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 1; Dated, 23 Feb. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| CPR VOR | LOM | Direct | 8000 | T-dn | *300–1 | 300–1 | 200–1 |
| Alcova Int | LOM | Direct | 8000 | C-dn | 400–1 | 500–1 | 500–1½ |
| Glenrock Int | LOM | Direct | 8000 | S-dn-7 | 400–1 | 400–1 | 400–1 |
| Henning Int | LOM | Direct | 8000 | A-dn | 800–2 | 800–2 | 800–2 |
| Airport Int | LOM | Direct | 8000 | | | | |
| Lockett Int | LOM | Direct | 8000 | | | | |
| Evansville Int | LOM | Direct | 8000 | | | | |
| Oil Field Int | LOM | Direct | 8000 | | | | |

Procedure turn N side of crs, 254° Outbnd, 074° Inbnd, 8000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 6500′.
Crs and distance, facility to airport, 074°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing CP LOM, turn left, return to LOM, climb to 8000′ within 10 miles or, when directed by ATC, turn left, proceed direct to the CPR VOR, climbing to 7500′.
*Southeastbound (134° through 155°) IFR departures: On V–19 cross Deer Creek Intersection at or above 9,000′; on V–85 cross Mountain Intersection at or above 10,600′.
MSA within 25 miles of facility: 000°–090°—8100′; 090°–180°—10,300′; 180°–270°—9,400′; 270°–360°—8700′.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., LOM; Ident., CP; Procedure No. 1, Amdt. 2; Eff. Date, 26 Dec. 64; Sup Amdt. No. 1; Dated, 21 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| CPR VOR | CPR RBn | Direct | 7400 | T-dn | *300–1 | 300–1 | 200–1 |
| Alcova Int | CPR RBn | Direct | 8000 | C-d | 500–1 | 500–1 | 500–1½ |
| CPR ILS/LOM | CPR RBn | Direct | 7400 | C-n | 500–2 | 500–2 | 500–2 |
| Windmill Int | CPR RBn | Direct | 7400 | S-dn* | 400–1 | 400–1 | 500–1½ |
| Lockett Int | CPR RBn (final) | Direct | 7400 | A-dn | 800–2 | 800–2 | 800–2 |
| Mountain Int | CPR RBn | Direct | 8000 | | | | |
| Glenrock Int | CPR RBn (final) | Direct | 7400 | | | | |

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 7400′ within 10 miles.
Minimum altitude over facility on final approach crs, 7400′.
Crs and distance facility to airport, 255°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing RBn, climb to 8000′ on 255° Outbnd, within 20 miles of RBn, or when directed by ATC, turn right, proceed direct to CPR VOR at 7500′.
NOTE: 5900′ terrain 5 miles S, SE and W of airport.
*Straight-in minimums less than circling minimums authorized only when Sullivan Intersection received.
*Southeastbound (134° through 155°) IFR departures: On V–19 cross Deer Creek Intersection at or above 9000′; on V–85 cross Mountain Intersection at or above 10,600′.
MSA within 25 miles of facility: 000°–090°—8300′; 090°–180°—11,000′; 180°–270°—10,200′; 270°–360°—8700′.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., H-SAB; Ident., CPR; Procedure No. 2, Amdt. 3; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 2; Dated, 17 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SVM VOR | DW LOM | Direct | 2700 | T-dn | 300–1 | 300–1 | 200–1 |
| YIP VOR | DW LOM | Direct | 2700 | C-dn | 500–1 | 500–1 | 500–1½ |
| CRL VOR | DW LOM | Direct | 2700 | S-dn-21R and L | 500–1 | 500–1 | 500–1 |
| QG VOR | DW LOM | Direct | 2700 | A-dn | 800–2 | 800–2 | 800–2 |
| Royal Int | DW LOM (final) | Direct | 2400 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 032° Outbnd, 212° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to Runway 21R, 212°—5.2 miles; to Runway 21L, 205°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing DW LOM, make right climbing turn to 2400′ and proceed direct to YI LOM or, when directed by ATC, (1) climb to 2200′, proceed direct to DT LOM; (2) climb to 2300′, make left turn, proceed to Rockwood Int via SVM R–143.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–180°—2400′; 180°–270°—2300′; 270°–360°—2600′.

City, Detroit; State, Mich; Airport Name, Detroit Metropolitan Wayne County; Elev., 639′; Fac. Class., LOM; Ident., DW; Procedure No. 2, Amdt. 2; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 1; Dated, 1 Feb. 64



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| Johnson City Int | JCY RBn | Direct | 3500 | T-dn | 300–1 | 300–1 | 200–1 |
| Fredericksburg Int | JCY RBn | Direct | 3500 | C-dn | 500–1 | 600–1 | 600–1½ |
| | | | | A-dn | NA | NA | NA |

Procedure turn E side of crs, 166° Outbnd, 346° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 346°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing JCY RBn, turn right, climb to 4000′ on 350° crs from JCY RBn. Then proceed to SAT–VOR R–353 via the Austin, Tex. VOR R–260 thence to Johnson City Int via SAT–VOR R–353, maintain 4000′, hold N of Johnson City Int, in 1-minute right-hand pattern. Contact ATC for further clearance.
NOTES: 1. Air carrier use not authorized. 2. No weather at airport. 3. Austin altimeter setting will be used for this approach. 4. REIL serves Runway 35.
CAUTION: Procedure not wholly within controlled airspace.
MSAs within 25 miles of facility: 000°–090°—3000′; 090°–180°—2900′; 180°–270°—3300′; 270°–360°—3300′.

City, Johnson City; State, Tex.; Airport Name, Johnson City; Elev., 1512′; Fac. Class., MH; Ident., JCY; Procedure No. 1, Amdt. 4; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 3; Dated, 5 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| NUN VOR | LOM | Direct | 1500 | T-dn | 300–1 | 300–1 | 200–1 |
| PNS RBn | LOM | Direct | 1500 | C-dn | 400–1 | 500–1 | 500–1½ |
| Gonzales Int | LOM (final) | Direct | 1300 | S-dn-16 | 400–1 | 400–1 | 400–1 |
| Harold Int | LOM | Direct | 1700 | A-dn | 800–2 | 800–2 | 800–2 |
| Elberta Int | LOM | Direct | 1600 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 1400′ within 10 miles. Procedure turn nonstandard due ATC.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 163°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000′ on crs of 163° from the LOM within 10 miles or, when directed by ATC, climb to 2000′ on crs of 100° from the Pensacola RBn within 15 miles.
CAUTION: Warning area 10 miles S of PNS RBn.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–180°—1500′; 180°–270°—2400′; 270°–360°—2400′.

City, Pensacola; State, Fla.; Airport Name, Pensacola Municipal (Hagler); Elev., 118′; Fac. Class., LOM; Ident., PN; Procedure No. 1, Amdt. 10; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 9; Dated, 20 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Bemis Int | AL LOM | Direct | 2700 | T-dn | 300–1 | 300–1 | 200–1 |
| ALB VOR | AL LOM | Direct | 2700 | C-d | 600–1 | 600–1 | 600–1½ |
| | | | | C-n | 600–1 | 600–2 | 600–2 |
| | | | | S-dn-28, 33 | 600–1 | 600–1 | 600–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring by Albany radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 304°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, make a climbing right turn to 2700′ direct to AL LOM. Hold SE of AL LOM, 1-minute right turns, 304° Inbnd.
NOTE: Final approach from a holding pattern not authorized. Procedure turn required.
CAUTION: Terrain rises rapidly to 1000′ 3 miles W of airport. 758′ tank 3.5 miles SE of airport.
MSA within 25 miles of AL LOM: 000°–090°—3500′; 090°–180°—4000′; 180°–270°—3500′; 270°–360°—3500′.

City, Schenectady; State, N.Y.; Airport Name, Schenectady-County; Elev., 378′; Fac. Class., LOM; Ident., AL; Procedure No. 1, Amdt. 4; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 3; Dated, 31 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Bemis Int | GVI RBn | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–1 |
| Mariaville Int | GVI RBn | Direct | 3000 | C-d | 700–1 | 700–1 | 700–1½ |
| Albany VOR | GVI RBn | Direct | 2500 | C-n | 700–1 | 700–2 | 700–2 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring by Albany radar authorized in accordance with approved patterns.
Procedure turn E side of crs, 040° Outbnd, 220° Inbnd, 2500′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RBn, climb to 1800′ on 220° bearing within 8 miles, then right-climbing turn to 2500′ direct to GVI RBn. Hold NE of GVI RBn, 220° Inbnd, left turns, 1 minute.
NOTES: 1. This facility must be monitored aurally throughout approach. 2. Final approach from a holding pattern not authorized. Procedure turn required.
CAUTION: 990′ antenna 5.5 miles SW of GVI RBn.
MSA within 25 miles of GVI RBn: 000°–090°—3500′; 090°–180°—3000′; 180°–270°—3500′; 270°–360°—3500′.

City, Schenectady; State, N.Y.; Airport Name, Schenectady-County; Elev., 378′; Fac. Class., MH; Ident., GVI; Procedure No. 2, Amdt. 3; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 2; Dated, 31 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Utica VOR | BKG RBn | Direct | 3300 | T-dn | 300–1 | 300–1 | 200–1 |
| Sherrill Int | BKG RBn | Direct | 3000 | C-dn | 400–1 | 500–1 | 500–1½ |
| Lakeport Int | BKG RBn | Direct | 3000 | S-dn-15 | 400–1 | 400–1 | 400–1 |
| Westlake Int | BKG RBn (final) | Direct | 2700 | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring and transitions by Griffiss Rapcon authorized in accordance with approved patterns.
Procedure turn E side of crs, 329° Outbnd, 149° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs 2700′.
Crs and distance, facility to airport, 149°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing BKG RBn, climb straight ahead to 3200′ direct to UTI RBn. Hold SE of UTI RBn, 329° Inbnd, 1-minute right turns.
MSA within 25 miles of BKG RBn: 000°–090°—4000′; 090°–180°—3500′; 180°–270°—3500′; 270°–360°—3000′.

City, Utica; State, N.Y.; Airport Name, Oneida County; Elev., 742′; Fac. Class., MHW; Ident., BKG; Procedure No.2, Amdt. Orig.; Eff. Date, 26 Dec. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn%---------- | 300-1 | 300-1 | 200-½ |
| | | | | C-dn---------- | 1000-3 | 1000-3 | 1000-3 |
| | | | | A-dn---------- | 1000-3 | 1000-3 | 1000-3 |
| | | | | If aircraft equipped with functional VOR and ADF receivers or DME for simultaneous operations and Bishop Int received, the following minimums are authorized: | | | |
| | | | | C-dn---------- | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn---------- | 400-1 | 400-1 | 500-1½ |

Procedure turn N side of crs, 021° Outbnd, 201° Inbnd, 7400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 7400′.
Crs and distance, facility to airport, 201°—13.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.0 miles after passing CPR-VOR, climb to 8000′ on R-201 CPR-VOR within 20 miles or, when directed by ATC, climb to 8000′ on W crs of ILS within 10 miles of LMM.
Other change: Deletes transitions.
MSA within 25 miles of facility: 000°–090°—8300′; 090°–180°—10,300′; 180°–270°—10,000′; 270°–360°—8200′.
%Southeastbound (134° through 155°) IFR departures: On V-19 cross Deer Creek Intersection at or above 9000′; on V-85 cross Mountain Intersection at or above 10,000′.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., BVORTAC; Ident., CPR; Procedure No. 1, Amdt. 5; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 4; Dated, 17 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Bennett Int---------- | DEN VOR---------- | Direct---------- | 7000 | T-dn%---------- | 300-1 | 300-1 | 200-½ |
| Kiowa VOR---------- | Watkins Int---------- | Direct---------- | 7500 | C-d---------- | 700-1 | 700-1 | 700-1½ |
| Watkins Int---------- | DEN VOR---------- | Direct---------- | 7000 | C-n---------- | 700-2 | 700-2 | 700-2 |
| Derby Int---------- | DEN VOR---------- | Direct---------- | 7000 | A-dn---------- | 800-2 | 800-2 | 800-2 |
| Henderson Int---------- | DEN VOR---------- | Direct---------- | 7000 | If aircraft is equipped with functioning ADF or DME receivers and Arsenal Int is received, the following minimums are authorized: | | | |
| Brighton Int---------- | DEN VOR---------- | Direct---------- | 7000 | | | | |
| Broomfield Int---------- | DEN VOR---------- | Direct---------- | 7000 | | | | |
| Englewood RBn (EGW)---------- | DEN VOR---------- | Direct---------- | 7000 | C-dn---------- | 500-1 | 500-1 | 500-1½ |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 031° Outbnd, 211° Inbnd, 6500′ within 10 miles.
Minimum altitude over facility on final approach crs, 6500′.
Crs and distance, facility to airport, 213°—8.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing DEN VOR, climb to 8000′ on R-160 DEN VOR within 15 miles of DEN VOR or, when directed by ATC, left turn climbing to 7000′ direct to DEN VOR.
CAUTION: 5570′ tank 0.8 mile SE of DEN MM, 5521′ beacon 1.5 miles S of airport.
MSA within 25 miles of facility: 180°–270°—12,100′; 270°–360°—10,700′; 360°–090°—7600′; 090°–180°—9000′.
%Westbound (193° through 320°) IFR departures must comply with published Denver SIDs or with radar vectors. Westbound IFR departures on J-20 proceed via V-4 and V-220 to intercept J-20; cross Longmont Int at or above 15,600′; or comply with radar vectors.

City, Denver; State, Colo.; Airport Name, Stapleton International; Elev., 5331′; Fac. Class., BVORTAC; Ident., DEN; Procedure No. 1, Amdt. 6; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 5; Dated, 14 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Quincy Int---------- | EPH-VOR---------- | Direct---------- | 4000 | T-dn%---------- | 300-1 | 300-1 | 200-½ |
| | | | | C-dn---------- | 800-2 | 800-2 | 800-2 |
| | | | | S-dn-20---------- | 400-1 | 400-1 | 400-1 |
| | | | | A-dn---------- | 1000-3 | 1000-3 | 1000-3 |

Radar vectoring utilizing Larson RAPCON Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 021° Outbnd, 201° Inbnd, 3500′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 201°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing EPH VOR, turn left, climb to 4000′ on R-060 within 20 miles or, when directed by ATC, turn left, return to VOR, hold at 3500′ on R-021 in a 1-minute right turn holding pattern.
CAUTION: 2455′ radio tower 3 miles W of airport.
%Takeoffs all runways: Climb direct to EPH VOR, thence continue climb on R-060 EPH VOR within 10 miles so as to cross EPH VOR at or above: Southwestbound V-2 and V-448, 2800′; Westbound V-2N, 2800′; all turns N side R-060.
LFR departures: Climb direct to EH LFR, thence continue climb on the S crs EH LFR within 10 miles so as to cross EH LFR at or above: Westbound, 2800′; all turns W side of S crs.
MSA within 25 miles of facility: 000°–090°—3500′; 090°–180°—2600′; 180°–270°—4700′; 270°–360°—4100′.

City, Ephrata; State, Wash.; Airport Name, Ephrata Municipal; Elev., 1272′; Fac. Class., H-BVOR; Ident., EPH; Procedure No. 1, Amdt. 7; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 6; Dated, 15 Sept. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn---------- | 300-1 | 300-1 | 200-½ |
| | | | | C-dn---------- | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-13#---------- | 400-1 | 400-1 | 400-1 |
| | | | | A-dn---------- | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 142°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing IND-VOR, climb to 3000′ on R-136 and proceed to Whiteland Int or, when directed by ATC, (1) climb to 3000′ on NE crs ILS and proceed to Castleton Int, (2) climb to 3000′ on SW crs ILS to R-265 IND-VOR and proceed to Wilbur Int.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
MSA with 25 miles of facility: 000°–180°—2900′; 180°–360°—2300′.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Indianapolis; State, Ind.; Airport Name, Indianapolis Municipal (Weir-Cook); Elev., 797′; Fac. Class., BVORTAC; Ident., IND; Procedure No. 1, Amdt. 13; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 12; Dated, 14 Mar. 64



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn---------- | 300-1 | 300-1 | 200-½ |
| | | | | C-d---------- | 500-1 | 500-1 | 500-1½ |
| | | | | C-n---------- | 500-2 | 500-2 | 500-2 |
| | | | | S-d-9---------- | 500-1 | 500-1 | 500-1 |
| | | | | S-n-9---------- | 500-2 | 500-2 | 500-2 |
| | | | | A-dn---------- | 800-2 | 800-2 | 800-2 |
| | | | | If aircraft has operating ADF or DME receivers and Lake Int is identified, the following minimums are authorized: | | | |
| | | | | C-dn---------- | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-9---------- | 400-1 | 400-1 | 400-1 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; over Lake Int 700′.
Crs and distance, facility to airport, 108°—6.3 miles; Lake Int to airport, 108°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MOB VOR, turn right, climb to 1800′ on MOB VOR R-180 within 20 miles or, when directed by ATC, turn left, climb to 1800′ on MOB VOR R-059 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 1800′ to position aircraft for a straight-in approach with the elimination of a procedure turn.
MSA within 25 miles of the facility: 000°–090°—1900′; 090°–180°—1900′; 180°–270°—1500′; 270°–360°—1600′.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 218′; Fac. Class., BVORTAC; Ident., MOB; Procedure No. 1, Amdt. 13; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 12; Dated, 31 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-d%---------- | 1000-1 | 1000-1 | 1000-1 |
| | | | | T-n---------- | 1000-2 | 1000-2 | 1000-2 |
| | | | | C-d---------- | 1900-1 | 1900-1 | 1900-1½ |
| | | | | C-n---------- | 1900-2 | 1900-2 | 1900-2 |
| | | | | A-dn*---------- | 2000-2 | 2000-2 | 2000-2 |

Procedure turn W side of crs, 157° Outbnd, 337° Inbnd, 4300′ within 10 miles. Beyond 10 miles Not authorized.
Minimum altitude over facility on final approach crs, 3400′.
Crs and distance, facility to airport, 337°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing RBG VOR, climb to 3700′ Outbnd on R-336 within 15 miles of RBG VOR, thence reverse crs and return to RBG VOR climbing to 4300′.
CAUTION: High terrain all quadrants.
NOTE: Final approach from holding pattern at RBG VOR not authorized, procedure turn required.
*Weather service 0530–2130 P.s.t. Alternate minimums not authorized when weather service not available.
%Takeoffs all runways: Climb visually over the Roseburg Airport to 1500′, thence climb direct to RBG VOR, thence continue climb on R-157 within 10 miles of RBG VOR so as to cross RBG VOR at or above 3400′. All turns W side of R-157 RBG VOR.
MSA within 25 miles of facility: 000°–090°—6300′; 090°–180°—5500′; 180°–270°—5000′; 270°–360°—3500′.

City, Roseburg; State, Oreg.; Airport Name, Roseburg Municipal; Elev., 524′; Fac. Class., L-BVOR; Ident., RBG; Procedure No. 1, Amdt. 2; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 1; Dated, 30 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lee VHF Int---------- | VLD VOR---------- | Direct---------- | 1800 | T-dn#---------- | 300-1 | 300-1 | 200-½ |
| | | | | C-dn#---------- | 500-1 | 500-1 | 500-1½ |
| | | | | S-d-35---------- | 400-1 | 400-1 | NA |
| | | | | S-n-35---------- | NA | NA | NA |
| | | | | A-dn#---------- | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 006°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing VLD-VOR, turn left, climb to 1800′ on R-346 within 20 miles of the VLD-VOR.
CAUTION: Unlighted trees 1000′ from approach end of Runway 35. Trees in all approach areas.
#No lights on Runway 12–30. Advance notice required for operation of runway lights after 2200.
Night landing not authorized on Runways 35 and 9. Night takeoff not authorized on Runways 17 and 27.
MSAs within 25 miles of facility: 000°–090°—1500′; 090°–180°—1500′; 180°–270°—1600′; 270°–360°—1600′.

City, Valdosta; State, Ga.; Airport Name, Valdosta Municipal; Elev., 204′; Fac. Class., BVOR; Ident., VLD; Procedure No. 1, Amdt. 12; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 11; Dated, 29 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Gleed Int---------- | YKM VOR---------- | Direct---------- | 4400 | T-dn% #---------- | 500-1 | 500-1 | 500-1 |
| | | | | C-dn*---------- | 800-2 | 800-2 | 800-2 |
| | | | | A-dn---------- | 900-2 | 900-2 | 900-2 |

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 4400′ within 10 miles. Nonstandard due to terrain.
Final approach from holding pattern at YKM VOR not authorized, procedure turn required.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 244°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing YKM VOR, make a right climbing turn and return to VOR, climbing to 4400′ on R-108 within 15 miles. All turns S side R-108.
CAUTION: High terrain extends from NE to NW of YKM VOR.
#Takeoff minimums Runways 4/22 and 16/34: 500-1 day, 800-2 night.
%Takeoffs all runways: Climb on R-293 YKM VOR within 6 miles of YKM VOR to cross YKM VOR at or above, eastbound V-4 2000′; westbound V-4/48 4500′; southbound V-25/25E 2000′; northbound V-25 4500′; northeastbound V-448 3000′. All turns S side R-293 YKM VOR.
*Circling S of the airport not authorized 110° clockwise through 205° from airport location point.
Terrain and obstructions within this area and within 1.7 miles to 2185′.
MSA within 25 miles of facility: 000°–090°—6300′; 090°–180°—4100′; 180°–270°—6800′; 270°–360°—6200′.

City, Yakima; State, Wash.; Airport Name, Yakima Municipal; Elev., 1082′; Fac. Class., H-BVOR; Ident., YKM; Procedure No. 1, Amdt. 5; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 4; Dated, 30 Mar. 63

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 700–1 | 700–1 | 700–1½ |
| | | | | S-dn-13 | 500–1 | 500–1 | 600–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1500′ within 10 miles.
Facility on airport. Bearing and distance, breakoff point to Runway 13, 130°—0.4 mile.
Minimum altitude over facility on final approach crs, 600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn left, climb to 1500′ on R-320 within 20 miles.
CAUTION: 404′ tower 1.1 miles SSW of airport. Night operation authorized on Runways 17–35 and 13–31 only.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—1400′; 180°–270°—1300′; 270°–360°—2500′.

City, Gulfport; State, Miss.; Airport Name, Gulfport Municipal; Elev., 28′; Fac. Class., BVOR; Ident., GPT; Procedure No. TerVOR-13, Amdt. 5; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 4; Dated, 1 June 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SNS VOR | Santa Rita INT/DME Fix/FM | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-13 | 500–1 | 500–1 | 500–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 302° Outbnd, 122° Inbnd, 3000′ within 10 miles Santa Rita INT/DME Fix.
Minimum altitude over Santa Rita INT/DME Fix/FM on final approach crs, 1200′; over facility, 600′.
Crs and distance, Santa Rita INT/DME Fix/FM to airport 122°—5.5 miles; breakoff point to runway, 131°—0.4 mile. Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing SNS VOR, turn right, climb to 3000′ on SNS VOR R-293 within 18 miles (Moss Landing INT/DME Fix).
NOTE: When authorized by ATC, DME may be used within 20 to 15 miles at 4000′ between SNS R-264 clockwise to SNS R-355 to position aircraft for straight-in approach with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—5000′; 090°–180°—6100′; 180°–270°—5900′; 270°–360°—5100′.

City, Salinas; State, Calif.; Airport Name, Salinas Municipal; Elev., 84′; Fac. Class., BVORTAC; Ident., SNS; Procedure No. VOR-13, Amdt. 4; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 3; Dated, 17 Oct. 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-4%° | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs 1200′.
Crs and distance, facility to airport 035°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing MLU VOR, turn right, climb to 2000′ on R-066 within 20 miles.
CAUTION: 2049′ TV antenna located 20 miles S of airport; 850′ TV antenna located 3.7 miles WNW of airport.
NOTE: 7-mile DME arc 1600′ authorized radially 066° clockwise through 291° from the Monroe VOR to intercept final approach crs eliminating procedure turn.
%400–½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
*400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 050°–140°—1900′; 140°–230°—3100′; 230°–320°—1900′; 320°–050°—1900′.

City, Monroe; State, La.; Airport Name, Selman Field; Elev., 79′; Fac. Class., BVORTAC; Ident., MLU; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 Dec. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MLU VOR | 5-mile DME fix | 036°–5 miles | 1900 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-22° | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 035° Outbnd, 215° Inbnd, 1700′ within 10 miles of 5-mile DME fix.
Minimum altitude over 9-mile DME fix on final approach crs, 1100′.
Crs and distance, 9-mile DME fix to airport 215°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching 5-mile DME fix, proceed direct to the Monroe VOR, climb to 1400′.
CAUTION: 2049′ TV antenna located 20 miles S of airport; 850′ TV antenna located 3.7 miles WNW of airport.
NOTE: 15-mile DME arc 1700′ authorized radially 261° clockwise through 133° from the Monroe VOR to intercept final approach crs eliminating procedure turn.
*400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 050°–140°—1900′; 140°–230°—3100′; 230°–320°—1900′; 320°–050°—1900′

City, Monroe; State, La.; Airport Name, Selman Field; Elev., 79′; Fac. Class., BVORTAC; Ident., MLU; Procedure No. 2, Amdt. Orig; Eff. Date, 26 Dec. 64



VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| HLG VOR | IRL VOR | Direct | 3000 | T-dn | 300–1 | 300–1 | 200–½ |
| AGC VOR | IRL VOR | Direct | 3000 | C-dn | 700–1 | 700–1 | 700–1½ |
| | | | | S-dn-10L | 700–1 | 700–1 | 700–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |
| | | | | The following minimums apply if Raccoon Int received*: | | | |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-10L | 400–1 | 400–1 | 400–1 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of final approach crs, 297° Outbnd, 117° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, #1900′.
Crs and distance, breakoff point to approach end of Runway 10L, 097°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, climb to 3000′ on 097° crs to GP LOM. Hold E, right turns, 1-minute, 277° Inbnd.
#Do not descend below 1900′ until after passing Raccoon Int.
*Radar fix may be substituted for Raccoon Int.
MSA's within 25 miles of facility: 000°–270°—3100′; 270°–360°—2600′.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1203′; Fac. Class., BVORTAC; Ident., IRL; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 1; Dated, 16 Mar. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SNS R-293 29-mile DME fix | SNS R-293 18-mile DME fix | Direct | 4000 | T-dn | 300–1 | 300–1 | 200–½ |
| SNS R-293 18-mile DME fix | SNS R-293 12-mile DME fix | Direct | 2000 | C-dn | 500–1 | 500–1 | 500–1½ |
| SNS R-293 12-mile DME fix | SNS R-293 6-mile DME fix | Direct | 1500 | A-dn | 800–2 | 800–2 | 800–2 |
| SNS R-293 6-mile DME fix | SNS VOR | Direct | 600 | | | | |

Procedure turn not authorized. Final approach crs, 113° Inbnd.
Minimum altitude over 6-mile DME fix on final approach crs, 1500′; over facility, 600′.
Crs and distance, 6-mile DME fix to airport, 113°—6.0 mile.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing SNS VOR, right turn climb to 2000′ on R-293 SNS VOR to 18-mile DME fix (Moss Landing Int).
MSA within 25 miles of facility: 360°–090°—5000′; 090°–180°—6100′; 180°–270°—5900′; 270°–360°—5100′.

City, Salinas; State, Calif.; Airport Name, Salinas Municipal; Elev., 84′; Fac. Class., BVORTAC; Ident., SNS; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 1; Dated, 17 Oct. 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| CPR VOR | LOM | Direct | 8000 | T-dn% | 300–1 | 300–1 | 200–½ |
| Henning Int | LOM | Direct | 8000 | C-dn | 400–1 | 500–1 | 500–1½ |
| Alcova Int | LOM | Direct | 8000 | S-dn-7 | 200–½ | 200–½ | 200–½ |
| Glenrock Int | Evansville Int | Direct | 8000 | A-dn | 800–2 | 800–2 | 800–2 |
| Evansville Int | LOM | Direct | 8000 | | | | |
| Airport Int | LOM | Direct | 8000 | | | | |
| Oil Field Int | LOM | Direct | 8000 | | | | |
| Lockett Int | LOM | Direct | 8000 | | | | |

*Procedure turn N side of W crs, 254° Outbnd, 074° Inbnd, 8000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 6700′.
Altitude of glide slope and distance to approach end of runway at OM, 6680′—3.9 miles; at MM, 5648′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 7500′ on E crs of ILS within 20 miles of LMM or, when directed by ATC, turn left, proceed direct to CPR VOR, climbing to 7500′.
NOTE: Glide slope unusable beyond 1 mile W of LOM and above 7000′ due to moderate-to-severe roughness.
*Final approach from holding pattern not authorized. Procedure turn required.
%Southeastbound (134° through 155°) IFR departures: On V-19 cross Deer Creek Intersection at or above 9000′; on V-85 cross Mountain Intersection at or above 10,000′.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., ILS; Ident., I-CPR; Procedure No. ILS-7, Amdt. 10; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 9; Dated, 21 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| CPR VOR | Henning Int | Direct | 7400 | T-dn | 300–1 | 300–1 | 200–½ |
| Airport Int | Henning Int | Direct | 7400 | C-dn | 400–1 | 500–1 | 500–1½ |
| Glenrock Int | Locket Int | Direct | 7400 | S-dn-25# | 400–1 | 400–1 | 400–1 |
| Windmill Int | Henning Int | Direct | 7400 | A-dn | 800–2 | 800–2 | 800–2 |
| Deer Creek Int | Lockett Int | Direct | 8000 | | | | |
| Lockett Int | Henning Int (final) | Direct | 7400 | | | | |

Procedure turn N side E crs, 074° Outbnd, 254° Inbnd, 7400′ within 10 miles of Henning Int.
Minimum altitude over Henning Int on final approach crs, 7400′.
Crs and distance, Henning Int to airport, 254°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing Henning Int, climb to 8000′ on W crs of ILS within 10 miles of LMM, or when directed by ATC, turn right, proceed direct to CPR VOR climbing to 7500′.
Other changes: Deletes transition from Cole Creek Int.
#400–¾ authorized with operative high-intensity runway lights, except for turbojet aircraft.
%Southeastbound (134° through 155°) IFR departures: On V-19 cross Deer Creek Intersection at or above 9000′; on V-85 cross Mountain Intersection at or above 10,000′.

City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348′; Fac. Class., ILS; Ident., I-CPR; Procedure No. ILS-25 (back ps), Amdt. 7; Eff. Date, 26 Dec. 64 Dated, 21 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| CO LOM | Brown Int | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| Advance Int | Brown Int (final) | Via IND R-311 and NW crs ILS. | 2500 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-13# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2500' within 10 miles of Brown Int.
Minimum altitude over Brown Int on final approach crs, 2500'.
Crs and distance, Brown Int to airport, 133°—6.0 miles.
No glide slope, outer marker, middle marker or approach lights.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing Brown Int climb to 2400' and proceed direct to the CO LOM or when directed by ATC, make right climbing turn to 2500' and proceed direct to the IND VOR.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. This ILS procedure not authorized when radar is inoperative unless aircraft is equipped to receive VOR and ILS simultaneously.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Indianapolis; State, Ind.; Airport Name, Indianapolis Municipal (Weir-Cook); Elev., 797'; Fac. Class., ILS; Ident., I-COA; Procedure No. ILS-13 (back crs), Amdt. 1 Eff. Date, 26 Dec. 64; Sup. Amdt. No. Orig.; Dated, 28 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Castleton Int | River Int (final) | Direct | 2500 | T-dn | 300-1 | 300-1 | 200- |
| IND VOR | River Int | Direct | 2800 | C-dn | 400-1 | 500-1 | 500-1½ |
| IND RBn | River Int | Direct | 2800 | S-dn-22# | 400-1 | 400-1 | 400-1 |
| Quincy Int | River Int | Direct | 2800 | A-dn | 800-2 | 800-2 | 800-2 |
| Int NE crs ILS and R-005 SHB VOR | Castleton Int | Direct | 2800 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of NE crs, 044° Outbnd, 224° Inbnd, 2800' within 10 miles of River Int.
Minimum altitude over River Int Inbnd, 2500'.
Crs and distance, River Int to airport, 224°—5.6 miles.
No glide slope, outer marker, middle marker or approach lights.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing River Int, climb to 3000' on the SW crs ILS and proceed to Banta Int via the SW crs ILS and IND VOR R-169 or, when directed by ATC, climb to 3000' on SW crs ILS and proceed direct to Quincy Int, make right climbing turn to 2500' and proceed direct to IND VOR.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. This ILS procedure not authorized when radar is inoperative unless aircraft is equipped to receive VOR and ILS simultaneously.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Indianapolis; State, Ind.; Airport Name, Indianapolis Municipal (Weir-Cook); Elev., 797'; Fac. Class., ILS; Ident, I-IND; Procedure No. ILS-22 (back crs), Amdt. 6; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 5; Dated, 14 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| NUN VOR | LOM | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| Pensacola RBn | LOM | Direct | 1500 | C-dn | 400-1 | 500-1 | 500-1½ |
| Gonzales Int | LOM (final) | Direct | 1300 | S-dn-16* | 200-½ | 200-½ | 200-½ |
| Harold Int | LOM | Direct | 1700 | A-dn | 600-2 | 600-2 | 600-2 |
| Elberta Int | LOM | Direct | 1600 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 1400' within 10 miles. Procedure turn nonstandard due ATC.
Minimum altitude at glide slope intercept on Inbnd, 1300'.
Altitude of glide slope and distance to approach end of runway at OM 1254'—3.8 miles; at MM 314'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on SE crs of ILS within 10 miles or, when directed by ATC, climb to 2000' on R-100 of the NUN VOR within 15 miles.
CAUTION: Warning Area 10 miles S of PNS RBn.
*400-¾ required when glide slope not utilized.

City, Pensacola; State, Fla.; Airport Name, Pensacola Municipal (Hagler); Elev., 118'; Fac. Class., ILS; Ident., I-PNS; Procedure No. ILS-16, Amdt. 9; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 8; Dated, 20 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Utica VOR | BKG RBn | Direct | 3300 | T-dn | 300-1 | 300-1 | 200-½ |
| Sherrill Int | BKG RBn | Direct | 3000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Lakeport Int | BKG RBn | Direct | 3000 | S-dn-15 | 300-1 | 300-1 | 300-1 |
| Westlake Int | BKG RBn (final) | Direct | 2700 | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring and transitions by Griffiss Rapcon authorized in accordance with approved patterns.
Procedure turn E side of crs, 329° Outbnd, 149° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, facility to airport, 149°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing BKG RBn, climb straight ahead to 3200' direct to UTI RBn. Hold SE of UTI RBn, 329° Inbnd, 1-minute right turns.

City, Utica; State, N.Y.; Airport Name, Oneida County; Elev., 742'; Fac. Class., ILS; Ident., I-UCA; Procedure No. ILS-15 (back crs), Amdt. Orig.; Eff. Date, 26 Dec. 6

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Wheeling VOR | LOM | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-½ |
| Finley Int | LOM | Direct | 3000 | C-dn | 600-1 | 700-1 | 700-1½ |
| Bellaire VOR | LOM | Direct | 3000 | S-dn-3* | 300-¾ | 300-¾ | 300-¾ |
| Bellaire VOR## | Maynard Int (final) | Direct | 3000 | A-dn | 600-2 | 700-2 | 700-2 |
| Maynard Int | LOM (final) | Direct | 2500 | | | | |

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 3000' within 10 miles of LOM.
Minimum altitude at glide slope intercept Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2470'—4.0 miles; at MM, 1398'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on the HLG VOR/R-222 to HLG VOR. Hold SW on the R-222 at 3000', 1-minute right turns, 042° Inbnd, or when directed by ATC, make climbing left turn to 3000' returning to HL LOM. Hold SW, 1-minute right turns, 030° Inbnd.
AIR CARRIER NOTE: Night operations on Runway 9-27 and takeoffs on Runway 9 not authorized for aircraft over 12,500 lbs gross weight.
CAUTION: Approach lights nonstandard (1500 ft.) length.
NOTE: High-intensity runway lights on 3-21.
*500-¾ required with glide slope inoperative.
##Bellaire VOR-Maynard Int transition restricted to aircraft capable of receiving Wheeling ILS and Bellaire VOR or DME simultaneously.

City, Wheeling; State, W. Va.; Airport Name, Wheeling-Ohio County; Elev., 1195'; Fac. Class., ILS; Ident., I-HLG; Procedure No. ILS-3, Amdt. 6; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 5; Dated, 6 Apr. 63



ILS STANDARD INSTRUMENT APPROACH PROCEDURE

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| YKM VOR | YK LOM | Direct | 4400 | T-dn#% | 300-1 | 300-1 | 300-¾ |
| Gleed Int | YK LOM | Direct | 4400 | C-dn* | 800-2 | 800-2 | 800-2 |
| | | | | S-dn-27 | 300-¾ | 300-¾ | 300-¾ |
| | | | | A-dn | 900-2 | 900-2 | 900-2 |

Procedure turn S side of crs, 089° Outbnd, 269° Inbnd, 4400' within 10 miles. (Final approach from holding pattern at YK LOM not authorized, procedure turn required.)
Minimum altitude at glide slope Int Inbnd, 4000'.
Altitude of glide slope and distance to approach end of runway at OM, 3334'—6.9 miles; at MM, 1315'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right climbing turn and climb to 4400' on E crs ILS within 10 miles of LOM.
NOTE: All components of the ILS and related airborne equipment must be operational and used when executing this approach, except that either the ALS or the condenser discharge flashers or combination thereof must be operational for the entire length of the ALS system.
CAUTION: High terrain extends from NE to NW of YKM VOR.
#Takeoff minimums Runways 4/22 and 16/34: 500-1 day, 800-2 night.
%Takeoffs all runways: Climb on R-283 YKM VOR within 6 miles of YKM VOR to cross YKM VOR at or above, eastbound V-4 2000'; westbound V4/48 4500'; southbound V-25/25E 2000'; northbound V-25 4500'; northeastbound V-448 3000'. All turns S side R-283 YKM VOR.
*Circling S of the airport not authorized 110° clockwise through 205° from airport location point. Terrain and obstructions within this area and within 1.7 miles to 2155'.

City, Yakima; State, Wash; Airport Name, Yakima Municipal; Elev., 1082'; Fac. Class., ILS; Ident., I-YKM; Procedure No. ILS-27, Amdt. 11; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 10; Dated, 17 Oct. 64

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 030° | 190° | Within: | | Surveillance approach | | | |
| 190° | 030° | 25 miles | 2100 | | | | |
| | | 25 miles | 2500 | T-dn | 300-1 | 300-1 | #200-¼ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-30L* | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-12R** | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar control must provide 3-mile horizontal or 1000' vertical separation from the following obstructions:

| Obstruction | MSL | Location |
|---|---|---|
| Tower | 1680' | 23 miles WNW |
| Tower | 2049' | 9 miles NW |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on NW crs ILS (305°) within 20 miles or, when directed by ATC, turn right, climb to 2200', proceed direct to VOR.
#All aircraft are restricted to 300-1 mimimums for takeoff on Runways 3-21, 16L-34R, and 12L-30R.
*400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
**400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Austin; State, Tex.; Airport Name, Robert Mueller Municipal; Elev., 631'; Fac. Class. and Ident., Austin radar; Procedure No. 1, Amdt. 4; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 3; Dated, 29 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 000° | 360° | Within 30 miles | 3000 | Surveillance approach | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-¼ |
| | | | | C/S-dn-all | 400-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimumms or if landing not accomplished Runway 9: make left climbing turn to 3000' on STG-VOR R-360, intercept and proceed Outbnd on CXR-VOR R-285 to Crib Int. Hold E 1-minute, right turns. All other runways, make climbing turn to 3000', direct to CLE VOR. Hold W 1-minute left turns, 098° Inbnd.
CAUTION: TV towers approximately 1970' approximately 6 miles ESE of airport.
Other change: Deletes RVR authorization. Deletes PAR minimums.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792'; Fac. Class. and Ident., Cleveland radar; Procedure No. 1, Amdt. 12; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 11; Dated, 29 Feb. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | Surveillance approach | | | |
| 100°<br>200° | 200°<br>100° | Within<br>3 miles<br>11.5 miles | 2000<br>2000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-11/29 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | Precision approach | | | |
| | | | | S-dn-29 and 11 | 300-¾ | 300-¾ | 300-¾ |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 29: Turn right, climb to 2000′ on SNS VOR R-293 to Moss Landing Int. Hold SE in a 1-minute holding pattern, 113° Outbnd, 293° Inbnd, right turn or, when directed by ATC, climb to 2000′ on crs 290° to intercept the 015° bearing from Monterey LOM, thence direct to the Monterey LOM. Runway 11: Turn left, climb to 2000′ on SNS VOR R-293 to Moss Landing Int. Hold SE in a 1-minute holding pattern, 113° Outbnd, 293° Inbnd, right turn or, when directed by ATC, climb to 2000′ on crs 290° to intercept the 015° bearing from Monterey LOM, thence direct to the Monterey LOM.

NOTE: Authorized for military use only except by prior arrangement.

City, Fort Ord; State, Calif.; Airport Name, Fritzsche AAF; Elev., 134′; Fac. Class and Ident., Fort Ord Radar; Procedure No. 1, Amdt. 3; Eff. Date, 26 Dec. 64; Sup. Amdt. No. 2; Dated, 26 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| All directions | | Within 20 miles | #2500 | Surveillance approach | | | |
| | | | | T-dn%* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-All** | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | Precision approach | | | |
| | | | | T-dn%* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-4** | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished All Runways: Climb to 3000′ and proceed via R-285 o Shelbyville to Shelbyville VOR or, when directed by ATC, (1) Climb to 3000′ on NE crs ILS and proceed to Castleton Int; (2) Climb to 2500′ and proceed direct to IND-VOR.

NOTE: Aircraft executing missed approach may be radar controlled after radar identification.

#2800′ within 3 miles of two 1849′ towers NE of airport; 2900′ within 3 miles of 1852′ tower E and NE of airport; 3100′ within 3 miles of 2100′ tower 20.5 miles SSE.

*400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights. 400-½ authorized for Runway 4, except for turbojet aircraft, with operative ALS and high-intensity runway lights.

**Runway visual range 2800′ also authorized for landing on Runway 4; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 997′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

%Runway visual range 2600′ also authorized for takeoff on Runway 4 in lieu of 200-½ when 200-½ is authorized, provided high-intensity runway lights are operational.

City, Indianapolis; State, Ind.; Airport Name, Indianapolis Municipal (Weir-Cook); Elev. 797′; Fac. Class. and Ident., Weir Cook Radar; Procedure No. 1, Amdt. 13 Eff. Date, 26 Dec. 64; Sup. Amdt. No. 12; Dated, 12 Mar. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 19, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-13369; Filed, Dec. 28, 1964; 8:50 a.m.]

[Reg. Docket 6365; Amdt. 406]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:



1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Forest Hill Int via V157/166 | Craigtown Int | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Forest Hill Int | APG RBn | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| Jarrettsville Int | APG RBn | Direct | 2000 | S-dn | NA | NA | NA |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport 217°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing APG RBn, make right turn, climb to 1000′ on crs 355°, proceed direct to APG RBn climbing to 2000′. Hold NE 217° bearing Inbnd APG-RBn, 1-minute right turns 2000′.
NOTE: Procedure turn not required if Craigtown Int received.
Authorized for military use only, except by prior arrangement.
CAUTION: Magnetic disturbance of as much as 8 degrees exists at sea level in maneuvering areas S of APG RBn.
MSA within 25 miles of facility: 090°-180°—1300′; 180°-090°—2100′.

City, Aberdeen; State, Md.; Airport Name, Phillips AAF; Elev., 57′; Fac. Class., MH; Ident., APG; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Jan. 65

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Atlanta RBn | AT LOM | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| Atlanta VOR | AT LOM | Direct | 2500 | C-dn | 500-1 | 500-1 | 500-1½ |
| Harrison Int | AT LOM | Direct | 3000 | S-dn-9L | 500-1 | 500-1 | 500-1 |
| Chattahoochee Int | AT LOM (final) | Direct | 2400 | A-dn | 800-2 | 800-2 | 800-2 |
| Raymond Int | AT LOM | Direct | 2500 | | | | |

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, LOM to airport, 089°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing AT LOM, climb to 3000′ and proceed to Tucker Int via ATL R-035.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
Other change: Deletes caution note.
MSA within 25 miles of facility: 000°-090°—4000′; 090°-180°—2200′; 180°-270°—3700′; 270°-360°—3800′.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., LOM; Ident., AT; Procedure No. 1, Amdt. 24; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 23; Dated, 24 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| AT LOM | ATL RBn | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-¼ |
| AZ LOM | ATL RBn | Direct | 2500 | C-dn | 400-1 | 500-1 | 500-1¼ |
| REG-VOR | ATL RBn (final) | Direct | 2000 | S-dn-27R&L | 400-1 | 400-1 | 400-1 |
| ATL VOR | ATL RBn | Direct | 2500 | A-dn | 800-2 | 800-2 | 800-2 |
| AL LOM | AT RBn | Direct | 2500 | | | | |
| MDU VOR | ATL RBn | Direct | 2500 | | | | |

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 089° Outbnd, 269° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to Runway 27R, 269°—5.1 miles, to Runway 27L, 261°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 27R: within 5.1 miles after passing ATL RBn, climb to 3000′ on 269° bearing within 20 miles. Runway 27L: within 5.3 miles after passing ATL RBn, turn left, climb to 3000′ and proceed direct to ATL VOR.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
Other change: Deletes caution note
MSA within 25 miles of facility: 000°-090°—3700′; 090°-180°—2200′; 180°-270°—3700′; 270°-360°—4000′.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., H-SAB; Ident., ATL; Procedure No. 3, Amdt. 1; Eff. Date, 2 Jan. 65; Sup. Amdt. No. Orig., Dated, 22 Jan. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Atlanta RBn | AL-LOM | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-¼ |
| Atlanta VOR | AL LOM | Direct | 2500 | C-dn | 500-1 | 500-1 | 500-1¼ |
| Harrison Int | AL LOM | Direct | 3000 | S-dn-9R | 500-1 | 500-1 | 500-1 |
| Chattahoochee Int | AL LOM (final) | Direct | 2400 | A-dn | 800-2 | 800-2 | 800-2 |
| Raymond Int | AL LOM | Direct | 2500 | | | | |

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 089°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing AL LOM, climb to 3000′, turn right and proceed direct to MDU VOR.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of facility: 000°-090°—4,000′; 090°-180°—2200′; 180°-270°—3700′; 270°-360°—3800′.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., LOM; Ident., AL; Procedure No. 4, Amdt. Orig.; Eff. Date, 2 Jan. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 700–1 | 700–1 | 700–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |
| | | | | If Terry fan marker received, minimums become: | | | |
| | | | | C-dn | 600–1 | 600–1 | 600–1½ |

Radar transitions and vectoring authorized in accordance with approved patterns.
No procedure turn. Radar control will not descend aircraft below 3000′ until passing Margaret Int Inbnd.
Minimum altitude over Terry fan marker on final approach crs, 1500′.
Crs and distance, Margaret Int to RBn, 095°—5.7 miles; Terry FM to airport, 095°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing FTY RBn, make left turn, climb to 3000′ and return to Margaret Int via 275° bearing from FTY RBn or follow radar vector after being reidentified.
NOTE: ATL approach control radar must be in operation for vector to final approach crs. Night air carrier operations not authorized.
CAUTION: Water tank 1218′—1.8 miles WNW and tower 1375′—2.7 miles NW of airport.
MSA within 25 miles of facility: 000°–180°—4000′; 180°–270°—3700′; 270°–360°—3800′.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834′; Fac. Class., MH; Ident., FTY; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Jan. 65

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| LFD VOR | CWM RBn | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| BTL VOR | CWM RBn | Direct | 2500 | C-dn | 700–1 | 700–1 | 700–1½ |
| Brighton Int | CWM RBn | Direct | 2500 | S-dn-3 | 700–1 | 700–1 | 700–1 |
| Sherwood Int | CWM RBn | Direct | 2500 | A-dn | NA | NA | NA |

Procedure turn N side final approach crs, 210° Outbnd, 030° Inbnd, 2100′ within 10 miles.
Minimum over facility on final approach crs, 1600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CWM RBn, make left-climbing turn and climb to 2100′ on 210° crs from H then return to MH.
NOTES: 1. Approaches controlled by Battle Creek approach control. Close flight plan with Battle Creek Radio by radio or long distance phone immediately upon landing.
2. No weather available.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2600′; 180°–270°—2400′; 270°–360°—2200′.

City, Coldwater; State, Mich.; Airport Name, Branch County Memorial; Elev., 956′; Fac. Class., MHW; Ident., CWM; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Jan. 65

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| McClure Int | LOM | Direct | 2100 | T-dn | 300–1 | 300–1 | 200–½ |
| Waterville VOR | LOM | Direct | 2100 | C-dn | 500–1 | 500–1 | 500–1¼ |
| Harbor View Int | LOM | Direct | 2100 | S-dn-7 | 500–1 | 500–1 | 500–1 |
| Gerald Int | LOM | Direct | 2100 | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 069°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, make right-climbing turn to 2200′, proceed to Waterville VOR. Hold SE Waterville VOR on R–140, right turns, 1 minute, 320° Inbnd.
Alternate No. 1 missed approach: Within 4.7 miles after passing LOM, make climbing left turn to 2100′, proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1 minute, 069° Inbnd.
CAUTION: Tower 865′—1¾ miles S of LMM.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—2000′; 180°–270°—2100′; 270°–360°—2500′.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class., LOM; Ident., TO; Procedure No. 1, Amdt. 8; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 7; Dated 9 May 64

## 2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Chattahoochee Int | ATL VOR | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| Atlanta RBn | ATL VOR | Direct | 2500 | C-d | 500–1 | 500–1 | 500–1½ |
| | | | | C-n | 500–2 | 500–2 | 500–2 |
| | | | | S-d-3 | 500–1 | 500–1 | 500–1 |
| | | | | S-n-3 | 500–2 | 500–2 | 500–2 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |
| | | | | If Riverdale Int received, minimums become: | | | |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-3 | 400–1 | 400–1 | 400–1 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Minimum altitude over Riverdale Int on final approach crs, 1500′.
Crs and distance, facility to airport, 016°—8.1 miles. Riverdale Int to airport, 016°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing ATL VOR, or 3.1 miles after passing Riverdale Int, turn right, climb to 2500′ and proceed direct to REC–VOR.
NOTES: (1) When authorized by ATC, DME may be used from R–090 CW to R–300 within 15 miles at 2500′ to position aircraft for straight-in approach with the elimination of a procedure turn. (2) Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of the facility: 000°–090°—4000′; 090°–180°—2200′; 180°–270°—3300′; 270°–360°—3800′.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., BVORTAC; Ident., ATL; Procedure No. 1, Amdt. 8; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 7; Dated, 5 Sept. 64



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Lisbon Int | Ely Int (final) | Via crs 200°—1.9 miles to CID VOR R–087°. | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-26# | 400–1 | 400–1 | 400–1 |
| Solon Int | Ely Int (final) | Via crs 340°—1.8 to CID VOR R–087°. | 2500 | A-dn | 800–2 | 800–2 | 800–2 |
| CID VOR | Ely Int | Direct | 2500 | | | | |
| IOW VOR | Ely Int | Direct | 2500 | | | | |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 087° Outbnd, 267° Inbnd, 2500′ witbin 10 miles of Ely Intersection.
Minimum altitude over facility on final approach crs 2500′.
Crs and distance, Ely Int to airport 267°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Ely Int, proceed to CID VOR via R–087, climbing to 2000′ or, when directed by ATC, make right turn climbing to 2500′ and return to Ely Int.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification. Operating dual VOR equipment required to execute this procedure.
Minimum radar altitudes from Ely Intersection: 0 to 25 miles CW 060° to 290°—2500′; 0 to 15 miles CW 290° to 310°—2500′; 0 to 10 miles CW 310° to 060°—2900′.
#400–¾ authorized, except for turbo-jet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—2100′; 180°–270°—2200′; 270°–360°—3400′.

City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. 2; Amdt. 3; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 2; Dated, 5 Dec. 64

## 3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Leslie Int | JXN VOR | Direct | 2300 | T-dn | 300–1 | 300–1 | 200–½ |
| Brooklyn Int | JXN VOR | Direct | 2300 | C-dn | 500–1 | 500–1 | 500–1½ |
| LFD VOR | JXN VOR | Direct | 2700 | S-dn-13 | 500–1 | 500–1 | 500–1 |
| Springport Int | Cloverleaf Int (final) | Direct | 2100 | A-dn | 800–2 | 800–2 | 800–2 |
| | | | | If aircraft dual omni equipped and Cloverleaf Int received, the following minimums apply: | | | |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-13 | 400–1 | 400–1 | 400–1 |

Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 2300′ within 10 miles.
Facility on airport.
Minimum altitude over JXN VOR on final approach crs, 1500′.
Crs and distance, Cloverleaf Int to airport, 128°—4.4 miles; Cloverleaf Int to VOR, 128°—4.7 miles.
Crs and distance, breakoff point to Runway 13, 135°—0.30 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300′ on R–128 within 10 miles. Reverse crs, proceed to JXN VOR.
CAUTION: Tower 11.3 miles NW, 1946′; tower 2.2 miles SE, 1330′; tower 3.0 miles NE, 1310′.
#Use of Springport to Cloverleaf Int (final) transition to eliminate procedure turn requires dual omni equipment.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—2500′; 180°–270°—2600′; 270°–360°—3000′.

City, Jackson; State, Mich.; Airport Name, Reynolds Municipal; Elev., 1000′; Fac. Class., BVOR; Ident., JXN; Procedure No. TerVOR–13, Amdt. 2; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 1; Dated, 30 Nov 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Leslie Int | JXN VOR | Direct | 2300 | T-dn | 300–1 | 300–1 | 200–½ |
| Brooklyn Int | JXN VOR | Direct | 2300 | C-dn | 700–1 | 700–1 | 700–1½ |
| Litchfield VOR | JXN VOR | Direct | 2700 | S-dn-31 | 700–1 | 700–1 | 700–1 |
| Brooklyn Int | Town Int (final)# | Direct | 1800 | A-dn | 800–2 | 800–2 | 800–2 |
| | | | | If aircraft dual omni equipped and Town Int received, the following minimums apply: | | | |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-31 | 500–1 | 500–1 | 500–1 |

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 2300′ within 10 miles.
Facility on airport.
Minimum altitude over JXN VOR on final approach crs, 1700′.
Crs and distance, Town Int to VOR, 323°—2.1 miles.
Crs and distance, breakoff point to Runway 31, 315°—0.27 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300′ on R–308 within 10 miles. Reverse crs, proceed to JXN VOR.
CAUTION: Tower 2.2 miles SE, 1330′; tower 11.3 miles NW, 1946′; tower 3.0 miles NE, 1310′.
#Use of the Brooklyn to Town Int (final) transition to eliminate procedure turn requires dual omni equipment.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—2500′; 180°–270°—2600′; 270°–360°—3000′.

City, Jackson; State, Mich.; Airport Name, Reynolds Municipal; Elev., 1000′; Fac. Class., BVOR; Ident., JXN; Procedure No. TerVOR–31, Amdt. 3; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 2; Dated, 30 Nov. 63

**4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:**

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 24.0-mile DME Fix LAX R-081 (Spike Int) | 15.0-mile DME Fix LAX R-081 (Norwalk Int). | Direct | 2500 | T-dn | 300–1 | 300–1 | 300–1 |
| | | | | C-dn | 600–1 | 600–1 | 600–1½ |
| LGB VOR | 15.0-mile DME Fix LAX R-081 (Norwalk Int). | Direct | 2000 | S-dn-25 | 500–1 | 500–1 | 500–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |
| 15.0-mile DME Fix LAX R-081 | 10.8-mile DME Fix LAX R-081 (Bell Int) (final). | Direct | 2000 | | | | |

Radar vectoring utilizing Los Angeles Radar authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over Bell Int on final approach crs, 2000'.
Crs and distance, Bell Int to airport, 261°—6.5 miles; breakoff point to runway, 252°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.3-miles DME Fix LAX R-081, climb to VOR, then climb via LAX R-170 to 2000' within 10 miles or, when directed by ATC, climb via 225° bearing from LAX LOM to intercept and climb via LAX R-170 to 2000' within 10 miles.
NOTE: When authorized by ATC, DME may be used at 16 miles at 4500' from LAX R-342 cw R-046 and at 2500' between LAX R-046 and R-170 to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°–090°—7200'; 090°–180°—2500'; 180°–270°—2400'; 270°–360°—5200'.

City, Hawthorne; State, Calif.; Airport Name, Hawthorne Municipal; Elev., 64'; Fac. Class., H-BVORTAC; Ident., LAX; Procedure No. 1, Amdt. 1; Eff. Date, 2 Jan. 65; Sup. Amdt. No. Orig.; Dated, 28 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15-mile DME Fix R-163 | 10-mile DME Fix R-163 | Direct | 3000 | T-dn% | 300–1 | 300–1 | 200–½ |
| 10-mile DME Fix R-163 | 5-mile DME Fix R-163 | Direct | 1100 | C-dn | 700–1 | 700–1 | 700–1½ |
| 5-mile DME Fix R-163 | 0-mile DME Fix R-163 | Direct | 900 | A-dn* | 900–2 | 900–2 | 900–2 |
| 15-mile DME Fix R-344 | 10-mile DME Fix R-344 | Direct | 3000 | | | | |
| 10-mile DME Fix R-344 | 5-mile DME Fix R-344 | Direct | 2200 | | | | |
| 5-mile DME Fix R-344 | 0-mile DME Fix R-344 | Direct | 900 | | | | |
| 10-mile DME Fix R-023 | 0-mile DME Fix R-023 | Direct | 3000 | | | | |

Procedure turn W side of crs, 163° Outbnd, 343° Inbnd, 2700' within 10 miles.
Minimum altitude over 5-mile DME Fix on final approach crs, 1100'; over facility 900'. Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing ONP VOR, climb to 2700' on R-344 ONP VOR. All maneuvering W of crs.
*No public weather service. Alternate minimums authorized only for those with approved weather reporting on the airport.
%Takeoffs all runways: Climb on R-344 ONP VOR within 10 miles to cross ONP VOR southbound on V-27 at or above 1500'. All turns W of R-344.
MSA within 25 miles of facility: 000°–090°—5100'; 090°–180°—4700'; 180°–270°—1600'; 270°–360°—3700'.

City, Newport; State, Oreg.; Airport Name, Newport Municipal; Elev., 160'; Fac. Class., H-BVORTAC; Ident., ONP; Procedure No. VOR/DME 1, Amdt. Oreg.; Eff. Date, 2 Jan. 65

**5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Atlanta RBn | AL LOM | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| Atlanta VOR | AL LOM | Direct | 2500 | C-dn | 500–1 | 500–1 | 500–1½ |
| Harrison Int | AL LOM | Direct | 3000 | S-dn-9R* | 200–½ | 200–½ | 200–½ |
| Chattahoochee Int | AL LOM (final) | Direct | 2400 | A-dn | 600–2 | 600–2 | 600–2 |
| Raymond Int | AL LOM | Direct | 2500 | | | | |

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2400'.
Altitude of glide slope and distance to approach end of runway at OM 2380'—5.0 miles; at MM 1207'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000', turn right and proceed direct to MDU VOR.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
*500-¾ required when glide slope not utilized.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., I-ALR; Procedure No. ILS-9R, Amdt. Orig.; Eff. Date, 2 Jan. 65



ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Atlanta RBn | AT LOM | Direct | 2500 | T-dn** | 300–1 | 300–1 | 200–½ |
| Atlanta VOR | AT LOM | Direct | 2500 | C-dn | 400–1 | 500–1 | 500–1½ |
| Harrison Int | AT LOM | Direct | 3000 | S-dn-01¿* | 200–½ | 200–½ | 200–½ |
| Chattahoochee Int | AT LOM (final) | Direct | 2400 | A-dn | 600–2 | 600–2 | 600–2 |
| Raymond Int | AT LOM | Direct | 2500 | | | | |

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 269° Outbnd, 089° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope int Inbnd, 2400'.
Altitude of glide slope and distance to approach end of runway at OM, 2324'—4.1 miles; at MM, 1236'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000'. Proceed to Tucker Int via ATL R-033.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
Other change: Deletes caution note.
*400-¾ required when glide slope not utilized.
¿Runway visual range 2600' authorized for landing on Runway 9L; provided, that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 1224' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600' authorized for takeoff on Runway 9L in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., I-ATL; Procedure No. ILS-9L, Amdt. 25; Eff. Date, 2 Jan. 65; Sup. Amdt. No. ILS-, Amdt. 24; Dated, 2 Mar. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| DEN VOR | Standley DME Fix | 256°—17 miles (direct). | 8400 | T-dn% | 300–1 | 300–1 | 200–½ |
| | | | | C-dn¿ | 400–1 | 500–1 | 500–1½ |
| Standley DME Fix | Edgewater DME Fix* | Via 17 miles DME CCW orbit. | 8400 | S-dn-SR@ | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |
| Edgewater DME Fix* | Capitol Int (final) | Direct | 6200 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over Capital Interception on final approach crs, 6200'. Crs and distance, Capitol Int to airport, 076°—4 miles.
No glide slope, no outer marker, no middle marker or approach lights.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Capitol Intersection, climb to 7000' direct to DE OM or, when directed by ATC climb and intercept R-200 DEN VOR, proceed to DEN VOR at 7000'.
NOTES: (1) Procedure not authorized if DME inoperative. (2) DME and VOR equipment required for execution of this procedure.
CAUTION: Terrain 8000' and rising sharply 25 miles W of DEN VOR.
*On W crs DEN LOC.
¿500-1 required for circling S of airport due to 5570' tank 0.8 mile SE and 5521' tower 1.5 miles S of airport.
@400-¾ authorized with operative high-intensity runway lights except for turbojet aircraft.
%Westbound (193° through 320°) IFR departures must comply with published Denver SIDs or with radar vectors. Westbound IFR departures on J-20 proceed via V-4 and V-220 to intercept J-20, cross Longmont Int at or above 15,600'; or comply with radar vectors.

City, Denver; State, Colo.; Airport Name, Stapleton International; Elev., 5331'; Fac. Class., ILS; Ident., I-DEN; Procedure No. ILS-8R (back crs), Amdt. 2; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 1; Dated, 25 Nov. 61.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Superior Int | Broomfield Int | Direct | 10,000 | T-dn¿ | 300–1 | 300–1 | 200–½ |
| Broomfield Int | Derby Int | Direct | 6,900 | C-dn | %400–1 | 500–1 | 500–1½ |
| Denver VOR | Derby Int | Direct | 6,600 | S-dn-17* | 400–1 | 400–1 | 400–1 |
| EGW RBn | Derby Int | Direct | 7,000 | A-dn | 800–2 | 800–2 | 800–2 |
| Brighton Int | Henderson Int | Direct | 6,600 | | | | |
| Henderson Int | Derby Int (final) | Direct | 6,200 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 6600' within 10 miles of Derby Int.
No glide slope—descent to airport minimums after passing Derby Int.
Minimum altitude over Derby Int 6200'.
Crs and distance, Derby Int to airport, 169°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Derby Int, climb straight ahead to 8200' on S crs of SPO ILS to EGW RBn@ or, when directed by ATC, make left-climbing turn and proceed direct to DEN VOR at 7000'.
%500-1 required for circling S of airport due to 5570' MSL tank 0.8 mile SE of airport; 5521' tower 1.5 miles S of airport.
*400-¾ authorized except for turbojet aircraft, with operative high-intensity runway lights.
¿Westbound (193° through 320°) IFR departures must comply with published Denver SIDs or with radar vectors.
Westbound IFR departures on J-20 proceed via V-4 and V-220 to intercept J-20, cross Longmont Int at or above 15,600'; or comply with radar vectors.

City, Denver; State, Colo.; Airport Name, Stapleton International; Elev., 5331'; Fac. Class., ILS; Ident., I-SPO; Procedure No. ILS-17 (back crs), Amdt. 2; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 1; Dated, 6 Apr. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Allen Int | LOM (final) | Direct | 1900 | T-dn | 300–1 | 300–1 | 200–½ |
| MKG VOR | LOM | Direct | 2300 | C-dn | 400–1 | 500–1 | 500–1½ |
| Bullfrog Int | LOM | Direct | 2300 | S-dn-32¿ | 200–½ | 200–½ | 200–½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn E side of SE crs, 137° Outbnd, 317° Inbnd, 1900' within 10 miles.
Minimum altitude at glide slope int Inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1843'—3.8 miles; at MM, 811'—0.55 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 030° heading to intercept MKG R-328 and proceed to Whitehall Int at 2400' or, when directed by ATC, make right turn and climb to 2300' and proceed direct to MKG VOR.
¿400-¾ required if glide slope not utilized.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628'; Fac. Class., ILS; Ident., I-MKG; Procedure No. ILS-32, Amdt. 4; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 3; Dated, 28 Nov. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Wheeling VOR | Hookstown Int | Direct | 3000 | T-dn** | 300–1 | 300–1 | 200–½ |
| Hookstown Int | OM (final) | Direct | 2700 | C-dn | 500–1 | 500–1 | 500–1½ |
| Ellwood City VOR@ | Hookstown Int | Direct | 3000 | S-dn-10L*%% | 300–¾ | 300–¾ | 300–¾ |
| Allegheny VOR@ | Hookstown Int | Direct | 3000 | A-dn | 600–2 | 600–2 | 600–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM 2665'—4.3 miles; at MM 1442'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on 102° crs to GP LOM, hold E, 1-minute right turns, 277° Inbnd.
Major change: Deletes "Radar vectoring required" after "Procedure turn not authorized."
*400–¾ required with glide slope inoperative.
@Transitions from EWC and PIT require holding pattern entry for nonradar operation.
**Takeoff: Runway visual range 2600' authorized for takeoff on runway 10L in lieu of 200–½ when 200–½ is authorized provided high-intensity runway lights are operational.
%Landing: RVR not authorized due incomplete facilities.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1203'; Fac. Class., ILS; Ident., I-LXB; Procedure No. ILS-10L, Amdt. 4; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 3; Dated, 28 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| McClure Int | LOM | Direct | 2100 | T-dn | 300–1 | 300–1 | 200–½ |
| Waterville VOR | LOM | Direct | 2100 | C-dn | 500–1 | 500–1 | 500–1½ |
| Harbor View Int | LOM | Direct | 2100 | S-dn-7* | 200–½ | 200–½ | 200–½ |
| Gerald Int | LOM | Direct | 2100 | A-dn | 600–2 | 600–2 | 600–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1983'—4.7 miles; at MM, 892'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 2200', proceed to Waterville VOR. Hold SE Waterville VOR on R-140, right turns, 1 minute, 320° Inbnd.
Alternate No. 1 missed approach: Climb to 2600' on NE localizer crs to Harbor View Int. Hold NE Harbor View Int, left turns, 1 minute, 249° Inbnd.
CAUTION: Tower 865' 1¾-miles S of LMM.
*400–¾ required with glide slope inoperative.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684'; Fac. Class., ILS; Ident, I-TOL; Procedure No. ILS-7, Amdt. 9; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 8; Dated, 9 May 64

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | Within: | | Precision approach | | | |
| 070° | 290° | 15 miles | 2500 | | | | |
| 290° | 070° | 15 miles | 3000 | S-dn-##9L | 200–½ | 200–½ | 200–½ |
| 000° | 360° | 15–25 miles | 3000 | A-dn-9L | 600–2 | 600–2 | 600–2 |
| | | | | Surveillance approach | | | |
| | | | | T-dn# | 300–1 | 300–1 | 200–½ |
| | | | | C-dn* | 400–1 | 500–1 | 500–1½ |
| | | | | C-dn-15, 9L, 9R | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn* | 400–1 | 400–1 | 400–1 |
| | | | | S-dn-15, 9L, 9R | 500–1 | 500–1 | 500–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 9L and 3: Climb to 3000' and proceed to Tucker Int. via ATL VOR R-033. 9R and 15: Climb to 3000' and proceed direct to MDU VOR. 27R and 33: Climb to 3000' and proceed to Chattahoochee Int. via REG VOR R-269. 27L: Climb to 3000' and proceed direct to ATL VOR.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
*Runways 27L, 27R, 33, 3.
##Runway visual range 2600' also authorized for landing on Runway 9L, provided all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below 1224' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600' also authorized for takeoff on Runway 9L, in lieu of 200–½ when 200–½ is authorized, provided high-intensity runway lights are operational.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class. and Ident., Atlanta Radar; Procedure No. 1, Amdt. 9; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 8; Dated, 7 Sept. 63



RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Radar terminal area maneuvering sectors and altitudes: From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 330° | 060° | | | | | 20 miles | 2200 | | | | | | | | Surveillance approach | | |
| 060° | 120° | | | 15 miles | 2200 | 20 miles | 3100 | | | | | | | T-dn | 300–1 | 300–1 | 200–½ |
| 120° | 330° | | | 15 miles | 3300 | 20 miles | 4000 | | | | | | | C-dn-5, 23, 31 | 400–1 | 500–1 | 500–1½ |
| 120° | 300° | 10 miles | *2800 | | | | | | | | | | | C-dn-13 | 500–1 | 500–1 | 500–1½ |
| 300° | 330° | 10 miles | 2200 | | | | | | | | | | | S-dn-5#, 31, 23 | 400–1 | 400–1 | 400–1 |
| | | | | | | | | | | | | | | S-dn-13 | 500–1 | 500–1 | 500–1 |
| | | | | | | | | | | | | | | A-dn | 800–2 | 800–2 | 800–2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runways 5–31, make climbing right turn to 2500' or Runways 13–23, make climbing left turn to 2500', proceed direct to BUF–VOR. Hold E BUF–VOR 1-minute right turns, 287° Inbnd.
Other change: Deletes runways 18–36 from ceiling and visibility minimums.
*Radar control will provide 1000' vertical clearance within a 5-mile radius of tower 1349' 6 miles W of airport. All bearings are from the radar site with sector azimuths progressing clockwise.
#400–¾ authorized for runways 5–23 (except for turbojet aircraft) with operative high-intensity runway lights.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 719'; Fac. Class, and Ident., Buffalo Radar; Procedure No. 1, Amdt. 2; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 1; Dated, 26 Oct. 63

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | Within: | | Surveillance approach | | | |
| 000° | 160° | 40 miles | 9,000 | | | | |
| 160° | 360° | 40 miles | 16,500 | T-dn % | 300–1 | 300–1 | 200–½ |
| 160° | 360° | 20 miles | 11,000 | C-dn–35, 17, 26L | *500–1 | 500–1 | 500–1½ |
| | | | | C-dn–8R | 600–1 | 600–1 | 600–1½ |
| | | | | S-dn–35, 17# °, 26L | 500–1 | 500–1 | 500–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 17: Climb straight ahead to 8200' to EGW RBn, or when directed by ATC, make left climbing turn, proceed direct to DEN VOR at 7000'. Runway 35: Climb to 7000' on the N crs of SPO ILS to Derby Int, hold N, right turns, or when directed by ATC, make right climbing turn to 7000', proceed direct to DEN VOR at 7000'. Runway 8R: Climb straight ahead to 7000' direct to DE LOM or, when directed by ATC, left climbing turn to 7000' direct to DEN VOR. Runway 26L: Turn right, climb to 7000' on 345° bearing from DE LOM within 10 miles or, when directed by ATC, turn right, climb to 7000' direct to DEN VOR.
CAUTION: 5570' tank 0.8 mile ESE of airport: 5521' beacon 1.5 miles S of airport.
*400–1 for Runway 17. 500–1 required for circling S of airport due to 5570' tank and 5521' beacon.
#400–¾ S–dn authorized, except for turbojet aircraft, with operative hi-intensity runway lights.
%Westbound (193° through 320°) IFR departures must comply with published Denver SIDs or with radar vectors.
Westbound IFR departures on J–20 proceed via V–4 and V–220 to intercept J–20, cross Longmont Int at or above 15,600'; or comply with radar vectors.

City, Denver; State, Colo.; Airport Name, Stapleton International; Elev., 5331'; Fac. Class and Ident., Denver Radar; Procedure No. 1, Amdt. 4; Eff. Date, 2 Jan. 65; Sup. Amdt. No. 3; Dated, 11 Jan. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 30, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64–11658; Filed, Dec. 28, 1964; 8:50 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER A—GENERAL

### PART 8—COLOR ADDITIVES

### Color Additive Mixtures Exempt From Certification; Further Postponement of Effective Date With Respect to Color Additive Mixtures for Cosmetic Use

By order published in the FEDERAL REGISTER of July 16, 1964 (29 F.R. 9608), the effective date of § 8.30 (21 CFR 8.30) of the interpretative and procedural regulations with respect only to diluents for use in cosmetic color additive mixtures was postponed to January 1, 1965. The circumstances which led to this postponement still continue.

Therefore, pursuant to sections 701 and 706 of the Federal Food, Drug, and Cosmetic Act, and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471): *It is ordered*, That the effective date of § 8.30 with respect only to diluents for use in color additive mixtures be further postponed until a regulation is promulgated and becomes effective listing safe diluents for cosmetic use, including cosmetics which directly color the human body.

(Secs. 701, 706, 52 Stat. 1055 as amended; 74 Stat. 399; 21 U.S.C. 371, 376)

Dated: December 21, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–13353; Filed, Dec. 28, 1964; 8:50 a.m.]

| | |
|---|---|
| Red saunders (red sandalwood); *Pterocarpus santalinus*, L. | In alcoholic beverages only. |
| Stargrass (starwort); *Aletris farinosa* L. | Do. |
| Tansy flowers and oil; *Tanacetum vulgare* L. | Thujone free. In alcoholic beverages only. |
| Tansy flowers extract and extract, solid; *Tanacetum vulgare* L. | Do. |
| Walnut hull, extract; walnut leaves, extract; walnut husks; and walnuts, green; *Juglans* spp. | In alcoholic beverages only. |

§ 121.91 [Amended]

2. Section 121.91 *Further extensions of effective date of statute for certain food additives as indirect additives to food* is amended by inserting in alphabetical order under the list of products the following items:

| *Product* | *Specified uses or restrictions* |
|---|---|
| Asbestos fiber | Components of phenolic molding compound for use in processing, holding, packaging, or transporting food. |
| Allethrin | Component of insecticide for control of infestation in food-storage and food-processing areas; limit 2 p.p.m. on food. |
| Anhydroformaldehyde aniline resin | Component of phenolic molding compound for use in processing, holding, packaging, or transporting food. |
| Barium hydroxide | Do. |
| Hexamethylenetetramine | Do. |
| Mineral oil meeting the following specifications: Virgin distillate from petroleum; no cracked products present; distillation end-point at 760 mm. not to exceed 700° F. with residue not to exceed 2% as determined by ASTM Method D 86-IP-123. | Component of burlap bags for packaging dry food. |
| Oxalic acid | Component of insecticide for control of infestation in food-storage and food-processing areas; limit 20 p.p.m. in food. |
| | Component of phenolic molding compound for use in processing, holding, packaging, or transporting food. |
| Paraldehyde | Do. |
| *p*-Phenylethyl phenol | Do. |
| Piperonyl butoxide | Component of insecticide for control of infestation in food-storage and food-processing areas; limit 20 p.p.m. in food. |
| Pyrethrins | Component of insecticide for control of infestation in food-storage and food-processing areas; limit 3 p.p.m. in food. |

* * * * * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 88-625 as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall be effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; Public Law 88-625; 72 Stat. 1788, as amended 76 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: December 22, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13384, Filed, Dec. 28, 1964; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Having evaluated data supplied following enactment of Public Law 88-625 (78 Stat. 1002; 21 U.S.C. 342, note), and having concluded that such data meet the provisions of that statute and the policy prescribed by § 121.84, the Commissioner of Food and Drugs has concluded that no undue risk to the public health is involved in the interim use of some additional food additives until June 30, 1965, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances in accordance with section 409 of the Federal Food, Drug, and Cosmetic Act. Therefore, pursuant to the authority above cited, which has been delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), §§ 121.90 and 121.91 of the food additive regulations are amended as follows:

§ 121.90 [Amended]

1. Section 121.90 *Further extensions of effective date of statute for certain food additives as direct additives to food* is amended as follows:

a. By changing the word "defined" in paragraph (a) to read "listed".

b. By inserting a centerhead "Miscellaneous" preceding the list in paragraph (a).

c. By inserting in the list in paragraph (a) in alphabetical order, the following item:

| *Product* | *Specified uses or restrictions* |
|---|---|
| 1,1-Bis(*p*-chlorophenyl)-2,2,2-trichloroethanol | From use on fresh mint leaves for control of mites; limit 100 p.p.m. as residue in mint oil. |

d. By inserting the following new subheading and items at the end of the list in paragraph (a):

| | |
|---|---|
| FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS | |
| Aloe and aloe extract; *Aloe perryi* Baker, *A. barbadensis* Mill., *A. ferox* Mill., and hybrids of this species with *A. africana* Mill., and *A. spicata* Baker. | In alcoholic beverages only. |
| Aloe, cape; *Aloe ferox* Mill., and its hybrids with *A. africana* Mill., and *A. spicata* Baker. | Do. |
| Aloin; *Aloe perryi* Baker, *A. barbadensis* Mill., *A. ferox* Mill., and hybrids of this species with *A. africana* Mill., and *A. spicata* Baker. | Do. |
| Angola weed; *Roccella fuciformis* Ach. | Do. |
| Boldus (boldo leaves); *Peumus boldus* Mol. | Do. |
| Bryonia (bryony); *Bryonia alba* L. | Do. |
| Calamus (sweetflag) and calamus oil; *Acorus calamus* L. | Do. |
| Cassia fistula (goldenshower senna); *Cassia fistula* L. | Do. |
| Cocillana bark; *Guarea rusbyi* (Britt.) Rusby | Do. |
| Forgetmenot; *Myosotis* spp. | Do. |
| Hart's-tongue; *Phyllitis scolopendrium* (L.) Newm. | Do. |
| Lungmoss (lungwort); *Sticta pulmonaria* Ach. | Do. |
| Meadowsweet, European (*Spirea ulmaria*); *Filipendula ulmaria* (L.) Maxim. | Do. |
| Melilot herb (yellow melilot); *Melilotus officinalis* (L.) Lam. | Do. |
| Quillaia extract (soapbark extract, China bark extract), *Quillaja saponaria* Molina. | Do. |



## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PRESSURE-SENSITIVE ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4B1366) filed by Minnesota Mining and Manufacturing Co., 2501 Hudson Road, St. Paul, Minn., 55119, and other relevant material, has concluded that the food additive regulations should be amended as hereinafter provided to clearly indicate that any limitations prescribed in § 121.1059 are not applicable to substances used in pressure-sensitive adhesives in accordance with a prior sanction or approval. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2577(a)(4) is amended to read as follows:

§ 121.2577 **Pressure-sensitive adhesives.**

* * * * * *

(a) * * *

(4) Substances identified in § 121.1059 other than substances used in accordance with paragraph (a)(2) of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 21, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13354; Filed, Dec. 28, 1964; 8:50 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES; COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Mr. Donald Simpson, 1000 Connecticut Avenue, Washington 6, D.C. (FAP 5B1578), and Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y., 10016 (FAP 5B1587), and other relevant material, has concluded that the food additive regulations (21 CFR 121.2520, 121.2571) should be amended to provide for the use of additional substances in the formulation of food-packaging adhesives and additional substances as components of paper and paperboard in contact with dry food, as hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended as follows:

1. Section 121.2520(c)(5) is amended by inserting alphabetically in the list "Components of Adhesives" new items, as follows:

§ 121.2520 **Adhesives.**

* * * * * *

(c) * * *

(5) * * *

| | |
|---|---|
| Sodium *n*-dodecylpolyethoxy (50 moles) sulfate. | |
| * * * * * | |
| Sodium isododecylphenoxypolyethoxy (40 moles) sulfate. | |

2. Section 121.2571(b) is amended by inserting alphabetically in the list of substances new items, as follows:

§ 121.2571 **Components of paper and paperboard in contact with dry food.**

* * * * * *

(b) * * *

| *List of substances* | *Limitations* |
|---|---|
| * * * | * * * |
| *N*-Cyclohexyl-*p*-toluene sulfonamide | |
| * * * | * * * |
| Sodium *n*-dodecylpolyethoxy (50 moles) sulfate | |
| * * * | * * * |
| Sodium isododecylphenoxypolyethoxy (40 moles) sulfate | |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 21, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13355; Filed, Dec. 28, 1964; 8:50 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

ION-EXCHANGE RESINS

No comments were received in response to the notice published in the FEDERAL REGISTER of November 5, 1964 (29 F.R. 14990), proposing that § 121.1148, which prescribes the conditions of safe use of ion-exchange resins in treatment of food, be amended to exempt certain resins from the acetic acid-solvent extraction requirement; to expand the ion-exchange resin use; and to add new items to the list of desirable replacement ions. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1148 is amended as proposed by changing paragraph (b) and by adding a new paragraph (d). The affected portions read as follows:

§ 121.1148 **Ion-exchange resins.**

* * * * * *

(b) Ion-exchange resins are used in the purification of foods, including potable water, to remove undesirable ions or to replace less desirable ions with one or more of the following: Bicarbonate, calcium, carbonate, chloride, hydrogen, hydroxyl, magnesium, potassium, sodium, and sulfate.

* * * * * *

(d) The ion-exchange resins identified in paragraph (a) (1), (2), and (11) of this section are exempted from the acetic-acid extraction requirement of paragraph (c)(4) of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348)

Dated December 21, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13356; Filed, Dec. 28, 1964; 8:50 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

## PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

### Fire Extinguishers; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, as provided in the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt certain fire extinguishers from the labeling required by section 2(p)(1) of the act because the contents of such extinguishers are under pressure.

The Commissioner has concluded, on the basis of information supplied to him by the petitioner and obtained on his own initiative, that fire extinguishers meeting the conditions set forth in this order need not bear a pressure warning statement otherwise required by section 2(p)(1) of the act. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (21 CFR 2.90; 29 F.R. 471), § 191.63(a) is amended by adding thereto a new subparagraph (24), as follows:

**§ 191.63 Exemption for small packages, minor hazards, and special circumstances.**

(a) • • •

(24) Fire extinguishers containing fire extinguishing agents which are under pressure or which develop pressure under conditions of use are exempt from the labeling requirements of section 2(p)(1) of the act insofar as such requirements apply to the pressure hazard as defined in § 191.1(m): *Provided*, That the containers for such extinguishers are designed to withstand a pressure of at least six times the charging pressure or five times the maximum pressure which would be developed in the container at 120° F. during conditions of use.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of the labeling requirements under certain conditions.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: December 21, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13357; Filed, Dec. 28, 1964; 8:50 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6785]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Substantiation of Charitable Contribution Deductions

On April 12, 1963, notice of proposed rule making with respect to the amendment of paragraph (a) of § 1.170-1 of the Income Tax Regulations (26 CFR Part 1) under section 170 of the Internal Revenue Code of 1954 (relating to charitable, etc., contributions and gifts) was published in the FEDERAL REGISTER (28 F.R. 3588). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations under section 170 of such Code are amended as follows:

PARAGRAPH 1. Section 1.170 is amended by revising section 170(b)(1)(A) and (2), by adding a new paragraph (5) at the end of section 170(b), by redesignating subsections (e) and (f) of section 170 as subsections (h) and (i), respectively, by adding after subsection (d) of section 170 new subsections (e), (f) and (g), and by revising the historical note. These revised, redesignated and added provisions read as follows:

**§ 1.170 Statutory provisions; charitable, etc., contributions and gifts.**

SEC. 170. *Charitable, etc., contributions and gifts.*

• • • • •

(b) *Limitations*—(1) *Individuals.* In the case of an individual the deduction provided in subsection (a) shall be limited as provided in subparagraphs (A), (B), (C), and (D).

(A) *Special rule.* Any charitable contribution to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503(b)(2),

(iii) A hospital referred to in section 503(b)(5), or to a medical research organization (referred to in section 503(b)(5)) directly engaged in the continuous active conduct of medical research in conjunction with a hospital, if during the calendar year in which the contribution is made such organization is committed to spend such contributions for such research before January 1 of the fifth calendar year which begins after the date such contribution is made,

(iv) An organization referred to in section 503(b)(3) organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a college or university which is an organization referred to in clause (ii) of this subparagraph and which is an agency or instrumentality of a State or political subdivision thereof, or which is owned or operated by a State or political subdivision thereof or by an agency or instrumentality of one or more States or political subdivisions,

(v) A governmental unit referred to in subsection (c)(1), or

(vi) An organization referred to in subsection (c)(2) which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a)) from a governmental unit referred to in subsection (c)(1) or from direct or indirect contributions from the general public,

shall be allowed to the extent that the aggregate of such contributions does not exceed 10 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172.

• • • • •

(2) *Corporations.* In the case of a corporation, the total deductions under subsection (a) for any taxable year shall not exceed 5 percent of the taxpayer's taxable income computed without regard to—

(A) This section,

(B) Part VIII (except section 248),

(C) Any net operating loss carryback to the taxable year under section 172, and

(D) Section 922 (special deduction for Western Hemisphere trade corporations).

Any contribution made by a corporation in a taxable year (hereinafter in this sentence referred to as the "contribution year") in excess of the amount deductible for such year under the preceding sentence shall be deductible for each of the 5 succeeding taxable years in order of time, but only to the extent of the lesser of the two following amounts: (i) the excess of the maximum amount deductible for such succeeding taxable year under the preceding sentence over the sum of the contributions made in such year plus the aggregate of the excess contributions which were made in taxable years before the contribution year and which are deductible under this sentence for such succeeding taxable year; or (ii) in the case of the first succeeding taxable year, the amount of such excess contribution, and in the case of the second, third, fourth, or fifth succeeding taxable year, the portion of such excess contribution not deductible under this sentence for any taxable year intervening between the contribution year and such succeeding taxable year.

• • • • •

(5) *Carryover of certain excess contributions by individuals.* (A) In the case of an individual, if the amount of charitable contributions described in paragraph (1)(A) payment of which is made within a taxable year (hereinafter in this paragraph referred to as the "contribution year") beginning after December 31, 1963, exceeds 30 percent of the taxpayer's adjusted gross income for such year (computed without regard to any net operating loss carryback to such year under section 172), such excess shall be treated as a charitable contribution described in paragraph (1)(A) paid in each of the 5 succeeding taxable years in order of time, but, with respect to any such succeeding taxable year, only to the extent of the lesser of the two following amounts:

(i) The amount by which 30 percent of the taxpayer's adjusted gross income for such succeeding taxable year (computed without regard to any net operating loss carryback to such succeeding taxable year under section 172) exceeds the sum of the charitable contributions described in paragraph (1)(A) payment of which is made by the taxpayer within such succeeding taxable year (determined without regard to this subparagraph) and the charitable contributions described in paragraph (1)(A) payment of which was made in taxable years (beginning after December 31, 1963) before the contribution year which are treated under this subparagraph as having been paid in such succeeding taxable year; or

(ii) In the case of the first succeeding taxable year, the amount of such excess, and in the case of the second, third, fourth, or fifth succeeding taxable year, the portion of such excess not treated under this subparagraph as a charitable contribution described in paragraph (1)(A) paid in any taxable year intervening between the contribution year and such succeeding taxable year.

(B) In applying subparagraph (A), the excess determined under subparagraph (A) for the contribution year shall be reduced to the extent that such excess reduces taxable income (as computed for purposes of the second sentence of section 172(b)(2)) and increases the net operating loss deduction for a taxable year succeeding the contribution year.

• • • • •

(e) *Special rule for charitable contributions of certain property.* The amount of any charitable contribution taken into account under this section shall be reduced by the amount which would have been treated as gain to which section 1245(a) or 1250(a) applies if the property contributed had been sold at its fair market value (determined at the time of such contribution).

(f) *Future interests in tangible personal property.* For purposes of this section, payment of a charitable contribution which consists of a future interest in tangible personal property shall be treated as made only when all intervening interests in, and rights to the actual possession or enjoyment of, the property have expired or are held by persons other than the taxpayer or those standing in a relationship to the taxpayer described in section 267(b). For purposes of the preceding sentence, a fixture which is intended to be severed from the real property shall be treated as tangible personal property.

(g) *Application of unlimited charitable contribution deduction*—(1) *Allowance of deduction for taxable years beginning after December 31, 1963.* If the taxable year begins after December 31, 1963—

(A) Subsection (b)(1)(C) shall apply only if the taxpayer so elects (at such time and in such manner as the Secretary or his delegate by regulations prescribes); and

(B) For purposes of subsection (b)(1)(C), the amount of the charitable contributions for the taxable year, and for all prior taxable years beginning after December 31, 1963) shall be determined without the application of subsection (b)(5) and solely by reference to charitable contributions described in paragraph (2).



If the taxpayer elects to have subsection (b)(1)(C) apply for the taxable year, then for such taxable year subsection (a) shall apply only with respect to charitable contributions described in paragraph (2), and no amount of charitable contributions made in the taxable year or any prior taxable year may be treated under subsection (b)(5) as having been made in the taxable year or in any succeeding taxable year.

(2) *Qualified contributions.* The charitable contributions referred to in paragraph (1) are—

(A) Any charitable contribution described in subsection (b)(1)(A);

(B) Any charitable contribution, not described in subsection (b)(1)(A), to an organization described in subsection (c)(2) substantially more than half of the assets of which is devoted directly to, and substantially all of the income of which is expended directly for, the active conduct of the activities constituting the purpose or function for which it is organized and operated;

(C) Any charitable contribution, not described in subsection (b)(1)(A), to an organization described in subsection (c)(2) which meets the requirements of paragraph (3) with respect to such charitable contribution; and

(D) Any charitable contribution payment of which is made on or before the date of the enactment of the Revenue Act of 1964 [February 26, 1964].

(3) *Organizations expending at least 50 percent of donor's contributions.* An organization shall be an organization referred to in paragraph (2)(C), with respect to any charitable contribution, only if—

(A) Not later than the close of the third year after the organization's taxable year in which the contribution is received (or before such later time as the Secretary or his delegate may allow upon good cause shown by such organization), such organization expends an amount equal to at least 50 percent of such contribution for—

(i) The active conduct of the activities constituting the purpose or function for which it is organized and operated,

(ii) Assets which are directly devoted to such active conduct,

(iii) Contributions to organizations which are described in subsection (b)(1)(A) or in paragraph (2)(B) of this subsection, or

(iv) Any combination of the foregoing; and

(B) For the period beginning with the taxable year in which such contribution is received and ending with the taxable year in which subparagraph (A) is satisfied with respect to such contribution, such organization expends all of its net income (determined without regard to capital gains and losses) for the purposes described in clauses (i), (ii), (iii), and (iv) of subparagraph (A).

If the taxpayer so elects (at such time and in such manner as the Secretary or his delegate by regulations prescribes) with respect to contributions made by him to any organization, then, in applying subparagraph (B) with respect to contributions made by him to such organization during his taxable year for which such election is made and during all his subsequent taxable years, amounts expended by the organization after the close of any of its taxable years and on or before the 15th day of the third month following the close of such taxable year shall be treated as expended during such taxable year.

(4) *Disqualifying transactions.* An organization shall be an organization referred to in subparagraph (B) or (C) of paragraph (2) only if at no time during the period consisting of the organization's taxable year in which the contribution is received, its 3 preceding taxable years, and its 3 succeeding taxable years, such organization—

(A) Lends any part of its income or corpus to,

(B) Pays compensation (other than reasonable compensation for personal services actually rendered) to,

(C) Makes any of its services available on a preferential basis to,

(D) Purchases more than a minimal amount of securities or other property from, or

(E) Sells more than a minimal amount of securities or other property to,

the donor of such contribution, any member of his family (as defined in section 267(c)(4)), any employee of the donor, any officer or employee of a corporation in which he owns (directly or indirectly) 50 percent or more in value of the outstanding stock, or any partner or employee of a partnership in which he owns (directly or indirectly) 50 percent or more of the capital interest or profits interest. This paragraph shall not apply to transactions occurring on or before the date of the enactment of the Revenue Act of 1964 [February 26, 1964].

(h) *Disallowance of deductions in certain cases.* (1) For disallowance of deductions in case of contributions or gifts to charitable organizations engaged in prohibited transactions, see section 503(e).

(2) For disallowance of deductions for contributions to or for the use of communist controlled organizations, see section 11(a) of the Internal Security Act of 1950 (64 Stat. 996; 50 U.S.C. 790).

(i) *Other cross references.* (1) For charitable contributions of estates and trusts, see section 642(c).

(2) For nondeductibility of contributions by common trust funds, see section 584.

(3) For charitable contributions of partners, see section 702.

(4) For charitable contributions of nonresident aliens, see section 873.

(5) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 3 of the Act of March 31, 1944 (58 Stat. 135; 34 U.S.C. 1115b).

(6) For treatment of gifts for benefit of the library of the Post Office Department as gifts to or for the use of the United States, see section 2 of the Act of August 8, 1946 (60 Stat. 924; 5 U.S.C. 393).

(7) For treatment of gifts accepted by the Secretary of State under the Foreign Service Act of 1946 as gifts to or for the use of the United States, see section 1021(e) of that Act (60 Stat. 1032; 22 U.S.C. 809(e)).

(8) For treatment of gifts of money accepted by the Attorney General for credit to the "Commissary Funds Federal Prisons" as gifts to or for the use of the United States, see section 2 of the Act of May 15, 1952 (66 Stat. 73, as amended by the Act of July 9, 1952, 66 Stat. 479, 31 U.S.C. 725s-4).

[Sec. 170 as amended by sec. 1, Act of Aug. 7, 1956 (Pub. Law 1022, 84th Cong., 70 Stat. 1117); secs. 10, 11, and 12, Technical Amendments Act 1958 (72 Stat. 1609-10); sec. 7(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1002); sec. 13(d), Rev. Act 1962 (76 Stat. 1034); sec. 2, Act of Oct. 23, 1962 (Pub. Law 87-858, 76 Stat. 1134); secs. 209 and 231 (b), Rev. Act 1964 (78 Stat. 43, 100)]

PAR. 2. Section 1.170-1 is amended by revising paragraph (a) to read as follows:

**§ 1.170-1 Charitable, etc., contributions and gifts; allowance of deduction.**

(a) *In general*—(1) *General rule.* Any charitable contribution (as defined in section 170(c)) actually paid during the taxable year is allowable as a deduction in computing taxable income, regardless of the method of accounting

employed or when pledged. In addition, contributions by corporations may under certain circumstances be deductible even though not paid during the taxable year (see § 1.170–3). The deduction is subject to the limitations of section 170(b) (see §§ 1.170–2 and 1.170–3) and is subject to verification by the district director. For rules relating to the determination of, and the deduction for, amounts paid to maintain certain students as members of the taxpayer's household and treated under section 170 (d) as paid for the use of an organization described in section 170(c) (2), (3), or (4), see paragraph (f) of § 1.170–2. For a special rule relating to the computation of the amount of the deduction with respect to a contribution of section 1245 or section 1250 property, see section 170 (e).

(2) *Information required in support of deductions for taxable years beginning before January 1, 1964.* In connection with claims for deductions for charitable contributions paid in taxable years beginning before January 1, 1964, taxpayers shall state in their income tax returns the name and address of each organization to which a contribution was made and the amount and approximate date of the actual payment of each contribution. Any deduction for charitable contribution must be substantiated, when required by the district director, by a statement from the organization to which the contribution was made indicating whether the ogranization is a domestic organization, the name and address of the contributor, the amount of the contribution, and the date of its actual payment, and by such other information as the district director may deem necessary.

(3) *Information required in support of deductions for taxable years beginning after December 31, 1963*—(i) *In general.* In connection with claims for deductions for charitable contributions paid in taxable years beginning after December 31, 1963, taxpayers shall state in their income tax returns the name of each organization to which a contribution was made and the amount and date of the actual payment of each contribution. If a contribution is made in propetry other than money, the taxpayer shall state the kind of property contributed (for example, used clothing, paintings, securities) and shall state the method utilized in determining the fair market value of the property at the time the contribution was made. In any case in which a taxpayer makes numerous cash contributions to an organization during the taxable year, the taxpayer may state the total cash payments made to such organization during the taxable year in lieu of listing each cash contribution and the date of payment.

(ii) *Contribution by individual of property other than money.* If an individual taxpayer makes a charitable contribution of an item of property other than money and claims a deduction in excess of $200 in respect of his contribution of such item, he shall attach to his income tax return a statement setting forth the following information with respect to such item:

(a) The name and address of the organization to which the contribution was made.

(b) The date of the actual contribution.

(c) A description of the property in sufficient detail to identify the particular property contributed including, in the case of tangible property, the physical condition of the property at the time of contribution. In the case of securities, the name of the issuer, the type of security, and whether or not such security is regularly traded on a stock exchange or in an over-the-counter market.

(d) The manner (for example, by purchase, gift, bequest, inheritance, exchange, etc.) and the approximate date of acquisition of the property by the taxpayer. If the property was created, produced, or manufactured by the taxpayer, the approximate date the property was substantially completed.

(e) The fair market value of the property at the time the contribution was made, showing the method utilized in determining the fair market value. (If the valuation was determined by appraisal, a copy of the signed report of the appraiser should be submitted.)

(f) In the case of property (not including securities) held by the taxpayer for a period less than five years immediately preceding the date on which the contribution was made, the cost or other basis, adjusted as provided by section 1016. If available, the cost or other basis, adjusted as provided by section 1016, of property (not including securities) held for a period of five years or more prior to the time of contribution should be submitted.

(g) In the case of section 1245 or section 1250 property, the reduction by reason of section 170(e) in the amount of the charitable contribution taken into account under section 170.

(h) The terms of any agreement or understanding entered into by or on behalf of the taxpayer relating to the use, sale, or disposition of the property contributed. For example, there must be attached to the income tax return of an individual taxpayer the terms of any agreement or understanding which restricts the donee's right to dispose of the donated property (either temporarily or permanently) or which reserves to, or confers upon, anyone other than the donee organization (or an organization participating with such organization in cooperative fund raisng) any right to the income from such property, to the possession of the property (including the right to vote securities), to acquire such property by purchase or otherwise, or to designate who shall have such income, possession, or right to acquire. Notwithstanding the above, it will not be necessary to set forth the terms of any agreement or understanding which merely earmarks contributed property for a particular charitable use, such as the use of donated furniture in the reading room of the donee organization's library.

(i) The total amount claimed as a deduction for the taxable year due to the contribution of the property. If less than the entire interest in the property is contributed during the taxable year, the amount claimed as a deduction in any prior year or years for contributions of other interests in such property, the name and address of each organization to which any such contribution was made, the place where the property (if tangible property) is located or kept and the name of the person having actual possession of the property, if other than the organization to which the property giving rise to the deduction was contributed.

(iii) *Statement from donee organization.* Any deduction for a charitable contribution must be substantiated, when required by the district director, by a statement from the organization to which the contribution was made indicating whether the organization is a domestic organization, the name and address of the contributor, the amount of the contribution, the date of actual receipt of the contribution, and such other information as the district director may deem necessary. If the contribution includes an item of property (other than money or securities which are regularly traded on a stock exchange or in an over-the-counter market) which the donee deems to have a fair market value in excess of $200 at the time of receipt, such statement shall also indicate for each such item its location if retained by the organization, the amount received by the organization on any sale of the property and the date of sale, or in case of other disposition of the property, the method of disposition.

(Sec. 7805 of the Internal Revenue Code of 1954; 68 Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 21, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–13303; Filed, Dec. 28, 1964; 8:46 a.m.]

[T.D. 6786]

## PART 1—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Limitation on Amount of Casualty or Theft Loss Deduction

On October 29, 1964, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 165 of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 208 of the Revenue Act of 1964 (78 Stat. 43), and to reflect in § 1.165, statutory provisions; losses, of such Regulations the amendment of section 165(i) by section 3 of the Excise-Tax Rate Extension Act of 1964 (78 Stat. 237), relating to losses arising from confiscation of property by the Government of Cuba was published in the FEDERAL REGISTER (29 F.R. 14743). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as proposed are hereby adopted.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 22, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 165 of the Internal Revenue Code of 1954 to section 208 of the Revenue Act of 1964 (78 Stat. 43), and to reflect in § 1.165, statutory provisions; losses, of such Regulations the amendment of section 165(i) by section 3 of the Excise-Tax Rate Extension Act of 1964 (78 Stat. 237), relating to losses arising from confiscation of property by the Government of Cuba, such regulations are amended as follows:

PARAGRAPH 1. Section 1.165 is amended by revising section 165(c)(3), by redesignating section 165(i) as 165(j), by adding a new section 165(i), and by revising the historical note. These amended and added provisions read as follows:

**§ 1.165 Statutory provisions; losses.**

SEC. 165. *Losses.* • • •

(c) *Limitation on losses of individuals.* • • •

(3) Losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft. A loss described in this paragraph shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds $100. For purposes of the $100 limitation of the preceding sentence, a husband and wife making a joint return under section 6013 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed for estate tax purposes in the estate tax return.

• • • • •

(i) *Certain property confiscated by the Government of Cuba*—(1). *Treatment as subsection (c)(3) loss.* For purposes of this chapter, in the case of an individual who was a citizen of the United States, or a resident alien, on December 31, 1958, any loss of property which—

(A) Was sustained by reason of the expropriation, intervention, seizure, or similar taking of the property, before January 1, 1964, by the government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing, and

(B) Was not a loss described in paragraph (1) or (2) of subsection (c),

shall be treated as a loss to which paragraph (3) of subsection (c) applies. In the case of tangible property, the preceding sentence shall not apply unless the property was held by the taxpayer, and was located in Cuba, on December 31, 1958.

(2) *Special rules.* (A) For purposes of subsection (a), any loss described in paragraph (1) shall be treated as having been sustained on October 14, 1960, unless it is established that the loss was sustained on some other day.

(B) For purposes of subsection (a), the fair market value of property held by the taxpayer on December 31, 1958, to which paragraph (1) applies, on the day on which the loss of such property was sustained, shall be its fair market value on December 31, 1958.

(C) For purposes of section 172, a loss described in paragraph (1) shall not be treated as an expropriation loss within the meaning of section 172(k).

(D) For purposes of section 6601, the amount of any tax imposed by this title shall not be reduced by virtue of this subsection for any period prior to February 26, 1964.

(3) *Refunds or credits.* Notwithstanding any law or rule of law, refund or credit of any overpayment attributable to the application of paragraph (1) may be made or allowed if claim therefor is filed before January 1, 1965. No interest shall be allowed with respect to any such refund or credit for any period prior to February 26, 1964.

(j) *Cross references.* (1) For special rule for banks with respect to worthless securities, see section 582.

(2) For disallowance of deduction for worthlessness of securities to which subsection (g)(2)(C) applies, if issued by a political party or similar organization, see section 271.

(3) For special rule for losses on stock in a small business investment company, see section 1242.

(4) For special rule for losses of a small business investment company, see section 1243.

(5) For special rule for losses on small business stock, see section 1244.

[Sec. 165 as amended by secs. 7 and 57 (c)(1), Technical Amendments Act 1958 (72 Stat. 1606, 1646); sec. 202 (a), Small Business Tax Revision Act 1958 (72 Stat. 1676); secs. 208 and 238, Rev. Act 1964 (78 Stat. 43, 128); sec. 3, Excise-Tax Rate Extension Act 1964 (78 Stat. 237)]

PAR. 2. Section 1.165–7 is amended by revising paragraph (a)(1) and by adding a new subparagraph (4) to paragraph (b). These amended and added provisions read as follows:

**§ 1.165–7 Casualty losses.**

(a) *In general*—(1) *Allowance of deduction.* Except as otherwise provided in paragraphs (b)(4) and (c) of this section, any loss arising from fire, storm, shipwreck, or other casualty is allowable as a deduction under section 165(a) for the taxable year in which the loss is sustained. However, see § 1.165–6, relating to farming losses, and § 1.165–11, relating to an election by a taxpayer to deduct disaster losses in the taxable year immediately preceding the taxable year in which the casualty occurred. The manner of determining the amount of a casualty loss allowable as a deduction in computing taxable income under section 63 is the same whether the loss has been incurred in a trade or business or in any transaction entered into for profit, or whether it has been a loss of property not connected with a trade or business and not incurred in any transaction entered into for profit. The amount of a casualty loss shall be determined in accordance with paragraph (b) of this section. For other rules relating to the treatment of deductible casualty losses, see § 1.1231–1, relating to the involuntary conversion of property.

• • • • •

(b) *Amount deductible.* • • •

(4) *Limitation on certain losses sustained by individuals after December 31, 1963.* (i) Pursuant to section 165(c)(3), the deduction allowable under section 165(a) in respect of a loss sustained—

(a) After December 31, 1963, in a taxable year ending after such date,

(b) In respect of property not used in a trade or business or for income producing purposes, and

(c) From a single casualty

shall be limited to that portion of the loss which is in excess of $100. The nondeductibility of the first $100 of loss applies to a loss sustained after December 31, 1963, without regard to when the casualty occurred. Thus, if property not used in a trade or business or for income producing purposes is damaged or destroyed by a casualty which occurred prior to January 1, 1964, and loss resulting therefrom is sustained after December 31, 1963, the $100 limitation applies.

(ii) The $100 limitation applies separately in respect of each casualty and applies to the entire loss sustained from each casualty. Thus, if as a result of a particular casualty occurring in 1964, a taxpayer sustains in 1964 a loss of $40 and in 1965 a loss of $250, no deduction is allowable for the loss sustained in 1964 and the loss sustained in 1965 must be reduced by $60 ($100—$40). The determination of whether damage to, or destruction of, property resulted from a single casualty or from two or more separate casualties will be made upon the basis of the particular facts of each case. However, events which are closely related in origin generally give rise to a single casualty. For example, if a storm damages a taxpayer's residence and his automobile parked in his driveway, any loss sustained results from a single casualty. Similarly, if a hurricane causes high waves, all wind and flood damage to a taxpayer's property caused by the hurricane and the waves results from a single casualty.

(iii) Except as otherwise provided in this subdivision, the $100 limitation applies separately to each individual taxpayer who sustains a loss even though the property damaged or destroyed is owned by two or more individuals. Thus, if a house occupied by two sisters and jointly owned by them is damaged or destroyed, the $100 limitation applies separately to each sister in respect of any loss sustained by her. However, for purposes of applying the $100 limitation, a husband and wife who file a joint return for the first taxable year in which the loss is allowable as a deduction are treated as one individual taxpayer. Accordingly, if property jointly owned by a husband and wife, or property separately owned by the husband or by the wife, is damaged or destroyed by a single casualty in 1964, and a loss is sustained in that year by either or both the husband or wife, only one $100 limitation applies if a joint return is filed for 1964. If, however, the husband and wife file separate returns for 1964, the $100 limitation applies separately in respect of any loss sustained by the husband and in respect of any loss sustained by the wife. Where losses from a single casualty are sustained in two or more separate tax years, the husband and wife shall, for purposes of applying the $100 limitation to such losses, be treated as one individ-

ual for all such years if they file a joint return for the first year in which a loss is sustained from the casualty; they shall be treated as separate individuals for all such years if they file separate returns for the first such year. If a joint return is filed in the first loss year but separate returns are filed in a subsequent year, any unused portion of the $100 limitation shall be allocated equally between the husband and wife in the latter year.

(iv) If a loss is sustained in respect of property used partially for business and partially for nonbusiness purposes, the $100 limitation applies only to that portion of the loss properly attributable to the nonbusiness use. For example, if a taxpayer sustains a $1,000 loss in respect of an automobile which he uses 60 percent for business and 40 percent for nonbusiness, the loss is allocated 60 percent to business use and 40 percent to nonbusiness use. The $100 limitation applies to the portion of the loss allocable to the nonbusiness loss.

PAR. 3. Section 1.165–8 is amended by revising paragraphs (a)(1) and (c) to read as follows:

**§ 1.165–8 Theft losses.**

(a) *Allowance of deduction.* (1) Except as otherwise provided in paragraphs (b) and (c) of this section, any loss arising from theft is allowable as a deduction under section 165(a) for the taxable year in which the loss is sustained. See section 165(c)(3).

* * * * * *

(c) *Amount deductible.* The amount deductible under this section in respect of a theft loss shall be determined consistently with the manner prescribed in § 1.165–7 for determining the amount of casualty loss allowable as a deduction under section 165(a). In applying the provisions of paragraph (b) of § 1.165–7 for this purpose, the fair market value of the property immediately after the theft shall be considered to be zero. In the case of a loss sustained after December 31, 1963, in a taxable year ending after such date, in respect of property not used in a trade or business or for income producing purposes, the amount deductible shall be limited to that portion of the loss which is in excess of $100. For rules applicable in applying the $100 limitation, see paragraph (b)(4) of § 1.165–7. For other rules relating to the treatment of deductible theft losses, see § 1.1231–1, relating to the involuntary conversion of property.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–13350; Filed, Dec. 28, 1964; 8:49 a.m.]

[T.D. 6787]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Earnings and Profits of Controlled Foreign Corporations

In order to make certain changes in the Income Tax Regulations (26 CFR Part 1) under section 964(a) of the Internal Revenue Code of 1954, § 1.964–1 is amended by revising paragraph (b)(1)(ii) and (2)(i) and by revising paragraph (e)(4)(ii). These amended provisions read as follows:

**§ 1.964–1 Determination of the earnings and profits of a foreign corporation.**

* * * * * *

(b) *Accounting adjustments*—(1) *In general.* * * *

(ii) *Physical assets, depreciation, etc.* All physical assets (as defined in paragraph (e)(5)(ii) of this section), including inventory when reflected at cost, shall be taken into account at historical cost computed either for individual assets or groups of similar assets. The historical cost of such an asset shall not reflect any appreciation or depreciation in its value or in the relative value of the currency in which its cost was incurred. Depreciation, depletion, and amortization allowances shall be based on the historical cost of the underlying asset and no effect shall be given to any such allowance determined on the basis of a factor other than historical cost. For special rules for determining historical cost where assets are acquired during a taxable year beginning before January 1, 1950, or a majority interest in the foreign corporation is acquired after December 31, 1949, but before October 27, 1964, see subparagraph (2) of this paragraph.

* * * * * *

(2) *Historical cost.* * * *

(i) In the event that the foreign corporation became a majority owned subsidiary of a United States person (within the meaning of section 7701(a)(30)) after December 31, 1949, but before October 27, 1964, and the asset was held by such foreign corporation at that time, as though the asset was purchased on the date during such period the foreign corporation first became a majority owned subsidiary at a price equal to its then fair market value, or

* * * * * *

(e) *Exchange gain or loss.* * * *

(4) *Translation of balance sheet.* * * *

(ii) *Physical assets.* Amounts representing physical assets (other than inventory) shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the asset was incurred or is deemed to have been incurred. For special rules for determining date on which the historical cost of certain assets acquired during taxable years beginning before January 1, 1950, or owned at the time a majority interest in the corporation was acquired after December 31, 1949, but before October 27, 1964, is deemed to have been incurred, see paragraph (b)(2) of this section.

Because this Treasury decision amends existing regulations merely by liberalizing the application of the election under § 1.964–1(b)(2), it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 9(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 23, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–13351; Filed, Dec. 28, 1964; 8:49 a.m.]

# Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

## Chapter I—Patent Office, Department of Commerce

## PART 1—RULES OF PRACTICE IN PATENT CASES

## PART 3—FORMS FOR PATENT CASES

### Forms and Rules of Practice

The following amended rules of practice and illustrative forms are adopted pursuant to Public Law 88–292, March 26, 1964, 78 Stat. 171, thus prescribing the documents presently required to be filed in the Patent Office under oath which may be subscribed to by a written declaration in the indicated form in lieu of the oath otherwise required.

In the FEDERAL REGISTER of June 24, 1964, proposed amended § 1.65 and a proposed § 1.68 as well as an illustrative form (3.11(a)) for this purpose were published and intention was stated to conform other affected rules and forms to effect the purpose of Public Law 88–292.

Interested persons were invited to submit their comments or suggestions on the proposals, and full and careful consideration has been given to all the material submitted.

Use of the declaration in the prescribed instances may be any applicant, foreign or domestic. The provisions of § 1.66 of the rules relating to oaths remain in effect with respect to oaths when oaths are used, but this rule is not applicable to a declaration when used as an alternative to an oath. When a declaration is used, the ribboning procedure is not necessary, nor is it necessary to appear before an official in connection with the making of a declaration.

Suggestions were made that the rules allow the declaration to be made separately, apart from the other parts of the application. Except in the case of the declaration not accompanying an already accepted application (form 3.13(a)), and in the case of the supplemental declaration for amendment presenting claims for material disclosed but not originally claimed (form 3.14(a)), the declaration, like the oath, is an integral part of the application in accordance with section III of Title 35 of the United States Code, and 37 CFR 1.51 and shall be maintained together therewith.

Further suggestions were made that the use of the declaration be extended even further than was proposed.



Amendments herein adopted would allow the declaration to be used as part of the original application for a patent involving designs, plants, and other patentable inventions; for reissue patents; when claiming matter originally shown or described but not originally claimed; or when filing a divisional or continuing application. Experience in these areas may very well provide a basis for more extended use of declarations in the future but, as an initial matter, the use will be limited to these listed instances.

These amended rules shall take effect on the date of this publication. Declarations, executed on and after that date, in proper form, will be accepted in the prescribed instances in lieu of the oath heretofore required.

The text of the new rule, amendments to existing rules, and illustrative forms follows:

Sections 1.41, 1.42, 1.43, 1.45, 1.47, 1.51, 1.52, 1.57, 1.61, 1.67, 1.76, 1.153, 1.162, and 1.175 are amended by inserting the words "or declaration" after the word "oath" wherever it occurs, including occurrences in the title of a section.

Paragraph (c) of § 1.52 is amended by inserting the phrase ", or declaration made," after the phrase "signed and sworn to".

Paragraph (a) of § 1.172 is amended by inserting the phrase ", or declaration made," after the phrase "sworn to" in the two occurrences of this latter phrase.

The caption "THE OATH", preceding § 1.65 is amended to read "STATEMENT; OATH OR DECLARATION".

Section 1.65 is amended to read as follows:

**§ 1.65 Statement of applicant.**

(a)(1) The applicant, if the inventor, must state that he verily believes himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter, or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to his application or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. He shall state whether or not any application for patent on the same invention has been filed in any foreign country, either by himself, or by his legal representatives or assigns. If any such application has been filed, the applicant shall name the country in which the earliest such application was filed, and shall give the day, month, and year of its filing; he shall also identify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the application in this country. (2) This statement (i) must be subscribed to by the applicant, and (ii) must either (a) be sworn to (or affirmed) as provided in § 1.66, or (b) include the personal declaration of the applicant as prescribed in § 1.68. See § 1.153 for design cases and § 1.162 for plant cases.

(b) If the application is made as provided in §§ 1.42, 1.43, or 1.47, the applicant shall state his relationship to the inventor and, upon information and belief, the facts which the inventor is required by this section to state.

(c) An additional statement may be required if the application has not been filed in the Patent Office within a reasonable time after execution of the original statement.

A new § 1.68 is included to read as follows:

**§ 1.68 Declaration in lieu of application oath.**

(a) The applicant may, in lieu of making an oath or affirmation in the manner provided by § 1.66, set forth in the body of the statement required from him by § 1.65 his written declaration that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, if, and only if, the applicant is, on the same paper, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

(b) A written declaration by the applicant satisfying the foregoing conditions, may also be used in lieu of an oath when presenting a claim for matter not originally claimed (§ 1.67), when applying for a reissue patent (§§ 1.171 and 1.172), when applying for a patent for a design (§§ 1.151 and 1.153), and when applying for a patent for a plant (§§ 1.161 and 1.162).

Form 3.11a, an alternative to form 3.11, *Oath to accompany application for patent,* follows:

3.11a *Declaration to accompany application for patent.*

(Sections 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances. The petition and specification precede the declaration.)

(1) ----------, the above-named petitioner-- declare-- that ---------- citizen-- of the United States (2) and resident-- of (3) ---------- that ---------- verily believe-- (4) ---------- to be the original, first, and (5) ---------- inventor-- of the improvement in (6) ---------- described and claimed in the annexed specification; that (7) ---------- do-- not know and do-- not believe that the same was ever known or used before (8) ---------- invention thereof, or patented or described in any printed publication in any country before (8) ---------- invention thereof, or more than one year prior to this application, or in public use or on sale in the United States more than one year prior to this application; that said invention has not been patented in any country foreign to the United States or an application filed by (9) ---------- or (8) ---------- legal representatives or assigns more than twelve months prior to this application; and that no application for patent on said invention has been filed by (9) ---------- or (8) ---------- representatives or assigns in any country foreign to the United States, except as follows: (10) ----------

The undersigned petitioner-- declare-- further that all statements made herein of (8) ---------- own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's full name or names (11) ----------

---

(Signature)

Date ----------.

Notes: See §§ 1.65 and 1.68.

(1) Name of inventor; if the invention is joint, the names of all the joint inventors.

(2) If the applicant be an alien, state of what foreign country he is a citizen or subject.

(3) Give city and state, or if a foreign resident, city and country, of residence. If more than one inventor give residences of each inventor if different. Street address need not be given here as it appears elsewhere.

(4) "Himself" in the case of a sole inventor; "themselves" in the case of joint inventors.

(5) "Sole" in the case of a sole inventor; "joint" in the case of point inventors.

(6) Title of the invention.

(7) "He" in the case of a sole inventor; "they" in the case of joint inventors.

(8) "His" in the case of a sole inventor; "their" in the case of joint inventors.

(9) "Him" in the case of a sole inventor; "them" in the case of joint inventors.

(10) If no application has been filed in a foreign country strike out the words "except as follows:". If one or more applications have been filed in foreign countries, the first application and each application more than twelve months old (six months in design cases) must be recited. The country and date of filing the foreign application must be given and the number of the application or other identifying data may also be stated. The claim for priority under 35 U.S.C. 119 (see § 1.55) may be made here. The following examples illustrate various situations.

(a) Only one prior foreign application filed: state "in (country) on (date)." If the right of priority is also claimed add "the right of priority of which application is claimed."

(b) More than one prior foreign application: state "in (country) on (date) and in other countries on subsequent dates." The country and date do not need to be recited except for the first filed application and each application more than twelve months old (six months in design cases).

(11) All petitioners are to sign (see section 1.41).

Form 3.12a, an alternative to form 3.12, *Oath to accompany application for patent, by an administrator (or executor),* follows:

3.12a *Declaration to accompany application for patent by an administrator (or executor).*

(Sections 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances.)

A ----------, B ----------, the above-named petitioner, declares that he is a citi-

zen of the United States of America and a resident of _____, that he is the administrator of the estate (or executor of the last will and testament) of C _____ D _____, deceased, late a citizen of the United States and resident of _____, that he verily believes the said C _____ D _____ to be the original, first and sole inventor of the improvement in _____ described and claimed in the foregoing specification; that he does not know and does not believe that the same was ever known or used before the invention thereof by the said C _____ D _____, or patented or described in any printed publication in any country before the said invention thereof, or more than one year prior to this application, or in public use or on sale in the United States more than one year prior to this application; that said invention has not been patented in any country foreign to the United States on an application filed by the said C _____ D _____ or his legal representatives or assigns more than twelve months prior to this application; and that no application for patent on said invention has been filed by the said C _____ D _____ or his representatives or assigns in any country foreign to the United States except as follows: _____

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. Inventor's full name or names _____

_____
(Signature)

Date _____.

Form 3.13a, an alternative to form 3.13, *Oath not accompanying application*, follows:

3.13a *Declaration not accompanying application.*

(Sections 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances.)

A _____ B _____, declares that he is a citizen of the United States of America and resident of _____, that on _____, 19____, he filed application for patent Serial No. _____ in the United States Patent Office, that he verily believes himself to be the original, first and sole inventor of the improvement in _____ described and claimed in the specification of said application for patent; that he does not know and does not believe that the same was ever known or used before his invention thereof, or patented or described in any printed publication in any country before his invention thereof, or more than one year prior to the date of said application, or in public use or on sale in the United States more than one year prior to the date of said application; that said invention has not been patented before the date of said application in any country foreign to the United States on an application filed by him or his legal representatives or assigns more than twelve months prior to the date of said application; and that no application for patent on said invention has been filed by him or his representatives or assigns in any country foreign to the United States, except as follows:

The undersigned petitioner declares further that all statements made herein of _____ own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. Inventor's full name or names _____

_____
(Signature)

Date _____.

Form 3.14a, an alternative to form 3.14, *Supplemental oath for amendment presenting claims for matter disclosed but not originally claimed*, follows:

3.14a *Supplemental declaration for amendment presenting claims for matter disclosed but not originally claimed.*

(Sections 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances)

_____, whose application for letters patent for an improvement in _____, Serial No. _____, was filed in the United States Patent Office on or about the _____ day of _____, 19__, declares that the subject matter of the foregoing (1) amendment was part of his invention, was invented before he filed his original application, above identified, for such invention; that he does not know and does not believe that the same was ever known or used before his invention thereof, or patented or described in any printed publication in any country before his invention thereof, or more than one year before his application, or in public use or on sale in the United States more than one year before the date of his application, that said invention has not been patented in any foreign country before the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in the United States, and has not been abandoned.

The undersigned petitioner declares further that all statements made herein of _____ own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. Inventor's full name or names _____

_____
(Signature)

Date _____.

Form 3.16a, an alternative to form 3.16, *Combined petition, oath, and specification (single signature form); sole inventor*, follows:

3.16a *Combined petition, declaration and specification (single signature form); sole inventor.*

(§§ 1.65 and 1.68 provide for a declaration in (Sections 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances.)

[TITLE OF INVENTION]

[SPECIFICATION]

I, _____, declare that I am a citizen of _____, residing at _____; that I have read the foregoing specification and claims and I verily believe I am the original, first, and sole inventor of the invention in _____ described and claimed therein; that I do not know and do not believe that this invention was ever known or used before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to this application; or in public use or on sale in the United States more than one year prior to this application; that this invention has not been patented in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months before this application; and that no application for patent on this invention has been filed by me or my representatives or assigns in any country foreign to the United States, except as follows:

And I hereby appoint _____, Registration No. _____, my attorney (or agent) to prosecute this application and to transact all business to the Patent Office connected therewith.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

The undersigned petitioner declares further that all statements made herein of _____ own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's full name or names _____

_____
(Signature)

Date _____.
Post office address: _____

NOTE: This form may be executed only when attached to a complete application as the last page thereof.

Form 3.17a, an alternative to form 3.17, *Oath in division or continuing application*, follows:

3.17a *Declaration in division or continuing application.*

(§§ 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances)

[This form of declaration may be used with an application disclosing and claiming only subject matter disclosed in a prior copending application of the same inventor.]

_____; the above-named petitioner declares that he is a citizen of the United States and resident of _____, that he verily believes himself to be the original, first, and sole inventor of the improvement in _____ described and claimed in the foregoing specification, that this application discloses and claims only subject matter disclosed in his pending application, Serial No. _____, filed _____; that he does not know and does not believe that the said invention was ever known or used before his invention thereof, or patented or described in any printed publication in any country before his invention thereof, or more than one year prior to said application, or in public use or on sale in the United States more than one year prior to said application; that said invention has not been patented before the date of said application in any country foreign to the United States on an application filed by him or his legal representatives or assigns more than twelve months prior to said application; and that no application for patent on said invention has been filed by him or his representatives or assigns in any country foreign to the United States, except as follows: _____

The undersigned petitioner declares further that all statements made herein of _____ own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's full name or names _____

_____
(Signature)

Date _____.

The title to form 3.18 is amended to read: *"Oath in copending application containing additional subject matter,* and a form 3.18a, alternative to form 3.18 follows:

3.18a *Declaration in copending application containing additional subject matter.*

(§§ 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances.)

[This form of declaration may be used with an application disclosing and claiming subject matter disclosed in a prior copending application of the same inventor and also disclosing additional subject matter.]

_____, the above-named petitioner, declares that he is a citizen of the United States and resident of _____, that he verily believes himself to be the original, first and sole inventor of the improvement in _____ described and claimed in the foregoing specification; that this application in part discloses and claims subject matter disclosed in his earlier filed pending application, Serial No. _____, filed _____; that, as to the subject matter of this application which is common to said earlier application, he does not know and does not believe that the same was ever known or used before his invention thereof or patented or described in any printed publication in any country before his invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application; that said common subject matter has not been patented before the date of said earlier application in any country foreign to the United States on an application filed by him or his legal representatives or assigns more than twelve months prior to said application; and that no application for patent on said invention has been filed by him or his representatives or assigns in any country foreign to the United States, except as follows _____; that, as to the subject matter of this application which is not common to said earlier application, he does not know and does not believe that the same was ever known or used before his invention thereof or patented or described in any printed publication in any country before his invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented in any country foreign to the United States on an application filed by him or his legal representatives or assigns more than twelve months prior to the date of this application; and that no application for patent on said invention has been filed by him or his representatives or assigns in any country foreign to the United States, except as follows: _____

The undersigned petitioner declares further that all statements made herein of _____ own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. Inventor's full name or names _____

_____
(Signature)

Date _____.

The parenthetical material reading "(The specification and oath follow the petition.)" following form 3.21 is amended to read: "(The specification and oath, or declaration, follow the petition.)"

Form 3.23a, an alternative to form 3.23, *Design patent application, oath*, follows:

3.23a *Design patent application; declaration.*

(Sections 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances.)

_____, the above-named petitioner __, declare __ that _____ citizen __ of _____, and resident __ of _____, that _____ verily believe __ to be the original, first and _____ inventor __ of the design for _____ described and claimed in the foregoing specification; that _____ do __ not know and do __ not believe that the same was ever known or used before _____ invention thereof, or patented or described in any printed publication in any country before _____ invention thereof, or more than one year prior to this application, or in public use or on sale in the United States more than one year prior to this application; that said design has not been patented in any country foreign to the United States on an application filed by _____ or _____ _____ legal representatives or assigns more than six months prior to this application; and that no application for patent on said design has been filed by _____ or _____ representatives or assigns in any country foreign to the United States, except as follows: _____

The undersigned petitioner __ declare __ further that all statements made herein of _____ own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's full name or names _____

_____
(Signature)

Date _____.
Post Office address _____
NOTE: See applicable notes under form 3.11(a).

The parenthetical material reading "(The specification and oath follow the petition.)" following form 3.25 is amended to read: "(The specification and oath, or declaration, follow the petition)".

Form 3.26a, an alternative to form 3.26, *Plant patent application, oath*, follows:

3.26a *Plant patent application, declaration.*

(§§ 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances.)

A _____ B _____, the above-named petitioner declares that he is a citizen of the United States of America and resident of _____, that he verily believes himself to be the original, first, and sole inventor of the new and distinct variety of _____ described and claimed in the foregoing specification; that he has asexually reproduced the said new and distinct variety; that he does not know and does not believe that the same was ever known or used before his invention thereof, or patented or described in any printed publication in any country before his invention thereof, or more than one year prior to this application, or in public use or on sale in the United States more than one year prior to this application; that said invention has not been patented in any country foreign to the United States on an application filed by him or his legal representatives or assigns more than twelve months prior to this application; and that no application for patent on said new and distinct variety of plant has been filed by him or his representatives or assigns in any country foreign to the United States, except as follows:

The undersigned petitioner declares further that all statements made herein of _____ own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. Inventor's full name or names _____

_____
(Signature)

Date _____.
Post office address _____

Form 3.31a, an alternative to form 3.31, *Reissue application, oath; by the inventor*, follows:

3.31a *Reissue application, declaration; by the inventor.*

(Sections 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances.)

_____, the above-named petitioner, declares that he is a citizen of the United States of America, and a resident of _____ in the State of _____; that he verily believes himself to be the original, first, and sole inventor of the invention described and claimed in letters patent No. _____ and in the foregoing specification and for which improvement he solicits a patent; that he does not know and does not believe that said improvement was ever known or used before his invention thereof, that (continue with the allegations and facts required by § 1.175) _____

The undersigned petitioner __ declare __ further that all statements made herein of _____ own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's full name or names _____

_____
(Signature)

Date _____.
Post office address _____

Form 3.32a, an alternative to form 3.32, *Reissue application, oath; by assignee*, follows:

3.32a *Reissue application, declaration; by assignee.*

(Sections 1.65 and 1.68 provide for a declaration in lieu or in place of an oath in certain instances.)

A ---------- B ----------, the above-named petitioner, says that he is a citizen of the United States and resident of ---------- in the State of ----------; that the entire title of letters patent No. ----------, for ----------, granted on ---------- to C ---------- D ----------, is vested in him; that he verily believes the said C ---------- D ---------- to be the original, first and sole inventor of the invention described and claimed in the aforesaid letters patent and in the foregoing specification; that he does not know and does not believe that said invention was ever known or used before the invention thereof by the said C ---------- D ----------; that (continue with the allegations and facts required by § 1.175) ----------.

The undersigned petitioner... declare... further that all statements made herein of ---------- own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's full name or names ----------

---------- (Signature)

Date ----------

Post office address ----------

NOTE: May be used only when the reissue application does not seek to enlarge the claims of the original patent.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6; P.L. 88-292, 78 Stat. 171)

EDWARD J. BRENNER,
*Commissioner of Patents.*

Approved:
J. HERBERT HOLLOMON,
*Assistant Secretary for Science and Technology.*

[F.R. Doc. 64-13368; Filed, Dec. 28, 1964; 8:51 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 151—CUSTOMS

## PART 168—DIRECTORY OF INTERNATIONAL MAIL

### Miscellaneous Amendments

**§ 151.3 [Amended]**

In § 151.3 *Examination*, amend paragraph (e) by adding, in proper order, the following customs places:

Lake Charles, La.
Charlotte, N.C.
Mayaguez, Puerto Rico.
Ponce, Puerto Rico
Beaumont, Tex.
Petersburg, Va.
Superior, Wis.

NOTE: The corresponding Postal Manual section is 261.35.

**§ 168.5 [Amended]**

In § 168.5 *Individual country regulations*, make the following change:

In country "Canada", (29 F.R. 258), under Postal Union Mail, amend the two sample addresses appearing in the first paragraph of *Observations* by changing "CAPO (number)" to "CFPO (number)".

NOTE: The above amendment is effective January 1, 1965.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-13344; Filed, Dec. 28, 1964; 8:48 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 947; Amdt. 3]

### PART 95—CAR SERVICE

### Railroad Operating Regulations for Freight Car Movement

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670) and:

It appearing, that an acute shortage of freight cars continues to exist in all sections of the country; that cars loaded and empty are unduly delayed in terminals and in placement at, or removal from industries; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient to promote the most efficient utilization of cars; it is the opinion of the Commission that the continuance of the emergency requires the order of November 7, 1963, to remain in effect for an additional period of time to promote car service in the interest of the public and the commerce of the people.

*It is ordered*, That:

Section 95.947 *RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT*, of Service Order No. 947, be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

**§ 95.947 Railroad operating regulations for freight car movement.**

* * * * *

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

*It is further ordered*, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-13362; Filed, Dec. 28, 1964; 8:50 a.m.]

[S.O. 953; Amdt. 1]

### PART 95—CAR SERVICE

### Free Time on Unloading Box Cars at Ports

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 16th day of December A.D. 1964.

Upon further consideration of Service Order No. 953 (29 F.R. 1570) and:

It appearing, that a critical shortage of box cars continues to exist, that such cars are being delayed unduly in unloading at ports and that free time published in tariffs for unloading such cars aggravates the shortage, impeding the use, control, supply, movement, distribution, exchange, interchange and return of such cars; it is the opinion of the Commission that the continuance of the emergency requires the order of January 24, 1964, to remain in effect for an additional period of time to promote car service in the interest of the public and the commerce of the people.

*It is ordered*, That:

Section 95.953 *FREE TIME ON UNLOADING BOX CARS AT PORTS*, of Service Order No. 953, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

**§ 95.953 Free time on unloading box cars at ports.**

* * * * *

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., December 31, 1964.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

*It is further ordered*, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-13361; Filed, Dec. 28, 1964; 8:50 a.m.]



# Title 15—COMMERCE AND FOREIGN TRADE

## Subtitle A—Office of the Secretary of Commerce

## PART 9—STANDARDS FOR SEAT BELTS FOR USE IN MOTOR VEHICLES

### Correction of Codification

The Standards for Seat Belts for Use in Motor Vehicles, 29 F.R. 16973, was inadvertently assigned Part 7. The correct part number is Part 9.

Dated: December 22, 1964.

HERBERT W. KLOTZ,
*Assistant Secretary for Administration.*

[F.R. Doc. 64-13367; Filed, Dec. 28, 1964; 8:51 a.m.]

## Chapter II—National Bureau of Standards, Department of Commerce

### SUBCHAPTER A—TEST FEE SCHEDULES

### PART 203—HEAT

Pursuant to authority contained in 15 U.S.C. 275a the following revision is effective upon publication in the FEDERAL REGISTER.

TEMPERATURE PHYSICS

Sec.
203.101 Laboratory thermometers.
203.102 Thermocouples, thermocouple materials, and pyrometer indicators.
203.103 Resistance thermometers.
203.105 Optical pyrometers and ribbon filament lamps.

AUTHORITY: The provisions of this Part 203 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

TEMPERATURE PHYSICS

**§ 203.101 Laboratory thermometers.**

Only thermometers identified uniquely by serial number will be accepted for test.

| Item | Description | Fee |
|---|---|---|
| 203.101a | Thermometers, testing at points from 0 to 100° C. inclusive, or from 32 to 212° F. inclusive, for each point tested | $12.00 |
| 203.101b | Thermometers, testing at points from 101 to 300° C. inclusive, or from 213 to 600° F. inclusive, for each point tested | 20.00 |
| 203.101c | Thermometers, testing at points from 301 to 500° C. inclusive, or from 601 to 950° F. inclusive, for each point tested | 33.00 |
| 203.101d | Thermometers, testing at points from −1 to −110° C. inclusive, or from 31 to −166° F. inclusive, for each point tested | 35.00 |
| 203.101e | Thermometers, testing in liquid air, oxygen, or liquid nitrogen (−183° to −196° C.), for each point tested | 55.00 |
| 203.101f | Calorimeter thermometers | 75.00 |
| 203.101g | Beckmann thermometers, with 5° or 6° scale, testing at 0.5° intervals by comparison with precision standards | 80.00 |
| 203.101h | When instruments submitted are found to be unsuitable for test or unreliable a charge will be made to cover the cost of the work done. Minimum fee | 1.00 |
| 203.101i | Preliminary examination for foreign material in the mercury column and bulb and for a separated mercury column will be made as required. Separated mercury column will be reunited provided this can be accomplished readily. Maximum fee | 3.00 |
| 203.101z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

**§ 203.102 Thermocouples, thermocouple materials and pyrometer indicators.**

(a) Only the bare wires are required in order to perform the thermocouple calibrations in this schedule. It is preferable not to send insulating and protecting tubes, as the rate of breakage of these in shipment is high. If the thermocouple is furnished mounted (as in a protection-tube assembly) a charge of $5.00 will be made for dismantling the mounting, and the various parts will be returned to the sender without reassembling them.

(b) Thermocouple length requirements listed below are exclusive of lead wire. Lead wire need not be sent with thermocouples.

(c) All thermocouple calibration data furnished in reports will be on the basis of a reference junction temperature of 0° C., or 32° F.

(d) The calibration or test of an article will not be undertaken if, in our opinion, the article will not yield the specified accuracy, or if it possesses such unusual characteristics as to prevent the carrying out of the calibration or test at a reasonable cost. Only unused base-metal thermocouples and thermocouple materials will be accepted for test.

| Item | Description | Fee |
|---|---|---|
| 203.102a | High-temperature thermocouples and thermocouple materials. Minimum length 24 in. Corresponding values of emf and temperature at 4 to 15 points in the range 0 to 1450° C. (32° to 2650° F.) | $85.00 |
| | The uncertainties in the values of temperature corresponding to the values of emf reported for platinum vs. platinum-rhodium thermocouples are estimated not to exceed 0.5 degree in the range 0 to 1100° C. and increase to not more than 2 degrees at 1450° C. Results for platinum vs. platinum-10 percent rhodium thermocouples are given at 1 degree intervals over the entire range 0 to 1450° C. | |
| | The uncertainties in the values of temperature corresponding to the values of emf reported for base-metal thermocouples are estimated not to exceed 1 degree Celsius. Base-metal thermocouples are not tested above 1100° C. (2000° F.). | |
| | Thermocouple materials are tested against platinum thermoelectric standards maintained by the Bureau. | |
| 203.102b | High-temperature thermocouples and thermocouple materials. Calibration as per item 203.101a at less than four points, per point | 25.00 |
| 203.102c | Platinum versus platinum-10 percent rhodium thermocouples. The thermocouple shall be at least 36 in. long and made of wire not less than 0.014 in. in diameter. Emf of a thermocouple at any of the following temperatures, per point: 1063° C. (gold point), 960.8° C. (silver point), 630.5° C., 419.5° C. (zinc point). Calibration uncertainty estimated not to exceed 2 μ (about 0.2 degree Celsius). | 75.00 |
| 203.102d | Platinum versus platinum-10 percent rhodium thermocouples. The thermocouple shall be at least 36 in. long and made of wire not less than 0.014 in. in diameter. Primary calibration at all of the temperatures listed in item 203.102c plus a table of corresponding values of emf and temperature at 1 degree intervals in the range 0 to 1450° C. Uncertainty in emf reported for the fixed point temperatures is estimated not to exceed 2 μ. Uncertainties in values given in the tables are estimated not to exceed 0.3 degree Celsius in the range 0 to 1100° C., and increase to not more than 2 degrees at 1450° C. If the submitted thermocouple meets the requirements of the International Practical Temperature Scale for Standard thermocouples (see the International Practical Temperature Scale of 1948 by H. F. Stimson, J. Res. NBS 65A, 139, 1961), a quadratic equation fitted at 1063, 960.8, and 630.5° C. will also be furnished. | 275.00 |
| 203.102e | High-temperature thermocouples and thermocouple materials. Interpolated corresponding values of emf and temperature as per item 203.102a, per point | 2.00 |
| 203.102f | Base-metal thermocouples. Minimum length 36 in. Corresponding values of emf and temperature with an uncertainty of 0.1° C. in the range 0 to −110° C., per point | 33.00 |
| | Minimum calibration per thermocouple, two points. | |
| 203.102g | Base-metal thermocouples. Minimum length 36 in. Corresponding values of emf and temperature with an uncertainty of about 0.1° in the range 0 to 300° C. and with an uncertainty of about 0.2° above 300° C., per point | −28.00 |
| | Minimum calibration per thermocouple, two points. | |
| 203.102h | Base-metal thermocouples. Minimum length 36 in. Corresponding values of emf and temperature with an uncertainty of about 0.1° in the range −183° to −196° C., per point | 48.00 |
| | Minimum calibration per thermocouple, two points. | |
| 203.102i | Pyrometer indicators. Calibration of single scale or meter of single dial of potentiometer (reference junction compensator counting as a dial) | 40.00 |
| 203.102j | Pyrometer indicators. Calibration of each additional dial of a multidial instrument (reference junction compensator counting as a dial) or of each additional range of each dial or scale of a multirange instrument | 15.00 |
| | Calibration of a thermocouple and pyrometer indicator as a unit will be charged for as if the thermocouple and indicator were separately calibrated. | |
| 203.102z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

**§ 203.103 Resistance thermometers.**

Resistance thermometers will normally be tested only if they may reasonably be expected to meet requirements as

a standard on the International Practical Temperature Scale. In general, this requires a four-lead resistor of very pure platinum hermetically sealed in a protecting tube.

| Item | Description | Fee |
|---|---|---|
| 203.103a | Standard platinum resistance thermometers—calibration at the ice, steam and sulfur points. Table will be furnished with entries at 1-degree intervals | $165.00 |
| 203.103b | Standard platinum resistance thermometers — calibration under 203.103a and at the oxygen point. Table will be furnished with entries at 1-degree intervals | 220.00 |
| 203.103c | Calorimetric type platinum resistance thermometers—calibration at the ice and steam points and at approximately 50° C. Table will be furnished with entries at 1-degree intervals | 165.00 |
| 203.103d | Capsule-type platinum resistance thermometers—comparison calibration over the range from 12° to 90° K. Results will be in the form of a table with entries at 0.1-degree intervals. Additional tables are not available unless requested at the time of test. See item 203.103f | 440.00 |
| 203.103e | Determination of the average coefficient of electrical resistance over the interval 0 to 100° C. Minimum length, 16 in. Samples must have a resistance of at least 0.1 ohm per foot at the ice point | 70.00 |
| 203.103f | Each additional table expressing the results of test under items 203.103 a, b, or c | 30.00 |
| 203.103g | Additional tables under item 203.103d are not available unless requested at the time of test. Item 203.103f If requested at the same time as the test of the thermometer under items 203.103 a, b, c, or d | 25.00 |
| 203.103h | Capsule-type platinum resistance thermometers—mounting this type of thermometer for test under item 203.103 a or b. Not applicable to item 203.103d | 10.00 |
| 203.103y | When instruments submitted are found to be unsuitable for test or unreliable, a charge will be made to cover the cost of the work done. | |
| 203.103z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

**§ 203.105 Optical pyrometers and ribbon filament lamps.**

(a) Optical pyrometers and ribbon filament lamps submitted for calibration should be accompanied by an order requesting the test and specifying the fee schedule item number. If desired, the calibration points may be specified. A bill will be rendered at the completion of the work.

(b) The calibration of an article will not be undertaken if it possesses such unusual characteristics as to prevent the carrying out of the calibration at a reasonable cost. If, in the course of a calibration, the device is found to behave abnormally, work may be discontinued and a fee covering the cost of the work performed will be charged.

| Item | Description | Fee |
|---|---|---|
| 203.105a | Optical pyrometers: Calibration of one range between 800° and 2400° C or the first range, between 800° and 2400° C, of a calibration involving more than one range; 4 to 12 values | $185.00 |
| 203.105b | Optical pyrometers: Calibration of ranges in addition to item 203.105a up to 4200° C, 4 to 12 values in each range, per range | 120.00 |
| 203.105c | Optical pyrometers: Three or fewer values, 800° to 2400° C | 95.00 |
| 203.105d | Ribbon filament lamps: Values of brightness temperature (at wavelength of 0.65μ) versus direct current at 6 to 16 points in the range, 800° to 2300° C | 165.00 |
| 203.105e | Ribbon filament lamps: Values of brightness temperature (at wavelength of 0.65μ) versus direct current at five or fewer points in the range, 800° to 2300° C | 90.00 |
| 203.105f | Additional interpolated values as per item 203.105a and 203.105b, per point | 2.25 |
| 203.105z | For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test. | |

A. V. ASTIN,
*Director.*

[F.R. Doc. 64-13341; Filed, Dec. 28, 1964; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### [ 7 CFR Part 301 ]

### MEXICAN FRUIT FLY

### Conditions Governing Issuance of Certificates and Limited Permits

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), is considering amending § 301.64-6(a)(2) of the regulations supplemental to notice of quarantine No. 64 relating to the Mexican fruit fly (7 CFR 301.64-6(a)(2)) to read as follows:

**§ 301.64-6 Conditions governing the issuance of certificates and limited permits.**

(a) *Certificates.* • • •

• • • • • •

(2) Certificates shall not be issued for the movement of citrus fruits or other host fruits into the States of Alabama, Arkansas, Georgia, Louisiana (other that Plaquemines Parish), Mississippi, New Mexico, Oklahoma, or South Carolina, nor into the citrus-producing States of Arizona, California, Florida, or Hawaii, or to Plaquemines Parish in Louisiana, or to Guam, Puerto Rico, or the Virgin Islands of the United States, except upon the basis of treatment under subdivision (iii) of subparagraph (1), paragraph (a) of this section, unless exemption from such treatment is provided in administrative instructions.

• • • • • •

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

This notice proposes that the issuance of certificates for the movement from the regulated area of fruits and other regulated articles that are hosts of the Mexican fruit fly be conditioned on treatment, when such hosts are destined to Hawaii, Guam, Puerto Rico, or the Virgin Islands of the United States. This is in recognition of the fact that these localities are citrus-producing areas and are entitled to the same protection from Mexican fruit fly infestation as now afforded other citrus-producing areas of the United States.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Federal Center Building, Hyattsville, Maryland, 20781, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of December 1964.

[SEAL] GEORGE W. IRVING, JR.,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64-13349; Filed, Dec. 28, 1964; 8:48 a.m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 207, 295 ]

[Economic Regs. Docket No. 15761]

### TRANSATLANTIC CHARTER TRIPS AND SPECIAL SERVICES

### Notice of Proposed Rule Making

DECEMBER 23, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Parts 207 and 295 of the Board's Economic Regulations, in such a manner as to prohibit the advertising of a charter in mass media.

The principal features of the proposed amendments are set forth below in the Explanatory Statement. The texts of the proposed rules are set forth below as well. The rules are proposed under the authority of sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754; 49 U.S.C. 1324, 1371).

Interested persons may participate in these rule making proceedings through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before January 11, 1965 will be considered by the Board.

Copies of all such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

*Explanatory statement.* Section 401 (e) of the Federal Aviation Act of 1958 authorizes the Board to regulate the performance of charter trips or other special services of certificated route air carriers. This statutory provision is implemented by Part 207 of the Board's Economic Regulations.

Section 207.1 states in relevant part that, "a charter trip shall not be deemed to include transportation services offered by an air carrier to individual members of the general public or performed by an air carrier under an arrangement with a person (other than an air freight forwarder defined in subparagraph (4) of this paragraph) who provides or offers to provide transportation to the general public or transportation services engaged by persons paying for such services an amount aggregating in excess of the transporting carrier's duly published charter rate or fare." The Board recently determined that a similar provision contained in the interim certificate of a supplemental air carrier does not serve to bar the carrier (or travel agency or hotel) from financing advertising campaigns in mass media addressed to members of large organizations and offering seats on charter flights sponsored by such organizations (Eastern Air Lines et al. v. Trans International Airlines, Inc., Order E-21440, October 23, 1964).

The distinction between charter and individually ticketed air transportation is fundamental to the regulatory scheme; and the integrity of this distinction is necessarily compromised under circumstances in which advertising either is intended to or has the effect of soliciting the general public. The Board has become increasingly concerned with the implication in such advertising that the public may participate in the charters by the mere formality of acquiring membership in the organization. Even though the solicitation is done with the consent of the chartering organization and the administration of the charter is at least technically within the hands of the organization, the large scale mass media advertising opens the way to solicitation of the general public to participate in a charter.[1] Moreover, the number of charter flights presumably arranged as a result of such advertising appears to be rapidly increasing, thus suggesting increased utilization of this type of advertising in the future.

We question the need for even a very large organization to use newspapers or magazines (or radio or television) as a device to promote a charter flight to its existing bona fide membership. Such an organization normally has some means, such as a regular newsletter, for example, of making announcements to its membership. Moreover, even if it were clear that such mass media advertising greatly facilitated charter promotion we would be inclined to restrict it because of our concern that it places in motion violative forces which cannot be controlled.

In view of the foregoing, the Board proposes to amend Part 207 in such a manner as to prohibit advertising of a charter in mass media even though the

[1] Of course, it is not always clear that the chartering organization is aware of the advertising before it is placed; nor is it true in many situations that the chartering group does in fact exercise control of the charter organizing activity.

advertisement is ostensibly addressed to members of a specific organization. The prohibition would be applicable regardless of who places or pays for the advertising, i.e., the carrier, travel agent, charter organization, or hotel. On the other hand, air carrier advertising offering charter services to bona fide organizations without reference to a particular organization or flight, would continue to be permitted. For these purposes mass media would be defined as newspapers and magazines, radio, and television. Industrial plant newsletters and student newspapers would not be considered advertising in mass media if the advertisement is placed in the publication of the sponsoring organization.

Part 295 of the Board's Economic Regulations presently contains certain prohibitions against advertising directed to the general public in mass media. However, in view of the foregoing, and for purposes of clarity and to insure uniform application of the Board's charter requirements, we deem it advisable to amend Part 295 to conform the language to the proposed amendments of Part 207 and the various interim certificates of the supplemental carriers.[2]

In view of the apparent growth in the use of mass advertising technique and the potential diversion from scheduled services in certain seasonal markets, the Board proposes to make this amendment effective so as to prohibit such advertising on and after February 1, 1965, subject, of course, to comments received.

*Proposed rule.* The Civil Aeronautics Board proposes to Amend Part 207 of the Economic Regulations (14 CFR Part 207) by inserting a new paragraph immediately after the definition of "combination carrier" as follows:

A charter trip shall not be deemed to include air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in regular newsletters or periodicals of membership organizations, industrial plant newsletters, and student newspapers shall not be considered mass media advertising if the advertising is placed in the publication of the sponsoring organization. This paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

*Proposed Rule.* The Civil Aeronautics Board proposes to amend Part 295 of the Economic Regulations (14 CFR Part 295) by amending § 295.2(1) as follows: (1) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in regular newsletters or periodicals of membership organizations, industrial plant newsletters, and student newspapers shall not be considered mass media advertising if the advertising is placed in the publication of the sponsoring organization. This provision shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

[F.R. Doc. 64-13372; Filed, Dec. 28, 1964; 8:51 a.m.]

[2] We are contemporaneously proposing a similar amendment to these interim certificates.

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-68]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate a transition area at Vero Beach, Fla.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Vero Beach, Fla., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace action hereinafter set forth.

The proposed Vero Beach, Fla., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vero Beach, Fla., Municipal Airport (latitude 27°39'15" N., longitude 80°24'55" W.) and within 2 miles each side of the Vero Beach VORTAC 291° radial extending from the 6-mile radius area to 8 miles W of the VORTAC; that airspace extending upward from 1200 feet above the surface within a 20-mile radius of the Vero Beach VORTAC, including the area SW of Vero Beach bounded on the E by V-51, on the SW by V-492N, on the NW by V-225, and including the airspace W of Vero Beach bounded on the SE by V-225, on the W by V-267, on the NE by V-295; excluding the airspace within a 25-mile radius of Patrick AFB, Cocoa, Fla. (latitude 28°14'-15" N., longitude 80°36'35" W.) and the airspace outside the continental limits of the United States.

The proposed transition area is needed to protect IFR departures from the Vero Beach Municipal Airport, a prescribed instrument approach procedure, several holding patterns, radar vectoring of aircraft, and to provide a continuity of controlled airspace in the area.

The floors of airways traversing the proposed transition area would automatically coincide with the floor of the transition area.

Certain minor revisions to the instrument approach procedure prescribed for the Vero Beach Municipal Airport and to minimum instrument flight rules altitudes would be effected in conjunction with the action proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected. Specific details of these changes may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on December 17, 1964.

PAUL H. BOSTMAN,
*Acting Director,*
*Southern Region.*

[F.R. Doc. 64-13338; Filed, Dec. 28, 1964; 8:48 a.m.]

## [ 14 CFR Part 73 [New] ]

[Airspace Docket No. 64-EA-50]

## RESTRICTED AREA

### Proposed Modification

The Federal Aviation Agency is considering an amendment to Part 73 [New] of the Federal Aviation Regulations which would modify Restricted Area R-6606 at Pendleton, Va.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of Navy has submitted a proposal to modify R-6606 in order to accommodate a new training requirement. With the advent of a new weapons system, involving a drone helicopter referred to as DASH, it is necessary to train personnel, both day and night, in the control of these aircraft. Unlike most drones during practice exercises, these aircraft would not carry safety pilots.

The capability of sideward or backward movement found in any helicopter sometimes makes it difficult to determine its direction of movement at night. Since they would be under the control of students and sufficiently distant from radar to render loss of control a continuing possibility, restricted airspace is required as a safety measure during training exercises. It has been determined that since all DASH operations would be conducted at low level, vertical airspace of 1,000 feet would be sufficient to contain these flights. That portion of R-6606 north of latitude 36°41'42" is sufficient to encompass the entire flight pattern laterally. Therefore, it is proposed that the portion of R-6606 north of latitude 36°41'42" from the surface to 1,000 feet MSL be designated as continuous.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 18, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-13337; Filed, Dec. 28, 1964; 8:40 a.m.]



## [ 14 CFR Part 514 ]

[Regulatory Docket No. 3065; Notice 64-5B]

## AIRBORNE DISTANCE MEASURING EQUIPMENT OPERATING WITHIN THE RADIO FREQUENCY RANGE OF 960-1215 MEGACYCLES: TSO-C66

### Amendment of Notice of Proposed Rule Making

The Federal Aviation Agency now has under consideration a proposal to revise the Technical Standard Order for DME (TSO-C66) to make the performance standards set forth therein applicable to DME equipment to be used on all civil aircraft. This action was issued as Notice 64-5 (29 F.R. 615).

The performance standards for DME set forth in TSO-C66 are presently applicable to equipment which is to be used on United States civil aircraft engaged in air carrier operations. By eliminating the reference to air carrier aircraft only in the applicability provision of the TSO, it was proposed to have such performance standards form the basis for TSO approval of new models of DME prescribed for the various non air carrier operations embraced by § 91.33(e) of the Federal Aviation Regulations.

Upon further consideration and in the light of comments received in response to Notice 64-5, the Agency now believes that while many of the performance standards set forth in the proposed TSO are basic and should be applied generally to all TSO-approved DME equipment used in civil aircraft, it now appears that certain of the detail tests and construction requirements are not necessarily appropriate for DME which is to be used in general aviation operations. In this connection, the Agency recognizes the need for less sophisticated equipment (i.e., low-cost, lightweight) for general aviation aircraft.

In support of this position, the FAA is engaged in a priority undertaking to develop, with the cooperation of the industry, minimum performance standards specifically designed to meet the needs of DME equipment which is to be used in general aviation operations. In the meantime, the DME equipment which is required under § 91.33(e) for operations at and above 24,000 feet MSL may be approved by any of the means presently provided under the regulations, including approval under the provisions of TSO-C66. However, as has been previously stated, approval must be conditioned upon a finding that the particular DME is of such a nature that its operation would not be derogatory to the air traffic control system.

In consideration of the foregoing, the applicability provision in the proposed Technical Standard Order entitled "Airborne Distance Measuring Equipment Operating Within the Radio Frequency Range of 960-1215 Megacycles, TSO-C66a", circulated as Notice 64-5 (29 F.R. 615), is amended by striking out the words "and all other civil aircraft."

(Sec. 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421))

Issued in Washington, D.C., on December 18, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-13336; Filed, Dec. 28, 1964; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## [ 49 CFR Parts 71-78 ]

[Docket No. 3666; Notice 50]

## TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY PRIVATE CARRIER

### Notice of Proposed Rule Making

Upon consideration of the record in the above-entitled proceeding including statements and petitions filed by various interested parties, pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of May 12, 1961, as amended on August 26, 1964 (29 F.R. 12593 September 4, 1964) and it appearing that this matter is one which should be referred to an examiner for recommendation of an appropriate order thereon; and for good cause shown:

*It is ordered,* That the above-entitled proceeding be, and it is hereby, referred to Examiner Henry J. Vinskey for hearing on January 21, 1965, at 9:30 o'clock a.m., United States Standard Time, at the office of the Interstate Commerce Commission, Washington, D.C., and for recommendation of an appropriate order thereon accompanied by the reasons therefor.

Dated at Washington, D.C., this 17th day of December A.D. 1964.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-13363; Filed, Dec. 28, 1964; 8:50 a.m.]

# Notices

## ATOMIC ENERGY COMMISSION

### PROPOSED MEMORANDUM OF UNDERSTANDING WITH THE STATE OF NEW YORK

Notice is hereby given that the United States Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed Memorandum of Understanding between the State of New York and the Commission for implementation of certain provisions contained in "Agreement between the United States Atomic Energy Commission and the State of New York for discontinuance of certain Commission regulatory authority and responsibility within the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended," effective October 15, 1962, which was published in the FEDERAL REGISTER on October 25, 1962 (27 F.R. 10419).

The proposed Memorandum of Understanding, which is set forth below, would among other things, provide for an exchange-of-information program between the State of New York and the Atomic Energy Commission. It also contains provisions intended to avoid dual regulation, for purposes of protection against radiation hazards, of activities conducted within the State of New York.

All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed Memorandum of Understanding should send them in triplicate to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within thirty (30) days after initial publication of this notice in the FEDERAL REGISTER.

Dated at Germantown, Md., this 22d day of December 1964.

For the Atomic Energy Commission.

W. B. McCOOL,
*Secretary.*

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding between the United States Atomic Energy Commission and the State of New York for implementation of certain provisions contained in Agreement between the United States Atomic Energy Commission and the State of New York, effective on October 15, 1962, for discontinuance of certain Commission regulatory authority and responsibility within the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

The United States Atomic Energy Commission (hereinafter referred to as the "Commission") and the State of New York (hereinafter referred to as the "State") entered into the above-described Agreement on October 15, 1962.

The Commission and the State recognized, in Article VII of that Agreement, that the limits on their respective rights, powers and responsibilities under the United States Constitution, with respect to protection against radiation hazards arising out of the activities licensed by the Commission within the State, are not precisely clear.



The Commission and the State agreed, among other things, in Article VII to work together to define, within a reasonable time, the limits of, and to provide mechanisms for accommodating, such responsibilities of both parties.

The Commission and the State have now agreed upon certain mechanisms for accommodating their interests.

In view of the foregoing, it is agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

(1) The Commission will furnish promptly to the State, without charge, one copy of each of the below-described documents (except those documents the disclosure of which would be contrary to law and except those documents which are excluded from the Commission's public records pursuant to Part 9 of the Commission's Rules and Regulations) relating to activities authorized or sought to be authorized within the State under a specific license from the Commission: (a) Specific licenses issued by the Commission; and (b) with respect only to production or utilization facilities and activities involving the receipt of waste radioactive material from other persons for the purpose of packaging, storage or disposal, (i) filings in Commission proceedings, (ii) correspondence between the Commission and its licensees or license applicants regarding the issuance, denial, amendment, interpretation, enforcement, transfer, renewal, modification, suspension, or revocation of a Commission license, and (iii) notices filed in the Commission's Public Document Room to the effect that other documents have not been filed therein. The Commission will also furnish to the State, without charge, one copy of such other documents, relating to activities authorized or sought to be authorized within the State under a specific license from the Commission, as may be reasonably requested by the State and the disclosure of which to the State is not contrary to law or the public interest.

(2) Representatives of the Commission's regulatory staff and the State will meet from time to time to advise and consult, and to exchange information, concerning production or utilization facilities, and activities involving the receipt of waste radioactive material from other persons for the purpose of packaging, storage or disposal, authorized or sought to be authorized within the State under Commission license. Opportunity will be given to representatives of the State for at least one meeting with the Commission's regulatory staff prior to Commission publication in the FEDERAL REGISTER of a notice scheduling a hearing, or of a notice of proposed action in non-hearing cases, on applications for a construction permit or license for such a facility or activity, and for such additional meetings as the State may reasonably request.

(3) The Commission will notify the State immediately of any theft or loss of material within the State reported to the Commission by a Commission licensee. The Commission will also notify the State immediately of any incident within the State, reported to the Commission by a Commission licensee, for which immediate notification is required to be made by the licensee to the Commission under the Commission's Rules and Regulations.

(4) It is a mutual objective of the Commission and the State to avoid dual regulation for purposes of protection against radiation hazards of activities licensed by either party within the State. Accordingly, and in view of paragraph (5) and the other provisions of this Memorandum of Understanding: (a) The State will use its best efforts to exempt activities licensed by the Commission from State regulations which are directed toward protection against radiation hazards from those radiation sources which are regulated by the Commission; (b) the foregoing undertaking shall not apply to reasonable State requirements for (i) access by State representatives to records which Commission licensees are required to maintain pursuant to the Commission's Rules and Regulations or the provisions of a Commission license, (ii) sampling of effluents by State representatives, (iii) such measuring or surveying by State representatives of levels of radiation and radiation contamination as will not substantially interfere with or interrupt any activities licensed by the Commission, (iv) routing and scheduling of material in transit, and (v) access by State representatives to facilities of Commission licensees in order to accomplish the foregoing.

(5) Nothing in this Memorandum of Understanding shall be construed as defining or affecting the respective rights and powers of the Commission or the State under the United States Constitution, nor as affecting in any way the rights and privileges of any third party. In view of the mechanisms provided in this Memorandum of Understanding for accommodating the interests of the parties, the Commission and the State consider any attempt to define the limits of the rights and powers of the parties to be unnecessary.

(6) Either the Commission or the State may, with or without cause, terminate this Memorandum of Understanding, either in whole or in part, by thirty days' written notice to the other party.

(7) This Memorandum of Understanding shall become effective on March 15, 1965, and shall remain in effect unless and until such time as it is terminated pursuant to paragraphs (6).

Done at Washington, District of Columbia, in triplicate, this ____ day of ------, 19--.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
*Chairman.*

Done at Albany, State of New York, in triplicate, this ____ day of ------, 19--.

For the State of New York.

NELSON A. ROCKEFELLER,
*Governor.*

[F.R. Doc. 64-13328; Filed, Dec. 28, 1964; 8:45 a.m.]

[Docket No. 50-213]

## CONNECTICUT YANKEE ATOMIC POWER CO.

### Notice of Order Amending Provisional Construction Permit

Please take notice that by an order dated December 18, 1964, the Atomic Energy Commission found that Connecticut Yankee Atomic Power Co. is financially qualified to design and construct its proposed facility at Haddam Neck, Conn., subject only to the sale of $40,000,000 in first mortgage bonds to be issued by the Company. The order amends condition 2.D. of Construction Permit CPPR-14 in its entirety to read as follows:



2.D. At such time as the first mortgage bonds in the amount of $40,000,000 have been sold, Connecticut Yankee shall report that fact to the Director, Division of Reactor Licensing.

A copy of the "Order Amending Construction Permit" is on file in the Public Document Room at 1717 H Street NW., Washington, D.C., where it is available for public inspection.

Dated at Bethesda, Md. this 21 day of December 1964.

For the Atomic Energy Commission.

HAROLD L. PRICE,
*Director of Regulation.*

[F.R. Doc. 64-13329; Filed, Dec. 28, 1964; 8:45 a.m.]

## POST OFFICE DEPARTMENT

### MILITARY MAIL

### Inquiries and Claims

Effective at once, inquires or claims for registered, certified, insured, or ordinary mail addressed to or from military post offices outside the continental United States, including mail to or from naval vessels, may not be filed by the sender until 75 days have elapsed from the dates of mailing of all such articles sent as surface mail.

NOTE: Heretofore the waiting period was two months. The corresponding Postal Manual section to be amended is 317.12.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-13345; Filed, Dec. 28, 1964; 8:48 a.m.]

### OVERSEAS MILITARY POST OFFICES

### ZIP Code Numbers

Effective January 1, 1965, all overseas military post offices will be renumbered and the address system adapted to ZIP Code Numbers. All present one-, two-, three- and four-digit APO or Navy numbers will be converted to five-digit numbers and the number will also constitute the ZIP Code Number for that destination. The addresses will be shortened by using APO for Army and Air Force Post Office and FPO for Fleet Post Office on the line with the name of the gateway post office and the ZIP Number. For example:

| *Present address* | *New address* |
|---|---|
| Commanding Officer<br>U.S. Naval Station<br>Navy No. 568<br>Fleet Post Office<br>New York, N. Y. 09571 | Commanding Officer<br>U.S. Naval Station<br>FPO New York 09571 |
| Pvt. Willard J. Roe RA32145678<br>Company F, 167th Inf. Regt.<br>APO 73<br>San Francisco, Calif. 96273 | Pvt. Willard J. Roe RA32145678<br>Company F, 167th Inf. Regt.<br>APO San Francisco 96273 |
| A/1C Harold F. Doe AF 15000000<br>2d Bomb. Squadron<br>APO 232<br>New York, N. Y. 09232 | A/1C Harold F. Doe AF 15000000<br>2d Bomb. Squadron<br>APO New York 09232 |
| PFC John D. Smith 645832 USMC<br>Headquarters and Service Squadron<br>U.S. Marine Corps Air Station<br>Navy No. 955<br>Fleet Post Office<br>San Francisco, Calif. 96638 | PFC John D. Smith 645832 USMC<br>Headquarters and Service Squadron<br>U.S. Marine Corps Air Station<br>FPO San Francisco 96664 |

Those mailers addressing mail by data processing equipment may shorten the address further by abbreviating the name of the gateway post office, as for example:

APO NY 09403
APO SF 96503
APO SEA 98749

Mail addressed to the old APO or Navy number after January 1 next will continue to be handled as heretofore.

The following list includes all current active overseas military post offices and the new five digit numbers:

| *Current Number* | *New Number* | *Current number* | *New number* |
|---|---|---|---|
| 2 | 96202 | 17 | 09017 |
| 6 | 96206 | 18 | 96218 |
| 7 | 96207 | 19 | 09019 |
| 8 | 96208 | 20 | 96220 |
| 9 | 96209 | N20 | 96692 |
| 10 | 09010 | 23 | 09023 |
| 11 | 09011 | 24 | 96224 |
| 12 | 09012 | 25 | 96225 |
| 13 | 09013 | 26 | 09026 |
| N14 | 96611 | 27 | 96227 |
| 15 | 96215 | 28 | 09028 |
| 16 | 09016 | 29 | 09029 |
| 31 | 96231 | 70 | 96270 |
| 32 | 96232 | 71 | 96271 |
| 33 | 96233 | 72 | 96272 |
| 34 | 09034 | 73 | 96273 |
| 35 | 09035 | 74 | 96274 |
| 36 | 09036 | 75 | 96275 |
| 37 | 96237 | 76 | 96276 |
| 38 | 96238 | 77 | 96277 |
| 39 | 09039 | 78 | 09078 |
| 40 | 96240 | 79 | 09079 |
| 42 | 09042 | 80 | 09080 |
| 44 | 09044 | 82 | 09082 |
| 46 | 09046 | 83 | 09083 |
| 48 | 96248 | 84 | 09084 |
| 49 | 96249 | 85 | 09085 |
| 50 | 96250 | N85 | 96613 |
| 51 | 96251 | 87 | 09087 |
| 55 | 09055 | 90 | 96290 |
| 57 | 09057 | 91 | 96291 |
| 58 | 09058 | 92 | 96292 |
| 59 | 96259 | 93 | 96293 |
| 60 | 96260 | 95 | 96295 |
| 62 | 09062 | 96 | 96296 |
| 63 | 96263 | 97 | 96297 |
| 64 | 96264 | 98 | 96298 |
| 66 | 09066 | 99 | 96299 |
| N66 | 96612 | 100 | 96324 |
| 67 | 96267 | N100 | 09510 |
| 69 | 09069 | 101 | 96501 |
| N101 | 09598 | 205 | 09205 |
| 102 | 96302 | 207 | 09207 |
| 103 | 96303 | 210 | 09210 |
| N103 | 09597 | 211 | 09211 |
| 104 | 96304 | 213 | 09213 |
| N104 | 09558 | N214 | 09544 |
| 105 | 96305 | 215 | 09215 |
| 106 | 09106 | 218 | 09218 |
| N106 | 09557 | 219 | 09219 |
| 107 | 09107 | 220 | 09220 |
| 108 | 09108 | N220 | 09512 |
| 109 | 09109 | 221 | 09221 |
| N109 | 09552 | 223 | 09223 |
| 110 | 09110 | 224 | 09224 |
| 111 | 09111 | 225 | 09225 |
| 112 | 09112 | 227 | 09227 |
| 114 | 09114 | 230 | 09230 |
| 115 | 09115 | N230 | 98791 |
| N115 | 09593 | 231 | 09231 |
| N116 | 09550 | 232 | 09232 |
| N117 | 09555 | 235 | 96235 |
| 119 | 09119 | 238 | 09238 |
| 120 | 09120 | 239 | 96239 |
| 121 | 09121 | 240 | 09240 |
| N121 | 09580 | N240 | 09529 |
| 122 | 09122 | 241 | 09241 |
| 123 | 09123 | 245 | 09245 |
| 124 | 09124 | 247 | 09247 |
| 125 | 09125 | 252 | 09252 |
| 127 | 09127 | 253 | 09253 |
| N127 | 98790 | 254 | 09254 |
| 128 | 09128 | 256 | 09256 |
| N128 | 96610 | 258 | 09258 |
| 130 | 09130 | 271 | 09271 |
| N130 | 96615 | 277 | 09277 |
| 132 | 09132 | 281 | 09281 |
| 133 | 09133 | 282 | 09282 |
| N133 | 09533 | 283 | 09283 |
| 135 | 96335 | 284 | 09284 |
| 136 | 96336 | 285 | 09285 |
| 137 | 96337 | 286 | 09286 |
| N138 | 09560 | 287 | 09287 |
| 139 | 09139 | 288 | 09288 |
| 140 | 96340 | 289 | 09289 |
| N141 | 09556 | 291 | 09291 |
| 142 | 96342 | 292 | 09292 |
| 143 | 96243 | 293 | 09293 |
| 145 | 96545 | 294 | 09294 |
| 146 | 96346 | 299 | 96499 |
| 147 | 09147 | 300 | 96402 |
| 148 | 96348 | 301 | 96301 |
| 151 | 96351 | 302 | 96502 |
| 152 | 96352 | 305 | 09305 |
| 154 | 09154 | 306 | 96306 |
| 156 | 96356 | 307 | 96307 |
| 157 | 96357 | 310 | 96310 |
| 158 | 96258 | 314 | 96314 |
| 160 | 96360 | 315 | 96315 |
| N161 | 96673 | 319 | 09319 |
| 162 | 09162 | 320 | 09320 |
| 163 | 09163 | 321 | 09321 |
| 164 | 09164 | 322 | 09322 |
| 165 | 09165 | 323 | 96323 |
| 166 | 09166 | 324 | 09324 |
| 168 | 09168 | 325 | 09325 |
| 169 | 09169 | 326 | 09326 |
| 170 | 09170 | 328 | 96328 |
| 171 | 09171 | 329 | 09329 |
| 172 | 09172 | 330 | 09330 |
| 173 | 09173 | 331 | 96331 |
| 174 | 09174 | 332 | 09332 |
| 175 | 09175 | 333 | 09333 |
| 176 | 09176 | 334 | 96334 |
| 177 | 09177 | 338 | 09338 |
| 178 | 09178 | 339 | 09339 |
| 179 | 09179 | 343 | 96343 |
| 180 | 09180 | 345 | 98745 |
| 181 | 96281 | 346 | 98746 |
| 185 | 09185 | 347 | 98747 |
| N186 | 09585 | 348 | 98748 |
| 189 | 09189 | 350 | 98750 |
| 190 | 09190 | 354 | 96354 |
| 191 | 09191 | 358 | 96358 |
| 193 | 09193 | 370 | 09370 |
| 194 | 09194 | 378 | 09378 |
| 195 | 09195 | 380 | 09380 |
| 197 | 09197 | 401 | 09401 |
| 199 | 09199 | 403 | 09403 |
| 202 | 09202 | 405 | 09405 |
| | | 406 | 09406 |

| Current number | New number | Current number | New number |
|---|---|---|---|
| 407 | 09407 | 692 | 09692 |
| 409 | 09409 | 693 | 09693 |
| 411 | 09411 | 694 | 09694 |
| 412 | 09412 | 695 | 09695 |
| 413 | 09413 | 696 | 09696 |
| 414 | 09414 | 697 | 09697 |
| 415 | 09415 | 699 | 09699 |
| 416 | 09416 | 701 | 98701 |
| 417 | 09417 | 706 | 98706 |
| 418 | 09418 | 714 | 98714 |
| 433 | 09433 | 715 | 98715 |
| 434 | 09434 | 716 | 98716 |
| 438 | 96438 | N720 | 09584 |
| 439 | 09439 | 723 | 98723 |
| 455 | 96455 | 728 | 98728 |
| 460 | 96460 | 731 | 98731 |
| 503 | 96503 | 732 | 98732 |
| N505 | 09553 | 733 | 98733 |
| N509 | 96617 | 736 | 98736 |
| N510 | 09521 | 742 | 09742 |
| N513 | 96669 | 743 | 09743 |
| N520 | 96654 | 751 | 09751 |
| N522 | 96680 | 755 | 09755 |
| N524 | 09516 | 757 | 09757 |
| N531 | 96690 | 777 | 09777 |
| N533 | 09542 | 794 | 09794 |
| N535 | 96656 | 800 | 09801 |
| N537 | 09540 | 807 | 09807 |
| N539 | 09531 | 815 | 96415 |
| N540 | 09527 | 817 | 09817 |
| 555 | 96555 | 825 | 09825 |
| N555 | 09523 | 826 | 09826 |
| N566 | 09520 | 827 | 09827 |
| N568 | 09571 | 829 | 09829 |
| N570 | 96661 | N830 | 96668 |
| N571 | 96659 | 832 | 09832 |
| N572 | 96625 | 834 | 09834 |
| N577 | 09525 | 837 | 09837 |
| N580 | 96672 | 843 | 09843 |
| N585 | 09518 | 845 | 09845 |
| N597 | 96658 | N850 | 96660 |
| 607 | 09607 | 851 | 09851 |
| 611 | 09611 | 856 | 09856 |
| 612 | 96212 | 864 | 09864 |
| 616 | 09616 | 872 | 09872 |
| 633 | 09633 | 900 | 96390 |
| 659 | 09659 | N905 | 96634 |
| 660 | 96504 | N913 | 09514 |
| 662 | 09662 | 915 | 96515 |
| 663 | 09663 | 919 | 96519 |
| 664 | 09664 | 925 | 96525 |
| 665 | 09665 | N926 | 96630 |
| 666 | 09666 | 928 | 96528 |
| 667 | 09667 | 929 | 96529 |
| 668 | 09668 | N935 | 96636 |
| 669 | 09669 | 937 | 98737 |
| 670 | 09670 | 942 | 98742 |
| 671 | 09671 | N943 | 96637 |
| 672 | 09672 | 949 | 98749 |
| 673 | 09673 | 953 | 96553 |
| 674 | 09674 | N955 | 96664 |
| 675 | 09675 | 956 | 96556 |
| 676 | 09676 | 957 | 96557 |
| 677 | 09677 | 958 | 96558 |
| 678 | 09678 | N961 | 96652 |
| 679 | 09679 | 970 | 96570 |
| 681 | 09681 | 971 | 96571 |
| 682 | 09682 | N990 | 96628 |
| 683 | 09683 | 994 | 96594 |
| 684 | 09684 | N1506 | 09551 |
| 686 | 09686 | N3002 | 96650 |
| 687 | 09687 | N3080 | 96640 |
| 688 | 09688 | N3835 | 96667 |
| 689 | 09689 | N3867 | 96670 |
| 690 | 09690 | N3912 | 96666 |
| 691 | 09691 | N3923 | 96662 |

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-13346; Filed, Dec. 28, 1964; 8:48 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

### NECTARINES GROWN IN CALIFORNIA

### Order Directing That Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of Marketing Agreement No. 124 and Order No. 916 (7 CFR Part 916), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted within the 2-month period of December 1964 and January 1965, among the growers who, during the current marketing season beginning on May 1, 1964 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of California, in the production of nectarines for market to determine whether such growers favor the termination of the said marketing agreement and order. W. B. Blackburn and G. P. Muck, of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 8518, 650 Capitol Avenue, Sacramento, Calif., 95814, are hereby designated as referendum agents to conduct said referendum.

The procedure for the conduct of the referendum shall be the procedure (28 F.R. 6409) for the conduct of referenda regarding marketing orders for fruits, vegetables, and tree nuts.

Dated: December 23, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-13342; Filed, Dec. 28, 1964; 8:48 a.m.]

### FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### Order Directing That Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 917, as amended (7 CFR Part 917), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted within the 2-month period of December 1964 and January 1965, among the producers who, during the current marketing season beginning on March 1, 1964 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of California, in the production of fruit covered by the said amended marketing agreement and order (as the term "Fruit" is therein defined) for shipment in fresh form to determine whether the producers of a particular fruit favor the termination of the said amended marketing agreement and order as to such fruit. W. B. Blackburn, and G. P. Muck, of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 8518, 650 Capitol Avenue, Sacramento, Calif., 95814, are hereby designated as referendum agents to conduct said referendum.

The procedure for the conduct of the referendum shall be the procedure (28 F.R. 6409) for the conduct of referenda regarding marketing orders for fruits, vegetables, and tree nuts.

Dated: December 23, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-13342; Filed, Dec. 28, 1964; 8:48 a.m.]

## Office of the Secretary

### MICHIGAN

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Michigan natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

Montcalm

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-13382; Filed, Dec. 28, 1964; 8:49 a.m.]

### WEST VIRGINIA

### Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of West Virginia a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WEST VIRGINIA

| | |
|---|---|
| Grant | Pendleton |

It has also been determined that in the hereinafter-named counties in the State of West Virginia which are presently designated (28 F.R. 12952), the above-mentioned natural disaster has caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WEST VIRGINIA

| | |
|---|---|
| Hampshire | Marion |
| Hardy | Mineral |
| Jackson | Monongalia |
| Kanawha | |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-13383; Filed, Dec. 28, 1964; 8:49 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

[Report No. 47]

### LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through December 14, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in Section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

| | Gross tonnage |
|---|---|
| Total all flags (230 ships) | 1,575,047 |
| British (73 ships) | 538,945 |
| *Amalia (now Maltese flag) | 7,189 |
| Amazon River | 7,234 |
| Antarctica | 8,785 |

*Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.



FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| British—Continued | |
| Ardenode | 7,036 |
| Ardgem | 6,981 |
| Ardmore | 4,664 |
| Ardpatrick | 7,054 |
| Ardrowan | 7,300 |
| Ardsirod | 7,025 |
| *Arlington Court (now Southgate—British flag). | |
| Athelcrown (Tanker) | 11,149 |
| Atheldуke (Tanker) | 9,089 |
| Athelmere (Tanker) | 7,524 |
| Athelmonarch (Tanker) | 11,182 |
| Athelsultan (Tanker) | 9,149 |
| Avisfaith | 7,868 |
| Baxtergate | 8,813 |
| Canuk Trader | 7,151 |
| *Chipbee (now Stanwood—Liberian flag) | 7,271 |
| *Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag). | |
| Dairen | 4,939 |
| East Breeze | 8,708 |
| Eastfortune | 8,789 |
| Eirini | 7,402 |
| Free Enterprise | 6,807 |
| Free Merchant | 5,237 |
| *Garthdale (now Jeb Lee—British flag) | 7,542 |
| Grosvenor Mariner | 7,026 |
| Hazelmoor | 7,907 |
| Helka | 7,111 |
| Hemisphere | 8,718 |
| Ho Fung | 7,121 |
| Inchstaffa | 5,255 |
| *Ivy Fair (now Cosmo Trader—British flag) | 7,201 |
| *Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag). | |
| Kinross | 5,388 |
| *Kirriemoor (now Jhelum—Pakistani flag) | 5,923 |
| La Hortensia | 9,486 |
| Linkmoor | 8,236 |
| Maratha Enterprise | 7,166 |
| Nancy Dee | 6,597 |
| Newdene | 7,181 |
| Newforest | 7,185 |
| Newgate | 6,743 |
| Newglade | 7,368 |
| Newgrove | 7,172 |
| Newheath | 5,891 |
| Newhill | 7,855 |
| Newlane | 7,043 |
| Newmeadow | 5,654 |
| Oceantramp | 6,185 |
| Oceantravel | 10,477 |
| Peony | 9,037 |
| Redbrook | 7,388 |
| Ruthy Ann | 7,361 |
| *St. Antonio (now Maltese flag) | 6,704 |
| Sandsend | 7,236 |
| Santa Granda | 7,229 |
| Sea Coral | 10,421 |
| Sea Empress | 10,074 |
| Shienfoon | 7,127 |
| Shun Fung | 7,148 |
| Soclyve | 7,291 |
| *Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag) | 9,682 |
| Stanwear | 8,108 |
| Suva Breeze | 4,970 |
| Swift River | 7,251 |
| *Thames Breeze (now Maltese flag) | 7,878 |
| *Timios Stavros (now Maltese flag—Previous trips to Cuba under Greek flag) | 5,269 |
| Venice | 8,611 |
| Vercharmian | 7,265 |
| Vergmont | 7,381 |
| West Breeze | 8,718 |
| Yungfutary | 5,388 |
| Yunglutaton | 5,414 |
| Zela M | 7,237 |

FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| Lebanese (56 ships) | 374,207 |
| Agia Sophia | 3,106 |
| Aiolos II | 7,256 |
| Ais Giannis | 6,997 |
| Akamas | 7,265 |
| Al Amin | 7,186 |
| Alaska | 6,989 |
| Anthas | 7,044 |
| Antonis | 6,259 |
| Ares | 4,557 |
| Areti | 7,176 |
| Aristefs | 6,995 |
| Astir | 5,324 |
| Athamas | 4,729 |
| Carnation | 4,884 |
| *Christos (trip to Cuba under ex-name, Pamit—Greek flag). | |
| Claire | 5,411 |
| Cris | 6,032 |
| Dimos | 7,187 |
| Free Trader | 7,067 |
| Giorgos Tsakiroglou | 7,240 |
| Granikos | 7,282 |
| Ilena | 5,925 |
| Ioannis Aspiotis | 7,297 |
| Kalliopi D. Lemos | 5,103 |
| Katerina | 9,357 |
| Leftric | 7,176 |
| Malou | 7,145 |
| Mantric | 7,255 |
| Marichristina | 7,124 |
| Marymark | 4,383 |
| Mersinidi | 6,782 |
| Mimosa | 7,314 |
| Mousse | 6,984 |
| Nictric | 7,296 |
| Noelle | 7,251 |
| Noemi | 7,070 |
| Olga | 7,199 |
| Panagos | 7,133 |
| Parmarina | 6,721 |
| *Razani (broken up) | 7,253 |
| Rio | 7,194 |
| St. Anthony | 5,349 |
| St. Nicolas | 7,165 |
| San George | 7,267 |
| San John | 5,172 |
| San Spyridon | 7,260 |
| Stevo | 7,066 |
| Taxiarhis | 7,349 |
| Tertric | 7,045 |
| Theodoros Lemos | 7,198 |
| Theologos | 6,529 |
| Toula | 4,561 |
| Troyan | 7,243 |
| Vassiliki | 7,192 |
| Vastric | 6,453 |
| Vergolivada | 6,339 |
| Yanxilas | 10,051 |
| Greek (40 ships) | 287,898 |
| Agios Therapon | 5,617 |
| Akastos | 7,331 |
| Alice | 7,189 |
| *Ambassade (sold Hong Kong ship breakers) | 8,600 |
| Americana | 7,104 |
| Anacreon | 7,359 |
| Anatoli | 7,178 |
| *Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag) | 6,712 |
| Antonia | 5,171 |
| Apollon | 9,744 |
| Armathia | 7,091 |
| Athanassios K | 7,216 |
| Barbarino | 7,084 |
| Calliopi Michalos | 7,249 |
| Capetan Petros | 7,291 |
| *Embassy (broken up) | 8,418 |
| Everest | 7,031 |
| Flora M | 7,244 |
| Galini | 7,266 |
| *Gloria (now Helen—Greek flag) | 7,128 |
| *Helen (trip to Cuba under ex-name, Gloria—Greek flag). | |

| Flag of Registry, Name of Ship—Continued | Gross tonnage |
|---|---|
| **Greek—Continued** | |
| Irena | 7,232 |
| Istros II | 7,275 |
| Kapetan Kostis | 5,032 |
| Kyra Hariklia | 6,888 |
| Maria Theresa | 7,245 |
| Marigo | 7,147 |
| Maroudio | 7,369 |
| Mastro-Stelios II | 7,262 |
| *Nicolaos P. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag). | |
| *Nicolaos Frangistas (now Nicolaos P.—Greek flag) | 7,199 |
| *Pamit (now Christos—Lebanese flag) | 3,929 |
| Pantanassa | 7,131 |
| Paxoi | 7,144 |
| *Penelope (now Andromachi—Greek flag). | |
| *Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag). | |
| *Presvia (broken up) | 10,820 |
| Propontis | 7,128 |
| Redestos | 5,911 |
| *Seirios (broken up) | 7,239 |
| Sophia | 7,030 |
| *Stylianos N. Vlassopulos (now Plate Trader—Greek flag) | 7,244 |
| *Timios Stavros (formerly British flag—now Maltese flag). | |
| Tina | 7,362 |
| Western Trader | 9,268 |
| Polish (14 ships) | 94,617 |
| Baltyk | 6,963 |
| Bialystok | 7,173 |
| Bytom | 5,967 |
| Chopin | 6,987 |
| Chorzow | 7,237 |
| Huta Florian | 7,258 |
| Huta Labedy | 7,221 |
| Huta Ostrowiec | 7,175 |
| Huta Zgoda | 6,840 |
| Kopalnia Bobrek | 7,221 |
| Kopalnia Miechowice | 7,223 |
| Kopalnia Siemianowice | 7,165 |
| Kopalnia Wujek | 7,033 |
| Piast | 3,184 |
| Italian (12 ships) | 102,013 |
| Achille | 6,950 |
| Agostino Bertani | 8,380 |
| Andrea Costa (Tanker) | 10,440 |
| Aspromonte | 7,154 |
| Giuseppe Giulietti (Tanker) | 17,519 |
| Montiron | 1,595 |
| Nazareno | 7,173 |
| Nino Bixio | 8,427 |
| San Francesco | 9,284 |
| San Nicola (Tanker) | 12,461 |
| Santa Lucia | 9,278 |
| Somalia | 3,352 |
| Yugoslav (7 ships) | 49,926 |
| Bar | 7,233 |
| Cavtat | 7,266 |
| Cetinje | 7,200 |
| Dugi Otok | 6,997 |
| Mojkovac | 7,125 |
| Promina | 6,960 |
| *Trebisnjica (wrecked) | 7,145 |
| French (6 ships) | 16,391 |
| Circe | 2,874 |
| Enee | 1,232 |
| Foulaya | 3,739 |
| Mungo | 4,820 |
| Neiee | 2,874 |
| Neve | 852 |
| Spanish (5 ships) | 6,193 |
| Escorpion | 999 |
| Sierra Andia | 1,596 |
| Sierra Aranzazu | 1,600 |
| Sierra Madre | 999 |
| Sierra Maria | 999 |
| Moroccan (5 ships) | 35,828 |
| Atlas | 10,392 |
| Banora | 3,082 |
| Marrakech | 3,214 |
| Mauritanie | 10,392 |
| Toubkal | 8,748 |
| Finnish (4 ships) | 32,849 |
| Augusta Paulin | 7,096 |
| *Hermia (trip to Cuba under ex-name Amfred—Swedish flag). | |
| Ragni Paulin | 6,823 |
| Susan Paulin | 7,239 |
| Valny (Tanker) | 11,691 |
| Swedish (3 ships) | 17,123 |
| *Amfred (now Hermia—Finnish flag) | 2,828 |
| *Atlantic Friend (now Atlantic Venture—Liberian flag) | 7,805 |
| Dagmar | 6,490 |
| Norwegian (2 ships) | 10,002 |
| Ole Bratt | 5,252 |
| *Tine (now Jezreel—Panamanian flag) | 4,750 |
| Cypriot (1 ship): | |
| Adelphos Petrakis | 7,134 |
| Kuwait (1 ship): | |
| Maha | 1,392 |
| Netherlands (1 ship): | |
| Tempo | 499 |
| Liberian: | |
| *Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag). | |
| *Stanwood (trip to Cuba under ex-name, Chipbee—British flag). | |
| Maltese: | |
| *Amalia (trips to Cuba under British flag). | |
| Maltese—Continued | |
| *St. Antonio (trip to Cuba under British flag). | |
| *Timios Stavros (trips to Cuba under British flag and Greek flag). | |
| Panamanian: | |
| *Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag). | |
| Pakistani: | |
| *Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag). | |

*Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessel having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

| a. Since last report: | Gross tonnage |
|---|---|
| British (4 ships) | 28,540 |
| Muswell Hill | 7,131 |
| Sudbury Hill | 7,140 |
| Woldingham Hill | 7,113 |
| Cedar Hill | 7,156 |
| b. Previous reports: | Number of ships |
| Flag of registry (total) | 64 |
| British | 29 |
| Danish | 1 |
| French | 1 |
| German (West) | 1 |
| Greek | 20 |
| Italian | 5 |
| Japanese | 1 |
| Lebanese | 1 |
| Norwegian | 4 |
| Spanish | 1 |

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through December 14, 1964:

| Flag of registry | Number of trips | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1963 | 1964 | | | | | | | | | Total |
| | | Jan.–Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | |
| British | 133 | 43 | 20 | 18 | 19 | 18 | 18 | 13 | 14 | 8 | | 304 |
| Lebanese | 64 | 23 | 8 | 8 | 10 | 8 | 9 | 12 | 2 | 2 | | 146 |
| Greek | 99 | 9 | | 6 | 1 | 1 | 5 | 3 | 1 | 1 | | 126 |
| Italian | 16 | 2 | 3 | 1 | 4 | 3 | 2 | | | 3 | | 34 |
| Spanish | 8 | 3 | 3 | | 2 | 2 | 2 | 2 | 1 | | | 25 |
| Norwegian | 14 | 3 | 1 | 2 | 1 | | 1 | | 1 | 1 | | 24 |
| Moroccan | 9 | 2 | | 2 | 1 | 3 | 1 | 2 | 2 | | | 22 |
| Yugoslav | 12 | 3 | 1 | | | 3 | | 2 | | | | 21 |
| French | 8 | | 1 | | | 2 | 2 | | 1 | 1 | | 15 |
| Swedish | 3 | | | | 2 | | | | | | | 5 |
| Finnish | 1 | | | | 1 | | 1 | 1 | | | | 4 |
| Kuwaiti | | | | | | 1 | | 1 | | | | 2 |
| Netherlands | | | | | | | | 1 | 1 | | | 2 |
| Cypriot | | | | | | 1 | | | | | | 1 |
| Danish | 1 | | | | | | | | | | | 1 |
| German (West) | 1 | | | | | | | | | | | 1 |
| Japanese | 1 | | | | | | | | | | | 1 |
| Subtotal | 370 | 88 | 37 | 37 | 41 | 42 | 41 | 37 | 24 | 17 | | 734 |
| Polish | 18 | 5 | 2 | | 2 | 1 | | 2 | 1 | 1 | 1 | 33 |
| Grand total | 388 | 93 | 39 | 37 | 43 | 43 | 41 | 39 | 25 | 18 | 1 | 767 |

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

By Order of the Deputy Maritime Administrator.

Dated: December 18, 1964.

JOHN M. O'CONNELL,
*Assistant Secretary.*

[F.R. Doc. 64–13273; Filed, Dec. 28, 1964; 8:45 a.m.]



# CIVIL AERONAUTICS BOARD

[Docket No. 15459 etc.; Order E–21601]

## PACIFIC NORTHWEST-SOUTHWEST SERVICE INVESTIGATION

### Order Amending Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of December 1964.

By Order E–21186, adopted August 13, 1964, the Board instituted an investigation to determine whether the public convenience and necessity require the addition, alteration, amendment, or modification of carrier authorizations so as to provide long-haul, single-carrier service between the Pacific Northwest, on the one hand, and the Southwest and the cities of Kansas City and St. Louis, on the other hand. The investigation also included the related issue of termination of three existing interchange agreements covering services within the area of investigation.

Order E–21186 provided that any awards made as a result of this proceeding shall be subject to the following restrictions:

(a) No flights may originate or terminate in Denver or Salt Lake City;

(b) At least one city in at least two groups of cities described in the order must be served on all flights except that there shall be no new single-carrier service between cities in Group III and cities in Group IV.

The order further provided that motions to consolidate applications, motions or petitions seeking modification or reconsideration of the order, and petitions for leave to intervene must be filed no later than 20 days after the issuance of the order, and that answers to such pleadings must be filed no later than 10 days thereafter.

Fifteen air carriers and 14 cities and state governments have responded to the Board's order by filing petitions for reconsideration, applications for service, motions to consolidate, and requests for clarification.[1] Answers have been filed by 10 air carriers and one civic body.[2] The pleadings filed by Alaska Airlines, Missoula, and Raton were filed after the cut-off date prescribed by the Board and will be dismissed. Little Rock also filed late but its pleadings were accompanied by a motion for leave to file in which it established good cause for failing to comply with the Board's order. Little Rock's pleadings will therefore be considered.

The issues raised by the pleadings filed in response to the Board's order fall generally into the following categories: (a) Expansion of the geographical area of the proceeding, (b) imposition of additional or more stringent restrictions, and (c) elimination of the restriction prohibiting the origination or termination of service at Group II cities.

Petitioners seeking to expand the geographical scope of the proceeding have requested the inclusion of Las Vegas, Omaha, Miami, Lincoln, Memphis, Little Rock, Tucson, Phoenix, and other points in Georgia, Florida, Montana and Canada. In this case the Board selected the area under consideration after an examination of the traffic movements and air transportation needs of various sections of the country. As indicated in our previous order, we believe the time is ripe for a full exploration of the long-haul air transportation needs of the Pacific Northwest-Southwest service area as defined in that order. Petitioners have not advanced any new matters which require or warrant reconsideration and consolidation herein of applications for service beyond the geographical scope of the area. Inclusion of these applications would unduly expand and delay the proceeding. The Board finds, therefore, that the above-mentioned pleadings seeking expansion of the geographical scope of this proceeding should be denied. The Board further finds that said applications are not mutually exclusive with the applications consolidated with this proceeding, as reconstituted by this order, and that the Ashbacker rule does not require consolidation herein.

American asks the Board to interpret its order as requiring that flights serving a Group II city must also serve at least one city in Group I. Braniff wants an interpretation that all flights over new routes awarded will be required to originate or terminate north and west of Utah, on the one hand, and to originate or terminate at a point south or east of Colorado, on the other hand. TWA asks the Board to impose a mandatory stop restriction at entry points to prevent new non-stop competitive rights between St. Louis and Kansas City on the one hand and San Francisco-Oakland, Las Vegas and Los Angeles on the other hand, and between Denver on the one hand and such points as Chicago and New York on the other hand. National requests an additional restriction so that any new authority which may result from the proceeding will carry a restriction prohibiting the operation of single plane service between San Francisco-Oakland and Las Vegas and between Los Angeles-Long Beach and San Diego, on the one hand, and Houston or New Orleans, on the other. Delta wants a similar restriction which would prevent through-plane service between California and Nevada, on the one hand, and any of the Group IV cities, on the other hand. Delta opposes any further restrictions which would limit through-plane service to points served by Delta in the Southeast. Continental, Frontier, Northwest, and United ask the Board to impose even tighter restrictions which would prevent the operation of through-plane service to any points beyond the area specified in the Board's Order of Investigation. BER, Eastern, and Western, urge the Board to retain the present restrictions without modification.

This investigation was instituted to determine the need for single carrier air service between the Pacific Northwest and the Southwest. The pleadings, however, indicate that a large and significant variety of new transcontinental and other long-haul services could be-

[1] American, Braniff, Continental, Delta, Eastern, Frontier, National, Northwest, Pacific Northern, Trans-Texas, TWA, United, West Coast, Western, Alaska Airlines, Denver, Memphis, the Washington Parties (the State of Washington Utilities and Transportation Commission, the City and Chamber of Commerce of Seattle, the City and Chamber of Commerce of Tacoma, the Port of Seattle Commission, and the Seattle Traffic Association), Omaha, Dallas, Fort Worth, Houston, New Orleans, Missoula, San Antonio, St. Louis, Raton, Little Rock, and the Nebraska Department of Aeronautics.

[2] American, Braniff, Continental, Delta, Eastern, National, TWA, Northwest, United, Western, and the Washington Parties.

come possible as a result of a combination of awards in this case with existing route authorizations. Consideration of new authorizations in such markets as New York-Seattle, New York-Denver, Miami-Seattle, and San Francisco-New Orleans, to cite only a few of the major service possibilities, are clearly extraneous to the purpose of this investigation. The inclusion of such issues would change the nature and focus of the proceeding and would unduly expand and delay its resolution. By contrast, elimination of these issues will accelerate the trial and disposition of this case, without substantial prejudice to any of the applicants. Consequently, we have determined to exclude from this case issues of single plane service between points within the area of this investigation and various major traffic generating points outside the area of the case. Thus, single plane service may not be operated pursuant to an award in this case, from a point within the area of the investigation to the following points: New York, Washington, Chicago, Miami, Tampa-St. Petersburg, Atlanta, San Francisco, Los Angeles, San Diego, and Las Vegas.

As an alternative to the exclusion of these issues, we have given full consideration to the possibility of imposing multiple stop requirements in the markets mentioned above. While such an approach would be somewhat less restrictive, it would not be as effective in reducing evidence and argument on out-of-area services. Where, as here, we have such extensive within-area service issues, we believe it is highly desirable to keep the proceeding from mushrooming into an even larger case, with attendant escallation in scope of record and time required for trial and decision.

We will also deny the several requests to impose restrictions which would prohibit the carriage of local traffic on long-haul flights between cities in any one group. Here again, any carrier desiring to protect its local traffic rights is free to participate in this proceeding by seeking restrictions on specific route proposals in order to minimize its local traffic losses.

We believe, however, that a change should be made in the restriction which provides that there shall be no new single carrier service between cities in Group III and cities in Group IV. Under the present restriction, a carrier could operate from the Pacific Northwest to a point in Group IV with intermediate stops in Group II and Group III, but with a closed door restriction between Groups III and IV. As a general rule, closed door restrictions are undesirable and should be avoided wherever possible. We will therefore revise this restriction to provide that no flights as a result of awards in this case, can be operated between a city in Group III and a city in Group IV.

Our study of the pleadings leads us to the conclusion that a modification is also required in the Group II restriction. One of the reasons for imposing this restriction was to preserve the long-haul character of this proceeding by avoiding the issue of the need for competitive services between Group II on the one hand, and Groups I, III, and IV on the other. Since there is no single-carrier service presently authorized between Denver and St. Louis, the restriction would serve no useful purpose between those points. In 1963, there were 16,770 O & D passengers between Denver and St. Louis and 8,320 between Seattle and St. Louis. If a carrier is authorized to provide long-haul service between Seattle, Denver, and St. Louis with a restriction preventing turnaround service at Denver, it would be required to operate additional schedules between Seattle and St. Louis in order to accommodate the Denver-St. Louis traffic. Moreover, the restriction in its present form could tie the Board's hands in disposing of the issue of termination of the Denver-St. Louis interchange agreement between Continental and Braniff. Any service which would replace the interchange must have sufficient flexibility to fully accommodate the Denver-St. Louis traffic. In order to accomplish this objective we will modify the Group II restriction so as to make it inapplicable to service between Denver and St. Louis. No request has been made by Salt Lake City to modify the Group II restriction, nor have any compelling reasons been advanced by other parties to warrant such relief for Salt Lake City. Since single carrier service has already been authorized between Denver and the Pacific Northwest and between Denver and cities in Group IV, we see no need to further modify the Group II restriction.

Petitions for leave to intevene have been filed by 3 air carriers, 28 cities and state governments, and the Department of Defense. Our prior order directed that petitions to intervene be filed no later than 20 days after issuance of the order—not later than September 2, 1964. The petitions of Western; Colorado Springs; Lubbock; Boise; Sante Fe; the Montana Aeronautics Commission; Kansas City, Kans.; and Memphis were filed after the September 2 deadline and petitioners have not shown good cause for failure to comply with our directive. These petitions will therefore be dismissed. The petitions of Miami, Little Rock and the Public Utility Commissioner of Oregon were also filed late but these petitioners have established good cause for failure to comply with the Board's order. It is found that the following petitioners have alleged matters indicating they are persons entitled to intervene: West Coast; the City and Chamber of Commerce of Albuquerque; the City and Chamber of Commerce of Amarillo; the City and Chamber of Commerce of Corpus Christi; the City and Chamber of Commerce of El Paso and the El Paso Airport Board; the Huntsville-Madison County Airport Authority; the City of Kansas City, Mo., and the Chamber of Commerce of Greater Kansas City; the Nebraska Department of Aeronautics; the State of New Mexico; the City and Chamber of Commerce of Oklahoma City; the Omaha Airport Authority and the Omaha Chamber of Commerce; the City and Chamber of Commerce of Portland, the Portland Freight Traffic Association and the Port of Portland; the City and Chamber of Commerce of Shreveport; the City and Chamber of Commerce of Tulsa; the Defense Traffic Management Service on behalf of the Department of Defense; the Greater Miami Traffic Association; the Utah Agencies (the Utah State Aeronautics Commission, the Salt Lake City Corporation, and the Salt Lake City Chamber of Commerce); the City and Chamber of Commerce of Little Rock and the Little Rock Municipal Airport Commission; and the Public Utility Commissioner of Oregon. The application of Trans-Texas for amendment of its certificate, Docket 15508; and the petitions for air service filed by New Orleans, Docket 15336; Dallas, Docket 15526; Denver, Docket 15518; and the Washington Parties, Docket 15260; are being consolidated with this proceeding. Since these petitioners will become formal parties, their petitions for leave to intervene will be dismissed.

*Accordingly, it is ordered:*

1. That the petitions seeking expansion of the geographical area of this proceeding be and they hereby are denied;

2. That ordering paragraph 3 of Order E–21186 be and it hereby is amended to read:

3. That any awards made as a result of this proceeding shall be subject to the following restrictions:

(a) No flights may originate or terminate in Denver or Salt Lake City; provided, however, that flights between Denver and St. Louis may originate or terminate in Denver;

(b) At least one city in at least two Groups of cities (described on page 3 of this order) must be served on all flights except that there shall be no operation of aircraft between cities in Group III and cities in Group IV (described on page 3 of this order);

(c) Single-plane service may not be provided between any point within the area of this investigation, on the one hand, and the following named points on the other hand: New York, Washington, D.C., Chicago, Miami, Tampa-St. Petersburg, Atlanta, San Francisco, Los Angeles, San Diego, and Las Vegas.

3. That the following applications and petitions for air service, to the extent they conform to the scope of this proceeding, be and they hereby are consolidated herein for hearing and decision: American, Docket 15511; Braniff, Docket 13946; Continental, Docket 15523; Delta, Docket 15246; Eastern, Docket 15521; Frontier, Docket 15516; National, Docket 15512; Northwest, Docket 15514; Pacific Northern, Docket 15515; Trans-Texas, Docket 15508; TWA, Docket 15517; United, Docket 15362; Western, Docket 15513; the City and County of Denver and the Denver Chamber of Commerce, Docket 15518; the Washington Parties, Docket 15260; the City and Chamber of Commerce of Dallas, Docket 15526; the City and Chamber of Commerce of Fort Worth, Docket 15467; the City and Chamber of Commerce of Houston, Docket 15177; the City and Chamber of Commerce of New Orleans, Docket 15336; the City and Chamber of Commerce of San Antonio, Docket 15200; and the City and Chamber of Commerce of St. Louis, Docket 13147;

4. That the motions to consolidate the following applications and petitions for air service be and they hereby are denied: Continental, Dockets 13955, 15522 and 14250; Frontier, Dockets 14059 and 15304; Northwest, Dockets 15322 and 15156; West Coast, Docket 15509; the City and Chamber of Commerce of Memphis, Docket 15530; the Omaha Airport Authority and the Omaha Chamber of Commerce, Docket 15524; the City and Chamber of Commerce of Little Rock and the Little Rock Municipal Airport Commission, Docket 15564; and the Nebraska Department of Aeronautics, Docket 15525;

5. That the motion of Alaska Airlines for consolidation of Docket 15173; the petition of the City and Chamber of Commerce of Missoula, the Missoula County Board of Commissioners, and the Missoula County Airport Board for consolidation of West Coast's application, Docket 14054; and the motion of Raton for consolidation of Docket 15628 be and they hereby are dismissed;

6. That the following petitions for leave to intervene be and they hereby are granted: West Coast; the City and Chamber of Commerce of Albuquerque; the City and Chamber of Commerce of Amarillo; the City and Chamber of Commerce of Corpus Christi; the City and Chamber of Commerce of El Paso and the El Paso Airport Board; the Huntsville-Madison County Airport Authority; the City of Kansas City, Missouri, and the Chamber of Commerce of Greater Kansas City; the Nebraska Department of Aeronautics; the State of New Mexico; the City and Chamber of Commerce of Oklahoma City; the Omaha Airport Authority and the Omaha Chamber of Commerce; the City and Chamber of Commerce of Portland, the Portland Freight Traffic Association, and the Port of Portland; the City and Chamber of Commerce of Shreveport; the City and Chamber of Commerce of Tulsa; the Defense Traffic Management Service; the Greater Miami Traffic Association; the Utah Agencies; the City and Chamber of Commerce of Little Rock and the Little Rock Municipal Airport Commission; and the Public Utility Commissioner of Oregon;

7. That the following petitions for leave to intervene be and they hereby are dismissed: Western; Trans-Texas; the City and Chamber of Commerce of Dallas; the City and Chamber of Commerce of New Orleans; the City and County of Denver and the Denver Chamber of Commerce; the Washington Parties; the City and Chamber of Commerce of Colorado Springs; the City and Chamber of Commerce of Lubbock; the City of Memphis and the Memphis Area Chamber of Commerce; the City of Boise and the Greater Boise Chamber of Commerce; the City and Chamber of Commerce of Santa Fe; the Montana Aeronautics Commission; and Kansas City, Kansas Area Chamber of Commerce;

8. That, except to the extent granted herein, all motions, petitions, and requests for relief be and they hereby are denied;

9. That any additional applications for Denver-St. Louis service shall be filed by January 4, 1965; and

10. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1a]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–13373; Filed, Dec. 28, 1964; 8:51 a.m.]



[Docket No. 15761; Order E–21610]

## INTERIM OPERATING CERTIFICATES

### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1964.

The Board has a statutory duty to assure, to the extent practicable, that the holders of interim certificates issued pursuant to section 7 of Public Law 87–528 confine their activities to permissible operations and do not engage in proscribed individually ticketed services under the guise of charters. In order to carry out its responsibilities in this regard, the Board tentatively concludes that the interim certificates now held by the supplemental air carriers should be amended so as to prohibit the solicitation of individual charter flights in mass-media advertisements regardless of whether such advertisements are directed to specific groups or their members.

A charter as defined in the interim certificates cannot involve the solicitation of individual members of the general public. However, there are at present no clear standards or established specific limitations governing the activities of supplemental air carriers in this area other than the charter definition itself which is contained in the interim certificates.[1]

Of particular concern to the Board is the problem of mass-media advertising for participation in individual charter flights. At the present time, such advertisement relating to domestic charters is not per se prohibited.[2] At present, a carrier (or a travel agency or hotel) may advertise in mass-media publications directed to members of large open-membership organizations offering seats on a particular charter flight in domestic air transportation, thus giving rise to the implication that the public may participate merely by the formality of acquiring membership.[3] Even though such a solicitation is done with the consent of the organization and the administration of the charter vests, at least technically, in the organization, large-scale mass-media advertising opens the way to solicitation of the general public and, indeed, is an inducement to the general public to participate in a "charter" through acquiring membership in the organization. Clearly, a person whose sole or primary purpose of joining a group is to obtain reduced transportation on a particular fligh cannot be deemed a bona fide member of the charter group.

We are not here concerned with a mere academic problem. On the contrary, we have recently been confronted with precisely this kind of a problem involving numerous charter flights.[4] Although we found that the advertising practices which were the subject of the proceeding noted in the margin were not proscribed by the carrier's interim operating certificate, it by no means follows that the practices are consistent with the public interest. As a matter of fact, we are now convinced that mass-media advertising practices of the type there involved should be prohibited. The advertising practices which we were constrained to find did not represent a technical violation of the terms of the carrier's interim certificate have not abated—they have increased.

We see no real necessity for the use of newspapers or other publications of general circulation as a device to promote specific charter flights to the members of an organization. Certainly, there is no need for small organizations to use these means. And large organizations normally have means, such as regular newsletters or bulletins of making announcements to their membership.[5]

[1a] Gilliland, member; concurring and dissenting statement filed as part of the original document.

[1] 1. As used in this certificate, the term "charter trips" means air transportation (other than transportation purusant to contracts with the Department of Defense) where the entire capacity of one or more aircraft has been engaged on a time, mileage, or trip basis:

(a) By a person for his own use;

(b) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group;

(c) By two or more persons acting jointly for the transportation of themselves and/or their property or of a group of persons and/or their property;

(d) By an indirect air carrier authorized, under any applicable part of the Economic Regulations of the Board, to charter aircraft from a direct air carrier; and where such air transportation does not include services (i) offered by or on behalf of the holder hereof for the carriage of individual members of the general public who are formed into or joined with any group with the direct or indirect assistance or participation of the holder hereof, or (ii) performed under an arrangement with a person (other than an indirect air carrier authorized as hereinabove set forth) who provides or offers to provide transportation to the general public, or (iii) engaged by persons paying for such services an amount aggregating in excess of the holder's duly published charter rate or fare.

[2] See Order E–21440, served October 23, 1964, in Docket 15005. Section 295.2(1) of the Board's Economic Regulations was designed to prohibit advertising in mass-media for individual participation in transatlantic charters.

[3] It goes without saying that mass-media advertising for an individual charter flight which is not directed to a particular group or its members constitutes a solicitation of the general public.

[4] See Eastern Air Lines, Inc., et al. v. Trans International Airlines, Order E–21440, October 23, 1964.

[5] As discussed, infra, such advertisements are proper.

Moreover, even if it were clear that such mass-media advertising greatly facilitated charter promotion we would be inclined to restrict it because of our concern that it places in motion violative forces which cannot be controlled.

In short, mass-media advertisements for individual charter flights, regardless of whether they are directed to members of a particular group, represent an unwarranted inducement to large-scale violation. Thus, this practice should be prohibited.

The proposed prohibition would apply to mass-media advertisements (newspapers and magazines as well as radio and television advertisements), for individual charter flights. Thus, the carriers would still be permitted to advertise via mass-media the fact that they are duly authorized to perform charters for bona fide charter groups so long as the advertisement is not directed to securing individual participation in a charter. In addition, advertising in industrial plant newsletters or bulletins, student newspapers on a college campus, etc., shall not be deemed mass-media advertising so long as the advertising is placed in the publications of the sponsoring organization.

On the other hand, advertisements for an individual charter flight which appear in newspapers or magazines would be proscribed regardless of whether the circulation is large or small.[6] It should be noted in this connection that under the proposed amendment a carrier who performs a charter which is the subject of the proscribed type of advertisement will be held to be in violation of the terms of its certificate regardless of who places or pays for such advertisement.

Upon consideration of the foregoing, we tentatively find and conclude that the public interest requires that the interim operating certificates now held by the supplemental air carriers should be amended so as to prohibit the holders thereof from utilizing mass-media advertising in connection with individual charter flights regardless whether such advertising is directed to members of a particular group.[7]

*Accordingly, it is ordered:*

1. That all interested persons show cause why the Board should not amend the outstanding interim operating certificates issued pursuant to section 7 of Public Law 87–528 in the form and manner as set forth in Appendix A below;

2. That any interested persons having objections to the issuance of an order making final the tentative findings, conclusions and certificate amendments contained herein shall, within 10 days from the date of issuance of this order, file written objections with the Board in this Docket;

3. That in the event objections are filed, the Board will take such further action with respect to the issues raised by the objections as it deems appropriate;

4. That in the event no objections to this order are filed within the time prescribed in ordering paragraph 2, above, the Board shall issue an order making final the tentative findings and conclusions contained herein and amending the outstanding interim certificates effective February 1, 1965; and

5. That copies of this order shall be served on all holders of interim operating certificates issued under Public Law 87–528.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

*Proposed amendment.* The Civil Aeronautics Board proposes to amend the outstanding interim operating certificates issued pursuant to section 7 of Public Law 87–528 by inserting a new paragraph in Part IV—Definitions, as follows:

As used in this certificate the term "charter trip" shall not be deemed to include air transportation services offered by an air carrier under circumstances in which the services are advertised in mass-media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass-media shall be deemed to include radio and television, and newspapers and magazines. Advertising in regular newsletters or periodicals of membership organizations, industrial plant newsletters, and student newspapers shall not be considered mass-media advertising if the advertising is placed in the publication of the sponsoring organization. This paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

[F.R. Doc. 64–13374; Filed, Dec. 28, 1964; 8:51 a.m.]

[Docket No. 15459]

## PACIFIC NORTHWEST-SOUTHWEST SERVICE INVESTIGATION

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 2, 1965, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ross I. Newmann.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the examiner and other parties on or before January 20, 1965, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., December 23, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64–13375; Filed, Dec. 28, 1964; 8:51 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64–EA–6]

## OUTLET CO.

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (EA–OE–4639) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Outlet Company, Providence, R.I., proposes to increase by 87 feet the height of the existing WJAR–TV antenna structure near Rehoboth, Mass., at latitude 41°51′54″ N., longitude 71°17′15″ W. The overall height of the structure would be 1,136 feet above mean sea level (940 feet above ground).

The structure is located approximately 12 miles northeast of the Providence, R.I., VOR, within the boundaries of VOR Federal airways Nos. 139 and 457. At the proposed height, it would exceed the standards for determining hazards to air navigation as defined in § 77.23(a) (2) of the Federal Aviation Regulations by 740 feet as applied to the airways, since it would be more than 200 feet above ground. The proposed increase in the height of the structure would require an increase from 2,000 feet to 2,100 feet in the minimum en route altitude (MEA) for that segment of V457 between the Providence VOR and Walpole, Mass., Intersection and for the segment of V139 between the Providence VOR and the Whitman, Mass., VOR.

The aeronautical study disclosed that the increase in the MEA on V457 would have no substantial adverse effect on aeronautical operations since the minimum altitude is not used and there are no plans for its use. Furthermore, due to recent changes in Boston area procedures, the Agency on November 12, 1964, issued Airspace Docket No. 64–WA–52 realigning V457. The realinement of V457 will permit retention of the 2,000-foot cardinal altitude.

The study further disclosed that intercity traffic between Providence and Boston, Mass., is routed via V139 at altitudes of 2,000 and 3,000 feet and that the loss of the 2,000-foot cardinal altitude would have a substantial adverse effect upon this operation. On November 3, 1964, the Agency issued Airspace Docket 64–EA–35 designating an east alternate segment of V139 to be used at a minimum en route altitude of 2,000 feet between Providence VOR and Whitman VOR.

The realinement of V457 and the designation of the east alternate to V139 will become effective on January 7, 1965.

Based upon the aeronautical study, it is the finding of the Agency that effective with the designation of V139 east alternate airway, the proposed increase in height of the antenna structure would have no substantial adverse effect on aeronautical operations or procedures.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on December 16, 1964.

GEORGE R. BORSARI,
*Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64–13339; Filed, Dec. 28, 1964; 8:48 a.m.]

[OE Docket No. 63–SO–15]

## WDEF BROADCASTING CO.

### Order Entering Final Determination of Hazard to Air Navigation

*History of proceedings.* The Federal Aviation Agency was notified by letter dated May 10, 1963, that the WDEF Broadcasting Co., Chattanooga, Tenn. (hereinafter referred to as the company), proposed to increase by 462 feet the height of its existing television tower and antenna near Chattanooga at latitude 35°08′05″ N., longitude 85°19′25″ W. The new overall height of the structure would be 2749 feet above mean sea level (841 feet above ground).

This was the third proposal by the company for a taller television tower and antenna at Chattanooga. The first proposal was for a structure with an overall height of 3293 feet AMSL (1385 feet AGL). The proposal, filed in May 1962, received objections from the aviation community and was subsequently withdrawn by the company.

A second proposal was filed in September 1962. The overall height for this proposal was 3049 feet AMSL (1141 feet AGL). A study conducted by the FAA again disclosed objections by the aviation community. The study also disclosed that the structure would have a substantial adverse effect upon the safe utilization of the navigable airspace. As a result, the Agency issued, on February 13, 1963, a Notice of Determination of Hazard to Air Navigation (FAA OE Docket No. 63–SO–1, FEDERAL REGISTER, 28 F.R. 1748).

On May 10, 1963, the company filed a third and present proposal for an overall height of 2749 feet AMSL (841 feet AGL). This proposal was the subject of an aeronautical study (FAA Study No. SO–OE–2507) to determine its effect upon the safe utilization of navigable airspace. A notice pertaining to the proposal and the study was circularized to all known interested parties for comment. Substantial objections to the proposal were received. The Agency completed the study on September 30, 1963, with the issuance of a Determination of Hazard to Air Navigation (FAA OE Docket No. 63–SO–15, FEDERAL REGISTER, 28 F.R. 9286).

On October 30, 1963, the company petitioned the Administrator for a public hearing in appeal of this determination. The public hearing was granted on January 1, 1964. The Agency issued a notice of public hearing on May 22, 1964 (28 F.R. 10726).

A prehearing conference and a public hearing were held in Chattanooga, Tenn., commencing June 6, 1964. Interested parties at the public hearing were:

1. WDEF Broadcasting Co.
2. Aircraft Owners and Pilots Association.
3. Airport Manager, Lovell Field.
4. National Business Aircraft Association.
5. Tennessee Aeronautics Commission.

The two questions of fact presented for consideration at the hearing were:

1. Whether justification exists for the proposed structure to occupy that airspace which exceeds the standards for determining hazards to air navigation contained in Part 77 of the Federal Aviation Regulations; and

2. Whether the proposed antenna structure would have a substantial adverse effect upon the safe and efficient utilization of airspace so as to be a hazard to air navigation.

Only the second question, dealing with the issue of whether or not the proposed alteration is a hazard to air navigation, is considered relevant to this proceeding and will be considered in this determination.

The primary reason for listing the first question was to satisfy the desire of WDEF to demonstrate the type of television coverage problem it has in the Chattanooga area. The company stated to the FAA, in advance of the public hearing, that the needed additional height of 462 feet would permit the station to extend coverage throughout areas that the company is not serving at present.[1]

After giving this matter careful study the Agency believes the question concerning the company's need for additional television coverage to be within the exclusive jurisdiction of the Federal Communications Commission.

Part 77 of the Federal Aviation Regulations was created to deal with determinations of hazards affecting air navigation (§§ 71.21(b), 77.23(a), 77.31(b), 77.37(a)). Should the proposed construction or alteration present a possible danger to the safety of aircraft in airspace, it is the Administrator's obligation to issue a determination of hazard (section 307(a), Fed. Avia. Act). The FCC has the expertise and facilities to determine if the communications interests of the public would be better served by permitting a station to increase its coverage, while the FAA is concerned with the safety aspect of structures penetrating into navigable airspace. These functions are not contradictory and a clear division separates the two. Accordingly, this determination will be directed to the question of whether or not the proposed extension to the existing tower of WDEF will constitute a hazard to air navigation.

*Evidence.* The evidence presented at the hearing was related principally to the effect the proposed addition to the WDEF antenna structure would have on VFR operations. The facts bearing on this question were produced at the hearing as hereinafter set forth.

WDEF–TV operates a television station in Chattanooga. An antenna for this station is maintained on Signal Mountain (latitude 35°08′05″ N.; longitude 85°19′25″ W.), which is proximal to Chattanooga. The antenna is 2,287 feet MSL (379 AGL) in height. The company proposes to increase the height of the existing antenna 462 feet (2,749 MSL). The site of the WDEF–TV antenna is northwest of Chattanooga and approximately 10 miles from Lovell Field, the principal airport servicing the city. The elevation of Lovell Field is 682 feet MSL. The terrain stretching northwesterly from the airport gradually rises to approximately 1,150 feet MSL where it touches the base of Lookout Mountain. At that point the mountain sharply rises to a height of approximately 1,900 feet MSL. The WDEF–TV antenna rests on the brow of the cliff.

Evidence was introduced at the hearing by local pilots, who either represented themselves or spoke on behalf of pilot organizations, to show that the mountainous conditions northwest of the airport, coupled with deceptive weather conditions existing in the area of the WDEF tower site, made the proposed alteration a hazard to pilots operating aircraft in this area under VFR. All of the active pilots agreed that the area between Chattanooga and Nashville, over V–5 airway, is a heavily travelled route that is frequently used by itinerant pilots flying from the northwest to Florida and from locations in the southeastern part of the United States to the northwestern States. The only U.S. Weather Bureau reporting stations along this line are those located at Chattanooga and Nashville. Based upon their experience in this area, all of these pilots agreed that on many occasions the weather at Chattanooga and Nashville would be VFR while the weather conditions over the mountain would be marginal for VFR operations.

During the spring and summer months the WDEF–TV tower site is surrounded by haze caused by smoke carried from the city of Chattanooga to the moun-

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[6] For example, the proposed restriction would apply alike to both small and big town newspapers, and whether the print is in English or in some foreign language. In short, substance, not form will be determinative. The intent of the proposed amendment is to prevent the solicitation of the general public for individual charter trips by any advertising means whatsoever.

[7] The Board will not entertain petitions for reconsideration of this order.

[1] CBS affiliates operating from Knoxville (NE of WDEF), Atlanta (SE of WDEF), and Birmingham (SW of WDEF) already serve much of the area WDEF wishes to reach through added tower height. According to testimony given on behalf of WDEF, the main reason for the proposed increase in the tower height is to influence as many people as possible to come to Chattanooga to shop.

tains by southerly and southwesterly winds. At times, this haze layer extends as high as 8,000 feet MSL, and often extends into the base of an overlying cloud layer. Also, during the summertime, thunderstorm conditions cause a lowering of ceilings over the mountains in the area of the WDEF–TV antenna. During the wintertime, weather backs up against the mountain and the ceilings are often low. While this condition exists in the mountains the weather is often clear at Lovell Field.

The Director of the Tennessee Aeronautics Commission, an active pilot for 32 years, testified that for the past 11 years he has been headquartered in Nashville. During this time he made hundreds of flights from Nashville to Chattanooga. He testified that often the weather briefing obtained from the Nashville office indicated good VFR weather conditions in Nashville and Chattanooga, but in making the flight he has observed rapid deterioration of the weather and the existence of marginal VFR flight conditions in the Cumberland-Signal Mountain area. It was the director's opinion that, since the WDEF tower is located near a heavily flown airway, any additional height to the present structure would make the tower a matter of concern for itinerant pilots coming from the north and the northwest who must cross over the hilly area in the vicinity of the tower, and then descend into the flat country extending southeast of Signal Mountain. The director has been involved in many search and rescue missions attempting to locate transient pilots who have been missing for several days. In practically all these missions, the missing pilots were along V–5 airway en route to Florida. On two occasions the director personnally located missing aircraft that had crashed into the mountains because the pilots, who were not IFR qualified, had become involved in fast deteriorating weather and were attempting to proceed under VFR conditions.

Pilot testimony was also produced to show that pilots approaching Chattanooga from Nashville during night VFR conditions could easily mistake the WDEF–TV tower lights as lights in the city below the mountain. While flying the same route during daytime, particularly during the early morning hours, a pilot would be flying into the sun. When this condition is coupled with the visibility problem associated with haze, it is almost impossible for a pilot to find the latticed WDEF–TV tower. During the wintertime, the pilot of a light aircraft without de-icing equipment often must fly less than 2,500 feet MSL to stay under a low ceiling and to avoid precipitation. This would place his aircraft lower than the proposed height of the WDEF tower.

All pilots questioned at the hearing indicated that a VFR pilot uses a chart to fly by, and he determines a congested area principally from the yellow markings on the chart. All of the active pilots questioned understood that the area around Signal Mountain is noncongested and that pilots, for the most part, fly 500 feet over the area, thereby operating at approximately 2,500 feet MSL.

Mr. F. Ward Reilly, who has lived in the Lookout Mountain area for many years and who also has been a pilot for 42 years, was able to provide the hearing with a definitive account of the local weather conditions in the vicinity of the WDEF tower. Mr. Reilly is an aircraft owner and has been an active pilot for the past 18½ years. He is presently the commander of the Southeastern Regional Civil Air Patrol and has served for 10 years as a member of the Tennessee Aeronautics Commission. He has flown approximately 3,000 hours under visual flight rules. It was his opinion that certain of the low-performance aircraft operating from Runway 32 at Lovell Field are barely able to clear the existing WDEF tower, and that any extension to the tower would constitute a serious hazard to the operation of this type aircraft.

During the fall and winter months it is not unusual to find marginal VFR conditions with a cloud layer hanging slightly above the mountain in the area of the tower. Under these circumstances, the Weather Bureau could be reporting VFR conditions at Lovell Field. Mr. Reilly has flown his aircraft in the vicinity of the tower at 2,500 feet MSL and has reported that he observed other pilots flying in that area at lower altitudes. Based upon his extensive flight experience in the local area, he viewed the route from Chattanooga to Nashville as an extremely busy and heavily travelled airway. Mr. Reilly stated that the peculiar weather situation in the Lookout Mountain area places the pilot in a "squeeze when [he] get[s] trying to go over these mountains." He gauged that approximately 50 percent of the time pilots must operate into and out of Chattanooga, in the vicinity of the tower site, under some form of overcast.

The AOPA produced a technical expert who is also its Director of Policy Coordination. This witness is an active pilot and has had extensive past air traffic control experience with the CAA.

He testified that he studied the Chattanooga situation and determined that certain of the lighter aircraft taking off from Lovell Field and proceeding in a northwesterly direction would not reach a desired safe level above the proposed tower height. The problem is heightened because the structure is not easily observed by a pilot climbing his aircraft from a lower elevation since the tower would be viewed against the open sky and is of lattice-type construction. A further problem is that the visibility in the vicinity of the tower is often reduced because of haze.

AOPA opposed the proposed tower extension because there is a large volume of VFR flying in the area and the pregnant possibility exists that a pilot, who is endeavoring to operate in strict conformity with all pertinent regulations, may inadvertently be diverted or stray from his intended flight path and crash into the tower. According to the AOPA technical witness, the WDEF tower is not in a congested area. This he determined from a visual inspection of the WDEF site from the air and from studies he made of the Sectional Chart. It was the witness' view that VFR pilots were free to fly 500 feet above the ground in this area (approximately 2,500 feet MSL). This would place the proposed height of the tower (2,749 feet MSL) higher than the altitude used for VFR flights.

The company produced an aeronautical expert who holds a commercial pilot certificate but is not an active pilot. This witness had, in the past, extensive air traffic control experience with the Civil Aeronautics Administration. Prior to his testimony, this expert witness did not make a study of the WDEF site by air, nor has he ever flown as a pilot in the Chattanooga area.

The witness testified that it was difficult to make a VFR evaluation of this area because of the lack of VFR traffic information indicating the number of flights that pass over the tower site. In order to obtain necessary information concerning this matter, a traffic count was conducted by the company over the period of one week (May 13–19, 1964). It was determined from this study that only 5 aircraft and 2 helicopters out of 180 observations were as low as 3,000 feet MSL. This evidence indicated that the tower height, as proposed, would not have inconvenienced, or in any way endangered, any of the 180 flights. In addition, the witness maintains that, since the Signal Mountain area is congested, pilots would be required to fly 1,000 feet over the area. Accordingly, even if a pilot operated over the antenna at the proposed height, the aircraft would clear the obstruction easily. He concluded that Signal Mountain was as good a place for an antenna site as any other area, and that there could not be any adverse effect on VFR operations by increasing the tower height.

In the course of making his VFR study this witness did not fly over the area with a light aircraft, nor did he testify that he talked to a single local pilot concerning any VFR problem the proposed height may cause. While this witness agreed that under certain atmospheric conditions, some of the towers are difficult to see, he made no effort to familiarize himself with significant weather factors in the area. He was unaware of whether there was a haze layer in the area of the tower site, or the height and density of such. He had no information concerning winter weather phenomena in the area of Lookout Mountain that may create marginal-to-hazardous VFR flight conditions. He was unaware of the thunderstorm conditions that occur during the summer months and the effect the position of the sun has on a pilot who is flying from Nashville to Chattanooga during the morning hours.

The company also produced two witnesses who made a traffic study from the tower each day from May 13 through May 19, 1964, between 0700 and 1900 hours c.s.t. A record was made of each aircraft observed and included the time, aircraft type, estimated heading, estimated altitude (above ground), estimated position from observation post and general weather conditions at the time. For the seven-day period the two witnesses observed 180 flights that passed between one-fourth mile and seven miles from the tower. No aircraft were observed directly over the tower site. Only two aircraft were observed at 1,000 feet; and the other passed one mile southwest of the site. Two Army helicopters were observed at 1,000 feet one-half mile southwest of the site. One aircraft was observed three miles southwest of the site at 1,500 feet; another was one-half mile northeast at 1,500 feet and a third was two miles southwest of the site at 1,500 feet. Aircraft observed in all other instances were at altitudes of 2,000 feet and higher. The recorded observations reflect that the study was made during a time when the sky was almost always clear, or a high ceiling existed.

Both witnesses are long-time employees of WDEF and neither has ever flown an aircraft. Neither had any prior experience in estimating altitudes or distances of aircraft from a given point, and the only equipment provided for the job was a telescope and a set of binoculars. Each stood duty alone for periods as long as 12 hours (except for short rest periods) on some planking that had been placed across latticed sections of the tower 45 feet above the ground. The majority of the time each observer had to stand since no chair or table was provided. Some cardboard shielding was placed around the outside of the tower to break the chilling wind. One of the observers stated that, at times, wind gusts up to 30 mph shook the tower. Each observer admitted that the recordings of the wind velocity, visibility and cloud heights were only rough estimates.

Based upon studies made by the FAA, it was determined that an accurate count of traffic operating VFR over the TV site could not be made. However, the FAA study did indicate that flights on routes such as Chattanooga-Nashville, Nashville-Chattanooga, Nashville airways to Atlanta, Nashville airways to Macon or Jacksonville, etc., would undoubtedly operate in the vicinity of the structure. This study revealed that at least 1,360 aircraft operated on VFR flight plans in this vicinity during calendar year 1962. The altitudes of these aircraft are unknown. The expert witness for the AOPA was of the view that, based upon his study, approximately 6,900 VFR flights travelled in the vicinty of the WDEF tower during fiscal year 1963.

In the Determination of Hazard to Air Navigation issued in Washington, D.C., on September 30, 1963, determinations were made that the proposed structure would affect IFR aeronautical operations, procedures and altitudes as follows:

1. The minimum transition altitude from the Whitwell Intersection to the North Chattanooga radio beacon would be increased from 3400 feet to 3700 feet MSL.

2. The minimum transition altitude from Haletown Intersection to the North Chattanooga radio beacon would be increased from 3400 to 3700 feet MSL.

3. The minimum transition altitude from the Bridgeport Intersection to the North Chattanooga radio beacon would be increased from 3400 feet to 3700 feet MSL.

The determination was also made that, because of the relatively short distance from the proposed structure to Lovell Field, only aircraft with a very fast climb capability would be able to depart on course with safety when proceeding in a northerly or westerly direction. Due to the high terrain and present towers in the Chattanooga area, the Agency has found it necessary to caution pilots, operating aircraft with limited climb capabilities and departing on westerly and northwesterly routes, to request clearance to climb on a track of either 016° or 196° from the instrument landing system middle marker to 3,000 feet before continuing climb on course. The greater height of the proposed structure would complicate this problem further.

The increase in the minimum transition altitudes that would be required if this structure were constructed would cause delay to instrument approach operations because of the higher initial approach altitude. In addition, when air traffic control found it necessary to direct a departing aircraft via the above special climb procedure, aircraft awaiting approach would be delayed further, or approaches would be stopped altogether until the departing aircraft had left the immediate area or climbed to an altitude above 4,000 feet. Thus, when the Chattanooga terminal area was under heavy IFR traffic and minimum weather conditions, approach and departure procedures could become quickly saturated and traffic unavoidably delayed. During fiscal year 1963 there were 19,433 instrument operations and 3,321 instrument approaches at Lovell Field.

The study disclosed that the above procedures and minimum flight altitudes cannot be altered to accommodate the proposed structure without having a substantial adverse effect upon aeronautical operations in the Chattanooga terminal area.

The aviation consultant for the company testified that his study indicated the following:

1. The Whitwell to N. Chattanooga transition altitude would be increased from 3400 feet to 3700 feet MSL.

2. The Haletown to N. Chattanooga transition altitude would be increased from 3400 feet to 3700 feet MSL.

3. The Bridgeport to N. Chattanooga transition altitude would be increased from 3400 feet to 3700 feet MSL.

He disagreed that the proposed height increase for the tower would further complicate the climbout problem for pilots intending to fly northwesterly from Lovell Field, or that the increase in the minimum transition altitudes would cause delay to instrument approach operations because of the higher initial approach altitude. It was his opinion that the proposed increase in the tower height would not have any adverse effect upon IFR operations in the Chattanooga area.

*Analysis.* The principal problem is to evaluate the effect the proposed additional height to the WDEF tower will have on VFR flight. To accomplish this effectively, the standards to be applied to this type of case should be stated first. In general, surface obstructions are of concern to a pilot at three distinct times during flight:

(1) When climbing to a cruising altitude after takeoff;

(2) When cruising at a low altitude, and

(3) When descending from cruising altitude preparatory to landing.

Surface structures have their greatest impact upon VFR operations when the ceiling and visibility conditions are near minimums and pilots are forced to fly at low altitudes to maintain visual surface reference.

Any structure which would interfere with the safe transit of aircraft through the navigable airspace would have an adverse effect upon such aircraft, thereby creating a hazard to air navigation. It could be said that any structure which is over 500 feet high, or which is under 500 feet high and adversely affects an approach or departure, is a hazard to air navigation since it occupies airspace which has been declared to be "navigable airspace," and aircraft attempting to use the airspace would run the risk of colliding with the structure. It is a fact, however, that not every structure penetrating into the navigable airspace is a hazard to air navigation if it can be marked and lighted in a manner so as to provide visual observance by pilots, or if it is located in terrain so as not to increase the potential hazard to aircraft. In general, the converse is also true. When the structure is of such a height that aircraft operating in navigable airspace may collide with it because weather conditions, or topographic features, or both, prevent the pilot from observing the structure, such must be considered a hazard to air navigation. As already stated, the greatest danger arises in situations when the weather is marginal and a VFR pilot, operating under a lowering ceiling, reduces his altitude to stay under the overcast. In this situation he normally will devote the major portion of his attention to maintaining safe flight. Residual time will be used for studying aeronautical charts for obstructions and searching for them. Such pilots do not search ahead with their eyes, but, rather, look down in order to use any familiar landmark as a navigational aid to safely reach the airport. In these situations, it is foreseeable that a collision could occur if the tower extends above 500 feet in navigable airspace and is located near a route that is routinely travelled by VFR aircraft. The same result may follow where, because of haze or some other atmospheric condition, a pilot is unable to see a tower until his aircraft is in a position of danger. On the other hand, the proponents for the tower contend that a pilot operating under a VFR flight plan is responsible solely for the safety of his flight and under no circumstances should he permit himself to be entrapped in a marginal weather situation. They believe that a prudent pilot will plan his flight to avoid restricted areas and obstructions that he might not reasonably be able to fly around or over.[2] We are reminded that where visual flight rules

[2] The purpose of the traffic study conducted by the company was to demonstrate

are followed, the primary responsibility of avoiding collisions or accidents rests with the pilot (U.S. v. Schultetus, 277 F. 2d 322, 5th Cir., 1960). In addition, they state that since the Signal Mountain area is a congested area a pilot must operate his aircraft at lest 1000 feet over the tallest obstacle. This would place the aircraft in controlled airspace where a pilot, needing a visibility of 3 miles, would observe the WDEF tower as proposed.

The best answer to the company's position is that made by Mr. Reilly who, in referring to this area, testified:

• • • Well, it is usually my criteria that unless I have approximately a thousand feet above terrain between the mountains and the ceilings I avoid going underneath but you can't always determine that. This thing is a booby trap. We picked up lots of people during my time in the Civil Air Patrol between Nashville and Chattanooga that didn't make it.

Q. You recognize, sir, that a pilot flying VFR has the responsibility to use care and to turn back when he is getting into or approaching instrument conditions?

A. I am well aware of that, but I am also aware of the fact that it is a great deal more complicated than just that. This VFR flying is the most complicated type of flying you can do cross country • • •

Evidence produced by active pilots indicated that they consider the climbout from Lovell Field in a northwesterly direction toward Nashville as a potentially dangerous maneuver, particularly for an itinerant pilot. Also, it is agreed that an itinerant pilot who is flying between Nashville and Chattanooga during the fall and winter months unexpectedly may encounter reduced ceilings over the mountain, and in the process of reducing altitude to stay out of the clouds, may reduce his altitude to a level at which he could collide with a tower. When a pilot is in this position of stress, particularly a relatively inexperienced one, he is not overly concerned whether the scattered houses beneath him constitute a congested area. Instead, he will continue on as long as he can keep a reasonable altitude above the ground and remain beneath the overcast. Should this type of operation occur in the Lookout Mountain area, as we are advised it does during the fall and winter months, it is foreseeable that an addition in height to the existing WDEF tower will constitute a hazard to air navigation. The Agency does not consider as satisfactory the argument that since no aircraft have yet struck any of these towers on Lookout Mountain they do not constitute a hazard. There is proof of record that accidents have resulted because of the hazards associated with deteriorating weather in this mountain chain. The erection of a tall tower in the vicinity of a busy airway or an area used by aircraft operated VFR would increase the hazard, and it is precisely this that the company proposes to do. The aviation safety situation is already critical with the existing towers in this area. It would be an unreasonable act to further the risk by approving an increase in height for WDEF–TV.

*Finding.* The proposal of WDEF Broadcasting Co. to increase the height of its existing television tower and antenna by 462 feet would have an unacceptably hazardous effect upon the safe navigation of aircraft in the navigable airspace in the Chattanooga, Tenn., area.

*It is hereby ordered,* That a final determination of hazard to air navigation be and is hereby entered in accordance with § 77.77 of the Federal Aviation Regulations with respect to the proposal by WDEF Broadcasting Co., Chattanooga, Tenn., to increase by 462 feet the height of its existing television tower and antenna near Chattanooga at latitude 35°08'05'' N., longitude 85°19'25'' W.

Issued in Washington, D.C., on December 18, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64–13340; Filed, Dec. 28, 1964; 8:48 a.m.]

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[OE Docket No. 64–PC–1]

## HAWAIIAN LANES INC.

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (PC–OE–101) to determine its effect upon the safe and efficient utilization of navigable airspace.

Hawaiian Lanes, Inc., Honolulu, Hawaii, proposes to construct a five-story, 98-unit hotel building to incorporate an existing one-story complex consisting of a bowling alley, a resturant and a child care center. The structure would be located near Honolulu, Hawaii, at latitude 21°20'15'' N., longitude 157°54'15'' W. The overall height of the structure would be 64.5 feet above mean sea level (55.5 feet above ground).

The proposed structure would be located 1.5 statute miles northeast of the Honolulu International Airport reference point and 2,550 feet, bearing 58 degrees true, from the approach end of Runway 22 left (22L). The structure would exceed the standards for determining hazards to air navigation as defined in § 77.27(b)(1) of the Federal Aviation Regulations by penetrating the noninstrument approach area surface of Runway 22L by 16.3 feet.

In addition, turbojet aircraft departing Runway 4 right (4R) would be adversely affected since under Special Civil Air Regulations No. SR–422B they would be required to attain an altitude of approximately 99 feet above mean sea level over the structure, if erected. Under conditions such as maximum aircraft loading (which is quite probable due to the long overseas flights), engine malfunction, or hot weather, the obstruction clearance would be reduced resulting in the availability of less maneuvering area in case of an emergency. This would be critical. Aircraft departing Runway 4R are at present adversely restricted to weight limitations under certain climatic conditions and the proposed buildings would in effect reduce the usable length of that runway thereby further restricting weight limitations. In addition, aircraft taking off to the northeast or landing to the southwest on this runway pass over the proposed site while in a climbing or descending attitude and at a time when a pilot's attention is directed toward an extremely critical phase of flight. The proposed structure would extend 57.3 feet above the nearest airport elevation and would be within the normal traffic pattern for this runway.

A review of the aeronautical study disclosed that Runway 8/26 is the primary runway used; however, Runway 4R/22L becomes the primary runway whenever Runway 8/26 is closed for maintenance, or unusable due to existing wind and weather conditions. Southerly winds prevailed about one-fifth of the present year creating a cloud condition which required approaches to Runway 22L to be made under reduced visibility. The yearly average wind coverage, with 15 MPH allowable crosswind component, is 94% for Runway 4R and 4% for 22L. During fiscal year 1964, there were 265,179 aircraft operations at the Honolulu International Airport with an average of 114 turbojet operations per day. This airport is also a joint-use airport at which MATS, KC–135 and other military jet aircraft operate.

The estimated annual operation for Runway 4R is 37,501 landings and 33,001 takeoffs; for Runway 22L 1,649 landings and 1,749 takeoffs.

The structure, if erected, would be located in close proximity to the airport in such a position that it may be necessary for aircraft to maneuver at a dangerously low altitude to obtain adequate vertical or horizontal obstruction clearance at a time when the pilot's attention is required for the observance of other air traffic and therefore the structure would be detrimental to the safety of aircraft in flight.

In addition, operational procedures require aircraft departing Runway 4R to execute a right turn as soon as safety permits after takeoff due to the high rising terrain and congested area situated beyond the end of the runway. Conversely, arriving aircraft are required to execute a curved approach to Runway 22L. The building site is situated beneath these curved approaches and departures and, since these maneuvers are necessary as a safety precaution they cannot be altered.

Such construction could also lead to considerable noise complaints; however, objections based upon noise abatement factors are not relevant to the determination of whether a structure would be a hazard to air navigation.

On the basis of the reasons enumerated above, the proposed structure would constitute a hazard to aircraft conducting approaches and departures to Runway 4R/22L of the Honolulu International Airport and would be a formidable obstruction to aircraft using these runways.

Based upon the aeronautical study, it is the finding of the Agency that the proposed hotel would have a substantial adverse effect upon aeronautical operations at the Honolulu International Airport, since the proposed construction would be detrimental to the safety of aircraft approaching Runway 22L and departing Runway 4R.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under Section 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on December 18, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64–13365; Filed, Dec. 28, 1964; 8:51 a.m.]

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[OE Docket No. 64–CE–12]

## SOO ELECTRONICS, INC.

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (CE–OE–6375) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Soo Electronics, Inc., South Sioux City, Nebr., proposes to construct a community antenna television structure at latitude 42°28'21'' N., longitude 96°25'19'' W., in South Sioux City, Nebr. The overall height of the structure would be 1,589 feet above mean sea level (500 feet above ground).

The structure would be located approximately 2.7 miles northeast of the Martin, Nebr., Airport and within the boundaries of VOR Federal airways Nos. 15 and 15E. It would exceed the standards for determining hazards to air navigation as defined in § 77.25(b)(2) of the Federal Aviation Regulations by 128 feet as applied to the airport. It would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2) by 300 feet as applied to the airways.

The proposed structure would not require an increase in the instrument flight rules minimum en route altitudes on Victor 15 and 15E. It would not adversely affect operations at Martin Airport since it would be located beyond a normal airport traffic pattern.

The proposed structure would be located in the fringe area of the city. Therefore, aircraft operating in accordance with visual flight rules in the vicinity of the structure would be expected to maintain an altitude well above its proposed height.

The proposed structure would be located approximately 20,950 feet northwest of the northwest end of Runway 13/31 of the Sioux City Municipal Airport and 11,290 feet northeast of the extended centerline of that runway. At this location, it would require an increase from 2400 feet to 2600 feet in the transition altitudes and procedure turn altitudes for Standard Instrument Approach Procedures (SIAP) AL–395–ILS–RWY 13 (BC), AL–395–ADF–2, and AL–395–VOR/DME–2, and an increase from 2400 feet to 2600 feet in the missed approach altitudes for SIAPs AL–395–ADF–1 and AL–395–ILS–RWY 31.

The aeronautical study disclosed that, except for SIAP AL–395–VOR/DME–2, the above increases in operational altitudes would have no substantial adverse effect on these procedures since the rate of descent would remain within prescribed standards.

The increase in the transition and procedure turn altitude for SIAP AL–395–VOR/DME–2 would result in an excessive rate of descent for aircraft using this procedure. The study disclosed, however, that the procedure could be altered so as to conform with the rate of descent criteria by relocating the 10-mile DME fix to 8.5 miles and lowering the altitude over the 8.5-mile fix from 2,200 feet to 2,100 feet. To facilitate this action, the proponent is hereby required to give notice to the Agency of the date that construction is scheduled to begin. Such notice shall be given not less than 30 days prior to commencement of construction.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under Section 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on December 17, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64–13366; Filed Dec. 28, 1964; 8:51 a.m.]

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# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15705, etc.; FCC 64–1163]

## CHARLES VANDA ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Charles Vanda, Henderson, Nev., Docket No. 15705, File No. BPCT–3315; Sovereign Television Corporation, Henderson, Nev., Docket No. 15706, File No. BPCT–3323; Boulder City Television, Inc., Boulder City, Nev., Docket No. 15707, File No. BPCT–3327; Vegas Valley Broadcasting Co., Boulder City, Nev., Docket No. 15747, File No. BPCT–3454; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of December 1964;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4, the first two in Henderson, Nevada, and the last two in Boulder City, Nev.; and

It appearing, that on November 18, 1964, the Commission designated for comparative hearing (FCC 64–1075) the above-captioned applications of Charles Vanda, Sovereign Television Corp., and Boulder City Television, Inc.; and

It further appearing, that the above-captioned application of Vegas Valley Broadcasting Co. was substantially complete and accepted for filing on the day preceding the date on which the prior applications were designated for hearing, and that it is mutually exclusive and entitled to comparative consideration therewith, in accordance with §§ 1.227 (b)(1) and 1.572(e) of the Commission's rules; and

It further appearing, that, in addition to the matters to be considered in connection with the applications of Charles Vanda, Sovereign Television Corp., and Boulder City Television, Inc., as set forth in the above-mentioned Order (FCC 64–1075), the following matters with respect to the application of Vegas Valley Broadcasting Co. are to be considered in connection with the issues specified below:

(a) Based on information contained in the application of Vegas Valley Broadcasting Co., cash in the amount of approximately $127,000 will be required for the construction and initial operation of the proposed new station. The applicant appears to rely upon the availability of $250,000 from stock subscriptions and loans from subscribers, but none of the subscribers has shown current and liquid assets in excess of current liabilities in an amount sufficient to meet his commitments to the applicant. Additionally, the applicant proposes to lease equipment, land and buildings from Bentonite, Inc., but no showing has been made that Bentonite, Inc. has the financial ability to perform in ac-

that VFR aircraft were not operated in close proximity to the WDEF tower. Because of the manner in which the study was conducted, coupled with the lack of expertise of the observers who performed their functions under adverse conditions, very little weight is given to this evidence.

cordance with its undertaking. It cannot be determined, therefore, that the applicant is financially qualified.

(b) The antenna system and site proposed by Vegas Valley Broadcasting Co. has not been approved by the Federal Aviation Agency. An issue will be specified, therefore, to determine whether the antenna system and site proposed might constitute a hazard to air navigation.

It further appearing, that, except as indicated above, Vegas Valley Broadcasting Co. is legally and otherwise qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Charles Vanda, Sovereign Television Corp., Boulder City Television, Inc., and Vegas Valley Broadcasting Co. are designated for hearing in a consolidated proceeding in Docket Nos. 15705–15707, at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine whether Charles Vanda is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether Boulder City Television, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Boulder City Television, Inc., would constitute a hazard to air navigation.

4. To determine whether Vegas Valley Broadcasting Co. is financially qualified to construct, own and operate the proposed television broadcast station.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by Vegas Valley Broadcasting Co. would constitute a hazard to air navigation.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service among communities.

7. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the above-captioned applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

*It is further ordered,* That the specification of issues herein shall supersede the specification of issues in the Commission's order of November 20, 1964, in this proceeding.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, Charles Vanda, Sovereign Television Corp., Boulder City Television, Inc., The City of Boulder City, Nev., and Vegas Valley Broadcasting Co., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–13313; Filed, Dec. 28, 1964; 8:46 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP65–57]

## BACA GAS GATHERING SYSTEM, INC.

### Notice of Application

DECEMBER 18, 1964.

Take notice that on August 28, 1964, as supplemented on September 30, 1964 and October 21, 1964, Baca Gas Gathering System, Inc. (Applicant), 1818 Republic Bank Building, Dallas, Tex., 75201, filed in Docket No. CP65–57 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale for resale of natural gas in interstate commerce, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 38 miles of natural gas pipeline to transport gas which will be purchased by Applicant from producers in Baca County, Colo., and sold to Panhandle Eastern Pipe Line Co. (Panhandle) in Morton County, Kans. The estimated cost of the proposed facilities is $530,000, including approximately $50,000 of organization expenses, which will be financed by the issuance of common stock, convertible debentures and notes.

Applicant estimates that 43,602 MMcf of gas at 14.73 p.s.i.a. are dedicated to the project. The gas will be purchased by Applicant from the producers at an initial rate of 12 cents per Mcf at 14.65 p.s.i.a. and sold to Panhandle at an initial rate of 16 cents per Mcf at 14.65 p.s.i.a.

The application states that although exploration and development by independent producers operating in southeastern Colorado have established the existence of substantial gas reserves in the region from which Applicant proposes to obtain its supplies, these reserves have remained uncommitted because of the unavailability of an adequate market, and as a result there are presently shut-in gas wells in several fields in this region. The application states further that in the absence of any satisfactory market for supplies already developed, the producers are not in a position to undertake the further substantial expenditures required for further development of the productive potential of the area.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 15, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–13277; Filed, Dec. 28, 1964; 8:45 a.m.]

[Docket No. RI65–298]

## CITIES SERVICE OIL COMPANY ET AL.

### Correction of Date

DECEMBER 11, 1964.

In the Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund, issued November 12, 1964 and published in the FEDERAL REGISTER November 24, 1964 (F.R. Doc. 11871; 29 15784) change "December 5, 1964" to read "October 5, 1964" under column headed "Date Filing Tendered" also change "November 1, 1965" to read "January 1, 1965" in the fourth line of "Appendix A" counting from the bottom of the page.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–13278; Filed, Dec. 28, 1964; 8:45 a.m.]

[Project No. 2487]

## CENTRAL VERMONT PUBLIC SERVICE CORP.

### Notice of Application for License

DECEMBER 18, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (26 U.S.C. 791a–825r) by Central Vermont Public Service Corp. (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vt.) for a license for constructed Project No. 2487, known as the Hoosick Falls Plant, located on Hoosick River, in Rensselaer County, N.Y., in the vicinity of Hoosick Falls, Vt.

The project consists of: (1) A concrete dam, approximately 220 feet long and 30 feet high surmounted by 2-foot flashboards, containing a spillway section and a concrete structure with sliding head gates; (2) the spillway occupies about 150 feet of the dam's length; (3) a 16.3-acre reservoir with storage limited to hourly pondage; (4) a canal approximately 900 feet long and 75 feet wide (the north wall of which is an earth dike) containing three trash racks at the powerhouse end and a 53-foot concrete spillway equipped with 2-foot flashboards located directly below the dam; (5) a powerhouse, the foundation of concrete and heavy stone masonry with brick superstructure, containing three vertical generating units with a combined capacity of 1,050 kw driven by three turbines with a combined capacity of 1,510 hp; (6) a 34.5 kv transmission line connecting the plant to the North Bennington substation; and (7) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 2, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–13279; Filed, Dec. 28, 1964; 8:45 a.m.]



[Docket No. G–17849, etc.]

## EL PASO NATURAL GAS CO.

### Notice of Petition for Amendments of Certificates

DECEMBER 18, 1964.

Take notice that on October 28, 1964, El Paso Natural Gas Co. (El Paso) filed a petition, pursuant to the Natural Gas Act and the regulations thereunder, for amendment of certificates of public convenience and necessity issued in Docket No. G–17849, CP63–207 and CP64–292 on June 19, 1963, April 15, 1963 and July 31, 1964, respectively, all as more particularly described in said petition which is on file with the Commission and open to public inspection.

In Docket No. G–17849, El Paso requests that it be permitted to substitute three used 165 horsepower compressor units, at the Beaver Compressor Station in lieu of the single 440 horsepower unit authorized therein; in Docket No. CP63–207 requests authorization to use a 2,400 horsepower compressor unit at its existing Blanco Compressor Station in lieu of 2,500 horsepower unit authorized to be constructed and operated therein; in Docket No. CP64–22 to substitute Arizona Public Service Co. as its customer for sale and distribution to domestic and irrigation customers by means of the authorized Aravaipa Canyon tap in lieu of Southwest Gas Corp. originally authorized therein.

El Paso alleges that savings under estimated costs in Docket Nos. G–17849 and CP63–207 would amount to $126,930 with no appreciable diminution in design capacity.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 12, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–13280; Filed, Dec. 28, 1964; 8:45 a.m.]

[Docket No. CP65–165]

## FLORIDA GAS TRANSMISSION CO.

### Notice of Application

DECEMBER 18, 1964.

Take notice that on December 9, 1964, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla., 32790, filed in Docket No. CP65–165 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of added facilities to its pipeline system and sales and deliveries of additional volumes of natural gas to its customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate (1) a total of 15 30-inch mainline loops on its transmission pipeline system at various points between Compressor Station 7 at Eunice, La., and Compressor Station 16 at Brooker, Fla., comprising approximately 210 miles of main line looping; (2) two new compressor stations, one near Juniper Springs, Fla., and another near Fort Pierce, Fla., with a total of 10,500 installed horsepower, and installation of additional units at eight existing compressor stations and turbocharging at two existing compressor stations, which will provide an additional 20,200 installed horsepower; (3) one new 18-inch gas supply lateral approximately 51 miles in length from E. White Lake Field in southern Louisiana to Applicant's existing 24-inch main pipeline near Port Barre, La., and approximately 22 miles of 6- and 8-inch line loops on four sales laterals in Florida; and (4) one new meter and regulator station in E. White Lake Field for receipt of gas, and miscellaneous additions and changes in existing sales meter and regulator stations in Florida.

Applicant estimates that the proposed facilities will increase its pipeline system annual average day capacity to deliver gas to markets in Florida from 358,930 Mcf to 444,060 Mcf, an increase of 85,130 Mcf. The application states that the increased main line capacity will enable Applicant to keep pace with the growth and market demands of its customers in the State of Florida and is necessary to prevent more or less continuous interruptions of service to industrial customers by the year 1967.

The application further states that Applicant has entered into a gas purchase contract with Pan American Petroleum Corp. and Austral Oil Co., Inc., dated November 20, 1964, for the purchase of an average daily quantity of from 81,600 to 102,000 Mcf of natural gas, which will be incremental to Applicant's existing gas supply.

The estimated total cost of Applicant's proposed construction is $42,690,000, which will be financed through the sale of bonds and debentures and expenditures out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 14, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene

is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13281; Filed, Dec. 28, 1964; 8:45 a.m.]

[Project No. 2330]

## NIAGARA MOHAWK POWER CORP.

### Notice of Application for Amendment of License

DECEMBER 18, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Niagara Mohawk Power Corp. (correspondence to: Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, N.Y.), for amendment of its license for Project No. 2330, located on the Raquette River, in St. Lawrence County, N.Y.

The application requests authorization to replace the existing timber crib dam at the Norfolk Development of Project No. 2330 with a concrete dam. The new dam will be 20 feet shorter in length than the old dam. The licensee advises that the old dam was constructed in 1905 and its present condition is such that there is leakage through the dam which requires considerable maintenance.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 2, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13282; Filed, Dec. 28, 1964; 8:45 a.m.]

[Docket No. CP65-71]

## PANHANDLE EASTERN PIPE LINE CO.

### Notice of Application

DECEMBER 18, 1964.

Take notice that on September 14, 1964, Panhandle Eastern Pipe Line Co. (Applicant), New York, N.Y., and Kansas City, Mo., filed in Docket No. CP65-71 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the purchase and operation of natural gas facilities in Parke County, Ind., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks to purchase and operate approximately 5.7 miles of 4-inch line, from Applicant's main line measuring and regulating station to the Mecca, Ind., plant of American Vitrified Products Co. (American), all in Parke County, Ind.

The application states that the line was originally installed to serve the plant, then owned by Clay City Pipe Co. (Clay City), pursuant to an agreement giving Applicant the option to purchase the line at cost. The application further states that Clay City sold the plant to American, and American has asked Applicant to exercise its option to purchase the line, thus obviating the necessity of its operation by American. The application further states that no change in service is proposed.

The cost to Applicant of the subject 4-inch line is stated to be $103,433.74.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 14, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protests or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13283; Filed, Dec. 28, 1964; 8:45 a.m.]

[Docket No. G-1922, etc.]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Application

DECEMBER 18, 1964.

Take notice that on December 1, 1964, Tennessee Gas Transmission Co. (Applicant), Tennessee Building, Houston, Tex., filed in Docket No. CP65-157 an application pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing Applicant to export natural gas from the United States to the Dominion of Canada (Canada). On the same date Applicant filed in Docket No. CP65-158 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to be used in the exportation of natural gas to Canada, all as more fully set forth in the application on file with the Commission and open to public inspection.

Concurrently with the above two applications, Applicant also filed, in Docket No. G-1922, an application to further amend its Presidential Permit, originally issued on September 11, 1953, in Docket No. G-1922, and amended June 4, 1962, by requesting authorization to operate and maintain its existing facilities at the international boundary for the exportation of natural gas to Canada as proposed in the application in Docket No. CP65-157.

The above three applications have been filed by Applicant for the purpose of obtaining necessary Commission authorization for the exportation of natural gas from the United States to Canada, through Applicants' existing facilities on the international boundary, near Niagara Falls, N.Y. Pursuant to an agreement between the parties dated November 2, 1964, Trans-Canada Pipe Lines Limited (Trans-Canada) has agreed to purchase 75 billion cubic feet of natural gas from Applicant, over a contract period ending November 1, 1970.

In order to effectuate the proposed sale and export, Applicant seeks authorization to construct and operate facilities necessary to increase its system annual average day delivery capacity from 2,971,000 Mcf to 3,027,000 Mcf. These proposed facilities consist of approximately 94.28 miles of 36-inch pipeline, approximately 7.97 miles of 30-inch pipeline, and a total of 12,300 additional horsepower at Applicant's compressor stations Nos. 860, 87, and 219, located in Centerville, Tenn.; Portland, Tenn.; and Mercer, Pa., respectively.

Total estimated cost of the project herein proposed is $23,537,000, which will be financed by the issuance of debentures, First Mortgage Pipeline Bonds, and preferred stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 14, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 7, and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates and amendment of the Presidential Permit are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13284; Filed, Dec. 28, 1964; 8:45 a.m.]



[Docket No. CP64-5]

## TEXAS EASTERN TRANSMISSION CORP.

### Notice of Application To Amend

DECEMBER 18, 1964.

Take notice that on December 14, 1964, Texas Eastern Transmission Corp. (Applicant), Houston, Tex., filed in Docket No. CP64-5 an application to amend the order of the Commission issued in said docket December 19, 1963, and amended by Commission order issued October 28, 1964, which orders authorized, among other things, the construction and operation of approximately 638 miles of 30-inch pipeline loops to be installed at various locations and in varying lengths along Texas Eastern's pipeline system between Opelousas, La., and Lambertville, N.J. In the subject application, Applicant requests authorization to construct and operate approximately 337 miles of 36-inch pipeline loops in lieu of the presently remaining authorized 421 miles of 30-inch pipeline loops.

The application states that under the aforesaid orders, the Commission authorized Applicant to construct and operate additional facilities to its pipeline system to provide an additional 408,010 Mcf of peak day capacity over a four year period commencing in 1964. The additional facilities so authorized by the Commission included approximately 177 miles of 36-inch pipeline from the vicinity of Venice, Plaquemines Parish, La., to a point on Texas Eastern's 30-inch South Louisiana pipeline system near New Roads, Pointe Coupee Parish, La., and a total of approximately 638 miles of 30-inch pipeline loops to be installed at various locations and in varying lengths along Texas Eastern's pipeline system between Opelousas, La., and Lambertville, N.J. Pursuant to such authorizations, the 1964 pipeline facilities consisting of approximately 136 miles of 30-inch pipeline loops and the 36-inch Venice pipeline have been installed, leaving approximately 502 miles of 30-inch pipeline loops to be installed under such authorizations during the 1965, 1966 and 1967 construction programs.

By the instant application, Applicant seeks authorization to substitute approximately 337 miles of 36-inch pipeline loops along its pipeline system between Kosciusko, Miss., and Delmont, Pa., and between Bechtelsville, Pa., and Lambertville, N.J., for approximately 421 miles of the remaining total of the 502 miles of 30-inch pipeline loops presently authorized to be constructed during 1965, 1966 and 1967. Approximately 81 miles of the remaining 30-inch pipeline loops authorized under the aforesaid orders will be constructed.

The application further states that the substitution of the 337 miles of 36-inch pipeline loops for the 421 miles of 30-inch pipeline loops will not increase the estimated capital cost of the four-year project, which cost was estimated in the original application to be $195,046,000; the total capital cost of the four year project as proposed in the subject application is estimated to be $194,974,000, a reduction of approximately $72,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the proposed amendment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13285; Filed, Dec. 28, 1964; 8:45 a.m.]

[Docket No. CP65-167]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

DECEMBER 18, 1964.

Take notice that on December 10, 1964, Transwestern Pipeline Co. (Applicant), 2500 First City National Bank Building, Houston, Tex., filed in Docket No. CP65-167 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas and the installation and operation of facilities incident thereto, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that on April 6, 1964, in Docket No. CP64-148, Applicant was granted permanent authorization by the Commission to render service to Great Plains Gas Co. (Great Plains) in Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Moore, Hutchinson and Hemphill Counties, Tex. In the present application, Applicant seeks authorization to sell natural gas to Great Plains pursuant to an agreement between the parties dated November 9, 1964, which provides that sales to Great Plains for resale to right-of-way customers may be made in the remaining counties in the Texas panhandle and Oklahoma in which Applicant has pipeline facilities. Applicant seeks further authorization for the installation and operation of such additional pipeline tap valves as may be required to render service to Great Plains at points on Applicant's existing pipeline system in the remaining counties in Texas and Oklahoma.

The application states that no increase in authorized maximum daily or annual volumes is requested. The application further states that Great Plains will reimburse Applicant for material and installation costs required to make such sales.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 14, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13286; Filed, Dec. 28, 1964; 8:46 a.m.]

[Docket No. CP65-174]

## TRUNKLINE GAS CO.

### Notice of Application

DECEMBER 18, 1964.

Take notice that on December 14, 1964, Trunkline Gas Co. (Applicant), Houston, Tex., filed in Docket No. CP65-174 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities during the calendar year 1965, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate miscellaneous field facilities including field compressors, dehydration units, meter and regulator equipment and gathering lines, to facilitate the taking of such natural gas into Applicant's main pipeline system as is or may become available from time to time in the general area of its system, or which is or may become available due to expansion, development or production of existing sources of supply during the calendar year 1965.

The estimated cost of Applicant's proposed facilities is not to exceed $2,500,000 with no single project to exceed $500,000, and will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 14, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13287; Filed, Dec. 28, 1964; 8:46 a.m.]

[Docket No. RI65-381]

## BOWERS DRILLING CO., INC., ET AL.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund

DECEMBER 18, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commissioner, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 3, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate Schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-381 | Bowers Drilling Co., Inc. (Operator), et al., Union Center Bldg., Wichita, Kans., 67202. | 1 | 2 | Cities Service Gas Co. (Barber County, Kans). | $11,000 | 11-18-64 | [1] 12-22-64 | [2] 12-23-64 | [4] 13.0 | [3] [4] 14.0 | |

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.

Bowers Drilling Co., Inc. (Operator), et al.'s (Bowers) related contract was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rate is above the applicable area ceiling for increased rates but does not exceed the applicable ceiling price for initial rates in the area involved. We believe, in this situation, that Bowers' proposed rate increase should be suspended for one day from December 22, 1964, the proposed effective date.

[F.R. Doc. 64-13288; Filed, Dec. 28, 1964; 8:46 a.m.]

[Docket No. RI65-371 etc.]

## ATLANTIC REFINING CO.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 18, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 3, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*



APPENDIX A

| Docket No. | Respondent | Rate Schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-371 | The Atlantic Refining Co., Post Office Box 2819, Dallas 21, Tex., attn: Mr. J. Furman Lewis. | 283 | 2 | South Texas Natural Gas Gathering Co. (Schmidt Field, Hidalgo County, Tex.), (R.R. District No. 4). | $1,860 | 11-16-64 | [7] 1-1-65 | 6-1-65 | [8] [9] 16.0 | [8] [9] [10] 17.0 | |
| RI65-372 | C. F. Martin, Inc., Post Office Box 918, Laurel, Miss. | 1 | 6 | United Gas Pipe Line Co. (Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss. | [7] 4,599 | 11-13-64 | [5] 12-19-64 | 5-19-65 | [12] 21.0 | [8] [10] [11] 22.8 | |
| RI65-373 | Consolidated Oil and Gas Inc. (Operator), et. al., 4150 East Mexico Ave., Suite 200, Denver, Colo., 80222. | 23 | 3 | Cities Service Gas Co. (Eureka Field, Grant County, Okla.) (Oklahoma "Other" area). | 284 | 11-19-64 | [7] 1-1-65 | 6-1-65 | [4] 13.0 | [3] [4] 14.0 | RI61-121. |
| RI65-374 | C. D. Davis, et al., Post Office Box 1260, Tyler, Tex. | 1 | 7 | Tennessee Gas Transmission Co. (Bethany Field, Panola County, Tex.) (R.R. District No. 6). | 13,410 | 11-19-64 | [5] 12-20-64 | 5-20-65 | 14.4248 | [8] [9] 15.4248 | |
| RI65-375 | Continental Oil Co. (Operator), et al., Post Office Box 2197, Houston, Tex., 77001. | 148 | 3 | Cities Service Gas Co. (Eureka Field, Alfalfa County, Okla.) (Oklahoma "Other" area). | 5,150 | 11-23-64 | [7] 1-1-65 | 6-1-65 | [4] [13] 13.0 | [3] [4] [13] 14.0 | G-20341. |
| | do | 188 | 3 | Cities Service Gas Co. (Southeast Eureka Field, Alfalfa and Grant Counties, Okla.) (Oklahoma "Other" area). | 7,000 | 11-23-64 | [7] 1-1-65 | 6-1-65 | [4] [13] 13.0 | [3] [4] [13] 14.0 | G-20439. |
| RI65-376 | do | 194 | 3 | do | 1,000 | 11-23-64 | [7] 1-1-65 | 6-1-65 | [4] [14] 13.0 | [3] [4] [14] 14.0 | |
| RI65-377 | Texaco Inc. (Operator), et al., Post Office Box 2420, Tulsa, Okla., 74102. | 161 | 10 | Cities Service Gas Co. (Northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" area). | 532 | 11-23-64 | [7] 1-1-65 | 6-1-65 | [4] [14] 13.0 | [3] [4] [14] [14] 14.0 | RI62-192. |
| RI65-382 | Phillips Petroleum Co., Bartlesville, Okla., 74004, Attn: Mr. Dan L. Mayer. | 316 | 4 | West Lake Natural Gasoline Co.[2] (South Lake Trammell Area, Nolan County, Tex.), (R.R. District No. 7-B). | 600 | 11-20-64 | [7] 1-1-65 | [6] 1-2-65 | 8.5 | [8] [9] 9.0 | RI60-390. |
| RI65-383 | Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74101, Attn: Mr. Homer E. McEwen, Jr. | 158 | 4 | West Lake Natural Gasoline Co.[2] (Nena Lucia Field, Nolan County, Tex.), (R.R. District No. 7-B). | 855 | 11-23-64 | [7] 1-1-65 | [6] 1-2-65 | 8.5 | [8] [9] 9.0 | RI60-415. |
| RI65-384 | Texaco Inc., Post Office Box 52332, Houston, Tex., 77052, Attn: Mr. W. V. Vietti. | 22 | 5 | El Paso Natural Gas Co. (Pictured Cliffs Field (Gallegos Canyon Unit), San Juan County, N. Mex.), (San Juan Basin Area). | 2,545 | 11-23-64 | [7] 12-24-64 | [6] 12-25-64 | [10] 11.2116 | [8] [10] 12.2295 | RI64-130. |
| | do | 27 | 6 | do | 1,455 | 11-23-64 | [7] 12-24-64 | [6] 12-25-64 | [10] 11.2116 | [8] [10] 12.2295 | RI64-130. |

[2] For resale to El Paso Natural Gas Co. under West Lake Natural Gasoline Co. (Operator), et al.'s FPC Gas Rate Schedule No. 1.
[3] End of suspension period for West Lake's related increased rate in Docket No. RI65-29.
[4] The suspension period is shortened to 1 day.
[5] Revenue-sharing rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Periodic rate increase.
[9] Pressure base is 15.025 p.s.i.a.
[10] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax, protested by buyer by letter filed Dec. 1, 1964.

C. D. Davis, et al. (Davis), request that their proposed rate increase be permitted to become effective as of November 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Davis' rate filing and such request is denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-13289; Filed, Dec. 28, 1964; 8:46 a.m.]

[Project No. 2489]

## CENTRAL VERMONT PUBLIC SERVICE CORP.

### Notice of Application for License

DECEMBER 22, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corp. (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vt.) for license for constructed Project No. 2489, known as the Cavendish Plant, located on Black River in Windsor County, Vt., in the township of Cavendish.

The project consists of: (1) A concrete dam approximately 130 feet long and 33 feet high containing a spillway section, an intake structure equipped with a head gate and a steel trash rack, and a steel bridge for manipulating flashboards; (2) a 105-foot spillway section 90 feet of which is topped with six-foot steel flashboards and the remaining 15 feet with flashboards two and one-half feet high; (3) a reservoir 10 acres in size with storage limited to hourly pondage; (4) a

180-foot tunnel seven feet in diameter extending from the intake structure to a steel penstock six feet in diameter and approximately 1,050 feet long with a 90-foot surge tank near the powerhouse; (5) a powerhouse with a concrete substructure, steel frame and brick superstructure, containing three generating units having a total capacity of 1,440 kw; (6) a 44-kv substation; and (7) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 2, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13290; Filed, Dec. 28, 1964; 8:46 a.m.]

[Docket No. CP65-166]

## CITIES SERVICE GAS CO.

### Notice of Application

DECEMBER 21, 1964.

Take notice that on December 10, 1964, Cities Service Gas Co. (Applicant), Oklahoma City, Okla., filed in Docket No. CP65-166 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities during the calendar year 1965, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate gas sales and transportation facilities, including lateral and loop lines, taps, metering and regulating equipment, sites for such equipment, and rights of way, for the purpose of making (1) direct sales of natural gas to consumers who will use the gas solely for one or more of the following purposes: road building, irrigation, agriculture, general use in schools and hospitals in areas outside local distributors' franchise areas, and seasonal industrial purposes, and (2) miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved, including changes in existing field operations and relocation of existing sales and transportation facilities when required by highway construction, dam construction development of private property, industrial plant expansion and other similar reasons.

The application states that the proposed facilities will not result in deliveries to any one consumer exceeding 100,000 Mcf annually, and the gas so delivered will not be used by any consumer for boiler fuel purposes.

The total estimated cost of the proposed facilities is not to exceed $300,000, and will be financed with treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13291; Filed, Dec. 28, 1964; 8:46 a.m.]

[Docket No. CP65-92]

## NORTHERN NATURAL GAS CO.

### Notice of Application

DECEMBER 24, 1964.

Take notice that on October 6, 1964, as supplemented on November 13, 1964, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-92 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate facilities to enable it to deliver natural gas to Nebraska Natural Gas Co. (Nebraska), consisting of (1) a total of approximately 13.7 miles of 24- and 30-inch pipeline, looping portions of Applicant's mainline near the Palmyra, Nebr., and Tescott, Kans., Stations respectively, and (2) necessary measuring and regulating facilities in Dodge County, Nebr.

Applicant seeks further authorization to sell natural gas to Nebraska for resale to Fel-Tex, Inc., for use in the Fel-Tex plant to be located near Fremont, Dodge County, Nebr.

The annual firm and interruptible sales to Fel-Tex in the third year of service are estimated to be 1,853,000 Mcf.

The estimated cost of Applicant's facilities is $1,241,200, and will be financed with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13292; Filed, Dec. 28, 1964; 8:46 a.m.]

[Docket No. CP63-143]

## TRANSWESTERN PIPELINE CO.

### Notice of Application To Amend

DECEMBER 21, 1964.

Take notice that on August 7, 1964, Transwestern Pipeline Co. (Applicant), First City National Bank Building, Houston, Tex., filed in Docket No. CP63-143 an application to amend the order of the Commission issued April 3, 1963 in said docket, which order authorized the construction and operation of a tap valve on Applicant's line in Curry County, N. Mex., and the transportation and sale, through September 30, 1964, of surplus natural gas on an interruptible basis to Southern Union Gas Co. (Southern) for resale through Southern's distribution facilities in Portales, N. Mex.

In the present application to amend, Applicant requests an extension of the authorization for a period of two years, ending September 30, 1966, pursuant to an agreement between Applicant and Southern dated July 27, 1964.

The application states that the proposed service will be rendered under Applicant's Rate Schedule E-1.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the proposed amendment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13293; Filed, Dec. 28, 1964; 8:46 a.m.]



[Docket No. CP65-168]

## CITY OF GRAND TOWER, ILL.

### Notice of Application

DECEMBER 21, 1964.

Take notice that on December 11, 1964, the City of Grand Tower, Ill. (Applicant) filed in Docket No. CP65-168 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Co. of America to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in the City of Grand Tower, Ill., all as more fully set forth in the application on file with the Commission and open to public inspection.

The estimated annual and peak day requirements for the initial three year period are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 18,890 | 25,050 | 31,230 |
| Peak day (Mcf) | 207 | 286 | 362 |

The estimated cost of Applicant's proposed distribution system is $150,000, which will be financed by the issuance of gas revenue certificates to Midwest Securities Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 14, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13294; Filed, Dec. 28, 1964; 8:46 a.m.]

[Docket No. CP62-59]

## PACIFIC GAS TRANSMISSION CO.

### Notice of Application To Amend

December 21, 1964.

Take notice that on November 19, 1964, Pacific Gas Transmission Co. (Applicant), 245 Market Street, San Francisco, Calif., 94106, filed in Docket No. CP62-59 an application to amend the certificate granted therein by extending the authorization for an additional three years and to provide for the construction, maintenance and operation of taps and metering facilities to enable it to transport natural gas for the account of El Paso Natural Gas Co. (El Paso) to certain delivery points in Idaho, Washington, and Oregon, pursuant to authorizations to be obtained by El Paso from time to time, all as more fully set forth in the application to amend and open to public inspection.

The application to amend states that under its tariff El Paso will pay for the construction costs not to exceed $15,000 at any delivery point.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1965.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13295; Filed, Dec. 28, 1964; 8:46 a.m.]

[Docket No. CP64-295]

## TOWN OF WAYLAND, IOWA

### Notice of Application

December 21, 1964.

Take notice that on June 10, 1964, as supplemented on October 16, 1964 and December 8, 1964, the Town of Wayland, Iowa (Applicant) filed in Docket No. CP64-295 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. to establish physical connection of its natural gas transmission facilities in Henry County, Iowa, with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and delivery in the Town of Wayland, Iowa, all as more fully set forth in the application on file with the Commission and open to public inspection.

The volumes of natural gas needed to meet Applicant's annual and peak day requirements for the initial three years of proposed operation are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 50,160 | 67,950 | 80,950 |
| Peak Day (Mcf) | 445 | 599 | 710 |

Applicant proposes to construct and operate a municipally owned natural gas distribution system within the borders of Wayland, Iowa. The estimated cost of such construction is $229,460, which will be financed by means of Gas Revenue Bonds to be issued by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13296; Filed, Dec. 28, 1964; 8:46 a.m.]

[Docket No. CP65-169]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Notice of Application

DECEMBER 21, 1964.

Take notice that on December 11, 1964, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65-169 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, and the transportation and sale of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks a certificate of public convenience and necessity authorizing:

1. Construction and operation of facilities to increase the total maximum day withdrawal capacity of Applicant's storage facilities by 50,000 Mcf to a total of 1,000,000 Mcf. These facilities are the Herscher, Cairo and Cooks Mills storage

areas in Kankakee County, Ill., Louisa County, Iowa, and Coles and Douglas Counties, Ill., respectively:

2. Construction and operation of facilities to increase the daily design sales capacity of its transmission system by 185,000 Mcf to a total of 2,154,000 Mcf;

3. The transportation and sale of approximately 152,000 Mcf of natural gas to seventeen of Applicant's existing resale customers and the transportation of 22,700 Mcf of natural gas for sale to one of Applicant's existing direct customers, Phillips Petroleum Co.;

4. The construction and operation of facilities for the transportation of natural gas to be produced from reserves located in the Permian Basin Area of Southeastern New Mexico to a point of interconnection with Applicant's existing Amarillo Line in Moore County, Tex.; and

5. The construction and operation of facilities for the transportation of natural gas to be produced from reserves located in the West Cameron Blocks 17–49 Field Area, South Louisiana to a point of interconnection with Applicant's existing Gulf Coast Line in Montgomery County, Tex.,

all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant proposes to construct and operate approximately 481 miles of pipeline of varying diameter, to retire approximately 5.5 miles of pipeline, to install 51,960 horsepower of compression, and to construct and operate 16 injection-withdrawal wells for underground storage operations. Applicant also proposes to inject additional cushion gas, and to construct and operate measurement, dehydration and other facilities necessary or convenient to the operation of the above described and existing facilities.

Total estimated cost of Applicant's proposed facilities is $60,702,000, which will be financed with funds obtained by short-term borrowings from banks and from The Peoples Gas Light and Coke Co., parent company of Applicant; and the issuance of first mortgage bonds, although firm commitments for financing have not been obtained, nor has the precise form of such financing been finally determined as of the time of the filing of the application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–13297; Filed, Dec. 28, 1964; 8:46 a.m.]

[Project No. 2497]

## AMERICAN WRITING PAPER DIVISION, BROWN CO.

### Notice of Application for License

DECEMBER 21, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by American Writing Paper Division, Brown Co. (correspondence to: C. L. Kirkpatrick, Vice President, American Writing Paper Division, Brown Co., 10 Eagle-A Avenue, Holyoke, Mass., 01042) for a license for constructed Project No. 2497, known as Project No. 8 (Mt. Tom Mill), located on the canal system of the Holyoke Water Power Co. along the Connecticut River, within the City of Holyoke, Mass.

The project consists of: A 237-foot-long steel penstock, 8 feet in diameter; a 600-horsepower water wheel direct connected to a 400-kilowatt generator located in Applicant's mill building; a 173-foot-long arched brick tailrace; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 10, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–13298; Filed, Dec. 28, 1964; 8:46 a.m.]

Docket No. RI65–399 etc.]

## UNION PRODUCING CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 21, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before February 3, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.



APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65–399 | Union Producing Co. Post Office Box 1407, Shreveport, La. | 81 | 9 | Coastal States Gas Producing Co.[2] (Hidalgo Field, Hidalgo County, Tex.) (R.R. District No. 4). | $14,829 | 10–26–64 | [3] 1–1–65 | 6–1–65 | [4] 12.6864 | [5] [6] 13.1248 | |
| RI65–400 | Texaco Inc., Post Office Box 52332, Houston, Tex., 77052, Attn: Mr. W. V. Vietti. | 157 | 3 | Coastal States Gas Producing Co.[7] (Alfred (Brownlee) Field, Jim Wells County, Tex.) (R.R. District No. 4). | 606 | 10–26–64 | [3] 1–1–65 | 6–1–65 | [3] [8] 11.1056 | [5] [8] 12.1152 | |
| RI65–401 | Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001, Attn: Mr. John J. Carter. | 113 | 5 | Coastal States Gas Producing Co.[7] (Brownlee Field, Jim Wells County, Tex.) (R.R. District No. 4). | 698 | 11–16–64 | [3] 1–1–65 | 6–1–65 | [9] 10.0960 | [5] [8] 11.1056 | |

[2] Coastal States Gas Producing Co. (Coastal States) resells the subject gas to Trunkline Gas Co. under their FPC Gas Rate Schedule No. 1 at a redetermined rate of 13.946 cents per Mcf inclusive of reimbursement for taxes and dehydration.
[3] The stated effective date is the effective date requested by Respondent.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Rate is subject to a downward B.t.u. adjustment.
[7] Coastal States resells the subject gas to Trunkline Gas Co. under their FPC Gas Rate Schedule No. 47 at a periodic rate of 13.3556 cents per Mcf inclusive of reimbursement for taxes and dehydration.
[8] Subject to a 1.0 cent per Mcf compression charge deducted by buyer for gas requiring compression.

Union Producing Co. (Union) proposes an increase from a prior revenue-sharing increase to a fixed periodic rate of 13.1248 cents per Mcf. Coastal States Gas Producing Co. (Coastal States) gathers the subject gas into its South Hidalgo Gathering System, dehydrates and delivers such gas for resale to Trunkline Gas Co. (Trunkline) under Coastal States' FPC Gas Rate Schedule No. 1 at a redetermined rate of 13.946 cents, inclusive of 0.13023 cent per Mcf reimbursement for taxes and 0.25 cent per Mcf dehydration allowance.

Texaco Inc. (Texaco) and Humble Oil & Refining Co. (Humble) propose periodic increases to 12.1152 cents to 11.1056 cents per Mcf, respectively. Coastal States gathers the subject gas into its Alfred Gathering System, compresses, treats (including dehydration and removal of hydrogen sulphide and other objectionable sulphur compounds) and transmits such gas for resale to Trunkline under Coastal States' FPC Gas Rate Schedule No. 47 at a periodic rate of 13.3556 cents, inclusive of 0.1056 cent reimbursement for taxes and 0.25 cent dehydration allowance.

Union, Texaco and Humble's contracts are geared to the gatherer's contracts in that they all provide for periodic increases on January 1, 1965, and every five years thereafter and the gatherer is required to pass on to the producer all of any increase or increases received as a result of its contracts with the pipeline due to price redetermination or favored-nation provisions contained therein, thus maintaining a set differential between the producers' rates and the gatherer's rates. Coastal States has not, as yet, filed for its January 1, 1965 contractually provided for increases under its contracts with Trunkline. Even though the producers' proposed rates are below the applicable area increased ceiling level as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56) they are suspended because they are geared to the gatherer's rates and the related contractual due rates under the gatherer's contracts.

[F.R. Doc. 64–13299; Filed, Dec. 28, 1964; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## VALLEY BANCORPORATION

### Order Approving Application Under Bank Holding Company Act

In the matter of the application of Valley Bancorporation, Appleton, Wisconsin, for approval of the acquisition of voting shares of Reedsville State Bank, Reedsville, Wisconsin.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and section 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Valley Bancorporation, Appleton, Wisconsin, a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Reedsville State Bank, Reedsville, Wisconsin.

As required by section 3(b) of the Act, the Board notified the Commissioner of Banks for the State of Wisconsin of receipt of the application and requested his views and recommendation. The Commissioner advised that he would not interpose objection to approval of the application.

Notice of Receipt of Application was published in the FEDERAL REGISTER on August 27, 1964 (29 F.R. 12057), which provided an opportunity for the filing of comments and views regarding the proposed acquisition, and the time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

*It is hereby ordered,* for the reasons set forth in the Board's Statement [1] of this date, that the said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 21st day of December 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64–13330; Filed, Dec. 28, 1964; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, Mitchell, and Daane. Voting against this action: Governor Robertson.

## VALLEY BANCORPORATION

### Order Approving Application Under Bank Holding Company Act

In the matter of the application of Valley Bancorporation, Appleton, Wisconsin, for approval of the acquisition of voting shares of Sherwood State Bank, Sherwood, Wisconsin.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and section 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Valley Bancorporation, Appleton, Wisconsin, a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Sherwood State Bank, Sherwood, Wisconsin.

As required by section 3(b) of the Act, the Board notified the Commissioner of Banks for the State of Wisconsin of receipt of the application and requested his views and recommendation. No views or recommendation were submitted by the Commissioner.

Notice of Receipt of Application was published in the FEDERAL REGISTER on July 11, 1964 (29 F.R. 9518), which provided an opportunity for the filing of comments and views regarding the proposed acquisition, and the time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

*It is hereby ordered,* for the reasons set forth in the Board's Statement [1] of this date, that the said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 21st day of December 1964.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago.

By order of the Board of Governors.[3]

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-13331; Filed, Dec. 28, 1964; 8:45 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN YUGOSLAVIA

### Limitation of Entrance or Withdrawal From Warehouses

DECEMBER 23, 1964.

On October 5, 1964, the United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral agreement with the Government of the Socialist Federal Republic of Yugoslavia concerning exports of cotton textiles from Yugoslavia to the United States over a three-year period. Under this agreement the Socialist Federal Republic of Yugoslavia has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. The first year of the agreement will commence on January 1, 1965, and extend through December 31, 1965. The categories which are subject to specific export limitation under the agreement are as follows: 1–2, 9, 15–16, 18–19, 22, part of 26 (duck only), 31, 48 and 49.

There is published below a letter of December 23, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in Categories 1–2, 9, 15–16, 18–19, 22, part of 26 (duck only), 31, 48 and 49 produced or manufactured in the Socialist Federal Republic of Yugoslavia which may be entered, or withdrawn from warehouse, for consumption in the United States from January 1, 1965, through December 31, 1965, be limited to certain designated levels. The levels set forth in this letter are those designated under the bilateral agreement for the first calendar year with certain adjustments. Under the terms of a separate exchange of letters dated October 5, 1964 between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, certification procedures have been instituted with respect of cotton textiles in Categories 1, 2, 9, 18, 19, 22, 26, 48 and 49, exported from Yugoslavia to the United States during the period November 10, 1964 through December 31, 1964.

[3] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, Mitchell, and Daane. Voting against this action: Governor Robertson.

Accordingly, cotton textiles in the aforementioned categories exported from Yugoslavia to the United States during the period November 10, 1964 through December 31, 1964 and licensed under certification procedures instituted by the Socialist Federal Republic of Yugoslavia shall be eligible for entry and withdrawal from warehouse for consumption even though these are in excess of the current levels of restraint for such goods. Such entries and withdrawals in excess of the current levels will be charged against the appropriate category ceilings designated under the bilateral agreement for the first calendar year.

THOMAS JEFF DAVIS,
*Acting Chairman, Interagency Textile Administrative Committee and Acting Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

*Washington 25, D.C.*
DECEMBER 23, 1964.

COMMISSIONER OF CUSTOMS
DEPARTMENT OF THE TREASURY
*Washington, D.C.*

DEAR MR. COMMISSIONER: Effective January 1, 1965, this directive supersedes all previous directives issued to you concerning entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Yugoslavia, however the unfilled balances in levels of restraint established under my directive of October 15, 1964, will remain open through March 29, 1965 with respect to cotton textiles in Categories 1, 2, 26, 48, and 49 exported from Yugoslavia prior to January 1, 1965.

Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective January 1, 1965, and for the period extending through December 31, 1965, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1–2, 9, 15–16, 18–19, 22, 26 (duck only), 31, 48, and 49 produced or manufactured in the Socialist Federal Republic of Yugoslavia in excess of the following levels of restraint:

| Category: | *12-Month level of restraint* |
|---|---|
| 1–2 | 130,434 pounds. |
| 9 | 4,566,110 square yards. |
| 15–16 | 1,500,000 square yards. |
| 18–19 | 2,100,000 square yards. |
| 22 | 1,000,000 square yards. |
| 26 (duck only)* | 1,650,000 square yards. |
| 31 | 2,873,563 pieces. |
| 48 | 4,500 dozen. |
| 49 | 10,000 dozen. |

*T.S.U.S.A. Nos. 320.--01, 320.--02, 320.--03, 320.--04, 320.--06, 320.--08, 321.--01, 321.--02, 321.--03, 321.--04, 321.--06, 321.--08, 322.--01, 322.--02, 322.--03, 322.--04, 322.--06, 322.--08, 326.--01, 326.--02, 326.--03, 326.--04, 326.--06, 326.--08, 327.--01, 327.--02, 327.--03, 327.--04, 327.--06, 327.--08, 328.--01, 328.--02, 328.--03, 328.--04, 328.--06, and 328.--08.

In carrying out this directive, you shall only permit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1, 2, 9, 18, 19, 22, 26, 48 and 49, produced or manufactured in Yugoslavia and exported from Yugoslavia prior to January 1, 1965, to the extent of the balances remaining unfilled under the respective levels of restraint in effect on December 31, 1964, except that whenever requested to do so in writing by the Chairman of the Interagency Textile Administrative Committee, you are hereby directed to authorize the entry for consumption and withdrawal from warehouse for consumption of designated cotton textiles in the aforementioned categories exported to the United States from Yugoslavia during the period November 10, 1964 through December 31, 1964. Such entries and withdrawals in excess of the levels of restraint in effect on December 31, 1964, are to be charged against the appropriate levels of restraint established under this directive for the twelve-month period beginning on January 1, 1965 and extending through December 31, 1965, but are in no event to exceed the following quantities:

| Category: | *Maximum quantity* |
|---|---|
| 1–2 | 26,087 pounds. |
| 9 | 913,622 square yards. |
| 18–19 | 525,000 square yards. |
| 22 | 200,000 square yards. |
| 26 (duck only) | 330,000 square yards. |
| 48 | 900 dozen. |
| 49 | 2,000 dozen. |

You shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 15, 16 and 31, produced or manufactured in Yugoslavia, whenever the cotton textiles and cotton textile products sought to be entered have been exported to the United States from Yugoslavia prior to January 1, 1965, regardless of whether the levels of restraint established under this directive for the twelve-month period beginning on January 1, 1965 and extending through December 31, 1965 have been filled and such entries are not to be counted against these levels even if not filled at the time of entry.

A detailed description of the above mentioned categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
*Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64-13371; Filed, Dec. 28, 1964; 8:51 a.m.]



# SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1350]

## GOLD SEAL INTERNATIONAL A & C, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 22, 1964.

I. Gold Seal International A & C, Inc. (issuer), 5446 South Washington Street, Tacoma, Washington, incorporated in the State of Delaware on July 29, 1964, filed with the Commission on November 5, 1964, a notification on Form 1–A relating to proposed offering of 150,000 shares of its common stock of a par value of 50 cents per share at a price of $2.00 per share, for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to disclose accurately and adequately sales of securities by an affiliated issuer (Gold Seal Chinchilla Association, Inc.) within the past year, as required by Item 9 of Form 1–A.

2. The issuer has failed to describe accurately and adequately in the offering circular all material interests of officers and directors, as required by Item 9 of Schedule I.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, in that the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The extent of chinchilla breeding stock sales by Gold Seal Chinchillas, Inc., an affiliate of the issuer.

2. The extent and results of the chinchilla manufacturing and marketing program carried out by affiliated companies.

3. The risks inherent to the raising and breeding of chinchillas.

4. The selling price of the chinchillas, methods of selling, and problems of financing contract sales.

5. The injunction entered by Washington State Superior Court against issuer's affiliates, Gold Seal Chinchillas, Inc. and its president, Estell C. Streets, and Gold Seal Chinchilla Association, Inc., involving fraud in the sale of chinchillas.

6. The entry of a Federal Trade Commission Cease and Desist Order against issuer's affiliate, Gold Seal Chinchillas, Inc. and Estell G. Streets, its president, involving misrepresentation as to profits to be derived through raising chinchillas.

7. The background and current status of the gyroplane.

8. The terms of the dealership for the sale of the gyroplane.

9. The distributorship held and franchises sold by E. G. Streets for the distribution and sale of the gyroplane.

10. The extent to which dealerships for the sale of the gyroplane have already been sold.

11. Proposed merger of issuer's affiliate, Gold Seal Chinchilla Association, Inc., and Gold Seal Chinchillas, Inc.

12. The possible contingent liability of the guarantor of certain of issuer's assets.

C. The subject offering would involve a violation of Sections 5 and 17 of the Securities Act of 1933 since the subject offering also involves an offering of a security by Gold Seal Chinchillas, Inc., and such security is neither registered nor exempt from registration. The issuer's notification and offering circular fail to disclose accurately and adequately the information with respect to Gold Seal Chinchillas, Inc., which is required to be disclosed in a notification and offering circular concerning the issuer of a security, including financial statements, the use of proceeds, the business of the issuer, the history of the issuer, and material transactions and proposed transactions with the subject issuer and with other affiliates.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

*It is ordered*, Pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Gold Seal International A & C, Inc., pursuant to said notification, be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission, within thirty days after the entry of this order, a written request for hearing; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing, at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-13342; Filed, Dec. 28, 1964; 8:48 a.m.]

[File No. 812-1358]

## VIRGINIA CAPITAL CORP.

### Notice of Filing of Application Regarding Arrangement by Registered Investment Company and Its Affiliated Persons

DECEMBER 23, 1964.

Notice is hereby given that Virginia Capital Corp. ("Virginia Capital"), 907 State Planters Bank Building, Richmond 19, Va., a Virginia corporation and a registered closed-end, non-diversified management investment company, has filed an application under section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d–1 thereunder, for an order permitting a proposed arrangement whereby Virginia Capital and certain of its affiliated persons will purchase securities to be issued by Pandick Press, Inc. ("Pandick"), the surviving corporation of a proposed merger with James F. Newcomb, Inc. ("Newcomb"). All interested persons are referred to the application, which is on file with this Commission, for a full statement of Virginia Capital's representations which are summarized below.

Newcomb is a small business concern engaged in the printing business and, as stated, it will merge with and into Pandick, which is also engaged in the printing business. As an incident to the merger the applicant here, and various other affiliated and unaffiliated persons have agreed to provide the merged company with approximately $900,000 additional capital and to refund certain of its outstanding indebtedness. As a part of such program Pandick will issue $300,000 principal amount of its 8 percent Subordinated Notes with accompanying Stock Purchase Warrants. Virginia Capital will purchase $200,000 principal amount of such notes, and part or all of the remaining $100,000 principal amount of such notes may be purchased by one or more of the following affiliated persons of Virginia Capital, namely: Robert H. Pratt, Arthur S. Brinkley, Jr., W. Gibson Harris, and Robert Haskins.

Virginia Capital and the above named affiliated persons, purchased and presently hold part of an issue of notes and attached common stock warrants issued by Newcomb. The arrangements pursuant to which such purchases were made were the subject of an order of this Commission dated December 27, 1960 (Investment Company Act Release No. 3167, File No. 812–1358). It is now proposed to modify these prior issued notes, warrants, and agreements pursuant to which they were issued, and a contemporaneous agreement with former stockholders of Newcomb, so as, among other things, to permit the proposed merger and financing program, subordinate such prior issued notes and to defer their payment for a period of approximately two years from the effective date of the proposed merger.

Section 17(d) of the Act and Rule 17d–1 taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affil-

iated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Since affiliated persons of Virginia Capital will participate in the financing of Pandick in the manner noted above, the arrangement is subject to the provisions of section 17(d) and Rule 17d–1.

Notice is further given that any interested person may, not later than January 11, 1965 at 12:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulation promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64–13352; Filed, Dec. 28, 1964; 8:49 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Andalusia, Ala.; effective 12–1–64 to 11–30–65 (men's dress and sport shirts, work pants).

Alabama Textile Products Corp., Troy, Ala.; effective 12–1–64 to 11–30–65 (men's dress shirts).

The Andala Co., Andalusia, Ala.; effective 12–1–64 to 11–30–65 (men's work shirts and pants).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa.; effective 12–1–64 to 11–30–65 (men's and boys' dress and sport shirts and tailored blouses).

Baumel Dress Co., Corner Willow and Grant Streets, Olyphant, Pa.; effective 11–5–64 to 11–4–65 (ladies' and children's dresses).

Bayly Mfg. Co., 2508 Fourth Avenue, Greeley, Colo., effective 11–19–64 to 11–18–65 (men's and boys' denim jeans).

Bayly Mfg. Co., 21 West Viola Avenue, Yakima, Wash., effective 11–19–64 to 11–18–65 (men's, boys' and girls' work jeans).

Bestform Foundations of Windber, Inc., Stockholm Avenue, Windber, Pa.; effective 12–9–64 to 12–8–65 (brassieres and girdles).

Blue Bell, Inc., 450 East Barnes Street, Bushnell, Ill., effective 129–64 to 12–8–65 (boys' dungarees and ladies' jeans).

Blue Buckle Overall Co., Marshall, Tex.; effective 11–14–64 to 11–13–65 (men's, women's and children's jeans).

Byrds Mfg. Corp., Albany, Ky.; effective 11–19–64 to 11–18–65 (women's shirts).

Champ Trouser Co., Inc., Post Office Box 97, Winfield, Ala., effective 11–21–64 to 11–20–65 (men's and boys' dress slacks).

Cowden Mfg. Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 11–28–64 to 11–27–65 (overalls and jackets).

Dickson-Jenkins Mfg. Co., 202–208 St. Louis Avenue, Fort Worth, Tex., effective 11–9–64 to 11–8–65 (men's, women's, children's, western shirts, pants).

Dixie Mfg. Co., Inc., 14th and Bailey Streets, Columbia, Tenn.; effective 11–12–64 to 11–11–65. Learners may not be employed at special minimum wage rates in the production of skirts (ladies' and girls' shorts and slacks).

Duti Duds, Inc., 300 Monticello Avenue, Lynchburg, Va.; effective 12–2–64 to 12–1–65 (women's uniforms).

Duti-Duds, Inc., 300 Monticello Avenue, Lynchburg, Va.; effective 12–2–64 to 12–1–65 (women's uniforms).

Ely and Walker, a division of Burlington Industries, Inc., Canton, Miss.; effective 11–20–64 to 11–19–65 (men's sport shirts).

Ely and Walker, Stewart County Plant, Dover, Tenn.; effective 11–16–64 to 11–15–65 (boys' work pants and walking shorts).

Florence Mfg. Co., Inc., 1104 Chase Avenue, Florence, S.C.; effective 11–29–64 to 11–28–65 (ladies' dresses).

Four's Company, Inc., R.D. No. 1, Box 377, Blairsville, Pa.; effective 11–16–64 to 11–15–65 (children's dresses).

Garan, Inc., Corinth Division, Corinth, Miss.; effective 11–14–64 to 11–13–65 (boys' sport shirts).

Glamorise Foundations, Inc., 228 Pine Street, Williamsport, Pa.; effective 11–3–64 to 11–2–65 (brassieres, girdles).

Guntown Slacks, Inc., Guntown, Miss.; effective 11–12–64 to 11–11–65 (men's and boys' dress and play slacks).

Harbor Sportswear, Inc., 1405 East Columbus Drive, East Chicago, Ind.; effective 11–6–64 to 11–5–65 (men's slacks).

Hartsville Mfg. Co., Hartsville, S.C.; effective 11–26–64 to 11–25–65 (ladies' dresses).

Hercules Trouser Company, Hillsboro, Ohio; effective 12–1–64 to 11–30–65 (men's and boys' single pants).

Hercules Trouser Co., Manchester, Ohio; effective 12–1–64 to 11–30–65 (men's and boys' single pants).

Junction City Mfg. Corp., Junction City, Louisiana; effective 11–17–64 to 11–16–65 (ladies' nightwear).

Lady Ester Lingerie Corp., 10th and Walnut Streets, The Kaydette Corp., 1101 Freas Avenue, Berwick, Pa.; effective 11–12–64 to 11–11–65 (ladies' slips).

Lamar Mfg. Co., Millport, Ala.; effective 11–23–64 to 11–22–65 (men's and boys' separate dress pants).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 11–5–64 to 11–4–65 (men's work clothing).

Linden Apparel Corp., Plant No. 1, Factory Street, Plant No. 2, Averett Street, Linden, Tenn.; effective 11–13–64 to 11–12–65 (men's and boys' dungarees, single pants).

Lismore Mfg. Corp., 460 Glove Street, Fall River, Mass.; effective 12–1–64 to 11–30–65 (women's and children's woven underwear and sleepwear).

Phillips-Van Heusen Corp., Brinkley, Ark.; effective 12–2–64 to 12–1–65 (men's dress shirts).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa.; effective 12–8–64 to 12–7–65 (girdles and brassieres).

Pollak Bros. Inc., 315 East Wallace Street, Fort Wayne, Ind.; effective 11–26–64 to 11–25–65 (dresses).

Publix Tenn. Corp., Huntingdon, Tenn.; effective 12–1–64 to 11–30–65 (men's and boys' sport shirts).

Pyke Manufacturing Co., 1025 South Sixth West, Salt Lake City, Utah; effective 11–7–64 to 11–6–65 (women's blouses, sport pants and jump suits).

Salant and Salant, Inc., Pine Street, Lexington, Tenn.; effective 11–6–64 to 11–5–65 (men's and boys' cotton slacks).

Seminole Mfg. Co., Aberdeen, Miss.; effective 11–23–64 to 11–22–65 (men's and boys' separate dress pants).

Seminole Mfg. Co., Columbus, Miss.; effective 11–23–64 to 11–22–65 (men's and boys' separate dress pants).

Shawmut Mfg. Corp., 1 Riverside Avenue, New Bedford, Mass.; effective 11–17–64 to 11–16–65 (women's dresses).

Spring City Mfg. Co., Spring City, Tenn.; effective 11–20–64 to 11–19–65 (men's and boys' pajamas).

Stafford Garment Mfg. Corp., 657 Quarry Street, Fall River, Mass.; effective 11–18–64 to 11–17–65 (ladies' dresses).

States Nitewear Mfg. Co., Inc., Healy and Bates Streets, New Bedford, Mass.; effective 12–1–64 to 11–30–65 (ladies' nightgowns and pajamas).

Sustan Garments, Inc., Winnsboro, La.; effective 11–1–64 to 10–31–65 (men's and boys' cotton and synthetic trousers).

Toccoa Garment Co., Inc., Toccoa, Ga.; effective 11–18–64 to 11–17–65 (ladies' blouses).

Troy Textiles, Inc., Troy, Ala.; effective 11–24–64 to 11–23–65 (men's sport shirts).

Warsaw Mfg. Co., Warsaw Road, Kingstree, S.C.; effective 11–23–64 to 11–22–65 (ladies' sportswear-pedal pushers, capris and slacks).

Whiteville Mfg. Co., Wilmington Road, Whiteville, N. Dak.; effective 11–7–64 to 11–6–65 (children's pants, jackets, shirts and jeans).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Allee-Berry, Inc., Columbus, Kans.; effective 12–8–64 to 12–7–65; 10 learners (boys' and youths' semi-dress pants).

Benjamin & Johnes, Inc., 410 Ashe Avenue, Dunn, N.C.; effective 11–9–64 to 11–8–65; 10 learners (foundation garments).

Blain Products, Inc., Blain, Pa.; effective 12–9–64 to 12–8–65; 5 learners (ladies' woven nightwear).

Blue Bell, Inc., Mount Jackson, Va.; effective 12–1–64 to 11–30–65; 10 learners (men's, boys', ladies' and girls' dungarees).

Blue Bell, Inc., Elkton, Va.; effective 11–29–64 to 11–28–65; 10 learners (men's dungarees).

Blue Bell, Inc., Shenandoah, Va.; effective 11–29–64 to 11–28–65; 10 learners (men's, boys', ladies' and girls' dungarees).

Dushore Lingerie Co., Inc., Box 231, Cherry Street, Dushore, Pa.; effective 11–25–64 to 11–24–65; 10 learners (women's nightwear).

Elpern Manufacturing Inc., 113 Summit Avenue, Hagerstown, Md.; effective 11–9–64 to 11–8–65; 10 learners (children's dresses).

Gulf Sewing Industries, Inc., Citronelle, Ala.; effective 11–6–64 to 11–5–65; 10 learners (women's slacks).

Knitwear Associates, Inc., 1427 Chew Street, Allentown, Pa.; effective 11–19–64 to 11–18–65; 10 learners (men's, boys', polo shirts, shirts and ladies' and girls' shifts).

Sally Marks, Ltd., Rienzi, Miss.; effective 11–16–64 to 11–15–65; 10 learners (women's blouses and dresses).

Meyers and Son Mfg. Co., Inc., New Castle, Ky.; effective 11–16–64 to 11–15–65; 10 learners (men's one piece work shirts).

O'Bryan Brothers, Inc., 600 West Seminary Street, Richland Center, Wis.; effective 11–15–64 to 11–14–65; 10 learners (women's and children's pants).

Ronnie Dress Co., 29 North Main Street, Schickshinny, Pa.; effective 11–23–64 to 11–22–65; 10 learners (ladies' dresses).

Safford Mfg. Corp., Safford, Ariz.; effective 11–2–64 to 11–1–65; 10 learners (women's, misses', underwear, nightwear, negligees).

Society Lingerie Co., Inc., Springland and Roeske Avenues; Michigan City, Ind.; effective 12–3–64 to 12–2–65; 10 learners (slips, petticoats, panties, pajamas, night gowns).

Sorbeau, Inc., 821 Central Avenue, Dubuque,Iowa; effective 12–1–64 to 11–30–65; 10 learners (infants' garments).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners are indicated.

Blue Ridge Mfrs., Inc., Anniston, Ala.; effective 11–25–64 to 5–24–65; 80 learners (boys' and men's jeans).

Michael Berkowitz Co., Inc., Uniontown, Pa.; effective 11–18–64 to 5–17–65; 25 learners (men's, ladies' and children's pajamas).

Garan, Inc., Hillsdale Div., Kosciusko, Miss.; effective 11–18–64 to 5–17–65; 15 learners (men's and boys' sport shirts).

Glamorise Foundations, Inc., 228 Pine Street, Williamsport, Pa.; effective 11–13–64 to 5–12–65; 25 learners (brassieres, girdles, corselettes).

Gulf Sewing Industries, Inc., Citronelle, Ala.; effective 11–18–64 to 5–17–65; 10 learners (women's slacks).

Lesavoy Mills, Inc., New and Washington Streets, Allentown, Pa.; effective 11–9–64 to 5–8–65; 25 learners (infants', children's, women's and men's sport shirts, bermudas and capri pants).

Lyons Textile Mills, Inc., 112 Foundry Street, Athens, Ga.; effective 11–19–64 to 5–18–65; 10 learners (men's dress pants and sport pants).

Panola Inc. of Batesville, Highway 6 West, Batesville, Miss.; effective 11–27–64 to 5–26–65; 100 learners (women's girdles).

Press Set Corporation, 1110 Washington Avenue, St. Louis, Mo.; effective 11–12–64 to 5–11–65; 15 learners (men's and boys' pants).

Washington Garment Co., Inc., 900 East Fifth Street, Washington, N.C.; effective 11–27–64 to 5–26–65; 25 learners (children's dresses).

Roanoke Mfg. Co., Anniston, Ala.; effective 11–25–64 to 5–24–65; 40 learners (men's and boys' sport shirts, ladies' blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Twentieth Century Glove Co., Inc., River Road, Cartersville, Ga.; effective 11–14–64 to 5–13–65; 30 learners for plant expansion purposes (leather and combination work gloves).

Warren Industries, Inc., 9 Broad Street, Glen Falls, N.Y.; effective 11–29–64 to 11–28–65; 10 learners for normal labor turnover purposes (ladies' cotton and leather gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Auburn Dyeing & Finishing Co., Auburn, Ky.; effective 11–29–64 to 11–28–65; 5 learners for normal labor turnover purposes (full-fashioned).

Charles H. Bacon Co., Inc., Loudon, Tenn.; effective 11–3–64 to 11–2–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Francis Louise Full Fashion Mills, Inc., West Connelly Street, Valdese, N.C.; effective 11–28–64 to 11–27–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knit Products Corp., Belmont, N.C.; effective 11–17–64 to 11–16–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Magnet Mills, Inc., Cullom Street, Clinton, Tenn.; effective 11–29–64 to 11–28–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Outlook Mfg. Co., Belmont, N.C.; effective 11–7–64 to 11–6–65; 5 learners for normal labor turnover purposes (seamless).

Ridgeview Hosiery Mill Co., Newton, N.C.; effective 11–6–64 to 11–5–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Royal Hosiery Mills, Inc., Yanceyville, N.C.; effective 11–12–64 to 5–11–65; 5 learners for plant expansion purposes (seamless).

W. Y. Shugart & Sons, Inc., Fort Payne, Ala.; effective 11–8–64 to 11–7–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Blue Grass Industries, Inc., State Highway No. 36, Carlisle, Ky.; effective 11–16–64 to 11–15–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's woven and knitted shorts).

Blue Grass Industries, Inc., 10–14 East High Street, Mt. Sterling, Ky.; effective 11–16–64 to 11–15–65; 5 percent of the total number of factory production workers for normal turnover purposes (men's woven and knitted shorts).

Bru-Mar Mfg. Co., Inc., 827 North Fourth Street, Allentown, Pa.; effective 11–23–64 to 11–22–65; 5 learners for normal labor turnover purposes (children's swim suits).

Casa Grande Mills, a division of the Parsons & Baker Co., Phoenix Highway, Casa Grande, Ariz.; effective 11–16–64 to 11–15–65; 5 learners for normal labor turnover purposes (infants' cotton knit underwear).

Ilena Mills, Inc., Manufacturers' Road, Chattanooga, Tenn.; effective 11–14–64 to 11–13–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' T-shirts).

Kain-Murphey Corp., Manufacturers' Road, Chattanooga, Tenn.; effective 11–14–64 to 11–13–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Lismore Mfg. Corp., 460 Globe Street, Fall River, Mass.; effective 12–1–64 to 11–30–65; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's knitted underwear).

Safford Mfg. Corp., Safford, Ariz.; effective 11–2–64 to 11–1–65; 5 learners for normal labor turnover purposes in the production of women's knitted garments (women's, misses, underwear, nightwear and negligees).

A. H. Schreiber Co., Inc., Washington Street, Mount Holly, N.J.; effective 11–9–64 to 11–8–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear).

Select Underwear Co., Inc., Ashcraft Street, Monroe, N.C.; effective 11–2–64 to 11–1–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' pants; men's and boys' underwear and undershorts).

Van Raalte Co., Inc., Saratoga Springs, N.Y.; effective 11–19–64 to 11–18–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Blue Grass Industries, Inc., State Highway No. 36, Carlisle, Ky.; effective 11–16–64 to 11–15–65; 5 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rate of not less than $1.15 an hour for the first 160 hours and not less than $1.20 an hour for the remaining 160 hours (women's sanitary belts and men's athletic supporters).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Adele Mfg. Corp., Post Office Box 325, Rio Grande, P.R.; effective 11–4–64 to 11–3–65; 5 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours (men's cotton shorts).

Alfredo Mfg. Corp., Post Office Box 325, Rio Grande, P.R.; effective 11–11–64 to 11–10–65; 17 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours (men's cotton pajamas).

Bali Puerto Rico, Inc., 48 SE. No. 1272, La Riviera, Rio Piedras, P.R.; effective 11–5–64 to 5–4–65; 150 learners for plant expansion purposes in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres).

Barranquitas Shoe Co., Inc., Post Office Box 623, Barranquitas, P.R.; effective 10–30–64 to 2–11–65; 18 learners for plant expansion purposes in all factory production occupations for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (shoes).

Bayuk International, Inc., Post Office Box 417, Ciales, P.R.; effective 10–26–64 to 12–1–64; 50 learners for plant expansion purposes in the occupations of sorting, sizing and tying, grading for a learning period of 240 hours at the rate of 75 cents an hour (wrapper type tobacco).

Caguas Tobacco and Processing Corp., Post Office Box 576, Caguas, P.R.; effective 10–23–64 to 10–22–65; 25 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping for a learning period of 160 hours at the rate of 87 cents an hour; and (2) sorting (selecting half leaves) for a learning period of 160 hours at the rate of 75 cents an hour (machine stripping process and selection of half leaves of wrappers).

Central Products Company, Post Office Box 3307, Mayaguez, P.R.; effective 11–2–64 to 5–1–65; 11 learners for plant expansion purposes in the occupations of: (1) Power press operator, steel spring winder, blade inspector, final packing and inspection each for a learning period of 240 hours at the rate of 94 cents an hour; and (2) cupping and forming mechanic, screw driver operators, blade pull-in operators, heat sealer operator each for a learning period of 160 hours at the rate of 94 cents an hour (steel measuring tape).

Central Products Co., Post Office Box 3307, Mayaguez, P.R.; effective 11–2–64 to 11–1–65; 5 learners for normal labor turnover purposes in the occupations of: (1) Power press operator, steel spring winder, blade inspector, final packing and inspection each for a learning period of 240 hours at the rate of 94 cents an hour; and (2) cupping and forming mechanic, screw driver operator, blade pull-in operator, heat sealer operator each for a learning period of 160 hours at the rate of 94 cents an hour (steel measuring tape).

Cinta Metrica, Inc., Buenos Aires Street, Post Office Box 3307, Mayaguez, P.R.; effective 11–2–64 to 5–1–65; 10 learners for plant expansion purposes in the occupations of: (1) Outer band assembler, spot welder each for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours; and (2) hi-speed hammer operator, chalk line assembler, entrance eyelet assembler, crimper, tail piece assembler, pin and bushing assembler, utility knives assembly, taps on knives, blade carrier assembly and assembly of handles each for a learning period of 160 hours at the rate of 94 cents an hour (chalk line markers and replacement line).

Cinta Metrica, Inc., Buenos Aires Street, Post Office Box 3307, Mayaguez, P.R.; effective 11–2–64 to 11–1–65; 5 learners for normal labor turnover purposes in the occupations of: (1) Outer band assembler, spot welder each for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours; and (2) hi-speed hammer operator, chalk line assembler, entrance eyelet assembler, crimper, tail piece assembler, pin and bushing assembler, utility knives assembly, taps on knives, blade carrier assembly and assembly of handles each for a learning period of 160 hours at the rate of 94 cents an hour (chalk line markers and replacement line).

D.W.G. International, Inc., Plant No. 1, Gurabo Industrial Area, Gurabo, P.R.; effective 10–21–64 to 4–20–65; 15 learners for plant expansion purposes in the occupation of machine stripping for a learning period of 160 hours at the rate of 87 cents an hour (processing of wrapper type tobacco).

Finrico, Inc., Post Office Box 1127, Cayey, P.R.; effective 11–18–64 to 11–17–65; 10 learners for normal labor turnover purposes in the occupations of machine stitching, pressing each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (sweaters).

Glamourette Fashion Mills, Inc., Post Office Box 737, Quebradillas, P.R.; effective 10–8–64 to 4–7–65; 54 learners for plant expansion purposes in the occupation of: (1) Knitting, topping, looping each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, finishing operations involving hand sewing each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (3) winding for a learning period of 240 hours at the rate of 88 cents an hour (sweaters).

Glamourette Fashion Mills, Inc., Post Office Box 737, Quebradillas, P.R.; effective 10–8–64 to 10–7–65; 16 learners for normal labor turnover purposes in the occupations of: (1) Knitting, topping, looping each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, finishing operations involving hand sewing each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (3) winding for a learning period of 240 hours at the rate of 88 cents an hour.

Hamlin International, El Tuque, State Road No. 2, Post Office Box "H", Ponce, P.R.; effective 10–26–64 to 4–25–65; 30 learners for plant expansion purposes in the occupations of white room assembly, resistive welding, tool and die maker, electroplater, final inspection each for a learning period of 480 hours at the rates of 98 cents an hour for the first 240 hours and $1.08 an hour for the remaining 240 hours (miniature reed switches).

Hanro Corp., Street A, Lot No. 8, Las Palmas Industrial Dev., Catano, P.R.; effective 10–26–64 to 12–4–64; 16 learners for plant expansion purposes in the occupations of: (1) Machine operator, coil winder, wire tester each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours; (2) assembly line: positioning leads, insulating coil, taping harness, harnessing coil, twist leads, soldering, insulate No. 1 and insulate No. 2; harness sub-assembly each for a learning period of 240 hours at the rate of $1.00 an hour (energizing of coils for electric motors).

Mesana Dyeing and Finishing, Inc., Post Office Box 737, Quebradillas, P.R.; effective 10–26–64 to 10–25–65; 5 learners for normal labor turnover purposes in the occupations of: (1) Presser, mender each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (2) dyeing machine operator, dryer machine operator each for a learning period of 240 hours at the rate of 88 cents an hour (dyeing and finishing of sweaters).

Mesana Dyeing and Finishing, Inc., Post Office Box 737, Quebradillas, P.R.; effective 10–26–64 to 4–25–65; 5 learners for plant expansion purposes in the occupations of: (1) Presser, mender each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (2) dyeing machine operator, dryer machine operator each for a learning period of 240 hours at the rate of 88 cents an hour (dyeing and finishing of sweaters).

Paradise Manufacturing, Inc., Post Office Box 408, Gurabo, P.R.; effective 11–2–64 to 11–1–65; 14 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Pilar Mfg. Corp., 2106 Borinquen Avenue, Post Office Box 7146, Barrio Obrero Station, Santurce, P.R.; effective 10–28–64 to 4–27–65; 20 learners for plant expansion purposes in the occupations of: (1) Machine operations other than sewing machine (decoration of blouses) for a learning period of 160 hours at the rate of 72 cents an hour; and (2) machine operations other than sewing machine (decoration of sweaters) for a learning period of 160 hours at the rate of 88 cents an hour (decoration of blouses and sweaters).

R.B. Tobacco Corp., Ruiz Belvis Street, Post Office Box 576, Caguas, P.R.; effective 10–27–64 to 10–26–65; 25 learners for normal labor turnover purposes in the occupation of machine stripping for a learning period of 160 hours at the rate of 87 cents an hour (machine stripping process of wrappers).

Rio Monte Mfg. Corp., Post Office Box 325, Rio Grande, P.R.; effective 11–4–64 to 11–3–65; 5 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours (men's cotton pajamas).

Star Kist Caribe, Inc., Post Office Box 3698 Marina Station, Mayaguez, P.R.; effective 10–19–64 to 10–18–65; 60 learners for normal labor turnover purposes in the occupation of tunafish cleaning and packing each for a learning period of 160 hours at the rates of 94 cents an hour for the first 80 hours and $1.10 an hour for the remaining 80 hours (tunafish cleaning and packing).

Surgical Appliances Mfg., Inc., Road No. 1, Km. 34.2, Caguas, P.R.; effective 10–21–64 to 4–20–65; 8 learners for plant expansion purposes in the occupations of: (1) Sewing machine operators in the manufacture of orthopedic appliances other than shoes for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) sewing machine operator in the manufacture of orthopedic shoes for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (orthopedic and surgical appliances).

Tobacco Products Mfg. Corp., of Puerto Rico, Post Office Box 576, Caguas, P.R.; effective 10–23–64 to 10–22–65; 25 learners for normal labor turnover purposes in the occupation of sorter for a learning period of 240 hours at the rate of 75 cents an hour (processing of shade wrapper tobacco).

W. O. Tobacco Corp., Ruiz Belvis Street, Post Office Box 576, Caguas, P.R.; effective 10–19–64 to 4–18–65; 100 learners for plant expansion purposes in the occupations of sorter, sizer each for a learning period of 240 hours at the rate of 75 cents an hour (processing of wrapper type tobacco).

Wendy Textile Mills, Inc., Post Office Box 737, Quebradillas, P.R.; effective 10–15–64 to 4–14–65; 22 learners for plant expansion purposes in the occupations of: (1) Knitting, topping, looping each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitching for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours.

Worthen Caribe Inc., Km. 23.6 Ponce By Pass, Reparada Industrial Development, Post Office Box L, Ponce, P.R.; effective 10–19–64 to 4–18–65; 20 learners for plant expansion purposes in the occupations of: (1) Stitching machine operator, forming, cutting and winding machine operator each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours; and (2) folding and inspecting each for a learning period of 160 hours at the rate of 78 cents an hour (binding and tapes).



Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 18th day of December 1964.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 64–13343; Filed, Dec. 28, 1964; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 22, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA 39479: *Tin or terne plate to Birmingham, Ala.* Filed by O. W. South, Jr., agent (No. A4615), for and on behalf of Illinois Central Railroad Co. Rates on tin or terne plate and tin mill black plate, in carloads, from St. Louis, Mo., East St. Louis, and Graniteville, Ill., to Birmingham, Ala.

Grounds for relief: Market competition and rate relationship.

Tariff: Supplement 159 to Southern Freight Association, agent, tariff I.C.C. S–163.

FSA 29480: *Liquid caustic soda to St. Marys, Ga.* Filed by O. W. South, Jr., agent (No. A4616), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Evans City, Ala., to St. Marys, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 163 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA 39481: *Superphosphate from Florida producing points.* Filed by O. W. South, Jr., agent (No. A4617), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, from Florida producing points to Louisville, Ky., and New Albany, Ind.

Grounds for relief: Rail-barge-truck competition.

Tariff: Supplement 122 to Southern Freight Association, agent, tariff I.C.C. S–88.

FSA 39482: *T.O.F.C. rates from and to Waterloo, Iowa.* Filed by Southwestern Freight Bureau, agent (No. B–8653), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in trailers and transported on railroad flat cars, between Waterloo, Iowa, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 130 to Southwestern Freight Bureau, agent, tariff I.C.C. 4480.

FSA 39484: *Grain and grain products to and between points in southern territory.* Filed by O. W. South, Jr., agent (No. A4612), for interested rail carriers. Rates on grain, grain products and feed, in carloads, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities gateway points, Washington, D.C., and St. Lous, Mo., and intermediate points on lines of southern carriers; also from points in Ohio to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 13 to Southern Freight Association, agent, tariff I.C.C. S–478.

### AGGREGATE-OF-INTERMEDIATES

FSA 39483: *Pullman charges in eastern territory.* Filed by The Pullman Co. (No. 16), for carriers parties to its tariff I.C.C. A–81. Pullman charges for upper and lower berths, sections, duplex roomettes, roomettes, bedrooms, bedroom suites, compartments and drawing rooms, between points in the United States.

Grounds for relief: Experimental space charges to meet competition of other modes of transportation.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–13314; Filed, Dec. 28, 1964; 8:46 a.m.]

[Notice 1100–A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 22, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66978. By order of December 17, 1964, Division 3, acting as an Appellate Division, approved the transfer to M. E. Transportation, Inc., Timberville, Va., of the operating rights issued by the Commission, November 22, 1940, and October 23, 1947, under Certificates Nos. MC 73533 and MC 73533 Sub 1, respectively, to M. E. Campbell, Timberville, Va., authorizing the transportation, over regular routes, of general commodities, excluding household goods, and other specified commodities, between Baltimore, Md., and Harrisonburg, Va., newspapers, from Baltimore, Md., to Strasburg, Va., and rejected shipments of newspapers, from Strasburg, Va., to Baltimore, Md. M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–13360; Filed, Dec. 28, 1964; 8:50 a.m.]

[Notice 1100]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 22, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66968. By order of December 16, 1964, The Transfer Board approved the transfer to Shannon Transport, Inc., Sweet Home, Oreg., of portion of the operating rights issued by the Commission January 19, 1959, under Certificate No. MC 113282, to Cement Distributors, Incorporated, Seattle, Wash., authorizing the transportation, over irregular routes, of machinery, contractors' equipment, and construction material, between points in Washington, and Oregon west of the Cascade Mountains and north of a line beginning at Florence, Oreg., and extending along Oregon Highway 36 to junction U.S. Highway 99, thence south along U.S. Highway 99 to junction U.S. Highway 126

(formerly U.S. Highway 28), thence along U.S. Highway 126 to the Cascade Mountains, including points on the indicated portions of the highways specified, restricted against the transportation of cement and pozzolan between points in Washington; and wood poles, reinforcing and construction steel, and steel piling, between Milwaukee, Oreg., and points in Multnomah County, Oreg., on the one hand, and, on the other, points in that part of Washington west of the Cascade Mountains. Earl V. White, % White & Southwell, 2130 SE. Fifth Avenue, Portland, Oreg., attorneys for applicants.

No. MC-FC 67339. By order of December 18, 1964, The Transfer Board approved the transfer to Coyman Brothers, Inc., Hackensack, N.J., a portion of Certificate No. MC 59507, issued March 20, 1942, to Edgar H. Allen & Son, Inc., Kenilworth, N.J., authorizing the transportation of equipment requiring special handling equipment, and rigging, over irregular routes, between Newark, Kearney, Jersey City, Paterson, Manville and Hoboken, N.J., on the one hand, and, on the other, Newport, Del., New London, Conn., Scranton and Reading, Pa., and points in Connecticut west of the Connecticut River; those in Pennsylvania south of U.S. Highway 22, and east of U.S. Highway 309; those in Orange, Rockland, and Sullivan Counties, N.Y.; and those in that part of New York east of the Hudson River and south of a line beginning at Albany, N.Y., and extending east through West Sand Lake, N.Y., to the New York-Massachusetts State line, including West Sand Lake and points on the indicated portions of the highways specified. Robert B. Pepper, 297 Academy Street, Jersey City, N.J., 07306, representative for transferee and August W. Heckman, 297 Academy Street, Jersey City, N.J., 07306, representative for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-13359; Filed, Dec. 28, 1964; 8:50 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

### 3 CFR

| | Page |
|---|---|
| PROCLAMATIONS: | |
| 3630 | 15941 |
| 3631 | 16243 |
| EXECUTIVE ORDER: | |
| Jan. 7, 1903 (revoked in part by PLO 3516) | 18423 |
| Mar. 31, 1911 (revoked in part by PLO 3493) | 16859 |
| Dec. 31, 1912 (revoked in part by PLO 3487) | 16829 |
| Sept. 30, 1916 (revoked in part by PLO 3508) | 16864 |
| May 21, 1920 (revoked in part by PLO 3508) | 16864 |
| 5289 (revoked in part by PLO 3486) | 16830 |

### 4 CFR

| | |
|---|---|
| 51 | 16313 |
| 52 | 16313 |

### 5 CFR

| | |
|---|---|
| 213 | 17065, 17084, 17085, 17893, 18003, 18153, 18288. |
| 890 | 18045 |

### 7 CFR

| | |
|---|---|
| 15 | 16274, 16966 |
| 29 | 16854 |
| 81 | 18474 |
| 401 | 17029, 17085 |
| 701 | 18149 |
| 717 | 16184 |
| 719 | 16185 |
| 722 | 16428, 16775, 18003, 18004 |
| 724 | 16077 |
| 729 | 16185 |
| 730 | 17086 |
| 751 | 18007 |
| 777 | 17086 |
| 811 | 18149 |
| 817 | 18151 |
| 850 | 17029 |
| 855 | 17029 |
| 905 | 16313–16315 |
| 907 | 16315, 16907, 17030, 17814, 18405, 18415 |
| 909 | 17030 |
| 910 | 16078, 16316, 17031, 18045, 18415 |
| 916 | 16966 |
| 917 | 16854 |
| 929 | 16078 |
| 1004 | 16966 |
| 1005 | 16855 |
| 1032 | 18046 |
| 1036 | 18415 |
| 1046 | 18416 |
| 1047 | 18475 |
| 1049 | 18476 |
| 1061 | 18152 |
| 1062 | 18049 |
| 1063 | 18007, 18051 |
| 1067 | 18052 |
| 1070 | 18008 |
| 1078 | 18009 |
| 1079 | 18010 |
| 1136 | 17815 |
| 1421 | 15943, 18212 |
| 1427 | 18213 |
| 1468 | 18153 |
| 1472 | 18153 |

### 7 CFR—Continued

| | Page |
|---|---|
| 1485 | 17032 |
| 1600 | 16784 |
| 1601 | 16784 |
| PROPOSED RULES: | |
| 26 | 17816 |
| 301 | 18507 |
| 812 | 17122 |
| 911 | 16258 |
| 912 | 16993 |
| 915 | 16258 |
| 917 | 16993 |
| 971 | 16333 |
| 1003 | 18014 |
| 1004 | 16994, 18429 |
| 1005 | 16259 |
| 1030 | 16395, 16417, 18091 |
| 1031 | 16417 |
| 1036 | 16197, 18091 |
| 1044 | 16200 |
| 1046 | 17908 |
| 1047 | 17041, 17816 |
| 1049 | 17816 |
| 1050 | 17822 |
| 1065 | 16920 |
| 1098 | 18429 |
| 1126 | 16198, 18434 |
| 1131 | 16866, 17822 |
| 1135 | 18380 |
| 1137 | 18381 |

### 8 CFR

| | |
|---|---|
| 103 | 18010 |

### 9 CFR

| | |
|---|---|
| 74 | 15943 |
| 92 | 18274 |
| 94 | 16907 |
| 97 | 16316 |
| 155 | 18418 |

### 10 CFR

| | |
|---|---|
| 2 | 16831 |
| PROPOSED RULES: | |
| Ch. I | 15957 |
| 2 | 16934 |
| 30 | 17916, 17933 |
| 31 | 17920 |
| 32 | 17922 |
| 33 | 17928 |
| 34 | 17929 |
| 35 | 17931 |
| 36 | 17932 |
| 150 | 17933 |

### 12 CFR

| | |
|---|---|
| 1 | 17087, 18053 |
| 217 | 15944, 16317 |
| 218 | 16065 |
| 224 | 16855 |
| 329 | 15944 |
| 525 | 18154 |
| 545 | 16856, 18154, 18156, 18213 |
| 563 | 17088 |
| PROPOSED RULES: | |
| 561 | 18233 |
| 563 | 18181 |

### 13 CFR

| | |
|---|---|
| 107 | 16825, 16946, 16967 |
| 120 | 18419 |
| 121 | 15945 |
| PROPOSED RULES: | |
| 107 | 16094, 18016 |

### 14 CFR

| | Page |
|---|---|
| 1 [New] | 18289 |
| 3 | 17955 |
| 4a | 18289 |
| 4b | 18289 |
| 7 | 16149 |
| 23 [New] | 17955 |
| 25 [New] | 18289 |
| 27 [New] | 16065, 17885 |
| 29 [New] | 16149 |
| 39 [New] | 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797, 18353, 18477. |
| 42 | 16968 |
| 71 [New] | 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088 17503, 17797, 18053–18055, 18156, 18213, 18354, 18478. |
| 73 [New] | 15948, 16184, 16972, 17037, 17727, 18156, 18354. |
| 75 [New] | 16066, 16319, 17775 |
| 91 [New] | 18289 |
| 93 [New] | 15948 |
| 97 [New] | 16067, 16789, 17798, 17886, 18479, 18488 |
| 135 [New] | 18478 |
| 151 [New] | 18000 |
| 302 | 16972 |
| 389 | 16907 |
| 1204 | 17892 |
| PROPOSED RULES: | |
| 39 [New] | 16429, 16430, 17044, 18093 |
| 71 [New] | 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823, 18014, 18015, 18093, 18095–18097, 18180, 18230, 18231, 18382, 18383, 18510. |
| 73 [New] | 18510 |
| 75 [New] | 16432, 16836, 18230 |
| 91 [New] | 15959, 18232 |
| 129 [New] | 18232 |
| 135 [New] | 16836 |
| 207 | 18509 |
| 221 | 16867 |
| 295 | 18509 |
| 399 | 17042, 18230 |
| 514 | 18511 |

### 15 CFR

| | |
|---|---|
| 7 | 16973 |
| 9 | 18507 |
| 50 | 17089 |
| 201 | 16319 |
| 202 | 18032 |
| 203 | 18507 |
| 365 | 16186 |

### 16 CFR

| | |
|---|---|
| 13 | 16186, 16826, 16856 |

### 17 CFR

| | |
|---|---|
| 200 | 16187 |
| 230 | 16982 |
| 239 | 16856 |
| 240 | 16245, 16856, 16982 |
| 260 | 16982 |
| 270 | 16982 |
| 275 | 16982 |
| PROPOSED RULES: | |
| 15 | 15957 |
| 19 | 15957 |

## 17 CFR—Continued

PROPOSED RULES—Continued

230 ... 18234
240 ... 18234, 18386

## 18 CFR

101 ... 18214
104 ... 18214
141 ... 18214
201 ... 18216
501 ... 16188
502 ... 16189
503 ... 16189
504 ... 16190
505 ... 16191
506 ... 16192
507 ... 16193
508 ... 16194

PROPOSED RULES:

12 ... 16997
154 ... 18233

## 19 CFR

4 ... 15949
14 ... 16320

PROPOSED RULES:

6 ... 17042

## 20 CFR

395 ... 16322

## 21 CFR

1 ... 18055, 18063
8 ... 15949, 16983, 17089, 18495
9 ... 16983
14 ... 16194
15 ... 16194
16 ... 16194, 16858
17 ... 16194
18 ... 16194
19 ... 16194, 18121
20 ... 16194, 18123
22 ... 16194
27 ... 16194
29 ... 16194
37 ... 16194
42 ... 16194, 16983
45 ... 16194
46 ... 16194
51 ... 16194
53 ... 16194
121 ... 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893, 18012, 18055, 18056, 18216, 18496, 18497.
130 ... 18055
141 ... 18012
144 ... 16984
145 ... 16911
146 ... 18012
146a ... 18012
148c ... 16984
148u ... 16911
148x ... 16251
191 ... 18056, 18498

PROPOSED RULES:

27 ... 16866
31 ... 16866
36 ... 18175, 18436
45 ... 16994
46 ... 16429
53 ... 16934
120 ... 16935
121 ... 16935, 16994

## 22 CFR

201 ... 18288

## 24 CFR

1 ... 16280
201 ... 17893
203 ... 17893
207 ... 17893
213 ... 17894
220 ... 17894
221 ... 17895
231 ... 17897
232 ... 17898
234 ... 17899
603 ... 17899
809 ... 17899
903 ... 17899

## 25 CFR

43d ... 16080

## 26 CFR

1 ... 16081, 17806, 17899, 18128, 18144, 18201, 18355, 18356, 18366, 18498, 18500, 18502.
31 ... 18144
45 ... 16083

PROPOSED RULES:

1 ... 15957, 16090, 18063, 18173
48 ... 16993
170 ... 18379
296 ... 18379
301 ... 18063

## 27 CFR

4 ... 16984

## 29 CFR

31 ... 16284
40 ... 18156
50 ... 18419
608 ... 17811
609 ... 17811
611 ... 17812
689 ... 15949

PROPOSED RULES:

601 ... 16428
670 ... 16428
673 ... 17822
675 ... 16428
677 ... 17822
678 ... 17822
720 ... 16428

## 31 CFR

3 ... 18161
328 ... 16914

PROPOSED RULES:

306 ... 16330
315 ... 16330
316 ... 16330
321 ... 16330
332 ... 16330

## 32 CFR

132 ... 17885
517 ... 15949
536 ... 16985
577 ... 16251
701 ... 16194, 18275
710 ... 16055
713 ... 18276
719 ... 16194
721 ... 17812
730 ... 18276
804 ... 16323
1001 ... 17037
1002 ... 17038
1003 ... 17038
1007 ... 17038
1030 ... 17040
1057 ... 17039

## 32A CFR

OEP (Ch. I):

DMO I–1 ... 18368
DMO I–4 ... 16251

OIA (Ch. X):

OI Reg. 1 ... 16986

## 33 CFR

2 ... 18162
80 ... 18011
202 ... 16859, 17040
203 ... 16251, 17040, 18422
206 ... 15949
207 ... 18422

## 35 CFR

4 ... 17903
5 ... 16328

## 36 CFR

7 ... 17091, 18218

## 37 CFR

1 ... 18502
3 ... 18502

## 38 CFR

3 ... 16252, 16328, 17092
12 ... 17903, 17904
17 ... 18219

## 39 CFR

16 ... 16125
21 ... 16252
22 ... 16125, 16252
24 ... 16125
25 ... 16252
57 ... 16858
61 ... 16125
112 ... 16858
151 ... 18506
168 ... 16858, 18506

PROPOSED RULES:

22 ... 18093
96 ... 18380

## 41 CFR

Ch. 1 ... 18057
Ch. 2 ... 17092
2 ... 18477
4–1 ... 17040
8–1 ... 16323, 17903
8–2 ... 16323
8–7 ... 18013
9–9 ... 17113
11–1 ... 16252, 16255
11–2 ... 16253, 16255
11–4 ... 16253
11–14 ... 16255
11–60 ... 18368
Ch. 18 ... 16502
101–6 ... 15972, 16287
101–7 ... 16797
101–8 ... 16800
101–9 ... 16800
101–10 ... 16801
101–11 ... 16807
101–12 ... 16824
101–13 ... 16824
101–18 ... 15973
101–19 ... 15978
101–20 ... 15984
101–25 ... 15990
101–27 ... 15997
101–28 ... 15998
101–29 ... 16002
101–30 ... 16004
101–40 ... 16008
101–43 ... 16012
101–44 ... 16027
101–45 ... 16035
101–47 ... 16126

## 42 CFR

21 ... 18288
51 ... 16915, 17954
53 ... 18447
55 ... 16915
57 ... 15952



## 43 CFR

17 ... 16293

PUBLIC LAND ORDERS:

751 (revoked in part by PLO 3516) ... 18423
3359 (revoked in part by PLO 3478) ... 16827
3447 (corrected by PLO 3485) ... 16829
3464 ... 16084
3465 ... 16084
3466 ... 16084
3467 ... 16085
3468 ... 16085
3469 ... 16085
3470 ... 16086
3471 ... 16086
3472 ... 16087
3473 ... 16087
3474 ... 16256
3475 ... 16827
3476 ... 16827
3477 ... 16827
3478 ... 16827
3479 ... 16828
3480 ... 16828
3481 ... 16828
3482 ... 16828
3483 ... 16829
3484 ... 16829
3485 ... 16829
3486 ... 16830
3487 ... 16829
3488 ... 16830
3489 ... 16830
3490 ... 16830
3491 ... 16831
3492 ... 16831
3493 ... 16859
3494 ... 16859
3495 ... 16860
3496 ... 16860
3497 ... 16860
3498 ... 16860
3499 ... 16861
3500 ... 16861
3501 ... 16862
Corrected ... 18219
3502 ... 16862
3503 ... 16863
3504 ... 16863
3505 ... 16863
3506 ... 16863
3507 ... 16864
3508 ... 16864
3509 ... 16864
3510 ... 16987
3511 ... 16987
3512 ... 16987

## 43 CFR—Continued

PUBLIC LAND ORDERS—Continued

3513 ... 17905
3514 ... 17905
3515 ... 17905
3516 ... 18423

## 44 CFR

1 ... 16832
2 ... 16832
3 ... 16832
4 ... 16832
5 ... 16832
6 ... 16832
7 ... 16832
55 ... 15954
60 ... 15954
100 ... 15954
102 ... 15954
110 ... 16195
Ch. VII ... 16832

## 45 CFR

80 ... 16298, 16988
150 ... 15955
611 ... 16305
701 ... 17949
702 ... 17950
703 ... 17952
704 ... 17953

## 46 CFR

146 ... 18163
147 ... 18163
502 ... 18171
506 ... 16195, 17121

PROPOSED RULES:

Ch. IV ... 16433

## 47 CFR

0 ... 18373
73 ... 16196, 16916, 16988, 18172, 18373, 18376, 18423.
81 ... 16196
87 ... 16865, 18377
89 ... 18057, 18425
91 ... 18219

PROPOSED RULES:

1 ... 17823
2 ... 17824
21 ... 16204, 17840
25 ... 17840, 17848
73 ... 16205, 16207, 16837, 17850, 18384

## 48 CFR

310 ... 18059

## 49 CFR

0 ... 16087
10 ... 18426
71–78 ... 18652
95 ... 18062, 18377, 18378, 18426, 18427, 18506
176 ... 16125
192 ... 16256

PROPOSED RULES:

10 ... 18437
71–78 ... 18511
170 ... 17850

## 50 CFR

2 ... 17905
11 ... 17905
14 ... 17906
16 ... 17905
32 ... 17906, 18378
33 ... 16917, 16918, 17814, 17906, 17907, 18229
256 ... 16088
257 ... 16990

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PART II
Section 1

# FEDERAL REGISTER

VOLUME 29 NUMBER 252

Washington, Tuesday, December 29, 1964

## Interstate Commerce Commission

# Explosives and Other Dangerous Articles

# Revision of Regulations

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

### PARTS 71–90—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

### Revision and Republication

Because of the numerous amendments, Parts 71–90 of Title 49 are revised and republished for convenience. This revision contains all amendments which have been published in the FEDERAL REGISTER to date.

Part
71 General information and regulations.
72 Commodity list of explosives and other dangerous articles containing the shipping name or description of all articles subject to Parts 71–78 of this chapter.
73 Shippers.
74 Carriers by rail freight.
75 Carriers by rail express.
76 Rail carriers in baggage service.
77 Shipments made by way of common contract, or private carriers by public highway.
78 Shipping container specifications.
79 Specifications for tank cars.
80–90 [Reserved]

### PARTS 71–79: EXPLOSIVES AND OTHER DANGEROUS ARTICLES

CROSS REFERENCE: For transportation of explosives and other dangerous articles by air, see 14 CFR Part 49. For U.S. Coast Guard dangerous cargo regulations, see 46 CFR Parts 146 and 147.

### PART 71—GENERAL INFORMATION AND REGULATIONS

Sec.
71.1 Plan of the regulations in Parts 71–78 of this chapter.
71.2 Act of Congress.
71.3 Changes in the regulations, shippers by rail, highway, and water, and carriers by rail and highway.
71.4 Changes in tank car specifications.
71.5 Procedure covering tank car construction.
71.6 Approved changes; notice.
71.7 Public hearings.
71.8 Definitions.
71.9 Vessels stores.
71.10 Flammable or combustible liquids in bulk on board vessels.
71.11 Transportation by carriers by water.
71.12 Export shipments by domestic carriers by rail and motor vehicles.
71.13 Emergency regulations.

AUTHORITY: The provisions of this Part 71 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

**§ 71.1 Plan of the regulations in Parts 71–78 of this chapter.**

(a) Regulations in Parts 71–78 of this chapter cover preparation of explosives and other dangerous articles for transportation by common carriers by rail freight, rail express, rail baggage, highway or water, construction of containers, packaging, weight, marking, labeling when required, billing, and shipper's certificate of compliance with these regulations; also cars, loading, storage, billing, placarding, and movement thereof by carriers by rail.

(b) Regulations for equipment and operation of motor vehicles on the highways are published in separate issue of the Commission.

**§ 71.2 Act of Congress.**

(a) Section 833, Title 18 of the United States Code, approved September 6, 1960 (Pub. Law 710, 86th Congress), which amended the act approved June 25, 1948 (Pub. Law 772, 80th Congress), provides that "Any person who knowingly delivers to any carrier engaged in interstate or foreign commerce by land or water, and any person who knowingly carries on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce by land, any explosive, or other dangerous article, specified in or designated by the Interstate Commerce Commission pursuant to section 834 of this chapter, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or any person who so delivers any such article without informing such carrier in writing of the true character thereof, at the time such delivery is made, or without plainly marking on the outside of every package containing explosives or other dangerous articles the contents thereof, if such marking is required by regulations prescribed by the Interstate Commerce Commission, shall be fined" or imprisoned, as provided in the Act.

**§ 71.3 Changes in the regulations, shippers by rail, highway, and water, and carriers by rail and highway.**

(a) Section 834 of the act of September 6, 1960, authorizes the Commission to formulate regulations for the safe transportation of explosives and other dangerous articles and, either upon its own motion or upon application by any interested party, to make changes or modifications in such regulations made desirable by new information or altered conditions. It further provides that in the execution of sections 831–835 of the act the Commission may utilize the services of carrier and shipper associations, including the Bureau for the Safe Transportation of Explosives and other Dangerous Articles (hereafter called Bureau of Explosives). The Bureau of Explosives will make inspections and conduct investigations and will confer with manufacturers and shippers with a view to determining what regulations will within reasonable limits afford the highest degree of safety in preparation and packing explosives and other dangerous articles for transportation by carriers by rail, highway, or water. The Commission will give due weight to the expert opinions thus obtained. Reports of these investigations will be made to the Commission with recommendations.

(b) Specifications for shipping containers, methods of packing for shipment, and other regulations will be considered and prescribed from time to time by orders effective as conditions may appear to warrant.

**§ 71.4 Changes in tank car specifications.**

(a) Proposals of changes in or additions to specifications for tanks to be mounted on or to form part of a car and to be classified as tank cars should be submitted to the Secretary, Mechanical Division, Association of American Railroads, for thorough investigation and consideration by its committee on tank cars, that committee to report its recommendations, together with objections offered to its proposals, with explanations and reasons for desired approval thereof, through said secretary to the Commission, and such reports may be submitted to the Bureau of Explosives, as circumstances appear to warrant, for comments and suggestions before appropriate action by the Commission.

**§ 71.5 Procedure covering tank car construction.**

(a) Complete detailed prints of new or improved types of tank-car tanks and detailed prints or samples of new or improved types of equipment therefor should be submitted to the Secretary, Mechanical Division, Association of American Railroads, for thorough investigation and laboratory tests of samples by its committee on tank cars.

(b) When in the opinion of the committee such tanks or equipment therefor are in full compliance with effective specifications of the Commission and no increase in hazard is involved, their use should be permitted.

(c) When in the opinion of the committee such tanks or equipment therefor are in full compliance with effective specifications of the Commission and a possible increase in hazard is involved, service trials should be agreed upon among interested parties before more extended use is permitted.

(d) When in the opinion of the committee such tanks or equipment therefor do not comply with effective specifications of the Commission and service trials are desirable, approval by the Commission of the conditions of such trials must be obtained.

(e) Prompt reports of the tank car committee on these matters should be made to the Commission through said mechanical division secretary and should include objections to proposed modifications of the specifications and advice of any extensions of pending investigations found necessary. The committee's expert opinions thus obtained will be given due weight by the Commission in determining upon appropriate final action to be taken. The merits of controversies arising under the foregoing procedure will be considered and changes in or additions to the specifications, or authorizations of service trials, will be made by the Commission as conditions appear to warrant.

**§ 71.6 Approved changes; notice.**

(a) The Act of September 6, 1960, requires that notice of 90 days after formulation and publication should be given of the effective date of new or modified regulations, unless a shorter time is authorized by the Commission. The authority to establish amended regulations upon less than 90 days' notice will be exercised only in instances where special and peculiar circumstances or conditions fully justify it.



**§ 71.7 Public hearings.**

(a) Public hearings concerning regulations contained in Parts 71–78 of this chapter will be held by the Commission at sufficiently frequent intervals. At these hearings evidence may be introduced in favor of proposed changes or additions and protest against the adoption thereof will also be heard. Final action also may be taken by the Commission without hearing, following 20 days' notice by the Commission of proposed changes or additions, or without such notice, as conditions appear to warrant.

**§ 71.8 Definitions.**

(a) The word "must" or "shall" is used in Parts 71–78 of this chapter in mandatory regulations. The word "should" indicates recommendatory provisions.

(b) Section 832 of the act of September 6, 1960 provides that any person who knowingly transports certain explosives, or any radioactive materials, or etiologic agents, on or in any passenger car or passenger vehicle of any description operated in the transportation of passengers by any for-hire carrier engaged in interstate or foreign commerce, by land, shall be fined or imprisoned or both. It further provides that emergency movements and movements of small quantities of those commodities on or in any such car or vehicle may be made under such regulations as the Commission may prescribe. As used in Parts 71–78 of this chapter the term "passenger car or passenger vehicle of any description operated in the transportation of passengers by any for-hire carrier . . . by land" means any railroad car of a passenger train, or highway vehicle, with passengers for-hire in the same such railroad car or highway vehicle.

(c) Whenever use of a container type is prescribed in the packing regulations but without specification number, the authorized type of container, either specification or nonspecification, may be used for the shipment.

(d) Numbering and lettering. The terms used in the numbering and lettering system employed in Parts 71–78 of this chapter, and adhered to in references made from one requirement to another, are as follows:

(1) Section: A major subdivision of a part, as § 73.193 of this chapter.

(2) Paragraph: A subdivision of a section, as paragraph (a) of this section, or § 73.193 (a).

(3) Subparagraph: A subdivision of a paragraph, as paragraph (a) (1) of this section, or § 73.193 (a) (1).

(e) Tank motor vehicle. The term "tank motor vehicle" means any motor vehicle designed or used for the transportation of liquids or gases covered by Parts 71–78 of this chapter in any cargo tank.

(f) Cargo tank. The term "cargo tank" means:

(1) *Permanently attached tank.* Any tank designed to be permanently attached to any motor vehicle or any container not permanently attached to any motor vehicle which by reason of its size, construction, or attachment to any motor vehicle must be loaded and/or unloaded without being removed from the motor vehicle and which tank or container is to be used to transport any flammable liquid, corrosive liquid, or poisonous liquid, class B, is hereby designated "cargo tank".

(2) *Fuel tank not a cargo tank.* A fuel tank is not a cargo tank, but one used to transport flammable liquid or compressed gas solely for the purpose of supplying fuel for the propulsion of a vehicle.

(g) The term "portable tank" means any tank designed primarily to be temporarily attached to a motor vehicle, other vehicle, railroad car other than tank car, or vessel, and equipped with skids, mountings or accessories to facilitate handling of the tank by mechanical means. The term "portable tank" shall not be construed to include any cargo tank, any tank car tank, or any tank of the ICC 106A (§§ 78.275 or 78.276 of this chapter) type.

**§ 71.9 Vessels stores.**

(a) Vessels stores are regulated by the regulations prescribed by the Commandant of the Coast Guard (46 CFR Part 147) and are not included in Parts 71–78 of this chapter.

**§ 71.10 Flammable or combustible liquids in bulk on board vessels.**

(a) Nothing in Parts 71–78 of this chapter shall be construed as affecting the transportation of flammable or combustible liquids in bulk on board vessels which transportation is governed by the rules and regulations promulgated under R.S. 4417a; 47 U.S.C. 391a (46 CFR Part 146).

**§ 71.11 Transportation by carriers by water.**

(a) When the transportation of a shipment involves movement by carrier by water, the applicable provisions of Parts 71–78 of this chapter must be observed by the shipper.

**§ 71.12 Export shipments by domestic carriers by rail and motor vehicles.**

(a) Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common carrier by rail or motor vehicle for domestic transportation unless in full accordance with the regulations in Parts 71–78 of this chapter.

(b) Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such export shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

**§ 71.13 Emergency regulations.**

(a) Until further order of the Commission, shipments of explosives may be made upon requests of the Departments of the Army, Navy, and Air Force of the United States Government complying with the following:

(1) Shippers' and carriers' regulations; handling detonating agents and explosives and explosive ammunition in same car or vehicle. Detonating fuzes, class A explosives, primer-detonator assemblies or other detonating elements containing explosive components, if of a safe type, may be shipped either assembled in bombs, depth charges, mines, projectiles, or torpedoes (torpedo warheads) or in properly packed containers in the same car or vehicle with bombs, depth charges, mines, projectiles, boosters, or torpedoes (torpedo warheads) when separated from the explosive bombs, depth charges, mines, projectiles, boosters, or torpedoes (torpedo warheads) by not less than 3 feet. The intervening space of 3 feet must be filled with dry sand or dry earth in bags or in a crib so constructed or lined as to prevent sifting of the sand or earth. The crib must be secured against movement.

(2) When bomb fuzes are packed with bomb fin assemblies, either crated or boxed in wooden or metal containers, the sand or earth filled space between bombs and the fuzes may be omitted provided adequate blocking and bracing is supplied to prevent the bombs from crushing and injuring the detonating fuzes due to ordinary shocks incident to transportation.

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### PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Sec.
72.1 Proper shipping name.
72.2 Articles not described.
72.3 Labels required and prohibited articles.
72.4 Explanation of signs and abbreviations.
72.5 List of explosives and other dangerous articles.

AUTHORITY: The provisions of this Part 72 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

**§ 72.1 Proper shipping name.**

(a) The proper shipping name which must be used and shown on outside shipping containers appears in Roman type (not italics). The abbreviations N.O.I. and N.O.I.B.N. may be used in lieu of the abbreviation n. o. s. where it appears in the list of explosives and other dangerous articles.

**§ 72.2 Articles not described.**

**(a) For an article not described by name shown in § 72.5, when such article is classified as dangerous by §§ 73.115, 73.150, 73.151, 73.240, 73.300, 73.326, 73.343, 73.381, or 73.391 of this chapter, the article must be prepared and offered for shipment in compliance with the regulations for the group within which it is properly classified.**

**§ 72.3 Labels required and prohibited articles.**

**(a) Section 72.5 also shows the kind of label when required on shipments of explosives and other dangerous articles and the articles which are prohibited for transportation.**

**§ 72.4 Explanation of signs and abbreviations.**

**(a) An asterisk indicates that articles may or may not be classed as flammable liquids, flammable solids, oxidizing materials, compressed gases, poisons, or corrosive liquids by Parts 71–78 of this chapter. If so classed, such articles are subject to the regulations prescribed for articles within these definitions.**

**F. L.—Flammable liquid.**
**F. S.—Flammable solid.**
**Oxy. M.—Oxidizing material.**
**Cor. L.—Corrosive liquid.**
**Nonf. G.—Nonflammable compressed gas.**
**F. G.—Flammable compressed gas.**
**Pois. A.—Poison gas or liquid, class A.**
**Pois. B.—Poisonous liquid or solid, Class B.**
**Pois. C.—Tear gas, class C.**
**Pois. D.—Radioactive materials, class D.**
**Expl. A.—Class A explosives.**
**Expl. B.—Class B explosives.**
**Expl. C.—Class C explosives.**
**Not accepted—Means not to be offered or accepted for transportation.**
**Forbidden—Means prohibited by law.**
**ϕ Indicates that articles may be transported as rail baggage.**
**# Required for rail express shipments only.**
**## Required for rail express and water shipments only.**
**N. O. S.—Means not otherwise specified.**
**N. O. I.—Means not otherwise indexed.**
**N. O. I. B. N.—Means not otherwise indexed by name.**

**NOTE 1: Where the word "INFLAMMABLE" is now painted, stenciled, or otherwise permanently marked on tank cars, cargo tank motor vehicles, portable tanks, or other containers, it may be so continued until such tanks or other containers are repainted, restenciled or both, and at such times shall be replaced with the word "FLAMMABLE" unless otherwise ordered by the Commission.**

**§ 72.5 List of explosives and other dangerous articles.**

**(a) For explanation of signs and abbreviations see § 72.4.**

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| Acetaldehyde (*ethyl aldehyde*) | F. L. | 73.118, 73.119 | Red | 10 gallons. |
| Acetone | F. L. | 73.118, 73.119 | do | Do |
| Acetone cyanhydrin | Pois. B | 73.345, 73.346 | Poison | 55 gallons. |
| *Acetone oils | F.L | 73.118, 73.119 | Red | 10 gallons. |
| Acetonitrile | F.L | 73.118, 73.119 | do | Do. |
| Acetyl benzoyl peroxide, solid | Not accepted | | | Not accepted. |
| Acetyl benzoyl peroxide, solution | Oxy. M | No exemption, 73.222 | Yellow | 1 quart. |
| Acetyl chloride | Cor. L | 73.244, 73.247 | White | 1 gallon. |
| Acetyl peroxide, solid | Not accepted | | | Not accepted. |
| Acetyl peroxide, solution | Oxy. M | 73.153 (b), 73.222 | Yellow | 1 quart. |
| Acetylene | F. G | 73.306, 73.303 | Red Gas | 300 pounds. |
| Acid carboys, empty | See § 73.29 (c) | | | |
| Acids, liquid, n.o.s. | Cor. L | 73.244, 73.245 | White | 5 pints. |
| Acid picric. *See* Picric acid. | | | | |
| *Acid sludge. *See* * Sludge acid. | | | | |
| Acrolein, inhibited | F. L | No exemption, 73.122 | Red | 1 quart. |
| Acrylonitrile | F. L | 73.118, 73.119 | do | 10 gallons. |
| Actuating cartridges, explosive, fire extinguisher or valve. | Expl. C | 73.114 | | 150 pounds. |
| *Aeroplane flares. See* Special fireworks. | | | | |
| Air, compressed | Nonf. G | 73.306, 73.302 | Green | 300 pounds. |
| Aircraft rocket engines (commercial). | F.S | No exemption, 73.238 | Yellow | 550 pounds. |
| Aircraft rocket engine igniters (commercial). | F.S | No exemption, 73.238 | do | 25 pounds. |
| *Alcohol, n.o.s | F.L | 73.118, 73.125 | Red | 10 gallons. |
| Alcohol, allyl | Pois. B | 73.345, 73.346 | Poison | 55 gallons. |
| Aldrin | Pois. B | 73.376 | do | 200 pounds. |
| Aldrin mixtures, liquid, with more than 60 percent aldrin. | Pois. B | 73.345, 73.361 | do | 55 gallons. |
| *Aldrin, cast solid | See § 73.376(b) | | | |
| Aldrin mixtures, dry, with more than 65 percent aldrin. | Pois. B | 73.364, 73.376 | Poison | 200 pounds. |
| *Aldrin mixtures, dry, with 65 percent or less aldrin. | See § 73.376 (b) | | | |
| *Aldrin mixtures, liquid, with 60 percent or less aldrin. | See § 73.361 (b) | | | |
| *Alkaline caustic liquids, n. o. s | Cor. L | 73.244, 73.249 | White | 10 gallons. |
| Alkaline corrosive battery fluid | Cor. L | 73.244, 73.249. 73,257 | do | Do. |
| Alkaline corrosive battery fluid with storage battery. | Cor. L | No exemption, 73.258 | do | 400 pounds. |
| Alkaline corrosive liquids, n. o. s. | Cor. L | 73.244, 73.249 | do | 10 gallons. |
| Allyl alcohol. *See* Alcohol, allyl. | | | | |
| Allyl bromide | F. L | 73.118, 73.119 | Red | Do. |
| Allyl chlorocarbonate. *See* Allyl chloroformate. | | | | |
| Allyl chloroformate | Cor. L | No exemption, 73.283 | White | 5 pints. |
| Allyl trichlorosilane | Cor. L | No exemption, 73.280 | do | 10 gallons. |
| Aluminum dross | See § 73.173 | | | |
| *Aluminum liquid (or paint). *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | Oxy. M | 73.153, 73.182 | Yellow | 100 pounds. |
| Aluminum nitrate | F.L | No exemption, 73.134 | Red | 2 ounces. |
| Aluminum triethyl | do | No exemption, 73.154 | do | Do. |
| Aluminum trimethyl | | | | |
| *Amatol. See* High explosives. | | | | |
| Ammonia, anhydrous. *See* Anhydrous ammonia. | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Ammonium arsenate, solid | F.S | 73.153, 73.154, 73.235 | Yellow | 100 pounds. |
| Ammonium bichromate (ammonium dichromate). | Oxy. M | 73.153, 73.182 | do | Do. |
| Ammonium nitrate | Oxy. M | 73.153, 73.182 | do | Do. |
| Ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating. | Oxy. M | 73.153, 73.182 | do | Do. |
| Ammonium nitrate—carbonate mixtures. | Oxy. M | 73.153, 73.182 | do | Do. |
| *Ammonium nitrate mixed fertilizer | Oxy. M | 73.153, 73.182 | do | Do. |
| Ammonium nitrate (organic coating.) | Oxy. M | 73.153, 73.182 | do | Do. |
| *Ammonium nitrate—phosphate | Oxy. M | 73.153, 73.182 | do | Do. |
| Ammonium perchlorate | Oxy. M | 73.153, 73.154 | do | Do. |



| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| Arsenic solid | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Arsenic sulfide (powder), solid | Pois. B | 73.364, 73.365 | do | Do. |
| Arsenic trichloride, liquid | Pois. B | 73.345, 73.346 | do | 55 gallons. |
| Arsenic, white, solid (arsenic, white, solid; arsenous acid, solid) | Pois. B | 73.364, 73.365, 73.368 | do | 200 pounds. |
| Arsenical compounds or mixtures, n. o. s., liquid | Pois. B | 73.364, 73.365 | do | Do. |
| Arsenical compounds or mixtures, n. o. s., solid | Pois. B | 73.364, 73.367 | do | 55 gallons. |
| Arsenical dip, liquid (sheep dip) | Pois. B | 73.345, 73.346 | do | 200 pounds. |
| Arsenical dip, solid | Pois. B | 73.364, 73.368 | do | Do. |
| Arsenical fine dust | Pois. B | 73.364, 73.368 | do | Do. |
| Arsenous acid, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Arsenous and mercuric chloride solution, liquid | Pois. B | 73.345, 73.346 | do | 55 gallons. |
| *Asphalt, cut-back. *See* Road asphalt, cut-back. | | | | |
| Automobiles, motorcycles, tractors or other self-propelled vehicles. | See §§ 73.120, 73.306. | | | |
| 1-Aziridinyl phosphine oxide (tris). | F. S | No exemption, 73.155 (a) | Yellow | 25 pounds. |
| Bag, filter, of soda, empty and unwashed. | F.S | No exemption, 73.239 | do | 1 pound. |
| Batteries, dry | Not regulated | | | |
| Batteries, electric storage, wet | Cor. L | 73.250, 73.260 | White | 600 pounds. |
| Batteries, electric storage, wet, with automobiles, auto parts, engines or other mechanical apparatus. | Cor. L | 73.250, 73.260 | do | No limit. |
| Batteries, electricstorage, wet, with containers of corrosive battery fluid. | Cor. L | No exemption, 73.258 | do | 2 gallons. |
| *Battery charger with electrolyte (acid)* or *battery fluid. See* Electrolyte (battery fluid). | See § 73.259 | | | |
| Battery fluid, alkaline corrosive battery fluid. *See* Alkaline corrosive battery fluid. | | | | |
| Benzene (benzol) | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Benzine | F. L | 73.118, 73.119 | do | Do. |
| Benzol (benzene) | F. L | 73.118, 73.119 | do | Do. |
| Benzoyl chloride | Cor. L | 73.244, 73.247 | White | 1 quart. |
| Benzoyl peroxide | Oxy. M | No exemption, 73.157, 73.158 | Yellow | 25 pounds. |
| Benzyl bromide (bromotoluene, alpha) | Cor. L | No exemption, 73.281 | White | 5 pints. |
| Benzyl chloride | Cor. L | 73.244, 73.295 | do | 1 quart. |
| Benzyl chlorocarbonate. *See* Benzyl chloroformate. | | | | |
| Benzyl chloroformate | Cor. L | No exemption, 73.288 | do | 5 pints. |
| Beryllium metal powder | Pois. B | No exemption, 73.378 | Poison | 25 pounds. |
| Black blasting powder. *See* Black powder. | | | | |
| Black pellet powder. *See* Black powder. | | | | |
| Black powder | Expl. A | No exemption, 73.60 | | Not accepted. |
| Black powder igniters with empty cartridge shell. | Expl. C | No exemption, 73.106 | | 150 pounds. |
| Black rifle powder. *See* Black powder. | | | | |
| Blasting caps | Expl. C | No exemption, 73.103 | | See § 73.86. |
| Blasting caps with metal clad mild detonating fuse—1,000 or less. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,001 to 5,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,001 to 10,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,001 to 25,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—25,001 to 50,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—50,001 to 100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—100,001 to 200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—200,001 to 300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—300,001 to 400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—400,001 to 500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—500,001 to 600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—600,001 to 700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—700,001 to 800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—800,001 to 900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—900,001 to 1,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,000,001 to 1,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,100,001 to 1,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,200,001 to 1,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,300,001 to 1,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,400,001 to 1,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,500,001 to 1,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,600,001 to 1,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,700,001 to 1,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,800,001 to 1,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—1,900,001 to 2,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,000,001 to 2,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,100,001 to 2,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,200,001 to 2,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,300,001 to 2,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,400,001 to 2,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,500,001 to 2,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,600,001 to 2,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,700,001 to 2,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,800,001 to 2,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—2,900,001 to 3,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,000,001 to 3,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,100,001 to 3,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,200,001 to 3,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,300,001 to 3,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,400,001 to 3,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,500,001 to 3,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,600,001 to 3,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,700,001 to 3,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,800,001 to 3,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—3,900,001 to 4,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,000,001 to 4,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,100,001 to 4,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,200,001 to 4,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,300,001 to 4,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,400,001 to 4,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,500,001 to 4,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,600,001 to 4,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,700,001 to 4,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,800,001 to 4,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—4,900,001 to 5,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,000,001 to 5,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,100,001 to 5,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,200,001 to 5,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,300,001 to 5,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,400,001 to 5,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,500,001 to 5,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,600,001 to 5,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,700,001 to 5,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,800,001 to 5,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—5,900,001 to 6,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,000,001 to 6,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,100,001 to 6,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,200,001 to 6,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,300,001 to 6,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,400,001 to 6,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,500,001 to 6,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,600,001 to 6,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,700,001 to 6,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,800,001 to 6,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—6,900,001 to 7,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,000,001 to 7,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,100,001 to 7,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,200,001 to 7,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,300,001 to 7,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,400,001 to 7,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,500,001 to 7,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,600,001 to 7,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,700,001 to 7,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,800,001 to 7,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—7,900,001 to 8,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,000,001 to 8,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,100,001 to 8,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,200,001 to 8,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,300,001 to 8,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,400,001 to 8,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,500,001 to 8,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,600,001 to 8,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,700,001 to 8,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,800,001 to 8,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—8,900,001 to 9,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,000,001 to 9,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,100,001 to 9,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,200,001 to 9,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,300,001 to 9,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,400,001 to 9,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,500,001 to 9,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,600,001 to 9,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,700,001 to 9,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,800,001 to 9,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—9,900,001 to 10,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,000,001 to 10,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,100,001 to 10,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,200,001 to 10,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,300,001 to 10,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,400,001 to 10,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,500,001 to 10,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,600,001 to 10,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,700,001 to 10,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,800,001 to 10,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—10,900,001 to 11,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,000,001 to 11,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,100,001 to 11,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,200,001 to 11,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,300,001 to 11,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,400,001 to 11,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,500,001 to 11,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,600,001 to 11,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,700,001 to 11,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,800,001 to 11,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—11,900,001 to 12,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,000,001 to 12,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,100,001 to 12,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,200,001 to 12,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,300,001 to 12,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,400,001 to 12,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,500,001 to 12,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,600,001 to 12,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,700,001 to 12,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,800,001 to 12,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—12,900,001 to 13,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,000,001 to 13,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,100,001 to 13,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,200,001 to 13,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,300,001 to 13,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,400,001 to 13,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,500,001 to 13,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,600,001 to 13,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,700,001 to 13,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,800,001 to 13,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—13,900,001 to 14,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,000,001 to 14,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,100,001 to 14,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,200,001 to 14,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,300,001 to 14,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,400,001 to 14,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,500,001 to 14,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,600,001 to 14,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,700,001 to 14,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,800,001 to 14,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—14,900,001 to 15,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,000,001 to 15,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,100,001 to 15,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,200,001 to 15,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,300,001 to 15,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,400,001 to 15,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,500,001 to 15,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,600,001 to 15,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,700,001 to 15,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,800,001 to 15,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—15,900,001 to 16,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,000,001 to 16,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,100,001 to 16,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,200,001 to 16,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,300,001 to 16,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,400,001 to 16,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,500,001 to 16,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,600,001 to 16,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,700,001 to 16,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,800,001 to 16,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—16,900,001 to 17,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,000,001 to 17,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,100,001 to 17,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,200,001 to 17,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,300,001 to 17,400,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,400,001 to 17,500,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,500,001 to 17,600,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,600,001 to 17,700,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,700,001 to 17,800,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,800,001 to 17,900,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—17,900,001 to 18,000,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—18,000,001 to 18,100,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—18,100,001 to 18,200,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—18,200,001 to 18,300,000. | Expl. C | No exemption, 73.103 | | Do. |
| Blasting caps with metal clad mild detonating fuse—18,300,001 to 18,400,000. | Expl. C | No exemption, 73.103 | | Do. |

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| Blasting caps—more than 1,000 | Expl. A | No exemption, 73.66 | | Not accepted. |
| Blasting caps with metal clad mild detonating fuse—more than 1,000 | Expl. A | No exemption, 73.66(c), 73.67 | Poison | Do. |
| Blasting caps with safety fuse—1,000 or less | Expl. C | No exemption, 73.103 | | See § 73.86. |
| Blasting caps with safety fuse—more than 1,000 | Expl. A | No exemption, 73.66(c), 73.67 | | Not accepted. |
| Blasting caps, electric. *See* Electric blasting caps. | | | | |
| *Blasting gelatin. See* High explosives. | | | | |
| *Blasting powder. See* Black powder. | | | | |
| *Boiler compound, liquid | Cor. L | 73.244, 73.249 | White | 10 gallons. |
| *Bombs, explosive. See* Explosive bomb. | | | | |
| *Bombs, explosive, with gas, smoke, or incendiary material. See* Explosive bomb. | | | | |
| *Bombs, fireworks. See* Special fireworks. | | | | |
| *Bombs, gas, smoke or incendiary, non-explosive. See Chemical ammunition.* | | | | |
| *Bombs, explosive, incendiary. See* Explosive bombs. | | | | |
| *Bombs, incendiary or smoke, without bursting charges. See* Special fireworks. | | | | |
| *Bombs, practice, with electric primers or electric squibs* | See § 73.55 | | | |
| *Bombs, sand-loaded or empty* | See § 73.55 | | | |
| Boosters (explosive) | Expl. A | No exemption, 73.69 | | Not accepted. |
| Bordeaux arsenites, liquid | Pois. B | 73.345, 73.346 | Poison | 55 gallons. |
| Bordeaux arsenites, solid | Pois. B | 73.364, 73.365 | do | 200 pounds. |
| Boron trichloride | Cor. L | No exemption, 73.251 | White | 1 quart. |
| Boron trifluoride | Nonf. G | 73.306, 73.302 | Green | 300 pounds. |
| Bottles, *acid or other corrosive liquids*, empty | See § 73.29 | | | |
| *Box toe gum | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Brass, reused* | See § 73.28 | | | |
| Bromoacetone, liquid | Pois. A | No exemption, 73.329 (a) | Poison Gas | Not accepted. |
| Brombenzyl cyanide, liquid | Pois. C | No exemption, 73.382 | Tear Gas | 20 pounds. |
| Bromine | Cor. L | No exemption, 73.252 | White | 1 quart. |
| Bromine pentafluoride | Cor. L | No exemption, 73.284 | do | 100 pounds. |
| Bromine trifluoride | Cor. L | No exemption, 73.283 | do | Do. |
| Bromotoluene, alpha. *See* Benzyl bromide. | | | | |
| *Bronze liquid (or paint). *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| Brucine, solid (dimethoxy strychnine) | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Burnt cotton (not repicked) | F. S | No exemption, 73.159 | Yellow | Not accepted. |
| Burnt fiber | F. S | No exemption, 73.169 | do | Do. |
| Bursters (explosive) | Expl. A | No exemption, 73.69 | Red | Do. |
| Butadiene, inhibited | F.G | 73.306, 73.304, 73.314, 73.315 | Red Gas | 300 pounds. |
| *Butane. See* Liquefied petroleum gas. | | | | |
| *Butyl acetate | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Butyl alcohol. *See* Alcohol, n.o.s. | | | | |
| Butyl mercaptan | F. L | No exemption, 73.141 | do | Do. |
| Butyl trichlorosilane | Cor. L | No exemption, 73.280 | White | Do. |
| Butyraldehyde | F. L | 73.118, 73.119 | Red | Do. |
| Cacodylic acid, solid (dimethylarsenic) | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Calcium arsenate, solid | Pois. B | 73.364, 73.367, 73.368 | do | Do. |
| Calcium arsenite, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Calcium chlorate | Oxy. M | 73.153, 73.163 | Yellow | 100 pounds. |
| Calcium chlorite | Oxy. M | No exemption, 73.160 | do | Do. |
| Calcium cyanide. *See* Cyanide of calcium. | | | | |
| Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine | Oxy. M | 73.153, 73.217 | do | Do. |
| Calcium, metallic | F. S | 73.153, 73.154 | do | Do. |
| Calcium, metallic, crystalline | F. S | No exemption, 73.231 | do | 25 pounds. |
| Calcium nitrate | Oxy. M | 73.153, 73.182 | do | 100 pounds. |
| Calcium peroxide | Oxy. M | 73.153, 73.186 | Yellow | 100 pounds. |
| Calcium permanganate | Oxy. M | 73.153, 73.154 | do | Do. |
| Calcium phosphide | F. S | No exemption, 73.161 | do | 25 pounds. |
| Calcium resinate | F. S | No exemption, 73.166 | do | 125 pounds. |
| Calcium resinate, fused | F. S | No exemption, 73.166 | do | Do. |
| Cannon primers | Expl. C | No exemption, 73.107 | | 150 pounds. |
| *Caps, blasting. See* Blasting caps. | | | | |
| *Caps, toy. See* Toy caps. | | | | |
| Caprylyl peroxide solution | Oxy. M | 73.153 (b), 73.221 | do | 1 quart. |
| Carbolic acid, fused solid. *See* Carbolic acid (phenol), solid. | | | | |
| Carbolic acid (phenol), liquid, (liquid tar acid containing over 50 percent benzo-phenol). | Pois. B | 73.345, 73.349 | Poison | 55 gallons. |
| Carbolic acid (phenol), solid | Pois. B | 73.369 | do | 200 pounds. |
| Carbon bisulfide (disulfide) | F. L | No exemption, 73.121 | Red | Not accepted. |
| Carbon dioxide gas, liquefied ("mining device"). | Nonf. G | 73.304(a)(2) table Note 4 | Green | 6 pounds. |
| ϕCarbon dioxide, liquefied | Nonf. G | 73.306, 73.304, 73.314, 73.315 | do | 300 pounds. |
| Carbon dioxide—nitrous oxide mixture | Nonf. G | 73.306, 73.304 | do | Do. |
| Carbon dioxide—oxygen mixture | Nonf. G | 73.306, 73.304 | do | Do. |
| Carbon monoxide | F.G | 73.306, 73.304 | Red Gas | 150 pounds. |
| *Carbon remover, liquid | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Carbonyl chloride. See* Phosgene. | | | | |
| Carboys, acid, empty | See § 73.29 (c) | | | |
| Carboys, empty. *See* Acid carboys, empty. | | | | |
| Cartridge bags, empty, with black powder igniters. | Expl. C | No exemption, 73.106 | | 150 pounds. |
| Cartridge cases, empty, primed | Expl. C | No exemption, 73.107 | | Do. |
| Case oil. *See* Gasoline, *Naphtha. | | | | |
| *Casinghead gasoline. See* Gasoline. | | | | |
| Casks, empty. *See* Drums, empty. | | | | |
| Caustic potash, liquid | Cor. L | 73.244, 73.249 | White | 10 gallons. |
| Caustic soda, liquid | Cor. L | 73.244, 73.249 | do | Do. |
| *Cement, adhesive, n.o.s. *See* Cement, liquid, n.o.s. | | | | |
| *Cement, leather | F. L | 73.118, 73.119 | Red | 12 gallons. |
| *Cement, linoleum, tile, wallboard, or container, liquid | F. L | 73.118, 73.132 | do | 15 gallons. |
| *Cement, liquid, n.o.s | F.L | 73.118, 73.119, 73.132 | do | Do. |
| *Cement, pyroxylin | F. L | 73.118, 73.132 | do | Do. |
| *Cement, roofing, liquid | F. L | 73.118, 73.119 | do | 12 gallons. |
| *Cement, rubber | F. L | 73.118, 73.132 | do | 15 gallons. |
| Cesium 137 | Pois. D | 73.392, 73.393 | Poison radioactive materials, red. | 300 curies. See § 73.391 (c). |
| *Charcoal, activated | F. S | 73.162 | Yellow# | 200 pounds. |
| Charcoal briquettes | F. S | 73.162 | | Do. |
| Charcoal, shell | F. S | 73.162 | Yellow# | Do. |
| Charcoal, wood, ground, crushed, granulated or pulverized | F. S | 73.162 | do | Do. |
| Charcoal, wood, lump | F. S | 73.162 | do | 100 pounds. |
| Charcoal screenings, *made from "pinon", wood* | F. S | 73.162 | Yellow# | 200 pounds. |
| Charcoal, wood screenings *other than "pinon" wood screenings* | F. S | No exemption, 73.162 | Yellow | Not accepted. |
| Charcoal screenings, wet | Not accepted | | | Do. |
| Charcoal, wet | Not accepted | | | Do. |
| Charged oil well jet perforating guns *(total explosive contents in guns exceeding 90 pounds per motor sehicle)*. | Expl. A | No exemption, 73.53(u), 73.80. | | Do. |
| Charged oil well jet perforating guns *(total explosive contents in guns not exceeding 90 pounds per motor sehicle)*. | Expl. C | No exemption, 73.53(u), 73.110. | | Do. |
| *Chemicals, n. o. s. *See* *Drugs, chemicals, medicines or cosmetics, n. o. s. | | | | |
| *Chemical ammunition (containing class A poisons, liquids, or gases)*. | Pois. A | No exemption, 73.330 | Poison Gas | Do. |
| *Chemical ammunition (containing class B poisons, liquids, or gases)*. | Pois. B | 73.345, 73.350 | Poison | 55 gallons. |
| *Chemical ammunition (containing class C poisons, liquids, or solids)*. | Pois. C | No exemption, 73.383 | Tear Gas | 20 pounds. |



| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| *Chemical ammunition, explosive* | See § 73.59 | | | |
| *Chemical kits | See § 73.286 | | | |
| Chloroacetophenone, gas, liquid, or solid | Pois. C | No exemption, 73.382 | Tear Gas | 75 pounds. |
| Chloroacetyl chloride | Cor. L | No exemption, 73.253 | White | 1 quart. |
| *Chlorate and borate mixtures | Oxy. M | 73.153, 73.229 | Yellow | 100 pounds. |
| *Chlorate and magnesium chloride mixture | Oxy. M | 73.153, 73.229 | do | Do. |
| Chlorates, n. o. s | Oxy M | 73.153, 73.163 | do | Do. |
| Chlorates, n. o. s., wet | Oxy. M | 73.153, 73.163 (a) (6) | do | 200 pounds. |
| *Chlorate explosives, dry. See* High explosives. | | | | |
| Chlorate of potash | Oxy. M | 73.153, 73.163 | Yellow | 100 pounds. |
| Chlorate of soda | Oxy. M | 73.153, 73.163 | do | Do. |
| *Chlorate powders. See* High explosives. | | | | |
| Chloride of phosphorus. *See* Phosphorus trichloride. | | | | |
| Chloride of sulfur. *See* Sulfur chloride. | | | | |
| ϕ Chlorine | Nonf. G | 73.306, 73.304, 73.314, 73.315 | Green | 150 pounds. |
| Chlorine dioxide hydrate, frozen | Oxy. M | No exemption, 73.237 | Yellow | Not accepted. |
| Chlorine trifluoride | Oxy. M | No exemption, 73.285 | White | 100 pounds. |
| Chlorobenzoyl peroxide (para) | Oxy. M | No exemption, 73.157, 73.158 | Yellow | 25 pounds. |
| *Chlorodinitrobenzol. See* Dinitrochlorbensol, solid. | | | | |
| Chlorosulfonic acid | Cor. L | 73.244, 73.254 | White | 1 quart. |
| Chlorosulfonic acid-sulfur trioxide mixture | Cor. L | 73.244, 73.254 | do | Do. |
| 4-Chloro-o-toluidine hydrochloride | Pois. B | No exemption, 73.362 | Poison | Do. |
| Chloropicrin and methyl chloride mixtures | Pois. A | No exemption, 73.329 (b) | Poison Gas | Not accepted. |
| Chloropicrin, liquid | Pois. B | No exemption, 73.357 | Poison | 24 pounds. |
| Chloropicrin, absorbed | do | do | do | 75 pounds. |
| Chloropicrin, mixtures *(containing no compressed gas or poisonous liquid, class A)*. | do | do | do | Do. |
| Chloropicrin and nonflammable, nonliquefied compressed gas mixtures | Pois. A | No exemption, 73.329(c) | Poison Gas | Not accepted. |
| Chromic acid | Oxy. M | 73.153, 73.164 | Yellow | 100 pounds. |
| Chromic acid solution | Cor. L | 73.244, 73.245, 73.287 | White | 1 gallon. |
| Chromic anhydride. See Chromic acid. | | | | |
| Chromium trioxide. *See* Chromic acid. | | | | |
| Chromyl chloride | Cor. L | No exemption, 73.247 | do | Do. |
| Cigar and cigarette lighter fluid | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Cigarette lighters charged with fuel* | See § 73.21(d) | | | |
| Cigarette loads | Expl. C | No exemption, 73.111 | | 150 pounds. |
| *Cleaning fluid or liquid | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Cloud gas cylinders. See Chemical ammunition.* | | | | |
| Coal briquettes, hot | Not accepted | | | Not accepted. |
| *Coal gas. See* Hydrocarbon, gas, non-liquefied. | | | | |
| Coal, ground bituminous, sea coal, coal facings, etc. | See §73.165 | | | |
| *Coal tar distillate | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Coal tar light oil | F. L | 73.118, 73.119 | do | Do. |
| *Coal tar naphtha | F. L | 73.118, 73.119 | do | Do. |
| *Coal tar oil | F. L | 73.118, 73.119 | do | Do. |
| *Coating solution | F. L | 73.118, 73.132 | do | 15 gallons. |
| Cobalt 60 | Pois. D | 73.392, 73.393 | Poison radioactive materials, red. | 300 curies. See § 73.391 (c). |
| Cobalt resinate, precipitated | F. S | No exemption, 73.166 | Yellow | 125 pounds. |
| Cocculus, solid (*fish berry*) | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Coke, hot | Not accepted | | | Not accepted. |
| Collodion | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Collodion cotton, wet. *See* Wet nitrocellulose. | | | | |
| Cologne spirits (*alcohol*) | F. L | 73.118, 73.119 | do | Do. |
| *Colored fire. See* Common fireworks. | | | | |
| Columbian spirits (*wood alcohol*) | F. L | 73.118, 73.119 | do | Do. |
| Combination fuses | Expl. C | No exemption, 73.105 | | 150 pounds. |
| Combination primers | Expl. C | No exemption, 73.107 | | Do. |
| *Commercial shaped charges. See* High explosives | See § 73.65 (b) | | | |
| Common fireworks | Expl. C | No exemption, 73.100 (r), 73.108. | | 200 pounds. |
| *Compounds, cleaning, liquid | Cor. L | 73.244, 73.245 | White | 1 quart. |
| *Compounds, cleaning liquid | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Compounds, cleaning, liquid (containing, hydrochloric (muriatic) acid). | Cor. L | 73.244, 73.263 | White | Do. |
| Compounds, cleaning, liquid (*containing hydrofluoric acid*). | Cor. L | 73.244, 73.256 | do | Do. |
| *Compounds, enamel | F. L | 73.118, 73.128 | Red | 55 gallons. |
| *Compounds, iron or steel rust preventing or removing. | Cor. L | 73.244, 73.245 | White | 1 gallon. |
| *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid. | F. L | 73.118, 73.128 | Red | 55 gallons. |
| *Compounds, lacquer, paint, or varnish removing, liquid. | Cor. L | 73.244, 73.245 | White | 1 gallon. |
| *Compounds, polishing, liquid | F. L | 73.118, 73.129 | Red | 55 gallons. |
| *Compounds, tree or weed killing, liquid. | F. L | 73.118, 73.119 | do | 10 gallons. |
| *Compounds, tree or weed killing, liquid. | Pois. B | 73.345, 73.346 | Poison | 55 gallons. |
| *Compounds, tree or weed killing, solid. | Oxy. M | 73.153, 73.154, 73.229 | Yellow | 100 pounds. |
| *Compounds, type-cleaning, liquid | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Compounds, vulcanizing, liquid | Cor. L | 73.244, 73.245 | White | 1 quart. |
| *Compounds, vulcanising, liquid | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Compressed gases, n. o. s | Nonf. G | 73.306, 73.304, 73.302 | Green | 300 pounds. |
| Compressed gases, n. o. s | F. G | 73.306, 73.304, 73.302 | Red Gas | Do. |
| *Containers, empty, See* Acid carboys, empty; bottles empty, drums empty, cylinders empty. | See § 73.29 | | | |
| *Containers, reused* | See § 73.28 | | | |
| Copper acetoarsenite, solid (*emerald green, imperial green, Kinge green, moss green, meadow green, mitis green, parrot green, Vienna green*). | Pois. B | 73.364, 73.367 | Poison | 200 pounds. |
| Copper arsenite, solid (Scheele's green, cupric green, copper orthoarsenite, Swedish green). | Pois. B | 73.364, 73.365 | do | Do. |
| Copper cyanide | See § 73.370 | | | |
| Cordeau detonant fuse | Expl. C | No exemption, 73.104 | | 200 pounds. |
| Corrosive battery fluid. *See* Electrolyte (acid), or Alkaline corrosive battery fluid. | | | | |
| Corrosive liquid, n. o. s | Cor. L | 73.244, 73.245 | White | 5 pints. |
| Cotton, burnt. *See* Burnt cotton. | | | | |
| Cotton waste, oily *with more than 5 percent of animal or vegetable oil*. | F. S | No exemption, 73.167 | Yellow | Not accepted. |
| Crotonaldehyde | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Crude nitrogen fertilizer solution | Nonf. G | 73.306, 73.304, 73.314 | Green | 300 pounds. |
| *Crude oil, petroleum | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Cumene hydroperoxide | Oxy. M | 73.153, (b), 73.224 | Yellow | 1 quart. |
| Cuprietbylene-diamine solution | Cor. L | 73.244, 73.249 | White | 1 gallon. |
| Cyanide of calcium or cyanide of calcium mixtures, solid. | Pois. B | 73.370 (c) and (d) | Poison | 200 pounds. |
| Cyanides of copper, zinc, lead, and silver. | See § 73.370 | | | |
| Cyanides or cyanide mixtures, dry | Pois. B | 73.364, 73.370 | Poison | 200 pounds. |
| Cyanide of potassium, liquid | Pois. B | 73.345, 73.352 | do | 55 gallons. |
| Cyanide of potassium, solid | Pois. B | 73.370 | do | 200 pounds. |
| Cyanide of sodium, liquid | Pois. B | 73.345, 73.352 | do | 55 gallons. |
| Cyanide of sodium, solid | Pois. B | 73.370 | do | 200 pounds. |
| Cyanogen bromide | Pois. B | No exemption, 73.379 | do | 25 pounds. |
| Cyanogen chloride containing less than 0.9 percent water. | Pois. A | No exemption, 73.328 | Poison Gas | Not accepted. |
| Cyanogen gas | Pois. A | No exemption, 73.328 | do | Do. |
| Cyclohexane | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration. | Oxy. M | No exemption, 73.157, 73.158 | Yellow | 25 pounds. |

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| Cyclohexanone peroxide not over 30 percent concentration. | Oxy. M | 73.153, 73.154 | Yellow | 25 pounds. |
| Cyclohexenyl trichlorosilane | Cor. L | No exemption, 73.280 | White | 10 gallons. |
| Cyclohexyl trichlorosilane | Cor. L | No exemption, 73.280 | do | Do. |
| Cyclopentane | F. L | 73.118, 73.119 | Red | Do. |
| Cyclopentane, methyl | F. L | 73.118, 73.119 | do | Do. |
| Cyclopropane | F. G | 73.306, 73.304 | Red Gas | 300 pounds. |
| *Cyclotrimethylenetrinitramine, desensitized.* See High explosives. | | | | |
| *Cyclotrimethylenetrinitramine, wet with not less than 10 percent of water.* See High explosives. | | | | |
| Cylinders, empty | See § 73.29 | | | |
| Decaborane | F.S | No exemption, 73.236 | Yellow | 25 pounds. |
| Delay electric igniters | Expl. C | No exemption, 73.106 | | 150 pounds. |
| Denatured alcohol. *See* Alcohol, n.o.s. | | | | |
| *Depth bombs.* See Explosive bomb. | | | | |
| Detonating fuses, class A explosives | Expl. A | No exemption, 73.69 | | Not accepted. |
| Detonating fuses, class A explosives, radioactive. | Expl. A | No exemption, 73.69 | | Do. |
| Detonating fuzes, class C explosives. | Expl. C | No exemption, 73.113 | | 150 pounds. |
| Detonating primers | Expl. A | No exemption, 73.68 | | Not accepted. |
| *Diatodinitrophenol.* See Initiating explosive. | | | | |
| Dichlorethylene | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Dichlorodifluoromethane | Nonf. G | 73.304, 73.304, 73.314, 73.315 | Green | 300 pounds. |
| ϕDichlorodifluoromethane-dichlorotetrafluoroethane mixture. | Nonf. G | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| ϕDichlorodifluoromethane-monochlorodifluoromethane mixture. | Nonf. G | 73.306, 73.304, 73.314 | do | Do. |
| ϕDichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture. | Nonf. G | 73.306, 73.304, 73.314 | do | Do. |
| ϕDichlorodifluoromethane-trichlorotrifluoroethane mixture. | Nonf. G | 73.306, 73.304, 73.314 | do | Do. |
| *Dichlorodifluoromethane-monofluorotrichloromethane mixture. | Nonf. G | 73.306, 73.314, 73.315 | do | Do. |
| Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*). | Nonf. G | 73.806, 73.304, 73.314, 73.315 | do | Do. |
| Dicumyl peroxide, solid | Oxy. M | 73.153, 73.154 | Yellow | 25 pounds. |
| Dicumyl peroxide, 50 percent solution. | Oxy. M | 73.153 (b), 73.224 | do | 1 quart. |
| Diethyl aluminum chloride | F.L | No exemption, 73.134 | Red | 2 ounces. |
| Diethyl dichlorosilane | Cor. L | No exemption, 73.280 | White | 10 gallons. |
| Diethylamine | F. L | 73.118, 73.119 | Red | Do. |
| *Diethylene glycol dinitrate* | See § 73.51 (d). | | | |
| Difluoroethane | F.G | 73.306, 73.304, 73.314, 73.315 | Red Gas | 300 pounds. |
| Difluoromonochloroethane | F. G | 73.306, 73.304, 73.314 | do | Do. |
| Difluorophosphoric acid, anhydrous. | Cor. L | No exemption, 73.275 | White | 1 gallon. |
| *Di iso octyl acid phosphate | Cor. L | 73.244, 73.296 | do | 1 quart. |
| Diisopropylbenzene hydroperoxide. | Oxy. M | 73.153(b), 73.224 | Yellow | Do. |
| Dimethylamine, anhydrous | F. G | 73.306, 73.304, 73.314, 73.315 | Red Gas | 300 pounds. |
| Dimethylamine, aqueous solution | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Dimethyldichlorosilane | F. L | No exemption, 73.135 | do | Do. |
| Dimethylhexane dihydroperoxide | Oxy. M | No exemption, 73.157, 73.158 | Yellow | 25 pounds. |
| Dimethylhydrazine, unsymmetrical. | F.L | No exemption, 73.145 | Red | 5 pints. |
| Dimethyl ether | F. G | 73.306, 73.304, 73.314 | Red Gas | 300 pounds. |
| Dimethyl sulfate | Cor. L | No exemption, 73.255 | White | 1 quart. |
| Dimethyl sulfide | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Dinitrobenzol, solid | Pois. B | 73.364, 73.371 | Poison | 200 pounds. |
| Dinitrobenzol, liquid | Pois. B | 73.345, 73.346 | do | 55 gallons. |
| Dinitrochlorbenzol, solid (*dinitrochlorobenzene, chlorodinitrobenzol*). | Pois. B | 73.364, 73.365 | do | 200 pounds. |
| Dinitrophenol solutions | Pois. B | 73.345, 73.362a | do | 65 pounds. |
| Diphenyl dichlorosilane | Cor. L | No exemption, 73.280 | White | 10 gallons. |
| Diphenylaminechlorarsine, gas, liquid or solid. | Pois. C | No exemption, 73.382 | Tear Gas | 75 pounds. |
| Diphenylchlorarsine, solid | Pois. C | No exemption, 73.382 | do | 20 pounds. |
| Diphosgene. *See* Phosgene. | | | | |
| *Dispersant gas, n.o.s.* | See §§ 73.314(c) table Note 13, 73.315(a) table Note 9. | | | |
| *Distillate | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Dodecyltrichlorosilane | Cor. L | No exemption, 73.280 | White | Do. |
| *Dressing, leather | F. L | 73.118, 73.119 | Red | Do. |
| *Driers, paint, varnish, enamel, etc. *See* *Paint driers, liquid. | | | | |
| Drill cartridges | See § 73.55 | | | |
| *Drugs, chemicals, medicines or cosmetics, n. o. s. | F. L | 73.118, 73.119 | Red | Do. |
| *Drugs, chemicals, medicines or cosmetics, n. o. s. | F. S | 73.153, 73.154 | Yellow | 100 pounds. |
| *Drugs, chemicals, medicines or cosmetics, n. o. s. | Oxy. M | 73.153, 73.154 | do | Do. |
| *Drugs, chemicals, medicines or cosmetics, n. o. s. | Cor. L | 73.244, 73.245 | White | 1 quart. |
| *Drugs, chemicals, medicines or cosmetics, n. o. s. | Pois. B | 73.345 73.346 | Poison | 55 gallons. |
| *Drugs, chemicals, medicines or cosmetics, n. o. s. (liquid). | Pois. B | 73.364, 73.365 | do | 200 pounds. |
| *Drugs, chemicals, medicines or cosmetics, n. o. s. (solid). | | | | |
| Drums, empty | See § 73.29 | | | |
| Dummy cartridges | See § 73.55 | | | |
| Dusts, by-product, poisonous. *See* Arsenical dust. | | | | |
| *Dynamite.* See High explosives. | | | | |
| Electric blasting caps—more than 1,000. | Expl. A | No exemption, 73.66 | | Not accepted. |
| Electric blasting caps—1,000 or less. | Expl. C | No exemption, 73.106 | | See § 73.86. |
| Electric squibs | Expl. C | No exemption, 73.106 | | 150 pounds. |
| Electric storage batteries, wet. *See* Batteries, electric storage, wet. | | | | |
| Electrolyte (acid), battery fluid | Cor. L | 73.244, 73.257 | White | 5 gallons. |
| Electrolyte (acid) or alkaline corrosive battery fluid packed with storage batteries. | Cor. L | No exemption, 73.258 | do | 2 gallons. |
| Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger, radio current supply device, or electronic equipment and actuating devices. | Cor. L | No. exemption, 73.259 | do | 6 quarts. |
| Empty cartridge bags with black powder igniters. | Expl. C | No exemption, 73.106 | | 150 pounds. |
| Empty cartridge cases, primed | Expl. C | No exemption, 73.107 | | Do. |
| *Enamel. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| Engine starting fluid | F.G | No exemption, 73.304 | Red Gas | 60 pounds. |
| Engines, internal combustion | See § 73.120 | | | |
| *Eradicators, paint or grease, liquid | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Etching acid liquid, n.o.s. | Cor. L | No exemption, 73.299 | White | 10 pounds. |
| Ethane | F. G | 73.306, 73.304 | Red Gas | 300 pounds. |
| Ether | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Ether, ethyl (*sulfuric*). *See* Ether. | | | | |
| Ethyl acetate | F. L | 73.118, 73.119 | do | Do. |
| Ethyl alcohol. *See* Alcohol, n.o.s. | | | | |
| Ethyl aldehyde. *See* Acetaldehyde. | | | | |
| Ethyl aluminum dichloride | F.L | No exemption, 73.134 | Red | 2 ounces. |
| Ethyl aluminum sesquichloride | F.L | No exemption, 73.134 | do | Do. |
| Ethyl chloride | F. L | No exemption, 73.123 | do | 300 pounds in cylinders, 15 pounds in other containers. |
| Ethyl dichlorosilane | F. L | No exemption, 73.135 | do | 10 gallons. |
| Ethyl chlorocarbonate. *See* Ethyl chloroformate. | | | | |
| Ethyl chloroformate | Cor. L | No exemption, 73.288 | White | 5 pints. |
| Ethyldichlorarsine | Pois. A | No exemption, 73.328 | Poison Gas | Not accepted. |
| β Ethylene | F. G | 73.306, 73.304 | Red Gas | 300 pounds. |
| Ethylene dichloride | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Ethylene imine, inhibited | F. L | No exemption, 73.139 | do | 5 pints. |



| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| Ethylene oxide | F. L | No exemption, 73.124 | Red | 300 pounds in cylinders, 15 pounds in other containers. |
| Ethyl formate | F. L | 73.118, 73.119 | do | 10 gallons. |
| Ethyl phenyl dichlorosilane | Cor. L | No exemption, 73.280 | White | Do. |
| Ethyl mercaptan | F. L | No exemption, 73.141 | Red | Do. |
| Ethyl methyl ether | F. L | 73.118, 73.119 | do | Do. |
| Ethyl methyl ketone | F. L | 73.118, 73.119 | do | Do |
| Ethyl nitrate (*nitric ether*) | F. L | 73.118, 73.119 | do | Do. |
| Ethyl nitrite (*nitrous ether*) | F. L | 73.118, 73.119 | do | Do. |
| Ethyl trichlorosilane | F. L | No exemption, 73.135 | do | Do. |
| Explosive auto alarms | Expl. C | No exemption, 73.111 | | 150 pounds. |
| Explosive bomb | Expl. A | No exemption, 73.56 | | Not accepted. |
| Explosive cable cutters | Expl. C | No exemption, 73.102 | | 150 pounds. |
| *Explosives, class A* | See § 73.53 | | | |
| *Explosives, class B* | See § 73.88 | | | |
| *Explosives, class C* | See § 72.100 | | | |
| *Explosive compositions* | Expl. A. or B. | No exemption, 73.53, 73.61 to 73.93. | | 10 pounds. |
| Explosive mine | Expl. A | No exemption, 73.56 | | Not accepted. |
| Explosive power device, class B | Expl. B | No exemption, 73.94 | Red# | 150 pounds. |
| Explosive power device, class C | Expl. C | No exemption, 73.102 | | Do. |
| Explosive projectile | Expl. A | No exemption, 73.56 | | Not accepted. |
| Explosive release device | Expl. C | No exemption, 73.102 | | 150 pounds. |
| Explosive rivets | Expl. C | No exemption, 73.100 (q) | | Not accepted. |
| *Explosives, samples for laboratory examination.* | See § 73.86 | | | |
| Explosive torpedo | Expl. A | No exemption, 73.56 | | Do. |
| *Extracts, liquid, flavoring | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Fabrics or fibers *with animal or vegetable oil.* *See* Fibers or fabrics *with animal or vegetable oil.* | | | | |
| Felt waste, wet. *See* Waste wool, wet. | | | | |
| Ferric arsenate, solid | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Ferric arsenite, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Ferrous arsenate (*iron arsenate*), solid. | Pois. B | 73.364, 73.365 | do | Do. |
| *Fertilizer ammoniating solution *containing free ammonia.* | Nonf. G | 73.306, 73.304, 73.314 | Green | 300 pounds. |
| Fertilizer, tankage. *See* Garbage, tankage. | | | | |
| Fiber, burnt | F. S | No exemption, 73.169 | Yellow | Not accepted. |
| Fibers or fabrics, with animal or vegetable oil. | F. S | No exemption, 73.170 | do | Do. |
| *Film, motion-picture and toy pieces of.* *See* Motion-picture film, toy and motion-picture film scrap. | | | | |
| *Firecrackers.* *See* Common fireworks or Special fireworks. | | | | |
| *Firecracker salutes.* *See* Common fireworks or Special fireworks. | | | | |
| Fire extinguisher charges | Cor. L | 73.261 | White | 1 gallon. |
| Fire extinguisher charges containing not to exceed 50 grains of propellant explosives per unit. | See § 73.88 (f) Note 1. | | | |
| Fire extinguishers | Nonf. G | 73.306 | Green | 300 pounds. |
| Fireworks, common | Expl. C | No exemption, 73.100 (r), 73.108. | | 200 pounds. |
| *Fireworks, exhibition display pieces.* *See* Special fireworks. | | | | |
| Fireworks, special | Expl. B | No exemption, 73.88 (d), 73.91. | Special Fireworks## | Do. |
| Fish meal. *See* Fish scrap or fish meal. | | | | |
| Fish scrap or fish meal *containing less than 6 percent or more than 12 percent moisture.* | F. S | No exemption. 73.171 | Yellow | Not accepted. |
| *Flame retardant compound, liquid | Cor. L | 73.244, 73.291 | White | 10 gallons. |
| Flammable liquids, n. o. s. | F. L | 73.118, 73.119 | Red | Do. |
| Flammable solids, n. o. s. | F. S | 73.153, 73.154 | Yellow | 25 pounds. |
| *Flares.* *See* Common fireworks. | | | | |
| *Flares, aeroplane.* *See* Special fireworks. | | | | |
| *Flash cartridges.* *See* Special fireworks and Low explosives. | | | | |
| *Flash crackers.* *See* Common fireworks or Special fireworks. | | | | |
| *Flash powder.* *See* Special fireworks and Low explosives. | | | | |
| *Flash sheets.* *See* Special fireworks and Low explosives. | | | | |
| Flexible linear shaped charges, metal clad. | Expl. C | No exemption, 73.104 | | 300 pounds. |
| Flue dust, poisonous | Pois. B | 73.364, 73.368 | Poison | 200 pounds. |
| Fluorine | F. G | 73.306, 73.302 | Red Gas | 6 pounds. |
| Fluorosilicic acid | Cor. L | No exemption, 73.274 | White | 10 pints. |
| Formic acid | Cor. L | 73.244, 73.245, 73.289 | do | 5 gallons. |
| Formic acid, solution | Cor. L | 73.244, 73.245, 73.289 | do | Do. |
| *Fulminate of mercury, dry* | Forbidden explosive. | | | Forbidden explosive. |
| *Fulminate of mercury, wet.* *See* Initiating explosive. | | | | |
| *Fumigants* | See § 73.152 (s) Note 1. | | | |
| *Furniture polish. *See* *Polishes, metal, stove, furniture, and wood, liquid. | | | | |
| *Furniture or wood stains, liquid. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| Fuse igniters | Expl. C | No exemption, 73.106 | | 150 pounds. |
| *Fuse, instantaneous.* *See* Instantaneous fuse. | | | | |
| Fuse lighters | Expl. C | No exemption, 73.106 | | Do. |
| Fuse, mild detonating, metal clad, *See* Mild detonating fuse, metal clad. | | | | |
| *Fuse, safety.* / *See* Safety fuse. | | | | |
| *Fuses.* *See* Railway or highway fuses. | | | | |
| Fuzes, combination | Expl. C | No exemption, 73.105 | | 150 pounds. |
| Fuzes, detonating class A explosives | Expl. A | No exemption, 73.69 | | Not accepted. |
| Fuzes, detonating, class A explosives, radioactive. | Expl. A | No exemption, 73.69 | | Do. |
| Fuzes, detonating, class C explosives. | Expl. C | No exemption, 73.113 | | 150 pounds. |
| Fuzes, percussion | Expl. C | No exemption, 73.105 | | Do. |
| Fuzes, time | Expl. C | No exemption, 73.105 | | Do. |
| Fuzes, tracer | Expl. C | No exemption, 73.105 | | Do. |
| Garbage tankage *containing less than 8 percent of moisture.* | F.S | No exemption, 73.209 | Yellow | Not accepted. |
| Gas cylinders, empty | See § 73.29 | | | |
| *Gas drips, hydrocarbon | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Gas identification sets | Pois. A. and C | No exemption, 73.331 | Poison Gas | See § 73.331. |
| *Gas mine.* *See* Explosive mine. | See § 73.56(d). | | | |
| Gasoline | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Gelatine dynamite.* *See* High explosives. | | | | |
| Gold 198 | Pois. D | 73.392, 73.393 | Poison Radioactive materials. | See § 73.391 (c). |
| *Gold paint. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| Grenades, empty, primed | Expl. C | No exemption, 73.107 | | 150 pounds. |
| *Grenades, hand.* *See* Hand grenades. | | | | |
| *Grenades, hand or rifle, explosive, with gas, smoke or incendiary material.* *See* Hand or Rifle grenades. | | | | |
| *Grenades, hand or rifle, with gas, smoke or incendiary material but without bursting charges.* | See §§73.88(d), 73.105, 73.350, 73.350. | | | |
| *Grenades, police.* *See* Police grenades poison gas class A. | | | | |
| *Grenades, rifle.* *See* Rifle grenades. | | | | |
| *Grenades, tear gas.* *See* Tear gas grenades. | | | | |

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
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| Guanidine nitrate | Oxy. M | 73.153, 73.182 | Yellow | 100 pounds. |
| *Guanyl nitrosamino guanylidene hydrazine.* See Initiating explosive. | | | | |
| *Guanyl nitrosamino guanyl tetrazene.* See Initiating explosive. | | | | |
| *Guided missiles, with warheads.* See Rocket ammunition with explosive, illuminating, gas, incendiary or smoke projectile. | | | | |
| *Guided missiles without warheads.* See Rocket ammunition without projectile. | | | | |
| *Guncotton.* See High explosives. | | | | |
| Hafnium metal, dry, *mechanically produced, finer than 270 mesh particle size.* | F.S | No exemption, 73.214 | do | 75 pounds. |
| Hafnium metal, dry, *chemically produced, finer than 20 mesh particle size.* | F.S | No exemption, 73.214 | do | Do. |
| Hafnium metal, wet, *mechanically produced, finer than 270 mesh particle size.* | F.S | No exemption, 73.214 | do | 150 pounds. |
| Hafnium metal, wet, *chemically produced, finer than 20 mesh particle size.* | F.S | No exemption, 73.214 | do | Do. |
| Hair, wet | F. S | No exemption, 73.172 | do | Not accepted. |
| Hand grenades | Expl. A | No exemption, 73.56 | | Do. |
| Hand signal devices | Expl. C | No exemption, 73.108 | | 200 pounds. |
| Heaters for refrigerator cars, liquid fuel type. | F. L | 73.146 | | |
| Helium | Nonf. G | 73.306, 73.302, 73.314 | Green | 300 pounds. |
| Helium—oxygen mixture | Nonf. G | 73.306, 73.302 | do | Do. |
| Heptane | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Heradecyltrichlorosilane | Cor. L | No exemption, 73.280 | White | Do. |
| Hexaethyl tetraphosphate and compressed gas mixture. | Pois. A | No exemption, 73.334 | Poison Gas | Not accepted. |
| Hexaethyl tetraphosphate, liquid | Pois. B | No exemption, 73.358 | Poison | 1 quart. |
| Hexaethyl tetraphosphate mixture, dry. | Pois. B | 73.377 | do | 200 pounds. |
| Hexaethyl tetraphosphate mixture, liquid. | Pois. B | 73.359 | do | 1 quart. |
| Hexafluorophosphoric acid | Cor. L | No exemption, 73.275 | White | 1 gallon. |
| Hexafluoropropylene | Nonf. G | 73.306, 73.304, 73.314, 73.315 | Green | 300 pounds. |
| Hexamethylene diamine solution | Cor. L | 73.244, 73.249, 73.292 | White | 10 gallons. |
| Hexane | F. L | 73.118, 73.119 | Red | Do. |
| Hexyl trichlorosilane | Cor. L | No exemption, 73.280 | White | Do. |
| High explosives | Expl. A | No exemption, 73.61 to 73.87 | | See § 73.86. |
| High explosives, liquid | Expl. A | No exemption, 73.62 | | Not accepted. |
| Highway fusees | Expl. C | No exemption, 73.108 | | 200 pounds. |
| *High wines.* See Alcohol or alcohol, n. o. s. | | | | |
| Hydraulic accumulators (*pressurized with nonflammable, nonliquefied compressed gas*). | See § 73.306 (e)(2). | | | |
| Hydrazine, anhydrous | Cor. L | No exemption, 73.276 | White | 5 pints. |
| Hydrazine solution containing 50 percent or less of water. | Cor. L | No exemption, 73.276 | do | Do. |
| Hydriodic acid | Cor. L | 73.244, 73.245 | do | 1 gallon. |
| Hydrobromic acid | Cor. L | 73.244, 73.262 | do | Do. |
| Hydrobromic acid, anhydrous. See Hydrogen bromide. | | | | |
| Hydrocarbon gas, liquefied | F. G | 73.306, 73.304, 73.314 | Red Gas | 300 pounds. |
| Hydrocarbon gas, nonliquefied | F. G | 73.306, 73.302 | do | Do. |
| Hydrochloric (*muriatic*) acid | Cor. L | 73.244, 73.263 | White | 10 pints. |
| Hydrochloric acid, anhydrous. See Hydrogen chloride. | | | | |
| Hydrochloric acid mixtures | Cor. L | 73.244, 73.263 | do | Do. |
| Hydrochloric acid solution, inhibited. | Cor. L | 73.244, 73.263 | do | Do. |
| Hydrocyanic acid, liquefied | Pois. A | No exemption, 73.332 | Poison Gas | Not accepted. |
| Hydrocyanic acid (*prussic*), liquid | Pois. A | No exemption, 73.332 | do | Do. |
| Hydrocyanic acid (*prussic*), unstabilized. | Not accepted. | | | Do. |
| Hydrocyanic acid solutions | Pois. B | No exemption, 73.351 | Poison | 25 pounds. |
| Hydrofluoric acid | Cor. L | 73.244, 73.264 (a) | White | 10 pints. |
| Hydrofluoric acid, anhydrous | Cor. L | No exemption, 73.264 (b) | do | 110 pounds. |
| Hydrofluoric and sulfuric acids, mixtures. | Cor. L | No exemption, 73.290 | White | 10 pints. |
| Hydrofluosilicic acid | Cor. L | 73.244, 73.265 | do | 10 pints. |
| § Hydrogen | F. G | 73.306, 73.302, 73.314 | Red Gas | 300 pounds. |
| Hydrogen bromide | Nonf. G | 73.306, 73.304 | Green | Do. |
| Hydrogen chloride | Nonf. G | 73.306, 73.304, 73.308 | do | Do. |
| Hydrogen, liquefied | F. G | No exemption, 73.316 | Red Gas | Not accepted. |
| Hydrogen peroxide (*hydrogen dioxide*) *solution in water containing over 8 percent hydrogen peroxide by weight.* | Cor. L | 73.244, 73.266 | White | 1 gallon. |
| Hydrogen sulfide | F. G | 73.306, 73.304, 73.314 | Red Gas | 300 pounds. |
| Hypochlorite solutions containing more than 7 percent available chlorine by weight. | Cor. L | 73.277 | White | 4 gallons. |
| Igniter cord | Expl. C | No exemption, 73.100 (e) | | 150 pounds. |
| Igniter fuse-metal clad | Expl. C | No exemption, 73.106 | | Do. |
| Igniters, jet thrust (*jato*) class B explosives. | Expl. B | No exemption, 73.92 | Red | 550 pounds. |
| Igniters, jet thrust (*jato*), class A explosives. | Expl. A | No exemption, 73.79 | None | Not accepted. |
| Igniters | Expl. C | No exemption, 73.106 | | 150 pounds. |
| *Illuminating projectiles fused or not fused, with expelling charges.* See Special fireworks. | | | | |
| *Inflammable liquids, n. o. s.* See Flammable liquids, n. o. s. | | | | |
| *Inflammable solids, n. o. s.* See Flammable solids, n. o. s. | | | | |
| Initiating explosive | Expl. A | No exemption, 73.70 to 73.78 incl. | | Not accepted. |
| *Diazodinitrophenol* | | No exemption, 73.70 | | |
| *Fulminate of mercury* | | No exemption, 73.71 | | |
| *Guanyl nitrosamino guanylidene hydrazine.* | | No exemption, 73.72 | | |
| *Lead azide, dextrinated type only* | | No exemption, 73.73 | | |
| *Lead mononitroresorcinate* | | No exemption, 73.70 | | |
| *Lead styphnate (lead trinitroresorcinate).* | | No exemption, 73.74 | | |
| *Nitro mannite* | | No exemption, 73.75 | | |
| *Nitrosoguanidine* | | No exemption, 73.76 | | |
| *Pentaerythrite tetranitrate* | | No exemption, 73.77 | | |
| *Tetrazene (guanyl nitrosamino guanyl tetrazene).* | | No exemption, 73.78 | | |
| *Ink | F. L | 73.118, 73.144 | Red | 10 gallons. |
| *Insecticide, dry | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| *Insecticide, liquid | Pois. B | 73.345, 73.346 | do | 55 gallons. |
| Insecticide, liquefied gas | Nonf. G | 73.306, 73.304 | Green | 300 pounds. |
| *Insecticide, liquid (*vermin exterminator*). | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Instantaneous fuse | Expl. C | No exemption, 73.100 (m) | | 150 pounds. |
| Iodine monochloride | Cor. L | No exemption, 73.293 | White | 1 quart. |
| Iridium 192 | Pois. D | 73.392, 73.393 | Poison radioactive materials, red. | 300 curies. See § 73.391 (c). |
| Iron mass, spent | F. S | No exemption, 73.174 | Yellow | Not accepted. |
| Iron sponge *not properly oxidized* | F. S | No exemption, 73.174 | do | Do. |
| Iron sponge, spent | F. S | No exemption, 73.174 | do | Do. |
| *Isobutane.* See Liquefied petroleum gas. | | | | |
| *Isobutylene.* See Liquefied petroleum gas. | | | | |
| Isooctane | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Isooctene | F. L | 73.118, 73.119 | do | Do. |
| Isopentane | F. L | 73.118, 73.119 | do | Do. |
| Isoprene | F. L | 73.118, 73.119 | do | Do. |
| *Isopropanol | F. L | 73.118, 73.119 | do | Do. |
| Isopropyl acetate | F. L | 73.118, 73.119 | do | Do. |
| Isopropyl mercaptan | F. L | No exemption, 73.141 | do | Do. |
| Isopropyl percarbonate, stabilized | Cor. L | No exemption, 73.282 | White | Not accepted. |
| Isopropyl percarbonate, unstabilized. | F. S | No exemption, 73.218 | Yellow | Do. |
| *Jet thrust igniters.* See Igniters, jet thrust. | | | | |
| Jet thrust unit (*jato*), class A explosives. | Expl. A | No exemption, 73.79 | | Do. |



| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| Jet thrust unit (*jato*), class B explosives. | Expl. B | No exemption, 73.92 | Red | 550 pounds. |
| *Kegs, reused* | See § 73.28 | | | |
| *Lacquer. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| *Lacquer base, liquid. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| *Lacquer base or lacquer chips, dry | F. S | 73.153, 73.175 | Yellow | 100 pounds. |
| *Lacquer base or lacquer chips, plastic (*wet with alcohol or solvent*). | F. L | 73.118, 73.127 | Red | 25 pounds. |
| *Lacquer removing, reducing and thinning compounds. *See* *Compounds, lacquer, paint, or varnish removing, reducing, or thinning, liquid. | | | | |
| Lauroyl peroxide | Oxy. M | 73.153 (b), 73.157, 73.158 | Yellow | Do. |
| Lead arsenate, solid | Pois. B | 73.364, 73.367 | Poison | 200 pounds. |
| Lead arsenite, solid | Pois. B | 73.364, 73.365 | do | Do. |
| *Lead azide. See* Initiating explosive. | | | | |
| Lead cyanide | See § 73.370 | | | |
| *Lead mononitroresorcinate. See* Initiating explosive. | | | | |
| Lead nitrate | Oxy. M | 73.153, 73.182 | Yellow | 100 pounds. |
| *Lead styphnate (lead trinitroresorcinate). See* Initiating explosive. | | | | |
| *Leather bleach | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Leather dressing | F. L | 73.118, 73.119 | do | Do. |
| Lewisite | Pois. A | No exemption, 73.328 | Poison Gas | Not accepted. |
| Lighter fluid. *See* Cigar and cigarette lighter fluid. | | | | |
| § Liquefied carbon dioxide. *See* Carbon dioxide, liquefied. | | | | |
| Liquefied carbon dioxide gas (mining device). *See* Carbon dioxide gas, liquefied (mining device). | | | | |
| Liquefied hydrocarbon gas | F. G | 73.306, 73.304, 73.314 | Red Gas | 300 pounds. |
| Liquefied nonflammable gases *charged with nitrogen, carbon dioxide, or air.* | Nonf. G | 73.306, 73.304 | Green | Do. |
| § Liquefied petroleum gas | F. G | 73.306, 73.304, 73.314, 73.315 | Red Gas | Do. |
| *Liquids other than those classified as flammable, corrosive, or poisonous charged with nitrogen, carbon dioxide or air. See* Compressed gases, n. o. s. | | | | |
| Lithium aluminum hydride | F. S | No exemption, 73.206 | Yellow | 25 pounds. |
| Lithium aluminum hydride, ethereal. | F. L | No exemption, 73.137 | Red | 1 quart. |
| Lithium amide, powdered | F. S | 73.153, 73.168 | Yellow | 100 pounds. |
| Lithium ferro silicon | F.S | No exemption, 73.206 | do | 25 pounds. |
| Lithium hydride | F. S | No exemption, 73.206 | do | 25 pounds. |
| Lithium hydride in solid forms | F. S | No exemption, 73. 206 | do | 100 pounds. |
| Lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine. | Oxy. M | 73.153, 73.217 | do | 100 pounds. |
| Lithium metal | F. S | No exemption, 73.206 | do | 25 pounds. |
| Lithium metal, in cartridges | See § 73.206 | | | |
| Lithium peroxide | Oxy. M | 73.153 (a), 73.154 | Yellow | 100 pounds. |
| Lithium silicon | F. S | No exemption, 73.206 | do | 25 pounds. |
| London purple, solid | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Low explosives | Expl. A | No exemption, 73.60 | | Not accepted. |
| Low blasting explosives. *See* Low explosives. | | | | |
| Machines or apparatus | See §§ 73.130, 73.306. | | | |
| Magnesium arsenate, solid | Pois. B | 73.364, 73.367 | Poison | 200 pounds. |
| Magnesium dross | See § 73.173 | | | |
| *Magnesium, metallic, powdered, pellets, turnings, or ribbon. | F.S | 73.153, 73.220 | Yellow | 100 pounds. |
| Magnesium nitrate | Oxy. M | 73.153, 73.182 | do | Do. |
| Magnesium perchlorate | Oxy. M | 73.153, 73.154 | do | Do. |
| Magnesium peroxide, solid | Oxy. M | 73.153, 73.154 | do | Do. |
| Magnesium scrap (borings, clippings, shavings, sheets, turnings or scalpings). | F.S | 73.153, 73.220 | do | Do. |
| Magnesium-thorium alloys in formed shapes (*not powdered, and which shall contain not more than 4 percent nominal thorium 232*). | Pois. D | 73.392(e) | Radioactive material, Group 1, Red. | See § 73.391(b). |
| *Matches, block. See* Strike-anywhere matches. | F. S | No exemption, 73.176 | Yellow | 50 pounds. |
| Matches, book, card, or strike-on-box, *with other articles.* | See § 73.176 (g). | | | |
| Matches, book, card, or strike-on-box. | See § 73.176 (g). | | | |
| Matches, strike-anywhere | F. S | No exemption, 73.176 | Yellow | Do. |
| *Medicines, n. o. s. *See* *Drugs, chemicals, medicines, or cosmetics, n. o. s. | | | | |
| Mentetrahydro phthalic anhydride. | Cor. L | No exemption, 73.298 | White | 1 quart. |
| *Mercaptan mixtures, aliphatic | F. L | No exemption, 73.141 | Red | 10 gallons. |
| *Mercurial liquid, n.o.s | Pois. B | 73.345, 73.346 | Poison | 55 gallons. |
| Mercuric acetate | Pois. B | 73.364, 73.365 | do | 200 pounds. |
| Mercuric-ammonium chloride, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric benzoate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric bromide, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric chloride. *See* Mercury bichloride, solid. | | | | |
| Mercuric cyanide, solid | Pois. B | 73.370 | do | Do. |
| Mercuric iodide, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric iodide solution | Pois. B | 73.345, 73.346 | do | 55 gallons. |
| Mercuric oleate, solid | Pois. B | 73.364, 73.365 | do | 200 pounds. |
| Mercuric oxide (red), solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric oxide (yellow), solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric oxycyanide, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric-potassium cyanide, solid | Pois. B | 73.364, 73.365, 73.370 | do | Do. |
| Mercuric-potassium iodide, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric salicylate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric subsulfate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric sulfate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercuric sulfo cyanate, solid (mercuric thiocyanate). | Pois. B | 73.364, 73.365 | do | Do. |
| Mercurol (*mercury nucleate*), solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercurous bromide, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercurous fluorosilicate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercurous iodide, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercurous nitrate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercurous oxide, black, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercurous sulfate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercury acetate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercury bichloride, solid (mercuric chloride). | Pois. B | 73.364, 73.372 | do | Do. |
| Mercury bisulfate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Mercury compounds, n. o. s. (solid) | Pois. B | 73.364, 73.365 | do | Do. |
| Mercury cyanide, solid | Pois. B | 73.370 | do | Do. |
| *Mercury fulminate. See* Initiating explosive. | | | | |
| *Metal kegs, reused* | See § 73.28 | | | |
| *Metal polish. *See* *Polishes, metal, stove, furniture and wood, liquid. | | | | |
| Metallic sodium or potassium. *See* Sodium or potassium, metallic. | | | | |
| Methanol (methyl alcohol). *See* Wood alcohol. | | | | |
| Methane | F. G | 73.306, 73.304 | Red Gas | 300 pounds. |
| Methyl acetate | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Methyl acetone | F. L | 73.118, 73.119 | do | Do. |
| Methylacetylene—15% to 20% propadiene mixture. | F.G | 73.306, 73.304, 73.314 | Red Gas | 300 pounds. |
| Methyl alcohol (methanol). *See* Wood alcohol. | | | | |
| Methyl aluminum sesquibromide | F.L | No exemption, 73.134 | Red | 2 ounces. |
| Methyl aluminum sesquichloride | F.L | No exemption, 73.134 | do | Do. |
| Methyl bromide mixture, liquid (*containing no class A poison*). | Pois. B | No exemption, 73.353 | Poison | 33 gallons. |
| Methyl bromide and chloropicrin mixture, liquid. | Pois. B | No exemption, 73.353 | do | 55 gallons. |
| Methyl bromide and ethylene dibromide mixture, liquid. | Pois. B | No exemption, 73.353 | do | Do. |

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
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| Methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid. | Pois. B | No exemption, 73.353 | Poison | 300 pounds. |
| Methyl bromide, liquid (*bromomethane*). | Pois. B | No exemption, 73.353 | do | 55 gallons. |
| ❡ Methyl chloride | F. G | 73.306, 73.304, 73.314, 73.315 | Red Gas | 300 pounds. |
| Methyl chloride-methylene chloride mixture. | F.G | 73.306, 73.304, 73.314 | do | Do. |
| Methyl chloroformate | Cor. L | No exemption, 73.288 | White | 5 pints. |
| Methylchloromethyl ether, anhydrous. | F. L | No exemption, 73.143 | Red | Not accepted. |
| Methyldichlorarsine | Pois. A | No exemption, 73.328 | Poison Gas | Do. |
| Methyl dichlorosilane | F. L | No exemption, 73.136 | Red | 10 gallons. |
| Methyl ethyl ketone | F. L | 73.118, 73.119 | do | Do. |
| Methyl formate | F. L | 73.118, 73.119 | do | Do. |
| Methyl hydrate. See Alcohol or Alcohol, n. o. s. | | | | |
| Methylhydrazine | F. L | No exemption, 73.145 | Red | 5 pints. |
| Methyl iso-propenyl ketone, inhibited. | F. L | 73.118, 73.119 | do | 10 gallons. |
| Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent. | F.L | No exemption, 73.134 | do | 2 ounces. |
| Methyl mercaptan | F.G | 73.302, 73.308, 73.314, 73.315 | Red Gas | 300 pounds. |
| Methyl methacrylate monomer | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Methyl parathion, liquid | Pois. B | No exemption, 73.358 | Poison | 1 quart. |
| Methyl parathion mixture, dry | Pois. B | 73.377 | do | 200 pounds. |
| Methyl parathion mixture, liquid | Pois. B | 73.359 | do | 1 quart |
| Methyltrichlorosilane | F. L | No exemption, 73.135 | Red | 10 gallons. |
| Methyl vinyl ketone, inhibited | F. L | 73.147 | do | Do. |
| Mild detonating fuse, metal clad | Expl. C | No exemption, 73.104 | | 300 pounds. |
| *Mine rescue equipment* | See §§ 73.306 (a)(2) and 76.703(d). | | | |
| Mines, empty | See § 73.55 | | | |
| *Mines, explosive, with gas material.* See Explosive mine. | See § 73.56 (d) | | | |
| Mixed acid. *See* Nitrating (mixed) acid. | | | | |
| *Mixtures of hydrofluoric and sulfuric acids.* See Hydrofluoric and sulfuric acids, mixtures. | | | | |
| *Mixtures or solutions of liquefied nonflammable gases and liquids other than those classified as flammable, corrosive, or poisonous charged with nitrogen, carbon dioxide, or air.* See Compressed gases, n. o. s. | | | | |
| Monobromotrifluoromethane | Nonf. G | 73.306, 73.304, 73.314 | Green | 300 pounds. |
| Monochloroacetic acid, liquid | Cor. L | 73.244, 73.294 | White | 1 quart. |
| Monochloroacetone, stabilized | Pois. C | No exemption, 73.384 | Tear Gas | 5 gallons. |
| Monochloracetone (unstabilized) | Not accepted. | | | Not accepted. |
| Monochlorodifluoromethane | Nonf. G | 73.306, 73.304, 73.314, 73.315 | Green | 300 pounds. |
| Monochloroethylene. *See* Vinyl chloride. | | | | |
| Monochloropentafluoroethane | Nonf. G | 73.306, 73.304 | do | Do. |
| Monochlorotetrafluoroethane | Nonf. G | 73.306, 73.304, 73.314 | do | Do. |
| Monochlorotrifluoromethane | Nonf. G | 73.306, 73.304 | do | Do. |
| Monoethylamine | F.L | 73.118, 73.148 | Red | 10 gallons. |
| Monofluorophosphoric acid, anhydrous. | Cor. L | No exemption, 73.275 | White | 1 gallon. |
| Monomethylamine, anhydrous | F. G | 73.306, 73.304, 73.314, 73.315 | Red Gas | 300 pounds |
| Monomethylamine, aqueous solution. | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Mortar stain, liquid | F. L | 73.118, 73.128 | do | 55 gallons. |
| ❡ Motion-picture film, *nitrocellulose base, including mixed shipments with nonflammable film.* | F. S | No exemption, 73.177 | Yellow | 200 pounds |
| Motion-picture film, old and worn out (*nitrocellulose*). | F. S | No exemption, 73.178 | do | 200 pounds. |
| Motion-picture film, old and worn out (*slow-burning*). | See § 73.181 (a) (1). | | | |
| ❡ Motion-picture outfits, toy | See § 73.181 (a) (4). | | | |
| ❡ Motion-picture film (*processed, positive or negative, nitrocellulose*). | F. S | No exemption, 73.177 | Yellow | 200 pounds. |
| ❡ Motion-picture film (*processed, positive or negative, slow-burning*). | See § 73.181 (a) (1). | | | |
| Motion-picture film scrap (*nitrocellulose*), samples of. | F. S | No exemption, 73.195 | Yellow | 25 pounds. |
| Motion-picture film scrap (*nitrocellulose*), *other than samples.* | F. S | No exemption, 73.195 | do | Not accepted. |
| Motion-picture film scrap (*slow-burning*). | See § 73.181 (a) (2). | | | |
| ❡ Motion-picture film, toy, (*nitrocellulose*). | F. S | No exemption, 73.179 | Yellow | 200 pounds. |
| ❡ Motion-picture film, toy (*slow-burning*). | See § 73.181 (a) (1). | | | |
| ❡ Motion-picture film, toy pieces (*nitrocellulose*). | See § 73.181 (a) (3). | | | |
| Motion-picture film, unexposed (*nitrocellulose base*). | F. S | 73.180 | Yellow## | 250 pounds. |
| Motion-picture film, unexposed (*slow-burning*). | See § 73.181 (a) (1). | | | |
| Motorcycles | See § 73.120. | | | |
| Motor fuel antiknock compound | Pois. B | No exemption, 73.354 | Poison | 55 gallons. |
| *Motor fuel, n. o. s. | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Motors, internal combustion | See § 73.120. | | | |
| Muriatic acid. *See* Hydrochloric acid. | | | | |
| Mustard gas | Pois. A | No exemption, 73.328 | Poison Gas | Not accepted. |
| *Naphtha | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Naphtha distillate | F. L | 73.118, 73.119 | do | Do. |
| *Naphtha, petroleum. *See* *Petroleum naphtha. | | | | |
| *Naphtha, solvent | F. L | 73.118, 73.119 | do | Do. |
| *Natural gasoline. See* Gasoline. | | | | |
| Neohexane | F. L | 73.118, 73.119 | do | Do. |
| Neon gas | Nonf. G | 73.306, 73.302 | Green | 300 pounds. |
| *New explosives or explosive devices* | See §§ 73.51 (c) 73.86, and 74.502 (a) (8). | | | |
| Nickel carbonyl | F. L | No exemption, 73.126 | Red | Not accepted. |
| *Nickel catalyst, finely divided, activated or spent. | F. S | No exemption, 73.233 | Yellow | 100 pounds. |
| Nickel cyanide, solid | Pois. B | 73.370 | Poison | 200 pounds. |
| Nicotine hydrochloride | Pois. B | 73.345, 73.346 | do | 55 gallons. |
| Nicotine, liquid | Pois. B | 73.345, 73.346 | do | Do. |
| Nicotine salicylate | Pois. B | 73.364, 73.365 | do | 200 pounds. |
| Nicotine sulfate, liquid | Pois. B | 73.345, 73.346 | do | 55 gallons. |
| Nicotine sulfate, solid | Pois. B | 73.364, 73.365 | do | 200 pounds. |
| Nicotine tartrate | Pois. B | 73.364, 73.365 | do | Do. |
| Nitrate of aluminum. *See* Aluminum nitrate. | | | | |
| Nitrate of ammonia. *See* Ammonium nitrate. | | | | |
| *Nitrate of ammonia explosives. See* High explosives. | | | | |
| Nitrate of ammonia fertilizer. *See* Ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating. | | | | |
| Nitrate of barium. *See* Barium nitrate. | | | | |
| Nitrate of lead. *See* Lead nitrate. | | | | |
| Nitrate of potash. *See* Potassium nitrate. | | | | |
| Nitrate of soda. *See* Sodium nitrate. | | | | |
| Nitrate of soda and potash | Oxy. M | 73.153, 73.182 | Yellow | 100 pounds. |
| Nitrate of soda bags, empty, unwashed. *See* Bags, nitrate of soda, empty and unwashed. | | | | |
| Nitrate of strontia. *See* Strontium nitrate. | | | | |
| Nitrates, n. o. s | Oxy. M | 73.153, 73.182 | do | Do. |
| Nitrating (mixed) acid | Cor. L | No exemption, 73.267 | White | 2½ pints. |
| Nitric acid | Cor. L | No exemption, 73.268 | do | 5 pints. |
| *Nitric ether. See* Ethyl nitrate. | | | | |
| Nitric oxide | Pois. A | No exemption, 73.337 | Poison Gas | Not accepted. |
| Nitrite of soda. *See* Sodium nitrite. | | | | |
| Nitrobenzol, liquid (*oil of mirbane*) | Pois. B | 73.345, 73.346 | Poison | 55 gallons. |



| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
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| Nitro carbo nitrate | Oxy. M | 73.153, 73.182 | Yellow | 100 pounds. |
| *Nitrocellulose, colloided, granular, flake or block, wet with alcohol or solvent.* See Wet nitrocellulose colloided, granular or flake—20 percent alcohol or solvent; or block—25 percent alcohol. | | | | |
| *Nitrocellulose, colloided, granular, or flake, wet with 20 percent water.* See Wet nitrocellulose, colloided, granular or flake—20 percent water. | | | | |
| *Nitrocellulose (collodion cotton), wet with water.* See Wet nitrocellulose—20 percent water. | | | | |
| *Nitrocellulose, (collodion cotton), wet with alcohol or solvent.* See Wet nitrocellulose—30 percent alcohol or solvent. | | | | |
| *Nitrocellulose, dry.* See High explosives. | | | | |
| *Nitrocellulose flakes, wet with alcohol or solvent.* See Wet nitrocellulose flakes—20 percent alcohol or solvent. | | | | |
| Nitrochlorbenzene, ortho, liquid | Pois. B | 73.345, 73.346 | Poison | 55 gallons. |
| Nitrochlorbenzene, meta or para, solid. | Pois. B | 73.364, 73.374 | do | 200 pounds. |
| Nitrogen | Nonf. G | 73.306, 73.302, 73.314 | Green | 300 pounds. |
| Nitrogen dioxide, liquid | Pois. A | No exemption, 73.336 | Poison Gas | Not accepted. |
| *Nitrogen fertilizer solution | Nonf. G | 73.306, 73.304, 73.314 | Green | 300 pounds. |
| Nitrogen peroxide, liquid | Pois. A | No exemption, 73.336 | Poison Gas | Not accepted. |
| Nitrogen, pressurized liquid | Nonf. G | No exemption, 73.304 | Green | 300 pounds. |
| Nitrogen tetroxide, liquid | Pois. A | No exemption, 73.336 | Poison Gas | Not accepted. |
| Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide. | Pois. A | No exemption, 73.338 | do | Do. |
| *Nitroglycerin, liquid.* | See § 73.51 (d) | | | |
| *Nitroglycerin liquid, desensitized.* See High Explosive, liquid. | | | | |
| Nitroglycerin, spirits of. *See* Spirits of nitroglycerin. | | | | |
| Nitrohydrochloric acid | Cor. L | No exemption, 73.278 | White | 5 pints. |
| Nitrohydrochloric acid, diluted | Cor. L | do | do | Do. |
| *Nitro mannite. See* Initiating explosive. | | | | |
| *Nitroguanidine, dry.* See High explosives. | | | | |
| *Nitroguanidine, wet with water* See Wet nitroguanidine—20 percent water. | | | | |
| *Nitrosoguanidine. See* Initiating explosive. | | | | |
| *Nitrostarch, dry.* See High explosives. | | | | |
| *Nitrostarch, wet with alcohol or solvent.* See Wet nitrostarch—30 percent alcohol or solvent. | | | | |
| *Nitrostarch, wet with water.* See Wet nitrostarch — 20 percent water. | | | | |
| Nitrosyl chloride | Nonf. G | 73.306, 73.304, 73.314 | Green | 300 pounds. |
| *Nitrourea.* See High explosives. | | | | |
| ❡ Nitrous oxide | Nonf. G | 73.306, 73.304, 73.315 | do | Do. |
| Nitroxylol | Pois. B | 73.345, 73.346 | Poison | 55 gallons. |
| *Nonliquefied gases.* See Compressed gases, n. o. s. | | | | |
| Nonliquefied hydrocarbon gas | F. G | 73.306, 73.302 | Red Gas | 300 pounds. |
| Nonyl trichlorosilane | Cor. L | No exemption, 73.280 | White | 10 gallons. |
| Octadecyltrichlorosilane | Cor. L | No exemption, 73.280 | do | 10 gallons. |
| Octyl trichlorosilane | Cor. L | do | do | Do. |
| *Oil, *described as* oil, oil, n. o. s., petroleum oil, or petroleum oil, n. o. s. | F. L | 73.118, 73.119 | Red | Do. |
| *Oil of mirbane.* See Nitrobenzol, liquid. | | | | |
| *Oil of vitriol.* See Sulfuric acid. | | | | |
| Oil well cartridges | Expl. C | No exemption, 73.112 | | 150 pounds. |
| Oleum | Cor. L | 73.244, 73.272 | White | 10 pints. |
| *Organic phosphate compound, liquid, n.o.s. | Pois. B | No exemption, 73.358 | Poison | 1 quart. |
| *Organic phosphate compound mixtures, liquid n.o.s. | do | 73.359 | do | Do. |
| *Organic phosphate compound, mixtures, dry, n.o.s. | do | 73.377 | do | 200 pounds. |
| *Organic phosphates, n.o.s. mixed with compressed gas. | Pois. A | No exemption, 73.334 | Poison Gas | Not accepted. |
| Ortho-nitroaniline | Pois. B | 73.364, 73.373 | Poison | 200 pounds. |
| Oxide, spent. *See* Spent oxide. | | | | |
| Oxidizing material, n. o. s | Oxy. M | 73.153, 73.154 | Yellow | 25 pounds. |
| *Oxidizing materials with other articles—fumigants.* | See § 73.152 (a) Note 1. | | | |
| ❡ Oxygen | Nonf. G | 73.306, 73.302, 73.314 | Green | 300 pounds. |
| Oxygen, pressurized liquid | Nonf. G | No exemption, 73.304 | do | Do. |
| *Paint driers, liquid | F. L | 73.118, 73.128 | Red | 55 gallons. |
| *Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid. | F. L | 73.118, 73.128 | do | Do. |
| *Paint, lacquer and varnish removing, reducing or thinning compounds. *See* *Compounds, lacquer, paint, or varnish, reducing or thinning liquid, etc. | | | | |
| *Paper cap ammunition for toy pistols.* See Toy caps. | | | | |
| *Paper caps.* See Toy caps. | | | | |
| Paper stock, wet. *See* Waste paper, wet. | F. S | No exemption, 73.185 | Yellow | Not accepted. |
| Para chlorobenzoyl peroxide. *See* Chlorobenzoyl peroxide, (para). | | | | |
| Paramenthane hydroperoxide | Oxy. M | 73.153(b), 73.224 | do | 1 quart. |
| Paranitraniline (paranitroaniline), solid. | Pois. B | 73.364, 73.373 | Poison | 200 pounds. |
| Parathion and compressed gas mixture. | Pois. A | No exemption, 73.334 | Poison Gas | Not accepted. |
| Parathion, liquid | Pois. B | No exemption, 73.358 | Poison | 1 quart. |
| Parathion, mixture, dry | Pois. B | 73.377 | do | 200 pounds. |
| Parathion, mixture, liquid | Pois. B | 73.359 | do | 1 quart. |
| Paris green, solid | Pois. B | 73.364, 73.367 | do | 200 pounds. |
| Pentaborane | F. L | No exemption, 73.138 | Red | Not accepted. |
| Pentane | F. L | 73.118, 73.119 | do | 10 gallons. |
| Pentane, methyl | F. L | 73.118, 73.119 | do | Do. |
| *Pentaerythrite (tetranitrate.* See Initiating explosive. | | | | |
| *Pentolite, dry.* See High explosives. | | | | |
| Peracetic acid | Oxy. M | 73.223 | Yellow | 5 pints. |
| Perchlorate of ammonia. *See* Ammonium perchlorate. | | | | |
| Perchlorate of potash. *See* Potassium perchlorate. | | | | |
| Perchlorates, n. o. s | Oxy. M | 73.153, 73.154 | do | 100 pounds. |
| Perchloric acid *in excess of 72 percent.* | See § 73.269. | | | |
| Perchloric acid *not in excess of 72 percent.* | Cor. L | 73.244, 73.269 | White | 7 pounds. |
| Perchloro-methyl-mercaptan | Pois. B | 73.345, 73.360 | Poison | 10 pounds. |
| Percussion caps | Expl. C | No exemption, 73.107 | | 150 pounds. |
| Percussion fuzes | Expl. C | No exemption, 73.105 | | Do. |
| Permanganate of potash | Oxy. M | 73.153, 73.154, 73.194 | Yellow | 100 pounds. |
| Permanganate of soda | Oxy. M | 73.153, 73.154 | do | Do. |
| Permanganates, n. o. s | Oxy. M | 73.153, 73.154 | do | Do. |
| Peroxide of sodium. *See* Sodium peroxide. | | | | |
| Peroxides, organic, liquids or solutions, n.o.s. | F.L | No exemption, 73.119(m) | Red | 1 quart. |
| Peroxides, organic, solution, liquid, n.o.s. | Oxy. M | 73.153, 73.221 | Yellow | 1 quart. |
| Petroleum, crude. *See* Crude oil. | | | | |
| *Petroleum distillate | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Petroleum ether | F. L | 73.118, 73.119 | do | Do. |
| Petroleum gas, liquefied. *See* Liquefied petroleum gas. | | | | |
| *Petroleum naphtha | F. L | 73.118, 73.119 | do | Do. |

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
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| Phenol. *See* Carbolic acid. | | | | |
| Phenylcarbylamine chloride | Pois. A | No exemption, 73.328 | Poison Gas | Not accepted. |
| Phenyldichlorarsine, liquid | Pois. B | No exemption, 73.355 | Poison | 30 gallons. |
| Phenyl trichlorosilane | Cor. L | No exemption, 73.280 | White | 10 gallons. |
| Phosgene (*diphosgene*) | Pois. A | No exemption, 73.333 | Poison Gas | Not accepted. |
| Phosphoric anhydride | F. S | No exemption, 73.188 | Yellow | 100 pounds. |
| Phosphorus, amorphous, red | F. S | No exemption, 73.189 | do | 11 pounds. |
| Phosphorous oxybromide | Cor. L | No exemption, 73.271 | White | 1 quart. |
| Phosphorus oxychloride | Cor. L | No exemption, 73.271 | do | Do. |
| Phosphorus pentachloride | F. S | No exemption, 73.191 | Yellow | 5 pounds. |
| Phosphorus sesquisulfide | F. S | No exemption, 73.225 | do | 11 pounds. |
| Phosphorus tribromide | Cor. L | No exemption, 73.270 | White | 1 quart. |
| Phosphorus trichloride | Cor. L | No exemption, 73.271 | do | Do. |
| Phosphorus, white or yellow, dry | F. S | No exemption, 73.190 (d) and (e). | Yellow | Not accepted |
| Phosphorus, white or yellow, in water. | F. S | No exemption, 73.190 (b) and (c). | do | 25 pounds. |
| Photographic film scrap, X-ray film scrap. | F. S | No exemption, 73.195 | do | See § 73.196. |
| *Photographic flash powder. See* Special fireworks or Low explosives. | | | | |
| *Picrates, dry. See* High explosives. | | | | |
| *Picrate of ammonia. See* High explosives. | | | | |
| *Picric acid, dry. See* High explosives. | | | | |
| *Picric acid, wet, not exceeding 16 ounces.* | See § 73.192 | | | |
| *Picric acid, wet, with not less than 10 percent water, over 16 ounces but not exceeding 25 pounds. See* High explosives. | | | | |
| Picric acid, wet, with not less than 10 percent water, *in excess of 16 ounces but not exceeding 25 pounds.* | F. S | No exemption, 73.193 | Yellow | 25 pounds. |
| *Pinwheels. See* Common fireworks. | | | | |
| *Plastic solvent, n. o. s | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Poisonous liquid or gas, n. o. s | Pois. A | No exemption, 73.328 | Poison Gas | Not accepted. |
| Poisonous liquids, n. o. s | Pois. B | 73.345, 73.346 | Poison | 55 gallons. |
| Poisonous liquids, n. o. s | Pois. C | No exemption, 73.382 | Tear Gas | 75 pounds. |
| Poisonous solids, n. o. s | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Poisonous solids, n. o. s | Pois. C | No exemption, 73.382 | Tear Gas | 75 pounds. |
| Police grenades, poison gas, class A | Pois. A | No exemption, 73.335 | Poison Gas | Not accepted. |
| *Polishes, metal, stove, furniture and wood, liquid. | F. L | 73.118, 73.129 | Red | 55 gallons. |
| *Polymerizable materials* | See § 73.21 (b) | | | |
| Potash, caustic, solution. *See* Caustic potash, liquid. | | | | |
| Potassium arsenate, solid | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Potassium arsenite, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Potassium bromate | Oxy. M | 73.153, 73.164 | Yellow | 100 pounds. |
| Potassium chlorate (*potash chlorate*). *See* Chlorate of potash. | | | | |
| Potassium cyanide. *See* Cyanide of potassium. | | | | |
| Potassium hydroxide solution. *See* Caustic potash, liquid. | | | | |
| Potassium, metallic | F. S | No exemption, 73.206 | do | 25 pounds. |
| Potassium, metallic liquid alloy | F. S | No exemption, 73.202 | do | 1 pound. |
| Potassium nitrate | Oxy. M | 73.153, 73.182 | do | 100 pounds. |
| Potassium nitrate mixed (fused) with sodium nitrite. | Oxy. M | 73.153, 73.183 | do | Do. |
| Potassium nitrite | Oxy. M | 73.153, 73.154 | do | Do. |
| Potassium perchlorate | Oxy. M | 73.153, 73.219 | do | Do. |
| Potassium permanganate. *See* Permanganate of potash. | | | | |
| Potassium peroxide | Oxy. M | No exemption, 73.164 | do | Do. |
| Potassium sulfide | F. S | 73.153, 73.207 | do | 300 pounds. |
| Potato spray (*arsenical*), liquid. *See* *Insecticide, liquid. | | | | |
| *Primers. See* Cannon, combination, or small-arm primers. | | | | |
| *Primers, detonating. See* Detonating primers. | | | | |
| *Projectiles, explosive. See* Explosive projectile. | | | | |
| *Projectiles, gas, nonexplosive. See Chemical Ammunition, class A, B, or C.* | | | | |
| *Projectiles, gas, smoke, or incendiary, with burster or booster with or without detonating fuze. See* Explosive projectile. | | | | |
| *Projectiles, illuminating, incendiary or smoke with expelling charge but without bursting charge. See* Special fireworks. | | | | |
| *Projectiles, sand-loaded, empty, or solid.* | See § 73.55 | | | |
| *Propane. See* Liquefied petroleum gas. | | | | |
| Propellant explosives, class A | Expl. A | No exemption, 73.64(d) | | See § 73.86. |
| Propellant explosives (liquid), class B. | Expl. B | No exemption, 73.93 | Red# | 10 pounds. |
| Propellant explosives (solid), class B. | do | do | do# | Do. |
| *Propellant explosives (solid), class B, and small-arms primers. See* Propellant explosives, class B. | | | | |
| Propellant explosives in water (*smokeless powder for cannon or small arms*). | Expl. B | No exemption, 73.93 | | Not accepted. |
| Propellant explosives in water unstable, condemned or deteriorated (*smokeless powder for cannon or small arms*). | Expl. B | No exemption, 73.93 | | Do. |
| *Propylalcohol. *See* Alcohol, n. o. s. | | | | |
| Propylene imine, inhibited | F. L | No exemption, 73.139 | Red | 5 pints. |
| Propyl mercaptan | F. L | No exemption, 73.141 | do | 10 gallons. |
| Propyl trichlorosilane | Cor. L | No exemption, 73.280 | White | Do. |
| Propylene. *See* Liquefied petroleum gas. | | | | |
| Propylene oxide | F. L | 73.118, 73.119 | Red | Do. |
| *Prussic acid. See* Hydrocyanic acid. | | | | |
| *Pyridine | F. L | 73.118, 73.119 | do | Do. |
| Pyroforic fuel | F. L | No exemption, 73.134 | do | 2 ounces. |
| Pyro ore solutions | do | No exemption, 73.134 | do | Do. |
| Pyro sulfuryl chloride | Cor. L | 73.244, 73.247 | White | 1 quart. |
| *Pyroxylin cement. *See* Cement, pyroxylin. | | | | |
| Pyroxylin plastic scrap | F. S | No exemption, 73.195, 73.196. | Yellow | See § 73.196. |
| Pyroxylin plastics, rods, sheets, rolls, tubes. | F. S | 73.197 | do## | 350 pounds. |
| *Pyroxylin solution | F. L | 73.118, 73.119 | Red | 10 gallons. |
| *Pyroxylin solvent, n. o. s | F. L | 73.118, 73.119 | do | Do. |
| *Radio current supply device with electrolyte (acid) or battery fluid.* | See § 73.259 | | | |
| Radioactive materials, n. o. s | Pois. D | 73.392, 73.393, 73.394 | Poison Radioactive materials (Blue or Red). | See § 73.391 (b) and (c). |
| Rags, oily | F. S | No exemption. 73.199 | Yellow | Not accepted. |
| Rags, wet | F. S | No exemption, 73.200 | do | Do. |
| Railway fusees | Expl. C | No exemption, 73.108 | | 200 pounds. |
| Railway torpedoes | Expl. B | No exemption, 73.91 | Special fireworks.## | Do. |
| *Reducing compounds, paint, varnish, lacquer, etc. *See* *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid. | | | | |
| *Refrigerant gas n.o.s.* | See §§ 73.314 (c) table Note 13, 73.315(a) table Note 9. | | | |
| Refrigerating machines | See § 73.130, 73.306. | | | |



| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
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| *Removing compounds, paint, varnish, lacquer, etc. *See* *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid. | | | | |
| *Resin solution (*resin compound, liquid*). | F.L | 73.118, 73.119 | Red | 55 gallons. |
| Resinate of cobalt, precipitated. *See* Cobalt resinate, precipitated. | | | | |
| Rifle grenades | Expl. A | No exemption, 73.56 | | Not accepted. |
| *Rifle powder. See* Propellant explosives, class A, Propellant explosives, class B, or Black powder. | | | | |
| *Road asphalt or tar, liquid | F. L | 73.118, 73.131 | Red | 10 gallons. |
| *Rocket fireworks. See* Common fireworks. | | | | |
| Rocket ammunition with empty projectiles. | Expl. B | No exemption, 73.90 | | Not accepted. |
| Rocket ammunition with explosive projectiles. | Expl. A | No exemption, 73.57 | | Do. |
| Rocket ammunition with illuminating projectiles. | Expl. A | No exemption, 73.57 | | Do. |
| Rocket ammunition with gas projectiles. | Expl. A | No exemption, 73.57 | | Do. |
| Rocket ammunition with incendiary projectiles. | Expl. A | No exemption, 73.57 | | Do. |
| Rocket ammunition with inert-loaded projectiles. | Expl. B | No exemption, 73.90 | | Do. |
| Rocket ammunition with smoke projectiles. | Expl. A | No exemption, 73.57 | | Do. |
| Rocket ammunition with solid projectiles. | Expl. B | No exemption, 73.90 | | Do. |
| Rocket ammunition without projectiles. | Expl. B | No exemption, 73.90 | | Do. |
| *Rocket bodies, with electric primers or electric squibs.* | See § 73.55 | | | |
| Rocket heads. *See* Explosive projectiles. | | | | |
| *Roman candles. See* Common fireworks. | | | | |
| *Rough ammoniate tankages | F.S | No exemption, 73.210 | Yellow | Do. |
| *Rubber cement. *See* *Cement, rubber. | | | | |
| *Rubber scrap or rubber buffings | F. S | 73.153, 73.201 | do | 10 pounds. |
| *Rubber shoddy, regenerated rubber, or reclaimed rubber. | F. S | 73.153, 73.201 | do | Do. |
| *Rum, denatured | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Safety fuse | See § 73.100 (o). | | | |
| Safety squibs | Expl. C | No exemption, 73.108 | | 150 pounds. |
| Saltpeter. *See* Potassium nitrate. | | | | |
| Saltpeter, Chile. *See* Sodium nitrate. | | | | |
| *Salutes. See* Common fireworks and Special fireworks. | | | | |
| *Samples of explosives* | See § 73.86 | | | |
| *Samples, New explosives* | See § 73.86 | | | |
| *Samples of explosives and explosive articles.* | See § 73.86 | | | |
| *Scheele's green. See* Copper arsenite. | | | | |
| *Self-lighting cigarettes* | See § 73.21(d) | | | |
| *Self-propelled vehicles* | See §§ 73.120, 73.257, 73.306. | | | |
| *Shaped charges, commercial. See* High explosives. | See § 73.55 (b) | | | |
| *Shellac. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| Shellac, liquid | F. L | 73.118, 73.128 | Red | 55 gallons. |
| *Shells, fireworks. See* Common fireworks or Special fireworks. | | | | |
| Ship distress signals. *See* Special fireworks. | | | | |
| Signal flares | Expl. C | No exemption, 73.108 | | 200 pounds. |
| Silicon chloride (*tetrachloride*) | Cor. L | 73.244, 73.247 | White | 1 gallon. |
| Silicon tetrafluoride | Nonf. G | 73.306, 73.302 | Green | 300 pounds. |
| Silver cyanide | See § 73.370 | | | |
| Silver nitrate | Oxy. M | 73.153, 73.182 | Yellow | 100 pounds. |
| *Sludge acid | Cor. L | No exemption, 73.248 | White | 1 quart. |
| Small-arms ammunition | Expl. C | No exemption, 73.101 | | 150 pounds. |
| Small-arms ammunition, tear gas cartridges. | Expl. C | No exemption, 73.101 | Tear gas | Do. |
| Small-arms primers | Expl. C | No exemption, 73.107 | | Do. |
| *Smoke generators. See Chemical ammunition, class B or C.* | | | | |
| Smoke candles | Expl. C | No exemption, 73.108 | | 200 pounds. |
| Smoke grenades | Expl. C | No exemption, 73.108 | | Do. |
| *Smokeless powder for cannon or small arms. See* Propellant explosives, class A, or propellant explosives, class B. | | | | |
| Smokeless powder for small arms (100 pounds or less). | See § 73.88(f), §73.197a. | | | |
| Smoke pots | Expl. C | No exemption, 73.108 | | Do |
| *Smoke projectiles with bursting charges. See* Explosive projectile. | | | | |
| *Smoke projectiles with expelling charge but without bursting charge. See* Special fireworks. | | | | |
| Smoke signals | Expl. C | No exemption, 73.108 | | Do. |
| Soda amatol. *See* High explosives. | | | | |
| Sodium aluminate, liquid | Cor. L | 73.244, 73.249 | White | 10 gallons. |
| Sodium aluminum hydride | F. S | No exemption, 73.206 | Yellow | 25 pounds. |
| Sodium amide | F. S | No exemption, 73.205 | Yellow | Do. |
| Sodium azide | Pois. B | 73.364, 73.375 | Poison | 100 pounds. |
| Soda, caustic solution. *See* Caustic soda, liquid. | | | | |
| Sodium arsenate, solid | Pois. B | 73.364, 73.365, 73.368 | do | 200 pounds. |
| Sodium arsenite (solution), liquid | Pois. B | 73.345, 73.346 | do | 55 gallons. |
| Sodium bromate | Oxy. M | 73.153, 73.154 | Yellow | 100 pounds. |
| Sodium cacodylate, solid (*sodium dimethyl arsenate*). | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Sodium chlorate (*soda chlorate*) | Oxy. M | 73.153, 73.163 | Yellow | 100 pounds. |
| Sodium chlorite | Oxy. M | No exemption, 73.160 | do | Do. |
| Sodium chlorite solution (not exceeding 40 percent sodium chlorite). | Cor. L | 73.244, 73.263 | White | 4 gallons. |
| Sodium cyanide. *See* Cyanide of sodium. | | | | |
| Sodium hydride | F. S | No exemption, 73.198 | Yellow | 25 pounds. |
| Sodium hydrosulfite | F. S | 73.153, 73.204 | do | 100 pounds. |
| Sodium hydroxide solution. *See* Caustic soda, liquid. | | | | |
| Sodium, metallic | F. S | No exemption, 73.206 | do | 25 pounds. |
| Sodium, metallic, dispersion in organic solvent. | F. S | No exemption, 73.200 | do | 10 pounds. |
| Sodium, metallic liquid alloy | F. S | No exemption, 73.202 | do | 1 pound. |
| Sodium methylate, dry | F. S | 73.153, 73.154 | do | 100 pounds. |
| *Sodium methylate, alcohol mixture. | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Sodium nitrate | Oxy. M | 73.153, 73.182 | Yellow | 100 pounds. |
| Sodium nitrite | Oxy. M | 73.153, 73.154, 73.234 | do | Do. |
| Sodium nitrite mixed (fused) with potassium nitrate. | Oxy. M | 73.153, 73.183 | do | Do. |
| Sodium nitrite mixtures (*sodium nitrate, sodium nitrite, and potassium nitrate*). | Oxy. M | 73.153, 73.234 | do | Do. |
| Sodium permanganate | Oxy. M | 73.153, 73.154 | do | Do. |
| Sodium peroxide | Oxy. M | No exemption, 73.187 | do | Do. |
| Sodium picramate wet with 20 percent of water. | F. S | No exemption, 73.205 | do | 25 pounds. |
| Sodium potassium alloys | F. S | No exemption, 73.206 | do | Do. |
| *Sodium sulfide | F. S | 73.153, 73.207 | do | 300 pounds. |
| *Solvents, n. o. s | F. L | 73.118, 73.119 | Red | 15 gallons. |
| *Sparklers. See* Common fireworks. | | | | |
| Special fireworks | Expl. B | No exemption, 73.88 (d), 73.91. | Special Fireworks## | 200 pounds. |
| Spent iron mass. *See* Iron mass, spent. | | | | |
| Spent iron sponge. *See* Iron sponge, spent. | | | | |
| Spent mixed acid | Cor. L | No exemption, 73.248 | White | 1 quart. |
| Spent oxide | F. S | No exemption, 73.174 | Yellow | Not accepted. |

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| Spent sulfuric acid | Cor. L | No exemption, 73.248 | White | 1 quart. |
| Spirits of nitroglycerin | F.L | No exemption, 73.133 | Red | 6 quarts. |
| Spirits of nitroglycerin *not exceeding 1 percent nitroglycerin by weight.* | F.L | 73.118, 73.133 | do | Do. |
| *Sporting powder.* *See* Black powder or Propellant explosives, class B explosives. | | | | |
| *Spray starting fluid.* *See* Engine starting fluid. | | | | |
| *Spreader cartridges.* *See* Special fire works. | | | | |
| *Squibs, electric or safety.* *See* Electric squibs or Safety squibs. | | | | |
| *Stain. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | Expl. B | No exemption, 73.92 | do | 200 pounds. |
| Starter cartridges, jet engine, class B explosives. | | | | |
| Starter cartridges, jet engine, class C explosives. | Expl. C | No exemption, 73.102 | | 180 pounds. |
| Storage batteries, wet. *See* Batteries, electric storage, wet. | | | | |
| *Stores, ship or vessels* | See § 71.9 | | | |
| *Stove polish. *See* *Polishes, metal, stove, furniture and wood, liquid. | | | | |
| Strike-anywhere matches. *See* Matches, strike-anywhere. | | | | |
| Strike-on-box matches. *See* Matches, strike-on-box. | | | | |
| Strontium arsenite, solid | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Strontium chlorate | Oxy. M | 73.153, 73.163 | Yellow | 100 pounds. |
| Strontium chlorate, wet | Oxy. M | 73.153, 73.163 (a) (6) | do | 200 pounds. |
| Strontium nitrate | Oxy. M | 73.153, 73.182 | do | 100 pounds. |
| Strontium peroxide | Oxy. M | 73.153 (a), 73.154 | do | Do. |
| Strychnine and salts thereof, solid | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| *Styphnate of lead.* *See* Initiating explosive. | | | | |
| Succinic acid peroxide | Oxy. M | 73.153 (b), 73.157, 73.158 | Yellow | 25 pounds. |
| Sulfide of sodium. *See* Sodium sulfide. | | | | |
| Sulfide of potassium. *See* Potassium sulfide. | | | | |
| Sulfur chloride (*mono and di*) | Cor. L | No exemption, 73.247 | White | 1 gallon. |
| § Sulfur dioxide | Nonf. G | 73.306, 73.304, 73.314, 73.315 | Green | 300 pounds. |
| Sulfur hexafluoride | Nonf. G | 73.306, 73.304 | do | Do. |
| Sulfur trioxide, stabilized | Cor. L | 73.244, 73.273 | White | 1 gallon. |
| Sulfuric acid (*oil of vitriol*) | Cor. L | 73.244, 73.272 | do | 10 pints. |
| Sulfuric acid, *fuming (oleum)* (*Nordhausen*). *See* Sulfuric acid. | | | | |
| Sulfuryl chloride | Cor. L | 73.244, 73.247 | do | 1 quart. |
| Supplementary charges (explosive) | Expl. A | No exemption, 73.69 | | Not accepted. |
| Tankage. *See* Garbage tankage. | | | | |
| *Tankage fertilizers | F.S | No exemption, 73.209 | Yellow | Do. |
| *Tankages, rough ammoniate | F.S | No exemption, 73.210 | do | Do. |
| *Tank car, containing residual phosphorus and filled with water or inert gas.* | See § 73.232 | | | |
| Tank cars, empty (last contents poisons, class A) | See § 74.562 (d) and (e). | | | |
| *Tank cars, gas (*mu not contain gases that combine chemically*).* | See § 73.301(a) | | | |
| *Tank truck, empty* | See § 73.29 | | | |
| *Tanks, empty* | See § 73.29 | | | |
| *Tar, liquid | F. L | 73.118, 73.131 | Red | 10 gallons. |
| Tear gas candles | Pois. C | No exemption, 73.385 | Tear Gas | 75 pounds. |
| *Tear gas cartridges.* *See* Small-arms ammunition tear gas cartridges. | | | | |
| Tear gas grenades | Pois. C | No exemption, 73.385 | do | Do. |
| Tear gas material, liquid or solid, n.o.s. | Pois. C | No-exemption, 73.382 | do | Do. |
| *Tertiary alcohol. *See* Alcohol, n.o.s. | | | | |
| Tertiary butylisopropyl benzene hydroperoxide. | Oxy. M | 73.153 (b), 73.224 | Yellow | 1 quart. |

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
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| Tetrasthyl dithio pyrophosphate and compressed gas mixture. | Pois. A | No exemption, 73.334 | Poison Gas | Not accepted. |
| Tetrasthyl dithio pyrophosphate, liquid. | Pois. B | No exemption, 73.358 | Poison | 1 quart. |
| Tetrasthyl dithio pyrophosphate, mixture, dry. | Pois. B | 73.377 | do | 200 pounds. |
| Tetrasthyl dithio pyrophosphate, mixture, liquid. | Pois. B | 73.359 | do | 1 quart. |
| Tetrasthyl pyrophosphate, liquid | Pois. B | No exemption, 73.358 | do | Do. |
| Tetrasthyl pyrophosphate, mixture, dry. | Pois. B | 73.377 | do | 200 pounds. |
| Tetrasthyl pyrophosphate, mixture, liquid. | Pois. B | 73.359 | do | 1 quart. |
| Tetrasthyl lead, liquid | Pois. B | No exemption, 73.354 | do | 55 gallons. |
| Tetrasthyl pyrophosphate and compressed gas mixture. | Pois. A | No exemption, 73.334 | Poison Gas | Not accepted. |
| Tetrafluoroethylene, inhibited | F. G | 73.306, 73.304 | Red Gas | 300 pounds. |
| Tetranitromethane | Oxy. M | No exemption, 73.203 | Yellow | 25 pounds. |
| *Tetrazene (guanyl nitrosamino guanyl tetrazene).* *See* Initiating explosive. | | | | |
| *Tetryl.* *See* High explosives. | | | | |
| Textile waste, wet | F. S | No exemption, 73.211 | do | Not accepted. |
| *Thallium salts, solid | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Thallium sulfate, solid | Pois. B | 73.364, 73.365 | do | Do. |
| *Thinning compounds, paint, varnish, lacquer, etc. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| *Thiocarbonyl-chloride.* *See* Thiophosgene. | | | | |
| Thionyl chloride | Cor. L | No exemption, 73.247 | White | 1 gallon. |
| Thiophosgene (*thiocarbonyl-chloride*). | Pois. B | No exemption, 73.356 | Poison | Do. |
| Thiophosphoryl chloride | Cor. L | No exemption, 73.271 | White | 1 quart. |
| Thorium metal, powdered | F. S | 73.226 | Yellow | 25 pounds. |
| Time fuses | Expl. C | No exemption, 73.105 | | 150 pounds. |
| Tin tetrachloride, anhydrous | Cor. L | 73.244, 73.247 | White | 1 quart. |
| Titanium metal powder, dry | F. S | No exemption, 73.208 | Yellow | 75 pounds. |
| Titanium metal powder, wet, with not less than 20 percent water. | F. S | No exemption, 73.208 | do | 150 pounds. |
| Titanium sulfate solution containing not more than 45 percent sulfuric acid. | Cor. L | 73.244, 73.297 | White | 1 gallon. |
| Titanium tetrachloride | Cor. L | 73.244, 73.247 | do | 10 gallons. |
| Toluol (*toluene*) | F. L | 73.118, 73.119 | Red | Do. |
| *Torches.* *See* Common fireworks. | | | | |
| *Torpedoes, cap.* *See* Special fireworks. | | | | |
| *Torpedoes, empty* | See § 73.55 | | | |
| *Torpedoes, explosive.* *See* Explosive torpedoes. | | | | |
| *Torpedoes, railway or track.* *See* Railway torpedoes. | | | | |
| Toy caps | Expl. C | No exemption, 73.100 (p), 73.109. | | 150 pounds. |
| Toy propellant devices | Expl. C | No exemption 73.111 | | Do. |
| Toy smoke devices | Expl. C | No exemption, 73.111 | | Do. |
| *Toy torpedoes.* *See* Special fireworks. | | | | |
| Tracers | Expl. C | No exemption, 73.105 | | Do. |
| Tracer fuses | Expl. C | No exemption, 73.105 | | Do. |
| Tractors | See § 73.120 | | | |
| *Tractor or truck body with refrigerating or heating equipment on flat cars.* | See §§ 73.120(c), 73.306. | | | |
| Trick matches | Expl. C | No exemption, 73.111 | | Do. |
| Trick noise makers, explosive | Expl. C | No exemption, 73.111 | | Do. |
| Trichlorosilane | F. L | No exemption, 73.136 | Red | 10 gallons. |
| Triisobutyl aluminum | F. L | No exemption, 73.134 | do | 2 ounces. |
| Trimethylamine, anhydrous | F. G | 73.306, 73.304, 73.314, 73.315 | Red Gas | 300 pounds. |
| Trimethylamine, aqueous solution | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Trifluorochloroethylene | F. G | 73.306, 73.304, 73.314 | Red Gas | 300 pounds. |
| Trimethylchlorosilane | F. L | No exemption, 73.135 | Red | Do. |
| *Trinitrobenzene.* *See* High explosives. | | | | |



| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
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| Trinitrobenzene, wet (*not to exceed 10 ounces*). | F. S | 73.212 | | 16 ounces. |
| Trinitrobenzoic acid, dry. *See* High explosives. | | | | |
| Trinitrobenzoic acid, wet, not exceeding 16 ounces. | See § 73.192 | | | |
| Trinitrobenzoic acid, wet with not less than 10 percent water, in excess of 16 ounces but not exceeding 25 pounds. | F. S | No exemption, 73.193 | Yellow | 25 pounds. |
| *Trinitrobenzoic acid, wet, with not less than 10 percent water, over 25 pounds.* *See* High explosives. | | | | |
| *Trinitroresorcinol.* *See* High explosives. | | | | |
| *Trinitrotoluene.* *See* High explosives. | | | | |
| Trinitrotoluene, wet (*not to exceed 10 ounces*). | F. S | 73.212 | | 16 ounces. |
| Tris-(1-aziridinyl) phosphine oxide. | Cor. L | 73.244, 73.299a | White | 1 gallon. |
| *Turpentine substitutes | F. L | 73.118, 73.119 | Red | 16 ounces. |
| Uranium, normal or depleted, in solid metal form (*not borings, chips, or pieces*). | Pois. D | 73.392(f) | Radioactive material, Group 1, Red. | See § 73.391(b). |
| *Urea nitrate wet with not less than 10 percent of water, over 25 pounds.* *See* High explosives. | | | | |
| Urea nitrate wet *with not less than 10 percent of water, in excess of 16 ounces but not exceeding 25 pounds.* | F. S | No exemption, 73.193 | Yellow | 25 pounds. |
| *Urea nitrate, dry.* *See* High explosives. | | | | |
| Urea nitrate, wet, *with not less than 10 percent water, not exceeding 16 ounces.* | See § 73.192 | | | 16 ounces |
| *Urea peroxide | Oxy. M | 73.153 (b), 73.227 | Yellow | 25 pounds. |
| *Varnish. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| *Varnish driers. *See* *Paint driers, liquid. | | | | |
| *Varnish remover or reducer. *See* *Compounds, lacquer, paint, or varnish removing, reducing, or thinning, liquid. | | | | |
| *Varnish thinning compounds. *See* *Compounds, lacquer, paint, or varnish removing, reducing, or thinning, liquid. | | | | |
| Very signal cartridges | Expl. C | No exemption 73.106 | | 200 pounds. |
| Vinyl acetate | F.L | 73.118, 73.119 | Red | 10 gallons. |
| Vinyl chloride | F.G | 73.306, 73.304, 73.314, 73.315 | Red Gas | 300 pounds. |
| Vinyl fluoride, inhibited | F.G | 73.306, 73.304 | do | Do. |
| Vinylidene chloride, inhibited | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Vinyl methyl ether, inhibited | F. G | 73.306, 73.304, 73.314 | Red Gas | 20 pounds. |
| Vinyl trichlorosilane | F. L | No exemption, 73.135 | Red | 10 gallons. |
| War heads. *See* Explosive projectiles. | | | | |
| Waste paper, wet | F. S | No exemption, 73.186 | Yellow | Not accepted. |
| Waste textile, wet | F. S | No exemption, 73.211 | do | Do. |
| Waste wool, wet | F. S | No exemption, 73.213 | do | Do. |
| *Water treatment compound, liquid. | Cor. L | 73.244, 73.249 | White | 10 gallons. |
| *Weed killing compounds, liquid. *See* *Compounds, tree or weed killing, liquid. | | | | |
| Wet hair. *See* Hair, wet. | | | | |
| Wet nitrocellulose, colloided, granular or flakes—20 percent alcohol or solvent; or block—25 percent alcohol. | F.L | 73.118, 73.127 | Red | 25 pounds. |
| Wet nitrocellulose, colloided, granular or flake—20 percent water. | F. S | 73.153, 73.184 | Yellow | 100 pounds. |

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| Wet nitrocellulose flakes—20 percent alcohol or solvent. | F.L | 73.118, 73.127 | Red | 25 pounds. |
| Wet nitrocellulose—30 percent alcohol or solvent. | F. L | 73.118, 73.127 | do | Do. |
| Wet nitrocellulose—20 percent water. | F. S | 73.153, 73.184 | Yellow | 100 pounds. |
| Wet nitroguanidine—20 percent water. | F. S | 73.153, 73.184 | do | Do. |
| Wet nitrostarch—20 percent water | F. S | 73.153, 73.184 | do | Do. |
| Wet nitrostarch—30 percent alcohol or solvent. | F. L | 73.118, 73.127 | Red | 25 pounds. |
| Wet paper stock. *See* Paper stock, wet. | | | | |
| Wet rags. *See* Rags, wet. | | | | |
| Wet textile waste. *See* Waste textile, wet. | | | | |
| Wet waste paper. *See* Waste paper, wet. | | | | |
| Wet waste wool. *See* Waste wool, wet. | | | | |
| Wood alcohol (methanol, methyl alcohol). | F.L | 73.118, 73.125 | Red | 10 gallons. |
| *Wood filler. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| *Wood polish. *See* *Polishes, metal, stove, furniture and wood, liquid. | | | | |
| *Wood stain, liquid. *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc. | | | | |
| Wool waste, wet. *See* Waste wool, wet. | | | | |
| X-ray film (*nitrocellulose base*) | F. S | No exemption, 73.177 | Yellow | 200 pounds. |
| X-ray film (*slow-burning*) | See § 73.181 (a) (1). | | | |
| X-ray film scrap (*nitrocellulose base*), samples of. | F. S | No exemption, 73.196 | Yellow | 25 pounds. |
| X-ray film scrap (*nitrocellulose base*), other than samples. | F. S | No exemption, 73.195 | do | Not accepted. |
| X-ray film scrap (*slow-burning*) | See § 73.181 (a) (2). | | | |
| X-ray film, unexposed (*nitrocellulose base*). | F. S | 73.180 | Yellow# | 250 pounds. |
| *Xylol (*xylene*) | F. L | 73.118, 73.119 | Red | 10 gallons. |
| Xylyl bromide | Pois. C | No exemption, 73.382 | Tear Gas | 75 pounds. |
| Zinc ammonium nitrite | Oxy. M | No exemption, 73.228 | Yellow | 100 pounds. |
| Zinc arsenate | Pois. B | 73.364, 73.365 | Poison | 200 pounds. |
| Zinc arsenite, solid | Pois. B | 73.364, 73.365 | do | Do. |
| Zinc chlorate | Oxy. M | 73.153, 73.163 | Yellow | 100 pounds. |
| Zinc cyanide | See § 73.370 | | | |
| Zinc ethyl | F.L | No exemption, 73.134 | Red | 2 ounces. |
| Zinc nitrate. *See* Nitrates, n. o. s. | | | | |
| Zinc permanganate | Oxy. M | 73.153, 73.154 | Yellow | 100 pounds. |
| Zinc peroxide | Oxy. M | 73.153, 73.154 | do | Do. |
| Zirconium metal, dry, *mechanically produced, finer than 270 mesh particle size.* | F.S | No exemption, 73.214 | do | 75 pounds. |
| Zirconium metal, dry, *chemically produced, finer than 20 mesh particle size.* | F.S | No exemption, 73.214 | do | Do. |
| Zirconium metal, wet, *mechanically produced, finer than 270 mesh particle size.* | F.S | No exemption, 73.214 | do | 150 pounds. |
| Zirconium metal, wet, *chemically produced, finer than 20 mesh particle size.* | F.S | No exemption, 73.214 | do | Do. |
| Zirconium, metallic, solutions or mixture thereof, liquid. | F. L | No exemption, 73.140 | Red | 5 pounds. |
| Zirconium picramate, wet *with 20 percent of water.* | Oxy. M | No exemption, 73.216 | Yellow | 25 pounds. |
| Zirconium scrap (borings, clippings, shavings, sheets, or turnings). | F.S | 73.153, 73.220 | do | 100 pounds. |

## PART 73—SHIPPERS


Sec.
73.1 Purpose of the regulations in Parts 71–78 of this chapter.
73.2 Classification; dangerous articles.
73.3 Motor carrier regulations.
73.4 Water carrier regulations.
73.5 Shipments by rail express.
73.6 Shipments as baggage by rail.
73.7 United States Government shipments.
73.8 Canadian shipments.
73.9 Import and export shipments.
73.10 Inefficient containers.
73.11 Violations and accidents to be reported.

**Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water**

73.21 Prohibited packing.
73.22 Specification containers prescribed.
73.23 Closures for containers.
73.24 Design of containers.
73.25 Specification containers in outside containers.
73.26 Quantity limitations.
73.27 Rail express limitations.
73.28 Reused containers.
73.29 Empty containers.
73.30 Loading and placarding of cars by shippers and unloading of cars by consignees.
73.31 Qualification, maintenance, and use of tank cars.
73.32 Qualification, maintenance, and use of portable tanks.
73.33 Qualification, maintenance, and use of cargo tanks.
73.34 Qualification, maintenance, and use of cylinders.

**Subpart B—Explosives; Definitions and Preparation**

73.50 An explosive.
73.51 Forbidden explosives.
73.52 Acceptable explosives.

CLASS A EXPLOSIVES; DEFINITIONS

73.53 Definition of class A explosives.
73.54 Ammunition for cannon.
73.55 Ammunition, nonexplosive.
73.56 Ammunition, projectiles, grenades, bombs, mines, gas mines, and torpedoes.
73.57 Rocket ammunition.
73.58 Ammunition for small arms.
73.59 Chemical ammunition, explosive.
73.60 Black powder and low explosives.
73.61 High explosives.
73.62 High explosives, liquid.
73.63 High explosives with liquid explosive ingredient.
73.64 High explosives with no liquid explosive ingredient and propellant explosives, class A.
73.65 High explosives with no liquid explosive ingredient nor any chlorate.
73.66 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps.
73.67 Blasting caps with safety fuse and blasting caps with metal clad mild detonating fuse.
73.68 Detonating primers.
73.69 Detonating fuzes class A, with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges.
73.70 Diazodinitrophenol or lead mononitroresorcinate.
73.71 Fulminate of mercury.
73.72 Guanyl nitrosamino guanylidene hydrazine.
73.73 Lead azide.
73.74 Lead styphnate.
73.75 Nitro mannite.
73.76 Nitrosoguanidine.
73.77 Pentaerythrite tetranitrate.
73.78 Tetrazene.
73.79 Jet thrust units (jato), explosive, class A or igniters jet thrust (jato), explosive, class A.
73.80 Charged oil well jet perforating guns.
73.86 Samples of explosives and explosive articles.
73.87 Explosives in mixed packing.

CLASS B EXPLOSIVES; DEFINITIONS

73.88 Definition of class B explosives.
73.89 Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles, or without projectiles or shell.
73.90 Rocket ammunition with empty projectiles, inert-loaded or solid projectiles, or without projectiles.
73.91 Special fireworks.
73.92 Jet thrust units (jato), class B or igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.
73.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).
73.94 Explosive power devices, class B.

CLASS C EXPLOSIVES; DEFINITIONS

73.100 Definition of class C explosives.
73.101 Small-arms ammunition.
73.102 Explosive cable cutters, explosive power devices, class C, explosive release devices, or starter cartridges, jet engine, class C.
73.103 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps, not exceeding 1,000 caps.
73.104 Cordeau detonant fuse, mild detonating fuse, metal clad or flexible linear shaped charges, metal clad.
73.105 Percussion, tracer, combination, time fuzes and tracers.
73.106 Cartridge bags, empty, with black powder igniters, igniters, safety squibs, electric squibs, delay electric igniters, igniter fuse-metal clad, and fuse lighters or fuse igniters.
73.107 Primers, percussion caps, and empty grenades, primed.
73.108 Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke grenades, smoke pots, and Very signal cartridges.
73.109 Toy caps.
73.110 Charged oil well jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle.
73.111 Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive.
73.112 Oil well cartridges.
73.113 Detonating fuzes, class C explosives.
73.114 Actuating cartridges, explosive, fire extinguisher or valve.

**Subpart C—Flammable Liquids; Definition and Preparation**

73.115 Flammable liquids; definition.
73.116 Outage.
73.117 Closing and cushioning.
73.118 Exemptions for flammable liquids.
73.119 Flammable liquids not specifically provided for.
73.120 Automobiles, motorcycles, tractors, or other self-propelled vehicles.
73.121 Carbon bisulfide (disulfide).
73.122 Acrolein, inhibited.
73.123 Ethyl chloride.
73.124 Ethylene oxide.
73.125 Alcohol.
73.126 Nickel carbonyl.
73.127 Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; nitrocellulose flakes, colloided nitrocellulose, granular, flake, or block, and lacquer base or lacquer chips, wet.
73.128 Paints and related materials.
73.129 Polishes, metal, stove, furniture and wood, liquid.
73.130 Refrigerating machines.
73.131 Road asphalt, or tar, liquid.
73.132 Cement, liquid, n.o.s. container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement and coating solution.
73.133 Spirits of nitroglycerin.
73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methyl magnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof.
73.135 Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.
73.136 Methyl dichlorosilane and trichlorosilane.
73.137 Lithium aluminum hydride, ethereal.
73.138 Pentaborane.
73.139 Ethylene imine, inhibited, and propylene imine, inhibited.
73.140 Zirconium, metallic, solutions, or mixtures thereof, liquid.
73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.
73.143 Methylchloromethyl ether, anhydrous.
73.144 Inks.
73.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.
73.146 Heaters for refrigerator cars, liquid fuel type.
73.147 Methyl vinyl ketone, inhibited.
73.148 Monoethylamine.

**Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation**

73.150 Flammable solid; definition.
73.151 Oxidizing material; definition.
73.152 Packing.
73.153 Exemptions for flammable solids and oxidizing materials.
73.154 Flammable solids and oxidizing materials not specifically provided for.
73.155 Bags, nitrate of soda, empty and unwashed.
73.156 Barium peroxide and calcium peroxide.
73.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.
73.158 Benzoyl peroxide, dry, chlorobenzoyl peroxide (para), dry, cyclohexanone peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, or succinic acid peroxide, dry.
73.159 Burnt cotton.
73.160 Calcium chlorite and sodium chlorite.
73.161 Calcium phosphide.
73.162 Charcoal.
73.163 Chlorate of soda, chlorate of potash, and other chlorates.
73.164 Chromic acid.
73.165 Coal, ground bituminous, sea coal, coal facings.





Sec.
73.166 Cobalt resinate, precipitated, calcium resinate, and calcium resinate fused.
73.167 Cotton waste, oily.
73.168 Lithium amide, powdered.
73.169 Fiber, burnt.
73.170 Fibers or fabrics impregnated, saturated or coated.
73.171 Fish scrap or fish meal.
73.172 Hair, wet.
73.173 Aluminum dross or magnesium dross.
73.174 Iron sponge, spent oxide, spent iron mass, or spent iron sponge.
73.175 Lacquer base, or lacquer chips, dry.
73.176 Matches.
73.177 Motion-picture film and X-ray film.
73.178 Motion-picture film; old and worn out (not scrap).
73.179 Motion-picture film, toy.
73.180 Motion-picture film, and X-ray film, unexposed.
73.181 Motion-picture film; exemptions.
73.182 Nitrates.
73.183 Potassium nitrate mixed (fused) with sodium nitrite.
73.184 Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.
73.185 Paper stock, wet.
73.186 Paper waste, wet.
73.187 Peroxide of sodium.
73.188 Phosphoric anhydride.
73.189 Phosphorus, amorphous, red.
73.190 Phosphorus, white or yellow.
73.191 Phosphorus pentachloride.
73.192 Picrate of ammonia (ammonium picrate), picric acid, trinitrobenzoic acid, and urea nitrate wet.
73.193 Picric acid, trinitrobenzoic acid, or urea nitrate, wet.
73.194 Potassium permanganate.
73.195 Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film.
73.196 Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film, shipments by rail express.
73.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.
73.197a Smokeless powder for small arms.
73.198 Sodium hydride.
73.199 Rags, oily.
73.200 Rags, wet.
73.201 Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.
73.202 Sodium and potassium, metallic liquid alloy.
73.203 Tetranitromethane.
73.204 Sodium hydrosulfite.
73.205 Sodium picramate, wet.
73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.
73.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.
73.208 Titanium metal powder, wet or dry.
73.209 Tankages, garbage, and tankage fertilizers.
73.210 Tankages, rough ammoniate.
73.211 Textile waste, wet.
73.212 Trinitrobenzene and trinitrotoluene, wet.
73.213 Wool waste, wet.
73.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (See Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (See Note 1), finer than 20 mesh particle size.
73.216 Zirconium picramate, wet.
73.217 Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.
73.218 Isopropyl percarbonate, unstabilized.
73.219 Potassium perchlorate.
73.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalpings, and magnesium metallic (other than scrap), powdered pellets, turnings, or ribbon.
73.221 Liquid organic peroxides, n. o. s. and liquid organic peroxide solutions, n. o. s. other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.
73.222 Acetyl peroxide and acetyl benzoyl peroxide, solution.
73.223 Peracetic acid.
73.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramenthane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.
73.225 Phosphorus sesquisulfide.
73.226 Thorium metal, powdered.
73.227 Urea peroxide.
73.228 Zinc ammonium nitrite.
73.229 Chlorate and borate mixtures or chlorate and magnesium chloride mixutres.
73.230 Sodium, metallic, dispersion in organic solvent.
73.231 Calcium, metallic, crystalline.
73.232 Tank cars containing residual phosphorus.
73.233 Nickel catalyst, finely divided, activated or spent.
73.234 Sodium nitrate and sodium nitrate mixtures.
73.235 Ammonium bichromate (ammonium dichromate).
73.236 Decaborane.
73.237 Chlorine dioxide hydrate, frozen.
73.238 Aircraft rocket engines (commercial) and/or aircraft rocket engine igniters (commercial).
73.239 Barium azide—50 percent or more water wet.

**Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation**

73.240 Acids and other corrosive liquids; definition.
73.241 Outage.
73.242 Bottles containing acid or other corrosive liquids.
73.243 Closing and cushioning.
73.244 Exemptions for acids and other corrosive liquids.
73.245 Acids or other corrosive liquids not specifically provided for.
73.246 Antimony pentafluoride.
73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.
73.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.
73.249 Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline corrosive battery fluids, and sodium aluminate, liquid.
73.250 Automobiles or other self-propelled vehicles, engines or other mechanical apparatus.
73.251 Boron trichloride.
73.252 Bromine.
73.253 Chloracetyl chloride.
73.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.
73.255 Dimethyl sulfate.
73.256 Compounds, cleaning, liquid.
73.257 Electrolyte (acid) or corrosive battery fluid.
73.258 Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries.
73.259 Electrolyte, acid, or alkaline, corrosive battery fluid, packed with battery charger, radio current supply device, or electronic equipment and actuating devices.
73.260 Electric storage batteries, wet.
73.261 Fire-extinguisher charges.
73.262 Hydrobromic acid.
73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.
73.264 Hydrofluoric acid.
73.265 Hydrofluosilicic acid.
73.266 Hydrogen peroxide solution in water.
73.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).
73.268 Nitric acid.
73.269 Perchloric acid.
73.270 Phosphorus tribromide.
73.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.
73.272 Sulfuric acid.
73.273 Sulfur trioxide, stabilized.
73.274 Fluosulfonic acid.
73.275 Difluorophosphoric acid, anhydrous, monofluorophosphoric acid, anhydrous, hexafluorophosphoric acid, and mixtures thereof.
73.276 Anhydrous hydrazine and hydrazine solution.
73.277 Hypochlorite solutions.
73.278 Nitrohydrochloric acid.
73.279 Anisoyl chloride.
73.280 Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.
73.281 Benzyl bromide (bromotoluene, alpha).
73.282 Isopropyl percarbonate, stabilized.
73.283 Bromine trifluoride.
73.284 Bromine pentafluoride.
73.285 Chlorine trifluoride.
73.286 Chemical kits.
73.287 Chromic acid solution.
73.288 Allyl chloroformate, benzyl chloroformate, ethyl chloroformate, and methyl chloroformate.
73.289 Formic acid and formic acid solutions.
73.290 Mixtures of hydrofluoric and sulfuric acid.
73.291 Flame retardant compound, liquid.
73.292 Hexamethylene diamine solution.
73.293 Iodine monochloride.
73.294 Monochloroacetic acid, liquid.
73.295 Benzyl chloride.
73.296 Di iso octyl acid phosphate.

Sec.
73.297 Titanium sulfate solution containing not more than 45% sulfuric acid.
73.298 Memtetrahydro phthalic anhydride.
73.299 Etching acid liquid, n.o.s.
73.299a Tris-(1-aziridinyl) phosphine oxide.

Subpart F—Compressed Gases; Definition and Preparation

73.300 Definitions.
73.301 General requirements for shipment of compressed gases in cylinders.
73.302 Charging of cylinders with nonliquefied compressed gases.
73.303 Charging of cylinders with compressed gas in solution (acetylene).
73.304 Charging of cylinders with liquefied compressed gas.
73.305 Charging of cylinders with a mixture of compressed gas and other material.
73.306 Exemption from compliance with regulations for shipping compressed gas.
73.314 Requirements for compressed gases in tank cars.
73.315 Compressed gases in cargo tanks and portable tank containers.
73.316 Liquefied hydrogen.

Subpart G—Poisonous Articles; Definition and Preparation

73.325 Classes of poisonous articles.
73.326 Extremely dangerous poisons, class A, poison gas label; definition.
73.327 Packing.
73.328 Poisonous gases and liquids not specifically provided for.
73.329 Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.
73.330 Chemical ammunition.
73.331 Gas identification sets.
73.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.
73.333 Phosgene or diphosgene.
73.334 Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas.
73.335 Police grenades.
73.336 Nitrogen dioxide, liquid, nitrogen peroxide, liquid, and nitrogen tetroxide, liquid.
73.337 Nitric oxide.
73.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.
73.343 Less dangerous poisons, class B, liquid or solid, poison label; definition.
73.344 Packing for class B poisons, liquid.
73.345 Exemptions for poisonous liquids, class B.
73.346 Poisonous liquids not specifically provided for.
73.347 Aniline oil.
73.348 Arsenic acid.
73.349 Carbolic acid (phenol) liquid.
73.350 Chemical ammunition.
73.351 Hydrocyanic acid solutions.
73.352 Liquid sodium or potassium cyanide.
73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.
73.354 Motor fuel antiknock compound or tetraethyl lead.
73.355 Phenyldichlorarsine.
73.356 Thiophosgene.
73.357 Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.
73.358 Hexaethyl tetraphosphate methyl parathion, organic phosphate compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.
73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.
73.360 Perchloro-methyl-mercaptan.
73.361 Aldrin mixtures, liquid, with more than 60 percent aldrin.
73.362 4-Chloro-o-toluidine hydrochloride.
73.362a Dinitrophenol solutions.
73.363 Packing for class B poisons, solid.
73.364 Exemptions for poisonous solids, class B.
73.365 Poisonous solids not specifically provided for.
73.366 Arsenic (arsenic trioxide) or arsenic acid (solid).
73.367 Arsenical compounds, n.o.s., arsenate of lead, calcium arsenate, Paris green, and arsenical mixtures.
73.368 Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-products dusts, also arsenic trioxide, calcium arsenate, and sodium arsenate.
73.369 Carbolic acid (phenol), not liquid.
73.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.
73.371 Dinitrobenzol.
73.372 Mercury bichloride (mercuric chloride).
73.373 Ortho-nitroaniline and paranitraniline.
73.374 Nitrochlorbenzene, meta or para.
73.375 Sodium azide.
73.376 Aldrin mixtures, dry, with more than 65 percent aldrin.
73.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.
73.378 Beryllium metal powder.
73.379 Cyanogen bromide.
73.381 Tear gas or irritating substances, class C, Tear Gas Label, definition.
73.382 Tear gas or irritating substances, class C, not specifically provided for.
73.383 Chemical ammunition.
73.384 Monochloracetone, stabilized.
73.385 Tear gas grenades, tear gas candles, or similar devices.
73.391 Radioactive materials, class D Poison, definition.
73.392 Exemptions for radioactive materials.
73.393 Packing and shielding.
73.394 Radioactive materials labels.
73.395 Cleaning cars and vehicles.
73.396 Radioactive materials, handling.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

73.400 Explosives.
73.401 Dangerous articles.
73.402 Labeling dangerous articles.
73.403 Labels for mixed packing.
73.404 Labels.
73.405 Flammable liquids label.
73.406 Flammable solids and oxidizing materials label.
73.407 Acids, corrosive liquids, and alkaline caustic liquids labels.
73.408 Compressed gas labels.
73.409 Poisonous articles and tear gas labels.
73.410 Special fireworks label.
73.411 Explosives samples for laboratory examination label.
73.412 Explosives, class B, label for express shipment.
73.413 Empty container label.
73.414 Radioactive materials labels.

Subpart I—Shipping Instructions

73.425 "Order-Notify", "C. O. D.", and "Stop-off" shipments.
73.426 Cars containing lading which has been fumigated or treated with flammable liquids, flammable gases, poisonous liquids or solids, or poisonous gases.
73.427 Shipping order and bill of lading description.
73.428 Label or placard notation.
73.429 Receipts; rail express shipments.
73.430 Certificate.
73.431 Switching ticket.
73.432 Tank car shipments.

AUTHORITY: The provisions of this Part 73 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

[The regulations in Parts 71–78 of this chapter are applicable to every common and contract carrier by motor vehicle and every private carrier of property by motor vehicle subject to the regulatory provisions of Sections 831–835, 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 831–835.

[Private carriers of property by motor vehicle subject to Parts 71–78 of this chapter are prohibited from transporting any explosive or other dangerous article unless the article is properly described by name in papera required by Parts 71–78 of this chapter to accompany every shipment of such article; and every such article must be packed and marked and in proper condition for transportation according to the regulations in Parts 71–78 of this chapter.]

NOTE 1: Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers of property in interstate or foreign commerce:

All regulations heretofore applying to common or contract carriers by motor vehicle shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified in this note.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see however, § 77.856 of this chapter.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for by this part, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815 of this chapter, labels, and § 77.819 of this chapter, certification of packages, of these regulations, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

### § 73.1 Purpose of the regulations in Parts 71–78 of this chapter.

(a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles by common carriers engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for transportation purposes, to state the precautions that must be observed by the shipper in preparing them for shipment by rail freight, rail express, rail baggage, highway, or by carrier by water. It is the duty of each such shipper to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

(b) Explosives and other dangerous articles may be offered to carriers for transportation provided the articles are in proper condition for transportation, are as defined, and are packed, marked, labeled, described, certified, and otherwise as provided for in Parts 71–78 of this chapter for acceptable articles for transportation by rail freight, rail express, rail baggage, highway, or water. Articles must be loaded and stayed according to regulations in Parts 71–78 of this chapter applying to carriers by rail. Methods of manufacture, packing, and storage, insofar as they affect safety in transportation, must be open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives. Shipments that do not comply with the regulations in Parts 71–78 of this chapter must not be offered for transportation.

### § 73.2 Classification; dangerous articles.

(a) Dangerous articles other than explosives having more than one hazardous characteristic, as defined by the regulations in Parts 71–78 of this chapter must be classified according to the greatest hazard present, except those articles which are also poisons, class A or class D, which must be classified according to both dangerous characteristics as defined in this part.

### § 73.3 Motor carrier regulations.

(a) The packing required for shipments to be offered for transportation by motor carrier is as specified in this part.

### § 73.4 Water carrier regulations.

(a) The packing required for shipments to be offered to common carriers by water is as specified in this part.

### § 73.5 Shipments by rail express.

(a) The packing required for shipments to be forwarded by rail express will be, unless otherwise indicated, as prescribed for shipments by rail freight, provided the quantity limitations in one outside container, as shown in § 72.5 of this chapter, are observed.

### § 73.6 Shipments as baggage by rail.

(a) For shipments of explosives and other dangerous articles acceptable as baggage by rail carriers see Part 76 of this chapter, Regulations Applying to Rail Carriers in Baggage Service.

### § 73.7 United States Government shipments.

(a) Shipments of explosives or other dangerous articles offered by or consigned to the Departments of the Army, Navy, and Air Force of the United States Government, must be packed, including limitations of weight, in accordance with the regulations in this part or in containers of equal or greater strength and efficiency as required by their regulations.

(b) Shipments of radioactive materials, made by the Atomic Energy Commission, or under its direction or supervision, which are escorted by personnel specially designated by the Atomic Energy Commission, are exempt from the regulations in Parts 71–78 of this chapter.

### § 73.8 Canadian shipments.

(a) Explosives and other dangerous articles, as defined in Parts 71–78 of this chapter which are packed, marked, labeled, and loaded, in conformity with the regulations of the Board of Transport Commissioners for Canada, may be transported from point of entry in the United States to their destination in the United States or through the United States en route to a point in Canada.

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide or when charged with nitrogen not in excess of 2,000 pounds per square inch, and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76258 dated Mar. 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

(b) Specification containers made and maintained in full compliance with corresponding specifications prescribed by the Board of Transport Commissioners for Canada in its Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, and Specifications for Shipping Containers, and marked in accordance therewith, BTC, CRC, etc., may be used for shipment of explosives and other dangerous articles offered for transportation by carriers by rail freight, rail express, highway, or water.

### § 73.9 Import and export shipments.

(a) Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by rail freight, rail express, motor vehicle, or water must comply with all requirements of the regulations in Parts 71–78 of this chapter. Except for shipments from Canada conforming with § 73.8, the importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed in Parts 71–78 of this chapter, and the forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping papers as prescribed in this part. Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

(b) Shipments of explosives and other dangerous articles offered for transportation by common carrier by water from the United States, its insular possessions, or dependencies, destined to such insular possessions or territory, dependencies, or to a foreign country, must be packed, marked, labeled and described in accordance with the rules and regulations in force at destination ports or as prescribed in Parts 71–78 of this chapter.

(c) Outside shipping containers for export shipments offered for transportation by carriers subject to Parts 71–78 of this chapter may have specification markings prescribed for containers plainly and legibly shown on labels or tags securely fastened thereto in lieu of marking requirements as prescribed for containers by Part 78 of this chapter.

### § 73.10 Inefficient containers.

(a) The results of experience gained by examination of broken or leaking containers must be recorded by the Bureau of Explosives to the end that further use of any particular kind of container shown by experience to be inefficient, may be prohibited by the Commission.

### § 73.11 Violations and accidents to be reported.

(a) Consignees must report promptly to the Bureau of Explosives all instances of improper staying and broken, leaking, or defective containers of explosives or other dangerous articles in shipments received by them.

(b) The Bureau of Explosives, upon receipt of reports from consignees, should promptly report to the shipper full particulars covering all such cases.

## Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

### § 73.21 Prohibited packing.

(a) The offering of packages of dangerous articles in outside packages containing in the same compartment interior packages, the mixture of contents of which would be liable to cause a dangerous evolution of heat or gas or produce corrosive materials, is prohibited for transportation by common, contract, and private carriers by rail freight, rail express, highway, or water, except as specified in §§ 73.152(a), 73.242 (a), (b) and 73.301(a).

(b) The offering for transportation of any package or container of any liquid, solid or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) or decompose so as to cause dangerous evolution of heat or gas is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited. Refrigeration may be used as a means of stabilization only when approved by the Bureau of Explosives.

(c) The offering for transportation of any package or container of any material which will cause a dangerous evolution of heat or gas under conditions normally incident to transportation is forbidden.

(d) The offering for transportation of any package containing a cigarette lighter charged with fuel and equipped with an ignition element, or any similar heating, lighting, or ignition device, or any self-lighting cigarette, is forbidden unless the design and method of packaging insofar as they affect safety in transportation have been approved by the Bureau of Explosives.

**§ 73.22 Specification containers prescribed.**

(a) Shipping containers, unless otherwise provided in this part (see § 73.9 (c)), used hereafter in shipping explosives or other dangerous articles, must have been made, assembled with all parts or fittings in their proper place, and marked in compliance with specifications prescribed in Part 78 of this chapter or with specifications of the Commission in effect at date of manufacture of container.

(1) Because of the present emergency and until further order of the Commission, containers approved for emergency or experimental shipments may be authorized in the discretion of, and upon special permit to be issued by the Director or Acting Director, Bureau of Safety and Service, Washington, D. C.

(b) Containers that do not comply with the specifications must not be marked to indicate such compliance.

(c) Containers not specified in this part, made before the effective date of the regulations in Parts 71–78 of this chapter and authorized for use under the regulations effective October 1, 1930, which may be continued in use, are as follows:

| When these regulations call for specification numbers— | These specification containers may also be used— | |
|---|---|---|
| 1A | 1 | Boxed carboy, glass or earthenware. |
| 1B | 1 | Boxed carboy, lead. |
| 1C | 1 | Carboy in keg, glass or earthenware. |
| 3A | 3, 25, 26 | Cylinder. |
| 3AA | 3, 25, 26 | Do. |
| 3B | 26 | Do. |
| 3C | 7 | Do. |
| 3D | 33 | Do. |
| 3E | 3 | Do |
| 4A | 26 | Do. |
| 4B | 26, 38 | Do. |
| 4BA | 26, 38 | Do. |
| 4C | 7 | Do. |
| 6B | 20A | Metal drum. |

(d) Where the regulations require spec. 22C or 15P wooden or plywood boxes or drums, spec. 1F or 1G, polyethylene carboys in wooden or plywood boxes or drums, respectively, may be continued in use for the commodities and gross weights for which they were previously authorized until further order of the Commission.

(e) Spec. 5G metal drums manufactured prior to May 12, 1954, may be continued in service until further order of the Commission.

(f) Where the regulations require spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) metal drums, spec. 37D, 37E, 37F, 37G, and 37H metal drums manufactured prior to August 30, 1955, may be continued in use for commodities and gross weights for which they were previously authorized until further order of the Commission.

(g) Spec. 2S (§ 78.35 of this chapter) polyethylene drums manufactured prior to July 19, 1959 may be continued in service provided they are in satisfactory condition for service or until further order of the Commission.

(h) Aluminum drums complying with Spec. 42G, manufactured prior to February 28, 1960, may be continued in service, provided they are plainly marked ICC–42G, are embossed with maker's name or symbol, gauge of metal, capacity, year of manufacture, and are capable of withstanding the leakage test prescribed by § 78.111–11 of this chapter.

(i) Where the regulations require spec. 21C (§ 78.224 of this chapter) fiber drums, spec. 21A or 21B fiber drums manufactured prior to June 27, 1962, may be used for commodities and gross weights for which they were previously authorized until further order of the Commission.

(j) Specs. 42B and 42D (§§ 78.107 and 78.109 of this chapter) aluminum drums having rolling hoops attached to drums by tack-welding and manufactured prior to February 28, 1960, may be continued in service until further order of the Commission.

(k) Where the regulations require spec. 6D or 37M (§ 78.102 or 78.134 of this chapter) cylindrical steel overpacks, spec. 5B, 6J or 37A (single-trip container) (§ 78.82, 78.100 or 78.131 of this chapter) metal drums manufactured prior to March 18, 1964, having inside spec. 2S, 2SL, 2T or 2TL polyethylene container, may be continued in use for the commodities and gross weights for which they were previously authorized until further order of the Commission.

**§ 73.23 Closures for containers.**

(a) Outside containers must be closed for shipment as prescribed in the specifications for the container unless otherwise authorized for the particular article being shipped and in addition, closures of inside containers must be secured in a manner that will prevent leakage of contents under conditions of normal transportation. Gasketed closures must be fitted with gaskets of efficient material which will not be deteriorated by the contents of the container.

**§ 73.24 Design of containers.**

(a) In addition to standing the tests prescribed, the design and construction of inside and outside containers must be such as to prevent the occurrence in individual packages of defects that permit leakage of their contents under ordinary conditions incident to transportation.

(b) Articles for which detailed specifications for packing are not given in this part must be securely packed in containers strong enough to stand, without rupture or leakage of contents, all shocks ordinarily incident to handling during transit.

**§ 73.25 Specification containers in outside containers.**

(a) Outside specification shipping containers containing no acids or corrosive liquids may be shipped when tightly packed in strong outside fiberboard boxes or drums, wooden boxes, barrels or crates, metal barrels or drums, or other enclosures. The outside shipping container must be marked with the prescribed name of contents and labeled as required. Packages required by the regulations in this part to be marked "This Side Up" or "This End Up" must be packed in the outside package with their filling holes up, and the outside package must be marked "THIS SIDE UP" or "THIS END UP". The outside container must also be marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED SPECIFICATIONS" unless the specification markings on the inside packages are visible through openings in the outside package.

(b) Outside specification shipping containers containing acids or other corrosive liquids, except nitric acid, perchloric acid, or hydrogen peroxide solution containing over 52 percent hydrogen peroxide by weight, may be shipped when tightly packed in strong outside fiberboard or wooden boxes, or in wooden crates, provided such outside container shall not contain any other article except under the following conditions:

(1) As provided in §§ 73.242, 73.257, 73.258, 73.259, 73.260, 73.261, and 73.286.

(2) Electrolyte acid or alkaline corrosive battery fluid in packages prescribed in §§ 73.257 and 73.258 may be included in outside shipping containers with dry charged storage batteries when packed to prevent movement within the outside containers.

(3) The outside container shall be marked with the prescribed name of contents and labeled as required and shall be marked "This Side Up" or "This End Up." The outside container must also be marked "Inside Packages Comply With Prescribed Specifications" unless the specification markings on the inside packages are visible through openings in the outside package.

**§ 73.26 Quantity limitations.**

(a) When quantity limitations are specified in Parts 71–78 of this chapter by United States liquid measure or by avoirdupois weight it is authorized that quantities measured by the metric system may be substituted, up to but not exceeding 1 gallon for liquids and 10 pounds for solids, on the basis of 1 liter per quart specified and 500 grams per pound specified.

(b) When quantity limitations do not appear in the packing requirements, the permitted gross weight or capacity authorized for a container to be offered for transportation by carrier by rail freight, rail express, highway, or water is shown in the container specification. (See also § 73.27.)

**§ 73.27 Rail express limitations.**

(a) Dangerous articles other than explosives, except such as are not accepted for transportation, and except where special packing is prescribed in this part for rail express shipments, must, when offered for shipment by rail express, be packed, marked and labeled in compliance with this part.

(b) The maximum quantity of any explosive or other dangerous article that may be offered for transportation by rail express in one outside container must not exceed that as shown in § 72.5 of this chapter.

(c) When several dangerous articles are placed in one outside package without violating the regulations, the combined quantity of any one group must not exceed the lowest limit prescribed for any one of the articles of that group that is included.

**§ 73.28 Reused containers.**

(a) Containers used more than once (refilled and reshipped after having been previously emptied) must be in such condition, including closing devices and cushioning materials, that they will protect their contents during transit as efficiently as new containers. Repairs must be made in an efficient manner in accordance with requirements for materials and construction as prescribed in Part 78 of this chapter for new containers and parts that are weak, broken, or otherwise deteriorated must be replaced (see paragraphs (e), (f), (g), (h), and (i) of this section for containers that cannot be reused).

(1) Retest of carboy packages must have been made by or for shippers, or their authorized agents, as required by applicable provisions of the specifications in Part 78 of this chapter before carboys which are to be offered for transportation are filled.

NOTE 1: Tests not required by shipper who fills and ships or who reships filled carboys for one shipment only carboy packages which have been properly tested by another shipper or a duly authorized agency.

(b) Markings applied as prescribed by the specifications must be maintained in a legible condition.

(c) If, on account of painting or any other reason, the markings as prescribed for any container cannot be kept plain and legible, a metal plate, brazed or soldered, or otherwise securely fastened to the container, with a reproduction of the prescribed markings plainly stamped thereon, will be permitted.

(d) Containers previously used for the shipment of any explosive or other dangerous article must have the old markings, including name of contents, addresses, and labels, if any, thoroughly removed or obliterated before being used for the shipment of other articles.

(e) Boxes previously used for high explosives containing a liquid explosive ingredient not contained in an inside metal container must not be again used for shipments of any character.

(f) Boxes that have been contaminated by liquid explosive compositions must not again be used for shipments of any character.

(g) Kegs previously used for any chlorate must not be again used for shipments of any character.

(g) Metal kegs previously used for black powder not contained in an interior package must not be again used for shipment of any explosive.

NOTE 1: Because of the present emergency and until further order of the Commission, metal kegs, previously used for the shipment of black powder not contained in an interior package, may be used provided the kegs are in good physical condition and are not liable to permit escape of contents during transportation. Empty kegs previously used for shipment of black powder must be entirely free of black powder on the inside and outside before being offered for transportation.

(h) Single-trip containers made under specifications prescribed in Part 78 of this chapter, from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, or poisons, class B, C, or D, as defined in this part: *Provided*, That during the present emergency and until further order of the Commission, single-trip containers may be reused if retested in accordance with methods approved by the Bureau of Explosives before each reuse and approved for service for specific commodities or classes of commodities. Applications for permission for reuse should be made to the Bureau of Explosives, 63 Vesey Street, New York 7, New York.

(i) Containers which are designated as nonreusable containers, marked NRC, and made under specifications prescribed in Part 78 of this chapter, from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, or poisons, class B or C, as defined in this part.

(j) Cylinders or other containers which are designated as nonrefillable or for single-trip use under the specifications prescribed in Part 78 of this chapter, and from which contents have once been removed following use for the shipment of any article, must not be again used as shipping containers for compressed gases.

(k) Containers used for shipments of etching acid liquid, n.o.s. must not be reused for shipment of any commodity.

**§ 73.29 Empty containers.**

(a) Empty cylinders, barrels, kegs, drums, or other containers except carboys (see paragraph (c) of this section) previously used for the shipment of any explosive or other dangerous article, as defined in this part, if authorized for reuse must have all openings including removable heads, filling and vent holes, tightly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

(b) They may be loaded in open or stock cars when desired. Cars should not be placarded but lighted open-flame lanterns or other open-flame lights should be kept away.

(c) Carboys previously used for the shipment of corrosive liquids when offered to carriers for transportation as "empty" carboys, must have been thoroughly (completely) drained. Whenever practicable they should not be loaded with valuable or perishable freight.

(d) Empty bottles other than carboys previously used for the shipment of acids or other corrosive liquids must be securely stoppered.

(e) All containers and accessories which have been used for shipments of radioactive materials when shipped as empty must be sufficiently free of radioactive contamination so as to conform to the conditions of § 73.392 (a) (1), (2), and (3).

(f) Unless otherwise specifically provided, empty containers offered for transportation (see paragraph (a) of this section) if bearing labels described in §§ 73.405 through 73.414 (except § 73.413) of this chapter must have such labels removed, obliterated, or completely covered. The label described in § 73.413 is authorized for the latter purpose. Containers which last contained explosives on which the word "EXPLOSIVES" and/or commodity name is printed, stenciled or otherwise marked or applied, when shipped as empty shall have such marking completely covered or obliterated if shipped in less-than-carload or less-than-truckload lots, or in open-top or flat cars or open-top or flat bed motor vehicles or trailers. Covering or obliteration of such labels and markings shall not be required for carload or truckload shipments made in closed cars or van-type motor vehicles when loaded by the shipper and unloaded by the consignee or their authorized agents.

**§ 73.30 Loading and placarding of cars by shippers and unloading of cars by consignees.**

(a) When shipments of explosives or other dangerous articles are loaded into cars by shippers, or unloaded from cars by the consignee or his duly authorized agent, the applicable provisions of Part 74 of this chapter must be complied with. See § 74.538 of this chapter for loading and storage chart.

**§ 73.31 Qualification, maintenance, and use of tank cars.**

(a) *General qualifications for use.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, every tank car used for the transportation of dangerous articles shall meet the requirements of the applicable specification and regulations for the transportation of the particular commodity. See subparagraph (3) of this paragraph.

(2) In addition to the tanks authorized in Part 73, tanks built prior to July 1, 1927, in compliance with the American Railway Association's Specifications for Tank Cars or tanks built in compliance with previous specifications of the Commission, if built or under construction on the effective dates thereof, are authorized for service as prescribed in the following table and notes, provided tanks and safety relief devices are retested as prescribed in paragraphs (c) and (d) of this section and equipped with approved valves, valve protection devices and safety relief devices.

| Specifications prescribed in current regulations | Other specifications permitted (subject to the notes) | Notes |
|---|---|---|
| 103 | ARA–II, ARA–III, ARA–IV | 2, 3, 4 |
| 103A | ARA–II, ARA–III | 1, 2 |
| 103B or 103B–W | ARA–II and ARA–III rubber lined. | 2 |
| 104 | ARA–IV | 2, 4 |
| 105A200–W | 105A100–W | 5 |
| 105A200AL–W | 105A100AL–W | 5 |
| 105A200–W | ARA–V, ICC–105, 105–A300. | |
| 105A400–W | 105A400 | |
| 105A500–W | 105A500 | |
| 105A600–W | 105A600 | |
| 106A500–X | ICC–27, BE–27, 106A500 | |
| 106A800–X | 106A800 | |
| 107A**** | | 6 |

NOTE 1: ARA tanks must have been originally designed or subsequently reconstructed for the transportation of acids.

NOTE 2: Tank cars equipped with safety vents must have the vent closure so chained or otherwise fastened as to prevent misplacement.

NOTE 3: These cars must not be used for shipments of smokeless powder in water unless equipped with positive closure type bottom outlet valves.

NOTE 4: Until Jan. 1, 1965, on cars built prior to Jan. 1, 1959, 25 psi safety relief valves may be replaced with 35 psi safety relief valves not having an official rated capacity.

NOTE 5: Tanks built as Spec. ICC–105A100–W or 105A–100AL–W may be altered and reclassified as Spec. 105A–200–W or 105A200AL–W, respectively, by installing safety relief valves, retesting and stenciling in accordance with the applicable specification.

NOTE 6: The test pressures of tanks built in the United States prior to Jan. 1, 1956, may be increased to comply with current Spec. ICC–107A. Original and revised test pressure must be indicated and may be shown on a plate attached to the bulkhead of the car.

(3) Unless otherwise specifically provided, when class ICC–105A–W, 105A–AL–W, 106A, 109A–AL–W, 110A–W, 111A, 112A–W or 114A–W tank car tanks are prescribed, the same class tanks having higher marked test pressures than those prescribed may also be used.

(4) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. Tank cars proposed for a commodity service other than authorized, must be approved for such service by the Association of American Railroads Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Classes ICC–105A, 109A, 111A100–W–4, 112A or 114A tank cars may be used for any commodity for which they are approved by the Committee on Tank Cars when stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

NOTE 1: For additional requirements for tank cars for compressed gases, see § 73.314.

(b) *Loading and shipping*—(1) *Examination before shipping.* When tanks are loaded and prior to shipping, the shipper must determine to the extent practicable, that the tank, safety appurtenances and fittings are in proper condition for the safe transportation of the lading. Tanks with bottom discharge outlets must have their outlet caps off, or outlet cap plugs open, during the entire time tanks are being loaded. After loading, tanks with bottom outlet valves which permit more than a dropping of the liquid with the outlet caps off, or the outlet cap plugs open, must not be offered for transportation until proper repairs have been made. Tanks which show any dropping or leaking of liquid contents at seams or rivets, must not be offered for transportation until proper repairs have been made.

(2) *Loading requirements for tanks with interior heater coils.* Tank cars equipped with interior heater coils, except when coils are rendered inoperative by blocking off the inlet and outlet, must be loaded with heater coil inlet and outlet caps off during entire time tanks are being loaded and show no leakage with caps off.

(3) *Securing closures.* All closures of openings in tank cars and of their protective housings must be properly secured in place by the use of a bar, wrench, or other suitable tool. A wrench having a handle at least 36 inches long must be used to apply the outlet valve cap. Manway covers and outlet valve caps must be made tight against leakage of vapor and liquid, by use of gaskets of suitable materials, before cars are tendered to carrier for transportation. Luting materials must not be used in outlet cap or on threads of bottom outlet.

(4) *Inspection of safety relief devices on class ICC–106A and 110A tanks.* Safety relief devices of the frangible disc or fusible plug type used on tanks of classes ICC–106A or 110A must be inspected before each loaded trip of tank by removing at least one vent for visual inspection; if it shows signs of deterioration, all devices must be removed and inspected and those which do not meet the requirements must be renewed.

(c) *Periodic retest and reinspection of single-unit tank car tanks.* (1) Tanks, interior heater systems, and safety relief valves must be retested periodically as specified in Retest Table 1 of this paragraph. Retests may be made at any time during the calendar year the retest falls due except as provided in the notes. Periodic retest of exterior heater systems is not a specification requirement.

(2) Each tank must be retested by completely filling the tank and manway nozzle or expansion dome with water or other liquid of similar viscosity except as otherwise provided for in Note (d) to Retest Table 1 and applying the specified pressure for 10 minutes if the tank is not insulated, or 20 minutes if the tank is insulated. There shall be no leakage or evidence of distress. The tank insulation and jacket need not be removed unless leakage is indicated by a drop in pressure. The liquid temperature must not exceed 100° F. during the test. Calking of welded joints to stop leaks developed during retests is prohibited.

(3) Tanks in service 10 years or over must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit.

(4) Anchor rivet housings, if used, must not be removed during retest. They shall be retested by applying an air pressure of 100 psi through openings in the tank shell and must show no leakage.

(5) Interior heater systems must be retested hydrostatically at 200 psi and must show no leakage.

(6) Safety relief valves must be retested with air or gas and must start to discharge at the pressure prescribed within plus or minus 3 percent except that if the start-to-discharge pressure is under 100 psi, the valve must start to discharge at the pressure prescribed within plus or minus 3 psi. Valves must be vapor tight at the prescribed pressure.

(7) All ICC tanks built to one specification and authorized to be stenciled to another specification must be retested in accordance with the higher specification and the test pressure stenciled accordingly on the tank or jacket.

(8) Retests of tanks and safety relief devices must be reported by party making tests to car owner. Reports must show initials and numbers of cars, pressure to which tested, date and place of test, and by whom tested. Reports of latest retest must be retained by owner until the next retest has been accomplished and recorded.

(9) After repairs requiring welding, riveting or calking of rivets, tanks must be retested as specified in Retest Table 1 of this paragraph before return to service. Glass, lead or rubber lined tanks must be retested before lining is renewed. Interior heater systems must be retested before return to service after repairs or renewals of any part of the system.

(10) The month and year of tests of tanks, safety relief valves, heater system and pressure to which tested must be stenciled on the tank or on jacket if insulated.

RETEST TABLE 1

| Specification | Retest interval—years[1] | | | | Retest pressure—psi | | |
|---|---|---|---|---|---|---|---|
| | Tank and interior heater systems | | | Safety relief valve | Tank | Safety relief valve | |
| | Up to 10 years | Over 10 to 22 years | Over 22 years | | | Start to discharge | Vapor tight |
| ICC–103 | 10 | 10 | 10 | 10 | 60 | •35 | 25 |
| 103AL | | 5 | 5 | 5 | 60 | 35 | 25 |
| 103–W | 10 | 10 | 10 | 10 | 60 | •35 | 25 |
| 103AL–W | 10 | 10 | 10 | 10 | 60 | 35 | 25 |
| 103A | 4 5 | 3 | 1 | 2 | 60 | 35 | 25 |
| 103A–W | 4 5 | 3 | 1 | 2 | 60 | 35 | 25 |
| 103A–AL–W | 4 5 | 3 | 1 | (•) | 60 | ▸35 | 25 |
| 103A–N–W | 4 5 | 3 | 1 | 2 | 60 | 35 | 25 |
| 103B | 15 | 13 | 11 | None | 60 | | |
| 103B–W | 15 | 13 | 11 | None | 60 | | |
| 103B100–W | 15 | 13 | 11 | (•) | 100 | 75 | 60 |
| 103C–AL | | 2 | 1 | (•) | 60 | 60 | |
| 103C–W | 4 5 | 3 | 1 | (•) | 60 | ▸35 | 25 |
| 103D–W | 4 5 | 3 | 1 | (•) | 60 | 35 | 25 |
| 103E–W | 4 5 | 3 | 1 | (•) | 60 | 35 | 25 |
| 104 | 10 | 10 | 10 | 10 | 60 | •35 | 25 |
| 104–W | 10 | 10 | 10 | 10 | 60 | •35 | 25 |
| 105 | | | •10 | •5 | 500 | ▪225 | 180 |

See footnotes at end of table.



(d) *Periodic retest and reinspection of tanks other than single-unit tank car tanks.* (1) Tanks designed to be removed from cars for filling and emptying and tanks to spec. ICC–107A**** and their safety relief devices must be retested periodically as specified in Retest Table 2 of this paragraph. Retests may be made at any time during the calendar year the retest falls due.

(2) Each tank must be subjected to the specified hydrostatic pressure and its permanent expansion determined by an accurate method. Pressure must be maintained for 30 seconds and as much longer as may be necessary to secure complete expansion of the tank. Pressure gauge must permit reading to an accuracy of one percent. Expansion gauge must permit reading of total expansion to an accuracy of one percent. Expansion must be recorded in cubic centimeters. Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure and tank must not leak or show evidence of distress.

(3) Each tank, except tanks to spec. ICC–107A, must also be subjected to interior air pressure test of at least 100 psi under conditions favorable to detection of any leakage. No leaks shall appear.

(4) Safety relief valves must be retested by air or gas, must start to discharge at or below the prescribed pressure and must be vaportight at or above the prescribed pressure.

(5) Frangible discs or fusible plugs must be removed from the tank and visually inspected.

(6) Tanks must be retested as specified in Retest Table 2 of this paragraph before return to service after repairs involving welding or heat treatment.

(7) The month and year of test must be plainly and permanently stamped into the metal of one head or chime of each tank passing test; for example, 1–60 for January, 1960. On ICC–107A**** tanks, the date must be stamped into the metal of the marked end; except that if all tanks mounted on a car have been tested, the date may be stamped into the metal of a plate permanently applied to the bulkhead on the "A" end of the car. Date of previous tests and all prescribed markings must be kept legible.

(8) Retests of tanks and safety relief devices must be reported by party making tests to owner of tank. Reports must show registered identifying mark and serial number, pressure to which tested, date and place of test, and by whom tested. Reports of latest retest must be retained by owner until the next retest has been accomplished and recorded.

RETEST TABLE 2

| Specification | Retest interval—years[1] | | | | Retest pressure—psi | | |
|---|---|---|---|---|---|---|---|
| | Tank | Safety relief devices | Tank hydrostatic expansion | Tank air test | Safety relief valve pressure—psi | | |
| | | | | | Start-to-discharge | Vapor tight | |
| ICC–27 | 5 | 2 | 500 | 100 | 375 | 300 | |
| 106A500 | 5 | 2 | 500 | 100 | 375 | 300 | |
| 106A500X | 5 | 2 | 500 | 100 | 375 | 300 | |
| 106A800 | 5 | 2 | 800 | 100 | 600 | 480 | |
| 106A800X | 5 | 2 | 800 | 100 | 600 | 480 | |
| 106A800NCI | 5 | 2 | 800 | 100 | 600 | 480 | |
| 107A**** | 5 | •2 | (▪) | None | None | None | |
| 110A500–W | 5 | 2 | 500 | 100 | 375 | 300 | |
| 110A800–W | 5 | 2 | 800 | 100 | 600 | 480 | |
| BE–27 | 5 | 2 | 500 | 100 | 375 | 300 | |

• If ICC–107A**** tanks are used for transportation of flammable gases, one frangible disc from each car must be burst at the interval prescribed. The sample disc must burst at a pressure not exceeding the marked test pressure of the tank and not less than ⅘ of the marked test pressure. If the sample disc does not burst within the prescribed limits, all discs on the car must be replaced.

▪ The hydrostatic expansion test pressure must at least equal the marked test pressure.

RETEST TABLE 1—Continued

| Specification | Retest interval—years[1] | | | | Retest pressure—psi | | |
|---|---|---|---|---|---|---|---|
| | Tank and interior heater systems | | | Safety relief valve | Tank | Safety relief valve | |
| | Up to 10 years | Over 10 to 22 years | Over 22 years | | | Start to discharge | Vapor tight |
| ICC–103A100 | 10 | 10 | 10 | 10 | 100 | 75 | 60 |
| 103A100AL–W | 10 | 10 | 10 | 10 | 100 | 75 | 60 |
| 103A100–W | 10 | 10 | 10 | 10 | 100 | 75 | 60 |
| 103A200AL–W | 10 | 10 | 10 | 10 | 200 | 150 | 120 |
| 103A200–W | 10 | 10 | 10 | 10 | 200 | 150 | 120 |
| 103A300AL–W | •10 | 10 | 10 | •5 | 300 | ▪225 | 180 |
| 103A300–W | •10 | 10 | 10 | •5 | 300 | ▪225 | 180 |
| 103A400–W | •10 | 10 | 10 | •5 | 400 | ▪300 | 240 |
| 103A500–W | •10 | 10 | 10 | •5 | 500 | ▪375 | 300 |
| 103A600–W | •10 | 10 | 10 | •5 | 600 | ▪450 | 360 |
| 109A100AL–W | •10 | 10 | 10 | •5 | 100 | 75 | 60 |
| 109A200AL–W | 10 | 10 | 10 | 5 | 200 | 150 | 120 |
| 109A300AL–W | 10 | 10 | 10 | 5 | 300 | 225 | 180 |
| 111A60AL–W | 10 | 10 | 10 | 10 | 60 | 35 | 25 |
| 111A100–W–1 | 10 | 10 | 10 | 10 | 100 | 75 | 60 |
| 111A100–F–1 | 10 | 10 | 10 | 10 | 100 | 75 | 60 |
| 111A100–W–2 | 10 | 3 | 2 | 10 | 100 | 75 | 60 |
| 111A100–F–2 | 5 | 5 | 1 | 10 | 100 | 75 | 60 |
| 111A100–W–3 | 10 | 10 | 10 | 10 | 100 | 75 | 60 |
| 111A100–W–4 | 45 | 10 | 1 | 10 | 100 | 75 | 60 |
| 111A100–W–5 | 45 | 3 | 1 | 1 | 100 | 75 | 60 |
| 111A100–W–6 | 10 | 10 | 10 | 5 | 200 | 150 | 120 |
| 112A200–W | 10 | 10 | 10 | 5 | 340 | ▪255 | 204 |
| 112A340–W | 10 | 10 | 10 | 5 | 400 | ▪300 | 240 |
| 112A400–W | 10 | 10 | 10 | 5 | 500 | ▪375 | 300 |
| 112A500–W | •10 | •10 | •10 | 5 | 600 | ▪375 | 300 |
| 113A60–W–2 | (▪) | (▪) | (▪) | (▪) | (▪) | ▪204 | (▪) |
| 114A340–W | 10 | 10 | 10 | 10 | 340 | ▪255 | 204 |
| FMEHRO, USG–A, B & C | | | | 10 | 60 | 25 | 20 |
| ARA–II, acid (inlined) | | | | None | 60 | | |
| II (rubber lined) | | | | None | 60 | ▪25 | |
| III | | | (▪) | 10 | 60 | | |
| III acid (unlined) | | | | None | 60 | | |
| III (rubber lined) | | | (▪) | None | 60 | | |
| IV | | | | 10 | 60 | ▪25 | 20 |
| IV–A | | | | 10 | 100 | 35 | 25 |
| V | | | | •10 | 300 | ▪225 | 180 |

• Tanks and safety relief valves in chlorine service must be retested every 2 years at any time during the calendar month the retest falls due. See § 73.316(c) Note 2.

▪ Spec. 106C–W, and 103A–AL–W cars built prior to Aug. 31, 1956, equipped with safety relief valves set to start to discharge at 45 psi may be continued in service. Such valves may be set to start to discharge at 35 psi by installing a spring suitable for the lower pressure.

[1] See paragraph (b)(2), Note 4 or this section.

[2] A commodity for which a tank is approved may be used for filling tank and dome when retesting tanks in service not over 10 years.

[3] Safety relief valve retest period is same as tank retest period.

[4] Nickel clad tanks in bromine service and any glass, rubber, or lead lined tank need not be periodically retested, but the interior heater systems and safety relief valves must be retested at the prescribed interval. See also paragraph (c)(9) of this section.

[5] If safety relief valves are used in combination with breaking pins designed to break at 225 psi, the safety relief valves must be retested and must start to discharge at 218 psi plus or minus 3 percent.

[6] If safety relief valves are used in combination with breaking pins designed to break at 375 psi, the safety relief valves must be retested and must start to discharge at 360 psi plus or minus 3 percent.

[7] Tanks and safety relief devices in hydrocyanic acid service must be retested and inspected by a written procedure filed with and approved by the Bureau of Explosives.

[8] When the retest interval requirement changes due to the age of the tank, the new retest interval specified is effective the first day of the month following the month in which the retest is due.

[9] Safety relief valves in bromine service must be retested every 2 years.

[10] Tanks complying with this specification need not be periodically retested, but safety relief devices must be retested every 5 years.

[11] When a safety relief valve is used in combination with a breaking pin device, the breaking pin device shall be designed to fail at a pressure of 75 percent of the tank test pressure and safety relief valve shall be set for a start-to-discharge pressure of 71 percent of the tank test pressure.

[12] If start-to-discharge safety relief valve start-to-discharge pressure setting is used, the start-to-discharge pressure of safety relief valves shall be in accordance with the provisions of § 73.102–11 of this chapter.

(e) *Tank car tanks subjected to the action of fire.* (1) Tank car tanks of other than classes ICC–106A, 107A or 110A bearing evidence of damage to the metal by fire must be withdrawn from transportation service except that if the damage to the tank is local only or confined to not more than 25 percent of the tank surface, the damaged material may be replaced. See paragraph (f) (1) of this section for the procedure for handling tank car tanks with more than 25 percent of the tank surface damaged.

(2) Tank car tanks of classes ICC–106A, 107A or 110A bearing evidence of damage to the metal by fire must be withdrawn from transportation service until they have been inspected inside and outside to determine that no reduction in wall thickness has resulted, and have been heat-treated and retested. These operations must be carried out, supervised and reported as prescribed by the specifications for original heat treatment and test.

(f) *Repairs or alterations.* (1) For procedure to be followed in making repairs or alterations to all tank car tanks and securing approval therefor, see Appendix R, Association of American Railroads Specifications for Tank Cars.

(2) After alterations of tank cars or equipment therefor from original design, a certificate of compliance with the respective specification must be furnished to the car owner, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

**§ 73.32 Qualification, maintenance, and use of portable tanks.**

(a) Except as otherwise provided in this section, every portable tank container used for the transportation of dangerous articles shall fulfill the requirements of the specification and regulations for the transportation of the particular commodity. A manufacturer's data report of the portable tank container shall be procured and retained in the files of the owner during the time that such portable tank container is used for such service.

(1) When a portable tank container is used as a cargo tank container, it shall comply with all the requirements prescribed for cargo tank containers. (See § 73.33.)

(2) Portable tank containers for transportation as cargo on vessels in commerce subject to the jurisdiction of the United States Coast Guard shall not exceed a loaded weight of 20,000 pounds. Nothing contained in this section shall be so construed as to pertain to transportation on car floats and car ferries, nor shall such limitation in weight apply to trailerships or containerships if approved under Coast Guard Regulations.

(b) Any portable tank container constructed prior to May 15, 1950, complying with the requirements of either the A. S. M. E. Code for Unfired Pressure Vessels, 1946 Edition, or the A. P. I.–A. S. M. E. Code for Unfired Pressure Vessels, 1943 Edition, may be used for the transportation of liquefied compressed gas, provided it fulfills all the requirements of this part and specifications for the particular gas or gases to be transported therein and shall be marked "ICC Specification 51X" on the plate required by the specification, except as modified by any or all of the following:

(1) Tanks designed and constructed in accordance with Pars. U–68, U–69, or U–201 of the A. S. M. E. Code may be used. Tanks designed and constructed in accordance with Pars. U–68 or U–69 may be re-rated at a working pressure 25 percent in excess of the design pressure for which the tank was originally constructed. If advantage is taken of the increased rating, the re-rated pressure shall be marked on the plate as follows:

Re-rated working pressure -- psig.

NOTE 1: For purposes of setting safety relief valves, pressure control valves and establishing retest pressure, and for purposes of establishing maximum and minimum design pressures, the re-rated working pressure shall be considered as the equivalent of the design pressure as defined in the specification.

(2) Loading and unloading accessories, valves, piping, fittings, safety and gauging devices, do not have to comply with the requirements for the particular location on the tank.

(3) Tanks having capacities of between 750 pounds and 1,000 pounds of water shall be considered as portable tank containers for the purposes of this part. In lieu of using safety relief valves on such containers they may be equipped with fusible plugs only when the container is filled by weight. Size, number, and location, as well as character and physical properties of fusible plugs shall be approved by the Bureau of Explosives. These containers shall be marked "ICC Specification 51S".

(4) Specification requirements as to stress-relieving and radiographing are waived.

(c) Any portable tank container of ICC Specification 50[1] fulfilling the requirements of that specification may be continued in service for transportation of a liquefied petroleum gas if it is retested every five years in accordance with the requirements of paragraph (e) (3), (4), and (5) of this section: *Provided*, That it is in and can be maintained in safe operating condition for the transportation of that gas. In this case the container may retain its original markings.

(d) Fusion welded portable tanks manufactured prior to July 19, 1948 in complete compliance with specifications included in ICC Authority No. 3666 dated December 28, 1939 (235 I. C. C. 595),[1] are authorized for the transportation of commercial butane: *Provided*, That they are in and can be maintained in safe operating condition for the transportation of that gas and are retested every five years in accordance with the requirements of paragraph (e) (3), (4), and (5) of this section. Certificate of manufacture for each tank and record of each required five year retest is filed with the Bureau of Explosives, and in addition to the markings prescribed by the aforementioned authority each tank is permanently marked "ICC–50X." (See Appendix A to Subpart C of Part 78 of this chapter.)

[1] Use of existing portable tanks authorized, but new construction not authorized.

(e) Portable tank containers used for the transportation of dangerous articles shall be retested in accordance with the following and shall not be kept in or returned to transportation service unless they shall have successfully withstood the following prescribed tests, as appropriate in each instance:

(1) Every portable tank container manufactured in accordance with ICC Specification 60 (§ 78.255 of this chapter) shall be tested at the end of the first 4 year period after the original test and each 2 years thereafter up to 12 years of service and annually thereafter. Except that retests are not required on such tanks equipped with rubber lining but retests must be made before such tanks are relined. Retest of Specification 60 tanks (see § 78.255 of this chapter) to be as required in § 78.255–12 of Specification 60 (§ 78.255 of this chapter) for new tank.

(2) Every portable tank container which is constructed in accordance with ICC Specification 51 (§ 78.245 of this chapter), or qualified for transporting compressed gases as prescribed in these regulations shall be tested at least once in every five years in accordance with paragraph (e) (3), (4), and (5) of this section. A written record indicating the dates and results of all required pressure tests shall be retained by the owner or his authorized agent until the next retest has been accomplished and recorded.

(3) The tank less any fittings shall be subject to a hydrostatic pressure of one and one-half times the design pressure (maximum allowable working pressure or re-rated pressure) of the tank.

(4) While under test pressure the tank shall be inspected for leakage, corroded areas, bad dents or other conditions which indicate weakness that might render the tank unsafe for transportation service and shall be rejected if evidence of any such unsafe condition is discovered.

(5) The tank lagging, if any, and its jacket need not be removed from lagged tanks unless it is found to be impossible to reach test pressure and maintain a condition of pressure equilibrium after test pressure is reached during tank retesting.

(f) Every tank not complying in all respects with the prescribed specifications, but otherwise allowable under this part, shall successfully withstand the identical tests at test periods required for "specification tanks" by paragraph (e) (3), (4), and (5) of this section. Tanks constructed in accordance with paragraph U–68 or U–69 of the A. S. M. E. Code, and which have not been rerated, must be retested at a hydrostatic pressure of twice the design pressure.

(g) Without regard to any other retest requirement, any tank that shows evidence at any time of bad dents, corroded areas, leakage or other conditions that indicate weakness which might render the tank unsafe for transportation service, shall be retested as prescribed by the requirements of paragraph (e) (3), (4), and (5) of this section.

(h) Any tank which has been in an accident and which has been damaged to an extent likely to cause it to be in unsafe condition or to an extent where such a condition is suspected, shall be tested as prescribed by the requirements of paragraph (e) (3), (4), and (5) of this section.

(i) Any tank which has been out of transportation service for a period of one year or more shall not be returned to or placed in such service until it shall have successfully fulfilled the testing requirements prescribed in paragraph (e) (3), (4), and (5) of this section.

(j) The Commission may require the testing under prescribed conditions of any tank when probable cause appears for suspecting that such tank is in unsafe operating condition.

(k) The repair of tanks is authorized, provided such repairs are made under requirements prescribed in the "Code" for the original design and construction.

(l) In addition to any other provisions of the specification, no tank shall be repaired, or remodeled, as to cause leakage or cracks or likelihood of leakage or cracks, by areas of stress concentration due to shrinkage of cooling metal in welding operations, sharp fillets, reversal of stresses, or otherwise.

(2) No field welding shall be done except to non-pressure parts.

(l) The bursting strength of any piping and fittings shall be not less than four times the design pressure of the tank, and not less than four times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the design pressure of the tank.

(1) Welded pipe joints shall be used wherever possible. Joints in copper tubing where permitted shall be of the brazed type or of any equally strong metal union type. Melting point of brazing material must be not less than 1,000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

(2) Fittings shall be extra heavy. Non-malleable metals shall not be employed in the construction of valves or fittings.

(3) Suitable provision shall be made in every case to allow for expansion, contraction, jarring and vibration of all pipe. Slip joints shall not be used for this purpose.

(4) Piping and fittings shall be grouped in the smallest practicable space and shall be protected from damage as required by the specification.

(5) All piping, valves and fittings on every tank shall be leakage tested with gas or air after installation and proved tight at not less than the design pressure of the tank on which they are used. In the event of replacement, all such piping, valves, or fittings so replaced shall be tested in accordance with the requirements of this section before the tank is returned to transportation service. The requirements of this section shall apply with equal force to all hose used on such tanks, except that such hose may be so tested either before or after installation on the tank.

(m) All materials of construction used in portable tank containers and their appurtenances shall not be subject to destructive attack by the contents of the tank.

(1) All parts of tanks and appurtenances for anhydrous ammonia shall be steel. No copper, silver, zinc, nor their alloys shall be permitted. Brazed joints shall not be permitted.

(n) Each outlet of portable tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with a suitable automatic excess-flow valve. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

*Exception.* Safety device connections and liquid level gauging devices which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening are not required to be equipped with excess-flow valves.

(1) Excess-flow valves shall close automatically at the rated flows of gas or liquid as specified by the valve manufacturer. The connections or lines on each side of the excess-flow valve, including valves, fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(2) Excess-flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(3) Filling and discharge lines shall be provided with manually operated shut-off valves located as close to the tank as is practicable. The use of so-called "Stop-Check" valves to satisfy with one valve the requirements of this subparagraph and of paragraph (n) of this section, is forbidden.

(o) Each tank for carbon dioxide and nitrous oxide shall be lagged with a suitable insulation material of such thickness that the overall thermal conductance is not more than 0.08 Btu per square foot per degree F. differential in temperature per hour. The conductance shall be determined at 60° F. Insulation material used on tanks for nitrous oxide shall be noncombustible.

(p) A refrigerating and/or heating coil or coils may be installed in tanks for carbon dioxide and nitrous oxide. Such coils must be tested externally to at least the same pressure as the test pressure of the tank. The coils must also be tested internally to at least twice the working pressure of the heating or refrigerating system to be used but in no case less than the test pressure of the tank. Such coils shall be securely anchored. The refrigerant or heating medium to be circulated through the coil or coils must be such as to cause no adverse chemical reaction with the tank or tank contents in case of leakage.

**§ 73.33 Qualification, maintenance, and use of cargo tanks.**

(a) Except as otherwise provided in this section, every cargo tank used for the transportation of dangerous articles shall fulfill the requirements of the specification and regulations for the transportation of the particular commodity. A manufacturer's data report of the cargo tank shall be procured and retained in the files of the motor carrier during the time that such cargo tank is used for such service.

(1) Cargo tank containers for transportation as cargo on vessels in commerce subject to the jurisdiction of the United States Coast Guard shall not exceed a loaded weight of 20,000 pounds. Nothing contained in this section shall be so construed as to pertain to transportation on car floats and car ferries, nor shall such limitation in weight apply to trailerships or containerships if approved under Coast Guard Regulations.

(2) Cargo tanks to be used for the transportation of corrosive or flammable liquids shall be of the types prescribed by the regulations and maintained or retested in accordance with the requirements appearing in § 77.824 of this chapter.

(b) Any cargo tank constructed prior to May 15, 1950, complying with the requirements of either the A. S. M. E. Code for Unfired Pressure Vessels, 1946 Edition, or the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels, 1943 Edition, for the transportation of liquefied compressed gases, may be used in that service, if it is retested every five years in accordance with the requirements of paragraph (k) (2), (3), and (4) of this section: *Provided*, It fulfills all the requirements of the regulations and specifications for cargo tanks for the transportation of the particular gas or gases to be transported therein, except in regard to the provisions of paragraph (b) (1) or (2) of this section, and shall be marked "ICC Specification MC330X" on the plate required by Specification MC330 (§ 78.336 of this chapter).

(1) Tanks designed and constructed in accordance with pars. U–68 or U–69 of the A. S. M. E. Code for the transportation of liquefied compressed gases may be used and may be re-rated at a working pressure 25 percent in excess of the design pressure for which the tank was originally constructed. If advantage is taken of the increased rating, the re-rated pressure shall be marked on the plate as follows:

Re-rated working pressure -- psig.

NOTE 1: For purposes of setting safety relief valves and pressure control valves, and for purposes of establishing maximum and minimum design pressures, the re-rated working pressure shall be considered as the equivalent of the design pressure as defined in the specification.

(2) Loading and unloading accessories, valves, piping, fittings, safety and gauging devices, do not have to comply with the requirements for the particular location on the tank.

(c) Any cargo tank of ICC specification MC 320[1] constructed or put in service on and after February 1, 1942, and prior to May 15, 1950, fulfilling the requirements of that specification may be continued in service for the transportation of any compressed gas for which specification MC 330 (§ 78.336 of this chapter) tanks are authorized if it is retested every five years in accordance with

the requirements of paragraphs (k) (2), (3), and (4) of this section: *Provided*, That it is in and can be maintained in safe operating condition for the transportation of that gas, and shall be marked "ICC Specification MC 320" on the plate required by specification MC 330 (§ 78.336 of this chapter).

(d) Any cargo tank of ICC Specification 7.6–S–1.2,[1] constructed or put into service on and after June 15, 1940, and prior to February 1, 1942, fulfilling the requirements of that specification may be continued in service for the transportation of a liquefied petroleum gas if it is retested every five years in accordance with the requirements of paragraph (k) (2), (3), and (4) of this section: *Provided*, That it is in and can be maintained in safe operating condition for the transportation of that gas, and shall be marked "ICC Specification MC–7.6–S–1.2" on the plate required by Specification MC330 (§ 78.336 of this chapter).

(e) Any cargo tank constructed prior to June 15, 1940, in accordance with either the A. S. M. E. or A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels effective at the time of fabrication, and previously authorized under ICC Specification MC320,[1] may be continued in service for the transportation of a liquefied petroleum gas if retested annually in accordance with paragraph (k) (2), (3), and (4) of this section: *Provided*, That it is in and can be maintained in safe operating condition for the transportation of that gas and shall be marked "ICC Specification MC320Y" on the plate required by Specification MC330 (§ 78.336 of this chapter).

(f) Any cargo tank constructed other than prescribed in paragraphs (c), (d), and (e) of this section, and previously authorized under ICC Specification MC320,[1] may remain in service for the transportation of a liquefied petroleum gas only: *Provided*, That it is retested annually in accordance with the requirements of paragraph (k) (2), (3), and (4) of this section: *Provided*, That it is in and can be maintained in safe operating condition for the transportation of that gas: *Further provided*, That it must be equipped with all the safety devices and fittings required under this section and ICC Specification MC330 (§ 78.336 of this chapter) for the transportation of that gas, although they need not be mounted all in one place as required therein but must be adequately protected against the hazards of collision, overturn, or both, and, in addition, must be marked "ICC Specification MC320Z" on the plate required by Specification MC330.

(g) Cargo tanks of the specifications shown in subparagraph (1) of this paragraph, made prior to December 31, 1953, authorized for use under regulations of the Commission effective March 1, 1935, those effective June 15, 1940, or February 1, 1942, may be continued in use as previously authorized until further order of the Commission. Tanks now under construction under specification MC 310 may be so marked.

[1] Use of existing cargo tanks authorized, but new construction not authorized.

(1)

| Where these regulations call for specification numbers: | Containers made under the following specifications may also be used: |
|---|---|
| MC 200 | 7.2–S–1. |
| MC 201 | 7.2. |
| MC 300 | 7.3–S–1.2. |
| MC 301 | 7.3–S–1.3. |
| MC 302 | 7.3–S–1.4. |
| MC 303 | 7.3–S–1.5. |
| MC 310 | 7.5–S–1.2. |
| MC 311 | MC 310 and 7.5–S–1.2. |
| MC 330 | MC 320. |

(h) Any novel cargo tank which has been or may be authorized for the transportation of a particular dangerous article may be continued in or placed in service only under the terms specifically prescribed by the Commission.

(i) Notwithstanding any of the provisions of paragraphs (a) to (h) of this section, any cargo tank constructed prior to May 15, 1950, which can qualify under and fulfill all of the requirements of any of the specifications and regulations for cargo tanks prescribed for the transportation of a particular dangerous article may be put into service and marked under the terms of such specification.

(j) The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new cargo tanks which fail to meet the requirements of the specification for cargo tanks contained in Part 78 of this chapter. In the event of such request for authorization, the carrier shall furnish those details concerning the design and construction of the tank motor vehicle and the cargo tank as seem necessary for the determination of its ability to transport safely the proposed commodity.

(k) Cargo tanks used for transportation of liquefied compressed gases shall be retested in accordance with the following and shall not be kept in or returned to transportation service unless they shall have successfully withstood the following prescribed tests, as appropriate in each instance:

(1) Every cargo tank which is constructed in accordance with or fulfilling the requirements of ICC Specification MC 330 shall be tested at least once in every five years in accordance with paragraphs (k) (2), (3), and (4) of this section, except that tanks and safety valves of cargo tanks used for the transportation of chlorine must be retested at intervals of two years or less.

(2) The tank less any fittings shall be subjected to a hydrostatic pressure of one and one-half times the design pressure (maximum allowable working pressure or re-rated pressure) of the tank.

(3) The tank shall be inspected for corroded areas, bad dents, or other conditions, including leakage under test pressure, which indicate weakness that might render the tank unsafe for transportation service, and shall be rejected if evidence of any such unsafe condition is discovered.

(4) The tank lagging, if any, and its jacket need not be removed from lagged tanks unless it is found to be impossible to reach test pressure and maintain a condition of pressure equilibrium after test pressure is reached during tank retesting.

(5) Every tank not complying in all respects with the prescribed specifications, but otherwise allowable under this part, shall successfully withstand the identical tests at test periods required for "specification tanks" by subparagraphs (2), (3), and (4) of this paragraph. Nonspecification tanks (paragraphs (e) and (f) of this section) shall be tested at least once in every calendar year as required in subparagraphs (2), (3), and (4) of this paragraph. Tanks constructed in accordance with Pars. U–68 or U–69 of the A. S. M. E. Code, and which have not been re-rated, must be retested at a hydrostatic pressure of twice the design pressure.

(6) Every cargo tank which shall have been authorized by the Commission to transport dangerous articles under the provisions of paragraph (j) of this section shall be tested under requirements specifically set forth in the terms of such authorization.

(7) Without regard to any other retest requirement, any tank that shows evidence at any time of bad dents, corroded areas, leakage, or other conditions that indicate weakness which might render the tank unsafe for transportation service, shall be retested as prescribed by paragraph (k) (2), (3), and (4) of this section.

(8) Any tank which has been in an accident and which has been damaged to an extent likely to cause it to be in unsafe condition or to an extent where such a condition is suspected, shall be tested as prescribed by paragraph (k), (2), (3), and (4) of this section.

(9) Any tank which has been out of transportation service for a period of one year or more shall not be returned to or placed in such service until it shall have successfully fulfilled the testing requirements prescribed by paragraph (k) (2), (3), and (4) of this section.

(10) The Commission may require the testing under prescribed conditions of any tank when probable cause appears for suspecting that such tank is in unsafe condition.

(l) The repair of tanks is authorized, provided such repairs are made under requirements prescribed in the "Code" for its original design and construction.

(1) In addition to any other provisions of the specification, no tank shall be repaired, or remodeled, as to cause leakage or cracks or likelihood of leakage or cracks, by areas of stress concentration due to shrinkage of cooling metal in welding operations, sharp fillets, reversal of stresses, or otherwise.

(2) No field welding shall be done except to non-pressure parts.

(m) On tanks used for compressed gases (except chlorine for which provisions are made at subparagraphs (9) to (11) of this paragraph), the bursting strength of any piping and fittings shall be not less than four times the design pressure of the tank, and not less than four times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the design pressure of the tank.



(1) Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type where permitted or of any equally strong metal union type. Melting point of brazing material must be not less than 1000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

(2) Fittings shall be extra heavy. Non-malleable metals shall not be employed in the construction of valves or fittings.

(3) Suitable provision shall be made in every case to allow for expansion, contraction, jarring, and vibration of all pipe. Ship joints shall not be used for this purpose.

(4) Piping and fittings shall be grouped in the smallest practicable space and shall be protected from damage as required by the specification.

(5) All hose, wherever used, shall be designed for a bursting pressure not less than four times the design pressure of the tank with which it is used, and not less than four times that pressure to which, in any instance, it may be subjected in service by the action of a pump or other device, the action of which may be to subject the hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.

(6) All piping, valves, and fittings on every tank motor vehicle shall be proved free from leaks at not less than the design pressure for the tank. This condition will be considered to have been met when such piping, valves, and fittings have been tested for leakage with gas or air after installation and proved tight at not less than the design pressure marked on the cargo tank with which they are used. In the event of replacement, all such piping, valves, or fittings so replaced shall be tested in accordance with the requirements of this section before the tank is returned to transportation service. The requirements of this section shall apply with equal force to all hose used on such tanks, except that such hose may be so tested either before or after installation on the tank.

(7) Liquid pumps or gas compressors, wherever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power take-off or other mechanical, electrical, or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank. Liquid pumps shall not be used on tanks for the shipment of sulphur dioxide.

(8) Each tank used for the shipment of carbon dioxide or nitrous oxide shall be provided with a suitable pressure gauge. A shut-off valve must be installed between the pressure gauge and the tank. This gauge need be used only during the filling operation.

(9) On cargo tank motor vehicles for the transportation of chlorine, no piping, hose, or other means of loading or unloading shall be attached to the angle valves required by paragraph (o) (4) of this section except at the time of loading or unloading, nor shall any hose, piping, or tubing used for loading or unloading be mounted on or carried on the vehicle nor shall such devices be considered as part of the cargo tank motor vehicle. On cargo tank motor vehicles for the transportation of chlorine, except at the time of loading or unloading, pipe connections of the angle valves must be closed with screw plugs, chained or otherwise fastened to prevent misplacement.

(10) Angle valves on chlorine cargo tank motor vehicles shall be tested at not less than 225 p. s. i. g., using dry air or inert gas, before installation of such valves on the cargo tank, and such tests shall be made before each loading. The valves and gasketed joints shall be inspected for leaks, at a pressure of not less than 50 p. s. i. g., after loading and prior to shipment, and such inspections shall be made for each loading. Leaks which are detected shall be corrected before the cargo tank motor vehicle is shipped.

(11) Liquid chlorine pumps shall not be installed on cargo tank motor vehicles used for the shipment of chlorine.

(n) All materials of construction used in cargo tanks and their appurtenances shall not be subject to destructive attack by the contents of the tank.

(o) Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with an approved suitable automatic excess-flow valve or in lieu thereof may be fitted with an approved automatic quick-closing internal valve. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

*Exception.* Safety device connections and liquid level gauging devices which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening are not required to be equipped with excess-flow valves.

(1) Excess-flow valves shall close automatically at the rated flows of gas or liquid as specified by the valve manufacturer. The connections or lines on each side of the excess-flow valve, including valves, fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(2) Excess-flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(3) Filling and discharge lines shall be provided with a shut-off valve located as close to the tank as is practicable, except where an automatic quick-closing internal valve or an automatic shut-off valve is used, in which case a manually operated shut-off valve shall be located anywhere in the line ahead of the hose connection.

NOTE 1: The use of so-called "Stop-Check" or excess flow valves to satisfy with one valve the requirements of this rule and of paragraph (o) of this section is forbidden.

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles shall conform to the standards of the Chlorine Institute, Inc. Angle valves to conform with Dwg. 104–4 dated May 5, 1958. Excess-flow valves conforming with Dwg. 101–3 dated January 23, 1959 shall be installed under each liquid angle valve and the excess-flow valves conforming with Dwg. 106–1 dated July 24, 1959 shall be installed under each gas angle valve.

(p) Each tank for chlorine, carbon dioxide, and nitrous oxide shall be insulated with a suitable insulation material of such thickness that the overall thermal conductance is not more than 0.08 Btu per square foot per degree F. differential in temperature per hour. The conductance shall be determined at 60° F. Insulation material used on tanks for nitrous oxide shall be non-combustible. Insulation material used on tanks for chlorine shall be corkboard with minimum thickness of 4 inches.

(q) A refrigerating and/or heating coil or coils may be installed in tanks for carbon dioxide and nitrous oxide. Such coils must be tested externally to at least the same pressure as the test pressure of the tank. The coils must also be tested internally to at least twice the working pressure of the heating or refrigerating system to be used but in no case less than the test pressure of the tank. Such coils shall be securely anchored. The refrigerant or heating medium to be circulated through the coil or coils must be such as to cause no adverse chemical reaction with the tank or tank contents in case of leakage. If desired, the unit furnishing refrigeration may be mounted on the motor vehicle.

### § 73.34 Qualification, maintenance and use of cylinders.[1]

(a) *General qualification for use of cylinders.* (See §§ 73.1 through 73.30 for requirements applying to all shipments.)

(1) Gases must be in cylinders as specified, and such cylinders used more than once (refilled and reshipped after having been previously emptied) must be in such condition, including closing devices and cushioning materials, that they will protect their contents during transit as efficiently as new cylinders.

(2) When cylinders with a marked pressure limit are prescribed, other cylinders made under the same specification but with a higher marked service pressure limit are authorized. For example, cylinders marked ICC–4B500 may be used where ICC–4B300 is specified.

(3) A cylinder in domestic use previous to the date upon which specification therefor was first made effective may be used if the cylinder has been

[1] Requirements covering cylinders are also applicable to spherical pressure vessels.

properly tested and otherwise complies with the requirements applicable for the gas charged therein.

(b) *Change of marked service pressure.* Marked service pressure may be changed only upon application to the Bureau of Explosives and receipt of written instructions as to the procedure to be followed (see paragraph (c)(2) of this section). This is not authorized for cylinders which have failed to pass the prescribed periodic hydrostatic retest unless they are reheat-treated and requalified in accordance with applicable requirements.

(c) *Change of marking.* Each cylinder must be marked in accordance with the specification under which it was made. Marking on cylinders must not be changed except as follows:

(1) Additional markings not affecting any of the prescribed markings may be made in accordance with marking requirements of the specification.

(2) Test pressure or service pressure markings may be changed when service pressure is changed in accordance with paragraph (b) of this section.

(3) Changes may be made in serial numbers and in the identification symbols by the owners. Identification symbols must be registered and approved by the Bureau of Explosives. Before remarking, a report in sufficient detail that previous serial numbers and identification symbols can be determined for each cylinder, arranged by lot numbers or consecutive serial numbers, must be made to the Bureau of Explosives and approval received before markings are changed.

(4) When the space originally provided for dates of subsequent retests becomes filled, the stamping of additional test dates into the external surface of footrings of cylinders is authorized.

(5) All prescribed markings on each cylinder must be maintained in a readable condition, or copy of said markings reproduced by stamping on metal plates may be permanently secured to the cylinder.

(d) *Safety relief devices.* Each cylinder charged with compressed gas, unless excepted in this paragraph, must be equipped with one or more safety relief devices approved, as to type, location, and quantity, by the Bureau of Explosives and must be capable of preventing explosion of the normally charged cylinder when it is placed in a fire. Cylinders shall not be shipped with leaking safety relief devices. Safety relief devices must be tested for leaks before the charged cylinder is shipped from the cylinder filling plant; it is expressly forbidden to repair leaking fuse plug devices, where leak is through the fusible metal or between the fusible metal and the opening in the plug body, except by removal of the device and replacement of the fusible metal.) Exceptions are as follows:

(1) Except as provided in Notes 1, 2, and 3, safety relief devices are not required on cylinders 12 inches or less in length, exclusive of neck, and 4½ inches or less in outside diameter.

NOTE 1: Safety relief devices are required on specs. 9, 40, and 41 (§§ 78.63, 78.66, and 78.67 of this chapter) cylinders.

NOTE 2: Safety relief devices are required on cylinders charged with a liquefied gas for which this part requires a service pressure of 1,800 psi or higher.

NOTE 3: Safety relief devices are required on cylinders charged with nonliquefied gases to a pressure of 1,800 psi or higher at 70° F.

(2) Safety relief devices are not required on cylinders charged with nonliquefied gas, except acetylene in solution, under pressure of 300 psi or less at 70° F.

(3) Safety relief devices are prohibited on cylinders charged with class A poisonous gas or liquid as defined in § 73.326 (a).

(4) Safety relief devices are prohibited on cylinders charged with fluorine.

(5) Safety relief devices are not required on cylinders charged with methyl mercaptan; with mono-, di-, or trimethylamine, anhydrous; with not over 10 pounds of nitrosyl chloride; or with less than 165 pounds of anhydrous ammonia.

(6) Safety relief devices are not required on drums containing liquefied petroleum gas as provided for in § 73.304 (d)(3)(ii).

(e) *Periodic retesting and reinspection of cylinders.* Each cylinder becomes due for periodic retest in accordance with the following table and exceptions thereto:

| Specification under which cylinder was made | Minimum retest pressure (psi) | Retest period (years) |
|---|---|---|
| ICC-3 | 3,000 psi | 5. |
| 3A, 3AA | 5/3 times service pressure, except noncorrosive service (see §73.34(e)(11). | 5. |
| 3B, 3BN | 2 times service pressure | 5. |
| 3C | Retest not required | 5. |
| 3D | 5/3 times service pressure | 5. |
| 3E | Retest not required | |
| 3HT | 5/3 times service pressure | 3 (see § 73.34(e)(13). |
| 4 | 700 psi | 10. |
| 4A | 5/3 times service pressure | 5. |
| 4AA480 | 2 times service pressure | 5. |
| 4B, 4BA, 4B240ET | 2 times service pressure, except noncorrosive service (see § 73.34 (e)(9) and (e)(10). | 5. |
| 4C | Retest not required | |
| 4D, 4DA, 4DS | 2 times service pressure | 5. |
| 4E | do | 5. |
| 4L | Retest not required | |
| 7 | do | |
| 7-150 for liquefied petroleum gas. | 300 psi | 5. |
| 8, 8AL | Retest not required | |
| 9 | 400 psi (maximum 600 psi) | 5 (see § 73.34(e)(15). |
| 25 | 500 psi | 5. |
| 26 for filling at over 450 psi. | 5/3 time service pressure | 5. |
| 26 for filling at 450 psi and below. | 2 times service pressure, except noncorrosive service (see § 73.34 (e)(9) and (e)(10). | 5. |
| 33 | 800 psi | 5. |
| 38 | 500 psi | 5. |
| Any cylinder with marked test pressure. | Retest at marked test pressure | 5. |
| Foreign cylinder charged for export. | As marked on the cylinder, but not less than 5/3 of any service or working pressure marking. | See § 73.301(j). |

NOTE 1: For cylinders not marked with a service pressure, see § 73.301 (e) (1).

(1) This periodic retest must include a visual internal and external examination together with a test by interior hydrostatic pressure in a water jacket or other apparatus of suitable form for the determination of the expansion of the cylinder. The test apparatus must be approved as to type and operation by the Bureau of Explosives. The internal inspection may be omitted for cylinders of the type and in the service described under subparagraphs (9) and (10) of this paragraph.

(2) Cylinders of ICC–4 series, without regard to date of previous test, that show bad dents or other evidence of rough usage, or that are corroded locally to such extent as to indicate possible weakness, or that have lost as much as 5 percent of their official tare weight, must be retested before being again charged and shipped. After any retest, the actual tare weight for those cylinders passing the test may be recorded as their new official tare weight.

(3) In hydrostatic retesting of a cylinder the pressure must be maintained for at least 30 seconds and as much longer as may be necessary to secure complete expansion of the cylinder. The gauge indicating the total expansion of the cylinder must be such that the total expansion can be read with an accuracy of 1 percent, except that a reading to 0.1 cubic centimeter shall be acceptable. The gauge indicating the pressure must be capable of being read to within 1 percent of the test pressure. Any internal pressure applied previous to the test pressure shall not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 psi, whichever is the lower value.

(4) A cylinder must be condemned when it leaks, or when internal or external corrosion, denting, bulging, or evidence of rough usage exists to the extent that the cylinder is likely to be weakened appreciably, or when the permanent expansion exceeds 10 percent of the total expansion, except that for ICC–4E aluminum cylinders, when the permanent expansion exceeds 12 percent of the total expansion. Except for ICC–4E aluminum cylinders, a cylinder condemned for excessive permanent expansion may be reheat-treated. (See paragraph (g) of this section.) ICC–4 series cylinders, condemned for other than excessive permanent expansion, may be repaired and rebuilt as otherwise provided in this section.

(5) Records showing the result of reinspection and retest must be kept by the owner or his authorized agent until either expiration of the retest period, or until the cylinder is again reinspected or retested, whichever occurs first.



(6) Each cylinder passing the reinspection and retest must be marked with the date, (month and year), plainly and permanently stamped into the metal of the cylinder. For example, "4–57" for April, 1957. The dash between the month and year figures may be replaced by the mark of the testing or inspecting agency. Stamping must be in accordance with marking requirements of the specification. Dates of the previous tests must not be obliterated.

(7) Cylinders in chlorine or sulfur dioxide service made before April 20, 1915, must be retested at 500 psi.

(8) For cylinders of not over ten pounds water capacity which are authorized for service pressures not over 300 psi, the hydrostatic testing portion of the retest procedure may consist of application of the prescribed internal hydrostatic test pressure without the use of special apparatus and without the determination of total and permanent expansions. In this test the cylinders shall be examined while under pressure and must show no leak or other harmful defect as enumerated in subparagraph (4) of this paragraph.

(9) Cylinders made in compliance with specifications ICC–4B, ICC–4BA and ICC–26–300 [1], (§§ 78.50 and 78.51 of this chapter) used exclusively for anhydrous dimethylamine, anhydrous monomethylamine, anhydrous trimethylamine, methyl chloride, liquefied petroleum gas, or dichlorodifluoromethane, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, monochlorotetrafluoroethane, monochlorotrifluorethylene or mixtures thereof or mixtures of one or more with trichloromonofluoromethane, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) may be retested decennially (see Note 2) instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic pressure equal to at least 2 times the marked service pressure without determination of expansions (see Note 1), but this type of test must be repeated quinquennially after expiration of the first 10-year period (see Note 2). When subjected to this latter test cylinders must be carefully examined under the test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

NOTE 1: Cylinders tested by the modified hydrostatic method shall be marked after each retest with the date of test as otherwise required but followed by the symbol S; for example, 8–57S indicating retest by the modified method in August, 1957.

NOTE 2: Until further order of the Commission, the decennial retest period may be extended to a 12-year period, and the quinquennial retest period may be extended to a 7-year period after expiration of the first 12-year period.

(10) Cylinders made in compliance with the specifications listed in the table below and used exclusively in the service indicated may, in lieu of the periodic hydrostatic retest, be given a complete external visual inspection at the time such periodic retest becomes due:

| Cylinders made in compliance with— | Used exclusively for— |
|---|---|
| ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–3B, ICC–4B, ICC–4BA, ICC–26–240,[1] or ICC–26–300.[1] | Liquefied petroleum gas which is commercially free from corroding components. |
| ICC–4, ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4A480, or ICC–4AA480. | Anhydrous ammonia of at least 99.95 percent purity. |
| ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4B300, or ICC–4BA300. | Fluorinated hydrocarbons and mixtures thereof which are commercially free from corroding components. |
| ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–3B, ICC–4B, ICC–4BA, ICC–26–240,[1] or ICC–26–300.[1] | Butadiene, inhibited, which is commercially free from corroding components. |
| ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–3B, ICC–4B, ICC–4BA, ICC–26–240,[1] or ICC–26–300.[1] | Liquefied hydrocarbon gas which is commercially free from corroding components. |

[1] Use of existing cylinders authorized, but new construction not authorized.

When this inspection is used in lieu of hydrostatic retesting, subsequent inspections are required 5 years after the first such inspection and periodically at 5-year intervals thereafter. Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept as a permanent record. The points to be recorded and checked on these data sheets are: Date of inspection (month and year); ICC specification number; cylinder identification (registered symbol and serial number, date of manufacture, and ownership symbol (if needed for adequate identification)); type cylinder protective coating (painted, etc., and statement as to need of refinishing or recoating); conditions checked (leakage, corrosion, gouges, dents or digs in shell or heads, broken or damaged footring or protective ring or fire damage); disposition of clyinders (returned to service, to cylinder manufacturer for repairs or scrapped); a cylinder which passes the inspection prescribed shall have the date recorded in the manner presently prescribed for the recording of the retest date, except that an "E" is to follow the date (month and year) indicating requalification by the external inspection method. All inspections must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(11) Cylinders made in compliance with specification ICC–3A480, ICC–3A480X, and ICC–4AA480 (§§ 78.36, 78.43, 78.56 of this chapter), used exclusively for anhydrous ammonia, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as painting, etc.) may be retested decennially instead of quinquennially. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(12) All cylinders not exceeding 2 inches outside diameter and length less than 2 feet are exempted from hydrostatic retest.

(13) In addition to the requirements of this paragraph (e) cylinders marked ICC–3HT shall comply with the following:

(i) Cylinders shall be subjected, at least once in three years, to a test by hydrostatic pressure in a water jacket, for the determination of the expansion of the cylinder. A cylinder must be condemned if the elastic expansion exceeds the original elastic expansion by more than 5 percent.

(ii) A cylinder must be condemned if there is evidence of any denting or bulging.

(iii) A cylinder must be condemned at the termination of a 12-year period following the date of the original test or after 4,380 pressurizations (12×365), whichever comes first. If a cylinder is recharged more than once a day, an accurate record of the number of such rechargings must be maintained.

(iv) Retest dates shall be applied by low stress type steel stamping to a depth no greater than that of the original marking at the time of manufacture. Stamping on sidewall not authorized.

(14) Cylinders made in compliance with specifications ICC–3A, 3AA, 3B, 4A, 4BA (§§ 78.36, 78.37, 78.38, 78.49, 78.51 of this chapter), having service pressures up to and including 300 psi, used exclusively for methyl bromide, liquid, mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, mixtures of methyl bromide and petroleum solvents, liquid, or methyl bromide and non-flammable, non-liquefied compressed gas mixtures, liquid, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) and internally by a suitable corrosion resisting lining (galvanized, etc.) may be tested decennially instead of quinquennially. All tests must be supplemented by a visual internal and external examination of the cylinder quinquennially. Examination shall be as required by the Compressed Gas Association's "Standard for Visual Inspection of Compressed Gas Cylinders." (CGA Pamphlet C–6–1959, available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, N.Y.) All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(15) All prescribed markings shall be maintained in a legible condition and if at any time the cylinder (spec. ICC–9) is returned for refilling and such marks are illegible, then the cylinder must not be returned to service until it has been retested as prescribed in § 78.63–13(a) of this chapter, and a new test date applied.

(f) *Cylinders subjected to the action of fire.* A cylinder which has been subjected to the action of fire must not again be placed in service until it has been properly reconditioned as follows:

(1) A cylinder made of plain carbon steel with not over 0.25 percent carbon nor over 0.90 manganese need not be reheat-treated but must pass the periodic retest requirements as specified in paragraph (e) of this section.

(2) ICC–8 cylinders made of plain carbon steel with not over 0.25 percent carbon nor over 0.90 percent manganese must be reinspected to determine the condition of the cylinder and the porous filling. If the cylinder is undamaged and the filler is unchanged and intact, the cylinder may be returned to service without reheat treatment or test.

(3) The inner cylinders made under specification ICC–4L (§ 78.57 of this chapter) may be used after again passing the original hydrostatic test.

(4) ICC–4E aluminum cylinders must be removed from service.

(5) Other cylinders must be reheat treated and reconditioned as specified in paragraph (g) of this section.

(g) *Reheat treatment.* (1) Previous to the reheat treatment procedure hereinafter prescribed, each cylinder must be subjected to a careful internal and external inspection.

(2) Cylinders must be segregated for reheat treatment in lots of 100 or less cylinders of the same general size having practically the same chemical composition.

(3) The reheat treatment operation must be carried out, supervised, and reported as prescribed for the heat treatment in the specification covering the manufacture of the cylinder in question. Data from the original reports of manufacture of the cylinders must be available.

(4) The reheat treatment must be followed by hydrostatic retest, such retest to be carried out, supervised, and reported as prescribed for the hydrostatic tests in the specification covering the manufacture of the cylinder in question. The results of the retest must meet either of the following conditions:

(i) The permanent expansion shall be from zero to 10 percent of the total expansion in the hydrostatic retest and one cylinder from each lot shall pass the requirements of the flattening and physical tests prescribed. Failure to pass the flattening or physical tests will reject the lot or;

(ii) The permanent expansion shall not be less than 3 percent nor more than 10 percent of the total expansion in the hydrostatic retest, in which case the flattening and physical tests are not required. For this alternative method the hydrostatic retest pressure shall not exceed 115 percent of the minimum prescribed test pressure except with specific approval of the Bureau of Explosives.

(h) *Repair by welding or brazing of specifications ICC–3A, 3AA, 3B, 3C cylinders.* Repair of specifications ICC–3A, 3AA, 3B or 3C (§ 78.36, 78.37, 78.38 or 78.40 of this chapter) cylinders by welding or brazing authorized, but only for the removal and replacement of neckrings and footrings attached to cylinders originally manufactured to conform to §§ 78.36–9(a), 78.37–9(a), 78.38–9(a), and 78.40–9(a) of this chapter. Removal and replacement must be done by a regular manufacturer of this type of cylinder. After removal and before replacement of such parts, cylinders must be inspected, and defective ones rejected. Cylinders, neckrings, footrings, and method of replacement must conform to § 78.36–9(a), § 78.37–9(a), § 78.38–9(a), or § 78.40–9(a) of this chapter whichever applies. Replacement must be followed by reheat treating, testing, inspection, and supervised and reported as prescribed by the specification covering their original manufacture. Inspector's reports must conform with that required by the specification covering original manufacture with the word "repaired" substituted for "manufactured." Show original markings and the new additional markings added, and statement: "Cylinders were carefully inspected for defects after removal of neckrings and footrings and after replacement, which replacement was made by process of _____."

(Welding-brazing)

(i) *Repair by welding or brazing of ICC–4 series, and ICC–8, welded or brazed cylinders.* Repairs on ICC–4 series and ICC–8 series welded or brazed cylinders are authorized to be made by welding or brazing. Such repairs must be made by a manufacturer of these types of ICC cylinders or by a repair facility authorized by the Bureau of Explosives and by a process similar to that used in its manufacture and under the following specific requirements:

(1) Cylinders with injurious defects in welded joints in or on pressure parts must be repaired by completely removing the defect prior to rewelding.

(2) Cylinders with injurious defects in brazed joints in or on pressure parts must be repaired by rebrazing.

(3) Cylinders during welding must be free of materials in contact with the welded joint that may impair the serviceability of the metal in or adjacent to the weld. (Precautions must be taken to prevent acetylene cylinder steels from picking up carbon during repair.)

(4) Neckrings, footrings, or other nonpressure attachments authorized by the specification may be replaced or repaired. Repair or replacement of footrings, neckrings, or other nonpressure attachments authorized by the specification for ICC–4BA and 8AL (§§ 78.51 and 78.60 of this chapter) cylinders may be made without conforming to the requirements of subparagraph (i) (6) of this section provided the following requirements are met:

(i) Must be done by a manufacturer of these types of ICC cylinders or by a repair facility authorized by the Bureau of Explosives.

(ii) The welder shall have available to him information as to the procedure, equipment, and rod used during manufacture and shall use a similar method for repair.

(iii) Repairs must be by metal arc welding only. Welds shall be 3 inches maximum length and spaced at least 3 inches apart.

(iv) Welds shall not be made on or near a brazed joint (to prevent the possibility of copper penetration).

(v) After repair the welds are to be inspected visually for weld quality.

(vi) After repair the weld area is to be leak tested at the service pressure of the cylinder.

(5) After removal, and before replacement of attachments, cylinders must be inspected and defective ones rejected, repaired or rebuilt.

(6) After repair, cylinders must be reheat-treated, tested, inspected and reported when and as prescribed by the specification covering their original manufacture when welding or brazing seams in a pressure part of a cylinder; or when welding or brazing on pressure parts of cylinders of plain carbon steels with carbon over 0.25 percent or manganese over 1.00 percent or of alloy steels, except that the physical and flattening tests may be omitted when the cylinders are not reheat-treated.

NOTE 1: Heat-treatment is not required after welding or brazing weldable low carbon parts to attachments of similar material which has been previously welded or brazed to the top or bottom of cylinders and properly heat-treated, provided such subsequent welding or brazing does not produce a temperature in excess of 400° F. in any part of the top or bottom material.

(7) Repair of cylinders must be followed by a proof pressure leakage test at prescribed test pressure and visual examination for weld quality when welding or brazing on pressure parts of cylinders of plain carbon steel with carbon 0.25 percent or less and manganese 1.00 percent or less.

(j) *Repair of non-pressure attachments.* Repair of non-pressure attachments by welding or brazing without affecting a pressure part of the cylinder must be followed by visual examination for weld quality.

(k) *Prohibited repairs.* Walls, heads or bottoms of cylinders with injurious defects or leaks in base metal shall not be repaired, but may be replaced as provided for in paragraph (i) of this section.

(l) *Rebuilding of ICC–4 series and ICC–8, welded or brazed cylinders.* Rebuilding of ICC–4 series and ICC–8 series, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of these types of ICC cylinders or by a repair facility authorized by the Bureau of Explosives and by a process similar to that used in its original manufacture and under the following specific requirements:

(1) The replacement of a pressure part such as wall, heads, or bottoms of cylinders or the replacement of the porous filling material, shall be considered as rebuilding.

(2) Rebuilt cylinders shall be considered as new cylinders and shall conform to all the requirements of the specifications applying, including verification of material, examination, inspection, etc., and the rendering of the proper reports to the purchaser, cylinder rebuilder, and the Bureau of Explosives. Report must show that cylinders were rebuilt.



(3) Information in sufficient detail regarding previous serial numbers and identification symbols must be filed with the Bureau of Explosives.

## Subpart B—Explosives; Definitions and Preparation

### § 73.50 An explosive.

(a) For the purpose of Parts 71–78 of this chapter an explosive is defined as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified in Parts 71–78 of this chapter.

### § 73.51 Forbidden explosives.

(a) The offering of the following explosives for transportation by common carriers by rail freight, rail express, highway, or water is forbidden.

(b) Explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 75° C. (167° F.).

(c) Explosives containing an ammonium salt and a chlorate.

(d) Liquid nitroglycerin, diethylene glycol dinitrate or other liquid explosives not authorized by § 73.53 (e) and (h). (For shipment by carrier by motor vehicle other than common carriers, see § 77.822 (b) of this chapter).

(e) Explosives condemned by the Bureau of Explosives (except properly packed samples for laboratory examinations). Appeal may be made to the Commission from such condemnations.

(f) Leaking or damaged packages of explosives.

(g) Condemned or leaking dynamite must not be repacked and offered for shipment unless the repacking is done by a competent person in the presence of, or with the written consent of, an inspector, or with the written authority of the chief inspector of the Bureau of Explosives.

(h) Firecrackers, flash crackers, salutes, or similar commercial devices which produce or are intended to produce an audible effect, the explosive content of which exceeds 12 grains each in weight, and pest control bombs, the explosive content of which exceeds 18 grains each in weight; and any such devices, without respect to explosive content, which on functioning are liable to project or disperse metal, glass or brittle plastic fragments.

(i) Fireworks that combine an explosive and a detonator or blasting cap.

(j) Fireworks containing an ammonium salt and a chlorate.

(k) Fireworks containing yellow or white phosphorus.

(l) Fireworks or fireworks compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 75° C. (167° F.).

(m) Fireworks, properly condemned by the Bureau of Explosives, except properly repacked samples for laboratory examinations.

(n) Toy torpedoes, the maximum outside dimension of which exceeds ⅞ inch, or toy torpedoes containing a mixture of potassium chlorate, black antimony and sulfur with an average weight of explosive composition in each torpedo exceeding four grains.

(o) Toy torpedoes containing a cap composed of a mixture of red phosphorus and potassium chlorate exceeding an average of one-half (0.5) grain per cap.

(p) Fireworks containing copper sulfate and a chlorate.

(q) New explosives except samples for laboratory examination (see § 73.86) and military explosives approved by the Chief of Ordnance, Department of the Army; Chief, Bureau of Naval Weapons, Department of the Navy; or Commander, Air Force Systems Command and Commander, Air Force Logistics Command, Department of the Air Force. All other new explosives must be approved for transportation by the Bureau of Explosives.

(r) Loaded firearms.

### § 73.52 Acceptable explosives.

(a) For the purpose of Parts 71–78 of this chapter, acceptable explosives are divided into three classes as defined in this section, viz. (see § 72.5 of this chapter for restrictions for shipments by rail express).

(1) Class A explosives; detonating or otherwise of maximum hazard.

(2) Class B explosives; flammable hazard.

(3) Class C explosives; minimum hazard.

CLASS A EXPLOSIVES; DEFINITIONS

### § 73.53 Definition of class A explosives.

(a) *Type 1.* Solid explosives which can be caused to deflagrate by contact with sparks or flame such as produced by safety fuse or an electric squib, but cannot be detonated (see Note 1) by means of a No. 8 test blasting cap (see Note 2). Example: Black powder and low explosives.

(b) *Type 2.* Solid explosives which contain a liquid explosive ingredient, and which, when unconfined (see Note 3), can be detonated by means of a No. 8 test blasting cap (see Note 2); or which can be exploded in at least 50 percent of the trials in the Bureau of Explosives' Impact Apparatus (see Note 4) under a drop of 4 inches or more, but cannot be exploded in more than 50 percent of the trials under a drop of less than 4 inches. Example: High explosives, commercial dynamite containing a liquid explosive ingredient.

(c) *Type 3.* Solid explosives which contain no liquid explosive ingredient and which can be detonated, when unconfined (see Note 3), by means of a No. 8 test blasting cap (see Note 2); or which can be exploded in at least 50 percent of the trials in the Bureau of Explosives' Impact Apparatus (see Note 4) under a drop of 4 inches or more, but cannot be exploded in more than 50 percent of the trials under a drop of less than 4 inches. Example: High explosives, commercial dynamite containing no liquid explosive ingredient, trinitrotoluene, amatol, tetryl, picric acid, urea nitrate, pentolite, and commercial boosters.

(d) *Type 4.* Solid explosives which can be caused to detonate when unconfined (see Note 3), by contact with sparks or flame such as produced by safety fuse or an electric squib; or which can be exploded in the Bureau of Explosives' Impact Apparatus (see Note 4), in more than 50 percent of the trials under a drop of less than 4 inches. Example: Initiating and priming explosives, lead azide, fulminate of mercury, etc., and high explosives.

(e) *Type 5.* Desensitized liquid explosives are explosives which may be detonated separately or when absorbed in sterile absorbent cotton, by a No. 8 test blasting cap (see Note 2); but which cannot be exploded in the Bureau of Explosives' Impact Apparatus (see Note 4), by a drop of less than 10 inches. The desensitizer must not be significantly more volatile than nitroglycerine and the desensitized explosive must not freeze at temperatures above minus 10° F. Example: High explosives, desensitized nitroglycerine.

(f) *Type 6.* Liquid explosives that can be exploded in the Bureau of Explosives' Impact Apparatus (see Note 4) under a drop of less than 10 inches. Example: Nitroglycerin. (See § 73.51 (d).)

(g) *Type 7.* Blasting caps (see Note 5) are small tubes, usually made of an alloy of either copper or aluminum, or of molded plastic closed at one end and loaded with a charge of initiating or priming explosives, class A—Type 4, either with or without other suitable explosives. The total weight of explosives per unit shall not exceed 150 grains. Blasting caps (see Note 5) which have been provided with a means for firing by an electric current, and sealed, are known as electric blasting caps.

(1) Detonating primers are devices for commercial use which contain a detonator and an additional charge of explosives, all assembled in a suitable envelope.

(2) Detonating fuzes, class A, are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component. Those that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosive devices in the same or adjacent containers are classed as class C explosives.

(h) *Type 8.* Any solid or liquid compound, mixture or device which is not specifically included in any of the above types, and which under special conditions may be so designated and approved by the Bureau of Explosives. Example: Shaped charges, commercial.

(1) A shaped charge, commercial, consists of a plastic, paper, or other suitable container comprising a charge of not to exceed 8 ounces of a high explosive containing no liquid explosive ingredient and with a hollowed-out portion (cavity) lined with a rigid ma-

terial. Detonators or other initiating elements shall not be assembled in the device unless approved by the Bureau of Explosives.

NOTE 1: The detonation test is performed by placing the sample in an open-end fiber tube which is set on the end of a lead block approximately 1½ inches in diameter and 4 inches high which, in turn, is placed on a solid base. A steel plate may be placed between the fiber tube and the lead block.

NOTE 2: A No. 8 test blasting cap is one containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.

NOTE 3: "Unconfined" as used in this section does not exclude the use of a paper or soft fiber tube wrapping to facilitate tests.

NOTE 4: The Bureau of Explosives Impact Apparatus is a testing device designed so that a guided 8-pound weight may be dropped from predetermined heights so as to impact specific quantities of liquid or solid materials under fixed conditions. Detailed prints may be obtained from the Bureau of Explosives, 63 Vesey Street, New York 7, New York.

NOTE 5: Blasting caps, blasting caps with safety fuse, or electric blasting caps in quantities of 1,000 or less are classified as class C explosives.

(i) *Ammunition for cannon.* Ammunition for cannon is fixed, semi-fixed or separate loading ammunition which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

(j) *Ammunition for cannon with projectiles.* Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, or shell is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer, and the projectiles, or shell, fuzed or unfuzed. Detonating fuzes, tracer fuzes, explosive or ignition devices, or fuze parts with explosives contained therein must not be assembled in ammunition or included in the same outside package unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of Explosives.

(k) *Explosive projectiles.* Explosive projectiles are shells, projectiles, warheads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, tubes, mortars or other firing or launching devices.

(l) *Grenades.* Grenades, hand or rifle, are small metal or other containers designed to be thrown by hand or projected from a rifle. They are filled with an explosive or a liquid, gas, or solid material such as a toxic or tear gas or an incendiary or smoke producing material and a bursting charge. When shipped without explosives or bursting charges, see §§ 73.100 (y), 73.330, 73.350, and 73.385.

(m) *Explosive bombs.* Explosive bombs are metal or other containers filled with explosives. They are used in warfare and include aeroplane bombs and depth bombs.

(n) *Explosive mines.* Explosive mines are metal or composition containers filled with a high explosive.

(o) *Explosive torpedoes.* Explosive torpedoes, such as are used in warfare, are metal devices containing a means of propulsion and a quantity of high explosives.

(p) *Rocket ammunition.* Rocket ammunition (including guided missiles) consists of a completely assembled unit for launching from a tube, launcher, rails, trough or other launching device, in which the propellant material is a solid propellant explosive. Such unit consists of an igniter, a rocket motor or jet thrust unit, and a warhead, either fuzed or unfuzed, containing high explosives or chemicals.

(q) *Ammunition for small arms with explosive bullets or explosive projectiles.* Ammunition for small arms with explosive bullets or ammunition for small arms with explosive projectiles is fixed ammunition to be used in machine guns or similar fire arms and consists of a metallic cartridge case, the primer and the propelling charge, with explosive bullet or explosive projectile with or without detonating fuze, the component parts necessary for one firing being all in one assembly. Detonating fuzes, tracer fuzes, explosive or ignition devices or fuze parts with explosives contained therein must not be assembled in ammunition or included in the same outside package unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of Explosives.

(r) *Chemical ammunition.* Chemical ammunition used in warfare is all kinds of explosive chemical projectiles, shells, bombs, grenades, etc., loaded with toxic, tear, or other gas, smoke or incendiary agent, also such miscellaneous apparatus as cloud-gas cylinders, smoke generators, etc., that may be utilized to project chemicals.

(s) *Boosters, bursters, and supplementary charges.* Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Bursters consist of a casing containing a high explosive and are used to rupture a projectile or bomb to permit release of its contents.

(t) *Jet thrust units (jato), explosive, (class A), or igniters, jet thrust (jato), explosive, (class A).* Jet thrust units (jato), explosive (class A), are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles and to drive moving targets for practice firing.

(1) Igniters, jet thrust (jato), explosive, (class A), are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units. Under certain conditions the burning composition may explode.

(u) *Charged oil well jet perforating guns.* Charged oil well jet perforating guns are steel tubes or metallic strips into which are inserted shaped charges connected in series by primacord. Shaped charges must be of a type described in paragraph (h) (1) of this section, except that each shaped charge installed in the steel tube or metallic strip shall contain not over 4 ounces of high explosive. Charged oil well jet perforating guns must not be transported with blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns.

(v) *Type 9.* Propellant explosives, class A, are solid chemicals or solid chemical mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, class A, include some types of smokeless powder and some types of solid propellant explosives for jet thrust units, rockets, or other devices. Any propellant explosive is class A which detonates in any one out of five trials when tested in the packages in which it is offered for transportation. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidences of detonation.

### § 73.54 Ammunition for cannon.

(a) Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell must be well packed and properly secured in strong wooden or metal containers, or in linear high-density polyethylene containers designed in accordance with Department of the Army Ordnance Corps Dwg. XP115554 and Sketch No. 4, dated May 4, 1961.

(b) Each outside package must be plainly marked "AMMUNITION FOR CANNON WITH EXPLOSIVE PROJECTILES," "AMMUNITION FOR CANNON WITH GAS PROJECTILES" (see § 73.409 (a) (1) for required label), "AMMUNITION FOR CANNON WITH SMOKE PROJECTILES," "AMMUNITION FOR CANNON WITH INCENDIARY PROJECTILES," or "AMMUNITION FOR CANNON WITH ILLUMINATING PROJECTILES", as the case may be.

(c) Ammunition for cannon must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

### § 73.55 Ammunition, nonexplosive.

(a) Nonexplosive ammunition is defined as a device which contains no explosives or other dangerous articles, such as cartridge cases, dummy or drill cartridges; empty, sand loaded or solid projectiles with or without tracers (containing not in excess of one ounce of tracer composition), empty mines, empty bombs, solid projectiles, empty torpedoes, or practice bombs. It also includes devices containing no explosives, or other dangerous articles, except installed electric squibs, primers, propellants or thermal batteries required for the activation of the device, provided that it has been proven by test that when initiated the full energy release is contained within the outside shipping container. Such ammunition is exempt from Parts 71–78 of this chapter. Rotating bands should be protected against deformation by method of packing or loading.



### § 73.56 Ammunition, projectiles, grenades, bombs, mines, gas mines, and torpedoes.

(a) Detonating fuzes, tracer fuzes, explosive or ignition devices, bouchons, or fuze parts with explosives contained therein, must not be assembled in explosive projectiles, grenades, explosive bombs, explosive mines, or explosive torpedoes, or included in the same outside package with them unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of Explosives.

(b) Explosive projectiles, explosive torpedoes, explosive mines, explosive bombs, or explosive grenades except as provided in paragraph (c) of this section, must be packed and properly secured in strong wooden or metal boxes.

(c) Explosive projectiles, explosive torpedoes, explosive mines, or explosive bombs, exceeding 90 pounds in weight, and explosive projectiles of not less than 4½ inches in diameter, may be shipped without being boxed only by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government when securely blocked and braced in accordance with methods approved by the Bureau of Explosives.

(1) Explosive projectiles less than 4½ inches in diameter may be shipped without being boxed, when palletized, only by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government when securely blocked and braced in accordance with methods approved by the Bureau of Explosives.

(d) Gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, incendiary grenades, and gas mines, explosive, containing a bursting charge must be packed and properly secured in strong wooden boxes. Detonating fuzes, boosters or bursters, bouchons or ignition elements must not be assembled in these articles or included in the same package with them unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government or unless of a type approved by the Bureau of Explosives. (See §§ 73.190, 73.330, 73.350, and 73.383 for nonexplosive chemical or poisonous ammunition.)

(e) The gross weight of a box containing more than one projectile, mine, grenade, or bomb must not exceed 250 pounds.

(f) Each exterior package or projectile, bomb, or mine must be plainly marked "Explosive Projectile," "Explosive Torpedo," "Explosive Mine," "Explosive Bomb," "Hand Grenades," or "Rifle Grenades," as the case may be, except that each device need not be so marked when palletized and the palletized units are plainly marked and shipped as carload or truckload shipments.

(g) Ammunition for cannon with gas projectiles, and bombs, projectiles, grenades or other containers loaded with a poisonous gas or liquid, class A, and an explosive charge, either boxed or unboxed (see paragraph (c) of this section), must bear the white "Poison Gas" label.

(h) For regulations for shipping ammunition containing chemicals but no explosives or bursting charges, see chemical ammunition, §§ 73.330, 73.350, and 73.383.

(i) Articles described in paragraphs (a), (b), (c), (d) and (g) of this section must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

### § 73.57 Rocket ammunition.

(a) Rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, or illuminating projectiles must be well packed and properly secured in strong wooden or metal containers or in pre-formed fiber glass resin impregnated containers approved by the Bureau of Explosives.

(b) Each outside package must be plainly marked "ROCKET AMMUNITION WITH EXPLOSIVE PROJECTILES", "ROCKET AMMUNITION WITH GAS PROJECTILES" (see § 73.402 (a) (6) for required label), "ROCKET AMMUNITION WITH SMOKE PROJECTILES", "ROCKET AMMUNITION WITH INCENDIARY PROJECTILES", or "ROCKET AMMUNITION WITH ILLUMINATING PROJECTILES", as the case may be.

(c) Rocket ammunition must not be offered for transporation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

### § 73.58 Ammunition for small arms.

(a) Ammunition for small arms with explosive bullets and ammunition for small arms with explosive projectiles must be well packed and properly secured in strong wooden or metal containers. The gross weight of the outside package must not exceed 150 pounds.

(b) Each outside package must be plainly marked "AMMUNITION FOR SMALL ARMS WITH EXPLOSIVE BULLETS" or "AMMUNITION FOR SMALL ARMS WITH EXPLOSIVE PROJECTILES," as the case may be.

(c) Ammunition for small arms with explosive bullets or ammunition for small arms with explosive projectiles must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

### § 73.59 Chemical ammunition, explosive.

(a) When chemical elements of ammunition are shipped assembled with their detonating fuzes or bursting charges, they must be shipped in conformity with the regulations prescribed for explosive articles, class A, see § 73.56. For shipment of these articles not containing ignition elements, bursting charges, detonating fuzes, or other explosive components, see § 73.330, § 73.350, and § 73.383. For shipment of these articles assembled with their ignition elements or expelling charges but without any detonating or bursting charge see § 73.88 (d).

(b) Chemical ammunition, explosive must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

### § 73.60 Black powder and low explosives.

(a) Black powder and low explosives must be packed in containers complying with the following specifications:

(1) Spec. 10B (§ 78.156 of this chapter). Wooden barrels or kegs. Not over 200 pounds gross weight.

(2) Spec. 13 (§ 78.140 of this chapter). Metal kegs, not less than 7 inches long. Net weight not less than 6¼ pounds nor more than 150 pounds.

(3) Bundles of metal kegs, spec. 13 (§ 78.140 of this chapter), firmly tied together with rope and wrapped in strong burlap, canvas, or similar material, securely sewed and roped, authorized. Net weight of powder must not exceed 100 pounds.

(4) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes with inside containers which must be spec. 13 (§ 78.140 of this chapter), metal kegs, or fiber or metal containers not over 1½ pounds capacity each, or cotton bags of at least 4 ounce cotton duck not over 25 pounds capacity each. The gross weight of spec. 14 boxes not to exceed 140 pounds and the gross weight of spec. 15A or 16A boxes not to exceed 200 pounds.

(5) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes with inside cylindrical fiber cartridges not over 5 inches diameter nor over 18 inches long with fiber at least 0.05 inch thick paraffined on outer surface with joints securely glued or cemented, or strong paraffined paper cartridges not over 12 inches long authorized only for compressed pellets (cylindrical block) ⅞ inch or more in diameter. Boxes must be completely lined with strong paraffined paper or other suitable waterproofed material without joints or other openings at the bottom or sides. Authorized gross weight not to exceed 75 pounds.

(6) Spec. 12H, 23F, or 23H (§§ 78.209, 78.214, or 78.219 of this chapter). Fiberboard boxes with inside cylindrical fiber cartridges not over 5 inches diameter nor over 18 inches long with fiber at least 0.05 inch thick paraffined on outer surface with joints securely glued or cemented, or strong paraffined paper cartridges not over 12 inches long authorized only for compressed pellets (cylindrical block) ⅞ inch or more in diameter. Authorized gross weight not to exceed 65 pounds.

(b) Black powder (not low explosives) in addition to containers specified in paragraph (a) of this section, must be shipped in containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes with inside containers which must be cloth or paper bags of capacity not exceeding 25 pounds net weight, provided the completed shipping package shall be capable of standing a drop of 4 feet without rupture of inner or outer containers. The completed package must not exceed 50 pounds, net weight, of black powder.

(2) Spec. 12H, 23F, or 23H (§§ 78.209, 78.214, or 78.219 of this chapter). Fiberboard boxes with inside containers which must be cloth, paper, or securely closed polyethylene bags constructed of material not less than 0.004 inch thick of capacity not exceeding 25 pounds net weight for cloth or paper bags and not exceeding 50 pounds net weight for polyethylene bags, or inside fiber or metal containers having not over 1 pound capacity each, provided the completed shipping package shall be capable of withstanding a drop of 4 feet without rupture of inner or outer containers. The tubes of the box may be eliminated and a single tube as specified in spec. 23F (§ 78.214 of this chapter) may be substituted. The completed package shall not contain more than 50 pounds net weight of black powder.

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), not over 5 gallons capacity each, without opening except bunghole not exceeding 2.3 inches in diameter. Authorized for carload or truckload shipments only.

(c) Black pellet powder primed with an electric squib secured inside the coaxial hole of the pellet powder with loose ends of the wires of the squib effectively short-circuited may be shipped in containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168 or 78.185 of this chapter). Wooden boxes with inside cartridges which must be strong paraffined paper cartridges not over 12 inches long authorized only for compressed pellets (cylindrical block) ⅞ inch or more in diameter. Boxes must be lined as prescribed for cylindrical fiber cartridges. Gross weight not to exceed 65 pounds.

(d) Low explosives (not black powder) may in addition to the containers specified in paragraph (a) of this section, be shipped in containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes with inside containers which must be strong paper bags of capacity not exceeding 25 pounds. Gross weight of spec. 14 box must not exceed 140 pounds. Gross weight of spec. 15A or 16A box must not exceed 200 pounds.

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes with inside containers which must be strong paper bags of capacity not exceeding 25 pounds. Gross weight must not exceed 65 pounds.

(3) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, lined, spec. 2L (§ 78.30 of this chapter). Authorized only for low explosives in the form of hard nonplastic rods or cylinders not less than ⅝-inch diameter.

(e) Each outside package must be plainly marked, stamped, or stenciled "BLACK POWDER" or "LOW EXPLOSIVES," and may also show "BLASTING," "RIFLE," etc., as "BLACK BLASTING POWDER," "BLACK RIFLE POWDER," "LOW BLASTING EXPLOSIVE" or "BLACK PELLET POWDER," as the case may be.

(1) Inside containers of over 1½ pounds capacity each in boxes, must be packed with filling holes up, and the boxes must be marked on top "THIS SIDE UP."

(2) Additional marks, trade names, etc., may appear if desired, but such additional marking must not be more conspicuous than nor obscure the marking prescribed herein.

(f) Black powder and low explosives must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

### § 73.61 High explosives.

(a) High explosives (dynamite), except gelatin dynamite, when offered for transportation by rail freight or highway must not contain in excess of 60 percent of liquid explosive ingredient and when offered for transportation by carrier by water must not contain in excess of 75 percent of liquid explosive ingredient. Maximum limit of liquid explosive ingredient specified for transportation by carrier by water applies only for such explosives as consist principally of wood pulp or other satisfactory absorbent and liquid explosive, which are comparable with good commercial dynamite under tests as to leakage of liquid ingredient and sensitiveness to the shocks of transportation, and for shipments that are otherwise in compliance with the regulations in Parts 71–78 of this chapter, for the transportation of high explosives.

(b) High explosives consisting of a liquid mixed with an absorbent material must have the absorbent (wood pulp or similar material) in sufficient quantity and of satisfactory quality, properly dried at the time of mixing; nitrate of soda must be dried at the time of mixing to less than 1 percent of moisture; and the ingredients must be uniformly mixed so that the liquid will remain thoroughly absorbed under the most unfavorable conditions incident to transportation.

(c) High explosives containing nitroglycerin or other liquid explosive ingredients must have uniformly mixed with an absorbent material a satisfactory antacid, which must be in quantity sufficient to have the acid neutralizing power of an amount of magnesium carbonate equal to 1 percent of the nitroglycerin or other liquid explosive ingredient.

(d) Cartridges shall consist of a column of explosives completely inclosed in a shell made of strong paper or polyethylene or a combination of paper and polyethylene, so treated that it will not absorb the liquid ingredient of the explosive.

(e) Bags shall be made of strong paper or equally efficient material so treated or of such nature that it will not absorb the liquid ingredient of the explosive.

(f) All boxes in which high explosives are packed must be lined with strong paraffined paper or other suitable material, except as provided in paragraph (j) of this section, § 73.64 (a) (5), and § 73.65 (a) (5). Lining must be without joints or other openings or with cemented joints at the bottom, ends or sides of boxes, and for explosives with liquid ingredients must be impervious to such ingredient and also to water. Covers of boxes must be protected from contact with explosives by lining paper or other suitable material. (See spec. 2L (§ 78.30 of this chapter), for authorized lining material.)

(g) Before cartridges or bags of gelatin explosives are packed in boxes, lined in accordance with paragraph (f) of this section, dry fine wood pulp or sawdust at least ¼ inch in depth must be spread over the bottom of box or bottom of box may have a full area pad formed of absorptive cellulose sheet having nitroglycerin absorptive value equivalent to sawdust as specified; similar materials are required in boxes for packing all non-gelatinous types of explosives containing 30 percent or more liquid explosive ingredient.

(h) Except for cartridges containing gelatin dynamite, all cartridges of high explosives exceeding 4 inches in length and containing more than 10 percent of a liquid explosive ingredient must be placed horizontally in boxes. Bags must be packed with their filling holes up.

(i) Movement of cartridges and bags of high explosives within the boxes shall be prevented by sufficiently tight packing.

(j) High explosives (dynamite), except gelatin dynamite, packed in bags or in cartridges in excess of 2 inches in diameter and containing not more than 30 percent liquid explosive ingredients may be packed in outside containers without sawdust and without lining paper provided either each inside or outside container is sift-proof and is so treated as to prevent penetration by the commodity with which the container is filled for shipping.

### § 73.62 High explosives, liquid.

(a) Liquid explosives as defined in § 73.53(e) must be packed in specification containers as follows:

(1) Spec. 15L (§ 78.176 of this chapter). Wooden boxes which must be plainly marked on top and on one side or end "HIGH EXPLOSIVES—DANGEROUS" in letters not less than 7/16 inch in height. The tops of boxes must be marked "THIS SIDE UP".

(2) Spec. 15M (§ 78.177 of this chapter). Wooden boxes. Metal inside containers shall contain not more than 10 quarts liquid explosives each. Boxes must be plainly marked on top and on one side or end "HIGH EXPLOSIVES—DANGEROUS" in letters not less than 7/16 inch in height. The tops of boxes must be marked "THIS SIDE UP".

(3) Spec. MC–200 (§ 78.315 of this chapter). Motor vehicle container.

(b) High explosives, liquid, must not be offered for transportation by rail express, except as provided in § 73.86 and §75.675 of this chapter.



### § 73.63 High explosive with liquid explosive ingredient.

(a) High explosives (dynamite) containing not more than 30 percent liquid explosive ingredients must be prepared as prescribed in § 73.61, except as otherwise specified, and packed in containers complying with the following specifications:

(1) Spec. 23G (§ 78.218 of this chapter). Fiberboard boxes. Not more than one cartridge in each box. High explosives packed in boxes consisting of more than one tube joined circumferentially are exempt from the requirements of § 73.61 (f) and (g). High explosives packed in boxes consisting of one tube closed at the ends are exempt from the requirements of § 73.61 (d), (f), and (g). Gross weight of boxes not to exceed 65 pounds.

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 50 pounds each securely closed so as to prevent leakage therefrom. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(3) Spec. 23F or 23H (§ 78.214 or 78.219 of this chapter). Fiberboard boxes having one inside 26-gauge metal container, measuring not over 8 inches in diameter and 31 inches long, containing high explosives (ammonium dynamite core) surrounded by nitrocarbonitrate. Authorized gross weight not to exceed 65 pounds.

(b) High explosives (dynamite) containing 10 percent or less of a liquid explosive ingredient in cartridges or bags as prescribed in § 73.61 (d) and (e) may be packed in wooden boxes, spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter), gross weight not to exceed 140 pounds, or fiberboard boxes, spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), gross weight not to exceed 65 pounds.

(1) High explosives (dynamite) containing 10 percent or less of a liquid explosive ingredient may be packed in fiberboard boxes, spec. 23G (§ 78.218 of this chapter). Not more than one cartridge in each box. High explosives packed in boxes consisting of more than one tube joined circumferentially are exempt from the requirements of § 73.61 (f) and (g). High explosives packed in boxes consisting of one tube closed at the ends are exempt from the requirements of § 73.61 (d), (f), and (g). Gross weight of boxes not to exceed 65 pounds.

(c) High explosives (dynamite) containing more than 30 percent liquid explosive ingredients must be prepared as prescribed in § 73.61 (a) to (i), inclusive, except as otherwise specified, and in containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter) wooden boxes or spec. 12H, 23F, or 23H (§§ 78.209, 78.214, or 78.219 of this chapter) fiberboard boxes. Inside containers must consist of:

(i) Cartridges not exceeding 4 inches in diameter and not exceeding 8 inches in length.

(ii) Cartridges exceeding 4 inches in diameter and not exceeding 5 inches in diameter and between 8 inches and not exceeding 10 inches in length must be redipped in melted paraffin or equivalent material.

(iii) Two or more cartridges that must be redipped because of their size may be enclosed in another strong paper shell to form a completed cartridge not exceeding 30 inches in length. The resulting cartridge must be dipped in melted paraffin or equivalent material.

(iv) Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be paraffined two-ply paper bags not exceeding 12½ pounds capacity, securely closed by folding the tops and securing the fold by tape, with not more than two such bags inserted into another two-ply paper bag which must be securely closed and dipped in paraffin after closing, or with not more than two inside containers which must be securely closed polyethylene bags not less than 0.004 inch in thickness of not more than 12½ pounds capacity each packed in a securely closed polyethylene or paper bag and packed in polyethylene lined outside fiberboard boxes. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(d) High explosives (gelatin dynamite and blasting gelatin) must be prepared as prescribed in § 73.61 (a) to (i) inclusive, except as otherwise specified, and in containers complying with the following specifications:

(1) Spec. 23G (§ 78.218 of this chapter). Fiberboard boxes. Not more than one cartridge in each box. High explosives packed in boxes consisting of more than one tube joined circumferentially are exempt from the requirements of § 73.61 (f) and (g) or when packed in boxes consisting of one tube closed at the ends are exempt from the requirements of § 73.61 (d) to (g), inclusive. Gross weight of boxes not to exceed 65 pounds.

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 12½ pounds each. Bags if not completely sealed against leakage by method of closure must be packed with filling holes up. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(3) High explosives (gelatin dynamite or blasting gelatin) may be shipped in a package consisting of not more than 6 cartridges of such explosives, each not exceeding 32 inches in length or 5 inches in diameter, cartridged with heavy paper in such manner as to have the approximate strength of a spec. 23G (§ 78.218 of this chapter) container, which cartridges shall in turn be placed in a 10-ply paper tube not exceeding 11 feet in length. The outer paper tube must be equipped with a metal cone or equally efficient device on one end which shall serve to close that end of the tube and to the metal cone shall be affixed a wire threaded through fiber tubes running through the center of each of the 6 cartridges; or as an alternative to the single wire running through the cartridges in the outer tube at the center, two wires may be applied, one on each side of the cartridges and between the outside of the cartridges and the inside of the outer tube. In either event, cartridges and the outer tube shall be securely closed so as to prevent spilling of any loose explosive under any conditions normally incident to transportation and cartridges shall be so loaded and stayed within the car or motor vehicle as to prevent damage to individual containers. The total gross weight of each completed package shall not exceed 125 pounds. Shipments are authorized in carload or truckload lots only without transfer of packages other than such transfers as may be necessary in the event of mechanical failure of the car or vehicle in which originally loaded.

(e) High explosives (straight gelatin dynamites of 80 percent strength and over and blasting gelatin) must be packed in cartridges or in bulk in outside boxes. When packed in bulk in boxes double lining paper throughout must be used. Containers must comply with the following specifications:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes.

(2) Spec. 12H, 23F, 23G, or 23H (§ 78.209, § 78.214, § 78.218, or § 78.219 of this chapter). Fiberboard boxes. Spec. 23G must be packed in an outer container consisting of at least 7-ply heavy Kraft paper (see § 73.25 for additional required marking).

(3) Gross weight of wooden boxes not to exceed 75 pounds. Gross weight of fiberboard boxes not to exceed 65 pounds

(f) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends "HIGH EXPLOSIVES—DANGEROUS" in letters not less than 7/16 inch in height. The tops of boxes except those made in compliance with spec. 23G, must be marked "THIS SIDE UP".

(g) High explosives with liquid explosive ingredient must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.64 High explosives with no liquid explosive ingredient and propellant explosives, class A.**

(a) High explosives containing no liquid explosive ingredients if their sensitiveness to percussion is not greater than that measured by the blow delivered by an 8-pound weight dropping from a distance of 7 inches on a compressed pellet of the explosive three-hundredths of an inch thick and two-tenths of an inch in diameter, confined rigidly between hard steel surfaces as in the standard Impact Testing Apparatus of the Bureau of Explosives, must be packed in cartridges or in bags in outside boxes. They must be packed in cartridges when their sensitiveness is greater than the limit prescribed herein. Such explosives when dry may be packed in strong sift-proof cloth or paper bags of capacity not exceeding 25 pounds. These explosives must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes.

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes.

(3) Spec. 10B (§ 78.156 of this chapter). Wooden barrels or kegs.

(4) Gross weight of wooden boxes not to exceed 140 pounds. Gross weight of fiberboard boxes not to exceed 65 pounds.

(5) When such explosives contain over 5 percent moisture, boxes must be lined with strong paraffined paper or other authorized material, spec. 2L (§ 78.30 of this chapter).

(6) When such explosives are in combination cartridges, consisting of column of explosives with core of dynamite, they may be shipped when packed in outside boxes with 65 pounds as the maximum gross weight. The column of explosives must be completely inclosed in waterproofed cloth or strong waterproofed paper and must not exceed 6 inches in diameter, 20 inches in length, or gross weight of 25 pounds.

(7) Spec. 23G (§ 78.218 of this chapter). Fiberboard boxes. Such explosives when packed in boxes consisting of more than one tube joined circumferentially are exempt from requirements of § 73.61 (f) and (g) or when packed in boxes consisting of one tube closed at the ends are exempt from requirements of § 73.61 (d) to (g) inclusive. The gross weight of boxes not to exceed 65 pounds.

(b) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends "HIGH EXPLOSIVES—DANGEROUS" in letters not less than 7/16 inch in height.

(c) High explosives with no liquid explosive ingredient must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

(d) Propellant explosives, class A must be packed in containers as prescribed in § 73.93. Each outside container must be plainly marked "PROPELLANT EXPLOSIVES, CLASS A".

**§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.**

(a) High explosives containing no liquid explosive ingredient nor any chlorate if their sensitiveness to percussion is not greater than that measured by the blow delivered by an 8-pound weight dropping from a distance of 7 inches on a compressed pellet of the explosive three-hundredths of an inch thick and two-tenths of an inch in diameter, confined rigidly between hard steel surfaces as in the standard Impact Testing Apparatus of the Bureau of Explosives, must be packed in cartridges, or in bags or metal containers in outside boxes, except that the requirement of packaging in cartridges, bags or metal containers does not apply to plastic-bonded explosives, but they must be packed and cushioned so as to prevent movement of individual pieces within the outside shipping container. They must be packed in cartridges when their sensitiveness is greater than the limit prescribed in this section. Such explosives when dry may be packed in strong sift-proof bags securely closed so as to prevent leakage therefrom or metal containers of capacity not exceeding 60 pounds. These explosives must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes.

NOTE 1: Wooden boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end which must be not more than one inch by four inches and centered laterally not nearer than 1⅜ inches from top edge of end of box.

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes.

(3) Spec. 10B (§ 78.156 of this chapter). Wooden barrels or kegs.

(4) Gross weight of wooden boxes not to exceed 140 pounds. Gross weight of fiberboard boxes not to exceed 65 pounds.

(5) When such explosives contain over 5 percent moisture, boxes must be lined with strong paraffined paper or other authorized material, spec. 2L (§ 78.30 of this chapter).

(6) When such explosives are in combination cartridges, consisting of column of explosives with core of dynamite, they may be shipped when packed in outside boxes with 65 pounds as the maximum gross weight. The column of explosives must be completely inclosed in waterproofed cloth or strong waterproofed paper and must not exceed 6 inches in diameter, 20 inches in length, or gross weight of 25 pounds.

(7) Spec. 23G (§ 78.218 of this chapter). Fiberboard boxes. Such explosives when packed in boxes consisting of more than one tube joined circumferentially are exempt from requirements of § 73.61 (f) and (g) or when packed in boxes consisting of one tube closed at the ends are exempt from requirements of § 73.61 (d) to (g) inclusive. The gross weight of boxes not to exceed 65 pounds.

(b) Amatol consisting of 80 percent ammonium nitrate and 20 percent trinitrotoluene, ammonium picrate, nitroguanidine, nitrourea, urea nitrate, picric acid, tetryl, trinitroresorcinol, trinitrotoluene, pentolite, cyclotrimethylenetrinitramine (desensitized), and soda amatol, in dry condition, in addition to containers prescribed in paragraphs (a) (1) to (5) and (7) of this section, may be shipped in containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes with strong paper or cloth bags of capacity not exceeding 50 pounds, packed with filling holes up.

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Net weight not to exceed 200 pounds.

(c) Trinitrotoluene and pentolite, in dry condition, in addition to containers prescribed in paragraphs (a), (1) to (5) and (b) (1) and (2) of this section, may be shipped in specification containers as follows:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes with strong paper or cloth bags of capacity not exceeding 100 pounds, packed with filling holes up.

(2) Spec. 14, 15A, or 16A (§§ 78.165, 78.168 or 78.185 of this chapter). Wooden boxes with strong siftproof liners, spec. 2L (§ 78.30 of this chapter).

(d) The following materials may be shipped dry, in quantity not exceeding 4 ounces in one outside package for medicinal purposes or as reagents, by carriers by rail freight, rail express, highway, or water, as drugs, medicines, or chemicals, without other restrictions, when in securely closed bottles or jars properly cushioned to prevent breakage:

(1) Ammonium picrate.
(2) Dipicrylamine.
(3) Dipicryl sulfide.
(4) Dinitrophenylhydrazine.
(5) Nitroguanidine.
(6) Picramide.
(7) Picric acid.
(8) Picryl chloride.
(9) Trinitroanisole.
(10) Trinitrobenzene.
(11) Trinitrobenzoic acid.
(12) Trinitro-m-cresol.
(13) Trinitronaphthalene.
(14) Trinitroresorcinol.
(15) Trinitrotoluene.
(16) Urea nitrate.

(e) Ammonium picrate, picric acid, urea nitrate, trinitrobenzene, trinitroresorcinol, trinitrotoluene, cyclotrimethylenetrinitramine, and trinitrobenzoic acid when wet with not less than 10 pounds of water to each 90 pounds of dry material must be shipped in containers complying with the following specifications:

(1) Spec. 10B (§ 78.156 of this chapter). Wooden barrels or kegs. Not over 50 gallons nominal capacity.

(2) (See § 73.192 for shipments of wet ammonium picrate, wet picric acid, wet trinitrobenzoic acid, and wet urea nitrate not in excess of 16 ounces and § 73.193 for shipments of wet picric acid, wet trinitrobenzoic acid, and wet urea nitrate not in excess of 25 pounds.) (See § 73.212 for shipments of wet trinitrobenzene and wet trinitrotoluene not in excess of 16 ounces.)

(3) Spec. 5B (§ 78.82 of this chapter) metal barrels or drums or Spec. 21C (§ 78.224 of this chapter) fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one metal barrel or drum must not exceed 300 pounds and not more than 225 pounds in fiber drums. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable water-tight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol or other suitable anti-freeze and water of such proportions that freezing will not occur in transit.

(f) Amatol when cast or pressed in a block or column, in addition to the containers prescribed in paragraphs (a) (1) to (5) and (7) of this section, may be shipped in specification containers as follows:

(1) Spec. 13A (§ 78.141 of this chapter). Metal drums not exceeding 90 pounds gross weight.

(g) Nitrocellulose must be packed in wooden boxes complying with specs. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter), with inside packages which must be:

(1) Inside packages containing not more than 1 pound each of dry, uncompressed nitrocellulose, wrapped in strong paraffined paper or suitable sparkproof material. Completed outside package not to contain more than 10 pounds dry nitrocellulose.

(2) Inside packages containing compressed sticks or blocks of dry nitrocellulose wrapped in strong paraffined paper. Gross weight not to exceed 75 pounds.

(h) Shaped charges, commercial, having exposed lined conical cavities must have such cavities effectively filled; those having conical cavities that are covered shall be paired together with the cavities facing each other and with one or more pairs in a fiber tube, or so arranged that the conical cavities of the shaped charges at the ends of the column face toward the center of the tube. The shaped charges in the fiber tubes must fit snugly with no excess space and the fiber tubes containing the shaped charges must be packed snugly with no excess space in the outside containers. Other methods of packaging for devices of which shaped charges are a component part may be employed when approved by the Bureau of Explosives. Shaped charges, commercial, must be packed in specification containers as follows:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes. Gross weight not to exceed 140 pounds.

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes which must be manufactured of at least 275-pound strength (Mullen or Cady test) double-wall corrugated fiberboard and shall be provided with double-faced corrugated lining board (see § 78.205–15 of this chapter) having minimum strength (Mullen or Cady test) of 200 pounds. Individual charges of explosives shall be packed in inside securely closed, waterproof plastic containers, or in securely closed waterproof fiberboard containers having metal ends. Gross weight not to exceed 65 pounds. Inside individual containers shall be separated by means of double-faced corrugated fiberboard partitions of material not less than 175-pound Mullen or Cady test.

(i) Cyclotrimethylenetrinitramine (desensitized) in pellet form, dry, in addition to provisions of paragraphs (a) and (b) of this section may be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes. For pellets ¼ inch or less in diameter; pellets must be packed in a slide-type fiber carton with perforated fillers. All openings of the fiber carton shall be securely closed with pressure-sensitive tape. Inside containers shall be cushioned with at least 2 inches of sawdust between inner containers and outside box. No inside container shall contain more than one-half pound net weight of explosive composition and not more than 10 pounds net weight of explosive composition shall be packed in one outside box.

(2) Spec. 15A (§ 78.168 of this chapter). Wooden boxes. For pellets exceeding ¼ inch in diameter; pellets must be packed in a fiber tube with positive closures at both ends, which shall be packed in a fiber carton having not more than one-half pound net weight of explosive composition. Fiber carton shall be cushioned with not less than 2 inches of sawdust in the outside box. Not more than 10 pounds net weight of explosive composition shall be packed in one outside box.

(j) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G (§ 78.218 of this chapter) which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends "HIGH EXPLOSIVES—DANGEROUS" in letters not less than 7/16 inch in height. When space will not permit such marking on ends of kegs or drums, it may be applied to the side of the container. The tops of boxes, except those referred to in paragraph (a) (1) to (7) of this section, must be marked "THIS SIDE UP".

(k) High explosives with no liquid explosive ingredient nor any chlorate must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.66 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps.**

(a) Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, or electric blasting caps, in quantity of 1,000 or less, are classified as class C explosives. See § 73.103.

(b) The outside of all blasting caps and electric blasting caps must be free from fulminate or other explosive compositions.

(c) Blasting caps containing not to exceed 50 grains of explosive composition each must be placed in strong interior containers, in which they must fit snugly. When caps are loaded vertically in interior metal containers, they must be covered by suitable elastic material placed over the caps. Not more than 100 such blasting caps may be packed in a single container. All inside containers must then be packed snugly in cartons or wrappings made of paper or pasteboard.

(d) Not more than 5,000 blasting caps, not exceeding 50 grains of explosive composition each, packed in inner containers as prescribed in paragraph (c) of this section, must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartons or wrappings with inside containers as prescribed in paragraph (c) of this section, which must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.

NOTE 1: Because of the present emergency and until further order of the Commission, fiberboard boxes, spec. 23F (§ 78.214 of this chapter), may be used in lieu of prescribed wooden boxes, spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter).

(e) More than 5,000 blasting caps, not exceeding 50 grains of explosive composition each, packed in inner containers as prescribed in paragraph (c) of this section, must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in paragraph (c) of this section, packed in an inside box made of sound lumber, a hermetically sealed metal box of metal not less than 30 gauge United States standard, or a sealed package made of 6-ply Sisalkraft Asphalt Laminated sheeting, or its equivalent; Asphalt Laminated sheeting shall consist of 2 plies of strong fibers, 2 plies of pliable asphalt, and 2 plies of protective cover.

The minimum tensile strength shall be 20 pounds per inch width in each direction. The laminated sheet shall have a minimum water resistance of 24 hours and a maximum water permeability of 4 grams per square meter per 24 hours. The inside wooden box, metal box, or sealed package must be separated at all points from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.

NOTE 1: Because of the present emergency and until further order of the Commission, fiberboard boxes, spec. 23F (§ 78.214 of this chapter), may be used in lieu of prescribed wooden boxes, spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter).

(2) More than 20,000 blasting caps containing not to exceed 50 grains of explosive composition each, must not be placed in one outside package.

(f) Blasting caps containing in excess of 50 grains of explosive composition each must be packed in containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A. (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1), Note 1) with inside containers which must have strong interior containers, in which they must fit snugly. When caps are loaded vertically in interior metal containers, they must be covered by suitable elastic material placed over the caps. Not more than 10 such blasting caps may be packed in a single inside container. All inside containers must then be packed snugly in cartons or wrappings made of paper or pasteboard. The cartons or wrappings must be separated from outside box by at least 1 inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Not more than 500 caps containing in excess of 50 grains of explosive composition each may be placed in one outside package. Gross weight not to exceed 150 pounds.

(g) Electric blasting caps must be packed in containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes (see § 73.67(a)(1), Note 1) or spec. 12H, 23F, or 23H (§ 78.209, 78.214, or 78.219 of this chapter) fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 100 caps each, or pasteboard tube inclosing each cap with wires or with the wires wrapped around the tube. Gross weight of wooden boxes containing pasteboard cartons or caps with wires 30 feet or more in length in pasteboard tubes must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing caps with wires less than 30 feet in length in pasteboard tubes must not exceed 75 pounds.

(h) Each outside container must be plainly marked "(number) BLASTING CAPS—HANDLE CAREFULLY", or "(number) ELECTRIC BLASTING CAPS—HANDLE CAREFULLY", as the case may be.

NOTE 1: The number of caps must be shown in the marking.

(i) Blasting caps and electric blasting caps must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.67 Blasting caps with safety fuse and blasting caps with metal clad mild detonating fuse.**

(a) Ten or less of the interior containers of not more than 100 blasting caps each, containing not to exceed 50 grains of explosive composition each, packed as prescribed in § 73.66(c), in the same outside container with safety fuse or metal clad mild detonating fuse, must be shipped in containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes (see Note 1 of this paragraph) or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in § 73.66 (c), placed in the center of a coil of fuse and secured and cushioned therein to prevent movement therefrom. Gross weight not to exceed 150 pounds.

NOTE 1: Closing of outside boxes by nailing tops in place with uncoated nails, at not over 3-inch centers into ends, and at not over 6-inch centers into sides, is authorized. Sizes of these nails must be not less than the following:

3-penny into ends and sides not over ⅜ inch thick.

4-penny into ends and sides over ⅜ but not over ½ inch thick.

5-penny into ends and sides over ½ but not over ⅝ inch thick.

6-penny into ends and sides over ⅝ but not over 13/16 inch thick.

7-penny into ends and sides over 13/16 inch thick.

(b) Each outside container must be plainly marked "(number) BLASTING CAPS WITH SAFETY FUSE—HANDLE CAREFULLY" or "(number) BLASTING CAPS WITH METAL CLAD MILD DETONATING FUSE—HANDLE CAREFULLY," as the case may be.

(c) Blasting caps with safety fuse and blasting caps with metal clad mild detonating fuse must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

**§ 73.68 Detonating primers.**

(a) Detonating primers must be packed in containers complying with the following specifications:

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 50 primers each, or pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal, or plastic tubes or spools with wires wrapped around the tube or spool. Gross weight of wooden boxes containing pasteboard cartons must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal, or plastic tubes or spools with the wires wrapped around the tube or spool must not exceed 75 pounds.

(b) Each outside container must be plainly marked "DETONATING PRIMERS—HANDLE CAREFULLY".

(c) Detonating primers must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.69 Detonating fuzes, class A, with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges.**

(a) Detonating fuzes, class A with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges, when shipped not assembled in projectiles, bombs, etc., must be packed and well secured in strong, tight wooden or metal boxes.

NOTE 1: Radiation on the surface of any detonating fuze, class A, having a radioactive component shall not exceed 100 milliroentgens per hour and the radiation at the surface of the outside shipping container shall not exceed 200 milliroentgens per hour.

(b) The gross weight of one outside package containing detonating fuzes, class A, must not exceed 190 pounds. Boosters, bursters and supplementary charges, without detonators, when shipped separately, must not exceed a gross weight of 300 pounds.

(c) Each outside package must be plainly marked "DETONATING FUZES CLASS A EXPLOSIVES—HANDLE CAREFULLY—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVES," or "DETONATING FUZES, CLASS A EXPLOSIVES, RADIOACTIVE—HANDLE CAREFULLY—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVES," or "BOOSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "BURSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "SUPPLEMENTARY CHARGES (EXPLOSIVE)—HANDLE CAREFULLY," as the case may be.

(d) Detonating fuzes, class A, boosters, bursters, or supplementary charges must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.70 Diazodinitrophenol or lead mononitroresorcinate.**

(a) The offering of diazodinitrophenol or lead mononitroresorcinate in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Diazodinitrophenol or lead mononitroresorcinate must be packed wet with not less than 40 percent by weight of water in specification containers 5 or 5B (§ 78.80 or § 78.82 of this chapter) metal barrels or drums or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside containers which must be bags made of at least 10-ounce cotton duck, rubber, or rubberized cloth, which must be securely closed. The dry weight of diazodinitrophenol in one container must not exceed 220 pounds and the dry weight of lead mononitroresorcinate in one container must not exceed 100 pounds. The bags containing diazodinitrophenol or lead mononitroresorcinate must be placed in a rubber bag, rubberized cloth bag, or bag made of suitable watertight material and then placed in the barrel, keg, or drum. Any empty space in the outside bag must be filled with water and this bag securely closed.

(1) Spec. 21C (§ 78.224 of this chapter). Fiber drums not over 30 gallons capacity of at least nine-ply construction having, in addition, a sheet of steel having a minimum base box of 75 pounds, not less than .008 inch thick, wound between the fifth and sixth plies. The inside ply of kraft paper shall be laminated on each side with polyethylene to form a waterproof lining. The bottom head shall be of fiber, metal covered on the outside. Lead mononitroresorcinate only must be packed wet with not less than 40 percent by weight of water and shall be contained in at least two tightly sealed polyethylene bags of at least 0.004 inch thickness and this unit shall then be placed in a tightly closed polyethylene bag of at least 0.004 inch thickness and this assembly shall be placed within a 0.006 inch thickness polyethylene or other suitable plastic bag, completely filled with water and tightly closed. The 0.006 inch plastic bag shall be of such size as to completely fill the outside shipping container. The dry weight of lead mononitroresorcinate only in one outside container must not exceed 100 pounds.

(c) Sufficient outage in outside container must be allowed to prevent rupturing of container in freezing weather, or a mixture of denatured alcohol and water may be used to prevent freezing in transit.

(d) Each barrel, box, drum, or keg must be plainly marked "Initiating Explosive—Dangerous—Do Not Store or Load With Any High Explosive."

(e) Diazodinitrophenol or lead mononitroresorcinate, wet, must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

**§ 73.71 Fulminate of mercury.**

(a) The offering of fulminate of mercury in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Fulminate of mercury must be packed wet with not less than 25 percent by weight of water in specification containers 5 or 5B (§§ 78.80 or 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter), wooden barrels or kegs, with inside container which must be a bag made of 4-ounce duck. Inside the bag and over the fulminate there must be placed a cap of the same fabric, of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The dry weight of fulminate in one container must not exceed 150 pounds. The bag and contents must be packed in the center of the wooden barrel or keg, metal barrel or drum, and must be entirely surrounded by not less than 3 inches of well-packed sawdust saturated with water. The wooden barrel or keg, or metal barrel or drum, must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel, keg, or drum must be inspected carefully and all leaks stopped.

(c) If shipment of fulminate is to take place at a time that freezing weather is to be anticipated, a mixture of denatured ethly alcohol and water of such proportions that freezing will not occur in transit must be used.

(d) Each barrel, keg or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE".

(e) Fulminate of mercury, wet, must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.72 Guanyl nitrosamino guanylidene hydrazine.**

(a) The offering of guanyl nitrosamino guanylidene hydrazine in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Guanyl nitrosamino guanylidene hydrazine must be packed wet with not less than 30 percent by weight of water in specification containers 5 or 5B (§§ 78.80 or 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside container which must be a bag made of 4-ounce duck. Inside the bag and over the guanyl nitrosamino guanylidene hydrazine there must be placed a cap of the same fabric, of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The dry weight of guanyl nitrosamino guanylidene hydrazine in one container must not exceed 75 pounds. The bag and contents must be packed in the center of the wooden barrel or keg, metal barrel or drum, and must be entirely surrounded by not less than 3 inches of well-packed sawdust saturated with water. The wooden barrel or keg, or metal barrel or drum, must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel, keg, or drum must be inspected carefully and all leaks stopped.

(c) If shipment of guanyl nitrosamino guanylidene hydrazine is to take place at a time that freezing weather is to be anticipated, a mixture of denatured ethyl alcohol and water of such proportions that freezing will not occur in transit must be used.

(d) Each barrel, keg, or drum must be plainly marked "INITIATING EXPLOSIVE — DANGEROUS — DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE".

(e) Guanyl nitrosamino guanylidene hydrazine, wet, must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.73 Lead azide.**

(a) The offering of lead azide in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Lead azide, dextrinated type, or otherwise prepared to effectively control grain size, must be packed wet with not less than 20 percent by weight of water in specification containers 5 or 5B (§§ 78.80 or 78.82 of this chapter) metal barrels or drums, 17H (§78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside container which must be a bag made of 4-ounce duck. Inside the bag and over the lead azide there must be placed a cap of the same fabric, of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The dry weight of lead azide in one container must not exceed 150 pounds. The bag and contents must be packed in the center of the wooden barrel or keg, metal barrel or drum, and must be entirely surrounded by not less than 3 inches of well-packed sawdust saturated with water. The wooden barrel or keg, or metal barrel or drum, must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel, keg, or drum must be inspected carefully and all leaks stopped.

(c) If shipment of lead azide is to take place at a time that freezing weather is to be anticipated, a mixture of denatured ethyl alcohol or other suitable antifreeze and water of such proportions that freezing will not occur in transit must be used.

(d) Each barrel, keg, or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE".

(e) Lead azide, wet, must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.74 Lead styphnate.**

(a) The offering of lead styphnate (lead trinitroresorcinate) in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Lead styphnate (lead trinitroresorcinate) must be packed wet with not less than 20 percent by weight of water in specification containers 5 or 5B (§§ 78.80 or 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter), wooden barrels or kegs, with inside container which must be a bag made of rubber cloth. The lead styphnate within this bag should be divided into a number of smaller packages. There must be a cap of the same fabric and of the same diameter as the bag over the lead styphnate and inside the bag. The dry weight of lead styphnate in one outer container must not exceed 150 pounds. The bag and contents must be packed in the center of the wooden barrel or keg, metal barrel or drum, and must be entirely surrounded by not less than 3 inches of well-packed sawdust saturated with water. The wooden barrel or keg, or metal barrel or drum, must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel, keg, or drum must be inspected carefully and all leaks stopped.

(c) If shipment of lead styphnate is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol and water of such proportions that freezing will not occur in transit.

(d) Each barrel, keg, or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE".

(e) Lead styphnate (lead trinitroresorcinate), wet, must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.75 Nitro mannite.**

(a) The offering of nitro mannite in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water, is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Nitro mannite must be packed wet with not less than 40 percent by weight of water in specification containers 5 or 5B (§ 78.80 or § 78.82 of this chapter) metal barrels or drums, or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth, which must be securely closed. The dry weight of nitro mannite in one container must not exceed 100 pounds. These bags containing the nitro mannite must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable watertight material and then placed in the barrel, keg, or drum. Any empty space in the outside bag must be filled with water and this bag securely closed.

(1) Spec. 21C (§ 78.224 of this chapter). Fiber drums not over 30 gallons capacity of at least nine-ply construction having, in addition, a sheet of steel having a minimum base box of 75 pounds, not less than 0.008 inch thick, wound between the fifth and sixth plies. The inside ply of kraft paper shall be laminated on each side with polyethylene to form a waterproof lining. The bottom head shall be of fiber, metal covered on the outside. Nitro mannite must be packed wet with not less than 40 percent by weight of water and shall be contained in at least two tightly sealed polyethylene bags of at least 0.004 inch thickness and this unit shall then be placed in a tightly closed polyethylene bag of at least 0.004 inch thickness and this assembly shall be placed within a 0.006 inch thickness polyethylene or other suitable plastic bag, completely filled with water and tightly closed. The 0.006 inch plastic bag shall be of such size as to completely fill the outside shipping container. The dry weight of nitro mannite in one outside container must not exceed 100 pounds.

(c) Sufficient outage in outside container must be allowed to prevent rupturing of container in freezing weather, or a mixture of denatured ethyl alcohol and water may be used to prevent freezing in transit.

(d) Each barrel, keg, or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE".

(e) Nitro mannite, wet, must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.76 Nitrosoguanidine.**

(a) The offering of nitrosoguanidine in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Nitrosoguanidine must be packed wet with not less than 10 percent by weight of water in specification containers 5 or 5B (§§ 78.80 or 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside container which must be a bag made of strong cloth, which must in turn be placed in the wooden barrel, or keg, or metal barrel or drum. The dry weight of nitrosoguanidine in one container must not exceed 75 pounds.

(c) Each barrel, keg, or drum must be plainly marked "INITIATING EXPLOSIVE — DANGEROUS — DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE".

(d) Nitrosoguanidine, wet, must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.77 Pentaerythrite tetranitrate.**

(a) The offering of pentaerythrite tetranitrate in a dry condition for transportation by common carriers by rail freight, rail express, highway or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Pentaerythrite tetranitrate must be packed wet with not less than 40 percent by weight of water in specification containers 5 or 5B (§ 78.80 or § 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside containers which must be bags made of at least 10-ounce cotton duck, rubber, or rubberized cloth, which must be securely closed. The dry weight of pentaerythrite tetranitrate in one container must not exceed 300 pounds. These bags containing the pentaerythrite tetranitrate must then be placed in a rubber bag, rubberized cloth bag, or bag made of suitable watertight material and then placed in the barrel, keg, or drum. Any empty space in the outside bag must be filled with water and this bag securely closed.

(c) Sufficient outage in outside container must be allowed to prevent rupturing of container in freezing weather, or a mixture of denatured ethyl alcohol or other suitable anti-freeze and water may be used to prevent freezing in transit.

(d) Each barrel, keg, or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE".

(e) Pentaerythrite tetranitrate, wet, must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.78 Tetrazene.**

(a) The offering of tetrazene (guanyl nitrosamino guanyl tetrazene) in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Tetrazene (guanyl nitrosamino guanyl tetrazene) must be packed wet with not less than 30 percent by weight of water in specification containers 5 or 5B (§§ 78.80 or 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside container which must be a bag made of 4-ounce duck. Inside the bag and over the tetrazene there must be placed a cap of the same fabric, of the same diameter as the bag. The bag must be securely tied and placed in a strong grain bag. This grain bag must also be securely tied. The dry weight of tetrazene in one container must not exceed 75 pounds. The bag and contents must be packed in the center of the wooden barrel or keg, metal barrel or drum, and must be entirely surrounded by not less than 3 inches of well-packed sawdust saturated with water. The wooden barrel or keg, or metal barrel or drum must be lined with a heavy, close-fitting, jute bag closed by secure sewing to prevent escape of sawdust. The barrel, keg, or drum must be inspected carefully and all leaks stopped.

(c) If the shipment of tetrazene is to take place at a time that freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol and water of such proportions that freezing will not occur in transit.

(d) Each barrel, keg, or drum must be plainly marked "INITIATING EXPLOSIVE—DANGEROUS—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE".

(e) Tetrazene (guanyl nitrosamino guanyl tetrazene), wet, must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.



**§ 73.79 Jet thrust units (jato), explosive, class A or igniters jet thrust (jato), explosive, class A.**

(a) Jet thrust units (jato), explosive, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Jet thrust units (jato) or igniters jet thrust (jato) must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§§ 78.165, 78.168, 78.172 and 78.185 of this chapter), wooden boxes or wooden boxes, fiberboard lined.

(b) Jet thrust units (jato), class A, or igniters, jet thrust (jato), class A, packed in any other manner must be approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "JET THRUST UNITS, CLASS A EXPLOSIVES" or "IGNITERS, JET THRUST, CLASS A EXPLOSIVES."

(d) Jet thrust units, class A, or igniters, jet thrust, class A, must not be offered for transportation by rail express, except as provided in § 73.86 or § 75.675 of this chapter.

**§ 73.80 Charged oil well jet perforating guns.**

(a) Charged oil well jet perforating guns, when transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 20 pounds per such vehicle, are classed as class C explosives. See § 73.110.

(b) Charged oil well jet perforating guns of the steel tube type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in specially constructed bodies of motor vehicles operated by private carriers engaged in oil well operations whose motor vehicles transporting such guns must have specially built racks or carrying cases designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. Shaped charges assembled in the steel tubes must be of the type described in § 73.53(h)(1), except that each shaped charge shall contain not over 4 ounces of high explosive and each shaped charge if not completely enclosed in glass or metal must be fully protected by a metal cover after installation in the gun.

(c) Charged oil well jet perforating guns of the metallic strip or tubular framework type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in specially constructed bodies of motor vehicles operated by private carriers engaged in oil well operations transporting charged oil well jet perforating guns shall be segregated; each kind from every other kind, and from jet perforating guns, tools or other supplies. Blasting caps, electric blasting caps, or other firing devices shall be carried in a container having individual pockets for each such device or in a fully enclosed steel container lined with nonsparking material. No more than two blasting caps, electric blasting caps, or other firing devices per gun shall be transported on the same motor vehicle transporting oil well jet perforating guns.

(d) The charged oil well jet perforating guns described in paragraphs (b) and (c) of this section and the bodies of motor vehicles transporting such guns must be so designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. The assembled gun or guns packed as required by paragraphs (b) or (c) of this section must not extend beyond the body of the vehicle and must be secured in the body of the motor vehicle in a fixed position so as to prevent movement relative to each other or in the body of the motor vehicle.

(e) Blasting caps, electric blasting caps, or other firing devices transported on any motor vehicle operated by private carriers engaged in oil well operations transporting charged oil well jet perforating guns shall be segregated; each kind from every other kind, and from jet perforating guns, tools or other supplies. Blasting caps, electric blasting caps, or other firing devices shall be carried in a container having individual pockets for each such device or in a fully enclosed steel container lined with nonsparking material. No more than two blasting caps, electric blasting caps, or other firing devices per gun shall be transported on the same motor vehicle transporting oil well jet perforating guns.

(f) Charged oil well jet perforating guns must not be offered for transportation or transported by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

**§ 73.86 Samples of explosives and explosive articles.**

(a) New explosives, including fireworks and explosive devices, other than Army, Navy, or Air Force explosive or chemical ammunition of a security classification, must be examined and approved by the Bureau of Explosives as safe for transportation before being offered for shipment, except that a sample of such explosives, fireworks, and explosive devices, not to exceed 5 pounds net weight, may be offered for transportation by carriers by rail freight, highway, or water for this examination. Samples of explosives, except liquid nitroglycerin, other than new explosives for laboratory examination not exceeding 5 pounds net weight, may be offered for transportation by carriers by rail freight, highway, or water. For the purpose of Parts 71–78 of this chapter, a new explosive, including fireworks and explosive devices, is the product of a new factory or an explosive or explosive device of an essentially new composition or character made by any factory.

(b) Before being offered for shipment, explosive articles in the experimental state must be made safe by removal of ignition elements or otherwise.

(c) Shipments of samples of explosives, fireworks and explosive devices must be packed, marked, and described as required by this part for the explosive contained therein.

(d) *Samples of explosives and explosive articles for transportation by rail freight, rail express, or highway.* Samples of explosives (except liquid nitroglycerin), including fireworks and explosive devices for examination in a laboratory only and not intended for use or demonstration, may be offered for transportation by rail freight, rail express, or highway provided they fulfill the following requirements:

(1) Samples of explosives including fireworks and explosive devices for laboratory examination must be packed in well-secured metal cans, glass bottles, rubber containers, or compatible plastic containers not subject to static generation by contained products, or in strong water-proof paper or cardboard packages; each sample must consist of not more than one-half pound of explosive, and the interior package must be placed in sawdust or similar cushioning material, at least 2 inches thick, in a wooden box, spec. 14 or 15A (§ 78.165 or 78.168 of this chapter).

(2) Whenever these samples of explosives for laboratory examination are contained in a metal envelope or receptacle, this receptable must be properly cushioned with sawdust or similar cushioning material in a strong wooden box, and this interior box must be packed in a wooden box, spec. 14 or 15A (§§ 78.165 or 78.168 of this chapter), with at least 2 inches of cushioning material separating the boxes.

(3) Not more than 100 blasting caps may be shipped in one outside package for laboratory examination, and they must be packed and cushioned as provided in paragraph (d) (2) of this section.

(4) Not more than 20 half-pound samples of explosives for laboratory examination may be packed in one outside package or transported in a single car or vehicle at one time.

(5) The net weight of the explosive contents must be plainly marked by the shipper on the outside of each box offered for transportation.

(6) *Label.* Each outside package containing samples of explosives for laboratory examination must have securely and

conspicuously attached to it a square red label as described in § 73.411.

**§ 73.87 Explosives in mixed packing.**

(a) Unless specifically authorized by Parts 71–78 of this chapter, explosives must not be packed in the same outside package with each other or with other articles. Explosives, except blasting caps and other initiating explosives, in separate interior containers, may be shipped when packed in the same outside package of gross weight not exceeding 50 pounds, provided the weight of any interior package of explosives does not exceed 8 ounces, and provided the interior packages are so cushioned and protected as to insure their transportation without rupture or leakage of contents. The package must be marked and described with the name of the most dangerous explosive included such as "HIGH EXPLOSIVE", or "BLACK POWDER".

CLASS B EXPLOSIVES; DEFINITIONS

**§ 73.88 Definition of class B explosives.**

(a) Explosives, class B, are defined as those explosives which in general function by rapid combustion rather than detonation and include some explosive devices such as special fireworks, flash powders, some pyrotechnic signal devices and liquid or solid propellant explosives which include some smokeless powders. These explosives are further specifically described in paragraphs (b) to (g) of this section.

(b) Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, or shell, and catapult charges exceeding 2 inches in diameter, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

(c) Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar. It consists of an igniter and propelling charge, commonly described as a motor, and empty projectile, inert-loaded projectile or solid projectile, or without projectile.

(d) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See § 73.100 (r) for common fireworks.) Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary bombs or incendiary grenades and smoke projectiles or smoke bombs fuzed or unfuzed and containing expelling charges but without bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see § 73.60 for shipments made as low explosives) and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

(e) Jet thrust units (jato), class B, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing.

(1) Igniters, jet thrust (jato), class B, are devices consisting of an electrically operated or remotely controlled igniting element and a fastburning composition assembled in a unit for use in igniting the propelling charge of jet thrust units.

(2) Starter cartridges, jet engine, consist of plastic and/or rubber cases, each containing a pressed cylindrical block of propellant explosive and having in the top of the case a small plastic compartment that encloses an electric squib, small amounts of black powder, and smokeless powder, which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

(f) *Propellant explosives, class B.* Propellant explosives, class B, are solid or liquid chemicals or chemical mixtures which function by combustion. The combustion is controlled by composition, size, form of grain, or other chemical or mechanical means. Any propellant is class B which fails to detonate in five trials when tested (see Note 2) in the package in which it is offered for shipment. Propellant explosives, class B, include smokeless powder for small arms (see Note 4), smokeless powder for cannon, liquid monopropellant fuel (see Note 3), smokeless lowder, or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification and is defined specifically in § 73.53.

(g) Explosive power devices, class B, are devices designed to operate ejecting apparatus or other mechanisms by means of a propellant explosive, class B, and differ from explosive power devices, class C, in that they contain larger or more powerful propellants. The devices must not rupture on functioning and must be of a type approved by the Bureau of Explosives, except as otherwise provided in §§ 73.51(q) and 73.86(a).

NOTE 1. Fire-extinguisher charges containing not to exceed 50 grains of propellant explosives per unit are exempt from the regulations in Parts 71–78 of this chapter.

NOTE 2: In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidences of detonation.

NOTE 3: A liquid monopropellant fuel is defined as any propellant in which the fuel and the oxidizer are physically or chemically combined in one form.

NOTE 4: Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car or motor vehicle, except shipments by, for, or to the Department of the Army, Navy, or Air Force of the United States Government, shall be classed as a flammable solid for purposes of transportation when packaged in accordance with § 73.197a.

**§ 73.89 Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles, or without projectiles or shell.**

(a) Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles, or without projectiles or shell, must be well packed and properly secured in strong wooden or metal containers.

(b) Each outside package must be plainly marked "AMMUNITION FOR CANNON WITH EMPTY PROJECTILES", "AMMUNITION FOR CANNON WITH INERT-LOADED PROJECTILES", "AMMUNITION FOR CANNON WITH SOLID PROJECTILES", or "AMMUNITION FOR CANNON WITHOUT PROJECTILES", as the case may be.

(c) Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles, or without projectiles or shell, must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

**§ 73.90 Rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles.**

(a) Rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles must be well packed and properly secured in strong wooden or metal containers.

(b) Each outside package must be plainly marked "ROCKET AMMUNITION WITH EMPTY PROJECTILES", "ROCKET AMMUNITION WITH INERT-LOADED PROJECTILES", "ROCKET AMMUNITION WITH SOLID PROJECTILES", or "ROCKET AMMUNITION WITHOUT PROJECTILES", as the case may be.

(c) Articles as defined in § 73.88 (c) must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

**§ 73.91 Special fireworks.**

(a) Special fireworks, except as otherwise authorized, must be securely packed in containers complying with the following specifications:

(1) Spec. 11B (§ 78.161 of this chapter). Strong, tight, sparkproof wooden barrels.

(2) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes. Gross weight not to exceed 500 pounds.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds except as provided in subparagraph (5) of this paragraph. Not permitted for illuminating projectiles and aeroplane flares.

(4) Fireworks that can be exploded en masse, by dropping the completed shipping container from a height of six feet or by the impact of a rifle bullet, if found safe for transportation, may be shipped in accordance with the regulations in this part applying to high explosives.

(5) Ship distress signals when packed in tight inside metal containers of not less than 24 gauge sheet iron or other metal of equal strength, securely closed by positive means (not friction) and of such design and so arranged as to completely fill the outside container, may be packed in spec. 12B (§ 78.205 of this chapter) fiberboard boxes. Gross weight not to exceed 95 pounds when boxes are made in accordance with § 78.205–29 of this chapter.

(b) Flash or spreader cartridges not exceeding 72 grains of flash powder each must be packed in containers complying with the following specifications:

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes or spec. 12B (§ 78.205 of this chapter) fiberboard boxes, with inside containers which must be cartons or tin cans containing not over 6 cartridges and not to exceed 150 cartons or cans to an outer box.

(c) Flash cartridges consisting of a paper cartridge shell, small arms primer, and flash composition, not exceeding 180 grains each, all assembled in one piece ready for firing must be packed in containers complying with the following specifications:

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes, or spec. 12B (§ 78.205 of this chapter) fiberboard boxes, with inside containers which must be cartons containing not to exceed 12 cartridges each and not more than 12 such cartons in one outside box.

(2) Flash cartridges, in quantity not exceeding 5 pounds, when in small interior wooden boxes, may be packed with nonexplosive, nonflammable or noncorrosive articles.

(d) Flash sheets must be packed in containers complying with the following specifications:

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes, or spec. 12B (§ 78.205 of this chapter) fiberboard boxes, with inside containers which must be an inner package or envelope containing not more than 6 flash sheets and not more than one dozen inner envelopes or packages inclosed in each inner pasteboard box or carton. Gross weight of wooden box not to exceed 150 pounds. Gross weight of fiberboard box not to exceed 65 pounds.

(2) Flash sheets, in quantity not exceeding 5 pounds, when in small interior wooden boxes, may be packed with nonexplosive, nonflammable, or noncorrosive articles.

(e) Photographic flash powder must be packed in containers complying with the following specifications:

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes, or spec. 12B (§ 78.205 of this chapter) fiberboard boxes, with inside containers which must be any inside container sufficiently strong to retain contents not exceeding 2 ounces each. If bottles are used, each bottle must be packed in a securely closed fiber mailing tube having metal ends. Not more than 4 dozen 2-ounce bottles may be packed in an outer wooden box. When packed in units not exceeding 1 ounce each without bottles in similar fiber mailing tubes and outer wooden boxes, the gross weight of one outside box must not exceed 150 pounds. Gross weight of fiberboard box not to exceed 65 pounds.

(2) Photographic flash powder, in quantity not exceeding 5 pounds, when in small interior wooden boxes, may be packed with nonexplosive, nonflammable, or noncorrosive articles.

(f) Railway torpedoes (track torpedoes) must be packed in containers complying with the following specifications:

(1) Spec. 15A, 15B, 16A, 19A, or 19B (§§ 78.168, 78.169, 78.185, 78.190, or 78.191 of this chapter). Wooden boxes. Net weight not to exceed 125 pounds.

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside containers which must be cartons containing not to exceed one-half gross track torpedoes each. Gross weight of outside fiberboard box not to exceed 65 pounds.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes without inside containers may be used for not more than 50 track torpedoes provided the smallest dimension of the box is not less than 6 inches.

(g) Toy torpedoes must be securely packed as prescribed in this section in containers complying with the following specifications:

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or § 78.190 of this chapter) wooden boxes, or spec. 12B (§ 78.205 of this chapter) fiberboard boxes which must be constructed to comply with § 78.205–30 of this chapter. Not more than 20 one-quarter gross cartons totalling not more than 5 gross of toy torpedoes are authorized per fiberboard box. Gross weight of fiberboard box must not exceed 35 pounds. Gross weight of wooden box must not exceed 65 pounds.

(2) Toy torpedoes of any kind must not be packed with other fireworks.

(3) Toy torpedoes containing a cap must be packed in sawdust, in inside paper or cardboard cartons. The size of the carton must be not less than 4 cubic inches for each grain of explosive.

(4) Toy torpedoes containing a mixture of potassium chlorate, black antimony and sulfur, must be packed in an inner container, containing not more than one-fourth gross. The capacity of this inner container must be not less than 105 cubic inches, and it must be divided into 12 equal compartments. All vacant space inside the container must then be filled with sawdust or fine shavings.

(5) The gross weight of a container of toy torpedoes must not exceed 65 pounds.

(h) Except as otherwise specified in this section the gross weight of one outside container of special fireworks must not exceed 500 pounds.

(i) *Marking.* Each outside container of special fireworks must be plainly marked in letters not less than 7/16 inch in height "SPECIAL FIREWORKS—HANDLE CAREFULLY—KEEP FIRE AWAY", except that each outside container of railway torpedoes must be plainly marked in letters not less than 7/16 inch in height "RAILWAY TORPEDOES—HANDLE CAREFULLY—KEEP FIRE AWAY".

(1) Outside containers of toy torpedoes must in addition be marked "TOY TORPEDOES".

(j) *Label.* Each outside container of special fireworks when offered for transportation by carriers by rail express or water must have securely and conspicuously attached to it a square red label as described in § 73.410.

**§ 73.92 Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.**

(a) Jet thrust units (jato), class B, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B, must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§§ 78.165, 78.168, 78.172 and 78.185 of this chapter), wooden boxes or wooden boxes, fiberboard lined.

(2) Spec. 15B (§ 78.169 of this chapter), wooden boxes. Authorized only for igniters, jet thrust (jato), class B.

(3) Spec. 23F (§ 78.214 of this chapter). Fiberboard boxes. Authorized for igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B, only, which must be packed in tightly closed inside fiberboard boxes, at least 200-pound test (Mullen or Cady), or metal containers. Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment.

(4) Jet thrust units (jato), class B, may be packed in the same outside shipping container with separately packaged igniters, jet thrust, class B, when the containers are approved by the Bureau of Explosives.

(b) Jet thrust units (jato), class B, or igniters, jet thrust (jato), class B, packed in any other manner must be approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "JET THRUST UNITS, CLASS B EXPLOSIVES," "IGNITERS, JET THRUST, CLASS B EXPLOSIVES," or "STARTER CARTRIDGES, JET ENGINE, CLASS B EXPLOSIVES."

(d) *Label.* Each outside container of igniters, jet thrust (jato), class B explosives, jet thrust units (jato), class B explosives, or starter cartridges, jet engine, class B explosives, when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

**§ 73.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).**

(a) **Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, when offered for transportation by carriers by rail freight, highway, or water, must be packed in containers complying with the following specifications (see paragraphs (g) (1) and (2) of this section and § 75.675 of this chapter for shipments by rail express):**

(1) **Spec. 10B** (§ 78.156 of this chapter). Wooden barrels or kegs. Gross weight not to exceed 200 pounds.

(2) **Spec. 13** (§ 78.140 of this chapter). Metal kegs at least 8 inches long. Gross weight not to exceed 150 pounds.

(3) **Bundles of metal kegs, spec. 13** (§ 78.140 of this chapter), firmly tied together with rope and wrapped in strong burlap, canvas, or similar material, securely sewed and roped, are authorized. Net weight of propellant explosives must not exceed 100 pounds.

(4) Tight metal cases in tight wooden boxes free from loose knots and cracks or tight metal containers. Gross weight not to exceed 200 pounds.

(5) **Spec. 14** or 15A (§§ 78.165 or 78.168 of this chapter). Wooden boxes, metal-lined, spec. 2F (§ 78.25 of this chapter). Gross weight not to exceed 200 pounds.

(6) Spec. 14 or 15A (§ 78.165 or § 78.168 of this chapter) wooden boxes or spec. 23F or 23H (§ 78.214 or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cloth or paper bags, of capacity not exceeding 25 pounds, net weight, each capable of withstanding, when filled to shipping content, at least two drops on end from a height of 4 feet, without breakage or sifting of contents. Outside container not to exceed more than 50 pounds, net weight.

(7) Spec. 14, 15A, 15B, or 15C (§§ 78.165, 78.168, 78.169, or § 78.170 of this chapter) wooden boxes, or spec. 12B, 23F, or 23H (§§ 78.205, 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be spec. 13 metal kegs. Spec. 12B (§ 78.205 of this chapter) fiberboard boxes shall contain not more than 6 metal kegs not over 5 pounds net weight each in one outside box. Gross weight not to exceed 200 pounds in wooden boxes or 65 pounds in fiberboard boxes.

(8) Spec. 14, 15A, 15B, or 15C (§§ 78.165, 78.168, 78.169, or 78.170 of this chapter) wooden boxes, or spec. 12H, 23F, or 23H (§§ 78.209, 78.214, or 78.219 of this chapter) fiberboard boxes, with inside containers which must be fiber or metal containers of not more than 1½ pounds capacity each. Gross weight not to exceed 200 pounds in wooden boxes or 65 pounds in fiberboard boxes.

(9) Spec. 14, 15A, 15B or 15C (§§ 78.165, 78.168, 78.169 or 78.170 of this chapter) wooden boxes, or spec. 23F or 23H (§§ 78.214 or 78.219 of this chapter) fiberboard boxes, with inside containers which must be not to exceed four metal containers, spec. 2A (§ 78.20 of this chapter), of not more than 25 pounds each. Gross weight in fiberboard boxes not to exceed 65 pounds.

(10) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Drums having wooden heads must be provided with a strong sift-proof liner. Authorized net weight not over 225 pounds.

(11) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes, not lined, authorized only for grains not less than 1-inch in diameter or 3 inches in length, provided such grains are tightly packed and are coated with a protective material. Gross weight not to exceed 200 pounds.

(12) Propellant explosives packed in any manner other than as specifically provided for in this paragraph must be in containers approved by the Bureau of Explosives.

(b) Propellant explosives (smokeless powder for cannon or small-arms) in water when offered for transportation by carriers by rail freight, highway, or water must be packed in containers complying with the following specifications:

(1) Spec. 5, 5A, 5B, 6A, 6B, or 6C (§§ 78.80, 78.81, 78.82, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 10A or 10B (§§ 78.155 or 78.156 of this chapter). Wooden barrels or kegs.

(3) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, metal-lined, spec. 2F (§ 78.25 of this chapter).

(c) Igniters composed of black powder may be included in shipments of propellant explosives.

(d) Propellant explosives (unstable, condemned, or deteriorated smokeless powder for cannon or small arms) must be packed submerged in water in containers complying with the following specifications:

(1) Spec. 5, 5A, 5B, 6A, 6B, or 6C (§§ 78.80, 78.81, 78.82, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 10A or 10B (§§ 78.155 or 78.156 of this chapter). Wooden barrels or kegs.

(3) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, metal-lined, spec. 2F (§ 78.25 of this chapter).

(4) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.285, 78.280 or 78.303 of this chapter). Tank cars.

(5) Propellant explosives (unstable, condemned, or deteriorated smokeless powder for cannon or small arms) must not be offered for transportation by rail express.

(e) Propellant explosives (liquid), when offered for transportation by rail freight, highway, or water, must be packed in containers complying with the following specifications (see § 73.93(g) for shipments by rail express):

(1) Spec. 15A, 15B, or 15E (§ 78.168, 78.169, or 78.172 of this chapter). Wooden box or wooden box fiberboard lined, with inside polyethylene bottles having taped screw-cap closures, not over 1 gallon capacity each. Each bottle must be entirely contained within a polyethylene or other suitable plastic bag formed of material not less than 0.004 inch thickness, with ends securely closed. Each bottle in the plastic bag shall be enclosed in a tight metal container and be surrounded on all sides with at least 2 inches of incombustible cushioning material; cans in the outside box must likewise be cushioned from each other and sides, top, and bottom of the container.

(2) Spec. 5B, 6A, 6B, 6C, 6D; also 17C or 17H (single-trip containers) (§ 78.82, 78.97, 78.98, 78.99, 78.102, 78.115, or 78.118 of this chapter). Metal barrel, drum, or cylindrical steel overpack, with inside spec. 2S (§ 78.35 of this chapter) polyethylene container, packed inside a strong, tight metal drum securely closed, or with inside glass-lined aluminum carboy not over 12 gallons capacity. Inside steel drum or glass-lined aluminum carboy must be surrounded on all sides with at least 2 inches of incombustible absorbent cushioning material uniformly distributed. Polyethylene containers are authorized only for liquids that will not react dangerously with the plastic or result in container failure.

(3) Outage requirements. Containers must not be entirely filled. Sufficient interior space must be left vacant to prevent leakage or distortion of containers due to the expansion of the contents from increase of temperature during transit.

(4) Propellant explosives (liquid) packed in any manner other than as specifically provided for in this paragraph must be in containers approved by the Bureau of Explosives.

(f) Each outside container must be plainly marked "PROPELLANT EXPLOSIVES (LIQUID), CLASS B," "PROPELLANT EXPLOSIVES (SOLID), CLASS B," or "PROPELLANT EXPLOSIVES (SOLID), CLASS B, IN WATER," as the case may be. There may be added such additional marking as "Smokeless Powder for Cannon" or "Smokeless Powder for Small Arms," as the case may be.

(g) Propellant explosives when offered for transportation by rail express must be packed as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Solids in tightly closed metal cans or fiber containers, not exceeding 1 pound each, or in inside metal cans or fiber containers containing not more than one grain of propellant, not exceeding 5 pounds each, and liquids in polyethylene bottles compatible with contained liquid, with screw-cap closures taped, not exceeding 1 pound or 16 fluid ounces capacity each, packed in outside wooden box, spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter); or outside fiberboard box, spec. 12B, 23F, or 23H (§§ 78.205, 78.214, or 78.219 of this chapter). Not more than 1,000 small-arms primers packed in inside containers as prescribed by § 73.107 may be included in one outside shipping container with solid propellant explosives. Inside containers must be packed so as to prevent movement within the outside container. Not more than 10 pounds of propellant explosives may be shipped in one outside container. Each outside container must be plainly marked "PROPELLANT EXPLOSIVES (LIQUID), CLASS B," or "PROPELLANT EXPLOSIVES (SOLID), CLASS B," as the case may be.

(2) **Label:** Each outside container of propellant explosives, when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.



**§ 73.94 Explosive power devices, class B.**

(a) Explosive power devices, class B, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of Explosives. Explosive power devices, class B, must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§§ 78.165, 78.168, 78.172, or 78.185 of this chapter). Wooden boxes or wooden boxes, fiberboard lined.

(2) Strong wooden or metal boxes or containers. Authorized only for shipments made by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government.

(b) Explosive power devices, class B, packed in any other manner must be in containers of a type approved by the Bureau of Explosives.

(c) Each outside container must be plainly marked "EXPLOSIVE POWER DEVICES, CLASS B" and "HANDLE CAREFULLY—KEEP FIRE AWAY."

(d) Label: Each outside container of explosive power devices when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

CLASS C EXPLOSIVES; DEFINITIONS

**§ 73.100 Definition of Class C explosives.**

(a) Explosives, class C, are defined as certain types of manufactured articles which contain class A, or class B explosives, or both, as components but in restricted quantities, and certain types of fireworks. These explosives are further specifically described in this section.

(b) Small-arms ammunition is fixed ammunition consisting of a metallic, plastic composition, or paper cartridge case, a primer, and a propelling charge, with or without bullet, shot, tear gas material, tracer components, or incendiary compositions or mixtures, but not including bullets loaded with high explosives, and is further limited to the following:

(1) Ammunition designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or to the shoulder.

(2) Ammunition of caliber less than .75 inch (19.05 millimeters) designed to be fired from machine guns.

(3) Blank cartridges including canopy remover cartridges, starter cartridges, and seat ejector cartridges, containing not more than 500 grains of propellant powder, provided that such cartridges shall be incapable of functioning en masse as a result of the functioning of any single cartridge in the container or as a result of exposure to external flame.

(c) Explosive cable cutters are used for cutting cables, etc. They consist of a metal device containing a knife-edged component which is propelled by a small charge of an explosive compound.

(d) Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene-trinitramine not exceeding 400 grains per linear foot, overspun with tapes, yarns and plastics or waterproofing compounds. Wire countering is permissible.

(e) Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes" (see § 73.53 (g) (2)).

(f) Tracer fuzes and tracers are devices which are attached to projectiles and contain a slow-burning composition to show the flight of projectiles at night.

(g) Cartridge bags, empty, with black powder igniters consist of empty bags having attached thereto an igniter composed of black powder. (See § 73.93 (b), (c), and (d) when shipped with propellant explosives.)

(h) Igniters consist of fiberboard, plastic, paper or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition.

(i) Delay electric igniters consist of small metal, fiberboard, or pasteboard tubes containing a wire bridge in contact with a small quantity of ignition compound. The ignition compound is in contact with or in close proximity to a short piece of safety fuse.

(j) Electric squibs consist of small tubes or blocks containing a small quantity of ignition compound in contact with a wire bridge.

(k) Fuse lighters and fuse igniters are small cylindrical hollow pasteboard or metal tubes containing an igniting composition in one end, the other end being open to permit it to be placed on safety fuse.

(l) Safety squibs are small paper tubes containing a small quantity of black powder. One end of each tube is usually twisted and tipped with sulfur.

(m) Instantaneous fuse is cotton yarn impregnated with meal powder. No restrictions other than packing in strong wooden boxes or barrels plainly marked "INSTANTANEOUS FUSE" are prescribed in this part.

(n) Primers are devices used to ignite the powder charges of ammunition or the black powder bursting charges of projectiles. For small-arms ammunition the primers are "small-arm primers" or "percussion caps".

(o) Safety fuse, consisting of a core of black powder overspun with yarns, waterproofing compounds, and/or tapes must be packed in outside fiberboard boxes, wooden boxes, wooden barrels, bales, or metal containers, and must be described for shipping purposes as "SAFETY FUSE". No other restrictions apply in this part.

(p) Toy paper caps, consisting of paper cap ammunition for toy pistols, in sheets, strips, rolls, or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013 inch in thickness, metal not less than 0.008 inch in thickness, or noncombustible plastic not less than 0.015 inch in thickness, which shall provide a complete enclosure and the minimum dimensions of each side or end of such package shall be not less than ⅛ inch in height. Unless greater weight of composition is approved by the Bureau of Explosives, the number of caps in these inside packages shall be limited so that not more than 10 grains of explosive composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 73.109.

(q) Explosive rivets, each containing not more than 375 milligrams of explosive composition, are exempt from specification packaging and labeling requirements when packed in pasteboard or other inside boxes in securely closed strong wooden boxes, fiberboard boxes or metal containers. Each outside container must be marked "EXPLOSIVE RIVETS". No other restrictions apply in this part.

(r) Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which produces or is intended to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight; nor shall such device or component, upon functioning, project or disperse any metal, glass or brittle plastic fragments. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects.) Any new device, not enumerated in this paragraph, must be approved by the Bureau of Explosives before being offered for transportation as Common Fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, except articles defined in paragraphs (s) through (y) inclusive, of this section, other than common fireworks as defined in this paragraph, and those forbidden for transportation in § 73.51, are classed as Special Fireworks (see § 73.88(d)).

(1) Roman candles, not exceeding ten balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ⅝ inch.

(2) Sky rockets with sticks, total pyrotechnic composition not to exceed

twenty grams each in weight. The inside tube diameter shall not exceed ½ inch. The rocket sticks must be securely fastened to the tubes.

(3) Helicopter type rockets, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ½ inch.

(4) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside tube diameter shall not exceed ¾ inch.

(5) Cone fountains total pyrotechnic composition not to exceed fifty grams each in weight.

(6) Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred and forty grams for each complete wheel. The inside tube diameter of driver units shall not exceed ½ inch.

(7) Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight.

(8) Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate shall not exceed 5 grams. Sparklers, the composition of which does not exceed 100 grams each and which contain no magnesium or magnesium and a chlorate or perchlorate, are not subject to the regulations in Parts 71–78 and 197 of this chapter.

(9) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed forty grams each in weight.

(10) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight.

(11) Novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.

(s) Igniter cord consists of textile yarns and/or a wire uniformly covered with a combustible chemical mixture, with or without additional textile or wire counterings, waterproofing or finishing coatings which, when ignited, burns externally at various rates according to design. Igniter cord must be packed in strong, tight, outside fiberboard boxes or drums, wooden boxes or metal containers plainly marked "IGNITER CORD."

(t) Explosive auto alarms are tubular devices containing a small amount of explosive composition and igniting compound which is ignited by an electric spark. These devices must be so designed that they will neither burst nor cause external flame on functioning.

(u) Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. These devices must be so designed that they will neither burst nor produce external flame on functioning and ignition elements, if attached, must be of a design approved by the Bureau of Explosives.

(v) Oil well cartridges are tubular devices consisting of a thin fiber, metal, or composition shell containing not more than 200 grains of propellant powder and having no ignition device or element.

(w) Actuating cartridges, explosive, fire extinguisher or valve consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate valves on remotely controlled fire extinguishers or other apparatus.

(x) Cigarette loads, trick matches, and trick noise makers, explosive, must be of a type approved by the Bureau of Explosives and are described as follows:

(1) Cigarette loads consist of wooden pegs to which are affixed a small amount of explosive composition.

(2) Trick matches consist of book matches, strike anywhere matches, or strike-on-box matches which have small amounts of explosive or pyrotechnic composition affixed to the match stem just below the match head.

(3) Trick noise makers, explosive, consist of spheres containing a small amount of explosive composition.

(y) Smoke candles, smoke pots, smoke grenades, and smoke signals containing not more than 200 grams of pyrotechnic composition each (see Note 1) unless greater weight of composition is approved by the Bureau of Explosives, exclusive of smoke compositions (see Note 2), without bursting charges, hand signals devices, Very signal cartridges, and highway or railway fusees are devices designed to produce visible effects for signal purposes.

NOTE 1: Pyrotechnic compositions (other than smoke compositions) are defined as chemical mixtures which on burning and without explosion, produce visible or brilliant displays or bright lights.

NOTE 2: Pyrotechnic smoke compositions are defined as chemical smoke producing mixtures, which on ignition burn at a controlled rate, without the production of flame and without the build-up of internal pressure that would rupture or burst the end product.

(z) Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning. These devices must be so designed that they will not function other explosive devices in the package sympathetically.

(aa) Explosive power devices, class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib. The devices must be of a type approved by the Bureau of Explosives for this classification.

(bb) Detonating fuzes, class C explosives, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedos, grenades, demolition charges, and safety and arming devices. They contain a detonator and a quantity of high explosives. Additionally they may be used by the military or commercial users to transmit a detonation between two or more devices. This type detonating fuze contains either an explosive train consisting of mild detonating fuse, metal clad, igniter fuse-metal clad or similar type fuses, and any combination of one or more boosters, detonators and high explosives in a total quantity not exceeding 25 grams of explosive composition. All detonating fuzes, class C explosives, must be made and packed so that they will not cause functioning of other fuzes, explosives, or other explosive devices if one of the fuzes detonates in a shipping container or in adjacent containers.

(cc) Mild detonating fuses, metal clad and flexible linear shaped charges, metal clad consists of a core containing not more than 2½ grains of high explosive composition per lineal foot, clad with metal either with or without a covering of tapes, yarns, plastics or waterproofing compounds. Mild detonating fuse, metal clad, and flexible linear shaped charges, metal clad, in lengths not over 26 feet and not exceeding 15 grains per lineal foot having the individual lengths separated from adjacent lengths so that mass propagation will not occur, may be shipped as class C explosives.

(dd) Igniter fuse-metal clad consists of a base metal tube with a core of explosive igniter composition in quantity not exceeding 20 grains per foot.

(ee) Starter cartridges, jet engine, class C, consist of a metal, plastic, and/or rubber case, each containing a pressed cylindrical block of flammable solid material and having in the top of the case a small compartment that encloses an electric squib, small amount of black powder, and/or smokeless powder which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines and must be of a type approved by the Bureau of Explosives except as provided in § 73.51(q) and § 73.86(a).

### § 73.101 Small-arms ammunition.

(a) Small-arms ammunition must be packed in pasteboard or other inside boxes, or in partitions designed to fit snugly in the outside container, or must be packed in metal clips. The partitions and metal clips must be so designed as to protect the primers from accidental injury. The inside boxes, partitions and metal clips must be packed in securely closed strong outside wooden or fiberboard boxes or metal containers. Blank Industrial Power Load cartridges, similar to the 22 long rim-fire cartridge, may be packed in bulk in securely closed fiberboard boxes.

(b) Small-arms ammunition in pasteboard or other inside boxes, in addition to containers prescribed in paragraph (a) of this section, may be shipped when packed in the same outside container with nonexplosive and nonflammable articles; or with small-arms primers or percussion caps in quantity not to exceed 5 pounds. The weight of the small-arms ammunition packed with other articles must not exceed 55 pounds in outside fiberboard box, or 75 pounds in outside wooden box. The outside package must be a securely closed strong wooden or fiberboard container.



(c) Each outside package must be plainly marked "SMALL-ARMS AMMUNITION".

(d) Outside containers of cartridges with tear gas material must in addition to marking prescribed herein be marked "TEAR GAS CARTRIDGES" and must be labeled with "TEAR GAS" label. (See § 73.409 (a) (3) for label.)

(e) No restrictions other than proper description, packing and marking for small-arms ammunition and additional marking and labeling for tear gas cartridges are prescribed in this part for the transportation of small-arms ammunition and tear gas cartridges.

(f) Shipments of small-arms ammunition, including broken lots which have lost their identity (lot number identification), may be shipped loosely packed in securely closed strong wooden boxes or metal boxes, in carload or truckload lots, when shipments are made by or for the Departments of the Army, Navy or Air Force of the United States Government to depots or manufacturing plants for reprocessing or demilitarization. Seriously deteriorated ammunition or ammunition damaged to the point of exposing incendiary or tracer composition, spillage of propellant powder, or ammunition with other hazardous defects must not be shipped. Each outside package must be plainly marked "SMALL-ARMS AMMUNITION."

### § 73.102 Explosive cable cutters, explosive power devices, class C, explosive release devices, or starter cartridges, jet engine, class C.

(a) Explosive cable cutters, explosive power devices, class C, explosive release devices, or starter cartridges, jet engine, class C must be packed in specification containers as follows:

(1) Spec. 12H, 23F, or 23H (§ 78.209, 78.214, or 78.219 of this chapter). Fiberboard boxes. Authorized gross weight not to exceed 65 pounds.

(2) In addition to specification containers prescribed in this section, explosive cable cutters, explosive power devices, class C, explosive release devices, or starter cartridges, jet engine, class C may be shipped when packed in strong wooden or metal boxes, or other containers approved by the Bureau of Explosives. Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment.

(b) Each outside container must be plainly marked "EXPLOSIVE CABLE CUTTERS," "EXPLOSIVE POWER DEVICES, CLASS C," "EXPLOSIVE RELEASE DEVICES," or "STARTER CARTRIDGES, JET ENGINE, CLASS C" and "HANDLE CAREFULLY—KEEP FIRE AWAY."

### § 73.103 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps, not exceeding 1,000 caps.

(a) Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps, in quantity not exceeding 1,000 caps, must be packed and marked as prescribed in §§ 73.66 and 73.67.

(b) Blasting caps must not be offered for transportation by rail express, except as provided in § 73.86.

### § 73.104 Cordeau detonant fuse, mild detonating fuse, metal clad or flexible linear shaped charges, metal clad.

(a) Cordeau detonant fuse, mild detonating fuse, metal clad or flexible linear shaped charges, metal clad must not be packed in the same package with detonators or with any high explosive.

(b) Cordeau detonant fuse, mild detonating fuse, metal clad or flexible linear shaped charges, metal clad, must be packed in wooden or fiberboard boxes.

(c) Each outside container must be plainly marked "CORDEAU DETONANT FUSE—HANDLE CAREFULLY," "MILD DETONATING FUSE, METAL CLAD—HANDLE CAREFULLY" or "FLEXIBLE LINEAR SHAPED CHARGES, METAL CLAD—HANDLE CAREFULLY" as the case may be.

### § 73.105 Percussion, tracer, combination, time fuzes and tracers.

(a) Percussion, tracer, combination, time fuzes and tracers must be packed in strong, tight, outside wooden boxes or spec. 23F (§ 78.214 of this chapter) fiberboard boxes, with special provision for securing individual packages of fuzes or tracers against movement in the box.

(b) The gross weight of one outside wooden box must not exceed 150 pounds, and the gross weight of one outside fiberboard box must not exceed 35 pounds.

(c) Each outside container must be plainly marked with proper descriptive name and also "HANDLE CAREFULLY"

(d) No restrictions other than proper description, packing, and marking are prescribed in this part for the transportation of percussion, tracer, time, or combination fuzes, or tracers.

### § 73.106 Cartridge bags, empty, with black powder igniters, igniters, safety squibs, electric squibs, delay electric igniters, igniter fuse-metal clad, and fuse lighters or fuse igniters.

(a) Cartridge bags, empty, with black powder igniters, igniters, safety squibs, electric squibs, delay electric igniters, igniter fuse-metal clad, and fuse lighters or fuse igniters must be packed in strong fiberboard or wooden boxes or wooden or metal barrels or drums properly described and properly marked with the name of the article packed therein.

### § 73.107 Primers, percussion caps, and empty grenades, primed.

(a) Primers (cannon, combination and small arms), percussion caps, and empty grenades, primed, must be packed in strong, tight, outside wooden boxes, except as otherwise provided herein, with special provision for securing individual packages against movement in the box.

(b) Empty cartridge cases, primed, must be packed in strong, tight, outside wooden or fiberboard boxes.

(c) Small-arms primers containing anvils must be packed in cellular inside packages, with partitions separating the layers and columns of the primers, so that the explosion of a portion of the primers in the completed shipping package will not cause the explosion of all the primers. They must be packed as prescribed in paragraphs (a) of this section or in spec. 12B (§ 78.205 of this chapter) fiberboard boxes, and equipped with corrugated fiberboard liners having Mullen or Cady test equal to or exceeding that of the box, except liner is not required for full depth telescope style box which may be closed as specified by § 78.205–17(a)(2) of this chapter. Not more than 5,000 primers shall be packed in each fiberboard box.

(1) Spec. 23H (§ 78.219 of this chapter). Fiberboard boxes of full depth telescope style with top section having extended end flaps and bottom section with extended side flaps designed to tuck under and form boxes without glued or stapled joints. Boxes shall have full height inside perimeter liner and top and bottom full area pads of double-wall corrugated fiberboard. Hand-holes oval in shape, not more than 1 inch in width by 4 inches in length and horizontal with top score line, are authorized in ends of boxes. Primers shall be packed in cellular inside packages with partitions separating the layers and columns of the primers as required by the introductory text of this paragraph. Not more than 50,000 primers shall be packed in one outside box.

(d) Percussion caps must be packed in metal or other inside boxes containing not more than 500 caps; the construction of the cap or packing and the kind and quantity of explosives in each must be such that the explosion of a part of the caps in the completed shipping package will not cause the explosion of all the caps.

(e) Small-arms primers and/or percussion caps may be packed with nonexplosive and/or nonflammable articles, or with small-arms ammunition as provided in § 73.101(b). Small-arms primers may be included with propellant explosives (solid), class B, in the same outside container as provided in § 73.93 (g)(1). The weight of the small-arms primers or percussion caps must not exceed 5 pounds in any such outside container.

(f) The gross weight of one outside package must not exceed 150 pounds.

(g) Each outside container must be plainly marked with proper descriptive name and also "HANDLE CAREFULLY".

(h) No restrictions other than proper shipping name, packing and marking are prescribed in this part for the transportation of percussion caps, cannon primers, small-arms primers, combination primers, empty cartridge cases primed, or empty grenades primed.

### § 73.108 Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke grenades, smoke pots, and Very signal cartridges.

(a) Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke grenades, smoke pots, and Very

signal cartridges, unless otherwise specifically provided for, must be securely packed in containers complying with the following specifications:

(1) Spec. 11B (§ 78.161 of this chapter). Strong, tight, sparkproof wooden barrels.

(2) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes. Gross weight not to exceed 100 pounds, except gross weight of 500 pounds is authorized for Very signal cartridges only.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds.

(4) Firecrackers, Chinese, in addition to containers specified in paragraph (a) (1), (2), and (3) of this section, may also be transported in the package in which they are imported, provided these packages consist of wooden boxes, or fiberboard boxes, spec. 12B (§ 78.205 of this chapter), in good condition, completely covered with strong matting and do not weigh more than 100 pounds, gross.

(5) Fireworks, such as sparklers or fusees, with match tip or head, or similar igniting point or surface, must have each individual tip, head, or similar igniting point or surface entirely covered and securely protected against accidental contact or friction.

(b) Railway fusees, flares or highway signals must be packed in containers complying with the following specifications:

(1) Spec. 15A, 15B, 15C, 16A, 19A, or 19B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, or 78.191 of this chapter). Wooden boxes. Gross weight not to exceed 150 pounds for spec. 19B boxes; 200 pounds for others. When spec. 15C boxes are used, devices must be packed in air-tight inside metal containers.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, provided that ends of boxes are reinforced to prevent penetration of spikes through the outside container when the completed package, prepared for shipment, is subjected to two drops from a height of 4 feet on a solid surface and so as to strike diagonally with the spikes in a downward position. Gross weight not to exceed 65 pounds, except that gross weight not to exceed 75 pounds is authorized in boxes made in accordance with § 78.205–24 (a) of this chapter.

(3) Spec. 29 (§ 78.226 of this chapter). Mailing tubes, provided the penetration of the spikes of fusees (flares or highway signals), through the outside container is prevented by one of the methods specified for fiberboard boxes, spec 12B (§ 78.205 of this chapter) in paragraph (b) (2) of this section. Gross weight not to exceed 5 pounds.

(4) Fusees, flares, pyrotechnic, or highway signals without spikes, or torches, pyrotechnic, when offered for shipment may be packed in containers prescribed in this paragraph, omitting the protection required for these articles when equipped with spikes.

(5) Fusees, flares, or highway signals may be packed with nonexplosive or nonflammable articles provided the outside packages are marked as prescribed in this section.

(c) Except as otherwise specified herein the gross weight of one outside package containing common fireworks must not exceed 100 pounds.

(d) Each outside package must be plainly marked in letters not less than 7/16 inch in height "COMMON FIREWORKS", "SIGNAL FLARES", "HAND SIGNAL DEVICES", "RAILWAY FUSEES", HIGHWAY FUSEES", "SMOKE SIGNALS", "SMOKE CANDLES", "SMOKE POTS", "SMOKE GRENADES", or "VERY SIGNAL CARTRIDGES", as the case may be, and with the additional words "HANDLE CAREFULLY—KEEP FIRE AWAY".

### § 73.109 Toy caps.

(a) Toy caps must be packed in containers complying with the following specifications:

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes. Gross weight not to exceed 150 pounds.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds.

(3) Toy caps, in addition to containers specified in subparagraphs (1) and (2) of this paragraph, may be transported in the package in which they are imported, provided the package consists of a wooden box, metal-lined, in good condition, and weighing not over 100 pounds gross. Inside packages must be as defined in § 73.100 (p).

(b) Toy caps may be packed with nonexplosive or nonflammable articles provided the outside containers are marked as prescribed herein.

(c) Toy paper caps of any kind must not be packed with fireworks.

(d) Each outside container must be plainly marked "TOY CAPS—HANDLE CAREFULLY".

### § 73.110 Charged oil well jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle.

(a) Charged oil well jet perforating guns transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 20 pounds per such vehicle must be packed as prescribed in § 73.80 (b), (c), (d) and (e).

(b) Charged oil well jet perforating guns must not be offered for transportation or transported by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

### § 73.111 Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive.

(a) Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 16A, or 19A (§ 78.168, § 78.169, §78.185, or § 78.190 of this chapter). Wooden boxes. Gross weight not to exceed 150 pounds.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds.

(3) Each outside container must be plainly marked with the proper descriptive name and "HANDLE CAREFULLY".

### § 73.112 Oil well cartridges.

(a) Oil well cartridges must be so packed that the explosive composition does not exceed 20 grains per cubic inch of space in the outside shipping container and must be in specification containers as follows:

(1) Spec. 15A, 15B, 16A, or 19A (§ 78.168, § 78.169, § 78.185, or § 78.190 of this chapter). Wooden boxes. Gross weight not to exceed 150 pounds.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds.

(3) Each outside container must be plainly marked with the name "Oil Well Cartridge" and "HANDLE CAREFULLY".

### § 73.113 Detonating fuzes, class C explosives.

(a) Detonating fuzes, class C explosives, must be packed in specification containers as follows:

(1) Spec. 12H (§ 78.209 of this chapter). Fiberboard boxes without liners, with well secured inside pasteboard cartons.

(2) In addition to specification containers prescribed in this section, detonating fuzes, class C explosive, may be packed in well secured strong, tight outside wooden or metal boxes. The gross weight of the outside wooden or metal box must not exceed 190 pounds.

(b) Each outside package must be plainly marked "DETONATING FUZES, CLASS C EXPLOSIVES—HANDLE CAREFULLY".

### § 73.114 Actuating cartridges, explosive, fire extinguisher or valve.

(a) Actuating cartridges, explosive, fire extinguisher or valve must be packed in strong wooden or fiberboard boxes.

(b) Each outside container must be plainly marked "ACTUATING CARTRIDGES, EXPLOSIVE, FIRE EXTINGUISHER — HANDLE CAREFULLY" or "ACTUATING CARTRIDGES, EXPLOSIVE, VALVE—HANDLE CAREFULLY".

(c) When shipped as components with fire extinguisher or with valve and with not more than 2 cartridges for each extinguisher or valve, they are exempt from Parts 71–78 of this chapter.

## Subpart C—Flammable Liquids; Definition and Preparation

### § 73.115 Flammable liquids; definition.

(a) A flammable liquid for the purpose of Parts 71–78 of this chapter is any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F.

(b) Flammable liquids are described as viscous flammable liquids (see § 73.119 (j)) when viscosity is determined by one of the following methods:



(1) The viscosity of the liquids must be determined in a Stormer viscosimeter with an actuating weight of 400 grams and with the liquid maintained at a temperature of 28° C. The cylinder of the viscosimeter must be immersed in the liquid.

(2) For transparent liquids the sample may be tested in a vertical glass tube, 1 inch inside diameter by approximately 13 inches long, having two marks 10 inches apart engraved thereon, the lower mark being 2 inches above the bottom of the tube; the liquid to be tested shall be poured into the tube until its surface rises one-half inch above the upper mark and must be maintained at a temperature of 28° C. during the test; a polished steel ball one-fourth inch in diameter shall be supported one-half inch above the surface of the liquid at the center of the tube and dropped therein.

(3) When the speed of the cylinder in the first test does not exceed 10 revolutions per 13 seconds, or the time required in the second test for the steel ball to fall the vertical distance between the two lines upon the glass tube is not less than 4 seconds the material is classed as "viscous."

### § 73.116 Outage.

(a) Outage for containers offered for transportation by carriers by rail freight, rail express, highway, or water, except as otherwise specifically provided in this part, must be as prescribed in paragraphs (b) to (h) of this section.

(b) Containers must not be entirely filled. Sufficient interior space must be left vacant to prevent leakage or distortion of containers due to the expansion of the contents from increase of temperature during transit. This outage must be calculated to the total capacity of the container.

(c) In packages containing alcohol, cologne spirits, high wines, or other distilled spirits of 150 proof or over, the vacant interior space must be the maximum permitted by the United States Internal Revenue regulations.

(d) Flammable liquids must not be loaded into domes of tank cars. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage.

(e) Flammable liquids having vapor pressure of 16 pounds per square inch absolute at 100° F. or less must be so loaded in tank cars that the outage shall be not less than 2 percent.

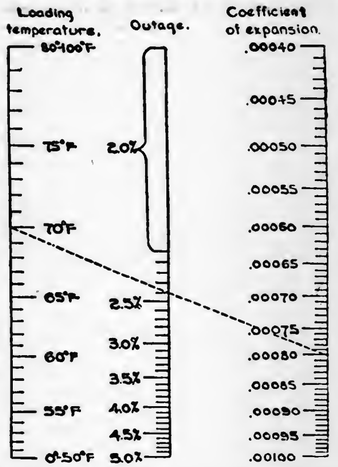
(f) Flammable liquids having a vapor pressure exceeding 16 pounds per square inch absolute at 100° F. for which minimum outage is not otherwise specifically provided herein, when loaded in uninsulated tank cars, must be so loaded that the minimum outage will be the greatest of the following values:

(1) Dome capacity.

(2) Two percent of total capacity of tank and dome.

(3) Outage as shown in paragraph (g) of this section.

(g) Outage chart for flammable liquids:




Example: Suppose the temperature of the liquid at time of loading is 70° F and its coefficient of expansion is 0.00080; lay a ruler on the chart running from 70° to 0.00080 as shown by the dotted line and the required outage is 2.4 percent where the ruler crosses the outage scale.

The following coefficients of expansion per degree Fahrenheit, of the principal flammable liquids shall be used in determining outages:

| | |
|---|---|
| Acetone | 0.00085 |
| Amyl acetate | .00068 |
| Benzol (benzene) | .00071 |
| Carbon bisulfide | .00070 |
| Ether | .00098 |
| Ethyl acetate | .00079 |
| Ethyl (grain) alcohol | .00062 |
| Methyl (wood) alcohol | .00072 |
| Toluol (toluene) | .00068 |
| Gasoline or naphtha: | |
| 50–55° A. P. I.[1] | .00055 |
| 55.1–60° A. P. I.[1] | .00060 |
| 60.1–65° A. P. I.[1] | .00065 |
| 65.1–70° A. P. I.[1] | .00070 |
| 70.1–75° A. P. I.[1] | .00075 |
| 75.1–80° A. P. I.[1] | .00080 |
| 80.1–85° A. P. I.[1] | .00085 |
| 85.1–90° A. P. I.[1] | .00090 |

[1] °A. P. I. (American Petroleum Institute), according to the following formula:

$$\text{°A. P. I.} = \frac{141.5}{\text{specific gravity}} - 131.5$$

(h) No cargo tank or compartment thereof used for the transportation of any flammable liquid shall be liquid full. The vacant space (outage) in a cargo tank or compartment thereof used in the transportation of flammable liquids shall be not less than 1 percent; sufficient space (outage) shall be left vacant in every case to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to rise in temperature in transit.

### § 73.117 Closing and cushioning.

(a) All containers must be tightly and securely closed. Inside containers must be cushioned as prescribed, or in any case when necessary to prevent breakage or leakage.

### § 73.118 Exemptions for flammable liquids.

(a) Flammable liquids, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements when packed in accordance with the following subparagraphs of this paragraph except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) In metal containers not over 1 quart capacity each, packed in strong outside containers.

(2) In containers having a capacity not over 1 pint or 16 ounces by weight each, packed in strong outside containers.

### § 73.119 Flammable liquids not specifically provided for.

(a) *Flammable liquids with flash point 20° F. or below.* Flammable liquids with flash point 20° F. or below and having vapor pressure (Reid[1] test) not over 16 pounds per square inch, absolute, at 100° F., other than those for which special requirements are prescribed in this part, must be prepared for shipment in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows (see paragraphs (c) to (l) of this section for high pressure liquids, paragraphs (j) to (l) of this section for viscous liquids, and paragraph (m) of this section for flammable liquids which are also oxidizing materials or corrosive liquids):

(1) Spec. 1A, 1C, or 1D (§§ 78.1, 78.3, or 78.4 of this chapter). Carboys, glass, boxed or in barrels or kegs, capacity not over 5 gallons, except capacity not over 6.5 gallons authorized for Spec. 1D. Must be closed, and when reused must be reconditioned and tested, as provided in the specification.

(2) Spec. 5, 5A, 5B, 5C, or 5M (§§ 78.80, 78.81, 78.82, 78.83, or 78.90 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip) not over 5 gallons capacity, with openings not over 2.3 inches in diameter. (See also paragraph (a) (16) of this section.)

(4) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(5) Spec. 10A (§ 78.155 of this chapter). Wooden barrels or kegs.

(6) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with inside containers which must be glass or earthenware, not over 1 gallon each; metal pails, kits, or cans, not over 2 gallons each.

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside con-

[1] American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D–323).

tainers which must be glass or earthenware, not over 1 quart each; metal cans, not over 1 gallon each.

NOTE 1: Spec. 12B fiberboard boxes (§ 78.205-26(a) of this chapter), with one inside rectangular metal can, spec. 2F (§ 78.25 of this chapter) not to exceed 5 gallons capacity, are authorized for gasoline only. Gross weight of completed package not over 65 pounds.

(8) Spec. 15A, 15B, 15C, 16A, 19A, or 19B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, or 78.191 of this chapter). Wooden boxes with inside containers which must be metal pails, kits, or cans, not over 10 gallons each or inside glass or earthenware containers not over 1 gallon each, except that glass or earthenware containers up to 3 gallons each are authorized when only one inside container is packed in each outside container.

(9) Spec. 21C, 22A or 22B (§ 78.224, § 78.196 or § 78.197 of this chapter). Fiber drums and plywood drums with a single inside glass, earthenware, or metal container of not over one gallon capacity in each drum. Inside container must be so cushioned at top, sides, and bottom, as to prevent breakage or leakage in transit.

(10) Spec. 42B, 42C, or 42H (§ 78.107, 78.108, or 78.112 of this chapter). Aluminum barrels or drums.

(11) Cylinders as prescribed for any compressed gas, except acetylene.

(12) Spec. 103,[2] 103-W, 103AL-W, 103D-W, 104,[2] 104-W, 105A100,[2] 105A-100AL-W 105A100-W, 106A500,[2] 106A-500-X, 106A800-X-NC, 106A800-NCI,[2] 110A500-W, 111A60AL-W, 111A60-F-1, 111A60-W-1, 111A100-W-3, 111A100-W-4, 111A100-W-6, 112A200-W, 112A400-F, 114A340-W, ARA-II,[2] ARA-III,[2] ARA-IV,[2] or ARA-IV-A[2] (§§ 79.100, 79.101, 79.200, 79.201, 79.300, and 79.301 of this chapter). Tank cars. For cars equipped with expansion domes, manway closures must be so designed that pressure will be released automatically by starting the operation of removing the manway cover. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (See § 73.432 for shipping instructions.)

(13) The use of spec. 103AL special riveted aluminum tank cars is authorized for the transportation of gasoline, ethyl acetate, acetone, methanol, or butyraldehyde as provided in special orders of November 5, 1937 and February 1, 1939.

(14) Spec. 15X (§ 78.181 of this chapter). Wooden boxes with inside metal containers. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(15) Spec. 17X (§ 78.119 of this chapter). Metal drums (single-trip). For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(16) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), not over 55 gallons capacity, not less than full 19 gauge body and head sheets for not over 30-gallon drums, and not less than full 18 gauge body and head sheets for not over 55-gallon drums, with openings not exceeding 2.3 inches in diameter. When transported by rail or highway, authorized only for carload and truckload shipments.

NOTE 1: Because of the present emergency and until further order of the Commission, l. c. l. and l. t. l. shipments will be permitted.

(17) Spec. MC 300, MC 301,[2] MC 302, MC 303, MC 304, or MC 305, (§ 78.321, 78.323, 78.324, 78.325, or 78.326 of this chapter). Tank motor vehicles.

NOTE 1: Compartmented tank motor vehicles having compartments not equipped with emergency valves or baffles are authorized provided compartments used for dangerous articles are so equipped when required by the specification and provided each compartment not so equipped is plainly marked near the manhole "This compartment not to be used for flammable liquids".

(18) The use of existing tank cars constructed to specifications Emergency USG-A,[2] USG-B,[2] or USG-C[2] in effect prior to June 4, 1956 is authorized for the transportation of liquids weighing not over 8 pounds per gallon, and having vapor pressures not exceeding 16 pounds per square inch, absolute, at 100° F.

(19) Spec. 5L (§ 78.89 of this chapter) Metal barrels or drums for gasoline shipments offered by or consigned to the Departments of the Army, Navy, and Air Force of the United States Government or Allies. Use of this container will be permitted because of the present emergency and until further order of the Commission.

(20) Spec. 12D (§ 78.207 of this chapter). Fiberboard boxes with inside containers which must be glass or earthenware not over one gallon each; authorized for not more than 75 pounds gross weight; not to contain more than 4 such inside containers if their capacity is greater than 5 pints each. Use of this container will be permitted because of the present emergency and until further order of the Commission.

(21) Gasoline samples in boxes of metal not lighter than 20 gauge, United States standard, having hinged cover securely closed, and containing not more than 5 inside rectangular metal cans with screw cap closure, each having a capacity not to exceed ½ gallon, may be shipped when consigned to state laboratories for examination.

(22) Spec. 17H or 37A (§§ 78.118 or 78.131 of this chapter). Metal drums with inside glass containers not over 9 pints capacity each. Inside containers may contain biological materials.

(23) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each. Not more than four inside containers exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirement prescribed by § 78.210-10 of this chapter.

(24) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

(25) Spec. 51 (§ 78.245 of this chapter). Portable tanks.

(b) *Flammable liquids with flash point above 20° F. to 80° F.* Flammable liquids with flash point above 20° F. to 80° F. and having vapor pressure (Reid[1] test) not over 16 pounds per square inch, absolute, at 100° F., other than those for which special requirements are prescribed in this part, must be prepared for shipment in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows (see paragraphs (c) to (i) of this section for high pressure liquids and paragraph (m) of this section for flammable liquids which are also oxidizing materials or corrosive liquids):

(1) Containers as specified in paragraph (a) of this section, except that openings greater than 2.3 inches in diameter in barrels and drums are authorized when permitted by the specification, and also the following:

(2) Spec. 17E or 17H (§§ 78.116 or 78.118 of this chapter). Metal drums (single-trip).

(3) Spec. 10B (§ 78.156 of this chapter), wooden barrels or kegs.

NOTE 1: Because of the present emergency and until further order of the Commission, wooden whiskey barrels, properly recoopered, which comply with all the provisions of spec. 10B (§ 78.156 of this chapter), are also authorized. Marking is required on the head of each container, by the reconditioner, by hot branding or legible stenciling, as follows: ICC-10B.

Name or symbol (letters) of reconditioner; this must be registered with the Bureau of Explosives and located just above, below, or following the mark ICC-10B.

Size of marking (minimum) ¾ inch high.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be glass, earthenware, polyethylene (bags are not authorized), or metal, not over 1 gallon each. Packages containing inside glass or earthenware containers must not contain more than 4 such inside containers if their capacity is greater than 5 pints each. Polyethylene containers are authorized only for materials that will not react with or cause decomposition of the plastic.

NOTE 1: Because of the present emergency and until further order of the Commission, fiberboard boxes, spec. 12B (§ 78.205-26 (a) of this chapter), with one inside rectangular metal can, spec. 2F (§ 78.25 of this chapter), not to exceed 5 gallons capacity, are authorized. Gross weight of completed package not over 65 pounds.

(5) Spec. 12E (§ 78.208 of this chapter). Fiberboard box with 1 or 2 rectangular metal inside containers of not over 5 gallons capacity each.

(6) Spec. 6K (§ 78.101 of this chapter). Metal barrels or drums which must be constructed of Type 304 stainless steel, having heads with minimum convexity of ⅝ inch welded to the body, and be equipped at both heads with 12 gauge chime reinforcements. Body seams shall be welded. Drums shall be equipped with I-bar rolling hoops.

(7) Spec. 37P (§ 78.133 of this chapter). Steel drums with polyethylene liner (nonreusable container). Authorized only for materials that will not react with polyethylene and result in container failure.

(8) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2SL (§ 78.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

(9) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S or 2SL (§ 78.35 or § 78.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure. (See § 78.224-1(a)(2) of this chapter.)

(c) *Flammable liquids for which other special packing requirements are not prescribed.* Flammable liquids for which other special packing requirements are not prescribed in this part, must be shipped, depending upon their Reid[1] vapor pressures as prescribed in paragraphs (d) to (i) of this section.

(d) *When the vapor pressure does not exceed 16 pounds per square inch, absolute, at 100° F.* When the vapor pressure does not exceed 13 pounds per square inch, absolute, at 100° F., as prescribed in paragraphs (a) and (b) of this section.

(e) *When the vapor pressure exceeds 16 pounds per square inch, absolute, at 100° F.* When the vapor pressure exceeds 16 pounds per square inch, absolute, at 100° F., but does not exceed 27 pounds per square inch, absolute, at 100° F., flammable liquids must be packed in specification containers as follows:

(1) As prescribed in paragraph (a) (1) to (11) of this section, except specs. 10A and 17E (§§ 78.155 and 78.116 of this chapter). Bung labels required, for metal barrels and drums, as prescribed in paragraph (i) of this section.

(2) Spec. 103,[2] 103-W, 103AL-W, 103D-W, 104,[2] 104-W, 105A100,[2] 105A100AL-W, 105A100-W, 106A500,[2] 106A500-X, 106A-800-X-NC, 106A800-NCI,[2] 110A500-W, 111A60AL-W, 111A60-F-1, 111A60-W-1, 111A100-W-3, 111A100-W-4, 111A100-W-6, 112A200-W, 112A400-F, 114A340-W, ARA-II,[2] ARA-III,[2] ARA-IV,[2] or ARA-IV-A[2] (§§ 79.100, 79.101, 79.200, 79.201, 79.300, and 79.301 of this chapter). Tank cars. Cars having expansion domes must be equipped with manway closures, identification marks, and dome placards as prescribed in (f)(4), (g), (h), and (h)(1) of this section. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (See Note 1 of paragraph (f)(3) of this section.)

(3) Spec. MC 300, MC 301,[2] MC 302, MC 303, MC 304, or MC 305 (§ 78.321, 78.323, 78.324, 78.325, or 78.326 of this chapter). Tank motor vehicles.

(4) Spec. 51 (§ 78.245 of this chapter). Portable tanks.

(f) *When the vapor pressure exceeds 27 pounds per square inch, absolute, at 100° F.* When the vapor pressure exceeds 27 pounds per square inch, absolute, at 100° F., but does not exceed 40 pounds per square inch (see note 2), absolute, at 100° F., flammable liquids must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5P (§ 78.80, 78.81, or 78.92 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter. Bung labels required as prescribed in paragraph (i) of this section.

(2) Cylinders as prescribed for any compressed gas except acetylene.

(3) Spec. 105A100,[2] 105A100AL-W, 105A100-W, 106A500,[2] 106A500-X, 106A800-X-NC, 106A800-NCI,[2] 110A500-W, 111A100-W-4, 112A200-W, 112A400-F, 114A340-W, or ARA-IV-A,[2] (§§ 79.100, 79.101, 79.200, 79.201, 79.300, 79.301 of this chapter) or (see Note 1 of this subparagraph). Tank cars. Spec. 104,[3] 104-W, 111A100-W-3 and ARA-IV[1] (§§ 79.200, 79.201 of this chapter) tank cars are authorized under the conditions prescribed in paragraphs (f)(4), (g), (h), and (h)(1) of this section and Note 3 of this subparagraph. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner.

NOTE 1: Tanks built in compliance with American Railway Association specifications for class IV-A[1] tank cars authorized for use effective October 1, 1925, may be continued in service for the transportation of ethyl chloride and other liquids which do not have a vapor pressure exceeding 28 pounds per square inch, gauge pressure, at 100 F, provided there is stenciled on each side of the tank immediately below the valve protecting housing the words "Liquids having vapor pressure exceeding 28 pounds per square inch at 100 F. must not be loaded into this tank" in letters and figures at least 1 inch high. These tank cars must be retested as prescribed in current spec. 105A100-W except that safety valves must open at pressure not exceeding 35 pounds, and be vapor tight at 28 pounds per square inch.

NOTE 3: Spec. 104[1] or 104-W or ARA-IV[1] tank cars are authorized provided that they are equipped with approved fittings designed to provide for the loading, unloading, gauging, sampling, and taking temperature of the contents without removing the manway closure; that safety valves are set to open at pressure of 35 pounds (with a tolerance of plus or minus 3 pounds), and are vapor tight at 28 pounds per square inch gauge pressure; that bottom discharge outlets are of the same type as authorized for specification 104[1] or 104-W tank cars; and that there is stenciled on each side of the tank above the specification mark, in letters and figures at least 1 inch high, "For vapor pressures not exceeding 40 pounds per square inch, absolute, at 100 F." Because of the present emergency and until further order of the Commission, spec. ICC-104[1] or 104-W tank cars, equipped with safety valves set to open at pressure of 35 pounds (with a tolerance of plus or minus 3 pounds) and which are vapor tight at 28 pounds per square inch, gauge preasure, are authorized provided that they are stenciled as required above.

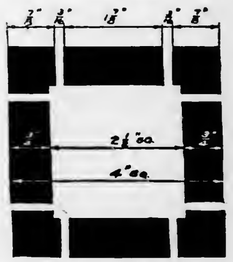
(4) Spec. 103,[1] 103-W, 103AL-W, 104,[1] 104-W, 111A60AL-W, 111A60-F-1, 111A60-W-1, ARA-II,[1] ARA-III,[1] or ARA-IV[1] (§§ 79.200, 79.201 of this chapter). Tank cars. Cars must have their manway closures equipped with approved safeguards making removal of closures from manway openings practically impossible while car interior is subjected to vapor pressure of lading. These cars must be stenciled on each side of domes in line with the ladders, and in a color contrasting to the color of the dome, with the identification mark as prescribed in paragraph (g) of this section.

(5) Spec. MC 304 (§ 78.325 of this chapter). Tank motor vehicle.

(6) Spec. 51 (§ 78.245 of this chapter). Portable tanks.

(g) *Manhole closure identification mark.*

(Reduced size)

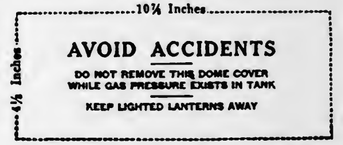



(h) *Dome placards.* Spec. 103,[1] 103AL-W, 103-W, 104,[1] 104-W, 111A60AL-W, 111A60-F-1, 111A60-W-1, ARA-II,[1] ARA-III,[1] or ARA-IV[1] (§§ 79.200, 79.201 of this chapter). Tank cars. Cars loaded with materials described in paragraphs (e) and (f) of this section must, in addition to the "Dangerous" placards, be protected by special dome placards, at least 4⅛ by 10⅞ inches, with legible wording as follows:

DOME PLACARD

(Reduced Size)

(Black printing on white)




NOTE 1: For tank car equipped with both inner and outer manhole covers, and when removal of inner cover is not necessary to unload the car, the word "inner" may be

[2] Use of existing tank cars authorized, but new construction not authorized.

[3] Use of existing cargo tanks authorized, but new construction not authorized.

[1] American Society for Testing Materials. Method of Test for Vapor Pressure of Petroleum Products (D-323).

[1] American Society for Testing Materials. Method of Test for Vapor Pressure of Petroleum Products (D-323).

[2] Use of existing tanks cars authorized, but new construction not authorized.

[3] Use of existing cargo tanks authorized, but new construction not authorized.

substituted for the word "this" in the dome placard.

(i) **Dome placards must be applied one on each side of dome and one on the top near the manhole in line with the ladders. Dome placards may be of white paper securely pasted to the dome, or of strong tag board for use in suitable holders; or the wording of the dome placard may be stenciled on the dome of car and remain thereon as long as it is used in the service which requires these special placards.**

(i) ***Bung label.*** **Flammable liquids as described in paragraphs (e) and (f) of this section, shipped in metal drums or barrels, in addition to the standard red caution label prescribed in § 73.405, must be labeled near the bung with a white rectangular label or tag measuring 5 by 3 inches, bearing the following wording:**

**BUNG LABEL**

**(Reduced Size)**

**(Black printing on white)**

5 inches

3 inches

**CAUTION** Unscrew This Bung SLOWLY

Do not unscrew entirely until all interior pressure has escaped through the loosened threads.

REMOVE BUNG IN OPEN AIR. Keep all open flame lights and fires away. Inclosed Electric Lights are safe.

(j) ***Viscous flammable liquids.*** **Flammable liquids having a viscosity as determined by one of the methods prescribed in § 73.115 (b) must be shipped in specification containers as prescribed in paragraph (k) or (l) of this section.**

(k) ***Viscous flammable liquids having a vapor pressure which does not exceed 16 pounds per square inch, absolute, at 100° F.*** **(See paragraphs (c) to (i) of this section for higher pressure liquids) must be prepared for shipment in containers as follows:**

**(1) As prescribed in paragraphs (a) or (b) of this section, irrespective of flash point.**

**(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.**

**(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons with welded side seams.**

**(4) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums.**

(l) ***Viscous flammable liquids with flash point above 20° F. to 80° F. and having a vapor pressure which does not exceed 18 pounds per square inch, absolute, at 100° F.*** **Viscous flammable liquids with flash point above 20° F. to 80° F. and having a vapor pressure which does not exceed 18 pounds per square inch, absolute, at 100° F. must be prepared for shipment in containers as follows:**

**(1) As prescribed in paragraphs (e) to (i) of this section.**

**(2) Spec. 17E or 17H (§ 78.116 or 78.118 of this chapter). Metal drums (single-trip).**

(m) ***Flammable liquids which are also oxidizing materials or corrosive liquids.*** **Flammable liquids which are also oxidizing materials or corrosive liquids as defined in §§ 73.151 and 73.240 must be packed as follows:**

**(1) Spec. 1A, 1D, or 1EX (single-trip) (§ 78.1, 78.4, or 78.6 of this chapter). Glass carboys, boxed or in plywood drums, capacity not over 5 gallons for spec. 1A.**

**(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container.**

**(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be glass or earthenware, not over 1 quart each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container.**

**(4) Spec. 5, 5A, 5B, 5C, 17C (single-trip), or 17E (single-trip) (§ 78.80, 78.81, 78.82, 78.83, 78.115 or 78.116 of this chapter). Metal barrels or drums not over 16 gallons capacity. Authorized only for materials which will not react dangerously with the drum metal, or be decomposed by contact with it.**

**(5) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5-gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24-gauge metal. Authorized only for materials that will not react with polyethylene and result in container failure.**

**(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles not over 1-gallon capacity each. Not more than four 1-gallon polyethylene bottles shall be packed in one outside fiberboard box. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene.**

**(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with one inside polyethylene bottle not over 5-gallons capacity, as specified by § 78.205-34 of this chapter. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene.**

**(8) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene.**

### § 73.120 Automobiles, motorcycles, tractors, or other self-propelled vehicles.

**(a) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with gasoline or other fuel tanks, provided such tanks are securely closed are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been drained and securely closed.**

(b) *Engines or motors (internal combustion).* Engines or motors (internal combustion) employing liquid fuel classed as flammable liquid in this chapter, whether shipped separately or as a part of other apparatus, unless specifically exempt in paragraph (a) of this section, must have their fuel tanks completely drained. Fuel may be left in the carburetor, fuel pump, and fuel lines provided the total flammable fuel content does not exceed 16 ounces and provided the lines are tightly closed to prevent leakage of the fuel.

(c) *Truck bodies or trailers on flat cars.* Truck bodies or trailers with automatic heating or refrigerating equipment of the flammable liquid type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from specification packaging, marking, and labeling requirements in this service and shall be considered as carriers equipment but not as shipments.

### § 73.121 Carbon bisulfide (disulfide).

**(a) Carbon bisulfide must be packed in specification containers as follows:**

**(1) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with glass, earthenware, or metal inside containers not over 5 pints capacity each.**

**(2) Spec. 12A or 12B (§ 78.210 or 78.205 of this chapter). Fiberboard boxes with inside containers which must be glass or earthenware, not over 1 pint each, or metal cans, not over 1 quart each. Outside containers not to exceed 65 pounds gross weight.**

**(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside metal containers, spec. 2A (§ 78.20 of this chapter); or with inside glass or earthenware containers not over 5 pints capacity each.**

**(4) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip) not over 5 gallons capacity each, with openings not exceeding 2.3 inches in diameter.**

**(5) Spec. 5, 5A, or 17C (single-trip) (§§ 78.80, 78.81, or 78.115 of this chapter). Metal barrels or drums not over 55 gallons capacity each, with openings not exceeding 2.3 inches in diameter.**

**(6) Tank cars as prescribed in § 73.119 (a) (12). (See § 73.432 for shipping instructions.)**

**(b) Carbon bisulfide (disulfide) must not be offered for transportation by rail express.**



### § 73.122 Acrolein, inhibited.

**(a) Acrolein must be inhibited and when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:**

**(1) Spec. 5, 5A, or 5B (§ 78.80, 78.81, or 78.82 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5 or 5B drums must have no opening exceeding 2.3 inches in diameter.**

**(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside metal containers, spec. 2A (§ 78.20 of this chapter), not over 5 gallons capacity each.**

**(3) Spec. 105A500W (§ 78.288 of this chapter) tank cars, which must be stenciled near the specification number "For Acrolein Only".**

NOTE 1: Spec. 105A500-W and 105A600-W (§§ 78.288 and 78.289 of this chapter) tank cars stenciled 105A200-W or 105A300-W (§§ 78.307, 78.286 of this chapter) may be used.

**(4) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) with chime reinforcement for bottom head chime seam and having fixed heads, not over 55 gallons capacity. The openings shall be located in one head and shall not exceed 2.3'' in diameter.**

**(b) Acrolein must be inhibited and when offered for transportation by rail express must be packed in specification containers as follows:**

**(1) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§ 78.168, § 78.169, § 78.170, § 78.185, § 78.190, or § 78.205 of this chapter). Wooden or fiberboard boxes having not more than one inside container of glass not exceeding one quart capacity, securely cushioned within a metal container.**

### § 73.123 Ethyl chloride.

**(a) Ethyl chloride must be packed in specification containers as follows:**

**(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass, earthenware, or metal inside containers not over 1 pound capacity each.**

**(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass, earthenware, or metal inside containers not over 1 pound capacity each. Outside containers not to exceed 65 pounds gross weight.**

**(3) Spec. 5A (§ 78.81 of this chapter). Metal barrels or drums not over 33 gallons capacity each.**

**(4) Cylinders as prescribed for any compressed gas, except acetylene.**

**(5) Spec. 105A100,[1] 105A100-W, 111A100-W-4, 112A200-W, 112A400-F, or ARA-IV-A [1] (§§ 79.100, 79.101 of this chapter). Tank cars. See Note 1 of § 73.119(f)(3). (See § 73.432 for shipping instructions.)**

**(6) Spec. MC330 (§ 78.336 of this chapter). Tank motor vehicle.**

**(b) Outage for all containers except lagged tank cars, must be 7.5 percent or more at 70° F. For lagged tank cars, 4 percent or more at 70° F.**

[1] The use of existing tank cars authorized, but new construction not authorized.

### § 73.124 Ethylene oxide.

**(a) Ethylene oxide must be packed in specification containers as follows and copper or copper bearing alloys shall not be used in any part of a container, container valve or other container appurtenance if that part is normally in contact with ethylene oxide liquid or vapor.**

**(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter) wooden boxes and Spec. 12B (§ 78.205 of this chapter) fiberboard boxes, with metal inside containers not over 12-ounce capacity each. Each inside container must have a minimum bursting strength of 180 psig as prepared for shipment and be provided with a safety vent having a minimum diameter of 0.1023 inch and closed with fusible metal having a yield temperature of 157 to 170° F. The safety vent opening shall be hot tinned before filling with fusible metal. Filling shall be such that the container will not be liquid full below 185° F. Each inside container must be completely insulated, except for top closure, with two coats of heat-retardant paint, of type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation approved by the Bureau of Explosives. Not more than 12 inside containers nor more than one layer of containers may be packed in one outside container.**

**(2) Cylinders as prescribed for any compressed gas, except acetylene, not exceeding 30 gallons water capacity nominal, which meet the following requirements. All cylinders shall be seamless or steel welded. Cylinders shall be equipped with safety devices of the fusible plug type with threaded straight bore orifice, with yield temperature of 157 to 170° F. having a minimum vent area of 0.0055 square inch per pound of water capacity of the container for containers not over one gallon capacity and 0.0012 square inch per pound of water capacity of the container for all containers over one gallon capacity. Each cylinder must be tested for leakage at a pressure of at least 15 p. s. i. gauge with an inert gas before each refilling. Filling shall be such that the container will not be liquid full at 185° F. Pressurizing valves and eductor tubes must be provided for all containers over one gallon capacity. Cylinders having a water capacity in excess of one gallon shall be insulated with three coats of heat-retardant paint, of type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation approved by the Bureau of Explosives.**

**(3) In addition to specification containers prescribed in this section, ethylene oxide may be shipped when packed in strong incombustible outside containers, with inside containers which must be securely sealed glass ampules or vials, contents not over 100 grams each, cushioned in vermiculite or equally efficient incombustible cushioning material. Not more than 100 grams of ethylene oxide shall be packed in any such outside container.**

**(4) Spec. 5P. Lagged steel drums not over 61 gallons capacity each. Drums must be equipped with safety devices of the fusible plug type with threaded straight bore orifice, with yield temperature of 157 to 170° F. having a minimum vent area of 0.0055 square inch per pound of water capacity of the container for containers not over 1 gallon capacity and 0.0012 square inch per pound of water capacity of the container for all containers over one gallon capacity. Each drum must be tested for leakage at a pressure of at least 15 p. s. i. gauge with an inert gas before each refilling; top head of each drum must be plainly marked with paint "Keep This End Up." Filling shall be such that the container will not be liquid full below 185° F. and the maximum filling for 61 gallon drums must not exceed 55 gallons of ethylene oxide at 60° F.**

**(5) Spec. 105A100,[1] 105A100-W, 111A100-W-4, or ARA-IV-A [1] (§§ 79.100, 79.101, 19.200, 79.201 of this chapter). Tank cars. Spec. 105A200-W, 105A300-W, 105A400-W, 105A500-W and 105A600-W (§§ 79.100, 79.101 of this chapter) must be restenciled 105A100-W and be equipped with safety valves of the type and size used on spec. 105A100-W tank cars. Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner. See Note 1 of § 73.119 (f)(3). (See § 73.432 for shipping instructions.)**

NOTE 1: Because of the present emergency and until further order of the Commission, specification ARA-IV [1] and ICC-104 [1] and 104-W (§§ 79.200, 79.201, of this chapter) tank cars, converted as follows, are authorized for use. Tanks must be tested to 75 pounds per square inch hydrostatic pressure and show no leakage with lagging removed. Bottom discharge outlet must be removed, the opening closed with a riveted plate, and a sump applied. Safety valves must be removed and replaced by two safety valves of the type and size used on ICC-105A100 [1] or 105A100-W (§§ 79.100, 79.101 of this chapter) tank cars but set to open at 60 pounds per square inch instead of 75 pounds. The various approved dome fittings now required on ICC-105A100 [1] or 105A100-W tank cars, must be installed in an approved manner to provide for the loading, unloading, guaging, sampling, and taking of temperature of contents without removing the manway closure. Tank jacket must be stenciled immediately above the mark ARA-IV,[1] ICC-104,[1] or ICC-104-W with the words "For Ethylene Oxide Only."

**(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at 105° F.**

### § 73.125 Alcohol.

**(a) Alcohol must be packed as follows:**

**(1) In containers as prescribed in § 73.119 (a) and (b).**

**(2) Securely closed metal tanks of not exceeding 16 gallons capacity, made of metal not lighter than 20 gauge, United States standard, packed in strong outside wooden boxes, may be used for the transportation of natural history or laboratory specimens preserved in alcohol, when shipped by or for the United States Government.**

[1] Use of existing tank cars authorized, but new construction not authorized.

(3) Spec. 12B (§ 78.205 of this chapter) fiberboard boxes. Because of the present emergency and until further order of the Commission, inside glass containers not over 1.21 gallons capacity each are authorized when only one inside container is packed in each outside container.

(4) Because of the present emergency and until further order of the Commission, existing tank cars complying with spec. 103,[1] 103–W, ARA–III,[1] AAR 203,[1] or AAR 203–W[1] (§§ 79.200, 79.201 of this chapter), previously used for the transportation of wine, are authorized when stenciled "Alcohol Only" and equipped with safety valves of the type required on spec. 103[1] tank cars.

(5) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles, not over 1-gallon capacity each, suitably cushioned to prevent movement within the box.

(7) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

**§ 73.126 Nickel carbonyl.**

(a) Nickel carbonyl must be packed in specification cylinders as prescribed for any compressed gas, except acetylene. Cylinders used exclusively for nickel carbonyl may be given a complete external visual inspection at the time periodic retest becomes due in lieu of the interior hydrostatic pressure test required by § 73.34 (j). Visual inspection shall be in accordance with Compressed Gas Association's "Standards for Visual Inspection of Compressed Gas Cylinders"[2] 1959 edition.

(b) Nickel carbonyl must not be offered for transportation by rail express.

**§ 73.127 Nitrocellulose or collodion cotton, fibrous or nitrostarch, wet; nitrocellulose flakes; colloided nitrocellulose, granular, flake, or block, and lacquer base or lacquer chips, wet.**

(a) Nitrocellulose, fibrous, wet with alcohol or solvent, must contain at least 25 percent by weight of alcohol or a solvent with flash point not lower than 30° F.; collodion cotton, fibrous and nitrostarch, wet with alcohol or a solvent, must contain at least 30 percent by weight of alcohol or a solvent with flash point not lower than 30° F.; nitrocellulose flakes; colloided nitrocellulose, granular or flake; lacquer base or lacquer chips, wet with alcohol or a solvent, must contain at least 20 percent by weight of alcohol or a solvent with flash point not lower than 30° F., and nitrocellulose blocks wet with alcohol must contain at least 25 percent by weight of alcohol and must be packed in specification containers as follows:

(1) Containers, except cargo tanks or tank cars, as prescribed in § 73.119.

(2) Spec. 6A, 6B, 6C, or 6J (§ 78.97, § 78.98, § 78.99, or § 78.100 of this chapter). Metal barrels or drums not over 55 gallons capacity. Spec. 6J (§ 78.100 of this chapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and heads must have a minimum convexity of 3/8 inch; each drum must have three rolled or swedged-in hoops, one of which shall be in the body near the curl.

(3) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums. Authorized only for nitrocellulose or collodion cotton, fibrous, wet, or colloided nitrocellulose, granular or flake, wet.

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal barrels or drums.

(5) Spec. 6J (§ 78.100 of this chapter). Metal drums. Authorized only for nitrocellulose in solid block forms and wet with alcohol to not less than 25 percent by weight. Authorized only for carload or truckload shipments.

(b) Except for spec. 37A which is limited to 480 pounds, gross weight of any container must not exceed 490 pounds.

**§ 73.128 Paints and related materials.**

(a) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, must be packed in specification containers as follows:

(1) As prescribed in § 73.119, according to flash point, pressure, or viscosity.

(2) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity with welded side seams for drums over 2 gallons capacity, irrespective of flash point or viscosity. Spec. 37A metal drums constructed with 26-gauge body sheets, 24-gauge removable heads, and 26-gauge bottom heads are authorized for not over 80 pounds gross weight. Because of the present emergency and until further order of the Commission, spec. 37A or 37B metal drums of 8½ gallons capacity, with welded side seams and made of 24-gauge metal, are authorized provided flash point of material shipped is above 20° F.

(3) Spec. 52 (§78.246 of this chapter). Aluminum or magnesium portable tanks.

(4) Spec. 37C (§ 78.135 of this chapter). Metal drums (non-reusable containers) not over 5 gallons capacity each. Authorized only for materials having flash point above 20 F.

(b) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, with flash point above 20° F., may, in addition to containers prescribed in paragraph (a) of this section, be shipped in specification containers as follows:

(1) Spec. 10C (§ 78.157 of this chapter). Wooden barrels or kegs.

(c) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water except when offered for transportation by carrier by water, name of contents must be marked on outside container. Shipments for transportation by highway carriers are exempt also from Part 77, except § 77.817, and Part 197 of this chapter. When offered for transportation by rail express, such shipments are exempt from specification packaging, marking, and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the red label as prescribed in § 73.405. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

(1) Because of the present emergency and until further order of the Commission, paint, varnish and lacquer may be shipped under the conditions prescribed in paragraph (c) of this section, in containers not exceeding 1 gallon capacity with fiberboard bodies and metal tops and bottoms made leakproof in lieu of glass, earthenware, or metal containers as specified.

**§ 73.129 Polishes, metal, stove, furniture and wood, liquid.**

(a) Polishes, metal, stove, furniture and wood, liquid, must be packed in specification containers as follows:

(1) As prescribed in § 73.119, according to flash point, pressure, or viscosity.

(2) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity with welded side seams, irrespective of flash point or viscosity.

(b) Polishes, metal, stove, furniture and wood, liquid, in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. These exemptions do not apply to shipments offered for transportation by rail express. (See § 73.118 (b) for rail express exemptions.)

**§ 73.130 Refrigerating machines.**

(a) Refrigerating machines assembled for shipment and containing not over 15 pounds of a flammable liquid for their operation are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

**§ 73.131 Road asphalt, or tar, liquid.**

(a) Road asphalt, or tar, liquid, must be packed in specification containers as follows:

(1) As prescribed in § 73.119, according to flash point, pressure, or viscosity.

(2) Spec. 10C (§ 78.157 of this chapter). Wooden barrels or kegs, authorized only for material with flash point above 20° F.

**§ 73.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.**

(a) Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution must be packed in specification containers as follows:

(1) As prescribed in § 73.119, irrespective of flash point or viscosity, except that spec. 10A or 10B (§§ 78.155 or 78.156 of this chapter), wooden barrels and kegs, must not be used.

NOTE 1: Because of the present emergency and until further order of the Commission, rubber cement containing no carbon bisulfide may be shipped in specification 10A (§ 78.155 of this chapter) wooden barrels or kegs.

(2) Spec. 52 (§ 78.246 of this chapter). Aluminum portable tanks. Authorized for materials irrespective of flash point but only those defined as viscous liquids by § 73.115(b).

**§ 73.133 Spirits of nitroglycerin.**

(a) Spirits of nitroglycerin must consist of not over 10 percent by weight of nitroglycerin in ethyl alcohol. Solutions of nitroglycerin must consist of not over 10 percent by weight of nitroglycerin in acetone. They must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes lined with paraffined paper, spec. 2L (§ 78.30 of this chapter), and with metal inside containers, securely closed with rubber stoppers tied in place. The inside containers must be entirely surrounded by at least 2 inches of dry, fine sawdust or kieselguhr. There must be not over 6 quarts of the mixture in each outside container.

NOTE 1: Because of the present emergency and until further order of the Commission, spirits of nitroglycerin, consisting of not over 10 percent by weight of nitroglycerin in ethyl alcohol, may be shipped in glass bottles not over 2 quarts capacity, securely closed with rubber stoppers tied in place. Each inside container must be entirely surrounded by at least 2 inches of dry fine sawdust or kieselguhr. There must be not over 8 quarts of the mixture in each outside container.

(b) Spirits of nitroglycerin consisting of not over 1 percent by weight of nitroglycerin in ethyl alcohol, in addition to containers specified in paragraph (a) (1) of this section, may be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes, with glass inside containers not over 1 quart capacity each, cushioned by at least 2 inches of dry, fine sawdust or kieselguhr.

[15 F.R. 8302, Dec. 2, 1950]

**§ 73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methyl-magnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof.**

(a) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methyl magnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof must be shipped in devices or apparatus of a type approved by the Bureau of Explosives or in specification containers as follows:

(1) Cylinders as prescribed for any compressed gas except acetylene.

(2) Spec. 105A300–W, 106A500,[1] 106A500–X, or 110A500–W (§§ 79.100, 79.101, 79.300, 79.301 of this chapter) tank cars. Authorized for aluminum triethyl, aluminum trimethyl, and mixtures or solutions thereof, pyroforic fuel, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, and mixtures or solutions thereof only. Specs. 106A500,[1] 106A500–X and 110A500–W tanks must not be filled to a density exceeding 80 percent of the water capacities of the tanks and tanks must be equipped with an approved spring-relief safety valve. Tanks must be loaded on cars and motor vehicles in such a manner that the safety relief valve will always be in the vapor phase.

NOTE 1: Tanks complying with ICC–106A or ICC–110A (§ 78.275 or § 78.293 of this chapter) specifications may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(3) Spec. 51 (§ 78.245 of this chapter). Portable tanks.

(4) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicles having a minimum design pressure of 250 pounds per square inch.

(5) Spec. 17C or 37A (§ 78.115 or 78.131 of this chapter). Metal drums (single-trip) with inside metal cans not over 1-gallon capacity each, constructed of not less than 28-gauge electro-coated tin plate. Inside containers shall have no opening exceeding 1-inch diameter and shall be closed with air-tight soldered screw-cap closures. Inside containers must be surrounded on all sides with incombustible cushioning material. Spec. 17C (§ 78.115 of this chapter) 30-gallon capacity drums shall contain not more than 20 gallons of pyroforic solution per drum and 55-gallon capacity drums shall contain not more than 35 gallons of pyroforic solution per drum; each layer of inside containers must be separated by a tin plate separator in addition to cushioning material. Spec. 37A drums shall not exceed 5-gallons capacity each. Authorized only for pyroforic fuel mixed with solvent.

(b) Aluminum triethyl, aluminum trimethyl and mixtures or solutions thereof, pyroforic fuel, pyroforic solutions, zinc ethyl, triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methyl magnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof, when offered for transportation by rail express must be packed in glass ampules not over 2 ounces capacity each, securely cushioned with absorbent material in sufficient quantity to completely absorb contents in event of breakage, within an inside metal container, spec. 2R (§ 78.34 of this chapter) enclosed in a strong wooden box.

(c) Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent must be packed in containers as prescribed by paragraphs (a) or (b), or in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside glass bottles not over 1-quart capacity each. Authorized gross weight not over 65 pounds.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter.

**§ 73.135 Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.**

(a) Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane must be packed in specification containers as follows:

(1) Spec. 15A or 16B (§§ 78.168 or 78.186 of this chapter). Wooden boxes with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip) with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(3) Spec. 5A (§78.81 of this chapter). Metal drums not over 55 gallons capacity.

(4) Spec. 5F (§ 78.85 of this chapter). Metal drums not over 11 gallons capacity.

[1] The use of existing tank cars authorized, but new construction not authorized.

[2] Copies obtainable from the Compressed Gas Association Inc., 500 Fifth Avenue, New York 36, New York.

[1] Use of existing tank cars authorized, but new construction not authorized.

(5) Spec. 5, 5B, 5C, and 17E (single-trip) (§§ 78.80, 78.82, 78.83, and 78.116 of this chapter). Metal drums. These containers not authorized for shipments by rail express.

(6) Specification cylinders as prescribed for any compressed gas, except acetylene.

(7) Spec. 103,[1] 103–W, 111A60–F–1, or 111A60–W–1 (§§ 79.200, 79.201 of this chapter). Tank cars, without bottom discharge outlet.

(8) Spec. 105A100,[1] 105A100–W, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

(9) Spec. MC 300, MC 303; or MC 304 of steel or stainless steel construction (§§ 78.321, 78.324 or 78.325 of this chapter). Tank motor vehicles.

**§ 73.136 Methyl dichlorosilane and trichlorosilane.**

(a) Methyl dichlorosilane and trichlorosilane must be packed in specification containers as follows:

(1) Spec. 15A or 16B (§§ 78.168 or 78.186 of this chapter). Wooden boxes with glass inside containers not over 1 quart capacity each securely closed and cushioned with incombustible absorbent material.

(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip) with glass inside containers not over 1 quart capacity each securely closed and cushioned with incombustible absorbent material.

(3) Spec. 5A, 5B, or 5C (§ 78.81, § 78.82, or § 78.83 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5B drums must have no opening exceeding 2.3 inches in diameter. These containers not authorized for shipment by rail express.

(4) Spec. 5F (§ 78.85 of this chapter). Metal drums not over 11 gallons capacity. This container not authorized for shipment by rail express.

(5) Specification cylinders as prescribed for any compressed gas, except acetylene.

(6) Spec. 103,[1] 103–W, 111A60–F–1, or 111A60–W–1 (§§ 79.200, 79.201 of this chapter. Tank cars, without bottom discharge outlet.

(7) Spec. 105A100,[1] 105A100–W, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

(8) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicle.

(9) Spec. 51 (§ 78.245 of this chapter). Portable tanks.

**§ 73.137 Lithium aluminum hydride, ethereal.**

(a) Lithium aluminum hydride, ethereal, must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes with inside glass or earthenware containers not over 1 quart each enclosed in air-tight metal cans and cushioned with sufficient incombustible cushioning material to completely absorb contents in event of breakage.

[1] Use of existing tank cars authorized, but new construction not authorized.

(2) Spec. 6A, 6B, 6C, or 17H (single-trip) (§§ 78.97, 78.98, 78.99, or 78.118 of this chapter). Metal barrels or drums with not more than one inside glass container not exceeding 2 gallons capacity. The inside container must be completely cushioned in sufficient incombustible cushioning material to completely absorb the contents in event of breakage.

(3) Specification cylinders as prescribed for any compressed gas, except acetylene. Valves or fittings must be protected from injury by a cap or equally efficient device.

**§ 73.138 Pentaborane.**

(a) Pentaborane must be packed in specification cylinders as prescribed for any compressed gas, except acetylene. Cylinders must be protected with valve protection cap or must be packed in strong wooden boxes and blocked therein so as to protect the valves from injury under conditions normally incident to transportation. Cylinders not exceeding 2 inches in diameter nor 6 inches in length, excluding the length of the valve, may also be packed in strong solid fiberboard boxes, having no outside dimension less than 4 inches, completely filled with layers of strong corrugated fiberboard, the center of which shall be cut out to fit the cylinder valve, and otherwise so designed that neither the cylinder nor the valve will be in contact with any wall of the box under conditions normally incident to transportation.

(b) Pentaborane must not be offered for transportation by rail express.

**§ 73.139 Ethylene imine, inhibited, and propylene imine, inhibited.**

(a) Ethylene imine and propylene imine must be inhibited and must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes, with inside containers which must be securely sealed glass ampules or glass bottles, contents not over 16 fluid ounces or 1 pound each, in tightly closed metal cans. If more than one ampule or bottle is packed in a metal can, ampules or bottles must be separated by fiberboard partitions. Ampules or bottles must be cushioned in vermiculite or equally efficient incombustible cushioning material in quantity sufficient to completely absorb contents in event of breakage. Not more than 5 pints of liquid may be packed in any outside wooden box.

(2) Spec. 15A, 15B, or 15C (§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with not more than four inside metal drums, spec. 37B (§ 78.132 of this chapter), not over 1-gallon capacity each, or not more than one spec. 37B metal drum of 5-gallons capacity, in one outside box. Inside drums must be surrounded on all sides with incombustible absorbent cushioning material.

(3) Spec. 6A, 6B, 6C, or 6J (§ 78.97, 78.98, 78.99, or 78.100 of this chapter). Metal barrels or drums, with one inside spec. 17E (§ 78.116 of this chapter) metal drum not over 30-gallons capacity. Inside drum must be completely surrounded with incombustible cushioning material.

**§ 73.140 Zirconium, metallic, solutions, or mixtures thereof, liquid.**

(a) Zirconium, metallic, solutions, or mixtures thereof, liquid, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal containers. Each inside container shall not contain more than 20 individual glass or porcelain jars, not exceeding 2-ounce capacity each, securely closed and completely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents.

**§ 73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.**

(a) Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with securely closed inside metal containers not over 5 gallons capacity each; or in tightly closed glass bottles not exceeding 1 quart capacity each, securely cushioned in sufficient quantity of absorbent material to completely absorb the contents in event of leakage.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with securely closed inside metal containers not over 1 gallon capacity each; or in tightly closed glass bottles not exceeding 1 quart capacity each, securely cushioned in sufficient quantity of absorbent material to completely absorb the contents in event of leakage.

(3) Spec. 5, 5A, 5B, or 5C (§§ 78.80, 78.81, 78.82, or 78.83 of this chapter). Metal barrels or drums, with not more than one opening not exceeding 2.3 inches in diameter and not more than one vent opening not exceeding 1 inch in diameter. Gaskets are required and must be not less than 3/32-inch thick and of resilient material such as polyethylene, neoprene, or equally efficient material.

(4) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with not more than one opening not exceeding 2.3 inches in diameter and not more than one vent opening not exceeding 1 inch in diameter. Gaskets are required and must be not less than 3/32-inch thick and of resilient material such as polyethylene, neoprene, or equally efficient material.

(5) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), not over 5 gallons capacity, without opening except bung hole not exceeding 2.3 inches in diameter. Gaskets are required and must be not less than 3/32-inch thick and of resilient material such as polyethylene, neoprene, or equally efficient material. (See also paragraph (a) (6) of this section.)

(6) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), not over 55 gallons capacity, with not more than one opening not exceeding 2.3 inches in diameter and not more than one vent opening not exceeding 1 inch in diameter. Gaskets are required and must be not less than 3/32-inch thick and of resilient material such as polyethylene, neoprene, or equally efficient material. Authorized only for mercaptans having flash point above 20° F.

(7) Spec. 103–W, 105A100,[1] 105A100–W, 111A60–F–1, or 111A60–W–1 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars. Specs. 103–W, 111A60–F–1, and 111A60–W–1 tank cars equipped with bottom outlets must have bottom outlets effectively sealed. Bottom washout permitted.

(8) Spec. MC 330 (§ 78.336 of this chapter), tank motor vehicles.

(9) Specification cylinders as prescribed for any compressed gas, except acetylene.

(b) Warning or odorizing devices containing not more than one ounce of a mercaptan or an aliphatic mercaptan mixture in a hermetically sealed container or in a hermetically sealed portion of the device are not subject to the regulations in Parts 71–78 and 197 of this chapter.

**§ 73.143 Methylchloromethyl ether, anhydrous.**

(a) Methylchloromethyl ether, anhydrous, must be packed in specification containers as follows:

(1) Spec. 5K (§ 78.88 of this chapter). Nickel barrels or drums.

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware, not over 1 gallon capacity each, except that inside containers up to 3 gallons each are authorized when only one inside container is packed in each outside container.

(b) Methylchloromethyl ether, anhydrous, must not be offered for transportation by rail express.

**§ 73.144 Inks.**

(a) Inks must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.119, according to flash point, pressure, or viscosity.

(2) Spec. 17C (§§ 78.115 of this chapter). Full removable head metal drums (single-trip).

(3) Spec. 37C (§ 78.135 of this chapter). Metal drums (nonreusable container) not over 5 gallons capacity each. Authorized only for material having flash point over 20 F.

**§ 73.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.**

(a) Dimethylhydrazine, unsymmetrical, and methylhydrazine must be packed in specification containers as follows:

(1) Spec. 1D (§ 78.4 of this chapter). Boxed glass carboys.

(2) Spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter). Wooden boxes with inside containers which must consist of glass bottles not exceeding 1-gallon capacity each, cushioned by means of vermiculite within tin cans which shall be tightly closed, or

[1] Use of existing tank cars authorized, but new construction not authorized.



containers not over 2 quarts capacity each made of aluminum not less than 0.04 inch thick. Closures and gaskets must be of material which will not react dangerously with or be decomposed by contact with the contents.

(3) Spec. 5, 5A, or 5C (§ 78.80, § 78.81, or § 78.83 of this chapter); or 17E (§ 78.116 of this chapter) (single-trip). Metal barrels or drums which shall be of type 304 or 347 stainless steel, with openings not exceeding 2.3 inches in diameter.

(4) Spec. 17C (§ 78.115 of this chapter). Metal barrels or drums (single-trip) with openings not exceeding 2.3 inches in diameter. Authorized only for dimethylhydrazine, unsymmetrical.

(5) Spec. 42B (§ 78.107 of this chapter). Aluminum drums. Authorized only for dimethylhydrazine, unsymmetrical.

(6) Spec. 103–W, 103C–W, 105A100–W, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars. Authorized for dimethylhydrazine, unsymmetrical only. Tank cars must be equipped with steel safety valves of approved design and 103–W tank cars must not be equipped with bottom outlets. Specs. 105A200–W, 105A300–W, 105A400–W, 105A500–W, and 105A600–W (§§ 79.100, 79.101 of this chapter) tanks must be restenciled 105A100–W and be equipped with safety valves of the type and size used on spec. 105A100–W tank cars.

(7) Spec. MC 300, MC 301,[1] MC 302, MC 303, MC 310 or MC 311 (§ 78.321, 78.323, 78.324, 78.330 or 78.331 of this chapter). Tank motor vehicles equipped with steel safety valves of approved design. Spec. MC 300, MC 301, MC 302, and MC 303 cargo tanks must not be equipped with bottom outlets. Authorized only for dimethylhydrazine, unsymmetrical.

**§ 73.146 Heaters for refrigerator cars, liquid fuel type.**

(a) Heaters of the liquid fuel type for refrigerator cars, containing flammable liquid fuel, may be shipped in carload or truckload lots provided each heater shall have been inspected to see that flame has been extinguished, that there is no leakage of fuel, and that controls are in the "off" position. Heaters shall be loaded and braced so as to prevent falling, tipping, or mechanical damage under normal conditions incident to transportation.

(b) Heaters of the liquid fuel type for refrigerator cars must have their fuel tanks completely drained if offered for transportation or transported in less-than-carload or less-than-truckload lots.

**§ 73.147 Methyl vinyl ketone, inhibited.**

(a) Methyl vinyl ketone must be inhibited and must be packed in specification containers as follows:

(1) As prescribed in § 73.119 (a) or (b).

(b) Methyl vinyl ketone, inhibited, in glass or metal inside containers having not over 4 fluid ounces each and not more than one inside container securely and efficiently cushioned in strong outside fiberboard or wooden boxes, is exempt from specification packaging, marking, and labeling requirements except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

**§ 73.148 Monoethylamine.**

(a) Monoethylamine must be packed in specification containers as follows:

(1) Spec. 5 or 5A (§§ 78.80 or 78.81 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter. Bung labels required as prescribed in § 73.119(1).

(2) Cylinders as prescribed for any compressed gas except acetylene.

(3) Tank cars prescribed in § 73.119(f)(3).

(4) Spec. 106A500,[1] 106A500–X, or 110A500–W (§§ 79.300, 79.301 of this chapter). Tank cars.

NOTE 1: Tanks complying with ICC–106A or ICC–110A (§ 78.275 or § 78.293 of this chapter) specifications may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(5) Spec. MC 304 (§ 78.325 of this chapter). Tank motor vehicle.

## Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

**§ 73.150 Flammable solid; definition.**

(a) A flammable solid, for the purpose of Parts 71–78 of this chapter, is any solid material, other than one classified as an explosive, which, under conditions incident to transportation, is liable to cause fires through friction, absorption of moisture, spontaneous chemical changes, retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation hazard. Examples: certain metallic hydrides, metallic sodium and potassium, and certain oily fabrics, processed meals, and nitrocellulose products.

**§ 73.151 Oxidizing material; definition.**

(a) An oxidizing material for the purpose of Parts 71–78 of this chapter is a substance such as a chlorate, permanganate, peroxide, nitro carbo nitrate, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter.

**§ 73.152 Packing.**

(a) Flammable solids or oxidizing materials must not be packed in the same outside container with corrosive liquids unless the corrosive liquids are in bottles, cushioned by incombustible absorbent material, in tightly closed metal containers.

NOTE 1: Oxidizing or other materials in quantity not exceeding 4 ounces, in securely closed metal cans, packed in the same compartment with other securely packed ma-

[1] Use of existing cargo tanks authorized, but new construction not authorized.

terials necessary for a complete fumigant, are acceptable for transportation.

(b) Closing and cushioning. All containers must be tightly and securely closed. Inside containers must be cushioned as prescribed or in any case when necessary to prevent breakage or leakage.

### § 73.153 Exemptions for flammable solids and oxidizing materials.

(a) Flammable solids and oxidizing materials, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, in inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. (See § 73.182 for exemptions for nitrates, and paragraph (b) of this section for exemptions for organic peroxides.)

(b) Liquid or solid organic peroxides, except acetyl benzoyl peroxide, solid, and benzoyl peroxide, are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, when packed in accordance with the following subparagraphs of this paragraph, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter except § 77.817, and Part 197 of this chapter.

(1) Strong outside containers having not over 1 pint or 1 pound net weight of material in any one outside package, with inside containers securely packed and cushioned with incombustible cushioning material, except that cushioning material is not required when the liquid is contained in strong, securely closed plastic containers not over 1 ounce capacity each, properly packaged to prevent breakage or leakage.

(2) Strong outside containers having not more than 24 inside fiberboard containers each containing not more than 70 chemically resistant closed plastic tubes having fluid capacity not over ⅛ ounce each and securely packed in incombustible cushioning material. No one inside fiberboard container shall have more than 1 pint of liquid.

### § 73.154 Flammable solids and oxidizing materials not specifically provided for.

(a) Flammable solids and oxidizing materials, as defined in §§ 73.150 and 73.151, other than those for which special packing requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

(1) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 17C, 17E, 17H, 37A, or 37B (§§ 78.115, 78.116, 78.118, 78.131, or 78.132 of this chapter), metal drums (single-trip).

(3) Spec. 10A, 10B, or 10C (§§ 78.155, 78.156, or 78.157 of this chapter). Wooden barrels or kegs.

(4) Spec. 11A (§ 78.160 of this chapter). Wooden barrels or kegs with inside containers or with suitable lining for bulk shipments.

(5) Spec. 11B (§78.161 of this chapter). Wooden barrels or kegs with inside containers; or metal lined, spec. 2F, (§ 78.25 of this chapter) for bulk shipments.

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be metal cans; sliding-lid wooden boxes; fiber cans or boxes, spec. 2G (§ 78.26 of this chapter), not over 5 pounds capacity each; or glass bottles not over 1 pound capacity each. Packages containing glass containers must not weigh over 65 pounds gross.

(7) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes lined, spec. 2F or 2M (§§ 78.25 or 78.31 of this chapter).

(8) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers.

(9) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(10) Spec. 22A (§ 78.196 of this chapter). Plywood drums.

(11) Spec. 22B (§78.197 of this chapter). Plywood drums with inside metal drums, spec. 2F (§ 78.25 of this chapter).

(12) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test double-faced fiberboard and provided with a perimeter liner and bottom pad of at least 200-pound test fiberboard. Boxes constructed of at least 350-pound fiberboard having top and bottom pads shall not require perimeter liner. Product must be contained within a tightly closed polyethylene or other equally efficient plastic bag constructed of material having minimum thickness of 0.004 inch. Not more than 25 pounds net weight of product may be packed in one outside box.

(13) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than four bottles having capacity of 5 pounds each, shall be packed in one outside container. Shipper must have established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

### § 73.155 Bags, nitrate of soda, empty and unwashed.

(a) Bags, nitrate of soda, empty and unwashed, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes.

(2) Spec. 10A, 10B, 10C, 11A, or 11B (§§ 78.155, 78.156, 78.157, 78.160 or 78.161 of this chapter). Wooden barrels.

(b) Bags in carload and truckload lots loaded by consignor and to be unloaded by consignee may also be shipped loose or baled, provided the car or highway vehicle is lined with paper and doors of cars are properly stripped after sealing and provision is made on highway vehicle to prevent entrance of sparks.

### § 73.156 Barium peroxide and calcium peroxide.

(a) Barium peroxide and calcium peroxide must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185 or 78.190 of this chapter). Wooden boxes with inside glass containers not over 1 pound capacity each; or with inside glass containers not over 5 pounds capacity each cushioned with incombustible cushioning material; or with inside metal containers or lining, spec. 2F (§ 78.25 of this chapter).

(2) Spec. 6A (§ 78.97 of this chapter). Metal barrels or drums. Gross weight not to exceed 880 pounds.

(3) Spec. 6B or 6C (§§ 78.98 or 78.99 of this chapter). Metal barrels or drums with not more than 1400 pounds net weight in each container.

(4) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

### § 73.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dimethylhexane dihydroperoxide, lauroyl peroxide, and succinic acid peroxide, wet with at least 30 percent of water by weight, except cyclohexanone peroxide, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal containers or lining, spec. 2F (§ 78.25 of this chapter), or with inside paper bags lined with polyethylene at least 0.002 inch thick and not over 1 pound dry weight capacity each; or aluminum drums of at least 16 gauge United States standard, tightly sealed. Gross weight not over 200 pounds.

(2) Spec. 5, 5B, 6A, 6B, or 6C (§§ 78.80, 78.82, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums having liners of polyethylene or other suitable material. Not more than 4 vent holes of not to exceed ⅛-inch diameter may be provided in the drum near the top periphery. Gross weight not to exceed 350 pounds. Authorized only for benzoyl peroxide, wet.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, wet, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in spec. 12B65 boxes may be more than 65 but not more than 80 pounds provided net weight of contents does not exceed 50 pounds.

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration and dimethylhexane dihydroperoxide, which materials must be packed in a plastic inside container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch. Authorized net weight in one outside container shall not exceed 50 pounds for cyclohexanone peroxide and shall not exceed 100 pounds for dimethylhexane dihydroperoxide.



### § 73.158 Benzoyl peroxide, dry, chlorobenzoyl peroxide (para), dry, cyclohexanone peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, or succinic acid peroxide, dry.

(a) Benzoyl peroxide, dry, chlorobenzoyl peroxide (para), dry, cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, or succinic acid peroxide, dry, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect contents with equal efficiency. Net weight in outside container must not exceed 50 pounds, except that for lauroyl peroxide, dry, net weight not over 100 pounds is authorized.

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for dimethylhexane dihydroperoxide, dry, which must be packed in a plastic container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch, and lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one outside container.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with polyethylene not less than 0.002 inch thick, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in Spec. 12B65 boxes may be more than 65 but not more than 80 pounds provided net weight of contents does not exceed 50 pounds.

### § 73.159 Burnt cotton.

(a) "Burnt cotton" is cotton that has been on fire and from which the burnt portions have not been removed by repicking. It must not be offered for transportation until not less than 10 days have elapsed since the last evidence of fire in it. It must be marked and described on shipping orders and bills of lading as "Burnt Cotton, Yellow Label", and cars containing any quantity of it must be protected by the "Dangerous" placard.

(b) Burnt cotton must not be offered for transportation by rail express.

(c) When burnt cotton is picked and baled the separated cotton is not classed as a dangerous article and is not subject to Parts 71–78 and 197 of this chapter.

### § 73.160 Calcium chlorite and sodium chlorite.

(a) Calcium chlorite and sodium chlorite must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A or 19A (§§ 78.168, 78.169, 78.170, 78.185 or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware not over 2¼ pounds capacity each or metal not over 5 pounds capacity each.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

### § 73.161 Calcium phosphide.

(a) Calcium phosphide must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes lined, spec. 2F (§ 78.25 of this chapter), and with hermetically sealed inside containers.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

### § 73.162 Charcoal.

(a) Charcoal as described in this paragraph is exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, highway, or water except when for transportation by carrier by water, name of contents must be shown on outside container. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817 and Part 197 of this chapter.

(1) Charcoal, activated.

(2) Charcoal made from pine wood and processed so that it is not liable to heat dangerously or cause fires in transportation.

(3) Charcoal briquettes made from wood charcoal with starch and water, or tar, for a binder, which have been screened and cooled to a temperature below 100° F., before being offered for transportation.

(4) Charcoal screenings made from "pinon" wood.

(5) Charcoal made from walnut shells, corn cobs, peach pits, and similar material, must be cooled and held not less than five days before shipment, and shipped in bags, barrels, or boxes. The five-day holding period shall not apply to charcoal briquettes screened and cooled to a temperature below 100° F. before being offered for transportation.

(6) Charcoal, lump, made by the old kiln or pit method by which long air exposure is provided before shipment.

(7) Charcoal, wood, except charcoal screenings, when packed in boxes or barrels.

(8) Charcoal, wood, when in bags in less-than-carload or less-than-truckload shipments of not exceeding 2,000 pounds.

(9) When offered for transportation by rail express, charcoal, except charcoal briquettes, must be packed in barrels, bags, or boxes, and must bear the yellow label.

(10) Charcoal screenings or ground, crushed, granulated, or pulverized charcoal, from pit or kiln burned charcoal, provided the screenings or the material from which the ground charcoal is made has been exposed to the air for not less than 5 days prior to shipment or grinding (see paragraphs (j) and (k) of this section).

(b) Charcoal made in round retorts must be transferred to air-tight metal cans for cooling, and must be kept in these cans for 24 hours or more. The charcoal after removal from these cans should be aired by spreading on a floor to a depth not exceeding 1 foot. This air exposure must last not less than 44 hours. Not less than 72 hours should elapse from the time the air exposure of the charcoal commences before a car loaded with it is closed for shipment, or before the lump charcoal is placed in paper bags.

(1) The charcoal during this airing period must be protected from the weather, and exposed to good circulation of air. When the charcoal is aired on the floor for only 24 hours and then placed in burlap bags, it must be kept in the bags 60 hours before shipment. If the charcoal is not aired on the floor for at least 24 hours, it must be kept in the burlap bags for at least 96 hours before loading for shipment.

(c) Charcoal made in ovens in slatted cars should be kept for two periods of 24 hours each in first and secondary air-tight cooling chambers respectively. After removing the charcoal from the secondary coolers it must be exposed to good air circulation, but protected from the weather for a period of not less than 44 hours.

(1) Not less than 72 hours must elapse from the time the air exposure of the charcoal commences before a car loaded with it is closed for shipment, or before the lump charcoal is placed in paper bags.

(d) When fire occurs in charcoal during air exposure period, it should be extinguished with as little water as possible. Any charcoal wet in this way or otherwise must be dried, by again heating in the retorts or ovens, and cooled and aired in the usual way described in paragraphs (b) and (c) of this section, or the charcoal must be set aside and allowed to dry for not less than 30 days before shipment.

(e) Charcoal, lump, must be dry and free from screenings and brands.

(1) Shipments must be loaded into tight box cars, tight container cars, or into tight closed-top hopper cars, except

that lump charcoal made from soft wood may be shipped in open or stock cars.

(2) When a chute is used in loading the car, the chute must contain a properly constructed screen which must be kept clean. This screen shall be not less than ¾ inch mesh. Forks with prongs not less than 1 inch apart must be used instead of shovels to handle the charcoal. The screenings which accumulate in the doorway of the car must be removed before loading the doorway. The car should be swept before loading, and a car which has contained lime must be thoroughly cleaned before loading with charcoal. The doors of the car must be closed tightly before the car is forwarded.

(3) Lump charcoal may be shipped in bags, barrels or boxes, or bulk in cars.

(4) Lump charcoal, dry and free from screenings and brands, may be shipped in bulk in motor vehicles. Vehicle must be swept before loading and if it contained lime it must be thoroughly cleaned.

(f) Charcoal screenings consist of small pieces of charcoal varying from about one-half inch in the maximum dimension to grains of dust. These screenings are more liable to produce fires than other forms of charcoal. Charcoal screenings from wet charcoal or wet screenings or screenings which have been wet must not be offered for shipment unless they have been dried for not less than 12 hours in a retort or oven, and then subjected to not less than 10 days airing and cooling before shipment.

(1) Charcoal screenings must be stored in a dry place, in loosely piled bags, freely exposed to the air for not less than 20 days after separation from the lump before shipment.

(2) Screenings from pine-wood charcoal must be stored as above described for not less than five days before shipment.

(3) Charcoal screenings must be packed in cotton or jute bags of not greater than 4 bushels capacity.

(4) Charcoal screenings, except screenings made from "pinon" wood, must not be offered for transportation by rail express.

(g) Charcoal ground, crushed, granulated, or pulverized is prepared from either lump charcoal or screenings.

(1) Lump charcoal used for the preparation of ground, crushed, granulated, or pulverized charcoal must be stored subject to ventilation, and protected from the weather for not less than 20 days after its removal from the coolers before milling; or the ground, crushed, granulated or pulverized charcoal must be stored in bags, subject to ventilation and protected from the weather for not less than 20 days before shipment. Lump charcoal made from pine wood must be stored as above described for not less than 5 days before milling. Ground, crushed, or granulated charcoal made by the "Stafford" process must be stored subject to ventilation and protected from the weather for not less than 7 days before shipment in lieu of the 20-days' storage otherwise prescribed.

(2) Charcoal screenings used for the preparation of ground, crushed, granulated, or pulverized charcoal must be stored in a dry place in loosely piled cotton or jute bags freely exposed to air for a period of not less than 20 days after separation from the lump charcoal, and before milling; or the ground, crushed, granulated, or pulverized charcoal must be stored in bags, subject to ventilation and protected from the weather for not less than 20 days before shipment. Charcoal screenings made from pine wood charcoal must be stored as above described not less than 5 days before milling.

(3) Ground, crushed, granulated, or pulverized charcoal must be packed in tight sift-proof wooden barrels or boxes containing not more than 4 bushels each; or in fiberboard boxes; or in unlined jute bags, or in strong unlined cotton bags, containing not more than 4 bushels each; or in paper-lined jute bags, or in paper bags, containing not more than 2½ bushels each. Whenever practicable, all boxes, barrels, or bags, after filling, should be allowed to remain open and freely exposed to the air, and protected from the weather for not less than 24 hours before being closed. Ground, crushed, granulated, or pulverized charcoal made from pine-wood charcoal should be so stored for not less than 72 hours before the packages are closed.

(h) Charcoal, screenings or ground, crushed, granulated or pulverized charcoal, in bags, when loaded in cars for shipment by rail must be so loaded that the bags are laid horizontally in the car, and so piled that there will be spaces for efficient air circulation. These spaces must be not less than 4 inches wide. If the bags are not compactly filled and closed so as to avoid free space within, transverse wooden strips must be laid between the bags and extending the full width of the car; these strips should be approximately 2 feet apart vertically and longitudinally. The bags must not be piled closer than 6 inches from the top of the car, and no more than 26,000 pounds of screenings, ground, granulated, crushed, or pulverized charcoal, shall be loaded in a 36-foot, 6-inch car, 27,000 pounds in a 37-foot, 6-inch car, 28,000 pounds in a 38-foot, 6-inch car, 29,000 pounds in a 39-foot, 6-inch car, 36,000 pounds in a 40-foot, 6-inch car, and 40,000 pounds in a 50-foot, 6-inch car. A tight car must be used, and any loose material must be swept up and removed from the doorway of the car before completing the loading. On recommendation of the Bureau of Explosives, other methods of loading shown to be at least equally efficient in securing the necessary ventilation will be authorized.

(i) See § 77.838 of this chapter for loading in motor vehicles.

(j) Charcoal burned in pits or kilns must be thoroughly cooled in the sealed kilns. After the kilns are opened, the charcoal must be allowed to stand in the open kiln or elsewhere exposed to the air for not less than 24 hours before loading in a freight car. Charcoal burned in kilns may be loaded in open cars or in box cars, but after loading in box cars, the cars must be allowed to stand not less than 24 hours with doors open before shipment.

(k) Screenings, or ground, crushed, granulated, or pulverized charcoal, from pit or kiln burned charcoal, are considered as non-hazardous, provided the screenings or the material from which the ground charcoal is made has been exposed to the air for not less than 5 days prior to shipment or grinding.

(l) Reburned charcoal must be cooled and exposed to good fresh-air circulation for not less than five days after removal from the reburning furnaces and before being shipped or ground to produce ground or pulverized charcoal.

**§ 73.163 Chlorate of soda, chlorate of potash, and other chlorates.**

(a) Chlorate of soda, chlorate of potash, and other chlorates must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

NOTE 1: Specs. 37A and 37B. Metal drums for export service, marked for an authorized gross weight of 160 pounds, must be at least 24 gauge metal throughout.

(3) Spec. 21C, 22A, or 22B (§ 78.224, § 78.196 or § 78.197 of this chapter). Fiber or plywood drums with inside metal drums, spec. 2F (§ 78.25 of this chapter). Authorized net weight not over 225 pounds.

(4) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185 or 78.190 of this chapter). Wooden boxes, or spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter), wooden barrels or kegs, with tightly closed inside containers which must be of metal not over 10 pounds capacity each; or of glass not over 5 pounds each; or of fiber, spec. 2G (§ 78.26 of this chapter), not over 6 pounds capacity each.

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside metal cans not over 5 pounds capacity each, closed air tight and with not over 25 pounds of chlorate in the outside container.

(6) Chlorates wet with 10 percent or more of water are authorized for shipment in tank cars, spec. 103,[1] 103–W, 111A60–F–1, or 111A60–W–1 (§§ 79.200, 79.201 of this chapter), when equally distributed therein.

(7) Chlorate of soda, dry, is authorized for shipment in aluminum or steel tank car tanks, steel cargo tank vehicles, tight sift-proof covered hopper cars, or tight sift-proof covered hopper type motor vehicles. Tank car tanks, cargo tank vehicles, hopper cars, and hopper type motor vehicles must be thoroughly cleaned before loading.

(8) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than four bottles having capacity of 5 pounds each, shall be packed in one outside container. Shipper must have established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

[1] Use of existing tank cars authorized, but new construction not authorized.



**§ 73.164 Chromic acid.**

(a) Chromic acid must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 17E, 17H, 37A, or 37B (§ 78.116, 78.118, 78.131, or 78.132 of this chapter). Metal drums (single-trip). Spec. 37A metal drums constructed of 22-gauge steel are authorized for a gross weight of 490 pounds when shipped in carload or truckload lots only.

(3) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with inside glass bottles of not greater than 5 pounds capacity each, with closures securely fastened, each bottle individually packed in a tight metal container, and cushioned therein with incombustible mineral packing material; or with tightly closed metal inside containers, not over 10 pounds capacity each.

(4) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than four bottles having capacity of 5 pounds each, shall be packed in one outside container. Shipper must have established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside glass containers which must have closing device securely fastened by positive means (not friction), not over 1-gallon capacity each. Not more than 4 metal containers shall be packed in one outside box.

**§ 73.165 Coal, ground bituminous, sea coal, coal facings.**

(a) Coal, ground bituminous, sea coal, coal facings, 90 percent of which will pass through a 100-mesh sieve, must be stored for at least six days after grinding, or if not so stored must be shipped in tight metal tank cars or in tight metal containers on container cars, or in permanently covered metal hopper cars, or in other tight metal containers, or in tight, metal-bodied, covered motor vehicles.

(b) Coal, ground bituminous, which has been dried by heating before grinding must be packed in hermetically sealed metal-lined wooden boxes or air-tight metal containers.

**§ 73.166 Cobalt resinate, precipitated, calcium resinate, and calcium resinate fused.**

(a) Cobalt resinate, precipitated, calcium resinate, and calcium resinate fused, must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

(3) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with air-tight metal inside containers.

**§ 73.167 Cotton waste, oily.**

(a) Cotton waste, oily with more than 5 percent of vegetable or animal oil must be packed as follows:

(1) In hermetically sealed metal-lined wooden boxes or air-tight metal containers.

(b) Such cotton waste must not be offered for transportation by carriers by rail express.

**§ 73.168 Lithium amide, powdered.**

(a) Lithium amide, powdered, must be packed as follows:

(1) As prescribed in § 73.154 (a) (1), (2), (5), (8) and (11).

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inside metal drums, spec. 2F (§ 78.25 of this chapter). Authorized net weight not over 225 pounds.

**§ 73.169 Fiber, burnt.**

(a) Fiber, burnt, must be packed in hermetically sealed metal-lined wooden boxes or airtight metal containers.

(b) Such fiber must not be offered for transportation by rail express.

**§ 73.170 Fibers or fabrics impregnated, saturated or coated.**

(a) Fibers or fabrics impregnated, saturated or coated with animal or vegetable oils, or organic substances, manufactured articles or processed materials which are liable to spontaneous heating or combustion in transit must be packed in hermetically sealed metal-lined wooden boxes or airtight metal containers.

(b) Such materials, substances or articles must not be offered for transportation by rail express.

**§ 73.171 Fish scrap or fish meal.**

(a) Fish scrap or fish meal containing less than 6 or more than 12 percent moisture (does not include wet acidulated fish scrap with moisture 40 to 55 percent), or which has not been sufficiently cooled after manufacture, or is liable to spontaneous heating in transit, must be packed in air-tight metal containers.

(b) Such fish scrap or fish meal must not be offered for transportation by rail express.

**§ 73.172 Hair, wet.**

(a) Hair, wet, must not be offered for transportation except in gondola cars or in open motor vehicles with metal bodies.

(b) Hair, wet, must not be offered for transportation by carriers by rail express.

**§ 73.173 Aluminum dross or magnesium dross.**

(a) Aluminum dross or magnesium dross must not be shipped when hot or when containing moisture liable to cause heating or fire during transportation.

**§ 73.174 Iron sponge, spent oxide, spent iron mass, or spent iron sponge.**

(a) Iron sponge that has not been properly oxidized during manufacture must be packed in hermetically sealed metal-lined wooden boxes or air-tight metal containers.

(b) Iron sponge not properly oxidized must not be offered for transportation by carriers by rail express.

(c) Spent oxide, spent iron mass, or spent iron sponge must be loaded in open steel cars or open highway vehicles with steel bodies. After exposure to air for a period of not less than 10 days, these articles may be offered for transportation by carrier by water in bulk in all-steel barges having open holds.

(d) Spent oxide, spent iron sponge, or spent iron mass must not be offered for transportation by carrier by rail express.

**§ 73.175 Lacquer base, or lacquer chips, dry.**

(a) Lacquer base, or lacquer chips, dry, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside metal containers, spec. 2F (§ 78.25 of this chapter).

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(3) Spec. 17E, 17H, 37A, 37B, or 37C (§ 78.116, 78.118, 78.131, 78.132, or 78.135 of this chapter). Metal drums (single-trip), or spec. 37C (non-reusable container).

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

**§ 73.176 Matches.**

(a) Matches, when offered for transportation, must be of a type that will not ignite spontaneously when subjected for eight consecutive hours to a temperature of 200° F., in a properly conducted laboratory test. They must not exceed 3 inches in length, nor have a stick exceeding .015 square inch in cross-section area.

(b) For the purpose of Parts 71–78 of this chapter, matches are divided into two classes, viz: (1) "strike-anywhere" and block matches and (2) "strike-on-box," book, and card matches. Strike-anywhere and block matches are those for the ignition of which a prepared surface is not required. Strike-on-box, book, and card matches are those matches intended to be ignited on a prepared surface. Book and card matches may be fastened to a cover or folder, or the prepared match strips may not be so attached or covered.

(c) Packing. Matches, strike-anywhere, must not be packed in the same outside package with any other article, except that book, card and "strike-on-box" matches may be included when packed in separate inside containers.

(1) Matches, strike-anywhere, must be placed in individual containers consisting of an outer sliding shuck or cover and an inner holding tray or box, or securely closed chipboard or fiberboard boxes. Individual containers consisting of a holding tray or box with a top that telescopes over the box may be used. Boxes of suitable "hang-up" type may also be used if approved by the Bureau of Explosives. All match boxes, covers, and trays must be made of cardboard, wood, or metal, except that paper wrappings may be used for block or card matches.

(2) Individual containers must be wrapped in paper with not more than 12 boxes or individual containers in each paper-wrapped package, except that paper wrapping is not required for boxes that have a center holding or protecting

strip of cardboard of the size and type detailed in subparagraph (3) of this paragraph placed over the matches in the manner specified or as otherwise provided herein. Paper-wrapped packages must be secured on the ends and on the lapping side with glue, or similar satisfactory adhesive, making each 12 boxes or less of matches a serviceably wrapped and well secured package. Chipboard or fiberboard boxes constructed of material not less than 0.018 inch thick, having flaps secured by adhesive or closed by specially designed flaps or tabs formed to secure tight closures, are not required to be wrapped in paper.

(3) No individual container (not including card or block matches) shall contain more than 700 strike-anywhere matches in any one container, box, or package. When more than 300 matches are packed in any individual container, box, or package, the matches must be arranged in two nearly equal portions with the heads of the two portions placed in opposite directions. All individual containers containing 350 or more matches must have placed over the matches a center holding or protecting strip made of cardboard, which can be scored or bent without fracture, except the center holding strip shall not be required when matches are packed in chipboard or fiberboard boxes detailed in subparagraph (2) of this paragraph. This protecting strip shall be not less than 1¼ inches wide and shall be flanged down at least ⅝ inch on each end to hold the matches in position when the container is nested into the shuck or cover or withdrawn therefrom.

(d) Matches, unless exempted in paragraph (g) of this section, when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, with inside containers; not over 100 pounds each.

(2) Spec. 12B or 12C (§ 78.205 or § 78.206 of this chapter). Fiberboard boxes with inside containers; not over 60 pounds each. Fill-in pieces specified by § 78.205–14 or § 78.206–14 of this chapter shall not be required.

(3) The maximum number of match boxes contained in any one case shall be as follows:

| Number of boxes | Nominal number of matches per box |
|---|---|
| ½ gross | Not over 700. |
| 1 gross | Not over 500. |
| 2 gross | Not over 400. |
| 3 gross | Not over 300. |
| 5 gross | Not over 200. |
| 12 gross | Not over 100. |
| 20 gross | Over 50. Under 100. |
| 25 gross | Not over 50. |

(e) All individual containers of strike-anywhere matches when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, lined, spec. 2F (§ 78.25 of this chapter), or lined with asbestos board, lapped at all joints and all joints sealed air-tight. Gross weight not to exceed 50 pounds.

(2) Spec. 12C (§ 78.206 of this chapter). Fiberboard boxes with paper-wrapped units of strike-anywhere matches covered with aluminum foil having joints hermetically sealed. Aluminum used for covering must be of such thickness that in the event matches become ignited fire will not communicate through the wrapped unit. Gross weight not to exceed 50 pounds.

(f) Marking. Outside containers of strike-anywhere matches shall show the name of the importer, distributor, or manufacturer and the brand or trademark under which such matches are manufactured and distributed to the trade. The name shall be printed in English.

(1) In addition, and separate therefrom, all outside containers shall have plainly marked thereon the words "STRIKE-ANYWHERE MATCHES".

(g) Matches, strike-on-box, book, and card packed in outside fiberboard or wooden boxes are not subject to the regulations in Parts 71–78 and 197 of this chapter.

(1) Matches, strike-on-box, book, and card may be packed in the same outside container with nonflammable articles when packed in outside fiberboard or wooden boxes. Such matches must be compactly packed in tightly closed inside containers or securely wrapped so as to prevent accidental ignition. When so packed, they are exempt from specification packaging, marking, and labeling requirements except when for transportation by carrier by water each outside container shall be marked "BOOK MATCHES," "STRIKE-ON-BOX MATCHES," or "CARD MATCHES," as the case may be. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

### § 73.177 Motion-picture film and X-ray film.

(a) Motion-picture film and X-ray film (nitrocellulose base) (exposed) must be packed in specification containers as follows:

(1) Spec. 32A or 32B (§§ 78.146 or 78.147 of this chapter). Metal cases.

(2) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with each reel in a tightly closed metal can, or strong cardboard or fiberboard box with cover held in place by adhesive tape or paper; gross weight not over 200 pounds.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes complying with § 78.205–22 (a) (1) of this chapter; authorized for a single tightly closed inside metal can or strong cardboard or fiberboard box with cover held in place by adhesive tape or paper, not over 2,000 feet of film. Taped closure authorized.

(4) Spec. 12B (§ 78.205 of this chapter). One-piece fiberboard boxes complying with § 78.205–22 (a) (2) of this chapter; authorized only when each film is in a tightly closed metal film-reel can or strong cardboard or fiberboard box with cover held in place by adhesive tape or paper containing not over 2,000 feet (approximately) of film; cans or boxes to be adequately braced in center of box by fiberboard, at least 175-pound test, extending full depth of box. Gross weight not over 65 pounds. Closing of box must be effected by coating entire contact surfaces of flaps with efficient adhesive; stitched closure not authorized. Boxes that have been filled, shipped, and opened, are not authorized for reuse.

**NOTE 1: Because of the present emergency and until further order of the Commission, containers authorized under § 73.180 (a) (2) may be reused provided original shipment consisted of unexposed motion-picture film in carload or truckload quantities and that boxes were crated and had closing flaps held in place by paper tape.**

(5) Spec. 32C (§ 78.148 of this chapter). Trunks with each film in standard metal film-reel can or strong cardboard or fiberboard box with cover held in place by adhesive tape or paper. Trunks to contain no material other than films in cans or boxes and projecting apparatus. The apparatus, as packed, must not be capable of creating an electric current.

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes complying with § 78.205–27 of this chapter; authorized only for not more than two square inside metal cans containing not over 200 feet (approx.) of film each; gross weight not over 15 pounds. Taped closure authorized.

(b) Advertising matter must not be attached to outside of container. Slow burning (nonflammable) motion-picture film is exempt (§ 73.181 (a) (1)), but when packed with flammable film all requirements must be complied with as if all contents were flammable film.

### § 73.178 Motion-picture film, old and worn out (not scrap).

(a) Motion-picture film, old and worn out (not scrap), when shipped, must be no longer exhibitable (with value only for reclamation of material) and must be packed in specification containers as follows: (See §§ 73.195 and 73.196 for film scrap.)

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes lined, spec. 2F (§ 78.25 of this chapter), or 2M (§ 78.31 of this chapter); gross weight not over 450 pounds.

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside metal cans containing not over 1,000 feet of film; the cover of each can must fit tightly; gross weight not over 450 pounds.

(3) Spec. 32A or 32B (§§ 78.146 or 78.147 of this chapter). Metal boxes.

(4) Spec. 32D (§ 78.149 of this chapter). Metal boxes. Net weight of film not over 250 pounds.

(5) Spec. 6A, 6B, 6C, or 6J; also 37A or 37B (single-trip containers) (§§ 78.97, 78.98, 78.99, 78.100, 78.131, or § 78.132 of this chapter). Metal barrels or drums.

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

### § 73.179 Motion-picture film, toy.

(a) Motion-picture film, toy, of standard width (1⅜"), on metal reels, each containing 200 feet or less of film, when shipped must be inclosed in spark-proof metal cans packed in outside specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes; maximum gross weight 250 pounds. (See § 73.181 (a) (3) for toy motion-picture film pieces.)



### § 73.180 Motion-picture film, and X-ray film, unexposed.

(a) Motion-picture film, and X-ray film, unexposed (nitrocellulose base), when offered for transportation by rail express or by carrier by water must bear the yellow label prescribed in § 73.406 and must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes, provided it is in tight rolls of not over 3,000 feet; each roll must be in a tightly closed metal can with cover held in place by adhesive tape or paper, or each roll must be in a strong cardboard or fiberboard box with cover held in place by adhesive tape or paper. Gross weight not over 250 pounds.

(2) Spec. 12B (§ 78.205 of this chapter). One-piece fiberboard boxes complying with § 78.205–22 (a) (2) of this chapter; authorized only when each film is in a tightly closed metal can or in a strong cardboard or fiberboard box with cover of can or box held in place by adhesive tape or paper and containing not over 2,000 feet (approx.) of film; interior packing required, of double-wall corrugated fiberboard pads at least 275-pound test, so arranged as to prevent can or box from touching the 6 faces of the outside box. Gross weight not over 75 pounds. Boxes that have been filled, shipped and opened are not authorized for reuse.

(b) Motion-picture film and X-ray film, unexposed (nitrocellulose base), when offered for transportation by rail freight and highway are exempt from specification packaging, marking other than name of contents, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

### § 73.181 Motion-picture film; exemptions.

(a) Motion-picture film as follows is exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) Motion-picture film and X-ray film, slow-burning (nonflammable) and old and wornout motion-picture film, slow-burning (nonflammable).

(2) Motion-picture film scrap and X-ray film scrap, slow-burning (nonflammable).

(3) Motion-picture film, toy pieces of, exposed, of approximately ¾ inch by 1⅜ inches in size and not to exceed 1,000 such pieces inclosed in a tightly closed metal box and packed with other articles.

(4) Motion-picture outfits, toy, consisting of one projecting apparatus and not to exceed one roll of motion-picture film 12 feet or less in length, may be accepted without further restrictions, provided the film is packed in a securely closed metal can or box, this inclosed in a wooden box and packed with the projection apparatus in an outside fiberboard, corrugated strawboard, or wooden box.

### § 73.182 Nitrates.

(a) Aluminum nitrate, ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate—carbonate mixture, ammonium nitrate—phosphate,[1] ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, ammonium nitrate mixed fertilizer,[1] barium nitrate, calcium nitrate, guanidine nitrate, lead nitrate, magnesium nitrate, nitrates, n.o.s., nitrate of soda and potash, nitro carbo nitrate (see Note 1), potassium nitrate, silver nitrate, sodium nitrate, and strontium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water shall be packed in containers as follows:

(1) Wooden or fiberboard boxes with glass, metal, or other strong inside containers; in metal or fiber drums; in kegs or barrels; or in strong metal cans. When so packed, they are exempt from specification packaging, marking other than name of contents, and labeling requirements when for transportation by rail or highway. Ammonium nitrate-carbonate mixtures, nitrocarbonitrate, and ammonium nitrate mixed fertilizers so packed are exempt from labeling requirements when for transportation by water carrier. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

NOTE 1: Nitro carbo nitrate is a mixture consisting substantially of inorganic nitrates and carbonaceous materials, in which none of the ingredients are explosive as defined in this part and which as packaged for shipment cannot be detonated by means of a No. 8 test blasting cap as described herein. (A No. 8 test blasting cap is one containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.)

(b) Aluminum nitrate, ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate-carbonate mixture, ammonium nitrate-phosphate,[2] ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, ammonium nitrate mixed fertilizer,[1] barium nitrate, calcium nitrate, guanidine nitrate, nitrate of soda and potash, potassium nitrate, sodium nitrate, and strontium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water, in addition to containers prescribed in paragraph (a) of this section, may be packed as follows:

(1) In bulk in tight closed freight cars. (See § 74.532 (k) of this chapter for loading requirements.)

(2) In bulk in sift proof closed or open type motor vehicles. (See § 77.838 (f) of this chapter for loading requirements.)

(3) In bulk on cargo vessels subject to the Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant, United States Coast Guard (46 CFR Part 146).

(4) In burlap bags not exceeding 200 pounds net weight, water-resistant, made tight against sifting, and made of not less than 7½-ounce burlap. Ammonium nitrate-carbonate mixtures, calcium nitrate, potassium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

(5) In multi-wall paper bags not exceeding 110 pounds net weight, of at least 4-ply construction including moisture-barrier ply, and made tight against sifting. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture. Ammonium nitrate-carbonate mixtures, calcium nitrate, potassium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

(6) Plastic bags which must be securely closed. Authorized net weight not over 81 pounds. Shipper must submit complete details of resin from which bags are made and obtain approval from the Bureau of Explosives prior to use and reference to such approval must be made on shipping paper. Authorized only for ammonium nitrate fertilizer containing 90 percent or more ammonium nitrate with no organic coating. (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

(c) Nitro carbo nitrate, in addition to the containers prescribed in paragraph (a) of this section, may be packed as follows:

(1) In burlap bags not exceeding 100 pounds net weight, water-resistant, made tight against sifting, and made of not less than 7½-ounce burlap. (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

(2) In multiwall paper bags not exceeding 100 pounds net weight, made of at least 4-ply construction including moisture-barrier ply, and made tight against sifting. Completed package, filled to weight with product and closed as for shipment, must be capable of

[1] Applies only to materials classed as dangerous under definition in § 78.150.

[2] Applies only to materials classed as dangerous under definition in § 73.151.

withstanding three 4-foot drops on the face or back onto solid concrete without rupture. (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

**§ 73.183 Potassium nitrate mixed (fused) with sodium nitrite.**

(a) Potassium nitrate mixed (fused) with sodium nitrite must be packed in containers as follows:

(1) In containers as prescribed in § 73.182 (a).

(2) Spec. 103–W (§ 78.280 of this chapter). Tank cars specially designed, equipped and approved for this service without bottom discharge outlet and with heavier plate thicknesses than the minimum prescribed for cars built under this specification. For specification 103–W tank cars made of plates having the minimum prescribed thicknesses, internal reinforcement of the upper sheets of tank in the region of the dome and reinforcing plates attached to the bottom sheet of the tank which rests on bolsters is required, and these tanks must be equipped with baffle plates. Heater pipes must be of welded construction designed for a test pressure of 500 pounds per square inch. A 1-inch woven asbestos lining must be placed between bolster slabbing and bottom of tank to prevent heat transmission. Safety vents of the frangible disc type may be used and if used the frangible discs must be perforated with ⅛ inch hole. If safety valves are used, a vacuum relief valve must be installed on the dome. Tanks must be stenciled on both sides "Fused Potassium Nitrate and Sodium Nitrite Only".

**§ 73.184 Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.**

(a) Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet, must be uniformly wet with at least 20 pounds of water to 80 pounds of dry material and must be packed in specification containers as follows:

(1) Spec. 10A or 10B (§§ 78.155 or 78.156 of this chapter). Wooden barrels or kegs.

(2) Spec. 14, 15A, or 15B (§ 78.165, § 78.168, or § 78.169 of this chapter). Wooden boxes lined, spec. 2M (§ 78.31 of this chapter).

(3) Spec. 6A, 6B, 6C, or 6J (§ 78.97, § 78.98, § 78.99, or § 78.100 of this chapter). Metal barrels or drums not over 55 gallons capacity. Spec. 6J (§ 78.100 of this chapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and heads must have a minimum convexity of ⅜ inch; each drum must have three rolled or swedged-in hoops, one of which shall be in the body near the top curl.

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity. Welded side seams required.

(5) Spec. 17E or 17H (§§ 78.116 or 78.118 of this chapter). Metal drums (single-trip).

(6) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums.

(b) Gross weight of any container must not exceed 490 pounds.

**§ 73.185 Paper stock, wet.**

(a) Paper stock, wet must be packed in hermetically sealed metal-lined wooden boxes or air-tight metal containers.

(b) Paper stock, wet, must not be offered for transportation by rail express.

**§ 73.186 Paper waste, wet.**

(a) Paper waste, wet, must be packed in hermetically sealed metal-lined wooden boxes or air-tight metal containers.

NOTE 1: Because of the present emergency and until further order of the Commission, paper waste, wet, free from oil or other foreign matter liable to cause spontaneous ignition may be shipped in bales.

(b) Paper waste, wet, must not be offered for transportation by rail express.

**§ 73.187 Peroxide of sodium.**

(a) Peroxide of sodium must be packed in specification containers as follows:

(1) Spec. 11A, 11B, 15A, 15B, 15C, 16A, or 19A (§§ 78.160, 78.161, 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden barrels, kegs, or boxes, with inside containers which must be airtight metal cans.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

(4) Spec. 12A or 12B (§ 78.210 or 78.205 of this chapter). Fiberboard boxes with inside air-tight metal cans not over 5 pounds capacity each.

**§ 73.188 Phosphoric anhydride.**

(a) Phosphoric anhydride must be packed in specification containers as follows:

(1) Spec. 11A, 11B, 15A, 15B, or 15C (§§ 78.160, 78.161, 78.168, 78.169, or 78.170 of this chapter). Wooden barrels, kegs, or boxes, with inside containers which must be tightly stoppered glass bottles not over 1 pound capacity each; or metal cans, not over 3 pounds capacity each, hermetically sealed (soldered) or closed with cork securely held in place by metal strap soldered in position. All inside containers must be cushioned with elastic incombustible packing material.

NOTE 1: Because of the present emergency and until further order of the Commission, metal cans not over 6 pounds capacity each are authorized.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

(4) Spec. 6K (§ 78.101 of this chapter). Metal drums. Authorized only for carload or truckload shipments by rail freight or highway when loaded by the shipper and unloaded by the consignee or his duly authorized agent.

(5) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 pound capacity each. Not more than 12 bottles shall be packed in one outside box. Shipper must have established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(6) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles of one-third fluid ounce capacity each. Each bottle shall be packed in a heat-sealed polyethylene or other suitable plastic bag of equal efficiency and not more than 75 such units shall be packed in a heat-sealed polyethylene or other suitable plastic bag of equal efficiency, which shall be placed in a securely closed metal can. Not more than 1 can shall be packed in one outside box.

**§ 73.189 Phosphorus, amorphous, red.**

(a) Phosphorus, amorphous, red, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with metal inside containers, with closures sealed air-tight and positively fastened.

(2) Spec. 6A or 6B; also 37A or 37B (single-trip containers) (§§ 78.97, 78.98, 78.131, or § 78.132 of this chapter), for gross weight not over 160 pounds. Metal barrels or drums.

(3) Spec. 29 (§ 78.226 of this chapter). Mailing tube having not more than 100 grams of phosphorous contained in an inside glass container, sealed under nitrogen or other inert gas, with an air tight closure. The glass container shall be packed in a metal can having air tight closure. Both the inside glass container and the metal can shall be surrounded on all sides with incombustible cushioning material.

**§ 73.190 Phosphorus, white or yellow.**

(a) Phosphorus, white or yellow, when offered for transportation by carriers by rail freight, highway, or water may only be packed in water or dry.

(b) When placed in water it must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with inside containers, which must be hermetically sealed (soldered) metal cans, inclosed in other hermetically sealed (soldered) metal cans; or hermetically sealed (soldered) metal cans, containing not over 1 pound each, inclosed in other, watertight, metal cans with screw-top closures; or hermetically sealed (soldered) metal cans, inclosed in hermetically sealed (soldered) metal box-lining, spec. 2F (§ 78.25 of this chapter).

(2) Spec. 5A, 6A, or 6B (§§ 78.81, 78.97, or 78.98 of this chapter). Metal barrels or drums, not over 30 gallons capacity each.

(3) Spec. 103,[1] 103–W, 111A60–F–1 or 111A60–W–1 (§§ 79.200, 79.201 of this chapter). Tank cars without bottom outlet for discharge of lading and with approved dome fittings, external heater systems, and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be applied. The material must be immersed in water or be blanketed with an inert gas and be loaded at a temperature not exceeding 140 F. The water must be loaded in the dome to not more than 50 percent of the capacity of the dome. After unloading, the tank must be filled to its entire capacity with an inert gas or to its entire capacity and the dome to not more than 50 percent of its capacity with water having a temperature not exceeding 140 F and placarded with the caution placard prescribed in § 74.555 of this chapter before the car is offered for return movement.

[1] Use of existing tank cars authorized, but new construction not authorized.



NOTE 1: Because of the present emergency and until further order of the Commission, Specification ARA–III[1] tank cars, converted as follows, are authorized for use: Without bottom discharge outlet, with insulation at least 2 inches in thickness, internal heater coils, at least one safety valve or frangible disc safety vent of approved design, and dome equipped for top unloading. Cars to be loaded and unloaded as prescribed in paragraph (b) (3) of this section. Cars to be stenciled immediately above the mark ARA–III[1] with the words "FOR PHOSPHORUS ONLY".

(4) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter), tank motor vehicles, without bottom outlet and with insulation at least 4 inches in thickness, except that 2 inches of insulation is authorized for tanks equipped with an exterior heating jacket. Interior heating coils are not authorized. The material must be immersed in water or be blanketed with an inert gas and be loaded at a temperature not exceeding 140° F. After unloading, the tank must be filled to its entire capacity with an inert gas or to its entire capacity with water having a temperature not exceeding 140° F.

(c) Phosphorus, white or yellow, when offered for transportation by rail express must be packed in water in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Spec. 15A or 15B (§§78.168 or 78.169 of this chapter). Wooden boxes with inside containers which must be hermetically sealed (soldered) metal cans, containing not over 1 pound each, inclosed in other water-tight, metal cans with screw-top closures, or with soldered closures.

(2) Samples of phosphorus, white or yellow, not to exceed 4 ounces each, placed in water in sealed metal cylinders or cans, inclosed in a wooden box, spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), may be transported only when consigned to the laboratory of the Internal Revenue Bureau or to the Hygienic Laboratory of the Public Health Service, Washington, D. C.

(3) Spec. 29 (§ 78.226 of this chapter). Mailing tube having a watertight rigid polyethylene container in which is placed a quartz tube containing not more than 100 grams of phosphorus sealed under nitrogen or other inert gas, with the remaining space in the polyethylene container filled with water. The polyethylene container shall be cushioned within the mailing tube with incombustible cushioning material.

(d) Phosphorus, white or yellow, when dry must be cast solid and shipped in containers as follows:

(1) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums not over 30 gallons capacity each.

(2) In projectiles or bombs when shipped by, for, or to the Departments of the Army, Navy, and the Air Force of the United States Government, without bursting elements.

(e) Phosphorus, white or yellow, when dry must not be offered for transportation by rail express.

**§ 73.191 Phosphorus pentachloride.**

(a) Phosphorus pentachloride must be packed in specification containers as follows:

(1) Spec. 11B, 15A, 15B, 15C, 16A, or 19A (§ 78.161, § 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden barrels, kegs, or boxes, with inside containers which must be glass or glazed earthenware containers, not over 25 pounds capacity each, cushioned with mineral packing; when inside containers are packed in the same outside container with other articles, they must be inclosed in tightly closed metal cans. Net weight of phosphorus pentachloride not over 50 pounds in each outside container.

(2) Spec. 6A, 6B, or 6C; also 37A or 37B (single-trip containers) (§§ 78.97, 78.98, 78.99, 78.131, or § 78.132 of this chapter). "Black iron" metal barrels or drums.

(3) Spec. 10A (§ 78.155 of this chapter). Wooden barrels or kegs asphaltum lined.

(4) Spec. 28A (§ 78.9 of this chapter). Metal-jacketed lead carboys.

**§ 73.192 Picrate of ammonia (ammonium picrate), picric acid, trinitrobenzoic acid, and urea nitrate, wet.**

(a) Picrate of ammonia (ammonium picrate), picric acid, trinitrobenzoic acid, and urea nitrate, wet with not less than 10 percent water, in quantity not exceeding 16 ounces in one outside package, may be shipped as drugs, medicines, or chemicals, when in glass bottles securely stoppered, each bottle inclosed in a strong fiber carton properly cushioned in the outside shipping case. No restrictions other than packing prescribed by this section are required when these materials are offered for transportation.

**§ 73.193 Picric acid, trinitrobenzoic acid, or urea nitrate, wet.**

(a) Picric acid, trinitrobenzoic acid, or urea nitrate, wet with not less than 10 percent water must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden box with inside containers of tightly closed glass or earthenware, cushioned, in outside container. The net weight in an outside package must not exceed 25 pounds dry weight. (See § 73.65 (e) for shipment of wet picric acid, wet trinitrobenzoic acid and wet urea nitrate in excess of 25 pounds, and § 73.192 for exemption up to 16 ounces.)

**§ 73.194 Potassium permanganate.**

(a) Potassium permanganate must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.154.

(2) In bulk in sift-proof, self-clearing, covered hopper or bottom outlet steel cars or in sift-proof all steel flat bottom gondola cars with fixed sides and ends equipped with water-proof and dust-proof wooden or steel covers well secured in place for all openings, or in bulk in motor vehicles with steel, sift-proof, self-clearing hopper-type or dump-type bodies, with water-proof and dust-proof covers, well secured in place. Such cars, when used exclusively in this service and stencilled "FOR POTASSIUM PERMANGANATE ONLY," are not subject to the requirements of § 74.586(b) of this chapter.

**§ 73.195 Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film.**

(a) Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film, when offered for transportation by carrier by rail freight, highway, or water must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes lined, spec. 2F or 2M (§§ 78.25 or 78.31 of this chapter); gross weight not over 450 pounds each.

(2) Spec. 6A, 6B, 6C, or 6J; also 17H, 37A, or 37B (single-trip containers) (§§ 78.97, 78.98, 78.99, 78.100, 78.118, 78.131, or § 78.132 of this chapter). Metal barrels or drums.

(3) Spec. 11B (§ 78.161 of this chapter). Wooden barrels or kegs with paper bags, spec. 2J (§ 78.28 of this chapter) as inside containers of the material; gross weight not over 375 pounds.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Use of this container will be permitted because of the present emergency and until further order of the Commission.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Must be externally treated to provide protection against moisture. Authorized net weight not over 225 pounds.

(b) Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion picture film scrap, or pieces of exposed or unexposed film which show evidence of decomposition or instability or are liable to decompose or become unstable must be packed submerged in water in specification containers as follows:

(1) Spec. 6A, 6B, or 6C; or 17H (single-trip) (§ 78.97, § 78.98, § 78.99, or § 78.118 of this chapter). Metal barrels or drums.

(2) Spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter). Wooden boxes with tightly closed inside metal containers.

[1] Use of existing tank cars authorized, but new construction not authorized.

**§ 73.196 Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film, shipments by rail express.**

(a) Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film, except samples for laboratory examination, must not be offered for transportation by rail express.

(b) Samples for laboratory examination when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal container, hermetically sealed by soldering or with tape. Net weight not over 25 pounds; shipments must be marked "Sample of (name of article) for laboratory examination".

**§ 73.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.**

(a) Pyroxylin plastics, in sheets, rolls, rods, or tubes containing nitrocellulose is not subject to Parts 71–78 and 197 of this chapter when offered for transportation by carriers by rail freight or highway but when offered for transportation by carriers by rail express or water must be packed in specification containers as follows and must bear the yellow label:

(1) Spec. 15A, 15B, or 19A (§§ 78.168, 78.169, or 78.190 of this chapter). Wooden boxes.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Special boxes §§ 78.205–20 and 78.205–21 authorized only for pyroxylin in sheets, rods or tubes.

(3) Sheets rolled, in spec. 21C (§ 78.224 of this chapter) fiber drums, having 2 straps applied lengthwise and one or more circumferentially; straps at least ½ by 0.02 inch steel. Authorized net weight not over 225 pounds.

(4) Sheets, rolled, not over 15 pounds net weight in fiber tubes lined throughout with singleface corrugated fiberboard at least 0.2 inch thick and securely closed; tube material at least 0.115 inch thick for side walls and 0.05 inch thick for ends with strength, Mullen or Cady test, at least 245 and 220 pounds respectively; metal ends for tubes acceptable when lined with fiber discs at least 0.05 inch thick.

(b) Pyroxylin plastics in manufactured articles or articles made therefrom is not subject to Parts 71–78 and 197 of this chapter.

**§ 73.197a Smokeless powder for small arms.**

(a) Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car or motor vehicle shall be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives. Maximum quantity in any inside container must not exceed eight pounds and inside containers must be arranged and protected so as to prevent simultaneous ignition of the contents. The complete package must be a type approved by the Bureau of Explosives. Each outside shipping container shall be labeled as prescribed in § 73.402 (a) (2).

**§ 73.198 Sodium hydride.**

(a) Sodium hydride must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.206 (a) (1) and (a) (2).

(2) Spec. 17H (§ 78.118 of this chapter). Metal drums (single-trip).

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) with welded side seams and hermetically sealed closure or closure made fast by positive pressure of the lid against a rubber gasket with edge of the lid crimped over the lip of the drum and a protective metal ring fastened around the crimped edge, packed in strong outside wooden boxes.

**§ 73.199 Rags, oily.**

(a) Rags, oily, with more than 5 percent of vegetable or animal oil, must be packed in hermetically sealed metal-lined wooden boxes, or air-tight metal containers.

(b) Rags, oily, as described above, must not be offered for transportation by rail express.

**§ 73.200 Rags, wet.**

(a) Rags, wet, must be packed in hermetically sealed metal-lined wooden boxes, or air-tight metal containers.

(b) Rags, wet, must not be offered for transportation by rail express.

**§ 73.201 Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.**

(a) Rubber scrap, if ground, powdered, or pulverized, and the rubber content of which exceeds 45 percent, as determined by subtracting the sum of the percentage of ash and the percentage of acetone extract from 100; rubber buffings from any grade of rubber, irrespective of the percentage of rubber content; and reclaimed rubber or regenerated rubber, must be packed in specification containers as follows (see paragraph (b) of this section):

(1) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 15A (§ 78.168 of this chapter). Wooden boxes lined, spec. 2F (§ 78.25 of this chapter), or 2M (§ 78.31 of this chapter).

(3) Spec. 10A (§ 78.155 of this chapter). Wooden barrels or kegs.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(6) Spec. 22A (§ 78.196 of this chapter). Wooden drums.

(7) Tank cars tightly and securely closed.

(8) Spec. 36A, 36B, 36C, 44B, or 44E (§§ 78.230, 78.233, 78.234, 78.236, or 78.239 of this chapter). Bags.

(b) Rubber scrap, reclaimed rubber, or regenerated rubber are not subject to Parts 71–78 and 197 of this chapter if shipped in the following forms:

(1) Rubber scrap, not ground or ground with cord or fabric insertion, or ground without cord or fabric insertion the particles of which pass over a screen of not less than 5-mesh.

(2) Reclaimed rubber or regenerated rubber when in the form of dense homogeneous nonporous sheets or rolls, the sheets of thickness of 1/8 inch or greater, packed flat or in rolls, or in pelletized form if not less than ¼ inch in diameter, or ground, the particles of which pass over a screen of not less than 5-mesh, all properly cooled before shipment.

(3) Rubber scrap, reclaimed rubber, or regenerated rubber in any form when shipped in covered steel hopper cars, tank cars, or tank or hopper trucks.

**§ 73.202 Sodium and potassium, metallic liquid alloy.**

(a) Sodium and potassium, metallic liquid alloy must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes with inside metal containers of a type approved by the Bureau of Explosives cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch. Closing devices must be protected from injury. Not more than 300 pounds of sodium or potassium liquid alloy may be shipped in one outside container.

(2) Spec. 5A (§ 78.81 of this chapter), metal barrels or drums not exceeding 400 pounds capacity each, having protruding valves protected by a 12-gauge steel dome securely attached to the head of the drum. Shipments are authorized by rail freight in carload lots only and by motor vehicle in truckload lots only.

**§ 73.203 Tetranitromethane.**

(a) Tetranitromethane must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, gross weight not exceeding 150 pounds, with inside containers which must be: glass bottles not more than 1 quart capacity each, with closures securely fastened and of a type not deteriorated by the contents, each bottle individually packed in a tight metal container and cushioned therein with absorbent incombustible material; or aluminum cans or polyethylene bottles, not more than 5 pounds capacity each, with opening not more than 1.25 inches diameter, fitted with securely fastened screw type closures and gaskets of material not deteriorated by contact with the contents, cushioned with not less than 2 inches of absorbent incombustible cushioning material between the inside containers and any part of the wooden box.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums, with inside stainless steel or aluminum drum (or drums) having no opening exceeding 2.5 inches diameter, openings to be securely closed by a screw type gasketed device, with gaskets of material not deteriorated by contact with the contents. The inside drum (or drums) must be cushioned with not less than 2 inches of absorbent incombustible cushioning material; inside drums shall be of not less than 20 gauge metal and shall be tested for leakage before packing in the outside drum.



**§ 73.204 Sodium hydrosulfite.**

(a) Sodium hydrosulfite must be packed in specification containers as follows:

(1) Spec. 11A, 11B, 15A, 15B, 15C, 16A, or 19A (§§ 78.160, 78.161, 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden barrels, kegs, or boxes with inside glass bottles of capacity not exceeding 5 pounds each, or metal containers.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(3) Spec. 17E, 17H, or 37K (§§ 78.116, 78.118, or 78.130 of this chapter). Metal drums (single-trip).

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip). These containers are not authorized for transportation by carriers by water.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inside metal drums. Authorized net weight not over 225 pounds.

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums constructed for a net weight of 225 pounds; authorized net weight of product not over 250 pounds; drums must have a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224–2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior; drums must not be offered for transportation by carriers by water.

(7) Spec. 22B (§ 78.197 of this chapter). Plywood drums with inside metal drums.

NOTE 1: Because of the present emergency and until further order of the Commission, the use of inside metal drums will not be required but in lieu thereof the drum must be lined or otherwise treated so as to prevent the entrance of moisture in quantities sufficient to create a hazardous condition in transportation. Maximum loaded capacity 110 pounds net.

**§ 73.205 Sodium picramate, wet.**

(a) Sodium picramate must be wet with not less than 20 percent of water by weight and packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with well stoppered glass inside containers of not exceeding 1 quart capacity each, cushioned in the boxes.

(2) Spec. 10A or 10B (§§ 78.155 or 78.156 of this chapter). Wooden barrels, or kegs.

**§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.**

(a) Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes with air-tight metal inside containers which must have closing device securely fastened by positive means (not friction). Inside metal cans with closures securely fastened, positive means not required, must not exceed 1-gallon capacity each for lithium aluminum hydride and must be cushioned in outside containers with sufficient incombustible packing material.

(2) Spec. 5, 6A, 6B, or 6C (§ 78.80, § 78.97, § 78.98 or § 78.99 of this chapter). Metal barrels or drums. Not authorized for lithium aluminum hydride.

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Authorized only for lithium metal or sodium, metallic which must be fused solid in the container.

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not exceeding 6 gallons capacity each, with welded side seams and hermetically sealed closure or closure made fast by positive pressure of the lid against a rubber gasket with edge of the lid crimped over the lip of the drum and a protective metal ring fastened around the crimped edge, cushioned on all sides with incombustible packing material, packed in strong outside wooden boxes (see § 73.25). Not more than four inside metal drums shall be packed in one outside wooden box.

(5) Spec. 17C (§ 78.115 of this chapter), metal drums (single-trip). Not authorized for lithium aluminum hydride.

(6) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip), with air-tight metal inside containers which must have closing device securely fastened by positive means (not friction). Inside metal containers must be cushioned on all sides by incombustible packing material. Authorized for lithium metal or lithium hydride only.

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 375-pound test (Mullen or Cady) solid fiberboard with inside airtight metal container which must have a closing device securely fastened by positive means (not friction). Each inside metal container must be individually nested into a double-faced corrugated partition of at least 200-pound test (Mullen or Cady) which is in turn surrounded on all sides by a peripheral double-walled corrugated liner of at least 200-pound test (Mullen or Cady). Authorized gross weight not over 90 pounds.

(8) Spec. 21C (§ 78.224 of this chapter). Fiber drums constructed for 400 pounds net weight, with the material packed not more than 5 pounds net weight each in not to exceed one-half gallon steel cans equipped with friction-top closures. Authorized for lithium ferro silicon only.

(b) Sodium or potassium, metallic, sodium amide, and lithium metal, immersed in neutral oil may also be shipped when packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes with inside metal drums, spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) single-trip, having welded side seams, net weight not over 30 pounds, or with inside glass containers, each enclosed in a tin container.

(2) Spec. 17H (§ 78.118 of this chapter). Metal drum (single-trip). Authorized only for lithium metal in the form of cups or ingots.

(c) Sodium, metallic, may also be shipped when packed in specification containers as follows:

(1) Spec. 105A300–W (§ 78.286 of this chapter). Tank cars, having exterior heater coils fusion welded to tank shell and properly stress-relieved, the material to be in molten condition when loaded into the tank and allowed to solidify before car is offered to the carrier. Outage must be 5 percent or more for sodium at fusion temperature of 208° F.

(2) Spec. 17C, 17H, 37A, or 37B (§§ 78.115, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip) authorized for cylindrical blocks at least 2 inches in diameter and not less than 6 inches in length, or rectangular blocks not less than 6 inches in length and not less than 2 inches in any other dimension. Net weight not over 300 pounds for spec. 17C drums; not over 30 pounds for spec. 17H, 37A, or 37B drums.

(3) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicles having a minimum design pressure of 150 pounds per square inch and having exterior coils fusion-welded to the tank shell and properly stress-relieved. Tanks must be equipped with safety valves having a set-to-discharge pressure not exceeding 150 pounds per square inch. The material must be in molten condition when loaded and solidified before being moved over a public highway. Outage must be 5 percent or more at a sodium temperature of 208° F.

(4) Stainless steel tubes having welded end caps containing not over 50 grams of metallic sodium each. Each tube must be inserted in an aluminum carrier tube. Containers must be approved by the Bureau of Explosives.

(d) Lithium metal in cartridges, when packed and described as follows is exempt from specification packaging and labeling requirements:

(1) In inside hermetically sealed metal cartridges not exceeding 18 grams net weight each, packed in strong outside containers with net weight of lithium metal not exceeding one pound; which outside containers may be overpacked in strong wooden boxes or fiber drums, provided total net weight of lithium metal in one outside container does not exceed one pound.

(e) Lithium metal in cartridges, containing more than 18 grams but not more than 120 grams of lithium, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes, not over 75 pounds gross weight, with air-tight inside copper cartridges. Cartridges having less than 0.022 inch wall thickness must be separated or securely cushioned in the boxes. Each cartridge must have a minimum thickness of 0.02 inch.

**§ 73.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.**

(a) Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside containers which must be glass bottles enclosed in tightly closed metal cans, or hermetically sealed (soldered) metal cans.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside containers which must be hermetically sealed (soldered) metal cans of not over 5 pounds capacity.

(b) When fused or concentrated, but not ground (may be chipped, flaked, or broken), may be shipped in specification containers as follows:

(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside bottles of not more than 5 pounds capacity each, or metal cans, with tight covers.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be metal cans of not over 5 pounds net weight each or glass bottles of not over 1 pound net weight each. Packages containing glass or earthenware containers must not weigh over 65 pounds gross.

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

(4) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, 78.99 of this chapter). Metal barrels or drums.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums which must be lined or coated, or otherwise treated so as to prevent the entrance of moisture in quantities sufficient to create a hazardous condition in transportation; maximum loaded capacity 250 pounds net.

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test double-faced fiberboard and provided with a perimeter liner and bottom pad of at least 200-pound test fiberboard. Boxes constructed of at least 350-pound fiberboard having top and bottom pads shall not require perimeter liner. Product must be contained within a tightly closed polyethylene or other equally efficient plastic bag constructed of material having minimum thickness of 0.004 inch. Not more than 25 pounds net weight of product may be packed in one outside box.

(7) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than four bottles having capacity of 5 pounds each shall be packed in one outside box. Shipper must have established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(c) Sulfide of potassium, crystallized, is not subject to Parts 71–78 and 197 of this chapter.

(d) Sodium sulfide when shipped fused in one solid mass in a metal barrel or drum and sodium sulfide, crystallized, are not subject to Parts 71–78 and 197 of this chapter.

(e) Sodium sulfide containing 35 percent or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked, or broken), when packed in steel barrels or drums or portable metal tanks that are equipped with moisture-tight closures, or in strong tight fiber drums having a moisture-barrier incorporated in the walls and equipped with moisture-tight closures, is not subject to Parts 71-78 and 197 of this chapter. Portable tanks filled to gross weight to be shipped must be capable of withstanding a drop from a height of 4 feet onto solid concrete without rupture or serious damage, and must be equipped with lifting devices capable of holding 4 times the gross weight of filled tank.

**§ 73.208 Titanium metal powder, wet or dry.**

(a) *Titanium metal powder, wet.* Titanium metal powder, wet, with not less than 20 percent water, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal cans not exceeding 1 gallon each, tightly and securely closed, and not more than 12 such inside metal cans in one outside package; or not more than 1 inside metal can of not less than 22-gauge metal and not to exceed 10 gallons capacity, tightly and securely closed.

(b) *Titanium metal powder, dry.* Titanium metal powder, dry, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal containers, tightly and securely closed by push-in covers, held in place by soldering at least four points, or in screw-cap metal cans. Inside containers must not exceed 10 pounds net each. Inside containers must be cushioned by incombustible material such as rock wool or asbestos wool. Gross weight of outside package must not exceed 75 pounds each.

(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal barrels or drums (single-trip) with inside metal drum of not less than 20-gauge metal and with closure secured by positive means. The inside container shall be completely surrounded by not less than 1 inch of incombustible cushioning material.

(3) Spec. 5B (§ 78.82 of this chapter). Metal barrels or drums not over 15 gallons capacity.

**§ 73.209 Tankage, garbage, and tankage fertilizers.**

(a) Tankage, garbage, and tankage fertilizers, containing less than 8 percent moisture or having a temperature exceeding 100° F. when loaded must be packed in hermetically sealed metal-lined wooden boxes or air-tight metal containers.

(b) Such tankage, garbage, and tankage fertilizers, must not be offered for transportation by rail express.

**§ 73.210 Tankages, rough ammoniate.**

(a) Tankages, rough ammoniate (tankages made from ammoniates such as leather scrap, horns, hoofs, hair, hair waste, felt waste), containing less than 7 percent moisture or having a temperature exceeding 100° F. when loaded, must be packed in hermetically sealed metal-lined wooden boxes or air-tight metal containers.

(b) Tankages, rough ammoniate, must not be offered for transportation by rail express.

**§ 73.211 Textile waste, wet.**

(a) Textile waste, wet, must be packed in hermetically sealed metal-lined wooden boxes or air-tight metal containers.

(b) Textile waste, wet, must not be offered for transportation by rail express.

**§ 73.212 Trinitrobenzene and trinitrotoluene, wet.**

(a) Trinitrobenzene and trinitrotoluene, wet with not less than 10 percent water, in quantity not exceeding 16 ounces in one outside package, may be shipped as drugs, medicines, or chemicals, when in glass bottles securely stoppered, each bottle inclosed in a strong fiber carton properly cushioned in the outside shipping case and are not subject to any other requirement of Parts 71–78 and 197 of this chapter.

**§ 73.213 Wool waste, wet.**

(a) Wool waste, wet, must be packed in hermetically sealed metal-lined wooden boxes or air-tight metal containers.

(b) Wool waste, wet, must not be offered for transportation by rail express.



**§ 73.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (see Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (see Note 1), finer than 20 mesh particle size.**

NOTE 1: Produced by means other than attrition or grinding.

NOTE 2: Any product containing 10 percent or more, particle size specified, shall be subject to this section.

NOTE 3: Any product containing less than 25 percent water by weight is considered dry for purposes of these regulations.

(a) Hafnium metal, wet, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size with a minimum of 25 percent water by weight (a mixture of water and a suitable anti-freeze agent may be used when freezing temperatures may be encountered during transportation) must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter) wooden boxes or spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) metal drums with inside containers of glass or non-carbon polyethylene having net weight of not over 10 pounds each. Inside glass containers must be equipped with positive type clamp-on closures equipped with rubber gaskets. Inside polyethylene containers may have screw-cap closures equipped with gaskets ahead of thread and shall be of material which will not react with or be decomposed when in contact with contents. Screw-cap closures must be secured in place by suitable tape. Each glass or polyethylene container must be surrounded on all sides with not less than 1 inch of incombustible cushioning material and in an amount sufficient to completely absorb the entire liquid contents of the containers. Each inside glass or polyethylene container must be placed in a spec. 2A (§ 78.20 of this chapter) metal can closed with push-in cover held in place by soldering or crimping at at least four points. Authorized net weight of hafnium in one outside container shall not exceed 40 pounds for wooden boxes and shall not exceed 150 pounds for steel drums.

(2) Spec. 10A (§ 78.155 of this chapter). Wooden kegs containing not to exceed 75 pounds net each.

(b) Hafnium metal, dry, in an atmosphere of inert gas, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) or spec. 17C, 17H, or 37A (single-trip containers) (§ 78.115, 78.118, or 78.131 of this chapter). Metal barrels or drums with inside non-carbon polyethylene bottles having positive type clamp-on closures equipped with rubber gaskets, or with screw-cap closures having not less than three continuous threads and equipped with gaskets ahead of threads, not over 5 pounds net weight capacity each. Screw-cap closures must be secured in place by suitable tape. Each bottle must be placed in a spec. 2R (§ 78.34 of this chapter) metal container having a wall thickness of one-fourth inch and be completely surrounded by cushioning material. Spec. 2R containers must be separated from one another by incombustible cushioning material. Authorized net weight of metal in one outside container not over 150 pounds.

(c) Zirconium metal, wet, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size with a minimum of 25 percent water by weight (a mixture of water and a suitable anti-freeze agent may be used when freezing temperatures may be encountered during transportation) must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter) wooden boxes or spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) or 17C or 17H (single-trip containers) (§ 78.115 or 78.118 of this chapter) metal drums with inside containers of glass or non-carbon polyethylene having net weight of not over 10 pounds each. Inside glass containers must be equipped with positive type clamp-on closures equipped with rubber gaskets. Inside polyethylene containers may have screw-cap closures equipped with gaskets ahead of thread and shall be of material which will not react with or be decomposed when in contact with contents. Screw-cap closures must be secured in place by suitable tape. Each glass or polyethylene container must be surrounded on all sides with not less than 1 inch of incombustible cushioning material and in an amount sufficient to completely absorb the entire liquid contents of the containers. Each inside glass or polyethylene container must be placed in a spec. 2A (§ 78.20 of this chapter) metal can closed with push-in cover held in place by soldering or crimping at at least four points. Authorized net weight of zirconium in one outside container shall not exceed 40 pounds in wooden boxes and 150 pounds in steel drums.

(2) Spec. 10A (§ 78.155 of this chapter). Wooden kegs containing not to exceed 75 pounds net each.

(d) Zirconium metal, dry, in an atmosphere of inert gas, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) or spec. 17c, 17H, or 37A (single-trip containers) (§ 78.115, 78.118, or 78.131 of this chapter). Metal barrels or drums with inside non-carbon polyethylene bottles having positive type clamp-on closures equipped with rubber gaskets, or with screw-cap closures having not less than three continuous threads and equipped with gaskets ahead of threads, not over 5 pounds net weight capacity each. Screw-cap closures must be secured in place by suitable tape. Each bottle must be placed in a spec. 2R (§ 78.34 of this chapter) metal container having a wall thickness of one-fourth inch and be completely surrounded by cushioning material. Spec. 2R containers must be separated from one another by incombustible cushioning materials. Authorized net weight of metal in one outside container not over 150 pounds.

(e) Mechanically produced hafnium metal, coarser than 270 mesh particle size and chemically produced coarser than 20 mesh particle size in strong tight containers are not subject to Parts 71–78 and 197 of this chapter.

(f) Mechanically produced zirconium metal, coarser than 270 mesh particle size and chemically produced coarser than 20 mesh particle size in strong tight containers are not subject to Parts 71–78 and 197 of this chapter. (See § 73.220, zirconium scrap.)

**§ 73.216 Zirconium picramate, wet.**

(a) Zirconium picramate must be wet with not less than 20 percent of water by weight and packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with well stoppered glass inside containers of not exceeding 1 quart capacity each, cushioned in the boxes.

(2) Spec. 10A or 10B (§§ 78.155 or 78.156 of this chapter). Wooden barrels or kegs.

**§ 73.217 Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.**

(a) Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine, and lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inner ply a laminated sheet of paper and aluminum foil, internally coated with not less than a 0.002 inch thickness of polyethylene. Cover of drum shall be gasketed. Authorized net weight not over 400 pounds.

(b) Strong outside wooden or fiberboard packages containing inside containers of glass, metal, or plastic bottles not over 5 pounds capacity each, except that metal inside containers not over 7½ pounds capacity each are authorized for material in tablet form only, are exempt from specification packaging, marking, and labeling when offered for transportation by rail freight, rail express, or highway. When for transportation by water, strong wooden or fiberboard containers with inside metal containers not over 5 pounds capacity each, or not over 7½ pounds capacity each of material in tablet form, are exempt from specification packaging only. Shipments for

transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

**§ 73.218 Isopropyl percarbonate, unstabilized.**

(a) Isopropyl percarbonate, unstabilized, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes, or other equally efficient container when approved by the Bureau of Explosives, with glass, metal, or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 0° F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

**§ 73.219 Potassium perchlorate.**

(a) Potassium perchlorate must be packed as follows:

(1) As prescribed in § 73.154 (a) (1) to (11).

**§ 73.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalpings, and magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon.**

(a) Magnesium or zirconium scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in closed metal drums, metal pails, or wooden barrels.

(1) Magnesium or zirconium scrap consisting of clippings, scalpings, or scrap sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(2) Magnesium or zirconium scrap consisting of clippings, scalpings, or scrap sheets in closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(b) Magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon must be packed in containers as prescribed in § 73.154.

(1) Magnesium metallic (other than scrap), pellets, turnings, or ribbon in closed metal drums, metal pails, fiber drums, wooden boxes with inside containers, fiberboard boxes with inside glass bottles not over 1 pound capacity each, with not more than 25 pounds net weight of product in each outside fiberboard box are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

**§ 73.221 Liquid organic peroxides, n.o.s. and liquid organic peroxide solutions, n.o.s. other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.**

(a) Liquid organic peroxides, n.o.s. and liquid organic peroxide solutions, n.o.s. other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide must be packed in specification containers as follows:

(1) Spec. 1A or 1D (§§ 78.1 or 78.4 of this chapter). Carboys, glass, boxed, capacity not over 5 gallons for spec. 1A (§ 78.1 of this chapter), and 6.5 gallons for spec. 1D (§ 78.4 of this chapter).

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass, earthenware, or metal, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container. Metal inside containers authorized only for materials which will not react dangerously with or be decomposed by contact with metal.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with inside containers which must be glass, earthenware, polyethylene bottles, or metal, not over 1 gallon each. Not more than six 1-gallon polyethylene bottles; or not more than one 1-gallon glass, earthenware, or metal inside container, which must be cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container, shall be packed in one outside fiberboard box. Metal and polyethylene inside containers authorized only for material which will not react dangerously with or be decomposed by contact with metal or polyethylene.

(4) Spec. 42B (§ 78.107 of this chapter). Aluminum drums not over 15 gallons capacity. Authorized only for peroxides which will not react dangerously with the aluminum or be decomposed by contact with it.

(5) Spec. 17C or 17E (§§ 78.115 or 78.116 of this chapter). Metal drums (single-trip) not over 15 gallons capacity. Authorized only for material which will not react dangerously with the drum metal, or be decomposed by contact with it.

(6) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

(7) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S (§ 78.35 of this chapter) polyethylene container. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

(8) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5-gallons capacity, with one-piece seamless molded polyethylene liner (nonreusable container). Drums exceeding 1-gallon capacity must be constructed of at least 24-gauge metal. Authorized only for materials that will not react with polyethylene and result in container failure.

(9) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

(10) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles, not over 5-gallons capacity each, as specified by § 78.205–34 of this chapter. Not more than one bottle shall be packed in one outside box. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene.

**§ 73.222 Acetyl peroxide and acetyl benzoyl peroxide, solution.**

(a) Acetyl peroxide must be shipped in solution in a non-volatile solvent and must contain not more than 25 percent by weight of the peroxide. Acetyl benzoyl peroxide must be shipped in solution in a non-volatile solvent and must contain not more than 40 percent by weight of the peroxide. They must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container, shall be packed in one outside fiberboard box. Metal and polyethylene inside containers authorized only for material which will not react dangerously with or be decomposed by contact with metal or polyethylene.

(2) Spec. 1A or 1D (§§ 78.1 or 78.4 of this chapter). Carboys, glass, boxed, capacity not over 5 gallons for spec. 1A (§ 78.1 of this chapter), and 6.5 gallons for spec. 1D (§ 78.4 of this chapter).

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be glass or earthenware, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container. Not more than one 1-gallon inside container shall be packed in one outside fiberboard box.

(4) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

**§ 73.223 Peracetic acid.**

(a) Peracetic acid must be shipped in solution not exceeding 40 percent strength and must be packed in specification containers as follows:



(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware, not over one gallon capacity each, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat. Cushioning material must be in sufficient quantity to completely absorb the contents of the inner container.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be glass or earthenware, not over one quart capacity each, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat. Cushioning material must be in sufficient quantity to completely absorb the contents of the inner container.

(3) Spec. 1D (§ 78.4 of this chapter). Boxed glass carboy.

(4) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

(5) Spec. 37M (§ 78.134 of this chapter). Cylindrical steel overpack (nonreusable container) with inside spec. 2SL (§ 78.35a of this chapter) polyethylene container not over 30 gallons capacity. Polyethylene container must have a vented closure capable of preventing leakage of liquid contents.

(b) Peracetic acid solutions not exceeding 40 percent strength packed in strong wooden or fiberboard boxes, with not more than one inside glass container not exceeding 1 pint or 1 pound capacity, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat, and with such cushioning material in sufficient quantity to completely absorb the contents of the bottle are exempt from specification packaging, marking other than name of contents, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817 and Part 197 of this chapter.

**§ 73.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramenthane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.**

(a) Cumene hydroperoxide of strength not exceeding 96 percent in a non-volatile solvent, dicumyl peroxide of strength not exceeding 50 percent in a non-volatile solvent, diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a non-volatile solvent, paramenthane hydroperoxide of strength not exceeding 60 percent in a non-volatile solvent, and tertiary butylisopropyl benzene hydroperoxide of strength not exceeding 60 percent must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container.

(2) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), with interiors so treated that they will be resistant to the contents.

(3) Spec. 103,[1] 103–W, 103A,[1] 103A–W, 111A60–F–1, 111A60–W–1, 111A100–F–2 or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Authorized for 90 percent or less cumene hydroperoxide in a nonvolatile solvent, paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent and diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent only. Specs. 103,[1] 103–W, 111A60–F–1 and 111A60–W–1 tank cars must have bottom outlets effectively sealed from the inside.

(4) Spec. MC310 and MC311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles. Authorized for paramenthane hydroperoxide of strength not exceeding 60 percent in a non-volatile solvent only.

**§ 73.225 Phosphorus sesquisulfide.**

(a) Phosphorus sesquisulfide must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with metal inside containers hermetically sealed (soldered) or water-tight metal cans with screw-top closures. Other closures if approved by the Bureau of Explosives will be permitted.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums, not over 30 gallons capacity each.

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 425 pounds.

**§ 73.226 Thorium metal, powdered.**

(a) Thorium metal, powdered, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal containers, tightly and securely closed by push-in covers held in place by soldering at least at four points, or in screw-cap type metal cans. Inside containers must not exceed 10 pounds net each. Gross weight of outside packages must not exceed 75 pounds each.

(b) Thorium metal powder packed in tightly and securely closed metal cans, cushioned with incombustible material in strong outside wooden or fiberboard boxes, and not exceeding 4 ounces net weight in one outside shipping container, is exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817 and Part 197 of this chapter.

[1] Use of existing tank cars authorized, but new construction not authorized.

**§ 73.227 Urea peroxide.**

(a) Urea peroxide must be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be rubber or plastic containers not exceeding 4 ounces each. Gross weight not over 65 pounds.

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums completely coated on the inside with a suitable wax, synthetic coating, or metal foil suitable to the lading; or fiber drums having a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224–2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior. Authorized net weight not over 225 pounds.

(3) Spec. 22A (§ 78.196 of this chapter). Plywood drums with paper bags, spec. 2J (§ 78.28 of this chapter) coated with suitable wax on the inner surface.

**§ 73.228 Zinc ammonium nitrite.**

(a) Zinc ammonium nitrite must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 300 pounds.

**§ 73.229 Chlorate and borate mixtures or chlorate and magnesium chloride mixtures.**

(a) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing more than 50 percent chlorate and no other hazardous additives must be packed as follows:

(1) As prescribed in § 73.163.

(b) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight or highway and packed as follows; shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(1) Tight metal or fiber drums.

(2) Wooden boxes with tight inside metal containers.

(3) Multi-wall paper bags, net weight not over 50 pounds, moisture proof and sift proof, and having a strength capable of withstanding four 4-foot drops onto solid concrete.

(4) Strong fiberboard boxes with inside fiber containers having metal tops and bottoms, net weight not over 4 pounds each; gross weight of completed package not over 65 pounds.

(5) Strong fiberboard boxes with not more than 4 inside paper bags spec. 2D (§ 78.23 of this chapter), having net weight not over 10 pounds each.

(c) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing 28 percent or less chlorate and no other hazardous additives, are not subject to the regulations in Parts 71–78 and 197 of this chapter.

**§ 73.230 Sodium, metallic, dispersion in organic solvent.**

(a) Sodium, metallic, dispersion in organic solvent must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes with inside containers which must be metal cans not exceeding one quart capacity, and each such can must be packed in another metal can and cushioned on all sides with at least one inch of incombustible dry nonhygroscopic material which is nonreactive with sodium at temperatures encountered during normal transportation. Both the inner and outer metal cans shall be equipped with an airtight closing device secured by positive means (not friction). Gross weight of completed package must not exceed 100 pounds.

(2) Spec. 17H (§ 78.118 of this chapter). Metal drum (single-trip) of not over 55 gallons capacity, with material contained in an inside spec. 17E (§ 78.116 of this chapter) metal drum (single-trip) of not over 30 gallons capacity. The inside drum shall be snugly packed in the outside drum by completely and evenly surrounding it with incombustible dry nonhygroscopic material which is nonreactive with sodium at temperatures encountered during normal transportation.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 375-pound test (Mullen or Cady) solid fiberboard with inside metal cans not exceeding one quart capacity. Each such can must be packed in another metal can and cushioned on all sides with at least one inch of incombustible dry nonhygroscopic material which is nonreactive with sodium at temperatures encountered in normal transportation. Both the inner and outer metal cans shall be equipped with an airtight closing device secured by positive means (not friction) and must be individually nested into a double-faced corrugated partition of at least 200-pound test (Mullen or Cady) which is in turn surrounded on all sides by a peripheral double-walled corrugated liner of at least 200-pound test (Mullen or Cady). Authorized gross weight not over 90 pounds.

**§ 73.231 Calcium, metallic, crystalline.**

(a) Calcium, metallic, crystalline must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight inside metal containers not over 1 gallon capacity each.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums, gross weight not over 350 pounds.

(3) Spec. 17C or 17H (§ 78.115 or § 78.118 of this chapter). Metal drums (single-trip), gross weight not over 350 pounds.

**§ 73.232 Tank cars containing residual phosphorus.**

(a) Tank cars from which phosphorus has been unloaded and from which all residual phosphorus has not been removed by thorough cleaning must be shipped filled with water or an inert gas and must be placarded by the shipper with placards prescribed in § 74.555 of this chapter.

**§ 73.233 Nickel catalyst, finely divided, activated or spent.**

(a) Nickel catalyst, finely divided, activated or spent must be wet with not less than 40 percent by weight of water or other equally suitable liquid and must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction); or airtight glass inside containers of not over 1 quart capacity each, securely cushioned in asbestos wool, vermiculite, or equally efficient incombustible cushioning material.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction); or airtight glass inside containers of not over 1 quart capacity each, securely cushioned in asbestos wool, vermiculite, or equally efficient incombustible cushioning material.

(3) Spec. 5, 6A, 6B, or 6C (§§ 78.80, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums not over 55 gallons capacity each.

(4) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

**§ 73.234 Sodium nitrite and sodium nitrite mixtures.**

(a) Sodium nitrite and sodium nitrite mixtures must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.154.

(2) Spec. 44C (§ 78.237 of this chapter). Multiwall paper bags constructed of at least 5 thicknesses of heavy duty shipping sack Kraft paper, or equivalent, with a minimum total basis weight of 310 pounds including a polyethylene or other suitable pliable plastic material inner sheet having a minimum basis weight of 10 pounds. All closures must be of such design as to provide a moisture-resistant package when closed for shipment. Net weight not over 100 pounds each. Authorized for carload or truckload shipments only.

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums: Authorized net weight not over 400 pounds.

(4) Spec. 37A (§ 78.131 of this chapter). Metal drums constructed of steel having minimum thickness of 24 gauge. Bolted or lever-lock closure rings authorized provided drums withstand test prescribed by § 78.131–11 of this chapter. Authorized gross weight not over 425 pounds.

(5) Sodium nitrite is authorized for shipment in tight sift-proof covered hopper cars. Cars must be thoroughly cleaned before loading.

(6) Tank cars which must be thoroughly cleaned before loading.

**§ 73.235 Ammonium bichromate (ammonium dichromate).**

(a) Ammonium bichromate (ammonium dichromate) must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.154.

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 400 pounds.

**§ 73.236 Decaborane.**

(a) Decaborane must be packed in specification containers as follows:

(1) Spec. 6A, 6B or 6C (§§ 78.97, 78.98 or § 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 17C, 17E, 17H, 37A, or 37B (§§ 78.115, 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be metal cans; sliding-lid wooden boxes; fiber cans or boxes, spec. 2G (§ 78.26 of this chapter), not over 5 pounds capacity each; or glass bottles not over 1 pound capacity each. Packages containing glass containers must not weigh over 65 pounds gross.

**§ 73.237 Chlorine dioxide hydrate, frozen.**

(a) Chlorine dioxide hydrate, frozen, must be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside packages of polyethylene or other suitable material. Fiberboard boxes must be reinforced and insulated and sufficient dry ice must be used to maintain the hydrate in a frozen state during transportation. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

(2) Containers and means of refrigeration providing equal efficiency, when approved by the Bureau of Explosives, are authorized for shipments by private carrier by motor vehicle.

**§ 73.238 Aircraft rocket engines (commercial) and/or aircraft rocket engine igniters (commercial).**

(a) Aircraft rocket engines (commercial) and/or their igniters may be offered for transportation by rail freight, rail express, highway or water, when of a type approved by the Bureau of Explosives and when packaged and packed as follows:

(1) Spec. 15A, 15B, 15E or 16A (§ 78.168, 78.169, 78.172 or 78.185 of this chapter). Wooden boxes. Igniters must be packaged in sealed metal containers approved by the Bureau of Explosives and packed in wooden boxes as specified above when shipped separately from the Aircraft rocket engines.

(2) Aircraft rocket engines (commercial), when approved by the Bureau of Explosives, may be packed in the same outside shipping container with their separately packaged igniters. Igniters must be packed in separate sealed metal containers in strong inside containers.

(3) Aircraft rocket engines (commercial) and/or their igniters, packed in any other manner than specified in subparagraphs (1) and (2) of this paragraph, must be in containers of a type approved by the Bureau of Explosives.

NOTE 1: For purposes of § 73.238, aircraft rocket engines (commercial) are standby aircraft propulsion engines which are for civil aircraft installation only, comprising a metal case containing a solid composite fuel other than one classified as an explosive and containing no explosive material or element.

**§ 73.239 Barium azide—50 percent or more water wet.**

(a) Barium azide—50 percent or more water wet, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside glass bottles not over one pound capacity each. Bottles shall have rubber stoppers wire tied for securement. If shipment is to take place at a time freezing weather is to be anticipated, a suitable antifreeze solution must be used to prevent freezing.

## Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

**§ 73.240 Acids and other corrosive liquids; definition.**

(a) Corrosive liquids for the purpose of Parts 71–78 of this chapter are those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue, by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action; or are liable to cause fire when in contact with organic matter or with certain chemicals.

EDITORIAL NOTE: Order 41, 24 F.R. 10111, Dec. 15, 1959, effective Feb. 28, 1960, amended § 73.240(a). Subsequently, Order 41A, 25 F.R. 217, Jan. 12, 1961, provided for the postponement of the effective date of the provisions of Order 41, pending further order of the Commission and provided that, in the meantime, the former provisions of § 73.240 (a) as set forth above remained in effect.

**§ 73.241 Outage.**

(a) Outage for containers of acids or other corrosive liquids for transportation by carriers by rail freight, rail express, highway, or water, must be as follows:

(1) The proper vacant space (outage) in a tank car or other shipping container depends on the coefficient of expansion of the liquid and the maximum increase of temperature to which it will be subjected in transit. Outage must be calculated to the total capacity of the container.

(2) *Outage requirements for containers other than tank cars, cargo tanks and portable tanks.* Containers must not be entirely filled. Sufficient interior space must be left vacant to prevent leakage or distortion of containers due to the expansion of the contents from increase of temperature during transit.

(3) *Outage requirements for tank cars.* In tank cars, outage must be calculated to percentage of the total capacity of the tank, i. e., shell and dome capacity combined. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage. The outage for tank cars must be not less than 1 percent.

(4) *Outage requirements for cargo tanks or portable tanks.* No cargo tank or portable tank or compartment thereof used for the transportation of any acid or other corrosive liquid shall be completely filled. The outage for cargo tanks and portable tanks must be not less than 2 percent.

**§ 73.242 Bottles containing acid or other corrosive liquids.**

(a) Bottles containing acid or other corrosive liquids, as defined by § 73.240, must not be packed in the same outside container with any other article, except as specifically provided in paragraphs (b) and (c) of this section and § 73.25, § 73.257, § 73.258, § 73.259, § 73.260, § 73.261, or § 73.286.

(b) When bottles containing acid or other corrosive liquids are cushioned by incombustible absorbent material and securely packed in tightly closed metal containers, except hydrofluoric acid which must be packed in a container other than a metal container, they may be packed with other articles. This exception does not apply to nitric acid exceeding 40 percent concentration, perchloric acid, hydrogen peroxide exceeding 52 percent strength by weight, nitrohydrochloric acid, or nitrohydrochloric acid diluted, which must not be packed in the same outside container with any other article under any circumstances.

(c) Acid or corrosive liquid solutions in securely closed bottles, in quantity necessary for preparing photographic processing mixture and efficiently cushioned, may be packed in the same outside shipping container with required amount of packaged dry chemicals not classed as dangerous articles by these regulations, provided no dangerous reaction occurs should the contents of bottles and dry chemicals be mixed. Marking prescribed in § 73.401 (c) shall not be required.

**§ 73.243 Closing and cushioning.**

(a) All containers must be tightly and securely closed. Inside containers must be cushioned as prescribed or in any case when necessary to prevent breakage or leakage.

**§ 73.244 Exemptions for acids and other corrosive liquids.**

(a) Acids and other corrosive liquids, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, in inside bottles having a capacity not over 1 pound or 16 ounces by volume each inclosed in a metal can in the outside container are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(b) Other exemptions from specification packaging, marking, and labeling requirements for rail freight, rail express and highway transportation and exemptions from specification packaging, marking other than name of contents, and labeling requirements for transportation by carrier by water, are shown with the packing requirements for the article.

**§ 73.245 Acids or other corrosive liquids not specifically provided for.**

(a) Acids or other corrosive liquids, as defined in § 73.240, other than those for which special requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

(1) Spec. 1A, 1B, 1C, or 1E (§§ 78.1, 78.2, 78.3, or 78.7 of this chapter). Glass carboys in boxes, kegs, or plywood drums.

(2) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(3) Spec. 1D (§ 78.4 of this chapter). Boxed glass carboys of not over 6.5 gallons nominal capacity which must be closed, and when reused must be reconditioned and tested, as provided in the specification; means shall be provided so that accumulated pressure in bottles shall not exceed 10 pounds per square inch gauge at 130° F., or shall vent at a pressure not to exceed 10 pounds per square inch gauge.

(4) Spec. 5A, 5C, or 5M (§§ 78.81, 78.83, or 78.90 of this chapter). Metal barrels or drums.

(5) Spec. 10A (§ 78.155 of this chapter). Wooden barrels or kegs; these containers must be lined with asphalt, paraffin, or wax impervious to the lading.

(6) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with inside containers which must be glass or earthenware, not over 2 gallons each.

(7) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass, earthenware, polyethylene or other nonfragile plastic material (bags are not authorized), not over 1 gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

(8) Spec. 28 (§ 78.8 of this chapter). Metal-jacketed lead carboys.

(9) Spec. 5D (§ 78.84 of this chapter). Rubber lined metal barrels or drums.

Any barrel or drum that shows evidence of damage must be tested before shipment for defects in lining in the manner prescribed in § 78.84–15 (a) of this chapter.

(10) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums.

(11) Spec. 43A (§ 78.18 of this chapter). Rubber drums.

(12) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading, and having threaded closures or other equally efficient type closure, not over 1 gallon capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

(13) Spec. 15P or 22C (§ 78.182 or 78.198 of this chapter). Glued plywood or wooden box, or plywood drum as prescribed by § 78.198–3(a) of this chapter, with spec. 2T (§ 78.21 of this chapter) polyethylene container.

(14) Spec. 17C, 17E, or 17F (§§ 78.115, 78.116, or 78.117 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter.

(15) Spec. 17H (§ 78.118 of this chapter). Metal drums (single-trip). Authorized for viscous cleaning compounds, liquid, only.

(16) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container.

(17) Spec. 17H, 37A, or 37B (§§ 78.118, 78.131, or 78.132 of this chapter), metal drums (single-trip), with welded side seams, not over 5 gallons capacity each. Drums must be lined throughout with a pliable plastic material impervious to the lading. Spec. 37A and 37B metal drums must be at least 24 gauge steel.

(18) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass, polyethylene, or other non-fragile plastic bottles not over 1-gallon capacity each. Not more than 4 inside glass bottles exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(19) Spec. 37P (§ 78.133 of this chapter). Steel drums with polyethylene liner (nonreusable container). Authorized only for materials that will not react with polyethylene and result in container failure.

(20) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T, 2TL, 2S, or 2SL (§§ 78.21, 78.27, 78.35, or 78.35a of this chapter) polyethylene container.

(21) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

(22) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(23) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles, not over 5 gallons capacity each, as specified by § 78.205–34 of this chapter. Not more than one bottle shall be packed in one outside box.

(24) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§ 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

(25) Spec. 12A or 12B (§ 78.210 or 78.205 of this chapter). Fiberboard boxes with inside aluminum containers not over 5 pounds capacity each. Aluminum containers must be approved by the Bureau of Explosives.

**§ 73.246 Antimony pentafluoride.**

(a) Antimony pentafluoride must be commercially anhydrous and must be packed in specification containers as follows:

(1) Spec. 3A150, 3AA150, 3E1800, 3B240, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.42, 78.38, 78.50, or 78.51 of this chapter). Cylinders closed by means of iron or steel threaded plugs.

**§ 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.**

(a) Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride, must, except as indicated, be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in an outside container.

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs, with glass or earthenware inside containers not over 2 gallons each.

(3) Spec. 1A, 1C, 1D, or 1E (§§ 78.1, 78.3, 78.4, or 78.7 of this chapter). Glass carboys in boxes, kegs, or plywood drums (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

(4) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only (not permitted for antimony pentachloride or tin tetrachloride anhydrous).

(5) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with aluminum bottles of 99 percent pure aluminum not over 1 gallon capacity each, having aluminum screw caps with gasket resistant to contents. Authorized for chromyl chloride only.

(6) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes having inside containers of securely closed soft-lead tubes having not more than 65 fluid ounces capacity each, which tubes shall be individually packed in securely closed steel tubes, with not more than 3 such steel tubes fastened together as a unit. The inside units shall be surrounded on all sides with incombustible mineral material. Authorized for titanium tetrachloride only.

(7) Spec. 5A, 5B, or 17C (single-trip) (§ 78.81, 78.82, or 78.115 of this chapter). Metal barrels or drums with openings not exceeding 2.3 inches in diameter.

(8) Spec. 5K (§ 78.88 of this chapter). Nickel drums, authorized for acetyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride only. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

(9) Spec. 5C (§ 78.83 of this chapter). Barrels or drums of type 304 stainless steel not over 30 gallons capacity each. Authorized for chromyl chloride only.

(10) Spec. 42D (§ 78.109 of this chapter). Aluminum drums not over 30 gallons capacity each. Authorized for chromyl chloride only.

(11) Spec. 60 (§ 78.255 of this chapter). Portable tanks.

(12) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor vehicles.

(13) Spec. 103A,[1] 103A–W, 105A300–W, 111A–100–F–2, or 111A100–W–2 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A300–W tank cars must be used.

(14) Spec. 103A,[1] 105A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Authorized for titanium tetrachloride, anhydrous only. Tank cars shall have safety valves of approved design and not subject to rapid deterioration by the lading.

(15) Sulfur chloride packed in glass or earthenware bottles or carboys must be cushioned in the outside container by means of incombustible elastic packing material of such nature that a mixture of the liquid and the packing material will not cause fires or heating.

(16) Spec. 106A500,[1] 106A500–X, or 110A500–W (§§ 79.300, 79.301 of this chapter). Tank cars. Authorized for antimony pentachloride and titanium tetrachloride (anhydrous) only. Titanium tetrachloride (anhydrous) tanks must not be equipped with safety devices.

[1] Use of existing tank cars authorized, but new construction not authorized.



**§ 73.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.**

(a) Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid, resulting from the use of sulfuric acid in various processes, except when containing hydrofluoric acid, which will not corrode interior of tanks cars at sufficiently rapid rate to cause leakage during transportation, must be packed in specification containers as follows:

(1) Spec. 1A, 1D, or 1E (§§ 78.1, 78.4, or 78.7 of this chapter). Carboys in boxes or plywood drums. (For spent sulfuric acid only).

(2) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185 or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware, not over 1 gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

(4) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars, provided the product is sufficiently liquid to be unloaded through the dome or manway.

(5) Spec. 103,[1] 103–W, 111A60–F–1, or 111A60–W–1 (§§ 79.200, 79.201 of this chapter). Tank cars, provided the product is too viscous to be unloaded through the dome or manway.

(6) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.

(7) Spec. 60 (§ 78.255 of this chapter). Portable tanks.

**§ 73.249 Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline corrosive battery fluids, and sodium aluminate, liquid.**

(a) Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline corrosive battery fluids, and sodium aluminate, liquid, when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein as follows:

(1) In containers prescribed in § 73.245.

(2) Spec. 15A, 15B. 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers, not over 2 gallons each, or with metal inside containers, not over 5 gallons each.

(3) Spec. 5 or 5A (§§ 78.80 or 78.81 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(4) Spec. 17H (§ 78.118 of this chapter). Metal drums (single-trip). Authorized only for liquid boiler compounds or liquid water treatment compounds.

(5) Spec. 103[1], 103–W, 103A[1], 103A–W, 103B[1], 103B–W, 104[1], 104–W, 105A100[1], 105A100–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, 111A100–W–2, 111A100–W–3, 111A100–W–4, or 111A100–W–5 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

(6) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter), tank motor vehicles.

(7) Spec. 60 (§ 78.255 of this chapter), portable tanks.

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass inside containers of not over 16 ounces capacity each.

(9) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers of polyethylene having capacity not over 1 gallon each.

(10) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with not more than one glass inside container not over 1 gallon capacity containing sodium hydroxide solution not over 25 percent strength and packed in a strong fiberboard box. Dry chemicals for photographic development process not classed as dangerous articles, contained in suitable inside packages, may be packed in the same outside box. The marking requirements of § 73.401 (c) shall not apply.

(11) Spec. 29 (§ 78.226 of this chapter). Mailing tubes, with not more than one inside polyethylene bottle not over 1-quart capacity each.

(b) Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline corrosive battery fluids, and sodium aluminate, liquid, when offered for transportation by rail express, must be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) In containers as prescribed in paragraphs (a) (8), (9), (10), and (11) of this section and § 73.245 (a)(12).

(2) Spec. 5 or 5A (§§ 78.80 or 78.81 of this chapter). Metal barrels or drums, capacity not exceeding 10 gallons, with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon each, or with metal cans not over 5 gallons each.

(c) Inside containers of not more than 8-fluid ounces capacity each, resistant to lading, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

**§ 73.250 Automobiles or other self-propelled vehicles, engines or other mechanical apparatus.**

(a) Automobiles and other self-propelled vehicles equipped with electric storage batteries, wet, or with electric storage batteries, wet, removed from vehicles; and electric storage batteries, wet when included in carload or truckload shipments of automobile parts or assembled material in accordance with subparagraphs (a) (1), (2), and (3) are exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. (See also § 73.257(b).)

(1) When batteries are removed from automobiles and loaded into car or motor vehicle therewith, the batteries must be so loaded, blocked, and braced in car as to prevent movement therein during transit, and the load must be so arranged that loose articles cannot come into contact with the batteries.

(2) When wet batteries or batteries shipped dry in the same container with electrolyte (acid) are shipped with automobile parts or assembly material, the batteries must be boxed or crated and so loaded, blocked, and braced in the car or motor vehicle as to prevent movement therein during transit, and the load must be so arranged that loose articles cannot come in contact with the batteries.

(3) When batteries are installed in the vehicle, they must be completely protected so that short circuits will be prevented and so secured that leakage of acid will not occur under conditions normal to transportation.

(b) Engines or mechanical apparatus of such size or weight as to require securement to skids to facilitate handling may have electric storage batteries, wet, necessary for the operation thereof, either securely fastened in the holder provided on the equipment and protected, including battery terminals, in such manner as to prevent damage thereto or short circuits, or completely boxed in containers of sound lumber and with filling holes upright, securely fastened to the skids upon which the engine or mechanical apparatus is mounted to prevent accidental tipping or looseness in transportation. Electric storage batteries, wet, as described herein are exempt from specification packaging.

**§ 73.251 Boron trichloride.**

(a) Boron trichloride must be packed in specification containers as follows:

(1) Cylinders as prescribed for any compressed gas, except acetylene.

(2) Spec. 105A300–W, 106A500,[1] or 106A500–X (§§ 79.100, 79.101, 79.300, 79.301 of this chapter). Tank cars.

**§ 73.252 Bromine.**

(a) Bromine must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with glass inside containers not over 1

quart each; or with stone or earthenware jugs not over 1 gallon each.

(2) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums not over 10 gallons each.

(3) Spec. 105A300–W (§ 78.286 of this chapter). Tank cars. The tank must be nickel clad at least 20 percent or must be lined with lead at least 3/16" thick; openings in tank heads to facilitate application of lead lining are authorized and must be closed in an approved manner; all closures and appurtenances which are in contact with the lading must be lead lined or must be made of metal not subject to rapid deterioration by contact with the lading; all interior welds in nickel clad tanks must be protected by pure nickel butt straps to eliminate iron contamination. Except as otherwise provided herein the water weight capacity of the tank must not be more than 20,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 60,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is the lesser. In no case shall the quantity loaded be less than 98 percent of the quantity the tank is authorized to carry. When tanks are equipped with manway cover plates, safety valves, venting, loading and unloading valves in accordance with spec. ICC–105A300–W and tank jackets are stenciled ICC–105A300–W, but in all other respects are constructed and maintained in full compliance with spec. ICC–105A500–W (§ 78.288 of this chapter), the water weight capacity of the tank must not be more than 37,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 110,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is the lesser.

(4) Spec. MC 310 (§ 78.330 of this chapter). Tank motor vehicles. The tank must have a steel shell thickness of 3/8" minimum and must be lined with lead of at least 3/8" thickness. The water weight capacity of the tank must not be more than 5100 pounds and the maximum quantity of liquid bromine loaded into the tank must not be more than 15,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is the lesser. In no case shall the quantity loaded be less than 98 percent of the quantity the tank is authorized to carry.

(b) Outage (vacant space above liquid) for inside containers must be not less than 15 percent of capacity of container.

(c) For other authorized containers an outage of not less than 10 percent is required.

(d) Inside containers must be closed by glass, earthenware, or stone stoppers ground to fit and securely fastened; or bottles may have necks with molded screw threads which must be closed by threaded-type caps with lead or other efficient bromine-resistant gaskets and cushioned by elastic material to insure tight closure. Sealed glass ampoules are also authorized.

(e) Bottles or jugs must be securely cushioned on all sides with incombustible packing material, such as whiting, mineral wood, infusorial earth (kieselguhr), sifted ashes, powdered china clay, or similar material, at least 1 inch thick, which will not produce heat when mixed with bromine. The use of hay, sawdust, excelsior, or other organic material, either treated or untreated, as a cushioning or packing material, is prohibited.

(f) Not more than 15 quarts of bromine in bottles, nor more than 12 quarts in jugs, may be packed in one box.

(g) Bromine which has been dried in accordance with good commercial practice may also be packed in specification containers as follows:

(1) Spec. 5K or 5M (§§ 78.88 or 78.90 of this chapter). Nickel or monel drums of not over 10 gallons capacity each and containing not more than 225 pounds net weight of bromine. Drums must be of metal at least 14 gauge United States standard throughout and must have chime reinforcement adequate for their protection. All openings must be in one head and closing parts (plug, cap, flange, etc.) must be of the same metal as the drum. One opening not over 2.3 inch diameter and one opening not over 3/4 inch standard pipe size are permitted. Each drum must be completely emptied and dried before reuse and must be equipped with gaskets of a material approved by the Bureau of Explosives.

### § 73.253 Chloracetyl chloride.

(a) Chloracetyl chloride must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with inside glass containers not over 5 pints capacity each, cushioned with incombustible material.

(2) Spec. 28 (§ 78.8 of this chapter). Metal-jacketed lead carboys.

(3) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums.

(4) Spec. 1A, 1C, or 1D (§§ 78.1, 78.3, or 78.4 of this chapter). Carboys in boxes or kegs. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

(5) Spec. 5K (§ 78.88 of this chapter). Nickel drums.

(6) Specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles having tanks fabricated from Type 316 stainless steel.

(7) Spec. 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Tanks must have a nickel cladding of 1/16 inch minimum thickness. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

(8) Spec. 103A–N–W (§ 78.299 of this chapter). Tank cars. Tank must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading must have a minimum nickel content of approximately 96.7 percent.

### § 73.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

(a) Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide must be packed in specification containers as follows:

(1) Spec. 5A or 5C (§§ 78.81 or 78.83 of this chapter). Metal barrels or drums.

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes, with inside containers which must be glass or earthenware, not over 1 gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

(3) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels, with inside glass or earthenware containers not over 2 gallons each.

(4) Spec. 103A,[1] 103A–W, 103C–W, 103E–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

(5) Specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.

### § 73.255 Dimethyl sulfate.

(a) Dimethyl sulfate must be packed in specification containers as follows:

(1) Spec. 5A or 5C (§§ 78.81 or 78.83 of this chapter). Metal barrels or drums not over 55 gallons each. Spec. 5C metal barrels or drums must be constructed of Type 304 stainless steel.

(2) Spec. 5 (§ 78.80 of this chapter). Metal barrels or drums not over 15 gallons each, with openings not exceeding 2.3 inches in diameter, inclosed in strong crates made of lumber at least 5/8 inch thick.

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes with each box containing a single glass inside container not over 1 quart capacity, closed by ground glass stopper or other equally efficient closure securely fastened in place, and cushioned with incombustible absorbent material in hermetically sealed (soldered) metal can, the can then being cushioned with incombustible cushioning material in the outside container.

(4) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

(5) Spec. MC 310 or MC 311 (§ 78.330 or 78.331 of this chapter). Tank motor vehicles.

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with each box containing not more than six inside glass containers not over 1-quart capacity each, closed by plastic screw-cap resistant to the lading, and each completely surrounded by incombustible absorbent cushioning material and enclosed in a metal can having rolled, seamed-on heads of a key-opening type; or in not more than six inside glass containers not over 1-quart capacity each, closed by ground glass stopper, by plastic screw-cap resistant to the lading, or by other equally efficient closure securely fastened in place, and cushioned with incombustible absorbent material in hermetically sealed (soldered) metal can, the can then being cushioned with incombustible cushioning material in the outside container.

[1] Use of existing tank cars authorized, but new construction not authorized.



### § 73.256 Compounds, cleaning, liquid.

(a) Compounds, cleaning, liquid, containing not more than 60 percent hydrofluoric acid, must be packed in specification containers as follows:

(1) As prescribed in § 73.264 (a) (1) and (2).

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of natural rubber, ceresine, lead, or other material of equal strength and not subject to destruction by the lading.

(3) Spec. 22B (§ 78.197 of this chapter). Plywood drums equipped with molded liner of type and material approved by the Bureau of Explosives.

(4) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2U (§ 78.24 of this chapter) polyethylene container. (See § 78.224–1(a) (2) of this chapter.)

### § 73.257 Electrolyte (acid) or corrosive battery fluid.

(a) Electrolyte (acid) must not be over 47 percent strength (39° Baumé). Electrolyte or corrosive battery fluid must be packed in specification containers as follows:

(1) As prescribed in § 73.272 except that unlined tank cars and metal barrels or drums must not be used.

(2) Spec. 43A (§ 78.18 of this chapter). Rubber drums.

(3) When the material is alkaline it may also be shipped when packed in containers as prescribed in § 73.249.

(4) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles, except that unlined tanks must not be used.

(5) Spec. 60 (§ 78.255 of this chapter). Portable tanks, except that unlined tanks must not be used.

(6) Spec. 12B or 12C (§ 78.205 or § 78.206 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant nonfragile materials having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other materials shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single-wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401(c) shall not be required. Inside containers shall be packed to prevent movement within the box (see §§ 78.205–34 and 78.206–19 of this chapter). Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers (see § 78.205–33 of this chapter); gross weight of completed package shall not exceed 65 pounds, except when acid is packed in individual inside containers the gross weight shall be not over 75 pounds. Complete package, closed as for shipment, with inside containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

(7) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers of polyethylene, or other electrolyte acid resistant plastic, not over 1 gallon each.

(8) Spec. 1EX (§ 78.6 of this chapter). Carboys in plywood drums (single-trip).

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test (Mullen or Cady) double-wall corrugated fiberboard or 325-pound test (Mullen or Cady) double-faced corrugated fiberboard, with not more than 12 inside glass bottles, having acid-proof closures, of not over 32 ounces capacity each. Inside glass bottles must be separated and cushioned by suitable corrugated fiberboard partitions. The box must be equipped with top and bottom pads. (See § 78.205–32 of this chapter.)

(10) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes having not more than 1 inside glass bottle, with acid-proof closure, not over 1 gallon capacity. Box shall be constructed of at least 350-pound test (Mullen or Cady) double-faced corrugated fiberboard of full depth telescope type. Cushioning and closure of box (pressure sensitive tape may be used) must be such that a representative box, with inside glass bottle filled with water, shall be capable of withstanding two drops from a height of 4 feet onto solid concrete without breakage of inner bottle or failure of the closure.

(11) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(12) Spec. 37P (§ 78.133 of this chapter). Steel drums with polyethylene liner (nonreusable container).

(13) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

(14) Spec. 12B (§ 78.205 of this chapter). Corrugated fiberboard boxes with plastic bags as defined in § 78.205–37 of this chapter. Marking prescribed in § 73.401(c) shall not be required.

(b) Shipments of electrolyte (acid) or corrosive battery fluid with vehicles offered for transportation by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government are exempt from Parts 71–78 and 197 of this chapter when packed as follows:

(1) In one inside glass bottle of not over 1 gallon capacity, tightly and securely closed, packed in a strong outside container and cushioned therein on all sides with incombustible absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage. Outside container must be so blocked, braced or stayed within or on the vehicle that it cannot change position during transit.

(c) Electrolyte acid or corrosive battery fluid contained in polyethylene containers not over 2 quarts capacity each and packed not more than 3 containers in spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter) wooden boxes or packed as prescribed in § 73.257 (a) (5) and bearing white acid label or corrosive liquid label may be securely attached to self-propelled vehicles or mobile agricultural machinery or securely braced on car floors.

(d) Strong, tightly closed metal drums not over 15 gallons capacity each, having not to exceed 25 eight-ounce polyethylene, or other suitable plastic bottles, securely cushioned therein. Shipments authorized only by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government. The drum containing the electrolyte acid or corrosive battery fluid may be securely attached to another steel drum containing a dry, charged storage battery or batteries.

### § 73.258 Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries.

(a) Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries, except as provided in § 73.257 (a)(6), must be packed in specification containers as follows:

(1) Spec. 15D or 16B (§§ 78.171 or 78.186 of this chapter). Wooden boxes with inside containers of glass bottles not over 1 gallon each nor over 2 gallons total in each outside container. Inside containers must be well cushioned and separated from batteries by a strong solid wooden partition.

(2) Electrolyte, acid, or alkaline corrosive battery fluid included with storage batteries and filling kits may be packed in strong plywood or wooden boxes when shipments are made by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government in outside containers of their specifications provided the electrolyte, acid, or alkaline corrosive battery fluid is packed in polyethylene bottles not over 32-ounce capacity each and not more than 24 bottles securely separated from storage batteries and kits may be shipped in one outside package.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than 12 inside containers of polyethylene or other material resistant to the lading, not over 64-ounce capacity each. Polyethylene containers that are not rigid or semi-rigid in nature must be contained in other strong inside containers; minimum thickness of polyethylene or other plastic material shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single-wall containers. Inside containers must be adequately separated from the storage battery.

Authorized gross weight not over 65 pounds. (See § 78.205–33 of this chapter).

**§ 73.259 Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger, radio current supply device, or electronic equipment and actuating devices.**

(a) Electrolyte, acid, or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment and actuating devices, with only one device or outfit in each package, in the amount necessary for operation of the device or equipment, provided the containers of electrolyte, acid, or alkaline corrosive battery fluid, are adequately cushioned to prevent breakage, leakage, or damage to other articles packed therewith, must be packed in specification containers or as otherwise authorized herein, as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes, provided the liquid is in bottles securely closed and cushioned as prescribed in paragraph (a) of this section, and separated from charger supply device, and parts, or electronic equipment by a strong solid wooden partition.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, when the liquid is in a strong bottle not exceeding 16 fluid ounces, which must be securely closed and cushioned as prescribed in paragraph (a) of this section. Not more than 12 such packages may be packed under the provisions of § 73.25.

(3) Electrolyte, acid, or alkaline corrosive battery fluid, in separate inside acid or alkaline fluid resistant containers not over 5 gallons capacity each included with electronic equipment and actuating devices, are authorized in strong, tightly closed steel drums.

**§ 73.260 Electric storage batteries, wet.**

(a) Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they must not be packed with other articles except as provided in §§ 73.250 and 73.258, portable searchlights properly cushioned, battery parts, or hydrometers, securely packed in a separate container. The batteries either with or without other articles must be packed in specification containers as follows:

(1) Spec. 15D or 16B (§§ 78.171 or 78.186 of this chapter). Wooden or wirebound wooden boxes except as provided in paragraphs (b) and (c) of this section.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard box as authorized by §§ 78.205–25(a), 78.205–28(a), and 78.205–35(a) of this chapter.

(3) Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation, are exempt from specification packaging requirements for transportation by rail freight, highway, or water. The height of the completed unit must not exceed 1½ times the width of the skid or pallet. The unit must weigh not less than 300 pounds gross and must not fail under a superimposed weight equal to two times the weight of the unit or a superimposed weight of 4,000 pounds if the weight of the unit exceeds 2,000 pounds. Battery terminals must not be relied upon to support any part of the superimposed weight.

(4) Electric storage batteries weighing 500 pounds or more, with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, consisting of carriers' equipment may be shipped by rail freight when mounted on suitable skids and protected against short circuits. Such shipments must not be offered in interchange.

(b) Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type: packing authorized as follows:

(1) One to three batteries not over 25 pounds each in outside box, gross weight not over 75 pounds; specification container not required.

(2) Not more than four batteries not over 15 pounds each may be packed in strong outside fiberboard or wooden boxes, when securely cushioned and packed to prevent short circuits; specification container not required. Authorized gross weight 65 pounds.

(3) Not more than five batteries not over 10 pounds each may be packed in strong outside fiberboard or wooden boxes, when securely cushioned and packed to prevent short circuits; specification container not required. Authorized gross weight 65 pounds.

(c) Single batteries not exceeding 75 pounds each, in addition to requirements of paragraphs (a) and (b) of this section, may be shipped in 5-sided slip covers or in completely closed fiberboard boxes, of solid or double-faced corrugated fiberboard complying with the following: (See par. (a) (1) of this section for more than one battery in an outside container.)

(1) Slip cover or fiberboard box must fit snugly and provide inside top clearance of at least ½ inch above battery terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slip cover may extend to the base of the battery but must not expose more than 1 inch thereof.

(2) Top of slip cover or fiberboard box design must comply with the following:

(i) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps), or plastic battery terminal covers designed to transmit any superimposed weight directly to the top inner wall of the battery case, or fiberboard boxes with chip board and chip board jute lined tubes which shall fit directly over the terminal posts and rest directly on battery cell covers.

(ii) Or be protected by a scored one piece cover-liner of 200-pound test (Mullen or Cady) double-faced corrugated fiberboard extending from the base of the battery on one side, across the top of the battery and to the base of the battery on the opposite side.

(iii) Or a five-sided slip cover having top of only one thickness of fiberboard, with lengthwise inner flaps roll folded to form a reinforcement of such height as to provide clearance required by subparagraph (1) of this paragraph which shall rest on the side edges of the battery. Outer end flaps to overlap approximately one inch and shall be butt folded and tucked into a center slot cut in the inner flaps. The requirements of subdivisions (i) and (iv) of this subparagraph do not apply.

(iv) When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of such height as to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

(3) All fiberboard must be at least 200 pound test (Mullen) and completed package (battery and slip cover or fiberboard box) must be capable of withstanding top-to-bottom compression test of at least 500 pounds without damage to battery terminals, battery cell covers, and filler caps.

(d) Electric storage batteries, containing electrolyte or corrosive battery fluid, of the nonspillable type, protected against short circuits and completely and securely boxed are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(e) Shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from Parts 71–78 and 197 of this chapter: *Provided, however,* That storage batteries (either wet or dry) constitute the only commodity being transported in the railroad car or motor vehicle body.

(f) Electric storage batteries containing electrolyte or corrosive battery fluid, other than those of the nonspillable type, when shipped in less-than-carload and less-than-truckload lots, must be marked and labeled as required by §§ 73.401 (a), (c), and 73.402 (a) (3).

(g) Electric storage batteries, containing electrolyte or corrosive battery fluid in a coil from which it is injected into the battery cells by a gas generator and initiator assembled with the battery, and which are nonspillable and leakproof, are exempt from Parts 71–78 and 197 of this chapter when approved by the Bureau of Explosives.



**§ 73.261 Fire-extinguisher charges.**

(a) Fire-extinguisher charges consisting of sulfuric acid in glass inside containers securely closed may be packed with bicarbonate of soda in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass inside containers not over 5 pints each, cushioned.

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums with a single inside container consisting of a glass bottle not over 64 fluid ounces capacity filled with not over six pounds by weight of sulfuric acid (approximately 50 fluid ounces by volume). Bottle must be suspended in center of outside container by means of adequate supports and surrounded by bicarbonate of soda in sufficient quantity to fill drum and neutralize contents in the event of breakage.

(b) Fire-extinguisher charges as described in subparagraphs (1) to (3) of this paragraph are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) Fire-extinguisher charges consisting of sulfuric acid in strong 8-fluid ounce or smaller bottles, securely closed and packed with bicarbonate of soda completely surrounding the bottles of acid in outside fiberboard or wooden boxes. Closure must consist of a metal cap lined with an acid-resistant washer or a composition stopper of material that will not be attacked by the acid.

(2) Fire-extinguisher charges, consisting of chlorosulfonic acid in a hermetically sealed bottle not exceeding 2 ounces capacity, securely packed in a metal container inclosed in another metal container, the inner metal container being cushioned in the outer metal container with asbestos fabric and the completed package embedded in potassium carbonate in outside fiberboard or wooden boxes.

(3) Fire-extinguisher charges, consisting of sulfuric acid in 10-ounce or smaller bottles, securely closed, packed in a tight fiber carton. Closure must consist of a metal cap lined with an acid-resistant washer or a composition stopper of material that will not be attacked by the acid. The bottle and carton packed in either potassium carbonate or potassium carbonate and alkali packed in a cylindrical tin can, with slip cover, secured by tape in outside fiberboard or wooden boxes.

**§ 73.262 Hydrobromic acid.**

(a) Hydrobromic acid not over 49 percent strength must be packed in specification containers as follows:

(1) Spec. 1A, 1C, 1D, or 1E (§§ 78.1, 78.3, 78.4, or 78.7 of this chapter). Carboy in box, keg, or plywood drum.

(2) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(3) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with glass or earthenware inside containers, not over 2 gallons each.

(4) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware, not over 1 gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

(5) Spec. 43A (§ 78.18 of this chapter). Rubber drums. Any such container showing evidence of damage must be tested to 20 pounds hydrostatic pressure, without leakage, before using.

(6) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars.

(7) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(8) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5 gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24 gauge metal.

(9) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

(10) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

(11) Spec. MC 310 or MC 311 (§ 78.330 or 78.331 of this chapter). Tank motor vehicles, rubber-lined.

(b) Hydrobromic acid greater than 49 percent strength but not over 63 percent strength must be packed in specification containers as follows:

(1) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with spec. 2T (§ 78.21 of this chapter) polyethylene container.

(2) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

(3) Spec. 15A (§ 78.168 of this chapter. Wooden box having only one polyethylene bottle, with screw-cap closure, not over one-gallon capacity.

(4) Spec. MC 310 or MC 311 (§ 78.330 or 78.331 of this chapter). Tank motor vehicles, rubber-lined.

[1] Use of existing tank cars authorized, but new construction not authorized.

**§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.**

(a) Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution not exceeding 40 percent sodium chlorite, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass, earthenware, polyethylene or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1 gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in each outside container.

(2) Spec. 5D (§ 78.84 of this chapter). Rubber-lined metal barrels or drums. Any such container that shows evidence of damage must be tested, before shipment, for defect in lining in the manner prescribed in spec. 5D.

(3) Spec. 43A (§ 78.18 of this chapter). Rubber drums.

(4) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with glass or earthenware inside containers not over 2 gallons each.

(5) Spec. 1A, 1C, or 1K (§ 78.1, 78.3, or 78.14 of this chapter). Carboys in boxes or kegs.

(6) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(7) Spec. 1D, 1E, or 1EX (single-trip) (§§ 78.4, 78.7, or 78.6 of this chapter). Glass carboys in boxes or plywood drums, of not over 6.5 gallons nominal capacity. Means shall be provided so that accumulated total pressure in bottle shall not exceed 10 p. s. i. gauge at 130° F. or shall vent at a pressure not to exceed 10 p. s. i. gauge.

(8) Spec. 10A (§ 78.155 of this chapter). Rubber-lined wooden barrels or kegs.

(9) Spec. 103B,[1] 103B–W or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars. Authorized for acid not over 38 percent strength by weight. Except for hydrochloric (muriatic) acid of 22° Baume strength, and other fuming acids, safety vent of approved design equipped with frangible disc having ⅛ inch breather hole in the center thereof or a safety vent of approved design equipped with carbon discs permitting continuous venting may be used.

**Note 1: Because of the present emergency and until further order of the Commission,**

hydrochloric acid may be offered for transportation by carriers by water in conformity with Regulations for Explosives or Other Dangerous Articles on Board Vessels, 46 CFR 146.23-13, issued by the Commandant of the Coast Guard.

(10) Specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles lined with rubber or equally acid-resistant material of equivalent strength and durability. Unlined spec. MC 311 tank motor vehicles made from type 304L stainless steel authorized for sodium chlorite solution not exceeding 40 percent sodium chlorite only.

(11) Spec. 60 (§ 78.255 of this chapter). Portable tanks, rubber-lined.

(12) Spec. 103C–W (§ 78.283 of this chapter). Tank cars having tanks of type 304L stainless steel. Authorized for sodium chlorite solution not exceeding 40 percent sodium chlorite only.

(13) Spec. 1H, 15P, or 22C (§§ 78.13, 78.182, or 78.198 of this chapter). Metal crate with inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T or spec. 2TL (§§ 78.21 or 78.27 of this chapter) polyethylene container.

(14) Spec. 17H, 37A, or 37B (§§ 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity each. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15 percent hydrochloric (muriatic) acid. Drums must be lined throughout with a pliable plastic material impervious to the solution. Specs. 37A and 37B metal drums must be at least 24 gauge steel.

(15) Spec. 12A or 12B (§ 78.210 or § 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1 gallon capacity each, suitably cushioned to prevent movement within the box. Gross weight of completed package must not exceed 65 pounds.

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(17) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S, 2SL, 2T or 2TL (§ 78.35, 78.35a, 78.21 or 78.27 of this chapter) polyethylene container.

(18) Spec. 37P (§ 78.133 of this chapter). Steel drums constructed of at least 24-gauge metal for drums exceeding 1 gallon capacity, with polyethylene liner (nonreusable container).

(19) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T, 2TL, 2S, or 2SL (§§ 78.21, 78.27, 78.35, or 78.35a of this chapter) polyethylene container.

(20) [Reserved]

(21) Spec. 12C (§ 78.206 of this chapter). Fiberboard boxes with inside 5-gallon nominal capacity polyethylene bottles having minimum wall thickness of 0.015 inch and constructed with screw-type closures. Authorized gross weight not over 65 pounds. (See § 78.206–19 of this chapter.)

(22) Spec. 21C (§ 78.244 of this chapter). Fiber drum with inside spec. 2T, 2S, 2SL, or 2U (§ 78.21, § 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

(23) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

(24) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(25) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(b), with inside spec. 2TL (§ 78.27 of this chapter) polyethylene container not over 5 gallon nominal capacity.

(26) Spec. 33A (§ 78.150 of this chapter). Polystyrene cases (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packed in one outside container.

(b) Hydrochloric acid of not over 20 percent strength (13.25° Baumé) and other corrosive liquids containing not over 20 percent hydrochloric acid in addition to containers prescribed in paragraph (a) of this section may be shipped in specification containers as follows:

(1) Spec. 10A (§ 78.155 of this chapter). Asphaltum-lined wooden barrels or kegs.

(2) Inside containers of not more than 8-fluid ounces capacity each, resistant to lading, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(c) When hydrochloric acid contains oils or solvents it must not be shipped in containers or tank cars lined with rubber.

(d) Hydrochloric acid mixtures of not over 28 percent strength, or cleaning compounds, liquid, containing not over 28 percent hydrochloric (muriatic) acid, in addition to the provisions of paragraphs (a) and (b) of this section, may be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test (Mullen or Cady) double-wall corrugated fiberboard or 325-pound test (Mullen or Cady) double-faced corrugated fiberboard, with not more than 12 inside glass bottles, having acid-proof closures, of not over 32 ounces capacity each. Inside glass bottles must be separated and cushioned by suitable corrugated fiberboard partitions. The box must be equipped with top and bottom pads. (See § 78.205–32 of this chapter.)

(2) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

§ 73.264 Hydrofluoric acid.

(a) Hydrofluoric acid must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers of natural rubber, ceresine, lead, or other hydrofluoric acid resistant material. These containers are authorized only for strengths of acid for which they are adequate, but in no case may the strength of acid exceed 70 percent.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of natural rubber, lead, polyethylene, or other hydrofluoric acid resistant plastic not over one-pound capacity each. These containers are authorized only for strengths of acid for which they are adequate, but in no case shall the strength of acid exceed 70 percent.

(3) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Authorized for hydrofluoric acid not over 70 percent strength.

(4) Spec. 12A or 12B (§ 78.210 or § 78.205 of this chapter). Fiberboard boxes with not more than 4 inside polyethylene bottles, having minimum 0.030 inch thickness of any part, not over 1-gallon nominal capacity each. Bottle closures must be made secure by sealing with pressure-sensitive plastic tape or other equally efficient means. Authorized for acid not over 70 percent strength. Shipper must have established that spec. 12A completed package meets test requirements prescribed by § 78.210–10 of this chapter. Authorized gross weight for spec. 12B fiberboard boxes not over 65 pounds; spec. 12A not over 80 pounds.

(5) [Reserved]

(6) [Reserved]

(7) Spec. 5A (§ 78.81 of this chapter). Unlined metal barrels or drums which have been subjected to adequate passivation or neutralization process (see Note 1). Authorized only for acid of not less than 60 percent and not more than 80 percent strength and all containers must be filled to not over 80 percent of capacity at 68° F. If containers are washed out with water, they must be repassivated before reshipment. (See Notes 1, 2, 3, 4 and 5.)



Note 1: Each metal container, before being put into service must be passivated by an efficient method.

Note 2: Containers not exceeding 55 gallons capacity each are authorized for carload, truckload, less-than-carload, and less-than-truckload shipment. Containers exceeding 55 gallons capacity each are authorized for carload or truckload shipments only but they must be loaded by consignor and unloaded by consignee.

Note 3: For less-than-carload or less-than-truckload shipments, containers must be of metal at least as heavy as 14 gauge United States standard for not over 20 gallons capacity each or 12 gauge for not over 55 gallons capacity each. Each container must be subjected to at least one of the following tests before shipment: By interior pressure of at least 15 pounds per square inch before filling or by holding for inspection for at least 24 hours after filling. In either case, each container must be vented prior to shipment.

Note 4: Because of the present emergency and until further order of the Commission, containers of not over 55-gallons capacity each, of 14-gauge metal, are authorized, provided test requirements of Note 3 are maintained and provided containers are retired from service after showing a 15 percent loss of tare weight.

Note 5: Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent, when shipped in unlined steel containers, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

(8) Spec. 103A,[1] 103A–W, 105A100,[1] 105A100–W, 111A100–F–2, 111A100–W–2, 111A100–W–4, or ARA–IV[1] (§§ 79.100, 79.101, 79.200, 79.201, of this chapter). Unlined metal tanks which have been subjected to adequate passivity or neutralization process. (See Note 1 to subparagraph (7) of this paragraph.) Authorized only for acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.

Note 1: Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent, when shipped in unlined metal tank cars, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

(9) Spec. 43A (§ 78.18 of this chapter). Rubber drums. Authorized only for acid not over 65 percent strength. Any such container showing evidence of damage must be tested to 20 pounds hydrostatic pressure, without leakage, before using.

(10) Spec. 5D (§ 78.84 of this chapter). Limed metal barrels or drums. Authorized only for acid not over 62 percent strength. Any barrel or drum that shows evidence of damage must be tested before shipment for defects in lining in the manner prescribed in § 78.84–15 (a) of this chapter. Lining materials must meet the test prescribed in Notes 1, 2, and 3 below.

Note 1: Performance test. Test panels of linings for drums in hydrofluoric acid service must be subjected to a test in 62 percent hydrofluoric acid for a period of not less than 90 days. At the end of such period there must be no signs of deterioration of such lining material from chemical attack as evidenced by changes in its physical characteristics, and no signs of permeation of hydrofluoric acid through the sample as evidenced by blistering from the metal insert.

[1] Use of existing tank cars authorized, but new construction not authorized.

Note 2: Method of test. The test panel should be at least 2 inches by 6 inches with a steel insert completely covered by lining material. Test panels should be immersed in 62 percent hydrofluoric acid so that 50 percent of the panel is in contact with liquid and 50 percent in contact with vapor. Temperature of test to be maintained at 130° F. for the entire 90 days.

Note 3: Drums may be lined with material at least as thick as the sample material tested.

(11) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength.

(12) [Reserved]

(13) [Reserved]

(14) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.

Note 1: Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent, when shipped in unlined tank motor vehicles, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

(15) [Reserved]

(16) Spec. 15P or 22C (§§ 78.182 or 78.198 of this chapter). Glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Authorized for acid not over 70 percent strength.

(17) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S, 2SL or 2T (§ 78.35, 78.35a, or 78.21 of this chapter) polyethylene container. Authorized for acid not over 70 percent strength.

(18) Spec. 37M (nonreusable container) (§ 78.134 of this chapter). Cylindrical steel overpack with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Spec. 37M overpack of over 15 gallons capacity must be constructed of at least 20-gauge steel. Authorized for acid not over 70 percent strength.

(b) Hydrofluoric acid, anhydrous (hydrogen fluoride) must be shipped in specification containers as follows:

(1) Spec. 3,[2] 3A, 3AA, 3B, 3C, 3E, 4, 4A, 25,[2] or 38,[1] also spec. 4B, 4BA, or 4C if not brazed (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.48, 78.49, also 78.50, 78.51, or 78.52 of this chapter). Cylinders. Filling density must not exceed 85 percent of the pounds water weight capacity of the cylinder.

(2) Spec. 105A300–W, 112A400–W or ARA–V[1] (§§ 79.100, 79.101 of this chapter). Tank cars equipped with special valves and appurtenances approved for this particular service. Filling density must not exceed 90 percent of the pounds water weight capacity of the tank.

(3) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.

(4) Spec. 51 (§ 78.245 of this chapter). Portable tanks.

(5) Because of the present emergency and until further order of the Commission, samples of anhydrous hydrofluoric acid for laboratory examination are authorized for transportation by rail freight, rail express, or highway, when packed in aluminum cylinders, net capacity not exceeding 100 c. c., tested hydrostatically to 500 pounds per square inch and retested quinquennially, and shipped in strong wooden boxes. The cylinders must be cushioned so as to give proper protection to their valves. Filling density must not exceed 80 percent of the water-weight capacity of the cylinder.

(6) Spec. 106A500[1] or 106A500–X (§§ 79.300 and 79.301 of this chapter). Tank cars. Tanks shall not be equipped with safety devices of any type and valves shall be protected by metal caps. Tanks shall be filled to a density not exceeding 85 percent of the water weight capacity of the tank.

Note 1: Tanks complying with ICC–106A (§§ 79.300 and 79.301 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(c) Containers must not be entirely filled. Unless otherwise provided in this part, sufficient outage (vacant space) must be allowed so that the liquid portion will not completely fill the container at 130° F. in order to prevent leakage or distortion of containers due to the expansion of the contents from increase in temperature during transit.

§ 73.265 Hydrofluosilicic acid.

(a) Hydrofluosilicic acid must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers of natural rubber, ceresine, or other material of equal efficiency resistant to hydrofluosilicic acid.

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter) Wooden barrels or kegs with inside containers of natural rubber or ceresine.

(3) Spec. 10A (§ 78.155 of this chapter). Wooden barrels or kegs lined with asphaltum or other material of equal efficiency resistant to hydrofluosilicic acid.

(4) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(b) Hydrofluosilicic acid of not exceeding 40 percent strength may also be shipped when packed in specification containers as follows:

(1) Spec. 5D (§ 78.84 of this chapter). Rubber-lined metal barrels or drums. Any barrel or drum that shows evidence of damage must be tested before shipment for defect in lining in the manner prescribed in spec. 5D.

(2) Spec. 43A (§ 78.18 of this chapter). Rubber drums. Any drum showing evidence of damage must be tested to 20

[2] Use of existing cylinders authorized, but new construction not authorized.

pounds hydrostatic pressure, without leakage, before using.

(3) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars, rubber-lined tanks.

(4) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles, lined with rubber.

(c) Hydrofluosilicic acid containing no free hydrofluoric acid or other ingredient that will attack glass, may also be shipped when packed in specification containers as follows:

(1) Spec. 1A, 1C, 1D, or 1E (§§ 78.1, 78.3, 78.4, or 78.7 of this chapter). Carboys in boxes, in kegs, or plywood drums, for which the use of rubber stoppers and gaskets is also authorized.

(2) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside glass containers, not over 1 gallon each, with rubber or ground-in glass stoppers properly secured.

(4) The vacant space in containers of these acids must be sufficient so that when raised to a uniform temperature of 130° F. the vapor pressure shall not exceed 6 pounds per square inch.

(d) Hydrofluosilicic acid of not exceeding 32 percent strength may also be shipped when packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading, not over 1 quart capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

(2) Spec. 15P or 22C (§§ 78.182 or 78.198 of this chapter). Glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

(3) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Spec. 37M overpack shall be constructed of at least 20-gauge steel and shall not exceed 16 gallons capacity each.

(4) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5-gallons capacity, with polyethylene liner (nonreusable container).

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§ 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

[1] Use of existing tank cars authorized, but new construction not authorized.

**§ 73.266 Hydrogen peroxide solution in water.**

(a) Hydrogen peroxide solution in water containing over 52 percent hydrogen peroxide by weight must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185 or 78.190 of this chapter). Wooden boxes with inside containers consisting of glass bottles not over 1 quart capacity each; bottles must have vented closure and must be packed in a metal container vented at bottom packed in another metal container vented at top; cushioning material shall be used between glass bottle and inner container and between inner and outer metal containers; cushioning material shall be vermiculite or equivalent in an amount at least 10 times the volume of the solution shipped and shall be wet with at least 10 percent water by volume to which has been added a stabilizing agent.

(2) Spec. 42D (§ 78.109 of this chapter). Aluminum drums with vented closure in top head; not over 30 gallons capacity; side openings not permitted. Closure must be sealed to prevent removal in transit and top head plainly marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE". For shipments other than carload or truckload lots loaded by consignor and unloaded by consignee drums must be of design and venting arrangement approved by the Bureau of Explosives.

(b) Hydrogen peroxide solution in water containing not over 52 percent hydrogen peroxide by weight must be packed in specification containers as prescribed in paragraph (a) of this section or as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers of not more than 1 gallon capacity each. Inside containers must be well cushioned. All material used for cushioning must be incombustible mineral matter, such as whiting, mineral wool, infusorial earth, asbestos, or sifted ashes. Cushioning of inside containers in outside wooden boxes by means of elastic packing, such as wooden strips or large corks fastened securely in position, is authorized if the completed package will pass the swing test prescribed for boxed carboys in spec. 1A (§ 78.1 of this chapter).

(2) Spec. 34B (§ 78.12 of this chapter). Aluminum carboys.

(3) Spec. 42D (§ 78.109 of this chapter). Aluminum drums with vented closure in top head; not over 55 gallons capacity. Closure must be sealed to prevent removal in transit and top head plainly marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE". Aluminum drums of not over 30 gallons capacity already in service for the transportation of this material, manufactured prior to April 24, 1934, and of at least equal strength and efficiency as drums of like capacity authorized under spec. 42D, may be continued in use until further order of the Commission.

(4) Spec. 42E (§ 78.136 of this chapter). Aluminum drums (single-trip).

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles having vented screw-cap closures not over 16 ounces capacity each. Each bottle must be completely contained in a securely closed polyethylene bag or tube constructed of material having minimum film thickness of 0.004 inch. Enclosed bottles must be separated from each other by use of fiberboard partitions or other suitable cushioning material and not more than 12 bottles shall be packaged in one box.

(6) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. The closures must be located in one head and must be vented to prevent accumulation of internal pressure and head plainly marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE."

(c) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 37 percent must be packed in specification containers as prescribed in paragraphs (a) or (b) of this section or as follows:

(1) Spec. 1A (§ 78.1 of this chapter). Glass carboys. The cushioning must be incombustible mineral material, elastic wooden-strip packing, or large elastic cushions such as corks fastened securely in position. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited. The carboy stoppers must be vented so as to prevent accumulation of internal pressure; use of cork gasket impregnated with paraffin is authorized.

(2) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(3) Spec. 1D or 1E (§ 78.4, or § 78.7 of this chapter). Glass carboys in boxes or plywood drums of not over 6.5 gallons nominal capacity. Means shall be provided so that accumulated pressure in bottle shall not exceed 10 pounds p. s. i. gauge at 130° F., or shall vent at a pressure not to exceed 10 pounds p. s. i. gauge. The cushioning must be incombustible mineral material, elastic wood-strip packing, or large elastic cushions such as corks fastened securely in position. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited.

(4) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes with inside containers of polyethylene, or other plastic material resistant to the lading, not over 1 pint capacity or 16 ounces by weight each. Inside containers must be securely cushioned with incombustible mineral matter, such as whiting, mineral wool, infusorial earth, asbestos, or sifted ashes.

(5) Spec. 1H, 15P, or 22C (§§ 78.13, 78.182 or 78.198 of this chapter). Metal crate with inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside aluminum bottles constructed of at least 99 percent pure aluminum of not over 5 pounds or 5 pints capacity each. Each bottle shall be individually partitioned and surrounded by incombustible mineral packing material in the outside shipping container. Bottle closure shall be by means of a threaded aluminum cap, fitted with polyethylene gasket or other equally efficient closing device. A venting device which will not leak liquid under conditions normally incident to transportation is permitted.

(7) [Reserved]

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles not over 1 gallon capacity each with vented closures; such bottles over 32 ounces capacity each must be completely contained in a securely closed polyethylene bag or tube constructed of material having minimum film thickness of 0.003 inch. Alkaline solutions containing sodium hydroxide or other alkaline materials packed in glass or polyethylene bottles not over 1 gallon capacity each and with hydrogen peroxide solution contained in polyethylene bottles not over 1 gallon capacity each, when shipped as a wood bleach preparation, may be packed together in inside chipboard or corrugated fiberboard boxes or separated by corrugated fiberboard partitions; not more than six inside chipboard or corrugated fiberboard boxes having inside bottles not over 32 ounces each, or more than 4 one gallon bottles separated by corrugated fiberboard partitions may be packed in one outside box; completed package with mixed contents must be capable of withstanding a drop from a height of four feet onto solid concrete without failure of any inside container.

(9) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass or polyethylene bottles, not over 1-gallon capacity each. Each bottle closure must be vented and each bottle completely contained in a securely closed polyethylene bag or tube constructed of material having minimum film thickness of 0.003 inch. Shipper must have established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(10) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T or 2TL (§§ 78.21 or 78.27 of this chapter) polyethylene container.

(d) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 10 percent must be packed in specification containers as prescribed in paragraphs (a), (b), or (c) of this section or as follows:

(1) Spec. 10A (§ 78.155 of this chapter). Wooden barrels, paraffined-lined.



(e) Hydrogen peroxide solution in water not exceeding 52 percent hydrogen peroxide by weight, when shipped in tank cars, tank motor vehicles, or portable tanks in carload or truckload quantities only, is not subject to any other requirement of Parts 71–78 and 197 of this chapter.

(f) Hydrogen peroxide solution in water exceeding 52 percent hydrogen peroxide by weight may also be packed in specification containers as follows:

(1) Spec. 103A–AL–W (§ 78.292 of this chapter). Tank cars. Venting arrangement must be approved by the Bureau of Explosives.

(2) Spec. MC 310–$H_2O_2$ (§ 78.330 of this chapter). Tank motor vehicles. Tanks shall be welded construction of aluminum meeting the requirements of § 78.330–2(a) of this chapter having a minimum wall thickness of one-half inch, and must be built to a design working pressure of not less than 40 psig and shall be designed so that internal surfaces may be effectively cleaned and passivated; all openings to be located on top of tank; all valves and safety devices shall be provided with overturn protection and dust covers; metal identification plate required by § 78.330–17(a) of this chapter shall be marked "ICC MC 310–$H_2O_2$" and in addition the vehicle shall be clearly marked in letters not less than one inch high "FOR HYDROGEN PEROXIDE ONLY"; designs for venting and pressure relief devices must be approved by the Bureau of Explosives.

**§ 73.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).**

(a) Mixed acid (nitric and sulfuric acid) (nitrating acid), when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside glass bottles not over 7 pounds capacity each, individually inclosed in tightly closed metal cans and cushioned therein with incombustible mineral material.

(2) Spec. 5C (§ 78.83 of this chapter). Metal barrels or drums of Type 304 ELC or 347 stainless steel only. (See paragraph (b) of this section.)

(3) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. (See paragraph (b) of this section.)

(4) Spec. 1A or 1C (§§ 78.1 or 78.3 of this chapter). Carboys in boxes or kegs. Authorized only for mixed nitric and sulfuric acid containing not over 17 percent nitric acid and containing at least 33 percent water. Straight-sided carboys must be used; cushioning must be incombustible mineral material, elastic wooden-strip packing, or large elastic cushions, such as cork, fastened securely in position. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited.

(5) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(6) Spec. 1D, or 1E (§ 78.4, or § 78.7 of this chapter). Glass carboys in boxes or plywood drums of not over 6.5 gallons nominal capacity; authorized only for mixed nitric and sulfuric acid, containing not over 17 percent nitric acid and containing at least 33 percent water; means shall be provided so that accumulated pressure in bottle shall not exceed 10 pounds per square inch gauge at 130° F., or vent at pressure not to exceed 10 pounds per square inch gauge. Cushioning must be incombustible mineral material, elastic wooden strip packing, or large elastic cushions such as cork, fastened securely in position. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited.

(7) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles. (See paragraph (b) of this section.)

(8) Spec. 60 (§ 78.255 of this chapter). Portable tanks. (See paragraph (b) of this section.)

(9) Spec. 5A (§ 78.81 of this chapter). Carbon steel barrels or drums. Authorized only for mixed acids containing less than 80 percent nitric acid. (See paragraph (b) of this section.)

(b) Mixtures of sulfuric acid and nitric acid (nitrating acid), shipped in tank cars, cargo tanks, tank trucks, or metal barrels or drums, shall contain not less than 10 percent sulfuric acid. These mixtures may contain:

(1) Up to 10 percent water with not less than 10 percent sulfuric acid.

(2) Up to 15 percent water with not less than 15 percent sulfuric acid.

(3) Up to 20 percent water with not less than 20 percent sulfuric acid.

(4) Up to 38 percent water with not less than 62 percent sulfuric acid.

(c) Mixed acid (nitric and sulfuric acid) (nitrating acid), when offered for transportation by rail express must be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside glass bottles with glass stoppers ground to fit, and these stoppers must be held in place by plaster of Paris covered by strong cloth securely tied. Glass bottles having necks with molded screw threads, must be closed by threaded-type acid-resistant plastic caps. Caps must be equipped with an elastic composition cushion and with glass, porcelain or similar liner which must be impervious to the acid. Such caps, when secured in place by at least one complete continuous thread, must be capable of preventing any leakage of the liquid.

(2) Or glass bottles having necks with molded screw threads must be closed by threaded-type acid-resistant caps. Caps must be lined with a resilient liner which

[1] Use of existing tank cars authorized, but new construction not authorized.

must be impervious to the acid. Such caps, when secured in place by at least one complete continuous thread, must be capable of preventing any leakage of the acid.

(3) Each bottle must be placed in a tightly closed metal container and well cushioned therein on all sides with incombustible mineral packing material, such as whiting, mineral wool, infusorial earth (kieselguhr), asbestos, sifted ashes, or powdered china clay, etc. The metal container must be packed in the outside container, and well cushioned by incombustible mineral packing material as herein described.

(4) Not more than 3½ pounds (1¼ quarts) of mixed acid may be shipped in one outside package.

**§ 73.268 Nitric acid.**

(a) Nitric acid exceeding 40 percent concentration in any quantity must not be packed with any other article.

(b) Nitric acid in any concentration which does not contain significant quantities of sulfuric acid or hydrochloric acid as impurities, when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(1) Spec. 103C–W (§ 78.283 of this chapter). Tank cars.

(2) The use of spec. 103C–AL special aluminum alloy tank cars is authorized for the transportation of 95 percent or greater nitric acid as provided in special orders of November 14, 1939, June 7, 1940, and August 19, 1941.

(3) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.

(4) Spec. 5C (§ 78.83 of this chapter). Metal barrels or drums. Authorized for concentrations of nitric acid as limited by § 78.83–3 (c) of this chapter. Containers weighing less than 85 percent of their original marked weight are not authorized. Spec. 5C drums already in service for transportation of this material, manufactured prior to October 1, 1949, may be continued in service within the above limitations until further order of the Commission.

(5) Containers as specified in paragraphs (c), (d), (e), and (f), and within percentage limitations of this section.

(c) Nitric acid of 80 percent or greater concentration which does not contain significant quantities of sulfuric acid or hydrochloric acid as impurities, when offered for transportation by carriers by rail freight, highway, or water, in addition to and within limitations of paragraphs (b), (d), and (e) of this section, may be packed in specification containers as follows:

(1) Spec. 42B or 5X (§§ 78.107, or 78.91 of this chapter); also 42,[1] if made and marked prior to October 1, 1930. Aluminum drums, or aluminum-lined steel drums.

(2) Spec. 103A–AL–W (§ 78.292 of this chapter). Tank car.

(d) Nitric acid of 90 percent or greater concentration, when offered for transportation by carriers by rail freight, highway, or water, in addition to and within limitations of paragraphs (b) and (c) of this section, may be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, 19A, 11A, or 11B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, 78.160, or 78.161 of this chapter). Wooden boxes, barrels and kegs with inside containers which must be glass bottles not over 5 pints capacity each, individually inclosed in tightly closed metal cans and cushioned therein with sufficient incombustible mineral material. (See paragraphs (g) and (h) of this section.)

(e) Nitric acid of concentration of less than 90 percent, when offered for transportation by carriers by rail freight, highway, or water, in addition to and within limitations of paragraphs (b), (c), and (f) of this section, may be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, 19A, 11A, or 11B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, 78.160, or 78.161 of this chapter). Wooden boxes, barrels and kegs with inside containers which must be glass bottles not over 5 pints capacity each. (See paragraphs (g) and (h) of this section.)

(f) Nitric acid of concentration of 72 percent or less, when offered for transportation by carriers by rail freight, highway, or water, in addition to and within limitations of paragraphs (b) and (e) of this section, may be packed in specification containers as follows:

(1) Spec. 1A, 1C, or 1K (§ 78.1, 78.3, or 78.14 of this chapter). Straight sided carboys in boxes or kegs.

(2) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(3) Spec. 1D, or 1E (§ 78.4, or § 78.7 of this chapter). Glass carboys in boxes or plywood drums of not over 6.5 gallons nominal capacity. Means shall be provided so that accumulated pressure in bottle shall not exceed 10 pounds per square inch gauge at 130° F., or shall vent at a pressure not to exceed 10 pounds per square inch gauge.

(4) Cushioning for carboys must be incombustible mineral material, elastic wooden strips, natural cork blocks or rubber blocks. Other materials may be used if approved by the Bureau of Explosives. The use of hay, excelsior, loose ground cork, or similar materials, whether treated or untreated, is prohibited.

(5) Spec. 60 (§ 78.255 of this chapter). Portable tanks, glass-lined.

(6) Spec. 33A (§ 78.150 of this chapter). Polystyrene cases (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5–pint bottles may be packed in one outside container.

(g) Closures for bottles. Glass stoppers ground to fit and held in place by plaster of Paris covered by a strong cloth securely tied; or:

(1) Threaded-type acid-resistant caps with gasket or lining impervious to the acid and sufficiently resilient, or cushioned, to give an acidproof closure; at least 1 complete continuous thread is required to be engaged when bottle is closed for shipment.

(h) Cushioning inside containers. Inside containers must be well cushioned. Except as provided in subparagraph (1) of this paragraph, all material for cushioning must be incombustible mineral material such as whiting, mineral wool, infusorial earth, asbestos, sifted ashes, etc. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited. Where the cushioning material is very fine or powdery, separate partitions for the individual inside containers shall be provided to prevent the bottles from shifting and coming in contact with each other, and the box must be tight to prevent sifting of cushioning material.

(1) Cushioning of inside containers in outside specification wooden boxes by means of elastic packings, such as wooden strips, large corks, or pads formed of an expanded polystyrene resin that is resistant to the action of nitric acid, fastened securely in position, is authorized if the completed package will pass the swing test prescribed for boxed carboys.

(i) Nitric acid of any concentration, when offered for transportation by rail express, must be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water).

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside glass bottles with glass stoppers ground to fit, and these stoppers must be held in place by plaster of Paris covered by strong cloth securely tied. Glass bottles having necks with molded screw threads, must be closed by threaded type acid-resistant plastic caps. Caps must be equipped with an elastic composition cushion and with glass porcelain or similar liner which must be impervious to the acid. Such caps, when secured in place by at least one complete continuous thread, must be capable of preventing any leakage of the acid.

(2) Or glass bottles having necks with molded screw threads must be closed by thread-type acid-resistant caps. Caps must be lined with a resilient liner which must be impervious to the acid. Such caps, when secured in place by at least one complete continuous thread, must be capable of preventing any leakage of the acid.

(3) Each bottle must be placed in a tightly closed metal container, and well cushioned therein on all sides with incombustible mineral packing material, such as whiting, mineral wool, infusorial earth (kieselguhr), asbestos, sifted ashes, or powdered china clay, etc. The metal container must be packed in outside containers, and well cushioned by incombustible mineral packing material as described in this section.

[1] Use of existing drums authorized, but new construction not authorized.



(4) Not more than 5 pints of nitric acid shall be shipped in one outside package.

(j) Nitric acid of not over 50 percent concentration, when offered for transportation by rail express, may in addition to the provisions of paragraph (i) of this section be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§ 78.168, § 78.169, § 78.170, § 78.185, § 78.190, or § 78.205 of this chapter). Wooden or fiberboard boxes with not over 12 inside glass ampoules having capacity not over 4 fluid ounces each. Each glass ampoule must be well cushioned with incombustible mineral packing material, such as vermiculite or other equally efficient material, and be packed in a cylindrical cardboard tube having wall thickness of at least ⅛ inch, with the inside coated with wax, and be equipped with metal bottom and with metal screw-cap top. The inside packages must be separated by efficient means.

**§ 73.269 Perchloric acid.**

(a) Perchloric acid in excess of 72 percent must not be shipped. When not exceeding 72 percent strength must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or § 78.190 of this chapter). Wooden boxes with glass inside containers consisting of glass bottles not over 5 pints capacity each, cushioned with incombustible mineral material in amount sufficient to absorb the acid.

(2) Spec. 1A, 1C, 1D, 1E, or 1K (§ 78.1, 78.3, 78.4, 78.7, or 78.14 of this chapter). Glass carboys in boxes, kegs or plywood drums.

(3) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(4) Spec. 33A (§ 78.150 of this chapter). Polystyrene cases (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5–pint bottles may be packed in one outside container.

(b) Cushioning for carboys must be incombustible mineral material, elastic wooden strips, natural cork blocks or rubber blocks. Other materials may be used if approved by the Bureau of Explosives. The use of hay, excelsior, loose ground cork, or similar materials, whether treated or untreated, is prohibited.

(c) Perchloric acid in any quantity must not be packed with any other article.

(d) Closures for bottles. Required as follows:

(1) Glass stoppers ground to fit and held in place by plaster of Paris covered by a strong cloth securely tied.

(2) Threaded-type acid-resistant caps with a gasket or lining impervious to the acid and sufficiently resilient, or cushioned, to give an acid-proof closure; at least one complete continuous thread is required to be engaged when bottle is closed for shipment.

(e) Inside containers must be well cushioned. All material for cushioning must be incombustible mineral material, such as whiting, mineral wool, infusorial earth (kieselguhr), asbestos, sifted ashes, or powdered china clay, etc. The use of hay, excelsior, ground cork, or similar material, either treated or untreated, is prohibited. Where the cushioning material is very fine or powdery, separate partitions for the individual inside containers should be provided to prevent the bottles from shifting and coming in contact with each other, and the box must be tight to prevent sifting of cushioning material.

(1) Cushioning of inside containers in outside wooden boxes by means of elastic packings, such as wooden strips, large corks, or pads formed of an expanded polystyrene resin that is resistant to the action of perchloric acid, fastened securely in position, is authorized if the completed package will pass the swing test prescribed for boxed carboys.

**§ 73.270 Phosphorus tribromide.**

(a) Phosphorus tribromide must be packed in specification containers as follows:

(1) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums.

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with glass or earthenware inside containers not over 2 gallons each; the glass or earthenware containers must be cushioned in the outside containers by means of incombustible elastic packing material of such nature that a mixture of the liquid and the packing material will not cause fires or heating.

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in an outside container.

(4) Spec. 28 (§ 78.8 of this chapter). Metal-jacketed lead carboys.

(5) Spec. 60 (§ 78.255 of this chapter). Portable tanks when tanks are lead-lined.

(6) Spec. 103A–N–W (§ 78.299 of this chapter). Tank cars. Tank must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent.

(7) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles when tanks are lead-lined or nickel-lined. If nickel-lined, the lining shall comprise at least 1/32 inch of uncontaminated nickel at all points including rivets, welds and other joints, and edges of tank plates.

(8) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Spec. 103A,[1] tanks must be lead-lined steel or made of steel at least 10 percent nickel clad. Spec. 103A–W, 111A100–F–2, or 111A100–W–2 tanks must be lead-lined steel or made of steel with a minimum thickness of nickel cladding 1/16 inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

(9) Spec. 103E–W (§ 78.298 of this chapter). Tank cars made from Type 316 stainless steel. Authorized for phosphorus trichloride and thiophosphoryl chloride only.

(10) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Authorized for phosphorus trichloride only.

(11) Spec. 5A or 5C (§§ 78.81 or 78.83 of this chapter). Metal barrels or drums. Authorized for phosphorus trichloride and thiophosphoryl chloride.

(12) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor vehicles when tanks are clad with 20 percent Type 316 stainless steel. Authorized for phosphorus oxychloride only.

(13) Spec. MC 310 or MC 311 (§ 78.330 or 78.331 of this chapter). Tank motor vehicles made from types 304, 316, or 347 stainless steels. Authorized for phosphorus trichloride only.

(14) Spec. MC 311 (§ 78.331 of this chapter). Tank motor vehicle. Tank must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Authorized for phosphorus oxychloride and phosphorus trichloride only.

**§ 73.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.**

(a) Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride must be packed in specification containers as follows:

(1) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums.

(2) Spec. 5K (§ 78.88 of this chapter). Nickel drums.

(3) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with glass or earthenware inside containers not over 2 gallons each; the glass or earthenware containers must be

[1] Use of existing tank cars authorized, but new construction not authorized.

(16) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) with no opening exceeding 2.3 inches in diameter. When drums are not constructed of stainless steel they must be lined with a material impervious to the lading. Authorized for phosphorus trichloride only.

(17) Spec. 5M (§ 78.90 of this chapter). Monel drums not over 10 gallons capacity each.

**§ 73.272 Sulfuric acid.**

(a) Sulfuric acid (oleum, oil of vitriol, etc.) must be packed in specification containers as follows:

(b) Sulfuric acid solutions of not over 25 percent concentrations, in inside containers of not more than 8 ounces capacity each, resistant to the lading, packed in strong outside containers and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(c) Sulfuric acid of any concentration:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers, not over one gallon capacity each, except that such containers up to three gallons capacity may be used when only one such container is packed in each outside wooden box.

(2) Spec. 31 (§ 78.15 of this chapter). Jugs in tubs.

(3) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with glass or earthenware inside containers not over 2 gallons capacity each.

(4) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(5) Spec. 22A or 22B (§§ 78.196 or 78.197 of this chapter). Wooden drums, glued plywood, with not more than 1 inside container of glass or earthenware not over 1-gallon capacity.

(6) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(d) For sulfuric acid of concentrations not less than 100 percent and not more than 115 percent (approximate):

(1) Spec. 5C (§ 78.83 of this chapter). Metal barrels or drums of Type 304, 316, or 347 stainless steel or other types of stainless steel of equivalent corrosion resistance and physical properties.

(e) For sulfuric acid of concentrations not to exceed 100.5 percent:

(1) Spec. 1A, 1C, or 1K (§ 78.1, 78.3, or 78.14 of this chapter). Carboys in boxes or kegs.

(2) Spec. 1D or 1E (§ 78.4 or § 78.7 of this chapter). Glass carboys in boxes or plywood drums, of not over 6.5 gallons nominal capacity.

(3) Spec. 33A (§ 78.150 of this chapter). Polystyrene cases (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packed in one outside container.

(f) For sulfuric acid of concentrations not to exceed 95 percent (approximately 1.835 specific gravity) (66° Baumé):

(1) Spec. 5H (§ 78.87 of this chapter). Metal barrels or drums.

(2) Spec. 1H, 15P, or 22C (§ 78.13, 78.182, or 78.198 of this chapter). Metal crate with inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2 (a) of this chapter, with inside spec. 2T or 2TL (§ 78.21 or 78.27 of this chapter) polyethylene container.

(3) Spec. 6D or 37M (nonreusable container) (§ 78.102 or 78.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S, 2SL or 2T (§ 78.35, 78.35a, or 78.21 of this chapter) polyethylene container. Overpack of 55 gallon capacity when used for sulfuric acid of 93 percent or greater concentration shall be constructed of at least 16-gauge steel throughout.

(4) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T, 2TL, 2S, or 2SL (§ 78.21, 78.27, 78.35, or 78.35a of this chapter), polyethylene container.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2T or 2U (§ 78.21 or 78.24 of this chapter) polyethylene containers not over 15 gallons capacity each. (See § 78.224–1(a) (2) of this chapter.)

(6) [Reserved]

(7) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(8) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene containers or other containers of plastic compatible with the chemical, not over 1-gallon capacity each. Inside containers must be cushioned to prevent movement in the outside box. Not more than four 1-gallon inside containers shall be packed in one outside container. Authorized gross weight not over 75 pounds.

(g) For sulfuric acid of concentrations 77.5 percent (approximately 1.7019 specific gravity) (59.8° Baume) or greater concentrations with or without an inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baume commercial sulfuric acid:

(1) Spec. 5A or 5C (§ 78.81 or § 78.83 of this chapter). Metal barrels or drums. Spec. 5C metal barrels or drums must be of types 304, 316, or 347 stainless steel and are authorized only for sulfuric acid of 93 percent or greater strength.

NOTE 1: Tapered steel plugs, without gaskets, for standard spec. 5A flanges are authorized. Threaded length must not be less than 1½ inches. Major diameter of plug not to exceed 2 11/32 inches and minor diameter not less than 2 7/32 inches.

(2) Spec. 17F (§ 78.117 of this chapter). Metal barrels or drums (single-trip only). Drums equipped with vented closures of an experimental type approved by the Bureau of Explosives are also authorized for export shipments.

(h) For sulfuric acid of concentrations 65.25 percent (approximately 1.559 specific gravity) (52° Baume) or greater concentrations, provided the corrosive effect on steel measured at 100° F. is not greater than that of 52° Baume commercial sulfuric acid:

(1) Spec. 60 (§ 78.255 of this chapter). Portable tank.

(2) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.

(3) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Tank cars used for sulfuric acid, mixed acid (nitric and sulfuric) (nitrating acid), and other fuming acids, may be equipped with safety vents incorporating lead discs having a ⅛ inch breather hole in the center thereof. The ⅛ inch breather hole in lead discs of safety vents on oleum tank cars is not permitted.

(i) For sulfuric acid of concentrations not to exceed 51 percent (approximately 1.408 specific gravity (42° Baumé), unless otherwise provided:

(1) Spec. 5D (§ 78.84 of this chapter). Rubber-lined metal drums.

(2) Spec. 60 (§ 78.255 of this chapter). Portable tanks (rubber-lined).

(3) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles (rubber-lined).

(4) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars.

(j) Gaskets must be in a plastic condition when applied to carboys in boxes, barrels or kegs containing water-white sulfuric acid (electrolyte grade) of concentrations 77.5 percent (approximately 1.7019 specific gravity) (59.8° Baume).

(k) Soft rubber gaskets are authorized on carboys in boxes, barrels or kegs containing sulfuric acid of not over 51 percent concentrations (approximately 1.408 specific gravity) (42° Baume).

[1] Use of existing tank cars authorized, but new construction not authorized.



(l) Because of the present emergency and until further order of the Commission, sulfuric acid may be offered in transportation by carriers by water in conformity with Regulations for Explosives or Other Dangerous Articles on Board Vessels, 46 CFR 146.23–10, issued by the Commandant of the Coast Guard.

**§ 73.273 Sulfur trioxide, stabilized.**

(a) Sulfur trioxide, stabilized, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon each.

(2) Spec. 5A or 5C (§§ 78.81 or 78.83 of this chapter). Metal barrels or drums, not over 55 gallons capacity each.

(3) Spec. 17F (§78.117 of this chapter). Metal drums (single-trip).

(4) Spec. 103A,[1] 103A–W, 105A300–W, 111A100–F–2, or 111A100–W–2 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars. Authorized only for stabilized sulfur trioxide. Tank cars shall have safety valves of approved design and not subject to rapid deterioration by the lading. Cars equipped with interior hearter coils not permitted.

(5) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles. Authorized only for stabilized sulfur trioxide. Tanks must be equipped with spring-relief safety valves. Tanks equipped with interior heater coils not permitted.

**§ 73.274 Fluosulfonic acid.**

(a) Fluosulfonic acid must be packed in containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be not over 1 gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container, as prescribed in Notes 1 and 2 to this section.

NOTE 1: Bottles manufactured of Pyrex glass or glass of equal acid resistance, authorized only for material containing an excess of sulfur trioxide, with Pyrex glass stoppers, or glass stoppers of equal acid resistance, ground to fit and held in place by plaster of Paris covered by strong cloth securely tied; each bottle must be placed in a metal container, well cushioned therein with incombustible absorbent materials such as mineral wool, infusorial earth (kieselguhr), asbestos, etc.

NOTE 2: Or steel containers, 14 gauge steel throughout, welded heads and side seams, equipped with ¾ inch welded flange and plug. Threads for plug must be 8 or less per inch. Each drum must be tested for leakage with 15 pounds hydrostatic pressure.

(2) Spec. 5A or 17F (single-trip) (§ 78.81 or 78.117 of this chapter). Metal barrels or drums not over 55 gallons capacity each.

(3) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

[1] Use of existing tank cars authorized, but new construction not authorized.

**§ 73.275 Difluorophosphoric acid, anhydrous, monofluorophosphoric acid, anhydrous, hexafluorophosphoric acid, and mixtures thereof.**

(a) Difluorophosphoric acid, anhydrous, monofluorophosphoric acid, anhydrous, hexafluorophosphoric acid, and mixtures thereof must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185 or § 78.190 of this chapter) wooden boxes, spec. 12B (§ 78.205 of this chapter) fiberboard boxes, or spec. 21C (§ 78.224 of this chapter) fiber drums with inside containers which must be polyethylene, or other nonfragile plastic bottles resistant to the lading, not over 2 gallons capacity each, closed by means of threaded acid-resistant caps; caps must have at least one complete continuous thread and be additionally sealed to the bottle to prevent turning of cap after bottle is closed for shipment.

(2) Spec. 42B, 42C, or 42D (§ 78.107, 78.108, or 78.109 of this chapter). Aluminum drums not over 55 gallons capacity.

(3) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

(4) Spec. 60 (§ 78.255 of this chapter). Portable tanks. Authorized for inhibited acids enumerated in this paragraph only.

(b) Inside containers must be packed so they cannot change position in the outside container while in transit and inert absorbent cushioning material must be used where necessary.

**§ 73.276 Anhydrous hydrazine and hydrazine solution.**

(a) Anhydrous hydrazine and hydrazine solution containing 50 percent or less of water must be packed in specification containers as follows:

(1) Spec. 1D (§ 78.4 of this chapter). Boxed glass carboys.

(2) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside containers which must consist of glass bottles not exceeding 1-gallon capacity each, cushioned by means of vermiculite within tin cans which shall be tightly closed.

(3) Spec. 5, 5A, 5C, or 17E (single-trip) (§§ 78.80, 78.81, 78.83, or 78.116 of this chapter). Metal barrels or drums which shall be of type 304 or 347 stainless steel, with openings not exceeding 2.3 inches in diameter.

(4) Spec. 103C–W or 111A100–W–6 (§§ 79.200, 79.201 of this chapter). Tank cars having tanks of type 304L or 347 stainless steel with molybdenum content not exceeding one-half of one percent. Spec. 111A100–W–6 tanks must not be equipped with bottom outlets. Vapor space in tanks must be filled with nitrogen gas at atmospheric pressure.

(5) Spec. 103A–AL–W (§ 78.292 of this chapter). Tank cars. Vapor space in tank must be filled with nitrogen gas at atmospheric pressure. Authorized for anhydrous hydrazine only.

(6) MC 310 or MC 311 (§ 78.330 or 78.331 of this chapter). Tank motor vehicles having tanks of type 304L or 347 stainless steel with molybdenum content not exceeding one-half of one percent. Vapor space in tank must be filled with nitrogen gas at atmospheric pressure.

**§ 73.277 Hypochlorite solutions.**

(a) Hypochlorite solutions containing more than 7 percent available chlorine by weight must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C or 12B. (§§ 78.168, 78.169, 78.170 or 78.205 of this chapter). Wooden or fiberboard boxes with glass, earthenware, or polyethylene inside containers of not more than 1 gallon capacity each. Packages must not weigh over 65 pounds gross nor contain more than 4 glass or earthenware inside containers if their capacity is greater than 5 pints each, or more than six such inside polyethylene containers.

(2) Spec. 1A, 1C, 1D, or 1E (§§ 78.1, 78.3, 78.4 or 78.7 of this chapter). Glass carboys in boxes, kegs, or plywood drums.

(3) Spec. 1H, 15P, or 22C (§§ 78.13, 78.182, or 78.198 of this chapter). Metal crate with inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Spec. 15P glued plywood or wooden box may contain spec. 2S (§ 78.35 of this chapter) polyethylene drum. Authorized for not over 16 percent sodium hypochlorite solution only.

(4) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Authorized for not over 16 percent sodium hypochlorite solution only.

(5) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

(b) Closures for inside containers and carboys must be vented and must be of a material resistant to the lading and capable of preventing leakage of liquid contents.

(c) [Reserved]

(d) Glass or earthenware containers of not more than 4-fluid ounces capacity each, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) Polyethylene pouches not over 2½ ounces capacity each, heat sealed, and formed of polyethylene, or other suitable

plastic, not less than .0035 inch in thickness to which shall be laminated a .0015 inch, 25-pound basis weight white sulphate paper, when securely packed not more than 144 pouches in a strong fiberboard box (absorbent cushioning material not required), are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(e) Shipments by tank motor vehicle are not subject to any other requirement of Parts 71–78 and 197 of this chapter.

**§ 73.278 Nitrohydrochloric acid.**

(a) Nitrohydrochloric acid, which is a mixture of nitric acid not over 1.42 specific gravity and hydrochloric acid not over 1.19 specific gravity in the approximate proportions of one part nitric acid and three parts hydrochloric acid, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass inside containers of not over 5 pints capacity each, individually inclosed in tightly closed metal cans and cushioned therein with sufficient incombustible mineral material.

(b) Nitrohydrochloric acid diluted, is a solution of nitrohydrochloric acid as described in paragraph (a) of this section, which has been diluted to not less than five times the volume of water and must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass inside containers of not over 5 pints capacity each, individually inclosed in tightly closed metal cans and cushioned therein with sufficient incombustible mineral material.

(2) Spec. 1A, 1D, or 1E (§§ 78.1, 78.4, or 78.7 of this chapter). Glass carboys in boxes or plywood drums, not over 5 gallons nominal capacity for spec. 1A and not over 6.5 gallons nominal capacity for spec. 1D and 1E.

**§ 73.279 Anisoyl chloride.**

(a) Anisoyl chloride must be packed in specification containers as follows:

(1) Spec. 5C (§ 78.83 of this chapter). Metal barrels or drums.

(2) Spec. 5 (§ 78.80 of this chapter). Metal barrels or drums of stainless steel only, with flanges for closures welded in place and having no opening exceeding 2.3 inches in diameter.

(b) Inside containers of not more than 8-fluid ounces capacity each, resistant to lading, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

**§ 73.280 Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.**

(a) Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane must be packed in specification containers as follows:

(1) Spec. 15A or 16B (§§ 78.168 or 78.186 of this chapter). Wooden boxes with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip), with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(3) Spec. 5A (§ 78.81 of this chapter). Metal drums not over 55 gallons capacity.

(4) Spec. 5F (§ 78.85 of this chapter). Metal drums not over 11 gallons capacity.

(5) Spec. 5, 5B, 5C, and 17E single-trip (§§ 78.80, 78.82, 78.83 and 78.116 of this chapter). Metal drums. These containers not authorized for shipments by rail express.

(6) Specification cylinders as prescribed for any compressed gas, except acetylene.

(7) Spec. 103–W, 103A,[1] 103A–W, 105A100,[1] 105A100–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, 111A100–W–2, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

(8) Spec. MC310 or MC311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles of steel or stainless steel construction.

**§ 73.281 Benzyl bromide (bromotoluene, alpha).**

(a) Benzyl bromide (bromotoluene, alpha) must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes, with inside containers which must be glass bottles, not over 5 pints capacity each, closed by means of screw caps which are resistant to action of the contents; bottles must be packed in metal cans having slip-on or friction closure; cans must be cushioned in outside boxes with incombustible material.

[1] Use of existing tank cars authorized, but new construction not authorized.

**§ 73.282 Isopropyl percarbonate, stabilized.**

(a) Isopropyl percarbonate, stabilized, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or § 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 75° F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

**§ 73.283 Bromine trifluoride.**

(a) Bromine trifluoride must be packed in specification containers as follows:

(1) Spec. 3A150, 3AA150, 3E1800, 3B240 or 4B240 (§§ 78.36, 78.37, 78.42, 78.38, or 78.50 of this chapter). Cylinders.

**§ 73.284 Bromine pentafluoride.**

(a) Bromine pentafluoride, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

(1) Spec. 3A150, 3AA150, 3E1800, or 4B240 (§§ 78.36, 78.37, 78.42, or 78.50 of this chapter). Cylinders not over 120 pounds water capacity (nominal), filled to not over 210 percent of water capacity. Cylinders must be plugged and fitted with valve protection caps. Spec. 3E1800 cylinders must be packed in strong outside wooden boxes and contain not more than one pound of bromine pentafluoride.

(b) Bromine pentafluoride, when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 3A150, 3AA150, 3E1800, or 4B240 (§§ 78.36, 78.37, 78.42, or 78.50 of this chapter). Cylinders containing not more than one pound of bromine pentafluoride. Cylinders must be plugged and fitted with valve protection caps and must be packed in strong outside wooden boxes.

**§ 73.285 Chlorine trifluoride.**

(a) Chlorine trifluoride must be packed in specification containers as follows:

(1) Spec. 3A150, 3AA150, 3E1800, 3B240, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.42, 78.38, 78.50, or 78.51 of this chapter), cylinders.

(2) Not more than 10 pounds of chlorine trifluoride may, in addition to the provisions of subparagraph (1) of this paragraph, be packed in cylinders equal to or of greater efficiency than those prescribed in subparagraph (1) of this paragraph when approved by the Bureau of Explosives.

(3) Spec. 106A500,[1] 106A500–X or 110A500–W (§§ 79.300, 79.301 of this chapter). Tank cars equipped with solid steel plugs in lieu of fusible plug safety devices and valve protection caps.

**§ 73.286 Chemical kits.**

(a) Chemical kits, except as otherwise provided in Parts 71–78 of this chapter, must be packed, marked and labeled as prescribed by this part for the specific acids or corrosive liquids contained therein.

(b) Chemical kits containing acids in inside containers not exceeding 6 fluid ounces capacity each and complying with all of the following requirements, are exempt from specification packaging, marking other than name of contents, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817 and Part 197 of this chapter.

(1) The kit must not contain any of the items named in § 73.244 (c).

(2) The kit must be a strong wooden or metal container, or must be packed in a strong wooden or metal container.

(3) The acids or corrosive liquids must be cushioned with sufficient absorbent cushioning material to completely absorb the contents of the individual containers, and must be protected from injury by other materials in the kit.

(4) The contents of the kit must be of such nature and/or so packed that there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas.

(c) Chemical kits containing acids or corrosive liquids and other chemicals not classed as dangerous articles used for photographic processing, except as otherwise provided for in Parts 71–78 of this chapter, must be packed in specification containers as follows:

(1) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 32 ounces capacity each, securely cushioned and separated from other inside containers. The contents of the kit must be of such nature and so packed that there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

**§ 73.287 Chromic acid solution.**

(a) Chromic acid solution must be packed in specification containers as follows:

(1) In containers prescribed in § 73.245.

(2) Spec. 17H (§ 78.118 of this chapter). Metal drums (single-trip), not over 5 gallons capacity.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with one inside glass container of capacity not over 4 fluid ounces, packed in a wax-lined cylindrical fiber carton with metal ends; bottle must have ground glass stopper securely held in position by a piece of cloth tied with wire and dipped in paraffin; space between bottle and the inner surface of the fiber cylinder must be filled with closely packed asbestos in sufficient quantity to completely absorb contents of bottle in the event of breakage. Use of this container will be permitted because of the present emergency and until further order of the Commission.

(4) Spec. 29 (§ 78.226 of this chapter). Mailing tubes, with polyethylene bottles not over 1 quart capacity each.

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open (see § 78.205–34 of this chapter). Not more than one inside container shall be packed in one outside box.

**§ 73.288 Allyl chloroformate, benzyl chloroformate, ethyl chloroformate, and methyl chloroformate.**

(a) Allyl chloroformate, benzyl chloroformate, ethyl chloroformate, and methyl chloroformate must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with glass inside containers not over 1 pint each, cushioned with incombustible mineral material.

(2) Spec. 1A (§ 78.1 of this chapter). Boxed carboys. Glass bottles having nominal capacity of 3 gallons also authorized when packed and tested in accordance with requirements of spec. 1A (§ 78.1 of this chapter); necks must be protected during shipment.

(b) Allyl chloroformate may, in addition, be packed in specification 5H (§ 78.87 of this chapter) lead-lined metal drums not over 55 gallons capacity.

(c) Spec. 16D (§ 78.187 of this chapter). Wooden wirebound overwrap having one inside spec. 2SL (§ 78.35a of this chapter) polyethylene container not over 55 gallons capacity. Authorized for ethyl chloroformate or methyl chloroformate only.

**§ 73.289 Formic acid and formic acid solutions.**

(a) Formic acid and formic acid solutions must be packed in specification containers as follows:

(1) In containers prescribed in § 73.245, except spec. 5A, 17C, 17E or 17F (§§78.81, 78.115, 78.116 or 78.117 of this chapter). Metal barrels or drums.

(2) Spec. 103C–W or 103E–W (§ 78.283 or § 78.298 of this chapter). Tank cars. Spec. 103E–W tanks must be of Type 316 stainless steel and must be stenciled "FOR FORMIC ACID ONLY."

(3) Spec. 10A (§ 78.155 of this chapter). Wooden barrels or kegs, lined with latex rubber.

(4) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.

(5) Spec. 5C (§ 78.83 of this chapter). Metal barrels or drums.

(6) Spec. 5 (§ 78.80 of this chapter). Metal barrels or drums of stainless steel only, with flanges for closures welded in place and having no opening exceeding 2.3 inches in diameter.

(7) Spec. 17H (§ 78.118 of this chapter). Metal drums (single-trip) equipped with bag type liners of material and construction approved by the Bureau of Explosives. Each drum must have two diametrically opposite vent holes ¼ inch diameter in the side wall at each end in close proximity to the top curl and bottom chime. Interior of welded side seam must be covered or otherwise treated to provide a non-abrasive surface.

(8) Spec. 60 (§ 78.255 of this chapter). Portable tanks, marked "FOR FORMIC ACID ONLY".

(9) Spec. 1EX (§ 78.6 of this chapter). Carboys in plywood drums.

(10) Spec. 1H (§ 78.13 of this chapter). Metal crate with inside polyethylene carboy.

**§ 73.290 Mixtures of hydrofluoric and sulfuric acid.**

(a) Mixtures of hydrofluoric acid and sulfuric acid, containing not more than 80 percent by weight and not less than 70 percent by weight of hydrofluoric acid and sulfuric acid combined, with the hydrofluoric acid content not less than 25 percent by weight in any case, must be packed in specification containers as follows:

(1) Spec. 5A (§ 78.81 of this chapter). Unlined metal barrels or drums which have been subjected to an adequate passivation or neutralization process (see Note 1). Containers must be filled to not over 80 percent of capacity at 68° F. If containers are washed out with water, they must be repassivated before shipment.

NOTE 1: Each metal container, before being put into this service, must be passivated by the following or an equally efficient method: By filling drum to 90 percent of capacity with hydrofluoric acid of 58 percent strength and allowing drum to stand 48 hours at a temperature of 80° F., and then 7 hours at 140° F., the internal pressure maintained at atmospheric pressure by means of a ventilated bung.

(2) Containers not exceeding 55 gallons capacity each are authorized for carload, truckload, less-than-carload, and less-than-truckload shipment. Containers exceeding 55 gallons capacity each are authorized for carload or truckload shipments only but they must be loaded by consignor and unloaded by consignee.

(3) For less-than-carload or less-than-truckload shipments, containers must be of metal at least as heavy as 14 gauge United States standard for not over 20 gallons capacity each or 12 gauge for not over 55 gallons capacity each. Each container must be subjected to at least one of the following tests before shipment: By interior pressure of at least 15 pounds per square inch before filling or by holding for inspection for at least 24 hours after filling. In either case, each container must be vented prior to shipment.

**§ 73.291 Flame retardant compound liquid.**

(a) Flame retardant compound, liquid, must be packed in specification containers as follows:

(1) Spec. 1A, 1B, or 1C (§§ 78.1, 78.2, or 78.3 of this chapter). Carboys in boxes or kegs which must be closed, and when reused must be reconditioned and tested, as provided in the specification.

(2) Spec. 1D, or 1E (§ 78.4, or § 78.7 of this chapter). Glass carboys in boxes or plywood drums of not over 6.5 gallons nominal capacity. Means shall be provided so that accumulated pressure in bottle shall not exceed 10 pounds per square inch gauge at 130° F., or shall vent at a pressure not to exceed 10 pounds per square inch gauge.

(3) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous terri-

tories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(4) Spec. 10A (§ 78.155 of this chapter). Wooden barrels or kegs, lined with asphalt or rubber.

(5) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with inside containers which must be glass or earthenware, not over 2 gallons each.

(6) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware, not over 1 gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

(7) Spec. 28 (§78.8 of this chapter). Metal-jacketed lead carboys.

(8) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars.

### § 73.292 Hexamethylene diamine solution.

(a) Hexamethylene diamine solution must be packed in specification containers as follows:

(1) In containers prescribed in § 73.249.

(2) Spec. MC 300, MC 301,[2] MC 302, MC 303, MC 304, MC 305, MC 310, or MC 311 (§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, or 78.331 of this chapter). Tank motor vehicles.

### § 73.293 Iodine monochloride.

(a) Iodine monochloride must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes with inside containers not over 1 quart capacity each; or with stone or earthenware jugs not over 1 gallon capacity each.

(b) Outage (vacant space above liquid) for inside containers must be not less than 15 percent.

(c) Inside containers must be securely closed by hermetical sealing or by glass or stone stoppers ground to fit and securely fastened or by screw caps fitted with gaskets of suitable material resistant to the contents.

(d) Inside containers must be securely cushioned on all sides with incombustible cushioning material which will not produce heat when in contact with iodine monochloride.

### § 73.294 Monochloroacetic acid, liquid.

(a) Monochloroacetic acid, liquid, must be packed in specification containers as follows:

(1) In containers prescribed in § 73.245 (a) (1), (2), (3), (6), or (7).

(2) Spec. 103A–N–W, 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Spec. 103A–W, 111A100–F–2, or 111A100–W–2 tank cars must be nickel clad at least 20 percent.

(3) Spec. MC 310 or MC 311 (§ 78.330 or 78.331 of this chapter). Tank motor vehicles. Tanks to be fabricated from 99 percent pure nickel plates, Type 304 or 316 stainless steel, or be suitably lined.

(b) Monochloroacetic acid, anhydrous, when shipped as a liquid must be shipped in spec. 103A–W (§§ 79.200 and 79.201 of this chapter) tank cars with suitable corrosion resistant coatings or linings.

### § 73.295 Benzyl chloride.

(a) Benzyl chloride must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185 or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in an outside container.

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs, with glass or earthenware inside containers not over 2 gallons each.

(3) Spec. 1A, 1C, 1D or 1E (§§ 78.1, 78.3, 78.4 or 78.7 of this chapter). Glass carboys in boxes, kegs or plywood drums.

(4) Spec. 1X (§ 78.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(5) Spec. 5A or 17C (single-trip) (§§ 78.81 or 78.115 of this chapter). Metal barrels or drums with openings not exceeding 2.3 inches in diameter. Authorized for stabilized benzyl chloride only.

(6) Spec. 5K (§ 78.88 of this chapter). Nickel drums. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

(7) Spec. 5H (§ 78.87 of this chapter). Metal barrels or drums, lead-lined.

(8) Spec. 60 (§ 78.255 of this chapter). Portable tanks. Benzyl chloride must be stabilized when loaded in unlined tanks.

(9) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor vehicles. Authorized for stabilized benzyl chloride only.

(10) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor vehicles fabricated from 99 percent pure nickel plates. All cast metal parts of the tank in contact with the lading must have a minimum nickel content of 96.7 percent. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such

(11) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars which may be 10 percent nickel clad. Authorized for stabilized benzyl chloride only.

(12) Spec. 103A–N–W (§ 78.299 of this chapter). Tank cars. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron. All cast metal parts of the tank in contact with the lading must have a minimum nickel content of approximately 96.7 percent.

### § 73.296 Di iso octyl acid phosphate.

(a) Di iso octyl acid phosphate must be packed in specification containers as follows:

(1) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter.

(2) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles.

(3) Spec. 103A–W, 103C–W, 103E–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

### § 73.297 Titanium sulfate solution containing not more than 45% sulfuric acid.

(a) Titanium sulfate solution containing not more than 45% sulfuric acid must be packed in specification containers as follows:

(1) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles, rubber-lined.

(2) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars.

(3) Spec. 15A, 15B, 15C, 16A or 19A (§§ 78.168, 78.169, 78.170, 78.185 or § 78.190 of this chapter). Wooden boxes with inside glass or earthenware containers, not over 1 gallon capacity each.

### § 73.298 Memtetrahydro phthalic anhydride.

(a) Memtetrahydro phthalic anhydride must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A or 19A (§§ 78.168, 78.169, 78.170, 78.185 or § 78.190 of this chapter). Wooden boxes with inside glass containers not over 1-gallon capacity each.

(2) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1-gallon capacity each. Not more than 4 inside glass bottles exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter.

(4) Spec. 37P (§ 78.133 of this chapter). Steel drums with polyethylene liner (nonreusable container). Authorized only for materials that will not react with polyethylene and result in container failure.

### § 73.299 Etching acid liquid, n.o.s.

(a) Etching acid liquid shall be a mixture of nitric acid, hydrofluoric acid, having nitric acid in concentrations of not more than 60 percent by weight, hydrofluoric acid in concentrations of not less than 4 percent by weight and water not less than 24 percent by weight, and may contain acetic acid. These mixtures must be packed in specification containers as follows:

(1) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside polyethylene bottles having minimum wall thickness of .050 inch and screw-cap closures. Net weight in inside containers shall not be over 10 pounds each and net weight in outside containers shall not be more than 40 pounds.

(2) Spec. 37M (§ 78.134 of this chapter). Cylindrical steel overpack with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container not over 30 gallons capacity.

(b) All outside shipping containers must be plainly marked "NONREUSABLE CONTAINER." All components of the package must not be reused.

### § 73.299a Tris-(1-aziridinyl) phosphine oxide.

(a) Tris-(1-aziridinyl) phosphine oxide must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.245, not over 5 gallons capacity each.

## Subpart F—Compressed Gases; Definition and Preparation

### § 73.300 Definitions.

For the purpose of Parts 71–78 of this chapter, the following terminology is defined:

(a) *Compressed gas.* The term "compressed gas" shall designate any material or mixture having in the container an absolute pressure exceeding 40 psi at 70° F. or, regardless of the pressure at 70° F., having an absolute pressure exceeding 104 psi at 130° F.; or any liquid flammable material having a vapor pressure exceeding 40 psi absolute at 100° F. as determined by the Reid method covered by the American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products. (D–323)

(b) *Flammable compressed gas.* Any compressed gas as defined in paragraph (a) of this section shall be classified as "flammable compressed gas" if any one of the following occurs:

(1) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Bureau of Explosives.

(2) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(3) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source.

(4) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.

NOTE 1: A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 63 Vesey Street, New York 7, N.Y.

(c) *Non-liquefied compressed gas.* A "non-liquefied compressed gas" is a gas, other than gas in solution, which under the charged pressure is entirely gaseous at a temperature of 70° F.

(d) *Liquefied compressed gas.* A "liquefied compressed gas" is a gas which, under the charged pressure, is partially liquid at a temperature of 70° F.

(e) *Compressed gas in solution.* A "compressed gas in solution" is a nonliquefied compressed gas which is dissolved in a solvent.

(f) *Flammable range.* The term "flammable range" shall designate the difference between the minimum and maximum volume percentages of the material in air that forms a flammable compressed gas.

(g) *Filling density.* The term "filling density" shall designate the percent ratio of the weight of gas in a container to the weight of water that the container will hold at 60° F. (One pound of water equals 27.737 cubic inches at 60° F.) For example, for a liquified petroleum gas of 0.504/0.510 specific gravity, a 100-pound cylinder holds 238.1 pounds of water and the filling density is 42 percent; therefore the amount of gas permitted is 0.42×238.1 or 100 pounds.

(h) *Service pressure.* The term "service pressure" shall designate the authorized pressure marking on the container. For example, for cylinders marked "ICC–3A1800", the service pressure is 1800 psig (pounds per square inch gauge).

### § 73.301 General requirements for shipment of compressed gases in cylinders.[1]

(a) *Gases capable of combining chemically.* No container shall contain gases or materials that are capable of combining chemically so as to endanger its serviceability.

(b) *Ownership of container.* A container charged with a compressed gas must not be shipped unless it was charged by or with the consent of the owner of the container.

(c) *Retest of container.* A container for which prescribed periodic retest has become due must not be charged and shipped until such retest has been properly made.

(d) *Manifolding containers in transportation.* No means of interconnecting such as manifolding of individual containers may be employed for the transportation of compressed gases, except as hereinafter authorized. Containers so manifolded shall be supported and held together as a unit by structurally adequate means. Safety relief devices on manifolded horizontal containers charged with flammable compressed gas shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the containers.

(1) Manifolding is authorized for containers of the following gases: Argon, air, helium, nitrogen, oxygen, carbon dioxide, nitrous oxide, provided that each such container is individually equipped with approved safety relief devices as required by § 73.34(d) or § 73.315(l).

(2) Manifolding is authorized for containers of the following gases: Boron trifluoride, ethylene (nonliquefied), hydrogen, hydrocarbon gases (nonliquefied), methane, provided individual containers are equipped with approved safety relief devices as required by § 73.34(d) or § 73.315(l), and further provided that each container is equipped with individual shutoff valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one container of a manifolded installation in place of the shutoff valve.

(3) Manifolding is authorized for containers of the following gases: Ethane, ethylene, propylene, liquefied petroleum gases, liquefied hydrocarbon gases, provided individual containers are equipped with approved safety relief devices as required by § 73.34(d) or § 73.315(l), and further provided that each container is equipped with individual shutoff valve, or valves, which shall be tightly closed while in transit, and that each such container must be separately charged and means shall be provided to insure that no interchange of container contents can occur during transportation. Manifold branch lines to individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines.

(4) Manifolding is authorized for containers of acetylene, provided that each container is individually equipped with approved safety relief devices as required by § 73.34(d), and further provided that each container is equipped with an individual shutoff valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. All manifold containers shall be transported in a vertical position. For the checking of tare weights or for replacement of solvent the container shall be removed from the manifold. This requirement is not intended to prohibit the charging of the acetylene cylinders while manifolded.

(e) *Container pressure.* The pressure in the container at 70° F. must not exceed the service pressure for which the container is marked or designated, except as provided in § 73.302(c).

NOTE 1: In certain cases with liquefied gases the pressure at 70° F. must be lower than the marked service pressure to avoid having a greater pressure at a temperature of 130° F. than is permitted.

(1) For authorized containers not marked with a service pressure, the service pressure is designated as follows:

[1] Use of existing tank cars authorized, but new construction not authorized.

[2] Use of existing cargo tanks authorized, but new construction not authorized.

[1] Requirements covering cylinders are also applicable to spherical pressure vessels.

| Specification marking | Service pressure—psig |
|---|---|
| ICC-8 | 1,800 |
| 8E | 1,800 |
| 4 | 300 |
| 8 | 250 |
| 9 | 200 |
| 25 | 300 |
| 26 | 480 |
| 38 | 250 |
| 40 | 200 |
| 41 | 240 |

(2) For containers made prior to the effective date of specifications, the service pressure is designated as the same as for the same type of container made in accordance with current specifications.

(f) *Container pressure at 130° F.* The pressure in the container at 130° F. shall not exceed 5/4 times the service pressure, except:

(1) Containers charged with acetylene, liquefied nitrous oxide and liquefied carbon dioxide.

(2) When a cylinder is charged in accordance with § 73.302(c), the pressure in the cylinder at 130° F. must not exceed 5/4 times the filling pressure authorized therein.

(g) *Container valve protection.* Containers charged with flammable, corrosive, or noxious gases, must have their valves protected by one of the following methods.

(1) By equipping the containers with securely attached metal caps of sufficient strength to protect the valves from injury during transit.

(2) By boxing or crating the containers so as to give proper protection to the valves.

(3) By so constructing the containers that the valve is recessed into the container or otherwise protected so that it will not be subjected to a blow when the container is dropped on a flat surface.

(4) By loading the containers compactly in an upright position and securely bracing in cars or motor vehicles, when loaded by the consignor and to be unloaded by the consignee.

(5) By equipping with valves strong enough to avoid injury during transit for containers containing non-liquefied gas under pressure not exceeding 300 psi at 70° F.

(h) *Compressed gas containers.* Compressed gases must be in metal containers built in accordance with the ICC specifications, as shown below, in effect at the time of manufacture, and marked as required by the specification and the regulation for retesting if applicable;

CONTAINERS

| | | | |
|---|---|---|---|
| ICC-2P | ICC-3E | ICC-4C | ICC-8AL |
| 3I | 3HT | 4D | 9. |
| 3A | 4 | 4DA | 25 [1]. |
| 3A480X | 4A | 4DS | 26 [1]. |
| 3AA | 4AA | 4E | 33 [1]. |
| 3B | 4B | 4L | 38 [1]. |
| 3BN | 4B240FLW | 5 | 40. |
| 3C | 4B240X | 5F | 41. |
| 3D | 4BA | 7 [1] | |
| | 4B240ET | 8 | |

[1] Use of existing cylinders authorized, but new construction not authorized.

(i) *Foreign containers in domestic use.* Except as authorized by § 73.9, a charged container of foreign manufacture must not be offered for transportation in domestic traffic unless it has been made in accordance with the applicable ICC specification and unless the tests required by such specification were made in this country and proper report rendered.

(j) *Charging of foreign containers for export.* Containers of foreign manufacture, received from foreign countries for charging with compressed gas, may be charged and shipped for export only.

(1) Provided that they are retested in accordance with § 73.34(e). This retest may be omitted only if the container can be definitely identified as having been retested under this provision within the prescribed retest period, and

(2) Provided further that the maximum filling density and service pressure for each container shall be in accordance with all packing requirements of this part for the compressed gas involved.

(3) Records showing the results of the tests made on all foreign containers must be preserved for inspection until the next scheduled retest date.

(4) Bill of lading or other shipping paper shall, when possible, identify the containers and shall carry the following certification: "These containers have been retested and refilled in accordance with the ICC requirements for export."

### § 73.302 Charging of cylinders with non-liquefied compressed gases.

(a) *Detailed requirements.* Nonliquefied compressed gases (except gas in solution or poisonous gas) for which charging requirements are not definitely prescribed in § 73.304(a)(2) must be shipped, subject to § 73.301, and § 73.305 in specification containers as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3D, 3E, 4, 4A, 4B, 4BA, 4C, 7,[1] 25,[1] 26,[1] 33,[1] or 38[1] (§ 78.36, § 78.37, § 78.38, § 78.40, § 78.41, § 78.42, § 78.48, § 78.49, § 78.50, § 78.51, or § 78.52 of this chapter). (See §§ 73.34 and 73.301(e).)

NOTE 1: Authorized cylinders containing oxygen which is continuously fed to tanks containing live fish may be shipped irrespective of the provisions of § 73.24.

(2) Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for nonflammable gases, for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(d). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. ICC-3HT cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

(b) *Filling limits.* (See § 73.301(e).)

(c) *Special filling limits for spec. 3A and 3AA cylinders.* Specs. 3A and 3AA (§§ 78.36 and 78.37 of this chapter) cylinders may be charged with compressed gases, other than liquefied, dissolved, poisonous, or flammable gases to a pressure 10 percent in excess of their marked service pressure, provided:

(1) That such cylinders are equipped with frangible disc safety relief devices (without fusible metal backing) having a bursting pressure not exceeding the minimum prescribed test pressure.

(2) That the elastic expansion shall have been determined at the time of the last test or retest by the water jacket method.

(3) That either the average wall stress or the maximum wall stress shall not exceed the wall stress limitation shown in the following table (see Notes 1 and 2):

| Type of steel | Average wall stress limitation | Maximum wall stress limitation |
|---|---|---|
| Plain carbon steels over 0.35 carbon and medium manganese steels | 53,000 | 58,000 |
| Steels of analysis and heat-treatment specified in spec. 3AA | 67,000 | 73,000 |
| Plain carbon steels less than 0.35 carbon made prior to 1920 | 45,000 | 48,000 |

NOTE 1: The average wall stress shall be computed from the elastic expansion data using the following formula:

$$S=\frac{1.7EE}{KV}-0.4P$$

where—

$S$=wall stress, pounds per square inch;
$EE$=elastic expansion (total less permanent) in cubic centimeters;
$K$=factor x $10^{-7}$ experimentally determined for the particular type of cylinder being tested;
$V$=internal volume in cubic centimeter (1 cubic inch=16.387 cubic centimeters);
$P$=test pressure, pounds per square inch.

Formula derived from formula of Note 2 and the following:

$$EE=PKV\times\frac{D^2}{D^2-d^2}$$

NOTE 2: The maximum wall stress shall be computed from the formula:

$$S=P\frac{(1.3D^2+0.4d^2)}{D^2-d^2}$$

where—

$S$=wall stress, pounds per square inch;
$P$=test pressure, pounds per square inch;
$D$=outside diameter, inches;
$d=D-2t$, where $t$=minimum wall thickness determined by a suitable method.

(4) That an external and internal visual examination made at the time of test or retest shows the cylinder to be free from excessive corrosion, pitting, or dangerous defects.

(5) That a plus sign (+) be added following the test date marking on the cylinder to indicate compliance with subparagraphs (2), (3), and (4) of this paragraph.

(d) *Fluorine.* Fluorine must be shipped in Specification 3A1000, 3AA1000, or 3BN400 (§ 78.36, § 78.37 or § 78.39 of this chapter) cylinders without safety relief device and equipped with valve protection cap. Such containers must not be charged to over 400 psig at 70° F. and must not contain over 6 pounds of gas.

(e) *Verification of container pressure.* (1) Each day, the pressure in a container representative of that day's compression must be checked by the charging plant after the container has cooled to a settled temperature and a record of this test kept for at least 30 days.

[1] Use of existing cylinders authorized, but new construction not authorized.



(1) Spec. 3,[1] 3A, 3AA, 3B, 3BN, 3D, 3E, 4, 4A, 4B, 4BA, 4B-ET, 9, 25,[1] 26,[1] 38,[1] 40 or 41 (§§ 78.36, 78.37, 78.38, 78.39, 78.41, 78.42, 78.48, 78.49, 78.50, 78.51, 78.55, 78.63, 78.66, 78.67 of this chapter), except that specs. 9, 40, and 41 containers must not be charged and shipped with mixtures containing aluminum triethyl, aluminum trimethyl, carbon bisulphide (disulphide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl or poisonous materials, class A, B or C, as defined by these regulations, unless specifically prescribed in this part. (See §§ 73.34 and 73.301(e).)

(2) The following restrictions must be complied with for the gases named:

| Kind of gas | Maximum permitted filling density (see Note 1) | Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in §73.34 (a), (b), §73.301 (j) (see notes following table). |
|---|---|---|
| | *Percent* | |
| Anhydrous ammonia | 54 | ICC-4; ICC-3A480; ICC-3AA480; ICC-3A480X; ICC-4A480; ICC-3; ICC-4AA480; ICC-3E1800. |
| Argon, pressurized liquid | 115 | ICC-4L200. |
| Carbon dioxide, liquefied (see Notes 3, 4, and 7). | 68 | ICC-3A1800; ICC-3AA1800; ICC-3; ICC-3E1800; ICC-3HT2000. |
| Carbon dioxide-nitrous oxide mixture (see Note 7). | 68 | ICC-3A1800; ICC-3AA1800; ICC-3; ICC-3E1800; ICC-3HT2000. |
| Carbon monoxide | | ICC-3A1800; ICC-3AA1800; ICC-3; ICC-3E1800: The pressure in the cylinder must not exceed 1,000 pounds per square inch at 70° F. |
| Chlorine (see Note 2) | 125 | ICC-3A480; ICC-3AA480; ICC-25; ICC-3; ICC-3BN480; ICC-3E1800. |
| Cyclopropane | 55 | ICC-3A225; ICC-3A480X; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4AA480; ICC-4B225; ICC-4BA225; ICC-4B240ET; ICC-7-300; ICC-3; ICC-3E1800. |
| Dichlorodifluoromethane (see Note 8) | 119 | ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-4B240ET; ICC-9; ICC-41; ICC-3E1800. |
| Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 8). | Not liquid full at 130° F. | ICC-3A240; ICC-3AA240; ICC-3B240; ICC-3E1800; ICC-4A240; ICC-4B240; ICC-4BA240; ICC-9. |
| Difluoroethane | 79 | ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225; ICC-3E1800. |
| Difluoromonochloroethane | 100 | ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225; ICC-3E1800. |
| Dimethylamine, anhydrous | 59 | ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225; ICC-3E1800. |
| Ethane | 35.8 | ICC-3A1800; ICC-3AA1800; ICC-3; ICC-3E1800. |
| Do | 36.8 | ICC-3A2000; ICC-3AA2000. |
| Ethylene | 31.0 | ICC-3A1800; ICC-3AA1800; ICC-3; ICC-3E1800. |
| Do | 32.5 | ICC-3A2000; ICC-3AA2000. |
| Do | 35.5 | ICC-3A2400; ICC-3AA2400. |
| Hydrogen chloride | 60 | ICC-3A1800; ICC-3AA1800; ICC-3; ICC-3E1800. |
| Hydrogen sulfide | 62.5 | ICC-3A480; ICC-3AA480; ICC-3B480; ICC-4A480; ICC-4B480; ICC-4BA480; ICC-26-480; ICC-3E1800. |
| Insecticide, liquefied gas (see Note 8) | Not liquid full at 130° F. | ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4B300; ICC-4BA300; ICC-9; ICC-40; ICC-41; ICC-3E1800. |
| Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous, and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air (see Notes 7 and 8). | Not liquid full at 130° F. | ICC-3A300; ICC-3AA300; ICC-3HT900; ICC-4B300; ICC-4BA300; ICC-4D300; ICC-4DA500; ICC-4DS500; ICC-3E1800. |
| Methyl acetylene—15% to 20% propadiene mixture (see Note 6). | 50 | ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4BA240; ICC-4B240ET. |
| Methyl chloride | 84 | ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC-38; ICC-3E1800; ICC-4B240ET. Cylinders complying with ICC-3A150; ICC-3B150; ICC-4A150, and ICC-4B150 manufactured prior to Dec. 7, 1936 are also authorized. |
| Methyl mercaptan | 80 | ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4B240ET; ICC-3E1800; ICC-4BA240. |
| Monochlorodifluoromethane (see Note 8). | 105 | ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4BA240; ICC-4B240ET; ICC-3E1800; ICC-41. |
| Monochloropentafluoroethane | 110 | ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-3E1800. |
| Monochlorotrifluoromethane | 100 | ICC-3A1800; ICC-3AA1800; ICC-3; ICC-3E1800. |
| Monomethylamine, anhydrous | 60 | ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225; ICC-3E1800. |
| Nitrogen, pressurized liquid | 68 | ICC-4L200. |
| Nitrosyl chloride | 110 | ICC-3BN400 only. |
| Nitrous oxide (see Notes 7 and 9) | 68 | ICC-3A1800; ICC-3AA1800; ICC-3; ICC-3E1800; ICC-3HT2000. |
| Oxygen, pressurized liquid | 96 | ICC-4L200. |
| Sulfur dioxide | 125 | ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-4B240ET; ICC-3; ICC-4; ICC-25; ICC-26-150; ICC-38; ICC-3E1800. |
| Sulfur hexafluoride | 110 | ICC-3A1000; ICC-3AA1000; ICC-3; ICC-3E1800. |
| Tetrafluoroethylene, inhibited | 90 | ICC-3A1200; ICC-3AA1200; ICC-3E1800. |
| Trifluorochloromethylene | 115 | ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4A300; ICC-4B300; ICC-4BA300; ICC-3E1800. |
| Trimethylamine, anhydrous | 57 | ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225; ICC-3E1800. |
| Vinyl chloride (see Note 5) | 84 | ICC-4B150, without brazed seams; ICC-4BA225, without brazed seams; ICC-3A150; ICC-3AA150; ICC-25; ICC-3E1800. |
| Vinyl fluoride, inhibited | 62 | ICC-3A1800; ICC-3AA1800; ICC-3E1800. |
| Vinyl methyl ether, inhibited (see Note 5). | 68 | ICC-4B150, without brazed seams; ICC-4BA225, without brazed seams; ICC-3A150; ICC-3AA150; ICC-3B150; ICC-25; ICC-3E1800. |

NOTE 1: The "filling density" is hereby defined as the percent ratio of the weight of gas in a container to the weight of water that the container will hold at 60° F. (1 lb. of water=27.737 cubic inches at 60° F.).

NOTE 2: Cylinders purchased after Oct. 1, 1944, for the transportation of chlorine must contain no aperture other than that provided in the neck of the cylinder for attachment of a valve equipped with an approved safety relief device. Cylinders purchased after Nov. 1, 1935, and charged with chlorine must not contain over 150 pounds of gas.

NOTE 3: The charge in carbon dioxide cylinders must not exceed 68 percent by weight of the water capacity of the cylinder. Cylinders rated for 75 pounds or for 100 pounds carbon dioxide capacity are the only cylinders authorized for shipment of more than 50 pounds of carbon dioxide except that cylinders of sizes not over 9¼ inches outside

### § 73.303 Charging of cylinders with compressed gas in solution (acetylene).

(a) *Cylinder, filler and solvent requirements.* (Refer to applicable parts of Specs. ICC-8 and ICC-8AL.) Acetylene gas must be shipped in cylinders, spec. 8 or 8AL (§ 78.59 or § 78.60 of this chapter). The cylinders shall consist of metal shells filled with a porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with a suitable solvent.

(1) The specific gravity of acetone solvent in acetylene cylinders must be 0.796 or over at 15.5° C. (59.9° F.).

(2) The amount of solvent added in the refilling operation must not cause the tare weight of the cylinder to exceed its marked tare weight. The tare weight includes the weight of the cylinder shell, porous filling, valve, safety relief devices and solvent, but without removable cap.

(b) *Filling limits.* The pressure in cylinders containing acetylene gas must not exceed 250 psi at 70° F., and in case the cylinders are marked for a lower allowable charging pressure, at 70° F., then that pressure must not be exceeded.

(c) *Data requirements on filler and gas* must not be shipped unless they were *solvent.* Cylinders containing acetylene charged by or with the consent of the owner, and by a person, firm, or company having possession of complete information as to the nature of the porous filling, the kind and quantity of solvent in the cylinders, and the meaning of such markings on the cylinders as are prescribed by the Commission's regulations and specifications applying to containers for the transportation of acetylene gas.

(d) *Verification of container pressure.* (1) Each day, the pressure in a container representative of that day's compression must be checked by the charging plant after the container has cooled to a settled temperature and a record of this test kept for at least 30 days.

### § 73.304 Charging of cylinders with liquefied compressed gas.

(a) *Detailed charging requirements.* Liquefied gases shall be charged in accordance with the specific provisions of subparagraph (2) of this paragraph or paragraph (e) of this section. Where charging requirements are not specifically prescribed, liquefied gases, except gas in solution or poisonous gas, must be shipped, subject to the applicable paragraphs under General Requirements for Shipment (see § 73.301), the charging requirements of this section for liquefied compressed gas, or the charging requirements for mixtures (see § 73.305), in containers manufactured under specifications, as follows:

[1] Use of existing cylinders authorized, but new construction not authorized.

ter), 4B240FLW, 4E, 4, 9, 25,[1] 26,[1] 38,[1] or 41 (§ 78.36, § 78.37, § 78.38, § 78.42, § 78.49, § 78.50, § 78.51, § 78.54 or § 78.68 of this chapter). Cylinders authorized under § 73.34(a) and § 73.301(j) may be used.

NOTE 1: Cylinders marked as complying with ICC spec. 4B240FLW bearing manufacturer's symbol WCO and serial numbers 47A–1 to 47A–59200, inclusive, varying from the specification requirements as to physical properties of steel, are authorized for the transportation of liquefied petroleum gases.

(ii) Additional containers may be used within the limits of quantity and pressure as follows:

| Type of container | Maximum capacity | | Maximum charging pressure-psig |
|---|---|---|---|
| | Cubic Inches | Gallons | |
| ICC–2P (see Note 1) | 31.83 | | 45 psig at 70° F. and 105 psig at 130° F. (see Note 2). |
| ICC–2P (see Note 1) | 31.83 | | 28 psig and 70° F. and 64 psig at 130° F. |
| ICC–3C and ICC–4C | 3,881 | 16 + 5% tolerance. | 145 psig at 130° F. |
| ICC–7 made prior to Oct. 1, 1930 | 3,881 | 16 + 5% tolerance. | 70 psig at 70° F. and 145 psig at 130° F. |
| ICC–7–180 made prior to Oct. 1, 1930, and retested as per § 73.34(e) to 300 psig. | | | 187 psig at 130° F. |
| ICC–8 (steel) made prior to Oct. 1, 1930 of 16 inch inside diameter by 51 inches (approx.) charged with mixtures of carbon dioxide containing at least 6 percent by weight of other gas or liquid, as specified in § 73.301(j) of this chapter. | 11 | | 23 psig at 70° F. and 70 psig at 130° F. |
| ICC–8F drums | 11 | | 28 psig at 70° F. and 85 psig at 130° F. |

NOTE 1: Containers must be packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each completed container filled for shipment must be tested and marked with the date of test. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

[1] Use of existing cylinders authorized, but new construction not authorized.

NOTE 2: Containers must be equipped with safety relief devices which will prevent rupture of the containers and dangerous projection of the closing devices when the containers are exposed to the action of fire.

(4) *Verification of content.* Containers with a water capacity of 200 pounds or more and for use with a liquefied petroleum gas with a specific gravity at 60° F. or 0.504 or greater may have their contents determined by using a fixed length dip tube gauging device. The length of the dip tube shall be such that when a liquefied petroleum gas with a specific volume of 0.03051 cu. ft./lb. at a temperature of 40° F. is charged into the container it just reaches the bottom of the tube. The weight of this liquid shall not exceed 42 percent of the water capacity of the container which must be stamped thereon. The length of the dip tube, expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the container and on the exterior of removable type dip tube; for the purpose of this requirement the marked length shall be expressed as the distance measured along the axis of a straight tube from the top of the boss through which the tube is inserted to the proper level of the liquid in the container. The length of each dip tube shall be checked when installed by weighing each container after filling except when installed in groups of substantially identical containers in which case one of each 25 containers shall be weighed. The quantity of liquefied gas in each container must be checked by means of the dip tube after disconnecting from the charging line. The outlet from the dip tube shall be not larger than a No. 54 drill size orifice. A container representative of each day's filling at each charging plant shall have its contents checked by weighing after disconnecting from the charging line.

(e) *Refrigerant gases.* Refrigerant gases which are nonpoisonous and nonflammable under this part, must be shipped in cylinders as prescribed in paragraph (a)(1) or (2) of this section, or as follows:

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 psi absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

(f) *Engine starting fluid.* Engine starting fluid containing compressed gas or gases which are flammable under this part must be shipped in cylinders as prescribed in paragraph (a)(1) of this section, or as follows:

(1) Inside nonrefillable metal containers of capacity not exceeding 32 cubic inches. Containers must be packaged in spec. 12B (§ 78.205 of this chapter) fiberboard boxes equipped with top and bottom pads which will provide three complete thicknesses of fiberboard on tops and bottoms of boxes, or spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter) wooden boxes. Pressure in the container must not exceed 140 psi, absolute, at 130° F. However, if the pressure exceeds 140 psi, absolute at 130° F., a spec. 2P (§ 78.33 of this chapter) container must be used. In any event, the metal container must be capable of withstanding without bursting a pressure of one and one-half times the pressure of the content at 130° F. The liquid content of the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked, "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

### § 73.305 Charging of cylinders with a mixture of compressed gas and other material.

(a) *Detailed requirements.* A mixture of a compressed gas and any other material must be shipped as a compressed gas if the mixture is a compressed gas as designated in § 73.300(a) and when not in violation of § 73.301(a).

(b) *Filling limits.* (See § 73.301(e).) For mixtures, the liquid portion of the liquefied compressed gas at 130° F. plus any additional liquid or solid must not completely fill the container.

(c) *Nonpoisonous and nonflammable mixtures.* Mixtures containing compressed gas or gases including insecticides, which mixtures are nonpoisonous and nonflammable under this part must be shipped in cylinders as prescribed in § 73.304(a) or as follows:

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers equipped with safety relief devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 psi absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

(d) *Poisonous mixtures.* Mixtures containing any poisonous article, class A or class C, in such proportion that the mixture would be classed as poisonous under § 73.326(a) or § 73.381(a) must be shipped in containers as authorized for such poisonous articles.

### § 73.306 Exemptions from compliance with regulations for shipping compressed gas.

(a) *General exemptions.* Compressed gases, except poisonous gases as defined by § 73.326(a) and except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, when in accordance with one of the following subparagraphs are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) When in containers of not more than 4 fluid ounces water capacity (7.22 cubic inches or less).

(2) When in metal containers filled with non-dangerous material to not over 90 percent capacity at 70° F. then charged with non-flammable, non-liquefied gas; each container must be tested to three times the gas pressure at 70° F., and, when refilled and reshipped, must be retested at this pressure before each shipment, provided one of the following conditions is met:

(i) Container is not over 1 quart capacity charged to not over 170 psig at 70° F.

(ii) Container is not over 30 gallons capacity charged to not over 75 psig pressure at 70° F.

(3) When in inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases which is non-poisonous, provided all of the following conditions are met:

(i) Capacity must not exceed 32 cubic inches.

(ii) Pressure in container must not exceed 75 psi absolute at 70° F; however, if the pressure exceeds 55 psi absolute at 70° F., a specification 2P (§ 78.33 of this chapter) container must be used.

(iii) Liquid content of the material and gas must not completely fill the container at 130° F.

(iv) If the content is flammable as provided in § 73.300(b) (2), (3) and (4), the flash point, as determined by Bureau of Explosives method, must be not less than 20° F.

(v) Each completed container filled for shipment must be heated until content reaches a minimum temperature of 130° F. without evidence of leakage, distortion or other defect.

(4) When in inside nonrefillable metal containers charged with a solution of non-poisonous and non-flammable materials and non-liquefied compressed gas, provided all the following conditions are met:

(i) Capacity not to exceed 31.83 cubic inches (17.6 fluid ounces).

(ii) Pressure in container not to exceed 140 psi absolute at 130° F.

(iii) The metal container must be capable of withstanding without bursting a pressure of two times the pressure of the container at 70° F. or one and one-half times the pressure of the container at 130° F., whichever is greater.

(b) *Exemptions for foodstuffs, soap, cosmetics, beverages, biologicals, electronic tubes and audible fire alarm systems.* Compressed gases, except poisonous gases as defined by § 73.326(a) and except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, when in accordance with one of the following subparagraphs are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817 and Part 197 of this chapter.

(1) Carbonated beverages.

(2) Foodstuffs or soaps in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 115 psi absolute at 70° F., or 150 psi absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of contents at 70° F., or one and one-half times the pressure of the contents at 130° F., whichever is greater.

(3) Cream in metal containers with soluble or emulsified compressed gas. Containers shall be of such design that they will hold pressure without permanent deformation up to 375 psig and shall be equipped with a device designed so as to release pressure without bursting of the container or dangerous projection of its parts at higher pressures. This exemption applies to shipments offered for transportation by refrigerated motor vehicles only.

(4) Inside nonrefillable metal containers charged with a solution containing biological products or a medical preparation which will be deteriorated by heat and compressed gas or gases, which is nonpoisonous and nonflammable, and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds psi absolute at 70° F., and the liquid content of the product and gas must not completely fill the container at 130° F. One completed container out of each lot of 500 or less, filled for shipment, must have been heated, until content reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect.

(5) Electronic tubes of not more than 30 cubic-inch volume charged with gas to a pressure of not more than 35 psig.

(6) Inside metal containers of a capacity not to exceed 35 cubic inches, charged with nonflammable, nonpoisonous liquefied compressed gas to be used in conjunction with audible fire alarm systems. Pressure in the container must

| Minimum specific gravity of the liquid material at 60° F. | Maximum filling density in percent of the water-weight capacity of the container | Minimum specific gravity of the liquid material at 60° F. | Maximum filling density in percent of the water-weight capacity of the container |
|---|---|---|---|
| 0.271–0.289 | 26 | 0.504–0.510 | 42 |
| 0.290–0.306 | 27 | 0.511–0.519 | 43 |
| 0.307–0.322 | 28 | 0.520–0.527 | 44 |
| 0.323–0.338 | 29 | 0.528–0.536 | 45 |
| 0.339–0.354 | 30 | 0.537–0.544 | 46 |
| 0.355–0.371 | 31 | 0.545–0.552 | 47 |
| 0.372–0.388 | 32 | 0.553–0.560 | 48 |
| 0.389–0.425 | 33 | 0.561–0.568 | 49 |
| 0.426–0.440 | 34 | 0.569–0.576 | 50 |
| 0.441–0.452 | 35 | 0.577–0.584 | 51 |
| 0.453–0.462 | 36 | 0.585–0.592 | 52 |
| 0.463–0.472 | 37 | 0.593–0.600 | 53 |
| 0.473–0.480 | 38 | 0.601–0.608 | 54 |
| 0.481–0.488 | 39 | 0.609–0.617 | 55 |
| 0.489–0.495 | 40 | 0.618–0.626 | 56 |
| 0.496–0.503 | 41 | 0.627–0.634 | 57 |

(2) Subject to § 73.301(f), any filling density percentage prescribed in this section is authorized to be increased by 2 for liquefied petroleum gas in spec. 2S or 3 cylinders or in spec. 3AA marked for 1,800 psig, or higher, service pressure.

(3) Liquefied petroleum gas must be shipped in specification containers as follows:

(i) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4A, 4B, 4BA, 4B240ET, 4B240X,[1] (see Appendix A–1 to subpart C of Part 78 of this chap-

[1] Use of existing cylinders authorized, but new construction not authorized.

(b) *Filling limits.* (See § 73.301(f).)

(1) For a liquefied compressed gas the liquid portion of the content at 130° F. must not completely fill the container.

NOTE 1: Maximum filling densities are permitted by paragraph (a)(2) of this section for certain liquefied compressed gases, having critical temperatures below 130° F. that result in the container being liquid full below the critical temperature, but because of compressibility of the liquids, the maximum pressure requirements of § 73.301(f) are met up to and including 130° F.

NOTE 2: Cylinders containing vinyl fluoride, inhibited, may be liquid full at 130° F. provided the pressure at the critical temperature does not exceed one and one-fourth times the service pressure.

(2) The pressure in ICC–4L (§ 78.57 of this chapter) cylinders must be limited by a pressure controlling valve so sized and set as to limit the pressure to one and one-fourth times the marked service pressure. The liquid portion of the gas must not completely fill the cylinder. For ICC–4L cylinders insulated by a vacuum the pressure control valve must be set at least 15 psi lower than one and one-fourth times the marked service pressure. The other paragraphs of this section do not apply to ICC–4L cylinders.

(c) *Verification of content in cylinder.*

(1) Liquefied gases must be charged by weight, by volume measurement of liquid, or when lower in pressure than required for liquefaction a pressure-temperature chart may be used in charging to insure that the service pressure at 70° F. times 5/4 will not be exceeded at 130° F.

(2) Except as noted in paragraph (d)(4) of this section, the amount of liquefied gas charged into a container must be determined by weight, or if charged at a pressure lower than the liquefaction

not exceed 85 psi absolute at 70° F. The completely assembled containers must be capable of withstanding without bursting a pressure of 1000 psi. The liquid portion of the gas must not completely fill the container at 130° F.

(c) *Fire extinguishers and component parts thereof.* Fire extinguishers and component parts thereof containing compressed gas for the purpose of expelling fire extinguishing contents, which must be nonliquefied gas when in containers exceeding 30 cubic inches capacity, when shipped under the following conditions are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(1) Must be shipped as inside containers.

(2) The container under stored pressure shall have an internal volume not exceeding 1,100 cubic inches.

(3) The pressure in the container shall not exceed 200 psi at 70° F.

(4) The contents shall be nonflammable as covered in §§ 73.115 and 73.150; nonpoisonous as covered in § 73.325(a), class A, B, or C; and not corrosive as defined in § 73.240.

(5) Except as provided in subparagraph (6) of this paragraph, each container must be tested before shipment to at least three times the pressure in the container at 70° F. when charged and not less than 120 pounds per square inch, and before refilling and reshipping must be retested at this pressure before each shipment. The container shall show no leakage or damage when subjected to this pressure.

(6) When spec. 2P (§ 78.33 of this chapter) inside metal containers are used for pressures not exceeding 85 psi absolute, at 70° F. or 115 psi absolute, at 130° F. the test requirements of subparagraph (5) of this paragraph do not apply, but each container must be capable of having the contents heated to 130° F. without evidence of leakage or permanent distortion.

(d) *Truck bodies or trailers on flat cars; automobiles, motorcycles, tractors, or other self-propelled vehicles.* (1) Truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from specification packaging, marking, and labeling requirements in this service and shall be considered as carriers equipment but not as shipments.

(2) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with liquefied petroleum gas or other fuel tanks, provided such tanks are securely closed, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been emptied and securely closed.

(e) *Refrigerating machines and hydraulic accumulators.* (1) Refrigerating machines or components thereof which are factory-made, factory-tested and intended to be shipped only once to the point of installation, containing not over 1,000 pounds of Group 1 refrigerant as classified in American Standard Safety Code for Mechanical Refrigeration (ASA–B9.1–1958) (or 50 pounds of refrigerant other than Group 1) in each pressure vessel and containing an aggregate of not more than 2,000 pounds of Group 1 refrigerant (or 100 pounds of refrigerant other than Group 1) when containing more than two charged vessels, when shipped under the following conditions are exempt from specification packaging, marking and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(i) Each pressure vessel shall be equipped with a safety relief device meeting the requirements of the American Standard Safety Code for Mechanical Refrigeration (ASA–B9.1–1958). In a refrigerating machine containing more than one pressure vessel, each pressure vessel shall be equipped with individual shut-off valve or valves which shall be closed while in transportation. Such pressure vessels shall be manufactured, tested and inspected in accordance with American Standard B9.1–1958 and when over 6 inches internal diameter, in accordance with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (1959 edition including all addendas through the Winter 1961 Addenda issued December 29, 1961). All parts subject to refrigerant pressure during shipment must be tested in accordance with American Standard B9.1–1958.

(ii) The liquid portion of the refrigerant, if any, must not completely fill any pressure vessel at 130° F.

(iii) The amount of refrigerant, if liquefied, must not exceed the filling densities prescribed in § 73.304.

(2) *Hydraulic accumulators.* Hydraulic accumulators and component parts thereof containing nonliquefied, nonflammable gas for the purpose of operation when shipped under the following conditions are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(i) Must be shipped as inside containers.

(ii) The container under stored pressure shall have an internal volume not exceeding 1,100 cubic inches.

(iii) The pressure in the container shall not exceed 200 pounds psi at 70° F.

(iv) The contents shall be nonflammable as covered in § 73.115.

(v) Each container must be tested before shipment to at least three times the pressure in the container at 70° F. when charged and not less than 120 psi, and before refilling and reshipping must be retested at this pressure before each shipment. The container shall show no leakage or damage when subjected to this pressure.

### § 73.314 Requirements for compressed gases in tank cars.

(a) *Definitions.* For definitions of compressed gases, see § 73.300.

(b) *General requirements.*

(1) Tank cars containing compressed gases must not be shipped unless they were loaded by or with the consent of the owner thereof.

(2) Tank cars must not contain gases capable of combining chemically and must not be loaded with any gas which combines chemically with the gas previously loaded therein, until all residue has been removed and interior of tank thoroughly cleaned.

(3) For cars of the ICC–106A and 110A class, the tanks must be placed in position and attached to car structure by the shipper.

(4) Wherever the word "approved" is used in this part of the regulations, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 79.3 of this chapter.

(c) *Authorized gases, filling densities, tank cars.* Compressed gases transported in tank cars must be shipped as provided in paragraphs (b) to (g) of this section, § 73.432, and the following table:

| Kind of gas | Maximum permitted filling density, Note 1 | Required tank car, see §73.31(2) and (3) |
|---|---|---|
| | *Percent* | |
| Anhydrous ammonia | 50 | ICC–106A500–X, Note 7. |
| | 57 | ICC–105A300–W. |
| | 57 | ICC–112A400–F, 112A340–W, Note 15. |
| | 58.8 | ICC–112A400–F, 112A340–W, Note 15. |
| Aqua ammonia solution containing anhydrous ammonia. | Note 21 | ICC–105A100–W, 105A100A L–W, 109A100A L–W, 109A300–W, 111A100–W–4, Note 20. |
| Argon | Note 20 | ICC–107A. |
| Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited. | Notes 18 and 21 | ICC–106A500–X. ICC–105A100,[1] 105A100–W, 111A100–W–4, Note 4. |

See footnotes at end of table.



| Kind of gas | Maximum permitted filling density, Note 1 | Required tank car, see §73.31(2) and (3) |
|---|---|---|
| | *Percent* | |
| Methyl chloride-methylene chloride mixture | Note 22 | ICC–106A500X, Note 7. ICC–105A300–W, Note 4. ICC–105A300–W, Notes 7 and 14. ICC–105A300–W, Notes 7 and 14. ICC–110A800–W, Notes 4, 7 and 13. ICC–106A800X, 110A500–W, Notes 7 and 13. ICC–106A800X, 110A500–W, Note 7. ICC–105A300–W. ICC–106A800X, 110A500–W, Note 7. ICC–107A. ICC–106A500X. |
| Methyl mercaptan | Note 22 | |
| Monobromotrifluoromethane | 80 | |
| Monochlorodifluoromethane; Note 13 | 82 | |
| | 105 | |
| | 124 | |
| Monochlorotrifluoroethane; Note 13 | 123 | |
| Monomethylamine, anhydrous | 110 | |
| | 62 | |
| Nitrogen | Note 20 | |
| Nitrogen fertilizer solution | Note 21 | ICC–106A500X, ICC–105A300–W, 109A300–W, 109A800AL–W, Note 20. |
| Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 21 | ICC–106A800X, ICC–105A300–W, 109A100–AL–W, Note 20. ICC–106A800X, 110A500–W, Notes 7 and 11. ICC–105A800–W. Note 10. |
| Nitrosyl chloride | 110 | |
| Oxygen | 124 | |
| Sulfur dioxide | 125 | Note 20. |
| Trifluorochloroethylene | 125 | ICC–106A800X, 110A500–W, Note 7. |
| | 115 | ICC–105A300–W, 110A500–W, Note 7. |
| Trimethylamine, anhydrous | 120 | ICC–105A300–W, Note 4. |
| | 57 | ICC–106A500X. |
| Vinyl chloride; Note 9 | 59 | ICC–105A300–W, Note 4. |
| | 84 | ICC–106A500–X, Note 7. |
| | 87 | ICC–105A200–W, Notes 4 and 16. |
| Vinyl fluoride, inhibited | 56 | ICC–105A300–W, Note 11. |
| Vinyl methyl ether, inhibited; Note 9 | 68 | ICC–105A100,[1] 105A100–W, Note 4. |
| | 68 | ICC–106A500–X, Note 7. |

[1] Use of existing tank cars authorized, but new construction not authorized.

NOTE 1: The filling density for liquefied gases is hereby defined as the percent ratio of the weight of gas in the tank to the weight of water that the tank will hold. For determining the water capacity of the tank in pounds per gallon (231 cubic inches) of water at 60° F. in air shall be 8.32828 pounds.

NOTE 2: Each tank must be equipped with one or more safety relief devices of approved type and discharge area; the combined discharge area of the devices must be sufficient to prevent building up of pressure in tank in excess of ¾ of the test pressure of the tank. The devices must be set to function at a pressure not to exceed 480 psi on 105A500–W tanks and at a pressure not to exceed 360 psi on 105A500–W tanks and at a pressure not to exceed 400 psi on 105A300–W tanks. Each liquefied petroleum gas (pressure not exceeding 200 psi at 105° F.) tank must have its final discharge piped to the outside of the protective housing.

NOTE 3: Tanks complying with ICC–106A or 110A specifications, used for the transportation of compressed gases as listed in § 77.840(c) (1) (paragraph (c) of this section as it is transported in or on motor vehicles and in the manner authorized in § 77.840(c) (1), are exempt from the requirements of § 77.824 relative to shifting loads when in transit is necessary.

NOTE 4: For tank cars other than ICC–106A class used for the transportation of liquefied flammable gases, interior pipes of loading and unloading valves must be equipped with excess-flow valves of approved design.

NOTE 5: The liquid portion of the gas at 0° F. must not completely fill the tank.

NOTE 6: Tank must be insulated with an approved material of a thickness so that the thermal conductance is not more than 0.3 B.t.u. per hour per square foot per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed 7 inches from top of center sills to bottom of tank. Tank must be equipped with one safety relief valve of approved design set to open at a pressure not exceeding ¾ of the test pressure of the tank and one frangible disc of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each safety relief device must be sufficient to prevent building up of pressure in tank in excess of ¾ of the test pressure of the tank. The devices must be set to function at a pressure not to exceed 360 psi on 105A500–W tanks and at a pressure not to exceed 400 psi on 105A300–W tanks. Each liquefied petroleum gas (pressure not exceeding 200 psi at 105° F.) tank must have its final discharge piped to the outside of the protective housing.

NOTE 7: Tanks complying with ICC–106A or 110A specifications, used for the transportation of compressed gases as listed in § 77.840(c) (1) (paragraph (c) of this section as it is transported in or on motor vehicles and in the manner authorized in § 77.840(c) (1), are exempt from the requirements of § 77.824 relative to shifting loads when in transit is necessary.

NOTE 8: Tanks shall not be equipped with safety relief devices in contact with content of tank must be of a metal or other material suitably treated if necessary, which will not cause formation of any acetylides.

NOTE 9: All parts of valves and safety relief devices in contact with content of tank must be of a metal or other material sufficiently treated if necessary, which will not cause formation of any acetylides.

NOTE 10: Tank must be equipped with a manhole cover, subject to rapid deterioration by the lading; all appurtenances such as manhole cover, venting, loading and unloading valves and safety relief devices, and all connection pipes, must be made of metal not subject to rapid deterioration by the lading; cork must be used as an insulating material.

NOTE 11: Tanks for nitrosyl chloride shall be nickel-clad and safety relief devices shall be of the fusible plug type and shall function at a temperature of not exceeding 175° F. and be vapor tight at 130° F.

NOTE 12: Not more than 10,000 pounds of chlorine loading into a single-unit tank car must not exceed 60,000 pounds except that not more than 10,000 pounds of chlorine loading into a single-unit tank car must not exceed 90,000 pounds when the tank is fitted with 4 inches of cork board and constructed, maintained, and retested in full compliance with ICC Specification 105A600–W. Cars

may be registered and jackets stenciled either 105A300–W or 105A500–W and equipped with the safety relief valve required by the specification to which registered.

NOTE 13: This gas may be transported in authorized tank car tanks stenciled "DISPERSANT GAS" or "REFRIGERANT GAS."

NOTE 14: Container shall not be equipped with safety relief devices of any description.

NOTE 15: A filling density of 56.8 percent may be used during the months of November through March, inclusive. When this filling density is used, tank cars must be loaded and shipped directly to consumers for unloading. Storage in transit is not permitted.

NOTE 16: Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner.

NOTE 17: Tank must be insulated with an approved material of a thickness so that the thermal conductance is not more than 0.03 B.t.u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over center sills may be reduced to give thermal conductance not exceeding 0.04 B.t.u. per square foot per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed 7 inches from top of center sills to bottom of tank. In addition to the safety relief valve required by § 78.289–13 of this chapter, the tank must be equipped with one frangible disc of approved design set to function at a pressure less than 600 pounds per square inch but not less than 450 pounds per square inch. The discharge capacity of each of these safety relief devices must be sufficient to prevent building up of pressure in tank in excess of 495 pounds per square inch. Each safety relief device must have its discharge piped to the outside of the protective housing. The temperature of the vinyl fluoride, inhibited when the car is offered in transportation shall not exceed zero degrees F. and the pressure shall not exceed 105 psi. The shipper shall notify the Bureau of Explosives whenever a car is not received by the consignee within 30 days from the date of shipment.

NOTE 18: See paragraph (f) of this section.

NOTE 19: See paragraph (f)(2) of this section.

NOTE 20: See paragraph (d)(1) of this section.

NOTE 21: See paragraph (d)(2) of this section.

NOTE 22: See paragraph (d) of this section.

(d) *Filling limits*—(1) *Non-liquefied and liquefied gas.* The gas pressure at 105° F. in any insulated tank car tank of the ICC–105A and 109A–W class or spec. ICC–111A100–W–4; at 115° F. in any uninsulated tank car tank of the ICC–112A–W and 114A–W class; or at 130° F. in any uninsulated tank car tank of the ICC–106A and 110A–W class must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any uninsulated tank car tank of the ICC–107A series must not exceed seven-tenths of the marked test pressure of the tank.

NOTE 1: ICC–107A tanks may be charged with helium to a pressure 10% in excess of the marked maximum gas pressure at 130° F. of each tank.

(2) *Liquefied gas.* In addition to the requirements of paragraph (d)(1) of this section, the liquid portion of the gas at 105° F. must not completely fill an insulated tank, nor at 130° F. must not completely fill an uninsulated tank with the exception that the liquid portion of the gas at 115° F. must not completely fill an uninsulated tank car tank of the ICC–112A–W and 114A–W classes.

(e) *Verification of content.* The amount of liquefied gas loaded into each tank may be determined either, first, by weight, and this weight must be checked after disconnecting the loading line, by the use of proper scales, or second, the weight of liquefied petroleum gas, dimethylamine, monomethylamine, and trimethylamine may be calculated using the outage tables supplied by the tank car owners and the specific gravities as determined at the plant, and this computation must be checked by determination of specific gravity of product after loading. Carriers may verify calculated weights by use of proper scales.

(f) *Special requirements for liquefied petroleum gas and butadiene tank cars*—(1) *Single unit tank cars.* Maximum filling density in single unit tank cars shall be as shown in the following table:

Maximum permitted filling density

| Specific gravity at 60° F. | Insulated cars | | Uninsulated cars | |
|---|---|---|---|---|
| | April through October | November through March (see Note 1) | April through October | November through March (see Note 1) |
| 0.500 | 45.500 | 47.40 | 44.88 | 46.88 |
| 0.501 | 45.600 | 47.51 | 45.00 | 47.00 |
| 0.502 | 45.700 | 47.62 | 45.13 | 47.10 |
| 0.503 | 45.800 | 47.73 | 45.25 | 47.20 |
| 0.504 | 45.900 | 47.84 | 45.38 | 47.30 |
| 0.505 | 46.000 | 47.95 | 45.50 | 47.40 |
| 0.506 | 46.125 | 48.06 | 45.60 | 47.50 |
| 0.507 | 46.250 | 48.17 | 45.70 | 47.63 |
| 0.508 | 46.375 | 48.28 | 45.80 | 47.75 |
| 0.509 | 46.500 | 48.39 | 45.90 | 47.88 |
| 0.510 | 46.750 | 48.51 | 46.00 | 48.00 |
| 0.511 | 47.000 | 48.61 | 46.13 | 48.10 |
| 0.512 | 47.125 | 48.72 | 46.25 | 48.20 |
| 0.513 | 47.250 | 48.83 | 46.38 | 48.30 |
| 0.514 | 47.375 | 48.94 | 46.50 | 48.40 |
| 0.515 | 47.500 | 49.05 | 46.63 | 48.50 |
| 0.516 | 47.625 | 49.16 | 46.75 | 48.63 |
| 0.517 | 47.750 | 49.27 | 46.88 | 48.75 |
| 0.518 | 47.875 | 49.38 | 47.00 | 48.88 |
| 0.519 | 48.000 | 49.49 | 47.13 | 49.00 |
| 0.520 | 48.125 | 49.60 | 47.25 | 49.10 |
| 0.521 | 48.250 | 49.70 | 47.38 | 49.20 |
| 0.522 | 48.375 | 49.81 | 47.50 | 49.30 |
| 0.523 | 48.500 | 49.92 | 47.63 | 49.40 |
| 0.524 | 48.600 | 50.03 | 47.75 | 49.50 |
| 0.525 | 48.700 | 50.14 | 47.88 | 49.63 |
| 0.526 | 48.800 | 50.25 | 48.00 | 49.75 |
| 0.527 | 48.900 | 50.36 | 48.13 | 49.88 |
| 0.528 | 49.000 | 50.47 | 48.25 | 50.00 |
| 0.529 | 49.125 | 50.58 | 48.38 | 50.10 |
| 0.530 | 49.250 | 50.69 | 48.50 | 50.20 |
| 0.531 | 49.375 | 50.79 | 48.63 | 50.30 |
| 0.532 | 49.500 | 50.90 | 48.75 | 50.40 |
| 0.533 | 49.625 | 51.01 | 48.88 | 50.50 |
| 0.534 | 49.750 | 51.12 | 49.00 | 50.63 |
| 0.535 | 49.875 | 51.23 | 49.13 | 50.75 |
| 0.536 | 50.000 | 51.34 | 49.25 | 50.88 |
| 0.537 | 50.100 | 51.45 | 49.38 | 51.00 |
| 0.538 | 50.200 | 51.56 | 49.50 | 51.10 |
| 0.539 | 50.300 | 51.67 | 49.60 | 51.20 |
| 0.540 | 50.400 | 51.78 | 49.70 | 51.30 |
| 0.541 | 50.500 | 51.88 | 49.80 | 51.40 |
| 0.542 | 50.625 | 51.99 | 49.90 | 51.50 |
| 0.543 | 50.750 | 52.09 | 50.00 | 51.63 |
| 0.544 | 50.875 | 52.20 | 50.13 | 51.75 |
| 0.545 | 51.000 | 52.31 | 50.25 | 51.88 |
| 0.546 | 51.150 | 52.41 | 50.38 | 52.00 |
| 0.547 | 51.200 | 52.52 | 50.50 | 52.10 |
| 0.548 | 51.300 | 52.62 | 50.63 | 52.20 |
| 0.549 | 51.400 | 52.73 | 50.75 | 52.30 |
| 0.550 | 51.500 | 52.84 | 50.88 | 52.40 |
| 0.551 | 51.625 | 52.94 | 51.00 | 52.50 |
| 0.552 | 51.750 | 53.05 | 51.13 | 52.63 |
| 0.553 | 51.875 | 53.16 | 51.25 | 52.75 |
| 0.554 | 52.000 | 53.26 | 51.38 | 52.88 |
| 0.555 | 52.125 | 53.37 | 51.50 | 53.00 |
| 0.556 | 52.250 | 53.48 | 51.60 | 53.10 |
| 0.557 | 52.375 | 53.58 | 51.73 | 53.20 |
| 0.558 | 52.500 | 53.69 | 51.80 | 53.30 |
| 0.559 | 52.625 | 53.80 | 51.90 | 53.40 |
| 0.560 | 52.750 | 53.91 | 52.00 | 53.50 |
| 0.561 | 52.875 | 54.01 | 52.13 | 53.63 |
| 0.562 | 53.000 | 54.12 | 52.25 | 53.75 |
| 0.563 | 53.100 | 54.22 | 52.38 | 53.88 |
| 0.564 | 53.200 | 54.33 | 52.50 | 54.00 |

Maximum permitted filling density

| Specific gravity at 60° F. | Insulated cars | | Uninsulated cars | |
|---|---|---|---|---|
| | April through October | November through March (see Note 1) | April through October | November through March (see Note 1) |
| 0.565 | 53.300 | 54.43 | 52.63 | 54.10 |
| 0.566 | 53.400 | 54.54 | 52.75 | 54.20 |
| 0.567 | 53.500 | 54.64 | 52.88 | 54.30 |
| 0.568 | 53.600 | 54.75 | 53.00 | 54.40 |
| 0.569 | 53.700 | 54.85 | 53.10 | 54.50 |
| 0.570 | 53.800 | 54.96 | 53.20 | 54.60 |
| 0.571 | 53.900 | 55.06 | 53.30 | 54.70 |
| 0.572 | 54.000 | 55.17 | 53.40 | 54.80 |
| 0.573 | 54.125 | 55.27 | 53.50 | 54.90 |
| 0.574 | 54.250 | 55.38 | 53.63 | 55.00 |
| 0.575 | 54.375 | 55.48 | 53.75 | 55.13 |
| 0.576 | 54.500 | 55.59 | 53.88 | 55.25 |
| 0.577 | 54.600 | 55.69 | 54.00 | 55.38 |
| 0.578 | 54.700 | 55.80 | 54.10 | 55.50 |
| 0.579 | 54.800 | 55.90 | 54.20 | 55.60 |
| 0.580 | 54.900 | 56.01 | 54.30 | 55.70 |
| 0.581 | 55.000 | 56.11 | 54.40 | 55.80 |
| 0.582 | 55.100 | 56.22 | 54.50 | 55.90 |
| 0.583 | 55.200 | 56.32 | 54.63 | 56.00 |
| 0.584 | 55.300 | 56.43 | 54.75 | 56.13 |
| 0.585 | 55.400 | 56.53 | 54.88 | 56.25 |
| 0.586 | 55.500 | 56.64 | 55.00 | 56.38 |
| 0.587 | 55.625 | 56.74 | 55.13 | 56.50 |
| 0.588 | 55.750 | 56.85 | 55.25 | 56.60 |
| 0.589 | 55.875 | 56.95 | 55.38 | 56.70 |
| 0.590 | 56.000 | 57.06 | 55.50 | 56.80 |
| 0.591 | 56.090 | 57.15 | 55.60 | 56.90 |
| 0.592 | 56.180 | 57.25 | 55.70 | 57.00 |
| 0.593 | 56.270 | 57.34 | 55.80 | 57.10 |
| 0.594 | 56.360 | 57.44 | 55.90 | 57.20 |
| 0.595 | 56.450 | 57.53 | 56.00 | 57.30 |
| 0.596 | 56.540 | 57.63 | 56.13 | 57.40 |
| 0.597 | 56.630 | 57.72 | 56.25 | 57.50 |
| 0.598 | 56.720 | 57.82 | 56.38 | 57.60 |
| 0.599 | 56.810 | 57.91 | 56.50 | 57.70 |
| 0.600 | 56.900 | 58.01 | 56.62 | 57.80 |
| 0.601 | 56.990 | 58.10 | 56.73 | 57.90 |
| 0.602 | 57.080 | 58.20 | 56.84 | 58.00 |
| 0.603 | 57.170 | 58.29 | 56.95 | 58.13 |
| 0.604 | 57.260 | 58.39 | 57.07 | 58.25 |
| 0.605 | 57.350 | 58.49 | 57.18 | 58.38 |
| 0.606 | 57.440 | 58.58 | 57.30 | 58.50 |
| 0.607 | 57.530 | 58.68 | 57.41 | 58.63 |
| 0.608 | 57.620 | 58.77 | 57.52 | 58.75 |
| 0.609 | 57.710 | 58.87 | 57.64 | 58.88 |
| 0.610 | 57.800 | 58.97 | 57.76 | 59.00 |
| 0.611 | 57.890 | 59.06 | 57.87 | 59.10 |
| 0.612 | 57.980 | 59.16 | 57.98 | 59.20 |
| 0.613 | 58.070 | 59.26 | 58.09 | 59.30 |
| 0.614 | 58.160 | 59.35 | 58.21 | 59.40 |
| 0.615 | 58.250 | 59.45 | 58.32 | 59.50 |
| 0.616 | 58.340 | 59.55 | 58.43 | 59.63 |
| 0.617 | 58.430 | 59.64 | 58.55 | 59.75 |
| 0.618 | 58.520 | 59.74 | 58.66 | 59.88 |
| 0.619 | 58.610 | 59.84 | 58.77 | 59.97 |
| 0.620 | 58.700 | 59.94 | 58.89 | 60.07 |
| 0.621 | 58.790 | 60.03 | 59.00 | 60.18 |
| 0.622 | 58.880 | 60.13 | 59.12 | 60.28 |
| 0.623 | 58.970 | 60.23 | 59.23 | 60.38 |
| 0.624 | 59.060 | 60.32 | 59.34 | 60.49 |
| 0.625 | 59.150 | 60.42 | 59.46 | 60.59 |
| 0.626 | 59.240 | 60.52 | 59.57 | 60.70 |
| 0.627 | 59.330 | 60.61 | 59.68 | 60.80 |
| 0.628 | 59.420 | 60.71 | 59.80 | 60.90 |
| 0.629 | 59.510 | 60.81 | 59.91 | 61.01 |
| 0.630 | 59.600 | 60.91 | 60.02 | 61.11 |
| 0.631 | 59.690 | 61.00 | 60.13 | 61.18 |
| 0.632 | 59.780 | 61.10 | 60.28 | 61.28 |
| 0.633 | 59.870 | 61.19 | 60.34 | 61.38 |
| 0.634 | 59.960 | 61.29 | 60.41 | 61.47 |
| 0.635 | 60.050 | 61.39 | 60.55 | 61.57 |

NOTE 1: When these filling densities are used, tank cars must be shipped directly to consumers for unloading. Storage in transit is not permitted.

(2) *ICC–106A class tank cars.* Maximum filling density in ICC–106A class tank cars shall be as shown in § 73.304 (d)(1).

(g) *Foreign tank cars in domestic use.* Except as authorized by § 73.8 tank cars made in foreign countries, except Canada, must not be used in domestic traffic until they have been tested in this country and proper reports rendered as required by the specifications that apply.



square foot per degree F. differential in temperature per hour. The temperature of vinyl fluoride, inhibited, when cargo tanks are offered in transportation shall not exceed zero degrees F. and the pressure shall not exceed 105 pounds per square inch and the minimum filling density shall not be less than 60%. The shipper shall notify the Bureau of Explosives whenever a shipment is not received by the consignee within 5 days from the date of shipment. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

NOTE 12: No aluminum, copper, silver, zinc, or alloy of any of these metals shall be used in the cargo tank construction where it can come into contact with the lading.

NOTE 13: All parts of valves and safety devices in contact with contents of tank must be of a metal or other material suitably treated if necessary, which will not cause formation of any acetylides.

(b) **Maximum permitted filling densities for cargo and portable tank containers for transportation of butadiene, inhibited, and liquefied petroleum gas are as follows:**

| Maximum specific gravity of the liquid material at 60° F. | Maximum permitted filling density in percent of the water-weight capacity of the tanks | | Maximum permitted filling density by volume |
|---|---|---|---|
| | 1200 gallons or less | Over 1200 gallons | |
| | *Percent* | *Percent* | |
| 0.473–0.480 | 38 | 41 | See Note 1. |
| 0.481–0.488 | 39 | 42 | |
| 0.489–0.495 | 40 | 43 | |
| 0.496–0.503 | 41 | 44 | |
| 0.504–0.510 | 42 | 45 | |
| 0.511–0.519 | 43 | 46 | |
| 0.520–0.528 | 44 | 47 | |
| 0.529–0.536 | 45 | 48 | |
| 0.537–0.544 | 46 | 49 | |
| 0.545–0.552 | 47 | 50 | |
| 0.553–0.560 | 48 | 51 | |
| 0.561–0.568 | 49 | 52 | |
| 0.569–0.576 | 50 | 53 | |
| 0.577–0.584 | 51 | 54 | See Note 1. |
| 0.585–0.592 | 52 | 55 | |
| 0.593–0.600 | 53 | 56 | |
| 0.601–0.608 | 54 | 57 | |
| 0.609–0.617 | 55 | 58 | |
| 0.618–0.626 | 56 | 59 | |
| 0.627 and over | 57 | 60 | |

NOTE 1: Same filling density as permitted by weight, except when using fixed length dip tube or other fixed maximum liquid level indicators (paragraph (f) of this section), in which case the maximum permitted filling density shall not exceed 97 percent of the maximum permitted filling density by weight contained in the table.

(c) **The loading of liquefied gases into cargo tanks and portable tank containers shall be determined by weight or by suitable liquid level gauging device. In either case the liquid portion of the gas shall not fill the tank at 105° F. if the tank be lagged, nor at 115° F. if the tank be unlagged, except that this requirement shall be waived for the shipment of carbon dioxide and nitrous oxide in tanks (which are required to be equipped with suitable pressure controlling devices) which may be charged to a level corresponding to 95 percent of the volumetric capacity of the tank.**

**§ 73.315 Compressed gases in cargo tanks and portable tank containers.**

(a) Cargo tanks and portable tank containers must not contain gases capable of combining chemically.

(1) Compressed gases must not be shipped in cargo tanks or portable tank containers except as provided in this section and §§ 73.32 and 73.33, and in the following table (for marking requirements see §§ 73.401 (a) (1) and 77.823 (d) of this chapter):

| Kind of gas | Maximum permitted filling density | | Specification container required | | Minimum design pressure (psig) |
|---|---|---|---|---|---|
| | Percent by weight (see Note 1) | Percent by volume (see par. (f) of this section) | Type (see Note 2) | | |
| Anhydrous ammonia | 55 | 82; see Note 5. | ICC–51, MC–330 | | 265. |
| Anhydrous dimethylamine | 59 | See Note 7. | ICC–51, MC–330 | | 150. |
| Anhydrous monomethylamine | 60 | See Note 7. | ICC–51, MC–330 | | 150. |
| Anhydrous trimethylamine | 57 | See Note 7. | ICC–51, MC–330 | | 150. |
| Aqua ammonia solution containing anhydrous ammonia | See par. (e) of this section. | See Note 7. | MC 330; see Note 12. | | 100; see subpar. (c)(1) of this section. |
| Butadiene, inhibited | See par. (b) of this section. | See par. (b) of this section. | ICC–51, MC 330 | | 100. |
| Carbon dioxide, liquefied | 95 | See Note 7. | ICC–51, MC–330 | | 200; see Note 3. |
| Chlorine | See par. (e) of this section. | See Note 7. | MC–330 | | 225; see Notes 4 and 8. |
| Dichlorodifluoromethane (see Note 9). | 119 | See Note 7. | ICC–51, MC–330 | | 150. |
| Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 9). | See par. (e) of this section. | See Note 7. | MC 330 | | 200. |
| Dichlorodifluoromethane-dichlorotetrafluoroethane mixture (see Note 9). | 119 | See Note 7. | ICC–51, MC–330 | | 150. |
| Dichlorodifluoromethane-monofluorotrichloromethane mixture (see Note 9). | See par. (e) of this section. | See Note 7. | ICC–51, MC–330 | | 150. |
| Difluoroethane | 79 | See Note 7. | MC–330 | | 150 |
| Hexafluoropropylene | 119 | See Note 7. | MC–330 | | 200 |
| Liquefied petroleum gas | See par. (b) of this section. | See par. (b) of this section. | See subpar. (c) (1) of this section. | | |
| Methyl chloride | 84 | 88.5 | ICC–51, MC–330 | | 150. |
| Methyl chloride (optional portable tank), 2,000 pounds water capacity, maximum. | 84 | See Note 6 | ICC–51 | | 225. |
| Methyl mercaptan | 80 | 90 | ICC–51, MC–330 | | 100. |
| Monochlorodifluoromethane (see Note 9). | 105 | See Note 7 | ICC–51, MC–330 | | 250. |
| Nitrous oxide | See par. (e) of this section. | 90 | ICC–51, MC–330 | | 200; see Note 3. |
| Sulfur dioxide (tanks not over 1,200 gallons water capacity). | 125 | 87.5 | ICC–51, MC–330 | | 150; see Note 4. |
| Sulfur dioxide (tanks over 1,200 gallons water capacity). | 125 | 87.5 | ICC–51, MC–330 | | 125; see Note 4. |
| Sulfur dioxide (optional portable tank 1,000 to 2,000 pounds water capacity). | 125 | See Note 6 | ICC–51 | | 225. |
| Vinyl chloride | 84 (see Note 13) | See Note 7 | MC–330 | | 150. |
| Vinyl fluoride, inhibited | 60 | See Note 7 | MC 330 | | 250; see Note 11. |

NOTE 1: **Maximum filling density** for liquefied gases is hereby defined as the percent ratio of the weight of gas in the tank to the weight of water that the tank will hold. For determining the water capacity of the tank in pounds, the weight of a gallon (231 cubic inches) of water at 60° F. in air shall be 8.32828 pounds.

NOTE 2: See §§ 73.32 and 73.33 for authority to use containers made prior to May 15, 1950.

NOTE 3: If cargo tanks and portable tank containers for carbon dioxide and nitrous oxide are designed to comply with the requirements for "Low Temperature Operation of the A.S.M.E. Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels," the design pressure may be reduced to 100 psig or the controlled pressure, whichever is greater.

NOTE 4: A corrosion factor shall be applied in the design of tanks for sulfur dioxide and chlorine. (See § 78.336–3 (a) of this chapter.)

NOTE 5: Unlagged cargo tanks and portable tank containers for liquid anhydrous ammonia may be filled to 87.5 percent by volume provided the temperature of the anhydrous ammonia being loaded into such tanks is determined to be not lower than 30° F. or

(1) The vapor pressure (psig) at 115° F. must not exceed the design pressure of the cargo tank or portable tank container.

(d) If the loading of cargo tanks and portable tank containers with liquefied gases is to be determined by weight, the gross weight shall be checked after the filling line is disconnected in each instance. The gross weight shall be calculated from the tank capacity and tare weight set forth on the metal plate required by the specification, and the maximum filling density permitted for the material being loaded into the tank as set forth in the table, paragraph (a) (1) of this section.

(e) If the loading of cargo tanks and portable tank containers with liquefied gases is to be determined by adjustable liquid level device, each tank and each compartment thereof shall have a thermometer well, so that the internal liquid temperature can easily be determined, and the amount of liquid in the tank shall be corrected to a 60° F. basis. Liquid levels shall not exceed a level corresponding to the maximum filling density permitted for the material being loaded into the tank as set forth in the table in paragraph (a) (1) of this section.

(f) When the loading of cargo tanks and portable tank containers with liquefied gases is determined only by fixed length dip tube or other fixed maximum liquid level indicator, the device shall be arranged to function at a level not to exceed the maximum permitted volume prescribed by the table, paragraph (a) (1) of this section. Loading shall be stopped when the device functions.

(g) Containers, the liquid level of which has been determined by means of a fixed length dip tube gauging device, shall not be acceptable for stowage as cargo on vessels in commerce subject to the jurisdiction of the United States Coast Guard. Nothing contained in this section shall be so construed as to prohibit the transportation on car floats or car ferries of motor vehicles laden with containers nor cargo tanks the liquid level of either of which has been determined by means of fixed length dip tube devices.

(h) Each cargo tank and portable tank container, except tanks filled by weight, shall be equipped with one or more of the following gauging devices which indicate accurately the maximum permitted liquid level: (Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks and portable tank containers. Gauge glasses shall not be permitted to be installed on any cargo tank or portable tank container).

| Kind of gas | Permitted gauging device |
|---|---|
| Anhydrous ammonia | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Anhydrous dimethylamine | None. |
| Anhydrous monomethylamine | None. |
| Anhydrous trimethylamine | None. |
| Aqua ammonia solution containing anhydrous ammonia. | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Butadiene, inhibited | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Carbon dioxide, liquefied | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Chlorine | None. |
| Dichlorodifluoromethane | None. |
| Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture). | None. |
| Dichlorodifluoromethane-dichlorotetrafluoroethane mixture. | None. |
| Dichlorodifluoromethane-monofluorotrichloromethane mixture. | None. |
| Difluoroethane | None. |
| Hexafluoropropylene | None. |
| Liquefied petroleum gases | Rotary tube; adjustable slip tube; fixed length dip tube. Fixed length dip tube. |
| Methyl chloride | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Methyl mercaptan | None. |
| Monochlorodifluoromethane | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Nitrous oxide | Fixed length dip tube. |
| Sulfur dioxide | None. |
| Vinyl chloride | None. |
| Vinyl fluoride, inhibited | |

(1) The design pressure of the liquid level gauging devices shall be at least equal to the design pressure of the tank.

(2) All liquid level gauging devices, except on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20 Fahrenheit degrees to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. except that gauging devices on tanks for carbon dioxide and nitrous oxide may be marked in increments of not more than 25 psig. In the event that it is impracticable to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(3) Liquid level gauging devices which are so constructed that the outward flow of tank contents exceeds that passed by a No. 54 drill size opening, shall be equipped with excess-flow valves. Exception: Not required on gauging devices when used on tanks in carbon dioxide service.

(4) A fixed-length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally mounted cylindrical tanks the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by this section except that on tanks for liquefied petroleum gases the device should be set to function when the liquid reaches the maximum level at 40° F. when charged in accordance with the authorized filling density. On spherical tanks and on vertically mounted cylindrical tanks the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by this section except that on tanks for liquefied petroleum gases the device should be set to function when the liquid reaches the maximum level at 40° F. when charged in accordance with the authorized filling density.

(i) Each tank shall be provided with one or more safety devices which, unless otherwise specified, shall be safety relief valves of the spring-loaded type and they shall be arranged to discharge upward and unobstructed to the outside of the protective housing in such a manner as to prevent any impingement of escaping gas upon the tank, except that for chlorine tanks, protective housing shall be as required in § 78.336–10 of this chapter, and safety valve as required in subparagraph (11) of this paragraph.

(1) Safety relief valves on any tank shall be set to start-to-discharge at a pressure not in excess of 110 percent of the design pressure of the tank and shall have a total relieving capacity sufficient to prevent a maximum pressure in the tank of more than 120 percent of the design pressure, using the heat input as determined by Fetterly's formula.[1] The required relieving capacity of safety relief valves for lagged tanks shall be based upon the heat input to a bare tank, unless insulation is covered by a sheet metal jacket of not less than 16-gauge nominal thickness.

(2) The start-to-discharge pressure of safety relief valves shall be not less than the values given in the following table:

| Kind of gas | Minimum start-to-discharge pressure (psig) |
|---|---|
| Anhydrous ammonia | 265. |
| Anhydrous dimethylamine | 150. |
| Anhydrous monomethylamine | 150. |
| Anhydrous trimethylamine | 150. |
| Aqua ammonia solution containing anhydrous ammonia. | 100 |
| Butadiene, inhibited | 90. |
| Carbon dioxide, liquefied | Not specified. |
| Chlorine | 225. |
| Difluoroethane | 150. |
| Dichlorodifluoromethane | 150. |
| Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture). | 250 |
| Dichlorodifluoromethane-dichlorotetrafluoroethane mixture. | 150. |
| Dichlorodifluoromethane-monofluorotrichloromethane mixture. | 150. |
| Hexafluoropropylene | 250 |
| Liquefied petroleum gases | 90 percent of the design pressure of tank. |
| Methyl chloride | 150. |
| Methyl mercaptan | 100. |
| Monochlorodifluoromethane | 250. |
| Nitrous oxide | Not specified. |
| Sulfur dioxide: | |
| Up to 1,200 gallons water capacity tank. | 120. |
| Over 1,200 gallons water capacity tank. | 110. |
| Vinyl chloride | 150. |
| Vinyl fluoride, inhibited | 250 |

(3) Each safety relief valve shall be plainly and permanently marked with the pressure in psig at which it is set to discharge, with the actual rate of discharge of the device in cubic feet per minute of the gas at 60° F. and atmospheric pressure, and with the manufacturer's name and catalog number. The rated discharge capacity of the device shall be determined at a pressure of 120

[1] Copies of Fetterly's formula may be obtained from the Bureau of Explosives.



percent of the design pressure of the tank.

(4) Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.

(5) Safety relief valves shall be arranged so that the possibility of tampering will be minimized; and if the pressure setting or adjustment is external the safety relief valves shall be provided with suitable means for sealing the adjustment.

(6) No shut-off valves shall be installed between the safety relief valves and the tank except, in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.

(7) Safety relief valves shall have direct communication with the vapor space of the tank.

(8) Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety relief valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve installed.

(9) Additional restrictions as specified in Notes 1, 2, and 3 of this subparagraph apply to safety relief devices on tanks for carbon dioxide or nitrous oxide.

NOTE 1: The maximum operating pressure in the tank may be regulated by the use of one or more pressure controlling devices, which devices shall not be in lieu of the safety relief valve required in paragraph (1) of this section.

NOTE 2: All safety devices shall be so installed and located that the cooling effect of the contents will not prevent the effective operation of the device.

NOTE 3: In addition to safety relief valves required by paragraph (1) of this section each tank for carbon dioxide may be equipped with one or more frangible disc devices of suitable design set to function at a pressure not exceeding two times the design pressure of the tank.

(10) Subject to conditions of subparagraph (a) (1) of this section for sulfur dioxide optional portable tank 1,000–2,000 pounds water capacity—225 psig, one or more fusible plugs approved by the Bureau of Explosives may be used in lieu of safety relief valves of the spring-loaded type. The fusible plug or plugs shall have total relieving capacity as determined by the use of Fetterly's formula sufficient to prevent a pressure rise in the tank of more than 120 percent of the design pressure. If the tank is over 30 inches long, both ends must have the total specified safety discharge area.

(11) Safety relief valve on chlorine tank motor vehicles shall conform with the standard of The Chlorine Institute, Inc. Dwg. D–13105E, dated April 30, 1958.

(j) Storage containers for liquefied petroleum gas for permanent installation on consumer premises may be shipped by private motor carrier only under the following conditions:

(1) The containers shall comply with the construction requirements of one of the following pressure vessel codes and shall be marked to indicate compliance as specified in the code:

The 1959 Edition of the Unfired Pressure Vessel Code of the A.S.M.E.
The 1956 Edition of the Unfired Pressure Vessel Code of the A.S.M.E.
The 1952 Edition of the Unfired Pressure Vessel Code of the A.S.M.E., no revisions.
The 1950 Edition of the Unfired Pressure Vessel Code of the A.S.M.E., no revisions.
The 1949 Edition of the Unfired Pressure Vessel Code of the A.S.M.E.
The 1951 Edition of the joint Unfired Pressure Vessel Code of the A.P.I. and A.S.M.E., no revisions.
The 1943 Edition of the joint Unfired Pressure Vessel Code of the A.P.I. and A.S.M.E.

(2) Each container shall be equipped with safety devices in compliance with the requirements for safety devices on containers as specified in National Fire Protection Association Pamphlet No. 58, "Standard for the Storage and Handling of Liquefied Petroleum Gases," 1959 edition.

(3) The containers shall be so braced or otherwise secured on the vehicle as to prevent relative motion while in transit. Valves or other fittings shall be adequately protected against injury during transportation. (See § 77.834 (g) of this chapter.)

(4) Except as provided in subparagraph (j) (5) of this paragraph, containers shall not be shipped when charged with liquefied petroleum gas to more than 5 percent of their water capacity.

(5) Storage containers of less than 1042 pounds water capacity (125 gallons) may be shipped when charged with liquefied petroleum gas in compliance with I. C. C. filling density.

(k) For manifolding of cargo tank containers see § 73.301 (f).

### § 73.316 Liquefied hydrogen.

(a) Liquefied hydrogen (minimum 95 percent parahydrogen) must be charged into specification containers as follows:

(1) Spec. 113A60–W–2 (§ 78.279 of this chapter). Tank cars. Each tank car shall have a pressure controlling valve set at a pressure not exceeding 17 psig. The maximum permitted filling density is 6.6 percent.

## Subpart G—Poisonous Articles; Definition and Preparation

### § 73.325 Classes of poisonous articles.

(a) Poisonous articles for the purpose of Parts 71–78 of this chapter are divided into four classes according to degree of hazard in transportation.

(1) Extremely dangerous poison—class A.

(2) Less dangerous poison—class B.

(3) Tear gases or irritating substances—class C.

(4) Radioactive materials—class D.

### § 73.326 Extremely dangerous poisons, class A, poison gas label; definition.

(a) For the purpose of Parts 71–78 of this chapter extremely dangerous poisons, class A, are poisonous gases or liquids of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life. This class includes the following:

(1) Bromacetone.

(2) Cyanogen.

(3) Cyanogen chloride containing less than 0.9 percent water.

(4) Diphosgene.

(5) Ethyldichlorarsine.

(6) Hydrocyanic acid (see Note 1 of this paragraph).

(7) Lewisite.

(8) Methyldichlorarsine.

(9) Mustard gas.

(10) Nitrogen peroxide (tetroxide).

(11) Phenylcarbylamine chloride.

(12) Phosgene (diphosgene).

(13) Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

NOTE 1: Diluted solutions of hydrocyanic acid of not exceeding 5 percent strength are classed as poisonous articles, class B (see § 73.343).

(b) Poisonous gases or liquids, class A, as defined in paragraph (a) of this section, except as provided in § 73.331 must not be offered for transportation by rail express.

### § 73.327 Packing.

(a) Cylinders used must comply with the provisions of §§ 73.34 and 73.301(g).

(b) Closing and cushioning. All containers must be tightly and securely closed. Inside containers must be cushioned as prescribed, or in any case when necessary to prevent breakage or leakage.

(c) No class A poisons in cargo tanks. No "extremely dangerous poison, class A," may be loaded into or transported in any cargo tank.

(d) It shall not be permissible to transport class A poison if there be any interconnecting means of any character between the containers.

### § 73.328 Poisonous gases and liquids not specifically provided for.

(a) Poisonous gases and liquids, as defined in § 73.326, other than those for which special requirements are prescribed, must be packed in specification containers as follows:

(1) Spec. 33[1] or 3D (§ 78.41 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal). Gaskets if used between the protection cap and neck of cylinder must be renewed for each shipment even though they may appear to be in good condition. Cylinders not fitted with valve protection extension ring must be packed in wooden boxes complying as to construction, marking, and labeling, with the requirements of § 73.25.

### § 73.329 Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.

(a) Bromacetone, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

(1) As prescribed in § 73.328.

(2) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 18.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over

[1] Use of existing cylinders authorized, but new construction not authorized.

95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

(b) *Chlorpicrin and methyl chloride mixtures.* Chlorpicrin and methyl chloride mixtures, in addition to containers prescribed in § 73.328, when offered for transportation by carriers by rail freight, highway, or water, may be shipped in specification containers as follows:

(1) Spec. 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.49, 78.50, 78.51, or 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 73.25).

(c) *Chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.* Chlorpicrin and nonflammable, nonliquefied compressed gas mixtures, in addition to containers prescribed in § 73.328, when offered for transportation by carriers by rail freight, highway, or water, must be shipped in specification containers as follows:

(1) Spec. 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.49, 78.50, 78.51, or § 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 73.25).

### § 73.330 Chemical ammunition.

(a) Projectiles, shells, bombs, and grenades containing poisonous gases or liquids, class A, § 73.326, but not equipped or packed with ignition elements, bursting charges, detonating fuzes, or explosive components, may only be shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Shipments must be packed and marked as required by their regulations, and packages must be labeled with the "Poison Gas" label and marked "NON-EXPLOSIVE" and with the name of the contents. (See §§ 73.53 (r) and 73.59 for explosive chemical ammunition.)

(b) Chemical ammunition containing poisonous liquids or gases, class A, must not be offered for transportation by rail express.

### § 73.331 Gas identification sets.

(a) Gas identification sets containing poisonous liquids and gases, class A, and poisonous articles, class C, and chlorine when offered for transportation by carriers by rail freight, rail express, highway, or water must be packed in spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, under the following conditions:

(1) Gas identification sets containing poisonous liquids and gases, class A, and poisonous articles, class C, may be shipped in amounts not exceeding 5 cubic centimeters, if a liquid, or 5 grams, if a solid, when mixed with or absorbed in activated charcoal or silica gel, or other absorbent medium, and packed in strong glass bottles of not less than 4 fluid ounces capacity. The poisonous gases, class A, and chlorine may be shipped if the gas itself is absorbed in activated charcoal or silica gel, or other absorbent medium, this material to be filled into 4 ounce bottles as above; each bottle as herein specified must be surrounded with appropriate absorbent cushioning material, and inclosed in a hermetically sealed metal can; each can must be surrounded on all sides by at least 1 inch of dry, fine sawdust or wood pulp; the cans must be packed in an outside wooden box, spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter); the bottles must be closed with ground-in glass stoppers securely fastened; the cushioning material around the bottle must be at least 1 inch thick; the cans must be made from metal of thickness not less than 30 gauge, United States standard; and there must be not more than a total of 100 grams or cubic centimeters, or a combination of both, in each outside wooden box.

(b) Gas identification sets containing poisonous liquids or gases, class A and class C, when offered for transportation by carriers by rail freight, rail express, highway, or water must be packed for shipment as follows:

(1) The liquids or liquefied gases in hermetically sealed glass tubes containing not to exceed 40 cubic centimeters each; each tube securely cushioned and packed in an individual mailing tube with screw-thread metal cover; not more than 12 of such mailing tubes, cushioned with corrugated fiberboard, packed in a closed fiberboard container; and not to exceed 4 such fiberboard containers, containing an aggregate of not to exceed 48 glass tubes, cushioned and packed in an outside steel cylinder of not less than 0.145-inch wall thickness, which is closed by a plate, bolted to a flange, welded to cylinder wall. Suitable gasket shall be placed between flange and head plate, and closure shall be such as to prevent leakage of any gas.

(c) Gas identification training sets containing poisonous liquids, class A, and poisonous articles, class C, when offered for transportation by carriers by rail freight, rail express, highway, or water must be packed for shipment as follows:

(1) The poisonous liquid, class A, and poisonous article, class C, in amounts not exceeding 5 cubic centimeters, if a liquid, or 20 grams, if a solid, when mixed with or absorbed in activated charcoal, silica gel, crepe rubber, or other absorbent medium, must be packed in strong glass bottles of not less than 2 fluid ounces capacity, equipped with a polyethylene liner; each bottle as herein specified must have a metal screw cap closure, equipped with a built-in compression type spring and an insert in the opening of the bottle to match so that when tightened an airtight seal is obtained. Twelve bottles, containing articles as described in this paragraph and not exceeding 100 cubic centimeters or grams, or a combination of both, shall be placed in a modified styrene plastic carrying case, in three rows of four bottles each and fitted with a fiberboard cell or separator. The void space around the individual bottles, and around all interior sides of the carrying case, shall be filled with dry, fine sawdust or vermiculite. A sheet of sponge rubber shall be fitted to the inside of the top and bottom of the carrying case to provide additional cushioning and insure a snug fit of the bottles when the top is secured. The carrying case shall be fitted into a snug fitting fiberboard box, domestic type. The case shall then be packed in a nailed wooden box, spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), which shall be fitted with a waterproof case liner.

### § 73.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.

(a) Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied, must be packed in specification containers as follows:

(1) As prescribed in § 73.328.

(2) Spec. 3A480, 3AA480, or 3A480X (§§ 78.36, 78.37, or 78.43 of this chapter). Metal cylinders of not over 278 pounds water capacity (nominal); valve protection cap must be used and be at least 5/16 inch thick, gas-tight, with 3/16 inch faced seat for gasket and with United States standard form thread; the cap must be capable of preventing injury or distortion of the valve when it is subjected to an impact caused by allowing cylinder, prepared as for shipment, to fall from an upright position with side of cap striking a solid steel object projecting not more than 6 inches above floor level.

(b) Cylinders must be charged with not more than 0.6 pound of liquid for 1-pound water capacity of cylinder. Each filled cylinder must be tested for leakage before shipment and must show absolutely no leakage; this test must consist in passing over the closure of the cylinder, without the protection cap attached, a piece of Guignard's sodium picrate paper to detect any escape of hydrocyanic acid from the cylinder. Other equally efficient test methods may also be used in lieu of the picrate paper.

(c) Liquid hydrocyanic acid completely absorbed in inert material may also be shipped in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes with inside containers consisting of metal cans, spec. 2N (§ 78.32 of this chapter), not over 14 pounds water capacity each. The liquid contents of each can must not exceed 0.33 pound of liquid for 1-pound water capacity of the can. Each can containing 4 ounces or more of liquid must be fitted with fiber caps not less than 0.08 inch thick flanged about 1 inch and fitting snugly over each end of the can. Each can must be tested for leakage after being filled and again after being maintained at ordinary room temperature for a period of at least three weeks. Each can must have its outer surface protected against rust by the use of enamel or lacquer, or each can must be completely wrapped in waterproof paper.

(2) The box lining must consist of not more than two pieces of waterproof paper, one piece completely surrounding the contents and running lengthwise of the box, and the other piece completely surrounding the contents and running crosswise of the box. In each instance, the wrapping must overlap at least 4 inches.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, constructed in accordance with requirements for a gross weight of 65 pounds but having a gross weight of not over 70 pounds, with inside containers consisting of metal cans, spec. 2N (§ 78.32 of this chapter). The liquid contents of each can must not exceed 0.33 pound of liquid for 1-pound water capacity of the can and the total weight of liquid in each can must not exceed 41 ounces. Each can must be tested for leakage after being filled and again after being maintained at ordinary room temperature for a period of at least three weeks. Each can must have its outer surface protected against rust by the use of enamel or lacquer. Not more than twelve cans shall be packed in the outside fiberboard box and each can shall be separated from the other by 200-pound minimum test fiberboard partitions. Each box shall be provided with 200-pound minimum test fiberboard liner and top and bottom pads of the same material. In addition to the required closure of the boxes, two metal straps measuring ½ inch by .015 inch must be applied around the girth of each box.

(d) Spec. 105A500–W or 105A600–W (§§ 78.288 or 78.289 of this chapter). Tank cars. Tank must be restenciled 105A300–W and be equipped with safety valves of the type and size used on spec. 105A300–W (§ 78.286 of this chapter) tank car. Tank car tank must be equipped with approved dome fittings and safety devices, and with cork insulation at least 4 inches in thickness. Tank must be stenciled on both sides in letters not less than 2 inches high "HYDROCYANIC ACID ONLY." Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of hydrocyanic acid. The maximum permitted filling density is 63 percent of the water capacity of the tank.

### § 73.333 Phosgene or diphosgene.

(a) Phosgene or diphosgene must be packed in specification containers as follows:

(1) As prescribed in § 73.328; filling density (see § 73.308, Note 12) must not exceed 125 percent and a cylinder must not contain more than 150 pounds of phosgene.

(2) Spec. 106A500,[1] or 106A500–X (§§ 79.300, 79.301 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F. Authorized only for phosgene.

NOTE 1: Tanks complying with ICC–106A (§ 78.275 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(b) Each filled cylinder must be tested for leakage before shipment and must show absolutely no leakage; this test must consist in immersing the cylinder and valve, without the protection cap attached, in a bath of water at a temperature of approximately 150° F. for at least thirty minutes, during which time frequent examinations must be made to note any escape of gas. The valve of the cylinder must not be loosened after this test and before shipment.

### § 73.334 Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas.

(a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s. must be packed in specification containers as follows:

(1) Spec. 3A300, 3AA300, 3B300, 4A300, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.38, 78.49, 78.50, or 78.51, of this chapter). Metal cylinders, charged with not more than 5 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity. Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type acceptable to the Bureau of Explosives.

(b) Cylinders must be packed in strong wooden boxes with valves or other closing devices protected from injury, with not more than twelve cylinders in one outside wooden box. A single-trip outside fiberboard box may be used when not more than four such cylinders are to be shipped in one outside container. Valves must be adequately protected. Box and valve protection must be of strength sufficient to protect all parts of inside containers and valves from deformation or breakage resulting from a drop of at least six feet onto a concrete floor, impacting at the weakest point.

### § 73.335 Police grenades.

(a) Police grenades containing poisonous gases or liquids, class A, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Metal-strapped wooden boxes. Each grenade must be individually inclosed in a corrugated fiberboard carton, spec. 2C (§ 78.22 of this chapter), and when so packed must be able to withstand without leakage a drop of 5 feet on concrete. Grenades must consist of copper shell containing securely closed glass bottles or tubes containing not over 50 cubic centimeters of poisonous material. Each outside container may contain not over 24 grenades and weigh not over 75 pounds gross.

(b) Pending approval by the Commission of regulations classifying the numerous devices within the general descriptions of this section, and providing appropriate restrictions to be observed in the transportation thereof, no shipment of packages containing articles under this section shall be made until samples thereof have been examined by the Bureau of Explosives or by other competent testing laboratory in the presence of representative of the Bureau of Explosives, and the shipment is shown to possess such resistance to shocks of transportation and protection against leakage of contents as are afforded by standard types of packages described in Part 78 of this chapter, and the packages are labeled or marked to show compliance with this part.

### § 73.336 Nitrogen dioxide, liquid, nitrogen peroxide, liquid, and nitrogen tetroxide, liquid.

(a) Nitrogen dioxide, liquid, nitrogen peroxide, liquid, and nitrogen tetroxide, liquid must be packed in specification containers as follows:

(1) As prescribed in § 73.328.

(2) Spec. 3A480 or 3AA480 (§ 78.36 or § 78.37 of this chapter) or 25.[1] Metal cylinders with valve removed; valve opening to be closed by means of a solid metal plug with tapered thread properly luted to prevent leakage; valve protection cap must be used and be at least 5/16 inch thick, gastight, with 3/16 inch faced seat for gasket and with United States standard form thread. Use of this container will be permitted because of the present emergency and until further order of the Commission.

(3) Spec. 106A500,[2] or 106A500–X (§§ 79.300, 79.301 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F.

NOTE 1: Tanks complying with ICC–106A (§ 78.275 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(4) Spec. 105A500–W (§§ 79.100, 79.101 of this chapter). Tank cars. Authorized for nitrogen tetroxide only. Tanks must be lagged with not less than

[1] Use of existing tank cars authorized, but new construction not authorized.

[2] Use of existing cylinders authorized, but new construction not authorized.

a four-inch thickness of cork. All valves and fittings shall be protected by a securely attached cover made of metal not subject to deterioration by the lading, and all valve openings, except the safety valve, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel or platinum frangible disc. Tank must be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE ONLY." Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide.

**§ 73.337 Nitric oxide.**

(a) Nitric oxide must be packed in specification containers as follows:

(1) Spec. 3A, 3AA, or 3E1800 (§ 78.36, § 78.37, or § 78.42 of this chapter) cylinders designed and marked for a service pressure of 1800 pounds per square inch, or higher, charged to a pressure of not more than 750 pounds per square inch at 70° F. Cylinders must be equipped with a valve of stainless steel and valve seat of material which will not be deteriorated by contact with nitric oxide or nitrogen dioxide. Containers or valves must not be equipped with safety devices of any type. Valve outlets must be sealed by a solid threaded cap or plug and an inert gasketing material.

(2) Spec. 3E1800 (§ 78.42 of this chapter) cylinders must be packed in strong wooden boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside shipping container must be plainly marked "inside containers comply with prescribed specifications".

(3) Spec. 3A and 3AA (§§ 78.36 and 78.37 of this chapter) cylinders must have their valves protected by metal caps securely attached to the cylinders and of sufficient strength to protect the valves from injury during transit, or by packing in strong wooden boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside shipping container must be plainly marked "inside containers comply with prescribed specifications".

**§ 73.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.**

(a) Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide must be packed in specification containers as follows:

(1) As prescribed in § 73.328.

(2) Spec. 3A480 or 3AA480 (§ 78.36 or § 78.37 of this chapter). Metal cylinders with valve removed; valve opening to be closed by means of a solid metal plug with tapered thread properly luted to prevent leakage; valve protection cap must be used and be at least 3/16 inch thick, gastight, with 3/16 inch faced seat for gasket and with United States standard form thread.

(3) Spec. 106A500,[1] or 106A500–X (§§ 79.300, 79.301 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gas-tight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F.

NOTE 1: Tanks complying with ICC–106A (§ 78.275 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(4) Spec. 105A500–W (§§ 79.100, 79.101 of this chapter). Tank cars. Tanks must be lagged with not less than a four-inch thickness of cork. All valves and fittings shall be protected by a securely attached cover made of metal not subject to deterioration by the lading and all valve openings, except the safety valve, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel or platinum frangible disc. Tank must be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURES ONLY." Written procedures covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide-nitric oxide mixtures.

**§ 73.343 Less dangerous poisons, class B, liquid or solid, poison label; definition.**

(a) For the purposes of Parts 71–78 of this chapter and except as otherwise provided in this part class B poisons are substances, liquids or solids (including pastes and semi-solids), other than classes A, C, or D poisons, which are known to be so toxic to man as to afford a hazard to health during transportation, or which, in the absence of adequate data on human toxicity, are presumed to be toxic to man because they fall within any one of the following categories when tested on laboratory animals:

(1) *Oral toxicity.* Those which produce death within 48 hours in half or more than half of a group of 10 or more white laboratory rats weighing 200 to 300 grams at a single dose of 50 milligrams or less per kilogram of body weight, when administered orally.

(2) *Toxicity on inhalation.* Those which produce death within 48 hours in half or more than half of a group of 10 or more white laboratory rats weighing 200 to 300 grams, when inhaled continuously for a period of one hour or less at a concentration of 2 milligrams or less per liter of vapor, mist, or dust, provided such concentration is likely to be encountered by man when the chemical product is used in any reasonable foreseeable manner.

[1] Use of existing tank cars authorized, but new construction not authorized.

(3) *Toxicity by skin absorption.* Those which produce death within 48 hours in half or more than half of a group of 10 or more rabbits tested at a dosage of 200 milligrams or less per kilogram body weight, when administered by continuous contact with the bare skin for 24 hours or less.

(b) The foregoing categories shall not apply if the physical characteristics or the probable hazards to humans as shown by experience indicate that the substances will not cause serious sickness or death. Neither the display of danger or warning labels pertaining to use nor the toxicity tests set forth above shall prejudice or prohibit the exemption of any substances from the provisions of Parts 71–78 of this chapter.

**§ 73.344 Packing for class B poisons, liquid.**

(a) Closing and cushioning. All containers must be tightly and securely closed. Inside containers must be cushioned as prescribed, or in any case when necessary to prevent breakage or leakage.

(b) *Outage.* Outage for containers of liquid poison for transportation by carriers by rail freight, rail express, highway, or water must be as follows:

(1) Containers must not be entirely filled. Sufficient interior space must be left vacant to prevent leakage or distortion of containers due to the expansion of the contents from increase of temperature during transit.

(2) The proper vacant space (outage) in a tank car or other shipping container depends on the coefficient of expansion of the liquid and the maximum increase of temperature to which it will be subjected in transit. Outage must be calculated to the total capacity of the container.

(3) Liquid poison must not be loaded into domes of tank cars.

(4) In tank cars, outage must be calculated to percentage of the total capacity of the tank, i. e., shell and dome capacity combined. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage.

(5) The outage for tank cars must not be less than 1 percent.

(6) No cargo tank or compartment thereof used for the transportation of any liquid poison shall be completely filled; sufficient space shall be left vacant in every case to prevent leakage from or distortion of any such cargo tank by expansion of the contents due to rise in temperature in transit, and such free space (outage) shall be sufficient in every case so that such cargo tank shall not become entirely filled with the liquid at 130° F.

**§ 73.345 Exemptions for poisonous liquids, class B.**

(a) Poisonous liquids, class B, as defined in § 73.343, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, or as provided for in § 73.359(c), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and



packed as follows, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) In glass or earthenware containers not over 1 quart capacity each, or in metal containers or polyethylene bottles not over 1 gallon capacity each, packed in strong outside wooden boxes or barrels.

(2) In glass or earthenware containers not over 1 pint capacity each, or in metal or polyethylene containers not over 1 quart capacity each, packed in strong outside fiberboard boxes.

**§ 73.346 Poisonous liquids not specifically provided for.**

(a) Poisonous liquids as defined in § 73.343, other than those for which special requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

(1) Spec. 5, 5A, 5B, or 5C (§§ 78.80, 78.81, 78.82, or 78.83 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C or 17E (§§ 78.115 or 78.116 of this chapter). Metal drums (single-trip containers), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 37B (§ 78.132 of this chapter). Metal drums (single-trip containers), welded side seams, openings not over 2.3 inches in diameter, capacity not over 10 gallons.

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip containers), with welded side seams, not over 5 gallons; authorized for pastes only.

(5) Spec. 10A, 10B, or 10C (§§ 78.155, 78.156, or 78.157 of this chapter). Wooden barrels or kegs.

(6) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with glass or earthenware inside containers, not over 1 gallon capacity each, or with metal inside containers not over 2 gallons capacity each.

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass or earthenware inside containers not over 1 quart capacity each, or with metal inside containers not over 1 gallon capacity each. Packages containing glass or earthenware containers must not weigh over 65 pounds gross.

(8) Spec. 12D (§ 78.207 of this chapter). Fiberboard boxes with inside container which must be glass or earthenware not over one gallon each; authorized for not more than 75 pounds gross weight; not to contain more than 4 such inside containers if their capacity is greater than 5 pints each. Use of this container will be permitted because of the present emergency and until further order of the Commission.

(9) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon capacity each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container; or with metal inside containers, not over 10 gallons capacity each.

(10) Spec. 103,[1] 103–W, 103A,[1] 103AL–W, 103A–W, 104,[1] 104–W, 105A100,[2] 105A100–W, 111A60AL–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, 111A100–W–2, 111A100–W–3, 111A100–W–4, or ARA–IV–A[1] (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

(11) Cylinders as prescribed for any compressed gas, except acetylene, are also authorized.

(12) Spec. MC 300, MC 301,[2] MC 302, MC 303, MC 304, MC 305, MC 310, or MC 311 (§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330 or 78.331 of this chapter). Tank motor vehicles.

(13) Spec. 1A, 1D, or 1E (§§ 78.1, 78.4, or 78.7 of this chapter). Glass carboys in wooden boxes or plywood drums.

(14) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

(15) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

(16) Spec. 42B, 42C, or 42D (§§ 78.107, 78.108, or 78.109 of this chapter). Aluminum drums.

(17) Spec. 42E (§ 78.136 of this chapter). Aluminum drums (single-trip).

(18) Spec. 15P or 22C (§ 78.182 or § 78.198 of this chapter). Glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

(19) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5 gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24-gauge metal. Hole in steel drum body must be suitably plugged. Authorized only for materials that will not react with polyethylene and result in container failure.

(20) Spec. 6D (§ 78.102 of this chapter). Cylindrical steel overpack with inside spec. 2S (§ 78.35 of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

(21) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with not more than one inside glass bottle not over 1-gallon capacity. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(22) Spec. 29 (§ 78.226 of this chapter). Mailing tubes, with polyethylene bottles not over 2 quarts capacity each.

[1] Use of existing tank cars authorized, but new construction not authorized.

[2] Use of existing cargo tanks authorized, but new construction not authorized.

(23) Spec. 42G (§ 78.111 of this chapter). Aluminum drums.

(24) Spec. 12P (§ 78.211 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections, that could cause failures.

(25) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(26) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles having a minimum wall thickness of 0.015 inch and provided with screw-cap closures, not over one gallon capacity each. Each bottle shall be enclosed in a box constructed of at least 200-pound test (Mullen or Cady) corrugated fiberboard and not more than four such boxes shall be packed in one outside specification shipping container.

**§ 73.347 Aniline oil.**

(a) Aniline oil must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with metal inside containers not over 10 gallons capacity each, or glass bottles not over 1 pound capacity each. Not more than 25 of these botles shall be packed in any outside container.

NOTE 1: Because of the present emergency and until further order of the Commission, glass bottles not over 5 pints capacity each and not more than six of these bottles packed in one outside container are authorized.

(2) Spec. 103,[1] 103–W, 103A,[1] 103A–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

(3) Spec. MC 300, MC 301,[2] MC 302, MC 303, or MC 305 (§ 78.321, 78.323, 78.324 or 78.326 of this chapter). Tank motor vehicles.

(4) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums. Net weight in 110 gallon drums must not exceed 915 pounds.

(5) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip).

(6) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip) not over 5 gallons capacity each.

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with metal inside containers not over 1 gallon capacity each; not to contain more than 4 such inside containers if their capacity is greater than 5 pints each.

(8) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles or metal containers not over 1 gallon capacity each. Not more than four inside containers having capacity of 1 gallon each, shall be packed in one outside container. Shipper must have

established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(b) Openings in metal barrels or drums must not exceed 2.3 inches in diameter.

(1) Gaskets not less than one-eighth inch thick must be used at bung and filling holes. Gaskets must be made of hard fiber impregnated with glycerin, metal-covered cork, impregnated asbestos sheets, or metal-covered asbestos.

(c) Filled drums must be so placed that bungs will be subjected to hydrostatic head of oil contained therein for a period of not less than 12 hours.

(1) The exterior of filled drums must be carefully examined for evidence of aniline oil, any traces of which must be removed by washing off with water or, preferably, weak acetic acid. The space between rolling hoops immediately around the bung should be painted to aid in the detection of leaks at this point.

(d) All returnable drums must bear the following notice, "PREVENT DAMAGE TO FOODSTUFFS OR OTHER FREIGHT. DRAIN THIS DRUM THOROUGHLY. TIGHTEN BUNGS, WITH GASKET, SECURELY IN PLACE BEFORE RETURNING. USE NEW GASKETS WHEN NECESSARY. ANILINE OIL STAINS ON THE OUTSIDE OF DRUMS SHOULD BE WASHED OFF WITH WATER OR, PREFERABLY, WEAK ACETIC ACID", shellacked to head of drum near the consignee's name and address.

**§ 73.348 Arsenic acid.**

(a) Arsenic acid must be packed in specification containers as follows:

(1) As prescribed in § 73.346.

(2) Spec. 1A, 1C, or 1D (§§ 78.1, 78.3, or 78.4 of this chapter). Glass carboys in boxes or kegs which must be closed, and when reused must be reconditioned and tested, as provided in the specification.

(3) Spec. 12A or 12B (§ 78.210 or 78.205 of this chapter). Fiberboard boxes with inside high-density polyethylene bottles having minimum wall thickness of 0.015 inch with screw-cap closures, not over 1 gallon capacity each. Spec. 12A fiberboard boxes shall have not more than four inside polyethylene bottles which shall be packed to provide a snug fit. Spec. 12B fiberboard boxes shall contain not more than one inside polyethylene bottle and not more than four such boxes shall be overpacked in a strong outside fiberboard box under provisions of § 73.25.

**§ 73.349 Carbolic acid (phenol) liquid.**

(a) Carbolic acid (phenol) liquid (liquid tar acid containing over 50 percent benzo-phenol), must be packed in specification containers as follows:

(1) As prescribed in § 73.346.

(2) Specification 1A, 1C, or 1D (§§ 78.1, 78.3, or 78.4 of this chapter). Glass carboys in boxes or kegs, which must be closed, and when reused must be reconditioned and tested, as provided in the specification.

(3) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5-pints capacity each. Not more than 6 inside glass bottles of 5-pints capacity each shall be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

**§ 73.350 Chemical ammunition.**

(a) Chemical ammunition consisting of projectiles, shells, bombs, grenades and other containers filled with gases, liquids, or chemicals, class B, poison, without ignition elements, bursting charges, detonating fuzes, or other explosive components, must be packed for shipment in strong outside wooden or metal boxes. Boxes must be marked with name of contents and labeled as prescribed by this part for gases, liquids, or chemicals contained therein.

(b) Chemical ammunition, when shipped as such, must not be equipped or packed with explosive or ignition elements. (See §§ 73.53 (r) and 73.59 for explosive chemical ammunition.)

**§ 73.351 Hydrocyanic acid solutions.**

(a) Hydrocyanic acid solutions must be in glass bottles not over 1 pound capacity each for solutions of not over 5 percent strength and not over 5 pints capacity each for solutions of not over 2 percent strength and must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes.

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs.

**§ 73.352 Liquid sodium or potassium cyanide.**

(a) Liquid sodium or potassium cyanide must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums without galvanizing inside, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17E or 37B (§ 78.116 or § 78.132 of this chapter). Metal drums (single-trip), with welded side seams, with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside glass or earthenware containers not over 1 gallon capacity each, or inside metal containers not over 10 gallons capacity each, and without galvanizing.

(4) Spec. 103,[1] 103–W, 103A,[1] 103A–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

(5) Spec. MC 300, MC 301,[2] MC 302, MC 303 or MC 305 (§ 78.321, 78.323, 78.324, or 78.326 of this chapter). Tank motor vehicles.

[1] Use of existing tank cars authorized, but new construction not authorized.

[2] Use of existing cargo tanks authorized, but new construction not authorized.

**§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.**

(a) Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid, must be packed in specification containers as follows:

(1) Spec. 5A (§ 78.81 of this chapter). Metal drums not exceeding 30 gallons capacity or metal drums of bilge type not exceeding 33 gallons capacity and with openings not exceeding 2.3 inches in diameter. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

(2) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, or 78.205 of this chapter). Wooden, wire-bound wooden, or fiberboard boxes, with inside metal cans containing not over 1 pound each; outage required so can shall not become liquid-full at 130° F. Cans must be of tinplate or lined with suitable material and must have concave or pressure ends. Cans must be able to withstand an interior pressure of 130 pounds per square inch gauge without evidence of leakage or permanent distortion.

(3) Spec. 3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, or 4BA225 (§ 78.36, § 78.37, § 78.38, § 78.42, § 78.49, § 78.50, or § 78.51 of this chapter). Metal cylinders. Valves or other closing devices must be protected to prevent injury in transit by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 73.25).

(4) Spec. 4D300 or 4DA500 (§ 78.53 or § 78.58 of this chapter). Metal spheres, for use in aircraft only, must be equipped with approved safety devices and must be packed in strong boxes or crates (see § 73.25).

(5) Spec. 105A100,[1] 105A100–W, 106A500,[1] 106A500–X or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201, 79.300, 79.301 of this chapter). Tank cars.

NOTE 1: Tanks complying with ICC–106A (§ 78.275 or 78.276 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 105A100,[1] 105A100–W, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter) at 105 F; spec. 106A500,[1] or 106A500–X (§§ 79.300, 79.301 of this chapter) at 130 F.

(c) Outage must be sufficient to prevent cylinders or spheres from becoming entirely filled with liquid at 130° F. and when the vacant space (outage) is charged with nitrogen, carbon dioxide, or air the pressure in the cylinder or sphere at 130° F. must not exceed 5/4 the marked service pressure of the cylinder or sphere.

(d) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) not over 5¼ gallons marked capacity each and having no opening exceeding 2.3 inches in diameter. Authorized only for mixtures containing not over 40 percent by weight of methyl bromide.

(e) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicles having a design pressure not less than 250 pounds per square inch equipped with an approved spring-relief safety valve. Outage must be sufficient to prevent tank from becoming entirely filled with liquid at 130° F. Authorized for methyl bromide-ethylene dibromide mixture only.

**§ 73.354 Motor fuel antiknock compound or tetraethyl lead.**

(a) Motor fuel antiknock compound (a mixture of one or more organic lead compounds such as tetraethyl lead, triethylmethyl lead, diethyldimethyl lead, ethyltrimethyl lead, and tetramethyl lead, with one or more halogen compounds such as ethylene dibromide and ethylene dichloride, hydrocarbon solvents or other equally efficient stabilizers) or tetraethyl lead must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes with inside glass or earthenware containers of not over 1 pint capacity each, or metal cans, inclosed in hermetically sealed (soldered) metal cans, spec. 2A (§ 78.20 of this chapter).

(2) Spec. 5 or 5A (§§ 78.80 or 78.81 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(3) Cylinders as prescribed for any compressed gas, except acetylene.

(4) Spec. 105A300–W (§ 78.286 of this chapter). Tank car. Stenciled on both sides of the tank "FOR MOTOR FUEL ANTIKNOCK COMPOUND ONLY." Tank car not authorized for tetraethyl lead. Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner.

(5) Spec. MC 330 (§ 78.336 of this chapter) (see Note 1). Tank motor vehicles. Authorized for motor fuel antiknock compound only.

NOTE 1: Spec. MC 300, MC 301,[1] MC 302 or MC 303 (§ 78.321, 78.323, or 78.324 of this chapter) tank motor vehicles in motor fuel antiknock compound service prior to October 1, 1955 may be continued in service.

(6) Spec. 51 (§ 78.245 of this chapter). Portable tanks having a minimum design pressure of 100 pounds per square inch. Authorized for motor fuel antiknock compound only.

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 375-pound test (Mullen or Cady) solid fiberboard with inside metal cans enclosed in hermetically sealed (soldered) metal cans, not over 5 pounds capacity each. Each inside metal container must be enclosed in a taped, double-faced corrugated liner constructed of at least 200-pound test (Mullen or Cady) fiberboard and fitted with die-cut end caps constructed of at least 200-pound test (Mullen or Cady) double-walled corrugated fiberboard. Authorized gross weight not over 90 pounds.

(b) Outage must be sufficient to prevent any container from becoming entirely filled with liquid at 130° F.

[1] Use of existing cargo tanks authorized, but new construction not authorized.

**§ 73.355 Phenyldichlorarsine.**

(a) Phenyldichlorarsine must be packed in specification containers as follows:

(1) Spec. 5A (§ 78.81 of this chapter). Metal barrels or drums, made of not less than 12 gauge steel, and limited to 30 gallons capacity, with openings not exceeding 2.3 inches in diameter. Each metal barrel or drum must be tested, before each filling to 20 pounds hydrostatic test.

**§ 73.356 Thiophosgene.**

(a) Thiophosgene must be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside containers which must be tightly closed glass bottles not exceeding 1 pint capacity each, securely packed in absorbent incombustible cushioning material. Cushioning material must be capable of absorbing entire contents of the container.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with inside containers which must be tightly closed glass bottles not exceeding 1 quart capacity each, securely packed in absorbent incombustible cushioning material. Cushioning material must be capable of absorbing entire contents of container.

**§ 73.357 Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.**

(a) *Chlorpicrin.* Chlorpicrin, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

(2) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with inside glass bottles or tubes in hermetically sealed metal cans in individual unsealed one-piece corrugated fiberboard boxes, spec. 12B at least 200-pound test. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 12 pounds.

(3) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with not more than one inside glass bottle or tube in a hermetically sealed metal can. Bottles must contain not over 1 pound of liquid, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard.

(b) *Chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A.* Chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A, in addition to containers prescribed in paragraph (a) of this section, when offered for transportation by carriers by rail freight, highway, or water, may be shipped in specification containers as follows:

(1) Spec. 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, or 4C (§ 78.36, 78.37, 78.38, 78.40, 78.41, 78 42, 78.49, 78.50, 78.51, or 78.52 of this chapter). Metal cylinders of not over 275 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders closed by means of solid plugs may have the plugs protected by metal collars. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 73.25).

NOTE 1: Because of the present emergency and until further order of the Commission, cylinders not exceeding 458 pounds water capacity are authorized for mixtures containing not over 15 percent by volume of chlorpicrin.

(2) Spec. 5A (§ 78.81 of this chapter). Metal drums of not exceeding 33 gallons capacity with welded seams.

NOTE 1: Because of the present emergency and until further order of the Commission, drums not exceeding 55 gallons capacity with welded seams are authorized for mixtures containing not over 15 percent by volume of chlorpicrin.

(3) Spec. 17C or 17E (§§ 78.115 and 78.116 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter. Capacity not to exceed 30 gallons. Authorized only for chlorpicrin mixtures containing not to exceed 15 percent chlorpicrin by weight or 15 percent by volume chlorpicrin, 85 percent by volume dichloropropene technical, and only authorized for such mixtures not classed as flammable under these regulations.

(4) Spec. 106A500[1] or 106A500–X (§§ 79.300, 79.301 of this chapter). Tank cars. Tanks shall not be equipped with safety devices of any type and valves shall be protected by metal caps. Outage

[1] Use of existing tank cars authorized, but new construction not authorized.

shall be sufficient to prevent tanks from becoming liquid full at 130 F.

NOTE 1: Tanks complying with ICC–106A (§§ 79.300 and 79.301 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(5) Spec. 105A300–W, 105A400–W, or 105A500–W (§ 78.286, 78.287, or 78.288 of this chapter). Tank cars.

(c) Chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A, when offered for transportation by rail express must be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

(2) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, metal strapped, with chlorpicrin absorbed in an efficient absorbing material packed in hermetically sealed metal cans not exceeding 1 quart capacity each.

(3) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with inside glass bottles or tubes in hermetically sealed metal cans in individual unsealed one-piece corrugated fiberboard boxes, Spec. 12B at least 200-pound test. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 12 pounds.

(4) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with not more than one inside glass bottle or tube in a hermetically sealed metal can. Bottles must contain not over 1 pound of liquid, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard.

### § 73.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C or 17E (§§ 78.115 or 78.116 of this chapter), metal drums (single-trip), with openings not exceeding 2.3 inches in diameter. Spec. 17E drums authorized for not over 5 gallons capacity each.

(3) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with metal inside containers of not over 5 gallons capacity each.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over 1 gallon capacity each.

(6) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(7) Cylinders as prescribed for any compressed gas, except acetylene, are also authorized.

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside container of polyethylene, or other nonfragile plastic material, and closed by a screw cap of similar material, not over 16 ounces, surrounded by absorbent cushioning and packed in a one gallon securely closed metal can which shall be surrounded with absorbent cushioning material within the outside fiberboard box.

(10) Spec. 42B (§ 78.107 of this chapter). Aluminum drums.

### § 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 50 percent hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip), with openings not exceeding 2.3 inches in diameter.

(3) Spec. 17E or 37B (§ 78.116 or §78.132 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter. Capacity not to exceed 10 gallons for spec. 17E drums. Spec. 37B drums must be constructed of at least 24-gauge metal with welded side seams, of capacity not over 5½ gallons, and must be tested as prescribed by § 78.116–12 and 78.116–13 of this chapter. Authorized only for mixtures not classed as flammable under these regulations.

(4) Spec. 15A, 15B, 15C, or 15E (§§ 78.168, 78.169, 78.170, or 78.172 of this chapter). Wooden boxes, with metal inside containers not over 10 gallons capacity each.

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

(7) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(8) Spec. 12B (§78.205 of this chapter). Fiberboard boxes as authorized by § 78.205–19 (a) of this chapter.

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

(10) Spec. 42B (§ 78.107 of this chapter). Aluminum drums.

(11) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside high-density polyethylene bottles not over 1-gallon capacity each. Polyethylene bottles must have a minimum wall thickness of 0.015 inch and be equipped with screw-cap closures additionally taped for securement. Each polyethylene bottle shall be packed in an inside fiberboard box. Not more than four inside fiberboard boxes with inside polyethylene bottles shall be packed in one outside shipping container. Polyethylene used in construction of inside polyethylene bottles must be of a type compatible with the lading and shall prevent permeation of contents to a degree that would cause a hazardous condition in transportation and handling.

(12) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside securely closed metal containers not over 1-gallon capacity each. Fiberboard boxes shall be constructed of not less than 500-pound test (Mullen or Cady) double-wall corrugated fiberboard. Not more than six 1-gallon metal containers shall be packed in one outside container. Authorized gross weight not over 65 pounds.

(13) Spec. 105A300–W (§§ 79.100 and 79.101 of this chapter). Tank cars. Authorized for organic phosphate compound mixtures, n.o.s., only.

(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing more than 50 percent hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

(1) Spec. 5, 5A, or 5B (§§ 78.80, 78.81, or 78.82 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

(2) Spec. 17C, 17E, or 37B (§ 78.115, § 78.116, or § 78.132 of this chapter). Metal drums (single-trip) with openings not exceeding 2.7 inches in diameter. Spec. 17E drums authorized for not over 5 gallons capacity each. Spec. 37B drums must be constructed of at least 24-gauge metal with welded side seam, of not over 5½ gallons capacity, and must be tested as prescribed by §§ 78.116–12 and 78.116–13 of this chapter.

(3) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with metal inside containers not over 5 gallons capacity each.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each, securely cushioned in liquid-tight metal cans.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

(6) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

(8) Spec. 42B (§ 78.107 of this chapter). Aluminum drums.

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than six inside high-density polyethylene bottles having screw-cap closures, not over 1-quart capacity each. Fiberboard boxes must have full-height corrugated fiberboard liner, top and bottom pads, and bottles must be separated by corrugated fiberboard partitions. Plastic used in construction of bottles must be of a type compatible with the lading.

(c) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25 percent hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, in inside metal containers not over 8-fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage, are exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

### § 73.360 Perchloro-methyl-mercaptan.

(a) Perchloro-methyl-mercaptan in any quantity must not be packed with any other article. When offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(1) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs, with inside containers which must be glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not over 100 pounds in one outside container.

(2) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes, with inside containers which must be glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not over 100 pounds in one outside container.

(3) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums not over 33 gallons each.

(4) Spec. 5K or 5M (§ 78.88 or § 78.90 of this chapter). Nickel or monel barrels or drums.

### § 73.361 Aldrin mixtures, liquid, with more than 60 percent aldrin.

(a) Aldrin mixtures, liquid, with more than 60 percent aldrin must be shipped in specification containers as follows:

(1) As prescribed in § 73.346.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or § 78.99 of this chapter). Metal barrels or drums. Authorized only for viscous mixtures or those which may become partially solid.

(3) Spec. 17C or 17H (§ 78.115 or § 78.118 of this chapter). Metal drums (single-trip). Drums with opening exceeding 2.3 inches in diameter authorized only for viscous mixtures or those which may become partially solid.

(b) Aldrin mixtures, liquid, containing 60 percent or less aldrin and no other material classed as dangerous under these regulations are not subject to Parts 71–78 of this chapter.

### § 73.362 4-Chloro-o-toluidine hydrochloride.

(a) 4-Chloro-o-toluidine hydrochloride must be shipped in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass polyethylene, or equally efficient inside containers not over 1 quart capacity each, securely packed in a tightly closed metal container.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with glass, polyethylene, or equally efficient inside containers not over 1 quart capacity each. Glass containers must be securely packed in tightly closed metal containers.

(3) Spec. 17C or 17H (§§ 78.115 or 78.118 of this chapter). Metal drums (single-trip).

(4) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

### § 73.362a Dinitrophenol solutions.

(a) Dinitrophenol solutions must be packed in specification containers as follows:

(1) In containers prescribed in § 73.346.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with glass, earthenware, or metal inside containers not over 1 gallon capacity each; not to contain more than 4 inside glass or earthenware containers if their capacity is greater than 5 pints each.

### § 73.363 Packing for class B poisons, solid.

(a) Closing and cushioning. All containers must be tightly and securely closed. Inside containers must be cushioned as prescribed, or in any case when necessary to prevent breakage or leakage.

(b) Testing inside containers. All inside containers, except those made of glass, must be able to pass a test by dropping, after filling, from a height of 4 feet to solid concrete without rupture or sifting of contents, except that for bags with contents weighing 25 pounds, a drop test of 2 feet is required.

### § 73.364 Exemptions for poisonous solids, class B.

(a) Poisonous solids, class B, except beryllium metal powder; carbolic acid (phenol) other than as specified in § 73.369(b); cyanides, other than as specified in § 73.370 (b) and (d); cyanogen bromide, hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, other than as specified in § 73.377(f); in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) In inside glass, earthenware, or composition bottles or jars, or metal containers, or lock-corner sliding-lid wooden boxes, of not over 5 pounds capacity each; or chipboard, pasteboard, or fiber cartons, cans, boxes, or tightly closed strong plastic bags or bottles compatible with product of not over 1 pound capacity each, packed in outside wooden or fiberboard boxes, or wooden barrels or

kegs. Net weight of contents of outside container not over 100 pounds.

(2) In inside chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 5 pounds capacity each, packed in outside fiberboard or wooden boxes. Not more than 6 of these cartons shall be packed in any outside container.

**§ 73.365 Poisonous solids not specifically provided for.**

(a) Poisonous solids, as defined in § 73.343, other than those for which special requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

(1) Spec. 5, 5A, 5B, 6A, 6B, or 6C (§§ 78.80, 78.81, 78.82, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 375 pounds, except for material fused solid in the drum a gross weight of 880 pounds and not over 550 pounds gross weight for waste material containing arsenic trioxide is authorized in drums constructed of at least 18 gauge steel regardless of gross weight marking embossed in the container.

(3) [Reserved]

(4) Spec. 10A, 10B, or 10C (§§ 78.155, 78.156, or 78.157 of this chapter). Wooden barrels or kegs lined with creped-paper bag, spec. 2J (§ 78.28 of this chapter). Liner may be omitted if material is not pulverized or liable to sift.

NOTE 1: Because of the present emergency and until further order of the Commission, wooden whiskey barrels, with char removed and properly recoopered, which comply with all the provisions of spec. 10B, are also authorized. Marking is required on the head of each container, by the reconditioner, by hot branding iron, as follows:

ICC–10B.

Name or symbol (letters) of reconditioner; this must be registered with the Bureau of Explosives and located just above, below, or following the mark ICC–10B.

Size of markings (minimum): ¾-inch high.

(5) Spec. 11A (§ 78.160 of this chapter). Wooden barrels or kegs, tongued and grooved, net weight of contents not over 115 pounds each.

(6) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter). Fiberboard boxes, with inside containers which must be metal cans not over 25 pounds capacity each; glass bottles not over 1 gallon capacity each; fiber cans or boxes, spec. 2G (§ 78.26 of this chapter); sliding-top wooden boxes, lined to prevent sifting, not over 25 pounds capacity each; or paper bags, spec. 2D (§ 78.23 of this chapter). Packages containing glass or earthenware containers must not weigh over 65 pounds gross nor contain more than 4 inside containers of over 5 pints capacity each. Outside containers must be not over 5,000 cubic inches capacity nor contain over 50 pounds net weight each, except as provided in § 78.205–23 of this chapter.

TEST: The completed package prepared as for shipping must be capable of standing a drop of 4 feet to solid concrete without breakage of the container or any sifting of contents.

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with securely closed inside fiberboard or chipboard boxes not over 6 pounds net weight each. Interior containers must be at least .028 inch thick for those not over 2½ pounds net weight each and at least .034 inch thick for others. Outside packages must contain not over 36 pounds net weight of material each.

TEST: The individual interior containers as well as the completed package prepared as for shipping must be capable of standing a drop of 4 feet to solid concrete without breakage of the container or any sifting of contents.

(8) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, with inside containers which must be securely closed paper bags, placed within a waterproof duplex bag, spec. 2J (§ 78.23 of this chapter). Net weight of material in one outside box, not over 100 pounds.

(9) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes, with inside containers which must be metal cans not over 25 pounds capacity each; glass or earthenware containers not over 1 gallon capacity each; except that inside containers of not over 5 gallons each and containing not over 25 pounds net weight are authorized when only one inside container is packed in each outside container. Fiber cans or boxes, spec. 2G (§ 78.26 of this chapter), or sliding-top wooden boxes, lined to prevent sifting, not over 25 pounds capacity each. Net weight of material in outside container, not over 100 pounds each.

(10) Spec. 18B (§78.193 of this chapter). Wooden kits lined as prescribed by spec. 2K (§ 78.29 of this chapter). Net weight not over 30 pounds each.

(11) [Reserved]

(12) Spec. 22A (§ 78.196 of this chapter). Plywood drums. Net weight not over 115 pounds each.

(13) Spec. 103,[1] 103–W, 103A,[1] 103A–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

(14) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(15) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test double-faced fiberboard and provided with a perimeter liner and bottom pad of at least 200-pound test fiberboard. Boxes constructed of at least 350-pound fiberboard having top and bottom pads shall not require perimeter liner. Product must be contained within a tightly closed polyethylene or other equally efficient plastic bag constructed of material having minimum thickness of 0.004 inch. Not more than 25 pounds net weight of product may be packed in one outside box.

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than 4 inside glass bottles of 5 pounds capacity each shall be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

[1] Use of existing tank cars authorized, but new construction not authorized.

**§ 73.366 Arsenic (arsenic trioxide) or arsenic acid (solid).**

(a) Arsenic (arsenic trioxide) or arsenic acid (solid) must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

(2) Spec. 10A, 10B, or 10C (§§ 78.155, 78.156, or 78.157 of this chapter). Wooden barrels or kegs with tongued-and-grooved staves; a 4½-inch metal bung in the head is permitted; lining not required.

(3) In addition to specification containers prescribed in this section, arsenic (arsenic trioxide) or arsenic acid (solid) may be shipped when packed in portable, collapsible, rubber containers, not over 70 cubic feet capacity, of a type approved by the Bureau of Explosives. Authorized for carload or truckload shipments only.

(b) Import shipments of arsenic (arsenic trioxide) may also be shipped when packed as follows:

(1) Inclosed in strong waterproofed cloth containers, securely sewn and closed so as to provide a sift-proof package, and then packed in strong, tight, metal-strapped wooden boxes constructed of material not less than three-fourths inch thick throughout.

(2) In strong and tight metal drums inclosed in a strong outside wooden barrel.

**§ 73.367 Arsenical compounds n.o.s., arsenate of lead, calcium arsenate, Paris green, and arsenical mixtures.**

(a) Arsenical compounds n.o.s., arsenate of lead, calcium arsenate, Paris green, and arsenical mixtures must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

NOTE 1: Because of the present emergency and until further order of the Commission, wooden hoops as specified in § 78.160–6 of this chapter may be used in lieu of steel hoops required by specification 10B (§ 78.156 of this chapter).

(2) Spec. 36A or 36B (§§ 78.230 or 78.233 of this chapter). Triplex bags. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide.

(3) Spec. 44B (§ 78.236 of this chapter). Multiwall paper bags with inside paper bags, spec. 2D (§ 78.23 of this chapter). Net weight not over 50 pounds each.

(4) Spec. 44C, (§ 78.237 of this chapter). Multiwall paper bags. For carload and truckload shipments only. Net weight not over 50 pounds each.

(5) Spec. 44D (§ 78.238 of this chapter). Multiwall paper bags. For less-than-carload and less-than-truckload shipments. Where extensible kraft is used the minimum total basis weight shall be 260 pounds. Net weight not over 50 pounds each.

(6) Spec. 44E (§ 78.239 of this chapter). Multiwall paper bags constructed with minimum total basis weight of 160 pounds. For carload or truckload shipments only; loaded by the consignor and unloaded by the consignee or his duly authorized agent. Net weight not over 50 pounds each. Where extensible kraft is used the minimum total basis weight for 40 pound net weight bags shall be 190 pounds and for 20 pound net weight bags it shall be 150 pounds. Multiwall bags so constructed are authorized for less-than-carload and less-than-truckload shipments as well as carload and truckload shipments.

(b) Arsenical compounds n. o. s. containing not more than 6 percent arsenic of which not more than 0.5 percent is water soluble must be packed in specification containers as follows:

(1) As prescribed in paragraph (a) (1), (2), or (3) of this section.

(2) Spec. 44B (§ 78.236 of this chapter). Paper bags with two added inside thicknesses of No. 1 Kraft paper, one sheet having a Mullen test of 50 and the other sheet having a Mullen test of 40. Net weight not over 50 pounds each.

**§ 73.368 Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-product dusts; also arsenic trioxide, calcium arsenate, and sodium arsenate.**

(a) Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-product dusts from metal recovery operations not subject to dangerous spontaneous heating, and arsenic trioxide, calcium arsenate, or sodium arsenate, when delivery is made to plants with private sidings, only, may, in addition to containers prescribed in § 73.367, be shipped in sift-proof, self-clearing, hopper or bottom outlet steel cars or in sift-proof all steel flat bottom gondola cars with fixed sides and ends equipped with water-proof and dust-proof wooden or steel covers well secured in place for all openings, or in sift-proof box cars of all steel construction only when said cars are assigned exclusively to this service. See § 74.566(b) of this chapter for cleaning cars. Such cars, when used exclusively in this service, are not subject to the requirements of § 74.566(b) of this chapter.

(b) Arsenical dust and arsenic trioxide may be shipped in bulk in motor vehicles with steel, sift-proof, self-clearing hopper-type or dump-type bodies, with waterproof and dust-proof covers, well secured in place.

**§ 73.369 Carbolic acid (phenol), not liquid.**

(a) Carbolic acid (phenol), not liquid, must be packed in specification containers as follows:

(1) Spec. 5, 5A, 5B, 5C, 6A, 6B, or 6C (§§ 78.80, 78.81, 78.82, 78.83, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with securely closed inside drums of metal not thinner than No. 26 gauge, the space between drum and barrel or keg being filled with sawdust or rice hulls.

(3) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with glass or earthenware inside containers, not over 1 gallon capacity each, or with metal inside containers not over 2 gallons capacity each.

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be metal cans not over 25 pounds capacity each.

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass or earthenware inside containers not over 1 quart capacity each, or with metal inside containers not over 1 gallon capacity each. Packages containing glass or earthenware containers must not weigh over 65 pounds gross; packages containing metal cans not over 84 pounds gross as provided in § 78.205–23 of this chapter, 65 pounds for others.

(6) Spec. 12D (§ 78.207 of this chapter). Fiberboard boxes with inside containers which must be: Glass or earthenware not over 1 gallon or 5 pounds capacity each; authorized for not more than 75 pounds gross weight; not to contain more than 4 such inside containers if their capacity is greater than 5 pints each.

(7) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon or 5 pounds capacity each, except that inside containers up to 3 gallons or 15 pounds capacity each are authorized when only 1 is packed in each outside container; or with metal inside containers not over 10 gallons capacity each.

(8) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with metal inside containers, spec. 2F (§ 78.25 of this chapter), not over 250 pounds total capacity each.

(9) Spec. 17E or 17H (§ 78.116 or § 78.118 of this chapter). Metal drums (single-trip).

(10) [Reserved]

(11) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip).

(12) Spec. 42B or 42C (§§ 78.107 or 78.108 of this chapter). Aluminum drums.

(13) Spec. 103,[1] 103–W, 103AL–W, 103A,[1] 103A–W, 103A–AL–W, 111A60AL–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, 111A100–W–2 or 111A100–W–3 (§§ 79.200, 79.201 of this chapter). Tank cars.

(14) Spec. MC 300, MC 301,[2] MC 302, MC 303, MC 305, MC 310 or MC 311 (§ 78.321, 78.323, 78.324, 78.326, 78.330 or 78.331 of this chapter). Tank motor vehicles.

(15) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass, polyethylene, or other nonfragile plastic bottles not over 5 pounds capacity each. Not more than 4 inside glass bottles of 5 pounds capacity each shall be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(b) Carbolic acid (phenol), not liquid, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, is exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) In inside glass, earthenware, polyethylene or other nonfragile plastic bottles or jars not over 1 pound capacity each, or metal containers not over 5 pounds capacity each, packed in outside wooden boxes, barrels or kegs, or fiberboard boxes. Net weight of contents in fiberboard boxes shall not exceed 65 pounds; and not more than 100 pounds in wooden boxes, barrels or kegs.

[1] Use of existing tank cars authorized, but new construction not authorized.

[2] Use of existing cargo tanks authorized, but new construction not authorized.

**§ 73.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.**

(a) Cyanides, or cyanide mixtures (see paragraph (b) of this section for exemptions), except cyanide of calcium and mixtures thereof (see paragraph (c) of this section for packing requirements and paragraph (d) of this section for exemptions) if containing the cyanogen equivalent of 10 percent or more of potassium cyanide, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with metal inside containers, spec. 2F (§ 78.25 of this chapter), not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, spec. 2F, or in glass bottles not over 5 pounds capacity each.

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels with metal inside containers, spec. 2F (§ 78.25 of this chapter) not over 25 pounds capacity each; or hermetically sealed (soldered), metal lining, spec. 2F.

(3) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter). Fiberboard boxes with metal inside containers, spec. 2F (§ 78.25 of this chapter) not over 25 pounds capacity each.

(4) Spec. 5, 5A, 5B, 6A, 6B, or 6C (§§ 78.80, 78.81, 78.82, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(5) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter), metal drums (single-trip containers).

(6) Bulk in watertight metal cars or in watertight container car metal containers.

(7) [Reserved]

(8) Spec. 45B (§ 78.240 of this chapter). Bags, cloth, and paper, lined. Authorized only for sodium cyanides of globular or pellet form, diameter not less than ¾ inch. Net weight not over 100 pounds.

(9) Bulk in watertight metal-bodied covered motor vehicles.

(10) [Reserved]

(11) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(12) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test double-faced fiberboard and provided with a perimeter liner and bottom pad of at least 200-

pound test fiberboard. Boxes constructed of at least 350-pound fiberboard having top and bottom pads shall not require perimeter liner. Product must be contained within a tightly closed polyethylene or other equally efficient plastic bag constructed of material having minimum thickness of 0.004 inch. Not more than 25 pounds net weight of product may be packed in one outside box.

(13) Bulk in strong, water-tight, metal portable containers of not over 70 cubic feet capacity each, approved by the Bureau of Explosives.

(b) *Cyanides, except cyanide of calcium and mixtures thereof; exemptions.* Cyanides, except cyanide of calcium and mixtures thereof (see paragraph (d) of this section), when packed and described as follows are exempt from specification packaging and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) Cyanides, or cyanide mixtures, in tightly closed glass, earthenware, or metal inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanides or cyanide mixture in any outside container, not over 25 pounds.

(2) Cyanide mixtures in tightly closed glass, earthenware, or metal inside containers, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide mixtures in any outside container, not over 5 pounds.

(3) Cyanides of copper, zinc, lead and silver.

(c) *Cyanide of calcium and mixtures thereof.* Cyanide of calcium and mixtures thereof must be packed in specification containers as follows:

(1) As prescribed in paragraph (a) (2), (3), (4), (6), (9), (10) or (11) of this section.

(2) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with metal inside containers, spec. 2F, not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, spec. 2F (§ 78.25 of this chapter).

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter), metal drums (single-trip containers); welded side seams required for Spec. 37B drums and all seams and closures must be watertight and hermetically sealed.

(d) *Cyanide of calcium and mixtures thereof; exemptions.* Cyanide of calcium and mixtures thereof when packed and described as follows are exempt from specification packaging and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) Cyanide of calcium and mixtures thereof in tightly closed metal inside containers having not over 1 pound net weight each, or metal cans having not over 5 pounds net weight each. Not more than 25–1 pound containers or more than 1–5-pound container securely cushioned may be packed in the outside container which must be wooden or fiberboard boxes, or wooden barrels.

**§ 73.371 Dinitrobenzol.**

(a) Dinitrobenzol must be packed in specification containers as follows:

(1) As prescribed in § 73.346 or § 73.365.

(2) Spec. 11A (§ 78.160 of this chapter). Wooden barrels, gross weight 300 pounds; must be shipped in carload or truckload shipments only and must not be offered for transportation by carriers by rail express or water.

**§ 73.372 Mercury bichloride (mercuric chloride).**

(a) Mercury bichloride (mercuric chloride) must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

(2) Spec. 15A (§ 78.168 of this chapter). Wooden boxes with inside containers consisting of strong paper bags in tightly closed inside wooden boxes.

**§ 73.373 Ortho-nitroaniline and paranitraniline.**

(a) Ortho-nitroaniline and paranitraniline must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

(2) Spec. 11A (§ 78.160 of this chapter). Wooden barrels, gross weight 385 pounds; must be shipped in carload or truckload shipments only, and must not be offered for transportation by carriers by rail express or water.

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 400 pounds.

(4) In addition to specification containers prescribed in this section, paranitraniline may be shipped in bulk in strong, water-tight, metal-bodied covered hopper motor vehicles.

**§ 73.374 Nitrochlorbenzene, meta or para.**

(a) Nitrochlorbenzene, meta or para, must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums, authorized only for nitrochlorbenzene, para, flaked. Authorized net weight not over 400 pounds.

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip).

**§ 73.375 Sodium azide.**

(a) Sodium azide must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, with inside containers which must be securely closed paper bags, placed within a waterproof duplex bag, spec. 2J (§ 78.28 of this chapter). Net weight of material in one outside box, not over 100 pounds.

NOTE 1: Because of the present emergency and until further order of the Commission, uncreped bags may be used.

**§ 73.376 Aldrin mixtures, dry, with more than 65 percent aldrin.**

(a) Aldrin mixtures, dry, with more than 65 percent aldrin, must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

(b) Dry mixtures containing 65 percent or less aldrin, or aldrin, cast solid, and containing no other material classed as dangerous under these regulations are not subject to Parts 71–78 of this chapter.

**§ 73.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.**

(a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 2 percent but not exceeding 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

(1) Spec. 12B or 12C (§ 78.205 or 78.206 of this chapter), fiberboard boxes, with inside containers which must be metal or fiber cans not over 12 pounds capacity each, or paper bags, spec. 2D, not over 12 pounds capacity each. Fiberboard boxes manufactured and marked for a gross weight of 65 pounds may have a gross weight of 70 pounds provided net weight of contents does not exceed 62 pounds. Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (c), (d), and (e) of this section.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), wooden boxes, with inside containers which must be metal or fiber cans not over 12 pounds capacity each, or paper bags, spec. 2D (§ 78.23 of this chapter), not over 12 pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraphs (c) and (d) of this section.

(3) Spec. 5, 5B, 6A or 6C (§§ 78.80, 78.82, 78.97, or 78.99 of this chapter), metal barrels or drums.

(4) Spec. 17C, 17H or 37A (§§ 78.115, 78.118, or 78.131 of this chapter), metal drums (single-trip). Spec. 37A metal drums authorized for not over 100 pounds net weight.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 27 percent in an inert dry mixture, must be packed in specification containers as follows:

(1) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter), fiberboard boxes, with inside containers which must be metal cans not over 12 pounds capacity each. Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (c) and (e) of this section.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), wooden boxes, with inside containers which must be metal cans not over 12 pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraph (c) of this section.

(3) Spec. 5, 5B, 6A, or 6C (§§ 78.80, 78.82, 78.97, or 78.99 of this chapter), metal barrels or drums.

(4) Spec. 17C, 17H, or 37A (§§ 78.115, 78.118, or 78.131 of this chapter), metal drums (single-trip). Spec. 37A metal drums authorized for not over 100 pounds net weight.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for mixtures in which the liquid is absorbed in concentration not greater than 50 percent. Authorized net weight not over 225 pounds.

(c) Inside metal or fiber cans when closed as for shipment must be capable of withstanding two four-foot drops onto solid concrete without breakage of the container or any sifting of the contents. One drop must be on side of can and the other diagonally on the top rim or chime.

(d) Inside paper bags when closed as for shipment must be capable of withstanding two four-foot drops onto solid concrete without breakage of the container or any sifting of the contents. One drop must be made on bottom of bag and the other on either large face.

(e) Completed packages when closed as for shipment must be capable of withstanding two four-foot drops onto solid concrete without breakage of the container or any sifting of the contents. One drop must be made on bottom of package and the other drop on the smallest adjacent side area.

(f) Dry mixtures containing not more than 2 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(g) Dry mixtures containing more than 2 percent but not exceeding 15 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a) and (b) of this section, may be packed in specification containers as follows:

(1) Spec. 44B (§ 78.236 of this chapter). Multi-wall paper bags with inside paper bags, spec. 2D (§ 78.23 of this chapter), not over 5 pounds capacity each. Net weight of material in outside container not over 30 pounds each.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test double-faced fiberboard and provided with a perimeter liner and top and bottom pad of at least 275-pound test fiberboard. Product must be contained within a tightly closed polyethylene or other equally efficient plastic bag constructed of material having minimum thickness of 0.003 inch. Not more than 50 pounds net weight of product may be packed in one outside box.

(h) Dry mixtures containing more than 2 percent but not exceeding 5 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a), (b), and (g) of this section, may be packed in specification containers as follows:

(1) Spec. 44D (§ 78.238 of this chapter). Multiwall paper bags not over 50 pounds net weight each. Where extensible kraft is used the minimum total basis weight shall be 260 pounds.

**§ 73.378 Beryllium metal powder.**

(a) Beryllium metal powder must be packed in specification containers as follows:

(1) Spec. 5, 5A, 5B, 6A, 6B or 6C (§§ 78.80, 78.81, 78.82, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(2) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside metal cans not over 25 pounds capacity each.

(4) Spec. 12B or 12C (§ 78.205 or § 78.206 of this chapter). Fiberboard boxes with inside metal cans not over 25 pounds capacity each.

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass or metal containers of not over 25 pounds capacity each. Authorized net weight not over 225 pounds.

(6) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5-gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1-gallon capacity must be constructed of at least 24-gauge metal.

**§ 73.379 Cyanogen bromide.**

(a) Cyanogen bromide must be packed in tightly closed glass, earthenware, or metal inside containers not over 1-pound capacity each, securely cushioned and packed in outside wooden boxes. Net weight not over 25 pounds in one outside container.

**§ 73.381 Tear gas or irritating substances, class C, Tear Gas Label; definition.**

(a) For the purpose of Parts 71–78 of this chapter tear gases are liquid or solid substances which upon contact with fire or when exposed to air give off dangerous or intensely irritating fumes, such as brombenzylcyanide, chloracetophenone, diphenylaminechlorarsine, and diphenylchlorarsine, but not including any poisonous article, class A.

(b) All containers must be tightly and securely closed. Inside containers must be cushioned as prescribed, or in any case when necessary to prevent breakage or leakage.

(c) It shall not be permissible to transport class C poisons if there be any interconnecting means of any character between the containers.

**§ 73.382 Tear gas or irritating substances, class C, not specifically provided for.**

(a) Tear gas or irritating substances, class C, as defined in § 73.381(a) for which special packing is not prescribed, must be packed in specification containers as follows:

(1) Spec. 5, 5A, 5B or 5C (§ 78.80, 78.81, 78.82 or 78.83 of this chapter) metal barrels or drums; or spec. 17C (single-trip) (§ 78.115 of this chapter) metal drums not over 5 gallons capacity each.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

(3) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal containers of not over 1 liquid gallon (10 pounds) capacity each. Not over 8 liquid gallons (80 pounds) of material may be packed in any outside container.

(4) Cylinders as prescribed for any compressed gas, except acetylene, are also authorized for use. These cylinders must be qualified, maintained, and filled in accordance with §§ 73.34 and 73.301 (g), if used for material with pressure exceeding 25 pounds per square inch at 70° F., they must also be retested as required by § 73.34.

(b) No class C poisons in cargo tanks. No "tear gases or irritating substances, class C" may be loaded into or transported in any cargo tank.

**§ 73.383 Chemical ammunition.**

(a) Chemical ammunition consisting of projectiles, shells, bombs, and other containers, except grenades, filled with gases, liquids, or chemicals class C without ignition elements, bursting charges, detonating fuzes, or other explosive components, must be packed for shipment in strong outside wooden or metal boxes. Boxes must be marked with name of contents and labeled as prescribed by this part for the gases, liquids, or chemicals contained therein.

(b) Chemical ammunition, when shipped as such, must not be equipped or packed with explosive or ignition elements (see §§ 73.53 (r) and 73.59 for explosive chemical ammunition).

**§ 73.384 Monochloracetone, stabilized.**

(a) Monochloracetone, stabilized, must be packed in specification containers as follows:

(1) Spec. 5, 5A or 17C (single-trip) (§ 78.80, 78.81 or 78.115 of this chapter). Metal barrels or drums.

(2) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be

cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

**§ 73.385 Tear gas grenades, tear gas candles, or similar devices.**

(a) Tear gas grenades, tear gas candles, or similar devices containing lachrymatory (tear producing) substances, for civil or military use must be packed in specification containers as follows (see § 73.101 (d) and (e) for packing tear gas cartridges):

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Metal-strapped wooden boxes. Functioning elements not assembled in grenades or devices must be in a separate compartment of these boxes, or in inside or separate outside boxes, spec. 15A, 15B, or 15C, and must be so packed and cushioned that they may not come in contact with each other or with the walls of boxes during transportation. Not more than 24 grenades and 24 functioning devices shall be packed in one outside container and the gross weight of the package must not exceed 75 pounds.

(2) Spec. 37A (§ 78.131 of this chapter). Metal drum (single-trip). Functioning elements must be packed in separate compartment. Not more than 24 grenades and 24 functioning devices shall be packed in one outside container and the gross weight of the container must not exceed 75 pounds.

(b) These articles must not be assembled with or packed in the same compartment with mechanically or manually operated firing, igniting, bursting, or other functioning elements, unless of a type or design approved by the Bureau of Explosives.

(c) Pending approval by the Commission of regulations classifying the numerous devices within the general descriptions of this section, and providing appropriate restrictions to be observed in the transportation thereof, no shipment of packages containing articles under this section shall be made until samples thereof have been examined by the Bureau of Explosives or by other competent testing laboratory in the presence of representative of the Bureau of Explosives, and the shipment is shown to possess such resistance to shocks of transportation and protection against leakage of contents as are afforded by standard types of packages described in Part 78 of this chapter, and the packages are labeled or marked to show compliance with this part.

NOTE 1: Grenades or other similar devices may be shipped completely assembled when shipments are made by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government, provided the functioning element is so packed that it cannot accidentally function. The outside containers must be metal-strapped wooden boxes, spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter).

**§ 73.391 Radioactive materials class D Poison; definition.**

(a) For the purpose of Parts 71–78 of this chapter, radioactive material is any material or combination of materials that spontaneously emits ionizing radiation. For the purpose of Parts 71–78 of this chapter, radioactive materials are divided into three groups according to the type of rays emitted at any time during transportation, as follows:

(1) *Group I.* Radioactive materials that emit gamma rays only or both gamma and electrically charged corpuscular rays.

(2) *Group II.* Radioactive materials that emit neutrons and either or both the types of radiation characteristic of Group I materials.

(3) *Group III.* Radioactive Materials that emit electrically charged corpuscular rays only, i. e., alpha or beta, etc., or any other that is so shielded that the gamma radiation at the surface of the package does not exceed 10 milliroentgens for 24 hours at any time during transportation.

(b) Not more than 2,000 millicuries of radium, polonium, or other members of the radium family of elements, and not more than 2,700 millicuries (disintegration rate of 100,000 million ($10^{11}$) atoms per second) of any other radioactive substance may be packed in one outside container for shipment by rail freight, rail express, or highway, except by special arrangements and under conditions approved by the Bureau of Explosives or except as specifically provided in subparagraph (c) of this section.

NOTE 1. For purposes of Parts 71–78 of this chapter 1 millicurie is that amount of any radioactive material which disintegrates at the rate of 37 million atoms per second. One thousand millicuries is equal to one curie.

(c) Not more than 300 curies of solid cesium 137, cobalt 60, gold 198, or iridium 192 may be packed in one outside container for shipment by rail freight, rail express, or highway, except by special arrangements and under conditions approved by the Bureau of Explosives.

**§ 73.392 Exemptions for radioactive materials.**

(a) Radioactive materials are exempt from prescribed packaging, marking, and labeling requirements provided they fulfill all of the conditions in subparagraphs (1), (2), and (3) of this paragraph. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817 and Part 197 of this chapter.

(1) The package must be such that there can be no leakage of radioactive material under conditions normally incident to transportation.

(2) The package must contain not more than 0.1 millicuries of radium, or polonium, or that amount of strontium 89, strontium 90, or barium 140 which disintegrates at a rate of more than 5 million atoms per second; or that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second.

(3) The package must be such that no significant alpha, beta, or neutron radiation is emitted from the exterior of the package and the gamma radiation at any surface of the package must be less than 10 milliroentgens for 24 hours.

(b) Manufactured articles other than liquids, such as instrument or clock dials or electronic tubes and appartus, of which radioactive materials are a component part, luminous compounds, and thoria nickel in mill shapes, including tubes, plates, sheets and bars, when securely packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements provided the gamma radiation at any surface of the package is less than 10 milliroentgens in 24 hours. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) Switchboard or similar apparatus containing electronic tubes, of which radioactive materials are a component part, are exempt from specification packaging, marking, and labeling requirements when shipped in carload or truckload lots or when transported by private motor carrier provided the gamma radiation at any readily accessible surface of the units when prepared for shipment does not exceed 50 milliroentgens in 24 hours. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(c) Radioactive materials such as ores, residues, salts of natural uranium and thorium, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipments in carload lots by rail freight only, provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541(b) and 74.553 of this chapter. Except when handling is supervised by the Atomic Energy Commission, shipments must be loaded by consignor or his duly authorized agent and unloaded by consignee or his duly authorized agent.

(d) Detonating fuzes with radioactive components as described in § 73.53 (g) (2) are exempt from labeling requirements.

(e) Magnesium-thorium alloys containing not more than 4 percent nominal thorium 232, in formed shapes, must be in bundles, boxes, barrels or crates and as such are exempt from specification packaging but must be labeled as described in § 73.414(d). Other exemptions from loading, storage, and placarding are described in Parts 74, 75, and 77 of this chapter.

(f) Uranium, normal or depleted, in solid form (not borings, chips, or pieces) must be packed in strong, tight, wooden or plywood boxes and as such are exempt from specification packaging and marking except for conformance with § 73.393 (c) and (d). Boxes weighing more than 500 pounds must be mounted on skids. Boxes must be labeled as described in § 73.414(d). Other exemptions from loading, storage, and placarding are described in Parts 74, 75, and 77 of this chapter.



**§ 73.393 Packing and shielding.**

(a) Radioactive materials that present special hazards due to their tendency to remain fixed in the human body for long periods of time (i. e., radium, plutonium, and radioactive strontium, etc.) must, in addition to the packing hereinafter prescribed, be packed in inside metal containers specification 2R (§ 78.34 of this chapter), or other container approved by the Bureau of Explosives.

(b) All radioactive materials must be so packed and shielded that the degree of fogging of undeveloped film under conditions normally incident to transportation (24 hours at 15 feet from the package) will not exceed that produced by 11.5 milliroentgens of penetrating gamma rays of radium filtered by ½ inch of lead.

(c) The design and preparation of the package must be such that there will be no significant radioactive surface contamination of any part of the container.

(d) The smallest dimension of any outside shipping container for radioactive materials must be not less than 4 inches.

(e) All outside shipping containers must be of such design that the gamma radiation will not exceed 200 milliroentgens per hour or equivalent at any point of readily accessible surface. Containers must be equipped with handles and protective devices when necessary in order to satisfy this requirement.

(f) The outside shipping container for any radioactive material, unless specifically exempt by § 73.392 or unless approved by the Bureau of Explosives, shall be as follows:

(1) Spec. 15A, 15B, 19A, or 19B (§§ 78.168, 78.169, 78.190 or 78.191 of this chapter). Wooden boxes. Authorized for not more than 2,700 millicuries.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Authorized for not more than 2,700 millicuries.

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized for not more than 2,700 millicuries. Authorized net weight not over 225 pounds.

(4) Spec. 6A, 6B, or 6C; 17C or 17H (single-trip) (§ 78.97, § 78.98, § 78.99, § 78.115, or § 78.118 of this chapter). Metal barrels or drums. Authorized for not more than 2,700 millicuries.

(5) Spec. 55 (§ 78.250 of this chapter), metal-encased, lead or uranium metal-shielded containers. Authorized for not more than 300 curies (see § 73.391). Containers must be equipped with a seal.

(g) Radioactive materials Group I, liquid, solid, or gaseous, must be packed in suitable inside containers completely surrounded by a shield of lead or other suitable material of such thickness that at any time during transportation the gamma radiation at one meter (39.3 inches) from any point on the radioactive source will not exceed 10 milliroentgens per hour. The shield must be so designed that it will not open or break under conditions incident to transportation. The minimum shielding must be sufficient to prevent the escape of any primary corpuscular radiation to the exterior of the outside shipping container.

(h) Radioactive materials Group II, liquid, solid, or gaseous, must be packed in suitable inside containers completely shielded so that at any time during transportation the radiation measured at right angles to any point on the long axis of the shipping container will not exceed the limits specified in subparagraphs (1) to (4) of this paragraph. The shielding must be designed so as to maintain its efficiency under conditions normally incident to transportation and must provide personnel protection against fast or slow neutrons and all other ionizing radiation originating in the radioactive materials or any part of the aggregate constituting the complete package.

(1) Gamma radiation of 10 mrhm.

(2) Electrically charged corpuscular radiation which is the physical equivalent (see note 1 of this paragraph) of 10 mrhm. of gamma radiation.

(3) Neutron radiation which is the physical equivalent (see Note 1 of this paragraph) of 2 mrhm. of gamma radiation.

(4) If more than one of the types of radiation named in subparagraphs (1), (2), and/or (3) of this paragraph is present the radiation of each type must be reduced by shielding so that the total does not exceed the equivalent of subparagraphs (1), (2), or (3) of this paragraph.

NOTE 1: For purposes of Parts 71–78 of this chapter the "physical equivalent" of a roentgen is that amount of radiation that would be absorbed in tissue to the extent of approximately 100 ergs per gram (mrhm. is an abreviation for milliroentgens per hour at 1 meter (39.3 inches)).

(i) Liquid radioactive materials Groups I, II or III must, in addition, be packed in tight glass, earthenware, or other suitable inside containers. The inside containers must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and of such nature that its efficiency will not be impaired by chemical reaction with the contents. Where use of shielding is necessary to reduce radiation to limits prescribed by this section, the absorbent cushioning material must be placed within the shield. If the container is packed in a metal container specification 2R (§ 78.34 of this chapter) or other container approved by the Bureau of Explosives, the absorbent cushioning is not required.

(j) Radioactive materials Group III, liquid, solid or gaseous, must be packed in suitable inside containers completely wrapped and/or shielded with such material as will prevent the escape of primary corpuscular radiation to the exterior of the shipping container, and secondary radiation at the surface of the container must not exceed 10 milliroentgens per 24 hours, at any time during transportation.

(k) In determining compliance with requirements of paragraphs (e), (g), (h), and (j) of this section, measurements of radiation must be made with a Landsverk Electrometer Model L–75 or equally efficient standardized meter.

**§ 73.394 Radioactive materials labels.**

(a) Each outside container of radioactive material Group I or II, unless exempt by § 73.392, must be labeled with a properly executed label as described in § 73.414(a).

(b) Each outside container of radioactive material Group III must unless exempt by § 73.392, be labeled with a properly executed label as described in § 73.414 (b).

(c) Each bundle, box, barrel, or crate of magnesium-thorium alloys in formed shapes or uranium, normal or depleted, in solid metal form must be labeled with a label as described in § 73.414(d) unless exempt by § 73.392 (a) and (b).

**§ 73.395 Cleaning cars and vehicles.**

(a) Any box car or motor vehicle which, after use for the transportation of radioactive materials in carload or truckload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 milliroentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished to the local agent of the carrier or to the driver of the motor vehicle. Cars and motor vehicles which are used solely for the transportation of radioactive materials are exempt from the provisions of this section.

**§ 73.396 Radioactive materials, handling.**

(a) When radioactive materials are loaded into railroad cars or motor vehicles by the shipper, the shipper shall observe all applicable requirements of Parts 74, 75, or 77 of this chapter, as the case may be.

## Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

NOTE. The markings prescribed for containers should be as near together as possible.

**§ 73.400 Explosives.**

(a) Each package containing explosives must be marked with its proper shipping name as shown in § 72.5 of this chapter and such other marking as prescribed for the explosive in the shipment. Abbreviations must not be used. (See Note 1).

NOTE 1: In descriptions of ammunition, such as ammunition for cannon without projectiles, etc., the words with or without may be abbreviated as W or W/O, i. e., Ammunition for cannon W/O projectiles.

NOTE 2: Explosives in containers bearing markings prescribed by regulations in effect at the time of packaging may be shipped by the Departments of the Army, Navy or Air Force of the United States Government, in carload and truckload quantities only, without containers being remarked to comply

with regulations in effect at the time of shipment. The bill of lading or other shipping paper must describe the material by its proper shipping name as shown in § 72.5 of this chapter.

(b) Packages containing explosives must show on top the marking "THIS SIDE UP" when required by § 73.60 (e) (1) and §§ 73.63 (f) and 73.65 (i).

(c) Each package of explosives must show the name and address of the consignee except in carloads and truckloads or less-than-truckloads when handled by a motor vehicle not requiring transfer from one motor carrier to another. When offered for transportation by carrier by water each package must show the name or mark of the consignor and/or consignee.

(d) Each package of chemical ammunition, explosive, containing poisonous gases, solids or liquids, class A, class B or class C must also have securely attached to it labels prescribed by § 73.409 (a) (1), (a) (2), or (a) (3).

(1) Carload or truckload shipments of chemical ammunition, explosive, containing poisonous gases, solids or liquids, class A, class B, or class C offered for transportation by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government are exempt from labeling requirements when shipments are loaded or unloaded by the shipper or his duly authorized agent and such shipments are accompanied by qualified personnel supplied with equipment to repair leaks or other container failure which will permit escape of contents.

(e) Each shipment of samples of explosives when offered for transportation by carriers by rail express or water must bear the label prescribed by § 73.411 and each shipment of special fireworks in addition to the marking prescribed by § 73.91 (i) when offered for transportation by carriers by rail express or water must bear the label prescribed by § 73.410.

(f) Each shipment of explosive power devices class B, igniters, jet thrust (jato), class B explosives, jet thrust units (jato), class B explosives, propellant explosives, class B, or starter cartridges, jet engine, class B explosives, when offered for transportation by carriers by rail express, must bear the label prescribed by § 73.412.

(g) Each package of explosives must be marked with the I. C. C. specification number as prescribed by the specification, if an I. C. C. specification container is required.

### § 73.401 Dangerous articles.

(a) Packages containing flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisons, as defined in this part must be marked, unless exempted, with the proper shipping name as shown in the commodity list (see § 72.5 of this chapter). For tank cars this marking must appear either on the placards or commodity cards.

(1) Every portable tank used for the transportation of any dangerous article shall be conspicuously and legibly marked on a background of sharply contrasting color with a sign or lettering on the tank with words as appropriate "CORROSIVE LIQUID", "COMPRESSED GAS", or "FLAMMABLE COMPRESSED GAS" and with the proper shipping name as shown in the commodity list (see § 72.5 of this chapter); the height of all required lettering shall be at least 2 inches or 1/10 the diameter of the tank, whichever is the greater; every portable tank container shall be marked with the owner's name; in addition to the markings hereinbefore required, there may be marked on any portable tank container the trademark appropriate to the commodity being transported therein: *Provided, however*, That no such marking shall be of such size and character as to render inconspicuous the required markings. No markings either required or permitted under the terms of this subparagraph shall be in lieu of any other marking or markings required by the Commission.

(b) Each package of dangerous articles must show the name and address of the consignee except in carloads and truckloads or less-than-truckloads when handled by a motor vehicle not requiring transfer from one motor carrier to another.

(c) Packages containing flammable liquids in inside containers of 1 quart capacity or larger, or corrosive liquids, acids, alkaline caustic liquids, liquid oxidizing materials and poisonous liquids in inside containers regardless of capacity, unless specifically exempted or otherwise provided in this part, must be packed with filling holes up, and except for carboys not completely boxed, the outside container must be plainly marked "This Side Up" or "This End Up" on the cover or top to indicate the position of the inside containers. This requirement does not apply to materials in inside metal cans of the nonrefillable type with spun-in head and base and having no replaceable cap or other closing device.

(d) Each package must show the specification marking as required if a specification container is prescribed.

(e) Additional shipping information not inconsistent with Parts 71–78 of this chapter may be shown on a container if so desired but no such label or marking shall be of a design, or form, or size, as may be confused with the marking required by Parts 71–78 of this chapter.

### § 73.402 Labeling dangerous articles.

(a) Each package containing any dangerous article as defined by Parts 71–78 of this chapter must be conspicuously labeled by the shipper as follows, except as otherwise provided:

(1) "Red label" as described in § 73.405 on containers of flammable liquids, except when exempted from the regulations by § 73.118. If flammable liquid is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(2) "Yellow label" as described in § 73.406 on containers of flammable solids and oxidizing materials, except when exempted from the regulations by §§ 73.153 and 73.182. If flammable solid or oxidizing material is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(3) "White label" as described in § 73.407 (a) (1), (2) and (3) on containers of acids, alkaline caustic liquids or corrosive liquids, except when exempted from regulations by § 73.244. If the acid, alkaline caustic liquid or corrosive liquid is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(4) "Red label" as described in § 73.408 (a) (1) on containers of flammable compressed gases, except when exempted from the regulations by § 73.302. If the flammable compressed gas is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(5) "Green label" as described in § 73.408 (a) (2) on containers of nonflammable compressed gases, except when exempted from the regulations by § 73.302. If the nonflammable compressed gas is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(6) "Poison gas" label as described in § 73.409 (a) (1) on containers of class A poisons.

(7) "Poison" label as described in § 73.409 (a) (2) on containers of class B poison liquids or solids, except when exempted from the regulations by § 73.345 and § 73.364. If the class B poison liquid or solid is also a radioactive material poison D, the "radioactive materials" label must also be applied to the package.

(8) "Radioactive Materials" label as described in § 73.414 (a) on containers of class D poisons, Groups I and II, except when exempted by § 73.392.

(9) "Radioactive Materials" label as described in § 73.414 (b) on containers of class D poisons, Group III, except when exempted by § 73.392.

(10) "Radioactive materials" label as described in § 73.414(d) on bundles, boxes, barrels or crates of magnesium-thorium alloys as provided for by § 73.392(e).

(11) "Tear gas" label as described in § 73.409(a)(3) on containers of poisons, class C.

(12) "Bung label" as described in § 73.119(i) on metal barrels or drums containing flammable liquids with vapor pressure exceeding 16 pounds per square inch absolute.

(13) "Empty label" as described in § 73.413 must be applied to containers which have been emptied and on which the old label has not been removed, obliterated, or destroyed. It must be so placed on the container as to completely cover the old label.

(14) Labels authorized for shipments of explosives and other dangerous articles by air, as shown in §§ 73.405(b), 73.406(b), 73.407(b), 73.408(b), 73.409 (b), 73.410(b), 73.411(b), 73.412(b), and 73.414(c), may be used in lieu of labels otherwise prescribed for surface transportation to or from airport.

(b) Labels when applied to packages offered for transportation by rail express, rail baggage, or other forms of transportation for which a certified shipping order, bill of lading, or other shipping paper is not required, must show shipper's name in printing, stamping, or writing underneath the certificate printed thereon.

(1) Labels authorized for shipments of explosives and other dangerous articles by air are shown in §§ 73.405(b), 73.406(b), 73.407(b), 73.408(b), 73.409 (b), 73.410(b), 73.411(b), 73.412(b), and 73.414(c). Shipments so labeled must be tendered with a signed certificate, in duplicate, reading as follows (one signed copy shall accompany each shipment and the other signed copy shall be retained by the original carrier):

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to regulations prescribed by the Interstate Commerce Commission and the Administrator of the Federal Aviation Agency. (For shipments on passenger-carrying aircraft the following must be added to certificate: This shipment is within the limitations prescribed for passenger-carrying aircraft.)

(c) Labels and marking name of contents are not required on carload or truckload quantities of dangerous articles, except class A, class C, or class D poisons, by rail freight, rail express, or highway, when such shipments are unloaded by the consignee or his duly authorized agent from the car or motor vehicle in which originally loaded.

(1) Carload or truckload shipments of class A, class B, class C, or Class D poisons offered for transportation by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government are exempt from labeling requirements when shipments are loaded or unloaded by the shipper or his duly authorized agent and such shipments are accompanied by qualified personnel supplied with equipment to repair leaks or other container failure which will permit escape of contents.

(d) Except on class A, class C, or class D poisons, labels are not required on less-than-truckload shipments by motor vehicle by public highway when the articles are readily identifiable by reason of type of container or when the container is plainly marked to indicate its contents and;

(1) When the shipment is transported from origin to destination without transfer between vehicles and;

(2) When the shipper or its employees are in direct control or perform the loading, transporting and unloading.

(e) When it is known that subsequent shipments of these packages may be made by consignees in less-than-carload or less-than-truckload quantities, or in carload or truckload quantities to a point where they may be handled by other than the original consignee, the original shipper should attach labels to the packages as would be required for less-than-carload or less-than-truckload shipments.

### § 73.403 Labels for mixed packing.

(a) Use red label only when red and other labels are prescribed except when poison gas label or radioactive materials label are prescribed then both the red label and the poison gas label or red label and radioactive materials label must be used.

(b) Use white acid (alkaline caustic liquid or corrosive liquid) label only when white acid (alkaline caustic liquid or corrosive liquid) and yellow or poison labels are prescribed or poison labels (class B) are prescribed, except when poison gas label or radioactive materials label are prescribed then both the white acid label and the poison gas label or white acid and radioactive materials label must be used.

(c) Use yellow label only when yellow and poison labels are prescribed except when poison gas label or radioactive materials label are prescribed then both the yellow label and the poison gas label or the yellow label and the radioactive materials label must be used.

### § 73.404 Labels.

(a) Shippers must furnish and attach the labels prescribed for their packages. Labels should be applied to that part of the package bearing consignee's name and address.

(b) Labels must not be applied to packages containing articles which are not subject to Parts 71–78 of this chapter or are exempted therefrom.

(c) Shippers must not use labels which by their size, shape, and color, may readily be confused with the standard caution labels prescribed in this part.

(d) Labels must conform to standards as to size, printing, and color, and samples will be furnished, on request, by the Bureau of Explosives.

(e) A combination diamond-shaped label-tag of proper size and color, bearing on one side the shipping information and on the reverse side the wording prescribed in this part, will be permitted.

(f) As certification of compliance with regulations is also required by other Government agencies, and to avoid multiplicity of certifications, there may be added to the certificate on labels "and the Commandant of the Coast Guard," or "and the Administrator of the Federal Aviation Agency," or "and the Post Office Department," as is necessary.

(g) The carriers's name and stationery form number, or the shipper's name and address, may be printed on the labels, in type not larger than 10 point, if placed within the black-line border and in the upper or lower corner of the diamond.

(h) Labels remaining on hand and which were authorized by regulations in effect on December 31, 1950, may be used until present stocks are exhausted.

### § 73.405 Flammable liquids label.

(a) Labels for flammable liquids must be of diamond shape, bright red in color, and with each side 4 inches long. Printing must be in black letters inside of a black-line border measuring 3½ inches on each side and as shown in this section.



RED LABEL FOR FLAMMABLE LIQUIDS

(Reduced size)

(Black printing on red)




(b) Red label for flammable liquids for shipment by air.

Red and black with (black printing on red)




### § 73.406 Flammable solids and oxidizing materials label.

(a) Labels for flammable solids and oxidizing materials must be of diamond shape, bright yellow in color, and with each side 4 inches long. Printing must be in black letters inside of a black-line border measuring 3½ inches on each side and as shown in this section.

YELLOW LABEL FOR FLAMMABLE SOLIDS AND OXIDIZING MATERIALS

(Reduced size)

(Black printing on yellow)



(b) **Yellow label for flammable solids and oxidizing materials for shipment by air.**

Yellow and black with (black printing on yellow)



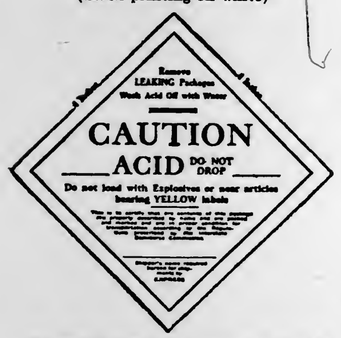

**§ 73.407 Acids, corrosive liquids, and alkaline caustic liquids label.**

(a) Labels for corrosive liquids, acids and alkaline caustic liquids must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in black letters inside of a black-line border measuring 3½ inches on each side and as shown in this section.

(1) White label for acids:

(Reduced size)

(Black printing on white)




(2) White label for corrosive liquids.

(Reduced size)

(Black printing on white)




(3) White label for alkaline caustic liquids.

(Reduced size)

(Black printing on white)




(b) Labels for shipments of acids, corrosive liquids, and alkaline caustic liquids by air must be as shown in the following:

(1) White label for acids for shipment by air.

(White and black with black printing on white)




(2) White label for corrosive liquids for shipment by air.

(White and black with black printing on white)




(3) White label for alkaline caustic liquids for shipment by air.

(White and black with black printing on white)




**§ 73.408 Compressed gas labels.**

(a) Labels for compressed gases must be of diamond shape, bright red in color for flammable gases and bright green for nonflammable gases, and with each side 4 inches long. Printing must be in black letters inside of a black-line border measuring 3½ inches on each side and as shown in this section.

(1) Red label for flammable gases.

(Reduced size)

(Black printing on red)




(2) Green label for nonflammable gases.

(Reduced size)

(Black printing on green)






(b) Red label for flammable gases for shipment by air.

Red and black with (black printing on red)




(1) Green label for nonflammable gases for shipment by air.

Green and black with (black printing on green)



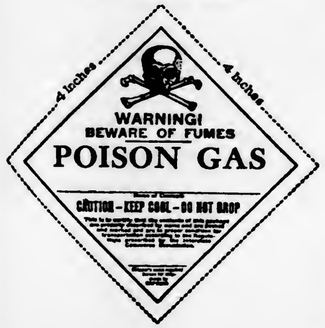

**§ 73.409 Poisonous articles and tear gas labels.**

(a) Labels for poisonous articles and tear gases must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring 3½ inches on each side and as shown in this section.

(1) Poison gas label.

(Reduced size)

(Red printing on white)




(2) Poison label.

(Reduced size)

(Red printing on white)




(3) Tear gas label.

(Reduced size)

(Red printing on white)




(b) Label for shipment of poisonous articles, class B or class C, by air must be as shown in the following:

(1) Label for poisons for shipment by air.

White and red with (red printing on white)




**§ 73.410 Special fireworks label.**

(a) Labels for special fireworks must be square measuring 4 inches on each side and bright red in color. Printing must be in black letters inside of a black-line border measuring 3½ inches on each side as shown in this section.

RED LABEL FOR SPECIAL FIREWORKS

(Reduced size)

(Black printing on red)




(b) Explosives label for shipment of special fireworks by air.

(Black printing on red)




**§ 73.411 Explosives samples for laboratory examination label.**

(a) Labels for samples of explosives for laboratory examination must be square measuring 4 inches on each side and bright red in color. Printing must be in black letters inside of a black-line border measuring 3½ inches on each side and as shown in this section.

RED LABEL FOR SAMPLES OF EXPLOSIVES

(Reduced size)

(Black printing on red)



(b) Explosives label for shipment of samples of explosives by air.

(Black printing on red)




**§ 73.412 Explosives, class B, label for express shipment.**

(a) Label for class B explosives, except special fireworks (see § 73.410), must be square measuring 4 inches on each side and bright red in color. Printing must be in black letters inside of a black-line border measuring 3½ inches on each side and as shown in this section.

(1) Red label for Class B explosives for express shipment.

(Reduced size)

(Black printing on red)

4 inches

EXPLOSIVES
CLASS B

HANDLE CAREFULLY
KEEP FIRE AWAY
DO NOT DROP OR THROW

This package must not be loaded or stored near steam pipes or other source of heat

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

(Shipper's name)

4 inches

(b) Explosives label for shipment of class B explosives by air.

NOTE: No change in label.

(Black printing on red)




**§ 73.413 Empty container label.**

(a) Labels for empty containers must be not less than 6 inches on each side, white in color, and printed in letters not less than 1 inch high in black ink and as shown in this section.

WHITE LABEL FOR EMPTY CONTAINERS

(Reduced size)

(Black printing on white)

6 inches

EMPTY

6 inches

**§ 73.414 Radioactive materials labels.**

(a) Labels for radioactive materials (class D poisons) Group I and Group II must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring 3½ inches on each side, as shown in this section.

LABEL FOR RADIOACTIVE MATERIALS GROUP I OR II

(Reduced size)

(Red printing on white)




NOTE: This label must be duly executed by the shipper and the number of radiation units must be shown. For purposes of these regulations 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm of hard gamma rays of radium filtered by ½ inch of lead.

(b) Labels for radioactive materials (class D poisons) Group III must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in blue letters inside of a blue-line border measuring 3½ inches on each side, and as shown in this section.

LABEL FOR RADIOACTIVE MATERIALS GROUP III

(Reduced size)

(Blue printing on white)




(c) Label for Radioactive Materials Groups I and II for shipment by air.

Red and white with (red printing on white)




NOTE 1: This label must be duly executed by the shipper and the number of radiation units must be shown. For purposes of these regulations 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm of hard gamma rays of radium filtered by ½ inch of lead.

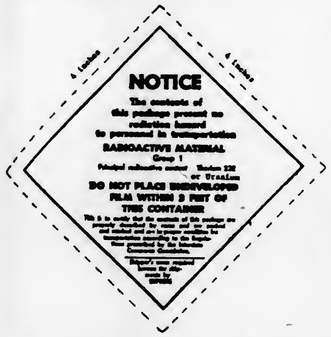
(1) Label for Radioactive Materials Group III for shipment by air.

Blue and white with (blue printing on white)






(d) Label for radioactive material, such as magnesium-thorium alloys in formed shapes or uranium, normal or depleted, in solid metal form (see § 73.392 (e) or (f)), must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring 3½ inches on each side, as shown in this paragraph.




## Subpart I—Shipping Instructions

**§ 73.425 "Order-Notify," "C.O.D.," and "Stop-off" shipments.**

(a) Except on through bills of lading to a foreign country, shipments of explosives, class A and blasting caps in any quantity must not be offered for transportation by carriers by rail freight or rail express when consigned "to order notify" or "C.O.D.". Shippers must not consign these shipments to themselves at points where they have not a resident representative.

(b) Explosives, class A must not be offered for transportation by carriers by rail freight or rail express subject to "stop-off" privileges en route for partial loading or unloading.

**§ 73.426 Cars containing lading which has been fumigated or treated with flammable liquids, flammable gases, poisonous liquids or solids, or poisonous gases.**

(a) Delivery to carrier of cars containing lading fumigated or treated with flammable liquid or flammable gas is prohibited until 48 hours have elapsed after such fumigation or treatment, or until car has been ventilated so as to remove danger of fire or explosion due to the presence of flammable vapors.

(b) Cars containing lading which has been fumigated or treated with poisonous liquid, solid, or gas, such as carbolic acid, liquid or solid, chlorpicrin, hydrocyanic acid, methyl bromide, etc., must be placarded on each door or near thereto with placard reading as follows (for cleaning cars, see § 74.566 of this chapter):

(Reduced size)

(Red lettering on white cardboard)

10 inches

8 inches

DANGER

The lading of this car has been FUMIGATED or TREATED with

(Name of poisonous liquid, solid, or gas)

BEFORE UNLOADING, open both doors and DO NOT ENTER until car is free of gas. REMOVE ALL POISONOUS MATERIAL before release of empty car.

**§ 73.427 Shipping order and bill of lading description.**

(a) The shipper when offering for transportation by carriers by rail freight, rail express, highway, or water any class A, class B, or class C explosive, flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, as defined by this part, must describe such article in the shipping order, bill of lading or other shipping paper by the shipping name used in § 72.5 (see commodity list) of this chapter and may add a further description not inconsistent therewith. Abbreviations must not be used. For shipments of blasting caps and/or electric blasting caps the shipper must, in addition, show the number of caps in the shipment.

NOTE 1: In commodity list (§ 72.5 of this chapter) shipping names are shown in roman, not *italics*.

**§ 73.428 Label or placard notation.**

(a) The shipping order, bill of lading or other shipping paper must also show thereon in connection with and following the entry of the article as prescribed in § 73.427, the color or kind of label applied, and for cars containing such articles loaded by the shipper, requiring placards the kind of placard applied to the car.

**§ 73.429 Receipts; rail express shipments.**

(a) A receipt upon the form prescribed by the originating rail express carrier must be issued to the shipper for each express shipment of explosives or other dangerous articles accepted for transportation. Before a receipt is issued, the shipper must apply the label prescribed in this part to each package containing any article requiring a label under Parts 71–78 of this chapter.

(b) Each receipt must show the proper and definite name of commodity, as listed in § 72.5 of this chapter, and the color or kind of label applied to the package if any is required. Abbreviations must not be used.

**§ 73.430 Certificate.**

(a) The shipper offering for transportation by carriers by rail freight, highway, water, or air, any class A or class B explosive and blasting caps or electric blasting caps in any quantity, and any flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, requiring labels, or carloads requiring placards, as prescribed by Parts 71–78 of this chapter, must show on the shipping order, bill of lading, or other shipping paper, in the lower left-hand corner, the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

This is to certify that the above named articles are properly described, and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

(b) For the relief of shippers from multiplicity of certifications required for packages which may move by various means of transportation, shipments may be certified for rail, motor vehicle, water, or air transportation by adding to the certificate required on the shipping document "and the Commandant of the Coast Guard," or "and the Administrator of the Federal Aviation Agency," as the case may be.

(c) Shipping papers for shipments made by air between the United States and other countries shall be certified in duplicate with certificate signed by the shipper reading as follows:

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Administrator of the Federal Aviation Agency. (For shipment on passenger-carrying aircraft the following must be added to certificate: This shipment is within the limitations prescribed for passenger carrying aircraft.)

**§ 73.431 Switching ticket.**

(a) When the initial movement is a switching operation, the switching order, switching receipt or switching ticket, and copies thereof, prepared by the shipper, must bear the placard indorsement and the shipper's certificate prescribed by §§ 73.430 and 74.584 (a) and (b) of this chapter.

**§ 73.432 Tank car shipments.**

(a) Tank cars containing flammable liquids or flammable poison gas having a flash point of 80° F. or below, except liquid road asphalt or tar, must not be offered for shipment unless originally consigned or subsequently reconsigned to parties having private-siding (see Note 1 of this section) or to parties using railroad-siding facilities which have been equipped for piping the liquid from tank cars to permanent storage tanks of sufficient capacity to receive contents of car.

(b) A tank car containing any compressed gas must not be offered for transportation unless the car is consigned for delivery (see paragraph (c) of this section) and unloading on a private track (see Note 1 of this section),

except that where no private track is available, delivery and unloading on carrier tracks is permitted provided the following conditions are complied with:

(1) Any tank car of ICC–106A or 110A type (see § 78.275, § 78.276 or § 78.293 of this chapter) may be offered for transportation and the loaded unit tanks may be removed from car frame on carrier tracks, provided the shipper has obtained from the delivering carrier and filed with originating carrier, written permission (see Note 2 of this section) for such removal. The consignee must furnish adequately safe mechanical hoist, obtained from the carrier if desirable, by which the tanks shall be lifted from the car and deposited directly upon vehicles furnished by the consignee for immediate removal from carrier property or tanks must be lifted by adequately safe mechanical hoist from car directly to vessels for further transportation.

(c) Any tank car of other than ICC–106A or 110A type (see § 78.275, § 78.276, or § 78.293 of this chapter), containing anhydrous ammonia, liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may be consigned for delivery and unloading on carrier tracks, if the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car. Such cars may also be consigned for storage on a private track or on a carrier track when designated by the carrier for such storage.

(d) For cars of the ICC–106A or 110A type (see § 78.275, § 78.276 or § 78.293 of this chapter), the tanks must be placed in position and attached to the car structure by the shipper.

(e) Flammable liquids must not be loaded into tank cars on carriers' property from tank trucks, wagons or drums.

Note 1: For this purpose, a private track is a track outside of carrier's right-of-way, yard, and terminals, and of which the carrier does not own either the rails, ties, roadbed or right-of-way; or a track or portion of a track which is devoted to the purpose of its user, either by lease or written agreement; in which case the lease or written agreement will be considered as equivalent to ownership.

Note 2: Carriers should give permission for the unloading of these containers on carrier tracks only where no private siding is available within reasonable trucking distance of final destination. The danger involved is the release of compressed gases due to accidental injury to container in handling. The exposure to this danger decreases directly with the isolation of the unloading point.

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## PART 74—CARRIERS BY RAIL FREIGHT

Sec.


74.500 Purpose of the regulations in Parts 71–78 of this chapter.
74.501 Acceptable articles.
74.502 Forbidden explosives.
74.503 "Order—Notify", "C. O. D.", and "Stop-off" shipments.
74.504 Carriers' material and supplies.
74.505 Canadian shipments.
74.506 Improperly packed or damaged shipments in transportation.
74.507 Labels.
74.508 Violations and accidents to be reported.
74.509 Quantity limitations.

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

74.525 Loading packages of explosives in cars, selection, preparation, inspection and certification.
74.526 Loading explosives into cars.
74.527 Forbidden mixed loading and storage.
74.528 Protect explosives from injury.
74.529 Cars for class B explosives.
74.530 Cars for class C explosives.
74.531 Lights.
74.532 Loading other dangerous articles.
74.533 Truck bodies or trailers on flat cars
74.534 Portable containers or tanks.

Subpart B—Loading and Storage Chart of Explosives and Other Dangerous Articles

74.538 Loading and storage chart of explosives and other dangerous articles.

Subpart C—Placards on Cars

74.540 "Explosives" placards.
74.541 "Dangerous" placards; "Dangerous—Radioactive material" placards; or "Caution—Residual phosphorus" placards.
74.542 "Poison gas" placards.
74.543 Placarding cars; passenger trains.
74.544 Placards not required.
74.545 Commodity name on carloads.
74.546 Placards must be standard.
74.547 Carrier's supply of placards.
74.548 Placarded cars.
74.549 Application of placards.
74.550 Explosives, class A placard.
74.551 Poison gas placard.
74.552 Dangerous placard.
74.553 Dangerous—Radioactive material placard.
74.554 Unauthorized use of placards.
74.555 "Caution — Residual phosphorus" placard.
73.556 Flammable poison gas placard.
73.557 Poison gas placard.

Subpart D—Unloading From Cars

74.560 Tank car delivery.
74.561 Tank car unloading.
74.562 Removal of placards and car certificate after unloading.
74.563 "Dangerous—Empty" placard.
74.564 Removal and disposition of explosives and other dangerous articles at destination.
74.565 Violations and accidents to be reported.
74.566 Cleaning cars.
74.567 Flammable vapors.

Subpart E—Handling by Carriers by Rail Freight

74.575 Restrictions.
74.576 Intermediate shippers and carriers.
74.577 Shipping days for explosives.
74.578 Flammable vapors.
74.579 Cars containing lading which has been fumigated or treated with flammable liquids, flammable gases, poisonous liquids or solids, or poisonous gases.
74.580 Violations must be corrected.
74.581 Routing shipments.
74.582 Movement to be expedited.
74.583 Examination of shipping order and packages.
74.584 Waybills, switching orders, or other billing.
74.585 Nonagency shipments.
74.586 Handling explosives and other dangerous articles.
74.587 Lights.
74.588 Disposition of damaged or astray shipments.
74.589 Handling cars.
74.590 Record of change of seals of cars of explosives to be made.
74.591 Car magazines.
74.592 Cotton fires.
74.593 Charcoal fires.
74.594 Leaking tank cars.
74.595 Examination of empty tank cars.
74.596 Inspection of tank cars.
74.597 Leaking packages of acids or poisons.
74.598 Inspection of cars at interchange.
74.599 Handling by electric railways and motor cars.
74.600 In case of a wreck.
74.601 Calcium hypochlorite compounds, dry, involved in fires.
74.602 Placarded cars involved in fires.


AUTHORITY: The provisions of this Part 74 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

### § 74.500 Purpose of the regulations in Parts 71–78 of this chapter.

(a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles by rail freight carriers engaged in interstate or foreign commerce, Parts 71–78 of this chapter are prescribed to define these articles for transportation purposes and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employes in relation thereto.

### § 74.501 Acceptable articles.

(a) Explosives, including samples of explosives and explosive articles not exceeding 5 pounds net weight and other dangerous articles may be accepted and transported, provided they are in proper condition and are certified for transportation by rail, highway, or water. Articles must be loaded, stayed, and handled in transit according to regulations applying to service or services used. Methods of manufacture, packing, and storage, in so far as they affect safety in transportation, must be open to inspection by a duly authorized representative of the initial carrier or by the Bureau of Explosives. Shipments of explosives or other dangerous articles not in proper condition for transportation, or loaded or stayed as required, or certified as to proper packing, marking and description as required in Parts 71–78 of this chapter, must not be accepted for transportation or transported.

### § 74.502 Forbidden explosives.

(a) The acceptance of the following articles for transportation by common carrier by rail freight, is forbidden:

(1) Diazodinitrophenol, dry.

(2) Dynamite, except gelatin dynamite, containing over 60 percent of liquid explosive ingredient.

(3) Dynamite having an unsatisfactory absorbent, or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during transportation or storage.

(4) Explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 75° C. (167° F.).

(5) Explosives containing an ammonium salt and a chlorate.

(6) Explosives condemned by the Bureau of Explosives (except properly packaged samples for laboratory examinations).

(7) Explosives not packed, marked, described, and certified, in accordance with Parts 71–78 of this chapter.

(8) New explosives (except samples for laboratory examination (see § 73.86 of this chapter)) until approved for transportation by the Bureau of Explosives.

(9) Condemned or leaking dynamite must not be repacked and offered for shipment unless the repacking is done by a competent person in the presence of, or with the written consent of, an inspector, or with the written authority of the chief inspector, of the Bureau of Explosives.

(10) Leaking or damaged packages of explosives must not be accepted for transportation or transported by rail. Should any package of high explosives when offered for shipment show excessive dampness or be moldy or show outward signs of any oily stain or other indication that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part is greater than the absorbent can carry, the package must be refused in every instance. The shipper must substantiate any claim that a stain is due to contact with material other than the liquid explosive ingredient of an explosive. In case of doubt the package must be rejected.

(11) Firecrackers, flash crackers, or salutes, the explosive contents of which exceed 12 grains each in weight.

(12) Fireworks that combine an explosive and a detonator or blasting cap.

(13) Fireworks containing an ammonium salt and a chlorate.

(14) Fireworks containing yellow or white phosphorus.

(15) Fireworks or fireworks compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 75° C. (167° F.).

(16) Fireworks properly condemned by the Bureau of Explosives, except properly repacked samples for laboratory examinations.

(17) Toy caps containing more than an average of twenty-five hundredths of a grain of explosive composition per cap.

(18) Toy torpedoes the maximum outside dimension of which exceeds ⅞ inch, or toy torpedoes containing a mixture of potassium chlorate, black antimony and sulfur with an average weight of explosive composition in each torpedo exceeding four grains.

(19) Toy torpedoes containing a cap composed of a mixture of red phosphorus and potassium chlorate exceeding an average of one-half (0.5) grain per cap.

(20) Fulminate of mercury, dry.

(21) Guanyl nitrosamino guanylidene hydrazine, dry.

(22) Lead azide, dry.

(23) Lead styphnate (lead trinitroresorcinate), dry.

(24) Nitroglycerin, liquid.

(25) Nitro mannite, dry.

(26) Nitrosoguanidine, dry.

(27) Pentaerythrite tetranitrate, dry.

(28) Tetrazene (guanyl nitrosamino guanyl tetrazene, dry.

(29) Fireworks containing copper sulfate and a chlorate.

### § 74.503 "Order-Notify", "C.O.D.", and "Stop-off" shipments.

(a) Except on through bills of lading to a foreign country, shipments of explosives, class A, and blasting caps in any quantity must not be accepted for transportation or transported by carrier by rail freight when consigned "to order notify" or "C.O.D.". Shippers must not consign these shipments to themselves at points where they have not a resident representative.

(b) Explosives, class A, must not be accepted for transportation or transported by carrier by rail freight subject to "stop-off" privileges en route for partial loading or unloading.

### § 74.504 Carriers' material and supplies.

(a) Parts 71–78 of this chapter apply also to shipments of carriers' material and supplies moving by rail.

### § 74.505 Canadian shipments.

(a) Explosives and other dangerous articles as defined in Parts 71–78 of this chapter, which are packed, marked, labeled, and loaded, in conformity with the regulations of the Board of Transport Commissioners for Canada, may be accepted and carried by carriers from point of entry in the United States to their destination in the United States or through the United States en route to a point in Canada.

Note 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide or when charged with nitrogen not in excess of 2,000 pounds per square inch, and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253 dated Mar. 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

### § 74.506 Improperly packed or damaged shipments in transportation.

(a) For the protection of the public against fire, explosion, or other, or further hazard with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any carrier by railroad, such carrier shall make immediate report to the Bureau of Explosives, 63 Vesey Street, New York 7, New York, for handling any of the following emergency matters coming to their attention:

(1) Instances of packages of explosives or other dangerous articles discovered in transit not properly prepared for transportation in accordance with applicable regulation in Parts 71–78 of this chapter.

(2) Railroad wrecks or accidents involving damage to containers of explosives or other dangerous articles to such a degree as to necessitate repacking of the articles. (See § 74.588.)

(3) Other like emergencies in which any carrier by railroad is or is likely to become involved, or may offer aid at its command.

(b) This section shall in no respect excuse either shipper or carrier by railroad for failure to exercise due care to prevent any departure from any regulation prescribed in Parts 71–78 of this chapter.

### § 74.507 Labels.

(See §§ 73.405 to 73.414 of this chapter for description of labels.)

(a) Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced from information given on revenue or other waybill, manifest, memo or other shipping paper.

(b) The carrier's name and stationery form number may be printed on the labels, in type not larger than 10 point, if placed within the black-line border and in the upper or lower corner of the diamond.

### § 74.508 Violations and accidents to be reported.

(a) Serious violations of Parts 71–78 of this chapter (such as defective packing, improper staying, or rough treatment of car), and accidents, fires or explosions, and leaking or broken containers occurring in connection with the transportation or storage on carrier's property of explosives or other dangerous articles, must be reported promptly by the rail carrier to the Bureau of Explosives.

(b) The Bureau of Explosives, upon receipt of reports from carriers should promptly report to the shipper full particulars covering all cases of defective packing, improper staying, leaking and broken shipping containers and rough treatment of cars resulting in leakage or damage to shipping containers or staying.

### § 74.509 Quantity limitations.

(a) When quantity limitations are specified in Parts 71–78 of this chapter by United States liquid measure or by avoirdupois weight it is authorized that quantities measured by the metric system may be substituted, up to but not exceeding 1 gallon for liquid and 10 pounds for solids, on the basis of 1 liter per quart specified and 500 grams per pound specified.

## Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

### § 74.525 Loading packages of explosives in cars, selection, preparation, inspection and certification.

(a) Except as provided in § 74.526 (b), (n), and (o), explosives, class A, must be loaded in closed cars, certified and placarded "Explosives."

(b) Certified closed cars must be inspected inside and outside, other cars must be inspected as applicable to the type of car, and must conform to the following specifications:

(1) Closed cars of not less than 80,000 pounds capacity, with steel underframes and friction draft gear, must be used when available, except that on narrow-gage and other railroads, explosives may be transported in cars of less than that

capacity, provided the available cars of greatest capacity and strength are used for this purpose.

(2) Must be equipped with air brakes and hand brakes in condition for service.

(3) Must have no loose boards or cracks in the roof, sides, or ends, through which sparks may enter, or unprotected decayed spots liable to hold sparks and start a fire.

(4) The roof of the car must be carefully inspected from the outside for decayed spots or broken boards, especially under or near the running board, and such spots must be covered or repaired to prevent their holding fire from sparks. A car with a roof generally decayed, even if tight, must not be used.

(5) The doors must shut so closely that no sparks can get in at the joints, and, when necessary, they must be stripped. The stripping for doors should be on the inside and be fastened to the door frames where it will form a shoulder against which the closed doors are pressed by means of wedges or cleats in door shoes or keepers. The openings under the doors should be similarly closed. The hasp fastenings must be examined with doors closed and fastened, and the doors must be cleated when necessary to prevent doors shifting. When the car is opened for any cause, wedges or cleats must be replaced before car containing explosives is permitted to proceed.

(6) The journal boxes and trucks must be carefully examined and put in such condition as to reduce to a minimum the danger of hotboxes or other failure necessitating the setting out of the car before reaching destination. The lids or covers of journal boxes must be in place.

(7) The car must be carefully swept out before it is loaded. For less-than-carload shipments the space in which the packages are to be loaded must be carefully swept.

(8) Holes in the floor or lining must be repaired and special care taken to have no projecting nails or bolts or exposed pieces of metal which may work loose or produce holes in packages of explosives during transit. Protruding nails in the floor or lining which have worked loose must be drawn, and if necessary for the purpose of fastening the floor or lining, new nails must be driven through other parts thereof.

(9) Metal floor plates must be completely covered with wood, plywood, or fiber or composition sheets of adequate thickness and strength to prevent contact of the floor plates with the packages of explosives under conditions incident to transportation, except that the covering of metal floor plates is not necessary for carload shipments loaded by the Department of the Army, Navy, or Air Force of the United States Government provided the explosives are of such nature that they are not liable to leakage of dust, powder, or vapor which might become the cause of an explosion.

(10) Cars equipped with automobile loading devices must not be used unless the loading device is securely attached to the roof of car with fastenings supplementing those already provided and so fixed that it cannot fall.

(11) The carrier must have the car examined by a competent employe to see that it is properly prepared, and must have a "Car Certificate" signed in triplicate upon the prescribed form (see paragraph (c) (2) and (3) of this section) before permitting the car to be loaded.

(12) Except as provided in § 74.584 (h), a car must not be loaded with any explosives, class A, until it shall have been thoroughly inspected by a competent employee of the carrier who shall certify as to its proper condition under this section and shall sign certificate No. 1 prescribed in paragraph (c) (2) and (3) of this section.

(c) After a certified car as prescribed in this section has been furnished by the carrier, the shipper or his authorized employe must, before commencing the loading of any such car, inspect the interior thereof and after loading, certify to the proper condition as specified in paragraph (b) of this section by signing certificate No. 2 of the car certificate prescribed by subparagraphs (2) and (3) of this paragraph.

(1) For all shipments loaded by the shipper, a competent employee of the carrier must inspect the finished load and certify to its compliance with this part before the car shall be accepted for transportation; and certificate No. 2 as prescribed by subparagraphs (2) and (3) of this paragraph shall be signed before the car is permitted to go forward. When a car is loaded by the carrier, certificate No. 2 must be signed only by the representative of the carrier.

(2) The certificates as prescribed in subparagraph (3) of this paragraph must not be signed by the carrier's or shipper's representative unless the condition of any car covered thereby meets the requirements of this part.

(3) Car certificate: The following certificate, printed on strong tag board measuring 7 by 7 inches, or 6 by 8 inches, must be duly executed in triplicate by the carrier, and by the shipper, if he loads the shipment; the original must be filed by the carrier at the forwarding station on a separate file; and the other two must be attached, one to each outer side of car to the fixed placard board or to the side of wooden car between car initials and the car door, or as otherwise provided. (See § 74.549.)

---------- Railroad

CAR CERTIFICATE

No. 1 ---------- Station, ----------, 19--

I hereby certify that I have this day personally examined Car Number ------ and that, as applicable to the type of car, there are no holes or other openings in the roof, sides, ends or car lining, through which sparks might enter; that the floor is clean and in good condition and it and the car lining are free of projecting uncovered pieces of metal or nails; that I have examined all the journal boxes and that they are properly covered, packed and oiled and that the air brakes and hand brakes are in condition for service.

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(Railway employee inspecting car)

No. 2 ---------- Station, ----------, 19--

I have this day personally examined the above car and hereby certify that the explosives in or on this car; or in or on vehicles or in containers; have been loaded and braced, and that placards have been applied, according to the regulations prescribed by the Interstate Commerce Commission; that the doors of cars so equipped fit or have been stripped so that sparks cannot enter.

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(Shipper or his authorized agent)

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(Railway employee inspecting bracing)

NOTE 1: A shipper must decline to use a car not in proper condition.

No. 3 ---------- Station, ----------, 19--

I hereby certify that I have this day personally supervised the loading of the vehicles or containers on and their securement to the above car.

---

Shipper or railway employee inspecting loading and securement

NOTE 1: All certificates, where applicable, must be signed.

(4) Car certificates remaining on hand and which were authorized by regulations in effect prior to (March 18, 1964), may be used for closed car inspections until stocks are exhausted.

**§ 74.526 Loading explosives into cars.**

(a) Boxes or other containers of class A explosives named in §§ 73.53 to 73.87 of this chapter when marked "This Side Up" must be loaded accordingly. Boxes may be loaded crosswise or lengthwise of the car, but not so that the ends of wooden boxes will bear against the sides of fiberboard boxes, or so that the end of any box will cause a high pressure on a small area of another box.

(b) Shipments of explosive bombs, unfuzed explosive projectiles, rocket ammunition, and jet thrust units when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs, rocket ammunition, or jet thrust units which, due to size, cannot be loaded in closed cars may be loaded in open-top cars or on flat cars but must be protected against accidental ignition.

(c) Boxes of high explosives, low explosives, or black powder, packed in long cartridges, bags, or siftproof liners, and containing no liquid explosive ingredient, may be loaded on their sides or ends, but not so that the end of a box will cause a high pressure on a small area of another box.

(d) Explosives for which a certified and placarded car is prescribed (see § 74.525 (a)) must not be loaded higher than the permanent car lining unless additional lining is provided as high as the lading.

(e) When the lading of a car consists of or includes any explosives, the weight of the lading should be distributed so that it will be equalized on each side of the car and over the trucks.

(f) Explosives packed in metal kegs, except when boxed, must be loaded on their sides with ends towards ends of the car; packages of explosives must not be placed in the space opposite the doors unless the doorways are boarded on the inside as high as the lading. (This does not apply to palletized packages provided they are braced so that they cannot fall or slide into the doorways during transit.)

(g) Wooden or fiber kegs, barrels, or drums, may be loaded on their sides or ends, as will best suit the conditions.

(h) Packages containing any of the explosives for the transportation of which a certified and placarded car is prescribed (see § 74.525) and blasting caps or electric blasting caps in any quantity, must be stayed (blocked and braced) by the one who loads the car, so as to prevent change of position by the ordinary shocks incident to transportation. Special care must be used to prevent such packages from falling to the floor or from having anything fall on them or slide against them during transit. (See note 1.)

NOTE 1: For recommended methods of blocking and bracing, see Bureau of Explosives' Pamphlets 6 and 6A.

(i) To prevent delays to local freight trains, when there are shipments of explosives for different destinations loaded in a "peddler car" or "way car", the shipments for each destination must be stayed separately.

(j) Forwarding and transfer stations for explosives must be provided with the necessary materials for staying.

(k) Shippers must furnish the material for staying packages of explosives loaded by them.

(l) Explosives, class A, must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or electric devices having exposed heating coils, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

(m) Blasting caps or electric blasting caps in quantity not exceeding 1,000 caps may be loaded in any closed car which is in good condition, without car certificates or placards.

(n) Container cars or portable containers on flat cars or gondola cars (drop-bottom cars not authorized), when properly loaded, blocked, and braced to prevent change of position under conditions incident to normal transportation, may be used for any class A explosive except black powder packed in metal containers. Portable containers must be of a type approved by the Bureau of Explosives. They must be designed and maintained so as to be weather-tight and so constructed that sparks cannot enter. Wooden containers must be painted or treated with fire-retardant material of a type approved by the Bureau of Explosives.

(1) Portable containers must be of such design and so braced that there will be no evidence of failure of the container or the bracing when subjected to impact from each end of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to material to be shipped.

(2) Container cars or cars which are loaded with portable containers must be placarded with the "Explosives" placards as prescribed in § 74.550 and properly executed car certificates as required by § 74.525.

(3) Lading shall be so loaded, blocked, and braced within the container that it will not change position under impact from each end of at least 8 miles per hour.

(o) Explosives, class A, may be loaded and transported in tight, closed truck bodies or trailers on flat cars and wooden boxed bombs, rocket ammunition, or jet thrust units which, due to their size, cannot be loaded in tight, closed truck bodies or trailers may be loaded in or on open-top truck bodies or trailers but must be protected against accidental ignition, provided all of the following requirements are fulfilled and provided wooden containers are painted or treated with fire-retardant material of a type approved by the Bureau of Explosives:

(1) Truck body or trailer must meet the requirements of Part 77 of this chapter, applicable to shipments of explosives by motor vehicle.

(2) Truck body or trailer shall be so secured on the car that it will not permanently change position or show evidence of failure or impending failure of the method of securing truck body or trailer under impact from each end of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to the material to be shipped.

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

(3) Lading shall be so loaded, blocked, and braced within or on the truck body or trailer that it will not change position under impact from each end of at least 8 miles per hour.

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C. Impact tests have been conducted on methods shown in this pamphlet.

(4) Cars or truck bodies or trailers on cars must be placarded with the "Explosives" placards as prescribed in § 74.550 and properly executed car certificates as required by § 74.525.

(5) All fuel tanks for heaters or refrigerating machinery with which truck bodies or trailers are equipped shall be drained and all automatic heating or refrigerating machinery shall be rendered inoperative by disconnection of the automatic controls or the source of power for their operation.

**§ 74.527 Forbidden mixed loading and storage.**

(a) Explosives, class A, and initiating or priming explosives must not be transported in the same car with, nor be stored on railway property near, any of the dangerous articles other than explosives for which red, yellow, green, white (acid or corrosive liquid) or radioactive material labels are prescribed in Parts 71–78 of this chapter, nor with charged electric storage batteries.

(b) Explosives must not be loaded together nor with other dangerous articles, except as provided in the loading and storage chart (see § 74.538). See § 74.584 (h) for loading shipments of explosives or any other material in a placarded and certified car containing a shipment of class A explosives.

**§ 74.528 Protect explosives from injury.**

(a) In a car containing explosives, the explosives and all other freight must be so loaded, and if necessary so braced and stayed, as to prevent injury to packages of explosives during transit. When practicable, explosives should be loaded so as to avoid transfer at stations.

**§ 74.529 Cars for class B explosives.**

(a) Explosives, class B, must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

(b) Shipments of class B explosives (see §§ 73.88 to 73.94 of this chapter) must be loaded in a closed car or container car which is in good condition, into which sparks cannot enter, and with roof not in danger of taking fire through unprotected decayed wood. These cars do not require the car certificate but must have attached to both sides and both ends the "DANGEROUS" placard prescribed by § 74.552, and the doors if not tight must be stripped to prevent entrance of sparks.

(c) Explosives, class B, may be carried in tight, closed truck bodies or trailers on flat cars provided all automatic heating or refrigerating machinery with which truck bodies or trailers are equipped shall be rendered inoperative. Packages of explosives shall be so braced and stayed as to prevent their movement and so as to prevent injury to them due to movement of other freight during transit. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed. "Dangerous" placards prescribed by § 74.552 must be securely attached to the car or truck body or trailer so as to be visible from both sides and ends of the car.

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

**§ 74.530 Cars for class C explosives.**

(a) Explosives, class C, may be loaded into any closed car in good condition. With the exception of blasting caps and electric blasting caps, explosives, class C, may be loaded into any container car in good condition. No placards or car certificates are required.

(b) Explosives, class C, may be carried in tight, closed truck bodies or trailers on flat cars provided all automatic heating

or refrigerating machinery with which truck bodies or trailers are equipped shall be rendered inoperative. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed.

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

**§ 74.531 Lights.**

(a) When necessary to use lights while handling explosives, it is recommended that where practicable incandescent electric lights be provided.

**§ 74.532 Loading other dangerous articles.**

(a) Shipments must be properly loaded in closed cars, container cars, or in tight closed truck bodies or trailers on flat cars, except as otherwise provided in Parts 71–78 of this chapter and cars placarded as prescribed, when accepted by carriers. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed.

NOTE 1: See Bureau of Explosives' Pamphlet No. 6 for recommended methods of blocking and bracing articles in cars. See loading and storage chart (§ 74.538) before loading labeled articles together or with explosives named in §§ 73.53 to 73.114 of this chapter.

NOTE 2: For recommended methods of blocking and bracing, in truck bodies or trailers on flat cars, see Bureau of Explosives' Pamphlet 6C.

(1) Shippers must furnish the material for staying packages of other dangerous articles loaded by them.

(b) Flammable liquids (red label) and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

(1) Flammable liquids (red label) and flammable gases (red label) must not be loaded in truck bodies or trailers equipped with lighted heaters or any automatic heating or refrigerating apparatus when such truck bodies or trailers are loaded on flat cars.

(c) Packages protected by labels or exempted from labels by § 73.402(c) of this chapter must be so loaded that they cannot fall and in such a manner that other packages cannot fall onto or slide against them. This does not preclude the use of loading methods that are designed to permit movement of the load and that are acceptable to the Bureau of Explosives. Packages bearing marking "This Side Up" or "This End Up" must be so loaded. Dangerous articles for which red, yellow, green, or white (acid, alkaline caustic liquid, or corrosive liquid) labels are prescribed herein must not be loaded in the same car with explosives named in §§ 73.53 to 73.87 of this chapter. (See loading and storage chart § 74.538.) Packages protected by yellow labels must not be loaded in the same end of a car with packages protected by "Acid", "Alkaline Caustic Liquid", or "Corrosive Liquid" labels, except that shippers loading carload shipments, who have obtained prior approval from the Bureau of Explosives, may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

(d) Metal barrels or drums containing flammable liquids may be loaded on steel gondola or flat cars or into stock cars, but must not be loaded into hopper bottom cars.

(e) Empty cylinders, barrels, kegs, or drums, previously used for the shipment of any dangerous article, as defined in Part 73 of this chapter, must have all openings including removable heads, filling and vent holes properly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

(1) They may be loaded in open or stock cars when desired. Cars should not be placarded but lighted open-flame lanterns or other open-flame lights should be kept away.

(f) Carboys previously used for the shipment of corrosive liquids when presented to carriers for transportation in carload or less-than-carload shipments as "empty" carboys, must be thoroughly (completely) drained. Whenever practicable they should not be loaded with valuable or perishable freight.

(g) Matches: Carload lots of strike-anywhere (friction) matches must be loaded as compactly as possible to avoid motion within the car, especially lengthwise of the car. Protruding nails, metal band anchors or other projections on sidewalls, ends, door posts, studding, or car floors liable to puncture packages must be removed or adequately covered to prevent damage to containers of matches. Car doorways should be boarded on the inside to keep packages from contact with the doors, and the inside lining of the car should be supplemented when necessary by strips nailed to the car and close enough together to keep the boxes from being jammed against the studding and broken by high pressures on small areas. The strongest dimension of the box should be loaded lengthwise of the car. Partial layers of boxes should be interlocked with the lower layers. The cars used should be made secure against the entrance of sparks or rain and should be the strongest cars available.

(1) [Reserved].

(2) Carload lots of strike-anywhere matches handled subject to stop off privileges must be loaded in accordance with paragraph (g) of this section and when necessary the load must be rearranged and/or blocked and braced by each consignee before forwarding.

(3) Less-than-carload lots of "strike-anywhere" matches should be carefully loaded so that they cannot fall and so that other packages of freight cannot fall on or injure them. Whenever practicable the packages of matches should be placed to facilitate ready removal in case of fire. A smoking box of matches should not be broken open; the fire will cease of itself if air can be kept from it.

(4) Carload or less-than-carload lots of "strike-anywhere" matches which have been damaged by fire, or by water in extinguishing a fire, in transit or on carrier's property, must be reloaded in properly prepared cars, and braced or blocked before being forwarded to destination, to freight claim department or claim adjusters, or to original shipper or other parties for salvage. Great care should be taken to examine and repair damaged outside packages before reloading into car. All loose matches should first be destroyed. Individual interior boxes and paper-wrapped cartons or packages, should then be carefully placed in tight outside packages complying, as nearly as circumstances will permit, with container specifications; but under no condition shall the outside package be of less strength than required by specification 15A or 12C (§§ 78.168 or 78.206 of this chapter), nor of greater capacity than authorized. Charred cases must not be used. Boards used in repairing wooden cases must be so nailed that they will not allow any interior boxes, cartons, or packages to fall out. In the event that the individual boxes or paper-wrapped packages do not fit snugly in the outside package, the vacant spaces should be filled tightly with dry and clean cotton waste, or elastic wads of dry newspapers or dry waste paper.

(h) Corrosive liquids: Carboys of acids or other corrosive liquids must not be loaded into container cars. They must be so blocked, braced or stayed that they cannot change position during transit when being handled with reasonable care. Carboys of nitric acid must not be loaded into box cars or in truck bodies or trailers on flat cars more than two tiers high, except that completely boxed carboys, specification 1D (§ 78.4 of this chapter), may be loaded three tiers high. Car doors may be cleated in an open position if desired. Flat or stock cars may be used for loading carboys of acids.

(1) When less-than-carload shipments are loaded with other freight, the carboys must be placed near the doorway and must have wooden strips not less than 2 inches in height nailed to the car floor about 8 inches from the bracing. These strips must be arranged so that the liquid from a broken carboy will drain toward the doorway and outside the car. The space between the strips and the floor braces or blocking used for staying the carboy boxes must be covered with at least 1 inch thickness of clean and dry sand or earth, not sawdust or other combustible material.

(2) Nitric acid, when loaded with other acids or other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank, set on edge, should be nailed across the car floor at least 12 inches from the nitric acid carboys and the space between the plank and the carboys of nitric acid should be filled with sand, sifted ashes, or other incombustible absorbent material.



(3) Electric storage batteries (wet) for shipment must be completely protected so that short circuits will be prevented and must not be loaded or stored with explosives.

(4) Shipments of electric storage batteries (wet), and electrolyte packed as required by § 73.258 of this chapter, must be so blocked and braced that they cannot change position during transit when cars are handled with reasonable care; and must be so loaded that other freight cannot fall onto or slide against them. They may be loaded on gondola or flat cars, but must not be loaded into hopper bottom cars.

(i) Compressed gases in cylinders: Cylinders containing compressed gases shall be securely lashed in an upright position so as to prevent their overturning; or loaded into racks securely attached to the car; or packed in boxes or crates of such dimensions as to prevent their overturning; or loaded in a horizontal position. Spec. ICC–4L cylinders must be loaded in an upright position and be securely braced.

(1) Cylinders containing compressed gases may be loaded into steel gondola or flat cars or into stock cars, but must not be loaded into hopper bottom cars.

(j) Radioactive materials and radioactive ores, residues, and similar materials.

(1) Shipments of radioactive ores, residues or similar material as provided in § 73.392 of this chapter must be so loaded as to avoid spillage and scattering of loose material.

(i) The amount of radioactive ores, residues, and similar materials loaded in a car must be limited as provided in § 73.392 of this chapter.

(2) The amount of radioactive materials, other than radioactive ores, residues, or similar materials, loaded in a freight car, shall be limited so that the quantity does not exceed 40 units as determined by totaling the number of units shown on the individual labels on the packages. (The requirements of this paragraph do not apply to bundles, boxes, barrels, or crates of magnesium-thorium alloys or uranium, depleted or normal, described by § 73.392 (e) and (f) of this chapter.)

NOTE 1: For purposes of these regulations, 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm of hard gamma rays of radium filtered by ½ inch of lead.

(i) Containers of radioactive material weighing 5,000 pounds or more or strong wooden boxes with inside containers of solid radioactive material, securely braced and cushioned, and concrete-filled metal drums or concrete vaults weighing 700 pounds or more may be loaded in gondola cars (drop bottom cars not authorized); containers of radioactive material weighing 15,000 pounds or more may be loaded on flat cars. Containers must be so blocked and braced that they cannot change position during transit.

(3) No persons shall remain in a car containing radioactive material unnecessarily and the shipper must furnish the carrier with such information and equipment as is necessary for the protection of the carrier's employees.

(4) Any loose radioactive material must be removed from the car and placed in a closed container in a segregated location and held for instructions from the shipper or the Bureau of Explosives.

(k) Nitrates, except ammonium nitrate having organic coating, listed in § 73.182(b) of this chapter must be loaded in clean closed cars, which shall be free of loose boards, cracks, holes, or exposed decayed spots. Interior of cars must be swept clean and be free of any projections capable of injuring bags when so packaged. Doors of cars must have tight closures. Ammonium nitrate or ammonium nitrate fertilizer, having no organic coating, ammonium nitrate mixed fertilizer, or ammonium nitrate-phosphate, in bulk may be loaded in clean covered hopper cars. Ammonium nitrate having organic coating must be loaded in all-wood box cars, or wooden box cars with steel roofs, or steel box cars with wooden floors and must not be loaded in all-metal cars. Journals and boxes must be in good condition. (See § 74.541(a) (1) and (2).)

(l) Poison gas; class A, by rail freight: Poison gases, class A, may be shipped by, for, or to, the Departments of the Army, Navy, or Air Force of the United States Government, when loaded and handled as follows:

(1) In metal drums, specification ICC 5A (§ 78.81 of this chapter) or WD 5A,[1] in box cars, gondola cars, or stock cars (flat bottom) in carload lots.

(2) In tanks, specification ICC 106A (§§ 78.275 or 78.276 of this chapter), mounted on or secured to multi-unit cars or gondola cars (flat bottom) in carload lots only.

(3) In bombs, in box cars or gondola cars (flat bottom) in carload lots only.

(4) In projectiles or ammunition for cannon with gas filled projectiles in box cars in carload or less-than-carload lots.

(5) Gas handlers. Each shipment of one or more carloads, as described in subparagraphs (1), (2), (3), and (4) of this paragraph, shall be accompanied by a crew of qualified gas handlers, supplied with equipment to handle leaks or other container failure, which will permit the escape of gas. Gas handlers will remain with the shipment during the entire time that it is in the custody of the carrier. Gas handlers will, in the event of leakage or escape of gas, make repairs and perform decontamination, if necessary. If they need assistance they will advise the carrier's representative as to the nearest Chemical Warfare Service Depot and aid required.

(6) Loading and bracing in cars. Drums must be loaded in cars having level floors. Cars equipped with metal corrugated ends or cars having bowed ends must be supplied with end wall bulkheads constructed in accordance with requirements for center gates. (See Sketch 1, Bureau of Explosives Pamphlet No. 6.)

(7) Drums must be loaded not more than one tier (layer) high and with filling holes up. They must be loaded as closely together as possible both crosswise and lengthwise and so blocked and braced as to maintain their relative positions during transit.

(8) Drums with filling holes in heads must be loaded on their bottoms. They may be loaded in rows, lengthwise of the car and any space between the sides of car and the nearest row of drums must be "filled in" with wooden boards or lumber nailed to sides of car sufficient in length and width to contact both hoops of drums, or, drums may be loaded across car in staggered stacks of which the number of drums in alternate stacks is reduced by one drum. All drums in stacks following the first stack loaded in end of car must be placed tightly into the angle of space formed by the sidewalls of the drum in the preceding stack. Any space between the sides of car and the drums in stacks having the greater number of drums, must be "filled in" with wooden boards or lumber nailed to sides of car sufficient in length and width to contact both hoops of drums.

(9) Drums with filling holes in sides must be loaded on their sides with filling holes up. They must be loaded lengthwise of the car in rows and any space between sides of car and the nearest row of drums must be "filled in" with wooden boards or lumber nailed to sides of car sufficient in length and width to contact both hoops of drums.

(10) Drums must be loaded in box car from ends of car toward space between car doors, and there braced by center gates and wedges. (See Sketch 1, Bureau of Explosives Pamphlet No. 6.)

(11) Doorways of box cars must be protected by one of the methods prescribed in Sketch 1, Bureau of Explosives Pamphlet No. 6A.

(12) Tanks must be securely mounted on cars especially provided for them or on gondola cars prepared with substantial wooden frames and blocks.

(13) Bombs, projectiles, and cannon ammunition must be loaded, blocked and braced as shown in Bureau of Explosives Pamphlet 6A. When shipments are loaded in gondola cars they must be securely blocked and braced and not loaded higher than the sides of the car.

**§ 74.533 Truck bodies or trailers on flat cars.**

(a) Truck bodies or trailers containing explosives, class B, explosives, class C, or other dangerous articles as provided in Parts 71–78 of this chapter must be of such design and so loaded that they will not rupture or become seriously damaged under conditions normally incident to transportation and must be so secured on the flat car that they cannot permanently change position during transit. Packages of explosives and dangerous articles contained therein must be loaded and braced as provided by §§ 74.529, 74.530, and 74.532. Placards must be applied when prescribed by §§ 74.541 and 74.542.

(b) Truck bodies or trailers equipped with automatic heating or refrigerating equipment employing any fuel or article classed as a dangerous article in Parts

[1] War Department specification container.

71–78 of this chapter may be loaded and transported on flat cars if such equipment is of a type approved by the Bureau of Explosives. They must be so braced and stayed on the flat car that they cannot permanently change position during transit.

(c) A truck body or trailer on which is mounted any cargo tank containing any dangerous article shall not be accepted for transportation or transported except under conditions approved by the Bureau of Explosives.

### § 74.534 Portable containers or tanks.

(a) Portable containers or tanks must be of such design and so loaded and stayed in closed cars, in gondola cars, on flat cars, or in truck bodies or trailers on flat cars so they cannot permanently change position, rupture, or become seriously damaged under conditions normally incident to transportation. Ends, sidewalls, or doors of truck bodies or trailers shall not be relied upon to prevent shifting of portable containers or tanks.

## Subpart B—Loading and Storage Chart of Explosives and Other Dangerous Articles

### § 74.538 Loading and storage chart of explosives and other dangerous articles.

(a) Explosives or other dangerous articles must not be loaded, transported, or stored together, except as provided in the Loading and Storage Chart of Explosives and Other Dangerous Articles shown in this section.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

| | | a | b | c | d | e | f | g | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Low explosives or black powder | High explosives or propellant explosives, class A | Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate | Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers | Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive), without detonators [4] | Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A [5] | Detonating fuzes, class A, with or without radioactive components | Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles | Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B | Fireworks, special or railway torpedoes | Small arms ammunition | Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets | Percussion fuzes, tracer fuzes or tracers | Time, combination or detonating fuzes, class C | Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord | Fireworks, common, highway fuses or railway fuses | Flammable liquids or compressed flammable gases, red label | Flammable solids or oxidizing materials, yellow label | Acids or corrosive liquids, white label | Compressed nonflammable gases, green label | Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label | Radioactive materials (class D poisons) |
| CLASS A EXPLOSIVES | | | | | | | | | | | | | | | | | | | | | | | |
| Low explosives or black powder | (*) | | | X | | | | | | | X | | | | | | X | X | X | X | X | X | X |
| High explosives or propellant explosives, class A | (*) | | | X | X | | | X | | | X | | | | | | X | X | [3]X | X | X | X | X |
| Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate | (*) | X | X | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers | (4) | | X | X | | X | X | | | | [2]X | | | | | | [2]X | [2]X | [2]X | [2]X | [2]X | X | X |
| Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [4] | (*) | | | X | X | | | X | | | X | | | | | | X | X | X | X | X | X | X |
| Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A [5] | (f) | | | X | X | | | X | | | X | | | | | | X | X | X | X | X | X | X |
| Detonating fuzes, class A, with or without radioactive components | (*) | | X | X | | X | X | | | | X | | | | | | X | X | X | X | X | X | X |
| CLASS B EXPLOSIVES | | | | | | | | | | | | | | | | | | | | | | | |
| Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles | 1 | | | X | | | | | | | | | | | | | | | | [6]X | | X | |

See footnotes at end of table.



The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

| | | a | b | c | d | e | f | g | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Low explosives or black powder | High explosives or propellant explosives, class A | Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate | Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers | Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [4] | Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A [5] | Detonating fuzes, class A, with or without radioactive components | Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles | Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B | Fireworks, special or railway torpedoes | Small arms ammunition | Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets | Percussion fuzes, tracer fuzes or tracers | Time, combination or detonating fuzes, class C | Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord | Fireworks, common, highway fuses or railway fuses | Flammable liquids or compressed flammable gases, red label | Flammable solids or oxidizing materials, yellow label | Acids or corrosive liquids, white label | Compressed nonflammable gases, green label | Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label | Radioactive materials (class D poisons) |
| CLASS B EXPLOSIVES—continued | | | | | | | | | | | | | | | | | | | | | | | |
| Propellant explosives, class B, jet thrust units (jato) class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B | 2 | | | X | | | | | | | | | | | | | | | | | | | |
| Fireworks, special or railway torpedoes | 3 | X | X | X | [3]X | X | X | X | | | | | | | | | | | | | | | |
| CLASS C EXPLOSIVES | | | | | | | | | | | | | | | | | | | | | | | |
| Small arms ammunition | 4 | | | X | | | | | | | | | | | | | | | | | | | |
| Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets | 5 | | | X | | | | | | | | | | | | | | | | | | | |
| Percussion fuzes, tracer fuzes or tracers | 6 | | | X | | | | | | | | | | | | | | | | | | | |
| Time, combination or detonating fuzes, class C | 7 | | | X | | | | | | | | | | | | | | | | | | | |
| Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord | 8 | | | X | | | | | | | | | | | | | | | | | | | |
| Fireworks, common, highway fuses or railway fuses | 9 | X | X | X | [3]X | X | X | X | | | | | | | | | | | | | | X | |
| OTHER DANGEROUS ARTICLES | | | | | | | | | | | | | | | | | | | | | | | |
| Flammable liquids or compressed flammable gases, red label | 10 | X | X | X | [3]X | X | X | X | | | | | | | | | | | | | | X | |
| Flammable solids or oxidizing materials, yellow label | 11 | X | [3]X | X | [4]X | X | X | X | | | | | | | | | | | | | [6]X | X | |
| Acids or corrosive liquids, white label | 12 | X | X | X | [3]X | X | X | X | [6]X | [6]X | | | | | | | | | | | | X | |
| Compressed nonflammable gases, green label | 13 | X | X | X | [3]X | X | X | X | | | | | | | | | | | | | | | |
| Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label | 14 | X | X | X | X | X | X | X | X | X | X | X | | | | | X | X | X | X | | | |
| Radioactive materials (class D poisons) | 15 | X | X | X | X | X | X | X | | | | | | | | | | | | | | | |

[3] Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with articles named in vertical and horizontal columns 3, 9, 10, 11, 12, and 13. Loading and transportation of blasting caps or electric blasting caps in any quantity with articles named in vertical or horizontal columns b, c, e, or f is prohibited.

[4] Unless loaded in opposite ends of car, acids or other corrosive liquids, white label, must not be loaded with yellow label articles, ammunition for cannon with or without projectiles, or propellant explosives, except that shippers loading carload shipments of white label and yellow label articles (and who have obtained prior approval from the Bureau of Explosives) may load such articles together when it is known that the mixture of contents will not cause a dangerous evolution of heat or gas.

[5] Explosives, class A, and explosives, class B, other than ammunition, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition containing incendiary charges or white phosphorus may be loaded and stored with other ammunition of the same classification.

[6] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

[*] Does not include nitro carbo nitrate or ammonium nitrate, fertilizer grade, which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

NOTE 1: Charged electric storage batteries must not be loaded in the same car nor stored with any class A explosive.

NOTE 2: Cyanides or cyanide mixtures must not be loaded or stored with acids of corrosive liquids.

NOTE 3: Gas identification sets may be loaded and transported with all articles named except those in column c.

NOTE 4: Nitric acid, when loaded in the same car with other acids or other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank, set on edge, should be nailed across the car floor at least 12 inches from the nitric acid carboys, and the space between the plank and the carboys of nitric acid should be filled with sand sifted ashes or other incombustible absorbent material.

NOTE 5: Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car shall be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives.

## Subpart C—Placards on Cars

**§ 74.540 "Explosives" placards.**

(a) Explosives placards as prescribed in § 74.550 must be applied to certified cars containing explosives, class A, specified in §§ 73.53 to 73.87 of this chapter. Placards must show in the spaces provided station name and date.

NOTE 1: For cars requiring the poison gas placard, see § 74.542.

**§ 74.541 "Dangerous" placards; "Dangerous—Radioactive material" placards; or "Caution—Residual phosphorus" placards.**

(a) "Dangerous" placard, as prescribed by § 74.552 must be applied to cars, and container cars, as follows:

(1) Cars containing one or more packages bearing red, yellow, white acid, or corrosive liquid caution labels, or white "poison" labels, as prescribed by §§ 73.405 to 73.408 and 73.409 (a) (2) of this chapter, or without labels as authorized in § 73.402 (c) of this chapter.

(2) Cars containing flammable solids, oxidizing materials or poisonous solids, class B, in bulk.

(3) Tank cars containing flammable liquids, flammable solids or oxidizing materials, acids or corrosive liquids, poisonous liquids or solids, class B, compressed flammable gases, compressed nonflammable gases.

(4) Cars containing shipments of explosives, class B.

NOTE 1: For cars also requiring the poison gas placard, see § 74.542.

(5) When explosives, class A, are loaded in the same car with explosives, class B, or poisonous solids or liquids, class B, only the "Explosives" placard is required.

(b) "Dangerous—Radioactive material" placards, as prescribed in § 74.553, must be applied to cars containing shipments of class D poisons as prescribed by §§ 73.392(c) and 73.393 of this chapter and bearing labels as described in § 73.414 (a), (b), and (c) of this chapter.

(c) "Caution—Residual phosphorus" placard, as prescribed in § 74.555, must be applied to tank cars which last contained shipments of white or yellow phosphorus and which are required to be filled with water or inert gas before tank car is offered for return movement as provided in § 73.190(b)(3) of this chapter.

**§ 74.542 "Poison gas" placards.**

(a) "Poison gas" placards as prescribed by § 74.551 must be applied to cars as follows:

(1) Cars containing one or more packages or articles bearing the "Poison gas" label.

(2) Cars containing ammunition for cannon with toxic gas projectiles, or projectiles, bombs, or other containers loaded with toxic gas requiring the "Poison gas" label.

NOTE 1: The poison gas placard must be applied to cars in addition to any other placards required.

(b) *"Flammable poison gas" placards.* "Flammable poison gas" placards as prescribed in § 74.556 must be applied to Class 105A–W tank cars containing hydrocyanic acid.

(c) *"Poison gas" placards.* "Poison gas" placards, for tank cars, as prescribed in § 74.557 must be applied to tank cars containing class A poisons except hydrocyanic acid.

**§ 74.543 Placarding cars; passenger trains.**

(a) When a freight, baggage, or express car containing freight shipments of explosives, class B, or freight shipments of dangerous articles other than explosives requiring labels as prescribed by Part 73 of this chapter (not including class A poison gases or liquids), is hauled in a passenger train and such car or cars are not occupied by an employe of the carrier, proper placards must be applied to the car as required by this part.

**§ 74.544 Placards not required.**

(a) Placards are not required for:

(1) Cars containing explosives, class C.

(2) Cars, other than tank cars, containing nonflammable compressed gas (green label).

(3) Cars containing class C poisons (tear gas label).

(4) Cars loaded with electric storage batteries containing electrolyte or corrosive battery fluid in carload lots.

(5) Cars carrying shipments of electrolyte acid or corrosive battery fluid together with self-propelled vehicles or mobile agricultural machinery in accordance with the provisions of § 73.257 (c).

(6) Cars containing radioactive material bearing label described in § 73.414 (d) of this chapter.

**§ 74.545 Commodity name on carloads.**

(a) Placards for carloads of class B explosives and other dangerous articles must show thereon, in the space provided, the proper name of the commodity as prescribed by § 72.5 of this chapter, or the commodity name must be shown on tag board cards measuring approximately 5 by 8 inches securely attached to each side of the car.

**§ 74.546 Placards must be standard.**

(a) Placards must conform to standards as prescribed. Samples will be furnished by the Bureau of Explosives on request.

(b) Tagboard placards must be printed on strong tagboard of quality and strength not less than that designated commercially as 100 percent sulphate, weighing 125 pounds per ream, of sheets 24 x 36 inches, and having a resistance of not less than 60 pounds per square inch Mullen test.

(c) Paper placards must be printed on strong white paper.

(d) Placards or car cards which by their shape, coloring, or printing may be readily confused with the standard placards prescribed in this part must not be used.

(e) Carrier's or shipper's name and stationery form number may be printed on placards in type not larger than 10 point, but must be printed thereon separate from any placard wording.

(f) When the tag board placards bear wording prescribed in § 74.552 (a) and provided the wording prescribed by § 74.563 (c) appears on the reverse side thereof, the words "removed or" may be omitted or the word "removed" changed to "reversed", as the case may be.

(g) Placards remaining on hand and in compliance with § 74.552(a) or § 74.553(a) in effect on June 19, 1960, may be used until present stocks are exhausted.

**§ 74.547 Carriers supply of placards.**

(a) Carriers must keep on hand an adequate supply of all necessary placards for placarding cars loaded by them and for the replacement of missing placards on loaded cars while in transit.

**§ 74.548 Placarded cars.**

(a) Shippers must have applied placards to cars loaded by them when cars are acceptable for transportation. (See § 74.549 for method of application.)

**§ 74.549 Application of placards.**

(a) Placards must be securely applied one to each end and each side of car, as follows:

(1) By tacking tag-board placards to each end and each side of cars, or to placard boards of suitable size provided for the purpose.

(2) Placards applied to the sides of closed or open top cars containing explosives or other dangerous articles must be attached to the fixed placard board or to the side of the wooden car between car initials and number and the car door.

(3) Tacks when used must have heads at least ¼ inch across. At least 5 tacks must be used, one at each corner and one in the center of the placard, or when stapling devices are used the staples should be made of flat metal of not less than 19 gauge, and the space between the legs of the staples should be at least ⅜ inch and length of staples not less than ¼ inch. At least 9 staples must be used, one at each corner, one along edge between each corner, and one in center. Tacks, nails, staples, or other devices used in previous application of placards must be removed when their presence interferes with proper application of placards.

(4) By insertion of tag-board placards in suitable placard holders affixed to cars.

(5) Paper placards must be securely pasted to metal or other smooth surfaces. Metal placard boards must be used when provided for the purpose. Grease or other substances which interfere with secure application must be removed from surfaces before pasting on placards.

(6) By application of adhesive tape, which shall be not more than 1¼ inches wide and which shall be applied around the entire perimeter of the placard so that approximately one-half the width of the tape adheres to the placard and one-half to the surface to which the placard is attached. Tape must be properly applied, weather-resistant, and capable of holding the placard securely in position under conditions normal to transportation. This method is authorized only when attachment of placards to metal surfaces is necessary and the metal surface is sufficiently smooth and of sufficient size to permit attachment of the placards in their proper position.

(b) Placards applied to cars must have the printing in horizontal position.

(c) "Explosives" placards and car certificates must be placed alongside of each other.

NOTE 1: Because of the present emergency and until further order of the Commission, gondola cars used for the shipments of bombs or poison gas, may be placarded on both sides and both ends of car.

(d) Placards applied to sides of tank cars must be placed as near the middle as possible. Side placard boards applied to tank cars near end of tank may be used until replaced by boards located near middle of tank, in accordance with requirements effective November 1, 1927.

(e) Placard holders must be so constructed as not to obstruct the wording, change the shape of the placard, or reduce the exposed surface of the placard more than three-eighths of an inch on each side.

NOTE 1: Permanent metal holders designed to provide for secure attachment, easy application, removal, or reversal of placards prescribed in these regulations are required on all new tank cars, on new underframes to which tanks are applied, and on all tank cars receiving general repairs.

(f) Placards as required by §§ 74.540, 74.541, and 74.542 must be securely applied to both sides and both ends of a container car on which a container or containers loaded with explosives, class A or B, or with dangerous articles requiring labels, are placed; or placards must be securely applied to both ends of such a car and to both sides of a container loaded with such articles. Car certificates required by § 74.525 must be securely applied to both sides of a container car on which a container or containers loaded with class A explosives are placed.

(g) Metal reversible placards, bearing on one side the "Dangerous" placard wording as prescribed in § 74.552 and on the reverse side the "Dangerous—Empty" placard wording as prescribed in § 74.563 may be used in lieu of placard holders prescribed in Note 1 to § 74.549 (e). The wording on these placards must be kept distinct as to colors and clearly legible.

(h) Placards as required by §§ 74.540, 74.541, and 74.542 must be securely applied to both sides and both ends of car, or to both sides and both ends of truck body or trailer loaded on flat cars, containing explosives or other dangerous articles. Car certificates as required by § 74.525 must be securely applied to both sides of such cars. When more than one trailer is loaded on a flat car, placards must be applied so as to be plainly visible from both ends of the car.

**§ 74.550 Explosives, class A placard.**

(a) The "Explosives" placard must be of rectangular shape, measuring 11 by 14 inches, and must bear the wording as shown in the following cut; the printing must be in red and black as follows:



EXPLOSIVES PLACARD

(Reduced size)

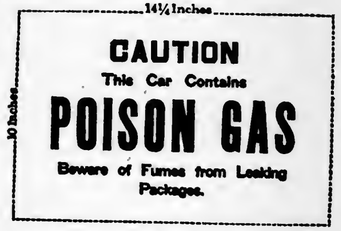



**§ 74.551 Poison gas placard.**

(a) The "Poison gas" placard for other than tank cars must be of rectangular shape, measuring 10 x 14¼ inches, and must bear the wording as shown in the following cut; the printing must be in red as follows:

POISON GAS PLACARD

(Reduced size)




**§ 74.552 Dangerous placard.**

(a) The "Dangerous" placard must be of diamond shape, measuring 10¾ inches on each side, and must bear the wording as shown in the following cut; the word "Dangerous" must be in red, and the lettering in black, as follows:

DANGEROUS PLACARD

(Reduced size)




(b) The reverse side of such placards may bear the wording as prescribed for the "Dangerous-Empty" placard. (See § 74.563.)

**§ 74.553 Dangerous-Radioactive material placard.**

(a) The "Dangerous-Radioactive material" placard for class D poisons must be of diamond shape, measuring 10¾ inches on each side, and must bear the wording in red letters as shown in the following cut:

DANGEROUS PLACARD FOR RADIOACTIVE MATERIAL

(Reduced size)




**§ 74.554 Unauthorized use of placards.**

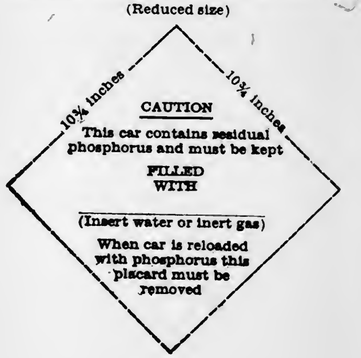
(a) Placards prescribed by this part must not be applied to cars containing articles not subject to Parts 71–78 of this chapter or specifically exempted therefrom.

**§ 74.555 "Caution—Residual phosphorus" placard.**

(a) Tank cars previously loaded with phosphorus, when shipped filled with water or inert gas, must bear a placard reading "Caution—This car contains residual phosphorus and must be kept filled with (water) or (inert gas)". The placard must be of diamond shape measuring 10¾ inches on each side, and must bear the wording in black letters as shown in the following cut:

CAUTION PLACARD FOR RESIDUAL PHOSPHORUS

(Reduced size)

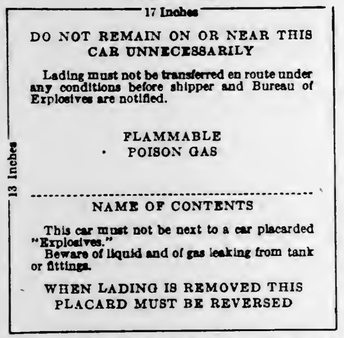


**§ 74.556 Flammable poison gas placard.**

(a) The "Flammable poison gas" placard must be of rectangular shape, measuring 13 by 17 inches, and must bear the wording as shown in the following cut; the printing must be in red with the exception of name of contents which must be in black, as follows:

FLAMMABLE POISON GAS PLACARD

(Reduced size)



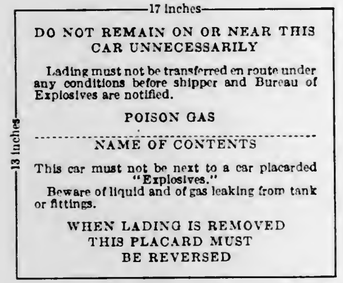

(b) The reverse side of such placards may bear the wording as prescribed for the "Flammable Poison Gas—Empty" placard. (See § 74.563.)

**§ 74.557 Poison gas placard.**

(a) The "Poison gas" placard, for tank cars, must be of rectangular shape, measuring 13 inches by 17 inches, and must bear the wording as shown in the following cut; the printing must be in red with the exception of name of contents which must be in black, as follows:

POISON GAS PLACARD

(Reduced size)




(1) The reverse side of such placards may bear the wording as prescribed for the "Poison Gas—Empty" placard. (See § 74.563(f).)

## Subpart D—Unloading From Cars

**§ 74.560 Tank car delivery.**

(a) Tank cars containing flammable liquids or flammable poison gas having a flash point of 80° F. or below, except liquid road asphalt or tar, must not be delivered unless originally consigned or subsequently reconsigned to parties having private-siding (see Note 1 of this section) or to parties using railroad-siding facilities which have been equipped for piping the liquid from tank cars to permanent storage tanks of sufficient capacity to receive contents of car.

(b) No tank car containing compressed gas may be unloaded unless the car is consigned for delivery and unloading on a private track (see Note 1 to subparagraph (2) of this paragraph), except that where no private track is available, delivery and unloading on carrier tracks is permitted provided the following conditions are complied with:

(1) Any tank car of ICC–106A or 110A type (see § 78.275, § 78.276 or § 78.293 of this chapter) may be delivered and the loaded unit tanks may be removed from car frame on carrier tracks, if, before car is accepted for transportation, the shipper has obtained from the delivering carrier and filed with originating carrier, written permission (see Note 2 to subparagraph (2) of this paragraph) for such removal. The consignee must furnish adequately safe mechanical hoist, obtained from the carrier if desirable, by which the tanks are lifted from the car and deposited directly upon vehicles furnished by the consignee for immediate removal from carrier property or tanks must be lifted by adequately safe mechanical hoist from car directly to vessels for further transportation.

(2) Any tank car of other than ICC–106A or 110A type (see §§ 78.275, 78.276, or 78.293 of this chapter), containing anhydrous ammonia, liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may be delivered and unloaded on carrier tracks, if the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car. Such cars may also be stored on a private track or on a carrier track when designated by the carrier for such storage.

Note 1: For this purpose, a private track is a track outside of carrier's right-of-way, yard and terminals, and of which the carrier does not own either the rails, ties, roadbed or right-of-way; or a track or portion of a track which is devoted to the purpose of its user, either by lease or written agreement, in which case the lease or written agreement will be considered as equivalent to ownership.

Note 2: Carriers should give permission for the unloading of these containers on carrier tracks only where no private siding is available within reasonable trucking distance of final destination. The danger involved is the release of compressed gases due to accidental injury to container in handling. The exposure to this danger decreases directly with the isolation of the unloading point.

**§ 74.561 Tank car unloading.**

(a) In unloading tank cars the following rules must be observed (see also § 74.560 for compressed gases):

(1) Unloading operations should be performed only by reliable persons properly instructed and made responsible for careful compliance with this part.

(2) Brakes must be set and wheels blocked on all cars being unloaded.

(3) Caution signs must be so placed on the track or car as to give necessary warning to persons approaching car from open end or ends of siding and must be left up until after car is unloaded and disconnected from discharge connection. Signs must be of metal or other suitable material, at least 12 by 15 inches in size and bear the words, "STOP—Tank Car Connected", or "STOP—Men at Work", the word "STOP" being in letters at least 4 inches high and the other words in letters at least 2 inches high. The letters must be white on a blue background.

(4) Before manhole cover or outlet valve cap is removed, tank car must be relieved of all interior pressure by cooling tank with water or venting tank by raising safety valve or opening vent on dome at short intervals. If venting to relieve pressure will cause a dangerous amount of vapor to collect outside the car, venting and unloading must be deferred until pressure is reduced by allowing the car to stand overnight or otherwise cooling the contents. These precautions are not necessary when car is equipped with a manhole cover which hinges inward or with an inner manhole cover which does not have to be removed to unload the car, and when pressure is relieved by piping vapor into a condenser or storage tank.

(b) After pressure is released, seal should be broken and manhole cover removed as follows:

(1) *Screw type.* Cover must be loosened by placing bar between manhole cover lug and knob. After two complete turns, so that vent openings are exposed, the operation must be stopped, and if there is any sound of escaping vapor, the cover must be again screwed down tightly and interior pressure relieved as prescribed in paragraph (a)(4) of this section, before again attempting to remove the cover.

(2) *Hinged and bolted type.* All nuts must be unscrewed one complete turn, after which same precautions as prescribed for screw type cover must be observed.

(3) *Interior type.* All dirt and cinders must be carefully removed from around cover before yoke is unscrewed.

(c) When car is unloaded through bottom outlet valve, manhole cover must be adjusted as follows:

(1) *Screw type.* Manhole cover must be put in place, but not entirely screwed down, in order that air may enter tank through vent holes in threaded flange of cover.

(2) *Hinged and bolted type.* A small wooden block should be placed under one edge of cover.

(3) *Interior type.* Screw must be tightened up in yoke so that cover will be brought up within one-half inch of closed position.

(d) When unloading through bottom outlet of cars equipped with interior manhole type of covers, and in all cases where unloading is done through the manhole (unless special covers are used, provided with safety-vent opening and tight connection for discharge outlet), the manhole must be protected against entrance of sparks or other sources of ignition of vapor by asbestos or metal covers or by being covered and surrounded with wet burlap. Burlap must be kept damp by replacement or the application of water as needed.



(e) Seals or other substances must not be thrown into the tank. Also care must be taken to avoid spilling any of the contents over car or tank.

(f) Valve rod handle or control in dome must be operated a few times to see that outlet valve in bottom of tank is on its seat before valve cap is removed.

(g) Valve cap, or reducer when large outlet is to be used, must be removed with suitable wrench after set screws are loosened and a pail is placed in position to catch any liquid that may be in outlet chamber. If valve cap or reducer does not unscrew easily, it must be tapped lightly with mallet or wooden block in an upward direction. If leakage shows upon starting the removal, cap or reducer must not be entirely unscrewed, but sufficient threads must be left engaged and sufficient time allowed to permit escape of any accumulation of liquid in the outlet chamber. If leakage stops or initial rate of leakage diminishes materially, cap or reducer may be entirely removed. If initial rate of leakage continues, further efforts must be made to seat the outlet valve, see paragraph (f) of this section. If this fails, the cap or reducer must be screwed up tight and tank must be unloaded through the dome. If upon removal of the outlet cap the outlet chamber is found to be blocked with frozen liquid or any other matter, replace cap immediately and make careful examination to determine that outlet casting has not been cracked. If the obstruction is not frozen liquid, the car must be unloaded through the dome. If the obstruction is frozen liquid and no crack has been found in the outlet casting, the car may, if circumstances require it, be unloaded from the bottom as follows:

(1) Remove cap and attach unloading connections immediately. Then, before opening the valve inside the tank car, apply steam to outside of outlet casting or wrap casting with burlap or other rags and apply hot water to melt the frozen liquid. In any event, top unloading is considered safer than bottom unloading.

(h) Unloading connections must be securely attached to unloading pipes on dome or to bottom discharge outlets before discharge valves are opened.

(i) Tank cars must not be allowed to stand with unloading connections attached after unloading is completed, and throughout the entire period of unloading, or while car is connected to unloading device, the car must be attended by the unloader.

(j) If necessary to discontinue unloading a tank car for any reason, all unloading connections must be disconnected. All valves must first be tightly closed, and the closures of all other openings securely applied.

(k) As soon as a tank car is completely unloaded, all valves must be made tight, the unloading connections must be removed and all other closures made tight, except that heater coil inlet and outlet pipes must be left open for drainage. The manhole cover must be applied by the use of a bar or wrench, the outlet valves reducer and outlet valve cap by the use of a wrench having a handle at least 36 inches long, and the outlet valve cap plug, end plug, and all other closures of openings and of their protective housings by the use of a suitable tool.

(l) Railroad defect cards must not be removed.

(m) Ground around connections must be covered with fresh, dry sand or dirt, if oil or gasoline has been spilled previously.

(n) All tools and implements used in connection with unloading should be kept free from oil, dirt, and grit.

**§ 74.562 Removal of placards and car certificate after unloading.**

(a) When lading requiring placards or car certificates is removed from cars other than tank cars, placards and car certificates must be removed by the party unloading the car.

(b) After tank car is unloaded, the party unloading the car must remove all shipping cards and "Dangerous" placards from car, or may replace or cover the placards with the "Dangerous—Empty" placards prescribed in § 74.563, or reverse the reversible metal placards so as to exhibit the "Dangerous—Empty" wording, and must promptly notify the railroad agent that car is empty.

(c) Tank cars filled with water or an inert gas after unloading phosphorus must have the "Dangerous" placards replaced by the caution placard for residual phosphorus as prescribed in § 74.555.

(d) After flammable poison gas is unloaded from tank car, the party unloading the car must remove all shipping cards and "Flammable Poison Gas" placards from car. "Dangerous—Empty Flammable Poison Gas" placards detailed in § 74.563 must be applied to empty tank car.

(e) After poison gas is unloaded from tank car, the party unloading the car must remove all shipping cards and "Poison Gas" placards from car. "Dangerous—Empty Poison Gas" placards detailed in § 74.563(f) must be applied to empty tank car.

**§ 74.563 "Dangerous—Empty" placards.**

(a) "Dangerous—Empty" placards must measure 10¾ inches on each side (see paragraphs (d) and (f) of this section for "Flammable Poison Gas—Empty" and "Poison Gas—Empty" placards respectively). The printing must be as shown in the cuts in this section, in black on strong white paper, or on tag board designated commercially as 100 percent sulphate, weighing 125 pounds per ream, of sheets 24 inches by 36 inches, and having a resistance of not less than 60 pounds per square inch, Mullen test.

(b) The reverse side of such placards may bear the wording as prescribed for the "Dangerous" placard. (See § 74.552.)

(c) Paper placards must be securely pasted over the "Dangerous" placards pasted on metal placard boards provided for the purpose. Tag board placards must be securely tacked to wooden boards or inserted in holders provided for the purpose.

"DANGEROUS—EMPTY" PLACARD

(Reduced size)

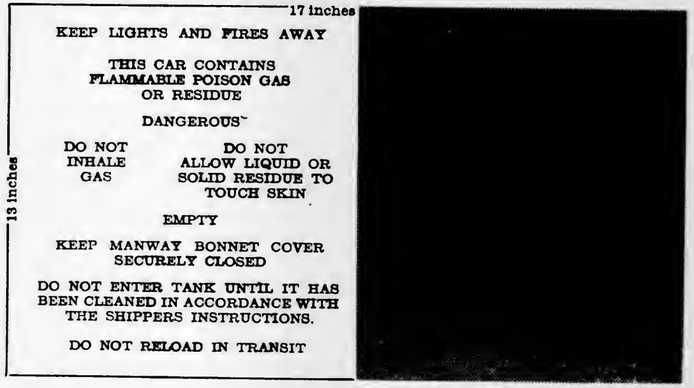



Note 1: The words *"Keep lights and fires away"* and *"Flammable or poisonous vapor"* may be omitted from placards attached to tank cars which previously contained alkaline corrosive liquids or corrosive liquids which do not react with the metal wall or lining of the tank to form a flammable or poisonous gas.

(d) "Flammable Poison Gas—Empty" placard must be of rectangular shape, measuring 13 inches by 17 inches and must bear the wording as shown in the following cut.

"FLAMMABLE POISON GAS—EMPTY" PLACARD

(Reduced Size)

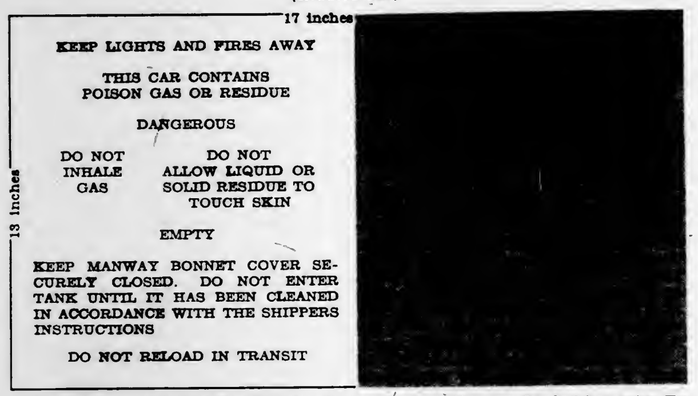


(e) The reverse side of such placards may bear the wording as prescribed for the "Flammable Poison Gas" placard. (See § 74.556.)

(f) "Poison Gas—Empty" placard, for tank cars, must be of rectangular shape, measuring 13 inches by 17 inches and must bear the wording as shown in the following cut:

"POISON GAS—EMPTY" PLACARD

(Reduced size)




(1) The reverse side of such placards may bear the wording as prescribed for the "Poison Gas" placard. (See § 74.557.)

**§ 74.564 Removal and disposition of explosives and other dangerous articles at destination.**

(a) *Delivery at nonagency stations.* Shipments of explosives must not be unloaded at nonagency stations unless the consignee is there to receive them or unless properly locked and secure storage facilities are provided at that point for their protection.

(1) If delivery cannot be so made, shipment must be taken to next or nearest agency station for delivery.

(b) *Delivery at agency stations.* Carrier must require consignee to remove shipments of explosives and other dangerous articles from carrier's property within 48 hours after notice of arrival has been sent or given. Saturdays, Sundays, and holidays are not included. If not so removed, carrier must immediately dispose of the shipments as follows:

(1) Class A explosives, by storage at the expense of the owner or by return to the shipper if reasonably safe storage is not available; by sale; when necessary to safety, by destruction under supervision of a competent person.

(2) Explosives and other dangerous articles, except class A explosives, in carload and less-than-carload lots as prescribed in subparagraphs (3) and (4) of this paragraph.

(3) Carload shipments: By storage on carrier's property; by storage on other than carrier's property, if safe storage on carrier's propety is not available; by sale at expiration of 15 calendar days after notice of arrival has been sent or given to consignee, provided consignor has been notified of nondelivery at expiration of 48-hour period and orders for disposition have not been received.

(4) Less-than-carload shipments: By return to shipper if notice of nondelivery was requested and given consignor as prescribed by carrier's tariff, and orders for return to shipper have been received; by storage on carrier's property; by storage on other than carrier's property, if safe storage on carrier's property is not available; by sale at expiration of 15 calendar days after notice of arrival has been sent or given to consignee, provided consignor has been notified of nondelivery at expiration of 48-hour period and orders for disposition have not been received.

**§ 74.565 Violations and accidents to be reported.**

(a) Consignees must report promptly to the Bureau of Explosives all instances of improper staying and broken, leaking, or defective containers of explosives or other dangerous articles in shipments received by them.

(b) The Bureau of Explosives, upon receipt of reports from consignees, should promptly report to the shipper full particulars covering all cases of defective packing, improper staying, leaking and/or broken shipping containers and rough treatment of cars resulting in leakage or damage to shipping containers or staying.

**§ 74.566 Cleaning cars.**

(a) Cars which have contained arsenic, arsenate of lead, sodium arsenate, calcium arsenate, Paris green, calcium cyanide, potassium cyanide, sodium cyanide, or other poisonous articles, which show any evidence of leakage from packages, must be thoroughly cleaned after unloading before cars are again placed in service.

(b) After unloading poisons or potassium permanganate from steel hopper cars or other cars, cars must be thoroughly flushed out with water except that cars used exclusively in this service under the provisions of §§ 73.194(a)(3) and 73.368(a) of this chapter shall not be subject to this requirement.

(c) All loose powder or other explosive or any other dangerous article which has leaked from packages must be carefully removed from car and other railroad property.

(d) Any box car which, after use for the transportation of radioactive materials in carload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 milliroentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished to the local agent of the carrier. Cars which are used solely for the transportation of radioactive materials are exempt from the provisions of this section.

**§ 74.567 Flammable vapors.**

(a) A box car or container car placarded "Dangerous", or known to contain flammable liquids, gases, or vapors must not be entered with a lighted open-flame lantern, torch, or other fire, until both car doors have been opened and sufficient time allowed for ventilation and escape of any vapors. The presence of these vapors will generally be indicated by characteristic odors. When leakage is continuous, ventilation will not remove the danger. The leaking package should be located and removed, using electric lights or waiting for daylight.

## Subpart E—Handling by Carriers by Rail Freight

**§ 74.575 Restrictions.**

(a) When local conditions make the acceptance, transportation, or delivery of explosives or other dangerous articles unusually hazardous, local restrictions may be imposed by the carrier.

(b) All carriers must report to the Bureau of Explosives for publication full information as to restrictions which may be imposed against the acceptance, delivery, or transportation of explosives or other dangerous articles, over any portion of their lines.

**§ 74.576 Intermediate shippers and carriers.**

(a) Forwarding companies must have on file shipper's certified bill of lading or shipping order, and know that packages delivered to carrier for transportation comply with Parts 71–78 of this chapter.

(b) Every carrier offering or delivering for rail transportation any loaded motor vehicle or any loaded motor vehicle trailer, semi-trailer, or container containing any shipment of an explosive or other dangerous article shall show on the shipping order, shipping paper, transfer sheet, or other billing issued in lieu thereof, in addition to the description of the vehicle or container, the proper and definite name of the commodity as shown



in § 72.5 of this chapter and the color or kind of label or kind of placards applied.

**§ 74.577 Shipping days for explosives.**

(a) When practicable at any point, regular days should be assigned for receiving from shippers less-than-carload lots of explosives, class A, as shown in Part 73 of this chapter.

(b) To enable the carrier to provide proper cars at stations where less-than-carload shipments of explosives, class A, are accepted for loading by the carrier, the shipper must give to the carrier not less than 24 hours' notice of his intention to offer such shipments, and state their destinations. When a regular day to receive all explosives shipments offered at such a station has been appointed, this notice may be waived by the carrier, but the explosives shipments must be delivered on such days in time to permit proper inspection, billing, and loading on that day.

**§ 74.578 Flammable vapors.**

(a) A box car or container car placarded "Dangerous," or known to contain flammable liquids, must not be entered with a lighted open-flame lantern, torch, or other fire, until both car doors have been opened and sufficient time allowed for ventilation and escape of any vapors. The presence of these vapors will generally be indicated by characteristic odors. When leakage is continuous, ventilation will not remove the danger. The leaking package should be located and removed, using electric lights or waiting for daylight.

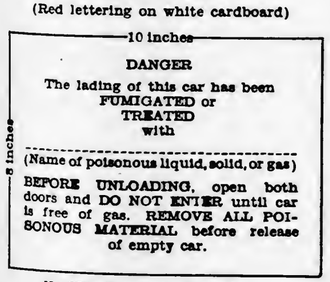
**§ 74.579 Cars containing lading which has been fumigated or treated with flammable liquids, flammable gases, poisonous liquids or solids, or poisonous gases.**

(a) Delivery to carrier or transportation of cars containing lading fumigated or treated with flammable liquid or flammable gas is prohibited until 48 hours have elapsed after such fumigation or treatment, or until car has been ventilated so as to remove danger of fire or explosion due to the presence of flammable vapors.

(b) Cars containing lading which has been fumigated or treated with poisonous liquid, solid, or gas, such as carbolic acid, liquid or solid, chlorpicrin, hydrocyanic acid, methyl bromide, etc., must be placarded on each door or near thereto with placard reading as follows (for cleaning cars, see § 74.566):

(Reduced size)

(Red lettering on white cardboard)




**§ 74.580 Violations must be corrected.**

(a) All violations discovered must be corrected before forwarding shipments of explosives.

**§ 74.581 Routing shipments.**

(a) Before any shipment of explosives, class A, as named in §§ 73.53 to 73.87 of this chapter, destined to a point beyond the lines of the initial carrier, is accepted from a shipper, the initial carrier must ascertain that the shipment can go forward by the route designated, and to avoid delays en route the initial carrier must be in possession of full rate information, before forwarding the shipment.

**§ 74.582 Movement to be expedited.**

(a) Carriers must forward shipments of explosives and other dangerous articles promptly and within 48 hours, Saturdays, Sundays, and holidays excluded, after acceptance at originating point or receipt at any yard, transfer station, or interchange point, except that where biweekly or weekly service only is performed, shipments of explosives and other dangerous articles must be forwarded on the first available train.

(b) No tank car loaded with flammable liquid, flammable poison gas or compressed flammable gas shall be received and held at any point, subject to forwarding orders, so as to defeat the purpose of this section or of § 74.560.

**§ 74.583 Examination of shipping order and packages.**

(a) Carriers must examine shipping order and determine that proper certificate, as required under § 73.430 of this chapter, is given and that packages are not broken or leaking when offered for transportation.

**§ 74.584 Waybills, switching orders, or other billing.**

(a) The revenue waybill, astray waybill, switching order or any other billing issued in lieu thereof, prepared from the shipping order or other shipping paper, or shipping orders used as waybills, must describe the article by shipping name as prescribed in § 72.5 of this chapter, and must show the color or kind of label notations for less-than-carload shipments or placard notations for carload shipments of explosives and other dangerous articles and placard indorsement as follows:

| | Label notation to follow entry of the article on the billing | Placard notation to follow entry of the article on the billing | Placard endorsement must be ½" high and appear on the billing near the space provided for the car number |
|---|---|---|---|
| For high explosives, initiating explosives, low explosives, and blasting caps or electric blasting caps more than 1,000 in quantity, class A. | None | "Explosives Placard" | "Explosives". |
| For explosive chemical ammunition containing class A poison gas. | Poison gas label | "Explosives and Poison Gas Placard". | "Explosives" and "Poison Gas". |
| For explosives, class B | None | "Dangerous Placard" | "Dangerous". |
| For explosives, class C | do | None | None. |
| For flammable liquids | Red label | "Dangerous Placard" | "Dangerous". |
| For flammable solids | Yellow label | do | Do. |
| For oxidizing materials | do | do | Do. |
| For corrosive liquids | White label | do | Do. |
| For compressed nonflammable gases in containers other than tank cars. | Green label | None | None. |
| For compressed nonflammable gases in tank cars. | None | "Dangerous Placard" | "Dangerous". |
| For compressed flammable gases | Red gas label | do | Do. |
| For poisonous gases or liquids, class A | Poison gas label | "Poison Gas Placard" | "Poison Gas". |
| For flammable poisonous liquids, class A, in tank cars. | None | "Flammable Poison Gas Placard". | "Flammable Poison Gas". |
| For poisonous liquids, class A, in tank cars. | None | "Poison Gas Placard" | "Poison Gas." |
| For poisonous liquids or solids, class B. | Poison label | "Dangerous Placard" | "Dangerous". |
| For tear gases, class C | Tear gas label | None | None. |
| For radioactive materials, class D poison. | Radioactive material label. | "Dangerous Radioactive material Placard".[1] | "Radioactive material".[1] |
| For tank cars filled with water or inert gas and last containing phosphorus. | None | "Caution—this car contains residual phosphorus and must be kept filled with (water) or (inert gas)". | "Caution—Residual Phosphorus". |
| For empty tank cars that last contained flammable poisonous liquids, class A. | None | "Dangerous-Flammable Poison Gas-Empty Placard". | "Dangerous—Flammable Poison Gas—Empty". |
| For empty tank cars that last contained poisonous liquids, class A | None | "Dangerous—Poison Gas—Empty Placard." | "Dangerous—Poison Gas—Empty." |

[1] These requirements do not apply to billing prepared for shipments of magnesium-thorium alloys or uranium depleted or normal, described in § 73.392 (e) and (f) of this chapter and bearing red label as described in § 73.414(d) of this chapter.

(b) Billing prepared from the shipping order or other shipping paper covering shipments of blasting caps, must, in addition, show the number of blasting caps in the shipment.

(c) Waybills, manifests, or memorandums for shipments offered for transportation by carrier by water must show the label notations as prescribed in this section.

(d) Abbreviations must not be used on shipping orders or billing for explosives or other dangerous articles.

(e) When the initial movement is a switching operation, the switching order, switching receipt or switching ticket, and copies thereof, prepared by the shipper, or by the carrier under the shipper's written authority, must bear the placard indorsement and the shipper's certificate prescribed by § 73.430 of this chapter and paragraph (a) of this section; for other switching movement, the switching ticket prepared by a railway employee must show the kind of placard required.

(f) The car ticket, card waybill, running slip, envelope containing waybills, or any other billing for any loaded car which in this chapter should bear "Explosives", "Dangerous", "Dangerous—Radioactive material", "Poison Gas", or "Flammable Poison Gas" placards must have plainly stamped, or plainly written, on the face of such billing, near the car number, in letters not less than three-eighths of an inch high, the words "Explosives", "Dangerous", "Dangerous—Radioactive material", "Poison Gas", or "Flammable Poison Gas"; and for container cars must also show which of the containers loaded thereon contain dangerous articles.

(g) For tank cars not loaded, the billing must show the word "Empty", except that for tank cars previously loaded with white or yellow phosphorus the billing must show the words "Caution—This car contains residual phosphorus and must be kept filled with (water) or (inert gas)".

(1) For tank cars that last contained poisonous liquids, class A, the billing must show the words "Dangerous—Poison Gas—Empty" except the billing for tank cars that last contained hydrocyanic acid must show the words "Dangerous—Flammable Poison Gas—Empty."

(h) At stations, or other points, where other shipments of any material are loaded into a properly certified and placarded car received with shipments of explosives, or when shipments of explosives are transferred or reloaded, or carload shipments are reconsigned, a record must be kept of the car, originating point, carrier's name and date of car certificate. The blocking or bracing at these points to secure the lading must be inspected as provided in § 74.525 and certified for compliance with these regulations by the person making the inspection who shall sign the car certificates immediately below the signature which appears on certificate No. 2 of the original car certificates attached to the car.

### § 74.585 Nonagency shipments.

(a) If shipments of explosives are accepted at nonagency stations, provisions must be made for the proper certification and placarding of cars, examination of shipments, and loading and staying of packages in cars.

### § 74.586 Handling explosives and other dangerous articles.

(a) In handling packages of explosives at stations and in transferring them to and from cars, the greatest care must be taken, and shocks or falls liable to injure the containers must be avoided. Where an inclined chute is employed, such chute shall be constructed of 1-inch planed boards, with side guards 4 inches high extending 3 inches above top face of bottom of chute and throughout its length, fastened with brass screws. D-shaped wooden strips or runners, not more than 6 inches apart and running lengthwise of chute, must be fastened to the upper surface of the bottom board by means of glue and wooden pegs extending through the bottom board and runners. Chutes must be occasionally wiped down with waste moistened with machine oil when dynamite packages are being handled.

(b) A stuffed mattress, 4 feet wide by 6 feet long and not less than 4 inches thick, or a heavy jute or hemp mat of like dimensions, must be placed under the discharging end of the chute.

(c) Careful men must be chosen to handle explosives, the platform and the shoes of the men must be as free as possible from grit, and all possible precautions must be taken against fire.

(d) Unauthorized persons must not have access to explosives and other dangerous articles at any time while such articles are in the custody of the carrier.

(e) Explosives and other dangerous articles must be kept in a safe place while being held for delivery or loading.

(f) In handling packages containing dangerous articles other than explosives at stations, and to and from cars, care must be taken to prevent their falling or being broken. Heavy packages should be trucked, rolled, or moved by use of skids or other satisfactory devices and must not be dropped from trucks, platforms, or cars. Planks for rolling trucks from platforms to cars should have beveled ends.

(g) Acid or other corrosive-liquid carboys should be handled so as not to spill the contents. "Empty" carboys, so called, should be handled with necks up, and with sufficient care to prevent burns to clothing or person from leaking acid or other corrosive liquid.

(h) A container of radioactive material bearing red label must not be placed in cars, depots or other places closer than 3 feet to an area which may be continuously occupied by passengers, employees, or shipments of animals. When more than one such container is present, the distance from occupied areas must be computed from the table in subparagraph (2) of this paragraph by adding the number of units shown on labels on the containers.

(1) In a combination car carrying passengers and/or express shipments, a container of radioactive material must not be placed closer than 3 feet to the dividing partition. For more than one such container the distance must be computed by method described in subparagraph (2) of this paragraph.

(2) A container of radioactive material, red label, must not be placed closer than 15 feet to any package containing undeveloped film. If more than one such container is present, the distance must be computed from the table in this subparagraph by adding the number of units shown on the labels on the packages.

TABLE

| Total number of units | Minimum distance in feet to nearest undeveloped film | Distance in feet to area that may be continuously occupied by passengers or employees | Distance in feet from dividing partition of a combination car |
|---|---|---|---|
| 1 to 10 | 15 | 3 | 3 |
| 11 to 20 | 20 | 4 | 4 |
| 21 to 30 | 25 | 5 | 5 |
| 31 to 40 | 30 | 6 | 6 |

NOTE 1: The distance in the table must be measured from the nearest point of the radioactive container or containers.

NOTE 2: 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm. of hard gamma rays of radium filtered by ½ inch of lead.

(3) Not more than 40 units of radioactive material (red label) shall be transported in any car or stored in any location at one time.

(4) All containers of radioactive material (red label) must be carried by the handles when handles are provided.

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials or uranium, depleted or normal, described in § 73.392 (e) and (f) of this chapter. The location of bundles, boxes, barrels, or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

### § 74.587 Lights.

(a) When necessary to use lights while handling explosives, it is recommended that where practicable incandescent electric lights be provided.

### § 74.588 Disposition of damaged or astray shipments.

(a) Packages of explosives found injured or broken in transit may be recoopered when this is evidently practicable and not dangerous. A broken box of high explosives that cannot be recoopered should be reinforced by stout wrapping paper and twine, placed in another strong box and surrounded by dry, fine sawdust or dry and clean cotton waste or elastic wads made from dry newspapers. A ruptured can or keg should be sealed with tape and should be inclosed in a grain bag of good quality and boxed. Injured packages thus protected and properly marked may be forwarded. The box and waybill should be marked to indicate that it has been repacked.

(b) Particles of explosive compositions from damaged containers possibly may be strewn on car floors or freight, and due care should be exercised in repacking such containers that no sparks may be produced by contact of metal or other hard surfaces, or otherwise. Water will prevent the explosion of practically all explosive substances except dynamite, and in such cases car floors should be thoroughly swept, and washed with a plentiful supply of water. Use of iron-wheel trucks, metal hammers or other metal tools that may produce sparks, should be avoided. This restriction does not apply to metal tools made of brass, bronze or copper.

(c) Unless they are leaking, or in a manifestly insecure condition, packages of dangerous articles other than explosives in transit must be forwarded to destination and report made of any violation observed. Leaking packages must not be forwarded until repaired or reconditioned. Packages of radioactive materials (class D poisons) which show any evidence of rough handling, leakage, or impending failure must be isolated from danger of human contact until qualified persons are available to supervise handling. The shipper and the Bureau of Explosives should be notified promptly.

(d) Packages of explosives showing evidence of leakage of liquid ingredients must (1) be returned immediately to shipper, if at point of shipment; or (2) disposed of to a person who is competent and willing to remove them from railway property, if leakage is discovered while in transit; or (3) removed immediately by consignee, if shipment is at destination.

(e) When disposition cannot be made as above, the leaking boxes must be packed in other boxes large enough to permit inclosure, and the leaking boxes must be surrounded by at least 2 inches of dry, fine sawdust or dry and clean cotton waste, and be stored in station magazine or other safe place until arrival of an inspector of the Bureau of Explosives, or other authorized person, to superintend the destruction or disposition of the condemned material.

(f) An astray shipment of explosives must be forwarded immediately to its destination if known, or returned to the shipper by the most practicable route, provided a careful inspection shows the packages to be in proper condition for safe transportation.

(g) When a package in an astray shipment is not in proper condition for safe transportation (see paragraphs (a), (d), and (e) of this section), or when name and address of consignee or shipper are unknown, disposition must be made as prescribed by paragraphs (d) and (e) of this section.

(h) An astray package of dangerous articles other than explosives of known destination and in proper condition for safe transportation, must be forwarded immediately on an "astray bill", showing proper label notation and placard indorsement, as prescribed by § 74.584 (a) to (f). When necessary to replace a label and doubt exists as to the kind, the red label should be used.

### § 74.589 Handling cars.

(a) *Definitions.* (1) "Person" means any individual, partnership, corporation, association, joint stock company, business trust or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(2) "Railroad" means any person engaged in transportation as a common carrier by rail and includes its agents or employees;

(3) "Engine" means any locomotive, propelled by any form of energy, used by a railroad;

(4) "Freight car" means any vehicle used for the transportation of property by rail;



(5) "Passenger car" means any vehicle used for the transportation of passengers by rail;

(6) "Combination car" means any vehicle used for the transportation of both property and passengers by rail;

(7) "Occupied caboose" means any vehicle used by railroad employees, caretakers, or others authorized to ride therein;

(8) "A train" is one or more engines coupled together with or without cars displaying markers;

(9) "Freight train" means one or more engines coupled with one or more freight cars, displaying markers;

(10) "Passenger train" means one or more engines coupled with one or more passenger cars carrying passengers, displaying markers;

(11) "Mixed train" means one or more engines coupled with one or more freight cars and passenger cars carrying passengers, displaying markers;

(12) "Placarded car" shall be construed to embrace also any car which under this part is required to be placarded;

(13) "Pickup and/or setoff service" shall be construed to mean trains in service that pick up and/or set off one or more cars at three or more stations en route; trains having cars from which less-than-carload freight is loaded or unloaded en route; or trains regularly scheduled to perform pickup and/or setoff service which on some days make less than three stops.

(b) *Placards on cars.* A car requiring car certificates and "Explosives," "Dangerous," "Dangerous—Radioactive Material," "Poison Gas," "Flammable Poison Gas," "Dangerous—Empty Flammable Poison Gas," "Dangerous—Empty Poison Gas" or "Caution—Residual Phosphorus" placards under the provisions of this part shall not be transported unless such freight car is at all times placarded and certificated as required. Placards and car certificates lost in transit shall be replaced at the next inspection point, and those not required shall be removed at the next terminal where the train is classified.

(1) At points where trains are inspected, cars placarded "Explosives" and adjacent cars shall be inspected; such cars shall continue in movement only when inspection shows them to be in condition for safe transportation.

(c) *Switching cars containing explosives, poison gas, or flammable poison gas or placarded trailers on flat cars.* A car placarded "Explosives", "Poison Gas", or "Flammable Poison Gas", or any flat car carrying a trailer placarded "Explosives", "Poison Gas", "Dangerous", or "Dangerous-Radioactive Material" shall not be cut off while in motion. No car moving under its own momentum shall be allowed to strike any car placarded "Explosives", "Poison Gas", or "Flammable Poison Gas", or any flat car carrying a trailer placarded "Explosives", "Poison Gas", "Dangerous", or "Dangerous-Radioactive Material", nor shall any such car be coupled into with more force than is necessary to complete the coupling.

(1) When transporting a car placarded "Explosives" in terminals, yards, side tracks, or sidings, such cars shall be separated from the engine by at least one nonplacarded car.

(2) Closed cars placarded "Explosives" shall have doors closed before they are moved.

(d) *Switching of cars containing dangerous articles.* In switching operations where use of hand brakes is necessary, a placarded loaded tank car, or a draft which includes a placarded loaded tank car shall not be cut off until the preceding car or cars clear the ladder track and the draft containing the placarded loaded tank car, or a placarded loaded tank car shall in turn clear the ladder before another car is allowed to follow.

(1) In switching operations where hand brakes are used, it shall be determined by trial that a car placarded "Dangerous" or that a car occupied by a rider in a draft containing a car placarded "Dangerous" has its hand brakes in proper working condition before it is cut off.

(e) *Placement of freight cars containing explosives in yards, on sidings, or sidetracks.* Cars placarded "Explosives" shall be so placed that they will be safe from all probable danger of fire. Freight cars placarded "Explosives" shall not be placed under bridges or overhead highway crossings, nor in or alongside of passenger sheds or stations except for loading or unloading purposes.

(f) *Notice to crews of cars containing explosives in freight trains or mixed trains.* At all terminals or other places where trains are made up by crews other than road crew accompanying the outbound movement of cars, the railroad shall execute a consecutively numbered notice showing the location in the freight train or mixed train of every car placarded "Explosives." A copy of such notice shall be delivered to the train and engine crew and a copy thereof showing delivery to the train and engine crew shall be kept on file by the railroad at each point where such notice is given. At points where train or engine crews are changed, the notice shall be transferred from crew to crew.

(g) *Position in freight train or mixed train of cars containing explosives.* In a freight train or a mixed train either standing or during transportation thereof, a car placarded "Explosives" shall, when length of train permits, be placed not nearer than the sixteenth car from both the engine or occupied caboose, except:

(1) When the length of freight train or mixed train will not permit it to be so placed, it shall be placed near the middle of the train.

(2) When transported in a freight train made up in "blocks" or classifications, a car placarded "Explosives" shall be placed near the middle of the "block" or classification in which moving, but not nearer than the sixth car from both the engine or occupied caboose.

(3) When transported in a freight train or a mixed train performing pickup and/or setoff service, it shall be placed not nearer than the second car from both the engine or occupied caboose, except as provided in paragraph (1) of this section.

(h) *Separating cars or flat cars carrying trailers or containers placarded "EXPLOSIVES" from other cars in trains.* In a freight train or a mixed train either standing or during transportation thereof, a car or flat car carrying trailers or containers placarded "EXPLOSIVES" must not be handled next to:

(1) Occupied passenger car; except as provided in paragraph (l) of this section.

(2) Occupied combination car; except as provided in paragraph (l) of this section.

(3) Any car placarded "Dangerous" or "Dangerous-Radioactive material".

(4) Engine.

(5) Any car placarded "Poison Gas" or "Flammable Poison Gas".

(6) Wooden underframe car (except on narrow gauge railroads).

(7) Loaded flat car, except that cars carrying trailers or containers placarded "Explosives" as authorized by the regulations in this chapter may be coupled to each other.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

(8) Open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

(9) Car, with automatic refrigeration or heating apparatus in operation; car, with open-flame apparatus in service or with internal combustion engine in operation.

(10) Car containing lighted heaters, stoves, or lanterns.

(11) Car loaded with live animals or fowl, occupied by an attendant.

(12) Occupied caboose, except as provided in paragraph (l) of this section.

(i) *Position in train of loaded placarded tank car.* In a freight train or a mixed train, except a train consisting entirely of placarded loaded tank cars and as provided in paragraph (j) of this section, a placarded loaded tank car shall when the length of the train permits, be not nearer than the sixth car from the engine, occupied caboose or passenger car.

(1) When the length of the freight train or mixed train will not permit it to be so placed, it shall be not nearer than the second car from the engine, occupied caboose or passenger car.

(2) When transported in a freight train engaged in "pickup" or "setoff" service, a placarded loaded tank car shall be not nearer than the second car from both engine or occupied caboose.

(j) *Separating loaded tank cars placarded "Dangerous" from other cars in trains.* In a freight train or mixed train either standing or during transportation thereof, a placarded loaded tank car must not be handled next to:

(1) Occupied passenger car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

(2) Occupied combination car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

(3) Any car placarded "Explosives".

(4) Engine or occupied caboose (except when train consists only of placarded loaded tank cars).

(5) Any car placarded "Poison Gas" or "Flammable Poison Gas".

(6) Wooden under-frame car (except on narrow gauge railroads).

(7) Loaded flat car, other than specially equipped cars in trailer-on-flat-car service or flat cars loaded with automobiles, trucks, or trailer bodies which are secured by means of a device or devices designed and permanently installed on the flat car for that purpose and of a type generally accepted for handling in interchange between railroads.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

(8) Open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

(9) Car, trailers or truck bodies on flat car with automatic refrigeration or heating apparatus in operation; car, trailers or truck bodies on flat car with open-flame apparatus in service or with internal combustion engines in operation.

(10) Car, trailers or truck bodies on flat car containing lighted heaters, stoves or lanterns except when car is occupied by gas handlers or authorized personnel accompanying shipment.

(11) Car loaded with live animals or fowl, occupied by an attendant.

(k) *Position in freight train or mixed train of cars placarded "POISON GAS," "FLAMMABLE POISON GAS," or containing poison liquids, class A.* In a freight train or mixed train either standing or during transportation thereof, a car placarded "POISON GAS," "FLAMMABLE POISON GAS" or containing poison liquids, class A, shall not be next to other freight cars placarded "EXPLOSIVES" or cars placarded "DANGEROUS."

(l) In a freight train or mixed train either standing or during transportation thereof, a loaded tank car placarded "POISON GAS," or "FLAMMABLE POISON GAS," must not be handled next to:

(i) Occupied passenger car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

(ii) Occupied combination car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

(iii) Any car placarded "EXPLOSIVES."

(iv) Engine or occupied caboose.

(v) Any car placarded "DANGEROUS."

(vi) Wooden under-frame car (except on narrow gauge railroads).

(vii) Loaded flat car, other than specially equipped cars in trailer-on-flat-car service or flat cars loaded with automobiles, trucks, or trailer bodies which are secured by means of a device or devices designed and permanently installed on the flat car for that purpose and of a type generally accepted for handling in interchange between railroads.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subdivision (viii) of this paragraph.

(viii) Open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

(ix) Car, trailers or truck bodies on flat car with automatic refrigeration or heating apparatus in operation; car, trailers or truck bodies on flat car with open-flame apparatus in service or with internal combustion engines in operation.

(x) Car, trailers or truck bodies on flat car containing lighted heaters, stoves or lanterns except when car is occupied by gas handlers or authorized personnel accompanying shipment.

(xi) Car loaded with live animals or fowl, occupied by an attendant.

(l) *Position in freight train or mixed train of cars placarded "Explosives" or "Poison Gas", or both, and cars placarded "Flammable Poison Gas" when accompanied by cars carrying guards or gas handling crews.* A car requiring "Explosives" or "Poison Gas" placards, or both, and a car requiring "Flammable Poison Gas" placards, shall be next to and ahead of the car occupied by the guards or gas handling crews accompanying such car; except that when the car occupied by guards or gas handling crews is equipped with a lighted heater or stove it shall be the fourth car behind a car or cars requiring "Explosives" placards.

(m) *Cars containing explosives, poison gas, or flammable poison gas and tank cars placarded "Dangerous" in passenger or mixed trains.* Cars containing explosives, class A, poison gases or liquids, class A, or flammable poison gas, and tank cars requiring "Dangerous" placards shall not be transported in a passenger train. Such cars may be transported in mixed trains but only at such times and between such points that freight train service is not in operation.

(1) Cars containing explosives, class A, poison gases or liquids, class A, or flammable poison gas, and tank cars placarded "Dangerous" shall not be transported next to occupied cabooses or cars carrying passengers in mixed trains, except as provided in paragraph (l) of this section.

(2) When a car containing explosives, class B, or dangerous articles other than explosives requiring labels (not including class A poison gases or liquids) is moved in a mixed train and such car is not occupied by an employee of the carrier, placards must be applied to the car as required by this part.

(n) *Position in train of cars containing class D poisons.* In a freight train or mixed train either standing or during transportation thereof, a car placarded "Dangerous—Radioactive material" must not be handled next to cars placarded "Explosives" or next to carload shipments of undeveloped film.



**§ 74.590 Record of change of seals of cars of explosives to be made.**

(a) When a car seal is changed on a car placarded "Explosives" while en route or before delivery to a consignee, a record must be made showing the following information which shall be shown on or attached to waybill or other form of memorandum which shall accompany car to destination.

| Railroad | Place | Date |
|---|---|---|
| Car initials | Car number | |

Number or description of seal broken_____

Number or description of seal used to reseal car_____

Reasons for opening car_____

Conditions of load_____

Name and occupation of person opening car

**§ 74.591 Car magazines.**

(a) When specially authorized by the carrier, class A explosives in quantity not exceeding 150 pounds may be carried in construction or repair cars when the packages of explosives are placed in a "magazine" box made of sound lumber not less than 1 inch thick, covered on the exterior with metal, and provided with strong handles. This box must be plainly stenciled on the top, sides, and ends, in letters not less than 2 inches high, "EXPLOSIVES—DANGEROUS—HANDLE CAREFULLY". The box must be provided with strong hinges and with a lock for keeping it securely closed. Vacant space in the box must be filled with a cushioning material such as sawdust or excelsior, and the box must be properly stayed to prevent movement within the car. The car, when not occupied by a responsible employe, must be placarded "EXPLOSIVES".

**§ 74.592 Cotton fires.**

(a) When fire occurs in a shipment of cotton in transit at a point where it cannot be reconditioned, and where arrangements cannot be made with the originating line to sell it, all burnt cotton in the shipment must be stored under observation in as safe a place as practicable for not less than 10 days, and without further evidence of fire, before forwarding. The billing must be changed to read "Burnt Cotton", and the material must be forwarded as a dangerous article. (See § 73.159 of this chapter.)

**§ 74.593 Charcoal fires.**

(a) When fire occurs in charcoal in transit, water should not be used if it is practicable to locate and remove the material on fire, since wet charcoal is much more liable to ignite spontaneously, and the fire cannot be stopped permanently by the use of water. Any material which has become wet in extinguishing fire must be removed from the car and not reshipped; the remainder of the charcoal must be held under observation in a dry place for at least five days before forwarding.

**§ 74.594 Leaking tank cars.**

(a) Action in any particular case will depend upon existing conditions, and good judgment will be necessary to avoid disastrous fires on the one hand and useless sacrifice of valuable property on the other.

(b) Volatile, flammable, and combustible liquids, or flammable liquefied gases, such as gasoline, naphtha, petroleum oils, or liquefied petroleum gas, in large quantity and spread over a large surface, will form vapors that will ignite at a considerable distance, depending on the kind and quantity of liquid and the direction and force of the wind. Many of the liquids, regarded as safe to carry under ordinary conditions and transported in tank cars without the "Dangerous" placard, should still be treated as dangerous in handling a wreck.

(c) When tank cars are leaking, all lights or fires near them should be extinguished or removed until it is determined that contents are not flammable or combustible. Incandescent electric lights, or portable electric flash-lights should be used when available.

(d) Lanterns necessarily used for signaling should be kept on the side from which the wind is blowing and at as high an elevation as can be obtained. The vapors will go with the wind but not against it. The ash pan and fire box of a locomotive or steam derrick are sources of danger, especially when wind is blowing across the wrecked or leaking tank car toward them. Wrecks involving tank cars should in no case be approached with lighted pipes, cigars, or cigarettes, and all spectators should be kept away.

(e) Effort should be made to prevent the spread of liquid leakage over a large surface by collecting it in any available vessels or draining it into a hole or depression at a safe distance from the track. When necessary, trenches should be dug for this purpose.

(f) It is not safe to drain flammable or combustile liquids in large quantities into a sewer, since vapors may thus be carried to distant points and there ignited. Care should be exercised also not to permit these liquids to drain into streams of water which may be used by irrigation plants or for watering stock. Dry earth over spilled liquid will decrease the rate of evaporation and the danger. A stream of these liquids on the ground should be dammed and dry earth thrown on the liquid as it collects.

(g) Sudden shocks or jars that might produce sparks or friction should be avoided. When possible, the wrecked cars should be jacked carefully into position after removing other cars and freight that might be injured by fire. Only as a last resort, to meet an emergency, should a wrecked car be moved by dragging, and when this is done all persons should be kept at a safe distance. (See § 74.600.)

(h) No unnecessary attempt should be made to transport a damaged tank car from which flammable or combustible liquid is leaking. Safety in short movements may be secured by attaching a receptacle under small leaks to prevent spread of these liquids over tracks. Tracks at intervals in rear of a moving car should be covered with fresh earth to prevent fire overtaking the car. Engines should be kept away; also spectators who may be smoking. If damaged car is derailed, and not in a position to obstruct or endanger traffic, leaks should be stopped as far as possible, and the car should be left under guard until another tank car or sufficient receptacles can be provided for the transfer of the liquid, which should be transferred by pumping when practicable.

(i) Highly volatile products cannot be transferred in the usual way by a vacuum pump. The pump can only be used when placed so that liquid flows to it from the tank by gravity.

(j) Whenever the leaking condition of a tank car requires transfer of lading or renders the tank unfit for reloading, the car must be stenciled on both sides in letters three inches in size, adjacent to the car number, "Leaky Tank. Do Not Load Until Repaired", and indicate and mark at the location of the leak with the symbol "X", and the owner must be immediately notified by wire, such notification to indicate definitely location of leak. Stenciling must not be removed until the tank is repaired.

(k) Even a tank that is not leaking is liable to be ruptured by the use of slings, and slipping of chain slings may produce sparks. Saving of the contents of the tank is not as important as the prevention of fire.

(l) An empty or partially empty tank car, with or without placards, is very liable to contain explosive gases, and open flame lights must not be brought near it. (See § 74.595.)

**§ 74.595 Examination of empty tank cars.**

(a) Lighted lanterns. Many fatal accidents have resulted from using lanterns or lighted matches to examine the interior of empty tank cars or in using hot rivets to repair unseamed tank cars, which may contain flammable vapors even when the previous lading was not of flash point below 80° F. Only incandescent electric lights should be used for this examination. Fumes in any empty tank car should be considered as injurious to a person entering it. In no case should an empty tank be entered before it has been cleaned by steaming, without wearing a respirator, hose mask type only, and without having another person stationed at the manhole with a rope attached to the person entering the tank. Hobnailed shoes and metal tools are liable to create sparks and should not be used inside an empty tank.

(l) Small quantities of the material with which the tank car was loaded may remain in the "empty" tank car and when the vapors remaining therein are unstable it is permissible to add sufficient inert gas to render the vapors stable.

**§ 74.596 Inspection of tank cars.**

(a) Placarded loaded tank cars must be inspected by the carrier before acceptance at the originating points and when received in interchange to see that they are not leaking and that the air and hand brakes, journal boxes, and trucks are in proper condition for service.

(b) **Empty tank cars previously containing a dangerous article tendered for movement or when received in interchange must have manhole covers, outlet valve reducers, outlet valve caps, outlet valve cap plugs, end plugs, and plugs or caps of other openings securely in their proper places; except that heater coil inlet and outlet pipes must be left open for drainage.**

(c) **Safety valves on tank cars must not be tested while these cars are loaded. Whenever test of safety valves or tank is due on a loaded car while in transit, unless the car is leaking or in a manifestly insecure condition, it must be forwarded to destination, carded on each side with a card exhibiting the following notice:**

Safety valves / Tank } Overdue for test.
Moving under I. C. C. § 74.596 (c).

(1) **Prompt reports of such movements, showing initials and numbers of cars, must be made by the railroad carding the cars to the Bureau of Explosives, 63 Vesey Street, New York 7, New York.**

**§ 74.597 Leaking packages of acid or poisons.**

(a) **Whenever a car bearing the "Dangerous" placard is discovered in transit with packages in leaking condition, all unnecessary movement of the car must cease and at the first opportunity an examination must be made of the lading, and if practicable any broken or leaking packages of nitric or mixed acids should be removed promptly to prevent fire. Any acid or other corrosive liquid remaining on the car floor or on surrounding packages should be washed away with a plentiful supply of water, or if not available, cleaned up with a liberal application of sand or earth. Care should be exercised to prevent inhalation of gases liberated through the application of water; when employes are injured by acid or other corrosive liquid, the liquid should be washed off immediately by a liberal application of water.**

(b) **Cars which have contained arsenic, arsenate of lead, sodium arsenate, calcium arsenate, Paris green, calcium cyanide, potassium cyanide, sodium cyanide, or other poisonous articles, which show any evidence of leakage from packages, must be thoroughly cleaned after unloading before cars are again placed in service.**

(c) **Leakage of dangerous articles is often accompanied by odors characteristic of the articles, and all available opportunities for noting such odors must be utilized in order that the source of leakage may be discovered and the leakage stopped, or the leaking package removed from the car, or the contents of tank cars transferred. If artificial light is necessary, only electric lights should be used. Leaking tank cars containing compressed gases should be switched to a location distant from habitation and highways and proper action taken for transferring contents under competent supervision.**

(d) **Cars containing leaking packages or leaking tank cars must be protected against ignition of liquid or vapors by flame of inspector's lanterns or torches, by burning fusees, by switch-lights, by switch-thawing flames, by fires on side of track, by hot coals from locomotives, or otherwise. All unnecessary movement of a car discovered in transit in leaking condition must cease until the unsafe condition is remedied.**

(e) ***Radioactive materials—Poison class D.*** **In event of breakage of container, wreck, fire, or unusual delay involving cars placarded "Dangerous—Radioactive material" as prescribed in § 74.541(b), the car and any loose radioactive material must be isolated as far as possible from danger of human contact and no persons must be allowed to remain close to the car or contents needlessly until qualified persons are available to supervise handling. The shipper and the Bureau of Explosives should be notified immediately. Details involving the handling of radioactive materials in the event of a wreck may be found in Bureau of Explosives' Pamphlet No. 22 covering "Recommended Practice for Handling Collisions and Derailments involving Explosives, Gasoline and Other Dangerous Articles."**

(1) **Cars, buildings, areas, or equipment in which class D poisons have been spilled must not be again placed in service or occupied until decontaminated by qualified persons.**

**§ 74.598 Inspection of cars at interchange.**

(a) **Cars containing explosives requiring explosives placards (see § 74.525 (a)), which are offered by connecting lines must be carefully inspected by the receiving line on the outside, including the roof; and, if practicable, the lading must also be inspected. These cars must not be forwarded until all discovered violations have been corrected.**

(b) **If the car shows evidence of or if there is any reason to suspect that it has received rough treatment, the lading must be inspected and placed in proper condition before the car is permitted to proceed. When interchange occurs and inspection is necessary after daylight hours, electric flash lights should be provided. Naked lights must not be used.**

(c) **Shipments of explosives and other dangerous articles offered by connecting lines must comply with Parts 71–78 of this chapter, and the revenue waybill, freight bill, manifest of lading, card waybill, switching order, transfer slip ticket, or other billing, must bear label notation and placard indorsement prescribed by § 74.584.**

(d) **Cars containing packages of dangerous articles other than explosives should not be offered in interchange if packages are in leaking condition. If small leaks have developed in movement of tank cars to interchange, and where short movements are necessary to make delivery for unloading by consignee, and this movement may be safely made, the precaution prescribed by § 74.594, must be observed.**

**§ 74.599 Handling by electric railways and motor cars.**

(a) **Explosives, class A, as specified in §§ 73.53 to 73.87 of this chapter, must not be transported in any self-propelled car operated by electric or other motive power, if such car is carrying passengers.**

(b) **Dangerous articles other than explosives, and class B, and class C, explosives when transported in self-propelled motor cars, must be carried in a compartment of such cars in which there shall be no electrically operated apparatus, or electric circuits, other than circuits in conduits properly installed.**

(c) **When the motor car is used as a freight or baggage car and not as a passenger car, not more than 500 pounds net of explosives, or not exceeding 5,000 blasting caps or electric blasting caps, may be transported. The explosives must be placed in a "magazine" box made of sound lumber not less than 1 inch thick, covered on the exterior with metal, and provided with strong handles. This box must be plainly stenciled on the top, sides, and ends, in letters not less than 2 inches high, "EXPLOSIVES—DANGEROUS—HANDLE CAREFULLY". The box must be provided with strong hinges and with a lock for keeping it securely closed. Vacant space in the box must be filled with a cushioning material such as sawdust or excelsior, and the box must be properly stayed to prevent movement within the car.**

(d) **Explosives may be transported in a trailer or other closed car and must be securely blocked, braced and stayed so as to prevent movement during transit, and other freight must not be permitted to fall on or slide against such shipments.**

(e) **Trailer cars or other cars not occupied by a representative of the carrier must bear the standard placards as prescribed in this part.**

(f) **Explosives and other dangerous articles must not be loaded and transported together, except as permitted by the loading and storage chart, § 74.538.**

(g) **All the requirements of Parts 71 to 78 of this chapter as to packing, marking, labeling, description, certification and waybilling, must be complied with for all shipments of explosives or other dangerous articles transported by electric railways or other self-propelled motor car lines engaged in interstate or foreign commerce.**

**§ 74.600 In case of a wreck.**

(a) **Details involving the handling of explosives and other dangerous articles in the event of a wreck may be found in Bureau of Explosives Pamphlet No. 22 covering "Recommended practice for handling collisions and derailments involving explosives, gasoline and other dangerous articles".**

(b) **Whenever a car placarded "Explosives" is involved in an accident or wreck it must be opened and contents examined, and whenever opened for any purpose inspection must be made of the packages of explosives as soon as practicable without unnecessary disturbance of lading, to see that they are properly loaded and stayed and in good condition. Upon the discovery of leaking or broken packages they must be carefully removed to a safe place. Loose powder or other explosives must be swept up and carefully removed. If the floor is wet with nitroglycerin the car is unsafe to use, and a representative of the Bureau of Explosives should be immediately called to superintend the thorough mopping and washing of the floor with a warm, saturated solution of concentrated lye or sodium carbonate. If necessary, the car must be placed on an isolated siding and proper notice given.**

(c) **Whenever a car placarded "Dangerous-Radioactive material" is involved in a wreck resulting in damage to any container of radioactive material, such container should be isolated as far as practicable from human contact. The shipper and the Bureau of Explosives must be notified immediately. Cars, building, equipment, or areas in which radioactive materials have been spilled must not be again placed in service or occupied until it has been determined that no dangerous contamination exists.**

**§ 74.601 Calcium hypochlorite compounds, dry, involved in fires.**

(a) **Calcium hypochlorite compounds, dry, packed in metal drums when involved in cars where fire has occurred from any cause must be held at least five days before forwarding. Drums showing evidence of spontaneous heating or stress from internal pressure must not be reshipped.**

**§ 74.602 Placarded cars involved in fires.**

(a) **Placarded cars which have been on fire due to hot journals or any other cause shall not be transported, except to the extent necessary to facilitate fire fighting, until it has been determined that there is no fire remaining within the car.**

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## PART 75—CARRIERS BY RAIL EXPRESS

Sec.


75.650 **Purpose of regulations in Parts 71–78 of this chapter.**
75.651 **Acceptable articles.**
75.652 **Application.**
75.653 **Labels.**
75.654 **Receipts.**
75.655 **Protection of packages.**
75.656 **Removal at destination.**
75.657 **Waybills.**
75.658 **Connecting line shipments.**
75.659 **Astray shipments.**
75.660 **Violations and accidents or fires must be reported.**

**Subpart A—Transportation of Explosives by the Railway Express Agency, Incorporated, in Passenger or Express Train Service.**

75.675 **Explosives via Railway Express Agency, Inc.**


AUTHORITY: The provisions of this Part 75 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

**§ 75.650 Purpose of regulations in Parts 71–78 of this chapter.**

(a) **To promote the uniform enforcement of law and to minimizing the dangers to life and property incident to the transportation of explosives and other dangerous articles, by rail express carriers engaged in interstate or foreign commerce, Parts 71–78 of this chapter are prescribed to define these articles for rail express transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.**

**§ 75.651 Acceptable articles.**

(a) **Explosives and other dangerous articles, except such as will not be accepted, may be offered for transportation to rail express carriers engaged in interstate or foreign commerce and transported, provided they are in proper condition for transportation and are certified that the regulations in Parts 71–78 of this chapter have been complied with, and provided their method of manufacture, packing and storage, so far as they affect safe transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives. Shipments of explosives or other dangerous articles not in proper condition for transportation, or loaded or stayed as required, or certified as to proper packing, marking and description as required in Parts 71–78 of this chapter must not be accepted for transportation or transported.**

**§ 75.652 Application.**

(a) **Parts 71–78 of this chapter apply to all shipments of explosives and other dangerous articles as defined in Part 73 of this chapter including carriers' material and supplies.**

**§ 75.653 Labels.**

(a) **Labels prescribed by the Commission's regulations, Part 73 of this chapter, must be applied to rail express shipments, unless exempt from Parts 71–78 of this chapter, and in addition the shipper must certify to compliance with the regulations by writing, stamping, or printing his name underneath the certificate printed thereon.**

(b) **Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced from information given on the waybill or from information on the package.**

**§ 75.654 Receipts.**

(a) **A receipt upon the form prescribed by the originating rail express carrier must be issued to the shipper for each express shipment of explosives or other dangerous articles accepted for transportation. Before a receipt is issued, the shipper must apply the label prescribed in Part 73 of this chapter to each package containing any article requiring a label under Parts 71–78 of this chapter.**

(b) **Each receipt must show the proper and definite name of commodity, as listed in § 72.5 of this chapter, and the color or kind of label applied to the package if any is required. Abbreviations must not be used.**

**§ 75.655 Protection of packages.**

(a) **In handling packages containing explosives or other dangerous articles, care must be taken to prevent them from falling or from being broken. They must not be thrown, dropped, or rolled. Packages bearing the marking "This Side Up" or "This End Up" as required by Part 73 of this chapter must be so handled and loaded.**

(b) **Packages protected by labels must be so loaded that they cannot fall to the car floor and in such manner that other freight cannot fall onto or slide against them.**

(c) **Unless sealed cars are equipped with a suitable guard or screen to prevent the lading coming in contact with hot steam pipes, or heat exits used in electrically-heated equipment, packages containing explosives or other dangerous articles must not be transported in them.**

(d) **Shipments of explosives or other dangerous articles, except poisons and nonflammable compressed gases, when transported in passenger carrying trains, should be loaded in the car occupied by an express employee or in connecting cars to which an express employee has access through end doors, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars or stored in stations near steam pipes or other sources of heat. Explosives, flammable liquids (red label), and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars or stations equipped with lighted heaters or where open-flame lights or stoves or electric devices having exposed heating coils are used. No placards are required on such cars when occupied by an express employee. Shipments bearing poison label, when practicable, should be loaded in sealed cars; when loaded in cars occupied by messenger, care should be taken to prevent any contents sifting or leaking from containers.**

(e) **When an express or baggage car containing any package requiring a label prescribed by Part 73 of this chapter is not occupied by an express employee, or is not a connecting car to which an express employee has access through an end door, and the car is handled in a passenger, mixed, or freight train, the proper placards must be attached thereto as required by Part 74 of this chapter for the transportation of such articles by rail freight.**

(f) **Packages containing dangerous articles, as defined by Part 73 of this chapter, that are loaded in sealed cars for express movement from the point of origin, must be loaded in a place that will permit of their ready removal in case of fire, wreck, or unloading, and near the car door, if possible.**

(g) **Not to exceed 10 gas identification sets may be transported in any car at any time.**

(h) **It is important to prevent contact of contents of packages bearing either yellow or white corrosive liquid labels with combustible substances, such as sawdust, shavings, or sweepings, that may be present in express cars. The space should be swept or cleaned.**

(i) **Unless they are leaking, or in a manifestly insecure condition, packages of dangerous articles other than explosives in transit must be forwarded to destination and report made of any violation observed. Leaking packages must be reconditioned or repaired promptly and forwarded to destination.**

(j) **A container of radioactive material bearing red label must not be placed in cars, depots or other places closer than 3 feet to an area which may be continuously occupied by passengers, employees, or shipments of animals.**

When more than one such container is present, the distance from occupied areas must be computed from the table in subparagraph (2) of this paragraph by adding the number of units shown on labels on the containers.

(1) In a combination car carrying passengers and/or express shipments, a container of radioactive material must not be placed closer than 3 feet to the dividing partition. For more than one such container the distance must be computed by method described in subparagraph (2) of this paragraph.

(2) A container of radioactive material, red label, must not be placed closer than 15 feet to any package containing undeveloped film. If more than one such container is present, the distance must be computed from the table in this subparagraph by adding the number of units shown on the labels on the packages.

TABLE

| Total number of units | Minimum distance in feet to nearest undeveloped film | Distance in feet to area that may be continuously occupied by passengers or employes | Distance in feet from dividing partition of a combination car |
|---|---|---|---|
| 1 to 10 | 15 | 3 | 3 |
| 11 to 20 | 20 | 4 | 4 |
| 21 to 30 | 25 | 5 | 5 |
| 31 to 40 | 30 | 6 | 6 |

NOTE 1: The distance in the table must be measured from the nearest point of the radioactive container or containers.

NOTE 2: 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm. of hard gamma rays of radium filtered by ½ inch of lead.

(3) Not more than 40 units of radioactive material (red label) shall be transported in any car or stored in any location at one time.

(4) All containers of radioactive material (red label) must be carried by the handles when handles are provided.

(5) Radioactive materials (class D poisons) must not be loaded in the same car with samples of explosives.

(6) If for any reason, a package containing radioactive material (red label) would otherwise remain in the same building for a period longer than 24 hours, it must be moved to a different location after each 24 hours.

(7) In case of fire, wreck, breakage or unusual delay involving any shipment of radioactive material, the package or material should be segregated as far as possible from human contact. The shipper and the Bureau of Explosives should be immediately notified. In case of breakage of a package containing radioactive material and when it appears likely that the inside container may have been damaged, great care must be exercised to prevent contact with, inhalation, or any other means of the radioactive material entering the body. Cars, buildings, areas, or equipment in which class D poisons have been spilled must not be again placed in service or occupied until decontaminated by qualified persons.

NOTE 1: Except for subparagraph (7), the requirements of this paragraph shall not apply to magnesium-thorium alloy materials or uranium, depleted or normal, described in § 73.392 (e) and (f) of this chapter. The location of bundles, boxes, barrels, or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

**§ 75.656 Removal at destination.**

(a) Shipments of explosives and other dangerous articles as defined by Part 73 of this chapter which cannot be delivered within 48 hours after arrival at destination, Saturdays, Sundays, and holidays not included, or shipments which are refused by the consignee, must be promptly disposed of (1) by return to the shipper, if in proper shipping condition, or (2) by storage, provided a suitable storage place for such articles is available off the carrier's property, or (3) by sale, or (4) when necessary to safety, by destruction: *Provided*, That charged electric batteries may be held for 30 days after arrival at destination, pending delivery or disposition.

**§ 75.657 Waybills.**

(a) The waybill or delivery sheet when used as a waybill, or other billing issued in lieu thereof, and the transfer sheet, or interchange record used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in § 72.5 of this chapter, and show color or kind of label applied. Abbreviations must not be used.

**§ 75.658 Connecting line shipments.**

(a) Shipments of dangerous articles offered by connecting express or other transportation lines must comply with Parts 71–78 of this chapter.

**§ 75.659 Astray shipments.**

(a) Any astray shipment of dangerous articles must be forwarded promptly to destination, if known, provided a careful inspection shows the package to be in proper condition for safe transportation. If the package is not labeled and the exact nature of the contents is unknown, the red label must be applied.

**§ 75.660 Violations and accidents or fires must be reported.**

(a) Violations and accidents or fires must be reported promptly by the express carrier to the Bureau of Explosives, 63 Vesey Street, New York 7, New York, as follows:

(1) Serious violations of Parts 71–78 of this chapter.

(2) Facts relating to leaking or broken containers.

(3) Accidents or fires in connection with the transportation or storage on express or railway property of explosives or other dangerous articles. (See § 74.588 of this chapter.)

## Subpart A—Transportation of Explosives by the Railway Express Agency, Incorporated, in Passenger or Express Train Service

**§ 75.675 Explosives via Railway Express Agency, Inc.**

(a) Except as provided in this section, shipments of explosives may be tendered for transportation by Railway Express Agency in passenger or express train service only when the Commission finds that an emergency requires such expedited movement. Emergency shipments shall be subject to regulations which the Commission deems advisable or necessary in the interest of the public in each emergency:

*Exception No. 1.* Samples of explosives for laboratory examination, fireworks, or other similar authorized explosives may continue to be transported in passenger or express train service, subject to the published regulations. (See §§ 72.5 and 73.86 (d) of this chapter.)

*Exception No. 2.* In time of war or of national emergency proclaimed by the President, shipments of explosives by, for or to the Armed Forces of the United States of America may be tendered for transportation in passenger or express train service when such shipments comply with the special regulations furnished to the Department of Defense, Railroads and the Railway Express Agency, Incorporated.

## PART 76—RAIL CARRIERS IN BAGGAGE SERVICE

Sec.
76.700 Purpose of regulations in Parts 71–78 of this chapter.
76.701 Application.
76.702 Dangerous articles.
76.703 Acceptable articles.
76.704 Labels.
76.705 Placards.
76.706 Handling of packages.
76.707 Reporting violations and accidents or fires.

AUTHORITY: The provisions of this Part 76 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

**§ 76.700 Purpose of regulations in Parts 71–78 of this chapter.**

(a) To provide for the safe transportation of dangerous articles in rail baggage service on passenger-carrying trains of carriers engaged in interstate or foreign commerce, the following regulations are prescribed to define these articles for rail baggage transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit.

**§ 76.701 Application.**

(a) Parts 71–78 of this chapter apply to all shipments in rail baggage service of dangerous articles as prescribed in this part. Shipments of explosives other than small arms ammunition, or any dangerous articles, except as provided in this part, must not be accepted for transportation in rail baggage service. The Commission will make provision as occasion and safety may require for dangerous articles other than those described in this part. Carriers engaged in interstate or foreign commerce must make the regulations in this part effective and must provide for the thorough instruction of their employees.

NOTE 1: Explosives or other dangerous articles, consisting of carrier's materials and supplies such as are acceptable for rail express transportation, may be transported in baggage cars when packed, marked, and labeled as prescribed by regulations for rail express shipments in Part 75 of this chapter.

**§ 76.702 Dangerous articles.**

(a) No dangerous article described by Parts 71–78 of this chapter shall be accepted for transportation or transported in rail baggage service except as provided for in § 76.703 and which must be packed, marked and labeled as required by Part 73 of this chapter.



**§ 76.703 Acceptable articles.**

(a) The following articles may be transported in rail baggage service under this part:

(b) Compressed gases:

| | | |
|---|---|---|
| Dichlorodifluoromethane | Green gas label | In cylinders not exceeding 12 x 51 inches, and with pressure not exceeding 300 pounds at 70° F. |
| Dichlorodifluoromethane-dichlorotetrafluoroethane mixture | Green gas label | |
| Dichlorodifluoromethane-trichlorotrifluoroethane mixture | Green gas label | |
| Dichlorodifluoromethane-monochlorodifluoromethane mixture. | Green gas label | |
| Dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture. | Green gas label | |
| Hydrogen | Red gas label | |
| Oxygen | Green gas label | |
| Anhydrous ammonia | Green gas label | |
| Chlorine | Green gas label | |
| Ethylene | Red gas label | |
| Liquefied carbon dioxide | Green gas label | |
| Liquefied petroleum | Red gas label | |
| Methyl chloride | Red gas label | |
| Nitrous oxide | Green gas label | |
| Oxygen | Green gas label | |
| Sulfur dioxide | Green gas label | |

(1) Compressed gases must be shipped in metal cylinders complying with specifications and regulations as prescribed for freight shipments.

(c) Motion-picture films, yellow label. In containers as prescribed by paragraphs (e) to (g) of this section.

(d) Mine-rescue equipment. Cylinders of compressed gas for mine rescue or medical work may be shipped when packed with other equipment pertaining to such work; cylinders not over 4½ by 22 inches may be shipped when packed in traveling bags, suitcases, trunks, or other suitable outside containers. When so packed, the prescribed label must be placed on each outside container.

(e) Flammable motion-picture films must be packed in sparkproof metal cases or trunks complying with spec. 32A, 32B, or 32C (§§ 78.146, 78.147, or 78.148 of this chapter). Not more than 12,000 feet of standard width (1⅜ inches wide), 12 reels of approximately 1,000 feet each, or equivalent thereof, or more than 3 reels of stereoscopic film (2½ inches wide and approximately 1,500 feet each), may be packed in one such outside container; or as follows:

(1) In outside wooden boxes, spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter), provided each reel is placed in a tightly closed inside metal container. The gross weight of such a package must not exceed 80 pounds. Boxes must be equipped with handles, and covers securely fastened by metal hasp and staple with a strong lock or other efficient device.

(f) When slow-burning (nonflammable) motion-picture films are packed in the same outside containers with flammable motion-picture films, the outside packages must bear the yellow label, and the total contents of the outside container must not exceed the quantity or gross weight permitted for flammable films. (See paragraph (e) of this section.)

(g) Packages of motion-picture films with advertising matter attached to the outside container must not be offered or accepted for transportation. Shippers desiring to include advertising matter with their shipments of motion-picture films must place the advertising matter inside the outside box containing the films.

**§ 76.704 Labels.**

(a) All packages containing samples of explosives for laboratory examination, special fireworks and other dangerous articles for which labels are prescribed by Part 73 of this chapter, must be conspicuously labeled by the shipper. Labels should be applied when practicable to that part of the package bearing the consignee's name and address, or baggage check. The shipper must certify to compliance with Parts 71–78 of this chapter by writing, stamping, or printing his name underneath the certificate printed thereon. Shippers must furnish and attach labels prescribed for their shipments.

(b) Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced.

**§ 76.705 Placards.**

(a) Placards ordinarily used to indicate the presence in cars of flammable articles will not be required on baggage cars in charge of a railroad employee and moving in passenger trains, or on electric or gasoline motor cars in charge of an employee of the carrier, and which are run independently of cars carrying passengers. (See § 74.543 of this chapter for placarding of cars not occupied by carrier's employee.)

**§ 76.706 Handling of packages.**

(a) In handling packages containing dangerous articles, care must be taken to prevent them from falling or from being broken. They must not be thrown, dropped, or rolled.

(b) Packages containing dangerous articles when transported in baggage service in passenger-carrying trains must be loaded in the car occupied by a railway employee, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars nor stored in stations near steam pipes or other sources of heat.

(c) The originating carrier, when a shipment is offered to it that is known to contain dangerous articles as defined by Parts 71–78 of this chapter, must see that the packages are marked and labeled as prescribed in Part 73 of this chapter.

(d) Shipments of dangerous articles offered by connecting transportation lines must comply with the regulations in Parts 71–78 of this chapter.

(e) An astray shipment of dangerous articles or a shipment made in violation of Parts 71–78 of this chapter without the knowledge of the carrier, must be forwarded promptly to destination, if known, provided a careful inspection shows the package to be in proper condition for safe transportation.

(f) Unauthorized persons must not be allowed to have access to dangerous articles in transit at any time while such articles are in the custody of the carrier.

**§ 76.707 Reporting violations and accidents or fires.**

(a) Serious violations of the regulations in Parts 71–78 of this chapter, facts relating to leaking or broken containers, and accidents or fires in connection with the transportation or storage on railway property of explosives or other dangerous articles, must be reported promptly by the rail carrier in baggage service to the Bureau of Explosives, 63 Vesey Street, New York 7, New York. (See § 74.588 of this chapter.)

## PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

### Subpart A—General Information and Regulations

Sec.
77.800 Purpose of regulations in Parts 71–78 of this chapter.
77.801 Scope of regulations in Parts 71–78 of this chapter.
77.802 Application of regulations in Parts 71–78 of this chapter.
77.803 Import shipments by domestic carriers by motor vehicles.
77.804 Export shipments by domestic carriers by motor vehicle.
77.805 Canadian shipments.
77.806 United States Government shipments.
77.807 Improperly packed or damaged shipments in transportation.
77.808 Connecting carrier shipments.
77.809 Carrier's material and supplies.
77.810 Vehicular tunnels.
77.811 Astray shipments.
77.812 Containers required.
77.813 Inefficient containers.
77.814 Accidents to be reported.
77.815 Labels.
77.816 Marking on containers.
77.817 Shipping papers.
77.818 Receipts.
77.819 Certificate.
77.820 Waybills, manifests, etc.
77.821 Explosives or other dangerous articles forbidden or limited for transportation.
77.822 Acceptable articles.
77.823 Marking on motor vehicles and trailers.
77.824 Retesting of cargo tanks.

### Subpart B—Loading and Unloading

77.834 General requirements.
77.835 Explosives.
77.836 Nonexplosive material.
77.837 Flammable liquids.
77.838 Flammable solids and oxidizing materials.
77.839 Corrosive liquids.
77.840 Compressed gases.
77.841 Poisons.

**Subpart C—Loading and Storage Chart of Explosives and Other Dangerous Articles**

Sec.
77.848 Loading and storage chart of explosives and other dangerous articles.

**Subpart D—Vehicles and Shipments in Transit; Accidents**

77.853 Transportation and delivery of shipments.
77.854 Disabled vehicles and broken or leaking packages; repairs.
77.855 Accidents; explosives.
77.856 Accidents; flammable liquids.
77.857 Accidents; flammable solids and oxidizing materials.
77.858 Accidents; corrosive liquids.
77.859 Accidents; compressed gases.
77.860 Accidents; poisons.

**Subpart E—Regulations Applying to Explosives or Other Dangerous Articles on Motor Vehicles Carrying Passengers for Hire**

77.870 Regulations for passenger carrying vehicles.

AUTHORITY: The provisions of this Part 77 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

[The regulations in Parts 71–78 of this chapter are applicable to every common and contract carrier by motor vehicle and every private carrier of property by motor vehicle subject to the regulatory provisions of Sections 831–835, 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 831–835.

[Private carriers of property by motor vehicle subject to Parts 71–78 of this chapter are prohibited from transporting any explosive or other dangerous article unless the article is properly described by name in papers required by Parts 71–78 of this chapter to accompany every shipment of such article; and every such article must be packed and marked and in proper condition for transportation according to the regulations in Parts 71–78 of this chapter.]

NOTE 1: Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers of property in interstate or foreign commerce:

All regulations heretofore applying to common or contract carriers by motor vehicle shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified in this Note.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see, however, § 77.856.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for by Part 73 of this chapter, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815, labels, and § 77.819, certification of packages, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

## Subpart A—General Information and Regulations

### § 77.800 Purpose of regulations in Parts 71–78 of this chapter.

(a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles, by common and contract carriers, by motor vehicle engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for motor vehicle transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

### § 77.801 Scope of regulations in Parts 71–78 of this chapter.

(a) Explosives and other dangerous articles, except such as may not be accepted and transported under Parts 71–78 of this chapter, may be accepted and transported by common and contract carriers by motor vehicle engaged in interstate or foreign commerce, provided they are in proper condition for transportation and are certified as being in compliance with Parts 71–78 of this chapter, and provided the method of manufacture, packing, and storage, so far as they affect safety in transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives. Shipments of explosives or other dangerous articles not in proper condition for transportation, or loaded or stayed as required, or certified as to proper packing, marking and description as required in Parts 71–78 of this chapter, must not be accepted for transportation or transported.

### § 77.802 Application of regulations in Parts 71–78 of this chapter.

(a) Parts 71–78 of this chapter apply to all common and contract carriers by motor vehicle transporting explosives and/or other dangerous articles as defined by Interstate Commerce Commission "Regulations for Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight, Express and Baggage Services and by Motor Vehicle (Highway) and Water". When shipments are accepted by motor vehicle for further transportation by rail express (see also paragraph (c) of this section), rail baggage (see also paragraph (d) of this section), rail freight or by water on board vessel, they must, in addition to Parts 71–78 of this chapter, comply with the applicable regulations for the service by which they are to be transported.

(b) The regulations prescribed by the Commandant of the Coast Guard governing the transportation of "Explosives or Other Dangerous Articles on Board Vessels" also include combustible liquids and hazardous articles.

(c) The fifth column of the Commodity List, § 72.5 of this chapter, indicates the maximum quantity of an article that may be accepted for transportation by rail express or that the article is not acceptable for transportation by rail express.

(d) The mark ϕ preceding an article in the Commodity List, § 72.5 of this chapter, indicates that the article may be accepted for rail baggage transportation. All articles not so marked are not acceptable for rail baggage transportation.

### § 77.803 Import shipments by domestic carriers by motor vehicles.

(a) Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by motor vehicle must comply with all requirements of Parts 71–78 of this chapter. Except for shipments from Canada conforming with § 73.8 of this chapter, the importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed in Parts 71–78 of this chapter, and the forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping papers as prescribed in Parts 71–78 of this chapter.

(b) Import shipments transferred in port areas by motor vehicle: Except for the requirements of §§ 77.817 and 77.823, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

### § 77.804 Export shipments by domestic carriers by motor vehicle.

(a) Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common or contract carrier by motor vehicle for domestic transportation unless in full accordance with Parts 71–78 of this chapter.

(b) Export shipments transferred in port areas by motor vehicle: Except for the requirements of §§ 77.817 and 77.823, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such export shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

### §77.805 Canadian shipments.

(a) Explosives or other dangerous articles which are packed, marked, labeled, and loaded, in conformity with the regulations of the Board of Transport Commissioners for Canada, may be accepted and carried by carriers from point of entry in the United States to their destination in the United States or through the United States en route to a point in Canada.



NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide or when charged with nitrogen not in excess of 2,000 pounds per square inch, and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253, dated March 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

### § 77.806 United States Government shipments.

(a) Shipments of explosives or other dangerous articles offered by or consigned to the Departments of the Army, Navy, and Air Force of the United States Government, must be packed, including limitations of weight in accordance with the regulations in Part 73 of this chapter or in containers of equal or greater strength and efficiency as required by their regulations.

(b) Shipments of radioactive materials, made by the Atomic Energy Commission, or under its direction or supervision, which are escorted by personnel specially designated by the Atomic Energy Commission, are exempt from the regulations in Parts 71–78 of this chapter.

### § 77.807 Improperly packed or damaged shipments in transportation.

(a) For the protection of the public against fire, explosion, or other, or further hazard, with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any common or contract carrier by motor vehicle, such carrier shall make immediate report to the Bureau of Explosives, 63 Vesey Street, New York 7, New York, for handling, any of the following emergency matters coming to their attention (see also §§ 77.853 to 77.870 for handling shipments in transit):

(1) Instances of packages of explosives or other dangerous articles discovered in transit not properly prepared for transportation in accordance with applicable regulations in Parts 71–78 of this chapter.

(2) Motor carrier accidents involving damage to container of explosives or other dangerous articles to such a degree as to necessitate repacking of the articles. (See § 74.588 of this chapter.)

(3) Other like emergencies in which any common or contract carrier by motor vehicle is or is likely to become involved, or may offer aid at its command.

(4) This section shall in no respect excuse either shipper or carrier by motor vehicle for failure to exercise due care to prevent any departure from any regulation prescribed in Parts 71–78 of this chapter.

### § 77.808 Connecting carrier shipments.

(a) Shipments of explosives or other dangerous articles offered by connecting transportation lines must comply with Parts 71–78 of this chapter.

### § 77.809 Carrier's material and supplies.

(a) The regulations in Parts 71–78 of this chapter apply to all shipments of explosives and other dangerous articles, including carrier's material and supplies.

### § 77.810 Vehicular tunnels.

(a) Nothing contained in Parts 71–78 of this chapter shall be so construed as to nullify or supersede regulations established and published under authority of State statute or municipal ordinance regarding the kind, character, or quantity of any explosive or other dangerous article permitted by such regulations to be transported through any urban vehicular tunnel used for mass transportation.

### § 77.811 Astray shipments.

(a) Any astray shipment of dangerous articles other than explosives must be forwarded promptly to destination, if known, provided a careful inspection shows the package to be in proper condition for safe transportation. If the package is not labeled and the exact nature of the contents is unknown, the red label must be applied.

### § 77.812 Containers required.

(a) Containers required for explosives and other dangerous articles are prescribed in Part 73 of this chapter, Regulations Applying to Shippers.

### § 77.813 Inefficient containers.

(a) The results of experience gained by examination of broken or leaking containers must be recorded by the Bureau of Explosives to the end that further use of any particular kind of container shown by experience to be inefficient, may be prohibited by the Commission.

### § 77.814 Accidents to be reported.

(a) Fires or explosions occurring in connection with the transportation, or storage on carrier's property, of explosives or other dangerous articles, and leaking, broken, or seriously damaged containers, must be reported promptly by the highway carrier to the Commission. These reports are required to the end that further use of containers shown by experience to be inefficient may be prohibited by the Commission:

No. 3666

Report to

BUREAU OF SAFETY AND SERVICE
INTERSTATE COMMERCE COMMISSION
WASHINGTON, D. C.

FIRES, EXPLOSIONS, AND LEAKING, BROKEN, OR SERIOUSLY DAMAGED CONTAINERS

[that can be attributed in whole or in part to the transportation or storage of explosives or other dangerous articles]

Submitted by _____
(Name of carrier—corporate or business name)

_____, 19____
(Date)

Address _____ _____
(Street and number) (City-town)

_____
(State)

Common carrier, I. C. C. certificate No. _____
Contract carrier, I. C. C. permit No. _____
Date of accident or discovery of damage _____
_____; place _____
Commodity and quantity _____;
quantity destroyed _____
What marking or placards were on motor vehicle? _____
If a tank motor vehicle, what sign or other marking to indicate contents? _____

Show package markings { Name of contents _____; I. C. C. Spec. No. _____ / Label _____ / Serial Nos. _____; Code Nos. _____ / If carboy, show box maker's name _____ and whether / straight sided _____ or / balloon shaped _____ }

Name and address of shipper _____
Name and address of consignee _____
T. L. or L. T. L. shipment _____

RESULTS OF ACCIDENT

[State whether in transportation or storage]

Number of persons injured ____; killed _____
Property loss:

| | |
|---|---|
| Reporting-carrier's vehicle | $_____ |
| Other vehicles | _____ |
| Reporting-carrier's cargo | _____ |
| Other cargoes | _____ |
| Other property (describe) | _____ |
| Total loss | _____ |

Give all essential facts and details of handling (use additional sheet if necessary), stating: (1) Part of package damaged or leaking, and what was done to stop leak, (2) rate of leakage, (3) probable cause of fire, explosion, or leaking, broken, or seriously damaged container, (4) distance between source of ignition and point of leakage of flammable liquid or vapor, (5) description of package, packing or cushioning material, and method of loading and bracing in vehicle, (6) for tank motor vehicle, speed of vehicle, condition of highway, degree and elevation of curve, if any, (7) any defective condition of vehicle likely to contribute directly to accident, and (8) specification number, type, or other identifying description of tank, and date built, if shown.

Is this accident also being reported to the Commission on Form BMC–50? _____
(Yes or no)

This report is required by § 77.814 of regulations in Docket 3666.
Information furnished on this form will not be open to public inspection.

(Signed) _____

### § 77.815 Labels.

(See § 73.405 to § 73.414 of this chapter for description of labels.)

(a) Labels prescribed by the Commission's regulations, Part 73 of this chapter, must have been applied to shipments, unless exempt from Parts 71–78 of this chapter, and in addition the shipper must have certified to compliance with the regulations by writing, stamping, or printing his name underneath the certificate printed thereon or on the shipping papers.

(b) Labels and marking name of contents are not required on truckload quantities of dangerous articles, except class A, class C, or class D poisons, when such shipments are unloaded by the consignee or his duly authorized agent from the motor vehicle in which originally loaded.

(1) Truckload shipments of chemical ammunition, explosive, containing poisonous gases, solids or liquids, class A, class B or class C, or poisons class A, class B, class C or class D offered for transportation by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government are exempt from labeling requirements when shipments are loaded or unloaded by the shipper or his duly authorized agent and such shipments are accompanied by qualified personnel supplied with equip-

ment to repair leaks or other container failure which will permit escape of contents.

(c) Except on class A, class C, or class D poisons, labels are not required on less-than-truckload shipments by motor vehicle by public highway when the articles are readily identifiable by reason of type of container or when the container is plainly marked to indicate its contents and;

(1) When the shipment is transported from origin to destination without transfer between vehicles and;

(2) When the shipper or its employes are in direct control or perform the loading, transporting and unloading.

(d) When it is known that subsequent shipments of these packages in less-than-truckload quantities will probably be made by the consignee, labels should be attached to the packages as would be required for less-than-truckload shipments.

(e) Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced from information given on waybill, manifest, memorandum, or other shipping paper.

(f) Samples will be furnished, on request, by the Bureau of Explosives, 63 Vesey Street, New York 7, New York.

(g) The carrier's name and stationery form number may be printed on the labels, in type not larger than 10 point, if placed within the red or black-line border and in the upper or lower corner of the diamond.

(h) Additional shipping information not inconsistent with Parts 71–78 of this chapter may be shown by the shipper on a container of dangerous articles other than explosives if so desired, but no label or marking may be of a design, or form, or size, as may be confused with the label or marking required by Part 73 of this chapter.

**§ 77.816 Marking on containers.**

(a) Each package of explosives or other dangerous articles must show the name and address of the consignee. Whenever the transportation of any explosive or other dangerous article is to be exclusively by motor vehicle between points between which the articles are not to be transferred from one motor carrier to another, in either truckload or less-than-truckload lots, the individual packages need not be marked with the consignee's name and address.

**§ 77.817 Shipping papers.**

(a) Every motor carrier operating a motor vehicle transporting explosives or other dangerous articles shall require the driver of the vehicle to have in his possession, and the driver shall keep in his possession during the course of such transportation, a manifest, memorandum receipt, bill of lading, shipping order, shipping paper, or other memorandum setting forth the following information for each class of such article being transported: The shipping name, the total quantity by weight, volume, or otherwise as appropriate of each kind of explosive or other dangerous article, and the prescribed label when required for the outside container of such article. For shipments of blasting caps or electric blasting caps the shipper must, in addition, show the number of caps in the shipment.

(1) Every carrier offering or delivering for rail transportation any loaded motor vehicle or any loaded motor vehicle trailer, semi-trailer, or container containing any shipment of an explosive or other dangerous article shall show on the shipping order, shipping paper, transfer sheet, or other billing issued in lieu thereof, in addition to the description of the vehicle or container, the proper and definite name of the commodity as shown in § 72.5 of this chapter and the color or kind of label or kind of placards applied.

**§ 77.818 Receipts.**

(a) A receipt upon the form prescribed by the originating express carrier must be issued to the shipper for each express shipment of explosives or other dangerous articles accepted for transportation. Before a receipt is issued, the shipper must apply the label prescribed in Part 73 of this chapter to each package containing any article requiring a label under Parts 71–78 of this chapter.

(b) Each receipt must show the proper and definite name of commodity, as listed in § 72.5 of this chapter, and the color or kind of label applied to the package if any is required. Abbreviations must not be used.

**§ 77.819 Certificate.**

(a) Except as provided in this section, no motor carrier may accept for transportation or transport any class A or class B explosives, blasting caps or electric blasting caps in any quantity, or any dangerous articles requiring label as prescribed by Part 73 of this chapter, unless it be certified to him by the shipper's name inserted in the certificate on the label or by the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent in the lower left-hand corner of the manifest, memorandum receipt, bill of lading, shipping order, shipping paper, or other memorandum:

This is to certify that the above named articles are properly described, and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

(b) For the relief of shippers from multiplicity of certifications required for packages which may move by various means of transportation, shipments may be certified for rail, motor vehicle, water, or air transportation by adding to the certificate required on the shipping document "and the Commandant of the Coast Guard," or "and the Administrator of the Federal Aviation Agency," as the case may be.

**§ 77.820 Waybills, manifests, etc.**

(a) The waybill, manifest, dispatch, memorandum receipt, bill of lading, transfer sheet, or interchange record, when prepared for shipments and used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in § 72.5 of this chapter, and show the color or kind of label applied. (See § 77.817.)

**§ 77.821 Explosives or other dangerous articles forbidden or limited for transportation.**

(a) *Nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate forbidden to common carriers.* Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, except as defined in § 73.53 (e) of this chapter, may not be accepted for transportation or be transported by any common carrier by motor vehicle.

(b) *Rejection of leaking containers of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.* Any individual container used for the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, or any boot used therewith, found in such a condition as to permit leakage, shall be discarded and shall not thereafter be repaired for further use.

(c) *Explosives or other dangerous articles forbidden or limited for transportation.* No motor carrier may accept for transportation or transport any explosive or other dangerous article listed in Commodity List (§ 72.5 of this chapter), as "forbidden" for transportation by all motor carriers; nor, if there be any prohibition or limitation regarding the transportation of any particular explosive or other dangerous article by a particular kind of motor carrier, may any such article be accepted for transportation or be transported by that kind of carrier, except as indicated in this part. (See § 77.870.)

(d) *Leaking or damaged packages of high explosive must not be accepted for transportation or transported.* Should any package of high explosive when offered for shipment show excessive dampness or be moldy or show outward signs of any oily stain or other indication that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part is greater than the absorbent can carry, the package must be refused in every instance. The shipper must substantiate any claim that a stain is due to contact with material other than the liquid explosive ingredient of the explosive. In case of doubt the package must be rejected.

(e) *Condemned or leaking dynamite; repacking.* Condemned or leaking dynamite must not be repacked and offered for shipment unless the repacking is done by a competent person in the presence of or with the written consent of an inspector, or with the written authority of the chief inspector, of the Bureau of Explosives.

(f) Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one motor vehicle shall be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives. Maximum quantity in any inside container must not exceed eight pounds and inside containers must be arranged and protected so as to prevent simultaneous ignition of the contents. The complete package must be a type approved by the Bureau of Explosives. Each outside shipping container shall be labeled as prescribed in § 73.402(a)(2) of this chapter.



**§ 77.822 Acceptable articles.**

(a) Any motor carrier may accept for transportation or transport any acceptable explosive or other dangerous articles listed in the Commodity List, § 72.5 of this chapter: *Provided, however,* That no provision of this section shall be so construed as to permit the acceptance or transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in § 73.53 (e) of this chapter, by any common carrier.

(b) *Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.* Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in § 73.53 (e) of this chapter, may be transported only by motor carriers other than common carriers in containers complying with specification MC200 (§ 78.315 of this chapter). No form of trailer may be attached.

**§ 77.823 Marking on motor vehicles and trailers.**

(a) Every motor vehicle, other than tank motor vehicles, transporting any quantity of explosives, class A; poison gas, class A; or radioactive material, poison class D requiring red radioactive materials label except label described in § 73.414(d) of this chapter for which placards are not required; and every motor vehicle transporting 2,500 pounds gross weight or more of explosives, class B, flammable liquids, flammable solids or oxidizing materials, corrosive liquids, compressed gas, class B poisons, and tear gas, or 5,000 pounds gross weight or more of two or more articles of these groups shall be marked or placarded on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background as follows:

| | |
|---|---|
| (1) Explosives, class A | EXPLOSIVES |
| (2) Explosives, class B | DANGEROUS |
| (3) Flammable liquid | DANGEROUS |
| (4) Flammable solid | DANGEROUS |
| (5) Oxidizing material | DANGEROUS |
| (6) Corrosive liquid | DANGEROUS |
| (7) Compressed gas | COMPRESSED GAS |
| (8) Poison gas, class A | POISON GAS |
| (9) Tear gas | DANGEROUS |
| (10) Poisons, class B | DANGEROUS |
| (11) Dangerous, class D poison | DANGEROUS—RADIOACTIVE MATERIAL |

(b) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any flammable liquid or flammable solid, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally, as follows:

(1) With a sign or lettering on the motor vehicle, with the word "FLAMMABLE".

(2) With the common name of the flammable liquid or flammable solid being transported.

(3) With the name of the carrier or his trade-mark, when and only when such name or mark plainly indicates the flammable nature of the cargo.

(c) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any corrosive liquid, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally, as follows:

(1) The common name of the corrosive liquid being transported.

(2) A sign or lettering on the motor vehicle, with the word "ACID", or, when transporting corrosive liquids other than acids, the words "CORROSIVE LIQUID".

(d) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any compressed gas, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof on a background of sharply contrasting color with a sign or lettering on the tank or motor vehicle with the words "COMPRESSED GAS," "FLAMMABLE COMPRESSED GAS," or "FLAMMABLE GAS," as appropriate in letters at least 6 inches high; and in letters at least 2 inches high with a commonly accepted name of the contents, such as "ANHYDROUS AMMONIA," "CARBON DIOXIDE," "CHLORINE," "NITROUS OXIDE," "SULFUR DIOXIDE," "LIQUEFIED PETROLEUM GAS," "PROPANE," or "BUTANE."

(1) Every cargo tank shall be marked with the name of the motor carrier who owns the vehicle of which such tank forms a part; or, if the operator of the vehicle is not the owner, the name of the owner thereof.

(2) In addition to the markings hereinbefore required, there may be marked on any cargo tank the trademark appropriate to the commodity being transported therein; *Provided, however,* That no such marking shall be of such size and character as to render inconspicuous the required markings.

(3) No markings either required or permitted under the terms of this paragraph shall be in lieu of any other marking or markings required by the Commission.

(e) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any less dangerous poison, class B, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high, on a background of a sharply contrasting color, optionally, as follows:

(1) With a sign or lettering on the motor vehicle with the word "POISON".

(2) With the common name of the Class B poison being transported.

(f) *Removal of signs or lettering.* Every sign or lettering required by paragraph (a) of this section shall be removed from or covered on any motor vehicle to which it is attached or affixed when such motor vehicle is not transporting the article for which the sign is appropriate, except that no such sign or lettering is required to be removed or covered when such motor vehicle is used exclusively in the transportation of any article for which the sign or lettering is appropriate.

(g) *Only one marking required.* Whenever any motor vehicle is transporting more than one class of dangerous article for which signs or placards are required to be lettered on or affixed to any such motor vehicle, no more than one kind of sign, lettering, or placard need be displayed. The sign, lettering, or placard used shall be the one which, in the judgment of the motor carrier, designates the most dangerous article being transported.

**§ 77.824 Retesting of cargo tanks.**

(a) *Flammable liquid and poisonous liquid cargo tanks, specs. MC 300, MC 301, MC 302, MC 303, and MC 305.* Every cargo tank constructed in compliance with specs. MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter) used for the transportation of any flammable liquid or poisonous liquid, class B, shall be retested as follows:

(1) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it has successfully fulfilled the testing requirements set forth in the applicable specification.

(2) *Specification tanks.* Every cargo tank complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter), shall be tested at least once in every 5-year period and shall not be returned to service until it has successfully fulfilled the testing requirements set forth under § 78.321–16 of this chapter. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.321–16 of this chapter.

(3) *Nonspecification tanks.* Every cargo tank not complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter), shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under § 78.321–16 of this chapter. No two such required tests shall be closer together than 6 months.

(b) *Pressurized flammable liquid and poisonous liquid cargo tanks, spec. MC 304.* Every cargo tank constructed in compliance with spec. MC 304 (§ 78.325 of this chapter) or footnote 1 of § 78.325 of this chapter, shall be retested as specified in § 78.325–16 of this chapter. Each cargo tank used for the transportation of commodities specified in § 78.325 of this chapter shall be withheld from service until it has successfully fulfilled the testing requirements. Each such cargo tank shall be retested as follows:

(1) Whenever any such cargo tank, new or old, is acquired by a motor car-

rier; except that suitable testing of new tanks when completed by the manufacturer and before such tanks are placed in service will be considered as complying with this requirement.

(2) When such cargo tank has been out of service for one year or longer.

(3) When or before the test date required by § 78.325–17 of this chapter to be painted on the tank is five years old.

(4) When or before the test date required by § 78.325–17 of this chapter to be painted on the tank is two years old, in the case of tanks not complying with all requirements of this specification but continuing in service as authorized in footnote 1 of § 78.325 of this chapter.

(c) *Corrosive liquid cargo tanks, specs. MC 310 and MC 311.* Every cargo tank constructed in compliance with specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) used for the transportation of any corrosive liquid shall be retested as follows:

(1) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again, to or placed in such service until it has successfully fulfilled the testing requirements set forth in the applicable specification.

(2) *Specification tanks.* Every cargo tank complying with specs. MC 310, MC 311 (§ 78.330 or 78.331 of this chapter), or the requirements set forth in footnote 1 of § 78.330 or 78.331 of this chapter, shall be tested at least once in every 5-year period and shall successfully fulfill the testing requirements set forth in the applicable specification. If tested no oftener than once every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning of such testing of such cargo tanks shall be from the time of the last test made in accordance with the testing requirements set forth in the applicable specification.

(3) *Nonspecification tanks.* Every cargo tank not complying with specs. MC 310, MC 311 (§ 78.330 or 78.331 of this chapter), or the requirements set forth in footnote 1 of § 78.330 or 78.331 of this chapter, shall be tested at least once in every calendar year and shall successfully fulfill the testing requirements set forth under § 78.330–16 or 78.331–16 of this chapter, whichever is applicable. No two such required tests shall be closer together than 6 months.

(d) *Compressed gas cargo tanks, spec. MC–330.* Every cargo tank constructed in compliance with spec. MC–330 (§ 78.336 of this chapter) used for the transportation of any compressed gas shall be retested in accordance with the following provisions:

(1) Not later than January 31, 1965, an external and internal visual inspection shall be made to determine whether the tank is in compliance with the requirements of the regulations, specifications, and provisions of the code under which it was built, provided that an external inspection of shell and heads shall not be required on insulated tanks and internal inspection shall not be required in tanks without manways or as to tanks constructed of other than quenched and tempered steel which have a water capacity of 3,000 gallons or less. Particular determination shall be made as follows:

(i) Whether excessive weld metal build-up, above that permitted by the code provisions, or other indication of improper welding during fabrication exists.

(ii) Whether evidence of a crack or cracks, or other damage exists.

(iii) Whether openings in the tank are grouped as required by § 78.336–1(c) of this chapter.

(iv) Whether valves, fittings, accessories, safety relief devices, and gauging devices are adequately protected against mechanical damage as required by § 78.336–10 of this chapter.

(v) Whether marking and placarding are legible and meet the size requirements of § 77.823(d).

(vi) Whether the automatic excess flow valve required by § 73.33(o) of this chapter conforms to all requirements of that section, particularly that the capacity of all connections and lines is greater than the rated flow of the excess flow valve.

(vii) Whether the manually operated shut-off valve, required by § 73.33(o)(3) of this chapter, is operative and in conformity with the regulation.

(viii) Whether pipes, fittings, valves, valve connections, or nozzles extend to or beyond a point at which they are protected from mechanical damage.

(2) If any inspection discloses any failure to comply with requirements of the code under which the tank was built or with any other provision of Commission regulations, or if evidence of any substantial or significant damage is found, repairs, or modifications shall be made to bring the tank into compliance with such code provisions or regulations before it is returned to service.

(3) (i) At time intervals specified herein tests shall be made of all welds in or on tank shells and heads, both inside and outside, of tanks of more than 3,000 water gallon capacity, if constructed of quenched and tempered steel, and if used for transportation of toxic or flammable gases, provided that welded appurtenances need not be removed for this purpose, and provided that any tank, if insulated, need not be subjected to exterior testing and that any tank not equipped with a manway need not be subjected to internal testing. At least ten percent of the tanks in use by a carrier shall be tested not later than September 30, 1964. The test shall be made of every tank not later than the first occasion when it is due for the test required by § 73.33(k). Tanks constructed prior to January 1, 1959, shall be tested at first priority, with oldest tanks to be tested first. Any tank tested in accordance with these requirements subsequent to December 31, 1962, shall be deemed to have complied with the requirement of this subparagraph. Similar tests of not less than ten percent of the tanks in use by a carrier shall be made during each period of six months after September 30, 1964, until all tanks in service have been tested. If any carrier has less than ten such tanks, at least one such tank shall be tested during each period of six months.

(ii) The test required by this subparagraph shall be made either by the magnetic particle method, the radiographic method, or by the ultrasonic method. If the magnetic particle method is used, the test shall be conducted in accordance with appendix VI, section VIII, 1962 edition of the ASME Code, except that permanent magnets may not be used for this purpose. The ultrasonic method may be used only in full compliance with the provisions of Case Interpretation 1275N of the ASME Code. If the radiographic method is used, the test shall be conducted in accordance with the requirements of section VIII, 1962 edition of the ASME Code. If any failure to comply with the provisions of the code, or any defective plate or weldment, is disclosed by such test it shall be repaired prior to replacing the vehicle in service.

(4) Reports required:

(i) Each motor carrier, whether common, contract, or private, operating such tank vehicles, shall make a written report in triplicate, concerning all tanks inspected or tested in accordance with subparagraphs (1), (2), and (3) of this paragraph. Such reports shall be filed, in duplicate, with the District Director of the Bureau of Motor Carriers, having jurisdiction at the place of the principal office of the carrier not later than 15 days after September 30, 1964, as to those tanks which have been inspected or tested on or before September 30, 1964. Such report shall indicate the number of tanks remaining to be inspected in accordance with subparagraph (1), of this paragraph, if any. A similar report shall be filed not later than 15 days after completion of the inspections and repairs of all tanks in service required to be inspected and repaired in accordance with subparagraphs (1) and (2) of this paragraph. Similar reports shall be made not later than 15 days after completion of each six months' period succeeding September 30, 1964, until all such tanks have been inspected, tested, and repaired as required. If by September 30, 1964, or at the end of any succeeding period of six months, all tanks in use by a carrier, including any tanks acquired or placed in service during such periods, shall have been inspected or tested, that fact shall be reported and no further report is required unless and until additional vehicles are placed in the carrier's service. A copy of the report shall be retained by the carrier during the period the tank is in the carrier's service and for one year thereafter.

(ii) Each carrier shall cause to be prepared a record, signed by the inspector, of the inspection of each tank required by subparagraphs (1) and (2) of this paragraph. The signed inspection record shall be retained with the carrier's file copy of the report filed with the Commission. The report shall state the identification, by company designation number, of each vehicle inspected, the name of the inspecting agency and person, the nature of any defects or damage discovered, and shall state how such defect or damage was corrected and by what method. If no defect or damage was discovered, that fact shall be reported.



(iii) Each carrier shall cause to be furnished to it a record of the test of each tank required by subparagraph (3) of this paragraph, signed by the representative of the firm or agency making the test, or signed by the employee of the carrier making the test, which report shall be retained with the carrier's file copy of the report filed with the Commission. The report shall state the identification, by company designation number, of each vehicle tested during the period covered. The report shall state what method of test was used, the name of the inspecting agency and person, the nature of any defects or damage discovered, and how such defect or damage was corrected. If no defect or damage was discovered, that fact shall be reported. Any vehicle involved in an accident resulting in damage to the cargo tank, shall be tested and reported upon in accordance with the requirements of this subdivision and subparagraph (3) of this paragraph.

(iv) The reports required of a carrier by subdivisions (i), (ii), and (iii) of this subparagraph may be combined in a single report.

(5) The inspection and test required shall be in addition to the testing requirements of § 73.33 of this chapter.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by the Commission under the provisions of § 73.33 (h) and (j) of this chapter shall be retested under the requirements set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall not be returned to service until it has successfully been retested in accordance with the test prescribed for its periodic retest if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, at its discretion, cause any cargo tank to be retested at any time in accordance with the requirements prescribed for its periodic retest.

(h) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in the applicable specification.

## Subpart B—Loading and Unloading

NOTE: For prohibited loading and storage of explosives and other dangerous articles, see § 77.848.

### § 77.834 General requirements.

(a) *Containers secured in vehicle.* Any tank, barrel, drum, or cylinder, not designed to be permanently attached to a motor vehicle, containing any flammable liquid, compressed gas, corrosive liquid, or poisonous article, shall be reasonably secured against movement within the motor vehicle by which it is being transported.

(b) *No explosives or other dangerous articles on pole trailers.* No explosive or other dangerous article may be loaded into or on or transported in or on any pole trailer.

(c) *No smoking while loading or unloading.* Smoking on or about any motor vehicle while loading or unloading any explosive, flammable liquid, flammable solid, oxidizing material, or flammable compressed gas is forbidden.

(d) *Keep fire away, loading and unloading.* Extreme care shall be taken in the loading or unloading of any explosive, flammable liquid, flammable solid, oxidizing material, or flammable compressed gas into or from any motor vehicle to keep fire away and to prevent persons in the vicinity from smoking, lighting matches, or carrying any flame or lighted cigar, pipe, or cigarette.

(e) *Handbrake set while loading and unloading.* No explosive or other dangerous article shall be loaded into or on, or unloaded from, any motor vehicle unless the handbrake be securely set and all other reasonable precautions be taken to prevent motion of the motor vehicle during such loading or unloading process.

(f) *Use of tools, loading and unloading.* No tools which are likely to damage the effectiveness of the closure of any package or other container, or likely adversely to affect such package or container, shall be used for the loading or unloading of any explosive or other dangerous article.

(g) *Prevent relative motion between containers.* Containers of explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, acids, compressed gases, and poisonous liquids or gases, must be so braced as to prevent motion thereof relative to the vehicle while in transit. Containers having valves or other fittings must be so loaded that there will be the minimum likelihood of damage thereto during transportation.

(h) *Precautions concerning containers in transit; fueling road units.* Reasonable care should be taken to prevent undue rise in temperature of containers and their contents during transit. There must be no tampering with such container or the contents thereof nor any discharge of the contents of any container between point of origin and point of billed destination. Discharge of contents of any container, other than a cargo tank, must not be made prior to removal from the motor vehicle. Nothing contained in this paragraph shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction or maintenance.

(i) *Tank motor vehicles attended, loading and unloading.* Under no circumstances shall a tank motor vehicle be left unattended during the loading or unloading process. For the purpose of this part, the delivery hose, when attached to the motor vehicle, shall be deemed a part thereof.

(j) *Prohibited loading combinations.* In any single driven motor vehicle or in any single unit of a combination of motor vehicles, explosives and other dangerous articles shall not be loaded together if prohibited by loading and storage chart, § 77.848. This section shall not be so construed as to forbid the carrying of materials essential to safe operation of motor vehicles. (See Motor Carrier Safety Regulations, Part 193 of this chapter.)

(k) *Access to mixed ladings.* Flammable solids, oxidizing materials, or corrosive liquids, when transported on a motor vehicle with other lading not otherwise forbidden, shall be so loaded as to provide ready access thereto for shifting or removal.

(l) *Truck bodies or trailers equipped with heaters or automatic refrigeration apparatus.* Except as provided in subparagraph (1) of this paragraph flammable liquids (red label) and flammable gases (red label) must not be loaded in truck bodies or trailers equipped with heaters or automatic refrigerating apparatus unless the automatic apparatus be rendered inoperative. The fuel tanks for such apparatus shall be empty or removed from the vehicle, except that liquefied petroleum gas fuel tanks exterior to the vehicle body may have their valves closed and disconnected from the fuel feed lines in lieu of being emptied or removed.

(1) This prohibition does not apply, and heating or refrigeration apparatus may be operated on motor vehicles loaded with flammable liquids and flammable gases, when the lading space is equipped with no electrical apparatus other than of nonsparking or explosion-proof types, no combustion apparatus in the lading space, and no connection for return of air from the lading space to any combustion apparatus. The heating system must be such that no part of the lading is heated over 130° F., and conform to § 193.77 of this chapter.

### § 77.835 Explosives.

(See also § 77.834 (a) to (k).)

(a) *Engine stopped.* No explosives shall be loaded into or on or be unloaded from any motor vehicle with the engine running.

(b) *Care in loading, unloading, or other handling of explosives.* No bale hooks or other metal tools shall be used for the loading, unloading, or other handling of explosives, nor shall any package or other container of explosives, except barrels or kegs, be rolled. No packages of explosives shall be thrown or dropped during process of loading or unloading or handling of explosives. Special care shall be exercised to the end that packages or other containers containing explosives shall not catch fire from sparks or hot gases from the exhaust tailpipe.

(1) Whenever tarpaulins are used for covering explosives, they shall be secured by means of rope or wire tie downs. Explosives placards or markings required by § 77.823 shall be secured, in the appropriate locations, directly to the equipment transporting the explosives. If the vehicle is provided with placard boards, the placards must be applied to these boards.

(c) *Explosives transported on vehicles or combination of vehicles.* Class A explosives may not be loaded into or transported in any vehicle of a combination of vehicles except as follows: In a truck and in one semitrailer or one full trailer at-

tached thereto, with no other trailer included in the combination, in a semitrailer attached to a truck-tractor and in a full trailer attached thereto, with not more than one semitrailer and one full trailer in the combination. As used in this paragraph a full trailer includes a semitrailer equipped with a front axle dolly.

(1) Each full trailer used in any of the above combinations, in any vehicle of which combination any class A explosive is transported, must have a wheel base of at least 184 inches. No class A explosive may be loaded into or transported on any vehicle in any combination of vehicles if any vehicle in the same combination contains any explosive or other dangerous article which may not be loaded or stored with explosives class A under the provisions of § 77.848.

(d) [Reserved]

(e) *No sharp projections inside body of vehicles.* No motor vehicle transporting any kind of explosive shall have on the interior of the body in which the explosives are contained, any inwardly projecting bolts, screws, nails, or other inwardly projecting parts likely to produce damage to any package or container of explosives during the loading or unloading process or in transit.

(1) All fuel tanks for heaters or refrigerating machinery with which truck bodies or trailers are equipped shall be drained and all automatic heating or refrigerating machinery shall be rendered inoperative by disconnection of the automatic controls or the source of power for their operation.

(f) *Explosives vehicles, floors tight and lined.* Motor vehicles transporting class A or class B explosives shall have tight floors; shall have that portion of the interior in contact with the load lined with either non-metallic material or non-ferrous metals, except that the lining is not required for truck load shipments loaded by the Departments of the Army, Navy or Air Force of the United States Government provided the explosives are of such nature that they are not liable to leakage of dust, powder, or vapor which might become the cause of an explosion. The interior of the cargo space must be in good condition so that there will not be any likelihood of containers being damaged by exposed bolts, nuts, broken side panels or floor boards, or any similar projections.

(g) *Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps in same vehicle with other explosives.* Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps, without limitation as to quantity except as limited in paragraph (m) of this section, may be transported in the same motor vehicle with high explosives (dynamites and similar explosives) when the net weight of the high explosives (dynamites and similar explosives) does not exceed 5,000 pounds, as follows: The blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and electric blasting caps must be packed in authorized I.C.C. specification outside shipping containers, or in prescribed inside I.C.C. packages in an outside box made of 1 inch lumber lined with suitable padding material not less than ½ inch thick or a box made of not less than 12 gauge sheet metal lined with plywood or other suitable material not less than ⅜ inch thick so that no metal is exposed. Hinged cover and fastening device are required on boxes. These boxes must be loaded in motor vehicle so that contents or box will be immediately accessible for removal and so that other containers in the motor vehicle will not fall on them or otherwise damage them during transit. Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse or electric blasting caps when not packed in containers referred to above in this paragraph must be transported in containers as prescribed in spec. MC 201 (§ 78.318 of this chapter). See paragraph (m) of this section for shipment of blasting caps with liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. Explosive projectiles with detonating fuzes assembled in place must not be transported unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government, or unless of a type approved by the Bureau of Explosives.

(h) *Lading within body or covered, tailgate closed.* Except as provided in paragraphs (g), (k), and (m) of this section, dealing with the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in § 73.53 (e) of this chapter, all of that portion of the lading of any motor vehicle which consists of explosives shall be contained entirely within the body of the motor vehicle or within the horizontal outline thereof, without overhang or projection of any part of the load, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting explosives must either have a closed body or have the body thereof covered with a tarpaulin, and in either event care must be taken to protect the load from moisture and sparks, except that subject to other provisions of these regulations, explosives other than black powder may be transported on flat-bed vehicles if the explosive portion of the load on each vehicle is packed in fire and water resistant containers or covered with a fire and water resistant tarpaulin.

(i) *Explosives to be protected against damage by other lading.* No motor vehicle transporting any explosive may transport as a part of its load any metal or other articles or materials likely to damage such explosive or any package in which it is contained, unless the different parts of such load be so segregated or secured in place in or on the motor vehicle and separated by bulkheads or other suitable means as to prevent such damage.

(j) *Transfer of explosives en route.* No class A or class B explosive shall be transferred from one container to another, or from one motor vehicle to another vehicle, or from another vehicle to a motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases red electric lanterns, red emergency reflectors or red flags shall be set out in the manner prescribed for disabled or stopped motor vehicles. (See Motor Carrier Safety Regulations, Part 192 of this chapter.) In any event, all practicable means, in addition to these hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer or against the hazard occasioned by the emergency making such transfer necessary.

(k) *Loading requirements for liquid nitroglycerin, desensitized liquid nitroglycerin, or diethylene glycol dinitrate.* Liquid nitroglycerin, desensitized liquid nitroglycerin, or diethylene glycol dinitrate, other than as defined in § 73.53 (e) of this chapter, may be accepted for transportation and transported only by motor carriers other than common carriers if it be loaded into or on a truck having the type of body specified in spec. MC200 (§ 78.315 of this chapter). No liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate may be loaded directly above any other explosive, or in any quantity in excess of 900 quarts on one motor vehicle or 10 quarts in any one individual container. Additional quantities of explosives, other than nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, excepting any type of blasting or percussion cap or other detonating device, may be carried on such motor vehicle in a closed or covered bed or body which shall be firmly bolted or fastened above the lid of the compartment containing the nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. In no case shall the net load be more than 7,500 pounds. (See paragraph (m) of this section and spec. MC201 (§ 78.318 of this chapter).)

(l) *Separation of tools and supplies for preparing charges.* Motor vehicles transporting liquid nitroglycerin; desensitized liquid nitroglycerin or diethylene glycol dinitrate, may also transport the tools and supplies necessary for preparing and firing charges thereof: *Provided,* That such tools and supplies be properly secured in place so as to prevent their coming in contact with the body above specified.

(m) *Caps or other explosives.* Any explosives, including desensitized liquid explosives as defined in § 73.53 (e) of this chapter, other than liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, transported on any motor vehicle transporting liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, shall be segregated; each kind from every other kind, and from tools or other supplies. Any percussion caps, detonators, blasting caps, or electric blasting caps, shall be carried either in a cloth container having individual pockets for each such cap, or by at least equally safe means. No greater number of any such caps shall be carried in the manner described than is necessary for use on any particular trip.



**§ 77.836 Nonexplosive material.**

(a) No restrictions are prescribed in Parts 71–78 of this chapter for the packing, handling, and transportation of material relating to ammunition for cannon, but containing no explosive or other dangerous article, such as cartridge cases, "dummy" or "drill" cartridges, etc., sand-loaded projectiles, sand-loaded bombs, empty projectiles, empty mines, empty bombs, solid projectiles, or empty torpedoes. Rotating bands should be protected against deformation by method of packing or loading.

**§ 77.837 Flammable liquids.**

(See also § 77.834 (a) to (k).)

(a) *Engine stopped.* Unless the engine of the motor vehicle is to be used for the operation of a pump, no flammable liquid shall be loaded into or on or unloaded from any other motor vehicle than a tank motor vehicle with the engine running; and in any event care should be exercised to prevent ignition of the vapors from any such liquid.

(b) *Bonding or grounding containers prior to and during transfers.* For containers which are not in metallic contact with each other, either metallic bonds or ground conductors shall be provided for the neutralization of possible static charges prior to and during transfers of flammable liquids between such containers. Such bonding shall be made by first connecting an electric conductor to the container to be filled and subsequently connecting the conductor to the container from which the liquid is to come, and not in any other order. To provide against ignition of vapors by discharge of static electricity, the latter connection shall be made at a point well removed from the opening from which the flammable liquid is to be discharged.

(c) Tanks complying with ICC–106A or ICC–110 (§ 78.275 or 78.293 of this chapter) specifications used for the transportation of flammable liquids as authorized in §§ 73.134 (a) (2) and 73.148 (a) (4) of this chapter may be transported in or on motor vehicles and in the manner authorized in § 77.840 (c), provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

**§ 77.838 Flammable solids and oxidizing materials.**

(See also § 77.834(a) to (k).)

(a) *Lading within body or covered; tailgate closed; pick-up and delivery.* All of that portion of the lading of any motor vehicle transporting flammable solids or oxidizing materials shall be contained entirely within the body of the motor vehicle and shall be covered by such body, by tarpaulins, or other suitable means, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation: *Provided, however,* That the provisions of this paragraph need not apply to "pick-up and delivery" motor vehicles when such motor vehicles are used in no other transportation than in and about cities, towns, or villages.

(b) *Articles to be kept dry.* Special care shall be taken in the loading of any motor vehicle with flammable solids or oxidizing materials which are likely to become hazardous to transport when wet, to keep them from being wetted during the loading process and to keep them dry during transit. Special care shall also be taken in the loading of any motor vehicle with flammable solids or oxidizing materials, which are likely to become more hazardous to transport by wetting, to keep them from being wetted during the loading process and to keep them dry during transit. Examples of such dangerous materials are charcoal screenings, ground, crushed, or pulverized charcoal, and lump charcoal.

(c) *Lading ventilation, precautions against spontaneous combustion.* Whenever a motor carrier has knowledge concerning the hazards of spontaneous combustion or heating of any article to be loaded on a motor vehicle, such article shall be so loaded as to afford sufficient ventilation of the load to provide reasonable assurance against fire from this cause; and in such a case the motor vehicle shall be unloaded as soon as practicable after reaching its destination. Charcoal screenings, or ground, crushed, granulated, or pulverized charcoal, in bags, shall be so loaded that the bags are laid horizontally in the motor vehicle, and so piled that there will be spaces for effective air circulation, which spaces shall not be less than 4 inches wide; and air spaces shall be maintained between rows of bags. Bags shall not be piled closer than 6 inches from the top of any motor vehicle with a closed body.

(d) *Loose or baled nitrate of soda bags.* Loose or baled unwashed, empty bags, having contained nitrate of soda, may be transported in truckload lots only in motor vehicles, and such motor vehicles must have closed or covered bodies lined with paper; such shipments are required to be loaded by the shipper and to be unloaded by the consignee.

(e) *Staying or blocking of packages of matches.* Special care shall be exercised in the loading of packages containing "strike-anywhere" matches to prevent the shifting or jamming of any such package during transit. To this end, the packages shall be compactly loaded with the strongest dimensions of each box or other container loaded lengthwise of the motor vehicle.

(1) *Smooth vehicle interior for matches.* Unless strike-anywhere matches are contained in wooden outside boxes, special care shall be taken to provide that the inside surfaces of any motor vehicle into which such matches are to be loaded and with which surfaces the containers might come in contact, shall be smooth, without protrusions of any sort, such as bolts, nuts, sharp edges, or corners, etc., and there shall be provided for this purpose smooth wooden inner linings, if the interior of the motor vehicle is not otherwise smooth in accordance with this requirement.

(2) *Matches not loaded next to red label articles.* Matches of whatever character shall not be loaded next to packages protected by the red caution label.

(f) Nitrates, except ammonium nitrate having organic coating, listed in § 73.182 (b) must be loaded in closed or open type motor vehicles, which must be swept clean and be free of any projections capable of injuring bags when so packaged. When shipped in open type motor vehicles, the lading must be suitably covered. Ammonium nitrate having organic coating must not be loaded in all-metal vehicles, other than those made of aluminum or aluminum alloys, of the closed type. (See § 77.823 (a) (4) and (5).)

(g) Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one motor vehicle shall be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives. Maximum quantity in any inside container must not exceed eight pounds and inside containers must be arranged and protected so as to prevent simultaneous ignition of the contents. The complete package must be a type approved by the Bureau of Explosives. Each outside shipping container shall be labeled as prescribed in § 73.402 (a) (2) of this chapter.

**§ 77.839 Corrosive liquids.**

(See also § 77.834 (a) to (k).)

(a) *Nitric acid.* In addition to the requirements set forth in paragraph (b) of this section no carboy or other container of nitric acid shall be loaded above any container containing any other kind of material. The loading of carboys or other containers of nitric acid shall be limited to two tiers high.

(b) *Carboys and frangible containers.* In general, individual carboys and frangible containers of acids or other corrosive liquids, including charged electric storage batteries, shall, when loaded by hand, be individually loaded into and unloaded from any motor vehicle in which they are to be, or have been, transported. All reasonable precautions shall be taken to prevent, by all practicable means, the dropping of any such containers or batteries containing corrosive liquids. No such container or battery shall be loaded into a motor vehicle having an uneven floor surface. It shall be permissible to load on or transport in any motor vehicle any authorized carboys or frangible shipping containers, containing acids or other corrosive liquids, more than one tier high above any floor only if such carboys or other containers are boxed or crated, or are in barrels or kegs, as required by Parts 71–78 of this chapter, and only if such containers are so stacked that the weight of each tier above the first is entirely supported by the boxes, crates, barrels, kegs, or other authorized means of enclosing the carboys or frangible containers. Only so many tiers as may adequately be so supported without danger of crushing or breaking, shall be permitted. Means shall be provided to prevent by all practicable means, in all cases, the shifting of containers or batteries during transit. Nothing contained in this section shall be so construed as to prevent the use of cleats or other retaining means for the purpose of preventing shifting of containers or batteries. For the purposes of this section a false floor or platform, secured against relative motion within

the body of the motor vehicle, shall be deemed to be a floor. (For recommendations for handling leaking or broken packages, see § 77.858 (a).)

(c) *Storage batteries.* In addition to the requirements set forth in paragraph (b) of this section, all storage batteries containing any electrolyte shall be so loaded, if loaded with other lading, that all such batteries will be protected against other lading falling onto or against them; and adequate means shall be provided in all cases for the protection and insulation of battery terminals against short circuits.

(d) Tanks complying with ICC–106A (§ 78.275 of this chapter) specification used for the transportation of corrosive liquids as authorized in § 73.264(b) (6) of this chapter may be transported in or on motor vehicles and in the manner authorized in § 77.840(c), provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

### § 77.840 Compressed gases.

(See also § 77.834 (a) to (k).)

(a) *Floors or platforms essentially flat.* Cylinders containing compressed gases shall not be loaded onto any part of the floor or platform of any motor vehicle which is not essentially flat; cylinders containing compressed gases may be loaded onto any motor vehicle not having a floor or platform only if such motor vehicle be equipped with suitable racks having adequate means for securing such cylinders in place therein. Nothing contained in this section shall be so construed as to prohibit the loading of such cylinders on any motor vehicle having a floor or platform and racks as hereinbefore described.

(1) *Cylinders.* Cylinders containing compressed gases shall be securely lashed in an upright position so as to prevent their overturning; or loaded into racks securely attached to the motor vehicle; or packed in boxes or crates of such dimensions as to prevent their overturning; or loaded in a horizontal position. Spec. ICC–4L cylinders must be loaded in an upright position and be securely braced.

(b) Portable tank containers containing compressed gases shall be loaded on motor vehicles only as follows:

(1) Onto a flat floor or platform of a motor vehicle.

(2) Onto a suitable frame of a motor vehicle.

(3) In either such case, such containers shall be safely and securely blocked or held down to prevent movement relative to each other or to the supporting structure when in transit, particularly during sudden starts and stops and changes of direction of the vehicle.

(4) Requirements of subparagraphs (1) and (2) of this paragraph shall not be construed as prohibiting stacking of containers, provided the provisions of subparagraph (3) of this paragraph are fully complied with.

(c) Tanks complying with ICC–106A or ICC–110A (§ 78.275, 78.276, 78.278, 78.293 or 78.295 of this chapter) specifications used for the transportation of compressed gases as authorized in § 73.314(a), Note 12 of this chapter, may be transported in a combination of vehicles as follows: (1) in or on a truck and in or on one semi-trailer or one full trailer attached thereto, with no other trailer included in the combination, (2) in or on a semi-trailer attached to a truck-tractor and in or on a full trailer attached thereto, with not more than one semi-trailer and one full trailer in the combination, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting. As used herein a full trailer includes a semi-trailer equipped with a front axle dolly. Each full trailer used in any of the above combinations, in or on any vehicle of which combination any such tank is transported, must have a wheel base of at least 184 inches. See § 74.560 of this chapter for rail-freight-motor vehicle shipments.

(d) *Engine to be stopped in tank motor vehicles, except for transfer pump.* No flammable compressed gas shall be loaded into or on or unloaded from any tank motor vehicle with the engine running unless the engine is used for the operation of the transfer pump of the vehicle. Unless the delivery hose is equipped with a shut-off valve at its discharge end, the engine of the motor vehicle shall be stopped at the finish of such loading or unloading operation while the filling or discharge connections are disconnected.

(e) Chlorine cargo tanks shall be shipped only when equipped (1) with a gas mask of a type approved by the U.S. Bureau of Mines for chlorine service; (2) with an emergency kit for controlling leaks in fittings on the dome cover plate.

(f) No chlorine tank motor vehicle used for transportation of chlorine shall be moved, coupled or uncoupled, when any loading or unloading connections are attached to the vehicle, nor shall any semi-trailer or trailer be left without the power unit unless such semi-trailer or trailer be checked or equivalent means be provided to prevent motion.

### § 77.841 Poisons.

(See also § 77.834 (a) to (k).)

(a) *Arsenical compounds in bulk.* Care shall be exercised in the loading and unloading of "arsenical dust", "arsenic trioxide", and "sodium arsenate", allowable to be loaded into sift-proof, steel hopper-type or dump-type motor-vehicle bodies equipped with water-proof, dust-proof covers well secured in place on all openings, to accomplish such loading with the minimum spread of such compounds into the atmosphere by all means that are practicable; and no such loading or unloading shall be done near or adjacent to any place where there are or are likely to be, during the loading or unloading process assemblages of persons other than those engaged in the loading or unloading process, or upon any public highway or in any public place.

(b) *No class A or class C poisons in cargo tanks.* No dangerous poison, class A, or any tear gas or irritating substance, class C, may be loaded into or transported in any cargo tank.

(c) *Class A or class C poisons.* It shall not be permissible to transport class A or class C poisons if there be any interconnecting means of any character between the containers.

NOTE 1: Tanks complying with ICC–106A (§ 78.275 or 78.276 of this chapter) specification containing class A or B poisons as authorized in §§ 73.333(a)(2), 73.336(a)(3), 73.338(a)(3), 73.353(a)(5) and 73.357(b)(4) of this chapter may be transported in or on motor vehicles and in the manner authorized in § 77.840(c), provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(d) *Radioactive material.* A container of radioactive material, red label, must not be placed in vehicles, terminals, or other places closer than 3 feet to an area which may be continuously occupied by passengers, employees, or shipments of animals. When more than one such container is present, the distance from occupied areas must be computed from the table in subparagraph (1) of this paragraph by adding the number of units shown on labels on the containers.

(1) A container of radioactive material, red label, must not be placed closer than 15 feet to any package containing undeveloped film. If more than one such container is present the distance must be computed from the table in this subparagraph by adding the number of units shown on the labels on the packages.

TABLE

| Total number of units | Minimum distance in feet to nearest undeveloped film | Distance in feet to area that may be continuously occupied by passengers or employes for periods: | |
|---|---|---|---|
| | | Up to 8 hours | Exceeding 8 hours |
| 1 to 10 | 15 | 3 | 5 |
| 11 to 20 | 20 | 4 | 7 |
| 21 to 30 | 25 | 5 | 9 |
| 31 to 40 | 30 | 6 | 10 |

NOTE 1. The distance in the table must be measured from the nearest point of the radioactive container or containers.

NOTE 2. 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm. of hard gamma rays of radium filtered by ½ inch of lead.

(2) Not more than 40 units of radioactive material, red label, shall be transported in any vehicle or stored in any location at one time. Packages must be so blocked or braced in vehicles as to prevent any shift of lading under conditions normally incident to transportation.

(3) All containers of radioactive material, red label, must be carried by the handles when handles are provided.

(4) Radioactive materials (class D poisons) must not be loaded in the same vehicle with Class A explosives.

(5) If for any reason, a package containing radioactive materials, red label, would otherwise remain in the same building for a period longer than 24 hours, it must be moved to a different location after each 24 hours.

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials or uranium, normal or depleted, described in § 73.392 (e) and (f) of this chapter. The location of bundles, boxes, barrels, or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).



## Subpart C—Loading and Storage Chart of Explosives and Other Dangerous Articles

### § 77.848 Loading and storage chart of explosives and other dangerous articles.

(a) Explosives or other dangerous articles must not be loaded, transported or stored together, except as provided in the Loading and Storage Chart of Explosives and Other Dangerous Articles shown in this section.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

| | | a | b | c | d | e | f | g | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Low explosives or black powder | High explosives or propellant explosives, class A | Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate | Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers | Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [4] | Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A [5] | Detonating fuzes, class A, with or without radioactive components | Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles | Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B | Fireworks special or railway torpedoes | Small arms ammunition | Primers for cannon or small arms, empty cartridge bags—black powder ignited, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets | Percussion fuzes, tracer fuzes or tracers | Time, combination or detonating fuzes, class C | Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord | Fireworks, common, highway fuses or railway fuses | Flammable liquids or compressed flammable gases, red label | Flammable solids or oxidizing materials, yellow label | Acids or corrosive liquids, white label | Compressed nonflammable gases, green label | Poisonous gases or liquids, in tank car tanks, cylinders, projectiles or bombs, poison gas label | Radioactive materials (class D poisons) |
| CLASS A EXPLOSIVES | | | | | | | | | | | | | | | | | | | | | | | |
| Low explosives or black powder | (6) | | X | | | | | | | | X | | | | | | X | X | X | X | X | X | X |
| High explosives or propellant explosives, class A | (6) | | X | | •X | | | X | | | X | | | | | | X | X | •X | X | X | X | X |
| Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate | (c) | X | •X | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers | (d) | | X | X | | X | X | | | | •X | | | | | | •X | •X | ••X | •X | •X | X | X |
| Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [4] | (e) | | | X | X | | | X | | | X | | | | | | X | X | X | X | X | X | X |
| Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A [5] | (f) | | | X | X | | | X | | | X | | | | | | X | X | X | X | X | X | X |
| Detonating fuzes, class A, with or without radioactive components | (c) | | X | X | | X | X | | | | X | | | | | | X | X | X | X | X | X | X |
| CLASS B EXPLOSIVES | | | | | | | | | | | | | | | | | | | | | | | |
| Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles | 1 | | | X | | | | | | | | | | | | | | | | •X | | X | |
| "2" Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B | 2 | | | X | | | | | | | | | | | | | | | | •X | | X | |
| Fireworks, special or railway torpedoes | 3 | X | X | X | •X | X | X | X | | | | | | | | | | | | | | X | |

See footnotes at end of table.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horisontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horisontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

| | | a | b | c | d | e | f | g | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Low explosives or black powder | High explosives or propellant explosives, class A | Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitrocellulose, tetracene, trinitroresorcinol, potassium dinitrobenzofuroxane, or other similar explosive compounds. | Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers | Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, or chemical projectiles, with exploding charge; or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators.[a] | Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive); jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A | Detonating fuzes, class A, with or without radioactive components | Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles; or ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles | Propellant explosives, class B, jet thrust units (jato), class B; igniters, jet thrust (jato); class B, or starter cartridges, jet engines, class B | Fireworks, special or railway torpedoes | Small arms ammunition | Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets | Percussion fuzes, tracer fuzes or tracers | Time, combination or detonating fuzes, class C | Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord | Fireworks, common, highway fusees or railway fusees | Flammable liquids or compressed flammable gases, red label | Flammable solids or oxidizing materials, yellow label | Acids or corrosive liquids, white label | Compressed nonflammable gases, green label | Poisonous gases or liquids in tank car tanks, cylinders, projectiles or bombs, poison gas label | Radioactive materials (class D poisons) |
| CLASS C EXPLOSIVES | | | | | | | | | | | | | | | | | | | | | | | |
| Small arms ammunition | 4 | | | X | | | | | | | | | | | | | | | | | | | |
| Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets | 5 | | | X | | | | | | | | | | | | | | | | | | | |
| Percussion fuzes, tracer fuzes or tracers | 6 | | | X | | | | | | | | | | | | | | | | | | | |
| Time, combination or detonating fuzes, class C | 7 | | | X | | | | | | | | | | | | | | | | | | | |
| Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord | 8 | | | X | | | | | | | | | | | | | | | | | | | |
| Fireworks, common, highway fusees or railway fusees | 9 | X | X | X | [c]X | X | X | X | | | | | | | | | | | | | | X | |
| OTHER DANGEROUS ARTICLES | | | | | | | | | | | | | | | | | | | | | | | |
| Flammable liquids or compressed flammable gases, red label | 10 | X | X | X | [c]X | X | X | X | | | | | | | | | | | | | | X | |
| Flammable solids or oxidizing materials, yellow label | 11 | X | [b]X | X | [c][d]X | X | X | X | | | | | | | | | | | | [b]X | | X | |
| Acids or corrosive liquids, white label | 12 | X | X | X | [c]X | X | X | X | [b]X | [b]X | | | | | | | | | | [b]X | | X | |
| Compressed nonflammable gases, green label | 13 | X | X | X | [c]X | X | X | X | | | | | | | | | | | | | | | |
| Poisonous gases or liquids in tank car tanks, cylinders, projectiles or bombs, poison gas label | 14 | X | X | X | X | X | X | X | X | X | X | X | | | | | X | X | X | X | | | |
| Radioactive materials class D (poisons) | 15 | X | X | X | X | X | X | X | | | | | | | | | | | | | | | |

[a] Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with articles named in vertical and horizontal columns 3, 9, 10, 11, 12, and 13. Loading and transportation of blasting caps or electric blasting caps except as prescribed in § 77.835, in any quantity, with articles named in vertical or horizontal columns b, c, j, or f is prohibited.

[b] Acid or other corrosive liquids, white label, must not be loaded above or adjacent to flammable solids or oxidizing materials, yellow label, ammunition for cannon with or without projectiles, or propellant explosive, except that shippers loading truckload shipments of white label and yellow label packages and who have obtained prior approval from the Bureau of Explosives may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

[c] Explosives, class A, and explosives, class B, other than ammunition, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition containing incendiary charges or white phosphorus may be loaded and stored with other ammunition of the same classification.

[d] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

[e] Does not include nitro carbo nitrate or ammonium nitrate, fertilizer grade, which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

NOTE 1: Charged electric storage batteries must not be loaded in the same vehicle with explosives, class A.

NOTE 2: Cyanides or cyanide mixtures must not be loaded or stored with acids or corrosive liquids.

NOTE 3: Gas identification sets may be loaded and transported with all articles named except those in column c.

NOTE 4: Nitric acid, when loaded in the same motor vehicle with other acids or other corrosive liquids in carboys, must be separated from the other carboys, A 2 by 6 inch plank, set on edge, should be nailed across the motor vehicle floor at least 12 inches from the nitric acid carboys, and the space between the plank and the carboys of nitric acid should be filled with sand, sifted ashes, or other incombustible absorbent material.

NOTE 5: Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one motor vehicle shall be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives.



## Subpart D—Vehicles and Shipments in Transit; Accidents

NOTE: See § 77.807 for emergency shipments.

### § 77.853 Transportation and delivery of shipments.

(a) *No unnecessary delay in movement of shipments.* All shipments of explosives or other dangerous articles shall be transported without unnecessary delay, from and including the time of commencement of the loading of the cargo until its final discharge at destination.

(b) *Delivery at destination.* Shipments of explosives and other dangerous articles which are refused by the consignees, or which can not be delivered within 48 hours after arrival at destination, must be promptly disposed of (1) by return to the shipper, if in proper shipping condition, or (2) by storage, provided a suitable storage place for such articles is available, or (3) by sale, or (4) when necessary to safety, by destruction: *Provided,* That charged electric batteries may be held for 30 days after arrival at destination, pending delivery or disposition.

(c) *Delivery to authorized person, or magazine.* Every shipment of dangerous explosives by motor vehicle shall be delivered only to someone authorized to receive it, except such explosives shipments as are placed in magazines which are immediately thereafter locked.

### § 77.854 Disabled vehicles and broken or leaking packages; repairs.

(See also Forbidden articles, § 77.821)

(a) *Care of lading, explosives or other dangerous articles.* Whenever for any cause other than necessary traffic stops any motor vehicle transporting any explosive or other dangerous article is stopped upon the traveled portion of any highway or shoulder thereof, special care shall be taken to guard the vehicle and its load or to take such steps as may be necessary to provide against hazard. Special effort shall be made to remove the motor vehicle to a place where the hazards of the materials being transported may be provided against. See §§ 192.22 to 192.26 inclusive, of this chapter, for signals required to be displayed on the highway.

(b) *Disposition of containers found broken or leaking in transit.* When leaks occur in packages or containers during the course of transportation, subsequent to initial loading, disposition of such package or container shall be made by the safest practical means afforded under paragraphs (c), (d), and (e) of this section.

(c) *Repairing packages.* Packages may be repaired when safe and practicable, such repairing to be in accordance with the best and safest practice known and available.

(d) *Transportation of repaired packages.* Any package repaired in accordance with the requirements of paragraph (c) of this section, except as provided in §§ 77.855 (c), 77.856 (c), and 77.858 (b), may be transported to the nearest place at which it may safely be disposed of only in compliance with the following requirements:

(1) The package must be safe for transportation.

(2) The repair of the package must be adequate to prevent contamination of or hazardous admixture with other lading transported on the same motor vehicle therewith.

(3) If the carrier is not himself the shipper, the consignee's name and address must be plainly marked on the repaired package.

(e) *Disposition of unsafe broken packages.* In the event any leaking package or container cannot be safely and adequately repaired for transportation or transported, it shall be stored pending proper disposition in the safest and most expeditious manner possible.

(f) *Stopped vehicles; other dangerous articles.* Whenever any motor vehicle transporting flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, or poisons, is stopped for any cause other than necessary traffic stops upon the traveled portion of any highway, or a shoulder next thereto, the following requirements shall be complied with during the period of such stop:

(1) For motor vehicles other than cargo tank motor vehicles used for the transportation of flammable liquids or flammable compressed gases and not transporting explosives, class A or class B, flares (pot torches), fusees, red electric lanterns, red emergency reflectors, and red flags shall be displayed as required under §§ 192.22, 192.23, 192.24, and 192.26 of this chapter.

(2) For cargo tank motor vehicles used for the transportation of flammable liquids or flammable compressed gases, whether loaded or empty, and vehicles transporting explosives class A or class B, red electric lanterns, red emergency reflectors and red flags shall be displayed as required in §§ 192.25 and 192.26 of this chapter.

(g) *Repairs to disabled vehicles.* No repairs shall be made on any motor vehicle containing explosives or other dangerous articles except in case such repairs may be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

(h) *No repair with flame unless gas-free.* No repair of a cargo tank used for the transportation of any flammable liquid or poisonous liquid, or any compartment thereof, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless the tank or compartment shall first have been made gas-free.

### § 77.855 Accidents; explosives.

(a) *Vehicle disabled; warning of nearby persons; removal of explosives.* In the event of an accident involving any motor vehicle transporting any explosives, every available means shall be employed to prevent individuals, other than those employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep flame away, and to safeguard against the aggravation of the hazard present, and to warn other users of the highway. In the event that any motor vehicle laden with or carrying dangerous explosives is entangled with another or with any other object or structure, following an accident, no attempt shall be made to disentangle either vehicle, or the laden vehicle from the object or structure, until the lading, together with any fragments thereof, be removed to a place at least 200 feet from the vehicle (and preferably 200 feet from any habitation). In the event of fire, involving a motor vehicle laden with any explosive, every practicable effort shall be made to give warning of danger of explosion to habitants in the vicinity and to other users of the highway.

(b) *Disposition of spilled or leaking explosives.* In the event of any accident involving any motor vehicle transporting any explosive in which packages are broken, all unbroken packages and as much of any broken packages as possible shall be carefully gathered and removed to a place of safety, in order to prevent fire or explosion. In clearing any wreck in which a motor vehicle containing any explosive is involved, care shall be exercised not to produce sparks with tools or by other means in moving of or working about the wreckage, so as to avoid as far as possible fires or explosions.

(c) *Explosives packages in transit capable of repair.* Any package of explosives found injured or broken in transit may be repaired or recoopered when this is evidently practicable and not dangerous. When a box that contains any explosive is so damaged that it cannot be repaired it should be reinforced by stout wrapping paper and twine, placed in another strong box, and surrounded by dry, fine sawdust, or dry and clean cotton waste, or elastic wads made from dry newspapers. The box cover should then be securely attached. A ruptured can or keg should be inclosed in a grain bag of good quality, and boxed. Injured packages thus protected, and properly marked with name of contents and consignee's name and address, may be carried to destination: *Provided, however,* That the motor carrier, if himself the shipper, need not mark his own name and address on the package.

(d) *Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.* When any liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate has been spilled on any portion of any motor vehicle it shall be washed with a suitable neutralizing agent until all of any such spillage shall have become completely neutralized.

NOTE 1: Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate may be destroyed by use of a solution composed of:

| | |
|---|---|
| 60 percent commercial sodium sulfide | 1 ounce. |
| Denatured alcohol | 7½ fluid ounces. |
| Acetone | 2 fluid ounces. |
| Water | 3 fluid ounces. |

(e) *Explosives other than liquid nitroglycerin, desensitized liquid nitroglycerin*

*or diethylene glycol dinitrate.* When particles of any explosive composition other than liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate have escaped from a damaged container to the floor of the body of the carrier's motor vehicle, the floor shall be thoroughly swept and any absorbed portion removed.

(f) *Unrepairable explosives packages.* When any package of explosives in transit is found to be leaking or damaged and cannot be recoopered, it may not be transported beyond the minimum distance necessary to reach a place where the explosive may be disposed of with safety, except as provided in § 77.854 (e) and paragraph (c) of this section.

**§ 77.856 Accidents; flammable liquids.**

(a) *Accident to vehicle; warnings; no sparks or flame.* In the event of an accident involving any motor vehicle transporting any flammable liquid every available means shall be employed to prevent individuals, other than those employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep fires or flame away, to safeguard against the hazard present, and to warn other users of the highway. (See also § 77.-814.)

(b) *Prevent leakage from spreading.* Whenever any flammable liquid is escaping from a container, all practical means shall be taken to prevent such liquid from spreading over a wide area, from flowing into sewers and streams, and from becoming ignited.

(c) *Disposition of contents of cargo tank when unsafe to continue.* In the event of a leak in a cargo tank of such a character as to make further transportation unsafe, the leaking vehicle should be removed from the traveled portion of the highway; and every available means employed for the safe disposal of the leaking liquid by preventing, so far as practicable, its spread over a wide area, such as by digging trenches to drain to a hole or depression in the ground, diverting the liquid away from streams or sewers if possible, or catching the liquid in containers if practicable. Smoking and the lighting of cigarettes, cigars, or pipes in the vicinity is prohibited, and fires or flames in the vicinity of the leaking cargo tank must be extinguished.

(d) *Transfer of flammable liquids en route.* No flammable liquid shall be transferred from one container to another, or from one motor vehicle to another vehicle, or from another vehicle to a motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases red electric lanterns, red emergency reflectors, or red flags shall be set out in the manner prescribed for disabled or stopped motor vehicles. (See Motor Carrier Safety Regulations, Part 192 of this chapter.) In any event, all practicable means, in addition to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer, or against the hazard occasioned by the emergency making such transfer necessary. Nothing contained in this rule shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction and maintenance.

(e) *Transportation of leaking cargo tanks.* A leaking cargo tank may only be transported the minimum distance necessary to reach a place where the contents of the tank or compartment may be disposed of with safety. Every available means must be utilized to prevent the leakage or spillage of the liquid upon the highway.

**§ 77.857 Accidents; flammable solids and oxidizing materials.**

(a) *Dangerous articles spilled; warning of nearby persons.* In the event of any accident involving any motor vehicle in which any flammable solid or oxidizing material may have become spilled, every practicable and available means shall be taken to warn all approaching persons of the hazard of fire.

(b) *Prevent spread of fire where possible.* Care shall be exercised in the event of damage to packages of flammable solids or oxidizing materials which either have been or may be on fire, to limit the spread of the fire.

(c) *Disposition of spilled or leaking materials.* In the event of any accident involving any motor vehicle transporting any flammable solid or oxidizing material in which packages are broken, as much as possible of any broken packages shall be carefully gathered and removed to a place of safety, and if the removal of unbroken packages from the motor vehicle would decrease the hazard of fire or other hazard, they shall be removed. The handling of any such materials not contained in packages shall be such as to promote the greatest safety to other users of the highway.

(d) *Reloading of damaged packages of matches; repairs.* In the event of damage to matches or packages of matches by fire or by water in extinguishing a fire in transit, they shall be reloaded in accordance with the applicable requirements for the packing and loading of matches. Great care shall be taken, however, first to examine and repair any damage to outside containers before reloading, and all loose matches shall be destroyed. Smoking boxes of matches shall not be opened in the vicinity of the remainder of the lading. Such boxes shall be destroyed at a safe distance from the motor vehicle, preferably by burning, and shall not be left, either smoking or burning.

(e) *Calcium hypochlorite compounds, dry, involved in fires.* Calcium hypochlorite compounds, dry, packed in metal drums when involved in motor vehicles where fire has occurred from any cause must be held at least five days before forwarding. Drums showing evidence of spontaneous heating or stress from internal pressure must not be reshipped.

**§ 77.858 Accidents; corrosive liquids.**

(a) *Accident to vehicle; other lading damaged; vehicle washed.* In the event of any accident involving any motor vehicle transporting corrosive liquids in which has been involved the breakage, spillage, or leakage of containers of such liquids, care shall be exercised in the handling of any other lading which may have become damaged thereby so as to minimize the hazard in handling such damaged lading during the unloading process; and the interior of any other parts of the motor vehicle upon which the corrosive liquid may have become spilled shall be thoroughly washed with water as soon after the unloading process as feasible and prior, in any event, to the subsequent reloading of the motor vehicle. (See also § 77.814.)

(b) *Leaking cargo tanks.* In the event of leakage of liquid from any cargo tank or any compartment thereof used for the transportation of corrosive liquids, which develops or is discovered subsequent to the commencement of transportation, any one of the following means, or any means in addition to those herein prescribed, equally or more effective, shall be employed to minimize further hazard:

(1) Further to transport the cargo tank only the minimum distance to reach a place where the contents of the tank or compartment which is leaking may be disposed of with safety, meanwhile employing every available means to prevent the spillage or leaking of any liquid on the highway.

(2) In the event the leak is of such a character as to make further transportation of the cargo tank unsafe, to draw off the traveled portion of the highway, and to employ every available means for the safe disposal of the leaking liquid by preventing, so far as practicable, its spread over a wide area, as by absorbing by means of the use of noncombustible absorbent material, such as fine ashes, sand, earth, etc., or by any other practicable means; by digging trenches to drain to a hole or depression in the ground; by diverting the liquid away from streams or sewers if possible; or by catching the liquid in containers if practicable. So far as practicable, every available means shall be employed to prevent the congregation of spectators and to prevent them from coming in contact with the liquid or its fumes. All available means shall be taken to prevent injury or damage to other users of the highway, or to livestock or farm animals, which might be occasioned by the unloading of the corrosive liquid.

**§ 77.859 Accidents; compressed gases.**

(a) *Accident to vehicle; warnings; keep fire away.* In the event of an accident involving any motor vehicle transporting any compressed gas, the release of which would constitute a hazard to other users of the highway, due care shall be taken that only persons employed in the removal of hazards or wreckage shall be allowed in proximity to the motor vehicle, and the shipper should be notified. In such cases, every practicable and available means shall be taken to warn all approaching persons of the danger involved and to caution them against the use of matches or flame-producing devices, if the gas is flammable.

(b) *Transfer of flammable gas en route; no flame or sparks.* No flammable compressed gas shall be transferred from one container to another, or from one tank motor vehicle to another tank vehicle, or from another tank vehicle to a tank motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases every precaution shall be taken to prevent the escape of gas. Red electric lanterns, red emergency reflectors, or red flags shall be set out in the manner prescribed in Motor Carrier Safety Regulations (Part 192 of this chapter). All cargo tanks involved in such transfer shall be grounded. The transfer shall be made only during daylight, unless the emergency occurs at night or extends into hours of darkness and the hazard would be increased by waiting until daylight. In any such event, all practicable means, in addition to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer, or against the hazard occasioned by the emergency making such transfer necessary. Every precaution shall be taken to prevent the ignition of any flammable compressed gas from any source; and when it is possible to prevent the congregation of persons not directly concerned with the emergency, this shall be done. Every practicable precaution shall be taken to keep flames or fire away from the scene of the emergency and to prevent smoking or the lighting of pipes, cigars, or cigarettes. Similarly, special care shall be exercised in the operation of any engine, whether of the motor vehicles involved or any other, and where the operation of any such engine would be likely to produce ignition of the flammable compressed gas, the transfer shall be accomplished by other means, if possible. Nothing contained in this section shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction and maintenance.

**§ 77.860 Accidents; poisons.**

(a) *Accident to vehicle; warnings; no sparks of flame.* In the event of an accident involving any motor vehicle transporting any poison which is flammable, noxious, or toxic, every available means shall be employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep flame away, to safeguard against the aggravation of the hazard present, and to warn other users of the highway. Care shall also be taken to prevent any poison, whether flammable or nonflammable, from contaminating streams or flowing or being spilled into sewers, and poison in powdered form from being scattered by wind. (See also § 77.814.)

(b) *Leaking cargo tanks.* In the event of leakage of liquid from any cargo tank or any compartment thereof used for the transportation of any poison which is also flammable, or which would come also within the definition of a flammable liquid, or of any gas or combination of gas and liquid, or any poison which would come within the definition of a compressed gas, the requirements shall be the same as those set forth for flammable liquids and compressed gases. In addition, all possible care shall be taken to warn bystanders or other users of the highway against the hazard of inhaling vapors or coming in contact with the poison.

(c) *Radioactive materials; poison D.* In case of accident to vehicle resulting in breakage of, or unusual delay to any shipment of radioactive material the package or material should be segregated as far as possible from human contact. The shipper and the Bureau of Explosives should be immediately notified. In case of breakage of a package containing radioactive material and when it appears likely that the inside container may have been damaged, great care must be exercised to prevent contact with or inhalation of radioactive material by any person.

(d) *Cleaning vehicles.* Any motor vehicle which, after use for the transportation of radioactive materials in truckload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 milliroentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished the carrier or to the driver of the motor vehicle. Motor vehicles which are used solely for the transportation of radioactive materials are exempt from the provisions of this section.

## Subpart E—Regulations Applying to Explosives or Other Dangerous Articles on Motor Vehicles Carrying Passengers for Hire

**§ 77.870 Regulations for passenger carrying vehicles.**

(a) *Vehicles transporting passengers and property.* In addition to the regulations in Parts 71 to 78 of this chapter the following requirements shall apply to vehicles transporting passengers and property.

(b) *No explosives or other dangerous articles on passenger-carrying vehicles, exceptions.* No explosives or other dangerous articles except small-arms ammunition, emergency shipments of drugs, chemicals and hospital supplies, and the accompanying munitions of war of the Departments of the Army, Navy, and Air Force of the United States Government, are authorized by Parts 71–78 of this chapter to be transported on motor vehicles carrying passengers for hire where other practicable means of transportation is available.

(c) *Explosives in passenger-carrying space forbidden.* No explosive, except small-arms ammunition, may be carried in the passenger-carrying space of any motor vehicle transporting passengers for hire.

(d) *Explosives and other dangerous articles on passenger-carrying vehicles; quantity.* Where no other practicable means of transportation is available the following articles in the quantities as shown may be transported in motor vehicles carrying passengers for hire in a space other than that provided for passengers: Not to exceed 100 pounds gross weight of any or all of the kinds of explosives permitted to be transported by rail express or rail baggage services, may be transported on a motor vehicle transporting passengers: *Provided, however,* That samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding 20 samples or not to exceed a total of 100 blasting caps at one time in a single motor vehicle, may be transported in a motor vehicle transporting passengers. (See § 72.5 of this chapter.)

(e) *Articles other than explosives on passenger-carrying vehicles.* The gross weight of any given class of dangerous article other than explosives shall not exceed 100 pounds, and the aggregate weight of all such other dangerous articles shall not exceed 500 pounds. This provision does not apply to nontoxic, nonflammable refrigerants, when such refrigerant is for servicing operations of a motor carrier on whose motor vehicles the refrigerant is used. A cylinder secured against movement while in transit and not exceeding 250 pounds gross weight may be transported.

(f) *Poisons on passenger-carrying vehicles.* No motor carrier may transport any extremely dangerous poison, class A, any tear gas or irritating substance, class C, any less dangerous poison, class B, which is a liquid, or any paranitraniline, in any amount, in or on any bus while engaged in the transportation of passengers; or any less dangerous poison, class B, which is other than a liquid, in any amount exceeding an aggregate of 100 pounds gross weight in or on any such bus.

(g) *Radioactive materials on passenger-carrying vehicles.* No motor carrier may transport any radioactive material, poison, class D, requiring red or blue radioactive material label under these regulations in or on any bus while engaged in the transportation of passengers except where no other practicable means of transportation is available. Packages of radioactive materials must be handled and placed in the vehicle in accordance with the requirements of § 77.841 (d).

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PART II
Section 2

# FEDERAL REGISTER

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Interstate Commerce Commission

# Explosives and Other Dangerous Articles

## Revision of Regulations

(Continued)

## PART 78—SHIPPING CONTAINER SPECIFICATIONS


Subpart A—Specifications for Carboys, Jugs in Tubs, and Rubber Drums

Sec.
78.1 Specification 1A; boxed carboys.
78.2 Specification 1B; boxed lead carboys.
78.3 Specification 1C; carboys in kegs.
78.4 Specification 1D; boxed glass carboys.
78.5 Specification 1X; boxed carboys, 5 to 6½ gallons, for export only.
78.6 Specification 1EX; glass carboys in plywood drums.
78.7 Specification 1E; glass carboys in plywood drums.
78.8 Specification 2B; metal-jacketed lead carboys.
78.9 Specification 28A; metal-jacketed lead carboys.
78.12 Specification 34B; aluminum carboys.
78.13 Specification 1H; polyethylene carboys in low carbon steel or other equally efficient metal crates.
78.14 Specification 1K; glass carboys cushioned with expandable polystyrene in wooden wirebound box outside containers.
78.15 Specification 31; jugs in tubs.
78.18 Specification 43A; rubber drums.

Subpart B—Specifications for Inside Containers and Linings

78.20 Specification 2A; inside containers, metal cans, pails and kits.
78.21 Specification 2T; polyethylene container.
78.22 Specification 2C; inside containers, corrugated fiberboard cartons.
78.23 Specification 2D; inside containers, duplex paper bags.
78.24 Specification 2U; molded or thermoformed polyethylene containers having rated capacity of over one gallon.
78.25 Specification 2F; inside metal containers and liners.
78.26 Specification 2G; inside containers, fiber cans and boxes.
78.27 Specification 2TL; polyethylene container.
78.28 Specification 2J; inside containers, waterproof paper bags for linings.
78.29 Specification 2K; inside containers, paper bags for lining.
78.30 Specification 2L; lining for boxes.
78.31 Specification 2M; waterproofed paper lining.
78.32 Specification 2N; inside containers, metal cans.
78.33 Specification 2P; inside metal containers.
78.34 Specification 2R; inside containers, metal tubes.
78.35 Specification 2S; polyethylene drums.
78.35a Specification 2SL; molded or thermoformed polyethylene container.

Subpart C—Specifications for Cylinders

78.36 Specification 3A; seamless steel cylinders.
78.37 Specification 3AA; seamless steel cylinders, made of definitely prescribed steels.
78.38 Specification 3B; seamless steel cylinders.
78.39 Specification 3BN; seamless nickel cylinders.
78.40 Specification 3C; seamless steel cylinders.
78.41 Specification 3D; seamless steel cylinders.
78.42 Specification 3E; seamless steel cylinders.
78.43 Specification 3A480X; seamless steel cylinders.
78.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.
78.47 Specification 4DS; inside containers, welded stainless steel for aircraft use.
78.48 Specification 4; forge welded steel cylinders.
78.49 Specification 4A; forge welded steel cylinders.
78.50 Specification 4B; welded and brazed steel cylinders.
78.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.
78.52 Specification 4C; welded and brazed steel cylinders.
78.53 Specification 4D; inside containers, welded steel for aircraft use.
78.54 Specification 4B240–FLW; welded or welded and brazed cylinders with fusion-welded longitudinal seam.
78.55 Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.
78.56 Specification 4AA480; welded steel cylinders made of definitely prescribed steels.
78.57 Specification 4L; welded cylinders insulated.
78.58 Specification 4DA; inside containers, welded steel for aircraft use.
78.59 Specification 8; steel cylinders with approved porous filling for acetylene.
78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.
78.63 Specification 9; inside containers, seamless or welded or brazed steel cylinders.
78.66 Specification 40; inside containers, non-refillable seamless or welded or brazed steel cylinders.
78.67 Specification 41; inside containers, non-refillable seamless or welded or brazed steel cylinders.
78.68 Specification 4E; welded aluminum cylinders.

Appendix A—Special orders.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

78.80 Specification 5; steel barrels or drums.
78.81 Specification 5A; steel barrels or drums.
78.82 Specification 5B; steel barrels or drums.
78.83 Specification 5C; steel barrels or drums.
78.84 Specification 5D; steel barrels or drums, lined.
78.85 Specification 5F; steel drums.
78.87 Specification 5H; steel barrels or drums, lead lined.
78.88 Specification 5K; nickel barrels or drums.
78.89 Specification 5L; steel barrels or drums.
78.90 Specification 5M; monel drums.
78.91 Specification 5X; steel drums, aluminum lined.
78.92 Specification 5P; lagged steel drums.
78.97 Specification 6A; steel barrels or drums.
78.98 Specification 6B; steel barrels or drums.
78.99 Specification 6C; steel barrels or drums.
78.100 Specification 6J; steel barrels and drums.
78.101 Specification 6K; steel barrels or drums.
78.102 Specification 6D; cylindrical steel overpack, straight sided, for inside plastic container.
78.107 Specification 42B; aluminum drums.
78.108 Specification 42C; aluminum barrels or drums.
78.109 Specification 42D; aluminum drums.
78.110 Specification 42F; aluminum barrels or drums.
78.111 Specification 42G; aluminum drums.
78.112 Specification 42H; aluminum drums.
78.115 Specification 17C; steel drums.
78.116 Specification 17E; steel drums.
78.117 Specification 17F; steel drums.
78.118 Specification 17H; steel drums.
78.119 Specification 17X; steel barrels or drums.
78.130 Specification 37K; steel drums.
78.131 Specification 37A; steel drums.
78.132 Specification 37B; steel drums.
78.133 Specification 37P; steel drums with polyethylene liner.
78.134 Specification 37M; cylindrical steel overpack, straight sided for inside plastic container; nonreusable containers.
78.135 Specification 37C; steel drums.
78.136 Specification 42E; aluminum drums.
78.140 Specification 13; metal kegs.
78.141 Specification 13A; metal drums.
78.146 Specification 32A; metal cases, riveted or lock seamed.
78.147 Specification 32B; metal cases, welded or riveted.
78.148 Specification 32C; metal trunks.
78.149 Specification 32D; metal boxes for old and worn-out motion-picture film no longer exhibitable.
78.150 Specification 33A; polystyrene cases.

Subpart E—Specifications for Wooden Barrels, Kegs, Boxes, Kits, and Drums

78.155 Specification 10A; wooden barrels and kegs (tight).
78.156 Specification 10B; wooden barrels and kegs (tight).
78.157 Specification 10C; wooden barrels and kegs (tight).
78.160 Specification 11A; wooden barrels and kegs (slack).
78.161 Specification 11B; wooden barrels and kegs (slack).
78.165 Specification 14; wooden boxes, nailed.
78.168 Specification 15A; wooden boxes, nailed.
78.169 Specification 15B; wooden boxes, nailed.
78.170 Specification 15C; wooden boxes, nailed.
78.171 Specification 15D; wooden boxes, nailed.
78.172 Specification 15E; wooden boxes, fiberboard lined.
78.176 Specification 15L; wooden boxes with inside containers for desensitized liquid explosives.
78.177 Specification 15M; wooden boxes, metal lined, with inside containers for desensitized liquid explosives.
78.181 Specification 15X; wooden boxes for two five-gallon cans.
78.182 Specification 15P; glued plywood, or wooden box for inside containers.
78.185 Specification 16A; plywood or wooden boxes, wirebound.
78.186 Specification 16B; wooden boxes, wirebound.
78.187 Specification 16D; wooden wirebound overwrap for inside containers.
78.190 Specification 19A; wooden boxes, glued plywood cleated.
78.191 Specification 19B; wooden boxes, glued plywood, nailed.
78.193 Specification 18B; wooden kits.
78.196 Specification 22A; wooden drums, glued plywood.
78.197 Specification 22B; wooden drums, glued plywood.
78.198 Specification 22C; plywood drum for plastic inside container.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

78.205 Specification 12B; fiberboard boxes.
78.206 Specification 12C; fiberboard boxes.
78.207 Specification 12D; fiberboard boxes.
78.208 Specification 12E; fiberboard boxes.
78.209 Specification 12H; fiberboard boxes.
78.210 Specification 12A; fiberboard boxes.
78.211 Specification 12P; fiberboard boxes.
78.214 Specification 23F; fiberboard boxes.
78.218 Specification 23G; special cylindrical fiberboard box for high explosives.
78.219 Specification 23H; fiberboard boxes.
78.224 Specification 21C; fiber drums.
78.226 Specification 29; mailing tubes.

Subpart G—Specifications for Bags, Cloth, Burlap or Paper

78.230 Specification 36A; lined cloth bags (triplex).
78.233 Specification 36B; burlap bags, lined.
78.234 Specification 36C; burlap bags, paper lined.
78.236 Specification 44B; multiwall paper bags.
78.237 Specification 44C; multiwall paper bags.
78.238 Specification 44D; multiwall paper bags.
78.239 Specification 44E; multiwall paper bags.
78.240 Specification 45B; bags, cloth and paper, lined.

Subpart H—Specifications for Portable Tanks

78.245 Specification 51; steel portable tanks.
78.246 Specification 52; aluminum or magnesium portable tanks.
78.250 Specification 55; metal-encased, lead or uranium metal-shielded, radioactive materials container.
78.255 Specification 60; steel portable tanks.

Subpart I—[Reserved]

Subpart J—Specifications for Containers for Motor Vehicle Transportation

78.315 Specification MC 200; containers for liquid nitroglycerine, desensitized liquid nitroglycerine or diethylene glycol dinitrate.
78.318 Specification MC 201; container for blasting caps, electric blasting caps, and percussion caps.
78.321 Specification MC 300; cargo tanks constructed of mild (open hearth, or blue annealed) steel, or combination of mild steel with high-tensile steel, or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.323 Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B209–57T), primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.324 Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.325 Specification MC 304; cargo tanks constructed of mild (open hearth or blue annealed) steel, welded ferrous alloy (high-tensile steel) or aluminum, primarily for the transportation of flammable liquids, or poisonous liquids, class B, having Reid (ASTM D–323) vapor pressures of 18 psia, or more at 100° F., but less than those stated in § 73.300 of this chapter in defining compressed gases.
78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.330 Specification MC 310; cargo tanks constructed of ferrous materials, primarily for the transportation of corrosive liquids.
78.331 Specification MC 311; cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.
78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases.


Authority: The provisions of this Part 78 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.



### Subpart A—Specifications for Carboys, Jugs in Tubs, and Rubber Drums

**§ 78.1 Specification 1A; boxed carboys.**

Glass, earthenware, clay, or stoneware.

**§ 78.1–1 Compliance.**

(a) Required in all details.

**§ 78.1–2 Reuse of packages.**

(a) Parts of outside container and cushioning must be replaced when broken, decayed, or inefficient in any way.

(b) Carboys with lip cracked or badly chipped not authorized; gasket seat must be even. Packages must be capable of passing tests prescribed in § 78.1–9.

**§ 78.1–3 Closing devices required.**

(a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

**§ 78.1–4 Capacity and marking of carboy.**

(a) Containers 5 to 13 gallons are classed as carboys. Must be embossed to indicate maker and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

**§ 78.1–5 Glass carboys.**

(a) Thoroughly annealed; top of lip smooth and even; must contain at least 20 pounds of glass for 12-gallon carboys and 21 pounds for 13-gallon carboys. Glass in side walls should be well distributed and at least 1/16" thick. Defective carboys not authorized.

**§ 78.1–6 Earthenware, clay, or stoneware carboys.**

(a) Of acidproof material.

**§ 78.1–7 Outside containers.**

(a) Wooden boxes completely enclosing body of carboy or wooden boxes completely enclosing body and neck of carboy, with 4 vertical corner posts, two cleats for shoes and two carrying cleats. (See paragraph (e) of this section).

(b) Lumber to be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(c) Assemble sides and ends with grain of wood horizontal and nail as specified. Nail bottom to sides and ends; fasten top by any efficient means. Cleats for shoes to be along edges of bottom parallel to carrying cleats. (See paragraph (e) of this section).

(d) Parts and dimension as follows:

| Nominal carboy capacity not over | Minimum dimensions | | | Nails—sides and bottom | |
|---|---|---|---|---|---|
| | Thickness sides, top, bottom and ends | [1] Vertical corner posts | [1] Carrying cleats and shoes | [2] Size not less than | [3] Spacing average not over |
| *Gallons* | *Inch* | *Inches* | *Inches* | *Penny* | *Inches* |
| 5 to 7 | 5/8 | 5/8 x 2½ | 5/8 x 1⅞ | 7 | 2¼ |
| | | | | 6 | 2 |
| from 7 to 13 | 25/32 | 25/32 x 3⅛ | 25/32 x 2 1/32 | 9 | 2¾ |
| | | | | 8 | 2½ |

[1] Other dimensions with equal cross section acceptable.
[2] Screws of equal efficiency authorized.
[3] Spacing 6 inches acceptable along edge grain of bottoms.

(e) In place of bottom cleats, the following is authorized: 2 angle irons at least 1¼" x 1¼" x 1/16", applied across grain of bottom boards from corner to corner, supported by acid resistant metal corner supports securely fastened to sides and ends at each bottom corner so as to raise bottom boards of box at least ¾" above bottom of corner supports; nailing along end grain of bottom boards not required.

(f) Special box. Must comply with this specification except as follows: Bottom of box must be nailed to 4 nailing cleats which form part of the sides and ends of box. Top of box must be reinforced by 2 cleats of ½-inch lumber 4 inches wide, extending the entire width of the top at right angles to the sides of the boards forming the top; a vacant space of 1 inch between outside edge of top and cleat should be allowed for nailing top to box; parts and dimensions must be as follows:

| Carboy capacity, not over (gallons) | Minimum dimensions | | | | | Nails, sides, and bottom | |
|---|---|---|---|---|---|---|---|
| | Thickness of sides, top, and ends | Thickness of bottom | Thickness and width of bottom nailing cleats | Carrying cleats and shoes | Triangular vertical corner posts | Size not less than [1] | Spacing average not over [2] |
| | *Inch* | *Inches* | *Inches* | *Inches* | *Inches* | *Penny* | *Inches* |
| 5 to 13 | ⅝ | 25/32 | 25/32 by 2½ | 25/32 by 2½ | 2½ by 2½ (short sides). | 8 | 2⅛ |
| | | | | | | 10 | 2¾ |

[1] Screws of equal efficiency authorized.
[2] Spacing 6 inches acceptable along edge grain of bottoms.

(g) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

**§ 78.1–8 Marking of outside container.**

(a) On each container with letters and figures at least ¾ inch high applied by hot branding iron or printing ink of a color sharply contrasting to background of package with high pressure dies as follows:

(1) ICC—1A. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

**§ 78.1–9 Tests.**

(a) *Apparatus.* Standard required. Detail prints can be obtained from Bureau of Explosives, 63 Vesey Street, New York 7, New York.

(b) *Method.* Fill with water to lower edge of neck; swing 55" measured from wall to nearest bottom edge of basket:

(1) Side shock; test at least 10 carboys.

(2) Bottom shock; test at least 5 carboys.

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

(c) *Acceptable results.* 90 percent of carboys must not break under side shock and same for bottom shock, except both results must be 100 percent if modified test authorized by Note 1 of paragraph (b) of this section is used.

(d) *When required.* By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(1) New packages (those with new outside container).

(2) Used packages.

(3) Packages with carboys differing over 2 gallons.

(4) Packages differing in kind of cushioning.

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

(f) *Reports.* Required to be made to Bureau of Explosives on form as follows:

REPORT OF TESTS OF CARBOYS

(As required by I. C. C. Regulations and Specifications)

(Place) _____

(Date) _____

Test made for _____

_____

(Give name and address of plant for which tests were made)

| Description of package | Results | | | | | |
|---|---|---|---|---|---|---|
| | Number of test | 55-inch swing | | Number of test | 55-inch swing | |
| | | Side | Bottom | | Side | Bottom |
| Capacity | 1 | | | 13 | | |
| Condition [1] | 2 | | | 14 | | |
| | 3 | | | 15 | | |
| Type of inside container [2] | 4 | | | 16 | | |
| | 5 | | | 17 | | |
| Cushioning [3] | 6 | | | 18 | | |
| | 7 | | | 19 | | |
| Diameter of bottle | 8 | | | 20 | | |
| | 9 | | | 21 | | |
| Size of outside container (inside) | 10 | | | 22 | | |
| | 11 | | | 23 | | |
| | 12 | | | 24 | | |

[1] State whether outside container is new or used.
[2] State whether glass, earthenware; etc.
[3] State whether hay, mineral wool, ground cork, excelsior, wood strips _____ type, cork pads _____ type, etc.

Specification mark is _____
Identification symbol is _____
Remarks _____
_____
_____
(Signature) _____
(Per) _____

**§ 78.1–10 Approval of veneer, plywood, and laminated wood boxes.**

(a) Boxes of veneer, plywood, laminated wood, or any combination thereof, which comply with §§ 78.1–1 to 78.1–10 (except § 78.1–7 (a), (c), and (d), are approved provided:

(1) Outside containers shall completely enclose body of carboy or body and neck of carboy.

(2) That complete inner packing and box specifications have been filed with and approved by the Bureau of Explosives.

(3) That these boxed carboys pass the regular tests prescribed in § 78.1–9.

(4) That boxed carboys after a minimum service period of 6 months pass the tests prescribed in § 78.1–9.

(5) That a detailed report of tests prescribed under paragraph (a) (4) of this section has been filed with and accepted as satisfactory by the Bureau of Explosives.

**§ 78.2 Specification 1B; boxed lead carboys.**

**§ 78.2–1 Compliance.**

(a) Required in all details.

**§ 78.2–2 Reuse of packages.**

(a) Parts of outside container and cushioning must be replaced when broken, decayed, or inefficient in any way.

(b) Test, see § 78.2–7, required before each shipment.

**§ 78.2–3 Closing.**

(a) By stoppers securely fastened.

**§ 78.2–4 Capacity, marking, and manufacture of carboy.**

(a) *Capacity and marking of carboy.* Containers 5 to 13 gallons are classed as carboys. Must be permanently marked to indicate maker and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

(b) *Manufacture of carboy.* Of pure-chemical or pure-electrolytic virgin lead; side and bottom sheets 8 pounds and top sheets 10 pounds per square foot minimum; all seams burned.

**§ 78.2–5 Outside containers.**

(a) Wooden box, completely enclosing body of carboy, with 4 vertical corner posts, 2 cleats for shoes, and 2 carrying cleats. Corner posts not required when ends are twice the specified thickness.

(b) Lumber to be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(c) Assemble sides and ends with grain of wood horizontal and nail as specified. Nail bottom to sides and ends; fasten top by any efficient means. Cleats for shoes to be along edges of bottom parallel to carrying cleats. (See paragraph (e) of this section.)

(d) Parts and dimensions as follows:

| Carboy capacity, not over | Minimum dimensions | | | Nails—Sides and bottom | |
|---|---|---|---|---|---|
| | Thickness—Sides, top, bottom, and ends | [1] Vertical corner posts | [1] Carrying cleats and shoes | [2] Size, not less than | [3] Spacing, average not over |
| *Gallons* | *Inches* | *Inches* | *Inches* | *Penny* | *Inches* |
| 5 to 6 | ⅝ | ⅜ x 2½ | ⅝ x 1⅞ | 7 | 2¼ |
| 7 to 13 | 25/32 | 25/32 x 3⅛ | 25/32 x 2 31/32 | 6 | 2 |
| | | | | 9 | 2¾ |
| | | | | 8 | 2½ |

[1] Other dimensions with equal cross-section acceptable.
[2] Screws of equal efficiency authorized.
[3] Spacing 6 inches acceptable along edge grain of bottoms.

(e) In place of bottom cleats, the following is authorized: 2 angle irons at least 1¼" x 1¼" x 1/16", applied across grain of bottom boards from corner to corner, supported by acid resistant metal corner supports securely fastened to sides and ends at each bottom corner so as to raise bottom boards of box at least ¾" above bottom of corner supports; nailing along end grain of bottom boards not required.

**§ 78.2–6 Marking of outside container.**

(a) On each container with letters and figures at least ¾ inch high applied by hot branding iron or printing ink of a color sharply contrasting to background of package with high pressure dies as follows:

(1) ICC–1B. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

**§ 78.2–7 Tests.**

(a) To 5 pounds per square inch internal pressure without leakage; required before each shipment.



**§ 78.2–8 Approval of veneer, plywood and laminated wood boxes.**

(a) Boxes of veneer, plywood, laminated wood, or any combination thereof, which comply with §§ 78.2–1 to 78.2–8 except § 78.2–5 (a), (c), and (d) are approved provided:

(1) Outside containers shall completely enclose body of carboy or body and neck of carboy.

(2) That complete inner packing and box specifications have been filed with and approved by the Bureau of Explosives.

(3) That these boxed carboys pass the regular tests prescribed in § 78.2–7.

(4) That boxed carboys after a minimum service period of 6 months pass the tests prescribed in § 78.2–7.

(5) That a detailed report of tests prescribed under subparagraph (4) of this paragraph has been filed with and accepted as satisfactory by the Bureau of Explosives.

**§ 78.3 Specification 1C; carboys in kegs.**

Glass, earthenware, clay or stoneware.

**§ 78.3–1 Compliance.**

(a) Required in all details.

**§ 78.3–2 Reuse of packages.**

(a) Parts of outside container and cushioning must be replaced when broken, decayed, or inefficient in any way.

(b) Carboys with lip cracked or badly chipped not authorized; gasket seat must be even. Packages must be capable of passing tests prescribed in § 78.3–9.

**§ 78.3–3 Closing devices required.**

(a) As follows except when otherwise authorized in the packing requirements:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

**§ 78.3–4 Capacity and marking of carboy.**

(a) Containers 5 to 13 gallons are classed as carboys. Must be embossed to indicate maker and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

**§ 78.3–5 Glass carboys.**

(a) Thoroughly annealed; top of lip smooth and even; must contain at least 20 pounds of glass for 12-gallon carboys and 21 pounds for 13-gallon carboys. Glass in side walls should be well distributed and at least 1/8" thick. Defective carboys not authorized.

**§ 78.3–6 Earthenware, clay, or stoneware carboys.**

(a) Earthenware, clay, or stoneware carboys of acidproof material.

**§ 78.3–7 Manufacture of kegs.**

(a) Manufacture of kegs as follows:

(1) *Staves and headings.* To be of white oak, chestnut oak, red oak, black cherry, or Douglas fir; quarter sawed with the grain, from straight-grained timber, so no annual ring shall slope over half the thickness of stave or head; thoroughly kiln dried, moisture content 7 percent to 11 percent; free from rotten sap, checks, pitch pockets, cat faces, and other defects that show through on both sides.

(2) *Hoops.* To be of cooperage-grade hoop steel.

(b) Staves: To be sawed evenly and circular; croze center to be within 1⅛" of end of stave; stave end to have ⅛" free from bevel.

(1) *Heading.* Of uniform thickness and properly circled; planed on outside and properly jointed and glued, or doweled and flagged; dowel diameter not over 5/12 thickness of head.

(c) The keg: Stave joints reasonably flush on outside.

(d) Parts required and dimensions, as follows:

(1) Staves, when finished on outside:

| Capacity of container, not over | Maximum | | | Minimum | |
|---|---|---|---|---|---|
| | Length | Width | Bilge circle | Staves | Thickness |
| *Gallons* | *Inches* | *Inches* | *Inches* | *Number* | *Inch* |
| 30 | 30 | 5 | 74 | 16 | 5/8 |
| 15 | 24 | 4½ | 54 | 14 | 9/16 |
| 10 | 22 | 4¼ | 50 | 12 | ½ |
| 5 | 18 | 4 | 40 | 10 | ½ |

Foregoing thicknesses are of staves finished on one side. One-sixteenth inch must be added for unfinished staves.
Foregoing maximum lengths are authorized to be increased 6 percent or less, provided the thickness of stave is increased at least one-sixteenth inch for each increase of 1 inch in length or fraction thereof.

(2) Heading, after planing:

| Capacity of container, not over | Maximum | | Minimum | |
|---|---|---|---|---|
| | Pieces | Diameter | Thickness | Width |
| *Gallons* | *Number* | *Inches* | *Inch* | *Inches* |
| 30 | 6 | 18 | 5/8 | 2⅛ |
| 15 | 5 | 14 | 9/16 | 2 |
| 10 | 5 | 13 | ½ | 2 |
| 5 | 4 | 11 | ½ | 2 |

(3) Hoops, number and size:

| Capacity of container, not over (gallons) | Minimum number of hoops | Minimum size of hoops (inches in width and Birmingham gauge) | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Head | | First quarter | | Second quarter | | Bilge | |
| | | Inch | Gauge | Inch | Gauge | Inch | Gauge | Inch | Gauge |
| 30 | 6 | 1½ | 18 | 1¼ | 19 | ---- | ---- | 1½ | 18 |
| 15 | 6 | 1¼ | 19 | 1⅛ | 19 | ---- | ---- | 1¼ | 19 |
| 10 | 6 | 1⅛ | 19 | 1 | 19 | ---- | ---- | 1⅛ | 19 |
| 5 | 6 | 1 | 19 | 1 | 19 | ---- | ---- | 1 | 19 |

(e) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

**§ 78.3–8 Marking of outside container.**

(a) On each container with letters and figures at least ¾ inch high applied near the bilge by hot branding iron or printing ink of a color sharply contrasting to background of package with high pressure dies as follows:

(1) ICC–1C. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

**§ 78.3–9 Tests.**

(a) *Apparatus.* Standard required. Detail prints can be obtained from Bureau of Explosives, 63 Vesey Street, New York 7, New York.

(b) *Method.* Fill with water to lower edge of neck; swing 55" measured from wall to nearest bottom edge of basket:

(1) Side shock; test at least 10 carboys.

(2) Bottom shock; test at least 5 carboys.

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

(c) *Acceptable results.* 90 percent of carboys must not break under side shock and same for bottom shock, except both results must be 100 percent if modified test authorized by Note 1 of paragraph (b) of this section is used.

(d) *When required.* By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(1) New packages (those with new outside container).

(2) Used packages.

(3) Packages with carboys differing over 2 gallons.

(4) Packages differing in kind of cushioning.

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

(f) *Reports.* Required to be made to Bureau of Explosives on form as follows:

REPORTS OF TESTS OF CARBOYS

(As required by I. C. C. Regulations and Specifications)

(Place) _____

(Date) _____

Test made for _____

_____

(Give name and address of plant for which tests were made)

| Description of package | Results | | | | | |
|---|---|---|---|---|---|---|
| | No. of test | 55-inch swing: Side | 55-inch swing: Bottom | No. of test | 55-inch swing: Side | 55-inch swing: Bottom |
| Capacity | 1 | | | 13 | | |
| Condition [1] | 2 | | | 14 | | |
| | 3 | | | 15 | | |
| Type of inside container [2] | 4 | | | 16 | | |
| | 5 | | | 17 | | |
| Cushioning [3] | 6 | | | 18 | | |
| | 7 | | | 19 | | |
| Diameter of bottle | 8 | | | 20 | | |
| | 9 | | | 21 | | |
| Size of outside container (inside). | 10 | | | 22 | | |
| | 11 | | | 23 | | |
| | 12 | | | 24 | | |

Specification mark is _____
Identification symbol is _____
Remarks _____
_____
(Signature) _____
(Per) _____

[1] State whether outside container is new or used.
[2] State whether glass, earthenware; etc.
[3] State whether hay, mineral wool, ground cork, excelsior, wood strips ____ type, cork pads ____ type, etc.

### § 78.4 Specification 1D; boxed glass carboys.

### § 78.4–1 Compliance.

(a) Required in all details.

### § 78.4–2 Reuse of packages.

(a) Parts of outside container and cushioning must be replaced when broken, decayed, or inefficient in any way.

(b) Carboys with lip cracked or badly chipped not authorized; gasket seat must be even. Packages must be capable of passing tests prescribed in § 78.4–8.

### § 78.4–3 Closure.

(a) Threaded screw cap which shall be constructed of a suitable plastic or other material resistant to lading.

(b) Gasket or lining for cap must be used and shall be resistant to lading and:

(1) Must be liquid tight or;

(2) Must be liquid tight up to venting pressure when such venting is prescribed for the material which is to be shipped.

(c) At least one complete continuous thread must be engaged with gasket in place.

### § 78.4–4 Capacity and marking of carboy.

(a) *Capacity.* 6.5 United States gallons nominal capacity, 7.0 United States gallons overflow, tolerance plus or minus 10 fluid ounces.

(b) *Marking.* Each carboy bottle must be embossed in bottom as follows:

**Maker's mark (to be registered with Bureau of Explosives)**
**Year of Manufacture**
**ICC–1D**

### § 78.4–5 Glass carboy bottle.

(a) Must be machine-blown, thoroughly and properly annealed, with screw thread finish having at least one continuous thread to accommodate closure; top of lip smooth and even; must contain 14 pounds of glass, tolerance minus 8 ounces plus 16 ounces. Minimum thickness to be .075 inch. Defective carboys not authorized.

### § 78.4–6 Outside containers.

(a) Wooden boxes completely enclosing body and neck of carboy, with 4 vertical corner posts, two cleats for shoes and two carrying cleats. An opening not exceeding 3 inches in width may be provided directly above the neck of bottle, if the top of the box is made up of not more than two pieces of lumber of $\frac{25}{32}$ inch thickness. Bottom board of the two ends of the box must be constructed of lumber at least one inch thick, must be flush with the carrying cleats and be at least 2¾ inches in width. Cleats or other fasteners used to secure cover must not extend beyond carrying cleats.

(b) Lumber to be well seasoned commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(c) Assemble sides and ends with grain of wood horizontal and nail as specified. Nail bottom to sides and ends; fasten top by any efficient means (friction closure not authorized). Cleats for shoes to be along edges of bottom parallel to carrying cleats and at right angle to the direction of bottom board or boards.

(d) Parts and dimensions as follows:

| Carboy capacity, nominal not over (gallons) | Minimum dimensions: [1] Thickness—Sides, top, bottom, and ends | [2] Vertical corner posts | [3] Carrying cleats and shoes | [4] Nails—Sides and bottom: Size | [5] Spacing, average |
|---|---|---|---|---|---|
| | *Inch* | *Square inches* | *Inches* | *Penny* | *Inches* |
| 6.5 | ½ | 2.0 | ½x2¾ | 6 | 2 |

[1] Except as prescribed or permitted under § 78.4–6 (a).
[2] Cross sectional area.
[3] Other dimensions with equal cross section acceptable. In lieu of separate carrying cleats, side board, at point where cleat should be located, may be constructed of lumber not less than one inch thick so that overhang will be at least ½ inch.
[4] Screws of equal efficiency authorized.
[5] Spacing 6 inches acceptable along edge grain of bottoms.

(e) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

### § 78.4–7 Marking of outside container.

(a) On each container with letters and figures at least ¾ inch high applied by hot branding iron or printing ink of a color sharply contrasting to background of package with high pressure dies as follows:

(1) ICC–1D. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

### § 78.4–8 Tests.

(a) *Apparatus.* Standard required. Detail prints can be obtained from Bureau of Explosives, 63 Vesey Street, New York 7, New York.

(b) *Method.* Fill with water to lower edge of neck; swing 55" measured from wall to nearest bottom edge of basket:

(1) Side shock; test at least 10 carboys.

(2) Bottom shock, test at least 5 carboys.

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

(c) *Acceptable results.* 90 percent of carboys must not break under side shock and same for bottom shock, except both results must be 100 percent if modified test authorized by Note 1 of paragraph (b) of this section is used.

(d) *When required.* By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(1) New packages (those with new outside container).

(2) Used packages.

(3) Packages differing in kind of cushioning.

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

(f) *Reports.* Required to be made to Bureau of Explosives on form as follows:

REPORT OF TESTS OF CARBOYS

(As required by I. C. C. Regulations and Specifications)

(Place) _____
(Date) _____
Test made for _____
_____
(Give name and address of plant for which tests were made)

| Description of package | Results | | | | | |
|---|---|---|---|---|---|---|
| | No. of test | 55-inch swing: Side | 55-inch swing: Bottom | No. of test | 55-inch swing: Side | 55-inch swing: Bottom |
| Capacity | 1 | | | 13 | | |
| Condition [1] | 2 | | | 14 | | |
| | 3 | | | 15 | | |
| Type of inside container [2] | 4 | | | 16 | | |
| | 5 | | | 17 | | |
| Cushioning [3] | 6 | | | 18 | | |
| | 7 | | | 19 | | |
| Diameter of bottle | 8 | | | 20 | | |
| | 9 | | | 21 | | |
| Size of outside container (inside). | 10 | | | 22 | | |
| | 11 | | | 23 | | |
| | 12 | | | 24 | | |

[1] State whether outside container is new or used.
[2] State whether glass, earthenware; etc.
[3] State whether hay, mineral wool, ground cork, excelsior, wood strips ____ type, cork pads ____ type, etc.
Specification mark is _____
Identification symbol is _____
Remarks _____
_____
_____
(Signature) _____
(Per) _____

(g) *Internal pressure test.* Bottles shall be capable of withstanding a sustained internal pressure of 20 p. s. i. gauge for a 15-day period. Bottle manufacturer shall demonstrate to Bureau of Explosives that bottles of a proposed design will meet this test prior to start of production.

(h) *Hydrostatic pressure test.* One bottle selected at random from each 200 produced on each mold shall be subjected to an instantaneous hydrostatic pressure test to bursting. Pressure at which bottle bursts must not be less than 40 p. s. i. gauge. If bottle so tested fails at a pressure less than 40 p. s. i., 12 additional samples must be selected from the same lot of 200 bottles and tested in the same manner. All 12 samples must pass required test otherwise entire lot shall be rejected.

### § 78.5 Specification 1X; boxed carboys, 5 to 6½ gallons, for export only.

Glass, earthenware, clay, or stoneware. Single-trip container.

### § 78.5–1 Compliance.

(a) Required in all details.

### § 78.5–2 Closing devices required.

(a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

(3) For box: Two flat metal nailless straps, at least ⅝ inch by 0.020 inch, encircling top, sides, and bottom and securely sealed, are required.

### § 78.5–3 Capacity and marking of carboy.

(a) Containers must be 5 to 6½ gallon size and embossed to indicate maker and year of manufacture.

### § 78.5–4 Glass carboys.

(a) Thoroughly annealed; top of lip smooth and even. Glass in side walls should be well distributed and at least 1/16 inch thick. Defective carboys not authorized.

### § 78.5–5 Earthenware, clay, or stoneware carboys.

(a) Earthenware, clay, or stoneware carboys of acidproof material.

### § 78.5–6 Outside containers.

(a) Wooden boxes completely enclosing body and neck of carboy, with 4 vertical corner posts. Top may consist of cap fitting snugly inside body of box and resting on corner posts.

(b) Lumber to be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(c) Assemble sides and ends with grain of wood horizontal and nail as specified; nail bottom to ends; fasten top by any efficient means.

(d) Parts and dimensions. Sides, top, and bottom at least ½ inch thick; vertical corner posts at least 2.25 square inches cross section; nails at least 6-penny at 2-inch intervals or 5-penny at 1¾-inch intervals.

(e) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

### § 78.5–7 Marking of outside container.

(a) On each container with letters and figures at least ¾ inch high applied by hot branding iron or printing ink of a color sharply contrasting to background of package with high pressure dies as follows:

(1) ICC–1X. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

### § 78.5–8 Marking.

(a) Each outside container must also be plainly marked "FOR EXPORT ONLY, NOT RETURNABLE" and the top must be marked "THIS SIDE UP".

### § 78.5–9 Tests.

(a) *Apparatus.* Standard required. Detail prints can be obtained from Bureau of Explosives, 63 Vesey Street, New York 7, New York.

(b) *Method.* Fill with water to lower edge of neck; swing 55" measured from wall to nearest bottom edge of basket:

(1) Side shock; test at least 10 carboys.

(2) Bottom shock; test at least 5 carboys.

(c) *Acceptable results.* 90 percent of carboys must not break under side shock; same for bottom shock.

(d) *When required.* By each manufacturer, and each shipper who fills and ships new carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(1) New packages (those with new outside container).

(2) Packages differing in kind of cushioning.

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

(f) *Reports.* Required to be made to Bureau of Explosives on form as follows:

REPORT OF TESTS OF CARBOYS

(As required by I. C. C. Regulations and Specifications)

(Place) _____
(Date) _____
Test made for _____
_____
(Give name and address of plant for which tests were made)



| Description of package | Results | | | | | |
|---|---|---|---|---|---|---|
| | No. of test | 55-inch swing: Side | 55-inch swing: Bottom | No. of test | 55-inch swing: Side | 55-inch swing: Bottom |
| Capacity | 1 | | | 13 | | |
| Condition [1] | 2 | | | 14 | | |
| | 3 | | | 15 | | |
| Type of inside container [2] | 4 | | | 16 | | |
| | 5 | | | 17 | | |
| Cushioning [3] | 6 | | | 18 | | |
| | 7 | | | 19 | | |
| Diameter of bottle | 8 | | | 20 | | |
| | 9 | | | 21 | | |
| Size of outside container (inside). | 10 | | | 22 | | |
| | 11 | | | 23 | | |
| | 12 | | | 24 | | |

Specification mark is _____
Identification symbol is _____
Remarks _____
_____
_____
(Signature) _____
(Per) _____

[1] State whether outside container is new or used.
[2] State whether glass, earthenware; etc.
[3] State whether hay, mineral wool, ground cork, excelsior, wood strips ____ type, cork pads ____ type, etc.

### § 78.6 Specification 1EX; glass carboys in plywood drums.

Single trip container.

### § 78.6–1 Compliance.

(a) Required in all details.

### § 78.6–2 Lumber.

(a) To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

### § 78.6–3 Closing devices required.

(a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

### § 78.6–4 Capacity and marking of carboy.

(a) Containers must be 5 to 6½ gallons capacity and embossed to indicate maker and year of manufacture.

### § 78.6–5 Glass carboys.

(a) Thoroughly annealed; top of lip smooth and even. Glass in side walls should be well distributed and at least 1/16 inch thick. Defective carboys not authorized.

### § 78.6–6 Outside containers.

(a) Plywood drums completely enclosing body and neck of carboy and constructed as follows:

(1) *Body shell.* To be of two plies of hardwood veneer, each not less than ½ inch in thickness, firmly glued together, with the grain of the outside ply parallel and the inner ply vertical to the heads. The body shall be butt-jointed and shall be fastened on the outside with a 28-gauge steel strip, not less than 1½ inches in width. 17-gauge staples shall be driven on each side of the joint, spaced

not more than 1½ inches apart and clinched on inside of the body.

(2) *Heads.* Top and bottom heads shall be of three ply hardwood veneer, each ply not less than 1/12 inch in thickness, all firmly glued together, with the grain of each outer ply at right angles to the grain of the center ply. Each head shall be circled to fit snugly inside of the body. Interior heads shall be of the same construction.

(3) *Hoops.* To be of hardwood veneer, not less than 1¾ inches wide by ⅛ inch thick. Hoops shall be fastened to the body by 17-gauge staples on not less than 3 inch centers and shall be overlapped not less than 3 inches.

(4) *Head liners.* When plywood cushioning is used the inner lining strips which support the plywood cushion shall be of hardwood veneer not less than ⅓ inch in thickness and ⅝ inch in width and shall butt or slightly gap. All other head lining strips shall be made of hardwood veneer not less than ⅓ inch in thickness and ⅝ inch in width and shall overlap not less than 3 inches. The bottom head liner and the inside liner strips for the false head and support of the top head shall be fastened by 17-gauge staples on not less than 3 inch centers. The staples shall be driven through the outer hoop and body and clinched on the inside of the veneer strips; except that the strips holding the false head shall have staples only through the body shell and liner. The top liner which forms the final closure shall be fastened to the body by 14-gauge staples driven through the head liner and body into the outer hoop on not less than 4 inch centers.

(5) *Battens.* A ⅝ inch by 2 inch batten shall be applied to top and bottom and shall be secured at each end by two nails driven through the hoops and shell.

(b) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

**§ 78.6–7 Approval.**

(a) The complete inner packing and drum specification must be filed with and approved by the Bureau of Explosives.

**§ 78.6–8 Marking of outside container for compliance with specification.**

(a) On each container with letters and figures at least ¾ inch high applied by hot branding iron or printing ink of a color sharply contrasting to background of package with high pressure dies as follows:

(1) ICC–1EX. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

**§ 78.6–9 Marking of outside container for use.**

(a) Each outside container must also be plainly marked "SINGLE-TRIP CONTAINER" just above or below the mark specified in § 78.6–8(a)(1) of this section.

**§ 78.6–10 Tests.**

(a) *Apparatus.* Standard required. Detail prints can be obtained from Bureau of Explosives, 63 Vesey Street, New York 7, New York.

(b) *Method.* Fill with water to lower edge of neck; swing 55" measured from wall to nearest bottom edge of basket:

(1) Side shock; test at least 10 carboys.

(2) Bottom shock; test at least 5 carboys.

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

(c) *Acceptable results.* 90 percent of carboys must not break under side shock and same for bottom shock, except both results must be 100 percent if modified test authorized by Note 1 of paragraph (b) of this section is used.

(d) *When required.* By each manufacturer, and each shipper who fills and ships new carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(1) New packages (those with new outside containers).

(2) Packages differing in kind of cushioning.

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

(f) *Reports.* Required to be made to Bureau of Explosives on form as follows:

REPORT OF TESTS OF CARBOYS

(As required by I. C. C. Regulations and Specifications)

(Place) _____
(Date) _____
Test made for _____
_____
(Give name and address of plant for which tests were made)

| Description of package | No. of test | Results: 55-inch swing, Side | Results: 55-inch swing, Bottom | No. of test | Results: 55-inch swing, Side | Results: 55-inch swing, Bottom |
|---|---|---|---|---|---|---|
| Capacity | 1 | | | 13 | | |
| Condition [1] | 2 | | | 14 | | |
| | 3 | | | 15 | | |
| Type of inside container [2] | 4 | | | 16 | | |
| | 5 | | | 17 | | |
| Cushioning [3] | 6 | | | 18 | | |
| | 7 | | | 19 | | |
| Diameter of bottle | 8 | | | 20 | | |
| | 9 | | | 21 | | |
| Size of outside container (inside). | 10 | | | 22 | | |
| | 11 | | | 23 | | |
| | 12 | | | 24 | | |

Specification mark is _____
Identification symbol is _____
Remarks _____
_____
(Signature) _____
(Per) _____

[1] State whether outside container is new or used.
[2] State whether glass, earthenware; etc.
[3] State whether hay, mineral wool, ground cork, excelsior, wood strips ____ type, cork pads ____ type, etc

**§ 78.7 Specification 1E; glass carboys in plywood drums.**

**§ 78.7–1 Compliance.**

(a) Required in all details.

**§ 78.7–2 Reuse of packages.**

(a) Outside container, including metal side seam, must be replaced when broken, decayed, or inefficient in any way.

(b) Carboys with lip cracked or badly chipped not authorized; gasket seat must be even. Packages must be capable of passing tests prescribed in § 78.7–8

**§ 78.7–3 Capacity and marking of carboy.**

(a) Glass containers 5 to 7 gallons in this specification are classed as carboys. Must be embossed to indicate maker and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

**§ 78.7–4 Glass carboys.**

(a) Thoroughly annealed; top of lip smooth and even. Glass in side walls should be well distributed and at least 1/16 inch thick. Defective carboys not authorized.

(b) *Closing devices required.* (For carboys without screw thread finish.) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

**§ 78.7–5 Glass carboy bottle.**

(a) (Threaded screw-cap closure only.) Must be machine-blown, thoroughly and properly annealed, with screw thread finish having at least one continuous thread to accommodate closure; top of lip smooth and even; must contain 14 pounds of glass, tolerance minus 8 ounces plus 16 ounces. Minimum thickness to be 0.075 inch. Defective carboys not authorized.

(b) *Closure.* (1) Threaded screw cap which shall be constructed of a suitable plastic or other material resistant to lading.

(2) Gasket or lining for cap must be used and shall be resistant to lading and must be liquid tight; or must be liquid tight up to venting pressure when such venting is prescribed for the material which is to be shipped.

(3) At least one complete continuous thread must be engaged with gasket in place.

**§ 78.7–6 Outside containers.**

(a) Plywood drums completely enclosing body of carboy or completely enclosing body and neck of carboy and constructed as follows:

(1) *Lumber.* To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(2) *Body shell.* To be of two plys of good commercial box or sheathing grade hardwood veneer, each not less than 1/11 inch in thickness, firmly glued together with waterproof glue (a section of plywood from body shell is immersed in water at room temperature for 48 hours. If no delamination or separation of plys is apparent, the glue is deemed to be waterproof) with the grain of the outside ply parallel and the inner ply vertical to the heads. The body shall be butt-jointed and shall be fastened on the outside with a 28-gauge steel strip, not less than 1½ inches in width. Staples of 17-gauge shall be driven on each side of the joint, spaced not more than 1½ inches apart and clinched on inside of the body.

(3) *Heads.* To be of three plys of good commercial box or sheathing grade hardwood veneer, each not less than 1/10 inch in thickness, firmly glued together with waterproof glue (a section of plywood from head is immersed in water at room temperature for 48 hours; if no delamination or separation of plies is apparent, the glue is deemed to be waterproof), with the grain of each outer ply at right angles to the grain of the center ply. Each head shall be circled to fit snugly inside of the body. Interior heads shall be of the same construction.

(4) *Hoops.* To be of hardwood veneer, not less than 1¾ inches wide by ⅛ inch thick. Hoops shall be fastened to the body by 17-gauge staples on not less than 3-inch centers and shall be overlapped not less than 3 inches.

(5) *Head liners. (Plywood drum completely enclosing body of carboy).* When plywood cushioning is used the inner lining strips which support the plywood cushion shall be of hardwood veneer not less than ⅓ inch in thickness and ⅝ inch in width and shall butt or slightly gap. All other head lining strips shall be made of hardwood veneer not less than ⅓ inch in thickness and ⅝ inch in width and shall overlap not less than 3 inches. The top head liners shall be fastened by 17-gauge staples on not less than 3-inch centers. The staples shall be driven through the outer hoop and body and clinched on the inside of the veneer strips. The bottom head liners shall be fastened the same as top head liners, or, by 14-gauge staples driven through the head liner and body into the outer hoop on not less than 4-inch centers.

(6) *Head liners. (Plywood drum completely enclosing body and neck of carboy).* When plywood cushioning is used the inner lining strips which support the plywood cushion shall be of hardwood veneer not less than ⅓ inch in thickness and ⅝ inch in width and shall butt or slightly gap. All other head lining strips shall be made of hardwood veneer not less than ⅓ inch in thickness and ⅝ inch in width and shall overlap not less than 3 inches. The inside head liners and the inside liner strips for the false head and support of the top head shall be fastened by 17-gauge staples on not less than 3-inch centers. The staples shall be driven through the outer hoop and body and clinched on the inside of the veneer strips, except that the strips holding the false head shall have staples only through the body and shell liner. The top head liner which forms the final closure shall be fastened to the body by 14-gauge staples driven through the head liner and body into the outer hoop on not less than 4-inch centers. The bottom head liners shall be fastened the same as top head liners, or, by 17-gauge staples driven through the outer hoop and body and clinched on the inside of the veneer strips on not less than 3-inch centers.

(7) *Battens.* At least ⅝ inch by 2 inches secured at each end by two nails driven through the hoops and body shell. One batten must be applied to the bottom of plywood drums, completely enclosing the body of carboys; and two battens must be applied to plywood drums completely enclosing the body and neck of carboys, one of which must be affixed to the top and the other to the bottom of the drum.

(b) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

**§ 78.7–7 Marking of outside container.**

(a) On each container with letters and figures at least ¾ inch high applied by hot branding iron or printing ink of a color sharply contrasting to background of package with high pressure dies as follows:

(1) ICC–1E. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in paragraph (a) (1) of this section.

**§ 78.7–8 Tests.**

(a) *Apparatus.* Standard required. Detail prints can be obtained from Bureau of Explosives, 63 Vesey Street, New York 7, New York.

(b) *Method.* Fill with water to lower edge of neck; swing 55 inches measured from wall to nearest bottom edge of basket:

(1) Side shock; test at least 10 carboys.

(2) Bottom shock; test at least 5 carboys.

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

(c) *Acceptable results.* 90 percent of carboys must not break under side shock and same for bottom shock, except both results must be 100 percent if modified test authorized by Note 1 of paragraph (b) of this section is used.

(d) *When required.* By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(1) New packages (those with new outside container).

(2) Used packages.

(3) Packages with carboys differing over 2 gallons.

(4) Packages differing in kind of cushioning.

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

(f) *Reports.* Required to be made to Bureau of Explosives on form as follows:

REPORT OF TESTS OF CARBOYS

(As required by I. C. C. Regulations and Specifications)

(Place) _____
(Date) _____
Tests made for _____
(Give name and address of plant for which tests were made) _____

| Description of package | Number of test | Results: 55-inch swing, Side | Results: 55-inch swing, Bottom | Number of test | Results: 55-inch swing, Side | Results: 55-inch swing, Bottom |
|---|---|---|---|---|---|---|
| Capacity | 1 | | | 13 | | |
| Condition [1] | 2 | | | 14 | | |
| | 3 | | | 15 | | |
| Type of inside container [2] | 4 | | | 16 | | |
| | 5 | | | 17 | | |
| Cushioning [3] | 6 | | | 18 | | |
| | 7 | | | 19 | | |
| Diameter of bottle | 8 | | | 20 | | |
| | 9 | | | 21 | | |
| Size of outside container (inside) | 10 | | | 22 | | |
| | 11 | | | 23 | | |
| | 12 | | | 24 | | |

Specification mark is _____
Identification symbol is _____
Remarks _____
_____
(Signature) _____
(Per) _____

[1] State whether outside container is new or used.
[2] State whether glass, earthenware, etc.
[3] State whether hay, mineral wool, ground cork, excelsior, wood strips _____ type, cork pads _____ type, etc.

**§ 78.8 Specification 2S; metal-jacketed lead carboys.**

**§ 78.8–1 Compliance.**

(a) Required in all details.

**§ 78.8–2 Size.**

(a) Not over 15 gallons (nominal).

**§ 78.8–3 Test.**

(a) By 5 pounds internal pressure, without leakage, before each shipment.

**§ 78.8–4 Parts required and dimensions.**

(a) As in §§ 78.8–5 to 78.8–8.

**§ 78.8–5 Carboy closing device.**

(a) To consist of follower-ring with stud bolts, plate-gasket, and cap as shown in § 78.8–8.

(b) Follower-ring to be 1½" wide with machined top face, inner edges rounded off to about ¼" radius, and fitted with 4 stud bolts, fastened to prevent turning, for 2" neck and 6 bolts for larger necks.

(c) Neck of carboy to be flanged over to edge of follower-ring and may be swedged out under it; inside diameter of neck not over 4".

**§ 78.8–6 Outside container.**

(a) Welding authorized in place of rivets shown; body rivets, if used, to be countersunk on inside.

(b) Bayonet fastenings, or other efficient method, authorized to secure top to body in place of bolts shown.

(c) Two adequate lifting handles required on body.

(d) Projections above level of top edge of body not authorized.

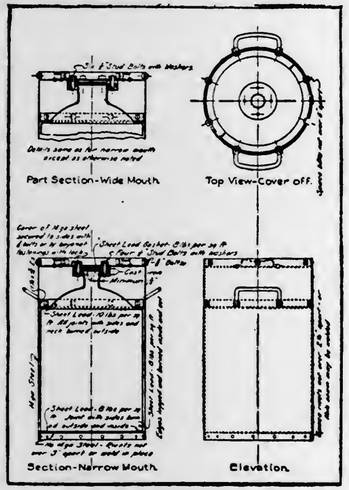
**§ 78.8–7 Marking on each outside container.**

(a) By embossing on top with raised marks ¾" high as follows (stamping authorized if clearly legible):

(1) ICC–28. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

**§ 78.8–8 Shipping container specification No. 28.**




**§ 78.9 Specification 28A; metal-jacketed lead carboys.**

**§ 78.9–1 Compliance.**

(a) Required in all details.

**§ 78.9–2 Size.**

(a) Not over 15 gallons (nominal).

**§ 78.9–3 Test.**

(a) By 5 pounds internal pressure, without leakage, before each shipment.

**§ 78.9–4 Parts required and dimensions.**

(a) As in §§ 78.9–5 to 78.9–8.

**§ 78.9–5 Carboy closing device.**

(a) To consist of follower-ring with stud bolts, plate-gasket, and cap as shown.

(b) Follower-ring to be 1½" wide with machined top face, inner edges rounded off to about ¼" radius, and fitted with 4 stud bolts, fastened to prevent turning, for 2" neck and 6 bolts for larger necks.

(c) Neck of carboy to be flanged over to edge of follower-ring and may be swedged out under it; inside diameter of neck not over 8".

**§ 78.9–6 Outside container.**

(a) Welding authorized in place of rivets shown; body rivets, if used, to be countersunk on inside.

(b) Bayonet fastenings, or other efficient method authorized to secure top to body in place of bolts shown.

(c) Two adequate lifting handles required on body.

(d) Projections above level of top edge of body not authorized.

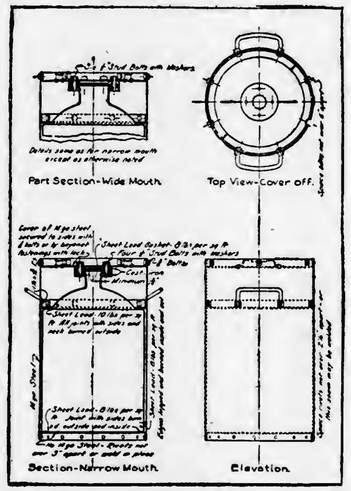
**§ 78.9–7 Marking on each outside container.**

(a) By embossing on top with raised marks ¾" high as follows (stamping authorized if clearly legible):

(1) ICC–28A. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

**§ 78.9–8 Shipping container specification No. 28A.**




**§ 78.12 Specification 34B; aluminum carboys.**

**§ 78.12–1 Compliance.**

(a) Required in all details.

**§ 78.12–2 Rated capacity.**

(a) As marked, see § 78.12–9: 5 to 15 gallons; actual capacity shall be rated capacity plus at least 2 percent.

**§ 78.12–3 Composition.**

(a) Body and heads of aluminum at least 99 percent pure, or an aluminum base alloy of equivalent corrosion resistance and physical properties.

**§ 78.12–4 Outage.**

(a) Two percent of rated capacity, plus a maximum tolerance of 1 quart.

**§ 78.12–5 Seams.**

(a) Welded, including attachment of handles and other devices. Circumferential seams at least 3" from bottom.

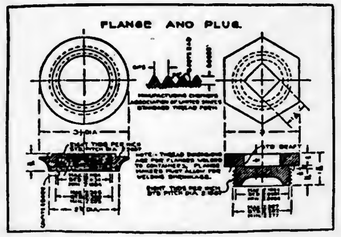
**§ 78.12–6 Parts and dimensions.**

(a) Thickness of material at least 0.110"; handles required.

**§ 78.12–7 Closures.**

(a) Adequate to prevent leakage; openings over 2.3" not authorized; suitable gaskets required.

(b) When threaded plugs, or caps, are used, they must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged. Thread form must conform with the following drawing:




**§ 78.12–8 Projections.**

(a) Closing devices and other parts must be able to withstand tests prescribed in § 78.12–11.

**§ 78.12–9 Marking on each container.**

(a) On top by stamping with pressure dies, by embossing with raised marks, or plate attached by welding, as follows:

(1) ICC–34B. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Nominal thickness of metal in decimals of an inch of the thinnest part; rated capacity in gallons; year of manufacture (for example, 0.110–15–50).



**§ 78.12–10 Size of marking.**

(a) Size of marking (minimum): ½" high.

**§ 78.12–11 Type tests.**

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage except that leakage through closure shall not constitute failure. Tests to be made by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike on bottom edge or circumferential seam.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes.

**§ 78.12–12 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior pressure of at least 10 pounds per square inch. Leakers shall be rejected or repaired and retested.

**§ 78.13 Specification 1H; polyethylene carboys in low carbon steel or other equally efficient metal crates.**

**§ 78.13–1 Compliance.**

(a) Required in all details.

**§ 78.13–2 Capacity and marking of carboy.**

(a) Containers 5 to 13 gallons capacity are classed as carboys. Actual capacity must be marked capacity plus 5 percent minimum. Must be permanently marked to indicate marked capacity, maker (symbols, if used, must be registered with the Bureau of Explosives), month and year of manufacture, and ICC–2T in figures and letters at least ¼ inch high.

**§ 78.13–3 Polyethylene carboys.**

(a) Carboys shall be made of polyethylene with no plasticisers or additives and have a maximum melt index value of 2.5 grams per 10 minutes as determined in accordance with method acceptable to the Bureau of Explosives. Carboys must have a minimum weight and wall thickness in accordance with the following table:

| Marked capacity | Minimum wall thickness | Minimum weight of bottles |
|---|---|---|
| *Gallons* | *Inch* | *Pounds* |
| 5 | 1/16 | 3 |
| 6½ | 1/16 | 4 |
| 13 | 1/16 | 8 |

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage. Opening for closure shall not be over 3½ inches in diameter.

(c) Polyethylene carboys, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning so that contents will be 0° Fahr. or colder, onto solid concrete on any portion of the carboy.

**§ 78.13–4 Outside containers.**

(a) Metal crates:

(1) Specifications for each size outside container must be filed by each plant prior to start of production and be approved by the Bureau of Explosives.

**§ 78.13–5 Marking of outside container.**

(a) Each outside container must be plainly marked by attachment of a metal plate, or permanent marking in contrasting color directly on the polyethylene carboy in a visible area. Marking must be in letters and figures at least ¾ inch high and must be by embossing or stamping when applied on metal plates. Marking must be as follows:

(1) ICC–1H. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in paragraph (a) (1) of this section.

**§ 78.13–6 Tests.**

(a) One sample, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage or serious rupture of outer container. Tests shall be made of each size by each company starting production. The type tests are as follows:

(1) Complete package must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete, the first drop to be made diagonally so top corner will strike the concrete; the second drop onto a 2-inch by 6-inch timber resting on the concrete with the 6-inch leg vertical, the drop being made with the package in a horizontal position and at right angles to the timber so that impact is near the center of the crate side-wall members.

**§ 78.14 Specification 1K; glass carboys cushioned with expandable polystyrene in wooden wirebound box outside containers.**

**§ 78.14–1 Reuse of packages.**

(a) Top, base or side sections of outside container and cushioning must be replaced when broken, decayed, or inefficient in any way.

(b) Carboys with lip cracked or badly chipped not authorized; gasket seat must be even. Packages must be capable of passing tests prescribed in § 78.14–8.

**§ 78.14–2 Closing devices required.**

(a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

**§ 78.14–3 Capacity and marking of carboy.**

(a) Thirteen gallon bottles. Must be embossed to indicate maker and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

**§ 78.14–4 Bottles.**

(a) Thoroughly annealed; top of lip smooth and even; must contain at least 21 pounds of glass. Glass in side walls should be well distributed and at least 1/16 inch thick.

**§ 78.14–5 Cushions.**

(a) Expandable polystyrene, molded to produce a completely fused closed cell structure and designed as to provide a snug fit in all areas of contact with the inside container, in the following forms:

(1) Formed in place around the inside container; density 1.25 plus or minus 0.25 pounds per cubic foot, minimum thickness of sidewalls 1 inch and of bottoms 1.5 inches.

(2) Preformed cushions, one top and one bottom; density 2.75 plus or minus 0.5 pounds per cubic foot, minimum thickness of side walls 1 inch and of bottoms 1.37 inches.

(b) Assembled containers must be capable of passing tests prescribed in § 78.14–8.

**§ 78.14–6 Outside containers.**

(a) Wooden wirebound boxes completely enclosing body of carboy or completely enclosing body and neck of carboy.

(b) Lumber shall be as follows:

(1) Lumber shall be well seasoned and commercially dry; free from decay, objectionable knots, slanting shakes, sharp cross grain, and other defects that materially lessen the strength. Grain of wood in cleats and battens must not cross piece within its length.

(2) Authorized tolerances; cleats, battens and handles, minus 1/32 inch; single thickness veneer minus 5 percent; resawn boards, 1/32 inch below specified thickness for boards ¼ inch or more thick.

(3) Woods authorized are in the following groups:

| | |
|---|---|
| GROUP 2 | |
| Southern yellow pine. | North Carolina pine. |
| Hemlock. | Douglas fir. |
| | Larch (Tamarack). |
| GROUP 3 | |
| White elm. | Black ash. |
| Red gum. | Black gum. |
| Sycamore. | Tupelo. |
| Pumpkin ash. | Maple-soft or silver. |
| GROUP 4 | |
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | White ash. |
| Hackberry. | Hickory. |

(c) Binding wires and staples shall be as follows:

(1) Galvanized coated annealed steel or other material of equal strength, Washburn and Moen sizes.

(d) Minimum construction requirements shall be as follows:

(3) Packages differing in kind or shape of cushioning from a manufacturer or shipper who has had tests made.

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

(f) *Reports.* Required to be made to the Bureau of Explosives on form as follows:

REPORT OF TESTS OF CASBOYS

(As required by I.C.C. Regulations and Specifications)

(Place) .....
(Date) .....

Test made for .....
(Give name and address of plant for which tests were made) .....

| Description of package | No. of test | Results: 55-inch swing, Side | 55-inch swing, Bottom | No. of test | 55-inch swing, Side | 55-inch swing, Bottom |
|---|---|---|---|---|---|---|
| Capacity..... | 1 | | | 13 | | |
| Condition [1]..... | 2 | | | 14 | | |
| | 3 | | | 15 | | |
| Type of inside container [2]..... | 4 | | | 16 | | |
| | 5 | | | 17 | | |
| Cushioning [3]..... | 6 | | | 18 | | |
| | 7 | | | 19 | | |
| Diameter of bottle..... | 8 | | | 20 | | |
| | 9 | | | 21 | | |
| Size of outside container (inside)..... | 10 | | | 22 | | |
| | 11 | | | 23 | | |
| | 12 | | | 24 | | |

Specification mark is .....
Identification symbol is .....
Remarks .....

(Signature)
(Per) .....

[1] State whether outside container is new or used.
[2] State whether glass, earthenware, etc.
[3] State whether hay, mineral wool, ground cork, excelsior, wood strips ..... type cork pads ..... type, etc.

**§ 78.15 Specification 31; jugs in tubs.**

**§ 78.15–1 Compliance.**

(a) Required in all details.

**§ 78.15–2 Jugs.**

(a) Of acid-resisting material; capacity not over 2 gallons; only 1 jug in each tub.

**§ 78.15–3 Size of tub.**

(a) Sufficient to allow 1½" space and figures at top where ½" space around jug except at top is acceptable.

**§ 78.15–4 Material for tub.**

(a) Of sound wood; 7/16" staves; 7/16" top and bottom; at least 5 wooden hoops 7/8" x 1/16" (approx.) or 3 metal hoops with rolled edge at least ¾" x 29 gauge United States standard.

**§ 78.15–5 Construction.**

(a) Staves to be set up evenly; bottom hoop to be fastened with at least seven 4-penny nails driven through hoop, through staves, and into bottom of tub; other hoops to be securely fastened in place.

**§ 78.15–6 Cushioning.**

(a) To be tightly packed with adequate cushioning material.

**§ 78.15–7 Marking.**

(a) On each container with letters and figures at least ½" high in rectangle as follows:

| ICC–31 |
|---|

(b) This mark shall be understood to certify that the package complies with all specification requirements.

**§ 78.15–8 Closing for shipment.**

(a) Jug to be closed by rubber stoppers, or other closure equally acid-resistant; cork stoppers not authorized. Top of tub to be secured in place by at least four substantial metal strips, at least 7/16" x 3½" nailed to side and top of tub.

| Wirebound boxes | Square box for preformed cushions | Octagonal box for preformed cushions | Cylindrical box for preformed cushions | Octagonal box for formed-in-place cushions |
|---|---|---|---|---|
| **Faceboard thickness (sides only—without handle cleats)** | | | | |
| Group 2 woods | 5/16" | 5/16" | 5/16" | ¾" |
| Groups 3 and 4 woods | ¾" | ¾" | 5/16" | ¾" |
| **Faceboard thickness (sides only—with handle cleats)** | | | | |
| Group 2 woods | ¾" | ¾" | 5/16" | ¾" |
| Group 3 woods | 5/16" | 5/16" | 5/16" | ¾" |
| Cleats | 13/16" x ¾" | 13/16" x ¾" | 13/16" x ¾" | 13/16" x ¾". |
| Handle cleat | 2⅛" x ⅞" | 2⅛" x ⅞" | None | 2⅛" x ⅞". |
| *Binding wires* | | | | |
| Number and gauge over outside cleats | 2-12 gauge | 2-12 gauge | 2-12 gauge | 2-12 gauge. |
| Number and gauge intermediate wires | 3-13 gauge | 3-13 gauge | 2-12 gauge | 2-13 gauge. |
| Staples | 1¼"-16 gauge | 1¼"-16 gauge | 1"-16 gauge | 1¼"-16 gauge. |
| *Top* [1] | | | | |
| Face material thickness | 5/16" | 5/16" | ½" plywood | 5/16" |
| Battens | 4-1⅜" x ⅞" | 2-1⅜" x ⅞" | None | 2-1⅜" x ⅞". |
| *Base* | | | | |
| Face material thickness | 5/16" | 5/16" | ⅜" plywood | 5/16" |
| Battens | 4-1⅜" x ⅞" | 3-1⅜" x ⅞" | 2-1⅜" x ⅞" | 3-1⅜" x ⅞". |
| Runners | 3⅝" x 5/16" | 2-1⅜" x ⅞" | 2-1⅜" x ⅞" | 2-1⅜" x ⅞". |

[1] A hole of suitable type may be made in top of box to provide for the protruding neck of inner container. There shall be 1 inch minimum clearance between bottle and inside of hole.

(e) *Assembly:*

(1) The box shall be constructed to provide a snug fit with the cushioning for the inside container. Wooden shims of correct thickness may be used to keep carboy tight in overpack.

(2) The boxes shall be closed with threaded loop fasteners using a regular clinch.

**§ 78.14–7 Marking of outside container.**

(a) On each container with letters and figures at least ¾ inch high applied by hot branding iron or colored ink with high pressure dies as follows:

(1) ICC–1K. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements. This must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

**§ 78.14–8 Tests.**

(a) *Apparatus.* Standard required. Detail prints can be obtained from the Bureau of Explosives, 63 Vesey Street, New York 7, New York.

(b) *Method.* Fill with water to lower edge of neck; swing 55 inches measured from wall to nearest bottom edge of basket:

(1) Test 10 carboys each against bottom and one side.

NOTE 1: Instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

(c) *Acceptable results.* One hundred percent of carboys must not break under side or bottom shocks. If failures occur, the test is to be repeated with an additional 10 carboys for which the passing requirement shall be 100 percent.

(d) *When required.* By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of the Bureau of Explosives; separate tests required for:

(1) New packages.

(2) Used packages.



**§ 78.18 Specification 43A; rubber drums.**

**§ 78.18–1 Compliance.**

(a) Required in all details.

**§ 78.18–2 Rated capacity.**

(a) As marked, see § 78.18–8. Actual capacity shall be rated capacity plus at least 2 percent.

**§ 78.18–3 Body and heads.**

(a) Of at least two laminations; inside lamination of synthetic rubber, or of pale crepe rubber compounded with paraffin or otherwise treated, such as to be capable of withstanding the action of hydrofluoric acid, up to 65 percent hydrofluoric acid maximum, for 30 days without any substantial deterioration; other laminations of cotton fiber and rubber.

**§ 78.18–4 Rolling hoops.**

(a) Tough rubber free from cotton or other fiber.

**§ 78.18–5 The drum.**

(a) Body, heads, lining, rolling hoops, and filling hole flange to be all vulcanized together at one operation. No cements, adhesives or secondary vulcanization authorized.

**§ 78.18–6 Parts and dimensions.**

(a) Parts and dimensions as follows:

| [1] Rated capacity (U. S. wine gallons) | Minimum weight (pounds) | Minimum thickness: Body (inch) | Minimum thickness: Heads (inch) | Rolling hoops: Chime (quarter round) Width (inches) | Rolling hoops: Chime (quarter round) Depth (inch) | Rolling hoops: Body (half round) Width (inches) | Rolling hoops: Body (half round) Depth (inch) |
|---|---|---|---|---|---|---|---|
| 5 | 18 | 3/8 | ½ | 1¾ | ¾ | | |
| 13 | 30 | 5/8 | ½ | 2 | 1 | 2 | 1 |
| 30 | 85 | 9/16 | 1 1/16 | 2 9/16 | 1 | 2¼ | 1 |

[1] Other capacities not authorized.

**§ 78.18–7 Closures.**

(a) To be such as to prevent spillage or leakage in transit and must be approved by the Bureau of Explosives.

**§ 78.18–8 Marking on each container.**

(a) Marking on top head plainly and permanently as follows:

(1) ICC–43A; this mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Rated gallonage and year of manufacture (for example, 5–50).

**§ 78.18–9 Type tests.**

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on top chime. Also a 4-foot drop to strike directly on closing device. Parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes, using drums which have passed the drop test; side walls must not expand beyond chime hoops.

**§ 78.18–10 Material test.**

(a) Samples from side wall and end must have breaking strength at least 1,200 pounds per square inch.

## Subpart B—Specifications for Inside Containers, and Linings

**§ 78.20 Specification 2A; inside containers, metal cans, pails and kits.**

**§ 78.20–1 Capacity, thickness of metal, test, and closure.**

(a) *Capacity.* Not over 10 gallons.

(b) *Thickness of metal.* At least 28-gauge, United States standard (commercial 135-pound tin plate), for cans over 1-gallon capacity; smaller cans of metal of adequate thickness.

(c) *Test.* By interior pressure on each completed can, without leakage.

(d) *Closure.* Air-tight and leakproof.

**§ 78.21 Specification 2T; polyethylene container.**

**§ 78.21–1 Compliance.**

(a) Required in all details.

**§ 78.21–2 Capacity and marking of container.**

(a) Containers 5 to 13 gallons capacity are covered by this specification. Actual capacity must be the marked capacity plus 5 percent minimum. Must be permanently marked to indicate marked capacity, maker (symbols, if used, must be registered with the Bureau of Explosives), month and year of manufacture, and ICC–2T in figures and letters at least ¼ inch high.

**§ 78.21–3 Material.**

(a) Containers shall be made of polyethylene and shall have the following properties (see Note 1):

| | |
|---|---|
| Melt index | 2.6 maximum. |
| Density | 0.910–0.925. |
| Tensile strength | 1500 pounds per square inch minimum. |
| Percent elongation | 400 percent minimum. |

NOTE 1: Properties to be obtained by a test method approved by Bureau of Explosives. Other materials may be added which shall not affect the properties specified in paragraph (a) of this section.

(1) Container must have a minimum weight and wall thickness in accordance with the following table:

| Marked capacity not over (gallons) | Minimum wall thickness (inch) | Minimum weight of containers (pounds) |
|---|---|---|
| 5 | 0.0625 | 3 |
| 6½ | .0625 | 4 |
| 13 | .0625 | 8 |

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage and not over 3½ inches in diameter.

(c) Tests. Samples taken at random, empty or filled, and prepared as specified and closed as for use, shall be capable of withstanding the following tests without breakage or leakage:

(1) Empty container shall be dropped on any part from a height of 6 feet onto solid concrete, immediately after conditioning for at least 24 hours at 0° F.

(2) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or any part considered weaker.

(3) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with a solution which is compatible with polyethylene and remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F.

(d) Polyethylene container must fit snugly in outside container.

**§ 78.22 Specification 2C; inside containers, corrugated fiberboard cartons.**

**§ 78.22–1 Construction.**

(a) To be of double-wall board, 275-pound strength, or 2 thicknesses of double-faced board, 175-pound strength, Mullen or Cady test; slides or linings to be 1-piece with joint cloth-taped.

**§ 78.22–2 Outside container.**

(a) Outside container must be lined throughout with, and cartons separated by, double-wall corrugated fiberboard of 275-pound strength, Mullen or Cady test.

**§ 78.23 Specification 2D; inside containers, duplex paper bags.**

**§ 78.23–1 Construction.**

(a) Bags to be at least 2 thicknesses of shipping sack Kraft paper, or equivalent, and as follows:

| Maximum weight of contents (pounds) | Minimum [1] weight (per 500 sheets 24" x 36"): One sheet, weight [1] (pounds) | Minimum [1] weight (per 500 sheets 24" x 36"): Other sheet, weight [1] (pounds) |
|---|---|---|
| 2 | 30 | 30 |
| 6 | 50 | 40 |
| 12 | 60 | 50 |
| 25 | 70 | 60 |

[1] Weight 15 percent less authorized for rope paper containing 35 percent or more of manila rope fiber.

**§ 78.23–2 Test.**

(a) Bags, filled and closed as for shipment, must be able to withstand drop of 4 feet onto concrete without rupture or sifting, except that 2-foot drop is acceptable for bags to contain 25 pounds.

**§ 78.24 Specification 2U; molded or thermoformed polyethylene containers having rated capacity of ever one gallon. Removable head containers or containers fabricated from film not authorized.**

**§ 78.24–1 Compliance.**

(a) Required in all details.

**§ 78.24–2 Material.**

(a) Containers shall be made of polyethylene and shall have the following properties (see Note 1):

| | |
|---|---|
| Melt index | 2.6 maximum. |
| Density | 0.910–0.925. |
| Tensile strength | 1,500 pounds per square inch minimum. |
| Percent elongation | 400 percent minimum. |

NOTE 1: Properties to be obtained by a test method approved by Bureau of Explosives. Other materials may be added which shall not affect the properties specified in paragraph (a) of this section.

**§ 78.24–3 Construction capacity.**

(a) Container must be constructed in accordance with the following table:

| Rated capacity not over (gallons) | Minimum overall thickness (inch) [1] | Percent outage over marked capacity permitted |
|---|---|---|
| 5 | 0.010 | 15 |
| 15 | .015 | 15 |
| 55 | .015 | 5 |

[1] For cubical containers, the area adjacent to and forming the opening for closure may have a minimum thickness of 0.008 inch for 5 gallons rated capacity and sizes larger than 5 gallons may have a minimum thickness of 0.010 inch.

**§ 78.24–4 Closure.**

(a) Shall be of material resistant to lading and adequate to prevent leakage. Vented closures where specified under Part 73 of this chapter authorized. No opening over 2.7 inches in diameter authorized.

**§ 78.24–5 Marking.**

(a) Each container must be permanently marked by embossment to show rated capacity, month and year of manufacture, maker (symbols, if used, must be registered with the Bureau of Explosives), and ICC–2U in figures and letters at least ¼ inch in size.

**§ 78.24–6 Type test.**

(a) Samples taken at random shall withstand prescribed test without breakage. Test shall be made on each type and size at each manufacturing location starting production and shall be repeated every four months. The type test is as follows:

(1) Empty inner container shall be dropped on any part from a height of 6 feet onto solid concrete immediately after conditioning for at least 24 hours at 0° F.

**§ 78.24–7 Tests.**

(a) Samples taken at random, filled and prepared as specified and closed as for use, shall be capable of withstanding the following tests without leakage:

(1) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or any part considered weaker.

(2) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with a solution which is compatible with polyethylene and remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F.

(3) The polyethylene container in a prescribed outer specification container, as authorized in Part 73 of this chapter, filled to 98 percent of capacity with water shall be capable of withstanding a vibration test by placing the container on the vibration table anchored in such manner that all horizontal motion shall be restricted and only vertical motion allowed. The test shall be performed for one hour using an amplitude of one inch at a frequency that causes the test container to be raised from the floor of the table to such a degree that a piece of paper or flat steel strap or tape can be passed between the table and the container.

**§ 78.25 Specification 2F; inside metal containers and liners.**

**§ 78.25–1 Construction.**

(a) Containers over 1-gallon capacity and all lining must be at least 30 gauge, United States standard (commercial 107-pound tin plate) and sealed leakproof.

**§ 78.26 Specification 2G; inside containers, fiber cans and boxes.**

**§ 78.26–1 Capacity, and thickness of metal and fiber.**

(a) Capacity not over 6 pounds, net. Metal tops, bottoms, and connections of suitable thickness are authorized. Minimum fiber thickness as follows:

(1) Up to ¼-pound size: 0.021".
(2) Up to 1-pound size: 0.026".
(3) Up to 3-pound size: 0.036".
(4) Up to 6-pound size: 0.050", provided that 0.036" fiber heads with 130-pound strength [1] are authorized; or 0.028" with 175-pound strength; [1] or 0.036" with 90-pound strength,[1] provided each container is wrapped with shipping sack Kraft paper of 60-pound base weight pasted thereon.

**§ 78.27 Specification 2TL; polyethylene container.**

**§ 78.27–1 Material requirements.**

(a) Container shall be made of polyethylene and shall have the following properties (see Note 1):

| | |
|---|---|
| Melt index | 2.6 maximum. |
| Density | 0.910–0.925. |
| Tensile strength | 1500 pounds per square inch minimum. |
| Percent elongation | 400 percent minimum. |

NOTE 1: Properties to be obtained by a test method approved by the Bureau of Explosives. Other materials may be added which shall not affect the properties specified in paragraph (a) of this section.

[1] Mullen or Cady test.

**§ 78.27–2 Construction, capacity and marking.**

(a) Container must be constructed in accordance with the following table:

| Marked capacity [1] not over (gallons) | Minimum wall thickness (inches) | Minimum weight of containers (pounds) |
|---|---|---|
| 5 | 0.015 | 1 |
| 14 | .050 | 5¼ |

[1] Actual capacity must be the marked capacity plus 5 percent minimum.

(b) Closure: Closure shall be of material resistant to lading and adequate to prevent leakage. Vented closures where specified under Part 73 of this chapter authorized. No opening over 3½ inches in diameter authorized.

(c) Marking: Each container must be permanently marked to show the rated (marked) capacity, month and year of manufacture, maker (symbols, if used, must be registered with the Bureau of Explosives) and ICC–2TL in figures and letters at least ¼ inch in size.

(d) Polyethylene container must fit snugly in outside container.

**§ 78.27–3 Type test.**

(a) Samples taken at random shall withstand prescribed test without breakage. Test shall be made on each type and size at each manufacturing location starting production and shall be repeated every four months. The type test is as follows:

(1) Empty container shall be dropped on any part from a height of 6 feet onto solid concrete, immediately after conditioning for at least 24 hours at 0° F.

**§ 78.27–4 Tests.**

(a) Samples taken at random, filled and prepared as specified and closed as for use, shall be capable of withstanding the following tests without leakage:

(1) The polyethylene container in a prescribed outer specification container as authorized by Part 73 of this chapter, filled to 98 percent capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or on any part considered weaker.

(2) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent capacity with a solution which is compatible with polyethylene and remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F.

**§ 78.28 Specification 2J; inside containers, waterproof paper bags for linings.**

**§ 78.28–1 Material.**

(a) Two sheets of paper cemented together and creped to afford 25 percent stretch; paper to be shipping sack Kraft, 30 pounds per ream (500 sheets, 24" x 36") before creping; total weight 90 pounds per ream.



**§ 78.28–2 Test.**

(a) Material folded into cones and filled with water to depth of 2" at 70° F. must not show water on outside within 24 hours.

**§ 78.28–3 Construction.**

(a) Form to fit the outside container without stretching; seams and closures to afford a siftproof bag.

**§ 78.29 Specification 2K; inside containers, paper bags for linings.**

**§ 78.29–1 Paper and construction.**

(a) Shipping sack Kraft paper, creped; at least 45 pounds per ream (500 sheets, 24" x 36") before creping.

(b) *Construction.* Form to fit the outside container without stretching; seams and closure to afford a siftproof bag.

**§ 78.30 Specification 2L; lining for boxes.**

**§ 78.30–1 Box lining.**

(a) Box lining must be of strong paraffined paper, or other suitable material, without joints or other openings at the bottom or at sides of box, and shall fully protect contents in contact with top of box.

(b) Tensile strength of material must be at least 35 pounds with the grain and 17 pounds across grain, tested by direct pull on strips measuring 3" by 1". Average results of three or more tests with the grain and three or more across grain shall be used.

(c) Material shall be impervious to water and nitroglycerin at 77° F. Test for imperviousness shall consist of folding material into cones, loosely to avoid breakage at creases. Cones tested for nitroglycerin shall be filled to 1" depth; those for water to 2". No leakage of liquid shall occur during 24 hours' exposure.

(d) Material must transmit no oily or greasy stain to unglazed paper. Test shall consist of placing one thickness of material, with two thicknesses of unglazed paper on each side, in an oven at 104° F. for 24 hours, under pressure of a lead disk 1½" thick and of 10 pounds weight resting edgewise on the paper.

(e) Saturating paraffin, when used, shall have melting point of 125° F. or above. Test shall consist of extracting paraffin from 1 ounce or more of material with ether. After evaporation of all ether, paraffin shall be melted and poured upon the surface of water contained in a hemispherical dish approximately 3¾" in diameter. Dish shall be three-fourths full of water above melting point of paraffin. Thermometer shall be placed with bulb three-fourths immersed in center of dish. Water and paraffin shall be allowed to cool until paraffin upon the surface of water commences to solidify. Temperature shall then be read and recorded as melting point of paraffin.

**§ 78.30–2 Bag.**

(a) Bag complying with requirements of paragraphs (b), (c), and (d) of this section also authorized.

(b) Material must be: 2 sheets of shipping sack Kraft paper joined by asphaltum, or equivalent; outer sheet at least 60 pounds and inner sheet at least 30 pounds per ream (500 sheets, 24" x 36"); inner sheet coated with wax, or equivalent, with melting point at least 125° F.; compliance with § 78.30–1 (b) and (c) required.

(c) Seams must be pasted with adhesive not affected by nitroglycerin.

(d) Completed bag must be formed to fit outside container without undue strain and must be impervious to seepage of nitroglycerin.

**§ 78.31 Specification 2M; waterproofed paper lining.**

**§ 78.31–1 Waterproofed paper.**

(a) Waterproofed paper for box lining must be strong, folded or constructed without joints or openings at sides, bottoms, or ends, and shall fully protect contents at top of box.

**§ 78.32 Specification 2N; inside containers, metal cans.**

**§ 78.32–1 Size.**

(a) Not over 14-pounds water capacity (388 cubic inches).

**§ 78.32–2 Material.**

(a) Tin plate, good quality, as follows:

| Maximum diameter of can | Minimum thickness of metal (inch) | |
|---|---|---|
| | In body | In heads |
| 4 11/16 inches | 0.01134 (1C–107 pound tin plate). | 0.01305 (1XL–128 pound tin plate). |
| 6 11/16 inches | 0.01134 (1C–107 pound tin plate). | 0.01485 (2XL–148 pound tin plate). |

NOTE 1: Because of the present emergency and until further order of the Commission, the minimum thickness of metal in heads may be 1XL–107-pound tin plate for cans of not over 4 11/16 inch diameter and 1XL–135-pound tin plate for cans of not over 6 11/16 inches diameter, provided side seams are soldered and heads are attached to body by full double seams internally soldered.

**§ 78.32–3 Manufacture.**

(a) Seams soldered or full double seam. Outside surface rustproofed by lacquer or equivalent.

**§ 78.32–4 Test.**

(a) When closed as for shipment, must be capable of standing 40-pound interior pressure without leakage.

**§ 78.33 Specification 2P; inside metal containers.**

**§ 78.33–1 Compliance.**

(a) Required in all details.

**§ 78.33–2 Type and size.**

(a) Single-trip inside containers. Must be seamless, or with seams, welded, soldered, brazed, double seamed, or swedged.

(b) The maximum capacity of containers in this class shall not exceed 31.83 cubic inches (17.6 fluid ounces). The maximum inside diameter shall not exceed 3 inches.

**§ 78.33–3 Inspection.**

(a) By competent inspector.

**§ 78.33–4 Duties of inspector.**

(a) To inspect material and completed containers and witness tests, and to reject defective materials or containers.

**§ 78.33–5 Material.**

(a) Uniform quality steel plate such as black plate, electro-tin plate, hot dipped tin plate, tern plate or other commercially accepted can making plate; or nonferrous metal of uniform drawing quality.

(b) Material with seams, cracks, laminations or other injurious defects not authorized.

**§ 78.33–6 Manufacture.**

(a) By appliances and methods that will assure uniformity of completed containers; dirt and scale to be removed as necessary; no defect acceptable that is likely to weaken the finished container appreciably; reasonably smooth and uniform surface finish required.

(b) Seams when used must be as follows:

(1) Circumferential seams: By welding, swedging, brazing, soldering, or double seaming.

(2) Side seams: By welding, brazing or soldering. Side seams not authorized on aluminum containers.

(c) Ends: The ends shall be of pressure design (not flat).

**§ 78.33–7 Wall thickness.**

(a) The minimum wall for any container shall be 0.009 inch.

**§ 78.33–8 Tests.**

(a) One out of each lot of 5,000 containers or less, successively produced per day, shall be pressure tested to not less than 180 pounds per square inch gauge with no bulging of either end. The container tested shall be complete with ends assembled.

(b) One out of each lot of 5,000 containers or less, successively produced per day, shall be pressure tested to destruction and must not burst below 210 pounds per square inch of pressure. The container tested shall be complete with ends assembled.

(c) Each such 5,000 containers or less, successively produced per day, shall constitute a lot and if the test container shall fail, the lot shall be rejected or ten additional may be selected at random and subjected to the test under which failure occurred. These containers shall be complete with ends assembled. Should any of the ten containers thus tested fail, the entire lot must be rejected. All containers constituting a lot shall be of like material, size, design, construction, finish and quality.

**§ 78.33–9 Marking.**

(a) On each container by printing, lithographing, embossing, or stamping manufacturer's name or symbol. If symbol is used it must be registered with the Bureau of Explosives.

**§ 78.34 Specification 2R; inside containers, metal tubes.**

**§ 78.34–1 Materials.**

(a) Metal tubes shall be stainless steel, malleable iron, or brass, or other materials having equivalent physical strength and fire resistance.

**§ 78.34–2 Manufacture.**

(a) The ends of the tubes must be fitted with screw-type closures or flanges (see § 78.34–4), except that one or both

ends of the tube may be permanently closed by a welded or brazed plate. Welded or brazed side seams are authorized.

(b) Welding or brazing must be done in a workmanlike manner and must be free from defects.

**§ 78.34–3 Size.**

(a) Inside diameter of the tube shall not exceed 12 inches, exclusive of flanges for handling or fastening devices and shall have wall thickness and length in accordance with the following:

| Inside diameter not over (inches) | Wall thickness minimum (inch) | Length maximum (inches) |
|---|---|---|
| 2 | 3/32 | 16 |
| 6 | 1/8 | 72 |
| 12 | 1/4 | 72 |

**§ 78.34–4 Closing devices.**

(a) Closing devices shall be as follows:

(1) Screw-type, caps or plugs; number of threads per inch must not be less than United States standard pipe threads and must have sufficient length of thread to engage at least 5 threads when securely tightened.

(2) Openings exceeding 3 inches inside diameter may be closed by securely bolted flanges and leak-tight gasket.

**§ 78.34–5 Marking.**

(a) Each container shall be marked with the words "RADIOACTIVE MATERIAL" either by embossing or die-stamping directly onto the container or by securely affixing by welding or brazing a metal plate bearing this notation to the container.

**§ 78.35 Specification 2S; polyethylene container.**

Removable head container not authorized.

**§ 78.35–1 Compliance.**

(a) Required in all details.

**§ 78.35–2 Material requirements.**

(a) Container shall be made of polyethylene and shall have the following properties (see Note 1):

Melt index---------- 2.6 maximum.
Density---------- 0.910–0.925.
Tensile strength--------- 1,500 pounds per square inch minimum.
Percent elongation------- 400 percent minimum.

NOTE 1: Properties to be obtained by a test method approved by the Bureau of Explosives. Other materials may be added which shall not affect the properties.

**§ 78.35–3 Construction, capacity and marking.**

(a) Container must be constructed in accordance with the following table:

| Marked capacity not over (gallons) [1] | Maximum capacity (gallons) | Minimum thickness—side wall and heads (inches) [2] | Minimum weight (pounds) |
|---|---|---|---|
| 5 | 6 | 0.0625 | 1.4 |
| 13.5 | 14.5 | .0625 | 3.25 |
| 15 | 16 | .0625 | 3.5 |
| 29 | 30 | .0625 | 5.5 |
| 53 | 54 | .0625 | 9 |

[1] Marked capacity shall be minimum capacity.
[2] Side openings are not authorized.

(b) **Marking.** Each container must be permanently marked to show minimum capacity, month and year of manufacture, maker (symbols, if used, must be registered with the Bureau of Explosives) and ICC–2S in figures and letters at least ¼ inch in size.

(c) Polyethylene container must fit snugly in outside container.

**§ 78.35–4 Closures.**

(a) Closing devices must be of screw thread type or fastened by positive means and be of material resistant to the lading and adequate to prevent leakage.

(b) Openings over 2.3 inches in diameter not permitted.

**§ 78.35–5 Tests.**

(a) Samples taken at random, empty or filled, and prepared as specified and closed as for use, shall be capable of withstanding the following tests without breakage or leakage:

(1) Empty container shall be dropped on any part from a height of 6 feet onto solid concrete, immediately after conditioning for at least 24 hours at 0° F.

(2) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or any part considered weaker.

(3) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with a solution which is compatible with polyethylene and remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F.

**§ 78.35a Specification 2SL; molded or thermoformed polyethylene container.**

Removable head container or container fabricated from film not authorized.

**§ 78.35a–1 Material requirements.**

(a) Container shall be made of polyethylene and have the following properties (see Note 1):

Melt index---------- 2.6 maximum.
Density ---------- 0.910–0.925.
Tensile strength---- 1,500 pounds per square inch minimum.
Percent elongation-- 400 percent minimum.

NOTE 1: Properties to be obtained by a test method approved by the Bureau of Explosives. Other materials may be added which shall not affect the properties of this section.

**§ 78.35a–2 Construction, capacity and marking.**

(a) Container must be constructed in accordance with the following table:

| Marked capacity not over (gallons) [1] | Maximum capacity (gallons) | Minimum thickness—side wall and heads (inches) [2] | Minimum weight (pounds) |
|---|---|---|---|
| 13.5 | 14.5 | 0.030 | 2 |
| 15 | 16 | .030 | 2.25 |
| 29 | 30.5 | .030 | 3.25 |
| 53 | 54.5 | .040 | 5 |

[1] Marked (actual) capacity shall be minimum capacity.
[2] Side openings are not authorized.

(b) **Closure:** Closure shall be of material resistant to lading and adequate to prevent leakage. Vented closures where specified under Part 73 of this chapter are authorized. No opening over 2.3 inches in diameter authorized.

(c) **Markings:** Each container must be permanently marked to show minimum capacity, month and year of manufacture, maker (symbols, if used, must be registered with the Bureau of Explosives) and ICC–2SL in figures and letters at least ¼ inch in size.

(d) Polyethylene container must fit snugly in outside container.

**§ 78.35a–3 Type test.**

(a) Samples taken at random shall withstand prescribed test without breakage. Test shall be made on each type and size at each manufacturing location starting production and shall be repeated every four months. The type test is as follows:

(1) Empty container shall be dropped on any part from a height of 6 feet onto solid concrete immediately after conditioning for at least 24 hours at 0° F.

**§ 78.35a–4 Tests.**

(a) Samples taken at random, filled and prepared as specified and closed as for use, shall be capable of withstanding the following tests without leakage:

(1) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or any part considered weaker.

(2) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with a solution which is compatible with polyethylene and remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F.

(3) The polyethylene container in a prescribed outer specification container, as authorized in Part 73 of this chapter, filled to 98 percent of capacity with water shall be capable of withstanding a vibration test by placing the container on the vibration table anchored in such manner that all horizontal motion shall be restricted and only vertical motion allowed. The test shall be performed for one hour using an amplitude of one inch at a frequency that causes the test container to be raised from the floor of the table to such a degree that a piece of paper or flat steel strap or tape can be passed between the table and the container.

## Subpart C—Specifications for Cylinders

**§ 78.36 Specification 3A; seamless steel cylinders.**

**§ 78.36–1 Compliance.**

(a) Required in all details.

**§ 78.36–2 Type, size and service pressure.**

(a) *Type and size.* Seamless; not over 1,000 pounds water capacity (nominal).



(b) *Service pressure.*[1] At least 150 pounds per square inch.

**§ 78.36–3 Inspection by whom and where.**

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

**§ 78.36–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after parting and shown to be free from pipe, cracks, excessive segregation and other injurious defects.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided*, That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.36–22) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.36–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.55; phosphorous, 0.045; sulphur, 0.050.

**§ 78.36–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.36–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.36–8 Manufacture.**

(a) By best appliance and methods; dirt and scale to be removed as necessary to afford proper inspection; no fissure or other defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. If not originally free from such defects, the surface may be machined or otherwise treated to eliminate these defects. The thickness of the bottoms of cylinders welded or formed by spinning is, under no condition, to be less than two times the minimum wall thickness of the cylindrical shell; such bottom thicknesses to be measured within an area bounded by a line representing the points of contact between the cylinder and floor when the cylinder is in a vertical position.

**§ 78.36–9 Welding or brazing.**

(a) Welding or brazing for any purpose whatsoever is prohibited except as follows:

(1) Welding or brazing is authorized for the attachment of neckrings and footrings which are non-pressure parts, and only to the tops and bottoms of cylinders having a service pressure of 500 pounds per square inch or less. Cylinders, neckrings, and footrings must be made of weldable steel, carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

(2) As permitted in § 78.36–8 (a).

NOTE 1: Cylinders used solely in anhydrous ammonia service may have a ½ inch diameter bar welded within their concave bottoms in accordance with the foregoing requirements.

**§ 78.36–10 Wall thickness.**

(a) For cylinders with service pressure less than 900 pounds the wall stress shall not exceed 24,000 pounds per square inch. Minimum wall 0.100" for any cylinder over 5" outside diameter.

(b) Calculation must be made by the formula:

$$S = \frac{P(1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

where
$S$ = wall stress in pounds per square inch;
$P$ = minimum test pressure prescribed for water jacket test or 450 pounds per square inch whichever is the greater;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

**§ 78.36–11 Heat treatment.**

(a) The completed cylinders must be uniformly and properly heat-treated prior to tests.

**§ 78.36–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required, to be clean cut, even, without checks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 6 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

**§ 78.36–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34 (f) and 73.301 (i) of this chapter).

**§ 78.36–14 Hydrostatic test.**

(a) By water-jacket, or other suitable methods, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each cylinder must be tested to at least 5/3 times service pressure.

**§ 78.36–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½" radius; test 1 cylinder,[1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.36–16 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1 [1] cylinder taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16-inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–3A2000 indicates the service pressure as 2,000 pounds per square inch.

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ½ inch per minute during yield strength determination.

**§ 78.36–17 Acceptable results for physical and flattening tests.**

(a) Either of the following:

(1) Elongation at least 40 percent for 2-inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

(2) Elongation at least 20 percent for 2-inch gauge length or 10 percent in other cases; yield strength not over 73 percent of tensile strength; flattening required, without cracking, to 6 times wall thickness.

**§ 78.36–18 Leakage test.**

(a) All spun cylinders and plugged cylinders (see Notes 1 and 2) must be tested for leakage by gas or air pressure after the bottom has been cleaned and is free from all moisture. Pressure, approximately the same as but no less than service pressure, must be applied to one side of the finished bottom over an area of at least 1/16 of the total area of the bottom but not less than ¾ inch in diameter, including the closure, for at least 1 minute, during which time the other side of the bottom exposed to pressure must be covered with water and closely examined for indications of leakage. Leakers must be rejected. (See Note 1 to § 78.36–19.)

NOTE 1: A spun cylinder is one in which an end closure in the finished cylinder has been welded by the spinning process.

NOTE 2: A plugged cylinder is one in which a permanent closure in the bottom of a finished cylinder has been effected by a plug.

NOTE 3: As a safety precaution, if the manufacturer elects to make this test before the hydrostatic test, he should design his apparatus so that the pressure is applied to the smallest area practicable, around the point of closure, and so as to use the smallest possible volume of air or gas.

**§ 78.36–19 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding or spinning is not authorized.

NOTE 1: Spun cylinders rejected under the provisions of § 78.36–18 may be removed from the spun cylinder category by drilling to remove defective material, tapping and plugging.

**§ 78.36–20 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) ICC–3A followed by the service pressure (for example, ICC–3A1800, etc.).

(2) A serial [1] number and an identifying symbol (letters); location [2] of number to be just below the ICC mark; location [2] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added; and word "SPUN" or "PLUG" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

**§ 78.36–21 Size of marks.**

(a) At least ¼" inch high if space permits.

**§ 78.36–22 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Gas Cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.

Marks stamped into the shoulder of the cylinder are:
Specification ICC— _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____

These cylinders were made by process of _____

The _____ permitted in
(neckrings—footrings)
§ 78.36–9 were attached by process of _____
(welding—brazing)

The material used was identified by the following _____
(heat-purchase order)
numbers _____.

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–3A were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 3A except as follows:

Exceptions: _____

(Signed) _____
Inspector.

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 60 cubic inches.

[2] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

*Example:*

ICC—3A1800
1254
XY

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____

(Signed) _____



(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial numbers of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 per cent.

(Signed) _____

**§ 78.37 Specification 3AA; seamless steel cylinders, made of definitely prescribed steels.**

**§ 78.37–1 Compliance.**

(a) Required in all details.

**§ 78.37–2 Type, size and service pressure.**

(a) *Type and size.* Seamless; not over 1,000 pounds water capacity (nominal).

(b) *Service pressure.*[1] At least 150 pounds per square inch.

**§ 78.37–3 Inspection by whom and where.**

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

**§ 78.37–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after parting and shown to be free from pipe, cracks, excessive segregation and other injurious defects.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.37–22) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.37–5 Authorized steel.**

(a) Open hearth or electric steel of uniform quality. The following chemical analyses are authorized (see note 1):

| Designation | 4130X (percent) (see note 2) | NE–8630 (percent) (see note 2) | 9115 (percent) (see note 2) | 9125 (percent) (see note 2) |
|---|---|---|---|---|
| Carbon | 0.25/0.35 | 0.28/0.33 | 0.10/0.20 | 0.20/0.30. |
| Manganese | 0.40/0.90 | 0.70/0.90 | 0.50/0.75 | 0.80/0.75. |
| Phosphorus | 0.04 max | 0.04 max | 0.04 max | 0.04 max. |
| Sulphur | 0.05 max | 0.04 max | 0.04 max | 0.04 max. |
| Silicon | 0.20/0.35 | 0.20/0.35 | 0.60/0.90 | 0.60/0.90 |
| Chromium | 0.80/1.10 | 0.40/0.60 | 0.50/0.65 | 0.80/0.65. |
| Molybdenum | 0.15/0.25 | 0.15/0.25 | | |
| Zirconium | | | 0.05/0.15 | 0.05/0.15. |
| Nickel | | 0.40/0.70 | | |

| Designation | 9115X (percent) (see note 2) | 9125X (percent) (see note 2) | Intermediate manganese (percent) |
|---|---|---|---|
| Carbon | 0.10/0.20 | 0.20/0.30 | 0.40 max. |
| Manganese | 0.50/0.75 | 0.50/0.75 | 1.35/1.65. |
| Phosphorus | 0.04 max | 0.04 max | 0.04 max. |
| Sulphur | 0.04 max | 0.04 max | 0.05 max. |
| Silicon | 0.60/0.90 | 0.60/0.90 | 0.10/0.30. |
| Chromium | 0.50/0.65 | 0.50/0.65 | |
| Molybdenum | 0.10/0.20 | 0.10/0.20 | |
| Zirconium | 0.05/0.15 | 0.05/0.15 | |
| Nickel | | | |

NOTE 1: A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semi-finished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded, or provided the variation in chemical analysis is approved by the Bureau of Explosives.

NOTE 2: This designation shall not be restrictive and the commercial steel is limited in analysis as shown in the table.

**§ 78.37–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.37–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.37–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no fissure or other defects acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. If not originally free from such defects, the surface may be machined or otherwise treated to eliminate these defects. The thickness of the bottoms of cylinders welded or formed by spinning is, under no condition, to be less than two times the minimum wall thickness of the cylindrical shell; such bottom thicknesses to be measured within an area bounded by a line representing the points of contact between the cylinder and floor when the cylinder is in a vertical position.

**§ 78.37–9 Welding or brazing.**

(a) Welding or brazing for any purpose whatsoever is prohibited except as follows:

(1) Welding or brazing is authorized for the attachment of neckrings and footrings which are non-pressure parts, and only to the tops and bottoms of cylinders having a service pressure of 500 pounds per square inch or less. Cylinders, neckrings, and footrings must be made of weldable steel, carbon content of

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–3AA2000 indicates the service pressure as 2,000 pounds per square inch.

which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

(2) As permitted in § 78.37–8.

**§ 78.37–10 Wall thickness.**

(a) For cylinders with service pressure less than 900 pounds the wall stress shall not exceed 24,000 pounds per square inch. Minimum wall 0.100" for any cylinder over 5" outside diameter.

(b) For cylinders with service pressure of 900 p. s. i. or more the minimum wall shall be such that the wall stress at the minimum specified test pressure shall not exceed 67 percent of the minimum tensile strength of the steel as determined from the physical tests required in §§ 78.37–16 and 78.37–17 and shall be not over 70,000 p. s. i.

(c) Calculation must be made by the formula:

$$S = \frac{P(1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

where

$S$ = wall stress in pounds per square inch;
$P$ = minimum test pressure prescribed for water jacket test of 450 pounds per square inch whichever is the greater;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

**§ 78.37–11 Heat treatment.**

(a) The completed cylinders must be uniformly and properly heat treated prior to tests. Heat treatment of cylinders of the authorized analyses shall be as follows:

(1) All cylinders must be oil quenched except as noted in subparagraphs (5) and (7) of this paragraph.

(2) The steel temperature on quenching shall be that recommended for the steel analysis, but in no case shall exceed 1750° F.

(3) All steels shall be tempered at a temperature most suitable for that steel.

(4) The minimum tempering temperature shall be not less than 1000° F. except as noted in subparagraph (6) of this paragraph.

(5) Steel 4130X may be normalized at a temperature of 1650° F. instead of being quenched, and cylinders so normalized need not be tempered.

(6) Intermediate manganese steels may be tempered at temperatures not less than 1150° F., and after heat treating, each cylinder must be submitted to a magnetic test to detect the presence of quenching cracks. Cracked cylinders shall be rejected and destroyed.

(7) Steels coming under this specification may be quenched in molten salt bath maintained at a temperature not less than 375° F.

**§ 78.37–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required, to be clean cut, even, without checks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 6 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

**§ 78.37–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(i) of this chapter).

**§ 78.37–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each cylinder must be tested to at least 5/3 times service pressure.

**§ 78.37–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½" radius; test 1 cylinder [1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.37–16 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1 [1] cylinder taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches: *Provided*, That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.37–17 Physical and flattening tests.**

(a) Acceptable results for physical and flattening tests; elongation at least 20 percent for 2" gauge length or at least 10 percent in other cases; flattening required without cracking to 6 times wall thickness.

**§ 78.37–18 Leakage test.**

(a) All spun cylinders and plugged cylinders (See Notes 1 and 2) must be tested for leakage by gas or air pressure after the bottom has been cleaned and is free from all moisture. Pressure, aproximately the same as but no less than service pressure, must be applied to one side of the finished bottom over an area of at least 1/16 of the total area of the bottom but not less than ¾ inch in diameter, including the closure, for at least one minute, during which time the other side of the bottom exposed to pressure must be covered with water and closely examined for indications of leakage. Leakers must be rejected. (See Note 1 to § 78.37–19.)

NOTE 1: A spun cylinder is one in which an end closure in the finished cylinder has been welded by the spinning process.

NOTE 2: A plugged cylinder is one in which a permanent closure in the bottom of a finished cylinder has been effected by a plug.

NOTE 3: As a safety precaution, if the manufacturer elects to make this test before the hydrostatic test, he should design his apparatus so that the pressure is applied to the smallest area practicable, around the point of closure, and so as to use the smallest possible volume of air or gas.

**§ 78.37–19 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding or spinning is not authorized.

NOTE 1: Spun cylinders rejected under the provisions of § 78.37–18 may be removed from the spun cylinder category by drilling to remove defective material, tapping and plugging.

**§ 78.37–20 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) ICC–3AA followed by the service pressure (for example, ICC–3AA1800, etc.).

(2) A serial [1] number and an identifying symbol (letters); location [2] of number to be just below the ICC mark; location [2] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950, so placed that dates of subsequent tests can be easily added; and word "SPUN" or "PLUG" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

**§ 78.37–21 Size of marks.**

(a) At least ¼" high if space permits.

**§ 78.37–22 Inspector's report.**

(a) Required to be clear, legible, and in the following form:

(Place) _____
(Date) _____

*Gas Cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter
by _____ inches long

Marks stamped into the shoulder of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____ (welding—brazing)
The cylinders were heat treated by the process of _____ (neckrings—footrings)
The _____ permitted in § 78.37–9 were attached by process of _____ (welding—brazing)
The material used was identified by the following _____ (heat-purchase order) numbers _____
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____ (were—were not) marked on the material.
All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.
The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.
Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–3AA were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.
I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 3AA except as follows:
Exceptions: _____
_____
_____
(Signed) _____
Inspector.

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 60 cubic inches.

[2] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

*Example:* ICC–3AA1800
1234
XY

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.



RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

(Place) _____
(Date) _____

Numbered _____ to _____ Inclusive.
Size _____ Inches outside diameter by _____ Inches long
Made by _____ Company
For _____ Company

NOTE. Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr | Mo | Zr |
| | | | | | | | | | | | | |

The analyses were made by _____

(Signed) _____

(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ Inclusive.
Size _____ Inches outside diameter by _____ Inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength at 0.2 percent offset (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ Inclusive.
Size _____ Inches outside diameter by _____ Inches long
Made by _____ Company
For _____ Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____

**§ 78.38 Specification 3B; seamless steel cylinders.**

**§ 78.38–1 Compliance.**

(a) Required in all details.

**§ 78.38–2 Type, size, and service pressure.**

(a) *Type and size.* Seamless; not over 1,000 pounds water capacity (nominal).

(b) *Service pressure.*[1] At least 150 to not over 500 pounds per square inch.

**§ 78.38–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.38–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.38–22) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.38–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.55; phosphorus, 0.045; sulphur, 0.050.

**§ 78.38–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.38–7 Defects.**

(a) Material with seams, racks, laminations, or other injurious defects, not authorized.

**§ 78.38–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no fissure or other defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. If not originally free from such defects, the surface may be machined or otherwise treated to eliminate these defects. The thickness of the bottoms of cylinders welded or formed by spinning is, under no condition, to be less than two times the minimum wall thickness of the cylindrical shell; such bottom thicknesses to be measured within an area bounded by a line representing the points of contact between the cylinder and floor when the cylinder is in a vertical position.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–3B300 indicates the service pressure as 300 pounds per square inch.

**§ 78.38–9 Welding or brazing.**

(a) Welding or brazing for any purpose whatsoever is prohibited except as follows:

(1) Welding or brazing is authorized for the attachment of neckrings and footrings which are non-pressure parts, and only to the tops and bottoms of cylinders having a service pressure of 500 pounds per square inch or less. Cylinders, neckrings, and footrings must be made of weldable steel, carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

(2) As permitted in § 78.38–8.

**§ 78.38–10 Wall thickness.**

(a) The wall stress shall not exceed 24,000 pounds per square inch. Minimum wall 0.090" for any cylinder over 6" outside diameter.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

$S$ = wall stress in pounds per square inch;
$P$ = minimum test pressure prescribed for water jacket test or 450 pounds per square inch whichever is the greater;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

**§ 78.38–11 Heat treatment.**

(a) The completed cylinders must be uniformly and properly heat-treated prior to tests.

**§ 78.38–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required, to be clean cut, even, without checks, and to gauge.

(b) Taper threads when used, to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 4 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

**§ 78.38–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34 (f), 73.301 (i) and 73.124(a) of this chapter).

**§ 78.38–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows:

(1) Each cylinder; to at least 2 times service pressure.

(2) Or, 1 cylinder out of each lot of 200 or less; to at least 3 times service pressure. Others must be examined under pressure of 2 times service pressure and show no defect.

**§ 78.38–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½" radius; test 1 cylinder[1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.38–16 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1[1] cylinder taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches: Provided, That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000.

[1] For lots of 30 or less physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.



In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.38–17 Acceptable results for physical and flattening tests.**

(a) Either of the following:

(1) Elongation at least 40 percent for 2-inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

(2) Elongation at least 20 percent for 2-inch gauge length or 10 percent in other cases; yield strength not over 73 percent of tensile strength; flattening required, without cracking, to 6 times wall thickness.

**§ 78.38–18 Leakage test.**

(a) All spun cylinders and plugged cylinders (see Notes 1 and 2) must be tested for leakage by gas or air pressure after the bottom has been cleaned and is free from all moisture. Pressure, approximately the same as but no less than service pressure, must be applied to one side of the finished bottom over an area of at least 1/16 of the total area of the bottom but not less than ¾ inch in diameter, including the closure, for at least one minute, during which time the other side of the bottom exposed to pressure must be covered with water and closely examined for indications of leakage. Leakers must be rejected. (See Note 1 to § 78.38–19.)

NOTE 1: A spun cylinder is one in which an end closure in the finished cylinder has been welded by the spinning process.

NOTE 2: A spun cylinder is one in which a permanent closure in the bottom of a finished cylinder has been effected by a plug.

NOTE 3: As a safety precaution, if the manufacturer elects to make this test before the hydrostatic test, he should design his apparatus so that the pressure is applied to the smallest area practicable, around the point of closure, and so as to use the smallest possible volume of air or gas.

**§ 78.38–19 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding or spinning is not authorized.

NOTE 1: Spun cylinders rejected under the provisions of § 78.38–18 may be removed from the spun cylinder category by drilling to remove defective material, tapping and plugging.

**§ 78.38–20 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) ICC–3B followed by the service pressure (for example, ICC–3B300, etc.).

(2) A serial[1] number and an identifying symbol (letters); location[2] of number to be just below the ICC mark; location[2] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added; and word "*SPUN*" or "*PLUG*" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

(b) Marking stamped into the sidewalls of cylinders having a service pressure of 150 psi is permitted only if all of the following conditions are met:

(1) Wall stress at test pressure shall not exceed 24,000 psi.

(2) Minimum wall thickness shall be not less than 0.090".

(3) Depth of stamping shall be no greater than 15 percent of the minimum wall thickness, but at no time shall it exceed 0.015".

(4) Maximum outside diameter of cylinder shall not exceed 5".

(5) Carbon content of cylinder shall not exceed 0.25 percent. If the carbon content exceeds 0.25 percent, the complete cylinder must be normalized after stamping.

(6) Stamping shall be adjacent to top head.

**§ 78.38–21 Size of marks.**

(a) At least ¼" high if space permits.

**§ 78.38–22 Inspector's report.**

(a) Required to be clear, legible, and in following form:

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 170 cubic inches.

[2] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

*Example:*

ICC–3B300
1234
XY

(Place) _____
(Date) _____

*Gas cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC– _____
Serials numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
_____
The _____ permitted
(neckrings—footrings)
in § 78.38–9 were attached by process of _____
(welding—brazing)
The material used was identified by the following _____ numbers
(heat-purchase order)
_____
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–3B were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 3B except as follows:

Exceptions _____
_____
_____
(Signed) _____
Inspector

(Place)_____
(Date)_____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered_____to_____inclusive.
Size_____inches outside diameter by_____inches long
Made by_____Company
For_____Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by_____

(Signed)_____

(Place)_____
(Date)_____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered_____to_____inclusive.
Size_____inches outside diameter by_____inches long
Made by_____Company
For_____Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed)_____

(Place)_____
(Date)_____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered_____to_____inclusive.
Size_____inches outside diameter by_____inches long
Made by_____Company
For_____Company

| Serial numbers of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) [5] | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity [3] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of_____pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed)_____

**§ 78.39 Specification 3BN; seamless nickel cylinders.**

**§ 78.39–1 Compliance.**

(a) Required in all details.

**§ 78.39–2 Type, size and service pressure.**

(a) *Type and size.* Seamless; not over 125 pounds water capacity (nominal).

(b) *Service pressure.*[1] At least 150 to not over 500 pounds per square inch.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–3BN400 indicates the service pressure as 400 pounds per square inch.

**§ 78.39–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.39–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests, verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.39–21) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.39–5 Nickel.**

(a) At least 99.0 percent pure nickel plus cobalt.

**§ 78.39–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.39–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.39–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Cylinders closed in by spinning process not authorized.

**§ 78.39–9 Welding or brazing.**

(a) Welding or brazing for any purpose whatsoever is prohibited except that welding is authorized for the attachment of neckrings and footrings which are nonpressure parts, and only to the tops and bottoms of cylinders. Neckrings and footrings must be of weldable material, carbon content of which must not exceed 0.25 percent Nickel welding rod must be used.

**§78.39–10 Wall thickness.**

(a) The wall stress shall not exceed 15,000 pounds per square inch. Minimum wall 0.100" for any cylinder over 5" outside diameter.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$S$=wall stress in pounds per square inch;
$P$=minimum test pressure prescribed for water jacket test or 450 pounds per square inch whichever is the greater;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

**§ 78.39–11 Heat treatment.**

(a) The completed cylinders must be uniformly and properly heat-treated prior to tests.

**§ 78.39–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required, to be clean cut, even, without checks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 6 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

**§ 78.39–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(i) of this chapter).

**§ 78.39–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each cylinder must be tested to at least 2 times service pressure.

**§ 78.39–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½" radius; test 1 cylinder[1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.39–16 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material: Required on 2 specimens cut from 1[1] cylinder taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches: *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.39–17 Acceptable results for physical and flattening tests.**

(a) Either of the following:

(1) Elongation at least 40 percent for 2" gauge length or at least 20 percent in other cases; yield point not over 50 percent of tensile strength; flattening test not required.

(2) Elongation at least 20 percent for 2" gauge length or 10 percent in other cases; yield point not over 50 percent of tensile strength; flattening required, without cracking, to 6 times wall thickness.

**§ 78.39–18 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding not authorized.

**§ 78.39–19 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) ICC–3BN followed by service pressure (for example ICC–3BN400, etc.).

(2) A serial[1] number and an identifying symbol (letters); location[2] of number to be just below the ICC mark; location[2] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark, near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added.

**§ 78.39–20 Size of marks.**

(a) At least ¼" high if space permits.

**§ 78.39–21 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Gas cylinders*

Manufactured for_____ Company
Location at_____
Manufactured by_____ Company
Location at_____
Consigned to_____ Company
Location at_____
Quantity_____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC—_____
Serial numbers_____ to _____ inclusive.
Inspector's mark_____
Identifying symbol (registered)_____
Test date_____
Tare weights (yes or no)_____
Other marks (if any)_____

These cylinders were made by process of_____

The _____ permitted in
(neckrings—footrings)
§ 78.39–9 were attached by process of _____
(welding-brazing)
The material used was identified by the following _____ numbers
(heat-purchase order)

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–3BN were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 3BN except as follows:

Exceptions _____

(Signed) _____,
Inspector.

[1] For lots of 30 or less physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter.

[2] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

Example:

ICC—3BN400
1234
XY

(Place) .....
(Date) .....

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by .....
(Signed) .....
(Place) .....
(Date) .....

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) .....
(Place) .....
(Date) .....

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Serial Nos. of cylinders tested, arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) .....

**§ 78.40 Specification 3C; seamless steel cylinders.**

**§ 78.40–1 Compliance.**

(a) Required in all details.

**§ 78.40–2 Type, size, and service pressure.**

(a) *Type and size.* Seamless; not over 1,000 pounds water capacity (nominal).

(b) *Service pressure.*[1] At least 90 to not over 300 pounds per square inch.

**§ 78.40–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–3C300 indicates the service pressure as 300 pounds per square inch.

**§ 78.40–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.40–22) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.40–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.55; phosphorus, 0.045; sulphur, 0.050.

**§ 78.40–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.40–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.40–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no fissure or other defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. If not originally free from such defects, the surface may be machined or otherwise treated to eliminate these defects. The thickness of the bottoms of cylinders welded or formed by spinning is, under no condition, to be less than two times the minimum wall thickness of the cylindrical shell; such bottom thickness to be measured within an area bounded by a line representing the points of contact between the cylinder and floor when the cylinder is in a vertical position.

**§ 78.40–9 Welding or brazing.**

(a) Welding or brazing for any purpose whatsoever is prohibited except as follows:

(1) Welding or brazing is authorized for the attachment of neckrings and footrings which are non-pressure parts, and only to the tops and bottoms of cylinders having a service pressure of 500 pounds per square inch or less. Cylinders, neckrings, and footrings must be made of weldable steel, carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

(2) As permitted in § 78.40–8.

**§ 78.40–10 Wall thickness.**

(a) The wall stress shall not exceed 24,000 pounds per square inch. Minimum wall 0.090" for any cylinder over 5" outside diameter.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2}{D^2-d^2}$$

where
$S$=wall stress in pounds per square inch;
$P$=minimum test pressure prescribed for water jacket test or 450 pounds per square inch whichever is the greater;
$D$=outside diameter in inches;
$d$=inside diameter in inches.



**§ 78.40–11 Heat treatment.**

(a) The completed cylinders must be uniformly and properly heat-treated prior to tests.

**§ 78.40–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required, to be clean cut, even, without checks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 6 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

**§ 78.40–13 Safety advices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(1) of this chapter).

**§ 78.40–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows: 1 cylinder out of each lot of 200 or less; to at least 3 times service pressure. Others must be examined under pressure of 2 times service pressure and show no defect. If tested cylinder fails, each cylinder in the lot may be tested; those passing are acceptable.

**§ 78.40–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½" radius; test 1 cylinder[1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.40–16 Physical test.**

(a) *To determine yield strength, tensile strength, elongation, and reduction of area of material.* Required on 2 specimens cut from 1[1] cylinder taken at random out of each lot of 200 or less.

(b) Specimens must be gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.40–17 Acceptable results for physical and flattening tests.**

(a) Either of the following:

(1) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

(2) Elongation at least 20 percent for 2 inch gauge length or 10 percent in other cases; yield strength not over 73 percent of tensile strength; flattening required, without cracking, to 6 times wall thickness.

**§ 78.40–18 Leakage test.**

(a) All spun cylinders and plugged cylinders (see Notes 1 and 2) must be tested for leakage by gas or air pressure after the bottom has been cleaned and is free from all moisture. Pressure, approximately the same as but no less than service pressure, must be applied to one side of the finished bottom over an area of at least 1/16 of the total area of the bottom but not less than ¾ inch in diameter, including the closure, for at least one minute, during which time the other side of the bottom exposed to pressure must be covered with water and closely examined for indications of leakage. Leakers must be rejected. (See Note 1 § 78.40–19.)

NOTE 1: A spun cylinder is one in which an end closure in the finished cylinder has been welded by the spinning process.

NOTE 2: A plugged cylinder is one in which a permanent closure in the bottom of a finished cylinder has been effected by a plug.

NOTE 3: As a safety precaution, if the manufacturer elects to make this test before the hydrostatic test, he should design his apparatus so that the pressure is applied to the smallest area practicable, around the point of closure, and so as to use the smallest possible volume of air or gas.

**§ 78.40–19 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding or spinning is not authorized.

NOTE 1: Spun cylinders rejected under the provisions of § 78.40–18 may be removed from the spun cylinder category by drilling to remove defective material, tapping and plugging.

**§ 78.40–20 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) ICC–3C followed by the service pressure (for example ICC–3C300, etc.).

(2) A serial[1] number and an identifying symbol (letters); location[2] of number to be just below the ICC mark; location[2] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added; and word *"SPUN"* or *"PLUG"* near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

**§ 78.40–21 Size of marks.**

(a) At least ¼" high if space permits.

**§ 78.40–22 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) .....
(Date) .....

*Gas cylinders*

Manufactured for ..... Company
Location at .....
Manufactured by ..... Company
Location at .....
Consigned to ..... Company
Location at .....
Quantity .....
Size ..... inches outside diameter by .....

[1] For lots of 30 or less physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 60 cubic inches.

[2] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

*Example:*

ICC–3C300
1234
XY

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers.....
(were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ------ inch. The outside diameter was determined by a close approximation to be ------ inches. The wall stress was calculated to be ------ pounds per square inch under an internal pressure of ------ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–3C were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 3C except as follows:

Exceptions: .....

(Signed) .....
Inspector.

(Place) .....
(Date) .....

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by .....
(Signed) .....

(Place) .....
(Date) .....

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) .....

(Place) .....
(Date) .....

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Serial numbers of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [3] | Volumetric capacity [2] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of ..... pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[3] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[2] Report approximate maximum and minimum volumetric capacity for the lot.
(Signed) .....

**§ 78.41 Specification 3D; seamless steel cylinders.**

**§ 78.41–1 Compliance.**

(a) Required in all details.

**§ 78.41–2 Type, size, and service pressure.**

(a) *Type and size.* Seamless; not over 125 pounds water capacity (nominal); closing of bottom ends by spinning or swedging not authorized.

(b) *Service pressure.*[1] Must be 480 pounds per square inch.

**§ 78.41–3 Inspection by whom and where.**

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

**§ 78.41–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted. Inspection of valves and protection caps is required.

(d) Render complete report (§ 78.41–21) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.41–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.55; phosphorus, 0.045; sulphur, 0.050.

**§ 78.41–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.41–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.41–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required.

(b) Extension ring: Top end of cylinder over 5" outside diameter must be fitted with section of tubing shrunk on, not welded to cylinder, and extending at least 4" below shoulder and above neck; thickness of ring as prescribed for cylinder wall; drain holes required.

(c) Valve and protection cap of metal substantially noncorrodible.

(d) Valve body and other parts subject to gas pressure when closed to be of forged, drawn, or extruded metal. Plug instead of valve is authorized.

(e) Protection cap must be at least 5/16" thick, gas tight, with 3/4" faced seat for gasket, and with United States standard form thread; it must not project beyond extension ring.

(f) Assembly of valves to cylinder: Selective method required so that at least 1 thread is left disengaged when screwed home. Efficient luting material required. Assembly by shippers is permitted without supervision by inspector.

**§ 78.41–9 Welding or brazing.**

(a) Welding or brazing is authorized, but only for the sealing of neckrings which must be threaded on the external neck of cylinders of not over 500 cubic inches capacity. Cylinders and neckrings must be weldable steel, the carbon content of which must not exceed 0.25 percent except that the use of 4130X steel is authorized. The weld free from moisture must be tested with gas or air at not less than 800 pounds per square inch.

**§ 78.41–10 Wall thickness.**

(a) The wall stress shall not exceed 16,000 pounds per square inch. Minimum wall 0.100" for any cylinder over 5" outside diameter.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$S$=wall stress in pounds per square inch;
$P$=800 pounds per square inch;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

**§ 78.41–11 Heat treatment.**

(a) The completed cylinders must be uniformly and properly heat-treated prior to tests.

**§ 78.41–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required to be clean cut, even, without checks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for American Standard taper pipe threads.

**§ 78.41–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(i) of this chapter).

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–3D480 indicates the service pressure as 480 pounds per square inch.



**§ 78.41–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each cylinder must be tested to at least 5/3 times service pressure.

**§ 78.41–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to 1/2" radius; test 1 cylinder [1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.41–16 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1 [1] cylinder taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1 1/2 inches; or, gauge length 2 inches with width not over 1 1/2 inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed 1/8 inch per minute during yield strength determination.

**§ 78.41–17 Acceptable results for physical and flattening tests.**

(a) Either of the following:

(1) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

(2) Elongation at least 20 percent for 2 inch gauge length or 10 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test is required, without cracking, to 4 times wall thickness.

**§ 78.41–18 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding is not authorized.

**§ 78.41–19 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck, and also on extension ring, as follows:

(1) ICC–3D480.

(2) A serial [1] number and an identifying symbol (letters); location [2] of number to be just below the ICC mark; location [2] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added.

**§ 78.41–20 Size of marks.**

(a) At least 1/4" high if space permits.

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter.

[2] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

*Example:*

ICC–3D480
1234
XY

(Place) .....
(Date) .....

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) .....

(Place) .....
(Date) .....

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [1] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
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| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

**§ 78.42 Specification 3E; seamless steel cylinders.**

**§ 78.42–1 Compliance.**

(a) Required in all details.

**§ 78.42–2 Type, size, and service pressure.**

(a) *Type and size.* Seamless. Must have outside diameter not greater than 2 inches nominal, length less than 2 feet.

(b) *Service pressure.*[1] Must be 1,800 pounds per square inch.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–3E1800 indicates the service pressure as 1,800 pounds per square inch.

**§ 78.42–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.42–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of steel by analysis or by obtaining certified analysis: *Provided,* That check analysis of samples taken from one cylinder out of each lot of 200 or less is acceptable.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.42–15) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.42–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.55; phosphorus, 0.045; sulphur, 0.050.

**§ 78.42–6 Identification of steel.**

(a) Required; any suitable method.

**§ 78.42–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.42–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cyclinder appreciably; reasonably smooth and uniform surface finish required. The thickness of the spun bottom is, under no condition, to be less than two times the minimum wall thickness of the cylindrical shell; such bottom thickness to be measured within an area bounded by a line representing the points of contact between the cylinder and floor when the cylinder is in a vertical position.

**§ 78.42–9 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required, to be clean cut, even, without checks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 4 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

**§ 78.42–10 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(i) of this chapter).

**§ 78.42–11 Hydrostatic test.**

(a) Cylinders must be tested as follows:

(1) One cylinder out of each lot of 500 or less to be subjected to hydrostatic pressure of 6,000 pounds per square inch or higher.

(2) The cylinder referred to in subparagraph (1) of this paragraph shall burst at a pressure higher than 6,000 pounds per square inch without fragmenting or otherwise showing lack of ductility, or shall hold a pressure of 12,000 pounds per square inch for 30 seconds without bursting, in which case it shall be subjected to a flattening test without cracking to six times wall thickness between knife edges, wedge shaped, 60 degree angle, rounded out to ½ inch radius.

NOTE 1: Inspector's report shall be suitably changed to show results of latter alternate and flattening test.

(3) Other cylinders must be examined under pressure of at least 3,000 pounds per square inch and not to exceed 3,600 pounds per square inch and show no defect. The pressure must be maintained for at least 30 seconds and sufficiently longer to insure complete examination.

**§ 78.42–12 Leakage test.**

(a) All spun cylinders and plugged cylinders (See Notes 1 and 2) must be tested for leakage by gas or air pressure after the bottom has been cleaned and is free from all moisture. Pressure, approximately the same as but no less than service pressure, must be applied to one side of the finished bottom over an area of at least 1/16 of the total area of the bottom but not less than ¾ inch in diameter, including the closure, for at least one minute, during which time the other side of the bottom exposed to pressure must be covered with water and closely examined for indications of leakage. Leakers must be rejected. (See Note 1 to § 78.42–13.)

NOTE 1: A spun cylinder is one in which an end closure in the finished cylinder has been welded by the spinning process.

NOTE 2: A plugged cylinder is one in which a permanent closure in the bottom of a finished cylinder has been effected by a plug.

NOTE 3: As a safety precaution, if the manufacturer elects to make this test before the hydrostatic test, he should design his apparatus so that the pressure is applied to the smallest area practicable, around the point of closure, and so as to use the smallest possible volume of air or gas.

**§ 78.42–13 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding or spinning is not authorized.

NOTE 1: Spun cylinders rejected under the provisions of § 78.42–12 may be removed from the spun cylinder category by drilling to remove defective material, tapping and plugging.

**§ 78.42–14 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently as follows:

(1) ICC–3E1800.

(2) An identifying symbol (letters); location to be just following or below the ICC mark. The symbol must be that of purchaser, user or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

*Example:*

ICC–3E1800
XY

(3) Date of test (such as 5–50 for May 1950).

**§ 78.42–15 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) .....
(Date) .....

*Steel gas cylinders*

Manufactured for ..... Company
Location at .....
Manufactured by ..... Company
Location at .....
Consigned to ..... Company
Location at .....
Quantity .....
Size ..... inches outside diameter by ..... inches long
Marks stamped into the shoulder of the cylinder are:
Specification ICC—3E1800
Serial numbers ..... to ..... inclusive (if numbered).
Identifying symbol (registered) .....
Test date .....
These cylinders were made by process of .....
.....
The steel used was identified by the following ..... numbers .....
(heat-purchase order)

The steel used was verified as to chemical analysis and record thereof is attached hereto.

All material, such as plates, billets, and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ..... inch. The tare weight per cylinder without valve is ..... (approx.). The volumetric capacity per cylinder is ..... (approx.).

Each and every cylinder was properly tapped with a taper thread; the threads were inspected and found to be clean-cut, of proper length, and correct as to gauge.

One finished cylinder out of each lot of 500 or less was taken at random and burst by interior pressure with the following results:

| Date of test | Pressure at which cylinder ruptured |
|---|---|
| | |

Each and every cylinder with bottom closed in by spinning was subjected to an interior gas pressure of at least 1,800 pounds per square inch and showed no leakage.

Each and every cylinder was subjected to an interior pressure of at least 3,000 pounds per square inch and showed no defect.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 3E except as follows:

Exceptions .....
.....
.....

(Signed) .....
(Inspector)

**§ 78.41–21 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) .....
(Date) .....

*Gas cylinders*

Manufactured for ..... Company
Location at .....
Manufactured by ..... Company
Location at .....
Consigned to ..... Company
Location at .....
Quantity .....
Size ..... inches outside diameter by ..... inches long
Marks stamped into the shoulder of the cylinder are:
Specification ICC—.....
Serial numbers ..... to ..... inclusive.
Inspector's mark .....
Identifying symbol (registered) .....
Test date .....
Tare weights (yes or no) .....
Other marks (if any) .....
These cylinders were made by process of .....
.....
(welding—brazing)
The material used was identified by the following .....
(heat-purchase order)

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers ..... (were—were not) marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ..... inch. The outside diameter was determined by a close approximation to be ..... inches. The wall stress was calculated to be ..... pounds per square inch under an internal pressure of ..... pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–3D were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 3D except as follows:

Exceptions .....
.....
.....

(Signed) .....
Inspector.

(Place) .....
(Date) .....

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by .....

(Signed) .....

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

(Place)_____
(Date)_____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Number _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Heat No. | Check analysis No. | Cylinders represented Serial Nos. | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____
(Signed)_____

(Place)_____
(Date)_____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed)_____

(Place)_____
(Date)_____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial numbers of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed)_____

### § 78.43 Specification 3A480X; seamless steel cylinders.

### § 78.43–1 Compliance.

(a) Required in all details.

### § 78.43–2 Type, size, and service pressure.

(a) *Type and size.* Seamless, having not more than 278 pounds nominal water capacity.

(b) *Service pressure.*[1] 480 pounds per square inch.

### § 78.43–3 Inspection by whom and where.

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–3A480X indicates the service pressure as 480 pounds per square inch.

### § 78.43–4 Duties of inspector.

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.43–22) to purchaser, cylinder maker, and the Bureau of Explosives.

### § 78.43–5 Steel.

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: carbon, 0.40; phosphorus, 0.045; sulphur, 0.050.

### § 78.43–6 Identification of material.

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

### § 78.43–7 Defects.

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

### § 78.43–8 Manufacture.

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no fissure or other defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. If not originally free from such defects, the surface may be machined or otherwise treated to eliminate these defects. The thickness of the bottoms of cylinders welded or formed by spinning is, under no condition, to be less than two times the minimum wall thickness of the cylindrical shell; such bottom thicknesses to be measured within an area bounded by a line representing the points of contact between the cylinder and floor when the cylinder is in a vertical position.

### § 78.43–9 Neckrings and footrings.

(a) Welding for any purpose whatsoever is prohibited except as follows:

(1) Welding is authorized for the attachment of neckrings and footrings which are nonpressure parts, and only to the tops and bottoms. Cylinders, neckrings, and footrings must be made of weldable steel, carbon content of which must not exceed 0.25 percent.

(2) As permitted in § 78.43–8.

NOTE 1: Cylinders used solely in anhydrous ammonia service may have a ½ inch diameter bar welded within their concave bottoms in accordance with the foregoing requirements.

### § 78.43–10 Wall thickness.

(a) Minimum wall 0.100'' for any cylinder over 5'' outside diameter. Wall stress shall not exceed 40,000 pounds per square inch.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$S$=wall stress in pounds per square inch;
$P$=800 pounds per square inch;
$D$=Outside diameter in inches.
$d$=inside diameter in inches.



### § 78.43–11 Heat treatment.

(a) The completed cylinders must be uniformly and properly heat-treated prior to tests.

### § 78.43–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.

(a) Threads required, to be clean cut, even, without checks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 6 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

### § 78.43–13 Safety devices and protection for valves, safety devices, and other connections, if applied.

(a) Devices must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(f) of this chapter).

### § 78.43–14 Hydrostatic test.

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each cylinder must be tested to at least 5/3 times service pressure.

### § 78.43–15 Flattening test.

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½'' radius; test 1 cylinder[1] taken at random out of each lot of 200 or less, after hydrostatic test.

### § 78.43–16 Physical test.

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1[1] cylinder taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches: *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

### § 78.43–17 Acceptable results for physical and flattening tests.

(a) Either of the following:

(1) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

(2) Elongation at least 20 percent for 2 inch gauge length or 10 percent in other cases; yield strength not over 73 percent of tensile strength; flattening required, without cracking, to 6 times wall thickness.

### § 78.43–18 Leakage test.

(a) All spun cylinders and plugged cylinders (see Notes 1 and 2) must be tested for leakage by gas or air pressure after the bottom has been cleaned and is free from all moisture. Pressure, approximately the same as but no less than service pressure, must be applied to one side of the finished bottom over an area of at least 1/16 of the total area of the bottom but not less than ¾ inch in diameter, including the closure, for at least one minute, during which time the other side of the bottom exposed to pressure must be covered with water and closely examined for indications of leakage. Leakers must be rejected. (See Note 1 to § 78.43–19.)

NOTE 1: A spun cylinder is one in which an end closure in the finished cylinder has been welded by the spinning process.

NOTE 2: A plugged cylinder is one in which a permanent closure in the bottom of a finished cylinder has been effected by a plug.

NOTE 3: As a safety precaution, if the manufacturer elects to make this test before the hydrostatic test, he should design his apparatus so that the pressure is applied to the smallest area practicable, around the point of closure, and so as to use the smallest possible volume of air or gas.

### § 78.43–19 Rejected cylinders.

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding or spinning is not authorized.

NOTE 1: Spun cylinders rejected under the provisions of § 78.43–18 may be removed from the spun cylinder category by drilling to remove defective material, tapping and plugging.

### § 78.43–20 Marking.

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) ICC–3A480X.

(2) A serial number and an identifying symbol (letters); location[1] of number to be just below the ICC mark; location[1] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added; and word "SPUN" or "PLUG" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

### § 78.43–21 Size of marks.

(a) At least ¼ inch high if space permits.

### § 78.43–22 Inspector's report.

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Gas cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC– _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____

[1] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

*Example:*

ICC–3A480X
1234
XY

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

The footrings _____ welded
(were—were not)
as permitted in § 78.43–9.

The material used was identified by the following _____ numbers
(heat-purchase order)
_____

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–3A480X were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 3A480X except as follows:

Exceptions: _____
_____
_____

(Signed) _____
Inspector.

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____
(Signed) _____

(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____

**§ 78.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.**

**§ 78.44–1 Compliance.**

(a) Required in all details.

**§ 78.44–2 Type, size and service pressure.**

(a) *Type and size.* Seamless; not over 150 pounds water capacity (nominal).

(b) *Service pressure.*[1] At least 900 pounds per square inch.

**§ 78.44–3 Inspection by whom and where.**

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

**§ 78.44–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.44–25) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.44–5 Authorized steel.**

(a) Open hearth or electric furnace steel of uniform quality. Steel of the following chemical analysis is authorized (see notes 1 and 2):

| Designation | AISI 4130 (percent) |
|---|---|
| Carbon | 0.28/0.33. |
| Manganese | 0.40/0.60. |
| Phosphorus | 0.040 maximum. |
| Sulfur | 0.040 maximum. |
| Silicon | 0.20/0.35. |
| Chromium | 0.80/1.10. |
| Molybdenum | 0.15/0.25. |

NOTE 1: A heat of steel made under the above specification, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded, or provided the variation in chemical analysis is approved by the Bureau of Explosives.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–3HT2000 indicates the service pressure as 2,000 pounds per square inch.



NOTE 2: Grain size 6 or finer according to ASTM Spec. E19–46.

**§ 78.44–6 Identification of material.**

(a) Required; any suitable method. Steel stamping of heat identifications shall not be made in any area which will eventually become the side wall of the cylinder. Depth of stamping shall not encroach upon the minimum prescribed wall thickness of the cylinder.

**§ 78.44–7 Defects.**

(a) Material with seams, cracks, laminations, severe inclusions, numerous or severe draw marks, or any other injurious defect not authorized.

**§ 78.44–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no fissure or other defect acceptable that is likely to weaken the finished container appreciably; the general surface finish shall not exceed a roughness of 250 RMS. Individual irregularities such as draw marks, scratches, pits, etc., should be held to a minimum consistent with good high stress pressure vessel manufacturing practices. If the cylinder is not originally free of such defects or does not meet the finish requirements, the surface may be machined or otherwise treated to eliminate these defects. The point of closure of cylinders closed by spinning is not to be less than two times the prescribed wall thickness of the cylindrical shell. Cylinder end contour shall be hemispherical or ellipsoidal with a ratio of major to minor axis not exceeding two to one and with concave side to pressure.

**§ 78.44–9 Welding or brazing.**

(a) Welding or brazing for any purpose whatsoever is prohibited except as follows:

(1) Welding by spinning is permitted to close the bottom of spun cylinders. Machining or grinding to produce proper surface finish at point of closure is required.

**§ 78.44–10 Wall thickness.**

(a) Minimum wall thickness for any cylinder shall be 0.050 inch.

(b) Minimum wall thickness shall be such that the wall stress at the minimum specified test pressure shall not exceed 75 percent of the minimum tensile strength of the steel as determined from the physical tests required in § 78.44–18 and shall not be over 105,000 psi.

(c) Calculations must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$P$ = wall stress in pounds per square inch;
$D$ = minimum test pressure prescribed for water jacket test;
$d$ = outside diameter in inches;
$S$ = inside diameter in inches.

(d) Wall thickness of hemispherical bottoms only permitted to 90 percent of minimum wall thickness of cylinder sidewall but shall not be less than 0.050 inch. In all other cases, thickness to be no less than prescribed minimum wall.

**§ 78.44–11 Heat treatment.**

(a) The completed cylinders must be uniformly and properly heated prior to tests. Heat treatment of the cylinders of the authorized analysis shall be as follows:

(1) All cylinders must be oil quenched except as noted in subparagraph 4 of this paragraph.

(2) The steel temperature on quenching shall be that recommended for the steel analysis, but in no case shall it exceed 1750° F.

(3) The steel shall be tempered at a temperature most suitable for the particular steel analysis but not less than 850° F.

(4) Quenching in a molten salt bath maintained at a temperature of not less than 375° F. is permitted.

**§ 78.44–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required to be clean cut, even, without cracks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for National Gas Tapered Thread (NGT) as required by American Standard Compressed Gas Cylinder Valve Outlet and Inlet Connections.[1]

(c) Straight threads having at least 6 engaged threads are authorized; to have tight fit and a calculated shear stress of at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

**§ 78.44–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(i) of this chapter).

**§ 78.44–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each cylinder must be tested to at least 5/3 times service pressure.

**§ 78.44–15 Cycling tests.**

(a) Prior to the initial shipment of any specific cylinder design, cyclic pressurization tests shall have been performed on at least three representative samples without failure as follows:

(1) Pressurization shall be performed hydrostatically between approximately zero psig and the service pressure at a rate not in excess of 10 cycles per minute. Adequate recording instrumentation shall be provided if equipment is to be left unattended for periods of time.

(b) Tests prescribed in paragraph (a)(1) of this section shall be repeated on one random sample out of each lot of cylinders. Cylinder may then be subjected to burst test.

(c) A lot is defined as a group of cylinders fabricated from the same heat of steel, manufactured by the same process and heat treated in the same equipment under the same conditions of time, temperature, and atmosphere, and shall not exceed a quantity of 200 cylinders.

(d) All cylinders used in cycling tests must be destroyed.

**§ 78.44–16 Burst test.**

(a) One cylinder taken at random out of each lot of cylinders shall be hydrostatically tested to destruction.

**§ 78.44–17 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius, test one cylinder taken at random out of each lot of cylinders after hydrostatic test. Axis of cylinder must be at 90° angle to knife edges.

**§ 78.44–18 Physical tests.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1 cylinder taken at random out of each lot of cylinders.

(b) Specimens must be: Gauge length at least 24 times thickness with width not over six times thickness. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000.

[1] Available for a nominal charge from the American Standards Association, 70 East 45th Street, New York 17, New York and the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.44–19 Magnetic particle inspection.**

(a) Inspection shall be performed on inside of container before closing and externally on the finished container after heat treatment. Evidence of discontinuities, which in the opinion of a qualified inspector may appreciably weaken or decrease the durability of the cylinder, shall be cause for rejection.

**§ 78.44–20 Leakage test.**

(a) All spun cylinders and plugged cylinders (see Notes 1 and 2) must be tested for leakage by dry gas or dry air pressure after the bottom has been cleaned and is free from all moisture. Pressure, approximately the same as but no less than service pressure, must be applied to one side of the finished bottom over an area of at least 1/16 of the total area of the bottom but not less than ¾ inch in diameter, including the closure, for at least one minute, during which time the other side of the bottom exposed to pressure must be covered with water and closely examined for indications of leakage. Leakers must be rejected (see Notes 1, 2, and 3 and § 78.44–22).

NOTE 1: A spun cylinder is one in which an end closure in the finished cylinder has been welded by the spinning process.

NOTE 2: A plugged cylinder is one in which a permanent closure in the bottom of a finished cylinder has been effected by a plug.

NOTE 3: As a safety precaution, if the manufacturer elects to make this test before the hydrostatic test, he should design his apparatus so that the pressure is applied to the smallest area practicable, around the point of closure, and so as to use the smallest possible volume of air or gas.

**§ 78.44–21 Acceptable results of tests.**

(a) Flattening required without cracking to ten times the wall thickness of the cylinder.

(b) Physical tests:

(1) Elongation at least 6 percent in gauge length of 24 times wall thickness.

(2) Tensile strength shall not exceed 160,000 pounds per square inch.

(c) Burst pressure shall be at least 4/3 times the test pressure.

(d) Cycling—at least 10,000 pressurizations.

**§ 78.44–22 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding or spinning is not authorized.

**§ 78.44–23 Marking.**

(a) Cylinders shall be marked by low stress type steel stamping in an area and to a depth which will insure that the wall thickness measured from the root of the stamping to the interior surface is equal to or greater than the minimum prescribed wall thickness. Stamping must be permanent and legible. Stamping on side wall not authorized. The following markings shall appear:

(1) ICC–3HT followed by the service pressure (for example, ICC–3HT1800, etc.).

(2) A serial number and an identifying symbol (letters); location[1] of number to be just below the ICC mark; location of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test such as 5–59 for May 1959, so placed that dates of subsequent tests can be easily added; and word "SPUN" or "PLUG" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or affected by plugging.

(4) Elastic expansion in cubic centimeters to the nearest 1 percent near the date of test.

**§ 78.44–24 Name plates.**

(a) Authorized, provided that they can be permanently and securely attached to the cylinder. Attachment by either brazing or welding is not permitted. Attachment by soldering is permitted provided steel temperature does not exceed 500° F.

**§ 78.44–25 Inspector's report.**

(a) Required to be clear, legible, and in the following form:

(Place) _____
(Date) _____

*Gas Cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____

[1] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

Example: ICC–3HT1800
1234
XY

Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long
Marks stamped into the shoulder of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
The cylinders were heat treated by the process of _____
The material used was identified by the following _____
(Heat-purchase order)
numbers _____
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____ marked on the material.
(were—were not)

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–3HT were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 3HT except as follows:

Exceptions: _____

(Signed) _____
(Inspector)
(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.



| Test No. | Heat No. | Check analysis No. | Cylinders represented (Serial Nos.) | Chemical analysis | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr | Mo | Zr |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

The analyses were made by _____
(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength at 0.2 percent offset (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters)[1] | Permanent expansion (cubic centimeters)[1] | Percent ratio of permanent expansion to total expansion[1] | Tare weight (pounds)[2] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____

**§ 78.47 Specification 4DS; inside containers, welded stainless steel for aircraft use.**

**§ 78.47–1 Compliance.**

(a) Required in all details.

**§ 78.47–2 Type, size and service pressure.**

(a) Type and size, welded stainless steel spheres (two seamless hemispheres) or circumferentially welded cylinders not over 100 pounds water capacity.

(b) Service pressure.[1] At least 500 to not over 900 pounds per square inch.

**§ 78.47–3 Inspection by whom and where.**

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within the limits of the United States.

**§ 78.47–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements.

[1] The "service pressure" limits the use of the container. It is shown by marks on container; for example ICC–4DS500 indicates the service pressure as 500 pounds per square inch.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis; provided, that a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one container out of each lot of 200 or less.

(c) Verify compliance of containers with all requirements including markings; inspect inside before closing; verify heat treatment and welding procedure as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gage; report volumetric capacity and tare weight and minimum thickness of wall noted. Verify that all tests are conducted at temperatures between 60° F. and 90° F.

(d) Render complete report to purchaser, container maker, and the Bureau of Explosives.

**§ 78.47–5 Steel.**

(a) Types 304, 321 and 347 stainless steel are authorized with proper welding procedure and complying with the following analyses:

| | Stainless steels | | |
|---|---|---|---|
| | 304 (percent) | 321 (percent) | 347 (percent) |
| Carbon (maximum) | 0.08 | 0.08 | 0.08 |
| Manganese (maximum) | 2.00 | 2.00 | 2.00 |
| Phosphorus (maximum) | .030 | .030 | .030 |
| Sulfur (maximum) | .030 | .030 | .030 |
| Silicon (maximum) | .75 | .75 | .75 |
| Nickel | 8.0/11.0 | 9.0/13.0 | 9.0/13.0 |
| Chromium | 18.0/20.0 | 17.0/20.0 | 17.0/20.0 |
| Molybdenum | | | |
| Titanium | | [1] | |
| Columbium | | | [2] |

[1] Titanium shall be not less than 5 x C and not more than 0.60%.

[2] Columbium shall be not less than 10 x C and not more than 1.0%.

**§ 78.47–6 Identification of material.**

(a) Required; any suitable method.

**§ 78.47–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized. Defects in welded joints shall not exceed the limits specified in § 78.47–16 covering radiographic inspection.

**§ 78.47–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished container appreciably, reasonably smooth and uniform surface finish required. No abrupt change in wall thickness permitted. Certification of welders and/or process required in accordance with the sections that apply of Compressed Gas Association Standard for Welding and Brazing on Thin Walled Containers (CGA Pamphlet C–3–1954).[1]

(b) All seams of the sphere or cylinder must be fusion welded. Seams shall be of the butt type and means must be provided for accomplishing complete penetration of the joint.

**§ 78.47–9 Attachments.**

(a) Attachments to the container are authorized by fusion welding provided that such attachments are made of weldable stainless steel in accordance with § 78.47–5.

**§ 78.47–10 Wall thickness.**

(a) The minimum wall thickness shall be such that the wall stress at the minimum specified test pressure shall not be over 60,000 psi. Minimum wall 0.040 inch for any diameter container.

(b) Calculation for sphere must be made by the formula:

$$S=\frac{PD}{4tE}$$

where

$S$ = Wall stress in pounds per square inch;
$P$ = Test pressure prescribed for water jacket test, i.e., at least two times service pressure, in pounds per square inch;

[1] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

$D$ = Outside diameter in inches;
$t$ = Minimum wall thickness in inches;
$E$ = 0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat zones which zone shall extend a distance of 6 times wall thickness from center of weld);
$E$ = 1.0 (for all other areas).

(c) Calculation for a cylinder must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$S$ = Wall stress in pounds per square inch;
$P$ = Test pressure prescribed for water jacket test, i.e., at least two times service pressure, in pounds per square inch;
$D$ = Outside diameter in inches;
$d$ = Inside diameter in inches.

**§ 78.47–11 Heat treatment.**

(a) The seamless hemispheres and cylinders may be stress relieved or annealed for forming. Welded container shall be stress relieved at a temperature of 775° F. ±25° after process treatment and before hydrostatic test.

**§ 78.47–12 Openings in container.**

(a) Each opening in the container must be provided with a fitting, boss, or pad of weldable stainless steel securely attached to the container by fusion welding.

(b) Attachments to a fitting, boss, or pad must be adequate to prevent leakage. Threads must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the container; gaskets required, adequate to prevent leakage.

**§ 78.47–13 Safety relief devices.**

(a) Safety relief devices must be as required by Interstate Commerce Commission Regulations (see § 73.34(f) of this chapter).

**§ 78.47–14 Process treatment.**

(a) Each container shall be hydraulically pressurized in a water jacket to at least 100 percent, but not more than 110 percent, of the test pressure and maintained at this pressure for a minimum of 3 minutes. Total and permanent expansion shall be recorded and included in the inspector's report.

**§ 78.47–15 Hydrostatic test.**

(a) By water-jacket, operated so as to obtain accurate data. Pressure gage must permit reading to an accuracy of 1 percent. Expansion gage must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each container must be tested to at least 2 times service pressure.

(e) Container will then be inspected. Wall thickness lower than that required by § 78.47–10 shall be cause for rejection. Bulges and cracks shall be cause for rejection. Weld joint defects exceeding requirements of § 78.47–16 shall be cause for rejection.

**§ 78.47–16 Radiographic inspection.**

(a) Required on all welded joints which are subjected to internal pressure, except that at the discretion of the disinterested inspector, openings less than 25 percent of the container diameter need not be subjected to radiographic inspection. Evidence of any defects likely to seriously weaken the container shall be cause for rejection.

(b) Radiographic inspection shall be performed subsequent to hydrostatic test.

**§ 78.47–17 Burst test.**

(a) One container taken at random out of 200 or less shall be hydrostatically tested to destruction. Rupture pressure shall be included as part of the inspector's report.

**§ 78.47–18 Flattening test.**

(a) *Flattening test for spheres.* At the weld between parallel steel plates on a press with welded seam at right angles to the plates, test one sphere taken at random out of each lot of 200 or less after hydrostatic test. Any projecting appurtenances may be cut off (by mechanical means only) prior to crushing.

(b) *Flattening test for cylinders.* Between knife edges, wedge shaped, 60° angle, rounded to ½-inch radius; test one cylinder taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.47–19 Acceptable results for flattening and burst tests.**

(a) Flattening required to 50 percent of the original outside diameter without cracking.

(b) Burst pressure shall be at least 3 times service pressure.

**§ 78.47–20 Rejected containers.**

(a) Repair of welded seams by welding prior to process treatment authorized; subsequent thereto containers must be heat treated and pass all prescribed tests.

**§ 78.47–21 Marking.**

(a) Marking on each container by stamping plainly and permanently only on a permanent attachment or on a metal nameplate permanently secured to the container by means other than soft solder, as follows:

(1) ICC–4DS followed by the service pressure (for example: ICC–4DS900).

(2) A serial number and an identifying symbol (letters) location of a number to be just below the ICC mark; location of symbol to be just below the number. The symbols and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives, duplications unauthorized;

Example: ICC–4DS900
1234
XY

(3) Inspector's official mark, near serial number, date of test (such as 8–61 for August 1961) so placed that dates of subsequent tests can be easily added.

**§ 78.47–22 Size of marks.**

(a) Of sufficient size to be legible.

**§ 78.47–23 Inspector's report.**

(a) Required to be clear, legible, and in the following form:

(Place) _____
(Date) _____

Gas _____
(Spheres-cylinders)

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long
Marks stamped into the _____
_____
(Shoulder-metal plate, § 78.47–21)
Specification ICC _____
Serial numbers _____ Inclusive
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These containers were made by process of _____

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(Were—were not)
marked on the material.

All material, such as plates and seamless tubing, was inspected and each container was inspected both before and after closing in the ends; all that were accepted were found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the container. The processes of manufacture of containers were supervised and found to be efficient and satisfactory.

The container walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests and other tests, as prescribed in specification No. ICC–4DS were made in the presence of the inspector and all material and containers accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these containers proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4DS except as follows:

Exceptions:

_____
_____
_____

(Signed) _____
(Inspector)



(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CONTAINERS

Numbered _____ inclusive
Size _____ inches outside diameter
by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analysis by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Containers represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____
(Signed) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CONTAINERS

Numbered _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Containers represented by test (serial Nos.) | Rupture pressure (pounds per square inch) | Flattening test |
|---|---|---|---|
| | | | |
| | | | |

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CONTAINERS

Numbered _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial numbers of containers tested arranged numerically | Process pressure (pounds per square inch) | Total expansion at process pressure (cubic centimeters) | Permanent expansion at process pressure (cubic centimeters) | Actual test pressure (pounds per square inch) | Total expansion at test pressure (cubic centimeters) | Permanent expansion at test pressure (cubic centimeters) | Percent ratio of permanent expansion to total expansion | Tare weight (pounds) | Volumetric capacity |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

NOTE: When specifications require test for only one out of each lot of 200 or less containers, the check on the others must be indicated by a notation hereon reading, "Each container was subjected to a pressure of _____ pounds per square inch and shows no defect."

(Signed) _____

**§ 78.48 Specification 4; forge welded steel cylinders.**

**§ 78.48–1 Compliance.**

(a) Required in all details.

**§ 78.48–2 Type, size, and service pressure.**

(a) *Type and size.* Must be welded type; forge lap-welded seams required; not over 1,000 pounds water capacity (nominal).

(b) *Service pressure.* Must be 300 pounds per square inch.

**§ 78.48–3 Inspection by whom and where.**

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

**§ 78.48–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.48–21) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.48–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulphur, 0.050; *Provided,* That Bessemer steel with phosphorus not over 0.11 percent is authorized when carbon content is 0.20 percent or less.

**§ 78.48–6 Identification of material.**

(a) Required; any suitable method.

**§ 78.48–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.48–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no fissure or other defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Cylinders closed in by spinning process not authorized.

**§ 78.48–9 Brazing or welding.**

(a) The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized: *Provided,* That such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

**§ 78.48–10 Wall thickness.**

(a) The wall stress shall not exceed 18,000 pounds per square inch. Minimum wall 0.100" for any cylinder over 5" outside diameter.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$S$ = wall stress in pounds per square inch;
$P$ = 700 pounds per square inch;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

**§ 78.48–11 Heat treatment.**

(a) The completed cylinders must be uniformly and properly heat treated. Heat treatment after tests is authorized.

**§ 78.48–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required, to be clean cut, even, without checks, and to gauge.

(b) Taper threads required; to be of length not less than as specified for American Standard taper pipe threads.

**§ 78.48–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(f) of this chapter).

**§ 78.48–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each cylinder must be tested to pressure of at least 700 pounds per square inch.

**§ 78.48–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½" radius; test 1 cylinder [1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.48–16 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1 [1] cylinder, or part thereof heat-treated as required, taker at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches: *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 5/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.48–17 Acceptable results for physical and flattening tests.**

(a) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

*Exception:* Flattening test is required, without cracking, to 6 times wall thickness when cylinders are made of lap-welded pipe; in such case rings (crop ends) cut from each end of pipe must be tested with weld 45° or less from point of greatest stress; if a ring fails, another from the same end of pipe may be tested.

**§ 78.48–18 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding is authorized.

**§ 78.48–19 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck, provided that cylinders not less than 0.090" thick may be stamped on the side wall adjacent to the top head, as follows:

(1) ICC–4.

(2) A serial [1] number and an identifying symbol (letters); location [2] of number to be just below the ICC mark; location [2] of symbol to be just below the serial number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added.

**§ 78.48–20 Size of marks.**

(a) At least ¼" high if space permits.

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter.

[2] Symbol in front of or following the number with ample space between is also authorized. Other variations in location authorized only when necessitated by lack of space.

*Example:*

ICC–4
1234
XY

**§ 78.48–21 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Gas cylinders*

Manufactured by _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC–_____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
_____
The _____ permitted
(neckrings, footrings, etc)
in § 78.48–9 were attached by process of _____
(welding—brazing)
The material used was identified by the following _____
(heat-purchase order)
numbers _____
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4 were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4 except as follows:

Exceptions _____
_____
_____
_____
(Signed) _____
Inspector.



(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____
(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial numbers of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity [3] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[3] Volumetric capacity on 2 percent of the cylinders is acceptable.

(Signed) _____

**§ 78.49 Specification 4A; forge welded steel cylinders.**

**§ 78.49–1 Compliance.**

(a) Required in all details.

**§ 78.49–2 Type, size, and service pressure.**

(a) *Type and size.* Must be welded type; forge lap-welded seams required; not over 1,000 pounds water capacity (nominal).

(b) *Service pressure.* [1] At least 150 to not over 500 pounds per square inch.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–4A300 indicates the service pressure as 300 pounds per square inch.

**§ 78.49–3 Inspection by whom and where.**

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

**§ 78.49–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.49–21) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.49–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulphur, 0.050.

**§ 78.49–6 Identification of material.**

(a) Required; any suitable method.

**§ 78.49–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.49–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no fissure or other defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Cylinders closed in by spinning process not authorized.

**§ 78.49–9 Welding or brazing.**

(a) The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

**§ 78.49–10 Wall thickness.**

(a) The wall stress shall not exceed 18,000 pounds per square inch for cylinders with longitudinal side seam nor 24,000 pounds per square inch for cylinders without such seam. Minimum wall 0.100" for any cylinder over 5" outside diameter.

(b) Calculation must be made by the formula:

$$S = \frac{P(1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

where

$S$ = wall stress in pounds per square inch;
$P$ = minimum test pressure prescribed for water jacket test or 450 pounds per square inch whichever is the greater;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

**§ 78.49–11 Heat treatment.**

(a) Body and heads formed by drawing or pressing must be uniformly and properly heat treated prior to tests.

**§ 78.49–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required, to be clean cut, even, without checks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 6 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

**§ 78.49–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Devices must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(i) of this chapter).

**§ 78.49–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each cylinder must be tested to at least ⅝ times service pressure.

**§ 78.49–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½'' radius; test 1 cylinder [1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.49–16 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1 [2] cylinder, or part thereof of heat-treated as required, taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches: *Provided*, That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over ⅞ inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.49–17 Acceptable results for physical and flattening tests.**

(a) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

Exception: Flattening test is required, without cracking, to 6 times wall thickness when cylinders are made of lap-welded pipe; in such case rings (crop ends) cut from each end of pipe must be tested with weld 45° or less from point of greatest stress; if a ring fails, another from the same end of pipe may be tested.

**§ 78.49–18 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding is authorized.

**§ 78.49–19 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck, provided that cylinders not less than 0.090'' thick may be stamped on the side wall adjacent to the top head, as follows:

(1) ICC–4A followed by the service pressure (for example, ICC–4A300, etc.)

(2) A serial [1] number and an identifying symbol (letters); location [2] of number to be just below the ICC mark; location [2] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added.

**§ 78.49–20 Size of marks.**

(a) At least ¼'' high if space permits.

**§ 78.49–21 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Gas cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long
Marks stamped into the shoulder of the cylinder are:
Specification ICC– _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
_____
_____
The _____ permitted in
(neckrings, footrings, etc.)
§ 78.49–9 were attached by process of _____
_____
(welding—brazing)
The material used was identified by the following _____ numbers _____
(heat-purchase order)
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4A were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4A except as follows:

Exceptions _____
_____
_____

(Signed) _____
Inspector.

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____
(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____

**§ 78.50 Specification 4B; welded and brazed steel cylinders.**

**§ 78.50–1 Compliance.**

(a) Required in all details.

**§ 78.50–2 Type, size, and service pressure.**

(a) *Type and size.* Must be welded or brazed type; longitudinal seams must be forge lap-welded or brazed; not over 1,000 pounds water capacity (nominal). Cylinders closed in by spinning process not authorized.

(b) *Service pressure.* [1] At least 150 to not over 500 pounds per square inch.

**§ 78.50–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.50–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided*, That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.50–21) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.50–5 Steel.**

(a) Open-hearth, electric or basic oxygen process steel of uniform quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulphur, 0.050.

**§ 78.50–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.50–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.50–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Exposed bottom welds on cylinders over 18'' long must be protected by footrings. Seams must be made as follows:

(1) Circumferential seams: By welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swedged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) Longitudinal seams in shells: By forged lap welding, by copper brazing, by copper alloy brazing, or by silver alloy brazing. Copper alloy composition must

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 60 cubic inches.

[2] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

*Example:*

ICC–4A300
1234
XY

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–4B300 indicates the service pressure as 300 pounds per square inch.

be: Copper, 95 percent minimum; Silicon, 1.5 percent to 3.85 percent; Manganese, 0.25 percent to 1.10 percent. The melting point of the silver alloy brazing material must be in excess of 1000° F. When brazed, the plate edge must be lapped at least eight times the thickness of plate, laps being held in position, substantially metal to metal, by riveting or electric spot-welding; brazing must be done by using a suitable flux and by placing brazing material on one side of seam and applying heat until this material shows uniformly along the seam of the other side.

**§ 78.50–9 Welding or brazing.**

(a) The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized: *Provided*, That such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

**§ 78.50–10 Wall thickness.**

(a) For outside diameters over 6" the minimum wall thickness shall be 0.090 inch. In any case the minimum wall thickness shall be such that calculated wall stress at minimum test pressure (§ 78.50–14(d)) shall not exceed the following values:

(1) 24,000 pounds per square inch for cylinders without longitudinal seam;

(2) 22,800 pounds per square inch for cylinders having copper brazed or silver alloy brazed longitudinal seam;

(3) 18,000 pounds per square inch for cylinders having forged lapped welded longitudinal seam.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

$S$=wall stress in pounds per square inch;
$P$=minimum test pressure prescribed for water jacket test or 450 pounds per square inch whichever is the greater;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

**§ 78.50–11 Heat treatment.**

(a) Body and heads formed by drawing or pressing must be uniformly and properly heat treated prior to tests.

**§ 78.50–12 Opening in cylinders.**

(a) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing or by welding or by threads. Fitting, boss, or pad must be of steel suitable for the method of attachment employed, and which need not be identified or verified as to analysis, except that if attachment is by welding, carbon content must not exceed 0.25 percent. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

NOTE 1: A brass fitting may be brazed to the steel boss or flange on cylinders used as component parts of hand fire extinguishers.

(b) Closure of fitting, boss, or pad must be adequate to prevent leakage.

**§ 78.50–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f), 73.301 (i) and 73.124(a) of this chapter.)

**§ 78.50–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and show no defect.

**§ 78.50–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½" radius; test 1 cylinder[1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.50–16 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1[1] cylinder, or part thereof heat-treated as required, taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.50–17 Acceptable results for physical and flattening tests.**

(a) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

*Exception:* Flattening test is required, without cracking, to 6 times wall thickness when cylinders are made of lap-welded pipe; in such case rings (crop ends) cut from each end of pipe must be tested with weld 45° or less from point of greatest stress; if a ring fails, another from the same end of pipe may be tested.

**§ 78.50–18 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair of brazed seams by brazing and welded seams by welding is authorized.

**§ 78.50–19 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, neck or valve protection collar which is permanently attached to the cylinders and forming an integral part thereof, provided that cylinders not less than 0.090 inches thick may be stamped on the side wall adjacent to top head, as follows:

(1) ICC–4B followed by the service pressure (for example, ICC–4B300, etc.).

(2) A serial[1] number and an identifying symbol (letters); location[2] of number to be just below the ICC mark; location[2] of symbol to be just below the serial number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark, near serial number; date of test (such as 5–50 for May 1950), so placed that date of subsequent test can be easily added.

**§ 78.50–20 Size of marks.**

(a) At least ¼" high if space permits.

**§ 78.50–21 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____
*Gas cylinders*
Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC–_____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
_____
The _____ permitted in
(neckrings, footrings, etc)
§ 78.50–9 were attached by process of _____
_____
(welding—brazing)
The material used was identified by the following _____ numbers
(heat-purchase order)
_____
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.
All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4B were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4B except as follows:

Exceptions: _____
_____
_____
(Signed) _____
Inspector.

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____
(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| [1] Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial numbers of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity [3] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) _____

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 170 cubic inches.

[2] Symbol in front of or following the number with ample space between or symbol and serial number stamped into welded or brazed-on valve spud directly above the ICC specification mark located on head of cylinder are also authorized. Other variations in location authorized only when necessitated by lack of space.

*Example:*

ICC–4B300
1234
XY

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

**§ 78.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.**

**§ 78.51–1 Compliance.**

(a) Required in all details.

**§ 78.51–2 Type, size, and service pressure.**

(a) Must be welded or brazed type; not over 1,000 pounds water capacity (nominal); service pressure at least 225 and not over 500 pounds per square inch gauge. Closures welded by the spinning process not permitted.

**§ 78.51–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.51–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements of this specification. For cylinders made by the billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided*, That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with specification requirements including: markings; condition of inside; tests; threads; heat treatment. Obtain samples for all tests, and check chemical analyses, witness all tests; report volumetric capacity, tare weight (see report form), and minimum thickness of wall noted.

(d) Render complete report (§ 78.51–21) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.51–5 Steel.**

(a) Designations and limited chemical compositions of steels authorized by this specification shall be as shown in § 78.51–20, Table I.

**§ 78.51–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with the heat number.

**§ 78.51–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.51–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Exposed bottom welds on cylinders over 18 inches long must be protected by footrings. Seams must be made as follows: Minimum thickness of heads and bottoms shall be not less than 90 percent of the required thickness of the side wall.

(b) Circumferential seams. By welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swedged, or curled over the skirt or flange of the head, and must be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(c) Longitudinal seams in shells: By copper brazing, copper alloy brazing, or by silver alloy brazing. Copper alloy composition must be: Copper 95 percent minimum, Silicon 1.5 percent to 3.85 percent, Manganese 0.25 percent to 1.10 percent. The melting point of the silver alloy brazing material must be in excess of 1,000° F. The plate edge must be lapped at least eight times the thickness of plate, laps being held in position, substantially metal to metal, by riveting or by electric spot-welding. Brazing must be done by using a suitable flux and by placing brazing material on one side of seam and applying heat until this material shows uniformly along the seam of the other side.

(1) Strength of longitudinal seam: Copper brazed longitudinal seam must have strength at least 3/2 times the strength of the steel wall.

**§ 78.51–9 Welding and brazing.**

(a) The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

**§ 78.51–10 Wall thickness.**

(a) For outside diameters over 6" the minimum wall thickness shall be 0.078". In any case the minimum wall thickness shall be such that the calculated wall stress at minimum test pressure (§ 78.51–14) shall not exceed the lesser value of any of the following:

(1) The value shown in table I, § 78.51–20, for the particular material under consideration;

(2) One-half of the minimum tensile strength of the material determined as required in § 78.51–15;

(3) 35,000 pounds per square inch.

(4) Further provided that wall stress for cylinders having copper brazed longitudinal seams must not exceed 95 percent of any of the above values. Measured wall thickness shall not include galvanizing or other protective coating.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

$S$=wall stress in pounds per square inch;
$P$=minimum test pressure prescribed for water jacket test;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

(c) Cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0.

**§ 78.51–11 Heat treatment.**

(a) Each cylinder must be uniformly and properly heat treated prior to test by the applicable method shown in § 78.51–20, Table 1. Heat treatment must be accomplished after all forming and welding operations, except that when brazed joints are used, heat treatment must follow any forming and welding operations, but may be done before, during or after the brazing operations.

(b) Heat treatment is not required after welding or brazing weldable low carbon parts to attachments of similar material which have been previously welded or brazed to the top or bottom of cylinders and properly heat treated, provided such subsequent welding or brazing does not produce a temperature in excess of 400° F. in any part of the top or bottom material.

**§ 78.51–12 Openings in cylinders.**

(a) All openings must be in the heads or bases.

(b) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing, by welding, or by threads. If threads are used they must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(c) Closure of fitting, boss, or pad must be adequate to prevent leakage.

**§ 78.51–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f), 73.124 (a), and 73.301(f) of this chapter).

**§ 78.51–14 Hydrostatic test.**

(a) By water jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat treatment and previous to the official test must not exceed 90 percent of the test pressure.

(c) Permanent volumetric expansion must not exceed 10 percent of the total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and show no defect.



**§ 78.51–15 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from one cylinder having passed the hydrostatic test, or part thereof heat-treated as required, taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches, provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load"), corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain reference shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.51–16 Elongation.**

(a) Physical test specimens must show at least 40 percent for 2-inch gauge length length or at least 20 percent in other cases, except that these elongation percentages may be reduced numerically by 2 for 2-inch specimens, and by 1 in other cases, for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per suqare inch to a maximum of four such increments.

**§ 78.51–17 Tests of welds.**

(Does not apply to brazed seams.)

(a) *Tests of welds. Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less, or welded test plate.[1] The specimen shall be taken across the major seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fail to meet the requirements, the entire lot represented shall be rejected.

(b) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in paragraph (b) of this section. Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

(c) *Alternate guided-bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.51–16(a).

**§ 78.51–18 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair of brazed seams by brazing and welded seams by welding is authorized.

**§ 78.51–19 Marking.**

(a) Marking on each cylinder stamped as follows:

(1) ICC–4BA followed by the service pressure (for example, ICC–4BA240, etc.).

(2) A serial number and an identifying symbol, both to be of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives. Duplications unauthorized. Lot numbers in place of serial numbers authorized for cylinders not over 2 inches outside diameter or for cylinders with volumetric capacity not exceeding 60 cubic inches.

(3) Inspector's official mark.

(4) Date of test (such as 4–50 for April 50).

(5) Additional markings are permitted.

(b) Sequence of marks. Number shall be just below the ICC marking; identifying symbol shall be just below the number; inspector's official mark shall be near the serial number. Date of test shall be so placed that dates of subsequent test can easily be added. Symbol in front of or following the number, with space between, or symbol and serial number stamped into welded or brazed-on valve spud directly above the ICC mark located on head or cylinder are also authorized. Other variations in sequence of marks authorized only when necessitated by lack of space.

(c) Location of markings. Markings may be stamped plainly and permanently in the following locations on the cylinder:

(1) On shoulders and top heads not less than 0.087 inch thick.

(2) On side wall adjacent to top head for side walls not less than 0.090 inch thick.

(3) On neck, valve boss, valve protection sleeve, or similar part permanently attached to top end of cylinder.

(4) On a plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least 1/16 inch thick and must be attached by welding, or by brazing at a temperature of at least 1100° F, throughout all edges of the plate.

(5) Variations in location of markings authorized only when necessitated by lack of space.

(d) Size of marks. Space permitting, at least ¼ inch high.

**§ 78.51–20 Authorized steel.**

(a) Open hearth or electric steel of uniform quality. The following chemical analyses are authorized. (See footnote 1):

[1] The welded test plate shall be of one of the heats in the lot of 200 or less which it represents, in the same condition and approximately the same thickness as the cylinder wall except that in no case shall it be of lesser thickness than that required for a one-quarter size Charpy impact specimen. The weld must be made by the same procedure and subjected to the same heat treatment as the major weld on the cylinder.

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

TABLE I—AUTHORIZED MATERIALS

| Designation | Chemical analysis—limits in percent | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1315 [3 4] | H18 [3 4] | MAY [3 4] | NAX-1 [3 4] | COR [3 4] | NAX-2 [3 4 5] | SCX [3 4] | 4017 [3 4] | OTY [3 4 5] | RDT [3 4 5] | YOL [3 4 5] | DYNA [3 4 5] | GLX-50-W [4 5] | |
| Carbon | 0.10/0.20 | 0.12 max | 0.12 max | 0.20 max | 0.12 max | 0.20 max | 0.20 max | 0.13/0.20 | 0.15 max | 0.12 max | 0.15 max | 0.15 max | 0.10/0.20. | |
| Manganese | 1.10/1.65 | 0.50/0.90 | 0.50/1.00 | 0.45/0.75 | 0.20/0.50 | 0.50/1.00 | 0.60/1.00 | 0.75/1.10 | 0.90/1.40 | 0.50/1.00 | 0.30/0.60 | 0.60/1.00 | 0.50/1.00. | |
| Phosphorus | 0.045 max | 0.05/0.12 | 0.12 max | 0.045 max | 0.07/0.15 | 0.045 max | 0.045 max | 0.04 max | 0.09/0.135 | 0.040 max | 0.04 max | 0.05/0.100 | 0.04 max. | |
| Sulfur | 0.05 max | 0.05 max | 0.05 max | 0.05 max | 0.05 max | 0.045 max | 0.045 max | 0.04 max | 0.04 max | 0.050 max | 0.05 max | 0.05 max | 0.05 max. | |
| Silicon | 0.15/0.35 | 0.15 max | 0.10/0.50 | 0.50/0.90 | 0.25/0.75 | 0.50/0.90 | 0.15/0.30 | 0.25/0.35 | 0.10 max | ---------- | ---------- | 0.30 max | 0.10 max. | |
| Chromium | ---------- | ---------- | 0.40/1.60 | 0.45/0.70 | 0.50/1.25 | ---------- | 0.15/0.50 | ---------- | ---------- | ---------- | ---------- | ---------- | | |
| Molybdenum | ---------- | 0.05/0.18 | ---------- | ---------- | ---------- | ---------- | 0.15/0.35 | 0.25/0.35 | ---------- | 0.10/0.30 | ---------- | 0.05/0.15 | | |
| Zirconium | ---------- | ---------- | ---------- | 0.05/0.25 | ---------- | 0.03/0.15 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | | |
| Nickel | ---------- | 0.45/0.75 | 0.50/1.00 | ---------- | 0.65 max | ---------- | ---------- | ---------- | ---------- | 0.50/1.20 | 1.50/2.00 | 0.40/0.70 | | |
| Copper | 0.40 max | 0.90/1.30 | 0.20/0.50 | ---------- | 0.25/0.55 | 0.25 max | 0.20/0.50 | ---------- | 0.30/0.70 | 0.50/1.00 | 0.75/1.25 | 0.30/0.60 | | |
| Aluminum | ---------- | 0.12/0.27 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | | |
| Columbium | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 0.010/0.040. | |
| Heat treatment authorized. | (6) | (6) | (6) | (6) | (6) | (6) | (6) | (6) | (6) | (6) | (6) | (6) | (6). | |
| Maximum stress | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | 35,000. | |

[1] A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6-4 of "Supplementary Information July 1958, Alloy Steel: Semi-finished; Hot Rolled and Cold Finished Bars, July 1955" are not exceeded or provided the variation in chemical analysis is approved by the Bureau of Explosives.

[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.

[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.

[4] Addition of other elements to obtain alloying effect is not authorized.

[5] Ferritic grain size 6 or finer, according to ASTM E-112-58T.

[6] Only fully killed steel authorized.

**§ 78.51–21 Inspector's report.**

(a) Required to be clear, legible and in following form:

(Place) ----------
(Date) ----------

*Steel gas cylinders*

Manufactured for ----------
Location at ----------
Manufactured by ----------
Location at ----------
Consigned to ----------
Location at ----------
Quantity ____ Size ____ inches outside diameter by ____ inches long
Marks stamped into the ----------
(Location of marking)
of the cylinder are:
Specification ICC- ----------
Serial numbers ____ to ____ inclusive.
Inspector's mark ----------
Identifying symbol (registered) ----------
Test date ----------
Tare weights (yes or no) ----------
Other marks ----------
----------
----------

These cylinders were made by process of ----------

The material used was type ____ authorized in table I of Spec. No. 4BA.

The material used was identified by the following ---------- numbers
(heat-purchase order)
----------

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers ----------
(were—were not)
marked on the material.

All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.

The compliance of cylinders with specification requirements was verified including markings, condition of inside, tests, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostratic tests, tensile tests of material, and other tests as prescribed in specification No. ICC–4BA ____ were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

Each cylinder ---------- been equipped
(has-has not)
with safety devices as follows: ----------

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4BA except as follows:

Exceptions ----------
----------
----------
(Manufacturer's name)
Signed ----------
Inspector
By ----------

(Place) ----------
(Date) ----------

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Numbered ---------- to ---------- inclusive.
Size ---------- inches outside diameter by ---------- inches long
Made by ---------- Company
For ---------- Company

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr | Mo | Cu | Al | Zr |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |

Steel was manufactured by ---------- Company. The originals of the certified mill test reports are in the files of the manufacturer.

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Chemical analyses were made by ----------

(Place) ----------
(Date) ----------

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered ---------- to ---------- inclusive.
Size ---------- inches outside diameter by ---------- inches long
Made by ---------- Company
For ---------- Company

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in inches) | Reduction of area (percent) | Weld tensile test | Weld bend test |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

(Signed) ----------

(Place) ----------
(Date) ----------

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered ---------- to ---------- inclusive.
Size ---------- inches outside diameter by ---------- inches long
Made by ---------- Company
For ---------- Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity [3] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of---------- pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) ----------



**§ 78.52 Specification 4C; welded and brazed steel cylinders.**

**§ 78.52–1 Compliance.**

(a) Required in all details.

**§ 78.52–2 Type, size, and service pressure.**

(a) *Type and size.* Must be welded or brazed type; longitudinal seams must be forge lap-welded or brazed; not over 1,000 pounds water capacity (nominal). Cylinders closed in by spinning process not authorized.

(b) *Service pressure.*[1] At least 90 to not over 300 pounds per square inch.

**§ 78.52–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.52–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.52–21) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.52–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulphur, 0.050.

**§ 78.52–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.52–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.52–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Exposed bottom welds on cylinders over 18" long must be protected by footrings. Seams must be made as follows:

(1) *Circumferential seams.* By welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swedged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) *Longitudinal seams in shells.* By forged lap welding or by copper brazing. When brazed, the plate edge must be lapped at least eight times the thickness of plate, laps being held in position, substantially metal to metal, by riveting or electric spot welding; brazing must be done by placing flux and brazing material on one side of seam and applying heat until this material shows uniformly along the seam on the other side.

**§ 78.52–9 Welding or brazing.**

(a) The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

**§ 78.52–10 Wall thickness.**

(a) The wall stress shall not exceed 18,000 pounds per square inch for cylinders with longitudinal side seam nor 24,000 pounds per square inch for cylinders without such seam: *Provided,* That a wall stress of not over 22,800 pounds per square inch is authorized for cylinders with copper brazed side seam having strength at least 3/2 times the strength of the steel wall. Minimum wall 0.090 inch for any cylinder over 5" outside diameter.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$S$=wall stress in pounds per square inch;
$P$=test pressure prescribed for water jacket test or 348 pounds per square inch whichever is the greater;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

**§ 78.52–11 Heat treatment.**

(a) Body and heads formed by drawing or pressing must be uniformly and properly heat treated prior to tests.

**§ 78.52–12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.**

(a) Threads required to be clean cut, even, without checks, and to gauge.

(b) Taper threads, when used, to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 6 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinders; gaskets required, adequate to prevent leakage.

**§ 78.52–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(i) of this chapter).

**§ 78.52–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–4C300 indicates the service pressure as 300 pounds per square inch.

If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows: 1 cylinder out of each lot of 200 or less; to 3 times service pressure. Others must be examined under pressure of 2 times service pressure and show no defect. If tested cylinder fails, each cylinder in the lot may be tested; those passing are acceptable.

**§ 78.52–15 Flattening test.**

(a) Between knife edges, wedge, shaped, 60° angle, rounded to ½" radius; test 1 cylinder [1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.52–16 Physical test.**

(a) Required on 2 specimens cut from 1 [1] cylinder, or part thereof heat treated as required, taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under approximate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.52–17 Acceptable results for physical and flattening tests.**

(a) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

*Exception:* Flattening test is required, without cracking, to 6 times wall thickness when cylinders are made of lap-welded pipe; in such case rings (crop ends) cut from each end of pipe must be tested with weld 45° or less from point of greatest stress; if a ring fails, another from the same end of pipe may be tested.

**§ 78.52–18 Rejected cylinder.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair of brazed seams by brazing and welded seams by welding is authorized.

**§ 78.52–19 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck, provided that cylinders not less than 0.090" thick may be stamped on the side wall adjacent to the top head, as follows:

(1) ICC–4C followed by the service pressure (for example, ICC–4C300, etc.).

(2) A serial [1] number and an identifying symbol (letters); location [2] of number to be just below the ICC mark; location [2] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added.

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to the same heat treatment as the finished cylinder.

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 60 cubic inches.

[2] Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

Example: ICC--4C300
1234
XY

**§ 78.52–20 Size of marks.**

(a) At least ¼" high if space permits.

**§ 78.52–21 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Gas cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long
Marks stamped into the shoulder of the cylinder are:
Specification ICC– _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
_____
_____
The _____ permitted
(neckrings, footrings, etc.)
in § 78.52–9 were attached by process of _____
(welding—brazing)
The material used was identified by the following _____ numbers
(heat-purchase order)
_____
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4C were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4C except as follows:

Exceptions _____
_____
_____
_____
(Signed) _____
Inspector.



compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.53–20) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.53–5 Steel.**

(a) Open-hearth or electric steel of uniform and weldable quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulphur, 0.050, except that the following steels commercially known as 4130X, Type 304, 316, 321, and 347 stainless steels may be used with proper welding procedure and complying with the following analyses:

| | 4130X | Stainless steels | | | |
|---|---|---|---|---|---|
| | | 304 (percent) | 316 (percent) | 321 (percent) | 347 (percent) |
| | *Percent* | | | | |
| Carbon | 0.25/0.35 | 0.08 | 0.08 | 0.08 | 0.08 |
| Manganese | 0.40/0.60 | 2.00 | 2.00 | 2.00 | 2.00 |
| Phosphorus | 0.04 max. | .045 | .045 | .030 | .030 |
| Sulfur | 0.05 max. | .030 | .030 | .030 | .030 |
| Silicon | 0.20/0.35 | 1.00 | 1.00 | .75 | 1.00 |
| Chromium | 0.80/1.10 | 8.0/11.0 | 10.0/14.0 | 9.0/13.0 | 9.0/13.0 |
| Molybdenum | 0.15/0.25 | 18.0/20.0 | 16.0/18.0 | 17.0/20.0 | 17.0/20.0 |
| Zirconium | | | | | |
| Nickel | | | | (1) | (2) |

[1] Titanium shall be not less than 5XC and not more than 0.60 percent.
[2] Columbium shall be not less than 10XC and not more than 1.0 percent.

[1] The "service pressure" limits the use of the container. It is shown by marks on container; for example ICC–4C300 indicates the service pressure as 300 pounds per square inch.

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon readily traceable to the prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file, or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____
(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [1] | Volumetric capacity [1] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) _____

**§ 78.53–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.53–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.53–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished container appreciably; reasonably smooth and uniform surface finish required.

**§ 78.53–9 Wall thickness.**

(a) The wall stress at minimum test pressure shall not exceed 24,000 pounds per square inch, except where steels commercially known as 4130X, Type 304, 316, 321, and 347 stainless steels are used, stress at test pressures shall not exceed 37,000 pounds per square inch. Minimum wall 0.040 inch for any diameter container.

(b) Calculation for a sphere must be made by the formula:

$$S=\frac{PD}{4tE}$$

where

$S$=wall stress in pounds per square inch;
$P$=test pressure prescribed for water jacket test, i. e., at least two times service pressure, in pounds per square inch;
$D$=outside diameter in inches;
$t$=minimum wall thickness in inches;
$E$=0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat affected zones which zone shall extend a distance of 6 times wall thickness from center line of weld);
$E$=1.0 (for all other areas).

(c) Calculation for a *cylinder* must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

$S$=wall stress in pounds per square inch;
$P$=test pressure prescribed for water jacket test, i.e., at least two times service pressure, in pounds per square inch;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

**§ 78.53–10 Heat treatment.**

(a) The completed cylinders must be uniformly and properly heat-treated prior to tests.

**§ 78.53–11 Openings in container.**

(a) Each opening in container, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to container by brazing or by welding or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the container; gaskets required, adequate to prevent leakage.

(b) Closure of fitting, boss, or pad must be adequate to prevent leakage.

**§ 78.53–12 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Devices must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(f) of this chapter).

**§ 78.53–13 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Containers must be tested as follows:

(1) Each container to at least 2 times service pressure, or

(2) One container out of each lot of 200 or less to at least 3 times service pressure. Others must be examined under pressure of 2 times service pressure and show no defects.

**§ 78.53–14 Flattening test for spheres and cylinders.**

(a) *Flattening test for spheres.* Between parallel steel plates on a press with welded seam at right angles to the plates; test one sphere taken at random out of each lot of 200 or less after hydrostatic test. Any projecting appurtenances may be cut off (by mechanical means only) prior to crushing.

(b) *Flattening test for cylinders.* Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test one cylinder[1] taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.53–15 Physical test and specimens for spheres and cylinders.**

(a) *Physical test for spheres.* Required on 2 specimens cut from flat representative sample plate of the same heat taken at random from the steel used to produce the sphere. This flat steel from which the 2 specimens are to be cut must receive the same heat-treatment as the spheres themselves. Sample plates to be taken for each lot of 200 or less spheres.

(b) *Specimens for spheres.* Specimens must be gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when wall of sphere is not over 3/16 inch thick.

(c) *Physical test for cylinders.* Required on 2 specimens cut from 1[1] cylinder taken at random out of each lot of 200 or less.

(d) *Specimens for cylinders.* Specimens must be gauge length 8 inches with width not over 1½ inches; or gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. Heating of specimen for any purpose is not authorized.

(e) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.53–16 Acceptable results for physical and flattening tests.**

(a) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

(b) Elongation at least 20 percent for 2 inch gauge length or 10 percent in other cases; flattening required to 50 percent of the original outside diameter without cracking.

**§ 78.53–17 Rejected cylinders.**

(a) Reheat-treatment authorized; subsequent thereto, acceptable containers must pass all prescribed tests. Repair of welded seams by welding prior to reheat-treatment authorized.

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to the same heat-treatment as the finished cylinder.



**§ 78.53–18 Marking.**

(a) Marking on each container by stamping plainly and permanently only where the metal is at least 0.09 inch thick, or on a metal nameplate permanently secured to the container by means other than soft solder, or by means that would not reduce the wall thickness, as follows:

(1) ICC–4D followed by the service pressure (for example, ICC–4D300, etc.).

(2) A serial[1] number and an identifying symbol (letters); location of number to be just below the ICC mark; location[2] of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark, near serial number; date of test (such as 8–50 for August 1950), so placed that dates of subsequent tests can be easily added.

**§ 78.53–19 Size of marks.**

(a) Of sufficient size to be legible.

**§ 78.53–20 Inspector's report.**

(a) Required to be clear, legible, and in the following form:

(Place) _____
(Date) _____

Gas _____
(spheres-cylinders)
Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size ____ inches outside diameter by ____ inches long.
Marks stamped into the _____
_____
(Shoulder-metal plate, § 78.53–18)
Specification ICC–_____
Serial numbers ____ to ____, inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These containers were made by process of _____
_____
The material used was identified by the following _____ numbers
(heat-purchase order)
_____

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each container was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the container. The processes of manufacture and heat treatment of containers were supervised and found to be efficient and satisfactory.

The container walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4D were made in the presence of the inspector and all material and containers accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these containers proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4D except as follows:

Exceptions: _____
_____
_____

(Signed) _____
Inspector.

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 60 cubic inches.

[2] Symbol in front or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

*Example:*

ICC–4D600
1234
XY

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading, "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Containers represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____
(Signed) _____

(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Containers represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial Nos. of containers tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters)[1] | Permanent expansion (cubic centimeters)[1] | Percent ratio of permanent expansion to total expansion[1] | Tare weight (pounds)[2] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less containers, the check on the others must be indicated by a notation hereon reading, "Each container was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the container by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____

**§ 78.54 Specification 4B240–FLW; welded or welded and brazed cylinders with fusion-welded longitudinal seam.**

**§ 78.54–1 Compliance.**

(a) Required in all details.

**§ 78.54–2 Type, size, and service pressure.**

(a) *Type and size.* Must be welded or brazed type with longitudinal fusion-welded seam. 240 pounds nominal water capacity. Cylinders closed in by spinning process not authorized.

(b) *Service pressure.*[1] 240 pounds per square inch.

**§ 78.54–3 Inspection by whom and where.**

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

**§ 78.54–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.54–22) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.54–5 Steel.**

(a) Steel shall be plain carbon steel of American Society for Testing Materials firebox quality with carbon content not in excess of 0.25 percent.

**§ 78.54–6 Identification of material.**

(a) Required; any suitable method.

**§ 78.54–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.54–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Exposed bottom welds on cylinders over 18" long must be protected by footrings. Seams must be made as follows:

(1) Circumferential seams by welding or by brazing: Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swedged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) Longitudinal fusion-welded seam shall be of the double-welded butt type. Filler metal may be added from one side when and if means are provided for accomplishing complete penetration and reinforcement on both sides of the joint. For welding the cylinder, procedure and operators must be qualified in accordance with the sections that apply in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

**§ 78.54–9 Welding or brazing.**

(a) The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent.

**§ 78.54–10 Wall thickness.**

(a) For outside diameters over 5 inches the minimum wall thickness shall be 0.090 inch. In any case the minimum wall thickness shall be such that calculated wall stress at 480 pounds per square inch shall not exceed 18,000 pounds per square inch.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

$S$=wall stress in pounds per square inch;
$P$=480 pounds per square inch;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

**§ 78.54–11 Heat treatment.**

(a) Each cylinder shall be thermally stress-relieved after all initial welding and seam repair welding operations have been completed and prior to the hydrostatic test.

**§ 78.54–12 Openings in cylinders.**

(a) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing or by welding or by threads. Fitting, boss, or pad must be of steel suitable for the method of attachment employed, and which need not be identified or verified as to analysis, except that if attachment is by welding, carbon content must not exceed 0.25 percent. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(b) Closure of fitting, boss, or pad must be adequate to prevent leakage.

**§ 78.54–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Devices must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(i) of this chapter).

**§ 78.54–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each cylinder shall be subjected to the hydrostatic test and test pressure shall be at least two and two thirds times the service pressure. Following this test, each cylinder shall be subjected to a dry air-pressure test of two times the service pressure. The cylinder shall be thoroughly dry before air test is applied, and during test welded seams shall be examined for leaks, either by submerging the cylinders in liquid, or by painting all welded seams with a solution suitable for the detection of leaks.

(e) One finished cylinder out of each lot, which appears to the inspector to be the least likely to meet the test, shall be selected by the inspector from each lot of 200 or less successively produced and shall be hydrostatically tested to destruction and shall not burst at a pressure less than six times the service pressure.

**§ 78.54–15 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1[1] cylinder, or part thereof heat-treated as required, taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed 1/8 inch per minute during yield strength determination.

**§ 78.54–16 Acceptable results for physical tests.**

(a) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test not required.

**§ 78.54–17 Weld tests.**

(a) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in § 78.54–15(a). Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[3]

(b) In addition to the guided bend test, a reduced section tension test shall be made transverse to the weld. The tensile strength shall be not less than 100 percent of the minimum of the specified tensile range of the base material used. Should this specimen fail to meet the requirements two additional specimens from the same cylinder shall be tested and if either of these fail to meet the requirements, the entire lot represented shall be rejected.

**§ 78.54–18 Radiographic examination.**

(a) The techniques and acceptability of radiographic inspection shall conform to the standards set forth in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

(b) Cylinders must be examined as follows:

(1) One finished longitudinal seam shall be selected at random from each lot of 100 or less successively produced and be radiographed throughout its entire length. Should the radiographic examination fail to meet the requirements of paragraph (a) of this section, two additional seams of the same lot shall be examined, and if either of these fail to meet the requirements, each cylinder may be examined as outlined above; only those passing are acceptable.

**§ 78.54–19 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair of brazed seams by brazing and welded seams by welding is authorized.

**§ 78.54–20 Marking.**

(a) Marking required on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) ICC–4B240–FLW.

(2) A serial number and an identifying symbol (letters); location[1] of number to be just below the ICC mark; location[1] of symbol to be just below the number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number, date of test (such as 12–50 for December 1950), so placed that dates of subsequent test can be easily added.

**§ 78.54–21 Size of marks.**

(a) At least ¼" high if space permits.

**§ 78.54–22 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____
*Gas cylinders*
Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size ____ inches outside diameter by ____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC– _____
Serial numbers ____ to ____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
_____
_____
The _____ permitted
(neckrings, footrings, etc.)
in § 78.54–9 were attached by process of _____
(welding—brazing)
The material used was identified by the following _____ numbers
(heat-purchase order)
_____
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____ marked on the material.
(were—were not)
All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.
The cylinder walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.
Hydrostatic tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4B240FLW were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.
I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4B240FLW except as follows:
Exceptions: _____
_____
(Signed) _____
Inspector.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC 4B240–FLW.

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

[1] For lots of 30 or less, physical tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

[2] Symbol in front of or following the number with ample space between or symbol and serial number stamped into welded or brazed-on valve spud directly above the ICC specification mark located on head of cylinder are also authorized. Other variations in location authorized only when necessitated by lack of space.

*Example:*

ICC–4B240–FLW
1234
XY

[3] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

(Place) .....
(Date) .....

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by .....
(Signed) .....

(Place) .....
(Date) .....

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

(Signed) .....

(Place) .....
(Date) .....

RECORD OF WELD AND BURST TESTS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Test No. | Cylinders represented by test (serial Nos.) | Root bend test acceptable (yes or no) | Transverse test acceptable (yes or no) | Radiographic examination acceptable (yes or no) | Burst test (pounds per square inch) |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Radiographic technique employed consisted of .....
(Signed) .....

(Place) .....
(Date) .....

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity [3] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.
[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) .....

**§ 78.55 Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.**

**§ 78.55–1 Compliance.**

(a) Required in all details.

**§ 78.55–2 Type, spinning process, size and service pressure.**

(a) *Type.* Cylinders must be of brazed type made from electric resistance welded tubing which has been certified to have pressure tested to a fiber stress of 24,000 pounds per square inch, as calculated by the formula:

$$P=\frac{24{,}000(D^2-d^2)}{(1.3D^2+0.4d^2)}$$

where $P$ is the pressure required for pressure testing of tubing. Pressure shall be maintained for not less than 30 seconds. Lengths of tubing that leak must be rejected. No repairs permitted.

(b) *Spinning process.* Cylinders closed in by spinning process authorized.

(c) *Size.* The maximum water capacity of this type shall not exceed 12 pounds or 333 cubic inches. The maximum outside diameter of the shell shall be five inches and maximum length of shell 21 inches.

(d) *Service pressure.*[1] Must be 240 pounds per square inch.

**§ 78.55–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.55–4 Duties of inspector.**

Inspector shall: (a) Inspect all material and reject any not complying with requirements; for cylinders made by billet-piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.55–22) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.55–5 Steel.**

(a) Open hearth or electric steel of uniform quality. Plain carbon steel content percent for the following not over: carbon, 0.25; phosphorus, 0.045; sulfur, 0.050. The addition of other elements for alloying effect is prohibited.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–4B240ET indicates the service pressure as 240 pounds per square inch.



**§ 78.55–6 Identification of material.**

(a) Required; any suitable method.

**§ 78.55–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.55–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Heads may be attached to shells by lap brazing or may be formed integrally. The thickness of the bottom of cylinders welded or formed by spinning is, under no condition, to be less than two times the minimum wall thickness of the cylindrical shell; such bottom thicknesses to be measured within an area bounded by a line representing the points of contact between the cylinder and floor when the cylinder is in a vertical position. Seams must be made as follows:

(b) Circumferential seams: By brazing only. Heads attached to shells by the lap brazing method shall overlap not less than four times wall thickness. Brazing material shall have a melting point of not less than 1000° F. Heads must have a driving fit with the shell unless the shell is crimped, swedged, or curled over the skirt or flange of the head and be thoroughly brazed until complete penetration of the joint by the brazing material is secured. Brazed joints may be repaired by brazing.

(c) Longitudinal seams in shell: Electric resistance welded joints only. No repairs to longitudinal joints permitted.

**§ 78.55–9 Welding or brazing.**

(a) The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent.

**§ 78.55–10 Wall thickness.**

(a) The wall stress at two times service pressure shall not exceed 18,000 pounds per square inch. Minimum thickness shall be 0.044 inch.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$S$=wall stress in pounds per square inch;
$P$=2 times service pressure;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

**§ 78.55–11 Heat treatment.**

(a) Heads formed by drawing or pressing must be uniformly and properly heat treated prior to tests.

(b) Cylinders with integral formed heads or bases must be subjected to a normalizing operation. Normalizing and brazing operations may be combined, provided the operation is carried out at a temperature in excess of the upper critical temperature of the steel.

**§ 78.55–12 Openings in cylinders.**

(a) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing or by welding or by threads. Fitting, boss, or pad must be of steel suitable for the method of attachment employed, and which need not be identified or verified as to analysis, except that if attachment is by welding, carbon content must not exceed 0.25 percent. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(b) Closure of fitting, boss, or pad must be adequate to prevent leakage.

**§ 78.55–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Devices must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(f) and 73.301(i) of this chapter).

**§ 78.55–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and show no defect.

(e) Each 1000 cylinders or less successively produced each day shall constitute a lot. One cylinder shall be selected from each lot and hydrostatically tested to destruction. If this cylinder bursts below five times the service pressure, then two additional cylinders must be selected and subjected to this test. If either of these cylinders fails by bursting below five times the service pressure, then the entire lot must be rejected. All cylinders constituting a lot shall be of identical size, construction, heat-treatment, finish, and quality.

**§ 78.55–15 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½" radius; test 1 cylinder taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.55–16 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from 1 cylinder, or part thereof heat-treated as required, taken at random out of each lot of 200 or less in the case of cylinders of capacity greater than 86 cubic inches and out of each lot of 500 or less for cylinders having a capacity of 86 cubic inches or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.55–17 Acceptable results for physical and flattening tests.**

(a) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield strength not over 73 percent of tensile strength; flattening test required, without cracking, to six times wall thickness with weld 90° from direction of applied load. Two rings cut from the ends of length of pipe used in production of a lot may be used for flattening test provided the rings accompany the lot which they represent in all thermal processing operations. At least one of the rings must pass the flattening test.

**§ 78.55–18 Leakage test.**

(a) All spun cylinders and plugged cylinders (see Notes 1 and 2) must be tested for leakage by gas or air pressure after the bottom has been cleaned and is free from all moisture. Pressure, approximately the same as but no less than service pressure, must be applied to one side of the finished bottom over an area of at least 1/16 of the total area of the bottom but not less than ¾" in diameter, including the closure, for at least 1 minute, during which time the other side of the bottom exposed to pressure must be covered with water and closely examined for indications of leakage. Leakers must be rejected. (See § 78.55–19 (a) (1).)

NOTE 1: A spun cylinder is one in which an end closure in the finished cylinder has been welded by the spinning process.

NOTE 2: A plugged cylinder is one in which a permanent closure in the bottom of a finished cylinder has been effected by a plug.

NOTE 3: As a safety precaution, if the manufacturer elects to make this test before the hydrostatic test, he should design his apparatus so that the pressure is applied to the smallest area practicable, around the point of closure, and so as to use the smallest possible volume of air or gas.

**§ 78.55–19 Rejected cylinders.**

(a) *Repairs authorized.* Leakers must be rejected, except that:

(1) Spun cylinders rejected under the provisions of § 78.55–18 may be removed from the spun cylinder category by drilling to remove defective material, tapping, and plugging.

(2) Brazed joints may be rebrazed.

(3) Subsequent to the operations noted above in subparagraphs (1) and (2) of this paragraph, acceptable cylinders must pass all prescribed tests.

**§ 78.55–20 Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, neck or valve protection collar which is permanently attached to the cylinders and forming an integral part thereof, provided that cylinders not less than 0.090 inch thick may be stamped on the side wall adjacent to top head, as follows:

(1) ICC–4B240ET.

(2) A serial[1] number and an identifying symbol (letters); location[2] of number to be just below the ICC mark; location[2] of symbol to be just below the serial number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark, near serial number; date of test (such as 5–50 for May 1950), so placed that date of subsequent test can be easily added; and word "SPUN" or "PLUG" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process or effected by plugging.

**§ 78.55–21 Size of marks.**

(a) At least ¼" high if space permits.

**§ 78.55–22 Inspector's report.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Gas cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC– _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
_____
_____
The _____ permitted in
(necklings, footrings, etc.)
§ 78.55–9 were attached by process of _____
_____
(welding—brazing)
The material used was identified by the following _____ numbers _____
(heat-purchase order)
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(were—were not)
marked on the material.

All material such as plates, billets and electric resistance welded tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4B–ET were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

A certificate of test on the electric resistance tubing has been obtained from the tubing manufacturer. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. ICC–4B–ET except as follows:

Exceptions _____
_____
_____
(Signed) _____
Inspector.

*Example:*

ICC–4B240ET
1234
XY

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 170 cubic inches.

[2] Symbol in front of or following the number with ample space between or symbol and serial number stamped into welded or brazed-on valve spud directly above the ICC specification mark located on head of cylinder are also authorized. Other variations in location authorized only when necessitated by lack of space.



(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____
(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test | Bursting test (pounds per square inch) |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity [3] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) _____

**§ 78.56 Specification 4AA480; welded steel cylinders made of definitely prescribed steels.**

**§ 78.56–1 Compliance.**

(a) Required in all details.

**§ 78.56–2 Type, size, and service pressure.**

(a) Must be welded type, having not over 1,000 pounds water capacity (nominal). Closures welded by spinning process not permitted.

(b) Service pressure 480 pounds per square inch.

**§ 78.56–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.56–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements of this specification. For cylinders made by the billet piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided*, That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with specification requirements including markings, condition of inside, tests, threads, heat treatment. Obtain samples for all tests; check chemical analyses; witness all tests; report volumetric capacity, tare weight (see report form), and minimum thickness of wall noted.

(d) Render complete report (§ 78.56–21) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.56–5 Steel.**

(a) The limiting chemical composition of steel authorized by this specification shall be as shown in § 78.56–20, table I.

**§ 78.56–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with the heat number.

**§ 78.56–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.56–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Exposed bottom welds on cylinders over 18 inches long must be protected by footrings. Minimum thickness of heads and bottoms shall be not less than 90 percent of the required thickness of the side wall. Seams must be made as follows:

(b) Circumferential seams: By welding. Brazing is not authorized.

(c) Longitudinal seams: Not permitted.

**§ 78.56–9 Welding.**

(a) The attachment to the tops and bottoms only of cylinders by welding of neckrings, footrings, bosses, pads, and valve protection rings is authorized provided that such attachments are made of weldable steel, the carbon content of which does not exceed 0.25 percent.

**§ 78.56–10 Wall thickness.**

(a) For outside diameters over 5 inches the minimum wall thickness shall be 0.078 inch. In any case the minimum wall thickness shall be such that the calculated wall stress at minimum test pressure (§ 78.56–14) shall not exceed the lesser value of either of the following:

(1) One-half of the minimum tensile strength of the material determined as required in § 78.56–15, or,

(2) 35,000 pounds per square inch.

(b) Calculation must be made by the formula:

$$S=\frac{P\ (1.3D^2+0.4d^2)}{D^2-d^2}$$

where:

$S$=wall stress in pounds per square inch;
$P$=minimum test pressure prescribed for water jacket test;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

(c) Cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0.

**§ 78.56–11 Heat treatment.**

(a) Each cylinder must be uniformly and properly heat treated prior to test. Any suitable heat treatment in excess of 1100° F., is authorized, except that liquid quenching is not permitted. Heat treatment must be accomplished after all forming and welding operations.

(b) Heat treatment is not required after welding weldable low carbon parts to attachments of similar material which have been previously welded to the top or bottom of cylinders and properly heat treated, provided such subsequent welding does not produce a temperature in excess of 400° F., in any part of the top or bottom material.

**§ 78.56–12 Openings in cylinders.**

(a) All openings must be in the heads or bases.

(b) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by welding or by threads. If threads are used they must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads having at least 6 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(c) Closure of fitting, boss or pad must be adequate to prevent leakage.

**§ 78.56–13 Safety devices and protection for valves, safety devices, and other connections, if applied.**

(a) Must be as required by the Interstate Commerce Commission's Regulations that apply (see §§ 73.34(f), 73.124 (a), and 73.301(i) of this chapter).

**§ 78.56–14 Hydrostatic test.**

(a) By water jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy of either 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat treatment and previous to the official test must not exceed 90 percent of the test pressure.

(c) Permanent volumetric expansion must not exceed 10 percent of the total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows:

(1) Each cylinder, to at least 2 times service pressure.

(2) Or, 1 cylinder out of each lot of 200 or less; to at least 3 times service pressure. Others must be examined under pressure of 2 times service pressure and show no defect.

**§ 78.56–15 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from one cylinder having passed the hydrostatic test, or part thereof heat-treated as required, taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches, provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load"), corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain reference shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.56–16 Elongation.**

(a) Physical test specimens must show at least 40 percent for 2-inch gauge length or at least 20 percent in other cases, except that these elongation percentages may be reduced numerically by 2 for 2-inch specimens and by 1 in other cases for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch to a maximum of four such increments.

**§ 78.56–17 Tests of welds.**

(a) *Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less, or welded test plate.[1] The specimen shall be taken across the major seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fail to meet the requirements, the entire lot represented shall be rejected.

(b) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in paragraph (a) of this section. Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

(c) *Alternate guided-bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines—a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.56–16(a).

**§ 78.56–18 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair of welded seams by welding is authorized.

**§ 78.56–19 Marking.**

(a) Marking on each cylinder stamped as follows:

(1) ICC-4AA480.

(2) A serial number and an identifying symbol, both to be of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives. Duplications unauthorized.

(3) Inspector's official mark.

(4) Date of test (such as 1-54 for January 1954).

(5) Additional markings are permitted.

(b) Sequence of marks. Number shall be just below the ICC marking; identifying symbol shall be just below the number; inspector's official mark shall be near the serial number. Date of test shall be so placed that dates of subsequent test can easily be added. Symbol in front of or following the number with space between, or symbol and serial number stamped into welded valve spud directly above the ICC mark located on head of cylinder are also authorized. Other variations in sequence of marks authorized only when necessitated by lack of space.

(c) Location of markings. Markings may be stamped plainly and permanently in the following locations on the cylinder:

(1) On shoulders and top heads not less than 0.087 inch thick.

(2) On neck, valve boss, valve protection sleeve, or similar part permanently attached to top end of cylinder.

(3) On a plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least 1/16 inch thick and must be attached by welding, or by brazing at a temperature of at least 1,100° F., throughout all edges of the plate.

(4) Variations in location of markings authorized only when necessitated by lack of space.

(d) Size of marks. Space permitting, at least ¼ inch high.

**§ 78.56–20 Authorized steel.**

(a) Open hearth or electric steel of uniform quality and of the following chemical analyses is authorized (see footnote 1 of table):

TABLE I—AUTHORIZED MATERIALS

| Designation | Chemical analysis—limits in percent | | | |
|---|---|---|---|---|
| | 1315[1] | NAX[1] | 8CX[1] | 4017[1] |
| Carbon | 0.10/0.20 | 0.20 max | 0.20 max | 0.13/0.20. |
| Manganese | 1.10/1.65 | 0.40/0.70 | 0.70/1.00 | 0.70/1.10. |
| Phosphorus | 0.045 max | 0.045 max | 0.045 max | 0.045 max. |
| Sulfur | 0.05 max | 0.05 max | 0.045 max | 0.04 max. |
| Silicon | 0.15/0.35 | 0.50/0.90 | 0.15/0.35 | 0.25/0.35. |
| Chromium | | 0.45/0.70 | 0.15/0.50 | |
| Molybdenum | | | 0.15/0.35 | 0.26/0.35. |
| Zirconium | | | | |
| Copper | 0.40 max | 0.05/0.25 | 0.20/0.50 | |

[1] A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified limits is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in "Steel Products Manual" Information July 1956, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

[1] Addition of other elements to obtain alloying effect is not authorized.

[1] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.

§ 78.56–21 Inspector's report.

(a) Required to be clear, legible and in following form:

(Place) _____
(Date) _____

*Steel gas cylinders*

Manufactured for _____
Location at _____
Manufactured by _____
Location at _____
Consigned to _____
Location at _____
Quantity _____ Size _____ inches outside diameter by _____ inches long.
Marks stamped into the _____
_____
(Location of marking)
of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____

Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks _____
These cylinders were made by process of _____
_____
The material used was type _____ authorized in table I of Spec. No. 4AA480.
The material used was identified by the following _____
(Heat-purchase order) numbers _____
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
_____
(Were—were not) marked on the material.
All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.

[1] The welded test plate shall be of one of the heats in the lot of 200 or less which it represents, in the same condition and approximately the same thickness as the cylinder wall except that in no case shall it be of lesser thickness than that required for a one-quarter size Charpy impact specimen. The weld must be made by the same procedure and subjected to the same heat treatment as the major weld on the cylinder.

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.



The compliance of cylinders with specification requirements including markings, condition of inside, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, tensile tests of material, and other tests as prescribed in specification ICC 4AA480 were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

Each cylinder _____ been equipped (Has—has not)
with safety devices as follows: _____
_____

I hereby certify that all of those cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4AA480 except as follows:

Exceptions _____
_____
(Manufacturer's name)
Signed _____
(Inspector)
By _____

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr | Mo | Cu | Al | Zr |
| | | | | | | | | | | | | | | |

Steel was manufactured by _____ Company. The originals of the certified mill test reports are in the files of the manufacturer.

Note: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Chemical analyses were made by _____

(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in inches) | Reduction of area (percent) | Weld tensile test | Weld bend test |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity [3] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) _____

**§ 78.57 Specification 4L; welded cylinders insulated.**

**§ 78.57–1 Compliance.**

(a) Required in all details.

**§ 78.57–2 Type, size, service pressure [1] and service temperature.[2]**

(a) *Type and size.* Must be fusion welded; not over 1,000 pounds water capacity (nominal).

(b) The service pressure shall be more than 40 and not over 500 pounds per square inch.

(c) The service temperature shall be minus 320° F. or colder.

**§ 78.57–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.57–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements of this specification.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance with all specification requirements. Obtain samples for all tests. Obtain samples for check chemical analyses, where required. Witness all tests. Report volumetric capacity, tare weight (see report form), and minimum thickness of wall noted.

(d) Render complete report (§ 78.57–22) to purchaser, cylinder maker, and the Bureau of Explosives.

[1] The service pressure limits the use of the cylinder. It is shown by marks on the cylinder; for example: ICC–4L200 indicates the service pressure as 200 pounds per square inch.

[2] The service temperature is the lowest temperature at which the cylinder may be used.

**§ 78.57–5 Material.**

(a) Designations and limiting chemical compositions of steel authorized by this specification shall be as shown in § 78.57–21(a), Table I.

**§ 78.57–6 Identification of material.**

(a) Required; by any suitable method.

**§ 78.57–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.57–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. The shell portion must be a reasonably true cylinder.

(b) The heads must be seamless, concave side to the pressure, hemispherical or ellipsoidal in shape with the major diameter not more than twice the minor diameter. Minimum thickness of heads shall be not less than 90 percent of the required thickness of the sidewall. The heads must be reasonably true to shape, shall have no abrupt shape changes and the skirts must be reasonably true to round.

(c) The surface of the cylinder must be insulated. Any insulating material must be fire resistant. The insulation must be covered with a steel jacket of not less than 0.060 inch thickness so constructed that moisture cannot come in contact with the insulating material. The construction must be such that the total heat transfer from the atmosphere at ambient temperature to the contents of the cylinder shall not exceed 0.0005 B. t. u. per hour per degree F differential in temperature per pound of water capacity of the cylinder.

**§ 78.57–9 Welding.**

(a) All seams of the cylinder must be fusion welded. Means must be provided for accomplishing complete penetration of the joint. Only butt or joggle butt joints for the cylinder seams are authorized. All joints in the cylinder must be in reasonably true alignment.

(b) All attachments to the sidewalls and heads of the cylinder must be by fusion welding and must be of a weldable material complying with the impact requirements of § 78.57–17 (d).

(c) For welding the cylinder, each procedure and operator shall be qualified in accordance with the sections that apply in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[1] In addition, impact tests of the weld shall be performed in accordance with § 78.57–17(d) as part of the qualification of each welding procedure and operator.

(d) Brazing, soldering and threading are permitted only for joints not made directly to the cylinder body. Threads must comply with § 78.57–12.

**§ 78.57–10 Wall thickness.**

(a) The minimum wall thickness of the cylinder shall be such that the calculated wall stress at minimum required test pressure shall not exceed the least value of the following:

(1) 45,000 pounds per square inch.

(2) One-half of the minimum tensile strength across the welded seam determined as required in § 78.57–17 (a).

(3) One-half of the minimum tensile strength of the base metal determined as required in § 78.57–15.

(4) The yield strength of the base metal determined as required in § 78.57–15.

(5) Further provided that wall for cylinders having longitudinal seams must not exceed 85 percent of the above value, whichever applies.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:

$S$ = wall stress in pounds per square inch;
$P$ = minimum test pressure prescribed for hydrostatic test;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

**§ 78.57–11 Heat treatment.**

(a) *Permissible.* If heat treatment is used each cyclinder must be uniformly and properly heat treated as required in § 78.57–21(a), Table I, after all forming and prior to test.

**§ 78.57–12 Openings in cylinder.**

(a) Openings permitted in heads only. They must be circular and shall not exceed 3 inches diameter or ⅓ of the cylinder diameter, whichever is the smaller. Each opening in the cylinder must be provided with a fitting, boss or pad securely attached to the cylinder body by fusion welding. Attachments to a fitting, boss or pad may be made by welding, brazing, soldering or threading. Threads must comply with following:

(1) Threads must be clean cut, even, without checks and cut to gauge.

[1] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, N. Y.



(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads must have at least 4 engaged threads and have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, inert to the commodity and adequate to prevent leakage.

**§ 78.57–13 Safety devices and pressure control valves.**

(a) Must be as required by Interstate Commerce Commission Regulations that apply (§§ 73.34(f), and 73.304(f) of this chapter).

**§ 78.57–14 Hydrostatic test.**

(a) Each cylinder before insulating and jacketing must be examined under a pressure of at least 2 times the service pressure, maintained for at least 30 seconds without evidence of leakage, visible distortion or other defect. Pressure gauge must permit reading to accuracy of 1 percent.

**§ 78.57–15 Physical test.**

(a) Determine yield strength, tensile strength, and elongation on 2 specimens selected from material of each heat and in the same condition as that in the completed cylinder.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; or, gauge length at least 24 times thickness with width not over 6 times thickness (authorized when cylinder wall is not over 3/16 inch thick). The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load"), corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic expansion of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on the elastic modulus of the material used. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain reference shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.57–16 Acceptable results for physical tests.**

(a) Physical properties must meet the limits specified in § 78.57–21(a), Table I, for the particular steel in the annealed condition. If heat treatment is not used, the specimens must show at least 20 percent elongation for 2-inch gauge length except that the percentage may be reduced numerically by 2 for each 75,000 pounds per square inch increment of tensile strength above 100,000 pounds per square inch to a maximum of 5 such increments. Yield strength and tensile strength must meet the requirements of § 78.57–21(a), Table I.

**§ 78.57–17 Tests of welds.**

(a) *Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less, or welded test plate.[1] The specimen shall be taken across the major seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954). Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fails to meet the requirements, the entire lot represented shall be rejected.

(b) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in § 78.57–17(a) and from any other seam or equivalent welded test plate if the seam is welded by a procedure different from that used for the major seam. Specimens shall be taken across the particular seam being tested and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

(c) *Alternate guided-bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954). The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines—

[1] The welded test plate shall be in the same condition and approximately the same thickness as the cylinder wall and shall be of material from one of the heats used in the lot of cylinders which it represents, except test plates for impact tests shall comply with § 78.57–17(d)(1). The test plate shall be welded by the same welding procedure as used on the particular cylinder seam being qualified and shall be subjected to the same heat treatment.

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 100,000 pounds per square inch, as provided in § 78.57–16 (a).

(d) *Impact tests.* One set of three impact test specimens (for each test) shall be prepared and tested for determining the impact properties of the deposited weld metal (1) as part of the qualification of the welding procedure, (2) as part of the qualification of the operators, (3) for each "heat" of welding rod or wire used, and (4) for each 1,000 feet of weld made with the same heat of welding rod or wire.

(1) All impact test specimens shall be of the Charpy type, keyhole or milled U-notch, and shall conform in all respects to Figure 3 of ASTM E–23–60T. Each set of impact specimens shall be taken across the weld and have the notch located in the weld metal. When the cylinder material thickness is 2.5 mm or thicker, impact specimens shall be cut from a cylinder or welded test plate used for the tensile or bend test specimens. The dimension along the axis of the notch shall be reduced to the largest possible of 10 mm, 7.5 mm, 5mm or 2.5 mm, depending upon cylinder thickness. When the material in the cylinder or welded test plate is not of sufficient thickness to prepare 2.5 mm impact test specimens, 2.5 mm specimens shall be prepared from a welded test plate made from ⅛ inch thick material meeting the requirements specified in § 78.57–21(a), Table I, and having a carbon analysis of .05 minimum, but not necessarily from one of the heats used in the lot of cylinders. The test piece shall be welded by the same welding procedure as used on the particular cylinder seam being qualified and shall be subjected to the same heat treatment.

(2) Impact test specimens shall be cooled to the design service temperature. The apparatus for testing the specimens must conform to the requirements of ASTM Standard E–23–60T. The test piece, as well as the handling tongs, shall be cooled for a length of time sufficient to reach the service temperature. The temperature of the cooling device shall be maintained within a range of plus or minus 3° F. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than six seconds.

(3) The impact properties of each set of impact specimens shall be not less than the values in the following table:

| Size of specimen | Minimum impact value required for average of each set of three specimens (ft-lb) | Minimum impact value permitted on one specimen only of a set of three (ft-lb) |
|---|---|---|
| 10 mm x 10 mm | 15 | 10 |
| 10 mm x 7.5 mm | 12.5 | 8.5 |
| 10 mm x 5 mm | 10 | 7.0 |
| 10 mm x 2.5 mm | 5 | 3.5 |

(4) When the average value of the three specimens equals or exceeds the minimum value permitted for a single specimen and the value for more than

one specimen is below the required average value, or when the value for one specimen is below the minimum value permitted for a single specimen, a retest of three additional specimens shall be made. The value of each of these retest specimens shall equal or exceed the required average value. When an erratic result is caused by a defective specimen, or there is uncertainty in test procedure, a retest is authorized.

**§ 78.57–18 Radiographic examination.**

(a) The techniques and acceptability of radiographic inspection shall conform to the standards set forth in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).

(b) Cylinders must be examined as follows:

(1) One finished longitudinal seam shall be selected at random from each lot of 100 or less successively produced and be radiographed throughout its entire length. Should the radiographic examination fail to meet the requirements of paragraph (a) of this section, two additional seams of the same lot shall be examined, and if either of these fail to meet the requirements, each cylinder may be examined as outlined above; only those passing are acceptable.

**§ 78.57–19 Rejected cylinders.**

(a) Welds may be repaired by suitable methods of fusion welding; reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests.

**§ 78.57–20 Marking.**

(a) Marking required by stamping plainly and permanently on shoulder or top head of jacket or on a permanently attached plate or head protective ring as follows:

(1) ICC–4L followed by the service pressure (for example, ICC–4L200).

(2) ST followed by service temperature (for example, ST–423 F) on cylinders having a service temperature below minus 320° F. only; location to be just below the ICC mark.

(3) Serial number and identifying symbol; location of number to be just below the service temperature or ICC mark; location of symbol to be just below the number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications not authorized.

(4) Maximum weight of content (Max. Content 00#) on cylinders having a service temperature below minus 320° F. only; location near symbol.

Examples:

| *Service temperature minus 320° F.* | *Service temperature below minus 320° F.* |
|---|---|
| ICC–4L200 | ICC–4L200 |
| 1234 | ST–423F |
| XY | 1234 |
| | XY |
| | MAX. CONTENT 00# |

(5) Inspector's official mark, date of test (such as 10–55 for October 1955), near serial number.

(6) Size of markings at least ¼ inch high if space permits.

(b) Except for serial number, all markings prescribed in paragraph (a) of this section must be duplicated on each cylinder by any suitable means.

**§ 78.57–21 Authorized steels.**

(a) Electric furnace steel of uniform quality. The following chemical analyses and physical properties are authorized.

TABLE I—AUTHORIZED MATERIALS

| Designation | Chemical analysis, limits in percent; stainless steel; type 304 [1] [2] |
|---|---|
| Carbon [3] (maximum) | 0.08 |
| Manganese (maximum) | 2.50 |
| Phosphorus (maximum) | 0.035 |
| Sulphur (maximum) | 0.030 |
| Silicon (maximum) | 0.85 |
| Nickel (minimum) | 8.00 |
| Chromium (minimum) | 18.00 |
| Molybdenum | ------ |
| Titanium | ------ |
| Columbium | ------ |
| | **Physical properties (annealed)** |
| Tensile strength, p. s. i. (minimum) | 75,000 |
| Yield strength, p. s. i. (minimum) | 30,000 |
| Elongation in 2-inch (minimum) (percent) | 30.0 |
| Elongation other permissible gage lengths (percent) | 15.0 |

[1] Identical to ASTM A–240, Grade S, type 304 modified.
[2] The carbon analysis shall be reported to the nearest hundredth of 1 percent.
[3] Heat treatment is authorized, and if used must be suitable and proper.

**§ 78.57–22 Inspector's report.**

(a) Required to be clear, legible and in following form:

(Place) ----------
(Date) ----------

*Steel gas cylinders.*

Manufactured for ----------
Location at ----------
Manufactured by ----------
Location at ----------
Consigned to ----------
Location at ----------
Quantity ----------
Size ---------- inches outside diameter by ---------- inches long.
Cylinders were hydrostatically tested at ---------- pounds per square inch and found to be satisfactory.
Maximum and minimum weight ----------
Maximum and minimum volumetric capacity ----------
Marks stamped into the ----------
(Location of marking)
of the cylinder are:

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr | Mo | Cu | Al | Zr |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |

Steel was manufactured by ---------- Company. The originals of the certified mill test reports are in the files of the manufacturer.

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Chemical analyses were made by ----------
Specification ICC– ----------
Service Temperature ----- minus ----- F.
Maximum Weight of Content -- (pounds)
Serial numbers ------ to ------ inclusive.
Inspector's mark ----------
Identifying symbol (registered) ----------
Test date ----------
Tare weights (yes or no) ----------
Other marks ----------
These cylinders were made by process of ----------
The material used was authorized by § 78.57–21.
The material used was identified by the following ----------
(Heat-purchase order)
numbers ----------
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers ----------
(Were—were not)
marked on the material.
All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.
The compliance of cylinders with specification requirements was verified including markings, condition of inside, tests, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.
The cylinder walls were measured and the minimum thickness noted was ---------- inch. The outside diameter was determined by a close approximation to be ---------- inches. The wall stress was calculated to be ---------- pounds per square inch under an internal pressure of ---------- pounds per square inch.
Hydrostatic tests, tensile tests of material, and other tests as prescribed in specification No. ICC–4L ---------- were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.
Each cylinder ---------- been
(Has—has not)
equipped with safety devices as follows:
----------
I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4L except as follows:
Exceptions ----------
----------
(Manufacturer's name)
By ----------
(Signed) ----------
(Inspector)
(Place) ----------
(Date) ----------

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Numbered ---------- to ---------- inclusive.
Size ------ inches outside diameter by ------ inches long.
Made by ---------- Company.
For ---------- Company.



(Place) ----------
(Date) ----------

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered ---------- to ---------- inclusive.
Size ---------- inches outside diameter by ---------- inches long.
Made by ---------- Company.
For ---------- Company.

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in inches) | Impact test results | Weld tensile test | Weld bend test |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

(Signed) ----------

**§ 78.58 Specification 4DA; inside containers, welded steel for aircraft use.**

**§ 78.58–1 Compliance.**

(a) Required in all details.

**§ 78.58–2 Type, size, and service pressure.**

(a) *Type and size.* Welded steel spheres (two seamless hemispheres) or circumferentially welded cylinders (two seamless drawn shells) not over 100 pounds water capacity.

(b) *Service pressure.*[1] At least 500 to not over 900 pounds per square inch.

**§ 78.58–3 Inspection by whom and where.**

(a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within the limits of the United States.

**§ 78.58–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one container out of each lot of 200 or less.

(c) Verify compliance of containers with all requirements including markings; inspect inside before closing; verify heat treatment and welding procedure as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight and minimum thickness of wall noted.

(d) Render complete report to purchaser, container maker, and the Bureau of Explosives.

**§ 78.58–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. The following chemical analyses are authorized (see Note 1):

4130

| | *Percent* |
|---|---|
| Carbon | 0.28/0.33. |
| Manganese | 0.40/0.60. |
| Phosphorus | 0.040 max. |
| Sulfur | 0.040 max. |
| Silicon | 0.20/0.35. |
| Chromium | 0.80/1.10. |
| Molybdenum | 0.15/0.25. |

NOTE 1: A heat of steel made under the above specification, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semi-finished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

**§ 78.58–6 Identification of material.**

(a) Required; any suitable method except that plates and billets for hot-drawn containers shall be marked with heat number.

**§ 78.58–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized. Defects in welded joints shall not exceed the limits specified in § 78.58–17 covering radiographic inspection.

**§ 78.58–8 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished container appreciably, reasonably smooth and uniform surface finish required. No abrupt change in wall thickness permitted. Certification of welders and/or process required in accordance with the sections that apply of Compressed Gas Association Standards for Welding and Brazing on Thin Walled Containers (CGA Pamphlet C–3–1954).[2]

(b) All seams of the sphere or cylinders must be fusion welded. Seams shall be of the butt or joggle butt type and means must be provided for accomplishing complete penetration of the joint.

**§ 78.58–9 Welding.**

(a) Attachments to the container are authorized by fusion welding provided that such attachments are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130 steel.

**§ 78.58–10 Wall thickness.**

(a) The minimum wall thickness shall be such that the wall stress at the minimum specified test pressure shall not exceed 67 percent of the minimum tensile strength of the steel as determined from the physical and burst tests required and shall not be over 70,000 psi. Minimum wall 0.060 inch for any diameter container.

(b) Calculation for a sphere must be made by the formula:

$$S=\frac{PD}{4tE}$$

where:
$S$ = wall stress in pounds per square inch;
$P$ = test pressure prescribed for water jacket test, i. e., at least 2 times service pressure, in pounds per square inch;
$D$ = outside diameter in inches;
$t$ = minimum wall thickness in inches;
$E$ = 0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat affected zones which zone shall extend a distance of 6 times wall thickness from center line of weld);
$E$ = 1.0 (for all other areas).

(c) Calculation for a cylinder must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:
$S$ = wall stress in pounds per square inch;
$P$ = test pressure prescribed for water jacket test, i. e., at least 2 times service pressure, in pounds per square inch;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

**§ 78.58–11 Heat treatment.**

(a) The completed containers must be uniformly and properly heat-treated prior to tests. Heat-treatment of containers of the authorized analysis shall be as follows:

(1) All containers must be oil quenched except as noted in subparagraph (5) of this paragraph.

(2) The steel temperature on quenching shall be that recommended for the steel analysis, but in no case shall exceed 1,750° F.

(3) The steel shall be tempered at the temperature most suitable for the analysis except that in no case shall the tempering temperature be less than 1,000° F.

(4) The steel may be normalized at a temperature of 1,650° F. instead of being quenched, and containers so normalized need not be tempered.

(5) The steel coming under this specification may be quenched in molten salt bath maintained at a temperature not less than 375° F.

[1] The "service pressure" limits the use of the container. It is shown by marks on container; for example ICC–4DA500 indicates the service pressure as 500 pounds per square inch.

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

**§ 78.58–12 Openings in container.**

(a) Each opening in the container must be provided with a fitting, boss, or pad of weldable steel securely attached to the container by fusion welding.

(b) Attachments to a fitting, boss, or pad must be adequate to prevent leakage. Threads must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the container; gaskets required, adequate to prevent leakage.

**§ 78.58–13 Safety devices.**

(a) Safety relief devices must be as required by the Interstate Commerce Commission's Regulations. (See § 73.34 (f) of this chapter.)

**§ 78.58–14 Hydrostatic test.**

(a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each container must be tested to at least 2 times service pressure.

**§ 78.58–15 Burst test.**

(a) One container taken at random out of 200 or less shall be hydrostatically tested to destruction. Rupture pressure shall be included as part of the inspector's report.

**§ 78.58–16 Flattening test.**

(a) *Flattening test for spheres.* At the weld between parallel steel plates on a press with welded seam at right angles to the plates, test one sphere taken at random out of each lot of 200 or less after hydrostatic test. Any projecting appurtenances may be cut off (by mechanical means only) prior to crushing.

(b) *Flattening test for cylinders.* Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test one cylinder taken at random out of each lot of 200 or less, after hydrostatic test.

**§ 78.58–17 Radiographic inspection.**

(a) Required on all welded joints which are subjected to internal pressure, except that at the discretion of the disinterested inspector, openings less than 25 percent of the sphere diameter need not be subjected to radiographic inspection. Evidence of any defects likely to seriously weaken the container shall be cause for rejection.

**§ 78.58–18 Physical test and specimens for spheres and cylinders.**

(a) *Physical test for spheres.* Required on 2 specimens cut from flat representative sample plate of the same heat taken at random from the steel used to produce the sphere. This flat steel from which the 2 specimens are to be cut must receive the same heat-treatment as the spheres themselves. Sample plates to be taken for each lot of 200 or less spheres.

(b) *Specimens for spheres.* Specimens must be gauge length 2 inches with width not over 1½ inches: *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when wall of sphere is not over 3/16 inch thick.

(c) *Physical test for cylinders.* Required on 2 specimens cut from 1 cylinder taken at random out of each lot of 200 or less.

(d) *Specimens for cylinders.* Specimens must be gauge length 8 inches with width not over 1½ inches; or gauge length 2 inches with width not over 1½ inches: *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. Heating of specimen for any purpose is not authorized.

(e) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.58–19 Acceptable results for physical, flattening, and burst tests.**

(a) Elongation at least 20 percent for 2-inch gauge length or 10 percent in other cases.

(b) Flattening required to 50 percent of the original outside diameter without cracking.

(c) Burst pressure shall be at least 3 times service pressure.

**§ 78.58–20 Rejected containers.**

(a) Reheat-treatment authorized; subsequent thereto, acceptable containers must pass all prescribed tests. Repair of welded seams by welding prior to reheat-treatment authorized.

**§ 78.58–21 Marking.**

(a) Marking on each container by stamping plainly and permanently only on a permanent attachment or on a metal nameplate permanently secured to the container by means other than soft solder, as follows:

(1) ICC–4DA followed by the service pressure (for example, ICC–4DA900).

(2) A serial[1] number and an identifying symbol (letters); location of number to be just below the ICC mark; location[2] of symbol to be just below the number. The symbols and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark, near serial number, date of test (such as 8–50 for August 1950), so placed that dates of subsequent tests can be easily added.

**§ 78.58–22 Size of marks.**

(a) Of sufficient size to be legible.

**§ 78.58–23 Inspector's report.**

(a) Required to be clear, legible, and in the following form:

(Place) _____
(Date) _____

Gas _____
(Spheres-cylinders)
Manufactured for _____ Company.
Location at _____
Manufactured by _____ Company.
Location at _____
Consigned to _____ Company.
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the _____
(Shoulder-metal plate, § 78.58–21.)
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These containers were made by process of _____

The material used was identified by the following _____
(Heat-purchase order)
numbers _____

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(Were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each container was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the container. The processes of manufacture and heat treatment of containers were supervised and found to be efficient and satisfactory.

The container walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4DA were made in the presence of the inspector and all material and containers accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these containers proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4DA except as follows:
Exceptions: _____

(Signed) _____
(Inspector)

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading, "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Containers represented (Serial Nos.) | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____

(Signed) _____

(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

| Test No. | Containers represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

| Serial numbers of containers tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters)[4] | Permanent expansion (cubic centimeters)[4] | Percent ratio of permanent expansion to total expansion [4] | Tare weight (pounds)[5] | Volumetric capacity |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less containers, the check on the others must be indicated by a notation hereon reading "Each container was subjected to a pressure of _____ pounds per square inch and showed no defect."

[4] If the tests are made by a method involving the measurement of the amount of liquid forced into the container by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[5] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____

[1] Lot numbers not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 60 cubic inches.

[2] Symbol in front or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

Example:

ICC–4DA900
1234
XY



**§ 78.59 Specification 8; steel cylinders with approved porous filling for acetylene.**

**§ 78.59–1 Compliance.**

(a) Required in all details.

**§ 78.59–2 Type and service pressure.**

(a) *Type.* Seamless except that the following is authorized: Longitudinal seam if forge lap welded; attachment of heads by welding or by brazing by dipping process; welded circumferential body seam if cylinder has no longitudinal seam.

(b) *Service pressure.*[1] 250 pounds per square inch.

**§ 78.59–3 Inspection by whom and where.**

(a) By competent and disinterested inspectors except that for cylinders made in the United States of America interested inspectors are also authorized; chemical analyses and tests, as specified, to be made within limits of the United States.

(b) Duties of shell inspector:

(1) Inspect all material and reject any not complying with requirements; for cylinders made by billet piercing process, billets to be inspected after nick and cold break.

(2) Require certified chemical analyses of steel used, signed by manufacturer thereof; also verify by check analyses of samples taken from each heat or from 1 out of each lot of 200 or less plates, shells, or tubes used.

(3) Verify compliance of cylinder shells with all shell requirements; inspect inside before closing in both ends; verify heat treatment as proper; obtain all samples for all tests and for check analyses; witness all tests; verify threads by gauge; report volumetric capacity and minimum thickness of wall noted.

(4) Prepare report on manufacture of steel shells in form prescribed in § 78.59–20 (a). Furnish one copy to manufacturer and three copies to the company that is to complete the cylinders.

(c) Duties of inspector of completed cylinders: Determine porosity of filling and tare weights; verify compliance of marking with prescribed requirements; obtain necessary copies of steel shell reports prescribed in paragraph (b) of this section; render complete reports, as prescribed in § 78.59–20 to the purchaser to the Bureau of Explosives, and to the company that has completed the manufacture of the cylinders.

**§ 78.59–4 Steel.**

(a) Open-hearth, electric or basic oxygen process steel of uniform quality. Content percent for the following not over: carbon, 0.25; phosphorus, 0.045; sulphur, 0.050.

**§ 78.59–5 Identification of steel.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

[1] Service pressure limits the use of the cylinder to 250 pounds per square inch at 70° F.

§ 78.59–6 **Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.59–7 **Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required.

§ 78.59–8 **Exposed bottom welds.**

(a) Exposed bottom welds on cylinders over 18" long must be protected by footrings.

§ 78.59–9 **Heat treatment.**

(a) Body and heads formed by drawing or pressing must be uniformly and properly heat treated prior to tests.

§ 78.59–10 **Openings.**

(a) Standard taper pipe threads required; length not less than as specified for American Standard pipe threads; tapped to gauge; clean cut, even, and without checks.

§ 78.59–11 **Safety devices and protection for valves, safety devices, and other connections.**

(a) If applied must be as required by the Interstate Commerce Commission's regulations that apply. (See §§ 73.34 (f) and 73.301(i) of this chapter.)

§ 78.59–12 **Hydrostatic test.**

(a) By water jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) One cylinder out of each lot of 200 or less must be hydrostatically tested to at least 750 pounds per square inch. Cylinders not so tested must be examined under pressure of between 500 and 600 pounds per square inch and show no defect. If hydrostatically tested cylinder fails, each cylinder in the lot may be hydrostatically tested and those passing are acceptable.

§ 78.59–13 **Leakage test.**

(a) By interior air or gas pressure not less than the service pressure; leakers must be rejected. Required only for cylinders with bottoms closed in by spinning.

§ 78.59–14 **Physical test.**

(a) Required on 2 specimens cut longitudinally from 1 cylinder or part thereof taken at random out of each lot of 200 or less, after heat treatment.

(b) Specimens must be: Gauge length 8" with width not over 1½"; or, gauge length 2" with width not over 1½": *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16" thick.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

(d) Yield strength shall not exceed 73 percent of tensile strength. Elongation must be at least 40 percent in 2 inch or 20 percent in other cases.

§ 78.59–15 **Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding is authorized.

§ 78.59–16 **Porous filling.**

(a) Cylinders must be filled with an approved porous material of such structure that it will not disintegrate or sag when wet with solvent or when subjected to normal service. The porous filling material shall be uniform in quality and free of voids, except that a well drilled into the filling material beneath the valve is authorized: *Provided,* That such a well be filled with a material of such type that the functions of the filling material are not impaired. Overall shrinkage of the filling material is authorized, provided the total clearance between the cylinder shell and filling material, after solvent has been added, does not exceed ½ of 1 percent of the respective diameter or length but in no case to exceed ⅛ inch measured diametrically and longitudinally and that such clearances do not impair the functions of the filling material. In all cases, the filling material as installed in the cylinder must be approved by the Bureau of Explosives.

(b) Porosity of filling to be 80 percent or less except that filling with a porosity in excess of 80 percent but not in excess of 92 percent, may be used when tested with satisfactory results under the supervision of the Bureau of Explosives. When the porous mass has a porosity in excess of 80 percent but not in excess of 83 percent, the pores shall be uniform and shall not be visible at a magnification of 200 diameters. When the porous mass has a porosity in excess of 83 percent but not in excess of 92 percent, the pores shall be uniform and shall not be visible at a magnification of 500 diameters. A cylinder taken at random from a lot of 200 or less must be tested for porosity providing the porosity of each cylinder is not known. Should test cylinders fail, test of each cylinder of the lot is authorized, cylinders passing the test to be acceptable.

(c) For filling that is molded and dried before insertion in cylinders, porosity test may be made on sample block taken at random from material to be used.

(d) The porosity of the filling material shall be determined; the amount of solvent at 70° F. for a cylinder:

(1) Having shell volumetric capacity above 20 pounds water capacity (nominal) shall not exceed the following:

| Percent porosity of filler: | *Maximum acetone solvent percent shell capacity by volume* |
|---|---|
| 90 to 92 | 43.4 |
| 87 to 90 | 42.0 |
| 83 to 87 | 40.0 |
| 80 to 83 | 38.6 |
| 75 to 80 | 36.2 |
| 70 to 75 | 33.8 |
| 65 to 70 | 31.4 |

(2) Having volumetric capacity of 20 pounds or less water capacity (nominal), shall not exceed the following:

| Percent porosity of filler: | *Maximum acetone solvent percent shell capacity by volume* |
|---|---|
| 90 to 92 | 41.8 |
| 83 to 90 | 38.5 |
| 80 to 83 | 37.1 |
| 75 to 80 | 34.8 |
| 70 to 75 | 32.5 |
| 65 to 70 | 30.2 |

§ 78.59–17 **Tare weight.**

(a) Tare weight referred to in §§ 78.59–1 to 78.59–21 shall be the combined weight of cylinder proper, porous filling, valve, and solvent, but without removable cap.

§ 78.59–18 **Marking.**

(a) Marking on each cylinder by stamping plainly and permanently on or near the shoulder, top head, neck or valve protection collar which is permanently attached to the cylinder and forming integral part thereof, as follows:

(1) ICC–8.

(2) A serial number and an identifying symbol (letters) grouped[1] above or below the ICC mark. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added.

[1] Variation in location authorized only when necessitated by lack of space.
*Example:*

ICC–8
1234
XY

(4) Tare weight of cylinder in pounds and ounces.

(5) Cylinders, not completed, when delivered must each be marked for identification of each lot of 200 or less.

§ 78.59–19 **Size of marks.**

(a) At least ⅛" high for cylinders less than 4" inside diameter and at least ¼" high for larger cylinders.

§ 78.59–20 **Inspector's report.**

(a) Report to cover manufacture of acetylene shells; require to be clear, legible, and in the following form:

(Place) .....
(Date) .....

*Acetylene shells*

Manufactured for ..... Company
Location at .....
Manufactured by ..... Company
Location at .....
Consigned to ..... Company
Location at .....
Quantity .....
Size ..... inches outside diameter by ..... inches long.
Marks stamped into the shoulder of the cylinder are:
Lot number .....
Other marks (if any) .....
These cylinders were made by process of .....
.....
.....
The material used was identified by the following ..... numbers (heat-purchase order)
.....

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers..... (were—were not) marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was.....inch. The outside diameter was determined by a close approximation to be.....inches. The wall stress was calculated to be..... pounds per square inch under an internal pressure of.....pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–8 were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 8 except as follows:

Exceptions.....
.....
.....

(Signed) .....
Inspector.

(Place) .....
(Date) .....

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

The analyses were made by .....
(Signed) .....



(Place) .....
(Date) .....

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(Signed) .....
(Place) .....
(Date) .....

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered ..... to ..... inclusive.
Size ..... inches outside diameter by ..... inches long
Made by ..... Company
For ..... Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters)[1] | Permanent Expansion (cubic centimeters)[1] | Percent ratio of permanent expansion to total expansion[1] | Volumetric capacity[1] |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

NOTE: When specification requires test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of ..... pounds per square inch and showed no defect."

If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the excess pressure applied, the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must be shown.

[1] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) .....

(b) Inspector's report to cover completed manufacture of acetylene cylinders; required to be clear and legible and in the following form:

(Place) .....
(Date) .....

Final Report: For completed steel cylinders with approved porous filling for acetylene.
Manufactured for.....
Location at .....
Steel shells manufactured by .....
Location at .....
Cylinders completed by .....
Location at .....
Consigned to .....
Location at .....
Quantity .....
Size ..... inches outside diameter by ..... inches long.

Marks are stamped into ..... as follows:
(Show location)
Specification ICC–8.
Serial numbers ..... to ..... inclusive.
Identifying symbol (registered) .....
Inspector's mark (if applied) .....
Test date .....
Other marks (if any) .....

Application of prescribed marks, as reported above, and location thereof were verified.

Each cylinder was filled with porous filling material consisting of .....
in the form of .....
The porosity of the filling is between ..... and ..... percent as determined by tests made by the .....
company whose report has been found satisfactory and is on file.

The tare weight of each cylinder was determined and a record thereof is attached hereto.

Each cylinder has been equipped with safety devices _____

_____

A certified report of manufacture and test of the steel shells is attached hereto.

I hereby certify that, subject to the acceptability of the reports covering the steel shells, all of these cylinders proved satisfactory in every way and comply with the requirements of the Interstate Commerce Commission specification No. 8.

Signed _____
(Inspector)

**§ 78.59–21 Additional type.**

(a) For seamless cylinders, contracted for by the United States Navy or United States Coast Guard, made of steel commercially known as 4130X the prescribed limitations of carbon content, yield point, and elongation of steel are hereby waived provided the cylinders otherwise comply with §§ 78.59–1 to 78.59–20 and the following conditions:

(b) The following chemical analysis is authorized. (See Note 1.)

| Designation: | *4130X (percent)* |
|---|---|
| Carbon | 0.25/0.35 |
| Manganese | 0.40/0.90 |
| Phosphorus | 0.04 max. |
| Sulphur | 0.05 max. |
| Silicon | 0.20/0.35 |
| Chromium | 0.80/1.10 |
| Molybdenum | 0.15/0.25 |
| Zirconium | |
| Nickel | |

NOTE 1: A heat of steel made under the above specification, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semi-finished, Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

(c) Minimum wall thickness must be such that the wall stress under interior pressure of 1,000 pounds per square inch will not exceed 18,000 pounds per square inch when calculated by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$S$=wall stress in pounds per square inch;
$P$=1,000 pounds per square inch;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

(d) The elongation of the steel must be at least 20 percent in 2 inches.

(e) The test pressure under § 78.59–12 must be at least 1,000 pounds per square inch.

(f) Flattening test: Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test 1 cylinder [1] taken at random out of each lot of 200 or less, after hydrostatic test. The cylinders must pass test without cracking to 6 times wall thickness.

(g) Reports of manufacture and tests of the cylinder shells must include the following additional information: Chemical analysis data on manganese, chromium, molybdenum, and other alloy materials present, if any; definite statement as to the heat-treatment used.

**§ 78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.**

**§ 78.60–1 Compliance.**

(a) Required in all details.

**§ 78.60–2 Type and service pressure.**

(a) *Type.* Seamless except that the following is authorized: Attachment of heads by welding or by brazing by dipping process; welded circumferential body seam. Longitudinal seams not authorized.

(b) *Service pressure.* [2] 250 pounds per square inch.

[1] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

[2] Service pressure limits the use of the cylinder to 250 pounds per square inch at 70° F.

**§ 78.60–3 Inspection by whom and where.**

(a) By competent and disinterested inspectors except that for cylinders made in the United States of America interested inspectors are also authorized; chemical analyses and tests, as specified, to be made within limits of the United States.

(b) Duties of shell inspector. Inspect all material and reject any not complying with requirements; for cylinders made by billet piercing process, billets to be inspected after nick and cold break.

(1) Require certified chemical analyses of steel used, signed by manufacturer thereof; also verify by check analyses of samples taken from each heat or from 1 out of each lot of 200 or less plates, shells, or tubes used.

(2) Verify compliance of cylinder shells with all shell requirements; inspect inside before closing in both ends; verify heat treatment as proper; obtain all samples for all tests and for check analyses; witness all tests; verify threads by gauge; report volumetric capacity and minimum thickness of wall noted.

(3) Report percentage of each specified alloying element in the steel. Prepare report on manufacture of steel shells in form prescribed in § 78.60–24 (a). Furnish one copy to manufacturer and three copies to the company that is to complete the cylinders.

(c) Duties of inspector of completed cylinders. Determine porosity of filling and tare weights; verify compliance of marking with prescribed requirements; obtain necessary copies of steel shell reports prescribed in paragraph (b) of this section; render complete reports, as prescribed in § 78.60–24, to the purchaser, to the Bureau of Explosives, and to the company that has completed the manufacture of the cylinders.

**§ 78.60–4 Authorized steel.**

(a) Open hearth or electric steel of uniform quality. The following chemical analyses are authorized. See footnote 1 of table.



TABLE I—AUTHORIZED MATERIALS

| Designation | Chemical analysis—limits in percent | | | | | |
|---|---|---|---|---|---|---|
| | 1315 [2 6] | HIS [2 6] | MAY [2 6] | NAX [2 6] | COR [2 6] | |
| Carbon | 0.10/0.20 | 0.12 maximum | 0.12 maximum | 0.20 maximum | 0.12 maximum | |
| Manganese | 1.10/1.65 | 0.50/0.90 | 0.50/1.00 | 0.45/0.75 | 0.20/0.50 | |
| Phosphorus | 0.045 maximum | 0.05/0.12 | 0.12 maximum | 0.045 maximum | 0.07/0.15 | |
| Sulfur | 0.05 maximum | 0.05 maximum | 0.05 maximum | 0.05 maximum | 0.05 maximum | |
| Silicon | 0.15/0.35 | 0.15 maximum | 0.10/0.50 | 0.50/0.90 | 0.25/0.75 | |
| Chromium | | | 0.40/1.00 | 0.45/0.70 | 0.50/1.25 | |
| Molybdenum | | 0.05/0.18 | | | | |
| Zirconium | | | | 0.05/0.25 | | |
| Nickel | | 0.45/0.75 | 0.50/1.00 | | 0.65 maximum | |
| Copper | 0.40 maximum | 0.95/1.30 | 0.20/0.50 | | 0.25/0.55 | |
| Aluminum | | 0.12/0.27 | | | | |
| Columbium | | | | | | |
| Heat treatment authorized. | (4) | (4) | (4) | (4) | (4) | |
| Maximum stress | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | |
| | SCX [2 6] | 4017 [2 6] | OTY [2 6] | RDT [2 4 6 c] | YOL [2 4 6 c] | GLX-50-W [2 6] |
| Carbon | 0.20 maximum | 0.13/0.20 | 0.15 maximum | 0.12 maximum | 0.15 maximum | 0.10/0.20. |
| Manganese | 0.60/1.00 | 0.75/1.10 | 0.90/1.40 | 0.50/1.00 | 0.30/0.60 | 0.50/1.00. |
| Phosphorus | 0.045 maximum | 0.040 maximum | 0.09/0.135 | 0.040 maximum | 0.04 maximum | 0.04 maximum. |
| Sulfur | 0.045 maximum | 0.040 maximum | 0.040 maximum | 0.050 maximum | 0.05 maximum | 0.05 maximum. |
| Silicon | 0.15/0.30 | 0.25/0.35 | 0.10 maximum | | | 0.10 maximum. |
| Chromium | 0.15/0.50 | | | | | |
| Molybdenum | 0.15/0.35 | 0.25/0.35 | | 0.10/0.30 | | |
| Zirconium | | | | | | |
| Nickel | | | | 0.50/1.20 | 1.50/2.00 | |
| Copper | 0.20/0.50 | | 0.30/0.70 | 0.50/1.00 | 0.75/1.25 | |
| Aluminum | | | | | | |
| Columbium | | | | | | |
| Heat treatment authorized. | (4) | (4) | (4) | (4) | (4) | 0.010/0.040. |
| Maximum stress | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 | (3). 35,000. |

[1] A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded, or provided the variation in chemical analysis is approved by the Bureau of Explosives.

[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.

[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.

[4] Addition of other elements to obtain alloying effect is not authorized.

[5] Ferritic grain size 6 or finer, according to ASTM E–112–55T.

[6] Only fully killed steel authorized.

**§ 78.60–5 Identification of steel.**

(a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

**§ 78.60–6 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.60–7 Manufacture.**

(a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required.

**§ 78.60–8 Footrings.**

(a) Exposed bottom welds on cylinders over 18" long must be protected by footrings.

**§ 78.60–9 Welding or brazing.**

(a) The attachment to the tops or bottoms only of cylinders by welding or brazing of neckrings, footrings, handlers, bosses, pads, and valve protecting rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent.

(b) Heat treatment is not required after welding or brazing weldable low carbon parts to attachments, specified in paragraph (a) of this section, of similar material which have been previously welded or brazed to the top or bottom of cylinders and properly heat treated, provided such subsequent welding or brazing does not produce a temperature in excess of 400° F. in any part of the top or bottom material.

**§ 78.60–10 Wall thickness; wall stress.**

(a) The calculated wall stress at 750 pounds per square inch shall not exceed 35,000 pounds per square inch, or one-half of the minimum ultimate strength of the steel as determined in § 78.60–16, whichever value is the smaller. Measured wall thickness shall not include galvanizing or other protective coating.

(1) Calculation of wall stress must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$S$=wall stress in pounds per square inch;
$P$=750 pounds per square inch (minimum test pressure);
$D$=outside diameter in inches;
$d$=inside diameter in inches.

Either $D$ or $d$ must be calculated from the relation $D=d+2t$, where $t$=minimum wall thickness.

(2) Cylinders with wall thickness less than 0.100 inch, the ratio of straight side wall length to outside diameter shall not exceed 3.5.

(3) For cylinders having outside diameter over 5 inches, the minimum wall thickness shall be 0.087 inch.

**§ 78.60–11 Heat treatment.**

(a) Each cylinder must be uniformly and properly heat treated, prior to tests, by any suitable method in excess of 1100° F. Heat treatment must be accomplished after all forming and welding operations, except that when brazed joints are used, heat treatment must follow any forming and welding operations but may be done before, during, or after the brazing operations. Liquid quenching not authorized.

**§ 78.60–12 Openings.**

(a) Standard taper pipe threads required; length not less than as specified for American Standard pipe threads; tapped to gauge; clean cut, even, and without checks.

**§ 78.60–13 Safety devices and protection for valves, safety devices, and other connections.**

(a) If applied must be as required by the Interstate Commerce Commission's regulations that apply. (See §§ 73.34(f) and 73.301(i) of this chapter.)

**§ 78.60–14 Hydrostatic test.**

(a) By water jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) One cylinder out of each lot of 200 or less must be hydrostatically tested to at least 750 pounds per square inch. Cylinders not so tested must be examined under pressure of between 500 and 600 pounds per square inch and show no defect. If hydrostatically tested cylinder

fails, each cylinder in the lot may be hydrostatically tested and those passing are acceptable.

**§ 78.60–15 Leakage test.**

(a) By interior air or gas pressure not less than the service pressure; leakers must be rejected. Required only for cylinders with bottoms closed in by spinning.

**§ 78.60–16 Physical test.**

(a) Required on 2 specimens cut longitudinally from 1 cylinder or part thereof taken at random out of each lot of 200 or less, after heat treatment.

(b) Specimens must be: Gauge length 8" with width not over 1½"; or, gauge length 2" with width not over 1½": *Provided*, That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 5/16" thick.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.60–17 Elongation.**

(a) Physical test specimens must show at least 40 percent for 2 inch gauge length or at least 20 percent in other cases, except that these elongation percentages may be reduced numerically by 2 for 2 inch specimens and 1 in other cases for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch to a maximum of four such increments.

**§ 78.60–18 Weld tests.**

(a) Specimens taken across the circumferentially welded seam must be cut from one cylinder taken at random from each lot of 200 or less cylinders after heat treatment and must pass satisfactorily the following tests:

(1) *Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less, or welded test plate.[1] The specimen shall be taken across the major seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fail to meet the requirements, the entire lot represented shall be rejected.

(2) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in subparagraph (1) of this paragraph. Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

(3) *Alternate guided-bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines—a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.60–17(a).

**§ 78.60–19 Rejected cylinders.**

(a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding is authorized.

**§ 78.60–20 Porous filling.**

(a) Cylinders must be filled with an approved porous material of such structure that it will not disintegrate or sag when wet with solvent or when subjected to normal service. The porous filling material shall be uniform in quality and free of voids, except that a well drilled into the filling material beneath the valve is authorized: *Provided*, That such a well be filled with a material of such type that the functions of the filling material are not impaired. Overall shrinkage of the filling material is authorized, provided the total clearance between the cylinder shell and filling material, after solvent has been added, does not exceed ½ of 1 percent of the respective diameter or length but in no case to exceed ⅛ inch measured diametrically and longitudinally and that such clearances do not impair the functions of the filling material as installed in the cylinder must be approved by the Bureau of Explosives.

(b) Porosity of filling to be 80 percent or less except that filling with a porosity in excess of 80 percent but not in excess of 92 percent, may be used when tested with satisfactory results under the supervision of the Bureau of Explosives. When the porous mass has a porosity in excess of 80 percent but not in excess of 83 percent, the pores shall be uniform and shall not be visible at a magnification of 200 diameters. When the porous mass has a porosity in excess of 83 percent but not in excess of 92 percent, the pores shall be uniform and shall not be visible at a magnification of 500 diameters. A cylinder taken at random from a lot of 200 or less must be tested for porosity providing the porosity of each cylinder is not known. Should test cylinders fail, test of each cylinder of the lot is authorized, cylinders passing the test to be acceptable.

(c) For filling that is molded and dried before insertion in cylinders, porosity test may be made on sample block taken at random from material to be used.

(d) The porosity of the filling material shall be determined; the amount of solvent at 70° F. for a cylinder:

(1) Having shell volumetric capacity above 20 pounds water capacity (nominal) shall not exceed the following:

| Percent porosity of filler: | *Maximum acetone solvent percent shell capacity by volume* |
|---|---|
| 90 to 92 | 43.4 |
| 87 to 90 | 42.0 |
| 83 to 87 | 40.0 |
| 80 to 83 | 38.6 |
| 75 to 80 | 36.2 |
| 70 to 75 | 33.8 |
| 65 to 70 | 31.4 |

(2) Having volumetric capacity of 20 pounds or less water capacity (nominal), shall not exceed the following:

| Percent porosity of filler: | *Maximum acetone solvent percent shell capacity by volume* |
|---|---|
| 90 to 92 | 41.8 |
| 83 to 90 | 38.5 |
| 80 to 83 | 37.1 |
| 75 to 80 | 34.8 |
| 70 to 75 | 32.5 |
| 65 to 70 | 30.2 |

**§ 78.60–21 Tare weight.**

(a) Tare weight here referred to shall be the combined weight of cylinder proper, porous filling, valve, and solvent, but without removable cap.

**§ 78.60–22 Marking.**

(a) Marking on each cylinder as follows:

(1) ICC–8AL.

[1] The welded test plate shall be of one of the heats in the lot of 200 or less which it represents, in the same condition and approximately the same thickness as the cylinder wall except that in no case shall it be of lesser thickness than that required for a one-quarter size Charpy impact specimen. The weld must be made by the same procedure and subjected to the same heat treatment as the major weld on the cylinder.

[2] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.



(2) A serial number and an identifying symbol (letters) grouped[1] above or below the ICC mark. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Date of test (such as 5–50 for May 1950) so placed that dates of subsequent tests can be easily added.

(4) Tare weight of cylinder in pounds and ounces.

(5) Cylinders, not completed, when delivered must each be marked for identification of each lot of 200 or less.

(b) Markings shall be stamped plainly and permanently in locations in accordance with the following:

(1) On shoulders and top heads not less than 0.087 inch thick, or

(2) On neck, valve boss, valve protection sleeve, or similar part permanently attached to the top end of cylinder, or

(3) On a plate of ferrous material attached to the top of the cylinder or permanent part thereof; the plate must be at least 1/16 inch thick, and must be attached by welding, or by brazing at a temperature of at least 1,100° F. throughout all edges of the plate. Sufficient space must be left on the plate to provide for stamping at least four (4) retest dates.

**§ 78.60–23 Size of marks.**

(a) At least ⅛" high for cylinders less than 4" inside diameter and at least ¼" high for larger cylinders.

**§ 78.60–24 Inspector's report.**

(a) Report to cover manufacture of acetylene shells; required to be clear, legible, and in the following form:

(Place) _____
(Date) _____

*Acetylene shells*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size ____ inches outside diameter by ____ inches long.
Marks stamped into the shoulder of the cylinder are:
Lot number _____
Other marks (if any) _____
These cylinders were made by process of _____
_____
The _____ permitted in (neckrings, footrings, etc.) § 78.60–9 were attached by process of _____
_____ (welding—brazing)
The material used was identified by the following _____ numbers _____ (heat-purchase order)
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____ (were—were not) marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each cylinder was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–8AL were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 8AL except as follows:

Exceptions: _____
_____
_____

(Signed) _____
Inspector.

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Heat No. | Check analysis No. | Cylinders represented (serial Nos.) | Chemical analysis | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | C | P | S | Si | Mn | Ni | Cr | Mo | Cu | Al | Zr |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |

Steel was manufactured by _____ Company.
The original of the certified mill test reports are in the files of the manufacturer.
NOTE: Any omission of analysis by heats, if authorized, must be accounted for by notation hereon reading, "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.
The analyses were made by _____
(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Weld tensile test | Weld bend test |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial Nos. of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Volumetric capacity [2] |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

NOTE: When specification requires test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."
[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Report approximate maximum and minimum volumetric capacity for the lot.
(Signed) _____

[1] Variation in location authorized only when necessitated by lack of space.
*Example:*
ICC–8AL
1234
XY

(b) Inspector's report to cover completed manufacture of acetylene cylinders; required to be clear and legible and in the following form:

(Place) _____
(Date) _____

Final Report: For completed steel cylinders with approved porous filling for acetylene.

Manufactured for _____
Location at _____
Steel sheets manufactured by _____
Location at _____
Cylinders completed by _____
Location at _____
Consigned to _____
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks are stamped into _____ (show location) as follows:
Specification ICC–8AL
Serial numbers _____ to _____ inclusive.
Identifying symbol (registered) _____
Inspector's mark (if applied) _____
Test date _____
Other marks (if any) _____

Application of prescribed marks, as reported above, and location thereof were verified.

Each cylinder was filled with porous filling material consisting of _____ in the form of _____

The porosity of the filling is between _____ and _____ percent as determined by tests made by the _____ company whose report has been found satisfactory and is on file.

The tare weight of each cylinder was determined and a record thereof is attached hereto.

Each cylinder has been equipped with safety devices _____

A certified report of manufacture and test of the steel shells is attached hereto.

I hereby certify that, subject to the acceptability of the reports covering the steel shells, all of these cylinders proved satisfactory in every way and comply with the requirements of the Interstate Commerce Commission specification No. 8AL.

Signed _____
(Inspector)

**§ 78.63 Specification 9; inside containers, seamless or welded or brazed steel cylinders.**

**§ 78.63–1 Compliance.**

(a) Required in all details.

**§ 78.63–2 Type, size, and service pressure.**

(a) *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of containers in this class shall not exceed 86 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized: *Provided*, That certification is made by the tubing manufacturer that the tubing has been pressure tested to a fiber stress of 24,000 pounds per square inch as calculated by the formula

$$P=\frac{24000\ (D^2-d^2)}{(1.3D^2+0.4d^2)}$$

where

$P$ is the pressure required for pressure testing of tubing by the tubing manufacturer.

(b) *Service pressure.* Service pressure must be 200 pounds per square inch.

**§ 78.63–3 Inspection by whom and where.**

(a) By competent inspector: chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

**§ 78.63–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements.

(b) Verify compliance with the requirements of § 78.63–5 by submitting copy of certified chemical analysis obtained from the steel manufacturer for each heat of steel (ladle analysis acceptable); or if such evidence is lacking, then a sample from each coil or sheet must be analyzed and results submitted.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; select samples for all tests and for check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity (see report form) and minimum thickness of wall noted.

(d) Render complete report (see § 78.63–19) to purchaser, cylinder maker, and the Bureau of Explosives.

**§ 78.63–5 Steel.**

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.150; phosphorus, 0.045; sulphur, 0.055.

**§ 78.63–6 Identification of material.**

(a) Required; any suitable method.

**§ 78.63–7 Defects.**

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

**§ 78.63–8 Manufacture.**

(a) By proper appliance and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Seams must be made as follows:

(1) Circumferential seams. Except as provided in subparagraph (2) of this paragraph by welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swedged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container made of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so that the two cylindrical skirt portions telescope one within the other is authorized but must meet the following additional requirements for the skirt portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

**§ 78.63–9 Wall thickness.**

(a) The wall stress at 600 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder shall be 0.040 inch. For the container authorized in § 78.63–8(a)(2) the wall thickness of the cylinder shall be taken as the sum of the thickness of the two skirts (without allowance for the brazing material between).

(b) Calculation must be made by the formula:

$$S=\frac{600\ (1.3D^2+0.4d^2)}{D^2-d^2}$$

where

$S$ = wall stress in pounds per square inch;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

(c) Calculation for thickness of hemispherical heads of containers authorized in § 78.63–8 (a) (2) must be made by the formula:

$$S=\frac{600D}{4tC}$$

where

$t$ = thickness in inches;
$C$ = 0.85 (design factor);
$S$ and $D$ have same significance as in paragraph (b) of this section. The minimum thickness of head or skirt shall be 0.040 inch. The thickness of the skirt shall be not less than the thickness of the head.

**§ 78.63–10 Heat treatment.**

(a) Body and heads must be uniformly and properly heat treated prior to tests.

**§ 78.63–11 Openings in cylinders.**

(a) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing or by welding or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(b) Closure of fitting, boss, or pad must be adequate to prevent leakage.

**§ 78.63–12 Safety devices.**

(a) Devices must be as required by the Interstate Commerce Commission's regulations that apply. (See §§ 73.34(f) and 73.301(i) of this chapter.)

**§ 78.63–13 Pressure tests.**

(a) Each cylinder produced shall be tested at an internal pressure[1] of at least 400 pounds per square inch and not exceeding 600 pounds per square inch, held for at least 30 seconds, and shall show no leak or other defects when inspected by suitable means.

[1] Warning: Where air or gas pressure is used for testing, means designed to protect personnel is recommended.



(b) One out of each 1,000 cylinders or less successively produced shall be hydrostatically tested to destruction and must not burst below 1,200 pounds per square inch. Each such 1,000 cylinders or less successively produced shall constitute a lot and if the test cylinder shall fail, then the entire lot must be rejected. All cylinders constituting a lot shall be of identical size, design, construction, heat treatment, finish and quality.

**§ 78.63–14 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test 1 cylinder taken at random out of each lot of 1,000 or less, after pressure test. This flattening test is required and the test cylinder shall not have cracked when the outer surfaces of the walls are apart not more than a distance of 6 times the thickness of such walls.

**§ 78.63–15 Rejected cylinders.**

(a) Reheat treatment authorized for lots failing to meet the requirements of § 78.63–14; such lots of cylinders after this treatment must pass all prescribed tests.

**§ 78.63–16 Repair of brazed and welded seams.**

(a) Only repair of brazed seams by brazing and welded seams by welding is authorized, provided such cylinders are retested and pass the tests prescribed in § 78.63–13.

**§ 78.63–17 Marking.**

(a) Marking on each cylinder, by embossing plainly and permanently on valve end of cylinder before heat-treatment the marks ICC–9 and registered symbol of manufacturer.

(1) Other marks as prescribed in subparagraph (3) of this paragraph must be shown on a permanently attached name plate or by printing or decalcomania, provided that such markings are waterproofed and adherent and not easily impaired when subjected to water immersion and weathering under service conditions, or are coated with a water-insoluble transparent lacquer, except that, cylinders having brazed lapped circumferential seam may, after having been tested in accordance with §§ 78.63–13 and 78.63–14 of this specification, have marks permanently stamped into metal of this seam, provided that such marks do not exceed (0.015") fifteen thousandths of an inch in depth.

(2) Such marks must be maintained in a legible condition and if at any time the cylinder is returned for refilling and such marks are illegible, then the cylinder must not be returned to service until it has been retested as prescribed in § 78.63–13 (a) and new test date applied.

(3) Inspector's official mark; lot number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added.

**§ 78.63–18 Size of embossed marks.**

(a) At least ¼ inch high.

**§ 78.63–19 Inspector's reports.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____
*Steel gas cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long
Identification marks on cylinder are:
Specification ICC–9.
Lot number _____
Identifying symbols (registered) _____
Test date _____
These cylinders were made by process of _____

The steel used was identified by heat or analysis numbers as shown on the "Record of Chemical Analysis of Steel for Cylinders" attached hereto.

The steel used was verified as to chemical analysis and record thereof is attached hereto.

All material was inspected and each cylinder was inspected both before and after closing; all accepted material and cylinders were found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

A test cylinder of each lot was measured and had a minimum wall thickness and volumetric capacity as shown in table below.

| Date of test | Lot No. | Number in lot | Minimum wall thickness (inches) | Volumetric capacity (cubic inches) |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Each and every cylinder was properly tapped; the threads were inspected and found to be clean cut, of proper length, and correct as to gauge.

One finished cylinder out of each lot was taken at random and burst by interior hydrostatic pressure with the following results:

| Date of test | Lot No. | Pressure at which cylinder ruptured (pounds per square inch) |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

Each and every cylinder was subjected to an interior pressure of ___ pounds per square inch and showed no leak or other defect.

Hydrostatic tests, pressure tests, flattening tests, and other tests, as perscribed in specification No. ICC–9 were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with requirements of Interstate Commerce Commission's specification No. 9 except as follows:

Exceptions: _____

(Signed) _____
Inspector.

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Size ____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

| Lot No. | Number in lot | Heat No. | Check analysis No. | Chemical analysis | | |
|---|---|---|---|---|---|---|
| | | | | C | P | S |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

The analyses were made by _____
(Signed) _____
Inspector.

**§ 78.66 Specification 40; inside containers, non-refillable seamless or welded or brazed steel cylinders.**

**§ 78.66–1 Compliance.**

(a) Required in all details.

**§ 78.66–2 Type, size, and service pressure.**

(a) *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1000° F.). The maximum water capacity of cylinders in this class shall not exceed 1.44 pounds or 40 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized provided that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fiber stress of 24,000 pounds per square inch as calculated by the formula:

$$P=\frac{24000\ (D^2-d^2)}{(1.3D^2+0.4d^2)}$$

where

$P$ is the pressure required for pressure testing of tubing by the tubing manufacturer.

(b) *Service pressure.* Service pressure must be 200 pounds per square inch.

**§ 78.66–3 Inspection by whom and where.**

(a) By competent inspector of the manufacturer; or a disinterested inspection agency, chemical analysis and tests, as specified, to be made within limits of the United States.

**§ 78.66–4 Duties of inspector.**

(a) Inspect all material and reject any not complying with requirements.

(b) Verify compliance with the requirements of § 78.66–5 of this specification by submitting copy of certified chemical analysis obtained from the steel manufacturer for each heat of steel (ladle analysis acceptable); or if such evidence is lacking, then a sample from each coil or sheet must be analyzed and results submitted.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; select samples for all tests and for check chemical analyses; witness all tests; verify threads by gauge; report

volumetric capacity (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.66–19) to purchaser, cylinder maker, and the Bureau of Explosives.

§ 78.66–5 Steel.

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.150; phosphorus, 0.045; sulphur, 0.055.

§ 78.66–6 Identification of material.

(a) Required; any suitable method.

§ 78.66–7 Defects.

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.66–8 Manufacture.

(a) By proper appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Seams must be as follows:

(1) Circumferential seams. Except as provided in subparagraph (2) of this paragraph by welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swedged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so that the two cylindrical skirt portions telescope one within the other is authorized but must meet the following additional requirements for the skirt portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

§ 78.66–9 Wall thickness.

(a) The wall stress at 600 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder shall be 0.032 inch. For the container authorized in § 78.66–8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

(b) Calculation must be made by the formula:

$$S=\frac{600\ (1.3D^2+0.4d^2)}{D^2-d^2}$$

where

$S$ = wall stress in pounds per square inch;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

(c) Calculation for thickness of hemispherical heads of containers authorized in § 78.66–8 (a) (2) must be made by the formula:

$$S=\frac{600D}{4tC}$$

where

$t$ = thickness in inches;
$C$ = 0.85 (design factor);
$S$ and $D$ have same significance as in paragraph (b) of this section. The minimum thickness of the head or skirt shall be 0.032 inch. The thickness of the skirt shall not be less than the thickness of the head.

§ 78.66–10 Heat treatment.

(a) Body and heads must be uniformly and properly heat treated prior to tests.

§ 78.66–11 Openings in cylinders.

(a) Each opening in cylinder, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing or by welding or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(b) Closure of fitting, boss, or pad, must be adequate to prevent leakage.

§ 78.66–12 Safety devices.

(a) Devices must be as required by the Interstate Commerce Commission's regulations that apply. (See §§ 73.34(f) and 73.301(i) of this chapter.)

§ 78.66–13 Pressure tests.

(a) Each cylinder produced shall be tested at an internal pressure [1] of at least 200 pounds per square inch and not exceeding 600 pounds per square inch, held for at least 30 seconds, and shall show no leak or other defect when inspected by suitable means.

(b) One out of each 3,000 cylinders or less successively produced per day shall be hydrostatically tested to destruction and must not burst below 1,200 pounds per square inch. Each such 3,000 cylinders or less successively produced per day shall constitute a lot and if the test cylinder shall fail, then the entire lot must be rejected. All cylinders constituting a lot shall be of identical size, design, construction, heat treatment, finish and quality.

§ 78.66–14 Flattening test.

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test 1 cylinder taken at random out of each lot of 3,000 or less successively produced per day, after pressure test. This flattening test is required and the test cylinder shall not have cracked when the outer surfaces of the walls are apart not more than a distance of 6 times the thickness of such walls.

[1] Warning: Where air or gas pressure is used for testing, means designed to protect personnel is recommended.

§ 78.66–15 Rejected cylinders.

(a) Reheat treatment authorized for lots failing to meet the requirements of § 78.66–14; such lots of cylinders after this treatment must pass all prescribed tests.

§ 78.66–16 Repair of brazed and welded seams.

(a) Only repair of brazed seams by brazing and welded seams by welding is authorized, provided such cylinders are retested and pass the tests prescribed in § 78.66–13 (a).

§ 78.66–17 Marking.

(a) Marking on each cylinder by embossing plainly and permanently on valve end of cylinder before heat-treatment, the marks ICC–40 and registered symbol of manufacturer.

(1) Other marks as prescribed in subparagraph (2) of this paragraph, must be shown on a permanently attached name plate or by printing or decalcomania, provided that such markings are waterproofed and adherent and not easily impaired when subject to water immersion and weathering under service conditions, or are coated over with a water-insoluble transparent lacquer; except that cylinders having brazed lapped circumferential seam may, after having been tested in accordance with §§ 78.66–13 and 78.66–14 of this specification, have marks permanently stamped into metal of this seam, provided that such marks do not exceed 0.015" in depth.

(2) Inspector's official mark; lot number; date of test (such as 5–50 for May 1950); the words "Illegal to refill and transport".

§ 78.66–18 Size of embossed marks.

(a) At least ¼ inch high.

§ 78.66–19 Inspector's reports.

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Steel Gas Cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Identification marks embossed on cylinders are:
Specification ICC–40.
Identifying symbols (registered) _____
Other marks on cylinder are:
Inspector's official mark _____
Lot number _____
Test date _____
Illegal to refill and transport _____
These cylinders were made by process of _____
_____
_____
_____

The steel used was identified by heat or analysis numbers as shown on the "Record of Chemical Analysis of Steel for cylinders" attached hereto.

The steel used was verified as to chemical analysis and record thereof is attached hereto.

All material was inspected and each cylinder was inspected both before and after closing; all accepted material and cylinders were found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

A test cylinder of each lot was measured and had a minimum wall thickness and volumetric capacity as shown in table below:

| Date of test | Lot No. | Number in lot | Minimum wall thickness (inches) | Volumetric capacity (cubic inches or pounds of water) |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Such threads as were used were inspected and found to be clean cut, of proper length, and correct as to gauge.

One finished cylinder out of each lot was taken at random and burst by interior hydrostatic pressure with the following results:

| Date of test | Lot No. | Pressure at which cylinder ruptured (pounds per square inch) |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

Each and every cylinder was subjected to an interior pressure of 200-pounds per square inch and showed no leak or other defect.

Hydrostatic tests, pressure tests, flattening tests, and other tests, as prescribed in Specification No. ICC–40 were made in the presence of the inspector and all material and cylinders were found to be in compliance with the requirements of that specification.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission's specification No. 40 except as follows:

Exceptions: _____
_____
_____

(Signed) _____
Inspector.

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

| Lot No. | Number in lot | Heat No. | Check analysis No. | Chemical analysis | | |
|---|---|---|---|---|---|---|
| | | | | C | P | S |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

The analyses were made by _____
(Signed) _____
Inspector.

§ 78.67 Specification 41; inside containers, non-refillable seamless or welded or brazed steel cylinders.

§ 78.67–1 Compliance.

(a) Required in all details.

§ 78.67–2 Type, size, and service pressure.

(a) *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of cylinders in this class shall not exceed 2 pounds or 55 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized provided that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fiber stress of 24,000 pounds per square inch as calculated by the formula:

$$P=\frac{24{,}000(D^2-d^2)}{(1.3D^2+0.4d^2)}$$

where

$P$ is the pressure required for pressure testing of tubing by the tubing manufacturer.

(b) *Service pressure.* Service pressure must be 240 pounds per square inch.

§ 78.67–3 Inspection by whom and where.

(a) By competent inspector of the manufacturer; or a disinterested inspection agency, chemical analysis and tests, as specified, to be made within limits of the United States.

§ 78.67–4 Duties of inspector.

(a) Inspect all material and reject any not complying with requirements.

(b) Verify compliance with the requirements of § 78.67–5 of the specification by submitting copy of certified chemical analysis obtained from the steel manufacturer for each heat of steel (ladle analysis acceptable); or if such evidence is lacking, then a sample from each coil or sheet must be analyzed and results submitted.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; select samples for all tests and for check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.67–19) to purchaser, cylinder maker, and the Bureau of Explosives.

§ 78.67–5 Steel.

(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.150; phosphorus, 0.045; sulphur, 0.055.

§ 78.67–6 Identification of material.

(a) Required; any suitable method.

§ 78.67–7 Defects.

(a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.67–8 Manufacture.

(a) By proper appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Seams must be as follows:

(1) Circumferential seams: Except as provided in subparagraph (2) of this paragraph by welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swedged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so that the two cylindrical skirt portions telescope one within the other is authorized but must meet the following additional requirements for the skirt portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

§ 78.67–9 Wall thickness.

(a) The wall stress at 720 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder not exceeding 40 cubic inches capacity shall be 0.032 inch and for any cylinder exceeding 40 cubic inches capacity shall be 0.042 inch. For the container authorized in § 78.67–8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

(b) Calculation must be made by the formula:

$$S=\frac{720(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:

$S$ = wall stress in pounds per square inch;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches.

(c) Calculation for thickness of hemispherical heads of containers authorized in § 78.67–8 (a) (2) must be made by the formula:

$$S=\frac{720D}{4tC}$$

where:

$t$ = thickness in inches;
$C$ = 0.85 (design factor).

$S$ and $D$ have same significance as in paragraph (b) of this section. The minimum thickness of the head or skirt shall be 0.032 inch. The thickness of the skirt shall not be less than the thickness of the head.

§ 78.67–10 Heat treatment.

(a) Body and heads must be uniformly and properly heat treated prior to tests.

§ 78.67–11 Openings in cylinders.

(a) Each opening in cylinder, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing or by welding or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and

calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(b) **Closure of fitting, boss, or pad,** must be adequate to prevent leakage.

**§ 78.67–12 Safety devices.**

(a) Devices must be as required by the Interstate Commerce Commission's regulations that apply. (See §§ 73.34 (f) and 73.301 (f) of this chapter.)

**§ 78.67–13 Pressure tests.**

(a) Each cylinder produced shall be tested at an internal pressure[1] of at least 240 pounds per square inch and not exceeding 720 pounds per square inch, held for at least 30 seconds, and shall show no leak or other defect when inspected by suitable means.

(b) Or, each completed container filled for shipment must be heated until content reaches a minimum temperature of 130° F.; without evidence of leakage, distortion or other defect.

(c) One out of each 3,000 cylinders or less successively produced per day shall be hydrostatically tested to destruction and must not burst below 1,440 pounds per square inch. Each such 3,000 cylinders or less successively produced per day shall constitute a lot and if the test cylinder shall fail, then the entire lot must be rejected. All cylinders constituting a lot shall be of identical size, design, construction, heat treatment, finish and quality.

**§ 78.67–14 Flattening test.**

(a) Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test 1 cylinder taken at random out of each lot of 3,000 or less successively produced per day, after pressure test. This flattening test is required and the test cylinder shall not have cracked when the outer surfaces of the walls are apart not more than a distance of 6 times the thickness of such walls.

**§ 78.67–15 Rejected cylinders.**

(a) Reheat treatment authorized for lots failing to meet the requirements of § 78.67–14; such lots of cylinders after this treatment must pass all prescribed tests.

**§ 78.67–16 Repair of brazed and welded seams.**

(a) Only repair of brazed seams by brazing and welded seams by welding is authorized, provided such cylinders are retested and pass the tests prescribed in § 78.67–13 (a).

**§ 78.67–17 Marking.**

(a) Marking on each cylinder by embossing plainly and permanently on the valve end or footring of cylinder before heat-treatment, the marks ICC–41 and registered symbol of the manufacturer, except that stamping of all prescribed marks on the valve end of all cylinders having wall thickness of 0.042 inch or greater is authorized providing no stamping shall exceed 0.015 inch in depth.

(1) On cylinders having wall thickness less than 0.042 inch, other marks as prescribed in subparagraph (2) of this paragraph must be shown on a permanently attached name plate or by printing or decalcomania, provided that such markings are waterproofed and adherent and not easily impaired when subject to water immersion and weathering under service conditions, or are coated over with a water-insoluble transparent lacquer; except that cylinders having brazed lapped circumferential seam may, after having been tested in accordance with §§ 78.67–13 and 78.67–14 of this specification, have marks permanently stamped into metal of this seam, provided that such marks do not exceed 0.015 inch in depth.

(2) Inspector's official mark; lot number; date of test (such as 5–50 for May 1950); the words "Illegal to refill and transport".

**§ 78.67–18 Size of embossed marks.**

(a) At least ¼ inch high.

**§ 78.67–19 Inspector's reports.**

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Steel gas cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size_____inches outside diameter by_____ inches long.
Identification marks embossed on cylinders are:
Specification ICC–41.
Identifying symbols (registered) _____
Other marks on cylinder are:
Lot number _____
Test date _____
Inspector's official mark _____
Illegal to refill and transport _____
These cylinders were made by process of _____

The steel used was identified by heat or analysis numbers as shown on the "Record of Chemical Analysis of Steel for Cylinders" attached hereto.

The steel used was verified as to chemical analysis and record thereof is attached hereto.

All material was inspected and each cylinder was inspected both before and after closing; all accepted material and cylinders were found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

A test cylinder of each lot was measured and had a minimum wall thickness and volumetric capacity as shown in table below:

| Date of test | Lot No. | Number in lot | Minimum wall thickness (inches) | Volumetric capacity (cubic inches or pounds of water) |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Such threads as were used were inspected and found to be clean cut, of proper length, and correct as to gauge.

One finished cylinder out of each lot was taken at random and burst by interior hydrostatic pressure with the following results:

| Date of test | Lot No. | Pressure at which cylinder ruptured (pounds per square inch) |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

Each and every cylinder was subjected to an interior pressure of 240-pounds per square inch or was heated until contents reached a minimum temperature of 130° F. and showed no leak or other defect.

Hydrostatic tests, pressure tests, flattening tests, and other tests, as prescribed in Specification No. ICC–41 were made in the presence of the inspector and all material and cylinders were found to be in compliance with the requirements of that specification.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission's Specification No. 41 except as follows:

Exceptions: _____

(Signed) _____
Inspector.

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

| Lot No. | Number in lot | Heat No. | Check analysis No. | Chemical analysis | | |
|---|---|---|---|---|---|---|
| | | | | C | P | S |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

The analyses were made by _____
(Signed) _____
Inspector.

**§ 78.68 Specification 4E; welded aluminum cylinders.**

**§ 78.68–1 Compliance.**

(a) Required in all details.

**§ 78.68–2 Type, size and service pressure.**

(a) *Type and size.* Must be welded seamless drawn shells, not more than two shells, with center circumferential weld; not over 1,000 pounds water capacity (nominal); longitudinal welded seam not authorized. Cylinders or shells closed in by spinning process not authorized.

(b) *Service pressure.*[1] At least 225 to not over 500 pounds per square inch.

**§ 78.68–3 Inspection by whom and where.**

(a) By competent inspector; chemical analyses and tests as specified to be made within limits of the United States. Interested inspectors are authorized.

[1] Warning: Where air or gas pressure is used for testing, means designed to protect personnel is recommended.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinders; for example ICC–4E240 indicates the service pressure as 240 pounds per square inch.



**§ 78.68–4 Duties of inspector.**

(a) Inspect all material and reject any material not complying with requirements.

(b) Verify chemical analysis of each lot of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analysis of samples taken from one aluminum cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify properties as proper; obtain samples for all tests and check chemical analysis; witness all tests; verify threads by gauge; report volumetric capacity, tare weight (see report form) and wall thickness as approved.

(d) Render complete report (§ 78.68–20) to purchaser; cylinder manufacturer; and the Bureau of Explosives.

**§ 78.68–5 Aluminum.**

(a) Shall be of uniform quality. The following chemical analyses are authorized.

TABLE I—AUTHORIZED MATERIALS

| Designation | Chemical analysis—limits in percent 5154[1] |
|---|---|
| Iron plus silicon | 0.45 maximum. |
| Copper | 0.10 maximum. |
| Manganese | 0.10 maximum. |
| Magnesium | 3.1/3.9. |
| Chromium | 0.15/0.35. |
| Zinc | 0.20 maximum. |
| Titanium | 0.20 maximum. |
| Others, each | 0.05 maximum. |
| Others, total | 0.15 maximum. |
| Aluminum | Remainder. |

[1] Analysis shall regularly be made only for the elements specifically mentioned above. If, however, the presence of other elements is indicated in the course of routine analysis, further analysis should be made to determine conformance with the limits specified for other elements.

**§ 78.68–6 Identification of material.**

(a) Required; any suitable method that will identify the alloy and manufacturer's lot number.

**§ 78.68–7 Defects.**

(a) Material with seams, cracks, laminations or other injurious defects not authorized.

**§ 78.68–8 Manufacture.**

(a) By best processes and methods; dirt and foreign particles to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required; all welding must be by the gas shielded arc process.

**§ 78.68–9 Welding.**

(a) The attachment to the tops and bottoms only of cylinders by welding of neckrings or flanges, footrings, handles, bosses and pads and valve protection rings is authorized: *Provided,* That such attachments and the portion of the cylinder to which it is attached are made of weldable aluminum alloys.

**§ 78.68–10 Wall thickness.**

(a) The minimum wall thickness of the cylinder shall be 0.140 inch. In any case, the minimum wall thickness shall be such that calculated wall stress at twice service pressure shall not exceed the lesser value of either of the following:

(1) 20,000 pounds per square inch.

(2) One-half of the minimum tensile strength of the material as required in § 78.68–15.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

$S$=wall stress in pounds per square inch;
$P$=minimum test pressure prescribed for water jacket test;
$D$=outside diameter in inches;
$d$=inside diameter in inches.

(c) Minimum thickness of heads and bottoms shall not be less than the minimum required thickness of the side wall.

**§ 78.68–11 Opening in cylinder.**

(a) All openings must be in the heads or bases.

(b) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by welding by inert gas shielded arc process or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(c) Closure of fitting, boss, or pad must be adequate to prevent leakage.

**§ 78.68–12 Safety devices and protection for valves, safety devices, and other connections if applied.**

(a) Must be as required by the Interstate Commerce Commission regulations that apply (see §§ 73.34(f), 73.124(a), and 73.301(f) of this chapter).

**§ 78.68–13 Hydrostatic test.**

(a) Each cylinder by water-jacket, or other suitable method, operated so as to obtain accurate data. Presure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure of 2 times service pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased to 10 percent.

(c) Permanent volumetric expansion must not exceed 12 percent of total volumetric expansion at test pressure.

(d) One finished cylinder selected at random out of each lot of 1,000 shall be hydrostatically tested to destruction. Failure shall occur in the side wall and shall not occur at a pressure less than 4 times the service pressure. Inability to meet these requirements shall result in rejection of the lot.

**§ 78.68–14 Flattening test.**

(a) Flattening test required between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; on one section of a cyclinder taken at random out of each lot of 200 or less, after hydrostatic test. Sample must show no evidence of cracking when flattened to 6 times wall thickness.

**§ 78.68–15 Physical test.**

(a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from one cylinder or part thereof taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or gauge length 2 inches with width not over 1½ inches. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical test detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by the "offset" method as prescribed in ASTM Standard E8–57T.

(2) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

**§ 78.68–16 Acceptable results for physical tests.**

(a) Elongation at least 7 percent for 2 inch gauge length; yield strength not over 80 percent of tensile strength.

**§ 78.68–17 Weld tests.**

(a) Reduced section tensile test. A specimen shall be cut from the cylinder used for the physical tests specified in § 78.68–15. Specimen shall be taken across the seam, edges shall be parallel for a distance of approximately 2 inches on either side of the weld. The specimen must be fractured in tension. The apparent breaking stress calculated on the minimum wall thickness must be at least equal to 2 times the stress calculated under § 78.68–10(b), and in addition must have an actual breaking stress of at least 30,000 pounds per square inch. Should this specimen fail to meet the requirements, specimens may be taken from 2 additional cylinders from the same lot and tested. If either of the latter specimens fails to meet re-

quirements, the entire lot represented shall be rejected.

(b) *Guided bend test.* A bend test specimen shall be cut from the cylinder used for the physical tests specified in § 78.68–15. Specimen shall be taken across the seam, shall be 1½ inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig illustrated in paragraph 6.10 of CGA Pamphlet C–3–1954, "Standards for Welding and Brazing on Thin Walled Containers."[1] The root of the weld (inside surface of the cylinder) shall be located away from the ram of the jig. No specimen shall show a crack or other open defect exceeding ⅛ inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, specimens may be taken from each of 2 additional cylinders from the same lot and tested. If either of the latter specimens fail to meet requirements, the entire lot represented shall be rejected.

§ 78.68–18 Rejected cylinders.

(a) Repair of welded seams is authorized. Acceptable cylinders must pass all prescribed tests.

§ 78.68–19 Marking.

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, neck or valve protection collar which may be permanently attached to the cylinder and forming an integral part thereof, as follows:

(1) ICC–4E followed by the service pressure (for example, ICC–4E240).

(2) A serial number and an identifying symbol (letters); location of symbol to be just below the serial number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives.

(3) Inspector's official mark, near serial number: date of test (such as 5–50 for May 1950), so placed that date of subsequent test can be easily added.

(4) Size of marks. Shall be at least ¼ inch high.

§ 78.68–20 Inspector's reports.

(a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

*Gas cylinders*

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size ____ inches outside diameter by ____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____

[1] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, New York.

Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____

The _____ permitted in
(Neckrings, footrings, etc.)
§ 78.68–9 were attached by process of _____

The material used was identified by the following _____ numbers _____

The material used was verified as to chemical analysis and record thereof is attached hereto.

All material, such as aluminum plate, was inspected before manufacture and the drawn cylinder shells were inspected before final fabrication and found free from seams, cracks, laminations and other defects which might prove injurious to the strength of the cylinder; the processes of manufacture were found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material and other tests as prescribed in Specification ICC–4E were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4E except as follows:

Exceptions: _____

(Signed) _____
Inspector.

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

| Test No. | Check analysis No. | Cylinders represented (Serial Nos.) | Chemical analysis | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Mg | Cr | Cu | Mn | Zn | Ir | Al | Ti |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

The analyses were made by _____

(Signed) _____

(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Test No. | Cylinders represented by test (Serial Nos.) | Yield strength (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Flattening test | Burst test (pounds per square inch) |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial numbers of cylinders tested arranged numerically | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) [1] | Permanent expansion (cubic centimeters) [1] | Percent ratio of permanent expansion to total expansion [1] | Tare weight (pounds) [2] | Volumetric capacity [3] |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect.".

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) _____



APPENDIX A—SPECIAL ORDERS (USE OF EXISTING CONTAINERS AUTHORIZED, BUT NEW CONSTRUCTION NOT AUTHORIZED)

Order approved December 28, 1939, in No. 3666, authorizing trial transportation of commercial butane (liquefied petroleum gas) on freight vessels in portable fusion-welded tanks of special design, between ports of the United States and points located in Puerto Rico and Virgin Islands, amended by order August 16, 1940, also order March 29, 1940, authorizing trial transportation of commercial butane (liquefied petroleum gas) in such tanks to Cristobal and Balboa, Canal Zone, and Colon and Panama City, Republic of Panama. Pertinent sections of regulations amended accordingly. Stowage canceled by regulations of Secretary of Commerce effective April 9, 1941. Authority noted in § 73.32 (d) of this chapter, covers tanks as follows:

Specification for design, construction, and use of portable tank container for trial service in the transportation of butane on deck in the open freight vessels of common carriers by water engaged in interstate or foreign commerce.

1. *Application.* (a) This specification applies to containers for transportation of butane on freight vessels only.

(b) When reference is made to "gas" in this specification it refers to "butane" in either liquid or gaseous state. The terms "tanks" and "containers" are used interchangeably.

2. *Design, working pressure, and classification of containers.* (a) Containers shall be designed and classified as follows:

| Container type | For gases with vapor pressure not to exceed lbs. per sq. in., gauge, at 100° F. | Minimum design pressure of containers by— | |
|---|---|---|---|
| | | A. S. M. E. Code, safety factor 5 | A.P.I.-A.S.M.E. Code, safety factor 4 |
| | | *Lb.* *gauge* | *Lb.* *gauge* |
| No. 125 | *125 | 125 | 156 |
| No. 150 | *150 | 150 | 187 |
| No. 175 | *175 | 175 | 219 |
| No. 200 | *200 | 200 | 250 |

*In no event may vapor pressure of butane filled into any tank exceed 80 pounds per square inch at 100° F.

(b) The shell or head thickness of any container shall not be less than 5/16 inch.

3. *Construction and tests of all containers and markings on containers* (a) Containers shall be constructed in accordance with the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers, or in accordance with the API-ASME Code; except that compliance with the following shall not be required; paragraphs U-2 to U-10, inclusive, and U-19 of the aforesaid ASME Code; paragraphs W–601 to W–606 in section (1) of the aforesaid API-ASME Code.

(1) All fusion-welding under this specification shall be equal in quality, strength and continuing efficiency, and the method used in certifying fabricators shall insure equally efficient welding to that prescribed by the Commission in order dated November 13, 1935 (213 ICC 207), and exhibit containing specifications presented in that proceeding, for tank-car tanks to be used in the transportation of liquefied petroleum gas.

(b) All containers shall be tested at the time of manufacture in accordance with the requirements of the rules or code under which the vessels are manufactured.

(c) The water capacity shall be such that the total weight of any container, including contents and accessories, shall not exceed 8,000 pounds.

(d) A name plate shall be securely attached to each container, located adjacent to filling connections and in such manner as to be readily visible, and bearing the following information:

(1) Name and address of the assembler of the container and container accessories.

(2) The wording "This container shall not contain butane having a vapor pressure in excess of 80 pounds per square inch at 100 degrees F."

(3) Markings in increments of 20° F., indicating the maximum levels beyond which the container shall not be filled with liquid at temperatures between 20° F. and 130° F., except on containers provided with fixed maximum-level indicators, or replaceable containers which are gauged by weighing. This marking may be on the gauging device.

(e) Each container shall be permanently marked in accordance with the requirements of the code under which it was constructed, or with the stamp of the National Board of Boiler and Pressure Vessel Inspectors, and in addition shall have the following markings:

(1) The water capacity of the container in pounds or gallons, U. S. Standard.

(2) The working pressure in pounds per square inch for which the container is designed.

(3) The wall thickness of the shell and heads.

(f) All container inlets and outlets, except safety relief valves and gauging devices, shall be labeled to designate whether they communicate with vapor or liquid space.

(g) Each container must be subjected, at least once every five years, to the original hydrostatic and hammer test required by the code under which it was manufactured. A container must be condemned if it fails to pass such test. Each tank passing the test must be marked with the date (month and year) plainly and permanently stamped on the tank or name plate. For example: 1–29 for January 1929. Dates of previous tests must not be obliterated.

(h) All prescribed markings on tanks must be kept legible.

(i) Containers exposed to action of fire must not again be placed in service until they have been subjected to proper heat treatment, and retest as provided in section 3 (g).

4. *Filling pipe and discharge pipes.* (a) The discharge outlet shall be provided with a suitable automatic excess flow valve.

(b) Filling connections shall be provided with approved automatic valves to prevent back flow in case the filling connection is broken.

(c) All other connections to containers, except safety relief connections, shall be equipped with approved automatic excess flow valves. All excess flow and back pressure check valves shall be located inside of the container, or at a point outside where the line enters the container. In the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will cause breakage on the discharge end of the excess flow or back pressure check valve, and not between container and such valve. Gauging devices which do not involve the flow of liquid, or which are so constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size, need not be equipped with excess flow valves.

NOTE 1: An excess flow valve is a valve so designed that it will automatically close and shut off the gas or liquid flow in case:

(1) The flow through the valve exceeds predetermined flow, which flow must be less than the pipe line capacity to and from such excess flow valve.

(2) The pressure on the inlet side of excess flow valve exceeds by a certain designed number of pounds per square inch the pressure in pounds on the outlet of such valve.

(d) All connections to containers except gauging device connections (see sec. 6 (a) hereof) and safety relief connections shall be provided with shut-off valves located as close to the container as practicable.

5. *Safety devices.* (a) Every container shall be provided with one or more safety relief valves of spring loaded or equivalent type arranged to afford free vent to the outer air and with discharge area sufficient to prevent the building up of pressure in excess of 120 percent of the maximum permitted setting of the relief valve on the container, and in accordance with the provisions of Appendix "A–1".

(b) Safety relief valves shall be set to start to discharge, with relation to the design working pressure of the container, as follows:

| Container | Minimum | Maximum |
|---|---|---|
| | *Percent* | *Percent* |
| A. S. M. E. | 100 | 125 |
| A. P. I.—A. S. M. E. | 80 | 100 |

(c) Safety relief valves shall be so arranged that tampering will be minimized and, if pressure setting or adjustment is external, the relief valves shall be provided with suitable means for sealing the adjustment mechanism. No shut-off valve shall be installed between the safety relief valve and the container.

(d) Each safety valve shall be plainly and permanently marked as follows:

(1) With the pressure in pounds per square inch, gauge, at which the valve is set to start to discharge and the actual free discharge area in square inches of the valve at its full open position; for example, 200–24.

6. *Gauging devices.* (a) Each container may be loaded by the weighing method, or by accurately determining liquid levels, with compensation for temperature and for vapor above the liquid in which case it shall be equipped with an accurate liquid level gauging device of approved design, for example, a rotary tube, slip tube, automatic outage tank, magnetic, or fixed tube device, the latter consisting of a dip pipe of small size equipped with a valve at the outer end, and so arranged that the maximum liquid level to which the container may be filled is not in excess of the maximum permitted under the filling density table in Sec. 10 (a), but based on an initial liquid temperature of not to exceed 40° F.

(1) Gauging devices of the rotary tube, fixed tube, slip tube, and magnetic type may be used without installation of an excess flow valve, provided the bleed valve opening is not larger than a #54 drill size. If tanks are to be filled according to liquid level, each tank should have a thermometer well so that the internal liquid temperature can be easily determined and the amount of liquid and vapor in the tank corrected to a 60° F. basis.

(b) Gauging devices shall have a design working pressure of at least 250 lbs. per sq. in., gauge.

(c) Gauge glasses of the column type are prohibited.

7. *Fittings and accessories.* (a) All valves and connections shall be of a type approved as herein provided, suitable for use with liquefied petroleum gas and designed for not less than the maximum pressure to which they may be subjected.

(b) Valve seat material, packing gaskets, etc., shall be of such quality as not to be adversely affected by liquefied petroleum gases.

8. *Protection of valves, fittings, and accessories.* (a) Each container shall have all valves, fittings, accessories, safety devices, gauging devices, and the like suitably protected against mechanical damage by rings, covers, boxes, or hoods, rigidly attached to the containers. Such attachments shall comply with the provisions of the Code of rules under which the containers are constructed, and shall be designed (with a mini-

mum factor of safety of four) to withstand loading in any direction equal to two times the weight of the container and attachments when filled to the maximum permissible loaded weight.

9. *Mountings for containers.* (a) Horizontal containers shall be designed and built with supports attached. The type of support popularly known as "skids" will be deemed to comply with this requirement.

(b) Containers may be permanently attached to the supports or may be removable, provided proper anchorage is assured to prevent jarring loose, slipping, or rotating of containers.

(c) Containers shall be secured in place on the supports by fastenings, designed (with a factor of safety of four) to withstand loadings in any direction equal to four times the filled weight of the container. Brackets, cradles, lifting lugs, or other attachments intended to carry loadings shall be in accordance with the Code under which the containers are constructed and shall be attached by the container manufacturer before testing.

(d) Lifting lugs, designed (with a safety factor of four) to withstand loadings in any direction equal to four times the filled weight of the container, shall be provided on the container or container support in a manner suitable for attaching lifting gear and hold-down devices.

10. *Filling densities.* (a) The "filling density" is defined as the percent ratio of the weight of the gas in a container to the weight of water the container will hold at 60° F. The filling density of containers shall not exceed the ratios following:

| Specific gravity at 60° F.: | Maximum permitted percent filling density |
|---|---|
| 0.360–0.398 | 32 |
| 0.399–0.425 | 33 |
| 0.426–0.440 | 34 |
| 0.441–0.452 | 35 |
| 0.453–0.462 | 36 |
| 0.463–0.472 | 37 |
| 0.473–0.480 | 38 |
| 0.481–0.488 | 39 |
| 0.489–0.495 | 40 |
| 0.496–0.503 | 41 |
| 0.504–0.510 | 42 |
| 0.511–0.519 | 43 |
| 0.520–0.527 | 44 |
| 0.528–0.536 | 45 |
| 0.537–0.544 | 46 |
| 0.545–0.552 | 47 |
| 0.553–0.560 | 48 |
| 0.561–0.568 | 49 |
| 0.569–0.576 | 50 |
| 0.577–0.584 | 51 |
| 0.585–0.592 | 52 |
| 0.593–0.600 | 53 |
| 0.601–0.608 | 54 |
| 0.609–0.617 | 55 |
| 0.618–0.626 | 56 |
| 0.627–0.634 | 57 |

(b) The liquid portion of the gas in a container shall not completely fill the container at 130° F.

11. *Odorizing the gas.* (a) In order that the danger of escaping combustible gas may be minimized and to facilitate the quick detection of gas leaks, butane transported in these containers shall be effectively odorized by an approved agent of such character as to positively indicate the presence of gas, down to concentrations in air of not over one-fifth the lower limit of combustibility, by a distinctive odor.

NOTE 1: The lower limit of combustibility of butane is 1.55. This figure represents volumetric percentage of a gas-air mixture.

12. *Painting and marking.* (a) Containers shall be painted a light heat-reflecting color and the paint shall be renewed as often as necessary to thoroughly protect all metal surfaces.

(b) Each container shall be plainly and conspicuously marked in red letters not less than four inches high with the words "FLAMMABLE GAS—KEEP FIRE AND LIGHTS AWAY."

(c) Each container shall be plainly and conspicuously marked "This Side Up" or "This End Up," as required.

APPENDIX A–1—REQUIRED SIZES OF SAFETY VALVES FOR BUTANE GAS TANKS AS CLASSIFIED UNDER SECTION 2

NOTE: $D$=outside diameter of tank in feet and fractions thereof; $U$=over-all length of tank in feet and fractions thereof.

| | Type 80-lb. min. | Type 100-lb. min. | Minimum required safety valve actual free discharge area (sq. ins.)* | | | |
|---|---|---|---|---|---|---|
| | | | Type 125-lb. min. | Type 150-lb. min. | Type 175-lb. min. | Type 200-lb. min. |
| Where ($D \times U$) does not exceed 10 | 0.32 | 0.27 | 0.22 | 0.19 | 0.18 | 0.16 |
| Is greater than 10 but not more than 15 | .46 | .38 | .30 | .25 | .24 | .21 |
| Is greater than 15 but not more than 20 | .60 | .50 | .42 | .36 | .33 | .29 |
| Is greater than 20 but not more than 40 | 1.25 | 1.03 | .84 | .71 | .64 | .57 |
| Is greater than 40 but not more than 60 | 1.90 | 1.57 | 1.25 | 1.06 | .94 | .83 |
| Is greater than 60 but not more than 80 | 2.50 | 2.06 | 1.68 | 1.43 | 1.25 | 1.10 |

*In no event may vapor pressure of butane filled into any tank exceed 80 pounds per square inch at 100° F.

Order approved March 29, 1940, in No. 3666, authorizing trial transportation of commercial butane (liquefied petroleum gas) on freight vessels in portable fusion-welded tanks of special design to Cristobal and Balboa, Canal Zone, and Colon and Panama City, Republic of Panama, amending order December 26, 1939, for trial transportation of commercial butane between ports of the United States and points located in Puerto Rico and Virgin Islands. Pertinent sections of regulations amended accordingly. Authority noted in § 73.32 (d) of this chapter. Stowage canceled by regulations of Secretary of Commerce effective April 9, 1941.

Order approved December 18, 1941, in No. 3666, authorizing trial transportation of liquefied petroleum gas in 5,000 cylinders of additional-type alloy steel construction. Pertinent sections of regulations amended accordingly. Authority noted in § 73.312 (a) (1) of this chapter covering specification 4B–240X cylinders, as follows:

SPECIFICATION 4B ALLOY STEEL CYLINDERS

22. *Additional type.* Cylinders without longitudinal welded seam when made for service pressure at least 150 pounds to not over 500 pounds per square inch are authorized when complying with this specification with exceptions and additional requirements as follows:

(a) Exceptions. (1) Yield point not over 75 percent of tensile strength is acceptable.

(2) Wall thickness is acceptable, subject to the additional requirement specified in par. 22 (b) (1), as follows:

| Inside diameter of cylinders (ins.) | Minimum thickness* (in.) | Inside diameter of cylinders (ins.) | Minimum thickness* (in.) |
|---|---|---|---|
| 13 or less | 0.078 | Over 14½ to 15 | 0.087 |
| Over 13 to 14 | .081 | Over 15 to 16 | .092 |
| Over 14 to 14½ | .084 | Over 16 | .100 |

*Excluding galvanizing or other protective coating.

(3) Elongation percentages as prescribed in § 78.50–17 (a) may be reduced by 2 percent for 2-inch specimens, and 1 percent in other cases, for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch up to the maximum of 80,000 pounds per square inch.

(b) *Additional requirements.* (1) Wall stress at test pressure, as calculated under § 78.50–10 (b), must not exceed 50 percent of the minimum tensile strength of the steel.

(2) Ratio of length of cylinder to its diameter must not exceed 3.5 when wall thickness is less than 0.10 inch.

(3) Each cylinder, except when brazed throughout, must be thermally stress relieved after all welding operations have been completed and prior to the hydrostatic test.

(4) Weld test specimens must be cut from one cylinder taken at random from each lot of 200 or less cylinders after stress relieving as prescribed and must pass satisfactorily the following tests:

(a) *Tensile test.* Without preparation other than finishing the edges parallel for a distance of approximately 2 inches on each side of the weld, the specimen must be fractured in a tensile test; the unit breaking load must be at least equal to the minimum unit breaking load in the tensile tests made under the requirements of § 78.50–16.

(b) *Guided bend test.* A specimen 1½ inches wide, on which the edges have been machined parallel and rounded with a file, but without other preparation, shall be bent to refusal in the guided bend test jig illustrated in paragraph 6.10 of CGA Pamphlet C–3–1954, "Standards for Welding and Brazing on Thin Walled Containers."[1] The root of the weld (inside surface of cylinder) shall be located away from the ram of the jig. Any specimen which shows a crack exceeding ⅛ inch in any direction upon completion of the test shall be considered unsatisfactory.

(5) All markings must be applied on a plate of ferrous material attached to the top end of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must not be attached to the side wall of the cylinders; the plate must be at least 1/16 inch thick and it must be attached by welding, or by brazing at a temperature of at least 1400° F., throughout all edges of the plate; provided, that marks may be stamped into the metal of the valve boss or valve protecting sleeve or similar part permanently attached to the top end of the cylinder; provided further, that marks other than those prescribed in par. 19 may be stamped into the foot ring. Stamping of letters, figures or other marks into the metal of the cylinder for any purpose whatever, except as above authorized, is expressly prohibited.

(6) Reports of manufacture shall include percentage of each alloying element in the steel and shall state that the cylinders are made under the provisions of par. 22 of this specification.

(7) Carbon content of steel must not exceed 0.20 percent.

(c) Marking requirements of § 78.50–19 (a) (2) of specification No. 4 must be complied with. The marking of cylinders must be as follows:

I. C. C.—4 B—240 X

[1] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, N.Y.



## Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks, and Boxes

### § 78.80 Specification 5; steel barrels or drums.

Removable head containers which will pass all required tests are authorized.

### § 78.80–1 Compliance.

(a) Required in all details.

### § 78.80–2 Rated capacity.

(a) Rated capacity as marked, see § 78.80–11(a)(3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

### § 78.80–3 Composition.

(a) Sheets for body and heads to be low carbon, open hearth or electric steel. Stainless steel, when used, must be, except for rolling hoops and chime reinforcement, an austenitic 18 and 8 chrome nickel alloy with carbon content not over 0.08 percent, or other equivalent grades.

### § 78.80–5 Seams.

(a) Body seams welded.

### § 78.80–6 Chime reinforcement.

(a) Containers over 25 gallons capacity, with flanged head secured to body, to have chime reinforcement adequate for its protection.

### § 78.80–7 Parts and dimensions.

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type [1] | Minimum | |
| | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| 5 | Straight side | 22 | 22 | None | | |
| 10 | do | 20 | 20 | do | | |
| 33 | do | 14 | 14 | do | | |
| 33 | do | 18 | 18 | U | 16 | |
| 55 | do | 16 | 16 | U [2] | 14 | |
| 110 | do | 14 | 14 | U [2] | 12 | |
| 33 | do | 18 | 18 | I-bar | ¾ x 1¼ | 1.25 |
| 55 | do | 16 | 16 | I-bar [3] | ¾ x 1¼ | 1.25 |
| 110 | do | 14 | 14 | I-bar [3] | ¾ x 1¼ | 1.25 |
| 33 | do | 16 | 16 | (4) | | |
| 55 | do | 14 | 14 | (4) | | |
| 33 | Bilge | 14 | 16 | None | | |
| 55 | do | 13 | 14 | do | | |

[1] Rolling hoops of pliable solid rubber or other suitable material are also authorized when approved as to type and construction by the Bureau of Explosives.

[2] Rolled or swedged in hoops.

[3] In addition to the normal rolling hoops, the body of each removable head drum must have a rolled or swedged in hoop the center-line of which shall be not more than 3 inches from the top curl.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 13 | 0.0897 | 0.0817 |
| 14 | .0747 | .0677 |
| 16 | .0598 | .0533 |
| 18 | .0478 | .0428 |
| 20 | .0359 | .0324 |
| 22 | .0299 | .0269 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

### § 78.80–8 Rolling hoops.

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I-bar type directly to body of drum in any manner not permitted.

### § 78.80–9 Closures.

(a) Adequate to prevent leakage; gaskets required.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 5/16-inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place.

(d) Full removable head drums over 5 gallons capacity must be closed by means of 12 gauge bolted ring with drop forged lugs, one of which is threaded, and having ⅜ inch bolt and nut for drums not over 30 gallons capacity and ⅝ inch bolt and nut for drums over 30 gallons capacity. Five gallon drums must be of lug type closure with cover having at least 16 lugs. Equally efficient types of closures are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives.

### § 78.80–10 Defective containers.

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

### § 78.80–11 Marking.

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–5. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC–5–304 or ICC–5–304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

### § 78.80–12 Size of markings.

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons, and 1" for over 55 gallons.

### § 78.80–13 Type tests.

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test

on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes; except that full removable head drums must sustain 20 pounds per square inch.

(3) Periodic drop and hydrostatic tests are not required when containers fabricated of stainless steel have satisfactorily withstood prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. In instances where manufacturers have suspended production for an interval of 12 months or more, drop and hydrostatic tests must be again conducted as prescribed in subparagraphs (1) and (2) of this paragraph as for original start of production.

**§ 78.80–14 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

**§ 78.81 Specification 5A; steel barrels or drums.**

Removable head containers not authorized.

**§ 78.81–1 Compliance.**

(a) Required in all details.

**§ 78.81–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.81–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.81–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.81–5 Seams.**

(a) Body seams welded.

(b) Head and chime seams welded or double-seamed.

(c) Flanges for closures welded in place.

**§ 78.81–6 Chime reinforcement.**

(a) Containers over 25 gallons capacity, with flanged head secured to body, to have chime reinforcement adequate for its protection.

**§ 78.81–7 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type [1] | Minimum size (gauge or inch) | Minimum weight (pounds per foot) |
| 10 | Straight side | 16 | 16 | None | | |
| 30 | do | 16 | 16 | I-bar | ¾ x 1¾ | 1.25 |
| 55 | do | 14 | 14 | do | 1 x 1½ | 1.60 |
| 110 | do | 12 | 12 | do | 1 x 1½ | 1.60 |
| 30 | Bilge | 14 | 16 | None | | |
| 55 | do | 13 | 14 | do | | |

[1] Rolling hoops of pliable solid rubber or other suitable material are also authorized when approved as to type and construction by the Bureau of Explosives.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 12 | 0.1046 | 0.0946 |
| 13 | .0897 | .0817 |
| 14 | .0747 | .0677 |
| 16 | .0598 | .0533 |

[1] Thickness shall be measured at any point on the sheet not less than ¾ inch from an edge.

**§ 78.81–8 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or welding of the rolling hoops directly to the body of the drum in any manner is not permitted.

**§ 78.81–9 Closures.**

(a) Adequate to prevent leakage; gasket required. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

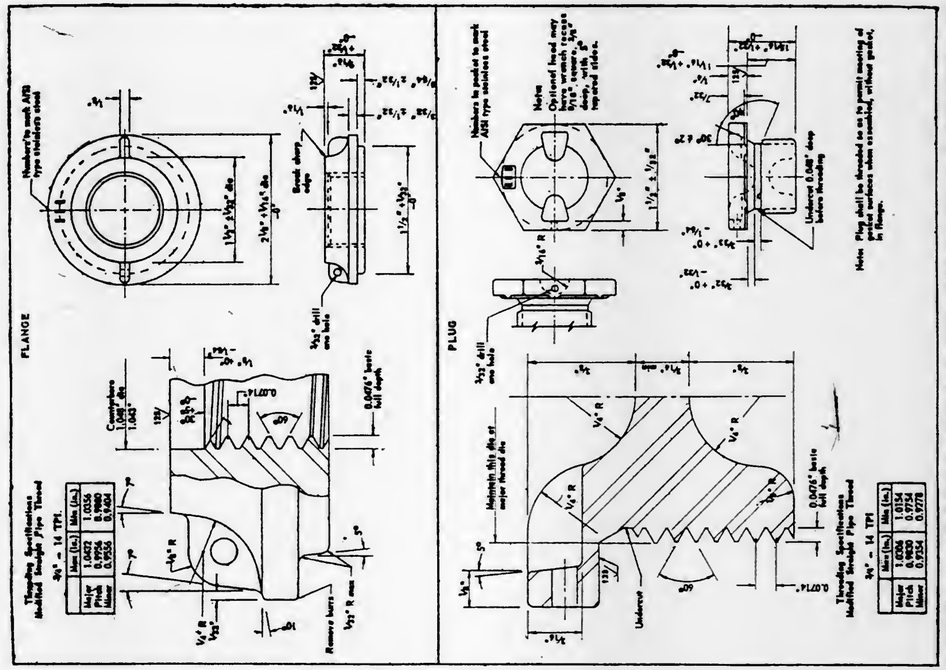
NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16" diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

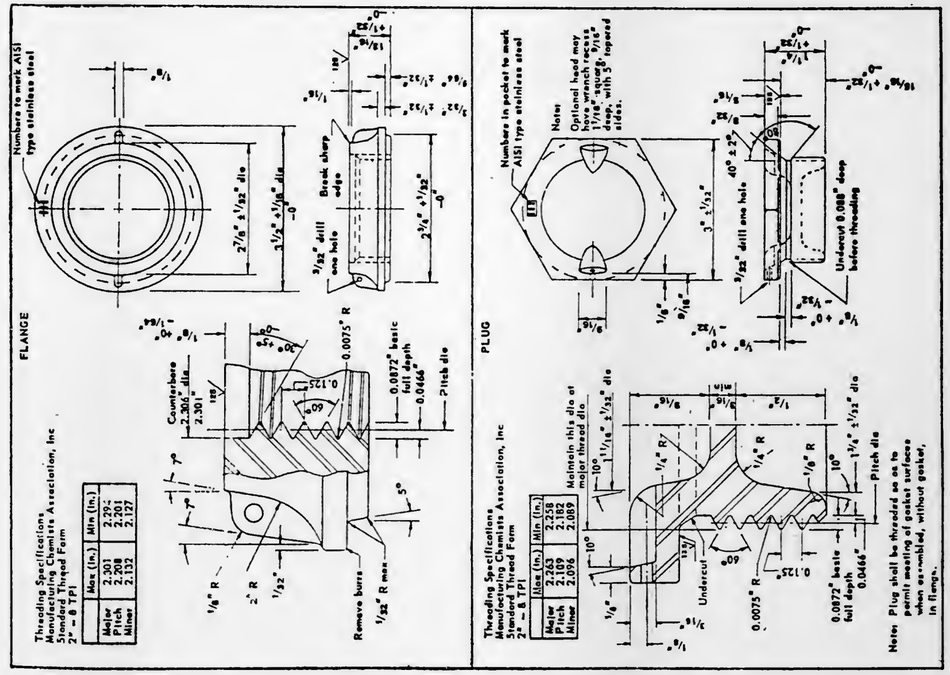
(d) Openings over 2.3" diameter not permitted. Threads for plug or cap must be 8 or less per inch when over ¾" standard pipe size. Flanges with inside threads and plugs must conform with the thread diameter and thread form shown in the following drawing; other details shown on the drawing are recommended.



(1)




(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.



**§ 78.81–10 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.81–11 Marking.**

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

(1) ICC–5A. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC–5A–304 or ICC–5A–304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.81–12 Size of markings.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons, and 1" for over 55 gallons.

**§ 78.81–13 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

**§ 78.81–14 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.82 Specification 5B; steel barrels or drums.**

Removable head containers which will pass all required tests are authorized.

**§ 78.82–1 Compliance.**

(a) Required in all details.

**§ 78.82–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.82–11(a)(3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater. Actual capacity of bilge type containers must be not less than rated (marked) capacity, nor greater than rated (marked) capacity plus 2 percent plus 2 quarts.

**§ 78.82–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.82–5 Seams.**

(a) Body seams welded.

**§ 78.82–6 Chime reinforcement.**

(a) Containers over 25 gallons capacity, with flanged head secured to body, to have chime reinforcement adequate for its protection.

**§ 78.82–7 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type [1] | Minimum | |
| | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| 5 | Straight side | 24 | 24 | None | | |
| 10 | do | 22 | 22 | do | | |
| 15 | do | 20 | 20 | [2] | | |
| 33 | do | 18 | 18 | [2] | | |
| 55 | do | 16 | 16 | [2] [3] | | |
| 110 | do | 13 | 14 | [2] [3] | | |
| 33 | Bilge | 16 | 16 | None | | |
| 55 | do | 14 | 14 | do | | |

[1] Rolling hoops of pliable solid rubber or other suitable material are also authorized when approved as to type and construction by the Bureau of Explosives.
[2] Rolled or swedged in hoops.
[3] Each removable head drum body must have three rolled or swedged in hoops with the center-line of one not more than 3 inches from the top curl.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 13 | 0.0897 | 0.0817 |
| 14 | .0747 | .0677 |
| 16 | .059 | .0533 |
| 18 | .0478 | .0428 |
| 20 | .0359 | .0324 |
| 22 | .0299 | .0269 |
| 24 | .0239 | .0209 |

[1] Thickness shall be measured at any point on the sheet not less than 3% inch from an edge.

**§ 78.82–8 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

**§ 78.82–9 Closures.**

(a) Adequate to prevent leakage; gaskets required.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 5/16" diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place. Threaded bung closures consisting of any type other than welded flanges and plugs, must be of a type approved by the Bureau of Explosives for use, after submission of proof as to efficiency.

(d) Full removable head drums over 5 gallons capacity must be closed by means of 12 gauge bolted ring with drop forged lugs, one of which is threaded, and having 3/8 inch bolt and nut for drums not over 30 gallons capacity and 5/8 inch bolt and nut for drums over 30 gallons capacity. Five gallon drums must be of lug type closure with cover having at least 16 lugs. Equally efficient types of closures are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives.

**§ 78.82–10 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.82–11 Marking.**

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–5B. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture, (for example, ICC–5B–304 or ICC–5B–304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in the head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.82–12 Size of markings.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons, and 1" for over 55 gallons.

**§ 78.82–13 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure tests of 40 pounds per square inch sustained for 5 minutes; except that full removable head drums must sustain 20 pounds per square inch.

**§ 78.82–14 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

**§ 78.83 Specification 5C; steel barrels or drums.**

Removable head containers not authorized.

**§ 78.83–1 Compliance.**

(a) Required in all details.

**§ 78.83–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.33–11(a)(3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.83–3 Composition.**

(a) Steel must be, except for rolling hoops and chime reinforcement, as follows:

(b) All sheet metal, welding rod, closing devices, and samples taken from the welded portion of the finished container must be of Type 304, 18 chrome 8 nickel alloy with 0.08 percent carbon maximum, 18–20 percent chromium, 8–11 percent nickel, or other types of stainless steel of equivalent corrosion resistance and physical properties.

(c) Type 304 or other grades of equivalent corrosion resistant steels in the as-welded condition are permissible for nitric acid concentrations up to and including 78 percent. For all concentrations of nitric acid the following are permissible:

(1) Type 304 heat-treated (quenches from 1900° F.), or

(2) Stabilized Type 347 in the as-welded condition, or

(3) Stabilized Type 347 stress-relieved (1550°–1650° F.), or

(4) Stabilized Type 347 heat-treated (quenches from 1900° F.), or

(5) Other grades of equivalent corrosion resistance.

(d) All parts of any completed container exposed to lading must comply with the standard 65 percent boiling nitric acid test in that the limit of inches per month penetration in accordance with corrosion test as used in American Society of Testing Materials Standard A–262–44–T shall be 0.0015 inch, this figure to be an average of five 48-hour tests.

**§ 78.83–5 Seams.**

(a) Body seams welded.

(b) Chime seams welded or double-seamed and welded.

(c) Flanges for closures welded in place.

**§ 78.83–6 Chime reinforcement.**

(a) Containers of 10 gallons capacity or over, with flanged head secured to body, to have chime reinforcement adequate for its protection.

**§ 78.83–7 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type [1] | Minimum | |
| | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| 15 | Straight side | 20 | 20 | None | | |
| 30 | do | 18 | 18 | I-bar | ¾ x 1¼ | 1.25 |
| 55 | do | 16 | 16 | do [2] | 1 x 1½ | 1.60 |
| 110 | do | 14 | 14 | do [2] | 1 x 1½ | 1.60 |
| 15 | Bilge | 16 | 16 | None | | |
| 30 | do | 14 | 16 | do | | |
| 55 | do | 13 | 14 | do | | |

[1] Rolling hoops of pliable solid rubber or other suitable material are also authorized when approved as to type and construction by the Bureau of Explosives.
[2] Stainless steel I-bar rolling hoops ¾ x 1¼ inches, weighing not less than 1.27 pounds per foot, are authorized.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 13 | 0.0897 | 0.0817 |
| 14 | .0747 | .0677 |
| 16 | .0598 | .0533 |
| 18 | .0478 | .0428 |
| 20 | .0359 | .0324 |

[1] Thickness shall be measured at any point on the sheet not less than 3% inch from an edge.

**§ 78.83–8 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

**§ 78.83–9 Closures.**

(a) Adequate to prevent leakage; gaskets required. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

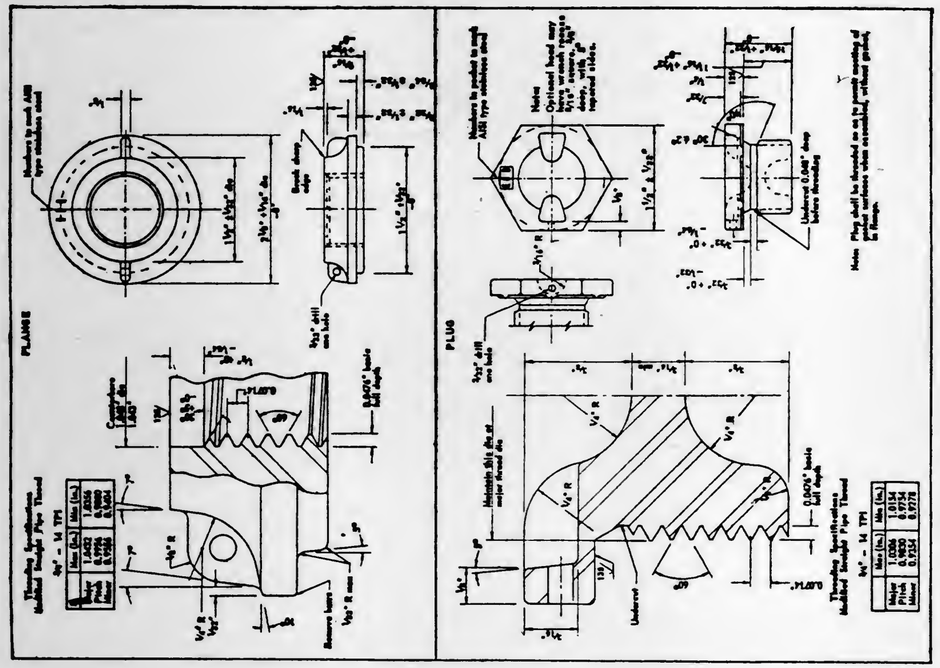
(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16 inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place. Except that for containers not over 15 gallons marked capacity the seat (flange, etc.) for plug or cap may have at least 3 complete threads and plug or cap sufficient length of thread to engage 3 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches are not permitted. Threads for plug or cap must be 8 or less per inch when over ¾ inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended):




(1) (2) Eleven and one-half (11½) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.



**§ 78.83–10 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.83–11 Marking.**

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

(1) ICC–5C, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and, in addition, the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC–5C–304 or ICC–5C–304HT as applicable). These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives. Also, by embossing or stamping, tare weight in pounds (for example, TW121).

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.83–12 Size of marking.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons, and 1" for over 55 gallons.

**§ 78.83–13 Type tests.**

(a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

**§ 78.83–14 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.84 Specification 5D; steel barrels or drums, lined.**

Removable head containers which will pass all required tests are authorized.

**§ 78.84–1 Compliance.**

(a) Required in all details.

**§ 78.84–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.84–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.84–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.84–5 Lining.**

(a) To be applied so as to adhere securely to metal throughout; to be tough and pliable. Hard rubber authorized to line closing devices.

**§ 78.84–6 Chime reinforcement.**

(a) Containers over 25 gallons capacity, with flanged head secured to body, to have chime reinforcement adequate for its protection.

**§ 78.84–7 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type [1] | Minimum | |
| | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| 10 | Straight side | 16 | 16 | None | | |
| 30 | do | 16 | 16 | I-bar | ¾ x 1¼ | 1.25 |
| 55 | do | 14 | 14 | do | 1 x 1½ | 1.60 |
| 110 | do | 12 | 12 | do | 1 x 1½ | 1.60 |
| 30 | Bilge | 14 | 16 | None | | |
| 55 | do | 13 | 14 | do | | |

[1] Rolling hoops of pliable solid rubber or other suitable material are also authorized when approved as to type and construction by the Bureau of Explosives.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 12 | 0.1046 | 0.0946 |
| 13 | .0897 | .0817 |
| 14 | .0747 | .0677 |
| 16 | .0598 | .0533 |

[1] Thickness shall be measured at any point on the sheet not less than ¾ inch from an edge.

**§ 78.84–8 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

**§ 78.84–9 Closures.**

(a) Adequate to prevent leakage; gaskets required.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 5 or more complete threads; two drainage holes of not over 5/16" diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 5 threads when screwed home with gasket in place.

(d) Closure must be of screw-thread type or fastened by screw-thread device.

**§ 78.84–10 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.84–11 Marking.**

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–5D. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture

(for example, ICC–5D–304 or ICC–5D–304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/22–55–50 for body 14 gauge and head 12 gauge).

**§ 78.84–12 Size of markings.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons, and 1" for over 55 gallons.

**§ 78.84–13 Type tests.**

(a) Sample containers, before lining is applied, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

**§ 78.84–14 Leakage test.**

(a) Each container, with lining material applied, shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples so tested must be retained until further tests are made.

**§ 78.84–15 Additional test.**

(a) On each container by 110-volt electrical circuit between inside and outside of container filled with suitable electrolyte; a milliammeter must show zero reading. The milliammeter test is required when retesting containers which show evidence of damage. A spark coil test is permitted on each container during manufacture in lieu of the milliammeter test described above.

**§ 78.85 Specification 5F; steel drums.**

Removable head containers not authorized.

**§ 78.85–1 Compliance.**

(a) Required in all details.

**§ 78.85–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.85–10 (a) (3): Not over 11 gallons.

**§ 78.85–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.85–5 Seams.**

(a) Body seams welded or brazed.

(b) Head and chime seams welded or brazed.

(c) Flanges for closures welded or brazed in place.

**§ 78.85–6 Chime reinforcement.**

(a) Container to have chime reinforcement adequate for its protection.

**§ 78.85–7 Gauge and thickness of sheets.**

(a) Body and heads shall be of uncoated steel sheets having nominal thickness of 0.0747 inch and minimum thickness of 0.0677 inch, which sheets shall be designated 14 gauge.

**§ 78.85–8 Closures required.**

(a) Of screw-thread type and adequate to prevent leakage in transit. Openings over 2.3" diameter not permitted. Threads for connections (valve, bung, etc.) to be American Standard taper pipe threads, tapped to gauge, and clean cut to insure tight joints.

**§ 78.85–9 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.85–10 Marking.**

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

(1) ICC–5F. This mark shall be understood to certify that the container complies with all specification requirements. Serial number and name or symbol (letters) of company or person for whose use the containers are made are also required.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example 14–11–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–11–50 for body 14 gauge and head 12 gauge).

**§ 78.85–11 Size of markings.**

(a) Size of markings (minimum): ½" high.

**§ 78.85–12 Type tests.**

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 125 pounds per square inch sustained for 5 minutes.

**§ 78.85–13 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 100 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.87 Specification 5H; steel barrels or drums, lead lined.**

Removable head containers not authorized.

**§ 78.87–1 Compliance.**

(a) Required in all details.

**§ 78.87–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.87–11(a)(3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.87–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.



**§ 78.87–5 Seams.**

(a) Body seams welded.

(b) Head and chime seams welded or double-seamed.

(c) Flanges for closures welded in place.

**§ 78.87–6 Chime reinforcement.**

(a) Containers with flanged head secured to body to have chime reinforcement adequate for its protection.

**§ 78.87–7 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type [1] | Minimum | |
| | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| 10 | Straight side | 16 | 16 | None | | |
| 30 | do | 16 | 16 | I-bar | ¾ x 1¼ | 1.25 |
| 55 | do | 14 | 14 | do | 1 x 1½ | 1.60 |
| 110 | do | 12 | 12 | do | 1 x 1½ | 1.60 |
| 30 | Bilge | 14 | 16 | None | | |
| 55 | do | 13 | 14 | do | | |

[1] Rolling hoops of pliable solid rubber or other suitable material are also authorized when approved as to type and construction by the Bureau of Explosives.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 12 | 0.1046 | 0.0946 |
| 13 | .0897 | .0817 |
| 14 | .0747 | .0677 |
| 16 | .0598 | .0533 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

(c) Lining required: Of lead, at least 1/32" thick, completely bonded to the steel.

**§ 78.87–8 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

**§ 78.87–9 Closures.**

(a) Adequate to prevent leakage; gaskets required. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 5 or more complete threads; two drainage holes of not over 5/16" diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 5 threads when screwed home with gasket in place.

(d) Openings over 2.3" diameter not permitted. Threads for plug or cap must be 8 or less per inch when over ¾" standard pipe size.

**§ 78.87–10 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.87–11 Marking.**

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

(1) ICC–5H. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture, (for example, ICC–5H–304 or ICC–5H–304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.87–12 Size of marking.**

(a) Size of marking (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons, and 1" for over 55 gallons.

**§ 78.87–13 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

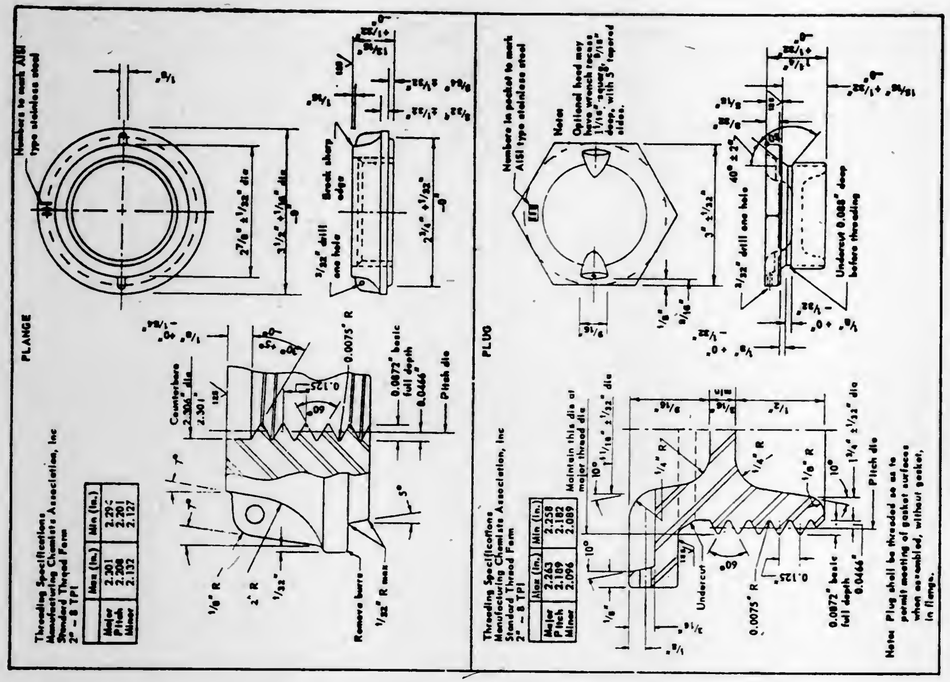
(3) Periodic drop tests will not be required after initial drop tests at start of manufacture, on containers of a construction in excess of minimum specification requirements approved by the Bureau of Explosives. Changes in construction (drum, lining, or closures) must also be approved by the Bureau of Explosives for use, after submission of proof as to efficiency, to continue this exemption.

**§ 78.87–14 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.88 Specification 5K; nickel barrels or drums.**

Removable head containers not authorized.




§ 78.88–3 Composition.

(a) Material must be, except for rolling hoops and chime reinforcements, nickel at least 99.0 percent pure.

§ 78.88–4 Seams.

(a) Body seams welded.

(b) Head and chime seams welded or double-seamed.

(c) Flanges for closures welded in place.

§ 78.88–5 Chime reinforcement.

(a) Containers over 25 gallons capacity, with flanged head secured to body, to have chime reinforcement adequate for its protection.

§ 78.88–6 Parts and dimensions.

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness in Black (gauge, United States standard) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type [1] | Minimum | |
| | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| 10 | Straight side | 16 | 16 | None | ¾ x 1¼ | 1.25 |
| 20 | do | 16 | 16 | I-bar | 1 x 1½ | 1.60 |
| 55 | do | 14 | 14 | do | 1 x 1½ | 1.60 |
| 110 | do | 12 | 12 | None | | |
| 20 | Bilge | 16 | 14 | do | | |
| 55 | do | 13 | 14 | do | | |

[1] Rolling hoops of pliable solid rubber or other suitable material are also authorized when approved as to type and construction by the Bureau of Explosives.

§ 78.88–7 Rolling hoops.

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

§ 78.88–8 Closures.

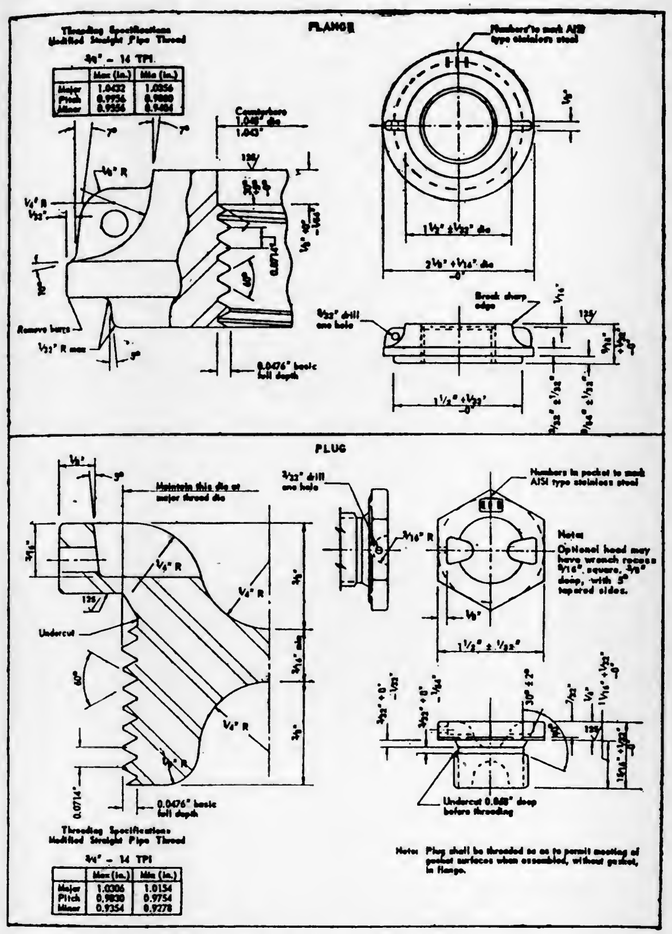
(a) Adequate to prevent leakage; gaskets required. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc. see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.



(1)




(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.88–9 Defective containers.

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

§ 78.88–10 Marking.

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

(1) ICC–5K. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

§ 78.88–11 Size of markings.

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons, and 1" for over 55 gallons.

§ 78.88–12 Type tests.

(a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The types tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

§ 78.88–13 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

§ 78.89 Specification 5L; steel barrels or drums.

Removable head containers not authorized.

§ 78.89–1 Compliance.

(a) Required in all details.

§ 78.89–2 Rated capacity.

(a) Rated capacity as marked, see § 78.89–9(a)(3). Actual capacity shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart.

§ 78.89–3 Composition.

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

§ 78.89–5 Seams.

(a) Body seams welded.

(b) Head and chime seams welded or double-seamed.

(c) Flanged spout for filling and emptying container welded in place or attached in a manner approved by Bureau of Explosives.

§ 78.89–6 Parts and dimensions.

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type | Minimum Size (gauge or inch) | Minimum Weight (pounds per foot) |
| 5 | Rectangular | 20 | 20 | None | | |

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 20 | 0.0359 | 0.0324 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.89–7 Closures.**

(a) Adequate to prevent leakage; gaskets required.

(b) Closing part must be of sufficient strength to withstand the drop test prescribed in § 78.89–11 (a) (1).

(c) Closure must be of screw-thread type or fastened by screw-thread device.

(d) Openings over 2.5 inches diameter not permitted.

**§ 78.89–8 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.89–9 Marking.**

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

(1) ICC–5L. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacturer (for example, 20–5–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 20/18–5–50 for body 20 gauge and head 18 gauge).

**§ 78.89–10 Size of markings.**

(a) Size of markings (minimum): ½" high.

**§ 78.89–11 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes.

**§ 78.89–12 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 5 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.90 Specification 5M; monel drums.**

Removable head containers not authorized.

**§ 78.90–1 Compliance.**

(a) Required in all details.

**§ 78.90–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.90–10(a)(3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.90–3 Composition.**

(a) Material must be, except for rolling hoops and chime reinforcements, monel.

**§ 78.90–4 Seams.**

(a) Body seams welded.

(b) Head and chime seams welded or double-seamed.

(c) Flanges for closures welded in place.

**§ 78.90–5 Chime reinforcement.**

(a) Containers to have chime reinforcement adequate for its protection.

**§ 78.90–6 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness in the black (gauge, United States standard) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type [1] | Minimum Size (gauge or inch) | Minimum Weight (pounds per foot) |
| 10 | Straight side | 14 | 14 | None | | |
| 55 | do | 14 | 14 | I-bar | 1 x 1½ | 1.60 |

[1] Rolling hoops of pliable solid rubber or other suitable material are also authorized when approved as to type and construction by the Bureau of Explosives.

**§ 78.90–7 Rolling hoops.**

(a) Separate hoops if used, to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

**§ 78.90–8 Closures.**

(a) Adequate to prevent leakage. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

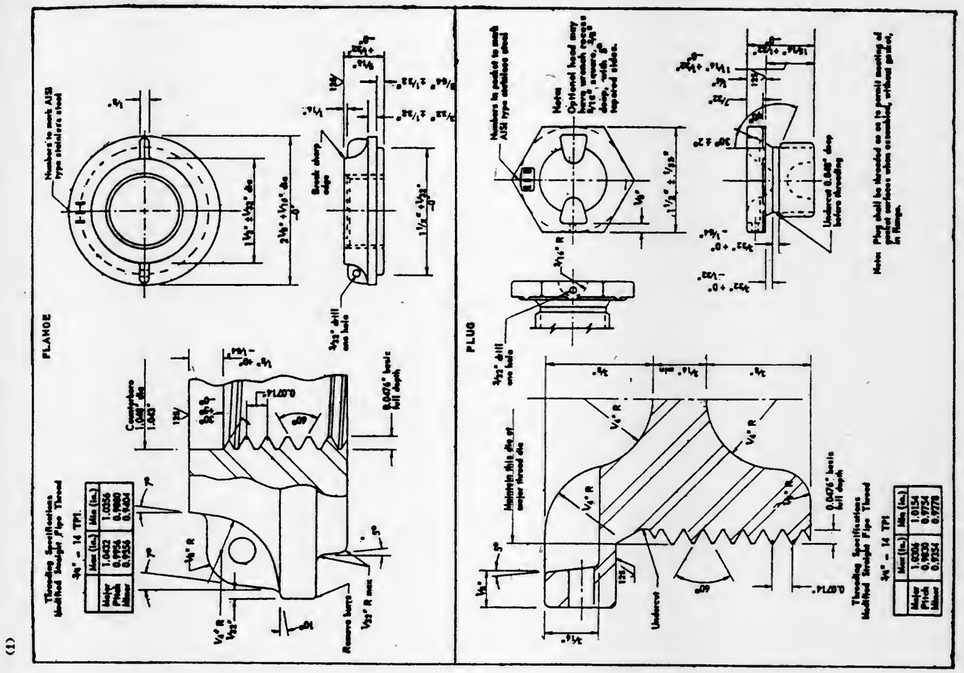
NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16-inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches diameter are not permitted. Threads for plug or cap must be 8 or less per inch when over ¾ inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended):






(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.

**§ 78.90–9 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.90–10 Marking.**

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

(1) ICC–5M. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50).

**§ 78.90–11 Size of markings.**

(a) Size of marking (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons.

**§ 78.90–12 Type tests.**

(a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

**§ 78.90–13 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.91 Specification 5X; steel drums, aluminum lined.**

Removable head containers not authorized.

**§78.91–1 Compliance.**

(a) Required in all details.

**§ 78.91–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.91–11(a)(3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.91–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.91–5 Seams.**

(a) Body seams welded.

(b) Head and chime seams welded or double-seamed.

(c) Flanges for closures welded in place.

**§ 78.91–6 Chime reinforcement.**

(a) Containers over 25 gallons capacity, with flanged head secured to body, to have chime reinforcement adequate for its protection.

**§ 78.91–7 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | | | Type[1] | Minimum | |
| | | Body sheet | Head sheet | | Size (gauge or inch) | Weight (pounds per foot) |
| 10 | Straight side | 16 | 16 | None | | |
| 30 | do | 16 | 16 | I-bar | ⅝ x 1¼ | 1.25 |
| 55 | do | 14 | 14 | do | 1 x 1½ | 1.60 |
| 110 | do | 12 | 12 | do | 1 x 1½ | 1.60 |
| 30 | Bilge | 14 | 16 | None | | |
| 55 | do | 13 | 14 | do | | |

[1] Rolling hoops of pliable solid rubber or other suitable material are also authorized when approved as to type and construction by the Bureau of Explosives.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness[1] (inch) | Minimum thickness[1] (inch) |
|---|---|---|
| 12 | 0.1046 | 0.0946 |
| 13 | .0897 | .0817 |
| 14 | .0747 | .0677 |
| 16 | .0598 | .0533 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

(c) *Lining.* Required; of aluminum 99 percent pure; thickness 0.12"; all seams welded. It shall have reasonably good fit in outside drum and be arranged so that extensive movement therein will be prevented.

**§ 78.91–8 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

**§ 78.91–9 Closures.**

(a) Adequate to prevent leakage; shall be located between rolling hoops; aluminum plate gasket, at least 0.10 inch thick, is required. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or or cap, must have 5 or more complete threads; two 5/16" drainage holes are allowed. Plug, or cap, must have sufficient length of thread to engage 5 threads when screwed home without gasket. Threaded cap closures, 3 full threads engaged are also authorized.

(d) Openings over 2.3" diameter not permitted. Threads for plug or cap must be 8 or less per inch when over ¾" standard pipe size.

**§ 78.91–10 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constucting container, not by soldering.

**§ 78.91–11 Marking.**

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

(1) ICC–5X. In addition, when the container is of stainless steel, the type of steel used in body and head sheets, as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC–5X–304 or ICC 5X–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.



(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.91–12 Size of markings.**

(a) Size of marking (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons, and 1" for over 55 gallons.

**§ 78.91–13 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

**§ 78.91–14 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.92 Specification 5P; lagged steel drums.**

Removable head containers not authorized.

**§ 78.92–1 Compliance.**

(a) Required in all details.

**§ 78.92–2 Rated capacity.**

(a) Rated capacity not over 61 gallons, see § 78.92–12 (a) (3). Actual capacity shall be not less than rated capacity plus two percent nor greater than rated capacity plus two percent plus one and one-half gallons.

**§ 78.92–3 Composition.**

(a) Sheets for body and heads of inside container to be low carbon or austenitic stainless, open hearth or electric steel. Sheets for body and heads of outside shell may be of any weldable steel suitable for the purpose.

**§ 78.92–5 Construction.**

(a) Container shall consist of a straight sided inside steel drum which must be lagged with a suitable fire-resistant lagging material of such insulating properties and thickness that the drum charged with the commodity to be shipped will not rupture in a fire when it is equipped with safety devices as required by § 78.92–9. The entire insulation must be covered with a metal shell so constructed that moisture cannot come in contact with lagging.

(b) Brazing is not permitted.

(c) All seams of drum and shell must be fusion welded.

(d) Flanges or bosses for closures in the inner container must be fusion welded in place to the inside drum and the metal shell.

(e) Means for testing inside drum for leaks must be provided in outside shell.

**§ 78.92–6 Parts and dimensions.**

(a) Parts and dimensions as follows:

(1) Steel sheets used for body and head sheets for inside drum must have nominal thickness of at least 0.0747 inch and minimum thickness of 0.0677 inch, uncoated sheets, which shall be designated 14 gauge.

(2) Steel sheets used for body sheets for outside shell must have nominal thickness of at least 0.1046 inch and minimum thickness of 0.0946 inch, uncoated sheets, which shall be designated 12 gauge.

(3) Steel sheets used for head sheets for outside shell must have nominal thickness of at least 0.0747 inch and minimum thickness of 0.0677 inch, uncoated sheets, which shall be designated 12 gauge.

**§ 78.92–7 Rolling hoops.**

(a) Rolling hoops are required and these may be rolled or swedged in the outside shell or consist of separate hoops having a tight fit on shell and securely held in place.

**§ 78.92–8 Closures.**

(a) All closures must be of screw-thread type adequate to prevent leakage and be of a material which will not react dangerously in contact with the commodity.

(b) All openings in inside drums must be located in the top head.

(c) Openings over 2.3 inches screw thread size not permitted.

(d) Plugs, caps, or other fittings must have sufficient length of thread to engage 5 threads when screwed home with gasket in place.

(e) Gaskets which are not affected by lading are required for closures having straight threads.

**§ 78.92–9 Safety devices.**

(a) Each container must be provided with safety devices approved as to type and location by the Bureau of Explosives and found to prevent the bursting of the normally charged container when it is placed in a fire. See § 73.124(a)(4) of this chapter.

**§ 78.92–10 Closure protection.**

(a) Construction must be such as to afford adequate protection to valves and safety devices.

**§ 78.92–11 Defective containers.**

(a) Leaks and other defects to be repaired only by processes used in constructing container.

**§ 78.92–12 Marking.**

(a) Marking on each container by embossing with raised marks or by steel stamping on top head of outside shell or on a permanently attached head protective ring, as follows:

(1) ICC–5P. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be recorded with and its use approved by the Bureau of Explosives.

(3) Minimum gauge of metal of inner container, rated capacity in gallons and year of manufacture must be indicated in the order named (for example, 14–61–50).

(4) Size of markings (minimum): ½ inch high for stamping, 1 inch high for embossing.

**§ 78.92–13 Tests.**

(a) Sample drums, taken at random and closed as for use, shall withstand prescribed tests without leakage, one test to be made of each design and size of drum by each company before starting production as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet on to solid concrete so as to strike diagonally on chime (foot ring), or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker.

(2) Hydrostatic pressure test of 100 pounds per square inch sustained for five minutes. This test shall be applied to the finished inner container before lagging material and outer shell are assembled.

(3) Samples last tested to be retained until further tests are made.

**§ 78.92–14 Leakage test.**

(a) Each container shall be subjected to a presure test of at least 125 pounds per square inch sustained for at least 30 seconds. Test shall be applied to inner container before lagging material or outer shell is assembled. Failures shall be rejected or repaired and retested.

NOTE 1: If air or other gas is the pressurizing medium, the test should be conducted in a pit or equivalent means of safeguarding personnel.

(b) Subsequent to the test specified in paragraph (a) of this section each container shall be tested with seams under water or covered with soapsuds or other suitable material by interior air pressure of at least 75 pounds per square inch.





Leakage test shall be applied to finished inner container before lagging or outer shell is assembled. Leakers shall be re-

**§ 78.97–11 Type tests.**

(a) Samples taken at random and



| | | | Minimum thickness, | Rolling hoops | | |
|---|---|---|---|---|---|---|

onally on top chime, or when without chime seam, to strike on other circum-

Leakage test shall be applied to finished inner container before lagging or outer shell is assembled. Leakers shall be rejected or repaired and retested.

**§ 78.97 Specification 6A; steel barrels or drums.**

Removable head containers which will pass all required tests are authorized.

**§ 78.97–1 Compliance.**

(a) Required in all details.

**§ 78.97–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.97–9(a)(3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.97–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.97–5 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity (gallons) | Authorized gross weight (pounds) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|---|
| | | | Body sheet | Head sheet | Type | Minimum: Size (gauge or inch) | Minimum: Weight (pounds per foot) |
| 5 to 10 | 160 | Straight side. | 16 | 16 | None | | |
| 5 to 30 | 480 | do | 14 | 14 | I-bar | ¾ x 1¼ | 1.25 |
| 5 to 55 | 880 | do | 12 | 12 | do | 1 x 1½ | 1.60 |
| 5 to 33 | 480 | Bilge | 13 | 14 | None | | |
| 5 to 55 | 880 | do | 12 | 12 | do | | |

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 12 | 0.1046 | 0.0946 |
| 13 | .0897 | .0817 |
| 14 | .0747 | .0677 |
| 16 | .0598 | .0533 |

[1] Thickness shall be measured at any point on the sheet not less than 5/16 inch from an edge.

**§ 78.97–6 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

**§ 78.97–7 Closures.**

(a) Adequate to prevent leakage; gaskets required. Closures must be of screw-thread type or secured by positive fastening.

(b) Closing part (plug, cap, plate, etc., see note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

**§ 78.97–8 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.97–9 Marking.**

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–6A***; stars to be replaced by the authorized gross weight (for example, ICC–6A880, etc.). In addition, when the container is of stainless steel, the type of steel used in body and head sheets, as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC–6A880–304 or ICC–6A880–304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.97–10 Size of markings.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons.

**§ 78.97–11 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 30 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

**§ 78.97–12 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

**§ 78.98 Specification 6B; steel barrels or drums.**

Removable head containers which will pass all required tests are authorized.

**§ 78.98–1 Compliance.**

(a) Required in all details.

**§ 78.98–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.98–9(a)(3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent, plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.98–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.98–5 Parts and dimensions.**

(a) Parts and dimensions as follows:



| Marked capacity (gallons) | Authorized gross weight (pounds) | Type of Container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|---|
| | | | Body Sheet | Head Sheet | Type | Minimum: Size (gauge or inch) | Minimum: Weight (pounds per foot) |
| 5 to 10 | 160 | Straight side. | 18 | 18 | None | | |
| 5 to 30 | 480 | do | 16 | 16 | U [1] | 14 | |
| 5 to 55 | 880 | do | 14 | 14 | U | 12 | |
| 5 to 30 | 480 | do | 16 | 16 | I-bar [1] | ¾ x 1¼ | 1.25 |
| 5 to 55 | 880 | do | 14 | 14 | do | ¾ x 1¼ | 1.25 |
| 5 to 110 | 1,760 | do | 12 | 12 | do | 1 x 1½ | 1.60 |
| 5 to 33 | 480 | Bilge | 15 | 16 | None | | |
| 5 to 55 | 880 | do | 13 | 14 | do | | |

[1] Rolled or swedged in hoops permitted.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 12 | 0.1046 | 0.0946 |
| 13 | .0897 | .0817 |
| 14 | .0747 | .0677 |
| 15 | .0673 | .0603 |
| 16 | .0598 | .0533 |
| 18 | .0478 | .0428 |

[1] Thickness shall be measured at any point on the sheet not less than 5/16 inch from an edge.

**§ 78.98–6 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I-bar type directly to body of drum in any manner not permitted.

**§ 78.98–7 Closures.**

(a) Adequate to prevent leakage; gaskets required. Closures must be of screw-thread type or secured by positive fastening.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

**§ 78.98–8 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.98–9 Marking.**

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–6B***; stars to be replaced by the authorized gross weight (for example, ICC–6B880, etc.). In addition, when the container is of stainless steel, the type of steel used in body and head sheets, as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC–6B880–304 or ICC–6B880–304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.98–10 Size of markings.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons, and 1" for over 55 gallons.

**§ 78.98–11 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 30 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

**§ 78.98–12 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

**§ 78.99 Specification 6C; steel barrels or drums.**

Removable head containers which will pass all required tests are authorized.

**§ 78.99–1 Compliance.**

(a) Required in all details.

**§ 78.99–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.99–9 (a)(3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.99–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.99–5 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity (gallons) | Authorized gross weight (pounds) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|---|
| | | | Body sheet | Head sheet | Type | Minimum: Size (gauge or inch) | Minimum: Weight (pounds per foot) |
| 5 | 80 | Straight side | 22 | 22 | None | | |
| 5 to 10 | 160 | do | 20 | 20 | do | | |
| 5 to 30 | 480 | do | 18 | 18 | U | 16 | |
| 5 to 55 | 880 | do | 16 | 16 | U | 14 | |
| 5 to 110 | 1,760 | do | 14 | 14 | U | 12 | |
| 5 to 30 | 480 | do | 18 | 18 | I-bar | ¾ x 1¼ | 1.25 |
| 5 to 55 | 880 | do | 16 | 16 | do | ¾ x 1¼ | 1.25 |
| 5 to 110 | 1,760 | do | 14 | 14 | do | 1 x 1½ | 1.60 |
| 5 to 33 | 480 | Bilge | 16 | 16 | None | | |
| 5 to 55 | 880 | do | 15 | 16 | do | | |

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 14 | 0.0747 | 0.0677 |
| 15 | .0673 | .0603 |
| 16 | .0598 | .0533 |
| 18 | .0478 | .0428 |
| 20 | .0359 | .0324 |
| 22 | .0299 | .0269 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.99–6 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding except for continuous resistance method, not permitted. Welding of I-bar type directly to body of drum in any manner not permitted.

**§ 78.99–7 Closures.**

(a) Adequate to prevent leakage; gaskets required. Closures must be of screw-thread type or secured by positive fastening.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used it must be provided with outside sealing device which cannot be removed without destroying the cap or sealing device.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

**§ 78.99–8 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.99–9 Marking.**

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–6C***; stars to be replaced by the authorized gross weight (for example, ICC–6C880, etc.). In addition, when the container is of stainless steel, the type of steel used in body and head sheets, as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC–6C880–304 or ICC–6C880–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.99–10 Size of markings.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 55 gallons, and 1" for over 55 gallons.

**§ 78.99–11 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 30 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

**§ 78.99–12 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

**§ 78.100 Specification 6J; steel barrels and drums.**

Removable head containers which will pass all required tests are authorized.

**§ 78.100–1 Compliance.**

(a) Required in all details.

**§ 78.100–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.100–9(a)(3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.100–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.100–5 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity (gallons) | Authorized gross weight (pounds) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|---|
| | | | Body sheet | Head sheet | Type | Minimum | |
| | | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| 5 to 30 | 260 | Straight side | 19 | 19 | (1) | | |
| 5 to 55 | 490 | do | 18 | 18 | (1) | | |
| 5 to 55 | 880 | do | 16 | 16 | U | 14 | |
| 5 to 55 | 880 | do | 16 | 16 | I-bar | ¾ x 1¼ | 1.25 |
| 5 to 33 | 490 | Bilge | 16 | 18 | None | | |
| 5 to 55 | 880 | do | 15 | 16 | do | | |

[1] Rolled or swedged in hoops.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 15 | 0.0673 | 0.0603 |
| 16 | .0598 | .0533 |
| 18 | .0478 | .0428 |
| 19 | .0418 | .0378 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.100–6 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I-bar type directly to body of drum in any manner not permitted.

**§ 78.100–7 Closures.**

(a) Adequate to prevent leakage; gaskets, required. Closures must be of screw-thread type or secured by positive fastening.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used, it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

**§ 78.100–8 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.100–9 Marking.**

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–6J***; stars to be replaced by the authorized gross weight (for example, ICC–6J880, etc.). In addition, when the container is of stainless steel, the type of steel used in body and head sheets, as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC–6J880–304 or ICC–6J880–304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.100–10 Size of markings.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons.

**§ 78.100–11 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 30 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

**§ 78.100–12 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.



**§ 78.101 Specification 6K; steel barrels or drums.**

Removable head containers which will pass all required tests are authorized.

**§ 78.101–1 Compliance.**

(a) Required in all details.

**§ 78.101–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.101–9(a)(3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity, actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.101–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.101–5 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Authorized gross weight (pounds) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|---|
| | | | Body sheet | Head sheet | Type | Minimum | |
| | | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| 55 | 480 | Straight side | 18 | 18 | I-bar [1] | ¾ x 1¼ | 1.25 |

[1] Rolled or swedged-in hoops permitted.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 18 | 0.0478 | 0.0428 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.101–6 Rolling hoops.**

(a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

**§ 78.101–7 Closures.**

(a) Adequate to prevent leakage; gaskets required. Closures must be of screw-thread type or secured by positive fastening.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

**§ 78.101–8 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.101–9 Marking.**

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–6K480. In addition, when the container is of stainless steel, the type of steel used in body and head sheets, as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC–6K480–304 or ICC–6K480–304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 18–55–50).

**§ 78.101–10 Size of markings.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons.

**§ 78.101–11 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

**§ 78.101–12 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with

soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

**§ 78.102 Specification 6D; cylindrical steel overpack, straight sided, for inside plastic container.**

**§ 78.102–1 Material requirements.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.102–2 Construction requirements.**

(a) Construction requirements are as follows:

| Rated capacity of inside plastic container not over (gallons) | Minimum thickness, uncoated sheets (gauge) | | Body seams | Rolling hoops | Top or bottom head | Closures, when full removable head is used (gaskets not required) |
|---|---|---|---|---|---|---|
| | Body sheet | Head sheet | | | | |
| 5 | 24 | 24 | Welded | None required | Double seamed or welded. | Lug or plain ring seal. |
| 15 | 20 | 20 | do | Rolled or swedged | do | Do. |
| 30 | 19 | 19 | do | do | do | Bolted type ring closure, 18 gauge. |
| 55 | 18 | 18 | do | Rolled or swedged, or I-Bars, ¾" x 1¼". | do | Bolted type ring closure, 16 gauge. |

(b) Steel sheets or parts of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness (inch) [1] | Minimum thickness (inch) [1] |
|---|---|---|
| 16 | 0.0598 | 0.0523 |
| 18 | .0478 | .0428 |
| 19 | .0418 | .0378 |
| 20 | .0359 | .0324 |
| 24 | .0239 | .0209 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

(c) Two holes not exceeding ¼ inch each are permitted diametrically opposite each other in the overpack body immediately above the double seam of the bottom chime or three holes not exceeding 3/16 inch in diameter on centers 120 degrees apart in the bottom head.

(1) Overpack interior shall be free of projections, burrs, or any edges that might cause damage to inside plastic container and shall be free of lubricants, oils, or any foreign matter.

(2) Top head may have not more than two holes of suitable size to provide for protruding closures.

(3) Overpack shall be constructed to provide a snug fit for inside plastic container.

**§ 78.102–3 Tests.**

(a) Steel overpack when assembled as for use, shall withstand the tests prescribed in specifications for inside plastic containers as detailed in Part 78 when authorized as combination packages in Part 73 of this chapter. The completed package must withstand these tests without producing a condition of the overpack that could result in potential damage to the inside container.

**§ 78.102–4 Markings.**

(a) Marking on each container by embossing on bottom head with raised marks with letters and figures not less than ½ inch high as follows:

(1) ICC–6D. These marks shall be understood to certify the steel container complies with all construction requirements of this specification.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity of inside container in gallons, and year of manufacture (for example, 18–55–62). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 18/16–55–62 for body 18 gauge and head 16 gauge).

**§ 78.107 Specification 42B; aluminum drums.**

**§ 78.107–1 Compliance.**

(a) Required in all details.

**§ 78.107–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.107–9(a)(3). Not less than 5 gallons; actual capacity shall be rated capacity plus at least 2 percent.

**§ 78.107–3 Composition.**

(a) Body and heads of aluminum at least 99 percent pure, or an aluminum base alloy of equivalent corrosion resistance and physical properties.

**§ 78.107–4 Outage.**

(a) Two percent of rated capacity, plus a maximum tolerance of 1 quart.

**§ 78.107–5 Seams.**

(a) Welded, including attachment of flanges for closures and other devices. Circumferential seams at least 3" from top of chime; chime seams not permitted.

**§ 78.107–6 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Minimum thickness of material (inch) | Rolling hoops required, type authorized, and minimum dimensions | |
|---|---|---|---|
| | | I-bar, size (inch) | U-type, aluminum, thickness (inch) |
| 10 | 0.110 | ¾ x 1¼ | 0.139 |
| 30 | .154 | ¾ x 1¼ | .193 |
| 55 | .187 | ¾ x 1¼ | .234 |
| 110 | .230 | 1 x 1½ | |

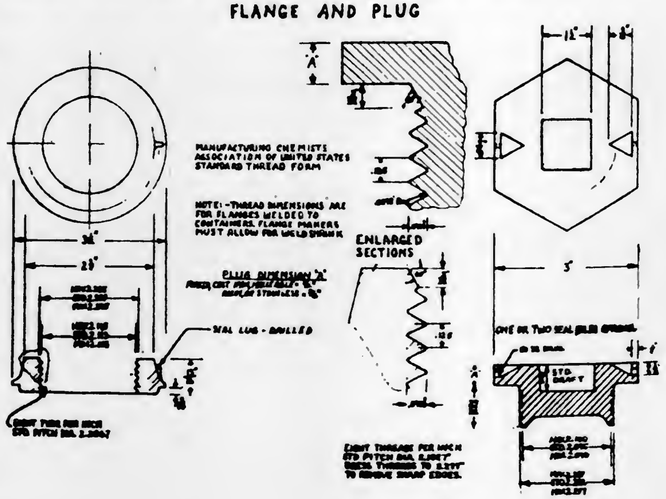
(b) Rolling hoops must be firmly secured in place and not over 19 inches apart; beading under hoops not permitted. If welding is employed, the welding must be continuous on each edge of hoop.

**§ 78.107–7 Closures.**

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3" not authorized; suitable gaskets required.

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged; two 5/16 inch drainage holes are authorized in flange. Thread form must conform to that shown by drawing below or be of a form that shall provide an equally efficient closure.

FLANGE AND PLUG






**§ 78.107–8 Projections.**

(a) Closing devices and other parts must not project beyond chime or rolling hoops.

**§ 78.107–9 Marking.**

(a) Marking on each container on top head by stamping with pressure dies, by embossing with raised marks, or plate attached by welding, as follows:

(1) ICC–42B. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in paragraph (a) (1) of this section.

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50 or 0.1442–30–50).

**§ 78.107–10 Size of marking.**

(a) Size of marking (minimum): ½" high for 30-gallon and smaller containers, ¾" for over 30 and not over 55 gallons, and 1" for over 55 gallons.

**§ 78.107–11 Type tests.**

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional test on any other parts which might be considered weaker than the chime.

(2) Hydrostatic pressure test of 60 pounds per square inch sustained for 5 minutes.

**§ 78.107–12 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.107–13 Defective containers.**

(a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

**§ 78.108 Specification 42C; aluminum barrels or drums.**

**§ 78.108–1 Compliance.**

(a) Required in all details.

**§ 78.108–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.108–9(a)(3). Not less than 5 gallons; actual capacity shall be rated capacity plus at least 2 percent.

**§ 78.108–3 Composition.**

(a) Body and heads of aluminum at least 99 percent pure, or an aluminum base alloy of equivalent corrosion resistance and physical properties.

**§ 78.108–4 Outage.**

(a) Two percent of rated capacity, plus a maximum tolerance of 1 quart.

**§ 78.108–5 Seams.**

(a) Welded, including attachment of flanges for closures and other devices. Circumferential seams at least 3" from top of chime; chime seams not permitted.

**§ 78.108–6 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness of material (inch) | Rolling hoops required, type authorized, and minimum dimensions | |
|---|---|---|---|---|
| | | | I-bar, size (inches) | U-type, aluminum, thickness (inch) |
| 10 | Straight side. | 0.093 | ¾ x 1¼ | 0.116 |
| 30 | do | .129 | ¾ x 1¼ | .161 |
| 55 | do | .155 | ¾ x 1¼ | .194 |
| 110 | do | .192 | 1 x 1½ | |
| 15 | Bilge | .110 | Expanded from shell.[1] | |
| 30 | do | .150 | Do. | |
| 55 | do | .180 | Do. | |

[1] Only required when side openings are used

(b) Rolling hoops must be firmly secured in place and not over 19 inches apart; beading under hoops not permitted. If welding is employed, the welding must be continuous on each edge of hoop.

**§ 78.108–7 Closures.**

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3" not authorized; suitable gaskets required.

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged; two 5/16 inch drainage holes are authorized in flange. Thread form must conform to that shown by drawing in paragraph (b) of § 78.107–7 or be of a form that shall provide an equally efficient closure.

**§ 78.108–8 Projections.**

(a) Closing devices and other parts must not project beyond chime or rolling hoops.

**§ 78.108–9 Marking.**

(a) Marking on each container on top head, by stamping with pressure dies, by embossing with raised marks, or plate attached by welding, as follows:

(1) ICC–42C. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50 or 0.1442–30–50).

**§ 78.108–10 Size of marking.**

(a) Size of marking (minimum): ½" high for 30-gallon and smaller containers, ¾" for over 30 and not over 55 gallons, and 1" for over 55 gallons.

**§ 78.108–11 Type tests.**

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional test on any other parts which might be considered weaker than the chime.

(2) Hydrostatic pressure test of 60 pounds per square inch sustained for 5 minutes.

**§ 78.108–12 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.108–13 Defective containers.**

(a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

**§ 78.109 Specification 42D; aluminum drums.**

**§ 78.109–1 Compliance.**

(a) Required in all details.

**§ 78.109–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.109–9(a)(3). Not less than 5 gallons; actual capacity shall be rated capacity plus at least 2 percent.

**§ 78.109–3 Composition.**

(a) Body and heads of aluminum at least 99 percent pure, or an aluminum

base alloy of equivalent corrosion resistance and physical properties.

§ 78.109–4 Outage.

(a) Two percent of rated capacity, plus a maximum tolerance of 1 quart.

§ 78.109–5 Seams.

(a) Welded, including attachment of flanges for closures and other devices. Circumferential seams at least 3" from top of chime; chime seams not permitted.

§ 78.109–6 Parts and dimensions.

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Minimum thickness of material (inch) | Rolling hoops required, type authorized, and minimum dimensions | |
|---|---|---|---|
| | | I-bar, size (inch) | U-type, aluminum, thickness (inch) |
| 10 | 0.093 | ¾ x 1¼ | 0.092 |
| 30 | .102 | ¾ x 1¼ | .128 |
| 55 | .123 | ¾ x 1¼ | .154 |
| 110 | .154 | 1 x 1½ | ---------- |

(b) Rolling hoops must be firmly secured in place and not over 19 inches apart; beading under hoops not permitted. If welding is employed, the welding must be continuous on each edge of hoop.

§ 78.109–7 Closures.

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3" not authorized; suitable gaskets required. Vented closing devices of type approved by the Bureau of Explosives are authorized when specified by the purchaser.

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged; two 5/16 inch drainage holes are authorized in flange. Thread form must conform to that shown by drawing in paragraph (b) of § 78.107–7 or be of a form that shall provide an equally efficient closure.

§ 78.109–8 Projections.

(a) Closing devices and other parts must not project beyond chime or rolling hoops.

§ 78.109–9 Marking.

(a) Marking on each container on top head, by stamping with pressure dies, by embossing with raised marks, or plate attached by welding, as follows:

(1) ICC–42D. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in paragraph (a) (1) of this section.

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50 or 0.1442–30–50).

§ 78.109–10 Size of marking.

(a) Size of marking (minimum): ½" high for 30-gallon and smaller containers, ¾" for over 30 and not over 55 gallons, and 1" for over 55 gallons.

§ 78.109–11 Type tests.

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional test on any other parts which might be considered weaker than the chime.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes.

§ 78.109–12 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 10 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

§ 78.109–13 Defective containers.

(a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

§ 78.110 Specification 42F; aluminum barrels or drums.

Removable heads.

§ 78.110–1 Compliance.

(a) Required in all details.

§ 78.110–2 Rated capacity.

(a) Rated capacity as marked, see § 78.110–8 (a) (3). Actual capacity shall be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 1 gallon.

§ 78.110–3 Composition.

(a) Body and heads of aluminum alloy 6061 or an aluminum base alloy of equivalent corrosion resistance and physical properties.

§ 78.110–4 Seams.

(a) None. Body shall be seamless.

§ 78.110–5 Parts and dimensions.

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Minimum thickness of material (inch) | | Rolling hoops |
|---|---|---|---|---|---|
| | | | Body | Head | |
| 50 | 450 | Bilge | 0.091 | 0.102 | None |

§ 78.110–6 Closures.

(a) Adequate to prevent leakage; gaskets required.

(b) Closures must be of bolted ring type made of not less than 10 gauge carbon steel with drop forged threaded lugs and ⅜" minimum diameter cap screw.

§ 78.110–7 Defective containers.

(a) Leaks and other defects shall be repaired by welding, using welding material of same composition as parts being repaired.

§ 78.110–8 Marking.

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–42F * * *; stars to be replaced by the authorized gross weight (for example, ICC–42F450, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches in thinnest part; rated capacity in gallons; and year of manufacture (for example, 11–50–52 or 0.0907–50–52). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 11/10–50–52 or 0.0907/0.1018–50–52 for body 11-gauge and head 10-gauge).

§ 78.110–9 Size of markings.

(a) Size of markings (minimum): ½" high for 33 gallons or less, ¾" for over 33 gallons.

§ 78.110–10 Type tests.

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam to strike on other circumferential seam; also an additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 30 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

§ 78.110–11 Leakage test.

(a) Each container shall be tested under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representatives of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Containers not required to be tested with heads in place, except that samples taken at random and closed as for use of each type and size, must be tested at start of production and repeated every 4 months. Samples so tested must be retained until further tests are made.

§ 78.111 Specification 42G; aluminum drums.

§ 78.111–1 Compliance.

(a) Required in all details.

§ 78.111–2 Rated capacity.

(a) Rated capacity as marked, see § 78.111–8(a)(3), 55 gallons; actual capacity shall be rated capacity plus at least 2 percent.

§ 78.111–3 Composition.

(a) Body and heads or drawn shells of aluminum alloy 5052, or an aluminum base alloy of equivalent corrosion resistance and physical properties.

§ 78.111–4 Outage.

(a) Two percent of rated capacity, plus a maximum tolerance of 2 quarts.

§ 78.111–5 Seams.

(a) Welded, including attachment of flanges for closures and other devices. Circumferential seam at least 3 inches from top of chime; chime seams not permitted.

§ 78.111–6 Parts and dimensions.

(a) At start of fabrication, aluminum alloy sheets shall have a minimum thickness of 0.102 inch and completed container shall have no wall thickness less than 0.081 inch.

(b) Rolled or swedged-in rolling hoops required.

(c) Footrings of suitable strength required and must be continuously welded around the outside periphery to the drum shell.

§ 78.111–7 Closures.

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3 inches not authorized; suitable gaskets required.

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 12 threads per inch, with at least 3 threads engaged when gasket is in place; two ⅝-inch drainage holes are authorized in flange.





§ 78.111–8 Marking.

(a) Marking on each container on top head, by stamping with pressure dies, by embossing with raised marks, or plate attached by welding, as follows:

(1) ICC–42G. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Gauge of metal, Brown and Sharpe or equivalent decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50 or 0.1442–30–50).

§ 78.111–9 Size of marking.

(a) Size of marking (minimum): ¾-inch high.

§ 78.111–10 Type tests.

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional tests on any other parts which might be considered weaker than the chime.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes.

§ 78.111–11 Leakage test.

(a) Each container shall be tested, unsupported, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Leaking or damaged drums shall be rejected or repaired and retested.

§ 78.111–12 Defective containers.

(a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

§ 78.112 Specification 42H; aluminum drums; removable head containers not authorized.

§ 78.112–1 Compliance.

(a) Required in all details.

§ 78.112–2 Rated capacity.

(a) Rated capacity as marked shall be 55 gallons, see § 78.112–10(a)(3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent.

§ 78.112–3 Composition.

(a) Body and heads shall be of aluminum alloy 5086–H32 or an aluminum base alloy of equivalent corrosion resistance and physical properties.

§ 78.112–4 Seams.

(a) Body seams welded.

(b) Head and chime seams welded or double-seamed.

§ 78.112–5 Chime reinforcement.

(a) Chime reinforcement required and shall be not less than 12-gauge galvanized steel commercial coating.

§ 78.112–6 Parts and dimensions.

(a) At start of fabrication, aluminum alloy sheets shall have a minimum thickness of 0.063 inch and completed container shall have no wall thickness less than 0.059 inch.

(b) Rolled or swedged-in rolling hoops required.

(c) Drum shall be of straight side type.

§ 78.112–7 Convex heads.

(a) Convex (crowned) heads, not extending beyond level of chime; minimum convexity of three-eighths inch required.

§ 78.112–8 Defective containers.

(a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

§ 78.112–9 Closures.

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3 inches not authorized; suitable gaskets required.

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 12 threads per inch, with at least 3 threads engaged when gasket is in place; two five-sixths inch drainage holes are authorized in flange.

§ 78.112–10 Marking.

(a) Marking on each container on head, by stamping with pressure dies, by embossing with raised marks, or plate attached by welding, as follows:

(1) ICC–42H. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Gauge of metal, decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 0.063–55–63).

§ 78.112–11 Size of marking.

(a) Size of marking (minimum): three-fourths inch high.

§ 78.112–12 Type tests.

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to

be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made or for one year, whichever period is shorter. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional tests on any other parts which might be considered weaker than the chime.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes.

**§ 78.112–13 Leakage test.**

(a) Each container shall be tested, unsupported, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Leaking or damaged drums shall be rejected or repaired and retested.

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type | Minimum | |
| | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| [3] | Straight side | [1] 24 | [1] 24 | None | | |
| 10 | do | 20 | 20 | do | | |
| 30 | do | 18 | 18 | (2) | | |
| 55 | do | 16 | 16 | (1 3) | | |

[1] Rolled or swedged in hoops.
[2] Each removable head drum body must have three rolled or swedged-in hoops with the centerline of one not more than 3 inches from the top curl.
[3] A drum of 5¼ gallons marked capacity is authorized for shipment of the commodity specified in §73.353 (d) of this chapter

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 16 | 0.0598 | 0.0533 |
| 18 | .0478 | .0428 |
| 20 | .0359 | .0324 |
| 24 | .0239 | .0209 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.115–7 Convex heads.**

(a) Convex (crowned) heads, not extending beyond level of chime, required for drums of 25 gallons capacity or over; minimum convexity of ⅜ inch required.

**§ 78.115–8 Closures.**

(a) Adequate to prevent leakage; gaskets required.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

**§ 78.115 Specification 17C; steel drums.**

Single trip container. Removable head containers which will pass all required tests are authorized.

**§ 78.115–1 Compliance.**

(a) Required in all details.

**§ 78.115–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.115–10(a)(3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

**§ 78.115–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.115–5 Seams.**

(a) Body seams welded.

**§ 78.115–6 Parts and dimensions.**

(a) Parts and dimensions as follows:

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over ⅛ inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place. Threaded closures having fewer threads are authorized for containers having a capacity of 12 gallons or less when such closures are approved by the Bureau of Explosives upon proof of satisfactory tests.

(d) Full removable head drums over 5 gallons capacity must be closed by means of 12 gauge bolted ring with drop forged lugs, one of which is threaded, and having ⅜ inch bolt and nut for drums not over 30 gallons capacity and ⅝ inch bolt and nut for drums over 30 gallons capacity. Five gallon drums must be of lug type closure with cover having at least 16 lugs. Equally efficient types of closures are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives.

**§ 78.115–9 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.115–10 Marking.**

(a) Marking on each container by embossing on head except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–17C. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17C–304 or ICC–17C–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.115–11 Size of markings.**

(a) Size of markings (minimum): ½" high for 33 gallons or less, ¾" for over 33 and not over 55 gallons.

**§ 78.115–12 Type tests.**

(a) Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes; except that full removable head drums must sustain 20 pounds per square inch.

**§ 78.115–13 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representatives of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required



to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

**§ 78.116 Specification 17E; steel drums.**

Single trip container. Removable head containers not authorized.

**§ 78.116–1 Compliance.**

(a) Required in all details.

**§ 78.116–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.116–10(a)(3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

**§ 78.116–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.116–5 Seams.**

(a) Body seams welded.

**§ 78.116–6 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type | Minimum | |
| | | | | | Size (gauge or inch) | Weight (pounds per foot) |
| 5 | Straight side | 24 | 24 | None | | |
| 10 | do | 22 | 22 | do | | |
| 30 | do | [1] 19 | 19 | (1) | | |
| 55 | do | [2] 18 | 18 | (1) | | |

[1] Rolled or swedged in hoops.
[2] 20 gauge authorized.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 18 | 0.0478 | 0.0428 |
| 19 | .0418 | .0378 |
| 20 | .0359 | .0324 |
| 22 | .0299 | .0269 |
| 24 | .0239 | .0209 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.116–7 Convex heads.**

(a) Convex (crowned) heads, not extending beyond level of chime, required for drums of 25 gallons capacity or over. Convexity to be minimum of ⅜".

**§ 78.116–8 Closures.**

(a) Adequate to prevent leakage; gaskets required.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container: *Provided*, That thinner metal closures or closures of other material are authorized for containers of 12 gallons capacity or less when opening to be closed is not over 2.7 inches in diameter and closures, except threaded metal closures, are fitted with outside sealing devices which cannot be removed without destroying the closure or sealing device (see paragraph (d) of this section).

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more threads; two drainage holes of not over 5/16 inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place: *Provided*, That for containers having a capacity of 12 gallons and less the seat (flange, etc.) for plug, or cap, must have two or more complete threads and plug, or cap, must have sufficient length of thread to engage two threads when screwed home with gasket in place.

(d) Closures of screw-thread type or closed by positive means, of any material or design, may be authorized by the Bureau of Explosives for use, upon satisfactory proof of efficiency.

**§ 78.116–9 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.116–10 Marking.**

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

(1) ICC–17E. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17E–304 or ICC–17E–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 12–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

**§ 78.116–11 Size of markings.**

(a) Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons.

**§ 78.116–12 Type tests.**

(a) Samples taken at random closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes.

**§ 78.116–13 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch for containers over 12 gallons capacity and at least 5 pounds for others. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.117 Specification 17F; steel drums.**

Single trip container. Removable head containers not authorized.

**§ 78.117–1 Compliance.**

(a) Required in all details.

**§ 78.117–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.117–11(a)(3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

**§ 78.117–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel. Steel to be as high as practicable in tensile strength, having no loose oxide or scale.

**§ 78.117–5 Seams.**

(a) **Body seams welded.**

(b) **Head and chime seams welded or double-seamed.**

(c) **Flanges for closures welded in place.**

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | Rolling hoops | | |
|---|---|---|---|---|---|---|
| | | Body sheet | Head sheet | Type | Minimum Size | Minimum Weight |
| 55 | Straight side | 16 | 16 | (1) | | |

[1] Rolled or swedged-in hoops. Use of I-bar hoops authorized.

(b) **Steel sheets of specified gauges shall comply with the following:**

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 12 | 0.1046 | 0.0946 |
| 16 | .0598 | .0533 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.117–8 Rolling hoops and convex heads.**

(a) **Rolling hoops to be expanded. Alternate use of I-bar hoops authorized.**

(b) ***Convex heads.*** **Convex (crowned) heads; minimum convexity to be ⅜ inch, with minimum chime height of ⅞ inch.**

**§ 78.117–9 Closures.**

(a) **Adequate to prevent leakage; gaskets required.**

(b) **Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.**

NOTE 1: **This does not apply to cap seal over a closure which complies with all requirements.**

(c) **Closure must be of screw-thread type or fastened by screw-thread device.**

(d) **One opening not over 2.3 inches and one opening not over ¾ inch allowed; both openings to be welded in one head only. Threads to be standard pipe thread of 11 threads per inch for the larger opening and 14 threads per inch for the ¾-inch opening.**

**§ 78.117–10 Defective containers.**

(a) **Leaks and other defects to be repaired by method used in constructing container, not by soldering.**

**§ 78.117–6 Chime reinforcement.**

(a) **Chime reinforcement required to be not less than 12 gauge (see § 78.117–7 (b)).**

**§ 78.117–7 Parts and dimensions.**

(a) **Parts and dimensions as follows:**

| Marked capacity not over (gallons) | Type of container | Minimum thickness, uncoated sheets (gauge) | | | Rolling hoops | | |
|---|---|---|---|---|---|---|---|
| | | Body sheet | Bottom head sheet | Removable head sheet | Type | Minimum Size (gauge or inch) | Minimum Weight (pounds per foot) |
| 5 | Straight side | 24 | 24 | 20 | None | | |
| 30 | do | 18 | 18 | 18 | (1) | | |
| 55 | do | 18 | 18 | [3]14 | (2) | | |

[1] Rolled or swedged in hoops.
[2] Each drum must have three rolled or swedged in hoops, one to be placed in the body near the top curl.
[3] 16 gauge authorized provided there are one or more corrugations in the cover near the periphery.

**§ 78.117–11 Marking.**

(a) **Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:**

(1) **ICC–17F. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17F–304 or ICC–17F–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.**

(2) **Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.**

(3) **Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 12–55–50).**

**§ 78.117–12 Size of markings.**

(a) **Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons.**

**§ 78.117–13 Type tests.**

(a) **Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:**

(1) **Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.**

(2) **Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.**

**§ 78.117–14 Leakage test.**

(a) **Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.**

**§ 78.118 Specification 17H; steel drums.**

Single-trip container. Removable head required.

**§ 78.118–1 Compliance.**

(a) **Required in all details.**

**§ 78.118–2 Rated capacity.**

(a) **Rated capacity as marked, see § 78.118–10(a)(3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.**

**§ 78.118–3 Composition.**

(a) **Sheets for body and heads to be low carbon, open hearth or electric steel.**

**§ 78.118–5 Seams.**

(a) **Body seams welded.**

**§ 78.118–6 Parts and dimensions.**

(a) **Parts and dimensions as follows:**



(b) **Steel sheets of specified gauge shall comply with the following:**

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 14 | 0.0747 | 0.0677 |
| 16 | .0598 | .0533 |
| 18 | .0478 | .0428 |
| 20 | .0359 | .0324 |
| 24 | .0239 | .0209 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.118–7 Convex heads.**

(a) **Convex (crowned) heads, not extending beyond level of chime, required for drums of 25 gallons capacity or over; minimum convexity of ⅜ inch required.**

**§ 78.118–8 Closures.**

(a) **Adequate to prevent leakage; gaskets required.**

(b) **Drums over 5 gallons capacity must be closed by means of 12 gauge bolted ring with drop forged lugs, one of which is threaded, and having ⅜ inch bolt and nut for drums not over 30 gallons capacity and ⅝ inch bolt and nut for drums over 30 gallons capacity. Five gallon drums must be of lug type closure with cover having at least 16 lugs. Equally efficient types of closures are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives.**

(c) **For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more threads; two drainage holes of not over 5/16 inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place: *Provided,* That for containers having a capacity of 12 gallons and less the seat (flange, etc.) for plug, or cap, must have two or more complete threads and plug, or cap, must have sufficient length of thread to engage two threads when screwed home with gasket in place.**

**§ 78.118–9 Defective containers.**

(a) **Leaks and other defects to be repaired by method used in constructing container, not by soldering.**

**§ 78.118–10 Marking.**

(a) **Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:**

(1) **ICC–17H. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17H–304 or ICC–17H–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.**

(2) **Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.**

(3) **Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 12–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).**

**§ 78.118–11 Size of markings.**

(a) **Size of markings (minimum): ½" high for 33-gallon or less, ¾" for over 33 and not over 55 gallons.**

**§ 78.118–12 Type tests.**

(a) **Samples taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:**

(1) **Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.**

(2) **Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes.**

**§ 78.118–13 Leakage test.**

(a) **Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch for containers over 12 gallons capacity and at least 5 pounds for others. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.**

**§ 78.119 Specification 17X; steel barrels or drums.**

Single trip container. Removable head containers not authorized.

**§ 78.119–1 Compliance.**

(a) **Required in all details.**

**§ 78.119–2 Rated capacity.**

(a) **Rated capacity as marked, see § 78.119–70(a)(3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.**

**§ 78.119–3 Composition.**

(a) **Sheets for body and heads to be low carbon, open hearth or electric steel.**

**§ 78.119–5 Seams.**

(a) **Body seams welded.**

(b) **Head and chime seams welded or double-seamed.**

**§ 78.119–6 Parts and dimensions.**

(a) **Parts and dimensions as follows:**

| Marked capacity not over (gallons) | 30 | 55. |
|---|---|---|
| Type of container | Straight side | Straight side. |
| Minimum thickness, uncoated sheets [1] | Body sheet: 19 [2] | Body sheet: 18 [3]. |
| Gauge | Head sheet: 19 [2] | Head sheet: 18 [3]. |
| Type of rolling hoops | Rolled or swedged in hoops | Rolled or swedged in hoops. |

[1] Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.
[2] 19 gauge steel shall have nominal thickness of 0.0418 inch and minimum thickness of 0.0378 inch.
[3] 18 gauge steel shall have nominal thickness of 0.0478 inch and minimum thickness of 0.0428 inch.

**§ 78.119–7 Flat or convexed heads.**

(a) **When heads are convexed (crowned) they shall not extend within ¼ inch of the chime level; maximum convexity 18/32 inch for 55-gallon drums.**

**§ 78.119–8 Closures.**

(a) **Adequate to prevent leakage; gaskets required. Closure must be of screw-thread type or fastened by screw-thread device.**

(b) **Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3" diameter and the closing part is constructed, or fitted with sealing device, so that it cannot be removed without destroying it or the sealing device.**

NOTE 1: **This does not apply to a cap seal over a closure when closure complies with all requirements.**

(c) **For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 5/16" diameter are allowed only in flanges having at least 5 threads. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place.**

**§ 78.119–9 Defective containers.**

(a) **Leaks and other defects to be repaired by method used in constructing containers, not to be soldered.**

**§ 78.119–10 Marking.**

(a) **Marking on each container by embossing on head with raised marks as follows:**

(1) ICC–17X. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17X–304 or ICC–17X–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 18–55–50).

(4) Steel barrels or drums manufactured prior to March 31, 1941, which are in compliance with this specification except as to marking may be accepted as permitted by § 73.22 of this chapter without necessity of having the marking embossed on the head in raised letters. This shipping paper shall, however, certify that the drum is in compliance.

**§ 78.119–11 Size of markings.**

(a) Size of markings (minimum): ¾ inch high.

**§ 78.119–12 Type tests.**

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping filled with water to 98 percent capacity from height of 4 feet onto solid concrete, so as to strike diagonally on chime seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes.

**§ 78.119–13 Leakage test.**

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

**§ 78.130 Specification 37K; steel drums.**

Single trip container. Removable head containers which will pass all required tests are authorized.

**§ 78.130–1 Compliance.**

(a) Required in all details.

**§ 78.130–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.130–8(a)(3). Actual capacity not less than rated (marked) capacity plus 2 percent, not greater than rated capacity plus 2 percent plus 1 quart.

**§ 78.130–3 Composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.130–5 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Welded side seam required | Minimum thickness uncoated sheets (gauge) | |
|---|---|---|---|---|---|
| | | | | Body sheet | Head sheet |
| 55 | 275 | Straight side | Yes | 22 | 22 |

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 22 | 0.0299 | 0.0269 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.130–6 Closure required.**

(a) Adequate to prevent leakage; to be of bolted ring or lever lock ring types only; sponge rubber gaskets required; flowed-in gaskets not permitted.

**§ 78.130–7 Defective containers.**

(a) Leaks and other defects to be repaired by method used in constructing container, not by soldering.

**§ 78.130–8 Marking.**

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–37K275. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 18–55–50). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12–55–50 for body 14 gauge and head 12 gauge).

(4) The letters STC; located near the ICC mark to indicate "single-trip container".

**§ 78.130–9 Size of markings.**

(a) Size of markings (minimum): ½" high for 30-gallon or less, ¾" for over 30 gallons.

**§ 78.130–10 Type test.**

(a) Samples, taken at random and closed as for use, shall withstand prescribed test without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Sample last tested to be retained until further tests are made. The type test is as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

**§ 78.131 Specification 37A; steel drums.**

Single trip container. Removable head required.

**§ 78.131–1 Compliance.**

(a) Required in all details.

**§ 78.131–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.131–9(a)(2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent for containers not over 12 gallons capacity. Maximum actual capacity of containers not over 12 gallons capacity shall be not greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater; for others, minimum actual capacity shall be not less than rated (marked) capacity plus 2 percent and maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent or rated (marked) capacity plus 2 percent plus 1 quart whichever is the greater.

**§ 78.131–3 Composition.**

(a) Sheets for body and heads to be hot-rolled or cold-rolled, low carbon, open-hearth or electric steel or standard commercial quality.

**§ 78.131–5 Seams.**

(a) Side seams must be welded; or locked and soldered when 28-gauge tin plate is used for containers of 2-gallon capacity or less.

**§ 78.131–6 Capacities, weights, type, and gauges.**

(a) Capacities, weights, type, and gauges must be as follows:



| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Minimum thickness, uncoated sheets [1] (gauge) | | Minimum ring gauge bolted type [2] |
|---|---|---|---|---|---|
| | | | Body sheet [3] | Head sheet | |
| 2 | 40 | Straight side | 28 | 28 | Lug. |
| 5 | 60 | do | 26 | 26 | |
| 5 | 80 | do | 24 | 24 | Lug or plain ring seal. |
| 10 | 160 | do | 24 | 24 | |
| 55 | 150 | do | 26 | 26 | 18, plain. |
| 55 | 275 | do | 24 | 24 | Do. |
| 55 | 350 | do | 24 | 24 | 16, 2 inch overlap. |
| 55 | [4] 480 | do | 22 | 22 | Do. |

[1] All gauges specified are minimum except as provided by Part 73 of this chapter. Heavier (but not lighter) gauges may be specified if shipper so desires.
[2] Equally efficient closing devices may be authorized by the Bureau of Explosives upon demonstration of their ability to withstand tests prescribed in § 78.131–11.
[3] Containers of 16 gallons capacity and over must have 2 swedged or corrugated rolling hoops of sufficient height to clear the closing device when the drum is rolled.
[4] A gross weight of 490 pounds is authorized when defined by Part 73 of this chapter (see § 73.164 (a)(2) of this chapter).

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 22 | 0.0299 | 0.0269 |
| 24 | .0239 | .0209 |
| 26 | .0179 | .0159 |
| 28 | 0.0149 | 0.0129 |

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

**§ 78.131–7 Closures.**

(a) Closures of the type specified in the above table adequate to prevent leakage; gaskets required, all closures to be of the full-removable head type. Curl at top of shell for all drums 30 gallons capacity and larger must have a minimum diameter of 7/16 inch, and so made as to form a circular section with the under portion substantially in contact with the vertical shell. The removable head must have a minimum depth of ¾ inch and the cover bib must be large enough to extend to the horizontal center line of the top curl when the drum is sealed with the gasket in place. Drums of less than 30 gallons capacity may be made with an outside curl diameter of ⅜ inch minimum and a head depth of ¾ inch minimum; except that for drums less than 16 gallons capacity the outside curl diameter may be 9/32 inch and the cover depth may be ⅜ inch minimum.

(b) The closing ring must be so constructed that the bottom leg will extend well inside the vertical center line of the shell curl but must not touch the shell (recommended clearance is 1/16 inch minimum, 9/32 inch maximum) when sealed for usage. The top leg of the locking ring must have sufficient length to extend well inside the vertical center line of the curl on the shell. Closing rings must have a 2 inch overlap at joint when gross weight of drum exceeds 275 pounds. Overlap is not required for drums of 275 pounds or less gross weight. The clearance between ends of rings without overlap should be a minimum of ⅛ inch and a maximum of ½ inch.

(c) Closures or fittings in the removable head of any type capable of withstanding test prescribed by § 78.131–11 are authorized.

**§ 78.131–8 Defective containers.**

(a) Defective containers to be repaired by method used in constructing container. Soldering not authorized, except for tin plated steel as authorized by § 78.131–5.

**§ 78.131–9 Marking.**

(a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–37A * * *. Stars to be replaced by the authorized gross weight, or less, at which the container was type tested (for example, ICC–37A150). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 24–55–54). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 22/24–55–54 for a container having 22 gauge body, 22 gauge bottom head and 24 gauge top head).

(3) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(4) The letters STC; located near the ICC mark to indicate "single-trip container".

**§ 78.131–10 Size of markings.**

(a) Size of markings, not less than ½ inch high for all containers.

**§ 78.131–11 Type test.**

(a) Samples, taken at random and closed as for use, shall withstand prescribed test without leakage. Tests to be made of each type and size by each company starting productions and to be repeated every four months. Samples last tested to be retained until further tests are made. The type test is as follows:

(b) Test by dropping on top chime, or other part considered to be weaker, with drum filled to normal loading depth and to the gross weight at which container is marked with dry powdered material, and topped with at least two inches of a finely divided, dry, free-flowing powder of the following sieve analysis:

% retained on 42 mesh = Trace (max.).
% retained on 50 mesh = 3% (max.).
% retained on 100 mesh = 88% (min.).

A material such as sodium bicarbonate is recommended. Container shall be dropped from a height of 4 feet onto solid concrete so as to strike diagonally on the chime and so positioned when equipped with bolted ring type closure that crush pattern will terminate at closure joint. Closing devices and other parts projecting beyond chime or rolling hoops must be capable of withstanding this test. No disc or material other than regular gaskets in closure part is permitted for test purposes.

**§ 78.132 Specification 37B; steel drums.**

Single trip container. Removable head not authorized.

**§ 78.132–1 Compliance.**

(a) Required in all details.

**§ 78.132–2 Rated capacity.**

(a) Rated capacity as marked, see § 78.132–9(a)(2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent for containers not over 12 gallons capacity. Maximum actual capacity of containers not over 12 gallons capacity shall be not greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater; for others, minimum actual capacity shall be not less than rated (marked) capacity plus 2 percent and maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent or rated (marked) capacity plus 2 percent plus 1 quart whichever is the greater.

**§ 78.132–3 Composition.**

(a) Sheets or body and heads to be hot-rolled or cold-rolled, low carbon, open hearth, or electric steel of standard commercial quality.

**§ 78.132–5 Seams.**

(a) Side seams may be welded, Gordon lock, or other equally efficient construction.

**§ 78.132–6 Capacities, weights, type and gauges.**

(a) Capacities, weights, type and gauges must be as follows:

| Marked capacity not over (gallons) | Authorized gross weight not over (pounds) | Type of container | Minimum thickness, uncoated sheets (gauge) | |
|---|---|---|---|---|
| | | | Body sheet [1] | Head sheet |
| 5 | 60 | Straight side | 28 | 28 |
| 55 | 275 | do | 26 | 26 |
| 55 | 450 | do | 24 | 24 |
| 55 | 660 | do | 22 | [2] 22 |

[1] Containers of 16 gallons capacity and over must have small or series corrugations rolled into the shell or 2 swedged or corrugated rolling hoops.
[2] Twenty-four (24) gauge top head and cover authorized.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 22 | 0.0299 | 0.0269 |
| 24 | .0239 | .0209 |
| 26 | .0179 | .0139 |
| 28 | .0149 | .0129 |

[1] Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

**§ 78.132–7 Closures.**

(a) Closures shall be of any type that will withstand prescribed drop tests without leakage, see § 78.132–11. Openings shall not exceed 9 inches in diameter in containers of 16-gallon capacity and larger nor 6½ inches in diameter in containers less than 16-gallon capacity. Larger openings may be authorized upon demonstration and proof of satisfactory closure test to the Bureau of Explosives. Gaskets required when necessary.

**§ 78.132–8 Defective containers.**

(a) To be repaired by method used in constructing container except that Gordon lock, or other similarly constructed seam must be welded. Soldering not authorized.

**§ 78.132–9 Marking.**

(a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

(1) ICC–37B * * *. Stars to be replaced by the authorized gross weight, or less at which container was type tested (for example, ICC–37B450, etc.). This marking shall be understood to certify that the container complies with all specification requirements.

(2) Gauge of metal in thinnest part (except closure cover), rated capacity in gallons, and year of manufacture (for example, 24–55–54). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 22/24–55–54 for a container having 22-gauge body, 22-gauge bottom head and 24-gauge top head).

(3) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(4) The letters STC; located near the ICC mark to indicate "single-trip container".

**§ 78.132–10 Size of markings.**

(a) Size of markings (minimum), not less than ½ inch high for all containers.

**§ 78.132–11 Type test.**

(a) Samples, taken at random and closed as for use, shall withstand prescribed test without leakage. Test to be made of each type and size by each company starting production and to be repeated every four months. Sample last tested to be retained until further tests are made. The type test is as follows:

(b) Test by dropping on top chime, filled with dry finely powdered material to the gross weight at which container is marked, from a height of 4 feet onto solid concrete so as to strike diagonally on the chime and so positioned as to strike, in the case of offset openings, at the point on the chime nearest the opening. Closing devices and other parts projecting beyond chimes must also be capable of withstanding this test.

**§ 78.133 Specification 37P; steel drums with polyethylene liner.**

Nonreusable containers.

**§ 78.133–1 Compliance.**

(a) Required in all details.

**§ 78.133–2 Rated capacity of assembled composite containers.**

(a) Rated capacity as marked, see § 78.133–9. Minimum actual capacity of containers shall be not less than rated (marked) capacity, plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity, plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

**§ 78.133–3 Steel composition.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.133–4 Seams.**

(a) Side seams welded.

(b) Chime of permanent head, double seamed.

**§ 78.133–5 Parts and dimensions for steel drums.**

(a) Parts and dimensions for steel drums shall be as follows:

| Drums for plastic liner of rated capacity not over (gallons) | Type of container [1] [2] | Body sheet (gauge) | Bottom head sheet (gauge) | Removable head sheet (gauge) | Type of removable head closure |
|---|---|---|---|---|---|
| 5 | Straight side, single bead | 26 | 26 | 24 | Ring seal, bolted ring, lug cover. |
| 6½ | Straight side, single bead | 24 | 24 | 24 | Ring seal, bolted ring, lug cover. |
| 15 | Straight side [3] | 22 | 22 | [4] 19 | Ring seal, bolted ring, lug cover. |

[1] Drum interior shall be free of projections, burrs, or any edges that will cause damage to liners, and shall be free of lubricants, oil or other foreign matter. Drum shall provide a snug fit for the plastic liner.
[2] One hole not over 3/16 inch in diameter permitted in body or a head, or two 3/8 inch holes in bottom head near the chime.
[3] For containers up to 10 gallons capacity, a single rolled or swedged bead in body near top curl required; for containers of 10 gallons and greater capacity, 2 rolled or swedged rolling hoops in drum body required.
[4] Twenty (20) gauge authorized.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 19 | 0.0418 | 0.0378 |
| 20 | .0359 | .0324 |
| 22 | .0299 | .0269 |
| 24 | .0239 | .0209 |
| 26 | .0179 | .0159 |

[1] Thickness shall be measured at any point on the sheet not less than 3/8 inch from edge.

**§ 78.133–6 Liner.**

(a) Each metal drum shall contain a contour fitting polyethylene liner having heat-sealed seams or a one-piece seamless molded polyethylene unit, attached to the pour opening in the removable head so as to provide a container that is completely resistant to lading when closed as for use.

(b) Polyethylene liner or molded unit shall be fabricated throughout of virgin polyethylene tubing or mold material, which may include a low percentage of elastomeric polymer having minimum thickness of 0.010 inch and having the following physical properties:

(1) Resin should have a maximum melt index value of 1.8 plus 0.4 per 10 minutes, and shall have a minimum average molecular weight of 21,000, as determined in accordance with methods acceptable to the Bureau of Explosives.

**§ 78.133–7 Closure.**

(a) Closure shall be resistant to lading and adequate to prevent leakage. Openings in removable head shall not be over 2.85 inches in diameter. Venting closures are permitted when required by Part 73 of this chapter.

**§ 78.133–8 Defective containers.**

(a) Repaired polyethylene liners are not authorized.

**§ 78.133–9 Marking.**

(a) Marking on the permanent head of each container by embossing with raised marks as follows:

(1) ICC–37P. The letters NRC located just above or below the ICC mark to indicate a nonreusable container. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity of assembled composite container in gallons, and year of manufacture (for example, 24–5–57). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 26/24–5–57 for body 26-gauge and head 24-gauge).

**§ 78.133–10 Size of markings.**

(a) Size of markings (minimum) ½ inch high.

**§ 78.133–11 Type tests.**

(a) Three samples of each size container manufactured taken at random, filled with water to 98 percent of actual capacity and closed as for use, shall



withstand drop tests from height of 4 feet onto solid concrete as prescribed by subparagraphs (1), (2) and (3) of this paragraph, without leakage or potentially hazardous rupture of outside container. Tests shall be made at start of production and repeated at 4-month intervals thereafter. Samples last tested shall be retained until subsequent tests are conducted. No single container shall be expected to withstand more than one of the following:

(1) Diagonal drop on top chime.
(2) Diagonal drop on bottom chime.
(3) Flat drop on side of drum.

(b) Completely assembled composite containers of each size manufactured, filled to 98 percent of actual capacity with water, shall be capable of withstanding a vibration test by placing the container on the vibration table anchored in such manner that all horizontal motion shall be restricted and only vertical motion allowed. The test shall be performed for one hour using an amplitude of one inch at a frequency that causes the test container to be raised from the floor of the table to such a degree that a piece of paper or flat steel strap or tape can be passed between the table and the container.

**§ 78.133–12 Test.**

(a) Each assembled container shall be tested by retaining at least 1½ pounds per square inch air presure at equilibrium without showing pressure drop on a suitable gauge.

**§ 78.134 Specification 37M; cylindrical steel overpack, straight sided for inside plastic container; nonreusable containers.**

**§ 78.134–1 Material requirements.**

(a) Sheets for body and heads to be low carbon, open hearth or electric steel.

**§ 78.134–2 Construction requirements.**

(a) Construction requirements are as follows:

| Rated capacity of inside plastic container not over (gallons) | Minimum thickness, uncoated sheets (gauge) | | Body seams | Rolling hoops | Top or bottom head | Closures, when full removable head is used (gaskets not required) |
|---|---|---|---|---|---|---|
| | Body sheet | Head sheet | | | | |
| 5 | 26 | 26 | Welded | None required | Double seamed | Lug or plain ring seal. |
| 15 | 24 | 24 | do | Rolled or swedged | do | Do. |
| 30 | 24 | 24 | do | do | do | Bolted type ring closure, 18 gauge. |
| 55 | 24 | 24 | do | do | do | Bolted type ring closure, 16 gauge. |

(b) Steel sheets or parts of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness (inch) [1] | Minimum thickness (inch) [1] |
|---|---|---|
| 16 | 0.0598 | 0.0533 |
| 18 | .0478 | .0428 |
| 24 | .0239 | .0209 |
| 26 | .0179 | .0159 |

[1] Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

(c) Two holes not exceeding ¼ inch each are permitted diametrically opposite each other in the overpack body immediately above the double seam of the bottom chime or three holes not exceeding 5/16 inch in diameter on centers 120 degrees apart in the bottom head.

(1) Overpack interior shall be free of projections, burrs, or any edges that might cause damage to inside plastic container and shall be free of lubricants, oils, or any foreign matter.

(2) Top head may have not more than two holes of suitable size to provide for protruding closures.

(3) Overpack shall be constructed to provide snug fit for inside plastic container.

**§ 78.134–3 Tests.**

(a) Steel overpack when assembled as for use, shall withstand the tests prescribed in specifications for inside plastic containers as detailed in Part 78 when authorized as combination packages in Part 73 of this chapter. The completed package must withstand these tests without producing a condition of the overpack that could result in potential damage to the inside container.

**§ 78.134–4 Marking.**

(a) Marking on each container by embossing on bottom head with raised marks with letter and figures not less than ½ inch high as follows:

(1) ICC–37M. The letters NRC located near the ICC mark to indicate "Non-reusable container." These marks shall be understood to certify the steel container complies with all construction requirements of this specification.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity of the inside container in gallons, and year of manufacture (for example, 24–55–62). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 24/22–55–62 for a container having 24-gauge body and 22-gauge top head).

**§ 78.135 Specification 37C; steel drums.**

Nonreusable container. Removable head required.

**§ 78.135–1 Compliance.**

(a) Required in all details.

**§ 78.135–2 Rated capacity.**

(a) Rated capacity as marked (see § 78.135–8). Maximum actual capacity of containers shall be not greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

**§ 78.135–3 Composition.**

(a) Sheets for body and heads to be hot-rolled or cold-rolled, low carbon, open-hearth or electric steel of standard commercial quality.

**§ 78.135–4 Seams.**

(a) Side seams must be welded.

**§ 78.135–5 Capacities, weights, type and gauges.**

(a) Capacities, weights, type and gauges must be as follows:

| Marked capacity not over (gallon) | Authorized gross weight not over (pounds) | Type of container | Minimum thickness, uncoated sheets (gauge) | | |
|---|---|---|---|---|---|
| | | | Body sheet | Bottom head sheet [1] | Removable head sheet [2] [3] |
| 5 | 80 | Straight side. | 28 | 28 | 26 |

[1] Bottom head must have three inwardly-embossed circumferential beads.
[2] Removable head must have two inwardly-embossed circumferential beads.
[3] Removable head must have not less than 16 lugs spaced not more than ¾ inch apart.

(b) Steel sheets of specified gauges shall comply with the following:

| Gauge No. | Nominal thickness [1] (inch) | Minimum thickness [1] (inch) |
|---|---|---|
| 26 | 0.0179 | 0.0159 |
| 28 | 0.0149 | 0.0129 |

[1] Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

**§ 78.135–6 Closures.**

(a) Closures shall be capable of withstanding test prescribed by § 78.135–10. Removable head may be equipped with leakproof fittings for filling.

**§ 78.135–7 Defective containers.**

(a) Defective containers to be repaired by method used in constructing container.

**§ 78.135–8 Marking.**

(a) Marking on each container by embossing on the permanent head as follows:

(1) ICC–37C**. Stars to be replaced by the authorized gross weight, or less, at which container was type tested (for example, ICC–37C80). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Gauge of metal in thinnest part, rated capacity, and year of manufacture (for example, 26–5–64). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 28/26–5–64) for a container having 28-gauge body, 28-gauge bottom head, and 26-gauge removable head.

(3) Name or symbol (letters) of maker or other party assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

(4) The letters NRC; located near the ICC mark to indicate "nonreusable container."

**§ 78.135–9 Size of markings.**

(a) Size of markings, not less than ½ inch for all containers.

§ 78.135–10 Type test.

(a) Samples, taken at random and closed as for use, shall withstand prescribed test without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type test is as follows:

(b) Test by dropping on top chime, or other part considered to be weaker, with drum filled to normal loading depth and to the gross weight at which container is marked with dry powdered material, and topped with at least two inches of a finely divided, dry, free-flowing powder of the following sieve analysis:

Percent retained on 42 mesh—Trace (maximum).
Percent retained on 50 mesh—3 percent (maximum).
Percent retained on 100 mesh—88 percent (minimum).

A material such as sodium bicarbonate is recommended. Container shall be dropped from a height of 4 feet onto solid concrete so as to strike diagonally on the chime. Closing devices and other parts projecting beyond chime or rolling hoops must be capable of withstanding this test. No disc or material other than regular gaskets in closure part is permitted for test purposes.

§ 78.136 Specification 42E; aluminum drums.

Single-trip container.

§ 78.136–1 Compliance.

(a) Required in all details.

§ 78.136–2 Rated capacity.

(a) Rated capacity as marked, see § 78.136–9(a)(3), 55 gallons; actual capacity shall be rated capacity plus at least 2 percent.

§ 78.136–3 Composition.

(a) Body and heads of aluminum alloy 5052. Plastic closure plugs authorized if suitably resistant to action of lading.

§ 78.136–4 Outage.

(a) Two percent of rated capacity, plus a maximum tolerance of 1 quart.

§ 78.136–5 Seams.

(a) Welded, including attachment of flanges for closures and other devices. Circumferential seams at last 3" from top of chime; chime seams not permitted.

§ 78.136–6 Parts and dimensions.

(a) To be a minimum of 0.064 inch thick.

(b) Rolled or swedged in rolling hoops required.

§ 78.136–7 Closures.

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3 inches not authorized; suitable gaskets required; head openings only permitted. Vented closing devices of type approved by the Bureau of Explosives are authorized when specified by the purchaser.

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 12 threads per inch, with at least 3 threads engaged when gasket is in place; two 5/16-inch drainage holes are authorized in flange.

§ 78.136–8 Head rings.

(a) Must be of 14 Brown and Sharpe gauge (0.064") tack-welded to each head.

§ 78.136–9 Marking.

(a) Marking on each container on top head, by stamping with pressure dies, by embossing with raised marks, or plate attached by welding, as follows:

(1) ICC–42E. This mark shall be understood to certify that the container complies with all specification requirements. The letters STC; located just below or above the ICC mark to indicate "single-trip container".

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

§ 78.136–10 Size of marking.

(a) Size of marking (minimum): 1 inch high.

§ 78.136–11 Type tests.

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional test on any other parts which might be considered weaker than the chime.

(2) Hydrostatic pressure test of 60 pounds per square inch sustained for 5 minutes.

§ 78.136–12 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 10 pounds per square inch. Leakers shall be rejected or repaired and retested.

§ 78.136–13 Defective containers.

(a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

§ 78.140 Specification 13; metal kegs.

§ 78.140–1 Compliance.

(a) Required in all details.

§ 78.140–2 Composition.

(a) To be open-hearth or electric steel, box annealed dead soft; carbon not over 0.14 percent.

§ 78.140–3 Parts and dimensions.

(a) Parts and dimensions as follows:

| | Gross weight of kegs and contents | | | |
|---|---|---|---|---|
| | Not over 15 pounds | Not over 30 pounds [1] | Over 30 pounds but not over 75 pounds | Over 75 pounds but not over 150 pounds |
| Thickness of material: | | | | |
| Body | 29 gauge | 28 gauge | 24 gauge | 24 gauge. |
| Head | do | do | 28 gauge | 28 gauge. |
| Width of lap for side seam [2] | 5/16 inch | 7/16 inch | 7/16 inch | ½ inch. |
| Number of corrugations in each end of body | 3 | 3 | 5 | 7. |
| Minimum depths of corrugations | 1/16 inch | 3/32 inch | 3/32 inch | 3/32 inch. |
| Width of laps on body and head seams [2] | 3/16 inch | 3/16 inch | 3/16 inch | 5/16 inch. |
| Width of laps on head for head seams [2] | 5/16 inch | 5/16 inch | 5/16 inch | ¾ inch. |
| Head seams | Double lap | Double lap | Double lap | Single lap. |

[1] Smokeless powder 32 pounds gross.
[2] Dimension requirements do not apply for kegs manufactured with double-seamed, compound-lined chime seams and lapped and soldered side seam.
NOTE: Dimensions of materials specified are minimum requirements. Gauge specified is for commercial plate, United States standard. Corrugations not required in body of kegs for gross weights not over 7 pounds.

§ 78.140–4 Seams.

(a) For gross weight over 75 pounds, all seams welded, brazed, soldered, or riveted; rivets at not over 5" centers.

§ 78.140–5 Closures.

(a) *Slide type.* Metal holder, for slide, securely fastened to head; washer of suitable material 0.025" thick; metal drop with depression to fit into bunghole and hold washer in place; metal slide to cover the foregoing. Positive fastening required between slide and slide holder to prevent leakage in transit; friction fastening not authorized.

(b) *Cap or plug type.* Metal holder, for cap or plug, securely fastened to head; metal cap or plug, with gasket when necessary to prevent sifting. Positive fastening required between cap, or plug, and holder to prevent leakage in transit; friction fastening not authorized.

§ 78.140–6 Marking.

(a) Marking on each container by embossing on head with raised marks as follows:

(1) ICC–13. This mark shall be understood to certify that the container complies with all specification requirements.

§ 78.140–7 Size of markings.

(a) Size of markings (minimum): 5/16" high.



§ 78.140–8 Type test.

(a) Keg filled with fine, dry sand in weight equal to that of shipment must be capable of withstanding, without leakage, 4 successive drops of 4 feet on the head onto solid concrete. Tests to be made of each type and size by each company manufacturing this type of container and to be repeated every six months while in production. If production is discontinued and is resumed, this requirement will also apply if prescribed tests have not been made within the previous six-month period. Samples last tested to be retained until further tests are made.

§ 78.140–9 Filling with contents.

(a) *Lining.* Cloth bag lining required for gross weight over 32 pounds; neck of bag to be securely tied.

§ 78.140–10 Additional keg.

(a) *Stove-pipe keg.* Authorized only for shipments loaded by shipper and to be unloaded by consignee and for gross weight of 30 pounds. Must comply with all requirements, except § 78.140–5, and also with the following:

(1) Length to be about 4 times diameter; cap (slip cover) to have snug fit over body with 3" overlap.

(2) Contents to be enclosed in double paper tubes, with pasted seams, not over 2½" diameter and made of tough manila paper weighing at least 50 pounds per 480 sheets 24" x 36"; outside tube to be waxed. Ends of tubes to be folded and tucked between folds of tube to prevent leakage.

NOTE 1: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

§ 78.141 Specification 13A; metal drums.

§ 78.141–1 Compliance.

(a) Required in all details.

§ 78.141–2 Type.

(a) Straight sided; authorized only for material cast solid and with filling end head applied after material is loaded and closed in the manner prescribed in § 78.141–6. No other openings permitted.

§ 78.141–3 Composition.

(a) To be low carbon, open-hearth or electric steel.

§ 78.141–4 Heads and body.

(a) *Heads.* To be not less than 28 gauge United States standard.

(b) *Body.* To be not less than 28 gauge United States standard.

§ 78.141–5 Seams.

(a) Must be welded.

§ 78.141–6 Heads.

(a) To be attached by means of double lapped-seam.

§ 78.141–7 Marking.

(a) Marking on each container by embossing on head with raised marks as follows:

(1) ICC–13A. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Size of markings (minimum): 5/16 inch high.

§ 78.141–8 Type tests.

(a) Drum filled and closed as for shipment must be capable of withstanding, without rupture, 4 successive drops of 4 feet on the head onto solid concrete.

(b) Drum must be capable of withstanding hydrostatic pressure test of 30 pounds per square inch, sustained for 5 minutes.

(c) Tests to be made of each type and size by each company manufacturing this type of container and to be repeated every six months while in production. If production is discontinued and is resumed, this requirement will also apply if prescribed tests have not been made within the previous six-month period. Samples last tested to be retained until further tests are made.

§ 78.146 Specification 32A; metal cases, riveted or lock-seamed.

§ 78.146–1 Compliance.

(a) Required in all details.

§ 78.146–2 Gauge standards.

(a) United States standards for sheet metal; American or Brown and Sharpe for wire.

§ 78.146–3 Covers.

(a) To have at least 1" lap on body and to fit with clearance not over 1/32"; lapped corners to be welded.

§ 78.146–4 Edge protection.

(a) Open edges of body must be turned or rolled inward; front open edge of cover must be turned or rolled outward. Not required for material at least 20-gauge thick or for "trailer" cases.

§ 78.146–5 Bottom protection.

(a) Face on which case will ordinarily rest must be reinforced with continuous angle straps, or be fitted with trunk corners, or be double thickness along edges. Not required for cases of at least 20-gauge metal or of not over 1 reel capacity or for "trailer" cases.

§ 78.146–6 Hinges.

(a) To be of continuous loop type with loops of steel wire at least 7-gauge, welded; hinge straps at least 18-gauge securely welded or riveted.

§ 78.146–7 Carrying handles.

(a) Any type of adequate strength.

§ 78.146–8 Closing devices.

(a) To be of sufficient strength and efficiency to prevent injury or unfastening in tests (§ 78.146–14) or in transit.

§ 78.146–9 Rivets.

(a) At least 5/32" diameter; length to furnish efficient heads; split rivets not authorized except for attachment of lining.

§ 78.146–10 Rivet reinforcement.

(a) Hinges, fastening devices, and handles, when riveted in place, must have additional inside reinforcement of steel, at least as thick as in case, through which rivets must pass. Not required when case is made of at least 20-gauge material throughout.

§ 78.146–11 Lining.

(a) Required throughout; to be hard-surfaced fiberboard at least 0.125" thick and with strength of 800 pounds, Mullen or Cady test, or wooden lining at least 0.25" thick.

§ 78.146–12 Metal partitions.

(a) Metal partitions (when used) to be as thick as body of case, permanently fastened to the case, and lined the same as the case.

§ 78.146–13 Protective coating.

(a) Steel cases must be of galvanized material or protected from corrosion by paint, lacquer, or other adequate coating.

§ 78.146–14 Type tests.

(a) Cases completely filled as for shipment must be capable of withstanding 4 successive drops onto solid concrete from a height of 6 feet without rupture of case or permanent damage to or unfastening of closing device. Tests to be made by dropping on cover, seam, or any corner.

§ 78.146–15 Marking.

(a) Marking on each container by the maker with plain and permanent marks at least ½" high as follows:

(1) ICC—32A. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

§ 78.146–16 Cases with capacity (approx.) not over 9,000 feet of 1⅜" film.

(a) Compliance with §§ 78.146–1 to 78.146–15 required. Seams to be lock-seams or riveted. Material to be steel, at least 20-gauge. 2 hinges, 1 fastening device, and 1 carrying handle required.

§ 78.146–17 Cases with capacity (approx.) not over 8,000 feet of 1⅜" film or 4,500 feet of 2½" film.

(a) Construction as in § 78.146–16, except: 22-gauge material authorized; 1 hinge authorized for single-reel cases.

§ 78.146–18 Cases with capacity not over 1 reel of 10" diameter.

(a) Construction as in § 78.146–16, except: 24-gauge material and 1 hinge authorized.

§ 78.146–19 Cases with capacity not over 500 feet of film, "Trailer Cases".

(a) Construction as in § 78.146–16, except: 26-gauge material and 1 hinge of any type authorized.

§ 78.147 Specification 32B; metal cases, welded or riveted.

§ 78.147–1 Compliance.

(a) Required in all details.

§ 78.147–2 Gauge standards.

(a) United States standard for sheet metal; American or Brown and Sharpe for wire.

§ 78.147–3 Covers.

(a) To have at least 1" lap on body and to fit with clearance not over 1/32"; lapped corners to be welded.

§ 78.147–4 Edge protection.

(a) Open edges of body must be turned or rolled inward; front open edge of cover must be turned or rolled outward. Not required for material at least 20-gauge thick or for "trailer" cases.

§ 78.147–5 Bottom protection.

(a) Face on which case will ordinarily rest must be reinforced with continuous angle straps, or be fitted with trunk corners, or be double thickness along edges. Not required for cases of at least 20-gauge metal or of not over 1 reel capacity or for "trailer" cases.

§ 78.147–6 Hinges.

(a) To be of continuous loop type with loops of steel wire at least 7-gauge, welded; hinge straps at least 18-gauge securely welded or riveted.

§ 78.147–7 Carrying handles.

(a) Any type of adequate strength.

§ 78.147–8 Closing devices.

(a) To be of sufficient strength and efficiency to prevent injury or unfastening in tests (§ 78.147–14) or in transit.

§ 78.147–9 Rivets.

(a) At least 5/32" diameter; length to furnish efficient heads; split rivets not authorized except for attachment of lining.

§ 78.147–10 Rivet reinforcement.

(a) Hinges, fastening devices, and handles, when riveted in place, must have additional inside reinforcement of steel, at least as thick as in case, through which rivets must pass. Not required when case is made of at least 20-gauge material throughout.

§ 78.147–11 Lining.

(a) Required throughout; to be hard-surfaced fiberboard at least 0.125" thick and with strength of 800 pounds, Mullen or Cady test, or wooden lining at least 0.25" thick.

§ 78.147–12 Metal partitions.

(a) Metal partitions (when used) to be as thick as body of case, permanently fastened to the case, and lined the same as the case.

§ 78.147–13 Protective coating.

(a) Steel cases must be of galvanized material or protected from corrosion by paint, lacquer, or other adequate coating.

§ 78.147–14 Type tests.

(a) Cases completely filled as for shipment must be capable of withstanding 4 successive drops onto solid concrete from a height of 6 feet without rupture of case or permanent damage to or unfastening of closing device. Tests to be made by dropping on cover, seam, or any corner.

§ 78.147–15 Marking.

(a) Marking on each container by the maker with plain and permanent marks at least ½" high as follows:

(1) ICC—32B. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

§ 78.147–16 Cases with capacity (approximate) not over 12,000 feet of 1⅜" film or 6,000 feet of 2½" film.

(a) Compliance with §§ 78.147–1 to 78.147–15 required. Seams to be welded or riveted. Material to be steel, or aluminum-manganese alloy, at least 18-gauge. 2 hinges, 2 fastening devices spaced as for hinges, and 2 carrying handles required.

§ 78.147–17 Cases with capacity (approximate) not over 9,000 feet of 1⅜" film.

(a) Compliance with §§ 78.147–1 to 78.147–16, except: 1 fastening device and 1 carrying handle authorized.

§ 78.147–18 Cases with capacity (approximate) not over 8,000 feet of 1⅜" film or 4,500 feet of 2½" film.

(a) Construction as in § 78.147–16, except: 20-gauge material, 1 fastening device, and 1 carrying handle authorized; 1 hinge authorized for single-reel cases. Detachable covers (no hinges) with ¾" lap on body and efficiency to prevent displacement in tests, are authorized. Trailer cases, capacity not over 500 feet of film, no handle required. Cover lap not less than full one-half inch.

§ 78.148 Specification 32C; metal trunks.

§ 78.148–1 Design.

(a) To be designed to contain film in film-reel cans and projecting apparatus only; other articles not authorized therein.

§ 78.148–2 Strength.

(a) To be of strength and efficiency to carry contents in ordinary handling without damage to trunk or contents.

§ 78.148–3 Compartments.

(a) Separate compartments required for each reel of film and for projecting apparatus; each compartment to be constructed so that, in closing, it will have no cracks or openings.

§ 78.148–4 Compartment linings.

(a) Each film compartment to be made of, or lined throughout with, sheet metal; this metal to be protected against contact with film-reel can by a substantial interlining of fiberboard or equivalent.

§ 78.148–5 Marking.

(a) Marking on each container by the maker with plain and permanent marks at least ½" high applied on 2" by 4" metal plate securely riveted to top of cover of trunk as follows:

(1) ICC—32C. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

§ 78.149 Specification 32D; metal boxes for old and worn-out motion-picture film no longer exhibitable.

§ 78.149–1 Compliance.

(a) Required in all details.

§ 78.149–2 Gauge standards.

(a) United States standard for sheet metal; American or Brown and Sharpe for wire.

§ 78.149–3 Material.

(a) Material to be steel; body and bottom at least 16-gauge; cover at least 18-gauge.

§ 78.149–4 Joints and seams.

(a) All joints and seams to be welded or riveted.

§ 78.149–5 Cover.

(a) Cover must be tight-fitting, to prevent entrance of sparks, with provision for secure fastening to be locked or sealed.

§ 78.149–6 Type tests.

(a) Cases completely filled as for shipment must be capable of withstanding 4 successive drops onto solid concrete from a height of 4 feet without rupture of case or permanent damage to or unfastening of closing device. Tests to be made by dropping on cover, seam, or any corner.

§ 78.149–7 Marking.

(a) Marking on each container by the maker with plain and permanent marks at least ½" high as follows:

(1) ICC–32D. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

§ 78.150 Specification 33A; polystyrene cases. Nonreusable containers.

§ 78.150–1 Material requirements.

(a) Expandable polystyrene, molded to produce a completely fused closed cell composition having a minimum density of 1.25 pounds per cubic foot.

§ 78.150–2 Design.

(a) The case is to consist of two parts, a bottom section with pockets for the inside containers and a top section that covers, and interlocks with, the bottom section. Both the bottom and top sections shall be designed to provide a snug fit for the inside containers.

§ 78.150–3 Construction.

(a) The case shall be constructed in accordance with the following minimum thicknesses:

| | |
|---|---|
| Side walls and bottoms | ¾ inch. |
| Between inside containers | ⅝ inch. |
| Top | ¾ inch (see Note 1). |



NOTE 1: In recesses for closure caps for inside containers ¼ inch thickness is permissible; closure caps shall not be in contact with inside of top section.

§ 78.150–4 Closing for shipment.

(a) The cases shall be closed for shipment with a pressure sensitive paper tape having not less than 1½ inches width and a tensile strength at least 55 pounds per inch of width, or tape of equivalent strength. The tape shall completely encircle the case, with overlap not less than one inch in length, in one direction so as to transverse the top-bottom section joint in vertical manner. If the design of the case is such that the tape is subject to abrasion in transportation and handling, tape shall also be applied similarly on the same axis but at 90°.

§ 78.150–5 Gross weight authorized.

(a) Fifty pounds maximum.

§ 78.150–6 Test for completed package.

(a) Cases, with inside containers filled with water enclosed as for shipment, shall be capable of withstanding 4-foot flap drops onto solid concrete without leakage from or breakage of any inside container, and without producing any condition that would result in potential damage to the inside container. A minimum of four cases shall be tested, each case not being subjected to more than one test. Each test is to consist of six 4-foot drops once each side, bottom and top.

(b) Tests prescribed by paragraph (a) of this section must be conducted by the shipper assembling the completed package prior to initial use, and each 6 months thereafter. The tests must also be repeated on the change of any components or design of the package. Records of tests and results must be maintained.

§ 78.150–7 Marking.

(a) On each container. Symbol as follows:

ICC–33A

These marks shall be understood to certify that the outer container complies with all the construction requirements of the specification.

(1) The letters NRC, located just above or below the ICC mark, to indicate a nonreusable container.

(2) Name or symbol (letters) of manufacturer and plant making the case; these must be registered with the Bureau of Explosives. These marks shall be located on the same face as the marks specified in this paragraph.

(3) Size of markings: Specification markings prescribed in this paragraph must be at least ½ inch high; other markings must be legible.

## Subpart E—Specifications for Wooden Barrels, Kegs, Boxes, Kits, and Drums

§ 78.155 Specification 10A; wooden barrels and kegs (tight).

§ 78.155–1 Compliance.

(a) Required in all details.

§ 78.155–2 Staves and heading.

(a) To be of white oak, chestnut oak, red oak, black cherry, Douglas fir, beech, sweet birch, yellow birch, sugar (hard) maple, or Scandinavian pine; quarter sawed with the grain, from straight-grained timber, so no annual ring shall slope over half the thickness of stave or head; thoroughly kiln dried, moisture content 7 percent to 11 percent; free from rotten sap, checks, pitch pockets, cat faces, seed and worm holes in excess of 15 in one container, and other defects that show through on both sides.

§ 78.155–3 Hoops.

(a) Hoops to be of cooperage-grade hoop steel.

§ 78.155–4 Staves.

(a) Staves to be sawed evenly and circular; croze center to be within 1⅛" of end of stave; stave end to have ⅛" free from bevel.

§ 78.155–5 Heading.

(a) Heading of uniform thickness and properly circled; planed on outside and properly jointed and glued, or doweled and flagged; dowel diameter not over 5/12" thickness of head.

§ 78.155–6 The barrel.

(a) Stave joints reasonably flush on outside. Lathing is forbidden.

(b) Worm and seed holes to be plugged; over 15 not authorized in one container.

§ 78.155–7 Parts required and dimensions.

(a) Parts required and dimensions as follows (10 percent excess capacity authorized):

(1) Staves, when finished on outside:

| Capacity of container, not over | Maximum | | | Minimum | |
|---|---|---|---|---|---|
| | Length | Width | Bilge circle | Staves | Thickness |
| *Gallons* | *Inches* | *Inches* | *Inches* | *Number* | *Inch* |
| 50 | 34 | 6 | 84 | 19 | ¾ |
| 30 | 30 | 5 | 74 | 16 | 5/8 |
| 15 | 24 | 4½ | 54 | 14 | 9/16 |
| 10 | 22 | 4¼ | 50 | 12 | ½ |
| 5 | 18 | 4 | 40 | 10 | ½ |

Foregoing thicknesses are of staves finished on one side. One-sixteenth inch must be added for unfinished staves.

Foregoing maximum lengths are authorized to be increased 6 percent or less, provided the thickness of stave is increased at least one-sixteenth inch for each increase of 1 inch in length or fraction thereof.

(2) Heading, after planing:

| Capacity of container, not over | Maximum | | Minimum | |
|---|---|---|---|---|
| | Pieces | Diameter | Thickness | Width |
| *Gallons* | *Number* | *Inches* | *Inch* | *Inches* |
| 50 | 6 | 21 | 1 | 2¼ |
| 30 | 6 | 18 | 1 1/16 | 2½ |
| 15 | 5 | 14 | 1 1/16 | 2 |
| 10 | 5 | 13 | ¾ | 2 |
| 5 | 4 | 11 | ¾ | 2 |

(3) Hoops, number and size:

| Capacity of container, not over (gallons) | Minimum number of hoops | Minimum size of hoops (inches in width and Birmingham gauge) | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Head | | 1st quarter | | 2d quarter | | Bilge | |
| | | Inch | Gauge | Inch | Gauge | Inch | Gauge | Inch | Gauge |
| 50 | 8 | 1⅝ | [1] 16 | 1½ | 18 | 1½ | 18 | 1¾ | 17 |
| 30 | 6 | 1¼ | 17 | 1½ | 19 | ----- | ----- | 1½ | 18 |
| 15 | 6 | 1¼ | 18 | 1½ | 19 | ----- | ----- | 1¼ | 19 |
| 10 | 6 | 1¼ | 19 | 1 | 19 | ----- | ----- | 1⅛ | 19 |
| 5 | 6 | 1¼ | 19 | 1 | 19 | ----- | ----- | 1 | 19 |

[1] Because of the present emergency and until further order of the Commission, head hoops of 17 gauge are authorized.

§ 78.155–8 Closures.

(a) To be such as to prevent leakage in transit. Bungholes in staves must be be not over 2" diameter.

§ 78.155–9 Lining.

(a) To be as prescribed in Part 73 of this chapter or otherwise appropriate for the contents.

§ 78.155–10 Type test.

(a) Sample container at least 2 days old shall not increase more than 10 percent on diameter of head when all hoops above bilge are removed.

§ 78.155–11 Leakage test.

(a) Required for each lined container; by pressure at time of sizing or air pressure of at least 5 pounds per square inch; leakers to be repaired and retested.

§ 78.155–12 Marking.

(a) Marking on each container by the maker. By hot branding iron on head as follows:

(1) ICC–10A. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Date of manufacture (for example, 7–50 for July 1950) located near the maker's mark.

NOTE 1: Because of the present emergency and until further order of the Commission, date of manufacture may be omitted.

§ 78.155–13 Size of markings.

(a) Size of markings (minimum): ¾" high for over 30-gallon size, ½" for others.

§ 78.156 Specification 10B; wooden barrels and kegs (tight).

§ 78.156–1 Compliance.

(a) Required in all details.

§ 78.156–2 Staves and heading.

(a) To be of white oak, chestnut oak, red oak, black cherry, Douglas fir, beech,

sweet birch, yellow birch, sugar (hard) maple, or Scandinavian pine; quarter sawed with the grain, from straight-grained timber, so no annual ring shall slope over half the thickness of stave or head; thoroughly kiln dried, moisture content 7 percent to 11 percent; free from rotten sap, checks, pitch pockets, cat faces, seed and worm holes in excess of 15 in one container, and other defects that show through on both sides.

**§ 78.156–3 Hoops.**

(a) To be of cooperage-grade hoop steel.

**§ 78.156–4 Staves.**

(a) Staves to be sawed evenly and circular; croze center to be within 1⅛" of end of stave; stave end to have ⅛" free from bevel.

**§ 78.156–5 Heading.**

(a) Heading of uniform thickness and properly circled; planed on outside and properly jointed and glued, or doweled and flagged; dowel diameter not over 5/12" thickness of head.

**§ 78.156–6 The barrel.**

(a) Stave joints reasonably flush on outside. Lathing is forbidden.

(b) Worm and seed holes to be plugged; over 15 not authorized in one container.

**§ 78.156–7 Parts required and dimensions.**

(a) Parts required and dimensions as follows (10 percent excess capacity authorized):

(1) Staves, when finished on outside:

| Capacity of container, not over | Maximum | | | Minimum | |
|---|---|---|---|---|---|
| | Length | Width | Bilge Circle | Staves | Thickness |
| *Gallons* | *Inches* | *Inches* | *Inches* | *Number* | *Inch* |
| 50 | 34 | 6 | 84 | 19 | 1 1/16 |
| 30 | 30 | 5 | 74 | 16 | 5/8 |
| 15 | 24 | 4 1/2 | 54 | 14 | 9/16 |
| 10 | 22 | 4 1/4 | 50 | 12 | 1/2 |
| 5 | 18 | 4 | 40 | 10 | 1/2 |

Foregoing thicknesses are of staves finished on one side. One-sixteenth inch must be added for unfinished staves.
Foregoing maximum lengths are authorized to be increased 6 percent or less, provided the thickness of stave is increased at least one-sixteenth inch for each increase of 1 inch in length or fraction thereof.

(2) Heading, after planing:

| Capacity of container, not over | Maximum | | Minimum | |
|---|---|---|---|---|
| | Pieces | Diameter | Thickness | Width |
| *Gallons* | *Number* | *Inches* | *Inch* | *Inches* |
| 50 | 6 | 21 | 3/4 | 2 1/2 |
| 30 | 6 | 18 | 5/8 | 2 1/2 |
| 15 | 5 | 14 | 9/16 | 2 |
| 10 | 5 | 13 | 1/2 | 2 |
| 5 | 4 | 11 | 1/2 | 2 |

NOTE 1: Because of the present emergency and until further order of the Commission, for barrels of not over 50 gallons capacity, maximum number of pieces may be 7 provided they have a minimum thickness of 5/8 inch.

(3) Hoops, number and size:

| Capacity of container, not over (gallons) | Minimum number of hoops | Minimum size of hoops (inches in width and Birmingham gauge) | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Head | | First quarter | | Second quarter | | Bilge | |
| | | Inch | Gauge | Inch | Gauge | Inch | Gauge | Inch | Gauge |
| 50 | [1] 8 | [2] 1¾ | [2] 17 | 1½ | 18 | 1½ | 18 | [2] 1¾ | [2] 17 |
| 30 | 6 | 1½ | 18 | 1½ | 19 | ----- | ----- | 1½ | 18 |
| 15 | 6 | 1¼ | 19 | 1⅛ | 19 | ----- | ----- | 1¼ | 19 |
| 10 | 6 | 1¼ | 19 | 1 | 19 | ----- | ----- | 1⅛ | 19 |
| 5 | [1] 6 | 1 | 19 | 1 | 19 | ----- | ----- | 1 | 19 |

[1] Because of the present emergency and until further order of the Commission, the minimum number of hoops is authorized to be reduced to 6 by eliminating second quarter hoops.
[2] Because of the present emergency and until further order of the Commission, the minimum number of hoops is authorized to be reduced to 4 by eliminating first quarter hoops if head and bilge hoops of 1¾ inch by 17 gauge are used.
[2] 2 inch by 18 gauge hoops are also authorized.

**§ 78.156–8 Closures.**

(a) To be such as to prevent leakage in transit. Bungholes in staves must be not over 2" diameter.

**§ 78.156–9 Lining.**

(a) To be as prescribed in Part 73 of this chapter or otherwise appropriate for the contents.

**§ 78.156–10 Type test.**

(a) Sample container at least 2 days old shall not increase more than 10 percent on diameter of head when all hoops above bilge are removed.

**§ 78.156–11 Leakage test.**

(a) Required for each lined container; by pressure at time of sizing or air pressure of at least 5 pounds per square inch; leakers to be repaired and retested.

**§ 78.156–12 Marking.**

(a) Marking on each container by the maker. By hot branding iron on head as follows:

(1) ICC–10B. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Date of manufacture (for example, 7—50 for July 1950) located near the maker's mark.

NOTE 1: Because of the present emergency and until further order of the Commission, date of manufacture may be omitted.

**§ 78.156–13 Size of markings.**

(a) Size of markings (minimum): ¾" high for over 30-gallon size, ½" for others.

**§ 78.157 Specification 10C; wooden barrels and kegs (tight).**

**§ 78.157–1 Compliance.**

(a) Required in all details.

**§ 78.157–2 Staves and heading.**

(a) To be of white oak, chestnut oak, red oak, black cherry, Douglas fir, beech, sweet birch, yellow birch, sugar (hard) maple, or Scandinavian pine; quarter sawed with the grain, from straight-grained timber, so no annual ring shall slope over half the thickness of stave or head; thoroughly kiln dried, moisture content 7 percent to 11 percent; free from rotten sap, checks, pitch pockets, cat faces, seed and worm holes in excess of 15 in one container, and other defects that show through on both sides.

**§ 78.157–3 Hoops.**

(a) To be of cooperage-grade hoop steel.

**§ 78.157–4 Staves.**

(a) Staves to be sawed evenly and circular; croze center to be within 1⅛" of end of stave; stave end to have ⅛" free from bevel.

**§ 78.157–5 Heading.**

(a) Heading of uniform thickness and properly circled; planed on outside and properly jointed and glued, or doweled and flagged; dowel diameter not over 5/12" thickness of head.

**§ 78.157–6 The barrel.**

(a) Stave joints reasonably flush on outside. Lathing is forbidden.

(b) Worm and seed holes to be plugged; over 15 not authorized in one container.

**§ 78.157–7 Parts required and dimensions.**

(a) Parts required and dimensions as follows (10 percent excess capacity authorized):

(1) Staves, when finished on outside:

| Capacity of container, not over | Maximum | | | Minimum | |
|---|---|---|---|---|---|
| | Length | Width | Bilge circle | Staves | Thickness |
| *Gallons* | *Inches* | *Inches* | *Inches* | *Number* | *Inch* |
| 50 | 34 | 6 | 84 | 19 | 1 1/16 |
| 30 | 30 | 5 | 74 | 16 | 5/8 |
| 15 | 24 | 4 1/2 | 54 | 14 | 9/16 |
| 10 | 22 | 4 1/4 | 50 | 12 | 1/2 |
| 5 | 18 | 4 | 40 | 10 | 1/2 |

Foregoing thicknesses are of staves finished on one side. One-sixteenth inch must be added for unfinished staves.
Foregoing maximum lengths are authorized to be increased 6 percent or less, provided the thickness of stave is increased at least one-sixteenth inch for each increase of 1 inch in length or fraction thereof.

(2) Heading after planing:

| Capacity of container, not over | Maximum | | Minimum | |
|---|---|---|---|---|
| | Pieces | Diameter | Thickness | Width |
| *Gallons* | *Number* | *Inches* | *Inch* | *Inches* |
| 50 | 6 | 21 | 3/4 | 2 1/2 |
| 30 | 6 | 18 | 5/8 | 2 1/2 |
| 15 | 5 | 14 | 9/16 | 2 |
| 10 | 5 | 13 | 1/2 | 2 |
| 5 | 4 | 11 | 1/2 | 2 |



NOTE 1: Because of the present emergency and until further order of the Commission, for barrels of not over 50 gallons capacity, maximum number of pieces may be 7 provided they have a minimum thickness of 5/8 inch.

(3) Hoops, number and size:

| Capacity of container, not over (gallons) | Minimum number of hoops | Minimum size of hoops (inches in width and Birmingham gauge) | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Head | | 1st quarter | | 2d quarter | | Bilge | |
| | | Inch | Gauge | Inch | Gauge | Inch | Gauge | Inch | Gauge |
| 50 | 6 | 1¾ | 17 | 1½ | 18 | ----- | ----- | 1¾ | 17 |
| 30 | 6 | 1½ | 18 | 1¼ | 19 | ----- | ----- | 1½ | 18 |
| 15 | 6 | 1¼ | 19 | 1⅛ | 19 | ----- | ----- | 1¼ | 19 |
| 10 | 6 | 1⅛ | 19 | 1 | 19 | ----- | ----- | 1⅛ | 19 |
| 5 | 6 | 1 | 19 | 1 | 19 | ----- | ----- | 1 | 19 |

**§ 78.157–8 Closures.**

(a) To be such as to prevent leakage in transit. Bungholes in staves must be not over 2" diameter.

**§ 78.157–9 Lining.**

(a) To be as prescribed in Part 73 of this chapter or otherwise appropriate for the contents.

**§ 78.157–10 Type test.**

(a) Sample container at least 2 days old shall not increase more than 10 percent on diameter of head when all hoops above bilge are removed.

**§ 78.157–11 Leakage test.**

(a) Required for each lined container; by pressure at time of sizing or air pressure of at least 5 pounds per square inch; leakers to be repaired and retested.

**§ 78.157–12 Marking.**

(a) Marking on each container by the maker. By hot branding iron on head as follows:

(1) ICC–10C. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Date of manufacture (for example, 7–50 for July, 1950) located near the maker's mark.

NOTE 1: Because of the present emergency and until further order of the Commission, date of manufacture may be omitted.

**§ 78.157–13 Size of markings.**

(a) Size of marking (minimum): ¾" high for over 30-gallon size, ½" for others.

**§ 78.160 Specification 11A; wooden barrels and kegs (slack).**

**§ 78.160–1 Compliance.**

(a) Required in all details.

**§ 78.160–2 Classification of woods.**

(a) As follows:

GROUP A

| | |
|---|---|
| Oak. | Sycamore. |
| Beech. | Hackberry. |
| Maple. | Birch. |
| Elm. | Douglas fir. |
| Red Gum. | White ash. |

GROUP B

| | |
|---|---|
| Cottonwood. | Pine. |
| Basswood. | Chestnut. |
| Tupelo gum. | Willow. |

NOTE 1: Because of the present emergency and until further order of the Commission, cottonwood and poplar are authorized to be included in Group A woods.

**§ 78.160–3 Staves.**

(a) Staves of Group A woods, No. 1 grade, kiln dried; of uniform thickness, well equalized, circled, and jointed; minimum thickness 5 staves to 1⅞"; maximum width 5½".

(b) To be tongued and grooved.

**§ 78.160–4 Heading.**

(a) Heading to be No. 1 grade, kiln dried, uniform thickness, turned true to size, dressed on one side, and jointed and glued.

**§ 78.160–5 Metal hoops.**

(a) Hoops of cooperage-grade hoop steel with one edge beaded or rolled.

**§ 78.160–6 Wooden hoops.**

(a) No. 1 grade coiled elm at least 9/32" x 6/32" x 1⅜"; ends joined by 1 staple and 2 additional nails or staples clinched on the inside or by 4 nails or 3 staples clinched on the inside.

**§ 78.160–7 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Authorized net weight (pounds) | Heading | | | | Staves | Metal hoops [4] | |
|---|---|---|---|---|---|---|---|
| | Diameter not over [1] (inch) | Thickness at least, Wood group | | Number of pieces not over | Length not over [1] (inch) | Width (inch) by Birmingham wire gauge (minimum) | |
| | | A (inch) | B (inch) | | | Head | Quarter [2] and bilge |
| 350 | 16 | 1/2 | 1/2 | 3 | 28 1/2 | 1¼ x 23 | 1¼ x 23 |
| 450 | 16 | 1/2 | 5/8 | 3 | 28 1/2 | 1¼ x 23 | 1¼ x 23 |
| 600 | 16 | 5/8 | 5/8 | 3 | 28 1/2 | 1¼ x 23 | 1¼ x 23 |
| 350 | 17 | 1/2 | 1/2 | 4 | 30 | 1¼ x 23 | 1¼ x 23 |
| 450 | 17 | 1/2 | 5/8 | 4 | 30 | 1¼ x 23 | 1¼ x 23 |
| 600 | 17 | 5/8 | 5/8 | 4 | 30 | 1¼ x 23 | 1¼ x 23 |
| 350 | 19 | 1/2 | 1/2 | 5 | 34 | 1¼ x 22 | 1¼ x 23 |
| 450 | 19 | 1/2 | 5/8 | 5 | 34 | 1¼ x 22 | 1¼ x 23 |
| 600 | 19 | 5/8 | 5/8 | 5 | 34 | 1¼ x 22 | 1¼ x 23 |
| 350 | 21 | 1/2 | 1/2 | 5 | 34 | 1¼ x 21 or 2 x 22 | 1¼ x 23 |
| 450 | [3] 21 | 1/2 | 5/8 | 5 | 34 | 1¼ x 21 or 2 x 22 | 1¼ x 23 |
| 600 | [3] 21 | 5/8 | 5/8 | 5 | 34 | 1¼ x 21 or 2 x 22 | 1¼ x 23 |

[1] Head battens required; at least ½" x 3½"; ends rounded to fit chime; securely nailed to heads.
[2] Quarter hoops not required for 350 pounds authorized net weight.
[3] Tolerance of 1/16" authorized.
[4] Wooden hoops authorized: 8 for 350 pounds net; 10 for 450 pounds net; 12 for 600 pounds net.

**§ 78.160–8 Head liners.**

(a) Required as provided in § 78.160–13.

**§ 78.160–9 Marking.**

(a) Marking on each container to be applied by the maker on top head as follows:

(1) ICC–11A; followed by the authorized gross weight (authorized net weight plus tare weight; for example, ICC–11A475, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

**§ 78.160–10 Size of marking.**

(a) Size of marking (minimum): ¾" high for head diameter over 17"; ½" high for others.

**§ 78.160–11 Heads.**

(a) To fit well in croze and be secured by nails or staples at 8" spacing through hoops into heads.

**§ 78.160–12 Head battens (when required by § 78.160–7).**

(a) To be fastened at each end by ½" metal strapping nailed over chime and under hoops.

**§ 78.160–13 Head liners.**

(a) To extend across grain, circle at least ½ of circumference, and be nailed or stapled at 5" intervals. Required for containers with wooden hoops when net weight of contents is to exceed 250 pounds.

**§ 78.160–14 Quarter and bilge hoops.**

(a) To be redriven and fastened by 4 fasteners for each hoop; puncture fastening at 8" intervals authorized for metal hoops.

**§ 78.161 Specification 11B; wooden barrels and kegs (slack).**

**§ 78.161–1 Compliance.**

(a) Required in all details.

**§ 78.161–2 Classification of woods.**

(a) As follows:

GROUP A

| | |
|---|---|
| Oak. | Hackberry. |
| Beech. | Birch. |
| Maple. | Douglas fir. |
| Elm. | White ash. |
| Red Gum. | |
| Sycamore. | |

GROUP B

| | |
|---|---|
| Cottonwood. | Pine. |
| Basswood. | Chestnut. |
| Tupelo gum. | Willow. |

NOTE 1: Because of the present emergency and until further order of the Commission, cottonwood and popular are authorized to be included in Group A woods.

**§ 78.161–3 Staves.**

(a) Staves of Group A woods, No. 1 grade, kiln dried; of uniform thickness,

well equalized, circled, and jointed; minimum thickness 5 staves to 1⅞"; maximum width 5½". Group B woods authorized for 24" or shorter staves.

**§ 78.161–4 Heading.**

(a) Heading to be No. 1 grade, kiln dried, uniform thickness, turned true to size, dressed on one side, and jointed.

**§ 78.161–5 Metal hoops.**

(a) Hoops of cooperage-grade hoop steel with one edge beaded or rolled.

**§ 78.161–6 Wooden hoops.**

(a) No. 1 grade coiled elm at least 9/32" x 5/32" x 1⅜"; ends joined by 1 staple and 2 additional nails or staples clinched on the inside or by 4 nails or 3 staples clinched on the inside.

**§ 78.161–7 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Authorized net weight (pounds) | Heading | | | Staves | Metal hoops [4] | |
|---|---|---|---|---|---|---|
| | Diameter not over [2] (inches) | Thickness at least, Wood group A (inch) | Thickness at least, Wood group B (inch) | Number of pieces not over | Length not over [2] (inches) | Width (inch) by Birmingham wire gauge (minimum): Head | Quarter [3] and bilge |
| 350 | 16 | ½ | ½ | 3 | 28½ | 1¼ x 23 | 1¼ x 23 |
| 450 | 16 | ½ | ½ | 3 | 28½ | 1¼ x 23 | 1¼ x 23 |
| 600 | 16 | ⅝ | ⅝ | 3 | 28½ | 1¼ x 23 | 1¼ x 23 |
| 350 | 17 | ½ | ½ | 4 | 30 | 1¼ x 23 | 1¼ x 23 |
| 450 | 17 | ½ | ⅝ | 4 | 30 | 1¼ x 23 | 1¼ x 23 |
| 600 | 17 | ⅝ | ⅝ | 4 | 30 | 1¼ x 23 | 1¼ x 23 |
| 350 | 19 | ½ | ½ | 5 | 34 | 1¼ x 22 | 1¼ x 23 |
| 450 | 19 | ½ | ⅝ | 5 | 34 | 1¼ x 22 | 1¼ x 23 |
| 600 | 19 | ⅝ | ⅝ | 5 | 34 | 1¼ x 22 | 1¼ x 23 |
| 350 | 21 | ½ | ½ | 5 | 34 | 1¼ x 21 or 2 x 22 | 1¼ x 23 |
| 450 | [1] 21 | ½ | ⅝ | 5 | 34 | 1¼ x 21 or 2 x 22 | 1¼ x 23 |
| 600 | [1] 21 | ⅝ | ⅝ | 5 | 34 | 1¼ x 21 or 2 x 22 | 1¼ x 23 |

[1] Head battens required; at least ½" x 3½"; ends rounded to fit chime; securely nailed to heads.
[2] Quarter hoops not required for 350 pounds authorized net weight.
[3] Tolerance of ½" authorized.
[4] Wooden hoops authorized: 8 for 350 pounds net; 10 for 450 pounds net; 12 for 600 pounds net.

**§ 78.161–8 Head liners.**

(a) Required as provided in § 78.161–13.

**§ 78.161–9 Marking.**

(a) Marking on each container to be applied by the maker on top head as follows:

(1) ICC–11B; followed by the authorized gross weight (authorized net weight plus tare weight; for example, ICC–11B370, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

**§ 78.161–10 Size of marking.**

(a) Size of marking (minimum): ¾" high for head diameter over 17"; ½" high for others.

**§ 78.161–11 Heads.**

(a) Heads to fit well in croze and be secured by nails or staples at 8" spacing through hoops into heads.

**§ 78.161–12 Head battens (when required by § 78.161–7).**

(a) To be fastened at each end by ½" metal strapping nailed over chime and under hoops.

**§ 78.161–13 Head liners.**

(a) To extend across grain, circle at least ½ of circumference, and be nailed or stapled at 5" intervals. Required for containers with wooden hoops when net weight of contents is to exceed 250 pounds.

**§ 78.161–14 Quarter and bilge hoops.**

(a) To be redriven and fastened by 4 fasteners for each hoop; puncture fastening at 8" intervals authorized for metal hoops.

**§ 78.165 Specification 14; wooden boxes, nailed.**

**§ 78.165–1 Compliance.**

(a) Required in all details.

**§ 78.165–2 Lumber.**

(a) White pine or wood of at least equal strength, well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength. Grain of wood in cleats must not cross cleat within one-half its length.

**§ 78.165–3 Nails.**

(a) Cement coated, except as otherwise authorized, or screws of equal efficiency.

**§ 78.165–4 Ends, sides, tops, and bottoms.**

(a) Ends, sides, tops, and bottoms, as follows:

(1) Parts of 1-piece.
(2) Parts Linderman-joint glued.
(3) Parts tongued, grooved, and glued.
(4) Parts butt-joint glued, provided the joined surfaces are planed before gluing so as to assure full contact. After immersion in water for 24 hours at 70° F, the part must not fail at the joint when it is broken.

(b) Tongued, grooved and glued joints in uncleated ends must also be fastened with corrugated fasteners not over 8" apart, within 3" of each end of joint and having penetration 4/5 thickness of end.

**§ 78.165–5 Cleated ends.**

(a) Double cleated, 2 vertical and 2 horizontal. Nails staggered at 2" intervals and clinched; cement coating not required.

**§ 78.165–6 Sides, tops, and bottoms.**

(a) Of size to extend out over cleats, if any.

**§ 78.165–7 Lock and dovetail corners.**

(a) Glued.

**§ 78.165–8 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Authorized gross weight (maximum) (pounds) | Type of box | Thickness of lumber (minimum): Ends | Sides | Tops and bottoms [2] | Cleats | Nails (minimum size) [4]: Into ends or cleats | Into sides |
|---|---|---|---|---|---|---|---|
| | | *Inches* | *Inch* | *Inch* | *Inches* | *Penny* | *Penny* |
| 35 | Lock [1] | 7/16 | 7/16 | 5/16 | | 5d | 5d |
| | Corner | | | | | | |
| 65 | Lock [1] | ½ | ½ | ⅜ | | 5d | 5d |
| | Corner | | | | | | |
| 75 | Plain | ⅞ | ½ | ½ | | 7d | 5d |
| | Nailed | | | | | | |
| 75 | Double | ⅜ | ⅜ | ⅜ | ½ x 1½ | 5d | |
| | Cleat | | | | | | |
| 140 | Plain | 1⅛ | ⅝ | ⅝ | | 8d | 7d |
| | Nail | | | | | | |
| 140 | Lock [1] | ⅝ | ⅝ | ⅝ | | 7d | 7d |
| | Corner | | | | | | |
| 140 | Double | ⅝ | ⅝ | ⅜ | ¾ x 1⅜ | 7d | 7d |
| | Cleat | | | | | | |

[1] Or dovetail.
[2] Tops and bottoms may be made of paper covered veneer board of good quality Douglas fir, or lumber of equal quality, having minimum thickness of ⅛ inch and free from decay, objectionable knots that interfere with nailing, splits, gaps, and other defects that materially lessen the strength. Paper covering shall be at least Kraft untreated liner-board having a basis weight of 42 pounds per 1,000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board. Board ends must be provided with such reinforcement as may be necessary to provide strength for nailing.
[3] As provided by § 73.65 (a) (1), Note 1, of this chapter, boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end which must be not more than one inch by four inches and centered laterally not nearer than 1⅝ inches from top edge of end of box.
[4] Coated wire staples are authorized in lieu of nails when used for fastening tops to boxes. Staples must be of such size and spaced and driven as to provide closure efficiency equivalent to that in §§ 78.165–11 and 78.165–12.

**§ 78.165–9 Joints in sides and ends.**

(a) Staggered; except for ends cleated as prescribed.

**§ 78.165–10 Tops and bottoms.**

(a) Must fit evenly on frame of box.

**§ 78.165–11 Cleated boxes.**

(a) Sides, top, and bottom must be secured to ends by nails driven into cleats, not into end boards.

**§ 78.165–12 Nails in each nailing edge (minimum number).**

(a) At least equal to length of edge in inches divided by 2; when number of nails is at least equal to length of edge divided by 1¾, 4d nails are authorized where 5d nails are prescribed.

*Exception:* Eight inch spacing authorized for nailing tops and bottoms to sides.

NOTE 1: Because of the present emergency and until further order of the Commission, the following exception is authorized for nailing tops to boxes: When 7d and 8d nails are required by § 78.165–8, 6d nails are authorized if number of nails used is at least equal to length of end edge divided by 1¾ and length of side edge divided by 6.



**§ 78.165–13 Marking.**

(a) Marking on each box with letters and figures at least ½" high in rectangle as follows:

ICC–14

(1) This mark shall be understood to certify that box complies with all specification requirements.

**§ 78.168 Specification 15A; wooden boxes, nailed.**

**§ 78.168–1 Compliance.**

(a) Required in all details.

**§ 78.168–2 Closed [1] box.**

(a) Parts and pieces to be in close contact.

**§ 78.168–3 Ends.**

(a) One-piece, or equivalent (see § 78.168–5), or cleated as prescribed; joints tongued, grooved, and glued. Style 1 or style 6 boxes may have milled depressions in each end of box for hand-holds, of not more than ⅜ inch in depth and not exceeding one-third of the width of the box, only when ends are of lumber at least ¾ inch in thickness.

(b) As provided by § 73.65 (a) (1), Note 1, of this chapter, wooden boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end which must be not more than one inch by four inches and centered laterally not nearer than 1⅝ inches from top edge of end of box.

**§ 78.168–4 Sides, top, and bottom.**

(a) Joints tongued, grooved, and glued, or one-piece equivalent, except that boxes for shipment of high explosives may have tops and bottoms made of paper-covered veneer board of good quality Douglas fir, or lumber of equal quality, having minimum thickness of ⅛ inch and free from decay, objectionable knots that interfere with nailing, splits, gaps, and other defects that materially lessen the strength. Paper covering shall be at least kraft untreated linerboard having a basis weight of 42 pounds per 1,000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board. Board ends must be provided with such reinforcement as may be necessary to provide strength for nailing, and when used lumber thicknesses specified by § 78.168–12 do not apply.

**§ 78.168–5 One-piece equivalents.**

(a) Parts are considered equivalent to one-piece as follows:

(1) Parts Linderman-joint glued.

(2) Parts at least ½" thick, tongued and grooved and glued, with 2 or more corrugated fasteners on each joint.

(3) Parts butt-joint glued, provided the joined surfaces are planed before gluing, so as to assure full contact. After immersion in water for 24 hours at 70° F. the part must not fail at the joint when it is broken.

(b) Corrugated fasteners (as prescribed for one-piece equivalents): 1" wide; penetration ⅘ thickness of part; within 3" of end of joint and not over 8" apart; for 3 or more, drive alternately into opposite sides of part.

**§ 78.168–6 Gluing efficiency.**

(a) Shall be determined for boxes for gross weight of 150 pounds or less. When filled with sand and sawdust to marked gross weight, the boxes must be able to withstand 8 drops of 12", one on each corner, onto solid concrete without exposure of contents.

**§ 78.168–7 Lumber.**

(a) To be well seasoned, commercially dry, and free from decay, loose knots that would interfere with nailing, and other defects that would materially lessen the strength. Grain of wood in cleats must not cross cleat within ½ its length.

**§ 78.168–8 Nails.**

(a) Cement coated, unless otherwise authorized herein, of size specified for "sinkers" and "coolers" as generally known to the trade.

**§ 78.168–9 Grouping of principal woods.**

(a) Grouping as follows:

GROUP 1

| | |
|---|---|
| White pine. | Chestnut. |
| Norway pine. | Sugar pine. |
| Aspen (popple). | Cypress. |
| Spruce. | Basswood. |
| Western (yellow) pine. | Willow. |
| Cottonwood. | Noble fir. |
| Balsam fir. | Magnolia. |
| Yellow poplar. | Buckeye. |
| Cedar. | White fir. |
| Redwood. | Alpine fir. |
| Butternut. | Lodgepole pine. |
| Cucumber. | Jack pine. |

GROUP 2

| | |
|---|---|
| Southern yellow pine. | Douglas fir. |
| Hemlock. | Larch (tamarack). |
| North Carolina pine. | |

GROUP 3

| | |
|---|---|
| White elm. | Black gum. |
| Red gum. | Black ash. |
| Sycamore. | Tupelo. |
| Pumpkin ash. | Maple—soft or silver. |

GROUP 4

| | |
|---|---|
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | Hickory. |
| Hackberry. | White ash. |

**§ 78.168–10 Width of pieces.**

(a) At least 2½".

**§ 78.168–11 Width of cleats.**

(a) Twice the prescribed thickness plus ¾".

**§ 78.168–12 Thickness of lumber.**

(a) Nailed boxes not cleated (Style 1). Authorized gross weight not over 100 pounds, see Note 1. Sides as in Table 1; top and bottom as in Table 1A; ends as in Table 5.

(b) Glued-lock-corner boxes (Style 6). Authorized gross weight not over 150 pounds. Sides as in Table 3; top and bottom as in Table 1A; ends as in Table 3A. Or, sides as in Table 2; top and bottom as in Table 1A; end as in Table 4.

(c) Single-cleated boxes (Style 4 or 5). Authorized gross weight not over 200 pounds, see Note 2. Sides as in Table 1; top and bottom as in Table 1A; ends and cleats as in Table 3A.

(d) Double-cleated boxes (Style 2, 2½, or 3). Authorized gross weight not over 500 pounds, see Note 3. Sides as in Table 1; top and bottom as in Table 1A; end and cleats as in Table 2A. Or, sides as in Table 1; top and bottom as in Table 1A; cleats as in Table 3B; ends not thinner than thickest side or top.

NOTE 1: When group 2 woods are used the gross weight may be increased to 110 pounds.
NOTE 2: When group 2 woods are used the gross weight may be increased to 220 pounds.
NOTE 3: When group 2 woods are used the gross weight may be increased to 550 pounds.

(e) Tables are as follows (dimensions of materials finished or resawed):

TABLE 1

| Depth of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 25 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 35 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 45 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 55 | 5/8 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 65 | 5/8 | 5/8 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 75 | 7/16 | 5/8 | 5/8 | 1 1/32 | 1 1/32 | 1 1/32 |
| 85 | 7/16 | 7/16 | 5/8 | 5/8 | 1 1/32 | 1 1/32 |
| 100 | ½ | 7/16 | 7/16 | 5/8 | 5/8 | 1 1/32 |
| 125 | 9/16 | ½ | ½ | 7/16 | ¾ | ¾ |
| 150 | ⅝ | 9/16 | 9/16 | ½ | 7/16 | ⅝ |
| 175 | ⅝ | ⅝ | 9/16 | ½ | ½ | 7/16 |
| 200 | 1 1/16 | ⅝ | ⅝ | 9/16 | ½ | 7/16 |
| 250 | 2 5/32 | ¾ | 1 1/16 | ⅝ | 9/16 | ½ |
| 300 | 1 3/16 | 1 1/16 | ¾ | 1 1/16 | ⅝ | 9/16 |
| 350 | 1 5/16 | ⅞ | 1 1/16 | ¾ | 1 1/16 | ⅝ |
| 400 | 1 | 1 5/16 | ⅞ | 1 1/16 | ¾ | 1 1/16 |
| 500 | 1 1/8 | 1 1/16 | 1 | 1 1/16 | ⅞ | ¾ |

TABLE 1A

| Width of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 25 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 35 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 45 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 55 | 5/8 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 65 | 5/8 | 5/8 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 75 | 7/16 | 5/8 | 5/8 | 1 1/32 | 1 1/32 | 1 1/32 |
| 85 | 7/16 | 7/16 | 5/8 | 5/8 | 1 1/32 | 1 1/32 |
| 100 | ½ | 7/16 | 7/16 | 5/8 | 5/8 | 1 1/32 |
| 125 | 9/16 | ½ | ½ | 7/16 | ¾ | ¾ |
| 150 | ⅝ | 9/16 | 9/16 | ½ | 7/16 | ⅝ |
| 175 | ⅝ | ⅝ | 9/16 | ½ | ½ | 7/16 |
| 200 | 1 1/16 | ⅝ | ⅝ | 9/16 | ½ | 7/16 |
| 250 | 2 5/32 | ¾ | 1 1/16 | ⅝ | 9/16 | ½ |
| 300 | 1 3/16 | 1 1/16 | ¾ | 1 1/16 | ⅝ | 9/16 |
| 350 | 1 5/16 | ⅞ | 1 1/16 | ¾ | 1 1/16 | ⅝ |
| 400 | 1 | 1 5/16 | ⅞ | 1 1/16 | ¾ | 1 1/16 |
| 500 | 1 1/8 | 1 1/16 | 1 | 1 1/16 | ⅞ | ¾ |

[1] Openings for filling device of inside container authorized if device is properly protected.

TABLE 2

| Depth of box (inches) | Not over 8" | Not over 9" | No over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 15 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 25 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 35 | 5/6 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 45 | 5/6 | 5/6 | 5/6 | 1 1/32 | 1 1/32 | 1 1/32 |
| 55 | 1/2 | 5/6 | 5/6 | 5/6 | 1 1/32 | 1 1/32 |
| 65 | 1/2 | 1/2 | 5/6 | 5/6 | 5/6 | 1 1/32 |
| 75 | 5/6 | 1/2 | 5/6 | 5/6 | 5/6 | 5/6 |
| 85 | 5/6 | 5/6 | 1/2 | 5/6 | 5/6 | 5/6 |
| 100 | 5/6 | 5/6 | 5/6 | 1/2 | 5/6 | 5/6 |
| 125 | 1 1/16 | 5/6 | 5/6 | 5/6 | 1/2 | 5/6 |
| 150 | 5/6 | 1 1/16 | 1 1/16 | 5/6 | 5/6 | 1/2 |
| 175 | 1 1/16 | 5/6 | 1 1/16 | 1 1/16 | 5/6 | 5/6 |
| 200 | 5/6 | 1 1/16 | 5/6 | 5/6 | 1 1/16 | 5/6 |
| 250 | 1 | 1 1/16 | 1 1/16 | 1 1/16 | 5/6 | 5/6 |
| 300 | 1 1/16 | 1 | 1 1/16 | 5/6 | 1 1/16 | 25/32 |
| 350 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 5/6 | 1 1/16 |
| 400 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 |
| 500 | | | 1 1/16 | 1 1/16 | 1 | 5/6 |

TABLE 2A

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 15 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | 1/2 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 65 | 9/16 | 9/16 | 1/2 | 7/16 | 7/16 | 7/16 |
| 75 | 5/6 | 9/16 | 9/16 | 1/2 | 7/16 | 7/16 |
| 85 | 5/6 | 5/6 | 9/16 | 9/16 | 1/2 | 7/16 |
| 100 | 5/6 | 5/6 | 5/6 | 9/16 | 1/2 | 1/2 |
| 125 | 1 1/16 | 5/6 | 5/6 | 5/6 | 9/16 | 1/2 |
| 150 | 1 1/16 | 7/8 | 1 1/16 | 5/6 | 9/16 | 9/16 |
| 175 | 1 | 1 1/16 | 7/8 | 1 1/16 | 5/6 | 9/16 |
| 200 | 1 1/16 | 1 | 1 1/16 | 7/8 | 5/6 | 1 1/16 |
| 250 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 7/8 | 25/32 |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 7/8 |
| 350 | 1 1/16 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 400 | | | 1 1/16 | 1 1/16 | 1 1/16 | 1 |
| 500 | | | 1 1/16 | 1 1/16 | 1 | 1 1/16 |

TABLE 3

| Depth of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 25 | 5/6 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 35 | 7/16 | 7/16 | 5/6 | 1 1/32 | 1 1/32 | 1 1/32 |
| 45 | 1/2 | 1/2 | 7/16 | 7/16 | 5/6 | 1 1/32 |
| 55 | 5/6 | 1/2 | 1/2 | 7/16 | 7/16 | 5/6 |
| 65 | 9/16 | 5/6 | 5/6 | 1/2 | 7/16 | 7/16 |
| 75 | 5/6 | 5/6 | 5/6 | 1/2 | 1/2 | 7/16 |
| 85 | 1 1/16 | 1 1/16 | 5/6 | 5/6 | 1/2 | 1/2 |
| 100 | 5/6 | 1 1/16 | 1 1/16 | 5/6 | 5/6 | 1/2 |
| 125 | 1 1/16 | 5/6 | 5/6 | 5/6 | 1 1/16 | 5/6 |
| 150 | 1 1/16 | 7/8 | 1 1/16 | 5/6 | 3/4 | 1 1/16 |
| 175 | 1 | 1 1/16 | 7/8 | 1 1/16 | 5/6 | 5/6 |
| 200 | 1 1/16 | 1 | 1 1/16 | 7/8 | 3/4 | 1 1/16 |
| 250 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 7/8 | 25/32 |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 7/8 |
| 350 | | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 400 | | | 1 1/16 | 1 1/16 | 1 1/16 | 1 |
| 500 | | | | 1 1/16 | 1 1/16 | 1 1/16 |

TABLE 3A

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 25 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 35 | 5/6 | 5/6 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 45 | 1 1/16 | 5/6 | 5/6 | 5/6 | 1 1/32 | 1 1/32 |
| 55 | 5/6 | 1 1/16 | 5/6 | 5/6 | 5/6 | 1 1/32 |
| 65 | 1 1/16 | 5/6 | 1 1/16 | 5/6 | 5/6 | 5/6 |
| 75 | 5/6 | 1 1/16 | 5/6 | 1 1/16 | 5/6 | 5/6 |
| 85 | 1 1/16 | 1 1/16 | 5/6 | 5/6 | 1 1/16 | 5/6 |
| 100 | 5/6 | 1 1/16 | 1 1/16 | 5/6 | 5/6 | 1 1/16 |
| 125 | 1 1/16 | 5/6 | 5/6 | 1 1/16 | 5/6 | 5/6 |
| 150 | 1 1/16 | 1 1/16 | 5/6 | 5/6 | 1 1/16 | 5/6 |
| 175 | 1 | 1 1/16 | 1 1/16 | 5/6 | 5/6 | 1 1/16 |
| 200 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | 5/6 | 1 1/16 |
| 250 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | 25/32 |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 |
| 350 | | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 400 | | | 1 1/16 | 1 1/16 | 1 1/16 | 1 |
| 500 | | | | 1 1/16 | 1 1/16 | 1 1/16 |

TABLE 3B

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | 1/2 | 1/2 | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | 9/16 | 9/16 | 9/16 | 1/2 | 7/16 | 7/16 |
| 65 | 9/16 | 9/16 | 9/16 | 1/2 | 1/2 | 7/16 |
| 75 | 5/6 | 5/6 | 9/16 | 9/16 | 1/2 | 1/2 |
| 85 | 1 1/16 | 1 1/16 | 5/6 | 9/16 | 9/16 | 1/2 |
| 100 | 5/6 | 1 1/16 | 1 1/16 | 5/6 | 9/16 | 9/16 |
| 125 | 1 1/16 | 5/6 | 5/6 | 5/6 | 5/6 | 9/16 |
| 150 | 1 1/16 | 7/8 | 1 1/16 | 5/6 | 3/4 | 1 1/16 |
| 175 | 1 | 1 1/16 | 7/8 | 1 1/16 | 5/6 | 5/6 |
| 200 | 1 1/16 | 1 | 1 1/16 | 7/8 | 3/4 | 1 1/16 |
| 250 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 7/8 | 25/32 |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 7/8 |
| 350 | | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 400 | | | 1 1/16 | 1 1/16 | 1 1/16 | 1 |
| 500 | | | | 1 1/16 | 1 1/16 | 1 1/16 |

TABLE 4

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 9/16 | 9/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | 5/6 | 9/16 | 9/16 | 1/2 | 1/2 | 7/16 |
| 55 | 1 1/16 | 5/6 | 5/6 | 9/16 | 1/2 | 1/2 |
| 65 | 5/6 | 1 1/16 | 5/6 | 5/6 | 9/16 | 1/2 |
| 75 | 25/32 | 5/6 | 1 1/16 | 5/6 | 5/6 | 9/16 |
| 85 | 7/8 | 1 1/16 | 5/6 | 5/6 | 5/6 | 5/6 |
| 100 | 1 1/16 | 7/8 | 1 1/16 | 5/6 | 5/6 | 5/6 |
| 125 | 1 1/16 | 1 | 7/8 | 1 1/16 | 5/6 | 5/6 |
| 150 | 1 | 1 1/16 | 1 1/16 | 7/8 | 1 1/16 | 1 1/16 |

TABLE 5

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 |
| 25 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 |
| 35 | 5/6 | 5/6 | 1/2 | 1/2 | 1/2 | 1/2 |
| 45 | 1 1/16 | 5/6 | 5/6 | 5/6 | 1/2 | 1/2 |
| 55 | 5/6 | 1 1/16 | 5/6 | 5/6 | 5/6 | 1/2 |
| 65 | 1 1/16 | 5/6 | 1 1/16 | 5/6 | 5/6 | 5/6 |
| 75 | 5/6 | 1 1/16 | 5/6 | 1 1/16 | 5/6 | 5/6 |
| 85 | 1 1/16 | 5/6 | 5/6 | 5/6 | 1 1/16 | 5/6 |
| 100 | 1 | 1 1/16 | 1/6 | 5/6 | 5/6 | 1 1/16 |

§ 78.168–13 Reduced thicknesses.

(a) Reduction in thicknesses is authorized as in paragraphs (a) to (d) of this section except that reduced thicknesses must be not less than:

(1) Sides, top, and bottom: Minimum 5/16" for boxes up to 35 pounds authorized gross weight and 3/8" above that weight.

(2) Ends or cleats: Minimum 7/16".

(b) Sides of one-piece or equivalent: 12½ percent.

(c) Any part or cleat of Group 3 or 4 wood: 20 percent.

(d) Sides, top, and bottom when to be strapped as per § 78.168–19 (b): 20 percent for 1 strap; 35 percent for 2 straps.

CONVERSION TABLE

| Specified thickness (inches) | Reduced thickness corresponding to percent reduction | | |
|---|---|---|---|
| | 12½ | 20 | 35 |
| 9/32 | 1/4 | 1/4 | 1/4 |
| 5/16 | 9/32 | 1/4 | 1/4 |
| 1 1/32 | 5/16 | 9/32 | 1/4 |
| 3/8 | 5/16 | 5/16 | 1/4 |
| 7/16 | 3/8 | 5/16 | 1/4 |
| 1/2 | 7/16 | 3/8 | 9/32 |
| 9/16 | 1/2 | 7/16 | 5/16 |
| 5/8 | 9/16 | 1/2 | 3/8 |
| 11/16 | 5/8 | 9/16 | 7/16 |
| 3/4 | 5/8 | 9/16 | 1/2 |
| 25/32 | 11/16 | 5/8 | 1/2 |
| 13/16 | 3/4 | 11/16 | 1/2 |
| 7/8 | 3/4 | 11/16 | 9/16 |
| 15/16 | 13/16 | 3/4 | 5/8 |
| 1 | 7/8 | 13/16 | 5/8 |
| 1 1/16 | 15/16 | 7/8 | 11/16 |
| 1 1/8 | 1 | 15/16 | 3/4 |
| 1 3/16 | 1 1/16 | 1 | 13/16 |
| 1 1/4 | 1 1/8 | 1 1/16 | 7/8 |

§ 78.168–14 Assembly.

(a) By nailing; screws, hinges and hasp, or other device of equal efficiency are authorized; nails should be driven flush.

§ 78.168–15 Nails and nailing.

(a) Cement coated nails of size and with spacing detailed in §§ 78.168–16 and 78.168–17.

(b) At cleated edges drive at least 40 percent of nails into cleats.



(c) Nails fastening cleats to be staggered and clinch 1/8"; uncoated nails authorized.

(d) Nailing tops and bottoms to sides permitted but not required.

§ 78.168–16 Nails; kind and dimensions.

(a) Cement[3] coated of gauge and length as for "sinkers" and "coolers" as generally known to the trade; size[3] in "penny" as follows:

| Species of wood holding points of nails | Thickness of material holding points of nails (inches) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 3/4 or less | 7/8 | 1 | 1 1/8 | 1 1/4 | 1 3/8 | 1 1/2 | 1 5/8 | 1 3/4 | 1 7/8 or more |
| Group 1 | 4 | 5 | 5 | 6 | 7 | 7 | 8 | 8 | 9 | 10 |
| Group 2 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 | 8 | 9 |
| Group 3 | 3 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 | 8 |
| Group 4 | 3 | 3 | 4 | 4 | 4 | 5 | 5 | 6 | 7 | 7 |

§ 78.168–17 Nail spacing.[1]

(a) Nail spacing as follows:

| Nails (size) | Maximum spacing when driven into end and cleats | |
|---|---|---|
| | Side grain | End grains |
| | *Inches* | *Inches* |
| Threepenny | 1 1/4 | 1 |
| Fourpenny | 1 1/2 | 1 1/4 |
| Fivepenny | 1 3/4 | 1 1/2 |
| Sixpenny | 2 | 1 3/4 |
| Sevenpenny | 2 1/4 | 2 |
| Eightpenny | 2 1/2 | 2 1/4 |
| Ninepenny | 2 3/4 | 2 1/2 |
| Tenpenny | 3 | 2 3/4 |

§ 78.168–18 Marking.

(a) Marking on each box with letters and figures at least 1/2" high in rectangle as follows:

ICC–15A***

(1) The stars must be replaced by authorized gross weight (for example, ICC–15A100, etc.). This mark shall be understood to certify that box complies with all specification requirements.

(b) The words "ONE STRAP", or "TWO STRAPS", etc., when straps are required (see § 78.168–13 (d)); this to be placed above or below the rectangle.

(c) Marks may also be applied as follows:

ICC–15A

NO STRAP XXX LBS.
ONE STRAP XXX LBS.
TWO STRAPS XXX LBS.

(1) The "X's" must be replaced by authorized gross weights as authorized for the strapping conditions.

§ 78.168–19 Closing for shipment.

(a) Box to be securely closed. Nails, if used, to be as prescribed in §§ 78.168–16 and 78.168–17.

(b) Metal straps, as specified by marks on box, must encircle sides, top, and bottom as follows:

(1) One nailless strap: At center of box.

(2) Two or more nailless straps: Outer two about 1/6 of box length from ends and other equally spaced between.

(3) Nailed straps: At ends of sides, top, and bottom; use same size nails as for closing and space not over twice as far apart.

(4) Size of flat straps must be as follows:

| Authorized gross weight (pounds) | Cross-section size when number of straps is— | | |
|---|---|---|---|
| | 1 | 2 | 3 |
| | *Inch* | *Inch* | *Inch* |
| 50 | 1/2 x 0.020 | 5/8 x 0.015 | |
| 100 | 5/8 x 0.020 | 1/2 x 0.018 | |
| 200 | 3/4 x 0.023 | 5/8 x 0.020 | 1/2 x 0.018 |
| 300 | | 5/8 x 0.023 | 1/2 x 0.020 |
| 400 | | 3/4 x 0.020 | 1/2 x 0.023 |
| 500 | | 3/4 x 0.023 | 5/8 x 0.023 |

(5) Wires, Washburn and Moen gauge, authorized as follows:

| Authorized gross weight (pounds) | Gauge of wires when number of straps is— | | |
|---|---|---|---|
| | 1 | 2 | 3 |
| 50 | 12 | 14 | |
| 100 | 11 | 12 | |
| 200 | 9 | 11 | 12 |
| 300 | | 10 | 11 |
| 400 | | 10 | 11 |
| 500 | | 9 | 10 |

§ 78.169 Specification 15B; wooden boxes, nailed.

§ 78.169–1 Compliance.

(a) Required in all details.

§ 78.169–2 Closed[1] box.

(a) Parts and pieces to be in close contact.

§ 78.169–3 Ends.

(a) One-piece, or equivalent see (§ 78.169–5); or cleated as prescribed with joints tongued and grooved.

§ 78.169–4 Sides, top, and bottom.

(a) Joints tongued and grooved, or one-piece equivalent.

§ 78.169–5 One-piece equivalents.

(a) Parts are considered equivalent to one-piece as follows:

(1) Parts Linderman-joint glued.

(2) Parts at least 1/2" thick, tongued and grooved and glued, with 2 or more corrugated fasteners on each joint.

(3) Parts at least 1/2" thick, tongued and grooved and fastened with 3 or more corrugated fasteners on each joint.

(4) Parts butt-joint glued, provided the joined surfaces are planed before gluing, so as to assure full contact. After immersion in water for 24 hours at 70° F. the part must not fail at the joint when it is broken.

(b) Corrugated fasteners (as prescribed for one-piece equivalents): 1" wide; penetration 4/5 thickness of part; within 3" of end of joint and not over 8" apart; for 3 or more, drive alternately into opposite sides of part.

§ 78.169–6 Gluing efficiency.

(a) Shall be determined for boxes for gross weight of 150 pounds or less. When filled with sand and sawdust to marked gross weight, the boxes must be able to withstand 8 drops of 12", one on each corner, onto solid concrete without exposure of contents.

§ 78.169–7 Lumber.

(a) To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing and other defects that would materially lessen the strength. Grain of wood in cleats must not cross cleat within 1/2 its length.

§ 78.169–8 Nails.

(a) Cement coated, unless otherwise authorized herein, of size specified for "sinkers" and "coolers" as generally known to the trade.

§ 78.169–9 Grouping of principal woods.

(a) Grouping as follows:

GROUP 1

| | |
|---|---|
| White pine. | Willow. |
| Norway pine. | Noble fir. |
| Aspen (popple). | Magnolia. |
| Spruce. | Buckeye. |
| Western (yellow) pine. | White fir. |
| | Cedar. |
| Cottonwood. | Redwood. |
| Balsam fir. | Butternut. |
| Yellow poplar. | Cucumber. |
| Chestnut. | Alpine fir. |
| Sugar pine. | Lodgepole pine. |
| Cypress. | Jack pine. |
| Basswood. | |

GROUP 2

| | |
|---|---|
| Southern yellow pine. | Douglas fir. |
| Hemlock. | Larch (tamarack). |
| North Carolina pine. | |

GROUP 3

| | |
|---|---|
| White elm. | Black gum. |
| Red gum. | Black ash. |
| Sycamore. | Tupelo. |
| Pumpkin ash. | Maple—soft or silver. |

GROUP 4

| | |
|---|---|
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | Hickory. |
| Hackberry. | White ash. |

§ 78.169–10 Width of pieces.

(a) At least 2½".

§ 78.169–11 Width of cleats.

(a) Twice the prescribed thickness plus 3/4".

§ 78.169–12 Thickness of lumber.

(a) Nailed boxes not cleated (Style 1). Authorized gross weight not over 100 pounds, see Note 1. Sides as in Table 1; top and bottom as in Table 1A; ends as in Table 5.

(b) Glued-lock-corner boxes (Style 6): Authorized gross weight not over

[1] To determine number of nails, divide length of nailing edge by spacing; fractions greater than 1/2 are considered as whole numbers.

[1] Openings for filling device of inside container authorized if device is properly protected.

[3] Uncoated nails authorized wher increased 25 percent in number.

[3] Nails 1-penny smaller authorized when spaced as for 2-penny smaller. Nails 2-penny smaller authorized, but not less than 3-penny, when thickness of material nailed through does not exceed 1/2 of thickness of material holding points of nails.

150 pounds. Sides as in Table 3; top and bottom as in Table 1A; ends as in Table 3A. Or, sides as in Table 2; top and bottom as in Table 1A; ends as in Table 4.

(c) Single-cleated boxes (Style 4 or 5): Authorized gross weight not over 200 pounds, see Note 2. Sides as in Table 1; top and bottom as in Table 1A; ends and cleats as in Table 3A.

(d) Double-cleated boxes (Style 2, 2½, or 3): Authorized gross weight not over 500 pounds, see Note 3. Sides as in Table 1; top and bottom as in Table 1A; end and cleats as in Table 2A. Or, sides as in Table 1; top and bottom as in Table 1A; cleats as in Table 3B; ends not thinner than thickest side or top.

NOTE 1: When group 2 woods are used the gross weight may be increased to 110 pounds.

NOTE 2: When group 2 woods are used the gross weight may be increased to 220 pounds.

NOTE 3: When group 2 woods are used the gross weight may be increased to 550 pounds.

(e) Tables are as follows (dimensions of materials finished or resawed).

TABLE 1

| Depth of box (inches) | Not over 8″ | Not over 9″ | Not over 10″ | Not over 12″ | Not over 14″ | Over 14″ |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 25 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 35 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 45 | 11/32 | 11/32 | 11/32 | 11/32 | 11/32 | 11/32 |
| 55 | 3/8 | 11/32 | 11/32 | 11/32 | 11/32 | 11/32 |
| 65 | 3/8 | 3/8 | 11/32 | 11/32 | 11/32 | 11/32 |
| 75 | 7/16 | 3/8 | 3/8 | 11/32 | 11/32 | 11/32 |
| 85 | 7/16 | 7/16 | 3/8 | 3/8 | 11/32 | 11/32 |
| 100 | 1/2 | 7/16 | 7/16 | 3/8 | 3/8 | 11/32 |
| 125 | 9/16 | 1/2 | 1/2 | 7/16 | 3/8 | 3/8 |
| 150 | 5/8 | 9/16 | 1/2 | 1/2 | 7/16 | 3/8 |
| 175 | 5/8 | 5/8 | 9/16 | 1/2 | 1/2 | 7/16 |
| 200 | 11/16 | 5/8 | 5/8 | 9/16 | 1/2 | 7/16 |
| 250 | 23/32 | 3/4 | 11/16 | 5/8 | 9/16 | 1/2 |
| 300 | 13/16 | 13/16 | 3/4 | 11/16 | 5/8 | 9/16 |
| 350 | 13/16 | 7/8 | 13/16 | 3/4 | 11/16 | 5/8 |
| 400 | 1 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 |
| 500 | 1 1/8 | 1 1/16 | 1 | 15/16 | 7/8 | 3/4 |

TABLE 1A

| Width of box (inches) | Not over 8″ | Not over 9″ | Not over 10″ | Not over 12″ | Not over 14″ | Over 14″ |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 25 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 35 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 45 | 11/32 | 11/32 | 11/32 | 11/32 | 11/32 | 11/32 |
| 55 | 3/8 | 11/32 | 11/32 | 11/32 | 11/32 | 11/32 |
| 65 | 3/8 | 3/8 | 11/32 | 11/32 | 11/32 | 11/32 |
| 75 | 7/16 | 3/8 | 3/8 | 11/32 | 11/32 | 11/32 |
| 85 | 7/16 | 7/16 | 3/8 | 3/8 | 11/32 | 11/32 |
| 100 | 1/2 | 7/16 | 7/16 | 3/8 | 3/8 | 11/32 |
| 125 | 9/16 | 1/2 | 1/2 | 7/16 | 3/8 | 3/8 |
| 150 | 5/8 | 9/16 | 9/16 | 1/2 | 7/16 | 3/8 |
| 175 | 5/8 | 5/8 | 9/16 | 1/2 | 1/2 | 7/16 |
| 200 | 11/16 | 5/8 | 5/8 | 9/16 | 1/2 | 7/16 |
| 250 | 23/32 | 3/4 | 11/16 | 5/8 | 9/16 | 1/2 |
| 300 | 13/16 | 13/16 | 3/4 | 11/16 | 5/8 | 9/16 |
| 350 | 13/16 | 7/8 | 13/16 | 3/4 | 11/16 | 5/8 |
| 400 | 1 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 |
| 500 | 1 1/8 | 1 1/16 | 1 | 15/16 | 7/8 | 3/4 |

TABLE 2

| Depth of box (inches) | Not over 8″ | Not over 9″ | Not over 10″ | Not over 12″ | Not over 14″ | Over 14″ |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 15 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 25 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 35 | 3/4 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 45 | 7/16 | 3/4 | 3/4 | 1 1/32 | 1 1/32 | 1 1/32 |
| 55 | 1/2 | 7/16 | 3/4 | 3/4 | 1 1/32 | 1 1/32 |
| 65 | 1/2 | 1/2 | 7/16 | 3/4 | 3/4 | 1 1/32 |
| 75 | 9/16 | 9/16 | 1/2 | 7/16 | 7/16 | 3/4 |
| 85 | 9/16 | 9/16 | 9/16 | 1/2 | 7/16 | 7/16 |
| 100 | 5/8 | 9/16 | 9/16 | 1/2 | 1/2 | 7/16 |
| 125 | 3/4 | 11/16 | 5/8 | 9/16 | 1/2 | 1/2 |
| 150 | 13/16 | 3/4 | 11/16 | 5/8 | 9/16 | 1/2 |
| 175 | 1 | 13/16 | 3/4 | 11/16 | 5/8 | 9/16 |
| 200 | 1 1/16 | 1 | 13/16 | 3/4 | 11/16 | 5/8 |
| 250 | 1 5/16 | 1 5/16 | 1 | 13/16 | 3/4 | 11/16 |
| 300 | 1 1/2 | 1 1/2 | 1 5/16 | 1 | 13/16 | 3/4 |
| 350 | 1 11/16 | 1 11/16 | 1 1/2 | 1 5/16 | 1 | 13/16 |
| 400 | 1 7/8 | 1 7/8 | 1 11/16 | 1 1/2 | 1 5/16 | 1 |
| 500 | 2 1/16 | 2 1/16 | 1 7/8 | 1 11/16 | 1 1/2 | 1 5/16 |

TABLE 2A

| Smallest dimension of end | Not over 8″ | Not over 9″ | Not over 10″ | Not over 12″ | Not over 14″ | Over 14″ |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 15 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | 1/2 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 65 | 9/16 | 9/16 | 1/2 | 7/16 | 7/16 | 7/16 |
| 75 | 9/16 | 9/16 | 9/16 | 1/2 | 7/16 | 7/16 |
| 85 | 9/16 | 9/16 | 9/16 | 1/2 | 1/2 | 7/16 |
| 100 | 5/8 | 9/16 | 9/16 | 1/2 | 1/2 | 7/16 |
| 125 | 3/4 | 11/16 | 11/16 | 9/16 | 1/2 | 1/2 |
| 150 | 13/16 | 3/4 | 11/16 | 11/16 | 9/16 | 1/2 |
| 175 | 15/16 | 3/4 | 13/16 | 11/16 | 5/8 | 9/16 |
| 200 | 7/8 | 15/16 | 7/8 | 13/16 | 3/4 | 5/8 |
| 250 | 1 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 |
| 300 | 1 1/16 | 1 | 15/16 | 7/8 | 13/16 | 3/4 |
| 350 | 1 1/8 | 1 1/16 | 1 | 15/16 | 7/8 | 13/16 |
| 400 | 1 1/4 | 1 1/8 | 1 1/16 | 1 | 15/16 | 7/8 |
| 500 | 1 3/8 | 1 5/16 | 1 1/4 | 1 1/16 | 1 | 15/16 |

TABLE 3

| Depth of box (inches) | Not over 8″ | Not over 9″ | Not over 10″ | Not over 12″ | Not over 14″ | Over 14″ |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 15 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 25 | 3/4 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 35 | 7/16 | 7/16 | 3/4 | 1 1/32 | 1 1/32 | 1 1/32 |
| 45 | 1/2 | 1/2 | 7/16 | 7/16 | 3/4 | 1 1/32 |
| 55 | 9/16 | 1/2 | 1/2 | 7/16 | 7/16 | 3/4 |
| 65 | 9/16 | 9/16 | 9/16 | 1/2 | 7/16 | 7/16 |
| 75 | 5/8 | 5/8 | 9/16 | 1/2 | 1/2 | 7/16 |
| 85 | 11/16 | 11/16 | 5/8 | 9/16 | 1/2 | 1/2 |
| 100 | 3/4 | 11/16 | 11/16 | 5/8 | 9/16 | 1/2 |
| 125 | 13/16 | 13/16 | 3/4 | 11/16 | 5/8 | 9/16 |
| 150 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 | 5/8 |
| 175 | 1 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 |
| 200 | 1 1/16 | 1 | 15/16 | 7/8 | 13/16 | 3/4 |
| 250 | 1 1/4 | 1 1/16 | 1 | 15/16 | 7/8 | 23/32 |
| 300 | 1 5/16 | 1 5/16 | 1 1/4 | 1 1/16 | 15/16 | 7/8 |
| 350 | 1 7/16 | 1 7/16 | 1 5/16 | 1 1/4 | 1 1/16 | 15/16 |
| 400 | 1 5/8 | 1 5/8 | 1 7/16 | 1 5/16 | 1 1/8 | 1 |
| 500 | 1 7/8 | 1 7/8 | 1 11/16 | 1 1/2 | 1 5/16 | 1 3/16 |

TABLE 3A

| Smallest dimension of end | Not over 8″ | Not over 9″ | Not over 10″ | Not over 12″ | Not over 14″ | Over 14″ |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | 1/2 | 1/2 | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | 1/2 | 1/2 | 1/2 | 7/16 | 7/16 | 7/16 |
| 65 | 9/16 | 9/16 | 9/16 | 1/2 | 7/16 | 7/16 |
| 75 | 5/8 | 9/16 | 9/16 | 1/2 | 1/2 | 7/16 |
| 85 | 5/8 | 5/8 | 9/16 | 9/16 | 1/2 | 1/2 |
| 100 | 3/4 | 11/16 | 5/8 | 9/16 | 9/16 | 1/2 |
| 125 | 7/8 | 13/16 | 3/4 | 11/16 | 5/8 | 9/16 |
| 150 | 1 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 |
| 175 | 1 1/16 | 1 | 15/16 | 7/8 | 13/16 | 3/4 |
| 200 | 1 1/8 | 1 1/16 | 1 | 15/16 | 7/8 | 13/16 |
| 250 | 1 5/16 | 1 5/16 | 1 1/8 | 1 | 15/16 | 7/8 |
| 300 | 1 7/16 | 1 7/16 | 1 5/16 | 1 1/8 | 1 | 15/16 |
| 350 | 1 5/8 | 1 5/8 | 1 7/16 | 1 5/16 | 1 1/8 | 1 |
| 400 | 1 3/4 | 1 3/4 | 1 9/16 | 1 7/16 | 1 5/16 | 1 3/16 |
| 500 | 2 | 2 | 1 13/16 | 1 5/8 | 1 1/2 | 1 7/16 |

TABLE 4

| Smallest dimension of end | Not over 8″ | Not over 9″ | Not over 10″ | Not over 12″ | Not over 14″ | Over 14″ |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | 1/2 | 1/2 | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | 1/2 | 1/2 | 1/2 | 7/16 | 7/16 | 7/16 |
| 65 | 9/16 | 9/16 | 1/2 | 1/2 | 7/16 | 7/16 |
| 75 | 9/16 | 9/16 | 9/16 | 1/2 | 1/2 | 7/16 |
| 85 | 5/8 | 9/16 | 9/16 | 1/2 | 1/2 | 1/2 |
| 100 | 11/16 | 5/8 | 9/16 | 9/16 | 1/2 | 1/2 |
| 125 | 13/16 | 3/4 | 11/16 | 5/8 | 9/16 | 1/2 |
| 150 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 | 5/8 |
| 175 | 1 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 |
| 200 | 1 1/16 | 1 | 15/16 | 7/8 | 13/16 | 3/4 |
| 250 | 1 1/4 | 1 1/16 | 1 | 15/16 | 7/8 | 23/32 |
| 300 | 1 5/16 | 1 5/16 | 1 1/4 | 1 1/16 | 15/16 | 7/8 |
| 350 | 1 7/16 | 1 7/16 | 1 5/16 | 1 1/4 | 1 1/16 | 15/16 |
| 400 | 1 5/8 | 1 5/8 | 1 7/16 | 1 5/16 | 1 1/8 | 1 |
| 500 | 1 7/8 | 1 7/8 | 1 11/16 | 1 1/2 | 1 5/16 | 1 3/16 |

TABLE 5

| Smallest dimension of end | Not over 8″ | Not over 9″ | Not over 10″ | Not over 12″ | Not over 14″ | Over 14″ |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 |
| 25 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 |
| 35 | 5/8 | 9/16 | 1/2 | 1/2 | 1/2 | 1/2 |
| 45 | 11/16 | 5/8 | 9/16 | 9/16 | 1/2 | 1/2 |
| 55 | 3/4 | 11/16 | 5/8 | 5/8 | 9/16 | 1/2 |
| 65 | 13/16 | 3/4 | 11/16 | 5/8 | 5/8 | 9/16 |
| 75 | 7/8 | 13/16 | 3/4 | 11/16 | 5/8 | 9/16 |
| 85 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 | 5/8 |
| 100 | 1 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 |



§ 78.169–13 Reduced thickness.

(a) Reduction in thicknesses is authorized as in paragraphs (a) to (d) of this section except that reduced thicknesses must be not less than:

(1) Sides, top, and bottom: Minimum 5/16″ for boxes up to 35 pounds authorized gross weight and 3/8″ above that weight.

(2) Ends or cleats: Minimum 7/16″.

(b) Sides of one-piece or equivalent: 12½ percent.

(c) Any part or cleat of Group 3 or 4 wood: 20 percent.

(d) Sides, top, and bottom when to be strapped as per § 78.169–19(b): 20 percent for 1 strap; 35 percent for 2 straps.

CONVERSION TABLE

| Specified thickness (inches) | Reduced thickness corresponding to percent reduction | | |
|---|---|---|---|
| | 12½ | 20 | 35 |
| 9/32 | 1/4 | 1/4 | 1/4 |
| 5/16 | 9/32 | 1/4 | 1/4 |
| 11/32 | 5/16 | 9/32 | 1/4 |
| 3/8 | 5/16 | 5/16 | 1/4 |
| 7/16 | 3/8 | 11/32 | 9/32 |
| 1/2 | 7/16 | 3/8 | 5/16 |
| 9/16 | 1/2 | 7/16 | 3/8 |
| 5/8 | 9/16 | 1/2 | 7/16 |
| 11/16 | 5/8 | 9/16 | 7/16 |
| 3/4 | 5/8 | 5/8 | 1/2 |
| 23/32 | 11/16 | 5/8 | 1/2 |
| 13/16 | 11/16 | 5/8 | 1/2 |
| 7/8 | 3/4 | 11/16 | 9/16 |
| 15/16 | 13/16 | 3/4 | 5/8 |
| 1 | 7/8 | 13/16 | 5/8 |
| 1 1/16 | 15/16 | 7/8 | 11/16 |
| 1 1/8 | 1 | 15/16 | 3/4 |
| 1 3/16 | 1 1/16 | 1 | 23/32 |
| 1 1/4 | 1 1/16 | 1 | 13/16 |
| 1 5/16 | 1 1/8 | 1 1/16 | 7/8 |
| 1 3/8 | 1 1/4 | 1 1/16 | 7/8 |

§ 78.169–14 Assembly.

(a) By nailing; screws, hinges and hasp, or other device of equal efficiency are authorized; nails should be driven flush.

§ 78.169–15 Nails and nailing.

(a) Cement coated nails of size and with spacing detailed in §§ 78.169–16 and 78.169–17.

(b) At cleated edges drive at least 40 percent of nails into cleats.

(c) Nails fastening cleats to be staggered and clinch ⅛″; uncoated nails authorized.

(d) Nailing tops and bottoms to sides permitted but not required.

§ 78.169–16 Nails; kind and dimensions.

(a) Cement[1] coated of gauge and length as for "sinkers" and "coolers" as generally known to the trade; size[2] in "penny" as follows:

| Species of wood holding points of nails | Thickness of material holding points of nails (inches) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 5/8 or less | 11/16 | ½ | 13/16 | ¾ | 15/16 | 1 | 1 1/16 | 1 1/8 | 1 3/16 | 1 5/16 or more |
| Group 1 | 4 | 5 | 5 | 6 | 7 | 7 | 8 | 8 | 8 | 9 | 10 |
| Group 2 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 | 7 | 8 | 9 |
| Group 3 | 3 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 | 7 | 8 |
| Group 4 | 3 | 3 | 4 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 |

§ 78.169–17 Nail spacing.[3]

(a) Nail spacing as follows:

| Nails (size) | Maximum spacing when driven into end and cleats | |
|---|---|---|
| | Side grain | End grains |
| | *Inches* | *Inches* |
| Threepenny | 1¼ | 1 |
| Fourpenny | 1½ | 1¼ |
| Fivepenny | 1¾ | 1½ |
| Sixpenny | 2 | 1¾ |
| Sevenpenny | 2¼ | 2 |
| Eightpenny | 2½ | 2¼ |
| Ninepenny | 2¾ | 2½ |
| Tenpenny | 3 | 2½ |

§ 78.169–18 Marking.

(a) Marking on each box with letters and figures at least ½″ high in rectangle as follows:

ICC–15B***

(1) The stars must be replaced by authorized gross weight (for example, ICC–15B125, etc.). This mark shall be understood to certify that box complies with all specification requirements.

(b) The words "ONE STRAP", or "TWO STRAPS", etc., when straps are required (see § 78.169–13 (d)); this to be placed above or below the rectangle.

(c) Marks may also be applied as follows:

ICC–15B

NO STRAP XXX LBS.
ONE STRAP XXX LBS.
TWO STRAPS XXX LBS.

(1) The "X's" must be replaced by authorized gross weights as authorized for the strapping conditions.

§ 78.169–19 Closing for shipment.

(a) Box to be securely closed. Nails, if used, to be as prescribed in §§ 78.169–16 and 78.169–17.

(b) Metal straps, as specified by marks on box, must encircle sides, top, and bottom as follows:

(1) One nailless strap: At center of box.

(2) Two or more nailless straps: Outer two about ⅛ of box length from ends and other equally spaced between.

(3) Nailed straps: At ends of sides, top, and bottom; use same size nails as for closing and space not over twice as far apart.

(4) Size of flat straps must be as follows:

| Authorized gross weight (pounds) | Cross-section size when number of straps is— | | |
|---|---|---|---|
| | 1 | 2 | 3 |
| | *Inch* | *Inch* | *Inch* |
| 50 | ½ x 0.020 | ⅝ x 0.015 | |
| 100 | ⅝ x 0.020 | ⅝ x 0.018 | |
| 200 | ⅝ x 0.023 | ⅝ x 0.020 | ½ x 0.018 |
| 300 | | ⅝ x 0.023 | ⅝ x 0.020 |
| 400 | | ⅝ x 0.020 | ¾ x 0.023 |
| 500 | | ⅝ x 0.023 | ¾ x 0.023 |

(5) Wires, Washburn and Moen gauge, authorized as follows:

| Authorized gross weight (pounds) | Gauge of wires when number of straps is— | | |
|---|---|---|---|
| | 1 | 2 | 3 |
| 50 | 12 | 14 | |
| 100 | 11 | 12 | |
| 200 | 9 | 11 | 12 |
| 300 | | 10 | 11 |
| 400 | | 10 | 11 |
| 500 | | 9 | 10 |

§ 78.170 Specification 15C; wooden boxes, nailed.

§ 78.170–1 Compliance.

(a) Required in all details.

§ 78.170–2 Closed[4] box.

(a) Parts and pieces to be in close contact.

§ 78.170–3 Ends.

(a) One-piece, or equivalent (see § 78.170–4); or cleated as prescribed.

§ 78.170–4 One-piece equivalents.

(a) Parts are considered equivalent to one-piece as follows:

(1) Parts Linderman-joint glued.

(2) Parts at least ½″ thick, tongued and grooved and glued, with 2 or more corrugated fasteners on each joint.

(3) Parts at least ½″ thick fastened with 3 or more corrugated fasteners on each joint.

(4) Parts butt-joint glued, provided the joined surfaces are planed before gluing, so as to assure full contact. After immersion in water for 24 hours at 70° F. the part must not fail at the joint when it is broken.

[1] Uncoated nails authorized when increased 25 percent in number.

[2] Nails 1-penny smaller authorized when spaced as for 2-penny smaller. Nails 2-penny smaller authorized, but not less than 3-penny, when thickness of material nailed through does not exceed ½ of thickness of material holding points of nails.

[3] To determine number of nails, divide length of nailing edge by spacing; fractions greater than ½ are considered as whole numbers.

[4] Openings for filling device of inside container authorized if device is properly protected.

(b) Corrugated fasteners (as prescribed for one-piece equivalents): 1" wide; penetration ⅝ thickness of part; within 3" of end of joint and not over 8" apart; for 3 or more, drive alternately into opposite sides of part.

**§ 78.170–5 Gluing efficiency.**

(a) Shall be determined for boxes for gross weight of 150 pounds or less. When filled with sand and sawdust to marked gross weight, the boxes must be able to withstand 8 drops of 12", one on each corner, onto solid concrete without exposure of contents.

**§ 78.170–6 Lumber.**

(a) To be well seasoned, commercially dry, and free from decay, loose knots that would interfere with nailing, and other defects that would materially lessen the strength. Grain of wood in cleats must not cross cleat within ½ its length.

**§ 78.170–7 Nails.**

(a) Cement coated, unless otherwise authorized herein, of size specified for "sinkers" and "coolers" as generally known to the trade.

**§ 78.170–8 Grouping of principal woods.**

(a) Grouping as follows:

GROUP 1

| | |
|---|---|
| White pine. | Willow. |
| Norway pine. | Noble fir. |
| Aspen (popple). | Magnolia. |
| Spruce | Buckeye. |
| Western (yellow) pine. | White fir. |
| | Cedar. |
| Cottonwood. | Redwood. |
| Balsam fir. | Butternut. |
| Yellow poplar. | Cucumber. |
| Chestnut. | Alpine fir. |
| Sugar pine. | Lodgepole pine. |
| Cypress. | Jack pine. |
| Basswood. | |

GROUP 2

| | |
|---|---|
| Southern yellow pine. | Douglas fir. |
| Hemlock. | Larch (tamarack). |
| North Carolina pine. | |

GROUP 3

| | |
|---|---|
| White elm. | Black gum. |
| Red gum. | Black ash. |
| Sycamore. | Tupelo. |
| Pumpkin ash. | Maple—soft or silver. |

GROUP 4

| | |
|---|---|
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | Hickory. |
| Hackberry. | White ash. |

**§ 78.170–9 Width of pieces.**

(a) At least 2½".

**§ 78.170–10 Width of cleats.**

(a) Twice the prescribed thickness plus ¾".

**§ 78.170–11 Thickness of lumber.**

(a) Nailed boxes not cleated (Style 1): Authorized gross weight not over 100 pounds, see Note 1. Sides as in Table 1; top and bottom as in Table 1A; ends as in Table 5.

(b) Glued-lock-corner boxes (Style 6): Authorized gross weight not over 150 pounds. Sides as in Table 3; top and bottom as in Table 1A; ends as in Table 3A. Or, sides as in Table 2; top and bottom as in Table 1A; ends as in Table 4.

(c) Single-cleated boxes (Style 4 or 5): Authorized gross weight not over 200 pounds, see Note 2. Sides as in Table 1; top and bottom as in Table 1A; ends and cleats as in Table 3A.

(d) Double-cleated boxes (Style 2, 2½, or 3): Authorized gross weight not over 500 pounds, see Note 3. Sides as in Table 1; top and bottom as in Table 1A; end and cleats as in Table 2A. Or, sides as in Table 1; top and bottom as in Table 1A; cleats as in Table 3B; ends not thinner than thickest side or top.

NOTE 1: When group 2 woods are used the gross weight may be increased to 110 pounds.

NOTE 2: When group 2 woods are used the gross weight may be increased to 220 pounds.

NOTE 3: When group 2 woods are used the gross weight may be increased to 550 pounds.

(e) Tables are as follows (dimensions of materials finished or resawed):

TABLE 1

| Depth of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | ¼ | ¼ | ¼ | ¼ | ¼ | ¼ |
| 25 | ¼ | ¼ | ¼ | ¼ | ¼ | ¼ |
| 35 | 5/16 | 9/32 | 9/32 | ¼ | ¼ | ¼ |
| 45 | 11/32 | 5/16 | 5/16 | 9/32 | ¼ | ¼ |
| 55 | 3/8 | 11/32 | 11/32 | 5/16 | 9/32 | ¼ |
| 65 | 3/8 | 3/8 | 11/32 | 5/16 | 5/16 | 9/32 |
| 75 | 7/16 | 3/8 | 3/8 | 11/32 | 5/16 | 9/32 |
| 85 | 7/16 | 7/16 | 3/8 | 3/8 | 11/32 | 5/16 |
| 100 | ½ | 7/16 | 7/16 | 3/8 | 3/8 | 11/32 |
| 125 | 5/16 | ½ | ½ | 7/16 | 3/8 | 3/8 |
| 150 | 3/8 | 5/16 | 5/16 | ½ | 7/16 | 3/8 |
| 175 | 3/8 | 3/8 | 5/16 | ½ | ½ | 7/16 |
| 200 | 11/16 | 3/8 | 3/8 | 5/16 | ½ | ½ |
| 250 | 9/32 | 3/8 | 11/16 | 3/8 | 5/16 | ½ |
| 300 | 13/16 | 13/16 | 3/8 | 11/16 | 3/8 | 5/16 |
| 350 | 15/16 | ⅞ | 13/16 | ¾ | 11/16 | ⅝ |
| 400 | 1 | 15/16 | ⅞ | 15/16 | ⅝ | 11/16 |
| 500 | 1 1/16 | 1 1/16 | 1 | 15/16 | ⅞ | ¾ |

TABLE 1A

| Width of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | ¼ | ¼ | ¼ | ¼ | ¼ | ¼ |
| 25 | ¼ | ¼ | ¼ | ¼ | ¼ | ¼ |
| 35 | 5/16 | 9/32 | 9/32 | ¼ | ¼ | ¼ |
| 45 | 11/32 | 5/16 | 5/16 | 9/32 | ¼ | ¼ |
| 55 | 3/8 | 11/32 | 11/32 | 5/16 | 9/32 | ¼ |
| 65 | 3/8 | 3/8 | 11/32 | 5/16 | 5/16 | 9/32 |
| 75 | 7/16 | 3/8 | 3/8 | 11/32 | 11/32 | 9/32 |
| 85 | 7/16 | 7/16 | 3/8 | 3/8 | 11/32 | 5/16 |
| 100 | ½ | 7/16 | 7/16 | 3/8 | 3/8 | 11/32 |
| 125 | 5/16 | ½ | ½ | 7/16 | 3/8 | 3/8 |
| 150 | 3/8 | 5/16 | 5/16 | ½ | 7/16 | 3/8 |
| 175 | 3/8 | 3/8 | 5/16 | ½ | ½ | 7/16 |
| 200 | 11/16 | 3/8 | 3/8 | 5/16 | ½ | ½ |
| 250 | 9/32 | 3/8 | 11/16 | 3/8 | 5/16 | ½ |
| 300 | 13/16 | 13/16 | 3/8 | 11/16 | 3/8 | 5/16 |
| 350 | 15/16 | ⅞ | 13/16 | ¾ | 11/16 | ⅝ |
| 400 | 1 | 15/16 | ⅞ | 13/16 | ¾ | 11/16 |
| 500 | 1 1/16 | 1 1/16 | 1 | 15/16 | ⅞ | ¾ |

TABLE 2

| Depth of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 15 | 1 1/32 | 1 1/32 | 5/16 | 9/32 | ¼ | ¼ |
| 25 | 1 1/32 | 1 1/32 | 9/32 | 5/16 | ¼ | ¼ |
| 35 | 3/8 | 1 1/32 | 5/16 | 5/16 | 9/32 | ¼ |
| 45 | 7/16 | 3/8 | 3/8 | 1 1/32 | 5/16 | 9/32 |
| 55 | ½ | 7/16 | 3/8 | 3/8 | 5/16 | 9/32 |
| 65 | 9/16 | ½ | ½ | 5/16 | 3/8 | 5/16 |
| 75 | 5/8 | 9/16 | 9/16 | ½ | 7/16 | ½ |
| 85 | 1 1/16 | 1 1/16 | 5/8 | 9/16 | ½ | ½ |
| 100 | 1 1/16 | 1 1/16 | 1 | 5/8 | 9/16 | ½ |
| 125 | 1 3/16 | 1 1/16 | 1 | 1 | 5/8 | 9/16 |
| 150 | 1 5/16 | ⅞ | 1 1/16 | 1 | 1 | 5/8 |
| 175 | 1 7/16 | 1 5/16 | ⅞ | 1 1/16 | 1 | 1 |
| 200 | 1 1/2 | 1 7/16 | 1 5/16 | ⅞ | 1 1/16 | 1 |
| 250 | 1 11/16 | 1 5/8 | 1 1/2 | 1 3/8 | 1 1/4 | 1 1/16 |
| 300 | 1 7/8 | 1 13/16 | 1 11/16 | 1 1/2 | 1 3/8 | 1 1/4 |
| 350 | 2 1/16 | 2 | 1 7/8 | 1 11/16 | 1 1/2 | 1 3/8 |
| 400 | 2 1/4 | 2 1/8 | 2 | 1 7/8 | 1 11/16 | 1 1/2 |
| 500 | 2 1/2 | 2 3/8 | 2 1/4 | 2 1/16 | 1 7/8 | 1 11/16 |

TABLE 2A

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 15 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 25 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 35 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 45 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 55 | ½ | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 65 | 9/16 | ½ | ½ | 5/16 | 5/16 | 5/16 |
| 75 | 9/16 | 9/16 | 9/16 | ½ | 5/16 | 5/16 |
| 85 | 9/16 | 9/16 | 9/16 | ½ | ½ | ½ |
| 100 | 11/16 | 9/16 | 9/16 | 9/16 | ½ | ½ |
| 125 | 3/4 | 11/16 | 9/16 | 9/16 | ½ | ½ |
| 150 | 13/16 | 3/4 | 11/16 | 9/16 | 9/16 | ½ |
| 175 | 7/8 | 13/16 | 3/4 | 11/16 | 9/16 | 9/16 |
| 200 | 7/8 | 13/16 | 3/4 | 3/4 | 11/16 | 9/16 |
| 250 | 1 | 15/16 | 7/8 | 13/16 | 3/4 | 11/16 |
| 300 | 1 1/16 | 1 | 15/16 | 7/8 | 13/16 | 3/4 |
| 350 | 1 1/8 | 1 1/16 | 1 | 15/16 | 7/8 | 13/16 |
| 400 | 1 1/8 | 1 1/16 | 1 | 15/16 | 7/8 | 13/16 |
| 500 | 1 1/4 | 1 1/8 | 1 1/16 | 1 | 15/16 | 7/8 |

TABLE 3

| Depth of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 9/32 | 9/32 | ¼ | ¼ | ¼ | ¼ |
| 25 | 9/32 | 1 1/32 | 9/32 | 9/32 | 9/32 | 9/32 |
| 35 | 5/16 | 5/16 | 9/32 | 5/16 | 11/32 | 11/32 |
| 45 | ½ | ½ | 5/16 | 5/16 | 5/16 | 5/16 |
| 55 | 9/16 | ½ | ½ | 7/16 | 5/16 | 5/16 |
| 65 | 9/16 | 9/16 | 9/16 | ½ | 7/16 | 7/16 |
| 75 | 9/16 | 9/16 | 9/16 | ½ | ½ | 7/16 |
| 85 | 11/16 | 11/16 | 9/16 | 9/16 | ½ | ½ |
| 100 | ¾ | 11/16 | 11/16 | 9/16 | 9/16 | ½ |
| 125 | 13/16 | ¾ | ¾ | 11/16 | 9/16 | 9/16 |
| 150 | 15/16 | ⅞ | 13/16 | ¾ | 11/16 | 9/16 |
| 175 | 1 | 15/16 | ⅞ | 13/16 | ¾ | 11/16 |
| 200 | 1 1/16 | 1 | 15/16 | ⅞ | 13/16 | ¾ |
| 250 | 1 1/8 | 1 1/16 | 1 | 15/16 | ⅞ | 13/16 |
| 300 | 1 5/16 | 1 1/4 | 1 1/8 | 1 1/16 | 1 | 15/16 |
| 350 | ------ | 1 5/16 | 1 1/4 | 1 1/8 | 1 1/16 | 1 |
| 400 | ------ | ------ | ------ | 1 1/4 | 1 1/8 | 1 1/16 |
| 500 | ------ | ------ | ------ | ------ | 1 1/4 | 1 1/8 |



TABLE 3A

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 | 1 1/32 |
| 25 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 35 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 45 | ½ | ½ | 5/16 | 5/16 | 5/16 | 5/16 |
| 55 | 9/16 | ½ | ½ | 5/16 | 5/16 | 5/16 |
| 65 | 9/16 | 9/16 | 9/16 | ½ | 5/16 | 5/16 |
| 75 | 5/8 | 5/8 | 9/16 | ½ | ½ | ½ |
| 85 | 1 1/16 | 1 1/16 | 5/8 | 9/16 | ½ | ½ |
| 100 | 1 1/16 | 1 1/16 | 1 | 5/8 | 9/16 | ½ |
| 125 | 1 3/16 | 1 1/16 | 1 | 1 | 5/8 | 9/16 |
| 150 | 1 5/16 | ⅞ | 1 1/16 | 1 | 1 | 5/8 |
| 175 | 1 7/16 | 1 5/16 | ⅞ | 1 1/16 | 1 | 1 |
| 200 | 1 1/2 | 1 7/16 | 1 5/16 | ⅞ | 1 1/16 | 1 |
| 250 | 1 11/16 | 1 5/8 | 1 1/2 | 1 3/8 | 1 1/4 | 1 1/16 |
| 300 | 1 7/8 | 1 13/16 | 1 11/16 | 1 1/2 | 1 3/8 | 1 1/4 |
| 350 | 2 1/16 | 2 | 1 7/8 | 1 11/16 | 1 1/2 | 1 3/8 |
| 400 | 2 1/4 | 2 1/8 | 2 | 1 7/8 | 1 11/16 | 1 1/2 |
| 500 | 2 1/2 | 2 3/8 | 2 1/4 | 2 1/16 | 1 7/8 | 1 11/16 |

TABLE 3B

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | ½ | ½ | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | 9/16 | ½ | ½ | 7/16 | 7/16 | 7/16 |
| 65 | 9/16 | 9/16 | 9/16 | ½ | 7/16 | 7/16 |
| 75 | 5/8 | 5/8 | 9/16 | ½ | ½ | ½ |
| 85 | 1 1/16 | 1 1/16 | 5/8 | 9/16 | ½ | ½ |
| 100 | 1 1/16 | 1 1/16 | 1 | 5/8 | 9/16 | ½ |
| 125 | 1 3/16 | 1 1/16 | 1 | 1 | 5/8 | 9/16 |
| 150 | 1 5/16 | ⅞ | 1 1/16 | 1 | 1 | 5/8 |
| 175 | 1 7/16 | 1 5/16 | ⅞ | 1 1/16 | 1 | 1 |
| 200 | 1 1/2 | 1 7/16 | 1 5/16 | ⅞ | 1 1/16 | 1 |
| 250 | 1 11/16 | 1 5/8 | 1 1/2 | 1 3/8 | 1 1/4 | 1 1/16 |
| 300 | 1 7/8 | 1 13/16 | 1 11/16 | 1 1/2 | 1 3/8 | 1 1/4 |
| 350 | 2 1/16 | 2 | 1 7/8 | 1 11/16 | 1 1/2 | 1 3/8 |
| 400 | 2 1/4 | 2 1/8 | 2 | 1 7/8 | 1 11/16 | 1 1/2 |
| 500 | 2 1/2 | 2 3/8 | 2 1/4 | 2 1/16 | 1 7/8 | 1 11/16 |

TABLE 4

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | 9/16 | ½ | ½ | 7/16 | 7/16 | 7/16 |
| 65 | 9/16 | 9/16 | 9/16 | ½ | 7/16 | 7/16 |
| 75 | 5/8 | 5/8 | 9/16 | ½ | ½ | ½ |
| 85 | 1 1/16 | 1 1/16 | 5/8 | 9/16 | ½ | ½ |
| 100 | 1 1/16 | 1 1/16 | 1 | 5/8 | 9/16 | ½ |
| 125 | 1 3/16 | 1 1/16 | 1 | 1 | 5/8 | 9/16 |
| 150 | 1 5/16 | ⅞ | 1 1/16 | 1 | 1 | 5/8 |
| 175 | 1 7/16 | 1 5/16 | ⅞ | 1 1/16 | 1 | 1 |
| 200 | 1 1/2 | 1 7/16 | 1 5/16 | ⅞ | 1 1/16 | 1 |
| 250 | 1 11/16 | 1 5/8 | 1 1/2 | 1 3/8 | 1 1/4 | 1 1/16 |
| 300 | 1 7/8 | 1 13/16 | 1 11/16 | 1 1/2 | 1 3/8 | 1 1/4 |
| 350 | 2 1/16 | 2 | 1 7/8 | 1 11/16 | 1 1/2 | 1 3/8 |
| 400 | 2 1/4 | 2 1/8 | 2 | 1 7/8 | 1 11/16 | 1 1/2 |
| 500 | 2 1/2 | 2 3/8 | 2 1/4 | 2 1/16 | 1 7/8 | 1 11/16 |

TABLE 4—Continued

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 100 | 7/8 | 15/16 | ¾ | 1 1/16 | 5/8 | 9/16 |
| 125 | 15/16 | ⅞ | 15/16 | ¾ | 1 1/16 | 5/8 |
| 150 | 1 | 15/16 | 15/16 | ⅞ | 15/16 | 1 1/16 |

TABLE 5

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | ½ | ½ | ½ | ½ | ½ | ½ |
| 25 | ½ | ½ | ½ | ½ | ½ | ½ |
| 35 | 9/16 | ½ | ½ | ½ | ½ | ½ |
| 45 | 1 1/16 | 9/16 | 9/16 | ½ | ½ | ½ |
| 55 | ¾ | 1 1/16 | ¾ | ¾ | 9/16 | ½ |
| 65 | 15/16 | ¾ | 1 1/16 | ¾ | ¾ | 9/16 |
| 75 | ⅞ | 15/16 | ¾ | 1 1/16 | ¾ | 9/16 |
| 85 | 1 1/16 | ⅞ | 15/16 | ¾ | 1 1/16 | ¾ |
| 100 | 1 1/16 | 1 | 15/16 | ⅞ | 15/16 | 1 1/16 |

**§ 78.170–12 Reduced thicknesses.**

(a) Reduction in thickness is authorized as in paragraphs (a) to (d) of this section except that reduced thicknesses must be not less than:

(1) Sides, top, and bottom: Minimum ¼" for boxes up to 150 pounds authorized gross weight and ⅜" above that weight.

(2) Ends or cleats: Minimum 7/16".

(b) Sides of one-piece or equivalent: 12½ percent.

(c) Any part or cleat of Group 3 or 4 wood: 20 percent.

(d) Sides, top, and bottom when to be strapped as per § 78.170–18(b): 20 percent for 1 strap; 35 percent for 2 straps.

CONVERSION TABLE

| Specified thickness (inches) | Reduced thickness corresponding to percent reduction | | |
|---|---|---|---|
| | 12½ | 20 | 35 |
| 9/32 | ¼ | ¼ | ¼ |
| 5/16 | 9/32 | ¼ | ¼ |
| 11/32 | 5/16 | 9/32 | ¼ |
| 3/8 | 5/16 | 5/16 | 9/32 |
| 7/16 | 3/8 | 11/32 | 9/32 |
| ½ | 7/16 | 3/8 | 5/16 |
| 9/16 | ½ | 7/16 | 5/16 |
| 5/8 | 9/16 | ½ | 7/16 |
| 11/16 | 5/8 | 9/16 | 7/16 |
| ¾ | 5/8 | 5/8 | ½ |
| 25/32 | 11/16 | 5/8 | ½ |
| 13/16 | 11/16 | 5/8 | ½ |
| 7/8 | ¾ | 11/16 | 9/16 |
| 15/16 | 13/16 | ¾ | 5/8 |
| 1 | ⅞ | 13/16 | ¾ |
| 1 1/16 | 15/16 | ⅞ | 11/16 |
| 1 1/8 | 1 | 15/16 | ⅞ |
| 1 3/16 | 1 1/16 | 1 | 15/16 |
| 1 1/4 | 1 1/8 | 1 1/16 | 1 |
| 1 5/16 | 1 1/8 | 1 1/16 | 1 |

**§ 78.170–13 Assembly.**

(a) By nailing; screws, hinges and hasp, or other device of equal efficiency are authorized; nails should be driven flush.

**§ 78.170–14 Nails and nailing.**

(a) Cement coated nails of size and with spacing detailed in §§ 78.170–15 and 78.170–16.

(b) At cleated edges drive at least 40 percent of nails into cleats.

(c) Nails fastening cleats to be staggered and clinch ⅛"; uncoated nails authorized.

(d) Nailing tops and bottoms to sides permitted but not required.

**§ 78.170–15 Nails; kind and dimensions.**

(a) Cement[1] coated of gauge and length as for "sinkers" and "coolers" as generally known to the trade; size[2] in "penny" as follows:

| Species of wood holding points of nails | Thickness of material holding points of nails (inches) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | ⅜ or less | 7/16 | ½ | 9/16 | ⅝ | 1 1/16 | ¾ | 25/32 | 1 1/16 | ⅞ | 1 15/16 or more |
| Group 1 | 4 | 5 | 5 | 6 | 7 | 7 | 8 | 8 | 8 | 9 | 10 |
| Group 2 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 | 8 | 8 | 9 |
| Group 3 | 3 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 | 7 | 8 |
| Group 4 | 3 | 3 | 4 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 |

[1] Uncoated nails authorized when increased 25 percent in number.

[2] Nails 1-penny smaller authorized when spaced as for 2-penny smaller. Nails 2-penny smaller authorized, but not less than 3-penny, when thickness of material nailed through does not exceed ½ of thickness of material holding points of nails.

### § 78.170–16 Nail spacing.[1]

(a) Nail spacing as follows:

| Nails (size) | Maximum spacing when driven into end and cleats | |
|---|---|---|
| | Side grain | End grains |
| | *Inches* | *Inches* |
| Threepenny | 1¼ | 1 |
| Fourpenny | 1½ | 1¼ |
| Fivepenny | 1¾ | 1½ |
| Sixpenny | 2 | 1¾ |
| Sevenpenny | 2¼ | 2 |
| Eightpenny | 2½ | 2¼ |
| Ninepenny | 2¾ | 2½ |
| Tenpenny | 3 | 2½ |

### § 78.170–17 Marking.

(a) Marking on each box with letters and figures at least ½" high in rectangle as follows:

ICC–15C***

(1) The stars must be replaced by authorized gross weight (for example, ICC–15C100, etc.). This mark shall be understood to certify that box complies with all specification requirements.

(b) The words "ONE STRAP", or "TWO STRAPS", etc., when straps are required (see § 78.170–12(d); this to be placed above or below the rectangle.

(c) Marks may also be applied as follows:

ICC–15C

NO STRAP XXX LBS.
ONE STRAP XXX LBS.
TWO STRAPS XXX LBS.

(1) The "X's" must be replaced by authorized gross weights as authorized for the strapping conditions.

### § 78.170–18 Closing for shipment.

(a) Box to be securely closed. Nails, if used, to be as prescribed in §§ 78.170–15 and 78.170–16.

(b) Metal straps, as specified by marks on box, must encircle sides, top, and bottom as follows:

(1) One nailless strap: At center of box.

(2) Two or more nailless straps: Outer two about ⅛ of box length from ends and other equally spaced between.

(3) Nailed straps: At ends of sides, top, and bottom; use same size nails as for closing and space not over twice as far apart.

(4) Size of flat straps must be as follows:

| Authorized gross weight (pounds) | Cross-section size when number of straps is— | | |
|---|---|---|---|
| | 1 | 2 | 3 |
| | *Inch* | *Inch* | *Inch* |
| 50 | ½ x 0.020 | ½ x 0.015 | |
| 100 | ½ x 0.020 | ½ x 0.018 | |
| 200 | ¾ x 0.023 | ½ x 0.020 | ½ x 0.018 |
| 300 | | ¾ x 0.023 | ½ x 0.020 |
| 400 | | ¾ x 0.020 | ½ x 0.023 |
| 500 | | ¾ x 0.023 | ¾ x 0.023 |

[1] To determine number of nails, divide length of nailing edge by spacing; fractions greater than ½ are considered as whole numbers.

(5) Wires, Washburn and Moen gauge, authorized as follows:

| Authorized gross weight (pounds) | Gauge of wires when number of straps is— | | |
|---|---|---|---|
| | 1 | 2 | 3 |
| 80 | 12 | 14 | |
| 100 | 11 | 12 | |
| 200 | 9 | 11 | 12 |
| 300 | | 10 | 11 |
| 400 | | 10 | 11 |
| 500 | | 9 | 10 |

### § 78.171 Specification 15D; wooden boxes, nailed.

### § 78.171–1 Compliance.

(a) Required in all details.

### § 78.171–2 Spaces between boards.

(a) Space 4" wide authorized except that bottom pieces must be in close contact with each other and with sides and ends.

### § 78.171–3 Ends.

(a) One-piece, or equivalent (see § 78.171–5); or cleated as prescribed.

### § 78.171–4 Handles.

(a) Containers may be provided with suitable handles at discretion of shipper. Handles must be of dimensions specified herein, consisting of horizontal strips or cleats extending across top of each side or each end; handles which do not project 3 inches beyond the vertical edges of the container must be mounted to leave at least 7/16 inch open space between handle and box, or be at least ¾ inch thick, or be of cross section at least equal to cleats required for single-cleated boxes of corresponding size and gross weight. Extension of cleats or side boards is acceptable for projecting handles.

| Authorized gross weight, maximum (pounds): | *Handles, minimum cross section (inches)* |
|---|---|
| 100 | ½ x 1¾ |
| 150 | ½ x 2¾ |
| 200 | ⅝ x 2½ |
| 300 | ⅝ x 3½ |
| 400 | ⅝ x 3½ |

### § 78.171–5 One-piece equivalents.

(a) Parts are considered equivalent to one-piece as follows:

(1) Parts Linderman-joint glued.

(2) Parts at least ½" thick, tongued and grooved and glued, with 2 or more corrugated fasteners on each joint.

(3) Parts at least ½" thick fastened with 3 or more corrugated fasteners on each joint.

(4) Parts butt-joint glued, provided the joined surfaces are planed before gluing, so as to assure full contact. After immersion in water for 24 hours at 70° F. the part must not fail at the joint when it is broken.

(b) Corrugated fasteners (as prescribed for one-piece equivalents). 1" wide; penetration ⅝ thickness of part; within 3" of end of joint and not over 8" apart; for 3 or more, drive alternately into opposite sides of part.

### § 78.171–6 Gluing efficiency.

(a) Shall be determined for boxes for gross weight of 150 pounds or less. When filled with sand and sawdust to marked gross weight, the boxes must be able to withstand 8 drops of 12", one on each corner, onto solid concrete without exposure of contents.

### § 78.171–7 Lumber.

(a) To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength. Grain of wood in cleats must not cross cleat within ½ its length.

### § 78.171–8 Nails.

(a) Cement coated, unless otherwise authorized herein, of size specified for "sinkers" and "coolers" as generally known to the trade.

### § 78.171–9 Grouping of principal woods.

(a) Grouping as follows:

**Group 1**

White pine.
Norway pine.
Aspen (popple).
Spruce.
Western (yellow) pine.
Cottonwood.
Balsam fir.
Buckeye.
White fir.
Cedar.
Redwood.
Butternut.
Yellow poplar.
Chestnut.
Sugar pine.
Cypress.
Basswood.
Willow.
Noble fir.
Magnolia.
Cucumber.
Alpine fir.
Lodgepole pine.
Jack pine.

**Group 2**

Southern yellow pine.
Hemlock.
North Carolina pine.
Douglas fir.
Larch (tamarack).

**Group 3**

White elm.
Red gum.
Sycamore.
Pumpkin ash.
Black gum.
Black ash.
Tupelo.
Maple—soft or silver.

**Group 4**

Hard maple.
Beech.
Oak.
Hackberry.
Birch.
Rock elm.
Hickory.
White ash.

### § 78.171–10 Width of pieces.

(a) At least 2½".

### § 78.171–11 Width of cleats.

(a) Twice the prescribed thickness plus ¾".

### § 78.171–12 Thickness of lumber.

(a) Nailed boxes not cleated (Style 1): Authorized gross weight not over 100 pounds, see Note 1. Sides as in Table 1; top and bottom as in Table 1A; ends as in Table 5.

(b) Glued-lock-corner boxes (Style 6): Authorized gross weight not over 150 pounds. Sides as in Table 3; top and bottom as in Table 1A; ends as in Table 3A. Or, sides as in Table 2; top and bottom as in Table 1A; ends as in Table 4.

(c) Single-cleated boxes (Style 4 or 5): Authorized gross weight not over 200 pounds for boxes with vertical cleats nor over 400 pounds for boxes with horizontal cleats. Sides as in Table 1; top and bottom as in Table 1A; ends and cleats as in Table 3A.

(d) Double-cleated boxes (Style 2, 2½, or 3): Authorized gross weight not over 500 pounds. Sides as in Table 1; top and bottom as in Table 1A; ends and cleats as in Table 2A. Or, sides as in Table 1; top and bottom as in Table 1A, cleats as in Table 3B; ends not thinner than thinnest side or top.

*Exception:* For containers consisting of an inner wooden crate of at least ½" thickness throughout, with or without top, and an outside double cleated box without the openings permitted by § 78.171–2, the thickness of all parts of the outside box may be reduced to not less than ⅝".

(e) Tables are as follows (dimensions of materials finished or resawed):

TABLE 1

| Depth of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 25 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 35 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 45 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 55 | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 65 | ⅜ | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 75 | 7/16 | ⅜ | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 |
| 85 | 7/16 | 7/16 | ⅜ | ⅜ | 1 11/32 | 1 11/32 |
| 100 | ½ | 7/16 | 7/16 | ⅜ | ⅜ | 1 11/32 |
| 125 | ½ | ½ | ½ | 7/16 | ⅜ | ⅜ |
| 150 | ½ | ½ | ½ | ½ | 7/16 | ⅜ |
| 175 | ⅝ | ⅝ | ⅝ | ½ | ½ | 7/16 |
| 200 | ⅝ | ⅝ | ⅝ | ⅝ | ½ | ½ |
| 250 | ¾ | ¾ | ¾ | ⅝ | ⅝ | ⅝ |
| 300 | 1 3/16 | 1 3/16 | ¾ | ¾ | ⅝ | ⅝ |
| 350 | 1 3/16 | 1 3/16 | 1 3/16 | ¾ | ¾ | ¾ |
| 400 | 1 3/16 | 1 3/16 | 1 3/16 | 1 3/16 | ¾ | ¾ |
| 500 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | ⅞ | ⅞ |

TABLE 1A

| Width of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 25 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 35 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 45 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 55 | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 65 | ⅜ | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 75 | 7/16 | ⅜ | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 |
| 85 | 7/16 | 7/16 | ⅜ | ⅜ | 1 11/32 | 1 11/32 |
| 100 | ½ | 7/16 | 7/16 | ⅜ | ⅜ | 1 11/32 |
| 125 | ½ | ½ | ½ | 7/16 | ⅜ | ⅜ |
| 150 | ⅝ | ⅝ | ⅝ | ½ | ½ | 7/16 |
| 175 | ⅝ | ⅝ | ⅝ | ½ | ½ | 7/16 |
| 200 | ⅝ | ⅝ | ⅝ | ⅝ | ½ | ½ |
| 250 | ¾ | ¾ | ¾ | ⅝ | ⅝ | ⅝ |
| 300 | 1 3/16 | 1 3/16 | ¾ | ¾ | ⅝ | ⅝ |
| 350 | 1 3/16 | 1 3/16 | 1 3/16 | ¾ | ¾ | ¾ |
| 400 | 1 3/16 | 1 3/16 | 1 3/16 | 1 3/16 | ¾ | ¾ |
| 500 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | ⅞ | ⅞ |

TABLE 2

| Depth of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 15 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 25 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 35 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 45 | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 55 | ⅜ | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 65 | 7/16 | ⅜ | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 |
| 75 | 7/16 | 7/16 | ⅜ | ⅜ | 1 11/32 | 1 11/32 |
| 85 | ½ | 7/16 | 7/16 | ⅜ | ⅜ | 1 11/32 |
| 100 | ½ | ½ | ½ | 7/16 | ⅜ | ⅜ |
| 125 | ⅝ | ⅝ | ⅝ | ½ | 7/16 | 7/16 |
| 150 | ⅝ | ⅝ | ⅝ | ½ | ½ | 7/16 |
| 175 | ¾ | ¾ | ¾ | ⅝ | ⅝ | ½ |
| 200 | ¾ | ¾ | ¾ | ⅝ | ⅝ | ⅝ |
| 250 | 1 3/16 | 1 3/16 | ¾ | ¾ | ⅝ | ⅝ |
| 300 | 1 3/16 | 1 3/16 | 1 3/16 | ¾ | ¾ | ¾ |
| 350 | 1 3/16 | 1 3/16 | 1 3/16 | 1 3/16 | ¾ | ¾ |
| 400 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | ¾ | ¾ |
| 500 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | ⅞ | ⅞ |

TABLE 2—Continued

| Depth of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 45 | 7/16 | ⅜ | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 |
| 55 | ½ | 7/16 | ⅜ | ⅜ | 1 11/32 | 1 11/32 |
| 65 | ½ | ½ | 7/16 | ⅜ | ⅜ | 1 11/32 |
| 75 | 9/16 | ½ | ½ | 7/16 | ⅜ | ⅜ |
| 85 | 9/16 | 9/16 | ½ | ½ | 7/16 | ⅜ |
| 100 | ⅝ | 9/16 | 9/16 | ½ | 7/16 | 7/16 |
| 125 | 1 1/16 | ⅝ | ⅝ | 9/16 | ½ | ½ |
| 150 | ¾ | 1 1/16 | 1 1/16 | ⅝ | 9/16 | ½ |
| 175 | ¾ | ¾ | 1 1/16 | 1 1/16 | ⅝ | 9/16 |
| 200 | 1 | 1 1/16 | ¾ | ¾ | 1 1/16 | ⅝ |
| 250 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | ¾ | ¾ |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | ¾ |
| 350 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 400 | 1 3/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 |
| 500 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 |

TABLE 2A

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inch* | *Inch* |
| 15 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | ½ | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 65 | ½ | ½ | 7/16 | 7/16 | 7/16 | 7/16 |
| 75 | 9/16 | ½ | ½ | 7/16 | 7/16 | 7/16 |
| 85 | 9/16 | 9/16 | ½ | ½ | 7/16 | 7/16 |
| 100 | ⅝ | 9/16 | 9/16 | ½ | ½ | 7/16 |
| 125 | 1 1/16 | ⅝ | ⅝ | 9/16 | ½ | ½ |
| 150 | ¾ | 1 1/16 | 1 1/16 | ⅝ | 9/16 | ½ |
| 175 | ¾ | ¾ | 1 1/16 | 1 1/16 | ⅝ | 9/16 |
| 200 | 1 | 1 1/16 | 1 | 1 1/16 | ¾ | ⅝ |
| 250 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | ¾ |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 350 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 1/16 | 1 |
| 400 | 1 3/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 1/16 |
| 500 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 |

TABLE 3

| Depth of box (inches) | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 | 5/16 |
| 25 | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 35 | 7/16 | 7/16 | ⅜ | 1 11/32 | 1 11/32 | 1 11/32 |
| 45 | ⅜ | ⅜ | 7/16 | 7/16 | ⅜ | 1 11/32 |
| 55 | 9/16 | ½ | ½ | 7/16 | 7/16 | ⅜ |
| 65 | 9/16 | 9/16 | 9/16 | ½ | 7/16 | 7/16 |
| 75 | ⅝ | ⅝ | 9/16 | ½ | ½ | 7/16 |
| 85 | 1 1/16 | 1 1/16 | ⅝ | 9/16 | ½ | ½ |
| 100 | ¾ | 1 1/16 | 1 1/16 | ⅝ | 9/16 | ½ |
| 125 | 1 1/16 | ¾ | ¾ | 1 1/16 | ⅝ | 9/16 |
| 150 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 | ¾ | ⅝ |
| 175 | 1 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 | ¾ |
| 200 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 |
| 250 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | ¾ |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 |
| 350 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 400 | 1 3/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 |
| 500 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 |

TABLE 3A

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 | 1 11/32 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | ½ | ½ | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | 9/16 | ½ | ½ | 7/16 | 7/16 | 7/16 |
| 65 | 9/16 | 9/16 | 9/16 | ½ | 7/16 | 7/16 |
| 75 | ⅝ | ⅝ | 9/16 | ½ | ½ | 7/16 |
| 85 | 1 1/16 | 1 1/16 | ⅝ | 9/16 | ½ | ½ |
| 100 | ¾ | 1 1/16 | 1 1/16 | ⅝ | 9/16 | ½ |
| 125 | 1 1/16 | ¾ | ¾ | 1 1/16 | ⅝ | 9/16 |
| 150 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 | ¾ | ⅝ |
| 175 | 1 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 | ¾ |
| 200 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 |
| 250 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | ¾ |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 |
| 350 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 400 | 1 3/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 |
| 500 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 |

TABLE 3B

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* | *Inches* |
| 15 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | ½ | ½ | 7/16 | 7/16 | 7/16 | 7/16 |
| 55 | 9/16 | ½ | ½ | 7/16 | 7/16 | 7/16 |
| 65 | 9/16 | 9/16 | 9/16 | ½ | 7/16 | 7/16 |
| 75 | ⅝ | ⅝ | 9/16 | ½ | ½ | 7/16 |
| 85 | 1 1/16 | 1 1/16 | ⅝ | 9/16 | ½ | ½ |
| 100 | ¾ | 1 1/16 | 1 1/16 | ⅝ | 9/16 | ½ |
| 125 | 1 1/16 | ¾ | ¾ | 1 1/16 | ⅝ | 9/16 |
| 150 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 | ¾ | ⅝ |
| 175 | 1 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 | ¾ |
| 200 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 |
| 250 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | ¾ |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 |
| 350 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 400 | 1 3/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 |
| 500 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 |

TABLE 4

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 15 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 25 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 35 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 |
| 45 | 9/16 | 9/16 | 9/16 | ½ | 7/16 | 7/16 |
| 55 | ⅝ | 9/16 | 9/16 | ½ | ½ | 7/16 |
| 65 | 1 1/16 | ⅝ | ⅝ | 9/16 | ½ | ½ |
| 85 | 2 5/32 | ¾ | 1 1/16 | ⅝ | 9/16 | ½ |
| 100 | ¾ | 1 1/16 | 1 1/16 | ⅝ | 9/16 | ½ |
| 125 | 1 1/16 | ¾ | ¾ | 1 1/16 | ⅝ | 9/16 |
| 150 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 | ¾ | ⅝ |
| 175 | 1 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 | ¾ |
| 200 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | ¾ | 1 1/16 |
| 250 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 | ¾ |
| 300 | 1 1/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 | 1 1/16 |
| 350 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 | 1 1/16 |
| 400 | 1 3/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 | 1 |
| 500 | 1 5/16 | 1 5/16 | 1 3/16 | 1 3/16 | 1 1/16 | 1 1/16 |

TABLE 5

| Smallest dimension of end | Not over 8" | Not over 9" | Not over 10" | Not over 12" | Not over 14" | Over 14" |
|---|---|---|---|---|---|---|
| Authorized gross weight (pounds) | Minimum thickness of part | | | | | |
| | Inch | Inch | Inch | Inch | Inch | Inch |
| 15 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 |
| 25 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 | 1/2 |
| 35 | 9/16 | 9/16 | 1/2 | 1/2 | 1/2 | 1/2 |
| 45 | 11/16 | 5/8 | 5/8 | 9/16 | 1/2 | 1/2 |
| 55 | 3/4 | 11/16 | 1/2 | 5/8 | 9/16 | 1/2 |
| 65 | 13/16 | 3/4 | 11/16 | 3/4 | 5/8 | 9/16 |
| 75 | 7/8 | 13/16 | 3/4 | 11/16 | 5/8 | 9/16 |
| 85 | 13/16 | 7/8 | 13/16 | 3/4 | 11/16 | 5/8 |
| 100 | 1 | 13/16 | 7/8 | 13/16 | 3/4 | 11/16 |

**§ 78.171–13 Reduced thicknesses.**

(a) Reduction in thicknesses is authorized as in paragraphs (a) to (d) of this section except that reduced thicknesses must be not less than:

(1) Sides, top, and bottom: Minimum 5/16" for boxes up to 35 pounds authorized gross weight and 3/8" above that weight.

(2) Ends or cleats: Minimum 7/16".

(b) Sides of one-piece or equivalent: 12½ percent. In battery boxes reinforced with separate pieces in the form of extension handles, not extension of side boards or cleats, having cross section at least equal to cleats required for single-cleated boxes of corresponding size and gross weight, 20 percent in sides or ends so reinforced.

(c) Any part or cleat of Group 3 or 4 wood: 20 percent.

(d) Sides, top, and bottom when to be strapped as per § 78.171–18 (b): 20 percent for 1 strap; 35 percent for 2 straps.

CONVERSION TABLE

| Specified thickness (inches) | Reduced thickness corresponding to percent reduction | | |
|---|---|---|---|
| | 12½ | 20 | 35 |
| 5/32 | 1/4 | 1/4 | 1/4 |
| 3/16 | 5/32 | 1/4 | 1/4 |
| 13/32 | 3/16 | 5/32 | 1/4 |
| 7/16 | 3/16 | 3/16 | 5/32 |
| 1/2 | 7/16 | 3/8 | 3/16 |
| 9/16 | 1/2 | 7/16 | 3/8 |
| 5/8 | 9/16 | 1/2 | 7/16 |
| 11/16 | 5/8 | 9/16 | 7/16 |
| 3/4 | 5/8 | 5/8 | 1/2 |
| 25/32 | 11/16 | 5/8 | 1/2 |
| 13/16 | 11/16 | 5/8 | 1/2 |
| 7/8 | 3/4 | 11/16 | 9/16 |
| 15/16 | 13/16 | 3/4 | 5/8 |
| 1 | 7/8 | 13/16 | 5/8 |
| 1 1/16 | 15/16 | 7/8 | 11/16 |
| 1 1/8 | 1 | 7/8 | 3/4 |
| 1 3/16 | 1 1/16 | 15/16 | 25/32 |
| 1 1/4 | 1 1/8 | 1 | 13/16 |
| 1 5/16 | 1 1/8 | 1 1/16 | 7/8 |

**§ 78.171–14 Nails and nailing.**

(a) Cement coated nails of size and with spacing detailed in §§ 78.171–15 and 78.171–16.

(b) At cleated edges drive at least 40 percent of nails into cleats.

(c) Nails fastening cleats to be staggered and clinch 1/8"; uncoated nails authorized.

(d) Nailing tops and bottoms to sides permitted but not required.

**§ 78.171–15 Nails; kind of dimensions.**

(a) Cement[1] coated of gauge and length as for "sinkers" and "coolers" as generally known to the trade; size[2] in "penny" as follows:

| Species of wood holding points of nails | Thickness of material holding points of nails (inches) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 3/4 or less | 25/32 | 13/16 | 7/8 | 15/16 | 1 | 1 1/16 | 1 1/8 | 1 3/16 | 1 1/4 | 1 5/16 or more |
| Group 1 | 4 | 5 | 5 | 6 | 7 | 7 | 8 | 8 | 8 | 9 | 10 |
| Group 2 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 | 7 | 8 | 9 |
| Group 3 | 3 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 | 7 | 8 |
| Group 4 | 3 | 3 | 4 | 4 | 4 | 5 | 5 | 6 | 6 | 7 | 7 |

**§ 78.171–16 Nail spacing.[3]**

(a) Nail spacing as follows:

| Nails (size) | Maximum spacing when driven into end and cleats | |
|---|---|---|
| | Side grain | End grains |
| | Inches | Inches |
| Threepenny | 1 1/4 | 1 |
| Fourpenny | 1 1/2 | 1 1/4 |
| Fivepenny | 1 3/4 | 1 1/2 |
| Sixpenny | 2 | 1 3/4 |
| Sevenpenny | 2 1/4 | 2 |
| Eightpenny | 2 1/2 | 2 1/4 |
| Ninepenny | 2 3/4 | 2 1/2 |
| Tenpenny | 3 | 2 1/2 |

**§ 78.171–17 Marking.**

(a) Marking on each box with letters and figures at least ½" high in rectangle as follows:

ICC–15D •••

(1) The stars must be replaced by authorized gross weight (for example, ICC–15D125, etc.) This mark shall be understood to certify that box complies with all specification requirements.

(b) The words "ONE STRAP", or "TWO STRAPS", etc., when straps are required (see § 78.171–13 (d)); this to be placed above or below the rectangle.

(c) Marks may also be applied as follows:

ICC–15D

NO STRAP XXX LBS.
ONE STRAP XXX LBS.
TWO STRAPS XXX LBS.

(1) The "X's" must be replaced by authorized gross weights as authorized for the strapping conditions.

**§ 78.171–18 Closing for shipment.**

(a) Box to be securely closed. Nails, if used, to be as prescribed in §§ 78.171–15 and 78.171–16.

(b) Metal straps, as specified by marks on box, must encircle sides, top, and bottom as follows:

(1) One nailless strap: At center of box.

(2) Two or more nailless straps: Outer two about ⅛ of box length from ends and other equally spaced between.

(3) Nailed straps: At ends of sides, top, and bottom; use same size nails as for closing and space not over twice as far apart.

(4) Size of flat straps must be as follows:

| Authorized gross weight (pounds) | Cross-section size when number of straps is— | | |
|---|---|---|---|
| | | 2 | 3 |
| | Inch | Inch | Inch |
| 50 | 1/4 x 0.020 | 1/4 x 0.018 | |
| 100 | 3/4 x 0.020 | 1/4 x 0.018 | |
| 200 | 3/4 x 0.023 | 1/4 x 0.020 | 1/2 x 0.018 |
| 300 | | 1/4 x 0.023 | 1/2 x 0.020 |
| 400 | | 1/4 x 0.020 | 1/2 x 0.023 |
| 500 | | 1/4 x 0.023 | 5/8 x 0.023 |

(5) Wires, Washburn and Moen gauge, authorized as follows:

| Authorized gross weight (pounds) | Gauge of wires when number of straps is— | | |
|---|---|---|---|
| | 1 | 2 | 3 |
| 50 | 12 | 14 | |
| 100 | 11 | 12 | |
| 200 | 9 | 11 | 12 |
| 300 | | 10 | 11 |
| 400 | | 10 | 11 |
| 500 | | 9 | 10 |

**§ 78.171–19 Boxes for shipment of wet electric storage batteries.**

(a) Boxes over 500 pounds gross weight are authorized for shipments of wet electrict storage batteries when the batteries are contained in a rigid cradle or box, or are securely fastened together so as to form a single unit, and not more than one such cradle, box, or unit is packed in the outside container. Skids required: runners to be at least 2 inches by 4 inches commercial thickness, minimum of three, except that two runners are authorized when width of case does not exceed 24 inches; or two runners may be used, minimum of 4 inches by 4 inches commercial thickness, when case does not exceed 36 inches in width. Runners to be beveled at ends to facilitate use of rollers. Bottom boards, minimum of 1 inch commercial thickness, to be nailed across runners; bracing of parts and thickness of lumber to be sufficient to protect contents in transit.

**§ 78.172 Specification 15E; wooden boxes, fiberboard lined.**

**§ 78.172–1 Compliance.**

(a) Required in all details.

**§ 78.172–2 Closed box.**

(a) Parts and pieces to be in close contact.

**§ 78.172–3 Ends.**

(a) Butt-joint glued to fiberboard. Plywood not authorized.

[1] Uncoated nails authorized when increased 25 percent in number.

[2] Nails 1-penny smaller authorized when spaced as for 2-penny smaller. Nails 2-penny smaller authorized, but not less than 3-penny, when thickness of material nailed through does not exceed ½ of thickness of material holding points of nails.

[3] To determine number of nails, divide length of nailing edge by spacing; fractions greater than ½ are considered as whole numbers.



**§ 78.172–4 Sides, top, and bottom.**

(a) Butt-joint or plywood glued to fiberboard.

**§ 78.172–5 Lumber.**

(a) To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength. Grain of wood in cleats must not cross cleat within ½ its length.

(b) Plywood, if used, shall be free of knots, decay, and other visible defects that interfere with the nailing. Plywood used must be of good commercial box or sheathing grade veneer.

**§ 78.172–6 Grouping of principal woods.**

(a) Grouping as follows:

GROUP 1

White pine.
Norway pine.
Aspen (popple).
Spruce.
Western (yellow) pine.
Cottonwood.
Balsam fir.
Yellow poplar.
Chestnut.
Sugar pine.
Cypress.
Basswood.
Willow.

GROUP 1—Continued

Noble fir.
Magnolia.
Buckeye.
White fir.
Cedar.
Redwood.
Butternut.
Cucumber.
Alpine fir.
Lodgepole pine.
Jack pine.

GROUP 2

Southern yellow pine.
Hemlock.
North Carolina pine.
Douglas fir.
Larch (tamarack).

GROUP 3

White elm.
Red gum.
Sycamore.
Pumpkin ash.
Black gum.
Black ash.
Tupelo.
Maple—soft or silver.

GROUP 4

Hard maple.
Beech.
Birch.
Rock elm.
Oak.
Hackberry.
Hickory.
White ash.

**§ 78.172–7 Width of pieces.**

(a) At least 2½ inches.

**§ 78.172–8 Thickness of wood parts.**

(a) Thickness as follows:

| Authorized gross weight of box not over (pounds) | Style of box (see Notes 2 and 3) | Minimum thickness (see Note 1) of sides, top and bottom in inches | | Minimum thickness of ends and cleats in inches | | Minimum width of cleats in inches | Size of nails in ends (penny) | |
|---|---|---|---|---|---|---|---|---|
| | | Groups 1 and 2 | Groups 3 and 4 | Groups 1 and 2 | Groups 3 and 4 | | Groups 1 and 2 | Groups 3 and 4 |
| 150 | 1, 2, 2½, 3 or 4 | 3/16 | 1/8 | 1/2 | 1/2 | 1 3/4 | 4 | 4 |
| 250 | 2½, 3 or 4 | 7/32 | 3/16 | 5/8 | 5/16 | 1 7/8 | 5 | 4 |
| 350 | 2½ or 3 | 1/4 | 7/32 | 3/4 | 11/16 | 2 1/4 | 6 | 5 |
| 450 | 2½ or 3 | 5/16 | 1/4 | 25/32 | 25/32 | 2 1/4 | 6 | 5 |
| 550 | 2½ or 3 | 3/8 | 5/16 | 13/16 | 13/16 | 2 1/2 | 7 | 6 |

NOTE 1: Plywood or paper covered wood veneer board of equal thickness and efficiency is permitted. Paper covered veneer board shall be of good quality Douglas fir core of at least 3/16 inch thickness, or lumber of equal quality, and free of breaks, gaps, holes, or knots. Paper covering shall be at least Kraft untreated linerboard having a basis weight of 42 pounds per 1,000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board.

NOTE 2: Thickness of ends in style 1 boxes shall be not less than 25/32 inch and load limit shall be not more than 100 pounds.

NOTE 3: Style 4 boxes shall have load limit of 200 pounds.

**§ 78.172–9 Assembly.**

(a) By nails, screws, staples or other devices of equal efficiency. Nails, screws, and staples must be driven flush.

**§ 78.172–10 Nails and nailing.**

(a) Cement coated nails of size and with spacing detailed in §§ 78.172–8, 78.172–11 and 78.172–12.

(b) At cleated edges drive at least 40 percent of nails into cleats.

(c) Nails fastening cleats to ends be staggered and clinch ⅛ inch; uncoated nails authorized.

**§ 78.172–11 Nails; kind and dimensions.**

(a) Cement[1] coated of gauge and length as for "sinkers" and "coolers" as generally known to the trade; size in penny as prescribed in § 78.172–8.

**§ 78.172–12 Nail spacing.[3]**

(a) Nail spacing as follows:

| Nails (size) | Maximum spacing when driven into end and cleats | |
|---|---|---|
| | Side grain | End grains |
| | Inches | Inches |
| Fourpenny | 1 1/2 | 1 1/4 |
| Fivepenny | 1 3/4 | 1 1/2 |
| Sixpenny | 2 | 1 3/4 |
| Sevenpenny | 2 1/4 | 2 |

**§ 78.172–13 Classification of board.**

(a) Fiberboard is hereby classified by strength[4] of completed board as in first column of the following table; weights specified in the table are the minimum authorized:

| Authorized gross weight of box not over (pounds) | Classified strength[1] of completed board | Solid fiberboard minimum combined weight of component plies exclusive of adhesives (pounds per 1,000 sq. ft.) | Facings for corrugated fiberboard double-faced minimum combined weight of facings (pounds per 1,000 sq. ft.) |
|---|---|---|---|
| 150 | 200 | 190 | 84 |
| 250 | 275 | 237 | 138 |
| 350 | 325 | 237 | 138 |
| 450 | 350 | 283 | 180 |
| 550 | 375 | 283 | 180 |

[1] Mullen or Cady test (minimum).

**§ 78.172–14 Solid fiberboard.**

(a) To be 3-ply or more; both outer plies water resistant.

**§ 78.172–15 Corrugated fiberboard.**

(a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1,000 square feet; all parts must be securely glued together throughout all contact areas.

**§ 78.172–16 Test.**

(a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength the board is acceptable.

(4) For corrugated fiberboard, double-pop tests may be disregarded.

**§ 78.172–17 Assembly.**

(a) The sheet of fiberboard to which are glued the boards forming the sides, top and bottom box sections, shall be properly scored to form a tube. The joint shall be on a side, top or bottom, near the center of the face, and located under one of the wood boards of the face.

(1) A water resistant glue shall be used to attach the fiberboard to the wood. The glue shall be applied in ribbons (lines) at right angles to the scores of the tube. The ribbons of glue shall be not less than 1¼" wide and shall be spaced sufficiently close so that glue will cover not less than 25 percent of the surface of the fiberboard. The ribbons of glue shall be equally spaced on the length of the box with the outside ribbons flush with the ends of the tube. Glue shall be applied to the fiberboard on the ends of the box in like amount as on the tube.

[1] Uncoated nails authorized when increased 25 percent in number.

[2] To determine number of nails, divide length of nailing edge by spacing; fractions greater than ½ are considered as whole numbers. Each piece of sides, top and bottom shall be nailed to the ends with at least two nails through each end of the piece.

[3] Mullen or Cady test (minimum).

(2) For styles 2, 2½, and 3, all faces of the tube shall extend over the end boards and cleats. For style 4, all faces shall extend over the end boards, but only the side sections shall extend over the cleats.

(3) The boards between score lines, shall butt against each other when placed on the fiberboard, and the combined widths of the boards shall be approximately equal to the inside dimension of the respective box section so that the boards completely cover the fiberboard between the inside edges of adjacent scores.

(4) A sheet of fiberboard shall be attached to each end as provided in subparagraph (1) of this paragraph and shall completely cover the inside of the end.

**§ 78.172–18 Closing for shipment.**

(a) Box shall be securely closed. Nails, if used, shall be as prescribed in §§ 78.172–8, 78.172–10, 78.172–11, and 78.172–12.

**§ 78.172–19 Marking.**

(a) Marking on each box with letters and figures at least ½" high in rectangle as follows:

ICC–15E***

(1) The stars must be replaced by authorized gross weight (for example, ICC–15E100, etc.). This mark shall be understood to certify that box complies with all specification requirements.

**§ 78.176 Specification 15L; wooden boxes with inside containers for desensitized liquid explosives.**

**§ 78.176–1 Compliance.**

(a) Required in all details.

**§ 78.176–2 Size and capacity.**

(a) Each outside wooden container shall contain not more than one inside metal container having a capacity not to exceed 10 quarts.

**§ 78.176–3 Outside containers.**

(a) Wooden boxes cleated as prescribed. Parts must be in close contact and completely enclose inside containers. Lumber must be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with assembly, or other defects that materially lessen the strength.

(b) Assembly: Use brass screws throughout. Assemble sides and ends with grain of wood vertical. Fasten bottom securely with edges flush with sides and ends of box. Cleats must extend around entire perimeter of box. Apply top and bottom cleats horizontally. Bottom cleats must be flush with bottom surface of the box. Top cleats must extend above top of box to provide a ¾-inch recess for cover projections (see § 78.176–5). Cover must be flush with outside surface of top cleats and must be cleated on the outside at all edges. Cleats may be mitered but must butt at all corners.

(c) Parts and dimensions as follows:

| Minimum dimensions | | | |
|---|---|---|---|
| Thickness, sides, top, bottom, and ends | Top cleats | Bottom cleats | Cover cleats |
| ¾"..... | ⅝" x 3½" | ⅝" x 2¾" | ¾" x 2" |

**§ 78.176–4 Inside containers.**

(a) Inside containers must be as follows:

(1) *Metal containers.* Double seamed, of copper weighing not less than 16 ounces per square foot, or other nonsparking material of equivalent strength. All seams must be closed by welding, brazing, or soldering so as to be tight against leakage. Handles must be fastened to top of container and be of copper weighing not less than 48 ounces per square foot, or other nonsparking material of equivalent strength. Each side of the container must be strengthened vertically by at least three equally spaced indented crimps. Each container must have two pouring spouts in the top securely closed by rubber stoppers.

(2) *Rubber liners.* Each inside metal container must be inserted in a two-piece rubber liner or boot, consisting of a cover and body, into which it must fit snugly and which in turn shall fit snugly the outside wooden container. This liner must be watertight and of such size as to fully protect the inside container. Sides of liner must be at least ¼ inch in thickness and bottom at least ½ inch in thickness. Top edge of boot must be flanged to fit the recess provided by the top cleats on the outside wooden container and such flange must be at least ⅜ inch thick exclusive of any channels or indentations necessary to effect satisfactory closure because of projections on cover. Cover must be not less than ½ inch in thickness including projections for securing rubber stoppers in metal containers, and must have a formed molding around its entire perimeter to match and tightly fit channels or indentations in the body flange.

(b) Tests: Each inside metal and rubber container must be adequately tested and inspected during manufacture to insure against leakage.

**§ 78.176–5 Closure.**

(a) Top of rubber liner must be firmly fastened to wooden cover of outside container so as to fit securely into ¾-inch recess provided by top cleats on box. Top of liner must have projections on the inside which bear directly on rubber stoppers of metal containers to secure them in place. When closure is effected the liner must provide a positive seal against interior leakage. Cover of wooden outside container must be securely fastened to body of container by means of trunk clasps affixed to each face of the box. The trunk clasps must be recessed into cover and top cleats to furnish a smooth bearing surface on all faces of the box.

**§ 78.176–6 Marking.**

(a) Marking on each box with letters and figures at least ½-inch high in rectangle as follows:

ICC–15L

(1) This mark shall be understood to certify that box complies with all specification requirements.

**§ 78.177 Specification 15M; wooden boxes, metal lined, with inside containers for desensitized liquid explosives.**

**§ 78.177–1 Compliance.**

(a) Required in all details.

**§ 78.177–2 Size and capacity.**

(a) Each outside wooden container shall contain not more than 6 inside metal containers having nominal capacity of 10 quarts each.

**§ 78.177–3 Outside containers.**

(a) Wooden boxes cleated as prescribed. Parts must be in close contact and completely enclose inside containers. Lumber must be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with assembly, or other defects that materially lessen the strength.

(1) The box shall be lined with copper or other nonsparking metal having suitable strength. All seams must be soldered, welded, or brazed to produce a liquid-tight container having no openings in the bottom, sides, or ends.

(b) Assembly: Use brass screws throughout, countersunk and with heads covered with suitable wood filling compound. Any screw used to secure a metal attachment shall be soldered, welded, or brazed thereto. Metal parts used in the construction of or attached to the box or cover must be of nonsparking type. Fasten bottom securely with edges flush with sides and ends of box. Cleats must extend around entire perimeter of box. Apply top and bottom cleats horizontally. Bottom cleats must be flush with bottom surface of the box. Top cleats must extend above top of box to provide a ¾-inch recess for cover projections (§ 78.177–5). Cover must be flush with outside surface of top cleats. Cleats may be mitered but must butt at all corners.

(c) Cellular construction: The interior of the box shall be divided into cells by means of removable, nonmetallic, nonsparking dividers, into which the rubber boots or secondary containers fit snugly. The cells shall be of such size as to extend from the bottom to near the top of the rubber boots or secondary containers.

(d) Parts and dimensions as follows:

[Minimum dimensions in inches]

| Thickness, sides, top, bottom, and ends | Top cleats | Bottom cleats | Cover cleats |
|---|---|---|---|
| ¾..... | ⅝ x 3½ | ⅝ x 2¾ | ¾ x 2 |



**§ 78.177–4 Inside containers.**

(a) Inside containers must be as follows:

(1) *Metal containers.* The individual inside containers shall be made in a workmanship manner, of copper or other nonsparking material of suitable strength, with all seams soldered, welded, or brazed to be liquid tight. The top shall be fitted with a securely attached carrying handle of copper or other nonsparking material of suitable strength. Each inside container must have a filling and pouring spout in the top, which shall be securely closed with rubber stoppers, paraffin, or oil-treated corks or other nonmetallic, nonsparking closures which are resistant to absorption of the contents and which provide a leakproof seal. The closures shall be secured in such manner as to prevent loosening, displacement, and leakage of contents during transit. Each inside container may have sufficient capacity in excess of 10 quarts to provide for outage requirements. Each side of the container must be strengthened vertically by at least 3 equally spaced indented crimps.

(2) *Rubber boots or secondary containers.* Each inside metal container must be contained in a rubber boot or other similar suitable leakproof, nonmetallic, nonabsorbent outer container, which must fit snugly in cellular structure provided in § 78.177–3 (c). The rubber boot or secondary container must be liquid tight and shall be so constructed as to have an inside height approximately that of the inside metal container plus closure and otherwise so constructed that the bottom will provide cushioning for the inner container.

(b) Tests: Each inside metal and rubber or secondary container must be adequately tested and inspected during manufacture to insure against leakage.

**§ 78.177–5 Closure.**

(a) The box cover must be securely fastened to the box in a manner to prevent movement of the insider containers. The inner surface of the box cover must be lined with suitable coating material or sheathed with nonsparking metal to provide a nonabsorbent surface. The cover must be secured to the box by means of nylon, or other suitable straps, and be so positioned to furnish a smooth bearing surface on all faces of the box. There shall be no protruding parts on the box or cover which would result in metal-to-metal contact.

**§ 78.177–6 Marking.**

(a) Marking on each box with letters and figures at least ½ inch high in rectangle as follows:

ICC–15M

(1) This mark shall be understood to certify that box complies with all specification requirements.

**§ 78.181 Specification 15X; wooden boxes for two five-gallon cans.**

**§ 78.181–1 Compliance.**

(a) Required in all details.

**§ 78.181–2 Closed box.**

(a) Parts and pieces to be in close contact.

**§ 78.181–3 Ends.**

(a) To be of group 1, 2, or 3 wood not over 2-piece.

**§ 78.181–4 Sides, top and bottom.**

(a) To be of Group 1, 2, or 3 wood, not over 3-piece.

**§ 78.181–5 Two-piece ends and corrugated fasteners.**

(a) *Two-piece ends.* Joints must be fastened with at least 3 corrugated fasteners.

(b) *Corrugated fasteners.* To be 1" wide and with penetration of ½ inch.

**§ 78.181–6 Lumber.**

(a) To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

**§ 78.181–7 Groupings of principal woods.**

(a) Grouping as follows:

GROUP 1

| | |
|---|---|
| White pine. | Willow. |
| Norway pine. | Noble fir. |
| Aspen (popple). | Magnolia. |
| Spruce. | Buckeye. |
| Western (yellow) pine. | White fir. |
| | Cedar. |
| Cottonwood. | Redwood. |
| Balsam fir. | Butternut. |
| Yellow poplar. | Cucumber. |
| Chestnut. | Alpine fir. |
| Sugar pine. | Lodgepole pine. |
| Cypress. | Jackpine. |
| Basswood. | |

GROUP 2

| | |
|---|---|
| Southern yellow pine. | North Carolina pine. |
| Larch (tamarack). | Douglas fir. |
| Hemlock. | |

GROUP 3

| | |
|---|---|
| White elm. | Black gum. |
| Red gum. | Black ash. |
| Sycamore. | Tupelo. |
| Pumpkin ash. | Maple, soft or silver. |

**§ 78.181–8 Width of pieces.**

(a) At least 2" for sides, top and bottom if in two pieces, or 2⅜" for tops and bottoms and at least 4" for sides if in three pieces.

**§ 78.181–9 Thickness of lumber.**

(a) Thickness as follows:

(1) Ends: Thickness to be not less than ¾" for Group 1 or 2 lumber and 11/16" for Group 3 lumber.

(2) Sides, top and bottom: Thickness to be not less than ⅜".

**§ 78.181–10 Assembly.**

(a) By nailing with either bright or cement-coated nails, size and spacing as follows:

(1) Top to each end: 5 nails (1½" by 12½ gauge).

(2) Bottom to each end: 6 nails (1¾" by 12 gauge).

(3) Sides to each end: 6 nails (1½" by 12½ gauge).

**§ 78.181–11 Marking.**

(a) Marking on each box in letters and figures at least ½" high in a rectangle as follows:

ICC–15X

(1) This mark shall be understood to certify that box complies with all specification requirements.

**§ 78.181–12 Inside can.**

(a) Size: Approximate dimensions 9⅜ x 9⅜ x 13 15/16 inches.

(b) Approximate capacity: 1,188 cu. in.

(c) Top: Embossed.
Seams: Crimped and soldered.
Closure: Airtight and leakproof.
Handles: Wire.

(d) Bottom: Embossed.
Seams: Crimped and soldered.

(e) Body: Paneled on 4 sides.
Two seams: Clinched and soldered.

(f) Material: IC (107 lb.) tin or terneplate.

(g) Average weight: 2 pounds 8 ounces.

(h) Marking: No specification marking required.

**§ 78.182 Specification 15P; glued plywood, or wooden box for inside containers.**

**§ 78.182–1 Material requirements.**

(a) Lumber or plywood must be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength and in accordance with the following:

(1) Lumber must be of good commercial grade.

(2) Plywood sections shall be firmly glued together with waterproof glue. A section of plywood from any part when immersed in water at room temperature for 48 hours shall show no delamination or separation of plies to qualify glue as waterproof.

**§ 78.182–2 Construction requirements.**

(a) Box shall be constructed of wood or of plywood not less than three-ply fabrication and shall be constructed so as to completely and snugly enclose body of the inside container, and so formed that inside container cannot permanently change position and be of sufficiently strong wood or plywood to withstand prescribed tests without serious rupture of or damage to box that would cause failure or lead to impending failure of inside container.

NOTE 1: Vertical openings not exceeding ⅜ inch in width and extending to within 3 inches of top or bottom on two opposite sides of box are permitted.

(b) Specifications for the outside container must be filed with and approved by the Bureau of Explosives.

**§ 78.182–3 Tests.**

(a) One sample, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage. Tests shall be made of each size by each company starting production. The type tests are as follows:

(1) Complete package must be capable of withstanding two drops from a height of 4 feet onto solid concrete, the first drop to be made diagonally so top corner will strike the concrete, the second drop onto a 2 inch by 4 inch timber resting on the concrete with the 6 inch leg vertical, the drop being made with the box in a horizontal position and at right angles to the timber so that impact is near the center of the box side-wall.

(2) Additional tests as required by inside container specification.

**§ 78.182–4 Marking.**

(a) Each outside container must be plainly marked with letters and figures at least ¾ inch high applied by hot branding iron or dark colored printing ink with pressure dies as follows:

(1) ICC–15P. This mark shall be understood to certify that the complete outer package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in paragraph (a) (1) of this section.

**§ 78.185 Specification 16A; plywood or wooden boxes, wirebound.**

**§ 78.185–1 Compliance.**

(a) Required in all details. Authorized tolerances. Cleats, battens, and handles, minus 1/32"; single thickness veneer, minus 5 percent; resawn boards, 1/64" below specified thickness for boards up to 7/32" thick and 1/32" below specified thickness for boards ¼" or more thick.

**§ 78.185–2 Lumber or plywood.**

(a) Lumber shall be well seasoned and commercially dry; free from decay, objectionable knots, slanting shakes, sharp cross grain, and other defects that materially lessen the strength. Grain of wood in cleats and battens must not cross piece within its length.

(b) Plywood shall be made from veneer which has been rotary cut, sliced, or sawed. Plywood shall be good commercial box or sheathing grade and shall be moisture-resistant; free from decay, objectionable knots that interfere with nailing, splits, gaps, and other defects that materially lessen the strength.

(1) Moisture-resistant plywood shall be fabricated with either synthetic or protein type glue. Specimens for testing shall be not less than 5 in number, measuring 6" x 6", and shall withstand 10 cycles of 4 hours immersion in water at room temperature and drying for 20 hours at a temperature not over 100° F. After 10 cycles, 4 of the 5 samples are to show not more than a sum total of 2-inch delamination on the edges, with depth delamination no greater than ½ inch.

**§ 78.185–3 Wires.**

(a) Of annealed steel, or other metal of equal strength, Washburn and Moen sizes.

**§ 78.185–4 Staples.**

(a) Wire size, Washburn and Moen.

**§ 78.185–5 Grouping of principal woods.**

(a) Grouping as follows:

| Group 1 | |
|---|---|
| White pine. | Yellow poplar. |
| Norway pine. | Balsam fir. |
| Aspen (popple). | Chestnut. |
| Spruce. | Sugar pine. |
| Western yellow pine. | Cypress. |
| Cottonwood. | Basswood. |
| Willow. | Noble fir. |
| Magnolia. | Butternut. |
| Buckeye. | Alpine fir. |
| White fir. | Cucumber. |
| Cedar. | Lodgepole pine. |
| Redwood. | Jack pine. |
| **Group 2** | |
| Southern yellow pine. | Douglas fir. |
| Hemlock. | Larch (tamarack). |
| North Carolina pine. | |
| **Group 3** | |
| White elm. | Black gum. |
| Red gum. | Tupelo. |
| Sycamore. | Maple—soft or silver. |
| Pumpkin ash. | |
| Black ash. | |
| **Group 4** | |
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | White ash. |
| Hackberry. | Hickory. |

**§ 78.185–6 Closed box.**

(a) Parts and pieces with edges in close contact to give completely closed box.

**§ 78.185–7 Top, sides, and bottom.**

(a) Each cleated at both ends; intermediate rows of cleats authorized.

**§ 78.185–8 Cleats.**

(a) Ends mitered or with mortise and tenon joints.

(b) Cleats for plywood boxes shall be Group 4 woods.

**§ 78.185–9 Ends.**

(a) Battened when prescribed. Wired ends authorized provided wires run cross grain and terminate in loops with ends of wire driven through end board and clinched. Grain of wood and outside ply of plywood shall be perpendicular to sides except for wired ends.

(b) As provided by § 73.65 (a) (1), Note 1, of this chapter, wooden boxes, having inside metal containers which are tightly and securely closed, may be equipped with hand holes in each end which must be not more than one inch by four inches and centered laterally not nearer than 1⅝ inches from top edge of end of box.

**§ 78.185–10 Wires.**

(a) One wire over each row of cleats; intermediate wires as prescribed.

**§ 78.185–11 Stapling.**

(a) Staples for wires over cleats driven through boards into cleats and anchored; others through boards and clinched.

**§ 78.185–12 Thickness of boards or plywood (sides, tops, bottoms, and ends).**

(a) Thickness as follows except that, for thicknesses prescribed as 3/10" or less, resawn boards must be 1/64" thicker for each resawn surface:

| Group of wood | Minimum thickness of boards (inch) | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1/8 (0.125) | 1/7 (0.143) | 1/6 (0.167) | 3/16 (0.188) | 7/32 (0.219) | 1/4 (0.250) | 5/16 (0.313) |
| | Authorized gross weight, box and contents, not over (pounds) | | | | | | |
| 1 | 25 | 35 | 50 | 75 | 100 | 150 | 200 |
| 2 | 35 | 50 | 75 | 100 | 150 | 200 | 315 |
| 3 | 50 | 75 | 100 | 150 | 200 | 315 | 400 |
| 4 | 75 | 100 | 150 | 200 | 315 | 400 | |

(1) For boxes with 3 or more rows of cleats, boards of the next lower thickness prescribed in the table are acceptable.

(b)

| Group of wood | Minimum thickness of plywood (inch)[1] | | |
|---|---|---|---|
| | 1/8 (0.125) | 3/20 (0.150) | 3/16 (0.188) |
| | Authorized gross weight, box and contents, not over (pounds) | | |
| 4 | 150 | 300 | 400 |

[1] Minimum tolerance of 5% permitted for specified thicknesses.



**§ 78.185–13 Size of cleats.**

(a) At least 13/16" by 13/16" when thickness required for boards exceeds 1/7"; otherwise at least 9/16" by 13/16".

**§ 78.185–14 Binding wires (sides, top, and bottom).**

(a) Spacing not over 8".

*Exception:* When each binding wire is stapled to a row of cleats, 11" spacing is authorized.

(b) Number and size of binding wires as follows:

| Number of wires | Minimum gauge of wires, Washburn and Moen | | | | |
|---|---|---|---|---|---|
| | 16 | 15 | 14 | 13 | 12 |
| | Authorized gross weight, box and contents (pounds) | | | | |
| 2 | 35 | 50 | 75 | 100 | 150 |
| 3 | 50 | 75 | 100 | 150 | 200 |
| 4 | 75 | 100 | 150 | 200 | 315 |
| 5 | 100 | 150 | 200 | 315 | 400 |
| 6 | | 200 | 315 | 400 | |
| 7 | | | 400 | | |

**§ 78.185–15 Wires for wired ends.**

(a) At least 2 wires on each end, size not less than as specified for binding wires in § 78.185–14, and spaced as follows:

| Thickness of end (inch) | Maximum spacing | |
|---|---|---|
| | Between wires (inch) | Wires to cleats (inch) |
| 0.125 | 6 | 4 |
| .143 | 6 | 4 |
| .167 | 6½ | 4 |
| .187 | 6½ | 4 |
| .219 | 7 | 4 |
| .250 | 7 | 4 |
| .313 | 7 | 4 |

(b) Ends less than 10 inches deep are authorized with 1 wire provided they are reinforced by 2 strips (liners), at least 1¼" wide and as thick as ends, securely stapled along edges of the end parallel to the wires.

**§ 78.185–16 Staple spacing (approximate) and minimum size.**

(a) Staples into cleats 16 gauge, Washburn and Moen, and:

(1) One and one-fourth inches long with 1½-inch spacing, or 1⅛ inches long with 1-inch spacing, when boards are over ¼-inch thick.

(2) One and one-eighth inches long with 1½" spacing, for boards ¼" thick or less; except that staples ⅞" long with 1½" spacing are authorized when boards are 1/7" thick or less.

(b) Other staples 18 gauge, Washburn and Moen.

**§ 78.185–17 End supporting battens.[1]**

(a) End supporting battens at least 1⅛" wide and same thickness as cleats; fastened securely across ends parallel to side cleats; required so that unsupported distance between cleats, battens, and between cleats and battens will be not greater than as follows.

[1] Not required for wired ends less than 20 inches long.

| Thickness of ends (inch): | Maximum spacing (inches) |
|---|---|
| 0.125 | 10 |
| 0.143 | 11 |
| 0.167 | 12 |
| 0.187 | 13 |
| 0.219 | 14 |
| 0.250 | 15 |
| 0.313 | 16 |

**§ 78.185–18 Side cleat battens and wired end supports.**

(a) *Side cleat battens.* At least 13/16" by 13/16"; fastened securely to ends so as to be adjacent to side cleats when box is set up; required, in addition to any other battens, when authorized gross weight exceeds the following:

| Group of wood in cleats: | Authorized gross weight, box and contents, over (pounds) |
|---|---|
| 1 | 100 |
| 2 | 150 |
| 3 | 200 |
| 4 | 200 |

(b) *Wired end supports.* Wired ends, for boxes for authorized gross weight exceeding the foregoing, must be reinforced by 2 strips (liners), at least 1¼" wide and as thick as ends, securely stapled along edges of the end parallel to the wires; side cleat battens not required.

**§ 78.185–19 Marking.**

(a) Marking on each box with letters and figures at least ½" high in rectangle as follows:

ICC–16A•••

(1) Stars must be replaced by maximum authorized gross weight (for example, ICC–16A150, etc.). This mark shall be understood to certify that box complies with all specification requirements.

(b) Name of maker located just above, below, or following the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.185–20 Setting up and closing.**

(a) Nail or staple unwired ends to side cleats at intervals not over 2½"; fasten wired ends securely by means of loop fasteners.

(b) Twist ends of binding wires or bend loops to give tight closure.

(c) Nail at least 2 nails through side cleats into each side-cleat batten at not over 4" intervals; nail through top and bottom cleats with one 7-penny nail into each end of end-supporting battens.

**§ 78.185–22 Special box authorized only when used in conjunction with inside spec. 2U (§ 78.24 of this chapter) polyethylene 5- and 15-gallon cubical containers.**

(a) The boxes shall comply with spec. 16A requirements using the table for a gross weight of 200 pounds for construction purposes only, except as follows:

(1) The top section of boxes may have a hole not over 4⅛ inches in diameter midway between the cleats, and centered not less than 3 3/16 inches from either the back or front edge of boxes.

(2) Five-gallon capacity—ends. Ends may be made from ⅛ inch or thicker veneer and have only one 14-gauge wire across face. One-eighth inch veneer liners, at least 1¼ inches wide, must be stapled across the top and bottom of the ends.

(i) Fifteen-gallon capacity—ends. Ends must be made with same thickness faceboard material as the sides, top, and bottom and must have two liners of the same thickness, at least 3 inches wide, fastened by two rows of staples. Ends may have one 13-gauge wire across face.

(3) Paper overlaid veneer having veneer core of group 3 or 4 wood and completely covered on each side with 42 pound basis weight kraft paper securely adhered thereto by moisture resistant adhesive, is authorized. Total combined thickness of finished board shall be not less than 0.160 inch.

(4) Wire spacing for 5-gallon capacity containers. Binding wires stapled to a row of cleats may be spaced not more than 13 inches apart.

(b) Wirebound wooden or paper overlaid veneer board boxes must be provided with full size double-faced corrugated liners of at least 125-pound test (Mullen or Cady) for bottom and sides. Full area top pad is required for 5-gallon capacity containers and must be a minimum of 200-pound test (Mullen or Cady). Full area top pad is required for the 15-gallon capacity container and must be a minimum of 275-pound test (Mullen or Cady).

(c) Marking required:

(1) Marking on each box with letters and figures at least ½ inch high in rectangle as follows:

ICC–16A–C

(2) This mark shall be understood to certify that outer container complies with all construction requirements of the specification.

(3) Name of maker shall be located just above, below, or following the mark specified in subparagraph (1) of this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.186 Specification 16B; wooden boxes, wirebound.**

**§ 78.186–1 Compliance.**

(a) Required in all details. Authorized tolerances: Cleats, battens, and handles, minus 1/32"; single thickness veneer, minus 5 percent; resawn boards, 1/64" below specified thickness for boards up to 7/32" thick and 1/32" below specified thickness for boards ¼" or more thick.

**§ 78.186–2 Lumber.**

(a) Well seasoned and commercially dry; free from decay, objectionable knots, slanting shakes, sharp cross grain, and other defects that materially lessen the strength. Grain of wood in cleats and battens must not cross piece within its length.

**§ 78.186–3 Wires.**

(a) Of annealed steel, or other metal of equal strength, Washburn and Moen sizes.

**§ 78.186–4 Staples.**

**(a) Wire size, Washburn and Moen.**

**§ 78.186–5 Grouping of principal woods.**

**(a) Groupings as follows:**

GROUP 1

| | |
|---|---|
| White pine. | Noble fir. |
| Norway pine. | Willow. |
| Aspen (popple). | Magnolia. |
| Spruce. | Buckeye. |
| Western yellow pine. | White fir. |
| Cottonwood. | Cedar. |
| Yellow poplar. | Redwood. |
| Balsam fir. | Butternut. |
| Chestnut. | Alpine fir. |
| Sugar pine. | Cucumber. |
| Cypress. | Lodgepole pine. |
| Basswood. | Jack pine. |

GROUP 2

| | |
|---|---|
| Southern yellow pine. | North Carolina pine. |
| Hemlock. | Douglas fir. |
| | Larch (tamarack). |

GROUP 3

| | |
|---|---|
| White elm. | Black ash. |
| Red gum. | Black gum. |
| Sycamore. | Tupelo. |
| Pumpkin ash. | Maple—soft or silver. |

GROUP 4

| | |
|---|---|
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | White ash. |
| Hackberry. | Hickory. |

**§ 78.186–6 Closed box.**

**(a) Parts and pieces with edges in close contact to give completely closed box except that spaces 1½'' are authorized between side boards and between top boards when boards are at least 3½'' wide.**

**(b) Handles: Containers may be provided with suitable handles at discretion of shipper. When used, they must be securely fastened along tops of sides under wires and project 3 inches or be mounted on end cleats; extensions of side boards acceptable; dimensions as follows:**

| Authorized gross weight not over (pounds): | Handles[1] minimum cross section (inches) |
|---|---|
| 150 | ½ x 2½ |
| 200 | ⅝ x 2½ |
| 315 | ⅝ x 3½ |
| 400 | 13/16 x 3½ |

[1] Also ridge reinforcing battens when prescribed.

**§ 78.186–7 Top, sides, and bottom.**

**(a) Each cleated at both ends; intermediate rows of cleats authorized.**

**§ 78.186–8 Cleats.**

**(a) Ends mitered or with mortise and tenon joints.**

**§ 78.186–9 Ends.**

**(a) Battened when prescribed. Wired ends authorized provided wires run cross grain and terminate in loops with ends of wire driven through end board and clinched. Grain of wood perpendicular to sides except for wired ends. Ridge-top containers, authorized as follows:**

**(1) Ends must be at least 2 times as thick as prescribed in § 78.186–12.**

**(2) Unsupported distance as prescribed in § 78.186–17 must not exceed 10'' in any case.**

**(3) Ridge over 30'' long must be reinforced on the outside, from end to end, by 2 battens with abutting edges and of cross section as prescribed for handles.**

**(4) Vertical grain unwired ends are authorized.**

**§ 78.186–10 Wires.**

**(a) One wire over each row of cleats; intermediate wires as prescribed.**

**§ 78.186–11 Stapling.**

**(a) Staples for wires over cleats driven through boards into cleats and anchored; others through boards and clinched.**

**§ 78.186–12 Thickness of boards (sides, tops, bottoms, and ends).**

**(a) Thickness as follows except that, for thicknesses prescribed as 3/16'' or less, resawn boards must be 1/64'' thicker for each resawn surface:**

| Group of wood | Minimum thickness of boards (inch) | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1/8 (0.125) | 9/64 (0.143) | 1/6 (0.167) | 3/16 (0.188) | 7/32 (0.219) | 1/4 (0.250) | 5/16 (0.313) |
| | Authorized gross weight, box and contents (pounds) | | | | | | |
| 1 | 25 | 35 | 50 | 75 | 100 | 150 | 200 |
| 2 | 35 | 50 | 75 | 100 | 150 | 200 | 315 |
| 3 | 50 | 75 | 100 | 150 | 200 | 315 | 400 |
| 4 | 75 | 100 | 150 | 200 | 315 | 400 | |

**(b) For boxes with 3 or more rows of cleats, boards of the next lower thickness prescribed in the table are acceptable.**

**§ 78.186–13 Size of cleats.**

**(a) At least 13/16'' by 13/16'' when thickness required for boards exceeds ½''; otherwise at least 9/16'' by 13/16''.**

**78.186–14 Binding wires (sides, top, and bottom).**

**(a) Spacing not over 8''.**

***Exception:* When each binding wire is stapled to a row of cleats, 11'' spacing is authorized.**

**(b) Number and size of binding wires as follows:**

| Number of wires | Minimum gauge of wires, Washburn and Moen | | | | |
|---|---|---|---|---|---|
| | 16 | 15 | 14 | 13 | 12 |
| | Authorized gross weight, box and contents (pounds) | | | | |
| 2 | 35 | 50 | 75 | 100 | 150 |
| 3 | 50 | 75 | 100 | 150 | 200 |
| 4 | 75 | 100 | 150 | 200 | 315 |
| 5 | 100 | 150 | 200 | 315 | 400 |
| 6 | | 200 | 315 | 400 | |
| 7 | | | 400 | | |

**§ 78.186–15 Wires for wired ends.**

**(a) At least 2 wires on each end, size not less than as specified for binding wires in § 78.186–14, and spaced as follows:**

| Thickness of end (inch) | Maximum spacing | |
|---|---|---|
| | Between wires (inch) | Wires to cleats (inch) |
| 0.125 | 6 | 4 |
| .143 | 6 | 4 |
| .167 | 6½ | 4 |
| .187 | 6½ | 4 |
| .219 | 7 | 4 |
| .250 | 7 | 4 |
| .313 | 7 | 4 |

**(b) Ends less than 10 inches deep are authorized with 1 wire provided they are reinforced by 2 strips (liners), at least 1¼'' wide and as thick as ends, securely stapled along edges of the end parallel to the wires.**

**§ 78.186–16 Staple spacing (approximate) and minimum size.**

**(a) Staples into cleats 16 gauge, Washburn and Moen, and:**

**(1) One and one-fourth inches long with 1½'' spacing, or 1⅛'' long with 1'' spacing, when boards are over ¼'' thick.**

**(2) One and one-eighth inches long with 1½'' spacing, for boards ¼'' thick or less; except that staples ⅞'' long with 1½'' spacing are authorized when boards are ½'' thick or less.**

**(b) Other staples 18 gauge, Washburn and Moen.**

**§ 78.186–17 End supporting battens.[1]**

**(a) At least 1⅛'' wide and same thickness as cleats; fastened securely across ends parallel to side cleats; required so that unsupported distance between cleats, battens, and between cleats and battens will be not greater than as follows:**

| Thickness of ends (inch): | *Maximum-spacing (inches)* |
|---|---|
| 0.125 | 10 |
| 0.143 | 11 |
| 0.167 | 12 |
| 0.187 | 13 |
| 0.219 | 14 |
| 0.250 | 15 |
| 0.313 | 16 |

**§ 78.186–18 Side cleat battens and wired end supports.**

**(a)** *Side cleat battens.* **At least 13/16'' by 13/16''; fastened securely to ends so as to be adjacent to side cleats when box is set up; required, in addition to any other battens, when authorized gross weight exceeds the following:**

| Group of wood in cleats: | *Authorized gross weight, box and contents, over (pounds)* |
|---|---|
| 1 | 100 |
| 2 | 150 |
| 3 | 200 |
| 4 | 200 |

**(b)** *Wired end supports.* **Wired ends, for boxes for authorized gross weight exceeding the foregoing, must be reinforced by 2 strips (liners), at least 1¼'' wide and as thick as ends, securely stapled along edges of the end parallel to the wires; side cleat battens not required.**

[1] Not required for wired ends less than 20 inches long.



**§ 78.186–19 Marking.**

**(a) Marking on each box with letters and figures at least ½'' high in rectangle as follows.**

ICC–16B•••

**(1) Stars must be replaced by maximum authorized gross weight (for example, ICC–16B315, etc.). This mark shall be understood to certify that box complies with all specification requirements.**

**(b) Name of maker located just above, below, or following the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.**

**§ 78.186–20 Setting up and closing.**

**(a) Nail or staple unwired ends to side cleats at intervals not over 2½''; fasten wired ends securely by means of loop fasteners.** ***Provided,*** **That ends at least 7/16'' thick may be nailed with cement-coated nails through sides, top, and bottom of box into the ends at 3'' intervals.**

**(b) Twist ends of binding wires or bend loops to give tight closure.**

**(c) Nail at least 2 nails through side cleats into each side-cleat batten at not over 4'' intervals; nail through top and bottom cleats with one 7-penny nail into each end of end-supporting battens.**

**§ 78.186–21 Special box.**

**(a) Gross weight not over 500 pounds. Must comply with this specification except as follows: Sides, top, bottom, and ends, to be of group 2 or 3 wood having minimum thickness of ¼'' for boxes not over 315 pounds gross weight, 5/16'' for boxes not over 400 pounds gross weight, and ⅜'' for boxes not over 500 pounds gross weight. Size of end cleats must be at least 13/16'' x ⅞'' and ends must have horizontal supporting battens at least 1⅜'' x 13/16''. One batten is required for boxes not over 200 pounds gross weight and three battens for others. Ends must be held in place by one metal strap at least ⅝'' x 0.020'' completely around the box stapled to the middle end battens. When size of box will not permit the application of all prescribed binding wires during manufacture, the additional binding wires of prescribed number and size, or metal straps of equal number and strength, must be applied after closing. At least three-binding wires must be applied to boxes not over 200 pounds gross weight and at least four to boxes over 200 pounds gross weight by the box manufacturer. Binding wires for boxes over 400 pounds gross weight must be of size and number prescribed for boxes not over 400 pounds gross weight.**

**§ 78.187 Specification 16D; wooden wirebound overwrap for inside containers.**

**§ 78.187–1 Material requirements.**

**(a) Lumber shall be as follows:**

**(1) Lumber shall be well seasoned and commercially dry; free from decay, objectionable knots, slanting shakes, sharp cross grain, and other defects that materially lessen the strength. Grain of wood in cleats and battens must not cross piece within its length.**

**(2) Authorized tolerances; cleats, battens and handles, minus 1/32 inch; single thickness veneer, minus 5 percent; resawn boards, 1/64 inch below specified thickness for boards up to 7/32 inch thick and 1/32 inch below specified thickness for boards ¼ inch or more thick.**

**(3) Woods authorized are in the following groups:**

GROUP 2

| | |
|---|---|
| Southern yellow pine. | North Carolina pine. |
| Hemlock. | Douglas fir. |
| | Larch (tamarack). |

GROUP 3

| | |
|---|---|
| White elm. | Black gum. |
| Red gum. | Tupelo. |
| Sycamore. | Maple—soft or silver. |
| Pumpkin ash. | |
| Black ash. | |

GROUP 4

| | |
|---|---|
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | White ash. |
| Hackberry. | Hickory. |

**(b) Binding wires and staples shall be as follows:**

**(1) Of annealed steel or other material of equal strength, Washburn and Moen sizes.**

**§ 78.187–2 Construction requirements.**

**(a) Wirebound overwrap for drum-type inside container shall be constructed in accordance with the following:**

| Wirebound containers | Marked capacity of inside containers | | | |
|---|---|---|---|---|
| | Not over 5 gallons | Not over 15 gallons | Not over 30 gallons | Not over 55 gallons |
| *Faceboard thickness (sides only)* | | | | |
| Group 2 woods | 1/6'' veneer | ¼'' resawn | 5/16'' resawn | ¾'' resawn. |
| Group 3 or 4 woods | do | do | ¼'' resawn | Do. |
| *Cleats, mitered* | | | | |
| Outside cleats. Group 2, 3, or 4 woods. | 13/16'' x ¾'' | 13/16'' x ¾'' | 13/16'' x ¾'' | 13/16'' x ¾. |
| *Binding wires* | | | | |
| Number and gauge over outside cleats. | 2–14 gauge | 2–12 gauge | 2–11 gauge | 2–11 gauge. |
| Number and gauge intermediate wires. | 1–14 gauge | 3–12 gauge | 4–12 gauge | 3–12 gauge.<br>2–11 gauge. |
| *Staples (length, gauge and spacing)* | | | | |
| In outside cleats | 1⅛''–16 gauge | 1⅛''–16 gauge | 1⅛''–16 gauge | 1⅛''–16 gauge. |
| Over intermediate wires | ⅝''–18 gauge | ¾''–18 gauge | ⅞''–18 gauge | ⅞''–18 gauge. |
| Maximum space between staples | 1¾'' | 1¾'' | 1¾'' | 1¾''. |
| *Tops and bases (group 2, 3, or 4 woods)* | | | | |
| Faceboard thickness | ¼'' resawn | ⅜'' resawn | 5/16'' | 13/16''. |
| Battens (2 required) | 1⅜'' x ¼'' | 13/16'' x ⅜'' | 13/16'' x ⅜'' | 1⅛'' x ⅜''. |
| Staples or cement coated nails | 1 1/16''–18 gauge | 1¼''–16 gauge | 22–4d nails | 1¾''–14 gauge. |

**(1) Staples for wires over cleats driven through boards into cleats and anchored; others through boards and clinched.**

**(2) Container shall be closed with threaded loop fastener with "Z" clinch for all capacities except 5 gallons for which regular clinch is authorized.**

**(3) Where binding wire closure clinches contact inner container, 1½ inches wide water-resistant fabric cloth with plastic coated backing and pressure-sensitive adhesive or other suitable means shall be applied in a single strip across clinches, or other equally efficient methods may be used.**

**(b) Wirebound overwrap for bottle-type inside container shall be constructed in accordance with the following:**

| Wirebound containers | Marked capacity of inside containers | | |
|---|---|---|---|
| | Not over 6½ gallons (rectangular overwrap) | Not over 13 gallons (rectangular overwrap) | Not over 13 gallons (cylindrical overwrap) |
| *Faceboard thickness (sides only)* | | | |
| Group 2 woods | 5/16'' | 5/16'' | 5/16''. |
| Group 3 woods | ¼'' resawn | 5/16'' | 5/16''. |
| Group 4 woods | do | do | Do. |
| *Cleats* | | | |
| Outside and interrupted cleats | 13/16'' x ⅞'' | 13/16'' x ⅞'' | 13/16'' x ⅜''. |
| Intermediate cleats | 6½'' x ⅜'' | 6½'' x ⅜'' | Outside cleats only |
| *Binding wires* | | | |
| Number and gauge over outside cleats | 2–13 gauge | 2–12 gauge | 2–12 gauge. |
| Number and gauge over intermediate cleats or intermediate wires. | 2–14 gauge (not over 5 gallons).<br>4–14 gauge (not over 6½ gallons). | 4–13 gauge | Do. |

| Wirebound containers | Marked capacity of inside containers | | |
|---|---|---|---|
| | Not over 6½ gallons (rectangular overwrap) | Not over 13 gallons (rectangular overwrap) | Not over 13 gallons (cylindrical overwrap) |
| *Staples* | | | |
| In outside and interrupted cleats | 1¼"-16 gauge | 1¼"-16 gauge | 1¼"-16 gauge. |
| In intermediate cleats | ⅞"-16 gauge | ⅞"-16 gauge | None. |
| Over intermediate wires | ⅞"-18 gauge | ⅞"-18 gauge | |
| Note: A 2" gap between staples must be provided in the center of each line of staples over the intermediate cleats. | | | No 2" gap in staples required. |
| *Top* [1] | | | |
| Face material thickness | 9/16" | 13/16" | 9/16". |
| Battens | 1⅛" x 9/16" | 1⅛" x 13/16" | ⅛" x 13/16". |
| *Base* | | | |
| Face material thickness | ⅜" | ⅝" | 9/16". |
| Edge strips | 1⅛" x ⅜" | 3⅛" x ⅜" | ⅛" x 13/16". |
| Center strips | 3⅛" x ⅜" | do | (Battens.) |

[1] A hole of suitable type may be left in top of box to provide for protruding neck of inner container.
[2] Exterior grade plywood ⅛" thick with no battens is authorized.

(1) Containers shall be closed with threaded loop fasteners using a regular clinch.

**§ 78.187–3 Assembly.**

(a) Overwrap shall be constructed to provide a snug fit for the inside container.

(b) Overwrap inside surfaces shall be reasonably smooth and free from projections which would damage inside container.

**§ 78.187–4 Tests.**

(a) Wirebound overwrap; when assembled as for use, shall withstand the tests prescribed for specified inside containers. The completed package must withstand these tests without serious rupture of the overwrap and without producing a condition of the overwrap that could result in potential damage to the inside container.

**§ 78.187–5 Marking authorized.**

(a) Marking on each overwrap with letters and figures at least ½ inch high in rectangle as follows:

ICC–16D

(b) This mark shall be understood to certify that outer container complies with all construction requirements of the specification.

(c) Name of maker shall be located just above, below, or following the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.190 Specification 19A; wooden boxes, glued plywood cleated.**

**§ 78.190–1 Compliance.**

(a) Required in all details.

**§ 78.190–2 Three-way corners.**

(a) Three-way corners (when specified in §§ 78.190–3 to 78.190–13) shall be of type so nailing will be into edge grain of cleats, unless otherwise specified.

**§ 78.190–3 Lumber.**

(a) Well seasoned and commercially dry; free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength. Cleats to be free from knots and grain of wood must not cross cleat in less than one-half its length.

(b) To be at least 3-ply, except for cleats; each ply glued in place with grain at right angles to the one next.

**§ 78.190–4 Nails.**

(a) Cement coated and of size specified for "sinkers", "coolers", and "3-ply-veneer nails" as generally known to the trade.

**§ 78.190–5 Grouping of principal woods.**

(a) Grouping as follows:

Group 1

| | |
|---|---|
| White pine. | Chestnut. |
| Norway pine. | Sugar pine. |
| Aspen (popple). | Cypress. |
| Spruce. | Basswood. |
| Western (yellow) pine. | Willow. |
| | Noble fir. |
| Cottonwood. | Magnolia. |
| Yellow poplar. | Buckeye. |
| Balsam fir. | White fir. |
| Cedar. | Alpine fir. |
| Redwood. | Lodgepole pine. |
| Butternut. | Jack pine. |
| Cucumber. | |

Group 2

| | |
|---|---|
| Southern yellow pine. | Douglas fir. |
| Hemlock. | Larch (tamarack). |
| North Carolina pine. | |

Group 3

| | |
|---|---|
| White elm. | Black ash. |
| Red gum. | Black gum. |
| Sycamore. | Tupelo. |
| Pumpkin ash | Maple—soft or silver. |

Group 4

| | |
|---|---|
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | White ash. |
| Hackberry. | Hickory. |

**§ 78.190–6 Three-way corners.**

(a) Three-way corners required; except for authorized gross weight not over 75 pounds.

**§ 78.190–7 Cleats required.**

(a) Two on each face at opposite edges; others as necessary so that cleats are not over 12" apart. These to extend full length of face.

(b) Others, if necessary, to provide nailing surface at each box edge.

**§ 78.190–8 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Authorized gross weight | Plywood minimum thickness [1] | Cleats of group 1 or 2 woods [1] | | Cleats of group 3 or 4 woods [1] | |
|---|---|---|---|---|---|
| | | Minimum thickness | Minimum width | Minimum thickness | Minimum width |
| *Pounds* | *Inch* | *Inch* | *Inches* | *Inch* | *Inches* |
| 50 | 9/16 | ½ | 1½ | ½ | 1½ |
| 75 | 9/16 | 9/16 | 1 11/16 | ½ | 1½ |
| 100 | 9/16 | ⅝ | 1⅝ | ½ | 1½ |
| 150 | ¾ | 13/16 | 2 1/16 | ½ | 1½ |
| 200 | ¾ | ¾ | 2¼ | ¾ | 1 11/16 |
| 300 | ¾ | 13/16 | 2 1/16 | ⅝ | 1⅝ |
| 400 | ¾ | ⅞ | 2⅝ | 13/16 | 2 1/16 |

[1] Variation authorized of ¼ prescribed thickness of any part not to exceed 10 percent of its area. Cleats at least ½" thick, of cross section equivalent to prescribed cleats are authorized.

**§ 78.190–9 Marking.**

(a) Marking on each container with letters and figures at least ½" high in rectangle as follows:

ICC–19A•••

(1) The stars must be replaced by authorized gross weight (for example, ICC–19A200). This mark shall be understood to certify that box complies with all specification requirements.

(2) Name of maker located just above, below, or following the mark specified in this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.190–10 Setting up and closing all boxes.**

(a) Each edge of each plywood section secured with 3-ply-veneer cement coated nails, or staples, at 3" intervals as follows:

(1) To face of cleat; clinching required; cement coating optional.

(2) To edge of cleat; except when nailing through a cleat in which case nail as in § 78.190–13.

**§ 78.190–11 Boxes with 3-way corners.**

(a) Each cleat forming 3-way corner to be nailed with 2 nails at each end into edge of adjoining cleat.

**§ 78.190–12 Boxes without 3-way corners.**

(a) Each edge cleat to be nailed to cleat on adjoining face.

**§ 78.190–13 Nails and nailing under §§ 78.190–11 and 78.190–12.**

(a) To be cement coated and as follows:



| Cleats—thickness (inch) | Nails—cement coated | | | |
|---|---|---|---|---|
| | Group 1 or 2 woods | | Group 3 or 4 woods | |
| | Size (penny) | Spacing (inches) | Size (penny) | Spacing (inches) |
| ½ | 5 | 1¾ | 4 | 1½ |
| 9/16 | 6 | 2 | 5 | 1¾ |
| ⅝ | 6 | 2 | 5 | 1¾ |
| 11/16 | 7 | 2¼ | 6 | 2 |
| ¾ | 7 | 2¼ | 6 | 2 |
| 13/16 | 8 | 2½ | 7 | 2¼ |
| ⅞ | 9 | 2¾ | 8 | 2½ |

**§ 78.191 Specification 19B; wooden boxes, glued plywood, nailed.**

**§ 78.191–1 Compliance.**

(a) Required in all details.

**§ 78.191–2 Authorized gross weight.**

(a) Authorized gross weight not to exceed 150 pounds.

**§ 78.191–3 Plywood.**

(a) Plywood shall be made from veneer which has been rotary cut, sliced or sawed. It shall be well seasoned and commercially dry; free from decay, objectionable knots, that interfere with nailing, splits, gaps, and other defects that materially lessen the strength. Plywood shall be of good commercial box or sheathing grade.

(b) Plywood shall be at least 5 ply; each ply alternately glued with the grain at right angles to the one next.

**§ 78.191–4 Nails.**

(a) Cement coated and of size specified for "sinkers" or "coolers" as generally known to the trade.

(b) Nail spacing as follows:

| Nail (size) in penny | Maximum spacing when driven into end and corner posts | |
|---|---|---|
| | Side grain | End grains |
| | *Inches* | *Inches* |
| Threepenny | 1¾ | 1 |
| Fourpenny | 1½ | 1½ |
| Fivepenny | 1¾ | 1½ |
| Sixpenny | 2 | 1¾ |
| Sevenpenny | 2¼ | 2 |
| Eightpenny | 2½ | 2¼ |
| Ninepenny | 2¾ | 2½ |
| Tenpenny | 3 | 2½ |

**§ 78.191–5 Corner construction.**

(a) Boxes exceeding 35 pounds gross weight must have 4 vertical corner posts, or other equally suitable devices or fasteners; nailed lap-joint permitted for others.

**§ 78.191–6 Assembly.**

(a) Assemble with grain of outer plywood face in the direction of the longest faces of the box and securely nail or fasten to corner posts or ends as provided in §§ 78.191–4 and 78.191–5.

**§ 78.191–7 Special tests.**

(a) Samples of each type and size manufactured, taken at random, and filled with dummy contents the shape and size of expected contents, or with sand or sawdust, to the gross weight at which container is marked, closed as for use, must be capable of withstanding the following tests without serious rupture or exposure of contents:

(1) 8 drops from height of 1 foot, one on each corner, onto solid concrete.

**§ 78.191–8 Closing for shipment.**

(a) Box to be securely closed. Nails, if used, must be as prescribed in § 78.191–3; hinges and hasps or other equally efficient device authorized.

**§ 78.191–9 Marking.**

(a) Marking on each container with letters and figures at least ½" high in rectangle as follows:

ICC–19B•••

(1) The stars must be replaced by authorized gross weight (for example ICC–19B150). This mark shall be understood to certify that box complies with all specification requirements.

(2) Name of maker located just above below, or following the mark specified in this section; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.193 Specification 18B; wooden kits.**

**§ 78.193–1 Compliance.**

(a) Required in all details.

**§ 78.193–2 Tops and bottoms.**

(a) Pieces to be glued together.

**§ 78.193–3 Parts required and dimensions.**

(a) Parts required and dimensions as follows:

| Authorized gross weight (pounds) | Thickness (minimum) | | Hoops (minimum) | | |
|---|---|---|---|---|---|
| | Top and bottom (inch) | Staves (inch) | Number | Width (inch) | Gauge [1] |
| 25 | ½ | ⅝ | 3 | 9/16 | 23 |
| 40 | ½ | ½ | 3 | ⅝ | 23 |

[1] Birmingham wire gauge (number).

**§ 78.193–4 Middle hoop.**

(a) Middle hoop of No. 11 gauge wire authorized.

**§ 78.193–5 Type test.**

(a) Sample, filled with dry, finely powdered material to authorized gross weight and closed as for use, shall withstand, without leaking, a drop from height of 4 feet onto solid concrete so as to strike diagonally on top chime.

**§ 78.193–6 Marking.**

(a) Marking on each container plainly as follows:

(1) ICC–18B; followed by the authorized gross weight (for example, ICC–18B25). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

**§ 78.193–7 Size of mark.**

(a) Size of mark (minimum). ½" high.

**§ 78.196 Specification 22A; wooden drums, glued plywood.**

**§ 78.196–1 Compliance.**

(a) Required in all details.

**§ 78.196–2 Lumber.**

(a) To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

**§ 78.196–3 Woods required for plywood.**

(a) As follows:

Group 3

| | |
|---|---|
| White elm. | Black gum. |
| Red gum. | Tupelo. |
| Sycamore. | Maple—soft or silver. |
| Pumpkin ash. | |
| Black ash. | |

Group 4

| | |
|---|---|
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | White ash. |
| Hackberry. | Hickory. |

**§ 78.196–4 Plywood.**

(a) At least 2-ply for body and 3-ply for heads; all plies glued together cross grain.

**§ 78.196–5 Hoops and battens.**

(a) Grain of wood must not cross piece within ½ of its length. Hoops to be of elm.

*Exception:* Plywood hoops 0.28" thick are authorized.

**§ 78.196–6 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Maximum net weights authorized | Thickness (minimum) | | Size of hoops (minimum) | | Head liners (minimum) |
|---|---|---|---|---|---|
| | Body | Heads | Wooden | Metal [2] | |
| *Pounds* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 33 | 0.16 | ⅜ | ⅛ x 2 | 0.023 x 1 1/16 | ⅛ x ⅝ |
| | | | | [1] .015 x 2¾ | |
| 55 | .18 | ¾ | ⅛ x 2 | .023 x 1 3/16 | ⅛ x ⅝ |
| | | | | .015 x 2¾ | |
| 115 | .20 | ⅜ | ⅛ x 2¼ | .023 x 1 5/16 | ¼ x ¾ |
| | | | | [1] .015 x 2¾ | |
| 200 | .28 | 0.43 | ¼ x 3 | .028 x 1 5/16 | ¼ x ¾ |

[1] Authorized only when metal hoop is between body of drum and wooden hoop as described in § 78.196–8.
[2] On drums of not over 10½ gallons capacity having authorized maximum net weights not over 115 pounds, additional outside headliners may be used in lieu of metal hoops provided containers will pass prescribed tests. (See § 78.196–14.)

**§ 78.196–7 Body joints.**

(a) To be made by steel strip 0.015" x 1½" secured by staples, clinched, at 1⅛" centers, or by other method giving equivalent strength; also to be made siftproof by 2 thicknesses of 3" paper tape 60-pound strength, Mullen or Cady test, or other equivalent protection.

NOTE 1: Because of the present emergency and until further order of the Commission, tape 2½" may be used.

**§ 78.196–8 Hoops.**

(a) One wooden and 1 metal required at each chime; wooden hoops secured by staples, clinched, at 3" centers; metal

hoops to be outside wooden hoops and secured by punching, or other equivalent method, at 6" centers.

**§ 78.196–9 Head battens.**

(a) Required for heads over 15" diameter; ¾" x 3", minimum; ends rounded to fit chime.

**§ 78.196–10 Head liners.**

(a) Required inside and outside for full circumference of heads. To be securely fastened by staples or nails, clinched.

**§ 78.196–11 Head lining paper.**

(a) Required for each head; 1½" larger than head diameter; of No. 1 Kraft paper 90 pounds per ream (480 sheets 24" x 36") or equivalent.

NOTE 1: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

**§ 78.196–12 Bung openings.**

(a) Bung and bunghole authorized provided head lining paper is glued around hole.

**§ 78.196–13 Insertion of head.**

(a) As in § 78.196–16.

**§ 78.196–14 Tests.**

(a) Samples of each type and size taken at random, filled with dry, fine powder to the authorized net weight and closed as for use, must be capable of withstanding, without leakage, 2 drops diagonally on either end chime onto solid concrete from height of 4 feet.

**§ 78.196–15 Marking.**

(a) Marking on each container by marks ¾" high, as follows:

(1) **ICC–22A**, followed by authorized gross weight (authorized net weight plus approximate tare weight, for example, ICC–22A115). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

**§ 78.196–16 Closing for shipment.**

(a) *Closing heads.* Insert head lining paper, head, and head liner; nail with 15 gauge nails, clinched, at 2" centers through head liner, body and wooden hoop; equivalent stapling authorized. Nail through steel hoop with two 7-penny nails into each end of head batten, if any.

**§ 78.196–17 Bung closures.**

(a) Bung closures (if any) must be well driven and secured sufficiently to prevent leakage in transit.

**§ 78.197 Specification 22B; wooden drums, glued plywood.**

**§ 78.197–1 Compliance.**

(a) Required in all details.

**§ 78.197–2 Lumber.**

(a) To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

**§ 78.197–3 Woods required for plywood.**

(a) Woods required as follows:

GROUP 3

| | |
|---|---|
| White elm. | Black ash. |
| Red gum. | Black gum. |
| Sycamore. | Tupelo. |
| Pumpkin ash. | Maple—soft or silver. |

GROUP 4

| | |
|---|---|
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | White ash. |
| Hackberry. | Hickory. |

**§ 78.197–4 Plywood.**

(a) At least 2-ply for body and 3-ply for heads; all plies glued together cross grain.

**§ 78.197–5 Hoops and battens.**

(a) Grain of wood must not cross piece within ½ of its length. Hoops to be of elm. Exception: Plywood hoops 0.28" thick are authorized.

**§ 78.197–6 Parts and dimensions.**

(a) Parts and dimensions as follows:

| Maximum net weights authorized | Thickness (minimum) | | Size of hoops (minimum) | | Head liners (minimum) |
|---|---|---|---|---|---|
| | Body | Heads | Wooden | Metal [3] | |
| *Pounds* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 55 | 0.16 | ⅜ | ⅛ x 2 | 0.023 x 1 1/16<br>.015 x 2 3/4 | ⅛ x ⅜ |
| 55 | .18 | ⅜ | ⅛ x 2 | .023 x 1 1/16<br>.015 x 2 3/4 | ⅛ x ⅜ |
| 115 | .20 | ⅜ | ⅛ x 2¼ | .023 x 1 9/16<br>.015 x 2 3/4 | ¼ x ⅜ |
| 200 | .28 | 0.43 | ¼ x 3 | .028 x 1 9/16 | ¼ x ⅜ |

[1] Authorized only when metal hoop is between body of drum and wooden hoop as described in § 78.197–8.

[3] On drums of not over 10½ gallons capacity having authorized maximum net weights not over 115 pounds, additional outside headliners may be used in lieu o metal hoops provided containers will pass prescribed tests. (See § 78.197–13.)

**§ 78.197–7 Body joint.**

(a) Joint to be made by steel strip 0.015" x 1½" secured by staples, clinched, at 1⅛" centers, or by other method giving equivalent strength.

**§ 78.197–8 Hoops.**

(a) One wooden and 1 metal required at each chime; wooden hoops secured by staples, clinched, at 3" centers; metal hoops to be outside wooden hoops and secured by punching, or other equivalent method, at 6" centers.

**§ 78.197–9 Head battens.**

(a) Required for heads over 15" diameter, ¾" x 3", minimum; ends rounded to fit chime.

**§ 78.197–10 Head liners.**

(a) Required inside and outside for full circumference of heads. To be securely fastened by staples or nails, clinched. Inside head liners not required when close fitting inside metal drum or strong container is used.

**§ 78.197–11 Bung or other openings in head.**

(a) Bung and bunghole authorized provided head lining paper is glued around hole. Holes are permitted in heads to provide for closing devices of inside metal drums or other strong inside containers when plywood drum is so equipped.

**§ 78.197–12 Insertion of head.**

(a) As in § 78.197–15.

**§ 78.197–13 Tests.**

(a) Samples of each type and size taken at random, filled with dry, fine powder to the authorized net weight and closed as for use, must be capable of withstanding, without leakage, 2 drops diagonally on either end chime onto solid concrete from height of 4 feet.

**§ 78.197–14 Marking.**

(a) Marking on each container by marks ¾" high, as follows:

(1) **ICC–22B**, followed by authorized gross weight (authorized net weight plus approximate tare weight, for example, ICC–22B235). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

**§ 78.197–15 Closing for shipment.**

(a) *Closing heads.* Insert head lining paper, head, and head liner; nail with 15 gauge nails, clinched, at 2" centers through head liner, body and wooden hoop; equivalent stapling authorized. Nail through steel hoop with two 7-penny nails into each end of head batten, if any.

**§ 78.197–16 Bung closures.**

(a) Bung closures (if any) must be well driven and secured sufficiently to prevent leakage in transit.

**§ 78.198 Specification 22C; plywood drum for plastic inside container.**

**§ 78.198–1 Material requirements.**

(a) Plywood shall be as follows:

(1) Plywood for body and heads shall be of good commercial or sheathing grade hardwood veneer. Veener plies shall be firmly glued together with waterproof glue. A section of plywood from any part when immersed in water at room temperature for 48 hours shall show no delamination or separation of plies to qualify glue as waterproof.

(2) Plywood shall be well seasoned, commercially dry, and free from decay, loose knots that interfere with assembly, and other defects that would materially lessen the strength.

**§ 78.198–2 Construction requirements.**

(a) Plywood drum shall completely and snugly enclose body of inside container, or shall completely and snugly enclose body and neck of inside container. Top head of drum may have a hole of suitable size to provide for protruding neck of plastic container; bottom head may have drainage holes of suitable size. The following are required:

(1) Body shall be constructed of 2 shells, (see Note 1), butt-jointed, telescoped one within the other; outer shell shall be fastened on the outside with wire staples of not less than 17-gauge metal driven through a metal strip not less than 28-gauge by 1½ inches width and each side of body joint. Staples shall be spaced not more than 1½ inches apart and clinched on the inside. The grain of outside ply shall be paralleled and the grain of inner ply shall be vertical to plane of the heads.

NOTE 1: Each shell shall be of two-ply construction having minimum wall thickness of ⅛ inch for inside container not over 6½ gallons marked capacity and 3/11 inch for inside container not over 14 gallons marked capacity.

(2) Body heads shall be of at least three-ply construction with grain of alternate plies at right angles, circled to fit snugly within the body shell. Each head shall have a minimum thickness of ⅜ inch for inside container not over 6½ gallons marked capacity and 7/16 inch for inside container not over 14 gallons marked capacity. As an alternate, ½ inch thick pine bottom heads are authorized.

(3) Hoops shall be of at least three-ply construction with grain of alternate plies at right angles. Hoops shall be fastened to body shel lso that ends butt or slightly gap by driving wire staples of at least 17-gauge metal through hoop and body and be clinched on the inside; staples spaced on not less than 3 inches centers. Each hoop shall be not less than 5/24 inch thickness by 2½ inches width for inside container not over 14 gallons marked capacity, and not less than ¼ inch thickness by 3 inches width for inside container not over 6½ gallons marked capacity.

(4) Head retaining rings shall be of hardwood veneer not less than ⅕ inch thickness by 5/8 inch width for inside container not over 6½ gallons marked capacity, and not less than 3/10 inch thickness by ¾ inch width for inside container not over 14 gallons marked capacity. The head retaining rings shall be fastened to the body shell with wire staples clinched on the inside of not less than 17-gauge metal spaced on 3 inch centers, except that bottom ring may be fastened by 14-gauge wire staples spaced on 4 inch centers.

(b) Plywood drum for plastic inside container not over 5 gallons marked capacity shall comply with requirements of § 78.198–1(a) (1) and (2) and paragraph (a) of this section.

(1) Body shells shall be of two-ply construction having a minimum thickness of 3/11 inch and with grain of outside ply parallel and grain of inner ply vertical to plane of the heads. Body shall be butt-jointed and fastened on the outside with wire staples of not less than 17-gauge metal driven through a metal strip not less than 28-gauge by 1½ inches width and each side of body joint. Staples shall be spaced not more than 1½ inches apart and clinched on the inside.

(2) Body heads shall be of at least three-ply construction with grain of alternate plies at right angles circled to fit snugly within the body shell. Each head shall have a minimum thickness of ⅜ inch.

(3) Hoops shall be of hardwood veneer, not less than 2¼ inches wide by ⅛ inch thick. Hoops shall be fastened to the body by 17-gauge staples on not less than three-inch centers and shall be overlapped not less than 3 inches.

(4) Head retaining rings shall be of hardwood veneer of ⅕ inch thickness by ¾ inch width except bottom rings may be two thicknesses, each ⅛ inch thickness by 1¾ inches width. Rings shall be fastened to body shell with wire staples of 17-gauge metal on not less than 3-inch centers and clinched on inner surface.

**§ 78.198–3 Tests.**

(a) Samples taken at random with inner plastic container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage from inside container or breakage of outside container that would be of such a nature as to contribute to potential failure of inner container. Tests shall be made of each size by each company starting production. The type test is as follows:

(1) One 4-foot drop onto solid concrete so as to strike diagonally on either chime.

(2) Additional tests as required by inside container specification.

**§ 78.198–4 Marking on outside container.**

(a) Each outside container must be plainly marked with letters and figures at least ¾ inch high applied by hot branding iron or dark colored printing ink with high pressure dies as follows:

(1) **ICC–22C.** This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

## Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

**§ 78.205 Specification 12B; fiberboard boxes.**

**§ 78.205–1 Compliance.**

(a) Required in all details.

**§ 78.205–2 Definitions.**

(a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box, except recessed flanged heads, are connected together in setting up the box. Generally done by box maker.

(c) "Seams" are where edges of parts of box are visible, except joints, when box is closed.

**§ 78.205–3 Classification of board.**

(a) Fiberboard is hereby classified by strength [1] of completed board as in first column of the following table; weights specified in the table are the minimums authorized.

| Classified strength [1] of completed board | Solid fiberboard—Minimum combined weight of component plies exclusive of adhesives (pounds per 1,000 sq. ft.) | Facings for corrugated fiberboard | |
|---|---|---|---|
| | | Double-faced—Minimum combined weight of facings (pounds per 1,000 sq. ft.) | Double-wall—Minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.) |
| 175 | 149 | 75 | ---------- |
| 200 | 190 | 84 | 92 |
| 275 | 237 | 138 | 110 |
| 325 | 237 | 138 | 110 |
| 350 | 283 | 180 | 126 |
| 375 | 283 | 180 | 180 |
| 400 | 283 | 180 | 180 |
| 450 | 283 | 180 | 180 |

[1] Mullen or Cady test (minimum).

**§ 78.205–4 Solid fiberboard.**

(a) To be 3-ply or more; both outer plies water resistant.

**§ 78.205–5 Corrugated fiberboard.**

(a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

**§ 78.205–6 Stitching staples.**

(a) Of steel wire at least 3/32 x 0.019 inch, or equal cross section, formed into staples about 7/16 inch wide. Staples of metal other than steel are authorized provided their efficiency is equal to that of steel wire staples specified in this section.

**§ 78.205–7 Tape.**

(a) Coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across the woof, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (500 sheets, 24" x 36"); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape, except as provided in § 78.205–11(d). Other tapes of equal strength and efficiency are authorized.

(b) Tape for closure of slotted containers complying with the following requirements is authorized when applied as prescribed in § 78.205–17 (a) (3):

(1) Tape must be not less than 3 inches wide and shall be made of two sheets of 100 percent sulfate Kraft each not less than 30 pounds basis weight, reinforced with glass, sisal, or rayon fiber, combined with a laminant of asphalt or other material not affected by temperature extremes any more than would standard 180° to 200° softening point asphalt.

(2) Tape must be reinforced by lengthwise fibers spaced not more than an average of ½ inch apart, and by crosswise fibers spaced not less than an average of 2 per inch except that when a diamond pattern is employed for crosswise reinforcement, the spacing between the parallel sides of the diamond measured in the machine direction must be not more than 1 inch.

(3) Glass or sisal reinforced tape must have a minimum tensile strength in the machine direction of 75 pounds per inch of width and a minimum tensile strength in the cross direction of 45 pounds per inch of width; rayon reinforced tape must have a minimum tensile strength in the machine direction of 57 pounds per inch of width and a minimum tensile strength in the cross direction of 27 pounds per inch of width with elongation not exceeding 15 percent. Tensile tests on the finished product shall be made on a 3-inch width sample.

**§ 78.205–8 Test.**

(a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength the board is acceptable.

(4) For corrugated fiberboard, double-pop tests may be disregarded.

**§ 78.205–9 Types authorized.**

(a) To be of solid or corrugated fiberboard of the following types, or as specifically provided for in § 78.205–19 to § 78.205–37:

(1) Slotted box; three-piece box without recessed ends; three-piece box of solid fiberboard with recessed ends; double-slide box; triple-slide box; telescope box, with sections of equal depth, or with covers, top or bottom or both, with 3 inches overlap. (See § 78.205–14 (d) for boxes with single-flap closures).

**§ 78.205–10 Forming.**

(a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

**§ 78.205–11 Joints.**

(a) For solid and corrugated fiberboard slotted containers: Lapped 1½ inches from center of scoreline except as in § 78.205–12; stitched at 2½ inch intervals and within 1 inch of each end of joint; body joint must be double-stitched (2 parallel stitches) at each end of joint over 18 inches long.

(b) For corrugated fiberboard slotted containers only: One butt joint taped (See § 78.205–7) is authorized; 3 inch tape required for boxes over 30 pounds authorized gross weight and 2 inch tape for others.

(c) For triple and double slide boxes: Joints of all slides must be taped (see § 78.205–7) or stitched; 3-inch tape required for boxes over 30 pounds authorized gross weight and 2-inch for others.

(d) For corrugated fiberboard only: One butt joint taped inside and outside with strips of one thickness of sulphate paper not less than 2 inches wide extending entire length of joint and firmly glued to box. For boxes not exceeding 65 pounds gross weight, outside strip of sulphate paper to be of basis weight not less than 60 pounds testing not less than 60 pounds and inside strip of sulphate paper to be of basis weight not less than 40 pounds testing not less than 40 pounds. For boxes exceeding 65 pounds gross weight, outside and inside with strips of sulphate paper which must each be of basis weight not less than 90 pounds testing not less than 90 pounds. Basis weight of paper shown is for 500 sheets, 24 x 36 inches.

(1) For glued lap joint, the sides of box forming joint must lap not less than 1¼" and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

**§ 78.205–12 Flanged heads.**

(a) Must have 4 flanges, at least 1" long above fillet, on each head. Recessed flanged heads not authorized for boxes of corrugated fiberboard.

**§ 78.205–13 Seams which are to be stitched.**

(a) Overlap, if any, required to be at least 1½ inches from center of scoreline except as in § 78.205–12.

**§ 78.205–14 Flap closures.**

(a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps, unless otherwise provided by Part 73 of this chapter.

(b) If to be closed by adhesive, each inner flap must cover at least one-third of face; inner flaps must butt or have full overlap, or fill-in pieces must be used, unless otherwise provided by Part 73 of this chapter, except that fill-in pieces are not required when outer flaps have full overlap. Outer flaps must butt or have full overlap.

(c) In lieu of fill-in pieces between inner flaps which do not butt, the following is authorized when linings are not prescribed in § 78.205–16:

(1) Top and bottom pads the same dimensions as interior of container of solid or corrugated fiberboard at least 125 pound test (Mullen or Cady).

(2) Minimum combined weight of facings for corrugated fiberboard pads must be at least 52 pounds per thousand square feet.

(3) Minimum combined weight of component plies for solid fiberboard pads must be at least 114 pounds per thousand square feet, exclusive of adhesives.

(4) Complete inner box or boxes.

(d) Single-flap closures are authorized for boxes with one dimension not over 2"; each flap must be scored and form one of the small faces of the box and lap at least 5" on one of the largest faces.

**§ 78.205–15 Linings (when prescribed).**

(a) Of 1-piece to extend around 4 faces with joint at center of 1 face and with 4 flanges, at least 1½" long, on each end (corners may be mitered) to bend over the other 2 faces; also 2 pads to cover the other 2 faces. Pads may be omitted if closing flaps afford 3 thicknesses throughout face. For boxes with 1 dimension not over 3", one of the widest flanges may be lengthened to cover entire face and lap 6" on the adjoining face and the other flanges and the pads may then be omitted.

**§ 78.205–16 Authorized gross weight and parts required.**

(a) Authorized gross weight (when packed) and parts required as follows:

| Authorized gross weight (pounds) | Strength of fiberboard (minimum) Mullen or Cady test | | | | | | |
|---|---|---|---|---|---|---|---|
| | Solid board | | | Double-faced corrugated | | Double-wall corrugated | |
| | Box | Lining [3] | Heads [1] | Box | Lining [3] | Box | Lining [3] |
| 15 | 175 | ------ | (2) | 175 | ------ | 200 | ------ |
| 30 | 200 | ------ | 275 | 200 | ------ | 200 | ------ |
| 40 | 275 | ------ | 350 | 275 | ------ | 200 | ------ |
| | | | | 200 | 175 | | |
| 55 | 325 | ------ | (2) | 325 | ------ | 275 | ------ |
| 65 [4] | 375 | ------ | (2) | 375 | ------ | 275 | ------ |
| | 275 | 175 | 350 | 275 | 175 | | |
| | | | | 200 | 200 | | |

[1] For recessed heads when used. In other cases same as for box.
[2] As prescribed in § 78.205–15. A complete box is acceptable in place of the lining.
[3] Recessed heads not authorized in any case.
[4] Except as otherwise authorized herein or by Part 73 of this chapter.

(b) Triple slide boxes authorized for gross weights as follows: Of board at least 175-pound test for 40 pounds; of board at least 200-pound test for 65 pounds.

**§ 78.205–17 Closing for shipment.**

(a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces where required or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

(1) By stitching with staples as prescribed by § 78.205–6 at 2½-inch intervals along all seams (one 5-inch space allowed when necessary to permit use of stitching device); or with staples made of flat wire of hardness not less than equivalent of Rockwell B90, and not less than 0.037 inch thick and not less than 0.074 inch wide, with not less than 1¼ inch crown, may be spaced not more than 5 inches apart. Such staples may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlay inner flaps; or staples made of arcuate wire of hardness not less than equivalent of Rockwell B90, and not less than 0.027 inch thick and not less than 0.095 inch wide, with not less than 1 inch crown, may be spaced not more than 5 inches apart. Such stitches when spaced not more than 2½ inches apart may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlay inner flaps.

(2) For fiberboard boxes containing not more than 1 inside metal can not exceeding 1 gallon nominal capacity, and as otherwise authorized by Part 73 of this chapter, by application of 2 strips of pressure-sensitive tape not less than ½ inch in width, 1 strip to be placed approximately equal distance over the seam of abutting outer flaps, the other at a right angle to the first and spaced approximately equal distance on the closure face; strips must be of sufficient length to extend not less than 1 inch beyond score lines on side and end panels. Tape shall have a minimum tensile strength of 160 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width; and minimum elongation of 12 percent at break, or having a minimum longitudinal tensile strength of not less than 240 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width and a minimum elongation of 3 percent at break.

(3) For slotted containers only, reinforced tape complying with the requirements of § 78.205–7 (b) is authorized for application over the center seam only. Tape must extend over the ends of box not less than 2½ inches.

(b) Double slide boxes or triple slide boxes, by coating the inner slides with adhesive, or by closing with reinforced tape capable of withstanding test prescribed by subparagraph (1) of this paragraph; for single-flap closures as authorized for boxes with one dimension not over 2 inches, the flaps must be fastened to the body with adhesive.

(1) Boxes selected at random, containing dummy contents similar to that to be shipped and packed to authorized gross weight, closed with reinforced tape across the ends and onto opposite side panels at least 2 inches, must be capable of withstanding a drop on each end from a height of 4 feet onto solid concrete without closure failure.

(c) Fiberboard boxes with covers extending over sides but not to bottom, covers resting on walls of box, or telescope boxes of equal depth section, covers extending to bottom, must be secured by one of the following methods:

(1) By not less than three metal straps, one lengthwise and others at right angles thereto.

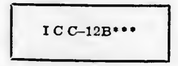
(2) When cover extends not less than 3 inches over the walls of the box, by coating with adhesive the entire contact area of the cover.

(3) Telescope boxes having equal depth sections may be closed by application of reinforced water activated tape or pressure sensitive tape under conditions and for commodities as prescribed in Part 73 of this chapter.

(d) When metal straps are specified, boxes must be strapped with the required number; size at least ⅝ inch x 0.015 inch.

**§ 78.205–18 Marking.**

(a) *On each container.* Symbol in rectangle as follows:




(1) Stars to be replaced by authorized gross weight (for example, ICC—12B40, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in this paragraph.

(3) When metal straps are prescribed, boxes must be marked "_____ (number) METAL STRAPS REQUIRED" just above or below the mark specified in this paragraph.

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

**§ 78.205–19 Special box; authorized only for contents in 1-gallon rectangular metal cans or cylindrical metal cans of 26 gauge material.**

(a) Must comply with this specification except as follows: Must be 1-piece type, of double-wall corrugated fiberboard at least 400-pound test with all three facings at least 135-pound test; to be marked "FOR 1-GAL. CYLINDICAL OR RECTANGULAR CANS ONLY" near the I.C.C. specification mark; authorized gross weight 84 pounds.

**§ 78.205–20 Special box; authorized only for pyroxylin in sheets, rods, or tubes.**

(a) Must comply with this specification except as follows: Must be of board at least 275-pound test with lining at least 200-pound test, all being double-faced corrugated fiberboard; 3 metal straps required (see §§ 78.205–17 and 78.205–18); authorized gross weight 90 pounds.

**§ 78.205–21 Special box; authorized only for pyroxylin in sheets, rods, or tubes.**

(a) Must comply with this specification except as follows: Must be telescope type with wooden frame between the parts that telescope; authorized gross weight 90 pounds.

(b) Frame of group 3 or 4 wood 9/16" thick with lock corners glued.

GROUP 3

| | |
|---|---|
| White elm. | Black gum. |
| Red gum. | Black ash. |
| Sycamore. | Tupelo. |
| Pumpkin ash. | Maple—soft or silver. |

GROUP 4

| | |
|---|---|
| Hard maple. | Birch. |
| Beech. | Rock elm. |
| Oak. | Hickory. |
| Hackberry. | White ash. |

(c) Telescoping parts of double-faced corrugated fiberboard at least 400-pound test with facings at least 180 pounds per thousand square feet; each part of same depth as frame; outer part to have corners overlapped and securely fastened.

(d) Four metal straps required. Glued or stitched closure not required. (See §§ 78.205–17 and 78.205–18.)

**§ 78.205–22 Special box; authorized only for motion-picture film in metal cans or strong cardboard or fiberboard boxes each containing not over 2,000 feet (approx.) of film.**

(a) Must comply with this specification except as follows:

(1) *For one inside container.* Must be of board at least 275-pound test for a 2,000-foot film and of board at least 200-pound test for a 1,000-foot film; lining and pads not required; closure by taping with strong paper tape authorized.

(2) *For more than one inside container.* Must be of 1-piece type; authorized gross weight 55 pounds when made of 325-pound test board, 65 pounds when made of 375-pound test board, and 75 pounds when made of 450-pound test board; interior packing required, of fiberboard at least 175-pound test, adequate to support inside containers in center of outside container; lining and top and bottom pads not required.

**§ 78.205–23 Special box; authorized only for poisonous solids, class B, in 1-gallon metal cans.**

(a) Must comply with this specification except as follows: Must be 1-piece type, of double-wall corrugated fiberboard at least 400-pound test with all three facings at least 135-pound test; authorized gross weight 84 pounds.

**§ 78.205–24 Special box; authorized only for railway fusees.**

(a) Must comply with this specification except as follows: Must be double-faced corrugated fiberboard at least 400-pound test, or solid fiberboard of same strength; lining and pads not required; authorized gross weight 75 pounds. For fusees equipped with spikes, protection as required in § 73.108(b)(2) of this chapter must be provided.

**§ 78.205–25 Special box; authorized only for wet electric storage batteries of the glass cell type or synthetic resin (plastic) type.**

(a) Must comply with this specification except as follows: Must be one-piece type of double wall corrugated fiberboard at least 275-pound test; must have linings to extend around four faces with joint in center of or at end of one face but at no time may joint of box and joint of liner coincide; lining to be of sufficient height to support vertical scorings of box; lining to be made of double wall corrugated board with minimum test of 275 pounds, top of battery or batteries to be protected by trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds; bottom of batteries to be protected by minimum of one excelsior pad or one double wall corrugated fiberboard pad; when one or more batteries are packed in same carton, batteries must be separated by a minimum of one thickness of double wall corrugated fiberboard having minimum test of 275 pounds; authorized gross weight 95 pounds.

**§ 78.205–26 Special box; authorized only for one 5-gallon rectangular metal can, spec. 2F (§ 78.25 of this part); gross weight not to exceed 65 pounds.**

(a) Must comply with this specification except as follows: Must be 1-piece type of double-wall corrugated fiberboard at least 350-pound test; must have top and bottom pads of double-wall corrugated fiberboard at least 350-pound test, pads to be double-flanged with flanges extending down the inside of carton at least four inches.

**§ 78.205–27 Special box; authorized only for not more than two square inside metal cans each containing not over 200 feet (approx.) motion-picture film; gross weight not to exceed 15 pounds.**

(a) Must comply with this specification except as follows: Must be double-slide type, both slides of double-faced corrugated fiberboard at least 200-pound test; closure by taping with strong paper tape authorized.

**§ 78.205–28 Special box; authorized only for wet electric storage batteries of aluminum-case type, asphaltum composition, impregnated rubber, synthetic resin (plastic), or wooden-battery-box type, having a net weight greater than 75 pounds.**

(a) Must comply with this specification except as follows: Must be one-piece type of double wall corrugated fiberboard at least 400-pound test, or solid fiberboard testing at least 400 pounds; boxes may or may not have hand holes provided for in ends of box providing same will not materially weaken box, top of battery to be protected by wood frame, corrugated trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds, top protection must bear evenly on connectors of battery to facilitate stacking of batteries; bottom of batteries to be protected by minimum of one excelsior pad or double wall corrugated fiberboard pad; sides and ends to be cushioned between batteries and walls of box; combined thickness of cushioning material and walls of box must be not less than ½", cushioning to be of excelsior pads, corrugated fiberboard or other suitable cushioning material; no more than one battery to be packed per box, authorized gross weight 190 pounds.

**§ 78.205–29 Special box; authorized only for ship distress signals in inside metal containers of not less than 24 gauge metal.**

(a) Must comply with this specification except as follows: Must be one-piece type of double faced corrugated board at least 350-pound test, with top and bottom pads of the same material. Gross weight not to exceed 95 pounds.

**§ 78.205–30 Special box; authorized only for toy torpedoes.**

(a) Must comply with this specification and the following: Must be one-piece type fabricated of double-wall corrugated fiberboard having minimum strength of 350 pounds per square inch, Mullen or Cady test. Box shall be provided with double-face lining on all sides and top and bottom pads. Gross weight not to exceed 25 pounds.

**§ 78.205–31 Special box; authorized only for commodities where spec. 12B is prescribed in Part 73 of this chapter.**

(a) Box shall have not more than 1 inside glass container having screw cap closure or metal container not exceeding 32 ounces or 2 pounds net weight, which must fit snugly or be adequately cushioned to prevent movement. Box shall comply with this specification and be of one-piece folder type, so designed as to form double thickness of corrugated board on top, bottom, and ends. Fiberboard used in construction of the box shall have a minimum strength of 200 pounds per square inch, but for gross weight exceeding 8 pounds, the box must be constructed of at least 275-pound per square inch test fiberboard (Mullen or Cady). Closure must be equal in efficiency to that prescribed in § 78.205–17.

**§ 78.205–32 Special box; authorized only for electrolyte (acid), corrosive battery fluid, hydrochloric acid mixtures of not over 28 percent strength, or cleaning compounds, liquid, containing not over 28 percent hydrochloric (muriatic) acid.**

(a) Box shall have not more than 12 inside glass bottles, with acid-proof closures, of not over 32 ounces capacity each. Box shall comply with this specification and be constructed of at least 275-pound test (Mullen or Cady) double-wall corrugated fiberboard and be equipped with at least 125-pound test (Mullen or Cady) double-faced corrugated fiberboard scored sheets so designed as to provide two thicknesses of corrugated fiberboard between each bottle and one thickness between bottles and sides and ends of box. Top and bottom pads of the same size as the top and bottom area of the box and of at least 125-pound test (Mullen or Cady) double-faced corrugated board are required or box shall comply with this specification and be constructed of at least 325-pound test (Mullen or Cady) double-faced corrugated board and be equipped with at least 200-pound test (Mullen or Cady) corrugated fiberboard ½ inch extended cell slotted partitions so designed as to provide a void space between the ends and sides of outside box and the inside cell partition and shall be provided with top and bottom pads, of the same area as the box, of at least 200-pound test (Mullen or Cady) double-faced corrugated fiberboard.

**§ 78.205–33 Special box; authorized only for electrolyte (acid) and alkaline corrosive battery fluid packed with storage batteries.**

(a) Box shall be constructed of corrugated fiberboard having strength of not less than 200 pounds per square inch, Mullen or Cady test for maximum authorized gross weight not over 65 pounds. Top and bottom pads and fill-in pieces are not required when inner flaps do not meet. Box must otherwise comply with this specification. (See § 73.258(a) (3) of this chapter.)

**§ 78.205–34 Special box; authorized only for a polyethylene, or other suitable plastic, tight-fitting inside container having a minimum wall thickness of 0.015 inch and so designed as to maintain its configuration when standing empty and open.**

(a) Box shall comply with this specification except that top of box shall be closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary; equally efficient closures and container neck protectors are authorized. Complete package, closed as for shipment with inside container filled to rated capacity with water, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete without leakage or serious rupture of box. Authorized gross weight not over 65 pounds.

**§ 78.205–35 Special box; authorized only for aircraft type wet electric storage batteries.**

(a) Box shall comply with this specification and shall be constructed of at least 275-pound test double-faced corrugated fiberboard. Inside corrugated fiberboard cushioning shall be provided as necessary to prevent short-circuits, breakage under normal conditions of transportation, and superimposed weights on links, covers, or other parts weaker than the battery case. Not more than one wet electric storage battery shall be packed in a box and gross weight shall not exceed 85 pounds.

**§ 78.205–36 Special box; authorized only for an inside polyethylene container, spec. ICC–2U (§ 78.24 of this chapter), not over 5 gallons capacity.**

(a) Box shall comply with this specification except as provided herein, and shall have glued closure flaps only. Inner and outer top closure flaps may have suitably sized holes for access to the closure of the polyethylene container. The diameter of these holes must be less than the diameter of a metal plate inserted between the flaps to which polyethylene closure shall be attached.

**§ 78.205–37 Special box; with inside polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.**

(a) Box shall comply with this specification, except as follows: Box must be of one-piece construction of regular slotted style and be constructed of at least 275-pound test double-faced corrugated fiberboard with complete corrugated fiberboard liner, a scored and flanged bottom pad, and a scored and flanged top tray pad, reinforced, all of same material as box. Box may have die-cut areas of minimum size to provide access to inside closure part.

(b) Box must have 2 polyethylene or other suitable plastic bags, one within the other, with closure adequate to prevent leakage under conditions incident to transportation; maximum volumetric capacity not over 5 gallons. Bags shall be formed of tubing of virgin plastic material not less than 0.004 inch thick, with joints heat sealed.

(c) Representative samples of completely assembled boxes, with all parts closed as for shipment, must be capable of withstanding the following tests without leakage or serious damage to boxes. No one box shall be expected to withstand more than one of the following tests:

(1) Box with inside container filled with 5 gallons of a liquid of the same specific gravity as expected contents for shipment must be dropped twice from a height of 4 feet onto concrete, one drop to be made with the box positioned so as to strike flat on the box bottom, the other drop to be made so box will strike flat on the largest face.



(2) Box with inside container filled with 5 gallons of a solution which is compatible with the plastic bags, and remains liquid at 0° F. or lower shall be dropped once from a height of 4 feet onto concrete, when container and contents are at or below 0° F. Box shall be positioned so as to strike flat on the box bottom.

(3) Box with inside container filled as prescribed in subparagraph (1) of this paragraph shall be capable of withstanding a vibration test by placing the container on the vibration table anchored in such manner that all horizontal motion shall be restricted and only vertical motion allowed. The test shall be performed for one hour using an amplitude of one inch at a frequency that causes the test container to be raised from the floor of the table to such a degree that a piece of paper or flat steel strap or tape can be passed between the table and the container.

(d) Tests to be conducted by or for each plant assembling and filling boxes at the initial start of production and must be repeated at intervals of four months thereafter; initial tests must be witnessed by a representative of the Bureau of Explosives. Samples last tested must be dated with date of test and must be retained until subsequent tests are conducted. Empty boxes with liners may be shipped to a central point for assembling, filling and testing in which case the Bureau of Explosives must be advised of test location.

**§ 78.206 Specification 12C; fiberboard boxes.**

**§ 78.206–1 Compliance.**

(a) Required in all details.

**§ 78.206–2 Definitions.**

(a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box, except recessed flanged heads, are connected together in setting up the box. Generally done by box maker.

(c) "Seams" are where edges of parts of box are visible, except joints, when box is closed.

**§ 78.206–3 Classification of board.**

(a) Fiberboard is hereby classified by strength of completed board as in first column of the following table; weights specified in the table are the minimums authorized.

| Classified strength [1] of completed board | Solid fiberboard—Minimum combined weight of component plies exclusive of adhesives (pounds per 1,000 sq. ft.) | Facings for corrugated fiberboard | |
|---|---|---|---|
| | | Double-faced—Minimum combined weight of facings (pounds per 1,000 sq. ft.) | Double-wall—Minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.) |
| 175 | 149 | 75 | ---------- |
| 200 | 190 | 84 | 92 |
| 275 | 237 | 138 | 110 |
| 350 | 283 | 180 | 126 |

[1] Mullen or Cady test (minimum).

**§ 78.206–4 Solid fiberboard.**

(a) To be 3-ply or more; both outer plies water resistant.

**§ 78.206–5 Corrugated fiberboard.**

(a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weight not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

**§ 78.206–6 Stitching staples.**

(a) Of steel wire at least 3/32 x 0.019 inch, or equal cross section, formed into staples about 7/16 inch wide. Staples of metal other than steel are authorized provided their efficiency is equal to that of steel wire staples specified in this section.

**§ 78.206–7 Tape.**

(a) Coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across woof, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (500 sheets, 24 x 36 inches); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape, except as provided in § 78.206–11(d).

(b) Tape for closure of slotted containers complying with the following requirements is authorized when applied as prescribed in § 78.206–17 (a) (3):

(1) Tape must be not less than 3 inches wide and shall be made of two sheets of 100 percent sulfate Kraft each not less than 30 pounds basis weight, reinforced with glass; sisal, or rayon fiber, combined with a laminant of asphalt or other material not affected by temperature extremes any more than would standard 180° to 200° softening point asphalt.

(2) Tape must be reinforced by lengthwise fibers spaced not more than an average of ½ inch apart, and by crosswise fibers spaced not less than an average of 2 per inch except that when a diamond pattern is employed for crosswise reinforcement, the spacing between the parallel sides of the diamond measured in the machine direction must be not more than 1 inch.

(3) Glass or sisal reinforced tape must have a minimum tensile strength in the machine direction of 75 pounds per inch of width and a minimum tensile strength in the cross direction of 45 pounds per inch of width; rayon reinforced tape must have a minimum tensile strength in the machine direction of 57 pounds per inch of width and a minimum tensile strength in the cross direction of 27 pounds per inch of width with elongation not exceeding 15 percent. Tensile tests on the finished product shall be made on a 3-inch width sample.

**§ 78.206–8 Test.**

(a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength the board is acceptable.

(4) For corrugated fiberboard, double-pop tests may be disregarded.

**§ 78.206–9 Types authorized.**

(a) To be of solid or corrugated fiberboard of the following types:

(1) Slotted box; three-piece box without recessed ends; three-piece box of solid fiberboard with recessed ends; double-slide box; triple-slide box; telescope box, with sections of equal depth, or with covers, top or bottom or both, with 3-inch overlap. (See § 78.206–14 (d) for boxes with single-flap closures.)

**§ 78.206–10 Forming.**

(a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

**§ 78.206–11 Joints.**

(a) For solid and corrugated fiberboard slotted containers: Lapped 1½ inches from center of scoreline except as in § 78.206–12; stitched at 2½ inch intervals and within 1 inch of each end of joint; body joint must be double-stitched (2 parallel stitches) at each end of joint over 18 inches long.

(b) For corrugated fiberboard slotted containers only: One butt joint taped (See § 78.206–7) is authorized; 3 inch tape required for boxes over 30 pounds authorized gross weight and 2 inch tape for others.

(c) For triple and double slide boxes: Joints of all slides must be taped (See § 78.206–7) or stitched.

(d) For corrugated fiberboard only: One butt joint taped inside and outside with strips of one thickness of sulphate paper not less than 2 inches wide extending entire length of joint and firmly glued to box. For boxes not exceeding 65 pounds gross weight, outside strip of sulphate paper to be of basis weight not less than 60 pounds testing not less than 60 pounds and inside strip of sulphate paper to be of basis weight not less than 40 pounds testing not less than 40 pounds. For boxes exceeding 65 pounds gross weight, outside and inside with strips of sulphate paper which must each be of basis weight not less than 90 pounds testing not less than 90 pounds. Basis weight of paper shown is 500 sheets, 24 x 36 inches.

(1) For glued lap joint, the sides of box forming joint must lap not less than 1¼" and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

**§ 78.206–12 Flanged heads.**

(a) Must have 4 flanges, at least 1" long above fillet, on each head. Recessed flanged heads not authorized for boxes of corrugated fiberboard.





**§ 178.206–13 Seams which are to be stitched.**

(a) Overlap, if any, required to be at least 1½ inches from center of scoreline

| Authorized | Strength of fiberboard (minimum) Mullen or Cady Test | |
|---|---|---|
| | Double-faced | Double-wall |

flaps, the other at a right angle to the first and spaced approximately equal distance on the closure face; strips must be of sufficient length to extend not less



(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be

into staples about 7/16" wide. Staples of metal other than steel are authorized provided their efficiency is equal to that of steel wire staples specified

**§ 78.207–8 Types authorized.**

(a) To be of double-wall corrugated fiberboard of the following types:

(1) Slotted box; three piece box with-

**§ 178.206–13 Seams which are to be stitched.**

(a) Overlap, if any, required to be at least 1½ inches from center of scoreline except as in § 78.206–12.

**§ 78.206–14 Flap closures.**

(a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps, unless otherwise provided by Part 73 of this chapter.

(b) If to be closed by adhesive, each inner flap must cover at least one-third of face; inner flaps must butt or have full overlap, or fill-in pieces must be used, unless otherwise provided by Part 73 of this chapter, except that fill-in pieces are not required when outer flaps have full overlap. Outer flaps must be reasonably close together at the center seam or have full overlap.

(c) In lieu of fill-in pieces between inner flaps which do not butt, the following is authorized when linings are not prescribed in § 78.206–15:

(1) Top and bottom pads the same dimensions as interior of container of solid or corrugated fiberboard at least 125 pound test (Mullen or Cady).

(2) Minimum combined weight of facings for corrugated fiberboard pads must be at least 52 pounds per thousand square feet.

(3) Minimum combined weight of component plies for solid fiberboard pads must be at least 114 pounds per thousand square feet, exclusive of adhesives.

(4) Complete inner box or boxes.

(d) Single-flap closures are authorized for boxes with one dimension not over 2''; each flap must be scored and form one of the small faces of the box and lap at least 5'' on one of the largest faces.

**§ 78.206–15 Linings (when prescribed).**

(a) Of 1-piece to extend around 4 faces with joint at center of 1 face and with 4 flanges, at least 1½'' long, on each end (corners may be mitered) to bend over the other 2 faces; also 2 pads to cover the other 2 faces. Pads may be omitted if closing flaps afford 3 thicknesses throughout face. For boxes with 1 dimension not over 3'', one of the widest flanges may be lengthened to cover entire face and lap 6'' on the adjoining face and the other flanges and the pads may then be omitted.

**§ 78.206–16 Authorized gross weight and parts required.**

(a) Authorized gross weight (when packed) and parts required as follows:

| Authorized gross weight (pounds) | Strength of fiberboard (minimum) Mullen or Cady Test | | | | | | |
|---|---|---|---|---|---|---|---|
| | Solid board | | | Double-faced corrugated | | Double-wall corrugated | |
| | Box | Lining [3] | Heads [1] | Box | Lining [3] | Box | Lining [3] |
| 30 | 175 | ------ | 200 | 175 | ------ | 200 | ------ |
| 40 | 200 | ------ | 275 | 200 | ------ | 200 | ------ |
| 65 [4] | 275 | ------ | 350 | 275 [2] / 200 | ------ / 175 | 275 | ------ |

[1] For recessed heads when used. In other cases same as for box.
[2] As prescribed in § 78.206–15 A complete box is acceptable in place of the lining.
[3] Facings at least 138 pounds per thousand square feet or inner facing at least 42 pounds and outer facing at east 90 pounds per thousand square feet.
[4] Except as otherwise authorized by Part 73 of this chapter.

(b) Triple slide boxes of double-faced corrugated fiberboard of at least 175-pound test are also authorized for 65 pounds gross weight.

**§ 78.206–17 Closing for shipment.**

(a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces where required or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

(1) By stitching with staples as prescribed by § 78.206–6 at 2½-inch intervals along all seams (one 5-inch space allowed when necessary to permit use of stitching device); or with staples made of flat wire of hardness not less than equivalent of Rockwell B90, and not less than 0.037 inch thick and not less than 0.074 inch wide, with not less than 1¼-inch crown, may be spaced not more than 5 inches apart. Such staples may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlay inner flaps; or staples made of arcuate wire of hardness not less than equivalent of Rockwell B90, and not less than 0.027 inch thick and not less than 0.095 inch wide, with not less than 1 inch crown, may be spaced not more than 5 inches apart. Such stitches when spaced not more than 2½ inches apart may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlap inner flaps.

(2) For fiberboard boxes containing not more than 1 inside metal can not exceeding 1 gallon nominal capacity, by application of 2 strips of pressure-sensitive tape not less than ½ inch in width, 1 strip to be placed approximately equal distance over the seam of abutting outer flaps, the other at a right angle to the first and spaced approximately equal distance on the closure face; strips must be of sufficient length to extend not less than 1 inch beyond score lines on side and end panels. Tape shall have a minimum tensile strength of 160 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width; and minimum elongation of 12 percent at break, or having a minimum longitudinal tensile strength of not less than 240 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width and a minimum elongation of 3 percent at break.

(3) For slotted containers only, reinforced tape complying with the requirements of § 78.206–7 (b) is authorized for application over the center seam only. Tape must extend over the ends of box not less than 2½ inches.

(b) Double slide boxes or triple slide boxes, by coating with adhesive the inner slides; for single-flap closures as authorized for boxes with one dimension not over 2 inches, the flaps must be fastened to the body with adhesive.

(c) Fiberboard boxes with covers extending over sides but not to bottom, covers resting on walls of box, or telescope boxes of equal depth section, covers extending to bottom, must be secured by one of the following methods:

(1) By not less than three metal straps, one lengthwise and others at right angles thereto.

(2) When cover extends not less than 3 inches over the walls of the box, by coating with adhesive the entire contact area of the cover.

(d) When metal straps are specified, boxes must be strapped with the required number; size at least ⅝ inch x 0.015 inch.

**§ 78.206–18 Marking.**

(a) On each container. Symbol in rectangle as follows:

| ICC–12C••• |
|---|

(1) Stars to be replaced by authorized gross weight (for example, ICC–12C65, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in this paragraph.

(3) When metal straps are prescribed, boxes must be marked "---------- (number) METAL STRAPS REQUIRED" just above or below the mark specified in this paragraph.



(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

**§ 78.206–19 Special box; authorized only for polyethylene, or other suitable plastic, tight-fitting inside containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open.**

(a) Box shall comply with this specification except that top of box shall be closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary. Top may have die-cut area of suitable size to provide for easy opening. Complete package, closed as for shipment, with inside container filled to rated capacity with water, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete without leakage or serious rupture of box. Authorized gross weight not over 65 pounds. (See § 73.257(a) (6) of this chapter.)

**§ 78.207 Specification 12D; fiberboard boxes.**

**§ 78.207–1 Compliance.**

(a) Required in all details.

**§ 78.207–2 Definitions.**

(a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box are connected together in setting up the box. Generally done by box maker.

(c) "Seams" are where edges of parts of box are visible, except joints, when box is closed.

**§ 78.207–3 Classification of board.**

(a) Fiberboard is hereby classified by strength of completed board as in first column of the following table; weights specified in the table are the minimums authorized.

| Classified strength [1] of completed board | Facings for double-wall corrugated fiberboard—Minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.) |
|---|---|
| 275 | 110 |
| 350 | 126 |

[1] Mullen or Cady test (minimum).

**§ 78.207–4 Corrugated fiberboard.**

(a) Both outer facings water resistant; corrugated sheets at least 0.009'' thick and weigh not less than 26 pounds per 1000 square feet; all parts securely glued together throughout all contact areas.

**§ 78.207–5 Stitching staples.**

(a) Of steel wire at least $\frac{9}{32}$'' x 0.019'', or equal cross section, formed into staples about 7/16'' wide. Staples of metal other than steel are authorized provided their efficiency is equal to that of steel wire staples specified in this section.

**§ 78.207–6 Tape.**

(a) Coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across the woof, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (500 sheets, 24'' x 36''); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape, except as provided in § 78.207–10(d).

(b) Tape for closure of slotted containers complying with the following requirements is authorized when applied as prescribed in § 78.207–17 (a) (3):

(1) Tape must be not less than 3 inches wide and shall be made of two sheets of 100 percent sulfate Kraft each not less than 30 pounds basis weight, reinforced with glass, sisal, or rayon fiber, combined with a laminant of asphalt or other material not affected by temperature extremes any more than would standard 180° to 200° softening point asphalt.

(2) Tape must be reinforced by lengthwise fibers spaced not more than an average of ½ inch apart, and by crosswise fibers spaced not less than an average of 2 per inch except that when a diamond pattern is employed for crosswise reinforcement, the spacing between the parallel sides of the diamond measured in the machine direction must be not more than 1 inch.

(3) Glass or sisal reinforced tape must have a minimum tensile strength in the machine direction of 75 pounds per inch of width and a minimum tensile strength in the cross direction of 45 pounds per inch of width; rayon reinforced tape must have a minimum tensile strength in the machine direction of 57 pounds per inch of width and a minimum tensile strength in the cross direction of 27 pounds per inch of width with elongation not exceeding 15 percent. Tensile tests on the finished product shall be made on a 3-inch width sample.

**§ 78.207–7 Test.**

(a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures. 12 from each side, when all results but 4 show prescribed strength the board is acceptable.

(4) Double-pop tests may be disregarded.

**§ 78.207–8 Types authorized.**

(a) To be of double-wall corrugated fiberboard of the following types:

(1) Slotted box; three piece box without recessed ends; double-slide box; triple-slide box; telescope box, with sections of equal depth, or with covers, top or bottom or both, with 3 inch overlap.

**§ 78.207–9 Forming.**

(a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

**§ 78.207–10 Joints.**

(a) For slotted containers: Lapped 1½ inches from center of scoreline except as in § 78.207–11; stitched at 2½-inch intervals and within 1 inch of each end of joint; body joint must be double-stitched (2 parallel stitches) at each end of joint over 18 inches long.

(b) For slotted containers only: One butt joint taped (See § 78.207–6) is authorized; 3 inch tape required.

(c) For triple and double slide boxes: Joints of all slides must be taped (See § 78.207–6) or stitched.

(d) One butt joint taped inside and outside with strips of one thickness of sulphate paper not less than 2 inches wide extending entire length of joint and firmly glued to box. For boxes not exceeding 65 pounds gross weight, outside strip of sulphate paper to be of basis weight not less than 60 pounds testing not less than 60 pounds and inside strip of sulphate paper to be of basis weight not less than 40 pounds testing not less than 40 pounds. For boxes exceeding 65 pounds gross weight, outside and inside with strips of sulphate paper which must each be of basis weight not less than 90 pounds testing not less than 90 pounds. Basis weight of paper shown is for 500 sheets, 24 x 36 inches.

(1) For glued lap joint, the sides of box forming joint must lap not less than 1¼'' and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

**§ 78.207–11 Flanged heads.**

(a) Must have 4 flanges, at least 1'' long above fillet, on each head. Recessed flanged heads not authorized.

**§ 78.207–12 Seams which are to be stitched.**

(a) Overlap, if any, required to be at least 1½ inches from center of scoreline except as in § 78.207–11.

**§ 78.207–13 Flap closures.**

(a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps.

(b) If to be closed by adhesive, each inner flap must cover at least ⅓ of face; inner flaps must butt or have full overlap, or fill-in pieces must be used; except that fill-in pieces are not required when outer flaps have full overlap. Outer flaps must butt or have full overlap.

**§ 78.207–14 Linings (when prescribed).**

(a) Of 1 piece to extend around 4 faces with joint at center of 1 face and with 4 flanges, at least 1½" long, on each end (corners may be mitered) to bend over the other 2 faces; also 2 pads to cover the other 2 faces. Pads may be omitted if closing flaps afford 3 thicknesses throughout face. For boxes with 1 dimension not over 3", one of the widest flanges may be lengthened to cover entire face and lap 6" on the adjoining face and the other flanges and the pads may then be omitted.

**§ 78.207–15 Authorized gross weight and parts required.**

(a) Authorized gross weight (when packed) and parts required as follows:

(1) For authorized gross weight not over 25 pounds, box must be constructed of at least 275-pound test double-wall corrugated fiberboard with liners and top and bottom pads, or a complete inner box, of same material.

(2) For authorized gross weight over 25 pounds but not exceeding 75 pounds, inside containers must be packed in boxes of at least 275-pound test double-wall corrugated fiberboard and these packages packed in an outside box of at least 350-pound test double-wall corrugated fiberboard.

**§ 78.207–16 Test for completed package.**

(a) The completed packages closed as for shipment must be capable of withstanding a drop of 4 feet to solid concrete without breakage of the inside containers.

**§ 78.207–17 Closing for shipment.**

(a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces, or as prescribed in subparagraphs (1), (2), or (3) of this paragraph.

(1) By stitching at 2½-inch intervals along all seams (one 5-inch space allowed when necessary to permit use of stitching device).

(2) For fiberboard boxes containing not more than 1 inside metal can not exceeding 1 gallon nominal capacity, by application of 2 strips of pressure-sensitive tape not less than ½ inch in width, 1 strip to be placed approximately equal distance over the seam of abutting outer flaps, the other at a right angle to the first and spaced approximately equal distance on the closure face; strips must be of sufficient length to extend not less than 1 inch beyond score lines on side and end panels. Tape shall have a minimum tensile strength of 160 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width; and minimum elongation of 12 percent at break, or having a minimum longitudinal tensile strength of not less than 240 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width and a minimum elongation of 3 percent at break.

(3) For slotted containers only, reinforced tape complying with the requirements of § 78.207–6 (b) is authorized for application over the center seam only. Tape must extend over the ends of box not less than 2½ inches.

(b) Double slide boxes or triple slide boxes, by coating with adhesive the inner slides; for single-flap closures as authorized for boxes with one dimension not over 2 inches, the flaps must be fastened to the body with adhesive.

(c) Fiberboard boxes with covers extending over sides but not to bottom, covers resting on walls of box, or telescope boxes of equal depth section, covers extending to bottom, must be secured by one of the following methods:

(1) By not less than three metal straps, one lengthwise and others at right angles thereto.

(2) When cover extends not less than 3 inches over the walls of the box, by coating with adhesive the entire contact area of the cover.

(d) When metal straps are specified, boxes must be strapped with the required number; size at least ⅝ inch by 0.015 inch.

**§ 78.207–18 Marking.**

(a) On each container. Symbol in rectangle as follows:

| ICC–12D••• |
|---|

(1) Stars to be replaced by authorized gross weight (for example, ICC–12D65, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in this paragraph.

(3) When metal straps are prescribed, boxes must be marked "_____ (number) METAL STRAPS REQUIRED" just above or below the mark specified in this paragraph.

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

**§ 78.208 Specification 12E; fiberboard boxes.**

**§ 78.208–1 Compliance.**

(a) Required in all details.

**§ 78.208–2 Definitions.**

(a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box, except recessed flanged heads, are connected together in setting up the box. Generally done by box maker.

(c) "Seams" are where edges of parts of box are visible, except joints, when box is closed.

**§ 78.208–3 Corrugated fiberboard.**

(a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

**§ 78.208–4 Tape.**

(a) Coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across woof, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (500 sheets, 24 x 36 inches); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape.

**§ 78.208–5 Test.**

(a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength the board is acceptable.

(4) Double-pop tests may be disregarded.

**§ 78.208–6 Type authorized.**

(a) Corrugated fiberboard with one-piece body with separate flanged heads. Box is authorized only for 1 or 2 rectangular metal inside containers of not over 5 gallons capacity each.

**§ 78.208–7 Forming.**

(a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

**§ 78.208–8 Joints.**

(a) *Body.* Each end of body must have four flanges, creased to bend over outside of body, at least 2½" long beyond crease.

(b) *Butt joint.* One butt joint taped is authorized; 3-inch tape required.

**§ 78.208–9 Flanged heads.**

(a) Each head must have four flanges, one on each edge, creased to bend over outside body of the box and then under the body flanges, of length at least 5 inches exclusive of creases.

**§ 78.208–10 Authorized gross weight (when packed) and parts required.**

(a) Board for outside container must be corrugated fiberboard at least 400-poung test; minimum combined weight of component plies, exclusive of adhesives, 180 pounds per 1000 square feet; body must be double-wall board; heads may be double-faced board. Authorized gross weight 110 pounds.

**§ 78.208–11 Closing for shipment.**

(a) Boxes must be closed by applying heads with head-flanges tucked under body-flanges and then fastening each head in place with a flat steel strap, at least ⅜" x 0.015", extending around the 4 sides of the body and securely sealed.



**§ 78.208–12 Marking.**

(a) *On each container.* Symbol in rectangle as follows:

| ICC–12E110 |
|---|

(1) This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in this paragraph.

(3) When metal straps are prescribed, boxes must be marked "_____ (number) METAL STRAPS REQUIRED" just above or below the mark specified in this paragraph.

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

**§ 78.209 Specification 12H; fiberboard boxes.**

**§ 78.209–1 Compliance.**

(a) Required in all details.

**§ 78.209–2 Definitions.**

(a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box are connected together in setting up the box. Generally done by box maker.

(c) "Seams" are where edges of parts of box are visible, except joints, when box is closed.

**§ 78.209–3 Classification of board.**

(a) Fiberboard is hereby classified by strength of completed board as in first column of the following table; weights specified in the table are the minimum authorized.

| Classified strength [1] of completed board | Facings for corrugated fiberboard | |
|---|---|---|
| | Double-faced-minimum combined weight of facings (pounds per 1,000 sq. ft.) | Double-wall-minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.) |
| 275 | 138 | 110 |
| 325 | 138 | 110 |
| 350 | 180 | 126 |
| 375 | 180 | 180 |
| 400 | 180 | 180 |
| 450 | 180 | 180 |

[1] Mullen or Cady test (minimum).

**§ 78.209–4 Corrugated fiberboard.**

(a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

**§ 78.209–5 Stitching staples.**

(a) Of steel wire, copper-coated or equivalent in nonsparking quality, at least 3/32" x 0.019", or equal cross section, formed into staples about 7/16" wide.

**§ 78.209–6 Tape.**

(a) Used for manufacturers' joints must be coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across the woof, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (500 sheets, 24" x 36"); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape.

**§ 78.209–7 Test.**

(a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength, the board is acceptable.

(4) For corrugated fiberboard, double-pop tests may be disregarded.

**§ 78.209–8 Type authorized.**

(a) Shall be corrugated fiberboard, telescoping type, 1-piece, 2-piece or 3-piece construction without recessed heads, as follows:

(1) Box to consist of top and bottom sections divided equally or unequally and inner lining tube. The lining tube must be staple stitched to the lower section of the box to give in effect a 2-piece box. (See § 78.209–11.)

(2) Box to consist of full depth top and bottom sections completely telescoping. No inner lining tube required. Three variations are authorized: one with bottom slotted on ends and cover on sides; second, with both cover and bottom slotted on sides; and third, with sides and ends (both covers and bottom) not slotted, manufacturer's joint a side lap glued or stapled to end, closing flaps to form top and bottom of box with side closing flaps out and overlapping.

NOTE 1: Hand-holes oval in shape, not more than 1 inch in width by 3 inches in length, and horizontal with top score line, are authorized in ends of top section of boxes.

(3) Box to consist of 1-piece, 2-piece, or 3-piece, without recessed heads, fitted with lining tube as prescribed in § 78.209–11, except that lining tube is not required for boxes used for shipment of electric blasting caps packed in accordance with § 73.66(g)(1) of this chapter. When outer flaps butt, inner flaps must also butt, except 1-piece with tube or 2-piece fully telescoping ½ slotted style may have outer flaps that overlap a minimum of 2 inches to and including full overlap, and inner flaps may be of same length as outer flaps.

(4) Three-piece box without recessed ends. Outer flap may be full lap style with a 3-inch tuck. With the full lap style, the inner end flaps must have a minimum length of 4 inches with or without hand holes.

**§ 78.209–9 Forming.**

(a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

**§ 78.209–10 Joints.**

(a) Lapped 1½" and stitched at 2½" intervals and within 1" of each end of joint; except for full depth telescope style boxes, body joints must be double-stitched (two parallel rows of stitches).

(b) For glued lap joint, the sides of box forming joint must lap not less than 1¼" and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

(c) For lining tubes only, one butt joint taped (see § 78.209–6) tape not less than 3" wide is authorized.

**§ 78.209–11 Authorized gross weight and parts required.**

(a) Box shall be corrugated fiberboard at least 275 pound test. Tubes, when required, shall be of solid fiberboard at least 200-pound test, or of corrugated fiberboard of at least 275-pound test, with adjoining edges stitched, taped, or glued.

(b) Authorized gross weight: 65 pounds.

**§ 78.209–12 Closing for shipment.**

(a) By any method capable of withstanding tests prescribed by § 78.209–16 without failure.

**§ 78.209–13 Marking.**

(a) On each container. Symbol in rectangle as follows:

| ICC—12H•• |
|---|

(1) Stars to be replaced by authorized gross weight (for example ICC–12H65). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in paragraph (a) of this section.

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

**§ 78.209–14 Special tests.**

(a) *By whom and when.* By or for each plant making the boxes; at beginning of manufacture and at six-month intervals thereafter; on largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction. Report of results, with all pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.

§ 78.209–15 Material.

(a) Box material must comply with requirements of §§ 78.209–3, 78.209–4, 78.209–7, 78.209–11, and the following:

(b) Box material must also have 275 pound test strength and moisture content not over 30 percent as follows:

(1) Box material must test at least 200 pounds per square inch immediately after exposure for 3 days to 90 percent relative humidity of not less than 70° nor more than 75° F.

(2) Box material must test at least 100 pounds per square inch immediately after it has been in contact with water for 3 hours under 3" head at not less than 70° nor more than 75° F.

NOTE: The test shall be conducted on a sample no greater than 6 inches in diameter when exposed to water. The sample shall be rigidly fastened to a water column device so constructed as to provide at least a 3-inch head of water on the outer surface of the fiberboard sample. The water column device must be suspended in such manner that free circulation of air on the inner surface of fiberboard sample which is not exposed to water is permitted. After contact with water for 3 hours under conditions specified, the water column device shall be emptied, the sample blotted, and immediately subjected to Mullen or Cady test. (A 6-inch diameter pipe having a welded flange to which the sample is secured by a bolted ring flange is acceptable.)

§ 78.209–16 Completed container.

(a) Samples must pass the following immediately after exposure for 2 weeks to 90 percent relative humidity at not less than 70° nor more than 75° F.; loaded containers shall contain dummy contents of shape and weight of the expected contents, and shall be closed in the same manner as for shipment:

(1) Three loaded samples to be tested. Each must withstand 200 drops in standard 7-foot revolving test drum with pointed hazard in place, without spilling any contents.

(2) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½".

(3) Three empty samples to be tested. Each must withstand top to bottom pressure of at least 500 pounds without deflection of over ½ inch.

(b) As an alternate to the drum test specified in paragraph (a), 3 loaded samples must pass the drop test specified below:

(1) Box shall be dropped from height of 2 feet.

(2) Identification of face, edge, and corners. Facing one end (with the manufacturer's joint on the observer's right), the top of the box is designated as 1, the right side as 2, the bottom as 3, and the left side as 4. The near end is designated as 5 and the far end as 6. The edges are identified by the number of the two faces which make that edge, as for example, 1–2 identifies the edge where the top and right side meet and 2–5 the edge having the manufacturer's joint. The corners are identified by the number of the three faces which meet to form that corner, as for example, 1–2–5 identifies the corner where the top, the right side, and the near end meet.

(c) Drop sequence as follows:

(1) A corner drop on 1–2–5.

(2) An edge drop on the shortest edge radiating from that corner (usually 2–5).

(3) An edge drop on the next shortest edge radiating from that corner (usually 1–5).

(4) An edge drop on the longest edge radiating from that corner (usually 1–2).

(5) A flatwise drop on one of the smallest faces (usually end 5 or 6).

(6) A flatwise drop on the opposite smallest face.

(7) A flatwise drop on one of the medium faces (usually side 2 or 4).

(8) A flatwise drop on the opposite medium face.

(9) A flatwise drop on one of the largest faces (usually top 1 or bottom 3).

(10) A flatwise drop on the opposite large face.

This completes one cycle of ten drops. Commence the next cycle, with a drop on the corner diagonally opposite through the box to the corner on which the first drop was made, on corner 3–4–6. Commence the third cycle of ten drops with corner 1–4–5. Each loaded container must withstand 3 cycles without spilling or sifting of contents.

§ 78.210 Specification 12A; fiberboard boxes.

Nonreuseable containers.

§ 78.210–1 Compliance.

(a) Required in all details.

§ 78.210–2 Definitions.

(a) Terms such as "200-pound test" mean minimum strength. Mullen or Cady test.

(b) "Joints" are where edges of parts of box, except recessed flanged heads, are connected together in setting up the box. Generally done by box maker.

§ 78.210–3 Classification of board.

(a) Fiberboard is hereby classified by strength [1] of completed board as in first column of the following table; weights specified in the table are the minimums authorized.

| Classified strength of completed board | Facings for corrugated fiberboard | |
|---|---|---|
| | Double-faced-minimum combined weight of facings (pounds per 1,000 sq. ft.) | Double-wall-minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.) |
| 200 | 84 | 92 |
| 275 | 138 | 110 |

§ 78.210–4 Corrugated fiberboard.

(a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

§ 78.210–5 Tests.

(a) Acceptable board must have prescribed strength, Mullen or Cady test,

[1] Mullen or Cady test (minimum)

after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side, when all results but 4 show prescribed strength the board is acceptable.

(4) Double-pop tests may be disregarded.

§ 78.210–6 Boxes authorized.

(a) Corrugated fiberboard boxes having gross weight not over 80 pounds of the following strengths are authorized:

| Gross weight not over (pounds) | Corrugated fiberboard strength (Mullen or Cady test) minimum | |
|---|---|---|
| | Double-faced | Double-wall |
| 20 | 200 | 200 |
| 60 | 275 | 200 |
| 80 | | 275 |

§ 78.210–7 Forming.

(a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

§ 78.210–8 Joints.

(a) For slotted containers: Lapped 1½ inches from center of scoreline except as in § 78.210–8(b)(2); stitched at 2½-inch intervals and within 1 inch of each end of joint; body joint must be double-stitched (2 parallel stitches) at each end of joint over 18 inches long.

(b) Joints as provided for by the following are authorized provided resulting joint is capable of withstanding the tests prescribed by § 78.210–10:

(1) For slotted containers only; one butt joint, taped, is authorized.

(2) For glued lap joint, the sides of box forming joint must lap not less than 1¼ inches and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

(3) For triple and double slide boxes; joints of all slides must be taped or stitched.

§ 78.210–9 Inside cushioning.

(a) Sufficient inside cushioning shall be required for protection of inside containers so that completed packages as offered for shipment shall be capable of withstanding test prescribed by § 78.210–10.

§ 78.210–10 Test for completed package.

(a) A minimum of 4 boxes with inside containers filled with water, and box closed as for shipment, shall be capable of withstanding the following drop tests from the prescribed heights onto solid concrete without leakage from or



breakage of any inside container or rupture of the outside fiberboard box; each box shall be subjected to not more than one of the series of tests:

(1) Box No. 1. Flat drop on bottom from height of 4 feet.

(2) Box No. 2. Flat drop on side from height of 4 feet.

(3) Box No. 3. Flat drop on end from height of 4 feet.

(4) Box No. 4. Flat drop on top from height of 2 feet.

(b) Tests prescribed by paragraph (a) of this section must be conducted prior to initial use of the package and shall be repeated on the change of any components of the package.

§ 78.210–11 Closing for shipment.

(a) By any method capable of withstanding tests prescribed by § 78.210–10.

§ 78.210–12 Marking.

(a) On each container. Symbol in rectangle as follows:

ICC–12A**

(1) Stars to be replaced by authorized gross weight (for example, ICC–12A75). The letters NRC, located just above or below the ICC mark, to indicate a nonreusable container. These marks shall be understood to certify that the outer container complies with all the construction requirements of the specification.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in (a) of this section.

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

§ 78.211 Specification 12P; fiberboard boxes. Nonreusable containers for one inside plastic container greater than 1-gallon capacity, as prescribed in Part 73 of this chapter.

§ 78.211–1 Material requirements.

(a) Boxes shall be of corrugated fiberboard, except as otherwise authorized in this specification, having both outer facings water resistant; corrugating medium shall be at least 0.009 inch thick and weigh not less than 26 pounds per 1,000 square feet; all parts shall be securely glued together throughout all contact areas.

(b) Solid fiberboard is authorized when of strength equal to corrugated fiberboard and in conformance with paragraph (c) of this section.

(c) Fiberboard required and tests as follows:

(1) Fiberboard is hereby classified by strength [1] of completed board as in first column of the following table; weights specified in the table are the minimums authorized.

| Classified strength of completed board [1] | Solid fiberboard—minimum combined weight of component plies exclusive of adhesives (pounds per 1,000 sq. ft.) | Single-wall—minimum combined weight of facings (pounds per 1,000 sq. ft.) | Double-wall—minimum combined weight of facings including center facings (pounds per 1,000 sq. ft.) |
|---|---|---|---|
| 175 | 149 | 75 | |
| 200 | 190 | 84 | 92 |
| 275 | 237 | 138 | 110 |
| 325 | 237 | 138 | 110 |
| 350 | 283 | 180 | 126 |
| 375 | 283 | 180 | 180 |
| 400 | 283 | 180 | 180 |
| 450 | 283 | 180 | 180 |
| 500 | 330 | | 222 |

[1] Mullen or Cady Test (minimum).

(2) Tests of acceptable completed board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity) under test, as follows:

(i) Clamp board firmly in machine and turn wheel at constant speed of approximately 2 revolutions per second.

(ii) Six bursts required, 3 from each side; all results but one must show prescribed strength.

(iii) Board failing may be retested by making 24 bursts, 12 from each side; when all results but 4 show prescribed strength the board is acceptable.

(iv) For corrugated fiberboard, double-pop tests may be disregarded.

§ 78.211–2 Construction requirements.

(a) Corrugated or solid fiberboard boxes of any type capable of withstanding tests prescribed by § 78.211–5 authorized when constructed in accordance with requirements of this section.

(b) Corrugated or solid fiberboard boxes in accordance with the following table are authorized.

| Gross weight not over (pounds) | Strength of fiberboard (minimum) Mullen or Cady test | | |
|---|---|---|---|
| | Solid board | Single-wall corrugated | Double-wall corrugated |
| 20 | 200 | 200 | 200 |
| 60 | 350 | 350 | 275 |
| 80 | 500 | 450 | 350 |

(c) All parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding. Box must provide snug fit for inside plastic container.

(d) Joints (manufacturer's). The joint is defined as that part of the box where the ends of the sheet are joined together by taping, stitching or gluing.

(1) For glued or stitched lap joint, the sides of box forming joint must lap not less than 1¼ inches. Glued joints must be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after film application has dried.

(2) Butt-joints, taped, are authorized providing resulting joints are capable of withstanding tests prescribed by § 78.211–5.

§ 78.211–3 Design limitations.

(a) Design limitations are as follows:

(1) Permitted when perforated or die-cut areas remain intact following tests prescribed for box by § 78.211–5.

(i) Outer closing flaps may have perforated areas of no greater size than is necessary to provide access to closure of plastic container; inner flaps may have die-cut areas of similar type.

(ii) Die-cut holes in outer and inner closing flaps when closure for plastic container is attached to a metal plate inserted between the inner and outer flaps or when closure area is protected by means of a plug-in or screw cap or similar device. The diameter of these holes shall be less than the diameter of the metal plate.

(iii) Inside facing of fiberboard closure flaps may be cut or perforated for opening. A tear strip may be incorporated in the body wall of fiberboard boxes provided it is above the shoulder area of the plastic container and this may be accompanied by a nominal thumb-notch in the manufacturer's joint or in a side panel of the box.

(iv) Handholes, by perforation or other means, in any part of the box providing the face having the handhole is backed up by a fiberboard sheet of equal strength of box in full height and width of that face or that handholes are above the neck area of the plastic container. No more than one handhole in any face nor more than two per box.

(2) Not permitted:

(i) Stitched manufacturer's joint or stitched closures when any such stitch (staple) is in direct contact with the inside plastic container.

§ 78.211–4 Closure.

(a) Closure of any type is authorized provided representative boxes are capable of withstanding tests prescribed by § 78.211–5.

§ 78.211–5 Tests.

(a) Representative samples of the completed composite container assembled, filled and closed as for use must be capable of withstanding tests prescribed in the specification for the inside plastic container without rupture of the fiberboard boxes that produces a condition of the box that could result in potential damage to the inside container.

§ 78.211–6 Marking.

(a) On each container. Symbol in rectangle as follows:

ICC–12P**

(1) Stars to be replaced by authorized gross weight for which box was constructed (for example, ICC–12P80). The letters NRC, located just above or below the ICC mark, to indicate a nonreuseable container. These marks shall be understood to certify that the outer container complies with all the construction requirements of the specification.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in (a) of this section.

(3) Size of markings: Specification as prescribed in paragraph (a)(1) of this section must be at least ½ inch high; other markings must be legible .

**§ 78.214 Specification 23F; fiberboard boxes.**

**§ 78.214–1 Compliance.**

(a) Required in all details.

**§ 78.214–2 Definitions.**

(a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box are connected together in setting up the box. Generally done by box maker.

(c) "Seams" are where edges of parts of box are visible, except joints, when box is closed.

**§ 78.214–3 Solid fiberboard.**

(a) To be 3-ply or more; both outer plies waterproofed.

**§ 78.214–4 Corrugated fiberboard.**

(a) Both outer facings water resistant; corrugated sheets at least 0.009" thick; all parts securely glued together throughout all contact areas; minimum combined weight of facings not less than 84 pounds per 1,000 square feet, except when only one lining tube is used as provided by § 78.214–15 (b), minimum combined weight of facings must be not less than 138 pounds per 1,000 square feet.

**§ 78.214–5 Stitching staples.**

(a) Of steel wire, copper-coated or equivalent in nonsparking quality, at least $\frac{9}{32}$" x 0.019", or equal cross section, formed into staples about $\frac{7}{16}$" wide.

**§ 78.214–6 Tape.**

(a) Coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across the woof, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (500 sheets, 24" x 36"); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape.

**§ 78.214–7 Test.**

(a) Acceptable board must have prescribed strength, Mullen or Cady test, under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength the board is acceptable.

(4) For corrugated fiberboard, double-pop tests may be disregarded.

**§ 78.214–8 Type authorized.**

(a) Of solid fiberboard; 1-piece, or 3-piece without recessed heads, fitted with lining tube or lining tubes as prescribed in § 78.214–15, except that lining tubes are not required for boxes used for shipments of high explosives packed in accordance with § 73.63(a)(3) of this chapter or electric blasting caps packed in accordance with § 73.66(g)(1) of this chapter, or when box is constructed of 1-piece of not less than 600-pound test board weighing not less than 300 pounds per 1,000 square feet. Boxes having handholes are authorized when approved by the Bureau of Explosives.

**§ 78.214–9 Inside packing and size limits.**

(a) As prescribed in § 78.214–15.

**§ 78.214–10 Forming.**

(a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

**§ 78.214–11 Joints.**

(a) Lapped 1½ inches from center of scoreline except as in § 78.214–12; stitched at 2½-inch intervals and within 1 inch of each end of joint; double-stitched (2 parallel stitches) at each end of joint over 18 inches long; or lapped not less than 1¼ inches and firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

**§ 78.214–12 Flanged heads.**

(a) Must have 4 flanges, at least 1" long above fillet, on each head. Recessed flanged heads not authorized.

**§ 78.214–13 Seams which are to be stitched.**

(a) Overlap, if any, required to be at least 1½ inches from center of scoreline except as in § 78.214–12.

**§ 78.214–14 Flap closures.**

(a) Flaps must butt or have full overlap excepting that inner flaps may overlap ½ inch.

**§ 78.214–15 Authorized gross weight (when packed) and parts required.**

(a) Box to be of solid fiberboard, special waterproofed, at least 300-pound test, and weighing at least 250 pounds per thousand square feet. Tubes to be of solid or corrugated fiberboard at least 200-pound test and of 1-piece, or as provided in subparagraph (1) of this paragraph, with adjoining edges stitched, taped, or glued. Glued or stitched lap not less than 1¼". Lap must be firmly glued throughout entire area of contact with glue or adhesive which cannot be dissolved in water after the film application has dried.

(1) Or, box shall have one tube liner of solid fiberboard weighing at least 283 pounds per 1,000 square feet with joint or joints either stitched or glued as prescribed in paragraph (a) of this section. One end of the tube may have a handhole approximately ¾" deep located at the center of the top and a perforation with a minimum of ⅛" cuts and ⅛" webs extending from the handhole to the bottom.

(b) Authorized gross weight; 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents will consist of 1 cartridge only or of black powder in bags; 65 pounds when boxes without lining tubes are used for shipments of high explosives packed in accordance with § 73.63(a)(3) of this chapter or electric blasting caps packed in accordance with § 73.66(g)(1) of this chapter; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, or corrugated fiberboard lining tube as prescribed in § 78.214–4(a), are authorized for 65 pounds gross weight.

**§ 78.214–16 Closing for shipment.**

(a) By any method capable of withstanding tests prescribed by § 78.214–20 without failure.

**§ 78.214–17 Marking.**

(a) On each container. Symbol in rectangle as follows:

ICC–23F•••

(1) Stars to be replaced by authorized gross weight (for example, ICC–23F35 or ICC–23F65). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in this paragraph.

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

**§ 78.214–18 Special tests.**

(a) *By whom and when.* By or for each plant making the boxes; at beginning of manufacture and at six-month intervals thereafter; on largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction. Report of results, with all pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.

**§ 78.214–19 Material.**

(a) Box material (special waterproofed board) must be 300-pound test board and weigh at least 250 pounds per thousand square feet when commercially dry.



(b) Box material must also have 200-pound test strength and moisture content not over 30 percent as follows:

(1) Immediately after exposure for 3 days to 90 percent humidity at 75° F.

(2) Immediately after it has been in contact with water for 3 hours under 3" head at 75° F.

NOTE: The test shall be conducted on a sample no greater than 6 inches in diameter when exposed to water. The sample shall be rigidly fastened to a water column device so constructed as to provide at least a 3-inch head of water on the outer surface of the fiberboard sample. The water column device must be suspended in such manner that free circulation of air on the inner surface of fiberboard sample which is not exposed to water is permitted. After contact with water for 3 hours under conditions specified, the water column device shall be emptied, the sample blotted, and immediately subjected to Mullen or Cady test. (A 6-inch diameter pipe having a welded flange to which the sample is secured by a bolted ring flange is acceptable.)

**§ 78.214–20 Completed containers.**

(a) Samples must pass the following immediately after exposure for 2 weeks to 90 percent humidity at 75° F.; loaded containers shall contain dummy contents of shape and weight of the expected contents, and shall be closed in same manner as for shipment:

(1) Three loaded samples to be tested. Each must withstand 200 drops in standard 7-foot revolving test drum with pointed hazard in place, without spilling any contents.

(2) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½".

(3) Three empty samples to be tested. Each must withstand top to bottom pressure of at least 500 pounds without deflection of over ½ inch.

(b) As an alternate to the drum test specified in paragraph (a), 3 loaded samples must pass the drop test specified below:

(1) Box shall be dropped from height of 2 feet.

(2) Identification of face, edge, and corners. Facing one end (with the manufacturer's joint on the observer's right), the top of the box is designated as 1, the right side as 2, the bottom as 3, and the left side as 4. The near end is designated as 5 and the far end as 6. The edges are identified by the number of the two faces which make that edge, as for example, 1–2 identifies the edge where the top and right side meet and 2–5 the edge having the manufacturer's joint. The corners are identified by the number of the three faces which meet to form that corner, as for example, 1–2–5 identifies the corner where the top, the right side, and the near end meet.

(c) Drop sequence as follows:

(1) A corner drop on 1–2–5.

(2) An edge drop on the shortest edge radiating from that corner (usually 2–5).

(3) An edge drop on the next shortest edge radiating from that corner (usually 1–5).

(4) An edge drop on the longest edge radiating from that corner (usually 1–2).

(5) A flatwise drop on one of the smallest faces (usually end 5 or 6).

(6) A flatwise drop on the opposite smallest face.

(7) A flatwise drop on one of the medium faces (usually side 2 or 4).

(8) A flatwise drop on the opposite medium face.

(9) A flatwise drop on one of the largest faces (usually top 1 or bottom 3).

(10) A flatwise drop on the opposite large face.

This completes one cycle of ten drops. Commence the next cycle with a drop on the corner diagonally opposite through the box to the corner on which the first drop was made, on corner 3–4–6. Commence the third cycle of ten drops with corner 1–4–5. Each loaded container must withstand 3 cycles without spilling or sifting of contents.

**§ 78.218 Specification 23G; special cylindrical fiberboard box for high explosives.**

**§ 78.218–1 Compliance.**

(a) Required in all details.

**§ 78.218–2 Definition.**

(a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

**§ 78.218–3 Side walls, ends, and interior.**

(a) Side walls. To be not less than four-ply of continuous fiber sheets convolutely or spirally wound; combined strength to be not less than 300 pounds, dry; combined thickness to be not less than 0.050" for containers not exceeding 10 pounds gross weight and not less than 0.060" for containers over 10 pounds gross weight.

(b) *Ends.* To be of one or more plies of fiberboard sufficiently strong to withstand prescribed tests. Wax or plastic material with fiberboard inserts authorized provided the completed container will withstand the prescribed tests at temperatures from zero to one hundred thirty degrees F.

(c) *Interior.* Interior of the container must be lined or so treated as to prevent penetration by the commodity with which the container is filled for shipping.

**§ 78.218–4 Stitching staples.**

(a) If used, shall be of steel wire, copper-coated or equivalent in nonsparking quality, at least $\frac{9}{32}$" by 0.019" or equivalent cross section formed into staples approximately $\frac{7}{16}$" wide.

**§ 78.218–5 Tape.**

(a) Coated with animal glue at least equal to No. 1¾ Peter Cooper standard or other adhesive equivalent in tensile properties and resistance to deterioration. Cloth tape of strength, across the woof, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (480 sheets, 24" x 36"); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape.

**§ 78.218–6 Test of board.**

(a) Acceptable board must have prescribed strength, Mullen or Cady test, under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength the board is acceptable.

**§ 78.218–7 Type of container authorized.**

(a) One cylindrical tube or;

(b) Two cylindrical tubes butted together and taped or glued completely around circumference at joints to make positive closure.

(c) Open ends to be closed in such a manner as to give complete closure which will withstand prescribed tests.

**§ 78.218–8 Approval of specification required.**

(a) Specification for each type of container manufactured (under the specification) must be filed with and approved by the Bureau of Explosives. Changes in construction (container and closure) differing from specification thus filed must be approved before authorized for use.

**§ 78.218–9 Authorized size and weight limit.**

(a) Maximum authorized outside diameter of container is 12".

(b) Maximum authorized gross weight of container is 65 pounds.

**§ 78.218–10 Marking.**

(a) On each container by symbol as follows:

ICC–23G • • •

(1) Stars to be replaced by *authorized gross weight* (for example, ICC–23G40, ICC–23G65, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in this paragraph.

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

**§ 78.218–11 Special tests.**

(a) *By whom and when.* By or for each plant making the boxes; at beginning of manufacture and at 6-month intervals thereafter; on largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction. Report of results, with all pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.

**§ 78.218–12 Material.**

(a) Box material must be not less than 300 pound test board when commercially dry.

(b) Box material must also have 200-pound test strength, moisture content not over 30 percent and puncture strength not less than 200 units, as determined by General Electric Puncture Tester using an average obtained from a series of five tests, as follows:

(c) Immediately after exposure for 3 days under either of the following conditions:

(1) 70 percent humidity at 100° F.

(2) 90 percent humidity at 75° F.

**§ 78.218–13 Completed containers.**

(a) Samples must pass the following tests immediately after exposure for 2 weeks to 90 percent humidity at 75° F. or 70 percent humidity at 100° F.; loaded containers shall contain dummy contents of shape and weight same as expected contents.

(1) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½''; speed of compression tester to be ½'' per minute plus ¼'' minus ¼'' per minute.

(2) Three loaded samples to be tested. Each must withstand side to side pressure of at least 500 pounds without deflection of over ½''; except that for boxes with fluted crimped ends the deflection shall not exceed ¾''; speed of compression tester to be ½'' per minute plus ¼'' minus ¼'' per minute.

(3) Three loaded samples to be tested. Each must withstand, without rupture, four 4-foot drops diagonally on the end more likely to cause rupture on impact.

(4) Three loaded samples to be tested. Each must be dropped once, flat on its side, across another similar package lying flat upon the ground with its longitudinal axis at right angles to container dropped. Drops must be made from a height four feet above the topmost point of the container on the ground.

(b) As an alternate to compression test requirements of paragraph (a) (1) and (2) of this section, samples must pass the following tests immediately after exposure for 2 weeks to 90 percent humidity at 75° F. or 70 percent humidity at 100° F.; loaded containers shall contain dummy contents of shape and weight same as expected contents. Static loading tests as specified herein must be conducted with the prescribed weight in place for at least 60 minutes, with deflection of container not in excess of the following:

(1) Three loaded samples to be tested. Each container must be capable of withstanding end-to-end pressure of at least 375 pounds without deflection over 1½ inches.

(2) Three loaded samples to be tested. Each container must be capable of withstanding side-to-side pressure of at least 350 pounds without deflection over ½ inch.

**§ 78.219 Specification 23H; fiberboard boxes.**

**§ 78.219–1 Compliance.**

(a) Required in all details.

**§ 78.219–2 Definitions.**

(a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box are connected together in setting up box.

(c) "Seams" are where edges of parts of box are visible, except joints, when box is closed.

**§ 78.219–3 Solid fiberboard.**

(a) To be 3-ply or more; both outer plies waterproofed.

**§ 78.219–4 Stitching staples.**

(a) Of steel wire, copper-coated or equivalent in nonsparking quality, at least 3/32'' x 0.019'', or equal cross section, formed into staples about 7/16'' wide.

**§ 78.219–5 Tape.**

(a) Coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across the woof, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 kraft paper, total weight 80 pounds per ream (500 sheets, 24'' x 36''); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape.

**§ 78.219–6 Test.**

(a) Acceptable board must have prescribed strength, Mullen or Cady test, under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength the board is acceptable.

**§ 78.219–7 Type authorized.**

(a) Of solid fiberboard, telescoping type construction without recessed heads. Box to consist of top and bottom sections, divided equally or unequally, and inner lining tube or full depth cover 2-piece telescope type in which case the lining tube may be omitted. The lining tube, when required, must be staple stitched to the lower section of the box to give in effect a 2-piece box.

(b) Hand-holes oval in shape, not more than 1 inch in width by 3 inches in length and horizontal with top score line, are authorized in ends of top section of full depth cover telescope type boxes.

**§ 78.219–8 Inside packing and size limits.**

(a) As prescribed in § 78.219–11.

**§ 78.219–9 Forming.**

(a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

**§ 78.219–10 Joints.**

(a) Lapped at least 1½ inches from center of scoreline; staple stitched at 2½-inch intervals and within 1 inch of each end of joint; 2 banks of staple stitches in each joint.

**§ 78.219–11 Authorized gross weight (when packed) and parts required.**

(a) Box to be of solid fiberboard, special waterproofed at least 300-pound test, and weighing at least 250 pounds per thousand square feet. Tubes to be of solid fiberboard at least 200-pound test and of 1 piece with adjoining edges staple stitched or taped.

(b) Authorized gross weight: 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents will consist of 1 cartridge only or of black powder in bags; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, are authorized for 65 pounds gross weight. Boxes of 2-piece telescope type having full depth cover are authorized for 65 pounds gross weight.

**§ 78.219–12 Closing for shipment.**

(a) By any method capable of withstanding tests prescribed by § 78.219–16 without failure.

**§ 78.219–13 Marking.**

(a) On each container. Symbol in rectangle as follows:

ICC—23H•••

(1) Stars to be replaced by authorized gross weight (for example ICC–23H35 or ICC–23H65). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in paragraph (a) of this section.

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

**§ 78.219–14 Special tests.**

(a) *By whom and when.* By or for each plant making the boxes; at beginning of manufacture and at six-month intervals thereafter; on largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction. Report of results, with all pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.

**§ 78.219–15 Material.**

(a) Box material (special waterproofed board) must be 300-pound test board and weigh at least 250 pounds per thousand square feet when commercially dry.

(b) Box material must also have 200-pound test strength and moisture content not over 30 percent as follows:

(1) Immediately after exposure for 3 days to 90 percent humidity at 75° F.



(2) Immediately after it has been in contact with water for 3 hours under 3'' head at 75° F.

NOTE: The test shall be conducted on a sample no greater than 6 inches in diameter when exposed to water. The sample shall be rigidly fastened to a water column device so constructed as to provide at least a 3-inch head of water on the outer surface of the fiberboard sample. The water column device must be suspended in such manner that free circulation of air on the inner surface of fiberboard sample which is not exposed to water is permitted. After contact with water for 3 hours under conditions specified, the water column device shall be emptied, the sample blotted, and immediately subjected to Mullen or Cady test. (A 6-inch diameter pipe having a welded flange to which the sample is secured by a bolted ring flange is acceptable.)

**§ 78.219–16 Completed containers.**

(a) Samples must pass the following immediately after exposure for 2 weeks to 90 percent humidity at 75° F.; loaded containers shall contain dummy contents of shape and weight of the expected contents, and shall be closed in same manner as for shipment:

(1) *Three loaded samples to be tested.* Each must withstand 200 drops in standard 7-foot revolving test drum with pointed hazard in place, without spilling any contents.

(2) *Three loaded samples to be tested.* Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½''.

(3) Three empty samples to be tested. Each must withstand top to bottom pressure of at least 500 pounds without deflection of over ½ inch.

(b) As an alternate to the drum test specified in paragraph (a), 3 loaded samples must pass the drop test specified below:

(1) Box shall be dropped from height of 2 feet.

(2) Identification of face, edge, and corners. Facing one end (with the manufacturer's joint on the observer's right), the top of the box is designated as 1, the right side as 2, the bottom as 3, and the left side as 4. The near end is designated as 5 and the far end as 6. The edges are identified by the number of the two faces which make that edge, as for example, 1–2 identifies the edge where the top and right side meet and 2–5 the edge having the manufacturer's joint. The corners are identified by the number of the three faces which meet to form that corner, as for example, 1–2–5 identifies the corner where the top, the right side, and the near end meet.

(c) Drop sequence as follows:

(1) A corner drop on 1–2–5.

(2) An edge drop on the shortest edge radiating from that corner (usually 2–5).

(3) An edge drop on the next shortest edge radiating from that corner (usually 1–5).

(4) An edge drop on the longest edge radiating from that corner (usually 1–2).

(5) A flatwise drop on one of the smallest faces (usually end 5 or 6).

(6) A flatwise drop on the opposite smallest face.

(7) A flatwise drop on one of the medium faces (usually side 2 or 4).

(8) A flatwise drop on the opposite medium face.

(9) A flatwise drop on one of the largest faces (usually top 1 or bottom 3).

(10) A flatwise drop on the opposite large face.

This completes one cycle of ten drops. Commence the next cycle with a drop on the corner diagonally opposite through the box to the corner on which the first drop was made, on corner 3–4–6. Commence the third cycle of ten drops with corner 1–4–5. Each loaded container must withstand 3 cycles without spilling or sifting of contents.

**§ 78.224 Specification 21C; fiber drum.**

**§ 78.224–1 Construction requirements.**

(a) Parts and dimensions as follows:

(1) Drums for dry products; minimum requirements unless otherwise stated:

| Net weight of contents (pounds) (not over) | Capacity, maximum (gallons) (not over) | Diameter, inside, maximum, (inches) | Sidewall strength (pounds)[1] [2] | Tops and bottoms | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | Fiber[3] | | Steel | Wood (thickness, inches) | |
| | | | | Thickness (inches) | Strength [1] | (U.S. gauge) | Solid [4] [5] | Plywood, at least 3-ply construction |
| 60 | 5 | 11¼ | 500 | 0.090 | 600 | 28 | 13/16 | 5/11 |
| 80 | 20 | 18½ | 600 | .120 | 800 | 28 | 13/16 | 5/16 |
| 115 | 20 | 18½ | 700 | .120 | 800 | 26 | 13/16 | 3/8 |
| 115 | 55 | 23 | 800 | .160 | 1100 | 26 | 13/16 | 7/16 |
| 250 | 55 | 23 | 900 | .200 | 1200 | 24 | 13/16 | 7/16 |
| 400 | 75 | 23 | 1000 | .220 | 1300 | 24 | 13/16 | 7/16 |

[1] *Mullen or Cady Test.* Either of the following test methods may be used. When more than single ply, test shall be determined from the summation of the tests of individual plies; or, when test is made on a complete drum, the punctures shall be made from the exterior to the interior surface, in which case the values for sidewall shall be not less than 80 percent of the value in the above table and the values for fiber tops and bottoms shall be not less than the value in the above table. There shall be a minimum of six tests and the average shall be not less than the prescribed minimum requirements.

[2] *Sidewalls.* Sidewalls to be convolutely wound of fiberboard at least 0.012 inch thick, the plies being secured together with adhesives; or may consist of an outer shell and an inner tube each convolutely wound with each fiberboard ply not less than 0.012 inch thick and secured together with adhesive. Drums may contain barrier or lining materials.

[3] When made of 2 or more discs, the discs must be fastened together with adhesive.

[4] Joints in head must be Linderman joints, glued, except as specified in footnote 5.

[5] Wooden heads at least one-half inch thick having kraft paper glued on both sides at all contact areas with water-resistant adhesive are authorized provided tests prescribed in § 78.224–2 are successful. Joints of any type are authorized.

[6] Minimum thickness may be reduced to 25/32 inch for lumber dressed two sides.

(2) Drums for liquids contained in inside plastic containers as prescribed in Part 73 of this chapter, specifications for which are detailed in this part, shall comply with the construction requirements for drums for dry products and as follows:

| Marked rated capacity of inside plastic container (gallons) (not over) | Minimum construction requirement for dry products (pounds) | Authorized maximum net weight of liquid contents (pounds) (not over) |
|---|---|---|
| 6¼ | 60 | 105 |
| 15 | 115 | 245 |
| 30 | 225 | 450 |
| 55 | 400 | 550 |

NOTE 1: See § 78.224–2 for test requirements; § 78.224–4 for marking requirements.

NOTE 2: Drums must provide snug fit for inside plastic container.

NOTE 3: Top head of drums may have holes of suitable size to provide for closure parts of inside container; bottom head may have not more than three holes not over 3/16 inch in diameter each for drainage.

**§ 78.224–2 Type tests.**

(a) Conditioning: Prior to testing, drums shall be conditioned at 50 percent relative humidity plus or minus 2 percent and 75° F. plus or minus 3° F. for at least 48 hours.

(b) Drop tests: Samples taken at random filled with dry finely powdered material to authorized net weight and closed as for use must withstand the following four foot drop tests on the part specified without leakage or serious rupture. No single drum shall be subjected to more than one of the following tests. Drums with wood heads shall be dropped with grain of wood in cover parallel to concrete surface.

(1) Top chime, diagonally onto solid concrete.

(2) Bottom chime, diagonally onto solid concrete.

(3) Sidewall, over a 2-inch x 6-inch timber resting on solid concrete with 6-inch leg vertical; drop to be made with drum in horizontal position at right angles to the timber.

(4) The closure or on any other part which may be considered weaker onto solid concrete.

(c) Compression test: An empty drum shall withstand either of the following compression tests, in accordance with the following table, without buckling of the sidewalls sufficient to cause damage to its expected contents; but in no case shall the maximum deflection be more than one inch.

| Maximum net weight | Maximum capacity (gallons) | Maximum inside diameter (inches) | Compression (pounds) | |
|---|---|---|---|---|
| | | | Static [1] | Dynamic [2] |
| 60 | 5 | 11¼ | 1200 | 1600 |
| 80 | 20 | 18½ | 1200 | 1600 |
| 115 | 20 | 18½ | 1200 | 1600 |
| 115 | 55 | 23 | 1500 | 2000 |
| 225 | 55 | 23 | 1800 | 2400 |
| 400 | 75 | 23 | 2100 | 2800 |

[1] *Static Test.* Compression as specified must be applied to full area of top cover of drum for period of 48 hours.

[2] *Dynamic Test.* Compression as specified must be applied end to end. Speed of compression tester to be one-half inch plus or minus one-fourth inch per minute.

(d) Drums for inside plastic containers for liquids shall be constructed and tested as prescribed in § 78.224–1(a) (2) and paragraphs (a), (b), (c), and (e) of this section. When combined with inside plastic container authorized in Part 73 of this chapter, the composite container must be tested in accordance with requirements detailed in specifications for the inside plastic container and shall develop no condition that would be of such nature as to contribute to potential failure of inner container.

(e) The tests described above must be made by any company starting production, for each plant location of manufacture, on samples taken at random of each type and diameter of container and must be repeated every four months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants, in which case the Bureau of Explosives shall be advised of the location where the tests are conducted.

**§ 78.224–3 Registration of drum specification.**

(a) Specification for each type of drum manufactured (under this specification) shall be filed with the Bureau of Explosives. Changes in construction (drum and closure) differing from specification thus filed must be approved by the Bureau of Explosives before authorized for use.

**§ 78.224–4 Marking.**

(a) On each container as follows:

(1) Drums for dry products must be marked ICC–21C followed by the authorized net weight to which drum was constructed, for example, ICC–21C115.

(2) Drums for inside plastic containers for liquids must be marked ICC–21CP followed by the authorized net weight for dry products and the authorized net weight for liquid products to which the drum was constructed, for example, ICC–21CP115/245.

(3) Marks specified in paragraph (a) (1) and (2) of this section shall be understood to certify that the fiber drum complies with all specification requirements.

(4) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and be located just above, below, or following the mark specified in paragraph (a) (1) or (2) of this section.

**§ 78.226 Specification 29; mailing tubes.**

**§ 78.226–1 Compliance.**

(a) Required in all details.

**§ 78.226–2 Cushioning.**

(a) Inside containers, if any, must fit closely in tube or be properly cushioned.

**§ 78.226–3 Construction.**

(a) Of fiber at least ⅛" thick; metal bottom and metal screw-cap top, or telescope type with fixed metal ends.

**§ 78.226–4 Marking.**

(a) On each container by letters and figures as follows: ICC–29; this mark shall be understood to certify that the container complies with all specification requirements.

## Subpart G—Specifications for Bags, Cloth, Burlap or Paper

**§ 78.230 Specification 36A; lined cloth bags (triplex).**

**§ 78.230–1 Compliance.**

(a) Required in all details.

**§ 78.230–2 Capacity.**

(a) Not over 100 pounds, net.

**§ 78.230–3 Cloth.**

(a) Osnaburg cotton cloth at least 8½ ounces per square yard.

NOTE 1: Because of the present emergency and until further order of the Commission, cloth of 40-inch width, 2.11 yards per pound, may be used, provided creped paper is of two-way stretch construction.

**§ 78.230–4 Paper.**

(a) Shipping sack Kraft, creped. A "ream" as used herein means 500 sheets 24 inches by 36 inches before creping.

**§ 78.230–5 Assembly.**

(a) Either of the following:

(1) *Single bag.* Cloth-lined with 2 sheets of creped paper, each at least 35 pounds per ream, cemented together and to cloth. Combined tensile strength at least 100 pounds, warp and fill.

(2) *Triple bag.* Outer of cloth; intermediate of 2 thicknesses of creped paper, each at least 30 pounds per ream, cemented together with asphalt so as to weigh 90 pounds per ream; inner of creped paper at least 45 pounds per ream.

**§ 78.230–6 Seams.**

(a) To be dust-tight.

**§ 78.230–7 Test.**

(a) The finished container, filled and closed as for shipment, must be capable of withstanding drop test of 4 feet without sifting.

**§ 78.230–8 Marking.**

(a) Marking on each container by marks at least 1" high as follows:

(1) ICC–36A; this mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of maker; located above or below the mark specified in subparagraph (1) of this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.230–9 Closing for shipment.**

(a) By double tying with steel wires at least No. 16 Birmingham wire gauge; inner bags, if any, to have edges rolled in before outer bag is tied.

**§ 78.233 Specification 36B; burlap bags, lined.**

**§ 78.233–1 Compliance.**

(a) Required in all details.

**§ 78.233–2 Capacity.**

(a) Not over 100 pounds, net.

**§ 78.233–3 Burlap.**

(a) At least equal in quality and strength to 10-oz., 40" (10/40), Calcutta A and/or B mill grade. Thread count at least 11 per 37/40", porter, and 12 per inch, shot; this to be an average of 6 counts.

**§ 78.233–4 Paper.**

(a) Shipping sack Kraft, creped; at least 25 pounds per ream (500 sheets 24" x 36") before creping.

**§ 78.233–5 Assembly.**

(a) Burlap to be lined with 2 sheets of creped paper cemented together and to burlap.

(b) Adhesive between paper sheets to be asphalt, melting point 150° F., at minimum rate of 110 pounds per ream.

(c) Adhesive between paper and burlap to be either:

(1) Curing rubber latex at minimum rate of 40 pounds, dry weight, per ream.

(2) Asphalt, any desirable type, at minimum rate of 110 pounds per ream.

**§ 78.233–6 Stretch of paper lining.**

(a) At least equal to that of burlap in direction of warp and fill and equal to 10 percent in diagonal direction.

**§ 78.233–7 Seams.**

(a) By cementing or taping to give seam strength at least equal to that of bag material and prevent sifting.

**§ 78.233–8 Test.**

(a) The finished container, filled and closed as for shipment, must be capable of withstanding drop test of 4 feet on the butt without sifting or rupture of burlap or liners.

**§ 78.233–9 Marking.**

(a) Marking on each container by marks at least 1" high as follows:

(1) ICC–36B; this mark shall be understood to certify that the container complies with all specification requirements.

(2 Name and address of maker; located above or below the mark specified in subparagraph (1) of this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.233–10 Closing for shipment.**

(a) As specified for seams, § 78.233–7; or, by tying with 2 steel wires of at least No. 16 Birmingham wire gauge.

**§ 78.234 Specification 36C; burlap bags, paper lined.**

**§ 78.234–1 Compliance.**

(a) Required in all details.

**§ 78.234–2 Capacity.**

(a) Not over 100 pounds, net.

**§ 78.234–3 Burlap.**

(a) At least equal in quality and strength to 7½ ounce, 40 inch (7½/40) Calcutta A and/or B mill grade. Thread count at least 9 per 37/40 inch, porter, and 9 per inch, shot; this to be an average of 6 counts.

**§ 78.234–4 Paper.**

(a) Shipping sack Kraft, creped; at least 30 pounds per ream (500 sheets 24" x 36") before creping.

**§ 78.234–5 Assembly.**

(a) Burlap to be lined with 1 sheet of creped paper cemented to burlap.



(b) Adhesive between paper and burlap to be asphalt, any desirable type, at a minimum rate of 110 pounds per ream.

**§ 78.234–6 Stretch of paper lining.**

(a) At least equal to that of burlap in direction of warp and fill and equal to 10 percent in diagonal direction.

**§ 78.234–7 Seams.**

(a) By cementing or taping to give seam strength at least equal to that of bag material and prevent sifting.

**§ 78.234–8 Test.**

(a) The finished container, filled and closed as for shipment, must be capable of withstanding drop test of 4 feet on the butt without sifting or rupture of burlap liners.

**§ 78.234–9 Marking.**

(a) Marking on each container by marks at least 1" high as follows:

(1) ICC–36C; this mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of maker; located above or below the mark specified in subparagraph (1) of this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.234–10 Closing for shipment.**

(a) As specified for seams, § 78.234–7; or by tying with 2 steel wires of at least No. 16 Birmingham wire gauge, or any other type of equal efficiency that will be sift-proof and insure equal strength to body of bag.

**§ 78.236 Specification 44B; multiwall paper bags.**

**§ 78.236–1 Compliance.**

(a) Required in all details.

**§ 78.236–2 Paper.**

(a) Shipping sack kraft paper, plain, or extensible plain, shall conform to the average requirements specified in paragraph (a) (1) or (2) of this section.

(1) Shipping sack, kraft paper, plain: [1]

| Nominal basis weight (500 sheets, 24" x 36") [2] | Minimum average dry tearing strength | | Minimum average dry tensile strength per inch width | |
|---|---|---|---|---|
| | M.D. [3] | Total M.D. plus C.D. [3] | C.D. [3] | Total C.D. plus M.D. [3] |
| Pounds: | *Grams* | *Grams* | *Pounds* | *Pounds* |
| 40 | 88 | 188 | 14 | 41 |
| 50 | 110 | 235 | 19 | 53 |
| 60 | 132 | 282 | 23 | 64 |
| 70 | 154 | 329 | 27 | 74 |

[1] Shipping sack kraft paper, plain, is paper that consists of all sulphate pulp and no other fiber, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating, or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a)(1) of this section.

[2] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M.D. means machine direction. C.D. means cross direction.

(2) Shipping sack, extensible kraft paper, plain: [1]

| Nominal basis weight (500 sheets, 24" x 36") [2] | Minimum dry tearing strength | | Minimum tensile energy absorption ft./lbs. per square foot of paper | |
|---|---|---|---|---|
| | M. D. [3] | Total M. D. plus C. D. [3] | C. D. [3, 4] | Total C. D. plus M. D. [3, 4] |
| Pounds: | *Grams* | *Grams* | | |
| 40 | 88 | 188 | 4.5 | 14.0 |
| 50 | 110 | 235 | 5.6 | 17.0 |
| 60 | 132 | 282 | 7.0 | 20.0 |
| 70 | 154 | 329 | 8.0 | 23.0 |
| 80 | 176 | 376 | 9.0 | 26.0 |

[1] Extensible shipping sack kraft paper, plain, is paper that consists of all sulphate pulp and no other fiber, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a stretch factor of at least 7 percent in either direction, shall have a degree of water resistance as secured by normal rosin sizing, and shall comply with the requirements in paragraph (a)(2) of this section.

[2] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M. D. means machine direction. C. D. means cross direction.

[4] Variations in cross-direction tensile energy absorption of not more than 0.5 units below the minimum requirements will be permitted, provided the variations are compensated by an increase in the machine-direction tearing strength in the ratio of twenty units of tearing strength to one unit of tensile energy absorption, and variations in total tensile energy absorption of not more than one unit below the minimum requirements will be permitted, provided the variations are compensated by an increase in the total tearing strength in the same ratio. Similarly, variations in machine-direction tearing strength of not more than ten units below minimum requirements will be permitted, provided variations are compensated by an increase in cross-direction tensile energy absorption in the ratio of one unit of tensile energy absorption to twenty units of tearing strength; and variations in total tearing strength of not more than twenty units below the minimum requirements will be permitted, provided the variations are compensated by an increase in the total tensile energy absorption in the same ratio. Conformance with the requirements of Table shall be established by comparing the sum of the basis weights and tests for all of the plies specified in the construction of the bag, with the sum of the specified basis weights and tests for the respective papers comprising the different plies. All requirements in this table are for a paper conditioned to a relative humidity of 50 percent at a temperature of 23° C (73° F).

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

| Type paper | Minimum average dry tearing strength | | Minimum average dry tensile strength per inch width | | Heat resistance hours at 150° F. without impairing function of sack | Maximum average water-vapor permeability from both sides at 50 percent R. H. and 73° F. g/m, 2/24 hours | |
|---|---|---|---|---|---|---|---|
| | M. D. | Total M. D. plus C. D. | C. D. | Total C. D. plus M. D. | | Uncreased | Creased [1] |
| | *Grams* | *Grams* | *Pounds* | *Pounds* | | | |
| Asphalt laminated [2, 4] | 110 | 235 | 19 | 53 | 5 | 9.0 | 15.0 |
| 10PE–50 1/50–10PE [3] | 110 | 235 | 19 | 53 | 5 | 7.0 | 12.0 |
| 15PE–50 1/50–15PE [3] | 110 | 235 | 19 | 53 | 5 | 4.5 | 7.5 |

[1] Cressing at 40° F.

[2] Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

[3] Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample. Where barrier sheets are based on extensible kraft the weight of the barrier material shall be in addition to the basis weight of the paper.

[4] Asphalt laminated extensible kraft paper must consist of two sheets of extensible kraft paper, the total basis weight of the paper in the finished combination being not less than 50 pounds per ream (24 x 36—500) with neither sheet weighing less than 23 pounds continuously and uniformly laminated together, with an average of not less than 25 pounds of asphalt per ream (24 x 36—500). In determining the basis weight and test conformance of bags containing an asphalt laminated extensible kraft wall, the asphalt laminated extensible kraft wall shall be treated as if it were a single extensible kraft wall or combination of walls of 10 pounds lower total paper basis weight than the sum of the nominal basis weight in the asphalt laminated wall, but in no case shall be treated as less than the equivalent of a 50 pounds basis weight wall.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile

strength test below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.236–3 Construction.

(a) Bags must be at least 4 thicknesses of paper; this must be heavy duty shipping sack kraft paper, conforming to the requirements of § 78.236–2 paragraphs (a) and (b) or equivalent, with a minimum total basis weight of 200 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water-resistant stock and at least 60 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of "satchel bottom" construction; bottoms to be reinforced with a kraft paper patch at least 30 pounds basis weight. Other bottoms of equal efficiency are authorized.

(b) Or, bags must be at least 2 thicknesses of paper; this must be heavy duty shipping sack kraft paper, or equivalent with a minimum total basis weight of 110 pounds (500 sheets, 24" x 36"), fastened together with waterproof composition reinforced with jute, sisal, cotton, or other yarn or cord imbedded in the composition and criss-crossed at intervals of not over ½", approximately, so as to give approximately the same tensile strength for both width and length. Bags to be of "satchel bottom" construction. Other bottoms of equal efficiency are authorized.

(c) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.236–2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.236–4 Adhesive.

(a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.236–5 Closure.

(a) For 4-ply bags: Inner (fourth) ply to be diamond folded loose; the third ply to be diamond folded and silicated across all its overlapping folds; the two outer plies to be diamond folded, and cross sealed, front to back and side to side, with gummed tape extending at least 2 inches down sides of bag; sealing tape must be 4" wide, of No. 1 Kraft paper, 90 pounds basis weight (500 sheets, 24" x 36"), or equivalent, and having a Mullen or Cady test, of not less than 90 percent of basis weight. Other closures of equal efficiency are authorized.

(b) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.236–6 Tests for shipment.

(a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.236–7 Marking.

(a) Marking on each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44B

(1) This mark shall be understood to certify that bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

§ 78.237 Specification 44C; multiwall paper bags.

§ 78.237–1 Compliance.

(a) Required in all details.

§ 78.237 Specification 44C; multiwall paper bags.

§ 78.237–2 Paper.

(a) Shipping sack kraft paper, plain, or extensible plain, shall conform to the average requirements specified in paragraphs (a)(1) or (a)(2) of this section.

(1) Shipping sack, kraft paper, plain.[1]

| Nominal basis weight (500 sheets, 24" x 36")[2] | Minimum average dry tearing strength | | Minimum average dry tensile strength per inch width | |
|---|---|---|---|---|
| | M.D.[3] | Total M.D. plus C.D.[3] | C.D.[3] | Total C.D. plus M.D.[3] |
| Pounds: | *Grams* | *Grams* | *Pounds* | *Pounds* |
| 40 | 88 | 188 | 14 | 41 |
| 50 | 110 | 235 | 19 | 53 |
| 60 | 132 | 282 | 23 | 64 |
| 70 | 154 | 329 | 27 | 74 |

[1] Shipping sack kraft paper, plain, is paper that consists of all sulphate pulp and no other fiber, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating, or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a)(1) of this section.

[2] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M.D. means machine direction. C.D. means cross direction.

(2) Shipping sack, extensible kraft paper, plain: [1]

| Nominal basis weight (500 sheets, 24" x 36")[2] | Minimum dry tearing strength | | Minimum tensile energy absorption ft./lbs. per square foot of paper | |
|---|---|---|---|---|
| | M.D.[3] | Total M.D. plus C.D.[3] | C.D.[4] | Total C.D. plus M.D.[3] |
| Pounds: | *Grams* | *Grams* | | |
| 40 | 88 | 188 | 4.5 | 14.0 |
| 50 | 110 | 235 | 5.6 | 17.0 |
| 60 | 132 | 282 | 7.0 | 20.0 |
| 70 | 154 | 329 | 8.0 | 23.0 |
| 80 | 176 | 376 | 9.0 | 26.0 |

[1] Extensible shipping sack kraft paper, plain, is paper that consists of all sulphate pulp and no other fiber, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a stretch factor of at least 7 percent in either direction, shall have a degree of water resistance as secured by normal rosin sizing, and shall comply with the requirements in paragraph (a)(2) of this section.

[2] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M. D. means machine direction. C. D. means cross direction.

[4] Variations in cross-direction tensile energy absorption of not more than 0.5 units below the minimum requirements will be permitted, provided the variations are compensated by an increase in the machine-direction tearing strength in the ratio of twenty units of tearing strength to one unit of tensile energy absorption, and variations in total tensile energy absorption of not more than one unit below the minimum requirements will be permitted, provided the variations are compensated by an increase in the total tearing strength in the same



ratio. Similarly, variations in machine-direction tearing strength of not more than ten units below minimum requirements will be permitted, provided variations are compensated by an increase in cross-direction tensile energy absorption in the ratio of one unit of tensile energy absorption to twenty units of tearing strength; and variations in total tearing strength of not more than twenty units below the minimum requirements will be permitted, provided the variations are compensated by an increase in the total tensile energy absorption in the same ratio. Conformance with the requirements of Table shall be established by comparing the sum of the basis weights and tests for all of the plies specified in the construction of the bag, with the sum of the specified basis weights and tests for the respective papers comprising the different plies. All requirements in this table are for a paper conditioned to a relative humidity of 50 percent at a temperature of 23° C (73° F).

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

| Type paper | Minimum average dry tearing strength | | Minimum average dry tensile strength per inch width | | Heat resistance hours at 150° F. without impairing function of sack | Maximum average water-vapor permeability from both sides at 50 percent R. H. and 73° F. g/m 2/24 hours | |
|---|---|---|---|---|---|---|---|
| | M. D. | Total M. D. plus C. D. | C. D. | Total C. D. plus M. D. | | Uncreased | Creased[1] |
| | *Grams* | *Grams* | *Pounds* | *Pounds* | | | |
| Asphalt laminated[2][4] | 110 | 235 | 19 | 53 | 5 | 9.0 | 15.0 |
| 10PE–50 1/50–10PE[3] | 110 | 235 | 19 | 53 | 5 | 7.0 | 12.0 |
| 15PE–50 1/50–15PE[3] | 110 | 235 | 19 | 53 | 5 | 4.5 | 7.5 |

[1] Creasing at 40° F.

[2] Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

[3] Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample. Where barrier sheets are based on extensible kraft, the weight of the barrier material shall be in addition to the basis weight of the paper.

[4] Asphalt laminated extensible kraft paper must consist of two sheets of extensible kraft paper, the total basis weight of the paper in the finished combination being not less than 60 pounds per ream (24 x 36—500) with neither sheet weighing less than 23 pounds continuously and uniformly laminated together, with an average of not less than 25 pounds of asphalt per ream (24 x 36—500). In determining the basis weight and test conformance of bags containing an asphalt laminated extensible kraft wall, the asphalt laminated extensible kraft wall shall be treated as if it were a single extensible kraft wall or combination of walls of 10 pounds lower total paper basis weight than the sum of the nominal basis weight in the asphalt laminated wall, but in no case shall be treated as less than the equivalent of a 50 pounds basis weight wall.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.237–3 Construction.

(a) Bags must be at least 4 thicknesses of paper; this must be heavy duty shipping sack kraft paper conforming to the requirements of § 78.237–2 paragraphs (a) and (b), or equivalent, with a minimum total basis weight of 250 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water resistant stock and at least 60 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn, sift-proof bottom construction. Other bottoms of equal efficiency authorized.

(b) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.237–2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.237–4 Adhesive.

(a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.237–5 Closure.

(a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.237–6 Tests for shipment.

(a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.237–7 Marking.

(a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44C

(1) This mark shall be understood to certify that bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

§ 78.238 Specification 44D; multiwall paper bags.

§ 78.238–1 Compliance.

(a) Required in all details.

§ 78.238–2 Paper.

(a) Shipping sack kraft paper, plain, or extensible plain shall conform to the average requirements specified in subparagraphs (a)(1) and (a)(2) of this paragraph.

(1) Shipping sack, kraft paper, plain: [1]

| Nominal basis weight (500 sheets, 24" x 36") [2] [4] | Minimum average dry tearing strength | | Minimum average dry tensile strength per inch width | |
|---|---|---|---|---|
| | M. D. [3] | Total M. D. plus C. D. [3] | C. D. [3] | Total C. D. plus M. D. [3] |
| Pounds: | *Grams* | *Grams* | *Pounds* | *Pounds* |
| 40 | 88 | 188 | 14 | 41 |
| 50 | 110 | 235 | 19 | 53 |
| 60 | 132 | 282 | 23 | 64 |
| 70 | 154 | 329 | 27 | 74 |

[1] Shipping sack kraft paper, plain, is paper that consists of all sulphate pulp and no other fiber, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating, or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a)(1) of this section.

[2] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M. D. means machine direction. C. D. means cross direction.

[4] A bleached sulphate kraft outer wall of 70 pounds basis weight will be permitted provided the combined test values of all of the 5 walls of the completed multiwall sack are in conformance with paragraph (e) of this section and § 78.238-3.

(2) Shipping sack, extensible kraft paper, plain: [1]

| Nominal basis weight (500 sheets, 24" x 36") [2] | Minimum dry tearing strength | | Minimum tensile energy absorption ft./lbs. per square foot of paper | |
|---|---|---|---|---|
| | M. D. [3] | Total M. D. plus C. D. [3] | C. D. [3] [4] | Total C. D. plus M. D. [3] [4] |
| Pounds: | *Grams* | *Grams* | | |
| 40 | 88 | 188 | 4.5 | 14.0 |
| 50 | 110 | 235 | 5.6 | 17.0 |
| 60 | 132 | 282 | 7.0 | 20.0 |
| 70 | 154 | 329 | 8.0 | 23.0 |
| 80 | 176 | 376 | 9.0 | 26.0 |

[1] Extensible shipping sack kraft paper, plain, is paper that consists of all sulphate pulp and no other fiber, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a stretch factor of at least 7 percent in either direction, shall have a degree of water resistance as secured by normal rosin sizing, and shall comply with the requirements in paragraph (a)(2) of this section.

[2] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M. D. means machine direction. C. D. means cross direction.

[4] Variations in cross-direction tensile energy absorption of not more than 0.5 units below the minimum requirements will be permitted, provided the variations are compensated by an increase in the machine-direction tearing strength in the ratio of twenty units of tearing strength to one unit of tensile energy absorption, and variations in total tensile energy absorption of not more than one unit below the minimum requirements will be permitted, provided the variations are compensated by an increase in the total tearing strength in the same ratio. Similarly, variations in machine direction tearing strength of not more than ten units below minimum requirements will be permitted, provided variations are compensated by an increase in cross-direction tensile energy absorption in the ratio of one unit of tensile energy absorption to twenty units of tearing strength; and variations in total tearing strength of not more than twenty units below the minimum requirements will be permitted, provided the variations are compensated by an increase in the total tensile energy absorption in the same ratio. Conformance with the requirements of table shall be established by comparing the sum of the

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

| Type paper | Minimum average dry tearing strength | | Minimum average dry tensile strength per inch width | | Heat resistance hours at 150° F. without impairing function of sack | Maximum average water-vapor permeability from both sides at 50 percent R. H. and 73° F. g/m, 2/24 hours | |
|---|---|---|---|---|---|---|---|
| | M. D. | Total M. D. plus C. D. | C. D. | Total C. D. plus M. D. | | Uncreased | Creased [1] |
| | *Grams* | *Grams* | *Pounds* | *Pounds* | | | |
| Asphalt laminated [3] [4] | 110 | 235 | 19 | 53 | 5 | 9.0 | 15.0 |
| 10PE-50 1/50-10PE [5] | 110 | 235 | 19 | 53 | 5 | 7.0 | 12.0 |
| 15PE-50 1/50-15PE [5] | 110 | 235 | 19 | 53 | 5 | 4.5 | 7.5 |

[1] Creasing at 40° F.

[3] Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

[5] Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample. Where barrier sheets are based on extensible kraft; the weight of the barrier material shall be in addition to the basis weight of the paper.

[4] Asphalt laminated extensible kraft paper must consist of two sheets of extensible kraft paper, the total basis weight of the paper in the finished combination being not less than 50 pounds per ream (24 x 36—500) with neither sheet weighing less than 23 pounds continuously and uniformly laminated together, with an average of not less than 25 pounds of asphalt per ream (24 x 36—500). In determining the basis weight and test conformance of bags containing an asphalt laminated extensible kraft wall, the asphalt laminated extensible kraft wall shall be treated as if it were a single extensible kraft wall or combination of walls of 10 pounds lower total paper basis weight than the sum of the nominal basis weight in the asphalt laminated wall, but in no case shall be treated as less than the equivalent of a 50 pounds basis weight wall.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirements based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.238-3 Construction.

(a) Bags must be at least 5 thicknesses of paper; this must be heavy duty shipping sack kraft paper, conforming to the requirements of § 78.238-2 paragraphs (a) and (b), or equivalent, with a minimum total basis weight of 320 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water resistant stock and at least 70 pounds basis weight, inner sheets not less than 50 pounds basis weight. Bags to be of sewn, sift-proof bottom construction. Other bottoms of equal efficiency authorized.

basis weights and tests for all of the plies specified in the construction of the bag, with the sum of the specified basis weights and tests for the respective papers comprising the different plies. All requirements in this table are for a paper conditioned to a relative humidity of 50 percent at a temperature of 23° C (73° F).



(b) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.238-2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.238-4 Adhesive.

(a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.238-5 Closure.

(a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.238-6 Tests for shipment.

(a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.238-7 Marking.

(a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC-44D

(1) This mark shall be understood to certify bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

§ 78.239 Specification 44E; multiwall paper bags.

§ 78.239-1 Compliance.

(a) Required in all details.

§ 78.239-2 Paper.

(a) Shipping sack kraft paper, plain, or extensible plain, shall conform to the average requirements specified in paragraphs (a)(1) or (a)(2) of this section.

(1) Shipping sack, kraft paper, plain: [1]

| Nominal basis weight (500 sheets, 24" x 36") [2] [4] | Minimum average dry tearing strength | | Minimum average dry tensile strength per inch width | |
|---|---|---|---|---|
| | M. D. [3] | Total M. D. plus C. D. [3] | C. D. [3] | Total C. D. plus M. D. [3] |
| Pounds: | *Grams* | *Grams* | *Pounds* | *Pounds* |
| 40 | 88 | 188 | 14 | 41 |
| 50 | 110 | 235 | 19 | 53 |
| 60 | 132 | 282 | 23 | 64 |
| 70 | 154 | 329 | 27 | 74 |

[1] Shipping sack kraft paper, plain, is paper that consists of all sulphate pulp and no other fiber, and which has not been treated by coloring, bleaching (except as provided by footnote 4 of this table), creping, coating, spraying, laminating, or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a)(1) of this section.

[2] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basic weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M. D. means machine direction. C. D. means cross direction.

[4] A bleached sulphate kraft outer sheet of not less than 50 pounds basis weight is authorized providing the combined test values of all of the sheets of the bag are in conformance with paragraph (e) of this section and §78.239-3.

(2) Shipping sack, extensible kraft paper, plain.[1]

| Nominal basis weight (500 sheets, 24" x 36") [2] [4] | Minimum dry tearing strength | | Minimum tensile energy absorption ft./lbs. per square foot of paper [3] | |
|---|---|---|---|---|
| | M. D. [3] | Total M. D. plus C. D. [3] | C. D. [3] | Total C. D. plus M. D. [3] |
| Pounds: | *Grams* | *Grams* | | |
| 40 | 88 | 188 | 4.5 | 14.0 |
| 50 | 110 | 235 | 5.6 | 17.0 |
| 60 | 132 | 282 | 7.0 | 20.0 |
| 70 | 154 | 329 | 8.0 | 23.0 |
| 80 | 176 | 376 | 9.0 | 26.0 |

[1] Extensible shipping sack kraft paper, plain, is paper that consists of all sulphate pulp and no other fiber, and which has not been treated by coloring, bleaching (except as provided by footnote 4 of this table), creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a stretch factor of at least 7 percent in either direction, shall have a degree of water resistance as secured by normal rosin sizing, and shall comply with the requirements in paragraph (a)(2) of this section.

[2] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M. D. means machine direction. C. D. means cross direction.

[4] A bleached sulphate extensible kraft outer sheet of not less than 50 pounds basis weight is authorized providing the combined test values of all the sheets of the bag are in conformance with paragraph (e) of this section and § 78.239-3.

[5] Variations in cross-direction tensile energy absorption of not more than 0.5 units below the minimum requirements will be permitted, provided the variations are compensated by an increase in the machine-direction tearing strength in the ratio of twenty units of tearing strength to one unit of tensile energy absorption, and variations in total tensile energy absorption of not more than one unit below the minimum requirements will be permitted, provided the variations are compensated by an increase in the total tearing strength in the same ratio. Similarly, variations in machine-direction tearing strength of not more than ten units below minimum requirements will be permitted, provided variations are compensated by an increase in cross-direction tensile energy absorption in the ratio of one unit of tensile energy absorption to twenty units of tearing strength; and variations in total tearing strength of not more than twenty units below the minimum requirements will be permitted, provided the variations are compensated by an increase in the total tensile energy absorption in the same ratio. Conformance with the requirements of Table shall be established by comparing the sum of the basis weights and tests for all of the plies specified in the construction of the bag, with the sum of the specified basis weights and tests for the respective papers comprising the different plies. All requirements in this table are for a paper conditioned to a relative humidity of 50 percent at a temperature of 23° C (73° F).

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

| Type paper | Minimum average dry tearing strength | | Minimum average dry tensile strength per inch width | | Heat resistance hours at 150° F. without impairing function of sack | Maximum average water-vapor permeability from both sides at 50 percent R. H. and 73° F. g/m, 2/24 hours | |
|---|---|---|---|---|---|---|---|
| | M. D. | Total M. D. plus C. D. | C. D. | Total C. D. plus M. D. | | Uncreased | Creased [1] |
| | *Grams* | *Grams* | *Pounds* | *Pounds* | | | |
| Asphalt laminated [3] [4] | 110 | 235 | 19 | 53 | 5 | 9.0 | 15.0 |
| 10PE-50 1/50-10PE [5] | 110 | 235 | 19 | 53 | 5 | 7.0 | 12.0 |
| 15PE-50 1/50-15PE [5] | 110 | 235 | 19 | 53 | 5 | 4.5 | 7.5 |

[1] Creasing at 40° F.

[3] Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

[5] Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample. Where barrier sheets are based on extensible kraft; the weight of the barrier material shall be in addition to the basis weight of the paper.

[4] Asphalt laminated extensible kraft paper must consist of two sheets of extensible kraft paper, the total basis weight of the paper in the finished combination being not less than 50 pounds per ream (24 x 36—500) with neither sheet weighing less than 23 pounds continuously and uniformly laminated together, with an average of not less than 25 pounds of asphalt per ream (24 x 36—500). In determining the basis weight and test conformance of bags containing an asphalt laminated extensible kraft wall, the asphalt laminated extensible kraft wall shall be treated as if it were a single extensible kraft wall or combination of walls of 10 pounds lower total paper basis weight than the sum of the nominal basis weight in the asphalt laminated wall, but in no case shall be treated as less than the equivalent of a 50 pounds basis weight wall.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tear-

ing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

**§ 78.239–3 Construction and capacity.**

(a) Bags must be at least 3 thicknesses of paper; this must be heavy duty shipping sack kraft paper conforming to the requirements of § 78.239–2 paragraphs (a) and (b), or equivalent, with a minimum total basis weight of 130 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water-resistant stock and at least 50 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn and taped, cemented, taped, satchel bottom or other construction of equal efficiency to form a sift-proof and reasonably air-tight container. Authorized for not over 50 pounds net weight, except that bags having a minimum total basis weight of 160 pounds of paper (500 sheets, 24" x 36") with outer sheet of water-resistant stock and at least 60 pounds basis weight inner sheets not less than 50 pounds basis weight, are authorized for not to exceed 100 pounds net weight of contents.

(b) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.239–2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

**§ 78.239–4 Adhesive.**

(a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

**§ 78.239–5 Closure.**

(a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

**§ 78.239–6 Tests for shipment.**

(a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

**§ 78.239–7 Marking.**

(a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44E

(1) This mark shall be understood to certify bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.240 Specification 45B; bags, cloth and paper, lined.**

**§ 78.240–1 Compliance.**

(a) Required in all details.

**§ 78.240–2 Capacity.**

(a) Not over 100 pounds net.

**§ 78.240–3 Assembly.**

(a) Bags shall consist of cloth and paper parts all cemented together with curing rubber latex or asphalt, thus making a waterproofed bag as follows:

(1) Inside lining sheet.
(2) Cloth sheet.
(3) Intermediate sheet.
(4) Outside paper sheet.

**§ 78.240–4 Inside lining sheet and intermediate sheet.**

(a) Inside lining sheet and intermediate sheet must be regenerated cellulose film at least 0.0012 inch thick or polyvinyl alcohol film at least 0.001 inch thick or other material of equal thickness and equivalent efficiency.

**§ 78.240–5 Cloth sheet.**

(a) Cloth sheet must be burlap at least 8-ounce, 40-inch Calcutta A or B mill grade or Osnaburg cotton cloth at least 8½ ounces per square yard.

**§ 78.240–6 Paper.**

(a) Paper must be shipping sack Kraft, creped, at least 45 pounds per ream (500 sheets 24" x 36") before creping.

**§ 78.240–7 Latex and asphalt.**

(a) Latex and asphalt must be in sufficient quantity to form a secure bond between the parts of the bags.

**§ 78.240–8 Seams.**

(a) Seams must be dust-tight and made by cementing or by sewing and taping with impregnated cloth tape to give seam strength at least equal to that of bag material and prevent sifting.

**§ 78.240–9 Test.**

(a) The finished container, filled and closed as for shipment, must be capable of withstanding 2 drop tests of 6 feet on the butt and 2 drop tests of 6 feet on the side without sifting or rupture of burlap or liner.

**§ 78.240–10 Marking.**

(a) Marking on each container by marks at least 1 inch high as follows:

(1) ICC–45B; this mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of maker; located above or below the mark specified in subparagraph (1) of this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

**§ 78.240–11 Closing for shipment.**

(a) By sewing and taping with impregnated cloth tape to give seam strength at least equal to that of bag material and prevent sifting.

## Subpart H—Specifications for Portable Tanks

**§ 78.245 Specification 51; steel portable tanks.**

**§ 78.245–1 Requirements for design and construction.**

(a) Tanks shall be of seamless or welded steel construction or combination of both and shall have in excess of 1,000 pounds water capacity. Fusion welded tanks shall be stress-relieved and radiographed to provide the highest joint efficiency provided by the Code. Tanks shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, (4) 1959 edition, or (5) 1962 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions except to include ASME Case Interpretations Nos. 1204–9, 1297–3, and 1298–2 and all addendas through the 1962 addenda issued July 16, 1962 (any or all of which hereinafter is referred to as "the Code"). When the above referenced ASME Case interpretations are used for the construction of tanks, the following additional requirements shall be met:

(1) Welding procedure and welder performance tests shall be made in accordance with the 1962 edition of Section IX of the ASME Boiler and Pressure Vessel Code. In addition to the essential variables enumerated in Section IX of this Code, the following shall also be considered essential variables: number of passes, thickness of plate, heat input per pass, and manufacturer of rod or flux. The number of passes, thickness of plate and heat input per pass shall not vary more than 25 percent from the procedure qualification.

(2) Impact tests shall be made on a lot basis. A lot shall be defined as 100 tons or less of the same heat, and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full size specimens shall be 20 ft.-lbs. (or 10 ft.-lbs. for half sized specimens) at 0° F Charpy V-notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact test requirement.

(3) Welding procedure and welder qualification tests shall be made each year with one copy of the reports submitted to the Bureau of Explosives.

(b) Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

*Exceptions:* (1) The openings for liquid level gauging devices, or for safety devices, may be installed separately at the other location or in the side of the shell; (2) one plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere; (3) an opening of 3-inch National Pipe Size or less may be provided at another location, when necessary, to facilitate installation of condensing coils.

(c) On and after August 31, 1953, every uninsulated portable tank shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

**§ 78.245–2 Material.**

(a) All material used for the construction of the tank and appurtenances shall be suitable for use with the commodity to be transported therein.

(b) A material of thickness less than 5/16 inch shall not be used for the shells and heads.

**§ 78.245–3 Design pressure.**

(a) The design pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115° F., or as prescribed for a particular commodity by Part 73 of this chapter, except that in no case shall the design pressure of any container be less than 100 psig nor more than 500 psig. When corrosion factor is prescribed by these regulations, the wall thickness of the tank calculated in accordance with the "Code" (see § 78.245–1(a)) shall be increased by 20 percent or 0.10 inch, whichever is less.

NOTE 1: The term "design pressure" as used in this specification is identical to the term "maximum allowable working pressure" as used in the "Code" (see § 78.245–1 (a)).

**§ 78.245–4 Tank mountings.**

(a) Tanks shall be designed and fabricated with mountings to provide a secure base in transit. "Skids" or similar devices shall be deemed to comply with this requirement.

(b) All tank mountings such as skids, fastenings, brackets, cradles, lifting lugs, etc., intended to carry loadings shall be permanently secured to tanks in accordance with the requirements of the Code under which the tanks were fabricated and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used. The specific gravity used in determining the static loadings shall be shown on the marking required by § 78.245–6(a) and on the report required by § 78.245–7(a).

(c) Lifting lugs or hold-down lugs may be added to either the tank or tank mountings. If lifting lugs and hold-down lugs are added directly to the tank, they shall be secured to doubling plates welded to the tank and located at points of support, except that lifting lugs or hold-down lugs with integral bases serving as doubling plates may be welded directly to the tank. Each lifting lug and hold-down lug shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

(d) All tank mountings shall be designed so as to prevent the concentration of excessive loads on the tank shell.

**§ 78.245–5 Protection of valves and accessories.**

(a) All valves, fittings, accessories, safety devices, gaging devices, and the like shall be adequately protected against mechanical damage.

(b) The protective device or housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

(c) Requirements concerning types of valves, retesting, and qualification of portable tanks contained in §§ 73.32 and 73.315 of this chapter must be observed.

**§ 78.245–6 Name plate.**

(a) In addition to the markings required by the Code (see § 78.245–1(a)) under which tanks were constructed, they shall have permanently affixed, on one of the heads of the tank, a metal plate. This plate shall be permanently affixed by means of soldering, brazing, or welding around its complete perimeter. Neither the plate itself nor the means of attachment to the tank shall be subject to destructive attack by the contents of tank. Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or onto the metal of the plate itself the following information in characters at least ⅜ inch high:

Manufacturer's name _____
Serial No. _____ Owner's serial No. _____
I.C.C. Specification No. _____
Water capacity (pounds) _____
Tare weight (pounds) _____
Design pressure (psig) _____
Design specific gravity _____
Original test date _____
Tank retested at _____ (psig) on _____

(b) All tank outlets and inlets, except safety relief valves, shall be marked to designate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling density.

**§ 78.245–7 Report.**

(a) A copy of the manufacturer's data report required by the Code (see § 78.245–1(a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives. In addition, the manufacturer or owner shall register each tank with the Bureau of Explosives in the following form:

Place _____
Date _____

Portable tank:
Manufactured for _____ Company
Location _____
Manufactured by _____ Company
Location _____
Consigned to _____ Company
Location _____
Size ____ feet outside diameter by ____ long

Marks on tank as prescribed by § 78.245–6 of this specification are as follows:

Manufacturer's name _____
Serial No. _____ Owner's serial No. _____
I.C.C. specification ____ Code symbol ____
Date of manufacture _____
Water capacity (pounds) _____
Tare weight (pounds) _____
Design pressure (psig) _____
Design specific gravity _____

It is hereby certified that this tank is in complete compliance with the requirements of ICC Specification No. 51.

(Signed) _____
(Manufacturer or owner)

**§ 78.246 Specification 52; aluminum or magnesium portable tanks.**

**§ 78.246–1 Compliance.**

(a) Required in all details.

**§ 78.246–2 Composition and capacity.**

(a) Tanks shall be constructed of aluminum base alloy at least 96 percent pure, or other aluminum base alloys of equivalent strength and physical properties, or ZE–10A magnesium alloy suitable for use with the commodity to be transported therein and having a capacity not over 500 gallons.

**§ 78.246–3 Construction.**

(a) Tanks shall be of all welded fabrication. Welding shall be performed in a workmanlike manner using suitable welding materials. Tanks shall be formed of material at least 0.250 inch thick; material shall comply with the requirements of § 78.246–2. Cubical containers shall have corners reinforced with suitable pads or legs efficiently welded thereto.

**§ 78.246–4 Openings and closures.**

(a) Tanks shall have one fill opening with properly gasketed positive type closure and may have one threaded flange opening not over 2.3 inches in diameter which must be provided with secure gasketed closure plug or a 2-inch opening which shall be closed with a gasketed quick-locking cap. Bottom discharge opening not over 3 inches in diameter authorized.

**§ 78.246–5 Tank mountings.**

(a) Tanks shall be designed and fabricated with mountings to provide a secure base in transit. "Skids" or similar devices shall be deemed to comply with this requirement.

(b) All tank mountings such as skids, fastenings, brackets, cradles, lifting lugs, etc., intended to carry loadings shall be permanently secured to tanks in accordance with the requirements under which the tanks are fabricated and shall be designed with a factor of safety of four, and built to withstand loadings in any

direction equal to two times the weight of the tanks and attachments when filled with water.

**§ 78.246–6 Tests.**

(a) Each tank shall be tested by introduction of at least 2 pounds sustained air pressure during which time all welded areas shall be examined for leakage by coating entire welded seam area with soap suds. Areas that show leakage in this test may be repaired by welding and must be retested to determine efficiency.

**§ 78.246–7 Marking.**

(a) Marking on each container in an unobstructed area, by embossing or diestamping on the container, or on a metal plate securely attached by welding, in letters and figures at least ⅜ inch in height, as follows:

(1) ICC–52 * * * (stars to be replaced by rated gallonage capacity). These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or user assuming responsibility for compliance with specification requirements. Symbol letters must be registered with the Bureau of Explosives.

**§ 78.250 Specification 55; metal-encased, lead or uranium metal-shielded, radioactive materials container.**

**§ 78.250–1 Compliance.**

(a) Required in all details.

**§ 78.250–2 Requirements for design and construction.**

(a) Lead or uranium metal shield to be encased in mild steel or equally fire resistant metal of minimum wall thickness as follows:

(1) One-eighth inch (⅛") thick for not more than 6 inches of lead or uranium metal (see Note 1).

(2) One-fourth inch (¼") thick for more than 6 inches of lead or uranium metal (see Note 1).

NOTE 1: Thickness of lead to be measured from outer edge of source cavity to nearest point on outer container wall.

(b) Lead or uranium metal shield to be completely encased so that molten lead or uranium metal will not flow away or lose its shielding efficiency if involved in a fire. The shield must be supported in the outer container in such manner that it cannot change position under any ordinary conditions. Parts of the shield must be so designed that radiation cannot be "beamed" at point where sections join (offset design required).

(c) Containers weighing more than 500 pounds must be fitted with skids or otherwise designed so that excessive weight will be prevented on small areas of car or truck floors.

(d) Containers weighing more than 500 pounds must be provided with hooks, handles, skids, or other devices to facilitate handling.

(e) Containers must be of such size and design as are necessary to reduce the radiation from the container to within the limits prescribed in § 73.393 of this chapter.

(f) Containers constructed with tubing for drainage purpose must have the opening exterior to the shipping container plugged or capped. Drain lines must be plugged or capped with a material which will have a melt-point at or below that of lead, for example, lead, hard rubber or plastic.

**§ 78.250–3 Welding and brazing.**

(a) When used to join parts of the container must be performed in a workmanlike manner and shall provide a joint efficiency of not less than 85 percent. The melting point of brazing material must be in excess of 1,000° F.

**§ 78.250–4 Closures.**

(a) Closure must be by positive fastening device capable of withstanding severe impacts without failure.

(b) Lead or uranium metal shielding forming part of closing device must be completely encased in mild steel or equally fire-resistant metal.

(c) Closure must be of off-set design where inserted into other parts of the container.

(d) A means must be provided on the closure to accommodate a seal of a type that must be destroyed if container is opened for any purpose.

**§ 78.250–5 Marking.**

(a) Marking on each container in an unobstructed area, by embossing or diestamping on the container, or on a metal plate attached to the container by welding or brazing, in letters and figures at least ¼" in height, as follows:

(1) ICC–55*** (stars to be replaced by the tare weight of the container (for example: ICC–55 850)). These marks shall be understood to certify that the container complies with all specification requirements.

(2) The words "RADIOACTIVE MATERIAL."

(3) Name or symbol (letters) of maker or user assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

**§ 78.255 Specification 60; steel portable tanks.**

**§ 78.255–1 General requirements.**

(a) Tanks shall be constructed in accordance with all requirements of section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1946, Edition, for U-201 fusion-welded unfired pressure vessels.

(b) Tanks shall be of fusion-welded construction, cylindrical in shape, with seamless heads concave to the pressure. Tank shells may be of seamless construction.

(c) Tanks, including all permanent attachments, must be stress relieved as a unit.

(d) Requirements concerning types of valves, retesting, and qualification of portable tanks contained in §§ 73.32 and 73.315 of this chapter must be observed.

**§ 78.255–2 Material.**

(a) Material used in the tanks shall be steel of good weldable quality in conformity with requirements of paragraph U–71 of the A.S.M.E. Code, 1946 Edition.

(b) The minimum thickness of metal, exclusive of lining material, for shell and heads of tanks shall be as follows:

| Tank capacity: | *Minimum thickness (inch)* |
|---|---|
| Not more than 1,200 gallons | ¼ |
| Over 1,200 to 1,800 gallons | 5/16 |
| Over 1,800 gallons | ⅜ |

**§ 78.255–3 Expansion domes.**

(a) Expansion domes, if applied, must have a minimum capacity of one percent of the combined capacity of the tank and dome.

**§ 78.255–4 Closures for manholes and domes.**

(a) The manhole cover shall be designed to provide a secure closure of the manhole. All covers, not hinged to the tanks, shall be attached to the outside of the dome by at least ⅛ inch chain or its equivalent. Closures shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

**§ 78.255–5 Bottom discharge outlets.**

(a) Bottom discharge outlets prohibited, except on tanks used for shipments of sludge acid and alkaline corrosive liquids.

(b) If installed, bottom outlets or bottom washout chambers shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and liquid-tight closure at its lower end. Every such valve or plug shall be designed to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets shall be adequately protected against handling damage and outlet equipment must not extend to within less than one inch of the bottom bearing surface of the skids or tank mounting.

**§ 78.255–6 Loading and unloading accessories.**

(a) When installed, gauging, loading and air inlet devices, including their valves, shall be provided with adequate means for their secure closure; and means shall also be provided for the closing of pipe connections of valves.

(b) Interior heater coils, if installed, must be of extra heavy pipe and so constructed that breaking off of exterior connections will not cause leakage of tanks.

**§ 78.255–7 Protection of valves and accessories.**

(a) All valves, fittings, accessories, safety devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

(b) Protective housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed with a minimum factor of safety of four to withstand loadings in any direction equal to two times the weight of the tank and attachments when filled with water.



**§ 78.255–8 Safety devices.**

(a) Safety devices are to be as required, subject to approval of the Bureau of Explosives, by shipping regulations.

**§ 78.255–9 Compartments.**

(a) When the interior of the tank is divided into compartments, each compartment shall be designed, constructed and tested as a separate tank. Thickness of shell and compartment heads shall be determined on the basis of total tank capacity.

**§ 78.255–10 Lining.**

(a) If a lining is required, the material used for lining the tank shall be homogeneous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper. It shall be of substantially uniform thickness, not less than 1/32 inch thick if metallic, and not less than 1/16 inch thick if nonmetallic, and shall be directly bonded or attached by other equally satisfactory means. Rubber lining shall be not less than 3/16 inch thick. Joints and seams in the lining shall be made by fusing the material together or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture and all foreign matter during the lining operation.

**§ 78.255–11 Tank mountings.**

(a) Tanks shall be designed and fabricated with mountings to provide a secure base in transit. "Skids" or similar devices shall be deemed to comply with this requirement.

(b) All tank mountings such as skids, fastenings, brackets, cradles, lifting lugs, etc., intended to carry loadings shall be permanently secured to tanks in accordance with the requirements under which the tanks are fabricated, and shall be designed with a factor of safety of four, and built to withstand loadings in any direction equal to two times the weight of the tanks and attachments when filled to the maximum permissible loaded weight.

(c) Lifting lugs or side hold-down lugs shall be provided on the tank mountings in a manner suitable for attaching lifting gear and hold-down devices. Lifting lugs and hold-down lugs welded directly to the tank shall be of the pad-eye type. Doubling plates welded to the tank and located at the points of support shall be deemed to comply with this requirement.

(d) All tank mountings shall be so designed as to prevent the concentration of excessive loads on the tank shell.

**§ 78.255–12 Pressure test.**

(a) Each completed portable tank prior to application of lining shall be tested before being put into transportation service by completely filling the tank with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 60 pounds per square inch gauge. The tank shall be capable of holding the prescribed pressure for at least 10 minutes without leakage, evidence of impending failure, or failure. All closures shall be in place while the test is made and the pressure shall be gauged at the top of the tank. Safety devices and/or vents shall be plugged during this test.

**§ 78.255–13 Repair of tanks.**

(a) Tanks failing to meet the test may be repaired and retested, provided that repairs are made in complete compliance with the requirements of this specification.

**§ 78.255–14 Marking.**

(a) In addition to marking required by the American Society of Mechanical Engineers Code, every tank shall bear permanent marks at least ⅜ inch high stamped into the metal near the center of one of the tank heads or stamped into a plate permanently attached to the tank by means of brazing or welding or other suitable means as follows:

Manufacturer's name ------ Serial No. ------
ICC specification ----------
Nominal capacity ---------- (gallons)
Tare weight ---------- (pounds)
Date of manufacture ----------

**§ 78.255–15 Report.**

(a) A copy of the manufacturer's data report required by the *"Code"* (see § 78.255–1(a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives. In addition, the manufacturer or owner shall register each tank with the Bureau of Explosives in the following form:

Place ----------
Date ----------
*Portable tank*
Manufactured for ---------- Company
Location ----------
Manufactured by ---------- Company
Location ----------
Consigned to ---------- Company
Location ----------
Size ------ feet outside diameter by ------ long.
Marks on tank as prescribed by § 78.255–14 of this specification are as follows:
Manufacturer's name ----------
Serial number ----------
Owner's serial number ----------
ICC specification ----------
ASME Code Symbol (par U–201) ----------
Date of manufacture ----------
Nominal capacity ---------- Gallons
It is hereby certified that this tank is in complete compliance with the requirements of *ICC Specification No. 60.*
(Signed) ----------
Manufacturer or owner

## Subpart I—[Reserved]

## Subpart J—Specifications for Containers for Motor Vehicle Transportation

**§ 78.315 Specification MC 200; containers for liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.**

**§ 78.315–1 Motor vehicle body.**

(a) Every motor vehicle used for the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than desensitized liquid explosives, as defined in § 73.53(e) of this chapter, shall have a body constructed as set forth below, which body shall have component parts as specified hereinafter.

**§ 78.315–2 Body proper.**

(a) The motor-vehicle body proper shall have a hinged cover. Both the body and the cover shall be well and strongly built of wood or other nonsparking material of equal strength, thoroughly waterproofed, having no end or side openings, and lined with copper or other nonsparking sheet metal having all seams made tight against leakage of nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate by welding, brazing, or soldering. No metal of such character as to be capable of producing a spark when struck may be exposed on the inside or the top of the body, nor on the nether side or any edge of the cover, the top of which shall be covered with metal. The body shall be of such dimensions that it will contain only a single tier of individual containers and of such approximate height that the felt pads will securely constrain all inside containers from vertical motion with respect to the body, and shall be securely and firmly attached to the chassis of the motor vehicle. The total load shall not exceed nine hundred (900) quarts liquid measure of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.

**§ 78.315–3 Cellular construction.**

(a) In the motor-vehicle body specified in § 78.315–2 shall be inserted suitable wooden or other nonmetallic, nonsparking cellular construction, the dimensions of each cell of which shall be such that the rubber "boot" or secondary container for the primary container of the nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, both of which are specified hereinafter, shall snugly fit. The cellular construction shall extend from near the top to near the bottom of the full height of each "boot" to be fitted therein, and shall rest upon and be covered by at least one-half (½) inch of felt padding or other material affording equivalent shock-absorbing protection. The cellular construction shall be of such strength as to provide suitable restraint under all conditions of loading to prevent relative motion of inside containers to be inserted or carried therein.

**§ 78.315–4 Inside containers and boots.**

(a) *Inside containers.* Individual containers shall be made of copper or other nonsparking metal of equivalent strength, with all seams closed by welding, brazing or soldering, and shall be tight against leakage of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. No individual container shall exceed ten (10) quarts (liquid measure) capacity of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.

(b) *Boots, rubber containers for individual containers.* Each individual container of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate shall be contained in a rubber boot or outer container into which it shall snugly fit, and which, in turn, shall snugly fit into any cell of the cellu-

lar construction specified in § 78.315–3. This boot shall be watertight throughout and at least of such volume as to contain all of the liquid content of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate of any inside container inserted in it. It shall be provided with V-shaped grooves at suitable spacings throughout its inside surface, extending from top to bottom in such manner as to prevent the entrapment of air therein upon insertion of the inside container of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. The inside height of the rubber boot shall approximate the height of the inside container (including stopper) as shipped.

**§ 78.318 Specification MC 201; container for blasting caps, electric blasting caps and percussion caps.**

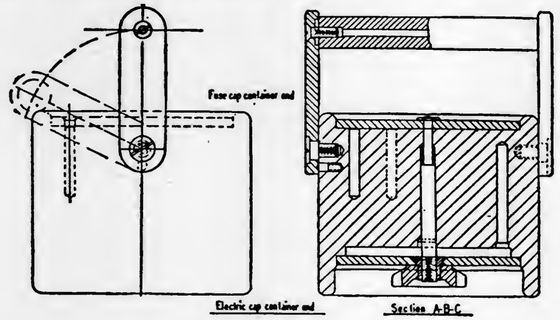
**§ 78.318–1 Scope.**

(a) This specification pertains to a container to be used for the transportation of blasting caps, electric blasting caps, and percussion caps in connection with the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, where any or all of such types of caps may be used for the detonation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate in blasting operations. This specification is not intended to take the place of any shipping or packing requirements of this Commission where the caps in question are themselves articles of commerce.

**§ 78.318–2 Container.**

(a) Every container for blasting caps, electric blasting caps, and percussion caps coming within the scope of this specification shall be constructed entirely of hard rubber, phenolresinous or other resinous material, or other nonmetallic, nonsparking material, except that metal parts may be used in such locations as not in any event to come in contact with any of the caps. Space shall be provided so that each blasting cap of whatever nature may be inserted in an individual cell in the body of the container, into which each such cap shall snugly fit. There shall be provided no more than twenty (20) such cellular spaces. Space may be provided into which a plurality of percussion caps may be carried, provided that such space may be closed with a screw cap, and further provided that each or any such space is entirely separate from any space provided for any blasting cap. Each cellular space into which a blasting cap is to be inserted and carried shall be capable of being covered by a rotary cover so arranged as to expose not more than one cell at any time, and capable of rotation to such a place that all cells will be covered at the same time, at which place means shall be provided to lock the cover in place. Means shall be provided to lock in place the cover for the cells provided for the carrying of electric blasting caps. The requirement that not more than one cell be exposed at one time need not apply in the case of electric blasting caps, although spaces for such caps and blasting caps shall be separate. Sufficient annular space shall be provided inside the cover for such electric blasting caps that, when the cover is closed, there will be sufficient space to accommodate the wires customarily attached to such caps. If the material is of such a nature as to require treatment to prevent the absorption of moisture, such treatment shall be applied as shall be necessary in order to provide against the penetration of water by permeation. A suitable carrying handle shall be provided, except for which handle no part of the container may project beyond the exterior of the body.

(b) Exhibited in plates I and II are line drawings of a container for blasting caps, electric blasting caps, and percussion caps, illustrative of the requirements set forth in § 78.318–2 (a). These plates shall not be construed as a part of this specification.




BLASTING CAP CONTAINER

PLATE I

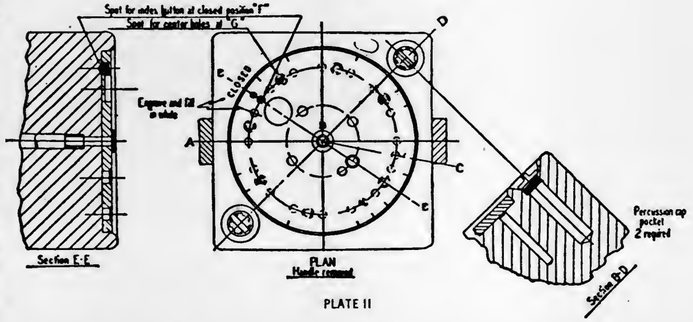



PLATE II

**§ 78.321 Specification MC 300;[1] cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.321–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.321–5(a), 78.321–8, and 78.321–9 through 78.321–12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "NO SPECIFICATION" in place of the specification number shown in the appropriate specification.



**§ 78.321–2 Material.**

(a) *Properties of mild steel sheets.* All mild steel sheets shall be of open hearth steel or blue annealed steel meeting the following minimum requirements:

Yield point, minimum..... 25,000 psi.
Ultimate strength, minimum... 45,000 psi.
Minimum elongation, standard 2-inch sample. 20 percent.

(b) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point, minimum..... 45,000 psi.
Ultimate strength, minimum... 60,000 psi.
Minimum elongation, standard 2-inch sample. 25 percent.

(c) *Properties of stainless steel sheets.* All stainless steel sheets shall meet the following minimum requirements:

Yield point, minimum..... 32,000 psi.
Ultimate strength, minimum... 75,000 psi.
Minimum elongation, standard 2-inch sample. 20 percent.

(d) *Cargo tanks constructed of a combination of mild and high-tensile steels or stainless steel.* Mild steel sheets as specified in § 78.321–3(a) may be used in combination with high-tensile steel sheets or stainless steel sheets as specified in § 78.321–3(b) in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements for the material used in the construction for that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods on condition that the stainless steel electrodes or filler rods used in the welding be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturers of the stainless steel electrodes or filler rods.

**§ 78.321–3 Thickness.**

(a) *Thickness of mild steel sheets.* The minimum thickness of mild steel tank sheets shall be limited by the volume capacity of the tank expresed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table I and Table II:

TABLE I—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED) AND RING STIFFENERS

| Volume capacity of tank in gallons per inch of length | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| United States Standard gauge number | 14 | 13 | 12 | 11 |

[1] Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets in any specific unit.

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS EXPRESSED IN UNITED STATES STANDARD GAUGE

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length: 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| | Maximum shell radius of less than 70 inches [1] | | | |
| 36 inches or less | 14 | 14 | 14 | 13 |
| Over 36 inches to 54 inches | 14 | 14 | 13 | 12 |
| Over 54 inches to 60 inches | 14 | 13 | 12 | 11 |
| | Maximum shell radius of 70 inches or more, but less than 90 inches [1] | | | |
| 36 inches or less | 14 | 14 | 13 | 12 |
| Over 36 inches to 54 inches | 14 | 13 | 12 | 11 |
| Over 54 inches to 60 inches | 13 | 12 | 11 | 10 |
| | Maximum shell radius of 90 inches or more, but less than 125 inches [1] | | | |
| 36 inches or less | 14 | 13 | 12 | 11 |
| Over 36 inches to 54 inches | 13 | 12 | 11 | 10 |
| Over 54 inches to 60 inches | 12 | 11 | 10 | 9 |
| | Shell radius of 125 inches or more [1] | | | |
| 36 inches or less | 13 | 12 | 11 | 10 |
| Over 36 inches to 54 inches | 12 | 11 | 10 | 9 |
| Over 54 inches to 60 inches | 11 | 10 | 9 | 8 |

[1] If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

(b) *Thickness of high-tensile and stainless steel sheets.* The minimum thickness of high-tensile and stainless steel tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table III and Table IV:

TABLE III—MINIMUM THICKNESS OF HEADS,[1] BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED) AND RING STIFFENERS

| Volume capacity of tank in gallons per inch of length | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
|---|---|---|---|---|
| United States Standard gauge number | 15 | 14 | 13 | 12 |

[1] Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets in any specific unit.

TABLE IV—MINIMUM THICKNESS OF SHELL SHEETS EXPRESSED IN UNITED STATES STANDARD GAUGE

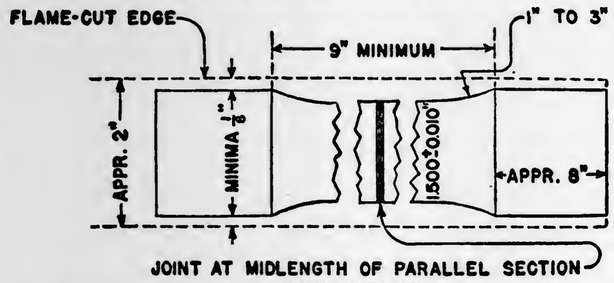
| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Maximum shell radius of less than 70 inches [1] | | | |
| 36 inches or less | 16 | 16 | 15 | 14 |
| Over 36 inches to 54 inches | 16 | 15 | 14 | 13 |
| Over 54 inches to 60 inches | 15 | 14 | 13 | 12 |
| | Maximum shell radius of 70 inches or more, but less than 90 inches [1] | | | |
| 36 inches or less | 16 | 15 | 14 | 13 |
| Over 36 inches to 54 inches | 15 | 14 | 13 | 12 |
| Over 54 inches to 60 inches | 14 | 13 | 12 | 11 |
| | Maximum shell radius of 90 inches or more, but less than 125 inches [1] | | | |
| 36 inches or less | 15 | 14 | 13 | 12 |
| Over 36 inches to 54 inches | 14 | 13 | 12 | 11 |
| Over 54 inches to 60 inches | 13 | 12 | 11 | 10 |
| | Shell radius of 125 inches or more [1] | | | |
| 36 inches or less | 14 | 13 | 12 | 11 |
| Over 36 inches to 54 inches | 13 | 12 | 11 | 10 |
| Over 54 inches to 60 inches | 12 | 11 | 10 | 9 |

[1] If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

**§ 78.321–4 Joints.**

(a) *Method of joining.* Mild steel tank sheets, high-tensile steel tank sheets, or combination thereof and stainless steel tank sheets shall be joined by fusion welding.

(b) *Strength of joints.* The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2




TENSILE SPECIMEN

test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.

**§ 78.321–5 Bulkheads, baffles, and ring stiffeners.**

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0104L |
| Over 42 inches to 60 inches | [1] .0162L |
| Over 60 inches to 96 inches | [1] .0234L |

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.321–3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

**§ 78.321–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.321–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

**§ 78.321–8 Outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.



**§ 78.321–9 Vents, valves and connections.**

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

**§ 78.321–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected, in the event of collision, by steel bumpers or other equally effective devices.

**§ 78.321–11 Emergency discharge control.**

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

**§ 78.321–12 Shear section.**

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

**§ 78.321–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.321–14 Gauging devices.**

(a) No applicable provision.

**§ 78.321–15 Pumps.**

(a) No applicable provision.

**§ 78.321–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.321–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 300 [3]
Nominal Tank Capacity ------ U.S. Gallons

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[3] Cargo tanks manufactured of mild steel shall be marked MC 300MS and cargo tanks manufactured of mild steel in combination with high-tensile steel shall be marked MC 300MSHTS.

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.321–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

**§ 78.323 Specification MC 302; [1] cargo tanks constructed of welded aluminum alloy (ASTM B209–57T), primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.323–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addi-

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.323–5 (a), 78.323–8, and 78.323–9 through 78.323–12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "NO SPECIFICATION" in place of the specification number shown in the appropriate specification.

tion to the other requirements of this specification.

**§ 78.323–2 Material.**

(a) All sheets for such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209–57T (as revised to include 5454), and have the following minimum requirements:

| | |
|---|---|
| Yield strength | 26,000 psi. |
| Ultimate strength | 34,000 psi. |
| Elongation, 2-inch sample | 12 percent |

NOTE 1: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASTM E8–36).

**§ 78.323–3 Thickness of metal.**

(a) The minimum thickness of tank sheets and ring stiffeners shall be as follows:

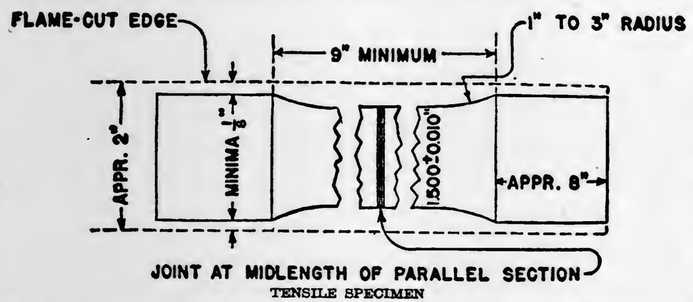
| Aggregate capacity, United States gallons | Shell | | Head, dished, corrugated or reinforced, and ring stiffener | |
|---|---|---|---|---|
| | United States gauge No. | Inch [1] | United States gauge No. | Inch [1] |
| 600 or less | 14 | 0.078 | 14 | 0.078 |
| Over 600 to 1,200 | 12 | .109 | 12 | .109 |
| Over 1,200: | | | | |
| (a) Divided into compartments of 600 gallons or less | 12 | .109 | 10 | .141 |
| (b) If not divided into compartments or if divided into compartments of 1,200 or more | 10 | .141 | 8 | .172 |

[1] Approximate.

NOTE 1: Flat heads without reinforcement no longer permitted.

**§ 78.323–4 Joints.**

(a) Sheets shall be joined by fusion welding. The tensile strength of each joint in a tank shall be not less than 15,000 psi. Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop within 6 months after the tests on such samples have been completed.




TENSILE SPECIMEN

**§ 78.323–5 Bulkheads, baffles, and ring stiffeners.**

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR ALUMINUM RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.018$L$ |
| Over 42 inches to 60 inches | [1] .025$L$ |
| Over 60 inches to 90 inches | [1] .040$L$ |

[1] $L$ is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.323–3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

**§ 78.323–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.323–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

**§ 78.323–8 Tank outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.323–9 Vents, valves and connections.**

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends



threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

**§ 78.323–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.323–11 Emergency discharge control.**

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

**§ 78.323–12 Shear section.**

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

**§ 78.323–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.323–14 Gauging devices.**

(a) No applicable provision.

**§ 78.323–15 Pumps.**

(a) No applicable provision.

**§ 78.323–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.323–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 302
Nominal Tank Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.323–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

**§ 78.324 Specification MC 303; [1] cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.324–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

**§ 78.324–2 Material.**

(a) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall be of ferrous alloy; commonly known as high-tensile steel, meeting the following minimum requirements:

| | |
|---|---|
| Yield point | 45,000 psi. |
| Ultimate strength | 60,000 psi. |
| Elongation, 2-inch sample | 25 percent. |

(b) *Properties of stainless steel sheets.* All stainless steel sheets for such cargo tanks shall meet the following minimum requirements:

| | |
|---|---|
| Yield point | 32,000 psi. |
| Ultimate strength | 75,000 psi. |
| Elongation, 2-inch sample | 20 percent. |

**§ 78.324–3 Thickness of metal.**

(a) The minimum thicknesses of tank sheets and ring stiffeners shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets as follows:

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecificaton cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.324–5, 78.324–8(a) and 78.324–9 through 78.324–12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "NO SPECIFICATION" in place of the specification number shown in the appropriate specification.

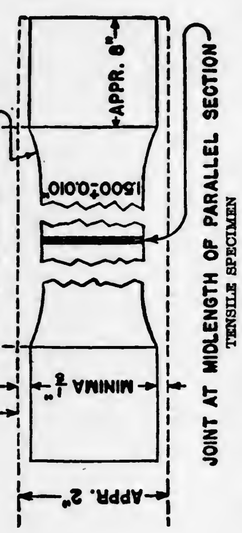
§ 78.324–4 Joints.

(a) *Method of joining.* Sheets shall be joined by fusion welding.

(b) *Strength of joints.* The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.

§ 78.324–5 Bulkheads, baffles, and ring stiffeners.

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.




JOINT AT MIDLENGTH OF PARALLEL SECTION
TENSILE SPECIMEN

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set, a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

TABLE I—MINIMUM THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS

| Distance between bulkhead attachments to shell in inches | Volume capacity of tank in gallons per inch of length | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 6 or less | | Over 6 to 10 | | Over 10 to 14 | | Over 14 to 18 | | Over 18 | |
| | Bulkhead and baffle (dished, corrugated, or reinforced) sheet and ring stiffener thicknesses in United States gauge numbers and inches depending upon distance between attachments thereof to shell | | | | | | | | | |
| | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. |
| 30 inches or less | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 | 13 | 0.094 |
| Over 30 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |

NOTE 1: Flat heads without reinforcement no longer permitted.

TABLE II—THICKNESS OF SHELL SHEETS

| Distance between bulkheads, baffles, or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 6 or less | | Over 6 to 10 | | Over 10 to 14 | | Over 14 to 18 | | Over 18 | |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners | | | | | | | | | |
| | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. | Gauge No. | Inch appr. |
| 20 inches or less | 19 | 0.044 | 18 | 0.050 | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 |
| Over 20 inches to 36 inches | 18 | .050 | 17 | .056 | 16 | .062 | 15 | .070 | 14 | .078 |
| Over 36 inches to 56 inches | 17 | .056 | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 |
| Over 56 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 70 inches or more but less than 90 inches, depending on spacing of shell stiffeners | | | | | | | | | |
| 20 inches or less | 18 | 0.050 | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 |
| Over 20 inches to 36 inches | 17 | .056 | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 |
| Over 36 inches to 56 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |
| Over 56 inches | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 90 inches or more but less than 126 inches, depending on spacing of shell stiffeners | | | | | | | | | |
| 20 inches or less | 17 | 0.056 | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 | 13 | 0.094 |
| Over 20 inches to 36 inches | 16 | .062 | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 |
| Over 36 inches to 56 inches | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 |
| Over 56 inches | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 | 10 | .141 |
| | Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 126 inches or more depending upon spacing of shell stiffeners | | | | | | | | | |
| 20 inches or less | 16 | 0.062 | 15 | 0.070 | 14 | 0.078 | 13 | 0.094 | 12 | 0.109 |
| Over 20 inches to 36 inches | 15 | .070 | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 |
| Over 36 inches to 56 inches | 14 | .078 | 13 | .094 | 12 | .109 | 11 | .125 | 10 | .141 |
| Over 56 inches | 13 | .094 | 12 | .109 | 11 | .125 | 10 | .141 | 9 | .156 |



(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0104L |
| Over 42 inches to 60 inches | [1] .0162L |
| Over 60 inches to 96 inches | [1] .0234L |

[1] L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.324–3 for minimum thickness of ring stiffeners

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

(c) *Tank supports.* The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener, shall not exceed 40 times the thickness of the tank shell at the point of support.

§ 78.324–6 Closures for manholes.

(a) No applicable provision.

§ 78.324–7 Overturn protection.

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

§ 78.324–8 Outlets.

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.324–9 Vents, valves and connections.

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

78.324–10 Protection of fittings.

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

§ 78.324–11 Emergency discharge control.

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire, or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

§ 78.324–12 Shear section.

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

§ 78.324–13 Anchoring of tank.

(a) No applicable provision.

§ 78.324–14 Gauging devices.

(a) No applicable provision.

§ 78.324–15 Pumps.

(a) No applicable provision.

§ 78.324–16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. This suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

§ 78.324–17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 303
Nominal Tank Capacity ------- U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.324–18 Certification.

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the space indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

**§ 78.325 Specification MC 304;[1] cargo tanks constructed of mild (open hearth or blue annealed) steel, welded ferrous alloy (high-tensile steel) or aluminum, primarily for the transportation of flammable liquids, or poisonous liquids, class B, having Reid (ASTM D–323) vapor pressures of 18 psia. or more at 100° F., but less than those stated in § 73.300 of this chapter, in defining compressed gases.**

**§ 78.325–1 General requirements.**

(a) *Design pressure.* The design pressure of each cargo tank shall be not less than 25 psig.

| | Mild steel | Aluminum | |
|---|---|---|---|
| | All vessel parts | Heads, bulkheads, baffles and other shell stiffeners | Shell |
| Yield point | 25,000 psi. | 9,500 psi. | 23,000 psi. |
| Ultimate strength | 45,000 psi. | 25,000 psi. | 31,000 psi. |
| Elongation, 2-inch sample | 20 percent. | 18 percent. | 7 percent. |

(b) *High-tensile and stainless steel.* All high-tensile and stainless steel shall meet the following minimum requirements:

| | Steel other than stainless | Stainless steel |
|---|---|---|
| Yield point | 45,000 psi. | 32,000 psi. |
| Ultimate strength | 60,000 psi. | 75,000 psi. |
| Elongation, 2-inch sample | 25 percent. | 20 percent. |

(c) *Other material requirements.* Cargo tanks shall be of all-steel or aluminum construction, except that gaskets need not be metallic and except that piping and valves need not be ferrous metal or aluminum. Nonmalleable materials shall not be used in the construction of the tank, its mountings and protective devices, or any valves, piping, or fittings. The metal and gaskets shall be substantially immune to chemical attack by the materials to be transported therein, or shall be suitably lined to prevent corrosive attack, or shall have the thickness of the material suitably increased over that required elsewhere in this specification by an amount sufficient to provide for such corrosion during the estimated useful life of the tank. All aluminum cargo tanks and appurtenances built to this specification shall be fabricated of alloys authorized for welded construction by (1) the 1952 edition, or (2) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions. A certification from the material supplier will suffice as evidence of compliance with this requirement.

[1] Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to December 31, 1955, may be continued in service, provided that they have been designed and constructed in accordance with specifications MC 300, MC 301 MC 302, or MC 303, and provided further that such tanks have, within six months of December 31, 1955, successfully passed the tests prescribed in § 78.325–16.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Existing cargo tanks not meeting all requirements of this specification and continuing in service in accordance with paragraph (a) of this footnote, shall be marked by the number "304" applied adjacent to the existing specification number, which number and other data on the original metal identification plate shall remain legible.

(b) *Cross-sectional design.* Tanks shall be of circular cross section.

(c) *Workmanship.* Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

**§ 78.325–2 Material.**

(a) *Mild steel and aluminum.* All mild steel and aluminum used in the shell, heads and bulkheads of the cargo tank, shall meet or exceed the following minimum requirements:

**§ 78.325–3 Thickness of metal.**

(a) *Formulas.* Tanks for this service may be constructed of mild steel, high-tensile steel, stainless steel, or aluminum. The material thicknesses shall not be less than those obtained by applying the following formulas nor less than those specified in paragraph (d) of this section:

$$\text{Thickness of shell} = Ts = \frac{PD}{2S\,Es}$$

$$\text{Thickness of heads} = Th = \frac{0.85PL \text{ (for pressure on concave side only)}}{S\,Eh}$$

$Ts$ = Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.

$Th$ = Minimum thickness of head material, after forming, exclusive of allowance for corrosion and other loadings.

$P$ = Design pressure or maximum allowable working pressure, psi. The maximum allowable working pressure for aluminum shells shall be specified on the basis of the minimum tensile strength of the head material for the alloy used.

$D$ = Inside diameter of shell, inches.

$L$ = Inside crown radius of head, inches.

$S$ = Maximum allowable stress value, psi.—Equals one-fourth of specified minimum ultimate tensile strength.

$Es$ = Lowest efficiency of any longitudinal joint in shell.

$Eh$ = Lowest efficiency of any joint in head.

(1) The knuckle radius of the head shall not be less than three times the material thickness and the straight flange shall be not less than one inch.

(2) For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be increased by 67 percent, unless such heads are adequately braced to prevent excessive distortion.

(b) *Corrosion allowance.* Vessels or part of vessels subject to thinning by corrosion, erosion or mechanical abrasion, shall have provision made for the desired life of the vessel by a suitable increase in the thickness of the material over that determined by the design formulas, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

(c) *Other loadings.* In addition to the material requirements as specified in paragraphs (a) and (b) of this section, vessels shall be provided with stiffeners or other additional means of support if necessary, to present overstress or large distortions due to the following other loadings:

(1) Impact loads.

(2) Weight of vessel and contents but not less than the water weight of tank and contents. For determining the weight of the water contents of the tank, a gallon of water (231 cubic inches) shall be considered to weigh 8.32828 pounds.

(3) Superimposed loads such as operating equipment, insulation and piping.

(4) Reactions of supporting lugs or saddles.

(5) Effect of temperature gradients.

(d) *Thickness of mild steel.* Minimum thicknesses of mild steel tank sheets in U.S. standard gauges, subject to the foregoing requirements in this section. (These thicknesses are to be multiplied by 1.44 for aluminum.):

| | Gallons per inch of tank length | | | | | | |
|---|---|---|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 to 22 | Over 22 to 26 | Over 26 to 30 | Over 30 |
| Heads, bulkheads, baffles, and ring stiffeners | 14 | 13 | 12 | 11 | 10 | 9 | 8 |
| SHELL | | | | | | | |
| Distance between attachments of bulkheads, baffles or other shell stiffeners: | | | | | | | |
| 36 inches or less | 14 | 14 | 14 | 13 | 12 | 11 | 10 |
| Over 36 inches to 54 inches | 14 | 14 | 13 | 12 | 11 | 10 | 9 |
| Over 54 inches to 60 inches | 14 | 13 | 12 | 11 | 10 | 9 | 8 |



(e) *Thickness of high-tensile and stainless steel.* Minimum thicknesses of high-tensile and stainless steel tank sheets, in U.S. standard gauges, subject to the foregoing requirements in this section:

| | Gallons per inch of tank length | | | | | | |
|---|---|---|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 to 22 | Over 22 to 26 | Over 26 to 30 | Over 30 |
| Heads, bulkheads, baffles, and ring stiffeners | 15 | 14 | 13 | 12 | 11 | 10 | 9 |
| SHELL | | | | | | | |
| Distance between attachments of bulkheads, baffles or other shell stiffeners | | | | | | | |
| 36 inches or less | 16 | 16 | 15 | 14 | 13 | 12 | 11 |
| Over 36 inches to 54 inches | 16 | 15 | 14 | 13 | 12 | 11 | 10 |
| Over 54 inches to 60 inches | 15 | 14 | 13 | 12 | 11 | 10 | 9 |

**§ 78.325–4 Joints.**

(a) *Method of joining.* Joints in the tank structure shall be made by welding, and may be reinforced where desired. Care should be taken to avoid damage by galvanic action due to the presence of dissimilar metals at joints.

(b) *Pipe joints.* Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type or of an equally strong metal union type. The melting point of brazing material must not be less than 1000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

**§ 78.325–5 Bulkheads, baffles, and ring stiffeners.**

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank regardless of capacity which is used in service in which there is never less than 80% of the capacity volume of the tank while in transportation over the highway and which in service has its entire contents discharged at one unloading point, provided that this requirement shall not apply to tanks operating in or through any jurisdiction where State or local regulations require seasonal reduction of vehicle weight limitations during the time such reductions are in force.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,500 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B, and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* Every cargo tank or compartment of a cargo tank over 90 inches in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener and the nearest tank head or bulkhead shall not exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

| Width of tank | Section modulus | |
|---|---|---|
| | Steel | Aluminum |
| 42 inches or less | [1] 0.0104L | [1] 0.0180L |
| Over 42 inches to 60 inches | [1] .0162L | [1] .0280L |
| Over 60 inches to 96 inches | [1] .0234L | [1] .0400L |

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See § 78.325–3 for minimum thickness of ring stiffeners.

(1) If a ring stiffener is welded to the shell, a portion of the shell may, for the purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

**§ 78.325–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.325–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage at or near the front of the tank.

**§ 78.325–8 Tank outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.325–9 Safety relief devices, valves and connections.**

(a) *Safety relief devices required.* Each cargo tank and each compartment of a tank shall be provided with one or more safety relief valves of the spring-loaded type, provided that emergency pressure relief devices may be used for part of the required capacity thereof. All such valves and devices shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank. The emergency pressure relief devices shall be either springloaded type, frangible type or fusible type.

(b) *Safety relief device capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 psig. and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 40 psig. they shall have a discharge capacity not less than that of an unobstructed opening of one square inch for each 35 square feet of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required; alternatively, such valve or valves may at a pressure of 30 psig. have a total discharge capacity not less than that of an unobstructed opening of one square inch for each 350 square feet of exterior area of the tank or compartment to which they are connected, if in addition thereto, each such tank or compartment be provided with one or more frangible-type or fusible-type safety devices having a total discharge capacity not less than that of an unobstructed opening of 9 square inches for each 350 square feet of exterior area. The bursting pressure of the frangible-type devices shall be not less than 30 psig. nor more than 40 psig. Fusible elements, if used, shall have a fusing temperature no higher than 200° F. They shall not be exposed to contact with the tank lading or be in contact with any part of the tank or its acessories so exposed.

(c) *Marking inlets and outlets.* All tank inlets and outlets, except safety relief valves, shall be marked to indicate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling level.

(d) *Markings on relief valves.* Each safety relief valve shall be plainly and permanently marked (1) with the pressure in psig. at which it is set to start to discharge, (2) with the actual rate of discharge of the device in cubic feet per minute of air at 60° F. and atmospheric pressure and (3) with the manufacturer's name and catalogue number. The rated discharge capacity of the device shall be determined at a pressure of 30 psig.

(e) *Connections to relief valves.* Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.

(f) *Protection of relief valves.* Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If the pressure setting or adjustment is external, the safety relief valves shall be provided with suitable means for sealing the adjustment.

(g) *Shut-off valves.* No shut-off valves shall be installed between the safety relief valves and the tank except in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.

(h) *Connection of safety relief valve to vapor space.* Safety relief valves shall have direct communication with the vapor space of the tank.

(i) *Prevention of excessive hydrostatic pressure.* Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve installed.

(j) *Strength of piping, fittings, hose and hose couplings.* Hose, piping and fittings shall be designed for a bursting pressure at least 100 psig. and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.

(k) *Provision for expansion and vibration.* Suitable provision shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring and vibration of all pipe. Slip joints shall not be used for this purpose.

**§ 78.325–10 Protection of fittings.**

(a) Piping, fittings and valves projecting beyond the frame, or if the vehicle be frameless beyond the shell, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices. Any other part of any cargo tank connected with its cargo space and similarly protruding shall be similarly protected.

**§ 78.325–11 Emergency discharge control.**

(a) *Automatic excess-flow valves.* Each cargo tank outlet shall be provided with a suitable automatic excess-flow valve or, in lieu thereof, may be fitted with a quick-closing internal valve designed, installed and operated so as to assure against escape of the contents in event of failure of the outlet. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve, except that safety device connections and liquid level gauging devices, which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, are not required to be equipped with excess-flow valves.

(b) *Excess-flow valve settings.* Excess-flow valves shall be so installed and adjusted that they close automatically at the rated flows of gas or liquid as specified by the valve manufacturer.

(c) *Capacity of connections to valves.* The connections or lines on each side of an excess-flow valve, including valve fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(d) *By-pass of valve.* Excess-flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(e) *Utilization of stop-check valves forbidden.* The use of combination stop-check valves to satisfy with one valve the requirements of paragraphs (b), (c) and (f) of this section is forbidden.

(f) *Filling and discharge shut-off valves.* Filling and discharge lines shall be provided with shut-off valves located as close to the tank outlet as is possible. If such valves are not manually operated they shall be of an automatic quick-closing internal valve type or an automatic shut-off type provided that if such valves are used, the lines must have manually-operated shut-off valve located in the line ahead of the hose connection. Stop-check or excess-flow valves shall not be used to satisfy the requirements of this section.

**§ 78.325–12 Shear section.**

(a) There shall be provided between each excess-flow valve seat or internal valve seat, and draw-off valves, a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the excess-flow valve seat or the internal valve seat intact in case of accident to the draw-off valve or piping.

**§ 78.325–13 Anchoring of cargo tank.**

(a) *Hold-down devices.* Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation on lagged tanks is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

**§ 78.325–14 Gauging devices.**

(a) *Gauge device design.* Every cargo tank except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) *Fixed level indicators.* All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F. to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) *Dip tubes.* A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by these regulations. On spherical tanks and on vertically-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by these regulations.

**§ 78.325–15 Pumps.**

(a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.



**§ 78.325–16 Method of test.**

(a) *Test pressure.* For each existing specification MC 300, MC 301, MC 302, and MC 303 tank not complying with all requirements of this specification and continuing in service in accordance with the provisions of § 78.325 footnote 1(a) (see § 78.325–17 regarding marking of such tanks), the standard test pressure for each required test shall be 50 psig. For each tank complying with all requirements of this specification, whether new or existing, the standard test pressure for each required test shall be 40 psig.

(b) *Method of test.* Every cargo tank, and all piping, valves, and other accessories thereof which are subject to the pressure of the tank contents, except safety valves, shall be tested by complete filling (including domes, if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure above specified. The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes. While under pressure, the tank shall be inspected for leakage, corroded areas, bad dents, or other conditions which indicate weakness that might render the tank unsafe for transportation service, and it shall not be placed in or returned to service if any evidence of such unsafe condition is discovered, until the deficiencies have been corrected and the tests repeated and passed successfully. Tank insulation and jacket need not be removed unless it is found to be impossible to reach the test pressure and to maintain a condition of pressure equilibrium after the test pressure is reached. All tank accessories shall be leakage tested after installation and proved tight at not less than the design pressure of the tank, except that hose used on such tanks may be tested either before or after installation.

(c) *Retest requirements.* See § 77.824 (b) of this chapter.

**§ 78.325–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding or other equally suitable means; and upon it shall be marked by stamping, embossing or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]

ICC MC 304
Design Pressure ---------- psig.
Test Pressure ---------- psig.
Nominal Tank Capacity ------- U.S. Gallons.
In compartments of ----, ----, ---- and ---- U.S. Gallons.

(b) *Test date and pressure markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section. The test pressure shall be similarly indicated by painting on tanks requiring the test pressure of 50 psig. in accordance with § 78.325–16(a).

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.325–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test and examination, he shall similarly retain the test data and examination data.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."



**§ 78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction, primarily for the transportation of flammable liquids, or poisonous liquids, class B.**

**§ 78.326–1 General requirements.**

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

**§ 78.326–2 Material.**

(a) All sheets for shell, heads, bulkheads, and baffles of such cargo tanks shall be of aluminum alloys GR20A (5053 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209–57T (as revised to include 5454).

**§ 78.326–3 Thickness of sheets.**

(a) The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets, as follows:

TABLE I—THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS [1]

| | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Heads or bulkheads—dished, corrugated or reinforced | | | |
| Thickness in decimal of inches | 0.096 | 0.109 | 0.130 | 0.151 |

[1] Thickness of exterior head sheets shall never be less than the maximum requirements for shell sheets.

TABLE II—THICKNESS OF SHELL SHEETS

| | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| Distance between bulkheads, baffles or other shell stiffeners | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.087 | 0.087 | 0.096 | 0.109 |
| Over 36 inches to 54 inches | .087 | .097 | .109 | .130 |
| Over 54 inches | .096 | .109 | .130 | .151 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 70 inches or more, but less than 90 inches, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.087 | 0.096 | 0.109 | 0.130 |
| Over 36 inches to 54 inches | .096 | .109 | .130 | .151 |
| Over 54 inches | .109 | .130 | .151 | .173 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 90 inches or more, but less than 125 inches, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.096 | 0.109 | 0.130 | 0.151 |
| Over 36 inches to 54 inches | .109 | .130 | .151 | .173 |
| Over 54 inches | .130 | .151 | .173 | .194 |

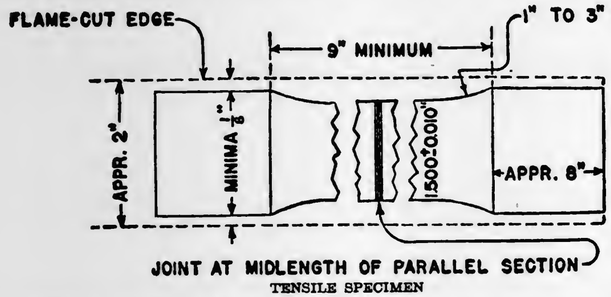
TABLE II—THICKNESS OF SHELL SHEETS

| Distance between bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 125 inches or more, depending on spacing of shell stiffeners | | | |
| 36 inches or less | 0.109 | 0.130 | 0.151 | 0.173 |
| Over 36 inches to 54 inches | .130 | .151 | .173 | .194 |
| Over 54 inches | .151 | .173 | .194 | .216 |

**§ 78.326–4 Joints.**

(a) *Method of joining.* All joints in and to tank shells, head and bulkheads shall be welded.

(b) *Strength of joints.* All welded aluminum joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall not be less than 85 percent of the annealed properties of the adjacent material. Aluminum alloys for high-strength welded construction shall be joined by an inert gas arc welding process using filler metals R–GR40A, E–GR40A (5154 alloy) or R–GM50A, E–GM50A (5356 alloy) conforming to American Society of Testing Materials Specification No. B285–54T (American Welding Society Specification No. A5, 10–54T). Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.




JOINT AT MIDLENGTH OF PARALLEL SECTION
TENSILE SPECIMEN

**§ 78.326–5 Bulkheads, baffles and ring stiffeners.**

(a) *When bulkheads not required.* The bulkhead requirements in paragraph (b) of this section do not apply to any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80% full or in which no compartment of the tank is ever loaded less than 80% full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point. Flat bulkheads and baffles without reinforcement are not permitted.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be arranged for venting and be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

| Width of tank | Section modulus |
|---|---|
| 42 inches or less | [1] 0.0180L |
| Over 42 inches to 60 inches | [1] .0280L |
| Over 60 inches to 96 inches | [1] .0400L |

[1] L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See § 78.326–3 for minimum thickness of ring stiffeners.

(1) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

(e) *Tank supports.* The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener shall not exceed 40 times the thickness of the tank shell at the point of support.

**§ 78.326–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.326–7 Overturn protection.**

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

**§ 78.326–8 Tank outlets.**

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

**§ 78.326–9 Vents, valves and connections.**

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates



in response to elevated temperatures, the critical temperature for such operation shall not exceed 200°F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

**§ 78.326–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.326–11 Emergency discharge control.**

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

**§ 78.326–12 Shear section.**

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

**§ 78.326–13 Anchoring of cargo tank.**

(a) *Hold-down devices.* Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

**§ 78.326–14 Gauging devices.**

(a) No applicable provision.

**§ 78.326–15 Pumps.**

(a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

**§ 78.326–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

**§ 78.326–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [2]
Manufacturer's Name [3]
Date of Manufacture [3]
ICC MC 305
Nominal Tank Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.326–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

**§ 78.330 Specification MC 310; [4] cargo tanks constructed of ferrous materials, primarily for the transportation of corrosive liquids.**

**§ 78.330–1 General requirements.**

(a) *Must comply with A.S.M.E. Code.* Tanks built under this specification shall

[2] Carriers are not required to number their cargo tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[3] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[4] Existing tank motor vehicles continuing in service.

(a) *Specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T–117(a), T–118 (a) and (b), T–120, T–121, T–122, T–123, and T–124 of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle, prescribed by order of the Commission dated November 6, 1934, and vacated on June 15, 1940.

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph

be designed and constructed in accordance with and fulfill all requirements of (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, (4) 1956 edition, or (5) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, which are hereafter referred to as "the Code."

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, and tested as a separate tank.

**§ 78.330–2 Material.**

(a) As specified in paragraphs U–12, U–13, and U–20 of the Code, 1949 edition, no revisions. Tanks may be constructed of ferrous materials listed in Table U–2 including the stainless steels or of nickel or nickel alloys as listed in Table U–3 of the Code. Use of other materials listed in Table U–3 may be authorized by the Commission upon submission of satisfactory supporting data. Materials for tanks transporting hydrogen peroxide over 52 percent by weight, must comply with the 1956 edition of the Code, but shall be limited to Aluminum Association Nos. 1060, 1260, 5254, and 5652. Other aluminum alloys may be authorized by the Commission upon submission of satisfactory supporting data.

(b) *Lining.* Except as provided in paragraph (c) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities transported therein. It shall be of substantially uniform thickness and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(c) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (b) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in § 78.330–3 corresponding to its capacity, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized as set forth elsewhere in this appendix, or

(4) for the transportation of hydrofluoric acid of 60 percent or higher concentration, they be passivated in the following or an equally effective method: By filling the tank to not less than 90 percent of its capacity with hydrofluoric acid of 58 percent strength and allowing it to stand at least 48 hours at a temperature of 80° F., then 7 hours at 140° F., the internal pressure being maintained at atmospheric pressure the meanwhile.

**§ 78.330–3 Thickness of metal.**

(a) The minimum thickness of metal for cargo tanks shall be as follows:

| Tank capacity | Minimum thickness (inches) |
|---|---|
| Not more than 1,200 gallons | ¼ |
| Over 1,200 to 1,800 gallons | 5/16 |
| Over 1,800 gallons | ⅜ |

**§ 78.330–4 Joints.**

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank provided that joints in tanks for hydrogen peroxide of concentration exceeding 52 percent shall be made by welding only.

**§ 78.330–5 Bulkheads, baffles, ring stiffeners, tank supports and compartmentation.**

(a) No applicable provision.

**§ 78.330–6 Closures for manholes.**

(a) The manhole cover shall be designed to provide a secure closure of the manhole. All covers, not hinged to the tanks, shall be attached to the outside of the dome by at least ⅛-inch chain or its equivalent. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

**§ 78.330–7 Overturn protection.**

(a) No applicable provision.

**§ 78.330–8 Outlets.**

(a) *Outlet construction.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, and no tanks for the transportation of hydrogen peroxide in concentrations exceeding 52 percent by weight, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlets.* Bottom outlets, when permitted in accordance with paragraph (a) of this section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet or sump if the sump is integral with the tank.

(c) *Bottom washout chambers.* Except as specified in subparagraph (1) of this paragraph, tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

(1) Bottom washout chambers are not permitted on tanks used for the transportation of hydrogen peroxide of concentration exceeding 52 percent by weight.

**§ 78.330–9 Vents, valves and connections.**

(a) When installed, venting, gauging, loading, and air inlet devices, including their valves, shall be provided with adequate means for their secure closure and means shall also be provided for the closing of pipe connections of valves.

**§ 78.330–10 Protection of fittings.**

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

**§ 78.330–11 Emergency discharge control.**

(a) See § 78.330–8(b).

**§ 78.330–12 Shear section.**

(a) *Discharge connections.* There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

(a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 77.824(c) of this chapter and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories specified in § 78.330–6, –9, –10, and –12.

(c) On the required metal identification plate substitute "ICC Spec T–118," or "ICC 7.5–S–1" or "NO SPECIFICATION" as appropriate.



**§ 78.330–13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.330–14 Gauging devices.**

(a) No applicable provision.

**§ 78.330–15 Pumps and compressors.**

(a) No applicable provision.

**§ 78.330–16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1½ times the design pressure but not less than 10 psig. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures shall be in place while test is made, and the pressure shall be gauged at the top of the tank.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824(c) of this chapter.

**§ 78.330–17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC 310 [4]
Nominal Capacity ------ U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[3] Substitute "ICC Spec–T–118," or "ICC 7.5–S–1," or "ICC MC 310–$H_2O_2$," or "NO SPECIFICATION," as appropriate.

**§ 78.330–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of the specification, shall be procured and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data. Where such tanks are used for hydrogen peroxide in concentrations exceeding 52 percent by weight, such certificate or test data shall indicate that the tank complies with special provisions of this specification for that lading.

**§ 78.331 Specification MC 311; [4] cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.**

**§ 78.331–1 General requirements.**

(a) *Tank design.* (1) *Ferrous materials.* Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, or (4) the 1959 edition of Section VIII of the Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, except that for sheet thicknesses of less than 5/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply. Such tanks shall not have head, bulkhead, baffle or shell thicknesses less than that specified in § 78.331–3 (a) and (b), nor shall the spacing of bulkheads, baffles or shell stiffeners exceed that specified in those paragraphs.

(2) *Nonferrous materials.* Methods of design, fabrication, and construction for nonferrous materials shall be such as to result in a cargo tank having properties at least equal to those of a ferrous cargo tank.

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed and tested as a separate tank.

**§ 78.331–2 Material.**

(a) *A.S.M.E. Code materials.* Cargo tanks required to comply with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code must be manufactured of materials authorized by the Code except that for sheet thicknesses of less than 5/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.

(b) *Ferrous metal properties.* Materials used in cargo tanks built to conform with the tables in § 78.331–3 must have the following minimum physical properties:

| | | |
|---|---|---|
| Yield point | | 25,000 psi. |
| Ultimate strength | | 45,000 psi. |
| Minimum elongation, | 2-inch sample. | 20 percent. |

(c) *Aluminum properties.* Aluminum materials must have the following minimum physical properties:

| | | |
|---|---|---|
| Yield point | | 12,000 psi. |
| Ultimate strength | | 17,000 psi. |
| Minimum elongation, | 2-inch sample. | 6 percent. |

(d) *Lining.* Except as provided in paragrah (e) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be of substantially uniform thickness, and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

[4] Existing tank motor vehicles continuing in service.

(a) *Specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T–117(a), T–118 (a) and (b), T–120, T–121, T–122, T–123 and T–124 of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle prescribed by order of the Commission dated November 6, 1934, and vacated on June 15, 1940.

(1) Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, may be continued in service provided they have been designed and constructed in accordance with the requirements of specification MC 310 (§ 78.330 of this chapter).

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 78.331–16 and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories specified in §§ 78.330–6, –9, –10 and –12 of specification MC 310 or §§ 78.331–6, –10 and –12 of specification MC 311.

(c) *Qualification of existing tank motor vehicles which conform to specification MC 311.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, and which meet all of the construction requirements of this specification may be continued in service provided such cargo tanks are marked ICC MC 311X on the plate required by § 78.331–17.

(d) On the required metal identification plate substitute "ICC Spec T–118," or "ICC 7.5–S–1," or "MC 311X," or "NO SPECIFICATION" as appropriate.

TABLE III—FOR LIQUIDS OVER 10 TO 13 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | |
|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Maximum shell radius of less than 70 inches | | | |
| 36 inches or less | 10 gauge | 10 gauge | 10 gauge | 8 gauge. |
| Over 36 inches to 54 inches | 10 gauge | 10 gauge | 8 gauge | 3/16 inch. |
| Over 54 inches to 60 inches | 8 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| | Maximum shell radius 70 inches or more but less than 90 inches | | | |
| 36 inches or less | 10 gauge | 10 gauge | 8 gauge | 3/16 inch. |
| Over 36 inches to 54 inches | 8 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 3/16 inch | 3/16 inch | 1/4 inch | 1/4 inch. |
| | Maximum shell radius 90 inches or more but less than 125 inches | | | |
| 36 inches or less | 10 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 3/16 inch | 1/4 inch | 1/4 inch | 1/4 inch. |
| | Maximum shell radius 125 inches or more | | | |
| 36 inches or less | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 3/16 inch | 1/4 inch | 1/4 inch | 5/16 inch. |
| Over 54 inches to 60 inches | 1/4 inch | 1/4 inch | 5/16 inch | 5/16 inch. |

TABLE IV—FOR LIQUIDS OVER 13 TO 16 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | |
|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Maximum shell radius of less than 70 inches | | | |
| 36 inches or less | 8 gauge | 8 gauge | 8 gauge | 3/16 inch. |
| Over 36 inches to 54 inches | 8 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| | Maximum shell radius 70 inches or more but less than 90 inches | | | |
| 36 inches or less | 8 gauge | 8 gauge | 3/16 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 54 inches to 60 inches | 3/16 inch | 1/4 inch | 1/4 inch | 5/16 inch. |
| | Maximum shell radius 90 inches or more but less than 125 inches | | | |
| 36 inches or less | 8 gauge | 3/16 inch | 1/4 inch | 1/4 inch. |
| Over 36 inches to 54 inches | 3/16 inch | 1/4 inch | 1/4 inch | 5/16 inch. |
| Over 54 inches to 60 inches | 1/4 inch | 1/4 inch | 5/16 inch | 5/16 inch. |
| | Maximum shell radius 125 inches or more | | | |
| 36 inches or less | 1/4 inch | 1/4 inch | 1/4 inch | 5/16 inch. |
| Over 36 inches to 54 inches | 1/4 inch | 1/4 inch | 5/16 inch | 5/16 inch. |
| Over 54 inches to 60 inches | 1/4 inch | 5/16 inch | 5/16 inch | 5/16 inch. |

(e) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (d) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in § 78.331-3 corresponding to its type, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized.

**§ 78.331-3 Thickness of metal.**

(a) *Head, bulkhead and baffle thicknesses.* Tanks built under this specification that are not constructed in accordance with § 78.331-2(a) shall have head thicknesses conforming with those in the following tables:

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED)—FOR MILD, HIGH-TENSILE AND STAINLESS STEELS

| Weight of product at 60° F. in pounds per gallon | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| Less than 10 | 12 gauge [1] | 10 gauge | 9 gauge | 8 gauge. |
| 10 to 13 | 10 gauge | 9 gauge | 8 gauge | 7/16 inch. |
| Over 13 to 16 | 9 gauge | 7/16 inch | 1/4 inch | 1/4 inch. |

[1] Wherever gauges are specified, the references shall be to U.S. Standard gauge.

(b) *Shell thickness.* Tanks built under this specification that are not constructed in accordance with § 78.331-2(a), shall have shell thicknesses conforming with those in the following tables:

TABLE II—FOR LIQUIDS LESS THAN 10 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

| Distance between attachments of bulkheads, baffles or other shell stiffeners | Volume capacity of tank in gallons per inch of length | | | |
|---|---|---|---|---|
| | 10 or less | Over 10 to 14 | Over 14 to 18 | Over 18 |
| | Maximum shell radius of less than 70 inches | | | |
| 36 inches or less | 12 gauge | 12 gauge | 12 gauge | 10 gauge. |
| Over 36 inches to 54 inches | 12 gauge | 12 gauge | 10 gauge | 9 gauge. |
| Over 54 inches to 60 inches | 12 gauge | 10 gauge | 9 gauge | 8 gauge. |
| | Maximum shell radius 70 inches or more but less than 90 inches | | | |
| 6 inches or less | 12 gauge | 12 gauge | 10 gauge | 9 gauge. |
| Over 36 inches to 54 inches | 12 gauge | 10 gauge | 9 gauge | 8 gauge. |
| Over 54 inches to 60 inches | 10 gauge | 9 gauge | 8 gauge | 7/16 inch. |
| | Maximum shell radius 90 inches or more but less than 125 inches | | | |
| 36 inches or less | 12 gauge | 10 gauge | 9 gauge | 8 gauge. |
| Over 36 inches to 54 inches | 10 gauge | 9 gauge | 8 gauge | 7/16 inch. |
| Over 54 inches to 60 inches | 9 gauge | 8 gauge | 7/16 inch | 1/2 inch. |
| | Maximum shell radius 125 inches or more | | | |
| 36 inches or less | 10 gauge | 9 gauge | 8 gauge | 7/16 inch. |
| Over 36 inches to 54 inches | 9 gauge | 8 gauge | 7/16 inch | 1/2 inch. |
| Over 54 inches to 60 inches | 8 gauge | 7/16 inch | 1/2 inch | 1/2 inch. |



(c) *Cargo tanks built of nonferrous metals.* Cargo tanks constructed of materials other than mild, high-tensile or stainless steel shall have shell and head thicknesses designed in accordance with the following formula:

$$\text{Thickness for materials other than steel} = \text{Steel thickness from tables} \times \sqrt[3]{\frac{3 \times 10^7}{\text{Modulus of elasticity of material to be used}}}$$

**§ 78.331-4 Joints.**

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding.

**§ 78.331-5 Bulkheads, baffles, ring stiffeners, tank supports and compartmentation.**

(a) Flat heads or flat bulkheads without reinforcement are not permitted. The use of baffles is not a specification requirement.

**§ 78.331-6 Closures for manholes.**

(a) The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

**§ 78.331-7 Overturn protection.**

(a) All closures for filling openings and outlets shall be protected from damage in the event of overturn of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or the use of substantial metal guards securely attached to the cargo tank or frame of the motor vehicle.

**§ 78.331-8 Outlets.**

(a) *Outlet construction.* No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet, and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlets.* Bottom outlets, when permitted in accordance with paragraph (a) of this section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets must be equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

(c) *Bottom washout chambers.* Cargo tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

**§ 78.331-9 Vents, valves and connections.**

(a) *Safety vent.* Each cargo tank or compartment thereof must be equipped with suitable pressure relief devices as required by the Code, or shall be fitted with suitable rupture discs in the dome or manhole assemblies in lieu of mechanical pressure-relief valves. Such discs shall be designed to rupture at not to exceed 1½ times the design pressure.

(b) *Gauging, loading and air-inlet devices.* Gauging, loading and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections of valves.

**§ 78.331-10 Protection of fittings.**

(a) Draw-off valves and fittings of cargo tanks projecting beyond the frame, or if the vehicle be frameless, beyond the shell, shall be adequately protected in the event of a collision by steel bumpers or other equally effective devices.

**§ 78.331-11 Emergency discharge control.**

(a) See § 78.331-8(b).

**§ 78.331-12 Shear section.**

(a) *Discharge connections.* There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

**§ 78.331-13 Anchoring of tank.**

(a) No applicable provision.

**§ 78.331-14 Gauging devices.**

(a) Every cargo tank, and every compartment must be equipped with a means of indicating outage.

**§ 78.331-15 Pumps and compressors.**

(a) No applicable provision.

**§ 78.331-16 Method of test.**

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, or with a corrosive liquid permitted to be transported in the cargo tank, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1½ times the design pressure but not less than 3 psig. The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Test of heating system.* After an interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 psig. Systems employing flues for the heating of the contents of cargo tanks shall be suitably tested to insure against the leakage of the contents of the tanks either into the flues or into the atmosphere.

(d) *Retest requirements.* See § 77.824 (c) of this chapter.

**§ 78.331-17 Marking of cargo tanks.**

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number [1]
Manufacturer's Name [2]
Date of Manufacture [2]
ICC MC • • • [3]
Maximum Working Pressure
Material
Lining
Nominal Capacity _____ U.S. Gallons
Density of Cargo, Maximum ___ Lb./Gallon

[1] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[2] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

[3] For MC 311 cargo tanks insert MC 311-IIS for steel tanks designed in accordance with Table II of § 78.331-3(b); MC 311-IIIS for steel tanks designed in accordance with Table III of § 78.331-3(b); and MC 311-IVS for steel tanks designed in accordance with Table IV of § 78.331-3(b). For aluminum tanks substitute AL for S.

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.331–18 Certification.**

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

**§ 78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases. For qualification of existing cargo tanks for continued service, see § 73.33 (b), (c), (d), (e), (f), (g), (h) and (i) of this chapter.**

**§ 78.336–1 General requirements.**

(a) *Code construction.* Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, (4) 1959 edition, or (5) 1962 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions except to include ASME Case Interpretations Nos. 1204–9, 1297–3, and 1298–2 and all addendas through the 1962 addenda issued July 16, 1962, (any or all of which hereinafter is referred to as "the Code"). When the above referenced ASME Case interpretations are used for the construction of tanks, the following additional requirements shall be met:

(1) Welding procedure and welder performance tests shall be made in accordance with the 1962 edition of Section IX of the ASME Boiler and Pressure Vessel Code. In addition to the essential variables enumerated in Section IX of this Code, the following shall also be considered essential variables: number of passes, thickness of plate, heat input per pass, and manufacturer of rod or flux. The number of passes, thickness of plate and heat input per pass shall not vary more than 25 percent from the procedure qualification.

(2) Impact tests shall be made on a lot basis. A lot shall be defined as 100 tons or less of the same heat, and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full size specimens shall be 20 ft.-lbs. (or 10 ft.-lbs. for half sized specimens) at 0° F. Charpy V-notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact test requirement.

(3) Welding procedure and welder qualification tests shall be made each year with one copy of the reports submitted to the Bureau of Explosives.

EXCEPTION: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed.

(b) *Design pressure.* The design pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115° F. or as prescribed for a particular commodity in § 73.315 (a) (1) of this chapter, except that in no case shall the design pressure of any container be less than 100 psig. nor more than 500 psig. When corrosion factor is prescribed by these regulations (see § 73.315(a) (1) Note 4 of this chapter) the wall thickness of the tank calculated in accordance with the Code (see paragraph (a) of this section) shall be increased by 20 percent or 0.10 inch, whichever is less.

NOTE 1. The term "design pressure" as used in this specification is identical to the term "maximum allowable working pressure" as used in the Code (see paragraph (a) of this section).

(c) *Grouping openings.* Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

EXCEPTIONS. (1) Chlorine tanks shall be equipped with a nozzle located in the top of the tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dwg. 103–3, dated January 23, 1958. There shall be no other opening in the tank. (2) The openings for liquid level gauging devices, or for safety relief devices may be installed separately at the other location or in the side of the shell. (3) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere. (4) Loading and unloading connections may be located in the bottom of the tank.

(d) *Reflective design.* Every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

(e) *Insulation for carbon dioxide, chlorine and nitrous oxide cargo tanks.* See § 73.33(p) of this chapter.

**§ 78.336–2 Material.**

(a) *General.* All material used for the construction of the tank and appurtenances shall be suitable for use with the commodity to be transported therein. See also § 73.33(n) of this chapter.

(b) *For chlorine.* All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine must be made of steel complying with requirements of A.S.T.M. Specification A–300–52T titled "Steel Plates for Pressure Vessels for Service at Low Temperatures," Class 1, Grade "A", flange or fire box quality. Impact test specimens made by the plate manufacturers shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50° F.

**§ 78.336–3 Thickness of metal.**

(a) Material thickness shall be as required by the Code (see § 78.336–1(a)), except that material of thickness less than 5/16 inch shall not be used for the shell, heads and protective housings or devices, except for chlorine tanks the wall thickness shall be not less than 5/8 inch, including corrosion allowance.

**§ 78.336–4 Joints.**

(a) Joints shall be as required by the Code (see § 78.336–1(a)).

**§ 78.336–5 Bulkheads, baffles and ring stiffeners.**

(a) No applicable provision.

**§ 78.336–6 Closures for manholes.**

(a) No applicable provision.

**§ 78.336–7 Overturn protection.**

(a) See § 78.336–10.

**§ 78.336–8 Outlets.**

(a) See § 78.336–1(c).

**§ 78.336–9 Safety relief devices, valves and connections.**

(a) *Safety relief devices.* See § 73.315 (i) of this chapter.

(b) *Piping, valves and fittings.* See § 73.33(m) of this chapter. For manifolding of cargo tank containers, see § 73.301(f) of this chapter.

(c) *Marking inlets and outlets.* All tank inlets and outlets, except safety relief valves, shall be marked to designate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling density.

(d) *Refrigerating and heating coils.* See § 73.33(q) of this chapter.

**§ 78.336–10 Protection of fittings.**

(a) All valves, fittings, accessories, safety relief devices, gauging devices, and the like shall be adequately protected against mechanical damage.

EXCEPTION: On chlorine tanks there shall be a protective housing and cover plate conforming to the Chlorine Institute, Inc., Dwg. 137–1 dated November 7, 1962 to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

(b) The protective device or housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

**§ 78.336–11 Emergency discharge control.**

(a) *Excess-flow valves.* See § 73.33 (o) of this chapter.

(b) *Shut-off valves.* See § 73.33(o) (3) of this chapter.



**§ 78.336–12 Shear section.**

(a) No applicable provision.

**§ 78.336–13 Anchoring of tank.**

(a) *Hold-down devices.* Adequate "hold-down" devices shall be provided which will anchor each cargo tank to the cradle, frame or chassis in a suitable and safe manner that will not introduce undue concentration of stresses. The means of attachment of any cargo tank to the cradle, frame or chassis of a motor vehicle shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a factor of safety of not less than four, based on the ultimate strength of the material to be used. Hold-down devices (on vehicles with frames not made integral with the tank, as by welding) shall incorporate turnbuckles or similar positive devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops or anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to stopping, starting and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance, except that insulation is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any tank motor vehicle is so designed and constructed that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame, such cargo tanks shall be designed to withstand the stresses thereby imposed in addition to those covered by the Code (see § 78.336–1(a)).

**§ 78.336–14 Gauging devices.**

(a) See § 73.315(h) of this chapter.

**§ 78.336–15 Pumps and compressors.**

(a) See § 73.33(m)(7) of this chapter.

**§ 78.336–16 Method of test.**

(a) Original test at time of manufacture shall be as required by the Code (see § 78.336–1(a)). For retest requirements, see § 73.33(k) of this chapter.

**§ 78.336–17 Marking of cargo tanks.**

(a) *Metal identification plate.* In addition to the markings required by the Code (see § 78.336–1(a)) every cargo tank shall have a metal plate permanently affixed on one of the heads of the tank. This plate shall be permanently affixed by means of soldering, brazing, or welding around its perimeter. Neither the plate itself nor the means of attachment to the tank shall be subject to destructive attack by the contents of the tank. On uninsulated tanks the plate shall be in a place readily accessible for inspection. On insulated tanks an additional identical plate shall be permanently affixed to the jacket readily accessible for inspection. Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself the following information in characters at least ⅜ inch high:

Manufacturer's Name ------- Serial No. ----
Owner's Serial Number ----------
ICC Specification Number MC 330 ---------
Water capacity (pounds) ----------
Design pressure (psig.) ----------
Original test date ----------
Tank retested at -------- (psig.) on --------

(b) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

**§ 78.336–18 Certification.**

(a) A copy of the manufacturer's data report required by the Code (see § 78.336–1(a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives, 63 Vesey Street, New York 7, N.Y. In addition, the manufacturer or owner shall register each tank with the Bureau of Explosives in the following form:

Place ----------
Date ----------

Cargo Tank
Manufactured for ---------- Company
Location ----------
Manufactured by ---------- Company
Location ----------
Consigned to ---------- Company
Location ----------
Size ---- feet outside diameter by ---- long

Marks on tank as prescribed by § 78.336–17 are as follows:

Manufacturer's Name ------- Serial No. ----
Owner's Serial Number ----------
ICC specification ----------
Code symbol ----------
Date of manufacturer ----------
Water capacity (pounds) ----------
Design pressure (psig.) ----------

It is hereby certified that this tank is in complete compliance with the requirements of I.C.C. Specification No. -------

(Signed) ----------
(Manufacturer or owner)

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## PART 79—SPECIFICATIONS FOR TANK CARS


**Subpart A—Introduction, Approvals and Reports**

Sec.
79.1 General.
79.2 Definitions and abbreviations.
79.3 Procedure for securing approval.
79.4 Changes in specifications for tank cars.
79.5 Certificate of construction.
79.6 Repairs and alterations.

**Subpart B—General Design Requirements**

79.10 Tank mounting.
79.11 Welding certification.
79.12 Interior heater systems.

**Subpart C—Specifications for Pressure Tank Car Tanks (Classes JCC–105A, 109A–W, 112A–W and 114A–W)**

79.100 General specifications applicable to pressure tank car tanks.
79.101 Individual specification requirements applicable to pressure tank car tanks.
79.102 Special commodity requirements for pressure tank car tanks.
79.103 Special requirements for class 114A • • • tank car tanks.
79.104 Special requirements for class 105-A200–F tank car tanks.

**Subpart D—Specifications for Non-Pressure Tank Car Tanks (Classes ICC–103, 104, 111A–F and 111A–W)**

Sec.
79.200 General specifications applicable to non-pressure tank car tanks.
79.201 Individual specification requirements applicable to non-pressure tank car tanks.
79.202 Special commodity requirements for non-pressure tank car tanks.

**Subpart E—Specifications for Multi-Unit Tank Car Tanks (Classes ICC–106A and 110A–W)**

79.300 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying.
79.301 Individual specification requirements for multi-unit tank car tanks.
79.302 Special commodity requirements for multi-unit tank car tanks.

**Subpart F—Specifications for Liquefied Hydrogen Tank Car Tanks and Seamless Steel Tanks (Classes ICC–113A–W and 107A)**

79.400 General specifications applicable to liquefied hydrogen tank car tanks.
79.401 Individual specification requirements for liquefied hydrogen tank car tanks.
79.500 Specification ICC–107****, seamless steel tank car tanks.


AUTHORITY: The provisions of this Part 79 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

### Subpart A—Introduction, Approvals and Reports

**§ 79.1 General.**

(a) The specifications in this part apply to tanks which are to be mounted on or form part of a tank car. Tanks when built shall comply with all applicable requirements of the specifications in effect at the time of construction. Tanks built to earlier specifications may continue in use as prescribed in § 73.31 of this chapter.

**§ 79.2 Definitions and abbreviations.**

(a) The following apply in Part 79:
(1) "AAR" means Association of American Railroads.
(2) "Approved" means approval by the AAR Committee on Tank Cars.
(3) "ASTM" means American Society for Testing and Materials.
(4) "Commission" means Interstate Commerce Commission.
(5) Definitions in Part 73 of this chapter also apply.
(6) "F" means degrees Fahrenheit.
(7) "NGT" means National Gas Taper Threads.
(8) "NPT" means American Standard Taper Pipe Thread.
(9) "psi" means pounds per square inch gauge.
(10) "Tanks" means tank car tanks.

**§ 79.3 Procedure for securing approval.**

(a) Application for approval of designs, materials and construction, conversion or alteration of tank car tanks under these specifications, complete with detailed prints, shall be submitted in prescribed form to the Secretary, Mechanical Division, AAR, for consideration by its Committee on Tank Cars and other appropriate committees. Approvals or

rejections of applications, based on appropriate committee action, shall be issued by said Secretary.

(b) When, in the opinion of the Committee, such tanks or equipment therefor are in compliance with effective regulations and specifications of the Commission, the application will be approved.

(c) When, in the opinion of the Committee, such tanks or equipment therefor are not in compliance with effective regulations and specifications of the Commission, the Committee may recommend service trials to determine the merits of a change in specifications. Such service trials may be authorized by the Commission under the terms of "ICC Special Permits."

**§ 79.4 Changes in specifications for tank cars.**

(a) Proposed changes in or additions to specifications for tanks shall be submitted to the Secretary, Mechanical Division, AAR, for consideration by its Committee on Tank Cars. An application for construction of tanks to any new specification may be submitted with proposed specification. Construction should not be started until the specification has been approved or special permit has been issued. When proposing a new specification, the applicant shall furnish information to justify a new specification. This data should include the properties of the lading and the method of loading and unloading.

(b) The Subcommittee on Specifications of the Committee on Tank Cars shall review the proposed specification at its earliest convenience and report its recommendations to the Committee on Tank Cars for prompt consideration. The Committee on Tank Cars shall report its recommendations through said Secretary to the Commission; such reports may be submitted to the Bureau of Explosives for its recommendation before action by the Commission. Expert opinion thus obtained will be given due consideration by the Commission in determining appropriate action.

**§ 79.5 Certificate of construction.**

(a) Except as provided in paragraph (b) of this section, before a tank car is placed in service, the party assembling the completed car shall furnish to the Bureau of Explosives, to the Secretary, Mechanical Division, AAR, and to the car owner, a Certificate of Construction in prescribed form certifying that the tank, equipment and car complete, comply with all the requirements of the specifications.

(b) Before a tank of Class ICC–106A, 107A or 110A is placed in service, the builder shall furnish to the Bureau of Explosives, to the Secretary, Mechanical Division, AAR, and the owner, a Certificate of Construction in prescribed form certifying that the tank and appurtenances comply with all the requirements of the specifications.

(c) If the owner elects to furnish the appurtenances such as valves and safety devices, the owner shall furnish to the Bureau of Explosives, to the Secretary, Mechanical Division, AAR, a report in prescribed form, certifying that the appurtenances comply with all the requirements of the specifications.

(d) When cars or tanks which are identical in all details are built in groups, one certificate shall suffice for each group.

**§ 79.6 Repairs and alterations.**

(a) For procedure to be followed in making repairs or alterations, see § 73.31 (f) of this chapter.

## Subpart B—General Design Requirements

**§ 79.10 Tank mounting.**

(a) The manner in which tanks are attached to the car structure shall be approved. The use of rivets to secure anchors to tanks prohibited.

**§ 79.11 Welding certification.**

(a) Welding procedures, welders and fabricators shall be approved.

**§ 79.12 Interior heater systems.**

**§ 79.12–1 General.**

(a) Interior heater systems shall be of approved design and materials. If a tank is divided into compartments, a separate system shall be provided for each compartment.

**§ 79.12–2 Materials and dimensions.**

(a) Interior heater systems and plug flanges, if welded to tank or dome, shall be cast, forged or fabricated metal, and be of good weldable quality in conjunction with metal of tank or dome.

(b) Piping shall be not less than 2-inch size. Tubing shall be not less than 2⅜ inch outside diameter. Material specifications and minimum wall thickness are as follows:

| Material | Minimum thickness | Specification |
|---|---|---|
| Carbon steel pipe | Schedule 80 | ASTM A–53. |
| Carbon steel tube | 0.175 inch [1] | ASTM A–83, ASTM A–178. |
| Alloy steel pipe | Schedule 40S. | ASTM A–312. |
| Alloy steel tube | 0.154 inch | ASTM A–269. |
| Aluminum pipe | Schedule 80 | ASTM B–241. |
| Aluminum tube | 0.218 inch | ASTM B–210, ASTM B–235. |
| Nickel pipe | Schedule 40 | ASTM B–161. |
| Nickel tube | 0.154 inch | ASTM B–161. |

[1] Nominal thickness.

(c) Systems may be fabricated of other materials and of other than circular cross section, if approved.

**§ 79.12–3 Joints and fittings.**

(a) Welded butt joints are preferable. Bolted joints with flange welded to piping may be used if welding is not feasible or to facilitate tank cleaning or application of linings. Return bends shall be forged or made by bending the pipe. Cast, forged or fabricated manifolds of approved design may be used.

(b) Inlets and outlets of heater systems shall be equipped with valve cock, cap or plug. Caps and plugs shall be secured by chain.

**§ 79.12–4 Application to tank.**

(a) Interior heater systems shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

(b) Inlets and outlets may be located in any portion of dome, shell, heads, or steam jacketed outlet provided proper drainage of heater system is accomplished.

(c) If ends of coils are not attached to a manifold or steam jacketed outlet, they shall be attached to pads or reinforcements. Such reinforcements must be attached to tank in compliance with the requirements of the tank specification.

(1) Outside pipe connections to steam coils shall not be an integral part of the interior coils and shall be screwed or welded, or both, into outside of pads or reinforcements.

(d) All piping shall be secured so as to permit necessary expansion and contraction.

**§ 79.12–5 Tests.**

(a) Each interior heater system shall be hydrostatically tested at not less than 200 psi and shall hold the pressure for 10 minutes without leakage or evidence of distress.

**§ 79.12–6 Reports.**

(a) The Certificate of Construction for the completed car shall indicate installation of interior heater system and date of initial hydrostatic test.

**§ 79.12–7 Stenciling.**

(a) To indicate that tank is equipped with interior heater system, the tank, or the jacket if tank is insulated, shall be stenciled in compliance with the applicable requirements of AAR Specifications for Tank Cars, Appendix C.

## Subpart C—Specifications for Pressure Tank Car Tanks (Classes ICC–105A, 109A–W, 112A–W and 114A–W)

**§ 79.100 General specifications applicable to pressure tank car tanks.**

**§ 79.100–1 Tanks built under these specifications shall comply with the requirements of §§ 79.100, 79.101, and when applicable, §§ 79.102, 79.103, and 79.104.**

**§ 79.100–2 Approval.**

(a) For procedure for securing approval see § 79.3.

**§ 79.100–3 Type.**

(a) Tanks built under this specification shall be fusion-welded with heads designed convex outward. Except as provided in § 79.103 or 79.104 they shall be circular in cross section, shall be provided with a manway nozzle on top of the tank of sufficient size to permit access to the interior, a manway cover to provide for the mounting of all valves, measuring and sampling devices, and a protective housing. Other openings in the tank are prohibited, except as provided in Part 73 of this chapter, §§79.100–14, 79.101–1 Note 10, or § 79.103.

**§ 79.100–4 Insulation.**

(a) If insulation is applied, the tank shell and manway nozzle shall be insulated with an approved material. The entire insulation shall be covered with a metal jacket not less than ⅛ inch in thickness and flashed around all openings so as to be weather tight. The exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket shall be given a protective coating except that protective coating is not required when foam-in-place insulation that adheres to the tank and jacket is applied.

(b) If insulation is a specification requirement, it shall be of sufficient thickness so that the thermal conductance at 60° F is not more than 0.075 Btu per hour, per square foot, per degree F temperature differential. If exterior heaters are attached to tank, the thickness of the insulation over each heater element may be reduced to one-half that required for the shell.

**§ 79.100–5 Bursting pressure.**

(a) The minimum required bursting pressure is listed in § 79.101.

**§ 79.100–6 Thickness of plates.**

(a) The wall thickness of the tank shell and heads shall not be less than that specified in § 79.101, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

$d$ = inside diameter in inches;
$E$ = 0.9 welded joint efficiency; except $E$ = 1.0 for seamless aluminum alloy heads;
$P$ = minimum required bursting pressure in psi;
$S$ = minimum strength of plate material in psi, as prescribed in § 79.100–7;
$t$ = minimum design thickness of plate in inches.

(b) If plates are clad with material having tensile strength properties at least equal to the base plate, the cladding may be considered a part of the base plate when determining thickness. If cladding material does not have tensile strength at least equal to the base plate, the base plate alone shall meet the thickness requirement.

(c) When aluminum plate is used, the minimum width of bottom sheet of tank shall be 60 inches, measured on the arc, but in all cases the width shall be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the bolster.

**§ 79.100–7 Material.**

(a) Carbon steel plate material used to fabricate tank shell and manway nozzle shall be open hearth boiler plate of flange or firebox quality having a carbon content not exceeding 0.31 percent and complying with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation in the welded condition.

| Specifications | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|
| ASTM A 201 Gr. A | 55,000 | 28 |
| ASTM A 201 Gr. B | 60,000 | 25 |
| ASTM A 212 Gr. A | 65,000 | 20 |
| ASTM A 212 Gr. B | 70,000 | 20 |
| ASTM A 285 Gr. A | 45,000 | 29 |
| ASTM A 285 Gr. B | 50,000 | 20 |
| ASTM A 285 Gr. C | 55,000 | 20 |
| ASTM A 302 Gr. B | 80,000 | 20 |

(1) These plates may be clad with other approved metals.

(2) High tensile strength carbon-silicon steel plates to an approved specification having a minimum elongation of 21 percent in 2 inches may also be used.

(b) Aluminum alloy plate material used to fabricate tank shell and manway nozzle shall be suitable for fusion welding and shall comply with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation in the welded condition:

| Specifications | Minimum tensile strength 0 temper (psi) welded condition | Minimum elongation in 2 inches 0 temper (percent) welded condition |
|---|---|---|
| ASTM B 209 Alloy 1060 | 9,500 | 25 |
| ASTM B 209 Alloy 1100 | 11,000 | 28 |
| ASTM B 209 Alloy 3003 | 14,000 | 23 |
| ASTM B 209 Alloy 5052 | 25,000 | 18 |
| ASTM B 209 Alloy 5083 [1] | 40,000 | 16 |
| ASTM B 209 Alloy 5086 | 35,000 | 14 |
| ASTM B 209 Alloy 5154 | 30,000 | 18 |
| ASTM B 209 Alloy 5254 | 30,000 | 18 |
| ASTM B 209 Alloy 5454 | 31,000 | 18 |
| ASTM B 209 Alloy 5652 | 25,000 | 18 |
| ASTM B 209 Alloy 6061 | [1] 24,000 | [1] 5 |

[1] Not 0 temper.
[2] Only 0 or H113 temper permitted.

(c) All attachments welded to tank shell shall be of approved material which is suitable for welding to the tank.

**§ 79.100–8 Tank heads.**

(a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell adjacent to the head and the minor axis shall be one-half the major axis.

**§ 79.100–9 Welding.**

(a) All joints shall be fusion-welded in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W. Welding procedures, welders and fabricators shall be approved. Also see § 79.104.

**§ 79.100–10 Stress relieving.**

(a) After welding is complete, steel tanks and all attachments welded thereto, shall be stress relieved as a unit in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W.

(b) For aluminum tanks, stress relieving is prohibited.

**§ 79.100–11 Tank mounting.**

(a) See §§ 79.10 and 79.104–3.

**§ 79.100–12 Manway nozzle, cover and protective housing.**

(a) Manway nozzles shall be of approved design of forged or rolled steel for steel tanks or fabricated aluminum alloy for aluminum tanks, with access opening at least 18 inches inside diameter, or at least 14 inches by 18 inches obround or oval. Nozzle shall be welded to the tank and the opening reinforced in an approved manner in compliance with the requirements of AAR Specifications for Tank Cars, Appendix C, Figure 10.

(b) Manway cover shall be machined to approved dimensions and be of forged or rolled carbon or alloy steel, rolled aluminum alloy or nickel when required by the lading. Minimum thickness is listed in § 79.101. Manway cover shall be attached to manway nozzle by through or stud bolts not entering tank, except as provided in § 79.103–2 (a).

(c) Except as provided in § 79.103, protective housing of cast, forged or fabricated approved materials shall be bolted to manway cover. The shearing value of the bolts attaching protective housing to manway cover shall not exceed 70 percent of the shearing value of bolts attaching manway cover to manway nozzle. Housing shall be equipped with a suitable metal cover that can be securely closed. Housing cover shall have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing shall be equipped with screw plugs or other closures.

**§ 79.100–13 Venting, loading and unloading valves, measuring and sampling devices.**

(a) Venting, loading and unloading valves shall be of approved design, made of metal not subject to rapid deterioration by the lading, and shall withstand the tank test pressure without leakage. The valves shall be directly bolted to seatings on manway cover, except as provided in § 79.103. Valve outlets shall be closed with approved screw plugs or other closures fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves shall be anchored and, except as prescribed in § 79.102, or 79.103, may be equipped with excess flow valves of approved design.

(c) Gaging device, sampling valve and thermometer well are not specification requirements. When used, they shall be of approved design, made of metal not subject to rapid deterioration by the lading, and shall withstand the tank test pressure without leakage. Interior pipes of the gaging device and sampling valve, except as prescribed in § 79.102, or 79.103, may be equipped with excess flow valves of approved design. Interior pipe of the thermometer well shall be anchored in an approved manner to prevent breakage due to vibration. The thermometer well shall be closed by an approved valve attached close to the manway cover, or other approved location, and closed by a screw plug. Other approved arrangements that permit testing thermometer wel. for leaks without complete removal of the closure may be used.

(d) An excess flow valve as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow the equalization of pressures.

**§ 79.100–14 Bottom outlets.**

(a) Bottom outlets for discharge of lading is prohibited, except as provided in § 79.103–3. If indicated in § 79.101, tank may be equipped with a bottom washout of approved construction. If applied, bottom washout shall be in ac-

cordance with the following requirements:

(1) The extreme projection of the bottom washout shall be at least 12 inches above top of rail.

(2) Bottom washout shall be of cast, forged or fabricated metal and shall be fusion-welded to the tank. It shall be of good weldable quality in conjunction with metal of tank.

(3) If bottom washout nozzle extends 6 inches or more from shell of tank, a "V" groove shall be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the "V" not over ⅜ inch. Where nozzle is not a single piece, provision shall be made for the equivalent of the breakage groove. The nozzle shall be of a thickness to insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(4) The closure plug and seat shall be readily accessible or removable for repairs.

(5) Joints between closures and their seats may be gasketed with suitable material.

**§ 79.100–15 Safety relief valves.**

(a) The tank shall be equipped with one or more safety relief valves of approved design, made of metal not subject to rapid deterioration by the lading. The safety relief valve, or valves, shall be mounted on manway cover, except as provided in § 79.103. The total valve discharge capacity shall be sufficient to prevent building up pressure to tank in excess of 82½ percent of the tank test pressure. The start-to-discharge and vapor-tight pressures shall comply with § 79.101 and shall not be affected by any auxiliary closure or other combination. For certain commodities, alternate pressures are permitted (see § 79.102–11). See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(b) When a safety relief valve is used in combination with a breaking pin device, the breaking pin device shall be designed to fail at a pressure of 75 percent of the tank test pressure and safety relief valve shall be set for a start-to-discharge pressure of 71 percent of the tank test pressure.

(c) When a safety relief valve is used in combination with a frangible disc, the frangible disc shall be designed to burst at a pressure of 75 percent of the tank test pressure and the safety relief valve shall be set for a start-to-discharge pressure of 71 percent of the tank test pressure. Provision shall be made to prevent any accumulation of pressure between the frangible disc and safety relief valve.

**§ 79.100–16 Attachments not otherwise specified.**

(a) Attachments not otherwise specified shall be applied by approved means.

**§ 79.100–17 Closures for openings.**

(a) Closures shall be of approved design and made of metal not subject to rapid deterioration by the lading. Plugs, if used, shall be solid, with NPT threads, and shall be of a length which will screw at least six threads inside the face of fitting or tank.

**§ 79.100–18 Tests of tanks.**

(a) Each tank shall be tested by completely filling tank and manway nozzle with water or other liquid having similar viscosity, at a temperature which shall not exceed 100 F during the test; and applying the pressure prescribed in § 79.101. The tank shall hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Insulated tanks shall be tested before insulation is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing test is prohibited. Repairs in welded joints shall be made as prescribed in AAR specifications for Tank Cars, Appendix W.

(d) Testing of exterior heaters is not a specification requirement.

**§ 79.100–19 Tests of safety relief valves.**

(a) Each valve shall be tested by air or gas for compliance with § 79.101 before being put into service.

**§ 79.100–20 Stamping.**

(a) To certify that the tank complies with all specification requirements, each tank shall be plainly and permanently stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads as follows:

| | *Example of required stamping* |
|---|---|
| Specification | ICC–105A100–W |
| Material | ASTM A212 B |
| Cladding material (if any) | ASTM A240–304 Clad |
| Tank builder's initials | ABC |
| Date of original test | 00–0000 |
| Car assembler (if other than tank builder) | DEF |
| Water capacity | 00000 lbs. |

**§ 79.100–21 Stenciling.**

(a) The tank or the jacket if tank is insulated, shall be stenciled in compliance with the requirements of AAR Specifications for Tank Cars, Appendix C.

**§ 79.100–22 Certificate of construction.**

(a) See § 79.5.

**§ 79.101 Individual specification requirements applicable to pressure tank car tanks.**

**§ 79.101–1 Individual specification requirements.**

(a) In addition to § 79.100 the individual specification requirements are as follows:

| ICC specifications | 105A100W | 105A200F | 105A200W | 105A300W | 105A400W | 105A500W | 105A600W | 105A100ALW | 105A200ALW | 105A300ALW |
|---|---|---|---|---|---|---|---|---|---|---|
| Material (see 79.100–7) | Steel | Steel | Steel | Steel | Steel | Steel | Steel | Aluminum | Aluminum | Aluminum |
| Insulation (see 79.100–4) | Required | Required | Required | Required | Required | Required | Required | Required | Required | Required |
| Bursting pressure, p.s.i. (see 79.100–5) | 500 | | 500 | 750 | 1000 | 1250 | 1500 | 500 | 500 | 750 |
| Minimum plate thickness, inches, Shell, and Heads | [1] 7/16 | [1] 7/16 | [1] 7/16 | [2] 1 1/16 | [2] 1 1/16 | [2] 1 1/16 | [2] 1 1/16 | 5/8 | 5/8 | 5/8 |
| Test pressure, p.s.i. (see 79.100–18) | 100 | See 79.104 | 300 | 300 | 400 | 500 | 600 | 100 | 200 | 300 |
| Safety relief valves, p.s.i.: [6] | | | | | | | | | | |
| Start-to-discharge pressure | 75 | 150 | 150 | 225 | 300 | 375 | 450 | 75 | 150 | 225 |
| Start-to-discharge tolerance | ±3.0 | ±4.5 | ±4.5 | ±6.75 | ±9.0 | ±11.25 | ±13.5 | ±3.0 | ±4.5 | ±6.75 |
| Vapor tight (minimum) pressure | 60 | 120 | 120 | 180 | 240 | 300 | 360 | 60 | 120 | 180 |
| Manway cover, thickness, inches (minimum) | 2¼ | 2¼ | 2¼ | [3] 2½ | [3] 2¾ | 2¼ | 2¼ | [3] 2½ | [3] 2½ | [3] 2¾ |
| Special references | 79.102–3 | 79.102–3 | 79.102–3 | 79.102–2 | 79.102–3 | 79.102–1 | 79.102–1 | 79.102–3 | 79.102–3 | 79.102–3 |
| | 79.102–6 | 79.102–6 | 79.102–6 | 79.102–3 | | 79.102–2 | 79.102–3 | | | |
| | | 79.104 | | 79.102–5 | | 79.102–3 | 79.102–4 | | | |
| | | | | 79.102–6 | | 79.102–9 | 79.102–9 | | | |
| | | | | 79.102–7 | | 79.102–10 | 79.102–10 | | | |
| | | | | 79.102–8 | | | | | | |
| | | | | 79.102–11 | | | | | | |
| Bottom washout | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited |

See footnotes at end of table.



| ICC specifications | 109A300W | 109A100ALW | 109A200ALW | 109A300ALW | 112A200W | 112A340W | 112A400W | 112A500W | 114A340W | [11] 112A400F |
|---|---|---|---|---|---|---|---|---|---|---|
| Material (see 79.100–7) | Steel | Aluminum | Aluminum | Aluminum | Steel | Steel | Steel | Steel | Steel | |
| Insulation (see 79.100–4) | Optional | Optional | Optional | Optional | [4] None | [4] None | [4] None | [4] None | [4] None | |
| Bursting pressure, p.s.i. (see 79.100–5) | 750 | 500 | 500 | 750 | 500 | 850 | 1000 | 1250 | 850 | |
| Minimum plate thickness, inches, Shell, and Heads | [1] 1 3/16 | 5/8 | 5/8 | 5/8 | [3] 2 7/16 | 1 3/16 | [1] 1 3/16 | [1] 1 3/16 | 1 3/16 | |
| Test pressure, p.s.i. (see 79.100–18) | 300 | 100 | 200 | 300 | 200 | 340 | 400 | 500 | 340 | |
| Safety relief valves, p.s.i.: [6] | | | | | | | | | | |
| Start-to-discharge pressure | 225 | 75 | 150 | 225 | 150 | 255 | 300 | 375 | 255 | |
| Start-to-discharge tolerance | ±6.75 | ±3.0 | ±4.5 | ±6.75 | ±4.5 | ±7.65 | ±9.0 | ±11.25 | ±7.65 | |
| Vapor tight (minimum) pressure | 180 | 60 | 120 | 180 | 120 | 204 | 240 | 300 | 204 | |
| Manway cover, thickness inches (minimum) | 2¼ | [2] 2½ | [2] 2½ | [2] 2¾ | [10] 79.102–3 | 2¼ | 2¼ | 2¼ | (7) | |
| Special references | | | | | 2¼ | 79.102–3 | 79.102–3 | [10] 79.102–3 | 79.102–11 | |
| | | | | | | [10] 79.102–11 | 79.102–6 | | 79.103 | |
| | | | | | | | [10] 79.102–11 | | | |
| Bottom washout | Optional | Optional | Optional | Optional | Prohibited | Prohibited | Prohibited | Prohibited | [8] Optional | |

[1] When steel of 65,000 to 81,000 p.s.i. minimum tensile strength is used, the thickness of plates shall not be less than 5/8 inch, and when steel of 81,000 p.s.i. minimum tensile strength is used, the minimum thickness of plate shall be not less than 9/16 inch.

[2] When approved material other than aluminum alloys are used, the thickness p.s.i. shall not be less than 2¼ inches.

[3] When steel of 65,000 p.s.i. minimum tensile strength is used, minimum thickness of plates shall not be less than ½ inch.

[4] At least the upper two-thirds of the exterior of the tank, manway nozzle and all appurtenances in contact with this area of the tank shall have a finish coat of light-reflective paint.

[5] For inside diameter of 87 inches or less, the thickness of plates shall not be less than one-half inch.

[6] See 79.102 for optional setting for certain commodities.

[7] See 79.103–1(c).

[8] See 79.103–3 for optional bottom loading and unloading.

[9] When the use of nickel is required by the lading, the thickness shall not be less than 2 inches.

[10] Each tank head of class 112A tank car tanks may be equipped with not more than one opening for use in purging tank interior.

[11] Tanks converted from existing forge-welded specification 105A500 tanks by modification using conversion details complying with ICC–112A specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.

**§ 79.102 Special commodity requirements for pressure tank car tanks.**

(a) In addition to §§ 79.100 and 79.101 the following requirements are applicable:

**§ 79.102–1 Liquefied carbon dioxide.**

(a) Spec. 105A500–W or 105A600–W tank cars used to transport Liquefied carbon dioxide shall comply with the following special requirements:

(1) All plates for tank, manway nozzle and anchorage, shall be made of steel complying with a specification approved for service at low temperatures.

(2) Tank shall be insulated with an approved material of sufficient thickness so that the thermal conductance at 60 F is not more than 0.03 Btu per hour per square foot per degree F temperature differential; except that in order to permit an anchorage which shall not exceed seven inches from top of center sills to bottom of tank, the insulation thickness directly over the sills may be reduced to give thermal conductance not exceeding 0.04 Btu per hour per square foot per degree F temperature differential.

(3) Tank shall be equipped with one safety relief valve set for the start-to-discharge pressure listed in § 79.101, and one safety vent of approved design, set to function at a pressure less than the tank test pressure, and not less than 75 percent of tank test pressure. The discharge capacity of each of these safety relief devices shall be sufficient to prevent building up pressure in tank in excess of 82½ percent of the tank test pressure.

(4) Tank shall be equipped with two pressure-regulating valves of approved design, set to open at a pressure not exceeding 350 psi on spec. 105A500–W tanks or 400 psi on spec. 105A600–W tanks.

(5) Each regulating valve and safety relief device shall have its final discharge piped to the outside of the protective housing.

**§ 79.102–2 Chlorine.**

(a) Spec. 105A300–W or 105A500–W tank cars used to transport chlorine shall comply with the following special requirements:

(1) The quantity of chlorine loaded into a single-unit tank car shall not exceed 90,000 pounds, except that not more than 110,000 pounds nor less than 107,800 pounds of chlorine may be loaded in such cars if insulated with 4 inches of corkboard and constructed, maintained, and retested in compliance with spec. 105A500–W. Cars may be registered and jackets stenciled either 105A300–W or 105A500–W and equipped with the safety relief valve required by the specification to which registered.

(2) The interior pipes of liquid discharge valves shall be equipped with excess flow valves of approved design.

**§ 79.102–3 Liquefied flammable gases.**

(a) Spec. 105A100–W, 105A200–F, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 105A100–ALW, 105A200–ALW, 105A300–ALW, 112A200–W, 112A340–W, 112A400–W or 112A500–W tank cars used to transport liquefied flammable gases shall comply with the following special requirements:

(1) The interior pipes of the loading and unloading valves, gaging device and sampling valve shall be equipped with excess flow valves of an approved design.

(2) The protective housing cover shall be equipped with an approved weatherproof cover over an opening having an unrestricted area at least equal to the total safety relief valve discharge area.

**§ 79.102–4 Vinyl fluoride, inhibited.**

(a) Spec. 105A600–W tank cars used to transport vinyl fluoride, inhibited, shall comply with the following special requirements:

(1) Tank shall be insulated with an approved material of sufficient thickness so that the thermal conductance at 60 F is not more than 0.03 Btu per hour per square foot per degree F temperature differential; except that in order to permit an anchorage which shall not exceed seven inches from top of center sills to bottom of tank, the insulation thickness directly over the sills may be reduced to give thermal conductance not exceeding 0.04 Btu per hour per square foot per degree F temperature differential.

(2) Tank shall be equipped with one safety relief valve, set for the start-to-discharge pressure listed in § 79.101, and one safety vent of approved design, set to function at a pressure less than the tank test pressure, and not less than 75 percent of the tank test pressure. The discharge capacity of each of these safety relief devices shall be sufficient to prevent building up pressure in tank in excess of 82½ percent the tank test pressure.

(3) Each regulating valve and safety relief device shall have its final discharge piped to the outside of the protective housing.

**§ 79.102–5 Nitrosyl chloride.**

(a) Spec. 105A300–W tank cars used to transport Nitrosyl chloride shall comply with the following special requirements:

(1) Tanks shall be made of or clad with a metal not subject to rapid deterioration by the lading; all appurtenances such as manway covers, venting, loading and unloading valves, safety relief valves, excess flow valves, and eduction pipes, shall be made of metal not subject to rapid deterioration by the lading; cork shall be used as an insulating material.

**§ 79.102–6 Vinyl chloride or Vinyl methyl ether, inhibited.**

(a) Spec. 105A200–W 112A400–W tank cars, used to transport Vinyl chloride, and spec. 105A100–W or 105A300–W tank cars used to transport Vinyl methyl ether, inhibited, shall comply with the following special requirements:



(1) All parts of valves and safety relief devices in contact with the lading shall be of a metal or other material suit-

fittings and safety relief devices, and marking, loading, handling, inspection and testing practices, shall be filed with

(c) Manway and cover may be located other than at the top of the tank.

(d) Valves and fittings need not be



**Subpart D—Specifications for Non-Pressure Tank Car Tanks (Classes**

$t$ = minimum design thickness of plate in inches.

(b) The

| Specifications | Minimum tensile strength, p.s.i. | Minimum elongation in 2 inches, percent |
|---|---|---|

square foot per degree F temperature differential; except that in order to permit an anchorage which shall not exceed seven inches from top of center sill to bottom of tank, the insulation thickness directly over the sills may be reduced to give thermal conductance not exceeding 0.04 Btu per hour per square foot per degree F temperature differential.

(2) Tank shall be equipped with one safety relief valve, set for the start-to-discharge pressure listed in § 79.101, and one safety vent of approved design, set to function at a pressure less than the tank test pressure, and not less than 75 percent of the tank test pressure. The discharge capacity of each of these safety relief devices shall be sufficient to prevent building up pressure in tank in excess of 82½ percent

(1) All parts of valves and safety relief devices in contact with the lading shall be of a metal or other material suitably treated, if necessary, which will not cause formation of any acetylides.

(2) The interior pipes of the loading and unloading valves, gaging device and sampling valve shall be equipped with excess flow valves of an approved design.

(3) For Vinyl chloride in spec. 105A-200–W tank cars, openings in tank heads to facilitate nickel lining are authorized if closed in an approved manner.

**§ 79.102–7 Bromine.**

(a) Spec. 105A300–W tank cars used to transport Bromine shall comply with the following special requirements:

(1) The tank shall be nickel clad at least 20 percent or shall be lined with lead at least 5/16 inch thick; openings in tank heads to facilitate application of lead lining are authorized if closed in an approved manner; all closures and appurtenances in contact with the lading shall be lead lined or shall be made of metal not subject to rapid deterioration by the lading; all interior welds in nickel clad tanks shall be protected by pure nickel butt straps to eliminate iron contamination. Except as otherwise provided herein, the water weight capacity of the tank shall not exceed 20,400 pounds. When tanks are equipped with manway cover plates, safety relief valves, venting, loading and unloading valves in accordance with spec. 105A300–W, and tank jackets are stenciled spec. 105A300–W, but in all other respects are constructed and maintained in full compliance with spec. 105A500–W, the water weight capacity of the tank shall not exceed 37,400 pounds.

**§ 79.102–8 Motor fuel anti-knock compound.**

(a) Spec. 105A300–W tank cars used to transport Motor fuel anti-knock compounds shall comply with the following special requirements:

(1) Jacket shall be stenciled on both sides "MOTOR FUEL ANTI-KNOCK COMPOUND ONLY." Openings in tank heads to facilitate application of nickel lining are authorized if closed in an approved manner.

**§ 79.102–9 Nitrogen tetroxide or Nitrogen tetroxide-nitric oxide mixtures.**

(a) Specs. 105A500–W and 105A600–W tank cars used to transport Nitrogen tetroxide or Nitrogen tetroxide-nitric oxide mixtures shall comply with the following special requirements:

(1) Tanks shall be insulated with not less than four inches of corkboard. All valves and fittings shall be protected by the securely attached cover made of metal not subject to rapid deterioration by the lading, and all valve openings, except the safety relief valves, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety relief valve shall be equipped with an approved stainless steel or platinum frangible disc. Jacket shall be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE ONLY" or "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURES ONLY," as applicable. Written procedure covering details of tank car appurtenances, manway fittings and safety relief devices, and marking, loading, handling, inspection and testing practices, shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of these commodities.

**§ 79.102–10 Hydrocyanic acid.**

(a) Spec. 105A500–W or 105A600–W tank cars used to transport Hydrocyanic acid shall comply with the following special requirements:

(1) Cars shall be registered and the jacket stenciled spec. 105A300–W and be equipped with the safety relief valves required by that specification. Tanks shall be insulated with not less than 4 inches of corkboard. Jacket shall be stenciled on both sides in letters not less than 2 inches high "HYDROCYANIC ACID ONLY." Written procedure covering details of tank car appurtenances, manway fittings and safety relief devices, and marking, loading, handling, inspection and testing practices, shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of hydrocyanic acid.

**§ 79.102–11 Liquefied petroleum gas or Anhydrous ammonia.**

(a) Spec. 105A300–W, 112A340–W, 112A400–W or 114A340–W tank cars used to transport Liquefied petroleum gas or Anhydrous ammonia, may as an alternate comply with the following special requirements:

(1) Safety relief valves may be set to the following pressures, provided the total valve discharge capacity is sufficient to prevent building up pressure in the tank in excess of 90 percent of the tank test pressure.

| ICC specifications | 105A300–W | 112A340–W | 112A400–W | 114A340–W |
|---|---|---|---|---|
| Safety relief valves, psi: | | | | |
| Start-to-discharge pressure | 247.5 | 280.5 | 330 | 280.5 |
| Start-to-discharge tolerance | ±7.4 | ±8.4 | ±10 | ±8.4 |
| Vapor tight pressure (minimum) | 196 | 224 | 264 | 224 |

**§ 79.103 Special requirements for class 114A * * * tank car tanks.**

(a) In addition to the applicable requirements of §§ 79.100 and 79.101 the following requirements shall be complied with:

**§ 79.103–1 Type.**

(a) Tanks built under this section may be of any approved cross section.

(b) Any portion of the tank shell not circular in cross section shall have walls of such thickness and be so reinforced that the stresses in the walls caused by a given internal pressure are no greater than the circumferential stresses which would exist under the same internal pressure in the wall of a tank of circular cross section designed in accordance with paragraphs § 79.100–6 (a) and (b), but in no case shall the wall thickness be less than that specified in § 79.101.

(c) Manway and cover may be located other than at the top of the tank.

(d) Valves and fittings need not be mounted on the manway cover.

(e) One opening may be provided in each head for use in purging the tank interior.

**§ 79.103–2 Manway cover.**

(a) Manway cover may be of the internal self-energizing type and shall be of approved design.

(b) If no valves or measuring and sampling devices are mounted on manway cover, no protective housing is required.

**§ 79.103–3 Venting, loading and unloading valves, measuring and sampling devices.**

(a) Venting, loading and unloading valves, measuring and sampling devices, when used, shall be attached to a nozzle or nozzles on the tank shell or heads.

(b) These valves and appurtenances shall be grouped in one location, shall be provided with a protective cover or housing with cover or may be recessed into the tank shell. A duplicate set grouped in another location may be provided.

(c) The interior pipes of the loading, unloading, and sampling valves shall be equipped with excess flow valves of approved design, except when quick closing internal valves of approved design are used. When the interior pipe of the gaging device provides a means for the passage of lading from the interior to the exterior of the tank, it shall be equipped with an excess flow valve of approved design or with an orifice not exceeding a No. 54 drill size.

**§ 79.103–4 Safety relief valves.**

(a) Safety relief valve or valves shall be located on top of tank near the center of the car on a nozzle, mounting plate or recess in the shell. Through or stud bolts, if used, shall not enter the tank.

(b) Metal guard of approved design shall be provided to protect safety relief valve or valves from damage.

**§ 79.104 Special requirements for spec. 105A200–F tank car tanks.**

**§ 79.104–1 Tanks built under these specifications shall meet the requirements of §§ 79.100, 79.101, 79.102 and 79.104.**

**§ 79.104–2 Type.**

(a) Tanks built under this specification shall be fabricated by conversion from existing forge-welded steel tanks complying with specs. 105A300, 105A400, 105A500 or 105A600.

**§ 79.104–3 Tank mounting.**

(a) The use of rivets as a means of attaching anchor to tank is permitted.

**§ 79.104–4 Welding.**

(a) All joints shall be lap welded by the water gas process, hammered or rolled or other lap welded, hammered or rolled process which investigation and laboratory tests by the Mechanical Division of the AAR have proved will produce satisfactory results.



## Subpart D—Specifications for Non-Pressure Tank Car Tanks (Classes ICC–103, 104, 111A–F and 111A–W)

**§ 79.200 General specifications applicable to non-pressure tank car tanks.**

**§ 79.200–1 Tank built under these specifications shall meet the requirements of §§ 79.200, 79.201 and 79.202.**

**§ 79.200–2 Approval.**

(a) For procedure for securing approval, see § 79.3.

**§ 79.200–3 Type.**

(a) Tanks built under this specification shall be cylindrical, with heads designed convex outward. When specified in § 79.201–1 tank shall have at least one manway or one expansion dome with manway, and such other external projections as are prescribed herein. When the tank is divided into compartments, each compartment shall be treated as a separate tank.

**§ 79.200–4 Insulation.**

(a) If insulation is applied, the tank shell and expansion dome when used shall be insulated with an approved material. The entire insulation shall be covered with a metal jacket not less than 1/8 inch in thickness and flashed around all openings so as to be weather tight. The exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket shall be given a protective coating, except that protective coating is not required when foam-in-place insulation that adheres to the tank and jacket is applied.

(b) If insulation is a specification requirement, it shall be of sufficient thickness so that the thermal conductance at 60 F is not more than 0.225 Btu per hour, per square foot, per degree F temperature differential, unless otherwise provided in § 79.201–1. If exterior heaters are attached to tank, the thickness of the insulation over each heater element may be reduced to one-half that required for the shell.

**§ 79.200–5 Bursting pressure.**

(a) The minimum required bursting pressure is listed in § 79.201–1.

**§ 79.200–6 Thickness of plates.**

(a) The wall thickness of the tank shell, dome shell, and of 2:1 ellipsoidal heads shall not be less than specified in § 79.201–1, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

$d$ = inside diameter in inches;
$E$ = 0.9 welded joint efficiency; except $E$ = 1.0 for seamless aluminum alloy heads and seamless heads of Class ICC–111A tanks;
$P$ = minimum required bursting pressure in psi;
$S$ = minimum tensile strength of plate material in psi as prescribed in § 79.200–7;
$t$ = minimum design thickness of plate in inches.

(b) The thickness of a dished head shall not be less than specified in § 79.201–1, nor that calculated by the following formula:

$$t = \frac{5PL}{6SE}$$

where:

$E$ = 0.9 welded joint efficiency; except $E$ = 1.0 when head is formed from one piece;
$L$ = main inside radius to which head is dished, measured on concave side in inches;
$P$ = minimum required bursting pressure in psi;
$S$ = minimum tensile strength of plate material in psi as prescribed in § 79.200–7;
$t$ = minimum thickness of plate in inches.

(c) If plates are clad with material having tensile strength properties at least equal to the base plate, the cladding may be considered a part of the base plate when determining thickness. If cladding material does not have tensile strength at least equal to the base plate, the base plate alone shall meet the thickness requirements.

(d) For tanks constructed of longitudinal sections, the minimum width of bottom shcet of tank shall be 60 inches, measured on the arc, but in all cases the width shall be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the bolster.

(e) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet shall apply to the entire cylindrical section.

(f) See § 79.200–9 for thickness requirements for compartment tanks.

**§ 79.200–7 Material.**

(a) Carbon steel plate material used to fabricate tank and expansion dome, when used, shall be open hearth boiler plate of flange or firebox quality having a carbon content not exceeding 0.31 percent and complying with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation in the welded condition:

| Specifications | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|
| ASTM A201 Gr. A | 55,000 | 28 |
| ASTM A201 Gr. B | 60,000 | 25 |
| ASTM A212 Gr. A | 65,000 | 20 |
| ASTM A212 Gr. B | 70,000 | 20 |
| ASTM A285 Gr. A | 45,000 | 29 |
| ASTM A285 Gr. B | 50,000 | 20 |
| ASTM A285 Gr. C | 55,000 | 20 |

(1) These plates may be clad with other approved metals.

(b) Aluminum alloy plate material used to fabricate tank and expansion dome, when used, shall be suitable for fusion welding, and shall comply with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation for the welded condition:

| Specifications | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|
| ASTM B209 Alloy 1060 | 9,500 | 25 |
| ASTM B209 Alloy 1100 | 11,000 | 28 |
| ASTM B209 Alloy 3003 | 14,000 | 23 |
| ASTM B209 Alloy 5052 | 25,000 | 18 |
| ASTM B209 Alloy 5083 [2] | 40,000 | 16 |
| ASTM B209 Alloy 5086 | 35,000 | 14 |
| ASTM B209 Alloy 5154 | 30,000 | 18 |
| ASTM B209 Alloy 5254 | 30,000 | 18 |
| ASTM B209 Alloy 5454 | 31,000 | 18 |
| ASTM B209 Alloy 5652 | 25,000 | 18 |
| ASTM B209 Alloy 6061 | [1] 24,000 | [1] 5 |

[1] Not 0 temper.
[2] Only 0 temper or H-113 permitted.

(c) Alloy steel plate material used to fabricate tank and expansion dome, when used, shall be capable of resisting the action of nitric acid so that the maximum corrosion rate in inches penetration per month shall be 0.006 for the straight chromium-bearing stainless steel and 0.0015 for any of the chromium-nickel alloys when tested by the procedure in ASTM Specification A–262 titled Recommended Practice Boiling Nitric Acid Test for Corrosion-Resisting Steels.

(1) Alloy steel plate material used to fabricate tank and expansion dome, when used, shall comply with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation for the welded condition:

| Specifications | Type | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|---|
| ASTM A–240 | 304 | 75,000 | 30 |
| ASTM A–240 | 304L | 70,000 | 30 |
| ASTM A–240 | 316 | 75,000 | 30 |
| ASTM A–240 | 316L | 70,000 | 30 |
| ASTM A–240 | 321 | 75,000 | 30 |
| ASTM A–240 | 347 | 75,000 | 30 |
| ASTM A–240 | 405 | 60,000 | 20 |
| ASTM A–240 | 410 | 65,000 | 20 |
| ASTM A–240 | 430A | 65,000 | 22 |

(d) Nickel plate material used to fabricate tank and expansion dome shall comply with the following ASTM Specification for the material and with the indicated minimum tensile strength and elongation for the welded condition:

| Specifications | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|
| ASTM B–162 | 40,000 | 20 |

(e) All parts and items of construction in contact with the lading shall be made of material compatible with plate material and not subject to rapid deterioration by the lading, or be coated or lined with suitable corrosion resistant material.

(f) All external projections which may be in contact with the lading and all castings, forgings or fabrications used

for fittings or attachments to tank and expansion dome, when used, in contact with lading shall be made of material to an approved specification. Use of cast iron is prohibited for Class ICC–111A cars.

**§ 79.200–8 Tank heads.**

(a) Tank heads shall be of approved contour, and may be dished or ellipsoidal for pressure on concave side.

(b) Dished heads shall have main inside radius not exceeding 10 feet and inside knuckle radius shall not be less than 3¾ inches for steel, alloy steel, or nickel tanks nor less than 5 inches for aluminum alloy tanks except the knuckle radius for interior heads of compartment tanks of steel, alloy steel, or nickel shall not be less than 1½ inches.

(c) Ellipsoidal tank heads for aluminum alloy tanks and for Class ICC–111A tanks shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

**§ 79.200–9 Compartment tanks.**

(a) When tank is divided into compartments, by inserting interior heads, interior heads shall comply with the requirements specified in § 79.201–1. When capacity is reduced by the insertion of interior heads, these heads shall comply with the requirements for interior compartment heads and exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, shall be provided with at least one tapped drain hole at their lowest point, and a tapped hole at the top of the tank. Top hole shall be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having NPT threads.

(b) When the tank is divided into compartments by constructing each compartment as a separate tank, these tanks shall be joined together by a cylinder made of plate, having a thickness not less than that required for the tank shell and applied to the outside surface of tank head flanges. The cylinder shall fit the straight flange portion of the compartment tank head tightly. The cylinder shall contact the head flange for a distance of at least two times the plate thickness, or a minimum of 1 inch, whichever is greater. The cylinder shall be joined to the head flange by a full fillet weld. Distance from head seam to cylinder shall not be less than 1½ inches or three times the plate thickness, whichever is greater. Voids created by the space between heads of tanks joined together to form a compartment tank shall be provided with a tapped drain hole at their lowest point and a tapped hole at top of tank. The top hole shall be closed and the bottom hole may be closed with solid pipe plugs not less than ¾ inch nor more than 1½ inches having NPT threads.

**§ 79.200–10 Welding.**

(a) All joints shall be fusion-welded in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W. Welding procedures, welders and fabricators shall be approved.

**§ 79.200–11 Stress relieving and heat treatment.**

(a) After welding is complete stress relieving or heat treatment shall be in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W, when specified in § 79.201–1.

**§ 79.200–12 Tank mounting.** See § 79.10.

**§ 79.200–13 Manway ring or flange, safety relief device flange, bottom outlet nozzle flange, bottom washout nozzle flange and other attachments and openings.**

(a) For steel and aluminum tanks, these attachments shall be riveted or fusion-welded.

(b) For alloy steel and nickel tanks these attachments shall be fusion-welded.

(c) Fusion-welding for securing these attachments in place shall be of the double-welded butt joint type or double full-fillet lap joint type.

(d) Rivets, if used, shall be to approved specifications compatible with plate material and shall meet the following requirements:

(1) Riveted joints shall be made metal to metal without interposition of other material.

(2) Rivets shall be driven hot and calked inside. All joints formed by all riveted attachments shall be calked inside. Split calking is prohibited.

(3) Use of rivets less than ⅝ inch nominal diameter prohibited.

(4) For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole shall in no case exceed nominal diameter of rivet by more than 1/16 inch.

(5) When attachments are applied by means of riveting, the edges of plates shall be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, shall be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch.

(6) Rivets shall be handled and driven in a manner that will insure requisite strength.

(e) The opening in the manway ring shall be at least 16 inches in diameter except that acid resistant lined manways shall be at least 18 inches in diameter before lining.

(f) Manway ring or flange, if riveted to dome or tank, shall be of cast, forged or fabricated steel, malleable iron or other malleable metals.

(g) Manway ring or flange, if welded to dome, tank or nozzle, shall be made of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of dome, tank, or nozzle.

(h) Openings for manway or other fittings shall be reinforced in an approved manner.

**§ 79.200–14 Expansion capacity.**

(a) Tanks shall have expansion capacity as prescribed in § 79.201–1. This capacity shall be provided in the tank for Class ICC–111A cars, or in a dome for Class ICC–103 and 104 type cars.

(b) The capacity of the expansion dome, when used, shall be at least the percentage specified in § 79.201–1 of the total capacity of the tank and dome combined. The capacity of the dome shall be measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, except that when safety relief device is applied to side of dome, the effective capacity of the dome shall be measured from top of safety relief device opening inside of dome to inside top of shell of tank.

(c) The opening in the tank shell within the dome shall be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening shall be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes shall be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(d) The dome head shall be of approved contour and shall be designed for pressure on concave side.

(e) Aluminum alloy domes:

(1) The dome shell thickness shall be calculated by the formula in § 79.200–6(a).

(2) The dome head may be an ellipsoid of revolution in which the major axis shall be equal to the diameter of the dome shell and the minor axis shall be one-half the major axis. The thickness in this case shall be determined by using formula in § 79.200–6(a).

(3) The dome head, if dished, shall be dished to a radius not exceeding 96 inches. Thickness of dished dome head shall be calculated by the formula in § 79.200–6(b).

(4) Tank shell shall be reinforced by the addition of a plate equal to or greater than shell in thickness and the cross sectional area shall exceed metal removed for dome opening, or tank shell shall be reinforced by a seamless saddle plate equal to or greater than shell in thickness and butt welded to tank shell. The reinforcing saddle plate shall be provided with a fluid opening having a vertical flange of the diameter of the dome for butt welding shell of dome to the flange. The reinforcing saddle plate shall extend about the dome a distance measured along shell of tank at least equal to the extension at top of tank. Other approved designs may be used.

(f) For thickness of carbon or alloy steel domes, see § 79.201–2.

**§ 79.200–15 Closures for manways.**

(a) Manway covers shall be of approved type. See § 79.202–1 for special requirements for flammable liquids.

(b) Manway covers shall be designed to provide a secure closure of the manway.

(c) Manway covers shall be cast, forged or fabricated metal and be of the same metal as the metal of the tank except for aluminum tanks where manway covers of other approved materials may be used, or except for steel tanks where malleable iron manway covers may be used. Malleable iron, when used, shall comply with AAR Specification M–402 Grade 35018—Malleable Iron Castings or ASTM A–47 Grade 35018—Malleable Iron Castings.

(d) All joints between manway covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

(e) For other manway cover requirements see § 79.201–1.

**§ 79.200–16 Gaging devices, top loading and unloading devices, venting and air inlet devices.**

(a) When installed, these devices shall be of an approved design which will prevent interchange with any other fixture, and be tightly closed. Unloading pipes shall be securely anchored within the tank. Each tank or compartment may be equipped with one separate air connection.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, shall be of an approved design, and be provided with a protective housing except when plug or ball type valves with operating handles removed are used. Provision shall be made for closing pipe connections of valves.

(c) Tanks may be equipped with a vacuum relief valve of an approved design.

(d) When gaging device is required in § 79.201–1, an outage scale visible through manway opening shall be provided. If loading devices are applied to permit tank loading with cover closed, a telltale pipe may be provided. Telltale pipe shall be capable of determining that required outage is provided. Pipe shall be equipped with ¼ inch minimum NPT control valve mounted outside tank and enclosed within a housing. Other approved devices may be used in lieu of outage scale or telltale pipe.

(e) Bottom sump if applied may be of cast, fabricated, or forged metal.

**§ 79.200–17 Bottom outlets.**

(a) If indicated in § 79.201–1, tank may be equipped with bottom outlet. If applied, bottom outlet shall comply with the following requirements:

(1) The extreme projection of bottom outlet equipment shall be at least 12 inches above top of rail. All bottom outlet reducers and closures and their attachments shall be secured to car by at least ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve shall be closed by a plug or cap.

(2) Bottom outlet shall be of approved construction, and be provided with a liquid tight closure at its lower end.

(3) The valve and its operating mechanism may be applied to the outside bottom of the tank. When applied in this manner, the valve operating mechanism shall be provided with a suitable locking arrangement to insure positive closure during transit.

(4) The valve operating mechanism for valves applied to the interior of the tank, and outlet nozzle construction shall insure against the unseating of the valve due to stresses or shocks incident to transportation.

(5) Bottom outlet nozzle of interior valves and the valve body of exterior valves, shall be of cast, fabricated or forged metal. If welded to tank, they shall be of good weldable quality in conjunction with metal of tank.

(6) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle or valve body of exterior valves, or some fixed attachment thereto, shall be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(7) If outlet nozzle extends 6 inches or more from shell of tank a "V" groove shall be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent shall be below the steam chamber but above the bottom of center sill construction. If outlet nozzle is not a single piece, or if exterior valves are applied, provision shall be made for the equivalent of the breakage groove.

(8) The flange on the outlet nozzle or the valve body of exterior valves shall be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove, or its equivalent.

(9) The valve shall have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat shall be readily accessible or removable for repairs, including grinding.

(10) The valve operating mechanism on interior valves shall have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome, or tank shell, leakage shall be prevented by packing in stuffing box or other suitable seals and a cap.

(b) If indicated in § 79.201–1, tank may be equipped with bottom washout of approved construction. If applied, bottom washout shall be in accordance with the following requirements:

(1) The extreme projection of the bottom washout shall be at least 12 inches above top of rail.

(2) Bottom washout shall be of cast, forged or fabricated metal. If welded to tank, they shall be of good weldable quality in conjunction with metal of tank.

(3) If washout nozzle extends 6 inches or more from shell of tank, a "V" groove shall be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the "V" not over ⅜ inch. Where nozzle is not a single piece, provision shall be made for the equivalent of the breakage groove. The nozzle shall be of a thickness to insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(4) The closure plug and seat shall be readily accessible or removable for repairs.

(5) Joints between closures and their seats may be gasketed with suitable material.

**§ 79.200–18 Safety relief devices.**

(a) Safety relief valves.

(1) When permitted in § 79.201–1, each tank or compartment shall be equipped with one or more safety relief valves of approved design, made of metal not subject to rapid deterioration by the lading, and mounted on expansion dome of Class ICC–103 or 104 cars or top of tank shell of Class ICC–111A cars. Total valve discharge capacity shall be sufficient to prevent building up of pressure in the tank to more than 10 psi above start-to-discharge pressure. See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(2) The start-to-discharge pressures and vapor tight pressures shall comply with § 79.201–1.

(b) Safety vents:

(1) When permitted in § 79.201–1, each tank or compartment used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety relief valves, but if not so equipped, shall have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 79.200–16(a), and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 75 percent of tank test pressure. Means for holding disc in place shall be such as to prevent distortion or damage to disc when applied. Safety vent closure shall be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents shall be stenciled "NOT FOR FLAMMABLE LIQUIDS."

**§ 79.200–19 Reinforcements, when used, and appurtenances not otherwise specified.**

(a) All attachments to tank and dome shall be applied by approved means. Rivets if used shall be calked inside and outside.

**§ 79.200–20 Interior heater systems.**

(a) See § 79.12.

**§ 79.200–21 Closures for openings.**

(a) All plugs shall be solid, with NPT threads, and shall be of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs, when inserted from the outside of tank heads, shall have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

**§ 79.200–22 Test of tanks.**

(a) Each tank shall be tested by completely filling the tank and dome or nozzles with water, or other liquid having similar viscosity, of a temperature which shall not exceed 100° F during the test; and applying the pressure prescribed in § 79.201–1. Tank shall hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety relief valves or safety vents, shall be in place when test is made.

(b) Insulated tanks shall be tested before insulation is applied.

(c) Rubber-lined tanks shall be tested before rubber lining is applied.

(d) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints shall be made as prescribed in AAR Specifications for Tank Cars, Appendix W.

**§ 79.200–23 Tests of safety relief valves.**

(a) Each valve shall be tested by air or gas for compliance with § 79.201–1 before being put into service.

**§ 79.200–24 Stamping.**

(a) To certify that the tank complies with all specification requirements, each tank shall be plainly and permanently stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads as follows:

| | *Example of required stamping* |
|---|---|
| Specification | ICC–103–W |
| Material | ASTM A285 C |
| Cladding material (if any) | ASTM A240–304 Clad |
| Tank builder's initials | ABC |
| Date of original test | 00–0000 |
| Car assembler (if other than tank builder) | DEF |

**§ 79.200–25 Stenciling.**

(a) The tank, or the jacket if tank is insulated, shall be stenciled in compliance with the requirements of AAR Specifications for Tank Cars, Appendix C.

**§ 79.200–26 Certificate of construction.**

(a) See § 79.5.

**§ 79.201 Individual specification requirements applicable to non-pressure tank car tanks.**

**§ 79.201–1 Individual specification requirements.**

(a) In addition to § 79.200 the individual specification requirements are as follows:

| ICC specifications | 103W | 103A–W | 103A–N–W | 103AL–W | 103A–AL–W | 103B–W | 103C–W | 103D–W | 103E–W | 104W |
|---|---|---|---|---|---|---|---|---|---|---|
| Material (see 79.200–7) | Steel | Steel | Nickel | Aluminum alloy. | Aluminum alloy. | Steel | Alloy steel | Alloy steel | Alloy steel | Steel |
| Insulation (see 79.200–4) | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Required |
| Bursting pressure, p.s.i. (see 79.200–5). | 240 | 240 | 240 | 240 | 240 | 240 | 240 | 240 | 240 | 240 |
| Minimum plate thickness, inches: | | | | | | | | | | |
| Shell (see 79.200–6) | 79.201–2 | 79.201–2 | 79.201–2 | ½ | ½ | 79.201.2 | 79.201.2 | 79.201.2 | 79.201.2 | 79.201–2 |
| Heads (see 79.200–6 and 79.200–8) | 79.201–2 | 79.201–2 | 79.201–2 | ½ | ½ | 79.201–2 | 79.201–2 | 79.201–2 | 79.201–2 | 79.201–2 |
| Dome | Required | Required | Required | Required | Required | Required | Required | Required | Required | Required |
| Minimum expansion capacity (see 79.200–14). | 2 percent in dome. | 1 percent in dome. | 1 percent in dome. | 2 percent in dome. | 1 percent in dome. | 1 percent in dome. | 1 percent in dome. | 2 percent in dome. | 1 percent in dome. | 2 percent in dome. |
| Test pressure, p.s.i. (see 79.200–22). | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 |
| Safety relief devices (see 79.200–18). | Valve or vent. | 79.201–7 | 79.201–7 | Valve or vent. | Valve or vent. | ---------- | Valve | Valve or vent. | Valve or vent. | Valve or vent. |
| Valve start-to-discharge pressure, p.s.i. (±3 p.s.i.). | 35 | 35 | 35 | 35 | 35 | ---------- | 35 | 35 | 35 | 35 |
| Valve vapor tight pressure (minimum p.s.i.). | 28 | 28 | 28 | 28 | 28 | ---------- | 28 | 28 | 28 | 28 |
| Valve flow rating pressure (maximum p.s.i.). | 45 | 45 | 45 | 45 | 45 | ---------- | 45 | 45 | 45 | 45 |
| Vent rupture pressure (maximum p.s.i.). | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 | 45 |
| Gaging devices (see 79.200–16). | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional |
| Top loading and unloading devices (see 79.200–16). | Optional | Required (valves optional). | Required (valves optional). Prohibited | Optional | Required (valves optional). Prohibited | Required (valves optional). Prohibited | Required (valves optional). Prohibited | Optional | Required (valves optional). Prohibited | Optional |
| Bottom outlet (see 79.200–17(a)). | Optional | Optional | Optional | Optional | Optional | Prohibited | Prohibited | Optional | Optional | Optional |
| Bottom washout (see 79.200–17(b)). | Optional | Optional | Optional | Optional | Optional | Prohibited | Prohibited | Optional | Optional | Optional |
| Closure for manway (see 79.200–15). | 79.201–6(a) | ---------- | 79.201–6(d) | 79.201–6(a) | ---------- | 79.201–6(b) | 79.201–6(c) | 79.201–6 (a), (c) | 79.201–6(c) | 79.201–6(a) |
| Stress relief (SR) or heat treatment (HT) (see 79.200–11). | SR | SR | Not required | Prohibited | Prohibited | SR | HT | HT (79.201–5) | HT (79.201–5) | SR |
| Other requirements | ---------- | ---------- | ---------- | ---------- | ---------- | 79.201–3 | 79.201–4 | ---------- | ---------- | ---------- |



| ICC specifications | [1] 111A60–W–1 | 111A60–AL–W | [1] 111A100–W–1 | [1] 111A100–W–2 | 111A100–W–3 | 111A100–W–4 | 111A100–W–5 | 111A100–W–6 | [1] 111A60–F–1 [1] 111A100–F–1 [1] 111A100–F–2 |
|---|---|---|---|---|---|---|---|---|---|
| Material (see 79.200–7) | Steel | Alluminum alloy. | Steel | Steel | Steel | Steel | Steel | Alloy steel | ---------- |
| Insulation (see 79.200–4) | Optional | Optional | Optional | Optional | Required | Required (79.201–11). | Optional | Optional | ---------- |
| Bursting pressure, p.s.i. (see 79.200–5) | 240 | 240 | 500 | 500 | 500 | 500 | 500 | 500 | ---------- |
| Minimum plate thickness, inches: | | | | | | | | | |
| Shell (see 79.200–6) | 7/16 | 1/2 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | ---------- |
| Heads (see 79.200–6 and 79.200–8) | 7/16 | 1/2 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | ---------- |
| Dome | None | None | None | None | None | None | None | None | ---------- |
| Minimum expansion capacity (see 79.200–14). | 2 percent in tank. | 2 percent in tank. | 2 percent in tank. | 1 percent in tank. | 2 percent in tank. | 73.314(a) | 1 percent in tank. | 2 percent in tank. | ---------- |
| Test pressure, p.s.i. (see 79.200–22) | 60 | 60 | 100 | 100 | 100 | 100 | 100 | 100 | ---------- |
| Safety relief devices (see 79.200–18) | Valve or vent. | Valve or vent. | Valve or vent. | 79.201–7 | Valve or vent. | Valve | Vent | Valve or vent. | ---------- |
| Valve start-to-discharge pressure, p.s.i. (±3 p.s.i.). | 35 | 35 | 75 | 75 | 75 | 75 | ---------- | 75 | ---------- |
| Valve vapor tight pressure (minimum p.s.i.). | 28 | 28 | 60 | 60 | 60 | 60 | ---------- | 60 | ---------- |
| Valve flow rating pressure (maximum p.s.i.). | 45 | 45 | 85 | 85 | 85 | 85 | ---------- | 85 | ---------- |
| Vent rupture pressure (maximum p.s.i.) | 45 | 45 | 75 | 75 | 75 | ---------- | 75 | 75 | ---------- |
| Gaging devices (see 79.200–16) | Required | Required | Required | Required | Required | Required (79.201–9). | Required | Required | ---------- |
| Top loading and unloading devices (see 79.200–16). | Optional | Optional | Optional | Required (valves optional). | Optional (if used, valves required). | Required (valves required). | Required (valves optional). | Optional (if used, valves required). | ---------- |
| Bottom outlet (see 79.200–17(a)) | Optional | Optional | Optional | Prohibited | Optional | Prohibited | Prohibited | Optional | ---------- |
| Bottom washout (see 79.200–17(b)) | Optional | Optional | Optional | Optional | Optional | Prohibited | Prohibited | Optional | ---------- |
| Closure for manway (see 79.200–15) | 79.201–6(a) | 79.201–6(a) | 79.201–6(a) | ---------- | 79.201–6(a) | 79.201–6(a) | 79.201–6(b) | 79.201–6 (a) and (c) | ---------- |
| Stress relief (SR) or heat treatment (HT) (see 79.200–11). | SR | Prohibited | SR | SR | SR | SR | SR | HT (79.201–5). | ---------- |
| Other requirements | ---------- | ---------- | ---------- | ---------- | ---------- | 79.201–8 & 79.201–10. | 79.201–3 | ---------- | ---------- |

[1] Tanks converted to ICC–111A series from existing forge-welded specification ICC–105A300, 400, or 500 tanks, by modification using conversion details complying with ICC–111A specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.

**§ 79.201–2 Minimum plate thickness.**

(a) The minimum plate thickness shall be as follows:

| Inside diameter of tanks | Bottom sheets (inch) | Shell sheets (inch) | Expansion dome sheets (inch) | 2:1 ellipsoidal heads (inch) | 3:1 ellipsoidal and dished tank heads (inch) | Expansion dome heads (inch) | Interior compartment heads (inch) |
|---|---|---|---|---|---|---|---|
| 60 inches or under | 7/16 | 1/4 | 5/16 | 7/16 | 1/2 | 5/16 | 5/16 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | 7/16 | 1/2 | 5/16 | 5/16 |
| Over 78 to 96 inches | 1 1/2 | 3/8 | 5/16 | 7/16 | 1/2 | 5/16 | 3/8 |
| Over 96 to 112 inches | 1 1/2 | 7/16 | 5/16 | 7/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | 1/2 | 1/2 | 7/16 | 1/2 | 5/8 | 9/16 | 1/2 |

[1] May be reduced to 7/16 inch when approved steels having tensile strength of 65,000 psi or higher are used.

**§ 79.201–3 Lined tanks.**

(a) Each tank or each compartment thereof shall be lined with acid resisting rubber or other approved material vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining. The lining shall be at least 5/32 inch thick, except over all rivets and seams formed by riveted attachments where the lining shall be double thickness. The lining shall overlap at least 1½ inches at all edges, which shall be straight and be beveled to an angle of approximately 45 degrees, or butted edges of lining shall be sealed with a 3-inch minimum strip of lining having 45 degree beveled edges. An additional reinforcing pad at least 4½ feet square and at least ½ inch thick shall be applied by vulcanizing to the lining on bottom of tank directly under the manway opening. The edges of pad shall be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No lining shall be under tension when applied except due to conformation over rivet heads. Interior of tank shall be free from scale, oxidation, moisture and all foreign matter during the lining operations.

(b) All rivet heads on inside of tank shall be button-head or similar shape, of uniform size and the under surface of heads shall be driven tight against plate. All plates, castings and rivet heads on inside of tank shall be calked. All projecting edges of plates, castings and rivet heads on inside of tank shall be rounded and free from fins and other irregular projections. Castings shall be free from porosity.

(c) All surfaces of attachments or fittings and their closures, exposed to the lading shall be covered with at least ⅛ inch acid resistant material. Attachments made of metal not affected by the lading need not be acid resistant material covered.

**§ 79.201–4 Material.**

(a) Except for protective housing, all fittings, tubes and castings and all projections and their closures shall also meet the requirements of § 79.200–7(c).

**§ 79.201–5 Heat treatment.**

(a) All welding of the tank shell and of attachments welded directly thereto shall be heat treated as a unit to remove stresses at the proper temperature to obtain corrosion resistance specified in § 79.200–7(c), except for commodities not classed as Corrosive Liquids in Part 73 of this chapter, tanks made of ASTM A240 Type 304L and 316L are not required to be heat treated as a unit to remove stresses, nor to obtain the corrosion resistance specified in § 79.200–7(c)(1).

**§ 79.201–6 Closures for manways.**

(a) The manway cover shall be designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway cover shall be made of a suitable metal. The top, bottom and edge of manway cover shall be acid resistant material covered as prescribed in § 79.201–3. Through bolt holes shall be lined with acid resistant material at least ⅛ inch in thickness. Cover made of metal not affected by the lading need not be acid resistant material covered.

(c) Manway ring and cover shall be made of the metal prescribed in § 79.200–7(c).

(d) Manway rings shall be made of cast, forged or fabricated nickel and be a good weldable quality in conjunction with the metal of the dome.

**§ 79.201–7 Safety relief devices.**

(a) Each tank or compartment shall be equipped with a safety vent unless characteristics of the lading require a safety relief valve. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 79.200–16(a).

(b) Safety vents, if used, shall be of approved design, at least 1¾ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will burst at not more than 75 percent of tank test pressure. Means for holding the disc in place shall be such as to prevent distortion or damage to disc when applied. Safety vent closure shall be chained or otherwise fastened to prevent misplacement.

(c) Safety relief valves, if used, shall be of approved design, made of metal not subject to rapid deterioration by the lading, and mounted on expansion dome of Class ICC–103 and 104 type tanks, or top of tank shell for Class ICC–111A type tanks.

**§ 79.201–8 Sampling device and thermometer well.**

(a) Sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the sampling valve must be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be closed by an approved valve attached close to fitting where it passes through the tank and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

**§ 79.201–9 Gaging device.**

(a) A gaging device of an approved design shall be applied to permit determining the liquid level of the lading. The interior pipe of the gaging device shall be equipped with an excess flow valve of an approved design. This device shall be provided with a protective housing.

(b) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

**§ 79.201–10 Water capacity marking.**

(a) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the stamped marks specified in § 79.200–24(a). This mark shall also be stenciled on the jacket immediately below the dome platform and directly behind or within 3 feet of the right or left side of the ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 1½ inches high as follows:

WATER CAPACITY
000000 Pounds

**§ 79.201–11 Insulation.**

(a) Insulation shall be of sufficient thickness so that the thermal conductance at 60 F is not more than 0.075 Btu per hour, per square foot, per degree F temperature differential.

**§ 79.202 Special commodity requirements for non-pressure tank car tanks.**

(a) In addition to §§ 79.200 and 79.201 the following requirements are applicable:

**§ 79.202–1 Flamable liquids not specifically provided for.**

(a) Specs. ICC–103, 103–W, 103AL–W, 103D–W, 104, 104–W, 111A60AL–W, 111A100–F–1, 111A100–W–1, 111A100–W–3, 111A100–W–4, and 111A100–W–6, tank cars used to transport flammable liquids not specifically provided for shall have manway closures so designed that pressure will be released automatically by starting the operation of removing the manway cover. Openings in tank heads to facilitate application of lining are authorized and shall be closed in an approved manner. Spec. 103, 103–W, 103AL–W, 104, 104–W, 111A60AL–W or 111A100–W–3, used to transport flammable liquids not specifically provided for, having a vapor pressure exceeding 27 pounds per square inch absolute at 100° F but not exceeding 40 pounds per square inch absolute at 100° F, shall have their manway closures equipped with approved safeguards making removal of closures from the manway opening practically impossible while car interior is subjected to vapor pressure of lading. These cars shall be stenciled on each side of domes in line with the ladders, and in a color contrasting to the color of the dome with the identification mark as prescribed in § 73.119(g) of this chapter.

**§ 79.202–2 Dimethyl dichlorosilane, Ethyl dichlorosilane, Ethyl trichlorosilane, Methyl trichlorosilane, Trimethyl chlorosilane, Vinyl trichlorosilane, Methyl dichlorosilane and Trichlorosilane.**

(a) Specs. 103, 103–W, 111A60–F–1, 111A60–W–1 and 111A100–W–1 tank cars used to transport Dimethyl dichlorosilane, Ethyl dichlorosilane, Ethyl trichlorosilane, Methyl trichlorosilane, Trimethyl chlorosilane, Vinyl trichlorosilane, Methyl dichlorosilane, and Trichlorosilane, shall not be equipped with bottom discharge outlet.

**§ 79.202–3 Amyl mercaptan, Butyl mercaptan, Ethyl mercaptan, Isopropyl mercaptan, Propyl mercaptan, and Aliphatic mercaptan mixtures.**

(a) Specs. 103–W, 111A60–F–1 and 111A60–W–1 tank cars used to transport Amyl mercaptan, Butyl mercaptan, Ethyl mercaptan, Isopropyl mercaptan, Propyl mercaptan, an Aliphatic mercaptan mixtures shall have bottom outlets effectively sealed. Bottom washout permitted.

**§ 79.202–4 Potassium nitrate mixed (fused) with Sodium nitrite.**

(a) Spec. 103–W tank cars used to transport Potassium nitrite mixed (fused) with Sodium nitrate shall be specially designed, equipped and approved for this service, without bottom discharge outlet and with heavier plate thicknesses than the minimum prescribed for cars built under this specification. For spec. 103–W tank cars made of plates having the minimum prescribed thicknesses, internal reinforcement of the upper sheets of tank in the region of the dome and reinforcing plates attached to the bottom sheet of the tank which rests on bolsters is required, and these tanks shall be equipped with baffle plates. Heater pipes shall be of welded construction designed for a test pressure of 500 pounds per square inch. A one inch woven asbestos lining shall be placed between bolster slabbing and bottom of tank to prevent heat transmission. Safety vents of the frangible disc type may be used and if used the frangible discs shall be perforated with ⅛ inch hole. If safety relief valves are used, a vacuum relief valve shall be installed on the dome. Tanks shall be stenciled on both sides "FUSED POTASSIUM NITRATE AND SODIUM NITRITE ONLY."

**§ 79.202–5 Phosphorus, white or yellow.**

(a) Specs. ICC–103, 103–W, 111A60–F–1, 111A60–W–1 and 111A100–W–1 tank cars used to transport Phosphorous, white or yellow, shall be equipped with approved dome fittings, external heater systems and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be applied. Bottom outlet for discharge of lading prohibited.

**§ 79.202–6 Cumene hydroperoxide, Diisopropylbenzene hydroperoxide and Paramenthane hydroperoxide.**

(a) Specs. ICC–103, 103–W, 111A60–F–1, 111A60–W–1 and 111A100–W–1 tank cars used to transport Cumene hydroperoxide of strength not exceeding 90 percent in a nonvolatile solvent, Paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent and Diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent, shall have bottom outlets effectively sealed from the inside.

**§ 79.202–7 Titanium tetrachloride, anhydrous.**

(a) Specs. ICC–103A, 103A–W, 111A100–F–2 and 111A100–W–2 tank cars used to transport Titanium tetrachloride, anhydrous, shall have safety relief valves of approved design and not subject to rapid deterioration by the lading.

**§ 79.202–8 Chloracetyl chloride.**

(a) Specs. ICC–103A–W, 111A100–F–2 and 111A100–W–2 tank cars used to transport Chloracetyl chloride shall have a nickel cladding of 1/10 inch minimum thickness. Nickel cladding in tanks shall have a minimum nickel content of at least 99 percent pure nickel. Spec. ICC–103A–N–W tank cars used to transport Chloracetyl chloride shall be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading shall have a minimum nickel content of approximately 96.7 percent.



**§ 79.202–9 Hydrochloric (muriatic) acid not over 38 percent strength by weight except acid of 22° Baume strength or other fuming acids.**

(a) Spec. ICC–103B, 103B–W, or 111A100–W–5 tank cars used to transport Hydrochloric (muriatic) acid not over 38 percent except acid of 22° Baume strength and other fuming acids, may be equipped with safety vent of approved design having a frangible disc with ⅛ inch breather hole in the center, or a safety vent of approved design using carbon discs permitting continuous venting.

**§ 79.202–10 Hydrogen peroxide solution in water exceeding 52 percent by weight.**

(a) Spec. ICC–103A–AL–W tank cars used to transport Hydrogen peroxide solution in water exceeding 52 percent by weight, shall be equipped with a venting arrangement approved by the Bureau of Explosives.

**§ 79.202–11 Phosphorus oxychloride, Phosphorus trichloride, and Thiophosphoryl chloride.**

(a) Spec. ICC–103A–N–W tank cars used to transport Phosphorus oxychloride, Phosphorus trichloride, and Thiophosphoryl chloride, shall be solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Spec. ICC–103A tank cars used to transport phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride shall be lead-lined steel, or made of steel at least 10 percent nickel clad. Spec. ICC–103A–W, 111A100–F–2 or 111A100–W–2 tank cars used to transport Phosphorus oxychloride, Phosphorus trichloride and Thiophosphoryl chloride shall be lead-lined steel or made of steel with a minimum thickness of nickel cladding of 1/16 inch. Nickel cladding in tanks shall have a minimum nickel content of at least 99 percent pure nickel. Spec. ICC–103E–W tank cars used to transport Phosphorus trichloride and Thiophosphoryl chloride shall have tanks fabricated from Type 316 stainless steel.

**§ 79.202–12 Sulfuric acid of concentrations 65.25 percent (approximately 1.559 specific gravity) (52° Baume) or greater.**

(a) Spec. ICC–103A, 103A–W, 111A100–F–2 or 111A100–W–2 tank cars used to transport Sulfuric acid of concentration 65.25 percent (approximately 1.559 specific gravity) (52° Baume) except oleum, mixed acid (nitric and sulfuric) (nitrating acid) and other fuming acids, may have safety vents equipped with lead discs having a ⅛ inch breather hole in the center thereof.

**§ 79.20213 Sulfur trioxide, stabilized.**

(a) Specs. ICC–103A, 103A–W, 111A100–F–2, 111A100–W2 and 105A300–W tank cars, used to transport Sulfur trioxide, stabilized, shall be equipped with safety relief valves of approved design and not subject to rapid deterioration by the lading. Tanks equipped with interior heating coils not permitted.

**§ 79.202–14 Anhydrous hydrazine and Hydrazine solutions containing 50 percent or less of water.**

(a) Specs. ICC–103C–W and 111A100–W–6 tank cars used to transport Anhydrous hydrazine or Hydrazine solutions containing 50 percent or less water, shall have tanks fabricated of Type 304L or 347 stainless steel with molybdenum content not exceeding one-half of one percent.

**§ 79.202–15 Formic acid and Formic acid solutions.**

(a) Spec. ICC–103E–W tank cars used to transport Formic acid or Formic acid solutions, shall have tanks fabricated from Type 316 stainless steel and be stenciled "FOR FORMIC ACID ONLY."

**§ 79.202–16 Monochloroacetic acid, liquid.**

(a) Specs. ICC–103A–W, 111A100–F–2 and 111A100–W–2 tank cars used to transport Monochloroacetic acid, liquid, shall have tanks nickel clad at least 20 percent.

**§ 79.202–17 Benzyl chloride.**

(a) Spec. ICC–103A, 103A–W, 111A100–F–2 or 111A100–W–2 tank cars used to transport Benzyl chloride, stabilized, may be 10 percent nickel clad. Spec. 103A–N–W tank cars used to transport Benzyl chloride shall have all cast metal parts in contact with the lading made from metal having a minimum nickel content of approximately 96.7 percent

**§ 79.202–18 Ethylene oxide.**

(a) Spec. ICC–111A100–W–4 tank cars used to transport Ethylene oxide, may have opening in the tank heads to facilitate application of nickel lining. Such openings in tank heads shall be closed in an approved manner.

**§ 79.202–19 Dimethylhydrazine, unsymmetrical.**

(a) Specs. ICC–103–W and 103C–W tank cars used to transport Dimethylhydrazine, unsymmetrical, shall be equipped with steel safety valves of approved design. Spec. 103–W tank cars shall not be equipped with bottom outlets.

## Subpart E—Specifications for Multi-Unit Tank Car Tanks (Classes ICC–106A and 110A–W)

**§ 79.300 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying.**

**§ 79.300–1 Tanks built under these specifications shall meet the requirements of § 79.300, § 79.301 and when applicable, § 79.302.**

**§ 79.300–2 Approval.**

(a) For procedure for securing approval, see § 79.3.

**§ 79.300–3 Type and general requirements.**

(a) Tanks built under this specification shall be cylindrical, circular in cross section, and shall have heads of approved design. All openings shall be located in the heads.

(b) Each tank shall have a water capacity of at least 1500 pounds and not more than 2600 pounds.

(c) For tanks made in foreign countries, a chemical analysis of materials and all tests as specified shall be carried out within the limits of the United States under the supervision of a competent and impartial inspector.

**§ 79.300–4 Insulation.**

(a) Tanks shall not be insulated.

**§ 79.300–5 Bursting pressure.**

(a) The minimum required bursting pressure is listed in § 79.301.

**§ 79.300–6 Thickness of plates.**

(a) For Class ICC–110A tanks, the wall thickness of the cylindrical portion of the tank shall not be less than that specified in § 79.301 nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

$d$ = inside diameter in inches;
$E$ = 0.9 welded joint efficiency;
$P$ = minimum required bursting pressure in psi;
$S$ = minimum tensile strength of plate material in psi as prescribed in § 79.300–7;
$t$ = minimum design thickness of plate in inches.

(b) For Class ICC–106A tanks, the wall thickness of the cylindrical portion of the tank shall not be less than that specified in § 79.301 and shall be such that at the tank test pressure the maximum fiber stress in the wall of the tank will not exceed 15,750 psi as calculated by the following formula:

$$s = \frac{p(1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

where:

$d$ = inside diameter in inches;
$D$ = outside diameter in inches;
$p$ = tank test pressure in psi;
$s$ = wall stress in psi.

(c) If plates are clad with material having tensile strength at least equal to the base plate, the cladding may be considered a part of the base plate when determining the thickness. If cladding material does not have tensile strength at least equal to the base plate, the base plate alone shall meet the thickness requirements.

**§ 79.300–7 Material.**

(a) Carbon steel plate material used to fabricate tanks with fusion-welded heads shall be open hearth boiler plate of flange or firebox quality having a carbon content not exceeding 0.31 percent and complying with one of the following ASTM specifications for the material and with the indicated tensile strength and elongation in the welded condition:

| Specification | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|
| ASTM A–212 Gr A | 65,000 | 20 |
| ASTM A–212 Gr B | 70,000 | 20 |
| ASTM A–285 Gr A | 45,000 | 29 |
| ASTM A–285 Gr B | 50,000 | 20 |
| ASTM A–285 Gr C | 55,000 | 20 |

(1) These plates may be clad with other approved metals.

(b) Carbon steel plate material used to fabricate tanks with forge-welded heads shall be open hearth boiler plate of firebox quality complying with specification ASTM A–285 Grade A.

(c) All plates shall have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

**§ 79.300–8 Tank heads.**

(a) Class ICC–110A tanks shall have fusion-welded heads formed concave to pressure. Heads for fusion welding shall be an ellipsoid of revolution 2:1 ratio of major to minor axis. They shall be one piece, hot formed in one heat so as to provide a straight flange at least 1½ inches long. The thickness shall not be less than that calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where symbols are as defined in § 79.300–6 (a).

(b) Class ICC–106A tanks shall have forged-welded heads formed convex to pressure. Heads for forge welding shall be torispherical with an inside radius not greater than the inside diameter of the shell. They shall be one piece, hot formed in one heat so as to provide a straight flange at least 4 inches long. They shall have snug drive fit into the shell for forge welding. The thickness shall be sufficient to meet the test requirements of § 79.300–16 and to provide for adequate threading of openings.

**§ 79.300–9 Welding.**

(a) Longitudinal joints shall be fusion welded. Head-to-shell joints shall be forge welded on Class ICC–106A tanks and fusion welded on Class ICC–110A tanks. Welding procedures, welders and fabricators shall be approved.

(b) Fusion-welded joints shall be in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W, except that circumferential welds in tanks less than 36 inches inside diameter need not be radiographed.

(c) Forge-welded joints shall be thoroughly hammered or rolled to insure sound welds. The flanges of the heads shall be forge lapwelded to the shell and then crimped inwardly toward the center line at least one inch on the radius. Welding and crimping must be accomplished in one heat.

**§ 79.300–10 Stress relieving.**

(a) After welding is complete, steel tanks and all attachments welded thereto, shall be stress relieved as a unit in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W.

**§ 79.300–11 Tank mounting.**

(a) For tank mounting, see § 79.10.

**§ 79.300–12 Protection of fittings.**

(a) Tanks shall be of such design as will afford maximum protection to any fittings or attachment to the head including the housing referred to in § 79.300–12(b). Tank ends shall slope or curve inward toward the axis so that the diameter at each end is at least 2 inches less than the maximum diameter.

(b) Loading and unloading valves shall be protected by a detachable protective housing of approved design which shall not project beyond the end of the tank and shall be securely fastened to the tank head. Safety relief devices shall not be covered by the housing.

**§ 79.300–13 Venting, loading and unloading valves.**

(a) Valves shall be of approved type, made of metal not subject to rapid deterioration by lading, and shall withstand tank test pressure without leakage. The valves shall be screwed directly into or attached by other approved methods to one tank head. Provision shall be made for closing outlet connections of the valves.

(b) Threads for openings shall be National Gas Taper Threads (NGT) tapped to gage, clean cut, even and without checks.

**§ 79.300–14 Attachments not otherwise specified.**

(a) Siphon pipes and their couplings on the inside of the tank head and lugs on the cutside of the tank head for attaching the valve protective housing shall be fusion-welded in place prior to stress relieving. All other fixtures and appurtenances, except as specifically provided for, are prohibited.

**§ 79.300–15 Safety relief devices.**

(a) Unless prohibited in § 79.302, or in Part 73 of this chapter, tanks shall be equipped with one or more safety relief devices of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved methods. The total discharge capacity shall be sufficient to prevent building up pressure in tank in excess of 82.5 percent of the tank test pressure. When safety relief devices of the fusible plug type are used, the required discharge capacity shall be available in each head. See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(b) Threads for openings shall be National Gas Taper Threads (NGT) tapped to gage, clean cut, even and without checks.

(c) Safety relief valves shall be set for start-to-discharge and frangible discs shall burst at a pressure not exceeding that specified in § 79.301.

(d) Fusible plugs shall function at a temperature not exceeding 175 F and shall be vapor-tight at a temperature of not less than 130 F.

**§ 79.300–16 Tests of tanks.**

(a) After stress relieving, tanks shall be subjected to hydrostatic expansion test in a water jacket, or by other approved methods. No tank shall have been subjected previously to internal pressure within 100 pounds of the test pressure. Each tank shall be tested to the pressure prescribed in § 79.301. Pressure shall be maintained for 30 seconds and sufficiently longer to insure complete expansion of tank. Pressure gage shall permit reading to accuracy of one percent. Expansion gage shall permit reading of total expansion to accuracy of one percent. Expansion shall be recorded in cubic centimeters.

(1) No leaks shall appear and permanent volumetric expansion shall not exceed 10 percent of total volumetric expansion at test pressure.

(b) After all fittings have been installed, each tank shall be subjected to interior air pressure test of at least 100 psi under conditions favorable to detection of any leakage. No leaks shall appear.

(c) Repairs of leaks detected in manufacture or in foregoing tests shall be made by the same process as employed in manufacture of tank. Calking, soldering, or similar repairing is prohibited.

**§ 79.300–17 Tests of safety relief devices.**

(a) Each valve shall be tested by air or gas before being put into service. The valve shall open and be vapor-tight at the pressures prescribed in § 79.301.

(b) For safety relief devices of the frangible disc type, a sample of the disc used shall be burst and be vapor-tight at the pressures prescribed in § 79.301.

(c) For safety relief devices of the fusible plug type, a sample of the plug used shall function at the temperatures prescribed in § 79.300–15.

(d) The start-to-discharge and vapor-tight pressures shall not be affected by any auxiliary closure or other combination.

**§ 79.300–18 Stamping.**

(a) To certify that the tank complies with all specification requirements, each tank shall be plainly and permanently stamped in letters and figures ⅜ inch high into the metal of valve end chime as follows:

(1) ICC Specification number.

(2) Material and cladding material if any (immediately below the specification number).

(3) Owner's or builder's identifying symbol and serial number (immediately below the material identification). The symbol shall be registered with the Bureau of Explosives, duplications are not authorized.

(4) Inspector's official mark (immediately below the owner's or builder's symbol).

(5) Date of original tank test (month and year, such as 1–64 for January 1964). This should be so placed that dates of subsequent tests may easily be added thereto.

(6) Water capacity — 0000 pounds.

(b) A copy of the above stamping in letters and figures of the prescribed size stamped on a brass plate secured to one of the tank heads is authorized.

**§ 79.300–19 Inspection.**

(a) Tank shall be inspected within the United States and Canada by a competent and impartial inspector acceptable to the Bureau of Explosives. For tanks made outside the United States and Canada, the specified inspection shall be made within the United States.

(b) The inspector shall carefully inspect all plates from which tanks are to be made and secure records certifying that plates comply with the specification. Plates which do not comply with § 79.300–7 shall be rejected.

(c) The inspector shall make such inspection as may be necessary to see that all the requirements of this specification, including markings, are fully complied with; shall see that the finished tanks are properly stress relieved and tested.

(d) The inspector shall stamp his official mark on each accepted tank as required in § 79.300–18, and render the report required in § 79.300–20.

**§ 79.300–20 Reports.**

(a) Before a tank is placed in service, the inspector shall furnish to the builder, tank owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification.

(b) For builder's Certificate of Construction, see § 79.5(b).

**§ 79.301 Individual specification requirements for multi-unit tank car tanks.**

(a) In addition to § 79.300 the individual specification requirements are as follows:

| ICC specifications | 106A500–X | 106A800–X | 110A500–W | 110A800–W | 110A1000–W |
|---|---|---|---|---|---|
| Bursting pressure, psi (see § 79.300–5) | None specified | None specified | 1250 | 2000 | 2500 |
| Minimum thickness shell, inches | 13/32 | 13/16 | 11/32 | 15/32 | 19/32 |
| Test pressure, psi (see § 79.300–16) | 500 | 800 | 500 | 800 | 1000 |
| Safety relief devices psi (see § 79.300–15) | | | | | |
| Start-to-discharge, or burst maximum | 375 | 600 | 375 | 600 | 700 |
| Vapor-tight, minimum | 300 | 480 | 300 | 480 | 650 |

**§ 79.302 Special commodity requirements for multi-unit tank car tanks.**

(a) In addition to §§ 79.300 and 79.301 the following requirements are applicable:

| Commodity | Safety relief device | Valve protective housing | Miscellaneous |
|---|---|---|---|
| Aluminum triethyl | Valve required | | |
| Aluminum trimethyl | do | | |
| Pyroforic fuel | do | | |
| Triisobutyl aluminum | do | | |
| Ethyl aluminum sesquichloride | do | | |
| Diethyl aluminum chloride | do | | |
| Ethyl aluminum dichloride | do | | |
| Methyl aluminum sesquichloride | do | | |
| Methyl aluminum sesquibromide | do | | |
| Nitrosyl chloride | Fusible plug required | | (4). |
| Chlorine trifluoride | Prohibited[1] | | |
| Hydrogen sulfide | do.[1] | Gas tight[2] | |
| Chlorpicrin | do.[1] | do.[2] | § 73.357. |
| Methyl mercaptan | do.[1] | | |
| Hydrofluoric acid | do.[1] | | |
| Nitrogen dioxide liquid | do.[1] | Gas tight.[2] | |
| Nitrogen peroxide liquid | do.[1] | do.[2] | |
| Nitrogen tetroxide liquid | do.[1] | do.[2] | |
| Nitrogen tetroxide-nitric oxide mixtures | do.[1] | do.[2] | |
| Phosgene | do.[1] | do.[2] | |
| Vinyl chloride | | | (3). |
| Vinyl methyl ether | | | (3). |
| Titanium tetrachloride (anhydrous) | Prohibited[1] | | |

[1] When safety relief devices are prohibited, containers may be equipped with solid steel plugs in the safety device openings.

[2] The detachable protective housing for the loading and unloading valves must withstand tank test pressure without leakage and must be approved by the Bureau of Explosives.

[3] All parts of valves and safety relief devices in contact with the lading must be of a metal or other material, suitably treated if necessary, which will not cause formation of any acetylides.

[4] Tanks for Nitrosyl chloride shall be nickel-clad and safety relief devices shall be of the fusible plug type and shall function at a temperature not exceeding 175 F and be vaportight at 130 F.

## Subpart F—Specifications for Liquefied Hydrogen Tank Car Tanks and Seamless Steel Tanks (Classes ICC–113A–W and 107A)

**§ 79.400 General specifications applicable to liquefied hydrogen tank car tanks.**

**§ 79.400–1 General.**

(a) Tanks built under these specifications must meet the requirements of §§ 79.400 and 79.401.

**§ 79.400–2 Approval.**

(a) For procedure for securing approval, see § 79.3.

**§ 79.400–3 Type.**

(a) A tank built in accordance with this specification shall consist of an inner (pressure) container suitably supported within an outer shell, and forming a part of a railway car. The car shall be equipped with piping systems for vapor venting, transfer of the lading and with safety relief devices, controls, gages and valves prescribed herein for safe operation of the unit in storage, transport and transfer of the lading.

(b) The inner (pressure) container shall be a fusion-welded cylindrical shell closed at each end with formed heads convex outward and suitable for operation at temperatures as low as —423 F.

(c) The outershell shall be a fusion-welded cylindrical shell with formed heads.

(d) *Compartments.* When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward and comply with all other requirements described in this specification.

**§ 79.400–4 Bursting pressure.**

(a) The minimum required bursting pressure of the inner container is listed in § 79.401.

**§ 79.400–5 Thickness of plates.**

(a) The wall thickness of the inner container shell and heads shall not be less than that specified in § 79.401, nor that calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where:

$d$ = inside diameter in inches;
$E$ = efficiency of longitudinal welded joint — 90 per cent;
$P$ = minimum required bursting pressure in psi;
$S$ = minimum ultimate tensile strength of plate material in psi as prescribed in § 79.400–6;
$t$ = minimum design thickness of plate in inches.

**§ 79.400–6 Materials.**

(a) The material used in the shell, heads and appurtenances shall be suitable for use at minus 423° F and compatible with the lading and the usual cleaning compounds recommended for this service. Chromium-nickel steel plate made to ASTM specification A–240–61T, Type 304, is an approved material and, when used, it shall be in the annealed condition prior to fabricating, forming or fusion-welding. Other approved materials may be used. The minimum ultimate tensile strength shall be as given in ASTM specification A–240, Type 304.

**§ 79.400–7 Heads.**

(a) The formed heads on the inner container shall preferably be ellipsoids of revolution in which the major axis shall equal the inside diameter of the shell and the minor axis shall be one-half of the major axis. The minimum thickness after forming shall be determined by the provisions of § 79.400–5(a) except that an efficiency of 100 percent may be used for a seamless head. Formed heads of other approved contours and thicknesses may be used but in no case shall the plate thickness be less than 3/16 inch.

**§ 79.400–8 Welding—inner container.**

(a) All joints must be fusion-welded in compliance with the requirements of the AAR Specifications for Tank Cars, Appendix W, except that the following requirements supersede requirements listed under "Test Plates," "Bend Test," and "Impact Test" of Appendix W.

(b) *Test plates.* A welded test plate of the dimensions shown in Figure W–2 of AAR Specifications for Tank Cars, Appendix W shall be made for each container using the same weld procedure as used in welding the longitudinal seams of the container. Test plates shall be prepared from material having the same material specification and mill heat numbers as used in the shell or main heads of the inner container. After welding is completed, the test plate shall be radiographed, and the standards of judgment of weld acceptability as set forth in Par. 10.74–1 of AAR Specifications for Tank Cars, Appendix W, shall be followed.

(c) *Test specimens.* The following test specimens shall be removed from the welded test plate and subjected to tests prescribed below:

(1) *Bend test.* Four transverse bend test specimens shall be removed from the welded test plate transverse to the welded joint of the test plate. The specimens shall be of rectangular cross section 1½ inches wide and the full thickness of the test plate. Weld reinforcements on each side of each test specimen shall be removed flush with the plane of the plate surface. Specimens shall be saw-cut from the test plate. Removal of test specimens from the test plate by means of flame cutting is prohibited. The specimens shall be subjected to a guided bend test, and two transverse face bend tests and two transverse root bend tests shall be performed. A bend test specimen that reveals no cracks or other open defects exceeding ⅛ inch measured in any direction on the convex surface of the specimen shall be considered to have passed the bend test. Cracks occurring on the corners of the specimen during the test shall not be considered as cause for rejection, unless there is definite evidence that they are the result of slag inclusions in the weld or other internal defects.

(2) *Impact tests.* Three sets of three impact test specimens shall be saw-cut from the welded test plate. These specimens shall be used for determining the impact properties of the plate material, weld zone and heat-affected zone. Impact test specimens shall be of the Charpy type, keyhole or milled U-notch, with the base of the notch normal to the plate surface, and shall conform in all respects to Figure 3 of ASTM Specification E–23–60–T. Impact test specimens shall be cooled in liquid nitrogen (—320 F). The apparatus for testing the specimens shall be in accordance with the requirements of ASTM Specification E–23–60–T. The test piece and handling tongs shall be cooled for a length of time sufficient to reach the temperature of liquid nitrogen. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than six seconds.

(3) *Impact properties.* The impact properties of each set of impact specimens shall be not less than the values listed below:

| Size of specimen | Minimum impact value required for average of each set of 3 specimens | Minimum impact value permitted on 1 specimen only of each set of 3 specimens |
|---|---|---|
| | *Feet-Pound* | *Feet-Pound* |
| 55 mm x 10 mm x 10 mm | 15 | 10 |
| 55 mm x 10 mm x 7.5 mm | 12.5 | 8.5 |
| 55 mm x 10 mm x 5 mm | 10 | 7 |
| 55 mm x 10 mm x 2.5 mm | 5 | 3.5 |

When the average value of the three specimens equals or exceeds the minimum value permitted for a single specimen, and the value for more than one specimen is less than the minimum value required for the average of the three specimens, or when the impact value of one specimen is below the minimum value permitted for a single specimen, a retest of three additional specimens shall be made. The value from each retest specimen shall equal or exceed the minimum value required for the average of three specimens given above. When an erratic result is caused by a defective specimen or there is uncertainty in the test procedure, a retest is authorized.

**§ 79.400–9 Stress relieving.**

(a) Stress relieving of the inner container is not a requirement of this specification.

**§ 79.400–10 Cleaning interior container.**

(a) The interior of the tank and all lines connecting to it shall be thoroughly cleaned. Proper precautions shall be taken to avoid subsequent recontamination of the system after cleaning.

**§ 79.400–11 Test of inner container.**

(a) After all items to be welded to the inner container have been welded in place, the inner container shall be pressurized hydrostatically or pneumatically to the test pressure prescribed in § 79.401. The temperature of the pressurizing medium shall not exceed 100 F during the test. The container shall hold the prescribed pressure for a period of not less than ten minutes without leakage or evidence of distress. Due regard should be taken of the potential hazard involved in a pneumatic test. After the container has passed the pressure test, the container and piping shall be emptied of all water and purged of all water vapor if water is used for testing.

(b) Calking of welded joints to stop leaks developed during the foregoing test is prohibited. Repairs to welded joints shall be made as prescribed in § 79.400–8.

**§ 79.400–12 Radiography.**

(a) All longitudinal and circumferential double-butt, fusion-welded joints of the inner container and outer shell shall be examined throughout their entire length by the X-ray or gamma-ray method of radiography. The standards of judgment for acceptability of welds examined by radiography shall be in accordance with Par. 10.74–1 of AAR Specifications for Tank Cars, Appendix W.

**§ 79.400–13 Support system for inner container.**

(a) The inner container shall be supported within the outer shell by a support system of adequate strength and ductility at its operating temperature to support the inner container when filled with liquid lading to any level incidental to operation of the complete unit as a railway tank car. The support system shall be designed to be capable of supporting, without yielding, impact loads producing accelerations of the following magnitudes and directions when the inner container is fully loaded, and the car is equipped with a conventional AAR Specification M–901 draft gear:

| | |
|---|---|
| Longitudinal | 7G |
| Transverse | 3G |
| Vertical | 3G |

The longitudinal acceleration may be reduced to 3G where a cushioning device of approved design, which has been tested to demonstrate its ability to limit body forces to 400,000 pounds maximum at 10 miles per hour, is used between the coupler and the tank structure. The support system shall be of an approved design and such that the inner container shall be thermally isolated from the outer shell to the best practical extent.

**§ 79.400–14 Access to inner container.**

(a) The inner container shall be provided with a means of access having a minimum inside diameter of 16 inches and having a welded closure so designed as to allow it to be reopened by grinding or chipping and to be closed again by rewelding without a need for new parts. A cutting torch shall not be used. The closure and the reinforcement of the opening in the container shall be of approved design and made of the same material as is used in the container. Consideration must be given in the design to minimizing contamination of the container and the vacuum space when the closure is opened and closed. The outer shell shall be provided with an access opening of sufficient size (and aligned with the container access opening) to permit removal of the container closure and access into the container. The closure and the reinforcement of the opening in the outer shell shall be of approved design and made of the same material as is used in the outer shell. The closure shall preferably be so designed as to allow it to be reopened by grinding or chipping and to be closed again by rewelding without a need for new parts. A passageway connecting the inner container with the outer shell is not a specification requirement.

**§ 79.400–15 Outer shell.**

(a) *Design.* The outer shell shall be designed to withstand an external pressure of one atmosphere.

(b) *Thickness of plates.* The wall thickness of steel plates in the cylindrical portion of the outer shell shall be not less than 7/16 inch.

(c) *Material.* All plate material in the outer shell shall be flange quality or firebox quality steel, made to an approved specification, the carbon content of which shall not exceed 0.31 percent. Steel plate materials in accordance with material specifications listed in Group 1, Table A of AAR Specifications for Tank Cars, Appendix W, are approved for use in the outer shell of tanks built to this specification.

(1) All steel castings, steel forgings and steel structural shapes shall be of material to an approved specification.

(2) Rivets, when used, shall be of steel to an approved specification.

(d) *Heads.* The formed heads at each end of the outer shell preferably shall be an ellipsoid of revolution in which the major axis shall equal the inside diameter of the shell and the minor axis shall be one-half of the major axis. Formed heads of other approved contours may be used, but in no case shall the wall thickness be less than 7/16 inch.



(e) *Stiffening rings.* If stiffening rings are used in designing the cylindrical portion of the outer shell for external pressure, they shall be attached to the shell by means of fillet welds on each side of the ring. Outside stiffening ring attachment welds shall be continuous. Inside ring attachment welds may be intermittent. When intermittent welds are used, the total length of welds on each side of the ring shall not be less than one-third of the circumference of the outer shell. Where a closed section is used, it shall be continuously welded on the outside of each leg. A portion of the outer shell may be included when calculating the moment of inertia of the ring. The effective width of shell plate, W, on each side of the attachment of the stiffening ring is given by:

$$W = 0.78\sqrt{Rt}$$

where:

$W$ = width of shell effective on each side of the stiffener—inches;
$R$ = outside radius of the outer shell—inches;
$t$ = plate thickness of the outer shell—inches.

Where a stiffener is used which consists of a closed section having two webs attached to the outer shell, the shell plate between the webs shall be included up to the limit of twice the value of W defined above. The outer "flange" of the section shall be subject to the same limitation with W based on the R and t of the flange. Where two separate members, such as two angles, are located less than 2W apart they may be treated as a single stiffening member. (The maximum length of shell plate which may be considered effective is 4W.)

(1) The stiffener rings shall have a moment of inertia large enough to support an external pressure of 37.5 psig as determined by either of the following formulae:

$$I = \frac{0.035 D^2 L P_c}{E}$$

$$I' = \frac{0.046 D^2 L P_c}{E}$$

where:

$I$ = required moment of inertia of stiffener about centroidal axis parallel to vessel axis—inches⁴;
$I'$ = required moment of inertia of combined section of stiffener and effective width of shell plate, about centroidal axis parallel to vessel axis—inches⁴;
$D$ = outside diameter of outer shell—inches;
$L$ = one-half of the distance from the centerline of the stiffening ring to the next line of support on one side, plus one-half of the centerline distance to the next line of support, if any, on the other side of the stiffening ring, both measured parallel to the axis of the vessel—inches. (A line of support is: (1) a stiffening ring which meets the requirements of this paragraph, or (2) a circumferential line on a head at one-third the depth of the head from the head tangent line.);
$P_c$ = critical collapsing pressure (37.5 psig minimum);
$E$ = modulus of elasticity of stiffener material—psi.

(2) The cylindrical portion of the outer shell between stiffening rings shall be stiff enough to withstand an external pressure of 37.5 psig (critical collapsing pressure) as determined by the following formula:

$$P_c = \frac{2.6E(t/D)^{2.5}}{L/D - 0.45(t/D)^{0.5}}$$

where:

$P_c$ = critical collapsing pressure (37.5 psig minimum);
$E$ = modulus of elasticity of shell material—lb/sq. inch;
$t$ = minimum thickness of shell material—inches;
$D$ = outside diameter of shell—inches;
$L$ = distance between stiffening ring centers—inches. (The heads may be considered as stiffening rings located one-third of the head depth from the head tangent line.)

(3) The permissible out-of-roundness of the cylindrical portion of the outer shell shall be no greater than that permitted in Section VIII for out-of-roundness for external pressure of the ASME Boiler and Pressure Vessel Code.

(4) Where loads are applied to the outer shell or to the stiffening rings from the support system used to support the inner container within the outer shell, additional stiffener rings or an increased moment of inertia of stiffening rings designed for the external pressure will have to be provided to carry the support loads.

(f) *Welding.* All joints shall be fusion-welded in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W. Welding procedures, welders and fabricators shall be approved. No more than two circumferential closing joints in the cylindrical portion of the outer shell, including head to shell joints, shall be single-welded butt joints using a backing strip on the inside of the joint. If the interior of the outer shell is divided into compartments, the compartment heads shall be attached inside the shell by fillet welding.

(g) *Stress relieving.* The cylindrical portion of the outer shell with the exception of the circumferential closing seams shall be stress relieved in accordance with the requirements of Par. W–15.01 of the AAR Specifications for Tank Cars, Appendix W. All items welded to the shell shall be attached before stress relieving. Welds securing the inner container support system to the outer shell which cannot feasibly be made before final assembly and the tank heads at each end of the shell need not be stress relieved.

(h) *Tests of outer shell.* Pressure testing of outer shell is not a specification requirement.

**§ 79.400–16 Insulation.**

(a) The annular space between the two shells shall contain an approved insulating system so installed as to insure against excessive settling and the creation of voids in the insulation when the car is in service. The material shall not burn or spark when touched with a glowing platinum wire in an atmosphere of air or lading. The insulation shall be such that the total heat transfer from the atmosphere at ambient temperature to the hydrogen at atmospheric pressure will not vaporize more than 5.2 pounds of liquefied hydrogen per hour (1000 scfh at 60 F) when the car is stationary.

(b) *Annular space.* The distance between the outside wall of the inner container and the inside wall of the outside shell shall be not less than two inches.

**§ 79.400–17 Piping, vacuum line, vapor phase line, loading and unloading lines.**

(a) *Vacuum lines.* The outer shell shall be provided with fittings to permit effective evacuation of the annular space between the outer shell and inner container.

(b) *Product lines.* The piping systems for vapor and liquid phase transfer and venting shall be made from materials compatible with the product and having satisfactory properties at minus 423° F. All valves, gages, and closures shall be mounted within suitable protective housings. The outlets of all vapor phase and liquid phase lines shall be so located that accidental discharge from these lines will not impinge on any metal of the outer shell, car structure, trucks or safety appliances.

(c) *Vapor phase line.* Vapor phase line of sufficient size to permit safety devices covered in § 79.400–18(c) (1) and (2) connected to this line to operate at their designed capacity without excessive pressure buildup in the tank shall connect to the inner container. The vapor phase line shall have a manually operated shut-off valve located as close as possible to the outer shell and shall have a closure that is liquid and gas tight.

(d) *Vapor phase blow-down line.* A blow-down line shall be provided and it may be attached to the vapor phase line specified in § 79.400–17(c) and ahead of the shut-off valve in that line. It shall have a manually operated shut-off valve located as close as possible to the outer shell. The outlet from this line shall be outside its housing and positioned so that the discharge will be directed upward and away from operating personnel.

(e) *Pressure building system.* Not a specification requirement. If a pressure building system is provided for the purpose of pressurizing the vapor space of the inner container to facilitate unloading the liquid lading, the system shall be of approved design.

(f) *Loading and unloading line.* A liquid phase transfer line shall be provided and shall have a manually operated, vacuum jacketed, shut-off valve located as close as possible to the outer shell. The section of line between the outer shell and the valve shall be vacuum jacketed. A vapor trap shall be incorporated in the line and shall be located as close as possible to the inner shell.

**§ 79.400–18 Safety relief devices.**

(a) The tank shall be provided with safety relief devices for the protection of the tank assembly and piping systems. The discharge from these devices shall be directed away from operating personnel, principal load bearing members of the outer shell, car structure, trucks and safety appliances. Vent or weep holes in safety devices are prohibited. All main safety relief devices shall discharge to the outside of protective housings in which they are mounted. This provision does not apply to small safety relief

valves installed to protect isolated short sections of lines between the final valve and end closure.

(b) *Materials.* Materials used in safety relief devices shall be suitable for use at minus 423 F and otherwise compatible with hydrogen in the liquid or vapor phase.

(c) *Inner container.* Safety relief devices for the inner container shall be attached to piping connected to the vapor phase of the inner container and mounted so as to remain in ambient temperature prior to operation. Additional requirements are as follows:

(1) *Safety vent.* The inner container shall be equipped with a safety vent without an intervening shut-off valve and designed to function at a pressure less than the test pressure of the inner container. The safety vent capacity shall be sufficient to limit the pressure within the inner container to not over the test pressure during all conditions of operation, both normal and abnormal, including fire with loss of vacuum, when the insulation space is filled with gaseous hydrogen at atmospheric pressure. The discharge shall be directed upward.

(2) *Safety relief valve.* The inner container shall be equipped with a safety relief valve without an intervening shut-off valve and set to start to discharge at a pressure not greater than 75 percent of the test pressure prescribed in § 79.401, less 15 psi. Safety relief valve capacity shall be sufficient to limit the pressure within the inner container to 85 percent of the test pressure, less 15 psi, even when the insulation space is filled with gaseous hydrogen at atmospheric pressure (no vacuum) and the outer shell is at 130 F. The minimum size relief valve body shall be ¾ inch IPS. The discharge shall be directed upward. See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(3) *Pressure control device.* The inner container shall be equipped with an approved device to prevent the discharge of a mixture exceeding 50 percent of the lower flammable limit to the atmosphere under normal conditions of storage and transport of lading. This device shall be set to start to discharge at a pressure not greater than 17 psig and shall have sufficient capacity to limit the pressure within the inner container to 17 psig when the discharge is equal to twice the normal venting rate during transportation with normal vacuum and the outer shell at 130 F.

(4) *Safety interlock.* Not a specification requirement. If a safety interlock is provided for the purpose of allowing transfer of the lading at a pressure higher than the pressure control device setting but less than the safety relief valve setting, the design shall be as follows:

(i) The safety interlock shall not affect the discharge path of the safety relief valve or safety vent at any time. The safety interlock shall automatically provide an unrestricted discharge path for the pressure control device at all times except when the inner container is being pressurized through the vapor vent line shut-off valve for the transfer of lading. The safety interlock shall automatically prevent operation of the pressure control device only when the inner container is being pressurized through the vapor vent line shut-off valve for transfer of lading. Automatic operation shall be assured by a mechanical interlock of approved design between the vapor vent line shut-off valve and a pressure control device shut-off valve.

(d) *Outer shell.* The outer shell shall be provided with a suitable relief device to prevent build up of internal pressure in excess of 16 psig. The discharge capacity of the relieving device shall be sufficient to vent pressure accumulating within the annular space. Safety vent, if used, shall be designed to prevent distortion of the frangible disc when the annular space is evacuated.

(e) *Piping system.* Additional safety relief valves shall be installed in each piping circuit where the system can be isolated by closing the shut-off valves so that a dangerous pressure can be bulit up. These safety relief valves shall be designed to open at a pressure sufficiently low to prevent damage to the component or system affected.

**§ 79.400–19 Tests of safety relief valves.**

(a) Each valve shall be tested by air or gas for compliance with § 79.401 before being put into service.

**§ 79.400–20 Control valves and gages.**

(a) *Control valves.* (1) Manually-operated shut-off valves and control valves shall be provided wherever needed for control of the vapor phase pressure, vapor phase venting, liquid transfer and liquid flow rates.

(2) Control valves and shut-off valves shall be designed and constructed to provide positive shut-off, and to provide minimum resistance to flow when open. These valves shall be so constructed that the packing glands and control handles are separated from the valve bodies by a sufficient length of low conductivity material to reduce to minimum the collection of frost on the control handles when low temperature gas or liquid is passing through or in contact with the valve parts.

(3) Control valve and shut-off valves shall be of approved design and fabricated from materials not adversely affected by extended periods of contact with the lading in the liquid or vapor phase, or moist air and water.

(4) Packing, if used in these valves, shall be satisfactory for use in contact with the lading in the liquid or vapor phase and shall be of approved materials which will effectively seal the valve stem without causing difficulty of operation.

(5) Control valves and shut-off valves shall be so installed that they can be readily operated and their control handles will be readily accessible to the operator. These valves shall be so mounted that operation of the valves will not transmit excessive forces to the piping system.

(b) Instruments necessary to the effective and safe operation of the tank when transporting, transferring or storing the liquid commodities for which the car is designed shall be provided. Instruments, except portable instruments, shall be securely mounted on panels within suitable protective housings and shall include the following:

(1) *Liquid level gage.* Connections shall be provided for a liquid level gage of approved design to indicate the quantity of liquefied hydrogen within the inner container. The gage, if not portable, shall be mounted in a position where it will be readily visible to an operator during transfer operations or storage. The connection for a portable gage must be readily accessible.

(2) *Fixed dip tube.* A fixed length dip tube shall be provided with a manually operated shut-off valve located as close as possible to the outer shell and within a suitable housing. It shall be so installed as to indicate the maximum liquid level for the allowable filling density at 1 psig.

(3) *Vapor phase pressure gage.* A vapor phase pressure gage of approved design shall be provided to indicate the vapor pressure within the inner container. The gages shall be mounted so as to be readily visible to an operator.

(4) *Vacuum gage.* Connections shall be provided for a vacuum gage of approved design to indicate the absolute pressure in the annular space between the outer shell and the inner container. The gage, if not portable, must be mounted in a position where it will be readily visible to an operator. The connection for a portable gage must be readily accessible.

**§ 79.400–21 Protective housings.**

(a) The protective housings specified for all valves, gages, and closures shall be designed to protect the enclosed components from direct solar radiation, mud, sand, adverse environmental exposure, and mechanical damage. The housings shall be so designed as to provide reasonable access to the enclosed components for operation, inspection, and maintenance, and so that vapor concentration cannot build up to a dangerous level inside the housings in the event of valve leakage or pop safety valve operation. The closure shall be operable by personnel wearing heavy gloves and shall incorporate provisions for locks or seals.

**§ 79.400–22 Operating instructions.**

(a) *Identification.* All valves and gages shall be clearly identified with corrosion-resistant name plates. A plate of corrosion-resistant material bearing directions and precautionary instructions for the safe operation of this equipment during storage and transfer operations shall be securely mounted so as to be readily visible to an operator. This instruction plate shall be mounted in each housing containing operating equipment and controls for product handling. The instructions shall be clear, concise and adequate in the description of the operations to be performed by the operator during storage or transfer operations. These instructions shall include a diagram of the tank and its piping system, with the various gages, control valves, and safety relief devices clearly identified and located. The operating instructions for the vacuum system may be on a separate plate which is installed only in the housing containing vacuum controls and gages.



**§ 79.400–23 Stamping.**

(a) Each tank shall be marked certifying that the tank complies with all requirements of this specification. These marks shall be as follows:

(1) ICC–------ (insert applicable number per § 79.401) in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of the main head of the outer shell at the "B" end of the car by the tank builder or the party assembling the complete tank unit. This mark must also be stenciled on the outer shell in letters and figures at least 1½ inches high by the party assembling the complete car.

(2) Initials of the builder of the inner container, together with information as to the material used for the shell and heads of the inner container, shell thickness, head thickness and inside diameter of the inner container, shall be stamped in letters and figures at least ⅜ inch high into the metal immediately below the marks specified in § 79.400–23(a)(1).

(3) Initials of builder of the outer shell in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the marks specified in subparagraph (2) of this paragraph.

(4) Date of original test of inner container and initials of party conducting the test in letters and figures at least ⅜ inch high plainly and permanently stamped immediately below the marks specified in subparagraph (3) of this paragraph. Any marking, stenciling or stamping on the shell or heads of the inner container is prohibited. These markings must also be stenciled on the outer shell in letters and figures at least 1½ inches high.

(5) Initials of company assembling the complete car in letters and figures at least ⅜ inch high plainly and permanently stamped immediately below the marks specified in subparagraph (4) of this paragraph. These marks shall also be stenciled on the outer shell in letters and figures at least 1½ inches high.

(6) In lieu of stamping required in subparagraphs (1), (2), (3), (4), and (5) of this paragraph, the markings specified by these paragraphs may be incorporated on a data plate of corrosion-resistant metal fillet welded in place on the main head of the outer shell of the "B" end of the car.

**§ 79.400–24 Stenciling.**

(a) The outer shell of the tank shall be stenciled in compliance with the requirements of AAR Specifications for Tank Cars, Appendix C.

(1) Date on which the principal safety relief valves were tested, pressure at which tested, place where tested and initials of party making test shall be stenciled on the outer shell in letters and figures at least 1 inch high.

(2) The date on which the frangible disc was replaced and the initials of the party making the replacement shall be stenciled on the outer shell in letters and figures 1 inch high. The identification of the manufacturer, the type of frangible disc installed, and the rated rupture pressure is normally shown on the tab of the disc. If it is not given thereon, this information shall also be stenciled on the outer shell in letters and figures 1 inch high.

(3) Tank cars of approved design built to this specification are authorized for the transportation of "LIQUEFIED HYDROGEN ONLY" and shall be stenciled in letters at least 2 inches high on the outer shell immediately above the marks specified in paragraph 79.400–23(a)(1).

**§ 79.400–25 Reports.**

(a) Certificate of Construction, see § 79.5.

**§ 79.401 Individual specification requirements for liquefied hydrogen tank car tanks.**

(a) In addition to § 79.400 the individual specification requirements are as follows:

| ICC specification | 113A60–W | 113A175–W |
|---|---|---|
| Material (see § 79.400–6) | Stainless steel. | Stainless steel. |
| Bursting pressure, psi (see § 79.400–4) | 240 | 440 |
| Minimum thickness, inches, shell, and head | 3/16 | 3/16 |
| Test pressure, psi (see § 79.400–11) | 60 | 175 |
| Safety relief devices: | | |
| Safety vent, maximum bursting pressure, psi | 60 | 175 |
| Tolerance, psi | +0, −10 | +0, −22 |
| Safety relief valve: | | |
| Start-to-discharge | 30 | 115 |
| Start-to-discharge tolerance | ±2.0 | ±4.0 |
| Vapor-tight, minimum | 24 | 95 |
| Pressure control device: | | |
| Start-to-vent, psi maximum | 17 | 17 |
| Outer shell safety vent, psi maximum | 16 | 16 |

**§ 79.500 Specification ICC–107A****, seamless steel tank car tanks.**

**§ 79.500–1 Tanks built under these specifications shall meet the requirements of § 79.500.**

**§ 79.500–2 Approval.**

(a) For procedure for securing approval, see § 79.3.

**§ 79.500–3 Type and general requirements.**

(a) Tanks built under this specification shall be hollow forged or drawn in one piece. Forged tanks shall be machined inside and outside before ends are necked-down and, after necking-down, the ends shall be machined to size on the ends and outside diameter. Machining not necessary on inside or outside of seamless steel tubing, but required on ends after necking-down.

(b) For tanks made in foreign countries, chemical analysis of material and all tests as specified must be carried out within the limits of the United States under supervision of a competent and disinterested inspector; in addition to which, provisions in § 79.500–18 (b) and (c) shall be carried out at the point of manufacture by a recognized inspection bureau with principal office in the United States.

(c) The terms "marked end" and "marked test pressure" used throughout this specification are defined as follows:

(1) "Marked end" is that end of the tank on which marks prescribed in § 79.500–17 are stamped.

(2) "Marked test pressure" is that pressure in pounds per square inch which is indicated by the figures substituted for the **** in the marking ICC—107A **** stamped on the marked end of tank.

(d) The gas pressure at 130 F in the tank shall not exceed 7/10 of the marked test pressure of the tank.

**§ 79.500–4 Thickness of wall.**

(a) Minimum thickness of wall of each finished tank shall be such that at a pressure equal to 7/10 of the marked test pressure of the tank, the calculated fiber stress in pounds per square inch at inner wall of tank multiplied by 3.0 will not exceed the tensile strength of any specimen taken from the tank and tested as prescribed in § 79.500–7(b). Minimum wall thickness shall be ¼ inch.

(b) Calculations to determine the maximum marked test pressure permitted to be marked on the tank shall be made by the formula:

$$P=\frac{10S(D^2-d^2)}{7(D^2+d^2)}$$

where:

$P$ = Maximum marked test pressure permitted;

$$S=\frac{U}{3.0}$$

where:

$U$ = Tensile strength of that specimen which shows the lower tensile strength of the two specimens taken from the tank and tested as prescribed in § 79.500–7(b).

3 = Factor of safety.

$\frac{D^2-d^2}{D^2+d^2}$ = The smaller value obtained for this factor by the operations specified in § 79.500–4(c).

(c) Measure at one end, in a plane perpendicular to the longitudinal axis of the tank and at least 18 inches from that end before necking-down:

$d$ = Maximum inside diameter (inches) for the location under consideration; to be determined by direct measurement to an accuracy of 0.05 inch.

$t$ = Minimum thickness of wall for the location under consideration; to be determined by direct measurement to an accuracy of 0.001 inch.

Take $D=d+2t$.

Calculate the value of $\frac{D^2-d^2}{D^2+d^2}$

(1) Make similar measurements and calculation for a corresponding location at the other end of the tank.

(2) Use the smaller result obtained, from the foregoing, in making calculations prescribed in paragraph (b) of this section.

**§ 79.500–5 Material.**

(a) Tanks shall be made from open-hearth or electric steel of uniform quality. Material shall be free from seams, cracks, laminations, or other defects injurious to finished tank. If not free from such defects, the surface may be machined or ground to eliminate these defects. Forgings and seamless tubing

for bodies of tanks shall be stamped with heat numbers.

(b) Steel (see Note 1) must conform to the following requirements as to chemical composition:

| Designation | Class I (percent) | Class II (percent) | Class III (percent) |
|---|---|---|---|
| Carbon, maximum | 0.50 | 0.50 | 0.53 |
| Manganese, maximum | 1.65 | 1.65 | 1.85 |
| Phosphorus, maximum | .05 | .05 | .05 |
| Sulphur, maximum | .06 | .05 | .05 |
| Silicon, maximum | .35 | .30 | .37 |
| Molybdenum, maximum | ---------- | .25 | .30 |
| Chromium, maximum | ---------- | .30 | .30 |
| Sum of manganese and carbon not over | 2.10 | 2.10 | ---------- |

NOTE 1: Alternate steel containing other alloying elements may be used if approved.

(1) For instructions as to the obtaining and checking of chemical analysis, see § 79.500–18(b)(3).

**§ 79.500–6 Heat treatment.**

(a) Each necked-down tank shall be uniformly heat treated. Heat treatment shall consist of annealing or normalizing and tempering for Class I, Class II and Class III steel or oil quenching and tempering for Class III steel. Tempering temperatures shall not be less than 1000° F. Heat treatment of alternate steels shall be approved. All scale shall be removed from outside of tank to an extent sufficient to allow proper inspection.

(b) To check uniformity of heat treatment, Brinnel hardness tests shall be made at 18 inch intervals on the entire longitudinal axis. The hardness shall not vary more than 35 points in the length of the tank. No hardness tests need be taken within 12 inches from point of head to shell tangency.

(c) A magnetic particle inspection shall be performed after heat treatment on all tanks subjected to a quench and temper treatment to detect the presence of quenching cracks. Cracks shall be removed to sound metal by grinding and the surface exposed shall be blended smoothly into the surrounding area. A wall thickness check shall then be made of the affected area by ultrasonic equipment or other suitable means acceptable to the inspector and if the remaining wall thickness is less than the minimum recorded thickness as determined by § 79.500–4(b) it shall be used for making the calculation prescribed in (b) of this section.

**§ 79.500–7 Physical tests.**

(a) Physical tests shall be made on 2 test specimens 0.505 inch in diameter within 2-inch gage length, taken 180 degrees apart, 1 from each ring section cut from each end of each forged or drawn tube before necking-down, or 1 from each prolongation at each end of each necked-down tank. These test specimen ring sections or prolongations shall be heat treated, with the necked-down tank which they represent. The width of the test specimen ring section must be at least its wall thickness. Only when diameters and wall thickness will not permit removal of 0.505 by 2-inch tensile test bar, laid in the transverse direction, may test bar cut in the longitudinal direction be substituted. When the thickness will not permit obtaining a 0.505 specimen, then the largest diameter specimen obtainable in the longitudinal direction shall be used. Specimens shall have bright surface and a reduced section. When 0.505 specimen is not used the gage length shall be a ratio of 4 to 1 length to diameter.

(b) Elastic limit as determined by extensometer, shall not exceed 70 percent of tensile strength for Class I steel or 85 percent of tensile strength for Class II and Class III steel. Determination shall be made at cross head speed of not more than 0.125 inch per minute with an extensometer reading to 0.0002 inch. The extensometer shall be read at increments of stress not exceeding 5,000 pounds per square inch. The stress at which the strain first exceeds

$$\frac{\text{Stress (pounds per square inch)}}{30{,}000{,}000\ \text{(pounds per square inch)}} \text{ plus } 0.005 \text{ (inches per inch)}$$

shall be recorded as the elastic limit.

(1) Elongation shall be at least 18 percent and reduction of area at least 35 percent.

NOTE 1: Upon approval, the ratio of elastic limit to ultimate strength may be raised to permit use of special alloy steels of definite composition that will give equal or better physical properties than steels herein specified.

**§ 79.500–8 Openings in tanks.**

(a) Each end shall be closed by a cover made of forged steel. Covers shall be secured to ends of tank by through bolts or studs not entering interior of tank. Covers shall be of a thickness sufficient to meet test requirements of § 79.500–12 and to compensate for the openings closed by attachments prescribed herein.

(1) It is also provided that each end may be closed by internal threading to accommodate an approved fitting. The internal threads as well as the threads on fittings for these openings shall be clean cut, even, without checks, and tapped to gage. Taper threads are required and shall be of a length not less than as specified for American Standard taper pipe threads. External threading of an approved type shall be permissible on the internal threaded ends.

(b) Joints between covers and ends and between cover and attachments shall be of approved form and made tight against vapor or liquid leakage by means of a confined gasket of suitable material.

**§ 79.500–9 Tank mounting.**

(a) For tank mounting, see § 79.10.

**§ 79.500–10 Protective housing.**

(a) Safety devices, and loading and unloading valves on tanks shall be protected from accidental injury by approved metal housing, arranged so it may be readily opened to permit inspection and adjustment of safety relief devices and valves, and securely locked in closed position. Housing shall be provided with opening having an opening equal to twice the total discharge area of safety relief device enclosed.

**§ 79.500–11 Loading and unloading valves.**

(a) Loading and unloading valve or valves shall be mounted on the cover or threaded into the marked end of tank. These valves shall be of approved type, made of metal not subject to rapid deterioration by lading or in service, and shall withstand without leakage a pressure equal to the marked test pressure of tank. Provision shall be made for closing service outlet of valves.

**§ 79.500–12 Safety relief devices.**

(a) Tank shall be equipped with one or more safety relief devices of approved type and discharge area, mounted on the cover or threaded into the non-marked end of the tank. If fittings are mounted on a cover, they shall be of the flanged type, made of metal not subject to rapid deterioration by lading or in service. Total flow capacity shall be such that, with tank filled with air at pressure equal to 70 percent of the marked test pressure of tank, flow capacity will be sufficient to reduce air pressure to 30 percent of the marked test pressure within 3 minutes after safety relief device opens.

(b) Safety safety devices shall open at pressure not exceeding the marked test pressure of tank and not less than 7/10 of marked test pressure. (For tolerance for safety relief valves, see § 79.500–16(a).)

(c) Cars used for the transportation of flammable gases shall have the safety devices equipped with an approved ignition device.

**§ 79.500–13 Fixtures.**

(a) Attachments, other than those mounted on tank covers or serving as threaded closures for the ends of the tank, are prohibited.

**§ 79.500–14 Test of tanks.**

(a) After heat-treatment, tanks shall be subjected to hydrostatic tests in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure greater than 90 percent of the marked test pressure. Each tank shall be tested to a pressure at least equal to the marked test pressure of the tank. Pressure shall be maintained for 30 seconds, and sufficiently longer to insure complete expansion of tank. Pressure gage shall permit reading to accuracy of one percent. Expansion gage shall permit reading of total expansion to accuracy of one percent. Expansion shall be recorded in cubic centimeters.

(b) No leaks shall appear and permanent volumetric expansion shall not exceed 10 percent of the total volumetric expansion at test pressure.

**§ 79.500–15 Handling of tanks failing in tests.**

(a) Tanks rejected for failure in any of the tests prescribed may be reheat-treated, and will be acceptable if subsequent to reheat-treatment they are subjected to and pass all of the tests.



**§ 79.500–16 Tests of safety relief devices.**

(a) Safety relief valves shall be tested by air or gas before being put into service. Valve shall open at pressure not exceeding the marked test pressure of tank and shall be vapor-tight at 80 percent of the marked test pressure. These limiting pressures shall not be affected by any auxiliary closure or other combination.

(b) For safety relief devices of frangible disc type, samples of discs used shall burst at a pressure not exceeding the marked test pressure of tank and not less than 7/10 of marked test pressure.

**§ 79.500–17 Marking.**

(a) Each tank shall be plainly and permanently marked, thus certifying that tank complies with all requirements of this specification. These marks shall be stamped into the metal of necked-down section of tank at marked end, in letters and figures at least ¼ inch high, as follows:

(1) Spec. ICC–107A****, the **** to be replaced by figures indicating marked test pressure of the tank. This pressure shall not exceed the calculated maximum marked test pressure permitted, as determined by the formula in § 79.500–4(b).

(2) Serial number immediately below the stamped mark specified in paragraph (a)(1) of this section.

(3) Inspector's official mark immediately below the stamped mark specified in paragraph (a)(1) of this section.

(4) Name, mark (other than trademark), or initials of company or person for whose use tank is being made, which shall be recorded with the Bureau of Explosives.

(5) Date (such as 1–62, for January 1962) of tank test, so placed that dates of subsequent tests may easily be added thereto.

(6) Date (such as 1–62, for January 1962) of latest test of safety relief valve or of frangible disc, required only when tank is used for transportation of flammable gases.

(7) Name of gas for which tank car is being used, stenciled in letters at least 2 inches high on each side of car where they are clearly visible.

**§ 79.500–18 Inspection and reports.**

(a) Before a tank car is placed in service, the party assembling the completed car shall furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that tanks and their equipment comply with all the requirements of this specification and including information as to serial numbers, dates of tests, and ownership marks on tanks mounted on car structure.

(b) Purchaser of tanks shall provide for inspection by a competent inspector as follows:

(1) Inspector shall carefully inspect all material and reject that not complying with § 79.500–5.

(2) Inspector shall stamp his official mark on each forging or seamless tube accepted by him for use in making tanks, and shall verify proper application of heat number to such material by occasional inspections at steel manufacturer's plant.

(3) Inspector shall obtain certified chemical analysis of each heat of material.

(4) Inspector shall make inspection of inside surface of tanks before necking-down, to insure that no seams, cracks, laminations, or other defects exist.

(5) Inspector shall fully verify compliance with specification, verify heat treatment of tank as proper; obtain samples for all tests and check chemical analyses; witness all tests; and report minimum thickness of tank wall, maximum inside diameter, and calculated value of D, for each end of each tank as prescribed in § 79.500–4(c).

(6) Inspector shall stamp his official mark on each accepted tank immediately below serial number, and make certified report (see paragraph (c) of this section) to builder, to company or person for whose use tanks are being made, to builder of car structure on which tanks are to be mounted, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

(c) Inspector's report required herein shall be in the following form:

(Place) ----------
(Date) ----------

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under AAR Application for Approval ---------- and approved by the AAR Committee on Tank Cars under date of ----------.
Built for ---------- Company
Location at ----------
Built by ---------- Company
Location at ----------
Consigned to ---------- Company
Location at ----------
Quantity ----------
Length (inches) ----------
Outside diameter (inches) ----------
Marks stamped into tank as required in § 79.500–17 are:

ICC–107A****

NOTE 1: The marked test pressure substituted for the **** on each tank is shown on Record of General Data on Tanks attached hereto.

Serial numbers ------- to ------- inclusive
Inspector's mark ----------
Owner's mark ----------
Test date ----------
Water capacity (see Record of Hydrostatic Tests).
Tare weights (yes or no) (see Record of Hydrostatic Tests).
These tanks were made by process of --------

Steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number. Steel used was verified as to chemical analysis and record thereof is attached hereto. Heat numbers were stamped into metal.

All material was inspected and each tank was inspected both before and after closing in ends; all material accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to strength of tank. Processes of manufacture and heat-treatment of tanks were witnessed and found to be efficient and satisfactory.

Before necking-down ends, each tank was measured at each location prescribed in § 79.500–4(c) and minimum wall thickness in inches at each location was recorded; maximum inside diameter in inches at each location was recorded; value of D in inches at each location was calculated and recorded; maximum fiber stress in wall at location showing larger value for

$$\frac{D^2+d^2}{D^2-d^2}$$

was calculated for 7/10 the marked test pressure and recorded. Calculations were made by the formula:

$$S=0.7P\frac{(D^2+d^2)}{(D^2-d^2)}$$

Hydrostatic tests, tensile tests of material, and other tests as prescribed in this specification, were made in the presence of the inspector, and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission Specification No. 107A****.

(Signed) ----------
(Inspector)
(Place) ----------
(Date) ----------

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered ---------- to ---------- inclusive
Size ----- inches outside diameter by ----- inches long
Built by ---------- Company
For ---------- Company

| Heat No. | Tanks represented (serial Nos.) | Chemical analysis | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | C | Mn | P | S | Si | Ni | Cr | Mo |
| | | | | | | | | | |

These analyses were made by
(Signed) ----------
(Place) ----------
(Date) ----------

RECORD OF TENSILE TESTS OF MATERIAL IN TANKS

Numbered ---------- to ---------- inclusive
Size ------ inches outside by ------ inches long
Built by ---------- Company
For ---------- Company

| Heat No. | Tanks represented by test (serial Nos.) | Elastic limit (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 2 inches) | Reduction of area (percent) |
|---|---|---|---|---|---|
| | | | | | |

(Signed) ----------

(Place) ----------
(Date) ----------

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered ---------- to ---------- inclusive
Size ------ inches outside by ------ inches long
Built by ---------- Company
For ---------- Company

| Serial Nos. of tanks | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters)[1] | Permanent expansion (cubic centimeters)[1] | Percent ratio of permanent expansion to total expansion[1] | Tare weight (pounds)[2] | Capacity in pounds of water at 60° F. |
|---|---|---|---|---|---|---|

[1] If tests are made by method involving measurement of amount of liquid forced into tank by test pressure, then the basic data on which calculations are made, such as pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include protective housing, but state whether with or without valves.

(Signed) ----------

(Place) ----------
(Date) ----------

RECORD OF GENERAL DATA ON TANKS

Numbered ---------- to ---------- inclusive
Built by ---------- Company
For ---------- Company

| Serial No. of tank | Data obtained as prescribed in §79.500-4(c) | | | | | | |
|---|---|---|---|---|---|---|---|
| | Marked end of tank | | | Other end of tank | | | |
| | (c) Minimum thickness of wall in inches | (d) Maximum inside diameter in inches | (D) Calculated value of $D$ in inches $=d+2t$ | (c) Minimum thickness of wall in inches | (d) Maximum inside diameter in inches | (D) Calculated value of $D$ in inches $=d+2t$ | Larger value of the factor $\frac{D+d}{D-d}$ |

| | |
|---|---|
| (6) Calculated fiber stress in pounds per square inch at 7/10 marked test pressure | |
| Marked test pressure in pounds per square inch stamped in tank | |
| Minimum tensile strength of material in pounds per square inch recorded | |

(Signed) ----------

## PARTS 80–90 [RESERVED]

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-13245; Filed, Dec. 28, 1964; 8:45 a.m.]

THE UNIVERSITY OF MICHIGAN
JAN
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Pages 19017–19161

# FEDERAL REGISTER

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# Contents


## AGRICULTURAL MARKETING SERVICE

### Rules and Regulations

Dry milk, nonfat; standards for grades ---------- 19091
Lettuce grown in Lower Rio Grande Valley in South Texas; approval of expenses and assessment rate ---------- 19094
Plums grown in California; changes in representation of certain districts on Plum Commodity Committee ---------- 19094

### Proposed Rule Making

Blueberries; U.S. standards for grades; extension of time ---------- 19109

### Notices

Pocatello Livestock Auction et al.; posted stockyards ---------- 19113

## AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

### Rules and Regulations

Sugar quotas, mainland cane area, 1964 ---------- 19092
Wheat acreage affected by natural disaster; transfer ---------- 19092

## AGRICULTURE DEPARTMENT

*See also* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

### Notices

Meat import limitations ---------- 19114
Montana and North Dakota; designation of areas for emergency loans ---------- 19114

## BUDGET BUREAU

### Notices

Establishment or extension of standing interagency committees chaired by Budget Bureau; fiscal year 1964 ---------- 19117

## CIVIL AERONAUTICS BOARD

### Notices

Blocked space air freight tariffs; postponement of prehearing conference ---------- 19117

## CIVIL SERVICE COMMISSION

### Notices

Microbiologist; manpower shortage ---------- 19118

## COAST GUARD

### Rules and Regulations

Contract dispute appeal requirements; correction ---------- 19091

## COMMERCE DEPARTMENT

*See also* Maritime Administration.

### Rules and Regulations

Contract appeals; procedure for handling ---------- 19095

## EMPLOYMENT SECURITY BUREAU

### Rules and Regulations

Cooperation of USES and States in maintenance of national system of public employment offices; foreign agricultural labor ---------- 19101

## FEDERAL AVIATION AGENCY

### Rules and Regulations

Certification procedures; recodification ---------- 19099
Control zone; alteration ---------- 19096
Operation and flight et al.; miscellaneous amendments ---------- 19096

### Proposed Rule Making

Transition area; designation ---------- 19111

### Notices

Edwards, Kenyon L., and W. B. Santmyer; determination of hazard to air navigation ---------- 19118
Overmyer, D. H.; determination of no hazard to air navigation ---------- 19118

## FEDERAL COMMUNICATIONS COMMISSION

### Rules and Regulations

Frequency allocations and radio treaty matters; miscellaneous amendments ---------- 19090

### Notices

*Hearings, etc.:*
Midwest Television, Inc., and Peoria Journal Star, Inc. ---------- 19119
Tree Broadcasting Co ---------- 19119
Triad Stations, Inc., and Marshall Broadcasting Co ---------- 19119

## FEDERAL MARITIME COMMISSION

### Notices

Agreements filed for approval:
Barber-Wilhelmsen Line and Norwegian Asia Line ---------- 19119
Barber-Wilhelmsen Line and United Fruit Co ---------- 19120
Blue Funnel Line and Barber-Fern Line ---------- 19120
Member lines of Spanish/United States North Atlantic Ports Olive Conference ---------- 19120
North Atlantic Mediterranean Freight Conference ---------- 19121

## FEDERAL POWER COMMISSION

### Notices

Neuner, Alice A., et al.; findings and order ---------- 19121

## FEDERAL TRADE COMMISSION

### Notices

Marketing of gasoline; inquiry into problems of competition ---------- 19124

## FISCAL SERVICE

### Rules and Regulations

U.S. securities and bonds ---------- 19020

## FOOD AND DRUG ADMINISTRATION

### Proposed Rule Making

Antibiotic drugs in local or topical dosage form; exemption from certification ---------- 19110
Chloramphenicol palmitate; certification and tests and methods of assay ---------- 19109
Orange juice, frozen concentrated; standards of identity ---------- 19109

### Notices

Food additives; petitions filed for approval:
American Can Co ---------- 19114
American Cyanamid Co.; withdrawal ---------- 19115
Humble Oil and Refining Co ---------- 19115
Sun Chemical Corp ---------- 19117


(*Continued on next page*)

## GENERAL SERVICES ADMINISTRATION

**Rules and Regulations**

Public contracts and property management; archives and records, and public buildings and space; miscellaneous amendments ..... 19107
Public property and works; revocation and transfer of certain rules ..... 19108

**Notices**

Delegations of authority to certain officials ..... 19124

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See* Food and Drug Administration.

## INTERIOR DEPARTMENT

*See* Land Management Bureau.

## INTERNAL REVENUE SERVICE

**Rules and Regulations**

Excise taxes; tax-exempt sale of rebuilt automotive parts and accessories ..... 19102

## INTERSTATE COMMERCE COMMISSION

**Rules and Regulations**

Credentials required by special agents, accountants, and examiners ..... 19107
Motor common carriers of household goods; postponement of effective date ..... 19107
Uniform system of accounts, common and contract motor carriers of property, Classes I and II ..... 19104

**Notices**

Motor carrier:
Applications and special other proceedings ..... 19145
Broker, water carrier and freight forwarder applications ..... 19147
Transfer proceedings ..... 19158

## LABOR DEPARTMENT

*See* Employment Security Bureau; Wage and Hour Division.

## LAND MANAGEMENT BUREAU

**Rules and Regulations**

Idaho; public land order opening reclamation withdrawn lands to mineral location, entry and patent ..... 19089

## MARITIME ADMINISTRATION

**Rules and Regulations**

Shipping; values for war risk insurance ..... 19085

**Notices**

Oceanic Steamship Co.; application and hearing ..... 19114

## POST OFFICE DEPARTMENT

**Rules and Regulations**

Rates and conditions for specific classes; printed matter ..... 19089

## SECURITIES AND EXCHANGE COMMISSION

**Rules and Regulations**

Delivery of prospectuses by dealers ..... 19099
Periodic calculation of current net asset value of redeemable security ..... 19100

**Notices**

*Hearings, etc.:*
Dividend Shares, Inc ..... 19132
Federated Department Stores, Inc ..... 19132
Southeastern Capital Corp. and Fulton Investment Co ..... 19133

## STATE DEPARTMENT

**Rules and Regulations**

Visas, nonimmigrant; issuance in U.S ..... 19089

## TARIFF COMMISSION

**Notices**

National Tile & Manufacturing Co.; report to the President on petition for adjustment assistance ..... 19134

## TREASURY DEPARTMENT

*See also* Coast Guard; Fiscal Service; Internal Revenue Service.

**Notices**

Fair value determinations; items from Japan:
Cold-rolled steel sheet and plate ..... 19113
Hot-rolled steel sheet ..... 19113
Welded standard steel pipe ..... 19113
Wire strand ..... 19113

## WAGE AND HOUR DIVISION

**Rules and Regulations**

Certain industries in Puerto Rico; wage rates:
Buttons, leather, hand-braided ..... 19103
Clothing, men's and boys', and related products ..... 19103
Retailers of goods and services; Fair Labor Standards Act; miscellaneous amendments ..... 19103

**Notices**

Certificates authorizing employment of full-time students working outside school hours in retail or service establishments at special minimum rates ..... 19134
Certificates authorizing employment of learners at special minimum rates ..... 19143




# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

### 7 CFR

58 ..... 19091
728 ..... 19092
814 ..... 19092
917 ..... 19094
971 ..... 19094
PROPOSED RULES:
51 ..... 19109

### 14 CFR

71 ..... 19096
91 ..... 19096
127 ..... 19096
129 ..... 19096
135 ..... 19096
141 ..... 19096
171 ..... 19096
406 ..... 19099
PROPOSED RULES:
71 ..... 19111

### 15 CFR

3 ..... 19095

### 17 CFR

230 ..... 19099
270 ..... 19100

### 20 CFR

602 ..... 19101

### 21 CFR

PROPOSED RULES:
27 ..... 19109
141d ..... 19109
144 ..... 19110
146d ..... 19109

### 22 CFR

41 ..... 19089

### 26 CFR

146 ..... 19102

### 29 CFR

215 ..... 19103
681 ..... 19103
779 ..... 19103

### 31 CFR

306 ..... 19020
315 ..... 19034
316 ..... 19047
321 ..... 19076
332 ..... 19076

### 39 CFR

112 ..... 19089

### 41 CFR

11–60 ..... 19091
101–13 ..... 19091
101–18 ..... 19091

### 43 CFR

PUBLIC LAND ORDERS:
3517 ..... 19089

### 44 CFR

100 ..... 19107
150 ..... 19107
151 ..... 19107
170 ..... 19107
175 ..... 19107
176 ..... 19108

### 46 CFR

309 ..... 19085

### 47 CFR

2 ..... 19090

### 49 CFR

0 ..... 19107
176 ..... 19107
182 ..... 19104
184 ..... 19104


*Volume 77*

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**[88th Cong., 1st Sess.]**

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# Rules and Regulations

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

### PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

### PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

### PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

### PART 321—PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

### PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

On December 5, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 16330) with respect to Treasury Department Circulars No. 300, Second Revision (31 CFR Part 306); No. 530, Eighth Revision, as amended (31 CFR Part 315); No. 653, Fifth Revision, as amended (31 CFR Part 316); No. 750, Revised, as amended (31 CFR Part 321); and No. 905, Second Revision, as amended (31 CFR Part 332). After consideration of such relevant matter as was presented by interested parties, certain editorial changes were made in all of the parts. However, no changes were made affecting substantive rights. The regulations, as revised or amended, were adopted on December 23, 1964.

As finally adopted, Parts 306, 315, 316, 321 and 332 read as set out below.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

DECEMBER 23, 1964.

## PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

Department Circular No. 300, Second Revision, dated April 19, 1963 (31 CFR Part 306), is hereby amended and issued as the Third Revision.

Subpart A—General Information


Sec.
306.0 Applicability of regulations.
306.1 Official agencies.
306.2 Definitions of words and terms as used in these regulations.
306.3 Transportation charges and risks in the shipment of securities.

Subpart B—Registration

306.10 General.
306.11 Forms of registration for transferable securities.
306.12 Errors in registration.
306.13 Nontransferable securities.

Subpart C—Transfers, Exchanges and Reissues

306.15 Transfers and exchanges of securities—closed periods.
306.16 Denominational exchanges of registered securities.
306.17 Exchanges of registered securities for coupon securities.
306.18 Exchanges of coupon securities for registered securities.
306.19 Denominational exchanges of coupon securities.
306.20 Reissue of registered transferable securities.
306.21 Reissue of nontransferable securities.
306.22 Exchange of Treasury Bonds, Investment Series B–1975–80.

Subpart D—Redemption or Payment

306.25 Presentation and surrender.
306.26 Redemption of registered securities at maturity, upon prior call, or for advance refunding.
306.27 Redemption of bearer securities at maturity, upon prior call, or for advance refunding.
306.28 Optional redemption of Treasury bonds at par (before maturity or call redemption date) and application of the proceeds in payment of Federal estate taxes.

Subpart E—Interest

306.35 Computation of interest.
306.36 Termination of interest.
306.37 Interest on registered securities.
306.38 Interest on bearer securities.

Subpart F—Assignments of Registered Securities—General

306.40 Execution of assignments or special endorsements.
306.41 Form of assignment.
306.42 Alterations and erasures.
306.43 Voidance of assignments.
306.44 Discrepancies in names.
306.45 Officers authorized to certify assignments.
306.46 Duties and responsibilities of certifying officer.
306.47 Evidence of certifying officer's authority.
306.48 Interested person not to act as certifying officer or witness.
306.49 Nontransferable securities.

Subpart G—Assignments by or in Behalf of Individuals

306.55 Signatures, minor errors and change of name.
306.56 Assignment of securities registered in the names of or assigned to two or more persons.
306.57 Minors and incompetents.
306.58 Nontransferable securities.

Subpart H—Assignments in Behalf of Estates of Deceased Owners

306.65 Special provisions applicable to small amounts of securities, interest checks or redemption checks.
306.66 Estates—administration.
306.67 Estates not administered.
306.68 Nontransferable securities.

Subpart I—Assignments by or in Behalf of Trustees and Similar Fiduciaries

306.75 Individual fiduciaries.
306.76 Fiduciaries acting as a unit.
306.77 Corepresentatives and fiduciaries.
306.78 Nontransferable securities.

Subpart J—Assignments in Behalf of Private or Public Organizations

306.85 Private corporations and unincorporated associations.
306.86 Change of name and succession of private organizations.
306.87 Partnerships.
306.88 Political entities and public corporations.
306.89 Public officers.
306.90 Nontransferable securities.

Subpart K—Attorneys in Fact

306.91 Attorneys in fact.
306.92 Nontransferable securities.

Subpart L—Transfer Through Judicial Proceedings

306.95 Transferable securities.
306.96 Evidence required.
306.97 Nontransferable securities.

Subpart M—Requests for Suspension of Transactions

306.100 Requests for suspension of transactions in securities.

Subpart N—Claims on Account of Loss, Theft, Destruction, Mutilation or Defacement of Securities

306.105 Statutory authority and requirements.
306.106 Reports of loss, theft, destruction, mutilation or defacement of securities.
306.107 Relief authorized for lost, stolen, destroyed, mutilated or defaced securities.
306.108 Type of relief granted.
306.109 Nontransferable securities.

Subpart O—Miscellaneous Provisions

306.115 Additional requirements.
306.116 Waiver of regulations.
306.117 Preservation of existing rights.
306.118 Supplements, amendments or revisions.


AUTHORITY: The provisions of this Part 306 issued under R.S. 3706, 40 Stat. 288, 290, 1309, 48 Stat. 343 and 50 Stat. 481; 31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a and 754b.

### Subpart A—General Information

#### § 306.0 Applicability of regulations.

These regulations apply to all United States transferable and nontransferable securities,[1] other than United States Savings Bonds, to the extent specified in these regulations, the offering circulars or special regulations governing such securities.

[1] Bonds and other securities issued by certain agencies of the United States and the former government of Puerto Rico are subject to these regulations, so far as applicable, under special arrangements with the issuing authorities. Information as to their application to any particular transaction in any designated security will be furnished by the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C., 20226, upon request.





#### § 306.1 Official agencies.

(a) *Subscriptions—tenders-bids.* Securities subject to these regulations are issued from time to time pursuant to public offerings by the Secretary of the Treasury, through the Federal Reserve Banks, fiscal agents of the United States, and the Treasurer of the United States. Only the Federal Reserve Banks and Branches and the Treasury Department are authorized to act as official agencies, and subscriptions for securities, tenders for Treasury bills, and bids, to the extent provided in the regulations governing the sale of Treasury bonds through competitive bidding, may be made direct to them; however, banking institutions may assist customers with their subscriptions, tenders or bids.

(b) *Transactions after issue.* The Bureau of the Public Debt, Treasury Department, is charged with matters relating to transactions in securities after original issue. Correspondence concerning such transactions and requests for appropriate forms may be addressed to (1) the Federal Reserve Bank or Branch of the District in which the correspondent is located, or (2) the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C., 20226, or (3) the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, except where specific instructions are otherwise given in these regulations. The addresses of the Federal Reserve Banks and Branches are:

Federal Reserve Bank of Boston, Boston, Mass., 02106.
Federal Reserve Bank of New York, New York, N.Y., 10045.
Buffalo Branch, Buffalo, N.Y., 14240.
Federal Reserve Bank of Philadelphia, Philadelphia, Pa., 19101.
Federal Reserve Bank of Cleveland, Cleveland, Ohio, 44101.
Cincinnati Branch, Cincinnati, Ohio, 45201.
Pittsburgh Branch, Pittsburgh, Pa., 15230.
Federal Reserve Bank of Richmond, Richmond, Va., 23213.
Baltimore Branch, Baltimore, Md., 21203.
Charlotte Branch, Charlotte, N.C., 28201.
Federal Reserve Bank of Atlanta, Atlanta, Ga., 30303.
Birmingham Branch, Birmingham, Ala., 35202.
Jacksonville Branch, Jacksonville, Fla., 32201.
Nashville Branch, Nashville, Tenn., 37203.
New Orleans Branch, New Orleans, La., 70160.
Federal Reserve Bank of Chicago, Post Office Box 834, Chicago, Ill., 60690.
Detroit Branch, Post Office Box 1059, Detroit, Mich., 48231.
Federal Reserve Bank of St. Louis, Post Office Box 442, St. Louis, Mo., 63166.
Little Rock Branch, Post Office Box 1261, Little Rock, Ark., 72203.
Louisville Branch, Post Office Box 899, Louisville, Ky., 40201.
Memphis Branch, Post Office Box 407, Memphis, Tenn., 38101.
Federal Reserve Bank of Minneapolis, Minneapolis, Minn., 55440.
Helena Branch, Helena, Mont., 59601.
Federal Reserve Bank of Kansas City, Kansas City, Mo., 64106.
Denver Branch, Denver, Colo., 80217.
Oklahoma City Branch, Oklahoma City, Okla., 73101.
Omaha Branch, Omaha, Nebr., 68102.
Federal Reserve Bank of Dallas, Station K, Dallas, Tex., 75222.
El Paso Branch, Post Office Box 100, El Paso, Tex., 79999
Houston Branch, Post Office Box 2578, Houston, Tex., 77001.
San Antonio Branch, Post Office Box 1471, San Antonio, Tex., 78206.
Federal Reserve Bank of San Francisco, San Francisco, Calif., 94120.
Los Angeles Branch, Post Office Box 2077, Los Angeles, Calif., 90054.
Portland Branch, Post Office Box 3456, Portland, Oreg., 97208.
Salt Lake City Branch, Post Office Box 780, Salt Lake City, Utah, 84110.
Seattle Branch, Post Office Box 3567, Seattle, Wash., 98124.

#### § 306.2 Definitions of words and terms as used in these regulations.

(a) "Advance refunding offer" is an offer to a holder of a security, in advance of its call or maturity, to exchange it for another security.

(b) "Bearer securities" are those which are payable on their face at maturity or call for redemption before maturity in accordance with their terms to "bearer," the ownership of which is not recorded. Title to such securities may pass by delivery without endorsement and without notice. "Coupon securities" are bearer securities which are issued with interest coupons attached.

(c) "Bureau" refers to the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C., 20226.

(d) "Call date" or "date of call" is the date fixed in the official notice of call published in the FEDERAL REGISTER as the date on which the obligor will make payment of the security before maturity in accordance with its terms.

(e) "Court" means one which has jurisdiction over the parties and the subject matter.

(f) "Department" refers to the Treasury Department.

(g) "Face maturity date" is the payment date specified in the text of a security.

(h) "Incompetent" refers to a person under any legal disability except minority.

(i) "Joint owner" and "joint ownership" refer to any permitted form of ownership by two or more persons.

(j) "Nontransferable securities" are those issued only in registered form which according to their terms are payable only to the registered owners or recognized successors in title to the extent and in the manner provided in the offering circulars or special applicable regulations.

(k) "Payment" and "redemption," unless otherwise indicated by the context, are used interchangeably for payment at maturity or payment before maturity pursuant to a call for redemption in accordance with the terms of the securities.

(l) "Redemption-exchange" is any authorized redemption of securities for the purpose of applying the proceeds in payment for other securities offered in exchange.

(m) "Registered securities" refers to securities payable on their face at maturity or call for redemption before maturity in accordance with their terms to the persons whose names are inscribed thereon.

(n) "Securities assigned in blank" or "securities so assigned as to become, in effect, payable to bearer" refers to registered securities which are assigned by the owner or his authorized representative without designating the assignee. Registered securities assigned simply to "The Secretary of the Treasury" or in the case of Treasury Bonds, Investment Series B–1975–80, to "The Secretary of the Treasury for exchange for the current Series EA or EO Treasury notes" are considered to be so assigned as to become, in effect, payable to bearer.

(o) "Taxpayer identifying number" means the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security account number or an employer identification number. A social security account number is composed of nine digits separated by two hyphens, for example, 123-45-6789; an employer identification number is composed of nine digits separated by one hyphen, for example, 12-3456789. The hyphens are an essential part of the numbers and must be included.

(p) "Transferable securities," which may be in either registered or bearer form, refers to securities which may be sold on the market and transfer of title accomplished by assignment and delivery if in registered form, or by delivery only if in bearer form.

(q) "Treasurer's Office" refers to the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220.

(r) "Treasury securities," "Treasury bonds," "Treasury notes," "Treasury certificates of indebtedness," and "Treasury bills," or simply "securities," "bonds," "notes," "certificates" and "bills," unless otherwise indicated by the context, refer only to transferable securities.

#### § 306.3 Transportation charges and risks in the shipment of securities.

The following rules will govern transportation to, from and between the Treasury Department and the Federal Reserve Banks and Branches of securities issued on or presented for authorized transactions:

(a) The securities may be presented or received by the owners or their agents in person.

(b) Securities issued on original issue, unless delivered in person, will be delivered by registered mail or by other means at the risk and expense of the United States.

(c) The United States will assume the risk and expense of any transportation of securities which may be necessary between the Federal Reserve Banks and Branches and the Treasury.

(d) Securities submitted for any transaction after original issue, if not presented in person, must be forwarded at the owner's risk and expense.

(e) Bearer securities issued on transactions other than original issue will be delivered by registered mail, covered by insurance, at the owner's risk and expense, unless called for in person by the owner or his agent. Registered securities issued on such transactions will be

delivered by registered mail at the risk of, but without expense to, the registered owner. Should delivery by other means be desired, advance arrangements should be made with the official agency to which the original securities were presented.

## Subpart B—Registration

### § 306.10 General.

The registration used must express the actual ownership of a security, and may not include any restriction on the authority of the owner to dispose of it in any manner, except as otherwise specifically provided in these regulations. The Treasury Department reserves the right to treat the registration as conclusive of ownership. Requests for registration should be clear, accurate, and complete, conform with one of the forms set forth in this subpart, and include appropriate taxpayer identifying numbers.[2] The registration of all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in the case of a fiduciary, the description of the fiduciary capacity. Individual owners should be designated by the names by which they are ordinarily known or under which they do business, preferably including at least one full given name. The name of an individual may be preceded by any applicable title, such as "Dr." or "Rev.," or followed by "M.D.," "D.D." or other similar designation. "Sr." or "Jr." or any other similar suffix should be included when ordinarily used or when necessary to distinguish the owner from a member of his familiy. The name of a woman must be preceded by "Miss" or "Mrs.," unless some other applicable title or designation is used. A married woman's own given name, not that of her husband, must be used, for example, "Mrs. Mary A. Jones," NOT "Mrs. Frank B. Jones." The address should include, where appropriate, the number and street, route, or any other local feature and the ZIP Code.

### § 306.11 Forms of registration for transferable securities.

The forms of registration described below are authorized for transferable securities:

(a) *Natural persons in their own right.* In the names of natural persons who are not under any legal disability, in their own right, substantially as follows:

(1) *One person.* In the name of one individual. Examples:

John A. Doe (123–45–6789).
Mrs. Mary C. Doe (123–45–6789).
Miss Elizabeth Jane Doe (123–45–6789).

An individual who is sole proprietor of a business conducted under a trade name may include a reference to the trade name. Examples:

John A. Doe, doing business as Doe's Home Appliance Store (12–3456789);
or
John A. Doe (123–45–6789), d/b/a Doe's Home Appliance Store.

(2) *Two or more persons—general.* Securities will not be registered in the name of one person payable on death to another, or in any form which purports to authorize transfer by less than all the persons named in the registration (or all the survivors).[3] Securities will not be registered in the forms "John A. Doe and Mrs. Mary C. Doe, or either of them" or "William C. Doe or Henry J. Doe, or either of them" and securities so assigned will be treated as though the words "or either of them" do not appear in the assignments. The taxpayer identifying number of any of the joint owners may be shown on securities registered in joint ownership form. However, if such owners are husband and wife, the husband's number should be shown. If the joint owners are a minor and an adult, the adult's number should be shown.

(i) *With right of survivorship.* In the names of two or more individuals with right of survivorship. Examples:

John A. Doe (123–45–6789) or Mrs. Mary C. Doe or the survivor.
Mrs. Mary C. Doe and John A. Doe (123–45–6789) or the survivor.
John A. Doe (123–45–6789) or Mrs. Mary C. Doe or Miss Mary Ann Doe or the survivors or survivor.
John A. Doe (123–45–6789) or Mrs. Mary C. Doe.
John A. Doe (123–45–6789) and Mrs. Mary C. Doe.

(ii) *Without right of survivorship.* In the names of two or more individuals in such manner as to preclude the right of survivorship. Examples:

John A. Doe (123–45–6789) and William B. Doe as tenants in common.
John A. Jones as natural guardian of Henry B. Jones, a minor, or Robert C. Jones (123–45–6789), without right of survivorship.

(b) *Minors and incompetents.*—(1) *Natural guardians of minors.* A security may be registered in the name of a natural guardian of a minor for whose estate no legal guardian or similar representative has legally qualified. Example:

John R. Jones as natural guardian of Henry M. Jones, a minor (123–45–6789).

(2) *Custodian under statute authorizing gifts to minors.* A security may be purchased as a gift to a minor under a gifts to minors statute in effect in a state in which either the donor or the minor resides, in which case the security should be registered as provided in the statute, with the addition of a parenthetical reference identifying the statute if the registration does not clearly identify it. Examples:

William C. Jones, as custodian for John A. Smith, a minor (123–45–6789) under the California Uniform Gifts to Minors Act.
Robert C. Smith, as custodian for Henry L. Brown, a minor (123–45–6789), under the laws of Georgia (Ch. 48–3, Code of Ga. Anno.)

(3) *Incompetents not under guardianship.* Registration in the form "John A. Brown, an incompetent (123–45–6789), under voluntary guardianship," is permitted only on reissue after a voluntary guardian has qualified for the purpose of collecting interest. (See §§ 306.37(c)(2) and 306.57(c)(2).) Otherwise, registration in the name of an incompetent not under legal guardianship is not authorized.

(c) *Executors, administrators, guardians and similar representatives or fiduciaries.* A security may be registered in the names of legally qualified executors, administrators, guardians, conservators or similar representatives or fiduciaries of a single estate. The names and capacities of all the representatives or fiduciaries, as shown in their letters of appointment, must be included in the registration and must be followed by an adequate identifying reference to the estate. Examples:

John Smith, executor of the will (or administrator of the estate) of Henry J. Jones, deceased (12–3456789).
William C. Jones, guardian (or conservator, etc.) of the estate of James D. Brown, a minor (or an incompetent) (123–45–6789).

(d) *Private trust estates.* A security may be registered in the name and title of the trustee or trustees of a single duly constituted private trust, followed by an adequate identifying reference to the authority governing the trust. Examples:

John Jones and Blank Trust Co., Albany, N.Y., trustees under the will of Sarah Jones, deceased (12–3456789).
John Doe and Richard Roe, trustees under agreement with Henry Jones dated February 9, 1950 (12–3456789).

The names of all trustees, in the form used in the trust instrument, must be included in the registration, except as follows:

(1) If there are several trustees designated as a board or authorized to act as a unit, their names should be omitted and the words "Board of Trustees" should be substituted for the word "trustees." Example:

Board of Trustees of Blank Co. Retirement Fund under collective bargaining agreement dated June 30, 1950 (12–3456789).

(2) If the trustees do not constitute a board or otherwise act as a unit, and are either too numerous to be designated in the inscription by names and title, or serve for limited terms, some or all of the names may be omitted. Examples:

John Smith, Henry Jones, et al., trustees under the will of Henry J. Smith, deceased (12–3456789).
Trustees under the will of Henry J. Smith, deceased (12–3456789).
Trustees of Retirement Fund of Industrial Manufacturing Co., under directors' resolution of June 30, 1950 (12–3456789).

(e) *Private organizations (corporations, unincorporated associations and partnerships).* A security may be registered in the name of any private corporation, unincorporated association or partnership. The full legal name of the organization, as set forth in its charter, articles of incorporation, constitution, partnership agreement or other authority from which its powers are derived, must be included in the registration, and may be followed, if desired, by a parenthetical reference to a particular account or fund other than a trust fund, in accordance with the rules and examples given below:

(1) *A corporation.* The name of a business, fraternal, religious or other private corporation must be followed by descriptive words indicating the corporate status unless the term "corporation" or the abbreviation "Inc." is part of the name or the name is that of a corporation or association organized under Federal law, such as a National bank or Federal savings and loan association. Examples:

Smith Manufacturing Co., a corp. (12–3456789).
The Standard Manufacturing Corp. (12–3456789).
Jones & Brown, Inc. (12–3456789) (Depreciation Account).
First National Bank of ---------- (12–3456789).

(2) *An unincorporated association.* The name of a lodge, club, labor union, veterans' organization, religious society or similar self-governing organization which is not incorporated (whether or not it is chartered by or affiliated with a parent organization which is incorporated) must be followed by the words "an unincorporated association." Examples:

American Legion Post No. ------, Department of the District of Columbia, an unincorporated assn. (12–3456789).
Local Union No. 100, Brotherhood of Locomotive Engineers, an unincorporated association (12–3456789).

Securities should not be registered in the name of an unincorporated association if the legal title to its property in general, or the legal title to the funds with which the securities are to be purchased, is held by trustees. In such a case the securities should be registered in the title of the trustees in accordance with paragraph (d) of this section. The term "unincorporated association" should not be used to describe a trust fund, a partnership or a business conducted under a trade name.

(3) *A partnership.* The name of a partnership must be followed by the words "a partnership." Examples:

Smith & Brown, a partnership (12–3456789).
Acme Novelty Co., a limited partnership 12–3456789).

(f) *States, public bodies and corporations and public officers.* A security may be registered in the name of a State or county, city, town, village, school district or other political entity, public body or corporation established by law (including a board, commission, administration, authority or agency) which is the owner or official custodian of public funds, other than trust funds, or in the full legal title of the public officer having custody. Examples:

State of Maine
Town of Rye, N.Y.
Maryland State Highway Commission
Treasurer, City of Springfield, Ill.
Treasurer of Rhode Island (State Forestry Fund)

(g) *States, public officers, corporations or bodies as trustees.* A security may be registered in the title of a public officer or in the name of a State or county, a public corporation or public body acting as trustee under express authority of law, followed by appropriate reference to the statute creating the trust. Examples:

Insurance Commissioner of Pennsylvania, trustee for the benefit of the policyholders of the Blank Insurance Co. (12–3456789), under Sec. ------, Pennsylvania statutes.
Rhode Island Sinking Fund Commission, trustee of the General Sinking Fund under Chapter 35, General Laws of Rhode Island.

### § 306.12 Errors in registration.

If an erroneously inscribed security is received it should not be altered in any respect, but the Bureau, a Federal Reserve Bank or Branch, or the Treasurer's Office should be furnished full particulars concerning the error and asked to furnish instructions.

### § 306.13 Nontransferable securities.

Upon authorized reissue, Treasury Bonds, Investment Series B–1975–80, may be registered in the forms set forth in § 306.11.

## Subpart C—Transfers, Exchanges and Reissues

### § 306.15 Transfers and exchanges of securities—closed periods.

(a) *General.* The transfer of registered securities should be made by assignment in accordance with subpart F of this part. Transferable registered securities are eligible for denominational exchange and exchange for bearer securities. Bearer securities are eligible for denominational exchange, and when so provided in the offering circular, are eligible for exchange for registered securities. Specific instructions for issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. (Form PD 1642, 1643, 1644, or 1827, as appropriate, may be used.) Denominational exchanges, exchanges of Treasury Bonds, Investment Series B–1975–80, for the current series of EA or EO 1½ percent 5-year Treasury notes, and optional redemption of bonds at par as provided in § 306.28 may be made at any time. Securities presented for transfer or for exchange for bearer securities of the same issue must be received by the Bureau not less than one full month before the date on which the securities mature or become redeemable pursuant to a call for redemption before maturity, and any security so presented which is received too late to comply with this provision will be accepted for payment only.

(b) *Closing of transfer books.* The transfer books are closed for one full month preceding interest payment dates and call or maturity dates. If the date set for closing of the transfer books falls on Saturday, Sunday or a legal holiday, the books will be closed as of the close of business on the last business day preceding that date. If registered securities which have not matured or been called are received by the Bureau for transfer, reissue, or exchange for coupon securities, or coupon securities which have not matured or been called are received for exchange for registered securities during the time the books for that loan are closed, the transaction will not be completed until the first business day following the date on which interest falls due, when such books are reopened. If registered securities are received for transfer or exchange for bearer securities, or coupon securities are received for exchange for registered securities, during the time the books are closed for payment of final interest at maturity or call, unless otherwise provided in the offering circular or notice of call, the following action will be taken:

(1) Payment of final interest will be made to the registered owner of record on the date the books were closed.

(2) Payment of principal will be made to (i) the assignee under a proper assignment of the securities, or (ii) if the securities have been assigned for exchange for bearer securities, to the registered owner of record on the date the books were closed.

### § 306.16 Denominational exchanges of registered securities.

No assignment will be required for the authorized exchange of registered securities for like securities in the same names in other authorized denominations.

### § 306.17 Exchanges of registered securities for coupon securities.

Registered securities submitted for exchange for coupon securities should be assigned to "The Secretary of the Treasury for exchange for coupon securities to be delivered to (inserting the name and address of the person to whom delivery of the coupon securities is to be made)." Assignments to "The Secretary of the Treasury for exchange for coupon securities," or assignments in blank will also be accepted. The coupon securities issued upon exchange will have all unmatured coupons attached.

[2] Taxpayer identifying numbers are not required for foreign governments, nonresident aliens not engaged in trade or business within the United States, or international organizations and foreign corporations not engaged in trade or business and not having an office or place of business or a financial or paying agent within the United States, and such other persons or organizations as may be exempted from furnishing such numbers under regulations of the Internal Revenue Service.

[3] Warning: Difference between transferable Treasury securities registered in the names of two or more persons and United States savings bonds in coownership form. The effect of registering Treasury securities to which these regulations apply in the names of two or more persons differs decidedly from registration of savings bonds in coownership form. Savings bonds are virtually redeemable on demand at the option of either coowner on his signature alone. Transferable Treasury securities are redeemable only at maturity or upon prior call by the Secretary of the Treasury. Accordingly, if cash is needed before such time, it can be realized only by sale on the market. This involves a transfer of ownership which can be accomplished only upon proper assignment by or in behalf of all owners.

**§ 306.18 Exchanges of coupon securities for registered securities.**

Coupon securities presented for exchange for registered securities should have all matured interest coupons detached. All unmatured coupons should be attached, except that if presented when the transfer books are closed (in which case the exchange will be effected on or after the date on which the books are reopened), the next maturing coupons should be detached and held for collection in ordinary course when due. If any coupons which should be attached are missing, the securities must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. The new registered securities will bear interest from the interest payment date next preceding the date on which the exchange is made.

**§ 306.19 Denominational exchanges of coupon securities.**

All matured interest coupons and all unmatured coupons likely to mature before an exchange can be completed should be detached from securities presented for denominational exchange. All unmatured coupons should be attached. If any are missing, the securities must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. The new coupon securities will have all unmatured coupons attached.

**§ 306.20 Reissue of registered transferable securities.**

Assignments are not required for reissue of registered transferable securities in the name(s) of (a) the surviving joint owner(s) of securities registered in the names of or assigned to two or more persons, unless the registration or assignment includes words which preclude the right of survivorship, (b) a succeeding fiduciary or other lawful successor, (c) an individual, corporation or unincorporated association whose name has been legally changed, (d) a corporation or unincorporated association which is the lawful successor to another corporation or unincorporated association, and (e) a successor in title to a public officer or body. Evidence of survivorship, succession, or change of name, as appropriate, must be furnished. The appropriate taxpayer identifying number also must be furnished if the registration of the securities submitted does not include such number for the person(s) or organization to be named on the reissued securities.

**§ 306.21 Reissue of nontransferable securities.**

(a) *Treasury Bonds, Investment Series A–1965.* Bonds of this series may be reissued only when (1) the name of an owner has been changed, (2) the trustees in whose names the bonds are registered have been succeeded by other trustees, and (3) the corporation, unincorporated association or fund in whose name the bonds are registered has been succeeded by another corporation or unincorporated association or fund, by operation of law or otherwise, whereby the business or activities of the original organization or fund are continued without substantial change in the successor. Bonds presented for reissue must be accompanied by pertinent evidence and an appropriate request for reissue. (Form PD 2168 should be used.)

(b) *Treasury Bonds, Investment Series B–1975–80.* Bonds of this series may be reissued only in the names of (1) lawful successors in title, (2) the legal representatives or distributees of a deceased owner's estate, or the distributees of a trust estate, and (3) State supervisory authorities in pursuance of any pledge required of the owner under State law, or upon termination of the pledge in the names of the pledgors or their successors. Bonds presented for reissue must be accompanied by evidence of entitlement.

**§ 306.22 Exchange of Treasury Bonds, Investment Series B–1975–80.**

Bonds of this series presented for exchange for 1½ percent 5-year Treasury notes must bear duly executed assignments to "The Secretary of the Treasury for exchange for the current series of EA or EO Treasury notes to be delivered to (inserting the name and address of the person to whom the notes are to be delivered)." The notes will bear the April 1 or October 1 date next preceding the date the bonds, duly assigned with supporting evidence, if necessary, are received by the Bureau or a Federal Reserve Bank or Branch. Interest accrued at the rate of 2¾ percent on the bonds surrendered from the next preceding interest payment date to the date of exchange will be credited, and interest at the rate of 1½ percent on the notes for the same period will be charged and the difference will be paid to the owner.

## Subpart D—Redemption or Payment

**§ 306.25 Presentation and surrender.**

(a) *General.* Securities, whether in registered or bearer form, are payable in regular course of business at maturity unless called for redemption before maturity in accordance with their terms, in which case they will be payable in regular course of business on the date of call. The Secretary of the Treasury may provide for the exchange of maturing or called securities, or in advance of call or maturity, may afford owners the opportunity of exchanging a security for another security pursuant to an advance refunding offer. Registered securities should be presented and surrendered for redemption to the Bureau, a Federal Reserve Bank or Branch, or the Treasurer's Office, and bearer securities to a Federal Reserve Bank or Branch or the Treasurer's Office.[4] If securities are registered in the name of, or assigned to (1) a state or other political entity, (2) a corporation, or (3) a board, committee or other body authorized to act as a unit and which is the fiduciary of a public or private trust estate, no evidence will be required in support of an assignment by an officer of the registered owner or assignee for redemption for its account. Under the same circumstances, no evidence will be required for an assignment for redemption-exchange, or exchange pursuant to an advance refunding offer, if the new securities are to be registered exactly the same as the registration or assignment of the securities surrendered. To the extent appropriate, these rules also apply to securities registered in the title of a public officer who is the official custodian of public funds.

(b) *"Overdue" securities.* If a bearer security or a registered security assigned in blank, or to bearer or so assigned as to become, in effect, payable to bearer, is presented and surrendered for redemption after it has become overdue, the Secretary of the Treasury may require satisfactory proof of ownership. (Form PD 1071 may be used.) A security shall be considered to be overdue after the lapse of the following periods of time from its face maturity:

(1) One year for Treasury bonds.

(2) Six months for Treasury notes and certificates of indebtedness.

(3) Three months for Treausry bills.

(4) Other securities:

(i) One year for securities issued for a term of five years or longer.

(ii) Six months for securities issued for a term of one year or more but less than five years.

(iii) Three months for securities issued for a term of less than one year.

**§ 306.26 Redemption of registered securities at maturity, upon prior call, or for advance refunding.**

Registered securities presented and surrendered for redemption at maturity or pursuant to a call for redemption before maturity should be assigned to "The Secretary of the Treasury for redemption," unless the assignor desires that payment be made to some other person, in which case the assignments should be made to "The Secretary of the Treasury for redemption for the account of (inserting name and address of person to whom payment is to be made)." Assignments in blank or other assignments having a similar effect will be accepted but specific instructions for the issuance and delivery of the redemption check, signed by the owner or his authorized representative, must accompany the securities, unless included in the assignment. (Form PD 1705 may be used.) Payment of the principal will be made either (a) by check drawn on the Treasurer of the United States to the order of the person entitled and mailed in accordance with the instructions received, or (b) upon appropriate request, by crediting the amount in a member bank's account with the Federal Reserve Bank of its district. Securities presented for advance refunding should be assigned as provided in the advance refunding offer.

**§ 306.27 Redemption of bearer securities at maturity, upon prior call, or for advance refunding.**

All interest coupons due and payable on or before the date of maturity or date fixed in the call for redemption before maturity should be detached from coupon securities presented for redemption and should be collected separately in regular course. All coupons bearing dates subsequent to a date fixed in a call for redemption, or an offer of advance refunding, should be left attached to the securities. If any such coupons are missing the full face amount thereof will be deducted from the payment to be made upon redemption or the advance refunding adjustment unless satisfactory evidence of their destruction is submitted. Any amounts so deducted will be held in the Department to provide for adjustments or refunds in the event that the missing coupons should be subsequently presented or their destruction is later satisfactorily established. In the absence of other instructions, payment of bearer securities will be made by check drawn to the order of the person presenting and surrendering the securities and mailed to him at his address, as given in the advice which should accompany the securities. (Form PD 1704 may be used.) A Federal Reserve Bank, upon appropriate request, may make payment to a member bank from which bearer securities are received by crediting the amount in the member bank's account.

**§ 306.28 Optional redemption of Treasury bonds at par (before maturity or call redemption date) and application of the proceeds in payment of Federal estate taxes.**

(a) *General.* All Treasury bonds to be redeemed at par for the purpose of applying the proceeds to payment of Federal estate taxes on a decedent's estate[5] must be presented and surrendered to a Federal Reserve Bank or Branch or the Bureau. They should be accompanied by Form PD 1782, fully completed and duly executed in accordance with the instructions on the form, and evidence as described therein. Redemption will be made at par plus accrued interest from the last preceding interest payment date to the date of redemption, except that if registered bonds are received by a Federal Reserve Bank or Branch or the Bureau within one month preceding an interest payment date for redemption before that date a deduction will be made for interest from the date of redemption to the interest payment date, and a check for the full six months' interest will be paid in due course. The proceeds of redemption will be deposited to the credit of the District Director, Internal Revenue Service, designated in Form PD 1782, the representative of the estate will be notified of the deposit, and the District Director will forward a formal receipt.

(b) *Conditions.* The bonds presented for redemption under this section must have (1) been owned by the decedent at the time of his death and (2) thereupon constituted part of his estate, as determined by the following rules in the case of joint ownership, partnership and trust holdings:

(i) *Joint ownerships.* Bonds held by the decedent at the time of his death in joint ownership with another person or persons will be deemed to have met the above conditions either (*a*) to the extent to which the bonds actually became the property of the decedent's estate, or (*b*) in an amount not to exceed the amount of the Federal estate taxes which the surviving joint owner or owners are required to pay on account of such bonds and other jointly-held property.[6]

(ii) *Partnerships.* Bonds held at the time of the decedent's death by a partnership in which he had an interest will be deemed to have met the above conditions to the extent of his fractional share of the bonds so held proportionate to his interest in the assets of the partnership.

(iii) *Trusts.* Bonds held in trust at the time of the decedent's death will be deemed to have met the above conditions in an amount not to exceed the amount of the Federal estate taxes if (a) the trust actually terminated in favor of the decedent's estate, or (b) the trustee as such is required to pay the decedent's Federal estate taxes under the terms of the trust instrument or otherwise, or (c) the debts of the decedent's estate, including costs of administration, State inheritance and Federal estate taxes, exceeds the assets of his estate without regard to the trust estate.

(c) *Transactions after owner's death.* No transactions involving changes of ownership may be conducted after an owner's death without affecting the eligibility of the bonds for redemption at par for application of the proceeds to payment of Federal estate taxes. Transactions, involving no changes of ownership, which may be conducted without affecting eligibility are (1) exchange of bonds for those of lower denominations where the bonds exceed the amount of the taxes and are not in the lowest authorized denominations, (2) exchange of registered bonds for coupon bonds, (3) exchange of coupon bonds for bonds registered in the names of the representatives of the estate, and (4) transfer to the names of the representatives of the owner's estate. However, any such transactions must be explained on Form PD 1782 or in a supplemental statement.

## Subpart E—Interest

**§ 306.35 Computation of interest.**

The interest on Treasury securities accrues and is payable on a semiannual basis unless otherwise provided in the circular offering them for sale or exchange. If the period of accrual is an exact six months, the interest accrual is an exact one-half year's interest, without regard to the number of days in the period. If the period of accrual is less than an exact six months, the accrued interest is computed by determining the daily rate of accrual on the basis of the exact number of days in the full interest period and multiplying the daily rate by the exact number of days in the fractional period for which interest has actually accrued. A full interest period does not include the day as of which the securities were issued or the day on which the last preceding interest became due, but does include the day on which the next succeeding interest payment is due. A fractional part of an interest period does not include the day as of which the securities were issued or the day on which the last preceding interest payment became due, but does include the day as of which the transaction terminating the accrual of interest is effected. The 29th of February in a leap year is included whenever it falls within either a full interest period or a fractional part thereof.[7]

**§ 306.36 Termination of interest.**

Securities will cease to bear interest on the date of their maturity unless they have been called for redemption before maturity in accordance with their terms, in which case they will cease to bear interest on the date of call.

**§ 306.37 Interest on registered securities.**

(a) *Method of payment.* The interest on registered securities is payable by checks drawn on the Treasurer of the United States to the order of the registered owners, except as otherwise provided herein. Interest checks are prepared by the Department in advance of the interest payment date and are ordinarily mailed in time to reach the addressees on that date. Interest on a registered security which has not matured or been called and which is presented for any transaction during the period the books for that loan are closed will be paid by check drawn to the order of the registered owner of record. Upon receipt of notice of the death or incompetency of an individual named as registered owner, a change in the name or in the status of a partnership, corporation or unincorporated association, the removal, resignation, succession or death of a fiduciary or trustee, delivery of interest checks will be withheld pending receipt and approval of evidence showing who is entitled to receive the interest checks. If the inscriptions on securities do not clearly identify the owners delivery of interest checks will be withheld pending reissue of the securities in the correct registration. The final installment of interest, unless otherwise provided in the offering circular or notice of call, will be paid by check drawn to the order of the registered owner of record

[4] See § 306.28 for presentation and surrender of securities eligible for use in payment of Federal estate taxes.

[5] Certain issues of Treasury bonds are redeemable at par and accrued interest upon the death of the owner, at the option of the representative of, or if none, the persons entitled to, his estate, for the purpose of having the entire proceeds applied in payment of the Federal estate taxes on the decedent's estate, in accordance with the terms of the offering circulars cited on the face of the bonds. A current list of eligible issues may be obtained from any Federal Reserve Bank or Branch, the Bureau of the Public Debt, or the Treasurer's Office.

[6] Substantially the same rule applies to community property except that upon the death of either spouse bonds which constitute part of the community estate are deemed to meet the required conditions to the extent of one-half of each loan and issue of bonds.

[7] The Appendix to the regulations in this part contains a complete explanation of the method of computing interest on a semiannual basis on Treasury bonds, notes and certificates of indebtedness, and an outline of the method of computing the discount rates on Treasury bills. Also included are tables of computation of interest on quarterly and annual bases.

and mailed in advance of the interest payment date in time to reach the addressee on or about that date.[5] Interest on securities presented for advance refunding will be adjusted as provided in the advance refunding offer.

(b) *Change of address.* To assure timely delivery of interest checks, owners should promptly notify the Bureau of any change of address. (Form PD 345 may be used.) The notification must be signed by the registered owner or a joint owner or an authorized representative, and should show the old and new addresses, the serial number and denomination of each security, the titles of the securities (for example 3¼-percent Treasury Bonds of 1978–83, dated May 1, 1953), and the registration of each security. Notifications by attorneys in fact, trustees or by the legal representatives of the estates of deceased, incompetent or minor owners should be supported by proof of their authority, unless in the case of trustees or legal representatives, they are named in the registration.

(c) *Collection of interest checks*—(1) *General.* Interest checks may be collected in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in Department Circular No. 21, Revised, as amended. (Part 360 of this chapter.)

(2) *By voluntary guardians of incompetents.* Interest checks drawn to the order of a person who has become incompetent and for whose estate no legal guardian or similar representative has been appointed should be returned to the Bureau with a full explanation of the circumstances. For collection of interest, the Department will recognize the relative responsible for the incompetent's care and support or some other person as voluntary guardian for the incompetent. (Application may be made on Form PD 1461.)

(d) *Nonreceipt, loss, theft or destruction of interest checks.* If an interest check is not received within a reasonable period after an interest payment date the Bureau should be notified. Should a check be lost, stolen, or destroyed after receipt, the Office of the Treasurer of the United States, Check Claims Division, Washington, D.C., 20226, should be notified. Notification should include the name and address of the owner, the serial number, denomination and titles of the security upon which the interest was payable. If the check is subsequently received or recovered the latter office should also be advised.

**§ 306.38 Interest on bearer securities.**

Unless the offering circular and notice of call provide otherwise, interest on coupon securities is payable in regular course of business upon presentation and surrender of the interest coupons as they mature. Such coupons are payable at any Federal Reserve Bank or Branch, or the Treasurer's Office.[6] Interest on Treasury bills, and any other bearer securities which may be sold and issued on a discount basis and which are payable at par at maturity, is represented by the difference between the purchase price and the par value, and no coupons are attached.

[5] The final instalment of interest on securities which matured or were called before the effective date of these regulations will be paid with the principal upon presentation of the securities unless otherwise provided in the offering circular or notice of call. See § 306.15(b) for presentation of securities during periods transfer books are closed.

## Subpart F—Assignments of Registered Securities—General

**§ 306.40 Execution of assignments or special endorsements.**

(a) *Execution of assignments.* The assignment of a registered security should be executed by the owner or his authorized representative in the presence of an officer authorized to certify assignments. All assignments must be made on the backs of the securities, unless otherwise authorized by the Bureau, a Federal Reserve Bank or Branch, or the Treasurer of the United States. An assignment by mark (X) must be witnessed not only by a certifying officer but also by at least one other person, who should add an endorsement substantially as follows: "Witness to signature by mark," followed by his signature and address.

(b) *Special endorsements in lieu of assignments.* A security may be presented without assignment for any authorized transaction by a financial institution which is (1) a member of the Federal Reserve System, (2) a member of the Federal Home Loan Bank System, or (3) insured by the Federal Deposit Insurance Corporation, provided full instructions are furnished as to the transaction desired and the security bears the endorsement, under the official seal of the institution, as follows:

Presented in accordance with instructions of the owner(s).
Absence of assignment guaranteed.

---
(Name of financial institution)

By ---
(Signature and title of officer)

This form of endorsement will be an unconditional guarantee to the Treasury Department that the institution is acting as attorney in fact for the owner(s) of the security under proper authorization and that the officer is duly authorized to act.

**§ 306.41 Form of assignment.**

Registered securities may be assigned in blank, to bearer, to a specified transferee, to the Secretary of the Treasury for exchange for coupon securities, or to the Secretary of the Treasury for redemption or for exchange for other securities offered at maturity, upon call or pursuant to an advance refunding offer. Assignments to "The Secretary of the Treasury," "The Secretary of the Treasury for transfer," or "The Secretary of the Treasury for exchange" will not be accepted, unless supplemented by specific instructions by or in behalf of the owner.

[6] Banking institutions will usually cash the coupons without charge as an accommodation to their customers.

**§ 306.42 Alterations and erasures.**

If an alteration or erasure has been made in an assignment, the assignor should appear before an authorized certifying officer and execute a new assignment to the same assignee. If the new assignment is to other than the assignee whose name has been altered or erased, a disclaimer from the first-named assignee should be obtained. Otherwise, an affidavit of explanation by the person responsible for the alteration or erasure should be submitted for consideration.

**§ 306.43 Voidance of assignments.**

An assignment of a security to or for the account of another person, not completed by delivery, may be voided by a disclaimer of interest from that person. The disclaimer should be executed in the presence of an officer authorized to certify assignments of securities. Unless otherwise authorized by the Bureau, a Federal Reserve Bank or Branch, or the Treasurer of the United States, the disclaimer must be written, typed or stamped on the back of the security in substantially the following form:

The undersigned as assignee of this security hereby disclaims any interest herein.

---
(Signature)

I certify that the above-named person as described, whose identity is well known or proved to me, personally appeared before me the ---------- day of ----------
(Month and year)
at ---------- and signed the
(Place)
above disclaimer of interest.
[SEAL]

---
(Signature and official designation of certifying officer)

In the absence of a disclaimer, an affidavit or affidavits should be submitted for consideration explaining why a disclaimer cannot be obtained, reciting all other material facts and circumstances relating to the transaction, including whether or not the security was delivered to the person named as assignee and whether or not the affiants know of any basis for the assignee claiming any right, title or interest in the security.

After an assignment has been voided, in order to dispose of the security, an assignment by or on behalf of the owner will be required.

**§ 306.44 Discrepancies in names.**

The Department will ordinarily require an explanation of discrepancies in the names which appear in inscriptions, assignments, supporting evidence or in the signatures to any assignments. (Form PD 385 may be used for this purpose.) However, where the variations in the name of the registered owner, as inscribed on securities of the same or different issues, are such that both may properly represent the same person, for example, "J. T. Smith" and "John T. Smith," no proof of identity will be required if the assignments are signed exactly as the securities are inscribed and are duly certified by the same certifying officer.



**§ 306.45 Officers authorized to certify assignments.**

(a) *Officers authorized generally.* Officers authorized to certify assignments include:

(1) Officers and employees of banks and trusts companies chartered by or incorporated under the laws of the United States or those of any State, Commonwealth or Territory of the United States, and Federal Savings and Loan Associations or other organizations which are members of the Federal Home Loan Bank System, who have been authorized to (i) generally bind their respective institutions by their acts, (ii) unqualifiedly guarantee signatures to assignments of securities, or (iii) expressly certify assignments of securities.

(2) Officers of Federal Reserve Banks and Branches.

(3) Officers of Federal Land Banks, Federal Intermediate Credit Banks and Banks for Cooperatives, the Central Bank for Cooperatives, and Federal Home Loan Banks.

(4) United States Attorneys, Collectors of Customs, and Regional Commissioners and District Directors, Internal Revenue Service.

(5) Judges and Clerks of United States Courts.

(b) *Authorized officers in foreign countries.* The following officers are authorized to certify assignments in foreign countries:

(1) United States diplomatic or consular representatives.

(2) Managers, assistant managers and other officers of foreign branches of banks or trust companies chartered by or incorporated under the laws of the United States or any State, Commonwealth or Territory of the United States.

(3) Notaries public and other officers authorized to administer oaths. The official position and authority of any such officer must be certified by a United States diplomatic or consular representative under seal of his office.

(c) *Officers having limited authority.* The following officers are authorized to certify assignments to the extent set forth in connection with each class of officers:

(1) Postmasters, acting postmasters, assistant postmasters, inspectors-in-charge, chief and assistant chief accountants, and superintendents of stations of any post office, notaries public and justices of the peace in the United States, its territories and possessions, the Commonwealth of Puerto Rico and the Canal Zone, but only for assignment of securities for redemption for the account of the assignor, or for redemption-exchange, or pursuant to an advance refunding offer for other securities to be registered in his name, or in his name with a joint owner. The signature of any post office official, other than a postmaster, must be in the following form: "John A. Doe, Postmaster, by Richard B. Roe, Superintendent of Station."

(2) Commissioned officers and warrant officers of the Armed Forces of the United States for assignments of securities of any class for any authorized transaction, but only with respect to assignments executed by (i) Armed Forces personnel and civilian field employees, and (ii) members of the families of such personnel or civilian employees.

(d) *Special provisions for certifying assignments.* The Commissioner of the Public Debt, the Chief of the Division of Loans and Currency, any Federal Reserve Bank or Branch, or the Treasurer of the United States, is authorized to make special provision for any case or class of cases.

**§ 306.46 Duties and responsibilities of certifying officer.**

A certifying officer must require execution of an assignment, or a form with respect to securities, in his presence after he has established the identity of the assignor and before he certifies the signature. He must then complete the certification. An employee who is not an officer should insert "Authorized signature" in the space provided for the title. However, an assignment of a security need not be executed in the presence of the certifying officer if he unqualifiedly guarantees the signature thereto, in which case he must place his endorsement on the security, following the signature, in the form "Signature guaranteed, First National Bank of Jonesville, Jonesville, N.H., by A. B. Doe, Preisdent." The certifying officer and, if he is an officer or employee of an organization, the organization will be held responsible for any loss the United States may suffer as the result of his fault or negligence.

**§ 306.47 Evidence of certifying officer's authority.**

The authority of an individual to act as a certifying officer is established by affixing to the certification of an assignment, or a form with respect to securities, or an unqualified guarantee of a signature to an assignment, either (a) the official seal of the organization, or (b) a legible imprint of the issuing agent's stamp, if the organization is an authorized issuing agent for United States Savings Bonds of Series E. Use of such stamp shall result in the same responsibility on the part of the organization as if its official seal were used. If the certifying officer does not have access to the seal or issuing agent's dating stamp, his authority to act as a certifying officer must be certified, under official seal or stamp, to the Bureau by an officer having access to the organization's records and will be recognized until evidence is received that his authority has been terminated. (Form PD 835–2 may be used.) Any post office official must use the official stamp of his office. A commissioned or warrant officer of any of the armed forces of the United States should indicate his rank and state that the person executing the assignment is one of the class whose signature he is authorized to certify. A judge or clerk of court must use the seal of the court. Any other certifying officer must use his official seal or stamp, if any, but, if he has neither, his official position and a specimen of his signature must be certified by some other authorized officer under official seal or stamp or otherwise proved to the satisfaction of the Department.

**§ 306.48 Interested person not to act as certifying officer or witness.**

Neither the assignor, the assignee, nor any person having an interest in a security may act as a certifying officer, or as a witness to an assignment by mark. However, a bank officer may certify an assignment to the bank, or an assignment executed by another officer in its behalf.

**§ 306.49 Nontransferable securities.**

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

## Subpart G—Assignments by or in Behalf of Individuals

**§ 306.55 Signatures, minor errors and change of name.**

The owner's signature to an assignment should be in the form in which the security is inscribed or assigned, unless such inscription or assignment is incorrect or the name has since been changed. In case of a change of name, the signature to the assignment should show both names and the manner in which the change was made, for example, "John Young, changed by order of court from Hans Jung." Evidence of the change will be required. However, no evidence is required to support an assignment if the change resulted from marriage and the signature, which must be duly certified by an authorized officer, is written to show that fact, for example, "Mrs. Mary J. Brown, changed by marriage from Miss Mary Jones."

**§ 306.56 Assignment of securities registered in the names of or assigned to two or more persons.**

(a) *For transfer or exchange.* Securities registered in the names of or assigned to two or more persons may be transferred or exchanged during the lives of all the joint owners only upon assignments by all or in their behalf by authorized representatives. Upon proof of the death of one, the Department will accept an assignment by or in behalf of the survivor or survivors, unless the registration or assignment includes words which preclude the right of survivorship. In the latter case, in addition to assignment by or in behalf of the survivor or survivors, an assignment in behalf of the decedent's estate will be required.

(b) *For advance refunding exchanges.* Securities registered in the names of or assigned to two or more persons, whether jointly or in the alternative, may be assigned by one where the securities to be received in exchange are to be registered in the same names and form. If bearer securities or securities in a different form are to be issued, all persons named must assign, except that in case of death paragraph (a) of this section shall apply.

(c) *For redemption or redemption-exchange*—(1) *Alternative registration or assignment.* Securities registered in the names of or assigned to two or more persons in the alternative, for example, "John B. Smith or Mrs. Mary J. Smith" or "John B. Smith or Mrs. Mary J. Smith or the survivor," may be assigned by one of them at maturity or upon call, for

redemption or redemption-exchange, for his own account or otherwise, whether or not the other joint owner or owners are deceased.

(2) *Joint registration or assignment.* Securities registered in the names of or assigned to two or more persons jointly, for example, "John B. Smith and Mrs. Mary J. Smith," "John B. Smith and Mrs. Mary J. Smith or the survivor," or "John B. Smith and Mrs. Mary J. Smith as tenants in common," may be assigned by one of them during the lives of all only for (i) redemption at maturity or upon call, and then only for redemption for the account of all, or (ii) redemption-exchange for securities to be registered in their names in the same form as appears in the registration or assignment of the securities surrendered. Upon proof of the death of one of the joint owners, the survivor or survivors may assign securities so registered or assigned for redemption or redemption-exchange for any account, except that, if the words "as tenants in common" or other words which preclude the right of survivorship appear in the registration or assignment, assignment in behalf of the decedent's estate also will be required.

### § 306.57 Minors and incompetents.

(a) *Assignments of securities registered in name of minor*—(1) *By minor.* Securities registered in the name of a minor for whose estate no guardian or similar representative is legally qualified, may be assigned by the minor at maturity or call for redemption if the total face amount of the matured or called securities so registered does not exceed $500, and if the minor, in the opinion of the certifying officer, is of sufficient competency to execute the assignments and understand the nature of the transaction.

(2) *By natural guardian.* Securities registered in the name of a minor for whose estate no legal guardian or similar representative has qualified may be assigned by the natural guardian upon qualification. (Form PD 2481 may be used for this purpose.)

(b) *Assignments of securities registered in name of natural guardian of minor.* Securities registered in the name of a natural guardian of a minor may be assigned by the natural guardian for any authorized transaction except one for the apparent benefit of the natural guardian. If the natural guardian in whose name the securities are registered is deceased or is no longer qualified to act as natural guardian, the securities may be assigned by the person then acting as natural guardian. The assignment by the new natural guardian should be supported by proof of the death or disqualification of the former natural guardian and by evidence of his own status as natural guardian. (Form PD 2481 may be used for this purpose.) No assignment by a natural guardian will be accepted after receipt of notice of the minor's attainment of majority, removal of his disability of minority, disqualification of the natural guardian to act as such, qualification of a legal guardian or similar representative, or the death of the minor.

(c) *Assignments by voluntary guardians of incompetents.* Registered securities belonging to an incompetent for whose estate no legal guardian or similar representative is legally qualified may be assigned by the relative responsible for his care and support or some other person as voluntary guardian:

(1) For redemption or exchange for bearer securities, if the proceeds of the securities are needed to pay expenses already incurred, or to be incurred during any 90-day period, for the care and support of the incompetent or his legal dependents and the total face amount of such securities for which redemption or exchange is requested does not exceed $1,000.

(2) For redemption-exchange, if the securities are matured or have been called, or pursuant to an advance refunding offer, for reinvestment in other securities to be registered in the form "A, an incompetent (123–45–6789) under voluntary guardianship."

An application on Form PD 1461 by the person seeking authority to act as voluntary guardian will be required.

(d) *Assignments by legal guardians of minors or incompetents.* Securities registered in the name and title of the legal guardian or similar representative of the estate of a minor or incompetent may be assigned by the representative for any authorized transaction without proof of his qualification. Assignments by a representative of any other securities belonging to a minor or incompetent must be supported by properly certified evidence of qualification. The evidence must be dated not more than one year before the date of the assignments and must contain a statement showing the appointment is in full force unless it shows the appointment was made not more than one year before the date of the assignment or the representative or a corepresentative is a corporation. An assignment by the representative will not be accepted after receipt of notice of termination of the guardianship, except for transfer to the former ward.

### § 306.58 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

## Subpart H—Assignments in Behalf of Estates of Deceased Owners

### § 306.65 Special provisions applicable to small amounts of securities, interest checks or redemption checks.

Entitlement to, or the authority to dispose of, a small amount of securities and checks issued in payment thereof or in payment of interest thereon, belonging to the estate of a decedent, may be established through the use of certain short forms, according to the aggregate amount of securities and checks involved (excluding checks representing interest on the securities), as indicated by the following table:

| Amount | Circumstances | Form | To be executed by— |
|---|---|---|---|
| $100 | No administration | PD 2216 | Person who paid burial expenses. |
| $500 | Estate being administered | PD 2488 | Executor or administrator. |
| $500 | Estate settled | PD 2458–1 | Former executor or administrator, attorney or other qualified person. |

### § 306.66 Estates—administration.

(a) *Temporary or special administrators.* Temporary or special administrators may assign securities for any authorized transaction within the scope of their authority. The assignments must be supported by:

(1) *Temporary administrators.* A certificate, under court seal, showing the appointment in full force within thirty days preceding the date of receipt of the securities.

(2) *Special administrators.* A certificate, under court seal, showing the appointment in full force within six months preceding the date of receipt of the securities.

Authority for assignments for transactions not within the scope of appointment must be established by a duly certified copy of a special order of court.

(b) *In course of administration.* A security belonging to the estate of a decedent which is being administered by a duly qualified executor or general administrator will be accepted for any authorized transaction upon assignment by such representative. (See § 306.77.) Unless the security is registered in the name of and shows the capacity of the representative, the assignment must be supported by a certificate or a copy of the letters of appointment, certified under court seal. The certificate or certification, if required, must be dated and not more than six months before the date of the assignment and must contain a statement that the appointment is in full force, unless (1) it shows the appointment was made not more than one year before the date of the assignment, or (2) the representative or a corepresentative is a corporation, or (3) redemption is being made for application of the proceeds in payment of Federal estate taxes as provided by § 306.28.

(c) *After settlement through court proceedings.* Securities belonging to the estate of a decedent which has been settled in court will be accepted for any authorized transaction upon assignments by the person or persons entitled, as determined by the court. The assignments should be supported by a copy, certified under court seal, of the decree of distribution, the representative's final account as approved by the court, or other pertinent court records.

### § 306.67 Estates not administered.

(a) *Special provisions under State laws.* If, under State law, a person has been recognized or appointed to receive or distribute the assets of a decedent's estate without regular administration, his assignment of securities belonging to the estate will be accepted provided he submits appropriate evidence of his authority.



(b) *Agreement of persons entitled.* When it appears that no legal representative of a decedent's estate has been or is to be appointed, securities belonging to the estate may be duly disposed of pursuant to an agreement and assignment by all persons entitled to share in the decedent's personal estate. (Form PD 1646 may be used.) However, all debts of the decedent and his estate must be paid or provided for and the interests of any minors or incompetents must be protected.

### § 306.68 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

## Subpart I—Assignments by or in Behalf of Trustees and Similar Fiduciaries

### § 306.75 Individual fiduciaries.

Securities registered in, or assigned to, the names and titles of individual fiduciaries will be accepted for any authorized transaction upon assignment by the designated fiduciaries without proof of their qualification. If the fiduciaries in whose names the securities are registered, or to whom they have been assigned, have been succeeded by other fiduciaries, evidence of successorship must be furnished. If the appointment of a successor is not required under the terms of the trust instrument or otherwise and is not contemplated, assignments by the surviving or remaining fiduciary or fiduciaries must be supported by appropriate proof. This requires (a) proof of the death, resignation, removal or disqualification of the former fiduciary and (b) evidence that the surviving or remaining fiduciary or fiduciaries are fully qualified to administer the fiduciary estate, which may be in the form of a certificate by them showing the appointment of a successor has not been applied for, is not contemplated and is not necessary under the terms of the trust instrument or otherwise. Assignments of securities registered in the titles, without the names of the fiduciaries, for example, "Trustees of the George E. White Memorial Scholarship Fund under deed of trust dated 11/10/40, executed by John W. White," must be supported by proof that the assignors are the qualified and acting trustees of the designated trust estate, unless they are empowered to act as a unit in which case the provisions of § 306.76 shall apply. (Form PD 2446 may be used to furnish proof of incumbency of fiduciaries.) Assignments by fiduciaries of securities not registered or assigned in such manner as to show that they belong to the estate for which the assignors are acting must also be supported by evidence that the estate is entitled to the securities.

### § 306.76 Fiduciaries acting as a unit.

Securities registered in the name of or assigned to a board, committee or other body authorized to act as a unit for any public or private trust estate may be assigned for any authorized transaction by anyone authorized to act in behalf of such body. Except as otherwise provided in this section, the assignments must be supported by a copy of a resolution adopted by the body, properly certified under its seal, or, if none, sworn to by a member of the body having access to its records. (Form PD 2495 may be used.) If the person assigning is designated in the resolution by title only, his incumbency must be duly certified by another member of the body. (Form PD 2446 may be used.) If the fiduciaries of any trust estate are empowered to act as a unit, although not designated as a board, committee or other body, securities registered in their names or assigned to them as such, or in their titles without their names, may be assigned by anyone authorized by the group to act in its behalf. Such assignments may be supported by a sworn copy of a resolution adopted by the group in accordance with the terms of the trust instrument, and proof of their authority to act as a unit may be required. As an alternative, assignments by all the fiduciaries, supported by proof of their incumbency if not named on the securities, will be accepted.

### § 306.77 Corepresentatives and fiduciaries.

If there are two or more executors, administrators, guardians or similar representatives, or trustees of an estate, all must unite in the assignment of any securities belonging to the estate. However, when a statute, a decree of court, or the instrument under which the representatives or fiduciaries are acting provides otherwise, assignments in accordance with their authority will be accepted. If the securities have matured or been called and are submitted for redemption for the account of all, or for redemption-exchange or pursuant to an advance refunding offer and the securities offered in exchange are to be registered in the names of all, only one representative or fiduciary need execute the assignment.

### § 306.78 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern assignments of Treasury Bonds, Investment Series B–1975–80.

## Subpart J—Assignments in Behalf of Private or Public Organizations

### § 306.85 Private corporations and unincorporated associations.

Securities registered in the name of, or assigned to, an unincorporated association, or a private corporation in its own right or in a representative or fiduciary capacity, may be assigned in its behalf for any authorized transaction by any duly authorized officer or officers. Evidence, in the form of a resolution of the governing body, authorizing the assigning officer to assign, or to sell, or to otherwise dispose of the securities will ordinarily be required to support assignments. Resolutions may relate to any or all registered securities owned by the organization or held by it in a representative or fiduciary capacity. (Form PD 1010, or any substantially similar form, may be used when the authority relates to specific securities; Form PD 1011, or any substantially similar form, may be used for securities generally.) If the officer or officers derive their authority from the charter, constitution or by-laws, a copy or a pertinent extract therefrom, properly certified, will be required in lieu of a resolution. If the resolution or other supporting document shows the title of an authorized officer, without his name, it must be supplemented by a certificate of incumbency. (Form PD 1014 may be used.)

### § 306.86 Change of name and succession of private organizations.

If a private corporation or unincorporated association changes its name or is lawfully succeeded by another corporation or unincorporated association, its securities may be assigned in behalf of the organization in its new name or that of its successor by an authorized officer in accordance with § 306.85. The assignment must be supported by evidence of the change of name or successorship.

### § 306.87 Partnerships.

An assignment of a security registered in the name of or assigned to a partnership must be executed by a general partner. Upon dissolution of a partnership, assignment by all living partners and by the persons entitled to assign in behalf of any deceased partner's estate will be required unless the laws of the jurisdiction authorize a general partner to bind the partnership by any act appropriate for winding up partnership affairs. In those cases where assignments by or in behalf of all partners are required this fact must be shown in the assignment; otherwise, an affidavit by a former general partner must be furnished identifying all the persons who had been partners immediately prior to dissolution. Upon voluntary dissolution, for any jurisdiction where a general partner may not act in winding up partnership affairs, an assignment by a liquidating partner, as such, must be supported by a duly executed agreement among the partners appointing the liquidating partner.

### § 306.88 Political entities and public corporations.

Securities registered in the name of, or assigned to, a State, county, city, town, village, school district or other political entity, public body or corporation, may be assigned by a duly authorized officer, supported by evidence of his authority.

### § 306.89 Public officers.

Securities registered in the name of, or assigned to, a public officer designated by title may be assigned by such officer, supported by evidence of incumbency. Assignments for the officer's own apparent individual benefit will not be recognized.

### § 306.90 Nontransferable securities.

The provisions of this subpart apply to Treasury Bonds, Investment Series B–1975–80.

## Subpart K—Attorneys in Fact

### § 306.91 Attorneys in fact.

(a) *General.* (1) Assignments by an attorney in fact will be recognized if supported by an adequate power of attorney. Every power must be executed in the presence of an authorized certifying officer under the conditions set out in § 306.45 for certification of assignments. Powers need not be submitted in support of assignments for redemption-exchange or exchanges pursuant to advance refunding offers where the securities to be issued are to be registered in the same names and forms as appear in the inscriptions or assignments of the securities surrendered, and such securities are registered in the names of or assigned to (i) corporations, unincorporated associations, lodges, societies, or similar organizations, or their legal successors, or (ii) individuals, and the assignments are executed on their behalf by corporate attorneys in fact. In all other cases, the original power, or a photocopy showing the grantor's autograph signature, properly certified, must be submitted, together with the security assigned on the owner's behalf by the attorney in fact.

(2) An assignment by a substituted attorney in fact must be supported by an authorizing power of attorney and power of substitution. An assignment by an attorney in fact or a substitute attorney in fact for the apparent benefit of either will not be accepted unless expressly authorized. (Form PD 1001, 1002, 1003, or 1004, as appropriate, may be used to appoint an attorney in fact. An attorney in fact may use Form PD 1006 or 1008 to appoint a substitute. However, any form sufficient in substance may be used.)

(3) If there are two or more joint attorneys in fact or substitutes, all must unite in an assignment. However, less than all may assign if the power authorizes less than all to act, or the assignment is for redemption for the account of the owner, or for redemption-exchange or pursuant to an advance refunding offer and the new securities are to be registered in the owner's name. A power of attorney or of substitution not coupled with an interest will be recognized until the Bureau receives proof of revocation or proof of the grantor's death or incompetency.

(b) *For legal representatives and fiduciaries.* Assignments by an attorney in fact or substitute attorney in fact for a legal representative or fiduciary, in addition to the power of attorney and of substitution, must be supported by evidence, if any, as required by §§ 306.57(d), 306.66(b), 306.75, and 306.76. Powers must specifically designate the securities to be assigned.

(c) *For corporation or unincorporated association.* Assignments by an attorney in fact or a substitute attorney in fact in behalf of a corporation or unincorporated association, in addition to the power of attorney and power of substitution, must be supported by one of the following documents certified under seal of the organization, or, if it has no seal, sworn to by an officer who has access to the records:

(1) A copy of the resolution of the governing body authorizing an officer to appoint an attorney in fact, with power of substitution if pertinent, to assign, or to sell, or to otherwise dispose of, the securities, or

(2) A copy of the charter, constitution or bylaws, or a pertinent extract therefrom, showing the authority of an officer to appoint an attorney in fact, or

(3) A copy of the resolution of the governing body directly appointing an attorney in fact.

If the resolution or other supporting document shows only the title of the authorized officer, without his name, a certificate of incumbency must also be furnished. (Form PD 1014 may be used.) The power may not be broader than the resolution or other authority.

(d) *For public corporations.* A general power of attorney in behalf of a public corporation will be recognized only if it is authorized by statute.

### § 306.92 Nontransferable securities.

The provisions of this subpart shall apply to nontransferable securities, subject only to the limitations imposed by the terms of the particular issues.

## Subpart L—Transfer Through Judicial Proceedings

### § 306.95 Transferable securities.

The Department will recognize valid judicial proceedings affecting the ownership of or interest in transferable securities, upon presentation of the securities together with evidence of the proceedings. In the case of securities registered in the names of two or more persons, the extent of their respective interests in the securities must be determined by the court in proceedings to which they are parties or must otherwise be validly established.[10]

### § 306.96 Evidence required.

Copies of a final judgment, decree or order of court and of any necessary supplementary proceedings must be submitted. Assignments by a trustee in bankruptcy or a receiver of an insolvent's estate must be supported by evidence of his qualification. Assignments by a receiver in equity or a similar court officer must be supported by a copy of an order authorizing him to assign, or to sell, or to otherwise dispose of, the securities. Where the documents are dated more than six months prior to presentation of the securities, there must also be submitted a certificate dated within six months of presentation of the securities, showing the judgment, decree or order, or evidence of qualification, is in full force. Any such evidence must be certified under court seal.

[10] A finder claiming the ownership of a bearer security or a registered security assigned in blank or so assigned as to become, in effect, payable to bearer, must perfect his title in accordance with the provisions of State law. If there are no such provisions, the Department will not recognize his title to the security.

### § 306.97 Nontransferable securities.

(a) *Treasury Bonds, Investment Series A–1965.* The provisions of this subpart shall apply to bonds of this series, except that reference to assignments shall be deemed only to refer to requests for payment. With the exception of a trustee in bankruptcy or a receiver of an insolvent's estate, payment will be limited to the redemption value current thirty days after termination of the judicial proceedings or current at the time the bonds are surrendered for redemption, whichever is less. No judicial proceedings will be recognized if they would give effect to an attempted voluntary transfer inter vivos of the bonds.

(b) *Treasury Bonds, Investment Series B–1975–80.* The provisions of this subpart shall apply to bonds of this series, except that prior to maturity any reference to assignments shall be deemed to refer to assignments of the bonds for exchange for the current series of 1½ percent 5-year EA or EO Treasury notes.

## Subpart M—Requests for Suspension of Transactions

### § 306.100 Requests for suspension of transactions in securities.

(a) *Registered securities—(1) Reports of loss, theft or destruction of registered securities.* Reports of lost, stolen or destroyed registered securities not so assigned as to become, in effect, payable to bearer, will be accepted from the owner or his authorized agent at any time and records will be maintained of the reports. If such a registered security is presented to the Department, the owner will be duly advised and given all available information.

(2) *Reports of assignments affected by fraud.* The Department reserves the right to suspend any transaction in a registered security bearing an apparently valid assignment, if prior to the time it is received in the Department a report is received from and a claim is filed by an assignor that his assignment was affected by fraud. The interested parties will be notified of the suspension and given a reasonable period of time within which to effect settlement by agreement or institute judicial proceedings. If subsequent to the time the Department has transferred, exchanged or redeemed a registered security in reliance on an apparently valid assignment, a report or claim is received that the assignment was affected by fraud, the Department will undertake only to furnish all available information.

(3) *Reports of forged assignments.* If it is claimed that the assignment of a registered security is a forgery, the Department will investigate the matter and if it is established that the assignment was forged and the owner did not authorize or ratify the assignment, or receive any benefits therefrom, the Department will recognize his ownership and grant appropriate relief.

(b) *Bearer securities or registered securities so assigned as to become, in effect, payable to bearer—(1) Securities not overdue.* Neither the Department nor any of its agents will accept notice of any claim or of pending judicial proceedings by any person for the purpose of suspending transactions in bearer securities, or registered securities so assigned as to become, in effect, payable to bearer which are not overdue as defined in § 306.25.[11] However, if the securities are received and retired, the Department will undertake to notify persons who appear to be entitled to any available information concerning the source from which the securities were received.

(2) *Overdue securities.* Reports that bearer securities, or registered securities so assigned as to become, in effect, payable to bearer, were lost, stolen or possibly destroyed *after* they became overdue as defined in § 306.25 will be accepted by the Bureau for the purpose of suspending redemption of the securities if the claimant establishes his interest. If the securities are presented, their redemption will be suspended and the presenter and the claimant will each be given an opportunity to establish ownership.



## Subpart N—Claims on Account of Loss, Theft, Destruction, Mutilation or Defacement of Securities

### § 306.105 Statutory authority and requirements.

Section 8 of the Act of July 8, 1937 (50 Stat. 481), as amended (31 U.S.C. 738a), provides for relief, under certain conditions, on account of the loss, theft, destruction, mutilation or defacement of United States interest-bearing securities. To obtain relief the security must be fully identified and the pertinent facts proved to the satisfaction of the Secretary of the Treasury, and generally, a bond of indemnity in such form and with such surety, sureties or security as may be required to protect the interests of the United States, must be filed.

### § 306.106 Reports of loss, theft, destruction, mutilation or defacement of securities.

(a) *Loss or theft.* Report of the loss or theft of a security should be made promptly to the Bureau. The report should include:

(1) The name and present address of the owner, and his address at the time the security was issued, and, if the report is made by any other person, the capacity in which he represents the owner;

(2) The identification of the security by title of loan, issue date, interest rate, serial number and denomination, and in the case of a registered security, the exact form of inscription and a full description of any assignment, endorsement or other writing thereon; and

(3) A statement of the circumstances.

(b) *Destruction, mutilation or defacement.* If a security is destroyed, or becomes so mutilated or defaced as to impair its value to the owner, a report of the circumstances, as outlined in paragraph (a) of this section, must be made to the Bureau. All available portions of the mutilated or defaced security must also be submitted. In any appropriate case, a form for use in applying for relief will be furnished.

### § 306.107 Relief authorized for lost, stolen, destroyed, mutilated or defaced securities.

(a) *Registered securities.* Relief is authorized for a registered security not assigned in blank or not so assigned as to become, in effect, payable to bearer, when it has been established that the security has been lost, stolen, destroyed, mutilated or defaced. Relief is available in the same manner for bearer securities restrictively endorsed in accordance with the provisions of Department Circular No. 853, current revision (Part 328 of this chapter).

(b) *Bearer securities or registered securities so assigned as to become, in effect, payable to bearer.* Relief is authorized for bearer securities and registered securities so assigned as to become, in effect, payable to bearer, proved to have been destroyed, mutilated or defaced. Relief will also be granted for such securities if they were lost or stolen under such circumstances and have been missing for such period of time after they have matured or become redeemable pursuant to a call for redemption as in the judgment of the Secretary of the Treasury establishes that they (1) have been destroyed or have become irretrievably lost, (2) are not held by any person as his own property and (3) will never become the basis of a valid claim against the United States.

(c) *Interest coupons.* Relief is authorized for interest coupons if it is established they were attached to a security at the time they were destroyed, mutilated or defaced.

### § 306.108 Type of relief granted.

When relief is granted for a lost, stolen, destroyed, mutilated or defaced security, it will be in the form of either (a) a substitute security marked "Duplicate," bearing the same issue date and showing the serial number of the original security, if the security for which relief is being granted has not matured or become redeemable pursuant to a call for redemption before maturity in accordance with its terms, or (b) payment, if the security has matured or become redeemable pursuant to a call. When a substitute is issued to replace a destroyed, mutilated or defaced coupon security it will have attached all coupons corresponding to those proved to have been attached thereto at the time of the mishap, except that any matured coupons will not be attached but will be paid by check. Relief will not be granted in any case before the expiration of six months from date of loss or theft.

### § 306.109 Nontransferable securities.

The provisions of this subpart shall apply to all nontransferable securities, other than United States Savings Bonds, subject only to the limitations imposed by the terms of the particular issues.

## Subpart O—Miscellaneous Provisions

### § 306.115 Additional requirements.

In any case or any class of cases arising under these regulations the Secretary of the Treasury may require such additional evidence and a bond of indemnity with or without surety, as may in his judgment be necessary for the protection of the interests of the United States.

### § 306.116 Waiver of regulations.

The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of these regulations in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship, if such action is not inconsistent with law, does not impair any existing rights, and he is satisfied that such action would not subject the United States to any substantial expense or liability.

### § 306.117 Preservation of existing rights.

Nothing contained in these regulations shall limit or restrict existing rights which holders of securities heretofore issued may have acquired under the circulars offering such securities for sale or under the regulations in force at the time of acquisition.

### § 306.118 Supplements, amendments or revisions.

The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory or revised regulations with respect to United States securities.

## Appendix—Computation of Interest on Treasury Bonds, Treasury Notes, and Treasury Certificates of Indebtedness, and Computation of Discount on Treasury Bills

TREASURY BONDS, TREASURY NOTES, AND TREASURY CERTIFICATES OF INDEBTEDNESS

COMPUTATION OF INTEREST ON AN ANNUAL BASIS

ONE DAY'S INTEREST IS 1/365 OR 1/366 OF 1 YEAR'S INTEREST

Computation of interest will be made on an annual basis in all cases where interest is payable in one amount for the full term of the security, unless such term is an exact quarter-year (3 months) or an exact half-year (6 months), when it is provided that

[11] It has been the longstanding policy of the Department to assume no responsibility for the protection of bearer securities not in the possession of persons claiming rights therein and to give no effect to any notice of such claims. This policy was formalized on April 27, 1867 when the Secretary of the Treasury issued the following statement:

"In consequence of the increasing trouble, wholly without practical benefit, arising from notices which are constantly received at the Department respecting the loss of coupon bonds, which are payable to bearer, and of Treasury notes issued and remaining in blank at the time of loss, it becomes necessary to give this public notice, that the Government can not protect and will not undertake to protect the owners of such bonds and notes against the consequences of their own fault or misfortune.

"Hereafter all bonds, notes, and coupons, payable to bearer, and Treasury notes issued and remaining in blank, will be paid to the party presenting them in pursuance of the regulations of the Department, in the course of regular business; and no attention will be paid to caveats which may be filed for the purpose of preventing such payment."

interest shall be computed on a quarterly or semiannual basis, respectively.

If the term of the securities is exactly one year, the interest is computed for the full period at the specified rate, regardless of the number of days in such period.

If the term of the securities is less than one full year, the annual interest period for purposes of computation is considered to be the full year from but not including the date of issue to and including the anniversary of such date.

If the term of the securities is more than one full year, computation is made on the basis of one full annual interest period, ending with the maturity date, and a fractional part of the preceding full annual interest period.

The computation of interest for any fractional part of an annual interest period is made on the basis of 365 actual days in any such period, or 366 days if February 29 falls within such annual period.

COMPUTATION OF INTEREST ON A SEMIANNUAL BASIS

ONE DAY'S INTEREST IS 1/181, 1/182, 1/183 OR 1/184 OF 1/2 YEAR'S INTEREST

Computation of interest will be made on a semiannual basis in all cases where interest is payable for one or more full half-year (6 months) periods, or for one or more full half-year periods and a fractional part of a half-year period. A semiannual interest period is an exact half-year or 6 months, for computation purposes, and may comprise 181, 182, 183 or 184 actual days.

An exact half-year's interest at the specified rate is computed for each full period of exactly 6 months, irrespective of the actual number of days in the half-year.

If the initial interest covers a fractional part of a half-year, computation is made on the basis of the actual number of days in the half-year (exactly 6 months) ending on the day such initial interest becomes due. If the initial interest covers a period in excess of 6 months, computation is made on the basis of one full half-year period, ending with the interest due date, and a fractional part of the preceding full half-year period.

Interest for any fractional part of a full half-year period is computed on the basis of the exact number of days in the full period, including February 29 whenever it falls within such a period.

The number of days in any half-year period is shown in the following table:

| For the half-year | | Number of days | |
|---|---|---|---|
| Beginning from the 1st or 15th day of— | Ending on the 1st or 15th day of— | Regular year | Leap year |
| January | July | 181 | *182* |
| February | August | 181 | *182* |
| March | September | 184 | 184 |
| April | October | 183 | 183 |
| May | November | 184 | 184 |
| June | December | 183 | 183 |
| July | January | 184 | 184 |
| August | February | 184 | 184 |
| September | March | 181 | *182* |
| October | April | 182 | *183* |
| November | May | 181 | *182* |
| December | June | 182 | *183* |
| One year (any 2 consecutive half-years) | | 365 | 366 |

COMPUTATION OF INTEREST ON A QUARTERLY BASIS

ONE DAY'S INTEREST IS 1/89, 1/90, 1/91, OR 1/92 OF 1/4 YEAR'S INTEREST

Computation of interest will be made on a quarterly basis in all cases where interest is payable for one or more full quarter-year periods, or for one or more full quarter-year periods and a fractional part of a quarter-year period.

A quarter-year interest period is an exact quarter-year of three months, and may comprise 89, 90, 91 or 92 days. An exact quarter-year's interest is computed for each full quarter-year period irrespective of the actual number of days in the quarter-year. For a fractional part of any quarter-year, computation is on the basis of the actual number of days in such quarter-year (February 29 being included if it falls within any such quarter-year). If the initial interest covers a fractional part of a quarter-year (preceding a full quarter-year period), computation is on the basis of the actual number of days in the quarter-year (exactly 3 months) ending on the day such initial interest becomes due; if the final interest covers a fractional part of a quarter-year (following a full quarter-year period), computation is on the basis of the actual number of days in the quarter-year beginning on the day such final interest begins to accrue and ending exactly three months thereafter. The number of days in any quarter-year period is shown in the following table:

| For the quarter-year | | Number of days | |
|---|---|---|---|
| Beginning from the 1st or 15th day of— | Ending on the 1st or 15th day of— | Regular year | Leap year |
| January | April | 90 | *91* |
| February | May | 89 | *90* |
| March | June | 92 | *91* |
| April | July | 91 | 91 |
| May | August | 92 | 92 |
| June | September | 92 | 92 |
| July | October | 92 | 92 |
| August | November | 92 | 92 |
| September | December | 91 | 91 |
| October | January | 92 | 92 |
| November | February | 92 | 92 |
| December | March | 90 | *91* |
| One year (any 4 consecutive quarters) | | 365 | 366 |

*Use of Interest Tables*

In the appended tables decimals are set forth for use in computing interest for fractional parts of interest periods. The decimals cover interest on $1,000 for one day in each possible quarterly (table I), semiannual (table II), and annual (table III) interest period, at all rates of interest, in steps of ⅛ percent, from ⅛ to 6 percent. The amount of interest accruing on any date (for a fractional part of an interest period) on $1,000 face amount of any issue of Treasury bonds, Treasury notes, or Treasury certificates of indebtedness may be ascertained in the following way:

(1) The date of issue, the dates for the payment of interest, the basis (quarterly, semiannual or annual) upon which interest is computed, and the rate of interest (percent per annum) may be determined from the text of the security, or from the official circular governing the issue.

(2) Determine the interest period of which the fraction is a part, and calculate the number of days in the full period to determine the proper column to be used in selecting the decimal for one day's interest.

(3) Calculate the actual number of days in the fractional period from but not including the date of issue or the day on which the last preceding interest payment was made, to and including the day on which the next succeeding interest payment is due or the day as of which the transaction which terminates the accrual of additional interest is effected.

(4) Multiply the appropriate decimal (one day's interest on $1,000) by the number of days in the fractional part of the interest period. The appropriate decimal will be found in the appended table for interest payable quarterly, semiannually, or annually, as the case may be, opposite the rate borne by the security, and in the column showing the full interest period of which the fractional period is a part. (For interest on any other amount, multiply the amount of interest on $1,000 by the other amount expressed as a decimal of $1,000.)

*Treasury Bills*

The methods of computing discount rates on U.S. Treasury Bills are given below:

Computation will be made on an annual basis in all cases. The annual period for bank discount is a year of 360 days, and all computations of such discount for a fractional part of a year will be made on that basis. The annual period for true discount is one full year from but not including the date of issue to and including the anniversary of such date. Computation of true discount for a fractional part of a year will be made on the basis of 365 days in the year, or 366 days if February 29 falls within the year.

*Bank Discount*

The bank discount rate on a Treasury bill may be ascertained by (1) subtracting the sale price of the bill from its face value to obtain the amount of discount; (2) dividing the amount of discount by the number of days the bill is to run to obtain the amount of discount per day; (3) multiplying the amount of discount per day by 360 (the number of days in a commercial year of 12 months of 30 days each) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the face value of the bill to obtain the bank discount rate.

For example:

91-day bill—dated April 1, 1954—due July 1, 1954:

| | |
|---|---|
| Principal amount—maturity value | $100.00 |
| Price at issue—amount received | 99.50 |
| Amount of discount | .50 |

$0.50÷91×360÷$100=1.978 percent.

*True Discount*

The true discount rate on a Treasury bill of not more than one-half year in length may be ascertained by (1 and 2) obtaining the amount of discount per day by following the first two steps described under "Bank Discount;" (3) multiplying the amount of discount per day by the actual number of days in the year from date of issue (365 ordinarily, but 366 if February 29 falls within the year from date of issue) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the sale price of the bill to obtain the true discount rate.

For example:

91-day bill—dated April 1, 1954—due July 1, 1954:

| | |
|---|---|
| Principal amount—maturity value | $100.00 |
| Price at issue—amount received | 99.50 |
| Amount of discount | .50 |

$0.50÷91×365÷$99.50=2.016 percent.



TABLE II—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE SEMIANNUALLY OR ON A SEMIANNUAL BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS

| Rate per annum | Interest period ending on the 1st or 15th of— | | | |
|---|---|---|---|---|
| | Half-year of 184 days—Regular year: January, February, March, April, September, October, November, December. Leap year: January, February, March, April, September, October, November | Half-year of 183 days—Regular year: June, July, August, September, October, November. Leap year: April, May, June, July, August, September | Half-year of 182 days—Regular year: April, May, June, July, August, September. Leap year: March, April, May, June, July, August | Half-year of 181 days—Regular year: May, June, July, August, September, October. Leap year: May, June, July, August, September, October |
| *Percent* | | | | |
| ⅛ | $0.003 396 739 | $0.003 415 301 | $0.003 434 066 | $0.003 453 099 |
| ¼ | .006 793 478 | .006 830 601 | .006 868 132 | .006 906 197 |
| ⅜ | .010 190 217 | .010 245 902 | .010 302 198 | .010 359 296 |
| ½ | .013 586 957 | .013 661 202 | .013 736 264 | .013 812 155 |
| ⅝ | .016 983 696 | .017 076 503 | .017 170 330 | .017 265 193 |
| ¾ | .020 380 435 | .020 491 803 | .020 604 396 | .020 718 232 |
| ⅞ | .023 777 174 | .023 907 104 | .024 038 462 | .024 171 271 |
| 1 | .027 173 913 | .027 322 404 | .027 472 527 | .027 624 309 |
| 1⅛ | .030 570 652 | .030 737 705 | .030 906 593 | .031 077 348 |
| 1¼ | .033 967 391 | .034 153 005 | .034 340 659 | .034 530 387 |
| 1⅜ | .037 364 130 | .037 568 306 | .037 774 725 | .037 983 425 |
| 1½ | .040 760 870 | .040 983 607 | .041 208 791 | .041 436 464 |
| 1⅝ | .044 157 609 | .044 398 907 | .044 642 857 | .044 889 503 |
| 1¾ | .047 554 348 | .047 814 208 | .048 076 923 | .048 342 541 |
| 1⅞ | .050 951 087 | .051 229 508 | .051 510 989 | .051 795 580 |
| 2 | .054 347 826 | .054 644 809 | .054 945 055 | .055 248 619 |
| 2⅛ | .057 744 565 | .058 060 109 | .058 379 121 | .058 701 657 |
| 2¼ | .061 141 304 | .061 475 410 | .061 813 187 | .062 154 696 |
| 2⅜ | .064 538 043 | .064 890 710 | .065 247 253 | .065 607 735 |
| 2½ | .067 934 783 | .068 306 011 | .068 681 319 | .069 060 773 |
| 2⅝ | .071 331 522 | .071 721 311 | .072 115 385 | .072 513 812 |
| 2¾ | .074 728 261 | .075 136 612 | .075 549 451 | .075 966 851 |
| 2⅞ | .078 125 000 | .078 551 913 | .078 983 516 | .079 419 890 |
| 3 | .081 521 739 | .081 967 213 | .082 417 582 | .082 873 928 |
| 3⅛ | .084 918 478 | .085 382 514 | .085 851 648 | .086 328 967 |
| 3¼ | .088 315 217 | .088 797 814 | .089 285 714 | .089 783 006 |
| 3⅜ | .091 711 957 | .092 213 114 | .092 719 780 | .093 237 044 |
| 3½ | .095 108 696 | .095 628 415 | .096 153 846 | .096 692 083 |
| 3⅝ | .098 505 435 | .099 043 716 | .099 587 912 | .100 138 122 |
| 3¾ | .101 902 174 | .102 459 016 | .103 021 978 | .103 591 160 |
| 3⅞ | .105 298 913 | .105 874 317 | .106 456 044 | .107 044 199 |
| 4 | .108 695 652 | .109 289 617 | .109 890 110 | .110 497 237 |
| 4⅛ | .112 092 391 | .112 704 918 | .113 324 176 | .113 950 275 |
| 4¼ | .115 489 130 | .116 120 219 | .116 758 242 | .117 403 313 |
| 4⅜ | .118 885 870 | .119 535 519 | .120 192 308 | .120 856 350 |
| 4½ | .122 282 609 | .122 950 820 | .123 626 374 | .124 309 387 |
| 4⅝ | .125 679 348 | .126 366 120 | .127 060 440 | .127 762 425 |
| 4¾ | .129 076 087 | .129 781 421 | .130 494 505 | .131 215 463 |
| 4⅞ | .132 472 826 | .133 196 721 | .133 928 571 | .134 668 501 |
| 5 | .135 869 565 | .136 612 022 | .137 362 637 | .138 121 537 |
| 5⅛ | .139 266 304 | .140 027 322 | .140 796 703 | .141 574 573 |
| 5¼ | .142 663 043 | .143 442 623 | .144 230 769 | .145 027 609 |
| 5⅜ | .146 059 783 | .146 857 923 | .147 664 835 | .148 480 645 |
| 5½ | .149 456 522 | .150 273 224 | .151 098 901 | .151 933 682 |
| 5⅝ | .152 853 261 | .153 688 525 | .154 532 967 | .155 386 718 |
| 5¾ | .156 250 000 | .157 103 825 | .157 967 033 | .158 839 754 |
| 5⅞ | .159 646 739 | .160 519 126 | .161 401 099 | .162 292 818 |
| 6 | .163 043 478 | .163 934 426 | .164 835 165 | .165 745 856 |

TABLE I—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE QUARTERLY, OR ON A QUARTERLY BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS

| Rate per annum | Interest period ending on the 1st or 15th of— | | | |
|---|---|---|---|---|
| | Quarter-year of 92 days—Regular year: January, February, March, April, September, October, November, December. Leap year: January, August, September, October, November, December | Quarter-year of 91 days—Regular year: July, December, March, April. Leap year: March, April, May, June | Quarter-year of 90 days—Regular year: March, April, May, June. Leap year: May, June, July, August | Quarter-year of 89 days—Regular year: May, June, July, August. Leap year: June, July, August, September |
| *Percent* | | | | |
| ⅛ | $0.003 396 739 | $0.003 434 066 | $0.003 472 222 | $0.003 511 236 |
| ¼ | .006 793 478 | .006 868 132 | .006 944 444 | .007 022 472 |
| ⅜ | .010 190 217 | .010 302 198 | .010 416 667 | .010 533 708 |
| ½ | .013 586 957 | .013 736 264 | .013 888 889 | .014 044 944 |
| ⅝ | .016 983 696 | .017 170 330 | .017 361 111 | .017 556 180 |
| ¾ | .020 380 435 | .020 604 396 | .020 833 333 | .021 067 416 |
| ⅞ | .023 777 174 | .024 038 462 | .024 305 556 | .024 578 652 |
| 1 | .027 173 913 | .027 472 527 | .027 777 778 | .028 089 888 |
| 1⅛ | .030 570 652 | .030 906 593 | .031 250 000 | .031 601 124 |
| 1¼ | .033 967 391 | .034 340 659 | .034 722 222 | .035 112 360 |
| 1⅜ | .037 364 130 | .037 774 725 | .038 194 444 | .038 623 596 |
| 1½ | .040 760 870 | .041 208 791 | .041 666 667 | .042 134 831 |
| 1⅝ | .044 157 609 | .044 642 857 | .045 138 889 | .045 646 067 |
| 1¾ | .047 554 348 | .048 076 923 | .048 611 111 | .049 157 303 |
| 1⅞ | .050 951 087 | .051 510 989 | .052 083 333 | .052 668 539 |
| 2 | .054 347 826 | .054 945 055 | .055 555 556 | .056 179 775 |
| 2⅛ | .057 744 565 | .058 379 121 | .059 027 778 | .059 691 011 |
| 2¼ | .061 141 304 | .061 813 187 | .062 500 000 | .063 202 247 |
| 2⅜ | .064 538 043 | .065 247 253 | .065 972 222 | .066 713 483 |
| 2½ | .067 934 783 | .068 681 319 | .069 444 444 | .070 224 719 |
| 2⅝ | .071 331 522 | .072 115 385 | .072 916 667 | .073 735 955 |
| 2¾ | .074 728 261 | .075 549 451 | .076 388 889 | .077 247 191 |
| 2⅞ | .078 125 000 | .078 983 516 | .079 861 111 | .080 758 427 |
| 3 | .081 521 739 | .082 417 582 | .083 333 333 | .084 269 663 |
| 3⅛ | .084 918 478 | .085 851 648 | .086 805 556 | .087 780 899 |
| 3¼ | .088 315 217 | .089 285 714 | .090 277 778 | .091 292 135 |
| 3⅜ | .091 711 957 | .092 719 780 | .093 750 000 | .094 803 371 |
| 3½ | .095 108 696 | .096 153 846 | .097 222 222 | .098 314 607 |
| 3⅝ | .098 505 435 | .099 587 912 | .100 694 444 | .101 825 843 |
| 3¾ | .101 902 174 | .103 021 978 | .104 166 667 | .105 337 079 |
| 3⅞ | .105 298 913 | .106 456 044 | .107 638 889 | .108 848 315 |
| 4 | .108 695 652 | .109 890 110 | .111 111 111 | .112 359 551 |
| 4⅛ | .112 092 391 | .113 324 176 | .114 583 333 | .115 870 787 |
| 4¼ | .115 489 130 | .116 758 242 | .118 055 556 | .119 382 022 |
| 4⅜ | .118 885 870 | .120 192 308 | .121 527 778 | .122 893 258 |
| 4½ | .122 282 609 | .123 626 374 | .125 000 000 | .126 404 494 |
| 4⅝ | .125 679 348 | .127 060 440 | .128 472 222 | .129 915 730 |
| 4¾ | .129 076 087 | .130 494 505 | .131 944 444 | .133 426 966 |
| 4⅞ | .132 472 826 | .133 928 571 | .135 416 667 | .136 938 202 |
| 5 | .135 869 565 | .137 362 637 | .138 888 889 | .140 449 438 |
| 5⅛ | .139 266 304 | .140 796 703 | .142 361 111 | .143 960 674 |
| 5¼ | .142 663 043 | .144 230 769 | .145 833 333 | .147 471 910 |
| 5⅜ | .146 059 783 | .147 664 835 | .149 305 556 | .150 983 146 |
| 5½ | .149 456 522 | .151 098 901 | .152 777 778 | .154 494 382 |
| 5⅝ | .152 853 261 | .154 532 967 | .156 250 000 | .158 005 618 |
| 5¾ | .156 250 000 | .157 967 033 | .159 722 222 | .161 516 854 |
| 5⅞ | .159 646 739 | .161 401 099 | .163 194 444 | .165 028 090 |
| 6 | .163 043 478 | .164 835 165 | .166 666 667 | .168 539 326 |





TABLE III—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE ANNUALLY OR ON AN ANNUAL BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS.

| Rate per annum | Interest period ending on the 1st or 15th of— | |
|---|---|---|
| | Year—Regular year: January, February, March, April, May, June, July, August, September, October, November, December. Leap year: January, February, March, April, May, June, July, August, September, October, November, December | Year—Regular year: January, February, March, April, May, June, July, August, September, October, November, December. Leap year: February, March, April, May, June, July, August, September, October, November, December, January |
| *Percent* | | |
| ⅛ | $0.003 424 658 | $0.003 442 623 |
| ¼ | .006 849 315 | .006 885 246 |
| ⅜ | .010 273 973 | .010 327 869 |
| ½ | .013 698 630 | .013 770 492 |
| ⅝ | .017 123 288 | .017 213 115 |
| ¾ | .020 547 945 | .020 655 738 |
| ⅞ | .023 972 603 | .024 098 361 |
| 1 | .027 397 260 | .027 540 984 |
| 1⅛ | .030 821 918 | .030 983 607 |
| 1¼ | .034 246 575 | .034 426 230 |
| 1⅜ | .037 671 233 | .037 868 852 |
| 1½ | .041 095 890 | .041 311 475 |
| 1⅝ | .044 520 548 | .044 754 098 |
| 1¾ | .047 945 205 | .048 196 721 |
| 1⅞ | .051 369 863 | .051 639 344 |
| 2 | .054 794 521 | .055 081 967 |
| 2⅛ | .058 219 178 | .058 524 590 |
| 2¼ | .061 643 836 | .061 967 213 |
| 2⅜ | .065 068 493 | .065 409 836 |
| 2½ | .068 493 151 | .068 852 459 |
| 2⅝ | .071 917 808 | .072 295 082 |
| 2¾ | .075 342 466 | .075 737 705 |
| 2⅞ | .078 767 123 | .079 180 328 |
| 3 | .082 191 781 | .082 622 951 |
| 3⅛ | .085 616 438 | .086 065 574 |
| 3¼ | .089 041 096 | .089 508 197 |
| 3⅜ | .092 465 753 | .092 950 820 |
| 3½ | .095 890 411 | .096 393 443 |
| 3⅝ | .099 315 068 | .099 836 066 |
| 3¾ | .102 739 726 | .103 278 689 |
| 3⅞ | .106 164 384 | .106 721 311 |
| 4 | .109 589 041 | .110 163 934 |
| 4⅛ | .113 013 699 | .113 606 557 |
| 4¼ | .116 438 356 | .117 049 180 |
| 4⅜ | .119 863 014 | .120 491 803 |
| 4½ | .123 287 671 | .123 934 426 |
| 4⅝ | .126 712 329 | .127 377 049 |
| 4¾ | .130 136 986 | .130 819 672 |
| 4⅞ | .133 561 644 | .134 262 295 |
| 5 | .136 986 301 | .137 704 918 |
| 5⅛ | .140 410 959 | .141 147 541 |
| 5¼ | .143 835 616 | .144 590 164 |
| 5⅜ | .147 260 274 | .148 032 787 |
| 5½ | .150 684 932 | .151 475 410 |
| 5⅝ | .154 109 589 | .154 918 033 |
| 5¾ | .157 534 247 | .158 360 656 |
| 5⅞ | .160 958 904 | .161 803 279 |
| 6 | .164 383 562 | .165 245 902 |



Federal Reserve Bank of Boston, Boston, Mass., 02106.
Federal Reserve Bank of New York,

savings bank, savings and loan association, other organization, or instrumentality of the United States, qualified as an

designated. These terms do not refer to a voluntary guardian recognized under § 315.52, to a natural guardian, such

TABLE III—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE ANNUALLY OR ON AN ANNUAL BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS.

| Rate per annum | Regular year, 365 days | Leap year, 366 days |
|---|---|---|
| *Percent* | | |
| ⅛ | $0.003 424 658 | $0.003 415 301 |
| ¼ | .006 849 315 | .006 830 601 |
| ⅜ | .010 273 973 | .010 245 902 |
| ½ | .013 698 630 | .013 661 202 |
| ⅝ | .017 123 288 | .017 076 503 |
| ¾ | .020 547 945 | .020 491 803 |
| ⅞ | .023 972 603 | .023 907 104 |
| 1 | .027 397 260 | .027 322 404 |
| 1⅛ | .030 821 918 | .030 737 705 |
| 1¼ | .034 246 575 | .034 153 005 |
| 1⅜ | .037 671 233 | .037 568 306 |
| 1½ | .041 095 890 | .040 983 607 |
| 1⅝ | .044 520 548 | .044 398 907 |
| 1¾ | .047 945 205 | .047 814 208 |
| 1⅞ | .051 369 863 | .051 229 508 |
| 2 | .054 794 521 | .054 644 809 |
| 2⅛ | .058 219 178 | .058 060 109 |
| 2¼ | .061 643 836 | .061 475 410 |
| 2⅜ | .065 068 493 | .064 890 710 |
| 2½ | .068 493 151 | .068 306 011 |
| 2⅝ | .071 917 808 | .071 721 311 |
| 2¾ | .075 342 466 | .075 136 612 |
| 2⅞ | .078 767 123 | .078 551 913 |
| 3 | .082 191 781 | .081 967 213 |
| 3⅛ | .085 616 438 | .085 382 514 |
| 3¼ | .089 041 096 | .088 797 814 |
| 3⅜ | .092 465 753 | .092 213 115 |
| 3½ | .095 890 411 | .095 628 415 |
| 3⅝ | .099 315 068 | .099 043 716 |
| 3¾ | .102 739 726 | .102 459 016 |
| 3⅞ | .106 164 384 | .105 874 317 |
| 4 | .109 589 041 | .109 289 617 |
| 4⅛ | .113 013 699 | .112 704 918 |
| 4¼ | .116 438 356 | .116 120 219 |
| 4⅜ | .119 863 014 | .119 535 519 |
| 4½ | .123 287 671 | .122 950 820 |
| 4⅝ | .126 712 329 | .126 366 120 |
| 4¾ | .130 136 986 | .129 781 421 |
| 4⅞ | .133 561 644 | .133 196 721 |
| 5 | .136 986 301 | .136 612 022 |
| 5⅛ | .140 410 959 | .140 027 322 |
| 5¼ | .143 835 616 | .143 442 623 |
| 5⅜ | .147 260 274 | .146 857 923 |
| 5½ | .150 684 932 | .150 273 224 |
| 5⅝ | .154 109 589 | .153 688 525 |
| 5¾ | .157 534 247 | .157 103 825 |
| 5⅞ | .160 958 904 | .160 519 126 |
| 6 | .164 383 562 | .163 934 426 |

# PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

Department Circular No. 530, Eighth Revision, dated December 26, 1957, as amended (31 CFR Part 315), is hereby further amended and issued as the Ninth Revision.

Subpart A—General Information

Sec.
315.0 Applicability of regulations.
315.1 Official agencies.
315.2 Definition of words and terms as used in these regulations.

Subpart B—Registration

315.5 General.
315.6 Restrictions on registration.
315.7 Authorized forms of registration.
315.8 Unauthorized registration.

Subpart C—Limitations on Holdings

315.10 Amount which may be held.
315.11 Computation of amount.
315.12 Disposition of excess.

Subpart D—Limitation on Transfer or Pledge

315.15 Limitation on transfer or pledge.
315.16 Pledge under Department Circulars Nos. 154 and 657.

Subpart E—Limitation on Judicial Proceedings—No Stoppage or Caveats Permitted

315.20 General.
315.21 Payment to judgment creditors.
315.22 Payment or reissue pursuant to judgment.
315.23 Evidence necessary.

Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bonds

315.25 After receipt by owner or his representative.
315.26 Procedure to be followed.
315.27 Nonreceipt of bond.
315.28 Recovery or receipt of bonds reported lost, stolen, destroyed or not received.

Subpart G—Interest

315.30 General.
315.31 Appreciation bonds.
315.32 Current income bonds.

Subpart H—General Provisions for Payment and Redemption

315.35 Provisions applicable both before and after maturity.
315.36 Before maturity.
315.37 At or after maturity.
315.38 Requests for payment.
315.39 Presentation and surrender.
315.40 Partial redemption.
315.41 Nonreceipt or loss of checks issued in payment.

Subpart I—Certifying Officers

315.42 Persons who may certify.
315.43 General instructions to certifying officers.
315.44 Interested person not to certify.

Subpart J—Reissue and Denominational Exchange

315.45 General.
315.46 Requests for reissue.
315.47 Effective date.
315.48 Correction of errors.
315.49 Change of name.

Subpart K—Minors, Incompetents, Aged Persons, Absentees, etc.

315.50 Payment to representative of estate.
315.51 Payment to minors.
315.52 Payment to a parent or other person on behalf of a minor.
315.53 Payment or reinvestment upon request of voluntary guardian of incompetent.
315.54 Reissue.

Subpart L—Natural Person as Sole Owner

315.55 Payment.
315.56 Reissue for certain purposes.

Subpart M—Two Natural Persons as Coowners

315.60 Payment during the lives of both coowners.
315.61 Reissue during the lives of both coowners.
315.62 After the death of one or both coowners.
315.63 Upon death of both coowners in a common disaster, etc.

Subpart N—Two Natural Persons as Owner and Beneficiary

315.65 During the lifetime of the registered owner.
315.66 After the death of the registered owner.

Subpart O—Deceased Owners

315.70 General.
315.71 Special provisions applicable to small amounts of savings bonds, interest checks or redemption checks.
315.72 Estates administered.
315.73 Estates not administered.

Subpart P—Fiduciaries

315.75 Payment.
315.76 Reissue.
315.77 Requests for reissue or payment prior to maturity or extended maturity.
315.78 Requests for payment at or after maturity.

Subpart Q—Private Organizations (Corporations, Associations, Partnerships, etc.) and Governmental Agencies, Units and Officers

315.80 Payment to corporations or unincorporated associations.
315.81 Payment to partnerships.
315.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.
315.83 Reissue or payment on dissolution of corporation or partnership.
315.84 Payment to institutions (churches, hospitals, homes, schools, etc.).
315.85 Reissue in name of trustee or agent for investment purposes.
315.86 Reissue upon termination of investment agency.
315.87 Payment to governmental agencies and units.
315.88 Payment to Government officers.

Subpart R—Miscellaneous Provisions

315.90 Waiver of regulations.
315.91 Additional requirements; bond of indemnity; taxpayer identifying numbers.
315.92 Preservation of rights.
315.93 Supplements, amendments, or revisions.

AUTHORITY: The provisions of this Part 315 issued under secs. 22 and 25 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended, 73 Stat. 621 (31 U.S.C. 757c, 757c–1).

## Subpart A—General Information

### § 315.0 Applicability of regulations.

The regulations in this part apply to all United States Savings Bonds of whatever series designation (hereinafter referred to as "savings bonds" or "bonds") bearing any issue dates whatever, to the extent specified herein and in the offering circulars governing such bonds. The provisions of these regulations with respect to bonds registered in the names of certain classes of individuals, fiduciaries, and organizations are equally applicable to bonds to which such individuals, fiduciaries, and organizations are otherwise shown to be entitled under these regulations. The provisions of Department Circular No. 300, current revision (Part 306 of this chapter), have no application to savings bonds.

### § 315.1 Official agencies.

The Bureau of the Public Debt of the Treasury Department is charged with matters relating to savings bonds. Correspondence concerning transactions after original issue and requests for appropriate forms should be addressed to (a) the Federal Reserve Bank or Branch of the district in which the correspondent is located, or (b) the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill. 60605, or (c) the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, except where specific instructions are otherwise given in these regulations. Notices or documents not filed in accordance with instructions in these regulations will not be recognized. The addresses of the Federal Reserve Banks and Branches are:



Federal Reserve Bank of Boston,
Boston, Mass., 02106.
Federal Reserve Bank of New York,
New York, N.Y., 10045.
Buffalo Branch,
Buffalo, N.Y., 14240.
Federal Reserve Bank of Philadelphia,
Philadelphia, Pa., 19101.
Federal Reserve Bank of Cleveland,
Cleveland, Ohio, 44101.
Cincinnati Branch,
Cincinnati, Ohio, 45201.
Pittsburgh Branch,
Pittsburgh, Pa., 15230.
Federal Reserve Bank of Richmond,
Richmond, Va., 23213.
Baltimore Branch,
Baltimore, Md., 21203.
Charlotte Branch,
Charlotte, N.C., 28201.
Federal Reserve Bank of Atlanta,
Atlanta, Ga., 30303.
Birmingham Branch,
Birmingham, Ala., 35202.
Jacksonville Branch,
Jacksonville, Fla., 32201.
Nashville Branch,
Nashville Tenn., 37203.
New Orleans Branch,
New Orleans, La., 70160.
Federal Reserve Bank of Chicago,
Post Office Box 834,
Chicago, Ill., 60690.
Detroit Branch,
Post Office Box 1059,
Detroit, Mich., 48231.
Federal Reserve Bank of St. Louis,
Post Office Box 442,
St. Louis, Mo., 63166.
Little Rock Branch,
Post Office Box 1261,
Little Rock, Ark., 72203.
Louisville Branch,
Post Office Box 899,
Louisville, Ky., 40201.
Memphis Branch,
Post Office Box 407,
Memphis, Tenn., 38101.
Federal Reserve Bank of Minneapolis,
Minneapolis, Minn., 55440.
Helena Branch,
Helena, Mont., 59601.
Federal Reserve Bank of Kansas City,
Kansas City, Mo., 64106.
Denver Branch,
Denver, Colo., 80217.
Oklahoma City Branch,
Oklahoma City, Okla., 73101.
Omaha Branch,
Omaha, Nebr., 68102.
Federal Reserve Bank of Dallas,
Station K,
Dallas, Tex., 75222.
El Paso Branch,
Post Office Box 100,
El Paso, Tex., 79999.
Houston Branch,
Post Office Box 2578,
Houston, Tex., 77001.
San Antonio Branch,
Post Office Box 1471,
San Antonio, Tex., 78206.
Federal Reserve Bank of San Francisco,
San Francisco, Calif., 94120.
Los Angeles Branch,
Post Office Box 2077,
Los Angeles, Calif., 90054.
Portland Branch,
Post Office Box 3456,
Portland, Oreg., 97208.
Salt Lake City Branch,
Post Office Box 780,
Salt Lake City, Utah, 84110.
Seattle Branch,
Post Office Box 3567,
Seattle, Wash., 98124.

### § 315.2 Definition of words and terms as used in these regulations.

(a) "Authorized issuing agent" means an incorporated bank, trust company, savings bank, savings and loan association, other organization, or instrumentality of the United States, qualified as an issuing agent under the provisions of Department Circular No. 657, current revision (Part 317 of this chapter).

(b) "Authorized paying agent" means an incorporated bank, trust company, savings bank, savings and loan association, or other organization qualified as a paying agent under the provisions of Department Circular No. 750, current revision (Part 321 of this chapter).

(c) "Court" means one which has jurisdiction over the parties and subject matter.

(d) "Extended maturity date" is the date on which a bond will mature and cease to bear interest under applicable optional extension provisions.

(e) "Extended maturity value" is the value of a bond at maturity under applicable optional extension provisions.

(f) "Face value" of a bond refers to the value of the bond as shown on the face thereof.

(g) "Incompetent" refers to a person under any legal disability except minority.

(h) "Maturity date" means the date on which the bond will mature by the terms of the circular offering it for sale without regard to any optional extension period.

(i) "Optional extension period"[1] means any period after maturity date during which the owner may retain the bonds and continue to earn interest on the maturity value in accordance with the terms of the circular offering such bonds for sale.

(j) "Payment" and "redemption" are used interchangeably, unless otherwise indicated. They refer to payment of a bond in accordance with these regulations.

(k) "Personal trust estate" means a trust estate established by natural persons in their own right for the benefit of themselves or other natural persons in whole or in part, and common trust funds comprised in whole or in part of such trust estates.

(l) "Presented and surrendered" and "presentation and surrender" mean the actual receipt of a bond, with an appropriate request for the particular transaction, by the Bureau of the Public Debt, Chicago or Washington offices, the Office of the Treasurer of the United States, Securities Division, or a Federal Reserve Bank or Branch, or, if the transaction is one which an authorized paying agent may handle, receipt by such authorized paying agent.

(m) "Representative of the estate of a minor, incompetent, aged person, absentee, etc.," means a guardian, conservator, or similar representative appointed by a court or otherwise legally qualified, regardless of the title by which designated. These terms do not refer to a voluntary guardian recognized under § 315.53, to a natural guardian, such as a parent, including a parent to whom custody of a child has been awarded through divorce proceedings or a parent by adoption, or to the executor or administrator of the estate of a decedent.

(n) "Reissue" means the cancellation and retirement of a bond and issue of a new bond or bonds of the same series, amount (face value) (or the remainder thereof in case of partial redemption), and issue date.

(o) "Taxpayer identifying number" means the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security account number or an employer identification number. The social security account number is composed of nine digits separated by two hyphens, for example, 123–45–6789; the employer identification number is composed of nine digits separated by one hyphen, for example, 12–3456789. The hyphens are an essential part of the numbers and must be included.

## Subpart B—Registration

### § 315.5 General.

Savings bonds are issued only in registered form. The registration used on issue or reissue must express the actual ownership of and interest in the bond and, except as otherwise specifically provided in Subpart E and § 315.48, will be considered as conclusive of such ownership and interest. No designation of an attorney, agent, or other representative to request or receive payment on behalf of the owner or a coowner, nor any restriction on the right of the owner or a coowner to receive payment of the bond or interest, except as provided in these regulations, may be made in the registration or otherwise. Registrations requested in applications for purchase or requests for reissue should be clear, accurate, and complete, conform with one of the forms set forth in this subpart, and include the appropriate taxpayer identifying number.[2] The registration of

[1] All Series E bonds have a 10-year optional extension period. Those bearing issue dates of May 1, 1941, through May 1, 1949, have a second 10-year optional extension period. Series H bonds bearing issue dates of June 1, 1952, through January 1, 1957, have a 10-year optional extension period. Other bonds do not have this feature.

[2] It is not mandatory to include taxpayer identifying numbers in registrations of Series E bonds. Issuing agents for Series E bonds issued under payroll savings plans who desire to place such numbers on the bonds should obtain instructions from the Bureau of the Public Debt, Washington, D.C., 20220. As the numbers must be included in Series H bond registrations except with respect to such persons and organizations as may be exempt from furnishing such numbers under the regulations of the Internal Revenue Service, they are shown in the examples in § 315.7 for guidance. Series H bonds inscribed in the name of an individual, with or without a beneficiary, must show the individual's social security account number. The social security account number of either coowner may be shown on bonds registered in coownership form, except that if the coowners are husband and wife, the husband's number should be shown. If the coowners are a minor and an adult, the adult's number should be shown. Questions concerning taxpayer identifying numbers and correct forms of registration should be submitted to the Federal Reserve Bank or Branch of the appropriate district, or to the Bureau



all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the

in either case by an appropriate reference to the guardianship. Bonds purchased by a representative of two or

(i) *Guardians, custodians, conservators, etc.* In the name and title or capacity of the legally appointed, desig-



within the meaning of these regulations.

(a) *Will, deed of trust, agreement or similar instrument.* Examples:

Superintendent of the Confederate Home for Men, in trust for the Benefit Fund under section 3183c, Vernon's Civil Statutes of Texas Ann.

a parent organization, the name or designation of the subordinate or local organization should be given first, followed by

all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in the case of a fiduciary, the description of the fiduciary capacity. The owner, coowner, or beneficiary should be designated by the name by which he is ordinarily known or the one under which he does business, including preferably at least one full given name. The name may be preceded by any applicable title, such as "Dr." or "Rev.," or followed by "M.D.," "D.D.," or other similar designation. "Sr." or "Jr." or a similar suffix should be included, when ordinarily used or when necessary to distinguish the owner from a member of his family. The name of a woman must be preceded by "Miss" or "Mrs.," unless some other applicable title or designation is used. A married woman's own given name, not that of her husband, must be used, for example, "Mrs. Mary A. Jones," not "Mrs. Frank B. Jones." The post office address should include, where appropriate, the number and street, route, or any other local feature, and the ZIP Code.

**§ 315.6 Restrictions on registration.**

(a) *Residence.* Registration of bonds is restricted on original issue, but not on authorized reissue, to persons (whether natural persons or others) who are:

(1) Residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone;

(2) Citizens of the United States temporarily residing abroad; and

(3) Civilian employees of the United States or members of its Armed Forces, regardless of their residence or citizenship.

However, other natural persons may be designated as coowners or beneficiaries with natural persons of the above classes, whether on original issue or reissue, except that registration is not permitted in any form which includes the name of any alien who is resident of any area with respect to which the Treasury Department restricts or regulates the delivery of checks drawn against funds of the United States or any agency or instrumentality thereof.[3]

(b) *Minority.* (1) Bonds purchased by another person with funds belonging to a minor should be registered in the name of the minor without a coowner or beneficiary. A minor may name a coowner or beneficiary on bonds he purchases with his wages, earnings, or other funds belonging to him and under his control. A minor, whether or not under legal guardianship, may be named as owner, coowner, or beneficiary on bonds purchased by another individual with funds other than those belonging to the minor.

(2) If there is a representative of a minor's estate, bonds should be registered in the name of the minor, or in the name of the representative, followed in either case by an appropriate reference to the guardianship. Bonds purchased by a representative of two or more minors, even though appointed in a single proceeding, should be registered separately in a form to show each guardianship estate. A bond may be purchased as a gift to a minor under a gifts to minors statute in effect in a state in which either the donor or the minor resides, in which case the bond should be registered as provided in the statute, with the addition of a parenthetical reference identifying the statute if the registration does not clearly identify it. Registration in the name of a natural guardian is not authorized. See examples of forms of registration under § 315.7(b).

(c) *Incompetency.* Bonds should not be registered in the name of an incompetent unless there is a legal representative of his estate, except under the provisions of § 315.53. If there is a legal representative, the provisions of paragraph (b) of this section apply as to registration in the name of the legal representative or in the name of the incompetent followed by reference to the guardianship.

**§ 315.7 Authorized forms of registration.**

Subject to any limitations or restrictions contained in these regulations on the right of any person to be named as owner, coowner, or beneficiary, bonds may be registered in the following forms: [3]

(a) *Natural persons.* In the names of natural persons in their own right.

(1) *Single owner:* Example: John A. Jones 123-45-6789.

(2) *Coownership form—two persons (only).* In the alternative as coowners. Examples:

John A. Jones 123-45-6789 or Mrs. Ella S. Jones.
Mrs. Ella S. Jones or John A. Jones 123-45-9876.

No other form of registration establishing coownership is authorized.

(3) *Beneficiary form—two persons (only).* Examples:

John A. Jones 123-45-6789 payable on death to Mrs. Ella S. Jones.
John A. Jones 123-45-6789 P.O.D. Mrs. Ella S. Jones.

"Payable on death" may be abbreviated to "P.O.D." as indicated in the last example. The first person named is hereinafter referred to as the owner and the second named person as the beneficiary.

(b) *Fiduciaries and private or public organizations.* Only the single owner form of registration is available for bonds owned by other than natural persons, and the registration must conform to the forms authorized in this subsection.

(1) *Fiduciaries.* In the names of any persons or organizations, public or private, as fiduciaries, but not where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation, or service.

(i) *Guardians, custodians, conservators, etc.* In the name and title or capacity of the legally appointed, designated or authorized representative or representatives of the estate of a minor, incompetent, aged person, absentee, etc., or in the name of such individual, followed by an appropriate reference to the estate and showing the nature of the legal disability or referring to the applicable statute. Examples:

William C. Jones, guardian (or conservator, trustee, etc.) of the estate of James F. Brown 123-45-6789, a minor (or an incompetent, aged person, infirm person, or absentee).
John Smith 123-45-6789, a minor (or an incompetent, aged person, infirm person, or absentee) under legal guardianship (or conservatorship or trusteeship, etc.) of Henry C. Smith.
John Smith 123-45-6789, an adult, under conservatorship of Henry Smith pursuant to Sec. 572, 1963 Iowa Probate Code.
John Smith 123-45-6789, a minor (or incompetent), under custodianship by designation of the Veterans Administration.
John Smith 123-45-6789, an incompetent for whom Henry C. Smith has been designated trustee by the Department of the Army pursuant to 37 U.S.C. 351-354.
William C. Jones, as custodian for John Smith 123-45-6789 under the California Uniform Gifts of Securities to Minors Act.
William C. Jones, as custodian for John Smith 123-45-6789, a minor, under the laws of Georgia (Chapter 48-3, Code of Georgia Ann.).
Richard Roe 123-45-6789, a minor (or an incapacitated adult) beneficiary for whom Reva Roe has been designated representative payee by the Secretary of Health, Education, and Welfare, pursuant to 42 U.S.C. 405(j).

(ii) *Executors, administrators, etc.* (*a*) In the name of the representative or representatives of the estate of a decedent appointed by a court or otherwise legally qualified. The registration should include the name of the decedent and the name or names of all representatives. The name and title of the representative must be followed by adequate identifying reference to the estate. Example:

John Smith, executor of the will (or administrator of the estate) of Henry J. Smith, deceased 12-3456789.

(*b*) In the name of an executor authorized to administer a trust under the terms of a will although he is not named as trustee. Example:

John Smith, executor of the will of Henry J. Smith, deceased, in trust for Mrs. Jane Smith, with remainder over 12-3456789.

(iii) *Trustees.* In the name and title or capacity (or title or capacity alone where hereinafter provided) of the trustee or trustees of a single duly constituted trust estate (which will be considered as an entity), substantially in accordance with the examples set forth in this paragraph. Unless otherwise indicated, an adequate identifying reference should be made to the trust instrument or other authority creating the trust. A common trust fund established and maintained according to law by a financial institution duly authorized to act as a fiduciary will be considered as a single duly constituted trust estate within the meaning of these regulations.

(a) *Will, deed of trust, agreement or similar instrument.* Examples:

John Smith and the First National Bank, trustees under the will of Henry J. Smith, deceased 12-3456789.
The Second National Bank, trustee under an agreement with George E. White, dated February 1, 1935 12-3456789.

If the authority creating the trust designates by title only an officer of a board or an organization as trustee, only the title of the officer should be used in the registration. Example:

Chairman, Board of Trustees, First Church of Christ, Scientist, of Chicago, Ill., in trust under the will of Henry J. Smith, deceased 12-3456789.

If the trustees are too numerous to be designated in the inscription by names and capacity, the names or some of the names may be omitted. Examples:

John Smith, Henry Jones, et al., trustees under the will of Henry J. Smith, deceased 12-3456789.
Trustees under the will of Henry J. Smith, deceased 12-3456789.

(b) *Pension, retirement, or similar fund, or employees' savings plans.* In the name and title (or title alone) of the trustee or trustees of a pension, retirement, or similar fund, or an employees' savings plan. If the instrument creating the trust provides that the trustees shall serve for a limited term, the names of the trustees may be omitted. Examples:

First National Bank and Trust Company, trustee of the Employees' Savings Plan of Jones Company, Inc., U/A dated Jan. 17, 1959 12-3456789.
Trustees of the Employees' Savings Plan of Johnson Company, Inc., U/A dated Jan. 20, 1964 12-3456789.
First National Bank, trustee of pension fund of Industrial Manufacturing Company, under agreement with said company dated March 31, 1949 12-3456789.
Trustees of Retirement Fund of Industrial Manufacturing Company, under resolution adopted by its board of directors on March 31, 1949 12-3456789.

(c) *Funds of a lodge, church, society, or similar organization.* If the funds of a lodge, church, society, or similar organization, whether incorporated or not, are held in trust by a trustee or trustees or a board of trustees, only the capacity should be used in the registration. Examples:

Trustees of the First Baptist Church, Akron, Ohio, acting as a Board under Section 15 of its by-laws 12-3456789.
Trustees of Jamestown Lodge No. 1,000 Benevolent and Protective Order of Elks, under Section 10 of its by-laws 12-3456789.
Board of Trustees of the Lotus Club, Washington, Ind., under Article X of its constitution 12-3456789.

(d) *Public officers, corporations, or bodies.* If a public officer, public corporation, or public body acts as trustee under express authority of law, only the title should be used in the registration. Examples:

Rhode Island Sinking Fund Commission, trustee of the General Sinking Fund under Chapter 35, General Laws of Rhode Island.
Superintendent of the Confederate Home for Men, in trust for the Benefit Fund under section 3183c, Vernon's Civil Statutes of Texas Ann.

(e) *School, class, or activity fund.* If the principal or other officer of a public, private, or parochial school acts as trustee for the benefit of the student body or a class, group, or activity thereof, only the title should be used in the registration, and if the amount purchased for any one fund does not exceed $500 (face value), no reference need be made to a trust instrument. Examples:

Principal, Western High School, in trust for Class of 1955 Library Fund 12-3456789.
Director of Athletics, Western High School, in trust for Student Activities Association under resolution adopted May 12, 1955 12-3456789.

(iv) *Life tenants.* In the name of a life tenant, followed by adequate identifying reference to the instrument creating the life tenancy. Example:

Mrs. Jane Smith, life tenant under the will of Henry J. Smith, deceased 12-3456789.

(v) *Investment agents.* In the name of a bank, trust company, or other financial institution, or individual, holding funds of a religious, educational, charitable, or nonprofit organization, whether or not incorporated, as agent under an agreement with the organization for the sole purpose of investing and reinvesting the funds and paying the income to the organization. The name and designation of the agent should be followed by an adequate identifying reference to the agreement. Examples:

Black County National Bank, fiscal agent 12-3456789, under agreement with the Evangelical Lutheran Church of The Holy Trinity, dated December 28, 1949.
First National Bank and Trust Company, investment agent 12-3456789, under agreement dated September 16, 1964 with Central City Post No. 1000, Department of Illinois, American Legion.

(2) *Private organizations (corporations, associations, and partnerships, etc.).* In the name of any private organization, but not in the names of commercial banks, which are defined for this purpose as those accepting demand deposits. The full legal name of the organization, without mention of any officer or member by name or title, should be used, as follows:

(i) *A corporation.* A business, fraternal, religious, or other private corporation, followed preferably by the words "a corporation" (unless the fact of incorporation is shown in the name). Examples:

Smith Manufacturing Company, a corporation 12-3456789.
Jones and Brown, Inc. 12-3456789.

(ii) *An unincorporated association.* An unincorporated lodge, society, or similar self-governing association, followed preferably by the words "an unincorporated association." The term "an unincorporated association" should not be used to describe a trust fund, a board of trustees, a partnership, or a business conducted under a trade name or as a sole proprietorship. If the association is chartered by or affiliated with a parent organization, the name or designation of the subordinate or local organization should be given first, followed by the name of the parent organization. The name of the parent or national organization may be placed in parentheses and, if it is well known, may be abbreviated. Examples:

The Lotus Club, an unincorporated association 12-3456789.
Local 447, Brotherhood of Railroad Trainmen, an unincorporated association 12-3456789.
Eureka Lodge No. 317 (A.F. & A.M.), an unincorporated association 12-3456789.

(iii) *A partnership.* A partnership (which will be considered as an entity), followed by the words "a partnership." Examples:

Smith and Brown, a partnership, 12-3456789.
Acme Novelty Company, a partnership, 12-3456789.

(iv) *Institutions (churches, hospitals, homes, schools, etc.).* In the name of a church, hospital, home, school, or similar institution conducted by a private organization or by private trustees, regardless of the manner in which it is organized or governed or title to its property is held. Examples:

Shriners' Hospital for Crippled Children, St. Louis, Mo. 12-3456789.
St. Mary's Roman Catholic Church, Albany, N.Y. 12-3456789.
Rodeph Shalom Sunday School, Philadelphia, Pa. 12-3456789.

(3) *Governmental units, agencies, and officers.* In the full legal name or title of the owner or official custodian of public funds, other than trust funds, as follows:

(i) Any governmental unit, as a state, county, city, town, village, or school district. Examples:

State of Maine.
Town of Rye, N.Y. (Street Improvement Fund).

(ii) Any board, commission, government owned corporation, or other public body duly constituted by law. Example:

Maryland State Highway Commission.

(iii) Any public officer designated by title only. Example:

Treasurer, City of Chicago

(c) *Treasurer of the United States as coowner or beneficiary.* Those who desire to do so may make gifts to the United States by designating the Treasurer of the United States as coowner or beneficiary. Bonds so registered may not be reissued to change the designation. Examples:

John A. Jones 123-45-6789 or the Treasurer of the United States of America
John A. Jones 123-45-6789 P.O.D. the Treasurer of the United States of America

**§ 315.8 Unauthorized registration.**

A savings bond inscribed in a form not substantially in agreement with one of those authorized by this subpart will not be considered as validly issued, except that once it is established that the bond can be reissued in a form of registration which is valid under these regulations

of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill. 60605, or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220.

[3] See Department Circular No. 655, current revision (Part 211 of this chapter).

it will be considered as having been validly issued from the date of original issue.

## Subpart C—Limitations on Holdings

### § 315.10 Amount which may be held.

The amounts of savings bonds of each series, issued in any one calendar year, which may be held by any one person at any one time, computed in accordance with the provisions of § 315.11, are limited as follows: [4]

(a) *Series E.* $5,000 (face value) for each calendar year up to and including the calendar year 1947; $10,000 (face value) for the calendar years 1948 to 1951, inclusive; $20,000 (face value) for the calendar years 1952 to 1956, inclusive; $10,000 (face value) for the calendar year 1957 [5] and each calendar year thereafter; except that trustees of an employees' savings plan (as defined in Department Circular No. 653, current revision) may purchase $2,000 (face value) multiplied by the highest number of employees participating in the plan at any time during the calendar year in which the bonds are issued.

(b) *Series H.* $20,000 (face value) for each calendar year up to and including the calendar year 1956; $10,000 (face value) for the calendar years 1957 [5] to 1961, inclusive; $20,000 (face value) for the calendar year 1962 and each calendar year thereafter.

### § 315.11 Computation of amount.

(a) *Definition of "person".* The term "person" for purposes of this section shall mean any legal entity and shall include but not be limited to natural persons, corporations (public or private), partnerships, unincorporated associations, and trust estates. The holdings of each person individually and his holdings in any fiduciary capacity authorized by these regulations, such as, for example, his holdings as a guardian of the estate of a minor, as a life tenant, or as trustee under a will or deed of trust, shall be computed separately. A pension or retirement fund or an investment, insurance, annuity or similar fund or trust will be regarded as an entity regardless of the number of beneficiaries or the manner in which their respective interests are established or determined. Segregation of individual shares as a matter of bookkeeping or as a result of individual agreements with beneficiaries or the express designation of individual shares as separate trusts will not operate to constitute separate trusts under these regulations.

(b) *Bonds that must be included in computation.* Except as provided in paragraph (c) of this section, there must be taken into account in computing the holdings of each person:

(1) All bonds registered in the name of that person alone;

(2) All bonds registered in the name of the representative of the estate of that person;

(3) All bonds originally registered in the name of that person as coowner or reissued at the request of the original owner to add the name of that person as coowner or to designate him as coowner instead of a beneficiary. However, the amount of bonds of Series E and H held in coownership form may be applied to the holdings of either of the coowners but will not be applied to both, or the amount may be apportioned between them.

(c) *Bonds that may be excluded from computation.* There need not be taken into account:

(1) Bonds on which that person is named beneficiary;

(2) Bonds in which his interest is only that of a beneficiary under a trust;

(3) Bonds to which he has become entitled under § 315.66 as surviving beneficiary upon the death of the registered owner, as an heir or legatee of the deceased owner, or by virtue of the termination of a trust or the happening of any other event;

(4) Bonds of Series E purchased with the proceeds of matured bonds of Series A, C–1938, and D, where such matured bonds were presented for that purpose;

(5) Bonds of Series E bearing issue dates from May 1, 1941, to December 1, 1945, inclusive, held by individuals in their own right which are not more than $5,000 (face value) in excess of the prescribed limit;

(6) Bonds of Series E or H reissued under § 315.61(a)(1);

(7) Bonds of Series E or H reissued in the name of a trustee of a personal trust estate which did not represent excess holdings prior to such reissue;

(8) Bonds of Series E or H purchased with the proceeds of bonds of Series F, G, J, or K, at or after maturity, where such matured bonds are presented for that purpose in accordance with the provisions of Department Circulars Nos. 653, current revision (Part 316 of this chapter), offering bonds of Series E, and 905, current revision (Part 332 of this chapter), offering bonds of Series H;

(9) Bonds of Series H issued in exchange for bonds of Series E, F, or J under the provisions of Department Circular No. 1036, as amended.

### § 315.12 Disposition of excess.

If any person at any time acquires savings bonds issued during any one calendar year in excess of the prescribed amount, the excess must be immediately surrendered for refund of the purchase price, less (in the case of current income bonds) any interest which may have been paid thereon, or for such other adjustment as may be possible. For good cause found the Secretary of the Treasury may permit excess holdings to stand in any particular case or class of cases.

## Subpart D—Limitation on Transfer or Pledge

### § 315.15 Limitation on transfer or pledge.

Savings bonds are not transferable and are payable only to the owners named thereon, except as specifically provided in these regulations, and then only in the manner and to the extent so provided. A savings bond may not be hypothecated, pledged as collateral, or used as security for the performance of an obligation, except as provided in § 315.16.

### § 315.16 Pledge under Department Circulars Nos. 154 and 657.

A bond may be pledged by the registered owner in lieu of surety under the provisions of Department Circular No. 154, current revision (Part 225 of this chapter) if the bond approving officer is the Secretary of the Treasury, in which case an irrevocable power of attorney shall be executed authorizing the Secretary of the Treasury to request payment. A bond may also be deposited as security with a Federal Reserve Bank under the provisions of Department Circular No. 657, current revision (Part 317 of this chapter), by an institution certified under that circular as an issuing agent for Series E bonds.

## Subpart E—Limitation on Judicial Proceedings—No Stoppage or Caveats Permitted

### § 315.20 General.

(a) No judicial determination will be recognized which would give effect to an attempted voluntary transfer inter vivos of a bond or would defeat or impair the rights of survivorship conferred by these regulations upon a surviving coowner or beneficiary, and all other provisions of this subpart are subject to this restriction. Otherwise, a claim against an owner or coowner of a savings bond and conflicting claims as to ownership of, or interest in, such bond as between coowners or between the registered owner and beneficiary will be recognized, when established by valid judicial proceedings, upon presentation and surrender of the bond, but only as specifically provided in this subpart.

(b) Neither the Treasury Department nor any agency for the issue, reissue, or redemption of savings bonds will accept notices of adverse claims or of pending judicial proceedings or undertake to protect the interests of litigants who do not have possession of a bond.

### § 315.21 Payment to judgment creditors.

(a) *Creditors.* Payment (but not reissue) of a savings bond registered in single ownership, coownership, or beneficiary form will be made to the purchaser at a sale under a levy or to the officer authorized to levy upon the property of the registered owner or coowner under appropriate process to satisfy a money judgment. Payment will be made to such purchaser or officer only to the extent necessary to satisfy the judgment and will be limited to the redemption value current sixty days after the termination of judicial proceedings. Payment of a bond registered in coownership form pursuant to a judgment or levy against only one of the coowners will be limited to the extent of that coowner's interest in the bond; this interest may be established by an agreement between the coowners or by a judgment, decree, or order of court entered in a proceeding to which both coowners are parties.

(b) *Trustees in bankruptcy and receivers.* Payment of a savings bond will be made to a trustee in bankruptcy, a receiver of an insolvent's estate, a receiver in equity, or a similar officer of the court, under the applicable provisions of paragraph (a) of this section, except that payment will be made at the redemption value current on the date of payment.

### § 315.22 Payment or reissue pursuant to judgment.

(a) *Divorce.* A decree of divorce ratifying or confirming a property settlement agreement or otherwise settling the respective interests of the parties in a bond will not be regarded as a proceeding giving effect to an attempted voluntary transfer under the provisions of § 315.20. Consequently, reissue of a savings bond may be made to eliminate the name of one spouse as owner, coowner, or beneficiary, or to substitute the name of one spouse for that of the other as owner, coowner, or beneficiary pursuant to such a decree. The evidence required under § 315.23 must be submitted in any case. Where the decree does not set out the terms of the property settlement agreement a certified copy of the agreement must also be submitted. If bonds are registered with a person other than one of the spouses as owner or coowner there must be submitted either a request for reissue by such person or a certified copy of a judgment, decree, or order of court entered in a proceeding to which he was a party, determining the extent of the interest in the bond held by the spouse whose name is to be eliminated, and reissue will be permitted only to the extent of the spouse's interest in the bonds. Payment rather than reissue will be made if requested.

(b) *Gifts causa mortis.* A bond belonging solely to one person will be paid or reissued on the request of the person found by a court to be entitled thereto by reason of a gift causa mortis by the sole owner.

(c) *Date for determining rights.* For the purpose of determining whether or not reissue shall be made under this section pursuant to judicial proceedings, the rights of all parties involved shall be those existing under these regulations at the time of the entry of the final judgment, decree, or order.

### § 315.23 Evidence necessary.

To establish the validity of judicial proceedings, there must be submitted certified copies of a final judgment, decree, or order of court and of any necessary supplementary proceedings. If the judgment, decree, or order of court was rendered more than six months prior to the presentation of the bond, there must also be submitted a certificate from the clerk of the court, under its seal, dated within six months of the presentation of the bond showing that the judgment, decree, or order of court is in full force. A request for payment by a trustee in bankruptcy must be supported by duly certified evidence of his appointment and qualification. A request for payment by a receiver of an insolvent's estate must be supported by a copy of the order appointing him, certified by the clerk of the court, under its seal, as being in full force on a date not more than six months prior to the date of the presentation of the bond. A request for payment by a receiver in equity or a similar officer of the court, other than a receiver of an insolvent's estate, must be supported by a copy of an order authorizing him to present the bond for redemption, certified by the clerk of the court, under its seal, as being in full force on a date not more than six months prior to the presentation of the bond.

## Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bonds

### § 315.25 After receipt by owner or his representative.

Relief, either by the issue of a substitute bond marked "Duplicate" or by payment, may be given under section 8 of the Act of July 8, 1937, as amended (50 Stat. 481, as amended, 31 U.S.C. 738a), for the loss, theft, destruction, mutilation, or defacement of a bond after receipt by the owner or his representative. In granting relief under the act, the Secretary of the Treasury may require a bond of indemnity in such form and with such surety as may be deemed necessary for the protection of the United States of America. In all cases the bond must be identified and the applicant must submit satisfactory evidence of loss, theft, or destruction, or a satisfactory explanation of the mutilation or defacement. Relief on account of loss or theft ordinarily will not be granted until six months after the date of receipt by the Bureau of the Public Debt of the notice of such loss or theft.

### § 315.26 Procedure to be followed.

(a) Immediate notice of the facts concerning the loss, theft, destruction, mutilation, or defacement of a bond, together with its complete description (series, year and month of issue, serial number, name and address of the registered owner or coowners), should be given to the Bureau of the Public Debt, Division of Loans and Currency Branch. Defaced bonds and all available fragments of mutilated bonds in any form whatsoever should be submitted. That office will furnish the proper application form and instructions.

(b) The application must be made by the person or persons (including both coowners, if living), authorized under these regulations to request payment of the bond, except as follows:

(1) If the bond is in beneficiary form and the owner and beneficiary are both living, both ordinarily will be required to join in the application.

(2) If a minor named on a bond as owner, coowner, or beneficiary is not of sufficient competency and understanding to request payment, both parents ordinarily will be required to join in the application.

### § 315.27 Nonreceipt of bond.

If a bond, on original issue or on reissue, is not received from the issuing agent by the registered owner or other person to whom delivery of the bond was directed, the issuing agent should be notified as promptly as possible and given all information available about the transaction. The agent will then obtain appropriate instructions and forms. After approval of the application for relief, relief will be granted by the issuance of a bond, bearing the same issue date as the bond which was not received.

### § 315.28 Recovery or receipt of bonds reported lost, stolen, destroyed or not received.

If a bond reported lost, stolen, destroyed, or not received, is recovered or received before relief is granted, the Bureau of the Public Debt, Division of Loans and Currency Branch, should be notified promptly. If recovered or received after relief is granted, the bond should be surrendered promptly to the same office for cancellation.

## Subpart G—Interest

### § 315.30 General.

Savings bonds are issued in two forms:

(a) Appreciation bonds, issued on a discount basis and redeemable before final maturity at increasing fixed redemption values; and

(b) Current income bonds, issued at par, bearing interest payable semiannually [6] and redeemable before final maturity at par or at fixed redemption values less than par.

### § 315.31 Appreciation bonds.

Bonds issued on a discount basis increase in redemption value at the end of the first half-year from issue date and at the end of each successive half-year period thereafter until their maturity date, when the full face amount becomes payable.[7] Bonds of Series E bearing is-

[4] Bonds of Series F, G, J and K, no longer available for purchase, are subject to the limitations on holdings and rules for computation of holdings set forth in Secs. 315.8 and 315.9 of Department Circular No. 530, Seventh Revision.

[5] Effective May 1, 1957. Accordingly, investors who purchased $20,000 (face value) of bonds of Series E bearing issue dates of January 1 through April 1 were not entitled to purchase additional bonds of that series during 1957. The same limitation applies to bonds of Series H bearing those issue dates. Investors who purchased less than $10,000 (face value) of bonds of either series prior to May 1 were entitled only to purchase enough of either series to bring their total for that series for 1957 to $10,000 (face value).

[6] The final interest on bonds of Series H bearing issue dates of June 1, 1952, through January 1, 1957, covers a period of two months, from 9½ years to 9 years, 8 months. Bonds so dated will continue to earn interest for a 10-year optional extension period, during which time interest will accrue and be paid beginning six months from the original maturity date, in accordance with the provisions of Department Circular No. 905, current revision. Since May 1, 1957, the only current income bonds on sale are those of Series H. See Department Circulars Nos. 654, Third Revision, as amended, for Series G, and 906, as amended, for Series K.

[7] Series E bonds issued on or before April 30, 1952, and Series F bonds, the sale of which was terminated April 30, 1952, increased in redemption value at the end of the first year from issue date; Series E Bonds issued on and after May 1, 1952, and Series J bonds, the sale of which began on May 1, 1952, increased in redemption value at the end of the first half-year from issue date. The

sue dates of May 1, 1941, through May 1, 1949, will continue to increase in redemption value after the maturity date for twenty years and those bearing issue dates beginning with June 1, 1949, for ten years after the maturity date, in accordance with the provisions of Department Circular No. 653, current revision.[4] The increment in value (interest) on appreciation bonds is payable only on redemption of the bonds.

**§ 315.32 Current income bonds.**

(a) *Interest rates.* The interest payable on a current income bond is fixed by the provisions of the Department circular offering the particular series of bonds to the public.[5]

(b) *Method of interest payments.* Interest due on a current income bond is payable semiannually beginning six months from its issue date and will be paid on each interest payment date by check drawn to the order of the person or persons in whose names the bond is inscribed, in the same form as their names appear in the inscription on the bond, and mailed to the address of record (that given for the delivery of interest checks in the application for purchase or the request for reissue or, if no instruction is given as to the delivery of interest checks, the address given for the owner or the first-named coowner), except that:

(1) In the case of a bond registered in the form "A payable on death to B" the check will be drawn to the order of "A" alone until the Bureau of the Public Debt, Division of Loans and Currency Branch, receives notice of A's death, from which time the payment of interest will be suspended until the bond is presented for payment or reissue. Interest so withheld will be paid to the person found to be entitled to the bond.

(2) Upon receipt of notice of the death of the coowner to whom interest is being mailed, payment of interest will be suspended until a request for change of address is received from the other coowner, if living, or, if not, until satisfactory evidence is submitted as to who is authorized to endorse and collect such checks on behalf of the estate of the last deceased coowner in accordance with the provisions of Subpart O of this part.

(3) Upon receipt of notice of the death of the owner of a bond, payment of interest on the bond will be suspended until satisfactory evidence is submitted as to who is authorized to endorse and collect such checks on behalf of the estate of the decedent, in accordance with the provisions of Subpart O of this part.

(4) Whenever practicable the accounts for all current income bonds of the same series, with the same inscription, on which interest is payable on the same dates, will be consolidated and a single check will be issued on each interest payment date for interest on all such bonds. The check inscription may vary from the inscriptions on the bonds in cases of very long inscriptions or where there is lack of uniformity in the inscriptions on the bonds.

(5) The interest due at maturity in the case of bonds for which an optional extension privilege has not been granted and at the extended maturity date for all bonds for which an optional extension privilege has been granted will be paid with the principal and in the same manner. However, if the registered owner of a bond in beneficiary form dies on or after the due date without having presented and surrendered the bond for payment or authorized reissue, and is survived by the beneficiary, the interest may be paid to the legal representative of or the person entitled to the registered owner's estate. To obtain such payment, the bond with a request therefor by the beneficiary should be submitted together with evidence as required in Subpart O.

(c) *Notices affecting delivery of interest checks.* Notices affecting the delivery of interest checks, including changes in addresses, should be sent to the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill. 60605. Each bond should be described in the notice by issue date, serial number, series (including year of issue), and inscription appearing on the face of the bond. The bonds should not be submitted. The notice must be signed by the owner or a coowner, or in the case of a minor or incompetent as provided in paragraph (d) or (e) of this section. A notice which would affect delivery of an interest check will be acted upon as rapidly as possible, but if the notice is not received at least one month before an interest payment date, no assurance can be given that action can be taken in time to make the change, or suspend the mailing of the interest due on that date.

(d) *Representative appointed for the estate of a minor, incompetent, absentee, etc.* Interest on current income bonds will be paid to the representative appointed for the estate of the owner of such bonds who is a minor, incompetent, absentee, etc., in accordance with the provisions of § 315.50 relating to payment of the bonds. However, if the registration of the bonds does not include reference to the owner's status, the bonds should be submitted to the Bureau of the Public Debt, Division of Loans and Currency Branch, at the address shown in paragraph (c) of this section, or to a Federal Reserve Bank for appropriate reissue so that interest checks may be properly drawn and delivered. They must be accompanied by the proof of appointment required by § 315.50.

(e) *Adult incompetent's estate having no representative.* If an adult owner of a current income bond is incompetent to endorse and collect the interest checks and no legal guardian or similar representative is legally qualified to do so, the relative responsible for his care and support, or some other appropriate person, may apply to the Bureau of the Public Debt, Division of Loans and Currency Branch, for recognition as voluntary guardian for the purpose of receiving, endorsing, and collecting the checks. Form PD 2513 should be used in making application for this purpose.

(f) *Reissue during interest period.* Physical reissue of a bond will be made as soon as practicable without regard to interest payment dates. If a current income bond is reissued between interest payment dates, interest for the entire period will ordinarily be paid on the next interest payment date, by check drawn to the order of the person in whose name the bond is reissued. However, if reissue is made during the month preceding an interest payment date, the interest due on the first day of the next month may in some cases be paid to the former owner or the representative of his estate.

(g) *Termination of interest.* Interest on current income bonds will cease at maturity, or extended maturity in the case of bonds for which an optional extension period has been granted, or in case of redemption prior to maturity, on the last day of the interest period immediately preceding the date of redemption, except that, if the date of redemption falls on an interest payment date, interest will cease on that date. For example, if a bond on which interest is payable on January 1 and July 1 is redeemed on September 1, interest will cease on the preceding July 1, and no adjustment of interest will be made for the period from July 1 to September 1. The same rules apply in case of partial redemption with respect to the amount redeemed.

(h) *Endorsement of checks.* Interest checks may be collected upon the endorsement of the payee or his authorized representative in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in Department Circular No. 21, current revision (Part 360 of this chapter). A form for the appointment of an attorney in fact for this purpose may be obtained from the Office of the Treasurer of the United States or from any Federal Reserve Bank. If the owner is incompetent or deceased and no legal representative of his estate has been or will be appointed, the Bureau of the Public Debt, Division of Loans and Currency Branch (address given in paragraph (c) of this section), or a Federal Reserve Bank will furnish instructions upon request.

(i) *Nonreceipt or loss of check.* If an interest check is not received or is lost after receipt, the Bureau of the Public Debt, Division of Loans and Currency Branch, should be notified of the facts and given information concerning the amount, number, and inscription of the bonds, as well as a description of the check, if possible.

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last increase in redemption value of Series E bonds issued on or after May 1, 1952, prior to the start of the 10-year optional extension period covers these periods: Two months, from 9½ years through 9 years, 8 months, for bonds issued before February 1, 1957; five months, from 8½ years through 8 years, 11 months, for bonds issued on or after February 1, 1957, but before June 1, 1959; and three months, from 7½ years through 7 years, 9 months, for bonds issued on or after June 1, 1959.

[4] See Tables of Redemption Values of that circular for extended maturity values.

See footnote 6, page 19039.



**Subpart H—General Provisions for Payment and Redemption**

**§ 315.35 Provisions applicable both before and after maturity.[6]**

Payment of a savings bond will be made to the person or persons entitled thereto under the provisions of these regulations upon presentation and surrender of the bond with an appropriate request for payment, except that checks in payment will not be delivered to addresses in areas with respect to which the Treasury Department restricts or regulates the delivery of checks drawn against funds of the United States or any agency or instrumentality thereof. Payment will be made without regard to any notice of adverse claims to a bond and no stoppage or caveat against payment in accordance with the registration will be entered.

**§ 315.36 Before maturity.**

(a) *At option of owner.* Pursuant to its terms, a savings bond may not be called for redemption by the Secretary of the Treasury prior to maturity date, or extended maturity date in case of bonds for which an optional extension period has been granted, but may be redeemed in whole or in part at the option of the owner prior to maturity, or extended maturity, under the terms and conditions set forth in the offering circular for each series and in accordance with the provisions of these regulations, following presentation and surrender as provided in this subpart.

(b) *Series E.* A bond of Series E will be redeemed at any time after two months from issue date without advance notice, at the appropriate redemption value as shown in the revision of Department Circular No. 653 current at the time of redemption.

(c) *Series H, J and K.* A bond of Series J or K will be redeemed on one calendar month's notice and a bond of Series H will be redeemed after six months from issue date on one calendar month's notice to a Federal Reserve Bank or Branch, or the Bureau of the Public Debt, Division of Loans and Currency Branch, or the Office of the Treasurer of the United States, Securities Division. Such notice may be given separately in writing or by presenting and surrendering the bond with a duly executed request for payment. Payment will be made as of the first day of the first month following by at least one full calendar month the date of receipt of notice. For example, if notice is received on June 1, payment will be made as of July 1, but if notice is received between June 2 and July 1, inclusive, payment ordinarily will be made as of August 1. If notice is given separately, the bond must be presented and surrendered with a duly executed request for payment to the same agency to which notice is given, not less than 20 days before the date on which payment is to be made. For example, if notice is received on June 15, the bond should be received not later than July 12. (See § 315.32(g) for provisions as to interest on current income bonds redeemed prior to maturity.) A bond of Series H will be redeemed at PAR. A bond of Series J or K will be redeemed at the appropriate redemption value as shown in the table printed on the bond, except as provided in paragraph (d), of this section. (See § 315.37 for provisions as to notice to redeem current income bonds for which an optional extension period has been granted.)

(d) *Series K: Redemption at par.* (1) A bond of Series K issued in exchange for matured bonds of Series E under the provisions of Department Circular No. 906 is payable at par.

(2) A bond of Series K registered in the name of a natural person or persons in their own right will be paid at par upon the request of the person entitled to the bond upon the death of the owner or either coowner.

(3) A bond of Series K held by a trustee, life tenant, or other fiduciary (exclusive of trustees of a pension, retirement, investment, insurance, annuity or similar fund, or employees' savings plan) will be paid at par upon appropriate request upon the termination, in whole or in part, of a trust, life tenancy, or other fiduciary estate by reason of the death of a natural person, but in the case of partial termination, redemption at par will be made to the extent of not more than the pro rata portion of the trust or fiduciary estate so terminated. Bonds of Series K held by a financial institution in its name as trustee of its common trust fund will be paid at par upon the request of the fiduciary upon the termination, in whole or in part, of a participating trust by reason of the death of a natural person, to the extent of not more than the pro rata portion of the common trust fund so terminated.

The option to receive payment at par under subparagraph (d) (2) and (3) of this section may be exercised by a signed request for payment or by express written notice, in either case specifying that redemption at par is desired. Payment may be postponed to the second interest payment date following the date of death, if so requested; otherwise, payment will be made in regular course. A death certificate or other acceptable evidence of death must be submitted. In no case of redemption at par before maturity under subparagraph (2) and (3) of this paragraph will interest be payable beyond the second interest payment date following the date of death.

(e) *Withdrawal of request for redemption.* An owner who has presented and surrendered a savings bond to the Treasury Department or a Federal Reserve Bank or Branch or an authorized paying agent, for payment, with an appropriate request for payment, may withdraw such request if notice of intent to withdraw is given to and received by the same agency to which the bond was presented prior to the issuance of a check in payment by the Treasury Department or a Federal Reserve Bank, or payment by the authorized paying agent. Such request may be withdrawn under the same conditions by the executor or administrator of the estate of a deceased owner, or by the person or persons entitled to the bond under Subpart O of this part, or by the representative of the estate of a person under legal disability, unless presentation and surrender of the bond have cut off rights of survivorship under the provisions of Subpart M or Subpart N of this part.

**§ 315.37 At or after maturity.**

Pursuant to its terms, a savings bond of any series will be paid at or after maturity at the maturity value fixed by the terms of the Department Circular offering the particular series of bonds to the public, current at the time of redemption, and in no greater amount. No advance notice will be required for the redemption of matured savings bonds except that any current income bond for which an optional extension period has been provided will, beginning with the first day of the third calendar month following the calendar month in which the bond originally matured, be regarded as unmatured until it reaches its extended maturity date, and the same notice prior to redemption will be required for it as required for bonds of the same series which have not reached original maturity.

**§ 315.38 Requests for payment.**

(a) *Form and execution of requests.* A request for payment of a bond must be executed on the form appearing on the back of the bond unless (1) the bond is accepted by an authorized paying agent for payment or for presentation to a Federal Reserve Bank for payment without the owner's signature to the request for payment under the provisions of Department Circular No. 888, current revision (Part 330 of this chapter), or (2) authority is given for the execution of a separate or detached request.

(b) *Date of request.* Ordinarily, requests executed more than six months before the date of receipt of a bond for payment will not be accepted; nor will a bond ordinarily be accepted for redemption more than three calendar months prior to the date redemption is requested under these regulations.

(c) *Identification and signature of owner.* Unless the bond is presented under the provisions of paragraph (a) of this section or § 315.39(b), an owner in whose name the bond is inscribed or other person entitled to payment under the provisions of these regulations must appear before and establish his identity to an officer authorized to certify requests for payment (see Subpart I of this part), and in the presence of such officer sign the request for payment in ink, adding in the space provided the address to which the check issued in payment is to be mailed. A signature made by mark (X) must be witnessed by at least one disinterested person in addition to the certifying officer and must be attested by endorsement in the blank space, substantially as follows: "Witness to the above signature by mark," followed by the signature and address of the witness. If the name of the owner or other person entitled to payment as it appears in the registration or in evidence on file in the

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[6] Bonds of Series A through D and Series F and G have all now matured. They earn no interest after maturity. Any such bonds which have not been redeemed should be presented for payment.





Bureau of the Public Debt, Division of Loans and Currency Branch, has been changed by marriage or in any other cases, or deceased owner cases, or other cases in which documentary evidence is



minister oaths, but his official character and jurisdiction should be certified by a

a request for reissue of a bond received prior to its maturity, or its extended

a minor, an incompetent, aged person, absentee, etc., and that there is a representative of his estate, payment will be

Bureau of the Public Debt, Division of Loans and Currency Branch, has been changed by marriage or in any other legal manner, the signature to the request for payment should show both names and the manner in which the change was made, for example, "Mrs. Mary T. Jones Smith (Mrs. Mary T. J. Smith or Mrs. Mary T. Smith), changed by marriage from Miss Mary T. Jones," or "John R. Young, changed by order of court from Hans R. Jung." (See § 315.49.) No request signed in behalf of the owner or person entitled to payment by an agent or a person acting under a power of attorney will be recognized by the Treasury Department, except when the bond has been pledged in lieu of surety under Department Circular No. 154, current revision (Part 225 of this chapter), as provided in § 315.16.

(d) After the request for payment has been signed by the owner, the certifying officer should complete and sign the certificate following the request for payment and the bond should then be presented and surrendered as provided in § 315.39(a).

**§ 315.39 Presentation and surrender.**

(a) *All series.* Except for cases coming within the provisions of paragraph (b) of this section, after the request for payment has been duly signed by the owner and certified as provided in Subpart I of this part, the bond should be presented and surrendered to (1) a Federal Reserve Bank or Branch, (2) the Bureau of the Public Debt, Division of Loans and Currency Branch, or (3) the Office of the Treasurer of the United States, Securities Division. Usually payment will be expedited by surrender to a Federal Reserve Bank or Branch. In all cases presentation will be at the expense and risk of the owner. Payment will be made by check drawn to the order of the registered owner or other person entitled and mailed to the address given in the request for payment or, if no address is given, to the address shown in instructions accompanying the bond.

(b) *Optional procedure limited to bonds of Series A to E, inclusive, in the names of individual owners or coowners only.* A natural person whose name is inscribed on the face of a bond of Series A, B, C, D, or E, either as owner or coowner in his own right, may present such bond for redemption to an authorized paying agent. If such a person is not known to the paying agent, he must establish his identity to the agent. (See § 315.43.) Such owner or coowner must sign the request for payment, and add his home or business address. Even though the request for payment may have been signed, or signed and certified, before presentation of the bond, the representative of the paying agent must be satisfied that the person presenting the bond for payment is the owner or coowner and may require him to sign the request for payment again. If the bond is in order for payment, the paying agent will make immediate payment at the appropriate redemption value without charge to the owner or coowner. This procedure is not applicable to partial redemption cases, or deceased owner cases, or other cases in which documentary evidence is required.

**§ 315.40 Partial redemption.**

A bond of any series may be redeemed in part at current redemption value, but only in amounts corresponding to authorized denominations, upon presentation and surrender of the bond in accordance with § 315.39(a). In any case in which partial redemption is authorized, before the request for payment is signed the phrase "to the extent of $-------- (face value) and reissue of the remainder" should be added to the first sentence of the request. Upon partial redemption of the bond, the remainder will be reissued as of the original issue date, as provided in Subpart J of this part. For payment of interest on current income bonds in case of partial redemption, see Subpart G of this part.

**§ 315.41 Nonreceipt or loss of checks issued in payment.**

In case a check in payment of a bond surrendered for redemption is not received within a reasonable time or in case such check is lost after receipt, notice should be given to the same agency to which the bond was surrendered for payment, accompanied by a description of the bond by series, denomination, serial number, and registration. The notice should state whether or not the check was received and should give the date upon which the bond was surrendered for payment.

## Subpart I—Certifying Officers

**§ 315.42 Persons who may certify.**

The following persons are authorized to act as certifying officers for the purpose of certifying requests for payment and forms with respect to bonds:

(a) *At United States post offices.* Any postmaster, acting postmaster, or inspector in charge or other post office official or clerk designated for that purpose. One or more of these officials will be found at every United States post office, classified branch, or station. A post office official or clerk other than a postmaster, acting postmaster, or inspector in charge should certify in the name of the postmaster or acting postmaster, followed by his own signature and official title, for example, "John Doe, postmaster, by Richard Roe, postal cashier." Signatures of these officers should be authenticated by a legible imprint of the post office dating stamp.

(b) *At banks, trust companies, and branches.* Any officer of any bank or trust company incorporated in the United States (including for this purpose its territories and possessions and the Commonwealth of Puerto Rico) or domestic or foreign branch of such bank or trust company; any officer of a Federal Reserve Bank, Federal Land Bank, and Federal Home Loan Bank; any employee of any such bank or trust company expressly authorized by the corporation for that purpose, who should sign over the title "Designated Employee"; and Federal Reserve Agents and Assistant Federal Reserve Agents located at the several Federal Reserve Banks. Certifications by any of these officers or designated employees should be authenticated by either a legible impression of the corporate seal of the bank or trust company or, in the case of banks or trust companies and their branches which are authorized issuing agents for bonds of Series E, by a legible imprint of the issuing agent's dating stamp.

(c) *Issuing agents not banks or trust companies.* Any officer of a corporation not a bank or trust company and of any other organization which is an authorized issuing agent for bonds of Series E. All certifications by such officers must be authenticated by a legible imprint of the issuing agent's dating stamp.

(d) *Commissioned and warrant officers of Armed Forces.* Commissioned and warrant officers of any of the Armed Forces of the United States, but only for members and the families of members of their respective services and civilian employees at Posts or Bases or Stations. Such certifying officer should indicate his rank and state that the person signing the request is one of the class whose request he is authorized to certify.

(e) *United States officials.* Judges, clerks, and deputy clerks of United States courts, including United States courts for the territories, possessions, the Commonwealth of Puerto Rico, and the Canal Zone; United States Commissioners; United States Attorneys; United States Collectors of customs and their deputies; Regional Commissioners and District Directors of Internal Revenue and Internal Revenue agents; the officer in charge of any home, hospital, or other facility of the Veterans Administration, but only for patients and employees of such facilities; certain officers of Federal penal institutions designated for that purpose by the Secretary of the Treasury; certain officers of the United States Public Health Service Hospitals at Lexington, Kentucky, and Fort Worth, Texas, and of United States Marine Hospitals at Fort Stanton, New Mexico, and Carville, Louisiana, designated for that purpose by the Secretary of the Treasury (in each case, however, only for inmates or employees of the institution involved).

(f) *Officers authorized in particular localities.* Certain designated officers in the Treasury Department; the Governor and Treasurer of Puerto Rico; the Governor and Commissioner of Finance of the Virgin Islands; the Governor and Director of Finance of Guam; the Governor and Director of Administrative Services of American Samoa; the Governor, paymaster, or acting paymaster and collector or acting collector of the Panama Canal; and postmasters and acting postmasters of the Bureau of Posts of the Canal Zone.

(g) *In foreign countries.* In a foreign country requests for payment may be signed in the presence of and be certified by any United States diplomatic or consular representative, or the manager or other officer of a foreign branch of a bank or trust company incorporated in the United States whose signature is attested by an impression of the corporate seal or is certified to the Treasury Department. If such an officer is not available, requests for payment may be signed in the presence of and be certified by a notary or other officer authorized to administer oaths, but his official character and jurisdiction should be certified by a United States diplomatic or consular officer under seal of his office.

(h) *Special provisions.* In the event none of the officers authorized to certify requests for payment of bonds is readily accessible, the Commissioner of the Public Debt, the Deputy Commissioner of the Public Debt in Charge of the Chicago Office, the Treasurer of the United States, or any Federal Reserve Bank or Branch is authorized to make special provision for any particular case.



**§ 315.43 General instructions to certifying officers.**

A certifying officer should require that a person presenting bonds, or forms with respect thereto, establish his identity by positive and reliable evidence before the bonds or forms are signed, unless the presenter is personally well known to the officer. Such officer and, if he is an officer or employee of an organization, the organization will be held fully responsible for the adequacy of the identification. The certifying officer should place an adequate notation on the back of the bond or form, or on a separate record, showing exactly how identification was established. The certifying officer must affix to the certification his official signature, title, seal or dating stamp, address (if not shown in the seal or stamp), and the date of execution. Officers of Veterans Administration Facilities, Public Health Service Hospitals, Marine Hospitals, and Federal penal institutions should use the seal of the particular institution or service, where such seal is available. A certifying officer other than a post office official, officer of a bank or trust company, or officer of an issuing agent who does not possess an official seal should add a statement to that effect to his certification.

**§ 315.44 Interested person not to certify.**

A certifying officer may not certify a request for payment of a bond, or a form with respect to a bond, in which he has or is acquiring an interest, either in his own right or in a representative capacity.

## Subpart J—Reissue and Denominational Exchange

**§ 315.45 General.**

(a) Reissue of a bond may be made only under the conditions specified in these regulations. Reissue is not authorized solely for the purpose of effecting an exchange as between authorized denominations, but in case of authorized reissue the new bond or bonds may be issued in any authorized denomination or denominations.

(b) Reissue will not be made if the request therefor is received less than one full calendar month before the maturity date, except for bonds of Series E and H for which optional extension periods have been provided in Department Circulars Nos. 653 and 905, current revisions (Parts 316 and 332 of this chapter). In the case of such bonds, reissue will not be made if the request is received less than one full month before the extended maturity date. However, a request for reissue of a bond received prior to its maturity, or its extended maturity date, will be effective to establish ownership as though the requested reissue had been made.

(c) A request for reissue of a bond received on or after its maturity, or its extended maturity date, will not be effective to name a coowner or beneficiary or to promote a beneficiary to a coowner, but requests for reissue in the names of persons who have become entitled by operation of law will be recognized as establishing the right of those persons to receive payment.

(d) Reissues under the provisions of this subpart may be made only at (1) a Federal Reserve Bank or Branch, (2) the Bureau of the Public Debt, Division of Loans and Currency Branch, or (3) the Office of the Treasurer of the United States, Securities Division.

**§ 315.46 Requests for reissue.**

A request for reissue should be made on the prescribed form by the person authorized under these regulations to make such request. Appropriate forms may be obtained from any Federal Reserve Bank, the Office of the Treasurer of the United States, or the Bureau of the Public Debt, Division of Loans and Currency Branch.

**§ 315.47 Effective date.**

In any case of authorized reissue, the Treasury Department will treat the receipt by (a) a Federal Reserve Bank or Branch, or (b) the Bureau of the Public Debt, Division of Loans and Currency Branch, or (c) the Office of the Treasurer of the United States, Securities Division, of a bond and an appropriate request for reissue thereof as determining the date upon which the reissue is effective. If the owner or either coowner of a bond dies after he has presented and surrendered the bond for authorized reissue, the bond will be regarded as though reissued in the decedent's lifetime.

**§ 315.48 Correction of errors.**

Reissue of a bond may be made to correct an error in the original issue, upon appropriate request supported by satisfactory proof of the error.

**§ 315.49 Change of name.**

An owner, coowner, or beneficiary whose name is changed by marriage, divorce, annulment, order of court, or in any other legal manner after the issue of a bond should submit the bond with a request on Form PD 1474 for reissue to substitute the new name for the name inscribed on the bond. The signature to the request for reissue should show the new name, the manner in which the change was made and the former name. If the change of name was made other than by marriage, the request must be supported by satisfactory proof of the change.

## Subpart K—Minors, Incompetents, Aged Persons, Absentees, etc.

**§ 315.50 Payment to representative of estate.**

(a) If the form of registration of a savings bond indicates that the owner is a minor, an incompetent, aged person, absentee, etc., and that there is a representative of his estate, payment will be made to such representative. During the lifetime of such owner, the representative of his estate will be recognized as entitled to obtain payment of a bond registered in the name of the ward as owner or coowner, or of a bond to which the ward has become entitled. After the death of such owner, his representative, so long as he is authorized to act for the estate, will be entitled to obtain payment of a bond to which the ward was solely entitled. If the form of registration does not indicate there is a representative of the estate of a minor owner or coowner, a notice that there is such a representative will not be accepted for the purpose of preventing payment to the minor or to a parent or other person on behalf of the minor, as provided in §§ 315.51 and 315.52.

(b) The request for payment appearing on the back of a bond should be signed by the representative as such, for example, "John A. Jones, guardian (committee) of the estate of Henry W. Smith, a minor (an incompetent)." Unless the form of registration gives the name of the representative requesting payment, a certificate, or a certified copy of the letters of appointment, from the court making the appointment, under court seal, or other proof of qualification if not appointed by a court, should be submitted with the bond.

**§ 315.51 Payment to minors.**

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his estate, payment will be made to him upon his request, provided he is of sufficient competency to sign his name to the request for payment and to understand the nature of the transaction. In general, the fact that the request for payment has been signed by a minor and duly certified will be accepted as sufficient proof of competency and understanding.

**§ 315.52 Payment to a parent or other person on behalf of a minor.**

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his estate, and if such minor owner is not of sufficient competency to sign his name to the request for payment and to understand the nature of the transaction, payment will be made to either parent of the minor with whom he resides or, if the minor does not reside with either parent, then to the person who furnishes his chief support. His parent or the person furnishing his chief support should execute the request for payment and furnish a certificate, which may be typed or written on the back of the bond, as to his right to act for the minor. If a parent signs the request, the certificate and signature thereto should be in substantially the following form:

"I certify that I am the mother (or father) of John C. Jones and the person with whom he resides. He is ------ years of age and is not of sufficient competency and understanding to make this request.

"Mrs. Mary Jones
on behalf of John C. Jones."

If a person other than a parent signs the request, the certificate and signature thereto, including a reference to the person's relationship, if any, to the minor, should be in substantially the following form:

"I certify that John C. Jones does not reside with either parent and that I furnish his chief support. He is ------ years of age and is not of sufficient competency and understanding to make this request.

"Mrs. Alice Brown, grandmother, on behalf of John C. Jones."

**§ 315.53 Payment or reinvestment upon request of voluntary guardian of incompetent.**

If the adult owner of bonds is incompetent to request and receive payment thereof and no other person is legally qualified to do so, the relative responsible for his care and support or some other person may submit an application as voluntary guardian for redemption of the bonds in the following cases:

(a) Where the proceeds of the bonds are needed to pay expenses already incurred, or to be incurred during any 90-day period, for the support of the incompetent or his legal dependents, bonds belonging to the incompetent, not exceeding $1,000 (face value), may be submitted for redemption;

(b) Where the bond has matured and it is desired to redeem it and reinvest the proceeds in savings bonds. The proceeds of any matured appreciation type bonds ordinarily will be required to be reinvested in Series E bonds. The proceeds of matured current income bonds may be invested in Series H or Series E bonds. The new bonds must be registered in the name of the incompetent followed by the words "an incompetent." A living coowner or beneficiary named on the matured bonds must be designated on the new bonds unless he is a competent adult and furnishes a certified statement consenting to omission of his name. If an amount insufficient to purchase an additional bond of any authorized denomination of any series remains after the reinvestment, the voluntary guardian may if he so desires, furnish additional funds sufficient to purchase another bond of either series in the lowest available denomination. If additional funds are not furnished, the remaining amount will be paid to the voluntary guardian for the use and benefit of the incompetent.

**§ 315.54 Reissue.**

A bond of which a minor or other person under legal disability is the owner or in which he has an interest may be reissued upon an authorized reissue transaction under the following conditions:

(a) A minor of sufficient competency to sign his name to the request and to understand the nature of the transaction may request reissue to add a coowner or beneficiary to a bond registered in his name alone or to which he is entitled in his own right.

(b) A bond on which a minor is named as beneficiary or coowner may be reissued in the name of a custodian for the minor under a statute authorizing gifts to minors upon the request of the adult whose name appears on the bond as owner or coowner.

(c) Except to the extent provided in paragraphs (a) and (b) of this section, reissue will be restricted to a form of registration which does not adversely affect the existing ownership or interest of the minor or such other person. Requests for reissue should be executed by the person authorized to request payment under §§ 315.50 and 315.52, or who may request recognition as voluntary guardian under Sec. 315.53 and in the same manner.

## Subpart L—Natural Person as Sole Owner

**§ 315.55 Payment.**

A savings bond registered in the name of a natural person in his own right, without a coowner or beneficiary, will be paid to him during his lifetime under Subpart H of this part. Upon the death of the owner such bond will be considered as belonging to his estate and will be paid under Subpart O of this part, except as otherwise provided in these regulations.

**§ 315.56 Reissue for certain purposes.**

A savings bond registered in the name of a natural person in his own right may be reissued upon appropriate request by him (subject to the provisions of § 315.54), upon presentation and surrender during his lifetime, for the following purposes:

(a) *Addition of a coowner or beneficiary.* To name another natural person as coowner or as beneficiary. Form PD 1787 should be used.

(b) *Divorce or annulment.* To name as registered owner the other party to a divorce or annulment occurring after issue of the bond. Form PD 3360 should be used.

(c) *Certain degrees of relationship.* To name as registered owner a person related to the owner as provided in § 315.61(a)(1)(i), with a beneficiary or coowner, if so desired. Form PD 3360 should be used.

(d) *Trustees.* To name the trustee of (1) a personal trust estate created by the owner, or (2) a personal trust estate created by other than the owner if a beneficiary of the trust and the owner are related as provided in § 315.61(a)(1)(i). Form PD 1851 should be used.

## Subpart M—Two Natural Persons as Coowners

**§ 315.60 Payment during the lives of both coowners.**

A savings bond registered in coownership form, for example, "John A. Jones or Mrs. Mary C. Jones," will be paid to either upon his separate request, and upon payment to him the other shall cease to have any interest in the bond. If both request payment jointly, payment will be made by check drawn to their order jointly, for example, "John A. Jones AND Mrs. Mary C. Jones."

**§ 315.61 Reissue during the lives of both coowners.**

(a) *General.* A bond registered in coownership form may be reissued upon its presentation and surrender during the lifetime and competency of both coowners, upon the request of both, as follows:

(1) In the name of either coowner, alone or with a new coowner or beneficiary—

(i) If the coowner whose name is to remain on the bond is related to the coowner whose name is to be eliminated as: husband, wife; parent, child (including stepchild); brother, sister (including the half blood, stepbrother, stepsister, or brother or sister through adoption); grandparent, grandchild; great grandparent, great grandchild; uncle, aunt, nephew, niece (including a child of a brother or sister of the present spouse); granduncle, grandaunt, grandnephew, grandniece; father-in-law, mother-in-law, son-in-law, daughter-in-law; brother-in-law, sister-in-law.

(ii) If one of them marries after issue of the bond.

(iii) If they are divorced or legally separated from each other, or their marriage is annulled, after issue of the bond.

(2) In the name of a third person related to either coowner, as provided in subparagraph (1)(i) of this paragraph, with a coowner or beneficiary, if so desired. (Form PD 1938 should be used for any of the above classes.)

(3) In the name of a trustee of (i) a personal trust estate created by either coowner, or (ii) a personal trust estate created by other than a coowner if a beneficiary of the trust is related to either coowner as provided in subparagraph (1)(i) of this paragraph. Form PD 1851 should be used.

(b) *Minor coowners.* A request for reissue signed by a minor coowner of sufficient competency to sign his name to the request and understand the nature of the transaction, and for whose estate no representative has been appointed, will be recognized if the bond is to be reissued in his name alone, or in his name with a new coowner or beneficiary. A request for reissue to eliminate the other coowner, signed in behalf of a minor coowner by the representative of his estate will be recognized; however, a request to eliminate the name of the minor will be recognized only if supported by evidence that a court has ordered the representative to request such reissue (see § 315.23). A minor coowner for whose estate no representative has been appointed may be promoted to sole owner upon the request of the competent coowner. A competent coowner may, upon his own request, have the bond reissued to remove his name and name a custodian for the minor under a statute authorizing gifts to minors.

(c) *Incompetent coowners.* Reissue will not be made if one coowner is incompetent and a representative of the incompetent's estate has not been appointed, except to add "an incompetent" after his name or to eliminate the other coowner from the registration. If there is a representative, the provisions of paragraph (b) of this section apply as to his execution of a request for reissue.

**§ 315.62 After the death of one or both coowners.**

If either coowner dies without the bond having been presented and surrendered for payment or authorized reissue, the survivor will be recognized as the sole and absolute owner. Thereafter, payment or reissue will be made as though the bond were registered in the name of the survivor alone (see Subpart L of this part), except that a request for reissue by him must be supported by proof of death of the other coowner, and except further that after the death of the survivor proof of death of both coowners and of the order in which they died will be required. The presentation and surrender of a bond by one coowner for payment establishes his right to receive the proceeds of the bond, and if he should die before the transaction is completed, payment will be made to the legal representative of, or persons entitled to, his estate in accordance with the provisions of Subpart O of this part. If either coowner dies after the bond has been presented and surrendered for authorized reissue (see § 315.47), the bond will be regarded as though reissued during his lifetime.

**§ 315.63 Upon death of both coowners in a common disaster, etc.**

If both coowners die under such conditions that it cannot be established either by presumption of law or otherwise which died first, the bond will be considered as belonging to the estates of both equally, and payment or reissue will be made accordingly. (See Subpart O of this part.)

## Subpart N—Two Natural Persons as Owner and Beneficiary

**§ 315.65 During the lifetime of the registered owner.**

A savings bond registered in beneficiary form, for example, "John A. Jones payable on death to Mrs. Mary C. Jones," will be paid or reissued upon presentation and surrender during the lifetime of the registered owner, as follows:

(a) *Payment.* The bond will be paid to the registered owner during his lifetime upon his properly executed request as though no beneficiary had been named in the registration. The presentation and surrender of the bond by the registered owner for payment establishes his exclusive right to the proceeds of the bond, and if he should die before the transaction is completed, payment will be made to the legal representative of, or the persons entitled to, his estate upon receipt of proof of the appointment and qualification of the representative or the identity of the persons entitled, in accordance with the provisions of Subpart O of this part.

(b) *Reissue.* (1) The bond will be reissued on a duly certified request of the owner:

(i) To name the beneficiary designated on the bond as coowner. Form PD 1787 should be used.

(ii) To eliminate his name as owner and to name as owner a custodian for the beneficiary, if a minor, under a statute authorizing gifts to minors. Form PD 3360 should be used.

(iii) To eliminate the beneficiary, to substitute another person as beneficiary, or to name another person as coowner, if the request of the owner is supported by the beneficiary's duly certified consent to elimination of his name or by proof of his death.[10] Form PD 1787 should be used.

(iv) In the name of a trustee of (*a*) a personal trust estate created by the owner, or (*b*) a personal trust estate created by other than the owner if the owner and a beneficiary of the trust are related as provided in § 315.61(a)(1)(i), and the request of the owner is supported by the duly certified consent of the beneficiary, or by proof of his death.[10] Form PD 1851 should be used by the owner and the beneficiary.

**§ 315.66 After the death of the registered owner.**

If the registered owner dies without the bond having been presented and surrendered for payment or authorized reissue and is survived by the beneficiary, upon proof of death of the owner the beneficiary will be recognized as the sole and absolute owner, and payment or reissue will be made as though the bond were registered in his name alone (see Subpart L of this part).

## Subpart O—Deceased Owners

**§ 315.70 General.**

Upon the death of the owner of a savings bond who is not survived by a coowner or designated beneficiary and who had not during his lifetime presented and surrendered the bond for payment or an authorized reissue, the bond will be considered as belonging to his estate and will be paid or reissued accordingly as hereinafter provided, except that reissue under this subpart will not be permitted if otherwise in conflict with these regulations. If the person entitled is an alien who is a resident of an area with respect to which the Treasury Department restricts or regulates the delivery of checks drawn against funds of the United States of America or any agency or instrumentality thereof, payment of, and interest on a bond will not be made so long as the restriction applies. A creditor is entitled only to payment of a to the extent of not more than his claim.

**§ 315.71 Special provisions applicable to small amounts of savings bonds, interest checks or redemption checks.**

Entitlement to, or the authority to dispose of, a small amount of bonds and checks issued in payment thereof or in payment of interest thereon, belonging to the estate of a decedent, may be established through the use of certain short forms, according to the aggregate face amount of bonds and checks involved (excluding checks representing interest on the bonds), as indicated by the following table:

| Amount | Circumstances | Form | To be executed by |
|---|---|---|---|
| $100 | No administration | PD 2216 | Person who paid burial expenses. |
| $500 | Estate being administered | PD 2488-1 | Executor or administrator. |
| $500 | Estate settled | PD 2488 | Former executor or administrator, attorney or other qualified person. |

**§ 315.72 Estates administered.**

(a) *In course of administration.* If the estate of a decedent is being administered in court, the bond will be paid to the duly qualified representative of the estate or will be reissued in the names of the persons entitled to share in the estate, upon the request of the representative and compliance with the following requirements:

(1) Where there are two or more legal representatives, all must join in the request for payment or reissue, except as provided in §§ 315.77 and 315.78.

(2) The request for payment or reissue should be signed in the form, for example, "John A. Jones, administrator of the estate (or executor of the will) of Henry W. Jones, deceased," and must be supported by proof of the representative's authority in the form of a court certificate or a certified copy of the representative's letters of appointment. The certificate or the certification to the letters must be under seal of the court and, except in the case of a corporate representative, must contain a statement that the appointment is in full force and should be dated within six months of the date of presentation of the bond, unless the certificate or letters show that the appointment was made within one year immediately prior to such presentation.

(3) In case of reissue the legal representative of the estate should certify that each person in whose name reissue is requested is entitled to the extent specified for each and has consented to such reissue. A request for reissue by the legal representative should be made on Form PD 1455. If a person in whose name reissue is requested desires to name a coowner or beneficiary, such person should execute an additional request for that purpose, using Form PD 1787.

(b) *After settlement through court proceedings.* If the estate of the decedent has been settled in court, the bond will be paid to, or reissued in the name of, the person entitled thereto as determined by the court. The request for payment or reissue should be made by the person shown to be entitled, supported by a duly certified copy of the representative's final account as approved by the court, decree of distribution, or other pertinent court records, supplemented, if there are two or more persons having an apparent interest in the bond, by an agreement executed by them concerning the disposition of the bond. Form PD 1787 should be used by the person entitled if he wishes to name a coowner or beneficiary.

**§ 315.73 Estates not administered.**

(a) *Special provisions under State laws.* If, under State law, a person has been recognized or appointed to receive or distribute the assets of a decedent's estate without regular administration, his request for payment or reissue of a bond to the person or persons entitled will be

[10] The provisions of this section do not apply to bonds on which the Treasurer of the United States of America is named as beneficiary.

accepted provided he submits appropriate evidence of his authority.

(b) *Agreement of persons entitled.* When it appears that no legal representative of a decedent's estate has been or will be appointed, the bond will be paid to, or reissued in the name of, the person or persons entitled, including those entitled as donees of a gift causa mortis, pursuant to an agreement and request by all persons entitled to share in the decedent's personal estate. A form of agreement for settlement without administration, Form PD 1946-1, should be used for cases in which the total face amount of bonds and redemption and interest checks belonging to the decedent's estate is in excess of $500. Where the total face amount does not exceed $500, Form PD 1946 may be used. If the persons entitled to share in the personal estate include minors or incompetents, payment or reissue of the bond will not be permitted without administration except to them or in their names unless their interests are otherwise protected to the satisfaction of the Treasury Department.

## Subpart P—Fiduciaries

### § 315.75 Payment.

A savings bond registered in the name of a fiduciary or otherwise belonging to a fiduciary estate will be paid to the fiduciary or fiduciaries in accordance with the provisions of §§ 315.77 and 315.78.

### § 315.76 Reissue.

(a) *In the name of person entitled—*(1) *Distribution of trust estate in kind.* A bond to which a beneficiary of a trust estate has become lawfully entitled in his own right or in a fiduciary capacity, in whole or in part, under the terms of a trust instrument, will be reissued in his name to the extent of his interest, upon the request of the trustee or trustees and their certification that such person is entitled and has agreed to reissue in his name.

(2) *After termination of trust estate.* If the person who would be lawfully entitled to a bond upon the termination of a trust does not desire to have distribution made to him in kind, as provided in subparagraph (1) of this paragraph, the trustee or trustees should present the bond for payment before the estate is terminated. If, however, the estate is terminated without such payment or reissue having been made, the bond will thereafter be paid to or reissued in the name of the person lawfully entitled upon his request and satisfactory proof of ownership, supplemented, if there are two or more persons having any apparent interest in the bond, by an agreement executed by all such persons concerning the disposition of the bond.

(3) *Upon termination of guardianship estate.* If the estate of a minor or incompetent or of an absentee is terminated, during the ward's lifetime, a bond registered to show that there is a representative of the estate will be reissued in the name of the former ward upon the representative's request and certification that the former ward is entitled and has agreed to reissue in his name (Form PD 1455 should be used), or will be paid to or reissued in the name of the former ward upon his own request, supported in either case by satisfactory evidence that his disability has been removed or that an absentee has returned to claim his property. Certification by the representative that a former minor has attained his majority, that a former incompetent has been legally restored to competency, that a legal disability of a female ward has been removed by marriage, if the state law so provides, or that an absentee has appeared to claim his property, will ordinarily be accepted as sufficient (see § 315.77 if the representative's name is not shown in the registration). Upon the termination of the estate as the result of the death of the ward, a bond registered to show that there is a representative of his estate will be reissued in accordance with the provisions of Subpart O of this part.

(4) *Upon termination of life estate.* Upon the death of a life tenant, a bond registered in his name as life tenant may be reissued in the name of the person or persons entitled pursuant to an agreement and request of all of the persons having an interest in the remainder.

(b) *In the name of a succeeding fiduciary.* If a fiduciary in whose name a bond is registered has been succeeded by another, the bond will be reissued in the name of the succeeding fiduciary upon appropriate request and satisfactory evidence of successorship. Form PD 1455 should be used.

(c) *In the name of financial institution as trustee of common trust fund.* A bond held by a bank, trust company, or other financial institution as a trustee, guardian or similar representative, executor or administrator may be reissued in its name as trustee of its common trust fund to the extent that participation therein by the institution in such capacity is authorized by law or applicable regulations. A request for reissue to the institution as trustee of its common trust fund should be executed on its behalf in the capacity in which the bond is held and by the co-fiduciary, if any. Form PD 1455 should be used.

### § 315.77 Requests for reissue or payment prior to maturity or extended maturity.

The following rules apply to both requests for reissue and payment by fiduciaries: A request for reissue or payment prior to maturity, or extended maturity for bonds for which an optional extension period has been provided, must be signed by all acting fiduciaries unless by express statute, decree of court, or the terms of the instrument under which the fiduciaries are acting, some one or more of them may properly execute the request. If the fiduciaries named in the registration are still acting, no further evidence of authority will be required. Otherwise, a request must be supported by evidence as specified below:

(a) *Fiduciaries by title only.* If the bond is registered in the titles, without the names, of fiduciaries not acting as a board, satisfactory evidence of their incumbency must be furnished, except in the case of bonds registered in the title of public officers as trustees.

(b) *Succeeding fiduciaries.* If the fiduciaries in whose names the bond is registered have been succeeded by other fiduciaries, satisfactory evidence of successorship must be furnished.

(c) *Boards, committees, etc.* A savings bond registered in the name of a board, committee, commission, or other body, empowered to act as a unit and to hold title to the property of a religious, educational, charitable, or non-profit organization or public corporation will be paid upon a request for payment signed in the name of the board or other body by an authorized officer thereof. A request so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority. The check in payment of the bond will be drawn in the name of the board or other body as fiduciary for the organization named in the registration or shown by satisfactory evidence to be entitled as successor thereto.

(d) *Corporate fiduciaries.* If a public or private corporation or a political body, such as a state or county, is acting as a fiduciary, a request must be signed in the name of the corporation or other body in the fiduciary capacity in which it is acting, by an authorized officer thereof. A request so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority.

(e) *Registration not disclosing trust or other fiduciary estate.* If the registration of the bond does not show that it belongs to a trust or other fiduciary estate or does not identify the estate to which it belongs, satisfactory evidence of ownership must be furnished in addition to any other evidence required by this section.

### § 315.78 Requests for payment at or after maturity.

A request for payment at or after the maturity date or extended maturity date for bonds for which an optional extension period has been provided, signed by any one or more acting fiduciaries, will be accepted. Payment ordinarily will be made by check drawn as the bond is inscribed.

## Subpart Q—Private Organizations (Corporations, Associations, Partnerships, etc.) and Governmental Agencies, Units and Officers

### § 315.80 Payment to corporations or unincorporated associations.

A savings bond registered in the name of a private corporation or an unincorporated association will be paid to the corporation or unincorporated association upon request for payment on its behalf by a duly authorized officer thereof. The signature to the request should be in the form, for example, "The Jones Coal Company, a corporation, by John Jones, President," or "The Lotus Club, an unincorporated association, by William A. Smith, Treasurer." A request for payment so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority.



### § 315.81 Payment to partnerships.

A savings bond registered in the name of an existing partnership will be paid upon a request for payment signed by a general partner. The signature to the request should be in the form, for example, "Smith and Jones, a partnership, by John Jones, a general partner." A request for payment so signed and duly certified will ordinarily be accepted as sufficient evidence that the partnership is still in existence and that the person signing the request is duly authorized.

### § 315.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.

A savings bond registered in the name of a private corporation, an unincorporated association, or a partnership which has been succeeded by another corporation, unincorporated association, or partnership by operation of law or otherwise, as the result of merger, consolidation, incorporation, reincorporation, conversion, or reorganization, or which has been lawfully succeeded in any manner whereby the business or activities of the original organization are continued without substantial change, will be paid to or reissued in the name of the succeeding organization upon appropriate request on its behalf, supported by satisfactory evidence of successorship. Form PD 1540 should be used.

### § 315.83 Reissue or payment on dissolution of corporation or partnership.

(a) *Corporations.* A savings bond registered in the name of a private corporation which is in the process of dissolution will be paid to the authorized representative of the corporation upon a duly executed request for payment, supported by satisfactory evidence of the representative's authority. Upon the termination of dissolution proceedings, the bond may be reissued in the names of those persons, other than creditors, entitled to the assets of the corporation, to the extent of their respective interests. Reissue under this subsection will be made upon the duly executed request of the authorized representative of the corporation and upon proof that all statutory provisions governing the dissolution of the corporation have been complied with and that the persons in whose names reissue is requested are entitled and have agreed to the reissue. If the dissolution proceedings are under the direction of a court, a certified copy of an order of the court, showing the authority of the representative to make the distribution requested, must be furnished.

(b) *Partnerships.* A savings bond registered in the name of a partnership which has been dissolved by death or withdrawal of a partner, or in any other manner, will be paid upon a request for payment by any partner or partners authorized by law to act on behalf of the dissolved partnership, or will be paid to or reissued in the names of the persons, other than creditors, entitled thereto as the result of such dissolution to the extent of their respective interests, upon their request supported by satisfactory evidence of their title, including proof that the debts of the partnership have been paid or properly provided for. Form PD 2514 should be used.

### § 315.84 Payment to institutions (churches, hospitals, homes, schools, etc.).

A savings bond registered in the name of a church, hospital, home, school, or similar institution without reference in the registration to the manner in which it is organized or governed or to the manner in which title to its property is held will be paid upon a request for payment signed on behalf of such institution by an authorized representative. For the purpose of this section, a request for payment signed by a pastor of a church, superintendent of a hospital, president of a college, or by any official generally recognized as having authority to conduct the financial affairs of the particular institution will ordinarily be accepted without further proof of his authority. The signature to the request should be in the form, for example, "Shriners' Hospital for Crippled Children, St. Louis, Mo., by William A. Smith, superintendent," or "St. Mary's Roman Catholic Church, Albany, N.Y., by John Jones, pastor."

### § 315.85 Reissue in name of trustee or agent for investment purposes.

A savings bond registered in the name of a religious, educational, charitable or nonprofit organization, whether or not incorporated, may be reissued in the name of a bank, trust company or other financial institution, or an individual, as trustee or agent under an agreement with the organization under which the trustee or agent holds funds of the organization, in whole or in part, for the purpose of investing and reinvesting the principal and paying the income to the organization. Form PD 2177 should be used and should be signed on behalf of the organization by an authorized officer.

### § 315.86 Reissue upon termination of investment agency.

A savings bond registered in the name of a bank, trust company, or other financial institution, or individual, as agent for investment purposes only, under an agreement with a religious, educational, charitable, or nonprofit organization, may be reissued in the name of the organization upon termination of the agency. The former agent should request such reissue and should certify that the organization is entitled by reason of the termination of the agency, using Form PD 1455. If such request and certification are not obtainable, the bond will be reissued in the name of the organization upon its own request, supported by satisfactory evidence of the termination of the agency.

### § 315.87 Payment to governmental agencies and units.

A savings bond registered in the name of a state, county, city, town, or village, or in the name of a federal, state, or local governmental agency such as a board, commission, or corporation, will be paid upon a request signed in the name of the governmental agency or unit by a duly authorized officer thereof. A request for payment so signed and duly certified will ordinarily be accepted without further proof of the officer's authority.

### § 315.88 Payment to Government officers.

A savings bond registered in the official title of an officer of a governmental agency or unit will be paid upon a request for payment signed by the designated officer. The fact that the request for payment is so signed and duly certified will ordinarily be accepted as proof that the person signing is the incumbent of the designated office.

## Subpart R—Miscellaneous Provisions

### § 315.90 Waiver of regulations.

The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of these regulations in any particular case or class of cases for the convenience of the United States of America or in order to relieve any person or persons of unnecessary hardship, if such action would not be inconsistent with law and would not impair any existing rights, and if he is satisfied that such action would not subject the United States of America to any substantial expense or liability.

### § 315.91 Additional requirements; bond of indemnity; taxpayer identifying numbers.

The Secretary of the Treasury may require (a) such additional evidence as he may consider necessary or advisable, (b) a bond of indemnity, with or without surety, in any case where he may consider such a bond necessary for the protection of the interests of the United States of America, and (c) without prior notice, that appropriate taxpayer identifying numbers be furnished for issue, reissue, or payment of any savings bond.

### § 315.92 Preservation of rights.

Nothing contained in these regulations shall be construed to limit or restrict existing rights which holders of savings bonds heretofore issued may have acquired under the circulars offering the bonds for sale or under the regulations in force at the time of purchase.

### § 315.93 Supplements, amendments, or revisions.

The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory, or revised rules and regulations governing United States Savings Bonds.

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# PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Department Circular No. 653, Fifth Revision, dated September 23, 1959, as amended (31 CFR 316), is hereby further amended and issued as the Sixth Revision.[1]

[1] The basic terms of the bonds offered under the Fifth Revision have not been changed. The material in the Fifth Revision and its three amendments has been reorganized and edited in connection with the publication of the 1965 edition of Title 31 of the Code of Federal Regulations.

Sec.
316.1 Offering of bonds.
316.2 Description of bonds currently offered.
316.3 Governing regulations.
316.4 Registration.
316.5 Limitations on holdings.
316.6 Purchase of bonds.
316.7 Delivery of bonds by mail.
316.8 Extended terms and improved yields for outstanding bonds.
316.9 Taxation.
316.10 Payment or redemption.
316.11 Reservation as to issue of bonds.
316.12 Preservation of rights.
316.13 Fiscal agents.
316.14 Reservations as to terms of offer.

AUTHORITY: The provisions of this Part 316 issued under authority of sections 22 and 25 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended, and 73 Stat. 621 (31 U.S.C. 757c, 757c-1).

### § 316.1 Offering of bonds.

The Secretary of the Treasury offers for sale to the people of the United States, United States Savings Bonds of Series E, hereinafter generally referred to as Series E bonds. These bonds are substantially a continuation of the Series E bonds heretofore available.

This offering of bonds will continue until terminated by the Secretary of the Treasury.

### § 316.2 Description of bonds currently offered.

(a) *General.* Series E bonds bear a facsimile of the signature of the Secretary of the Treasury and of the Seal of the Treasury Department. The bonds are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series E bonds are issued on a discount basis of 75 percent of their face values. The denominations and issue prices are:

| *Denomination (face value)* | *Issue (purchase) price* |
|---|---|
| $25 | $18.75 |
| $50 | 37.50 |
| $75 | 56.25 |
| $100 | 75.00 |
| $200 | 150.00 |
| $500 | 375.00 |
| $1,000 | 750.00 |
| $10,000 | 7,500.00 |
| $100,000 [1] | 75,000.00 |

[1] The $100,000 denomination is available only for purchase by trustees of employees' savings plans as described in Sec. 316.5(c).

(c) *Inscription and issue.* At the time of issue the issuing agent will (1) inscribe on the face of each Series E bond the name and address of the owner, and the name of the beneficiary, if any, or the name and address of one coowner, and the name of the other coowner, (2) enter in the upper right-hand portion of the bond the issue date, and (3) imprint the agent's dating stamp in the lower right-hand portion to show the date the bond is actually inscribed. A Series E bond shall be valid only if an authorized issuing agent receives payment therefor and duly inscribes, dates, stamps, and makes delivery of the bond in accordance with the purchaser's instructions. The Treasury Department may require, without prior notice, that the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service be furnished for inclusion in the inscription.

(d) *Term.* A Series E bond shall be dated as of the first day of the month in which payment of the issue price is received by an agent authorized to issue such bonds. This date is the issue date and the bond will mature and be payable at face value 7 years and 9 months from such issue date. The bond may not be called for redemption by the Secretary of the Treasury prior to maturity or the end of the extended maturity period (see § 316.8(a)(1)). The bond may be redeemed at the owner's option at any time after two months from issue date at fixed redemption values; however, the Treasury Department may require reasonable notice of presentation of a bond for redemption prior to maturity. The owner has the option of continuing to hold the bond for an extended maturity period at a rate of interest to be determined prior to the original maturity of such bond.

(e) *Investment yield (interest).* The investment yield (interest) on a Series E bond will be approximately 3.75 percent per annum compounded semiannually if the bond is held to maturity; [2] but the yield will be less if the bond is redeemed prior to maturity. The interest will be paid as a part of the redemption value. During the first six months from issue date the bonds will be redeemable only at issue price. The redemption value will increase at the end of the first half-year period from issue date and successive periods thereafter (see Table 1).

### § 316.3 Governing regulations.

Series E bonds are subject to the regulations of the Treasury Department, now or hereafter prescribed, governing United States Savings Bonds, contained in Department Circular No. 530, current revision (Part 315 of this chapter). [4]

### § 316.4 Registration.

(a) *General.* Generally, only residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Canal Zone and citizens of the United States temporarily residing abroad are eligible to be named as owners of Series E bonds. The bonds may be registered in the names of natural persons in their own right as provided in paragraph (b) of this section, and in the names and titles or capacities of fiduciaries and organizations as provided in paragraph (c) of this section. Full information regarding authorized forms of registration and restrictions with respect thereto will be found in the governing regulations.

(b) *Natural persons in their own right.* The bonds may be registered in the names of natural persons (whether adults or minors) in their own right, in single ownership, coownership, and beneficiary forms.

(c) *Others.* The bonds may be registered in single ownership form in the names of fiduciaries and private and public organizations, as follows:

(1) *Fiduciaries.* In the names of and showing the titles or capacities of any persons or organizations, public or private, as fiduciaries (including trustees, legal guardians or similar representatives, and certain custodians), but not where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation, or service.

(2) *Private and public organizations.* In the names of private or public organizations (including private corporations, partnerships, and unincorporated associations, and States, counties, public corporations, and other public bodies) in their own right, but not in the names of commercial banks. [5]

### § 316.5 Limitations on holdings.

The amount of Series E bonds originally issued during any one calendar year that may be held by any one person, at any one time, computed in accordance with the governing regulations, is limited, as follows:

(a) *General limitation.* $10,000 (face value) for the calendar year 1959 and each calendar year thereafter.

(b) *Special limitation for owners of savings bonds of Series F, G, J and K.* Owners, except commercial banks [6] in their own right (as distinguished from a representative or fiduciary capacity), of outstanding bonds of Series F and G, all of which are now matured, and bonds of Series J and K, at or after maturity, may purchase Series E bonds with the proceeds of redemption without regard to the general limitation on holdings, under the following restrictions and conditions:

(1) The bonds must be presented to a Federal Reserve Bank or Branch, the Office of the Treasurer of the United States, Securities Division, or the Bureau of the Public Debt, Division of Loans and Currency Branch, for the specific purpose of taking advantage of this privilege. The Series E bonds will be dated as of the first day of the month in which the bonds presented are received by the agency.

(2) Series E bonds may be purchased with the proceeds of the bonds presented only up to the denominational amounts that the proceeds thereof will fully cover. Any difference between such proceeds and the purchase price of the Series E bonds will be paid to the owner.

(3) The Series E bonds will be registered in the name of the owner in any authorized form of registration, subject to the restrictions prescribed by the governing regulations.

[2] Under authority of section 25, 73 Stat. 621 (31 U.S.C. 757c–1), the President of the United States on September 22, 1959, concluded that with respect to Series E bonds it was necessary in the national interest to exceed the maximum interest rate and investment yield prescribed by section 22 of the Second Liberty Bond Act, as amended (31 U.S.C. 757c).

[4] Copies may be obtained from any Federal Reserve Bank or Branch, or the Bureau of the Public Debt, Washington, D.C. 20220, or its Chicago office, 536 South Clark St., Chicago, Ill. 60605.

[5] Commercial banks, as defined in Section 315.7(d)(2) of Department Circular No. 530, current revision, the governing regulations, for this purpose are those accepting demand deposits.



(4) This privilege will continue until terminated by the Secretary of the Treasury.

(c) *Special limitation for employees' savings plans.* $2,000 (face value) multiplied by the highest number of participants in an employees' savings plan, as defined in subparagraph (1) of this paragraph, at any time during the year in which the bonds are issued. [6]

(1) *Definition of plan and conditions of eligibility.* (i) The employees' savings plan must have been established by the employer for the exclusive and irrevocable benefit of his employees or their beneficiaries, afford employees the means of making regular savings from their wages through payroll deductions, and provide for employer contributions to be added to such savings.

(ii) The entire assets thereof must be credited to the individual accounts of participating employees and assets credited to the account of an employee may be distributed only to him or his beneficiary, except as otherwise provided herein.

(iii) Series E bonds may be purchased only with assets credited to the accounts of participating employees and only if the amount taken from any account at any time for that purpose is equal to the purchase price of a bond or bonds in an authorized denomination or denominations, and shares therein are credited to the accounts of the individuals from which the purchase price thereof was derived, in amounts corresponding with their shares. For example, if $37.50 credited to the account of John Jones is commingled with funds credited to the accounts of other employees to make a total of $7,500, with which a Series E bond in denomination of $10,000 (face value) is purchased in January 1965 and registered in the name and title of the trustee or trustees, the plan must provide, in effect, that John Jones' account shall be credited to show that he is the owner of a Series E bond in the denomination of $50 (face value) bearing the issue date of January 1, 1965.

(iv) Each participating employee shall have an irrevocable right at any time to demand and receive from the trustee or trustees all assets credited to his account or the value thereof, if he so prefers, without regard to any condition other than the loss or suspension of the privilege of participating further in the plan, except that a plan will not be deemed to be inconsistent herewith if it limits or modifies the exercise of any such right by providing that the employer's contribution does not vest absolutely until the employee shall have made contributions under the plan in each of not more than 60 calendar months succeeding the month for which the employer's contribution is made.

(v) Upon the death of an employee, his beneficiary shall have the absolute and unconditional right to demand and receive from the trustee or trustees all the assets credited to the account of the employee, or the value thereof, if he so prefers.

(vi) When settlement is made with an employee or his beneficiary with respect to any Series E bond registered in the name and title of the trustee or trustees in which the employee has a share (see subdivision (ii) of this subparagraph), the bond must be submitted for redemption or reissue to the extent of such share; if an employee or his beneficiary is to receive distribution in kind, bonds bearing the same issue dates as those credited to the employee's account will be reissued in the name of the distributee to the extent to which he is entitled, in authorized denominations, in any authorized form of registration, upon the request and certification of the trustee or trustees in accordance with the regulations governing United States Savings Bonds.

(2) *Definitions of terms used in this section and related provisions.* (i) The term "savings plan" includes any regulations issued under the plan with regard to Series E bonds; a copy of the plan and any such regulations, together with a copy of the trust agreement certified by a trustee to be true copies, must be submitted to the Federal Reserve Bank of the District in order to establish the eligibility of the trustee or trustees to purchase bonds in excess of the general limitation in any calendar year.

(ii) The term "assets" means all funds, including the employees' contributions and employer's contributions and assets purchased therewith as well as accretions thereto, such as dividends on stock, the increment in value on bonds and all other income; but, notwithstanding any other provision of this section, the right to demand and receive "all assets" credited to the account of an employee shall not be construed to require the distribution of assets in kind when it would not be possible or practicable to make such distribution; for example, Series E bonds may not be reissued in unauthorized denominations, and fractional shares of stock are not readily distributable in kind.

(iii) The term "beneficiary" means the person or persons, if any, designated by the employee in accordance with the terms of the plan to receive the benefits of the trust upon his death or the estate of the employee, and the term "distributee" means the employee or his beneficiary.

### § 316.6 Purchase of bonds.

Series E bonds may be purchased, as follows:

(a) *Over-the-counter for cash—(1) Bonds registered in names of natural persons in their own right only.* At such incorporated banks, trust companies, and other agencies as have been duly qualified as issuing agents and at selected United States post offices.

(2) *Bonds registered in all authorized forms.* At Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220.

(b) *On mail order.* By mail upon application to any Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, accompanied by a remittance to cover the issue price. Any form of exchange, including personal checks, will be accepted subject to collection. Checks or other forms of exchange should be drawn to the order of the Federal Reserve Bank or the Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable. Any depositary qualified pursuant to the provisions of Treasury Department Circular No. 92, current revision (Part 203 of this chapter), will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

(c) *Savings stamps.* Savings stamps, in authorized denominations, may be purchased at any post office where Series E bonds are on sale and at such other agencies as may be designated from time to time. The stamps may be used to accumulate credits for the purchase of Series E bonds. Albums for affixing the stamps will be available without charge, and such albums will be receivable by any authorized issuing agent in the amount of the affixed stamps on the purchase price of the bonds.

### § 316.7 Delivery of bonds by mail.

Issuing agents are authorized to deliver Series E bonds by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone. No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

### § 316.8 Extended terms and improved yields for outstanding bonds.

(a) *Optional extension privileges—(1) General.* The term "optional extension privilege," when used herein, means the privilege of retaining Series E bonds after maturity for a period, known as the extended maturity period," or as the "second extended maturity period," and of earning interest upon the maturity values or extended maturity values thereof, as the case may be. [7] The tables at the end of this circular, which are incorporated herein, show current redemption values and investment yields. No special action is required of owners desiring to take advantage of any optional extension privilege. Merely by continuing to hold their bonds after maturity, they will continue to earn further interest. Interest will accrue at the end of the first half-year period following maturity or extended

[6] Savings and vacation plans may be eligible for this special limitation. Questions concerning eligibility of such plans should be addressed to the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark St., Chicago, Ill. 60605.

[7] The redemption value of any bond at original maturity is the base upon which interest will accrue during the extended maturity period. The redemption value of any bond at the end of the extended maturity period is the base upon which interest accrues during the second extended maturity period.

maturity and at the end of each successive half-year period thereafter until final maturity.

(2) *For bonds with issue dates of May 1, 1941, through May 1, 1949.* Owners of Series E bonds with issue dates of May 1, 1941, through May 1, 1949, have the option of retaining their bonds for a second extended maturity period of ten years.

(3) *For bonds with issue dates of June 1, 1949, through April 1, 1957.* Owners of Series E bonds with issue dates of June 1, 1949, through April 1, 1957, have the option of continuing to hold their bonds for an extended maturity period of ten years.

(4) *For bonds with issue date of May 1, 1957, or thereafter.* Owners of Series E bonds with issue date of May 1, 1957, or thereafter have the option of continuing to hold such bonds for an extended maturity period at rates of interest to be determined prior to the original maturity of such bonds.

(b) *Improved yields*—(1) *For bonds with issue dates of May 1, 1941, through May 1, 1949.* The investment yields on outstanding Series E bonds with issue dates of May 1, 1941, through May 1, 1949, were increased for the remaining period of their extended maturity (i) by not less than six-tenths of one percent per annum on bonds with issue dates of May 1, 1941, through April 1, 1942 and (ii) five-tenths of one percent per annum on bonds with issue dates of May 1, 1942, through May 1, 1949, if held to the end of the extended maturity period, and by lesser amounts if redeemed earlier.[8] The improvement in investment yields started on June 1, 1959, for bonds with the issue months of June or December and on the date of the first increase in redemption value after June 1, 1959, for a bond with any other issue month. The resulting yields are in terms of rate percent per annum, compounded semiannually. See Tables 2 through 19 for current redemption values and investment yields.

(2) *For bonds with issue dates of June 1, 1949, through April 1 1957.*[9] The investment yields on outstanding Series E bonds with issue dates of June 1, 1949, through April 1, 1957, were increased for the extended maturity period by approximately three-fourths of one percent per annum, compounded semiannually for bonds held at the end of that period and by lesser amounts if redeemed earlier. See Tables 20 through 37 for current redemption values and investment yields.

(3) *For bonds with issue dates of May 1, 1957, through May 1, 1959.*[9] The investment yields on outstanding Series E bonds with issue dates of May 1, 1957, through May 1, 1959, were increased beginning June 1, 1959, by five-tenths of one percent per annum if held to original maturity and by lesser amounts if redeemed earlier. The improvement in investment yields started on June 1, 1959, for bonds with the issue months of June or December and on the date of the first increase in redemption value after June 1, 1959, for a bond with any other issue month. The resulting yields are in terms of rate percent per annum, compounded semiannually. See Tables 38 through 42 for current redemption values and investment yields.

### § 316.9 Taxation.

(a) *General.* For the purpose of determining taxes and tax exemptions, the increment in value represented by the difference between the price paid for Series E bonds (which are issued on a discount basis) and the redemption value received therefor shall be considered as interest. Such interest is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

(b) *Federal income tax on Series E bonds.* An owner of Series E bonds who is a cash basis taxpayer and accordingly not required to report the increase in redemption value of his bonds each year as it accrues is required to include such amount in gross income for Federal income tax purposes for the taxable year of final maturity, actual redemption, or other disposition, whichever is earlier. An owner not reporting the increase in redemption value of such bonds currently for income tax purposes may elect in any year prior to final maturity, subject to the provisions of Section 454 of the Internal Revenue Code of 1954 and the regulations prescribed thereunder, for such year and subsequent years to report such income annually. An owner who is required, or chooses, to report the increase in redemption value of his bonds each year as it accrues must continue to do so so long as he retains the bonds, unless in accordance with the income tax regulations he obtains permission from the Internal Revenue Service to change to a different method of reporting income from such obligations. Inquiry concerning further information on Federal taxes should be addressed to the District Director, Internal Revenue Service, of the taxpayer's district, or the Internal Revenue Service, Washington, D.C., 20224.

### § 316.10 Payment or redemption.

(a) *General.* A Series E bond may be redeemed in accordance with its terms at the appropriate redemption value as shown in the applicable tables hereof for bonds bearing various issue dates back to May 1, 1941. The redemption values of bonds in the denomination of $100,000 [1] (which was authorized as of January 1, 1954) are not shown in the tables. However, the redemption values of bonds in that denomination will be equal to the total redemption values of ten $10,000 bonds bearing the same issue dates. A Series E bond in a denomination higher than $25 (face value) may be redeemed in part but only in the amount of an authorized denomination or multiple thereof.

(b) *Federal Reserve Banks and Branches and Treasurer of the United States.* Owners of Series E bonds may obtain payment upon presentation and surrender of the bonds to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, with the requests for payment on the bonds duly executed and certified in accordance with the governing regulations.

(c) *Incorporated banks, trust companies and other financial institutions.* An individual (natural person) whose name is inscribed on a Series E bond either as owner or coowner in his own right may also present such bond to any incorporated bank or trust company or other financial institution which is qualified as a paying agent under Department Circular No. 750, current revision (Part 321 of this chapter). If such bond is in order for payment by the paying agent, the owner or coowner, upon establishing his identity to the satisfaction of the agent and upon signing the request for payment and adding his home or business address, may receive immediate payment of the current redemption value.

### § 316.11 Reservation as to issue of bonds.

The Secretary of the Treasury reserves the right to reject any application for Series E bonds, in whole or in part, and to refuse to issue or permit to be issued hereunder any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

### § 316.12 Preservation of rights.

Nothing contained herein shall limit or restrict rights which owners of Series E bonds heretofore issued have acquired under offers previously in force.

### § 316.13 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption, and payment of Series E bonds.

[8] The investment yields for the full extended maturity period of the bonds referred to in § 316.8 (a) (2) and (b) (1) were, according to issue dates, as follows:

| | |
|---|---|
| May 1, 1941, through April 1, 1942 | 2.90 |
| May 1, 1942, through May 1, 1949 | 3.00 |

percent per annum, compounded semiannually.

[9] The investment yields for the full original maturity period of bonds referred to in § 316.8(b) (2) and (3), were according to issue dates, as follows:

| | |
|---|---|
| December 1, 1949, through April 1, 1952 | 2.90 |
| May 1, 1952, through January 1, 1957 | 3.00 |
| February 1, 1957, through May 1, 1959 | 3.25 |

These yields were increased, effective one-half year from the next date after June 1, 1959, on which the redemption value increased, by not less than six-tenths of one percent for bonds with issue dates of December 1, 1949, through April 1, 1952, and by five-tenths of one percent for bonds with issue dates of May 1, 1952, through May 1, 1959. All of these yields are in terms of rate percent per annum, compounded semiannually.



### § 316.14 Reservations as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds (Part 316 of this chapter), or of any amendments or supplements thereto.

TABLES OF REDEMPTION VALUES AND INVESTMENT YIELDS FOR UNITED STATES SAVINGS BONDS OF SERIES E

Each table shows: (1) How bonds of Series E bearing the issue dates covered by the table, by denominations, increase in redemption value for each successive half-year period (a) following the date of issue for bonds bearing issue dates beginning December 1, 1954; (b) following original maturity for bonds bearing issue dates of December 1, 1944, through November 1, 1954; (c) following first extended maturity for bonds bearing issue dates of May 1, 1941, through November 1, 1944 (for the latest revised redemption values and investment yields during original maturity and first extended maturity periods not shown in these tables see Department Circular 653, Fifth Revision, dated September 23, 1959); (2) the approximate investment yield on the purchase price from issue date to the beginning of each half-year period shown on the table; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period shown on the table to maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

TABLE I—BONDS BEARING ISSUE DATES BEGINNING JUNE 1, 1959

| Issue price / Maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $56.25 / 75.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (Values increase on first day of period shown) | | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $56.25 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | †3.75 |
| ½ to 1 year | 18.91 | 37.82 | 56.73 | 75.64 | 151.28 | 378.20 | 756.40 | 7,564 | 1.71 | 3.89 |
| 1 to 1½ years | 19.19 | 38.38 | 57.57 | 76.76 | 153.52 | 383.80 | 767.60 | 7,676 | 2.33 | 3.96 |
| 1½ to 2 years | 19.51 | 39.02 | 58.53 | 78.04 | 156.08 | 390.20 | 780.40 | 7,804 | 2.67 | 4.01 |
| 2 to 2½ years | 19.90 | 39.80 | 59.70 | 79.60 | 159.20 | 398.00 | 796.00 | 7,960 | 3.00 | 4.01 |
| 2½ to 3 years | 20.28 | 40.56 | 60.84 | 81.12 | 162.24 | 405.60 | 811.20 | 8,112 | 3.16 | 4.03 |
| 3 to 3½ years | 20.66 | 41.32 | 61.98 | 82.64 | 165.28 | 413.20 | 826.40 | 8,264 | 3.26 | 4.05 |
| 3½ to 4 years | 21.07 | 42.14 | 63.21 | 84.28 | 168.56 | 421.40 | 842.80 | 8,428 | 3.36 | 4.05 |
| 4 to 4½ years | 21.50 | 43.00 | 64.50 | 86.00 | 172.00 | 430.00 | 860.00 | 8,600 | 3.45 | 4.06 |
| 4½ to 5 years | 21.95 | 43.90 | 65.85 | 87.80 | 175.60 | 439.00 | 878.00 | 8,780 | 3.53 | 4.04 |
| 5 to 5½ years | 22.40 | 44.80 | 67.20 | 89.60 | 179.20 | 448.00 | 896.00 | 8,960 | 3.59 | 4.03 |
| 5½ to 6 years | 22.86 | 45.72 | 68.58 | 91.44 | 182.88 | 457.20 | 914.40 | 9,144 | 3.64 | 4.02 |
| 6 to 6½ years | 23.32 | 46.64 | 69.96 | 93.28 | 186.56 | 466.40 | 932.80 | 9,328 | 3.67 | 4.01 |
| 6½ to 7 years | 23.79 | 47.58 | 71.37 | 95.16 | 190.32 | 475.80 | 951.60 | 9,516 | 3.70 | 4.01 |
| 7 to 7½ years | 24.27 | 48.54 | 72.81 | 97.08 | 194.16 | 485.40 | 970.80 | 9,708 | 3.72 | 3.99 |
| 7½ years to 7 years and 9 months | 24.75 | 49.50 | 74.25 | 99.00 | 198.00 | 495.00 | 990.00 | 9,900 | 3.74 | 4.06 |
| Maturity value (7 years and 9 months from issue date) | 25.00 | 50.00 | 75.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | 3.75 | |

*Calculated on basis of $1,000 bond (face value).
†Approximate investment yield for entire period from issuance to maturity.
[1] 3-month period in the case of the 7½ year to 7 year and 9 month period.

TABLE 2—BONDS BEARING ISSUE DATE OF MAY 1, 1941

| Issue price / Original maturity value / First extended maturity value | $18.75 / 25.00 / 33.63 | $37.50 / 50.00 / 67.26 | $75.00 / 100.00 / 134.52 | $375.00 / 500.00 / 672.60 | $750.00 / 1,000.00 / 1,345.20 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $33.63 | $67.26 | $134.52 | $672.60 | $1,345.20 | 2.94 | 3.75 |
| ½ to 1 year | 34.26 | 68.52 | 137.04 | 685.20 | 1,370.40 | 2.96 | 3.75 |
| 1 to 1½ years | 34.90 | 69.80 | 139.60 | 698.00 | 1,396.00 | 2.98 | 3.75 |
| 1½ to 2 years | 35.56 | 71.12 | 142.24 | 711.20 | 1,422.40 | 3.00 | 3.75 |
| 2 to 2½ years | 36.22 | 72.44 | 144.88 | 724.40 | 1,448.80 | 3.02 | 3.75 |
| 2½ to 3 years | 36.90 | 73.80 | 147.60 | 738.00 | 1,476.00 | 3.03 | 3.75 |
| 3 to 3½ years | 37.60 | 75.20 | 150.40 | 752.00 | 1,504.00 | 3.05 | 3.75 |
| 3½ to 4 years | 38.30 | 76.60 | 153.20 | 766.00 | 1,532.00 | 3.06 | 3.75 |
| 4 to 4½ years | 39.02 | 78.04 | 156.08 | 780.40 | 1,560.80 | 3.08 | 3.75 |
| 4½ to 5 years | 39.75 | 79.50 | 159.00 | 795.00 | 1,590.00 | 3.09 | 3.75 |
| 5 to 5½ years | 40.50 | 81.00 | 162.00 | 810.00 | 1,620.00 | 3.10 | 3.75 |
| 5½ to 6 years | 41.25 | 82.50 | 165.00 | 825.00 | 1,650.00 | 3.12 | 3.75 |
| 6 to 6½ years | 42.03 | 84.06 | 168.12 | 840.60 | 1,681.20 | 3.13 | 3.75 |
| 6½ to 7 years | 42.82 | 85.64 | 171.28 | 856.40 | 1,712.80 | 3.14 | 3.75 |
| 7 to 7½ years | 43.62 | 87.24 | 174.48 | 872.40 | 1,744.80 | 3.15 | 3.75 |
| 7½ to 8 years | 44.44 | 88.88 | 177.76 | 888.80 | 1,777.60 | 3.16 | 3.75 |
| 8 to 8½ years | 45.27 | 90.54 | 181.08 | 906.40 | 1,810.80 | 3.17 | 3.75 |
| 8½ to 9 years | 46.12 | 92.24 | 184.48 | 922.40 | 1,844.80 | 3.18 | 3.75 |
| 9 to 9½ years | 46.98 | 93.96 | 187.92 | 939.60 | 1,879.20 | 3.19 | 3.75 |
| 9½ to 10 years | 47.86 | 95.72 | 191.44 | 957.20 | 1,914.40 | 3.20 | 3.76 |
| Second extended maturity value (20 years from original maturity date)[1] | 48.76 | 97.52 | 195.04 | 975.20 | 1,950.40 | 3.21 | |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 3—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1941

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 33.78 | 67.46 | 134.92 | 674.60 | 1,349.20 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $33.73 | $67.46 | $134.92 | $674.60 | $1,349.20 | 2.96 | 3.75 |
| ½ to 1 year | 34.36 | 68.72 | 137.44 | 687.20 | 1,374.40 | 2.98 | 3.75 |
| 1 to 1½ years | 35.01 | 70.02 | 140.04 | 700.20 | 1,400.40 | 3.00 | 3.75 |
| 1½ to 2 years | 35.66 | 71.32 | 142.64 | 713.20 | 1,426.40 | 3.01 | 3.75 |
| 2 to 2½ years | 36.33 | 72.66 | 145.32 | 726.60 | 1,453.20 | 3.03 | 3.75 |
| 2½ to 3 years | 37.01 | 74.02 | 148.04 | 740.20 | 1,480.40 | 3.05 | 3.75 |
| 3 to 3½ years | 37.71 | 75.42 | 150.84 | 754.20 | 1,508.40 | 3.06 | 3.75 |
| 3½ to 4 years | 38.41 | 76.82 | 153.64 | 768.20 | 1,536.40 | 3.07 | 3.75 |
| 4 to 4½ years | 39.13 | 78.26 | 156.52 | 782.60 | 1,565.20 | 3.09 | 3.75 |
| 4½ to 5 years | 39.87 | 79.74 | 159.48 | 797.40 | 1,594.80 | 3.10 | 3.75 |
| 5 to 5½ years | 40.62 | 81.24 | 162.48 | 812.40 | 1,624.80 | 3.12 | 3.75 |
| 5½ to 6 years | 41.38 | 82.76 | 165.52 | 827.60 | 1,655.20 | 3.13 | 3.75 |
| 6 to 6½ years | 42.15 | 84.30 | 168.60 | 843.00 | 1,686.00 | 3.14 | 3.75 |
| 6½ to 7 years | 42.94 | 85.88 | 171.76 | 858.80 | 1,717.60 | 3.15 | 3.75 |
| 7 to 7½ years | 43.75 | 87.50 | 175.00 | 875.00 | 1,750.00 | 3.16 | 3.75 |
| 7½ to 8 years | 44.57 | 89.14 | 178.28 | 891.40 | 1,782.80 | 3.17 | 3.75 |
| 8 to 8½ years | 45.40 | 90.80 | 181.60 | 908.00 | 1,816.00 | 3.18 | 3.76 |
| 8½ to 9 years | 46.26 | 92.52 | 185.04 | 925.20 | 1,850.40 | 3.19 | 3.75 |
| 9 to 9½ years | 47.12 | 94.24 | 188.48 | 942.40 | 1,884.80 | 3.20 | 3.76 |
| 9½ to 10 years | 48.01 | 96.02 | 192.04 | 960.20 | 1,920.40 | 3.21 | 3.75 |
| Second extended maturity value (20 years from original maturity date) [1] | 48.91 | 97.82 | 195.64 | 978.20 | 1,956.40 | 3.22 | |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 4—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1941, THROUGH APRIL 1, 1942

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 33.83 | 67.66 | 135.32 | 676.60 | 1,353.20 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $33.83 | $67.66 | $135.32 | $676.60 | $1,353.20 | 2.97 | 3.75 |
| ½ to 1 year | 34.46 | 68.92 | 137.84 | 689.20 | 1,378.40 | 2.99 | 3.75 |
| 1 to 1½ years | 35.11 | 70.22 | 140.44 | 702.20 | 1,404.40 | 3.01 | 3.75 |
| 1½ to 2 years | 35.77 | 71.54 | 143.08 | 715.40 | 1,430.80 | 3.03 | 3.75 |
| 2 to 2½ years | 36.44 | 72.88 | 145.76 | 728.80 | 1,457.60 | 3.04 | 3.75 |
| 2½ to 3 years | 37.12 | 74.24 | 148.48 | 742.40 | 1,484.80 | 3.06 | 3.75 |
| 3 to 3½ years | 37.82 | 75.64 | 151.28 | 756.40 | 1,512.80 | 3.07 | 3.75 |
| 3½ to 4 years | 38.53 | 77.06 | 154.12 | 770.60 | 1,541.20 | 3.09 | 3.75 |
| 4 to 4½ years | 39.25 | 78.50 | 157.00 | 785.00 | 1,570.00 | 3.10 | 3.75 |
| 4½ to 5 years | 39.99 | 79.98 | 159.96 | 799.80 | 1,599.60 | 3.12 | 3.75 |
| 5 to 5½ years | 40.74 | 81.48 | 162.96 | 814.80 | 1,629.60 | 3.13 | 3.75 |
| 5½ to 6 years | 41.50 | 83.00 | 166.00 | 830.00 | 1,660.00 | 3.14 | 3.75 |
| 6 to 6½ years | 42.28 | 84.56 | 169.12 | 845.60 | 1,691.20 | 3.15 | 3.75 |
| 6½ to 7 years | 43.07 | 86.14 | 172.28 | 861.40 | 1,722.80 | 3.16 | 3.75 |
| 7 to 7½ years | 43.88 | 87.76 | 175.52 | 877.60 | 1,755.20 | 3.17 | 3.75 |
| 7½ to 8 years | 44.70 | 89.40 | 178.80 | 894.00 | 1,788.00 | 3.18 | 3.75 |
| 8 to 8½ years | 45.54 | 91.08 | 182.16 | 910.80 | 1,821.60 | 3.19 | 3.75 |
| 8½ to 9 years | 46.39 | 92.78 | 185.56 | 927.80 | 1,855.60 | 3.20 | 3.75 |
| 9 to 9½ years | 47.26 | 94.52 | 189.04 | 945.20 | 1,890.40 | 3.21 | 3.75 |
| 9½ to 10 years | 48.15 | 96.30 | 192.60 | 963.00 | 1,926.00 | 3.22 | 3.74 |
| Second extended maturity value (20 years from original maturity date) [1] | 49.05 | 98.10 | 196.20 | 981.00 | 1,962.00 | 3.23 | |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.



TABLE 5—BONDS BEARING ISSUE DATE OF MAY 1, 1942

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.09 | 68.18 | 136.36 | 681.80 | 1,363.60 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.09 | $68.18 | $136.36 | $681.80 | $1,363.60 | 3.01 | 3.75 |
| ½ to 1 year | 34.73 | 69.46 | 138.92 | 694.60 | 1,389.20 | 3.03 | 3.75 |
| 1 to 1½ years | 35.38 | 70.76 | 141.52 | 707.60 | 1,415.20 | 3.05 | 3.75 |
| 1½ to 2 years | 36.04 | 72.08 | 144.16 | 720.80 | 1,441.60 | 3.06 | 3.75 |
| 2 to 2½ years | 36.72 | 73.44 | 146.88 | 734.40 | 1,468.80 | 3.08 | 3.75 |
| 2½ to 3 years | 37.41 | 74.82 | 149.64 | 748.20 | 1,496.40 | 3.09 | 3.75 |
| 3 to 3½ years | 38.11 | 76.22 | 152.44 | 762.20 | 1,524.40 | 3.11 | 3.75 |
| 3½ to 4 years | 38.82 | 77.64 | 155.28 | 776.40 | 1,552.80 | 3.12 | 3.75 |
| 4 to 4½ years | 39.55 | 79.10 | 158.20 | 791.00 | 1,582.00 | 3.13 | 3.75 |
| 4½ to 5 years | 40.29 | 80.58 | 161.16 | 805.80 | 1,611.60 | 3.15 | 3.75 |
| 5 to 5½ years | 41.05 | 82.10 | 164.20 | 821.00 | 1,642.00 | 3.16 | 3.75 |
| 5½ to 6 years | 41.82 | 83.64 | 167.28 | 836.40 | 1,672.80 | 3.17 | 3.75 |
| 6 to 6½ years | 42.60 | 85.20 | 170.40 | 852.00 | 1,704.00 | 3.18 | 3.75 |
| 6½ to 7 years | 43.40 | 86.80 | 173.60 | 868.00 | 1,736.00 | 3.19 | 3.75 |
| 7 to 7½ years | 44.22 | 88.44 | 176.88 | 884.40 | 1,768.80 | 3.20 | 3.75 |
| 7½ to 8 years | 45.04 | 90.08 | 180.16 | 900.80 | 1,801.60 | 3.21 | 3.76 |
| 8 to 8½ years | 45.89 | 91.78 | 183.56 | 917.80 | 1,835.60 | 3.22 | 3.75 |
| 8½ to 9 years | 46.75 | 93.50 | 187.00 | 935.00 | 1,870.00 | 3.23 | 3.75 |
| 9 to 9½ years | 47.63 | 95.26 | 190.52 | 952.60 | 1,905.20 | 3.24 | 3.74 |
| 9½ to 10 years | 48.52 | 97.04 | 194.08 | 970.40 | 1,940.80 | 3.25 | 3.75 |
| Second extended maturity value (20 years from original maturity date) [1] | 49.43 | 98.86 | 197.72 | 988.60 | 1,977.20 | 3.26 | |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 6—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1942

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.17 | 68.34 | 136.68 | 683.40 | 1,366.80 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.17 | $68.34 | $136.68 | $683.40 | $1,366.80 | 3.02 | 3.75 |
| ½ to 1 year | 34.81 | 69.62 | 139.24 | 696.20 | 1,392.40 | 3.04 | 3.75 |
| 1 to 1½ years | 35.46 | 70.92 | 141.84 | 709.20 | 1,418.40 | 3.06 | 3.75 |
| 1½ to 2 years | 36.13 | 72.26 | 144.52 | 722.60 | 1,445.20 | 3.07 | 3.75 |
| 2 to 2½ years | 36.81 | 73.62 | 147.24 | 736.20 | 1,472.40 | 3.09 | 3.75 |
| 2½ to 3 years | 37.50 | 75.00 | 150.00 | 750.00 | 1,500.00 | 3.10 | 3.75 |
| 3 to 3½ years | 38.20 | 76.40 | 152.80 | 764.00 | 1,528.00 | 3.12 | 3.75 |
| 3½ to 4 years | 38.92 | 77.84 | 155.68 | 778.40 | 1,556.80 | 3.13 | 3.75 |
| 4 to 4½ years | 39.64 | 79.28 | 158.56 | 792.80 | 1,585.60 | 3.14 | 3.75 |
| 4½ to 5 years | 40.39 | 80.78 | 161.56 | 807.80 | 1,615.60 | 3.16 | 3.75 |
| 5 to 5½ years | 41.15 | 82.30 | 164.60 | 823.00 | 1,646.00 | 3.17 | 3.75 |
| 5½ to 6 years | 41.92 | 83.84 | 167.68 | 838.40 | 1,676.80 | 3.18 | 3.75 |
| 6 to 6½ years | 42.70 | 85.40 | 170.80 | 854.00 | 1,708.00 | 3.19 | 3.75 |
| 6½ to 7 years | 43.50 | 87.00 | 174.00 | 870.00 | 1,740.00 | 3.20 | 3.75 |
| 7 to 7½ years | 44.32 | 88.64 | 177.28 | 886.40 | 1,772.80 | 3.21 | 3.75 |
| 7½ to 8 years | 45.15 | 90.30 | 180.60 | 903.00 | 1,806.00 | 3.22 | 3.75 |
| 8 to 8½ years | 46.00 | 92.00 | 184.00 | 920.00 | 1,840.00 | 3.23 | 3.74 |
| 8½ to 9 years | 46.86 | 93.72 | 187.44 | 937.20 | 1,874.40 | 3.24 | 3.74 |
| 9 to 9½ years | 47.74 | 95.48 | 190.96 | 954.80 | 1,909.60 | 3.25 | 3.74 |
| 9½ to 10 years | 48.63 | 97.26 | 194.52 | 972.60 | 1,945.20 | 3.26 | 3.74 |
| Second extended maturity value (20 years from original maturity date) [1] | 49.54 | 99.08 | 198.16 | 990.80 | 1,981.60 | 3.26 | |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 7—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1942, THROUGH MAY 1, 1943

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.26 | 68.52 | 137.04 | 685.20 | 1,370.40 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.26 | $68.52 | $137.04 | $685.20 | $1,370.40 | 3.04 | 3.75 |
| ½ to 1 year | 34.90 | 69.80 | 139.60 | 698.00 | 1,396.00 | 3.05 | 3.75 |
| 1 to 1½ years | 35.56 | 71.12 | 142.24 | 711.20 | 1,422.40 | 3.07 | 3.75 |
| 1½ to 2 years | 36.22 | 72.44 | 144.88 | 724.40 | 1,448.80 | 3.09 | 3.75 |
| 2 to 2½ years | 36.90 | 73.80 | 147.60 | 738.00 | 1,476.00 | 3.10 | 3.75 |
| 2½ to 3 years | 37.59 | 75.18 | 150.36 | 751.80 | 1,503.60 | 3.12 | 3.75 |
| 3 to 3½ years | 38.30 | 76.60 | 153.20 | 766.00 | 1,532.00 | 3.13 | 3.75 |
| 3½ to 4 years | 39.02 | 78.04 | 156.08 | 780.40 | 1,560.80 | 3.14 | 3.75 |
| 4 to 4½ years | 39.75 | 79.50 | 159.00 | 795.00 | 1,590.00 | 3.16 | 3.75 |
| 4½ to 5 years | 40.49 | 80.98 | 161.96 | 809.80 | 1,619.60 | 3.17 | 3.75 |
| 5 to 5½ years | 41.25 | 82.50 | 165.00 | 825.00 | 1,650.00 | 3.18 | 3.75 |
| 5½ to 6 years | 42.03 | 84.06 | 168.12 | 840.60 | 1,681.20 | 3.19 | 3.75 |
| 6 to 6½ years | 42.82 | 85.64 | 171.28 | 856.40 | 1,712.80 | 3.20 | 3.75 |
| 6½ to 7 years | 43.62 | 87.24 | 174.48 | 872.40 | 1,744.80 | 3.21 | 3.75 |
| 7 to 7½ years | 44.44 | 88.88 | 177.76 | 888.80 | 1,777.60 | 3.22 | 3.75 |
| 7½ to 8 years | 45.27 | 90.54 | 181.08 | 905.40 | 1,810.80 | 3.23 | 3.75 |
| 8 to 8½ years | 46.12 | 92.24 | 184.48 | 922.40 | 1,844.80 | 3.24 | 3.75 |
| 8½ to 9 years | 46.98 | 93.96 | 187.92 | 939.60 | 1,879.20 | 3.25 | 3.76 |
| 9 to 9½ years | 47.86 | 95.72 | 191.44 | 957.20 | 1,914.40 | 3.26 | 3.77 |
| 9½ to 10 years | 48.76 | 97.52 | 195.04 | 975.20 | 1,950.40 | 3.27 | 3.77 |
| Second extended maturity value (20 years from original maturity date)[1] | 49.68 | 99.36 | 198.72 | 993.60 | 1,987.20 | 3.27 | ---- |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 8—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1943

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.34 | 68.68 | 137.36 | 686.80 | 1,373.60 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.34 | $68.68 | $137.36 | $686.80 | $1,373.60 | 3.05 | 3.75 |
| ½ to 1 year | 34.98 | 69.96 | 139.92 | 699.60 | 1,399.20 | 3.07 | 3.75 |
| 1 to 1½ years | 35.64 | 71.28 | 142.56 | 712.80 | 1,425.60 | 3.08 | 3.75 |
| 1½ to 2 years | 36.31 | 72.62 | 145.24 | 726.20 | 1,452.40 | 3.10 | 3.75 |
| 2 to 2½ years | 36.99 | 73.98 | 147.96 | 739.80 | 1,479.60 | 3.11 | 3.75 |
| 2½ to 3 years | 37.68 | 75.36 | 150.72 | 753.60 | 1,507.20 | 3.13 | 3.75 |
| 3 to 3½ years | 38.39 | 76.78 | 153.56 | 767.80 | 1,535.60 | 3.14 | 3.75 |
| 3½ to 4 years | 39.11 | 78.22 | 156.44 | 782.20 | 1,564.40 | 3.15 | 3.75 |
| 4 to 4½ years | 39.84 | 79.68 | 159.36 | 796.80 | 1,593.60 | 3.17 | 3.75 |
| 4½ to 5 years | 40.59 | 81.18 | 162.36 | 811.80 | 1,623.60 | 3.18 | 3.75 |
| 5 to 5½ years | 41.35 | 82.70 | 165.40 | 827.00 | 1,654.00 | 3.19 | 3.75 |
| 5½ to 6 years | 42.13 | 84.26 | 168.52 | 842.60 | 1,685.20 | 3.20 | 3.75 |
| 6 to 6½ years | 42.92 | 85.84 | 171.68 | 858.40 | 1,716.80 | 3.21 | 3.75 |
| 6½ to 7 years | 43.72 | 87.44 | 174.88 | 874.40 | 1,748.80 | 3.22 | 3.75 |
| 7 to 7½ years | 44.54 | 89.08 | 178.16 | 890.80 | 1,781.60 | 3.23 | 3.75 |
| 7½ to 8 years | 45.37 | 90.74 | 181.48 | 907.40 | 1,814.80 | 3.24 | 3.75 |
| 8 to 8½ years | 46.23 | 92.46 | 184.92 | 924.60 | 1,849.20 | 3.25 | 3.74 |
| 8½ to 9 years | 47.09 | 94.18 | 188.36 | 941.80 | 1,883.60 | 3.26 | 3.75 |
| 9 to 9½ years | 47.98 | 95.96 | 191.92 | 959.60 | 1,919.20 | 3.27 | 3.74 |
| 9½ to 10 years | 48.87 | 97.74 | 195.48 | 977.40 | 1,954.80 | 3.27 | 3.77 |
| Second extended maturity value (20 years from original maturity date)[1] | 49.79 | 99.58 | 199.16 | 995.80 | 1,991.60 | 3.28 | ---- |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.



TABLE 9—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1943, THROUGH MAY 1, 1944

| Issue price | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 34.43 | 68.86 | 137.72 | 688.60 | 1,377.20 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — Second extended maturity period | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | *Percent* | *Percent* |
| First ½ year | $34.43 | $68.86 | $137.72 | $688.60 | $1,377.20 | 3.06 | 3.75 |
| ½ to 1 year | 35.08 | 70.16 | 140.32 | 701.60 | 1,403.20 | 3.08 | 3.75 |
| 1 to 1½ years | 35.73 | 71.46 | 142.92 | 714.60 | 1,429.20 | 3.09 | 3.75 |
| 1½ to 2 years | 36.40 | 72.80 | 145.60 | 728.00 | 1,456.00 | 3.11 | 3.75 |
| 2 to 2½ years | 37.09 | 74.18 | 148.36 | 741.80 | 1,483.60 | 3.12 | 3.75 |
| 2½ to 3 years | 37.78 | 75.56 | 151.12 | 755.60 | 1,511.20 | 3.14 | 3.75 |
| 3 to 3½ years | 38.49 | 76.98 | 153.96 | 769.80 | 1,539.60 | 3.15 | 3.75 |
| 3½ to 4 years | 39.21 | 78.42 | 156.84 | 784.20 | 1,568.40 | 3.16 | 3.75 |
| 4 to 4½ years | 39.95 | 79.90 | 159.80 | 799.00 | 1,598.00 | 3.18 | 3.75 |
| 4½ to 5 years | 40.70 | 81.40 | 162.80 | 814.00 | 1,628.00 | 3.19 | 3.75 |
| 5 to 5½ years | 41.46 | 82.92 | 165.84 | 829.20 | 1,658.40 | 3.20 | 3.75 |
| 5½ to 6 years | 42.24 | 84.48 | 168.96 | 844.80 | 1,689.60 | 3.21 | 3.75 |
| 6 to 6½ years | 43.03 | 86.06 | 172.12 | 860.60 | 1,721.20 | 3.22 | 3.75 |
| 6½ to 7 years | 43.83 | 87.66 | 175.32 | 876.60 | 1,753.20 | 3.23 | 3.75 |
| 7 to 7½ years | 44.66 | 89.32 | 178.64 | 893.20 | 1,786.40 | 3.24 | 3.75 |
| 7½ to 8 years | 45.49 | 90.98 | 181.96 | 909.80 | 1,819.60 | 3.25 | 3.75 |
| 8 to 8½ years | 46.35 | 92.70 | 185.40 | 927.00 | 1,854.00 | 3.26 | 3.74 |
| 8½ to 9 years | 47.22 | 94.44 | 188.88 | 944.40 | 1,888.80 | 3.27 | 3.74 |
| 9 to 9½ years | 48.10 | 96.20 | 192.40 | 962.00 | 1,924.00 | 3.28 | 3.75 |
| 9½ to 10 years | 49.00 | 98.00 | 196.00 | 980.00 | 1,960.00 | 3.28 | 3.76 |
| Second extended maturity value (20 years from original maturity date)[1] | 49.92 | 99.84 | 199.68 | 998.40 | 1,996.80 | 3.29 | ---- |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 10—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1944

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 500.00 | 1,000.00 | | |
| First extended maturity value | 13.80 | 34.51 | 69.02 | 138.04 | 690.20 | 1,380.40 | | |
| Period after first extended maturity (beginning 20 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — Second extended maturity period | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to second extended maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $13.80 | $34.51 | $69.02 | $138.04 | $690.20 | $1,380.40 | 3.07 | 3.75 |
| ½ to 1 year | 14.06 | 35.16 | 70.32 | 140.64 | 703.20 | 1,406.40 | 3.09 | 3.75 |
| 1 to 1½ years | 14.33 | 35.82 | 71.64 | 143.28 | 716.40 | 1,432.80 | 3.11 | 3.75 |
| 1½ to 2 years | 14.60 | 36.49 | 72.98 | 145.96 | 729.80 | 1,459.60 | 3.12 | 3.75 |
| 2 to 2½ years | 14.87 | 37.17 | 74.34 | 148.68 | 743.40 | 1,486.80 | 3.13 | 3.75 |
| 2½ to 3 years | 15.15 | 37.87 | 75.74 | 151.48 | 757.40 | 1,514.80 | 3.15 | 3.75 |
| 3 to 3½ years | 15.43 | 38.58 | 77.16 | 154.32 | 771.60 | 1,543.20 | 3.16 | 3.75 |
| 3½ to 4 years | 15.72 | 39.30 | 78.60 | 157.20 | 786.00 | 1,572.00 | 3.17 | 3.75 |
| 4 to 4½ years | 16.02 | 40.04 | 80.08 | 160.16 | 800.80 | 1,601.60 | 3.19 | 3.75 |
| 4½ to 5 years | 16.32 | 40.79 | 81.58 | 163.16 | 815.80 | 1,631.60 | 3.20 | 3.75 |
| 5 to 5½ years | 16.62 | 41.55 | 83.10 | 166.20 | 831.00 | 1,662.00 | 3.21 | 3.75 |
| 5½ to 6 years | 16.93 | 42.33 | 84.66 | 169.32 | 846.60 | 1,693.20 | 3.22 | 3.75 |
| 6 to 6½ years | 17.25 | 43.13 | 86.26 | 172.52 | 862.60 | 1,725.20 | 3.23 | 3.75 |
| 6½ to 7 years | 17.58 | 43.94 | 87.88 | 175.76 | 878.80 | 1,757.60 | 3.24 | 3.75 |
| 7 to 7½ years | 17.90 | 44.76 | 89.52 | 179.04 | 895.20 | 1,790.40 | 3.25 | 3.75 |
| 7½ to 8 years | 18.24 | 45.60 | 91.20 | 182.40 | 912.00 | 1,824.00 | 3.26 | 3.75 |
| 8 to 8½ years | 18.58 | 46.45 | 92.90 | 185.80 | 929.00 | 1,858.00 | 3.27 | 3.76 |
| 8½ to 9 years | 18.93 | 47.33 | 94.66 | 189.32 | 946.60 | 1,893.20 | 3.28 | 3.75 |
| 9 to 9½ years | 19.28 | 48.21 | 96.42 | 192.84 | 964.20 | 1,928.40 | 3.28 | 3.76 |
| 9½ to 10 years | 19.65 | 49.12 | 98.24 | 196.48 | 982.40 | 1,964.80 | 3.29 | 3.75 |
| Second extended maturity value (20 years from original maturity date)[1] | 20.02 | 50.04 | 100.08 | 200.16 | 1,000.80 | 2,001.60 | 3.30 | ---- |

*Calculated on basis of $1,000 bond (face value).
[1] 30 years from issue date.

TABLE 11—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1944, THROUGH MAY 1, 1945

| Issue price / Original maturity value | $7.50 / 10.00 | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — First extended maturity period | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 538.00 | 1,076.00 | 2.91 | **3.02 |
| 3 to 3½ years | 10.92 | 27.30 | 54.60 | 109.20 | 546.00 | 1,092.00 | 2.91 | **3.02 |
| 3½ to 4 years | 11.08 | 27.70 | 55.40 | 110.80 | 554.00 | 1,108.00 | 2.91 | **3.03 |
| 4 to 4½ years | 11.24 | 28.10 | 56.20 | 112.40 | 562.00 | 1,124.00 | 2.91 | **3.04 |
| 4½ to 5 years | 11.40 | 28.50 | 57.00 | 114.00 | 570.00 | 1,140.00 | 2.91 | †3.55 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959 revision[1] | | | | | | | | |
| 5 to 5½ years | $11.58 | $28.96 | $57.92 | $115.84 | $579.20 | $1,158.40 | 2.92 | 3.58 |
| 5½ to 6 years | 11.77 | 29.43 | 58.86 | 117.72 | 588.60 | 1,177.20 | 2.93 | 3.62 |
| 6 to 6½ years | 11.96 | 29.91 | 59.82 | 119.64 | 598.20 | 1,196.40 | 2.94 | 3.67 |
| 6½ to 7 years | 12.16 | 30.41 | 60.82 | 121.64 | 608.20 | 1,216.40 | 2.95 | 3.71 |
| 7 to 7½ years | 12.37 | 30.92 | 61.84 | 123.68 | 618.40 | 1,236.80 | 2.96 | 3.77 |
| 7½ to 8 years | 12.58 | 31.46 | 62.92 | 125.84 | 629.20 | 1,258.40 | 2.98 | 3.83 |
| 8 to 8½ years | 12.80 | 32.00 | 64.00 | 128.00 | 640.00 | 1,280.00 | 2.99 | 3.93 |
| 8½ to 9 years | 13.06 | 32.62 | 65.24 | 130.48 | 652.40 | 1,304.80 | 3.02 | 3.95 |
| 9 to 9½ years | 13.30 | 33.25 | 66.50 | 133.00 | 665.00 | 1,330.00 | 3.04 | 3.99 |
| 9½ to 10 years | 13.56 | 33.90 | 67.80 | 135.60 | 678.00 | 1,356.00 | 3.06 | 4.07 |
| First extended maturity value (10 years from original maturity date)[2] | 13.84 | 34.59 | 69.18 | 138.36 | 691.80 | 1,383.60 | 3.09 | ---------- |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | (b) to second extended maturity |
| First ½ year | $13.84 | $34.59 | $69.18 | $138.36 | $691.80 | $1,383.60 | 3.09 | 3.75 |
| ½ to 1 year | 14.10 | 35.24 | 70.48 | 140.96 | 704.80 | 1,409.60 | 3.10 | 3.75 |
| 1 to 1½ years | 14.36 | 35.90 | 71.80 | 143.60 | 718.00 | 1,436.00 | 3.12 | 3.75 |
| 1½ to 2 years | 14.63 | 36.57 | 73.14 | 146.28 | 731.40 | 1,462.80 | 3.13 | 3.75 |
| 2 to 2½ years | 14.90 | 37.26 | 74.52 | 149.04 | 745.20 | 1,490.40 | 3.15 | 3.75 |
| 2½ to 3 years | 15.18 | 37.96 | 75.92 | 151.84 | 759.20 | 1,518.40 | 3.16 | 3.75 |
| 3 to 3½ years | 15.47 | 38.67 | 77.34 | 154.68 | 773.40 | 1,546.80 | 3.17 | 3.75 |
| 3½ to 4 years | 15.76 | 39.39 | 78.78 | 157.56 | 787.80 | 1,575.60 | 3.18 | 3.75 |
| 4 to 4½ years | 16.05 | 40.13 | 80.26 | 160.52 | 802.60 | 1,605.20 | 3.20 | 3.75 |
| 4½ to 5 years | 16.35 | 40.88 | 81.76 | 163.52 | 817.60 | 1,635.20 | 3.21 | 3.75 |
| 5 to 5½ years | 16.66 | 41.65 | 83.30 | 166.60 | 833.00 | 1,666.00 | 3.22 | 3.75 |
| 5½ to 6 years | 16.97 | 42.43 | 84.86 | 169.72 | 848.60 | 1,697.20 | 3.23 | 3.75 |
| 6 to 6½ years | 17.29 | 43.23 | 86.46 | 172.92 | 864.60 | 1,729.20 | 3.24 | 3.75 |
| 6½ to 7 years | 17.62 | 44.04 | 88.08 | 176.16 | 880.80 | 1,761.60 | 3.25 | 3.75 |
| 7 to 7½ years | 17.94 | 44.86 | 89.72 | 179.44 | 897.20 | 1,794.40 | 3.26 | 3.75 |
| 7½ to 8 years | 18.28 | 45.71 | 91.42 | 182.84 | 914.20 | 1,828.40 | 3.27 | 3.74 |
| 8 to 8½ years | 18.62 | 46.56 | 93.12 | 186.24 | 931.20 | 1,862.40 | 3.27 | 3.75 |
| 8½ to 9 years | 18.98 | 47.44 | 94.88 | 189.76 | 948.80 | 1,897.60 | 3.28 | 3.74 |
| 9 to 9½ years | 19.33 | 48.32 | 96.64 | 193.28 | 966.40 | 1,932.80 | 3.29 | 2.75 |
| 9½ to 10 years | 19.69 | 49.23 | 98.46 | 196.92 | 984.60 | 1,969.20 | 3.30 | 3.74 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.06 | 50.15 | 100.30 | 200.60 | 1,003.00 | 2,006.00 | 3.31 | ---------- |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
† Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.
[2] 20 years from issue date. [3] 30 years from issue date.



TABLE 12—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1945

| Issue price / Original maturity value | $7.50 / 10.00 | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) — First extended maturity period | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 2.91 | **3.02 |
| 3 to 3½ years | 10.92 | 27.30 | 54.60 | 109.20 | 218.40 | 546.00 | 1,092.00 | 2.91 | **3.02 |
| 3½ to 4 years | 11.08 | 27.70 | 55.40 | 110.80 | 221.60 | 554.00 | 1,108.00 | 2.91 | **3.03 |
| 4 to 4½ years | 11.24 | 28.10 | 56.20 | 112.40 | 224.80 | 562.00 | 1,124.00 | 2.91 | †3.54 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 4½ to 5 years | $11.40 | $28.51 | $57.02 | $114.04 | $228.08 | $570.20 | $1,140.40 | 2.91 | 3.59 |
| 5 to 5½ years | 11.59 | 28.97 | 57.94 | 115.88 | 231.76 | 579.40 | 1,158.80 | 2.92 | 3.63 |
| 5½ to 6 years | 11.78 | 29.46 | 58.92 | 117.84 | 235.68 | 589.20 | 1,178.40 | 2.94 | 3.66 |
| 6 to 6½ years | 11.98 | 29.95 | 59.90 | 119.80 | 239.60 | 599.00 | 1,198.00 | 2.95 | 3.70 |
| 6½ to 7 years | 12.18 | 30.46 | 60.92 | 121.84 | 243.68 | 609.20 | 1,218.40 | 2.96 | 3.74 |
| 7 to 7½ years | 12.39 | 30.98 | 61.96 | 123.92 | 247.84 | 619.60 | 1,239.20 | 2.98 | 3.80 |
| 7½ to 8 years | 12.61 | 31.52 | 63.04 | 126.08 | 252.16 | 630.40 | 1,260.80 | 2.99 | 3.86 |
| 8 to 8½ years | 12.83 | 32.07 | 64.14 | 128.28 | 256.56 | 641.40 | 1,282.80 | 3.00 | 3.95 |
| 8½ to 9 years | 13.08 | 32.69 | 65.38 | 130.76 | 261.52 | 653.80 | 1,307.60 | 3.03 | 3.98 |
| 9 to 9½ years | 13.33 | 33.33 | 66.66 | 133.32 | 266.64 | 666.60 | 1,333.20 | 3.05 | 4.01 |
| 9½ to 10 years | 13.60 | 33.99 | 67.98 | 135.96 | 271.92 | 679.80 | 1,359.60 | 3.07 | 4.06 |
| First extended maturity value (10 years from original maturity date)[2] | 13.87 | 34.68 | 69.36 | 138.72 | 277.44 | 693.60 | 1,387.20 | 3.10 | ---------- |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $13.87 | $34.68 | $69.36 | $138.72 | $277.44 | $693.60 | $1,387.20 | 3.10 | 3.75 |
| ½ to 1 year | 14.13 | 35.33 | 70.66 | 141.32 | 282.64 | 706.60 | 1,413.20 | 3.11 | 3.75 |
| 1 to 1½ years | 14.40 | 35.99 | 71.98 | 143.96 | 287.92 | 719.80 | 1,439.60 | 3.13 | 3.75 |
| 1½ to 2 years | 14.67 | 36.67 | 73.34 | 146.68 | 293.36 | 733.40 | 1,466.80 | 3.14 | 3.75 |
| 2 to 2½ years | 14.94 | 37.36 | 74.72 | 149.44 | 298.88 | 747.20 | 1,494.40 | 3.16 | 3.75 |
| 2½ to 3 years | 15.22 | 38.06 | 76.12 | 152.24 | 304.48 | 761.20 | 1,522.40 | 3.17 | 3.75 |
| 3 to 3½ years | 15.51 | 38.77 | 77.54 | 155.08 | 310.16 | 775.40 | 1,550.80 | 3.18 | 3.75 |
| 3½ to 4 years | 15.80 | 39.50 | 79.00 | 158.00 | 316.00 | 790.00 | 1,580.00 | 3.20 | 3.75 |
| 4 to 4½ years | 16.10 | 40.24 | 80.48 | 160.96 | 321.92 | 804.80 | 1,609.60 | 3.21 | 3.75 |
| 4½ to 5 years | 16.40 | 40.99 | 81.98 | 163.96 | 327.92 | 819.80 | 1,639.60 | 3.22 | 3.75 |
| 5 to 5½ years | 16.70 | 41.76 | 83.52 | 167.04 | 334.08 | 835.20 | 1,670.40 | 3.23 | 3.75 |
| 5½ to 6 years | 17.02 | 42.54 | 85.08 | 170.16 | 340.32 | 850.80 | 1,701.60 | 3.24 | 3.75 |
| 6 to 6½ years | 17.34 | 43.34 | 86.68 | 173.36 | 346.72 | 866.80 | 1,733.60 | 3.25 | 3.75 |
| 6½ to 7 years | 17.66 | 44.15 | 88.30 | 176.60 | 353.20 | 883.00 | 1,766.00 | 3.26 | 3.75 |
| 7 to 7½ years | 17.99 | 44.98 | 89.96 | 179.92 | 359.84 | 899.60 | 1,799.20 | 3.27 | 3.75 |
| 7½ to 8 years | 18.33 | 45.82 | 91.64 | 183.28 | 366.56 | 916.40 | 1,832.80 | 3.28 | 3.75 |
| 8 to 8½ years | 18.67 | 46.68 | 93.36 | 186.72 | 373.44 | 933.60 | 1,867.20 | 3.28 | 3.75 |
| 8½ to 9 years | 19.02 | 47.56 | 95.12 | 190.24 | 380.48 | 951.20 | 1,902.40 | 3.29 | 3.74 |
| 9 to 9½ years | 19.38 | 48.45 | 96.90 | 193.80 | 387.60 | 969.00 | 1,938.00 | 3.30 | 3.74 |
| 9½ to 10 years | 19.74 | 49.36 | 98.72 | 197.44 | 394.88 | 987.20 | 1,974.40 | 3.31 | 3.73 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.11 | 50.28 | 100.56 | 201.12 | 402.24 | 1,005.60 | 2,011.20 | 3.32 | ---------- |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
† Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.
[2] 20 years from issue date. [3] 30 years from issue date.

TABLE 13—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1945, THROUGH MAY 1, 1946

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 2.91 | **3.02 |
| 3 to 3½ years | 10.92 | 27.30 | 54.60 | 109.20 | 218.40 | 546.00 | 1,092.00 | 2.91 | **3.02 |
| 3¼ to 4 years | 11.08 | 27.70 | 55.40 | 110.80 | 221.60 | 554.00 | 1,108.00 | 2.91 | †3.53 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 4 to 4½ years | $11.24 | $28.11 | $56.22 | $112.44 | $224.88 | $562.20 | $1,124.40 | 2.91 | 3.58 |
| 4½ to 5 years | 11.41 | 28.52 | 57.04 | 114.08 | 228.16 | 570.40 | 1,140.80 | 2.91 | 3.64 |
| 5 to 5½ years | 11.60 | 29.00 | 58.00 | 116.00 | 232.00 | 580.00 | 1,160.00 | 2.93 | 3.66 |
| 5½ to 6 years | 11.80 | 29.49 | 58.98 | 117.96 | 235.92 | 589.80 | 1,179.60 | 2.94 | 3.69 |
| 6 to 6½ years | 12.00 | 29.99 | 59.98 | 119.96 | 239.92 | 599.80 | 1,199.60 | 2.96 | 3.73 |
| 6½ to 7 years | 12.20 | 30.51 | 61.02 | 122.04 | 244.08 | 610.20 | 1,220.40 | 2.97 | 3.77 |
| 7 to 7½ years | 12.42 | 31.04 | 62.08 | 124.16 | 248.32 | 620.80 | 1,241.60 | 2.99 | 3.82 |
| 7½ to 8 years | 12.63 | 31.58 | 63.16 | 126.32 | 252.64 | 631.60 | 1,263.20 | 3.00 | 3.89 |
| 8 to 8½ years | 12.86 | 32.14 | 64.28 | 128.56 | 257.12 | 642.80 | 1,285.60 | 3.02 | 3.97 |
| 8½ to 9 years | 13.11 | 32.77 | 65.54 | 131.08 | 262.16 | 655.40 | 1,310.80 | 3.04 | 3.99 |
| 9 to 9½ years | 13.36 | 33.41 | 66.82 | 133.64 | 267.28 | 668.20 | 1,336.40 | 3.06 | 4.03 |
| 9½ to 10 years | 13.63 | 34.07 | 68.14 | 136.28 | 272.56 | 681.40 | 1,362.80 | 3.09 | 4.11 |
| First extended maturity value (10 years from original maturity date)[2] | 13.91 | 34.77 | 69.54 | 139.08 | 278.16 | 695.40 | 1,390.80 | 3.11 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $13.91 | $34.77 | $69.54 | $139.08 | $278.16 | $695.40 | $1,390.80 | 3.11 | 3.75 |
| ½ to 1 year | 14.17 | 35.42 | 70.84 | 141.68 | 283.36 | 708.40 | 1,416.80 | 3.13 | 3.75 |
| 1 to 1½ years | 14.44 | 36.09 | 72.18 | 144.36 | 288.72 | 721.80 | 1,443.60 | 3.14 | 3.75 |
| 1½ to 2 years | 14.70 | 36.76 | 73.52 | 147.04 | 294.08 | 735.20 | 1,470.40 | 3.16 | 3.75 |
| 2 to 2½ years | 14.98 | 37.45 | 74.90 | 149.80 | 299.60 | 749.00 | 1,498.00 | 3.17 | 3.75 |
| 2½ to 3 years | 15.26 | 38.15 | 76.30 | 152.60 | 305.20 | 763.00 | 1,526.00 | 3.18 | 3.75 |
| 3 to 3½ years | 15.55 | 38.87 | 77.74 | 155.48 | 310.96 | 777.40 | 1,554.80 | 3.19 | 3.75 |
| 3½ to 4 years | 15.84 | 39.60 | 79.20 | 158.40 | 316.80 | 792.00 | 1,584.00 | 3.21 | 3.75 |
| 4 to 4½ years | 16.14 | 40.34 | 80.68 | 161.36 | 322.72 | 806.80 | 1,613.60 | 3.22 | 3.75 |
| 4½ to 5 years | 16.44 | 41.10 | 82.20 | 164.40 | 328.80 | 822.00 | 1,644.00 | 3.23 | 3.75 |
| 5 to 5½ years | 16.75 | 41.87 | 83.74 | 167.48 | 334.96 | 837.40 | 1,674.80 | 3.24 | 3.75 |
| 5½ to 6 years | 17.06 | 42.65 | 85.30 | 170.60 | 341.20 | 853.00 | 1,706.00 | 3.25 | 3.75 |
| 6 to 6½ years | 17.38 | 43.45 | 86.90 | 173.80 | 347.60 | 869.00 | 1,738.00 | 3.26 | 3.75 |
| 6½ to 7 years | 17.71 | 44.27 | 88.54 | 177.08 | 354.16 | 885.40 | 1,770.80 | 3.27 | 3.75 |
| 7 to 7½ years | 18.04 | 45.10 | 90.20 | 180.40 | 360.80 | 902.00 | 1,804.00 | 3.28 | 3.74 |
| 7½ to 8 years | 18.38 | 45.94 | 91.88 | 183.76 | 367.52 | 918.80 | 1,837.60 | 3.29 | 3.75 |
| 8 to 8½ years | 18.72 | 46.80 | 93.60 | 187.20 | 374.40 | 936.00 | 1,872.00 | 3.29 | 3.75 |
| 8½ to 9 years | 19.07 | 47.68 | 95.36 | 190.72 | 381.44 | 953.60 | 1,907.20 | 3.30 | 3.75 |
| 9 to 9½ years | 19.43 | 48.58 | 97.16 | 194.32 | 388.64 | 971.60 | 1,943.20 | 3.31 | 3.73 |
| 9½ to 10 years | 19.80 | 49.49 | 98.98 | 197.96 | 395.92 | 989.80 | 1,979.60 | 3.32 | 3.72 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.16 | 50.41 | 100.82 | 201.64 | 403.28 | 1,008.20 | 2,016.40 | 3.32 | |

*Calculated on basis of $1,000 bond (face value).

**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.

†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.

[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.



TABLE 14—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1946

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 2.91 | **3.02 |
| 3 to 3½ years | 10.92 | 27.30 | 54.60 | 109.20 | 218.40 | 546.00 | 1,092.00 | 2.91 | †3.52 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959 revision[1] | | | | | | | | | |
| 3½ to 4 years | $11.08 | $27.71 | $55.42 | $110.84 | $221.68 | $554.20 | $1,108.40 | 2.91 | 3.56 |
| 4 to 4½ years | 11.25 | 28.12 | 56.24 | 112.48 | 224.96 | 562.40 | 1,124.80 | 2.92 | 3.61 |
| 4½ to 5 years | 11.42 | 28.55 | 57.10 | 114.20 | 228.40 | 571.00 | 1,142.00 | 2.92 | 3.66 |
| 5 to 5½ years | 11.61 | 29.03 | 58.06 | 116.12 | 232.24 | 580.60 | 1,161.20 | 2.94 | 3.69 |
| 5½ to 6 years | 11.81 | 29.53 | 59.06 | 118.12 | 236.24 | 590.60 | 1,181.20 | 2.95 | 3.72 |
| 6 to 6½ years | 12.02 | 30.04 | 60.08 | 120.16 | 240.32 | 600.80 | 1,201.60 | 2.97 | 3.75 |
| 6½ to 7 years | 12.23 | 30.57 | 61.14 | 122.28 | 244.56 | 611.40 | 1,222.80 | 2.98 | 3.78 |
| 7 to 7½ years | 12.44 | 31.10 | 62.20 | 124.40 | 248.80 | 622.00 | 1,244.00 | 3.00 | 3.83 |
| 7½ to 8 years | 12.66 | 31.65 | 63.30 | 126.60 | 253.20 | 633.00 | 1,266.00 | 3.01 | 3.89 |
| 8 to 8½ years | 12.89 | 32.22 | 64.44 | 128.88 | 257.76 | 644.40 | 1,288.80 | 3.03 | 3.96 |
| 8½ to 9 years | 13.14 | 32.84 | 65.68 | 131.36 | 262.72 | 656.80 | 1,313.60 | 3.05 | 4.00 |
| 9 to 9½ years | 13.40 | 33.49 | 66.98 | 133.96 | 267.92 | 669.80 | 1,339.60 | 3.08 | 4.02 |
| 9½ to 10 years | 13.66 | 34.15 | 68.30 | 136.60 | 273.20 | 683.00 | 1,366.00 | 3.10 | 4.10 |
| First extended maturity value (10 years from original maturity date)[2] | 13.94 | 34.85 | 69.70 | 139.40 | 278.80 | 697.00 | 1,394.00 | 3.12 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $13.94 | $34.85 | $69.70 | $139.40 | $278.80 | $697.00 | $1,394.00 | 3.12 | 3.75 |
| ½ to 1 year | 14.20 | 35.50 | 71.00 | 142.00 | 284.00 | 710.00 | 1,420.00 | 3.14 | 3.75 |
| 1 to 1½ years | 14.47 | 36.17 | 72.34 | 144.68 | 289.36 | 723.40 | 1,446.80 | 3.15 | 3.75 |
| 1½ to 2 years | 14.74 | 36.85 | 73.70 | 147.40 | 294.80 | 737.00 | 1,474.00 | 3.17 | 3.75 |
| 2 to 2½ years | 15.02 | 37.54 | 75.08 | 150.16 | 300.32 | 750.80 | 1,501.60 | 3.18 | 3.75 |
| 2½ to 3 years | 15.30 | 38.24 | 76.48 | 152.96 | 305.92 | 764.80 | 1,529.60 | 3.19 | 3.75 |
| 3 to 3½ years | 15.58 | 38.96 | 77.92 | 155.84 | 311.68 | 779.20 | 1,558.40 | 3.21 | 3.75 |
| 3½ to 4 years | 15.88 | 39.69 | 79.38 | 158.76 | 317.52 | 793.80 | 1,587.60 | 3.22 | 3.75 |
| 4 to 4½ years | 16.17 | 40.43 | 80.86 | 161.72 | 323.44 | 808.60 | 1,617.20 | 3.23 | 3.75 |
| 4½ to 5 years | 16.48 | 41.19 | 82.38 | 164.76 | 329.52 | 823.80 | 1,647.60 | 3.24 | 3.75 |
| 5 to 5½ years | 16.78 | 41.96 | 83.92 | 167.84 | 335.68 | 839.20 | 1,678.40 | 3.25 | 3.75 |
| 5½ to 6 years | 17.10 | 42.75 | 85.50 | 171.00 | 342.00 | 855.00 | 1,710.00 | 3.26 | 3.75 |
| 6 to 6½ years | 17.42 | 43.55 | 87.10 | 174.20 | 348.40 | 871.00 | 1,742.00 | 3.27 | 3.75 |
| 6½ to 7 years | 17.75 | 44.37 | 88.74 | 177.48 | 354.96 | 887.40 | 1,774.80 | 3.28 | 3.75 |
| 7 to 7½ years | 18.08 | 45.20 | 90.40 | 180.80 | 361.60 | 904.00 | 1,808.00 | 3.29 | 3.75 |
| 7½ to 8 years | 18.42 | 46.05 | 92.10 | 184.20 | 368.40 | 921.00 | 1,842.00 | 3.29 | 3.75 |
| 8 to 8½ years | 18.76 | 46.91 | 93.82 | 187.64 | 375.28 | 938.20 | 1,876.40 | 3.30 | 3.75 |
| 8½ to 9 years | 19.12 | 47.79 | 95.58 | 191.16 | 382.32 | 955.80 | 1,911.60 | 3.31 | 3.75 |
| 9 to 9½ years | 19.48 | 48.69 | 97.38 | 194.76 | 389.52 | 973.80 | 1,947.60 | 3.32 | 3.74 |
| 9½ to 10 years | 19.84 | 49.60 | 99.20 | 198.40 | 396.80 | 992.00 | 1,984.00 | 3.32 | 3.75 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.21 | 50.53 | 101.06 | 202.12 | 404.24 | 1,010.60 | 2,021.20 | 3.33 | |

*Calculated on basis of $1,000 bond (face value).

**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.

†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.

[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.

TABLE 15—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1946, THROUGH MAY 1, 1947

| Issue price / Original maturity value | $7.50 / 10.00 | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* (2) On purchase price from issue date to beginning of each half-year period | Approximate investment yield* (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
|---|---|---|---|---|---|---|---|---|---|
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | **3.02 |
| 2½ to 3 years | 10.76 | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 2.91 | †3.52 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959 revision [1] | | | | | | | | | |
| 3 to 3½ years | $10.92 | $27.31 | $54.62 | $109.24 | $218.48 | $546.20 | $1,092.40 | 2.91 | 3.55 |
| 3½ to 4 years | 11.09 | 27.72 | 55.44 | 110.88 | 221.76 | 554.40 | 1,108.80 | 2.92 | 3.59 |
| 4 to 4½ years | 11.26 | 28.14 | 56.28 | 112.56 | 225.12 | 562.80 | 1,125.60 | 2.92 | 3.64 |
| 4½ to 5 years | 11.43 | 28.58 | 57.16 | 114.32 | 228.64 | 571.60 | 1,143.20 | 2.93 | 3.69 |
| 5 to 5½ years | 11.63 | 29.07 | 58.14 | 116.28 | 232.56 | 581.40 | 1,162.80 | 2.94 | 3.71 |
| 5½ to 6 years | 11.83 | 29.58 | 59.16 | 118.32 | 236.64 | 591.60 | 1,183.20 | 2.96 | 3.74 |
| 6 to 6½ years | 12.04 | 30.09 | 60.18 | 120.36 | 240.72 | 601.80 | 1,203.60 | 2.98 | 3.77 |
| 6½ to 7 years | 12.25 | 30.62 | 61.24 | 122.48 | 244.96 | 612.40 | 1,224.80 | 2.99 | 3.81 |
| 7 to 7½ years | 12.47 | 31.17 | 62.34 | 124.68 | 249.36 | 623.40 | 1,246.80 | 3.01 | 3.84 |
| 7½ to 8 years | 12.69 | 31.72 | 63.44 | 126.88 | 253.76 | 634.40 | 1,268.80 | 3.03 | 3.91 |
| 8 to 8½ years | 12.92 | 32.29 | 64.58 | 129.16 | 258.32 | 645.80 | 1,291.60 | 3.04 | 3.98 |
| 8½ to 9 years | 13.17 | 32.92 | 65.84 | 131.68 | 263.36 | 658.40 | 1,316.80 | 3.07 | 4.01 |
| 9 to 9½ years | 13.43 | 33.57 | 67.14 | 134.28 | 268.56 | 671.40 | 1,342.80 | 3.09 | 4.04 |
| 9½ to 10 years | 13.69 | 34.23 | 68.46 | 136.92 | 273.84 | 684.60 | 1,369.20 | 3.11 | 4.15 |
| First extended maturity value (10 years from original maturity date) [2] | 13.98 | 34.94 | 69.88 | 139.76 | 279.52 | 698.80 | 1,397.60 | 3.14 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $13.98 | $34.94 | $69.88 | $139.76 | $279.52 | $698.80 | $1,397.60 | 3.14 | 3.75 |
| ½ to 1 year | 14.24 | 35.60 | 71.20 | 142.40 | 284.80 | 712.00 | 1,424.00 | 3.15 | 3.75 |
| 1 to 1½ years | 14.50 | 36.26 | 72.52 | 145.04 | 290.08 | 725.20 | 1,450.40 | 3.17 | 3.75 |
| 1½ to 2 years | 14.78 | 36.94 | 73.88 | 147.76 | 295.52 | 738.80 | 1,477.60 | 3.18 | 3.75 |
| 2 to 2½ years | 15.06 | 37.64 | 75.28 | 150.56 | 301.12 | 752.80 | 1,505.60 | 3.19 | 3.75 |
| 2½ to 3 years | 15.34 | 38.34 | 76.68 | 153.36 | 306.72 | 766.80 | 1,533.60 | 3.20 | 2.76 |
| 3 to 3½ years | 15.62 | 39.06 | 78.12 | 156.24 | 312.48 | 781.20 | 1,562.40 | 3.22 | 3.75 |
| 3½ to 4 years | 15.92 | 39.79 | 79.58 | 159.16 | 318.32 | 795.80 | 1,591.60 | 3.23 | 3.75 |
| 4 to 4½ years | 16.22 | 40.54 | 81.08 | 162.16 | 324.32 | 810.80 | 1,621.60 | 3.24 | 3.75 |
| 4½ to 5 years | 16.52 | 41.30 | 82.60 | 165.20 | 330.40 | 826.00 | 1,652.00 | 3.25 | 3.75 |
| 5 to 5½ years | 16.83 | 42.07 | 84.14 | 168.28 | 336.56 | 841.40 | 1,682.80 | 3.26 | 3.75 |
| 5½ to 6 years | 17.14 | 42.86 | 85.72 | 171.44 | 342.88 | 857.20 | 1,714.40 | 3.27 | 3.75 |
| 6 to 6½ years | 17.47 | 43.67 | 87.34 | 174.68 | 349.36 | 873.40 | 1,746.80 | 3.28 | 3.76 |
| 6½ to 7 years | 17.79 | 44.48 | 88.96 | 177.92 | 355.84 | 889.60 | 1,779.20 | 3.29 | 3.75 |
| 7 to 7½ years | 18.13 | 45.32 | 90.64 | 181.28 | 362.56 | 906.40 | 1,812.80 | 3.30 | 3.75 |
| 7½ to 8 years | 18.47 | 46.17 | 92.34 | 184.68 | 369.36 | 923.40 | 1,846.80 | 3.30 | 3.75 |
| 8 to 8½ years | 18.81 | 47.03 | 94.06 | 188.12 | 376.24 | 940.60 | 1,881.20 | 3.31 | 3.75 |
| 8½ to 9 years | 19.17 | 47.92 | 95.84 | 191.68 | 383.36 | 958.40 | 1,916.80 | 3.32 | 3.74 |
| 9 to 9½ years | 19.52 | 48.81 | 97.62 | 195.24 | 390.48 | 976.20 | 1,952.40 | 3.33 | 3.75 |
| 9½ to 10 years | 19.89 | 49.73 | 99.46 | 198.92 | 397.84 | 994.60 | 1,989.20 | 3.33 | 3.74 |
| Second extended maturity value (20 years from original maturity date) [3] | 20.26 | 50.66 | 101.32 | 202.64 | 405.28 | 1,013.20 | 2,026.40 | 3.34 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.
[2] 20 years from issue date. [3] 30 years from issue date.



TABLE 16—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1947

| Issue price / Original maturity value | $7.50 / 10.00 | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | Approximate investment yield* (2) On purchase price from issue date to beginning of each half-year period | Approximate investment yield* (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
|---|---|---|---|---|---|---|---|---|---|
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | **3.01 |
| 2 to 2½ years | 10.60 | 26.50 | 53.00 | 106.00 | 212.00 | 530.00 | 1,060.00 | 2.90 | †3.52 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959 revision [1] | | | | | | | | | |
| 2½ to 3 years | $10.76 | $26.91 | $53.82 | $107.64 | $215.28 | $538.20 | $1,076.40 | 2.91 | 3.54 |
| 3 to 3½ years | 10.93 | 27.32 | 54.64 | 109.28 | 218.56 | 546.40 | 1,092.80 | 2.92 | 3.58 |
| 3½ to 4 years | 11.10 | 27.74 | 55.48 | 110.96 | 221.92 | 554.80 | 1,109.60 | 2.92 | 3.62 |
| 4 to 4½ years | 11.27 | 28.17 | 56.34 | 112.68 | 225.36 | 563.40 | 1,126.80 | 2.93 | 3.66 |
| 4½ to 5 years | 11.44 | 28.61 | 57.22 | 114.44 | 228.88 | 572.20 | 1,144.40 | 2.94 | 3.71 |
| 5 to 5½ years | 11.64 | 29.11 | 58.22 | 116.44 | 232.88 | 582.20 | 1,164.40 | 2.95 | 3.73 |
| 5½ to 6 years | 11.85 | 29.63 | 59.26 | 118.52 | 237.04 | 592.60 | 1,185.20 | 2.97 | 3.75 |
| 6 to 6½ years | 12.06 | 30.15 | 60.30 | 120.60 | 241.20 | 603.00 | 1,206.00 | 2.99 | 3.78 |
| 6½ to 7 years | 12.27 | 30.68 | 61.36 | 122.72 | 245.44 | 613.60 | 1,227.20 | 3.01 | 3.82 |
| 7 to 7½ years | 12.49 | 31.23 | 62.46 | 124.92 | 249.84 | 624.60 | 1,249.20 | 3.02 | 3.85 |
| 7½ to 8 years | 12.72 | 31.79 | 63.58 | 127.16 | 254.32 | 635.80 | 1,271.60 | 3.04 | 3.91 |
| 8 to 8½ years | 12.94 | 32.36 | 64.72 | 129.44 | 258.88 | 647.20 | 1,294.40 | 3.05 | 3.99 |
| 8½ to 9 years | 13.20 | 33.00 | 66.00 | 132.00 | 264.00 | 660.00 | 1,320.00 | 3.08 | 4.00 |
| 9 to 9½ years | 13.46 | 33.65 | 67.30 | 134.60 | 269.20 | 673.00 | 1,346.00 | 3.10 | 4.03 |
| 9½ to 10 years | 13.73 | 34.32 | 68.64 | 137.28 | 274.56 | 686.40 | 1,372.80 | 3.12 | 4.08 |
| First extended maturity value (10 years from original maturity date) [2] | 14.01 | 35.02 | 70.04 | 140.08 | 280.16 | 700.40 | 1,400.80 | 3.15 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $14.01 | $35.02 | $70.04 | $140.08 | $280.16 | $700.40 | $1,400.80 | 3.15 | 3.75 |
| ½ to 1 year | 14.27 | 35.68 | 71.36 | 142.72 | 285.44 | 713.60 | 1,427.20 | 3.16 | 3.75 |
| 1 to 1½ years | 14.54 | 36.35 | 72.70 | 145.40 | 290.80 | 727.00 | 1,454.00 | 3.18 | 3.75 |
| 1½ to 2 years | 14.81 | 37.03 | 74.06 | 148.12 | 296.24 | 740.60 | 1,481.20 | 3.19 | 3.75 |
| 2 to 2½ years | 15.09 | 37.72 | 75.44 | 150.88 | 301.76 | 754.40 | 1,508.80 | 3.20 | 3.75 |
| 2½ to 3 years | 15.37 | 38.43 | 76.86 | 153.72 | 307.44 | 768.60 | 1,537.20 | 3.22 | 3.75 |
| 3 to 3½ years | 15.66 | 39.15 | 78.30 | 156.60 | 313.20 | 783 00 | 1,566.00 | 3.23 | 3.75 |
| 3½ to 4 years | 15.95 | 39.88 | 79.76 | 159.52 | 319.04 | 797.60 | 1,595.20 | 3.24 | 3.75 |
| 4 to 4½ years | 16.25 | 40.63 | 81.26 | 162.52 | 325.04 | 812.60 | 1,625.20 | 3.25 | 3.75 |
| 4½ to 5 years | 16.56 | 41.39 | 82.78 | 165.56 | 331.12 | 827.80 | 1,655.60 | 3.26 | 3.75 |
| 5 to 5½ years | 16.87 | 42.17 | 84.34 | 168.68 | 337.36 | 843.40 | 1,686.80 | 3.27 | 3.75 |
| 5½ to 6 years | 17.18 | 42.96 | 85.92 | 171.84 | 343.68 | 859.20 | 1,718.40 | 3.28 | 3.75 |
| 6 to 6½ years | 17.51 | 43.77 | 87.54 | 175.08 | 350.16 | 875.40 | 1,750.80 | 3.29 | 3.75 |
| 6½ to 7 years | 17.84 | 44.59 | 89.18 | 178.36 | 356.72 | 891.80 | 1,783.60 | 3.30 | 3.75 |
| 7 to 7½ years | 18.17 | 45.42 | 90.84 | 181.68 | 363.36 | 908.40 | 1,816.80 | 3.30 | 3.75 |
| 7½ to 8 years | 18.51 | 46.27 | 92.54 | 185.08 | 370.16 | 925.40 | 1,850.80 | 3.31 | 3.76 |
| 8 to 8½ years | 18.86 | 47.14 | 94.28 | 188.56 | 377.12 | 942.80 | 1,885.60 | 3.32 | 3.75 |
| 8½ to 9 years | 19.21 | 48.02 | 96.04 | 192.08 | 384.16 | 960.40 | 1,920.80 | 3.33 | 3.76 |
| 9 to 9½ years | 19.57 | 48.93 | 97.86 | 195.72 | 391.44 | 978.60 | 1,957.20 | 3.34 | 3.75 |
| 9½ to 10 years | 19.94 | 49.84 | 99.68 | 199.36 | 398.72 | 996.80 | 1,993.60 | 3.34 | 3.77 |
| Second extended maturity value (20 years from original maturity date) [3] | 20.31 | 50.78 | 101.56 | 203.12 | 406.24 | 1,015.60 | 2,031.20 | 3.35 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.

TABLE 17—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1947, THROUGH MAY 1, 1948

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | **3.00 |
| 1½ to 2 years | 10.45 | 26.12 | 52.25 | 104.50 | 209.00 | 522.50 | 1,045.00 | 2.91 | †3.51 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 2 to 2½ years | $10.60 | $26.51 | $53.02 | $106.04 | $212.08 | $530.20 | $1,060.40 | 2.91 | 3.54 |
| 2½ to 3 years | 10.77 | 26.92 | 53.84 | 107.68 | 215.36 | 538.40 | 1,076.80 | 2.91 | 3.57 |
| 3 to 3½ years | 10.94 | 27.34 | 54.68 | 109.36 | 218.72 | 546.80 | 1,093.60 | 2.92 | 3.61 |
| 3½ to 4 years | 11.11 | 27.77 | 55.54 | 111.08 | 222.16 | 555.40 | 1,110.80 | 2.93 | 3.64 |
| 4 to 4½ years | 11.28 | 28.20 | 56.40 | 112.80 | 225.60 | 564.00 | 1,128.00 | 2.94 | 3.69 |
| 4½ to 5 years | 11.46 | 28.65 | 57.30 | 114.60 | 229.20 | 573.00 | 1,146.00 | 2.95 | 3.73 |
| 5 to 5½ years | 11.66 | 29.16 | 58.32 | 116.64 | 233.28 | 583.20 | 1,166.40 | 2.97 | 3.75 |
| 5½ to 6 years | 11.87 | 29.68 | 59.36 | 118.72 | 237.44 | 593.60 | 1,187.20 | 2.99 | 3.77 |
| 6 to 6½ years | 12.08 | 30.21 | 60.42 | 120.84 | 241.68 | 604.20 | 1,208.40 | 3.00 | 3.79 |
| 6½ to 7 years | 12.30 | 30.75 | 61.50 | 123.00 | 246.00 | 615.00 | 1,230.00 | 3.02 | 3.82 |
| 7 to 7½ years | 12.52 | 31.30 | 62.60 | 125.20 | 250.40 | 626.00 | 1,252.00 | 3.04 | 3.87 |
| 7½ to 8 years | 12.74 | 31.86 | 63.72 | 127.44 | 254.88 | 637.20 | 1,274.40 | 3.05 | 3.92 |
| 8 to 8½ years | 12.98 | 32.44 | 64.88 | 129.76 | 259.52 | 648.80 | 1,297.60 | 3.07 | 3.99 |
| 8½ to 9 years | 13.23 | 33.08 | 66.16 | 132.32 | 264.64 | 661.60 | 1,323.20 | 3.09 | 4.01 |
| 9 to 9½ years | 13.49 | 33.73 | 67.46 | 134.92 | 269.84 | 674.60 | 1,349.20 | 3.11 | 4.05 |
| 9½ to 10 years | 13.76 | 34.40 | 68.80 | 137.60 | 275.20 | 688.00 | 1,376.00 | 3.14 | 4.13 |
| First extended maturity value (10 years from original maturity date)[2] | 14.04 | 35.11 | 70.22 | 140.44 | 280.88 | 702.20 | 1,404.40 | 3.16 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $14.04 | $35.11 | $70.22 | $140.44 | $280.88 | $702.20 | $1,404.40 | 3.16 | 3.75 |
| ½ to 1 year | 14.31 | 35.77 | 71.54 | 143.08 | 286.16 | 715.40 | 1,430.80 | 3.18 | 3.75 |
| 1 to 1½ years | 14.58 | 36.44 | 72.88 | 145.76 | 291.52 | 728.80 | 1,457.60 | 3.19 | 3.75 |
| 1½ to 2 years | 14.85 | 37.12 | 74.24 | 148.48 | 296.96 | 742.40 | 1,484.80 | 3.20 | 3.75 |
| 2 to 2½ years | 15.13 | 37.82 | 75.64 | 151.28 | 302.56 | 756.40 | 1,512.80 | 3.21 | 3.75 |
| 2½ to 3 years | 15.41 | 38.53 | 77.06 | 154.12 | 308.24 | 770.60 | 1,541.20 | 3.23 | 3.75 |
| 3 to 3½ years | 15.70 | 39.25 | 78.50 | 157.00 | 314.00 | 785.00 | 1,570.00 | 3.24 | 3.75 |
| 3½ to 4 years | 16.00 | 39.99 | 79.98 | 159.96 | 319.92 | 799.80 | 1,599.60 | 3.25 | 3.75 |
| 4 to 4½ years | 16.30 | 40.74 | 81.48 | 162.96 | 325.92 | 814.80 | 1,629.60 | 3.26 | 3.75 |
| 4½ to 5 years | 16.60 | 41.50 | 83.00 | 166.00 | 332.00 | 830.00 | 1,660.00 | 3.27 | 3.75 |
| 5 to 5½ years | 16.91 | 42.28 | 84.56 | 169.12 | 338.24 | 845.60 | 1,691.20 | 3.28 | 3.75 |
| 5½ to 6 years | 17.23 | 43.07 | 86.14 | 172.28 | 344.56 | 861.40 | 1,722.80 | 3.29 | 3.75 |
| 6 to 6½ years | 17.55 | 43.88 | 87.76 | 175.52 | 351.04 | 877.60 | 1,755.20 | 3.30 | 3.75 |
| 6½ to 7 years | 17.88 | 44.70 | 89.40 | 178.80 | 357.60 | 894.00 | 1,788.00 | 3.31 | 3.75 |
| 7 to 7½ years | 18.22 | 45.54 | 91.08 | 182.16 | 364.32 | 910.80 | 1,821.60 | 3.31 | 3.75 |
| 7½ to 8 years | 18.56 | 46.39 | 92.78 | 185.56 | 371.12 | 927.80 | 1,855.60 | 3.32 | 3.75 |
| 8 to 8½ years | 18.90 | 47.26 | 94.52 | 189.04 | 378.08 | 945.20 | 1,890.40 | 3.33 | 3.75 |
| 8½ to 9 years | 19.26 | 48.15 | 96.30 | 192.60 | 385.20 | 963.00 | 1,926.00 | 3.34 | 3.75 |
| 9 to 9½ years | 19.62 | 49.05 | 98.10 | 196.20 | 392.40 | 981.00 | 1,962.00 | 3.34 | 3.76 |
| 9½ to 10 years | 19.99 | 49.97 | 99.94 | 199.88 | 399.76 | 999.40 | 1,998.80 | 3.35 | 3.76 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.36 | 50.91 | 101.82 | 203.64 | 407.28 | 1,018.20 | 2,036.40 | 3.36 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 22, 1959.
[2] 20 years from issue date. [3] 30 years from issue date.



TABLE 18—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1948

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | **3.00 |
| 1 to 1½ years | 10.30 | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 2.90 | †3.50 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 1½ to 2 years | $10.46 | $26.14 | $52.28 | $104.56 | $209.12 | $522.80 | $1,045.60 | 2.91 | 3.53 |
| 2 to 2½ years | 10.61 | 26.52 | 53.04 | 106.08 | 212.16 | 530.40 | 1,060.80 | 2.91 | 3.57 |
| 2½ to 3 years | 10.77 | 26.93 | 53.86 | 107.72 | 215.44 | 538.60 | 1,077.20 | 2.92 | 3.60 |
| 3 to 3½ years | 10.94 | 27.36 | 54.72 | 109.44 | 218.88 | 547.20 | 1,094.40 | 2.93 | 3.63 |
| 3½ to 4 years | 11.12 | 27.80 | 55.60 | 111.20 | 222.40 | 556.00 | 1,112.00 | 2.94 | 3.66 |
| 4 to 4½ years | 11.30 | 28.24 | 56.48 | 112.96 | 225.92 | 564.80 | 1,129.60 | 2.95 | 3.70 |
| 4½ to 5 years | 11.48 | 28.69 | 57.38 | 114.76 | 229.52 | 573.80 | 1,147.60 | 2.96 | 3.75 |
| 5 to 5½ years | 11.68 | 29.21 | 58.42 | 116.84 | 233.68 | 584.20 | 1,168.40 | 2.98 | 3.76 |
| 5½ to 6 years | 11.89 | 29.73 | 59.46 | 118.92 | 237.84 | 594.60 | 1,189.20 | 3.00 | 3.79 |
| 6 to 6½ years | 12.10 | 30.26 | 60.52 | 121.04 | 242.08 | 605.20 | 1,210.40 | 3.01 | 3.81 |
| 6½ to 7 years | 12.32 | 30.81 | 61.62 | 123.24 | 246.48 | 616.20 | 1,232.40 | 3.03 | 3.84 |
| 7 to 7½ years | 12.55 | 31.37 | 62.74 | 125.48 | 250.96 | 627.40 | 1,254.80 | 3.05 | 3.87 |
| 7½ to 8 years | 12.77 | 31.93 | 63.86 | 127.72 | 255.44 | 638.60 | 1,277.20 | 3.07 | 3.93 |
| 8 to 8½ years | 13.00 | 32.51 | 65.02 | 130.04 | 260.08 | 650.20 | 1,300.40 | 3.08 | 4.01 |
| 8½ to 9 years | 13.26 | 33.15 | 66.30 | 132.60 | 265.20 | 663.00 | 1,326.00 | 3.10 | 4.03 |
| 9 to 9½ years | 13.52 | 33.81 | 67.62 | 135.24 | 270.48 | 676.20 | 1,352.40 | 3.13 | 4.06 |
| 9½ to 10 years | 13.79 | 34.48 | 68.96 | 137.92 | 275.84 | 689.60 | 1,379.20 | 3.15 | 4.15 |
| First extended maturity value (10 years from original maturity date)[2] | 14.08 | 35.20 | 70.39 | 140.78 | 281.56 | 703.90 | 1,407.80 | 3.17 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $14.08 | $35.20 | $70.39 | $140.78 | $281.56 | $703.90 | $1,407.80 | 3.17 | 3.75 |
| ½ to 1 year | 14.34 | 35.85 | 71.70 | 143.40 | 286.80 | 717.00 | 1,434.00 | 3.19 | 3.75 |
| 1 to 1½ years | 14.61 | 36.53 | 73.06 | 146.12 | 292.24 | 730.60 | 1,461.20 | 3.20 | 3.75 |
| 1½ to 2 years | 14.88 | 37.21 | 74.42 | 148.84 | 297.68 | 744.20 | 1,488.40 | 3.21 | 3.75 |
| 2 to 2½ years | 15.16 | 37.91 | 75.82 | 151.64 | 303.28 | 758.20 | 1,516.40 | 3.23 | 3.75 |
| 2½ to 3 years | 15.45 | 38.62 | 77.24 | 154.48 | 308.96 | 772.40 | 1,544.80 | 3.24 | 3.75 |
| 3 to 3½ years | 15.74 | 39.34 | 78.68 | 157.36 | 314.72 | 786.80 | 1,573.60 | 3.25 | 3.75 |
| 3½ to 4 years | 16.03 | 40.08 | 80.16 | 160.32 | 320.64 | 801.60 | 1,603.20 | 3.26 | 3.75 |
| 4 to 4½ years | 16.33 | 40.83 | 81.66 | 163.32 | 326.64 | 816.60 | 1,633.20 | 3.27 | 3.75 |
| 4½ to 5 years | 16.64 | 41.60 | 83.20 | 166.40 | 332.80 | 832.00 | 1,664.00 | 3.28 | 3.75 |
| 5 to 5½ years | 16.95 | 42.38 | 84.76 | 169.52 | 339.04 | 847.60 | 1,695.20 | 3.29 | 3.75 |
| 5½ to 6 years | 17.27 | 43.17 | 86.34 | 172.68 | 345.36 | 863.40 | 1,726.80 | 3.30 | 3.75 |
| 6 to 6½ years | 17.59 | 43.98 | 87.96 | 175.92 | 351.84 | 879.60 | 1,759.20 | 3.31 | 3.75 |
| 6½ to 7 years | 17.92 | 44.81 | 89.62 | 179.24 | 358.48 | 896.20 | 1,792.40 | 3.31 | 3.75 |
| 7 to 7½ years | 18.26 | 45.65 | 91.30 | 182.60 | 365.20 | 913.00 | 1,826.00 | 3.32 | 3.75 |
| 7½ to 8 years | 18.60 | 46.50 | 93.00 | 186.00 | 372.00 | 930.00 | 1,860.00 | 3.33 | 3.75 |
| 8 to 8½ years | 18.95 | 47.38 | 94.76 | 189.52 | 379.04 | 947.60 | 1,895.20 | 3.34 | 3.75 |
| 8½ to 9 years | 19.30 | 48.26 | 96.52 | 193.04 | 386.08 | 965.20 | 1,930.40 | 3.34 | 3.76 |
| 9 to 9½ years | 19.67 | 49.17 | 98.34 | 196.68 | 393.36 | 983.40 | 1,966.80 | 3.35 | 3.75 |
| 9½ to 10 years | 20.04 | 50.09 | 100.18 | 200.36 | 400.72 | 1,001.80 | 2,003.60 | 3.36 | 3.75 |
| Second extended maturity value (20 years from original maturity date)[3] | 20.41 | 51.03 | 102.06 | 204.12 | 408.24 | 1,020.60 | 2,041.20 | 3.37 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.

TABLE 19—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1948, THROUGH MAY 1, 1949

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period (a) to first extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | **3.00 |
| ½ to 1 year | 10.15 | 25.37 | 50.75 | 101.50 | 203.00 | 507.50 | 1,015.00 | 2.90 | †3.50 |
| Redemption values and investment yields to first extended maturity on basis of June 1, 1959, revision[1] | | | | | | | | | |
| 1 to 1½ years | $10.30 | $25.76 | $51.52 | $103.04 | $206.08 | $515.20 | $1,030.40 | 2.91 | 3.53 |
| 1½ to 2 years | 10.46 | 26.14 | 52.28 | 104.56 | 209.12 | 522.80 | 1,045.60 | 2.91 | 3.56 |
| 2 to 2½ years | 10.61 | 26.53 | 53.06 | 106.12 | 212.24 | 530.60 | 1,061.20 | 2.91 | 3.59 |
| 2½ to 3 years | 10.78 | 26.96 | 53.92 | 107.84 | 215.68 | 539.20 | 1,078.40 | 2.93 | 3.62 |
| 3 to 3½ years | 10.96 | 27.39 | 54.78 | 109.56 | 219.12 | 547.80 | 1,095.60 | 2.94 | 3.65 |
| 3½ to 4 years | 11.13 | 27.83 | 55.66 | 111.32 | 222.64 | 556.60 | 1,113.20 | 2.95 | 3.68 |
| 4 to 4½ years | 11.31 | 28.26 | 56.56 | 113.12 | 226.24 | 565.60 | 1,131.20 | 2.96 | 3.72 |
| 4½ to 5 years | 11.50 | 28.74 | 57.48 | 114.96 | 229.92 | 574.80 | 1,149.60 | 2.97 | 3.76 |
| 5 to 5½ years | 11.70 | 29.26 | 58.52 | 117.04 | 234.08 | 585.20 | 1,170.40 | 2.99 | 3.78 |
| 5½ to 6 years | 11.92 | 29.79 | 59.58 | 119.16 | 238.32 | 595.80 | 1,191.60 | 3.01 | 3.79 |
| 6 to 6½ years | 12.13 | 30.33 | 60.66 | 121.32 | 242.64 | 606.60 | 1,213.20 | 3.03 | 3.82 |
| 6½ to 7 years | 12.35 | 30.87 | 61.74 | 123.48 | 246.96 | 617.40 | 1,234.80 | 3.04 | 3.85 |
| 7 to 7½ years | 12.57 | 31.43 | 62.86 | 125.72 | 251.44 | 628.60 | 1,257.20 | 3.06 | 3.89 |
| 7½ to 8 years | 12.80 | 32.00 | 64.00 | 128.00 | 256.00 | 640.00 | 1,280.00 | 3.08 | 3.94 |
| 8 to 8½ years | 13.04 | 32.59 | 65.18 | 130.36 | 260.72 | 651.80 | 1,303.60 | 3.09 | 4.01 |
| 8½ to 9 years | 13.29 | 33.23 | 66.46 | 132.92 | 265.84 | 664.60 | 1,329.20 | 3.12 | 4.03 |
| 9 to 9½ years | 13.56 | 33.89 | 67.78 | 135.56 | 271.12 | 677.80 | 1,355.60 | 3.14 | 4.06 |
| 9½ to 10 years | 13.82 | 34.56 | 69.12 | 138.24 | 276.48 | 691.20 | 1,382.40 | 3.16 | 4.17 |
| First extended maturity value (10 years from original maturity date)* | 14.11 | 35.28 | 70.56 | 141.12 | 282.24 | 705.60 | 1,411.20 | 3.19 | |
| Period after first extended maturity (beginning 20 years after issue date) | Second extended maturity period | | | | | | | | (b) to second extended maturity |
| First ½ year | $14.11 | $35.28 | $70.56 | $141.12 | $282.24 | $705.60 | $1,411.20 | 3.19 | 3.75 |
| ½ to 1 year | 14.38 | 35.94 | 71.88 | 143.76 | 287.52 | 718.80 | 1,437.60 | 3.20 | 3.75 |
| 1 to 1½ years | 14.65 | 36.62 | 73.24 | 146.48 | 292.96 | 732.40 | 1,464.80 | 3.21 | 3.75 |
| 1½ to 2 years | 14.92 | 37.30 | 74.60 | 149.20 | 298.40 | 746.00 | 1,492.00 | 3.22 | 3.75 |
| 2 to 2½ years | 15.20 | 38.00 | 76.00 | 152.00 | 304.00 | 760.00 | 1,520.00 | 3.24 | 3.75 |
| 2½ to 3 years | 15.48 | 38.71 | 77.42 | 154.84 | 309.68 | 774.20 | 1,548.40 | 3.25 | 3.75 |
| 3 to 3½ years | 15.78 | 39.44 | 78.88 | 157.76 | 315.52 | 788.80 | 1,577.60 | 3.26 | 3.75 |
| 3½ to 4 years | 16.07 | 40.18 | 80.36 | 160.72 | 321.44 | 803.60 | 1,607.20 | 3.27 | 3.75 |
| 4 to 4½ years | 16.37 | 40.93 | 81.86 | 163.72 | 327.44 | 818.60 | 1,637.20 | 3.28 | 3.75 |
| 4½ to 5 years | 16.68 | 41.70 | 83.40 | 166.80 | 333.60 | 834.00 | 1,668.00 | 3.29 | 3.75 |
| 5 to 5½ years | 16.99 | 42.48 | 84.96 | 169.92 | 339.84 | 849.60 | 1,699.20 | 3.30 | 3.76 |
| 5½ to 6 years | 17.31 | 43.28 | 86.56 | 173.12 | 346.24 | 865.60 | 1,731.20 | 3.31 | 3.75 |
| 6 to 6½ years | 17.64 | 44.09 | 88.18 | 176.36 | 352.72 | 881.80 | 1,763.60 | 3.32 | 3.75 |
| 6½ to 7 years | 17.97 | 44.92 | 89.84 | 179.68 | 359.36 | 898.40 | 1,796.80 | 3.32 | 3.75 |
| 7 to 7½ years | 18.30 | 45.76 | 91.52 | 183.04 | 366.08 | 915.20 | 1,830.40 | 3.33 | 3.75 |
| 7½ to 8 years | 18.65 | 46.62 | 93.24 | 186.48 | 372.96 | 932.40 | 1,864.80 | 3.34 | 3.74 |
| 8 to 8½ years | 19.00 | 47.49 | 94.98 | 189.96 | 379.92 | 949.80 | 1,899.60 | 3.35 | 3.75 |
| 8½ to 9 years | 19.35 | 48.38 | 96.76 | 193.52 | 387.04 | 967.60 | 1,935.20 | 3.35 | 3.75 |
| 9 to 9½ years | 19.72 | 49.29 | 98.58 | 197.16 | 394.32 | 985.80 | 1,971.60 | 3.36 | 3.74 |
| 9½ to 10 years | 20.08 | 50.21 | 100.42 | 200.84 | 401.68 | 1,004.20 | 2,008.40 | 3.37 | 3.74 |
| Second extended maturity value (20 years from original maturity date)* | 20.46 | 51.15 | 102.30 | 204.60 | 409.20 | 1,023.00 | 2,046.00 | 3.37 | |

*Calculated on basis of $1,000 bond (face value).
**Approximate investment yield from beginning of each half-year period to first extended maturity, at first extended maturity value prior to June 1, 1959 revision.
†Approximate investment yield from effective date of June 1, 1959 revision to first extended maturity.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959. [2] 20 years from issue date. [3] 30 years from issue date.



TABLE 20—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1949

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Maturity value | 10.08 | 25.08 | 50.16 | 100.32 | 200.64 | 501.60 | 1,003.20 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.00 | $25.00 | $50.00 | $100.00 | $200.00 | $500.00 | $1,000.00 | 2.90 | †3.75 |
| ½ to 1 year | $10.18 | $25.44 | $50.88 | $101.76 | $203.52 | $508.80 | $1,017.60 | 2.93 | 3.76 |
| 1 to 1½ years | 10.36 | 25.89 | 51.78 | 103.56 | 207.12 | 517.80 | 1,035.60 | 2.95 | 3.77 |
| 1½ to 2 years | 10.54 | 26.35 | 52.70 | 105.40 | 210.80 | 527.00 | 1,054.00 | 2.98 | 3.79 |
| 2 to 2½ years | 10.73 | 26.83 | 53.66 | 107.32 | 214.64 | 536.60 | 1,073.20 | 3.01 | 3.80 |
| 2½ to 3 years | 10.92 | 27.31 | 54.62 | 109.24 | 218.48 | 546.20 | 1,092.40 | 3.03 | 3.81 |
| 3 to 3½ years | 11.12 | 27.81 | 55.62 | 111.24 | 222.48 | 556.20 | 1,112.40 | 3.06 | 3.82 |
| 3½ to 4 years | 11.33 | 28.32 | 56.64 | 113.28 | 226.56 | 566.40 | 1,132.80 | 3.08 | 3.83 |
| 4 to 4½ years | 11.54 | 28.84 | 57.68 | 115.36 | 230.72 | 576.80 | 1,153.60 | 3.10 | 3.85 |
| 4½ to 5 years | 11.75 | 29.38 | 58.76 | 117.52 | 235.04 | 587.60 | 1,175.20 | 3.12 | 3.86 |
| 5 to 5½ years | 11.97 | 29.93 | 59.86 | 119.72 | 239.44 | 598.60 | 1,197.20 | 3.14 | 3.87 |
| 5½ to 6 years | 12.20 | 30.49 | 60.98 | 121.96 | 243.92 | 609.80 | 1,219.60 | 3.16 | 3.88 |
| 6 to 6½ years | 12.43 | 31.07 | 62.14 | 124.28 | 248.56 | 621.40 | 1,242.80 | 3.18 | 3.89 |
| 6½ to 7 years | 12.66 | 31.66 | 63.32 | 126.64 | 253.28 | 633.20 | 1,266.40 | 3.20 | 3.91 |
| 7 to 7½ years | 12.90 | 32.26 | 64.52 | 129.04 | 258.08 | 645.20 | 1,290.40 | 3.22 | 3.93 |
| 7½ to 8 years | 13.16 | 32.89 | 65.78 | 131.56 | 263.12 | 657.80 | 1,315.60 | 3.24 | 3.93 |
| 8 to 8½ years | 13.41 | 33.53 | 67.06 | 134.12 | 268.24 | 670.60 | 1,341.20 | 2.26 | 3.94 |
| 8½ to 9 years | 13.67 | 34.18 | 68.36 | 136.72 | 273.44 | 683.60 | 1,367.20 | 3.27 | 3.96 |
| 9 to 9½ years | 13.94 | 34.85 | 69.70 | 139.40 | 278.80 | 697.00 | 1,394.00 | 3.29 | 3.98 |
| 9½ to 10 years | 14.22 | 35.54 | 71.08 | 142.16 | 284.32 | 710.80 | 1,421.60 | 3.31 | 4.00 |
| Extended maturity value (10 years from original maturity date)[1] | 14.50 | 36.25 | 72.50 | 145.00 | 290.00 | 725.00 | 1,450.00 | 3.32 | |

*Calculated on basis of $1,000 bond (face value).
†Revised approximate investment yield for entire period from original maturity to extended maturity.
[1] 20 years from issue date.

TABLE 21—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1949, THROUGH MAY 1, 1950

| Issue price | $7.50 | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 10.00 | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Maturity value | 10.03 | 25.08 | 50.16 | 100.32 | 200.64 | 501.60 | 1,003.20 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | First extended maturity period | | | | | | | | |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $10.03 | $25.08 | $50.16 | $100.32 | $200.64 | $501.60 | $1,003.20 | 2.93 | 3.75 |
| ½ to 1 year | 10.21 | 25.52 | 51.04 | 102.08 | 204.16 | 510.40 | 1,020.80 | 2.96 | 3.76 |
| 1 to 1½ years | 10.39 | 25.97 | 51.94 | 103.88 | 207.76 | 519.40 | 1,038.80 | 2.98 | 3.77 |
| 1½ to 2 years | 10.58 | 26.44 | 52.88 | 105.76 | 211.52 | 528.80 | 1,057.60 | 3.01 | 3.78 |
| 2 to 2½ years | 10.76 | 26.91 | 53.82 | 107.64 | 215.28 | 538.20 | 1,076.40 | 3.03 | 3.80 |
| 2½ to 3 years | 10.96 | 27.40 | 54.80 | 109.60 | 219.20 | 548.00 | 1,096.00 | 3.06 | 3.81 |
| 3 to 3½ years | 11.16 | 27.90 | 55.80 | 111.60 | 223.20 | 558.00 | 1,116.00 | 3.08 | 3.82 |
| 3½ to 4 years | 11.36 | 28.41 | 56.82 | 113.64 | 227.28 | 568.20 | 1,136.40 | 3.10 | 3.83 |
| 4 to 4½ years | 11.57 | 28.93 | 57.86 | 115.72 | 231.44 | 578.60 | 1,157.20 | 3.12 | 3.85 |
| 4½ to 5 years | 11.79 | 29.47 | 58.94 | 117.88 | 235.76 | 589.40 | 1,178.80 | 3.14 | 3.86 |
| 5 to 5½ years | 12.01 | 30.02 | 60.04 | 120.08 | 240.16 | 600.40 | 1,200.80 | 3.16 | 3.87 |
| 5½ to 6 years | 12.24 | 30.59 | 61.18 | 122.36 | 244.72 | 611.80 | 1,223.60 | 3.18 | 3.88 |
| 6 to 6½ years | 12.46 | 31.16 | 62.32 | 124.64 | 249.28 | 623.20 | 1,246.40 | 3.20 | 3.90 |
| 6½ to 7 years | 12.70 | 31.76 | 63.52 | 127.04 | 254.08 | 635.20 | 1,270.40 | 3.22 | 3.90 |
| 7 to 7½ years | 12.95 | 32.37 | 64.74 | 129.48 | 258.96 | 647.40 | 1,294.80 | 3.24 | 3.91 |
| 7½ to 8 years | 13.20 | 32.99 | 65.98 | 131.96 | 263.92 | 659.80 | 1,319.60 | 3.25 | 3.93 |
| 8 to 8½ years | 13.45 | 33.63 | 67.26 | 134.52 | 269.04 | 672.60 | 1,345.20 | 3.27 | 3.94 |
| 8½ to 9 years | 13.72 | 34.29 | 68.58 | 137.16 | 274.32 | 685.80 | 1,371.60 | 3.29 | 3.95 |
| 9 to 9½ years | 13.98 | 34.96 | 69.92 | 139.84 | 279.68 | 699.20 | 1,398.40 | 3.31 | 3.97 |
| 9½ to 10 years | 14.26 | 35.66 | 71.32 | 142.64 | 285.28 | 713.20 | 1,426.40 | 3.32 | 3.98 |
| Extended maturity value (10 years from original maturity date)[1] | 14.54 | 36.36 | 72.72 | 145.44 | 290.88 | 727.20 | 1,454.40 | 3.34 | |

*Calculated on basis of $1,000 bond (face value).
[1] 20 years from issue date.

TABLE 22—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1950

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Maturity value | 25.15 | 50.30 | 100.60 | 201.20 | 503.00 | 1,006.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.15 | $50.30 | $100.60 | $201.20 | $503.00 | $1,006.00 | 2.96 | 3.75 |
| ½ to 1 year | 25.59 | 51.18 | 102.36 | 204.72 | 511.80 | 1,023.60 | 2.98 | 3.76 |
| 1 to 1½ years | 26.05 | 52.10 | 104.20 | 208.40 | 521.00 | 1,042.00 | 3.01 | 3.77 |
| 1½ to 2 years | 26.51 | 53.02 | 106.04 | 212.08 | 530.20 | 1,060.40 | 3.03 | 3.79 |
| 2 to 2½ years | 26.99 | 53.98 | 107.96 | 215.92 | 539.80 | 1,079.60 | 3.06 | 3.80 |
| 2½ to 3 years | 27.48 | 54.96 | 109.92 | 219.84 | 549.60 | 1,099.20 | 3.08 | 3.81 |
| 3 to 3½ years | 27.98 | 55.96 | 111.92 | 223.84 | 559.60 | 1,119.20 | 3.10 | 3.82 |
| 3½ to 4 years | 28.49 | 56.98 | 113.96 | 227.92 | 569.80 | 1,139.60 | 3.12 | 3.83 |
| 4 to 4½ years | 29.01 | 58.02 | 116.04 | 232.08 | 580.20 | 1,160.40 | 3.14 | 3.85 |
| 4½ to 5 years | 29.55 | 59.10 | 118.20 | 236.40 | 591.00 | 1,182.00 | 3.16 | 3.86 |
| 5 to 5½ years | 30.10 | 60.20 | 120.40 | 240.80 | 602.00 | 1,204.00 | 3.18 | 3.88 |
| 5½ to 6 years | 30.67 | 61.34 | 122.68 | 245.36 | 613.40 | 1,226.80 | 3.20 | 3.89 |
| 6 to 6½ years | 31.25 | 62.50 | 125.00 | 250.00 | 625.00 | 1,250.00 | 3.22 | 3.90 |
| 6½ to 7 years | 31.85 | 63.70 | 127.40 | 254.80 | 637.00 | 1,274.00 | 3.24 | 3.91 |
| 7 to 7½ years | 32.46 | 64.92 | 129.84 | 259.68 | 649.20 | 1,298.40 | 3.25 | 3.92 |
| 7½ to 8 years | 33.08 | 66.16 | 132.32 | 264.64 | 661.60 | 1,323.20 | 3.27 | 3.94 |
| 8 to 8½ years | 33.73 | 67.46 | 134.92 | 269.84 | 674.60 | 1,349.20 | 3.29 | 3.94 |
| 8½ to 9 years | 34.39 | 68.78 | 137.56 | 275.12 | 687.80 | 1,375.60 | 3.31 | 3.95 |
| 9 to 9½ years | 35.06 | 70.12 | 140.24 | 280.48 | 701.20 | 1,402.40 | 3.32 | 3.98 |
| 9½ to 10 years | 35.75 | 71.50 | 143.00 | 286.00 | 715.00 | 1,430.00 | 3.34 | 4.03 |
| Extended maturity value (10 years from original maturity date)[1] | 36.47 | 72.94 | 145.88 | 291.76 | 729.40 | 1,458.80 | 3.35 | |

*Calculated on basis of $1,000 bond (face value).
[1] 20 years from issue date.

TABLE 23—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1950, THROUGH MAY 1, 1951

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Maturity value | 25.22 | 50.44 | 100.88 | 201.76 | 504.40 | 1,008.80 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.22 | $50.44 | $100.88 | $201.76 | $504.40 | $1,008.80 | 2.99 | 3.75 |
| ½ to 1 year | 25.66 | 51.32 | 102.64 | 205.28 | 513.20 | 1,026.40 | 3.01 | 3.76 |
| 1 to 1½ years | 26.12 | 52.24 | 104.48 | 208.96 | 522.40 | 1,044.80 | 3.04 | 3.77 |
| 1½ to 2 years | 26.58 | 53.16 | 106.32 | 212.64 | 531.60 | 1,063.20 | 3.06 | 3.79 |
| 2 to 2½ years | 27.06 | 54.12 | 108.24 | 216.48 | 541.20 | 1,082.40 | 3.08 | 3.80 |
| 2½ to 3 years | 27.55 | 55.10 | 110.20 | 220.40 | 551.00 | 1,102.00 | 3.10 | 3.81 |
| 3 to 3½ years | 28.05 | 56.10 | 112.20 | 224.40 | 561.00 | 1,122.00 | 3.12 | 3.83 |
| 3½ to 4 years | 28.57 | 57.14 | 114.28 | 228.56 | 571.40 | 1,142.80 | 3.14 | 3.83 |
| 4 to 4½ years | 29.09 | 58.18 | 116.36 | 232.72 | 581.80 | 1,163.60 | 3.16 | 3.85 |
| 4½ to 5 years | 29.63 | 59.26 | 118.52 | 237.04 | 592.60 | 1,185.20 | 3.18 | 3.86 |
| 5 to 5½ years | 30.19 | 60.38 | 120.76 | 241.52 | 603.80 | 1,207.60 | 3.20 | 3.87 |
| 5½ to 6 years | 30.76 | 61.52 | 123.04 | 246.08 | 615.20 | 1,230.40 | 3.22 | 3.88 |
| 6 to 6½ years | 31.34 | 62.68 | 125.36 | 250.72 | 626.80 | 1,253.60 | 3.24 | 3.90 |
| 6½ to 7 years | 31.94 | 63.88 | 127.76 | 255.52 | 638.80 | 1,277.60 | 3.25 | 3.91 |
| 7 to 7½ years | 32.55 | 65.10 | 130.20 | 260.40 | 651.00 | 1,302.00 | 3.27 | 3.92 |
| 7½ to 8 years | 33.18 | 66.36 | 132.72 | 265.44 | 663.60 | 1,327.20 | 3.29 | 3.93 |
| 8 to 8½ years | 33.82 | 67.64 | 135.28 | 270.56 | 676.40 | 1,352.80 | 3.30 | 3.95 |
| 8½ to 9 years | 34.48 | 68.96 | 137.92 | 275.84 | 689.60 | 1,379.20 | 3.32 | 3.96 |
| 9 to 9½ years | 35.16 | 70.32 | 140.64 | 281.28 | 703.20 | 1,406.40 | 3.34 | 3.97 |
| 9½ to 10 years | 35.85 | 71.70 | 143.40 | 286.80 | 717.00 | 1,434.00 | 3.35 | 4.02 |
| Extended maturity value (10 years from original maturity date)[1] | 36.57 | 73.14 | 146.28 | 292.56 | 731.40 | 1,462.80 | 3.37 | |

*Calculated on basis of $1,000 bond (face value).
[1] 20 years from issue date.



TABLE 24—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1951

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Maturity value | 25.30 | 50.60 | 101.20 | 202.40 | 506.00 | 1,012.00 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.30 | $50.60 | $101.20 | $202.40 | $506.00 | $1,012.00 | 3.02 | 3.75 |
| ½ to 1 year | 25.75 | 51.50 | 103.00 | 206.00 | 515.00 | 1,030.00 | 3.04 | 3.76 |
| 1 to 1½ years | 26.20 | 52.40 | 104.80 | 209.60 | 524.00 | 1,048.00 | 3.06 | 3.77 |
| 1½ to 2 years | 26.67 | 53.34 | 106.68 | 213.36 | 533.40 | 1,066.80 | 3.09 | 3.78 |
| 2 to 2½ years | 27.15 | 54.30 | 108.60 | 217.20 | 543.00 | 1,086.00 | 3.11 | 3.80 |
| 2½ to 3 years | 27.64 | 55.28 | 110.56 | 221.12 | 552.80 | 1,105.60 | 3.13 | 3.81 |
| 3 to 3½ years | 28.14 | 56.28 | 112.56 | 225.12 | 562.80 | 1,125.60 | 3.15 | 3.82 |
| 3½ to 4 years | 28.66 | 57.32 | 114.64 | 229.28 | 573.20 | 1,146.40 | 3.17 | 3.83 |
| 4 to 4½ years | 29.19 | 58.38 | 116.76 | 233.52 | 583.80 | 1,167.60 | 3.19 | 3.84 |
| 4½ to 5 years | 29.73 | 59.46 | 118.92 | 237.84 | 594.60 | 1,189.20 | 3.20 | 3.86 |
| 5 to 5½ years | 30.28 | 60.56 | 121.12 | 242.24 | 605.60 | 1,211.20 | 3.22 | 3.87 |
| 5½ to 6 years | 30.85 | 61.70 | 123.40 | 246.80 | 617.00 | 1,234.00 | 3.24 | 3.88 |
| 6 to 6½ years | 31.44 | 62.88 | 125.76 | 251.52 | 628.80 | 1,257.60 | 3.26 | 3.89 |
| 6½ to 7 years | 32.04 | 64.08 | 128.16 | 256.32 | 640.80 | 1,281.60 | 3.27 | 3.90 |
| 7 to 7½ years | 32.65 | 65.30 | 130.60 | 261.20 | 653.00 | 1,306.00 | 3.29 | 3.92 |
| 7½ to 8 years | 33.28 | 66.56 | 133.12 | 266.24 | 665.60 | 1,331.20 | 3.31 | 3.93 |
| 8 to 8½ years | 33.93 | 67.86 | 135.72 | 271.44 | 678.60 | 1,357.20 | 3.32 | 3.93 |
| 8½ to 9 years | 34.59 | 69.18 | 138.36 | 276.72 | 691.80 | 1,383.60 | 3.34 | 3.95 |
| 9 to 9½ years | 35.27 | 70.54 | 141.08 | 282.16 | 705.40 | 1,410.80 | 3.35 | 3.96 |
| 9½ to 10 years | 35.97 | 71.94 | 143.88 | 287.76 | 719.40 | 1,438.80 | 3.37 | 3.95 |
| Extended maturity value (10 years from original maturity date)[1] | 36.68 | 73.36 | 146.72 | 293.44 | 733.60 | 1,467.20 | 3.38 | |

*Calculated on basis of $1,000 bond (face value).

TABLE 25—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1951, THROUGH APRIL 1, 1952

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | | |
| Maturity value | 25.37 | 50.74 | 101.48 | 202.96 | 507.40 | 1,014.80 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.37 | $50.74 | $101.48 | $202.96 | $507.40 | $1,014.80 | 3.05 | 3.75 |
| ½ to 1 year | 25.82 | 51.64 | 103.28 | 206.56 | 516.40 | 1,032.80 | 3.07 | 3.76 |
| 1 to 1½ years | 26.27 | 52.54 | 105.08 | 210.16 | 525.40 | 1,050.80 | 3.09 | 3.78 |
| 1½ to 2 years | 26.74 | 53.48 | 106.96 | 213.92 | 534.80 | 1,069.60 | 3.11 | 3.79 |
| 2 to 2½ years | 27.22 | 54.44 | 108.88 | 217.76 | 544.40 | 1,088.80 | 3.13 | 3.80 |
| 2½ to 3 years | 27.72 | 55.44 | 110.88 | 221.76 | 554.40 | 1,108.80 | 3.15 | 3.81 |
| 3 to 3½ years | 28.22 | 56.44 | 112.88 | 225.76 | 564.40 | 1,128.80 | 3.17 | 3.82 |
| 3½ to 4 years | 28.74 | 57.48 | 114.96 | 229.92 | 574.80 | 1,149.60 | 3.19 | 3.84 |
| 4 to 4½ years | 29.27 | 58.54 | 117.08 | 234.16 | 585.40 | 1,170.80 | 3.21 | 3.85 |
| 4½ to 5 years | 29.81 | 59.62 | 119.24 | 238.48 | 596.20 | 1,192.40 | 3.22 | 3.86 |
| 5 to 5½ years | 30.37 | 60.74 | 121.48 | 242.96 | 607.40 | 1,214.80 | 3.24 | 3.87 |
| 5½ to 6 years | 30.94 | 61.88 | 123.76 | 247.52 | 618.80 | 1,237.60 | 3.26 | 3.89 |
| 6 to 6½ years | 31.52 | 63.04 | 126.08 | 252.16 | 630.40 | 1,260.80 | 3.27 | 3.90 |
| 6½ to 7 years | 32.13 | 64.26 | 128.52 | 257.04 | 642.60 | 1,285.20 | 3.29 | 3.91 |
| 7 to 7½ years | 32.74 | 65.48 | 130.96 | 261.92 | 654.80 | 1,309.60 | 3.31 | 3.93 |
| 7½ to 8 years | 33.37 | 66.74 | 133.48 | 266.96 | 667.40 | 1,334.80 | 3.32 | 3.94 |
| 8 to 8½ years | 34.02 | 68.04 | 136.08 | 272.16 | 680.40 | 1,360.80 | 3.34 | 3.95 |
| 8½ to 9 years | 34.69 | 69.38 | 138.76 | 277.52 | 693.80 | 1,387.60 | 3.35 | 3.96 |
| 9 to 9½ years | 35.37 | 70.74 | 141.48 | 282.96 | 707.40 | 1,414.80 | 3.37 | 3.98 |
| 9½ to 10 years | 36.07 | 72.14 | 144.28 | 288.56 | 721.40 | 1,442.80 | 3.38 | 3.99 |
| Extended maturity value (10 years from original maturity date)[1] | 36.79 | 73.58 | 147.16 | 294.32 | 735.80 | 1,471.60 | 3.40 | |

*Calculated on basis of $1,000 bond (face value).
20 years from issue date.

TABLE 26—BONDS BEARING ISSUE DATE OF MAY 1, 1952

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Maturity value | 25.27 | 50.54 | 101.08 | 202.16 | 505.40 | 1,010.80 | 10,108 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.27 | $50.54 | $101.08 | $202.16 | $505.40 | $1,010.80 | $10,108 | 3.11 | 3.75 |
| ½ to 1 year | 25.71 | 51.42 | 102.84 | 205.68 | 514.20 | 1,028.40 | 10,284 | 3.13 | 3.76 |
| 1 to 1½ years | 26.17 | 52.34 | 104.68 | 209.36 | 523.40 | 1,046.80 | 10,468 | 3.15 | 3.77 |
| 1½ to 2 years | 26.64 | 53.28 | 106.56 | 213.12 | 532.80 | 1,065.60 | 10,656 | 3.17 | 3.79 |
| 2 to 2½ years | 27.12 | 54.24 | 108.48 | 216.96 | 542.40 | 1,084.80 | 10,848 | 3.19 | 3.80 |
| 2½ to 3 years | 27.61 | 55.22 | 110.44 | 220.88 | 552.20 | 1,104.40 | 11,044 | 3.21 | 3.81 |
| 3 to 3½ years | 28.11 | 56.22 | 112.44 | 224.88 | 562.20 | 1,124.40 | 11,244 | 3.22 | 3.82 |
| 3½ to 4 years | 28.62 | 57.24 | 114.48 | 228.96 | 572.40 | 1,144.80 | 11,448 | 3.24 | 3.84 |
| 4 to 4½ years | 29.15 | 58.30 | 116.60 | 233.20 | 583.00 | 1,166.00 | 11,660 | 3.25 | 3.85 |
| 4½ to 5 years | 29.69 | 59.38 | 118.76 | 237.52 | 593.80 | 1,187.60 | 11,876 | 3.27 | 3.86 |
| 5 to 5½ years | 30.25 | 60.50 | 121.00 | 242.00 | 605.00 | 1,210.00 | 12,100 | 3.29 | 3.87 |
| 5½ to 6 years | 30.82 | 61.64 | 123.28 | 246.56 | 616.40 | 1,232.80 | 12,328 | 3.30 | 3.88 |
| 6 to 6½ years | 31.40 | 62.80 | 125.60 | 251.20 | 628.00 | 1,256.00 | 12,560 | 3.32 | 3.90 |
| 6½ to 7 years | 32.00 | 64.00 | 128.00 | 256.00 | 640.00 | 1,280.00 | 12,800 | 3.33 | 3.91 |
| 7 to 7½ years | 32.61 | 65.22 | 130.44 | 260.88 | 652.20 | 1,304.40 | 13,044 | 3.35 | 3.92 |
| 7½ to 8 years | 33.24 | 66.48 | 132.96 | 265.92 | 664.80 | 1,329.60 | 13,296 | 3.36 | 3.93 |
| 8 to 8½ years | 33.89 | 67.78 | 135.56 | 271.12 | 677.80 | 1,355.60 | 13,556 | 3.38 | 3.94 |
| 8½ to 9 years | 34.55 | 69.10 | 138.20 | 276.40 | 691.00 | 1,382.00 | 13,820 | 3.39 | 3.95 |
| 9 to 9½ years | 35.23 | 70.46 | 140.92 | 281.84 | 704.60 | 1,409.20 | 14,092 | 3.41 | 3.96 |
| 9½ to 10 years | 35.93 | 71.86 | 143.72 | 287.44 | 718.60 | 1,437.20 | 14,372 | 3.42 | 3.95 |
| Extended maturity value (10 years from original maturity date)[2] | 36.64 | 73.28 | 146.56 | 293.12 | 732.80 | 1,465.60 | 14,656 | 3.44 | ---------- |

* 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 10 years and 8 months after issue date.

TABLE 27—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1952

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Maturity value | 25.33 | 50.66 | 101.32 | 202.64 | 506.60 | 1,013.20 | 10,132 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.33 | $50.66 | $101.32 | $202.64 | $506.60 | $1,013.20 | $10,132 | 3.14 | 3.75 |
| ½ to 1 year | 25.78 | 51.56 | 103.12 | 206.24 | 515.60 | 1,031.20 | 10,312 | 3.16 | 3.76 |
| 1 to 1½ years | 26.23 | 52.46 | 104.92 | 209.84 | 524.60 | 1,049.20 | 10,492 | 3.17 | 3.78 |
| 1½ to 2 years | 26.70 | 53.40 | 106.80 | 213.60 | 534.00 | 1,068.00 | 10,680 | 3.19 | 3.79 |
| 2 to 2½ years | 27.18 | 54.36 | 108.72 | 217.44 | 543.60 | 1,087.20 | 10,872 | 3.21 | 3.80 |
| 2½ to 3 years | 27.67 | 55.34 | 110.68 | 221.36 | 553.40 | 1,106.80 | 11,068 | 3.22 | 3.81 |
| 3 to 3½ years | 28.18 | 56.36 | 112.72 | 225.44 | 563.60 | 1,127.20 | 11,272 | 3.24 | 3.82 |
| 3½ to 4 years | 28.69 | 57.38 | 114.76 | 229.52 | 573.80 | 1,147.60 | 11,476 | 3.26 | 3.84 |
| 4 to 4½ years | 29.22 | 58.44 | 116.88 | 233.76 | 584.40 | 1,168.80 | 11,688 | 3.27 | 3.85 |
| 4½ to 5 years | 29.76 | 59.52 | 119.04 | 238.08 | 595.20 | 1,190.40 | 11,904 | 3.29 | 3.86 |
| 5 to 5½ years | 30.32 | 60.64 | 121.28 | 242.56 | 606.40 | 1,212.80 | 12,128 | 3.30 | 3.87 |
| 5½ to 6 years | 30.89 | 61.78 | 123.56 | 247.12 | 617.80 | 1,235.60 | 12,356 | 3.32 | 3.89 |
| 6 to 6½ years | 31.48 | 62.96 | 125.92 | 251.84 | 629.60 | 1,259.20 | 12,592 | 3.33 | 3.89 |
| 6½ to 7 years | 32.07 | 64.14 | 128.28 | 256.56 | 641.40 | 1,282.80 | 12,828 | 3.35 | 3.91 |
| 7 to 7½ years | 32.69 | 65.38 | 130.76 | 261.52 | 653.80 | 1,307.60 | 13,076 | 3.36 | 3.92 |
| 7½ to 8 years | 33.32 | 66.64 | 133.28 | 266.56 | 666.40 | 1,332.80 | 13,328 | 3.38 | 3.94 |
| 8 to 8½ years | 33.97 | 67.94 | 135.88 | 271.76 | 679.40 | 1,358.80 | 13,588 | 3.39 | 3.94 |
| 8½ to 9 years | 34.63 | 69.26 | 138.52 | 277.04 | 692.60 | 1,385.20 | 13,852 | 3.41 | 3.96 |
| 9 to 9½ years | 35.31 | 70.62 | 141.24 | 282.48 | 706.20 | 1,412.40 | 14,124 | 3.42 | 3.98 |
| 9½ to 10 years | 36.01 | 72.02 | 144.04 | 288.08 | 720.20 | 1,440.40 | 14,404 | 3.43 | 4.00 |
| Extended maturity value (10 years from original maturity date)[2] | 36.73 | 73.46 | 146.92 | 293.84 | 734.60 | 1,469.20 | 14,692 | 3.45 | ---------- |

* 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.



TABLE 28—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1952, THROUGH MAY 1, 1953

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Maturity value | 25.39 | 50.78 | 101.56 | 203.12 | 507.80 | 1,015.60 | 10,156 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.39 | $50.78 | $101.56 | $203.12 | $507.80 | $1,015.60 | $10,156 | 3.16 | 3.75 |
| ½ to 1 year | 25.84 | 51.68 | 103.36 | 206.72 | 516.80 | 1,033.60 | 10,336 | 3.18 | 3.76 |
| 1 to 1½ years | 26.29 | 52.58 | 105.16 | 210.32 | 525.80 | 1,051.60 | 10,516 | 3.19 | 3.77 |
| 1½ to 2 years | 26.76 | 53.52 | 107.04 | 214.08 | 535.20 | 1,070.40 | 10,704 | 3.21 | 3.79 |
| 2 to 2½ years | 27.24 | 54.48 | 108.96 | 217.92 | 544.80 | 1,089.60 | 10,896 | 3.23 | 3.80 |
| 2½ to 3 years | 27.74 | 55.48 | 110.96 | 221.92 | 554.80 | 1,109.60 | 11,096 | 3.25 | 3.81 |
| 3 to 3½ years | 28.24 | 56.48 | 112.96 | 225.92 | 564.80 | 1,129.60 | 11,296 | 3.26 | 3.82 |
| 3½ to 4 years | 28.76 | 57.52 | 115.04 | 230.08 | 575.20 | 1,150.40 | 11,504 | 3.28 | 3.83 |
| 4 to 4½ years | 29.29 | 58.58 | 117.16 | 234.32 | 585.80 | 1,171.60 | 11,716 | 3.29 | 3.85 |
| 4½ to 5 years | 29.83 | 59.66 | 119.32 | 238.64 | 596.60 | 1,193.20 | 11,932 | 3.30 | 3.86 |
| 5 to 5½ years | 30.39 | 60.78 | 121.56 | 243.12 | 607.80 | 1,215.60 | 12,156 | 3.32 | 3.87 |
| 5½ to 6 years | 30.96 | 61.92 | 123.84 | 247.68 | 619.20 | 1,238.40 | 12,384 | 3.33 | 3.88 |
| 6 to 6½ years | 31.55 | 63.10 | 126.20 | 252.40 | 631.00 | 1,262.00 | 12,620 | 3.35 | 3.89 |
| 6½ to 7 years | 32.15 | 64.30 | 128.60 | 257.20 | 643.00 | 1,286.00 | 12,860 | 3.36 | 3.90 |
| 7 to 7½ years | 32.77 | 65.54 | 131.08 | 262.16 | 655.40 | 1,310.80 | 13,108 | 3.38 | 3.91 |
| 7½ to 8 years | 33.40 | 66.80 | 133.60 | 267.20 | 668.00 | 1,336.00 | 13,360 | 3.39 | 3.93 |
| 8 to 8½ years | 34.05 | 68.10 | 136.20 | 272.40 | 681.00 | 1,362.00 | 13,620 | 3.41 | 3.94 |
| 8½ to 9 years | 34.71 | 69.42 | 138.84 | 277.68 | 694.20 | 1,388.40 | 13,884 | 3.42 | 3.95 |
| 9 to 9½ years | 35.40 | 70.80 | 141.60 | 283.20 | 708.00 | 1,416.00 | 14,160 | 3.43 | 3.94 |
| 9½ to 10 years | 36.10 | 72.20 | 144.40 | 288.80 | 722.00 | 1,444.00 | 14,440 | 3.45 | 3.93 |
| Extended maturity value (10 years from original maturity date)[2] | 36.81 | 73.62 | 147.24 | 294.48 | 736.20 | 1,472.40 | 14,724 | 3.46 | ---------- |

* 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.

TABLE 29—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1953

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Maturity value | 25.45 | 50.90 | 101.80 | 203.60 | 509.00 | 1,018.00 | 10,180 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.45 | $50.90 | $101.80 | $203.60 | $509.00 | $1,018.00 | $10,180 | 3.19 | 3.75 |
| ½ to 1 year | 25.90 | 51.80 | 103.60 | 207.20 | 518.00 | 1,036.00 | 10,360 | 3.20 | 3.76 |
| 1 to 1½ years | 26.36 | 52.72 | 105.44 | 210.88 | 527.20 | 1,054.40 | 10,544 | 3.22 | 3.77 |
| 1½ to 2 years | 26.83 | 53.66 | 107.32 | 214.64 | 536.60 | 1,073.20 | 10,732 | 3.23 | 3.78 |
| 2 to 2½ years | 27.31 | 54.62 | 109.24 | 218.48 | 546.20 | 1,092.40 | 10,924 | 3.26 | 3.80 |
| 2½ to 3 years | 27.80 | 55.60 | 111.20 | 222.40 | 556.00 | 1,112.00 | 11,120 | 3.26 | 3.81 |
| 3 to 3½ years | 28.31 | 56.62 | 113.24 | 226.48 | 566.20 | 1,132.40 | 11,324 | 3.28 | 3.82 |
| 3½ to 4 years | 28.83 | 57.66 | 115.32 | 230.64 | 576.60 | 1,153.20 | 11,532 | 3.29 | 3.83 |
| 4 to 4½ years | 29.36 | 58.72 | 117.44 | 234.88 | 587.20 | 1,174.40 | 11,744 | 3.31 | 3.85 |
| 4½ to 5 years | 29.90 | 59.80 | 119.60 | 239.20 | 598.00 | 1,196.00 | 11,960 | 3.32 | 3.86 |
| 5 to 5½ years | 30.46 | 60.92 | 121.84 | 243.68 | 609.20 | 1,218.40 | 12,184 | 3.34 | 3.87 |
| 5½ to 6 years | 31.04 | 62.08 | 124.16 | 248.32 | 620.80 | 1,241.60 | 12,416 | 3.35 | 3.88 |
| 6 to 6½ years | 31.62 | 63.24 | 126.48 | 252.96 | 632.40 | 1,264.80 | 12,648 | 3.36 | 3.90 |
| 6½ to 7 years | 32.23 | 64.46 | 128.92 | 257.84 | 644.60 | 1,289.20 | 12,892 | 3.38 | 3.90 |
| 7 to 7½ years | 32.84 | 65.68 | 131.36 | 262.72 | 656.80 | 1,313.60 | 13,136 | 3.39 | 3.92 |
| 7½ to 8 years | 33.48 | 66.96 | 133.92 | 267.84 | 669.60 | 1,339.20 | 13,392 | 3.41 | 3.93 |
| 8 to 8½ years | 34.13 | 68.26 | 136.52 | 273.04 | 682.60 | 1,365.20 | 13,652 | 3.42 | 3.94 |
| 8½ to 9 years | 34.80 | 69.60 | 139.20 | 278.40 | 696.00 | 1,392.00 | 13,920 | 3.43 | 3.94 |
| 9 to 9½ years | 35.48 | 70.96 | 141.92 | 283.84 | 709.60 | 1,419.20 | 14,192 | 3.45 | 3.96 |
| 9½ to 10 years | 36.18 | 72.36 | 144.72 | 289.44 | 723.60 | 1,447.20 | 14,472 | 3.46 | 3.98 |
| Extended maturity value (10 years from original maturity date)[2] | 36.90 | 73.80 | 147.60 | 295.20 | 738.00 | 1,476.00 | 14,760 | 3.47 | ---------- |

* 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.

TABLE 30—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1953, THROUGH MAY 1, 1954

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Maturity value | 25.52 | 51.04 | 102.08 | 204.16 | 510.40 | 1,020.80 | 10,208 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.52 | $51.04 | $102.08 | $204.16 | $510.40 | $1,020.80 | $10,208 | 3.21 | 3.75 |
| ½ to 1 year | 25.97 | 51.94 | 103.88 | 207.76 | 519.40 | 1,038.80 | 10,388 | 3.23 | 3.76 |
| 1 to 1½ years | 26.43 | 52.86 | 105.72 | 211.44 | 528.60 | 1,057.20 | 10,572 | 3.24 | 3.77 |
| 1½ to 2 years | 26.90 | 53.80 | 107.60 | 215.20 | 538.00 | 1,076.00 | 10,760 | 3.26 | 3.79 |
| 2 to 2½ years | 27.38 | 54.76 | 109.52 | 219.04 | 547.60 | 1,095.20 | 10,952 | 3.27 | 3.80 |
| 2½ to 3 years | 27.88 | 55.76 | 111.52 | 223.04 | 557.60 | 1,115.20 | 11,152 | 3.29 | 3.81 |
| 3 to 3½ years | 28.39 | 56.78 | 113.56 | 227.12 | 567.80 | 1,135.60 | 11,356 | 3.30 | 3.82 |
| 3½ to 4 years | 28.91 | 57.82 | 115.64 | 231.28 | 578.20 | 1,156.40 | 11,564 | 3.32 | 3.83 |
| 4 to 4½ years | 29.44 | 58.88 | 117.76 | 235.52 | 588.80 | 1,177.60 | 11,776 | 3.33 | 3.85 |
| 4½ to 5 years | 29.99 | 59.98 | 119.96 | 239.92 | 599.80 | 1,199.60 | 11,996 | 3.34 | 3.86 |
| 5 to 5½ years | 30.55 | 61.10 | 122.20 | 244.40 | 611.00 | 1,222.00 | 12,220 | 3.36 | 3.87 |
| 5½ to 6 years | 31.12 | 62.24 | 124.48 | 248.96 | 622.40 | 1,244.80 | 12,448 | 3.37 | 3.88 |
| 6 to 6½ years | 31.71 | 63.42 | 126.84 | 253.68 | 634.20 | 1,268.40 | 12,684 | 3.38 | 3.89 |
| 6½ to 7 years | 32.32 | 64.64 | 129.28 | 258.56 | 646.40 | 1,292.80 | 12,928 | 3.40 | 3.90 |
| 7 to 7½ years | 32.94 | 65.88 | 131.76 | 263.52 | 658.80 | 1,317.60 | 13,176 | 3.41 | 3.91 |
| 7½ to 8 years | 33.57 | 67.14 | 134.28 | 268.56 | 671.40 | 1,342.80 | 13,428 | 3.42 | 3.93 |
| 8 to 8½ years | 34.22 | 68.44 | 136.88 | 273.76 | 684.40 | 1,368.80 | 13,688 | 3.43 | 3.94 |
| 8½ to 9 years | 34.89 | 69.78 | 139.56 | 279.12 | 697.80 | 1,395.60 | 13,956 | 3.45 | 3.95 |
| 9 to 9½ years | 35.58 | 71.16 | 142.32 | 284.64 | 711.60 | 1,423.20 | 14,232 | 3.46 | 3.95 |
| 9½ to 10 years | 36.28 | 72.56 | 145.12 | 290.24 | 725.60 | 1,451.20 | 14,512 | 3.47 | 3.97 |
| Extended maturity value (10 years from original maturity date)[2] | 37.00 | 74.00 | 148.00 | 296.00 | 740.00 | 1,480.00 | 14,800 | 3.49 | ---------- |

* 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.

TABLE 31—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1954

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7.500 | Approximate investment yield* | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10.000 | | |
| Maturity value | 25.58 | 51.16 | 102.32 | 204.64 | 511.60 | 1,023.20 | 10.233 | | |
| Period after original maturity (beginning 10 years after issue date) | (1) Redemption values during each half-year period (Values increase on first day of period shown) — First extended maturity period | | | | | | | (2) On purchase price from issue date to beginning of each half-year period | (3) On current redemption value from beginning of each half-year period to extended maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $25.58 | $51.16 | $102.32 | $204.64 | $511.60 | $1,023.20 | $10,232 | 3.24 | 3.75 |
| ½ to 1 year | 26.03 | 52.06 | 104.12 | 208.24 | 520.60 | 1,041.20 | 10,412 | 3.25 | 3.76 |
| 1 to 1½ years | 26.49 | 52.98 | 105.96 | 211.92 | 529.80 | 1,059.60 | 10,596 | 3.27 | 3.77 |
| 1½ to 2 years | 26.96 | 53.92 | 107.84 | 215.68 | 539.20 | 1,078.40 | 10,784 | 3.28 | 3.79 |
| 2 to 2½ years | 27.45 | 54.90 | 109.80 | 219.60 | 549.00 | 1,098.00 | 10,980 | 3.29 | 3.80 |
| 2½ to 3 years | 27.94 | 55.88 | 111.76 | 223.52 | 558.80 | 1,117.60 | 11,176 | 3.31 | 3.81 |
| 3 to 3½ years | 28.45 | 56.90 | 113.80 | 227.60 | 569.00 | 1,138.00 | 11,380 | 3.32 | 3.82 |
| 3½ to 4 years | 28.98 | 57.96 | 115.92 | 231.84 | 579.60 | 1,159.20 | 11,592 | 3.33 | 3.83 |
| 4 to 4½ years | 29.51 | 59.02 | 118.04 | 236.08 | 590.20 | 1,180.40 | 11,804 | 3.35 | 3.85 |
| 4½ to 5 years | 30.06 | 60.12 | 120.24 | 240.48 | 601.20 | 1,202.40 | 12,024 | 3.36 | 3.86 |
| 5 to 5½ years | 30.62 | 61.24 | 122.48 | 244.96 | 612.40 | 1,224.80 | 12,248 | 3.37 | 3.87 |
| 5½ to 6 years | 31.20 | 62.40 | 124.80 | 249.60 | 624.00 | 1,248.00 | 12,480 | 3.39 | 3.88 |
| 6 to 6½ years | 31.79 | 63.58 | 127.16 | 254.32 | 635.80 | 1,271.60 | 12,716 | 3.40 | 3.89 |
| 6½ to 7 years | 32.39 | 64.78 | 129.56 | 259.12 | 647.80 | 1,295.60 | 12,956 | 3.41 | 3.91 |
| 7 to 7½ years | 33.01 | 66.02 | 132.04 | 264.08 | 660.20 | 1,320.40 | 13,204 | 3.42 | 3.92 |
| 7½ to 8 years | 33.65 | 67.30 | 134.60 | 269.20 | 673.00 | 1,346.00 | 13,460 | 3.44 | 3.93 |
| 8 to 8½ years | 34.30 | 68.60 | 137.20 | 274.40 | 686.00 | 1,372.00 | 13,720 | 3.45 | 3.95 |
| 8½ to 9 years | 34.97 | 69.94 | 139.88 | 279.76 | 699.40 | 1,398.80 | 13,988 | 3.46 | 3.96 |
| 9 to 9½ years | 35.66 | 71.32 | 142.64 | 285.28 | 713.20 | 1,426.40 | 14,264 | 3.47 | 3.97 |
| 9½ to 10 years | 36.37 | 72.74 | 145.48 | 290.96 | 727.40 | 1,454.80 | 14,548 | 3.49 | 3.96 |
| Extended maturity value (10 years from original maturity date)[2] | 37.09 | 74.18 | 148.36 | 296.72 | 741.80 | 1,483.60 | 14,836 | 3.50 | ---------- |

* 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.



TABLE 33—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1955

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (Values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | 3.10 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | 3.16 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | 3.18 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | 3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | 3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | 3.25 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | 3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | 3.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | 3.49 |
| 4½ to 5 years | 20.90 | 41.80 | 83.60 | 167.20 | 418.00 | 836.00 | 8,360 | 2.43 | 14.00 |
| Redemption values and investment yields to maturity on basis of June 1, 1969, revisions [3] | | | | | | | | | |
| 4½ to 5 years | $20.91 | $41.82 | $83.64 | $167.28 | $418.20 | $836.40 | $8,364 | 2.44 | 4.04 |
| 5 to 5½ years | 21.27 | 42.54 | 85.08 | 170.16 | 425.40 | 850.80 | 8,508 | 2.54 | 4.10 |
| 5½ to 6 years | 21.64 | 43.28 | 86.56 | 173.12 | 432.80 | 865.60 | 8,656 | 2.62 | 4.18 |
| 6 to 6½ years | 22.02 | 44.04 | 88.08 | 176.16 | 440.40 | 880.80 | 8,808 | 2.70 | 4.27 |
| 6½ to 7 years | 22.42 | 44.84 | 89.68 | 179.36 | 448.40 | 896.80 | 8,968 | 2.77 | 4.37 |
| 7 to 7½ years | 22.82 | 45.64 | 91.28 | 182.56 | 456.40 | 912.80 | 9,128 | 2.83 | 4.74 |
| 7½ to 8 years | 23.23 | 46.46 | 92.92 | 185.84 | 464.60 | 929.20 | 9,292 | 2.88 | 4.92 |
| 8 to 8½ years | 23.71 | 47.42 | 94.84 | 189.68 | 474.20 | 948.40 | 9,484 | 2.96 | 5.26 |
| 8½ to 9 years | 24.20 | 48.40 | 96.80 | 193.60 | 484.00 | 968.00 | 9,680 | 3.02 | 6.10 |
| 9 to 9½ years | 24.70 | 49.40 | 98.80 | 197.60 | 494.00 | 988.00 | 9,880 | 3.09 | 11.89 |
| 9½ years to 9 years and 8 months | 25.22 | 50.44 | 100.88 | 201.76 | 504.40 | 1,008.80 | 10,088 | 3.14 | 11.89 |
| Maturity value (9 years and 8 months from issue date) | 25.71 | 51.42 | 102.84 | 205.68 | 514.20 | 1,028.40 | 10,284 | 3.29 | ---------- |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.71 | $51.42 | $102.84 | $205.68 | $514.20 | $1,028.40 | $10,284 | 3.29 | 3.76 |
| ½ to 1 year | 26.10 | 52.32 | 104.64 | 209.28 | 523.20 | 1,046.40 | 10,464 | 3.30 | 3.76 |
| 1 to 1½ years | 26.63 | 53.26 | 106.52 | 213.04 | 532.60 | 1,065.20 | 10,652 | 3.32 | 3.77 |
| 1½ to 2 years | 27.10 | 54.20 | 108.40 | 216.80 | 542.00 | 1,084.00 | 10,840 | 3.33 | 3.79 |
| 2 to 2½ years | 27.59 | 55.18 | 110.36 | 220.72 | 551.80 | 1,103.60 | 11,036 | 3.34 | 3.80 |
| 2½ to 3 years | 28.09 | 56.18 | 112.36 | 224.72 | 561.80 | 1,123.60 | 11,236 | 3.35 | 3.81 |
| 3 to 3½ years | 28.60 | 57.20 | 114.40 | 228.80 | 572.00 | 1,144.00 | 11,440 | 3.36 | 3.82 |
| 3½ to 4 years | 29.12 | 58.24 | 116.48 | 232.96 | 582.40 | 1,164.80 | 11,648 | 3.37 | 3.84 |
| 4 to 4½ years | 29.66 | 59.32 | 118.64 | 237.28 | 593.20 | 1,186.40 | 11,864 | 3.38 | 3.85 |
| 4½ to 5 years | 30.21 | 60.42 | 120.84 | 241.68 | 604.20 | 1,208.40 | 12,084 | 3.40 | 3.86 |
| 5 to 5½ years | 30.77 | 61.54 | 123.08 | 246.16 | 615.40 | 1,230.80 | 12,308 | 3.41 | 3.88 |
| 5½ to 6 years | 31.35 | 62.70 | 125.40 | 250.80 | 627.00 | 1,254.00 | 12,540 | 3.42 | 3.89 |
| 6 to 6½ years | 31.95 | 63.90 | 127.80 | 255.60 | 639.00 | 1,278.00 | 12,780 | 3.43 | 3.90 |
| 6½ to 7 years | 32.56 | 65.12 | 130.24 | 260.48 | 651.20 | 1,302.40 | 13,024 | 3.44 | 3.91 |
| 7 to 7½ years | 33.18 | 66.36 | 132.72 | 265.44 | 663.60 | 1,327.20 | 13,272 | 3.45 | 3.92 |
| 7½ to 8 years | 33.82 | 67.64 | 135.28 | 270.56 | 676.40 | 1,352.80 | 13,528 | 3.47 | 3.94 |
| 8 to 8½ years | 34.48 | 68.96 | 137.92 | 275.84 | 689.60 | 1,379.20 | 13,792 | 3.48 | 3.94 |
| 8½ to 9 years | 35.15 | 70.30 | 140.60 | 281.20 | 703.00 | 1,406.00 | 14,060 | 3.49 | 3.95 |
| 9 to 9½ years | 35.84 | 71.68 | 143.36 | 286.72 | 716.80 | 1,433.60 | 14,336 | 3.50 | 3.96 |
| 9½ to 10 years | 36.55 | 73.10 | 146.20 | 292.40 | 731.00 | 1,462.00 | 14,620 | 3.51 | 3.99 |
| Extended maturity value (10 years from original maturity date) [2] | 37.28 | 74.56 | 149.12 | 298.24 | 745.60 | 1,491.20 | 14,912 | 3.53 | ---------- |

*Approximate investment yield from beginning of each half-year period to maturity at original maturity value prior to June 1, 1969 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.
[3] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 25, 1969.

TABLE 32—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1954, THROUGH MAY 1, 1955

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (Values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | 3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | 3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | 3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | 3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | 3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | 3.25 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | 3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | 3.41 |
| 4 to 4½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 2.30 | 3.49 |
| 4½ to 5 years | 20.90 | 41.80 | 83.60 | 167.20 | 418.00 | 836.00 | 8,360 | 2.43 | 14.00 |
| Redemption values and investment yields to maturity on basis of June 1, 1969, revisions [3] | | | | | | | | | |
| 5 to 5½ years | $21.26 | $42.52 | $85.04 | $170.08 | $425.20 | $850.40 | $8,504 | 2.53 | 4.05 |
| 5½ to 6 years | 21.62 | 43.24 | 86.48 | 172.96 | 432.40 | 864.80 | 8,648 | 2.61 | 4.14 |
| 6 to 6½ years | 21.99 | 43.98 | 87.96 | 175.92 | 439.80 | 879.60 | 8,796 | 2.68 | 4.23 |
| 6½ to 7 years | 22.38 | 44.76 | 89.52 | 179.04 | 447.60 | 895.20 | 8,952 | 2.74 | 4.33 |
| 7 to 7½ years | 22.78 | 45.56 | 91.12 | 182.24 | 455.60 | 911.20 | 9,112 | 2.80 | 4.48 |
| 7½ to 8 years | 23.19 | 46.38 | 92.76 | 185.52 | 463.80 | 927.60 | 9,276 | 2.85 | 4.69 |
| 8 to 8½ years | 23.66 | 47.32 | 94.64 | 189.28 | 473.20 | 946.40 | 9,464 | 2.93 | 4.88 |
| 8½ to 9 years | 24.15 | 48.30 | 96.60 | 193.20 | 483.00 | 966.00 | 9,660 | 3.00 | 5.20 |
| 9 to 9½ years | 24.65 | 49.30 | 98.60 | 197.20 | 493.00 | 986.00 | 9,860 | 3.06 | 5.99 |
| 9½ years to 9 years and 8 months | 25.16 | 50.32 | 100.64 | 201.28 | 503.20 | 1,006.40 | 10,064 | 3.12 | 11.67 |
| Maturity value (9 years and 8 months from issue date) | 25.64 | 51.28 | 102.56 | 205.12 | 512.80 | 1,025.60 | 10,256 | 3.26 | ---------- |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.64 | $51.28 | $102.56 | $205.12 | $512.80 | $1,025.60 | $10,256 | 3.26 | 3.75 |
| ½ to 1 year | 26.09 | 52.18 | 104.36 | 208.72 | 521.80 | 1,043.60 | 10,436 | 3.28 | 3.76 |
| 1 to 1½ years | 26.55 | 53.10 | 106.20 | 212.40 | 531.00 | 1,062.00 | 10,620 | 3.29 | 3.78 |
| 1½ to 2 years | 27.03 | 54.06 | 108.12 | 216.24 | 540.60 | 1,081.20 | 10,812 | 3.30 | 3.79 |
| 2 to 2½ years | 27.51 | 55.02 | 110.04 | 220.08 | 550.20 | 1,100.40 | 11,004 | 3.31 | 3.80 |
| 2½ to 3 years | 28.01 | 56.02 | 112.04 | 224.08 | 560.20 | 1,120.40 | 11,204 | 3.33 | 3.81 |
| 3 to 3½ years | 28.52 | 57.04 | 114.08 | 228.16 | 570.40 | 1,140.80 | 11,408 | 3.34 | 3.82 |
| 3½ to 4 years | 29.04 | 58.08 | 116.16 | 232.32 | 580.80 | 1,161.60 | 11,616 | 3.35 | 3.84 |
| 4 to 4½ years | 29.58 | 59.16 | 118.32 | 236.64 | 591.60 | 1,183.20 | 11,832 | 3.36 | 3.85 |
| 4½ to 5 years | 30.13 | 60.26 | 120.52 | 241.04 | 602.60 | 1,205.20 | 12,052 | 3.38 | 3.86 |
| 5 to 5½ years | 30.69 | 61.38 | 122.76 | 245.52 | 613.80 | 1,227.60 | 12,276 | 3.39 | 3.87 |
| 5½ to 6 years | 31.27 | 62.54 | 125.08 | 250.16 | 625.40 | 1,250.80 | 12,508 | 3.40 | 3.88 |
| 6 to 6½ years | 31.86 | 63.72 | 127.44 | 254.88 | 637.20 | 1,274.40 | 12,744 | 3.41 | 3.90 |
| 6½ to 7 years | 32.47 | 64.94 | 129.88 | 259.76 | 649.40 | 1,298.80 | 12,988 | 3.43 | 3.91 |
| 7 to 7½ years | 33.09 | 66.18 | 132.36 | 264.72 | 661.80 | 1,323.60 | 13,236 | 3.44 | 3.92 |
| 7½ to 8 years | 33.73 | 67.46 | 134.92 | 269.84 | 674.60 | 1,349.20 | 13,492 | 3.45 | 3.93 |
| 8 to 8½ years | 34.38 | 68.76 | 137.52 | 275.04 | 687.60 | 1,375.20 | 13,752 | 3.46 | 3.95 |
| 8½ to 9 years | 35.06 | 70.12 | 140.24 | 280.48 | 701.20 | 1,402.40 | 14,024 | 3.47 | 3.96 |
| 9 to 9½ years | 35.74 | 71.48 | 142.96 | 285.92 | 714.80 | 1,429.60 | 14,296 | 3.49 | 3.99 |
| 9½ to 10 years | 36.45 | 72.90 | 145.80 | 291.60 | 729.00 | 1,458.00 | 14,580 | 3.50 | 4.01 |
| Extended maturity value (10 years from original maturity date) [2] | 37.18 | 74.36 | 148.72 | 297.44 | 743.60 | 1,487.20 | 14,872 | 3.51 | ---------- |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1969 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.
[3] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 25, 1969.

TABLE 34—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1955, THROUGH MAY 1, 1956

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *3.34 |
| 3½ to 4 years | 20.30 | 40.60 | 81.20 | 162.40 | 406.00 | 812.00 | 8,120 | 2.28 | †3.91 |
| Redemption values and investment yields to maturity on basis of June 1, 1959, revision [2] | | | | | | | | | |
| 4 to 4½ years | $20.56 | $41.12 | $82.24 | $164.48 | $411.20 | $822.40 | $8,224 | 2.32 | 4.03 |
| 4½ to 5 years | 20.92 | 41.84 | 83.68 | 167.36 | 418.40 | 836.80 | 8,368 | 2.45 | 4.08 |
| 5 to 5½ years | 21.29 | 42.58 | 85.16 | 170.32 | 425.80 | 851.60 | 8,516 | 2.56 | 4.13 |
| 5½ to 6 years | 21.67 | 43.34 | 86.68 | 173.36 | 433.40 | 866.80 | 8,668 | 2.65 | 4.20 |
| 6 to 6½ years | 22.06 | 44.12 | 88.24 | 176.48 | 441.20 | 882.40 | 8,824 | 2.73 | 4.28 |
| 6½ to 7 years | 22.45 | 44.90 | 89.80 | 179.60 | 449.00 | 898.00 | 8,980 | 2.79 | 4.40 |
| 7 to 7½ years | 22.86 | 45.72 | 91.44 | 182.88 | 457.20 | 914.40 | 9,144 | 2.85 | 4.54 |
| 7½ to 8 years | 23.28 | 46.56 | 93.12 | 186.24 | 465.60 | 931.20 | 9,312 | 2.91 | 4.75 |
| 8 to 8½ years | 23.76 | 47.52 | 95.04 | 190.08 | 475.20 | 950.40 | 9,504 | 2.98 | 4.93 |
| 8½ to 9 years | 24.26 | 48.52 | 97.04 | 194.08 | 485.20 | 970.40 | 9,704 | 3.05 | 5.24 |
| 9 to 9½ years | 24.76 | 49.52 | 99.04 | 198.08 | 495.20 | 990.40 | 9,904 | 3.11 | 6.09 |
| 9½ years to 9 years and 8 months | 25.28 | 50.56 | 101.12 | 202.24 | 505.60 | 1,011.20 | 10,112 | 3.17 | 11.86 |
| Maturity value (9 years and 8 months from issue date) | 25.77 | 51.54 | 103.08 | 206.16 | 515.40 | 1,030.80 | 10,308 | 3.32 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.77 | $51.54 | $103.08 | $206.16 | $515.40 | $1,030.80 | $10,308 | 3.32 | 3.75 |
| ½ to 1 year | 26.22 | 52.44 | 104.88 | 209.76 | 524.40 | 1,048.80 | 10,488 | 3.33 | 3.76 |
| 1 to 1½ years | 26.69 | 53.38 | 106.76 | 213.52 | 533.80 | 1,067.60 | 10,676 | 3.34 | 3.77 |
| 1½ to 2 years | 27.16 | 54.32 | 108.64 | 217.28 | 543.20 | 1,086.40 | 10,864 | 3.35 | 3.79 |
| 2 to 2½ years | 27.65 | 55.30 | 110.60 | 221.20 | 553.00 | 1,106.00 | 11,060 | 3.36 | 3.80 |
| 2½ to 3 years | 28.15 | 56.30 | 112.60 | 225.20 | 563.00 | 1,126.00 | 11,260 | 3.37 | 3.81 |
| 3 to 3½ years | 28.66 | 57.32 | 114.64 | 229.28 | 573.20 | 1,146.40 | 11,464 | 3.38 | 3.83 |
| 3½ to 4 years | 29.19 | 58.38 | 116.76 | 233.52 | 583.80 | 1,167.60 | 11,676 | 3.39 | 3.84 |
| 4 to 4½ years | 29.73 | 59.46 | 118.92 | 237.84 | 594.60 | 1,189.20 | 11,892 | 3.40 | 3.85 |
| 4½ to 5 years | 30.28 | 60.56 | 121.12 | 242.24 | 605.60 | 1,211.20 | 12,112 | 3.41 | 3.86 |
| 5 to 5½ years | 30.85 | 61.70 | 123.40 | 246.80 | 617.00 | 1,234.00 | 12,340 | 3.42 | 3.87 |
| 5½ to 6 years | 31.43 | 62.86 | 125.72 | 251.44 | 628.60 | 1,257.20 | 12,572 | 3.44 | 3.88 |
| 6 to 6½ years | 32.02 | 64.04 | 128.08 | 256.16 | 640.40 | 1,280.80 | 12,808 | 3.45 | 3.90 |
| 6½ to 7 years | 32.63 | 65.26 | 130.52 | 261.04 | 652.60 | 1,305.20 | 13,052 | 3.46 | 3.91 |
| 7 to 7½ years | 33.26 | 66.52 | 133.04 | 266.08 | 665.20 | 1,330.40 | 13,304 | 3.47 | 3.92 |
| 7½ to 8 years | 33.90 | 67.80 | 135.60 | 271.20 | 678.00 | 1,356.00 | 13,560 | 3.48 | 3.94 |
| 8 to 8½ years | 34.56 | 69.12 | 138.24 | 276.48 | 691.20 | 1,382.40 | 13,824 | 3.49 | 3.95 |
| 8½ to 9 years | 35.23 | 70.46 | 140.92 | 281.84 | 704.60 | 1,409.20 | 14,092 | 3.50 | 3.97 |
| 9 to 9½ years | 35.93 | 71.86 | 143.72 | 287.44 | 718.60 | 1,437.20 | 14,372 | 3.51 | 3.97 |
| 9½ to 10 years | 36.64 | 73.28 | 146.56 | 293.12 | 732.80 | 1,465.60 | 14,656 | 3.53 | 3.98 |
| Extended maturity value (10 years from original maturity date) [3] | 37.37 | 74.74 | 149.48 | 298.96 | 747.40 | 1,494.80 | 14,948 | 3.54 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.
[3] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.

TABLE 35—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1956

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | *3.28 |
| 3 to 3½ years | 20.05 | 40.10 | 80.20 | 160.40 | 401.00 | 802.00 | 8,020 | 2.25 | *3.34 |
| Redemption values and investment yields to maturity on basis of June 1, 1959, revision [2] | | | | | | | | | |
| 3½ to 4 years | $20.31 | $40.62 | $81.24 | $162.48 | $406.20 | $812.40 | $8,124 | 2.30 | 3.94 |
| 4 to 4½ years | 20.57 | 41.14 | 82.28 | 164.56 | 411.40 | 822.80 | 8,228 | 2.33 | 4.08 |
| 4½ to 5 years | 20.93 | 41.86 | 83.72 | 167.44 | 418.60 | 837.20 | 8,372 | 2.40 | 4.11 |
| 5 to 5½ years | 21.31 | 42.62 | 85.24 | 170.48 | 426.20 | 852.40 | 8,524 | 2.48 | 4.16 |
| 5½ to 6 years | 21.70 | 43.40 | 86.80 | 173.60 | 434.00 | 868.00 | 8,680 | 2.67 | 4.23 |
| 6 to 6½ years | 22.09 | 44.18 | 88.36 | 176.72 | 441.80 | 883.60 | 8,836 | 2.76 | 4.31 |
| 6½ to 7 years | 22.50 | 45.00 | 90.00 | 180.00 | 450.00 | 900.00 | 9,000 | 2.82 | 4.41 |
| 7 to 7½ years | 22.91 | 45.82 | 91.64 | 183.28 | 458.20 | 916.40 | 9,164 | 2.88 | 4.55 |
| 7½ to 8 years | 23.33 | 46.66 | 93.32 | 186.64 | 466.60 | 933.20 | 9,332 | 2.94 | 4.75 |
| 8 to 8½ years | 23.82 | 47.64 | 95.28 | 190.56 | 476.40 | 952.80 | 9,528 | 3.01 | 4.92 |
| 8½ to 9 years | 24.31 | 48.62 | 97.24 | 194.48 | 486.20 | 972.40 | 9,724 | 3.08 | 5.27 |
| 9 to 9½ years | 24.82 | 49.64 | 99.28 | 198.56 | 496.40 | 992.80 | 9,928 | 3.14 | 6.07 |
| 9½ years to 9 years and 8 months | 25.34 | 50.68 | 101.36 | 202.72 | 506.80 | 1,013.60 | 10,136 | 3.20 | 11.83 |
| Maturity value (9 years and 8 months from issue date) | 25.83 | 51.66 | 103.32 | 206.64 | 516.60 | 1,033.20 | 10,332 | 3.24 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.83 | $51.66 | $103.32 | $206.64 | $516.60 | $1,033.20 | $10,332 | 3.24 | 3.75 |
| ½ to 1 year | 26.28 | 52.56 | 105.12 | 210.24 | 526.60 | 1,051.20 | 10,512 | 3.25 | 3.76 |
| 1 to 1½ years | 26.74 | 53.50 | 107.00 | 214.00 | 535.00 | 1,070.00 | 10,700 | 3.26 | 3.77 |
| 1½ to 2 years | 27.22 | 54.40 | 108.92 | 217.84 | 544.60 | 1,089.20 | 10,892 | 3.27 | 3.78 |
| 2 to 2½ years | 27.72 | 55.44 | 110.88 | 221.76 | 554.40 | 1,108.80 | 11,088 | 3.28 | 3.80 |
| 2½ to 3 years | 28.22 | 56.44 | 112.88 | 225.76 | 564.40 | 1,128.80 | 11,288 | 3.29 | 3.81 |
| 3 to 3½ years | 28.73 | 57.46 | 114.92 | 229.84 | 574.60 | 1,149.20 | 11,492 | 3.40 | 3.82 |
| 3½ to 4 years | 29.26 | 58.52 | 117.04 | 234.08 | 585.20 | 1,170.40 | 11,704 | 3.41 | 3.83 |
| 4 to 4½ years | 29.80 | 59.60 | 119.20 | 238.40 | 596.00 | 1,192.00 | 11,920 | 3.42 | 3.84 |
| 4½ to 5 years | 30.35 | 60.70 | 121.40 | 242.80 | 607.00 | 1,214.00 | 12,140 | 3.43 | 3.86 |
| 5 to 5½ years | 30.92 | 61.84 | 123.68 | 247.36 | 618.40 | 1,236.80 | 12,368 | 3.44 | 3.87 |
| 5½ to 6 years | 31.50 | 63.00 | 126.00 | 252.00 | 630.00 | 1,260.00 | 12,600 | 3.45 | 3.88 |
| 6 to 6½ years | 32.10 | 64.20 | 128.40 | 256.80 | 642.00 | 1,284.00 | 12,840 | 3.46 | 3.89 |
| 6½ to 7 years | 32.71 | 65.42 | 130.84 | 261.68 | 654.20 | 1,308.40 | 13,084 | 3.47 | 3.90 |
| 7 to 7½ years | 33.34 | 66.68 | 133.36 | 266.72 | 666.80 | 1,333.60 | 13,336 | 3.48 | 3.91 |
| 7½ to 8 years | 33.98 | 67.96 | 135.92 | 271.84 | 679.60 | 1,359.20 | 13,592 | 3.49 | 3.93 |
| 8 to 8½ years | 34.64 | 69.28 | 138.56 | 277.12 | 692.80 | 1,385.60 | 13,856 | 3.50 | 3.94 |
| 8½ to 9 years | 35.31 | 70.62 | 141.24 | 282.48 | 706.20 | 1,412.40 | 14,124 | 3.51 | 3.96 |
| 9 to 9½ years | 36.01 | 72.02 | 144.04 | 288.08 | 720.20 | 1,440.40 | 14,404 | 3.53 | 3.96 |
| 9½ to 10 years | 36.72 | 73.44 | 146.88 | 293.76 | 734.40 | 1,468.80 | 14,688 | 3.54 | 3.98 |
| Extended maturity value (10 years from original maturity date) [3] | 37.45 | 74.90 | 149.80 | 299.60 | 749.00 | 1,498.00 | 14,980 | 3.55 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.
[3] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.



TABLE 36—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1956, THROUGH JANUARY 1, 1957

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.00 |
| ½ to 1 year | 18.85 | 37.70 | 75.40 | 150.80 | 377.00 | 754.00 | 7,540 | 1.07 | *3.10 |
| 1 to 1½ years | 19.05 | 38.10 | 76.20 | 152.40 | 381.00 | 762.00 | 7,620 | 1.59 | *3.16 |
| 1½ to 2 years | 19.30 | 38.60 | 77.20 | 154.40 | 386.00 | 772.00 | 7,720 | 1.94 | *3.19 |
| 2 to 2½ years | 19.55 | 39.10 | 78.20 | 156.40 | 391.00 | 782.00 | 7,820 | 2.10 | *3.23 |
| 2½ to 3 years | 19.80 | 39.60 | 79.20 | 158.40 | 396.00 | 792.00 | 7,920 | 2.19 | †3.78 |
| Redemption values and investment yields to maturity on basis of June 1, 1959, revision [2] | | | | | | | | | |
| 3 to 3½ years | $20.06 | $40.12 | $80.24 | $160.48 | $401.20 | $802.40 | $8,024 | 2.26 | 3.87 |
| 3½ to 4 years | 20.32 | 40.64 | 81.28 | 162.56 | 406.40 | 812.80 | 8,128 | 2.31 | 3.97 |
| 4 to 4½ years | 20.58 | 41.16 | 82.32 | 164.64 | 411.60 | 823.20 | 8,232 | 2.34 | 4.10 |
| 4½ to 5 years | 20.96 | 41.92 | 83.84 | 167.68 | 419.20 | 838.40 | 8,384 | 2.40 | 4.14 |
| 5 to 5½ years | 21.34 | 42.68 | 85.36 | 170.72 | 426.80 | 853.60 | 8,536 | 2.60 | 4.19 |
| 5½ to 6 years | 21.73 | 43.46 | 86.92 | 173.84 | 434.60 | 869.20 | 8,692 | 2.70 | 4.26 |
| 6 to 6½ years | 22.13 | 44.26 | 88.52 | 177.04 | 442.60 | 885.20 | 8,852 | 2.78 | 4.34 |
| 6½ to 7 years | 22.54 | 45.08 | 90.16 | 180.32 | 450.80 | 901.60 | 9,016 | 2.85 | 4.44 |
| 7 to 7½ years | 22.96 | 45.92 | 91.84 | 183.68 | 459.20 | 918.40 | 9,184 | 2.91 | 4.57 |
| 7½ to 8 years | 23.38 | 46.76 | 93.52 | 187.04 | 467.60 | 935.20 | 9,352 | 2.96 | 4.78 |
| 8 to 8½ years | 23.87 | 47.74 | 95.48 | 190.96 | 477.40 | 954.80 | 9,548 | 3.04 | 4.96 |
| 8½ to 9 years | 24.37 | 48.74 | 97.48 | 194.96 | 487.40 | 974.80 | 9,748 | 3.11 | 5.29 |
| 9 to 9½ years | 24.88 | 49.76 | 99.52 | 199.04 | 497.60 | 995.20 | 9,952 | 3.17 | 6.12 |
| 9½ years to 9 years and 8 months | 25.40 | 50.80 | 101.60 | 203.20 | 508.00 | 1,016.00 | 10,160 | 3.22 | 12.05 |
| Maturity value (9 years and 8 months from issue date) | 25.90 | 51.80 | 103.60 | 207.20 | 518.00 | 1,036.00 | 10,360 | 3.37 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.90 | $51.80 | $103.60 | $207.20 | $518.00 | $1,036.00 | $10,360 | 3.37 | 3.75 |
| ½ to 1 year | 26.36 | 52.72 | 105.44 | 210.88 | 527.20 | 1,054.40 | 10,544 | 3.38 | 3.76 |
| 1 to 1½ years | 26.82 | 53.64 | 107.28 | 214.56 | 536.40 | 1,072.80 | 10,728 | 3.38 | 3.77 |
| 1½ to 2 years | 27.30 | 54.60 | 109.20 | 218.40 | 546.00 | 1,092.00 | 10,920 | 3.39 | 3.79 |
| 2 to 2½ years | 27.79 | 55.58 | 111.16 | 222.32 | 555.80 | 1,111.60 | 11,116 | 3.40 | 3.80 |
| 2½ to 3 years | 28.29 | 56.58 | 113.16 | 226.32 | 565.80 | 1,131.60 | 11,316 | 3.41 | 3.81 |
| 3 to 3½ years | 28.81 | 57.62 | 115.24 | 230.48 | 576.20 | 1,152.40 | 11,524 | 3.42 | 3.82 |
| 3½ to 4 years | 29.34 | 58.68 | 117.36 | 234.72 | 586.80 | 1,173.60 | 11,736 | 3.43 | 3.83 |
| 4 to 4½ years | 29.88 | 59.76 | 119.52 | 239.04 | 597.60 | 1,195.20 | 11,952 | 3.44 | 3.84 |
| 4½ to 5 years | 30.43 | 60.86 | 121.72 | 243.44 | 608.60 | 1,217.20 | 12,172 | 3.45 | 3.86 |
| 5 to 5½ years | 31.00 | 62.00 | 124.00 | 248.00 | 620.00 | 1,240.00 | 12,400 | 3.46 | 3.87 |
| 5½ to 6 years | 31.59 | 63.18 | 126.36 | 252.72 | 631.80 | 1,263.60 | 12,636 | 3.47 | 3.88 |
| 6 to 6½ years | 32.18 | 64.36 | 128.72 | 257.44 | 643.60 | 1,287.20 | 12,872 | 3.48 | 3.90 |
| 6½ to 7 years | 32.80 | 65.60 | 131.20 | 262.40 | 656.00 | 1,312.00 | 13,120 | 3.49 | 3.90 |
| 7 to 7½ years | 33.43 | 66.86 | 133.72 | 267.44 | 668.60 | 1,337.20 | 13,372 | 3.50 | 3.91 |
| 7½ to 8 years | 34.07 | 68.14 | 136.28 | 272.56 | 681.40 | 1,362.80 | 13,628 | 3.51 | 3.93 |
| 8 to 8½ years | 34.73 | 69.46 | 138.92 | 277.84 | 694.60 | 1,389.20 | 13,892 | 3.52 | 3.94 |
| 8½ to 9 years | 35.41 | 70.82 | 141.64 | 283.28 | 708.20 | 1,416.40 | 14,164 | 3.53 | 3.95 |
| 9 to 9½ years | 36.11 | 72.22 | 144.44 | 288.88 | 722.20 | 1,444.40 | 14,444 | 3.54 | 3.95 |
| 9½ to 10 years | 36.82 | 73.64 | 147.28 | 294.56 | 736.40 | 1,472.80 | 14,728 | 3.55 | 3.97 |
| Extended maturity value (10 years from original maturity date) [3] | 37.55 | 75.10 | 150.20 | 300.40 | 751.00 | 1,502.00 | 15,020 | 3.56 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 2-month period in the case of the 9½ year to 9 year and 8 month period.
[2] 19 years and 8 months after issue date.
[3] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.

TABLE 37—BONDS BEARING ISSUE DATES FROM FEBRUARY 1 THROUGH APRIL 1, 1957

| Issue price | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Original maturity value | 25.00 | 50.00 | 100.00 | 200.00 | 500.00 | 1,000.00 | 10,000 | | |
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] (a) to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | *3.38 |
| 1½ to 2 years | 19.48 | 38.96 | 77.92 | 155.84 | 389.60 | 779.20 | 7,792 | 2.56 | *3.39 |
| 2 to 2½ years | 19.81 | 39.62 | 79.24 | 158.48 | 396.20 | 792.40 | 7,924 | 2.77 | *3.39 |
| 2½ to 3 years | 20.15 | 40.30 | 80.60 | 161.20 | 403.00 | 806.00 | 8,060 | 2.90 | †3.89 |
| Redemption values and investment yields to maturity on basis of June 1, 1959 revision [2] | | | | | | | | | |
| 3 to 3½ years | $20.51 | $41.02 | $82.04 | $164.08 | $410.20 | $820.40 | $8,204 | 3.01 | 3.92 |
| 3½ to 4 years | 20.87 | 41.74 | 83.48 | 166.96 | 417.40 | 834.80 | 8,348 | 3.08 | 3.95 |
| 4 to 4½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 3.15 | 3.99 |
| 4½ to 5 years | 21.64 | 43.28 | 86.56 | 173.12 | 432.80 | 865.60 | 8,656 | 3.21 | 4.02 |
| 5 to 5½ years | 22.05 | 44.10 | 88.20 | 176.40 | 441.00 | 882.00 | 8,820 | 3.27 | 4.05 |
| 5½ to 6 years | 22.46 | 44.92 | 89.84 | 179.68 | 449.20 | 898.40 | 8,984 | 3.31 | 4.10 |
| 6 to 6½ years | 22.89 | 45.78 | 91.56 | 183.12 | 457.80 | 915.60 | 9,156 | 3.35 | 4.15 |
| 6½ to 7 years | 23.34 | 46.68 | 93.36 | 186.72 | 466.80 | 933.60 | 9,336 | 3.40 | 4.19 |
| 7 to 7½ years | 23.81 | 47.62 | 95.24 | 190.48 | 476.20 | 952.40 | 9,524 | 3.44 | 4.23 |
| 7½ to 8 years | 24.29 | 48.58 | 97.16 | 194.32 | 485.80 | 971.60 | 9,716 | 3.48 | 4.30 |
| 8 to 8½ years | 24.78 | 49.55 | 99.12 | 198.24 | 495.60 | 991.20 | 9,912 | 3.52 | 4.45 |
| 8½ years to 8 years and 11 months | 25.29 | 50.58 | 101.16 | 202.32 | 505.80 | 1,011.60 | 10,116 | 3.55 | 4.85 |
| Maturity value (8 years and 11 months from issue date) | 25.80 | 51.60 | 103.20 | 206.40 | 516.00 | 1,032.00 | 10,320 | 3.61 | |
| Period after maturity date | Extended maturity period | | | | | | | | (b) to extended maturity |
| First ½ year | $25.80 | $51.60 | $103.20 | $206.40 | $516.00 | $1,032.00 | $10,320 | 3.61 | 3.75 |
| ½ to 1 year | 26.25 | 52.50 | 105.00 | 210.00 | 525.00 | 1,050.00 | 10,500 | 3.61 | 3.76 |
| 1 to 1½ years | 26.72 | 53.44 | 106.88 | 213.76 | 534.40 | 1,068.80 | 10,688 | 3.60 | 3.77 |
| 1½ to 2 years | 27.20 | 54.40 | 108.80 | 217.60 | 544.00 | 1,088.00 | 10,880 | 3.60 | 3.79 |
| 2 to 2½ years | 27.68 | 55.36 | 110.72 | 221.44 | 553.60 | 1,107.20 | 11,072 | 3.60 | 3.80 |
| 2½ to 3 years | 28.19 | 56.38 | 112.76 | 225.52 | 563.80 | 1,127.60 | 11,276 | 3.60 | 3.81 |
| 3 to 3½ years | 28.70 | 57.40 | 114.80 | 229.60 | 574.00 | 1,148.00 | 11,480 | 3.60 | 3.82 |
| 3½ to 4 years | 29.22 | 58.44 | 116.88 | 233.76 | 584.40 | 1,168.80 | 11,688 | 3.61 | 3.84 |
| 4 to 4½ years | 29.76 | 59.52 | 119.04 | 238.08 | 595.20 | 1,190.40 | 11,904 | 3.61 | 3.85 |
| 4½ to 5 years | 30.32 | 60.64 | 121.28 | 242.56 | 606.40 | 1,212.80 | 12,128 | 3.61 | 3.86 |
| 5 to 5½ years | 30.88 | 61.76 | 123.52 | 247.04 | 617.60 | 1,235.20 | 12,352 | 3.62 | 3.87 |
| 5½ to 6 years | 31.46 | 62.92 | 125.84 | 251.68 | 629.20 | 1,258.40 | 12,584 | 3.62 | 3.89 |
| 6 to 6½ years | 32.06 | 64.12 | 128.24 | 256.48 | 641.20 | 1,282.40 | 12,824 | 3.63 | 3.90 |
| 6½ to 7 years | 32.67 | 65.34 | 130.68 | 261.36 | 653.40 | 1,306.80 | 13,068 | 3.63 | 3.91 |
| 7 to 7½ years | 33.30 | 66.60 | 133.20 | 266.40 | 666.00 | 1,332.00 | 13,320 | 3.64 | 3.92 |
| 7½ to 8 years | 33.94 | 67.88 | 135.76 | 271.52 | 678.80 | 1,357.60 | 13,576 | 3.65 | 3.93 |
| 8 to 8½ years | 34.60 | 69.20 | 138.40 | 276.80 | 692.00 | 1,384.00 | 13,840 | 3.65 | 3.94 |
| 8½ to 9 years | 35.27 | 70.54 | 141.08 | 282.16 | 705.40 | 1,410.80 | 14,108 | 3.66 | 3.97 |
| 9 to 9½ years | 35.97 | 71.94 | 143.88 | 287.76 | 719.40 | 1,438.80 | 14,388 | 3.67 | 3.96 |
| 9½ to 10 years | 36.68 | 73.36 | 146.72 | 293.44 | 733.60 | 1,467.20 | 14,672 | 3.68 | 3.98 |
| Extended maturity value (10 years from original maturity date) [3] | 37.41 | 74.82 | 149.64 | 299.28 | 748.20 | 1,496.40 | 14,964 | 3.69 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.
[2] 18 years and 11 months after issue date.
[3] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.

TABLE 38—BONDS BEARING ISSUE DATE OF MAY 1, 1957

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | *3.38 |
| 1½ to 2 years | 19.48 | 38.96 | 77.92 | 155.84 | 389.60 | 779.20 | 7,792 | 2.56 | *3.39 |
| 2 to 2½ years | 19.81 | 39.62 | 79.24 | 158.48 | 396.20 | 792.40 | 7,924 | 2.77 | *3.39 |
| 2½ to 3 years | 20.15 | 40.30 | 80.60 | 161.20 | 403.00 | 806.00 | 8,060 | 2.90 | †3.89 |
| Redemption values and investment yields to maturity on basis of June 1, 1959, revision [1] | | | | | | | | | |
| 3 to 3½ years | $20.51 | $41.02 | $82.04 | $164.08 | $410.20 | $820.40 | $8,204 | 3.01 | 3.92 |
| 3½ to 4 years | 20.87 | 41.74 | 83.48 | 166.96 | 417.40 | 834.80 | 8,348 | 3.08 | 3.95 |
| 4 to 4½ years | 21.25 | 42.50 | 85.00 | 170.00 | 425.00 | 850.00 | 8,500 | 3.15 | 3.99 |
| 4½ to 5 years | 21.64 | 43.28 | 86.56 | 173.12 | 432.80 | 865.60 | 8,656 | 3.21 | 4.02 |
| 5 to 5½ years | 22.05 | 44.10 | 88.20 | 176.40 | 441.00 | 882.00 | 8,820 | 3.27 | 4.05 |
| 5½ to 6 years | 22.46 | 44.92 | 89.84 | 179.68 | 449.20 | 898.40 | 8,984 | 3.31 | 4.10 |
| 6 to 6½ years | 22.89 | 45.78 | 91.56 | 183.12 | 457.80 | 915.60 | 9,156 | 3.35 | 4.15 |
| 6½ to 7 years | 23.34 | 46.68 | 93.36 | 186.72 | 466.80 | 933.60 | 9,336 | 3.40 | 4.19 |
| 7 to 7½ years | 23.81 | 47.62 | 95.24 | 190.48 | 476.20 | 952.40 | 9,524 | 3.44 | 4.23 |
| 7½ to 8 years | 24.29 | 48.58 | 97.16 | 194.32 | 485.80 | 971.60 | 9,716 | 3.48 | 4.30 |
| 8 to 8½ years | 24.78 | 49.56 | 99.12 | 198.24 | 495.60 | 991.20 | 9,912 | 3.52 | 4.45 |
| 8½ years to 8 years and 11 months | 25.29 | 50.58 | 101.16 | 202.32 | 505.80 | 1,011.60 | 10,116 | 3.55 | 4.85 |
| Maturity value (8 years and 11 months from issue date) | 25.80 | 51.60 | 103.20 | 206.40 | 516.00 | 1,032.00 | 10,320 | 3.61 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.

TABLE 39—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1957

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | *3.38 |
| 1½ to 2 years | 19.48 | 38.96 | 77.92 | 155.84 | 389.60 | 779.20 | 7,792 | 2.56 | *3.39 |
| 2 to 2½ years | 19.81 | 39.62 | 79.24 | 158.48 | 396.20 | 792.40 | 7,924 | 2.77 | †3.89 |
| Redemption values and investment yields to maturity on basis of June 1, 1959, revision [1] | | | | | | | | | |
| 2½ to 3 years | $20.16 | $40.32 | $80.64 | $161.28 | $403.20 | $806.40 | $8,064 | 2.92 | 3.92 |
| 3 to 3½ years | 20.52 | 41.04 | 82.08 | 164.16 | 410.40 | 820.80 | 8,208 | 3.03 | 3.95 |
| 3½ to 4 years | 20.88 | 41.76 | 83.52 | 167.04 | 417.60 | 835.20 | 8,352 | 3.10 | 3.99 |
| 4 to 4½ years | 21.27 | 42.54 | 85.08 | 170.16 | 425.40 | 850.80 | 8,508 | 3.18 | 4.01 |
| 4½ to 5 years | 21.67 | 43.34 | 86.68 | 173.36 | 433.40 | 866.80 | 8,668 | 3.24 | 4.04 |
| 5 to 5½ years | 22.08 | 44.16 | 88.32 | 176.64 | 441.60 | 883.20 | 8,832 | 3.30 | 4.06 |
| 5½ to 6 years | 22.51 | 45.02 | 90.04 | 180.08 | 450.20 | 900.40 | 9,004 | 3.35 | 4.10 |
| 6 to 6½ years | 22.94 | 45.88 | 91.76 | 183.52 | 458.80 | 917.60 | 9,176 | 3.39 | 4.15 |
| 6½ to 7 years | 23.39 | 46.78 | 93.56 | 187.12 | 467.80 | 935.60 | 9,356 | 3.43 | 4.20 |
| 7 to 7½ years | 23.86 | 47.72 | 95.44 | 190.88 | 477.20 | 954.40 | 9,544 | 3.47 | 4.24 |
| 7½ to 8 years | 24.34 | 48.68 | 97.36 | 194.72 | 486.80 | 973.60 | 9,736 | 3.51 | 4.32 |
| 8 to 8½ years | 24.84 | 49.68 | 99.36 | 198.72 | 496.80 | 993.60 | 9,936 | 3.55 | 4.44 |
| 8½ years to 8 years and 11 months | 25.35 | 50.70 | 101.40 | 202.80 | 507.00 | 1,014.00 | 10,140 | 3.58 | 4.84 |
| Maturity value (8 years and 11 months from issue date) | 25.86 | 51.72 | 103.44 | 206.88 | 517.20 | 1,034.40 | 10,344 | 3.64 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.
[2] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.





TABLE 40—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1957, THROUGH MAY 1, 1958

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | *3.38 |
| 1½ to 2 years | 19.48 | 38.96 | 77.92 | 155.84 | 389.60 | 779.20 | 7,792 | 2.56 | †3.89 |
| Redemption values and investment yields to maturity on basis of June 1, 1959, revision [1] | | | | | | | | | |
| 2 to 2½ years | $19.82 | $39.64 | $79.28 | $158.56 | $396.40 | $792.80 | $7,928 | 2.79 | 3.92 |
| 2½ to 3 years | 20.17 | 40.34 | 80.68 | 161.36 | 403.40 | 806.80 | 8,068 | 2.94 | 3.95 |
| 3 to 3½ years | 20.53 | 41.06 | 82.12 | 164.24 | 410.60 | 821.20 | 8,212 | 3.05 | 3.99 |
| 3½ to 4 years | 20.91 | 41.82 | 83.64 | 167.28 | 418.20 | 836.40 | 8,364 | 3.14 | 4.01 |
| 4 to 4½ years | 21.30 | 42.60 | 85.20 | 170.40 | 426.00 | 852.00 | 8,520 | 3.21 | 4.04 |
| 4½ to 5 years | 21.70 | 43.40 | 86.80 | 173.60 | 434.00 | 868.00 | 8,680 | 3.27 | 4.07 |
| 5 to 5½ years | 22.12 | 44.24 | 88.48 | 176.96 | 442.40 | 884.80 | 8,848 | 3.33 | 4.10 |
| 5½ to 6 years | 22.55 | 45.10 | 90.20 | 180.40 | 451.00 | 902.00 | 9,020 | 3.38 | 4.13 |
| 6 to 6½ years | 22.99 | 45.98 | 91.96 | 183.92 | 459.80 | 919.60 | 9,196 | 3.43 | 4.17 |
| 6½ to 7 years | 23.44 | 46.88 | 93.76 | 187.52 | 468.80 | 937.60 | 9,376 | 3.46 | 4.22 |
| 7 to 7½ years | 23.91 | 47.82 | 95.64 | 191.28 | 478.20 | 956.40 | 9,564 | 3.50 | 4.28 |
| 7½ to 8 years | 24.40 | 48.80 | 97.60 | 195.20 | 488.00 | 976.00 | 9,760 | 3.54 | 4.34 |
| 8 to 8½ years | 24.90 | 49.80 | 99.60 | 199.20 | 498.00 | 996.00 | 9,960 | 3.58 | 4.47 |
| 8½ years to 8 years and 11 months | 25.41 | 50.82 | 101.64 | 203.28 | 508.20 | 1,016.40 | 10,164 | 3.61 | 4.92 |
| Maturity value (8 years and 11 months from issue date) | 25.93 | 51.86 | 103.72 | 207.44 | 518.60 | 1,037.20 | 10,372 | 3.67 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8-year and 11 month period.

TABLE 41—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1958

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | *3.35 |
| 1 to 1½ years | 19.18 | 38.36 | 76.72 | 153.44 | 383.60 | 767.20 | 7,672 | 2.28 | †3.88 |
| Redemption values and investment yields to maturity on basis of June 1, 1959, revision [1] | | | | | | | | | |
| 1½ to 2 years | $19.49 | $38.98 | $77.96 | $155.92 | $389.80 | $779.60 | $7,796 | 2.60 | 3.92 |
| 2 to 2½ years | 19.83 | 39.66 | 79.32 | 158.64 | 396.60 | 793.20 | 7,932 | 2.82 | 3.95 |
| 2½ to 3 years | 20.18 | 40.36 | 80.72 | 161.44 | 403.60 | 807.20 | 8,072 | 2.96 | 3.98 |
| 3 to 3½ years | 20.55 | 41.10 | 82.20 | 164.40 | 411.00 | 822.00 | 8,220 | 3.08 | 4.01 |
| 3½ to 4 years | 20.93 | 41.86 | 83.72 | 167.44 | 418.60 | 837.20 | 8,372 | 3.17 | 4.04 |
| 4 to 4½ years | 21.33 | 42.66 | 85.32 | 170.64 | 426.60 | 853.20 | 8,532 | 3.25 | 4.06 |
| 4½ to 5 years | 21.74 | 43.48 | 86.96 | 173.92 | 434.80 | 869.60 | 8,696 | 3.32 | 4.08 |
| 5 to 5½ years | 22.16 | 44.32 | 88.64 | 177.28 | 443.20 | 886.40 | 8,864 | 3.37 | 4.11 |
| 5½ to 6 years | 22.59 | 45.18 | 90.36 | 180.72 | 451.80 | 903.60 | 9,036 | 3.42 | 4.15 |
| 6 to 6½ years | 23.03 | 46.06 | 92.12 | 184.24 | 460.60 | 921.20 | 9,212 | 3.46 | 4.19 |
| 6½ to 7 years | 23.50 | 47.00 | 94.00 | 188.00 | 470.00 | 940.00 | 9,400 | 3.50 | 4.21 |
| 7 to 7½ years | 23.97 | 47.94 | 95.88 | 191.76 | 479.40 | 958.80 | 9,588 | 3.54 | 4.27 |
| 7½ to 8 years | 24.46 | 48.92 | 97.84 | 195.68 | 489.20 | 978.40 | 9,784 | 3.58 | 4.33 |
| 8 to 8½ years | 24.96 | 49.92 | 99.84 | 199.68 | 499.20 | 998.40 | 9,984 | 3.61 | 4.46 |
| 8½ years to 8 years and 11 months | 25.47 | 50.94 | 101.88 | 203.76 | 509.40 | 1,018.80 | 10,188 | 3.64 | 4.91 |
| Maturity value (8 years and 11 months from issue date) | 25.99 | 51.98 | 103.96 | 207.92 | 519.80 | 1,039.60 | 10,396 | 3.70 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.
[2] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.

TABLE 42—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1956, THROUGH MAY 1, 1959

| Issue price / Original maturity value | $18.75 / 25.00 | $37.50 / 50.00 | $75.00 / 100.00 | $150.00 / 200.00 | $375.00 / 500.00 | $750.00 / 1,000.00 | $7,500 / 10,000 | Approximate investment yield | |
|---|---|---|---|---|---|---|---|---|---|
| Period after issue date | (1) Redemption values during each half-year period [1] (values increase on first day of period shown) | | | | | | | (2) On purchase price from issue date to beginning of each half-year period [1] | (3) On current redemption value from beginning of each half-year period [1] to maturity |
| | | | | | | | | *Percent* | *Percent* |
| First ½ year | $18.75 | $37.50 | $75.00 | $150.00 | $375.00 | $750.00 | $7,500 | 0.00 | *3.25 |
| ½ to 1 year | 18.90 | 37.80 | 75.60 | 151.20 | 378.00 | 756.00 | 7,560 | 1.60 | †3.85 |
| **Redemption values and investment yields to maturity on basis of June 1, 1959, revision [1]** | | | | | | | | | |
| 1 to 1½ years | $19.19 | $38.38 | $76.76 | $153.52 | $383.80 | $767.60 | $7,676 | 2.33 | 3.90 |
| 1½ to 2 years | 19.50 | 39.00 | 78.00 | 156.00 | 390.00 | 780.00 | 7,800 | 2.63 | 3.95 |
| 2 to 2½ years | 19.84 | 39.68 | 79.36 | 158.72 | 396.80 | 793.60 | 7,936 | 2.85 | 3.98 |
| 2½ to 3 years | 20.20 | 40.40 | 80.80 | 161.60 | 404.00 | 808.00 | 8,080 | 3.00 | 4.01 |
| 3 to 3½ years | 20.58 | 41.16 | 82.32 | 164.64 | 411.60 | 823.20 | 8,232 | 3.13 | 4.03 |
| 3½ to 4 years | 20.96 | 41.92 | 83.84 | 167.68 | 419.20 | 838.40 | 8,384 | 3.21 | 4.06 |
| 4 to 4½ years | 21.36 | 42.72 | 85.44 | 170.88 | 427.20 | 854.40 | 8,544 | 3.28 | 4.09 |
| 4½ to 5 years | 21.77 | 43.54 | 87.08 | 174.16 | 435.40 | 870.80 | 8,708 | 3.35 | 4.11 |
| 5 to 5½ years | 22.20 | 44.40 | 88.80 | 177.60 | 444.00 | 888.00 | 8,880 | 3.41 | 4.14 |
| 5½ to 6 years | 22.64 | 45.28 | 90.56 | 181.12 | 452.80 | 905.60 | 9,056 | 3.46 | 4.16 |
| 6 to 6½ years | 23.08 | 46.16 | 92.32 | 184.64 | 461.60 | 923.20 | 9,232 | 3.49 | 4.21 |
| 6½ to 7 years | 23.55 | 47.10 | 94.20 | 188.40 | 471.00 | 942.00 | 9,420 | 3.54 | 4.23 |
| 7 to 7½ years | 24.02 | 48.04 | 96.08 | 192.16 | 480.40 | 960.80 | 9,608 | 3.57 | 4.30 |
| 7½ to 8 years | 24.52 | 49.04 | 98.08 | 196.16 | 490.40 | 980.80 | 9,808 | 3.61 | 4.35 |
| 8 to 8½ years | 25.02 | 50.04 | 100.08 | 200.16 | 500.40 | 1,000.80 | 10,008 | 3.64 | 4.49 |
| 8½ years to 8 years and 11 months | 25.54 | 51.08 | 102.16 | 204.32 | 510.80 | 1,021.60 | 10,216 | 3.67 | 4.90 |
| Maturity value (8 years and 11 months from issue date) | 26.06 | 52.12 | 104.24 | 208.48 | 521.20 | 1,042.40 | 10,424 | 3.73 | |

*Approximate investment yield from beginning of each half-year period to maturity, at original maturity value prior to June 1, 1959 revision.
†Revised approximate investment yield from effective date of revision to maturity.
[1] 5-month period in the case of the 8½ year to 8 year and 11 month period.
[1] For redemption values and investment yields during original maturity period see Department Circular No. 653, Fifth Revision, dated September 23, 1959.

## PART 321—PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

Paragraph (a) of § 321.4, Department Circular No. 750, Revised, dated June 30, 1945, as amended and supplemented (31 CFR, Part 321), is hereby further amended as follows :

**§ 321.4 Meaning of terms in this circular.**

* * * * *

(a) "Paying agent(s)" or "agent(s)" shall mean (1) any eligible financial institution duly qualified pursuant to the provisions of this part to make payments in connection with the redemption and redemption-exchange of the United States Savings Bonds hereinafter specified, including branches of such institutions located within the United States, its territories and possessions, the Commonwealth of Puerto Rico and the Canal Zone, and (2) banking facilities of such institutions established at Armed Forces installations and other places with the specific approval of the Treasury Department.

## PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

Department Circular No. 905, Second Revision, dated September 23, 1959, as amended (31 CFR 332), is hereby further amended and issued as the Third Revision.[1]

Sec.
332.1 Offering of bonds.
332.2 Description of bonds currently offered.
332.3 Governing regulations.
332.4 Registration.
332.5 Limitations on holdings.
332.6 Purchase of bonds.
332.7 Delivery of bonds.
332.8 Improved yield and extension of term for outstanding bonds.
332.9 Taxation.
332.10 Payment or redemption.
332.11 Reservation as to issue of bonds.
332.12 Preservation of rights.
332.13 Fiscal agents.
332.14 Reservation as to terms of offer.

AUTHORITY: The provisions of this Part 332 issued under authority of sections 22 and 25 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended, and 73 Stat. 621 (31 U.S.C. 757c, 757c–1).

**§ 332.1 Offering of bonds.**

The Secretary of the Treasury offers for sale to the people of the United States, United States Savings Bonds of Series H, hereinafter generally referred to as Series H bonds. These bonds are substantially a continuation of the Series H bonds heretofore available. This offering of bonds will continue until terminated by the Secretary of the Treasury.

**§ 332.2 Description of bonds currently offered.**

(a) *General.* Series H bonds bear a facsimile of the signature of the Secretary of the Treasury and of the Seal of the Treasury Department. The bonds are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series H bonds are issued at par and are available in denominations of $500, $1,000, $5,000 and $10,000.

(c) *Inscription and issue.* At the time of issue the issuing agent will (1) inscribe on the face of each Series H bond the name, taxpayer identifying number,[2] and address of the owner, and the name of the beneficiary, if any, or the names of the coowners, the taxpayer identifying number of one coowner,[2] and the address of one coowner, (2) enter in the upper right-hand portion of the bond the issue date, and (3) imprint the agent's dating stamp in the lower right-hand portion to show the date the bond is actually inscribed. A Series H bond shall be valid only if an authorized issuing agent receives payment therefor and duly inscribes, dates, stamps, and makes delivery of the bond in accordance with the purchaser's instructions.

(d) *Term.* A Series H bond will be dated as of the first day of the month in which payment therefor is received by an agent authorized to issue such bonds. This date is the issue date and the bond will mature and be payable ten years from such issue date. The bond may not be called for redemption by the Secretary of the Treasury prior to maturity, but may be redeemed at par after six months from issue date, at the owner's option, but only upon one calendar month's notice as provided in § 332.10.

(e) *Interest (investment yield).* The interest on a Series H bond will be paid semiannually by check drawn to the order of the registered owner or coowners, beginning six months from issue date. Interest payments will be on a graduated scale, fixed to afford an investment yield of approximately 3.75 percent per annum, compounded semiannually if the bond is held to maturity; [3] but the yield will be less if the bond is redeemed prior to maturity. (See Table 1 of the tables

[1] The basic terms of the bonds offered under the Second Revision have not been changed. The material in the Second Revision and its four amendments has been reorganized and edited in connection with the publication of the 1965 edition of Title 31 of the Code of Federal Regulations.

[2] The number required to be used on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security account number or employer identification number). If the coowners are husband and wife, the husband's number should be furnished. If the coowners are a minor and an adult, the adult's number should be furnished.

[3] Under authority of section 25, 73 Stat. 621 (31 U.S.C. 757c–1), the President of the United States on September 22, 1959, concluded that with respect to Series H bonds it was necessary in the national interest to exceed the maximum interest rate and investment yield prescribed by Section 22 of the Second Liberty Bond Act, as amended (31 U.S.C. 757c).



at the end of this circular, which are incorporated herein.) Interest will cease at maturity, or in the case of redemption before maturity, at the end of the interest period next preceding the date of redemption, except that if the date of redemption falls on an interest payment date, interest will cease on that date.

**§ 332.3 Governing regulations.**

Series H bonds are subject to the regulations of the Treasury Department, now or hereafter prescribed, governing United States Savings Bonds, contained in Department Circular No. 530, current revision (Part 315 of this chapter).[4]

**§ 332.4 Registration.**

(a) *General.* Generally, only residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Canal Zone and citizens of the United States temporarily residing abroad are eligible to be named as owners of Series H bonds. The bonds may be registered in the names of natural persons in their own right as provided in paragraph (b) of this section, and in the names and titles or capacities of fiduciaries and organizations as provided in paragraph (c) of this section. Full information regarding authorized forms of registration and restrictions with respect thereto will be found in the governing regulations.

(b) *Natural persons in their own right.* The bonds may be registered in the names of natural persons (whether adults or minors) in their own right, in single ownership, coownership, and beneficiary forms.

(c) The bonds may be registered in single ownership form in the names of fiduciaries and private and public organizations, as follows:

(1) *Fiduciaries.* In the names of and showing the titles or capacities of any persons or organizations, public or private, as fiduciaries (including trustees, legal guardians or similar representatives, and certain custodians) but not where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation, or service.

(2) *Private and public organizations.* In the names of private or public organizations (including private corporations, partnerships, and unincorporated associations, and States, counties, public corporations, and other public bodies) in their own right, but not in the names of commercial banks.[5]

**§ 332.5 Limitations on holdings.**

The amount of Series H bonds originally issued during any one calendar year that may be held by any one person at any one time, computed in accordance with the governing regulations, is limited, as follows:

(a) *General limitation.* $20,000 (face value) for the calendar year 1962 and each calendar year thereafter.

[4] Copies may be obtained on application to any Federal Reserve Bank or Branch or the Bureau of the Public Debt, Washington, D.C. 20220, or its Chicago office, 536 South Clark St., Chicago, Ill. 60605.

(b) *Special limitation for owners of savings bonds of Series F, G, J and K.* Owners, except commercial banks [5] in their own right (as distinguished from a representative or fiduciary capacity), of outstanding bonds of Series F and G, all of which are now matured, and bonds of Series J and K, at or after maturity, may apply the proceeds of such bonds to the purchase of Series H bonds without regard to the general limitation on holdings, under the following restrictions and conditions:

(1) The bonds must be presented to a Federal Reserve Bank or Branch, the Office of the Treasurer of the United States, Securities Division, or the Bureau of the Public Debt, Division of Loans and Currency Branch, for the specific purpose of taking advantage of this privilege. The Series H bonds will be dated as of the first day of the month in which the bonds presented are received by the issuing agent.

(2) Series H bonds may be purchased with the proceeds of the bonds presented only up to the denominational amounts that the proceeds thereof will fully cover. Any difference between such proceeds and the purchase price of the Series H bonds will be paid to the owner.

(3) The Series H bonds will be registered in the name of the owner in any authorized form of registration subject to the restrictions prescribed by the governing regulations.

(4) This privilege will continue until terminated by the Secretary of the Treasury.

(c) *Exchanges pursuant to Department Circular No. 1036, as amended.* Series H bonds issued in exchange for bonds of Series E, Series F, or Series J under the provisions of Department Circular No. 1036, as amended (Part 339 of this chapter), are exempt from the annual limitation.

**§ 332.6 Purchase of bonds.**

(a) *Agents.* Only the Federal Reserve Banks and Branches and the Treasury Department are authorized to act as official issuing agents for the sale of Series H bonds. However, commercial banks and trust companies may forward applications for purchase of the bonds. The date of receipt of the application and payment to an issuing agent will govern the issue date of the bonds purchased.

(b) *Application for purchase and remittance.* The applicant for purchase of Series H bonds should furnish (1) instructions for registration of the bonds to be issued, which must be in an authorized form, (2) the appropriate taxpayer identifying number or numbers,[2] (3) the post office address of the owner or a coowner (preferably the first-named), (4) the address for delivery of the bonds, and (5) the address for mailing checks in payment of interest. The application should be forwarded to a Federal Reserve Bank or Branch or the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, accompanied by a remittance to cover the purchase price. Any form of exchange including personal checks will be accepted subject to collection. Checks or other forms of exchange should be drawn to the order of the Federal Reserve Bank or Treasurer of the United States, as the case may be. Checks payable by endorsement are not acceptable. Any depositary qualified pursuant to Treasury Department Circular No. 92, current revision (Part 203 of this chapter), will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

[5] Commercial banks, as defined in § 315.7 (d)(2) of this chapter (Department Circular No. 530, current revision) the governing regulations, for this purpose are those accepting demand deposits.

**§ 332.7 Delivery of bonds.**

Authorized issuing agents will deliver the Series H bonds either in person, or by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone. No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

**§ 332.8 Improved yield and extension of term for outstanding bonds.**

(a) *Improved yield to maturity for outstanding bonds with issue dates of June 1, 1952, through May 1, 1959.* The investment yields on all outstanding Series H bonds with issue dates prior to June 1, 1959, were increased, beginning on and after June 1, 1959, as described below, for the remaining period to maturity, by not less than one-half of one percent, and by lesser amounts if redeemed earlier.[6] The resulting yields are in terms of rate percent per annum, compounded semiannually. See Tables 2 through 16 for current schedules of interest payments and investment yields. This increase became effective beginning with interest payments due December 1, 1959, for bonds with the issue month of June or December of any year prior to 1959, and for all other bonds on the next interest payment date after December 1, 1959.

(b) *Extended maturity period for bonds with issue dates of June 1, 1952, through January 1, 1957.* Owners of Series H bonds with these issue dates have the option of continuing to hold such bonds for an extended maturity period of ten years with an investment

[6] The investment yield to maturity heretofore prescribed for the bonds referred to in § 332.8(a) were (according to issue dates) as follows:

| | |
|---|---|
| June 1, 1952, through January 1, 1957 | 3.00 |
| February 1, 1957, through May 1, 1959 | 3.25 |

percent per annum compounded semiannually.

yield of approximately 3.75 percent payable semiannually. Bonds held after maturity will earn further interest which will accrue and be paid semiannually by check drawn to the order of the owner or coowners beginning six months from the original maturity dates. Interest payments will be made in the amounts shown in Tables 2 through 11.

**§ 332.9 Taxation.**

The income derived from Series H bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, by any of the possessions of the United States, or by any local taxing authority.

**§ 332.10 Payment or redemption.**

(a) *Prior to maturity.* Prior to maturity a Series H bond will be redeemed AT PAR, in whole or in part, in the amount of an authorized denomination or multiple thereof, at the option of the owner, after six months from the issue date upon one calendar month's notice to (1) a Federal Reserve Bank or Branch, (2) the Office of the Treasurer of the United States, Securities Division, Washington, D.C., 20220, or (3) the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill., 60605. Such notice may be given separately, in writing, or by presenting and surrendering the bond with a duly executed request for payment. If notice is given separately, the bond must be presented with a duly executed request for payment to the same agent not less than twenty days before the redemption date fixed by the notice. Payment will be made as of the first day of the first month following by at least one full calendar month the date of the receipt of notice.

(b) *At maturity.* Upon maturity a Series H bond will be redeemed at par upon presentation of the bond with a duly executed request for payment to one of the agents designated in paragraph (a) of this section. Any Series H bond having an extended maturity period will be redeemed at par upon original maturity and for two calendar months following the month in which the bond originally matures without advance notice.[1]

(c) *During extended maturity period.* A Series H bond having an extended maturity period will, beginning with the first day of the third calendar month following the calendar month in which the bond originally matures, be regarded as unmatured until it reaches its final maturity date and may be redeemed in the same manner and subject to the same notice for redemption as provided in paragraph (a) of this section.

[1] For example, if a bond is dated June 1, 1955, the date of original maturity is February 1, 1965. The date on which the right to payment without advance notice will be suspended is May 1, 1965.

TABLES OF CHECKS ISSUED AND INVESTMENT YIELDS FOR UNITED STATES SAVINGS BONDS OF SERIES H

Each table shows: (1) Amounts of interest checks paid on United States Savings Bonds of Series H bearing issue dates covered by the table, by denominations, on each interest payment date (a) following the date of issue for bonds bearing issue dates beginning December 1, 1954; (b) following original maturity date for bonds bearing issue dates of June 1, 1952, through November 1, 1954 (for the latest revised amounts of interest checks and investment yields during the original maturity period not shown in these tables, see Department Circular 905, Second Revision, dated September 23, 1959); (2) the approximate investment yield on the face value from issue date to each interest payment date; and (3) the approximate investment yield on the face value from each interest payment date to maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

TABLE 1—BONDS BEARING ISSUE DATES BEGINNING JUNE 1, 1959

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity [2] |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80.00 | 1.60 | 3.58 |
| 1 year | 7.25 | 14.50 | 72.50 | 145.00 | 2.25 | 3.95 |
| 1½ years | 8.00 | 16.00 | 80.00 | 160.00 | 2.56 | 4.00 |
| 2 years | 10.00 | 20.00 | 100.00 | 200.00 | 2.91 | 4.00 |
| 2½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.12 | 4.00 |
| 3 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.26 | 4.00 |
| 3½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.36 | 4.00 |
| 4 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.44 | 4.00 |
| 4½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.49 | 4.00 |
| 5 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.54 | 4.00 |
| 5½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.58 | 4.00 |
| 6 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.61 | 4.00 |
| 6½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.64 | 4.00 |
| 7 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.66 | 4.00 |
| 7½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.68 | 4.00 |
| 8 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.70 | 4.00 |
| 8½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.71 | 4.00 |
| 9 years | 10.00 | 20.00 | 100.00 | 200.00 | 3.72 | 4.00 |
| 9½ years | 10.00 | 20.00 | 100.00 | 200.00 | 3.74 | 4.00 |
| 10 years (maturity) | 10.00 | 20.00 | 100.00 | 200.00 | 3.75 | |

†Calculated on the basis of $1,000 bond.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] Approximate investment yield for entire period from issuance to maturity is 3.75 percent per annum.

TABLE 2—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1952

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value‡ | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after maturity date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to extended maturity* |
| | | | | | *Percent* | *Percent* |
| ¼ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.15 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.17 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.19 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.21 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.23 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.25 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.26 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.27 | 3.75 |
| 4½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.31 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.33 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | |

‡Calculated on the basis of $1,000 bond.
*Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.



TABLE 5—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1953, THROUGH MAY 1, 1954

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after maturity date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to extended maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.22 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.24 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.26 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.27 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.33 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 4½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 2.75 |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 6—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1954

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to extended maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.24 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.26 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.31 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 4½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 2.75 |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 3—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1952, THROUGH MAY 1, 1953

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after maturity date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to extended maturity* |
| | | | | | *Percent* | *Percent* |
| ¼ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.17 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.19 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.21 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.23 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.25 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.26 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.28 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.31 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.33 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 4—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1953

| Face value: Issue price | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Face value: Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| Period of time bond is held after maturity date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to extended maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.19 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.21 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.23 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.25 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.28 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.31 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 4½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.33 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.76 | 187.50 | 3.36 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 7—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1954, THROUGH MAY 1, 1955

| Face value | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Issue price | | | | | | |
| Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| **Period of time bond is held after issue date** | **(1) Amounts of interest checks for each denomination** | | | | **(2) From issue date to each interest payment date** | **(3) From each interest payment date (a) to maturity*** |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.65 | *3.18 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | *3.34 |
| 3 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.21 | *3.41 |
| 3½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.25 | *3.49 |
| 4 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.28 | *3.58 |
| 4½ years | 8.50 | 17.00 | 85.00 | 170.00 | 2.40 | †4.10 |
| **Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision** | | | | | | |
| 5 years | $8.75 | $17.50 | $87.50 | $175.00 | 2.50 | 4.17 |
| 5½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.59 | 4.28 |
| 6 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.66 | 4.37 |
| 6½ years | 9.65 | 19.30 | 96.50 | 193.00 | 2.74 | 4.46 |
| 7 years | 9.65 | 19.30 | 96.50 | 193.00 | 2.81 | 4.56 |
| 7½ years | 9.65 | 19.30 | 96.50 | 193.00 | 2.87 | 4.78 |
| 8 years | 10.35 | 20.70 | 103.50 | 207.00 | 2.94 | 4.98 |
| 8½ years | 10.35 | 20.70 | 103.50 | 207.00 | 3.01 | 5.31 |
| 9 years | 10.35 | 20.70 | 103.50 | 207.00 | 3.06 | 6.21 |
| 9½ years | 10.35 | 20.70 | 103.50 | 207.00 | 3.11 | 12.68 |
| 9 years and 8 months (maturity) | 10.35 | 20.70 | 103.50 | 207.00 | 3.24 | |
| **Period of time bond is held after maturity date** | **Extended maturity period** | | | | | **(b) to extended maturity**** |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.26 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.28 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.30 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.33 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
‡Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 8—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1955

| Face value | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Issue price | | | | | | |
| Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| **Period of time bond is held after issue date** | **(1) Amounts of interest checks for each denomination** | | | | **(2) From issue date to each interest payment date** | **(3) From each interest payment date (a) to maturity*** |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.65 | *3.18 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | *3.31 |
| 3 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.21 | *3.41 |
| 3½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.25 | *3.49 |
| 4 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.28 | †4.09 |
| **Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision** | | | | | | |
| 4½ years | $8.75 | $17.50 | $87.50 | $175.00 | 2.41 | 4.15 |
| 5 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.51 | 4.28 |
| 5½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.59 | 4.33 |
| 6 years | 9.55 | 19.10 | 95.50 | 191.00 | 2.69 | 4.39 |
| 6½ years | 9.55 | 19.10 | 95.50 | 191.00 | 2.77 | 4.49 |
| 7 years | 9.55 | 19.10 | 95.50 | 191.00 | 2.84 | 4.63 |
| 7½ years | 9.55 | 19.10 | 95.50 | 191.00 | 2.89 | 4.82 |
| 8 years | 10.50 | 21.00 | 105.00 | 210.00 | 2.97 | 5.02 |
| 8½ years | 10.50 | 21.00 | 105.00 | 210.00 | 3.03 | 5.38 |
| 9 years | 10.50 | 21.00 | 105.00 | 210.00 | 3.08 | 6.30 |
| 9½ years | 10.50 | 21.00 | 105.00 | 210.00 | 3.13 | 12.87 |
| 9 years and 8 months (maturity) | 10.50 | 21.00 | 105.00 | 210.00 | 3.27 | |
| **Period of time bond is held after maturity date** | **Extended maturity period** | | | | | **(b) to extended maturity**** |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.29 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.31 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.32 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
‡Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.



TABLE 9—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1955, THROUGH MAY 1, 1956

| Face value | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Issue price | | | | | | |
| Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| **Period of time bond is held after issue date** | **(1) Amounts of interest checks for each denomination** | | | | **(2) From issue date to each interest payment date** | **(3) From each interest payment date (a) to maturity*** |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.65 | *3.18 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | *3.34 |
| 3 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.21 | *3.41 |
| 3½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.25 | †3.99 |
| **Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision** | | | | | | |
| 4 years | $6.50 | $13.00 | $65.00 | $130.00 | 2.29 | 4.13 |
| 4½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.42 | 4.20 |
| 5 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.52 | 4.28 |
| 5½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.60 | 4.38 |
| 6 years | 9.80 | 19.60 | 98.00 | 196.00 | 2.70 | 4.45 |
| 6½ years | 9.80 | 19.60 | 98.00 | 196.00 | 2.79 | 4.54 |
| 7 years | 9.80 | 19.60 | 98.00 | 196.00 | 2.86 | 4.66 |
| 7½ years | 9.80 | 19.60 | 98.00 | 196.00 | 2.92 | 4.85 |
| 8 years | 10.55 | 21.10 | 105.50 | 211.00 | 3.00 | 5.04 |
| 8½ years | 10.55 | 21.10 | 105.50 | 211.00 | 3.06 | 5.41 |
| 9 years | 10.55 | 21.10 | 105.50 | 211.00 | 3.11 | 6.33 |
| 9½ years | 10.55 | 21.10 | 105.50 | 211.00 | 3.16 | 12.93 |
| 9 years and 8 months (maturity) | 10.55 | 21.10 | 105.50 | 211.00 | 3.30 | |
| **Period of time bond is held after maturity date** | **Extended maturity period** | | | | | **(b) to extended maturity**** |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.32 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.34 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.35 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.38 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.49 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
‡Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 10—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1956

| Face value | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value† | |
|---|---|---|---|---|---|---|
| Issue price | | | | | | |
| Redemption [1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | | |
| **Period of time bond is held after issue date** | **(1) Amounts of interest checks for each denomination** | | | | **(2) From issue date to each interest payment date** | **(3) From each interest payment date (a) to maturity*** |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.65 | *3.18 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | *3.34 |
| 3 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.21 | †3.91 |
| **Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision** | | | | | | |
| 3½ years | $6.50 | $13.00 | $65.00 | $130.00 | 2.26 | 4.03 |
| 4 years | 6.50 | 13.00 | 65.00 | 130.00 | 2.30 | 4.17 |
| 4½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.43 | 4.24 |
| 5 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.53 | 4.33 |
| 5½ years | 9.75 | 19.50 | 97.50 | 195.00 | 2.65 | 4.38 |
| 6 years | 9.75 | 19.50 | 97.50 | 195.00 | 2.74 | 4.45 |
| 6½ years | 9.75 | 19.50 | 97.50 | 195.00 | 2.82 | 4.55 |
| 7 years | 9.75 | 19.50 | 97.50 | 195.00 | 2.89 | 4.68 |
| 7½ years | 9.75 | 19.50 | 97.50 | 195.00 | 2.95 | 4.87 |
| 8 years | 10.60 | 21.20 | 106.00 | 212.00 | 3.02 | 5.07 |
| 8½ years | 10.60 | 21.20 | 106.00 | 212.00 | 3.08 | 5.44 |
| 9 years | 10.60 | 21.20 | 106.00 | 212.00 | 3.14 | 6.36 |
| 9½ years | 10.60 | 21.20 | 106.00 | 212.00 | 3.19 | 12.99 |
| 9 years and 8 months (maturity) | 10.60 | 21.20 | 106.00 | 212.00 | 3.33 | |
| **Period of time bond is held after maturity date** | **Extended maturity period** | | | | | **(b) to extended maturity**** |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.34 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.36 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.37 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.41 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 4½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.44 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.49 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.49 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.50 | 3.75 |
| 10 years (extended maturity) [2] | 9.38 | 18.75 | 93.75 | 187.50 | 3.50 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
‡Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[2] 19 years—8 months from issue date.

TABLE 12—BONDS BEARING ISSUE DATES FROM FEBRUARY 1 THROUGH MAY 1, 1957

| Face value: Issue price / Redemption[1] and maturity value | $500 / 500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | *3.35 |
| 1 year | 7.25 | 14.50 | 72.50 | 145 | 2.25 | *3.38 |
| 1½ years | 8.45 | 16.90 | 84.50 | 169 | 2.62 | *3.38 |
| 2 years | 8.45 | 16.90 | 84.50 | 169 | 2.80 | †3.88 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 2½ years | $8.70 | $17.40 | $87.00 | $174 | 2.94 | 3.91 |
| 3 years | 8.70 | 17.40 | 87.00 | 174 | 3.02 | 3.95 |
| 3½ years | 8.70 | 17.40 | 87.00 | 174 | 3.08 | 3.99 |
| 4 years | 8.70 | 17.40 | 87.00 | 174 | 3.13 | 4.03 |
| 4½ years | 8.70 | 17.40 | 87.00 | 174 | 3.17 | 4.09 |
| 5 years | 9.75 | 19.50 | 97.50 | 195 | 3.24 | 4.11 |
| 5½ years | 9.75 | 19.50 | 97.50 | 195 | 3.29 | 4.14 |
| 6 years | 9.75 | 19.50 | 97.50 | 195 | 3.34 | 4.17 |
| 6½ years | 9.75 | 19.50 | 97.50 | 195 | 3.38 | 4.21 |
| 7 years | 9.75 | 19.50 | 97.50 | 195 | 3.41 | 4.27 |
| 7½ years | 10.45 | 20.90 | 104.50 | 209 | 3.45 | 4.29 |
| 8 years | 10.45 | 20.90 | 104.50 | 209 | 3.49 | 4.31 |
| 8½ years | 10.45 | 20.90 | 104.50 | 209 | 3.53 | 4.36 |
| 9 years | 10.90 | 21.80 | 109.00 | 218 | 3.57 | 4.36 |
| 9½ years | 10.90 | 21.80 | 109.00 | 218 | 3.60 | 4.36 |
| 10 years (maturity) | 10.90 | 21.80 | 109.00 | 218 | 3.63 | |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.25 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

TABLE 11—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1956, THROUGH JANUARY 1, 1957

| Face value: Issue price / Redemption[1] and maturity value | $500 / 500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | Approximate investment yield on face value[†] | |
|---|---|---|---|---|---|---|
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date (s) to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $2.00 | $4.00 | $20.00 | $40.00 | 0.80 | *3.13 |
| 1 year | 6.25 | 12.50 | 62.50 | 125.00 | 1.65 | *3.18 |
| 1½ years | 6.25 | 12.50 | 62.50 | 125.00 | 1.93 | *3.22 |
| 2 years | 6.25 | 12.50 | 62.50 | 125.00 | 2.07 | *3.27 |
| 2½ years | 6.25 | 12.50 | 62.50 | 125.00 | 2.15 | ‡3.64 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 3 years | $8.50 | $13.00 | $65.00 | $130.00 | 2.22 | 3.46 |
| 3½ years | 6.50 | 13.00 | 65.00 | 130.00 | 2.28 | 4.07 |
| 4 years | 8.50 | 13.00 | 65.00 | 130.00 | 2.32 | 4.29 |
| 4½ years | 8.75 | 17.50 | 87.50 | 175.00 | 2.44 | 4.38 |
| 5 years | 8.75 | 17.50 | 87.50 | 175.00 | 2.54 | 4.43 |
| 5½ years | 10.00 | 20.00 | 100.00 | 200.00 | 2.66 | 4.50 |
| 6 years | 10.00 | 20.00 | 100.00 | 200.00 | 2.77 | 4.08 |
| 6½ years | 10.00 | 20.00 | 100.00 | 200.00 | 2.82 | 4.70 |
| 7 years | 10.00 | 20.00 | 100.00 | 200.00 | 2.92 | 4.73 |
| 7½ years | 10.60 | 21.20 | 106.00 | 212.00 | 3.00 | 5.07 |
| 8 years | 10.60 | 21.20 | 106.00 | 212.00 | 3.12 | 5.44 |
| 8½ years | 10.60 | 21.20 | 106.00 | 212.00 | 3.17 | 6.36 |
| 9 years | 10.60 | 21.20 | 106.00 | 212.00 | 3.22 | 12.99 |
| 9½ years and 6 months (maturity) | 10.60 | 21.20 | 106.00 | 212.00 | 3.36 | |
| Period of time bond is held after maturity date | Extended maturity period | | | | (b) to extended maturity** | |
| ½ year | $9.37 | $18.75 | $93.75 | $187.50 | 3.37 | 3.75 |
| 1 year | 9.37 | 18.75 | 93.75 | 187.50 | 3.39 | 3.75 |
| 1½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.40 | 3.75 |
| 2 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.42 | 3.75 |
| 2½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.43 | 3.75 |
| 3 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.45 | 3.75 |
| 3½ years | 9.37 | 18.75 | 93.75 | 187.50 | 3.46 | 3.75 |
| 4 years | 9.37 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 4½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.47 | 3.75 |
| 5 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.48 | 3.75 |
| 5½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.49 | 3.75 |
| 6 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.49 | 3.75 |
| 6½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.50 | 3.75 |
| 7 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.50 | 3.75 |
| 7½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.51 | 3.75 |
| 8 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.52 | 3.75 |
| 8½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.53 | 3.75 |
| 9 years | 9.38 | 18.75 | 93.75 | 187.50 | 3.52 | 3.75 |
| 9½ years | 9.38 | 18.75 | 93.75 | 187.50 | 3.52 | |
| 10 years (extended maturity)[1] | 9.38 | 18.75 | 93.75 | 187.50 | 3.52 | |

†Calculated on the basis of $1,000 bond.
*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.00 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
‡Approximate investment yield from effective date of the June 1, 1959 revision to maturity.
**Approximate investment yield for the full 10-year extension is 3.75 percent per annum.
[1] At all times, except that bond is not redeemable during first 6 months.
[1] 10 years—8 months from issue date.



TABLE 13—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1957

| Face value: Issue price / Redemption[1] and maturity value | $500 / 500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | *3.35 |
| 1 year | 7.25 | 14.50 | 72.50 | 145 | 2.25 | *3.38 |
| 1½ years | 8.45 | 16.90 | 84.50 | 169 | 2.62 | *3.38 |
| 2 years | 8.45 | 16.90 | 84.50 | 169 | 2.80 | †3.88 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 2½ years | $8.70 | $17.40 | $87.00 | $174 | 2.94 | 3.91 |
| 3 years | 8.70 | 17.40 | 87.00 | 174 | 3.02 | 3.95 |
| 3½ years | 8.70 | 17.40 | 87.00 | 174 | 3.08 | 3.99 |
| 4 years | 8.70 | 17.40 | 87.00 | 174 | 3.13 | 4.03 |
| 4½ years | 8.70 | 17.40 | 87.00 | 174 | 3.17 | 4.09 |
| 5 years | 9.75 | 19.50 | 97.50 | 195 | 3.24 | 4.11 |
| 5½ years | 9.75 | 19.50 | 97.50 | 195 | 3.29 | 4.14 |
| 6 years | 9.75 | 19.50 | 97.50 | 195 | 3.34 | 4.17 |
| 6½ years | 9.75 | 19.50 | 97.50 | 195 | 3.38 | 4.21 |
| 7 years | 9.75 | 19.50 | 97.50 | 195 | 3.41 | 4.27 |
| 7½ years | 10.45 | 20.90 | 104.50 | 209 | 3.45 | 4.29 |
| 8 years | 10.45 | 20.90 | 104.50 | 209 | 3.49 | 4.31 |
| 8½ years | 10.45 | 20.90 | 104.50 | 209 | 3.53 | 4.36 |
| 9 years | 10.90 | 21.80 | 109.00 | 218 | 3.57 | 4.36 |
| 9½ years | 10.90 | 21.80 | 109.00 | 218 | 3.60 | 4.36 |
| 10 years (maturity) | 10.90 | 21.80 | 109.00 | 218 | 3.63 | |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.25 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

TABLE 14—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1957, THROUGH MAY 1, 1958

| Face value: Issue price / Redemption[1] and maturity value | $500 / 500 | $1,000 / 1,000 | $5,000 / 5,000 | $10,000 / 10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | *3.35 |
| 1 year | 7.25 | 14.50 | 72.50 | 145 | 2.25 | *3.38 |
| 1½ years | 8.45 | 16.90 | 84.50 | 169 | 2.62 | †3.88 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 2 years | $8.70 | $17.40 | $87.00 | $174 | 2.83 | 3.91 |
| 2½ years | 8.70 | 17.40 | 87.00 | 174 | 2.96 | 3.94 |
| 3 years | 8.70 | 17.40 | 87.00 | 174 | 3.04 | 3.98 |
| 3½ years | 8.70 | 17.40 | 87.00 | 174 | 3.10 | 4.02 |
| 4 years | 8.70 | 17.40 | 87.00 | 174 | 3.14 | 4.07 |
| 4½ years | 9.65 | 19.30 | 96.50 | 193 | 3.22 | 4.10 |
| 5 years | 9.65 | 19.30 | 96.50 | 193 | 3.28 | 4.12 |
| 5½ years | 9.65 | 19.30 | 96.50 | 193 | 3.33 | 4.15 |
| 6 years | 9.65 | 19.30 | 96.50 | 193 | 3.37 | 4.19 |
| 6½ years | 9.65 | 19.30 | 96.50 | 193 | 3.40 | 4.25 |
| 7 years | 10.35 | 20.70 | 103.50 | 207 | 3.45 | 4.27 |
| 7½ years | 10.35 | 20.70 | 103.50 | 207 | 3.49 | 4.29 |
| 8 years | 10.35 | 20.70 | 103.50 | 207 | 3.52 | 4.33 |
| 8½ years | 10.35 | 20.70 | 103.50 | 207 | 3.55 | 4.40 |
| 9 years | 11.00 | 22.00 | 110.00 | 220 | 3.59 | 4.40 |
| 9½ years | 11.00 | 22.00 | 110.00 | 220 | 3.63 | 4.40 |
| 10 years (maturity) | 11.00 | 22.00 | 110.00 | 220 | 3.66 | |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.25 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

TABLE 15—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1958

| Face value | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Issue price | | | | | | |
| Redemption[1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | | |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | *3.35 |
| 1 year | 7.25 | 14.50 | 72.50 | 145 | 2.25 | †3.88 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 1½ years | $8.70 | $17.40 | $87.00 | $174 | 2.65 | 3.91 |
| 2 years | 8.70 | 17.40 | 87.00 | 174 | 2.85 | 3.94 |
| 2½ years | 8.70 | 17.40 | 87.00 | 174 | 2.98 | 3.97 |
| 3 years | 8.70 | 17.40 | 87.00 | 174 | 3.06 | 4.01 |
| 3½ years | 8.70 | 17.40 | 87.00 | 174 | 3.11 | 4.06 |
| 4 years | 9.55 | 19.10 | 95.50 | 191 | 3.20 | 4.08 |
| 4½ years | 9.55 | 19.10 | 95.50 | 191 | 3.26 | 4.11 |
| 5 years | 9.55 | 19.10 | 95.50 | 191 | 3.31 | 4.14 |
| 5½ years | 9.55 | 19.10 | 95.50 | 191 | 3.35 | 4.18 |
| 6 years | 9.55 | 19.10 | 95.50 | 191 | 3.39 | 4.23 |
| 6½ years | 10.30 | 20.60 | 103.00 | 206 | 3.44 | 4.25 |
| 7 years | 10.30 | 20.60 | 103.00 | 206 | 3.48 | 4.27 |
| 7½ years | 10.30 | 20.60 | 103.00 | 206 | 3.52 | 4.31 |
| 8 years | 10.30 | 20.60 | 103.00 | 206 | 3.55 | 4.36 |
| 8½ years | 10.30 | 20.60 | 103.00 | 206 | 3.58 | 4.44 |
| 9 years | 11.10 | 22.20 | 111.00 | 222 | 3.62 | 4.44 |
| 9½ years | 11.10 | 22.20 | 111.00 | 222 | 3.66 | 4.44 |
| 10 years (maturity) | 11.10 | 22.20 | 111.00 | 222 | 3.69 | |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: (1) 3.25 percent per annum for entire period from issuance to maturity. (2) As shown for any period from each interest payment date to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

TABLE 16—BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1958, THROUGH MAY 1, 1959

| Face value | $500 | $1,000 | $5,000 | $10,000 | Approximate investment yield on face value | |
|---|---|---|---|---|---|---|
| Issue price | | | | | | |
| Redemption[1] and maturity value | 500 | 1,000 | 5,000 | 10,000 | (2) From issue date to each interest payment date | (3) From each interest payment date to maturity* |
| Period of time bond is held after issue date | (1) Amounts of interest checks for each denomination | | | | | |
| | | | | | *Percent* | *Percent* |
| ½ year | $4.00 | $8.00 | $40.00 | $80 | 1.60 | †3.55 |
| Amounts of interest checks and investment yields to maturity on basis of June 1, 1959 revision | | | | | | |
| 1 year | $7.50 | $15.00 | $75.00 | $150 | 2.30 | 3.91 |
| 1½ years | 8.70 | 17.40 | 87.00 | 174 | 2.68 | 3.94 |
| 2 years | 8.70 | 17.40 | 87.00 | 174 | 2.88 | 3.97 |
| 2½ years | 8.70 | 17.40 | 87.00 | 174 | 3.00 | 4.01 |
| 3 years | 8.70 | 17.40 | 87.00 | 174 | 3.07 | 4.05 |
| 3½ years | 9.45 | 18.90 | 94.50 | 189 | 3.17 | 4.08 |
| 4 years | 9.45 | 18.90 | 94.50 | 189 | 3.24 | 4.10 |
| 4½ years | 9.45 | 18.90 | 94.50 | 189 | 3.30 | 4.14 |
| 5 years | 9.45 | 18.90 | 94.50 | 189 | 3.34 | 4.18 |
| 5½ years | 9.45 | 18.90 | 94.50 | 189 | 3.38 | 4.23 |
| 6 years | 10.25 | 20.50 | 102.50 | 205 | 3.43 | 4.24 |
| 6½ years | 10.25 | 20.50 | 102.50 | 205 | 3.48 | 4.26 |
| 7 years | 10.25 | 20.50 | 102.50 | 205 | 3.52 | 4.29 |
| 7½ years | 10.25 | 20.50 | 102.50 | 205 | 3.55 | 4.33 |
| 8 years | 10.25 | 20.50 | 102.50 | 205 | 3.58 | 4.40 |
| 8½ years | 10.25 | 20.50 | 102.50 | 205 | 3.61 | 4.50 |
| 9 years | 11.25 | 22.50 | 112.50 | 225 | 3.65 | 4.50 |
| 9½ years | 11.25 | 22.50 | 112.50 | 225 | 3.69 | 4.50 |
| 10 years (maturity) | 11.25 | 22.50 | 112.50 | 225 | 3.72 | |

*Approximate investment yield on the basis of original (prior to June 1, 1959 revision) schedule of interest checks is: 3.25 percent per annum for entire period from issuance to maturity.
†Revised approximate investment yield from effective date of revision to maturity.
[1] At all times, except that bond is not redeemable during first 6 months.

**§ 332.11 Reservation as to issue of bonds.**

The Secretary of the Treasury reserves the right to reject any application for Series H bonds, in whole or in part, and to refuse to issue or permit to be issued hereunder any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

**§ 332.12 Preservation of rights.**

Nothing contained herein shall limit or restrict rights which owners of Series H bonds heretofore issued have acquired under offers previously in force.

**§ 332.13 Fiscal agents.**

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption and payment of Series H bonds.

**§ 332.14 Reservation as to terms of offer.**

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds (Part 332 of this chapter), or of any amendments or supplements thereto.

[F.R. Doc. 64-13385; Filed, Dec. 29, 1964; 8:45 a.m.]



# Title 46—SHIPPING

## Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 11th Rev.]

## PART 309—VALUES FOR WAR RISK INSURANCE

### Miscellaneous Amendments

Part 309 is hereby amended by changing §§ 309.1–309.101, to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.3 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Determination of values.

AUTHORITY: §§ 309.1 through 309.8 and 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

**§ 309.1 Findings.**

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209 (a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), Public Law 958, 84th Congress, and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 3, of Department Order No. 117 (Revised) (27 F.R. 3637, April 17, 1962), and redelegated to the Ship Valuation Committee (28 F.R. 12330, November 21, 1963).

**§ 309.2 Scope.**

(a) *Vessels included.* This part establishes values for self-propelled ocean-going iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281–1294), Public Law 763, 81st Congress, Public Law 209, 84th Congress, Public Law 958, 84th Congress. The values established by this part represent the maximum amounts for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid, by the Maritime Administration with respect to insurance attaching on or after July 1, 1964, under the Standard Forms of War Risk Hull insurance Interim Binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961). Revised values will be prescribed in subsequent revisions of this part, which are expected to be issued at least every six months. The latest published values will remain in effect until new ones are published.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b), shall be specifically determined by the Maritime Administration and set forth in § 309.101.

(c) *Fuel, stores, and supplies.* Values for fuel, stores and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 F.R. 2944, March 4, 1964.)

BASIC VALUES

**§ 309.3 Vessels built during or after 1939.**

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels under United States flag listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

| Standard-type vessel: | *Value* |
|---|---|
| EC2–S–C1 | $275,000 |
| EC2–S–AW1 | 260,000 |
| VC2–S–AP2 | 495,000 |
| C1–M–AV1 | 270,000 |
| C1–A and B (Steam) | 285,000 |
| C1–A and B (Diesel) | 285,000 |
| C2–S–B1 | 540,000 |
| C3–S–A2 | 860,000 |
| C4–S–B5 | 970,000 |
| T1–M–BT | 315,000 |
| T2–SE–A1 | 495,000 |
| T3–S–A1 | 490,000 |
| T3–S–BZ1 | 940,000 |

(2) The values of the standard types of war-built vessels under United States flag listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

| Standard-type vessel: | *Value* |
|---|---|
| EC2–S–C1 | $225,000 |
| C1–M–AV1 | 210,000 |
| VC2–S–AP2 | 420,000 |
| C2–S–B1 | 460,000 |
| T2–SE–A1 | 275,000 |
| T1–M–BT2 | 150,000 |

(3) The values of the standard types of war-built vessels under foreign flag listed in this subparagraph (3) (which are the lower of (i) the restricted world market values, or (ii) the domestic market values of comparable United States flag vessels which do not have the lawful right to engage in the coastwise trade of the United States, as determined by the Ship Valuation Committee) are as follows:

| Standard-type vessel: | *Value* |
|---|---|
| EC2–S–C1 | $202,500 |
| T2–SE–A1 | 275,000 |
| T1–M–BT2 | 150,000 |
| T3–S–A1 | 270,000 |

(4) The values of the standard subtypes of war-built vessels listed in this subparagraph (4) shall be determined as follows:

(i) If the subtype vessel is under United States flag and has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(ii) If the subtype vessel is under United States flag but does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in the table set forth in the subparagraph (4), or

(iii) If the subtype vessel is under foreign flag, by multiplying the basic value of the standard-type vessel listed in subparagraph (3) of this paragraph by the factor shown opposite the subtype in the table set forth in the subparagraph (4).

TABLE

| *Subtype* | *Factor* |
|---|---|
| VC2–S–AP3 | 110%—VC2–S–AP2 |
| VC2–M–AP4 | 90%—VC2–S–AP2 |
| C1–M–AV6 | 100%—C1–M–AV1 |
| C1–M–AV8 | 100%—C1–M–AV1 |
| C2–S–A1 | 85%—C2–S–B1 |
| C2–S–AJ1 | 100%—C2–S–B1 |
| C2–S–AJ2 | 105%—C2–S–B1 |
| C2–S–AJ3 | 100%—C2–S–B1 |
| C2–S–AJ5 | 103%—C2–S–B1 |
| C2–Cargo | 100%—C2–S–B1 |
| C2–S–E1 | 103%—C2–S–B1 |
| C2–F | 100%—C2–S–B1 |
| C2–S | 100%—C2–S–B1 |
| C2–SU | 95%—C2–S–B1 |
| C3–Cargo | 100%—C3–S–A2 |
| C3–S–A1 | 100%—C3–S–A2 |
| C3–S–A3 | 76%—C3–S–A2 |
| C3–S–A4 | 106%—C3–S–A2 |
| C3–S–A5 | 106%—C3–S–A2 |
| C3–E | 70%—C3–S–A2 |
| C3–M | 100%—C3–S–A2 |
| C3–S–BH1 | 100%—C3–S–A2 |
| C3–S–BH2 | 105%—C3–S–A2 |
| C4–S–A4 | 100%—C4–S–B5 |
| T1–M–BT1 | 100%—T1–M–BT |
| T1–M–BT2 | 100%—T1–M–BT |
| T2–SE–A2 | 108%—T2–SE–A1 |
| T2–SE–A3 | 108%—T2–SE–A1 |
| T2 | 108%—T2–SE–A1 |
| T3–M–AZ1 | 105%—T3–S–A1 |
| T3–S–BF1 | 130%—T3–S–A1 |

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

**§ 309.4 Vessels built prior to 1939.**

The values of vessels built prior to 1939 shall be specifically determined by the Maritime Administration and set forth in § 309.101.

GENERAL PROVISIONS

**§ 309.5 Adjustments for condition, equipment and other considerations.**

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (d) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administration determines that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there shall be subtracted from the basic value of such vessel, as determined pursuant to § 309.3 the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of $50,000.00, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment less construction-differential subsidy thereon, shall be added to the basic value.

(c) *Government installations.* The values provided by this part shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

(d) *Construction subsidized vessel.* In the case of a construction subsidized vessel, for the period of insurance prior to requisition for title or use the valuation determined in accordance with § 309.3 shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for the period of insurance after requisition for use the valuation determined in accordance with § 309.3 shall not exceed the amount which would be payable under section 802 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1212), in the case of requisition for title or use. (See, however, Public Law 88–478, approved August 22, 1964.)

**§ 309.6 Definitions.**

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts, and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Revision, 24 F.R. 3793, May 12, 1959).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than twelve passengers.

(e) *Construction subsidized vessel.* A construction subsidized vessel is a vessel built, reconstructed, or reconditioned with the aid of a construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, or a vessel sold by the United States which is subject by operation of law or contract to the provisions of section 802 of the Merchant Marine Act, 1936, as amended.

(f) *Vessel.* The stated valuation of a vessel in this order applies to a vessel in Class A–1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the Coast Guard, Treasury Department, with all outstanding requirements and recommendations necessary for retention of class accomplished; and so far as due diligence can make her so, tight, staunch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to § 309.5(a). The stated valuation of a vessel provided in this order does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part 1, and Maritime Administration Inventory Books, Forms MA–4736, A through K, which will be valued separately.

**§ 309.7 Modifications.**

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

**§ 309.8 Vessel data forms.**

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961) shall be accompanied by information relating to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, N.Y., 10038, or the Chief, Division of Insurance, Maritime Administration, Washington, D.C., 20235.

(b) *Vessels of 1500 gross tons or more.* Vessel data for all vessels of 1500 gross tons or more shall be submitted on Form MA–510.

(c) *Vessels under 1500 gross tons.* Vessel data for all vessels under 1500 gross tons shall be submitted on Form MA–511.

(d) *Modifications to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by five percent or more.

VALUES FOR INDIVIDUAL VESSELS

**§ 309.101 Determination of values.**

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) Whereas, the Maritime Administration has found that the values established pursuant to §§ 309.3 through 309.5 constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed by Part 308 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of July 1, 1964, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after date of publication of this order or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

| Binder No. | Name of vessel | Official No. | Stated valuation |
|---|---|---|---|
| 870 | Achilles | 281702 | $8,625,000 |
| 94 | Afoundria | 244018 | 550,000 |
| 722 | African Glade | 245035 | 540,000 |
| 723 | African Glen | 247294 | 540,000 |
| 724 | African Grove | 244877 | 540,000 |
| 605 | Alamar | 245810 | 490,000 |
| 1269 | Alaska Bear | 246004 | 545,000 |
| 939 | Alaska Mail | 247420 | 545,000 |
| 208 | Alaskan | 245965 | 495,000 |
| 1748 | Alcoa Marketer | 245539 | 540,000 |
| 1463 | Alcoa Ranger | 253116 | 547,000 |
| 1461 | Alcoa Roamer | 252567 | 547,000 |
| 1460 | Alcoa Runner | 245375 | 547,000 |
| 1850 | Aldina | 239754 | 440,000 |
| 1061 | Aldine | 841 | 275,000 |
| 659 | Alice Brown | 249027 | 540,000 |
| 352 | Aloha State | 243297 | 860,000 |
| 529 | American Builder | 247201 | 540,000 |
| 530 | American Chief | 246732 | 540,000 |
| 831 | American Eagle | 278327 | 6,575,000 |
| 1769 | American Falcon | 252524 | 3,860,000 |
| 533 | American Flyer | 247417 | 540,000 |
| 534 | American Forester | 248074 | 540,000 |
| 1791 | American Hawk | 243969 | 860,000 |
| 1665 | American Hunter | 252679 | 540,000 |
| 541 | American Leader | 249517 | 540,000 |
| 940 | American Mail | 247321 | 860,000 |
| 542 | American Manufacturer | 247643 | 540,000 |
| 545 | American Miller | 248873 | 540,000 |
| 1688 | American Oriole | 252904 | 860,000 |



| Binder No. | Name of vessel | Official No. | Stated valuation |
|---|---|---|---|
| 546 | American Packer | 243982 | 540,000 |
| 548 | American Planter | 254670 | 540,000 |
| 549 | American Press | 247590 | 540,000 |
| 550 | American Producer | 254616 | 540,000 |
| 1679 | American Robin | 242941 | 860,000 |
| 554 | American Scientist | 254653 | 540,000 |
| 561 | American Veteran | 247296 | 540,000 |
| 163 | America Sun | 240147 | 445,000 |
| 272 | Ames Victory | 247292 | 545,000 |
| 1485 | Amoco Connecticut | 242851 | 1,675,000 |
| 1488 | Amoco Delaware | 245058 | 1,625,000 |
| 1482 | Amoco Maryland | 242509 | 635,000 |
| 1484 | Amoco New York | 244801 | 679,000 |
| 1486 | Amoco Virginia | 243518 | 1,825,000 |
| 641 | Amtank | 247968 | 940,000 |
| 95 | Andrew Jackson | 247305 | 556,000 |
| 19 | Angelo Petri | 243882 | 3,750,000 |
| 1040 | A. N. Kemp | 149 | 1,005,000 |
| 1615 | Anne Quinn | 243521 | 275,000 |
| 96 | Antinous | 245979 | 556,000 |
| 1767 | Appomattox | 243847 | 643,000 |
| 1444 | Arizona Standard | 248736 | 495,000 |
| 97 | Arlyn | 251507 | 556,000 |
| 1039 | Atholl McBean | 141 | 990,000 |
| 232 | Atlantic Communicator | 268196 | 4,250,000 |
| 233 | Atlantic Endeavor | 277623 | 6,175,000 |
| 234 | Atlantic Engineer | 281167 | 3,625,000 |
| 1004 | Atlantic Enterprise | 276911 | 6,100,000 |
| 1006 | Atlantic Navigator | 261423 | 3,675,000 |
| 238 | Atlantic Seaman | 260954 | 3,600,000 |
| 239 | Atlantic Trader | 248007 | 1,800,000 |
| 871 | Atlas | 277291 | 7,000,000 |
| 418 | Attleboro Victory | 247475 | 420,000 |
| 789 | Audrey J. Luckenbach | 242884 | 970,000 |
| 1435 | Austin | 247455 | 2,375,000 |
| 210 | Avila | 267181 | 1,420,000 |
| 259 | Azalea City | 243436 | 2,250,000 |
| 707 | Badger State | 245136 | 540,000 |
| 1864 | Bangor | 250336 | 546,000 |
| 980 | Barbara | 248079 | 2,300,000 |
| 347 | Barbara Jane | 278103 | 6,825,000 |
| 1616 | Bat | 244714 | 275,000 |
| 708 | Bayon State | 254012 | 540,000 |
| 949 | Bay State | 254130 | 540,000 |
| 1657 | Bearcat | 246427 | 225,000 |
| 260 | Beauregard | 251508 | 2,250,000 |
| 709 | Beaver State | 245583 | 545,000 |
| 947 | Bengal Mail | 248844 | 860,000 |
| 594 | Bennington | 242406 | 495,000 |
| 1665 | Bethflor | 256034 | 1,850,000 |
| 608 | Bethtex | 255539 | 1,850,000 |
| 419 | Biddeford Victory | 248433 | 420,000 |
| 261 | Bienville | 243438 | 2,250,000 |
| 1559 | Bladensburg | 244188 | 495,000 |
| 710 | Blue Grass State | 253866 | 540,000 |
| 1821 | Bonanza | 249290 | 540,000 |
| 1816 | Bradford Island | 247640 | 495,000 |
| 1490 | Brazos | 247583 | 630,000 |
| 837 | Bridgehampton | 248133 | 2,450,000 |
| 1593 | Brighton | 4445–59 | 2,210,000 |
| 1473 | Brooklyn Heights | 247872 | 495,000 |
| 353 | Buckeye State | 244577 | 860,000 |
| 1337 | Burgan | 1538 | 930,000 |
| 226 | Byron D. Benson | 246173 | 495,000 |
| 941 | California Mail | 252476 | 860,000 |
| 297 | Californian | 249239 | 2,700,000 |
| 963 | California Standard | 262403 | 440,000 |
| 645 | Calibee | 245560 | 495,000 |
| 1575 | Caltex Bangkok | 2244–48 | 275,000 |
| 1576 | Caltex Capetown | 2246–48 | 275,000 |
| 1577 | Caltex Copenhagen | 2245–48 | 275,000 |
| 1578 | Caltex Durban | 2243–48 | 275,000 |
| 1579 | Caltex Genoa | 2248–48 | 275,000 |
| 1580 | Caltex Gothenburg | 2249–48 | 275,000 |
| 1581 | Caltex Manila | 2247–48 | 275,000 |
| 1585 | Caltex Stockholm | 2070–47 | 275,000 |
| 1586 | Caltex Venice | 2076–47 | 275,000 |
| 426 | Canada Bear | 247385 | 545,000 |
| 1424 | Cantebury Leader | 247868 | 260,000 |
| 1370 | Cantigny | 247452 | 2,350,000 |
| 07 | Carbide Seadrift | 241851 | 2,075,000 |
| 08 | Carbide Texas City | 242582 | 2,075,000 |
| 868 | Cathy | 248785 | 545,000 |
| 591 | Chancellorsville | 244460 | 2,125,000 |
| 1213 | Chatham | 252493 | 540,000 |
| 333 | Chemical Transporter | 244942 | 1,200,000 |
| 243 | Chena | 242704 | 297,000 |
| 597 | Cherry Valley | 242831 | 495,000 |
| 964 | Chevron | 250641 | 315,000 |
| 1041 | Chevron Transporter | 132 | 975,000 |
| 610 | Chilore | 253219 | 1,350,000 |
| 99 | Choctaw | 242785 | 540,000 |
| 1813 | Cities Service Baltimore | 271866 | 5,900,000 |
| 1814 | Cities Service Miami | 272077 | 5,925,000 |
| 1815 | Cities Service Norfolk | 272839 | 6,050,000 |
| 1050 | Cities Service Valley Forge | 401 | 1,635,000 |
| 100 | City of Alma | 247592 | 556,000 |
| 101 | Claiborne | 242378 | 540,000 |
| 244 | Coastal Monarch | 248699 | 270,000 |
| 245 | Coastal Nomad | 248382 | 270,000 |
| 246 | Coastal Rambler | 248648 | 270,000 |
| 266 | Coeur d'Alene Victory | 247113 | 545,000 |
| 273 | Coe Victory | 247894 | 545,000 |
| 186 | Colina | 242775 | 495,000 |
| 1163 | Colorado | 252492 | 540,000 |
| 711 | Constitution State | 245985 | 545,000 |
| 1588 | Continental II | 1650 | 1,200,000 |
| 1589 | Continental III | 1695 | 1,215,000 |
| 712 | Copper State | 244137 | 860,000 |
| 1336 | Coro | 1540 | 950,000 |
| 713 | Cotton State | 248440 | 495,000 |
| 704 | Cottonwood Creek | 246864 | 1,325,000 |
| 1305 | Council Grove | 247896 | 2,275,000 |
| 1051 | Cradle of Liberty | 467 | 1,665,000 |
| 1538 | C. R. Musser | 246754 | 615,000 |
| 668 | Crown Trader | 241602 | 450,000 |
| 583 | Custis Woods | 245009 | 495,000 |
| 1355 | Cyclone | 254751 | 485,000 |
| 137 | Cynthia Olson | 253441 | 145,000 |
| 1343 | David D. Irwin | 242354 | 2,425,000 |
| 212 | David E. Day | 248880 | 1,975,000 |
| 165 | Delaware Sun | 264553 | 3,925,000 |
| 319 | Del Campo | 241923 | 320,000 |
| 323 | Del Monte | 246628 | 308,000 |
| 102 | De Soto | 245398 | 556,000 |
| 377 | Dolly Turman | 249747 | 540,000 |
| 1782 | Dorothy Boylan | 245895 | 275,000 |
| 1681 | Duval | 245641 | 485,000 |
| 700 | Eagle Courier | 277561 | 6,450,000 |
| 699 | Eagle Transporter | 277710 | 6,450,000 |
| 697 | Eagle Traveler | 278442 | 6,900,000 |
| 698 | Eagle Voyager | 278624 | 6,900,000 |
| 167 | Eastern Sun | 270025 | 4,450,000 |
| 187 | Eclipse | 247144 | 3,500,000 |
| 786 | Edgar F. Luckenbach | 248882 | 970,000 |
| 921 | Elemir | 247155 | 495,000 |
| 1623 | Elwell | 245837 | 540,000 |
| 705 | Empire State | 248212 | 540,000 |
| 830 | Erna Elizabeth | 280193 | 7,175,000 |
| 983 | Esso Baltimore | 262272 | 9,425,000 |
| 987 | Esso Bangor | 264791 | 3,375,000 |
| 1312 | Esso Bogota | | 915,000 |
| 984 | Esso Boston | 283784 | 9,600,000 |
| 1310 | Esso Brooklyn | | 270,000 |
| 989 | Esso Chester | 264445 | 3,425,000 |
| 1378 | Esso Colon | | 900,000 |
| 988 | Esso Dallas | 259248 | 2,925,000 |
| 990 | Esso Florence | 266855 | 3,650,000 |
| 1007 | Esso Gettysburg | 273362 | 6,700,000 |
| 991 | Esso Gloucester | 265336 | 3,550,000 |
| 993 | Esso Huntington | 266329 | 3,375,000 |
| 999 | Esso Jacksonville | 257381 | 2,775,000 |
| 994 | Esso Jamestown | 275519 | 7,000,000 |
| 995 | Esso Lexington | 276270 | 7,125,000 |
| 996 | Esso Lima | 259142 | 2,925,000 |
| 992 | Esso Miami | 259357 | 2,900,000 |
| 1313 | Esso Montevideo | | 870,000 |
| 997 | Esso Newark | 264231 | 3,400,000 |
| 998 | Esso New York | 259610 | 2,975,000 |
| 1314 | Esso Norfolk | | 275,000 |
| 1315 | Esso Santos | | 920,000 |
| 1014 | Esso Scranton | 245830 | 495,000 |
| 848 | Esso Seattle | 277935 | 6,775,000 |
| 1009 | Esso Washington | 273896 | 6,800,000 |
| 354 | Evergreen State | 257827 | 860,000 |
| 555 | Exilona | 252303 | 654,000 |
| 858 | Expeditor | 251971 | 654,000 |
| 865 | Express | 252376 | 654,000 |
| 1330 | Failaika | 234 | 1,090,000 |
| 262 | Fairland | 242073 | 2,250,000 |
| 103 | Fairport | 249072 | 556,000 |
| 1288 | Faralis | 1390 | 202,500 |
| 1536 | F. E. Weyerhaeuser | 245564 | 615,000 |
| 1159 | Flagship Sinco | 241227 | 445,000 |
| 611 | Flomar | 247261 | 490,000 |
| 153 | Floridian | 282733 | 1,200,000 |
| 1810 | Flower Hill | 252446 | 540,000 |
| 218 | Flying A–California | 268216 | 1,340,000 |
| 221 | Flying A–Delaware | 267997 | 3,750,000 |
| 220 | Flying A–New York | 267198 | 3,700,000 |
| 219 | Flying A–Washington | 268783 | 1,370,000 |
| 1469 | Flying Clipper | 252991 | 540,000 |
| 1480 | Flying Cloud | 247000 | 540,000 |
| 1466 | Flying Eagle | 251864 | 540,000 |
| 1479 | Flying Enterprise II | 245734 | 540,000 |
| 1472 | Flying Gull | 240462 | 540,000 |
| 1471 | Flying Hawk | 240632 | 540,000 |
| 1477 | Flying Independent | 245131 | 285,000 |
| 1478 | Flying Spray | 246217 | 285,000 |
| 1481 | Flying Trader | 248750 | 495,000 |
| 584 | Fort Fetterman | 244935 | 1,750,000 |
| 1211 | Fort Hoskins | 248735 | 2,300,000 |
| 247 | Fortuna | 245880 | 275,000 |
| 498 | Four Lakes | 244971 | 1,825,000 |
| 380 | Frank Lykes | 245540 | 540,000 |
| 177 | Fruitvale Hills | 248716 | 495,000 |
| 962 | F. S. Bryant | 250827 | 485,000 |
| 1035 | Gage Lund | 217 | 1,065,000 |
| 585 | Gaines Mill | 244464 | 1,725,000 |
| 248 | Galena | 248122 | 270,000 |
| 1839 | Garden City | 252444 | 540,000 |
| 948 | Garden State | 248057 | 545,000 |
| 263 | Gateway City | 251506 | 2,250,000 |
| 1539 | George S. Long | 245913 | 615,000 |
| 384 | Gibbes Lykes | 245182 | 540,000 |
| 1298 | Globe Carrier | 243503 | 2,150,000 |
| 1764 | Globe Explorer | 246425 | 2,150,000 |
| 1209 | Globe Progress | 244838 | 2,150,000 |
| 714 | Golden State | 246544 | 495,000 |
| 355 | Gopher State | 244979 | 560,000 |
| 884 | Green Bay | 244287 | 460,000 |
| 885 | Green Cove | 247268 | 540,000 |
| 1129 | Green Dale | 251748 | 540,000 |
| 886 | Green Harbour | 247760 | 910,000 |
| 887 | Green Island | 247079 | 910,000 |
| 1448 | Green Lake | 251970 | 540,000 |
| 950 | Green Mountain State | 247158 | 495,000 |
| 888 | Green Point | 248050 | 540,000 |
| 889 | Green Valley | 247950 | 910,000 |
| 890 | Green Wave | 252351 | 540,000 |
| 1249 | Guam Bear | 252570 | 540,000 |
| 276 | Gulf Banker | 245169 | 540,000 |
| 790 | Gulfbear | 247309 | 1,775,000 |
| 791 | Gulfbeaver | 243657 | 1,625,000 |
| 792 | Gulfcrest | 279334 | 6,475,000 |
| 793 | Gulfdeer | 245727 | 1,975,000 |
| 794 | Gulfjaguar | 246972 | 1,700,000 |
| 795 | Gulfking | 275193 | 6,375,000 |
| 796 | Gulfknight | 277183 | 6,650,000 |
| 797 | Gulflion | 246990 | 1,725,000 |
| 808 | Gulflube | 254406 | 515,000 |
| 278 | Gulf Merchant | 252445 | 540,000 |
| 798 | Gulfoil | 283424 | 6,575,000 |
| 799 | Gulfpanther | 246543 | 1,975,000 |
| 810 | Gulfpass | 248080 | 495,000 |
| 800 | Gulfpride | 279769 | 6,175,000 |
| 801 | Gulfprince | 276034 | 6,450,000 |
| 802 | Gulfqueen | 275588 | 6,375,000 |
| 805 | Gulfseal | 247557 | 2,050,000 |
| 811 | Gulfservice | 264294 | 1,450,000 |
| 279 | Gulf Shipper | 252443 | 540,000 |
| 803 | Gulfsolar | 280223 | 6,625,000 |
| 806 | Gulfspray | 282848 | 6,500,000 |
| 807 | Gulfstag | 251066 | 1,900,000 |
| 1358 | Gulfsupreme | 287186 | 7,000,000 |
| 804 | Gulftiger | 247767 | 1,750,000 |
| 280 | Gulf Trader | 244750 | 540,000 |
| 1659 | Halcyon Panther | 245922 | 545,000 |
| 646 | Hampton Roads | 248748 | 940,000 |
| 824 | Hans Isbrandtsen | 277703 | 6,675,000 |
| 104 | Hastings | 246617 | 556,000 |
| 296 | Hawaiian | 249353 | 2,700,000 |
| 300 | Hawaiian Builder | 247386 | 905,000 |
| 985 | Hawaiian Citizen | 252149 | 3,375,000 |
| 301 | Hawaiian Craftsman | 247826 | 870,000 |
| 302 | Hawaiian Educator | 247322 | 894,000 |
| 303 | Hawaiian Farmer | 245860 | 904,000 |
| 304 | Hawaiian Merchant | 245845 | 905,000 |
| 305 | Hawaiian Packer | 243929 | 905,000 |
| 307 | Hawaiian Planter | 248741 | 870,000 |
| 308 | Hawaiian Rancher | 246204 | 904,000 |
| 309 | Hawaiian Refiner | 245594 | 904,000 |
| 310 | Hawaiian Retailer | 252477 | 860,000 |
| 1445 | Hawaii Standard | 248302 | 495,000 |
| 965 | H. D. Collier | 248737 | 495,000 |
| 872 | Helen H | 245029 | 2,150,000 |
| 385 | Helen Lykes | 245245 | 540,000 |
| 1667 | Hercules Victory | 248657 | 495,000 |
| 634 | Hess Bunker | 243804 | 2,125,000 |
| 635 | Hess Diesel | 248127 | 2,150,000 |
| 636 | Hess Petrol | 244735 | 2,125,000 |
| 1373 | Hess Refiner | 248244 | 2,150,000 |
| 639 | Hess Trader | 246104 | 2,100,000 |
| 961 | Hillyer Brown | 266233 | 1,375,000 |
| 706 | Hoosier State | 247762 | 970,000 |
| 1540 | Horace Irvine | 246933 | 615,000 |
| 787 | Horace Luckenbach | 245644 | 860,000 |
| 176 | Houston | 249636 | 2,375,000 |
| 386 | Howell Lykes | 239005 | 860,000 |
| 1252 | Hudson | 244463 | 1,325,000 |
| 105 | Hurricane | 246798 | 540,000 |
| 106 | Iberville | 248489 | 556,000 |
| 679 | Idaho | 252271 | 860,000 |
| 968 | Idaho Standard | 245461 | 495,000 |
| 249 | Illamna | 246848 | 290,000 |
| 432 | India Bear | 252568 | 540,000 |
| 943 | India Mail | 251767 | 860,000 |
| 1618 | Isaac Mann | 242477 | 275,000 |
| 1842 | Janet Quinn | 242949 | 275,000 |
| 945 | Java Mail | 252478 | 860,000 |
| 107 | Jean La Fitte | 243814 | 556,000 |
| 1285 | J. E. Dyer | 274440 | 6,275,000 |
| 274 | Jefferson City Victory | 247345 | 545,000 |
| 970 | J. H. MacGaregill | 248896 | 495,000 |
| 973 | J. H. Tuttle | 242955 | 535,000 |
| 967 | J. L. Hanna | 248831 | 495,000 |
| 108 | John B. Waterman | 249234 | 556,000 |
| 829 | John C | 242701 | 540,000 |
| 1017 | John F. Shea | 247095 | 910,000 |
| 1535 | John Weyerhaeuser | 245356 | 615,000 |
| 63 | Josefina | 247042 | 275,000 |
| 598 | Julieeburg | 243523 | 1,850,000 |
| 612 | Kenmar | 246062 | 490,000 |
| 598 | Keystoner | 256730 | 1,410,000 |
| 356 | Keystone State | 247762 | 970,000 |
| 599 | Keytanker | 265644 | 1,380,000 |
| 600 | Keytrader | 267905 | 1,450,000 |
| 109 | Kyska | 248654 | 556,000 |
| 1293 | La Cruz | 246 | 1,080,000 |
| 110 | La Salle | 251504 | 556,000 |
| 391 | Leland I. Doan | 284217 | 9,000,000 |
| 788 | Lena Luckenbach | 244049 | 860,000 |
| 1052 | Letitia Lykes | 246897 | 540,000 |
| 519 | Liberty Bell | 1665 | 1,665,000 |
| 293 | Lompoc | 248533 | 620,000 |
| 267 | Longview Victory | 247077 | 545,000 |
| 613 | Losmar | 245111 | 490,000 |
| 367 | Louisiana Sulphur | 242964 | 1,550,000 |
| 658 | Lucile Bloomfield | 249291 | 540,000 |
| 1060 | Lyrie | 599 | 275,000 |
| 111 | Madaket | 248092 | 556,000 |
| 716 | Magnolia State | 247144 | 495,000 |
| 112 | Malden Creek | 248998 | 556,000 |
| 394 | Mallory Lykes | 244881 | 540,000 |

| Binder No. | Name of vessel | Official No. | Stated valuation |
|---|---|---|---|
| 1256 | Manhattan | 287258 | 17,625,000 |
| 275 | Mankato Victory | 248739 | 545,000 |
| 660 | Margaret Brown | 249174 | 540,000 |
| 1494 | Marine | 246307 | 495,000 |
| 1561 | Marine Coaster | 247705 | 260,000 |
| 86 | Marine Courier | 249019 | 275,000 |
| 15 | Marine Dow-Chem | 267278 | 4,300,000 |
| 1510 | Marine Electric | 245675 | 2,575,000 |
| 1570 | Marine Merchant | 247867 | 260,000 |
| 89 | Marine Ranger | 246574 | 275,000 |
| 90 | Marine Shipper | 247596 | 260,000 |
| 91 | Marine Trader | 247274 | 260,000 |
| 92 | Marine Transport | 247991 | 290,000 |
| 93 | Marine Voyager | 247680 | 495,000 |
| 168 | Maryland Sun | 246101 | 495,000 |
| 664 | Maryland Trader | 247178 | 1,750,000 |
| 615 | Marymar | 246321 | 490,000 |
| 616 | Masemar | 245326 | 495,000 |
| 01 | Mayflower | 284049 | 9,925,000 |
| 1512 | Meadowbrook | 289879 | 2,400,000 |
| 1289 | Melida | 1391 | 207,500 |
| 969 | M. E. Lomberdi | 240225 | 250,000 |
| 1288 | Meteor | 247331 | 485,000 |
| 661 | Michigan | 240590 | 863,000 |
| 1425 | Midland | 246355 | 495,000 |
| 587 | Mill Spring | 244468 | 1,800,000 |
| 1271 | M. L. Gosney | 266338 | 3,350,000 |
| 188 | Mobil Aero | 278471 | 6,475,000 |
| 189 | Mobil Fuel | 274388 | 5,525,000 |
| 190 | Mobilgas | 271449 | 5,275,000 |
| 191 | Mobil Lube | 275651 | 5,675,000 |
| 192 | Mobiloil | 279064 | 6,550,000 |
| 193 | Mobil Power | 274966 | 5,575,000 |
| 420 | Moline Victory | 247346 | 495,000 |
| 113 | Monarch of the Seas | 244794 | 540,000 |
| 601 | Monmouth | 242426 | 495,000 |
| 1266 | Monticello Victory | 286819 | 10,475,000 |
| 1447 | Montpelier Victory | 289745 | 10,075,000 |
| 32 | Mormacdove | 245337 | 540,000 |
| 34 | Mormacfir | 248650 | 545,000 |
| 35 | Mormacfuel | 243450 | 495,000 |
| 36 | Mormacguide | 252347 | 860,000 |
| 38 | Mormachawk | 248033 | 540,000 |
| 45 | Mormacowl | 245338 | 540,000 |
| 53 | Mormacport | 252346 | 860,000 |
| 50 | Mormacrio | 248745 | 860,000 |
| 56 | Mormacteal | 245040 | 540,000 |
| 60 | Mormacwren | 245914 | 540,000 |
| 114 | Morning Light | 245623 | 549,000 |
| 281 | Mount Vernon Victory | 284178 | 10,050,000 |
| 580 | Murfreesboro | 244235 | 540,000 |
| 250 | Nadina | 245964 | 290,000 |
| 588 | Nasco | 244063 | 1,600,000 |
| 648 | Nashbulk | 247307 | 940,000 |
| 1491 | Neches | 244855 | 690,000 |
| 251 | Nenana | 247015 | 275,000 |
| 1441 | Nevada Standard | 247758 | 495,000 |
| 661 | Neva West | 249283 | 540,000 |
| 421 | Newberry Victory | 248460 | 495,000 |
| 169 | New Jersey Sun | 265748 | 4,000,000 |
| 180 | New Market | 247276 | 495,000 |
| 663 | New York | 248742 | 860,000 |
| 154 | New Yorker | 283030 | 1,200,000 |
| 1668 | Norberto Capay | 244133 | 540,000 |
| 1658 | Norina | 247468 | 2,450,000 |
| 592 | Northfield | 243253 | 2,125,000 |
| 268 | Northwestern Victory | 247492 | 545,000 |
| 1466 | Norwalk | 245848 | 485,000 |
| 936 | Oakey L. Alexander | 247479 | 425,000 |
| 1827 | Ocean Anna | 266519 | 3,950,000 |
| 926 | Ocean Dinny | 244215 | 540,000 |
| 931 | Ocean Evelyn | 249217 | 970,000 |
| 1297 | Oceanic | 246006 | 470,000 |
| 1747 | Oduna | 247159 | 275,000 |
| 684 | Ohio | 246388 | 860,000 |
| 170 | Ohio Sun | 244089 | 495,000 |
| 1395 | Olga | 247316 | 545,000 |
| 971 | Oregon Standard | 246773 | 495,000 |
| 1279 | Orion Clipper | 268288 | 4,100,000 |
| 1780 | Orion Comet | 266365 | 3,925,000 |
| 1302 | Orion Hunter | 287156 | 13,250,000 |
| 1781 | Orion Planet | 268078 | 4,100,000 |
| 1698 | Oswego Leader | 1256 | 275,000 |
| 1417 | Oswego Voyager | 1499 | 275,000 |
| 933 | Overseas Eva | 244878 | 540,000 |
| 934 | Overseas Joyce | 243008 | 540,000 |
| 785 | Overseas Rose | 245923 | 860,000 |
| 1062 | Palace | 1238 | 275,000 |
| 717 | Palmetto State | 247823 | 495,000 |
| 1217 | Panoceanic Faith | 245134 | 540,000 |
| 1037 | Paul Pigott | 163 | 1,015,000 |
| 1272 | P. C. Spencer | 264903 | 3,250,000 |
| 718 | Pelican State | 245354 | 545,000 |
| 1592 | Penn Carrier | 246908 | 495,000 |
| 339 | Penn Challenger | 280318 | 7,200,000 |
| 1342 | Penn Exporter | 247099 | 1,325,000 |
| 617 | Pennmar | 245945 | 490,000 |
| 171 | Pennsylvania Sun | 280302 | 9,750,000 |
| 345 | Penn Trader | 246034 | 225,000 |
| 1008 | Penn Transporter | 248437 | 1,325,000 |
| 341 | Penn Vanguard | 242780 | 485,000 |
| 581 | Perryville | 244644 | 2,075,000 |
| 1804 | Pilot Rock | 244720 | 275,000 |
| 562 | Pioneer Cove | 249748 | 540,000 |
| 565 | Pioneer Isle | 256787 | 567,000 |
| 575 | Pioneer Reef | 244020 | 567,000 |
| 577 | Pioneer Surf | 254843 | 567,000 |
| 578 | Pioneer Tide | 249030 | 540,000 |
| 938 | Pocahontas Fuel | 248655 | 590,000 |
| 1754 | Point Loma | 246982 | 495,000 |
| 1840 | Point Montara | 244641 | 490,000 |
| 295 | Point Reyes | 241236 | 330,000 |
| 1841 | Point Vicente | 247645 | 260,000 |
| 16 | Ponca City | 244335 | 495,000 |
| 1572 | Ponderosa | 243923 | 225,000 |
| 618 | Portmar | 246063 | 490,000 |
| 1505 | Potomac | 248800 | 2,150,000 |
| 1390 | Prairie Grove | 246660 | 2,375,000 |
| 919 | Producer | 245886 | 2,150,000 |
| 228 | Providence Getty | 254689 | 315,000 |
| 593 | Pueblo | 243441 | 495,000 |
| 132 | Pure Oil | 248837 | 615,000 |
| 1273 | P. W. Thirtle | 270179 | 3,775,000 |
| 1301 | Rainbow | 247026 | 485,000 |
| 264 | Raphael Semmes | 242074 | 2,250,000 |
| 972 | R. O. Stoner | 243128 | 535,000 |
| 1475 | Remsen Heights | 247865 | 495,000 |
| 09 | R. E. Wilson | 244090 | 810,000 |
| 966 | R. G. Follis | 251140 | 485,000 |
| 1162 | Richmond | 241939 | 515,000 |
| 1770 | Rio Grande | 252479 | 540,000 |
| 1038 | Robert Watt Miller | 172 | 1,010,000 |
| 155 | Robin Goodfellow | 247254 | 860,000 |
| 156 | Robin Gray | 252626 | 860,000 |
| 157 | Robin Hood | 247255 | 860,000 |
| 158 | Robin Kirk | 254272 | 860,000 |
| 160 | Robin Mowbray | 255316 | 860,000 |
| 162 | Robin Trent | 254641 | 860,000 |
| 1614 | Russell L | 247511 | 275,000 |
| 1489 | Sabine | 246672 | 630,000 |
| 172 | Sabine Sun | 241558 | 480,000 |
| 1442 | Saint Christopher | 289436 | 2,375,000 |
| 422 | San Angelo Victory | 248842 | 495,000 |
| 181 | San Jacinto | 248894 | 1,075,000 |
| 891 | Santa Adela | 242243 | 540,000 |
| 900 | Santa Flavia | 242762 | 540,000 |
| 903 | Santa Juana | 242111 | 540,000 |
| 906 | Santa Malta | 245459 | 540,000 |
| 211 | Santa Maria | 263781 | 1,300,000 |
| 619 | Santore | 254624 | 1,350,000 |
| 26 | Sealady | 244457 | 485,000 |
| 620 | Seamar | 246507 | 490,000 |
| 1826 | Seanymph | 241242 | 535,000 |
| 65 | Seatrain Georgia | 262558 | 1,025,000 |
| 66 | Seatrain Louisiana | 262835 | 1,025,000 |
| 67 | Seatrain New Jersey | 239068 | 540,000 |
| 68 | Seatrain New York | 231905 | 310,000 |
| 69 | Seatrain Savannah | 231916 | 310,000 |
| 70 | Seatrain Texas | 239549 | 540,000 |
| 1157 | Sheldon Clark | 241494 | 445,000 |
| 336 | Sierra | 247831 | 895,000 |
| 1475 | Sir John Franklin | 244734 | 285,000 |
| 1266 | Sister Katingo | 277936 | 6,800,000 |
| 1394 | Smith Adventurer | 247220 | 545,000 |
| 1368 | Smith Builder | 247121 | 545,000 |
| 1423 | Smith Caper | 247194 | 545,000 |
| 1409 | Smith Conqueror | 245819 | 275,000 |
| 1399 | Smith Crusader | 245215 | 275,000 |
| 1422 | Smith Defender | 248013 | 495,000 |
| 1395 | Smith Explorer | 248565 | 545,000 |
| 1369 | Smith Leader | 245244 | 545,000 |
| 1436 | Smith Pilot | 245016 | 540,000 |
| 1437 | Smith Tourist | 248171 | 545,000 |
| 1410 | Smith Victory | 245754 | 545,000 |
| 1371 | Smith Voyager | 248787 | 545,000 |
| 202 | Socony Vacuum | 258801 | 3,750,000 |
| 337 | Sonoma | 252413 | 904,000 |
| 357 | Sooner State | 247139 | 540,000 |
| 1803 | Southport II | 245183 | 552,000 |
| 1049 | Statue of Liberty | 420 | 1,650,000 |
| 1016 | Steel Admiral | 252403 | 860,000 |
| 439 | Steel Advocate | 245731 | 860,000 |
| 440 | Steel Age | 244161 | 860,000 |
| 441 | Steel Apprentice | 252496 | 860,000 |
| 442 | Steel Architect | 247168 | 860,000 |
| 443 | Steel Artisan | 247833 | 860,000 |
| 444 | Steel Chemist | 252037 | 860,000 |
| 445 | Steel Designer | 247532 | 860,000 |
| 446 | Steel Director | 244978 | 860,000 |
| 447 | Steel Executive | 248843 | 860,000 |
| 448 | Steel Fabricator | 251781 | 860,000 |
| 449 | Steel Flyer | 244831 | 860,000 |
| 450 | Steel King | 252499 | 860,000 |
| 451 | Steel Maker | 247221 | 860,000 |
| 452 | Steel Navigator | 248846 | 860,000 |
| 453 | Steel Recorder | 251847 | 860,000 |
| 454 | Steel Rover | 252500 | 860,000 |
| 455 | Steel Scientist | 245730 | 860,000 |
| 456 | Steel Seafarer | 248738 | 860,000 |
| 457 | Steel Surveyor | 244968 | 860,000 |
| 458 | Steel Traveler | 247198 | 860,000 |
| 459 | Steel Vendor | 246464 | 860,000 |
| 460 | Steel Voyager | 252501 | 860,000 |
| 461 | Steel Worker | 247834 | 860,000 |
| 252 | Susitna | 248389 | 270,000 |
| 85 | Suzanne | 253226 | 552,000 |
| 404 | Sylvia Lykes | 247541 | 540,000 |
| 203 | Syosset | 247458 | 490,000 |
| 253 | Talkeetna | 245733 | 275,000 |
| 1415 | Tampico | 246344 | 2,375,000 |
| 254 | Tanana | 247310 | 270,000 |
| 255 | Tatalina | 247995 | 270,000 |
| 463 | Texaco California | 269910 | 1,850,000 |
| 464 | Texaco Colorado | 241758 | 435,000 |
| 465 | Texaco Connecticut | 266501 | 1,770,000 |
| 1073 | Texaco Cristobal | 2905-53 | 150,000 |
| 468 | Texaco Delaware | 243973 | 440,000 |
| 466 | Texaco Florida | 271830 | 2,040,000 |
| 469 | Texaco Illinois | 246993 | 2,100,000 |
| 470 | Texaco Indiana | 244244 | 440,000 |
| 471 | Texaco Kansas | 244230 | 2,000,000 |
| 1077 | Texaco Kentucky | 2439-50 | 935,000 |
| 473 | Texaco Louisiana | 245063 | 495,000 |
| 1696 | Texaco Maine | 4500-59 | 2,250,000 |
| 475 | Texaco Nebraska | 242845 | 2,050,000 |
| 479 | Texaco Nevada | 245175 | 1,900,000 |
| 480 | Texaco New Jersey | 245831 | 1,575,000 |
| 481 | Texaco New York | 266981 | 1,810,000 |
| 483 | Texaco North Dakota | 265006 | 1,780,000 |
| 1081 | Texaco Ohio | 2447-50 | 935,000 |
| 1083 | Texaco Pennsylvania | 2438-50 | 920,000 |
| 1085 | Texaco Texas | 2448-50 | 930,000 |
| 1270 | Texaco Wisconsin | 277805 | 6,775,000 |
| 489 | Texaco Wyoming | 243048 | 2,125,000 |
| 209 | Texan | 249352 | 1,575,000 |
| 174 | Texas Sun | 283897 | 10,275,000 |
| 497 | The Cabins | 246143 | 1,575,000 |
| 925 | Thetis | 279627 | 8,350,000 |
| 1622 | Thunderhead | 246038 | 540,000 |
| 602 | Ticonderoga | 242244 | 630,000 |
| 182 | Tillamook | 245104 | 495,000 |
| 256 | Tonsina | 252547 | 275,000 |
| 118 | Tops 'l'ope | 247906 | 556,000 |
| 1453 | Transbay | 247574 | 495,000 |
| 881 | Transborinquen | 246540 | 285,000 |
| 1722 | Transcaribbean | 248749 | 495,000 |
| 231 | Transeastern | 279438 | 9,325,000 |
| 1454 | Transerie | 245959 | 495,000 |
| 1456 | Transhatteras | 242942 | 495,000 |
| 1455 | Transorleans | 243223 | 495,000 |
| 1598 | Trinidad | 4336-58 | 2,140,000 |
| 1492 | Trinity | 246600 | 690,000 |
| 22 | Trojan | 247177 | 2,225,000 |
| 1591 | Trustco | 244131 | 495,000 |
| 590 | Tullahoma | 249662 | 2,075,000 |
| 338 | Ventura | 252533 | 994,000 |
| 666 | Virginia Trader | 244789 | 495,000 |
| 719 | Volunteer State | 247792 | 495,000 |
| 116 | Wacosta | 245189 | 556,000 |
| 1805 | Warm Springs | 247264 | 275,000 |
| 117 | Warrior | 243815 | 556,000 |
| 1551 | Washington Carrier | 243211 | 495,000 |
| 974 | Washington Standard | 246203 | 495,000 |
| 667 | Washington Trader | 245566 | 495,000 |
| 175 | Western Sun | 268798 | 4,325,000 |
| 1537 | W. H. Peabody | 246065 | 615,000 |
| 1389 | Wilderness | 247348 | 485,000 |
| 118 | Wild Ranger | 249518 | 549,000 |
| 224 | William F. Humphrey | 246557 | 495,000 |
| 358 | Wolverine State | 248740 | 970,000 |
| 119 | Yaka | 246335 | 556,000 |
| 622 | Yorkmar | 246067 | 490,000 |
| 120 | Young America | 243034 | 540,000 |
| 1847 | Yukon | 245322 | 540,000 |

(b) *Vessels of less than 1,500 gross tons—As of July 1, 1964.* (1) Whereas, the Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184 prescribed by Part 308 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of July 1, 1964, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after date of publication of this order or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).



| Binder No. | Name of vessel | Official No. | Stated valuation |
|---|---|---|---|
| 1186 | Barge 114 | | $11,000 |
| 1187 | Barge 116 | | 14,000 |
| 1188 | Barge 118 | | 11,000 |
| 1196 | Barge 128 | | 11,000 |
| 1197 | Barge 129 | | 11,000 |
| 1198 | Barge 133 | | 30,000 |
| 1199 | Barge 134 | | 12,000 |
| 1153 | Britton | 119 | 23,000 |
| 673 | Curlew | 243213 | 61,000 |
| 1138 | Cyrus Field | 147699 | 200,000 |
| 1165 | Dammam 7 | | 17,000 |
| 1166 | Dammam 8 | 255069 | 18,000 |
| 1167 | Dammam 9 | | 51,000 |
| 1168 | Dammam 10 | | 51,000 |
| 1169 | Dammam 11 | | 51,000 |
| 1170 | Dammam 12 | | 68,000 |
| 1171 | Dammam 13 | | 57,000 |
| 1172 | Dammam 14 | | 68,000 |
| 674 | Golden Eagle | 241402 | 42,000 |
| 1150 | Habib | 112 | 19,000 |
| 1151 | Horne | 115 | 20,000 |
| 672 | Kingfisher | 252862 | 85,000 |
| 1176 | Qatif 7 | | 79,000 |
| 1177 | Qatif 8 | | 78,000 |
| 1148 | Sandy | 114 | 20,000 |
| 1152 | Swigart | 118 | 21,000 |

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: December 18, 1964.

L. C. HOFFMANN,
*Chairman, Ship Valuation Committee.*

[F.R. Doc. 64–13327; Filed, Dec. 29, 1964; 8:45 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

### Printed Matter

In § 112.4 *Printed matter* (29 F.R. 2758), subdivision (iii) of paragraph (e)(3) is amended for clarification, and to show an increase in the per copy rate of postage on bundled second-class publications mailed to Canada, effective January 1, 1965. As so amended subdivision (iii) reads as follows:

§ 112.4 **Printed matter.**

* * * * *

(e) *Preparation and mailing.* * * *

(3) *Payment of postage.* * * *

(iii) Canada only. When second-class publications addressed to Canada are bundled as prescribed in subparagraph (4)(iii) of this paragraph postage may be computed subject to the following special conditions:

(*a*) If the postage is paid with stamps affixed to the bundles, the publisher or news agent will weigh and rate each bundle at 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction.

(*b*) If the postage is paid in cash or from money deposited with the postmaster, the publisher or news agent must place a write-in CANADA-BUNDLED entry on Form 3542 showing the number of bundles and the total number of copies included in the bundles. Unaddressed copies enclosed in packages addressed to one addressee may also be included. Compute the postage charges at 1 cent for each 2 ounces plus 1 cent for each bundle, or at 1 cent per copy, whichever is higher, and carry the computed postage to the appropriate line of column I on Form 3541.

NOTE: The corresponding Postal Manual section is 222.453c.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64–13237; Filed, Dec. 29, 1964; 8:45 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3517]

[Idaho 013296]

### IDAHO

### Order Opening Reclamation Withdrawn Lands to Mineral Location, Entry and Patent

By virtue of the authority contained in the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described national forest lands shall, at 10 a.m. on January 28, 1965, be open to location, entry and patent under the United States mining laws:

BOISE MERIDIAN

T. 1 S., R. 8 E.,
Sec. 14, lots 1 and 3.

Containing 57.70 acres in the Boise National Forest.

2. The opening made by this order shall be subject to the stipulations set forth below and which are made a part of this order, to be executed and acknowledged in favor of the United States by the locators for themselves, their heirs, successors, and assigns, and recorded in the county records, and in the United States Land Office at Boise, Idaho, before any rights attach by virtue of this order:

a. No dredging or placer mining operations shall at any time be conducted on the premises, and no other type of prospecting or mining operations shall be carried on upon the premises, nor anything else be done thereon, which would subject downstream irrigation facilities owned or controlled by the United States to siltation in the course of normal or extraordinary stream flow.

b. No operations or practices shall at any time be conducted on the premises, which would contribute to the pollution of the waters below, adjacent thereto, or downstream therefrom. County and State sanitation codes and regulations shall be adhered to at all times.

c. There shall be reserved unto the United States of America:

(1) An easement right-of-way on and across the land for irrigation facilities including, but not limited to pipelines, ditches, canals, roads, and electrical transmission and distribution lines;

(2) a flowage easement over the land for any reservoir, including the right as of the time of the exercise of the flowage easement, to have full supervision and control of the area submerged and of a 300-foot strip parallel to and measured horizontally from the high water line of the reservoir;

(3) the right to fluctuate the flow of water in the South Fork of the Boise River, and in connection therewith the United States shall be held blameless for any damage to the land or improvements thereon as a result of erosion, flooding, decreased water supply or other matters resulting from such fluctuation;

(4) the right to take and remove from the lands construction material for use in the construction, operation or maintenance of irrigation facilities;

(5) the right to remove all buildings, structures, trees, plants, shrubs and other surface obstructions or materials interfering with, or which might interfere with, the construction, operation and maintenance of reservoirs or other irrigation facilities.

3. As the lands are included in withdrawals for power purposes, the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621), apply.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

DECEMBER 23, 1964.

[F.R. Doc. 64–13400; Filed, Dec. 29, 1964; 8:46 a.m.]

# Title 22—FOREIGN RELATIONS

## Chapter I—Department of State

## PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

### Issuance of Nonimmigrant Visas in U.S.

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to add H visas to the classes of visas which may be revalidated in the Department of State.

Paragraph (b)(2) of § 41.120 is being amended to read as follows:

§ 41.120 **Authority to issue visas.**

* * * * *

(b) *Issuance or revalidation in the United States for certain other nonimmigrants.* * * *

(2) The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to revalidate F, H and J visas, including diplomatic visas, for qualified aliens in the United States who intend, after a temporary absence, to reenter the United States in the nonimmigrant status specified in their visas.

*Effective date.* The amendment to the regulation contained in this order shall be effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations con-

tained herein involve foreign affairs functions of the United States.

Dated: December 7, 1964.

CHARLES H. MACE,
*Acting Administrator, Bureau of Security and Consular Affairs, Department of State.*

[F.R. Doc. 64-13386; Filed, Dec. 29, 1964; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

### Miscellaneous Amendments

In the matter of amendment of part 2, subpart G of the Commission's rules and regulations to effect certain editorial changes therein:

The Commission having under consideration the desirability of making certain editorial changes in Part 2, Subpart G of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5)(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.261(a) of the Commission's rules;

*It is ordered*, This 22d day of December, 1964, that effective January 1, 1965, Part 2, Subpart G is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: December 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 2.601 is amended to read as follows:

**§ 2.601 General.**

This subpart is corrected to January 1, 1965. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603, paragraphs (a) and (c) are amended to read as follows:

**§ 2.603 Treaties and other international agreements relating to radio.**

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party are listed below:

| Date | Citations | Subject |
|---|---|---|
| 1925 | IV Trenwith 4248, 4250 and 4251 TS 724-A | US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1926. |
| 1928 and 1929 | 1929 For. Rel., vol. II, p. 114 TS 767-A | US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This arrangement is continued by the arrangement contained in EAS 62. |
| 1929 | IV Trenwith 4787 TS 777-A | US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.) |
| 1934 | 48 Stat. 1876 EAS 62 | US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934. |
| 1934 | 49 Stat. 3555 EAS 66 | US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16 and May 23, 1934. Entered into force May 23, 1934. |
| 1934 | 49 Stat. 3667 EAS 72 | US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934. |
| 1937 | 53 Stat. 1576 TS 938 | Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference). Entered into force for the United States July 21, 1938 for Parts I, III and IV; Apr. 17, 1939 for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079). |
| 1938 | 54 Stat. 1675 TS 949 | Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939. |
| 1938 | 53 Stat. 2092 EAS 142 | US-Canada Agreement regarding Radio Communications between Alaska and British Columbia. Effected by exchange of notes at Washington June, July, Aug., Sept., Oct., Nov., and Dec., 1938. Entered into force Aug. 1, 1938. |
| 1939 | 53 Stat. 2157 EAS 143 | US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939. |
| 1940 | 54 Stat. 2483 EAS 196 | US-Mexico Agreement relating to Radio Broadcasting. Effected by exchange of notes at Mexico Aug. 24 and 28, 1940. Entered into force Mar. 29, 1941. |
| 1946 | 60 Stat. 1696 TIAS 1527 | US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946. |
| 1947 | 61 Stat. (3) 3131 TIAS 1652 | US-UK Agreement regarding Standardisation of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947 |
| 1947 | 61 Stat. (4) 3416 TIAS 1676 | US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary General of the U.N. |
| 1947 | 61 Stat. (4) 3800 TIAS 1726 | US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947. |
| 1948 | 9 UST 621 TIAS 4044 | Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. |
| 1948 | 3 UST (3) 3450 TIAS 2490 | International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 10, 1948. Entered into force Nov. 19, 1952. |
| 1949 | 3 UST (2) 2686 TIAS 2438 | London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. This agreement was amended by TIAS 2705 which was signed Oct. 1, 1952. |
| 1949 | 3 UST (3) 3064 TIAS 2489 | Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13. |
| 1950 | 3 UST (2) 2672 TIAS 2433 | US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950. |
| 1950 | 11 UST 413 TIAS 4460 | North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending. |
| 1950 and 1951 | 2 UST (1) 683 TIAS 2223 | US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951. |
| 1951 | 3 UST (3) 3787 TIAS 2508 | US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952. |
| 1951 | 3 UST (2) 2860 TIAS 2459 | US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951. |
| 1951 and 1952 | 3 UST (3) 3892 TIAS 2520 | US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951 and Feb. 27, 1952. Entered into force Feb. 27, 1952. |
| 1952 | 3 UST (3) 4443 TIAS 2594 | US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952. |
| 1952 | 3 UST (4) 4926 TIAS 2656 | US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954. |
| 1952 | 3 UST (4) 5140 TIAS 2705 | London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amend the agreement contained in TIAS 2435 signed at London Aug. 12, 1949. |
| 1953 | 5 UST (3) 2840 TIAS 3138 | US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953. |
| 1956 | 7 UST 2179 TIAS 3617 | US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956. |
| 1956 | 7 UST 2839 TIAS 3665 | US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956. |
| 1956 | 7 UST 3159 TIAS 3694 | US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956. |
| 1957 | 12 UST 734 TIAS 4777 | US-Mexico Agreement regarding Radio Broadcasting in the Standard Broadcast Band. Signed at Mexico Jan. 29, 1957. Entered into force June 9, 1961. |



| Date | Citations | Subject |
|---|---|---|
| 1957 | 9 UST 1037 TIAS 4079 | Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-938). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958. |
| 1958 | 9 UST 1091 TIAS 4089 | US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958. |
| 1958 | 10 UST 2423 TIAS 4390 | Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960. |
| 1959 | 10 UST 1449 TIAS 4295 | US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959. |
| 1959 and 1960 | 11 UST 257 TIAS 4442 | US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960. |
| 1959 | 10 UST 3019 TIAS 4394 | US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959. |
| 1959 | 12 UST 1761 TIAS 4892 | International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. |
| 1959 | 12 UST 2377 TIAS 4893 | International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revision of the Radio Regulations, Geneva, 1959, signed at Geneva Nov. 8, 1963 (TIAS 5603). |
| 1960 | 11 UST 1 TIAS 4399 | US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960. |
| 1960 | 11 UST 2229 TIAS 4596 | US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31 and Oct. 5, 1960. Entered into force Nov. 5, 1960. |
| 1961 | 12 UST 1695 TIAS 4888 | US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961. |
| 1962 | 13 UST 997 TIAS 5043 | US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962. |
| 1962 | 13 UST 411 TIAS 5001 | US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962. |
| 1962 | 13 UST 2418 TIAS 5205 | US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. |
| 1963 | 14 UST 817 TIAS 5360 | US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963. |
| 1963 | TIAS 5603 | Partial Revision of the Radio Regulations, Geneva, 1959. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965. |
| 1963 | TIAS 5483 | US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963. |
| 1964 | TIAS 5649 | US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964. |
| 1964 | TIAS 5646 | US-Other Governments Agreement establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. |

* * * * *

(c) The following agreement has been signed and ratified by the United States and is included because of its importance and the imminence of its effective date.

| Date | Subject |
|---|---|
| 1960 | International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. This convention will enter into force May 26, 1965. |

[F.R. Doc. 64-13310; Filed, Dec. 29, 1964; 8:45 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64-69]

## PART 11-60—CONTRACT DISPUTE APPEALS

### Contract Dispute Appeal Requirements

*Correction*

In F.R. Doc. 64-13223 appearing in the issue for Thursday, December 24, 1964, at page 18368, paragraph (a) of § 11-60.-209 should read as follows:

(a) A presiding officer (the chairman or vice chairman for a particular case) and two members shall constitute a quorum.

## Chapter 101—Federal Property Management Regulations

### SUBCHAPTER B—ARCHIVES AND RECORDS

## PART 101-13—PRESERVATION OF RECORDS BY WAR CONTRACTORS

### SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

## PART 101-18—ACQUISITION OF REAL PROPERTY

### Subpart 101-18.1—Acquisition by Lease

1. Chapter 101 is amended by adding Part 101-13, transferred (and redesignated) from 44 CFR Part 151.

2. Subpart 101-18.1 is amended by adding new § 101-18.108, as follows:

**§ 101-18.108 Contingent fees and related procedure.**

The provisions of Subpart 1-1.5 with respect to contingent fees and related procedure are hereby made applicable to all negotiated and advertised contracts for the acquisition of real property by lease. The covenant shall be appropriately adapted for use in leases of real property for Government use.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: December 23, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-13415; Filed, Dec. 29, 1964; 8:47 a.m.]

# Title 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Services), Department of Agriculture

## PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

### Nonfat Dry Milk; Grade Not Assignable

On August 4, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11192) regarding proposed amendments to the U.S. Standards for Grades of Nonfat Dry Milk (Spray Process), and (Roller Process), and interested persons were given an opportunity to submit written data, views, or arguments in connection therewith.

The proposed effective date as published in the FEDERAL REGISTER was April 1, 1965 in order to give industry sufficient time in which to make the necessary improvements for compliance. The proposed amendments provided under Subparts L and N § 58.2529 and § 58.2594, respectively, "U.S. Grade not assignable" for a reduction in the direct microscopic bacterial count level of Nonfat Dry Milk in which a U.S. Grade will be assigned.

*Statement of consideration.* No objections were received to the proposed amendments as published. Therefore, the proposal as set forth in the aforesaid Notice of Proposed Rule Making is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-203, 60 Stat. 1087, as amended, 7 U.S.C. 1621-1627) to become effective April 1, 1965.

The amendments are as follows:

1. Change Subpart L, § 58.2529 "U.S. Grade not assignable," to read as follows:

**§ 58.2529 U.S. Grade not assignable.**

Nonfat Dry Milk which fails to meet the requirements for U.S. Standard Grade and/or shows a direct microscopic clump count exceeding 200 million per gram shall not be assigned a U.S. Grade.

2. Change Subpart M, § 58.2554, "U.S. Grade not assignable," to read as follows:

**§ 58.2554 U.S. Grade not assignable.**

Nonfat Dry Milk which fails to meet the requirements for U.S. Standard

**Grade and/or shows a direct microscopic clump count exceeding 200 million per gram shall not be assigned a U.S. Grade.**

**(60 Stat. 1090; 7 U.S.C. 1624)**

**Done at Washington, D.C., this 23d day of December 1964.**

**G. R. GRANGE,**
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 64-13446; Filed, Dec. 29, 1964; 8:51 a.m.]

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

## PART 728—WHEAT

### Subpart—Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases and Normal Yield for 1964 and Subsequent Crop Years

TRANSFER OF WHEAT ACREAGE AFFECTED BY A NATURAL DISASTER

The amendments herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, for the purpose of providing by regulation for the transfer of wheat acreage allotments in counties where, because of a natural disaster, a portion of the farm wheat acreage allotments cannot be timely planted. This amendment is specifically authorized by section 334(k) of the Act, as added by section 202(5) of the Agricultural Act of 1964.

In order that determinations with respect to transfers of acreage for the 1965 crop may be made pursuant to this amendment prior to the end of the wheat planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon the filing of this document with the Director, Office of the Federal Register.

1. Section 728.28 relating to the applicability of regulations is redesignated as § 728.30 and the language "Sections 728.10 to 728.28" at the beginning of paragraph (a) of said section is changed to read "Sections 728.10 to 728.30".

2. An amended § 728.28 is added as follows:

**§ 728.28 Transfer of farm wheat acreage affected by a natural disaster.**

(a) *General authority.* Upon a determination for any year that because of a natural disaster a portion of the farm allotments in a county cannot be timely planted or replanted in such year, a transfer of such acreage may be authorized under section 339(k) of the act. For any year in which a natural disaster within the meaning of section 334(k) of the act occurs, the necessary determinations and designation of affected States and counties and closing date for filing applications for transfer will be published as paragraphs of this section.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of wheat acreage, within the farm wheat allotment, for such year to another farm in the same county or in an adjoining county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee for the county in which the farm affected by such disaster is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the farm allotment established less such acreage planted to wheat and not destroyed by the natural disaster, or (2) the acreage requested to be transferred.

(d) *County Committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the farm allotment for the farm from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster and planting was not prohibited by the lease in case of lands owned by the Federal Government.

(2) One or more producers of wheat on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of wheat on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds of the wheat. Such sharing shall be in the manner customary in the area in order to establish the status of such producer as a bona fide producer on the farm to which the acreage is to be transferred.

(e) *Cancellation of transfer.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, State committee or the Deputy Administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Acreage history credits and eligibility as an old wheat farm.* Transferred acreage shall be deemed planted on the farm from which transferred for purposes of determining history credits and eligibility as an old wheat farm whether or not such acreage was actually planted.

(g) *Closing date.* The closing date for filing application for transfers with the county committee shall be December 30 of the calendar year immediately preceding the calendar year in which the crop is harvested in the winter wheat area and June 1 of the calendar year in which the crop is harvested in the spring wheat area.

(h) *Designated States and counties affected by natural disaster.* It is hereby determined that a natural disaster consisting of flood or excessive rainfall in 1964 has prevented timely planting or replanting of a portion of the 1965 farm wheat allotments on some farms in the following designated States and counties: Florida, counties of Calhoun and Liberty.

(Secs. 334, 375, 52 Stat. 53, as amended, 66, 78 Stat. 179; 7 U.S.C. 1334, 1375)

*Effective date.* Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 23, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-13407; Filed, Dec. 29, 1964; 8:47 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.2, Amdt. 1]

## PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

### 1964

*Basis and purpose.* This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act," for the purpose of amending Sugar Regulation 814.2 (7 CFR 814.2, 29 F.R. 14163) which established allotments for the Mainland Cane Sugar Area for the calendar year 1964.

This amendment is necessary to revise allotments to make effective: (1) corrections of data used in the determination of allotments and (2) the determination and proration of deficits in allotments.

The corrections of basic data made herein relate only to the Glades County Sugar Growers Cooperative Association and are as follows: 1961–63 average quota marketings of 5,447 tons was corrected to 6,886 tons; 1961–63 new-crop quota marketings of 1,356 tons was corrected to 2,795 tons, and January 1, 1964, effective inventory of 20,120 tons was corrected to 15,875 tons. Corrections of basic data made herein result in revisions of the percentages used in determining allotments.

The quantities of sugar and the percentages, based upon corrected data, and the computation of allotments are set forth in the following table:



| Processor | Processings of sugar from 1963 crop: Short tons, raw value | Processings of sugar from 1963 crop: Percent of total | Average quota marketings, 1961–63: Short tons, raw value | Average quota marketings, 1961–63: Percent of total | Ability to market (short tons, raw value): Effective inventory 1–1–64 | Ability to market (short tons, raw value): New-crop quota marketings: Average 1961–63 | Ability to market (short tons, raw value): New-crop quota marketings: "Shares" of difference [1] | Ability to market (short tons, raw value): Measures used: Col. (5) plus col. (7) | Ability to market (short tons, raw value): Measures used: Percent of total | Processor's basic allotment [2]: Percent of total | Processor's basic allotment [2]: Short tons, raw value | Processor's adjusted allotment [3] (short tons, raw value) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) |
| Albania Sugar Co. | 15,285 | 1.293 | 12,131 | 1.375 | 2,814 | 11,523 | 8,906 | 11,720 | 1.286 | 1.308 | 11,919 | 11,875 |
| Alma Plantation, Ltd. | 14,304 | 1.210 | 11,051 | 1.252 | 0 | 10,455 | 8,081 | 8,081 | .887 | 1.154 | 10,516 | 10,477 |
| J. Aron and Co., Inc. | 21,275 | 1.799 | 18,378 | 2.083 | 0 | 18,378 | 14,204 | 14,204 | 1.559 | 1.808 | 16,476 | 16,415 |
| Billeaud Sugar Factory | 13,381 | 1.132 | 9,244 | 1.048 | 970 | 8,869 | 6,855 | 7,825 | .859 | 1.061 | 9,668 | 9,632 |
| Breaux Bridge Sugar Coop. | 11,331 | .958 | 8,965 | 1.016 | 826 | 8,749 | 6,762 | 7,588 | .833 | .945 | 8,611 | 8,579 |
| Wm. T. Burton Industries, Inc. | 10,223 | .864 | 6,140 | .696 | 6,134 | 6,140 | 4,746 | 10,880 | 1.194 | .896 | 8,165 | 8,135 |
| Caire and Graugnard | 8,291 | .701 | 6,777 | .768 | 868 | 5,277 | 4,079 | 4,947 | .543 | .683 | 6,224 | 6,201 |
| Caldwell Sugars Coop., Inc. | 21,443 | 1.813 | 17,406 | 1.973 | 932 | 17,406 | 13,453 | 14,385 | 1.579 | 1.798 | 16,384 | 16,324 |
| Catherine Sugar Co., Inc. | 4,726 | .400 | 5,879 | .666 | 331 | 5,879 | 4,544 | 4,875 | .535 | .480 | 4,374 | 4,358 |
| Columbia Sugar Co. | 11,218 | .949 | 9,261 | 1.050 | 316 | 8,765 | 6,775 | 7,091 | .778 | .935 | 8,520 | 8,489 |
| Cora-Texas Mfg. Co., Inc. | 9,499 | .803 | 6,719 | .761 | 4,097 | 4,083 | 3,156 | 7,253 | .796 | .793 | 7,226 | 7,199 |
| Dugas and LeBlanc, Ltd. | 20,454 | 1.730 | 16,922 | 1.918 | 0 | 16,881 | 13,047 | 13,047 | 1.432 | 1.708 | 15,564 | 15,507 |
| Duhe and Bourgeois Sugar Co. | 16,100 | 1.361 | 14,172 | 1.606 | 934 | 13,245 | 10,237 | 11,171 | 1.226 | 1.383 | 12,603 | 12,557 |
| Erath Sugar Co., Ltd. | 11,765 | .995 | 8,285 | .939 | 1,265 | 7,995 | 6,179 | 7,444 | .817 | .948 | 8,639 | 8,607 |
| Evan Hall Sugar Coop., Inc. | 33,182 | 2.806 | 28,624 | 3.244 | 0 | 27,883 | 21,551 | 21,551 | 2.365 | 2.805 | 25,561 | 25,467 |
| Florida Sugar Corp. | 13,649 | 1.154 | 8,317 | .943 | 5,370 | 3,970 | 3,068 | 8,447 | .927 | 1.066 | 9,714 | 9,678 |
| Frisco Cane Co., Inc. | 3,720 | .315 | 3,114 | .353 | 294 | 2,642 | 2,042 | 2,336 | .256 | .311 | 2,834 | 2,824 |
| Glades Co. Sugar Growers Coop., Association | 23,917 | 2.023 | 6,886 | .780 | 15,875 | 2,795 | 2,160 | 18,035 | 1.979 | 1.766 | 16,093 | 16,034 |
| Glenwood Coop., Inc. | 23,215 | 1.963 | 19,319 | 2.189 | 0 | 19,319 | 14,932 | 14,932 | 1.639 | 1.943 | 17,706 | 17,641 |
| Helvetia Sugar Coop., Inc. | 16,487 | 1.394 | 14,458 | 1.638 | 956 | 13,673 | 10,568 | 11,524 | 1.265 | 1.417 | 12,913 | 12,865 |
| Iberia Sugar Coop., Inc. | 26,802 | 2.267 | 19,186 | 2.174 | 6,654 | 19,186 | 14,829 | 21,483 | 2.357 | 2.266 | 20,649 | 20,573 |
| LaFourche Sugar Co. | 27,379 | 2.315 | 21,956 | 2.488 | 492 | 21,956 | 16,970 | 17,462 | 1.916 | 2.270 | 20,686 | 20,610 |
| Harry L. Laws and Co., Inc. | 14,456 | 1.222 | 10,630 | 1.205 | 776 | 10,463 | 8,087 | 8,863 | .973 | 1.169 | 10,653 | 10,614 |
| Levert-St. John, Inc. | 20,940 | 1.771 | 15,023 | 1.702 | 694 | 14,621 | 11,301 | 11,995 | 1.313 | 1.666 | 15,182 | 15,126 |
| Louisa Sugar Coop., Inc. | 15,976 | 1.351 | 12,303 | 1.394 | 1,570 | 12,056 | 9,318 | 10,888 | 1.195 | 1.328 | 12,101 | 12,056 |
| Louisiana State Penitentiary | 3,351 | .283 | 3,063 | .347 | 182 | 3,001 | 2,319 | 2,501 | .274 | .294 | 2,679 | 2,669 |
| Meeker Sugar Coop., Inc. | 11,025 | .932 | 7,303 | .828 | 4,158 | 5,092 | 3,936 | 8,094 | .888 | .902 | 8,220 | 8,190 |
| Milliken and Farwell, Inc. | 19,247 | 1.628 | 14,990 | 1.699 | 0 | 14,840 | 11,470 | 11,470 | 1.259 | 1.568 | 14,289 | 14,236 |
| Okeelanta Sugar Refinery, Inc. | 65,981 | 5.580 | 51,246 | 5.808 | 39,915 | 23,703 | 18,320 | 58,235 | 6.391 | 5.788 | 52,744 | 52,550 |
| Osceola Farms Co. | 28,922 | 2.446 | 14,439 | 1.636 | 17,422 | 7,511 | 5,805 | 23,227 | 2.549 | 2.305 | 21,005 | 20,928 |
| M. A. Patout and Son, Ltd. | 21,557 | 1.823 | 17,126 | 1.941 | 335 | 16,020 | 12,382 | 12,717 | 1.395 | 1.761 | 16,047 | 15,988 |
| Poplar Grove Planting and Refining Co. | 12,990 | 1.099 | 9,557 | 1.083 | 2,970 | 9,557 | 7,387 | 10,357 | 1.137 | 1.103 | 10,051 | 10,014 |
| Savoie Industries | 21,496 | 1.818 | 17,495 | 1.983 | 0 | 17,463 | 13,497 | 13,497 | 1.481 | 1.784 | 16,257 | 16,197 |
| St. James Sugar Coop., Inc. | 20,968 | 1.773 | 16,350 | 1.853 | 6,679 | 15,132 | 11,696 | 18,375 | 2.016 | 1.838 | 16,749 | 16,687 |
| St. Mary Sugar Coop., Inc. | 20,867 | 1.765 | 17,398 | 1.972 | 0 | 17,252 | 13,334 | 13,334 | 1.463 | 1.746 | 15,911 | 15,852 |
| South Coast Corp. | 96,200 | 8.135 | 72,077 | 8.168 | 73,230 | 26,640 | 20,590 | 93,820 | 10.296 | 8.574 | 78,131 | 77,843 |
| Southdown, Inc. | 60,275 | 5.097 | 49,449 | 5.604 | 28,778 | 32,394 | 25,037 | 53,815 | 5.905 | 5.360 | 48,843 | 48,663 |
| South Florida Sugar Co., Inc. | 5,471 | .463 | 692 | .078 | 3,390 | 692 | 535 | 3,931 | .431 | .380 | 3,463 | 3,450 |
| Sterling Sugars, Inc. | 39,355 | 3.328 | 30,773 | 3.487 | 1,037 | 30,503 | 23,576 | 24,613 | 2.701 | 3.234 | 29,470 | 29,361 |
| Sugarcane Growers Coop. of Florida | 76,478 | 6.468 | 32,472 | 3.680 | 58,043 | 8,731 | 6,748 | 64,791 | 7.110 | 6.039 | 55,031 | 58,043 |
| J. Supple's Sons Planting Co., Inc. | 8,026 | .679 | 6,650 | .754 | 2,052 | 4,528 | 3,500 | 5,552 | .609 | .680 | 6,197 | 6,174 |
| Talisman Sugar Corp. | 4,666 | .395 | 623 | .071 | 3,121 | 515 | 398 | 3,519 | .386 | .328 | 2,989 | 3,121 |
| United States Sugar Corp. | 204,338 | 17.282 | 166,970 | 18.922 | 122,883 | 68,021 | 52,574 | 175,457 | 19.254 | 18.005 | 164,072 | 163,468 |
| Valentine Sugars, Inc. | 18,699 | 1.581 | 16,910 | 1.916 | 7,349 | 9,626 | 7,440 | 14,789 | 1.623 | 1.656 | 15,090 | 15,034 |
| Vida Sugars, Inc. | 8,161 | .690 | 6,663 | .755 | 462 | 6,605 | 5,105 | 5,567 | .611 | .687 | 6,260 | 6,237 |
| A. Wilbert's Sons Lbr. and Sh. Co. | 14,839 | 1.255 | 11,226 | 1.272 | 468 | 11,226 | 8,677 | 9,145 | 1.003 | 1.208 | 11,008 | 10,968 |
| Young's Industries, Inc. | 10,534 | .891 | 7,782 | .882 | 691 | 7,460 | 5,766 | 6,457 | .709 | .853 | 7,773 | 7,744 |
| Total | 1,182,484 | 100.000 | 882,399 | 100.000 | 425,318 | 628,721 | 485,942 | 911,260 | 100.000 | 100.000 | 911,260 | 911,260 |

[1] The difference between 911,260 tons (basic quota for 1964 established by S.R. 811, effective Jan. 1, 1964, less 150 ton reserve for Louisiana State University) and total Jan. 1, 1964, effective inventories for all processors amounting to 425,318 tons. This difference of 485,942 tons prorated on the basis of each processor's average 1961–63 new-crop marketings.

[2] Determined by weighting "processings", col. (2) by 60 percent; "marketings", col. (4) by 20 percent; and "ability", col. (9) by 20 percent.

[3] Basic allotments adjusted to provide each allottee a minimum allotment equal to his Jan. 1, 1964 effective inventory.

On the basis of written advice from each allottee, the Secretary of Agriculture has determined that 18 allottees are unable to fully utilize 1964 allotments of the Mainland Cane Sugar Area Quota in excess of stated maximum quantities, and that there is a deficit in the allotments of such allottees amounting to 16,166 short tons, raw value, as follows:

| Processor | Short tons, raw value |
|---|---|
| Caldwell Sugar Co., Inc. | 3,392 |
| Columbia Sugar Co. | 48 |
| Dugas and LeBlanc, Ltd. | 507 |
| Duhe & Bourgeois Sugar Co. | 668 |
| Erath Sugar Co., Ltd. | 298 |
| Evan Hall Sugar Cooperative, Inc. | 2,133 |
| Glenwood Cooperative, Inc. | 1,539 |
| LaFourche Sugar Co. | 1,112 |
| Louisa Sugar Cooperative, Inc. | 53 |
| Louisiana State Penitentiary | 12 |
| Louisiana State University | 60 |
| Savoie Industries | 1,697 |
| St. Mary Sugar Cooperative, Inc. | 1,080 |
| Sterling Sugars, Inc. | 2,650 |
| J. Supple's Sons Planting Co., Inc. | 28 |
| Vida Sugars, Inc. | 28 |
| A. Wilbert's Sons Lbr. & Shr. Co. | 58 |
| Young's Industries, Inc. | 803 |
| Total | 16,166 |

Accordingly, a deficit of 16,166 short tons, raw value, is declared and is herein prorated to other allottees, who have indicated they can effectively use additional allotments, on the basis of the processors' basic allotments as revised herein for corrections of data.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of (1) revising allotments by the substitution of corrected data which have become a part of the official records of the Department and (2) allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (29 F.R. 14163).

*Effective date.* Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit processors to fully utilize the entire quota for the area. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

*Order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered,* That paragraph (a) of § 814.2, be amended to read as follows:

**§ 814.2 Allotment of the 1964 Sugar Quota for the Mainland Cane Sugar Area.**

(a) *Allotments.* The 1964 sugar quota for the Mainland Cane Sugar Area of 911,410 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

| Processor | Allotments (Short tons, raw value) |
|---|---|
| Albania Sugar Co., Inc | 12,013 |
| Alma Plantation, Ltd | 10,765 |
| J. Aron & Co., Inc | 16,522 |
| Billeaud Sugar Factory | 9,897 |
| Breaux Bridge Sugar Cooperative, Inc | 8,815 |
| William T. Burton Industries, Inc | 8,358 |
| Caire & Graugnard | 6,371 |
| Caldwell Sugars Cooperative, Inc | 12,932 |
| Catherine Sugar Co., Inc | 4,478 |
| Columbia Sugar Co | 8,441 |
| Cora-Texas Manufacturing Co., Inc | 7,397 |
| Dugas & LeBlanc, Ltd | 15,000 |
| Duhe & Bourgeois Sugar Co | 11,889 |
| Erath Sugar Co., Ltd | 8,309 |
| Evan Hall Sugar Cooperative, Inc | 23,334 |
| Florida Sugar Corp | 9,944 |
| Frisco Cane Co., Inc | 2,902 |
| Glades County Sugar Growers Cooperative, Inc | 16,475 |
| Glenwood Cooperative, Inc | 16,102 |
| Helvetia Sugar Cooperative, Inc | 13,218 |
| Iberia Sugar Cooperative, Inc | 21,138 |
| LaFourche Sugar Co | 19,498 |
| Harry L. Laws & Co., Inc | 10,906 |
| Levert-St. John, Inc | 15,541 |
| Louisa Sugar Cooperative, Inc | 12,003 |
| Louisiana State Penitentiary | 2,657 |
| Louisiana State University | 90 |
| Meeker Sugar Cooperative, Inc | 8,415 |
| Milliken & Farwell, Inc | 14,627 |
| Okeelanta Sugar Refinery, Inc | 53,994 |
| Osceola Farms Co | 21,503 |
| M. A. Patout & Son, Ltd | 16,157 |
| Poplar Grove Planting & Refining Co | 10,289 |
| Savoie Industries | 14,500 |
| St. James Sugar Cooperative, Inc | 17,145 |
| St. Mary Sugar Cooperative, Inc | 14,772 |
| South Coast Corp | 79,981 |
| Southdown, Inc | 50,000 |
| South Florida Sugar Co., Inc | 3,545 |
| Sterling Sugars, Inc | 26,711 |
| Sugar Cane Growers Cooperative of Florida | 58,043 |
| J. Supple's Sons Planting Co., Inc | 6,146 |
| Talisman Sugar Corp | 3,121 |
| United States Sugar Corp | 167,959 |
| Valentine Sugars, Inc | 15,447 |
| Vida Sugars, Inc | 6,209 |
| A. Wilbert's Sons Lbr. & Shr. Co | 10,910 |
| Young's Industries, Inc | 6,941 |
| All other persons | 0 |
| Total | 911,410 |

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Issued at Washington, D.C., this 24th day of December 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-13418; Filed, Dec. 24, 1964; 2:15 p.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

## PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### Changes in Representation of Certain Districts on the Plum Commodity Committee

Notice was published in the FEDERAL REGISTER issue of December 11, 1964 (29 F.R. 16993), that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100–917.179) currently in effect pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Delete § 917.118 and substitute therefor the following:

**§ 917.118 Changes in representation of certain districts on the Plum Commodity Committee.**

The representation or membership on the Plum Commodity Committee is changed to provide for:

(a) Three (3) members to represent the area included in the Fresno District;

(b) One (1) member to represent the area included in the Tulare District;

(c) One (1) member to represent the area included in the Kern District and Southern California District;

(d) One (1) member to represent the area included in the Placer District and Colfax District; and

(e) One (1) member to represent all the territory in California not included in the foregoing districts.

Dated, December 24, 1964, to become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-13443; Filed, Dec. 29, 1964; 8:50 a.m.]

## PART 971—LETTUCE GROWN IN THE LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

### Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for the fiscal period ending July 31, 1965, and the amended expenses for the fiscal period ending July 31, 1964, to be effective under Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER December 8, 1964 (29 F.R. 16833). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER.

The South Texas Lettuce Committee considered the notice and unanimously recommend a reduction to one-half cent ($0.005) per carton in the rate of assessment for the 1964–65 fiscal period. Their recommendations are approved herein, as prospective revenues from such assessments and available reserves are adequate to cover budgeted expenses.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, which was recommended by the South Texas Lettuce Committee, established pursuant to the amended marketing agreement and order, it is hereby found and determined that:

**§ 971.204 Expenses amended.**

(a) The reasonable expenses incurred by the South Texas Lettuce Committee enabling such committee to perform its functions during the fiscal period ended July 31, 1964, amounted to $16,869.82. The budget for such fiscal period shall be and is hereby amended, pursuant to § 971.42(c), and the recommendations of the committee, to approve expenses for $16,869.82. No change in the rate of assessment is necessary.

**§ 971.205 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1964, through July 31, 1965, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $16,975.00.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one-half cent ($0.005) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) the relevant provisions of the amended marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable lettuce from the beginning of such period, and (2) the current fiscal period began on August 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable lettuce beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)



Dated: December 24, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division.*

[F.R. Doc. 64-13444; Filed, Dec. 29, 1964; 8:51 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Subtitle A—Office of the Secretary of Commerce

## PART 3—RULES OF PROCEDURE FOR HANDLING CONTRACT APPEALS

Part 3 is added to Title 15 of the Code of Federal Regulations to read as follows:

Sec.
3.1 Scope and authority.
3.2 Purpose.
3.3 How to begin an appeal.
3.4 Duties of Contracting Officer and Government Counsel.
3.5 Duties of Board upon receipt of notice of appeal.
3.6 Service of papers.
3.7 Appellant's statement of claim.
3.8 Answer.
3.9 Prehearing conference.
3.10 Depositions, interrogatories, production of documents.
3.11 Settlement.
3.12 Hearings.
3.13 Decisions.
3.14 Reconsideration.
3.15 Optional accelerated procedure.
3.16 Extensions of time.

AUTHORITY: The provisions of this Part 3 issued under R.S. 161; 5 U.S.C. 22, Department Order No. 106 (Revised), 25 F.R. 2603, 3-26-60.

**§ 3.1 Scope and authority.**

(a) The standard forms of construction, supplies and services contracts used within the Department of Commerce contain provisions to the effect that disputes arising thereunder and not disposed of by agreement shall be decided by the contracting officer, subject to appeal by the contractor to the head of the Department, i.e., the Secretary of Commerce. This is a contractual method of resolving disagreement and can be invoked only where and to the extent a contract so provides.

(b) Pursuant to Revised Statutes, section 161 (5 U.S.C. 22) and sections 2 and 4 of Reorganization Plan No. 5 of 1950 (5 U.S.C. 133z–15), the Secretary has established an Appeals Board (Department Order No. 106 (?) 25 F.R. 2603, 3–26–60), within the Office of the Assistant Secretary for Administration, and has delegated to this Board authority to consider and decide disputes under contracts entered into by the several bureaus (other than the Maritime Administration) within the Department. There is no further administrative appeal within the Department of Commerce from decisions of the Board. (The Secretary has also authorized the Board to consider appeals from the public in respect to certain specified administrative and regulatory actions within the Department, e.g., under the Export Control Act, Parts 382 and 383 of this title, Defense Production Act, Regs. 5 under Chap. VI of Title 32A, and Surplus Property Disposal Act, § 401.13, Chap. IV of Title 44.)

(c) The Appeals Board consists of a full-time Chairman and fifteen (15) to twenty (20) departmental officials specially qualified to serve as members and designated as such by the Secretary. The Chairman is the administrative head of the Board and is authorized to assign each matter on appeal to a panel of three (3) Board members. The Chairman may serve as a member of each panel, but in the event of his absence or unavailability for any other reason he may designate another Board member to serve in that capacity.

**§ 3.2 Purpose.**

It is the purpose of these procedures to provide for impartial, inexpensive, and expeditious handling of contract appeals, consistent with the contract terms and other requirements of law, the orderly conduct of the proceeding, and the necessity for making a complete record.

**§ 3.3 How to begin an appeal.**

(a) An appeal from the findings of fact and determination of the contracting officer shall be made by notice in writing in the manner and within the time specified in the contract.

(b) The notice of appeal shall indicate that an appeal is intended, identify the contract and the contracting officer, and the particular findings of fact and determination from which the appeal is taken. It shall be signed by appellant personally, if an individual, or if not, by an authorized officer of the appellant organization or by the appellant's attorney. The supporting statement of claim referred to in § 3.7 may be filed with the notice of appeal or it may be filed as set forth in § 3.7.

**§ 3.4 Duties of Contracting Officer and Government Counsel.**

(a) Promptly upon receipt of a copy of the notice of appeal, the contracting officer shall notify and request the legal adviser of the agency administering the contract involved to designate a Government counsel to represent the interests of the Government. The Government counsel shall promptly file notice of appearance with the Appeals Board.

(b) Within thirty (30) days after receipt of the notice of appeal, the contracting officer shall compile and transmit to the Government counsel an appeal file consisting of:

(1) The findings of fact and determination and all documents upon which his decision was based;

(2) The invitation for bids, the contract, and all plans and specifications, amendments, change orders, directives, supplemental agreements, and work order records related to the dispute;

(3) Substantive correspondence between the parties;

(4) Map or other descriptive material of the subject matter.

(c) The Government counsel will forward the appeal file to the Board, and so advise the appellant and that it may be examined at the office of the Board or the contracting officer.

**§ 3.5 Duties of Board upon receipt of notice of appeal.**

Upon receipt of notice of appeal, the Appeals Board shall docket the case by giving it an appropriate number and shall send a notice of receipt and the docket number to the Government counsel, the appellant and his attorney. A copy of the Board rules of procedure will also be sent to appellant and his attorney.

**§ 3.6 Service of papers.**

A copy of all statements, pleadings, briefs and any other documents and data of whatever nature, except the appeal file, shall be served on the other party at the time of filing with the Appeals Board.

**§ 3.7 Appellant's statement of claim.**

Within thirty (30) days after the mailing or filing of a notice of appeal appellant shall file with the Appeals Board a concise and detailed statement of the nature and amount of each claim, the reasons why the contracting officer's determination in respect thereto is deemed erroneous, and any documentation upon which he relies.

**§ 3.8 Answer.**

(a) Within thirty (30) days after receipt of the appellant's statement of claim, Government counsel shall prepare and file with the Appeals Board an answer setting forth the Government's position on each claim and the reasons therefor.

(b) Upon request made within ten (10) days, the Board shall afford the appellant a reasonable opportunity to file a statement in rebuttal of the Government's answer.

**§ 3.9 Prehearing conference.**

The Appeals Board may require the parties to appear for a conference to consider agreement and simplification of the issues, possible stipulations as to facts and documents, limitation of the number of expert and other witnesses, and any other matters that may assist in the disposition of the appeal.

**§ 3.10 Depositions, interrogatories, production of documents.**

The Appeals Board may consider requests for permission to take the testimony of any person by deposition, to serve written interrogatories upon the opposing party, and to produce and permit the inspection of designated documents. Such requests shall be approved only to the extent and upon such conditions as the Board in its discretion considers to be consistent with the objective of securing a fair, expeditious and inexpensive determination of the dispute on appeal.

**§ 3.11 Settlement.**

Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the dispute, the Appeals Board may suspend further processing of the appeal in order to permit settlement by the contracting officer or other proper authority.

**§ 3.12 Hearings.**

(a) The Appeals Board will provide an oral hearing unless waived by both par-

ties, and will give the parties at least thirty (30) days' notice of the time and place of the hearing. Hearings will be held in Washington, D.C., unless there is, in the Board's judgment, a special and substantial justification for holding the hearing elsewhere.

(b) Witnesses at hearings will not be required to testify under oath. However, the presiding officer will call to the attention of each witness that his statements are subject to the provisions of Federal law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any Government department or agency. All witnesses may be examined or cross-examined by the Board members, the parties or their representatives.

(c) Both parties may offer oral and written evidence, subject to exclusion, in the presiding officer's discretion, of irrelevant, immaterial or unnecessarily repetitious evidence. The probative value of all evidence received will be determined by the Board. Testimony at hearings shall be reported verbatim.

(d) Post-hearing briefs may be submitted by either party or required by the Board, and appropriate rebuttal arrangements may also be authorized by the Board.

**§ 3.13 Decisions.**

(a) All decisions of the Appeals Board shall be based solely on the record made before it, and the Board may decide all questions of fact and law arising under the provisions of the contract in question. Under the provisions of the so-called Wunderlich Act, 68 Stat. 81 (1954), 41 U.S.C. sections 321 and 322, a departmental decision on a question of fact arising under a contract disputes clause is declared to be final and conclusive and not subject to judicial review "unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence." A Board decision on a question of law, on the other hand, is subject to full judicial review.

(b) The decision of a majority of the panel in a particular case constitutes the decision of the Board. Decisions will be made in writing and copies furnished to all parties. All decisions will be available to public inspection except those required for good cause to be held confidential to the parties and not cited as precedents.

**§ 3.14 Reconsideration.**

Requests for reconsideration may be made by either party within thirty (30) days from the date of receipt of its copy of the Board's decision. Such requests will be considered only upon a showing of significant error or on the basis that new and material evidence has been discovered. The other party will be afforded a reasonable time to oppose such request for reconsideration, and the Board will as soon as practicable thereafter rule on the request. Failure to request reconsideration shall not be deemed to be a failure to exhaust administrative remedies.

**§ 3.15 Optional accelerated procedure.**

If the amount involved in an appeal is relatively small or the appeal otherwise specially lends itself to expeditious consideration, the Appeals Board may, with the concurrence of the parties, reach a decision on the basis of the available record as furnished by the parties. Such appeals will be decided as soon as practicable without regard to their normal position on the docket and in such summary form as may be appropriate.

**§ 3.16 Extensions of time.**

Upon request, time extensions may be granted by the Appeals Board except with respect to the filing of the notice of appeal.

*Effective date.* The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules relate to agency management and public contracts. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER, and except as otherwise directed by the Chairman of the Appeals Board they shall not apply to appeals which have been docketed prior to that date.

Dated: December 22, 1964.

NATHAN OSTROFF,
*Chairman, Appeals Board.*

[F.R. Doc. 64-13414; Filed, Dec. 29, 1964; 8:47 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-SO-70]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the time of designation of the Winston-Salem, N.C., control zone.

The Winston-Salem control zone is presently designated as a full-time control zone. The United States Department of Commerce intends to discontinue the Weather Bureau Office located at Smith-Reynolds Airport, Winston-Salem, N.C., on or about March 4, 1965.

Therefore, action is taken herein to reduce the time of designation of the control zone to coincide with the operating hours of the Winston-Salem Airport Traffic Control Tower.

Since the change effected by this amendment is less restrictive in nature than the present requirements and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it shall become effective 0001 e.s.t., March 4, 1965.

In consideration of the foregoing, the following action is taken:

In § 71.171 (29 F.R. 1101, 29 F.R. 16245) the Winston-Salem, N.C., control zone is amended to read:

WINSTON-SALEM, N.C.

Within a 5-mile radius of Smith-Reynolds Airport (latitude 36°08'00" N., longitude 80°-13'20" W.), effective from 0700 to 2300 hours, local time daily.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a))

Issued in East Point, Ga., on December 18, 1964.

PAUL H. BOATMAN,
*Acting Director,*
*Southern Region.*

[F.R. Doc. 64-13391; Filed, Dec. 29, 1964; 8:45 a.m.]

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[Docket No. 6403; Amdt. Nos. 91-11; 127-1; 129-1; 135-2; 141-1; 171-1]

[Special Civil Air Regulations 330, 389B, 395B, 397, 399D, 407, 411B, 426, 430, 431, 433, 446B, 448A, 450A, 454A, 456]

[Special Federal Aviation Regulations 12, 13, 14, and 15]

## PART 91—GENERAL OPERATING AND FLIGHT RULES

## PART 127—CERTIFICATION AND OPERATION OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

## PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

## PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

## PART 141—PILOT SCHOOLS

## PART 171—NON-FEDERAL NAVIGATION FACILITIES

### Miscellaneous Amendments

The purpose of these amendments is to complete the remainder of the Agency's recodification program. The program was first announced in Draft Release 61-25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

All Civil Air Regulations in Chapter I of Title 14 of the Code of Federal Regulations will have been replaced with the issue of Part 121 of the Federal Aviation Regulations. That part is being issued separately and will become effective at the same time as these amendments.[1]

The recodification of the regulations in Chapter III (Regulations of the Administrator) of Title 14 and the Special Civil Air Regulations is completed with the issue of the following miscellaneous amendments to Chapter I of Title 14. No regulations of the FAA will remain in Chapter III. Henceforth, all Federal Aviation Regulations and Special Federal Aviation Regulations will be contained in Chapter I of Title 14 of the Code of Federal Regulations.

Section 406.17(a) of the Regulations of the Administrator provided authority for the operation of a "true light" as an aid to air navigation. Under the Federal Aviation Regulations, such a provision belongs in Part 171—"Non-Federal Navigation Facilities". Therefore, a new Subpart D is being added to Part 171, recodifying § 406.17(a) of the Regulations of the Administrator.

This addition to Part 171 completes the recodification of Part 406 and enables the Agency to delete the Regulations of the Administrator in Chapter III of Title 14 of the Code of Federal Regulations. All other parts in this chapter have been previously recodified. Those sections of Part 406 neither heretofore recodified nor being recodified in Part 121 have been determined to be surplusage. Their substance either duplicates other provisions in the Federal Aviation Regulations or is advisory only.

In an attempt to limit the use of "special" regulations to those occasions of temporary or peculiar regulatory need, this amendment deletes certain Special Civil Air Regulations (SRs) of indefinite duration and incorporates them into the Federal Aviation Regulations:

1. SR 330 is being recodified by including its substance in a new § 141.31, "Special Flight Instruction for Military Personnel of a Foreign Government".

2. SR 389B is being recodified by including its substance in a new § 91.47, "Emergency exits for airplanes carrying passengers for hire".

3. SR 411B, as applicable to foreign air carriers, is being recodified by including its substance in a new § 129.23, "Transport category cargo service airplanes: increased zero fuel and landing weights".

4. SR 448A, except for paragraph (2), is being recodified by including its substance in a new § 91.8, "Prohibition Against Interference with Crewmembers".

5. SR 456 is being recodified by including its substance in a new § 91.103, "Operation of Civil Aircraft of Cuban Registry".

Part 121 of the Federal Aviation Regulations will contain the substance of SR 411B as it applies to air carriers other than foreign air carriers.

Because the applicability of neither SR 389B nor SR 448A(1) was restricted to operation within the United States but in effect, extended throughout air commerce, § 91.1 is being amended to except new §§ 91.47 and 91.8 from applicability only within the United States. Also included within this exception are two other sections already in Part 91. These sections, §§ 91.19 and 91.45 as originally recodified, were limited in applicability by § 91.1, to within the United States. The applicability provisions of those Civil Air Regulations from which these sections were recodified were not so limited. The effect of the new exception in § 91.1(c), is to relieve the four specified sections from the geographic limitation of § 91.1(a). It should also be noted that this exception is limited to aircraft of U.S. registry. Clarifying provisions are being added to new § 91.1 (c) to assure that, for the purposes of the excepted sections, there can be no regulatory conflict for U.S. registered aircraft operating in foreign countries or over the high seas. In addition, the word order in § 91.1(a) is being revised to show more clearly that the exception refers only to the limitation of the part's applicability to operations within the United States.

Paragraph (2) of SR 448A dealt with the prohibition against carrying a dangerous weapon while on board air carrier aircraft. Since its applicability extended only to air carrier aircraft, SR 448A(2) is being recodified by adding §§ 121.585 (to be issued separately) and a new 135.64. Section 127.227(c) already reflects SR 448A(2). Since SR 448A(1), which was the basis for paragraphs (a) and (b) of § 127.227, is hereby being recodified as § 91.8, § 127.227 is being amended to delete those paragraphs. In addition, § 127.139 is being clarified by adding to it a definition, taken from CAM 40.241-1, of "directly in charge". This definition reflects the sense in which the term is used in this section and in § 121.378, where it will also be added.

The following Special Civil Air Regulations are being deleted, because each has accomplished its intended purpose and is no longer necessary: 395B 430; 431; and 433. Because the geographic applicability of § 91.19 is being extended by amendment of § 91.1, SR 446B may now be deleted. SR 450A has not been recodified since it will lapse of its own force on February 1, 1965. In addition, SR 397, which in effect was an exemption from the Civil Air Regulations, rather than a regulation, is being deleted. In its place the Agency is issuing separately, a grant of exemption from the Federal Aviation Regulations for aircraft and airmen engaged in operations conducted for the United States Forest Service.

Certain Special Civil Air Regulations are being redesignated as Special Federal Aviation Regulations (SFARs). These are former SRs 399D, 407, 426, and 454A.

Of these, the first deals with the maximum certificated weight for airplanes operated in Alaska by Alaskan air carriers, air taxi operators, and the Department of the Interior. This regulation becomes SFAR 12 and its expiration date remains October 25, 1965.

SR 407 provides for approval of modified Douglas DC-3 and Lockheed L-18 type airplanes, and SR 426 provides for performance credit for transport category airplanes equipped with standby power. The present expiration date of each is indefinite. They are being redesignated as SFAR 13 and 14, respectively. One reason for not recodifying them into the basic FARs is that the need for each regulation has diminished over the years and is now quite limited. In addition, neither SR belonged in any one part of the Federal Aviation Regulations. In light of these peculiarities and since a special regulation does not differ in legal effect from any other regulation, the Agency determined to redesignate SR 407 as SFAR 13 and SR 426 as SFAR 14.

SR 454A provides for operation over certain areas of Florida and adjacent waters. In view of the significant tie of this regulation with National Defense interests and the international political atmosphere, either of which could change on very short notice, the Agency finds that National Defense and safety in air commerce are best served by redesignating SR 454A as SFAR 15.

In addition, it is no longer necessary to use the word "[New]" when referring to a part of the Federal Aviation Regulations. This is possible because all Civil Air Regulations in Chapter I of Title 14, with the issue of Part 121, have now been replaced by Federal Aviation Regulations.

None of these amendments impose an additional burden on any person. Some are clarifying in nature, while most simply restate the substance of the specified regulations. Because of this I find that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Title 14 is amended by striking out the Regulations of the Administrator in Chapter III and by amending Chapter I as follows, effective April 1, 1965.

1. By striking out Special Civil Air Regulations 330, 389B, 395B, 397, 411B, 430, 431, 433, 446B, 448A, 450A, and 456.

2. By amending Part 91 "General Operating and Flight Rules" as follows:

A. By amending § 91.1 to read as follows:

**§ 91.1 Applicability.**

(a) This part prescribes rules governing the operation of aircraft (other than moored balloons, kites, unmanned rockets, and unmanned free balloons) within (except as provided in paragraphs (b) and (c) of this section) the United States.

(b) Each person operating an aircraft of U.S. registry in air commerce over the high seas shall comply with Annex 2 (Rules of the Air) to the convention on International Civil Aviation.

(c) Sections 91.8, 91.19, 91.45, and 91.47 also govern the operation of aircraft of U.S. registry outside of the United States so far as these sections are not inconsistent with applicable regulations of any foreign country or Annex 2 to the convention on International Civil Aviation.

B. By adding a new § 91.8 to read as follows:

**§ 91.8 Prohibition against interference with crewmembers.**

(a) No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of his duties aboard an aircraft being operated in air commerce.

(b) No person may attempt to cause or cause the flight crew of an aircraft being operated in air commerce to divert its flight from its intended course or destination.

C. By adding a new § 91.47 to read as follows:

**§ 91.47 Emergency exits for airplanes carrying passengers for hire.**

(a) Notwithstanding any other provision of this chapter, no person may operate a large airplane (type certificated under the Civil Air Regulations before April 9, 1957) in passenger-carrying operations for hire, with more than the number of occupants allowed under Civil Air Regulation § 4b.362 (a), (b), and (c), as in effect on December 20, 1951. However, an airplane type listed in the following table may be operated with up

[1] To be published in the FEDERAL REGISTER of Thursday, December 31, 1964.

to the listed number of occupants (including crewmembers) and the corresponding number of exits (including emergency exits and doors) approved for the emergency exit of passengers:

| Airplane type | Maximum number of occupants including crewmembers | Corresponding number of exits authorized for passenger use |
|---|---|---|
| B–307 | 61 | 4 |
| B–377 | 96 | 9 |
| C–46 | 67 | 4 |
| CV–240 | 53 | 6 |
| CV–340 and CV–440 | 53 | 6 |
| DC–3 | 35 | 4 |
| DC–3 (Super) | 39 | 5 |
| DC–4 | 86 | 5 |
| DC–6 | 87 | 7 |
| DC–6B [1] | 112 | 11 |
| L–18 | 17 | 3 |
| L–049, L–649, L–749 | 87 | 7 |
| L–1049 (series) | 96 | 9 |
| M–202 | 53 | 6 |
| M–404 | 53 | 7 |
| Viscount 700 series | 53 | 7 |

[1] The DC–6A, if converted to a passenger transport configuration, is governed by the maximum number applicable to DC–6B.

(b) Additional occupants may be carried if there are additional exits comparable to at least a Type II or Type IV exit as prescribed in § 25.807, but not more than eight additional occupants may be carried for each additional exit. In the case of exits not comparable to at least a Type II or Type IV exit, the Administrator may authorize a lesser number of additional occupants, after considering the type, size, and location of the exit and other pertinent factors.

(c) For airplanes having a ratio (as computed from the table in paragraph (a) of this section) of maximum number of occupants to number of exits greater than 14:1, and for airplanes that do not have at least one full-size door-type exit in the side of the fuselage in the rear part of the cabin, the first additional exit must be a floor-level exit not less than 24 inches wide, by 48 inches high, and located in the side of the fuselage in the rear part of the cabin. However, no person may operate an airplane under this section carrying more than 115 occupants unless there is such an exit on each side of the fuselage.

(d) The Administrator reduces the maximum number of occupants authorized by the table whenever the number of approved exits is less than shown in the table, after taking into account the effectiveness of the remaining exits for emergency evacuation. However, the maximum number of occupants is reduced by at least eight for each eliminated exit, and in no case may the resulting ratio of occupants to exits be greater than 14:1. In addition, there must be at least one exit on each side of the fuselage, regardless of the number of occupants.

D. By adding a new § 91.103 to read as follows:

**§ 91.103 Operation of civil aircraft of Cuban registry.**

No person may operate a civil aircraft of Cuban registry outside of controlled airspace.

E. By adding to the distribution table:

| Former section | Revised section |
|---|---|
| SR 389B | 91.47 |
| SR 448A (less paragraph (2)) | 91.8 |
| SR 456 | 91.103 |

3. By amending Part 127 "Certification and Operations of Scheduled Air Carriers with Helicopters" as follows:

A. By amending § 127.139 to read as follows:

**§ 127.139 Certificate requirements.**

(a) Each person who is directly in charge of maintenanee, preventive maintenance, or alteration, and each person performing required inspections must hold an appropriate airman certificate.

(b) For the purposes of this section, a person "directly in charge" is each person assigned to a position in which he is responsible for the work of a shop or station that performs maintenance, preventive maintenance, alterations, or other functions affecting aircraft airworthiness. A person who is "directly in charge" need not physically observe and direct each worker constantly but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

B. By amending § 127.227 to read as follows:

**§ 127.227 Prohibition against carriage of weapons.**

No person may, while on board a helicopter being operated under this Part, carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed. This section does not apply to—

(a) Officials or employees of a municipality or a State, or of the United States, who are authorized to carry arms; or

(b) Crewmembers and other persons authorized by the air carrier to carry arms.

C. By amending the distribution table as applicable to SR 448A to read:

| Former section | Revised section |
|---|---|
| SR 448A, paragraph (2) | 127.227 |

D. By adding to the distribution table:

| Former section | Revised section |
|---|---|
| 40.241–1 | 127.139 |

4. By amending Part 129 "Operations of Foreign Air Carriers" as follows:

A. By adding a new § 129.23 to read as follows:

**§ 129.23 Transport category cargo service airplanes: increased zero fuel and landing weights.**

(a) Notwithstanding the applicable structural provisions of the transport category airworthiness regulations, but subject to paragraphs (b) through (g) of this section, a foreign air carrier may operate (for cargo service only) any of the following transport category airplanes (certificated under Part 4b of the Civil Air Regulations effective before March 13, 1956) at increased zero fuel and landing weights—

(1) DC–6A, DC–6B, DC–7B, and DC–7C; and

(2) L–1049 B, C, D, E, F, G, and H, and the L–1649A when modified in accordance with supplemental type certificate SA 4–1402.

(b) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maximum approved in full compliance with applicable rules only if the Administrator finds that—

(1) The increase is not likely to reduce seriously the structural strength;

(2) The probability of sudden fatigue failure is not noticeably increased;

(3) The flutter, deformation, and vibration characteristics do not fall below those required by applicable regulations; and

(4) All other applicable weight limitations will be met.

(c) No zero fuel weight may be increased by more than five percent, and the increase in the structural landing weight may not exceed the amount, in pounds, of the increase in zero fuel weight.

(d) Each airplane must be inspected in accordance with the approved special inspection procedures, for operations at increased weights, established and issued by the manufacturer of the type of airplane.

(e) A foreign air carrier may not operate an airplane under this section unless the country of registry requires the airplane to be operated in accordance with the passenger-carrying transport category performance operating limitations in Part 121 or the equivalent.

(f) The Airplane Flight Manual for each airplane operated under this section must be appropriately revised to include the operating limitations and information needed for operation at the increased weights.

(g) Each airplane operated at an increased weight under this section must, before it is used in passenger service, be inspected under the special inspection procedures for return to passenger service established and issued by the manufacturer and approved by the Administrator.

B. By adding to the distribution table:

| Former section | Revised section |
|---|---|
| SR 411B | 129.23 |

5. By amending Part 135 "Air Taxi Operators and Commercial Operators of Small Aircraft" to add a new § 135.64 to read as follows:

**§ 135.64 Prohibition against carriage of weapons.**

No person may, while aboard an aircraft being operated by an air taxi operator, carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed. This section does not apply to—

(a) Officials or employees of a municipality or a State, or of the United States, who are authorized to carry arms; or

(b) Crewmembers and other persons authorized by the air taxi operator to carry arms.

6. By amending Part 141 "Pilot Schools" as follows:



A. By adding a new § 141.31 to read as follows:

**§ 141.31 Special flight instruction for military personnel of a foreign government.**

Notwithstanding any other provision of this chapter, a pilot school certificated under this part with a flying school rating may train personnel of any foreign government in maneuvers that are not within the approved airplane operating limitations if—

(a) An official request is made to the Administrator by an accredited representative of the foreign government;

(b) The Administrator finds that the training can be accomplished with a standard of safety equal to that maintained by the United States Air Force or Navy;

(c) The training is accomplished in accordance with appropriate United States Air Force or Navy Technical Orders; and

(d) No airplane is used to show compliance with an acrobatic maneuver required in a flight test for the issue of an airman certificate or rating, against which it has been placarded.

B. By adding to the distribution table:

| Former section | Revised section |
|---|---|
| SR 330 | 141.31 |

7. By amending Part 171 "Non-Federal Navigation Facilities" as follows:

A. By redesignating Subpart D as Subpart E and § 171.61 as § 171.71.

B. By adding a new Subpart D to read as follows:

### Subpart D—True Lights

**§ 171.61 Authority to operate a true light.**

(a) An applicant who certifies that he will, in accordance with applicable requirements of the FAA, establish, maintain, and operate a light as an aid to air navigation, is issued an air navigation certificate, authorizing him to operate that light as a "true light".

(b) An application for authority to operate a true light is made on Form FAA–114 "Certification and Lawful Authority to Operate a True Light".

C. By adding to the distribution table:

| Former section | Revised section |
|---|---|
| 406.17 (less (b)) | 171.61 |

8. By redesignating Special Civil Air Regulation 399D, "Provisional Certificated Maximum Weights for Certain Airplanes Operated by Alaskan Air Carriers, Air Taxi Operators in Alaska, and the Department of the Interior" as Special Federal Aviation Regulation (SFAR) 12, to be effective until October 25, 1965.

9. By redesignating Special Civil Air Regulation 407, "Basis for Approval of Modification of Airplane Types Douglas DC–3 and Lockheed L–18", as Special Federal Aviation Regulation (SFAR) 13, to be effective indefinitely.

10. By redesignating Special Civil Air Regulation 426, "Performance Credit for Transport Category Airplanes Equipped with Standby Power", as Special Federal Aviation Regulation (SFAR) 14, to be effective indefinitely.

11. By redesignating Special Civil Air Regulation 454A, "Special Operating Rule Within Certain Areas of the State of Florida and Over Waters Adjacent Thereto", as Special Federal Aviation Regulation SFAR) 15, to be effective indefinitely.

(Secs. 307, 313(a), 314, 501, 601–610, 902(c), 1102, 1110, and 1202, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a), 1355, 1401, 1421–1430, 1472(c), 1502, 1510, 1522)

Issued in Washington, D.C., on December 23, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64–13376; Filed, Dec. 29, 1964; 8:45 a.m.]

## Chapter III—Federal Aviation Agency

## PART 406—CERTIFICATION PROCEDURES

### Recodification

CROSS REFERENCE: For a document affecting Part 406, see Chapter I of this title, F.R. Doc. 64–13376.

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release No. 33–4749]

## PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

### Delivery of Prospectuses by Dealers

On September 15, 1964, in Securities Act Release No. 4726 (29 F.R. 13486, September 30, 1964), the Securities and Exchange Commission published its proposal to adopt Rules 425A (17 CFR 230.425A) and 174 (17 CFR 230.174) under the Securities Act of 1933. Rule 425A was proposed in order that dealers will be apprised more readily of their obligation to deliver a prospectus in transactions in securities as to which a registration statement has become effective under the Act. Rule 174 shortens or eliminates the statutory prospectus delivery requirements of section 4(3) of the Act for a dealer who is not an underwriter continuing to act as such or a dealer participating in a distribution in a transaction in securities constituting an unsold allotment to or subscription by such dealer in three instances.

In effect the dealer's transaction exemption in section 4(3) [1] of the Act requires all dealers, whether or not they participate in the initial distribution of a registered security, to deliver a prospectus for a designated period in connection with all transactions in such registered security in which any means or instrumentalities of interstate commerce or the mails are used, excepting only unsolicited brokers' transactions.[2]

It should be noted that a prospectus must be delivered by an underwriter continuing to act as such and by a dealer effecting transactions in securities constituting the whole or part of an unsold allotment to or subscription by such dealer as a participant in the distribution. This obligation of underwriters and dealers continue so long as they are participating in a distribution no matter how much time has elapsed since the commencement of the offering. Otherwise, a dealer effecting transactions in such securities is required to deliver a prospectus for 40 days after the registration statement becomes effective or the date the security is first bona fide offered to the public, whichever is later. However, if the issuer has not made a previous offering under an effective Securities Act registration statement, the aforementioned 40 day period is extended to 90 days.

A number of helpful comments were received in response to the above release. After further consideration of the matter and consideration of all of the comments received, the Commission has adopted the rules with certain additions and modifications.

As adopted, Rule 425A requires a statement on the cover of a prospectus stating the date on which the relevant 40 or 90 day period will expire. The rule as proposed has been revised to make clear that the statement may be set forth on the outside front or back cover page or the inside front cover page of the prospectus. The proposed rule has also been revised to provide that the statement is not required if, pursuant to Rule 174, dealers are not required to deliver a prospectus pursuant to the provisions of section 4(3)(B) of the Act or if the exemptive provisions of section 4(3) are not applicable pursuant to the provisions of section 24(d) of the Investment Company Act of 1940. Section 24(d) provides that the exemption provided by section 4(3) is not applicable in transactions in a security issued by a face-amount certificate company or in a redeemable security issued by an open-end management company or unit investment trust, if any other security of the same class is currently being offered or sold by the issuer or by an underwriter in a distribution which is not exempted from section 5 of the Act, except as otherwise provided by Commission rule or regulation.

It was pointed out in a number of comments that issuers do not always know the exact date when an offering will begin at the time a registration statement becomes effective. Therefore, the rule as adopted provides that the expi-

[1] Prior to the 1964 Amendments to the Securities Acts this exemption was contained in the third unnumbered clause of Section 4(1). The amendments to the Securities Act and the background of Rules 425A and 174 are more fully described in Securities Act Release No. 4726.

[2] The definition of "dealer" in the Securities Act of 1933 includes brokers. The brokers' transaction exemption in Section 4(4) of the Act (designated Section 4(2) prior to the 1964 Amendments) applies to brokers' transactions executed upon customers' orders on any exchange or in the over-the-counter market but not the solicitation of such orders.

ration date of the period prescribed by section 4(3) of the Act and Rule 174 may be inserted in the prospectuses to be used after the effective date which must be filed pursuant to Rule 424(b) (17 CFR 230.424(b)). Before the date when the security is first offered, issuers will be required to state in the blank provided for the expiration date whether the applicable prospectus delivery period is 40 or 90 days.

As adopted Rule 174 shortens or eliminates the aforementioned 40 or 90 day statutory prospectus delivery period in the instances hereinafter discussed. The rule provides that no dealer is required to deliver a prospectus with respect to a security registered on Form S–8 (17 CFR 239.16b) (relating to certain offerings to employees), Form S–9 (17 CFR 239.22) (relating to certain non-convertible fixed interest debt securities), Form S–12 (17 CFR 239.19) (relating to American Depositary Receipts), and Form F–1 (17 CFR 239.9) (relating to voting trust certificates); except that, in the case of registration on Form S–12 or F–1, the exemption does not apply if the deposited securities are also required to be registered. It also provides that the maximum period during which dealers must deliver a prospectus will expire in 40 days if the issuer has a class of securities listed and registered on a national securities exchange under Section 12(b) of the Securities Exchange Act of 1934.

Paragraph (c) of the rule as proposed has been deleted. As proposed paragraph (c) provided that the maximum period during which dealers must deliver a prospectus expired after 40 days with respect to all registration statements which became effective on or prior to August 20, 1964, the effective date of the Securities Acts Amendments of 1964. In view of the expiration of 90 days after such effective date the Commission has determined that it is no longer necessary to include this interpretation of the Act, as amended, and has provided in lieu thereof a new paragraph (c).

New paragraph (c) of the rule as adopted relates to offerings to be made from time to time under a single registration statement. The purpose of the paragraph is to make clear in such cases, e.g., where securities are to be offered at different times by one or more of several offerees, commonly referred to as a "shelf" registration, that no new prospectus delivery period will begin for dealers trading in the offering after the first 40 or 90 day prospectus delivery period has expired following the initial offering of any of the registered securities for the accounts of any of the offerees.

The rule as adopted provides that its special provisions are inapplicable if the registration statement was the subject of a stop order. It also reserves to the Commission the power to modify the applicable period by order upon application or on its own motion in particular cases. Since the rule is addressed only to the obligation of dealers to deliver a prospectus in the trading market, provision is inserted to make clear that it does not apply to an underwriter continuing to act as such, or to a dealer participating in a distribution in a transaction in the registered securities constituting an unsold allotment to or subscription by such dealer.

Other suitable relaxations of the dealers' exemption in section 4(3) will doubtless become apparent as the Commission and the financial community gain experience under the amended requirements of the Securities Act. Meanwhile, provision is made in Paragraph (d)(2) of the rule for variations from this pattern upon application to the Commission in appropriate cases.

*Commission action.* Part 230 of Title 17, Chapter II of the Code of Federal Regulations is amended by adding new §§ 230.425a and 230.174 to read as follows:

**§ 230.425a Statement required on prospectus regarding delivery of prospectuses by dealers.**

(a) The statement set forth in paragraph (b) of this section shall be set forth on the outside front or back cover page or on the inside front cover page of every prospectus, inserting the expiration date of the period prescribed by section 4(3) of the act and § 230.174 thereunder; except that, this section shall not apply if, pursuant to § 230.174, dealers are not required to deliver a prospectus pursuant to the provisions of section 4(3)(B) of the act, or if the exemption provided by section 4(3) of the act is not applicable pursuant to the provisions of section 24(d) of the Investment Company Act of 1940. If the said expiration date is not known on the effective date of the registration statement it may be inserted in the prospectus filed pursuant to § 230.424(b). Prior to such time the applicable period prescribed in section 4(3) of the act and § 230.174 thereunder shall be included in the blank.

(b) The following legend required by paragraph (a) of this section shall be printed in bold-face type or italic type at least as large as eight point modern type and at least two points leaded:

Until _____ (insert date) all dealers effecting transactions in registered securities, whether or not participating in this distribution, may be required to deliver a prospectus. This is an addition to the obligation of dealers to deliver a prospectus when acting as underwriters and with respect to their unsold allotments or subscriptions.

**§ 230.174 Delivery of prospectus by dealers; exemptions under section 4(3) of the act.**

The obligations of a dealer (including an underwriter no longer acting as an underwriter in respect of the security involved in such transactions) to deliver a prospectus in transactions in a security as to which a registration statement has been filed taking place prior to the expiration of the 40 or 90 day period specified in section 4(3) of the act after the effective date of such registration statement or prior to the expiration of such period after the first date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter after such effective date, whichever is later, shall be subject to the following provisions:

(a) No prospectus need be delivered if the registration statement is on Forms S–8 (17 CFR 239.16b), S–9 (17 CFR 239.22), S–12 (17 CFR 239.19), or F–1 (17 CFR 239.9): *Provided*, In the case of a registration statement on Forms S–12 (17 CFR 239.19) or F–1 (17 CFR 239.9), this provision shall not apply if registration of the deposited securities is also required.

(b) If the issuer has a class of security listed and registered on a national securities exchange pursuant to section 12(b) of the Securities Exchange Act of 1934, the period during which a prospectus must be delivered shall be 40 days.

(c) Where a registration statement relates to offerings to be made from time to time no prospectus need be delivered after the expiration of the initial prospectus delivery period specified in section 4(3) of the act or in paragraphs (a) or (b) of this section following the first bona fide offering of securities under such registration statement.

(d) Notwithstanding the foregoing, the period during which a prospectus must be delivered by a dealer shall be:

(1) As specified in section 4(3) of the act if the registration statement was the subject of a stop order issued under section 8 of the act; or

(2) As the Commission may provide upon application or on its own motion in a particular case.

(e) Nothing in this section shall affect the obligation to deliver a prospectus pursuant to the provisions of section 5 of the act by a dealer who is acting as an underwriter with respect to the securities involved or who is engaged in a transaction as to securities constituting the whole or a part of an unsold allotment to or subscription by such dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter.

(Sec. 12, 78 Stat. 580, 15 U.S.C. 77d; sec. 19, 48 stat. 85, as amended, 15 U.S.C. 77d)

*Effective date.* The amendment shall become effective on January 25, 1965.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 23, 1964.

[F.R. Doc. 64–13395; Filed, Dec. 29, 1964; 8:46 a.m.]

[Release 40–4105]

## PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

### Periodic Calculation of Current Net Asset Value of Redeemable Security

On July 2, 1964, in Investment Company Act Release No. 4006, and in the FEDERAL REGISTER on July 10, 1964 (29 F.R. 9456), the Securities and Exchange Commission published notice that it had under consideration the adoption of a proposed § 270.2a–4 (Rule 2a–4 under the Investment Company Act of 1940 ("Act")) and invited the comments of interested persons. Upon consideration of the comments received, the Commission has determined pursuant to the authority conferred by sections 38(a) and 22 of the Act to adopt § 270.2a–4 in the form set forth below.

Section 38(a) authorizes the Commission to make rules and regulations, inter alia, defining "accounting, technical, and trade terms" used in the Act. "Current net asset value" is a term used in section 22 of the Act relating to "distribution, redemption, and repurchase of redeemable securities," and the concept is employed in the definition of the term "redeemable security" in section 2(a)(31) of the Act.

The Commission's experience in the administration of the Act and its analysis of data provided by the periodic inspection of books and records maintained by registered investment companies pursuant to section 31 of the Act indicate that uniformity with respect to the calculation of net asset value of redeemable securities issued by registered investment companies would be in the public interest and in the interest of investors. Accordingly, pursuant to the authority conferred by sections 38(a) and 22 of the Act, the Commission has promulgated § 270.2a–4 defining the term "current net asset value" as it is used in the Act with reference to redeemable securities issued by a registered investment company.

The Commission has considered that the public interest and the interest of investors require that the rule be effective as promptly as is reasonably practicable in order that the current net asset value of redeemable securities currently being distributed, redeemed, and repurchased by registered investment companies be appropriately calculated. Consideration has also been given to the obligations of registered investment companies to file reports under the provisions of the Act and the rules thereunder relating to the fiscal periods of said companies, and to the substantial number of registered investment companies which will begin new fiscal periods on January 1, 1965. The Commission therefore finds that there is good cause for the rule to become effective on January 1, 1965. Accordingly, the effective date of the rule shall be January 1, 1965.

The text of § 270.2a–4 is as follows:

**§ 270.2a–4 Definition of "Current Net Asset Value" for use in computing periodically the current price of redeemable security.**

(a) The current net asset value of any redeemable security issued by a registered investment company used in computing periodically the current price for the purpose of distribution, redemption, and repurchase means an amount which reflects calculations, whether or not recorded in the books of account, made substantially in accordance with the following, with estimates used where necessary or appropriate:

(1) Portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company.

(2) Changes in holdings of portfolio securities shall be reflected no later than in the first calculation on the first business day following the trade date.

(3) Changes in the number of outstanding shares of the registered company resulting from distributions, redemptions, and repurchases shall be reflected no later than in the first calculation on the first business day following such change.

(4) Expenses, including any investment advisory fees, shall be included to date of calculation.

(5) Dividends receivable shall be included to date of calculation either at ex-dividend dates or record dates, as appropriate.

(6) Interest income and other income shall be included to date of calculation.

(b) The items which would otherwise be required to be reflected by paragraph (a)(4) and (6) of this section need not be so reflected if cumulatively, when netted, they do not amount to as much as one cent per outstanding share.

(c) Notwithstanding the requirements of paragraph (a) of this section, any interim determination of current net asset value between calculations made as of the close of the New York Stock Exchange on the preceding business day and the current business day may be estimated so as to reflect any change in current net asset value since the closing calculation on the preceding business day.

(Sec. 22, 38(a), 54 Stat. 823, 841, 15 U.S.C. 80a–22, 80a–37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 22, 1964.

[F.R. Doc. 64–13396; Filed, Dec. 29, 1964; 8:46 a.m.]



# Title 20—EMPLOYEES' BENEFITS

## Chapter V—Bureau of Employment Security, Department of Labor

## PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

### Foreign Agricultural Labor

Expiration of Public Law 78 on December 31, 1964, thereby indicating a Congressional intent to end reliance on Mexican Braceros for agricultural work in the United States, requires regulations effecting an orderly transition to the use of United States workers in areas where reliance has previously been placed upon foreign workers. These regulations, hereinafter set forth, are issued to carry out the function of the Secretary of Labor in advising the Attorney General, in accordance with his request under section 214 of the Immigration and Nationality Act of 1952, as to whether unemployed persons capable of performing such agricultural labor can be found in this country. Of primary consideration in issuing these Regulations is the principle that foreign workers will not be admitted where unemployed domestic workers are available and, in no event, will be admitted under circumstances adversely affecting domestic wage levels.

In response to this Congressional direction and after due consideration of the evidence and views presented at hearings which were held pursuant to notice (29 F.R. 15191) at Washington, D.C. on November 30, 1964; Miami, Fla., on December 2; Dallas, Tex., on December 4; and San Francisco, Calif., on December 7, 8, and 9, the Regulations set forth below specifying the terms and conditions which must be offered to domestic workers before certification will be made for the admission of foreign workers under Public Law 414 have been adopted.

Because these rules constitute general statements of agency procedure and policy, further notice of proposed rule making, public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003), I do not believe additional proceedings or delay would serve a useful purpose here.

Now, therefore, pursuant to regulations issued by the Commissioner of Immigration and Naturalization (8 CFR 214.2(h); 29 F.R. 11959) implementing provisions of the Immigration and Nationality Act (8 U.S.C. 1184(c)), I hereby revise 29 CFR 602.10, effective immediately, to read as follows:

**§ 610.10 Certification and use of foreign labor for agricultural employment.**

(a) Any agricultural employer with a forseeable labor shortage remaining after reasonable efforts utilizing all sources of available domestic workers, including the interstate clearance process, may request through the appropriate State agency the certification of need for foreign labor. Before such certification will be made by the appropriate Regional Office of the Bureau of Employment Security, it must be shown that:

(1) Reasonable efforts have been made and will continue to be made to obtain domestic workers for the period for which these workers are requested. "Reasonable efforts" will include full use of (i) day-haul operations in accordance with the general practices of other employers in the area, or, in the absence of local day-haul operations, day-haul operations in accordance with the general practices within the State; (ii) other appropriate recruitment efforts; and (iii) the interstate clearance process for recruitment in areas within a reasonable distance, including use of the Annual Worker Plan, where practical. (In order to recruit workers from out of State, a minimum period of 15 days prior to the date of need will be required by the Labor-supply State agency for positive recruitment. In addition, the offer for local workers must be at the same rate which is specified on the date of need in the clearance order, or a request for foreign workers will be denied.)

(2) Employment of such labor will not adversely affect the wages or working conditions of domestic workers similarly employed.

(b) On and after January 1, 1965, the State agency will not process a request for workers more than 60 days nor less than 30 days prior to the date of need; and such request shall be reviewed by the State agency not more than 15 days prior to the date of need and the State agency will advise the appropriate Bureau of Employment Security regional office whether the conditions necessitating foreign workers previously certified to by the State agency still prevail, or whether the request should be cancelled or revised.

(c) No certification shall be made for the admission of foreign workers under Section 214 of the Immigration and Nationality Act for agricultural employment in the United States unless the following criteria have been followed and adhered to:

(1) Effective January 1, 1965, and through March 31, 1965:

(i) Employment offered to domestic workers must provide for wage payment rates which are no less than the applicable amount listed on Schedule "A" of paragraph (d) of this section for the State in which the work is being performed, except that where the prevailing rate for the crop activity in the area is higher, the higher rate shall be paid. Piece rates shall be designed to produce hourly earnings at least equivalent to the prescribed hourly rates and in no event shall the worker be paid less than the prescribed hourly rate.

(ii) Except as otherwise specifically provided, domestic workers must be offered, as a minimum, all the terms and conditions of employment that are offered to Mexican workers under the Migrant Labor Agreement of 1951, as amended, including a written contract embodying those conditions.

(iii) Family housing must be provided where feasible and necessary.

(2) Effective April 1, 1965:

(i) Employment offered to domestic workers must provide for wage payment rates which are no less than the applicable amount listed on Schedule "B" of paragraph (d) of this section for the State in which the work is being performed, except that where the prevailing rate for the crop activity in the area is higher, the higher rate shall be paid. Piece rates shall be designed to produce hourly earnings at least equivalent to the prescribed hourly rates and in no event shall the worker be paid less than the prescribed hourly rate.

(ii) Except as otherwise specifically provided in this section, domestic workers must be offered, as a minimum, all the terms and conditions of employment that are offered to Mexican workers under the Migrant Labor Agreement of 1951, as amended, including a written contract embodying those conditions.

(iii) Family housing must be provided where feasible and necessary.

(3) Effective January 1, 1965:

(i) Reasonable costs of transportation to and from the place of employment must be borne by the employer.

(ii) No certification shall be made permitting the employment of any foreign worker for a period exceeding 120 days; nor shall any certification be made with respect to any petition of any employer which would result in the employment of foreign workers by such employer for more than 120 days in any calendar year, except in specific cases, when necessary to avoid undue hardship, in accordance with criteria prescribed by the Department of Labor.

(iii) No certification shall be made with respect to the petition of any employer who has been found by the Secretary of Labor or his designated representative to have failed, without good cause, to comply with the work contracts entered into with any domestic or foreign agricultural workers, or who has in his employ or is found to have had in his employ after the effective date of these regulations, any foreign worker when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such foreign worker is not lawfully within the United States.

(iv) When domestic workers become available for jobs in which foreign workers are employed, the domestic workers must be given preference.

(v) No foreign workers shall be assigned to fill any job to which referral of United States workers would be prohibited under regulations or policies of the United States Department of Labor governing the referral of workers to jobs involved in strikes or other labor disputes.

(4) These criteria shall not be applicable to Basque sheepherders.

(d) The schedules referred to in paragraph (c) are as follows:

SCHEDULE A

| State: | Wage rate |
|---|---|
| Arizona | $1.05 |
| California | 1.25 |
| Connecticut | 1.25 |
| Florida | .95 |
| Massachusetts | 1.25 |
| New Mexico | .90 |
| Texas | .90 |

SCHEDULE B

| State: | Wage rate |
|---|---|
| Arizona | $1.25 |
| Arkansas | 1.15 |
| California | 1.40 |
| Colorado | 1.30 |
| Connecticut | 1.40 |
| Florida | 1.15 |
| Indiana | 1.25 |
| Kansas | 1.40 |
| Maine | 1.25 |
| Massachusetts | 1.30 |
| Michigan | 1.25 |
| Minnesota | 1.40 |
| Montana | 1.40 |
| Nebraska | 1.40 |
| New Hampshire | 1.30 |
| New Jersey | 1.30 |
| New Mexico | 1.15 |
| New York | 1.30 |
| Oregon | 1.30 |
| Rhode Island | 1.30 |
| South Dakota | 1.40 |
| Texas | 1.15 |
| Utah | 1.40 |
| Vermont | 1.30 |
| Virginia | 1.15 |
| West Virginia | 1.15 |
| Wisconsin | 1.30 |
| Wyoming | 1.25 |

Signed at Washington, D.C., this 19th day of December 1964.

W. WILLARD WIRTZ,
*Secretary of Labor.*

[F.R. Doc. 64-13436; Filed, Dec. 29, 1964; 8:50 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6788]

## PART 146—SALE OF REBUILT AUTOMOTIVE PARTS AND ACCESSORIES ON AND AFTER JANUARY 1, 1965

### Tax-Exempt Sale of Rebuilt Automotive Parts and Accessories

The following rules, prescribed under section 5 of the Act of October 13, 1964 (Public Law 88-653, 78 Stat. 1086), relate to the exemption from the tax imposed by section 4061(b), applicable under section 4063(c) of the Internal Revenue Code of 1954 in the case of rebuilt automotive parts and accessories sold on or after January 1, 1965.

The rules set forth herein are to remain in force and effect until superseded by applicable amendments to the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48). Until such amendments are made, the regulations set forth herein with respect to the subject matter within the scope thereof supersede the regulations set forth in the Manufacturers and Retailers Excise Tax Regulations.

In order to prescribe temporary rules relating to the subject matter referred to above, the following rules are hereby adopted:

**§ 146.1-1 Tax-exempt sales of rebuilt automotive parts or accessories.**

Section 4063(c) of the Internal Revenue Code of 1954, as added by section 5 of the Act of October 13, 1964 (Public Law 88-653, 78 Stat. 1086), provides that "under regulations prescribed by the Secretary or his delegate" the tax imposed by section 4061(b) shall not apply in the case of rebuilt parts or accessories. Section 4063(c) applies with respect to rebuilt parts and accessories sold on or after January 1, 1965. In accordance with the foregoing it is hereby provided that the rebuilding of a part or accessory on or after January 1, 1965, shall not be treated as the "manufacture" of such part or accessory and, accordingly, the sale of a rebuilt part or accessory on or after such date shall not be subject to the tax imposed by section 4061(b). Therefore, a rebuilder may not, on and after January 1, 1965, purchase new parts or accessories free of tax for use in the rebuilding by him of parts or accessories. Furthermore, he must pay tax under the provisions of section 4218 on all new parts or accessories manufactured by him, or acquired by him free of tax under section 4221(a)(1), which are used by him on or after January 1, 1965, in his rebuilding of parts or accessories.

Because of the immediate need for temporary rules under which taxpayers may determine whether the sale of rebuilt parts and accessories on or after January 1, 1965, is free from tax, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 24, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-13412; Filed, Dec. 29, 1964; 8:47 a.m.]



# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

## PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

### Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 586 (29 F.R. 13903), the Secretary of Labor appointed and convened Industry Committee No. 69-D. Administrative Order No. 586 referred to Industry Committee No. 69-D the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the men's and boys' clothing and related products industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 69-D are hereinafter published in this revision of 29 CFR 615.2.

Effective January 15, 1965, 29 CFR 615.2 is hereby revised to read as follows:

§ 615.2 **Wage rates.**

The men's and boys' clothing and related products industry in Puerto Rico is divided into four classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities of employees in the industry to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *The work clothing and separate trousers classification.* (i) The minimum wage for this classification is $1.045 an hour.

(ii) This classification is defined as the manufacture of men's, youths', and boys' work shirts, pants, and other work clothing and washable service apparel, and separate trousers and slacks.

(2) *The military-style hats and caps classification.* (i) The minimum wage for this classification is $1.15 an hour.

(ii) This classification is defined as the manufacture of military-style hats and caps.

(3) *The general classification.* (i) The minimum wage for this classification is 98 cents an hour.

(ii) This classification is defined as the manufacture of all products included in the men's and boys' clothing and related products industry not included in the other classifications of this industry.

(b) *The new coverage classification.* (1) The minimum wage for this classification is 87.5 cents an hour between January 15, 1965 and September 2, 1965, and 90 cents an hour thereafter.

(2) This classification is defined as all activities of employees covered by section 6 of the Act only by reason of the Fair Labor Standards Amendments of 1961.

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 23d day of December 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64-13437; Filed, Dec. 29, 1964; 8:50 a.m.]

## PART 681—HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

### Hand-Braiding Leather Buttons

On November 10, 1964, a notice proposing to amend the piece rate contained in 29 CFR 681.9(b) commensurate with a minimum hourly wage rate increase was published in the FEDERAL REGISTER (29 F.R. 15173). Interested persons were given 15 days to file written statements of data, views, or argument in regard to the proposal. None were received. Accordingly, the proposal is hereby adopted to read as set forth below.

As this amendment merely articulates a changed piece rate already in effect pursuant to 29 CFR 681.9(a), good cause is hereby found to make it effective without delay, and it shall be effective immediately.

As amended, 29 CFR 681.9(b) reads as follows:

**§ 681.9 Minimum piece rates prescribed by the Administrator.**

* * * * *

(b) *Piece rate for hand-braiding leather buttons.* A minimum piece rate of 46 cents a gross shall be paid to homeworkers in Puerto Rico engaged in the hand-braiding of leather buttons, 24 to 30 ligne by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather; all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

* * * * *

(Sec. 6, 52 Stat. 1062; 29 U.S.C. 206)

Signed at Washington, D.C., this 23d of December 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64-13438; Filed, Dec. 29, 1964; 8:50 a.m.]

## PART 779—THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS OR SERVICES

### Miscellaneous Amendments

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby correct 29 CFR 779.403, 779.419(b), and 779.507(a)(6) as set forth below.

The amendments consist of minor editorial corrections and clarifications of text. The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. I do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Title 29 CFR 779.403 is amended to read as follows:

**§ 779.403 "Executive" and "administrative" employees, defined.**

The terms "executive" and "administrative" as used in section 13(a)(1) have appeared therein prior to the 1961 amendments and have been defined and delimited in Subpart A of Part 541 of this chapter and explained in Subpart B of that part. These regulations are applicable under the amended section 13(a)(1) in determining which employees are bona fide executive or administrative employees. The amended



provision does, however, liberalize, in one respect, the pre-1961 regulations as they pertain to executive and administrative

counts and instructions for Class II motor carriers should be transferred from Part 184 and be codified under Part 182

part of the income statement, add new centerhead, sections, titles and text, as follows:

provision does, however, liberalize, in one respect, the pre-1961 regulations as they pertain to executive and administrative employees of retail or service establishments. That is, an executive or administrative employee of a retail or service establishment may devote up to 40 percent of his hours worked in a workweek to activities which are not directly and closely related to the performance of executive or administrative activities and still qualify as a bona fide executive or administrative employee, whereas, in any other type of establishment such a tolerence is limited to 20 percent, except where special provisions are made in Part 541 of this chapter.

2. The figure "$250" in the last sentence of 29 CFR 779.419(b) is corrected to read "$325".

3. Subparagraph (6) of 29 CFR 779.507 (a) is amended to read as follows:

**§ 779.507 Fourteen-year minimum.**

(a) *Prohibited occupations.* • • •

(6) Occupations in connection with (i) transportation of persons or property by rail, highway, air, water, pipeline, or other means; (ii) warehousing and storage; (iii) communications and public utilities; and (iv) construction (including demolition and repair). Office and sales work performed in connection with the occupations specified in this subparagraph is permitted if such work is not performed on trains or any other media of transportation or at the actual site of construction operations.

(52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.)

Signed at Washington, D.C., this 24th day of December 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64-13439; Filed, Dec. 29, 1964; 8:50 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[No. 32155, No. 32155 Sub. No. 1]

## PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

## PART 184—CHART OF ACCOUNTS FOR CLASS II MOTOR CARRIERS OF PROPERTY

### Miscellaneous Amendments

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 10th day of December A.D. 1964.

The Commission having under consideration the matter of amending the chart of accounts prescribed for Class II motor carriers of property pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended;

It appearing, that for proper administration of the Act the chart of accounts and instructions for Class II motor carriers should be transferred from Part 184 and be codified under Part 182 of Title 49 of the Code of Federal Regulations;

It further appearing, that the chart of accounts and instructions for Class II motor carriers of property (which is a condensation of accounts prescribed for Class I carriers) require amendment to give effect to the amendments of the Class I system of accounts prescribed by order of November 12, 1964, which is governing; the amendments herein for Class II carriers impose no new or additional obligation or duty so that additional public rule-making procedures pursuant to provisions of the Administrative Procedures Act are deemed unnecessary; and for good cause shown;

*It is ordered,* That the amendments appearing below and by this reference made a part hereof shall become effective January 1, 1965; and

*It is further ordered,* That notice of this order shall be given to Class II common and contract motor carriers of property subject to its provision, and to every trustee, receiver, executor, administrator, or assignee of such motor carrier, and notice shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission in Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

The title of Part 182 of Title 49 of the Code of Federal Regulations is amended to read as set forth above.

Part 182 is amended by adding new sections, titles and text.

After § 182.8900 *Form of Income Statement,* following the last item and part of the income statement, add new centerhead, sections, titles and text, as follows:

**§ 182.9000 Condensed Classification of Accounts for Class II Carriers.**

**§ 182.9001 Order of the Commission.**

Effective January 1, 1965, all Class II common and contract motor carriers of property shall maintain their accounts in conformity with the regulations in this part. (See Instruction 182.01-1.)

**§ 182.9002 Instructions.**

Entries recorded in the accounts prescribed for Class II motor carriers shall conform to the texts of corresponding Class I accounts.

**§ 182.9003 Pickup and delivery.**

Class II common carriers which derive an average of 75 percent or more of their revenues from the intercity transportation of general commodities and which have average annual gross revenues of $500,000 or more, based on the three calendar years ending December 31, 1956, and on the latest three calendar years threafter, shall separate expenses between line haul and pickup and delivery as provided in § 182.01-27 *Allocation of expenses between line haul and pickup and delivery.*

**§ 182.9004 Optional accounts.**

Any Class II carrier subject to the provisions of this chart of accounts may, at its option, conform its accounting to the regulations prescribed for Class I carriers: *Provided, however,* That the exercise of such option shall not interfere with assembling or grouping such accounts, as hereinafter prescribed, for annual report purposes.

**§ 182.9005 Accounts prescribed.**

Accounts maintained by Class II carriers shall be designated as follows and shall include the substance of the several Class I accounts to which they respectively correspond:

BALANCE SHEET—ASSET SIDE

| ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS | | CLASS I ACCOUNTS | |
|---|---|---|---|
| | *Current assets* | | *Current assets* |
| 100 | Cash and working funds | 1000 | Cash. |
| | | 1020 | Working funds. |
| 104 | Special deposits | 1040 | Special deposits. |
| | | 1041 | Interest special deposits. |
| | | 1042 | Dividend special deposits. |
| | | 1043 | Miscellaneous special deposits. |
| 108 | Notes receivable | 1080 | Notes receivable. |
| 110 | Receivables from affiliated companies | 1100 | Receivables from affiliated companies. |
| | | 1101 | Loans and notes receivable. |
| | | 1105 | Interest and dividends receivable. |
| | | 1109 | Accounts receivable. |
| 112 | Accounts receivable—Other | 1120 | Accounts receivable—agents, customers, and interline. |
| | | 1130 | Accounts receivable—other. |
| 117 | Prepayments | 1170 | Prepayments. |
| | | 1171 | Prepaid taxes and licenses. |
| | | 1172 | Prepaid insurance. |
| | | 1173 | Prepared interest. |
| | | 1174 | Prepaid rents. |
| | | 1175 | Prepaid stationery and printed matter. |
| | | 1176 | Prepaid tires and tubes. |
| | | 1179 | Miscellaneous prepayments. |
| 118 | Material and supplies | 1180 | Material and supplies. |
| 119 | Other current assets | 1060 | Temporary cash investments. |
| | | 1140 | Subscribers to capital stock. |
| | | 1160 | Interest and dividends receivable. |
| | | 1190 | Other current assets. |



BALANCE SHEET—LIABILITY SIDE

| ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS | | CLASS I ACCOUNTS | |
|---|---|---|---|
| | *Current liabilities* | | *Current liabilities* |
| 218 | Other current and accrued liabilities | 2100 | Dividends declared. |
| | | 2150 | Interest accrued. |
| | | 2160 | Matured interest. |
| | | 2180 | Other current liabilities. |
| | *Long-term debt due within one year* | | *Long-term debt due within one year* |
| 219 | Equipment obligations and other debt | 2190 | Equipment obligations and other debt. |
| | *Equipment and other long-term obligations* | | *Advances payable* |
| 220 | Advances payable—affiliated companies | 2200 | Advances payable—affiliated companies. |
| 230 | Equipment and other long-term obligations. | 2250 | Other advances payable. |
| | | | *Equipment and other long-term obligations* |
| | | 2300 | Equipment obligations. |
| | | 2330 | Bonds. |
| | | 2360 | Other long-term obligations. |
| | *Deferred credits and reserves* | | *Deferred credits* |
| 240 | Deferred credits | 2400 | Unamortized premium on debt. |
| | | 2450 | Other deferred credits. |
| | | | *Reserves* |
| 250 | Reserve for depreciation—carrier property. | 2500 | Reserve for depreciation—carrier operating property. |
| | | 2590 | Reserve for depreciation—carrier operating property leased to others. |
| 251 | Reserve for depreciation—structures | 2610 | Reserve for depreciation—structures. |
| 252 | Reserve for depreciation—revenue equipment. | 2620 | Reserve for depreciation—revenue equipment. |
| 253 | Reserve for depreciation—service cars and equipment. | 2630 | Reserve for depreciation—service cars and equipment. |
| 254 | Reserve for depreciation—other carrier property. | 2540 | Reserve for depreciation—shop and garage equipment. |
| | | 2550 | Reserve for depreciation—furniture office and equipment. |
| | | 2560 | Reserve for depreciation—miscellaneous equipment. |
| | | 2570 | Reserve for depreciation—improvements to leasehold property. |
| | | 2580 | Reserve for depreciation—undistributed property. |
| 260 | Reserve for amortization—carrier property. | 2800 | Reserve for amortization—carrier operating property. |
| 261 | Reserve for depreciation and amortization—noncarrier property. | 2610 | Reserve for depreciation and amortization—other property. |
| 269 | Other reserves | 2630 | Reserve for adjustments—investments and advances. |
| | | 2650 | Reserve for uncollectible accounts. |
| | | 2660 | Insurance reserves. |
| | | 2680 | Injuries, loss, and damage reserves. |
| | | 2690 | Other reserves. |
| | *Capital and surplus* | | *Capital stock* |
| 270 | Capital stock | 2700 | Preferred capital stock. |
| | | 2710 | Common capital stock. |
| | | 2730 | Capital stock subscribed. |

BALANCE SHEET—ASSET SIDE

| ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS | | CLASS I ACCOUNTS | |
|---|---|---|---|
| | *Property and investments* | | *Tangible property* |
| 120 | Carrier property | 1200 | Carrier operating property. |
| | | 1300 | Carrier operating property leased to others. |
| 121 | Land and structures | 1201 | Land and land rights. |
| | | 1210 | Structures. |
| 122 | Revenue equipment | 1220 | Revenue equipment. |
| 123 | Service cars and equipment | 1230 | Service cars and equipment. |
| 124 | Other carrier property | 1240 | Shop and garage equipment. |
| | | 1250 | Furniture and office equipment. |
| | | 1260 | Miscellaneous equipment. |
| | | 1270 | Improvements to leasehold property. |
| | | 1280 | Undistributed property. |
| | | 1290 | Unfinished construction. |
| 140 | Noncarrier property | 1400 | Noncarrier property. |
| | | | *Intangible property* |
| 150 | Organization, franchises and permits | 1500 | Organization, franchises and permits. |
| | | 1501 | Organization. |
| | | 1511 | Franchises. |
| | | 1541 | Patents. |
| 155 | Other intangible property | 1550 | Other intangible property. |
| | *Investment securities and advances* | | *Investment securities and advances* |
| 160 | Investments and advances—affiliated companies. | 1600 | Investments and advances—affiliated companies. |
| 165 | Other investments, advances and special funds. | 1650 | Other investments and advances. |
| | | | *Special funds* |
| | | 1701 | Sinking funds. |
| | | 1751 | Depreciation funds. |
| | | 1781 | Miscellaneous special funds. |
| | *Deferred and miscellaneous debits* | | *Deferred debits* |
| 185 | Deferred and miscellaneous debits | 1880 | Unamortized debt discount and expense. |
| | | 1890 | Other deferred debits. |
| | | | *Miscellaneous debit items* |
| | | 1900 | Discount on capital stock. |
| | | 1910 | Commission and expense on capital stock. |
| 186 | Reacquired and nominally issued securities. | 1920 | Reacquired securities. |
| | | 1990 | Nominally issued securities. |

BALANCE SHEET—LIABILITY SIDE

| ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS | | CLASS I ACCOUNTS | |
|---|---|---|---|
| | *Current liabilities* | | *Current liabilities* |
| 200 | Notes payable and matured obligations | 2000 | Notes payable. |
| | | 2020 | Matured long-term obligations. |
| 203 | Payables to affiliated companies | 2030 | Payables to affiliated companies. |
| | | 2031 | Loans and notes payable. |
| | | 2035 | Interest and dividends payable. |
| | | 2039 | Accounts payable. |
| 205 | Accounts payable | 2050 | Accounts payable. |
| | | 2051 | Accounts payable—officers, stockholders and employees. |
| | | 2065 | Interline account balances. |
| 207 | Salaries and wages payable | 2070 | Wages payable. |
| 209 | C.o.d.'s unremitted | 2090 | C.o.d.'s unremitted. |
| 212 | Taxes accrued | 2120 | Taxes accrued. |

| Income Accounts | | Class I accounts |
|---|---|---|
| Accounts prescribed for class II carriers | | I *Carrier Operating Income* |
| 427.5 | Equipment rents—pickup and delivery—with drivers. | 4276 |
| 427.6 | Equipment rents—pickup and delivery—without drivers. | 4276 |
| 427.7 | Other purchased pickup and delivery. | 4277 |
| 427.9 | Equipment rents—credit. | 4279 |
| 428 * | Other transportation expenses. | 4245 |
| | | 4280 |
| | Operating rents. | 4285 |
| | Terminal. | 4300 |
| 430 | Supervision. | 4310 |
| 431.0 | Supervisory salaries. | 4311 |
| 431.1 | Salaries and fees—billing and collecting. | 4312 |
| 431.2 | Other office employees. | 4313 |
| 431.3 | Office and other expenses. | 4320 |
| 432 | Salaries and wages—platform employees. | 4340 |
| 434 | Other terminal employees. | 4350 |
| 435 | Commission agents. | 4360 |
| 436 | Other terminal expenses. | 4345 |
| 438 | Operating rents. | 4380 |
| | | 4385 |
| 439 | Joint terminal facilities—net. | 4391 |
| | | 4396 |
| 440 | Traffic. | 4400 |
| 441 | Supervision, office and other expenses. | 4410 |
| | | 4420 |
| 443 | Tariffs and schedules. | 4430 |
| 448 | Other traffic expenses. | 4445 |
| | | 4450 |
| | | 4480 |
| 450 | Insurance and safety. | 4485 |
| 451 | Supervision, office and other expenses. | 4500 |
| | | 4610 |
| 453 | Public liability and property damage. | 4620 |
| | | 4580 |
| 454 | Workmen's compensation. | 4540 |
| 455 | Cargo, loss and damage. | 4550 |
| 456 | Fire, theft and collision. | 4560 |
| 457 | Other insurance expense. | 4570 |
| 458 | Other insurance and safety department expenses. | 4545 |
| | | 4580 |
| | | 4585 |
| 460 | Administrative and general. | 4600 |
| 461.0 | Supervision. | 4610 |
| 461.1 | Salaries—general officers. | 4611 |
| 461.2 | Salaries—revenue accounting. | 4612 |
| 461.3 | Salaries—other general office employees. | 4613 |
| 462 | Other general office expenses. | 4620 |
| | | 4621 |
| | | 4622 |
| | | 4623 |
| 463 | Law and outside auditing expenses. | 4630 |
| | | 4635 |
| 464 | Communication service. | 4640 |

| Balance Sheet—Liability Side | | Class I accounts |
|---|---|---|
| Accounts prescribed for class II carriers | | I *Carrier Operating Income* |
| | *Capital and surplus* | |
| 280 | Sole proprietorship capital. | 2800 |
| 281 | Partnership capital. | 2810 |
| | *Capital surplus* | |
| 290 | Premiums and assessments on capital stock. | 2900 |
| 291 | Other capital surplus. | 2910 |
| 292 | Earned surplus—appropriated. | 2920 |
| 293 | Earned surplus—unappropriated. | 2930 |
| | Income Accounts | |
| Accounts prescribed for class II carriers | | Class I accounts |
| | I *Carrier Operating Income* | |
| | *Revenues* | |
| 300 | Operating revenues. | 3000 |
| 310 | Freight revenue—intercity common carrier. | 3100 |
| 311 | Freight revenue—intercity contract carrier. | 3110 |
| 312 | Freight revenue—local cartage. | 3120 |
| 313 | Intercity transportation for other Class II and Class I motor carriers. | 3130 |
| 390 | Other operating revenue. | 3900 |
| | *Expenses* | |
| 400 | Operation and maintenance expenses. | 4000 |
| 410 | Equipment maintenance. | 4100 |
| 411 | Supervision, office and other expenses. | 4110 |
| 413.0 | Repairs and service—revenue equipment. | 4130 |
| 413.1 | Line haul. | 4131 |
| 413.5 | Pickup and delivery. | 4135 |
| 416.0 | Tires and tubes—revenue equipment. | 4160 |
| 416.1 | Line haul. | 4161 |
| 416.5 | Pickup and delivery. | 4165 |
| 418 | Other maintenance expenses. | 4180 |
| | | 4185 |
| 419 | Joint garage expense—net. | 4191 |
| | | 4196 |
| 420 | Transportation. | 4200 |
| 421 | Supervision, office and other expenses. | 4210 |
| | | 4220 |
| 423.0 | Drivers and helpers. | 4230 |
| 423.1 | Line haul. | 4231 |
| 423.5 | Pickup and delivery. | 4235 |
| 425.0 | Fuel and oil—revenue equipment. | 4250 |
| 425.1 | Line haul. | 4251 |
| 425.5 | Pickup and delivery. | 4255 |
| | | 4260 |
| | | 4261 |
| | | 4265 |
| 427.0 | Purchased transportation. | 4270 |
| 427.1 | Equipment rents—intercity—with drivers. | 4271 |
| 427.2 | Equipment rents—intercity—without drivers. | 4272 |
| 427.3 | Other purchased transportation—intercity. | 4273 |



| Income Accounts | | Class I accounts |
|---|---|---|
| Accounts prescribed for class II carriers | | I *Carrier Operating Income* |
| 466 | Uncollectible revenues. | 4660 |
| 467 | Regulatory expenses. | 4670 |
| 468 | Other general expenses. | 4645 |
| | | 4650 |
| | | 4675 |
| | | 4680 |
| | | 4685 |
| 469 | Joint operating expense—net. | 4691 |
| | | 4696 |
| 500 | Depreciation expense. | 5000 |
| 501 | Depreciation of structures. | 5010 |
| 502.0 | Depreciation of revenue equipment. | 5020 |
| 502.1 | Line haul. | 5021 |
| 502.5 | Pickup and delivery. | 5025 |
| 503 | Depreciation of service cars and equipment. | 5030 |
| 504 | Depreciation of shop and garage equipment. | 5040 |
| 505 | Depreciation of furniture and office equipment. | 5050 |
| 506 | Depreciation of miscellaneous equipment. | 5060 |
| 507 | Depreciation of other carrier property. | 5070 |
| | | 5080 |
| 510 | Depreciation adjustment. | 5100 |
| 515 | Amortization of carrier property. | 5150 |
| | | 5151 |
| | | 5155 |
| 520 | Operating taxes and licenses. | 5200 |
| 521.0 | Gasoline, other fuel and oil taxes. | 5210 |
| 521.1 | Line haul. | 5211 |
| 521.5 | Pickup and delivery. | 5215 |
| 522.0 | Vehicle license and registration fees. | 5220 |
| 522.1 | Line haul. | 5221 |
| 522.5 | Pickup and delivery. | 5225 |
| 523 | Real estate and personal property taxes. | 5230 |
| 524 | Social security taxes. | 5240 |
| 525 | Other taxes. | 5250 |
| 540 | Lease of distinct operating unit—debit. | 5400 |
| 550 | Lease of distinct operating unit—credit. | 5500 |
| | II *Other Income* | II *Other Income* |
| 610 | Income from noncarrier operations—net. | 6100 |
| 650 | Interest, dividends, and other nonoperating income. | 6300 |
| | | 6400 |
| | | 6500 |
| | III *Miscellaneous Deductions from Income* | III *Miscellaneous Deductions from Income* |
| 710 | Interest. | 7100 |
| 750 | Other income deductions. | 7300 |
| | | 7400 |
| | | 7500 |
| 880 | Income taxes. | 8800 |
| | | 8810 |
| | | 8820 |
| | | 8830 |

This amendment of Part 182 supersedes Part 184 of Title 49 of the Code of Federal Regulations. Part 184 is entirely cancelled.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

[F.R. Doc. 64-13323; Filed, Dec. 29, 1964; 8:45 a.m.]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

## PART 0—THE COMMISSION

### Credentials Required by Special Agents, Accountants, and Examiners; Correction

The order of November 24, 1964 (29 F.R. 16087), is corrected by changing the word "accounts" appearing in paragraph (c) to "accountants".

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-13419, Filed, Dec. 29, 1964; 8:48 a.m.]

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte No. MC-19]

## PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

### Postponement of Effective Date

Upon consideration of the record in the above-entitled proceeding; and good cause appearing therefor:

*It is ordered*, That the effective date of the order of May 6, 1964 (29 F.R. 7390, 9711 and 14173), in said proceeding be, and it is hereby, postponed to February 1, 1965.

Dated at Washington, D.C., this 21st day of December A.D. 1964.

By the Commission, Chairman Goff.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-13420; Filed, Dec. 29, 1964; 8:48 a.m.]

# Title 44—PUBLIC PROPERTY AND WORKS

## Chapter I—General Services Administration

### REVOCATIONS AND TRANSFER

The following revocations and transfer result in vacating Chapter I. General Services Administration regulations now appear in Subtitle C of Title 41, Public Contracts and Property Management.

## PART 100—PUBLIC BUILDINGS AND GROUNDS

### Subpart B—Supplemental Regulations

Subpart B (§§ 100.21 through 100.58) is revoked.

## PART 150—COVENANT AGAINST CONTINGENT FEES AND RELATED PROCEDURE

Part 150 is revoked.

## PART 151—PRESERVATION OF RECORDS BY WAR CONTRACTORS

Part 151 is transferred and redesignated as Part 101-13 of Title 41, Public Contracts and Property Management.

## PART 170—ORGANIZATION

Part 170 is revoked.

## PART 175—DELEGATIONS OF AUTHORITY; GENERAL

Part 175 is revoked.



## PART 176—DELEGATIONS BY THE ADMINISTRATOR

# Proposed Rule Making

## PART 176—DELEGATIONS BY THE ADMINISTRATOR

Part 176 is revoked.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: December 23, 1964.

LAWSON B. KNOTT, Jr.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-13416; Filed, Dec. 29, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 51]

### BLUEBERRIES

### United States Standards for Grades; Extension of Time

A proposal for issuance of the United States Standards for Grades of Blueberries (7 CFR, §§ 51.3475–51.3487 was set forth in the notice which was published in the FEDERAL REGISTER on May 22, 1964 (29 F.R. 6688).

In consideration of comments and suggestions received indicating the need for further study of the proposal, the time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposal is hereby extended until September 30, 1965.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than September 30, 1965, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: December 24, 1964.

G. R. GRANGE,
*Deputy Administrator, Marketing Services.*

[F.R. Doc. 64-13445; Filed, Dec. 29, 1964; 8:51 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[21 CFR Part 27]

### FROZEN CONCENTRATED ORANGE JUICE

### Notice of Proposal To Amend the Standard of Identity

Notice is given that the Florida Citrus Commission, the National Association of Frozen Food Packers, and the Florida Canners Association have jointly filed a petition proposing an amendment to the standard of identity for frozen concentrated orange juice (21 CFR 27.109; 29 F.R. 3701). The proposed amendment sets forth that it is not intended that the Federal standard shall interfere with higher or more restrictive requirements imposed by the standards of a State in which frozen concentrated orange juice is produced. The proposed amendment would not apply to frozen concentrated orange juice shipped into a producing State having higher or more restrictive State standards, provided that such food complies with the provisions of the Federal standard.

The petitioners propose that a new paragraph (f) reading as follows, be added to § 27.109 as follows:

**§ 27.109 Frozen concentrated orange juice, frozen orange juice concentrate; identity; label statement of optional ingredients.**

* * * * *

(f) Nothing in this definition and standard is intended to interfere with the adoption and enforcement by any State, in which frozen concentrated orange juice is produced, of State standards, consistent with this standard, but which impose higher or more restrictive requirements than those set forth in this section.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding the proposal published herein. Such views and comments should be submitted to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 23, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13429; Filed, Dec. 29, 1964; 8:49 a.m.]

[21 CFR Parts 141d, 146d]

### CHLORAMPHENICOL PALMITATE, CHLORAMPHENICOL PALMITATE ORAL SUSPENSION

### Notice of Proposal To Amend Regulations for Certification and Tests and Methods of Assay

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), proposes that the regulations for certification and tests and methods of assay for chloramphenicol palmitate (21 CFR 141d.305, 146d.305) be amended to provide a revised melting range for the drug and to add a new test for specific rotation, and also that the regulations for chloramphenicol palmitate oral suspension (21 CFR 141d.306, 146d.306) be amended to provide a new test for its polymorph type A crystal form, as hereinafter set forth:

1. It is proposed that § 141d.305 be amended by adding thereto the following new paragraph:

**§ 141d.305 Chloramphenicol palmitate.**

* * * * *

(d) *Specific rotation.* Accurately weigh approximately 1.25 grams of sample in a 25-milliliter, glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary to effect solution. Bring the solution to 25° C. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Transfer a portion of the solution to a 200-millimeter polarimeter tube and determine the angular rotation in a suitable polarimeter using sodium light or a 5,893-angstrom filter. Calculate the specific rotation.

2. It is proposed that § 141.306 be amended by adding thereto the following new paragraph:

**§ 141d.306 Chloramphenicol palmitate oral suspension.**

* * * * *

(c) *Content of polymorph A crystals*—(1) *Preparation of standards*—(i) *Standard containing 20 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 4 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(ii) *Standard containing 10 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 9 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(2) *Preparation of sample.* Place 20 milliliters of thoroughly mixed oral suspension into a 50-milliliter centrifuge tube. Add 20 milliliters of water and mix. Centrifuge for 10 to 15 minutes at high speed. Decant the supernatant liquid. Wash the residue as follows: Add 2 milliliters of water to the residue, mix to make paste, add 18 milliliters of water, and mix thoroughly. Centrifuge, decant off the supernatant liquid, and wash the residue two more times. Remove the washed residue from the centrifuge tube and dry it at least 14 hours in a vacuum desiccator at room temperature.

(3) *Procedure.* Weigh 150 to 200 milligrams of liquid petrolatum into an agate mortar and add about 100 milligrams of standard or sample. Mix with a small spatula and then mull thoroughly with a pestle until a uniform consistency is obtained. Use two rock salt





plates as an absorption cell. Place a small drop of the mull in the center of

**§ 146d.306 Chloramphenicol palmitate oral suspension.**

[21 CFR Part 144]



(iii) The petitioner, if he is the manufacturer of the drug, will use in the com-

under section 505, thus subjecting the exempted antibiotic drug to the require-

is taken on the proposed amendment. The proposal contained in this notice

plates as an absorption cell. Place a small drop of the mull in the center of one of the plates. Gently put the other plate on the mull and slowly squeeze the plates together to spread the mull uniformly. Clamp the two plates firmly together in a metal cell holder. Examine the assembled cell by holding it up to the light. It should appear smooth and free of any air bubbles. Place the cell in a suitable infrared spectrophotometer and record the absorption spectrum from 11.0 to 13.0 microns.

(4) *Treatment of spectra*—(i) *Standard containing 20 percent of polymorph A.* Determine by inspection of the recorded spectrum the exact wavelengths of minimum absorption at approximately 11.3 and 12.65 microns. Also determine by inspection the exact wavelengths of maximum absorption at approximately 11.65 and 11.86 microns. In the following subdivisions, references to these four nominal wavelengths are to the exact wavelengths observed on the particular instrument being used.

(ii) *Standard containing 10 percent of polymorph A.* Draw a straight baseline between the minima occurring at 11.3 and 12.65 microns. Draw straight lines at 11.65 and 11.86 microns intersecting both the recorded spectrum and the baseline. Obtain the corrected absorbances at 11.65 and 11.86 microns and calculate the absorbance ratios as follows:

$$\text{Absorbance ratio} = \frac{{}^{a}11.65 - {}^{b}11.65}{{}^{a}11.86 - {}^{b}11.86}$$

where:

$^{a}11.65$ = Absorbance value of recorded spectrum at 11.65 microns.

$^{b}11.65$ = Absorbance value at point of intersection of the 11.65-micron line with the baseline.

$^{a}11.86$ = Absorbance value of recorded spectrum at 11.86 microns.

$^{b}11.86$ = Absorbance value at point of intersection of the 11.86-micron line with the baseline.

(iii) *Sample.* Proceed as described in subdivision (ii) of this subparagraph.

(5) *Calculation.* The absorbance ratio of the sample must be greater than the absorbance ratio of the standard containing 10 percent of polymorph A.

3. It is proposed that § 146d.305 *Cloramphenicol palmitate* be amended in the following respects:

a. By changing paragraph (a) (3) and adding thereafter a new subparagraph (4). The affected portions would read as follows:

(a) • • •

(3) Its melting point is 90°±4° C.

(4) Its specific rotation in absolute ethyl alcohol at 25° C. is +23°±2°.

b. By changing in paragraph (d) (1) the words at the end of the last sentence "and melting point" to read "melting point, and specific rotation."

c. By changing in paragraph (d) (2) "300 milligrams" in the first clause to read "500 milligrams."

4. It is proposed to amend § 146d.306 by changing paragraph (a), subparagraphs (2) (i) and (ii) and (3) (i) and (ii) of paragraph (d), and paragraph (e) (1) to read as follows:

**§ 146d.306 Chloramphenicol palmitate oral suspension.**

(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol palmitate oral suspension is chloramphenicol palmitate and one or more suitable and harmless buffer substances, suspending agents, preservatives, colorings, and flavorings, with or without one or more suitable and harmless vitamin substances, suspended in a suitable and harmless vehicle. It contains not less than 25 milligrams of chloramphenicol per milliliter. Its pH is not less than 4.5 and not more than 7.0. Its content of polymorph A crystals does not exceed 10 percent. The chloramphenicol palmitate used conforms to the requirements of § 146d.305(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

• • • • • •

(d) • • •

(2) • • •

(i) The batch; average potency per milliliter, pH, content of polymorph A crystals.

(ii) The chloramphenicol palmitate used in making the batch; potency, toxicity, melting point, absorptivity, specific rotation.

(3) • • •

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 6, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloramphenicol palmitate used in making the batch; 10 packages, each containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 146d.305(b).

• • • • • •

(e) • • •

(1) $5.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

All interested persons are invited to submit written views and comments on these proposals, preferably in quintuplicate, within 90 days from the date of the publication of this notice in the FEDERAL REGISTER. Such views and comments may be accompanied by a memorandum or brief in support thereof and should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201.

Dated: December 23, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13430; Filed, Dec. 29, 1964; 8:49 a.m.]

## [ 21 CFR Part 144 ]

## ANTIBIOTIC DRUGS IN LOCAL OR TOPICAL DOSAGE FORM

### Proposed Exemption From Certification

Under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs proposes to issue regulations prescribing procedure for exemption from certification of certain antibiotic drugs.

Any interested person may, within 90 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

**§ 144.1 Antibiotic drugs; procedure for obtaining exemption from certification.**

(a) The Commissioner finds that if the conditions of this section are met, the certification of antibiotics for local or topical use by man will not be necessary to insure safety and efficacy of such drugs. The conditions are as follows:

(1) The antibiotic used in the manufacture of the drug has been marketed commercially in the United States as a drug for at least 5 years.

(2) The dosage form has been marketed commercially in the United States for at least 2 years.

(3) The drug is packaged and labeled for dispensing (drugs packaged for manufacturing use or for repacking are not eligible for exemptions under this section).

(4) The person seeking exemption has submitted to the Commissioner of Food and Drugs a petition establishing the following:

(i) The petitioner has used the certification services for the drug for not less than 12 months.

(ii) The petitioner has produced or repackaged and submitted for release or for certification the following number of batches of drugs within a period of time not exceeding 18 months, and no batch has failed to comply with its professed or prescribed standards of identity, strength, quality, or purity:

(*a*) Not less than 50 consecutive batches of the drug for which the petition is submitted; or

(*b*) Not less than 25 consecutive batches of such drug and not less than 25 consecutive batches of other antibiotic drugs of the same specific dosage form as the petitioned drug; *Provided, however,* That such other drugs contained among their ingredients the same antibiotic(s) as that (those) contained in the petitioned drug.



(iii) The petitioner, if he is the manufacturer of the drug, will use in the compounding of the exempt drug only batches of antibiotics that meet (as determined from samples tested by the Food and Drug Administration) the standards of identity, strength, quality, and purity specified for their use in the manufacture of such drug by the applicable regulations in this chapter.

(iv) The petitioner will perform all the laboratory tests and assays required as a condition for certification on each batch produced and will not distribute batches until such tests and assays have demonstrated that the exempt drug complies with the specifications for certification.

(v) The petitioner will maintain records of all the laboratory tests and assays referred to in subdivision (iv) of this subparagraph and make such records available to any officer or employee of the Food and Drug Administration at any reasonable time within 3 years after the date of the last shipment of each batch.

(vi) The petitioner will maintain records of distribution of batches and make them available for inspection on the same basis as is required for certified antibiotic dosage forms.

(b) In deciding whether such drug is to be exempted from such requirements, the Commissioner will give consideration, among other relevant factors, to:

(1) The possible effect of significant shortages or overages of the antibiotic in the drug.

(2) The stability of the drug.

(3) The results of a review made by an officer or employee of the Food and Drug Administration of all records required by regulations to be maintained for the drug by the petitioner.

(4) Results of examination of a market sample of the drug collected by the Food and Drug Administration from commercial channels.

(c) Exemption from batch certification will, in accordance with the provisions of these regulations, be applicable only to the petitioner requesting it and will not exempt any other person from the requirements of section 507 of the act.

(d) If the Commissioner concludes that the data in a petition, or otherwise before him, enable him to determine that the conditions for an exemption have been met, he will inform the petitioner that the requested exemption is granted. The Commissioner, upon granting any such exemption, will have published in the FEDERAL REGISTER a notice to that effect.

(e) If the Commissioner concludes that the conditions for an exemption specified in this section have not been met, he will inform the petitioner of his decision and his reasons therefor.

(f) In accordance with the requirements of section 507(e) of the act, any antibiotic-containing drug exempted under this section is deemed subject to section 505; and accordingly, the act of exempting the drug from the requirements of sections 507 and 502(l) shall be considered also as constituting an act of approval of a new-drug application under section 505, thus subjecting the exempted antibiotic drug to the requirements of that section.

**§ 144.2 Conditions on the effectiveness of exemptions from certification granted under § 144.1.**

(a) If at any time after an exemption for an antibiotic drug has been granted, the Commissioner finds on the basis of new information before him with respect to such exempted drug, evaluated together with the evidence available to him when such exemption was granted, that certification of each batch is necessary to insure its safety and efficacy of use, he shall act immediately to revoke all exemptions granted for such drug.

(b) If the Commissioner finds that the person granted an exemption for an antibiotic has failed to comply with the requirements of section 505 of the act and the regulations promulgated thereunder; or if he finds that the requirements of § 144.1 have not been met; or if he finds that the petition for exemption from batch certification contains any false statements of fact, the Commissioner may revoke such exemption immediately and require certification of the drug until such person shows adequate cause why such exemption should be reinstated.

(c) A hearing will be granted to any person who requests an opportunity to show that the exemption should be reinstated.

(d) If an exemption for an antibiotic drug or the approved new-drug application or an exemption granted to a petitioner is repealed or suspended by the Commissioner, a notice to that effect and the reasons therefor will be published in the FEDERAL REGISTER.

Dated: December 23, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13431; Filed, Dec. 29, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-PC-6]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate a transition area at South Kauai, Hawaii.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 4009, Honolulu, Hawaii, 96812. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The U.S. Navy has requested that a transition area be designated to provide controlled airspace necessary for the implementation of a proposed instrument approach procedure to the Bonham Auxiliary Landing Field, Kauai, Hawaii. The transition area, as proposed, would include that airspace extending upward from 700 feet above the surface and within 2 miles north and 4 miles south of the South Kauai VOR 271° True radial, beginning at the VOR and extending 8 miles west.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on December 22, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-13392; Filed, Dec. 29, 1964; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[AA 643.3-b]

### WELDED STANDARD STEEL PIPE FROM JAPAN

### Fair Value Determination

DECEMBER 22, 1964.

A complaint was received on December 21, 1962, that during the latter part of 1962 welded standard steel pipe from Japan was being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. This complaint has now been withdrawn.

I hereby determine that this case be closed on the basis of no sales at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The investigation in this case has covered only the period specified in the complaint received by the Treasury Department, viz, the latter part of calendar year 1962. All entries complained of have been appraised. The complainant, having been made aware of these facts, has withdrawn its complaint.

Under these circumstances I see no reason to continue with the investigation, and I conclude that there is no basis for determining sales at less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-13425; Filed, Dec. 29, 1964; 8:48 a.m.]

[AA 643.3-H]

### COLD-ROLLED STEEL SHEET AND PLATE FROM JAPAN

### Fair Value Determination

DECEMBER 22, 1964.

A complaint was received on March 21, 1963, that during the latter part of 1962 and the first part of 1963, cold-rolled steel sheet and plate from Japan was being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. This complaint has now been withdrawn.

I hereby determine that this case be closed on the basis of no sales at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The investigation in this case has covered only the period specified in the complaint received by the Treasury Department, viz, the latter part of calendar year 1962 and the first part of calendar year 1963. All entries complained of have been appraised. The complainant, having been made aware of these facts, has withdrawn its complaint.

Under these circumstances I see no reason to continue with the investigation, and I conclude that there is no basis for determining sales at less than fair value.

This determination and the statment of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-13426; Filed, Dec. 29, 1964; 8:48 a.m.]

[AA 643.3-H]

### HOT-ROLLED STEEL SHEET FROM JAPAN

### Fair Value Determination

DECEMBER 22, 1964.

A complaint was received on February 1, 1963, that during the latter part of 1962 and the first part of 1963, hot-rolled steel sheet, plate, steel skelp, and steel strip from Japan was being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. This complaint has now been withdrawn.

I hereby determine that this case be closed on the basis of no sales at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The investigation in this case has covered only the period specified in the complaint received by the Treasury Department, viz, the latter part of calendar year 1962 and the first part of calendar year 1963. All entries complained of have been appraised. The complainant, having been made aware of these facts, has withdrawn its complaint.

Under these circumstances I see no reason to continue with the investigation, and I conclude that there is no basis for determining sales at less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-13427; Filed, Dec. 29, 1964; 8:49 a.m.]

[AA 643.3-W]

### WIRE STRAND FROM JAPAN

### Fair Value Determination

DECEMBER 22, 1964.

Information was received that wire strand from Japan was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that wire strand from Japan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* Based on the information available, it was determined that the appropriate comparison for fair value purposes should be between purchase price and the price for exportation to countries other than the United States (third country price).

Both purchase price and third country price were represented by the f.o.b. packed prices, exclusive of commission to sales agents. As the inland freight, f.o.b. charges and packing charges were the same whether sold for exportation to the United States or to third countries, no adjustments were necessary. Because of constantly fluctuating prices, comparisons were made on a weighted-average basis.

Purchase price was found to be not lower than the third country price on the basis of the weighted average of prices during the period under consideration.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-13428; Filed, Dec. 29, 1964; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### POCATELLO LIVESTOCK AUCTION ET AL.

### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and were therefore, subject to the Act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

| *Name and location of stockyard, date of posting* |
|---|
| IDAHO |
| Pocatello Livestock Auction, Pocatello, November 20, 1964. |
| IOWA |
| Ogden Live Stock Sales, Ogden, December 9, 1964. |
| MISSOURI |
| Park Valley Horse Farm, Kansas City, December 11, 1964. |
| PENNSYLVANIA |
| Mercer Livestock Yards, Mercer, November 20, 1964. |
| TEXAS |
| Valley Stock Yard, Mercedes, October 30, 1964. |
| WISCONSIN |
| Wisconsin Dairy Herd Replacement and Livestock Marketing Cooperative, Division of Wisconsin Feeder Pig Marketing Cooperative, Dorchester, November 23, 1964. |

Done at Washington, D.C., this 23d day of December, 1964.

K. A. POTTER,
*Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64-13406; Filed, Dec. 29, 1964; 8:47 a.m.]

## Office of the Secretary

## MEAT IMPORT LIMITATIONS

P.L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), contains provisions for limiting the quantity of fresh, chilled or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep, except lambs (TSUS 106.20), which may be imported into the United States in any calendar year, beginning with the calendar year 1965, when the quantity of such articles, which it is estimated by the Secretary of Agriculture would be imported in such calendar year in the absence of limitations under the Act, equals or exceeds 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

The Act requires the Secretary of Agriculture to estimate and publish before the first day of each calendar quarter in a calendar year, the quantity of such articles which would, in the absence of limitations under the Act, be imported in such calendar year and to estimate and publish before the beginning of each calendar year, the quantity of such articles prescribed for such calendar year by section 2(a) of the Act. In accordance with these requirements the following estimates are published:

1. The aggregate quantity of fresh, chilled or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep, except lambs (TSUS 106.20), which it is estimated will, in the absence of limitations under the Act, be imported in the calendar year 1965, is 733 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act, which is to be used in determining whether limitations are required to be imposed under the Act during the calendar year 1965, is 848.7 million pounds.

Since the estimated quantity of imports, set forth in paragraph 1 above, does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, set forth in paragraph 2 above, limitations on the importation of fresh, chilled or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep (TSUS 106.20) are not authorized to be imposed pursuant to P.L. 88-482 for the calendar year 1965 at this time.

Done at Washington, D.C., this 23d day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-13409; Filed, Dec. 29, 1964; 8:47 a.m.]

## MONTANA AND NORTH DAKOTA

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Montana and North Dakota a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MONTANA

| | |
|---|---|
| Carter | Powder River |
| Custer | Prairie |
| Dawson | Rosebud |
| Fallon | Wibaux |

NORTH DAKOTA

| | |
|---|---|
| Adams | Slope |
| Bowman | Hettinger |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Montana and North Dakota counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of December 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-13447; Filed, Dec. 29, 1964; 8:51 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

[Docket No. S-178]

## OCEANIC STEAMSHIP CO.

### Notice of Application and of Hearing

Notice is hereby given of the application of The Oceanic Steamship Company, for written permission of the Maritime Administration, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit vessels, operated by its parent company, Matson Navigation Company, in the California-Hawaii passenger service to carry passengers, passengers' baggage and passengers' automobiles as an ocean common carrier for hire on a space available basis between San Francisco and Los Angeles in the course of a number of voyages between California and Hawaii beginning February 27, 1965.

A hearing on the application has been set for January 13, 1965, at 10:00 a.m. in Room 4519, General Accounting Office Building, 441 G St. NW., Washington, D.C., 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before close of business on January 11, 1965, notify the Secretary, Maritime Subsidy Board/Maritime Administration, in writing in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the Rules of Practice and Procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on January 11, 1965, will not be granted in this proceeding.

Dated: December 23, 1964.

By order of the Maritime Subsidy Board/Maritime Administrator.

JAMES S. DAWSON, JR.,
*Secretary.*

[F.R. Doc. 64-13413; Filed, Dec. 29, 1964; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## AMERICAN CAN CO.

### Notice of Filing of Petition for Food Additives Nylon Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1621) has been filed by American Can Company, Eleventh Ave. and St. Charles Rd., Maywood, Ill., 60154, proposing that paragraph (b) of § 121.2502 *Nylon resins* be amended by changing item 5.2 in the table by revising the text of that item in the first column headed "Nylon resins" to read as follows:

5.2 Nylon 11 resins for use only:
a. In articles intended for repeated use in contact with food.
b. In side-seam cements for articles that are intended for one-time use in contact with food and that are in compliance with § 121.2514.

Dated: December 22, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-13432; Filed, Dec. 29, 1964; 8:50 a.m.]



## AMERICAN CYANAMID CO.

### Notice of Withdrawal of Petition for Food Additive Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Company, Agricultural Division, Post Office Box 400, Princeton, N.J., has withdrawn its petition (FAP 4C1429), published in the FEDERAL REGISTER of June 20, 1964 (29 F.R. 7895) proposing the issuance of an amendment to § 121.225 to provide for the safe use of not less than 7.5 grams nor more than 50 grams of chlortetracycline per ton of complete swine feed for growth promotion.

The withdrawal of this petition is without prejudice to a future filing.

Dated: December 22, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-13433; Filed, Dec. 29, 1964; 8:50 a.m.]

## HUMBLE OIL AND REFINING CO.

### Notice of Filing of Petition for Food Additive Mineral Oil

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1311) has been filed by Humble Oil and Refining Company, Post Office Box 2180, Houston 1, Tex., proposing an amendment to § 121.2589 of the food additive regulations to provide for the safe use of mineral oil identified in paragraph 1 of this notice and used as proposed in paragraph 2 of this notice.

1. It is proposed that the mineral oil consist of virgin petroleum distillates refined to meet the following ultraviolet absorbance limits as determined by the proposed analytical method described in this paragraph:

| Wavelength | Maximum absorbance per centimeter optical pathlength |
|---|---|
| mμ | |
| 280-299 | 1.0 |
| 300-359 | 0.8 |
| 360-400 | 0.1 |

ANALYTICAL METHOD FOR DETERMINING ULTRAVIOLET ABSORBANCE LIMITS

GENERAL INSTRUCTIONS

Because of the sensitivity of the test, the possibility of errors arising from contamination is great. It is of the greatest importance that all glassware be scrupulously cleaned to remove all organic matter such as oil, grease, detergent residues, etc. Examine all glassware, including stoppers and stopcocks, under ultraviolet light to detect any residual fluorescent contamination. As a precautionary measure it is recommended practice to rinse all glassware with purified isooctane immediately before use. No grease is to be used on stopcocks or joints. Great care to avoid contamination of oil samples in handling and to assure absence of any extraneous material arising from inadequate packaging is essential. Because some of the polynuclear hydrocarbons sought in this test are very susceptible to photo-oxidation, the entire procedure is to be carried out under subdued light.

APPARATUS

*Separatory funnels.* 250-milliliter, 500-milliliter, 1,000-milliliter, and preferably 2,000-milliliter capacity, equipped with tetrafluoroethylene polymer stopcocks.

*Reservoir.* 500-milliliter capacity, equipped with a 24/40 standard taper male fitting at the bottom and a suitable ball-joint at the top for connecting to the nitrogen supply. The male fitting should be equipped with glass hooks.

*Chromatographic tube.* 180 millimeters in length, inside diameter to be 15.7 millimeters ±0.1 millimeter, equipped with a coarse, fritted-glass disc, a tetrafluoroethylene polymer stopcock, and a female 24/40 standard tapered fitting at the opposite end. (Over-all length of the column with the female joint is 235 millimeters.) The female fitting should be equipped with glass hooks.

*Disc.* Tetrafluoroethylene polymer 2-inch diameter disc approximately $\frac{3}{8}$-inch thick with a hole bored in the center to closely fit the stem of the chromatographic tube.

*Suction flask.* 250-milliliter or 500-milliliter filter flask.

*Condenser.* 24/40 joints, fitted with a drying tube, length optional.

*Evaporation flask (optional).* 250-milliliter or 500-milliliter capacity all-glass flask equipped with standard taper stopper having inlet and outlet tubes to permit passage of nitrogen across the surface of contained liquid to be evaporated.

*Spectrophotometric cells.* Fused quartz cells, optical path length in the range of 5,000 centimeters ±0.005 centimeter; also for checking spectrophotometer performance only, optical path length in the range 1,000 centimeter ±0.005 centimeter. With distilled water in the cells, determine any absorbance differences.

*Spectrophotometer.* Spectral range 250 millimicrons-400 millimicrons with spectral slit width of 2 millimicrons or less; under instrument operating conditions for these absorbance measurements, the spectrophotometer shall also meet the following performance requirements:

Absorbance repeatability, ±0.01 at 0.4 absorbance.

Absorbance accuracy,[1] ±0.05 at 0.4 absorbance.

[1] As determined by procedure using potassium chromate for reference standard and described in National Bureau of Standards Circular 484, Spectrophotometry, U.S. Department of Commerce, 1949. The accuracy is to be determined by comparison with the standard values at 290, 345, and 400 millimicrons.

Wavelength repeatability, ±0.2 millimicron.

Wavelength accuracy, ±1.0 millimicron.

*Nitrogen cylinder.* Water-pumped or equivalent purity nitrogen in cylinder equipped with regulator and valve to control flow at 5 p.s.i.g.

REAGENTS AND MATERIALS

*Organic solvents.* All solvents used throughout the procedure shall meet the specifications and tests described in this specification. The isooctane, benzene, acetone, and methyl alcohol designated in the list following this paragraph shall pass the following test:

To the specified quantity of solvent in a 250-milliliter Erlenmeyer flask, add 1 milliliter of purified *n*-hexadecane and evaporate on the steam bath under a stream of nitrogen (a loose aluminum foil jacket around the flask will speed evaporation). Discontinue evaporation when not over 1 milliliter of residue remains. (To the residue from benzene add a 10-milliliter portion of purified isooctane, reevaporate, and repeat once to insure complete removal of benzene.)

Alternatively, the evaporation time can be reduced by using the optional evaporation flask. In this case the solvent and *n*-hexadecane are placed in the flask on the steam bath, the tube assembly is inserted, and a stream of nitrogen is fed through the inlet tube while the outlet tube is connected to a solvent trap and vacuum line in such a way as to prevent any flow-back of condensate into the flask.

Dissolve the 1 milliter of hexadecane residue in isooctane and make to 25 milliliters volume. Determine the absorbance in the 5-centimeter path length cells compared to isooctane as reference. The absorbance of the solution of the solvent residue (except for methyl alcohol) shall not exceed 0.01 per centimeter path length between 280 and 400 mμ. For methyl alcohol this absorbance value shall be 0.00.

*Isooctane (2,2,4-trimethylpentane).* Use 180 milliliters for the test described in the preceding paragraph. Purify, if necessary, by passage through a column of activated silica gel (Grade 12, Davison Chemical Company, Baltimore, Maryland, or equivalent) about 90 centimeters in length and 5 centimeters to 8 centimeters in diameter.

*Benzene, A.C.S. reagent grade.* Use 150 milliliters for the test. Purify, if necessary, by distillation or otherwise.

*Acetone, A.C.S. reagent grade.* Use 200 milliliters for the test. Purify, if necessary, by distillation.

Eluting mixtures:

1. *10 percent benzene in isooctane.* Pipet 50 milliliters of benzene into a 500-milliliter glass-stoppered volumetric flask and adjust to volume with isooctane, with mixing.

2. *20 percent benzene in isooctane.* Pipet 50 milliliters of benzene into a 250-milliliter glass-stoppered volumetric flask, and adjust to volume with isooctane, with mixing.

3. *Acetone - benzene - water mixture.* Add 20 milliliters of water to 380 milliliters of acetone and 200 milliliters of benzene, and mix.

*n-Hexadecane, 99-percent olefin-free.* Dilute 1.0 milliliter of *n*-hexadecane to 25 milliliters with isooctane and determine the absorbance in a 5-centimeter cell compared to isooctane as reference point between 280 mμ–400mμ. The absorbance per centimeter path length shall not exceed 0.00 in this range. Purify, if necessary, by percolation through activated silica gel or by distillation.

*Methyl alcohol, A.C.S. reagent grade.* Use 10.0 milliliters of methyl alcohol. Purify, if necessary, by distillation.

*Dimethyl sulfoxide.* Spectrophotometric grade (Crown Zellerbach Corporation, Camas, Washington, or equivalent). Absorbance (1-centimeter cell, distilled water reference, sample completely saturated with nitrogen).

| Wavelength: | Absorbance (Maximum) |
|---|---|
| 261.5 | 1.00 |
| 270 | 0.20 |
| 275 | 0.09 |
| 280 | 0.06 |
| 300 | 0.015 |

There shall be no irregularities in the absorbance curve within these wavelengths.

*Phosphoric acid.* 85 percent A.C.S. reagent grade.

*Sodium borohydride.* 98 percent.

*Magnesium oxide (Sea Sorb 43, Food Machinery Company, Westvaco Division, distributed by chemical supply firms, or equivalent).* Place 100 grams of the magnesium oxide in a large beaker, add 700 milliliters of distilled water to make a thin slurry, and heat on a steam bath for 30 minutes with intermittent stirring. Stir well initially to insure that all the adsorbent is completely wetted. Using a Buchner funnel and a filter paper (Schleicher & Schuell No. 597, or equivalent) of suitable diameter, filter with suction. Continue suction until water no longer drips from the funnel. Transfer the adsorbent to a glass trough lined with aluminum foil (free from rolling oil). Break up the magnesia with a clean spatula and spread out the adsorbent on the aluminum foil in a layer about 1 centimeter to 2 centimeters thick. Dry for 24 hours at 160° C. ±1° C. Pulverize the magnesia with mortar and pestle. Sieve the pulverized adsorbent between 60–180 mesh. Use the magnesia retained on the 180-mesh sieve.

*Celite 545.* Johns Mansville Company, diatomaceous earth, or equivalent.

*Magnesium oxide-Celite 545 mixture (2+1) by weight.* Place the magnesium oxide (60–180 mesh) and the Celite 545 in 2 to 1 proportions, respectively, by weight in a glass-stoppered flask large enough for adequate mixing. Shake vigorously for 10 minutes. Transfer the mixture to a glass trough lined with aluminum foil (free from rolling oil) and spread it out on a layer about 1 centimeter to 2 centimeters thick. Reheat the mixture at 160° C. ±1° C. for 2 hours, and store in a tightly closed flask.

*Sodium sulfate, anhydrous, A.C.S. reagent grade, preferably in granular form.* For each bottle of sodium sulfate reagent used, establish as follows the necessary sodium sulfate prewash to provide such filters required in the method: Place approximately 35 grams of anhydrous sodium sulfate in a 30-milliliter course, fritted-glass funnel or in a 65-millimeter filter funnel with glass wool plug; wash with successive 15-milliliter portions of the indicated solvent until a 15-milliliter portion of the wash shows 0.00 absorbance per centimeter path length between 280 mμ and 400 mμ when tested as prescribed under "Organic solvents." Usually three portions of wash solvent are sufficient.

Before proceeding with analysis of a sample, determine the absorbance in a 5-centimeter path cell between 250 millimicrons and 400 millimicrons for the reagent blank by carrying out the procedure, without an oil sample, recording the spectra after the extraction stage and after the complete procedure as prescribed. The absorbance per centimeter path length following the extraction stage should not exceed 0.02 in the wavelength range from 280 mμ to 400 mμ; the absorbance per centimeter path length following the complete procedure should not exceed 0.02 in the wavelength range from 280 mμ to 400 mμ. If in either spectrum the characteristic benzene peaks in the 250 mμ–260 mμ region are present, remove the benzene by the procedure under "Organic solvents" and record absorbance again.

Place 300 milliliters of dimethyl sulfoxide in a 1-liter separatory funnel and add 75 milliliters of phosphoric acid. Mix the contents of the funnel and allow to stand for 10 minutes. (The reaction between the sulfoxide and the acid is exothermic. Release pressure after mixing, then keep funnel stoppered.) Add 150 milliliters of isooctane and shake to pre-equilibrate the solvents. Draw off the individual layers and store in glass-stoppered flasks.

Weigh a 20-gram sample of the oil and transfer to a 500-milliliter separatory funnel containing 100 milliliters of pre-equilibrated sulfoxide-phosphoric acid mixture. Complete the transfer of the sample with small portions of pre-equilibrated isooctane to give a total volume of the oil and solvent of 75 milliliters. Shake the funnel vigorously for 2 minutes. Set up three 250-milliliter separatory funnels with each containing 30 milliliters of pre-equilibrated isooctane. After separation of liquid phases, carefully draw off lower layer into the first 250-milliliter separatory funnel and wash in tandem with the 30-milliliter portions of isooctane contained in the 250-milliliter separatory funnels. Shaking time for each wash is 1 minute. Repeat the extraction operation with two additional portions of the sulfoxide-acid mixture and wash each extractive in tandem through the same three portions of isooctane.

Collect the sucessive extractives (300 milliliters total) in a separatory funnel (preferably 2-liter) containing 480 milliliters of distilled water; mix, and allow to cool for a few minutes after the last extractive has been added. Add 80 milliliters of isooctane to the solution and extract by shaking the funnel vigorously for 2 minutes. Draw off the lower aqueous layer into a second separatory funnel (preferably 2-liter) and repeat the extraction with 80 milliliters of isooctane. Draw off and discard the aqueous layer. Wash each of the 80-milliliter extractives three times with 100-milliliter portions of distilled water. Shaking time for each wash is 1 minute. Discard the aqueous layers. Filter the first extractive through anhydrous sodium sulfate prewashed with isooctane (see Sodium sulfate under "Reagents and Materials" for preparation of filter) into a 250-milliliter Erlenmeyer flask (or optionally into the evaporation flask). Wash the first separatory funnel with the second 80-milliliter isooctane extractive and pass through the sodium sulfate. Then wash the second and first separatory funnels successively with a 20-milliliter portion of isooctane and pass the solvent through the sodium sulfate into the flask. Add 1 milliliter of *n*-hexadecane and evaporate the isooctane on the steam bath under nitrogen. Discontinue evaporation when not over 1 milliliter of residue remains. To the residue, add a 10-milliliter portion of isooctane, reevaporate to 1 milliliter of hexadecane, and repeat this operation once.

Quantitatively transfer the residue with isooctane to a 200-milliliter volumetric flask, make to volume, and mix. Determine the absorbance of the solution in the 1-centimeter pathlength cells compared to isooctane as reference between 280 mμ–400 mμ (take care to lose none of the solution in filling the sample cell). Correct the absorbance values for any absorbance derived from reagents as determined by carrying out the procedure without an oil sample. If the corrected absorbance does not exceed the limits prescribed in this paragraph, the oil meets the ultraviolet absorbance specifications. If the corrected absorbance per centimeter pathlength exceeds the limits prescribed in this paragraph, proceed as follows: Quantitatively transfer the isooctane solution to a 125-milliliter flask equipped with 24/40 joint, and evaporate the isooctane on the steam bath under a stream of nitrogen to a volume of 1 milliliter of hexadecane. Add 10 milliliters of methyl alcohol and approximately 0.3 gram of sodium borohydride. (Minimize exposure of the borohydride to the atmosphere. A measuring dipper may be used.) Immediately fit a water-cooled condenser equipped with a 24/40 joint and with a drying tube into the flask, mix until the borohydride is dissolved, and allow to stand for 30 minutes at room temperature, with intermittent swirling. At the end of this period, disconnect the flask and evaporate the methyl alcohol on the steam bath under nitrogen until the sodium borohydride begins to come out of the solution. Then add 10 milliliters of isooctane and evaporate to a volume of about 2–3 milliliters. Again, add 10 milliliters of isooctane and concentrate to a volume of approximately 5 milliliters. Swirl the flask repeatedly to assure adequate washing of the sodium borohydride residues.

Fit the tetrafluoroethylene polymer disc on the upper part of the stem of the chromatographic tube, then place the tube with the disc on the suction flask and apply the vacuum (approximately 135 millimeters Hg pressure). Weight out 14 grams of the 2:1 magnesium oxide-Celite 545 mixture and pour the adsorbent mixture into the chromatographic tube in approximately 3-centimeter layers. After the addition of each layer, level off the top of the adsorbent with a flat glass rod or metal plunger by pressing down firmly until the adsorbent is well packed. Loosen the topmost few millimeters of each adsorbent layer with the end of a metal rod before the addition of the next layer. Continue packing in this manner until all the 14 grams of the adsorbent is added to the tube. Level off the top of the adsorbent by pressing down firmly with a flat glass rod or metal plunger to make the depth of the adsorbent bed approximately 12.5 centimeters in depth. Turn off the vacuum and remove the suction flask. Fit the 500-milliliter reservoir onto the top of the chromatographic column and prewet the column by passing 100 milliliters of isooctane through the column. Adjust the nitrogen pressure so that the rate of descent of the isooctane coming off the column is between 2–3 milliliters per minute. Discontinue pressure just before the last of the isooctane reaches the level of the adsorbent. (Caution: Do not allow the liquid level to recede below the adsorbent level at any time.) Remove the reservoir and decant the 5-milliliter isooctane concentrate solution onto the column and with slight pressure again allow the liquid level to recede to barely above the adsorbent level. Rapidly complete the transfer similarly with two 5-milliliter portions of isooctane, swirling the flask repeatedly each time to assure adequate washing of the residue. Just before the final 5-milliliter wash reaches the top of the adsorbent, add 100 milliliters of isooctane to the reservoir and continue the percolation at the 2–3 milliliters per minute rate. Just before the last of the isooctane reaches the adsorbent level, add 100 milliliters of 10 percent benzene in isooctane to the reservoir and continue the percolation at the aforementioned rate. Just before the solvent mixture reaches adsorbent level, add 25 milliliters of 20 percent benzene in isooctane to the reservoir and continue the percolation at 2–3 milliliters per minute until all this solvent mixture has been removed from the column. Discard all the elution solvents collected up to this point. Add 300 milliliters of the acetone-benzene-water mixture to the reservoir and percolate through the column to elute the polynuclear compounds. Collect the eluate in a clear 1-liter separatory funnel. Allow the column to drain until most of the solvent mixture is removed. Wash the eluate three times with 300-milliliter portions of distilled water, shaking well for each wash. (The addition of small amounts of sodium chloride facilitates separation.) Discard the aqueous layer after each wash. After the final separation, filter the residual benzene through anhydrous sodium sulfate pre-washed with benzene (see Sodium sulfate under "Reagents and Materials" for preparation of filter) into a 250-milliliter Erlenmeyer flask (or optionally into the evaporation flask). Wash the separatory funnel with two additional 20-milliliter portions of benzene which are also filtered through the sodium sulfate. Add 1 milliliter of *n*-hexadecane and completely remove the benzene by evaporation under nitrogen, using the special procedure to eliminate benzene as previously described under "Organic solvents." Quantitatively transfer the residue with isooctane to a 200-milliliter volumetric flask and adjust to volume. Determine the absorbance of the solution in the 1-centimeter pathlength cells compared to isooctane as reference between 250 mμ–400 mμ. Correct for any absorbance derived from the reagents as determined by carrying out the procedure without an oil sample. If either spectrum shows the characteristic benzene peaks in the 250 mμ–260 mμ region, evaporate the solution to remove benzene by the procedure under "Organic solvents." Dissolve the residue, transfer quantitatively, and adjust to volume in isooctane in a 200-milliliter volumetric flask. Record the absorbance again. If the corrected absorbance does not exceed the limits proposed in this paragraph, the oil meets the proposed ultraviolet absorbance specifications.

2. It is proposed that the mineral oil be permitted for use wherever mineral oil is permitted for use as a component of nonfood articles complying with §§ 121.2519, 121.2520, 121.2531 (for use only in rolling of metallic foil and sheet stock), 121.2535, 121.2536, 121.2557, and 121.2562.

Dated: December 22, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-13434; Filed, Dec. 29, 1964; 8:50 a.m.]

## SUN CHEMICAL CORP.

### Notice of Filing of Petition for Food Additives, Resinous and Polymeric Coatings and Components of Paper and Paperboard

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1451) has been filed by the Sun Chemical Corporation, 631 Central Avenue, Carlstadt, N.J., 07072, proposing that paragraph (b)(2) of § 121.2526 *Resinous and polymeric coatings for paper and paperboard* and paragraph (b) of § 121.2571 *Components of paper and paperboard in contact with dry food* be amended respectively by inserting alphabetically in the list of substances therein the following new item: "Zirconium oxide."

Dated: December 22, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-13435; Filed, Dec. 29, 1964; 8:50 a.m.]



# BUREAU OF THE BUDGET

## ESTABLISHMENT OR EXTENSION OF STANDING INTERAGENCY COMMITTEES CHAIRED BY THE BUREAU OF THE BUDGET

### Fiscal Year 1964

Bureau of the Budget Circular No. A-63 of March 2, 1964, requires that notice of the establishment or extension of standing interagency committees be published in the FEDERAL REGISTER "in order to facilitate convenient and permanent reference by Federal agencies, unless this would be inconsistent with law or regulations, or where such publication would not be in the national interest." In compliance with this requirement the following information is provided relating to standing interagency committees chaired by the Bureau of the Budget.

A. Standing Committees Established During Fiscal Year 1964:

Working Group on the Application of the Commodity Classification for Transportation Statistics.

B. Standing Committees Extended Beyond June 30, 1964:

Technical Committee on Standard Industrial Classification.
Policy Committee on the Current Population Survey.
Occupational Classification Committee.
Interagency Committee on Foreign Trade Statistics.
Interagency Committee on Financial Statistics.
Federal Committee on Standard Metropolitan Statistical Areas.
Technical Committee on Area Definitions.
Federal Committee on International Statistics.
Committee on Labor Supply, Employment and Unemployment Statistics.
Committee on Cartography.
Interagency Committee on Statistical Security.
Advisory Committee to the Civil Service Commission on Financial Management Training.
Committee for the Development of Cost Principles for Research Agreements with Educational Institutions.
Government-wide Steering Committee of the Joint Financial Management Improvement Program.

Dated: December 23, 1964.

WILLIAM D. CAREY,
*Executive Assistant Director.*

[F.R. Doc. 64-13390; Filed, Dec. 29, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15419]

## BLOCKED SPACE AIR FREIGHT TARIFFS

### Notice of Postponement of Prehearing Conference

Pursuant to the telegraphic request of United Air Lines, Inc., to which no objection has been entered, the procedural dates herein, including that for prehearing conference, are postponed. A notice

with respect to new dates will be issued after receipt of the letter United indicates it intends to send and of the comments of the other parties thereon.

Dated at Washington, D.C., December 23, 1964.

[SEAL] RALPH L. WISER,
*Hearing Examiner.*

[F.R. Doc. 64-13442; Filed, Dec. 29, 1964; 8:50 a.m.]

# CIVIL SERVICE COMMISSION

## MICROBIOLOGIST

### Position for Which There Is Determined To Be a Manpower Shortage

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

| Series and grade | Positions | Location | Effective date |
|---|---|---|---|
| GS-403-12/13 | Microbiologist | Washington, D.C., metropolitan area. | Dec. 17, 1964 |

Comparable positions not subject to the Classification Act also are covered.

Expenses of travel and transportation to their first duty stations may be paid for appointees to positions as listed above. Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-13411; Filed, Dec. 29, 1964; 8:47 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-12]

## KENYON L. EDWARDS AND W. B. SANTMYER

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (EA-OE-5350) to determine its effect upon the safe and efficient utilization of navigable airspace.

Kenyon L. Edwards and W. B. Santmyer, Annandale, Va., proposes to construct a building near Alexandria, Va., at latitude 38°50'45" north, longitude 77°07'31" west. The overall height of the structure would be 290 feet above mean sea level (AMSL), 40 feet above ground level (AGL).

The proposed structure would be located on the extended centerline of Runway 12 of the Washington-Virginia Airport approximately 275 feet from the approach end of the runway. It would exceed the standards for determining hazards to air navigation as defined in § 77.27(b)(2) of the Federal Aviation Regulations by its entire height.

Runway 12/30 is 2,300 feet in length. Agency standards establish an approach-departure slope ratio of 20:1 for such runways. The application of the 20:1 slope ratio to provide standard obstruction clearance of the proposed building revealed that only 1,775 feet of runway would be usable for aircraft landing on Runway 12 and departing Runway 30. At present, the controlling obstruction for Runway 12 is a service station which is 15 feet AGL and located in the approach area 125 feet from the end of the runway. However, when the 20:1 slope ratio is applied to the service station, a usable runway length of 2,115 feet remains.

Runway 12/30 is lighted and the longest of the airport's two runways. Therefore, night operations are limited to Runway 12/30 and larger aircraft use it whenever possible due to its length.

The current Airport Facility Record, Form 29A, for the Washington-Virginia Airport indicates there are 13,000 itinerant operations and a total of 68,000 aircraft operations yearly at the airport. There are 130 aircraft based at the airport, five of which are multiengine aircraft.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aircraft operations at the Washington-Virginia Airport.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on December 18, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-13393; Filed, Dec. 29, 1964; 8:46 a.m.]

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[OE Docket No. 64-EA-14]

## D. H. OVERMYER

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted study (EA-OE-6179) to determine its effect upon the safe and efficient utilization of the navigable airspace.

D. H. Overmyer, Toledo, Ohio, proposes to construct a television antenna structure at latitude 41°40'03" north, longitude 83°21'22" west, near Toledo, Ohio. The overall height of the structure would be 1,621 feet above mean sea level (AMSL), 1,042 feet above ground level (AGL).

This is an alternate proposal for the tower described in Study No. 1-OE-3520 for which a Determination of No Hazard was issued on September 25, 1963. That study involved a tower 1,621 feet AMSL (1,035 feet AGL) to be located at latitude 41°40'22" north, longitude 83°25'39" west. Since that tower will not be constructed the determination is hereby canceled.

The proposed structure would exceed the standards for determining hazards to air navigation in § 77.23(a)(1) of the Federal Aviation Regulations by 541 feet.

The study disclosed that the structure would not require an increase in instrument flight rule (IFR) minimum en route altitudes and would not have an adverse effect on any IFR procedures. Further, by its location near existing structures of like height in the antenna farm concept, the structure would not be located in proximity to a known visual flight rule (VFR) route or in an area where there is a significant volume of VFR traffic.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on December 21, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-13394; Filed, Dec. 29, 1964; 8:46 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15745, 15746; FCC 64-1158]

## MIDWEST TELEVISION, INC. (WMBD-FM) AND PEORIA JOURNAL STAR, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Midwest Television, Inc. (WMBD-FM) Peoria, Ill., has: 92.5 mc, #223, 27 kw, 606 ft. requests: 93.3 mc, #227, 27 kw, 562 ft., Docket No. 15745, File No. BPH-4277; the Peoria Journal Star, Inc., Peoria, Ill., requests: 93.3 mc, #227, 41.7 kw, 533 ft., Docket No. 15746, File No. BPH-4351; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of December 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference with each other; and

It further appearing, that the Peoria Journal Star, Inc. publishes the Journal Star, the only daily newspaper of general circulation in Peoria, Ill.; that the Lindsay-Schaub Newspapers, Inc., 20 percent stockholder in Midwest Television, Inc., publishes the following newspapers in Illinois: Decatur Herald and Review, Champaign-Urbana (Ill.) Evening Courier, St. Clair and Madison Counties Journal (East St. Louis), and the Carbondale-Herrin-Murphysboro Southern Illinoisian; that several stockholders in Lindsay-Schaub Newspapers, Inc. also have interests in Quincy Newspapers, Inc., publisher of the Herald-Whig, Quincy, Ill.; that Helen M. Stevick and Marajen Stevick Dyess Chinigo, each 10 percent stockholders in Midwest Television, Inc., own 60 percent and 40 percent respectively of the stock of the Champaign News-Gazette, Inc., publisher of the Champaign News-Gazette; that several stockholders in Midwest Television, Inc. have interests in the following FM broadcast stations in Illinois: WDWS-FM (Champaign), WSOY-FM (Decatur), WSEI-TV (Olney), and WGEM-FM (Quincy), and also in the following additional broadcast stations in Illinois: WMBD, WMBD-TV (Peoria), WDWS (Champaign), WSOY (Decatur), WVLN (Olney), WGEM, WGEM-TV (Quincy) and WCIA-TV (Champaign); and that these facts may be considered under the standard comparative issue in this proceeding.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) Proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission Rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13387; Filed, Dec. 29, 1964; 8:45 a.m.]

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[Docket No. 15713; FCC 64M-1272]

## TREE BROADCASTING CO.

### Order Continuing Hearing

In re application of Oris Gowen & Howard Edwards d/b as Tree Broadcasting Co., Greensburg, Indiana, Docket No. 15713, File No. BP-15084; for construction permit.

*It is ordered,* This 22d day of December 1964, in accordance with understandings reached by counsel during prehearing conference held this date in the above-entitled proceeding, that the parties shall exchange exhibits on January 25, 1965; *And, it is further ordered,* That the formal hearing herein, which heretofore was scheduled for January 5, 1965, is continued to February 8, 1965, and will be convened on that date in the Offices of the Commission, Washington, D.C.

Released: December 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13388; Filed, Dec. 29, 1964; 8:45 a.m.]

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[Docket Nos. 15548, 15614; FCC 64M-1275]

## TRIAD STATIONS, INC., AND MARSHALL BROADCASTING CO.

### Order Continuing Hearing

In re applications of Triad Stations, Inc., Marshall, Michigan, Docket No. 15548, File No. BPH-4131; Marshall, Broadcasting Company, Marshall, Michigan, Docket No. 15614, File No. BPH-4327; for construction permits.

Due to other commitments of the Hearing Examiner: *It is ordered,* This 22d day of December 1964, on the Hearing Examiner's own motion, that hearing herein, presently scheduled to commence on February 1, 1965 is continued to 10:00 a.m., February 8, 1965

Released: December 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13389; Filed, Dec. 29, 1964; 8:45 a.m.]

# FEDERAL MARITIME COMMISSION

## BARBER-WILHELMSEN LINE AND NORWEGIAN ASIA LINE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW.,

Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John G. de Roos, Esq.
Barber Steamship Lines, Inc.
Sheraton-Whitehall Building
17 Battery Place
New York, N.Y., 10004

Agreement 8968-1, between the carriers comprising the Barber-Wilhelmsen Line joint service (operating pursuant to approved joint service Agreement 7589, as amended) and Norwegian Asia Line (Bruusgaard Kiosterud Skibs-A/S), modifies approved Agreement 8968 which covers a through billing arrangement in the trade from British North Borneo and Sarawak to U.S. Pacific and Atlantic Coast ports, with transhipment at Hong Kong. The purpose of the modification is to substitute the carriers presently comprising the Barber-Wilhelmsen Line joint service (Agreement 7589, as amended) as parties to Agreement 8968, in place of the carriers formerly operating as the Barber-Wilhelmsen Line joint service, as provided by Agreement 7749, as amended.

Dated: December 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13402; Filed, Dec. 29, 1964; 8:46 a.m.]

## BARBER-WILHELMSEN LINE AND UNITED FRUIT CO.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John G. de Roos, Esq.
Barber Steamship Lines, Inc.
Sheraton-Whitehall Building
17 Battery Place
New York, N.Y., 10004

Agreement 8143-2, between the carriers comprising the Barber-Wilhelmsen Line joint service (operating pursuant to approved joint service Agreement 7589, as amended) and United Fruit Company, modifies approved Agreement 8143, as amended, which covers a through billing arrangement in the trade from the Far East (Hong Kong, China, Japan, Formosa, and the Philippine Islands) to New York or New Orleans, with transhipment at Cristobal, Canal Zone. The purpose of the modification is to substitute the carriers presently comprising the Barber-Wilhelmsen Line joint service (Agreement 7589, as amended) as parties to Agreement 8143, as amended, in place of the carriers formerly operating as the Barber-Wilhelmsen Line joint service, as provided by Agreement 7749, as amended.

Dated: December 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13403; Filed, Dec. 29, 1964; 8:47 a.m.]

## BLUE FUNNEL LINE AND BARBER-FERN LINE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Herman Goldman
Attorney and Counselor at Law
120 Broadway
New York, N.Y., 10005

Agreement 9411, between the carriers comprising the Blue Funnel Line and the Barber-Fern Line joint services (operating pursuant to approved joint service Agreements 7568 and 9346, respectively), covers a through billing arrangement on cargo from ports in Western Australia to U.S. Atlantic and Gulf ports, with transhipment at Singapore, under terms and conditions set forth in the agreement. Agreement 9411 has been filed to supersede approval Agreement 8767, as amended, between the Blue Funnel Line and the carriers comprising the Barber-Fern-Ville Lines (operating under approved joint service Agreement 8512, as amended) covering a similar arrangement in the same trade.

Dated: December 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13404; Filed, Dec. 29, 1964; 8:47 a.m.]

## MEMBER LINES OF SPANISH/UNITED STATES NORTH ATLANTIC PORTS OLIVE CONFERENCE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

H. J. Griffin, Vice President
Boise-Griffin Steamship Co., Inc.
90 Broad Street
New York, N.Y., 10004

Agreement 8160-1, between the member lines of the Spanish/United States North Atlantic Ports Olive Conference, provides for the modification of Agreement 8160 by deleting the present admission and withdrawal provisions therein and substituting therefor, new admission, withdrawal and explusion provisions filed in accordance with the Commission's promulgation of General Order 9.

Dated: December 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13405; Filed, Dec. 29, 1964; 8:47 a.m.]



## NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Burton H. White
Burlingham, Underwood, Barron, Wright and White
26 Broadway
New York, N.Y., 10004

Agreement 7980-6, between the members of the North Atlantic Mediterranean Freight Conference, proposes the amendment of the preamble of the basic agreement to change the geographic scope of the Conference. These changes in the ports of discharge will result in the extension of the Conference's service to ports on the Atlantic coast of Morocco south of Casablanca, and to ports on the Sea of Marmara.

Dated: December 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13406; Filed, Dec. 29, 1964; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-3833 etc.]

## ALICE A. NEUNER ET AL.

### Findings and Order

DECEMBER 22, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successor in interest co-respondent, requiring filing of agreement and undertaking, accepting related rate schedules and supplements for filing and permitting withdrawal of petition to intervene.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Jeanne E. Kerbs, Applicant in Docket No. CI62-1163, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-18852 and initiated by J. Wes Johnson d/b/a Tower Oil & Gas Company of Texas, pursuant to a contract heretofore designated as Johnson's FPC Gas Rate Schedule No. 1 which has also been designated as Kerbs' FPC Gas Rate Schedule No. 1. The presently effective rate under said contract is in effect subject to refund in Docket No. RI60-276.[1] Kerbs is a co-respondent in said proceeding with respect to sales made pursuant to the contract designated as Johnson's FPC Gas Rate Schedule No. 2 and redesignated as Kerbs' FPC Gas Rate Schedule No. 2. In addition, Kerbs will be made a co-respondent with respect to sales made pursuant to her FPC Gas Rate Schedule No. 1 as of May 3, 1962, and she will be required to file an agreement and undertaking to assure the refund of any amounts collected by her pursuant to her FPC Gas Rate Schedule No. 1 in excess of the amount determined to be just and reasonable in Docket No. RI60-276.

After due notice a joint petition to intervene by Southern California Gas Company and Southern Counties Gas Company of California was filed on October 5, 1964, in Docket No. CI65-185. A notice of withdrawal was filed on November 27, 1964. No other petition to intervene, notice of intervention, or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on December 11, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3833, G-4825, G-14402, G-18041, G-18852, CI60-293, CI62-1135, CI64-960, CI64-1405 and CI65-120 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the abandonment of service should be permitted and approved in Docket No. CI60-478 and the temporary certificate heretofore issued in said docket should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural

[1] Consolidated with Docket No. AR61-1, et al.

Gas Act that Jeanne E. Kerbs should be made a co-respondent in the proceeding pending in Docket No. RI60–276 with respect to sales made pursuant to her FPC Gas Rate Schedule No. 1 and that she should be required to file an agreement and undertaking to assure the refund of any amounts collected by her pursuant to said rate schedule in excess of the amount determined to be just and reasonable in Docket No. RI60–276.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Southern California Gas Company and Southern Counties Gas Company of California should be permitted to withdraw their joint petition to intervene filed October 5, 1964, in Docket No. CI65–185.

(11) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificate.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–14402, CI62–1135, CI64–960, CI64–1405 and CI65–120 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. G–4825, G–14402 and G–18852 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI65–395, CI65–398 and CI62–1163.

(F) The certificate heretofore issued in Docket No. G–18041 is hereby amended to reflect the sale of gas to Hope Natural Gas Company in lieu of Amere Gas Utilities Company.

(G) The certificates heretofore issued in Docket Nos. G–3833 and CI60–293 are hereby amended by changing the certificate holders to the successors in interest as indicated in the tabulation herein.

(H) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(I) The certificates heretofore issued in Docket Nos. G–2750 and CI64–1064 are hereby granted.

(J) Permission for and approval of the abandonment of service by Applicant in Docket No. CI60–478 is hereby granted and the temporary certificate heretofore issued in said docket is terminated.

(K) Jeanne E. Kerbs be and she is hereby made a co-respondent in the proceeding pending in Docket No. RI60–276 insofar as said proceeding pertains to sales made pursuant to the contract designated as Kerbs' FPC Gas Rate Schedule No. 1 as of May 3, 1962.

(L) Within 30 days from the issuance of this order, Jeanne E. Kerbs shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI60–276 to assure the refund of any amount, together with interest at the rate of seven percent per annum, collected by her as of May 3, 1962, pursuant to her FPC Gas Rate Schedule No. 1, in excess of the amount determined to be just and reasonable in Docket No. RI60–276. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(M) Jeanne E. Kerbs shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Kerbs' agreement and undertaking filed in Docket No. RI60–276 with respect to sales made pursuant to her FPC Gas Rate Schedule No. 1 shall remain in full force and effect until discharged by the Commission.

(N) Southern California Gas Company and Southern Counties Gas Company of California is hereby permitted to withdraw their joint petition to intervene filed on October 5, 1964, in Docket No. CI65–185.

(O) The respective related rate schedules and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G–3833<br>E 10–21–64 | Alice A. Neuner, et al. (successor to Alice A. Neuner, executrix of the estate of G. J. Neuner). | Northern Natural Gas Co., Hugoton Field, Haskell County, Kans. | Alice A. Neuner, executrix of the estate of G. J. Neuner, FPC GRS No. 1. | 1 | |
| | | | Supplement No. 1 | 1 | 1 |
| | | | Notice of succession 10–16–64. | | |
| | | | Order authorizing partial distribution 7–1–64.[1 2] | 1 | 2 |
| G–3833 | do | do | Alice A. Neuner, executrix of the estate of G. J. Neuner, FPC GRS No. 2. | 2 | |
| | | | Supplement No. 1 | 2 | 1 |
| | | | Notice of succession 10–16–64. | | |
| | | | Order authorizing partial distribution 7–1–64.[1 2] | 2 | 2 |
| G–3833 | do | do | Alice A. Neuner, executrix of the estate of G. J. Neuner, FPC GRS No. 3. | 3 | |
| | | | Supplement No. 1 | 3 | 1 |
| | | | Notice of succession 10–16–64. | | |
| | | | Order authorizing partial distribution 7–1–64.[1 2] | 3 | 2 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to addacreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.



| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| A. CI62–1163<br>(G–18852)<br>F 4–2–62 | Jeanne E. Kerbs (successor to J. Wes Johnson, d/b/a Tower Oil & Gas Co. of Texas). | El Paso Natural Gas Co., Spraberry Field area, Upton County, Tex. | Contract 5–1–59 | 1 | |
| | | | Supplement agreement 10–15–59. | 1 | 1 |
| | | | Amendatory agreement 10–26–59. | 1 | 2 |
| | | | Assignment 11–4–60[7] | 1 | 3 |
| CI62–1235<br>B 4–19–62[12] | Peake Petroleum Co. | Amere Gas Utilities Co., acreage in Wyoming County, W. Va. | Notice of cancellation 4–2–64. | 4 | 4 |
| CI62–1269<br>A 4–30–62 | D. W. Falls, Inc. | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | Contract 3–6–62[7] | 1 | |
| CI62–1284<br>A 5–4–62 | F. R. Kincaid | Equitable Gas Co., Union District, Ritchie County, W. Va. | Contract 3–28–62[7] | 1 | |
| CI62–1285<br>A 5–3–62 | Superior Oil and Gas, Inc. | Cumberland and Allegheny Gas Co., Union District, Barbour County, W. Va. | Contract 4–24–62[7] | 5 | |
| CI62–1312<br>A 5–7–62 | Pace Bower Construction Co. | Hope Natural Gas Co., Washington District, Calhoun County, W. Va. | Contract 3–30–62[7] | 5 | |
| CI63–798<br>A 12–31–62 | Thomas D. Bailey | Cities Service Gas Co., Guymon-Hugoton Field, Texas County, Okla. | Contract 12–26–62[7] | 2 | |
| CI64–960<br>C 10–26–64 | Amerada Petroleum Corp. | Northern Natural Gas Co., Northeast Hugoton Field, Ellis County, Okla. | Amendatory agreement 7–15–64.[13] | 110 | 1 |
| CI64–1405<br>C 10–5–64 | Steve Gose (Operator), et al. | Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla. | Contract 7–28–64[13 14] | 1 | 10 |
| CI64–1474<br>(CI64–1064)<br>B 6–9–64 | Tenneco Oil Co. | Tennessa Gas Gathering Corp., Lake St. John Field, Tensas Parish, La. | Notice of cancellation 6–8–64.[13] | 108 | 3 |
| CI65–120<br>C 10–28–64 | Louis J. Ramirez d/b/a Pacific States Gas and Oil Co. | Equitable Gas Co., Glenville District, Gilmer County, W. Va. | Letter agreement 10–5–64.[13] | 1 | 1 |
| CI65–185<br>A 8–31–64 | Texaco Inc. (Operator), et al. | El Paso Natural Gas Co., various areas, N. Mex. | Contract 8–6–64[13] | 340 | |
| CI65–239<br>A 9–16–64 | Cities Service Oil Co. | El Paso Natural Gas Co., acreage in Pecos County, Tex. | Contract 8–26–64 | [7] 105<br>105 | [11] 1 |
| CI65–304<br>A 10–23–64 | Texaco Inc. | El Paso Natural Gas Co., Gallup-Dakota Unit, San Juan County, N. Mex. | Supplemental agreement 10–29–64.[13]<br>Contract 10–6–64.[13] | 347 | |
| A CI65–398<br>(G–14402)<br>F 10–19–64 | Evan A. Thomas | United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La. | Contract 4–29–40 | 1 | 1 |
| | | | Supplemental agreement 7–20–48. | 1 | 2 |
| | | | Letter 7–24–48 | | 3 |
| | | | Amendment 9–27–52 | 1 | 4 |
| | | | Assignment 6–6–58[11] | 1 | 5 |
| | | | Letter 12–1–58 | 1 | 6 |
| | | | Assignment 4–28–62 | 1 | 7 |
| | | | Letter 7–1–60 | 1 | 8 |
| | | | Letter 10–31–62 | 1 | |
| | | | Letter 7–1–64 | 1 | |
| | | | Effective date: 6–1–58 | 407 | |
| CI62–397<br>A 10–21–64 | F. A. Clark[17] | United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La. | Assignment 12–30–57 | 407 | 1 |
| | | | Assignment 11–28–62[11] | 407 | 2 |
| | | | Assignment 11–28–62[16] | 407 | 3 |
| | | | Assignment 11–30–62 | 407 | 4 |
| | | | Assignment 4–16–63 | 407 | |
| A CI65–398<br>(G–14402)<br>F 10–26–64 | Phillips Petroleum Co. (successor to the Atlantic Refining Co.). | Tensas Gas Gathering Corp., Locust Ridge Field, Tensas Parish, La. | Contract 12–30–57 | 124 | 1 |
| | | | Assignment 11–28–62[11] | 124 | 2 |
| | | | Assignment 11–28–62[16] | 124 | 3 |
| | | | Assignment 11–30–62 | 124 | 4 |
| | | | Assignment 4–16–63 | 124 | |
| G–3833 | Alice A. Neuner, et al—Continued | Northern Natural Gas Co., Hugoton Field, Stevens County, Kans. | Alice A. Neuner, executrix of the estate of G. J. Neuner, FPC GRS No. 4. | 4 | |
| | | | Supplement Nos. 1–2 | 4 | 1–2 |
| | | | Notice of succession 10–16–64. | | |
| | | | Order authorizing partial distribution 7–1–64.[1 2] | 4 | 3 |
| G–3833 | do | do | Alice A. Neuner, executrix of the estate of G. J. Neuner, FPC GRS No. 5. | 5 | |
| | | | Supplement No. 1 | 5 | 1 |
| | | | Notice of succession 10–16–64. | | |
| | | | Order authorizing partial distribution 7–1–64.[1 2] | 5 | 2 |
| G–3833 | do | do | Alice A. Neuner, executrix of the estate of G. J. Neuner, FPC GRS No. 6. | 6 | |
| | | | Supplement Nos. 1–4 | 6 | 1–4 |
| | | | Notice of succession 10–16–64. | | |
| | | | Order authorizing partial distribution 7–1–64.[1 2] | 6 | 5 |
| G–3833 | do | Northern Natural Gas Co., Hugoton Field, Stevens County, Kans. | Alice A. Neuner, Executrix of the estate of G. J. Neuner, FPC GRS No. 7. | 7 | |
| | | | Supplement Nos. 1–4 | 7 | 1–4 |
| | | | Notice of succession 10–16–64. | | |
| | | | Order authorizing partial distribution 7–1–64.[1 2] | 7 | 5 |
| G–3833 | do | Colorado Interstate Gas Co., Hugoton Field, Haskell County, Kans. | Alice A. Neuner, Executrix of the estate of G. J. Neuner, FPC GRS No. 8. | 8 | |
| | | | Supplement No. 1 | 8 | 1 |
| | | | Notice of succession 10–16–64. | | |
| | | | Order authorizing partial distribution 7–1–64.[1 2] | 8 | 2 |
| G–14402<br>D 8–3–64 | The Atlantic Refining Co. | Tensas Gas Gathering Corp., Locust Ridge Field, Tensas Parish, La. | Assignment 11–28–62[11] | 182 | 3 |
| | | | Assignment 11–28–62[16] | 182 | 4 |
| G–18041<br>4–18–62[2] | Peake Petroleum Co. | Hope Natural Gas Co., acreage in Wyoming County, W. Va. | Letter Agreement 4–2–62[7] | 1 | 9 |
| CI60–293<br>E 10–19–64 | Laurence W. Ritter (successor to Tidal Oil Co.). | El Paso Natural Gas Co., West Kutz Field, San Juan County, N. Mex. | Tidal Oil Co., FPC GRS No. 1. | 2 | |
| | | | Notice of succession 4–30–64. | | |
| CI60–478[3]<br>B 4–8–64 | Kilroy Properties Inc., et al. | Trunkline Gas Co., Alta Loma-Arcadia area, Galveston County, Tex. | Agreement 4–6–64[3] | 2 | 1 |
| | | | Notice of cancellation 9–3–64.[7 3] | 4 | 2 |
| CI62–1117<br>A 3–23–62 | Joseph G. Kluthe (Operator), et al. | El Paso Natural Gas Co., Basin Dakota Field, Andrews County, Tex. | Contract 8–5–57 | 1 | |
| | | | Assignment 11–4–57[7] | 1 | 1 |
| CI62–1135<br>C 1–17–63 | Tenneco Oil Co.[18] | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | Supplement agreement 1–4–63.[11] | 124 | 1 |
| CI63–1134<br>C 2–18–63 | do | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | Supplement agreement 2–11–63.[11] | 124 | 2 |

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| CI65-400 A 10-26-64 | Roy A. Godfrey | Lone Star Gas Co., Southeast Aylesworth Field, Bryan County, Okla. | Contract 10-6-64 [12] | 1 | |
| CI65-401 A 10-26-64 | Charles L. Hickman, et al., d/b/a Valley Oil Co. | Equitable Gas Co., Central District, Doddridge County, W. Va. | Contract 9-2-64 [13] | 3 | |
| CI65-402 A 10-26-64 | William E. Snee, et al. | Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.; Milton Field, LeFlore County, Okla. | Contract 8-26-64<br>Contract 5-24-62<br>Supplemental agreement 3-22-63 [15]. | 4<br>4<br>4 | <br>1<br>2 |
| CI65-404 A 10-27-64 | Tex-Star Oil and Gas Corp. | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | Contract 10-5-64 [16] | 40 | |
| CI65-405 (G-2750) [17] B 10-26-64 | Texaco Inc. | Tennessee Gas Transmission Co., West Claboose Field, San Patricio County, Tex. | Notice of cancellation 10-20-64. [22] [24] | 1 | 5 |
| CI65-406 A 10-27-64 | Gulf Oil Corp. (Operator), et al. | Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla. | Contract 8-20-64 [18] | 280 | |
| CI65-407 A 10-29-64 | Texaco Inc. | El Paso Natural Gas Co., Tocito Dome Field, San Juan County, N. Mex. | Contract 10-23-64 | 346 | |
| CI65-408 A 8-24-64 | George Fulton Collins, Jr. | Arkansas Louisiana Gas Co., West Milton Field, LeFlore County, Okla. | Ratification 7-14-64<br>Contract 5-24-62<br>Supplemental agreement 3-23-63. [19] | 1<br>1<br>1 | <br>1<br>2 |

[1] By Probate Court of Johnson County, Kans., permitting Alice A. Neuner, executrix of the estate to distribute gas leases and other properties of the estate to heirs.
[2] Effective date: Date of transfer of properties.
[3] Assignment to Tan Oil Co.
[4] Assignment to Phillips Petroleum Co.
[5] Effective date: Date of this order.
[6] Petition to amend the certificate to reflect the sale of gas to Hope in lieu of Amere Gas Utilities Co.
[7] The related rate schedules have previously been accepted for filing.
[8] Temporary certificate issued 6-9-60.
[9] Source of gas depleted.
[10] Filing made by predecessor, Tenneco Corp.
[11] Adds acreage and deletes indefinite pricing provisions insofar as they pertain to the additional acreage.
[12] Applicant filed to abandon service to Amere Gas Utilities Co. and to initiate same sale of gas to Hope; subject sale being authorized in docket No. G-19041.
[13] Effective date: Date of initial delivery.
[14] Jake L. Hamon adopts applicant's basic contract and adds his 2 percent interest in the Doby Unit.
[15] Supplement filed 11-4-64.
[16] To Applicant from A. J. Hodges Industries.
[17] Ascher's (predecessor) certificate application and rate schedule were rejected by letters dated 11-19-55 and 7-6-62, respectively, for failure to prove signatory status. F. A. Clark is now a signatory party.
[18] To Applicant from M. Ascher.
[19] Assignment between Atlantic and Phillips Petroleum Co.
[20] Assignment between Atlantic and Tan Oil Co.
[21] Presently in the name of P-T Corp.
[22] Includes letter agreement between Texaco Inc. (successor to P-T Corp., et al.) and Tennessee Gas Transmission Co. terminating contract and assignment whereby Texaco acquired the acreage from P-T Corp.

[F.R. Doc. 64-13300; Filed, Dec. 29, 1964; 8:45 a.m.]

# FEDERAL TRADE COMMISSION

## MARKETING OF GASOLINE

### Statement Announcing Broad Inquiry Into Problems of Competition

The marketing of automotive gasoline to the public is a matter of direct and immediate concern to every American who owns a car, to the more than one hundred thousand independent retail gasoline dealers, to the producers, refiners, jobbers, and wholesale distributors of gasoline and other petroleum products, and to the nation's economy generally. The Federal Trade Commission has a broad range of responsibilities with respect to the preservation of fair and free competition in such marketing. The Commission is responsible for the prevention of deceptive and misleading advertising of gasoline to the consuming public. It is responsible for preventing discriminatory and other monopolistic and anti-competitive methods and practices in the distribution of gasoline. Most comprehensively, the Commission, in the role of watchdog of the free competitive system, has a responsibility to scrutinize the competitive functioning of the gasoline industry and, if necessary, to take appropriate administrative action within its powers, and recommend legislative or other remedies to such competitive problems as may not be susceptible of effective solution under existing laws and procedures.

The Commission has received a large number of inquiries, complaints, and petitions from various groups in the gasoline industry, from Members of Congress, and from members of the consuming public, with respect to competitive problems in the marketing of gasoline. It is evident both from these submissions and from the Commission's experience in this industry in enforcing the laws which it administers that a broad, comprehensive, and industry-wide approach to the competitive problems of the industry is necessary, and that specific remedial measures required in the public interest should not be attempted before obtaining a solid factual foundation in regard to the competitive conditions of gasoline distribution. As the Supreme Court stated in a recent decision, proper and effective remedial action in this industry requires that the Commission make realistic appraisals of relevant competitive facts, and these facts are highly complex. The Commission has accordingly determined forthwith to institute an industry-wide inquiry into the competitive problems of marketing gasoline. The Commission intends to employ its flexible administrative powers of investigation and fact-finding as may be found necessary to assure a complete, fair, and realistic understanding of the structure and dynamics of competition in the industry.

As the initial step in this inquiry, the Commission will conduct public hearings, to be held before the members of the Commission in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., commencing at 10:00 a.m., e.s.t., on May 3, 1965. All interested persons, including but not limited to members of the public and of the gasoline industry, are invited to participate in these hearings. Participants are invited to submit data, views, and argument on the following topics: (1) The market structure and competitive behavior of the various segments and levels of the gasoline industry; (2) the pricing of gasoline at all levels of distribution; (3) the causes and effects of so-called "price wars"; (4) competition between branded and unbranded gasoline and between integrated and non-integrated refiners; (5) gasoline grades and qualities, with specific reference to the bearing of gasoline exchange agreements, additives, and octane ratings; (6) other matters pertinent to competition in the marketing of automotive gasoline.

All interested persons are invited to file written data, views, or argument concerning the subject-matter of these hearings with the Secretary of the Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., 20580, not later than April 5, 1965. If practicable, twenty (20) copies of all written submissions should be filed. Any person desiring to present his views orally at the hearings commencing May 3, 1965, should so inform the Secretary of the Commission by April 26, 1965, and also inform the Secretary of the estimated time required for oral presentation. The Commission may impose reasonable limitations upon the time allotted to any person or organization. The data, views, and argument presented orally or in writing will be available for examination by interested persons at the Federal Trade Commission, Washington, D.C.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-13358; Filed, Dec. 29, 1964; 8:45 a.m.]

# GENERAL SERVICES ADMINISTRATION

## DELEGATIONS OF AUTHORITY TO CERTAIN OFFICIALS

The following delegations of authority are issued with respect to certain officials of the General Services Administration:



PART A—AUTHORITIES DELEGATED TO ALL ORGANIZATIONAL UNITS IN GSA

HEADS OF CENTRAL OFFICE SERVICES AND STAFF OFFICES AND REGIONAL ADMINISTRATORS

(a) *Documents and instruments.* They shall execute, acknowledge, and deliver appropriate written documents and instruments, including deeds, leases, permits, contracts, receipts, and bills of sale, in connection with the acquisition and disposal of real property, and the disposal of personal property.

(b) *Security instruments.* They shall accept any notes, bonds, mortgages, deeds of trust, or other security instruments taken in consideration, in whole or in part, in connection with the disposal of property.

(c) *Release and discharge of instruments.* They shall perform all acts necessary or proper to release and discharge any security instrument or any lien created thereby or otherwise.

(d) *Transfers of title.* They shall perform any other acts necessary to effectuate the transfer of title to property.

(e) *Advertising.* They shall advertise, give public notice, or determine the manner of advertising, including the authority to publish advertisements or notices in newspapers or other periodicals.

(f) *Noncollusive bidding intent.* They may determine that a disclosure was not made with collusive intent under paragraph (d) of the certification prescribed in Federal Procurement Regulations § 1-1.317 (41 CFR 1-1.317).

PART B—SPECIFIC DELEGATIONS OF AUTHORITY BY THE ADMINISTRATOR OF GENERAL SERVICES

DEPUTY ADMINISTRATOR

*Authorities.* The Deputy Administrator exercises all the authorities vested in the Administrator by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and other applicable statutes and Executive orders, except as limited by section 205(d) of the Act. This authority may not be redelegated.

ASSISTANT ADMINISTRATOR

(a) *Authorities.* The Assistant Administrator, during the absence or disability of both the Administrator and the Deputy Administrator, acts for the Administrator in the performance of the functions of the office of Administrator of General Services.

(b) *Limitation on authority delegated.* The above delegation of authority does not cover any authority that is not delegable under section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, such as the authority under section 106 to regroup, transfer, and distribute functions within the General Services Administration, and the authority under section 302(a) to delegate authority to another executive agency, nor do they cover any authority that pursuant to other provisions of law is not so delegable.

THE ASSISTANT ADMINISTRATOR FOR FINANCE AND ADMINISTRATION

(a) *Authority to act for the Administrator.* The Assistant Administrator for Finance and Administration, during the absence or disability of the Administrator, Deputy Administrator, and Assistant Administrator acts for the Administrator in the performance of the functions of the office of Administrator of General Services.

(b) *Limitation on authority delegated.* The above delegation of authority does not cover any authority that is not delegable under section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, such as the authority under section 106 to regroup, transfer, and distribute functions within the General Services Administration; and the authority under section 302(a) to delegate authority to another executive agency, nor do they cover any authority that pursuant to other provisions of law is not so delegable.

(c) *General.* The Assistant Administrator for Finance and Administration, in carrying out his assigned program responsibilities, exercises authority, such as, but not limited to, those stated in paragraph (d), following.

(d) *Authorities*—(1) *Audit of contractors' and subcontractors' records.* Audits the books and records of contractors doing business with GSA, or of any subcontractor engaged by such contractors (40 U.S.C. 481 (a), 41 U.S.C. 254(c)).

(2) *Contracts with public accounting firms and public accountants.* Enters into contracts with recognized public accounting firms and certified public accountants for the performance of audits of GSA's agents and prime contractors and subcontractors (5 U.S.C. 630h(b)).

(3) *Renegotiation Act of 1951.* Exercises all authority contained in Sec. 201 of the Renegotiation Act of 1951 except the authority to issue regulations (50 U.S.C. App. 1231).

(4) *Guaranteed loans.* Authorizes guarantees of loans under the Defense Production Act of 1950, as amended, and otherwise acts on behalf of GSA in connection with such loan guarantee program (50 U.S.C. App. 2091).

(5) *Letters of credit.* Enters into contracts with any bank for the establishment of letters of credit to agents or suppliers of GSA, applies to such banks for the establishment of letters of credit under the terms of such contracts, and, when it is in the interest of the Government, amends and modifies such letters of credit and waives discrepancies in documents presented thereunder.

(6) *Contract financing.* Determines the financial responsibility of contractors, the financial terms and conditions of all forms of contracts, services the financial aspects of contracts, and authorizes advance payments on contracts under the so-called Permanent War Powers Act (50 U.S.C. 1431-1435) and the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094(b)).

(7) *GSA defense production programs.* Determines the financial provisions and borrowing authority requirements of GSA defense production programs (50 U.S.C. App. 2094(b)).

(8) *Certificates of essentiality.* Approves certificates of essentiality in connection with loans made by the Treasury Department and Export-Import Bank of Washington under the Defense Production Act (Sec. 311(b), Executive Order 10281, Aug. 28, 1951, 3 CFR).

(9) *Abaca Production Act of 1950.* Exercises the authority vested in the Administrator under Section 4 of Executive Order No. 10539 in connection with the financial management activities necessary under the Abaca Production Act of 1950 (50 U.S.C. 544).

(10) *Surplus property disposal credit terms.* Approves credit in connection with the disposal of surplus property and the establishment of credit terms and conditions (40 U.S.C. 484(c)).

(11) *Lease or permit credit management.* Administers and manages any credit, lease or permit, and security therefor, and adjusts and settles any right of the Government with respect thereto, and collects all moneys due the Government on account thereof: *Provided,* That such authority shall not apply to (a) supervision of use or occupancy of property including inspections; actions on violations of use restrictions; and termination, amendment, renewal, or restoration obligations relating to leases or permits and (b) any legal action to adjust, enforce, and settle any right of the Government with respect thereto (40 U.S.C. 485(g)).

(12) *Lead and zinc mining stabilization program.* Reviews and evaluates the financial aspects of applications for participation in the Lead and Zinc Mining Stabilization Program and furnishes advice to the operating officials with respect thereto; furnishes financial advice and assistance to operating officials in determination of quotas and limitations (30 U.S.C. 681-689).

(13) *Negotiated contracts with educational institutions.* Negotiates contracts without advertising for any service to be rendered by any university, college, or other educational institution (41 U.S.C. 252(c)(5)).

(14) *Purchases.* Makes purchases of office supplies, equipment, and nonpersonal services, not available from GSA stores stock, or through the use of supply and service contracts executed by FSS. The authority shall include the use of imprest funds and Standard Form 44, Revised, U.S. Government Purchase Order-Invoice-Voucher (41 U.S.C. 252 (c), 252(c)(3)).

(15) *Advertised contracts.* Makes purchases and contracts for operating equipment and supplies by advertising, and determines that the rejection of all bids is in the public interest (41 U.S.C. 252(c), 253(b)).

(16) *Other negotiated contracts.* Negotiates purchases and contracts for operating equipment and supplies without advertising and makes certain determinations in connection therewith (41 U.S.C. 252(c) (1)-(6), (15)).

(17) *Investigations — administering oaths.* Authorizes officers and employees having investigatory functions, while engaged in the performance of their duties in conducting investigations, to administer oaths to any person (40 U.S.C. 486).

GENERAL COUNSEL

(a) *General.* The General Counsel, in carrying out his assigned program re-

sponsibilities, exercises authority, such as, but not limited to, those stated in (b), following.

(b) *Authorities*—(1) *Representation.* Represents executive agencies in proceedings involving carriers and other public utilities before Federal and State regulatory bodies, with respect to transportation and other public utility services for the use of such agencies (40 U.S.C. 481(a)(4)).

(2) *Abandoned, unclaimed, and surplus property.* Considers, ascertains, determines, adjusts, and settles claims in connection with abandoned or unclaimed property; and initiates legal action to enforce, adjust, and settle rights of the Government arising out of the disposition of surplus property (40 U.S.C. 484(m), 485(d), (g)).

(3) *Claims.* Considers, ascertains, determines, adjusts, and settles any claim, demand, or request for adjustment in the nature of a claim, arising out of or incident to any contract, agreement, lease, or permit executed pursuant to competent authority covering the procurement by purchase, condemnation, or otherwise of personal property, real property, and services, or disposal of personal property or real property (other than the authority vested in the contracting officers and the Board of Contract Appeals to decide questions of fact: *Provided, however,* That in connection with any disputed question of fact arising under a contract or agreement, which is the subject of an appeal to the Board of Contracts Appeals, and as to which the trial attorney has determined that the position of the Government cannot be sustained in the proceeding before the Board, but the interested Commissioner has refused to concur with the trial attorney's recommendation, forwarded through the appropriate Assistant General Counsel, that settlement be effected, the matter shall be submitted to the General Counsel who shall have final authority to determine the Government's position, including the authority to settle or adjust any such matter), and any claim under the Federal Tort Claims Act, and any claim in tort by GSA on behalf of the Government. (40 U.S.C. 481(a), 484(a), (b), (c); 5 U.S.C. 603h (b), 40 U.S.C. 490(a)(12), (b), (c); 28 U.S.C. 2672).

(4) *Certification of delegations and redelegations of authority.* Certifies true copies of delegations of authority by the Administrator and redelegations of authority by other GSA officials and provides such further certification as may be necessary to effectuate the intent of such delegations in form for recording in any jurisdiction, as may be required (40 U.S.C. 486 (d), (e)).

(5) *Disposal.* Notifies the Attorney General for the purpose of obtaining appropriate antitrust advice of proposed disposals, and the probable terms or conditions thereof, and furnishes information related thereto (40 U.S.C. 488).

(6) *Forfeitures.* Applies for court order for delivery of property subject to forfeiture proceedings under Sec. 304 of the Act of August 27, 1935 (40 U.S.C. 304l).

(7) *Appointment of special counsel.* In connection with functions transferred to and vested in the Administrator by Reorganization Plan No. 1 of 1957, engages and directs the services of private or special counsel and experts, establishes fees or compensation for, and approves vouchers, invoices, or statements submitted incident to, such services, and approves fees and expenses of witnesses for payment (Sec. 2, 71 Stat. 647, 5 U.S.C. 133z–15, note).

COMMISSIONER, DEFENSE MATERIALS SERVICE

(a) *General.* The Commissioner, DMS, in carrying out his assigned program responsibilities exercises authority, such as but not limited to those stated in (b), following.

(b) *Authorities*—(1) *Procurement and supply.* Procures and supplies personal property and nonpersonal services for the use of executive agencies and performs functions related to such procurement and supply; and, upon its request, provides these services to any Federal agency, mixed-ownership.

(2) *Agency head.* The Commissioner, DMS, is designated as an agency head for the purposes of Title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 259(a)).

(3) *Negotiated contracts.* Negotiates purchases and contracts for property and services without advertising and makes any determinations and decisions required in connection therewith (41 U.S.C. 252(c)(1) through (15)). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, and purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, the authority to make the determinations and decisions is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test, the authority to make the determinations or decisions is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000 (41 U.S.C. 252(c), 257(b)).

(4) *Advertised contracts.* Makes purchases and contracts for property and services by advertising, and determines that the rejection of all bids is in the public interest (41 U.S.C. 252(c), 253(b)).

(5) *Type of negotiated contract.* Determines the type of negotiated contract which will promote the best interests of the Government and makes the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts (41 U.S.C. 254(a), 254(b)).

(6) *Advance and other payments.* Makes advance, partial, progress, or other payments under contracts for property or services and makes the determinations and decisions required in connection therewith (41 U.S.C. 255(a)).

(7) *Renegotiation Board Regulations.* Determines that a contract has a direct and immediate connection with the national defense pursuant to the Renegotiation Board Regulations. This authority is not redelegable (32 CFR 1453.5(c)).

(8) *Buy American Act.* Determines whether articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are mined, produced, or manufactured in the United States in sufficient and reasonable available commercial quantities and of a satisfactory quality, and determines, as a condition precedent to the purchase of materials of foreign origin for public use within the United States, that the price of like materials of domestic origin is unreasonable or that the purchase of like materials of domestic origin is inconsistent with the public interest, under the provisions of 41 U.S.C. 10a and Executive Order No. 10582 of December 17, 1954, as amended, and makes the findings pursuant to 41 U.S.C. 10b (41 U.S.C. 10a, 10b).

(9) *Contracts facilitating the national defense.* Enters into contracts or into amendments or modifications of contracts heretofore or hereafter made, and makes advance payments thereon, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he determines that any such action would facilitate the national defense, subject to the limitations specified in Public Law 85–804 (50 U.S.C. 1431).

(10) *Purchase of strategic and critical materials.* Purchases strategic and critical materials (50 U.S.C. 98b(a)).

(11) *Disposal.* Disposes of any stockpile materials which are no longer needed because of revised determinations by the Office of Emergency Planning and sells or otherwise disposes of materials released from the stockpile for use, sale, or other disposition for the purposes of common defense, or in time of war or during a national emergency (50 U.S.C. 98b(e); 50 U.S.C. 98d; E.O. 11051).

(12) *Exchange.* Accepts strategic or critical materials in lieu of cash in connection with the lease, sale, or other disposition of surplus property (40 U.S.C. 485(f)).

(13) *Defense Production Act of 1950.* Executes the following authorities of the Administrator under section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093), in accordance with programs certified by the Director of the Office of Emergency Planning:

(i) Purchases and makes commitments to purchase metals, minerals, and other material for Government use or resale (50 U.S.C. App. 2093(a)).

(ii) Determines the quantities, terms, and conditions including advance payments, and periods of such purchases, commitments to purchase, and sales (50 U.S.C. App. 2093(b)).

(iii) Makes provision for subsidy payments, determines the amounts, manner, terms, and conditions thereof, and makes findings required in connection therewith (50 U.S.C. App. 2093(c)).

(iv) Encourages the exploration, development, and mining of strategic and critical metals and minerals, in accordance with policy directives issued by the Director of the Office of Emergency Planning, in connection with foreign projects which were under the jurisdiction of the Administrator on November 12, 1954, and in carrying out any program certified to the Administrator by the Director of the Office of Emergency Planning (50 U.S.C. App. 2093).

(14) *Tax amortization.* Screens and makes recommendations to the Office of Emergency Planning on requests for tax amortization and on procurement contracts with respect to the aspects of production and processing of metals and minerals assigned to the Secretary of the Interior by the Office of Emergency Planning (32A CFR ch. I).

(15) *Purchases with foreign currencies.* Purchases or contracts for the purchase, with foreign currencies, of materials for the supplemental stockpile, in accordance with programs certified by the Office of Emergency Planning, pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended; Executive Order No. 10900 of January 5, 1961, as amended; and Executive Order No. 11051 of September 27, 1962, and Delegation of Authority from the Director of the Office of Emergency Planning (7 U.S.C. 1704(b)); (DMO 8600.1) (29 F.R. 5076).

(16) *Industrial equipment.* Accepts the transfer of and provides for the handling, care, storage, protection, maintenance, utilization, repair, restoration, renovation, lending, leasing, and disposition of excess machine tools and industrial manufacturing equipment, except such tools and equipment as are part of an industrial plant, as directed by the Secretary of Defense (50 U.S.C. 451–462).

(17) *Lead and zinc mining stabilization program.* Pursuant to delegation of authority by the Secretary of the Interior in accordance with the provisions of Public Law 87–347, establishes and maintains a program of stabilization payments to small domestic producers of lead and zinc ores and concentrates, and makes such determinations required by sections 2, 3, and 6 of the Act (30 U.S.C. 681–689; 27 F.R. 7432).

COMMISSIONER, FEDERAL SUPPLY SERVICE

(a) *General.* The Commissioner, FSS, in carrying out his assigned program responsibilities, exercises authority, such as, but not limited to, those stated in (b), following.

(b) *Authorities*—(1) *Procurement and supply.* Procures and supplies personal property and nonpersonal services for the use of executive agencies and performs functions related to such procurement and supply, such as contracting, inspection, storage, issue, property identification and classification; and, upon its request, provides these services to any Federal agency, mixed-ownership corporation, the District of Columbia, the Senate, the House of Representatives, or the Architect of the Capitol (40 U.S.C. 481(a)(3), 481(b), 474).

(2) *Medicines and medical property for resale.* Makes determinations as to the suitability of advance publicity, with due regard to the type of property involved and other relevant considerations, and makes determinations as to the practicability of giving such publicity for a period of at least fifteen days, in connection with contracts or purchases in excess of $10,000 negotiated for medicines or medical property or property purchased for authorized resale (41 U.S.C. 252(b)).

(3) *Agency head.* Acts as an "agency head" for the purposes of Title III, of the Federal Property and Administrative Services Act of 1949, except for the making of delegations or determinations specified in section 302(a) (41 U.S.C. 259(a)).

(4) *Negotiated contracts.* Negotiates purchases and contracts for property and services without advertising, and makes any determinations and decisions required in connection therewith (41 U.S.C. 252(c)(1) through (15)). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, and purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, the authority to make the determinations and decisions is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test, the authority to make the determinations or decisions is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000 (41 U.S.C. 252(c)).

(5) *Advertised contracts.* Makes purchases and contracts for property and services by advertising and determines that the rejection of all bids is in the public interest (41 U.S.C. 252(c), 253(b)).

(6) *Type of negotiated contract.* Determines the type of negotiated contract which will promote the best interests of the Government and makes the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts (41 U.S.C. 254(a), (b)).

(7) *Advance and other payments.* Determines that it would be in the public interest to make advance payments under contracts for property or services; makes advance, partial, progress or other payments under contracts for property or services; and inserts in bid solicitations for procurement of property or services provision limiting to small business concerns advance or progress payments (41 U.S.C. 255(a), (c)).

(8) *Renegotiation Board Regulations.* Determines that a contract has a direct and immediate connection with the national defense pursuant to the Renegotiation Board Regulations. This authority is not redelegable (32 CFR 1453.5(c)).

(9) *Buy American Act.* Determines whether articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, and determines, as a condition precedent to the purchase of materials of foreign origin for public use within the United States, that the price of like materials of domestic origin is unreasonable, or that the purchase of like materials of domestic origin is inconsistent with the public interest, under the provisions of 41 U.S.C. 10a, and Executive Order No. 10582 of December 17, 1954, and makes the findings pursuant to 41 U.S.C. 10b (41 U.S.C. 10a, 10b).

(10) *Customs Regulations.* Executes certificates required in support of drawback entries pursuant to Customs Regulations, endorses export bills of lading, and executes certificates of exportation (19 CFR 22.37).

(11) *Exchange.* Exchanges or sells similar items and applies the exchange allowance or proceeds of sale in whole or part payment for the property acquired (40 U.S.C. 481(c)).

(12) *Gifts.* Accepts or rejects on behalf of the United States, any gift of tangible personal property made on condition that it be used for a particular defense purpose (50 U.S.C. 1151).

(13) *Contracts facilitating the national defense.* Enters into contracts and into amendments or modifications of contracts heretofore or hereafter made, and approves advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, including authority to modify, or amend, or settle, by agreement, claims under contracts heretofore or hereafter made; approves advance, progress, and other payments upon such contracts and enters into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, and determines that any such action would facilitate the national defense (50 U.S.C. 1431–1435 and Executive Order No. 10789 of November 14, 1958).

(14) *Product testing.* With the consent of the producers or vendors, causes tests to be conducted, in such manner as he may specify, either to determine whether articles or commodities tendered by such producers or vendors for sale or lease to GSA conform to prescribed specifications and standards, or to aid in the development of contemplated specifications and standards; determines whether the making of such tests will serve predominantly the interest of such producers or vendors; fixes fees in such amounts as will recover the cost of conducting such tests when he determines that the making of such tests will serve predominantly the interest of such producers or vendors; fixes fees in such amounts as he determines reasonable for the furnishing of such testing service when he determines that the making of such tests will not serve predominantly the interest of such producers or vendors; and charges fees as so fixed to, and collects them from, such producers or vendors (5 U.S.C. 630g(g)).

(15) *Major disaster functions.* Exercises the following functions assigned to the Administrator in any major disaster pursuant to 42 U.S.C. 1855–1855g, Executive Order No. 10427 of January 16,

1953, as amended, and Executive Order No. 10737 of October 29, 1957, as amended:

(a) Utilizes or lends to States and local governments GSA equipment, supplies, facilities, personnel, and other resources (other than the extension of credit).

(b) Distributes medicine, food, and other consumable supplies.

ARCHIVIST OF THE UNITED STATES

(a) *General.* The Archivist of the United States, in carrying out his assigned program responsibilities, exercises authority, such as, but not limited to, those stated in (b), following.

(b) *Authorities*—(1) *Restriction in use of records.* Imposes, relaxes, or removes restrictions on the use of records, papers, documents, or other historical materials transferred to GSA, subject to prescribed limitations (44 U.S.C. 397 (b), (e), (f)).

(2) *Acceptance of material.* Accepts for deposit and directs and effects the transfer of documents and other materials, including motion picture films, still pictures, and sound recordings, from private sources, that are appropriate for preservation by the United States Government (44 U.S.C. 397 (a) (4), (e) (2)).

(3) *Management and publication.* Preserves, arranges, repairs and rehabilitates, duplicates and reproduces (including the making of microcopy reproductions), describes, exhibits, and services records or other documentary material transferred to GSA; prepares and publishes inventories, indexes, catalogs and other finding aids or guides facilitating the use of records transferred to GSA; and prepares guides and other finding aids to Federal records and, when approved by the National Historical Publications Commission, publishes such historical works and collections as seem appropriate for printing or otherwise recording at the public expense (44 U.S.C. 397(c), (d), 401(c)).

(4) *Authentication and reproduction.* Authenticates, certifies, and furnishes copies or reproductions of records and other materials deposited with the National Archives of the United States, Federal records centers, and Presidential depositories; charges fees and accepts reimbursement therefor; and deposits such fees and reimbursement into the National Archives Trust Fund (44 U.S.C. 399 (b), (c), 401(c)).

(5) *Transfer of records.* Transfers, with the approval of the head of the originating agency (or his successor in functions, if any), records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations (44 U.S.C. 397(a)(3)).

(6) *Motion pictures and sound recordings.* Makes and preserves appropriate motion picture films, still pictures, and sound recordings, pertaining to and illustrative of the United States Government and its activities; and releases for nonprofit educational purposes motion picture films, still pictures, and sound recordings in the National Archives (44 U.S.C. 397(1)).

(7) *Negotiated contracts.* Negotiates purchases and contracts for property and services without advertising, and makes certain determinations and decisions required in connection therewith (41 U.S.C. 252(c) (1), (3), (4), (5), (15)).

(8) *Type of negotiated contract.* Determines the type of negotiated contract which will promote the best interests of the Government (41 U.S.C. 254(a)).

(9) *National Archives Trust Fund.* Exercises any authority vested in the Administrator relating to the execution of certified vouchers or the sale of publications under section 5 of the National Archives Trust Fund Board Act, as amended (44 U.S.C. 300ee).

(10) *Presidential historical materials.* Accepts for deposit and directs and effects the transfer of personal papers and other historical materials of any President or former President of the United States, or any other official or former official of the Government, and other papers relating to and contemporary with any President or former President of the United States (44 U.S.C. 397(a) (4), (e) (1)).

(11) *Presidential libraries.* Maintains, operates, and protects Presidential archival depositories; charges and collects reasonable fees for the privilege of visiting and viewing any exhibit room or museum space in any Presidential archival depository; accepts gifts or bequests of money or other property; and expends, under the provisions of section 5 of the National Archives Trust Fund Board Act, as amended (44 U.S.C. 300ee), funds paid into National Archives Trust Fund, for the benefit of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses (44 U.S.C. 397(f) (1), (3), (5), (7)).

(12) *Cooperation with educational institutions.* Cooperates with and assists universities, institutions of higher learning, institutes, foundations, or other organizations or qualified individuals to conduct study or research in any historical materials deposited in Presidential archival depositories (44 U.S.C. 397(f) (4)).

(13) *Federal Register.* Exercises, in accordance with the provisions of the Federal Register Act, as amended, and the regulations of the Administrative Committee of the Federal Register, any authority of the Administrator relating to the custody, filing for public inspection, and publication of documents in the FEDERAL REGISTER, and publication of the U.S. Government Organization Manual, the Code of Federal Regulations, Public Papers of the Presidents, and other supplemental editions of the FEDERAL REGISTER (44 U.S.C. 301–314).

(14) *Acts of Congress.* Exercises any authority of the Administrator relating to the receipt, custody, and publication of the Acts of Congress (1 U.S.C. 106a, 112; 44 U.S.C. 191a, 192, 197).

(15) *Constitution of the United States.* Exercises any authority of the Administrator relating to publication, certification, and adoption of amendments to the Constitution of the United States (1 U.S.C. 106b).

(16) *Presidential electoral vote.* Exercises, in accordance with the provisions of the Act of June 25, 1948, as amended, any authority of the Administrator relating to the receipt, custody, and filing for public inspection of the Presidential electoral vote of the several States, and any authority of the Administrator relating to receipt, custody, and filing for public inspection of credentials of electors of President or Vice President (3 U.S.C. 6).

(17) *State compacts.* Receives duplicate originals or duly authenticated copies of agreements or compacts entered into, pursuant to the Constitution of the United States, between States now or hereafter admitted to the Union, and preserves and services them (44 U.S.C. 397(h)).

COMMISSIONER, PUBLIC BUILDINGS SERVICES

(a) *General.* The Commissioner, PBS, in carrying out his assigned program responsibilities exercises authority, such as, but not limited to, those stated in (b), following.

(b) *Authorities*—(1) *Outleasing.* Enters into leases of Federal Building sites and additions to sites, including improvements thereon, and specifies the terms and conditions deemed necessary in the public interest (40 U.S.C. 490(a) (13)).

(2) *Acquisition.* Acquires by purchase, condemnation, donation, exchange, transfer of jurisdiction, or otherwise, real property or interests therein. (40 U.S.C. 490(a) (12), 490(c); 40 U.S.C. 257, 258 a, c, e, 298a, 602, 604, 605; 50 U.S.C. 1151; 40 U.S.C. 122; 45 Stat. 1415, as amended, D.C. Code (1961 edition) Secs. 16–619 to 644).

(2) *Exchange or sale of buildings and sites.* (i) Utilizes a site on which there is a building for construction of a new public building by demolition of the existing building or exchanges such building and site, or such site, for another site (40 U.S.C. 605(a)).

(ii) Determines that a site acquired for the construction of a public building is not suitable for that purpose and exchanges such site for another. (40 U.S.C. 605(b)).

(3) *Highways, streets, and alleys.* (i) Makes the determination and secures agreements concerning the closing and vacating of streets and alleys in the District of Columbia (40 U.S.C. 607(c)).

(ii) Performs the functions required under 23 U.S.C. 107 and 317 relating to GSA property determined to be necessary for highway purposes.

(iii) Conveys or otherwise transfers, pursuant to 40 U.S.C. 345c, interests in real property under the control of GSA for an authorized widening of public highway, street, or alley.

(4) *Acquisition by lease.* Acquires space for GSA and other agencies by lease, assigns and reassigns space therein, and obtains, when appropriate, reimbursement therefor (40 U.S.C. 304, 304c note 490(h)(1)).

(5) *Easements.* Grants easements in, over, or upon real property under the control of GSA for right-of-way or other purpose (40 U.S.C. 319).

(6) *Ground rent.* Approves payment of ground rent for buildings owned by the United States or occupied by Federal agencies, and approves payment of such rent in advance when required by law or determines such to be in the public interest (40 U.S.C. 490(a)(3)).

(7) *Permits and licenses.* Issues permits and licenses, revocable at will, for the use of GSA lands and buildings, and makes the determination that the Government's interest will be subserved thereby (22 Ops. Atty. Gen. 240).

(8) *Uniforms.* Purchases, repairs, and cleans uniforms for civilian employees of GSA (40 U.S.C. 490(a)(1)).

(9) *Procurement and supply.* Procures and supplies personal property and nonpersonal services for the use of executive agencies and performs functions related to such procurement and supply and, upon its request, provides these services to any Federal agency, mixed-ownership corporation, or the District of Columbia (40 U.S.C. 481(a)(3), 481(b)).

(10) *Major disaster functions.* Exercises the authority of the Administrator in any major disaster pursuant to 42 U.S.C. 1855–1855g, Executive Order No. 10427 of January 16, 1953, as amended, and Executive Order No. 10737 of October 29, 1957, as amended, to perform protective and other work on public or private lands essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed.

(11) *Employment of architects and engineers.* Employs, by contract or otherwise, the services of established architectural or engineering corporations, firms, or individuals (40 U.S.C. 609).

(12) *Construction and alteration of public buildings.* Constructs and alters public buildings, including the interpretation of construction contracts, the approval of materials and workmanship supplied pursuant to a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract (40 U.S.C. 128, 601, 603(a), 608, 609, 612).

(13) *Agency head.* Acts as an "agency head" for the purposes of Title III of the Federal Property and Administrative Services Act of 1949, except for the making of delegations or determinations specified in section 302(a) (41 U.S.C. 259(a)).

(14) *Negotiated contracts.* Negotiates purchases and contracts for property and services without advertising and makes any determinations and decisions required in connection therewith (41 U.S.C. 252(c) (1) through (15)). In connection with contracts or purchases in excess of $10,000 negotiated for medicines or medical property, or property purchased for authorized resale, makes the determinations and gives the publicity required by 41 U.S.C. 252(b). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, and purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, the authority to make the determinations and decisions is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test, the authority to make determinations or decisions is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000 (41 U.S.C. 252(c)).

(15) *Advertised contracts.* Makes purchases and contracts for property and services by advertising, and determines that the rejection of all bids is in the public interest (41 U.S.C. 252(c), 253(b)).

(16) *Testing.* Exercises authority relating to conducting tests, making charges and fixing fees therefor (5 U.S.C. 630g(g)).

(17) *Type of negotiated contract.* Determines the type of negotiated contract which will promote the best interests of the Government and makes the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts (41 U.S.C. 254 (a), (b)).

(18) *Advance payments.* Approves advance payments and makes the determinations and decisions required in connection therewith. This authority is not redelegable (41 U.S.C. 255 (a), (c)).

(19) *Buy American Act.* Determines whether articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, and determines, as a condition precedent to the purchase of materials of foreign origin for public use within the United States, that the price of like materials of domestic origin is unreasonable, or that the purchase of like materials of domestic origin is inconsistent with the public interest, under the provisions of 41 U.S.C. 10a and Executive Order No. 10582 of December 17, 1954, and makes the findings pursuant to 41 U.S.C. 10b (41 U.S.C. 10a, 10b).

(20) *Lease-purchase contracts.* Makes the determinations, enters into purchase contracts and other agreements, and exercises the other powers and authorities granted in sections 411 and 412 of the Public Buildings Act of 1949, as amended, added by the Public Buildings Purchase Contract Act of 1954, and by the Act approved July 12, 1955 (40 U.S.C. 356, 356a).

(21) *Contracts facilitating the national defense.* Enters into contracts and into amendments or modifications of contracts heretofore or hereafter made, and approves advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, including authority to modify or amend or settle, by agreement, claims under contracts heretofore or hereafter made; approves advance, progress, and other payments upon such contracts and enters into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, and determines that any such action would facilitate the national defense (50 U.S.C. 1431–1435, and Executive Order No. 10789 of November 14, 1958).

(22) *Renegotiation Board Regulations.* Determines that a contract has a direct and immediate connection with the national defense pursuant to the Renegotiation Board Regulations. This authority is not redelegable (32 CFR 1453.5(c)).

COMMISSIONER, TRANSPORTATION AND COMMUNICATION SERVICE

(a) *General.* The Commissioner, TCS, in carrying out his assigned program responsibilities, exercises authority, such as, but not limited to, those stated in (b), following.

(b) *Authorities*—(1) *Procurement.* Procures and supplies personal property and nonpersonal services for the use of executive agencies and performs functions related to such procurement and supply; and, upon its request, provides these services to any Federal agency, mixed-ownership corporation, the District of Columbia, the Senate, the House of Representatives, or the Architect of the Capitol (40 U.S.C. 481(a)(3), 481 (b), 474; 50 U.S.C. 491; 5 U.S.C. 630g–1).

(2) *Agency head.* Acts as an "agency head" for the purposes of Title III, Federal Property and Administrative Services Act of 1949, except for the making of delegations or determinations specified in section 302(a) (41 U.S.C. 259(a)).

(3) *Negotiated contracts.* Negotiates purchases for property and services without advertising, and makes any determinations and decisions required in connection therewith (41 U.S.C. 252(c) (1) through (15)). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, and purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, the authority to make the determinations and decisions is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test, the authority to make the determinations or decisions is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000 (41 U.S.C. 252(c)).

(4) *Advertised contracts.* Makes purchases and contracts for property and services by advertising, and determines that the rejection of all bids is in the public interest (41 U.S.C. 252(c), 253(b)).

(5) *Type of negotiated contract.* Determines the type of negotiated contract which will promote the best interests of the Government and makes the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive type contracts (41 U.S.C. 254(a), 254 (b)).

(6) *Transportation of strategic and critical materials.* Negotiates and exe-

cutes all contracts for transportation or related services arising under:

(i) The Strategic and Critical Materials Stock Piling Act or the Defense Production Act of 1950, as amended (50 U.S.C. 98; 50 U.S.C. App. 2061).

(ii) The supplemental stockpile, pursuant to the Agricultural Trade Development and Assistance Act of 1954, as amended, Executive Order No. 10560 of September 9, 1954, and Delegation of Authority from the Director of the Office of Civil and Defense Mobilization, dated November 17, 1954 (7 U.S.C. 1691 et seq.; DMO V–4, 32A CFR Ch. 1).

(iii) The agreement between Commodity Credit Corporation and GSA relating to services to be furnished by GSA with respect to strategic materials acquired by Commodity Credit Corporation through barter of surplus agricultural commodities.

(7) *Agency representation.* Represents executive agencies (including GSA) in negotiations with carriers and other public utilities involving transportation, communications, and other public utilities services.

(8) *Motor vehicle pools and equipment.* Consolidates, takes over, acquires, or arranges for the operation by any executive agency of, motor vehicles and other related equipment and supplies, for the establishment of motor vehicle pools and systems, pursuant to determinations made by the Administrator, and carries out the procedures established by the President, for the taking effect of these determinations (40 U.S.C. 491(b)(1), 491(c)).

(9) *Motor vehicle services.* Determines whether motor vehicle and related services will be furnished through the use, under rental or other arrangements, of motor vehicles of private fleet operators, taxicab companies, local or interstate common carriers, or Government-owned vehicles, or combinations thereof, and carries out the procedures established by the President for the taking effect of these determinations (40 U.S.C. 491(b)(2), 491(c)).

(10) *Procurement of telecommunications services.* Administers the Federal Telecommunications Fund for procuring and providing telecommunications services and facilities for the use of Federal agencies in the proper discharge of their responsibilities (5 U.S.C. 630g–1).

(11) *Civil defense.* Provides GSA personnel, materials, and facilities to the Director of the Office of Emergency Planning, during the period of any civil defense emergency, for the aid of the States, and prepares civil emergency plans, in consultation with the Office of Emergency Planning, pursuant to the Federal Civil Defense Act of 1950, as amended, and Executive Order No. 10346 of April 17, 1952, as amended.

COMMISSIONER, UTILIZATION AND DISPOSAL SERVICE

(a) *General.* The Commissioner, UDS, in carrying out his assigned program responsibilities, exercises authority, such as, but not limited to, those stated in (b), following.

(b) *Authorities*—(1) *Advertised contracts.* Makes purchases and contracts for property and services by advertising, and determines that the rejection of all bids is in the public interest (40 U.S.C. 481(a)(3); 41 U.S.C. 252(c), 253(b)).

(2) *Negotiated contracts.* Negotiates purchases and contracts for property and services without advertising, and makes certain determinations and decisions required in connection therewith (41 U.S.C. 252(c)(1), (2), (3), (4), (5), (10)).

(3) *Type of negotiated contract.* Determines the type of negotiated contract which will promote the best interests of the Government and makes the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts (41 U.S.C. 254(a), (b)).

*Personal Property*

(4) *Surplus personal property generally.* Determines property surplus, disposes of surplus property, assumes custody and accountability of surplus property, and performs, or provides for the performance of, the care and handling of surplus property (40 U.S.C. 472(g), 484(a), (b), (c), (e)).

(5) *Abandonment, destruction, or donation to public bodies.* Authorizes abandonment, destruction, or donation of property to public bodies, and makes any determinations and findings incident thereto (40 U.S.C. 483(h)).

(6) *Credit and security.* Prescribes and utilizes appropriate terms and conditions for disposals of surplus property by GSA and grants credit and takes security in connection with any disposal of surplus property authorized (40 U.S.C. 484(c)).

(7) *Auctioneers.* Qualifies, retains, inactivates, and reinstates private auctioneers and auction service organizations for the sale of Government-owned surplus personal property: *Provided,* That such authority shall not include the authority to decide appeals to the Administrator against nonqualification or inactivation (40 U.S.C. 484(a), (c)).

(8) *Negotiated sales.* Makes negotiated sales at fixed prices, either directly or through the use of disposal contractors, of such categories of surplus personal property as the Administrator determines (40 U.S.C. 484(e)(5)).

(9) *Donation.* Donates surplus property for purposes of education, public health, or civil defense, or for research for any such purpose, and donates certain surplus property to the American National Red Cross (40 U.S.C. 484(j)(1), 484(l)).

(10) *Leases and permits.* Administers and manages leases and permits, where disposal has been by lease or permit, and deferred payment sales: *Provided,* That such authority shall not apply to (a) collections or security servicing and (b) any legal action to adjust, enforce, and settle any claim arising thereunder (40 U.S.C. 485(g)).

(11) *Abandoned and unclaimed property.* Utilizes, transfers, or disposes of, abandoned and other unclaimed property (40 U.S.C. 484(m)).

(12) *Abandoned, forfeited, or seized property.* Exercises authority of the Administrator covering the disposition of abandoned, forfeited, or seized property, under the Act of August 27, 1935 (40 U.S.C. 304 f–m), and sections 5862(b) and 5688(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5862(b), 5688(a)): *Provided,* That such authority shall not include the authority to require reports from other agencies, to make rules and regulations, and to apply for a court order.

(13) *Disaster orders.* Exercises the following authorities of the Administrator as prescribed by the Disaster Orders issued from time to time by the Office of Emergency Planning pursuant to 42 U.S.C. 1855–1855g, Executive Order No. 10427 of January 16, 1953, as amended, Executive Order No. 10737 of October 29, 1957, as amended, and Executive Order No. 11051 of September 27, 1962:

(i) Enters into and executes memoranda of understanding with duly authorized officials of any State within a major disaster area which has been designated by the President, and with duly authorized representatives of the Office of Emergency Planning, to the end that GSA may appropriately assist in providing surplus supplies and equipment for the relief of small businesses whose places of business have been damaged or destroyed by major disaster.

(ii) Carries out and fulfills all commitments properly made and obligations properly undertaken by GSA by virtue of such memoranda of understanding.

(14) *Major disaster functions.* Exercises the following functions assigned to the Administrator in any major disaster pursuant to 42 U.S.C. 1855–1855g, Executive Order No. 10427 of January 16, 1953, as amended, Executive Order No. 10737 of October 29, 1957, as amended, and Executive Order No. 11051 of September 27, 1962:

(i) Utilizes, or lends to States and local governments, GSA equipment, supplies, facilities, personnel, and other resources (other than the extension of credit).

(ii) Distributes medicine, food, and other consumable supplies.

(iii) Donates surplus equipment and supplies to States for use or distribution by them.

(15) *Civil defense.* Performs civil defense responsibilities delegated by the Director of the Office of Emergency Planning and the Secretary of Defense and cooperates with the Office of Emergency Planning and the Department of Defense pursuant to the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).

(16) *Gifts.* Converts into money, at the best terms available, any gift of tangible personal property, made on condition that it be used for a particular defense purpose, or transfers to any other Federal agency without reimbursement such property as he may determine usable for the particular purpose for which it was donated (50 U.S.C. 1152).

(17) *Disposal for public airport.* Exercises authority of the Administrator to approve or disapprove disposal of any surplus property to any State, political subdivision, municipality, or tax-supported institution, for public airport purposes, upon appropriate determination of the Administrator of the Federal Aviation Agency (50 U.S.C. App. 1622(g)).



(18) *Sale of firearms.* Exercises authority of the Administrator to approve or disapprove the sale of firearms to State or local governments (40 U.S.C. 484(a)).

(19) *Disposition to States.* Approves or disapproves the making available to State surplus property distribution agencies for their use of surplus property which has been approved for donation for purposes of education, public health, or civil defense, or for research for any such purpose, and approves or disapproves the vesting in such State agencies of title to such surplus property (40 U.S.C. 484(n)).

(20) *Maintenance, repair, and rehabilitation of personal property.* Authorizes the maintenance, repair, and rehabilitation of in-use and excess personal property except operating automotive and other motorized equipment.

*Real Property*

(21) *Surplus real property generally.* Determines property surplus, assumes custody and accountability of surplus property, prescribes and utilizes appropriate terms and conditions for disposals of surplus property by GSA, and disposes of surplus property (40 U.S.C. 472(g), 484(a), (b), (c), (e); 50 U.S.C. App. 1622(d), (g), (h)).

(22) *Interim rights.* Grants interim rights for use and occupancy of surplus property and disapproves or notifies that no objection will be interposed to holding agencies granting such rights (40 U.S.C. 484(c)).

(23) *Credit and security.* Grants credit and takes security in connection with any disposal authorized (40 U.S.C. 484(c)).

(24) *Assignment for education and public health.* Assigns, or disapproves requests for assignment of, surplus real property and related personal property to the Secretary of Health, Education, and Welfare for disposal for school, classroom, or other educational use, or for use in the protection of public health, including research (40 U.S.C. 484(k)(1)).

(25) *Abandonment, destruction, or donation to public bodies.* Authorizes abandonment, destruction or donation of property to public bodies, and makes any determinations and findings incident thereto (40 U.S.C. 483(h)).

(26) *Leases and permits.* Administers and manages leases and permits, where disposal has been by lease or permit, and deferred payment sales: *Provided,* That such authority shall not apply to (a) collections or security servicing and (b) any legal action to adjust, enforce, and settle any claim arising thereunder (40 U.S.C. 485(g)).

(27) *Disposition of leased space.* Determines leased space to be surplus and disposes of such space by sublease, defrays costs necessary to provide services to the Government's lessee, and pays the rent not otherwise provided for on the lease of the space to the Government (40 U.S.C. 490(h)(2)).

(28) *Widening of public highway, street, or alley.* Conveys or otherwise transfers interests in surplus real property under the control of GSA for an authorized widening of a public highway, street, or alley (40 U.S.C. 345c).

(29) *Determination of necessity for highway purposes.* Performs the functions required under 23 U.S.C. 107 and 317 relating to excess and surplus property determined to be necessary for highway purposes.

(30) *Utilities.* Furnishes utilities and other services to occupants or users of National Industrial Reserve plants and surplus property installations (40 U.S.C. 490(a)(10)).

(31) *National Industrial Reserve Plants—utilization and disposition.* Accepts the transfer of, and utilizes, leases, transfers, or disposes of industrial plants and related personal property in the National Industrial Reserve as authorized or directed by the Secretary of Defense (50 U.S.C. 455).

(32) *Transfer of property for wildlife conservation.* Makes determinations as to availability of and transfers property for wildlife conservation purposes and makes and has published in the FEDERAL REGISTER an appropriate order whenever any such transfer is made (16 U.S.C. 667b, c).

(33) *Transfers for public airport.* Transfers property pursuant to section 16 of the Federal Airport Act, and makes determinations incident thereto (49 U.S.C. 1115).

(34) *Payment in lieu of taxes.* Approves payment of sums in lieu of taxes (40 U.S.C. 523, 524).

(35) *Abandoned or unclaimed property.* Utilizes, transfers, or disposes of, abandoned and other unclaimed property (40 U.S.C. 484(m)).

(36) *National Industrial Reserve Plants—maintenance and protection.* Maintains, protects, repairs, restores, and renovates industrial plants and related personal property in the National Industrial Reserve as authorized or directed by the Secretary of Defense (50 U.S.C. 455), and uses proceeds from insurance to repair or restore damaged National Industrial Reserve property (40 U.S.C. 490(a)(11)).

(37) *Rubber producing facilities.* Administers the contracts of sale of the Government-owned rubber producing facilities made pursuant to the Rubber Producing Facilities Disposal Act of 1953 (67 Stat. 414), as amended, and administers the national security clause contained in said contracts of sale, including necessary inspections of such facilities (Public Law 87–190, 75 Stat. 418).

(38) *Easements.* Grants easements on, over, or upon excess and surplus real property (40 U.S.C. 319–319(c)).

(39) *Devise of real property.* Performs the functions required under 40 U.S.C. 304 relating to such lands as have been or may be acquired by the United States by devise.

(40) *Gifts of real property generally.* Performs the acceptance and disposal functions required under 31 U.S.C. 901–903 relating to any gift of real property made to the United States on the sole condition that it be sold and the proceeds used to reduce the public debt of the United States. (Recommendations to reject such a gift are to be submitted to the Administrator.)

(41) *Gifts of real property in connection with national defense.* Converts into money, at the best terms available, any gift of real property made on condition that it be used for a particular defense purpose, or transfers to any other Federal agency without reimbursement such real property as he may determine usable for the particular purpose for which it was donated (50 U.S.C. 1152).

REGIONAL ADMINISTRATORS

(a) *General.* The Regional Administrator, in carrying out his assigned program responsibilities, exercises authority, such as, but not limited to, those stated in (b), following.

(b) *Authorities*—(1) *Surplus property disposal credit terms.* Approves credit in connection with the disposal of surplus property and the establishment of credit terms and conditions (40 U.S.C. 484(c)).

(2) *Lease and permit credit management.* Administers and manages any credit, lease, or permit, and any security therefor, and collects all moneys due the Government on account thereof: Provided, That such authority shall not apply to any legal action to adjust, enforce, and settle any right of the Government with respect thereto (40 U.S.C. 485(g)).

(3) *Renegotiation Act of 1951.* Examines and settles, under section 201(f) of the Renegotiation Act of 1951, contractor's claims for rebates of excess profits paid to the Government by such contractors as a result of contract renegotiations pursuant to law (Region 3 only) (50 U.S.C. App. 1231(f)).

(4) *Claims.* Considers, ascertains, determines, adjusts, and settles the following claims:

(i) Any claim, demand, or request for adjustment in the nature of a claim, other than those described in (iii), below, arising out of or incident to any contract, agreement, lease, or permit executed pursuant to competent authority covering the procurement by purchase, construction, or otherwise, or disposal of personal property, real property, and services;

(ii) Any claim under the Federal Tort Claims Act, and any claim in tort by GSA on behalf of the Government; and

(iii) Any claim in connection with abandoned or unclaimed property and claims or adjustments, and enforcements, adjustments, or settlements with respect to surplus property sales and credit;

*Provided, however,* That this authority shall not impair or affect authority otherwise vested in contracting officers to decide questions of fact under disputed clauses of contracts, or any responsibility vested in the Board of Review.

(5) *Forfeitures.* Applies for a court order for delivery of property subject to forfeiture proceedings under section 304 of the Act of August 27, 1935. This authority may be redelegated to the Regional Counsel only (40 U.S.C. 304f).

(6) *Certification of delegations and redelegations of authority.* Certifies true copies of delegations of authority by the Administrator and redelegations by other GSA officials, and provides such further certifications as may be necessary to

effectuate the intent of such delegations and redelegations in form for recording in any jurisdiction, as may be required.

(7) *Abandonment, destruction, or donation to public bodies of GSA personal property.* Authorizes abandonment, destruction, or donation of GSA personal property to public bodies, and makes any determinations and findings incidental thereto (40 U.S.C. 483(h)).

(8) *Abandoned and unclaimed personal property.* Takes possession of, utilizes, transfers, or disposes of abandoned and unclaimed personal property, and determines the fair value and costs of care and handling thereof (40 U.S.C. 484(m)).

(9) *Purchases.* Makes purchases of office supplies, equipment, and nonpersonal services, not available from GSA stores stock, or through the use of supply and service contracts executed by FSS. The above authority shall include the use of imprest funds and Standard Form 44, Revised, U.S. Government Purchase Order-Invoice-Voucher (41 U.S.C. 252(c), 252(c)(3)).

(10) *Negotiated contracts with educational institutions.* Negotiates contracts, without advertising for any service to be rendered by any university, college, or other educational institution (41 U.S.C. 252(c)(5)).

(11) *Advertised contracts.* Makes purchases and contracts for operating equipment and supplies by advertising, and determines that the rejection of all bids is in the public interest (41 U.S.C. 252(c), 253(b)).

(12) *Negotiated contracts.* Negotiates purchases and contracts for operating equipment and supplies without advertising and makes any determinations in connection therewith (41 U.S.C. 252(c)(1)–(6), (15)).

(13) *Agency representation.* Represents executive agencies in proceedings involving carriers and other public utilities before Federal and State regulatory bodies, with respect to transportation and other public utility services for the use of such agencies (40 U.S.C. 481(a)(4)).

Dated: December 23, 1964.

LAWSON B. KNOTT, Jr.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-13417; Filed, Dec. 29, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1742]

## DIVIDEND SHARES, INC.

### Notice of Filing of Application for Order Exempting From Sale by Open-End Company of Its Shares at Other Than the Public Offering Price in Exchange for Assets of Closely Held Company

DECEMBER 23, 1964.

Notice is hereby given that Dividend Shares, Inc. ("Dividend Shares"), One Wall Street, New York, N.Y., a Maryland corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act. Dividend Shares requests an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Kling Bros. Engineering Works ("Kling"). Since the sale of Dividend Shares stock will be other than at the public offering price, which normally includes sales charges, an exemption is deemed necessary. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein which are summarized below.

Shares of Dividend Shares are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of November 17, 1964, the net assets of Dividend Shares amounted to approximately $378,491,000.

Kling, an Illinois corporation, whose shares are held by four persons, is engaged in investing and reinvesting its funds. Pursuant to an agreement between Dividend Shares and Kling, substantially all of the cash and securities of Kling, with a value of approximately $1,150,000 on November 17, 1964, will be transferred to Dividend Shares in exchange for stock of Dividend Shares which will be distributed to the shareholders of Kling upon liquidation. None of the stockholders has any present intention of redeeming or transferring the shares of Dividend Shares which they acquire. The amount of stock of Dividend Shares to be delivered to Kling will be determined at the time of closing by dividing the net asset value per share of Dividend Shares into the value of the assets of Kling.

The valuation of the assets of Kling will be determined on the basis of market value on January 6, 1965 and will reflect an adjustment for federal income taxes payable upon liquidation of such assets according to a formula set forth in the application. Based on market values at November 17, 1964, no such adjustment would be required. Of the assets to be acquired, Dividend Shares intends to retain, subject to changes in investment conditions and considerations, securities having a value as of November 17, 1964 of approximately $375,000, and to sell securities having a value of approximately $726,000.

The application states that the Board of Directors of Dividend Shares, Inc. approved the agreement as being in the best interests of its shareholders, the terms of the entire transaction were arrived at through arm's-length bargaining, and there is no affiliation between the officers and directors of Dividend Shares and the officers, directors and stockholders of Kling.

Notice is further given that any interested person may, not later than January 7, 1965 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C.; 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-13397; Filed, Dec. 29, 1964; 8:46 a.m.]

[File 7-2418]

## FEDERATED DEPARTMENT STORES, INC.

### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 23, 1964.

In the matter of application of the Pacific Coast Stock Exchange, for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Federated Department Stores, Inc., File 7-2418.

Upon receipt of a request, on or before January 8, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-13398; Filed, Dec. 29, 1964; 8:46 a.m.]



[File No. 812-1718]

## SOUTHEASTERN CAPITAL CORP. AND FULTON INVESTMENT CO.

### Notice of Filing of Application for Orders Exempting From

DECEMBER 23, 1964.

Notice is hereby given that Southeastern Capital Corp. ("Southeastern"), Life and Casualty Tower, Nashville 3, Tenn., a Tennessee corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end non-diversified investment company and a licensee under the Small Business Investment Act of 1958, and Fulton Investment Co. ("Fulton"), Post Office Box 995, Atlanta, Ga., 30301, a Georgia corporation, have filed a joint application pursuant to section 17(b) of the Act. The applicants request an order of the Commission exempting from the provisions of section 17(a) of the Act the sale of Fulton's assets to Southeastern in connection with a proposed merger between Southeastern and Fulton. Southeastern is to be the surviving corporation under the same name. Upon consummation of the proposed merger, all of Fulton's assets will become the property of Southeastern, which will assume all of Fulton's liabilities. Fulton has also applied pursuant to section 6(c) of the Act for an order exempting it from the provisions of section 7(a) of the Act to enable it to effectuate the transactions involved in the proposed merger. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Southeastern and Fulton are affiliated persons of each other as that term is defined in section 2(a)(3) of the Act by virtue of Fulton's ownership of approximately 19 percent of Southeastern's outstanding voting securities.

DESCRIPTION OF CONSTITUENT COMPANIES

*Fulton.* Fulton owns 110,237 shares approximately 19 percent) of Southeastern's 568,253 outstanding shares of common stock. Fulton acquired 96,700 shares of the above-mentioned shares of Southeastern's common stock during July 1964 at a cost of $8 per share. Of the 96,700 shares, 60,000 shares were purchased from Phoenix, Inc. ("Phoenix"), which may be an affiliate of Fulton within the meaning of Section 2(a)(3) of the Act by reason of the circumstance that C. Edward Hansell is a director of both companies and owned more than five (5) percent of the outstanding voting securities of each company; the remaining 36,700 shares were purchased from Sidney Swensrud, a former director of Southeastern. This price was slightly more than the then current over-the-counter market price, but approximately $3 per share less than the book value per share of Southeastern's common stock. The remaining shares were acquired in the over-the-counter market during July 1964. These 110,237 shares of Southeastern's common stock will be retired upon the consummation of the proposed merger.

The directors of Phoenix, Fulton and Southeastern, as a group, own in the aggregate 51.7 percent, 19.4 percent and 7.2 percent of the outstanding voting securities of the companies, respectively. In addition, Phoenix owns 4.1 percent and 7.9 percent of the outstanding voting securities of Fulton and Southeastern, respectively.

On July 24, 1950 Fulton was incorporated under the laws of Georgia as Atlanta Transit Co. for the purpose of acquiring and operating the public transportation system of the city of Atlanta and its environs. It continued these operations until April 30, 1954 when it sold its public transportation system assets, including all franchises, to Atlanta Transit System, Inc. ("System"), a newly organized corporation in which it had no stock interest. These assets were sold for approximately $5,170,000. Arising from the sale of these assets, Fulton presently holds a $2,725,000 face amount 3¾ percent promissory note issued by System, which is payable in $100,000 semi-annual installments. For purposes of the proposed merger, this note has been valued by Fulton at $2,505,000 to reflect an effective return of 6 percent per annum. After disposing of its transit properties, Atlanta Transit Company changed its name to Fulton. Since October 1962 Fulton had been engaged in real estate development and has serviced real estate mortgage loans. Other than this activity Fulton has undertaken no functions since 1954, except the realization of proceeds of approximately $3,450,000 from the sale of certain transportation equipment in 1952 and from the sale of its transportation system assets.

Fulton has paid quarterly cash dividends since 1952 amounting to eighty cents per share per annum. These cash dividends have been paid primarily from profits arising from the above mentioned sales of its transit properties.

A pro forma balance sheet of Fulton as of the date of the proposed merger indicates that it will have total assets of $6,019,708 and a net worth of $5,016,943. Its assets will include: cash of $1,408,568, $2,505,000 of promissory notes issued by System, an investment in its wholly-owned subsidiary valued at $1,011,500 and an investment of $881,896 in 110,237 shares of Southeastern's common stock which, as mentioned above, will be retired upon consummation of the proposed merger.

Fulton has never registered under the Act. It is represented that Fulton's management, on advice from its counsel, believed that such registration was not required. While reserving its right to claim that it is not an investment company as that term is defined in the Act, Fulton intends to comply with all the provisions of the Act until the proposed merger is consummated, including submitting copies to this Commission of any information to be sent to the stockholders of Fulton in connection with the solicitation of their proxies.

*Southeastern.* As of March 31, 1964, Southeastern had total assets of $6,264,769 which included $220,892 in cash, loans and investments of $3,525,296 and treasury bills and certificates of deposit amounting to $2,441,299; and a net worth of $6,251,527 including an earned surplus deficit of $170,225. Southeastern's investment portfolio consists of the notes, convertible debentures and common and preferred stock of seventeen different small business companies. Its investments encompass retail, wholesale and manufacturing operations, as well as real estate and warehouses. Southeastern has never paid any dividends to its shareholders.

*The proposed merger.* The merger agreement provides that all of Fulton's assets and liabilities will be transferred to and become the property of Southeastern, the surviving company, and Fulton will cease to have a separate existence. Southeastern will continue to carry on the same type of business activity in which it has been engaged. It is proposed that the stockholders of Fulton will receive two shares of Southeastern's common stock in return for one share of Fulton's capital stock. The Southeastern common stock to be issued in exchange for Fulton's capital stock will be identical in all respects to Southeastern's presently outstanding common stock.

The proposed ratio of exchange is based upon the respective market values and asset values of Southeastern's and Fulton's stock. During the period January 1, 1964 through July 17, 1964 the range of the bid and asked prices for Southeastern and Fulton's stock was as follows: [1]

| | Southeastern | | Fulton | |
|---|---|---|---|---|
| | Bid | Asked | Bid | Asked |
| Low | 4¾ | 4⅞ | 10 | 11 |
| High | 7¼ | 7⅜ | 13¾ | 14¾ |

| | Bid | Asked |
|---|---|---|
| Fulton | 12 | 12¾ |
| Southeastern | 6 | 6¼ |

As of March 31, 1964, the book value of Southeastern's common stock was $11.00 per share. The pro forma book value of Fulton's capital stock at the time of the merger will be $25.08 per share (this figure reflects several adjustments which must be made in Fulton's assets in order to comply with the rules of the Small Business Administration). Southeastern's pro forma book value after the consummation of the merger will be $12.11 per share.

Counsel for Southeastern and Fulton is of the opinion that the proposed merger will qualify as a "tax free reorganization" under the Internal Revenue Code of 1954. Consequently, it is anticipated that neither Southeastern nor Fulton (or their shareholders) will

[1] On December 16, 1964, the bid and asked quotations for Fulton's and Southeastern's stock, published by the National Daily Quotation Service, were as follows:

realize any gain or loss if the proposed merger is consummated.

The Boards of Directors of Southeastern and Fulton have unanimously authorized the merger of Fulton into Southeastern. Under the laws of Tennessee and Georgia, the affirmative vote of the holders of record of a majority of the outstanding shares of Southeastern and Fulton is required for approval of the proposed merger. The proposed merger has been approved by the Small Business Administration subject to certain conditions, including, among other things, that the proposed merger be approved by a vote of the holders of two-thirds of the total number of Southeastern and Fulton's shares voted on the proposed merger: *Provided, however,* That such affirmative vote constitutes at least a majority of the outstanding voting stock of each company.

Notice is further given that any interested person may, not later than January 6, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

*It is ordered,* That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C., 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–13399; Filed, Dec. 29, 1964; 8:46 a.m.]

# TARIFF COMMISSION

[TEA–F–5]

## NATIONAL TILE & MANUFACTURING CO.

### Report to the President on Petition for Adjustment Assistance

DECEMBER 21, 1964.

The United States Tariff Commission today reported to the President the results of its investigation No. TEA–F–5, conducted under section 301(c)(1) of the Trade Expansion Act of 1962, in response to a firm's petition for the determination of eligibility to apply for adjustment assistance. The petition was filed with the Commission on October 22, 1964, by the National Tile & Manufacturing Co. of Anderson, Ind., a producer of certain ceramic floor and wall tiles.

The purpose of the Commission's investigation was to determine whether, as a result in major part of concessions granted under trade agreements, ceramic mosaic floor and wall tiles and glazed ceramic (other than mosaic) floor and wall tiles, provided for in items 532.21 and 532.24 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the National Tile & Manufacturing Co.

On the basis of its investigation, the Commission found (Commissioners Fenn and Talbot dissenting) that ceramic floor and wall tiles provided for in TSUS items 532.21 and 532.24 are not, as a result in major part of concessions granted under trade agreements, being imported in such increased quantities as to cause, or threaten to cause, serious injury to the National Tile & Manufacturing Co.

Copies of the Commission's report to the President, exclusive of information received in confidence, are available upon request as long as the limited supply lasts. Address requests to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64–13410; Filed, Dec. 29, 1964; 8:47 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are from September 3, 1964 to September 2, 1965. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Abbeville Piggly Wiggly, food store: 201 Kirkland Street, Abbeville, Ala.

Abernethy Clarkson Wright, Inc., department store: Head of Church Street, Burlington, Vt.

Adams Drug Co., drug stores: No. 15, Cranston, R.I.; No. 10, Providence, R.I.; No. 16, Wakefield, R.I.; No. 7, Warren, R.I.

Admiral and Sheridan Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 68, Tulsa, Okla.

Allen's Market, food store: 302 East Main, Siloam Springs, Ark.

Almond Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 53, Shawnee, Okla.

Andy's Shopping Baskets, Inc., food store: U.S. 27 North, St. Johns, Mich.

Angeli's Super Valu, food store: 318 West Adams Street, Iron River, Mich.

Ann-Hope Factory Outlet, Inc., department store: Mill Street, Cumberland, R.I.

Annes Department Store, department store: 4810 Milwaukee Avenue, Chicago, Ill.

Arbor Vitae Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 219, LaPlace, La.

Ash Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 38, El Reno, Okla.

Aspen Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 129, Kansas City, Mo.

Azalea Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 158, Independence, Mo.

The Baby Shop, Inc., apparel store: 404 Main Street, Evansville, Ind.

Ball Stores, Inc., department store: Muncie, Ind.

Ball's Super Market, Inc., food store: 5420 Leavenworth Road, Kansas City, Kans.

Ball's Thriftway Market, Inc., food store: 3400 State Avenue, Kansas City, Kans.

The Barr Company, variety store: 116 South Main Street, Celina, Ohio.

Bashas Market Chandler, Inc., food store: 15 South Arizona Place, Chandler, Ariz.

Basswood Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 207, Baton Rouge, La.

Belk-Gallant Company, department store: 125 Main Street, LaGrange, Ga.

Big Apple Supermarket, food stores: No. 2, No. 3, Reidsville, N.C.

Big Giant Super Market, food store: 2121 South Portland, Oklahoma City, Okla.

Bischoff's Food Center, food store: 2940 Sylvania Avenue, Toledo, Ohio.

Boney Wilson & Sons, Inc., food store: Rocky Point, N.C.

Berney Wilson & Sons, Inc., food store: Warsaw, N.C.

Boone Crest 5–10–25¢ Stores Company, variety store: Boone, N.C.

Boulevard Food Store, food store: 1021 Nebraska Street, Sioux City, Iowa.

Brannon's Del-City, Inc., food store: 4309 SE. 29th, Oklahoma City, Okla.

Harvey J. Breeding Drug Co., Inc. of Hollywood, drug store: 1400 South Federal Highway, Hollywood, Fla.

Brevard Crest 5–10–25¢ Stores Company, variety store: Brevard, N.C.

Bright Stores, Inc., department store: 28 West Ridge Street, Lansford, Pa.



Bruno's Food Store, food store: No. 8, Birmingham, Ala.

Buehler Market, food stores: 2313 N Street, Omaha, Nebr.; 621 Cumberland Street, Lebanon, Pa.

Butler's Department Store, department store: Fifth and Main Streets, Waterville, Maine.

Buy Rite, Inc., food store: 308 South Silver, Paola, Kans.

Cannata's Super Market, Inc., food store: 813 Brasher Avenue, Morgan City, La.

Capin's El Paso Store, department store: 125 Morley Avenue, Nogales, Ariz.

Carrollton Foods, Inc., food store: No. 15, Carrollton, Mo.

Cash & Carry Superette, Inc., food store: Main Street, Sparta, N.C.

Cat & Fiddle Super Markets, Inc., food store: 714 South Main Street, Danville, Va.

Cedar Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: Elk City, Okla.

Centers Dept. Store, variety store: 80 Railroad Street, St. Johnsbury, Vt.

Charles Stores Co., Inc., department store: 13–17 East Broad Street, Richmond, Va.

Cherokee Food Town, Inc., food store: 427 Cherokee Boulevard, Chattanooga, Tenn.

Chickasaw Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 240, Chickasaw, Ala.

Chinaberry Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 181, Albuquerque, N. Mex.

Chinquapin Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 211, New Orleans, La.

H. S. Cohen Company, Inc., apparel store: North Lafayette Street, Shelby, N.C.

Columbia Shopping Center, variety store: 1200 West Columbia, Evansville, Ind.

Cooke's Food Store, food store: 17 Broad Street, Cleveland, Tenn.

Cosentino Bros. Market, food store: 4300 Blue Ridge Boulevard, Kansas City, Mo.

Crest Queen City Variety Stores Company, d.b.a. Ben Franklin 5 & 10¢ store, variety store: 1330 Central Avenue, Charlotte, N.C.

Cypress Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 127, Kansas City, Kans.

Daisy Pruett's Food Town, Inc., food store: Daisy, Tenn.

Danville Foods, Inc., food store: Riverside Drive, Danville, Va.

The J. S. Dillon & Sons Stores Co., Inc., food stores: No. 38, Arkansas City, Kans.; No. 2, No. 12, Dodge City, Kans.; No. 15, Garden City, Kans.; No. 3, No. 20, Great Bend, Kans.; No. 22, Greensburg, Kans.; No. 16, Hays, Kans.; No. 1, No. 8, No. 10, No. 25, Hutchinson, Kans.; No. 39, Junction City, Kans.; No. 9, Larned, Kans.; No. 23, Lyons, Kans.; No. 17, McPherson, Kans.; No. 6, No. 24, Newton, Kans.; No. 14, No. 21, Pratt, Kans.; No. 11, St. John, Kans.; No. 5, No. 27, No. 41, Salina, Kans.; No. 7, Sterling, Kans.; No. 45, Wellington, Kans.; No. 4, No. 18, No. 19, No. 26, No. 28, No. 29, No. 30, No. 31, No. 32, No. 33, No. 36, No. 42, Wichita, Kans.; No. 37, Winfield, Kans.

Diskay Discount, variety store: 3609 Bergenline Avenue, Union City, N.J.

Diskay Discount Mart, variety stores: No. 3197, Hamtramck, Mich.; 8 North Laurel Street, Bridgeton, N.J.; No. 3374, Plainfield, N.J.; No. 3203, Elyria, Ohio.

Dogwood Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 59, Oklahoma City, Okla.

Dothan Piggly Wiggly, Inc., food store: 830 South Ostes Street, Dothan, Ala.

E. & F. Corporation, d.b.a. Ramey Super Market, food store: No. 1, Springfield, Mo.

Eagle Stores, Inc., variety stores: 1524 Winchester Avenue, Ashland, Ky.; 222 Sunset Avenue, Asheboro, N.C.; 337 Hay Street, Fayetteville, N.C.; 181 West Main Street, Gastonia, N.C.; Lincolnton, N.C.; No. 51, Charleston Heights, S.C.; 106 West Main Street, Orange, Va.

Easter Super Valu, food stores: Colfax, Iowa; Norwalk, Iowa.

Ebony Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 119, Wichita, Kans.

Edward's Inc., variety stores: Beaufort, S.C.; 496 King Street, 517 King Street, St. Andrews Shopping Center, Charleston, S.C.; 2018 Reynolds Avenue, Pinehaven Shopping Center, Charleston Heights, S.C.; 41 Laurel Street, Conway, S.C.; Front Street, Georgetown, S.C.; Myrtle Beach, S.C.; North Main Street, Sumter, S.C.; 31 Washington Street, Walterboro, S.C.

Ehrlich's Market, Inc., food store: 635 North Columbus Avenue, Lebanon, Ohio.

Elba Piggly Wiggly, Inc., food store: 501 Claxton Street, Elba, Ala.

Elkin Cash & Carry Super Market, Inc., food store: Highway 268 West, Elkin, N.C.

Elm Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 31, Bartlesville, Okla.

Eufaula Piggly Wiggly, Inc., 138 South Randolph Street, Eufaula, Ala.

Ferrara Bros. Distributing Co., food store: Syme and Ohio Streets, Sharon, Pa.

M. H. Fishman Co., Inc., variety stores: No. 19, Biddeford, Me.; Calais, Me.; Keene, N.H.; Newport, Vt.; Rutland, Vt.; No. 8, St. Albans, Vt.

Forsythia Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 156, Kansas City, Mo.

44th & Western Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 89, Oklahoma City, Okla.

Frank Dry Goods Co., department store: 1017 South Calhoun Street, Ft. Wayne, Ind.

Geneva Piggly Wiggly, Inc., food store: Water Street, Geneva, Ala.

Georges Markets, food store: 1216 East Main Street, Morristown, Tenn.

W. Gilbert & Sons, Inc., apparel store: 813 South Michigan Street, South Bend, Ind.

Glenwood Market, Inc., food store: 114 Glenwood Plaza, Midwest City, Okla.

Glosser Bros., Inc., department store: Franklin and Locust Streets, Johnstown, Pa.

Gosselin Stores, Inc., d.b.a. T. G. & Y. Stores Co., variety store: 1906 Ninth Street, Wichita Falls, Tex.

W. T. Grant Co., variety stores: No. 354, No. 705, Birmingham, Ala.; 219 Second Avenue, Decatur, Ala.; 115 South Washington Street, Huntsville, Ala.; 171 Dauphin Street, Mobile, Ala.; No. 534, Prichard, Ala.; 2628 Saivers Road, Oxnard, Calif.; 921 Post Road, Fairfield, Conn.; No. 447, Hamden, Conn.; Rodney Village Shopping Ctr., Dover, Del.; 201 West Avenue A, Belle Glade, Fla.; No. 387, Daytona Beach, Fla.; No. 688, No. 877, Jacksonville, Fla.; 980 Babcock Street, Melbourne, Fla.; 9 East Flagler Street, Miami, Fla.; 2600 East Colonial Drive, Orlando, Fla.; 903 Franklin Street, Tampa, Fla.; 840 Southern Boulevard, West Palm Beach, Fla.; No. 769, Augusta, Ga.; No. 450, Decatur, Ga.; 3180 S.E. Main Street, East Point, Ga.; 2129 East Victory Drive, Savannah, Ga.; 1827 Watson Boulevard, Warner Robins, Ga.; No. 250, Chicago, Ill.; No. 243, Galesburg, Ill.; No. 120, Joliet, Ill.; 201 South Adams Street, Peoria, Ill.; 3323–41 Legion Boulevard, Quincy, Ill.; No. 683, Zion, Ill.; No. 728, Elkhart, Ind.; No. 765, Fort Wayne, Ind.; 701 Broadway, 4377 Tri City Plaza, Gary, Ind.; 2802 Lafayette Road, Indianapolis, Ind.; 2929 South Washington Street, Kokomo, Ind.; No. 553, No. 846, Muncie, Ind.; No. 259, New Albany, Ind.; No. 68, Davenport, Iowa; No. 824, Des Moines, Iowa; 4939 Johnson Dr., Mission, Kans.; 705 Kansas Avenue, Topeka, Kans.; No. 132, 201 East Douglas, Wichita, Kans.; 129 Eastland Shopping Ctr., Lexington, Ky.; 539 South 4th Street, Louisville, Ky.; 1846 Triplett Street, Owensboro, Ky.; 6517 Airline Highway, Metairie, La.; No. 535, Brunswick, Me.; 286 Water Street, Gardiner, Me.; 97 Maine Street, Ft. Kent, Me.; 77 Congress Street, Rumford, Me.; No. 57, Baltimore, Md.; 301 West Washington Street, Rockville, Md.; No. 37, Brockton, Mass.; 1468 Dorchester Avenue and 583 Washington Street, Dorchester, Mass.; 149 South Main Street, Fall River, Mass.; 324 Essex Street, Lawrence, Mass.; 54 Main Street, Leominster, Mass.; No. 5, New Bedford, Mass.; 217 Main Street, Webster, Mass.; No. 702, Alma, Mich.; No. 220, Grand Rapids, Mich.; No. 431, Greenville, Mich.; 207 South Burdick Street, Kalamazoo, Mich.; No. 230, Lansing, Mich.; 925 South Saginaw Road, Midland, Mich.; 139 East Bradway, Mount Pleasant, Mich.; 5715 East 13 Mile Road, Warren, Mich.; No. 190, Minneapolis, Minn.; 41 East 7th Street, St. Paul, Minn.; 2540 Robinson Street, Jackson, Miss.; No. 35, St. Joseph, Mo.; No. 265, Kansas City, Mo.; No. 627, St. Louis, Mo.; 9957 Manchester Road, St. Louis, Mo.; No. 245, Springfield, Mo.; 1005 O Street, Lincoln, Nebr.; No. 262, Berlin, N.H.; No. 222, Dover, N.H.; Black Forest Pike and Nicholson Road, Audubon, N.J.; No. 183, Bayonne, N.J.; 446 Franklin Street, Bloomfield, N.J.; No. 165, Camden, N.J.; No. 735, Carteret, N.J.; 992 State Highway 46, Clifton, N.J.; Route 27, Colonia, N.J.; 67 Bassett Highway, Dover, N.J.; Kilmer Plaza Route No. 27, Edison, N.J.; No. 381, Elizabeth, N.J.; No. 767, Flemington, N.J.; No. 908, Haddonfield, N.J.; 8 Airport Plaza, Hazlet, N.J.; No. 3295, Jersey City, N.J.; No. 821, Kenvil, N.J.; 738 Union Avenue, Middlesex, N.J.; 1128 Highway 35, Middletown, N.J.; No. 578, Millville, N.J.; No. 736, Neptune City, N.J.; 575 Orange Street, Newark, N.J.; No. 724, Parsippany, N.J.; 10 Wanaque Avenue, Pompton Lakes, N.J.; 1547 Main Street, Rahway, N.J.; No. 393, Roselle, N.J.; No. 794, Washington, N.J.; No. 675, Asheville, N.C.; 1143 East Lexington Avenue, High Point, N.C.; 7 West Main Street, Ashland, Ohio; 401 North Market Avenue, Canton, Ohio; No. 614, Cincinnati, Ohio; 8501 Winton Road, Cincinnati, Ohio; No. 572, No. 373, Cleveland, Ohio; No. 482, Delphos, Ohio; 1220 North Broad Street, Fairborn, Ohio; No. 641, Mansfield, Ohio; No. 139, Massillon, Ohio; No. 677, Middletown, Ohio; 29 South 3d Street, Newark, Ohio; 418 Market Street, Steubenville, Ohio; No. 656, Wapakoneta, Ohio; No. 869, Youngstown, Ohio; No. 770, Altoona, Pa.; 1113 Washington Pike, Bridgeville, Pa.; No. 751, Broomall, Pa.; No. 337, Butler, Pa.; 45 Cheltenham Avenue, Cheltenham, Pa.; No. 441, Erie, Pa.; 319 East 8th Avenue, Homestead, Pa.; No. 789, 420 Main Street, Johnstown, Pa.; 401 West Main Street, Lansdale, Pa.; No. 665, Levittown, Pa.; 17 South Front Street, Milton, Pa.; 625 M Street, Mount Pleasant, Pa.; No. 368, Norristown, Pa.; 263 Seneca Street, Oil City, Pa.; No. 580 EA–15, Palmerton, Pa.; No. 399, 4536 Frankford Avenue, Philadelphia, Pa.; No. 555, Phoenixville, Pa.; 513 Smithfield Street, 639 Clairton Boulevard, Foster and Steuben Streets, 1130 Perry Highway, Pittsburgh, Pa.; No. 28, Reading, Pa.; No. 191, Shamokin, Pa.; No. 42, Sharon, Pa.; No. 747, Shillington, Pa.; M.R. No. 1 Souderton Shopping Ctr., Souderton, Pa.; 345 Market Street, Sunbury, Pa.; No. 567, Titusville, Pa.; No. 157, Uniontown, Pa.; No. 479, West Chester, Pa.; No. 240, Williamsport, Pa.; 2541 East Market Street, York, Pa.; No. 321, Pawtucket, R.I.; No. 484, Cayce, S.C.; No. 654, Knoxville, Tenn.; 315 Gay Street, Knoxville, Tenn.; No. 75, No. 761, El Paso, Tex., 2444 Jacksboro Highway, Fort Worth, Tex.; No. 436, 8503 East Houston Road, Houston, Tex.; 2390 Washington Boulevard, Ogden, Utah; 177 West Ctr., Provo, Utah; No. 589, Newport, Vt.; No. 241, St. Johnsbury, Vt.; 925 Caroline Street, Fredericksburg, Va.; 71–74 Court Square, Harrisonburg, Va.; 218 East Broadway, Hopewell, Va.; 22–30 Church Street, Martinsville, Va.; No. 680, 258 Granby Street, Norfolk, Va.; 22 West Washington Street, Petersburg, Va.; No. 887, Portsmouth, Va.; 319 East Broad Street, Richmond, Va.; 21 W. Campbell Avenue, Roanoke, Va.; 328 Neville Street, Beckley, W. Va.; 108 Third Street, Elkins, W. Va.; No. 519, Appleton, Wis.; No. 645, Cudahy, Wis.; 1407 Creston Park Drive, Janesville, Wis.; 211 Fifth Avenue, La Crosse, Wis.; No. 343, No. 372,

Milwaukee, Wis.; 1335 Mayflower Avenue, Sheboygan, Wis.

Graves & Thompson, drug stores: No. 11, Arkansas City, Kans.; No. 1, El Dorado Kans.; No. 10, Winfield, Kans.

Grebe's Bakeries, Inc., bakery store: 5132 West Lincoln Avenue, Milwaukee (West Allis), Wis.

H. L. Green Co., Inc., variety stores: No. 1106, Birmingham, Ala.; 71–73 Dexter Avenue, Montgomery, Ala.; No. 1114, Wilmington, Del.; 1121 H Street NE., Washington, D.C.; 97 Whitehall Street SW., Atlanta, Ga.; No. 1312, New Orleans, La.; No. 1202, Baltimore, Md.; 216 East Capitol, Jackson, Miss.; No. 1025, Elizabeth, N.J.; No. 1152, Irvington, N.J.; 212–214 North Queen Street, Kinston, N.C.; 224 West Main Street, Oklahoma City, Okla.; 221 Market Street, Harrisburg, Pa.; 1015 Market Street, Philadelphia, Pa.; 1616 Elm Street, Dallas, Texas; No. 1117, Alexandria, Va.

Greenfield Search Food Stores, Inc., food store: Greenfield, Ill.

Autry Greer & Sons., Inc., food store: Post Office Box 349, Mobile, Ala.

Grover Cronin, Inc., department store: 223 Moody Street, Waltham, Mass.

R. Guinan & Co., department store: 117 South Oak Street, Mt. Carmel, Pa.

H. E. B. Food Store, food stores: No. 27, Alice, Texas; No. 73, Aransas Pass, Texas; No. 30, No. 31, No. 32, No. 33, No. 34, No. 39, No. 45, No. 51, No. 79, Austin, Texas; No. 10, Beeville, Texas; No. 1, No. 14, No. 15, Brownsville, Texas; No. 17, No. 19, No. 21, No. 23, No. 35, No. 37, No. 38, No. 46, No. 65, Corpus Christi, Texas; No. 80, Cuero, Texas; No. 88, Del Rio, Texas; No. 9, Donna, Texas; No. 75, Eagle Pass, Texas; No. 6, Edinburg, Texas; No. 78, El Campo, Texas; No. 3, No. 55, No. 77, Harlingen, Texas; No. 89, Kerrville, Texas; No. 72, Killeen, Texas; No. 26, Kingsville, Texas; No. 8, No. 16, Laredo, Texas; No. 7, No. 86, McAllen, Texas; No. 4, Mercedes, Texas; No. 13, Mission, Texas; No. 62, New Braunfels, Texas; No. 12, Pharr, Texas; No. 11, Raymondville, Texas; No. 24, Refugio, Texas; No. 22, Robstown, Texas; No. 40, No. 41, No. 42, No. 43, No. 44, No. 47, No. 48, No. 49, No. 52, No. 53, No. 57, No. 60, No. 61, No. 66, No. 67, No. 68, No. 69, San Antonio, Texas; No. 2, San Benito, Texas; No. 63, San Marcos, Texas; No. 29, Taft, Texas; No. 71, Temple, Texas; No. 74, Uvalde, Texas; No. 25, No. 28, Victoria, Texas; No. 50, No. 64, No. 70, No. 76, No. 87, Waco, Texas; No. 5, Weslaco, Texas; No. 81, Yoakum, Texas.

H & J Corp. d.b.a. Ramey Super Market, food store: No. 3, Springfield, Mo.

Hawthorn Variety, Inc. d.b.a. T.G. & Y. Stores Co., variety store: No. 57, Muskogee, Okla.

Helms Super Market, Inc., d.b.a. Piggly Wiggly, food stores: No. 1, No. 2, No. 6, Columbus, Ga.

Hested Store, variety stores: No. 772, Arvada, Colo.; No. 773, No. 787, Denver, Colo.

Highway Foods, Inc., T/A Farm Fresh Supermarket, food store: 3600 Military Highway, Norfolk, Va.

Hillcrest Food Ctr., Inc., food store: 9th and Iowa, Lawrence, Kans.

Holly Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 155, Kansas City, Kans.

Huckleberry Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 218, Shreveport, La.

Huntley Brothers Supermarket, food store: 1211 Madison, Palatka, Fla.

Hydrangea Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 251, Dallas, Tex.

Jefferson Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 163, Jefferson City, Mo.

J. Fred Johnson Company, department store: Broad Street, Kingsport, Tenn.

Jupiter Discount Store, variety stores: No. 378, Chicago, Ill.; No. 4546, Moline, Ill.; No. 4557, Bloomington, Ind.; 20 North Broadway, Peru, Ind.; No. 4554, Richmond, Ind.; No. 4536, Detroit, Mich.; No. 4542, Beloit, Wis.; No. 4569, Green Bay, Wis.

Justrite Super Markets, Inc., food stores: 5015 Gibbs Road, Kansas City, Kans.; 3136 Raytown Road, 9021 East 50 Highway, Kansas City, Mo.

K.C. Super Market, food store: Etowah, Tenn.

K-Mart, variety store: No. 4058, Springfield, Ill.

Kenley's Supermarkets, Inc., food store: 1107 South 10th Street, Noblesville, Ind.

The W. J. Kennedy Company, food store: Orange Street and Ballbrook Avenue, Xenia, Ohio.

Kessler's Super Market, food store: 621 Sixth Avenue, Aberdeen, S. Dak.

Thomas Kilpatrick & Company, department store: 15th and Douglas, 42d and Center Street, Omaha, Nebr.

King Edwards Super, food store: 23 North Hamilton Avenue, Greensburg, Pa.

M. H. King Co., variety stores: 1258 Overland Avenue, Burley, Idaho; Caldwell, Idaho

Klaus Department Store, Inc., department store: 2965 Milwaukee Avenue, Chicago, Ill.

Kline's Department Store, department store: 14 East Front Street, Monroe, Mich.

Geo. H. Knollenberg Co., department store: 809–815 Main Street, Richmond, Ind.

Kohls, Inc., food store: West Sycamore Street, Columbus Grove, Ohio.

S. S. Kresge Co., variety stores: No. 66, Bridgeport, Conn.; 2300 Dixwell Avenue, Hamden, Conn.; 10 Colony Street., Meriden, Conn.; No. 4527, Middletown, Conn.; 842 Chapel Street, New Haven, Conn.; No. 291, No. 651, New London, Conn.; No. 693, Thompsonville, Conn.; No. 262, No. 590, Waterbury, Conn.; No. 598, West Hartford, Conn.; No. 358, Wilmington, Del.; No. 341, Washington, D.C.; No. 728, Bradenton, Fla.; No. 725, Miami, Fla.; No. 740, Orlando, Fla.; No. 742, St. Petersburg, Fla.; No. 700, No. 713, Atlanta, Ga.; No. 303, Arlington Heights, Ill.; No. 81, No. 254, Aurora, Ill.; No. 34, Bloomington, Ill.; No. 94, Bridgeview, Ill.; No. 164, Canton, Ill.; No. 174, No. 690, Champaign, Ill.; No. 8, No. 236, No. 263, No. 305, No. 416, No. 445, No. 471, No. 480, No. 513, No. 594, No. 599, No. 627, Chicago, Ill.; No. 261, Danville, Ill.; No. 201, No. 641, Decatur, Ill.; No. 50, Deerfield, Ill.; No. 177, Elgin, Ill.; No. 413, Freeport, Ill.; No. 179, Galesburg, Ill.; No. 207, Harrisburg, Ill.; No. 90, Jacksonville, Ill.; No. 130, Joliet, Ill.; No. 417, Kankakee, Ill.; No. 295, Kewanee, Ill.; No. 218, La Grange, Ill.; No. 122, Lincoln, Ill.; No. 497, Mattoon, Ill.; No. 161, No. 463, Oaklawn, Ill.; No. 630, Park Forest, Ill.; No. 482, Pekin, Ill.; No. 242, Peoria, Ill.; No. 98, No. 321, Quincy, Ill.; No. 318, Rockford, Ill.; No. 136, St. Charles, Ill.; No. 656, Skokie, Ill.; No. 483, Bedford, Ind.; No. 237, Elkhart, Ind.; No. 556, No. 647, Evansville, Ind.; No. 568, Fort Wayne, Ind.; No. 462, No. 618, Gary, Ind.; No. 7, No. 258, No. 583, No. 672, Indianapolis, Ind.; No. 589, Kokomo, Ind.; No. 31, No. 204, Lafayette, Ind.; No. 167, Logansport, Ind.; No. 85, Muncie, Ind.; No. 251, New Castle, Ind.; No. 84, Richmond, Ind.; No. 101, South Bend, Ind.; No. 117, Terre Haute, Ind.; No. 95, Burlington, Iowa; No. 100, Dubuque, Iowa; No. 145, Fort Dodge, Iowa; No. 559, Iowa City, Iowa; No. 210, Marshalltown, Iowa; No. 692C, Mason City, Iowa; No. 127, Leavenworth, Kans.; No. 697, Wichita, Kans.; 412 South Fourth Street, Louisville, Ky.; 812 Monmouth Street, No. 1039, Newport, Ky.; No. 648, Pleasure Ridge Park, Ky.; 60 Lisbon Street, Lewiston, Maine; No. 20, No. 209, No. 285, No. 348, No. 414, No. 576, No. 616, Baltimore, Md.; No. 491, Bladensburg, Md.; No. 695, Hagerstown, Md.; 24 Corinth Street, No. 165, Boston, Mass.; 121 Main Street, Brockton, Mass.; No. 653, Cambridge, Mass.; 780 Dudley Street, Dorchester, Mass.; 71 South Main Street, Fall River, Mass.; 439 Main Street, Fitchburg, Mass.; 35 Merrimack Street, Lowell, Mass.; No. 294, Lynn, Mass.; 824 Purchase Street, New Bedford, Mass.; No. 470, Peabody, Mass.; 1445 Hancock Street, Quincy, Mass.; 1534 Main Street, Springfield, Mass.; 474 Main Street, Worcester, Mass.; No. 485, Adrian, Mich.; No. 74, No. 160, Ann Arbor, Mich.; No. 21, Battle Creek, Mich.; No. 296, Berkley, Mich.; No. 227, Birmingham, Mich.; No. 453, Clawson, Mich.; No. 16, No. 350, No. 490, No. 580, Dearborn, Mich.; No. 1, No. 166, No. 190, No. 208, No. 241, No. 289, No. 290, No. 340, No. 352, No. 369, No. 395, No. 456, No. 521, No. 527, No. 533, No. 550, No. 565, No. 582, No. 620, No. 652, Detroit, Mich.; No. 185, Ferndale, Mich.; No. 272, No. 642, Flint, Mich.; No. 59, Grand Rapids, Mich.; No. 276, Hazel Park, Mich.; No. 211, No. 365, Highland Park, Mich.; No. 405, Inkster, Mich.; No. 403, Iron Mountain, Mich.; No. 103, Jackson, Mich.; No. 70, No. 549, Lansing, Mich.; No. 245, Lincoln Park, Mich.; No. 27, No. 257, Livonia, Mich.; No. 529, Monroe, Mich.; No. 327, No. 626, Muskegon, Mich.; No. 623, Plymouth, Mich.; No. 13, No. 404, No. 684, Pontiac, Mich.; No. 2, Port Huron, Mich.; No. 577, River Rouge, Mich.; No. 677, Rochester, Mich.; No. 415, Roseville, Mich.; No. 530, Royal Oak, Mich.; No. 428, Saginaw, Mich.; No. 123, Southfield, Mich.; No. 499, Traverse City, Mich.; No. 687, Wyandotte, Mich.; No. 566, Wayne, Mich.; No. 266, Mankato, Minn.; No. 176, No. 520, No. 645, No. 694, Minneapolis, Minn.; No. 393, Richfield, Minn.; No. 168, St. Cloud, Minn.; No. 683, St. Paul, Minn.; No. 52, Winona, Minn.; No. 24, No. 344C, St. Louis, Mo.; No. 109C, Lincoln, Nebr.; No. 469, Bayonne, N.J.; No. 562, Bloomfield, N.J.; No. 243, East Brunswick, N.J.; No. 573, Haddonfield, N.J.; No. 263, Jersey City, N.J.; No. 392, Montclair, N.J.; No. 608, Morristown, N.J.; No. 221, Parlin, N.J.; No. 80, Paramus, N.J.; No. 260, Passaic, N.J.; No. 75, Plainfield, N.J.; No. 30, Paterson, N.J.; No. 23, Princeton, N.J.; No. 65, Trenton, N.J.; No. 587, Woodbury, N.J.; No. 354, Akron, Ohio; No. 658, Barberton, Ohio; No. 586, Cambridge, Ohio; No. 120, Canton, Ohio; No. 381, Chillicothe, Ohio; No. 47, Cincinnati, Ohio; No. 28, No. 118, No. 240, No. 298, No. 411, No. 449, No. 459, No. 531, No. 557, No. 606, No. 614, Cleveland, Ohio; No. 5, No. 29, No. 328, No. 636, No. 640, Columbus, Ohio; No. 538, Cuyahoga Falls, Ohio; No. 9; No. 631, No. 628, No. 649, Dayton, Ohio; No. 564, Fostoria, Ohio; No. 171, Lancaster, Ohio; No. 51, Lima, Ohio; No. 406, Lorain, Ohio; No. 144, No. 603, Maple Heights, Ohio; No. 541, Marietta, Ohio; No. 362, Marion, Ohio; No. 203, Milford, Ohio; No. 512, Mt. Vernon, Ohio; No. 40, Newark, Ohio; No. 410, Painesville, Ohio; No. 676, Parma, Ohio; No. 488, Piqua, Ohio; No. 150, Portsmouth, Ohio; No. 316, Springfield, Ohio; No. 458, Steubenville, Ohio; No. 48, Stow, Ohio; No. 447, Tallmadge, Ohio; No. 646, Toledo, Ohio; No. 299, No. 674, Warren, Ohio; No. 228, Willowick, Ohio; No. 248, Xenan, Ohio; No. 595, Youngstown, Ohio; No. 377, Zanesville, Ohio; No. 284, Altoona, Pa.; No. 639, Baden, Pa.; No. 302, Bridgeville, Pa.; No. 309, Camp Hill, Pa.; No. 76, Erie, Pa.; No. 460, No. 615, Harrisburg, Pa.; No. 143, Hazleton, Pa.; No. 551, Johnstown, Pa.; No. 64, Lancaster, Pa.; No. 476, Levittown, Pa.; No. 543, Monroeville, Pa.; No. 200, Morrisville, Pa.; No. 378, Oil City, Pa.; No. 191, No. 269, No. 297, No. 327, No. 379, No. 438, No. 528, No. 545, No. 592, Philadelphia, Pa.; No. 53, No. 182, No. 675, Pittsburgh, Pa.; No. 282, Pittston, Pa.; 16 South Center Street, Pottsville, Pa.; No. 18, Reading, Pa.; No. 92, Scranton, Pa.; No. 293, Sharon, Pa.; No. 492, Springfield Pa.; No. 475, Uniontown, Pa.; No. 509, Upper Darby, Pa.; No. 478, Warren, Pa.; No. 68, Wilkes-Barre, Pa.; No. 67, Williamsport, Pa.; No. 45, Providence, R.I.; No. 671, Rapid City, S. Dak.; No. 206, Sioux Falls, S. Dak.; No. 714, Fort Worth, Tex.; No. 739, Irving, Tex.; No. 397, Burlington, Vt.; No. 342, Danville, Va.; No. 660, Norfolk, Va.; No. 425, Bluefield, W. Va.; No. 91, Huntington, W. Va.; No. 202, Appleton, Wis; No. 607, Eau Claire, Wis.; No. 611, Fond du Lac, Wis.; No. 609, Kenosha, Wis.; No. 162, No. 268, Madison, Wis.; No. 420, Manitowoc, Wis.; No. 388, No. 446, No. 617, No. 637, Milwaukee, Wis.; No. 181, Oshkosh, Wis.; No. 86, Racine, Wis.; No. 200, Sheboygan, Wis.; No. 76, Superior, Wis.; No. 169, Two Rivers, Wis.; No. 119, Watertown, Wis.; No. 493, Wausau, Wis.

S. H. Kress & Company, variety stores: 1106 Noble Street, Anniston, Ala.; 1912 Second Avenue, Bessemer, Ala.; 101 West Main Street, Dothan, Ala.; 107 South Washington Street, Huntsville, Ala.; 115 Dauphin Street, Mobile, Ala.; 39 Dexter Avenue, Montgomery, Ala.; 3008 27th Street, Birmingham, Ala.; 305 South Wilson Avenue, Prichard, Ala.; 121 Broad Street, Selma, Ala.; 2223 Broad Street, Tuscaloosa, Ala.; 901 G Avenue, Douglas, Ariz.; 119 Morley Avenue, Rogales, Ariz.; 22 West Washington Street, Phoenix, Ariz.; 97 East Congress Street, Tucson, Ariz.; 328 Main Street, Pine Bluff, Ark.; 540 Main Street, Grand Junction, Colo.; 3501 Philips Highway, Jacksonville, Fla.; 500 Duval Street, Key West, Fla.; 64 East Flagler Street, Miami, Fla.; 9 South Palafox Street, Pensacola, Fla.; 475 Central Avenue, St. Petersburg, Fla.; 1442 Main Street, Sarasota, Fla.; 811 Franklin Street, Tampa, Fla.; 400 Clematis Street, West Palm Beach, Fla.; 1624 East Broadway, Ybor City, Fla.; 1117 Broad Street, Columbus, Ga.; 137 Main Street, LaGrange, Ga.; 620 Cherry Street, Macon, Ga.; 120 West Broughton Street, Savannah, Ga.; 101 North Patterson Street, Valdosta, Ga.; 308 Mary Street, Waycross, Ga.; 116 North Main Street, Rockford, Ill.; 15 South Main Street, Fort Scott, Kans.; 111 North Main Street, Hutchinson, Kans.; 7 South Jefferson Street, Iola, Kans.; 619 North Broadway, Pittsburg, Kans.; 224 East Douglas Avenue, Wichita, Kans.; 1102 Third Street, Alexandria, La.; 439 Third St., Baton Rouge, La.; 923 Canal Street, New Orleans, La.; 316 Texas Street, Shreveport, La.; 312 West Howard Avenue, Biloxi, Miss.; 500 Main Street, Hattiesburg, Miss.; 402 Central Avenue, Laurel, Miss.; 2214 Fifth Street, Meridian, Miss.; 329 South Main Street, Carthage, Mo.; 215 East High Street, Jefferson City, Mo.; 343 Springfield Avenue, Summit, N.J.; 414 Central Southwest, Albuquerque, N. Mex.; 208 North Main, Roswell, N. Mex.; 19 Patton Avenue, Asheville, N.C.; 101 South Tryon Street, Charlotte, N.C.; 101 West Main Street, Durham, N.C.; 112 North Center Street, Goldsboro, N.C.; 208 South Elm Street, Greensboro, N.C.; 141 South Main Street, High Point, N.C.; 307 Middle Street, New Bern, N.C.; 162 South Main Street, Rocky Mount, N.C.; 300 South Main Street, Salisbury, N.C.; 11 North Front Street, Wilmington, N.C.; 5 West Fourth Street, Winston-Salem, N.C.; 119 West Main, Ardmore, Okla.; 325 Chickasha Avenue, Chickasha, Okla.; 129 West Main Street, Enid, Okla.; 324 C Avenue, Lawton, Okla.; 104 East Grand Avenue, McAlester, Okla.; 109 North Second, Muskogee, Okla.; 218 West Main Street, Oklahoma City, Okla.; 105 East Grand Avenue, Ponca City, Okla.; 109 East Main, Shawnee, Okla.; 218 South Main, Tulsa, Okla.; 281 King Street, Charleston, S.C.; 1508 Main Street, Columbia, S.C.; 117 West Evans Street, Florence, S.C.; 27 South Main Street, Greenville, S.C.; 311 Main Street, Greenwood, S.C.; 301 Russell Street, Orangeburg, S.C.; 115 East Main Street, Spartanburg, S.C.; 49 South Main Street, Sumter, S.C.; 628 State Street, Bristol, Tenn.; 822 Market Street, Chattanooga, Tenn; 423 Elk Avenue, Elizabethton, Tenn.; 243 East Main Street, Johnson City, Tenn.; 220 Broad Street, Kingsport, Tenn.; 417 South Gay Street, Knoxville, Tenn.; 700 Falk Street, Amarillo, Tex.; 591 Pearl Street, Beaumont, Tex.; 1031 East Elizabeth Street, Brownsville, Tex.; 1404 Elm Street, Dallas, Tex.; 206 West Jefferson, Dallas, Tex.; 230 Main Street, Eagle Pass Tex.; 211 North Mesa, El Paso, Tex.; 201 West California Street, Gainesville, Tex.; 2506 Lee Street, Greenville, Tex.; 124 East Jackson Street, Harlingen, Tex.; 6704 Harrisburg Boulevard, Houston, Tex.; 16 Lamar Avenue, Paris, Tex.; 625 Proctor Street, Port Arthur, Tex.; 315 East Houston Street, San Antonio, Tex.; 101 North Flores Street, San Antonio, Tex.; 110 North Travis Street, Sherman, Tex.; 116–118 West Broad Street, Texarkana, Tex.; 114 West Erwin Street, Tyler, Tex.; 101 South College Street, Waxahachie, Tex.; 806 Indiana Street, Wichita Falls, Tex.; 105 West Center Street, Provo, Utah; 257 West Main Street, Salt Lake City, Utah; 29 West Campbell Avenue, Roanoke, Va.

Kuhn's Bros. Co., Inc., variety stores: 306 South First Avenue, Cullman, Ala.; 118 Fifth Avenue, Murray, Ky.; Wladron Street and Public Square, Corinth, Miss.; 124 Franklin Street, Clarksville, Tenn.; 129 North Main Street, Dickson, Tenn.; 109 South Elk Street, Fayetteville, Tenn.; Narchez Trace Drive, Lexington, Tenn.; 4816 Charlotte Road, Nashville, Tenn.; Public Square, Pulaski, Tenn.; East Lincoln Street, Tullahoma, Tenn.; Front Street and Public Square, Winchester, Tenn.

Lakeside Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 56, Oklahoma City, Okla.

Iantana Variety, Inc., d.b.a. T. G. & Y. Stores Co., variety store: No. 225, Baton Rouge, La.

La Ville De Paris Dept. Store, department store: 101 Morley Avenue, Nogales, Ariz.

Wm. A. Lewis Clothing Co., apparel stores: 2301 West 95th Street, Chicago, Ill.; Hillside Shopping Center, Hillside, Ill.; Harlem-Irving Plaza, Norridge, Ill.

Ligustrum Variety, Inc., d.b.a. T. G. & Y. Stores Co.; variety store: No. 35, Ponca City, Okla.

Listan Corporation, d.b.a. Berns Dept. Store, department store: 100 Soledad Street, San Antonio, Tex.

Luverne Piggly Wiggly, Inc., food store: 314 Forrest Avenue, Luverne, Ala.

Lynns Fashions, apparel store: 1126 East Jersey Street, Elizabeth, N.J.

McAdoos', apparel store: 146 Public Square, Lebanon, Tenn.

McCrory-McLellan-Green, variety stores: No. 444, Bessemer, Ala.; 409 19th Street, Ensley, Ala.; 422 Broad Street, Gadsden, Ala.; No. 600, Huntsville, Ala.; No. 543, Tucson, Ariz.; No. 580, Tucson, Ariz.; No. 599, Tucson, Ariz.; 724 Garrison Avenue, Fort Smith, Ark.; 1138 Main Street, Bridgeport, Conn.; No. 331, Dover, Del.; 509 Cleveland Street, Clearwater, Fla.; No. 1003, Coral Gables, Fla.; 128 South Beach Street, Daytona Beach, Fla.; No. 112, DeLand, Fla.; No. 95, Jacksonville, Fla.; No. 173, Kissimmee, Fla.; No. 157, Lake City, Fla.; No. 1313, Lake Wales, Fla.; 301 East Main Street, Lakeland, Fla.; No. 74, Miami, Fla.; 2–6 East Broadway, Ocala, Fla.; Orange Avenue, Orlando, Fla.; No. 282, Panama City, Fla.; 111 North Collins Street, Plant City, Fla.; No. 384, St. Petersburg, Fla.; No. 310, St. Petersburg, Fla.; 105–9 East First, Sanford, Fla.; 216–220 Monroe Street, Tallahassee, Fla.; No. 329, Titusville, Fla.; No. 71, West Palm Beach, Fla.; No. 244, Winter Haven, Fla.; 275 East Clayton Street, Athens, Ga.; 73 Whitehall Street, 47 Whitehall Street, Atlanta, Ga.; No. 1113, Augusta, Ga.; No. 159, Bainbridge, Ga.; No. 213, No. 1107, No. 1219, Columbus, Ga.; No. 359, 115 North Hamilton Street, Dalton, Ga.; No. 327, East Point, Ga.; No. 412, Gainesville, Ga.; 101 North Hill Street, Griffin, Ga.; No. 1121, Macon, Ga.; 56 South Park Square, Marietta, Ga.; No. 1305, One West Broughton Street, Savannah, Ga.; 126 North Broad Street, Thomasville, Ga.; No. 209, Valdosta, Ga.; No. 303, Waycross, Ga.; 155 South Schuyler Avenue, Kankakee, Ill.; 349 Court Street, Pekin, Ill.; No. 44, Anderson, Ind.; No. 195, Indianapolis, Ind.; 106 West Walnut Street, Kokomo, Ind.; No. 460, Cedar Rapids, Iowa; No. 569, Fort Dodge, Iowa; 512 Main Street, Keokuk, Iowa; No. 560, Mason City, Iowa; 624 Minnesota Avenue, Kansas City, Kans.; 827 Kansas Avenue, Topeka, Kans.; No. 705, Winfield, Kans.; No. 1204, Lexington, Ky.; 544 South Fourth Street, Louisville, Ky.; No. 315, Baton Rouge, La.; No. 298, Lafayette, La.; 1005 Canal Street, New Orleans, La.; 402 Texas Street, Shreveport, La.; 94 Main Street; Waterville, Maine; 855 Main Street, Westbrook, Maine; No. 314, No. 1111, 117 North Howard Street, Baltimore, Md.; No. 21, Cumberland, Md.; No. 68, Easton, Md.; No. 46, Frederick, Md.; 50 West Washington Street, Hagerstown, Md.; No. 38, Salisbury, Md.; 8649 Colesville Road, Silver Spring, Md.; 125 North Second Avenue, Alpena, Mich.; 232 Washington Street, Grand Haven, Mich.; No. 447, Lapeer, Mich.; No. 541, Petoskey, Mich.; No. 506, Ypsilanti, Mich.; No. 1056, 365 Wabasha, St. Paul, Minn.; No. 575, Columbus, Miss.; No. 275, McComb, Miss.; 360 Delmas Avenue, Pascagoula, Miss.; No. 193, St. Louis, Mo.; 230 Fayetville Street, Raleigh, N.C.; No. 189, Canton, Ohio; No. 1207, Cleveland, Ohio; No. 1035, Columbus, Ohio; No. 1065, 29 South Main Street, Dayton, Ohio; No. 684, Delaware, Ohio; 506 Market Street, East Liverpool, Ohio; No. 125, Hamilton, Ohio; No. 1059, Portsmouth, Ohio; No. 24, Springfield, Ohio; No. 1124, Uhrichsville, Ohio; No. 185, Youngstown, Ohio; No. 1032, Asbury Park, N.J.; No. 168, Camden, N.J.; No. 308, Clifton, N.J.; No. 272, No. 1075, Jersey City, N.J.; No. 251, No. 1085, Newark, N.J.; No. 240, Orange, N.J.; No. 131, Passaic, N.J.; No. 301, Union, N.J.; No. 542, No. 565, Albuquerque, N. Mex.; No. 485, Hobbs, N. Mex.; 124 West Main Street, Albemarle, N.C.; No. 406, Concord, N.C.; 114 South Main Street, Lexington, N.C.; No. 699, New Bern, N.C.; No. 426, Rocky Mount, N.C.; 140 West Main Street, Washington, N.C.; No. 1045, Wilmington, N.C.; 432 West Liberty Street, Winston-Salem, N.C.; No. 597, Lawton, Okla.; 300 East Graham, Pryor, Okla.; 725 Hamilton Street, Allentown, Pa.; No. 9, Altoona, Pa.; No. 151, Barnesboro, Pa.; No. 155, Canonsburg, Pa.; No. 28, Chester, Pa.; No. 220, Connellsville, Pa.; No. 1022, Easton, Pa.; No. 147, Ebensburg, Pa.; South Wyoming Avenue, Edwardsville, Pa.; 33 Frederick Street; Hanover, Pa.; No. 323, Hazleton, Pa.; 301 Allegheny Street, Hollidaysburg, Pa.; 682 Philadelphia Street, Indiana, Pa.; No. 80, Lancaster, Pa.; 59 North Queen Street, Lancaster, Pa.; 744 Cumberland Street, Lebanon, Pa.; 824 Cumberland Street, Lebanon, Pa.; 14–16 East Market Street, Lewistown, Pa.; No. 201, No. 1012, 1205 Market Street, Philadelphia, Pa.; 231 Fifth Avenue, McKeesport, Pa.; No. 104, Philipsburg, Pa.; No. 11, 318 Fifth Avenue, Pittsburgh, Pa.; No. 167, Pottstown, Pa.; No. 1037, Pottsville, Pa.; 3274 North Fifth Street, 510 Penn Street, Reading, Pa.; 47 West Main, Waynesboro, Pa.; No. 14, No. 317, No. 326, York, Pa.; No. 164, Aiken, S.C.; No. 1103, Charleston, S.C.; 129 Gadsden Street, Chester, S.C.; No. 497, Columbia, Tenn.; No. 132, 1546 Main Street, 1620 Main Street, Columbia, S.C.; No. 133, Gaffney, S.C.; No. 1108, Greenville, S.C.; No. 1136, Spartanburg, S.C.; No. 415, Sumter, S.C.; 526 State Street, Bristol, Tenn.; No. 429, Chattanooga, Tenn.; 200 Franklin Street, Clarksville, Tenn.; 101 Lafayette Street, Jackson, Tenn.; 318 Broad Street, Kingsport, Tenn.; 407 South Gay Street, Knoxville, Tenn.; 3444 Poplar, Memphis, Tenn.; No. 163, Morristown, Tenn.; 22 Northside Public Square, Murfreesboro, Tenn.; No. 320, Whitehaven, Tenn.; 383 West Jefferson Boulevard, Dallas, Tex.; No. 321, Fort Worth, Tex.; 2123 Postoffice, Galveston, Tex.; No. 533, McAllen, Tex.; No. 530, Marshall, Tex.; No. 1099, Texas City, Tex.; No. 216, Wichita Falls, Tex.; 675 North Glebe Road, Arlington, Va.; 209 East Main Street, Charlottesville, Va.; 213 East Main Street, Front Royal, Va.; 17 West Campbell Avenue, Roanoke, Va.; 419 North Loudoun Street, Winchester, Va.; 318 West Main Street,

Clarksburg, W. Va.; 218 Adams Street, Fairmont, W. Va.; No. 40, Grafton, W. Va.; No. 1131, Huntington, W. Va.; 130 North Queen Street, Martinsburg, W. Va.; No. 33, Morgantown, W. Va.; No. 579, Monroe, Wis.; 111 Main Street, Oconomowoc, Wis.

S. P. McRae Co., Inc., department stores: 200 West Capitol Street, 905 Ellis Avenue, 353 Meadowbrook Road, Jackson, Miss.

Mac's Super Market, Inc., food stores: Aspermont, Tex.; Ralls, Tex.; Spur, Tex.

The Mart Inc., apparel store: 180 Main Street, Paterson, N.J.

May Sons, Inc., apparel stores: 3160 North Lincoln Avenue, 4113 West Madison Street, 871 East 63d Street, Chicago, Ill.

Me Too Store, food stores: Belle Plaine, Iowa; Blairstown, Iowa; 903 1st Avenue, SW., 59 16th Avenue SW., Cedar Rapids, Iowa; Marengo, Iowa; Vinton, Iowa; Williamsburg, Iowa.

Meyer Brothers, department store: 181 Main Street, Paterson, N.J.

Millner's Inc., apparel store: 104 Main Street SW., Gainesville, Ga.

Minimax Super Market, food stores: 1552 Palm Boulevard, Brownsville, Tex.; 502 South Texas, Mercedes, Tex.

Mission Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 143, Mission, Kans.

Morgan & Lindsey, Inc., variety stores: No. 3090, Arabi, La.; No. 3065, Baton Rouge, La.; No. 3022, Monroe, La.; No. 3083, Morgan City, La.; No. 3057, No. 3068, New Orleans, La.; No. 3019, Ruston, La.; No. 3086, Sulphur, La.; No. 3050, West Monroe, La.; No. 3074, Biloxi, Miss.; No. 3076, Greenville, Miss.; No. 3085, Gulfport, Miss.; No. 3084, Hattiesburg, Miss.; No. 3051, Jackson, Miss.; No. 3082, Laurel, Miss.; No. 3036, Pascagoula, Miss.

G. C. Murphy Co., variety stores: No. 261, Huntsville, Ala.; No. 263, Tuscaloosa, Ala.; No. 97, Naugatuck, Conn.; No. 93, Torrington, Conn.; No. 255, Daytona Beach, Fla.; No. 276, Hialeah, Fla.; No. 279, Holly Hill, Fla.; No. 262, Jacksonville, Fla.; No. 264, Miami, Fla.; No. 253, Pensacola, Fla.; No. 272, Saint Petersburg, Fla.; No. 274, West Palm Beach, Fla.; No. 259, Atlanta, Ga.; No. 243, Moultrie, Ga.; No. 250, Rome, Ga.; No. 251, Berwyn, Ill.; No. 439, Effingham, Ill.; No. 458, Mount Vernon, Ill.; No. 112, Pontiac, Ill.; No. 113, Streator, Ill.; No. 461, Aurora, Ind.; No. 401, Bluffton, Ind.; No. 101, Brazil, Ind.; No. 99, Clinton, Ind.; No. 81, Columbus, Ind.; No. 423, Crawfordsville, Ind.; No. 407, Decatur, Ind.; No. 405, Portland, Ind.; No. 420, Prince-Wayne, Ind.; No. 412, Franklin, Ind.; No. 417, Goshen, Ind.; No. 119, Greencastle, Ind.; No. 223, Greensburg, Ind.; No. 408, Hartford City, Ind.; No. 425, Huntingburg, Ind.; No. 104, No. 123, No. 215, No. 235, No. 244, No. 260, Indianapolis, Ind.; No. 445, Kendallville, Ind.; No. 203, Linton, Ind.; No. 430, Madison, Ind.; No. 411, Noblesville, Ind.; No. 422, Peru, Ind.; No. 405, Portland, Ind.; No. 420, Princeton, Ind.; No. 100, Rockville, Ind.; No. 443, Salem, Ind.; No. 72, Seymour, Ind.; No. 105, Shelbyville, Ind.; No. 114, Washington, Ind.; No. 17, Ashland, Ky.; No. 111, Maysville, Ky.; No. 204, Paintsville, Ky.; No. 176, Pikeville, Ky.; No. 239, Pleasure Ridge Park, Ky.; No. 149, Annapolis, Md.; No. 134, No. 138, No. 147, No. 148, No. 151, No. 152, No. 153, No. 174, No. 200, No. 224, No. 238, No. 267, Baltimore, Md.; No. 179, Cumberland, Md.; No. 268, Glen Burnie, Md.; No. 242, Hillcrest Heights, Md.; No. 273, Hyattsville, Md.; No. 236, Oxen Hill, Md.; No. 191, No. 240, No. 266, Rockville, Md.; No. 199, Silver Spring, Md.; No. 95, Westminster, Md.; No. 435, Albion, Mich.; No. 436, Charlotte, Mich.; No. 444, Coldwater, Mich.; No. 406, Hillsdale, Mich.; No. 437, Marshall, Mich.; No. 424, Owosso, Mich.; No. 120, St. Joseph, Mich.; No. 451, South Haven, Mich.; No. 270, St. Paul, Minn.; No. 136, Ocean City, N.J.; No. 139, Washington, N.J.; No. 135, Wildwood, N.J.; No. 249, Hickory, N.C.; No. 181, Alliance, Ohio; No. 140, Barnesville, Ohio; No. 65, Bellaire, Ohio; No. 36, Bellefontaine, Ohio; No. 415, Bryan, Ohio; No. 431, Bucyrus, Ohio; No. 234, Cincinnati, Ohio; No. 265, Columbus, Ohio; No. 110, Circleville, Ohio; No. 418, Defiance, Ohio; No. 452, Fostoria, Ohio; No. 441, Franklin, Ohio; No. 460, Gallon, Ohio; No. 2, No. 468, Gallipolis, Ohio; No. 37, Greenville, Ohio; No. 456, Hillsboro, Ohio; No. 459, Jackson, Ohio; No. 269, Kettering, Ohio; No. 446, Lebanon, Ohio; No. 466, Logan, Ohio; No. 469, London, Ohio; No. 230, Marion, Ohio; No. 38, Middletown, Ohio; No. 462, Napoleon, Ohio; No. 257, North Ridgeville, Ohio; No. 41, Piqua, Ohio; No. 52, Salem, Ohio; No. 40, Sidney, Ohio; No. 453, St. Marys, Ohio; No. 434, Toledo, Ohio; No. 122, Toronto, Ohio; No. 35, Troy, Ohio; No. 419, Urbana, Ohio; No. 20, Washington C. H., Ohio; No. 192, Wilmington, Ohio; No. 187, No. 222, Youngstown, Ohio; No. 117, Aliquippa, Pa.; No. 27, Ambridge, Pa.; No. 78, Bangor, Pa.; No. 188, Barnesboro, Pa.; No. 115, Bellevue, Pa.; No. 68, Beaver, Pa.; No. 32, Beaver Falls, Pa.; No. 130, Bedford, Pa.; No. 144, Bellefonte, Pa.; No. 271, Bethlehem, Pa.; No. 34, Blairsville, Pa.; No. 178, Brookville, Pa.; No. 30, Brownsville, Pa.; No. 160, Burgettstown, Pa.; No. 92, Butler, Pa.; No. 55, California, Pa.; No. 54, Carnegie, Pa.; No. 11, Charleroi, Pa.; No. 66, Clarion, Pa.; No. 88, Clairton, Pa.; No. 158, Clearfield, Pa.; No. 201, Connellsville, Pa.; No. 169, Corry, Pa.; No. 46, Elizabeth, Pa.; No. 175, No. 225, Erie, Pa.; No. 56, Etna, Pa.; No. 124, Everett, Pa.; No. 58, Farrell, Pa.; No. 44, Ford City, Pa.; No. 184, Franklin, Pa.; No. 129, Gettysburg, Pa.; No. 3, Greensburg, Pa.; No. 43, Greenville, Pa.; No. 13, Grove City, Pa.; No. 28, Hanover, Pa.; No. 165, Harrisburg, Pa.; No. 228, Havertown, Pa.; No. 211, Hollidaysburg, Pa.; No. 143, Huntingdon, Pa.; No. 126, Indiana, Pa.; No. 23, Irwin, Pa.; No. 45, Jeannette, Pa.; No. 9, Kittanning, Pa.; No. 6, Latrobe, Pa.; No. 79, Lehighton, Pa.; No. 232, Lemoyne, Pa.; No. 59, Lewistown, Pa.; No. 116, Ligonier, Pa.; No. 202, McDonald, Pa.; No. 1, McKeesport, Pa.; No. 51, McKees Rocks, Pa.; No. 16, Meadville, Pa.; No. 70, Mechanicsburg, Pa.; No. 84, Midland, Pa.; No. 31, Monessen, Pa.; No. 146, Mount Union, Pa.; No. 186, Myersdale, Pa.; No. 233, Natrona Heights, Pa.; No. 193, Nazareth, Pa.; No. 48, New Bethlehem, Pa.; No. 106, New Castle, Pa.; No. 4, New Kensington, Pa.; No. 157, North East, Pa.; No. 229, No. 246, Philadelphia, Pa.; No. 163, No. 12, No. 29, No. 57, No. 61, No. 83, No. 87, No. 196, No. 206, No. 170, No. 221, No. 237, No. 258, Pittsburgh, Pa.; No. 183, Punxsutawney, Pa.; No. 127, Red Lion, Pa.; No. 247, Ridgway, Pa.; No. 7, Rochester, Pa.; No. 80, Sewickley, Pa.; No. 128, Sharon, Pa.; No. 118, Shippensburg, Pa.; No. 85, St. Marys, Pa.; No. 145, State College, Pa.; No. 64, Tarentum, Pa.; No. 73, Titusville, Pa.; No. 5, Turtle Creek, Pa.; No. 164, Uniontown, Pa.; No. 159, Vandergrift, Pa.; No. 60, Warren, Pa.; No. 155, Washington, Pa.; No. 177, Waynesburg, Pa.; No. 47, West Newton, Pa.; No. 39, Wilkinsburg, Pa.; No. 227, Willow Grove, Pa.; No. 205, York, Pa.; No. 198, No. 241, Alexandria, Va.; No. 214, Arlington, Va.; No. 24, Newport News, Va.; No. 142, No. 208, No. 245, Richmond, Va.; No. 132, Beckley, W. Va.; No. 50, Buckhannon, W. Va.; No. 171, Clarksburg, W. Va.; No. 209, East Rainelle, W. Va.; No. 15, Elkins, W. Va.; No. 172, Fairmont, W. Va.; No. 137, Hinton, W. Va.; No. 22, Keyser, W. Va.; No. 194, Logan, W. Va.; No. 42, Montgomery, W. Va.; No. 197, Morgantown, W. Va.; No. 18, Moundsville, W. Va.; No. 182, Mullens, W. Va.; No. 168, North Fork, W. Va.; No. 213, Oak Hill, W. Va.; No. 212, Parkersburg, W. Va.; No. 185, Philippi, W. Va.; No. 154, Princeton, W. Va.; No. 49, Piedmont, W. Va.; No. 62, Point Pleasant, W. Va.; No. 180, Richwood, W. Va.; No. 189, Shinnston, W. Va.; No. 19, Sistersville, W. Va.; No. 207, South Charleston, W. Va.; No. 195, Spencer, W. Va.; No. 162, No. 254, Weirton, W. Va.; No. 133, Welch, W. Va.; No. 14, Wellsburg, W. Va.; No. 21, Weston, W. Va.; No. 33, Wheeling, W. Va.; No. 131, Williamson, W. Va.; No. 275, Milwaukee, Wis.

Neisner Brothers, Inc., variety stores: No. 48, Denver, Colo.; No. 162, Cocoa, Fla.; No. 167, Cutler Ridge, Fla.; No. 158, Fort Lauderdale, Fla.; No. 99, Gainesville, Fla.; No. 175, Key West, Fla.; No. 164, Miami Beach, Fla.; No. 21, No. 136, Miami, Fla.; No. 14, Ocala, Fla.; No. 40, Pompano Beach, Fla.; No. 174, Port Charlotte, Fla.; No. 157, Tallahassee, Fla.; No. 147, No. 146, Tampa, Fla.; No. 38, No. 35, No. 31, No. 74, No. 76, No. 97, No. 65, No. 57, No. 54, No. 52, No. 49, No. 30, Chicago, Ill.; No. 50, Joliet, Ill.; No. 150, Melrose Park, Ill.; No. 37, Waukegan, Ill.; No. 69, Evanston, Ill.; No. 26 Evansville, Ind.; No. 87, Burlington, Iowa; No. 81, Dubuque, Iowa; No. 83, Sioux City, Iowa; No. 82, No. 63, No. 32, No. 2, No. 43, Detroit, Mich.; No. 58, Escanaba, Mich.; No. 13, Hamtramck, Mich.; No. 62, Highland Park, Mich.; No. 101 Lincoln Park, Mich.; No. 17, Pontiac, Mich.; No. 107, Royal Oak, Mich.; No. 73, Wyandotte, Mich.; No. 129, Rochester, Minn.; No. 20, St. Paul, Minn.; No. 139, Clayton, Mo.; No. 70, Omaha, Nebr.; No. 127, East Paterson, N.J.; No. 106, Irvington, N.J.; No. 149, Middletown, N.J.; No. 100, Cincinnati, Ohio; No. 53, No. 29, No. 113, Cleveland, Ohio; No. 15, Elyria, Ohio; No. 132, Lorain, Ohio; No. 19, Mansfield, Ohio; No. 36, Massillon, Ohio; No. 39, Norwood, Ohio; No. 114, Sandusky, Ohio; No. 310, Wilkes-Barre, Pa.; 131, Brownsville, Tex.; No. 75, Corpus Christi, Tex.; No. 170, El Paso, Tex.; No. 144, Houston, Tex.; No. 45, Laredo, Tex.; No. 172, Port Arthur, Tex.; No. 160, No. 141, No. 120, San Antonio, Tex.; No. 134, Wichita Falls, Tex.

J. J. Newberry Co., variety stores: 7 Dexter Avenue, Montgomery, Ala.; No. 461, Phoenix, Ariz.; No. 403, Pueblo, Colo.; 845 Main Street, Hartford, Conn.; 788 Chapel Street, New Haven, Conn.; 815–819 Franklin Street, Tampa, Fla.; 1147 Broadway, Columbus, Ga.; 800 Main Street, Lewiston, Idaho; 6528 Indianapolis Boulevard, Hammond, Ind.; No. 166, Indiana Harbor, Ind.; 308–310 South Washington, Marion, Ind.; 1–15 North Jefferson Street, Martinsville, Ind.; No. 448, Danville, Ky.; 316 St. Clair Street, Frankfurt, Ky.; 100–6 South Sixth Street, Mayfield, Ky.; 136 West Main Street, Richmond, Ky.; No. 237, Winchester, Ky.; 113 Main Street, Calais, Maine; 142 Main Street, Ellsworth, Maine; 45 Main Street, Farmington, Maine; No. 311, Madawaska, Maine; 216 Penobscot Avenue, Millinocket, Maine; 191 Main Street, Norway, Maine; 435 Main Street, Presque Isle, Maine; 362 Main Street, Rockland, Maine; No. 4, Rumford, Maine; 106 East Main Street, Elkton, Md.; 67 West Washington Street, Hagerstown, Md.; No. 54, Clinton, Mass.; 107 South Main Street, Fall River, Mass.; 15 Main Street, Franklin, Mass.; 42 Parker Street, Gardner, Mass.; No. 73, Holyoke, Mass.; No. 77, Newburyport, Mass.; 175 Main Street, Northampton, Mass.; 79 North Street, Pittsfield, Mass.; No. 192, Stoughton, Mass.; 395 Main Street, Wakefield, Mass.; No. 452, Ishpeming, Mich.; No. 360, Alma, Mich.; 374 River Street, Manistee, Mich.; 230 Huron Avenue, Port Huron, Mich.; No. 794, Moorhead, Minn.; 2212 Fifth Street, Meridian, Miss.; No. 411, Richmond Heights, Mo.; No. 201, St. Louis, Mo.; 135 Main Street, Berlin, N.H.; 23 Pleasant Street, Claremont, N.H.; No. 42, Concord, N.H.; 384 Central Street, Franklin, N.H.; 601 Main Street, Laconia, N.H.; 44 Main Street, Littleton, N.H.; 1006 Elm Street, Manchester, N.H.; 19 Congress Street, Portsmouth, N.H.; No. 104, Asbury Park, N.J.; No. 36, Dover, N.J.; No. 107, Freehold, N.J.; No. 303, Hackettstown, N.J.; No. 157, Keyport, N.J.; No. 17, New Brunswick, N.J.; 77 Broad Street, Red Bank, N.J.; No. 190, Springfield, N.J.; No. 187, Vineland, N.J.; 108 South Sandusky Avenue, Bucyrus, Ohio; 724 Wheeling Avenue, Cambridge, Ohio; 600 Race Street, Cincinnati, Ohio; 5728 Broadway, Cleveland, Ohio; 441 Main Street, Coshocton, Ohio; 135 North Main Street, Lima, Ohio; 141 South Washington Street, Tiffin, Ohio; No. 415, Wooster, Ohio; 131 West Front Street, Berwick, Pa.; 11 Main Street, Bradford, Pa.; 18 South Main Street, Chambersburg, Pa.; No. 27, Coatesville, Pa.; 258 Mill Street, Danville, Pa.; 5 East Main Street, Ephrata, Pa.; 110 East State Street, Kennett Square, Pa.; 304 Market Street, Lewisburg, Pa.; No. 106, Lock Haven, Pa.; 5–11 South Front Street, Milton, Pa.; 2028 Main Street, Northampton, Pa.; 243 High Street, Pottstown, Pa.; No. 5, Shamokin, Pa.; 109 West Main Street, Somerset, Pa.; 600 Main Street, Stroudsburg, Pa.; 416 Market Street, Sunbury, Pa.; 39 West Broad Street, Tamaqua, Pa.; No. 22, Towanda, Pa.; No. 34, Waynesboro, Pa.; 144 Thames Street, Newport, R.I.; 201 Westminster St., Providence, R.I.; 37 Washington Street, West Warwick, R.I.; 201 North Stanton Street, El Paso, Tex.; Main Street, Barre, Vt.; 46 Main Street, Newport, Vt.; South Main Street, White River Junction, Vt.; 102 Davis Street, Culpepper, Va.; 129 North Main Street, Farmville, Va.; 910 Caroline Street, Fredericksburg, Va.; 125 East Main Street, Front Royal, Va.; No. 229, Salem, Va.; Main Street, South Boston, Va.; 404 West Main Street, Waynesboro, Va.; 145 North Loudoun Street, Winchester, Va.; No. 76, Charleston, W. Va.; No. 453, Cheyenne, Wyo.

The New York Store, department store: 238–244 High Street, Pottstown, Pa.

North Wilkesboro Crest 5–10–25¢ Stores Co., variety store: North Wilkesboro, N.C.

Nutmeg Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 148, Kansas City, Kans.

Olive Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 209, Denham Springs, La.

Oliver & Lincoln Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 117, Wichita, Kans.

Olson Food Store, food store: Main Street, Erie, Kans.

Oshkosh Kline Co., apparel store: Oshkosh, Wis.

The Outlet Co., department store: 176 Weybosset Street, Providence, R.I.

Ozark Piggly Wiggly, Inc., food store: Ozark, Ala.

Papaya Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 214, New Orleans, La.

Park 'N Shop Supermarket, food stores: East Jefferson, Culver, Ind.; Lincolnway at Beech Road, Oscelos, Ind.; 54977 Mayflower Road, South Bend, Ind.

Parsons & Co. of Cumming, Inc., food store: Cumming, Ga.

Parsons, Inc., food store: Duluth, Ga.

Pecan Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 37, Midwest City, Okla.

Peebles-Kimbrell Co., department store: 121 South Main Street, Roxboro, N.C.

W. S. Peebles & Co., Inc., department stores: Main and Hicks Streets, New Hicks and Sharp Streets, Lawrenceville, Va.; 138 Danville Street, South Hill, Va.

Persimmon Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 73, Oklahona City, Okla.

Philips Department Store, department store: 4935 South 24th Street, Omaha, Nebr.

Philips, Inc., variety store: 4935 South 24th Street, Omaha, Nebr.

Piggly Wiggly of Attalla, Inc., food store: Attalla, Ala.

Piggly Wiggly Super Market, food store: No. 37, Ridgeland, S.C.

Popular Dry Goods Co., Inc., department store: Texas, Mesa and San Antonio Streets, El Paso, Tex.

Port Arthur Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 227, Port Arthur, Tex.

Poteau Food Market, food store: Poteau, Okla.

Prairie Village Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 141, Prairie Village, Kans.

Ward D. Prickett, Inc., d.b.a. Prickett's Supermarket, food store: 4001 Lincolnway East, Mishawaka, Ind.



Pruett's Food Town, Inc., food store: 2108 East Third Street, Chattanooga, Tenn.

RGS Super Markets, Inc., food store: No. 1, Houma, La.

Raylass Department Store, department stores: 835 Broad Street, Augusta, Ga.; Corner Main and Davis Streets, Burlington, N.C.; 315 West Main Street, Durham, N.C.; 202 Hay Street, Fayetteville, N.C.; 102 West Main Street, Gastonia, N.C.; 342 North Main Street, Hendersonville, N.C.; Corner Main Street and Second Avenue, Lexington, N.C.; 406 Elm Street, Lumberton, N.C.; 220 Main Street, Salisbury, N.C.; 9 and 11 West Fourth Street, Winston-Salem, N.C.; 112 Pendelton Street, Easley, S.C.; 144 South Main Street, Rock Hill, S.C.; 619 State Street, Bristol, Va.; 335 Main Street, Danville, Va.; 307 Main Street, South Boston, Va.; 312 East Broad Street, Richmond, Va.

The H. L. Reed Co., department store: 26 North Main Street, Mansfield, Ohio.

Richard's Variety Store, variety store: 202 East Main Street, Houma, La.

Richbourg Brothers Markets, Inc., food store: 700 Bleckley Street, Anderson, S.C.

Riverside Red X Co., food store: Kansas City, Mo.

Roodhouse Search Food Stores, Inc., food store: Roodhouse, Ill.

Rose's Stores, Inc., variety stores: No. 80, Milledgeville, Ga.; No. 75, Thomasville, Ga.; No. 102, Warner Robins, Ga.; No. 135, Somerset, Ky.; No. 71, Ahoskie, N.C.; No. 145, Asheville, N.C.; No. 61, Burlington, N.C.; No. 98, Chapel Hill, N.C.; No. 121, Charlotte, N.C.; No. 43, Clinton, N.C.; No. 26, Dunn, N.C.; No. 64, Durham, N.C.; No. 24, Edenton, N.C.; No. 72, Fayetteville, N.C.; No. 99, Greenville, N.C.; No. 1, Henderson, N.C.; No. 134, Jacksonville, N.C.; No. 50, Kinston, N.C.; No. 8, Lenoir, N.C.; No. 45, Lumberton, N.C.; No. 60, Marion, N.C.; No. 59, Morehead City, N.C.; No. 51, Morganton, N.C.; No. 29, North Wilkesboro, N.C.; No. 130, Raleigh, N.C.; No. 21, Roanoke Rapids, N.C.; No. 32, Sanford, N.C.; No. 22, Smithfield, N.C.; No. 30, Thomasville, N.C.; No. 52, Whiteville, N.C.; No. 139, Wilmington, N.C.; No. 143, Wilson, N.C.; No. 133, Winston-Salem, N.C.; No. 76, Camden, S.C.; No. 148, Columbia, S.C.; No. 42, Hartsville, S.C.; No. 48, Newberry, S.C.; No. 49, Union, S.C.; No. 62, Greenville, Tenn.; No. 44, Newport, Tenn.; No. 79, Charlottesville, Va.; No. 57, Christiansburg, Va.; No. 31, Farmville, Va.; No. 7, Franklin, Va.; No. 15, Galax, Va.; No. 70, Marion, Va.; No. 141, Newport News, Va.; No. 142, No. 123, No. 129, Norfolk, Va.; No. 20, No. 109, Portsmouth, Va.; No. 144, Richmond, Va.; No. 146, Roanoke, Va.; No. 40, South Boston, Va.; No. 17, Suffolk, Va.; No. 107, No. 137, Virginia Beach, Va.; No. 56, Waynesboro, Va.; No. 65, Williamsburg, Va.

Roth Bros. Company, department store: 1321–27 Tower Avenue, Superior, Wis.

Rusty's Food Center, Inc., food store: 23rd and Louisiana, Lawrence, Kans.

Salmon Grocery Co., Inc., d.b.a. Piggly Wiggly, food store: No. 2, Rome, Ga.

W. E. Salmon, Inc., d.b.a. Piggly Wiggly, food store: 608 Shorter Avenue, Rome, Ga.

Samson Piggly Wiggly, Inc., food stores: Greenville, Ala.; Samson, Ala.

Seessel's, food store; 1761 Union Avenue, Memphis, Tenn.

Seltner Bros. Inc., department store: 302 Federal Street, Saginaw, Mich.

Silver's 5¢ & 10¢ Store, variety stores: 114 N. Wash. Street, Albany, Ga.; 120 West Main Street, Durham, N.C.; 47 South Main Street, Memphis, Tenn.

Skinner, Chamberlain & Co., Inc., department store: 225 South Broadway, Albert Lea, Minn.

Slii Sodd Food Store, food stores: No. 3, No. 2, No. 1, Fort Worth, Tex.

Southside Market, Inc., food store: 94 Standard Avenue, Masury, Ohio.

Spruce Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store; No. 6, Clinton, Okla.

Sterling Department Stores, Inc., department store: Capitol Avenue and Center Street, Little Rock, Ark.

Sterling's, variety stores: 2240 Lamar Avenue, Memphis, Tenn.; Russellville, Ark.; Jacksonville, Ark.; 2627 Pike Avenue, North Little Rock, Ark.; Batesville, Ark.; Benton, Ark.; Blytheville, Ark.; Harrison, Ark.; Magnolia, Ark.; Osceola, Ark.; Searcy, Ark.

The Strouss-Hirshberg Company, department store: 20 West Federal Street, Youngstown, Ohio.

Sunbeam Enterprises Inc., d.b.a. Super-Duper Food Center, food store: 300 Bailey Street, Sweetwater, Tex.

T. & E. Corporation, d.b.a. Ramey Super Market, food store: No. 2, Springfield, Mo.

T.G. & Y. Stores Co., Inc., variety stores; No. 178, Mesa, Ariz.; No. 174, Fort Smith, Ark.; No. 64, Oklahoma City, Okla.; No. 210, New Orleans, La.; No. 132, Kansas City, Mo.; No. 45, Del City, Okla.

Temple Stephens Store, food stores: No. 40, Boonville, Mo.; No. 14, Brookfield, Mo.; No. 44, Columbia, Mo.; No. 26, Mexico, Mo.; No. 53, No. 56, No. 57, Moberly, Mo.; No. 25, Paris, Mo.

Terry Parris, Inc., variety stores: No. 5411, Alice, Tex.; No. 5407 Brownsville, Tex.; No. 5412, Harlingen, Tex.; No. 5406, Kingsville, Tex.; No. 5419, No. 5409, McAllen, Tex.; No. 5402, Raymondville, Tex.; No. 5414, San Antonio, Tex.

Toudouze Mart, food store: 4007 South Flores Street, San Antonio, Tex.

Town & Country Market, food store: No. 1, No. 2, Olathe, Kans.

Troy Piggly Wiggly, Inc., food store: 212 South 3 Notch Street, Troy, Ala.

Twenty-second & Frederick Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store; No. 301, St. Joseph, Mo.

Ulbrich's Super Market, food store: 407 South Wayne Street, Piqua, Ohio.

Veterans & Causeway Variety, Inc., d.b.a. T.G.&Y. Stores Co., variety store: No. 220, Metairie, La.

Walnut Variety, Inc., d.b.a. T.G. & Y. Stores Co., variety store: No. 11, Oklahoma City, Okla.

Ward Bros. Inc., apparel store: 72 Lisbon Street, Lewiston, Maine.

Watertown Kline Company, department store: 301 Main Street, Watertown, Wis.

Weeks, Inc., food store: 505 South Santa Fe, Salina, Kans.

Weinbach Pharmacy, drug store: 1 North Weinbach, Evansville, Ind.

Weller Grocery Company, food store: 2691 Northwest 54th Street, Miami, Fla.

Wheelers Market, Inc., food store: 1500 North Main Avenue, Sidney, Ohio.

White's Stores, Inc., variety store: Greenville, N.C.

Whitehall Search Foods Stores, Inc., food store: Whitehall, Ill.

Whittaker #1, Inc., food store: 5720 Northwest 39, Oklahoma City, Okla.

Wood's 5 & 10¢ Stores, Inc., variety stores: Lumberton, N.C.; Rockingham, N.C.; Whiteville, N.C.

F. W. Woolworth Company, variety stores: No. 440, Aurora, Colo.; 2320 West Alameda, Denver, Colo.; No. 99, Aurora, Ill.; No. 92, Berwyn, Ill.; No. 802, Blue Island, Ill.; No. 95, Bloomington, Ill.; No. 2406, Calumet City, Ill.; No. 1, No. 112, No. 1155, No. 1525, No. 1562, No. 160, No. 302, No. 346, No. 551, No. 725, No. 727, No. 742, No. 1104, No. 1208, No. 1214, No. 1216, No. 1259, No. 1261, No. 1305, No. 1404, No. 1414, No. 1425, No. 1431, No. 1447, No. 1460, No. 1523, No. 1630, No. 1656, No. 1748, No. 1847, No. 1904, No. 1910, No. 2066, No. 2436, No. 2574, 211 South State Street, Chicago, Ill.; No. 2122, Crystal Lake, Ill.; No. 369, Danville, Ill.; No. 93, Decatur, Ill.; No. 1638, Des Plaines, Ill.; No. 726, Dixon, Ill.; No. 195, Elgin, Ill.; No. 1781, Elmhurst, Ill.; No. 357, Evanston, Ill.; No. 427, Freeport, Ill.; No. 1871, No. 2343, Glen Ellyn, Ill.; No. 1845, Highland Park, Ill.; No. 89,

Hillside, Ill.; No. 316, Jacksonville, Ill.; No. 2454, Kankakee, Ill.; No. 385, LaSalle, Ill.; No. 2103, Loves Park, Ill.; No. 308, Moline, Ill.; No. 695, Monmouth, Ill.; No. 2279, Morton Grove, Ill.; No. 2623, Naperville, Ill.; No. 283, Norridge, Ill.; 1136 Lake Street, Oak Park, Ill.; No. 78, Peoria, Ill.; No. 116, Quincy, Ill.; 115 Main, Rockford, Ill.; No. 259, Rock Island, Ill.; No. 63, Springfield, Ill.; No. 2168, No. 333, Waukegan, Ill.; No. 1373, Wheaton, Ill.; No. 1663, Woodstock, Ill.; No. 307, Anderson, Ind.; 125 North College Avenue, Bloomington, Ind.; No. 290, Fort Wayne, Ind.; No. 549, Frankfort, Ind.; No. 2196, Gary, Ind.; No. 676, Hammond, Ind.; No. 378, Huntington, Ind.; No. 2260, No. 11, No. 574, No. 2336, Indianapolis, Ind.; No. 1923, Jeffersonville, Ind.; No. 468, La Porte, Ind.; No. 2296, Kokomo, Ind.; No. 2024, Mishawaka, Ind.; No. 142, No. 2193, No. 2317, Muncie, Ind.; No. 451, New Albany, Ind.; No. 169, Richmond, Ind.; No. 68, No. 1023, No. 2400, Terre Haute, Ind.; No. 447, Wabash, Ind.; No. 31, Baltimore, Md.; 19 Westminster Shopping Center, Westminster, Md.; No. 219, Battle Creek, Mich.; No. 497, Bay City, Mich.; No. 2171, Benton Harbor, Mich.; No. 1107, Cheboygan, Mich.; No. 1085, Dowagiac, Mich.; No. 190, Flint, Mich.; No. 45, Grand Rapids, Mich.; No. 167, Kalamazoo, Mich.; No. 111, No. 2447, Saginaw, Mich.; 128 3d Avenue, Havre, Mont.; No. 28, Newark, N.J.; 139 South Main Street, Butler, Pa.; Northampton and Wyoming Avenue, Kingston, Pa.; No. 1302, State College, Pa.; 217 West 17th Street, Cheyenne, Wyo.

Wright's Markets, Inc., food store; 1001 Spencerville Road, Lima, Ohio.

Wrights Shopping Center, food store; 422 East Fourth Avenue, Mean, Ariz.

A. B. Wyckoff, Inc., department store; 564 Main Street, Stroudsburg, Pa.

Wytheville Crest 5–10–25¢ Stores, variety store; Wytheville, Va.

Yew Variety, Inc., d.b.a. T.G. & Y. Variety Stores Co., variety store; No. 252, Garland, Tex.

Younker Brothers, Inc., department stores; 1629 Second Avenue, Rock Island, Ill.; 323 Main Street, Ames, Iowa; 503 Merle Hay Plaza, Seventh and Walnut Streets, Des Moines, Iowa; Ninth and Central, Fort Dodge, Iowa; 111 East Washington, Iowa City, Iowa; 22 East Main Street, Marshalltown, Iowa; 101 South Federal, Mason City, Iowa; 118 West High Street, Oskaloosa, Iowa; 129 East Main Street, Ottumwa, Iowa; Fourth and Nebraska, Sioux City, Iowa.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of section 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the minimum applicable under section 6 of the act in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Adams Drug Co., Inc., drug stores for the occupation of sales clerk: No. 35, Cranston, R.I. (between 5.2 percent and 10 percent); No. 26, Providence, R.I. (between 5.2 percent and 10 percent); No. 28, Woonsocket, R.I. (10 percent for each month).

Ann-Hope Factory Outlet, Inc., department store; 1689 Post Road, Warwick, R.I.; baggers, messengers, stock clerk; between 1.5 percent and 3.4 percent.

The Baby Shop, Inc., apparel store; 1120 Washington Square Mall, Evansville, Ind.; sales, marking, detail, stock; between 1.5 percent and 10 percent.

Ball's Super Market, Inc., food store; No. 3, Kansas City, Kans.; shag boys; between 7.1 percent and 10 percent.

Big K Dept. Store, department stores for the occupations of selling, stock, clerical: Fort Campbell Boulevard, Hopkinsville, Ky. (10 percent for each month); Highway 41 South, Madisonville, Ky. (10 percent for each month); Fort Henry Boulevard, Kingsport, Tenn. (between 9.9 percent and 10 percent).

Boonville Foods, Inc., food store; 1004 Main Street, Boonville, Mo.; carry-out boys; between 8.0 percent and 10 percent.

Braun's, variety store; 160 Main Street, Warrenton, Va.; sales clerk; between 6.0 percent and 10 percent.

Britts, variety stores for the occupations of office clerk, stock clerk, sales clerk, marker, janitor, window trimmer, except as otherwise indicated: Ellsworth Shopping Center, Ellsworth, Maine (between 1.3 percent and 10 percent); Chambors Bridge Road, Bricktown, N.J. (between 8.8 percent and 10 percent); Route No. 9, Freehold, N.J. (10 percent for each month); 77–89 Spring Street, Newton, N.J. (between 8.8 and 10 percent); Tiffin Road and Plaza Street, U.S. Route 224, Findlay, Ohio (sales clerk, stock clerk, between 2.1 percent and 10 percent).

Centers, variety store; 151–159 Main Street, Waterville, Maine; sales clerk; 10 percent for each month.

Central Grocery, food stores for the occupation of package boy and stock clerk: No. 2, Amarillo, Tex. (between 8.0 percent and 10 percent); No. 3, Amarillo, Tex. 8.0 percent for each month); No. 4, Amarillo, Tex. (10 percent for each month); No. 5, Amarillo, Tex. (8.0 percent for each month).

Cooper & Ratcliff, Inc., food store; Leaksville, N.C.; bag boy; between 3.8 percent and 4.8 percent.

J. S. Dillon & Sons Stores Co., Inc., food stores for the occupations of cashiers, clerks, carry-out, wrappers, maintenance: No. 44, Junction City, Kans. (10 percent for each month); No. 43, Lawrence, Kans. (between 7.6 percent and 10 percent); No. 46, Manhattan, Kans. (between 7.6 percent and 10 percent).

Diskay Discount Mart, variety store; 18 Broad Street, Milford, Conn.; sales clerk, stock clerk, office clerk and cashier; between 2.1 percent and 10 percent.

Dixieland Food Stores, Inc., food store; Port St. Joe, Fla.; bag boy and carry-out boy; between 9.1 percent and 9.7 percent.

Dyche Jones Food Store, food store; North Main Street, London, Ky.; bagger-carry out, stock clerks, cashiers, produce clerks; between 4.7 percent and 10 percent.

Eagle Stores Co., variety store; Collinsville Shopping Center, Collinsville, Va.; sales clerk and stock boy; 10 percent for each month.

Edward's, variety stores for the occupation of sales clerk: Mitchell Shopping Center, Aiken, S.C. (between 4.3 percent and 10 percent); Hampton Place Shopping Center, Greenwood, S.C. (between 9.3 percent and 10 percent); Orangeburg, S.C. (between 9.3 percent and 10 percent).

Falls Super Market, Inc., food store; 405 South Mill Street, Redwood Falls, Minn.; Carry-out boys and stock boys; between 7.3 percent and 10 percent.

Family Fare, Inc., food store; 787 Lincoln Avenue, Holland, Mich.; stock clerk; 10 percent for each month.

Famous Co., Inc., department store; Parkview Shopping Center, Marshall, Tex.; sales clerk, stock clerk, janitorial; 10 percent for each month.

Frank Glass Minimax, Inc., food store; 1001 South Broadway, LaPorte, Tex.; bagger, carry-out, janitorial; between 8.3 percent and 10 percent.

Gassmans Ltd., department store; 3010 East 92d Street, Chicago, Ill.; sales, stock boys, wrappers; between 1.8 percent and 5.3 percent.

Gateway Market, Inc., food store; 1300 Gateway Plaza, Midwest City, Okla.; wrappers, carry-out boys; 10 percent for each month.

Greenwood Food Stores, Inc., food store; Springdale, Ark.; sack boys; between 6.5 percent and 8.2 percent.

W. T. Grant Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, and cashier, except as otherwise indicated: No. 1045, Santa Paula, Calif. (between 4.4 percent and 7.2 percent); 23–27 North Walnut Street, Milford, Del. (between 1.3 percent and 10 percent); No. 933, Jacksonville, Fla. (10 percent for each month); No. 1062, Jacksonville, Fla. (sales clerk, 10 percent for each month); No. 1009, Lakeland, Fla. (between 6.6 percent and 10 percent); No. 991, Leesburg, Fla. (between 0.7 percent and 6.8 percent); 2067 75 Ninth Street North, Naples, Fla. (between 1.0 percent and 7.0 percent); 4690 NW. 183d Street, Opa Locka, Fla. (between 0.7 percent and 10 percent); 50 South Atlantic Shopping Plaza, Satellite Beach, Fla. (between 2.7 percent and 4.6 percent); Rialto and U.S. Highway 41, Venice, Fla. (between 1.5 percent and 7.7 percent); No. 273, Vero Beach, Fla. (between 2.2 percent and 3.8 percent); No. 1073, Winter Park, Fla. (between 0.3 percent and 2.1 percent); 741 South Orlando Avenue, Winter Park, Fla. (between 0.3 percent and 2.1 percent); Meadowdale Shopping Center, Carpentersville, Ill. (between 2.3 percent and 10 percent); 1974 Vandalia, Collinsville, Ill. (between 7.0 percent and 10 percent); 599 Roosevelt Road, Glen Ellyn, Ill. (between 2.3 percent and 10 percent); Golf Rose Shopping Center, Hoffman Estates, Ill. (between 2.3 percent and 10 percent); 914 East Ninth Street, Lockport, Ill. (10 percent for each month); No. 997, Mundelein, Ill. (sales clerk, stock clerk, cashier, between 2.3 percent and 10 percent); No. 1127, Naperville, Ill. (between 2.3 percent and 10 percent); No. 802, Rolling Meadows, Ill. (between 2.3 percent and 10 percent); No. 73, Anderson, Ind. (sales clerk, stock clerk, between 5.6 percent and 9.1 percent); 2601 Hichol Avenue, Anderson, Ind. (between 5.6 percent and 9.1 percent); No. 971, Bedford, Ind. (between 6.0 percent and 10 percent); No. 1157, Evansville, Ind. (between 4.4 percent and 10 percent); No. 175, Hammond, Ind. (sales clerk, stock clerk, between 1.3 percent and 10 percent); 1980 North Jefferson Street, Huntington, Ind. (between 0.5 percent and 10 percent); No. 1051, Indianapolis, Ind. (between 6.9 percent and 10 percent); No. 1086, Indianapolis, Ind. (between 6.9 percent and 10 percent); 2806 Westlane Road, Indianapolis, Ind. (between 6.9 percent and 10 percent); 2340 Miracle Lane, Mishawaka, Ind. (sales clerk, marker, cashier, between 1.8 percent and 6.8 percent); No. 1100, Cedar Falls, Iowa (between 1.9 percent and 10 percent); No. 1155, Frankfort, Ky. (sales clerk, office clerk, cashier, between 2.0 percent and 10 percent); No. 944, Henderson, Ky. (between 5.1 percent and 10 percent); No. 1129, South Fort Mitchell, Ky. (between 0.6 percent and 5.3 percent); Belfast Plaza, Belfast, Maine (between 3.1 percent and 10 percent); No. 1113, Rockland, Maine (cashier, sales clerk, between 6.0 percent and 10 percent); No. 1082, Baltimore, Md. (between 7.4 percent and 10 percent); No. 1131, Baltimore, Md. (between 7.4 percent and 10 percent); 6644 Security Boulevard, Baltimore, Md. (between 7.4 percent and 10 percent); 317 Main Street, Crisfield, Md. (between 2.3 percent and 10 percent); 51 Baltimore-Annapolis Boulevard, Severna Park, Md. (sales clerk, stock clerk, between 7.4 percent and 10 percent); 3901 Aspen Hill Road, Silver Spring, Md. (between 4.7 percent and 10 percent); 35 Urbandale Plaza, Battle Creek, Mich. (between 3.3 percent and 10 percent); No. 932, Grand Rapids, Mich. (between 2.7 percent and 10 percent); 1935 Oak Street, Niles, Mich. (between 1.8 percent and 6.9 percent); No. 708, Taylor, Mich. (between 3.4 percent and 8.6 percent); No. 1079, Union Lake, Mich. (between 3.4 percent and 8.6 percent); 5321 Thirty-sixth Avenue North, Minneapolis, Minn. (between 1.8 percent and 10 percent); No. 1173, St. Cloud, Minn. (between 9.3 percent and 10 percent); 45 Central Avenue, Clark, N.J. (between 7.7 percent and 10 percent); No. 1040, Fairview, N.J. (between 4.5 percent and 10 percent); Brooklawn Shopping Center, Gloucester City, N.J. (between 2.3 percent and 6.4 percent); 129 Main Street, Hackensack, N.J. (between 6.2 percent and 10 percent); 110 Wooderest Shopping Center, Haddonfield, N.J. (between 1.3 percent and 6.0 percent); No. 983, Hammonton, N.J. (between 3.8 percent and 10 percent); 521 High Street, Mount Holly, N.J. (between 8.9 percent and 10 percent); No. 980, Moorestown, N.J. (between 1.3 percent and 6.0 percent); No. 868, Pennsville, N.J. (between 8.4 percent and 10 percent); No. 1091, Phillipsburg, N.J. (between 5.3 percent and 10 percent); Route 9 and Bethel Road, Somers Point, N.J. (between 3.2 percent and 10 percent); No. 945, Union, N.J. (10 percent for each month); No. 794, West Caldwell, N.J. (between 6.0 percent and 10 percent); No. 238, Albuquerque, N. Mex. (sales clerk, between 3.2 percent and 10 percent); No. 1048, Cleveland, Ohio (between 5.6 percent and 10 percent); 3456 Cleveland Avenue, Columbus, Ohio (between 1.8 percent and 10 percent); No. 823, Dayton, Ohio (between 3.1 percent and 8.6 percent); 1084 East Second Street, Franklin, Ohio (between 4.7 percent and 10 percent); No. 1096, Independence, Ohio (between 3.8 percent and 10 percent); No. 858, Lancaster, Ohio (between 0.5 percent and 10 percent); No. 1078, Lima, Ohio (between 0.1 percent and 10 percent); 597 Hebron Road, Newark, Ohio (10 percent for each month); 19801 Detroit Road, Rocky River, Ohio (between 0.4 percent and 9.5 percent); No. 896, Allentown, Pa. (sales clerk, cashier, between 2.5 percent and 10 percent); No. 939, Berwick, Pa. (10 percent for each month); 3520 Edgemont Avenue, Brookhaven, Pa. (10 percent for each month); No. 957, Camp Hill, Pa. (between 9.7 percent and 10 percent); 1000 South State Street, Clarks Summit, Pa. (sales clerk, stock clerk, office clerk, 10 percent for each month); No. 327, Ephrata, Pa. (10 percent for each month); 1850 Delmar Drive, Folcroft, Pa. (between 8.4 percent and 10 percent); No. 1163, Harrisburg, Pa. (between 9.2 percent and 10 percent); 200 Howard Street, Montoursville, Pa. (10 percent for each month); No. 863, Morrisville, Pa. (10 percent for each month); No. 1077, Newton Square, Pa. (10 percent for each month); No. 90, Pottsville, Pa. (sales clerk, between 8.8 percent and 10 percent); No. 235, Shamokin Dam, Pa. (between 5.0 percent and 10 percent); 500 Second Street, Pike, Southampton, Pa. (sales clerk, between 1.8 percent and 9.2 percent); No. 1114, Anderson, S.C. (between 2.7 percent and 10 percent); East Martintown Road, North Augusta, S.C. (between 10 percent and 4.8 percent); No. 228, Greenville, S.C. (between 2.7 percent and 10 percent); No. 958, Bristol, Tenn. (sales clerk, cashier, between 6.3 percent and 10 percent); No. 729, Kingsport, Tenn. (between 2.8 percent and 10 percent); No. 902, Barre, Vt. (between 3.5 percent and 10 percent); 555 Shelburne Road, Burlington, Vt. (between 2.2 percent and 10 percent); No. 1027, St. Albans, Vt. (between 2.2 percent and 10 percent); No. 182, Chesapeake, Va. (between 8.0 percent and 10 percent); 446 Lee Highway, Fairfax, Va. (sales clerk, office clerk, cashier, between 2.6 percent and 10 percent); No. 1031, Farmville, Va. (between 1.7 percent and 8.6 percent); No. 954, Fredericksburg, Va. (sales clerk, between 1.6 percent and 10 percent); 6001 Fort Avenue, Lynchburg, Va. (between 1.7 percent and 10 percent); 4326 Indian River Road, Norfolk, Va. (sales clerk, office clerk, cashier, between 8.0 percent and 10 percent); No. 1070, Richmond, Va. (between 1.7 percent and 7.3 percent); 2334 Hungary Road, Richmond, Va. (between 1.7 percent and 8.2 percent); 8051 West Broad Street, Richmond, Va. (between 1.7 percent and 6.3 percent); No. 214, South Norfolk, Va. (sales clerk, office clerk, cashier, between 8.0 percent and 10 percent); 311 Maple Avenue, Vienna, Va. (between 4.2 percent and 10 percent); Country Club Road, Fairmont, W. Va. (between 1.4 percent and 5.6 percent); 2205 North Calhoun Road, Brookfield, Wis. (between 8.4 percent and 10 percent); 2400 Rapids Drive, Racine, Wis. (between 2.3 percent and 10 percent).

H. E. B. Food Store, food stores for the occupations of package boy, sack boy, bottle boy: No. 36, Austin, Tex. (10 percent for each month); No. 82, Bay City, Tex. (10 percent for each month); No. 93, Belton, Tex. (10 percent for each month); No. 18, Corpus Christi, Tex. (10 percent for each month); No. 92, Corpus Christi, Tex. (10 percent for each month); No. 94, Del Rio, Tex. (10 percent for each month); No. 85, Falfurrias, Tex. (10 percent for each month); No. 84, McAllen, Tex. (10 percent for each month); Viking Mall Shopping Center, Port Lavaca, Tex. (10 percent for each month); No. 96, Rockport, Tex. (10 percent for each month); No. 58, San Antonio, Tex. (10 percent for each month); No. 59, San Antonio, Tex. (10 percent for each month); No. 83, San Antonio, Tex. (10 percent for each month); No. 90, San Antonio, Tex. (10 percent for each month); No. 97, Seguin, Tex. (10 percent for each month); No. 56, Taylor, Tex. (10 percent for each month); No. 54, Waco, Tex. (10 percent for each month); No. 91, Wharton, Tex. (10 percent for each month).

N. Hess' Sons, Inc., shoe stores for the occupation of hostess: 510 East Belvedere Avenue, Baltimore, Md. (between 3.1 percent and 4.6 percent); 7761 Eastern Avenue, Baltimore, Md. (between 2.9 percent and 7.9 percent); 4404 Edmondson Avenue, Baltimore, Md. (between 6.3 percent and 9.0 percent); 6774 Reisterstown Road, Baltimore, Md. (between 3.1 percent and 4.5 percent); 740–C Fairmount Avenue, Towson, Md. (between 3.1 percent and 4.5 percent).

Hested Stores Co., variety store; 2547 11th Avenue, Greeley, Colo.; sales clerk, stock clerk, marker; between 3.5 percent and 10 percent.

Jupiter Stores, variety stores for the occupation of sales clerk, except as otherwise indicated: No. 4525, New Britain, Conn. (10 percent for each month); 4777 Milwaukee Avenue, Chicago, Ill. (10 percent for each month); No. 4568, Niles, Ill. (sales clerk, stock clerk, cashier, 10 percent for each month); 1011 Meridian Street, Anderson, Ind. (between 4.3 percent and 10 percent); No. 4519, Marion, Ind. (between 4.4 percent and 10 percent); 619 Franklin Street, Michigan City, Ind. (sales clerk, stock clerk, office clerk, 10 percent for each month); No. 4522, Newton, Iowa (between 0.2 percent and 5.1 percent); No. 4540, Augusta, Maine (10 percent for each month); No. 4516, Detroit, Mich. (10 percent for each month); 13040 East Jefferson, Detroit, Mich. (between 8.4 percent and 10 percent); 8 South Main, Minot, N. Dak. (stock boy, checkout cashier, between 7.6 percent and 10 percent); No. 4501, Alliance, Ohio (between 6.7 percent and 10 percent); 16 West Main Street, Ashland, Ohio (10 percent for each month); 2131 Lake Avenue, Ashtabula, Ohio (10 percent for each month); 630 Broadway, Lorain, Ohio (10 percent for each month); No. 4556, Zanesville, Ohio (10 percent for each month); No. 4513, Philadelphia, Pa. (between 3.0 percent and 10 percent); No. 4514, Shamokin, Pa. (between 0.3 percent and 9.4 percent); No. 4521, Parkersburg, W. Va. (between 3.6 percent and 10 percent); 1135 Market Street, Wheeling, W. Va. (10 percent for all months).

K-Mart Stores, variety stores for the occupation of sales clerk, except as otherwise indicated: No. 4070, Atlanta, Ga. (between 3.5 percent and 9.8 percent); No. 4044, Savannah, Ga. (between 5.1 percent and 10 percent); No. 4019, Champaign, Ill. (between 3.9 percent and 10 percent); No. 4005, Peoria, Ill. (between 3.9 percent and 10 percent); No. 4014, Kokomo, Ind. (10 percent for each month); No. 4008, Lafayette, Ind. (between 7.4 percent and 10 percent); No. 4039, South Bend, Ind. (10 percent for each month); 455 Riverview Drive, Benton Harbor, Mich. (10 percent for each month); No. 4020, Detroit, Mich. (10 percent for each month); No. 4027, Detroit, Mich. (10 percent for each month); 25700 Eight Mile Road, Southfield, Mich. (10 percent for each month); No. 4021, Southgate, Mich. (10 percent for each month); 21111 Van Born Road, Taylor, Mich. (sales clerk, office clerk, stock clerk, 10 percent for each month); 29240 Van Dyke Avenue, Warren, Mich. (10 percent for all months); No. 4022, Grand Forks, N. Dak. (between 6.0 percent and 10 percent); No. 4043, Columbia, S.C. (10 percent for each month); No. 4050, Johnson City, Tenn. (between 2.1 percent and 10 percent); No. 4023, Amarillo, Tex. (between 0.2 percent and 6.8 percent); No. 4062, Danville, Va. (10 percent for each month); 2424 East Clairemont Avenue, Eau Claire, Wis. (between 2.0 percent and 6.0 percent).

M. H. King Co., variety stores for the occupations of counter upkeep clerk, checkout clerk, clean up boy, service clerk, except as otherwise indicated: 1305 Filer Avenue, Twin Falls, Idaho (counter service clerk, 10 percent, each month); 17th and Holmes, Idaho Falls, Idaho (10 percent for each month); Fort Lane Shopping Center, Layton, Utah (10 percent for each month).

King Drug Co., drug store; No. 32, East Providence, R.I.; sales clerk; between 5.2 percent and 10 percent.

King Mart, food store; 1301 East Levee, Brownsville, Tex.; bagger, carry-out, janitorial, errand boy; between 9.4 percent and 10 percent.

Kohls, Inc., food store; South Oak Street, Ottawa, Ohio; carry-out; between 4.4 percent and 8.2 percent.

S. S. Kresge Co., variety stores for the occupation of sales clerk, except as otherwise indicated: No. 508, Danbury, Conn. (10 percent for each month); No. 173, Milford, Conn. (10 percent for each month); 2820 Northwest 183d Street, Carol City, Fla. (between 7.2 percent and 10 percent); No. 728, Clearwater, Fla. (between 6.7 percent and 10 percent); No. 763, Holly Hill, Fla. (between 5.0 percent and 10 percent); No. 755, Decatur, Ga. (sales clerk, fountain clerk, between 0.4 percent and 9.4 percent); No. 429, Des Plaines, Ill. (10 percent for each month); No. 25, Markham, Ill. (10 percent for each month); No. 554, Moline, Ill. (10 percent for each month); No. 503, Oak Brook, Ill. (10 percent for each month); No. 187, Palatine, Ill. (10 percent for each month); 2369 MacArthur Boulevard., Springfield, Ill. (10 percent for each month); No. 142, Marion, Ind. (between 4.3 percent and 10 percent); No. 312, Speedway, Ind. (10 percent for each month); No. 217, Vincennes, Ind. (between 7.7 percent and 10 percent); No. 235, Louisville, Ky. (between 1.8 percent and 10 percent); No. 195, Bangor, Maine (10 percent for each month); No. 264, Lutherville, Md. (10 percent for each month); No. 450, Braintree, Mass. (10 percent for each month); No. 131, Ann Arbor, Mich. (10 percent for all months); No. 468, Ann Arbor, Mich. (10 percent for each month); No. 681, Birmingham, Mich. (10 percent for each month); No. 571, Fraser, Mich. (10 percent for each month); No. 465, Grosse Pointe, Mich. (10 percent for each month); No. 4511, Jackson, Mich. (10 percent for each month); 6114 South Westnedge Avenue, Kalamazoo, Mich. (10 percent for each month); No. 353, Madi-

son Heights, Mich. (between 8.3 percent and 10 percent); No. 516, Pontiac, Mich. (10 percent for each month); No. 433, Saginaw, Mich. (10 percent for each month); No. 42, Southfield, Mich. (10 percent for each month); No. 364, Warren, Mich. (between 8.1 percent and 10 percent); No. 4570, Austin, Minn. (between 0.7 percent and 10 percent); 7971 Southtown Center, Bloomington, Minn. (10 percent for each month); No. 323, Rochester, Minn. (10 percent for each month); No. 578, Hazelwood, Mo. (10 percent for each month); No. 49, Kansas City, Mo. (10 percent for each month); No. 72, St. Louis, Mo. (10 percent for each month); No. 771, Billings, Mont. (10 percent for each month); No. 132, Merchantville, N.J. (10 percent for each month); No. 274, Wayne, N.J. (10 percent for each month); No. 775, Wilmington, N.C. (between 8.5 percent and 10 percent); No. 314, Cleveland, Ohio (10 percent for each month); No. 434, Cleveland, Ohio (10 percent for each month); No. 663, Columbus, Ohio (between 5.4 percent and 10 percent); No. 287, Dayton, Ohio (between 5.7 percent and 10 percent); No. 600 Northfield, Ohio (10 percent for each month); No. 62, Corapolis, Pa. (between 0.0 percent and 9.3 percent); No. 186 Lancaster, Pa. (10 percent for each month); No. 189, Middletown, Pa. (10 percent for each month); No. 129, Philadelphia, Pa. (between 3.4 percent and 10 percent); No. 779, Spartanburg, S.C. (between 6.7 percent and 10 percent); No. 723, Cleveland, Tenn. (between 2.2 percent and 10 percent); No. 773, Brownsville, Tex. (between 2.8 percent and 7.1 percent ); No. 748, Dallas, Tex. (between 0.2 percent and 10 percent); No. 761, Forth Worth, Tex. (between 7.2 percent and 10 percent); No. 770 Fort Worth, Tex. (between 4.9 percent and 10 percent); No. 705, Houston, Tex. (between 3.1 percent and 10 percent); No. 741, Lubbock, Tex. (between 0.8 percent and 9.8 percent); No. 780, Midland, Tex. (between 0.8 percent and 4.5 percent); No. 743, Pasadena, Tex. (between 5.8 percent and 10 percent); No. 729, Orange, Tex. (between 1.5 percent and 7.4 percent); No. 746, San Antonio, Tex. (between 4.9 percent and 10 percent); No. 196, Alexandria, Va. (10 percent for each month); No. 547, Springfield, Va. (10 percent for each month); No. 561, Winchester, Va. (between 4.2 percent and 10 percent); No. 442, Neenah, Wis. (10 percent for each month); No. 222, Green Bay, Wis. (between 5.5 percent and 10 percent).

S. H. Kress and Co., variety stores for the occupations of sales clerk, stock clerk, except as otherwise indicated: 1999 Aloma Avenue, Winter Park, Fla (between 0.8 percent and 9.6 percent); No. 8, Hopkinsville, Ky. (sales clerk, between 0.2 percent and 10 percent); 36 West Landis Avenue, Vineland, N.J. (sales clerk, 10 percent for each month); 38th and Cache Road, Lawton, Okla. (sales clerk, between 5.6 percent and 10 percent); 403 Southwest 25th Street, Oklahoma City, Okla (sales clerk, between 1.9 percent and 10 percent); 2333 Cottman Avenue, Philadelphia, Pa. (10 percent for each month); Guignard Drive, Sumter, S.C. (between 2.7 percent and 10 percent); Fort Hill Village Shopping Center, Lynchburg, Va. (between 1.8 percent and 9.6 percent).

Kuhn's Variety Store, variety stores for the occupations of sales, stock, clerical: 401 West Main Street, Tupelo, Miss. (between 0.3 percent and 10 percent); Harding Road, Nashville, Tenn. (10 percent for each month).

Kwik Shop, Inc., food stores for the occupations of cashier, clerk, carry-out, wrappers, maintenance: No. 70, Hutchinson, Kans. (10 percent for each month); 1714 West 23d Street, Lawrence, Kans. (10 percent for each month); 13th and Oliver, Wichita, Kans. (between 8.7 percent and 10 percent); 2232 Amidon, Wichita, Kans. (between 8.7 percent and 10 percent).

Wm. A. Lewis Clothing Co., apparel store; Elmhurst Road and Rand Road, Mount Prospect, Ill.; receptionist, check writer, wrappers, stock clerk; between 9.1 percent and 10 percent.

Mac's Food Market, food store; Idalou, Tex.; delivery clerk, stock clerk; 10 percent for each month.

Margie Bridals, Inc., apparel store; Golf Mill Shopping Center, Niles, Ill.; check writer; between 0.2 percent and 10 percent.

Marstaller's Grocery and Market, Inc., food stores for the occupations of janitorial work, bottle boy, sacker, checker, stocking boy: 1928 Circle Road, Waco, Tex. (10 percent for each month); 3344 Franklin, Waco, Tex. (10 percent for each month).

Mart Grocers, Inc., food stores for the occupations of bag boy, carry-out boy, except as otherwise indicated: 8601 East 40 Highway, Kansas City, Mo. (carry-out boy, 10 percent for each month); 505 East Armour, North Kansas City, Mo. (10 percent for each month).

McCrory-McLellan-Green Stores, variety stores for the occupations of selling, stockkeeping, office clerical, except as otherwise indicated: No. 7503, Decatur, Ala. (between 2.3 percent and 10 percent); 3401 Main Avenue, Northport, Ala. (sales clerk, stock clerk, between 6.6 percent and 10 percent); No. 375, Phoenix, Ariz. (between 9.2 percent and 10 percent); 4519 East Thomas, Phoenix, Ariz. (between 4.9 percent and 10 percent); 256 Fry Boulevard, Sierra Vista, Ariz. (between 4.3 percent and 10 percent); No. 350, Deerfield Beach, Fla. (sales clerk, office clerk, 10 percent for each month); 219 South Andrews Avenue, Fort Lauderdale, Fla. (10 percent for all months); No. 130, Fort Myers, Fla. (between 8 percent and 10 percent); No. 342, Fort Myers, Fla. (between 6.4 percent and 10 percent); No. 355, Jacksonville, Fla. (selling, stockkeeping, office clerical, cashier, between 0.8 percent and 6.1 percent); No. 347, Leesburg, Fla. (between 6.9 percent and 10 percent); No. 365, Melbourne, Fla. (10 percent for each month); No. 344, Mount Dora, Fla. (between 6.8 percent and 10 percent); 211 St. Johns Avenue, Palatka, Fla. (between 5.5 percent and 8.9 percent); No. 339, Winter Garden, Fla. (sales clerk, between 4.1 percent and 10 percent); No. 360, East Alton, Ill. (10 percent for each month); No. 1318, Louisville, Ky. (between 0.1 percent and 10 percent); No. 345, Ellicott City, Md. (10 percent for each month); LaVale Plaza, LaVale, Md. (between 1.2 percent and 5.1 percent); No. 354, Salisbury, Md. (sales clerk, between 1.1 percent and 10 percent); 228 West Chicago Street, Sturgis, Mich. (10 percent for each month); Foster Village Shopping Center, Bergenfield, N.J. (10 percent for each month); Brick Plaza, Brick Town, N.J. (10 percent for all months); No. 706, Albuquerque, N. Mex. (10 percent for each month); No. 306, Fort Bragg, N.C. (between 1.4 percent and 2.4 percent); 130 North Center Street, Goldstone, N.C. (sales clerk, between 3.1 percent and 5.8 percent); 227 South Scales Street, Reidsville, N.C. (between 1.2 percent and 10 percent); No. 362, Fairborn, Ohio (between 6.1 percent and 10 percent); No. 372, Troy, Ohio (between 6.2 percent and 10 percent); No. 45, Chambersburg, Pa. (between 0.2 percent and 10 percent); 33 West Long Avenue, DuBois, Pa. (sales clerk, between 0.4 percent and 10 percent); Back Mountain Shopping Center, Shavertown, Pa. (10 percent for each month); No. 333, Wyoming, Pa. (between 0.7 percent and 10 percent); No. 7505, Madison, Tenn. (between 3.8 percent and 10 percent); Jackson Heights Plaza, Murfreesboro, Tenn. (sales clerk, office clerk, porter, between 1.8 percent and 10 percent); No. 1069, Falls Church, Va. (between 1.1 percent and 2.9 percent); No. 142, Harrisonburg, Va. (between 0.2 percent and 10 percent); No. 341, Moundsville, W. Va. (between 4.9 percent and 10 percent).

Me Too Store, food stores for the occupations of carry out, sacker: 1625 J Street SW., Cedar Rapids, Iowa (between 6.7 percent and 9.7 percent); 4630 Johnson Avenue NW., Cedar Rapids, Iowa (between 6.2 percent and 9.9 percent); 2540 Seventh Avenue, Marion, Iowa (between 7.0 percent and 9.8 percent).

Minimax Super Market, food store; 2000 North 10th Street, McAllen, Tex.; carry out, bagger, porter; between 8.7 percent and 10 percent.

Morgan and Lindsey, Inc., variety store; No. 3107, Picayune, Miss.; sales clerk; between 3.8 percent and 10 percent.

G. C. Murphy Co., variety stores for the occupations of sales, clerical, stockkeeping, janitorial: No. 296, Decatur, Ala. (between 9.0 percent and 10 percent); No. 297, Gadsden, Ala. (between 9.0 percent and 10 percent); No. 289, Gainesville, Fla. (between 9.4 percent and 10 percent); No. 160, Jacksonville, Fla. (between 9.4 percent and 10 percent); No. 284, Orlando, Fla. (between 3.3 percent and 10 percent); No. 287, Panama City, Fla. (10 percent for each month); No. 292, Pensacola, Fla. (10 percent for each month); No. 290, West Hollywood, Fla. (between 9.8 percent and 10 percent); No. 102, Tifton, Ga. (between 0.2 percent and 9.7 percent); No. 277, Mount Prospect, Ill. (10 percent for each month); No. 300, Kokomo, Ind. (10 percent for each month); No. 282, Shreveport, La. (10 percent for each month); No. 91, Baltimore, Md. (10 percent for each month); No. 285, Baltimore, Md. (10 percent for each month); No. 301, Glen Burnie, Md. (10 percent for each month); No. 161, Minneapolis, Minn. (10 percent for each month); No. 71, Trenton, N.J. (10 percent for each month); No. 298, Trenton, N.J. (10 percent for each month); No. 291, Cleveland, Ohio (between 2.2 percent and 10 percent); No. 281, Dayton, Ohio (between 5.4 percent and 10 percent); No. 302, Carlisle, Pa. (10 percent for each month); No. 280, McKeesport, Pa. (10 percent for each month); No. 293, Pittsburgh, Pa. (10 percent for each month); No. 295, Chattanooga, Tenn. (between 6.0 percent and 10 percent); No. 288, Abilene, Tex. (10 percent for each month); No. 173, Austin, Tex. (10 percent for each month); No. 219, Fort Worth, Tex. (10 percent for each month); No. 286, Lubbock, Tex. (10 percent for each month); No. 294, Odessa, Tex. (10 percent for each month); No. 283, Texarkana, Tex. (10 percent for each month); No. 107, Danville, Va. (between 9.2 percent and 10 percent); No. 278, Lynchburg, Va. (between 9.2 percent and 10 percent); No. 240, Roanoke, Va. (between 9.2 percent and 10 percent); No. 156, Woodbridge, Va. (10 percent for each month).

Neisner Brothers, Inc., variety stores for the occupations of sales clerk, stock clerk, clerical, except as otherwise indicated; No. 192, Avon Park, Fla. (sales clerk, stock clerk, between 6.0 percent and 10 percent); No. 188, Brandon, Fla. (sales, stock, between 4.3 percent and 10 percent); No. 183, Dade City, Fla. (between 9.8 percent and 10 percent); No. 197, Deland, Fla. (between 7.6 percent and 10 percent); No. 179, Lake City, Fla. (sales, between 7.6 percent and 10 percent); No. 196, Marathon, Fla. (sales, stock, between 7.2 percent and 10 percent); No. 187, New Port Richey, Fla. (between 9.8 percent and 10 percent); No. 184, Palmetto, Fla. (sales clerk, porter, stock clerk, between 9.8 percent and 10 percent); No. 189, Stuart, Fla. (10 percent for each month); No. 194, Tallahassee, Fla. (between 4.3 percent and 10 percent); No. 202, Crystal Lake, Ill. (between 6.0 percent and 10 percent); No. 204, Burlington, Iowa (between 4.3 percent and 10 percent); No. 168, Spencer, Iowa (sales clerk, stock clerk, between 4.3 percent and 10 percent); No. 163, Paramus, N.J. (10 percent for each month); No. 142, Trenton, N.J. (sales, waitress, stock, 10 percent for each month); No. 180, Del Rio, Tex. (between 5.9 percent and 10 percent); No. 195, San Antonio, Tex. (between 1.2 percent and 10 percent).

J. J. Newberry Co., variety stores for the occupations of office clerk, sales clerk, stock clerk, janitor, window trimmer, marker, except as otherwise indicated: No. 527, Poplar Bluff, Mo. (office clerk, sales clerk, stock clerk, 10 percent for each month); 72 West Prospect Street, East Brunswick, N.J. (between 8.0 percent and 10 percent); 340 Pompton Avenue, Verona, N.J. (between 8.8 percent and 10 percent); 850 Mentor Avenue, Mentor, Ohio (office clerk, sales clerk, sign maker, between 6.4 percent and 10 percent); 135 Main Street, Painesville, Ohio (sales clerk, office clerk, between 6.4 percent and 10 percent); 400 North Main Street, Mitchell, S. Dak. (sales clerk, stock clerk, office clerk, between 6.1 percent and 10 percent).

Norby's of Grand Forks, Inc., department store; 402 DeMers Avenue, Grand Forks, N. Dak.; sales clerk, stock boy, marker, gift wrapper; between 4.4 percent and 10 percent.

Parisian Mercantile Corp., department store; 205 Morley Avenue, Nogales, Ariz.; sales clerk, merchandise marker, gift wrapper, stock clerk; between 1.4 percent and 10 percent.

Peebles Dept. Store, Inc., department stores for the occupations of sales clerk, office worker, stock clerk; Nylon Shopping Center, Seaford, Del. (between 3.5 percent and 10 percent); Marumsco Plaza Shopping Center, Woodbridge, Va. (between 8.0 percent and 10 percent).

Piggly Wiggly, Inc., food stores for the occupations of bag boy, carry-out boy, except as otherwise indicated: 2 Cooper street, Evergreen, Ala. (between 9.5 percent and 10 percent); Main Street, Headland, Ala. (bag boy, between 9.5 percent and 9.8 percent); Siloam Springs, Ark. (sack boy, between 7.8 percent and 10 percent); 226 North Wanhesha Street, Bonifay, Fla. (between 9.2 percent and 9.9 percent); Cotton Street, Graceville, Fla. (between 9.1 percent and 9.9 percent); Northeast West Lafayette Street, Marianna, Fla. (between 8.9 percent and 9.7 percent); 836 West 11th Street, Panama City, Fla. (stock, box boy, carry-out boy, 10 percent for each month); Palofax Highway and Brent Lane, Pensacola, Fla. (between 9.4 percent and 9.9 percent); 209 West College Street, Colquitt, Ga. (between 9.2 percent and 9.8 percent); No. 3, Rome, Ga. (between 9.2 percent and 9.9 percent); No. 1 and No. 2, De Ridder, La. (bag boy, between 2.8 percent and 10 percent).

Pruett's Food Town, food stores for the occupation of sack boy: No. 4, Dayton, Tenn. (10 percent for each month); 5738 Ringgold Road, East Ridge, Tenn. (10 percent for each month).

Raylass Dept. Store, department stores for the occupations of sales clerk, stock clerk, clerical, janitorial, marker; 232 South Elm Street, Greensboro, N.C. (10 percent for each month); 119 Main Street, High Point, N.C. (between 8.7 percent and 10 percent); 908 Main Street, Lynchburg, Va. (10 percent for each month); Corner Main and Washington Streets, Suffolk, Va. (10 percent for each month).

Rose's Stores, Inc., variety stores for the occupations of sales clerk, stock clerk, office clerk, cashier, except as otherwise indicated: No. 6, Louisville, Ky. (between 2.5 percent and 10 percent); No. 115, Louisville, Ky. (between 2.5 percent and 10 percent); No. 154, Burlington, N.C. (10 percent for each month); No. 63, Charlotte, N.C. (10 percent for each month); No. 147, Durham, N.C. (between 6.8 percent and 10 percent); No. 155, Gastonia, N.C. (10 percent for each month); No. 152, Greensboro, N.C. (between 6.8 percent and 10 percent); N. 96, High Point, N.C. (10 percent for each month); No. 78, Rocky Mount, N.C. (between 4.1 percent and 10 percent); No. 4, Roxboro, N.C. (sales clerk, stock clerk, 10 percent for each month); No. 153, Shelby, N.C. (10 percent for each month); No. 149, Tarboro, N.C. (sales clerk, checker, between 1.9 percent and 10 percent); No. 150, Columbia, S.C. (sales clerk, stock, between 6.0 percent and 10 percent); No. 36, Georgetown, S.C. (sales clerk, between 5.2 percent and 10 percent); No. 67, North Augusta, S.C. (between 6.4 percent and 10 percent); No. 101, Spartanburg, S.C. (10 percent for each month); No. 89, Charlottesville, Va. (between 2.5 percent and 10 percent); No. 54, Danville, Va. (between 4.8 percent and 9.1 percent); No. 113, Virginia Beach, Va. (10 percent for each month).

Royal Super Foods, food store; 1218 North Fulton Avenue, Evansville, Ind.; stock boy, bag boy, carry-out boy; 10 percent for each month.

Rusty's North Side IGA, food store; 620 North Second Street, Lawrence, Kans.; sacker, carry-out; 10 percent for each month.

Sessel's, food store; No. 2, Memphis, Tenn.; stocking, bagging, carry-out; between 0.4 percent and 0.8 percent.

Bill Sodd Food Store, food stores for the occupation of sack boys: No. 4, Fort Worth, Tex. (between 6.0 percent and 8.3 percent); No. 5, Fort Worth, Tex. (between 6.5 percent and 10 percent).

Sterling's-Park, Inc., variety store; University Avenue and Markham Street, Little Rock, Ark.; sales, stock clerks, janitorial; 10 percent for each month.

T. G. & Y. Stores Co., variety stores for the occupations of clerical, sales clerk, stock clerk, except as otherwise indicated: No. 189, Yuma, Ariz. (10 percent for each month); No. 321, Gonzales, La. (between 5.3 percent and 10 percent); No. 242, New Orleans, La. (between 3.2 percent and 10 percent); No. 335, Slidell, La. (10 percent for each month); No. 159, Columbia, Mo. (10 percent for each month); No. 285, Albuquerque, N. Mex. (10 percent for each month); No. 65, Enid, Okla. (10 percent for each month); No. 28, Duncan, Okla. (between 2.0 percent and 10 percent); No. 30, Midwest City, Okla. (10 percent for each month); No. 89, Moore, Okla. (10 percent for each month); No. 86, Nicoma Park, Okla. (10 percent for each month); No. 82, Oklahoma City, Okla. (10 percent for each month); No. 102, Dumas, Tex. (sales clerk, cashier, 10 percent for each month).

Town and Country Supermarket, food store; 508 East Main, Siloam Springs, Ark.; stock clerk, sacker, carry-out; between 0.0 percent and 7.2 percent.

Wade's Super Market, Inc., food store; Dublin, Va.; bag boy, checker, stock clerk, carry-out, wrapper; between 2.7 percent and 10 percent.

Woodside Market, Inc., food store; 8320 NE. 10th, Midwest City, Okla.; sack boys, carry-out boys; 10 percent for each month.

F. W. Woolworth Co., variety stores for the occupation of sales clerk except as otherwise indicated: No. 2476, Chicago, Ill. (10 percent for each month); No. 2606, Chicago, Ill. (between 7.0 percent and 10 percent); No. 2638, Chicago, Ill. (between 1.8 percent and 4.9 percent); No. 2615, Decatur, Ill. (between 2.9 percent and 10 percent); No. 1552, Downers Grove, Ill. (sales clerk, stock clerk, between 6.6 percent and 10 percent); No. 2617, Fox Lake, Ill. (between 7.5 percent and 10 percent); No. 82, Joliet, Ill. (sales clerk, office clerk, between 1.8 percent and 10 percent); No. 2449, Niles, Ill. (sales clerk, stock clerk, office clerk, janitor, cashier, 10 percent for each month); No. 312, Ottawa, Ill. (between 2.2 percent and 10 percent); No. 2474, Pontiac, Ill. (between 2.2 percent and 10 percent); No. 273, Rantoul, Ill. (sales clerk, stock clerk, between 2.5 percent and 10 percent); No. 2644, Springfield, Ill. (between 2.9 percent and 10 percent); No. 2499, Anderson, Ind. (between 2.4 percent and 9.7 percent); No. 2583, Bloomington, Ind. (stock clerk, sales clerk, between 7.0 percent and 9.6 percent); No. 2624, Connersville, Ind. (between 4.5 percent and 10 percent); No. 2616, Fort Wayne, Ind. (between 1.2 percent and 10 percent); No. 2259, Indianapolis, Ind. (between 4.4 percent and 10 percent); No. 2551, Indianapolis, Ind. (between 6.7 percent and 10 percent); No. 2607, Kokomo, Ind. (sales clerk, stock clerk, janitor, 10 percent for each month); 224 Main Street, Lafayette, Ind. (between 1.0 percent and 8.8 percent); No. 2453, South Bend, Ind. (between 9.6 percent and 10 percent); 133 West Main Street, Benton Harbor, Mich. (between 3.8 percent and 10 percent); No. 2620, Caro, Mich. (10 percent for each month); No. 538, Holland, Mich. (between 8.6 percent and 10 percent); No. 2621, Midland, Mich. (10 percent for all months); No. 399, Traverse City, Mich. (10 percent for all months); No. 2584, Wyoming, Mich. (between 9.1 percent and 10 percent); No. 1800, Akron, Ohio (sales clerk, stock clerk, 10 percent for each month); No. 2073, Cincinnati, Ohio (sales clerk, stock boy, between 8.7 percent and 10 percent).

Wrights' Velda Rose, food store; 5700 East Main, Mesa, Ariz.; carry-out, bag boy, bottle boy; 10 percent for all months.

Younker Brothers, Inc., department store; for the occupations of stock clerk, office clerk, sales clerk, messenger, wrappers, markers, delivery clerk, cleaning, porter work: Middle and Kimberly Roads, Bettendorf, Iowa (between 8.9 percent and 10 percent); 4444 1st Avenue, Cedar Rapids, Iowa (between 2.3 percent and 9.0 percent); 1550 East Douglas, Des Moines, Iowa (between 2.8 percent and 9.5 percent); 1501 First Avenue East, Newton, Iowa (between 0.6 percent and 8.2 percent); 1950 Grand Avenue, Spencer, Iowa (between 0.3 percent and 7.9 percent).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 23d day of December 1964.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 64-13440; Filed, Dec. 29, 1964; 8:50 a.m.]

## CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manu-

factured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ainsbrooke Corp., Olney, Ill.; effective 12–20–64 to 12–19–65 (men's and boys' pajamas).

The Arrow Co., Buchanan, Ga.; effective 12–13–64 to 12–12–65 (men's shirts).

The Arrow Co., 1221 West Third Street, Williamsport, Pa.; effective 12–8–64 to 12–7–65 (men's sport shirts).

Bayly Mfg. Co., 1120 North Santa Fe, Visalia, Calif.; effective 12–11–64 to 12–10–65 (men's work pants).

Bayly Mfg. Co., 1121 Annadale Street, Sanger, Calif.; effective 12–5–64 to 12–4–65 (men's, boys' and women's denim jeans).

Blue Bell, Inc., Prentiss County, Booneville, Miss.; effective 12–17–64 to 12–16–65 (sport shirts and army shirts).

Blue Bell, Inc., Luray, Va.; effective 12–1–64 to 11–30–65 (boys' dungarees).

Blue Bell, Inc., Luray, Va.; effective 12–1–64 to 11–30–65 (ladies' and girls' dungarees).

Blue Bell, Inc., Woodstock, Va.; effective 12–13–64 to 12–12–65 (ladies', girls' and men's dungarees).

Byrds Mfg. Corp., Byrdstown, Tenn.; effective 11–29–64 to 11–28–65 (ladies', men's and boys' shirts).

Checotah Mfg. Co., Post Office Box 326, Checotah, Okla.; effective 12–3–64 to 12–2–65 (women's and children's peddlepushers).

M. Fine and Sons Mfg. Co., Inc., 15th and Maine Streets, New Albany, Ind.; effective 12–7–64 to 12–6–65 (work shirts and jackets).

Frisco Sportswear Co., Inc., Frisco City, Ala.; effective 12–4–64 to 12–3–65 (ladies' woven slacks).

Franklin Ferguson Co., Inc., Florala, Ala.; effective 12–19–64 to 12–18–65 (men's and boys' cotton shirts).

Garan, Inc., Main and Doraky, Adamsville, Tenn.; effective 12–10–64 to 12–9–65 (men's and boys' sport shirts).

Garan, Inc., Starkville Div., Starkville, Miss.; effective 12–5–64 to 12–4–65 (men's and boys' knitted sport shirts).

Gattman Sportswear, Inc., Gattman, Miss.; effective 12–8–64 to 12–7–65 (men's dress slacks).

Glen of Michigan, Div. of Glen Mfg., Inc., 77 Hancock Street, Manistee, Mich.; effective 12–6–64 to 12–5–65. Learners may not be employed at special minimum wage rates in the production of skirts (women's dresses and blouses).

Edward Hyman Co., Lake Street, Hazlehurst, Miss.; effective 12–20–64 to 12–19–65 (men's work shirts, work pants and coveralls).

Kenrose Mfg. Co., Inc., Radford, Va.; effective 12–12–64 to 12–11–65 (women's dresses).

The Manhattan Shirt Co., Tripp Street, Americus, Ga.; effective 12–12–64 to 12–11–65 (men's dress shirts).

The Manhattan Shirt Co., Leeds Avenue, Charleston Heights, S.C.; effective 12–12–64 to 12–11–65 (men's dress and sport shirts).

The Manhattan Shirt Co., Glenn Avenue, Salisbury, Md.; effective 12–12–64 to 12–11–65 (men's and ladies' shirts).

The Manhattan Shirt Co., 461 West Cherry Street, Jessup, Ga.; effective 12–3–64 to 12–2–65 (men's sport shirts).

The Manhattan Shirt Co., U.S. Bypass No. 29 and No. 70, Lexington, N.C.; effective 12–1–64 to 11–30–65 (men's sport shirts).

Mammoth Cave Garment Co., 237 Broadway, Cave City, Ky.; effective 12–11–64 to 12–10–65 (men's and boys' dungarees).

Mayflower Mfg. Co., Inc., 460–506 North Main Avenue, Scranton, Pa.; effective 12–12–64 to 12–11–65 (boys' and students' trousers).

McAdoo Mfg. Co., Inc., South Hancock Street, McAdoo, Pa.; effective 12–6–64 to 12–5–65 (children's polo shirts).

Primo Pants Co., Versailles, Mo.; effective 12–10–64 to 12–9–65 (men's pants).

Punxsutawney Sportswear Co., Inc., Walnut Street, Punxsutawney, Pa.; effective 12–12–64 to 12–11–65. Learners may not be employed at special minimum wage rates in the production of skirts (misses', ladies' pants and blouses).

Salant and Salant, Inc., Trumann, Ark.; effective 12–8–64 to 12–7–65 (men's cotton wash pants).

Salant & Salant, Inc., Henderson, Tenn.; effective 12–13–64 to 12–12–65 (men's cotton work shirts).

Salemburg Mfg. Co., Salemburg, N.C.; effective 12–9–64 to 12–8–65 (women's dresses).

Samsons Mfg. Corp., 525 East Fifth Street, Washington, N.C.; effective 12–17–64 to 12–16–65 (men's sport shirts).

Shane Mfg. Co., Boys' Wear Div., 1500 West Franklin Street, Evansville, Ind.; effective 12–9–64 to 12–8–65 (children's outerwear).

Stahl-Urban Co., North Second Street, Brookhaven, Miss.; effective 12–19–64 to 12–16–65 (men's and boys' outerwear jackets and trousers).

Levi Strauss & Co., Post Office Box 1100, McArthur Road; Maryville, Tenn.; effective 12–12–64 to 12–11–65 (men's and boys' trousers).

Waldon Mfg. Co., Box 915, Walnut, Miss.; effective 12–9–64 to 12–8–65 (men's and boys' outerwear jackets and men's walk shorts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated

Eugenia Sportswear, 873 Peace Street, Hazleton, Pa.; effective 12–10–64 to 12–9–65; 5 learners (children's snowsuits, outerwear jackets and pants).

Jean's Sportswear, Inc., Leonardtown, Md.; effective 12–7–64 to 12–6–65; 10 learners (infants' wear).

Ruth Lawrence Specialties, Inc., 2845 Liberty Avenue, Pittsburgh, Pa.; effective 12–8–64 to 12–7–65; 10 learners (ladies' ski wear).

Loudoun Mfg. Co., d.b.a. Emmitsburg Mfg. Co., Emmitsburg, Md.; effective 12–8–64 to 12–7–65; 10 learners (men's trousers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners are indicated.

Monroe Industries, Tellico Plains, Tenn.; effective 12–15–64 to 6–14–65; 100 learners (men's and boys' sport shirts).

Punxsutawney Sportswear Co., Inc., Walnut Street, Punxsutawney, Pa.; effective 12–12–64 to 6–11–65; 25 learners. Learners may not be employed at special minimum wage rates in the production of skirts (misses, ladies' pants and blouses).

Salant and Salant, Inc., Trumann, Ark.; effective 12–8–64 to 6–7–65; 125 learners (men's cotton wash pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., 1700 Market Street, Metropolis, Ill.; effective 12–1–64 to 11–30–65; 10 learners for normal labor turnover purposes (work gloves).

Good Luck Glove Co., 1700 Market Street, Metropolis, Ill.; effective 12–10–64 to 6–9–65; 20 learners for plant expansion purposes (work gloves).

Marso and Rodenborn Mfg. Co., Fort Dodge, Iowa; effective 12–5–64 to 12–4–65; 10 learners for normal labor turnover purposes (work gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Crown Hosiery Mills, Inc., 449 South Wrenn Street, High Point, N.C.; effective 12–14–64 to 12–13–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wigwam Mills, Inc., Sheboygan, Wis.; effective 12–8–64 to 12–7–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ainsbrooke Corp., Carmi, Ill., effective 12–16–64 to 12–15–65; 5 percent of the total number of factory production workers for normal labor purposes (men's woven underwear).

Albert of Arizona, a division of Kellwood Co., 234 South Extension Road, Mesa, Ariz.; effective 12–7–64 to 6–6–65; 50 learners for plant expansion purposes (ladies' lingerie).

Louisburg Sportswear Co., Inc., Louisburg, N. Dak.; effective 12–8–64 to 6–7–65; 20 learners for plant expansion purposes (men's and boys' knitted sport and T-shirts and underwear).

Paul-Bruce Mfg. Co., Scotland Neck, N.C.; effective 12–7–64 to 12–6–65; 5 learners for normal labor turnover purposes (women's nylon tricot nightwear).

Van Raalte Co., Inc., Bristol, Vt.; effective 12–6–64 to 12–5–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Beatrice Needle Craft, Inc., 60 Comercio Street, Post Office Box 88, Mayaguez, P.R.; effective 11–18–64 to 11–17–65; 22 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Del Monte de Puerto Rico, Inc., Malecon Playa, Post Office Box 3205–Marina Station, Mayaguez, P.R.; effective 11–16–64 to 11–15–65; 42 learners for normal labor turnover purposes in the occupation of tuna fish cleaning and packing each for a learning period of 160 hours at the rates of 94 cents an hour for the first 80 hours and $1.10 an hour for the remaining 80 hours.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 24th day of December 1964.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 64–13441; Filed, Dec. 29, 1964; 8:50 a.m.]



# INTERSTATE COMMERCE COMMISSION

[Notice 714]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 24, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 111302 (Sub-No. 30), filed December 14, 1964. Applicant: HIGHWAY TRANSPORT, INC., Albany Highway (Post Office Box XX), Thomasville, Ga. Applicant's representative: Lamar Kennedy, Vice President, Highway Transport, Inc., Post Office Box XX—Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cadet, Mo., to points in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin, and *rejected shipments* of the above-specified commodities, on return.

NOTE: Common control may be involved.

*HEARING:* February 1, 1965, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner William J. O'Brien, Jr.

No. MC 45736 (Sub-No. 14) (REPUBLICATION), filed August 24, 1964, published FEDERAL REGISTER, issue of September 10, 1964, and republished this issue. Applicant: GUIGNARD FREIGHT LINES, INC., 646 Atando Avenue, Charlotte, N.C., 28206. Applicant's representative: W. D. Turner, Post Office Box 3661, Charlotte, N.C., 28203. By application filed August 24, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *roofing, roofing materials, siding, and siding materials*, on flatbed equipment, from Charleston, S.C., to points in Virginia east of U.S. Highway 1 from the North Carolina-Virginia line to Richmond, Va., and on and east of U.S. Highway 301 from Richmond, Va., to the Potomac River. An order, by Operating Rights Board No. 1, dated December 11, 1964, served December 21, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *roofing, roofing materials, siding, and siding materials*, from Charleston, S.C., to points in Virginia east of a line beginning at the North Carolina-Virginia State line and extending in a northerly direction along U.S. Highway 1 to Richmond, Va., and thence extending in a northerly direction along U.S. Highway 301 to the Virginia-Maryland State line; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority granted, a notice will be published in the FEDERAL REGISTER, and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 117184 (Sub-No. 2), (REPUBLICATION), filed April 16, 1964, published FEDERAL REGISTER, issues of May 6, and May 20, 1964, and republished this issue. Applicant: APEX TRUCKING CO., INC., New York, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. By application filed April 16, 1964, as amended, authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of duplicating, copying, and reproducing machines*, and *materials, supplies, accessories, components and equipment*, used in the distribution, operation, and maintenance of such machines, between points in the New York, N.Y., commercial zone, as defined by the Commission and Northvale, N.J., on the one hand, and on the other, points in Westchester, Dutchess, Putnam, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N.Y. A Report and Order, Recommended by Isadore Freidson, Hearing Examiner, served November 25, 1964, effective December 15, 1964, finds that applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules, and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, under a continuing contract with Xerox Corporation, of Rochester, N.Y., over irregular routes, (A) Such commodities as are dealt in by manufacturers of duplicating, copying, and reproducing machines and, when moving in conjunction therewith, materials, supplies, accessories, components, and equipment used in the distribution, operation, and maintenance of such machines: (1) Between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, Northvale, N.J. (2) Between points in the New York, N.Y., commercial zone, as defined by the Commission, and Northvale, N.J., on the one hand, and, on the other, points in Westchester, Dutchess, Putnam, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N.Y. (B) Materials, supplies, accessories, components, and equipment used in the distribution, operation, and maintenance of the machines described in (A) above: (1) Between New York, N.Y., on the one hand, and, on the other, Northvale, N.J. (2) Between New York, N.Y., and Northvale, N.J., on the one hand, and, on the other, points in Westchester, Dutchess, Putnam, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N.Y. The Report also recommends that an appropriate permit should be granted, after the elapse of 30 days from the date of publication of the authority granted herein in the FEDERAL REGISTER, and provided further that no petition for further hearing is filed during that period.

No. MC 123966 (Sub-No. 1) (REPUBLICATION), filed July 23, 1964, published FEDERAL REGISTER, issue of August 12, 1964, and republished this issue. Applicant: J. R. COX, 504 Crestwood, Springdale, Ark. Applicant's attorney: Thomas Harper, Kelley Building, Post Office Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete and lightweight building blocks and component metal wall ties and metal joint reinforcers, and concrete staves for the erection of silos, and all necessary equipment* for the erection of concrete silos, such as *unloaders, blowers, feed containers and feeding equipment*, between Springdale, Ark., on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 40, on and west of U.S. Highway 63, points in Kansas on and south of U.S. Highway 40, and on and east of U.S. Highway 81, and points in Oklahoma. An Order, Operating Rights Board No. 1, dated November 25, 1964, served December 15, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of (a) *concrete and lightweight building blocks* and *component metal wall ties* and *metal joint reinforcers* and (b) *equipment and materials incidental to the erection and completion of concrete silos* between Springdale, Ark., on the one hand, and, on the other, points in Oklahoma west of U.S. Highway 81 and (2) of commodities described in (b) above between Springdale, Ark., on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 40, and on and west of U.S. Highway 63, points in Kansas on and south of U.S. Highway 40, and on and east of U.S. Highway 81, and points in Oklahoma on and east of U.S. Highway 81; and,

that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a corrected notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

MOTOR CARRIERS OF PASSENGERS

No. MC 125076 (REPUBLICATION), filed February 4, 1963, published FEDERAL REGISTER, issue of March 13, 1963, and republished this issue. Applicant: SUPERIOR BUS SERVICE, INCORPORATED, Knotts Island, N.C. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. By application filed February 4, 1963, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *passengers and their baggage*, and *express parcels*, in the same vehicle with passengers, between Franklin, W. Va., and Cumberland, Md., over specified routes, subject to the restriction that no passengers will be picked up or discharged on a segment of the proposed route over West Virginia Highway 28 where it overlaps U.S. Highway 50 for a distance of 7 miles between Junction, W. Va., and Romney, W. Va. An Order, dated December 11, 1964, served December 21, 1964, Operating Rights Board No. 1, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *passengers and their baggage*, and *express* in the same vehicle with passengers, between Franklin, W. Va., and Cumberland, Md., from Franklin over U.S. Highway 220 to Junction, W. Va., thence over U.S. Highway 50 (West Virginia Highway 28) to Romney, W. Va., thence over West Virginia Highway 28 to the West Virginia-Maryland State line, thence over the Potomac River Bridge joining Ridgeley, W. Va., and Cumberland, Md., to Cumberland, and return over the same route, serving all intermediate points; and that because it is possible that other parties who may have an interest in and would be prejudiced by the lack of notice of the authority granted, a corrected notice of the authority will be published in the FEDERAL REGISTER, and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 120297 (Sub-No. 3), filed December 14, 1964. Applicant: CATANIA BROTHERS CARTAGE COMPANY, INC., 539 West 14th Place, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points within a 50-mile radius of 706–08 West Harrison St., Chicago, Ill.

NOTE: This is a matter directly related to MC–F 8969, published in the FEDERAL REGISTER, issue of December 23, 1964.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8980. Authority sought for purchase by MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 713 North Junction Street, Detroit 9, Mich., of the operating rights of WILLIAM L. TRIPP and HENRY T. WINCHESTER, doing business as TRIPP TRUCKING COMPANY, Allegan, Mich., and for acquisition by JOHN M. JOHNSON, 10404 Kingston, Huntington Woods, Mich., of control of such rights through the purchase. Applicants' attorneys: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich., and Leonard Verdier, 300 Michigan Trust Building, Grand Rapids, Mich. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Allegan, Mich., and Chicago, Ill., serving certain intermediate and off-route points, with and without restrictions. Vendee is authorized to operate as a *common carrier* in the State of Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8981. Authority sought for purchase by McCLOUD RIVER TRUCKING COMPANY, McCloud, Calif., of the operating rights of MILTON W. ZAMBONI, MARY L. LIGHTFOOT AND JACK E. SHAVER, a partnership, doing business as ZLS TRUCKING, Post Office Box 929, Redding, Calif., and for acquisition by McCLOUD RIVER RAILROAD COMPANY, McCloud, Siskiyou County, Calif., and, in turn by, UNITED STATES PLYWOOD CORPORATION, 777 Third Avenue, New York, N.Y., of control of such rights through the purchase. Applicants' attorneys: Gerald H. Trautman and Frederick O. Koenig, 601 California Street, San Francisco, Calif., 94108. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120431 (Sub-1), covering the transportation of lumber and lumber products, as a *common carrier*, in intrastate commerce, within the State of California. Vendee seeks a certificate of registration in Docket No. MC–125604 (Sub-1) in the State of California. McCLOUD RIVER RAILROAD COMPANY is authorized to operate as a *common carrier* in the State of California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8982. Authority sought for purchase by LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami 52, Fla., of a portion of the operating rights of HEAVY HAULING AND RIGGING CORPORATION OF AMERICA, 414 Union Avenue, Westbury, N.Y., and for acquisition by ARMLON LEONARD, also of Miami, Fla., of control of such rights through the purchase. Applicants' attorney and representative: W. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036, and Armlon Leonard, 2595 Northwest 20th Street, Miami 52, Fla. Operating rights sought to be transferred: *Damaged airplanes* and *airplane parts*, as a *common carrier*, over irregular routes, between points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, the District of Columbia; and *airplanes and airplane* equipment, between Bendix, N.J., on the one hand, and, on the other, Stamford and Bridgeport, Conn., Wilmington, Del., Philadelphia and Hawley, Pa., points in Massachusetts east of the Cape Cod Canal, and certain points in New York. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Vermont, Massachusetts, Nebraska, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Kansas, Delaware, Virginia, West Virginia, Oklahoma, North Carolina, Michigan, Ohio, Indiana, New Mexico, Wisconsin, Illinois, South Carolina, Georgia, Florida, California, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Texas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8983. Authority sought for purchase by PITTSBURGH & NEW ENGLAND TRUCKING CO., Post Office Box 67, 211 Washington Avenue, Dravosburg, Pa., of a portion of the operating rights of TOLEDO CARTAGE COMPANY (K. V. NICOLA, TRUSTEE IN BANKRUPTCY), 1277 East 40th Street, Cleveland, Ohio, 44114, and for acquisition by FREDERICK T. HILLER, also of Dravosburg, Pa., of control of such rights through the purchase. Applicants' attorneys: Henry B. Johnson, 730 Standard Building, Cleveland, Ohio, 44113, K. V. Nicola, 1205 Terminal Building, Cleveland, Ohio, 44113, and A. Charles Tell, 44 East Broad Street, Columbus, Ohio, 43215. Operating rights sought to be transferred: Heavy machinery, and articles which because of their size or weight require specialized handling or rigging, as a common carrier, over irregular routes, between points in Fulton, Ottawa, Sandusky, Wood, and Erie Counties, Ohio, on the one hand, and, on the other, points in Michigan, on and south of the U.S. Highway 12; *cement*, from Baybridge, Ohio, to points in the lower peninsula of Michigan; *empty containers and skids*, used in the transportation of cement, from points in the above-specified destination territory to Baybridge, Ohio; and *cement*, in bags and in bulk, from points in Monroe County, Mich., to points in Indiana and Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, New York, New Jersey, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b).



MOTOR CARRIERS OF PASSENGERS

No. MC–F–8962 (correction) (CAPITAL MOTOR LINES—PURCHASE (PORTION) — COASTAL STAGES, INC.), published in the December 16, 1964, issue of the FEDERAL REGISTER, on page 17865. The application as published, incorrectly stated that the application was a purchase of a *"portion"*, when in fact, it is a purchase of the *"entire"* operating rights. The operating rights which were inadvertently omitted, and contained in Docket No. MC–105759 Sub-9, are as follows: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Crestview, Fla., and Georgiana, Ala., between Crestview, Fla., and Evergreen, Ala., between Red Level, Ala., and junction Covington County Highway 7, and U.S. Highway 84, serving all intermediate points.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–13421; Filed, Dec. 29, 1964; 8:48 a.m.]

[Notice 715]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 24, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 239 (Sub-No. 22), filed December 10, 1964. Applicant: ECKLAR-MOORE EXPRESS, INC., Forbes Road Extended, Lexington, Ky. Applicant's attorney: Harry V. McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Nashville, Tenn., and Lexington, Ky.; from Nashville, Tenn., over U.S. Highway 31–W to junction U.S. Highway 62, at Elizabethtown, Ky., thence over U.S. Highway 62 through Lawrenceburg, Ky., to Versailles, Ky., thence over U.S. Highway 60 to Lexington, Ky., and return over the same route, serving the intermediate points of Lawrenceburg and Versailles, Ky., restricted against the handling of any traffic originating at, destined to or interchanged at Cincinnati, Ohio, or Louisville, Ky., or any point in the Commercial Zone of either city.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Nashville, Tenn.

No. MC 1042 (Sub-No. 4), filed December 10, 1964. Applicant: C. P. T. FREIGHT, INC., 2600 Calumet Avenue, Hammond, Ind. Applicant's attorney: Eugene L. Cohn, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (other than those requiring specialized handling or rigging because of size or weight), and those injurious or contaminating to other lading) between the plant site of the Bethlehem Steel Company, Burns Harbor Plant, located in Porter County, Ind., on the one hand, and, on the other, points in Illinois within a territory bounded by a line commencing at the Illinois-Indiana State line, thence west over Illinois Highway 114 to junction Illinois Highway 17, thence west over Illinois Highway 17 to junction U.S. Highway 66, thence southwest over U.S. Highway 66 to junction U.S. Highway 24, thence west over U.S. Highway 24 to junction U.S. Highway 150, thence northwest over U.S. Highway 150 to junction Illinois Highway 88, thence north over Illinois Highway 88 to junction Illinois Highway 2, thence north and northeast over Illinois Highway 2 to the Illinois-Wisconsin State line, including all points on the aforesaid highways.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1630 (Sub-No. 6), filed December 11, 1964. Applicant: D. D. JONES TRANSFER & WAREHOUSE COMPANY, INCORPORATED, 225 West Main Street, Norfolk, Va. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products*, and *building materials*, between the plant site or warehouse of the United States Gypsum Company, Norfolk, Va., on the one hand, and on the other, points in North Carolina.

NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 1759 (Sub-No. 18), filed December 14, 1964. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (except unleavened and frozen bakery products), from the plant site of Arnold Bakers, Inc., located at Greenwich, Conn., to points in Massachusetts on and west of U.S. Highway 5, points in Passaic, Bergen, Morris, Somerset, Middlesex and Monmouth Counties, N.J.; Albany, Broome, Chenango, Columbia, Fulton, Delaware, Dutchess, Greene, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rockland, Rensselaer, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester, Tioga, Chemung, Tompkins, Cortland, Cayuga, Onondaga, Madison, and Herkimer Counties, N.Y., and that part of the New York, N.Y., Commercial Zone which lies within the State of New York, and Bennington and Rutland Counties, Vt., and *stale, damaged, refused, and rejected shipments of bakery products*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2392 (Sub-No. 35), filed December 16, 1964. Applicant: WHEELER TRANSPORT SERVICE, INC., Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site of Monsanto Company terminal at or near Murphy, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, and *damaged and rejected shipments* of the above named commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 3261 (Sub-No. 34), filed December 10, 1964. Applicant: KRAMER-CONSOLIDATED FREIGHT LINES,

INC., 4195 Central Avenue, Detroit, Mich., 48210. Applicant's attorney: Walter N. Bieneman, Suite 1700—One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those requiring special equipment) (1) from junction Michigan Highway 54 (formerly U.S. Highway 10) and Michigan Highway 57 near Clio, Mich., and thence over Michigan Highway 57 to junction Michigan Highway 47 near Chesaning, Mich., and return over the same route, serving applicant's authorized intermediate points of Clio and Chesaning and the junction of Michigan Highways 57 and 13, (2) from Flushing, Mich., over unnumbered highway known as Pierson Road to junction Michigan Highway 13, and return over the same route, serving no intermediate points, (3) from Saginaw, Mich., over Michigan Highway 13 to junction Michigan Highway 78, and return over the same route, serving no intermediate points except the junction Michigan Highways 13 and 57, and the junction Michigan Highways 13 and 21, (4) from Zilwaukee, Mich., over unnumbered highway known as Titabawassee Road to junction with Michigan Highway 47 (formerly U.S. Highway 10) and return over the same route, serving only those intermediate points in the Commercial Zone of Saginaw as presently authorized, and (5) from junction Michigan Highway 47 and Garfield Road near Freeland, Mich., thence over Garfield Road to junction Midland Road (formerly Michigan Highway 20) near Auburn, Mich., and return over the same route, serving only those intermediate points within the Commercial Zones of Freeland, Fisherville, and Auburn as presently authorized.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 11207 (Sub-No. 230), filed December 17, 1964. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials* from Jacksonville, Fla. to points in Alabama.

NOTE: Applicant states the proposed operations will be restricted to the plant site and warehouses of United States Gypsum Co., located at Jacksonville, Fla. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 13123 (Sub-No. 31), filed December 14, 1964. Applicant: WILSON FREIGHT FORWARDING COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio. Applicant's attorney: Milton H. Bortz, Wilson Freight Forwarding Company, 3636 Follett Avenue, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) between South Charleston, Ohio and Washington Court House, Ohio, over Ohio Highway 41; (B) between Xenia, Ohio and Wilmington, Ohio, over U.S. Highway 68; (C) between Xenia, Ohio and Chillicothe, Ohio, over U.S. Highway 35; (D) between Columbus, Ohio and Chillicothe, Ohio, over U.S. Highway 23; (E) between Cedarville, Ohio and Sabina, Ohio, over Ohio Highway 72; (F) between South Charleston, Ohio and Wilmington, Ohio; from South Charleston, over Ohio Highway 41 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 68, thence over U.S. Highway 68 to Wilmington, and return over the same route, (G) between London, Ohio and Circleville, Ohio, over Ohio Highway 56; (H) between Springfield, Ohio and Urbana, Ohio over U.S. Highway 68; and (I) between Springfield, Ohio and Troy, Ohio, over Ohio Highway 41, serving no intermediate points except for the purpose of joinder only, as alternate routes for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Applicant states it seeks no authority to serve points it is not already authorized to serve. The purpose of this application is to conduct pickup and delivery operations at its authorized service points in the area from its new terminal at South Charleston, Ohio instead of from its old terminals at Dayton and Columbus, Ohio which old terminals have been replaced by said South Charleston, Ohio terminal. If a hearing is deemed necessary applicant requests it be held at Cincinnati, Ohio.

No. MC 21531 (Sub-No. 4), filed December 15, 1964. Applicant: STEWART TRUCKING CO., INC., 18 Beech Street, Manchester, N.H. Applicant's attorney: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Boston, Mass., and Colebrook, N.H.; (1) from Boston, Mass., over U.S. Highway 1 through Newburyport, Mass., to Portsmouth, N.H., thence over U.S. Highway 4 to junction New Hampshire Highway 16, thence over New Hampshire Highway 16 through Dover, N.H., to Errol, N.H., thence over New Hampshire Highway 26 to Colebrook, N.H., and return over the same route, serving all intermediate points north of Rochester, N.H., and restricted at Exeter and Durham, N.H., to the delivery of groceries on northbound traffic only, (2) from Boston, Mass., over U.S. Highway 1 to Newburyport, Mass., thence over unnumbered highway to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to Amesbury, Mass., thence over Massachusetts Highway 150 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 150 to junction New Hampshire Highway 108, thence over New Hampshire Highway 108 to Dover, N.H., thence over New Hampshire Highway 16 to Errol, N.H., thence over New Hampshire Highway 26 to Colebrook, N.H., and return over the same route, serving all intermediate points north of Rochester, N.H., and restricted at Exeter and Durham, N.H., to the delivery of groceries on northbound traffic only, (3) from Boston, Mass., over U.S. Highway 3 through Plymouth, N.H., to junction New Hampshire Highway 18, thence over New Hampshire Highway 18 to Littleton, N.H., thence over New Hampshire Highway 116 to Whitefield, N.H., thence over U.S. Highway 3 to Colebrook, N.H., and return over the same route, serving all intermediate points north of Plymouth, N.H., and (4) from Boston, Mass., over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Manchester, N.H., thence over New Hampshire Highway 3A to Concord, N.H., thence over U.S. Highway 3 to Franklin, N.H., thence over New Hampshire Highway 3A to junction New Hampshire Highway 25, thence over New Hampshire Highway 25 to Plymouth, N.H., thence over U.S. Highway 3 to junction New Hampshire Highway 18, thence over New Hampshire Highway 18 to Littleton, N.H., thence over New Hampshire Highway 116 to Whitefield, N.H., thence over U.S. Highway 3 to Colebrook, N.H., and return over the same route, serving all intermediate points north of Plymouth, N.H., and the off-route points of Bartlett, Bethlehem, Bretton Woods, Crawford Notch, Jefferson, Twin Mountain, and Fabyan, N.H., and those in Massachusetts within five miles of Boston, Mass., and restricted at Lynn and Beverly, Mass., to delivery only.

NOTE: Applicant states that the purpose of this application is "solely to remove the seasonal restriction to a portion of applicant's authority in No. MC 21531." If a hearing is deemed necessary, applicant requests it be held at Manchester, N.H., or Boston, Mass.

No. MC 24115 (Sub-No. 16), filed December 14, 1964. Applicant: EDYTHE MAE KESSMAN, Post Office Box 95, Hamel, Ill. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumnite cement*, from Buffington, Ind., to St. Louis, Mo., (2) *powdered silica sand* (Potters Flint), from Ottawa, Ill., to St. Louis, Mo., and (3) *crude fire clay*, from Mayfield, Ky., and Clover, S.C., to St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 25798 (Sub-No. 121), filed December 4, 1964. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Daniel B. Johnson, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mason City, Iowa to points in Alabama, Georgia, Florida, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, Delaware, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 27063 (Sub-No. 11), filed December 14, 1964. Applicant: LIBERTY TRANSFER COMPANY, INC., 1601 Cuba Street, Baltimore, Md. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid starch, spray starch, and fabric softeners, in mixed loads with condiments, vegetable oils, butter and lard substitutes* from Bayonne, N.J. to Baltimore, Md. and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 28961 (Sub-No. 18), filed December 10, 1964. Applicant: McDUFFEE MOTOR FREIGHT, INC., 332 Hood Avenue, Lebanon, Ky. Applicant's attorney: Harry V. McChesney, Jr., McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville, Tenn. and Lexington, Ky., from Nashville over U.S. Highway 31–W to junction U.S. Highway 62 at Elizabethtown, Ky., thence over U.S. Highway 62 to Versailles, Ky. and thence over U.S. Highway 60 to Lexington and return over the same route serving the intermediate points of Bardstown, and Bloomfield, Ky. and (2) between Nashville, Tenn. and Lebanon, Ky. from Nashville over U.S. Highway 31–W to Cave City, Ky., thence over Kentucky Highway 70 to junction U.S. Highway 68 near Sulphur Well, Ky., thence over U.S. Highway 68 to Lebanon and return over the same route serving all intermediate points between Greensburg and Lebanon, Ky., including Greensburg, Ky.

NOTE: Routes (1) and (2) above will be restricted against the handling of any traffic originating at, destined to or interchanged at Cincinnati, Ohio or Louisville, Ky. or any point in the commercial zone of either city. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 119374 therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky. or Nashville, Tenn.

No. MC 29555 (Sub-No. 42), filed December 9, 1964. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road "C", St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (except those requiring temperature control) and those injurious or contaminating to other lading), serving the plant site of Bethlehem Steel Company, Burns Harbor, Ind., located on U.S. Highway 12, as an off-route point in connection with applicant's regular-route operations in Wisconsin, Minnesota, Illinois, Iowa, Nebraska, and the portion of Indiana included in the commercial zone of Chicago, Ill.

NOTE: Applicant states that part of the plant is in the town of Portage, Ind., and part is located east thereof extending into the community known as Dune Acres, Ind. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC31600 (Sub-No. 578), filed December 14, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry bulk commodities*, from Camden and Jersey City, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, Indiana, Illinois, and Michigan.

NOTE: Applicant states that the proposed service will be restricted to shipments having a prior movement by railroad. If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 50002 (Sub-No. 44), filed December 10, 1964. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a co-partnership, doing business as BRIDGE BROTHERS, North Santa Fe Trail, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita, Kans., 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles and *dry fertilizer*, in bulk, from the plant site of Cominco Products, Inc., at or near Hoag, Nebr., to points in Iowa, Missouri, Kansas, Colorado, and Wyoming, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 55896 (Sub-No. 20) (AMENDMENT), filed November 25, 1964, published FEDERAL REGISTER issue of December 9, 1964, amended December 17, 1964, and republished, as amended, this issue. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, and St. Louis, Mo.

NOTE: The purpose of this republication is to broaden the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 57757 (Sub-No. 5), filed December 1, 1964. Applicant: J. MOODY ELLINGTON (DECEASED) AND SUE E. ELLINGTON, doing business as ELLINGTON TRANSFER & WAREHOUSE COMPANY, 1902 Main Street, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, packed and unpacked, crated and uncrated, and for the purpose of packing, unpacking, crating and uncrating, between Alexandria, La., on the one hand, and, on the other, points in Louisiana within one hundred (100) miles of Alexandria, on traffic originating at or destined to out-of-state points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 59150 (Sub-No. 17), filed December 14, 1964. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum, and gypsum products*, from the plant site and warehouses of U.S. Gypsum Co., at Jacksonville, Fla., to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 61403 (Sub-No. 116), filed December 14, 1964. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from The Tri-City Regional Port Complex, located in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 68980 (Sub-No. 5), filed December 14, 1964. Applicant: CHECKER EXPRESS CO., a corporation, 960 West Montana, Milwaukee, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value,

and except high explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of Midwest Steel Co., a Division of National Steel Co., Portage, Ind., as an off-route point in connection with applicant's regular route operations in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 70151 (Sub-No. 37), filed December 14, 1964. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing, Mich., 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, not including salt in bulk, and those requiring special equipment), between Cincinnati and Columbus, Ohio, over Interstate Highway 71, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 76985 (Sub-No. 4), filed December 14, 1964. Applicant: LAVERY TRANSPORTATION, INC., 7430 South Ashland Avenue, Chicago, Ill., 60636. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (other than those requiring specialized handling or rigging because of size or weight), and those injurious or contaminating to other lading), serving the plant site of the Bethlehem Steel Company, Burns Harbor Plant, located in Porter County, Ind., as an off-route point in connection with applicant's authorized regular-route operations in Illinois, Indiana and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 77588 (Sub-No. 2), filed December 11, 1964. Applicant: GREER TRUCKING COMPANY, INC., 138 East 11th Avenue, Roselle, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of copying, duplicating and reproducing machines, and *materials, supplies and equipment* used in the distributing, operation, and maintenance of such machines, between the plant site of Xerox Corporation at Blauvelt, N.Y., on the one hand, and, on the other, points in New Jersey, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 86003 (Sub-No. 13), filed December 14, 1964. Applicant: HOWARD G. SLAUGHTER, doing business as SLAUGHTER BEVERAGE TRANSPORT, RFD, Townsend, Del. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rotex dust* from Dover, Del., to Camden, N.J., under a continuing contract with U.S. Cocoa Corporation, Camden, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94265 (Sub-No. 146), filed December 10, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from La Porte, Ind. to points in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, Colorado, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94350 (Sub-No. 47), filed December 14, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and special purpose trailers* designed to be drawn by passenger automobiles, in initial movements from Cross Hill, S.C., to points in Louisiana and points in states east of the Mississippi River, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, New Hampshire, and the District of Columbia, and *damaged or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 95180 (Sub-No. 10), filed December 9, 1964. Applicant: HARRY SMOLOWITZ AND MORRIS SMOLOWITZ, a partnership, doing business as SMOLOWITZ BROS., 909 Utica Avenue, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Delaware, Maryland, Rhode Island, Ohio, Virginia, Vermont, New Hampshire, Maine, Illinois, Indiana, Michigan, North Carolina, South Carolina, Georgia, Florida, West Virginia, Kentucky, Tennessee, Alabama, Iowa, Wisconsin, Missouri, and the District of Columbia.

NOTE: Applicant states this application is filed for the dual purpose of clarifying its operating authority, and for the purpose of eliminating gateways so that the authority becomes non-radial between the states it is now authorized to serve. Applicant holds contract carrier authority under MC 109890, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 105269 (Sub-No. 36), filed December 10, 1964. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. Applicant's attorney: Robert D. Schuler, Suite 1700–1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products* from South Bend, Ind., to Louisville, Ky., St. Louis, Mo., Davenport, Iowa, and Milwaukee, Wis., and points in Illinois, Indiana, Michigan, and Ohio and *pallets* and *damaged or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 105269 (Sub-No. 37), filed December 14, 1964. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. Applicant's attorney: Eugene C. Ewald, Suite 1700 One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wastepaper* from Covington, Ky., to points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 105461 (Sub-No. 63), filed December 15, 1964. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Herr's Motor Express, Inc., Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, play yards, cribs*, and *walkers*, from Newburgh, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106163 (Sub-No. 17), filed November 6, 1964. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., 2600 West Sixth Avenue, Pine Bluff, Ark. Applicant's attorney: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Pine Bluff, Ark., and the site of Lock and Dam No. 3 on the Arkansas River; from Pine Bluff over U.S. Highway 79 to junction Arkansas Highway 88, thence over Arkansas Highway 88 to junction unnumbered access road, thence over unnumbered access road to the site of Lock and Dam No. 3, and return over the same route, serving no intermediate points, (2) between Pine Bluff, Ark., and the site of Lock and Dam No. 3 on the Arkansas River; from Pine Bluff over U.S. Highway 79 to junction County Road 53 and Arkansas Highway 88, thence over County Road 53 and Arkansas Highway 88 to junction unnumbered access road, thence over unnumbered access road to the site of Lock and Dam No. 3, and return over the same route, serving no intermediate points, (3) between Pine Bluff, Ark., and the site of Lock and Dam No. 4 on the Arkansas River; from Pine Bluff over U.S. Highway 79 to junction Arkansas Highway 88, thence over Arkansas Highway 88 to junction County Road 53, thence over County Road 53 to junction unnumbered access road, and thence over unnumbered access road to site of Lock and Dam No. 4, and return over the same route, serving no intermediate points, and (4) between Pine Bluff, Ark., and the site of Lock and Dam No. 4 on the Arkansas River; from Pine Bluff over U.S. Highway 79 to junction County Road 53, and thence over County Road 53 to junction unnumbered access road, and thence over unnumbered access road to the site of Lock and Dam No. 4, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 106297 (Sub-No. 36), filed December 17, 1964. Applicant: MID-STATES TRAILER TRANSPORT, INC., Post Office Box 243, Oak Glen Station, Lansing, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, designed to be drawn by passenger automobiles, and *equipment, furnishings and accessories*, when moving as a part of and in conjunction therewith from points in Adams County, Wis., and Logan County, Ky., to points in the United States including Alaska (but excluding Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 594), filed December 11, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, from Ironton and South Point, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 343) (AMENDMENT) filed December 7, 1964, published FEDERAL REGISTER issue December 23, 1964, amended and republished this issue. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 303 Keosauqua Way, Des Moines, Iowa.

NOTE: The purpose of this republication is to correctly show origin point as Fulton, Ind., in lieu of Fulton, Ill., as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 344), filed December 10, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, from the plant and warehouses of Nitrin, Inc., located at or near Cordova, Ill., to points in Iowa, Nebraska, Minnesota, Missouri, Wisconsin, Indiana, Kentucky, North Dakota, South Dakota, Kansas, Ohio, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 345), filed December 11, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Olathe, Kans. to points in Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107496 (Sub-No. 346), filed December 11, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Dubuque, Iowa, and points in Iowa within 10 miles thereof to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107496 (Sub-No. 347), filed December 16, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of Monsanto Company's Terminal located at or near Murphy, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107515 (Sub-No. 505), filed December 9, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *articles distributed by meat packinghouses*, from El Paso, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee (except Memphis).

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 107698 (Sub-No. 34), filed December 11, 1964. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's attorney: Wilburn L. Williamson, 443–54 American Nat'l Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza, and pizza pie ingredients*, between points in Colorado, on the one hand, and, on the other, points in Oklahoma, Texas, and New Mexico.

NOTE: If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 107757 (Sub-No. 22), filed December 16, 1964. Applicant: M. C. SLATER, INC., Post Office Box 369, Granite City, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (other than those requiring specialized handling or rigging because of size or weight), and those injurious or contaminating to other lading), serving the plantsite of the Bethlehem Steel Company, Burns Harbor Plant, located in Porter County, Ind., as an off-route point in connection with applicant's authorized regular-route operations in Illinois, Indiana, and Missouri.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109478 (Sub-No. 79), filed December 9, 1964. Applicant: WORSTER MOTOR LINES, INC., East Main Road,



Rural Delivery No. 1, North East, Pa. Applicant's attorney: William W. Knox,

carrier, by motor vehicle, over irregular routes, transporting: *Natural latex*, in

carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous am-*



No. MC 113828 (Sub-No. 74), filed December 16, 1964. Applicant: O'BOYLE

cago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle,

Iowa, Michigan, Kansas, Oklahoma, and New York.

Rural Delivery No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and parts therefor*, from Mifflin Junction, Pa., and Clarksburg, W. Va., to Lawton, Mich.

NOTE: Applicant states no duplicating authority is sought. Applicant already holds authority to make the above movements through North East, Pa. The purpose of the application is to eliminate this gateway. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 109637 (Sub-No. 271), filed December 14, 1964. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, ammoniating solutions and aqua ammonia*, in bulk, in tank vehicles, from the plantsite of Southern Nitrogen Company, Inc., located at or near Columbia Park (Finney), Hamilton County, Ohio, to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109689 (Sub-No. 160), filed December 10, 1964. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric Acid*, in bulk, from Louviers, Colo., to points in Sweetwater County, Wyo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 110193 (Sub-No. 81), filed December 11, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos, 20450 Ireland Road, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to South Bend, Mishawaka, Elkhart, Holland, Peru, Goshen, Richmond, Fort Wayne, Logansport, Indianapolis, La Porte, Lafayette, Berne and Evansville, Ind.; Carbondale, Champaign, Danville, Decatur, Joliet, Streator, Kankakee, Rockford, Peoria, Springfield, Rock Island, Milan, and Moline, Ill.; St. Louis, Mo.; and Duluth, Minn .

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 110525 (Sub-No. 694), filed December 14, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005; and Edwin H. van Deusen, 506 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, from New Haven, Conn., to Naugatuck, Conn.

NOTE: Applicant states the above proposed operations will be restricted to traffic having a prior movement by water. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 110988 (Sub-No. 101), filed December 10, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorneys: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006; and E. Stephen Heisley (same address). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank or hopper-type vehicles, and in bags, from Chicago and Chicago Heights, Ill., to points in Iowa, Indiana, Michigan, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 102), filed December 10, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions, and fertilizer materials*, in bulk, and in bags, from Erie, Ill., and points within five (5) miles thereof, to points in Indiana, Iowa, Michigan, Wisconsin, Illinois, Minnesota, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 103), filed December 10, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Delmar, Iowa, to points in Illinois, Indiana, Michigan, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111045 (Sub-No. 44), filed December 16, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Palm River Road, Tampa, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk, from points in Nassau County, Fla., to points in Georgia and Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 111302 (Sub-No. 29), filed December 14, 1964. Applicant: HIGHWAY TRANSPORT, INC., Albany Highway (Post Office Box XX), Thomasville, Ga. Applicant's representative: Lamar Kennedy, Vice President, Highway Transport, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizers, ammoniating solutions* and *aqua ammonia*, in bulk, in tank vehicles, from the plantsite of Southern Nitrogen, Inc., at or near Columbia Park (Finney), Hamilton County, Ohio, to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113666 (Sub-No. 19), filed December 14, 1964. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Cast stone, cast stone panels, mortar and application instructions*, and *advertising materials and supplies*, when moving with shipments of cast stone and cast stone panels from Sebring, Ohio, to points in the United States east of and including Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota and (2) *iron oxide pigments*, from Philadelphia, Pa., to Sebring, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.



No. MC 113828 (Sub-No. 74), filed December 16, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and cement*, from Greensboro, N.C., to points in Virginia in and south of Alleghany, Rockbridge, Amherst, Appomattox, Buckingham, Cumberland, Powhatan, Chesterfield, Prince George, Sussex, and Southampton Counties, Va.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 75), filed December 16, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsites of Standard Lime & Cement Company, located at Baltimore, Md. and Washington, D.C., to points in Virginia south of U.S. Highway 60, and on and east of U.S. Highway 501.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114194 (Sub-No. 83), filed December 14, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallows, oils, greases, and blends and products thereof*, and *rejected shipments* between points in Missouri and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114211 (Sub-No. 68), filed December 10, 1964. Applicant: WARREN TRANSPORT, INC., 213 Witry, Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* and *tractor attachments* and *agricultural implements* and *agricultural machinery* and *parts thereof*, when moving incidental to and in the same vehicle with said commodities restricted against the transportation of any of the described commodities, which because of size or weight require the use of special equipment, from Richmond, Ind., to points in the United States, except Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114360 (Sub-No. 11), filed December 14, 1964. Applicant: SOUTHERN EXPRESS COMPANY, a corporation, 3333 South Cicero Avenue, Cicero, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (other than those requiring specialized handling or rigging because of size or weight), and those injurious or contaminating to other lading), serving the plantsite of the Bethlehem Steel Company, Burns Harbor Plant, located in Porter County, Ind., as an off-route point in connection with applicant's authorized regular-route operations in Illinois, Indiana, and Ohio.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114364 (Sub-No. 94), filed December 11, 1964. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages and containers, from Casper, Wyo., to points in Wyoming, Colorado, and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 114569 (Sub-No. 70), filed December 10, 1964. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, and textile products*, from Ephrata, Pa., to Asheville, N.C.; Freemont, Mich.; Fort Smith, Ark., and Rochester, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 215), filed November 23, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and preserved foodstuffs* (except (1) frozen and (2) commodities in bulk or tank vehicles), in vehicles equipped with mechanical refrigeration, from Louisville, Ky., to points in Tennessee, Alabama, Mississippi, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116273 (Sub-No. 39), filed December 14, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycol propylene*, in bulk, in tank vehicles, from South Beloit, Ill., to points in New Jersey, Wisconsin, Minnesota, Iowa, Michigan, Kansas, Oklahoma, and New York.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 116791 (Sub-No. 16), filed December 10, 1964. Applicant: LEONARD R. GREEN, doing business as FARMERS ELEVATOR, Kensington, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from New Richmond, Wis., to points in Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, McKenzie, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties, N. Dak., and points in Carter, Custer, Dawson, Fallon, Prairie, Richland, and Wibaux Counties, Mont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117119 (Sub-No. 182), filed December 11, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Florida and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 117119 (Sub-No. 183), filed December 11, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato products other than frozen with or without other ingredients, cooked, diced, flaked, powdered, shredded, or sliced*, from Greenville, Mich., to points in Minnesota and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117427 (Sub-No. 41), filed December 11, 1964. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Ridgway, Pa., and points within five (5) miles thereof to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116145 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 110) (AMENDMENT), filed November 13, 1964, published FEDERAL REGISTER issue of

December 2, 1964, amended December 21, 1964, and republished, as amended, this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drinking fountains, water coolers, heating equipment, well pumps, plastic pipe*, in coils, not exceeding pipe six (6) inches in diameter, and *parts* and *accessories* of the foregoing commodities, between points in Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and Camden County, N.J., on the one hand, and, on the other, points in the United States.

NOTE: The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119422 (Sub-No. 27), filed December 14, 1964. Applicant: EE–JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, having prior movement by water or rail, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119531 (Sub-No. 28), filed December 17, 1964. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal, paper and plastic containers, and materials, equipment, and supplies*, used in the manufacture, sale, and distribution thereof, between Massillon, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and New York.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 119654 (Sub-No. 1), filed December 14, 1964. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers, caps, covers, and tops therefor*, and *paper cartons*, knocked down, from Marion, Ind., to the plantsite of Foster-Forbes Glass Company, located at or near Burlington, Wis., (2) *glass containers, caps, covers, and tops therefor*, and *paper cartons*, knocked down, when moving in the same vehicle with glass containers, caps, covers, and tops therefor from the plantsite of Foster-Forbes Glass Company, located at or near Burlington, Wis., to points in Illinois on and north of U.S. Highway 36 and (3) *materials and equipment* used in the manufacture of glass (except those materials and equipment, which because of size or weight require the use of special equipment), between Marion, Ind., on the one hand, and, on the other, the plantsite of Foster-Forbes Glass Company, located at or near Burlington, Wis., and *damaged or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119829 (Sub-No. 13), filed December 14, 1964. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio, 44286. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, ammoniating solutions, and aqua ammonia*, from the site of the plant of Southern Nitrogen Company, Inc., at or near Columbia Park (Finney), Miami Township, Hamilton County, Ohio, to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119950 (Sub-No. 2), filed December 9, 1964. Applicant: JAMES F. WOOD, JR., doing business as WOOD MILK SERVICE, 1102 South College Avenue, Newark, Del. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice, prepared whipped cream, bread, milk, cream, butter, buttermilk, cottage cheese, sour cream, citrus juice, fruit ades, oleomargarine*, and *manufactured products of milk and cream*, in containers and cartons, from Baltimore, Md. to points in Delaware, under a continuing contract with Sealtest Foods, Eastern Division.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123405 (Sub-No. 12), filed December 10, 1964. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Westfield and Buffalo, N.Y., and Erie and North East, Pa. to points in Georgia, Florida, and South Carolina.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 16), filed December 3, 1964. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds, poultry feeds, animal feed ingredients, poultry feed ingredients; fertilizer and materials*, from Minneapolis, Minn. to points in the upper peninsula of Michigan.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123446 (Sub-No. 17), filed December 14, 1964. Applicant: BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except unleavened and frozen bakery products), from the plant site of Arnold Bakers, Inc., located at Greenwich, Conn., to points in Delaware, Massachusetts, Rhode Island, those in Maryland and Pennsylvania on and east of U.S. Highway 11; points in Passaic, Essex, Union, Somerset, Middlesex, Monmouth, Mercer, Ocean, Burlington, Camden, Gloucester, Morris, Sussex, Warren, Hunterdon, and Atlantic Counties, N.J., Windham County, Vt., and the District of Columbia, and (2) *tomato juice and tomato juice cocktails* (except in bulk in tank vehicles), from the plantsite of Arnold Bakers, Inc., located at Goldsboro, Md., to the plantsite of Arnold Bakers, Inc., located at Greenwich, Conn., and *stale, damaged, refused, rejected and nonsalable bakery products* (except frozen and unleavened bakery products), on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 123639 (Sub-No. 24), filed December 14, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities* used in packinghouses, as defined by the Commission, from Lexington and Minden, Nebr., and points within five (5) miles of Minden on U.S. Highway 6, to points in Arizona, California, Oregon, Washington, Utah, and Nevada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 123778 (Sub-No. 3), filed December 14, 1964. Applicant: JOSEPH BAIO, doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine racks and advertising matter shipped with magazines*, from Dunellen, N.J. to points in Connecticut and New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line, and on and east of U.S. Highway 11 between Syracuse, and the New York-Pennsylvania State line.

NOTE: Applicant states the proposed operations will be restricted to service under contract with Newsweek, Inc. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 129), filed December 16, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of River Cement Co. located at St. Louis, Mo., and the plantsite of River Cement Co. located at Jefferson County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo., or Washington, D.C.

No. MC 124123 (Sub-No. 22), filed December 14, 1964. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis., 53246. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank vehicles, and in packages, (1) from Chicago Heights, Ill., to points in Indiana, Iowa, Michigan, and Wisconsin, and (2) from Chicago, Ill., to points in Indiana, Iowa, Michigan, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124183 (Sub-No. 2), filed December 14, 1964. Applicant: GARRISON TRANSPORT, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class containers, caps, covers*, and *tops therefor*, and *paper cartons*, knocked down, when moving in the same vehicle with glass containers, caps, covers, and tops therefor, from the plantsite of Foster-Forbes Glass Co., located at or near Burlington, Wis., to points in Illinois on and north of U.S. Highway 36 and *damaged or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 124211 (Sub-No. 23), filed December 10, 1964. Applicant: HILT TRUCK LINE, INC., 1813 Yolande, Post Office Box 824, Lincoln, Nebr. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Appendix 1, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Lexington, Nebr., and points within five (5) miles thereof, and Minden, Nebr., and points within five (5) miles thereof, to points in Wisconsin and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124306 (Sub-No. 5), filed December 15, 1964. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, Post Office Box 2933, West Durham Station, Durham, N.C. Applicant's attorney: Louis Reznek, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet and dry phosphate rock*, in bulk, in covered dump, tank, or hopper-type vehicles, from Texas Gulf Sulfur Co.'s plantsite located in Beaufort County, N.C., and points within five (5) miles thereof, to railheads and water terminals located in North Carolina for further movement in interstate or foreign commerce by railroad or water transportation.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 124774 (Sub-No. 8), filed December 16, 1964. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 4843, State House Station, Lincoln, Nebr. Applicant's attorney: Charles Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing houses* from Lexington, Nebr., and points within five (5) miles thereof, and Minden, Nebr., and points within five (5) miles therof, to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124886 (Sub-No. 3), filed December 10, 1964. Applicant: PHILIP PICARIELLO, doing business as P & F CARRIERS, 21 Main Street, East Paterson, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitrocellulose solutions*, in drums, from the plant site of Cellofilm Corporation in Woodridge, N.J., to Chicago, Ill., and (2) *resins*, in drums, from the plant site of Cellmore Corporation in Newark, N.J., to Chicago, Ill.

NOTE: Applicant states that (1) above will be under continuing contract with Cellofilm Corporation, Woodridge, N.J., and (2) above will be under continuing contract with Cellomore Corporation, Woodridge, N.J. Applicant is also authorized to conduct common carrier operations in Certificate No. MC 26570, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125474 (Sub-No. 10), filed December 16, 1964. Applicant: BULK HAULERS, INC., 1901 Wooster Street, Wilmington, N.C. Applicant's attorneys: Cyrus D. Hogue, Jr., Post Office Box 1268, Wilmington, N.C., and John C. Bradley, 618 Perpetual Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions* in bulk, in tank vehicles, between Elmwood and Statesville, N.C. and points within ten miles thereof, on the one hand, and, on the other, points in Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125614 (Sub-No. 2), filed October 14, 1963. Applicant: DONALD W. LUBKE, doing business as LUBKE BROS., Post Office Box 906, Dickinson, N. Dak. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* (except drilling mud), from Dickinson, N. Dak., to points in Montana, Minnesota, and South Dakota (except points in South Dakota within sixty-five (65) miles of Rapid City, and those on and north of U.S. Highway 212 and on and west of South Dakota Highway 65).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 125777 (Sub-No. 42), filed December 17, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron briquettes*, in dump vehicles, from Warsaw, Ind., to points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126266 (Sub-No. 1), filed December 11, 1964. Applicant: MAX L. DUDLEY, doing business as DUDLEY BOAT & TRAILER TRANSPORT, 2945 17th Street SE., Auburn, Wash. Applicant's attorney: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats*, from points in Washington to points in California, and Las Vegas, Nev., and *cradles* used in transporting boats in initial movements, on return, and (2) *new house trailers* (vacation, utility or camper type), designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Los Angeles and Santa Clara Counties, Calif., to points in Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126278 (Sub-No. 1), filed December 17, 1964. Applicant: FRIGID WAY CARTAGE CO., a corporation, 1416 Linden Road, Homewood, Ill. Applicant's attorney: William J. Boyd, 30 North LaSalle Street, Chicago 2, Ill.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and products requiring refrigeration*, between points in Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126358 (Sub-No. 3), filed December 14, 1964. Applicant: LAWRENCE L. BENNETT, doing business as BENNETT TRUCKING CO., 113 Mitchell Street, Hawkinsville, Ga. Applicant's attorney: Ariel V. Conlin, 240 Peachtree Street NW., Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Fairfax, S.C., and Ludowici, Ga., to Newcomerstown, Ohio, Statesville, Thomasville and North Wilkesboro, N.C.; Baltimore, Md.; and Greenville, Fla.

NOTE: Applicant holds temporary authority to conduct operations as a contract carrier under MC 126285 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126757 (Sub-No. 1), filed December 10, 1964. Applicant: GLOBAL VAN & STORAGE-MONTEREY, INC., 425 Orange Avenue, Seaside, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Monterey and Santa Cruz Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126768 (Sub-No. 1), filed December 10, 1964. Applicant: WILEY TRANSFER & STORAGE CO., a corporation, 325 Elder Avenue, Seaside, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Monterey and Santa Cruz Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126798, filed December 11, 1964. Applicant: BEN J. TEATER AND EFFIE N. TEATER, a partnership, doing business as BLUE RIBBON DELIVERY SERVICE, Box 21102, Standiford Field, Louisville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), (1) between Standiford Field Airport, located at Louisville, Ky., on the one hand, and, on the other, points in Kentucky, Illinois, Indiana, Ohio, Tennessee, and West Virginia, (2) between Greater Cincinnati Airport located near Erlanger, Ky., on the one hand, and, on the other, points in Ohio, Kentucky, Indiana, Tennessee, Illinois, and West Virginia, (3) between Blue Grass Field, located near Lexington, Ky., on the one hand, and, on the other, points in Kentucky, Ohio, Indiana, Illinois, Tennessee, and West Virginia, and (4) between Standiford Field Airport located at Louisville, Ky., Blue Grass Field located near Lexington, Ky., Greater Cincinnati Airport located near Erlanger, Ky., and Weir-Cook Airport located at Indianapolis, Ind.

NOTE: Applicant states the proposed service is to be restricted to the handling of traffic having a prior or subsequent movement by air. If a hearing is deemed necessary applicant requests it be held at Louisville, Ky.

No. MC 126799, filed December 11, 1964. Applicant: VERNON PETERSON AND PAT KEENEY, a partnership, doing business as K&P TRUCKING, 95 Market Street, Oakland, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Oakland, Alameda, Richmond, and San Francisco, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126800, filed December 10, 1964. Applicant: J. R. TRANSPORT, INC., Glen Cove and Voice Roads, Carle Place, N.Y., 11514. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, materials, supplies, machines*, and *records*, as are used or sold by the printing industry, between Carle Place, Westbury and Locust Valley, N.Y., on the one hand, and, on the other, New York, N.Y., points in Union and Essex Counties, N.J., east of U.S. Highway 1, and points in Hudson and Bergen Counties, N.J., east of the New Jersey Turnpike, and Guilford, Conn., under continuing contract with Consolidated Lithographing Corporation, Carle Place, N.Y., International Banding Machine Company, Inc., Carle Place, Long Island, N.Y., and Educational Aids Publishing Corp., Carle Place, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126810, filed December 16, 1964. Applicant: GREIFF TRUCKING CORP., 34 Bogart Street, Brooklyn, N.Y. Applicant's attorney: Abel Just, 135 Broadway, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments, textiles, finished textiles, and curtains*, between New York, N.Y., on the one hand, and, on the other, points in Nassau County, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 61016 (Sub-No. 22), filed December 16, 1964. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's attorney: Frank Daniels, 11 Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Amherst, Mass., and Holyoke, Mass., over Massachusetts Highway 116, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 69394 (Sub-No. 4), filed December 11, 1964. Applicant: THE GRAY LINE, INC., Sheraton Plaza Hotel, Boston, Mass., 02116. Applicant's attorney: William J. Lippman, 1824 R Street NW., Washington, D.C., 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, consisting of roundtrip conducted sightseeing pleasure tours, beginning and ending at points in Middlesex and Essex Counties, Mass., and extending to points in the Continental United States.

NOTE: Applicant states it now holds authority to transport passengers and their baggage, in special operations of round trip, sightseeing or pleasure tours, during the season extending from the 1st day of June to the 15th day of October inclusive, from Boston, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, and a described portion of New York. The purpose of the instant application is (1) to remove the seasonal restriction in applicant's present authority and (2) to broaden its authorized base and destination territories as herein described. No duplicating authority is sought by this application. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 109736 (Sub-No. 19), filed November 25, 1964. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, in round-trip special operations, beginning and ending at points in Berks County, Pa., and extending to Cherry Hill, Camden County, N.J., and Moorestown, Burlington County, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 115116 (Sub-No. 14), (CLARIFICATION), filed October 14, 1964, published FEDERAL REGISTER issue of October 28, 1964, and clarified and republished, this issue. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers* and *express*, in the same vehicle with passengers, (1) between Borough of Hopewell, N.J., and Montgomery Township, N.J.;



From Borough of Hopewell, over County Highway 518 to junction U.S. Highway 206, Montgomery Township, N.J., and return over the same route, serving all intermediate points, (2) between Borough of Hopewell, N.J. and Borough of Princeton, N.J.; From Borough of Hopewell over County Highway 569 to junction Rosedale Road, Rosedale, N.J., thence over Rosedale Road to Borough of Princeton, and return over the same route, serving all intermediate points, (3) between West Trenton, N.J., and Trenton, N.J.; From West Trenton, over County Highway 579 to junction New Jersey Highway 29 (John Fitch Parkway), thence over New Jersey Highway 29 to junction access roads to Calhoun Street in Trenton, N.J., thence over access roads and Calhoun Street to junction West Hanover Street, thence over West Hanover Street to junction North Warren Street, thence over North Warren Street to junction Perry Street, thence over Perry Street to Perry Street Bus Terminal in Trenton, N.J., and return from Perry Street Bus Terminal in Trenton, N.J., over Perry Street to junction North Warren Street, Perry Street, and Bank Street, thence over Bank Street to junction Calhoun Street, thence over Calhoun Street to junction access roads to New Jersey Highway 29 (John Fitch Parkway).

Thence over access roads and New Jersey Highway 29 to junction County Highway 579, thence over County Highway 579 to West Trenton, N.J., serving all intermediate points, (4) between West Trenton, N.J., and East Brunswick, N.J.; From West Trenton over County Highway 579 to junction New Jersey Highway 29 (John Fitch Parkway), thence over New Jersey Highway 29 to Trenton, N.J., thence over city streets to New Jersey Highway 33, thence over New Jersey Highway 33 to junction U.S. Highway 130, Robbinsville, N.J., thence over U.S. Highway 130 to junction New Jersey Highway 33 in East Windsor Township, N.J., thence over New Jersey Highway 33 to access roads to New Jersey Turnpike at Interchange No. 8, near Hightstown, N.J., thence over New Jersey Turnpike Interchange No. 8 access roads to the New Jersey Turnpike, thence over the New Jersey Turnpike to New Jersey Turnpike at Interchange No. 9 at East Brunswick, N.J. (a point on applicant's presently authorized route), and return over the same route with the right to join the aforesaid route with the existing route of Suburban Transit Corp. on the New Jersey Turnpike at Interchange No. 9 in East Brunswick, N.J., serving all intermediate points, (5) between Trenton, N.J., and Trenton, N.J.; From Perry Street Bus Terminal in Trenton, over city streets to New Jersey Highway 33 in Trenton, and return over the same route, serving all intermediate points, and (6) between East Windsor Township, N.J., and North Brunswick Township, N.J.; From junction U.S. Highway 130 and New Jersey Highway 33 in East Windsor Township, N.J., over U.S. Highway 130 to junction U.S. Highway 1 in North Brunswick, N.J., and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to provide service to and from New York, N.Y., by joining the proposed routes to its existing routes. The purpose of this republication is to clearly set forth the highways proposed to be used in the above operations. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 9115 (Sub-No. 52), filed December 11, 1964. Applicant: OREGON NEVADA CALIFORNIA FAST FREIGHT, INC., 2800 West Bayshore Road, Palo Alto, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Household goods*, as defined by the Commission, and *general commodities* (except those of unusual value (not including ore and concentrates), Classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Sacramento, Calif., and Chico, Calif.: from Sacramento over California Highway 24 to Marysville, Calif., thence over U.S. Highway 99E to Chico, and return over the same route, serving no intermediate points and (2) between Sacramento, Calif., and Woodland, Calif.: from Sacramento over California Highway 16 to Woodland, and return over the same route, serving no intermediate points as alternate routes for operating convenience only, in connection with applicant's presently authorized regular route operations.

No. MC 29910 (Sub-No. 65), filed December 16, 1964. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Post Office Box 297, Fort Smith, Ark., 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, Classes A and B explosives, currency, bullion, articles of virtu, commodities which exceed ordinary equipment and loading facilities, and those injurious or contaminating to other lading), between Fort Smith, Ark., and McAlester, Okla.; from Fort Smith, Ark., over U.S. Highway 271 to junction Oklahoma Highway 31 at Coal Creek, Okla., thence over Oklahoma Highway 31 to McAlester, Okla., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

No. MC 35890 (Sub-No. 30), filed December 11, 1964. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Combination storm-and-screen windows and doors* (aluminum), and *fiberglass awnings* (aluminum framed), and *parts therefor*, from Chicago, Ill., to Atlanta, Ga.; Dallas, Tex., Lansing, Mich., Toledo, Ohio, Oklahoma City, Okla., Buffalo, N.Y., Denver, Colo., Memphis and Nashville, Tenn.

No. MC 71096 (Sub-No. 52), filed December 10, 1964. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery, 180 Milan Avenue, Norwalk, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hardware, bolts, nuts, automotive parts*, and *steel tubing* serving LaGrange, Ohio, as an off-route point in connection with applicant's regular-route authority.

No. MC 109095 (Sub-No. 15), filed December 10, 1964. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis, Mo. Applicant's attorney: Gregory M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highway 24 and Indiana Highway 14, and junction U.S. Highway 224 and Ohio Highway 15; from junction U.S. Highway 24 and Indiana Highway 14, over Indiana Highway 14 to the Indiana-Ohio State line, thence over Ohio Highway 113 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction U.S. Highway 224, and return over the same route, serving junction of U.S. Highway 24 and Indiana Highway 14, and junction U.S. Highway 224 and Ohio Highway 15 for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations between Fort Wayne, Ind., and Akron, Ohio.

No. MC 111170 (Sub-No. 93), filed December 9, 1964. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. Applicant's attorney: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark., 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene dibromide* in bulk in tank vehicles, from points in Union County, Ark., to points in Colorado, Idaho, Utah, and Wyoming.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 58), filed August 10, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Raymond H. Warns, Eastern Greyhound Lines Division, 1400 West Third Street, Cleveland, Ohio, 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Elizabeth, N.J., and New York, N.Y., over New

Jersey Highway 439, serving all intermediate points.

NOTE: Applicant states it intends to tack or join the proposed route with its existing certificated routes at both Elizabeth, N.J., and New York, N.Y. Common control may be involved. This application was accompanied by a Motion to Dismiss.

No. MC 1515 (Sub-No. 69), filed December 14, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers. *Revision of California Route No. 55 on Certificate Sheet No. 14:* Establish a new regular route of operation over a relocated segment of California Highway 36 betwen Susanville and the junction of relocated U.S. Highway 395 (Johnstonville Junction), and a segment of relocated U.S. Highway 395 between Johnstonville Junction and Johnstonville, as regular Route No. 55 in lieu of the present Route No. 55 between Susanville and Johnstonville over former California Highway 36 herein proposed to be revoked, to read as follows: "55. Between Susanville and Johnstonville: from Susanville over California Highway 36 to junction U.S. Highway 395 (Johnstonville Junction), thence over U.S. Highway 395 to Johnstonville," and return over the same route, serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of said proposed Certificate No. MC 1515 (Sub-No. 7) (formerly MC 1501 (Sub-No. 138)).

NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheet to said proposed Certificate No. MC 1515 (Sub-No. 7) (formerly MC 1501 (Sub-No. 138)).

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-13422; Filed, Dec. 29, 1964; 8:48 a.m.]

[Notice 1101]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 24, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67355. By order of December 16, 1964, The Transfer Board approved the transfer to Wisconsin-Michigan Coaches, Inc., Green Bay, Wis., of the operating rights issued by the Commission March 13, 1942, under Certificate No. MC 6876, to The Motor Bus Company, a corporation, Chippewa Falls, Wis., authorizing the transportation, over regular routes, of passengers and their baggage, between Eau Claire, Wis., and Wausau, Wis.

Adolph J. Bierberstein, 121 West Doty Street, Madison, Wis., 53703, attorney for applicants.

No. MC-FC 67408. By order of December 16, 1964, The Transfer Board approved the transfer to Arlington Express, Inc., Kearny, N.J., of that portion of the operating rights authorized in Certificate No. MC 123057, issued July 27, 1964, to James Ricciardi & Sons, Inc., authorizing the transportation, over irregular routes, of general commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Essex and Hudson Counties, N.J., on the one hand, and, on the other, New York, N.Y.

Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC-FC 67434. By order of December 17, 1964, The Transfer Board approved the transfer to Shorty Hall Rig Co., Inc., Odessa, Tex., of a portion of the operating rights in Certificate No. MC 30042, issued October 1, 1964, to Security Trucking Company, a corporation, Tulsa, Okla., authorizing the transportation, over irregular routes, of: Machinery, equipment, materials, and supplies, used in, or in connection with the natural gas and petroleum industry and the sulphur industry, and the drilling of water wells, between points in New Mexico, Texas, Kansas, and Oklahoma.

George Fowler, 520 North Lee, Odessa, Tex., Attorney for transferee and Rufus H. Lawson, Post Office Box 75124, Oklahoma City, Okla., Attorney for transferor.

No. MC-FC 67435. By order of December 17, 1964, The Transfer Board approved the transfer to Fannie Lee Mitchell, Inc., Lovington, N. Mex., of the operating rights in Certificate No. MC 99365 Sub 1, issued February 1, 1960, to Shorty Hall Rig Co., Inc., Odessa, Tex., authorizing the transportation, over irregular routes, of: Machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Lea County, N. Mex., and Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin, Howard, Mitchell, Nolan, Culberson, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Reeves, Ward, Crane, Upton, and Reagan Counties, Tex.

George Fowler, 520 North Lee, Odessa, Tex., Attorney for transferee and Rufus H. Lawson, Post Office Box 75124, Oklahoma City, Okla., Attorney for transferor.

HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-13423; Filed, Dec. 29, 1964; 8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**


### 3 CFR

| | Page |
|---|---|
| PROCLAMATIONS: | |
| 3630 | 15941 |
| 3631 | 16243 |
| EXECUTIVE ORDER: | |
| Jan. 7, 1903 (revoked in part by PLO 3516) | 18423 |
| Mar. 31, 1911 (revoked in part by PLO 3493) | 16859 |
| Dec. 31, 1912 (revoked in part by PLO 3487) | 16829 |
| Sept. 30, 1916 (revoked in part by PLO 3508) | 16864 |
| May 21, 1920 (revoked in part by PLO 3508) | 16864 |
| 5289 (revoked in part by PLO 3486) | 16830 |

### 4 CFR

| | |
|---|---|
| 51 | 16313 |
| 52 | 16313 |

### 5 CFR

| | |
|---|---|
| 213 | 17065, 17084, 17085, 17893, 18003, 18153, 18288. |
| 890 | 18045 |

### 7 CFR

| | |
|---|---|
| 15 | 16274, 16966 |
| 29 | 16854 |
| 58 | 19091 |
| 81 | 18474 |
| 401 | 17029, 17085 |
| 701 | 18149 |
| 717 | 16184 |
| 719 | 16185 |
| 722 | 16428, 16775, 18003, 18004 |
| 724 | 16077 |
| 728 | 19092 |
| 729 | 16185 |
| 730 | 17086 |
| 751 | 18007 |
| 777 | 17086 |
| 811 | 18149 |
| 814 | 19092 |
| 817 | 18151 |
| 850 | 17029 |
| 855 | 17029 |
| 905 | 16313–16315 |
| 907 | 16315, 16907, 17030, 17814, 18405, 18415 |
| 909 | 17030 |
| 910 | 16078, 16316, 17031, 18045, 18415 |
| 916 | 16966 |
| 917 | 16854, 19094 |
| 929 | 16078 |
| 971 | 19094 |
| 1004 | 16966 |
| 1005 | 16855 |
| 1032 | 18046 |
| 1036 | 18415 |
| 1046 | 18416 |
| 1047 | 18475 |
| 1049 | 18476 |
| 1061 | 18152 |
| 1062 | 18049 |
| 1063 | 18007, 18051 |
| 1067 | 18052 |
| 1070 | 18008 |
| 1078 | 18009 |
| 1079 | 18010 |
| 1136 | 17815 |
| 1421 | 15943, 18212 |
| 1427 | 18213 |
| 1468 | 18153 |
| 1472 | 18153 |
| 1485 | 17032 |
| 1600 | 16784 |
| 1601 | 16784 |
| PROPOSED RULES: | |
| 26 | 17816 |
| 51 | 19109 |
| 301 | 18509 |
| 812 | 17122 |
| 911 | 16258 |
| 912 | 16993 |
| 915 | 16258 |
| 917 | 16993 |
| 971 | 16833 |
| 1003 | 18014 |
| 1004 | 16994, 18429 |
| 1005 | 16259 |
| 1030 | 16395, 16417, 18091 |
| 1031 | 16417 |
| 1036 | 16197, 18091 |
| 1044 | 16200 |
| 1046 | 17908 |
| 1047 | 17041, 17816 |
| 1049 | 17816 |
| 1050 | 17822 |
| 1065 | 16920 |
| 1098 | 18429 |
| 1126 | 16198, 18434 |
| 1131 | 16866, 17822 |
| 1135 | 18380 |
| 1137 | 18381 |

### 8 CFR

| | |
|---|---|
| 103 | 18010 |

### 9 CFR

| | |
|---|---|
| 74 | 15943 |
| 92 | 18274 |
| 94 | 16907 |
| 97 | 16316 |
| 155 | 18418 |

### 10 CFR

| | |
|---|---|
| 2 | 16831 |
| PROPOSED RULES: | |
| Ch. I | 15957 |
| 2 | 16934 |
| 30 | 17916, 17933 |
| 31 | 17920 |
| 32 | 17922 |
| 33 | 17928 |
| 34 | 17929 |
| 35 | 17931 |
| 36 | 17932 |
| 150 | 17933 |

### 12 CFR

| | |
|---|---|
| 1 | 17087, 18053 |
| 217 | 15944, 16317 |
| 218 | 16065 |
| 224 | 16855 |
| 329 | 15944 |
| 525 | 18154 |
| 545 | 16856, 18154, 18156, 18213 |
| 563 | 17088 |
| PROPOSED RULES: | |
| 561 | 18233 |
| 563 | 18181 |

### 13 CFR

| | |
|---|---|
| 107 | 16825, 16946, 16967 |
| 120 | 18419 |
| 121 | 15945 |
| PROPOSED RULES: | |
| 107 | 16094, 18016 |

### 14 CFR

| | |
|---|---|
| 1 [New] | 18289 |
| 3 | 17955 |
| 4a | 18289 |
| 4b | 18289 |
| 7 | 16149 |
| 23 [New] | 17955 |
| 25 [New] | 18289 |
| 27 [New] | 16065, 17885 |
| 29 [New] | 16149 |
| 39 [New] | 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797, 18353, 18477. |
| 42 | 16968 |
| 71 [New] | 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088 17503, 17797, 18053–18055, 18156, 18213, 18354, 18478, 19096. |
| 73 [New] | 15948, 16184, 16972, 17037, 17727, 18156, 18354. |
| 75 [New] | 16066, 16319, 17775 |
| 91 [New] | 18289, 19096 |
| 93 [New] | 15948 |
| 97 [New] | 16067, 16789, 17798, 17886, 18479, 18488 |
| 127 | 19096 |
| 129 | 19096 |
| 135 [New] | 18478, 19096 |
| 141 | 19096 |
| 151 [New] | 18000 |
| 171 | 19096 |
| 302 | 16972 |
| 389 | 16907 |
| 406 | 19099 |
| 1204 | 17892 |
| PROPOSED RULES: | |
| 39 [New] | 16429, 16430, 17044, 18093 |
| 71 [New] | 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823, 18014, 18015, 18093, 18095–18097, 18180, 18230, 18231, 18382, 13883, 18510, 19111 |
| 73 [New] | 18510 |
| 75 [New] | 16432, 16836, 18230 |
| 91 [New] | 15959, 18232 |
| 129 [New] | 18232 |
| 135 [New] | 16836 |
| 207 | 18509 |
| 221 | 16867 |
| 295 | 18509 |
| 399 | 17042, 18230 |
| 514 | 18511 |

### 15 CFR

| | |
|---|---|
| 3 | 19095 |
| 7 | 16973 |
| 9 | 18507 |
| 50 | 17089 |
| 201 | 16319 |
| 202 | 18032 |
| 203 | 18507 |
| 365 | 16186 |

### 16 CFR

| | |
|---|---|
| 13 | 16186, 16826, 16856 |

## 17 CFR

Page
200 16187
230 16982, 19099
239 16856
240 16245, 16856, 16982
260 16982
270 16982, 19100
275 16982

PROPOSED RULES:
15 15957
19 15957
230 18234
240 18234, 18386

## 18 CFR

101 18214
104 18214
141 18214
201 18216
501 16188
502 16189
503 16189
504 16190
505 16191
506 16192
507 16193
508 16194
12 16997
154 18233

## 19 CFR

4 15949
14 16320

PROPOSED RULES:
6 17042

## 20 CFR

395 16322
602 19101

## 21 CFR

1 18055, 18063
8 15949, 16983, 17089, 18495
9 16983
14 16194
15 16194
16 16194, 16858
17 16194
18 16194
19 16194, 18121
20 16194, 18123
22 16194
27 16194, 19109
29 16194
37 16194
42 16194, 16983
45 16194
46 16194
51 16194
53 16194
121 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893, 18012, 18055, 18056, 18216, 18496, 18497.
130 18055
141 18012
141d 19109
144 16984, 19110
145 16911
146 18012
146a 18012
146d 19109
148c 16984
148u 16911
148x 16251
191 18056, 18498

PROPOSED RULES:
27 16866
31 16866
38 18175, 18436

## 21 CFR—Continued

Page
PROPOSED RULES—Continued
45 16994
46 16429
53 16934
120 16935
121 16935, 16994

## 22 CFR

41 19089
201 18288

## 24 CFR

1 16280
201 17893
203 17893
207 17893
213 17894
220 17894
221 17895
231 17897
232 17898
234 17899
603 17899
809 17899
903 17899

## 25 CFR

43d 16080

## 26 CFR

1 16081, 17806, 17899, 18128, 18144, 18201, 18355, 18356, 18366, 18498, 18500, 18502.
31 18144
45 16083
146 19102

PROPOSED RULES:
1 15957, 16090, 18063, 18173
48 16993
170 18379
296 18379
301 18063

## 27 CFR

4 16984

## 29 CFR

31 16284
40 18156
50 18419
608 17811
609 17811
611 17812
615 19103
681 19103
689 15949
779 19103

PROPOSED RULES:
601 16428
670 16428
673 17822
675 16428
677 17822
678 17822
720 16428

## 31 CFR

3 18161
306 19020
315 19034
316 19047
321 19076
328 16914
332 19076

PROPOSED RULES:
306 16330
315 16330
316 16330
321 16330
332 16330

## 32 CFR

Page
132 17885
517 15949
536 16985
577 16251
701 16194, 18275
710 16055
713 18276
719 16194
721 17812
730 18276
804 16323
1001 17037
1002 17038
1003 17038
1007 17038
1030 17040
1057 17039

## 32A CFR

OEP (Ch. I):
DMO I–1 18368
DMO I–4 16251
OIA (Ch. X):
OI Reg. 1 16986

## 33 CFR

Page
2 18162
80 18011
202 16859, 17040
203 16251, 17040, 18422
206 15949
207 18422

## 35 CFR

4 17903
5 16328

## 36 CFR

Page
7 17091, 18218

## 37 CFR

1 18502
3 18502

## 38 CFR

3 16252, 16328, 17092
12 17903, 17904
17 18219

## 39 CFR

16 16125
21 16252
22 16125, 16252
24 16125
25 16252
57 16858
61 16125
112 16858, 19089
151 18506
168 16858, 18506

PROPOSED RULES:
22 18093
96 18380

## 41 CFR

Ch. 1 18057
Ch. 2 17092
2 18477
4–1 17040
8–1 16323, 17903
8–2 16323
8–7 18013
9–9 17113
11–1 16252, 16255
11–2 16253, 16255
11–4 16253
11–14 16255
11–60 18368, 19091
Ch. 18 16502
101–6 15972, 16287
101–7 16797



## 41 CFR—Continued

Page
101–8 16800
101–9 16800
101–10 16801
101–11 16807
101–12 16824
101–13 16824, 19091
101–18 15973, 19091
101–19 15978
101–20 15984
101–25 15990
101–27 15997
101–28 15998
101–29 16002
101–30 16004
101–40 16008
101–43 16012
101–44 16027
101–45 16035
101–47 16126

## 42 CFR

21 18288
51 16915, 17954
53 18447
55 16915
57 15952

## 43 CFR

17 16293

PUBLIC LAND ORDERS:
751 (revoked in part by PLO 3516) 18423
3359 (revoked in part by PLO 3478) 16827
3447 (corrected by PLO 3485) 16829
3464 16084
3465 16084
3466 16084
3467 16085
3468 16085
3469 16085
3470 16086
3471 16086
3472 16087
3473 16087
3474 16256
3475 16827
3476 16827
3477 16827
3478 16827
3479 16828
3480 16828
3481 16828
3482 16828
3483 16829
3484 16829
3485 16829
3486 16830

## 43 CFR—Continued

Page
PUBLIC LAND ORDERS—Continued
3487 16829
3488 16830
3489 16830
3490 16830
3491 16831
3492 16831
3493 16859
3494 16859
3495 16860
3496 16860
3497 16860
3498 16860
3499 16861
3500 16861
3501 16862
Corrected 18219
3502 16862
3503 16863
3504 16863
3505 16863
3506 16863
3507 16864
3508 16864
3509 16864
3510 16987
3511 16987
3512 16987
3513 17905
3514 17905
3515 17905
3516 18423
3517 19089

## 44 CFR

1 16832
2 16832
3 16832
4 16832
5 16832
6 16832
7 16832
55 15954
60 15954
100 15954, 19107
102 15954
110 16195
150 19107
151 19107
170 19107
175 19107
176 19108
Ch. VII 16832

## 45 CFR

80 16298, 16988
150 15955
611 16305
701 17949

## 45 CFR—Continued

Page
702 17950
703 17952
704 17953

## 46 CFR

146 18163
147 18163
309 19085
502 18171
506 16195, 17121

PROPOSED RULES:
Ch. IV 16433

## 47 CFR

0 18373
2 19090
73 16196, 16916, 16988, 18172, 18373, 18376, 18423.
81 16196
87 16865, 18377
89 18057, 18425
91 18219

PROPOSED RULES:
1 17823
2 17824
21 16204, 17840
25 17840, 17848
73 16205, 16207, 16837, 17850, 18384

## 48 CFR

310 18059

## 49 CFR

0 16087, 19107
10 18426
71–79 18652
95 18062, 18377, 18378, 18426, 18427, 18506
176 16125, 19107
182 19104
184 19104
192 16256

PROPOSED RULES:
10 18437
71–78 18511
170 17850

## 50 CFR

2 17905
11 17905
14 17906
16 17905
32 17906, 18378
33 16917, 16918, 17814, 17906, 17907, 18229
256 16088
257 16990

*Part II begins on page 19275*

THE UNIVERSITY OF MICHIGAN
JAN
MAIN READING ROOM

*Pages 19163–19304*

PART I

# FEDERAL REGISTER

VOLUME 29 NUMBER 254

*Washington, Thursday, December 31, 1964*

## Contents


### THE PRESIDENT

**EXECUTIVE ORDER**

Providing for screening of the Ready Reserve of the Armed Forces ..... 19183

**PROCLAMATION**

Regulations for preventing collisions at sea ..... 19167

### EXECUTIVE AGENCIES

### AGRICULTURAL MARKETING SERVICE

**Rules and Regulations**

Milk in certain marketing areas:
North Texas ..... 19235
St. Louis, Missouri ..... 19235
Onions grown in South Texas; shipment limitations ..... 19234

**Proposed Rule Making**

Bonding; extension of time for filing data, views or arguments ..... 19261
Limes and avocados; decision and referendum ..... 19259
Onion import regulation ..... 19260

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

**Rules and Regulations**

Rice; marketing quotas and acreage allotments (2 documents) ..... 19232, 19233
Sugar requirements and quotas for Hawaii and Puerto Rico; 1965 quotas for local consumption ..... 19233

**Notices**

Rice; marketing quota referendum for 1965 crop ..... 19265

### AGRICULTURE DEPARTMENT

*See also* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

**Notices**

Pennsylvania; designation and extension of areas for emergency loans ..... 19265

### ATOMIC ENERGY COMMISSION

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the Atomic Energy Commission; effectuation of Title VI of the Civil Rights Act of 1964 ..... 19277

### CIVIL AERONAUTICS BOARD

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the Civil Aeronautics Board; effectuation of the Title VI of Civil Rights Act of 1964 ..... 19287

### COAST GUARD

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the United States Coast Guard; effectuation of Title VI of the Civil Rights Act of 1964 ..... 19297

### COMMERCE DEPARTMENT

*See* Weather Bureau.

### DEFENSE DEPARTMENT

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the Department of Defense; effectuation of Title VI of the Civil Rights Act of 1964 ..... 19291

### EMERGENCY PLANNING OFFICE

**Rules and Regulations**

United States telecommunication policy for Government use of certain frequencies for domestic fixed service; revocation ..... 19249

### FEDERAL AVIATION AGENCY

**Rules and Regulations**

Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; certification and operation ..... 19186
Jet routes, reporting points, continental control area, and transition areas; establishment, alteration, designation and revocation ..... 19185
Nondiscrimination in Federally-assisted programs of the Federal Aviation Agency; effectuation of Title VI of the Civil Rights Act of 1964 ..... 19283

### FEDERAL COMMUNICATIONS COMMISSION

**Rules and Regulations**

Astoria, Oregon; availability of certain frequencies for ship-shore use on day basis ..... 19256
Non-type accepted transmitters at international gateway stations ..... 19256
Special service authorizations; abolition of form ..... 19255

**Proposed Rule Making**

Table of assignments:
FM broadcast stations, Chicago and Skokie, Ill ..... 19261
TV broadcast station, Casper, Wyo ..... 19262

**Notices**

*Hearings, etc.:*
Estacada Telephone & Telegraph Co., and Pacific Northwest Bell Telephone Co ..... 19266
La Fiesta Broadcasting Co., and Mid-Cities Broadcasting Corp ..... 19266
Lompoc Valley Cable TV, Inc ..... 19266
Northern Indiana Broadcasters, Inc ..... 19266
Progress Broadcasting Corp. (WHOM) ..... 19266

### FEDERAL HOME LOAN BANK BOARD

**Rules and Regulations**

Participating loans; miscellaneous amendments ..... 19236
Specified assets; definition ..... 19236


*(Continued on next page)*

## FEDERAL MARITIME COMMISSION

**Notices**

Barber-West African Line and Farrell Lines Inc.; agreements filed for approval ... 19266
Independent ocean freight forwarder applications; revision ... 19267

## FEDERAL POWER COMMISSION

**Rules and Regulations**

Natural gas pipeline companies; revision of monthly statement form ... 19237

**Notices**

*Hearings, etc.:*
Colorado Interstate Gas Co ... 19267
Idaho Power Co ... 19267
Mississippi River Transmission Corp ... 19268
Northern States Power Co ... 19268

## FISH AND WILDLIFE SERVICE

**Rules and Regulations**

Sport fishing on certain wildlife refuges:
Idaho ... 19257
Nevada ... 19258

**Notices**

Boat Ouingondy, Inc., construction differential subsidy ... 19265

## FOOD AND DRUG ADMINISTRATION

**Rules and Regulations**

Canned vegetables; EDTA salts as optional ingredients ... 19240
Food additives; rubber articles intended for repeated use ... 19240

**Notices**

Elanco Products Co.; withdrawal of petition regarding food additive ... 19265

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See* Food and Drug Administration, Welfare Administration.

## INDIAN AFFAIRS BUREAU

**Notices**

Agua Caliente Indian Reservation; redelegation of authority regarding lands ... 19264

## INTERIOR DEPARTMENT

*See* Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

## INTERNAL REVENUE SERVICE

**Rules and Regulations**

Income tax; carryback and carryover of, and overall limitation on, foreign tax credit ... 19241

## INTERSTATE COMMERCE COMMISSION

**Proposed Rule Making**

Motor carrier temporary authorities; extension of time for filing ... 19262

**Notices**

Fourth section applications for relief ... 19269
Montana; transportation of hay at reduced rates ... 19269
Motor carrier transfer proceedings ... 19270
Rerouting of traffic:
Southern Pacific Co ... 19270
Spokane, Portland and Seattle Railway System ... 19271
Western Pacific Railroad Co ... 19271
Shortage of cars; expiration date ... 19270

## LAND MANAGEMENT BUREAU

**Rules and Regulations**

Miscellaneous amendments to chapter ... 19248

**Notices**

Colorado; proposed withdrawal and reservation of lands (2 documents) ... 19264
Idaho; filing of protraction diagrams ... 19264
Oregon; termination of proposed withdrawal and reservation of land ... 19265

## NARCOTICS BUREAU

**Rules and Regulations**

Piritramid; classified as an opiate ... 19241

## SECURITIES AND EXCHANGE COMMISSION

**Proposed Rule Making**

Proxy rules; extension of time for comments on proposed amendments ... 19263

**Notices**

*Hearings, etc.:*
Continental Vending Machine Corp ... 19268
Israel Fund, Inc ... 19269

## TARIFF SCHEDULES OF THE UNITED STATES

Table of amendments ... 19238

## TREASURY DEPARTMENT

*See* Coast Guard; Internal Revenue Service; Narcotics Bureau.

## VETERANS ADMINISTRATION

**Rules and Regulations**

Nondiscrimination in Federally-assisted programs of the Veterans Administration; effectuation of Title VI of the Civil Rights Act of 1964 ... 19301

## WEATHER BUREAU

**Rules and Regulations**

Charges for furnishing copies of weather records ... 19236

## WELFARE ADMINISTRATION

**Rules and Regulations**

Revision of chapter ... 19250




# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

### 3 CFR

PROCLAMATION:
3030 (superseded by Proc. 3632) ... 19167
3632 ... 19167
EXECUTIVE ORDERS:
10651 (revoked by EO 11190) ... 19183
11190 ... 19183

### 7 CFR

730 (2 documents) ... 19232, 19233
812 ... 19233
959 ... 19234
1062 ... 19235
1126 ... 19235
PROPOSED RULES:
911 ... 19259
915 ... 19259
980 ... 19260

### 9 CFR

PROPOSED RULES:
201 ... 19261

### 10 CFR

4 ... 19277

### 12 CFR

561 ... 19236
563 ... 19236

### 14 CFR

1 ... 19186
15 ... 19283
40 ... 19186
41 ... 19186
42 ... 19186
71 [New] ... 19185
75 [New] ... 19185
121 [New] ... 19186
379 ... 19287

### 15 CFR

503 ... 19236

### 17 CFR

PROPOSED RULES:
240 ... 19263

### 18 CFR

260 ... 19237

### 19 CFR

Appendix A ... 19238

### 21 CFR

51 ... 19240
121 ... 19240
305 ... 19241

### 26 CFR

1 ... 19241

### 32 CFR

300 ... 19291

### 32A CFR

OEP (Ch. I):
DMO–IX–3 ... 19249

### 33 CFR

24 ... 19297

### 38 CFR

18 ... 19301

### 43 CFR

2230 ... 19248
2320 ... 19248
3130 ... 19248
3210 ... 19248
3220 ... 19248
3630 ... 19248
4130 ... 19248

### 45 CFR

201 ... 19250
202 ... 19252
211 ... 19252
212 ... 19254

### 47 CFR

1 ... 19255
81 ... 19256
83 ... 19256
87 ... 19256
PROPOSED RULES:
73 (2 documents) ... 19261, 19262

### 49 CFR

PROPOSED RULES:
Ch. I ... 19262

### 50 CFR

33 (2 documents) ... 19257, 19258


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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3632

### REGULATIONS FOR PREVENTING COLLISIONS AT SEA

**By the President of the United States of America**

**A Proclamation**

WHEREAS certain regulations designated as Regulations for Preventing Collisions at Sea, 1960, were approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17 to June 17, 1960; and

WHEREAS the Act of September 24, 1963 (Public Law 88–131, 77 Stat. 194), hereinafter referred to as the Act, authorizes the President of the United States of America to proclaim those regulations, which are set forth in Section 4 of the Act, and to specify the effective date thereof, the regulations to have effect (after the effective date thus specified), as if enacted by statute; and

WHEREAS on March 12, 1964, the Government of the United States of America communicated to the Inter-Governmental Maritime Consultative Organization, as depository agency, its acceptance of the regulations; and

WHEREAS the Government of the United States of America has been notified by the Inter-Governmental Maritime Consultative Organization, as depository agency, that substantial unanimity has been reached as to the acceptance by interested countries, and that it has fixed September 1, 1965, as the date on and after which the regulations shall be applied by the governments which have accepted them; and

WHEREAS the Act provides that the Regulations for Preventing Collisions at Sea, 1948 (65 Stat. 406), as proclaimed and made effective as of January 1, 1954, by Proclamation No. 3030 of August 15, 1953, shall be of no further force or effect after the effective date proclaimed for the Regulations for Preventing Collisions at Sea, 1960.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, under and by virtue of the authority vested in me by the Act, do hereby proclaim the Regulations for Preventing Collisions at Sea, 1960, as set forth in Section 4 of the Act, which regulations are attached hereto and made a part hereof, and do hereby specify that the effective date thereof shall be September 1, 1965.

Proclamation No. 3030 is superseded effective as of September 1, 1965.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-ninth day of December in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

"REGULATIONS FOR PREVENTING COLLISIONS AT SEA

"PART A.—PRELIMINARY AND DEFINITIONS

"Rule 1

"(a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

"(b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. The lights prescribed by these Rules may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

"(c) In the following Rules, except where the context otherwise requires—

"(i) the word 'vessel' includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

"(ii) the word 'seaplane' includes a flying boat and any other aircraft designed to manoeuvre on the water;

"(iii) the term 'power-driven vessel' means any vessel propelled by machinery;

"(iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;

"(v) a vessel or seaplane on the water is 'under way' when she is not at anchor, or made fast to the shore, or aground;

"(vi) the term 'height above the hull' means height above the uppermost continuous deck;

"(vii) the length and breadth of a vessel shall be her length overall and largest breadth;

"(viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;

"(ix) vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;

"(x) the word 'visible', when applied to lights, means visible on a dark night with a clear atmosphere;

"(xi) the term 'short blast' means a blast of about one second's duration;

"(xii) the term 'prolonged blast' means a blast of from four to six seconds' duration;

"(xiii) the word 'whistle' means any appliance capable of producing the prescribed short and prolonged blasts;



"(xiv) the term 'engaged in fishing' means fishing with nets, lines or trawls but does not including fishing with trolling lines.

"PART B.—LIGHTS AND SHAPES

"Rule 2

"(a) A power-driven vessel when under way shall carry—

"(i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a white light so constructed as to show an unbroken light over an arc of the horizon of 225 degrees (20 points of the compass), so fixed as to show the light 112½ degrees (10 points) on each side of the vessel, that is, from right ahead to 22½ degrees (2 points) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

"(ii) Either forward or abaft the white light prescribed in sub-section (i) a second white light similar in construction and character to that light. Vessels of less than 150 feet in length shall not be required to carry this second white light but may do so.

"(iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the forward light shall always be shown lower than the after one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried, then that light, shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.

"(iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 112½ degrees (10 points of the compass), so fixed as to show the light from right ahead to 22½ degrees (2 points) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

"(v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 112½ degrees (10 points of the compass), so fixed as to show the light from right ahead to 22½ degrees (2 points) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

"(vi) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.

"(b) A seaplane under way on the water shall carry—

"(i) In the forepart amidships where it can best be seen a white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.

"(ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

"(iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

"Rule 3

"(a) A power-driven vessel when towing or pushing another vessel or seaplane shall, in addition to her sidelights, carry two white lights in a vertical line one over the other, not less than 6 feet apart, and when towing and the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet, shall carry three white lights in a vertical line one over the other, so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. Each of these lights shall be of the same construction and character and one of them shall be carried in the same position as the white light prescribed in Rule 2(a)(i). None of these lights shall be carried at a height of less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.

"(b) The towing vessel shall also show either the stern light prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

"(c) Between sunrise and sunset a power-driven vessel engaged in towing, if the length of tow exceeds 600 feet, shall carry, where it can best be seen, a black diamond shape at least 2 feet in diameter.

"(d) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in Rule 2(b) (i), (ii) and (iii); and, in addition, she shall carry a second white light of the same construction and character as the white light prescribed in Rule 2(b) (i), and in a vertical line at least 6 feet above or below such light.

"Rule 4

"(a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights prescribed in Rule 2(a) (i) and (ii), two red lights in a vertical line one over the other not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

"(b) A seaplane on the water which is not under command may carry, where they can best be seen, and in lieu of the light prescribed in Rule 2(b)(i), two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

"(c) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, or a vessel engaged in replenishment at sea, or in the launching or recovery of aircraft when from the nature of her work she is unable to get out of the way of approaching vessels, shall carry, in lieu of the lights prescribed in Rule 2(a) (i) and (ii), or Rule 7(a)(i), three lights in a vertical line one over the other so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.



"(d)(i) A vessel engaged in minesweeping operations shall carry at the fore truck a green light, and at the end or ends of the fore yard on the side or sides on which danger exists, another such light or lights. These lights shall be carried in addition to the light prescribed in Rule 2(a)(i) or Rule 7(a)(i), as appropriate, and shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day she shall carry black balls, not less than 2 feet in diameter, in the same position as the green lights.

"(ii) the showing of these lights or balls indicates that it is dangerous for other vessels to approach closer than 3,000 feet astern of the minesweeper or 1,500 feet on the side or sides on which danger exists.

"(e) The vessels and seaplanes referred to in this Rule, when not making way through the water, shall show neither the coloured sidelights nor the stern light, but when making way they shall show them.

"(f) The lights and shapes prescribed in this Rule are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

"(g) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Rule 31.

"Rule 5

"(a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed in Rule 2 for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights prescribed therein, which they shall never carry. They shall also carry stern lights as prescribed in Rule 10, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stern light, a small white light as prescribed in Rule 3(b).

"(b) In addition to the lights prescribed in section (a), a sailing vessel may carry on the top of the foremast two lights in a vertical line one over the other, sufficiently separated so as to be clearly distinguished. The upper light shall be red and the lower light shall be green. Both lights shall be constructed and fixed as prescribed in Rule 2(a)(i) and shall be visible at a distance of at least 2 miles.

"(c) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights prescribed in Rule 2(a) (iv) and (v) and shall be screened as provided in Rule 2(a)(vi), provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

"(d) Between sunrise and sunset a vessel being towed, if the length of the tow exceeds 600 feet, shall carry where it can best be seen a black diamond shape at least 2 feet in diameter.

"Rule 6

"(a) When it is not possible on account of bad weather or other sufficient cause to fix the green and red sidelights, these lights shall be kept at hand lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than 22½ degrees (2 points) abaft the beam on their respective sides.

"(b) To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens.

"Rule 7

"Power-driven vessels of less than 65 feet in length, vessels under oars or sails of less than 40 feet in length, and rowing boats, when under way shall not be required to carry the lights prescribed in Rules 2, 3 and 5, but if they do not carry them they shall be provided with the following lights—

"(a) Power-driven vessels of less than 65 feet in length, except as provided in sections (b) and (c), shall carry—

"(i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a white light constructed and fixed as prescribed in Rule 2(a)(i) and of such a character as to be visible at a distance of at least 3 miles.

"(ii) Green and red sidelights constructed and fixed as prescribed in Rule 2(a)(iv) and (v), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 22½ degrees (2 points) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

"(b) Power-driven vessels of less than 65 feet in length when towing or pushing another vessel shall carry—

"(i) In addition to the sidelights or the combined lantern prescribed in section (a)(ii) two white lights in a vertical line, one over the other not less than 4 feet apart. Each of these lights shall be of the same construction and character as the white light prescribed in section (a)(i) and one of them shall be carried in the same position. In a vessel with a single mast such lights may be carried on the mast.

"(ii) Either a stern light as prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

"(c) Power-driven vessels of less than 40 feet in length may carry the white light at a less height than 9 feet above the gunwale but it shall be carried not less than 3 feet above the sidelights or the combined lantern prescribed in section (a)(ii).

"(d) Vessels of less than 40 feet in length, under oars or sails, except as provided in section (f), shall, if they do not carry the sidelights, carry, where it can best be seen, a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least 1 mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.



"(e) The vessels referred to in this Rule when being towed shall carry the sidelights or the combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, and a stern light as prescribed in Rule 10, or, except the last vessel of the tow, a small white light as prescribed in section (b)(ii). When being pushed ahead they shall carry at the forward end the sidelights or combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, provided that any number of vessels referred to in this Rule when pushed ahead in a group shall be lighted as one vessel under this Rule unless the overall length of the group exceeds 65 feet when the provisions of Rule 5(c) shall apply.

"(f) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern, showing a white light, which shall be exhibited in sufficient time to prevent collision.

"(g) The vessels and boats referred to in this Rule shall not be required to carry the lights or shapes prescribed in Rules 4(a) and 11(e) and the size of their day signals may be less than is prescribed in Rules 4(c) and 11(c).

"Rule 8

"(a) A power-driven pilot-vessel when engaged on pilotage duty and under way—

"(i) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length she may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

"(ii) Shall carry the sidelights or lanterns prescribed in Rule 2(a)(iv) and (v) or Rule 7(a)(ii) or (d), as appropriate, and the stern light prescribed in Rule 10.

"(iii) Shall show one or more flare-up lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flare-up lights.

"(b) A sailing pilot-vessel when engaged on pilotage duty and under way—

"(i) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

"(ii) Shall be provided with the sidelights or lantern prescribed in Rules 5(a) or 7(d), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which she is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. She shall also carry the stern light prescribed in Rule 10.

"(iii) Shall show one or more flare-up lights at intervals not exceeding ten minutes.

"(c) A pilot-vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in sections (a)(i) and (iii) or (b)(i) and (iii), as appropriate, and if at anchor shall also carry the anchor lights prescribed in Rule 11.

"(d) A pilot-vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of her length.



"Rule 9



"Rule 10

"Rule 9

"(a) Fishing vessels when not engaged in fishing shall show the lights or shapes for similar vessels of their length.

"(b) Vessels engaged in fishing, when under way or at anchor, shall show only the lights and shapes prescribed in this Rule, which lights and shapes shall be visible at a distance of at least 2 miles.

"(c) (i) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus through the water, shall carry two lights in a vertical line, one over the other, not less than 4 feet nor more than 12 feet apart. The upper of these lights shall be green and the lower light white and each shall be visible all round the horizon. The lower of these two lights shall be carried at a height above the sidelights not less than twice the distance between the two vertical lights.

"(ii) Such vessels may in addition carry a white light similar in construction to the white light prescribed in Rule 2(a)(i) but such light shall be carried lower than and abaft the all-round green and white lights.

"(d) Vessels when engaged in fishing, except vessels engaged in trawling, shall carry the lights prescribed in section (c)(i) except that the upper of the two vertical lights shall be red. Such vessels if of less than 40 feet in length may carry the red light at a height of not less than 9 feet above the gunwale and the white light not less than 3 feet below the red light.

"(e) Vessels referred to in sections (c) and (d), when making way through the water, shall carry the sidelights or lanterns prescribed in Rule 2(a) (iv) and (v) or Rule 7 (a)(ii) or (d), as appropriate, and the stern light prescribed in Rule 10. When not making way through the water they shall show neither the sidelights nor the stern light.

"(f) Vessels referred to in section (d) with outlying gear extending more than 500 feet horizontally into the seaway shall carry an additional all-round white light at a horizontal distance of not less than 6 feet nor more than 20 feet away from the vertical lights in the direction of the outlying gear. This additional white light shall be placed at a height not exceeding that of the white light prescribed in section (c)(i) and not lower than the sidelights.

"(g) In addition to the lights which they are required by this Rule to carry, vessels engaged in fishing may, if necessary in order to attract the attention of an approaching vessel, use a flare-up light, or may direct the beam of their searchlight in the direction of a danger threatening the approaching vessel, in such a way as not to embarrass other vessels. They may also use working lights but fishermen shall take into account that specially bright or insufficiently screened working lights may impair the visibility and distinctive character of the lights prescribed in this Rule.

"(h) By day vessels when engaged in fishing shall indicate their occupation by displaying where it can best be seen a black shape consisting of two cones each not less than 2 feet in diameter with their points together one above the other. Such vessels if of less than 65 feet in length may substitute a basket for such black shape. If their outlying gear extends more than 500 feet horizontally into the seaway vessels engaged in fishing shall display in addition one black conical shape, point upwards, in the direction of the outlying gear.

"NOTE.—Vessels fishing with trolling lines are not 'engaged in fishing' as defined in Rule 1(c)(xiv).



"Rule 10

"(a) Except where otherwise provided in these Rules, a vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 135 degrees (12 Points of the compass), so fixed as to show the light 67½ degrees (6 points) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

"(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern showing a white light shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

"(c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles.

"Rule 11

"(a) A vessel of less than 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light visible all round the horizon at a distance of at least 2 miles. Such a vessel may also carry a second white light in the position prescribed in section (b) of this Rule but shall not be required to do so. The second white light, if carried, shall be visible at a distance of at least 2 miles and so placed as to be as far as possible visible all round the horizon.

"(b) A vessel of 150 feet or more in length, when at anchor, shall carry near the stem of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible at a distance of at least 3 miles and so placed as to be as far as possible visible all round the horizon.

"(c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

"(d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or shapes prescribed in Rule 4(c) in addition to those prescribed in the appropriate preceding sections of this Rule.

"(e) A vessel aground shall carry the light or lights prescribed in sections (a) or (b) and the two red lights prescribed in Rule 4(a). By day she shall carry, where they can best be seen, three black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

"(f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

"(g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all round the horizon at a distance of 1 mile.

"(h) A seaplane aground shall carry on anchor light or lights as prescribed in sections (f) and (g), and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all round the horizon.

"Rule 12

"Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorised elsewhere under these Rules.

"Rule 13

"(a) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for ships of war, for vessels sailing under convoy, for fishing vessels engaged in fishing as a fleet or for seaplanes on the water.

"(b) Whenever the Government concerned shall have determined that a naval or other military vessel or waterborne seaplane of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with these Rules in respect of that vessel or seaplane.

"Rule 14

"A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point downwards, not less than 2 feet in diameter at its base.

"PART C.—SOUND SIGNALS AND CONDUCT IN RESTRICTED VISIBILITY

"PRELIMINARY

"1. The possession of information obtained from radar does not relieve any vessel of the obligation of conforming strictly with the Rules and, in particular, the obligations contained in Rules 15 and 16.

"2. The Annex to the Rules contains recommendations intended to assist in the use of radar as an aid to avoiding collision in restricted visibility.

"Rule 15

"(a) A power-driven vessel of 40 feet or more in length shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 40 feet or more in length shall be provided with a similar fog horn and bell.



"(b) All signals prescribed in this Rule for vessels under way shall be given—

"(i) by power-driven vessels on the whistle;

"(ii) by sailing vessels on the fog horn;

"(iii) by vessels towed on the whistle or fog horn.

"(c) In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows—

"(i) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes a prolonged blast.

"(ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.

"(iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

"(iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals of not more than 1 minute for about 5 seconds, a gong or other instrument, the tone and sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with Rule 12, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

"(v) A vessel when towing, a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to manoeuvre as required by these Rules shall, instead of the signals prescribed in subsections (i), (ii) and (iii) sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.

"(vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

"(vii) A vessel aground shall give the bell signal and, if required, the gong signal, prescribed in sub-section (iv) and shall, in addition, give 3 separate and distinct strokes on the bell immediately before and after such rapid ringing of the bell.

"(viii) A vessel engaged in fishing when under way or at anchor shall at intervals of not more than 1 minute sound the signal prescribed in sub-section (v). A vessel when fishing with trolling lines and under way shall sound the signals prescribed in sub-sections (i), (ii) or (iii) as may be appropriate.

"(ix) A vessel of less than 40 feet in length, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.

"(x) A power-driven pilot-vessel when engaged on pilotage duty may, in addition to the signals prescribed in sub-sections

(i), (ii) and (iv), sound an identity signal consisting of 4 short blasts.

"Rule 16

"(a) Every vessel, or seaplane when taxi-ing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

"(b) A power-driven vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

"(c) A power-driven vessel which detects the presence of another vessel forward of her beam before hearing her fog signal or sighting her visually may take early and substantial action to avoid a close quarters situation but, if this cannot be avoided, she shall, so far as the circumstances of the case admit, stop her engines in proper time to avoid collision and then navigate with caution until danger of collision is over.

"PART D.—STEERING AND SAILING RULES

"PRELIMINARY

"1. In obeying and construing these Rules, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.

"2. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

"3. Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.

"4. Rules 17 to 24 apply only to vessels in sight of one another.

"Rule 17

"(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows—

"(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other.

"(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

"(b) For the purposes of this Rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

"Rule 18

"(a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Rule only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective course, pass clear of each other. The only cases to which it does apply



are when each of two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

"(b) For the purposes of this Rule and Rules 19 to 29 inclusive, except Rule 20(c) and Rule 28, a seaplane on the water shall be deemed to be a vessel, and the expression 'power-driven vessel' shall be construed accordingly.

"Rule 19

"When two power-driven vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

"Rule 20

"(a) When a power-driven vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided for in Rules 24 and 26, the power-driven vessel shall keep out of the way of the sailing vessel.

"(b) This Rule shall not give to a sailing vessel the right to hamper, in a narrow channel, the safe passage of a power-driven vessel which can navigate only inside such channel.

"(c) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with these Rules.

"Rule 21

"Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Rules 27 and 29).

"Rule 22

"Every vessel which is directed by these Rules to keep out of the way of another vessel shall, so far as possible, take positive early action to comply with this obligation, and shall, if the circumstances of the case admit, avoid crossing ahead of the other.

"Rule 23

"Every power-driven vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

"Rule 24

"(a) Notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

"(b) Every vessel coming up with another vessel from any direction more than 22½ degrees (2 points) abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

"(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

"Rule 25

"(a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

"(b) Whenever a power-driven vessel is nearing a bend in a channel where a vessel approaching from the other direction cannot be seen, such power-driven vessel, when she shall have arrived within one-half (½) mile of the bend, shall give a signal by one prolonged blast on her whistle which signal shall be answered by a similar blast given by any approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

"(c) In a narrow channel a power-driven vessel of less than 65 feet in length shall not hamper the safe passage of a vessel which can navigate only inside such channel.

"Rule 26

"All vessels not engaged in fishing, except vessels to which the provisions of Rule 4 apply, shall, when under way, keep out of the way of vessels engaged in fishing. This Rule shall not give to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels.

"Rule 27

"In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from the above Rules necessary in order to avoid immediate danger.

"PART E.—SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER

"Rule 28

"(a) When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorised or required by these Rules, shall indicate that course by the following signals on her whistle, namely—

"One short blast to mean 'I am altering my course to starboard'.

"Two short blasts to mean 'I am altering my course to port'.

"Three short blasts to mean 'My engines are going astern'.

"(b) Whenever a power-driven vessel which, under these Rules, is to keep her course and speed, is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under Rules 27 and 29 or any other Rule, or of her duty to indicate any action taken under these Rules by giving the appropriate sound signals laid down in this Rule.

"(c) Any whistle signal mentioned in this Rule may be further indicated by a visual signal consisting of a white light visible all round the horizon at a distance of at least 5 miles, and so devised that it will operate simultaneously and in conjunction with the whistle-sounding mechanism and remain lighted and visible during the same period as the sound signal.

"(d) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy.



"PART F.—MISCELLANEOUS

"Rule 29

"Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

"Rule 30

"Reservation of Rules for Harbours and Inland Navigation

"Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

"Rule 31

"Distress Signals

"(a) When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely—

"(i) A gun or other explosive signal fired at intervals of about a minute.

"(ii) A continuous sounding with any fog-signalling apparatus.

"(iii) Rockets or shells, throwing red stars fired one at a time at short intervals.

"(iv) A signal made by radiotelegraphy or by any other signalling method consisting of the group . . . — — — . . . in the Morse Code.

"(v) A signal sent by radiotelephony consisting of the spoken word 'Mayday'.

"(vi) The International Code Signal of distress indicated by N.C.

"(vii) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.

"(viii) Flames on the vessel (as from a burning tar barrel, oil barrel, &c.).

"(ix) A rocket parachute flare or a hand flare showing a red light.

"(x) A smoke signal giving off a volume of orange-coloured smoke.

"(xi) Slowly and repeatedly raising and lowering arms outstretched to each side.

"NOTE.—Vessels in distress may use the radiotelegraph alarm signal or the radiotelephone alarm signal to secure attention to distress calls and messages. The radiotelegraph alarm signal, which is designed to actuate the radiotelegraph auto alarms of vessels so fitted, consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between 2 consecutive dashes being 1 second. The radiotelephone alarm signal consists of 2 tones transmitted alternately over periods of from 30 seconds to 1 minute.

"(b) The use of any of the foregoing signals, except for the purpose of indicating that a vessel or seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited.

"ANNEX TO THE RULES

"RECOMMENDATIONS ON THE USE OF RADAR INFORMATION AS AN AID TO AVOIDING COLLISIONS AT SEA

"(1) Assumptions made on scanty information may be dangerous and should be avoided.

"(2) A vessel navigating with the aid of radar in restricted visibility must, in compliance with Rule 16(a), go at a moderate speed. Information obtained from the use of radar is one of the circumstances to be taken into account when determining moderate speed. In this regard it must be recognised that small vessels, small icebergs and similar floating objects may not be detected by radar. Radar indications of one or more vessels in the vicinity may mean that "moderate speed" should be slower than a mariner without radar might consider moderate in the circumstances.

"(3) When navigating in restricted visibility the radar range and bearing alone do not constitute ascertainment of the position of the other vessel under Rule 16(b) sufficiently to relieve a vessel of the duty to stop her engines and navigate with caution when a fog signal is heard forward of the beam.

"(4) When action has been taken under Rule 16(c) to avoid a close quarters situation, it is essential to make sure that such action is having the desired effect. Alterations of course or speed or both are matters as to which the mariner must be guided by the circumstances of the case.

"(5) Alteration of course alone may be the most effective action to avoid close quarters provided that—

"(a) There is sufficient sea room.

"(b) It is made in good time.

"(c) It is substantial. A succession of small alterations of course should be avoided.

"(d) It does not result in a close quarters situation with other vessels.

"(6) The direction of an alteration of course is a matter in which the mariner must be guided by the circumstances of the case. An alteration to starboard, particularly when vessels are approaching apparently on opposite or nearly opposite courses, is generally preferable to an alteration to port.

"(7) An alteration of speed, either alone or in conjunction with an alteration of course, should be substantial. A number of small alterations of speed should be avoided.

"(8) If a close quarters situation is imminent, the most prudent action may be to take all way off the vessel."

[F.R. Doc. 64–13541; Filed, Dec. 30, 1964; 1:30 p.m.]



## Executive Order 11190

### PROVIDING FOR THE SCREENING OF THE READY RESERVE OF THE ARMED FORCES

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. There is delegated to the Secretary of Defense (and to the Secretary of the Treasury with regard to the United States Coast Guard) the authority vested in the President by section 271 of title 10 of the United States Code to prescribe regulations for the screening of units and members of the Ready Reserve of the Armed Forces.

SEC. 2. Executive Order No. 10651 of January 6, 1956, is revoked.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*December 29, 1964.*

[F.R. Doc. 64–13542; Filed, Dec. 30, 1964; 1:30 p.m.]

# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-AL-29]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Establishment of Jet Routes and Designation of Reporting Points, Alteration of Continental Control Area, Revocation and Alteration of Transition Areas

On August 27, 1964, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (29 F.R. 12317) stating that the Federal Aviation Agency was considering amendments to Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations that would make applicable to Alaska changes in the vertical extent of the airway structure similar to those recently effectuated in the 48 contiguous states by Airspace Docket No. 63-WA-74 (29 F.R. 8471).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. Responses made to inquiries from air carriers included an assurance that airline jet operations would not be confined to the jet route structure.

The Notice stated that the Agency proposed the designation of control areas associated with jet routes outside the continental control area by adding to § 71.161 segments of Jet Routes No. 111 and 501. Segments of Jet Routes No. 115 from King Salmon, Alaska, to Anchorage, Alaska, and No. 122 from Galena, Alaska, to Nome, Alaska, were omitted because the offshore portions of these routes lie substantially within presently designated control areas. It has since been determined that a designation of these offshore control areas associated with jet routes should be independent of existing control areas, therefore, such action is taken in this rule. The Administrator has found that notice and public procedure on the inclusion of these control areas in § 71.161 is unnecessary because the public is not particularly interested in the designation of the offshore portion of these segments which are otherwise substantially included within controlled airspace.

The Notice proposed alignment of Jet Route No. 502 in part from Pon Lake, Yukon Territory, RBN, via Haines, Alaska, RBN. The Canadian Department of Transport has requested alignment of this segment from Snag, Yukon Territory, RR, via Haines RBN. This redescription will not alter the alignment of this jet route segment within the United States, therefore such action is taken herein.

Amendments (a), (b), (e), and (f) revise the relevant sections of Part 71. The other amendments and amendment (f) alter the airspace designations that are published separately in the FEDERAL REGISTER due to their length and complexity.

In consideration of the foregoing, Parts 71 [New] and 75 [New] of the Federal Aviation Regulations are amended as hereinafter set forth, effective 0001 e.s.t., March 4, 1965.

These amendments are issued under the authority of sections 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on December 24, 1964.

N. E. HALABY,
*Administrator.*

(a) In § 71.5(c)(1) "Alaska and" is deleted.

(b) Section 71.9 is amended to read as follows:

**§ 71.9 Continental control area.**

The continental control area consists of the airspace of the 48 contiguous states, the District of Columbia, and Alaska south of latitude 68°00'00" N., excluding the Alaska peninsula west of longitude 160°00'00" W., at and above 14,500 feet MSL, but does not include—

(a) The airspace less than 1,500 feet above the surface of the earth; or

(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart D of this part.

(c) Section 71.151 (29 F.R. 17550) is amended by adding the following restricted areas:

R-2202 Big Delta, Alaska.
R-2203A Eagle River, Alaska.
R-2203B Eagle River, Alaska.
R-2205 Yukon, Alaska.

(d) Section 71.161 (29 F.R. 17552) is amended by adding the following:

Jet Route No. 111, from Nome, Alaska, to McGrath, Alaska.
Jet Route No. 115, from King Salmon, Alaska, via Kenai, Alaska, to Anchorage, Alaska.
Jet Route No. 122, from Galena, Alaska, to Nome, Alaska.
Jet Route No. 501, from the United States/Canadian border, via Yakutat, Alaska, to Anchorage, Alaska.

(e) Section 71.211 (29 F.R. 17723) is amended to read as follows:

**§ 71.211 Alaskan low altitude reporting points.**

The reporting points listed below are designated up to but not including 18,000 feet MSL.

(No change in listing.)

(f) Section 71.213 (29 F.R. 17725) is amended to read as follows:

**§ 71.213 Alaskan high altitude reporting points.**

The reporting points listed below are designated at 18,000 feet MSL to Flight Level 450.

Adak, Alaska, RR.
Anchorage, Alaska.
Annette Island, Alaska, RR.
Bethel, Alaska.
Biorka Island, Alaska.
Cold Bay, Alaska, RR.
Crab INT: INT 227° bearing King Salmon, RR, 314° bearing Port Heiden, Alaska, RBN.
Dillingham, Alaska.
Domestic Sitka INT: INT Biorka Island, Alaska, 207° radial and centerline Middleton Island-Sandspit route at latitude 55°42' N., longitude 136°36' W.
Domestic Yakutat INT: INT Yakutat, Alaska, 215° radial and centerline Middleton Island-Sandspit route at latitude 57°52' N., longitude 141°46" W.
Fairbanks, Alaska, RR.
Fluke INT: INT 239° bearing Bethel, Alaska, RR, 311° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska.
Galena, Alaska.
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Glacier INT: INT Nenana, Alaska, 192° radial, NW course Summit, Alaska, RR.
Haines, Alaska.
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Kenai, Alaska.
King Salmon, Alaska.
Kotzebue, Alaska, RBN.
McGrath, Alaska.
Middleton Island, Alaska.
Nenana, Alaska.
Nome, Alaska.
Northway, Alaska, RR.
Petersburg, Alaska, RR.
Shemya, Alaska, RBN.
Talkeetna, Alaska.
Yakutat, Alaska.
Yakutat, Alaska, RR.

(g) In § 75.100 (29 F.R. 17776) the following jet routes are added or amended to read:

Jet Route No. 111 (Nome, Alaska, to Middleton Island, Alaska), from Nome, Alaska, via McGrath, Alaska; Anchorage, Alaska; to Middleton Island, Alaska.
Jet Route No. 115 (King Salmon, Alaska, to Nenana, Alaska), from King Salmon, Alaska, via Kenai, Alaska; Anchorage, Alaska; Talkeetna, Alaska; to Nenana, Alaska.

Jet Route No. 117 (McGrath, Alaska, to Kotzebue, Alaska), from McGrath, Alaska, via Galena, Alaska; to Kotzebue, Alaska, RBN.

Jet Route No. 120 (Bethel, Alaska, to Fort Yukon, Alaska), from Bethel, Alaska, via McGrath, Alaska; Nenana, Alaska; Fairbanks, Alaska, RR; to Fort Yukon, Alaska.

Jet Route No. 122 (Nenana, Alaska, to Nome, Alaska), from Nenana, Alaska, via Galena, Alaska; to Nome, Alaska.

Jet Route No. 124 (Dillingham, Alaska, to Anchorage, Alaska), from Dillingham, Alaska, to Anchorage, Alaska.

Jet Route No. 501 (Seattle, Washington, to Bethel, Alaska). (Joins Canadian High Level Airway No. 501.) From Seattle, Wash., to the INT of the Seattle 331° radial and the United States/Canadian border. From Sandspit B.C. RR, via Biorka Island, Alaska; Yakutat, Alaska; Anchorage, Alaska; to Bethel, Alaska, excluding that airspace within Canadian territory.

Jet Route No. 502 (Fairbanks, Alaska, to United States-Canadian border). (Joins Canadian High Level Airways No. 515 and 502.) From Fairbanks, Alaska, RR, via Northway, Alaska, RR; Snag, Yukon Territory, RR; Haines, Alaska, RBN; Petersburg, Alaska, RR; Annette Island, Alaska, RR; to Ethelda Bay, B.C., RBN, excluding that airspace within Canadian territory.

Jet Route No. 507 (Northway, Alaska, to Yakutat, Alaska), from Northway, Alaska, RR, to Yakutat, Alaska, excluding airspace within Canadian territory.

(h) § 71.181 (29 F.R. 17643) is amended as hereinafter set forth.

(1) The Anchorage, Alaska transition area is amended to read:

ANCHORAGE, ALASKA

That airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VOR. The portions within the United States, Federal airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon transition area and the Anchorage Oceanic Control area would be excluded.

(2) The King Salmon, Alaska transition area is amended to read:

KING SALMON, ALASKA

That airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the King Salmon Airport (latitude 58°41′ N., longitude 156°39′ W.) and within 47 miles SW and 15 miles NE of the 312° bearing from the King Salmon RR, extending from the RR to 85 miles NW; and that airspace extending upward from 14,500 feet MSL outside of the United States within a 172-mile radius of the King Salmon VOR. Federal airways, Control 1217, Control 1400, Control 1401, Control 1484, the Kodiak, Alaska, control area extension and the Anchorage control area extension are excluded from the portion extending upward from 14,500 feet MSL.

(3) The Fairbanks, Alaska transition area is revoked.

[F.R. Doc. 64-13448; Filed, Dec. 30, 1964; 8:45 a.m.]

[Docket Nos. 3059, 5033, 5036, 5094, 6161, 6258; Amdt. 1-7]

## PART 1—DEFINITIONS AND ABBREVIATIONS

## PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

## PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

## PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT [NEW]

This amendment adds Part 121 to the Federal Aviation Regulations to replace Civil Air Regulations Parts 40, 41, and 42 and certain Special Civil Air Regulations. This amendment completes the Agency recodification program announced in Draft Release 61-25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

Part 121 was published as a notice of proposed rule making in the FEDERAL REGISTER on August 26, 1964 (29 F.R. 12182) and given further circulation as Notice No. 64-40. As stated in that notice, this Part 121 is basically a consolidation of the rules presently contained in CAR Parts 40, 41, and 42 and is in most cases identical with the proposed recodification of those Parts as issued in separate notices of proposed rule making (proposed Part 121 (CAR 40) published in the FEDERAL REGISTER on May 9, 1964 (29 F.R. 620); proposed Part 123 (CAR 41) published in the FEDERAL REGISTER on January 25, 1964 (29 F.R. 1348); and proposed Part 125 (CAR 42) published in the FEDERAL REGISTER on May 8, 1964 (29 F.R. 6112)).

Comments were received from: the Civil Aeronautics Board; Seaboard World Airlines, Inc.; the Air Line Pilots Association, International; the National Air Carriers Association, Inc.; the Helicopter Association of America; the Air Transport Association of America; and Aerospace Industries Association of America, Inc.

Some of the comments received recommended specific substantive changes to the regulations. Although some of these recommendations appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and delete obsolete or redundant provisions. To attempt substantive changes, other than relaxatory ones that are completely noncontroversial, would delay the project and be contrary to the ground rules specified for it in Draft Release 61-25. However, all substantive comments received will be retained and will be given careful consideration in future regulatory projects.

Throughout Part 121 there are references to other recodified Federal Aviation Regulations such as the reference in § 121.181(c)(1) to airplanes "certificated under Part 25". In a recodification program, such a reference automatically includes the predecessors to the new parts and therefore it is unnecessary to include a reference to former part numbers. This policy has been followed throughout the recodified regulations. As a consequence, references to Federal Aviation Regulations include their CAR predecessors unless otherwise specifically stated.

Section 121.11 has been rewritten to delete the reference to Part 91 of the Federal Aviation Regulations and also the requirement that certain certificate holders must comply with the ICAO rules when over the high seas. These provisions are deleted since they simply repeat requirements already contained in Part 91 which is applicable to all aircraft, including air carrier aircraft.

One comment stated that the wording of § 121.119(b) would require supplemental air carriers and commercial operators to "prepare forecasts", which is not the intent of CAR § 42.35. Sections 121.101 and 121.119 have been rewritten to make it clear than an air carrier or commercial operator may use forecasts prepared by someone else provided they are prepared from weather reports that meet the stated requirements.

Section 121.189 has been completely rewritten to avoid any implication that the "net takeoff flight path" includes the "minimum distance required for takeoff". Also a new paragraph has been added stating that for the purposes of the section, the terms "takeoff distance, takeoff run, net takeoff flight path, and takeoff path" have the meanings set forth in the rules under which the airplane was certificated. Most of these terms were defined differently in SRs 422, 422A, and 422B and the inclusion of this statement preserves the different definitions for the purposes of this section while avoiding repeating each definition within the section.

Section 121.185(a)(1): Subparagraph (1) of § 121.185(a) has been rewritten to read "The airplane is landed on the most favorable runway and direction in still air". This is the language presently contained in § 40.77 and is also consistent with § 121.195(b)(1) that is based on the SR 422 series.



Section 121.351 has been rewritten to include a paragraph (b) that reflects paragraph (b) of CAR §§ 41.233 and 42.233. While the revision note to this section in the notice indicated that it reflected all of §§ 40.233, 41.233, and 42.233, these provisions were inadvertently omitted in the notice of proposed rule making.

Section 121.369(b)(2) has been amended to delete the words "preventive maintenance". This paragraph requires the maintenance manual to include a designation of the items of maintenance and alteration that must undergo "required inspections". Since no "preventive maintenance" item is required to undergo a "required inspection," the term may be deleted here.

Section 121.377 has been amended to limit its applicability to "within the United States, its territories, and possessions". This section is now consistent with the regulations upon which it is based.

Section 121.441(b)(24) has been amended to reflect a part of CAM 40.302-1(q). Subparagraph (24) is based on CAR §§ 40.302(b)(2)(ii), 41.302(b)(2)(ii), and 42.302(b)(2)(ii). It provides that certain flight maneuvers required for the proficiency check may be given in a synthetic trainer but that maneuvers associated with approach procedures for which the lowest minimums are approved must be given in flight. The CAM provision contained a further exception for an air carrier authorized landing minimums based on instrument landing systems and ground control approach. For such a carrier only the maneuvers related to the predominant landing aid on a system wide basis need be given in flight. CAR Parts 41 and 42 before their recent revision contained comparable CAM provisions that were dropped in the revised parts. The Agency believes that this relaxation has worked well in the past and since the deletion of this provision was not based on any Agency finding that safety was involved, that it should be restored.

Section 121.523 reflects the amendment to § 42.322(c) (42.14) published in the FEDERAL REGISTER on December 11, 1964 (29 F.R. 16968).

Section 121.533 (based on § 40.351) has been amended to include a paragraph stating the authority of the pilot in command over other crewmembers during flight time. This paragraph is comparable to the provisions of § 121.535(d) and 121.537(d) which are based on §§ 41.531 and 42.531, respectively. While § 40.531 did not contain this statement as a rule, it was included in the regulation in a note as an interpretation of § 40.531(c).

A new § 121.537 has been added to include the provisions of §§ 40.373, 41.373, and 42.373 related to the closing and locking of the flight crew compartment door during flight. These sections were added to CAR Parts 40, 41, and 42 by amendments 40-45, 41-10, and 42-9, respectively, effective August 6, 1964.

One comment requested that § 121.555 be amended to reflect the deviation authority contained in the .359 sections of CARs 40, 41, and 42. Each of these sections began with the clause "Except when a deviation is necessary in accordance with § 40. (41 or 42) 360, a pilot * * *". The .360 sections contained the emergency situation provisions reflected in § 121.557. Since the emergency provisions authorizing a pilot to deviate from the requirements of the FARs "to the extent required in the interests of safety" apply across the board, it is not necessary to specifically state that deviation authority in § 121.555. In fact, to specifically state the authority in any individual section would raise a question as to the applicability of § 121.557 to other sections where no such statement is contained.

Section 121.647 has been rewritten to state that each person computing fuel requirements shall "consider" certain listed items. "Consider" more closely reflects the requirements of CAR §§ 40.397, 41.397, and 42.397 than did the words "take into account" which were contained in the notice of proposed rule making.

The term "restricted area" used in § 121.649 has been replaced by the phrase "area of local surface visibility restriction". This change was made to avoid any confusion with a "restricted area" as defined in Part 1 and used in Part 73.

A new Subpart W has been added to include the provisions of § 406.19 of the Regulations of the Administrator. That section established crewmember certificates to be issued to crewmembers of United States registered aircraft engaged in international air commerce. The certificates are issued under Annex 9, as amended, to the Convention on International Civil Aviation, to facilitate the entry and clearance of the crewmembers into ICAO contracting States.

Part 121 includes the miscellaneous amendments to CAR Parts 40, 41, and 42 proposed in Notice No. 64-32 published in the FEDERAL REGISTER on May 28, 1964 (29 F.R. 7026). As indicated in that notice, the proposed changes were of a minor substantive nature and would remove unjustified differences in CAR Parts 40, 41, and 42 that would facilitate the recodification of those Parts. With the exception of three items discussed below, the comments received by the Agency either supported the proposed changes or offered no objection thereto.

Section 40.15 (§ 121.73): The amendment to this section requires a domestic air carrier to keep its operations specifications available for inspection at its principal operations office. Section 40.15 currently requires only that the carrier's operating certificate be kept so available. However, the comparable provisions of Parts 41 and 42 include the operations specifications. The Air Transport Association of America (ATA) objected to this proposed amendment on the ground that it would place an unwarranted burden on those air carriers who have separate operations and maintenance bases and who presently keep the appropriate portion of the operations specifications at the appropriate base. The Agency does not agree that this amendment places any additional burden on a carrier. CAR § 40.20 currently requires that "a set of specifications shall be maintained by the air carrier as a separate and complete document." Therefore this amendment would merely require that the separate and complete document required by § 40.20 be kept at the carrier's principal operations office. If the carrier wishes to separate the operations specifications between the maintenance and operations bases, copies of the pertinent portions can easily be furnished by it to each base.

Section 41.302 (§ 121.441): The ATA objected to that part of the proposed amendment to this section that would prohibit a pilot who has unsatisfactorily performed a proficiency check from being used in air carrier operations until he has satisfactorily passed such a check. The ATA contends that this requirement would be burdensome in the case of incomplete checks due to traffic, weather, etc. in which there is insufficient time for additional training and rechecking of the pilot. The Agency realizes that there conceivably could be instances where due to traffic control, weather, or some similar problem, a check could be interrupted and this rule could cause some hardship. However, the Agency feels strongly that a pilot who has failed some part of his proficiency check should not be allowed to return to scheduled flight until he has satisfactorily completed that check. The hardship that could be caused by one of the possibilities discussed above does not, in our opinion, overcome the potential safety hazard that could result if this proposed amendment were withdrawn.

Section 42.396 (§ 121.643): While ATA had no objection to the Agency's proposed amendment to § 42.396, it requested that a relaxatory change be made in this section pertaining to certain charter or off-route flights into Canada. However, since some of these flights are into remote areas of Canada, it is considered that the present fuel requirements should continue to apply to these operations.

Paragraph (c) of § 121.701 has been deleted as proposed in Notice No. 64-48 published in the FEDERAL REGISTER on October 17, 1964 (29 F.R. 14367). Several of the comments received from certain pilots, flight engineers, and aircraft mechanics organizations stated that the posting of the time since last overhaul of the engines in the maintenance log was important to the flight crew. These comments are essentially the same as the comments received from these organizations in connection with Notice No. 63-20 that were discussed in Notice No. 64-48. The Agency had considered these comments before this notice was issued and still believes that this requirement is not necessary and that if a flight crew desires this information it may be obtained from other records.

This amendment adds to Part 1 definitions of "air carrier", "commercial operator", and "show". If additional defi-

nitions prove to be necessary they will be added as needed. It should be noted that all of the definitions, abbreviations, and rules of construction contained in Part 1 apply to Part 121.

This amendment deletes CAR Parts 40, 41, and 42 and Special Civil Air Regulations 422, 422A, 422B, 425C, and 446B.

Other minor changes of a technical nature have been made. They are not substantive and do not impose any burden on regulated persons.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. As previously stated this amendment is the final part of the Agency's recodification project begun in 1961. The Agency wishes to thank those persons who submitted comments on this notice and on all other parts of the recodification program. The completion of this program would have been impossible without the constant cooperation of the many aviation associations and individuals interested in aviation who have submitted their comments throughout the program.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended as hereinafter set forth effective April 1, 1965.

1. By amending Part 1 by adding the definitions to § 1.1 as follows:

**§ 1.1 General definitions.**

* * * * *

"Air carrier" means a person who undertakes directly by lease, or other arrangement, to engage in air transportation.

* * * * *

"Commercial operator" means a person who engages in the carriage by aircraft in air commerce of persons or property as a major enterprise for profit, and not merely incidental to his other business, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this title.

* * * * *

"Show", unless the context otherwise requires, means to show to the satisfaction of the Administrator.

* * * * *

2. By striking out Parts 40, 41, and 42 and Special Civil Air Regulations 422, 422A, 422B, 425C, and 446B.

3. By adding a Part 121 [New] reading as hereinafter set forth:

This amendment is made under the authority of secs. 313(a), 501, 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502).

Issued in Washington, D.C., on December 23, 1964.

N. E. HALABY,
*Administrator.*

**Subpart A—General**


Sec.
121.1 Applicability.
121.3 Certification requirements: general.
121.5 Charter flights or other special service operation: flag and domestic air carriers.
121.7 Intrastate common carriage by commercial operator.
121.9 Certain operations of small aircraft.
121.11 Additional rules applicable to operations subject to this part: flag air carriers, supplemental air carriers, and commercial operators.
121.13 Rules applicable to helicopter operations: deviation authority.


**Subpart B—Certification Rules for Domestic and Flag Air Carriers**


121.21 Applicability.
121.23 Operations specifications not a part of certificate.
121.25 Contents of certificate and operations specifications.
121.27 Issue of certificate.
121.29 Duration of certificate.


**Subpart C—Certification Rules for Supplemental Air Carriers and Commercial Operators**


121.41 Applicability.
121.43 Operations specifications not a part of certificate.
121.45 Contents of certificate and operations specifications.
121.47 Application for supplemental air carrier and commercial operator certificates.
121.49 Commercial operator: financial information required.
121.51 Issue of certificate.
121.53 Duration of certificate.
121.55 Commercial operator: supplemental periodic financial report.
121.57 Obtaining waivers and authority for deviations.
121.59 Management personnel required.
121.61 Management personnel: qualifications.


**Subpart D—Rules Governing All Certificate Holders Under This Part**


121.71 Applicability.
121.73 Availability of certificate and operations specifications.
121.75 Use of operations specifications.
121.77 Amendment of certificate.
121.79 Amendment of operations specifications.
121.81 Inspection authority.
121.83 Change of address.


**Subpart E—Approval of Routes; Domestic and Flag Air Carriers**


121.91 Applicability.
121.93 Route requirements: general.
121.95 Route width.
121.97 Airports.
121.99 Communications facilities.
121.101 Weather reporting facilities.
121.103 En route navigational facilities.
121.105 Servicing and maintenance facilities.
121.107 Dispatch centers.


**Subpart F—Approval of Areas and Routes for Supplemental Air Carriers and Commercial Operators**


121.111 Applicability.
121.113 Area and route requirements: general.
121.115 Route width.
121.117 Airports.
121.119 Weather reporting facilities.
121.121 En route navigational facilities.
121.123 Servicing and maintenance facilities.
121.125 Flight following system.
121.127 Flight following system: requirements.


**Subpart G—Manual Requirements**


121.131 Applicability.
121.133 Preparation.
121.135 Contents.
121.137 Distribution.
121.139 Requirement for manual aboard aircraft: supplemental air carriers and commercial operators.
121.141 Aircraft Flight Manual.


**Subpart H—Aircraft Requirements**


121.151 Applicability.
121.153 Aircraft requirements: general.
121.155 Exclusive use requirements: supplemental air carriers and commercial operators.
121.157 Aircraft certification and equipment requirements.
121.159 Single-engine airplanes prohibited.
121.161 Airplane limitations: type of route.
121.163 Aircraft proving tests.


**Subpart I—Airplane Performance Operating Limitations**


121.171 Applicability.
121.173 General.
121.175 Transport category airplanes: reciprocating engine powered: weight limitations.
121.177 Transport category airplanes: reciprocating engine powered: takeoff limitations.
121.179 Transport category airplanes: reciprocating engine powered: en route limitations: all engines operating.
121.181 Transport category airplanes: reciprocating engine powered: en route limitations: one engine inoperative.
121.183 Part 25 transport category airplanes with four or more engines: reciprocating engine powered: en route limitations: two engines inoperative.
121.185 Transport category airplanes: reciprocating engine powered: landing limitations: destination airport.
121.187 Transport category airplanes: reciprocating engine powered: landing limitations: alternate airport.
121.189 Transport category airplanes: turbine engine powered: takeoff limitations.
121.191 Transport category airplanes: turbine engine powered: en route limitations: one engine inoperative.
121.193 Transport category airplanes: turbine engine powered: en route limitations: two engines inoperative.
121.195 Transport category airplanes: turbine engine powered: landing limitations: destination airports.
121.197 Transport category airplanes: turbine engine powered: landing limitations: alternate airports.
121.198 Transport category cargo service airplanes: increased zero fuel and landing weights.
121.199 Nontransport category airplanes: takeoff limitations.
121.201 Nontransport category airplanes: en route limitations: one engine inoperative.
121.203 Nontransport category airplanes: landing limitations: destination airport.
121.205 Nontransport category airplanes: landing limitations: alternate airport.
121.207 Provisionally certificated air carrier airplane: operating limitations.


**Subpart J—Special Airworthiness Requirements**


121.211 Applicability.
121.213 Special airworthiness requirements: general.
121.215 Cabin interiors.
121.217 Internal doors.
121.219 Ventilation.
121.221 Fire precautions.
121.223 Proof of compliance with § 121.221.
121.225 Propeller deicing fluid.
121.227 Pressure cross-feed arrangements.
121.229 Location of fuel tanks.
121.231 Fuel system lines and fittings.





Sec.
121.233 Fuel lines and fittings in designated fire zones.
121.235 Fuel valves.
121.237 Oil lines and fittings in designated fire zones.
121.239 Oil valves.
121.241 Oil system drains.
121.243 Engine breather lines.
121.245 Fire walls.
121.247 Fire-wall construction.
121.249 Cowling.
121.251 Engine accessory section diaphragm.
121.253 Powerplant fire protection.
121.255 Flammable fluids.
121.257 Shutoff means.
121.259 Lines and fittings.
121.261 Vent and drain lines.
121.263 Fire-extinguishing systems.
121.265 Fire-extinguishing agents.
121.267 Extinguishing agent container pressure relief.
121.269 Extinguishing agent container compartment temperature.
121.271 Fire-extinguishing system materials.
121.273 Fire-detector systems.
121.275 Fire detectors.
121.277 Protection of other airplane components against fire.
121.279 Control of engine rotation.
121.281 Fuel system independence.
121.283 Induction system ice prevention.
121.285 Carriage of cargo in passenger compartments.
121.287 Carriage of cargo in cargo compartments.
121.289 Landing gear; aural warning device.


**Subpart K—Instrument and Equipment Requirements**


121.301 Applicability.
121.303 Airplane instruments and equipment.
121.305 Flight and navigational equipment.
121.307 Engine instruments.
121.309 Emergency equipment.
121.311 Seat and safety belts.
121.313 Miscellaneous equipment.
121.315 Cockpit check procedure.
121.317 Passenger information.
121.319 Exterior exits and evacuation markings.
121.321 Shoulder harness.
121.323 Instruments and equipment for operations at night.
121.325 Instruments and equipment for operations under IFR or over-the-top.
121.327 Supplemental oxygen; reciprocating engine powered airplanes.
121.329 Supplemental oxygen for sustenance; turbine engine powered airplanes.
121.331 Supplemental oxygen requirements for pressurized cabin airplanes: reciprocating engine powered airplanes.
121.333 Supplemental oxygen for emergency descent and for first aid; turbine engine powered airplanes with pressurized cabins.
121.335 Equipment standards.
121.337 Protective breathing equipment for the flight crew.
121.339 Equipment for extended overwater operations.
121.341 Equipment for operations in icing conditions.
121.343 Flight recorders.
121.345 Radio equipment.
121.347 Radio equipment for operations under VFR over routes navigated by pilotage.
121.349 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.
121.351 Radio equipment for extended overwater operations and for certain other operations.
121.353 Equipment for operations over uninhabited terrain areas: flag and supplemental air carriers and commercial operators.
121.355 Equipment for operations on which specialized means of navigation are required: flag and supplemental air carriers and commercial operators.
121.357 Airborne weather radar equipment requirements: passenger-carrying airplanes.
121.359 Cockpit voice recorders.


**Subpart L—Maintenance, Preventive Maintenance, and Alterations**


121.361 Applicability.
121.363 Responsibility for airworthiness.
121.365 Maintenance, preventive maintenance, and alteration organization.
121.367 Maintenance, preventive maintenance, and alterations programs.
121.369 Manual requirements.
121.371 Required inspection personnel.
121.373 Continuing analysis and surveillance.
121.375 Maintenance and preventive maintenance training program.
121.377 Maintenance and preventive maintenance personnel duty time limitations.
121.378 Certificate requirements.
121.379 Authority to perform and approve maintenance, preventive maintenance, and alterations.


**Subpart M—Airman and Crewmember Requirements**


121.381 Applicability.
121.383 Airman: limitations on use of services.
121.385 Composition of flight crew.
121.387 Flight engineer.
121.389 Flight navigator: flag and supplemental air carriers and commercial operators.
121.391 Flight attendants: domestic air carriers.
121.393 Flight attendants: flag and supplemental air carriers and commercial operators.
121.395 Aircraft dispatcher: domestic and flag air carriers.
121.396 Emergency and emergency evacuation duties: domestic air carriers.
121.397 Emergency and emergency evacuation duties: flag and supplemental air carriers and commercial operators.


**Subpart N—Training Program**


121.410 Applicability.
121.411 Establishment.
121.413 Ground training: pilots.
121.415 Flight training: pilots.
121.417 Flight navigator training: flag air carriers.
121.419 Flight navigator training: supplemental air carriers and commercial operators.
121.421 Flight engineer training.
121.423 Crewmember emergency training.
121.425 Aircraft dispatcher training: domestic and flag air carriers.


**Subpart O—Flight Crewmember Qualifications**


121.431 Applicability.
121.433 General.
121.435 Helicopter operations: supplemental air carriers and commercial operators.
121.437 Pilot qualification: certificates required.
121.439 Pilot qualification: recent experience.
121.441 Pilot checks.
121.443 Pilot in command qualification: routes and airports: domestic and flag air carriers.
121.445 Pilot in command qualification: routes and airports: supplemental air carriers and commercial operators.
121.447 Pilot route and airport qualifications for particular trips: domestic and flag air carriers.
121.449 Proficiency checks: second in command.
121.451 Flight navigator qualification: flag and supplemental air carriers and commercial operators.
121.453 Flight engineer qualification.


**Subpart P—Aircraft Dispatcher Qualifications and Duty Time Limitations: Domestic and Flag Air Carriers**


121.461 Applicability.
121.463 Aircraft dispatcher qualifications.
121.465 Duty time limitations: domestic and flag air carriers.


**Subpart Q—Flight Time Limitations: Domestic Air Carriers**


121.470 Applicability.
121.471 Flight time limitations: all flight crewmembers.


**Subpart R—Flight Time Limitations: Flag Air Carriers**


121.480 Applicability.
121.481 Flight time limitations: one or two pilot crews.
121.483 Flight time limitations: two pilots and one additional flight crewmember.
121.485 Flight time limitations: three or more pilots and an additional flight crewmember.
121.487 Flight time limitations: pilots not regularly assigned.
121.489 Flight time limitations: other commercial flying.
121.491 Flight time limitations: deadhead transportation.
121.493 Flight time limitations: flight engineers and flight navigators.


**Subpart S—Flight Time Limitations: Supplemental Air Carriers and Commercial Operators**


121.500 Applicability.
121.501 Flight time limitations: helicopters.
121.503 Flight time limitations; pilots: airplanes.
121.505 Flight time limitations: two pilot crews: airplanes.
121.507 Flight time limitations: three pilot crews: airplanes.
121.509 Flight time limitations: four pilot crews: airplanes.
121.511 Flight time limitations: flight engineers: airplanes.
121.513 Flight time limitations: overseas and international operations: airplanes.
121.515 Flight time limitations: all airmen: airplanes.
121.517 Flight time limitations: other commercial flying: airplanes.
121.519 Flight time limitations: deadhead transportation: airplanes.
121.521 Flight time limitations: crew of two pilots and one additional airman as required.
121.523 Flight time limitations: crew of three or more pilots and additional airmen as required.
121.525 Flight time limitations: pilots serving in more than one kind of flight crew.


**Subpart T—Flight Operations**


121.531 Applicability.
121.533 Responsibility for operational control: domestic air carriers.
121.535 Responsibility for operational control: flag air carriers.

Sec.
121.537 Responsibility for operational control: supplemental air carriers and commercial operators.
121.539 Operations notices.
121.541 Operations schedules: domestic and flag air carriers.
121.543 Flight crewmembers at controls.
121.545 Manipulation of controls.
121.547 Admission to flight deck.
121.548 Air carrier inspector's credentials: admission to pilot's compartment.
121.549 Flying equipment.
121.551 Restriction or suspension of operation: domestic and flag air carriers.
121.553 Restriction or suspension of operation: supplemental air carriers and commercial operators.
121.555 Compliance with approved routes and limitations: domestic and flag air carriers.
121.557 Emergencies: domestic and flag air carriers.
121.559 Emergencies: supplemental air carriers and commercial operators.
121.561 Reporting potentially hazardous meteorological conditions and irregularities of ground and navigation facilities.
121.563 Reporting mechanical irregularities.
121.565 Engine inoperative; landing; reporting.
121.567 Instrument approach procedures and IFR landing minimums.
121.569 Equipment interchange: domestic and flag air carriers.
121.571 Briefing passengers: extended overwater flights.
121.573 Briefing passengers before takeoff: supplemental air carriers and commercial operators.
121.575 Alcoholic beverages.
121.579 Minimum altitudes for use of automatic pilot.
121.581 Forward observer's seat: en route inspections: air carriers.
121.583 Carriage of persons aboard airplane in cargo-only operations all-cargo aircraft.
121.585 Prohibition against carriage of weapons.
121.587 Closing and locking of flight crew compartment doors.

Subpart U—Dispatching and Flight Release Rules

121.591 Applicability.
121.593 Dispatching authority: domestic air carriers.
121.595 Dispatching authority: flag air carriers.
121.597 Flight release authority: supplemental air carriers and commercial operators.
121.599 Familiarity with weather conditions.
121.601 Aircraft dispatcher information to pilot in command: domestic and flag air carriers.
121.603 Facilities and services: supplemental air carriers and commercial operators.
121.605 Airplane equipment.
121.607 Communication and navigation facilities: domestic and flag air carriers.
121.609 Communication and navigation facilities: supplemental air carriers and commercial operators.
121.611 Dispatch or flight release under VFR.
121.613 Dispatch or flight release under IFR or over-the-top.
121.615 Dispatch or flight release over water: flag and supplemental air carriers and commercial operators.
121.617 Alternate airport for departure.
121.619 Alternate airport for destination: IFR or over-the-top: domestic air carriers.
121.621 Alternate airport for destination: flag air carriers.
121.623 Alternate airport for destination; IFR or over-the-top: supplemental air carriers and commercial operators.
121.625 Alternate airport weather minimums.
121.627 Continuing flight in unsafe conditions.
121.629 Operation in icing conditions.
121.631 Original dispatch or flight release, redispatch or amendment of dispatch or flight release.
121.633 Dispatch to and from provisional airports: domestic air carriers.
121.635 Dispatch to and from refueling or provisional airports: flag air carriers.
121.637 Takeoffs from unlisted and alternate airports: domestic and flag air carriers.
121.639 Fuel supply; all operations: domestic air carriers.
121.641 Fuel supply; nonturbine and turbopropeller-powered airplanes: flag air carriers.
121.643 Fuel supply: nonturbine and turbopropeller-powered airplanes: supplemental air carriers and commercial operators.
121.645 Fuel supply; turbine engine-powered airplanes, other than turbo propeller; flag and supplemental air carriers and commercial operators.
121.647 Factors for computing fuel required.
121.649 Takeoff and landing weather minimums: VFR: domestic air carriers.
121.651 Takeoff and landing weather minimums: IFR: domestic and flag air carriers.
121.653 Takeoff and landing weather minimums: IFR: supplemental air carriers and commercial operators.
121.655 Applicability of reported weather minimums.
121.657 Flight altitude rules.
121.659 Initial approach altitude: domestic and supplemental air carriers and commercial operators.
121.661 Initial approach altitude: flag air carriers.
121.663 Responsibility for dispatch release: domestic and flag air carriers.
121.665 Load manifest.
121.667 Flight plan: VFR and IFR: supplemental air carriers and commercial operators.

Subpart V—Records and Reports

121.681 Applicability.
121.683 Crewmember and dispatcher record.
121.685 Aircraft record: flag and domestic air carriers.
121.687 Dispatch release: flag and domestic air carriers.
121.689 Flight release form: supplemental air carriers and commercial operators.
121.691 Load manifest: domestic and flag air carriers.
121.693 Load manifest: supplemental air carriers and commercial operators.
121.695 Disposition of load manifest, dispatch release, and flight plans: domestic and flag air carriers.
121.697 Disposition of load manifest, flight release, and flight plans: supplemental air carriers and commercial operators.
121.699 Maintenance records.
121.701 Maintenance log: aircraft.
121.703 Mechanical reliability reports.
121.705 Mechanical interruption summary report.
121.707 Alteration and repair reports.
121.709 Airworthiness release or aircraft log entry.
121.711 Communication records: domestic and flag air carriers.
121.713 Retention of contracts and amendments: commercial operator.

Subpart W—Crewmember Certificate; International

121.721 Applicability.
121.723 Application and issue.

APPENDIX A—FIRST-AID KITS

APPENDIX B—MINIMUM STANDARDS FOR THE APPROVAL OF AIRPLANE SIMULATORS

APPENDIX C—C-46 NONTRANSPORT CATEGORY AIRPLANES

AUTHORITY: The provisions of this Part 121 issued under secs. 313(a), 501, 601 through 610, and 1102, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 through 1430, and 1502.

## Subpart A—General

### § 121.1 Applicability.

(a) Except as prescribed in paragraph (b) of this section, this part prescribes rules governing the certification and operations of the following:

(1) Each air carrier engaging in interstate or overseas air transportation under a certificate of public convenience and necessity or other appropriate economic authority issued by the CAB.

(2) Each air carrier engaging in foreign air transportation under a certificate of public convenience and necessity or other appropriate economic authority issued by the CAB.

(3) Each air carrier covered by subparagraph (1) or (2) of this paragraph when engaging in charter flights or other special service operations.

(4) Each supplemental air carrier when it engages in the carriage of persons or property in air commerce for compensation or hire.

(5) Each commercial operator.

(b) This part does not apply to operations conducted under Part 127, Part 133, or Part 135.

(c) In addition, this part prescribes rules governing—

(1) Each person employed or used by an air carrier or commercial operator in operations under this part, including the maintenance, preventive maintenance and alteration of aircraft; and

(2) Each person who is on board an aircraft being operated under this part.

(d) For the purpose of determining whether a person is a commercial operator under this part, operations are considered to be for compensation or hire when they are a major enterprise for profit and not merely incidental to the person's other business.

(e) For the purpose of this part, "passenger-carrying aircraft" or "passenger-carrying operation" means one carrying any person other than a flight crewmember or other crewmember, company employee, authorized government representative, or person accompanying a shipment.

### § 121.3 Certification requirements: general.

(a) Except as provided in paragraph (b) of this section, no person may engage in scheduled interstate air transportation within the 48 contiguous States or the District of Columbia without, or in violation of, a domestic air carrier operating certificate and appropriate operations specifications issued under this part. An air carrier holding such a certificate is hereafter in this part referred to as a "domestic air carrier".

(b) The Administrator may authorize any air carrier holding authority to engage in scheduled cargo operations under Title IV of the Federal Aviation Act to conduct those operations under the certification and operation rules applicable to carriers covered by paragraph (e) of this section.

(c) Except as provided in paragraph (d) of this section, no person may engage in scheduled air transportation, other than that described in paragraph (a), without, or in violation of, a flag air carrier operating certificate and appropriate operations specifications issued under this part. An air carrier holding such a certificate is hereafter in this part referred to as a "flag air carrier".

(d) A domestic air carrier may, in the case of segments of routes extending outside the 48 contiguous States and the District of Columbia, be authorized to conduct operations over those route segments under the domestic air carrier certification and operation rules.

(e) No person may engage in air transportation (other than that described in paragraph (a) or (c) of this section) without, or in violation of, a supplemental air carrier certificate and appropriate operations specifications issued under this part. An air carrier holding a supplemental air carrier certificate is hereafter in this part referred to as a "supplemental air carrier".

(f) No person (except a person covered by paragraph (a), (b), (c), (d), or (e) of this section) may engage in the carriage of persons or property for compensation or hire in air commerce without, or in violation of a commercial operator certificate and appropriate operations specifications issued under this part.

(g) A domestic or flag air carrier or an air carrier holding a certificate under Part 127 is not eligible for or required to obtain a separate certificate for operations under paragraph (e) or (f) of this section, but must obtain authority to conduct those operations by appropriate amendments to its operations specifications.

### § 121.5 Charter flights or other special service operation: flag and domestic air carriers.

Each flag or domestic air carrier, or air carrier holding an operating certificate under Part 127 shall conduct the following operations under the rules of this part applicable to supplemental air carriers and commercial operators:

(a) Any charter flight or other special service conducted over routes into airports listed in its operations specifications, unless the air carrier obtains authority from the Administrator to conduct those operations under the rules that would otherwise apply to that air carrier's operations.

(b) Any charter flight or other special service that involves, in whole or in part, off-route operations.



### § 121.7 Intrastate common carriage by commercial operator.

An applicant for a commercial operator certificate, or a commercial operator, who carries or intends to carry passengers for compensation or hire as a common carrier between two points entirely within any State with the frequency set forth in paragraph (a) or (b) of this section shall show that it is able to, and will conduct, those operations under the rules applicable to domestic air carriers or any other rules that the Administrator finds to be necessary to provide an appropriate level of safety for the operation:

(a) Two flights, or one round trip a week on the same day or days of the week for eight or more weeks in any 90 consecutive days.

(b) A total of 36 or more flights or 18 or more round trips in any 90 consecutive days.

### § 121.9 Certain operations of small aircraft.

Upon application, the Administrator may issue operations specifications to an air carrier conducting operations under this part, authorizing it to conduct operations with small aircraft under Part 135 if he finds that safety in air transportation and the public interest allows it. Operations specifications issued under this section contain such operating limitations and requirements as the Administrator finds necessary.

### § 121.11 Additional rules applicable to operations subject to this part: flag air carriers, supplemental air carriers, and commercial operators.

Each flag air carrier, supplemental air carrier, and commercial operator shall while operating an airplane within a foreign country, comply with the air traffic rules of the country concerned and local airport rules, except where any rule of this part is more restrictive and may be followed without violating the rules of that country.

### § 121.13 Rules applicable to helicopter operations: deviation authority.

(a) Each person operating a helicopter under this part shall comply with §§ 121.5, 121.9, 121.11, Subpart C (except holders of certificates under Part 127), Subpart F (except holders of certificates under Part 127), Subpart G, 121.153, 121.155, 121.157(e), 121.163, 121.315, Subpart L, 121.383, 121.385, 121.433, 121.435, 121.437, 121.501, 121.533 through 121.563, 121.567, 121.575, 121.597, 121.599, 121.603, 121.609, 121.611 through 121.617, 121.623 through 121.631, 121.647, 121.653, 121.655, 121.657, 121.659, 121.665, 121.667, and Subpart V.

(b) In addition to the rules of this part listed in paragraph (a) of this section, each person operating a helicopter shall comply with §§ 127.81, 127.83, 127.91, 127.93, 127.101 through 127.117, 127.119, 127.121, 127.123, 127.125, 127.145, 127.151 through 127.161, 127.171 through 127.177, 127.231 through 127.261, and 127.301 through 127.319.

(c) The Administrator may issue operations specifications authorizing a deviation from any specific requirement for helicopter operations if he finds that the deviation provides a substantially equivalent standard of safety.

## Subpart B—Certification Rules for Domestic and Flag Air Carriers

### § 121.21 Applicability.

This subpart prescribes certification rules for domestic air carriers and flag air carriers.

### § 121.23 Operations specifications not a part of certificate.

Except for those operations specifications specifying airport and route or route segment authorizations, air carrier operations specifications are not a part of an air carrier's operating certificate.

### § 121.25 Contents of certificate and operations specifications.

(a) Each domestic and flag air carrier operating certificate contains the following:

(1) The air carrier's name.

(2) The airports to and from which it may operate.

(3) The approved routes over which it may operate.

These airports and routes are incorporated into the air carrier operating certificate by reference to the authorized airports and approved routes listed in that air carrier's operations specifications.

(b) Each air carrier's operations specifications contain the following:

(1) The kinds of operations authorized.

(2) The types of airplanes authorized for use.

(3) En route authorizations and limitations.

(4) Airport authorizations.

(5) Airport limitations.

(6) Time limitations, or standards for determining time limitations, for overhauls, inspections, and checks of airframes, engines, propellers, and appliances.

(7) Procedures for control of weight and balance of airplanes.

(8) Interline equipment interchange requirements, if relevant.

(9) Any other item that the Administrator determines is necessary to cover a particular situation.

### § 121.27 Issue of certificate.

(a) An applicant under this subpart is entitled to an operating certificate if—

(1) He holds a certificate of public convenience and necessity or other appropriate economic authority issued by the Civil Aeronautics Board; and

(2) The Administrator, after investigation, finds that the applicant is properly and adequately equipped and able to conduct a safe operation in accordance with this part and operations specifications issued under this part.

(b) In the case of operations conducted under the rules of this Part applicable to domestic air carriers in small airplanes, or conducted under a temporary authorization issued by the Civil Aeronautics Board, the Administrator issues operations specifications

prescribing appropriate requirements that deviate from the requirements of this part whenever, after investigation, he finds that general standards of safety for such an operation require or allow a deviation from such a requirement for a particular operation or class of operations for which an application for an air carrier operating certificate has been made.

(c) Whenever, after investigation, the Administrator determines that the general standards of safety for flag air carrier operations conducted—

(1) Between points in Alaska; or

(2) Under a temporary authorization issued by the Civil Aeronautics Board; require or allow a deviation from any requirement of this part for a particular operation or class of operations for which an application for an air carrier operating certificate has been made, he issues operations specifications prescribing appropriate requirements that deviate from the requirements of this Part.

**§ 121.29 Duration of certificate.**

(a) An air carrier operating certificate issued under this subpart is effective until termination of the certificate of public convenience and necessity or other economic authority issued by the Civil Aeronautics Board to the air carrier or until it is surrendered or the Administrator suspends, revokes, or otherwise terminates it.

(b) If the Administrator suspends or revokes such an air carrier operating certificate, the holder of that certificate shall return it to the administrator.

## Subpart C—Certification Rules for Supplemental Air Carriers and Commercial Operators

**§ 121.41 Applicability.**

This subpart prescribes certification rules for supplemental air carriers and commercial operators.

**§ 121.43 Operations specifications not a part of certificate.**

Operations specifications are not a part of a supplemental air carrier or commercial operator operating certificate.

**§ 121.45 Contents of certificate and operations specifications.**

(a) Each certificate issued under this subpart contains the following:

(1) The holder's name.

(2) A description of the operations authorized.

(3) The date it is issued and the date it terminates.

(b) The operations specifications issued under this subpart contain the following:

(1) The kinds of operations authorized.

(2) The types and registration numbers of aircraft authorized for use.

(3) En route authorizations and limitations, including areas of operation.

(4) Special airport authorizations.

(5) Special airport limitations.

(6) Time limitations, or standards for determining time limitations, for overhauls, inspections, and checks of airframes, aircraft engines, propellers, and appliances.

(7) Procedures for control of weight and balance of aircraft.

(8) Any other item that the Administrator determines is necessary to cover a particular situation.

**§ 121.47 Application for supplemental air carrier and commercial operator certificates.**

(a) Each applicant for the original issue or renewal of a supplemental air carrier or commercial operator certificate must submit his application, in a form and manner prescribed by the Administrator, to the FAA Air Carrier District Office in whose area the applicant proposes to establish or has established its principal operations base, at least 60 days before the date of intended operations, or in the case of a renewal application, at least 60 days before the expiration date of the certificate.

(b) Each application submitted under paragraph (a) of this section must contain a signed statement showing the following:

(1) For corporate applicants:

(i) The name and address of each stockholder who owns five percent or more of the total voting stock of the corporation, and if that stockholder is not the sole beneficial owner of the stock, the name and address of each beneficial owner. An individual is considered to own the stock owned, directly or indirectly, by or for his spouse, his children, his grandchildren, or his parents.

(ii) The name and address of each director and each officer, and each person employed or who will be employed in a management position described in § 121.59.

(iii) The name and address of each person directly or indirectly controlling or controlled by the applicant, and each person under direct or indirect control with the applicant.

(2) For non-corporate applicants:

(i) The name and address of each person having a financial interest therein and the nature and extent of that interest.

(ii) The name and address of each person employed or who will be employed in a management position described in § 121.59.

(c) In addition, each applicant for the original issue or renewal of a commercial operator certificate must submit with the application a signed statement showing—

(1) The financial information listed in § 121.49; and

(2) The nature and scope of its intended operation, including the name and address of each person, if any, with whom the applicant has a contract to provide services as a commercial operator and the scope, nature, date, and duration of each of those contracts.

(d) Each applicant for, or holder of, a certificate issued under this subpart, shall notify the Administrator within 10 days after—

(1) A change in any of the persons, or the names and addresses of any of the persons, submitted to the Administrator under paragraph (b) (1) or (2) of this section; or

(2) A change in the financial information submitted to the Administrator under § 121.49 that occurs while the application for the issue or renewal is pending before the FAA and that would make the applicant's financial situation substantially less favorable than originally reported.

**§ 121.49 Commercial operator: financial information required.**

(a) Each applicant for the original issue or renewal of a commercial operator certificate must submit the following financial information:

(1) A balance sheet that shows assets, liabilities, and net worth, as of a date not more than 60 days before the date of application.

(2) In the case of an application for renewal, a profit and loss statement for a fiscal year ending on a date not more than 60 days before the date of the application, with separation of items relating to applicant's commercial operator activities from his other business activities. The applicant shall submit a listing and brief description of the nature and scope of the commercial operator contracts that gave rise to the operating income shown on the profit and loss statement, including the names of the contracting parties and the date and duration of each contract. However, if the applicant's regular fiscal year for income tax purposes ends on a date more than 60 days before the date of application, the applicant may submit a profit and loss statement covering its normal fiscal year, plus a supplementary profit and loss statement for the period from the end of the regular fiscal year to a date not more than 60 days before the date of application.

(3) An itemization of over-due liabilities showing amounts, names and addresses of creditors, description of indebtedness, and due date of obligations.

(4) An itemization of claims in litigation against the applicant showing the amounts claimed, the name and address of each claimant, and a description of each claim.

(5) A detailed analysis covering the first three months of the proposed operation after the possible issue or renewal of the certificate applied for that shows—

(i) Estimated amount and source of both operating and non-operating revenue, including identification of its existing and anticipated income producing contracts and estimated revenue per mile or hour of operation by aircraft type;

(ii) Estimated amount of operating and non-operating expenses by expense objective classification; and

(iii) Estimated profit or loss.

(6) An estimate of the cash that will be needed during the first three months of the proposed operation after the possible issue or renewal date of the certificate applied for to cover—

(i) Acquisition of property and equipment;

(ii) Retirement of debt;

(iii) Additional working capital;

(iv) Operations (losses); and

(v) Other (explain).

(7) An estimate of the cash that will be available from the following sources during the first three months of the proposed operation after the possible issue or renewal of the certificate applied for that shows—

(i) Sale of property or flight equipment;

(ii) New debt;

(iii) New equity;

(iv) Working capital reduction;

(v) Operations (profits);

(vi) Depreciation and amortization; and

(vii) Other (explain).

(8) Any other financial information the Administrator requires to enable him to determine that the applicant has sufficient financial resources to conduct its operations with the degree of safety required in the public interest.

(b) Each financial statement filed with the FAA under this part must be based on accounts prepared and maintained on an accrual basis in accordance with generally accepted accounting principles applied on a consistent basis, and must contain the name and address of the applicant's public accounting firm, if any.

**§ 121.51 Issue of certificate.**

(a) An applicant for a certificate under this subpart is entitled to the certificate if he is a citizen of the United States and the Administrator, after investigation (including any necessary verification of financial and other information submitted) finds that the applicant—

(1) Holds the economic authority required by the Civil Aeronautics Board, if any;

(2) Is not disqualified under paragraph (b) of this section; and

(3) Is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and the operations specifications provided for in this part.

(b) The Administrator may deny an application for a certificate under this subpart if he finds—

(1) That an air carrier or commercial operator certificate previously issued to the applicant was revoked;

(2) That a person who was employed in a management position similar to any listed under § 121.59 with (or has exercised control with respect to) any air carrier or commercial operator whose operating certificate has been revoked, will be employed in any of those positions or a similar position (or will be in control of or have a substantial ownership interest in the applicant), and that the person's employment or control contributed materially to the reasons for revoking that certificate; or

(3) In the case of an applicant for a commercial operator certificate, that for financial reasons the applicant is not able to conduct a safe operation.

**§ 121.53 Duration of certificate.**

(a) A certificate issued under this subpart is effective for one year unless the Administrator sooner suspends, revokes, or otherwise terminates it, or in the case of a supplemental air carrier, upon termination of the economic authority required by the Civil Aeronautics Board, if sooner.

(b) The Administrator may suspend or revoke a certificate under section 609 of the Federal Aviation Act of 1958 and the applicable procedures of Part 13 for any cause that, at the time of suspension or revocation, would have been grounds for denying an application for a certificate.

(c) If the Administrator suspends or revokes a certificate or it is otherwise terminated, the holder of that certificate shall return it to the Administrator.

**§ 121.55 Commercial operator: supplemental periodic financial report.**

(a) Each holder of a commercial operator certificate shall, within 45 days after his original or renewed certificate has been in effect for four months, submit a signed financial statement to the FAA that shows profit and loss for—

(1) The four-month period after the date the certificate was issued or renewed, as the case may be; and

(2) Any period immediately preceding the date of certificate issue or renewal not covered by the preceding financial statement filed under § 121.47(c)(1).

(b) Each holder shall submit a listing and brief description of the nature and scope of the contracts that gave rise to the operating income shown on the profit and loss statement, including the names of the contracting parties, and the date and duration of each contract. In addition, it shall submit all other information required for original issue of a certificate under § 121.47(c)(1).

**§ 121.57 Obtaining waivers and authority for deviations.**

(a) The Administrator may, upon application by the supplemental air carrier or commercial operator, authorize deviations from the applicable requirements of this part, by an appropriate amendment to the operations specifications, for military contract or for emergency operations. The Administrator may, at any time, terminate any grant of deviation authority or waiver issued under this section. Each supplemental air carrier and commercial operator authorized deviations under this section shall comply with the terms of the authorization when conducting operations affected thereby.

(b) If, in the case of military contracts, the Department of Defense certifies to the Administrator that an operation is essential to the national defense and requires a requested deviation, and the Administrator finds that the deviation is not based on an economic advantage or convenience to the air carrier or commercial operator or the United States, the Administrator may authorize deviations for—

(1) Operations conducted under a contract with an armed force as the primary contractor; or

(2) Operations conducted for an armed force under a subcontract with a primary contractor.

(c) In emergency conditions the Administrator may authorize deviations for operations if those conditions necessitate the transportation of persons or supplies for the protection of life or property, and he finds that a deviation is necessary for the expeditious conduct of the operation.

(d) The Administrator may, by an appropriate amendment to the operations specifications, waive, in whole or in part, submission of the financial information required from a commercial operator in a renewal application or supplemental periodic financial report if—

(1) Application for the waiver is filed at least 30 days before the information is due; and

(2) The Administrator finds that the submission is not required in the public interest, based on information as to the operator's—

(i) Financial standing;

(ii) Management; and

(iii) Kind of operations.

The filing of an application for a waiver under this paragraph does not automatically extend the time for submitting the required information.

**§ 121.59 Management personnel required.**

(a) Each applicant for a certificate under this subpart must show that it has enough qualified management personnel to provide the highest degree of safety in its operations and that those personnel are employed on a full-time basis in the following or equivalent positions:

(1) General manager.

(2) Director of operations (who may be the general manager if qualified).

(3) Director of maintenance.

(4) Chief pilot.

(5) Chief inspector.

(b) Upon application by the supplemental air carrier or commercial operator the Administrator may approve different positions or numbers of positions than those listed in paragraph (a) of this section for a particular operation if the air carrier or commercial operator shows that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel due to—

(1) The kind of operation involved;

(2) The number and type of aircraft used; and

(3) The area of operations.

The title and number of positions so approved are set forth in the operations specifications of the air carrier or commercial operator.

(c) Each supplemental air carrier and commercial operator shall—

(1) Set forth the duties, responsibilities, and authority, of the personnel required by this section, in the general policy section of the air carrier manual or commercial operator manual;

(2) List in the manual the names and addresses of the persons assigned to those positions; and

(3) Within at least 10 days, notify the FAA Air Carrier District Office charged with the overall inspection of the air carrier or commercial operator, of any change made in the assignment of persons to the listed positions.

**§ 121.61 Management personnel: qualifications.**

(a) No person may serve as director of operations unless he knows the contents of the air carrier's or commercial operator's operations manual and operations specifications, and the provisions of this part necessary to the proper performance of his duties and—

(1) Holds, or has held, an airline transport pilot certificate and has had at least three years of experience as pilot in command of a large aircraft; or

(2) Has had at least three years of experience as director of operations, of an operation using large aircraft, or a position of comparable responsibility.

(b) No person may serve as chief pilot unless he—

(1) Holds a current airline transport pilot certificate with appropriate ratings for the type of aircraft used;

(2) Has had at least three years of experience as a pilot in command of a large aircraft with an air carrier or commercial operator; and

(3) Knows the contents of the air carrier's or commercial operator's manual and operations specifications, and the provisions of this part necessary to the proper performance of his duties.

(c) No person may serve as director of maintenance unless he—

(1) Holds a current mechanic certificate with either an airframe or powerplant rating, and has had at least five years of experience in the maintenance of large aircraft, one year of which must have been in a supervisory capacity; and

(2) Knows the maintenance parts of the air carrier's or commercial operator's manual and operations specifications and the applicable maintenance provisions of this part.

(d) No person may serve as chief inspector unless he—

(1) Holds a current mechanic certificate with both airframe and powerplant ratings, and has held these ratings for at least three years;

(2) Has had at least three years of diversified maintenance experience on large aircraft with an air carrier, commercial operator, or certificated repair station, one year of which must have been as a maintenance inspector; and

(3) Knows the maintenance parts of the air carrier's or commercial operator's manual and operations specifications, and the applicable maintenance provisions of this part.

## Subpart D—Rules Governing All Certificate Holders Under This Part

### § 121.71 Applicability.

This subpart prescribes rules governing all certificate holders under this Part.

### § 121.73 Availability of certificate and operations specifications.

Each certificate holder shall make its operating certificate and operations specifications available for inspection by the Administrator at its principal operations office.

### § 121.75 Use of operations specifications.

(a) Each certificate holder shall keep each of its employees informed of the provisions of its operations specifications that apply to the employee's duties and responsibilities.

(b) Each certificate holder shall maintain a complete and separate set of its operations specifications. In addition, each certificate holder shall insert pertinent excerpts of its operations specifications, or reference thereto, in its manual in such a manner that they retain their identity as operations specifications.

### § 121.77 Amendment of certificate.

(a) The Administrator may amend an operating certificate issued under this Part—

(1) Upon application by the holder, if the Administrator determines that safety in air transportation (or in air commerce, in the case of a commercial operator) and the public interest allows the amendment; or

(2) Under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) and Part 13 of this chapter, if the Administrator determines that safety in air transportation (or in air commerce, in the case of a commercial operator) and the public interest requires the amendment.

(b) An applicant for an amendment to an operating certificate must file his application with the FAA Air Carrier District Office charged with the overall inspection of his operations at least 15 days before the proposed effective date of that amendment, unless a shorter filing period is allowed by that office.

(c) At any time within 30 days after refusal of the District Office to approve an application for amendment, the holder may petition the Administrator personally to reconsider the refusal.

### § 121.79 Amendment of operations specifications.

(a) The Administrator may amend any operations specifications issued under this Part, except those that are a part of the air carrier operating certificate—

(1) Upon application by the holder, if the Administrator determines that safety in air transportation (or in air commerce, in the case of a commercial operator) and the public interest allows the amendment; or

(2) If the Administrator determines that safety in air transportation (or in air commerce, in the case of a commercial operator) and the public interest requires the amendment.

(b) In the case of an amendment under paragraph (a)(2) of this section, the Administrator notifies the holder, in writing, of the proposed amendment, fixing a reasonable period (but not less than seven days) within which the holder may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Administrator notifies the holder of any amendment adopted, or rescinds the notice. The amendment becomes effective not less than 30 days after the holder receives notice of it, unless the holder petitions the Administrator personally to reconsider the amendment, in which case its effective date is stayed pending a decision by the Administrator. If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air transportation, that makes the procedure in this paragraph impracticable or contrary to the public interest, he may issue an amendment, effective without stay, on the date the holder receives notice of it. In such a case, the Administrator incorporates the finding, and a brief statement of the reasons for it, in the notice of the amended operations specifications to be adopted.

(c) An applicant must file his application for an amendment of operations specifications with the FAA District Office charged with the overall inspection of its operations at least 15 days before the date that he proposes for the amendment to become effective, unless a shorter filing period is allowed by that office.

(d) Within 30 days after receiving from the District Office a notice of refusal to approve the application for amendment, the applicant may petition the Administrator personally to reconsider the refusal to amend.

(e) Airport and route authorizations may be amended under § 121.77.

### § 121.81 Inspection authority.

(a) Each certificate holder shall allow the Administrator, at any time or place, to make any inspections or tests to determine its compliance with the Federal Aviation Act of 1958, the Federal Aviation Regulations, its operating certificate and operations specifications, or its eligibility to continue to hold its certificate.

(b) In the case of a supplemental air carrier or commercial operator, these inspections and tests include inspections and tests of financial books and records, except that the Administrator does not exercise this authority with respect to the financial books and records of a supplemental air carrier if the information sought can be obtained from the Civil Aeronautics Board.

### § 121.83 Change of address.

Each certificate holder shall notify the FAA Air Carrier District Office charged with the overall inspection of its operations, in writing, at least 30 days in advance, of any change in the address of its principal business office, its principal operations base, or its principal maintenance base.

## Subpart E—Approval of Routes: Domestic and Flag Air Carriers

### § 121.91 Applicability.

This subpart prescribes rules for obtaining approval of routes by domestic or flag air carriers.

### § 121.93 Route requirements: general.

(a) Each domestic or flag air carrier seeking a route approval must show—

(1) That it is able to conduct satisfactory scheduled operations between each regular, provisional, and refueling airport over that route or route segment; and

(2) That the facilities and services required by §§ 121.97 through 121.107 are available and adequate for the proposed operation.

The Administrator approves a route outside of controlled airspace if he determines that traffic density is such that an adequate level of safety can be assured.

(b) Paragraph (a) of this section does not require actual flight over a route or route segment if the air carrier shows that the flight is not essential to safety, considering the availability and adequacy of airports, lighting, maintenance, communication, navigation, fueling,



ground, and airplane radio facilities, and the ability of the personnel to be used in the proposed operation.

### § 121.95 Route width.

(a) Approved routes and route segments over U.S. Federal airways or foreign airways (and advisory routes in the case of flag air carriers) have a width equal to the designated width of those airways or routes. Whenever the Administrator finds it necessary to determine the width of other approved routes, he considers the following:

(1) Terrain clearance.

(2) Minimum en route altitudes.

(3) Ground and airborne navigation aids.

(4) Air traffic density.

(5) ATC procedures.

(b) Any route widths of other approved routes determined by the Administrator are specified in the air carrier's operations specifications.

### § 121.97 Airports.

Each domestic and flag air carrier must show that each route it submits for approval has enough airports that are properly equipped and adequate for the proposed operation, considering such items as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and ATC.

### § 121.99 Communications facilities.

Each domestic and flag air carrier must show that a two-way air/ground radio communication system is available at points that will ensure reliable and rapid communications, under normal operating conditions over the entire route (either direct or via approved point to point circuits) between each airplane and the appropriate dispatch office, and between each airplane and the appropriate air traffic control unit. For all domestic air carrier operations and for flag air carrier operations in the 48 contiguous States and the District of Columbia, the communications systems between each airplane and the dispatch office must be independent of any system operated by the United States.

### § 121.101 Weather reporting facilities.

(a) Each domestic and flag air carrier must show that enough weather reporting services are available along each route to ensure weather reports and forecasts necessary for the operation.

(b) No domestic or flag air carrier may use any weather report to control flight unless—

(1) For operations within the 48 contiguous States and the District of Columbia, it was prepared by the U.S. Weather Bureau or a source approved by the Weather Bureau; or

(2) For operations conducted outside the 48 contiguous States and the District of Columbia, it was prepared by a source approved by the Administrator.

(c) Each domestic or flag air carrier that uses forecasts to control flight movements shall use forecasts prepared from weather reports specified in paragraph (b) of this section.



### § 121.103 En route navigational facilities.

(a) Except as provided in paragraph (b) of this section, each domestic and flag air carrier must show, for each proposed route, that nonvisual ground aids are—

(1) Available over the route for navigating aircraft within the degree of accuracy required for ATC; and

(2) Located to allow navigation to any regular, provisional, refueling, or alternate airport, within the degree of accuracy necessary for the operation involved.

Except for those aids required for routes to alternate airports, nonvisual ground aids required for approval of routes outside of controlled airspace are listed in the air carrier's operations specifications.

(b) Nonvisual ground aids are not required for—

(1) Day VFR operations that the air carrier shows can be conducted safely by pilotage because of the characteristics of the terrain;

(2) Night VFR operations on routes that the air carrier shows have reliably lighted landmarks adequate for safe operation; and

(3) Operations on route segments where the use of celestial or other specialized means of navigation is approved by the Administrator.

### § 121.105 Servicing and maintenance facilities.

Each domestic and flag air carrier must show that competent personnel and adequate facilities and equipment (including spare parts, supplies, and materials) are available at such points along the air carrier's route as are necessary for the proper servicing, maintenance, and preventive maintenance of airplanes and auxiliary equipment.

### § 121.107 Dispatch centers.

Each domestic and flag air carrier must show that it has enough dispatch centers, adequate for the operations to be conducted, that are located at points necessary to ensure proper operational control of each flight.

## Subpart F—Approval of Areas and Routes for Supplemental Air Carriers and Commercial Operators

### § 121.111 Applicability.

This subpart prescribes rules for obtaining approval of areas and routes by supplemental air carriers and commercial operators.

### § 121.113 Area and route requirements: general.

(a) Each supplemental air carrier or commercial operator seeking route and area approval must show—

(1) That it is able to conduct operations within the United States in accordance with subparagraphs (3) and (4) of this paragraph;

(2) That it is able to conduct operations in accordance with the applicable requirements for each area outside the United States for which authorization is requested;

(3) That it is equipped and able to conduct operations over, and use the navigational facilities associated with, the Federal airways, foreign airways, or advisory routes (ADR's) to be used; and

(4) That it will conduct all IFR and night VFR operations over Federal airways, foreign airways, controlled airspace, or advisory routes (ADR's).

(b) Notwithstanding paragraph (a)(4) of this section, the Administrator may approve a route outside of controlled airspace if the supplemental air carrier or commercial operator shows the route is safe for operations and the Administrator finds that traffic density is such that an adequate level of safety can be assured. The air carrier or commercial operator may not use such a route unless it is approved by the Administrator and is listed in the air carrier's or commercial operator's operations specifications.

### § 121.115 Route width.

(a) Routes and route segments over Federal airways, foreign airways, or advisory routes have a width equal to the designated width of those airways or advisory routes. Whenever the Administrator finds it necessary to determine the width of other routes, he considers the following:

(1) Terrain clearance.

(2) Minimum en route altitudes.

(3) Ground and airborne navigation aids.

(4) Air traffic density.

(5) ATC procedures.

(b) Any route widths of other routes determined by the Administrator are specified in the air carrier's or commercial operator's operations specifications.

### § 121.117 Airports.

No supplemental air carrier or commercial operator may use any airport unless it is properly equipped and adequate for the proposed operation, considering such items as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and ATC.

### § 121.119 Weather reporting facilities.

(a) No supplemental air carrier or commercial operator may use any weather report to control flight unless it was prepared and released by the U.S. Weather Bureau or a source approved by the Weather Bureau. For operations outside the U.S., or at U.S. Military airports, where those reports are not available, the air carrier or commercial operator must show that its weather reports are prepared by a source found satisfactory by the Administrator.

(b) Each supplemental air carrier or commercial operator that uses forecasts to control flight movements shall use forecasts prepared from weather reports specified in paragraph (a) of this section.

### § 121.121 En route navigational facilities.

(a) Except as provided in paragraph (b) of this section, no supplemental air carrier or commercial operator may conduct any operation over a route unless nonvisual ground aids are—



(1) Available over the route for navi-

### § 121.127 Flight following system: re-

(2) Duties and responsibilities of each crewmember and appropriate members



overhauls, inspections, and checks of airframes, engines, propellers, and appli-

## Subpart H—Aircraft Requirements

performance requirements of §§ 4a.737-T through 4a.750-T of the Civil Air

(1) Available over the route for navigating airplanes within the degree of accuracy required for ATC; and

(2) Located to allow navigation to any airport of destination, or alternate airport, within the degree of accuracy necessary for the operation involved.

(b) Nonvisual ground aids are not required for—

(1) Day VFR operations that can be conducted safely by pilotage because of the characteristics of the terrain;

(2) Night VFR operations on lighted airways or on routes that the Administrator determines have reliable landmarks adequate for safe operation; or

(3) Operations on route segments where the use of celestial or other specialized means of navigation is approved.

(c) Except for those aids required for routes to alternate airports, the nonvisual ground navigational aids that are required for approval of routes outside of controlled airspace are specified in the air carrier's or commercial operator's operations specifications.

**§ 121.123 Servicing and maintenance facilities.**

Each supplemental air carrier or commercial operator must show that competent personnel and adequate facilities and equipment (including spare parts, supplies, and materials) are available for the proper servicing, maintenance, and preventive maintenance of aircraft and auxiliary equipment.

**§ 121.125 Flight following system.**

(a) Each supplemental air carrier or commercial operator must show that it has—

(1) An approved flight following system established in accordance with Subpart U of this part and adequate for the proper monitoring of each flight, considering the operations to be conducted; and

(2) Flight following centers located at those points necessary—

(i) To ensure the proper monitoring of the progress of each flight with respect to its departure at the point of origin and arrival at its destination, including intermediate stops and diversions therefrom, and maintenance or mechanical delays encountered at those points or stops; and

(ii) To ensure that the pilot in command is provided with all information necessary for the safety of the flight.

(b) A supplemental air carrier or commercial operator may arrange to have flight following facilities provided by persons other than its employees, but in such a case the air carrier or commercial operator continues to be primarily responsible for operational control of each flight.

(c) A flight following system need not provide for in-flight monitoring by a flight following center.

(d) The supplemental air carrier's or commercial operator's operations specifications specify the flight following system it is authorized to use and the location of the centers.

**§ 121.127 Flight following system: requirements.**

(a) Each supplemental air carrier or commercial operator using a flight following system must show that—

(1) The system has adequate facilities and personnel to provide the information necessary for the initiation and safe conduct of each flight to—

(i) The flight crew of each aircraft; and

(ii) The persons designated by the air carrier or commercial operator to perform the function of operational control of the aircraft; and

(2) The system has a means of communication by private or available public facilities (such as telephone, telegraph, or radio) to monitor the progress of each flight with respect to its departure at the point of origin and arrival at its destination, including intermediate stops and diversions therefrom, and maintenance or mechanical delays encountered at those points or stops.

(b) The supplemental air carrier or commercial operator must show that the personnel specified in paragraph (a) of this section, and those it designates to perform the function of operational control of the aircraft, are able to perform their required duties.

## Subpart G—Manual Requirements

**§ 121.131 Applicability.**

This subpart prescribes requirements for preparing and maintaining manuals by all certificate holders.

**§ 121.133 Preparation.**

(a) Each domestic and flag air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in conducting its operations.

(b) Each supplemental air carrier and commercial operator shall prepare and keep current a manual for the use and guidance of flight, ground operations, and management personnel in conducting its operations.

**§ 121.135 Contents.**

(a) Each manual required by § 121.133 must—

(1) Include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;

(2) Be in a form that is easy to revise;

(3) Have the date of last revision on each page concerned; and

(4) Not be contrary to any applicable Federal regulation and, in the case of a flag or supplemental air carrier, any applicable foreign regulation, or the certificate holder's operations specifications or operating certificate.

(b) The manual may be in two or more separate parts, containing together all of the following information, but each part must contain that part of the information that is appropriate for each group of personnel:

(1) General policies.

(2) Duties and responsibilities of each crewmember and appropriate members of the ground organization and in the case of supplemental air carriers and commercial operators, management personnel.

(3) Reference to appropriate Federal Aviation Regulations.

(4) Flight dispatching and operational control, including procedures for coordinated dispatch or flight control or flight following procedures, as applicable.

(5) En route flight, navigation, and communication procedures, including procedures for the dispatch or release or continuance of flight if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route.

(6) For domestic or flag air carriers, appropriate information from the en route operations specifications, including for each approved route the types of aircraft authorized, their crew complement, the type of operation such as VFR, IFR, day, night, etc., and any other pertinent information.

(7) For supplemental air carriers or commercial operators, appropriate information from the operations specifications, including the area of operations authorized, the types of aircraft authorized, their crew complement, the type of operation such as VFR, IFR, day, night, etc., and any other pertinent information.

(8) Appropriate information from the airport operations specifications, including for each airport—

(i) Its location (domestic and flag air carrier operations only);

(ii) Its designation (regular, alternate, provisional, etc.) (domestic and flag air carrier operations only);

(iii) The types of aircraft authorized (domestic and flag air carrier operations only);

(iv) Instrument approach procedures;

(v) Landing and takeoff minimums; and

(vi) Any other pertinent information.

(9) Takeoff, en route, and landing weight limitations.

(10) Procedures for familiarizing passengers with the use of emergency equipment, during flight.

(11) Emergency equipment and procedures.

(12) The method of designating succession of command of flight crewmembers.

(13) Procedures for determining the usability of landing and takeoff areas, and for disseminating pertinent information thereon to operations personnel.

(14) Procedures for operating in periods of ice, hail, thunderstorms, turbulence, or any potentially hazardous meteorological condition.

(15) Airman training programs, including appropriate ground, flight, and emergency phases.

(16) Instructions and procedures for maintenance, preventive maintenance, and servicing.

(17) Time limitations, or standards for determining time limitations, for overhauls, inspections, and checks of airframes, engines, propellers, and appliances.

(18) Procedures for refueling aircraft, eliminating fuel contamination, protection from fire (including electrostatic protection), and supervising and protecting passengers during refueling.

(19) Airworthiness inspections, including instructions covering procedures, standards, responsibilities, and authority of inspection personnel.

(20) Methods and procedures for maintaining the aircraft weight and center of gravity within approved limits.

(21) Where applicable, pilot and dispatcher route and airport qualification procedures.

(22) Accident notification procedures.

(23) Other information or instructions relating to safety.

(c) Each certificate holder shall maintain at least one complete copy of the manual at its principal operations base.

**§ 121.137 Distribution.**

(a) Each certificate holder shall furnish copies of the manual required by § 121.133 (and the changes and additions thereto) or appropriate parts of the manual to—

(1) Its appropriate ground operations and maintenance personnel;

(2) Crewmembers; and

(3) Representatives of the Administrator assigned to it.

(b) Each person to whom a manual or appropriate parts of it are furnished under paragraph (a) of this section shall keep it up to date with the changes and additions furnished to him.

**§ 121.139 Requirement for manual aboard aircraft: supplemental air carriers and commercial operators.**

(a) Except as provided in paragraph (b) of this section, each supplemental air carrier and commercial operator shall carry appropriate parts of the manual on each aircraft when away from the principal base. The appropriate parts must be available for use of ground or flight personnel.

(b) If a supplemental air carrier or commercial operator is able to perform all scheduled maintenance at specified stations where it keeps maintenance parts of the manual, it does not have to carry those parts of the manual aboard the aircraft en route to those stations.

**§ 121.141 Aircraft Flight Manual.**

(a) Each certificate holder shall keep a current approved Aircraft Flight Manual for each type of transport category aircraft that it operates.

(b) Each certificate holder shall carry an approved Aircraft Flight Manual, or manual required by § 121.133 containing the information required for the Aircraft Flight Manual, in each transport category aircraft. If sections of the required information from the Aircraft Flight Manual are incorporated in the manual required by § 121.133, the holder shall clearly identify the sections as Aircraft Flight Manual requirements.



## Subpart H—Aircraft Requirements

**§ 121.151 Applicability.**

This subpart prescribes aircraft requirements for all certificate holders.

**§ 121.153 Aircraft requirements: general.**

(a) No certificate holder may operate an aircraft unless that aircraft—

(1) Is registered as a civil aircraft of the United States and carries an appropriate current airworthiness certificate issued under this chapter; and

(2) Is in an airworthy condition and meets the applicable airworthiness requirements of this chapter, including those relating to identification and equipment.

(b) A certificate holder may use an approved weight and balance control system based on average, assumed, or estimated weight to comply with applicable airworthiness requirements and operating limitations.

**§ 121.155 Exclusive use requirements: supplemental air carriers and commercial operators.**

(a) No supplemental air carrier or commercial operator may use any aircraft unless—

(1) It has exclusive use of the aircraft;

(2) The aircraft is listed in its operations specifications; and

(3) The aircraft is not listed in the operations specifications of any other air carrier or commercial operator.

(b) Within 10 days after a supplemental air carrier or commercial operator ceases to have exclusive use of an aircraft listed in its operations specifications it shall notify the FAA Air Carrier Inspector assigned to its operations, and request an appropriate amendment deleting the aircraft from its operations specifications.

(c) A supplemental air carrier or commercial operator that does not have the exclusive use of at least one aircraft does not meet the requirements of this part, and the Administrator may, in an appropriate case, suspend or revoke the supplemental air carrier's or commercial operator's certificate.

(d) For the purposes of this section, a supplemental air carrier or commercial operator has exclusive use of an aircraft if it has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for the performance of required maintenance) giving it that possession, control, and use for at least six months.

**§ 121.157 Aircraft certification and equipment requirements.**

(a) *Airplanes certificated before July 1, 1942.* No certificate holder may operate an airplane that was type certificated before July 1, 1942, unless—

(1) That airplane meets the requirements of § 121.173(c); or

(2) That airplane and all other airplanes of the same or related type operated by that certificate holder meet the performance requirements of §§ 4a.737–T through 4a.750–T of the Civil Air Regulations as in effect on January 31, 1965; or §§ 25.45 through 25.75 and § 121.173 (a), (b), (d), and (e).

(b) *Airplanes certificated after June 30, 1942.* Except as provided in paragraphs (c) and (d) of this section, no certificate holder may operate an airplane that was type certificated after June 30, 1942, unless it is certificated as a transport category airplane and meets the requirements of § 121.173 (a), (b), (d), and (e).

(c) *C–46 type airplanes: passenger-carrying operations.* No certificate holder may operate a C–46 airplane in passenger-carrying operations unless that airplane is operated in accordance with the operating limitations for transport category airplanes and meets the requirements of paragraph (b) of this section or meets the requirements of Part 4b, as in effect July 20, 1950, and the requirements of § 121.173 (a), (b), (d), and (e), except that—

(1) The requirements of §§ 4b.0 through 4b.19 as in effect May 18, 1954, must be complied with;

(2) The birdproof windshield requirements of § 4b.352 need not be complied with;

(3) The provisions of §§ 4b.480 through 4b.490 (except §§ 4b.484(a)(1) and 4b.487(e)), as in effect May 16, 1953, must be complied with; and

(4) The provisions of subparagraph 4b.484(a)(1), as in effect July 20, 1950, must be complied with.

In determining the takeoff path in accordance with § 4b.116 and the one-engine inoperative climb in accordance with § 4b.120 (a) and (b), the propeller of the inoperative engine may be assumed to be feathered if the airplane is equipped with either an approved means for automatically indicating when the particular engine has failed or an approved means for automatically feathering the propeller of the inoperative engine. The Administrator may authorize deviations from compliance with the requirements of §§ 4b.130 through 4b.190 and Subparts C, D, E, and F of Part 4b (as designated in this paragraph) if he finds that (considering the effect of design changes) compliance is extremely difficult to accomplish and that service experience with the C–46 airplane justifies the deviation.

(d) *C–46 type airplanes: cargo operations.* No certificate holder may use a nontransport category C–46 type airplane in cargo operations unless—

(1) It is certificated at a maximum gross weight that is not greater than 48,000 pounds;

(2) It meets the requirements of §§ 121.199 through 121.205 using the performance data in Appendix C to this part;

(3) Before each flight, each engine contains at least 25 gallons of oil; and

(4) After December 31, 1964—

(i) It is powered by a type and model engine as set forth in Appendix C of this part, when certificated at a maxi-

mum gross takeoff weight greater than 45,000 pounds; and

(ii) It complies with the special airworthiness requirement set forth in §§ 121.213 through 121.287 of this part or in Appendix C of this part.

(e) *Helicopters.* No supplemental air carrier or commercial operator may operate a helicopter unless it is operated, certificated, and equipped in accordance with §§ 127.71 through 127.125.

**§ 121.159 Single-engine airplanes prohibited.**

Except as provided in § 121.9, no certificate holder may operate a single-engine airplane.

**§ 121.161 Airplane limitations: type of route.**

(a) Unless otherwise authorized by the Administrator, based on the character of the terrain, the kind of operation, or the performance of the airplane to be used, no domestic or flag air carrier may operate in any operations, and no supplemental air carrier or commercial operator may operate in passenger-carrying operations, a two-engine or three-engine airplane (except a three-engine turbine-powered airplane) over a route that contains a point farther than one hour's flying time (in still air at normal cruising speed with one engine inoperative) from an adequate airport.

(b) No certificate holder may operate a land airplane (other than a DC–3, C–46, CV–340, or CV–440) in an extended overwater operation unless it is certificated or approved as adequate for ditching under the ditching provisions of Part 25 of this chapter.

**§ 121.163 Aircraft proving tests.**

(a) No domestic or flag air carrier may operate an aircraft not before proven for use in scheduled air carrier operations and no supplemental air carrier or commercial operator may operate an aircraft not before proven for use in air carrier or commercial operator operations unless an aircraft of that type has had, in addition to the aircraft certification tests, at least 100 hours of proving tests under the Administrator's supervision, at least 50 hours of which must have been flown over authorized routes (flag and domestic air carriers) or in en route operations (supplemental air carriers and commercial operators) and at least 10 hours of which must have been flown at night.

(b) A certificate holder may not operate an aircraft of a type that has been proven for use in its class of operations if it has not previously proved that type, or if that aircraft has been materially altered in design, unless—

(1) The aircraft has been tested for at least 50 hours, of which at least 25 hours were over authorized routes; or

(2) The Administrator specifically authorizes deviations because special circumstances of the particular case make a literal observance of the requirements of this paragraph unnecessary.

(c) A supplemental air carrier or commercial operator may operate a helicopter that has not before been proven for use in supplemental air carrier or commercial operator operations if the helicopter has been used extensively in the services of the armed forces and meets the requirements of paragraph (b) of this section.

(d) For the purposes of paragraph (b) of this section, a type of aircraft is considered to be materially altered in design if the alterations include—

(1) The installation of powerplants other than those of a type similar to those with which it is certificated; or

(2) Alterations to the aircraft or its components that materially affect flight characteristics.

(e) No certificate holder may carry passengers in an aircraft during proving tests, except for those needed to make the test and those designated by the Administrator. However, it may carry mail, express, or other cargo, when approved.

## Subpart I—Airplane Performance Operating Limitations

**§ 121.171 Applicability.**

(a) This subpart prescribes airplane performance operating limitations for all certificate holders.

(b) For the purposes of this part, "effective length of the runway", for takeoff means the distance from the end of the runway at which the takeoff is started to the point at which the obstruction clearance plane associated with the other end of the runway intersects the runway centerline. For landing, it means the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway to the far end thereof.

(c) For the purposes of this subpart, "obstruction clearance plane" means a plane sloping upward from the runway at a slope of 1:20 to the horizontal, and tangent to or clearing all obstructions within a specified area surrounding the runway as shown in a profile view of that area. In the plan view, the centerline of the specified area coincides with the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point at least 1,500 feet from the beginning point. Thereafter the centerline coincides with the takeoff path over the ground for the runway (in the case of takeoffs) or with the instrument approach counterpart (for landings), or, where the applicable one of these paths has not been established, it proceeds consistent with turns of at least 4,000 foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. This area extends laterally 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and continues at this width to the end of the runway; then it increases uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it extends laterally 500 feet on each side of the centerline.

**§ 121.173 General.**

(a) Each certificate holder operating a reciprocating engine powered transport category airplane shall comply with §§ 121.175 through 121.187.

(b) Each certificate holder operating a turbine engine powered transport category airplane shall comply with applicable provisions of §§ 121.189 through 121.197, except that when it operates a turbo-propeller powered transport category airplane certificated after August 29, 1959, but previously type certificated with the same number of reciprocating engines, it may comply with §§ 121.175 through 121.187.

(c) Each certificate holder operating a large nontransport category airplane shall comply with §§ 121.199 through 121.205 and any determination of compliance must be based only on approved performance data.

(d) The performance data in the Airplane Flight Manual applies in determining compliance with §§ 121.175 through 121.197. Where conditions are different from those on which the performance data is based, compliance is determined by interpolation or by computing the effects of changes in the specific variables, if the results of the interpolation or computations are substantially as accurate as the results of direct tests.

**§ 121.177 Transport category airplanes: reciprocating engine powered: takeoff limitations.**

(a) No person operating a reciprocating engine powered transport category airplane may takeoff that airplane unless it is possible—

(1) To stop the airplane safely on the runway, as shown by the accelerate stop distance data, at any time during takeoff until reaching critical-engine failure speed;

(2) If the critical engine fails at any time after the airplane reaches critical-engine failure speed $V_1$, to continue the takeoff and reach a height of 50 feet, as indicated by the takeoff path data, before passing over the end of the runway; and

(3) To clear all obstacles either by at least 50 feet vertically (as shown by the takeoff path data) or 200 feet horizontally within the airport boundaries and 300 feet horizontally beyond the boundaries, without banking before reaching a height of 50 feet (as shown by the takeoff path data) and thereafter without banking more than 15 degrees.

(b) In applying this section, corrections must be made for any runway gradient. To allow for wind effect, takeoff data based on still air may be corrected by taking into account not more than 50 percent of any reported headwind component and not less than 150 percent of any reported tailwind component.

**§ 121.179 Transport category airplanes: reciprocating engine powered: en route limitations: all engines operating.**

(a) No person operating a reciprocating engine powered transport category airplane may take off that airplane at a weight, allowing for normal consumption



of fuel and oil, that does not allow a rate of climb (in feet per minute), with all engines operating, of at least 6.90 $V_{S_0}$ (that is, the number of feet per minute is obtained by multiplying the number of knots by 6.90) at an altitude of at least 1,000 feet above the highest ground or obstruction within ten miles of each side of the intended track.

(b) This section does not apply to transport category airplanes certificated under Part 4a of the Civil Air Regulations.

**§ 121.181 Transport category airplanes: reciprocating engine powered: en route limitations: one engine inoperative.**

(a) Except as provided in paragraph (b) of this section, no person operating a reciprocating engine powered transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that does not allow a rate of climb (in feet per minute), with one engine inoperative, of at least $0.079-\frac{0.106}{N}V_{S_0}{}^2$ (where $N$ is the number of engines installed and $V_{S_0}$ is expressed in knots) at an altitude of at least 1,000 feet above the highest ground or obstruction within 10 miles of each side of the intended track. However, for the purposes of this paragraph the rate of climb for transport category airplanes certificated under Part 4a of the Civil Air Regulations is $0.026\ V_{S_0}{}^2$.

(b) In place of the requirements of paragraph (a) of this section, a person may, under an approved procedure, operate a reciprocating engine powered transport category airplane, at an all-engines-operating altitude that allows the airplane to continue, after an engine failure, to an alternate airport where a landing can be made in accordance with § 121.187, allowing for normal consumption of fuel and oil. After the assumed failure, the flight path must clear the ground and any obstruction within five miles on each side of the intended track by at least 2,000 feet.

(c) If an approved procedure under paragraph (b) of this section is used, the certificate holder shall comply with the following:

(1) The rate of climb (as prescribed in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to $0.079-\frac{0.106}{N}V_{S_0}{}^2$ (when $N$ is the number of engines installed and $V_{S_0}$ is expressed in knots) for airplanes certificated under Part 25 of this chapter and by $0.026\ V_{S_0}{}^2$ for airplanes certificated under Part 4a of the Civil Air Regulations.

(2) The all-engines-operating altitude shall be sufficient so that in the event the critical engine becomes inoperative at any point along the route, the flight will be able to proceed to a predetermined alternate airport by use of this procedure. In determining the takeoff weight, the airplane is assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, unless the Administrator approves a procedure established on a different basis upon finding that adequate operational safeguards exist.

(3) The airplane must meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure must include an approved method of accounting for winds and temperatures that would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning is allowed if the certificate holder shows that it has an adequate training program, that proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The certificate holder shall specify in the dispatch or flight release an alternate airport that meets the requirements of § 121.625.

**§ 121.183 Part 25 transport category airplanes with four or more engines: reciprocating engine powered: en route limitations: two engines inoperative.**

(a) No person may operate an airplane certificated under Part 25 and having four or more engines unless—

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets the requirements of § 121.187; or

(2) It is operated at a weight allowing the airplane, with the two critical engines inoperative, to climb at 0.013 $V_{S_0}{}^2$ feet per minute (that is, the number of feet per minute is obtained by multiplying the number of knots squared by 0.013) at an altitude of 1,000 feet above the highest ground or obstruction within 10 miles on each side of the intended track, or at an altitude of 5,000 feet, whichever is higher.

(b) For the purposes of paragraph (a)(2) of this section, it is assumed that—

(1) The two engines fail at the point that is most critical with respect to the takeoff weight;

(2) Consumption of fuel and oil is normal with all engines operating up to the point where the two engines fail and with two engines operating beyond that point;

(3) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude, if those requirements can be met once the prescribed minimum altitude is reached, and assuming descent to be along a net flight path and the rate of descent to be $0.013\ V_{S_0}{}^2$ greater than the rate in the approved performance data; and

(4) If fuel jettisoning is provided, the airplane's weight at the point where the two engines fail is considered to be not less than that which would include enough fuel to proceed to an airport meeting the requirements of § 121.187 and to arrive at an altitude of at least 1,000 feet directly over that airport.

**§ 121.185 Transport category airplanes: reciprocating engine powered: landing limitations: destination airport.**

(a) Except as provided in paragraph (b) of this section no person operating a reciprocating engine powered transport category airplane may take off that airplane, unless its weight on arrival, allowing for normal consumption of fuel and oil in flight, would allow a full stop landing at the intended destination within 60 percent of the effective length of each runway described below from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purposes of determining the allowable landing weight at the destination airport the following is assumed:

(1) The airplane is landed on the most favorable runway and in the most favorable direction in still air.

(2) The airplane is landed on the most suitable runway considering the probable wind velocity and direction (forecast for the expected time of arrival), the ground handling characteristics of the type of airplane, and other conditions such as landing aids and terrain, and allowing for the effect of the landing path and roll of not more than 50 percent of the headwind component or not less than 150 percent of the tailwind component.

(b) An airplane that would be prohibited from being taken off because it could not meet the requirements of paragraph (a)(2) of this section may be taken off if an alternate airport is specified that meets all of the requirements of this section except that the airplane can accomplish a full stop landing within 70 percent of the effective length of the runway.

**§ 121.187 Transport category airplanes: reciprocating engine powered: landing limitations: alternate airport.**

No person may list an airport as an alternate airport in a dispatch or flight release unless the airplane (at the weight anticipated at the time of arrival at the airport), based on the assumptions in § 121.185, can be brought to a full stop landing, within 70 percent of the effective length of the runway.

**§ 121.189 Transport category airplanes: turbine engine powered: takeoff limitations.**

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight greater than that listed in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at takeoff.

(b) No person operating a turbine engine powered transport category airplane certificated after August 26, 1957, but before August 30, 1959 (SR422, 422A), may take off that airplane at a weight greater than that listed in the Airplane Flight Manual for the minimum distances required for takeoff. In the case of an airplane certificated after Sep-

tember 30, 1958 (SR422A, 422B), the takeoff distance may include a clearway distance but the clearway distance included may not be greater than ½ of the takeoff run.

(c) No person operating a turbine engine powered transport category airplane certificated after August 29, 1959 (SR422B), may take off that airplane at a weight greater than that listed in the Airplane Flight Manual at which compliance with the following may be shown:

(1) The accelerate-stop distance must not exceed the length of the runway plus the length of any stopway.

(2) The takeoff distance must not exceed the length of the runway plus the length of any clearway except that the length of any clearway included must not be greater than one-half the length of the runway.

(3) The takeoff run must not be greater than the length of the runway.

(d) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight greater than that listed in the Airplane Flight Manual—

(1) In the case of an airplane certificated after August 26, 1957, but before October 1, 1958 (SR422), that allows a takeoff path that clears all obstacles either by at least (35+0.01D) feet vertically (D is the distance along the intended flight path from the end of the runway in feet), or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing the boundaries; or

(2) In the case of an airplane certificated after September 30, 1958 (SR 422A, 422B), that allows a net takeoff flight path that clears all obstacles either by a height of at least 35 feet vertically, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing the boundaries.

(e) In Determining maximum weights, minimum distances and flight paths under paragraphs (a) through (d) of this section, correction must be made for the runway to be used, the elevation of the airport, the effective runway gradient, and the ambient temperature and wind component at the time of takeoff.

(f) For the purposes of this section, it is assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the takeoff path or net takeoff flight path data (as appropriate) in the Airplane Flight Manual, and thereafter that the maximum bank is not more than 15 degrees.

(g) For the purposes of this section the terms, "takeoff distance," "takeoff run," "net takeoff flight path" and "takeoff path" have the same meanings as set forth in the rules under which the airplane was certificated.

**§ 121.191 Transport category airplanes: turbine engine powered: en route limitations: one engine inoperative.**

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight that is greater than that which (under the approved, one engine inoperative, en route net flight path data in the Airplane Flight Manual for that airplane) will allow compliance with subparagraph (1) or (2) of this paragraph, based on the ambient temperatures expected en route:

(1) There is a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five statute miles on each side of the intended track, and, in addition, if that airplane was certificated after August 29, 1959 (SR 422B) there is a positive slope at 1,500 feet above the airport where the airplane is assumed to land after an engine fails.

(2) The net flight path allows the airplane to continue flight from the cruising altitude to an airport where a landing can be made under § 121.197, clearing all terrain and obstructions within five statute miles of the intended track by at least 2,000 feet vertically and with a positive slope at 1,000 feet above the airport where the airplane lands after an engine fails, or, if that airplane was certificated after September 30, 1958 (SR 422A, 422B), with a positive slope at 1,500 feet above the airport where the airplane lands after an engine fails.

(b) For the purposes of paragraph (a)(2) of this section, it is assumed that—

(1) The engine fails at the most critical point en route;

(2) The airplane passes over the critical obstruction, after engine failure at a point that is no closer to the obstruction than the nearest approved radio navigation fix, unless the Administrator authorizes a different procedure based on adequate operational safeguards;

(3) An approved method is used to allow for adverse winds;

(4) Fuel jettisoning will be allowed if the certificate holder shows that the crew is properly instructed, that the training program is adequate, and that all other precautions are taken to insure a safe procedure;

(5) The alternate airport is specified in the dispatch or flight release and meets the prescribed weather minimums; and

(6) The consumption of fuel and oil after engine failure is the same as the consumption that is allowed for in the approved net flight path data in the Airplane Flight Manual.

**§ 121.193 Transport category airplanes: turbine engine powered: en route limitations: two engines inoperative.**

(a) *Airplanes certificated after August 26, 1957, but before October 1, 1958* (SR 422). No person may operate a turbine engine powered transport category airplane along an intended route unless he complies with either of the following:

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets the requirements of § 121.197.

(2) Its weight, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets the requirements of § 121.197, with a net flight path (considering the ambient temperatures anticipated along the track) having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five miles on each side of the intended track, or at an altitude of 5,000 feet, whichever is higher.

For the purposes of subparagraph (2) of this paragraph, it is assumed that the two engines fail at the most critical point en route, that if fuel jettisoning is provided, the airplane's weight at the point where the engines fail includes enough fuel to continue to the airport and to arrive at an altitude of at least 1,000 feet directly over the airport, and that the fuel and oil consumption after engine failure is the same as the consumption allowed for in the net flight path data in the Airplane Flight Manual.

(b) *Aircraft certificated after September 30, 1958, but before August 30, 1959* (SR 422A). No person may operate a turbine engine powered transport category airplane along an intended route unless he complies with either of the following:

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets the requirements of § 121.197.

(2) Its weight, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets the requirements of § 121.197, with a net flight path (considering the ambient temperatures anticipated along the track) having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five miles on each side of the intended track, or at an altitude of 2,000 feet, whichever is higher.

For the purposes of subparagraph (2) of this paragraph, it is assumed that the two engines fail at the most critical point en route, that if fuel jettisoning is provided, the airplane's weight at the point where the engines fail includes enough fuel to continue to the airport, to arrive at an altitude of at least 1,500 feet directly over the airport, and thereafter to fly for 15 minutes at cruise power or thrust, or both, and that the consumption of fuel and oil after engine failure is the same as the consumption allowed for in the net flight path data in the Airplane Flight Manual.

(c) *Aircraft certificated after August 29, 1959* (SR 422B). No person may operate a turbine engine powered transport category airplane along an intended route unless he complies with either of the following:

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets the requirements of § 121.197.

(2) Its weight, according to the two-engine inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets the requirements of § 121.197, with the net flight path (considering the ambient temperatures anticipated along the track) clearing vertically by at least 2,000 feet all terrain and obstructions within five statute miles (4.34 nautical miles) on each side of the intended track. For the purposes of this subparagraph, it is assumed that—

(i) The two engines fail at the most critical point en route;

(ii) The net flight path has a positive slope at 1,500 feet above the airport where the landing is assumed to be made after the engines fail;

(iii) Fuel jettisoning will be approved if the certificate holder shows that the crew is properly instructed, that the training program is adequate, and that all other precautions are taken to ensure a safe procedure;

(iv) The airplane's weight at the point where the two engines are assumed to fail provides enough fuel to continue to the airport, to arrive at an altitude of at least 1,500 feet directly over the airport, and thereafter to fly for 15 minutes at cruise power or thrust, or both; and

(v) The consumption of fuel and oil after the engine failure is the same as the consumption that is allowed for in the net flight path data in the Airplane Flight Manual.

**§ 121.195 Transport category airplanes: turbine engine powered: landing limitations: destination airports.**

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at such a weight that (allowing for normal consumption of fuel and oil in flight to the destination or alternate airport) the weight of the airplane on arrival would exceed the landing weight set forth in the Airplane Flight Manual for the elevation of the destination or alternate airport and the ambient temperature anticipated at the time of landing.

(b) Except as provided in paragraph (c) of this section, no person operating a turbine engine powered transport category airplane may take off that airplane unless its weight on arrival, allowing for normal consumption of fuel and oil in flight (in accordance with the landing distance set forth in the Airplane Flight Manual for the elevation of the destination airport and the wind conditions anticipated there at the time of landing), would allow a full stop landing at the intended destination airport within 60 percent of the effective length of each runway described below from a point 50 feet above the intersection of the obstruction clearance plane and the runway. For the purpose of determining the allowable landing weight at the destination airport the following is assumed:

(1) The airplane is landed on the most favorable runway and in the most favorable direction, in still air.

(2) The airplane is landed on the most suitable runway considering the probable wind velocity and direction and the ground handling characteristics of the airplane, and considering other conditions such as landing aids and terrain.

(c) An airplane that would be prohibited from being taken off because it could not meet the requirements of paragraph (b)(2) of this section, may be taken off if an alternate airport is specified that meets all the requirements of this section except that the airplane can accomplish a full stop landing within 70 percent of the effective length of the runway.

**§ 121.197 Transport category airplanes: turbine engine powered: landing limitations: alternate airports.**

No person may list an airport as an alternate airport in a dispatch or flight release for a turbine engine powered transport category airplane unless (based on the assumptions in § 121.195 (b)) that airplane at the weight anticipated at the time of arrival can be brought to a full stop landing within 70 percent of the effective length of the runway from a point 50 feet above the intersection of the obstruction clearance plane and the runway.

**§ 121.198 Transport category cargo service airplanes: increased zero fuel and landing weights.**

(a) Notwithstanding the applicable structural provisions of the transport category airworthiness regulations but subject to paragraphs (b) through (g) of this section, a certificate holder may operate (for cargo service only) any of the following transport category airplanes (certificated under Part 4b of the Civil Air Regulations effective before March 13, 1956) at increased zero fuel and landing weights—

(1) DC–6A, DC–6B, DC–7B, and DC–7C; and

(2) L1049B, C, D, E, F, G, and H, and the L1649A when modified in accordance with supplemental type certificate SA 4–1402.

(b) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maximum approved in full compliance with applicable regulations only if the Administrator finds that—

(1) The increase is not likely to reduce seriously the structural strength;

(2) The probability of sudden fatigue failure is not noticeably increased;

(3) The flutter, deformation, and vibration characteristics do not fall below those required by applicable regulations; and

(4) All other applicable weight limitations will be met.

(c) No zero fuel weight may be increased by more than five percent, and the increase in the structural landing weight may not exceed the amount, in pounds, of the increase in zero fuel weight.

(d) Each airplane must be inspected in accordance with the approved special inspection procedures, for operations at increased weights, established and issued by the manufacturer of the type of airplane.

(e) Each airplane operated under this section must be operated in accordance with the passenger-carrying transport category performance operating limitations prescribed in this part.

(f) The Airplane Flight Manual for each airplane operated under this section must be appropriately revised to include the operating limitations and information needed for operation at the increased weights.

(g) Except as provided for the carrying of persons under § 121.583 each airplane operated at an increased weight under this section must, before it is used in passenger service, be inspected under the special inspection procedures for return to passenger service established and issued by the manufacturer and approved by the Administrator.

**§ 121.199 Nontransport category airplanes: takeoff limitations.**

(a) No person operating a nontransport category airplane may take off that airplane at a weight greater than the weight that would allow the airplane to be brought to a safe stop within the effective length of the runway, from any point during the takeoff before reaching 105 percent of minimum control speed (the minimum speed at which an airplane can be safely controlled in flight after an engine becomes inoperative) or 115 percent of the power off stalling speed in the takeoff configuration, whichever is greater.

(b) For the purposes of this section—

(1) It may be assumed that takeoff power is used on all engines during the acceleration;

(2) Not more than 50 percent of the reported headwind component, or not less than 150 percent of the reported tailwind component, may be taken into account;

(3) The average runway gradient (the difference between the elevations of the endpoints of the runway divided by the total length) must be considered if it is more than one-half of 1 percent; and

(4) It is assumed that the airplane is operating in standard atmosphere.

**§ 121.201 Nontransport category airplanes: en route limitations: one engine inoperative.**

(a) Except as provided in paragraph (b) of this section, no person operating a nontransport category airplane may take off that airplane at a weight that does not allow a rate of climb of at least 50 feet a minute, with the critical engine inoperative, at an altitude of at least 1,000 feet above the highest obstruction within five miles on each side of the intended track, or 5,000 feet, whichever is higher.

(b) Notwithstanding paragraph (a) of this section, if the Administrator finds that safe operations are not impaired, a person may operate the airplane at an altitude that allows the airplane, in case of engine failure, to clear all obstructions within 5 miles on each side of the intended track by 1,000 feet. If this procedure is used, the rate of descent for the appropriate weight and altitude is assumed to be 50 feet a minute greater than the rate in the approved performance data. Before approving such a procedure, the Administrator considers the following for the route, route segment, or area concerned:

(1) The reliability of wind and weather forecasting.

(2) The location and kinds of navigation aids.

(3) The prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered.

(4) Terrain features.
(5) Air traffic control problems.
(6) Any other operational factors that affect the operation.

(c) For the purposes of this section, it is assumed that—

(1) The critical engine is inoperative;
(2) The propeller of the inoperative engine is in the minimum drag position;
(3) The wing flaps and landing gear are in the most favorable position;
(4) The operating engines are operating at the maximum continuous power available;
(5) The airplane is operating in standard atmosphere; and
(6) The weight of the airplane is progressively reduced by the anticipated consumption of fuel and oil.

**§ 121.203 Nontransport category airplanes: landing limitations: destination airport.**

(a) No person operating a nontransport category airplane may take off that airplane at a weight that—

(1) Allowing for anticipated consumption of fuel and oil, is greater than the weight that would allow a full stop landing within 60 percent of the effective length of the most suitable runway at the destination airport; and

(2) Is greater than the weight allowable if the landing is to be made on the runway—

(i) With the greatest effective length in still air; and

(ii) Required by the probable wind, taking into account not more than 50 percent of the headwind component or not less than 150 percent of the tailwind component.

(b) For the purposes of this section, it is assumed that—

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated airspeed of at least $1.3\ V_{s_0}$;

(2) The landing does not require exceptional pilot skill; and

(3) The airplane is operating in standard atmosphere.

**§ 121.205 Nontransport category airplanes: landing limitations: alternate airport.**

No person may list an airport as an alternate airport in a dispatch or flight release for a nontransport category airplane unless that airplane (at the weight anticipated at the time of arrival) based on the assumptions contained in § 121.203, can be brought to a full stop landing within 70 percent of the effective length of the runway.

**§ 121.207 Provisionally certificated air carrier airplane: operating limitations.**

In addition to the limitations in §91.41, the following limitations apply to the operation of provisionally certificated airplane by air carriers:

(a) In addition to crewmembers, each air carrier may carry on such an airplane only those persons who are listed in §121.547(c) or who are specifically authorized by both the air carrier and the Administrator.

(b) Each air carrier shall keep a log of each flight conducted under this section and shall keep accurate and complete records of each inspection made and all maintenance performed on the airplane. The air carrier shall make the log and records made under this section available to the manufacturer and the Administrator.

## Subpart J—Special Airworthiness Requirements

**§ 121.211 Applicability.**

This subpart prescribes special airworthiness requirements for all certificate holders.

**§ 121.213 Special airworthiness requirements: general.**

(a) Except as provided in paragraph (b) of this section, no air carrier or commercial operator may use an airplane powered by aircraft engines rated at more than 600 horsepower each for maximum continuous operation unless that airplane meets the requirements of §§ 121.215 through 121.283.

(b) If the Administrator determines that, for a particular model of airplane used in cargo service, literal compliance with any requirement under paragraph (a) of this section would be extremely difficult and that compliance would not contribute materially to the objective sought, he may require compliance with only those requirements that are necessary to accomplish the basic objectives of this part.

(c) This section does not apply to any airplane certificated under—

(1) Part 4b of the Civil Air Regulations as in effect October 31, 1946;
(2) Part 25; or
(3) Special Civil Air Regulation 422, 422A, or 422B.

**§ 121.215 Cabin interiors.**

(a) Each compartment used by the crew or passengers must meet the requirements of this section.

(b) Materials must be at least flash resistant.

(c) The wall and ceiling linings and the covering of upholstering, floors, and furnishings must be flame resistant.

(d) Each compartment where smoking is to be allowed must be equipped with self-contained ash trays that are completely removable and other compartments must be placarded against smoking.

(e) Each receptacle for used towels, papers, and wastes must be of fire-resistant material and must have a cover or other means of containing possible fires started in the receptacles.

**§ 121.217 Internal doors.**

In any case where internal doors are equipped with louvres or other ventilating means, there must be a means convenient to the crew for closing the flow of air through the door when necessary.

**§ 121.219 Ventilation.**

Each passenger or crew compartment must be suitably ventilated. Carbon monoxide concentration may not be more than one part in 20,000 parts of air, and fuel fumes may not be present. In any case where partitions between compartments have louvres or other means allowing air to flow between compartments, there must be a means convenient to the crew for closing the flow of air through the partitions, when necessary.

**§ 121.221 Fire precautions.**

(a) Each compartment must be designed so that, when used for storing cargo or baggage, it meets the following requirements:

(1) No compartment may include controls, wiring, lines, equipment, or accessories that would upon damage or failure, affect the safe operation of the airplane unless the item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the compartment and so that damage to or failure of the item would not create a fire hazard in the compartment.

(2) Cargo or baggage may not interfere with the functioning of the fire-protective features of the compartment.

(3) Materials used in the construction of the compartments, including tie-down equipment, must be at least flame resistant.

(4) Each compartment must include provisions for safeguarding against fires according to the classifications set forth in paragraphs (b) through (f) of this section.

(b) *Class A.* Cargo and baggage compartments are classified in the "A" category if—

(1) A fire therein would be readily discernible to a member of the crew while at his station; and

(2) All parts of the compartment are easily accessible in flight.

There must be a hand fire extinguisher available for each Class A compartment.

(c) *Class B.* Cargo and baggage compartments are classified in the "B" category if enough access is provided while in flight to enable a member of the crew to effectively reach all of the compartment and its contents with a hand fire extinguisher and the compartment is so designed that, when the access provisions are being used, no hazardous amount of smoke, flames, or extinguishing agent enters any compartment occupied by the crew or passengers. Each Class B compartment must comply with the following:

(1) It must have a separate approved smoke or fire detector system to give warning at the pilot or flight engineer stations.

(2) There must be a hand fire extinguisher available for the compartment.

(3) It must be lined with fire-resistant material, except that additional service lining of flame-resistant material may be used.

(d) *Class C.* Cargo and baggage compartments are classified in the "C" category if they do not conform with the requirements for the "A", "B", "D", or "E" categories. Each Class C compartment must comply with the following:

(1) It must have a separate approved smoke or fire detector system to give warning at the pilot or flight engineer station.



(2) It must have an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station.

(3) It must be designed to exclude hazardous quantities of smoke, flames, or extinguishing agents from entering into any compartment occupied by the crew or passengers.

(4) It must have ventilation and draft controlled so that the extinguishing agent provided can control any fire that may start in the compartment.

(5) It must be lined with fire-resistant material, except that additional service lining of flame-resistant material may be used.

(e) *Class D.* Cargo and baggage compartments are classified in the "D" category if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Each Class D compartment must comply with the following:

(1) It must have a means to exclude hazardous quantities of smoke, flames, or noxious gases from entering any compartment occupied by the crew or passengers.

(2) Ventilation and drafts must be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

(3) It must be completely lined with fire-resistant material.

(4) Consideration must be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

(f) *Class E.* On airplanes used for the carriage of cargo only, the cabin area may be classified as a Class "E" compartment. Each Class E compartment must comply with the following:

(1) It must be completely lined with fire-resistant material.

(2) It must have a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station.

(3) It must have a means to shut off the ventilating air flow to or within the compartment and the controls for that means must be accessible to the flight crew in the crew compartment.

(4) It must have a means to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flight crew compartment.

(5) Required crew emergency exits must be accessible under all cargo loading conditions.

**§ 121.223 Proof of compliance with § 121.221.**

Compliance with those provisions of § 121.221 that refer to compartment accessibility, the entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and the dissipation of the extinguishing agent in Class "C" compartments must be shown by tests in flight. During these tests it must be shown that no inadvertent operation of smoke or fire detectors in other compartments within the airplane would occur as a result of fire contained in any one compartment, either during the time it is being extinguished, or thereafter, unless the extinguishing system floods those compartments simultaneously.

**§ 121.225 Propeller deicing fluid.**

If combustible fluid is used for propeller deicing, the certificate holder must comply with § 121.253.

**§ 121.227 Pressure cross-feed arrangements.**

(a) Pressure cross-feed lines may not pass through parts of the airplane used for carrying persons or cargo unless—

(1) There is a means to allow crewmembers to shut off the supply of fuel to these lines; or

(2) The lines are enclosed in a fuel and fume-proof enclosure that is ventilated and drained to the exterior of the airplane.

However, such an enclosure need not be used if those lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to prevent accidental damage.

(b) Lines that can be isolated from the rest of the fuel system by valves at each end must incorporate provisions for relieving excessive pressures that may result from exposure of the isolated line to high temperatures.

**§ 121.229 Location of fuel tanks.**

(a) Fuel tanks must be located in accordance with § 121.255.

(b) No part of the engine nacelle skin that lies immediately behind a major air outlet from the engine compartment may be used as the wall of an integral tank.

(c) Fuel tanks must be isolated from personnel compartments by means of fume- and fuel-proof enclosures.

**§ 121.231 Fuel system lines and fittings.**

(a) Fuel lines must be installed and supported so as to prevent excessive vibration and so as to be adequate to withstand loads due to fuel pressure and accelerated flight conditions.

(b) Lines connected to components of the airplanes between which there may be relative motion must incorporate provisions for flexibility.

(c) Flexible connections in lines that may be under pressure and subject to axial loading must use flexible hose assemblies rather than hose clamp connections.

(d) Flexible hose must be of an acceptable type or proven suitable for the particular application.

**§ 121.233 Fuel lines and fittings in designated fire zones.**

Fuel lines and fittings in each designated fire zone must comply with § 121.259.

**§ 121.235 Fuel valves.**

Each fuel valve must—

(a) Comply with § 121.257;

(b) Have positive stops or suitable index provisions in the "on" and "off" positions; and

(c) Be supported so that loads resulting from its operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

**§ 121.237 Oil lines and fittings in designated fire zones.**

Oil line and fittings in each designated fire zone must comply with § 121.259.

**§ 121.239 Oil valves.**

(a) Each oil valve must—

(1) Comply with § 121.257;

(2) Have positive stops or suitable index provisions in the "on" and "off" positions; and

(3) Be supported so that loads resulting from its operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

(b) The closing of an oil shutoff means must not prevent feathering the propeller, unless equivalent safety provisions are incorporated.

**§ 121.241 Oil system drains.**

Accessible drains incorporating either a manual or automatic means for positive locking in the closed position, must be provided to allow safe drainage of the entire oil system.

**§ 121.243 Engine breather lines.**

(a) Engine breather lines must be so arranged that condensed water vapor that may freeze and obstruct the line cannot accumulate at any point.

(b) Engine breathers must discharge in a location that does not constitute a fir hazard in case foaming occurs and so that oil emitted from the line does not impinge upon the pilots' windshield.

(c) Engine breathers may not discharge into the engine air induction system.

**§ 121.245 Fire walls.**

Each engine, auxiliary power unit, fuel-burning heater, or other item of combustion equipment that is intended for operation in flight must be isolated from the rest of the airplane by means of firewalls or shrouds, or by other equivalent means.

**§ 121.247 Fire-wall construction.**

Each fire wall and shroud must—

(a) Be so made that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other parts of the airplane;

(b) Have all openings in the fire wall or shroud sealed with close-fitting fireproof grommets, bushings, or firewall fittings;

(c) Be made of fireproof material; and

(d) Be protected against corrosion.

**§ 121.249 Cowling.**

(a) Cowling must be made and supported so as to resist the vibration, inertia, and air loads to which it may be normally subjected.

(b) Provisions must be made to allow rapid and complete drainage of the cowling in normal ground and flight attitudes. Drains must not discharge in locations constituting a fire hazard. Parts of the cowling that are subjected to high temperatures because they are near exhaust system parts or because of exhaust gas impingement must be made of fireproof material. Unless otherwise specified in these regulations,

all other parts of the cowling must be made of material that is at least fire resistant.

**§ 121.251 Engine accessory section diaphragm.**

Unless equivalent protection can be shown by other means, a diaphragm that complies with § 121.247 must be provided on air-cooled engines to isolate the engine power section and all parts of the exhaust system from the engine accessory compartment.

**§ 121.253 Powerplant fire protection.**

(a) Designated fire zones must be protected from fire by compliance with §§ 121.255 through 121.261.

(b) Designated fire zones are—

(1) Engine accessory sections;

(2) Installations where no isolation is provided between the engine and accessory compartment; and

(3) Areas that contain auxiliary power units, fuel-burning heaters, and other combustion equipment.

**§ 121.255 Flammable fluids.**

(a) No tanks or reservoirs that are a part of a system containing flammable fluids or gases may be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and the connections, lines, and controls provide equivalent safety.

(b) At least one-half inch of clear airspace must be provided between any tank or reservoir and a firewall or shroud isolating a designated fire zone.

**§ 121.257 Shutoff means.**

(a) Each engine must have a means for shutting off or otherwise preventing hazardous amounts of fuel, oil, deicer, and other flammable fluids from flowing into, within, or through any designated fire zone. However, means need not be provided to shut off flow in lines that are an integral part of an engine.

(b) The shutoff means must allow an emergency operating sequence that is compatible with the emergency operation of other equipment, such as feathering the propeller, to facilitate rapid and effective control of fires.

(c) Shutoff means must be located outside of designated fire zones, unless equivalent safety is provided, and it must be shown that no hazardous amount of flammable fluid will drain into any designated fire zone after a shut off.

(d) Adequate provisions must be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has been closed.

**§ 121.259 Lines and fittings.**

(a) Each line, and its fittings, that is located in a designated fire zone, if it carries flammable fluids or gases under pressure, or is attached directly to the engine, or is subject to relative motion between components (except lines and fittings forming an integral part of the engine), must be flexible and fire-resistant with fire-resistant, factory-fixed, detachable, or other approved fire-resistant ends.

(b) Lines and fittings that are not subject to pressure or to relative motion between components must be of fire-resistant materials.

**§ 121.261 Vent and drain lines.**

All vent and drain lines and their fittings, that are located in a designated fire zone must, if they carry flammable fluids or gases, comply with § 121.259, if the Administrator finds that the rupture or breakage of any vent or drain line may result in a fire hazard.

**§ 121.263 Fire-extinguishing systems.**

(a) Unless the certificate holder shows that equivalent protection against destruction of the airplane in case of fire is provided by the use of fireproof materials in the nacelle and other components that would be subjected to flame, fire-extinguishing systems must be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system must not react chemically with the extinguishing agent so as to be a hazard.

**§ 121.265 Fire-extinguishing agents.**

Only methyl bromide, carbon dioxide, or another agent that has been shown to provide equivalent extinguishing action may be used as a fire-extinguishing agent. If methyl bromide or any other toxic extinguishing agent is used, provisions must be made to prevent harmful concentrations of fluid or fluid vapors from entering any personnel compartment either because of leakage during normal operation of the airplane or because of discharging the fire extinguisher on the ground or in flight when there is a defect in the extinguishing system. If a methyl bromide system is used, the containers must be charged with dry agent and sealed by the fire-extinguisher manufacturer or some other person using satisfactory recharging equipment. If carbon dioxide is used, it must not be possible to discharge enough gas into the personnel compartments to create a danger of suffocating the occupants.

**§ 121.267 Extinguishing agent container pressure relief.**

Extinguishing agent containers must be provided with a pressure relief to prevent bursting of the container because of excessive internal pressures. The discharge line from the relief connection must terminate outside the airplane in a place convenient for inspection on the ground. An indicator must be provided at the discharge end of the line to provide a visual indication when the container has discharged.

**§ 121.269 Extinguishing agent container compartment temperature.**

Precautions must be taken to insure that the extinguishing agent containers are installed in places where reasonable temperatures can be maintained for effective use of the extinguishing system.

**§ 121.271 Fire-extinguishing system materials.**

(a) Except as provided in paragraph (b) of this section, each component of a fire-extinguishing system that is in a designated fire zone must be made of fireproof materials.

(b) Connections that are subject to relative motion between components of the airplane must be made of flexible materials that are at least fire-resistant and be located so as to minimize the probability of failure.

**§ 121.273 Fire-detector systems.**

Enough quick-acting fire detectors must be provided in each designated fire zone to assure the detection of any fire that may occur in that zone.

**§ 121.275 Fire detectors.**

Fire detectors must be made and installed in a manner that assures their ability to resist, without failure, all vibration, inertia, and other loads to which they may be normally subjected. Fire detectors must be unaffected by exposure to fumes, oil, water, or other fluids that may be present.

**§ 121.277 Protection of other airplane components against fire.**

(a) Except as provided in paragraph (b) of this section, all airplane surfaces aft of the nacelles in the area of one nacelle diameter on both sides of the nacelle centerline must be made of material that is at least fire resistant.

(b) Paragraph (a) of this section does not apply to tail surfaces lying behind nacelles unless the dimensional configuration of the airplane is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or from the engine compartment of any nacelle.

**§ 121.279 Control of engine rotation.**

(a) Except as provided in paragraph (b) of this section,each airplane must have a means of individually stopping and restarting the rotation of any engine in flight.

(b) In the case of turbine engine installations, a means of stopping the rotation need be provided only if the Administrator finds that rotation could jeopardize the safety of the airplane.

**§ 121.281 Fuel system independence.**

(a) Each airplane fuel system must be arranged so that the failure of any one component does not result in the irrecoverable loss of power of more than one engine.

(b) A separate fuel tank need not be provided for each engine if the certificate holder shows that the fuel system incorporates features that provide equivalent safety.

**§ 121.283 Induction system ice prevention.**

A means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system must be provided for each airplane.

**§ 121.285 Carriage of cargo in passenger compartments.**

(a) Except as provided in paragraph (b) or (c) of this section, no certificate holder may carry cargo in the passenger compartment of an airplane.



(b) Cargo may be carried aft of the foremost seated passengers if it is carried in an approved cargo bin that meets the following requirements:

(1) The bin must withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed, multiplied by a factor of 1.15, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin.

(2) The maximum weight of cargo that the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin must be conspicuously marked on the bin.

(3) The bin may not impose any load on the floor or other structure of the airplane that exceeds the load limitations of that structure.

(4) The bin must be attached to the seat tracks or to the floor structure of the airplane, and its attachment must withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed, multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin.

(5) The bin may not be installed in a position that restricts access to or use of any required emergency exit, or of the aisle in the passenger compartment.

(6) The bin must be fully enclosed and made of material that is at least flame resistant.

(7) Suitable safeguards must be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin may not be installed in a position that obscures any passenger's view of the "seat belt" sign "no smoking" sign, or any required exit sign, unless an auxiliary sign or other approved means for proper notification of the passenger is provided.

(c) Cargo may be carried forward of the foremost seated passengers if carried either in approved cargo bins as specified in paragraph (b) of this section, or in accordance with the following:

(1) It is properly secured by a safety belt or other tiedown having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions.

(2) It is packaged or covered in a manner to avoid possible injury to passengers.

(3) It does not impose any load on seats or the floor structure that exceeds the load limitation for those components.

(4) Its location does not restrict access to or use of any required emergency or regular exit, or of the aisle in the passenger compartment.

(5) Its location does not obscure any passenger's view of the "seat belt" sign, "no smoking" sign, or required exit sign, unless an auxiliary sign or other approved means for proper notification of the passenger is provided.

**§ 121.287 Carriage of cargo in cargo compartments.**

When cargo is carried in cargo compartments that are designed to require the physical entry of a crewmember to extinguish any fire that may occur during flight, the cargo must be loaded so as to allow a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

**§ 121.289 Landing gear: aural warning device.**

(a) Except as provided in paragraph (d) of this section, after April 30, 1965, each large landplane must have a landing gear aural warning device that functions continuously:

(1) For airplanes with an established approach wing-flap position, whenever the wing flaps are extended beyond the maximum certificated approach climb configuration position in the Airplane Flight Manual and the landing gear is not fully extended and locked.

(2) For airplanes without an established approach climb wing-flap position, whenever the wing flaps are extended beyond the position at which landing gear extension is normally performed and the landing gear is not fully extended and locked.

(b) The warning system required by paragraph (a) of this section—

(1) May not have a manual shutoff;

(2) Must be in addition to the throttle-actuated device installed under the type certification airworthiness requirements; and

(3) May utilize any part of the throttle-actuated system including the aural warning device.

(c) The flap position sensing unit may be installed at any suitable place in the airplane.

## Subpart K—Instrument and Equipment Requirements

**§ 121.301 Applicability.**

This subpart prescribes instrument and equipment requirements for all certificate holders.

**§ 121.303 Airplane instruments and equipment.**

(a) Unless otherwise specified, the instrument and equipment requirements of this subpart apply to all operations under this part.

(b) Instruments and equipment required by §§ 121.305 through 121.351 must be approved and installed in accordance with the airworthiness requirements applicable to them.

(c) Each airspeed indicator must be calibrated in knots, and each airspeed limitation and item of related information in the Airplane Flight Manual and pertinent placards must be expressed in knots.

(d) Except as provided in § 121.627 (b) and (c), no person may take off any airplane unless the following instruments and equipment are in operable condition:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by §§ 121.213 through 121.283 and 121.289.

(2) Instruments and equipment specified in §§ 121.305 through 121.321 for all operations, and the instruments and equipment specified in §§ 121.323 through 121.351 for the kind of operation indicated, wherever these items are not already required by subparagraph (1) of this paragraph.

**§ 121.305 Flight and navigational equipment.**

No person may operate an airplane unless it is equipped with the following flight and navigational instruments and equipment:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing.

(b) A sensitive altimeter.

(c) A sweep-second hand clock.

(d) A free-air temperature indicator.

(e) A gyroscopic bank and pitch indicator (artificial horizon).

(f) A gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn-and-bank indicator).

(g) A gyroscopic direction indicator (directional gyro or equivalent).

(h) A magnetic compass.

(i) A vertical speed indicator (rate-of-climb indicator).

**§ 121.307 Engine instruments.**

Unless the Administrator allows or requires different instrumentation for turbine engine powered airplanes to provide equivalent safety, no person may conduct any operation under this part without the following engine instruments:

(a) A carburetor air temperature indicator for each engine.

(b) A cylinder head temperature indicator for each air-cooled engine.

(c) A fuel pressure indicator for each engine.

(d) A fuel flowmeter or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control.

(e) A means for indicating fuel quantity in each fuel tank to be used.

(f) A manifold pressure indicator for each engine.

(g) An oil pressure indicator for each engine.

(h) An oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used.

(i) An oil-in temperature indicator for each engine.

(j) A tachometer for each engine.

(k) An independent fuel pressure warning device for each engine or a master warning device for all engines with a means for isolating the individual warning circuits from the master warning device.

(l) A device for each reversible propeller, to indicate to the pilot when the propeller is in reverse pitch, that complies with the following:

(1) The device may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch, but it may not give an

indication at or above the normal low pitch stop position.

(2) The source of indication must be actuated by the propeller blade angle or be directly responsive to it.

**§ 121.309 Emergency equipment.**

(a) *General.* No person may operate an airplane unless it is equipped with the emergency equipment listed in this section.

(b) Each item of emergency equipment—

(1) Must be inspected regularly in accordance with inspection periods established in the operations specifications to insure its continued serviceability and immediate readiness for its intended emergency purposes;

(2) Must be readily accessible to the crew;

(3) Must clearly indicate its method of operation; and

(4) When carried in a compartment or container, must have that compartment or container marked as to contents and date of last inspection.

(c) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type must be provided for use in crew, passenger, and cargo compartments in accordance with the following:

(1) The type and quantity of extinguishing agent must be suitable for the kinds of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher must be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher must be conveniently located in the passenger compartment of each airplane accommodating more than 6 but less than 31 passengers, and at least two hand fire extinguishers must be conveniently located in each airplane accommodating more than 30 passengers.

(d) *First-aid equipment.* Approved first-aid kits for treatment of injuries likely to occur in flight or in minor accidents must be provided and must meet the specifications and requirements of Appendix A.

(e) *Crash ax.* Each airplane must be equipped with a crash ax.

(f) *Means for emergency evacuation.* Each passenger-carrying airplane must have a means to help occupants descend from the airplane through each emergency exit that is more than six feet from the ground with the landing gear extended. At approved floor level emergency exits, this means must be a chute or equivalent device suitable for rapid evacuation of passengers and must be in position during flight time for immediate installation and ready use. This paragraph does not apply if the emergency exit is over a wing and the distance from the lower sill of the exit to the surface of the wing is 36 inches or less. However, this paragraph does not require a means to help the occupants of a passenger-carrying DC–3 airplane in descending from the airplane by way of the rear window emergency exit, unless that airplane is operated with more occupants than are specified in § 121.291 for DC–3 airplanes with four exits authorized for passenger use.

(g) *Interior emergency exit markings.* Each passenger-carrying airplane emergency exit, its means of access, and its means of opening, must be conspicuously marked. The identity and location of each emergency exit must be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening must be marked on or adjacent to the emergency exit and must be readable from at least 30 inches by a person with normal eyesight.

(h) *Lighting for interior emergency exit markings.* Each passenger-carrying airplane must have a source or sources of light with an energy supply that is independent of the main lighting system for passenger emergency exit markings. Each light must be designed to—

(1) Function automatically in a crash landing, to continue functioning thereafter, and to be manually operable; or

(2) Be manually operable only and to continue functioning after a crash landing.

If a light requires manual operation, it must be turned on before each takeoff and landing. If a light requires arming of the system to function automatically, the system must be armed before each takeoff and landing.

**§ 121.311 Seat and safety belts.**

(a) No certificate holder may operate an airplane unless there are available during the takeoff, en route flight, and landing—

(1) An approved seat or berth for each person over 2 years of age aboard the airplane; and

(2) An approved safety belt for separate use by each person over 2 years of age aboard the airplane, except that two persons occupying a berth may share one approved safety belt and two persons occupying a multiple lounge or divan seat may share one approved safety belt during en route flight only.

(b) During the takeoff or landing of an airplane, each person on board shall occuppy an approved seat or berth and secure himself with the approved safety belt provided him. However, a person who is 2 years of age or less may be held by an adult who is occupying a seat or berth. A safety belt provided for the occupant of a seat may not be used by more than one adult during takeoff or landing.

**§ 121.313 Miscellaneous equipment.**

No person may conduct any operation unless the following equipment is installed in the airplane:

(a) If protective fuses are installed on an airplane, the number of spare fuses approved for that airplane and appropriately described in the certificate holder's manual.

(b) A windshield wiper or equivalent for each pilot station.

(c) A power supply and distribution system that meets the requirements of §§ 25.1309, 25.1331, 25.1351(a) and (b)(1) through (4), 25.1353, 25.1355, and 25.1431 (b) or that is able to produce and distribute the load for the required instruments and equipment, with use of an external power supply if any one power source or component of the power distribution system fails. The use of common elements in the system may be approved if the Administrator finds that they are designed to be reasonably protected against malfunctioning. Engine-driven sources of energy, when used, must be on separate engines.

(d) A means for indicating the adequacy of the power being supplied to required flight instruments.

(e) Two independent static pressure systems, vented to the outside atmospheric pressure so that they will be least affected by air flow variation or moisture or other foreign matter, and installed so as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, the means must include a positive positioning control and must be marked to indicate clearly which system is being used.

(f) A means for locking all companionway doors that separate passenger compartments from flight crew compartments.

(g) A key for each door that separates a passenger compartment from another compartment that has emergency exit provisions. The key must be readily available for each crewmember.

(h) A placard on each door that is the means of access to a required passenger emergency exit, to indicate that it must be open during takeoff and landing.

(i) A means for the crew, in an emergency to unlock each door that leads to a compartment that is normally accessible to passengers and that can be locked by passengers.

**§ 121.315 Cockpit check procedure.**

(a) Each certificate holder shall provide an approved cockpit check procedure for each type of aircraft.

(b) The approved procedures must include each item necessary for flight crewmembers to check for safety before starting engines, taking off, or landing, and in engine and systems emergencies. The procedures must be designed so that a flight crewmember will not need to rely upon his memory for items to be checked.

(c) The approved procedures must be readily usable in the cockpit of each aircraft and the flight crew shall follow them when operating the aircraft.

**§ 121.317 Passenger information.**

(a) No person may operate an airplane unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts should be fastened. The signs must be so constructed that the crew can turn them on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

(b) No passenger or cabin attendant may smoke while the no smoking sign is lighted and each passenger shall fasten his seat belt and keep it fastened while the seat belt sign is lighted.



**§ 121.319 Exterior exits and evacuation markings.**

No person may operate an airplane unless the exterior surfaces of the airplane are marked to clearly identify each required emergency exit. If the exits are operable from the outside, the markings must consist of or include information indicating the method of opening.

**§ 121.321 Shoulder harness.**

No person may operate a transport category airplane that was certificated after January 1, 1958, unless it is equipped with a shoulder harness at the pilot in command station, the second in command station, and the flight engineer station.

**§ 121.323 Instruments and equipment for operations at night.**

No person may operate an airplane at night unless it is equipped with the following instruments and equipment in addition to those required by §§ 121.305 through 121.321:

(a) Position lights.

(b) An anti-collision light, for large airplanes.

(c) Two landing lights.

(d) Instrument lights providing enough light to make each required instrument, switch, or similar instrument, easily readable and installed so that the direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them. There must be a means of controlling the intensity of illumination unless it is shown that nondimming instrument lights are satisfactory.

(e) An airspeed-indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing.

(f) A sensitive altimeter.

**§ 121.325 Instruments and equipment for operations under IFR or over-the-top.**

No person may operate an airplane under IFR or over-the-top conditions unless it is equipped with the following instruments and equipment, in addition to those required by §§ 121.305 through 121.321:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing.

(b) A sensitive altimeter.

(c) Instrument lights providing enough light to make each required instrument, switch, or similar instrument, easily readable and so installed that the direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them, and a means of controlling the intensity of illumination unless it is shown that nondimming instrument lights are satisfactory.

**§ 121.327 Supplemental oxygen; reciprocating engine powered airplanes.**

(a) *General.* Except where supplemental oxygen is provided in accordance with § 121.331, no person may operate an airplane unless supplemental oxygen is furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation is determined on the basis of flight altitudes and flight duration, consistent with the operation procedures established for each operation and route.

(b) *Crewmembers.* (1) At cabin pressure altitudes above 10,000 feet up to and including 12,000 feet, oxygen must be provided for, and used by, each member of the flight crew on flight deck duty, and must be provided for other crewmembers, for that part of the flight at those altitudes that is of more than 30 minutes duration.

(2) At cabin pressure altitudes above 12,000 feet, oxygen must be provided for, and used by, each member of the flight crew on flight deck duty, and must be provided for other crewmembers, during the entire flight time at those altitudes.

(3) When a flight crewmember is required to use oxygen, he must use it continuously, except when necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty before completing the flight must be provided with an amount of supplemental oxygen equal to that provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, he is considered to be a passenger for the purposes of supplemental oxygen requirements.

(c) *Passengers.* Each certificate holder shall provide a supply of oxygen, approved for passenger safety, in accordance with the following:

(1) For flights of more than 30 minutes duration at cabin pressure altitudes above 8,000 feet up to and including 14,000 feet, enough oxygen for 30 minutes for 10 percent of the passengers.

(2) For flights at cabin pressure altitudes above 14,000 feet up to and including 15,000 feet, enough oxygen for that part of the flight at those altitudes for 30 percent of the passengers.

(3) For flights at cabin pressure altitudes above 15,000 feet, enough oxygen for each passenger carried during the entire flight at those altitudes.

(d) For the purposes of this subpart "cabin pressure altitude" means the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" means the altitude above sea level at which the airplane is operated. For airplanes without pressurized cabins, "cabin pressure altitude" and "flight altitude" mean the same thing.

**§ 121.329 Supplemental oxygen for sustenance; turbine engine powered airplanes.**

(a) *General.* When operating a turbine engine powered airplane, each certificate holder shall equip the airplane with sustaining oxygen and dispensing equipment for use as set forth in this section:

(1) The amount of oxygen provided must be at least the quantity necessary to comply with paragraphs (b) and (c) of this section.

(2) The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part is determined on the basis of cabin pressure altitudes and flight duration, consistent with the operating procedures established for each operation and route.

(3) The requirements for airplanes with pressurized cabins are determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at the altitude or point of flight that is most critical from the standpoint of oxygen need, and that after the failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual, without exceeding its operating limitations, to a flight altitude that will allow successful termination of the flight.

(4) Following the failure, the cabin pressure altitude is considered to be the same as the flight altitude unless it is shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude. Under those circumstances, the maximum cabin pressure altitude attained may be used as a basis for certification or determination of oxygen supply, or both.

(b) *Crewmembers.* Each certificate holder shall provide a supply of oxygen for crewmembers in accordance with the following:

(1) At cabin pressure altitudes above 10,000 feet, up to and including 12,000 feet, oxygen must be provided for and used by each member of the flight crew on flight deck duty and must be provided for other crewmembers for that part of the flight at those altitudes that is of more than 30 minutes duration.

(2) At cabin pressure altitudes above 12,000 feet, oxygen must be provided for, and used by, each member of the flight crew on flight deck duty, and must be provided for other crewmembers during the entire flight at those altitudes.

(3) When a flight crewmember is required to use oxygen, he must use it continuously except when necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty before completing the flight must be provided with an amount of supplemental oxygen equal to that provided for crewmembers on duty other than on flight duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, he is considered to be a passenger for the purposes of supplemental oxygen requirements.

(c) *Passengers.* Each certificate holder shall provide a supply of oxygen for passengers in accordance with the following:

(1) For flights at cabin pressure altitudes above 10,000 feet, up to and including 14,000 feet, enough oxygen for that part of the flight at those altitudes that is of more than 30 minutes duration, for 10 percent of the passengers.

(2) For flights at cabin pressure altitudes above 14,000 feet, up to and includ-

ing 15,000 feet, enough oxygen for that part of the flight at those altitudes for 30 percent of the passengers.

(3) For flights at cabin pressure altitudes above 15,000 feet, enough oxygen for each passenger carried during the entire flight at those altitudes.

**§ 121.331 Supplemental oxygen requirements for pressurized cabin airplanes: reciprocating engine powered airplanes.**

(a) When operating a reciprocating engine powered airplane pressurized cabin, each certificate holder shall equip the airplane to comply with paragraphs (b) through (d) of this section in the event of cabin pressurization failure.

(b) *For crewmembers.* When operating at flight altitudes above 10,000 feet, the certificate holder shall provide enough oxygen for each crewmember for the entire flight at those altitudes and not less than a two-hour supply for each flight crewmember on flight deck duty. The oxygen required in the event of cabin pressurization failure by § 121.337 may be included in determining the supplemental breathing supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(c) *For passengers.* When operating at flight altitudes above 8,000 feet, the certificate holder shall provide oxygen as follows:

(1) When an airplane is not flown at a flight altitude above flight level 250, enough oxygen for 30 minutes for 10 percent of the passengers, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within four minutes.

(2) If the airplane cannot descend to a flight altitude of 14,000 feet or less within four minutes, the following supply of oxygen must be provided:

(i) For that part of the flight that is more than four minutes duration at flight altitudes above 15,000 feet, the supply required by § 121.327(c)(3).

(ii) For that part of the flight at flight altitudes above 14,000 feet, up to and including 15,000 feet, the supply required by § 121.327(c)(2).

(iii) For flight at flight altitudes above 8,000 feet up to and including 14,000 feet, enough oxygen for 30 minutes for 10 percent of the passengers.

(3) When an airplane is flown at a flight altitude above flight level 250, enough oxygen for 30 minutes for 10 percent of the passengers for the entire flight (including emergency descent) above 8,000 feet, up to and including 14,000 feet, and to comply with § 121.327(c)(2) and (3) for flight above 14,000 feet.

(d) For the purposes of this section it is assumed that the cabin pressurization failure occurs at a time during flight that is critical from the standpoint of oxygen need and that after the failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes allowing safe flight with respect to terrain clearance.

**§ 121.333 Supplemental oxygen for emergency descent and for first aid; turbine engine powered airplanes with pressurized cabins.**

(a) *General.* When operating a turbine engine powered airplane with a pressurized cabin, the certificate holder shall furnish oxygen and dispensing equipment to comply with paragraphs (b) through (e) of this section in the event of cabin pressurization failure.

(b) *Crewmembers.* When operating at flight altitudes above 10,000 feet, the certificate holder shall supply enough oxygen to comply with § 121.329, but not less than a two-hour supply for each flight crewmember on flight deck duty. The oxygen required in the event of cabin pressurization failure by § 121.337 may be included in determining the supply required for flight crewmembers on flight deck duty.

(c) *Use of oxygen masks by flight crewmembers.* (1) When operating at flight altitudes above flight level 250, each flight crewmember on flight deck duty must be provided with an oxygen mask so designed that it can be rapidly placed on his face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that after being placed on the face it does not prevent immediate communication between the flight crewmember and other crewmembers over the airplane intercommunication system. When it is not being used at flight altitudes above flight level 250, the oxygen mask must be kept in condition for ready use and located so as to be within the immediate reach of the flight crewmember while at his duty station.

(2) When operating at flight altitudes above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen, except that the one pilot need not wear and use an oxygen mask while at or below flight level 350 if each flight crewmember on flight deck duty has a quick-donning type of oxygen mask that the certificate holder has shown can be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within five seconds. The certificate holder shall also show that the mask can be put on without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. The oxygen mask after being put on must not prevent immediate communication between the flight crewmember and other crewmembers over the airplane intercommunication system.

(3) Notwithstanding subparagraph (2) of this paragraph, if for any reason at any time it is necessary for one pilot to leave his station at the controls of the airplane when operating at flight altitudes above flight level 250, the remaining pilot at the controls shall put on and use his oxygen mask until the other pilot has returned to his duty station.

(4) Before the takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, and connected to appropriate supply terminals, and that the oxygen supply and pressure are adequate for use.

(d) *Use of portable oxygen equipment by cabin attendants.* Each attendant shall, during flight above flight level 250 flight altitude, carry portable oxygen equipment with at least a 15-minute supply of oxygen unless it is shown that enough portable oxygen units with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to each cabin attendant, regardless of his location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When the airplane is operating at flight altitudes above 10,000 feet, the following supply of oxygen must be provided for the use of passenger cabin occupants:

(1) When an airplane certificated to operate at flight altitudes up to and including flight level 250, can at any point along the route to be flown, descend safely to a flight altitude of 14,000 feet or less within four minutes, oxygen must be available at the rate prescribed by this Part for a 30-minute period for at least 10 percent of the passenger cabin occupants.

(2) When an airplane is operated at flight altitudes up to and including flight level 250 and cannot descend safely to a flight altitude of 14,000 feet within four minutes, or when an airplane is operated at flight altitudes above flight level 250, oxygen must be available at the rate prescribed by this part for not less than 10 percent of the pasenger cabin occupants for the entire flight after cabin depressurization, at cabin pressure altitudes above 10,000 feet up to and including 14,000 feet and, as applicable, to allow compliance with § 121.329(c) (2) and (3), except that there must be not less than a 10-minute supply for the passenger cabin occupants.

(3) For first-aid treatment of occupants who for physiological reasons might require undiluted oxygen following descent from cabin pressure altitudes above flight level 250, a supply of oxygen in accordance with the requirements of § 25.1443(d) must be provided for two percent of the occupants for the entire flight after cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than two, must be provided, with a means for the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above flight level 250, a crewmember shall instruct the passengers on the necessity of using oxygen in the event of cabin depressurization and shall point out to them the location and demonstrate the use of the oxygen-dispensing equipment.



**§ 121.335 Equipment standards.**

(a) *Reciprocating engine powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with § 121.327 must meet the standards established in § 4b.651 of the Civil Air Regulations as in effect on July 20, 1950, except that if the certificate holder shows full compliance with those standards to be impracticable, the Administrator may authorize any change in those standards that he finds will provide an equivalent level of safety.

(b) *Turbine engine powered airplanes.* The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen necessary to comply with §§ 121.329 and 121.333 must meet the standards established in § 4b.651 of the Civil Air Regulations as in effect on September 1, 1958, except that if the certificate holder shows full compliance with those standards to be impracticable, the Administrator may authorize any changes in those standards that he finds will provide an equivalent level of safety.

**§ 121.337 Protective breathing equipment for the flight crew.**

(a) *Pressurized cabin airplanes.* Each required flight crewmember on flight deck duty must have readily available at his station protective breathing equipment covering the eyes, nose, and mouth (or the nose and mouth if accessory equipment is provided to protect the eyes) to protect him from the effects of smoke or carbon dioxide or other harmful gases. There must be at least a 300-liter standard temperature and pressure dry supply of oxygen for each required flight crewmember on flight deck duty. (Standard temperature and pressure dry oxygen at 0° centigrade, 760 mm. Hg.)

(b) *Nonpressurized cabin airplanes: general.* The requirements of paragraph (a) of this section apply to nonpressurized cabin airplanes if the Administrator finds that it is possible to obtain a dangerous concentration of smoke or carbon dioxide or other harmful gases in the flight crew compartments in any attitude of flight that might occur when the airplane is flown in accordance with either normal or emergency procedures.

(c) *Nonpressurized cabin airplanes with built-in carbon dioxide fire extinguisher system in fuselage compartment.* Each certificate holder operating a nonpressurized cabin airplane that has a built-in carbon dioxide fire extinguisher system in a fuselage compartment shall provide protective breathing equipment for the flight crew, except where—

(1) Not more than five pounds of carbon dioxide would be discharged into any compartment in accordance with established fire control procedures; or

(2) The carbon dioxide concentration at each flight crew station has been determined in accordance with § 25.1197 and has been found to be less than three percent by volume (corrected to standard sea-level conditions).

**§ 121.339 Equipment for extended overwater operations.**

(a) Except where the Administrator, by amending the operations specifications of the certificate holder, requires the carriage of all or any specific items of the equipment listed below for any overwater operation, or upon application of the certificate holder, the Administrator allows deviation for a particular extended overwater operation, no person may operate an airplane in extended overwater operations without having on the airplane the following equipment:

(1) A life preserver equipped with an approved survivor locator light, for each occupant of the airplane.

(2) Enough liferafts (each equipped with an approved survivor locator light) of a rated capacity and buoyancy to accommodate the occupants of the airplane.

(3) Suitable pyrotechnic signaling devices.

(4) One self-buoyant, water-resistant, portable emergency radio signaling device, that is capable of transmission on the appropriate emergency frequency or frequencies, and not dependent upon the airplane power supply.

(b) The required life rafts, life preservers, and signaling devices must be easily accessible in the event of a ditching without appreciable time for preparatory procedures. This equipment must be installed in conspicuously marked approved locations.

(c) A survival kit, appropriately equipped for the route to be flown, must be attached to each required life raft.

**§ 121.341 Equipment for operations in icing conditions.**

(a) Unless an airplane is certificated under the transport category airworthiness requirements relating to ice protection, no person may operate an airplane in icing conditions unless it is equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation will adversely affect the safety of the airplane.

(b) No person may operate an airplane in icing conditions at night unless means are provided for illuminating or otherwise determining the formation of ice on the parts of the wings that are critical from the standpoint of ice accumulation. Any illuminating that is used must be of a type that will not cause glare or reflection that would handicap crewmembers in the performance of their duties.

**§ 121.343 Flight recorders.**

(a) No person may operate any of the following airplanes unless it is equipped with an approved flight recorder that records at least time, altitude, air speed, vertical acceleration, and heading:

(1) A large airplane that is certificated for operations above 25,000 feet altitude:

(2) Any large turbine engine powered airplane.

(b) Whenever an approved flight recorder is installed, it must be operated continuously from the instant the airplane begins the takeoff roll until it has completed the landing roll at an airport.

(c) Each certificate holder shall keep the recorded information for at least 60 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights.

**§ 121.345 Radio equipment.**

(a) No person may operate an airplane unless it is equipped with radio equipment required for the kind of operation being conducted.

(b) Where two independent (separate and complete) radio systems are required by §§ 121.347 and 121.349, each system must have an independent antenna installation except that, where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one antenna is required.

**§ 121.347 Radio equipment for operations under VFR over routes navigated by pilotage.**

(a) No person may operate an airplane under VFR over routes that can be navigated by pilotage, unless it is equipped with the radio equipment necessary under normal operating conditions to fulfill the following:

(1) Communicate with at least one appropriate ground station from any point on the route.

(2) Communicate with appropriate traffic control facilities from any point in the control zone within which flights are intended.

(3) Receive meteorological information from any point en route by either of two independent systems. One of the means provided to comply with this subparagraph may be used to comply with subparagraphs (1) and (2) of this paragraph.

(b) No person may operate an airplane at night under VFR over routes than can be navigated by pilotage unless that airplane is equipped with the radio equipment necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigational signals applicable to the route flown, except that a marker beacon receiver or ILS receiver is not required.

**§ 121.349 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.**

(a) No person may operate an airplane under VFR over routes that cannot be navigated by pilotage or for operations conducted under IFR or over-the-top, unless the airplane is equipped with that radio equipment necessary under normal operating conditions to fulfill the functions specified in § 121.347(a) and to receive satisfactorily by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used. However, only one marker beacon receiver providing visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

(b) In the case of operation over routes on which navigation is based on

low frequency radio range or automatic direction finding, only one low frequency radio range or ADF receiver need be installed if the airplane is equipped with two VOR receivers, and VOR navigational aids are so located and the airplane is so fueled that, in the case of failure of the low frequency radio range receiver or ADF receiver, the flight may proceed safely to a suitable airport, by means of VOR aids, and complete an instrument approach by use of the remaining airplane radio system.

(c) Whenever VOR navigational receivers are required by paragraph (a) or (b) of this section, at least one approved distance measuring equipment unit (DME), capable of receiving and indicating distance information from VOR-TAC facilities, must be installed on each airplane when operated within the 48 contiguous States and the District of Columbia at and above 24,000 feet MSL and must be installed on each of the following airplanes, regardless of the altitude flown, when operating within the 48 contiguous States and the District of Columbia after the indicated dates.

(1) Turbojet airplanes—June 30, 1963.

(2) Turboprop airplanes—December 31, 1963.

(3) Pressurized reciprocating engine airplanes—June 30, 1964.

(4) Other large airplanes—June 30, 1965.

(d) If the distance measuring equipment (DME) becomes inoperative en route, the pilot shall notify ATC of that failure as soon as it occurs.

**§ 121.351 Radio equipment for extended overwater operations and for certain other operations.**

(a) No person may conduct an extended overwater operation unless the airplane is equipped with the radio equipment necessary to comply with § 121.349 and an independent system that complies with § 121.347(a)(1).

(b) No flag or supplemental air carrier or commercial operator may conduct an operation without the equipment specified in paragraph (a) of this section, if the Administrator finds that equipment to be necessary for search and rescue operations because of the nature of the terrain to be flown over.

**§ 121.353 Equipment for operations over uninhabited terrain areas: flag and supplemental air carriers and commercial operators.**

Unless it has the following equipment, no flag or supplemental air carrier or commercial operator may conduct an operation over an uninhabited area or any other area that (in its operations specifications) the Administrator specifies requires equipment for search and rescue in case of an emergency:

(a) Suitable pyrotechnic signaling devices.

(b) One self-buoyant, water-resistant, portable emergency radio signaling device capable of transmission on the appropriate emergency frequency or frequencies and not dependent upon the airplane power supply.

(c) Enough survival kits, appropriately equipped for the route to be flown, for the number of occupants of the airplane.

**§ 121.355 Equipment for operations on which specialized means of navigation are required: flag and supplemental air carriers and commercial operators.**

No flag or supplemental air carrier or commercial operator may conduct an operation for which specialized means of navigation are required unless it shows that adequate airborne equipment is provided for the specialized navigation authorized for the particular route to be operated.

**§ 121.357 Airborne weather radar equipment requirements: passenger-carrying airplanes.**

(a) No person may operate any airplane certificated under the transport category rules (except C-46 type airplanes), in passenger-carrying operations, unless approved airborne weather radar equipment has been installed in the airplane.

(b) Each person operating a transport category airplane with approved airborne weather radar installed shall, when using it in passenger operations under this Part, operate it in accordance with the following:

(1) *Dispatch.* No person may dispatch an airplane (or begin the flight of an airplane in the case of an air carrier or commercial operator that does not use a dispatch system) under IFR or night VFR conditions when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment is in satisfactory operating condition.

(2) If the airborne weather radar becomes inoperative en route, the airplane must be operated in accordance with the approved instructions and procedures specified in the operations manual for such an event.

(c) This section does not apply to airplanes used solely within the State of Hawaii or within the State of Alaska and that part of Canada west of longitude 130 degrees W, between latitude 70 degrees N, and latitude 53 degrees N, or during any cargo only, training, test, or ferry flight.

(d) Notwithstanding any other provision of this chapter, an alternate electrical power supply is not required for airborne weather radar equipment.

**§ 121.359 Cockpit voice recorders.**

(a) No certificate holder may operate any of the following airplanes after the listed date unless an approved cockpit voice recorder is installed in that airplane and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight), to completion of the final checklist at the termination of the flight:

(1) Large turbine engine powered airplanes—June 30, 1966.

(2) Large pressurized airplanes with four reciprocating engines—December 31, 1966.

(b) Each certificate holder shall establish a schedule for completion, before the prescribed dates, of the cockpit voice recorder installations required by paragraph (a) of this section. In addition the certificate holder shall identify any airplane specified in paragraph (a) of this section he intends to discontinue using before the prescribed dates.

(c) Each cockpit voice recorder must be installed in accordance with the requirements of Part 25 of this chapter.

(d) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise obliterated.

(e) In the event of an accident or occurrence requiring immediate notification of the Civil Aeronautics Board under Part 320 of its regulations, the certificate holder shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with investigations under Part 320. The Administrator does not use the record in any civil penalty or certificate action.

## Subpart L—Maintenance, Preventive Maintenance, and Alterations

**§ 121.361 Applicability.**

This subpart prescribes requirements for maintenance, preventive maintenance, and alterations for all certificate holders.

**§ 121.363 Responsibility for airworthiness.**

(a) Each certificate holder is primarily responsible for—

(1) The airworthiness of its aircraft, including airframes, aircraft engines, propellers, appliances, and parts thereof; and

(2) The performance of the maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, or appliances, and parts thereof, in accordance with its manual and the regulations of this chapter.

(b) A certificate holder may make arrangements with another person for the performance of any maintenance, preventive maintenance, or alterations. However, this does not relieve the certificate holder of the responsibility specified in paragraph (a) of this section.

**§ 121.365 Maintenance, preventive maintenance, and alteration organization.**

(a) Each certificate holder that performs any of its maintenance (other than required inspections), preventive maintenance, or alterations, and each person with whom it arranges for the performance of that work must have an organization adequate to perform the work.

(b) Each certificate holder that performs any inspections required by its manual (in this subpart referred to as "required inspections") and each person with whom it arranges for the performance of that work must have an organization adequate to perform that work.

(c) Each person performing required inspections in addition to other maintenance, preventive maintenance, or alterations, shall organize the performance of those functions so as to separate the required inspection functions from the other maintenance, preventive maintenance, and alteration functions. The separation shall be below the level of administrative control at which overall responsibility for the required inspection functions and other maintenance, preventive maintenance, and alteration functions are exercised.

**§ 121.367 Maintenance, preventive maintenance, and alterations programs.**

Each certificate holder shall have an inspection program and a program covering other maintenance, preventive maintenance, and alterations that ensures that—

(a) Maintenance, preventive maintenance, and alterations performed by it, or by other persons, are performed in accordance with the certificate holder's manual;

(b) Competent personnel and adequate facilities and equipment are provided for the proper performance of maintenance, preventive maintenance, and alterations; and

(c) Each aircraft released to service is airworthy and has been properly maintained for operation in air transportation.

**§ 121.369 Manual requirements.**

(a) The certificate holder shall put in its manual a chart or description of the certificate holder's organization required by § 121.365 and a list of persons with whom it has arranged for the performance of any of its required inspections, other maintenance, preventive maintenance, or alterations, including a general description of that work.

(b) The certificate holder's manual must contain the programs required by §121.367 that must be followed in performing maintenance, preventive maintenance, and alterations of that certificate holder's airplanes, including airframes, aircraft engines, propellers, appliances, and parts thereof, and must include at least the following:

(1) The method of performing routine and nonroutine maintenance (other than required inspections), preventive maintenance, and alterations.

(2) A designation of the items of maintenance and alteration that must be inspected (required inspections), including at least those that could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not performed properly or if improper parts or materials are used.

(3) The method of performing required inspections and a designation by occupational title of personnel authorized to perform each required inspection.

(4) Procedures for the reinspection of work performed pursuant to previous required inspection findings ("buy-back procedures").





(5) Procedures, standards, and limits necessary for required inspections and acceptance or rejection of the items required to be inspected and for periodic inspection and calibration of precision tools, measuring devices, and test equipment.

(6) Procedures to ensure that all required inspections are performed.

(7) Instructions to prevent any person who performs any item of work from performing any required inspection of that work.

(8) Instructions and procedures to prevent any decision of an inspector, regarding any required inspection from being countermanded by persons other than supervisory personnel of the inspection unit, or a person at that level of administrative control that has overall responsibility for the management of both the required inspection functions and the other maintenance, preventive maintenance, and alterations functions.

(9) Procedures to ensure that required inspections, other maintenance, preventive maintenance, and alterations that are not completed as a result of shift changes or similar work interruptions are properly completed before the aircraft is released to service.

**§ 121.371 Required inspection personnel.**

(a) No person may use any person to perform required inspections unless the person performing the inspection is appropriately certified, properly trained, qualified, and authorized to do so.

(b) No person may allow any person to perform a required inspection unless, at that time, the person performing that inspection is under the supervision and control of an inspection unit.

(c) No person may perform a required inspection if he performed the item of work required to be inspected.

(d) Each certificate holder shall maintain, or shall determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections. The persons must be identified by name, occupational title, and the inspections that they are authorized to perform. The certificate holder (or person with whom it arranges to perform its required inspections) shall give written information to each person so authorized describing the extent of his responsibilities, authorities, and inspectional limitations. The list shall be made available for inspection by the Administrator upon request.

**§ 121.373 Continuing analysis and surveillance.**

(a) Each certificate holder shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its inspection program and the program covering other maintenance, preventive maintenance, and alterations and for the correction of any deficiency in those programs, regardless of whether those programs are carried out by the certificate holder or by another person.

(b) Whenever the Administrator finds that either or both of the programs described in paragraph (a) of this paragraph does not contain adequate procedures and standards to meet the requirements of this Part, the certificate holder shall, after notification by the Administrator, make any changes in those programs that are necessary to meet those requirements.

(c) A certificate holder may petition the Administrator to reconsider the notice to make a change in a program. The petition must be filed with the FAA Air Carrier District Office charged with the overall inspection of the certificate holder's operations within 30 days after the certificate holder receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

**§ 121.375 Maintenance and preventive maintenance training program.**

Each certificate holder or person performing maintenance or preventive maintenance functions for it shall have a training program to ensure that each person (including inspection personnel) who determines the adequacy of work done is fully informed about procedures and techniques and new equipment in use and is competent to perform his duties.

**§ 121.377 Maintenance and preventive maintenance personnel duty time limitations.**

Within the United States, each certificate holder (or person performing maintenance or preventive maintenance functions for it) shall relieve each person performing maintenance or preventive maintenance from duty for a period of at least 24 consecutive hours during any seven consecutive days, or the equivalent thereof within any one calendar month.

**§ 121.378 Certificate requirements.**

(a) Each person who is directly in charge of maintenance, preventive maintenance, or alteration, and each person performing required inspections must hold an appropriate airman certificate.

(b) For the purposes of this section, a person "directly in charge" is each person assigned to a position in which he is responsible for the work of a shop or station that performs maintenance, preventive maintenance, alterations, or other functions affecting aircraft airworthiness. A person who is "directly in charge" need not physically observe and direct each worker constantly but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

**§ 121.379 Authority to perform and approve maintenance, preventive maintenance and alterations.**

(a) A certificate holder may perform maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness maintenance program and its maintenance manual. In addition, an air carrier may perform these functions for another air carrier

as provided in the continuous airworthiness maintenance program and maintenance manual of the other air carrier.

(b) A certificate holder may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that it performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

## Subpart M—Airman and Crewmember Requirements

### § 121.381 Applicability.

This subpart prescribes airman and crewmember requirements for all certificate holders.

### § 121.383 Airman: limitations on use of services.

(a) No certificate holder may use a person as an airman unless that person—

(1) Holds an appropriate current airman certificate issued by the FAA;

(2) Has any required appropriate current airman and medical certificates in his possession while engaged in operations under this part; and

(3) Is otherwise qualified for the operation for which he is to be used.

(b) Each airman covered by paragraph (a)(2) of this section shall present either or both certificates for inspection upon the request of the Administrator.

(c) No certificate holder may use the services of any person as a pilot on an airplane engaged in operations under this part if that person has reached his 60th birthday. No person may serve as a pilot on an airplane engaged in operations under this part if that person has reached his 60th birthday.

### § 121.385 Composition of flight crew.

(a) No certificate holder may operate an aircraft with less than the minimum flight crew in the airworthiness certificate or the aircraft Flight Manual approved for that type aircraft and required by this part for the kind of operation being conducted.

(b) In any case in which this part requires the performance of two or more functions for which an airman certificate is necessary, that requirement is not satisfied by the performance of multiple functions at the same time by one airman.

(c) The following minimum pilot crews apply:

(1) *Domestic air carriers.* If a domestic air carrier is authorized to operate under IFR, or if it operates large aircraft, the minimum pilot crew is two pilots and the air carrier shall designate one pilot as pilot in command and the other second in command.

(2) *Flag air carriers.* If a flag air carrier is authorized to operate under IFR, or if it operates large aircraft, the minimum pilot crew is two pilots.

(3) *Supplemental air carriers and commercial operators.* If a supplemental air carrier or commercial operator is authorized to operate helicopters under IFR, or if it operates large aircraft, the minimum pilot crew is two pilots and the supplemental air carrier or commercial operator shall designate one pilot as pilot in command and the other second in command.

(d) On each flight requiring a flight engineer at least one flight crewmember, other than the flight engineer, must be qualified to provide emergency performance of the flight engineer's functions for the safe completion of the flight if the flight engineer becomes ill or is otherwise incapacitated. A pilot need not hold a flight engineer's certificate to perform the flight engineer's functions in such a situation.

### § 121.387 Flight engineer.

(a) No certificate holder may operate an airplane having a maximum certificated takeoff weight of more than 80,000 pounds without a flight crewmember holding a current flight engineer certificate.

(b) Such a flight crewmember is also required on each four-engine airplane having a maximum certificated takeoff weight of more than 30,000 pounds, if the Administrator determines that the design of the airplane or the kind of operation requires a flight engineer for safe operation.

### § 121.389 Flight navigator: flag and supplemental air carriers and commercial operators.

(a) No flag or supplemental air carrier or commercial operator may operate an airplane over any area, route, or route segment that is outside the 48 contiguous States and the District of Columbia, without a flight crewmember holding a current flight navigator certificate, whenever the Administrator determines that celestial navigation is necessary or other specialized means of navigation necessary to obtain a reliable fix for the safety of the flight cannot be adequately accomplished from the pilot station for a period of more than one hour. However, the Administrator may also require a certificated flight navigator when those specialized means of navigation are necessary for one hour or less. In making that determination the Administrator considers—

(1) The speed of the airplane;

(2) Normal weather conditions en route;

(3) Extent of air traffic control;

(4) Traffic congestion;

(5) Area of land at destination;

(6) Fuel requirements;

(7) Fuel available for return to point of departure or alternates; and

(8) Predication of flight upon operation beyond the point-of-no-return.

(b) The areas, routes, or route segments over which a navigator is required are specified in the operations specifications of the air carrier or commercial operator.

### § 121.391 Flight attendants: domestic air carriers.

Each domestic air carrier conducting a passenger operation shall provide at least one flight attendant on each airplane with a capacity of more than nine passengers.

### § 121.393 Flight attendants: flag and supplemental air carriers and commercial operators.

(a) Except as provided in paragraph (b) of this section, each flag and supplemental air carrier and each commercial operator conducting a passenger operation shall provide at least the following flight attendants on each airplane used:

(1) For airplanes having a seating capacity of at least 10 but less than 45 passengers—one flight attendant.

(2) For airplanes having a seating capacity of at least 45 but less than 101 passengers—two flight attendants.

(3) For airplanes having a seating capacity of more than 100 passengers—three flight attendants.

(b) Upon application by the air carrier or commercial operator, the Administrator may approve the use of an airplane in a particular operation with less than the number of flight attendants required by paragraph (a) of this section, if the air carrier or commercial operator shows that, based on the following, safety and emergency procedures and functions established under § *121.397* for the particular type of airplane and operation can be adequately performed by fewer flight attendants:

(1) Kind of operation.

(2) The number of passenger seats.

(3) The number of compartments.

(4) The number of emergency exits.

(5) Emergency equipment.

(6) The presence of other trained flight crewmembers, not on flight deck duty, whose services may be used in emergencies.

### § 121.395 Aircraft dispatcher: domestic and flag air carriers.

Each domestic and flag air carrier shall provide enough qualified aircraft dispatchers at each dispatch center to ensure proper operational control of each flight.

### § 121.396 Emergency and emergency evacuation duties: domestic air carriers.

(a) Each domestic air carrier shall assign to each required crewmember the necessary functions that he is to perform in an emergency or a situation requiring emergency evacuation. The air carrier shall show that those functions are realistic and can be practically accomplished.

(b) The air carrier shall describe each required crewmember's functions under paragraph (a) of this section in its air carrier manual.

### § 121.397 Emergency and emergency evacuation duties: flag and supplemental air carriers and commercial operators.

(a) Each flag and supplemental air carrier and each commercial operator of airplanes shall assign to each required crewmember the necessary functions that he is to perform in an emergency or a situation requiring emergency evacuation. The air carrier or commercial operator shall assign those functions for each type of airplane that it uses and shall show that those functions are realistic and can be accomplished.

(b) The air carrier or commercial operator shall describe each required crewmember's functions under paragraph (a) of this section in its manual.

(c) The air carrier or commercial operator shall train each required crewmember in his functions under paragraph (a) of this section during the emergency training part of the approved training program prescribed in § 121.411.

## Subpart N—Training Program

### § 121.410 Applicability.

Except where otherwise stated, this subpart prescribes requirements applicable to each certificate holder for establishing and maintaining a training program.

### § 121.411 Establishment.

(a) Each certificate holder shall have an approved training program that assures that each crewmember and each aircraft dispatcher (where required) is adequately trained to perform his assigned duties. Each crewmember and each aircraft dispatcher (where required) must satisfactorily complete the initial training phases before serving in operations under this part.

(b) Each certificate holder shall provide adequate ground and flight training facilities and properly qualified instructors for the training required by this section, and enough check airmen to conduct the flight checks required by this part. Each check airman must hold the airman certificates and ratings that are required for the airman being checked.

(c) The training program for each flight crewmember must consist of appropriate ground and flight training, including proper flight crew coordination and training in emergency procedures. The certificate holder shall standardize procedures for each flight crew function to the extent that each flight crewmember knows the functions for which he is responsible and the relation of those functions to the functions of other flight crewmembers. The initial program must include at least the requirements set forth in §§ 121.413 through 121.423.

(d) The crewmember emergency procedures training program must include at least the requirements set forth in § 121.423.

(e) Each instructor, supervisor, or check airman that is responsible for a particular training or flight check shall certify as to the proficiency of the crewmember or dispatcher concerned after he completes his initial training and after he completes his recurrent training. That certification shall be made a part of the crewmember's or dispatcher's record.

### § 121.413 Ground training: pilots.

(a) The initial ground training that the certificate holder must provide for each pilot before he serves as a flight crewmember must include at least—

(1) Instruction in the appropriate provisions of the certificate holder's operations specifications and of this chapter, especially the operating and dispatcher flight release rules and airplane operating limitations;

(2) Dispatch procedures (domestic and flag air carriers) or flight release procedures (supplemental air carriers and commercial operators) and appropriate contents of the manuals;

(3) Duties and responsibilities of crewmembers;

(4) The type of aircraft to be flown, including a study of the aircraft, engines, major components and systems, performance limitations, standard and emergency operating procedure, and appropriate contents of the approved Aircraft Flight Manual;

(5) Principles and methods for determining weight and balance limitations for takeoff and landing;

(6) Navigation and the use of appropriate navigation aids, including instrument approach facilities and procedures that the certificate holder is authorized to use;

(7) Air traffic control systems and procedures, and pertinent ground control letdown procedures;

(8) Enough meteorology to ensure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems; and

(9) Procedures for operating in turbulent air, icing, hail, thunderstorm, and other potentially hazardous meteorological conditions.

(b) In addition to the training required by paragraph (a) of this section, each flag and supplemental air carrier and each commercial operator shall provide training in communications procedures and communications equipment failure procedures.

(c) Each certificate holder shall provide the following for each pilot:

(1) Any additional ground training necessary to ensure qualifications in new equipment, procedures, or techniques.

(2) Checks (and, in the case of flag air carriers, supplemental air carriers, and commercial operators, recurrent ground training) at least once each twelve months to ensure his continued proficiency in procedures, techniques, and information essential to the satisfactory performance of his duties. A check may be given during the month before or after it is due without affecting its effective date.

### § 121.415 Flight training: pilots.

(a) The initial flight training that the certificate holder must provide for each pilot before he serves as a flight crewmember must include at least—

(1) Takeoffs and landings during day and night in each type of airplane he is to pilot in operations under this Part;

(2) Normal and emergency flight maneuvers in each type of airplane he is to pilot in operations under this Part; and

(3) Flight under simulated instrument conditions.

(b) A pilot qualifying to serve as other than pilot in command or second in command, shall show the Administrator or a check pilot that he is able to take off and land each type of airplane in which he is to serve.

(c) The initial flight training for each pilot qualifying to serve as a pilot in command (and, in the case of a flag or supplemental air carrier or commercial operator, the second in command of an airplane in an operation that requires three or more pilots) must include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in operations under this part, he must perform the following:

(i) In the case of takeoffs at the authorized maximum takeoff weight using maximum takeoff power with a simulated failure of the critical engine. In transport category airplanes the simulated failure must be done as close as possible to the critical engine failure speed $V_1$ and climb-out must be made as close as possible to the takeoff safety speed $V_2$, and the pilot shall determine the values for $V_1$ and $V_2$.

(ii) If a three-engine or four-engine airplane, flight, including maneuvering to a landing at the authorized maximum landing weight, with the most critical combination of two engines inoperative, or operating at zero thrust, using where appropriate applicable climb speeds set forth in the Airplane Flight Manuals.

(iii) At the authorized maximum landing weight, simulated pull-out from the landing and approach configurations at a safe altitude with the critical engine inoperative or operating at zero thrust.

(2) Flight must be conducted under simulated IFR conditions using each kind of navigation facility and letdown procedure that is used in normal operations. If a particular kind of facility is not available in the training area, the training may be given in a synthetic trainer.

For the purposes of subparagraph (1) of this paragraph, weight and power combinations less than those specified in subdivisions (i), (ii), and (iii) of that subparagraph may be used if the performance capabilities of the airplane under the specified conditions are simulated.

(d) Initial flight training for each pilot qualifying to serve as second in command of an airplane in domestic operations (or second in command of an airplane that requires two pilots in flag or supplemental air carrier or commercial operator operations) must include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in operations under this part, flight training must include—

(i) Assigned flight duties as second in command, including flight emergencies;

(ii) Taxiing;

(iii) Takeoffs and landings;

(iv) Climbs and climbing turns;

(v) Slow flight;

(vi) Approach to stall;

(vii) Engine shutdown and restart;

(viii) Takeoff and landing with simulated engine failure; and

(ix) Flight under simulated IFR conditions, including instrument approach at least down to circling approach minimums and missed approach procedures.

(2) Flight must be conducted under simulated IFR conditions using each kind of navigation facility and letdown procedure that is used in normal operations. Except for those approach procedures for which the lowest minimums are approved, letdown procedures may be given in a synthetic trainer that has the radio

equipment and instruments necessary to simulate other navigational and letdown procedures approved for the certificate holder.

(e) The certificate holder shall give each pilot any additional flight training necessary to insure his qualification for new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, it shall give him a check (and in the case of a flag or supplemental air carrier or commercial operator, recurrent flight training). A check may be given during the month before or after it is due without affecting its effective date. The purpose of these checks and training is to insure his continued proficiency with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. If the check of a pilot in command or second in command requires actual flight, satisfactory completion of the applicable proficiency checks required by § 121.441 or 121.449 meets the requirements of this section.

**§ 121.417 Flight navigator training: flag air carriers.**

(a) The training for each flight navigator must include at least the applicable parts of subparagraphs (1) through (4) and (6) through (8) of § 121.413(a).

(b) Before serving as a flight crewmember, each flight navigator must have enough ground and flight training to be proficient in the duties assigned to him by the air carrier. The flight training may be given during scheduled flight in air transportation under the supervision of a qualified flight navigator.

(c) The flag air carrier shall give each flight navigator any additional ground and flight training necessary to ensure his qualification for new equipment, procedures, and techniques. At least once each 12 months, as a part of the training program, it shall give him recurrent ground training and a flight check to ensure his continued proficiency with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The flight check may be given during passenger or cargo flights under the supervision of a qualified navigator, or in a synthetic trainer in place of a check in flight. A competence check may be given during the month before or the month after it is due without affecting its effective date.

**§ 121.419 Flight navigator training: supplemental air carriers and commercial operators.**

(a) The training for each flight navigator must include at least the applicable parts of subparagraphs (1) through (4) and (6) through (8) of § 121.413(a).

(b) Before serving as a flight crewmember, each flight navigator must have enough ground and flight training to be proficient in the duties assigned to him by the air carrier or commercial operator. The flight training may be given during flights subject to this part under the supervision of a qualified flight navigator.

(c) The supplemental air carrier or commercial operator shall give each flight navigator any additional ground and flight training necessary to ensure his qualification for new equipment, procedures, and techniques. At least once within the preceding 12 months, as a part of the training program, it shall give him recurrent ground training and a flight check to ensure his continued proficiency with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The flight check may be given during passenger or cargo flights under the supervision of a qualified navigator, or in a synthetic trainer in place of a check in flight. A competence check may be given during the month before or the month after it is due without affecting its effective date.

**§ 121.421 Flight engineer training.**

(a) The training for each flight engineer must include at least the applicable parts of subparagraphs (1) through (5) of § 121.413(a).

(b) Before serving as a flight crewmember, each flight engineer must have enough flight training to be proficient in the duties assigned to him by the certificate holder. Except for emergency procedures, the flight training may be given during flights subject to the provisions of this part applicable to the certificate holder under the supervision of a qualified flight engineer.

(c) The certificate holder shall give each flight engineer any additional ground and flight training necessary to assure his qualification for new equipment, procedures, and techniques. At least once each 12 months, as a part of the training program, it shall give him a check (and in the case of a flag or supplemental air carrier or commercial operator, recurrent training) to assure his continued proficiency with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. A competence check may be given during the month before or the month after it is due without affecting its effective date.

**§ 121.423 Crewmember emergency training.**

(a) Each certificate holder shall design its initial training in emergency procedures to give each required crewmember appropriate instruction in emergency procedures, including assignments in an emergency and coordination among crewmembers and appropriate individual instruction in at least the following subjects, as appropriate to the particular crewmember:

(1) Procedures for handling failure of an engine, engines, or other airplane components or systems.

(2) Procedures for handling—

(i) Emergency decompression;

(ii) Fire in the air or on the ground;

(iii) Ditching; and

(iv) Evacuation.

(3) The location of emergency equipment.

(4) The operation of emergency equipment.

(5) The power setting for maximum endurance and maximum range.

(b) The certificate holder shall give each crewmember, at least once each 12 months, a check (and, in the case of a flag or supplemental air carrier or a commercial operator, recurrent training) in the emergency procedures set forth in paragraph (a) of this section).

(c) Synthetic trainers approved to simulate flight operating emergency conditions may be used for training crewmembers in emergency procedures.

(d) The certificate holder shall give instruction, by lectures and films (or other equivalent means approved after demonstration) to each crewmember performing duties on pressurized airplanes operated above 25,000 feet covering at least—

(1) Respiration;

(2) Hypoxia;

(3) Duration of consciousness at altitudes without supplemental oxygen;

(4) Gas expansion;

(5) Gas bubble formation; and

(6) Physical phenomena and incidents of decompression.

(e) The certificate holder shall give each crewmember performing duties on pressurized airplanes operated above 25,000 feet, training and practice in putting on oxygen masks and operating oxygen equipment.

**§ 121.425 Aircraft dispatcher training: domestic and flag air carriers.**

(a) Each domestic and flag air carrier shall provide a training program for its aircraft dispatchers that includes—

(1) Training in their duties and responsibilities:

(2) Flight operations procedures;

(3) Air traffic control procedures;

(4) Performance of airplanes used;

(5) Navigation aids and facilities; and

(6) Meteorology.

(b) The training program must emphasize emergency procedures, including the alerting of proper governmental, company, and private agencies to give the maximum help to an airplane in distress.

(c) Each aircraft dispatcher shall, before performing duties as an aircraft dispatcher, show the supervisor or ground instructor authorized to certify his proficiency, his knowledge of the following:

(1) Contents of the air carrier operating certificate.

(2) Appropriate provisions of the air carrier's operations specifications, manual, and this chapter.

(3) Characteristics of airplanes used by the carrier.

(4) Cruise control data and cruising speeds for those airplanes.

(5) Maximum authorized airplane loads for the routes and airports used.

(6) Air carrier radio facilities.

(7) Characteristics and limitations of each kind of radio and navigation facility used.

(8) Effect of weather conditions on airplane radio reception.

(9) Airports used and the terrain en route.

(10) Prevailing weather phenomena.

(11) Sources of weather information available.

(12) Pertinent air traffic control procedures.

(13) Emergency procedures.

(d) The air carrier shall give each dispatcher any additional training necessary to assure his qualification for new equipment, procedures, and techniques. At least once each 12 months, as a part



of the training program, it shall give him a check (and, in the case of a flag or supplemental air carrier or a commercial operator, recurrent training) to assure his continued competence with respect to the procedures, techniques, and information essential to his duties.

## Subpart O—Flight Crewmember Qualifications

**§ 121.431 Applicability.**

This subpart prescribes flight crewmember qualifications for all certificate holders except where otherwise specified.

**§ 121.433 General.**

(a) No certificate holder may use a flight crewmember, and none of its flight crewmembers may perform duties under his airman certificate, unless he meets the appropriate requirements of §§ 121.411 through 121.423 and §§ 121.439 through 121.453.

(b) When a pilot completes a check required by this subpart, the check airman who is responsible for the particular check shall certify as to the pilot's proficiency. This certification shall be made a part of the pilot's record.

(c) If a flight crewmember who is required to take a check takes that check in the calendar month before, or the calendar month after, the month in which it becomes due, he is considered to have taken it during the month it became due.

**§ 121.435 Helicopter operations: Supplemental air carriers and commercial operators.**

No supplemental air carrier or commercial operator may use a flight crewmember, and none of its flight crewmembers may perform duties under his airman certificate in helicopter operations, unless that flight crewmember meets the requirements of §§ 127.151 or 127.161 and 127.175 and 127.177.

**§ 121.437 Pilot qualification: certificates required.**

(a) No pilot may act as pilot in command of an aircraft (or as second in command of an aircraft in a flag or supplemental air carrier or commercial operator operation that requires three or more pilots) unless he holds an airline transport pilot certificate and an appropriate type rating for that aircraft.

(b) Each pilot who acts as a pilot in a capacity other than those specified in paragraph (a) of this section must hold at least a commercial pilot certificate and an instrument rating.

**§ 121.439 Pilot qualification: recent experience.**

No certificate holder may use a pilot as a pilot in command or second in command in operations under this part unless, within the preceding 90 days, he has made at least three takeoffs and three landings in an airplane of the type in which he is to serve.

**§ 121.441 Pilot checks.**

(a) *Line check.* No certificate holder may use a pilot as pilot in command of an airplane until he has passed a line check in one of the types of airplanes that he is to fly as follows:

(1) For domestic and flag air carriers the check must—

(i) Be given by an approved check pilot who is qualified on both the route and the airplane; and

(ii) Consist of at least a scheduled flight over a typical part of the air carrier's route to which the pilot is normally assigned.

(2) For supplemental air carriers and commercial operators the check must—

(i) Be given by an approved check pilot who is qualified on the airplane; and

(ii) Consist of at least one flight over a part of a Federal airway, foreign airway, or advisory route over which the pilot may be assigned.

Thereafter, a pilot may not serve as pilot in command unless each 12 months he passes a similar line check. During the flight (that must be long enough for a determination to be made) the check pilot shall determine whether the pilot being checked satisfactorily performs the duties and responsibilities of a pilot in command.

(b) *Proficiency check.* No certificate holder may use a pilot as a pilot in command of an airplane in operations under this part unless he has satisfactorily shown to the Administrator or a check pilot that he is able to pilot and navigate airplanes that he is to fly. Thereafter he may not serve as a pilot in command unless each six months he passes a similar pilot proficiency check. If a pilot serves in more than one airplane type, at least each alternate check must be given in flight in the largest type of airplane in which he serves. The proficiency check must include the following:

(1) Equipment test (oral or written).

(2) Taxiing.

(3) Runup.

(4) Takeoff.

(5) Climb.

(6) Climbing turns.

(7) Steep turns.

(8) Maneuvers at minimum speeds.

(9) Approaches to stalls.

(10) Propeller feathering.

(11) Maneuvers with one or more engine(s) inoperative.

(12) Rapid descent and pullout.

(13) Radio tuning.

(14) Orientation.

(15) Approach procedures.

(16) Missed approach procedures.

(17) Traffic control procedures.

(18) Crosswind landings.

(19) Landing under circling approach conditions.

(20) Takeoffs and landings with engine(s) failure.

(21) Demonstration of pilot judgment.

(22) Emergency procedures.

(23) Flight maneuvers specified in § 121.415(c)(1), except that the simulated engine failure during takeoff need not be at speed $V_1$ or at the actual or simulated maximum authorized weight.

(24) Approved flight maneuvers under simulated instrument conditions using the navigational facilities and letdown procedures normally used by the pilot except that maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer. However, where a certificate holder is authorized landing minimums based on instrument landing systems and ground control approach, only maneuvers associated with the predominant landing aid on a system-wide basis need be given in flight. A synthetic trainer used under this subparagraph must contain the radio equipment and instruments necessary to simulate the appropriate navigational and letdown procedures.

An equipment test given to an airman in the certificate holders ground school within the preceding six months may be accepted as equal to the test required by subparagraph (1) of this paragraph, in the discretion of the check pilot.

(c) If, in the judgment of the check pilot, the pilot being checked performs any of the items listed in paragraph (b) of this section in an unsatisfactory manner, the check pilot may give additional training to the pilot during the course of the proficiency check. If the pilot being checked is unable to demonstrate satisfactory performance to the check pilot, the certificate holder may not use him in operations under this part until he has satisfactorily shown his proficiency.

(d) *Use of flight simulator.* After the first proficiency check, the satisfactory completion of an approved training course in an approved airplane simulator may be substituted at alternate six-month intervals for the proficiency check required by paragraph (b) of this section, if the simulator meets the requirements of Appendix B of this part and—

(1) The simulator is maintained at the same level as required for initial approval;

(2) A functional preflight check of the simulator is performed each day before beginning simulator flight training or proficiency checks;

(3) A daily discrepancy log is kept and an entry of each discrepancy is made by the simulator instructor or check airman before the end of each training or check flight; and

(4) If a modification is made to the airplane, a corresponding modification is made to the simulator if necessary for flight crew training or proficiency checks.

The simulator may be used with inoperative instruments or equipment, if they are not applicable to the particular phase of training being given.

(e) Before serving as a pilot in command on any airplane, the pilot must have passed, during the preceding 12 months, either a proficiency check or a line check in that type of airplane.

**§ 121.443 Pilot in command qualification: routes and airports: domestic and flag air carriers.**

(a) No domestic or flag air carrier may use a pilot as pilot in command until he has qualified, for the route on which he is to serve, in accordance with this section, and the appropriate instructor or check pilot has so certified.

(b) The qualifying pilot shall show that he has adequate knowledge of the following with respect to each route he is to fly:

(1) Weather characteristics.

(2) Navigation facilities.

(3) Communication procedures.
(4) Kinds of terrain and obstruction hazards.
(5) Minimum safe flight levels.
(6) Position reporting points.
(7) Holding procedures.
(8) Pertinent air traffic control procedures.
(9) Congested areas, obstructions, physical layout, and instrument approach procedures for each regular, provisional, or refueling airport that is approved for the route.

Those parts of the requirements of this paragraph relating to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer that contains the radio equipment and instruments necessary to simulate the navigation and letdown procedures approved for the air carrier.

(c) The qualifying pilot shall make an entry as a member of a flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. The entry must include a landing and a takeoff. The qualifying pilot must occupy a seat in the pilot compartment and must be accompanied by a pilot who is qualified for the airport.

(d) Paragraph (c) of this section does not apply if—

(1) The initial entry is made under VFR weather conditions at the airport involved;

(2) The air carrier shows that the qualification can be made by using approved pictorial means; or

(3) The air carrier notifies the Administrator that it intends to operate at an airport that is near an airport into which the pilot concerned is currently qualified by entry, and the Administrator finds that the pilot is adequately qualified at the new airport, considering at least the pilot's familiarity with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) No pilot in command may serve on a route or route segment on which he must navigate by pilotage and fly at or below the level of terrain that is within 25 miles horizontally of the centerline of that route or route segment unless he has made at least two one-way trips over the route or route segment on the flight deck under VFR weather conditions.

### § 121.445 Pilot in command qualification: routes and airports: supplemental air carriers and commercial operators.

(a) Each supplemental air carrier and commercial operator shall establish in its manual a procedure whereby each pilot who has not flown over a route and into an airport within the preceding 60 days will certify on a form provided by the operator that he has studied and knows the subjects listed in paragraph (b) of this section in regard to the routes and airports into which he is to operate.

(b) Each qualifying pilot shall show that he has adequate knowledge of the following:

(1) Weather characteristics appropriate to the seasons.
(2) Navigation facilities.
(3) Communication procedures.
(4) Kinds of terrain and obstruction hazards.
(5) Minimum safe flight levels.
(6) Pertinent air traffic control procedures including terminal area, arrival, departure, and holding and all kinds of instrument approach procedures.
(7) Congested areas, obstruction, and physical layout of each airport in the terminal area in which the pilot will operate.

### § 121.447 Pilot route and airport qualifications for particular trips: Domestic and flag air carriers.

(a) A domestic or flag air carrier may not use a pilot as pilot in command unless, within the preceding 12 months, the pilot has made at least one trip as pilot or other member of a flight crew between terminals into which he is scheduled to fly and has complied with § 121.443(e), if applicable.

(b) To re-establish route and airport qualification after being absent from the route for a period of more than 12 months, a pilot must comply with the appropriate provisions of § 121.443.

### § 121.449 Proficiency checks: second in command.

(a) A certificate holder may not use a pilot as second in command unless he has satisfactorily shown to the Administrator or a check pilot that he is able to pilot and navigate airplanes that he is to fly and to perform his assigned duties. Thereafter, he may not serve as second in command unless each 12 months he satisfactorily completes a similar pilot proficiency check.

(b) If a pilot serves in more than one airplane type, at least each alternate check must be given in flight in the largest type of airplane in which he serves.

(c) The proficiency check must include at least an oral or written equipment test and the procedures and flight maneuvers specified in § 121.415(d)(1) (for domestic air carriers), or in § 121.415(d) (for other certificate holders). The check may be given from either the right or left pilot seat.

(d) After the initial check, satisfactory completion of an approved course of training in an aircraft simulator that meets the requirements of § 121.441(d) may be substituted at alternate 12-month intervals for the checks required by paragraphs (a) and (e) of this section. In addition, satisfactory completion of the proficiency check in accordance with § 121.441 (b), (c), and (d) meets the requirements of this section.

(e) For flag and supplemental air carriers and commercial operators, the proficiency check for the second in command of a required three-pilot crew is that set forth in § 121.441 (b), (c), and (d).

### § 121.451 Flight navigator qualification: flag and supplemental air carriers and commercial operators.

(a) No flag or supplemental air carrier or commercial operator may use a flight navigator unless, within the preceding 12-month period, he has had at least 50 hours of flight time as a flight navigator, or the air carrier or commercial operator or the Administrator has checked him (including a check in flight or in an approved synthetic trainer) and has determined that he is familiar with essential current navigation information pertaining to routes to be flown by him and that he is competent in the operating procedures and navigation equipment to be used.

(b) A flag or supplemental air carrier or commercial operator may check a flight navigator during a flight subject to this part, but it may not assign him as a required flight crewmember on that flight.

### § 121.453 Flight engineer qualification.

(a) No certificate holder may use a flight engineer unless, within the preceding six-month period, he has had at least 50 hours of flight time as a flight engineer on the type of airplane in which he is to serve, or the certificate holder or the Administrator has checked him (in a flight other than a flight under this Part) and has determined that he is familiar with all essential current information and operating procedures for the type of airplane to which he is assigned and is competent in that airplane.

(b) If a flight engineer has been previously qualified in the type of airplane in which he is to serve, the certificate holder may give the check in a synthetic trainer approved to simulate the necessary operating conditions in place of the flight check.

## Subpart P—Aircraft Dispatcher Qualifications and Duty Time Limitations: Domestic and Flag Air Carriers

### § 121.461 Applicability.

This subpart prescribes the qualifications and duty time limitations for aircraft dispatchers for domestic and flag air carriers.

### § 121.463 Aircraft dispatcher qualifications.

(a) No domestic or flag air carrier may use an aircraft dispatcher unless he meets the requirements in §§ 121.411 and 121.425.

(b) No domestic or flag air carrier may use a dispatcher to dispatch airplanes over any route or route segment unless the air carrier has determined that he is familiar with all essential operating procedures for the entire route and the airplanes to be used. However, a dispatcher who is qualified to dispatch airplanes over part of a route may dispatch airplanes after coordinating with dispatchers who are qualified to dispatch airplanes over the other parts of the route.

(c) No aircraft dispatcher may dispatch airplanes over any area in which he is authorized to exercise dispatch jurisdiction unless, within the preceding 12 months, he has made at least a one-way qualification trip over that area on the flight deck of an airplane. The trip must include entry into as many points as practicable; it is not necessary to make a flight over each route in the area.

### § 121.465 Duty time limitations: Domestic and flag air carriers.

(a) Each domestic and flag air carrier shall establish the daily duty period for a dispatcher so that it begins at a time that allows him to become thoroughly familiar with existing and anticipated weather conditions along the route before he dispatches any airplane. He shall remain on duty until each airplane dispatched by him has completed its flight, or has gone beyond his jurisdiction, or until he is relieved by another qualified dispatcher.

(b) Except in cases where circumstances or emergency conditions beyond the control of the air carrier require otherwise—

(1) No domestic or flag air carrier may schedule a dispatcher for more than 10 consecutive hours of duty;

(2) If a dispatcher is scheduled for more than 10 hours of duty in 24 consecutive hours, the carrier shall provide him a rest period of at least eight hours at or before the end of 10 hours of duty.

(3) Each dispatcher must be relieved of all duty with the air carrier for at least 24 consecutive hours during any seven consecutive days or the equivalent thereof within any month.

(c) Notwithstanding paragraphs (a) and (b) of this section, a flag air carrier may, if authorized by the Administrator, schedule an aircraft dispatcher at a duty station outside of the 48 contiguous States and the District of Columbia, for more than 10 consecutive hours of duty in a 24-hour period if that aircraft dispatcher is relieved of all duty with the carrier for at least eight hours during each 24-hour period.

## Subpart Q—Flight Time Limitations: Domestic Air Carriers

### § 121.470 Applicability.

This subpart prescribes flight time limitations for domestic air carriers.

### § 121.471 Flight time limitations: all flight crewmembers.

(a) No domestic air carrier may schedule any flight crewmember for duty aloft in scheduled air transportation or in other commercial flying if that crewmember's total flight time in all commercial flying will exceed:

(1) 1,000 hours in any year.
(2) 100 hours in any month.
(3) 30 hours in any seven consecutive days.

(b) No domestic air carrier may schedule a flight crewmember for duty aloft for more than eight hours during any 24 consecutive hours without a rest period at or before the end of that eight hours, equal to twice the number of hours of duty aloft since the last rest period, but not less than eight hours. However, in conducting a scheduled transcontinental nonstop flight, an air carrier may schedule a flight crewmember for more than eight but not more than 10 hours of continuous duty aloft without an intervening rest period, if—

(1) The flight is in an airplane with a pressurization system that is operative at the beginning of the flight;
(2) The flight crew consists of at least two pilots and a flight engineer.
(c) Each flight crewmember who has been on duty aloft for more than eight hours during any 24 consecutive hours must be given, upon completion of his assigned flight or series of flights, at least 16 hours of rest before being assigned to any duty with the air carrier.

(d) Each domestic air carrier shall relieve each flight crewmember engaged in scheduled air transportation from all further duty for at least 24 consecutive hours during any seven consecutive days.

(e) No domestic air carrier may assign any flight crewmember to any duty with the air carrier during any required rest period.

(f) Time spent in transportation, not local in character, that an air carrier requires of a flight crewmember and provides to transport the crewmember to an airport at which he is to serve on a flight as a crewmember, or from an airport at which he was relieved from duty to return to his home station, is not considered part of a rest period.

(g) A flight crewmember is not considered to be scheduled for duty in excess of flight time limitations if the flights to which he is assigned are scheduled and normally terminate within the limitations, but due to circumstances beyond the control of the air carrier (such as adverse weather conditions), are not at the time of departure expected to reach their destination within the scheduled time.

## Subpart R—Flight Time Limitations: Flag Air Carriers

### § 121.480 Applicability.

This subpart prescribes flight time limitations for flag air carriers.

### § 121.481 Flight time limitations: one or two pilot crews.

(a) A flag air carrier may schedule a pilot to fly in an airplane that has a crew of one or two pilots for eight hours or less during any 24 consecutive hours without a rest period during these eight hours.

(b) If a flag air carrier schedules a pilot to fly more than eight hours during any 24 consecutive hours, it shall give him an intervening rest period, at or before the end of eight scheduled hours of flight duty. This rest period must be at least twice the number of hours flown since the preceding rest period, but not less than eight hours. The air carrier shall relieve that pilot of all duty with it during that rest period.

(c) Each pilot who has flown more than eight hours during 24 consecutive hours must be given at least 18 hours of rest before being assigned to any duty with the air carrier.

(d) No pilot may fly more than 32 hours during any seven consecutive days, and each pilot must be relieved from all duty for at least 24 consecutive hours at least once during any seven consecutive days.

(e) No pilot may fly as a member of a crew more than 100 hours during any one month.

(f) No pilot may fly as a member of a crew more than 1,000 hours during any 12-month period.

### § 121.483 Flight time limitations: two pilots and one additional flight crewmember.

(a) No flag air carrier may schedule a pilot to fly, in an airplane that has a crew of two pilots and at least one additional flight crewmember, for a total of more than 12 hours during any 24 consecutive hours.

(b) If a pilot has flown 20 or more hours during any 48 consecutive hours or 24 or more hours during any 72 consecutive hours, he must be given at least 18 hours of rest before being assigned to any duty with the air carrier. In any case, he must be given at least 24 consecutive hours of rest during any seven consecutive days.

(c) No pilot may fly as a flight crewmember more than—

(1) 120 hours during any 30 consecutive days;
(2) 300 hours during any 90 consecutive days; or
(3) 1,000 hours during any 12-month period.

### § 121.485 Flight time limitations: three or more pilots and an additional flight crewmember.

(a) Each flag air carrier shall schedule its flight hours to provide adequate rest periods on the ground for each pilot who is away from his base and who is a pilot on an airplane that has a crew of three or more pilots and an additional flight crewmember. It shall also provide adequate sleeping quarters on the airplane whenever a pilot is scheduled to fly more than 12 hours during any 24 consecutive hours.

(b) The flag air carrier shall give each pilot, upon return to his base from any flight or series of flights, a rest period that is at least twice the total number of hours he flew since the last rest period at his base. During the rest period required by this paragraph, the air carrier may not require him to perform any duty for it. If the required rest period is more than seven days, that part of the rest period in excess of seven days may be given at any time before the pilot is again scheduled for flight duty on any route.

(c) No pilot may fly as a flight crewmember more than—

(1) 350 hours during any 90 consecutive days; or
(2) 1,000 hours during any 12-month period.

### § 121.487 Flight time limitations: pilots not regularly assigned.

(a) Except as provided in paragraphs (b) through (e) of this section, a pilot who is not regularly assigned as a flight crewmember for an entire month under § 121.483 or 121.485 may not fly more than 100 hours in any 30 consecutive days.

(b) The flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot crews in any month, or whose assignment in such a crew is interrupted more than once in that month by assignment to a crew consisting of two or more pilots and an additional flight crewmember, are those set forth in § 121.481.

(c) Except for a pilot covered by paragraph (b) of this section, the flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot and additional flight crewmember crews in any month, or whose

assignment in such a crew is interrupted more than once in that month by assignment to a crew consisting of three pilots and additional flight crewmember, are those set forth in § 121.483.

(d) The flight time limitations for a pilot to whom paragraphs (b) and (c) of this section do not apply and who is scheduled for duty aloft for a total of not more than 20 hours within any month in two-pilot crews (with or without additional flight crewmembers) are those set forth in § 121.485.

(e) The flight time limitations for a pilot assigned to each of two-pilot, two-pilot and additional flight crewmember, and three-pilot and additional flight crewmember crews in a given month, and who is not subject to paragraph (b), (c), or (d) of this section, are those set forth in § 121.483.

**§ 121.489 Flight time limitations: other commercial flying.**

No pilot that is employed as a pilot by a flag air carrier may do any other commercial flying if that commercial flying plus his flying in air transportation will exceed any flight time limitation in this part.

**§ 121.491 Flight time limitations: deadhead transportation.**

Time spent in deadhead transportation to or from duty assignment is not considered to be a part of a rest period.

**§ 121.493 Flight time limitations: flight engineers and flight navigators.**

(a) In any operation in which one flight engineer or flight navigator is required, the flight time limitations in § 121.483 apply to that flight engineer or flight navigator.

(b) In any operation in which more than one flight engineer or flight navigator is required, the flight time limitations in § 121.485 apply to those flight engineers or flight navigators.

## Subpart S—Flight Time Limitations: Supplemental Air Carriers and Commercial Operators

**§ 121.500 Applicability.**

This section prescribes flight time limitations for supplemental air carriers and commercial operators.

**§ 121.501 Flight time limitations: helicopters.**

No supplemental air carrier or commercial operator may schedule a flight crewmember for duty aloft in helicopter operations subject to this part, or in any other commercial flying, that would exceed the flight time limitations prescribed in § 127.191.

**§ 121.503 Flight time limitations: pilots: airplanes.**

(a) A supplemental air carrier or commercial operator may schedule a pilot to fly in an airplane for eight hours or less during any 24 consecutive hours without a rest period during those eight hours.

(b) Each pilot who has flown more than eight hours during any 24 consecutive hours must be given at least 16 hours of rest before being assigned to any duty with the air carrier or commercial operator.

(c) Each supplemental air carrier and commercial operator shall relieve each pilot from all duty for at least 24 consecutive hours at least once during any seven consecutive days.

(d) No pilot may fly as a crewmember in air carrier service more than 100 hours during any 30 consecutive days.

(e) No pilot may fly as a crewmember in air carrier service more than 1,000 hours during any calendar year.

(f) Notwithstanding paragraph (a) of this section, an air carrier may, in conducting a transcontinental nonstop flight, schedule a flight crewmember for more than eight but not more than 10 hours of continuous duty aloft without an intervening rest period, if—

(1) The flight is in an airplane with a pressurization system that is operative at the beginning of the flight;

(2) The Flight crew consists of at least two pilots and a flight engineer; and

(3) The air carrier uses, in conducting the operation, an air/ground communication service that is independent of systems operated by the United States, and a dispatch organization, both of which are approved by the Administrator as adequate to serve the terminal points concerned.

**§ 121.505 Flight time limitations: two pilot crews: airplanes.**

(a) If a supplemental air carrier or commercial operator schedules a pilot to fly more than eight hours during any 24 consecutive hours, it shall give him an intervening rest period at or before the end of eight scheduled hours of flight duty. This rest period must be at least twice the number of hours flown since the preceding rest period, but not less than eight hours. The supplemental air carrier or commercial operator shall relieve that pilot of all duty with it during that rest period.

(b) No pilot of an airplane that has a crew of two pilots may be on duty for more than 16 hours during any 24 consecutive hours.

**§ 121.507 Flight time limitations: three pilot crews: airplanes.**

(a) No supplemental air carrier or commercial operator may schedule a pilot—

(1) For flight deck duty in an airplane that has a crew of three pilots for more than eight hours in any 24 consecutive hours; or

(2) To be aloft in an airplane that has a crew of three pilot for more than 12 hours in any 24 consecutive hours.

(b) No pilot of an airplane that has a crew of three pilots may be on duty for more than 18 hours in any 24 consecutive hours.

**§ 121.509 Flight time limitations: four pilot crews: airplanes.**

(a) No supplemental air carrier or commercial operator may schedule a pilot—

(1) For flight deck duty in an airplane that has a crew of four pilots for more than eight hours in any 24 consecutive hours; or

(2) To be aloft in an airplane that has a crew of four pilots for more than 16 hours in any 24 consecutive hours.

(b) No pilot of an airplane that has a crew of four pilots may be on duty for more than 20 hours in any 24 consecutive hours.

**§ 121.511 Flight time limitations: flight engineers: airplanes.**

(a) In any operation in which one flight engineer is serving the flight time limitations in §§ 121.503 and 121.505 apply to that flight engineer.

(b) In any operation in which more than one flight engineer is serving and the flight crew contains more than two pilots the flight time limitations in § 121.509 apply in place of those in § 121.505.

**§ 121.513 Flight time limitations: overseas and international operations: airplanes.**

In place of the flight time limitations in §§ 121.503 through 121.511, a supplemental air carrier or commercial operator may elect to comply with the flight time limitations of §§ 121.515 and 121.521 through 121.525 for operations conducted—

(a) Between a place in the 48 contiguous States and the District of Columbia, or Alaska, and any place outside thereof;

(b) Between any two places outside the 48 contiguous States, the District of Columbia, and Alaska; or

(c) Between two places within the State of Alaska or the State of Hawaii.

**§ 121.515 Flight time limitations: all airmen: airplanes.**

No airman may be aloft as a flight crewmember more than 1,000 hours in any 12-month period.

**§ 121.517 Flight time limitations: other commercial flying: airplanes.**

No airman who is employed by a supplemental air carrier or commercial operator may do any other commercial flying, if that commercial flying plus his flying in operations under this part will exceed any flight time limitation in this part.

**§ 121.519 Flight time limitations: deadhead transportation: airplanes.**

Time spent by an airman in deadhead transportation to or from a duty assignment is not considered to be part of any rest period.

**§ 121.521 Flight time limitations: crew of two pilots and one additional airman as required.**

(a) No supplemental air carrier or commercial operator may schedule an airman to be aloft as a member of the flight crew in an airplane that has a crew of two pilots and at least one additional crewmember for more than 12 hours during any 24 consecutive hours.

(b) If an airman has been aloft as a member of a flight crew for 20 or more hours during any 48 consecutive hours or 24 or more hours during any 72 consecutive hours, he must be given at least 18 hours of rest before being assigned to any duty with the air carrier or commercial operator. In any case, he must be relieved of all duty for at least 24 consecutive hours during any seven consecutive days.

(c) No airman may be aloft as a flight crewmember more than—

(1) 120 hours during any 30 consecutive days; or

(2) 300 hours during any 90 consecutive days.

**§ 121.523 Flight time limitations: crew of three or more pilots and additional airmen as required.**

(a) No supplemental air carrier or commercial operator may schedule an airman for flight deck duty as a flight engineer, or navigator in a crew of three or more pilots and additional airmen for a total of more than 12 hours during any 24 consecutive hours.

(b) Each supplemental air carrier and commercial operator shall schedule its flight hours to provide adequate rest periods on the ground for each airman who is away from his principal operations base. It shall also provide adequate sleeping quarters on the airplane whenever an airman is scheduled to be aloft as a flight crewmember for more than 12 hours during any 24 consecutive hours.

(c) No supplemental air carrier or commercial operator may schedule any flight crewmember to be on continuous duty for more than 30 hours. Such a crewmember is considered to be on continuous duty from the time he reports for duty until the time he is released from duty for a rest period of at least 10 hours on the ground. If a flight crewmember is on continuous duty for more than 24 hours (whether scheduled or not) duty any scheduled duty period, he must be given at least 16 hours for rest on the ground after completing the last flight scheduled for that scheduled duty period before being assigned any further flight duty.

(d) If a flight crewmember is required to engage in deadhead transportation for more than four hours before beginning flight duty, one half of the time spent in deadhead transportation must be treated as duty time for the purpose of complying with duty time limitations, unless he is given at least 10 hours of rest on the ground before being assigned to flight duty.

(e) Each supplemental air carrier and commercial operator shall give each airman, upon return to his operations base from any flight or series of flights, a rest period that is at least twice the total number of hours he was aloft as a flight crewmember since the last rest period at his base, before assigning him to any further duty. If the required rest period is more than seven days, that part of the rest period that is more than seven days may be given at any time before the pilot is again scheduled for flight duty.

(f) No airman may be aloft as a flight crewmember for more than 350 hours in any 90 consecutive days.

**§ 121.525 Flight time limitations: pilots serving in more than one kind of flight crew.**

(a) This section applies to each pilot assigned during any 30 consecutive days to more than one type of flight crew.





(b) The flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot crews in 30 consecutive days, or whose assignment in such a crew is interrupted more than once in any 30 consecutive days by assignment to a crew of two or more pilots and an additional flight crewmember, are those listed in §§ 121.503 through 121.509, as appropriate.

(c) Except for a pilot covered by paragraph (b) of this section, the flight time limitations for a pilot scheduled for duty aloft for more than 20 hours in two-pilot and additional flight crewmember crews in 30 consecutive days or whose assignment in such a crew is interrupted more than once in any 30 consecutive days by assignment to a crew consisting of three pilots and an additional flight crewmember, are those set forth in § 121.521.

(d) The flight time limitations for a pilot to whom paragraphs (b) and (c) of this section do not apply, and who is scheduled for duty aloft for a total of not more than 20 hours within 30 consecutive days in two-pilot crews (with or without additional flight crewmembers) are those set forth in § 121.523.

(e) The flight time limitations for a pilot assigned to each of two-pilot, two-pilot and additional flight crewmember, and three-pilot and additional flight crewmember crews in 30 consecutive days, and who is not subject to paragraph (b), (c), or (d) of this section, are those listed in § 121.523.

## Subpart T—Flight Operations

**§ 121.531 Applicability.**

This subpart prescribes requirements for flight operations applicable to all certificate holders, except where otherwise specified.

**§ 121.533 Responsibility for operational control: domestic air carriers.**

(a) Each domestic air carrier is responsible for operational control.

(b) The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and dispatch release of a flight in compliance with this chapter and operations specifications.

(c) The aircraft dispatcher is responsible for—

(1) Monitoring the progress of each flight;

(2) Issuing necessary information for the safety of the flight;

(3) Cancelling or redispatching a flight if, in his opinion or the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

(d) Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsible for the safety of the passengers, crewmembers, cargo, and airplane.

(e) Each pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers.

(f) No pilot may operate an aircraft in a careless or reckless manner so as to endanger life or property.

**§ 121.535 Responsibility for operational control: flag air carriers.**

(a) Each flag air carrier is responsible for operational control.

(b) The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and dispatch release of a flight in compliance with this chapter and operations specifications.

(c) The aircraft dispatcher is responsible for—

(1) Monitoring the progress of each flight;

(2) Issuing necessary instructions and information for the safety of the flight; and

(3) Cancelling or redispatching a flight if, in his opinion or the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

(d) Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsible for the safety of the passengers, crewmembers, cargo, and airplane.

(e) Each pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers.

(f) No pilot may operate an aircraft in a careless or reckless manner so as to endanger life or property.

**§ 121.537 Responsibility for operational control: supplemental air carriers and commercial operators.**

(a) Each supplemental air carrier and commercial operator—

(1) Is responsible for operational control; and

(2) Shall list each person authorized by it to exercise operational control in its operator's manual.

(b) The pilot in command and the director of operations are jointly responsible for the initiation, continuation, diversion, and termination of a flight in compliance with this chapter and the operations specifications. The director of operations may delegate the functions for the initiation, continuation, diversion, and termination of a flight but he may not delegate the responsibility for those functions.

(c) The director of operations is responsible for canceling, diverting, or delaying a flight if in his opinion or the opinion of the pilot in command the flight cannot operate or continue to operate safely as planned or released. The director of operations is responsible for assuring that each flight is monitored with respect to at least the following:

(1) Departure of the flight from the place of origin and arrival at the place of destination, including intermediate stops and any diversions therefrom.

(2) Maintenance and mechanical delays encountered at places of origin and destination and intermediate stops.

(3) Any known conditions that may adversely affect the safety of flight.

(d) Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsi-

ble for the safety of the passengers, crewmembers, cargo, and aircraft. The pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers.

(e) Each pilot in command of an aircraft is responsible for the preflight planning and the operation of the flight in compliance with this chapter and the operations specifications.

(f) No pilot may operate an aircraft in a careless or reckless manner, so as to endanger life or property.

**§ 121.539 Operations notices.**

Each certificate holder shall notify its appropriate operations personnel of each change in equipment and operating procedures, including each known change in the use of navigation aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities in ground and navigation facilities.

**§ 121.541 Operations schedules: domestic and flag air carriers.**

In establishing flight operations schedules, each domestic and flag air carrier shall allow enough time for the proper servicing of aircraft at intermediate stops, and shall consider the prevailing winds en route and the cruising speed of the type of aircraft used. This cruising speed may not be more than that resulting from the specified cruising output of the engines.

**§ 121.543 Flight crewmembers at controls.**

Each required flight crewmember on flight deck duty shall remain at his station while the aircraft is taking off or landing, and while it is en route unless the absence of one member is necessary for the performance of duties in connection with the operation of the airplane. Each flight crewmember shall keep his seat belt fastened when at his station.

**§ 121.545 Manipulation of controls.**

No person may manipulate the flight controls of an aircraft during flight unless he is—

(a) A qualified pilot of the certificate holder operating that aircraft.

(b) An authorized pilot safety representative of the Administrator or of the Civil Aeronautics Board who has the permission of the pilot in command, is qualified in the aircraft, and is checking flight operations; or

(c) A pilot of another certificate holder who has the permission of the pilot in command, is qualified in the aircraft, and is authorized by the certificate holder operating the aircraft.

**§ 121.547 Admission to flight deck.**

(a) No person may admit any person to the flight deck of an aircraft unless the person being admitted is—

(1) A crewmember;

(2) An FAA air carrier inspector, or an authorized representative of the Civil Aeronautics Board, who is performing official duties;

(3) An employee of the United States, a certificate holder, or an aeronautical enterprise who has the permission of the pilot in command and whose duties are such that admission to the flight deck is necessary or advantageous for safe operations; or

(4) Any person who has the permission of the pilot in command and is specifically authorized by the certificate holder management and by the Administrator.

Subparagraph (2) of this paragraph does not limit the emergency authority of the pilot in command to exclude any person from the flight deck in the interests of safety.

(b) For the purposes of paragraph (a) (3) of this section, employees of the United States who deal responsibly with matters relating to safety and employees of the certificate holder whose efficiency would be increased by familiarity with flight conditions, may be admitted by the certificate holder. However, the certificate holder may not admit employees of traffic, sales, or other departments that are not directly related to flight operations, unless they are eligible under paragraph (a) (4) of this section.

(c) No person may admit any person to the flight deck unless there is a seat available for his use in the passenger compartment, except—

(1) An FAA air carrier inspector or an authorized representative of the Administrator or Civil Aeronautics Board who is checking or observing flight operations;

(2) An air traffic controller who is authorized by the Administrator to observe ATC procedures;

(3) A certificated airman employed by the certificate holder whose duties require an airman certificate;

(4) A certificated airman employed by another certificate holder whose duties with that carrier require an airman certificate and who is authorized by the certificate holder operating the aircraft to make specific trips over a route;

(5) An employee of the certificate holder operating the aircraft whose duty is directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, if his presence on the flight deck is necessary to perform his duties and he has been authorized in writing by a responsible supervisor, listed in the Operations Manual as having that authority; and

(6) A technical representative of the manufacturer of the aircraft or its components whose duties are directly related to the in-flight monitoring of aircraft equipment or operating procedures, if his presence on the flight deck is necessary to perform his duties, and he has been authorized in writing by the Administrator and by a responsible supervisor of the operations department of the certificate holder, listed in the Operations Manual as having that authority.

**§ 121.548 Air carrier inspector's credentials: admission to pilot's compartment.**

Whenever, in performing his duties of conducting an inspection, an inspector of the Federal Aviation Agency presents his credential Form FAA 110A "Air Carrier Inspector's Credential" to the pilot in command of an aircraft operated by an air carrier or commercial operator, he must be given free and uninterrupted access to the pilot's compartment of that aircraft.

**§ 121.549 Flying equipment.**

(a) The pilot in command shall ensure that appropriate aeronautical charts containing adequate information concerning navigation aids and instrument approach procedures are aboard the aircraft for each flight.

(b) Each crewmember shall, on each flight, have readily available for his use a flashlight that is in good working order.

**§ 121.551 Restriction or suspension of operation: domestic and flag air carriers.**

When a domestic or flag air carrier knows of conditions, including airport and runway conditions, that are a hazard to safe operations, it shall restrict or suspend operations until those conditions are corrected.

**§ 121.553 Restriction or suspension of operation: supplemental air carriers and commercial operators.**

When a supplemental air carrier, commercial operator, or pilot in command knows of conditions, including airport and runway conditions, that are a hazard to safe operations, the air carrier, commercial operator, or pilot in command, as the case may be, shall restrict or suspend operations until those conditions are corrected.

**§ 121.555 Compliance with approved routes and limitations: domestic and flag air carriers.**

No pilot may operate an airplane in scheduled air transportation—

(a) Over any route or route segment unless it is specified in the domestic or flag air carrier's operations specifications; or

(b) Other than in accordance with the limitations in the operations specifications.

**§ 121.557 Emergencies: domestic and flag air carriers.**

(a) In an emergency situation that requires immediate decision and action the pilot in command may take any action that he considers necessary under the circumstances. In such a case he may deviate from prescribed operations procedures and methods, weather minimums, and this chapter, to the extent required in the interests of safety.

(b) In an emergency situation arising during flight that requires immediate decision and action by an aircraft dispatcher, and that is known to him, the aircraft dispatcher shall advise the pilot in command of the emergency, shall ascertain the decision of the pilot in command, and shall have the decision recorded. If the aircraft dispatcher cannot communicate with the pilot, he shall declare an emergency and take any action that he considers necessary under the circumstances.

(c) Whenever a pilot in command or dispatcher exercises emergency authority, he shall keep the appropriate ATC facility and dispatch centers fully informed of the progress of the flight. The person declaring the emergency shall send a written report of any deviation through the air carrier's operations manager, to the Administrator. A dispatcher shall send his report within 10 days after the date of the emergency, and a pilot in command shall send his report within 10 days after returning to his home base.

**§ 121.559 Emergencies: supplemental air carriers and commercial operators.**

(a) In an emergency situation that requires immediate decision and action, the pilot in command may take any action that he considers necessary under the circumstances. In such a case, he may deviate from prescribed operations, procedures and methods, weather minimums, and this chapter, to the extent required in the interests of safety.

(b) In an emergency situation arising during flight that requires immediate decision and action by appropriate management personnel in the case of operations conducted with a flight following service and which is known to them, those personnel shall advise the pilot in command of the emergency, shall ascertain the decision of the pilot in command, and shall have the decision recorded. If they cannot communicate with the pilot, they shall declare an emergency and take any action that they consider necessary under the circumstances.

(c) Whenever emergency authority is exercised, the pilot in command or the appropriate management personnel shall keep the appropriate ground radio station fully informed of the progress of the flight. The person declaring the emergency shall send a written report of any deviation, through the air carrier's or commercial operator's director of operations, to the Administrator within 10 days after the flight is completed or, in the case of operations outside the United States, upon return to the home base.

**§ 121.561 Reporting potentially hazardous meteorological conditions and irregularities of ground and navigation facilities.**

(a) Whenever he encounters a meteorological condition or an irregularity in a ground or navigational facility, in flight, the knowledge of which he considers essential to the safety of other flights, the pilot in command shall notify an appropriate ground station as soon as practicable.

(b) The ground radio station that is notified under paragraph (a) of this section shall report the information to the agency directly responsible for operating the facility.



**§ 121.563 Reporting mechanical irregularities.**

The pilot in command shall enter or have entered in the maintenance log of the airplane each mechanical irregularity that comes to his attention during flight time. Before each flight, he shall ascertain the status of each irregularity entered in the log at the end of the preceding flight.

**§ 121.565 Engine inoperative; landing; reporting.**

(a) Except as provided in paragraph (b) of this section, whenever an engine of an airplane fails or whenever the rotation of an engine is stopped to prevent possible damage, the pilot in command shall land the airplane at the nearest suitable airport, in point of time, at which a safe landing can be made.

(b) If not more than one engine of an airplane that has three or more engines fails or its rotation is stopped, the pilot in command may proceed to an airport that he selects if, after considering the following, he decides that proceeding to that airport is as safe as landing at the nearest suitable airport:

(1) The nature of the malfunction and the possible mechanical difficulties that may occur if flight is continued.

(2) The altitude, weight, and usable fuel at the time of engine stoppage.

(3) The weather conditions en route and at possible landing points.

(4) The air traffic congestion.

(5) The kind of terrain.

(6) His familiarity with the airport to be used.

(c) The pilot in command shall report each stoppage of engine rotation in flight to the appropriate ground radio station as soon as practicable and shall keep that station fully informed of the progress of the flight.

(d) If the pilot in command lands at an airport other than the nearest suitable airport, in point of time, he shall (upon completing the trip) send a written report, in duplicate, to his operations manager, (or director of operations in the case of a supplemental air carrier or commercial operator) stating his reasons for determining that his selection of an airport, other than the nearest airport, was as safe a course of action as landing at the nearest suitable airport. The operations manager or director of operations shall, within 10 days after the pilot returns to his home base, send a copy of this report with his comments to the FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations.

**§ 121.567 Instrument approach procedures and IFR landing minimums.**

No person may make an instrument approach at an airport except in accordance with IFR weather minimums and instrument approach procedures set forth in the certificate holder's operations specifications.

**§ 121.569 Equipment interchange: domestic and flag air carriers.**

(a) Before operating under an interchange agreement, each domestic and flag air carrier shall show that—

(1) The procedures for the interchange operation conform with this chapter and with safe operating practices;

(2) Required crewmembers and dispatchers meet approved training requirements for the airplanes and equipment to be used and are familiar with the communications and dispatch procedures to be used;

(3) Maintenance personnel meet training requirements for the airplanes and equipment, and are familiar with the maintenance procedures to be used;

(4) Flight crewmembers and dispatchers meet appropriate route and airport qualifications; and

(5) The airplanes to be operated are essentially similar to the airplanes of the air carrier with whom the interchange is effected with respect to the arrangement of flight instruments and the arrangement and motion of controls that are critical to safety unless the Administrator determines that the air carrier has adequate training programs to insure that any potentially hazardous dissimilarities are safely overcome by flight crew familiarization.

(b) Each domestic and flag air carrier shall include the pertinent provisions and procedures involved in the equipment interchange agreement in its manuals.

**§ 121.571 Briefing passengers: extended overwater flights.**

(a) Each certificate holder operating an airplane in extended overwater operations shall ensure that all passengers are orally briefed on—

(1) The location and operation of emergency exists;

(2) The location and operation of life preservers, including a demonstration of donning and inflating a life preserver; and

(3) The location of life rafts.

(b) The certificate holder shall describe the procedure to be followed in the briefing in its manual.

(c) If the airplane proceeds directly over water after takeoff, the briefing on locations of life preservers and emergency exists must be done before takeoff, and the rest of the briefing must be done as soon as practicable after takeoff.

(d) If the airplane does not proceed directly over water after takeoff, no part of the briefing has to be given before takeoff but the entire briefing must be given before reaching the over water part of the flight.

**§ 121.573 Briefing passengers before takeoff: supplemental air carriers and commercial operators.**

Before each takeoff, each supplemental air carrier or commercial operator operating an airplane carrying passengers shall ensure that each passenger is orally briefed on—

(a) Smoking;

(b) The use of seat belts;

(c) The location and operation of emergency exits; and

(d) The emergency evacuation procedures to be used in an emergency evacuation of the airplane.

**§ 121.575 Alcoholic beverages.**

(a) No person may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage to him.

(b) No certificate holder may serve any alcoholic beverage to any person aboard any of its aircraft if that person appears to be intoxicated.

(c) No certificate holder may allow any person to board any of its aircraft if that person appears to be intoxicated.

(d) Each certificate holder shall, within five days after the incident, report to the Administrator the refusal of any person to comply with paragraph (a) of this section, or of any disturbance caused by a person who appears to be intoxicated aboard any of its aircraft.

**§ 121.579 Minimum altitudes for use of automatic pilot.**

(a) *En route operations.* Except as provided in paragraph (b) of this section, no person may use an automatic pilot en route, including climb and descent, at an altitude above the terrain that is less than twice the maximum altitude loss specified in the Airplane Flight Manual for a malfunction of the automatic pilot under cruise conditions, or less than 500 feet, whichever is higher.

(b) *Approaches.* When using an instrument approach facility, no person may use an automatic pilot at an altitude above the terrain that is less than twice the maximum altitude loss specified in the Airplane Flight Manual for a malfunction of the automatic pilot under approach conditions, or less than 50 feet below the approved minimum ceiling for the facility, whichever is higher, except—

(1) When reported weather conditions are less than the basic VFR weather conditions in § 91.105 of this chapter, no person may use an automatic pilot with an approach coupler for ILS approaches at an altitude above the terrain that is less than 50 feet higher than the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the automatic pilot with approach coupler under approach conditions; and

(2) When reported weather conditions are equal to or better than the basic VFR minimums in § 91.105 of this chapter, no person may use an automatic pilot with an approach coupler for ILS approaches at an altitude above the terrain that is less than the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the automatic pilot with approach coupler under approach conditions, or 50 feet, whichever is higher.

**§ 121.581 Forward observer's seat; en route inspections: air carriers.**

(a) Each air carrier shall make available a seat on the flight deck of each airplane, used by it in air transportation, for occupancy by the Administrator while conducting en route inspections. The location and equipment of the seat, with respect to its suitability for use in conducting en route inspections, is determined by the Administrator.

(b) In each airplane that has more than one observer's seat, in addition to the seats required for the crew complement for which the airplane was certificated, the forward observer's seat must be made available to the Administrator.

**§ 121.583 Carriage of persons aboard airplane in cargo-only operations all-cargo aircraft.**

(a) When authorized by the certificate holder operating the airplane, any of the following persons may be carried aboard an airplane engaged in the carriage of cargo only, without complying with the passenger-carrying or passenger-service airplane requirements of this chapter:

(1) Any person performing a specific duty assignment aboard the airplane in connection with the safety of the flight, the safe carriage of animals, or the safe carriage of radioactive materials as prescribed in §§ 103.1, 103.5, and 103.21 of this chapter.

(2) Any person traveling to or from a duty assignment described in subparagraph (1) of this paragraph, in any case in which the certificate holder finds that other means of transportation are not practicable.

(3) Any person performing duty as a security or honor guard aboard an airplane for shipments made by or under the authority of the United States.

(4) Any military courier, military route supervisor, or flight crewmembers of any military cargo contract air carrier or commercial operator, when operating under a military cargo contract and specifically authorized by the appropriate armed forces.

(5) Any employee of the certificate holder and his dependents when traveling on company business to or from outlying stations not served by adequate regular passenger flights.

(b) Whenever any person covered by paragraph (a)(5) of this section is carried on the airplane, the cargo must be loaded in such a manner that it does not obstruct access to the pilot compartment, or appropriate regular or emergency exits. In addition, for extended overwater flights, or for flights over uninhabited terrain, there must be on the airplane emergency and survival equipment adequate for the particular operation. Procedures for the safe carriage of company employees and their dependents must be incorporated into the air carrier's or commercial operator's operations manual.

(c) The certificate holder must have an approved seat with a safety belt for each person covered by paragraph (a) of this section. The seat must be located so that the occupant is not in any position to interfere with the flight crewmembers in performing their duties.

(d) The pilot in command may authorize any person covered by paragraph (a) of this section to be admitted to the flight deck of the airplane.

**§ 121.585 Prohibition against carriage of weapons.**

No person may, while aboard an airplane being operated by an air carrier in air transportation, carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed. This paragraph does not apply to—

(a) Officials or employees of a municipality or a State, or of the United States, who are authorized to carry arms; and

(b) Crewmembers and other persons authorized by the air carrier to carry arms.

**§ 121.587 Closing and locking of flight crew compartment door.**

(a) Except as provided in paragraph (b) of this section, the pilot in command of a large airplane carrying passengers shall ensure that the door separating the flight crew compartment from the passenger compartment is closed and locked during flight.

(b) The provisions of paragraph (a) of this section do not apply—

(1) During takeoff and landing if the crew compartment door is the means of access to a required passenger emergency exit; or

(2) At any time that it is necessary to provide access to the flight crew or passenger compartment, to a crewmember in the performance of his duties or for a person authorized admission to the flight crew compartment under § 121.547.

## Subpart U—Dispatching and Flight Release Rules

**§ 121.591 Applicability.**

This subpart prescribes dispatching rules for domestic and flag air carriers and flight release rules for supplemental air carriers and commercial operators.

**§ 121.593 Dispatching authority: domestic air carriers.**

Except when an airplane lands at an intermediate airport specified in the original dispatch release and remains there for not more than one hour, no person may start a flight unless an aircraft dispatcher specifically authorizes that flight.

**§ 121.595 Dispatching authority: flag air carriers.**

(a) No person may start a flight unless an aircraft dispatcher specifically authorizes that flight.

(b) No person may continue a flight from an intermediate airport without redispatch if the airplane has been on the ground more than six hours.

**§ 121.597 Flight release authority: supplemental air carriers and commercial operators.**

(a) No person may start a flight under a flight following system without specific authority from the person authorized by the operator to exercise operational control over the flight.

(b) No person may start a flight unless the pilot in command has executed a flight release setting forth the conditions under which the flight will be conducted. The pilot in command may sign the flight release only when he and the person authorized by the operator to exercise operational control believe that the flight can be made with safety.

(c) No person may continue a flight from an intermediate airport without a new flight release if the aircraft has been on the ground more than six hours.



**§ 121.599 Familiarity with weather conditions.**

(a) *Domestic and flag air carriers.* No aircraft dispatcher may release a flight unless he is thoroughly familiar with reported and forecast weather conditions on the route to be flown.

(b) *Supplemental air carriers and commercial operators.* No pilot in command may begin a flight unless he is thoroughly familiar with reported and forecast weather conditions on the route to be flown.

**§ 121.601 Aircraft dispatcher information to pilot in command: domestic and flag air carriers.**

(a) The aircraft dispatcher shall provide the pilot in command all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of the flight.

(b) During a flight, the aircraft dispatcher shall provide the pilot in command any additional available information of meteorological conditions and irregularities of facilities and services that may affect the safety of the flight.

**§ 121.603 Facilities and services: supplemental air carriers and commercial operators.**

(a) Before beginning a flight, each pilot in command shall obtain all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of the flight.

(b) During a flight, the pilot in command shall obtain any additional available information of meteorological conditions and irregularities of facilities and services that may affect the safety of the flight.

**§ 121.605 Airplane equipment.**

No person may dispatch or release an airplane unless it is airworthy and is equipped as prescribed in § 121.303.

**§ 121.607 Communication and navigation facilities: domestic and flag air carriers.**

(a) Except as provided in paragraph (b) of this section for flag air carriers, no person may dispatch an airplane over an approved route or route segment unless the communication and navigation facilities required by §§ 121.99 and 121.103 for the approval of that route or segment are in satisfactory operating condition.

(b) If, because of technical reasons or other reasons beyond the control of a flag air carrier, the facilities required by §§ 121.99 and 121.103 are not available over a route or route segment outside the United States, the air carrier may dispatch an airplane over that route or route segment if the pilot in command and dispatcher find that communication and navigation facilities equal to those required are available and are in satisfactory operating condition.

**§ 121.609 Communication and navigation facilities: supplemental air carriers and commercial operators.**

No person may release an aircraft over any route or route segment unless communication and navigation facilities equal to those required by § 121.121 are in satisfactory operating condition.

**§ 121.611 Dispatch or flight release under VFR.**

No person may dispatch or release an aircraft for VFR operation unless the ceiling and visibility en route, as indicated by available weather reports or forecasts, or any combination thereof, are and will remain at or above applicable VFR minimums until the aircraft arrives at the airport or airports specified in the dispatch or flight release.

**§ 121.613 Dispatch or flight release under IFR or over the top.**

Except as provided in § 121.615, no person may dispatch or release an aircraft for operations under IFR or over-the-top, unless appropriate weather reports or forecasts, or any combination thereof, indicate that the ceilings and visibilities will be at or above the authorized minimums at the estimated time of arrival at the airport or airports to which dispatched or released.

**§ 121.615 Dispatch or flight release over water: flag and supplemental air carriers and commercial operators.**

(a) No person may dispatch or release an aircraft for a flight that involves extended overwater operation unless appropriate weather reports or forecasts, or any combination thereof, indicate that the ceilings and visibilities will be at or above the authorized minimums at the estimated time of arrival at any airport to which dispatched or released or to any required alternate airport.

(c) Each flag and supplemental air carrier and commercial operator shall conduct extended overwater operations under IFR unless it shows that operating under IFR is not necessary for safety.

(d) Each flag and supplemental air carrier and commercial operator shall conduct other overwater operations under IFR if the Administrator determines that operation under IFR is necessary for safety.

(e) Each authorization to conduct extended overwater operations under VFR and each requirement to conduct other overwater operations under IFR will be specified in the air carrier's or commercial operator's operations specifications.

**§ 121.617 Alternate airport for departure.**

(a) If the weather conditions at the airport of takeoff are below the landing minimums in the certificate holder's operations specifications for that airport, no person may dispatch or release an aircraft from that airport unless the dispatch or flight release specifies an alternate airport located within the following distances from the airport of takeoff.

(1) *Aircraft having two engines.* Not more than one hour from the departure airport at normal cruising speed in still air with one engine inoperative.

(2) *Aircraft having three or more engines.* Not more than two hours from the departure airport at normal cruising speed in still air with one engine inoperative.

(b) For the purpose of paragraph (a) of this section, the alternate airport weather conditions must meet the requirements of the certificate holder's operations specifications.

(c) No person may dispatch or release an aircraft from an airport unless he lists each required alternate airport in the dispatch or flight release.

**§ 121.619 Alternate airport for destination: IFR or over-the-top: domestic air carriers.**

(a) No person may dispatch an airplane under IFR or over-the-top unless he lists at least one alternate airport for each destination airport in the dispatch release. When the weather conditions forecast for the destination and first alternate airport are marginal at least one additional alternate must be designated. However, no alternate airport is required if—

(1) For at least two hours before and two hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum initial approach altitude to that airport; and

(2) The visibility at that airport is forecast to be at least 3 miles.

(b) For the purposes of paragraph (a) of this section, the weather conditions at the alternate airport must meet the requirements of § 121.625.

(c) No person may dispatch a flight unless he lists each required alternate airport in the dispatch release.

**§ 121.621 Alternate airport for destination: flag air carriers.**

(a) No person may dispatch an airplane under IFR or over-the-top unless he lists at least one alternate airport for each destination airport in the dispatch release, unless—

(1) The flight is scheduled for not more than six hours and the ceiling is forecast to be at least 1,000 feet above the minimum initial approach altitude, and the visibility is forecast to be at least three miles, at the destination airport for two hours before and two hours after the estimated time of arrival; or

(2) The flight is over a route approved without an available alternate airport for a particular destination airport and the airplane has enough fuel to meet the requirements of §§ 121.641(b) or 121.645(b).

(b) For the purposes of paragraph (a) of this section, the weather conditions at the alternate airport must meet the requirements of the air carrier's operations specifications.

(c) No person may dispatch a flight unless he lists each required alternate airport in the dispatch release.

**§ 121.623 Alternate airport for destination; IFR or over-the-top: supplemental air carriers and commercial operators.**

(a) Except as provided in paragraph (b) of this section, each person releasing an aircraft for operation under IFR or over-the-top shall list at least one alternate airport for each destination airport in the flight release.

(b) An alternate airport need not be designated for IFR or over-the-top operations where the aircraft carries enough fuel to meet the requirements of §§ 121.643 and 121.645 for flights outside the 48 contiguous States and the District of Columbia over routes without an available alternate airport for a particular airport of destination.

(c) For the purposes of paragraph (a) of this section, the weather requirements at the alternate airport must meet the requirements of the air carrier's or commercial operator's operations specifications.

(d) No person may release a flight unless he lists each required alternate airport in the flight release.

**§ 121.625 Alternate airport weather minimums.**

No person may list an airport as an alternate airport in the dispatch or flight release unless the appropriate weather reports or forecasts, or any combination thereof, indicate that the ceilings and visibilities will be at or above the alternate weather minimums specified in the certificate holder's operations specifications for that airport when the flight arrives.

**§ 121.627 Continuing flight in unsafe conditions.**

(a) No pilot in command may allow a flight to continue toward any airport to which it has been dispatched or released if, in the opinion of the pilot in command or dispatcher (domestic and flag air carriers only), the flight cannot be completed safely; unless, in the opinion of the pilot in command, there is no safer procedure. In that event, continuation toward that airport is an emergency situation as set forth in § 121.557.

(b) If any instrument or item of equipment required under this chapter for the particular operation becomes inoperative en route, the pilot in command shall comply with the approved procedures for such an occurrence as specified in the certificate holder's manual.

(c) The minimum equipment list and procedures for continuing flight beyond a terminal point with equipment required in § 121.303(d) inoperative may be included in the certificate holder's manual if the Administrator finds that, in a particular situation literal compliance with those equipment requirements is not necessary in the interests of safety.

**§ 121.629 Operation in icing conditions.**

(a) No person may dispatch or release an aircraft, continue to operate an aircraft en route, or land an aircraft when in the opinion of the pilot in command or aircraft dispatcher (domestic and flag air carriers only), icing conditions are expected or met that might adversely affect the safety of the flight.

(b) No person may takeoff an aircraft when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the aircraft.

**§ 121.631 Original dispatch or flight release, redispatch or amendment of dispatch or flight release.**

(a) A certificate holder may specify any regular, provisional, or refueling airport, authorized for the type of aircraft, as a destination for the purpose of original dispatch or release.

(b) No person may allow a flight to continue to an airport to which it has been dispatched or released unless the weather conditions at an alternate airport that was specified in the dispatch or flight release are forecast to be at or above the alternate minimums specified in the operations specifications for that airport at the time the aircraft would arrive at the alternate airport. However, the dispatch or flight release may be amended en route to include any alternate airport that is within the fuel range of the aircraft as specified in §§ 121.639 through 121.649.

(c) No person may change an original destination or alternate airport that is specified in the original dispatch or flight release to another airport while the aircraft is en route unless the other airport is authorized for that type of aircraft and the appropriate requirements of §§ 121.593 through 121.659 and 121.173 are met at the time of redispatch or amendment of the flight release.

(d) Each person who amends a dispatch or flight release en route shall record that amendment.

**§ 121.633 Dispatch to and from provisional airports: domestic air carriers.**

(a) No person may dispatch an airplane to a provisional airport unless that airport meets the requirements of this part applicable to regular airports.

(b) No person may dispatch an airplane from a provisional airport except in accordance with the requirements of this part applicable to dispatch from regular airports.

**§ 121.635 Dispatch to and from refueling or provisional airports: flag air carriers.**

No person may dispatch an airplane to or from a refueling or provisional airport unless that airport meets the requirements of this part applicable to regular airports.

**§ 121.637 Takeoffs from unlisted and alternate airports: domestic and flag air carriers.**

(a) No pilot may take off an airplane from an airport that is not listed in the operations specifications unless—

(1) The airport and related facilities are adequate for the operation of the airplane;

(2) He can comply with the applicable airplane operating limitations;

(3) The airplane has been dispatched according to dispatching rules applicable to operation from an approved airport; and

(4) The ceiling and visibility at that airport are equal to or better than the following:

(i) *Airports in the United States.* The ceiling and visibility minimums for takeoff prescribed in Part 97 of this chapter, but not less than 300–1; or where minimums are not prescribed for the airport, 800–2, 900–1½, or 1,000–1.

(ii) *Airports outside the United States.* The ceiling and visibility minimums for takeoff prescribed or approved by the government of the country in which the airport is located, but not less than 300–1; or where minimums are not prescribed or approved for the airport, 800–2, 900–1½, or 1,000–1.

(b) No pilot may take off from an alternate airport unless the ceiling and visibility are at least equal to the minimums prescribed in the air carrier's operations specifications for alternate airports.

**§ 121.639 Fuel supply; all operations: domestic air carriers.**

No person may dispatch or take off an airplane unless it has enough fuel—

(a) To fly to the airport to which it is dispatched;

(b) Thereafter, to fly to and land at the most distant alternate airport (where required) for the airport to which dispatched; and

(c) Thereafter, to fly for 45 minutes at normal cruising fuel consumption.

**§ 121.641 Fuel supply; nonturbine and turbo-propeller-powered airplanes: flag air carriers.**

(a) No person may dispatch or take off a nonturbine or turbo-propeller-powered airplane unless, considering the wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is dispatched;

(2) Thereafter, to fly to and land at the most distant alternate airport specified in the dispatch release; and

(3) Thereafter, to fly for 30 minutes plus 15 percent of the total time required to fly at normal cruising fuel consumption to the airports specified in subparagraphs (1) and (2) of this paragraph or to fly for 90 minutes at normal cruising fuel consumption, whichever is less.

(b) No person may dispatch a nonturbine or turbo-propeller-powered airplane to an airport for which an alternate is not specified under § 121.621(a)(2), unless it has enough fuel, considering wind and forecast weather conditions, to fly to that airport and thereafter to fly for three hours at normal cruising fuel consumption.

**§ 121.643 Fuel supply: nonturbine and turbo-propeller-powered airplanes: supplemental air carriers and commercial operators.**

(a) Except as provided in paragraph (b) of this section, no person may release for flight or takeoff a nonturbine or turbo-propeller-powered airplane unless, considering the wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is released;

(2) Thereafter, to fly to and land at the most distant alternate airport specified in the flight release; and

(3) Thereafter, to fly for 45 minutes.

(b) If the airplane is released for any flight other than from one point in the contiguous United States to another point in the contiguous United States, it must carry enough fuel to meet the requirements of subparagraphs (1) and (2) of paragraph (a) of this section and thereafter fly for 30 minutes plus 15 percent of the total time required to fly at normal cruising fuel consumption to



the airports specified in subparagraphs (1) and (2) of paragraph (a) of this section, or to fly for 90 minutes at normal cruising fuel consumption, whichever is less.

(c) No person may release a nonturbine or turbo-propeller-powered airplane to an airport for which an alternate is not specified under § 121.623(b), unless it has enough fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for three hours at normal cruising fuel consumption.

**§ 121.645 Fuel supply; turbine-engine-powered airplanes, other than turbo propeller; Flag and supplemental air carriers and commercial operators.**

(a) For any flag air carrier operation and for a supplemental air carrier or commercial operator operation outside the 48 contiguous States and the District of Columbia, no person may release for flight or take off a turbine-engine powered airplane (other than a turbo-propeller airplane) unless, considering wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is released;

(2) Thereafter, to fly for a period of 10 percent of the total time required to fly from the airport of departure to, and land at, the airport to which it was released;

(3) Thereafter, to fly to and land at the most distant alternate airport specified in the flight release, if an alternate is required; and

(4) Thereafter, to fly for 30 minutes at holding speed at 1,500 feet above the alternate airport (or the destination airport if no alternate is required) under standard temperature conditions.

(b) No person may release a turbine-engine powered airplane (other than a turbo-propeller airplane) to an airport for which an alternate is not specified under § 121.621(a)(2) or 121.623(b) unless it has enough fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least two hours at normal cruising fuel consumption.

(c) The Administrator may amend the operations specifications of a flag or supplemental air carrier or commercial operator to require more fuel than any of the minimums stated in paragraph (a) or (b) of this section if he finds that additional fuel is necessary on a particular route in the interest of safety.

**§ 121.647 Factors for computing fuel required.**

Each person computing fuel required for the purposes of this subpart shall consider the following:

(a) Wind and other weather conditions forecast.

(b) Anticipated traffic delays.

(c) One instrument approach and possible missed approach at destination.

(d) Any other conditions that may delay landing of the aircraft.

For the purposes of this section, required fuel is in addition to unusable fuel.

**§ 121.649 Takeoff and landing weather minimums: VFR: domestic air carriers.**

(a) Except as provided in paragraph (b) of this section, regardless of any clearance from ATC, no pilot may takeoff or land an airplane under VFR when the reported ceiling or visibility is less than the following:

(1) For day operations—1,000-foot ceiling and one-mile visibility.

(2) For night operations—1,000-foot ceiling and two-mile visibility.

(b) Where a local surface restriction to visibility exists (e.g., smoke, dust, blowing snow or sand) the visibility for day and night operations may be reduced to ½ mile, if all turns after takeoff and prior to landing, and all flight beyond one mile from the airport boundary can be accomplished above or outside the area of local surface visibility restriction.

**§ 121.651 Takeoff and landing weather minimums: IFR: domestic and flag air carriers.**

(a) Regardless of any clearance from ATC, no pilot may take off an airplane under IFR if the ceiling or ground visibility reported by the U.S. Weather Bureau or a source approved by the Weather Bureau is less than that specified for the takeoff airport in Part 97 [New] of this chapter, or in the air carrier's operations specifications for the airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no pilot may execute an instrument approach procedure or land under IFR at an airport if the latest U.S. Weather Bureau Report or a source approved by the Weather Bureau for that airport indicates that the ceiling or visibility is less than that prescribed by the Administrator for landing at that airport.

(c) A pilot may execute an instrument approach procedure if the U.S. Weather Bureau report or a source approved by the Weather Bureau indicates that the ceiling or visibility is less than the approved minimum for landing, if the airport is served by operative ILS and PAR and both are used by the pilot. Thereafter, the pilot may land if the pilot in command finds, upon reaching the authorized minimum landing altitude, that actual weather conditions are at least equal to the prescribed minimums.

(d) If a pilot initiates an instrument approach procedure when the current U.S. Weather Bureau report or a source approved by the Weather Bureau indicates that the prescribed ceiling and visibility minimums exist, and a later weather report indicating below minimum conditions is received after the airplane—

(1) Is on an ILS final approach and has passed the outer marker;

(2) Is on final approach using a radio range station or comparable facility, or a final approach fix, has passed the appropriate facility, or a final approach fix, and has reached the authorized minimum landing altitude; or

(3) Is on GCA final approach and has been turned over to the final approach controller;

the approach may be continued and a landing may be made, if the pilot in command finds, upon reaching the authorized landing minimum landing altitude, that actual weather conditions are at least equal to the prescribed minimums.

(e) If the pilot in command of an airplane has not served 100 hours as pilot in command in air carrier or commercial operations in the type of airplane he is operating, the ceiling and visibility landing minimums in the air carrier operations specifications for regular, provisional, or refueling airports are increased by 100 feet and one-half mile, respectively. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. The sliding scale when authorized in the operations specifications does not apply until the pilot in command has served 100 hours as pilot in command in air carrier or commercial operations in the type of airplane he is operating.

**§ 121.653 Takeoff and landing weather minimums: IFR: supplemental air carriers and commercial operators.**

(a) Regardless of any clearance from ATC, if the reported ceiling or ground visibility is less than that specified in the supplemental air carrier or commercial operator's operations specifications, no pilot may—

(1) Take off an aircraft under IFR; or

(2) Except as provided in paragraph (c) of this section, land an aircraft under IFR.

(b) Except as provided in paragraph (c) of this section, no pilot may execute an instrument approach procedure if the latest reported ceiling or visibility is less than the landing minimums specified in the air carrier or commercial operator's operations specifications.

(c) If a pilot initiates an instrument approach procedure when the latest weather report indicates that the specified ceiling and visibility minimums exist, and a later weather report indicating below minimum conditions is received after the airplane—

(1) Is on an ILS final approach and has passed the outer marker;

(2) Is on final approach using a radio range station or comparable facility, has passed the appropriate facility, and has reached the authorized minimum landing altitude; or

(3) Is on PAR final approach and has been turned over to the final approach controller;

the approach may be continued and a landing may be made, if the pilot in command finds, upon reaching the authorized landing minimum altitude, that actual weather conditions are at least equal to the minimums prescribed in the operations specifications.

(d) If the pilot in command of an airplane has not served 100 hours as pilot in command in operations under this part or in the type of aircraft he is operating, the ceiling and visibility landing minimums in the air carrier or commercial operator's operations specifications for airports are increased by 100 feet and one-half mile, respectively. The ceiling

and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport.

**§ 121.655 Applicability of reported weather minimums.**

In conducting operations under §§ 121.649 through 121.653, the ceiling and visibility values in the main body of the latest weather report control for VFR and IFR takeoffs and landings and for instrument approach procedures on all runways of an airport. However, if the latest weather report, including an oral report from the control tower, contains a visibility value specified as runway visibility or runway visual range for a particular runway of an airport, that specified value controls for VFR and IFR landings and takeoffs and straight-in instrument approaches for that runway.

**§ 121.657 Flight altitude rules.**

(a) *General.* Notwithstanding § 91.79 or any rule applicable outside the United States, no person may operate an aircraft below the minimums set forth in paragraphs (b) and (c) of this section, except when necessary for takeoff or landing, or except when, after considering the character of the terrain, the quality and quantity of meteorological services, the navigational facilities available, and other flight conditions, the Administrator prescribes other minimums for any route or part of a route where he finds that the safe conduct of the flight requires other altitudes. Outside of the United States the minimums prescribed in this section are controlling unless higher minimums are prescribed in the air carrier or commercial operator's operations specifications or by the foreign country over which the aircraft is operating.

(b) *Day VFR operations.* No domestic air carrier may operate a passenger-carrying aircraft and no flag or supplemental air carrier or commercial operator may operate any aircraft under VFR during the day at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(c) *Night VFR, IFR, and over-the-top operations.* No person may operate an aircraft under IFR including over-the-top or at night under VFR at an altitude less than 1,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course, or, in designated mountainous areas, less than 2,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course. However, any person operating an aircraft under VFR at night in designated mountainous areas may operate over an approved lighted airway at a minimum altitude of 1,000 feet above such an obstacle. For supplemental air carriers and commercial operators adherence to a flight altitude is not required during the time a flight is operating in accordance with paragraph (d) of this section.

(d) *Day over-the-top operations below minimum en route altitudes: Domestic and supplemental air carriers and commercial operators.* A person may conduct day over-the-top operations in an airplane at flight altitudes lower than the minimum en route IFR altitudes if—

(1) The operation is conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover is generally uniform and level;

(3) Flight visibility is at least five miles; and

(4) The base of any higher broken or overcast cloud cover is generally uniform and level and is at least 1,000 feet above the minimum en route IFR altitude for that route segment.

**§ 121.659 Initial approach altitude: domestic and supplemental air carriers and commercial operators.**

(a) Except as provided in paragraph (b) of this section, when making an initial approach to a radio navigation facility under IFR, no person may descend an aircraft below the pertinent minimum altitude for initial approach (as specified in the instrument approach procedure for that facility) until his arrival over that facility has been definitely established.

(b) When making an initial approach on a flight being conducted under § 121.657(d), no pilot may commence an instrument approach until his arrival over the radio facility has definitely been established. In making an instrument approach under these circumstances no person may descend an aircraft lower than 1,000 feet above the top of the lower cloud or the minimum altitude determined by the Administrator for that part of the IFR approach, whichever is lower.

**§ 121.661 Initial approach altitude: flag air carriers.**

When making an initial approach to a radio navigation facility under IFR, no person may descend below the pertinent minimum altitude for initial approach (as specified in the instrument approach procedure for that facility) until his arrival over that facility has been definitely established.

**§ 121.663 Responsibility for dispatch release: domestic and flag air carriers.**

Each domestic and flag air carrier shall prepare a dispatch release for each flight between specified points, based on information furnished by an authorized aircraft dispatcher. The pilot in command and an authorized aircraft dispatcher shall sign the release only if they both believe that the flight can be made with safety. The aircraft dispatcher may delegate authority to sign a release for a particular flight, but he may not delegate his authority to dispatch.

**§ 121.665 Load manifest.**

Each certificate holder is responsible for the preparation and accuracy of a load manifest form before each takeoff. The form must be prepared and signed for each flight by employees of the certificate holder who have the duty of supervising the loading of aircraft and preparing the load manifest forms or by other qualified persons authorized by the certificate holder.

**§ 121.667 Flight plan: VFR and IFR: supplemental air carriers and commercial operators.**

(a) No person may take off an aircraft unless the pilot in command has filed a flight plan, containing the appropriate information required by Part 91 [New], with the nearest FAA communication station or appropriate military station or, when operating outside the United States, with other appropriate authority. However, if communications facilities are not readily available, the pilot in command shall file the flight plan as soon as practicable after the aircraft is airborne. A flight plan must continue in effect for all parts of the flight.

(b) When flights are operated into military airports, the arrival or completion notice required by § 91.83 may be filed with the appropriate airport control tower or aeronautical communication facility used for that airport.

## Subpart V—Records and Reports

**§ 121.681 Applicability.**

This subpart prescribes requirements for the preparation and maintenance of records and reports for all certificate holders.

**§ 121.683 Crewmember and dispatcher record.**

(a) Each certificate holder shall—

(1) Maintain current records of each crewmember, and each aircraft dispatcher (domestic and flag air carriers only), that shows whether or not he complies with this chapter (e.g., proficiency and route checks, airplane and route qualifications, training, any required physical examinations, and flight time records); and

(2) Record each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember or aircraft dispatcher (domestic and flag air carriers only) and keep the record for at least six months thereafter.

(b) Supplemental air carriers and commercial operators: Each supplemental air carrier and commercial operator shall maintain the records required by paragraph (a) of this section at its principal operations base, or at another location used by it and approved by the Administrator.

**§ 121.685 Aircraft record: flag and domestic air carriers.**

Each flag and domestic air carrier shall maintain a current list of each aircraft that it operates in scheduled air transportation and shall send a copy of the record and each change to the FAA Air Carrier District Office charged with the overall inspection of its operations. Airplanes of another air carrier operated under an interchange agreement may be incorporated by reference.

**§ 121.687 Dispatch release: flag and domestic air carriers.**

(a) The dispatch release may be in any form but must contain at least the following information concerning each flight:



(1) Identification number of the aircraft.

(2) Trip number.

(3) Departure airport, intermediate stops, destination airports, and alternate airports.

(4) A statement of the type of operation (e.g., IFR, VFR).

(5) Minimum fuel supply.

(b) The dispatch release must contain, or have attached to it, weather reports, available weather forecasts, or a combination thereof, for the destination airport, intermediate stops, and alternate airports, that are the latest available at the time the release is signed by the pilot in command and dispatcher. It may include any additional available weather reports or forecasts that the pilot in command or the aircraft dispatcher considers necessary or desirable.

**§ 121.689 Flight release form: supplemental air carriers and commercial operators.**

(a) Except as provided in paragraph (c) of this section, the flight release may be in any form but must contain at least the following information concerning each flight:

(1) Company or organization name.

(2) Make, model, and registration number of the aircraft being used.

(3) Flight or trip number, and date of flight.

(4) Name of each flight crewmember, flight attendant, and pilot designated as pilot in command.

(5) Departure airport, destination airports, alternate airports, and route.

(6) Minimum fuel supply (in gallons or pounds).

(7) A statement of the type of operation (e.g. IFR, VFR).

(b) The aircraft flight release must contain, or have attached to it, weather reports, available weather forecasts, or a combination thereof, for the destination airport, and alternate airports, that are the latest available at the time the release is signed. It may include any additional available weather reports or forecasts that the pilot in command considers necessary or desirable.

(c) Each flag or domestic air carrier operating under the rules of this part applicable to supplemental air carriers and commercial operators shall comply with the dispatch or flight release forms required for scheduled operations under this subpart.

**§ 121.691 Load manifest: domestic and flag air carriers.**

The load manifest must contain the following information concerning the loading of an aircraft at takeoff time:

(a) The weight of the aircraft, fuel and oil, cargo (including mail and baggage), and passengers.

(b) The maximum allowable weight for that flight.

(c) The total weight computed under approved procedures.

(d) Evidence that the aircraft is loaded according to an approved schedule that insures that the center of gravity is within approved limits.

**§ 121.693 Load manifest: supplemental air carriers and commercial operators.**

The load manifest must contain the following information concerning the airplane at takeoff time:

(a) The weight of the aircraft, fuel and oil, cargo and baggage, passengers, and crewmembers.

(b) The maximum allowable weight for that flight that must not exceed the least of the following weights:

(1) Maximum allowable takeoff weight for the runway intended to be used (including corrections for altitude and gradient, and wind and temperature conditions existing at the takeoff time).

(2) Maximum takeoff weight considering anticipated fuel and oil consumption that allows compliance with applicable en route performance limitations.

(3) Maximum takeoff weight considering anticipated fuel and oil consumption that allows compliance with the maximum authorized design landing weight limitations on arrival at the destination airport.

(4) Maximum takeoff weight considering anticipated fuel and oil consumption that allows compliance with landing distance limitations on arrival at the destination and alternate airports.

(c) The total weight computed under approved procedures.

(d) Evidence that the aircraft is loaded according to an approved schedule that insures that the center of gravity is within approved limits.

(e) Names of passengers.

**§ 121.695 Disposition of load manifest, dispatch release, and flight plans: domestic and flag air carriers.**

(a) The pilot in command of an aircraft shall carry in the airplane to its destination—

(1) A copy of the completed load manifest (or information from it, except information concerning cargo and passenger distribution);

(2) A copy of the dispatch release; and

(3) A copy of the flight plan.

(b) The air carrier shall keep copies of the records required in this section for at least three months.

**§ 121.697 Disposition of load manifest, flight release, and flight plans: supplemental air carriers and commercial operators.**

(a) The pilot in command of an aircraft shall carry in the airplane to its destination the original or a signed copy of the—

(1) Load manifest;

(2) Flight release;

(3) Airworthiness release;

(4) Pilot route certification; and

(5) Flight plan.

(b) If a flight originates at the principal operations base of the air carrier or commercial operator, it shall retain at that base a signed copy of each document listed in paragraph (a) of this section.

(c) If a flight originates at a place other than the principal operations base, the pilot in command (or other person authorized by the carrier or operator) shall, before or immediately after departure of the flight, mail signed copies of the documents listed in paragraph (a) of this section to the principal operations base.

(d) The supplemental air carrier or commercial operator shall keep at its operations base either the original or a copy of the records required in this section for at least six months.

**§ 121.699 Maintenance records.**

(a) Each certificate holder shall keep, at its principal maintenance base, current records of total time in service, time since last overhaul, and time since last inspection, for each major component of each airframe, aircraft engine, propeller, and, where practicable, appliance.

(b) A certificate holder may discontinue total time in service records if it shows that the service life of component parts is safely controlled by inspection, overhaul, or parts retirement procedures. The Administrator may require the keeping of total time in service records for a part when he finds that other procedures will not safely limit the service life of that part.

(c) An aircraft component, aircraft engine, propeller, or appliance for which complete records required by this section are not available may be placed in service if—

(1) It is of a type for which total time inservice records are not required by paragraph (b) of this section;

(2) Parts that the Administrator or manufacturer limits to a specific total time in service are retired and replaced by new parts; or

(3) It has been properly overhauled or rebuilt and the overhaul or rebuilding is recorded in the maintenance records.

**§ 121.701 Maintenance log: aircraft.**

(a) Each person who takes action in the case of a reported or observed failure or malfunction of an airframe, engine, propeller, or appliance that is critical to the safety of flight shall make, or have made, a record of that action in the airplane's maintenance log.

(b) Each certificate holder shall have an approved procedure for keeping adequate copies of the record required in paragraph (a) of this section in the airplane in a place readily accessible to each flight crewmember and shall put that procedure in the certificate holder's manual.

**§ 121.703 Mechanical reliability reports.**

(a) Each certificate holder shall report the occurrence or detection of each failure, malfunction, or defect concerning—

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight not protected by a related fire-warning system;

(3) False fire warning during flight;

(4) An engine exhaust system that causes damage during flight to the engine, adjacent structure, equipment, or components;

(5) An aircraft component that causes accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or passenger cabin during flight;

(6) Engine shutdown during flight because of flameout;

(7) Engine shutdown during flight when external damage to the engine or airplane structure occurs;

(8) Engine shutdown during flight due to foreign object ingestion or icing;

(9) Engine shutdown during flight of more than one engine;

(10) A propeller feathering system or ability of the system to control overspeed during flight;

(11) A fuel or fuel-dumping system that affects fuel flow or causes hazardous leakage during flight;

(12) A landing gear extension or retraction or opening or closing of landing gear doors during flight;

(13) Brake system components that result in loss of brake actuating force when the airplane is in motion on the ground;

(14) Aircraft structure that requires major repair;

(15) Cracks, permanent deformation, or corrosion of aircraft structures, if more than the maximum acceptable to the manufacturer or the FAA; and

(16) Aircraft components or systems that result in taking emergency actions during flight (except action to shutdown an engine).

(b) For the purpose of this section "during flight" means the period from the moment the aircraft leaves the surface of the earth on takeoff until it touches down on landing.

(c) In addition to the reports required by paragraph (a) of this section, each certificate holder shall report any other failure, malfunction, or defect in an aircraft that occurs or is detected at any time if, in its opinion, that failure, malfunction, or defect has endangered or may endanger the safe operation of an aircraft used by it.

(d) Each certificate holder shall send each report required by this section, in writing, covering each 24-hour period beginning at 0900 hours local time of each day and ending at 0900 hours local time on the next day, to the FAA maintenance inspector assigned to its operations. The report must be delivered to him by 0900 hours local time on the following day. However, a report that is due on Saturday or Sunday may be delivered on the following Monday and one that is due on a holiday may be delivered on the next workday.

(e) The certificate holder shall transmit the reports required by this section in a manner and on a form that is convenient to its system of communication and procedure, and shall include in the first daily report as much of the following as is available:

(1) Type and identification number of the aircraft.

(2) The name of the operator.

(3) The date, flight number, and stage during which the incident occurred (e.g., preflight, takeoff, climb, cruise, descent, landing, and inspection).

(4) The emergency procedure effected (e.g., unscheduled landing and emergency descent).

(5) The nature of the failure, malfunction, or defect.

(6) Identification of the part and system involved, including available information pertaining to type designation of the major component and time since overhaul.

(7) Apparent cause of the failure, malfunction, or defect (e.g., wear, crack, design deficiency, or personnel error).

(8) Whether the part was repaired, replaced, sent to the manufacturer, or other action taken.

(9) Whether the aircraft was grounded.

(10) Other pertinent information necessary for more complete identification, determination of seriousness, or corrective action.

(f) Failures, malfunctions, or defects reported under the accident reporting provisions of Part 320 of the regulations of the Civil Aeronautics Board need not be reported under this section.

(g) No person may withhold a report required by this section even though all information required in this section is not available.

(h) When certificate holder gets additional information, including information from the manufacturer or other agency, concerning a report required by this section, it shall expeditiously submit it as a supplement to the first report and reference the date and place of submission of the first report.

### § 121.705 Mechanical interruption summary report.

Each certificate holder shall regularly and promptly send a summary report on the following occurrences to the Administrator:

(a) Each interruption to a scheduled flight, unscheduled change of aircraft en route, or unscheduled stop or diversion from a route, caused by known or suspected mechanical difficulties or malfunctions that are not required to be reported under § 121.703.

(b) The number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed. Propeller featherings for training, demonstration, or flight check purposes need not be reported.

### § 121.707 Alteration and repair reports.

(a) Each certificate holder shall, promptly upon its completion, prepare a report of each major alteration or major repair of an airframe, aircraft engine, propeller, or appliance of an aircraft operated by it.

(b) The certificate holder shall submit a copy of each report of a major alteration to, and shall keep a copy of each report of a major repair available for inspection by, the representative of the Administrator who is assigned to it.

### § 121.709 Airworthiness release or aircraft log entry.

(a) No certificate holder may operate an aircraft after maintenance, preventive maintenance or alterations are performed on the aircraft unless the certificate holder, or the person with whom the certificate holder arranges for the performance of the maintenance, preventive maintenance, or alterations, prepares or causes to be prepared—

(1) An airworthiness release; or

(2) An appropriate entry in the aircraft log.

(b) The airworthiness release or log entry required by paragraph (a) of this section must—

(1) Be prepared in accordance with the procedures set forth in the certificate holder's manual;

(2) Include a certification that—

(i) The work was performed in accordance with the requirements of the certificate holder's manual;

(ii) All items required to be inspected were inspected by an authorized person who determined that the work was satisfactorily completed;

(iii) No known condition exists that would make the airplane unairworthy; and

(iv) So far as the work performed is concerned, the aircraft is in condition for safe operation; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

(c) When an airworthiness release form is prepared the certificate holder must give a copy to the pilot in command and must keep a record thereof for at least two months.

### § 121.711 Communication records: domestic and flag air carriers.

Each domestic and flag air carrier shall record each en route radio contact between the air carrier and its pilots and shall keep that record for at least 30 days.

### § 121.713 Retention of contracts and amendments: commercial operator.

Each commercial operator shall keep a copy of each written contract under which it provides services as a commercial operator for a period of at least one year after the date of execution of the contract. In the case of an oral contract, it shall keep a memorandum stating its elements, and of any amendments to it, for a period of at least one year after the execution of that contract or change.

## Subpart W—Crewmember Certificate; International

### § 121.721 Applicability.

This subpart describes the certificates that are issued to United States citizens who are employed by air carriers or commercial operators as flight crewmembers or crewmembers on United States registered aircraft engaged in international air commerce. The purpose of the certificate is to facilitate the entry and clearance of those crew members into ICAO contracting states. They are issued under Annex 9, as amended, to the Convention on International Civil Aviation.

### § 121.723 Application and issue.

(a) An application for a crewmember certificate is made on Form FAA-2116 "Application for Crewmember Certificate", to the Air Carrier District Office in charge of the air carrier or commercial operator by whom the applicant is employed. The certificate is issued on Form FAA-2116.1 "Crewmember Certificate".

(b) The holder of a certificate issued under this subpart, or the air carrier or commercial operator by whom he is employed, shall surrender the certificate for cancellation at the nearest Air Carrier District Office at the end of the holder's assignment in international air commerce with that carrier or operator.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

DISTRIBUTION TABLE

| Former section | Revised section |
|---|---|
| 40.1 (less 2d proviso) | 121.1 |
| 40.1 (2d proviso) | 121.3 |
| 40.2 | 121.11 |
| 40.5 | (1) |
| 40.10 | 121.3 |
| 40.11 | 121.25 |
| 40.12 | (2) |
| 40.12–1 | (2) |
| 40.13 (less (c)) | 121.27 |
| 40.13(c) | 121.3 |
| 40.14 | 121.77 |
| 40.15 | 121.73 |
| 40.16 | 121.29 |
| 40.17 | (2) |
| 40.18 | 121.3 |
| 40.18–1 | (2) |
| 40.18–2 | (2) |
| 40.18–3 | (2) |
| 40.18–4 | (2) |
| 40.19 | 121.25 |
| 40.19–1 | (2) |
| 40.19–2 | (2) |
| 40.20 | 121.75 |
| 40.21 | 121.79 |
| 40.22 | 121.81 |
| 40.23 | 121.83 |
| 40.30 | 121.93 |
| 40.30–1 | (2) |
| 40.30–2 | (2) |
| 40.32 | 121.95 |
| 40.33 | 121.97 |
| 40.33–1 | (2) |
| 40.34 | 121.99 |
| 40.34–1 | (2) |
| 40.35 | 121.101 |
| 40.36 | 121.103 |
| 40.37 | 121.105 |
| 40.37–1 | (2) |
| 40.38 | 121.107 |
| 40.50 | 121.133 |
| 40.51 | 121.135 |
| 40.51–1 | (2) |
| 40.51–2 | (2) |
| 40.52 | 121.137 |
| 40.53 | 121.141 |
| 40.60 | 121.153 |
| 40.61 | 121.157 |
| 40.62 (1st sentence) | 121.159 |
| 40.62 (less 1st sentence) | 121.161 |
| 40.63 | 121.163 |
| 40.63–1 | (2) |
| 40.70 | 121.173 |
| 40.70–1 | (2) |
| 40.70–2 | (2) |
| 40.70–3 | (2) |
| 40.71 | 121.175 |
| 40.71–1 | (2) |
| 40.72 | 121.177 |
| 40.72–1 | (2) |
| 40.73 | 121.179 |
| 40.74 | 121.181 |
| 40.75 | 121.183 |
| 40.76 | 121.173 |
| 40.76–1 | (2) |
| 40.77 | 121.185 |
| 40.77–1 | (2) |
| 40.78 | 121.187 |
| 40.90 | 121.176 |
| 40.90–1 | (2) |
| 40.91 | 121.199 |
| 40.91–1 | (2) |
| 40.91–2 | (2) |
| 40.92 | 121.201 |
| 40.92–1 | (2) |
| 40.93 | 121.203 |
| 40.93–1 | (2) |
| 40.93–2 | (2) |
| 40.94 | 121.205 |
| 40.94–1 | (2) |
| 40.110 | 121.213 |
| 40.111 | (2) |
| 40.112 | 121.215 |
| 40.113 | 121.217 |
| 40.114 | 121.219 |
| 40.115 | 121.221 |
| 40.116 | 121.223 |
| 40.117 | 121.225 |
| 40.118 | 121.227 |
| 40.119 | 121.229 |
| 40.120 | 121.231 |
| 40.121 | 121.233 |
| 40.122 | 121.235 |
| 40.123 | 121.237 |
| 40.124 | 121.239 |
| 40.125 | 121.241 |
| 40.126 | 121.243 |
| 40.127 | 121.245 |
| 40.128 | 121.247 |
| 40.129 | 121.249 |
| 40.130 | 121.251 |
| 40.131 | 121.253 |
| 40.132 | 121.255 |
| 40.133 | 121.257 |
| 40.134 | 121.259 |
| 40.135 | 121.261 |
| 40.136 | 121.263 |
| 40.137 | 121.265 |
| 40.138 | 121.267 |
| 40.139 | 121.269 |
| 40.140 | 121.271 |
| 40.141 | 121.273 |
| 40.142 | 121.275 |
| 40.143 | 121.277 |
| 40.150 | 121.279 |
| 40.151 | 121.281 |
| 40.152 | 121.283 |
| 40.153 | 121.285 |
| 40.154 | 121.287 |
| 40.155 | 121.289 |
| 40.170 | 121.303 |
| 40.170–1 | (3) |
| 40.170–2 | (3) |
| 40.170–3 | (3) |
| 40.171 | 121.305 |
| 40.172 | 121.307 |
| 40.172–1 | (3) |
| 40.173 | 121.309 |
| 40.173–1 | (3) |
| 40.174 | 121.311 |
| 40.175 (less (g)) | 121.313 |
| 40.175(g) | (4) |
| 40.175–1(a) | 121.313 |
| 40.175–1 (less (a)) | (3) |
| 40.176 | 121.315 |
| 40.177 | 121.317 |
| 40.178 | 121.319 |
| 40.179 | 121.321 |
| 40.200 | 121.323 |
| 40.201 | 121.325 |
| 40.202 | 121.327 |
| 40.202–1 | (3) |
| 40.202–2 | (3) |
| 40.202–3 | (3) |
| 40.202–4 | (3) |
| 40.202–5 | (3) |
| 40.202–6 | (3) |
| 40.202–T | 121.329 |
| 40.203 | 121.331 |
| 40.203–1 | (3) |
| 40.203–2 | (3) |
| 40.203–3 | (3) |
| 40.203–4 | (3) |
| 40.203–T | 121.333 |
| 40.204 | 121.335 |
| 40.205 | 121.337 |
| 40.205–1 | 121.337 |
| 40.205–2 | (3) |
| 40.206 | 121.339 |
| 40.207 | 121.341 |
| 40.208 | 121.343 |
| 40.212 | 121.359 |
| 40.230 | 121.345 |
| 40.230–1 | (3) |
| 40.231 | 121.347 |
| 40.232 | 121.349 |
| 40.232–1 | (3) |
| 40.233 | 121.351 |
| 40.240 | 121.361 |
| 40.241 (less (a)) | 121.363 |
| 40.241(a) | 121.367 |
| 40.241–1 | (3) |
| 40.242 | 121.369 |
| 40.243 | 121.371 |
| 40.260 | 121.383 |
| 40.261 | 121.385 |
| 40.263 | 121.387 |
| 40.265 | 121.391 |
| 40.266 | 121.395 |
| 40.267 | 121.396 |
| 40.280 | 121.411 |
| 40.281 | 121.413 |
| 40.282 | 121.415 |
| 40.284 | 121.421 |
| 40.286 | 121.423 |
| 40.286–1 | (3) |
| 40.288 | 121.425 |
| 40.289(c) | 121.411 |
| 40.289 (less (c)) (as applicable to pilot ground training) | 121.413 |
| 40.289 (less (c)) (as applicable to flight engineer training) | 121.415 |
| 40.289 (less (c)) (as applicable to flight engineer training) | 121.421 |
| 40.289 (less (c)) (as applicable to crewmember emergency training) | 121.423 |
| 40.289 (less (c)) (as applicable to aircraft dispatcher training) | 121.425 |
| 40.290 | 121.411 |
| 40.300(a) (portion of 1st sentence) | 121.463 |
| 40.300(a) (less portion of 1st sentence) and (b) | 121.433 |
| 40.300 (less 1st sentence of (a) and less (b)) | 121.437 |
| 40.301 | 121.439 |
| 40.302 | 121.441 |
| 40.302–1 | (3) |
| 40.302–2 | (3) |
| 40.302–3 | (3) |
| 40.302–4 | (3) |
| 40.303 | 121.443 |
| 40.303–1 | (3) |
| 40.304 | 121.447 |
| 40.305 | 121.449 |
| 40.307 | 121.453 |
| 40.307–1 | (3) |
| 40.310 | 121.463 |
| 40.320 | 121.471 |
| 40.340 | 121.465 |
| 40.351 | 121.533 |
| 40.352 | 121.539 |
| 40.353 | 121.541 |
| 40.354 | 121.543 |
| 40.355 | 121.545 |
| 40.355–1 | (3) |
| 40.356 | 121.547 |
| 40.356–1 | (3) |
| 40.357 | 121.549 |
| 40.358 | 121.551 |
| 40.359 | 121.555 |
| 40.360 | 121.557 |
| 40.361 | 121.561 |

[1] Transferred to Part 1 [New].
[2] Surplusage.
[3] Not a rule.
[4] Obsolete.

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 40.362 | 121.563 |
| 40.363 | 121.565 |
| 40.364 | 121.567 |
| 40.365 | 121.569 |
| 40.370 | 121.571 |
| 40.371 | 121.575 |
| 40.372 | 121.579 |
| 40.373 | 121.587 |
| 40.381 | 121.593 |
| 40.382 | 121.599 |
| 40.383 | 121.601 |
| 40.384 | 121.605 |
| 40.385 | 121.607 |
| 40.386 | 121.611 |
| 40.387 | 121.613 |
| 40.388 | 121.617 |
| 40.389 | 121.619 |
| 40.390 | 121.625 |
| 40.390–1 | [1] |
| 40.390–2 | [1] |
| 40.390–3 | [1] |
| 40.391 | 121.627 |
| 40.391–1 | [1] |
| 40.392 | 121.629 |
| 40.393 | 121.631 |
| 40.394 | 121.633 |
| 40.395 | 121.637 |
| 40.396 | 121.639 |
| 40.397 | 121.647 |
| 40.405 | 121.649 |
| 40.405–1 | [1] |
| 40.406 | 121.651 |
| 40.406–1 | [1] |
| 40.406–2 | [1] |
| 40.406–3 | [1] |
| 40.407 | 121.655 |
| 40.408 | 121.657 |
| 40.409 | 121.659 |
| 40.411 | 121.663 |
| 40.412 | 121.665 |
| 40.501 | 121.683 |
| 40.501–1 | [1] |
| 40.502 | 121.685 |
| 40.503 | 121.687 |
| 40.503–1 | [1] |
| 40.504 (less (b)) | 121.691 |
| 40.504(b) | 121.665 |
| 40.505 | 121.695 |
| 40.506 | 121.699 |
| 40.507 | 121.701 |
| 40.508 | 121.703 |
| 40.509 | 121.705 |
| 40.510 | 121.707 |
| 40.511 | 121.709 |
| 40.511–1 | [1] |
| 40.512 | 121.711 |
| 41.1 | 121.1 |
| 41.2 | 121.11 |
| 41.5 | [1] |
| 41.10 | 121.3 |
| 41.11 | 121.25 |
| 41.13 | 121.27 |
| 41.13(c) | 121.3 |
| 41.14 | 121.77 |
| 41.15 | 121.73 |
| 41.16 | 121.29 |
| 41.18(b) | 121.3 |
| 41.18 (less (b)) | 121.23 |
| 41.19 | 121.25 |
| 41.20 | 121.75 |
| 41.21 | 121.79 |
| 41.22 | 121.81 |
| 41.23 | 121.83 |
| 41.30 | 121.93 |
| 41.32 | 121.95 |
| 41.33 | 121.97 |
| 41.34 | 121.99 |
| 41.35 | 121.101 |
| 41.36 | 121.103 |
| 41.36 (note) | 121.103 |
| 41.37 | 121.105 |
| 41.38 | 121.107 |
| 41.50 | 121.133 |
| 41.51 | 121.135 |
| 41.52 | 121.137 |
| 41.53 | 121.141 |

[1] Transferred to Part 1 [New].

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 41.60 | 121.153 |
| 41.61 | 121.157 |
| 41.62 (1st sentence) | 121.159 |
| 41.62 (less 1st sentence) | 121.161 |
| 41.63 | 121.163 |
| 41.70 | 121.173 |
| 41.71 | 121.175 |
| 41.72 | 121.177 |
| 41.73 | 121.179 |
| 41.74 | 121.181 |
| 41.75 | 121.183 |
| 41.76 | 121.173 |
| 41.77 | 121.185 |
| 41.78 | 121.187 |
| 41.90 | 121.173 |
| 41.91 | 121.199 |
| 41.92 | 121.201 |
| 41.93 | 121.203 |
| 41.94 | 121.205 |
| 41.110 | 121.213 |
| 41.112 | 121.215 |
| 41.113 | 121.217 |
| 41.114 | 121.219 |
| 41.115 | 121.221 |
| 41.116 | 121.223 |
| 41.117 | 121.225 |
| 41.118 | 121.227 |
| 41.119 | 121.229 |
| 41.120 | 121.231 |
| 41.121 | 121.233 |
| 41.122 | 121.235 |
| 41.123 | 121.237 |
| 41.124 | 121.239 |
| 41.125 | 121.241 |
| 41.126 | 121.243 |
| 41.127 | 121.245 |
| 41.128 | 121.247 |
| 41.129 | 121.249 |
| 41.130 | 131.251 |
| 41.131 | 121.253 |
| 41.132 | 121.255 |
| 41.133 | 121.257 |
| 41.134 | 121.259 |
| 41.135 | 121.261 |
| 41.136 | 121.263 |
| 41.137 | 121.265 |
| 41.138 | 121.267 |
| 41.139 | 121.269 |
| 41.140 | 121.271 |
| 41.141 | 121.273 |
| 41.142 | 121.275 |
| 41.143 | 121.277 |
| 41.150 | 121.279 |
| 41.151 | 121.281 |
| 41.152 | 121.283 |
| 41.153 | 121.285 |
| 41.154 | 121.287 |
| 41.155 | 121.289 |
| 41.170 | 121.303 |
| 41.171 | 121.305 |
| 41.172 | 121.307 |
| 41.173 | 121.309 |
| 41.174 | 121.311 |
| 41.175 | 121.313 |
| 41.176 | 121.315 |
| 41.177 | 121.317 |
| 41.178 | 121.319 |
| 41.179 | 121.321 |
| 41.200 | 121.323 |
| 41.201 | 121.325 |
| 41.202 | 121.327 |
| 41.202–T | 121.329 |
| 41.203 | 121.331 |
| 41.203–T | 121.333 |
| 41.204 | 121.335 |
| 41.205 | 121.337 |
| 41.206 | 121.339 |
| 41.207 | 121.341 |
| 41.208 | 121.353 |
| 41.209 | 121.355 |
| 41.210 | 121.343 |
| 41.212 | 121.359 |
| 41.230 | 121.345 |
| 41.231 | 121.347 |
| 41.232 | 121.349 |
| 41.233 | 121.351 |
| 41.240 | 121.361 |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 41.241(a) (1st sentence) | 121.367 |
| 41.241 (less 1st sentence of (a)) | 121.365 |
| 41.242 | 121.369 |
| 41.243 | 121.371 |
| 41.260 | 121.383 |
| 41.261 | 121.385 |
| 41.262 | 121.389 |
| 41.263 | 121.387 |
| 41.265 | 121.393 |
| 41.266 | 121.395 |
| 41.267 | 121.397 |
| 41.280 | 121.411 |
| 41.281 | 121.413 |
| 41.282 | 121.415 |
| 41.283 | 121.417 |
| 41.284 | 121.421 |
| 41.285 | 121.423 |
| 41.286 | 121.425 |
| 41.300(a) (portion of 1st sentence) | 121.463 |
| 41.300(a) (less portion of 1st sentence) and (b) | 121.433 |
| 41.300 (less 1st sentence of (a) and (b)) | 121.437 |
| 41.301 | 121.439 |
| 41.302 | 121.441 |
| 41.303 | 121.443 |
| 41.304 | 121.447 |
| 41.305 | 121.449 |
| 41.306 | 121.451 |
| 41.307 | 121.453 |
| 41.310 | 121.463 |
| 41.320 | 121.481 |
| 41.321 | 121.483 |
| 41.322 | 121.485 |
| 41.323 | 121.487 |
| 41.324 | 121.491 |
| 41.325 | 121.489 |
| 41.326 | 121.493 |
| 41.327 | 121.493 |
| 41.340 | 121.465 |
| 41.351 | 121.535 |
| 41.352 | 121.539 |
| 41.353 | 121.541 |
| 41.354 | 121.543 |
| 41.355 | 121.545 |
| 41.356 | 121.547 |
| 41.357 | 121.549 |
| 41.358 | 121.551 |
| 41.359 | 121.555 |
| 41.360 | 121.557 |
| 41.361 | 121.561 |
| 41.362 | 121.563 |
| 41.363 | 121.565 |
| 41.364 | 121.567 |
| 41.365 | 121.569 |
| 41.370 | 121.571 |
| 41.371 | 121.575 |
| 41.372 | 121.579 |
| 41.373 | 121.587 |
| 41.381 | 121.595 |
| 41.382 | 121.599 |
| 41.383 | 121.601 |
| 41.384 | 121.605 |
| 41.385 | 121.607 |
| 41.386 | 121.611 |
| 41.387(a) (1st 56 words) | 121.613 |
| 41.387 (less (a) 1st 56 words) | 121.615 |
| 41.388 | 121.617 |
| 41.389 | 121.621 |
| 41.390 | 121.625 |
| 41.391 | 121.627 |
| 41.392 | 121.629 |
| 41.393 | 121.631 |
| 41.394 | 121.635 |
| 41.395 | 121.637 |
| 41.396(a) | 121.641 |
| 41.396 (less (a)) | 121.645 |
| 41.397 | 121.647 |
| 41.406 | 121.651 |
| 41.407 | 121.655 |
| 41.408 | 121.657 |
| 41.409 | 121.661 |
| 41.410 | 121.663 |
| 41.411 | 121.665 |
| 41.501 | 121.683 |
| 41.502 | 121.685 |
| 41.503 | 121.687 |



DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 41.504(b) | 121.665 |
| 41.504 (less (b)) | 121.691 |
| 41.505 | 121.695 |
| 41.506 | 121.699 |
| 41.507 | 121.701 |
| 41.508 | 121.703 |
| 41.509 | 121.705 |
| 41.510 | 121.707 |
| 41.511 | 121.709 |
| 41.512 | 121.711 |
| 42.1(a)(4) | 121.7 |
| 42.1 (less (a)(4)) | 121.1 |
| 42.2 | 121.7 |
| 42.5 | [1] |
| 42.10 | 121.3 |
| 42.11 | 121.45 |
| 42.12 | 121.47 |
| 42.13 | 121.49 |
| 42.14 | 121.51 |
| 42.15 | 121.55 |
| 42.16 | 121.77 |
| 42.17 | 121.73 |
| 42.17a | 121.53 |
| 42.18(b) | 121.3 |
| 42.18 (less (b)) | 121.43 |
| 42.19 | 121.45 |
| 42.20 | 121.75 |
| 42.21 | 121.79 |
| 42.22 | 121.81 |
| 42.23 | 121.83 |
| 42.24(c) | 121.3 |
| 42.24 (less (c)) | 121.5 |
| 42.25 | 121.57 |
| 42.26 | 121.13 |
| 42.27 | 121.59 |
| 42.28 | 121.61 |
| 42.29 | 121.9 |
| 42.30 | 121.113 |
| 42.31 | 121.115 |
| 42.33 | 121.117 |
| 42.35 | 121.119 |
| 42.36 | 121.121 |
| 42.37 | 121.123 |
| 42.38 | 121.125 |
| 42.39 | 121.127 |
| 42.50 | 121.133 |
| 42.51 | 121.135 |
| 42.52(b) | 121.139 |
| 42.52 (less (b)) | 121.137 |
| 42.53 | 121.141 |
| 42.60(c)–(f) | 121.155 |
| 42.60 (less (c)–(f)) | 121.153 |
| 42.61 | 121.157 |
| 42.62 (1st sentence) | 121.159 |
| 42.62 (less 1st sentence) | 121.161 |
| 42.63 | 121.163 |
| 42.70 | 121.173 |
| 42.71 | 121.175 |
| 42.72 | 121.177 |
| 42.73 | 121.179 |
| 42.74 | 121.181 |
| 42.75 | 121.183 |
| 42.76 | 121.173 |
| 42.77 | 121.185 |
| 42.78 | 121.187 |
| 42.90 | 121.173 |
| 42.91 | 121.199 |
| 42.92 | 121.201 |
| 42.93 | 121.203 |
| 42.94 | 121.205 |
| 42.110 | 121.213 |
| 42.111 | [2] |
| 42.112 | 121.215 |
| 42.113 | 121.217 |
| 42.114 | 121.219 |
| 42.115 | 121.221 |
| 42.116 | 121.223 |
| 42.117 | 121.225 |
| 42.118 | 121.227 |
| 42.119 | 121.229 |
| 42.120 | 121.231 |
| 42.121 | 121.233 |
| 42.122 | 121.235 |
| 42.123 | 121.237 |

[1] Transferred to Part 1 [New].
[2] Surplusage.

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 42.124 | 121.239 |
| 42.125 | 121.241 |
| 42.126 | 121.243 |
| 42.127 | 121.245 |
| 42.128 | 121.247 |
| 42.129 | 121.249 |
| 42.130 | 121.251 |
| 42.131 | 121.253 |
| 42.132 | 121.255 |
| 42.133 | 121.257 |
| 42.134 | 121.259 |
| 42.135 | 121.261 |
| 42.136 | 121.263 |
| 42.137 | 121.265 |
| 42.138 | 121.267 |
| 42.139 | 121.269 |
| 42.140 | 121.271 |
| 42.141 | 121.273 |
| 42.142 | 121.275 |
| 42.143 | 121.277 |
| 42.150 | 121.279 |
| 42.151 | 121.281 |
| 42.152 | 121.283 |
| 42.153 | 121.285 |
| 42.154 | 121.287 |
| 42.155 | 121.289 |
| 42.170 | 121.303 |
| 42.171 | 121.305 |
| 42.172 | 121.307 |
| 42.173 | 121.309 |
| 42.174 | 121.311 |
| 42.175 | 121.313 |
| 42.176 | 121.315 |
| 42.177 | 121.317 |
| 42.178 | 121.319 |
| 42.179 | 121.321 |
| 42.200 | 121.323 |
| 42.201 | 121.325 |
| 42.202 | 121.327 |
| 42.202–T | 121.329 |
| 42.203 | 121.331 |
| 42.203–T | 121.333 |
| 42.204 | 121.335 |
| 42.205 | 121.337 |
| 42.206 | 121.339 |
| 42.207 | 121.341 |
| 42.208 | 121.353 |
| 42.209 | 121.355 |
| 42.210 | 121.343 |
| 42.212 | 121.359 |
| 42.230 | 121.345 |
| 42.231 | 121.347 |
| 42.232 | 121.349 |
| 42.233 | 121.351 |
| 42.240 | 121.361 |
| 42.241(a) (1st sentence) | 121.367 |
| 42.241 (less 1st sentence of (a)) | 121.365 |
| 42.242 | 121.369 |
| 42.243 | 121.371 |
| 42.260 | 121.383 |
| 42.261 | 121.385 |
| 42.262 | 121.389 |
| 42.263 | 121.387 |
| 42.265 | 121.393 |
| 42.267 | 121.397 |
| 42.280 | 121.411 |
| 42.281 | 121.413 |
| 42.282 | 121.415 |
| 42.283 | 121.419 |
| 42.284 | 121.421 |
| 42.285 | 121.423 |
| 42.300(a) (1st 37 words of 1st sentence) and (b) | 121.433 |
| 42.300(a) (1st sentence less 1st 37 words) | 121.435 |
| 42.300 (less 1st sentence of (a) and (b)) | 121.437 |
| 42.301 | 121.439 |
| 42.302 | 121.441 |
| 42.303 | 121.445 |
| 42.305 | 121.449 |
| 42.306 | 121.451 |
| 42.307 | 121.453 |
| 42.315 | 121.501 |
| 42.317(a) (less (6) and (7)) | 121.503 |
| 42.317(b) | 121.505 |
| 42.317(c) | 121.507 |

DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|---|---|
| 42.317(a)(6) | 121.517 |
| 42.317(a)(7) | 121.519 |
| 42.317 (less (a), (b), and (c)) | 121.509 |
| 42.316 | 121.511 |
| 42.319 | 121.513 |
| 42.320(a) | 121.515 |
| 42.320(b) | 121.519 |
| 42.320 (less (a) and (b)) | 121.517 |
| 42.321 | 121.521 |
| 42.322 | 121.523 |
| 42.323 | 121.525 |
| 42.350 | 121.537 |
| 42.352 | 121.537 |
| 42.353 | 121.539 |
| 42.354 | 121.543 |
| 42.355 | 121.545 |
| 42.356 | 121.547 |
| 42.357 | 121.549 |
| 42.358 | 121.553 |
| 42.360 | 121.559 |
| 42.361 | 121.561 |
| 42.362 | 121.563 |
| 42.363 | 121.565 |
| 42.364 | 121.567 |
| 42.370(a) | 121.573 |
| 42.370 (less (a)) | 121.571 |
| 42.371 | 121.575 |
| 42.372 | 121.579 |
| 42.373 | 121.587 |
| 42.381 | 121.597 |
| 42.382 | 121.599 |
| 42.383 | 121.603 |
| 42.384 | 121.605 |
| 42.385 | 121.609 |
| 42.386 | 121.611 |
| 42.387(a) (1st 56 words) | 121.613 |
| 42.387 (less (a) 1st 56 words) | 121.615 |
| 42.388 | 121.617 |
| 42.389 | 121.623 |
| 42.390 | 121.625 |
| 42.391 | 121.627 |
| 42.392 | 121.629 |
| 42.393 | 121.631 |
| 42.396(a) | 121.643 |
| 42.396 (less (a)) | 121.645 |
| 42.397 | 121.647 |
| 42.406 | 121.653 |
| 42.407 | 121.655 |
| 42.408 | 121.657 |
| 42.409 | 121.659 |
| 42.411 | 121.665 |
| 42.412 | 121.667 |
| 42.501 | 121.683 |
| 42.503 | 121.689 |
| 42.504(b) | 121.665 |
| 42.504 (less (b)) | 121.693 |
| 42.505 | 121.697 |
| 42.506 | 121.699 |
| 42.507 | 121.701 |
| 42.508 | 121.703 |
| 42.509 | 121.705 |
| 42.510 | 121.707 |
| 42.511 | 121.709 |
| 42.513 | 121.713 |
| SR 386F | 121.487 |
| SR 389B | Transferred to Part 91 |
| SR 405 | 121.471 |
| SR 406C | 121.157 |
| SR 410 | 121.503 |
| SR 411B (less applicability to foreign air carriers) | 121.198 |
| SR 420 | 121.309 |
| SR 422 § 40T.80 | 121.173 |
| SR 422 § 40T.81 (less (b) and (d)) | 121.189 |
| SR 422 § 40T.81(b) | 121.195 |
| SR 422 § 40T.81(d) | 121.173 |
| SR 422 § 40T.82 | 121.189 |
| SR 422 § 40T.83(a) | 121.191 |
| SR 422 § 40T.83 (less (a)) | 121.193 |
| SR 422 § 40T.84(a) | 121.195 |
| SR 422 § 40T.84 (less (a)) | 121.197 |
| SR 422A § 40T.80 | 121.173 |
| SR 422A § 40T.81 (less (b) and (d)) | 121.189 |
| SR 422A § 40T.81(b) | 121.195 |
| SR 422A § 40T.81(d) | 121.173 |
| SR 422A § 40T.82 | 121.189 |
| SR 422A § 40T.83(a) | 121.191 |

| Former section | Revised section |
|---|---|
| SR 422 § 40T.83 (less (a)) | 121.193 |
| SR 422A § 40T.84(a) | 121.195 |
| SR 422A § 40T.84 (less (a)) | 121.197 |
| SR 422B 40T.80 | 121.173 |
| SR 422B § 40T.81 (less (b) and (d)) | 121.189 |
| SR 422B § 40T.81(b) | 121.195 |
| SR 422B § 40T.81(d) | 121.173 |
| SR 422B § 40T.82 | 121.189 |
| SR 422B § 40T.83(a) | 121.193 |
| SR 422B § 40T.83 (less (a)) | 121.191 |
| SR 422B § 40T.84(a) | 121.195 |
| SR 422B § 40T.84 (less (a)) | 121.197 |
| SR 425C § 14 | 121.207 |
| SR 432A | 121.583 |
| SR 436B | 121.357 |
| SR 440 | 121.587 |
| SR 448A | 121.585 |
| SR 455 | 121.548 |
| 406.19(a) | 121.721 |
| 406.19 (less (a)) | 121.723 |

Appendix A—First-Aid Kits

Appendix B—Minimum Standards for the Approval of Airplane Simulators

Appendix C—C–46 Nontransport Category Airplanes

NOTE: Text of Appendixes A, B, and C to Part 121 will be published in the FEDERAL REGISTER early in January 1965.

[F.R. Doc. 64–13424; Filed, Dec. 30, 1964; 8:45 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

## PART 730—RICE

### Subpart—1965–66 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS AND NATIONAL ACREAGE ALLOTMENT FOR 1965 CROP RICE, AND APPORTIONMENT OF 1965 NATIONAL ACREAGE ALLOTMENT OF RICE AMONG THE SEVERAL STATES

Sec.
730.1601 Basis and purpose.
730.1602 Marketing quotas on 1965 crop rice.
730.1603 National acreage allotment of rice for 1965.
730.1604 Apportionment of 1965 national acreage allotment of rice among the several States.

AUTHORITY: The provisions of this subpart issued under secs. 301, 352, 353, 354, 375, 52 Stat, 38, 60, 61, 66, as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375.

**§ 730.1601 Basis and purpose.**

(a) (1) Section 730.1602 is issued under and in accordance with sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of rice for the marketing year beginning August 1, 1964, and to proclaim that marketing quotas will be applicable to the 1965 crop of rice. Section 730.1603 is issued under and in accordance with sections 352 and 353 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the national acreage allotment of rice for the calendar year 1965. Section 353(c)(6) of the act, as amended by section 301 of Public Law 85–835, 72 Stat. 994, provides that the national acreage allotment of rice for 1965 shall be not less than the total acreage allotted in 1956.

(2) Section 730.1604 is issued under and in accordance with section 353 of the Agricultural Adjustment Act of 1938, as amended, to apportion among the several States the national acreage allotment of rice for 1965 as proclaimed in § 730.1603 hereof. Section 353 of the act provides that the national acreage allotment of rice for 1965, less a reserve of not to exceed one per centum for apportionment to farms receiving inadequate allotments, shall be apportioned among the States in the same proportion that they shared in the total acreage allotted in 1956.

(3) Section 353(b) of the act, as amended by Public Law 85–443, authorizes the Secretary of Agriculture under certain circumstances to divide any State into two administrative areas to be designated "producer administrative area" and "farm administrative area", and provides that if any State is so divided into administrative areas the term "State acreage allotment" for the purposes of section 353 of the Agricultural Adjustment Act of 1938, as amended, shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area.

(4) Section 353(c)(1) of the act, as amended by Public Law 85–443, provides that if any State is divided into administrative areas, the allotment for each area shall be determined by apportioning the State acreage allotment among counties as provided in section 353(c)(1) of the Agricultural Adjustment Act of 1938, as amended, and totaling the allotments for the counties in each such area. The acreage allotments for the "farm administrative area" and "producer administrative area" in the State of Louisiana which are set out in § 730.1604 were determined by apportioning the State acreage allotment for Louisiana among the counties in the State in the same proportion which each such county shared in the total acreage allotted in the State in 1956, as provided in section 353(c)(1) of the Agricultural Adjustment Act of 1938, as amended, and totaling the allotments for the counties in each such area.

(b) The findings and determinations made in §§ 730.1602, 730.1603, and 730.1604 have been made on the basis of the latest available statistics of the Federal Government. The findings in § 730.1602 show that marketing quotas are required for the 1965 crop of rice. The determinations made in § 730.1603 indicate the amount of the 1965 national acreage allotment of rice.

(c) Prior to taking action herein, public notice (29 F.R. 13273) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1965 crop of rice, to determine and proclaim the national acreage allotment of rice for 1965, and to apportion among the States the 1965 national acreage allotment of rice. No data, views, and recommendations were submitted pursuant to such notice.

(d) The Agricultural Adjustment Act of 1938, as amended, requires that the proclamation with respect to marketing quotas for the 1965 crop of rice be issued not later than December 31, 1964; that the referendum to determine whether farmers are in favor of or opposed to such quotas be held within 30 days after the issuance of the proclamation; and that insofar as practicable operators of farms be notified of their farm rice acreage allotments prior to the holding of the referendum. Therefore, it is necessary to waive the 30-day effective date provision of section 4 of the Administrative Procedure Act and such provision is hereby waived. Accordingly, the regulations in §§ 730.1601 to 730.1604, inclusive, shall become effective upon filing with the Director, Office of the Federal Register.

**§ 730.1602 Marketing quotas on 1965 crop of rice.**

The total supply of rice in the United States for the marketing year beginning August 1, 1964, is determined to be 80,700 thousand hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 77,759 thousand hundredweight. Since the total supply of rice for the 1964–65 marketing year exceeds the normal supply for such marketing year, marketing quotas shall be in effect on the 1965 crop of rice.

**§ 730.1603 National acreage allotment of rice for 1965.**

The normal supply of rice for the marketing year commencing August 1, 1965, is determined to be 76,835 thousand hundredweight (rough basis). The carryover of rice on August 1, 1965, is determined to be 9,800 thousand hundredweight. Therefore, the production of rice needed in 1965 to make available a total supply of rice for the 1965–66 marketing year equal to the normal supply for such marketing year is 67,035 thousand hundredweight. The national average yield of rice for the five calendar years, 1960 through 1964 is determined to be 3,686 pounds per planted acre. The national acreage allotment of rice for 1965 computed on the basis of the production of rice needed in 1965 and the national average yield per planted acre of rice for the five calendar years, 1960 through 1964, is 1,818,638 acres. Since this amount is more than the total acreage allotted in 1956, which is the minimum for 1965 provided by law, the national acreage allotment of rice for the calendar year 1965 shall be 1,818,638 acres.

**§ 730.1604 Apportionment of 1965 national acreage allotment of rice among the several States.**

The national acreage allotment proclaimed in § 730.1603, less a reserve of 672 acres, is hereby apportioned among the several rice-producing States as follows:



| State: | Acres |
|---|---|
| Arizona | 252 |
| Arkansas | 439,019 |
| California | 329,822 |
| Florida | 1,053 |
| Illinois | 22 |
| Louisiana: | |
| Farm administrative area 503,984 | |
| Producer administrative area 18,651 | |
| State total | 522,635 |
| Mississippi | 51,354 |
| Missouri | 5,245 |
| North Carolina | 42 |
| Oklahoma | 164 |
| South Carolina | 3,132 |
| Tennessee | 569 |
| Texas | 464,657 |
| Total apportioned to States | 1,817,966 |
| Unapportioned National Reserve | 672 |
| U.S. total | 1,818,638 |

*Effective date.* Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 24, 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–13619; Filed, Dec. 28, 1964; 10:48 a.m.]

[Amdt. 2]

## PART 730—RICE

### Subpart—Rice Marketing Quota Regulations for 1964 and Subsequent Crop Years

On page 15537 of the FEDERAL REGISTER of November 19, 1964, was published a notice of proposed rule making to issue amendments to the rice marketing quota regulations for 1964 and subsequent crop years. Interested persons were given 30 days from the date of publication of the notice in the FEDERAL REGISTER in which to submit written data, views, or recommendations with respect to the proposed amendments.

No data, views, or recommendations were received and the proposed amendments are adopted as set forth in the notice with the following changes:

1. A paragraph of basis and purpose is added immediately preceding the text of the amendments.

2. An effective date paragraph is added immediately following the text of the amendments.

3. An authority clause is added immediately following the effective date paragraph.

Signed at Washington, D.C., on December 28, 1964.

E. A. JAENKE,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

*Basis and purpose.* The amendments herein are issued under and in accordance with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of these amendments is to change the final dates for the disposal of excess rice acreage in the State of Texas, effective for 1965 and subsequent crop years, and to change various cross references to other regulations to show the current designation.

**§ 730.1552 [Amended]**

1. The second sentence of § 730.1552 is amended by changing the title of the Part 719 reference to read: "Reconstitution of Farms, Allotments, and Bases."

**§ 730.1555 [Amended]**

2. Section 730.1555 is amended by changing the final dates for the disposal of excess rice acreage for Texas to read:

TEXAS

The counties of Austin, Bastrop, Brazoria, Calhoun, Colorado, Fort Bend, Galveston, Harris, Jackson, Lavaca, Matagorda, Travis, Victoria, Waller, Washington and Wharton, July 1.

The counties of Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Polk and Walker, July 15.

Bowie County, September 1.

**§ 730.1581 [Amended]**

3. The last sentence in paragraph (h) of § 730.1581 is amended by changing the title of the Part 719 reference to read: "Reconstitution of Farms, Allotments, and Bases."

**§ 730.1595 [Amended]**

4. Paragraph (b) of § 730.1595 is amended by changing the word "Performance" to the word "Compliance".

*Effective date:* 30 days after publication in the FEDERAL REGISTER.

(Secs. 374, 375, 52 Stat. 65 as amended, 66, as amended; 7 U.S.C. 1374, 1375)

[F.R. Doc. 64–13490; Filed, Dec. 30, 1964; 8:49 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

## PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

### Establishment of Quotas for Local Consumption in 1965

On page 17122 of the FEDERAL REGISTER of December 15, 1964, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1965 and establishing quotas for Hawaii and Puerto Rico for the calendar year 1965. Interested persons were given until December 18, 1964, to submit written data, views or arguments for consideration in connection with the proposed regulation.

No views or comments were received relative to the proposed regulation.

The proposed regulation is hereby adopted without change.

Issued at Washington, D.C., this 28th day of December 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

*Basis and purpose.* The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine during December 1964 sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act, and these regulations shall be effective January 1, 1965.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

AUTHORITY: The provisions of this Part 812 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1112, 1119.

**§ 812.1 Sugar requirements and quota—Hawaii.**

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1965 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1965.

**§ 812.2 Sugar requirements and quota—Puerto Rico.**

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1965 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1965.

**§ 812.3 Restrictions on marketing.**

Pursuant to section 209 of the Act, for the calendar year 1965 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F. R. 1943 and 27 F. R. 1450), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1965 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

*Statement of bases and considerations.* Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet

the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1964, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period are estimated to have been approximately 41,000 short tons of sugar, raw value, and 118,000 short tons of sugar, raw value, respectively.

The provisional estimate by the Bureau of the Census of the total population for Hawaii as of July 1, 1964, is 701,000 and for Puerto Rico is 2,577,000. This represents a normal increase in population for Hawaii and Puerto Rico over 1963. No official estimate for either of these areas for 1964 is available.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1958 through 1963 sugar consumption in this area has varied from 120.0 to 138.0 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1965 than in the twelve months ended October 31, 1964, when sugar marketings approximated 41,000 short tons, raw value.

In Puerto Rico during the twelve months ended October 31, 1964, marketings of sugar for local consumption totaled approximately 120,000 short tons, raw value. Refiners' inventories of sugar as of September 30, 1964, were approximately 15,000 tons higher than those held on September 30, 1963. After making allowance for possible consumption increases in 1965 resulting from population increases, and the larger inventory of sugar held by refiners, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1965 may be approximately 130,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1965 local quota is not completely filled. It is therefore, desirable to establish the 1965 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1965 have been determined to be 50,000 and 130,000 short tons, raw value, respectively.

[F.R. Doc. 64-13512; Filed, Dec. 30, 1964; 8:50 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[959.305]

## PART 959—ONIONS GROWN IN SOUTH TEXAS

### Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in designated counties in South Texas, was published in the FEDERAL REGISTER, November 10, 1964 (29 F.R. 15129). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than thirty days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Onion Committee, established pursuant to the said amended marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

**§ 959.305 Limitation of shipments.**

During the period beginning March 1, 1965, through June 15, 1965, no handler may (1) package or load onions on Sundays, or (2) handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25 pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50 pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* Onions failing to meet the grade, size, or container requirements of paragraphs (a), (b), or (c), and not exempted under paragraph (d), of this section, may be handled only pursuant to § 959.126 (7 CFR § 959.126). Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity, or for experimental purposes, may be handled pursuant to § 959.126(b). Any such onions may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle onions regulated hereunder (except pursuant to paragraphs (d) or (e) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the Committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or Committee document, upon request, is surrendered to authorities designated by the Committee.

(3) For purpose of operation under this part each inspection certificate or Committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the United States Standards for Grades of Onions (§§ 51.2830–51.2850 of this title), whichever is applicable to the particular variety. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143 and this part (Order No. 959), both as amended.



(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated December 28, 1964, to become effective March 1, 1965.

PAUL A. NICHOLSON,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64-13471; Filed, Dec. 30, 1964; 8:46 a.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 1062]

## PART 1062—MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

### Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the months of December 1964 and January 1965:

(1) In the opening paragraph of § 1062.10(b), the numeral "(1),"; and

(2) Subparagraph (1) of § 1062.10(b) relating to shipping requirements for pooling of country plants.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date;

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(3) This suspension order will enable cooperative associations to maintain pool plant status for certain country plants for the months of December 1964 and January 1965 and facilitate the orderly disposition of the market's reserve supply of milk.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

*It is therefore ordered,* That the aforesaid provisions of the order are hereby suspended for the months of December 1964 and January 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

*Effective date.* Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 24, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-13472; Filed, Dec. 30, 1964; 8:47 a.m.]

[Milk Order No. 126]

## PART 1126—MILK IN NORTH TEXAS MARKETING AREA

### Order Amending Order

**§ 1126.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than January 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Associated Administrator was issued November 27, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 21, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1126.41, a new paragraph (b)(8) is added to read as follows:

**§ 1126.41 Classes of utilization.**

* * * * *

(b) * * *

(8) Dumped because buttermilk is not produced from skim milk to which buttermilk culture has been added, if the handler gives prior notification to and opportunity for verification by the market administrator in such manner as the market administrator may require.

2. In § 1126.91, paragraph (a) is revised to read as follows:

**§ 1126.91 Butterfat and location differentials to producers.**

(a) In making payments to producers pursuant to § 1126.90 (a) or (c), the uniform prices shall be increased or decreased by each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 1126.46 by the respective butterfat differential in each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601, 674)

*Effective date.* January 1, 1965.

Signed at Washington, D.C., on December 28, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-13473; Filed, Dec. 30, 1964; 8:47 a.m.]

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1,952]

### PART 561—DEFINITIONS

### Definition of Specified Assets

DECEMBER 28, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 15222) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 561.17 of the rules and regulations for Insurance of Accounts (12 CFR 561.17) in order to eliminate the effect of short-term transactions distorting the computation of specified assets, and for the purpose of effecting such amendment, hereby amends said § 561.17 as follows, effective December 31, 1964.

Paragraph (b) of § 561.17 of the rules and regulations for Insurance of Accounts is hereby amended to read as follows:

**§ 561.17 Specified assets.**

• • • • •

(b) In computing specified assets at the close of any semiannual period, any asset which is sold or disposed of in one semiannual period and then repurchased or reacquired in the next semiannual period, or purchased or acquired in one semiannual period and then sold or disposed of in the next semiannual period, shall, unless otherwise authorized by the Corporation, be computed as if it had not been sold or disposed of, or purchased or acquired, during such initial semiannual period.

Resolved further that, since semiannual reports prepared as of December 31, 1964, would be distorted by short-term transactions of the type dealt with, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is impracticable and contrary to the public interest and provides that the amendment shall become effective as hereinbefore set forth.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] JOSEPH F. SCHRAM,
*Assistant Secretary.*

[F.R. Doc. 64-13504; Filed, Dec. 30, 1964; 8:50 a.m.]

[No. FSLIC-1,951]

### PART 563—OPERATIONS

### Participating Loans

DECEMBER 28, 1964.

Whereas, by Resolution No. FSLIC-1,910, dated November 5, 1964, and duly published in the FEDERAL REGISTER on November 11, 1964 (29 F.R. 15223), this Board resolved that pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508), and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it was proposed that § 563.9-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9-1) be amended by an amendment the substance of which was set out in said publication, and

Whereas, all relevant material presented or available having been considered by it;

*It is resolved*, That this Board hereby determines to adopt the amendment, as published, without change.

It is further resolved that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the said amendment shall become effective on December 31, 1964.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] JOSEPH F. SCHRAM,
*Assistant Secretary.*

**§ 563.9-1 Participation loans.**

• • • • •

Amend paragraphs (c) and (d) of § 563.9-1 of the rules and regulations for Insurance of Accounts to read as follows:

(c) *Percentage of assets.* No insured institution shall participate in the making of a loan pursuant to the approval granted by this section or purchase a participation in a loan pursuant to such approval if the amount of such participation interest plus the amount of such institution's outstanding investments in participation interests in loans made pursuant to the approval granted by this section aggregate a total amount exceeding 40 percent of such institution's assets. In the case of an insured institution which, at the close of its most recent semiannual period, had scheduled items, other than assets acquired in a merger instituted for supervisory reasons, not in excess of 4 percent of its specified assets, the said 40 percent shall be exclusive of participation interests in loans on property located more than 50 miles but not more than 100 miles from the insured institution's principal office and outside the territory aforesaid. The provisions of this paragraph do not apply to any loan that is an insured loan or a guaranteed loan.

(d) *Limitations.* No insured institution that originated the loan shall sell a participation in any loan at any time when the percentage of such institution's scheduled items, other than assets acquired in a merger instituted for supervisory reasons, exceeds 4 percent of its specified assets, as reported in its most recent semiannual report.

• • • • •

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

[F.R. Doc. 64-13503; Filed, Dec. 30, 1964; 8:50 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter V—Weather Bureau, Department of Commerce

### PART 503—SCHEDULE OF CHARGES FOR SERVICES

Part 503 of Chapter V of Subtitle B of Title 15 of the Code of Federal Regulations is revised to read as follows:

**§ 503.1 Charges for furnishing copies of weather records.**

(a) Duplicating machine copies:

| | |
|---|---|
| (1) Ozalid, Bruning, and similar processes: | |
| (i) Synoptic maps and charts: | |
| (a) Up to 360 sq. inches (per copy) | $0.30 |
| (b) 361 to 510 sq. inches (per copy) | .31 |
| (c) 511 to 800 sq. inches (per copy) | .32 |
| (d) 801 to 1000 sq. inches (per copy) | .33 |
| (e) 1001 to 1220 sq. inches (per copy) | .35 |
| (f) Above 1220 sq. inches $0.37 for first 1220 sq. inches and $0.03 for each additional 144 sq. inches. | |
| (ii) Other than synoptic maps and charts: | |
| 8 x 10½ (per print) | $0.10 |
| Over 8 x 10½ (per sq. ft.) | .07 |
| (2) Photocopy prints (photostat, etc.): | |
| 8½ x 11 or smaller | $0.35 |
| 9 x 12 to 12 x 17 | .50 |
| 14 x 17 to 18 x 24 | .85 |
| (3) Thermofax copies or direct contact prints: | |
| 8½ x 11 | $0.11 |
| Larger than 8½ x 11 (per sq. ft.) | .16 |
| (4) Transcopy prints: | |
| 8½ x 10 | .40 |
| 10 x 12 | .40 |
| (5) Xerox copies (maximum size 9 x 4) | .12 |

(b) Photography:

| | |
|---|---|
| (1) Prints, black and white: | |
| (i) Contact: | |
| 8 x 10 | .35 |
| 11 x 14 | .50 |
| 14 x 17 | .70 |
| 16 x 20 | 1.00 |
| 20 x 24 | 1.25 |
| 30 x 40 | 2.25 |
| (ii) Enlargements by conventional processes: | |
| 5 x 7 | .45 |
| 8 x 10 | .60 |
| 11 x 14 | 1.00 |
| 20 x 24 | 1.50 |
| (iii) Enlargements from available microfilm using microfilm-printing equipment, e.g. 3M Reader Printer, Xerox 1824 Printer: | |
| Up to 18 x 24 | .35 |
| (2) Microfilm: | |
| (i) Negative film (one or two pages to exposure on panchromatic contrast film) 35 mm | 0.05 |
| Per frame or exposure 16 mm | 0.04 |
| (ii) Film copy (excluding radar film printed to register) Silver halide process, diazo process, or Kalvar process, unsprocketed, from negative of uniform density 35 mm | 6.00 |
| Per reel 16 mm | 5.50 |

(Reels are approximately 100 ft. in length and the price includes spool and box.)

SPECIAL PRICE NOTE: A single 100 foot reel of 35 mm diazo microfilm, unsprocketed, containing a month of data of the Daily Series, Synoptic Weather Maps, Part II, Northern Hemisphere Data Tabulations, will be furnished at $4.00 per reel on a curent continuing subscription basis. When furnished on an irregular and/or non-current basis, the regular price per reel will apply.

(iii) Film copy, radar film, sprocketed, printed to register.

Positive only.

| | |
|---|---|
| Per reel, approximately 100 feet 35 mm | 9.00 |
| Per reel (see note on length below) 16 mm | 7.00 |

NOTE: If copies from original photography on 16 mm camera, the length is approximately 100 feet. If reduced from original photography on 35 mm camera, the length is approximately 50 feet.

| | |
|---|---|
| (3) Microfiche, ozalid, negative only, 4" x 6" or 5" x 8" | 0.25 |

SPECIAL PRICE NOTE: A set of 5" x 8" microfiche cards, one for each day of the month, containing a month of data in the Daily Series, Synoptic Weather Maps, Part II, Northern Hemisphere Data Tabulations, will be furnished for $5.00 a month, on a current continuing subscription basis. When furnished on an irregular and/or non-current basis, the regular price per microfiche will apply.

(c) Time spent by field station employees in performing the following services will be charged at the rate of $4.40 per hour if services are performed during the normal working hours, or at the rate of $5.73 per hour if performed on overtime.

(1) Hand transcription of official meteorological records.

(2) Searching map or record files to assemble material.

(3) Unbinding and reassembling bound volumes of maps or records preparatory to making ozalid, photostat, or other reproductions.

NOTE: A minimum charge of $2.00 will be made for a single order on any of the items in this Exhibit except that this minimum charge shall not apply to single orders at a field station for preliminary Local Climatological Data prepared on government equipment.

(59 Stat. 1067, sec. 501, 65 Stat. 290, 5 U.S.C. 606, 140)

*Effective date:* January 1, 1965.

R. C. GRUBB,
*Acting Chief of Weather Bureau.*

[F.R. Doc. 64-13513; Filed, Dec. 30, 1964; 8:50 a.m.]

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter I—Federal Power Commission

### PART 260—STATEMENTS AND REPORTS (SCHEDULES)

[Docket No. R-262; Order No. 291]

### Monthly Statement of Natural Gas Pipeline Companies

REVISING MONTHLY STATEMENT FORM No. 11 (18 CFR 260.3)

DECEMBER 23, 1964.

1. By notice of proposed rulemaking issued May 19, 1964, and published in the FEDERAL REGISTER of May 23, 1964 (29 F.R. 6807), the Commission proposed to revise the reporting requirements of certain of the larger natural gas pipeline companies by revising FPC Form No. 11, submission of which is now required monthly by § 260.3 of the Commission's regulations, and by requiring the early reporting of some of the Form No. 11 information in a new Form No. 11A. Upon further consideration, the Commission has decided to withdraw its proposal for the new Form. For the reasons given herein we are promulgating the revision of FPC Form No. 11.

2. Existing Form No. 11 is required of all Class A and B natural gas pipeline companies and is a monthly report, due 30 days after the end of the reported month, covering certain revenue, expense, and gas volume data. We believe that reports by more than half of the companies now reporting may be discontinued and reporting may be confined to those 31 Class A and B companies selling, storing, and transporting about 90 percent of the natural gas subject to Commission rate regulation. At the same time, to facilitate individual regulation and to guide Commission policy formulation, the Commission plans to obtain in revised Form 11 certain additional data which cannot be determined from the present report, such as current wellhead and city gate prices for interstate pipeline gas and accrued revenues and expenditures of pipelines under producer and pipeline rate increases not yet approved by the Commission. The total information to be derived from revised Form 11 should enable the Commission to appraise more accurately for its regulatory needs such facts as the current level of natural gas activity, the current consumption of and prices charged for gas sold by pipelines, seasonal variations in use of capacity by customer category, the effect of storage upon the monthly peak demand, and the extent of fluctuations in receipts of gas by pipelines from the various sources. In view of the greater detail required by the revised Form 11, the period for reporting is being changed from 30 days to 40 days.

3. Comments were received from 19 of the pipeline companies affected, in addition to the Independent Natural Gas Association of America, and from the California Public Utilities Commission, one consulting firm, one brokerage company, and one private individual. There was some criticism of the additional administrative burden entailed; on the other hand, there were useful comments and suggestions which have been adapted or incorporated in the forms and regulations. Thus, peak day delivery figures in Table 4 are being limited to the winter months and such other months in which they are measured by the company. Definitions have been supplied for such terms as "imports", and "off-peak", and Table 5 identifies the monthly reporters and other interstate pipelines.

The Commission finds: In view of the foregoing and upon consideration of all relevant matters presented, it is necessary and appropriate in carrying out the provisions of the Natural Gas Act that FPC Report Form No. 11 be revised and promulgated in form as hereinafter ordered.

The Commission, acting pursuant to the Natural Gas Act, as amended, particularly Sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o), orders:

FPC Form No. 11 is revised as set out in Attachment A hereto.[1]

Section 260.3, Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations is amended to read as follows:

**§ 260.3 Form No. 11, Natural gas pipeline company monthly statement.**

(a) The form of the monthly statement for natural gas companies designated therein, entitled FPC Form No. 11 is prescribed for the month beginning December, 1964, and thereafter.

(b) Each natural gas company, as defined in the Natural Gas Act, whose combined gas sales for resale and gas transported or stored for a fee exceeded 50 million Mcf at 14.73 psia (60° F) in the previous calendar year shall prepare and file with the Commission for the month beginning December, 1964, and for each month thereafter, two copies of Monthly Statement, FPC Form No. 11. Such copies shall be filed within 40 days after the end of the reported month and shall be signed by the Chief Accounting Officer of the reporting company, but is not required to be under oath.

The title of this proceeding shall read as set forth in the caption above.

Companies presently filing existing Form 11 which are not required to file the new Form 11, herein promulgated, shall continue to report on the form heretofore in use through the reporting month of December 1964.

[1] Filed as part of the original document.

This amendment shall become effective upon issuance of this order.

The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-13452; Filed, Dec. 30, 1964; 8:45 a.m.]

# Title 19—CUSTOMS DUTIES

## APPENDIX A—TABLE OF AMENDMENTS TO THE TARIFF SCHEDULES OF THE UNITED STATES

The following entries are added to Appendix A of Title 19, tabulated in the order of line item numbers and headnote designations affected:

SCHEDULE 1—ANIMAL AND VEGETABLE PRODUCTS

PART 11—COFFEE, TEA, MATÉ, AND SPICES

| Item | Articles | Rates of duty 1 | Rates of duty 2 | Amendatory instrument |
|---|---|---|---|---|
| | Subpart A—Coffee and Coffee Substitutes, Tea, Maté | | | As amended by Pub. Law 88-337, 78 Stat. 232. |
| | *Subpart A headnotes:* 1. The rates of duty specified in items 160.10, 160.20, 160.21, and 160.22 shall not apply to any product imported into Puerto Rico upon which a duty is imposed under the authority of section 319 of this Act. | | | |
| | Coffee extracts, essences, and concentrates (including soluble or instant coffee): | | | |
| 160.20 | Soluble or instant coffee (containing no admixture of sugar, cereal, or other additive) | Free | Free | As amended Pub. Law 88-337, 78 Stat. 232. |
| 160.21 | Other | 3 cents per lb. | 3 cents per lb. | |
| 160.22 | If products of Cuba | 2.4 cents per lb.(s). | | |

SCHEDULE 3—TEXTILE FIBERS AND TEXTILE PRODUCTS

PART 1—TEXTILE FIBERS AND WASTES; YARNS AND THREADS

| Item | Articles | | | Amendatory instrument |
|---|---|---|---|---|
| | Subpart C—Wool and Related Animal Hair | | | |
| | *Subpart C headnotes:* 4. For the purposes of item 306.00— (a) a tolerance of not more than 10 percent of wools other than Karakul not finer than 44s may be allowed in each bale or package of wools imported as not finer than 40s, and a tolerance of not more than 10 percent of wools not finer than 48s may be allowed in each bale or package of wools imported as not finer than 46s. | | | As amended by Pub. Law 88-331, 78 Stat. 226. |
| 306.00 | Wools provided for in item 306.10, 306.11, 306.12, or 306.13, all other wools of whatever blood or origin not finer than 46s (except carbonized wools), and hair of the camel provided for in item 306.40, 306.41, 306.42, or 306.43, entered by a dealer, manufacturer, or processor for use only in the manufacture of camel hair belting, felt or knit boots, floor coverings, heavy fulled lumbermen's socks, press cloth, or papermakers' felts; and Karakul wools, and other wools of whatever blood or origin not finer than 40s, entered by a dealer, manufacturer, or processor for use only in the manufacture of pressed felt for polishing plate and mirror glass. | Free, under bond in accordance with headnote 4 of this subpart. | Free, under bond in accordance with headnote 4 of this subpart. | As amended by Pub. Law 88-331, 78 Stat. 226. |

PART 5—SAMPLES; ARTICLES ADMITTED FREE OF DUTY UNDER BOND

| | | | | |
|---|---|---|---|---|
| | Subpart C—Articles Admitted Temporarily Free of Duty Under Bond | | | |
| | *Subpart C headnotes:* 1. The articles described in the provisions of this subpart, when not imported for sale or for sale on approval, may be admitted into the United States without the payment of duty, under bond for their exportation within 1 year from the date of importation, which period, in the discretion of the Secretary of the Treasury, may be extended, upon application, for one or more further periods which, when added to the initial 1 year, shall not exceed a total of 3 years, except that articles imported under item 864.75 shall be admitted under bond for their exportation within 6 months from the date of importation and such 6-months period shall not be extended. For purposes of this headnote, an aircraft engine or propeller, or any part or accessory of either, imported under item 864.05, which is removed physically from the United States as part of an aircraft departing from the United States in international traffic shall be treated as exported. | | | As amended by Pub. Law 88-324, 78 Stat. 231. |

SCHEDULE 8—SPECIAL CLASSIFICATION PROVISIONS

PART 1—ARTICLES EXPORTED AND RETURNED

| Item | Articles | Rates of duty 1 | Rates of duty 2 | Amendatory instrument |
|---|---|---|---|---|
| | Subpart A—Articles Not Advanced or Improved Abroad | | | |
| | *Subpart A headnotes:* 2. For the purposes of item 804.00— (a) when because of the destruction of customs records or for other cause it is impracticable to establish whether drawback was allowed, or the amount allowed, on a returned article, there shall be assessed thereon an amount of duty equal to the estimated drawback and internal-revenue tax which would be allowable or refundable if the imported merchandise used in the manufacture or production of the returned article were dutiable or taxable at the rate applicable to such merchandise on the date of entry, but in no case more than the duty and tax that would apply if the article were wholly of foreign origin; (b) tobacco products and cigarette papers and tubes classifiable under such item may be released from customs custody, without payment of that part of the duty attributable to the internal-revenue tax, for return to internal-revenue bond as provided by section 5704(c) of the Internal Revenue Code of 1954; and (c) in order to facilitate the ascertainment and collection of the duty provided for, the Secretary of the Treasury is authorized to ascertain and specify the amounts of duty equal to drawback or internal-revenue tax which shall be applied to articles or classes or kinds of articles, and to exempt from the assessment of duty articles or classes or kinds of articles with respect to which the collection of such duty involves expense and inconvenience to the Government which is disproportionate to the probable amount of such duty. | | | As amended by Pub. Law 88-342, 78 Stat. 234. |

PART 4—IMPORTATIONS OF RELIGIOUS, EDUCATIONAL, SCIENTIFIC, AND OTHER INSTITUTIONS

| | | | | |
|---|---|---|---|---|
| | *Part 4 headnotes:* 1. Except as provided in items 850.50 and 852.20, the articles covered by this part must be imported exclusively for the use of the institutions involved, and not for distribution, sale, or other commercial use. | | | As amended by Pub. Law 88-482, 78 Stat. 594. |
| | Articles imported for use in any scientific public collection for exhibition for scientific or educational purposes: | | | |
| 852.20 | Wild animals (including birds and fish) imported for use, or for sale for use, in any scientific public collection for exhibition for scientific or educational purposes. | Free | Free | As amended by Pub. Law 88-482, 78 Stat. 594. |

APPENDIX TO THE TARIFF SCHEDULES

PART 1—TEMPORARY LEGISLATION

| Item | Article | Rates of duty 1 | Rates of duty 2 | Effective period | Amendatory instrument |
|---|---|---|---|---|---|
| | Subpart B—Temporary Provisions Amending the Tariff Schedules | | | | |
| 907.15 | Aluminum oxide (alumina) (provided for in item 417.12, part 2C, schedule 4) when imported for use in producing aluminum. | Free | Free | On or before July 15, 1966. | As amended by Pub. Law 88-362, 78 Stat. 298. |
| 909.20 | Natural graphite, crude and refined, provided for in item 517.31, part 1E, schedule 5, if valued $50 per ton or less. | Free | Free | On or before June 30, 1966. | As amended by Pub. Law 88-330, 78 Stat. 225. |
| 909.30 | Bauxite, calcined (provided for in item 521.17, part 1J, schedule 5). | Free | Free | On or before July 15, 1966. | As amended by Pub. Law 88-362, 78 Stat. 298. |
| 911.05 | Bauxite ore (provided for in item 601.06, part 1, schedule 6). | Free | Free | On or before July 15, 1966. | As amended by Pub. Law 88-362, 78 Stat. 298. |
| 911.07 | Manganese ore, including ferruginous manganese ore, and manganiferous iron ore, all the foregoing containing over 10 percent by weight of manganese (provided for in item 601.27, part 1, schedule 6). | Free | 1 cent per lb. on manganese content. | On or before June 30, 1967. | As added by Pub. Law 88-338, 78 Stat. 232. |

| Item | Article | Rates of duty 1-a | Rates of duty 1-b | Rates of duty 2 | Effective period | Amendatory instrument |
|---|---|---|---|---|---|---|
| | Metal waste and scrap (provided for in part 2, schedule 6), except lead, zinc, and tungsten waste and scrap; unwrought metal (except copper, lead, zinc, and tungsten) in the form of pigs, ingots, or billets (a) which are defective or damaged, or have been produced from melted down metal waste and scrap for convenience in handling and transportation without sweetening, alloying, fluxing, or deliberate purifying, and (b) which cannot be commercially used without remanufacture; relaying or rerolling rails; and articles of metal (except articles of lead, of zinc, or of tungsten, and not including metal-bearing materials provided for in schedule 4 or in part 1 of schedule 6 and not including unwrought metal provided for in part 2 of schedule 6) to be used in remanufacture by melting: | | | | | |
| 911.10 | Copper waste and scrap | 1.7 cents per lb. on 99.6% of copper content. | 2 cents per lb. on 99.6% of copper content. | 4 cents per lb. on 99.6% of copper content. | On or before June 30, 1965. | As amended by Pub. Law 88-324, 78 Stat. 222. |
| 911.11 | Articles of copper | 1.275 cents per lb. | 1.5 cents per lb. | 3 cents per lb. | | |
| 911.12 | Other | Free | Free | Free | | |

| | | Rates of duty | | Effective period | |
|---|---|---|---|---|---|
| | | 1 | 2 | | |
| 911.70 | Copying lathes used for making rough or finished shoe lasts from models of shoe lasts and, in addition, capable of producing more than one size shoe last from a single size model of a shoe last (provided for in item 674.42, part 4F, schedule 6). | Free | Free | On or before June 30, 1966. | As amended by Pub. Law 88-336, 78 Stat. 231. |
| 915.20 | The personal and household effects (with such limitation on the importation of alcoholic beverages and tobacco products as the Secretary of the Treasury may prescribe) of any person in the service of the United States who returns to the United States upon the termination of assignment to extended duty (as defined in regulations issued in connection with this provision) at a post or station outside the customs territory of the United States, or of returning members of his family who have resided with him at such post or station, or of any person evacuated to the United States under Government orders or instructions (see part 2B of schedule 8). | Free (see headnote 2 of this subpart). | Free (see headnote 2 of this subpart). | On or before June 30, 1966. | As amended by Pub. Law 88-323, 78 Stat. 222. |

PART 3—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

| Item | Article | Rates of duty | | Amendatory instrument |
|---|---|---|---|---|
| | | 1 | 2 | |
| | *Part 3 headnotes:*<br>2. *Exclusions.*—The import restrictions provided for in this part do not apply with respect to—<br>(d) certified or registered seed wheat for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production, if—<br>(i) the individual shipment amounts to 100 bushels (of 60 pounds each for wheat) or less, or<br>(ii) the individual shipment amounts to more than 100 bushels and the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within six months from the date of entry; | | | As amended by Proclamation 3597, 29 F.R. 9421; 3 CFR. |
| | | Quota quantity (in pounds) | | |
| | Whenever, in any 12-month period beginning July 1 in any year (January 1 in any year for item 950.06), the respective aggregate quantity specified below for one of the numbered classes of articles has been entered, no article in such class may be entered during the remainder of such period: | | | |
| 960.1 | Dried milk, dried cream, and dried whey provided for in part 4 of schedule 1:<br>Described in items 115.45 and 118.05 | 496,000 | | As amended by Proclamation 3597, 29 FR 9421; 3 CFR. |

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 51—CANNED VEGETABLES

BLACK-EYE PEAS, POTATOES; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING EDTA SALTS AS OPTIONAL INGREDIENTS

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that no objections were filed to the order published in the FEDERAL REGISTER November 5, 1964 (29 F.R. 14984), that amended the identity standard for canned vegetables other than those specifically regulated to permit the optional use of disodium EDTA in canned black-eye peas and calcium disodium EDTA in canned potatoes. The amendments promulgated by that order will become effective January 4, 1965.

Dated: December 24, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13485; Filed, Dec. 30, 1964; 8:48 a.m.]

### PART 121—FOOD ADDITIVES

#### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5B1506) filed by The B. F. Goodrich Company, Akron, Ohio, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of *N*-alkyl($C_{14}$-$C_{18}$)-1,3-propanediamine-*N*,*N*',*N*'-triacetic acid as an antioxidant in rubber articles intended for repeated use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2562(c)(4)(iii) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2562 **Rubber articles intended for repeated use.**

(c) • • •
(4) • • •
(iii) • • •

*N*-Alkyl($C_{14}$-$C_{18}$)-1,3-propanediamine-*N*,*N*',*N*'-triacetic acid.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 24, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-13486; Filed, Dec. 30, 1964; 8:48 a.m.]



## Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 75]

### PART 305—OPIATES

#### Piritramid Classified as an Opiate

Notice is hereby given pursuant to the provisions of section 5(b) of the Narcotics Manufacturing Act of 1960, 74 Stat. 60, 21 U.S.C. 503(b), Supp. V and 21 CFR 307.61(b) that the United States has received notification under date of September 17, 1964, from the Secretary-General of the United Nations that the World Health Organization has found a certain substance, not heretofore determined to be an opiate, to fall under the regime laid down in the 1931 Convention for the drugs specified in Article 1, paragraph 2, Group I of that Convention.

The substance and its salts to which the World Health Organization decision relates and which has been found by that Organization to be convertible into a drug capable of producing addiction is:

(Piritramid) (R. 3365) 1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino) piperidine-4-carboxylic acid amide.

Accordingly, § 305.2(b) is amended by adding a new drug to the chronological list of findings. As amended, § 305.2(b) reads as follows:

§ 305.2 **Chronological list of findings.**

• • • • •

(b) The following is a chronological list of drugs or other substances found by the World Health Organization as being capable of producing addiction or of conversion into a drug or other substance capable of producing addiction and designated as opiates by the Commissioner of Narcotics pursuant to the provisions of § 307.61(b) of this chapter. Drugs and other substances listed include any salts thereof.

JUNE 20, 1962

(Methadone - intermediate) 4 - cyano - 2 - dimethylamino-4,4 diphenylbutane.
(Pethidine - intermediate - A) 4 - cyano - 1 - methyl-4-phenylpiperidine.
(Moramide-intermediate) 2-methyl-3-morpholino - 1,1 - diphenylpropanecarboxylic acid.

APRIL 2, 1963

(Pethidine-intermediate-C) 1-methyl-4-phenylpiperidine-4-carboxylic acid.

APRIL 7, 1964

(Norpipanone) 4,4-diphenyl-6-piperidino-3-hexanone.
(Fentanyl) 1-phenethyl-4-N-propionylanilinopiperidine.

DECEMBER 31, 1964

(Piritramid) (R. 3365) 1-(3-cyano-3, 3-diphenylpropyl)-4-(1-piperidino) piperidine-4-carboxylic acid amide.

Because this amendment of § 305.2(b) merely adds to the chronological list of findings a new drug designated by the World Health Organization as being convertible into a drug capable of producing addiction and therefore recognized and published as an opiate by the Commissioner of Narcotics under the provisions of section 5(b) of the Narcotics Manufacturing Act of 1960, 74 Stat. 60, 21 U.S.C. 503(b), Supp. V and 21 CFR 307.61(b), it is hereby found that it is unnecessary to issue this Treasury Decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

*Effective date.* This Treasury Decision shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5(b) Pub. Law 86-429 (74 Stat. 60); sec. 17, Pub. Law 86-429; 74 Stat. 67)

[SEAL] HENRY L. GIORDANO,
*Commissioner of Narcotics.*

Approved: December 22, 1964.

JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-13476; Filed, Dec. 30, 1964; 8:47 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 6789]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### Carryback and Carryover of, and Overall Limitation on, Foreign Tax Credit

On June 16, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 7679) regarding the amendment of Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 42(a) of the Technical Amendments Act of 1958 (72 Stat. 1639) and to sections 1, 2, 3 (a) and (b), and 6(b)(2) of the Act of September 14, 1960 (Public Law 86-780, 74 Stat. 1010, 1011, 1013, 1016), and to make clarifying changes. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following amendments are hereby adopted effective as provided:

PARAGRAPH 1. Section 1.904-1, as set forth in the notice of proposed rule making, is revised to read.

PAR. 2. Section 1.904-3, as set forth in the notice of proposed rule making, is revised.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: December 28, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 42(a) of the Technical Amendments Act of 1958 (72 Stat. 1639) and to the first section, section 2, section 3 (a) and (b), and section 6(b)(2) of the Act of September 14, 1960 (Public Law 86-780, 74 Stat. 1010, 1011, 1013, 1016), and to make clarifying changes, such regulations are hereby amended as follows, effective as provided:

PARAGRAPH 1. Section 1.901 is amended by revising section 901(a), by revising so much of section 901(b) as precedes paragraph (1) thereof, and by adding a historical note at the end of § 1.901. These revised and added provisions read as follows:

§ 1.901 **Statutory provisions; taxes of foreign countries and of possessions of United States.**

Sec. 901. *Taxes of foreign countries and of possessions of United States*—(a) *Allowance of credit.* If the taxpayer chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b) plus, in the case of a corporation, the taxes deemed to have been paid under section 902. Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 531 (relating to the tax on accumulated earnings), against the additional tax imposed for the taxable year under section 1333 (relating to war loss recoveries), or against the personal holding company tax imposed by section 541.

(b) *Amount allowed.* Subject to the applicable limitation of section 904, the following amounts shall be allowed as the credit under subsection (a):

• • • • • •

[Sec. 901 as amended by sec. 3 (a) and (b), Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1013)]

PAR. 2. Section 1.901-1 is amended by revising paragraph (d) to read as follows:

§ 1.901-1 **Allowance of credit for taxes.**

• • • • • •

(d) *Period during which election can be made or changed.* The taxpayer may, for a particular taxable year, claim the benefits of section 901 (or change his choice if previously made) at any time before the expiration of the period prescribed by section 6511(a) (or section 6511(c) if the period is extended by agreement) for making a claim for credit or refund of the tax imposed by chapter 1 for such taxable year. Such period for such taxable year is determined without regard to the special period prescribed by section 6511(d)(3).

• • • • • •

PAR. 3. Section 1.902 is amended by adding a new subsection (e) at the end of section 902 and by adding a historical note at the end of § 1.902. The added provisions read as follows:

§ 1.902 **Statutory provisions; credit for corporate stockholder in foreign corporation.**

Sec. 902. *Credit for corporate stockholder in foreign corporation.* • • •

(e) *Cross reference.* For reduction of credit with respect to dividends paid out of accumulated profits for years for which cer-

tain information is not furnished, see section 6038.

[Sec. 902 as amended by sec. 6(b)(2), Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1016)]

PAR. 4. Section 1.902-1 is amended by revising paragraphs (a)(1), (b), and (c). These amended provisions read as follows:

**§ 1.902-1 Taxes of foreign corporation.**

(a) *Domestic corporation owning stock of a foreign corporation.* (1) In the case of a domestic corporation which owns at least 10 percent of the voting stock of a foreign corporation from which it receives dividends in any taxable year, the credit for foreign taxes includes the income, war profits, and excess profits taxes deemed to have been paid by such domestic corporation under section 902. The amount of taxes so deemed to have been paid by the domestic corporation is determined by taking the same proportion of any income, war profits, and excess profits taxes paid, or deemed to have been paid, or accrued (determined with regard to the reductions, if any, under section 6038(b)) to any foreign country or to any possession of the United States by such foreign corporation, on or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of any such dividends received bears to the amount of such accumulated profits. If dividends are received from more than one such foreign corporation, the taxes deemed to have been paid by the domestic corporation are computed separately for the dividends received from each such foreign corporation. If the credit for foreign taxes includes taxes deemed to have been paid under section 902, the taxpayer must furnish the same information with respect to such taxes as it is required to furnish with respect to the taxes actually paid or accrued by it. Taxes paid or accrued by such a foreign corporation are deemed to have been paid by the domestic corporation for purposes of credit only. For other information required to be furnished by the domestic corporation with respect to certain foreign corporations and the reduction of credit if such information is not furnished, see section 6038 and the regulations thereunder. For other limitations on the amount of credit, see § 1.904-1.

* * * * *

(b) *Foreign corporation owning stock of another foreign corporation.* If any foreign corporation (hereafter in this paragraph referred to as the former corporation) coming within the scope of paragraph (a) of this section owns 50 percent or more of the voting stock of another foreign corporation (hereafter in this paragraph referred to as the latter corporation) from which it receives dividends in any taxable year, the former corporation shall be deemed under section 902(b) to have paid that proportion of any income, war profits, and excess profits taxes paid or accrued (determined with regard to the reductions, if any, under section 6038(b)) to any foreign country or to any possession of the United States by the latter corporation, on or with respect to the accumulated profits of such latter corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits. Such tax so deemed to have been paid shall then be taken into consideration in determining the amount of income, war profits, and excess profits taxes paid or deemed to have been paid by the former corporation to any possession or foreign country on or with respect to its own accumulated profits from which the dividends were paid by such corporation to the domestic corporation.

(c) *Source of income of foreign subsidiaries and country to which tax is deemed to have been paid.* For the purpose of section 904(a)(1) (relating to the per-country limitation), dividends of a foreign corporation (at least 10 percent of whose voting stock is owned by a domestic corporation) shall be deemed to have been derived from sources within the foreign country or possession of the United States in which such foreign corporation is incorporated, to the extent that under section 862(a)(2) such dividends are treated as income from sources without the United States. In addition, for purposes of section 904(a)(1) all income, war profits, and excess profits taxes paid, or deemed to have been paid under section 902, by such foreign corporation to any foreign country or possession of the United States shall be deemed to have been paid to the country or possession under whose laws such foreign corporation is incorporated.

* * * * *

PAR. 5. Section 1.904 is amended by revising section 904 and by adding a historical note. The amended section reads as follows:

**§ 1.904 Statutory provisions; limitation on credit.**

Sec. 904. *Limitation on credit*—(a) *Alternative limitations*—(1) *Per-country limitation.* In the case of any taxpayer who does not elect the limitation provided by paragraph (2), the amount of the credit in respect of the tax paid or accrued to any foreign country or possession of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(2) *Overall limitation.* In the case of any taxpayer who elects the limitation provided by this paragraph, the total amount of the credit in respect of taxes paid or accrued to all foreign countries and possessions of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(b) *Election of overall limitation*—(1) *In general.* A taxpayer may elect the limitation provided by subsection (a)(2) for any taxable year beginning after December 31, 1960. An election under this paragraph for any taxable year shall remain in effect for all subsequent taxable years, except that it may be revoked with the consent of the Secretary or his delegate with respect to any taxable year.

(2) *Election after revocation.* If a taxpayer has made an election under paragraph (1) and such election has been revoked, such taxpayer shall not be eligible to make a new election under paragraph (1) for any taxable year, unless the Secretary or his delegate consents to such new election.

(3) *Form and time of election and revocation.* An election under paragraph (1), and any revocation of such an election, may be made only in such manner as the Secretary or his delegate may by regulations prescribe. Such an election or revocation with respect to any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year.

(c) *Taxable income for purpose of computing limitation.* For purposes of computing the applicable limitation under subsection (a), the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642(b).

(d) *Carryback and carryover of excess tax paid.* Any amount by which any such tax paid or accrued to any foreign country or possession of the United States for any taxable year beginning after December 31, 1957, for which the taxpayer chooses to have the benefits of this subpart exceeds the applicable limitation under subsection (a) shall be deemed tax paid or accrued to such foreign country or possesison of the United States in the second preceding taxable year in the first preceding taxable year, and in the first, second, third, fourth, or fifth succeeding taxable years, in that order and to the extent not deemed tax paid or accrued in a prior taxable year, in the amount by which the applicable limitation under subsection (a) for such preceding or succeeding taxable year exceeds the sum of the tax paid or accrued to such foreign country or possession for such preceding or succeeding taxable year and the amount of the tax for any taxable year earlier than the current taxable year which shall be deemed to have been paid or accrued in such preceding or subsequent taxable year (whether or not the taxpayer chooses to have the benefits of this subpart with respect to such earlier taxable year). Such amount deemed paid or accrued in any year may be availed of only as a tax credit and not as a deduction and only if taxpayer for such year chooses to have the benefits of this subpart as to taxes paid or accrued for that year to foreign countries or possessions. For purposes of this subsection, the terms "second preceding taxable year" and "first preceding taxable year" do not include any taxable year beginning before January 1, 1958.

(e) *Carrybacks and carryovers where overall limitation is elected*—(1) *Foreign taxes to be aggregated for purposes of subsection (d).* With respect to each taxable year of the taxpayer to which the limitation provided by subsection (a)(2) applies, the taxes referred to in the first sentence of subsection (d) shall, for purposes of applying such first sentence, be aggregated on an overall basis (rather than taken into account on a per-country basis).

(2) *Foreign taxes may not be carried from per-country year to overall year or from overall year to per-country year.* No amount paid or accrued for any taxable year to which the limitation provided by subsection (a)(1) applies shall (except for purposes of determining the number of taxable years which have elapsed) be deemed paid or accrued under subsection (d) in any taxable year to which the limitation provided by subsection (a)(2) applies. No amount paid or accrued for any taxable year to which the limitation provided by subsection (a)(2) applies shall (except for purposes of determining the number of taxable years which have elapsed) be deemed paid or accrued under subsection (d) in any taxable year to which the limitation provided by subsection (a)(1) applies.



(f) *Cross-reference.* For special rule relating to the application of the credit provided by section 901 in the case of affiliated groups which include Western Hemisphere trade corporations for years in which the limitation provided by subsection (a)(2) applies, see section 1503(d).

[Sec. 904 as amended by sec. 42(a), Technical Amendments Act 1958 (72 Stat. 1639); sec. 1, Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1010)]

PAR. 6. Section 1.904-1 is amended to read as follows:

**§ 1.904-1 Limitation on credit for foreign taxes.**

(a) *Per-country limitation*—(1) *General.* In the case of any taxpayer who does not elect the overall limitation under section 904(a)(2), the amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the per-country limitation prescribed in section 904(a)(1). Such limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) to each foreign country or possession of the United States shall not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(2) *Illustration of principles.* The operation of the per-country limitation under section 904(a)(1) on the credit for foreign taxes paid or accrued may be illustrated by the following examples:

*Example (1).* The credit for foreign taxes allowable for 1954 in the case of X, an unmarried citizen of the United States who in 1954 received the income shown below and had three exemptions under section 151, is $14,904, computed as follows:

| | |
|---|---|
| Taxable income (computed without deductions for personal exemptions) from sources within the United States | $50,000 |
| Taxable income (computed without deductions for personal exemptions) from sources within Great Britain | 25,000 |
| Total taxable income | 75,000 |
| United States income tax (based on taxable income computed with the deductions for personal exemptions) | 44,712 |
| British income and profits taxes | 18,000 |
| Per-country limitation $\left(\frac{25,000}{75,000}\right.$ of $\left.\$44,712\right)$ | 14,904 |
| Credit for British income and profits taxes (total British income and profits taxes, reduced in accordance with the per-country limitation) | 14,904 |

*Example (2).* Assume the same facts as in example (1), except that the sources of X's income and taxes paid are as shown below. The credit for foreign taxes allowable to X is $13,442.40, computed as follows:

| | |
|---|---|
| Taxable income (computed without deductions for personal exemptions) from sources within the United States | $50,000 |
| Taxable income (computed without deductions for personal exemptions) from sources within Great Britain | $15,000 |
| Taxable income (computed without deductions for personal exemptions) from sources within Canada | 10,000 |
| Total taxable income | 75,000 |
| United States income tax (based on taxable income computed with the deductions for personal exemptions) | 44,712 |
| British income and profits taxes | 10,800 |
| Per-country limitation on British income and profits taxes $\left(\frac{15,000}{75,000}\right.$ of $\left.\$44,712\right)$ | 8,942.40 |
| Credit for British income and profits taxes as limited by per-country limitation | 8,942.40 |
| Canadian income and profits taxes | 4,500.00 |
| Per-country limitation on Canadian income and profits taxes $\left(\frac{10,000}{75,000}\right.$ of $\left.\$44,712\right)$ | 5,961.60 |
| Credit for Canadian income and profits taxes (total Canadian income and profits taxes, since such amount does not exceed the per-country limitation) | 4,500.00 |
| Total amount of credit allowable (sum of credits—$8,942.40 plus $4,500) | 13,442.40 |

*Example (3).* A domestic corporation realized taxable income in 1954 in the amount of $100,000, consisting of $50,000 from United States sources and dividends of $50,000 from a Brazilian corporation, more than 10 percent of whose voting stock it owned. The Brazilian corporation paid income and profits taxes to Brazil on its income and in addition paid a dividend tax for the account of its shareholders on income distributed to them, the latter tax being withheld and paid at the source. The domestic corporation's credit for foreign taxes is $23,250, computed as follows:

| | |
|---|---|
| Taxable income from sources within the United States | $50,000 |
| Taxable income from sources within Brazil | 50,000 |
| Total taxable income | 100,000 |
| United States income tax | 46,500 |
| Dividend tax paid at source to Brazil | 19,000 |
| Income and profits taxes deemed under section 902 to have been paid to Brazil, computed as follows: | |
| Dividends received from Brazilian corporation during 1954 | $50,000 |
| Income of Brazilian corporation during 1954 | 200,000 |
| Income and profits taxes paid to Brazil on $200,000 | 30,000 |
| Accumulated profits ($200,000 minus $30,000) | 170,000 |
| Brazilian taxes applicable to accumulated profits distributed: $\frac{50,000}{170,000}$ of $\frac{170,000}{200,000}$ of $30,000 | 7,500 |
| Total income and profits taxes paid and deemed to have been paid to Brazil | 26,500 |
| Per-country limitation $\left(\frac{50,000}{100,000}\right.$ of $\left.\$46,500\right)$ | 23,250 |
| Credit for Brazilian income and profits taxes as limited by per-country limitation | 23,250 |

(b) *Overall limitation*—(1) *General.* In the case of any taxpayer who elects the overall limitation provided by section 904(a)(2), the total credit for taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) shall not exceed that proportion of the tax against which such credit is taken which, the taxpayer's taxable income from sources without the United States (but not in excess of taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(2) *Illustration of principles.* The operation of the overall limitation under section 904(a)(2) may be illustrated by the following example:

*Example.* Corporation X, a domestic corporation, for its taxable year beginning January 1, 1961, elects the overall limitation provided by section 904(a)(2). For taxable year 1961 corporation X has taxable income of $275,000 of which $200,000 is from sources without the United States. The United States income tax is $137,500. During the taxable year corporation X pays or accrues to foreign countries $105,000 in income and profits taxes, consisting of $45,000 paid or accrued to foreign country Y and $60,000 to foreign country Z. The credit for such foreign taxes is limited to $100,000, i.e., $\frac{200,000}{275,000} \times \$137,500$. The limitation would be the same whether or not some portion of the $200,000 of the taxable income from sources without the United States is from sources on the high seas or in a foreign country (other than Y and Z) which imposed no taxes allowable as a credit.

(c) *Special computation of taxable income.* For purposes of computing the limitations under paragraphs (a) and (b) of this section, the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642(b).

(d) *Election of overall limitation*—(1) *General.* The initial election under section 904(b) of the overall limitation provided by section 904(a)(2) may be made by the taxpayer for any taxable year beginning after December 31, 1960, without securing the consent of the Commissioner. The taxpayer may, for the first taxable year for which the election is to be made, make such election at any time before the expiration of the period referred to in paragraph (d) of § 1.901-1 for choosing the benefits of section 901 for such taxable year. Having made the initial election, the taxpayer may, within the time prescribed for making such election for such taxable year, revoke such election without the consent of the Commissioner. If such revocation is timely and properly made, the taxpayer may make his initial election of the overall limitation for a later taxable year without the consent of the Commissioner. If, however, the taxpayer makes the initial election for a taxable year and the period prescribed for making such election for such taxable year expires, the taxpayer must continue the election of the overall limitation for all subsequent taxable years (whether or not foreign taxes were paid or accrued for any such year and notwithstanding that a deduction for foreign taxes under section 164 was claimed for any such year) until revoked with the consent of the Commis-

sioner. See section 904(b)(1). If the election for any taxable year is revoked with the consent of the Commissioner, the taxpayer may not make a new election for such taxable year or for any subsequent taxable year without the consent of the Commissioner. If the election of the overall limitation is revoked for a taxable year, the per-country limitation shall apply to such taxable year and to all taxable years thereafter unless a new election of the overall limitation is made, either with or without the consent of the Commissioner in accordance with this section.

(2) *Method of making the initial election.* The initial election of the overall limitation under section 904(b) shall be made on Form 1116 in the case of an individual or on Form 1118 in the case of a corporation. The form shall be attached to the appropriate income tax return for the taxable year to which such election applies. Such election may be made, however, only for a taxable year for which the taxpayer chooses to claim a credit under section 901. If the taxpayer revokes the initial election without the consent of the Commissioner, he must file amended Form 1116 or 1118 and amended income tax returns or claims for refund, where applicable, for the taxable years to which the revocation applies. For rules relating to the filing of such forms, see paragraph (a) of § 1.905–2.

(3) *Method of revoking an election and making a new election.* A request to revoke an election of the overall limitation under section 904(b) when such revocation requires the consent of the Commissioner, or to make a new election when such election requires the consent of the Commissioner, shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Washington, D.C., 20224. The request shall include the name and address of the taxpayer and shall be signed by the taxpayer or his duly authorized representative. It must specify the taxable year for which the revocation or new election is to be effective and shall be mailed within 75 days after the close of the first taxable year for which it is desired to make the change. It must be accompanied by a statement specifying the nature of the taxpayer's business, the countries in which the business is carried on, or expected to be carried on, within the taxable year of the requested change, and grounds considered as justifying the requested revocation or new election. The Commissioner may require such other information as may be necessary in order to determine whether the proposed change will be permitted. Generally, a request for consent to revoke an election or make a new election will be granted if the basic nature of the taxpayer's business changes or if there are changes in conditions in a foreign country which substantially affect the taxpayer's business. For example, a taxpayer who enters substantial operations in a new foreign country or who loses existing investment due to nationalization, expropriation, or war would be granted consent to revoke an election or make a new election.

(e) *Joint return*—(1) *General.* In the case of a husband and wife making a joint return, the applicable limitation prescribed by section 904(a) on the credit for taxes paid or accrued to foreign countries and possessions of the United States shall be applied with respect to the aggregate taxable income from sources within each such country or possession, or from sources without the United States, as the case may be, and the aggregate taxable income from all sources, of the spouses.

(2) *Electing the overall limitation.* If a husband and wife make a joint return for the current taxable year, but made a separate return for the preceding taxable year and the overall limitation applied for such preceding taxable year to one spouse or to both spouses (whether or not then married), then, unless revoked with the consent of the Commissioner, the overall limitation shall apply for the current taxable year and for subsequent taxable years of both spouses, whether or not they remain married, whether or not joint returns are filed for such subsequent taxable years, and whether or not one of such spouses could have elected the overall limitation for the current taxable year only with the consent of the Commissioner if he had filed a separate return for such year.

PAR. 7. There are added immediately after § 1.904–1 the following two new sections:

**§ 1.904–2 Carryback and carryover of unused foreign tax.**

(a) *Credit for foreign tax carryback or carryover.* A taxpayer who chooses to claim a credit under section 901 for a taxable year is allowed a credit under that section not only for taxes otherwise allowable as a credit but also for taxes deemed paid or accrued in that year as a result of a carryback or carryover of an unused foreign tax under section 904(d). However, the taxes so deemed paid or accrued shall not be allowed as a deduction under section 164(a). The following paragraphs of this section provide rules for the computation of carryovers and carrybacks under section 904(d).

(b) *Years to which carried*—(1) *General.* If the taxpayer chooses the benefits of section 901 for a taxable year beginning after December 31, 1957, any unused foreign tax (as defined in subparagraph (2) of this paragraph) for such year shall, under section 904(d), be carried to the second preceding taxable year, the first preceding taxable year, and the first, second, third, fourth, and fifth succeeding taxable years, in that order and to the extent not absorbed as taxes deemed paid or accrued, under paragraph (c) of this section, in a prior taxable year. The entire unused foreign tax for any taxable year shall first be carried to the earliest of the taxable years to which, under the preceding sentence, such unused foreign tax may be carried. Any portion of such unused foreign tax not deemed paid or accrued under paragraph (c) of this section in such earliest taxable year shall then be carried to the next earliest taxable year to which such unused foreign tax may be carried, and any portion not absorbed in that year shall then be carried to the next earliest year, and so on.

(2) *Definitions.* (i) When used with reference to a taxable year for which the per-country limitation provided in section 904(a)(1) applies, the term "unused foreign tax" means, with respect to a particular foreign country or possession of the United States, the excess of (*a*) the income, war profits, and excess profits taxes paid or accrued (or deemed paid or accrued other than by reason of section 904(d)) in such year to such foreign country or possession, over (*b*) the applicable per-country limitation under section 904(a)(1) for such year.

(ii) When used with reference to a taxable year for which the overall limitation provided in section 904(a)(2) applies, the term "unused foreign tax" means the excess of (*a*) the income, war profits, and excess profits taxes paid or accrued (or deemed paid or accrued other than by reason of section 904(d)) in such year to all foreign countries and possessions of the United States, over (*b*) the overall limitation under section 904(a)(2) for such year.

(3) *Taxable years beginning before January 1, 1958.* For purposes of this paragraph, the terms "second preceding taxable year" and "first preceding taxable year" do not include any taxable year beginning before January 1, 1958.

(c) *Tax deemed paid or accrued*—(1) *Unused foreign tax for per-country limitation year.* (i) The amount of an unused foreign tax with respect to a particular foreign country or possession of the United States, for a taxable year for which the per-country limitation under section 904(a)(1) applies, which shall be deemed paid or accrued in any taxable year to which such unused foreign tax may be carried under paragraph (b) of this section shall, except as provided in subdivision (iii) of this subparagraph, be equal to the smaller of—

(*a*) The portion of such unused foreign tax which, under paragraph (b) of this section, is carried to such taxable year, or

(*b*) Any excess limitation for such taxable year with respect to such unused foreign tax (as determined under subdivision (ii) of this subparagraph).

(ii) The excess limitation for any taxable year (hereinafter called the "excess limitation year") with respect to an unused foreign tax in respect of a particular foreign country or possession of the United States for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year with respect to that foreign country or possession (computed under section 904(a)(1)) exceeds the sum of—

(*a*) The income, war profits, and excess profits taxes actually paid or accrued to such foreign country or possession in the excess limitation year,

(*b*) The income, war profits, and excess profits taxes deemed paid or accrued in such year to such foreign country or possession other than by reason of section 904(d), and



(*c*) The portion of the unused foreign tax, with respect to such foreign country or possession for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year under subdivision (i) of this subparagraph.

(iii) An unused foreign tax for a taxable year for which the per-country limitation provided in section 904(a)(1) applies shall not be deemed paid or accrued in a taxable year for which the overall limitation provided in section 904(a)(2) applies, notwithstanding that under paragraph (b) of this section such overall limitation year is counted as one of the years to which such unused foreign tax may be carried.

(iv) Any portion of an unused foreign tax with respect to a particular foreign country or possession of the United States which is deemed paid or accrued under section 904(d) in the year to which it is carried shall be deemed paid or accrued to the same foreign country or possession to which such foreign tax was paid or accrued (or deemed paid or accrued other than by reason of section 904(d)) for the year in which it originated.

(v) For determination of excess limitation for a year for which the taxpayer does not choose to claim a credit under section 901, see paragraph (d) of this section.

(2) *Unused foreign tax for overall limitation year.* (i) The amount of an unused foreign tax with respect to all foreign countries and possessions of the United States, for a taxable year for which the overall limitation provided in section 904(a)(2) applies, which shall be deemed paid or accrued in any taxable year to which such unused foreign tax may be carried under paragraph (b) of this section shall, except as provided in subdivision (iii) of this subparagraph, be equal to the smaller of—

(*a*) The portion of such unused foreign tax which, under paragraph (b) of this section is carried to such taxable year, or

(*b*) Any excess limitation for such taxable year with respect to such unused foreign tax (as determined under subdivision (ii) of this subparagraph).

(ii) The excess limitation for any taxable year (hereinafter called the "excess limitation year") with respect to an unused foreign tax in respect of all foreign countries and possessions of the United States for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year with respect to all foreign countries and possessions of the United States (computed under section 904(a)(2)) exceeds the sum of—

(*a*) The income, war profits, and excess profits taxes actually paid or accrued to all foreign countries and possessions in the excess limitation year,

(*b*) The income, war profits, and excess profits taxes deemed paid or accrued in such year to all foreign countries and possessions other than by reason of section 904(d), and

(*c*) The portion of the unused foreign tax, with respect to all foreign countries and possessions for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year under subdivision (i) of this subparagraph.

(iii) An unused foreign tax for a taxable year for which the overall limitation provided in section 904(a)(2) applies shall not be deemed paid or accrued in a taxable year for which the per-country limitation provided in section 904(a)(1) applies, notwithstanding that under paragraph (b) of this section such per-country limitation year is counted as one of the years to which such unused foreign tax may be carried.

(iv) For determination of excess limitation for a year for which the taxpayer does not choose to claim a credit under section 901, see paragraph (d) of this section.

(d) *Determination of excess limitation for certain years.* An excess limitation for a taxable year may exist, and may absorb all or some portion of an unused foreign tax, even though the taxpayer does not choose to claim a credit under section 901 for such year. In such case, the amount of the excess limitation, if any, for such year (hereinafter called the "deduction year") shall be determined in the same manner as through the taxpayer had chosen to claim a credit under section 901 for that year. For purposes of the preceding sentence—

(1) If the taxpayer has not chosen the benefits of section 901 for any taxable year before the deduction year, the per-country limitation under section 904(a)(1) shall be considered to be applicable for such year, and

(2) If the taxpayer has chosen the benefits of section 901 for any taxable year before the deduction year, the limitation (per-country or overall) applicable for the last taxable year (preceding such deduction year for) which a credit was claimed under section 901 shall be considered to be applicable for such deduction year.

(e) *Periods of less than 12 months.* A fractional part of a year which is a taxable year under sections 441(b) and 7701(a)(23) is a preceding or a succeeding taxable year for the purpose of determining under section 904(d) the years to which the unused foreign tax may be carried, and any unused foreign tax or excess limitation for such fractional part of a year is the unused foreign tax or excess limitation for a taxable year.

(f) *Statement with tax return.* Every taxpayer claiming the benefit of a carryback or carryover of the unused foreign tax to any taxable year for which he chooses to claim a credit under section 901 shall file with his return (or with his claim for refund, if appropriate) for that year as an attachment to his Form 1116 or 1118, as the case may be, a statement setting forth the unused foreign tax deemed paid or accrued under this section and all material and pertinent facts relative thereto, including a detailed schedule showing the computation of the unused foreign tax so carried back or over.

(g) *Illustration of carrybacks and carryovers.* The application of this section may be illustrated by the following examples:

*Example (1).* (i) A, a calendar year taxpayer using the cash receipts and disbursements method of accounting, chooses to claim a credit under section 901 for each of the taxable years set forth below. Based upon the taxes actually paid to country X, and the section 904(a)(1) limitation applicable in respect of country X, in each of the taxable years, the unused foreign tax deemed paid under section 904(d) in each of the appropriate taxable years is as follows:

| | Taxable years | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1958 | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 |
| Per-country limitation | $175 | $150 | $100 | $100 | $100 | $300 | $400 | $200 | $600 |
| Taxes actually paid to country X in taxable year | 75 | 60 | 830 | 170 | 150 | 100 | 200 | 140 | 400 |
| Unused foreign tax to be carried back or over from year of origin | | | 730 | 70 | 50 | | | | |
| Excess limitation with respect to unused foreign tax for— | | | | | | | | | |
| 1960 | (100) | (90) | | | | (200) | (200) | (60) | |
| 1961 | | | | | | | | | (200) |
| 1962 | | | | | | | | | (130) |
| Unused foreign tax absorbed as taxes deemed paid under the carryback and carryover provisions as carried from— | | | | | | | | | |
| 1960 | 100 | 90 | | | | 200 | 200 | 60 | |
| 1961 | | | | | | | | | 70 |
| 1962 | | | | | | | | | 50 |

(ii) The excess limitation for 1958, 1959, 1963, 1964, and 1965, respectively, which is available to absorb the unused foreign tax for 1960 is the amount by which the per-country limitation for each of those years exceeds the taxes actually paid to country X in each such year. The unused foreign tax for 1961 and 1962 are not taken into account, since neither of those years is a year earlier than 1960, the year of origin in respect of which the excess limitation is being determined. Thus, for example, the excess limitation for 1963 is $200, unreduced by the unused foreign tax for 1961 and 1962. There is no excess limitation for 1966 with respect to the unused foreign tax for 1960, since the unused foreign tax may be carried forward only 5 taxable years. The unused foreign tax ($730) for 1960 is thus absorbed as taxes deemed paid to the extent of the excess limitation for each of the taxable years 1958, 1959, 1963, 1964, and 1965, respectively, and in that order, leaving unused foreign tax in the amount of $80 which cannot be absorbed because it cannot be carried beyond 1965.

(iii) The amount of unused foreign tax for 1961 which is deemed paid in 1966 is $70, the smaller of (*a*) that portion of the unused foreign tax carried to 1966 ($70), or (*b*) the excess limitation for 1966 with respect to such unused foreign tax ($200). The unused foreign tax for 1962 ($50) is not taken into account for such purposes, since that year is not a year earlier than 1961, the

year of origin in respect of which the excess limitation for 1966 is being determined.

(iv) The excess limitation for 1966 with respect to the unused foreign tax for 1962 is $130, the amount by which the limitation applicable under section 904(a)(1) for 1966 ($600) exceeds the sum of the taxes actually paid ($400) to country X in that year and the unused foreign tax ($70) for 1961 which is absorbed in 1966 as taxes deemed paid and which is carried from a taxable year earlier than 1962, the year of origin in respect of which the excess limitation is being determined. The unabsorbed part ($80) of the unused foreign tax for 1960, a year earlier than 1962, is not taken into account in computing the excess limitation for 1966, since the unused foreign tax for 1960 may not be carried beyond 1965. The unused foreign tax ($50) for 1962 is thus absorbed in full in 1966 as taxes deemed paid, since the unused foreign tax does not exceed the excess limitation ($130) for that year.

*Example* (2). Assume the same facts as those in example (1) except that the taxpayer does not choose to have the benefits of section 901 for 1961. In that case there is not unused foreign tax for that year to carry back or over to be absorbed in other taxable years as taxes deemed paid. Moreover, the excess limitation for 1966 which is available to absorb the unused foreign tax for 1962 is $200, instead of $130, that is, the amount by which the limitation applicable under section 904(a)(1) for 1966 ($600) exceeds the taxes actually paid ($400) to country X in that year. The amount of the unused foreign tax absorbed in each taxable year as taxes deemed paid is the same as in example (1) except for 1966. In that year only the unused foreign tax ($50) for 1962 is absorbed as taxes deemed paid.

*Example* (3). Assume the same facts as those in example (1) except that the taxpayer does not choose the benefits of section 901 for 1959. Since the excess limitation for a taxable year for which the taxpayer does not claim a credit under section 901 is determined in the same manner as though the taxpayer had chosen such credit, the excess limitation for 1959 is determined to be $90 just as in example (1). Moreover, even though such excess limitation absorbs a carryback of $90 from the unused tax for 1960, none of such $90 so deemed paid in 1959 is allowed as a deduction under section 164 or as a credit under section 901 for 1959 or for any other taxable year.

*Example* (4). (i) B, a calendar year taxpayer using the cash receipts and disbursements methods of accounting, chooses the benefits of section 901 for each of the taxable years 1957, 1958, and 1959. Based upon the taxes actually paid to country Y and the per-country limitation applicable with respect to country Y, in each of the taxable years, the unused foreign tax deemed paid under section 904(d) for taxable year 1959 is as follows:

| | Taxable years | | |
|---|---|---|---|
| | 1957 | 1958 | 1959 |
| Per-country limitation on credit for taxes paid to Y | $300 | $200 | $250 |
| Taxes actually paid to Y in taxable year | 200 | 300 | 150 |
| Unused foreign tax to be carried back or over from year of origin | | 100 | |
| Excess limitation applicable to unused credit | | | (100) |
| Unused foreign tax absorbed as taxes deemed paid | | | 100 |

(ii) Since a taxable year beginning before January 1, 1958, cannot constitute a preceding taxable year in which the unused foreign tax for 1958 may be absorbed as taxes deemed paid, the entire unused foreign tax ($100) is absorbed as taxes deemed paid in 1959.

*Example* (5). (i) C, a calendar year taxpayer using an accrual method of accounting, accrues foreign taxes for the first time in 1961. C chooses the benefits of section 901 for each of the taxable years set forth below and for 1962 elects the overall limitation provided by section 904(a)(2) which, with the Commissioner's consent, is revoked for 1966. Based upon the taxes actually accrued with respect to foreign countries X and Y for each of the taxable years, the unused foreign tax deemed accrued under section 904(d) in the appropriate taxable years is as follows:

| | Per country | Overall | Overall | Overall | Overall | Per country |
|---|---|---|---|---|---|---|
| Taxable years | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 |
| Limitation: | | | | | | |
| Country X | $175 | | | | | $290 |
| Country Y | 125 | | | | | 95 |
| Overall | | $250 | $800 | $300 | $400 | |
| Taxes actually accrued: | | | | | | |
| Country X | 325 | | | | | 200 |
| Country Y | 85 | | | | | 100 |
| Aggregate | | 350 | 380 | 425 | 450 | |
| Unused foreign tax to be carried back or over from year of origin: | | | | | | |
| Country X | 150 | | | | | |
| Country Y | | | | | | 5 |
| Aggregate | | 100 | | 125 | 50 | |
| Excess limitation: | | | | | | |
| Country X | | | | | | 90 |
| Country Y | 40 | | | | | |
| Overall | | | 420 | | | |
| Unused foreign tax absorbed as taxes deemed accrued under section 904(d) and carried from— | | | | | | |
| 1961 (Country X) | | | | | | (90) |
| 1962 (Overall) | | | (100) | | | |
| 1964 (Overall) | | | (125) | | | |
| 1965 (Overall) | | | (50) | | | |

(ii) Since the per-country limitation is applicable for 1961 and 1966 only, any unused foreign tax with respect to such years may not be deemed accrued in 1962, 1963, 1964, or 1965, years for which the overall limitation applies. However, the excess limitation for 1966 with respect to country X ($90) is available to absorb a part of the unused foreign tax for 1961 with respect to country X. The difference with respect to country X between the unused foreign tax for 1961 ($150) and the amount absorbed as taxes deemed accrued ($90) in 1966, or $60, may not be carried beyond 1966 since the unused foreign tax may be carried forward only 5 taxable years. There is no excess limitation with respect to country Y for 1961 in respect of the unused foreign tax of country Y for 1966, since the unused foreign tax may be carried back only 2 taxable years.

(iii) Since the overall limitation is applicable for 1962, 1963, 1964, and 1965, any unused foreign tax with respect to such years may not be absorbed as taxes deemed accrued in 1961 or 1966, years for which the per-country limitation applies. However, the excess limitation for 1963 ($420) computed on the basis of the overall limitation is available to absorb the unused foreign tax for 1962 ($100), the unused foreign tax for 1964 ($125), and the unused foreign tax for 1965 ($50), leaving an excess limitation above such absorption of $145 ($420−$275).

### § 1.904–3 Carryback and carryover of unused foreign tax by husband and wife.

(a) *In General.* This section provides rules, in addition to those prescribed in § 1.904–2, for the carryback and carryover of the unused foreign tax paid or accrued to a foreign country or possession by a husband and wife making a joint return for one or more of the taxable years involved in the computation of the carryback or carryover.

(b) *Joint unused foreign tax and joint excess limitation.* In the case of a husband and wife the joint unused foreign tax or the joint excess limitation for a taxable year for which a joint return is made shall be computed on the basis of the combined income, deductions, taxes, and credit of both spouses as if the combined income, deductions, taxes, and credit were those of one individual.

(c) *Continuous use of joint return.* If a husband and wife make a joint return for the current taxable year, and also make joint returns for each of the other taxable years involved in the computation of the carryback or carryover of the unused foreign tax to the current taxable year, the joint carryback or the joint carryover to the current taxable year shall be computed on the basis of the joint unused foreign tax and the joint excess limitations.

(d) *From separate to joint return.* If a husband and wife make a joint return for the current taxable year, but make separate returns for all of the other taxable years involved in the computation of the carryback or carryover of the unused foreign tax to the current taxable year, the separate carrybacks or separate carryovers shall be a joint carryback or a joint carryover to the current taxable year. If for such current year the per-country limitation applies, then only the unused foreign tax for a taxable year of a spouse for which the per-country limitation applied to such spouse may constitute a carryover or carryback to the current taxable year. If for such current taxable year the overall limitation applies, then only the unused foreign tax for a taxable year of a spouse for which the overall limitation applied to such spouse may constitute a carryover or carryback to the current taxable year.

(e) *Amounts carried from or through a joint return year to or through a separate return year.* It is necessary to allocate to each spouse his share of an unused foreign tax or excess limitation for any taxable year for which the spouses filed a joint return if—

(1) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried thereto from a taxable year for which they filed a joint return;



(2) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried to such taxable year from a year for which they filed separate returns but is first carried through a year for which they filed a joint return; or

(3) The husband and wife file a joint return for the current taxable year and an unused foreign tax is carried from a taxable year for which they filed joint returns but is first carried through a year for which they filed separate returns.

In such cases, the separate carryback or carryover of each spouse to the current taxable year shall be computed in the manner described in § 1.904–2 but with the modifications set forth in paragraph (f) of this section.

(f) *Allocation of unused foreign tax and excess limitation*—(1) *Limitation*—(i) *Per-country limitation.* The per-country limitation of a particular spouse with respect to a foreign country or United States possession for a taxable year for which a joint return is made shall be the portion of the limitation on the joint return which bears the same ratio to such limitation as such spouse's taxable income (with gross income and deductions taken into account to the same extent as taken into account on the joint return) from sources within such country or possession (but not in excess of the joint taxable income from sources within such country or possession) bears to the joint taxable income from such sources.

(ii) *Overall limitation.* The overall limitation of a particular spouse for a taxable year for which a joint return is made shall be the portion of the limitation on the joint return which bears the same ratio to such limitation as such spouse's taxable income (with gross income and deductions taken into account to the same extent as taken into account on the joint return) from sources without the United States (but not in excess of the joint taxable income from such sources) bears to the joint taxable income from such sources.

(2) *Unused foreign tax*—(i) *Per-country limitation.* The unused foreign tax of a particular spouse with respect to a foreign country or United States possession for a taxable year for which a joint return is made shall be the excess of his tax paid or accrued to such country or possession over his limitation determined under subparagraph (1)(i) of this paragraph.

(ii) *Overall limitation.* The unused foreign tax of a particular spouse for a taxable year to which the overall limitation applies and for which a joint return is made shall be the excess of his tax paid or accrued to foreign countries and United States possessions over his limitation determined under subparagraph (1)(ii) of this paragraph.

(3) *Excess limitation*—(i) *Per-country limitation taxpayer.* A spouse's excess limitation with respect to a foreign country or possession for a taxable year for which a joint return is made shall be the excess of his limitation determined under subparagraph (1)(i) of this paragraph over his taxes paid or accrued to such country or possession for such taxable year.

(ii) *Overall limitation.* A spouse's excess limitation for a taxable year to which the overall limitation applies and for which a joint return is made shall be the excess of his limitation determined under subparagraph (1)(ii) of this paragraph over his taxes paid or accrued to foreign countries and United States possessions for such taxable year.

(4) *Excess limitation to be applied.* The excess limitation of the particular spouse for any taxable year which is applied against the unused foreign tax of that spouse for another taxable year in order to determine the amount of the unused foreign tax which shall be carried back or over to a third taxable year shall be, in a case in which the excess limitation is determined on a joint return, the sum of the following amounts:

(i) Such spouse's excess limitation determined under subparagraph (3) of this paragraph reduced as provided in subparagraph (5)(i) of this paragraph, and

(ii) The excess limitation of the other spouse determined under subparagraph (3) of this paragraph for that taxable year reduced as provided in subparagraph (5)(i) and (ii) of this paragraph.

(5) *Reduction of excess limitation.* (i) The part of the excess limitation which is attributable to each spouse for the taxable year, as determined under subparagraph (3) of this paragraph, shall be reduced by absorbing as taxes deemed paid or accrued under section 904(d) in that year the unabsorbed separate unused foreign tax of such spouse, and the unabsorbed unused foreign tax determined under subparagraph (2) of this paragraph of such spouse, for taxable years which begin before the beginning of the year of origin of the unused foreign tax of the particular spouse against which the excess limitation so determined is being applied.

(ii) In addition, the part of the excess limitation which is attributable to the other spouse for the taxable year, as determined under subparagraph (3) of this paragraph, shall be reduced by absorbing as taxes deemed paid or accrued under section 904(d) in that year the unabsorbed unused foreign tax, if any, of such other spouse for the taxable year which begins on the same date as the beginning of the year of origin of the unused foreign tax of the particular spouse against which the excess limitation so determined is being applied.

(6) *Spouses using different limitations.* If an unused foreign tax is carried through a taxable year for which spouses made a joint return and the credit under section 901 for such taxable year is not claimed, and in the prior taxable year separate returns are made in which the per-country limitation applies to one spouse and the overall limitation applies to the other spouse, the amount treated as absorbed in the taxable year for which a joint return is made—

(i) With respect to the spouse for which the per-country limitation applies shall be determined on the basis of the excess limitation which would be allocated to such spouse under subparagraph (3)(i) of this paragraph had the per-country limitation applied for such year to both spouses;

(ii) With respect to the other spouse for which the overall limitation applies shall be determined on the basis of the excess limitation which would be allocated to such spouse under subparagraph (3)(ii) of this paragraph had the overall limitation applied for such year to both spouses.

This subparagraph shall be applied without regard to subparagraph (4)(ii) of this paragraph.

(g) *Illustrations.* This section may be illustrated by the following examples:

*Example* (1). (a) H and W, calendar year taxpayers, file joint returns for 1961 and 1963, and separate returns for 1962, 1964, and 1965; and for each of those taxable years they choose to claim a credit under section 901. For the taxable years involved, they had unused foreign tax, excess limitations, and carrybacks and carryovers of unused foreign tax as set forth below. The overall limitation applies to both spouses for all taxable years involved in this example. Neither H nor W had an unused foreign tax or excess limitation for any year before 1961 or after 1965. For purposes of this example, any reference to an excess limitation means such a limitation as determined under paragraph (c)(2)(ii) of § 1.904–2 but without regard to any taxes deemed paid or accrued under section 904(d):

| Taxable year | 1961 | 1962 | 1963 | 1964 | 1965 |
|---|---|---|---|---|---|
| Return | Joint | Separate | Joint | Separate | Separate |
| H's unused foreign tax to be carried over or back, or excess limitation (enclosed in parentheses) | $500 | $250 | ($650) | $400 | ($500) |
| W's unused foreign tax to be carried over or back, or excess limitation (enclosed in parentheses) | 300 | (200) | (300) | 150 | (100) |
| Total | 800 | | (950) | | |
| Carryovers absorbed: | | | | | |
| W's, from 1961 | | [1] 200W | 100W | | |
| H's, from 1961 | | | [2] 500H | | |
| H's, from 1962 | | | 150H | | |
| | | | 100W | | |
| W's, from 1964 | | | | | 50W |
| H's, from 1964 | | | | | 400H |
| Carrybacks absorbed: | | | | | |
| W's, from 1964 | | 0 | 100W | | |
| H's, from 1964 | | | 0 | | |

[1] W—absorbed by W's excess limitation.
[2] H—absorbed by H's excess limitation.

(b) Two hundred dollars of the $300 constituting W's part of the joint unused foreign tax for 1961 is absorbed by her separate excess limitation of $200 for 1962, and the remaining $100 of such part is absorbed by her part ($800) of the joint excess limitation for 1963. The excess limitation of $300 for 1963 is not required first to be reduced by any amount, since neither H nor W has any unused foreign tax for taxable years beginning before 1961.

(c) H's part ($500) of the joint unused foreign tax for 1961 is absorbed by his part ($650) of the joint excess limitation for 1963. The excess limitation of $650 for 1963 is not required first to be reduced by any amount, since neither H nor W has any unused foreign tax for taxable years beginning before 1961.

(d) H's unused foreign tax of $250 for 1962 is first absorbed (to the extent of $150) by H's part of the joint excess limitation for 1963, which must first be reduced from $650 to $150 by the absorption as taxes deemed paid or accrued in 1963 of H's unused foreign tax of $500 for 1961, which is a taxable year beginning before 1962. The remaining part ($100) of H's unused foreign tax for 1962 is then absorbed by W's part of the joint excess limitation for 1963, which must first be reduced from $300 to $200 by the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961, which is a taxable year beginning before 1962.

(e) W's unused foreign tax of $150 for 1964 is first absorbed (to the extent of $100) by W's part of the joint excess limitation for 1963, which must first be reduced from $300 to $100 by the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961 and the unabsorbed part ($100) of H's unused foreign tax for 1962, which are taxable years beginning before 1964. No part of W's unused foreign tax for 1964 is absorbed by H's part of the joint excess limitation for 1963, since H's part of that excess must first be reduced from $650 to $0 by the absorption as taxes deemed paid or accrued in 1963 of H's unused foreign tax of $500 for 1961 and of the unabsorbed part ($150) of H's unused foreign tax for 1962, which are taxable years beginning before 1964. The unabsorbed part ($50) of W's unused foreign tax for 1964 is then absorbed by W's excess limitation of $100 for 1965. No part of W's unused foreign tax for 1964 is absorbed by W's excess limitation for 1962, since that excess limitation must first be reduced from $200 to $0 by W's unused foreign tax for 1961, which is a taxable year begining before 1964.

(f) No part of H's unused foreign tax of $400 for 1964 is absorbed by H's part of the joint excess limitation for 1963, since H's part of that excess must first be reduced from $650 to $0 by the absorption as taxes deemed paid or accrued in 1963 of H's unused foreign tax of $500 for 1961 and of a part ($150) of H's unused foreign tax for 1962, which are taxable years beginning before 1964. Moreover, no part of H's unused foreign tax of $400 for 1964 is absorbed by W's part of the joint excess limitation for 1963, since W's part of that excess must first be reduced from $300 to $0 by the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961 and of the unabsorbed part ($100) of H's unused foreign tax for 1962, which are taxable years beginning before 1964, and also by the absorption of a part ($100) of W's unused foreign tax of $150 for 1964, which is a taxable year beginning on the same date as the beginning of H's taxable year 1964. The unabsorbed part ($400) of H's unused foreign tax for 1964 is then absorbed by H's excess limitation of $500 for 1965.

*Example* (2). (a) Assume the same facts as those in example (1) except that for 1964 W's unused foreign tax is $20, instead of $150. The carrybacks and carryovers absorbed are the same as in example (1) except as indicated in paragraphs (b) and (c) of this example.

(b) No part of W's unused foreign tax of $20 for 1964 is absorbed by W's excess limitation for 1962, since that excess must first be reduced from $200 to $0 by W's unused foreign tax for 1961, which is a taxable year beginning before 1964. W's unused foreign tax of $20 for 1964 is absorbed by W's part of the joint excess limitation for 1963, which must first be reduced from $300 to $100 by the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961 and the unabsorbed part ($100) of H's unused foreign tax for 1962, which are taxable years beginning before 1964.

(c) For the reason given in paragraph (f) of example (1), no part of H's unused foreign tax of $400 for 1964 is absorbed by H's part of the joint excess limitation for 1963. H's unused foreign tax of $400 for 1964 is first absorbed (to the extent of $80) by W's part of the joint excess limitation for 1963, which must first be reduced from $300 to $80 by the absorption as taxes deemed paid or accrued in 1963 of the unabsorbed part ($100) of W's unused foreign tax for 1961 and of the unabsorbed part ($100) of H's unused foreign tax for 1962, which are taxable years beginning before 1964, and also by the absorption of W's unused foreign tax of $20 for 1964, which is a taxable year beginning on the same date as the beginning of H's taxable year 1964. The unabsorbed part ($320) of H's unused foreign tax for 1964 is then absorbed by H's excess limitation of $500 for 1965.

*Example* (3). The facts are the same as in example (1) except that the per-country limitation applies to both spouses for all taxable years involved in the example and that excess limitations and the unused foreign taxes relate to a single foreign country. The carryovers and carrybacks are the same as in example (1).

PAR. 8. Section 1.905–2 is amended by revising subparagraph (2) of paragraph (a) to read as follows:

**§ 1.905–2 Conditions of allowance of credit.**

(a) *Forms and information.* • • •

(2) The form must be carefully filled in with all the information called for and with the calculations of credits indicated. Except where it is established to the satisfaction of the district director that it is impossible for the taxpayer to furnish such evidence, the form must have attached to it (i) the receipt for each such tax payment if credit is sought for taxes already paid, or (ii) the return on which each such accrued tax was based if credit is sought for taxes accrued. This receipt or return so attached must be either the original, a duplicate original, a duly certified or authenticated copy, or a sworn copy. In case only a sworn copy of a receipt or return is attached, there must be kept readily available for comparison on request the original, a duplicate original, or a duly certified or authenticated copy. If the receipt or the return is in a foreign language, a certified translation thereof must be furnished by the taxpayer. Any additional information necessary for the determination under part I (section 861 and following), subchapter N, chapter 1 of the Code, of the amount of income derived from sources without the United States and from each foreign country shall, upon the request of the district director, be furnished by the taxpayer.

• • • • •

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–13460; Filed, Dec. 30, 1964; 8:45 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

[Circular No. 2178]

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

### PART 2230—SPECIAL USES

### Subpart 2235—Leases

### PART 2320—INTERIOR DEPARTMENT

### Subpart 2321—Bureau of Land Management

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

### PART 3130—COAL LEASES, PERMITS AND LICENSES

### Subpart 3131—General Provisions

### PART 3210—ACQUIRED LANDS LEASING ACT

### Subpart 3212—Lease Requirements

### PART 3220—LEASING UNDER THE REORGANIZATION ACT AND OTHER ACTS

### Subpart 3220—Leasing Under the Reorganization Act and Other Acts; General

### PART 3630—AREAS SUBJECT TO SPECIAL MINING LAWS

### Subpart 3635—Papago Indian Reservation

SUBCHAPTER D—RANGE MANAGEMENT (4000)

### PART 4130—GRAZING ADMINISTRATION (ALASKA)

### Subpart 4131—Grazing Leases

The purpose of this amendment is to correct those editorial omissions or errors that occurred in the conversion to the new format of the regulations of the Bureau of Land Management, published in the FEDERAL REGISTER on March 31, 1964, which cannot be corrected except through the rule making process.

These rules relate to agency procedure and are not required by law to be published as proposed rule making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because the changes involved are editorial in nature. Accordingly, these rules shall become effective upon the date of publication in the FEDERAL REGISTER.

1. Section 2235.1–1(m) and (n) revised to read as follows:

**§ 2235.1–1 Airport and aviation fields—Act of May 24, 1928.**

• • • • •



(m) *Beacon lights.* Government department and agencies operating aircraft may be granted permission to establish beacon lights and other navigation facilities, except terminal airports, on tracts of unreserved and unappropriated public lands of the United States of appropriate size, on application therefor, under the rules and regulations prescribed in § 2235.1–1. However, no rental will be charged. Lands for beacon lights and other navigation facilities may be withdrawn in accordance with the provisions of Part 2310 and § 2321.6 of this chapter.

• • • • •

(n) *Segregation of lands.* The filing in the proper land office of an application for a lease of lands under the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211), as amended, shall segregate the lands described in the application from all appropriation.

2. A New §§ 2321.6, 2321.6–1, 2321.6–2 are added to Subpart 2321, to read as follows:

**§ 2321.6 Terminal airports, beacon lights and other navigation facilities.**

**§ 2321.6–1 General.**

(a) *Authority.* (1) The act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211), as amended, authorizes the Secretary of the Interior to withdraw lands for beacon lights and other air-navigation facilities, under such rules as he may prescribe.

(2) Under the authority given to the President by the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141, 16 U.S.C. 471) to withdraw lands for public purposes, withdrawals may be made for beacon lights, emergency or intermediate landing fields, and terminal airports.

**§ 2321.6–2 Procedures.**

(a) Withdrawals under the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211) may be made on motion of the Bureau of Land Management, or upon application of the Federal Aviation Agency or any other Federal agency, or the lessee of a terminal airport or the applicant for such a lease.

(b) To the extent applicable, the procedures in Part 2310 of this chapter shall apply.

(c) In addition to the requirements of Part 2310 of this chapter, all applications for withdrawal shall contain a statement by the authorized officer of the Federal Aviation Agency as to the need and feasibility of the facility for which the withdrawal is requested.

3. Paragraphs (b), (c), and (d) are added to § 3131.1 to read as follows:

**§ 3131.1 Acreage limitation.**

• • • • •

(b) A person, association, or corporation may file with the Manager of the appropriate land office an application or applications for coal leases or permits for acreage in addition to the 10,240 acres, which application or applications shall be in multiples of 40 acres, not exceeding a total of 5,120 additional acres in any one State, and shall contain a statement that the granting of a lease or permit for such additional lands is necessary to carry on business economically and is in the public interest.

(c) Upon the filing of an application for additional lands as specified in paragraph (b) of this section, the coal deposits in the lands covered thereby shall be temporarily set aside and withdrawn from all forms of disposal under the Act.

(d) All applications filed for additional lands as specified in paragraph (b) of this section shall be posted in the appropriate land office, and the authorized officer shall conduct public hearings thereon. Upon conclusion thereof, he may, in his discretion or whenever sufficient public interest is manifested, reevaluate the lessee's or permittee's need for all or any part of the additional acreage. Thereafter and to the extent necessary for the applicant to carry on business economically, the authorized officer may issue coal leases or permits to the applicant for additional acreage of not more than 5,120 acres (within the aggregate limitation of 2,560 acres in a single lease or permit), subject to such terms and conditions as may be prescribed by the Secretary of the Interior. Such terms and conditions may require the payment either of a cash bonus per acre or fraction thereof or a rental and royalty rate different from that required by the original leases or permits or both.

4. The second paragraph of § 3212.3 (a) is deleted in its entirety so that § 3212.3(a) shall read as follows:

**§ 3212.3 Leases of future or fractional interests.**

(a) *General.* Subject to the provisions of section 3 of the Act, non-competitive leases for future or fractional interests in lands believed, but not known to contain mineral deposits may be issued whenever the public interest will be best served thereby. There is no required form for applications or offers for non-competitive leases of any mineral subject to the Act, except oil and gas. However, such applications and requests to have leases offered competitively for lands known to contain mineral deposits should, to the extent possible, conform to and include the information required by §§ 3211.2, 3211.3, 3212.1 and this section. The terms and conditions of leases covering future or fractional interests in mineral deposits other than oil and gas, of competitive leases for future or fractional interests in oil and gas deposits within the known geological structure of a producing oil or gas field, and of compensatory royalty agreements under § 3120.3–1 covering future or fractional interests, will be established on an individual case basis.

• • • • •

5. The caption of Part 3220 is amended to read as follows: Part 3220—*Leasing under the Reorganization Act and Other Acts.*

6. The caption of Subpart 3220 is amended to read as follows: Subpart 3220—*Leasing under the Reorganization Act and Other Acts; General.*

7. A new § 3635.0–1, is added to Subpart 3635, to read as follows:

**§ 3635.0–1 Purpose.**

The regulations in this part apply to entries made prior to May 27, 1955. By virtue of the act of May 27, 1955 (69 Stat. 67; 25 U.S.C. 463) mineral entries may no longer be made within the Papago Indian Reservation.

8. Section 4131.2–4(c) is amended to read as follows:

**§ 4132.2–4 Annual rental.**

• • • • •

(c) *Payment.* The first rental payment required and the return of the proposed lease duly executed by the prospective lessee shall be made within 30 days of receipt of the lease form by the prospective lessee; if the rental is not paid or the lease is not returned within the prescribed time, the offer shall be null and void and of no effect, and all rights of the prospective lessee thereunder or under the application upon which it is based shall be considered as terminated. Subsequent rental payments for succeeding lease periods are payable in advance. In the event such payment is not received in the proper office by the last day of the current lease period or within the time prescribed in the billing notice whichever is the later, the case shall be considered canceled and all rights terminated thereunder as of the end of such current lease period; except the lease shall not terminate if the lessee submits payment to the proper office within a grace period of sixty days following the last day of the current lease period together with a showing satisfactory to the authorized office that the delay in rental payment was for unavoidable reasons and that termination of the lease would cause undue hardship to the lessee.

STEWART L. UDALL,
*Secretary of the Interior.*

DECEMBER 30, 1964.

[F.R. Doc. 64–13540; Filed, Dec. 30, 1964; 10:55 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Emergency Planning

[Defense Mobilization Order IX–3]

### DMO IX–3—UNITED STATES TELECOMMUNICATION POLICY FOR GOVERNMENT USE OF RADIO FREQUENCIES BELOW 30 MC/S FOR DOMESTIC FIXED SERVICE

### Revocation

Defense Mobilization Order IX–3 dated January 13, 1958 providing for United States telecommunication policy for Government use of radio frequencies below 30 Mc/s for domestic fixed service (23 F.R. 297), is revoked effective December 31, 1964.

Dated: December 22, 1964.

EDWARD A. MCDERMOTT,
*Director,*
*Office of Emergency Planning.*

[F.R. Doc. 64–13462, Filed, Dec. 30, 1964; 8:45 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter II—Bureau of Family Services, Welfare Administration, Department of Health, Education, and Welfare

### REVISION OF CHAPTER

Chapter II is revised to reflect administrative and legislative changes and for technical reasons. The administrative changes include creation of the Welfare Administration, establishment of the position of Commissioner of Welfare, and the renaming of the Bureau of Family Services. Part 201 is amended to reflect amendments to the Social Security Act providing for medical assistance for the aged under title I, the single category of assistance for the aged, blind, or disabled under title XVI, and authority to provide 75 percent Federal financial participation in the administrative costs of certain social services and training under each of the public assistance titles.

The programs described in Part 201 are subject to such applicable rules, regulations, or orders as may be issued with the approval of the President to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

Parts 211 and 212 are amended to prohibit discrimination on the basis of race, color, or national origin. In addition, Part 212 is amended to specify the maximum period for which assistance under section 1113 of the Social Security Act may be furnished to U.S. citizens and their dependents returned from foreign countries.

1. The chapter heading for Chapter II of Title 45 is changed to read as set forth above.

2. Chapter II is revised to read as follows:

## PART 201—ASSISTANCE TO STATES

Sec.

201.1 General definitions.

Subpart A—Approval of State Plans for Public Assistance and Certification of Grants

201.2 General.
201.3 Approval of State plans and amendments.
201.4 Grants.
201.5 Withholding certification; reduction of Federal financial participation in the costs of social services and training.

Subpart B—Review and Audits

201.6 Continuing review of State and local administration.
201.7 Personnel merit system review.
201.8 Public assistance fiscal audits.

AUTHORITY: The provisions of this Part 201 issued under sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 1302. Interprets or applies titles I, IV, X, XI, XIV, and XVI of the Social Security Act, as amended, 42 U.S.C. 301-306, 601-609, 1201-1206, 1301-1315, 1351-1355, 1381-1385.

### § 201.1 General definitions.

When used in this part:

(a) "Act" means the Social Security Act, as amended, and titles referred to are the titles of that Act;

(b) The term "Department" means the Department of Health, Education, and Welfare;

(c) The term "Commissioner" means the Commissioner of Welfare;

(d) The term "Welfare Administration" means the Welfare Administration in the Department;

(e) The term "Bureau" means the Bureau of Family Services of the Welfare Administration;

(f) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

(g) The term "State agency" means the State public assistance agency administering, or supervising the administration of, the public assistance plan under title I, IV, X, XIV, or XVI;

(h) The term "regional office" and "central office" refer to regional offices of the Department and the central office of the Bureau, respectively.

## Subpart A—Approval of State Plans for Public Assistance and Certification of Grants

### § 201.2 General.

The State plan is a comprehensive statement prepared by the State agency describing all pertinent aspects of its operations necessary for the Welfare Administration to reach a determination as to conformity with the specific requirements stipulated in the pertinent titles of the Act. The State plan sets forth the basic State laws enabling and limiting the administration of public assistance; a description of the agency's organization and functions; its methods of administration, including the rules and regulations governing personnel administration; policies and interpretations with regard to eligibility for and extent of assistance; a description of its plan for social services and for training of public assistance personnel; fiscal operations; and reporting and research activities. Pertinent Federal policies are set forth in the Handbook of Public Assistance Administration, which also contains detailed instructions and suggestions for the content and submittal of the documents comprising the State public assistance plan. Copies of the Handbook are furnished to each State agency.

### § 201.3 Approval of State plans and amendments.

The State plan consists of written documents furnished by the State to cover each of its programs under the Act: old-age assistance and medical assistance for the aged (title I); aid and services to needy families with children (title IV); aid to the blind (title X); aid to the permanently and totally disabled (title XIV); or aid to the aged, blind, or disabled and medical assistance for the aged (title XVI). The State may submit the common material on more than one program as an integrated plan. However, it must identify the provisions pertinent to each title since a separate plan must be approved under each public assistance title. A plan submitted under title XVI encompasses, under a single plan, the groups otherwise included in the three separate plans under titles I, X, and XIV. After approval of the original plan by the Commissioner, all relevant changes, such as new statutes, rules, regulations, interpretations, and court decisions, are required to be submitted currently so that the Commissioner may determine whether the plan continues to meet Federal requirements and policies.

(a) *Submittal.* State public assistance plans and revisions of the plans are submitted to the central office through the regional offices. The States are encouraged to obtain consultation of the regional staff when a plan is in process of preparation or revision.

(b) *Review.* The family service representatives in the regional offices are responsible for review of State plans and amendments. They also initiate discussion with the State agency on clarification of significant aspects of the plan which come to their attention in the course of this review. State plan material on which the regional staff has questions concerning the application of Federal policy is referred with recommendations as required to the central office for decision. Comments and suggestions, including those of consultants in specified areas of public assistance administration, may be prepared by the central office for use by the regional representatives in negotiations with the State agency.

(c) *Approval.* The Bureau has been delegated authority to take action on amendments to State plans on the basis of policy statements or precedents previously approved by the Commissioner; the Commissioner has final authority for approval of new or substantially rewritten plans, or amendments to plans that are not within established policy. The Commissioner also has final authority for determining that proposed plan material is not approvable, or that a previously approved plan no longer meets the requirements for approval. The Bureau formally notifies the State agency of the action taken on State plans or revisions, or the need for clarifying information.

(d) *Basis for approval.* Determinations as to whether State plans (including plan amendments and administrative practice under the plans) originally meet, or continue to meet, the requirements for approval are based on relevant Federal statutes and regulations and the requirements and policies set forth in the Handbook of Public Assistance Administration and other official issuances to the States.

### § 201.4 Grants.

To States with approved plans, grants are made each quarter for assistance and administration. The determination as to the amount of a grant to be made to a State is based upon three documents submitted by the State agency containing information required under the Act and such other pertinent facts as may be found necessary.

(a) *Form and manner of submittal—(1) Time and place.* The estimates for public assistance grants for each quarterly period are forwarded to the regional office 45 days prior to the period of the estimate, together with a certification of State funds available and a justification statement in support of the estimates. The statement of quarterly expenditures and any necessary supporting schedules are forwarded to the Department of Health, Education, and Welfare, Bureau of Family Services, Attention: State Grants Branch, Washington, D.C., 20201, not later than 30 days after the end of the quarter.

(2) *Description of forms.* (i) "Report of Estimated Expenditures and Funds to be Available" represents the State agency's estimate of the total amount of expenditures for assistance and for administration to be made during the quarter for each of the public assistance programs under the Act. The forms also contain the State agency's estimates of the number of recipients to receive aid during each month of the quarter and of the amount of money payments to recipients and of the amount of payments to vendors for medical or remedial care in behalf of recipients. From these estimates the State and Federal shares of the total expenditures are computed and reported on the form. The State's computed share of the total estimated expenditures is the amount of State and local funds necessary for the quarter. The Federal share is the basis for the funds to be advanced for the quarter.

(ii) In addition, the State agency must certify as to the amount of State funds (exclusive of any balance of advances received from the Federal Government) actually on hand and available for expenditure; this certification must be signed by the executive officer of the State agency submitting the estimate material, or a person officially designated by him, or by a fiscal officer of the State if required by State law or regulation. ("Certificate of Availability of State funds for Assistance and for Administration during Quarter" is available for submitting the information but is not required to be used.) If the amount of State funds, or State and local funds if localities participate in the program, shown as available for expenditures, is not sufficient to cover the State's proportionate share of the amount estimated to be expended, the certification should contain a statement showing the source from which the amount of the deficiency is expected to be derived and the time when this amount is expected to be made available.

(iii) The third document submitted by the State agency is the quarterly statement of expenditures for each of the public assistance programs under the Act. This is an accounting statement of the disposition of the Federal funds granted for past periods and provides the basis for making the adjustments necessary when the State's estimate for any prior quarter was greater or less than the amount the State actually expended in that quarter. The statement of expenditure also shows the share of the Federal Government in any recovery of assistance from recipients and also in expenditures not properly subject to Federal financial participation which are acknowledged by the State agency or have been revealed in the course of the fiscal audit.

(b) *Review.* The State's estimates are analyzed by the regional office staff and are forwarded with recommendations as required to the central office. The central office reviews the State's estimate, other relevant information, and any adjustments to be made for prior periods, and computes the grant.

(c) *Estimate of amount due and certification.* After consideration and approval of the grant request for the quarter by the Commissioner, the amount to be paid to the State is certified (by delegation to certifying officer in the Bureau) to the Secretary of the Treasury for payment for each month of the quarter.

### § 201.5 Withholding certification; reduction of Federal financial participation in the costs of social services and training.

(a) *When withheld.* Certification of grants to a State is withheld if the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of an approved plan, finds:

(1) That the plan has been so changed that it no longer complies with the provisions of section 2, 402, 1002, 1402, or 1602 of the Act; or

(2) That in the administration of the plan there is failure to comply substantially with any such provision.

(b) *When Federal financial participation is reduced.* Federal financial participation in the costs of social services and training approved at the rate of 75 per centum is reduced to 50 per centum if the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds:

(1) That the plan provision for prescribed services has been so changed that it no longer complies with the Federal requirements with respect to such prescribed services; or

(2) That in the administration of the plan there is a failure to comply substantially with such plan provision.

(c) *Informal discussions.* Hearings with respect to matters under paragraph (a) or (b) of this section are generally not called, however, until after reasonable effort has been made by regional and central office representatives to resolve the questions involved by conference and discussion with State officials. Formal notification of the date and place of hearing does not foreclose further negotiations with State officials.

(d) *Conduct of hearings.* Applicable requirements of the Administrative Procedure Act are observed in conducting the hearings referred to in paragraphs (a) and (b) of this section.

(e) *Notification of noncertification.* If the Commissioner makes a finding of noncompliance with respect to a matter under pargaraph (a) of this section, the State agency is notified that further payments will not be made to the State (or, in the case of a plan approved under title XVI, in his discretion, that payments will be limited to categories under or parts of the plan not affected by such failure), until the Commissioner is satisfied that there will no longer be any such failure to comply. Until he is so satisfied, no further payments will be made to the State (or will be limited to categories under or parts of the title XVI plan not affected by such failure).

(f) *Notification of reduction in Federal financial participation.* If the Commissioner makes a finding of noncompliance with respect to a matter under paragraph (b) of this section, the State agency is notified that further payments will be made to the State at the rate of 50 per centum of the costs of services and training, until the Commissioner is satisfied that there will no longer be any failure to comply.

## Subpart B—Review and Audits

### § 201.6 Continuing review of State and local administration.

(a) In order to provide a basis for determining that State agencies are adhering to Federal requirements and to the substantive legal and administrative provisions of their approved plans, the Bureau conducts a continuing review of State and local public assistance administration.

(b) The administrative review includes analysis of procedures and policies of State and local agencies and review of decisions in case records of individual recipients. Each State agency is required to carry out a continuing quality control program primarily covering determination of eligibility in statistically selected samples of individual cases. The Bureau conducts a continuing observation of these State systems. Selected case records and agency operations are also reviewed for evaluating adherence to the other Federal requirements set forth in the pertinent titles of the Act. If the Federal or State review reveals cases in which there appear to have been an improper claim for Federal funds, the State agency is given an opportunity to provide information to substantiate the payment, or to make an adjustment on its expenditure report. If serious problems are revealed in respect to compliance with any Federal requirement, action to adjust Federal funds in all cases affected is required of the State agency, and the State agency is also required to correct its practice so that there will be no recurrence of the problem in the future.

### § 201.7 Personnel merit system review.

A personnel merit system review is carrier out by the Division of State Merit Systems of the Office of Field Administration of the Department. The purpose of the review is to evaluate the effectiveness of the State merit system relating to the public assistance programs and to determine whether there is compliance with Federal requirements in the administration of the merit system plan. See Part 70 of this title.

### § 201.8 Public assistance fiscal audits.

(a) Annually, or at other times as necessary, the State agency's claims for Federal funds and supporting records are audited by the Division of Grant-in-Aid Audits of the Office of Field Administration of the Department to determine that the agency has properly reported its ac-

countability for grants of Federal funds for public assistance; the amounts granted as assistance payments were actually disbursed to or on behalf of individuals who had been determined by the agency to be entitled to public assistance under the appropriate title of the Act; administrative expenditures claimed for Federal financial participation are proper under the Act and State plan, including State laws and regulations; amounts expended and used as the basis for claiming Federal funds under title I, IV, X, XIV, or XVI were not derived from other Federal sources or were not used as a basis for other Federal matching; and the share of the Federal Government in any recovery was accurately and promptly adjusted.

(b) If the audit results in no exceptions, the State agency is advised by letter of this result. The general course for the disposition of proposed exceptions resulting from audits involves the submittal of details of these exceptions to the State agency which then has an opportunity to concur in the proposed exceptions or to assemble and submit additional facts for purposes of clearance. Provision is made for the State agency to appeal proposed audit exceptions in which it has not concurred and which have not been deleted on the basis of clearance material. After consideration of a State agency's appeal by the Commissioner, the Bureau advises the State agency of any expenditures in which the Federal Government may not participate and requests it to include the amount as adjustments in a subsequent statement of expenditures. Expenditures in which it is found the Federal Government may not participate and which are not properly adjusted through the State's claim will be deducted from subsequent grants made to the State agency.

## PART 202—MEDICAL ASSISTANCE FOR THE AGED TO STATE RESIDENTS

Sec.

202.1 Condition of plan approval; prohibition against exclusion of residents.
202.2 Furnishing of assistance to eligible residents absent from the State.

AUTHORITY: The provisions of this Part 202 issued under sec. 601, 74 Stat. 987, sec. 141, 76 Stat. 197, sec. 1102, 49 Stat. 647; 42 U.S.C. 302, 1382, 1302. Interprets or applies sec. 601, 74 Stat. 987, sec. 141, 76 Stat. 197, 42 U.S.C. 302, 1382.

### § 202.1 Condition of plan approval; prohibition against exclusion of residents.

A State plan for medical assistance for the aged, or for old-age assistance and medical assistance for the aged, or a State plan for aid to the aged, blind, or disabled and medical assistance for the aged, to be approved under section 2 or 1602, as the case may be, of the Social Security Act, as amended (42 U.S.C. 302, 1382), may not impose, as a condition of eligibility for medical assistance for the aged, any residence requirement which excludes any individual who resides in the State.

### § 202.2 Furnishing assistance to eligible residents absent from the State.

A State plan referred to in section 202.1 must provide for the furnishing of medical assistance for the aged to eligible individuals who are residents of the State but are absent therefrom to the same extent that such assistance is furnished under the plan to meet the cost of medical care and services rendered to eligible individuals in such State, at least to the extent that medical care and services are needed in any other State (as defined in section 1101(a)(1) of the Social Security Act, as amended, 42 U.S.C. 1301(a)(1)), under any of the following circumstances: (a) Where an emergency arises from accident or sudden illness; (b) where the health of the individual would be endangered if the care and services are postponed until he returns to the State in which he resides; or (c) where his health would be endangered if he undertook travel to return to such State.

## PART 211—CARE AND TREATMENT OF MENTALLY ILL NATIONALS OF THE UNITED STATES, RETURNED FROM FOREIGN COUNTRIES

Sec.

211.1 General definitions.
211.2 General.
211.3 Certificates.
211.4 Notification to legal guardian, spouse, next of kin, or interested persons.
211.5 Action under State law; appointment of guardian.
211.6 Reception; temporary care, treatment, and assistance.
211.7 Transfer and release of eligible person.
211.8 Continuing hospitalization.
211.9 Examination and reexamination.
211.10 Termination of hospitalization.
211.11 Request for release from hospitalization.
211.12 Federal payments.
211.13 Financial responsibility of the eligible person; collections, compromise, or waiver of payment.
211.14 Disclosure of information.
211.15 Nondiscrimination.

AUTHORITY: The provisions of this Part 211 issued under sections 1–11, 74 Stat. 308–310; 24 U.S.C. 321–329.

### § 211.1 General definitions.

When used in this part:

(a) "Act" means Public Law 86–571, approved July 5, 1960, 74 Stat. 308, entitled "An Act to provide for the hospitalization, at Saint Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes";

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(c) The term "Department" means the Department of Health, Education, and Welfare;

(d) The term "Director" means the Director of the Bureau of Family Services of the Welfare Administration, Department of Health, Education, and Welfare;

(e) The term "eligible person" means an individual with respect to whom the certificates referred to in section 211.3 are furnished to the Director in connection with the reception of an individual arriving from a foreign country;

(f) The term "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare;

(g) The term "agency" means an appropriate State or local public or nonprofit agency with which the Director has entered into arrangements for the provision of care, treatment, and assistance pursuant to the Act;

(h) The term "State" means a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia;

(i) The term "residence" means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital;

(j) The term "legal guardian" means a guardian, appointed by a court, whose powers, duties, and responsibilities include the powers, duties, and responsibilities of guardianship of the person.

### § 211.2 General.

The Director shall make suitable arrangements with agencies to the end that any eligible person will be received, upon request of the Secretary of State, at the port of entry or debarkation upon arrival in the United States from a foreign country and be provided, to the extent necessary, with temporary care, treatment, and assistance, pending transfer and release or hospitalization pursuant to the Act. The Director shall also make suitable arrangements with appropriate divisions of the Public Health Service, Bureau of Medical Services, with Saint Elizabeths Hospital in the District of Columbia, with Federal hospitals outside of the Department, or with other public or private hospitals to provide the eligible person with care and treatment in a hospital. The Director shall maintain a roster setting forth the name and address of each eligible person currently receiving care and treatment, or assistance, pursuant to the Act.

### § 211.3 Certificates.

The following certificates are necessary to establish that an individual is an eligible person:

(a) *Certificates as to nationality.* A certificate issued by an authorized official of the Department of State, stating that the individual is a national of the United States.

(b) *Certificate as to mental condition.* Either (1) a certificate obtained or transmitted by an authorized official of the Department of State that the individual has been legally adjudged insane in a named foreign country; or (2) a certificate of an appropriate authority or person stating that at the time of such certification the individual was in a named foreign country and was in need of care and treatment in a mental hospital. A statement shall, if possible, be incorporated into or attached to the certificate furnished under this paragraph setting forth all available medical and other pertinent information concerning the individual.

(c) *Appropriate authority or person.* For the purpose of paragraph (b)(2) of this section a medical officer of the Public Health Service or of another agency of the United States, or a medical practitioner legally authorized to provide care or treatment of mentally ill persons in the foreign country, is an "appropriate authority or person," and shall be so identified in his execution of the certificate. If such a medical officer or practitioner is unavailable, an authorized official of the Department of State may serve as an "appropriate authority or person," and shall, in the execution of the certificate, identify himself as serving as such person due to the unavailability of a suitable medical officer or practitioner.



### § 211.4 Notification to legal guardian, spouse, next of kin, or interested persons.

(a) Whenever an eligible person arrives in the United States from a foreign country, or when such person is transferred from one State to another, the Director shall, upon such arrival or transfer (or in advance thereof, if possible), provide for notification of his legal guardian, or in the absence of such a guardian, of his spouse or next of kin, or in the absence of any of these, of one or more interested persons, if known.

(b) Whenever an eligible person is admitted to a hospital pursuant to the Act, the Director shall provide for immediate notification of his legal guardian, spouse, or next of kin, if known.

### § 211.5 Action under State law; appointment of guardian.

Whenever an eligible person is incapable of giving his consent to care and treatment in a hospital, either because of his mental condition or because he is a minor, the agency will take appropriate action under State law, including, if necessary, procuring the appointment of a legal guardian, to ensure the proper planning for and provision of such care and treatment.

### § 211.6 Reception; temporary care, treatment, and assistance.

(a) *Reception.* The agency will meet the eligible person at the port of entry or debarkation, will arrange for appropriate medical examination, and will plan with him, in cooperation with his legal guardian, or, in the absence of such a guardian, with other interested persons, if any, for needed temporary care and treatment.

(b) *Temporary care, treatment, and assistance.* The agency will provide for temporary care, treatment, and assistance, as reasonably required for the health and welfare of the eligible person. Such care, treatment, and assistance may be provided in the form of hospitalization and other medical and remedial care (including services of necessary attendants), food and lodging, money payments, transportation, or other goods and services. The agency will utilize the Public Health Service General Hospital nearest to the port of entry or debarkation or any other suitable public or private hospital, in providing hospitalization and medical care, including diagnostic service as needed, pending other appropriate arrangements for serving the eligible person.

### § 211.7 Transfer and release of eligible person.

(a) *Transfer and release to relative.* If at the time of arrival from a foreign country or any time during temporary or continuing care and treatment the Director finds that the best interests of the eligible person will be served thereby, and a relative, having been fully informed of his condition, agrees in writing to assume responsibility for his care and treatment, the Director shall transfer and release him to such relative. In determining whether his best interest will be served by such transfer and release, due weight shall be given to the relationship of the individuals involved, the financial ability of the relative to provide for such person, and the accessibility to necessary medical facilities.

(b) *Transfer and release to appropriate State authorities, or agency of the United States.* If appropriate arrangements cannot be accomplished under paragraph (a) of this section, and if no other agency of the United States is responsible for the care and treatment of the eligible person, the Director shall endeavor to arrange with the appropriate State mental health authorities of the eligible person's State of residence or legal domicile, if any, for the assumption of responsibility for the care and treatment of the eligible person by such authorities and shall, upon the making of such arrangements in writing, transfer and release him to such authorities. If any other agency of the United States is responsible for the care and treatment of the eligible person, the Director shall make arrangements for his transfer and release to that agency.

### § 211.8 Continuing hospitalization.

(a) *Authorization and arrangements.* In the event that appropriate arrangements for an eligible person in need of continuing care and treatment in a hospital cannot be accomplished under § 211.7, or until such arrangements can be made, care and treatment shall be provided by the Director in Saint Elizabeths Hospital in the District of Columbia, in an appropriate Public Health Service Hospital, or in such other suitable public or private hospital as the Director determines is in the best interests of such person.

(b) *Transfer to other hospital.* At any time during continuing hospitalization, when the Director deems it to be in the interest of the eligible person or of the hospital affected, the Director shall authorize the transfer of such person from one hospital to another and, where necessary to that end, the Director shall authorize the initiation of judicial proceedings for the purpose of obtaining a commitment of such person to the Secretary.

(c) *Place of hospitalization.* In determining the placement or transfer of an eligible person for purposes of hospitalization, due weight shall be given to such factors as the location of the eligible person's legal guardian or family, the character of his illness and the probable duration thereof, and the facilities of the hospital to provide care and treatment for the particular health needs of such person.

### § 211.9 Examination and reexamination.

Following admission of an eligible person to a hospital for temporary or continuing care and treatment, he shall be examined by qualified members of the medical staff as soon as practicable, but not later than the fifth day after his admission. Each such person shall be reexamined at least once within each six month period beginning with the month following the month in which he was first examined.

### § 211.10 Termination of hospitalization.

(a) *Discharge or conditional release.* If, following an examination, the head of the hospital finds that the eligible person hospitalized for mental illness (whether or not pursuant to a judicial commitment) is not in need of such hospitalization, he shall be discharged. In the case where hospitalization was pursuant to a judicial commitment, the head of the hospital may, in accordance with laws governing hospitalization for mental illness as may be in force and generally applicable in the State in which the hospital is located, conditionally release him if he finds that this is in his best interests.

(b) *Notification to committing court.* In the case of any person hospitalized under section 211.8 who has been judicially committed to the custody of the Secretary, the Secretary will notify the committing court in writing of the discharge or conditional release of such person under this section or of his transfer and release under § 211.7.

### § 211.11 Request for release from hospitalization.

If an eligible person who is hospitalized pursuant to the Act, or his legal guardian, spouse, or adult next of kin, requests his release, such request shall be granted by the Director if his best interests will be served thereby, or by the head of the hospital if he is found not to be in need of hospitalization by reason of mental illness. The right of the Director, or the head of the hospital, to refuse such request and to detain him for care and treatment shall be determined in accordance with laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than forty-eight hours (excluding any period of time falling on a Sunday or a legal holiday observed by the courts of the State in which such hospital is located) after the receipt of such request unless within such time (a) judicial proceedings for such hospitalization are commenced or (b) a judicial extension of

such time is obtained, for a period of not more than five days, for the commencement of such proceedings.

**§ 211.12 Federal payments.**

The arrangements made by the Director with an agency or hospital for carrying out the purposes of the Act shall provide for payments to such agency or hospital, either in advance or by way of reimbursement, of the costs of reception, temporary care, treatment, and assistance, continuing care and treatment, and transportation, pursuant to the Act, and payments for other expenditures necessarily and reasonably related to providing the same. Such arrangements shall include the methods and procedures for determining the amounts of the advances or reimbursements, and for remittance and adjustment thereof.

**§ 211.13 Financial responsibility of the eligible person; collections, compromise, or waiver of payment.**

(a) *For temporary care and treatment.* If an eligible person receiving temporary care, treatment, and assistance, pursuant to the Act, has financial resources available to pay all or part of the costs of such care, the Director shall require him to pay for such costs, either in advance or by way of reimbursement, unless in his judgment it would be inequitable or impracticable to require such payment.

(b) *For continuing care and treatment.* Any eligible person receiving continuing care and treatment in a hospital, or his estate, shall be liable to pay or contribute toward the payment of the costs or charges therefor, to the same extent as such person would, if a resident of the District of Columbia, be liable to pay, under the laws of the District of Columbia, for his care and maintenance in a hospital for the mentally ill in that jurisdiction.

(c) *Collections, compromise, or waiver of payment.* The Director may, in his discretion, where in his judgment substantial justice will be best served thereby or the probable recovery will not warrant the expense of collection, compromise, or waive the whole or any portion of, any claim for continuing care and treatment, and assistance, and in the process of arriving at such decision, the Director may make or cause to be made such investigations as may be necessary to determine the ability of the patient to pay or contribute toward the cost of his continuing care and treatment in a hospital.

**§ 211.14 Disclosure of information.**

(a) No disclosure of any information with respect to an individual obtained at any time by any person, organization, or institution in the course of discharging the duties of the Secretary under the Act shall be made except insofar:

(1) As the individual or his legal guardian, if any (or, if he is a minor, his parent or legal guardian), shall consent;

(2) As disclosure may be necessary to carry out any functions of the Secretary under the Act;

(3) As disclosure may be directed by the order of a court of competent jurisdiction;

(4) As disclosure may be necessary to carry out any functions of any agency of the United States which are related to the return of the individual from a foreign country, or his entry into the United States; or

(5) As expressly authorized by the Commissioner of Welfare.

(b) An agreement made with an agency or hospital for care, treatment, and assistance pursuant to the Act shall provide that no disclosure will be made of any information received by such agency or hospital in the course of discharging the duties under such agreement except as is provided therein, or is otherwise specifically authorized by the Commissioner of Welfare.

(c) Nothing in this section shall preclude disclosure, upon proper inquiry, of information as to the presence of an eligible person in a hospital, or as to his general condition and progress.

**§ 211.15 Nondiscrimination.**

(a) No eligible person shall, on the ground of race, color, or national origin, be excluded from participation, be denied any benefits, or otherwise be subjected to discrimination of any nature or form in the provision of any benefits, under the Act.

(b) The prohibition in paragraph (a) of this section precludes discrimination either in the selection of individuals to receive the benefits, in the scope of benefits, or in the manner of providing them. It extends to all facilities and services provided by the Director or an agency to an individual, and to the arrangements and the procedures under this part relating thereto, in connection with reception, temporary care, treatment, and assistance, and continuing hospitalization under the Act.

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## PART 212—ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES

Sec.

212.1 General definitions.
212.2 General.
212.3 Eligible person.
212.4 Reception; initial determination, provision of temporary assistance.
212.5 Periodic review and redetermination; termination of temporary assistance.
212.6 Duty to report.
212.7 Repayment to the United States.
212.8 Federal payments.
212.9 Disclosure of information.
212.10 Nondiscrimination.

AUTHORITY: The provisions of this Part 212 issued under section 302, 75 Stat. 142, section 1102, 49 Stat. 647, as amended; 42 U.S.C. 1313, 1302. Interprets or applies section 302, 75 Stat. 142, 42 U.S.C. 1313.

**§ 212.1 General definitions.**

When used in this part:

(a) "Act" means section 1113 of the Social Security Act, as amended;

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(c) The term "Department" means the Department of Health, Education, and Welfare;

(d) The term "Bureau" means the Bureau of Family Services of the Welfare Administration, Department of Health, Education, and Welfare;

(e) The term "Director" means the Director of the Bureau of Family Services;

(f) The term "eligible person" means an individual with respect to whom the conditions in § 212.3 are met;

(g) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

(h) The term "United States" when used in a geographical sense means the States;

(i) The term "agency" means State or local public agency or organization or national or local private agency or organization with which the Director has entered into agreement for the provision of temporary assistance pursuant to the Act;

(j) The term "temporary assistance" means money payments, medical care, temporary billeting, transportation, and other goods and services necessary for the health, or welfare of individuals, including guidance, counseling, and other welfare services.

**§ 212.2 General.**

The Director shall develop plans and make arrangements for provision of temporary assistance within the United States to any eligible person, after consultation with appropriate offices of the Department of State, the Department of Justice, and the Department of Defense. Temporary assistance shall be provided, to the extent feasible, in accordance with such plans, as modified from time to time by the Director. The Director shall enter into agreements with agencies whose services and facilities are to be utilized for the purpose of providing temporary assistance pursuant to the Act, specifying the conditions governing the provision of such assistance and the manner of payment of the cost of providing therefor.

**§ 212.3 Eligible person.**

In order to establish that an individual is an eligible person, it must be found that:

(a) He is a citizen of the United States or a dependent of a citizen of the United States;

(b) A written statement has been transmitted to the Bureau by an authorized official of the Department of State containing information which identifies him as having returned, or been brought, from a foreign country to the United States because of the destitution of the citizen of the United States, or the illness of such citizen or any of his dependents, or because of war, threat of war, invasion, or similar crisis. Such statement shall, if possible, incorporate or have attached thereto, all available pertinent information concerning the individual. In case of war, threat of war, invasion, or similar crisis, a determination by the Department of State that such a condition is the general cause for the return of citizens of the United States and their dependents from a particular foreign country, and evidence that an individual has returned, or been brought, from such country to the United States shall be considered sufficient identification of the reason for his return to, or entry into, the United States; and

(c) He is without resources immediately accessible to meet his needs.

**§ 212.4 Reception; initial determination, provision of temporary assistance.**

(a) The Bureau, or the agency upon notification by the Bureau, will meet individuals, identified as provided in § 212.3(b), at the port of entry or debarkation.

(b) The Bureau or agency will make findings, setting forth the pertinent facts and conclusions, and an initial determination, according to standards established by the Bureau, as to whether an individual is an eligible person.

(c) The Bureau or agency will provide temporary assistance within the United States to an eligible person, according to standards of need established by the Bureau, upon arrival at the port of entry or debarkation, during transportation to his intermediate and ultimate destinations, and after arrival at such destinations.

(d) Temporary assistance may be furnished only for twelve months from the month of arrival of the eligible person in the United States unless he is handicapped in attaining self-support or self-care for such reasons as age, disability, or lack of vocational preparation. In such cases temporary assistance may be extended upon prior authorization by the Bureau for six additional months.

**§ 212.5 Periodic review and redetermination; termination of temporary assistance.**

(a) The Bureau or agency will review the situation of each recipient of temporary assistance at frequent intervals to consider whether or not circumstances have changed that would require a different plan for him.

(b) Upon a finding by the Bureau or agency that a recipient of temporary assistance has sufficient resources available to meet his needs, temporary assistance shall be terminated.

**§ 212.6 Duty to report.**

The eligible person who receives temporary assistance, or the person who is caring for or otherwise acting on behalf of such eligible person, shall report promptly to the Bureau or agency any event or circumstance which would cause such assistance to be changed in amount or terminated.

**§ 212.7 Repayment to the United States.**

(a) An individual who has received temporary assistance shall be required to repay, in accordance with his ability, any or all of the cost of such assistance to the United States, except insofar as it is determined that:

(1) The cost is not readily allocable to such individual;

(2) The probable recovery would be uneconomical or otherwise impractical;

(3) He does not have, and is not expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs; or

(4) Recovery would be against equity and good conscience.

(b) In determining an individual's resources, any claim which he has against any individual, trust or estate, partnership, corporation, or government shall be considered, and assignment to the United States of such claims shall be taken in appropriate cases.

(c) A determination that an individual is not required to repay the cost of temporary assistance shall be final and binding, unless such determination was procured by fraud or misrepresentation of the individual or some other person, or the individual voluntarily offers to repay.

(d) A determination that an individual is required to repay any or all of the cost of temporary assistance may be reconsidered at any time prior to repayment of the required amount. A further determination shall be made with respect to his liability to repay the balance of such amount on the basis of new evidence as to whether (1) he has, or is expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs, or (2) recovery would be against equity and good conscience.

**§ 212.8 Federal payments.**

The agreement made by the Director with an agency for carrying out the purposes of the Act shall provide for payment to such agency, either in advance or by way of reimbursement, of the cost of temporary assistance provided pursuant to the Act, and payment of the cost of other expenditures necessarily and reasonably related to providing the same. Such agreement shall include the method for determining such costs, as well as the methods and procedures for determining the amounts of advances or reimbursement and for remittance and adjustment thereof.

**§ 212.9 Disclosure of information.**

(a) No disclosures of any information with respect to an individual obtained at any time by any person, organization, or institution in the course of discharging the duties of the Secretary under the Act shall be made except insofar:

(1) As the individual or his legal guardian, if any (or, if he is a minor, his parent or legal guardian), shall consent;

(2) As disclosure may be necessary to carry out any functions of the Secretary under the Act;

(3) As disclosure may be necessary to carry out any functions of any agency of the United States which are related to the return of the individual from a foreign country, or his entry into the United States; or

(4) As expressly authorized by the Commissioner of Welfare.

(b) An agreement made with an agency for the provision of temporary assistance pursuant to the Act shall provide that no disclosure will be made of any information received by such agency in the course of discharging the duties under such agreement except as is provided therein, or is otherwise specifically authorized by the Commissioner of Welfare.

**§ 212.10 Nondiscrimination.**

(a) No eligible person shall, on the ground of race, color, or national origin, be excluded from participation, be denied any benefits, or otherwise be subjected to discrimination of any nature or form in the provision of any benefits, under the Act.

(b) The prohibition in paragraph (a) of this section precludes discrimination either in the selection of individuals to receive the benefits, in the scope of benefits, or in the manner of providing them. It extends to all facilities and services provided by the Bureau or an agency to an individual, and to the arrangements and the procedures under this part relating thereto, in connection with reception and temporary assistance under the Act.

*Effective date.* This revision of Chapter II shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: August 25, 1964.

[SEAL] ELLEN WINSTON,
*Commissioner of Welfare.*

Approved: December 28, 1964.

ANTHONY J. CELEBREZZE,
*Secretary.*

[F.R. Doc. 64-13515; Filed, Dec. 30, 1964; 8:51 a.m.]



# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 64-1205]

### SUBCHAPTER A—GENERAL

### PART 1—PRACTICE AND PROCEDURE

### Abolition of FCC Form 317

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of December 1964;

Section 1.543 of the Commission's rules concerns "Special Service Authorizations" (SSA's), which were formerly granted in the standard broadcast service for operations for which regular authorizations could not be granted under the rules. The rule provides that application for such authorization shall be on FCC Form 317, "Application for Standard Broadcast Station Special Service Authorization or Extension Thereof." However, it also provides that no new SSA's will be issued after February 3, 1958, and there are now only two such operations, both of which are the subject of hearings concerning their continuance (WNYC, New York City, Docket No. 11227, and WOI, Ames, Iowa, Docket No. 11290). These operations are by Commission order permitted to

continue (without the necessity for filing for an extension) until decision in the proceedings.

The amendment to § 3.25, the Clear Channel rule, adopted in 1961, provides for regular licensing of these two operations if in the hearings it is concluded that they are in the public interest. (See § 3.25(a), notes 1 and 2.) Subsequent Commission orders have provided for consideration of applications for regular license in the hearings. In filing for different facilities for its SSA operation, WNYC used FCC Form 301. In view of these facts, there is no further need for FCC Form 317, and therefore it should be abolished and § 1.543 amended to delete reference to it. Since these changes are procedural, the notice and effective date provisions of the Administrative Procedure Act do not apply.

In view of the foregoing: *It is ordered*, That effective January 11, 1965, FCC Form 317 is abolished; and § 1.543 is amended by deleting paragraph (b) thereof. Authority for this action is contained in section 4(i) of the Communications Act of 1934, as amended.

NOTE: Rules changes herein will be covered by T.S. I(63)–5.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154)

Released: December 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–13493; Filed, Dec. 30, 1964; 8:49 a.m.]

## SUBCHAPTER D—SAFETY AND SPECIAL RADIO SERVICES

[Docket 15613—FCC 64–1187]

## PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

## PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

### Miscellaneous Amendments

In the matter of amendment of Parts 81 and 83 of the Commission's rules to make the frequency pair 2442 kc/s (coast)—2009 kc/s (ship) available for ship-shore use in the Astoria, Oregon area on a day only basis.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of December 1964;

The Commission having under consideration the above-captioned matter;

It appearing, that in accordance with the requirements of section 4 (a) and (b) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was published in the FEDERAL REGISTER on September 10, 1964 (29 F.R. 12784) and the period for filing comments has now expired; and

It further appearing, that comments supporting the proposed rule amendments were received from Pacific Northwest Bell Telephone Company. No objections to the amendments proposed were received.

It further appearing, that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended;

*It is ordered*, That effective February 8, 1965, Parts 81 and 83 of the Commission's rules are amended as set forth below, and that this proceeding is hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

A. Part 81 is amended as follows:

1. In § 81.306(b), the table is amended to add a new entry for Astoria, Oreg., preceding the entry for Astoria-Portland, Oreg., to read as follows:

**§ 81.306 Frequencies available below 27.5 Mc/s.**

• • • • • •

(b) • • •

| Coast stations located in the vicinity of— | Coast station transmitting carrier frequency [1] | | Associated coast station receiving carrier frequency | |
|---|---|---|---|---|
| | Frequency (kc/s) | Specific limitations imposed upon availability for use [2] | Frequency (kc/s) | Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 83.354 (a)(1) of this chapter [1] |
| • • • | • • • | • • • | • • • | • • • |
| Astoria, Oreg. | 2442 | Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. | 2009 | Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. |
| • • • | • • • | • • • | • • • | • • • |

B. Part 83 is amended as follows:

1. In § 83.354(a)(1), the table is amended to add a new entry for Astoria, Oreg., preceding the entry for Astoria-Portland, Oreg., to read as follows:

**§ 83.354 Frequencies below 5000 kc/s for public correspondence.**

(a) • • •
(1) • • •

| For communication with coast stations located in the vicinity of— | Mobile station transmitting carrier frequency [1] | | Associated coast station carrier frequency | |
|---|---|---|---|---|
| | Frequency (kc/s) | Specific limitations imposed upon availability for use [2] | Frequency (kc/s) | Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 81.306(b) of this chapter.[1] |
| • • • | • • • | • • • | • • • | • • • |
| Astoria, Oreg. | 2009 | Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. | 2442 | Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused. |
| • • • | • • • | • • • | • • • | • • • |

[F.R. Doc. 64–13494; Filed, Dec. 30, 1964; 8:49 a.m.]

[Docket No. 15302; FCC 64–1188]

## PART 87—AVIATION SERVICES

### Authorization of Non-Type Accepted Transmitters at International Gateway Stations

1. The Commission has before it for consideration a Petition for Reconsideration filed by Aeronautical Radio, Inc. (ARINC) concerning an amendment to Part 87 of the Commission's rules released July 31, 1964 (FCC 64–735) which, among other things, extended the date for the requirement for type accepted equipment from January 1, 1965, to January 1, 1970, for HF transmitting equipment, in excess of 1,000 watts power, in use in the aeronautical mobile and aeronautical fixed services at international gateway stations. Petitioner objects to the amendment applying only to transmitters in excess of 1,000 watts and requests that the present § 87.77(b) be amended by the addition of a sentence to read as follows: "Types of transmitters of less than 1,000 watts power, now in use for emergency and standby service at such aeronautical enroute and aeronautical fixed stations, may continue to be used for such purposes until January 1, 1970."

This request is based on three main reasons which are set forth in the succeeding paragraphs.

2. Petitioner asserts that HF transmitters having a power rating of less than 1,000 watts are used at U.S. international gateway stations for emergency standby service. These transmitters are seldom called into service and they do not cause interference to others. Should interference occur, ARINC states that immediate corrective actions will be taken.

3. The second allegation by petitioner is that present type accepted equipment, less than 1,000 watts, is not suitable for replacement of existing transmitters. By way of example, ARINC cites the example of the Collins 16F equipment which is presently utilized in various ARINC stations. This transmitter is capable of operating on any of ten frequencies in the aeronautical mobile or aeronautical fixed services. It also provides, according to ARINC, another essential feature of being able to quickly shift frequencies in a matter of a very few seconds. ARINC further asserts that type accepted equipment which comes closest to meeting these requirements has a capability of only four frequencies.

4. The final reason is based on the uncertain needs for future HF communications. Petitioner asserts that (a) efforts are continuing to extend the VHF communications coverage on international routes, (b) industry is on the threshold of practical application of communication satellites, offering separate and expanded continuous VHF two-way communications between the desired ground control locations and aircraft on the major world air routes, (c) there is evidence that operational requirements of the supersonic transport (SST) may require data communications to handle the bulk information exchange with SST aircraft within the allowable time frame and (d) any of these new requirements that may entail HF might be provided by the use of single sideband (SSB).

5. The primary reason for extending the type acceptance date for HF transmitting equipment in excess of 1,000 watts power at international gateway stations was to relieve licensees from a situation that existed through no fault of their own—namely, the lack of suitable type accepted equipment in excess of 1,000 watts power. The Report and Order in this proceeding pointed out that ARINC had not clearly demonstrated that suitable type accepted transmitters under 1,000 watts power were not available. The subject petition, however, does present certain matters which were not before the Commission at the time the present amendment was considered. The infrequent use of emergency standby equipment, however, was considered during the original rule making. The establishment of a separate criterion or category for so-called back-up equipment is not administratively feasible nor does it appear justified. If this equipment is going to be a part of aviation safety communications, it should be subject to the same regulations, where possible, as equipment used on a regular basis.

6. With respect to new matters, the Commission's records substantiate the contention of ARINC that type accepted equipment is unavailable having the power rating and certain other features of the Collins 16F series. These are ten channel transmitters using the "autotune" system, having rated minimum output powers of 250 watts on $A_3$ or $A_3$ emission, 400 watts on $A_1$ emission, and operating in the range 1.5 to approximately 18 Mc/s. The manufacturer specifies the frequency shift time by the operator as less than 8 seconds. On the basis of ARINC's stated need, it is concluded that no suitable type accepted equipment is available with respect to replacing the Collins 16F equipment. The reasoning used in exempting certain transmitters from type acceptance in excess of 1,000 watts would apply to this case as well, but would be limited to Collins 16F equipment.

7. The allegation that the future needs for HF communications are uncertain is supported by the information submitted. The extension of VHF on international routes, communication satellites, supersonic transport and single sideband are all very important factors which make it difficult to forecast with a degree of certainty the role that HF communications will play in the aviation communications structure. It is possible that any one or a combination of these factors could cause a complete revamping and replacement of present HF international gateway facilities even though the equipment may be type accepted. This possibility coming to fruition soon after a change to type accepted equipment could cause a very serious economic impact on licensees affected.

8. The five-year extension requested should provide sufficient time for the future of HF communications at international gateway stations to crystallize so that when type accepted equipment is installed, it would be of a type that would meet operational requirements that may develop. This uncertainty, with respect to HF, is such that relief should be given from the present January 1, 1965 date for type acceptance in the case of transmitters of less than 1,000 watts power, now in use on an emergency or standby basis at international gateway stations. An appropriate amendment to the rules is set forth below.

9. In view of the foregoing: *It is ordered*, This 23d day of December 1964, That the Petition for Reconsideration of ARINC is granted. Accordingly: *It is ordered*, Pursuant to the authority contained in section 303 (e), (f), and (r) of the Communications Act of 1934, as amended, that effective December 31, 1964, Part 87 of the Commission's rules is amended as set forth below. *It is further ordered*, That this proceeding is hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[1] Commissioner Cox dissenting.

Section 87.77 (b) and (d) are amended to read as follows:

**§ 87.77 Acceptability of transmitters for licensing.**

• • • • • •

(b) Except as provided in paragraph (d) of this section, each transmitter used in the Aviation Services must be of a type which has been type accepted by the Commission for use in these services.

• • • • • •

(d) The following exceptions to the provisions of paragraph (b) of this section are provided on the express condition that the operation of stations using transmitting equipment not type accepted by the Commission shall not result in harmful interference due to the failure of such equipment to comply with the current technical standards of Subpart A of this part.

(1) Type accepted equipment is not required at developmental stations.

(2) Type accepted equipment is not required at Civil Air Patrol stations.

(3) Equipment which has not been type accepted may be used at flight test stations for limited periods where justified on the basis of good cause shown.

(4) Equipment which is to be used exclusively under emergency and distress conditions for survival purposes and which is carried aboard aircraft in such a manner as to only be available under these conditions need not be type accepted by the Commission if it is a type which was in use prior to January 1, 1965.

(5) Until January 1, 1970, the following classes of equipment in use by a licensee prior to July 1, 1959, may continue to be used by the same licensee, his successors or assigns: (i) HF transmitting equipment in excess of 1,000 watts power in aeronautical mobile and aeronautical fixed services at international gateway stations and stations in Alaska; and (ii) HF transmitters in use on an emergency or standby basis in the aeronautical mobile and aeronautical fixed services at international gateway stations.

[F.R. Doc. 64–13495; Filed, Dec. 30, 1964; 8:49 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Deer Flat National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Sport fishing on the Deer Flat National Wildlife Refuge, Idaho, is permitted only

on the area designated by signs as open to fishing. This open area, comprising 9,500 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the Lake Lowell Unit of the refuge shall be as follows: Upper one-third of Lake Lowell open from April 1 through September 30, 1965. Lower two-thirds of the Lake open to fishing year round, except closed during migratory waterfowl hunting season. The Snake River portion is open to year-round fishing.

(2) Boats with motors may be used for fishing as follows: Motorboats to be operated on Lake Lowell during daylight hours only. Boats with motors may be used on lower two-thirds of Lake Lowell from April 1 through September 30, 1965. Boats without motors may be used on lower two-thirds of lake throughout fishing season. Boats without motors permitted on upper one-third of lake from January 1 through September 30, 1965. In New York Canal, bank fishing only permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1966.

HENRY BAETKEY,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 22, 1964.

[F.R. Doc. 64-13467; Filed, Dec. 30, 1964; 8:46 a.m.]

## PART 33—SPORT FISHING

### Stillwater National Wildlife Refuge, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

NEVADA

STILLWATER NATIONAL WILDLIFE REFUGE

Sport fishing on the Stillwater National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to fishing. This open area, comprising 4,000 acres, is delineated on maps available at the refuge headquarters, Stillwater National Wildlife Refuge, Fallon, Nevada, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) January 1 to December 31, 1965, except closed during migratory waterfowl hunting season.

(2) Boats with motors up to 10 HP may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1966.

HENRY BAETKEY,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

DECEMBER 22, 1964.

[F.R. Doc. 64-13468; Filed, Dec. 30, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Parts 911, 915 ]

[Docket Nos. AO-267-A2, AO-254-A3]

### HANDLING OF LIMES AND AVOCADOS

### Decision and Referendum Order With Respect to Proposed Further Amendments of the Marketing Agreements and Orders

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Modello, Florida, on October 22, 1964, after notice thereof published in the FEDERAL REGISTER (29 F.R. 14121), on proposed further amendments of the respective marketing agreements and orders (7 CFR Parts 911 and 915) regulating the handling of Florida limes and avocados, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on December 1, 1964, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 64-12421; 29 F.R. 16258) on December 4, 1964. No exception was filed.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 64-12421; 29 F.R. 16258) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein.

*Further amendments of the marketing agreements and orders.* Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Limes Grown in Florida," "Order Amending the Order, as Amended, Regulating the Handling of Limes Grown in Florida," "Marketing Agreement, as Amended, Regulating the Handling of Avocados Grown in South Florida," and "Order Amending the Order, as Amended, Regulating the Handling of Avocados Grown in South Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*Referendum order.* Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period April 1, 1963, through March 31, 1964 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 911), in the production of limes for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such limes; and

(2) Among the producers who, during the period April 1, 1963, through March 31, 1964 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 915), in the production of avocados for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such avocados.

Minard F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Post Office Box 9, Lakeland, Fla., 33802, is hereby designated referendum agent to conduct said referenda.

The procedure applicable to each referendum shall be the procedure (28 F.R. 6409) for the conduct of referenda regarding marketing orders for fruits, vegetables, and tree nuts.

*It is hereby ordered,* That all of this decision and referendum order, except the annexed marketing agreements, as amended, be published in the FEDERAL REGISTER. The respective regulatory provisions of the said marketing agreements are identical with those contained in the said orders as further amended by the annexed orders which will be published with this decision.

Dated: December 28, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order [1] Amending the Order, as Amended, Regulating the Handling of Limes Grown in Florida*

**§ 911.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Modello, Florida, on October 22, 1964, upon proposed amendments to the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby amended, regulates the handling of limes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order, as amended and as hereby amended, that make necessary different terms and provisions applicable to different parts of such area;

(5) All handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*It is, therefore, ordered,* That, on and after the effective date hereof, all handling of limes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby amended, as follows:

In § 911.20, the second and fourth sentences are revised to read as follows: "Five of the members and their respective alternates shall be growers who shall not be handlers of limes produced by others or employees of such handlers. * * * The five members of the committee who shall be growers who shall not be handlers of limes produced by others or employees of such handlers are referred to as 'grower' members of the committee; and the four members who shall be handlers or employees of handlers are referred to as 'handler' members of the committee."

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

*Order*[1] *Amending the Order, as Amended, Regulating the Handling of Avocados Grown in South Florida*

**§ 915.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations here hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Modello, Florida, on October 22, 1964, upon proposed amendments to the amended marketing agreement and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby amended, regulates the handling of avocados grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in production and marketing of the avocados covered thereby;

(5) All handling of avocados grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*It is, therefore, ordered*, That, on and after the effective date hereof, all handling of avocados grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby amended as follows:

In § 915.20, the second and fourth sentences are revised to read as follows: "Five of the members and their respective alternates shall be growers who shall not be handlers of avocados produced by others or employees of such handlers. • • • The five members of the committee who shall be growers who shall not be handlers of avocados produced by others or employees of such handlers are referred to as 'grower' members of the committee; and the four members who shall be handlers or employees of handlers are referred to as 'handler' members of the committee."

[F.R. Doc. 64–13475; Filed, Dec. 30, 1964; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

## [ 7 CFR Part 980 ]

## ONION IMPORTS

### Notice of Proposed Rule Making

Notice is hereby given of a proposed amendment to § 980.103 *Onion Import Regulation* (29 F.R. 12672), applicable to the importation of onions into the United States. This regulation is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under Section 8e–1 of the act, whenever two or more marketing orders for a commodity are in effect, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.103 (29 F.R. 12672), effective since September 14, 1964, complies with the grade, size, and quality requirements for onions marketed under Marketing Order No. 958 regulating shipments of Idaho-Eastern Oregon onions. Grade, size, and quality regulations have also been proposed to become effective March 1, 1965, through June 15, 1965, under Marketing Order No. 959, as amended, regulating shipments of South Texas onions.

It is hereby determined that during the current onion marketing season, from March 1 through June 15, 1965, onions imported into the United States will be in most direct competition with onions produced in the South Texas production area and that import regulations during such period shall be based on regulations in effect for South Texas onions under Marketing Order No. 959, as amended (7 CFR Part 959).

Consideration will be given to any data, views, or arguments pertaining to the proposed amendment which are filed in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than 20 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

In § 980.103 *Onion import regulation* (29 F.R. 12672), delete the introductory paragraph and paragraphs (a) and (h) and substitute in lieu thereof a new introductory paragraph and new paragraphs (a) and (h) as set forth below. Paragraph (b) is republished for information.

**§ 980.103 Onion import regulation.**

Except as otherwise provided, during the period beginning March 1, 1965, and continuing through June 15, 1965, no person may import dry onions, except red onions, unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other (except red) varieties—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the requirements of this section.

• • • • •

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the United States Standards for Grades of Onions (§§ 51.2830–51.2850 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the United States Standards. Onions meeting the requirements of Canada No. 1 grade shall be deemed to comply with the requirements of U.S. No. 1 grade. "Importation" means release from custody of the United States Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: December 28, 1964.

PAUL A. NICHOLSON,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64–13491; Filed, Dec. 30, 1964; 8:49 a.m.]



## [ 9 CFR Part 201 ]

## REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

### Bonding

Notice is hereby given that, pursuant to the authority contained in an act of Congress approved July 12, 1943 (7 U.S.C. 204), and in section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228(a)), the Agricultural Marketing Service proposes to amend § 201.31 (9 CFR 201.31) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), concerning the condition clauses of market agency and dealer bonds.

*Statement of considerations.* On October 31, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14855) concerning amendments to §§ 201.27 through 201.34 (9 CFR 201.27–201.34) of the regulations under the Packers and Stockyards Act, 1921, as amended. Such regulations relate to general bonding provisions and market agency and dealer bonds. Numerous written comments and recommendations have been received in response to the notice of proposed rule making. Some of the recommendations presently under consideration would not involve substantial changes or modifications in the amendments proposed in the October 31, 1964, notice of proposed rule making. If adopted, such recommendations will be incorporated in the final amendments to the bonding regulations without further notice. Other recommendations, however, involve substantial changes in the proposed amendments and warrant publication in the FEDERAL REGISTER if the Agricultural Marketing Service proposes that they be adopted. One of such changes involves § 201.31.

Present § 201.31 of the regulations covers the condition clauses in market agency and dealer bonds. The proposed amendment to § 201.31 published in the FEDERAL REGISTER on October 31, 1964, clarifies such condition clauses. The recommendations and comments received concerning such amendment indicate that the separate condition clauses covering the livestock buying operations of market agencies and dealers should be consolidated into one clause since many persons are engaged in buying livestock in both capacities and are so registered under the Act. It has also been recommended that the various bond clauses be numbered in order that surety companies may, by reference to the applicable number, incorporate a condition clause into a market agency or dealer bond.

It is now proposed that § 201.31 of the regulations under the Packers and Stockyards Act be amended to read as follows:

**§ 201.31 Conditions in market agency and dealer bonds.**

Each market agency and dealer bond shall contain conditions applicable to the activity or activities in which the person or persons named as principal or clearees in the bond propose to engage, which conditions shall be as follows or in terms to provide equivalent protection:

(a) *Condition Clause No. 1. When the principal sells livestock for the accounts of others:*

If the said principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the accounts of others by said principal.

(b) *Condition Clause No. 2. When the principal buys livestock for his own account or for the accounts of others:*

If the said principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said principal for his own account or for the accounts of others, and if the said principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others.

(c) *Condition Clause No. 3. When the principal clears other registrants buying livestock and thus is responsible for the obligations of such other registrants:*

If the said principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz.: (insert here the names of such other registrants as they appear in the application for registration), or if such other registrants, shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such other registrants; and (2) safely keep and properly disburse all funds coming into the hands of such principal or such other registrants for the purpose of paying for livestock purchased for the accounts of others.

(d) *When the principal clears other registrants selling livestock and thus is responsible for the obligations of such other registrants.* The condition clauses of those selling agencies named prior to September 1, 1957, as clearees in the bonds filed and maintained by market agencies registered to provide clearing services shall remain the same as the condition clauses now in effect in such bonds.

Any person who wishes to submit written data, views, or arguments concerning this proposed amendment may do so by filing them in duplicate with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., on or before February 1, 1965. The time for filing written data, views, or arguments concerning the other proposed amendments to §§ 201.27 through 201.34 published in the FEDERAL REGISTER on October 31, 1964, is hereby extended to and including February 1, 1965.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 28th day of December 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–13474; Filed, Dec. 30, 1964; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 73 ]

[Docket No. 15771; FCC 64–1203]

## FM BROADCAST STATIONS; CHICAGO AND SKOKIE, ILL.

### Proposed Table of Assignments

*Notice of proposed rule making and order to show cause.* 1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. This is a further step in our efforts to resolve the complex and long-standing FM allocation problems in the Chicago area. In a Memorandum Opinion and Order adopted today, we have assigned Channel 294 to Waukegan, Ill.—for use there or at Des Plaines, Ill., under the "25-mile rule"—as one step toward settling these matters. In reaching this decision, we denied requests that Channel 294 be used at Skokie, Ill. (a community of approximately 60,000 population immediately north of Chicago), to provide a substitute assignment for Station WRSV, Skokie, which now operates on Channel 252A and which, so operating, causes a fairly substantial amount of interference to, and receives interference from, two Chicago stations two channels removed (WHFC on Channel 250 and WFMT on Channel 254). Station WRSV is only about 10 miles distant from one of these stations and 13 miles distant from the other—considerably less than the standard separations between stations two channels removed now provided by our rules (40 miles).

3. The mutual interference which the WRSV assignment involves with the other two stations has been the subject of numerous complaints by listeners to WRSV and WFMT. It appears appropriate to take whatever steps may be feasible to eliminate this unsatisfactory situation.

4. We have recently issued a decision, and a subsequent decision on reconsideration, revoking the license of Station WCLM, Chicago, which operates on Channel 270. This action, which was taken because of operation of that station in a manner violative of the Commission's rules and contrary to the public interest, unless reversed on appeal, makes Channel 270 available for use in the Chicago area.[2]

5. Channel 270 at Chicago is now short-spaced. In view of the large number of other Chicago stations (14), continued use of the channel for Chicago itself does not appear warranted. Nevertheless, we believe that under the circumstances here present, its continued assignment in the Chicago area is appropriate, particularly to resolve the exist-

[2] Carol Music, Inc., licensee of WCLM, has appealed our decision to the United States Court of Appeals for the District of Columbia. Any reassignment of this channel is, of course, subject to the outcome of that appeal.

ing unsatisfactory interference situation between WRSV, Skokie, and the two Chicago stations two channels removed from it. Assignment at Skokie would involve substandard separations to two stations—24 miles to a station on Channel 272A at Waukegan (compared to standard spacing of 40 miles) and 71 miles to a station on Channel 271 at Milwaukee. If a Skokie station is limited to 20 kw E.R.P. and antenna height of 130 feet a.a.t. (the antenna height of WRSV) in the direction of Waukegan and Milwaukee, it would cause no more interference to Waukegan than does WCLM now operating on Channel 270, and less to Milwaukee. The interference situation involving WRSV would be removed and thus over-all assignment conditions would be substantially improved. Therefore we propose to assign Channel 270 to Skokie, to be used with facilities limited as above.

6. Comments are therefore invited on the following amendment to § 73.202 of the rules (Table of FM Assignments), with the understanding that a station assigned to Skokie on Channel 270 will be limited in facilities as set forth in the preceding paragraph:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Chicago, Ill. | 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 278, 282, 298. | 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 278, 282, 298. |
| Skokie, Ill. | 252A | 270 |

7. Authority for the adoption of these rule amendments is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 2, 1965, and reply comments on or before February 12, 1965. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to other provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

10. Pursuant to section 316 of the Communications Act of 1934, as amended, Radio Skokie Valley, Inc., is Ordered to Show Cause why its license for Station WRSV should not be modified to specify operation on Channel 270 with 20 kw power and 130 feet antenna height, in lieu of Channel 252A. A reply to this Order shall be submitted by February 2, 1965.

Adopted: December 23, 1964.

Released: December 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13496; Filed, Dec. 30, 1964; 8:49 a.m.]

## [ 47 CFR Part 73 ]

[Docket No. 15772; FCC 64-1204]

## TELEVISION BROADCAST STATIONS; CASPER, WYOMING

### Proposed Table of Assignments

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Casper, Wyo.), Docket No. 15772, (RM-656).

1. Notice is hereby given of proposed rule making in the above matter.

2. The Commission has before it a petition filed on September 16, 1964, by the Natrona County High School District and School District Number Two (Natrona) of Casper, Wyo., requesting the institution of a rule making proceeding looking toward the reservation of Channel 6 at Casper, Wyo., for noncommercial educational purposes.

3. At the present time, the Table of Assignments includes Channels 2+ and 6+ for use in Casper. KTWO-TV is operating on Channel 2. An application was filed on September 15, 1964, by Duhamel Broadcasting Enterprises requesting operation on Channel 6; however, this application was dismissed on November 17, 1964, at the request of the applicant.

4. In support of its petition, Natrona (a group composed of all the public elementary and secondary schools in Casper) stated that television has been used for instructional purposes for five years in Casper classrooms. The programs have originated on KTWO-TV (the commercial station in Casper) and additional programs from KRMA-TV (the noncommercial educational station in Denver, Colo.) have been brought into Casper on the local cable system. The programs carried over KTWO-TV are used not only in petitioner's schools but also in other school systems within the KTWO-TV service area. These schools have formed the "Greater Wyoming Instructional Television Council" and now contribute to help defray the expense of the programs carried over KTWO-TV. Petitioner asserts that the ultimate ownership and operation of its own television station is essential if the instructional television program is to grow and is to be developed to meet the needs of the Wyoming schools. It is contended that such a system must originate programs designed to meet the needs of the Wyoming schools and must have its own station to give its program the fullness and flexibility that are impossible when the only time available is that which a commercial station is willing to offer.

5. In view of the foregoing, comments and reply comments are invited on the following proposal:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Casper, Wyo. | 2+, 6+ | 2+, *6+ |

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 1, 1965 and reply comments on or before February 15, 1965. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: December 23, 1964.

Released: December 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13497; Filed, Dec. 30, 1964; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

## [ 49 CFR Ch. I ]

[Ex Parte No. MC-67]

## MOTOR CARRIER TEMPORARY AUTHORITIES

### Extension of Filing Date

DECEMBER 24, 1964.

At the request of interested persons, the time for filing written statements of data, views, and argument in favor of or against the above-entitled rule making proceeding is extended to January 25, 1965. The presently assigned date is December 31, 1964. An original and 20 copies of such statements should be filed with the Commission at its office at Washington, D.C.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-13479; Filed, Dec. 30, 1964; 8:48 a.m.]



# SECURITIES AND EXCHANGE COMMISSION

## [ 17 CFR Part 240 ]

[Release 34-7487]

## PROXY RULES

### Extension of Time for Comments on Proposed Amendments

The Securities and Exchange Commission has extended to January 15, 1965, the due date for the submission of views and comments upon the proposal for revision of its proxy rules (Regulation 14) under the Securities Exchange Act of 1934 (17 CFR 240.14a-1 to 240.14a-11). The extension was necessitated by the delay encountered in printing and distributing copies of the proposal to the Commission's mailing lists and in its publication in the FEDERAL REGISTER.

The proposal was announced on December 7, 1964 in Securities Exchange Act Release No. 7481, and published in the FEDERAL REGISTER of December 24, 1964 (29 F.R. 18386).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

DECEMBER 22, 1964.

[F.R. Doc. 64-13449; Filed, Dec. 30, 1964; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Bureau Order 551, Amdt. 94]

### AGUA CALIENTE INDIAN RESERVATION

#### Redelegation of Authority With Respect to Brokerage and Other Contracts Regarding Lands

Order 551 (an order by which the Commissioner of Indian Affairs redelegates authority to Bureau Area Directors), as amended, is further amended by the addition of a new section under the heading "Functions Relating to Indian Lands and Minerals" to read as follows:

FUNCTIONS RELATING TO INDIAN LANDS AND MINERALS

SEC. 39. *Agua Caliente Indian Reservation, certain brokerage and other contracts.* The approval of brokerage and other contracts entered into by individual Indians or their legal representatives relating to the management of trust or restricted Indian lands on the Agua Caliente (Palm Springs) Indian Reservation.

JOHN O. CROW,
*Deputy Commissioner.*

DECEMBER 24, 1964.

[F.R. Doc. 64-13461; Filed, Dec. 30, 1964; 8:45 a.m.]

### Bureau of Land Management

### COLORADO

#### Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 24, 1964.

The Department of the Army has filed an application, Serial Number Colorado 0124534 for the withdrawal from all forms of appropriation under the public land laws including the mining and mineral leasing laws as provided by Executive Order 10355 of May 26, 1952, certain public lands in the sections and townships described below.

The Department of the Army desires the lands for the expansion of Fort Carson Military Reservation.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Insurance Exchange Building, 910 15th Street, Denver, Colo., 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 17 S., R. 67 W.,
In Section 35.
T. 18 S., R. 66 W.,
In Sections 9, 14, 20.
T. 18 S., R. 67 W.,
In Sections 12, 17, 19, 23, 28, 29, 30, 31.
T. 18 S., R. 68 W.,
In Sections 13, 24, 25.

Lands proposed to be withdrawn in the above designated area aggregate approximately 2,868.69 acres.

IOLA M. CLARK,
*Acting Land Office Manager.*

[F.R. Doc. 64-13463; Filed, Dec. 30, 1964; 8:45 a.m.]

### COLORADO

#### Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 24, 1964.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior, has filed an application, Serial Number Colorado 0124543, for the withdrawal from public entry, subject to existing valid claims, under Executive Order 10355, May 26, 1952, the public lands described below.

The applicant desires the land for reclamation purposes in connection with the Alamosa National Wildlife Refuge.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Insurance Exchange Building, 910 15th Street, Denver, Colorado, 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 36 N., R. 11 E.
Sec. 2: Lot 4, SW¼NW¼.

Lands proposed to be withdrawn in the above designated area aggregate approximately 86.29 acres.

IOLA M. CLARK,
*Acting Land Office Manager.*

[F.R. Doc. 64-13464; Filed, Dec. 30, 1964; 8:46 a.m.]

### IDAHO

#### Notice of Filing of Idaho Protraction Diagrams

DECEMBER 23, 1964.

Notice is hereby given that effective at and after 10:00 a.m., on January 27, 1965, the following protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho, 83701, and are available to the public as a matter of information only. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized uses. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS

Nos. 2, 5, 43, 68, 78, 97, 98, 99, 100, 101, 102.

BOISE MERIDIAN

APPROVED DECEMBER 2, 1964

No. 2

Ts. 62, 64 and 65 N., R. 1 W.

No. 5

T. 56 N., R. 3 E.,
Ts. 57 and 58 N., Rs. 2 and 3 E.

No. 43

T. 22 N., R. 3 E.,
T. 23 N., R. 4 E.

No. 68

T. 13 N., R. 39 E.,
T. 14 N., R. 44 E.,
T. 16 N., R. 43 E.

No. 78

T. 11 N., R. 44 E.

No. 97

Ts. 1 and 2 S., Rs. 26 and 27 E.

No. 98

T. 3 S., Rs. 26 and 27 E.,
T. 4 S., Rs. 25 and 26 E.

No. 99

T. 10 S., Rs. 41 and 42 E.
T. 11 S., R. 42 E.

No. 100

Ts. 12 and 13 S., R. 41 E.

No. 101

Ts. 14 and 15 S., R. 41 E.

No. 102

Ts. 13 and 15 S., R. 37 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho, 83701.

EUGENE E. BABIN,
*Acting Manager, Land Office,*
*Boise, Idaho.*

[F.R. Doc. 64-13465; Filed, Dec. 30, 1964; 8:46 a.m.]





### OREGON

#### Notice of Termination of Proposed Withdrawal and Reservation of Land

DECEMBER 23, 1964.

Notice of an application, Serial No. 013665, for withdrawal and reservation of lands, was published as Federal Register Document No. 63-10475 on Page 10684 of the issue for October 3, 1963. The applicant agency, Forest Service, United States Department of Agriculture, has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands will be relieved of the segregative effect of the withdrawal application at 10:00 a.m., January 18, 1965.

The lands involved in this notice of termination are:

OREGON

WILLAMETTE MERIDIAN

MT. HOOD NATIONAL FOREST

*Eagle Creek Campground*

T. 2 N., R. 7 E.,
Sec. 22, Those portions of SE¼NE¼ and NE¼SE¼ lying below the 87.5 contour line as determined by reference to U.S.C. and GS data.
Total—5.90 acres.

*Columbia Gorge Ranger Station Administrative Site*

T. 2 N., R. 8 E.,
Sec. 5, Those portions of Lot 3 and NE¼SE¼ lying north of the south right-of-way line of U.S. Highway 30.
Sec. 6, Lot 1.
Total—63.37 acres.

The total area aggregates 69.27 acres.

M. M. GORECKI,
*Acting Manager, Land Office.*

[F.R. Doc. 64-13466; Filed, Dec. 30, 1964; 8:46 a.m.]

### Fish and Wildlife Service

[Docket No. Sub-B-17]

### BOAT OUINGONDY, INC.

#### Construction Differential Subsidy

Boat Ouingondy, Inc., Marion, Mass., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 100-foot overall steel vessel to engage in the fishery for scallops, groundfish, and flounder.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on January 28, 1965, at 9 a.m., e.s.t. in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

DONALD L. MCKERNAN,
*Director,*
*Bureau of Commercial Fisheries.*

DECEMBER 29, 1964.

[F.R. Doc. 64-13514; Filed, Dec. 30, 1964; 8:50 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### RICE

#### Notice of Marketing Quota Referendum for the 1965 Crop

Marketing quotas for the crop of rice to be produced in 1965 have been duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended. Said act requires a referendum to be conducted within 30 days after the date of the issuance of said proclamation, of farmers who were engaged in the production of rice in 1964 to determine whether such farmers are in favor of or opposed to such quotas. Prior to establishing the date for the referendum on the 1965 crop rice, public notice (29 F.R. 13273) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining thereto were submitted pursuant to such notice. It is hereby determined that the rice marketing quota referendum under said act for the 1965 crop of rice shall be held on January 26, 1965, which is within thirty days from the date of issuance of the proclamation of marketing quotas.

The date of the referendum is within thirty days after the date of the issuance of the proclamation of marketing quotas on the 1965 crop of rice, as required by law. Accordingly, it is necessary to waive the thirty-day effective date provision of the section 4 of the Administrative Procedure Act, and this document shall become effective upon its publication in the FEDERAL REGISTER.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 24, 1964.

E. A. JAENKE,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-13470; Filed, Dec. 28, 1964; 10:48 a.m.]

### Office of the Secretary

### PENNSYLVANIA

#### Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Pennsylvania a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

| | |
|---|---|
| Columbia | Schuylkill |
| Montour | Snyder |
| Northumberland | Union |

It has also been determined that in the hereinafter-named counties in the State of Pennsylvania which are presently designated the above-mentioned natural disaster has caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

| Pennsylvania: | Previous designation |
|---|---|
| Bedford | 28 F.R. 10003 |
| Berks | 28 F.R. 10003 |
| Bradford | 28 F.R. 10003 |
| Bucks | 29 F.R. 2514 |
| Carbon | 28 F.R. 10003 |
| Centre | 28 F.R. 10003 |
| Dauphin | 28 F.R. 11828 |
| Delaware | 29 F.R. 2514 |
| Franklin | 28 F.R. 10003 |
| Fulton | 28 F.R. 10003 |
| Huntingdon | 28 F.R. 10003 |
| Juniata | 28 F.R. 11828 |
| Lackawanna | 28 F.R. 10003 |
| Lehigh | 28 F.R. 10003 |
| Luzerne | 29 F.R. 2514 |
| Mifflin | 28 F.R. 11828 |
| Monroe | 28 F.R. 10003 |
| Montgomery | 29 F.R. 2514 |
| Northampton | 28 F.R. 10003 |
| Perry | 28 F.R. 11828 |
| Pike | 28 F.R. 10003 |
| Sullivan | 28 F.R. 10003 |
| Susquehanna | 28 F.R. 10003 |
| Tioga | 28 F.R. 10003 |
| Wayne | 28 F.R. 10003 |
| Wyoming | 28 F.R. 10003 |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of December, 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-13492; Filed, Dec. 30, 1964; 8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### ELANCO PRODUCTS CO., DIVISION OF ELI LILLY AND CO.

#### Notice of Withdrawal of Petition for Food Additive Tylosin Plus Streptomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice of*



the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., Division of Eli Lilly and Co., Indianapolis

The Hearing Examiner having under consideration a joint oral motion made December 24, 1964, by all parties in the

1965, to discuss future steps to be taken in this proceeding pursuant to the Commission's Order of Remand dated August



Notice of Agreement Filed for Approval by:

Murray Freight Services, Inc. (Non), Post Office Box 90606, Los Angeles, Calif., 90045;

is timely filed, or if the Commission on its own motion believes that a formal hear-

the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., Division of Eli Lilly and Co., Indianapolis 6, Indiana, has withdrawn its petition (FAP 4C1447), published in the FEDERAL REGISTER of August 1, 1964 (29 F.R. 11166), proposing the issuance of a regulation to provide for the safe use of tylosin plus streptomycin in chickens for prevention and treatment of chronic respiratory disease by subcutaneous injection in broiler and replacement chickens.

The withdrawal of this petition is without prejudice to a future filing.

Dated: December 22, 1964.

M. R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-13487; Filed, Dec. 30, 1964; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15672, 15673; FCC 64M-1282]

## ESTACADA TELEPHONE & TELEGRAPH CO. AND PACIFIC NORTHWEST BELL TELEPHONE CO.

### Order Continuing Prehearing Conference

In re applications of Estacada Telephone & Telegraph Company, Docket No. 15672, File No. 5557-C2-P-63, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Estacada, Oregon; Pacific Northwest Bell Telephone Company, Docket No. 15673, File No. 6281-C2-P-63, for a construction permit to modify the facilities of station KOA731 in the Domestic Public Land Mobile Radio Service near Salem, Oregon.

*It is ordered,* This 28th day of December 1964, that the prehearing conference in the above-entitled proceeding, which heretofore was scheduled for December 28, 1964, is continued to January 6, 1965, and will be convened at 9:00 a.m. on that date in the Offices of the Commission, Washington, D.C.

Released: December 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13498; Filed, Dec. 30, 1964; 8:50 a.m.]

[Docket Nos. 14411, 14412; FCC 64M-1281]

## LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

### Order Continuing Hearing

In re applications of J. R. Earnest and John A. Fiache, d/b as La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permits.

The Hearing Examiner having under consideration a joint oral motion made December 24, 1964, by all parties in the above-entitled matter for a continuance of the further hearing now scheduled for December 29, 1964, and

It appearing, that counsel require additional time for collating and studying a quantity of newly arrived depositions and answers to interrogatories prior to the further hearing:

*It is ordered,* This 28th day of December 1964, that the oral motion is granted and that, accordingly, the further hearing now scheduled for December 29, 1964, is continued to 10:00 a.m., January 15, 1965, in the Commission's offices in Washington, D.C.

Released: December 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13499; Filed, Dec. 30, 1964; 8:50 a.m.]

[Docket Nos. 15358, 15433; FCC 64M-1283]

## LOMPOC VALLEY CABLE TV, INC.

### Order Scheduling Hearing

In re applications of Lompoc Valley Cable TV, Inc., Docket No. 15358, File No. 30779-IB-53X; Docket No. 15433, File No. 29978-IB-24X; for operational fixed stations in the business radio service.

*It is ordered,* This 28th day of December 1964, on the Chief Hearing Examiner's own motion, that the dates heretofore prescribed for the filing of proposed findings and conclusions and for the filing of replies in the above-entitled proceeding, are, respectively, postponed from January 4 to February 4, 1965, and from January 11 to February 11, 1965: and, *It is further ordered,* That the record of hearing in the proceeding is hereby reopened and that further hearings will be convened in the Offices of the Commission, Washington, D.C., on January 11, 1965.

Released: December 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13500; Filed, Dec. 30, 1964; 8:50 a.m.]

[Docket No. 14855; FCC 64M-1279]

## NORTHERN INDIANA BROADCASTERS, INC.

### Order Scheduling Prehearing Conference

In re application of Northern Indiana Broadcasters, Inc., Mishawaka, Indiana, Docket No. 14855, File No. BP-14771; for construction permit.

On the Hearing Examiner's own motion: *It is ordered,* This 23d day of December 1964, that a prehearing conference will be held at 9:00 a.m., January 4, 1965, to discuss future steps to be taken in this proceeding pursuant to the Commission's Order of Remand dated August 10, 1964 (FCC 64R-407).

Released: December 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13501; Filed, Dec. 30, 1964; 8:50 a.m.]

[Docket No. 14611; FCC 64M-1280]

## PROGRESS BROADCASTING CORP. (WHOM)

### Order Continuing Prehearing Conference

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP-13915; for construction permit.

Upon verbal request by counsel for respondent K & M Publishing Company, Inc., and with the concurrence of other counsel: *It is ordered,* This 24th day of December 1964, that the prehearing conference herein, now scheduled for December 29, 1964, be and the same is hereby rescheduled for January 18, 1965, at 9:00 a.m., in the Commission's offices, Washington, D.C.

Released: December 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-13502; Filed, Dec. 30, 1964; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

## BARBER-WEST AFRICAN LINE AND FARRELL LINES INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.



Notice of Agreement Filed for Approval by:

John G. de Roos, Esq.
Barber Steamship Lines, Inc.
Sheraton-Whitehall Building
17 Battery Place
New York, N.Y., 10004

Agreement 8421-3, between the carriers comprising the Barber-West African Line joint service (operating pursuant to approved joint service agreement 7668, as amended) and Farrell Lines Incorporated, modifies approved Agreement 8421, as amended, which covers a through billing arrangement in the trade between Harbel, Grand Bassa, Sinoe, and Cape Palmas, Liberia and United States Atlantic ports, with transhipment at Monrovia, Liberia. The purpose of the modification is to change the participation of the Barber-West African Line joint service, as provided by Agreement 7668-3, as a party to Agreement 8421, as amended.

Dated: December 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13488; Filed, Dec. 30, 1964; 8:48 a.m.]

## INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

### Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Balfour, Williamson Inc., 84 William Street, New York, N.Y., 10038; withdrawn Dec. 11, 1964.

Hilann Forwarding, 25 Broadway, New York, N.Y.; revoked, to become effective Feb. 5, 1965.

Korinth Container-Pak, Inc., 1411 North Martel, Hollywood, Calif.; revoked Dec. 10, 1964.

Allen R. Hoffman & Co., 2310 West Avenue, Newport News, Va.; withdrawn Sept. 19, 1962.

NON-LATE

Velox Company (Non), Everett A. Van Teslaar, d/b/a, 630 San Vicento Boulevard, Santa Monico, Calif.; withdrawn Dec. 3, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NEW APPLICANTS

Philip A. Dunlap (Non), 3421 Dover Road, Redwood City, Calif.; Philip A. Dunlap, owner.

Murray Freight Services, Inc. (Non), Post Office Box 90606, Los Angeles, Calif., 90045; Thomas D. Murray, President; James E. Murray, Vice President, Treasurer; Thomas B. Householder, Secretary.

Carl Matusek (Non), Seaport Pier No. 2, Miami, Fla., 33132; Carl Matusek, owner.

Oceanbrokers, Inc. (Non), 1200 California Street, San Francisco, Calif.; Daniel Shonkoff, President; Nils H. A. Heyerdahl, Vice President; Alta B. Shonkoff, Secretary-Treasurer.

CHANGE OF OFFICERS

Cuban American Forwarders Co., Inc., 95 Broad Street, New York 4, N.Y.; Miss Angela H. Ramos, Treasurer.

CHANGE OF ADDRESS

Buchholz & Kuttruff, Inc., 315 International Trade Mart Building, New Orleans, La., 70130; Bill Polkinhorn, 110 West Seventh Street, Post Office Box 568, Calexico, Calif., 92231.

Afro-Asian Forwarding Co., Inc., 20 Pearl Street, New York, N.Y., 10004.

Dated: December 28, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-13489; Filed, Dec. 30, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-9666]

## COLORADO INTERSTATE GAS CO.

### Notice of Application To Amend

DECEMBER 22, 1964.

Take notice that on November 13, 1964, Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in Docket No. G-9666 an application to amend the order of the Commission issued March 15, 1956, which order authorized Applicant to construct a meter station for sale and delivery of natural gas on an emergency basis to Northern Gas Company (Northern) under Applicant's Rate Schedule E-1.

In the subject application, Applicant requests authorization to continue said sale and delivery of natural gas to Northern on a permanent basis, under Applicant's Rate Schedules G-1 and IS-2, instead of under its Rate Schedule E-1.

The application states that the total estimated annual requirments of Northern are 300,000 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the proposed amendment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-13453; Filed, Dec. 30, 1964; 8:45 a.m.]

[Project No. 1971]

## IDAHO POWER CO.

### Order Granting Secretary of Interior's Petition for Leave To Intervene and Setting Oral Argument

DECEMBER 23, 1964.

On November 12, 1964, we granted a timely petition of the Secretary of the Interior for rehearing of our order of September 15, 1964, amending Article 39 of the license, for the limited purpose of giving further consideration to the questions presented by the application. Our order made clear that we were not deciding, but were reserving for further consideration, the question whether the Secretary should be recognized as an intervenor. On November 30, 1964, the Secretary applied for oral argument.

After further consideration, we have concluded that the status of the Secretary in this proceeding is not an appropriate subject for oral argument, and that in the exercise of our discretion we should grant leave to the Secretary to intervene out of time. We are persuaded by the representations in the application for rehearing that responsible officials of the Department of the Interior had construed an exchange of correspondence between the Department and the Commission as granting an extension of time in which to petition to intervene.

In addition, we believe that this proceeding involves important issues in which the Secretary has an interest. Accordingly, we find that the Secretary of the Interior "in extraordinary circumstances for good cause shown" should be permitted to intervene out of time, and that such intervention should be limited, as indicated below.

In our opinion, oral argument before the Commission might simplify the issues and might assist us in arriving at a sound solution. Such oral argument is being limited to the issues presented by the Secretary of the Interior's comments and petition to intervene and his application for rehearing.

The Commission orders:

(A) The Secretary of the Interior is hereby permitted to intervene in this proceeding subject to the Commission's rules and regulations: *Provided, however,* That the participation of the Secretary of the Interior is limited to those matters (not disposed of by this order) affecting asserted rights and interests specifically set forth in his petition to intervene and his application for rehearing, and is further limited to the record presently before the Commission in this proceeding: *And provided, further,* That this order shall not be construed as recognition by





the Commission that the Secretary of the Interior has been, or will be, aggrieved by any order or orders heretofore

The estimated cost of Applicant's proposed construction is $58,900, which will

the penstock headworks; (4) a 104-foot-long concrete and steel penstock head-



[File No. 812-1687]

## THE ISRAEL FUND, INC.

persons who are directors or officers of Fund, its investment adviser or principal

caustic soda, in tank carloads, from specified points in Michigan, New Jersey, New

the Commission that the Secretary of the Interior has been, or will be, aggrieved by any order or orders heretofore or hereafter entered by the Commission in this proceeding.

(B) Oral argument in this proceeding shall be held before the Commission in a hearing room at the Commission's offices, 441 G Street NW., Washington, D.C., 20426, on January 18, 1965, at 10 a.m., e.s.t. The Secretary of the Interior, Licensee and the Commission staff shall advise the Secretary of the Commission in writing on or before January 6, 1965, how much time, if any, they desire for oral argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-13454; Filed, Dec. 30, 1964; 8:45 a.m.]

[Docket No. CP64-265]

## MISSISSIPPI RIVER TRANSMISSION CORP.[1]

### Notice of Application

DECEMBER 22, 1964.

Take notice that on April 30, 1964, as supplemented on November 2, 1964, Mississippi River Transmission Corporation[1] (Applicant), 9900 Clayton Road, St. Louis, Mo., filed in Docket No. CP64-265 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to install a tap connection on an existing 12¾-inch O.D. line in Jefferson County, Missouri and construct and operate 1.31 miles of 6⅝-inch O.D. line from that connection to the portland cement manufacturing plant which Mississippi River Fuel Corporation is constructing near Festus, Jefferson County, Missouri, for the purpose of enabling Applicant to deliver natural gas to said plant, to be used for firing a rotary cement-burning kiln, driers, and other equipment incidental to the operation of said plant.

Estimated annual and peak day deliveries to the cement plant are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual (Mcf) | 1,064,000 | 1,840,000 | 1,840,000 |
| Peak day (Mcf) | 10,000 | 10,000 | 10,000 |

[1] The original application was filed by Mississippi River Fuel Corporation. However, in Docket No. CP63-12, by Commission order issued August 7, 1964, Mississippi River Transmission Corporation was authorized to acquire, among other things, the pipeline facilities of Mississippi River Fuel Corporation. Consequently, Mississippi River Transmission Corporation will be substituted as Applicant in the instant docket.

The estimated cost of Applicant's proposed construction is $58,900, which will be financed with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-13455; Filed, Dec. 30, 1964; 8:45 a.m.]

[Project No. 2491]

## NORTHERN STATES POWER CO.

### Notice of Application for License

DECEMBER 22, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Northern States Power Co. (correspondence to: Stuart V. Willson, president, Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis.) for a license for constructed Project No. 2491, known as the Jim Falls Hydro Project, located on the Chippewa River, in the village of Jim Falls, Towns of Anson, Arthur, Cleveland, Eagle Point, and Estella, in Chippewa County, Wis.

The project consists of: (1) A 2,589-foot-long dam across the Chippewa River—composed of (a) a 440-foot-long earth embankment which extends from the westerly river bank to (b) a 214.6-foot-long concrete flashboard section (having eight 23.5-foot-wide openings, 3.8 feet deep) which extends to (c) a 358-foot-long concrete tainter gate section (containing 16 gates in 16-foot wide x 13.9-foot deep openings) which extends to (d) a 1,179-foot-long concrete corewall earthen embankment which connects (e) the headrace canal headworks—a 397.5-foot-long concrete structure containing 42 stop-log openings 8 feet wide and 9 feet deep; (2) a 1,800-foot long x 150-foot wide submerged excavated intake canal which leads from the river to the headrace canal headworks; (3) a 4,268-foot long x 75-90-foot wide headrace canal which extends to the penstock headworks; (4) a 104-foot-long concrete and steel penstock headwork structure which contains four penstock openings, two 60-foot wingwalls, and a 40-foot spillway section; (5) three 14-foot-diameter steel penstocks which extend 200 feet to the turbines in the powerhouse; (6) a concrete, brick, and steel powerhouse structure (106 feet x 57 feet in plan) housing three identical generating units—each rated at 4,800 kw and direct connected to Francis-type turbines rated at 4,800 hp at a 50-foot head; and (7) all appurtenant electrical, mechanical, and transmission facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 8, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-13456; Filed, Dec. 30, 1964; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

DECEMBER 24, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 28, 1964 through January 6, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-13450; Filed, Dec. 30, 1964; 8:45 a.m.]



[File No. 812-1687]

## THE ISRAEL FUND, INC.

### Notice of Filing of Application Pursuant for an Order of Exemption

DECEMBER 24, 1964.

Notice is hereby given that The Israel Fund, Inc. ("Fund"), 4200 Hayward Avenue, Baltimore, Md., 21215, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end non-diversified investment company, has filed an application pursuant to sections 6(c) and 17(b) of the Act. Fund requests (i) an order, effective until the first annual meeting of stockholders, exempting it, its proposed investment adviser and its directors from the provisions of sections 15(a) and 16(a) of the Act to the extent that these sections require approval by shareholders of investment advisory agreements and election of directors by shareholders and (ii) an order exempting affiliated persons of Fund from the provisions of section 17(a) of the Act to the extent that these provisions would otherwise prevent affiliated persons of the Fund from acquiring shares of the Fund in exchange for State of Israel bonds. All interested persons are referred to the application, as amended, on file with the Commission for a full statement of the representations therein which are summarized below.

Fund was organized in 1963 and intends to issue up to 500,000 shares of its common stock when its registration statement under the Securities Act of 1933 becomes effective. Fund presently has no shareholders. Prior to the effective date of the registration statement, Fund proposes to enter into an investment advisory agreement with Multiple Securities Management Company. Since Fund will not have any outstanding voting securities until after the effective date of its registration statement, it will not be possible to secure prior approval of the advisory contract by a vote of a majority of outstanding securities as required by section 15(a) of the Act.

Similarly, the present directors of Fund have not been elected by the holders of the outstanding voting securities, as required by section 16(a) of the Act, and an election will not be possible prior to the proposed issuance of common stock of Fund.

At the first annual meeting of shareholders Fund proposes to secure appropriate shareholder action with respect to the investment advisory contract and the election of directors. Fund intends to hold its first annual meeting of shareholders sometime during 1965. The prospectus to be used by Fund in connection with the sale of Fund's common stock will contain full and appropriate information concerning the directors and the investment advisory contract.

Fund also requests an order of the Commission under section 17(b) of the Act permitting affiliated persons of Fund to purchase its shares for State of Israel bonds. These shares of Fund would be sold at the public offering price described in the prospectus, except that affiliated persons who are directors or officers of Fund, its investment adviser or principal underwriter, or bona fide full-time employees or sales representatives of any of these persons, may be permitted to purchase shares without sales load.

Notice is further given that any interested person may, not later than January 8, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-13451; Filed, Dec. 30, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 28, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 39485: *Substituted service—B&O for Contract Carriers, Inc.*—Filed by Contract Carriers, Inc. (No. 2), for and on behalf of itself and The Baltimore and Ohio Railroad Company. Rates on shipping containers, viz.: empty drums or containers, returned, loaded in box cars, from Cincinnati, Ohio, to St. Louis, Mo., on traffic originating at or destined to points beyond such points.

Grounds for relief: motor-truck competition.

FSA 39486: *Liquid caustic soda to La Grange, Ga., and Coosa Pines, Ala.*—Filed by Traffic Executive Association-Eastern Railroads, agent (No. 2756), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from specified points in Michigan, New Jersey, New York, Ohio, and West Virginia, to La Grange, Ga., and Coosa Pines, Ala.

Grounds for relief: market competition.

Tariffs: Supplements 152 and 75 to Traffic Executive Association - Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA 39487: *Soybeans from points in Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B-8662), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from specified points in Oklahoma to Van Buren, Ark., and Sherman, Tex.

Grounds for relief: carrier competition.

Tariffs: Supplements 27 and 61 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4474 and 4496, respectively.

FSA 39488: *Salt to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8663), for interested rail carriers. Rates on salt, as described in the application, in carloads, from Carlsbad and Loving, N. Mex., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 42 to Southwestern Freight Bureau, agent, tariff I.C.C. 4562.

FSA 39489: *Asphalt to Ivanhoe, Minn.* Filed by Trans-Continental Freight Bureau, agent (No. 424), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct of petroleum (other than paint, stain, or varnish), in tank carloads, subject to minimum shipment of 10 tank carloads per day, from Billings, East Billings, Great Falls and Laurel, Mont., to Ivanhoe, Minn.

Grounds for relief: Carrier competition.

Tariff: Supplement 36 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1701.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-13477; Filed, Dec. 30, 1964; 8:47 a.m.]

[Disaster Order No. 8]

## MONTANA

### Transportation of Hay at Reduced Rates

In the Matter of Relief under section 22 of the Interstate Commerce Act.

It appearing, that because of recent heavy snowfall in the State of Montana, the Secretary of Agriculture, by letter dated December 24, 1964, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the State of Montana at reduced rates:

*It is ordered,* That carriers by railroad participating in the transportation of hay to the disaster areas in Montana, which is all of the counties of Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, and Wibaux, be, and they are hereby, authorized under sec-

tion 22 of the Interstate Commerce Act to establish and maintain, until May 31, 1965, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

*It is further ordered,* That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the freeze.

*It is further ordered,* That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of Section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

*It is further ordered,* That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

*And it is further ordered,* That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, Ill., the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 24th day of December A.D. 1964.

By the Commission, Vice Chairman Webb.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-13478; Filed, Dec. 30, 1964; 8:47 a.m.]

[Notice 1102]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 28, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67459. By order of December 23, 1964, The Transfer Board approved the transfer to Raeford Trucking Company, a corporation, Sanford, N.C., of Certificates Nos. MC 60508, MC 60508 Sub 7, and MC 60508 Sub 8, issued January 23, 1951, September 1, 1960, and August 26, 1958, to Clyde H. Sizemore, doing business as Sizemore Trucking Company, Clinton, N.C., authorizing the transportation, over irregular routes, of lumber and logs, from points in Caswell County, N.C., to points in Virginia; lumber, brick, lime, cement, and roofing materials, from Danville, Va., to points in North Carolina within 100 miles of Danville; machinery, from points in Virginia to points in Caswell County, N.C.; lumber and millwork, from points in Caswell and Person Counties, N.C., to points in West Virginia on and east of U.S. Highway 219, and on and south of West Virginia Highway 28; from points in Person County, N.C., to points in Virginia; from Danville, Halifax, and South Boston, Va., and points in Person and Caswell Counties, N.C., to Baltimore and Frederick, Md., points in the District of Columbia, and those in Maryland within 15 miles of Washington, D.C., and Baltimore and Frederick, Md., respectively; from points in Pittsylvania, Henry, Halifax, and Roanoke Counties, Va., to Yanceyville, N.C.; fertilizer, from Richmond and Danville, Va., to points in Caswell, Rockingham, Orange, Person, and Alamance Counties, N.C.; lumber from Apex, N.C., and points within 100 miles of Apex, to Washington, D.C., and specified points and/or areas in Maryland, Pennsylvania and Virginia; fertilizer and fertilizer materials, from Norfolk, Va., and points in Virginia within 25 miles of Norfolk to points in North Carolina on and east of U.S. Highway 29; lumber, except plywood and veneer, from points in Sampson, Duplin, and New Hanover Counties, N.C., points in Onslow County, N.C., within 100 miles of Apex, N.C., and points in Pender County, N.C., on and west of U.S. Highway 117 and within 100 miles of Apex, N.C., to points in New York, New Jersey, Connecticut, Delaware, points in Pennsylvania in a specified area; from Clinton, N.C., and points in North Carolina within 25 miles of Norfolk to points in Florida; and from points in Pennsylvania (except Philadelphia), and points in New York (except points in the New York, N.Y., commercial zone, as defined by the Commission), to points in North Carolina. J. Linwood Keith, Post Office Box 45, Sanford, N.C., representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-13480; Filed, Dec. 30, 1964; 8:48 a.m.]

[S.O. 947, Taylor's Car Distribution Order 25, Amdt. 1]

## SHORTAGE OF FREIGHT CARS

### Order to All Railroads

Upon further consideration of Taylor's Car Distribution Order No. 25 and good cause appearing therefor:

*It is ordered,* That:

Taylor's Car Distribution Order No. 25 be, and it is hereby, amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) Expiration date: This order shall expire at 11:59 p.m., January 31, 1965, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., December 31, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 24, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13481; Filed, Dec. 30, 1964; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order No. 178]

## SOUTHERN PACIFIC CO.

### Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, the Southern Pacific Co., due to washouts and slides is unable to transport traffic routed over its line between Eugene, Oreg., and Dunsmuir, Calif.

*It is ordered,* That:

(a) Rerouting traffic: The Southern Pacific Co. being unable to transport traffic in accordance with shippers' routing because of washouts and slides on its line between Eugene, Oreg. and Dunsmuir, Calif., is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(c) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 2:00 p.m., December 23, 1964.

(e) Expiration date: This order shall expire at 11:59 p.m., January 15, 1965, unless otherwise modified, changed suspended, or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13482; Filed, Dec. 30, 1964; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order No. 179]

## WESTERN PACIFIC RAILROAD CO.

### Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, the Western Pacific Railroad Co., due to slides and washouts is unable to transport traffic routed over its lines between Oroville and Keddie, Calif.

*It is ordered,* That:

(a) Rerouting traffic: The Western Pacific Railroad Co. and its connections, being unable to transport traffic in accordance with shippers' routing because of slides and washouts on its line between Oroville and Keddie, Calif., is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(d) In executing the directions of the Commission and of such Agent provided for in this order, the common carrier involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) Effective date: This order shall become effective at 9:00 a.m., December 24, 1964.

(f) Expiration date: This order shall expire at 11:59 p.m., January 15, 1965, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., December 24, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13483; Filed, Dec. 30, 1964; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order No. 180]

## SPOKANE, PORTLAND AND SEATTLE RAILWAY SYSTEM

### Rerouting of Traffic

In the opinion of Charles W. Taylor, agent, the Spokane, Portland and Seattle Railway System, due to floods and washouts is unable to transport traffic routed over its lines.

*It is ordered,* That:

(a) Rerouting traffic: The Spokane, Portland and Seattle Railway System and its connections, being unable to transport traffic in accordance with shippers' routing because of floods and washouts on its lines, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(d) In executing the directions of the Commission and of such Agent provided for in this order, the common carrier involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) Effective date: This order shall become effective at 1:00 p.m., December 24, 1964.

(f) Expiration date: This order shall expire at 11:59 p.m., January 15, 1965, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., December 24, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-13484; Filed, Dec. 30, 1964; 8:48 a.m.]

# CUMULATIVE CODIFICATION GUIDE—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

## 3 CFR

Page

PROCLAMATIONS:
3030 (superseded by Proc. 3632) ---- 19167
3630 ---- 15941
3631 ---- 16243
3632 ---- 19167
EXECUTIVE ORDER:
Jan. 7, 1903 (revoked in part by PLO 3516) ---- 18423
Mar. 31, 1911 (revoked in part by PLO 3493) ---- 16859
Dec. 31, 1912 (revoked in part by PLO 3487) ---- 16829
Sept. 30, 1916 (revoked in part by PLO 3508) ---- 16864
May 21, 1920 (revoked in part by PLO 3508) ---- 16864
5289 (revoked in part by PLO 3486) ---- 16830
10651 (revoked by E.O. 11190) ---- 19183
11190 ---- 19183

## 4 CFR

51 ---- 16313
52 ---- 16313

## 5 CFR

213 ---- 17065, 17084, 17085, 17893, 18003, 18153, 18288.
890 ---- 18045

## 7 CFR

15 ---- 16274, 16966
29 ---- 16854
58 ---- 19091
81 ---- 18474
401 ---- 17029, 17085
701 ---- 18149
717 ---- 16184
719 ---- 16185
722 ---- 16428, 16775, 18003, 18004
724 ---- 16077
728 ---- 19092
729 ---- 16185
730 ---- 17086, 19232, 19233
751 ---- 18007
777 ---- 17086
811 ---- 18149
812 ---- 19223
814 ---- 19092
817 ---- 18151
850 ---- 17029
855 ---- 17029
905 ---- 16313–16315
907 ---- 16315, 16907, 17030, 17814, 18405, 18415
909 ---- 17030
910 ---- 16078, 16316, 17031, 18045, 18415
916 ---- 16966
917 ---- 16854, 19094
929 ---- 16078
959 ---- 19234
971 ---- 19094
1004 ---- 16966
1005 ---- 16855
1032 ---- 18046
1036 ---- 18415
1046 ---- 18416
1047 ---- 18475
1049 ---- 18476
1061 ---- 18152
1062 ---- 18049, 19235

## 7 CFR—Continued

Page

1063 ---- 18007, 18051
1067 ---- 18052
1070 ---- 18008
1078 ---- 18009
1079 ---- 18010
1126 ---- 19235
1136 ---- 17815
1421 ---- 15943, 18212
1427 ---- 18213
1468 ---- 18153
1472 ---- 18153
1485 ---- 17032
1600 ---- 16784
1601 ---- 16784
PROPOSED RULES:
26 ---- 17816
51 ---- 19109
301 ---- 18509
812 ---- 17122
911 ---- 16258, 19259
912 ---- 16993
915 ---- 16258, 19259
917 ---- 16993
971 ---- 16833
980 ---- 19260
1003 ---- 18014
1004 ---- 16994, 18429
1005 ---- 16259
1030 ---- 16395, 16417, 18091
1031 ---- 16417
1036 ---- 16197, 18091
1044 ---- 16200
1046 ---- 17908
1047 ---- 17041, 17816
1049 ---- 17816
1050 ---- 17822
1065 ---- 16920
1098 ---- 18429
1126 ---- 16198, 18434
1131 ---- 16866, 17822
1135 ---- 18380
1137 ---- 18381

## 8 CFR

103 ---- 18010

## 9 CFR

74 ---- 15943
92 ---- 18274
94 ---- 16907
97 ---- 16316
155 ---- 18418
PROPOSED RULES:
201 ---- 19261

## 10 CFR

2 ---- 16831
4 ---- 19277
PROPOSED RULES:
Ch. I ---- 15957
2 ---- 16934
30 ---- 17916, 17933
31 ---- 17920
32 ---- 17922
33 ---- 17928
34 ---- 17929
35 ---- 17931
36 ---- 17932
150 ---- 17933

## 12 CFR

1 ---- 17087, 18053
217 ---- 15944, 16317

## 12 CFR—Continued

Page

218 ---- 16065
224 ---- 16855
329 ---- 15944
525 ---- 18154
545 ---- 16856, 18154, 18156, 18213
561 ---- 19236
563 ---- 17088, 19236
PROPOSED RULES:
561 ---- 18233
563 ---- 18181

## 13 CFR

107 ---- 16825, 16946, 16967
120 ---- 18419
121 ---- 15945
PROPOSED RULES:
107 ---- 16094, 18016

## 14 CFR

1 [New] ---- 18289, 19186
3 ---- 17955
4a ---- 18289
4b ---- 18289
7 ---- 16149
15 ---- 19283
23 [New] ---- 17955
25 [New] ---- 18289
27 [New] ---- 16065, 17885
29 [New] ---- 16149
39 [New] ---- 15945, 16065, 16066, 16317, 16318, 16967, 17035, 17797, 18353, 18477.
40 ---- 19186
41 ---- 19186
42 ---- 16968, 19186
71 [New] ---- 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972, 17036, 17037, 17088 17503, 17797, 18053–18055, 18156, 18213, 18354, 18478, 19096, 19185
73 [New] ---- 15948, 16184, 16972, 17037, 17727, 18156, 18354.
75 [New] ---- 16066, 16319, 17775, 19185
91 [New] ---- 18289, 19096
93 [New] ---- 15948
97 [New] ---- 16067, 16789, 17798, 17886, 18479, 18488
121 [New] ---- 19186
127 [New] ---- 19096
129 [New] ---- 19096
135 [New] ---- 18478, 19096
141 [New] ---- 19096
151 [New] ---- 18000
171 [New] ---- 19096
302 ---- 16972
379 ---- 19287
389 ---- 16907
406 ---- 19099
1204 ---- 17892
PROPOSED RULES:
39 [New] ---- 16429, 16430, 17044, 18093
71 [New] ---- 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997, 17044–17046, 17823, 18014, 18015, 18093, 18095–18097, 18180, 18230, 18231, 18382, 13883, 18510, 19111
73 [New] ---- 18510
75 [New] ---- 16432, 16836, 18230



## 14 CFR—Continued

Page

PROPOSED RULES—Continued
91 [New] ---- 15959, 18232
129 [New] ---- 18232
135 [New] ---- 16836
207 ---- 18509
221 ---- 16867
295 ---- 18509
399 ---- 17042, 18230
514 ---- 18511

## 15 CFR

3 ---- 19095
7 ---- 16973
9 ---- 18507
50 ---- 17089
201 ---- 16319
202 ---- 18032
203 ---- 18507
365 ---- 16186
503 ---- 19236

## 16 CFR

13 ---- 16186, 16826, 16856

## 17 CFR

200 ---- 16187
230 ---- 16982, 19099
239 ---- 16856
240 ---- 16245, 16856, 16982
260 ---- 16982
270 ---- 16982, 19100
275 ---- 16982
PROPOSED RULES:
15 ---- 15957
19 ---- 15957
230 ---- 18234
240 ---- 18234, 18386, 19163

## 18 CFR

101 ---- 18214
104 ---- 18214
141 ---- 18214
201 ---- 18216
260 ---- 19237
501 ---- 16188
502 ---- 16189
503 ---- 16189
504 ---- 16190
505 ---- 16191
506 ---- 16192
507 ---- 16193
508 ---- 16194
12 ---- 16997
154 ---- 18233

## 19 CFR

4 ---- 15949
14 ---- 16320
Appendix A ---- 19238
PROPOSED RULES:
6 ---- 17042

## 20 CFR

395 ---- 16322
602 ---- 19101

## 21 CFR

1 ---- 18055, 18063
8 ---- 15949, 16983, 17089, 18495
9 ---- 16983
14 ---- 16194
15 ---- 16194
16 ---- 16194, 16858
17 ---- 16194
18 ---- 16194
19 ---- 16194, 18121
20 ---- 16194, 18123

## 21 CFR—Continued

Page

22 ---- 16194
27 ---- 16194, 19109
29 ---- 16194
37 ---- 16194
42 ---- 16194, 16983
45 ---- 16194
46 ---- 16194
51 ---- 16194, 19240
53 ---- 16194
121 ---- 16078, 16079, 16249, 16858, 16909–16911, 17090, 17893, 18012, 18055, 18056, 18216, 18496, 18497, 19240.
130 ---- 18055
141 ---- 18012
141d ---- 19109
144 ---- 16984, 19110
145 ---- 16911
146 ---- 18012
146a ---- 18012
146d ---- 19109
148c ---- 16984
148u ---- 16911
148x ---- 16251
191 ---- 18056, 18498
305 ---- 19241
PROPOSED RULES:
27 ---- 16866, 19109
31 ---- 16866
36 ---- 18175, 18436
45 ---- 16994
46 ---- 16429
53 ---- 16934
120 ---- 16935
121 ---- 16935, 16994
141d ---- 19109
144 ---- 19110
146a ---- 19109

## 22 CFR

41 ---- 19089
201 ---- 18288

## 24 CFR

1 ---- 16280
201 ---- 17893
203 ---- 17893
207 ---- 17893
213 ---- 17894
220 ---- 17894
221 ---- 17895
231 ---- 17897
232 ---- 17898
234 ---- 17899
603 ---- 17899
809 ---- 17899
903 ---- 17899

## 25 CFR

43d ---- 16080

## 26 CFR

1 ---- 16081, 17806, 17899, 18128, 18144, 18201, 18355, 18356, 18366, 18498, 18500, 18502, 19241.
31 ---- 18144
45 ---- 16083
146 ---- 19102
PROPOSED RULES:
1 ---- 15957, 16090, 18063, 18173
48 ---- 16993
170 ---- 18379
296 ---- 18379
301 ---- 18063

## 27 CFR

4 ---- 16984

## 29 CFR

Page

31 ---- 16284
40 ---- 18156
50 ---- 18419
608 ---- 17811
609 ---- 17811
611 ---- 17812
615 ---- 19103
681 ---- 19103
689 ---- 15949
779 ---- 19103
PROPOSED RULES:
601 ---- 16428
670 ---- 16428
673 ---- 17822
675 ---- 16428
677 ---- 17822
678 ---- 17822
720 ---- 16428

## 31 CFR

3 ---- 18161
306 ---- 19020
315 ---- 19034
316 ---- 19047
321 ---- 19076
328 ---- 16914
332 ---- 19076
PROPOSED RULES:
306 ---- 16330
315 ---- 16330
316 ---- 16330
321 ---- 16330
332 ---- 16330

## 32 CFR

132 ---- 17885
300 ---- 19291
517 ---- 15949
536 ---- 16985
577 ---- 16251
701 ---- 16194, 18275
710 ---- 16055
713 ---- 18276
719 ---- 16194
721 ---- 17812
730 ---- 18276
804 ---- 16323
1001 ---- 17037
1002 ---- 17038
1003 ---- 17038
1007 ---- 17038
1030 ---- 17040
1057 ---- 17039

## 32A CFR

OEP (Ch. I):
DMO I–1 ---- 18368
DMO I–4 ---- 16251
DMO IX–3 ---- 19249
OIA (Ch. X):
OI Reg. 1 ---- 16986

## 33 CFR

2 ---- 18162
24 ---- 19297
80 ---- 18011
202 ---- 16859, 17040
203 ---- 16251, 17040, 18422
206 ---- 15949
207 ---- 18422

## 35 CFR

4 ---- 17903
5 ---- 16328

## 36 CFR

7 ---- 17091, 18218

## 37 CFR

1 ---- 18502
3 ---- 18502

**38 CFR** Page

3 ..... 16252, 16326, 17092
12 ..... 17903, 17904
17 ..... 18219
18 ..... 19301

**39 CFR**

16 ..... 16125
21 ..... 16252
22 ..... 16125, 16252
24 ..... 16125
25 ..... 16252
57 ..... 16858
61 ..... 16125
112 ..... 16858, 19089
151 ..... 18506
168 ..... 16858, 18506
PROPOSED RULES:
22 ..... 18093
96 ..... 18380

**41 CFR**

Ch. 1 ..... 18057
Ch. 2 ..... 17092
2 ..... 18477
4-1 ..... 17040
8-1 ..... 16323, 17903
8-2 ..... 16323
8-7 ..... 18013
9-9 ..... 17113
11-1 ..... 16252, 16255
11-2 ..... 16253, 16255
11-4 ..... 16253
11-14 ..... 16255
11-60 ..... 18368, 19091
Ch. 18 ..... 16502
101-6 ..... 15972, 16287
101-7 ..... 16797
101-8 ..... 16800
101-9 ..... 16800
101-10 ..... 16801
101-11 ..... 16807
101-12 ..... 16824
101-13 ..... 16824, 19091
101-18 ..... 15973, 19091
101-19 ..... 15978
101-20 ..... 15984
101-25 ..... 15990
101-27 ..... 15997
101-28 ..... 15998
101-29 ..... 16002
101-30 ..... 16004
101-40 ..... 16008
101-43 ..... 16012
101-44 ..... 16027
101-45 ..... 16035
101-47 ..... 16126

**42 CFR**

21 ..... 18288
51 ..... 16915, 17954
53 ..... 18447
55 ..... 16915
57 ..... 15952

**43 CFR**

17 ..... 16293
2230 ..... 19248
2320 ..... 19248
3130 ..... 19248
3210 ..... 19248
3220 ..... 19248
3630 ..... 19248
4130 ..... 19248
PUBLIC LAND ORDERS:
751 (revoked in part by PLO 3516) ..... 18423

**43 CFR—Continued** Page

PUBLIC LAND ORDERS—Continued
3359 (revoked in part by PLO 3478) ..... 16827
3447 (corrected by PLO 3485) ..... 16829
3464 ..... 16084
3465 ..... 16084
3466 ..... 16084
3467 ..... 16085
3468 ..... 16085
3469 ..... 16085
3470 ..... 16086
3471 ..... 16086
3472 ..... 16087
3473 ..... 16087
3474 ..... 16256
3475 ..... 16827
3476 ..... 16827
3477 ..... 16827
3478 ..... 16827
3479 ..... 16828
3480 ..... 16828
3481 ..... 16828
3482 ..... 16828
3483 ..... 16829
3484 ..... 16829
3485 ..... 16829
3486 ..... 16830
3487 ..... 16829
3488 ..... 16830
3489 ..... 16830
3490 ..... 16830
3491 ..... 16831
3492 ..... 16831
3493 ..... 16859
3494 ..... 16859
3495 ..... 16860
3496 ..... 16860
3497 ..... 16860
3498 ..... 16860
3499 ..... 16861
3500 ..... 16861
3501 ..... 16862
Corrected ..... 18219
3502 ..... 16862
3503 ..... 16863
3504 ..... 16863
3505 ..... 16863
3506 ..... 16863
3507 ..... 16864
3508 ..... 16864
3509 ..... 16864
3510 ..... 16987
3511 ..... 16987
3512 ..... 16987
3513 ..... 17905
3514 ..... 17905
3515 ..... 17905
3516 ..... 18423
3517 ..... 19089

**44 CFR**

1 ..... 16832
2 ..... 16832
3 ..... 16832
4 ..... 16832
5 ..... 16832
6 ..... 16832
7 ..... 16832
55 ..... 15954
60 ..... 15954
100 ..... 15954, 19107
102 ..... 15954
110 ..... 16195
150 ..... 19107
151 ..... 19107
170 ..... 19107

**44 CFR—Continued** Page

175 ..... 19107
176 ..... 19108
Ch. VII ..... 16832

**45 CFR**

80 ..... 16298, 16988
150 ..... 15955
201 ..... 19250
202 ..... 19252
211 ..... 19252
212 ..... 19254
611 ..... 16305
701 ..... 17949
702 ..... 17950
703 ..... 17952
704 ..... 17953

**46 CFR**

146 ..... 18163
147 ..... 18163
309 ..... 19085
502 ..... 18171
506 ..... 16195, 17121
PROPOSED RULES:
Ch. IV ..... 16433

**47 CFR**

0 ..... 18373
1 ..... 19255
2 ..... 19090
73 ..... 16196, 16916, 16988, 18172, 18373, 18376, 18423.
81 ..... 16196, 19256
83 ..... 19256
87 ..... 16865, 18377, 19256
89 ..... 18057, 18425
91 ..... 18219
PROPOSED RULES:
1 ..... 17823
2 ..... 17824
21 ..... 16204, 17840
25 ..... 17840, 17848
73 ..... 16205, 16207, 16837, 17850, 18384, 19261, 19262.

**48 CFR**

310 ..... 18059

**49 CFR**

0 ..... 16087, 19107
10 ..... 18426
71-79 ..... 18652
95 ..... 18062, 18377, 18378, 18426, 18427, 18506
176 ..... 16125, 19107
182 ..... 19104
184 ..... 19104
192 ..... 16256
PROPOSED RULES:
Ch. I ..... 19262
10 ..... 18437
71-78 ..... 18511
170 ..... 17850

**50 CFR**

2 ..... 17905
11 ..... 17905
14 ..... 17906
16 ..... 17905
32 ..... 17906, 18378
33 ..... 16917, 16918, 17814, 17906, 17907, 18229, 19257, 19258.
256 ..... 16088
257 ..... 16990



*Pages 19275–19304*

PART II

# FEDERAL REGISTER

VOLUME 29 NUMBER 254

*Washington, Thursday, December 31, 1964*


## Effectuation of Title VI of the Civil Rights Act of 1964

# Nondiscrimination in Federally-Assisted Programs of—

Department of the Treasury
Department of Defense
Atomic Energy Commission
Civil Aeronautics Board
Federal Aviation Agency
Veterans Administration

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS OF THE ATOMIC ENERGY COMMISSION

### Effectuation of Title VI of the Civil Rights Act of 1964

The Atomic Energy Commission hereby amends its regulations by adding the following new Part 4, "Nondiscrimination in Federally Assisted Commission Programs".

Pursuant to the Civil Rights Act of 1964 and the Administrative Procedure Act of 1946, the following new Part 4 of Title 10, Chapter I, Code of Federal Regulations, is published as a document subject to codification to be effective on the thirtieth day following its publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.
4.1 Purpose.
4.2 Application of this part.
4.3 Definitions.
4.4 Communications and reports.

DISCRIMINATION PROHIBITED

4.11 General prohibition.
4.12 Specific discriminatory actions prohibited.
4.13 Employment practices.
4.14 Medical emergencies.

ASSURANCES REQUIRED

4.21 General requirements.
4.22 Continuing State programs.
4.23 Elementary and secondary schools.
4.24 Assurances from institutions.
4.25 Illustrative applications.

COMPLIANCE INFORMATION

4.31 Cooperation and assistance.
4.32 Compliance reports.
4.33 Access to sources of information.
4.34 Information to beneficiaries and participants.

CONDUCT OF INVESTIGATIONS

4.41 Periodic compliance reviews.
4.42 Complaints.
4.43 Investigations.
4.44 Resolution of matters.
4.45 Intimidatory or retaliatory acts prohibited.

MEANS OF EFFECTING COMPLIANCE

4.46 Means available.
4.47 Noncompliance with § 4.21.
4.48 Termination of or refusal to grant or to continue Federal financial assistance.
4.49 Other means authorized by law.

OPPORTUNITY FOR HEARING

4.51 Notice of opportunity for hearing.

HEARINGS AND FINDINGS

4.61 Presiding officer.
4.62 Right to counsel.
4.63 Procedures, evidence, and record.
4.64 Consolidated or joint hearings.

DECISIONS AND NOTICES

4.71 Initial decision or certification.
4.72 Exceptions and final decision.
4.73 Rulings required.
4.74 Content of orders.

JUDICAL REVIEW

Sec.
4.81 Judicial review.

EFFECT ON OTHER REGULATIONS; FORMS AND INSTRUCTIONS

4.91 Effect on other regulations.
4.92 Forms and instructions.
4.93 Supervision and coordination.

AUTHORITY: The provisions of this Part 4 issued under sec. 602, 78 Stat. 252. Interpret or apply Atomic Energy Act of 1954 as amended, 68 Stat. 919; 424, S.C. 2011.

GENERAL PROVISIONS

### § 4.1 Purpose.

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from AEC.

### § 4.2 Application of this part.

(a) This part applies to any program for which Federal financial assistance is authorized under a law administered by AEC. The programs to which this part applies are listed in Appendix A of this part; Appendix A may be revised from time to time by notice published in the FEDERAL REGISTER. This part applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this part pursuant to an application approved prior to such effective date, and to any such assistance extended at any time pursuant to a grant, loan, or contract by AEC, the terms of which require compliance with this part, or pursuant to an AEC-authorized grant, loan, or contract by a contractor or subcontractor of AEC, the terms of which require compliance with this part.

(b) This part does not apply to (1) any Federal financial assistance by way of insurance or guaranty contracts, (2) money paid, property transferred, or other assistance extended under any such program before the effective date of this part, except as provided in paragraph (a) of this section, (3) any assistance to any individual who is the ultimate beneficiary under any such program, or (4) any employment practice, under any such program, of any employer, employment agency, or labor organization, except as provided in § 4.13.

### § 4.3 Definitions.

(a) "Applicant" means one who submits an application, request, or plan required to be approved by AEC, or by a primary recipient, as a condition to eligibility for Federal financial assistance; "application" means such an application, request, or plan.

(b) "Commission" means the Commission of five members or a quorum thereof sitting as a body; "AEC" means the Atomic Energy Commission and its duly authorized representatives.

(c) "Facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(d) "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel or of other personnel at Federal expense, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) "Hearing examiner" means an individual appointed pursuant to section 11 of the Administrative Procedure Act to conduct proceedings subject to this part.

(f) "Primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(g) "Program" includes any program, project, or activity designated in Appendix A of this part for the provision of services, financial aid, or other benefits to individuals (including education or training) whether provided through employees of the recipient or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals, or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(h) "Recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) "Responsible AEC official" means:

(1) The General Manager or any officer to whom he has delegated authority to act; or

(2) The Director of Regulation or any officer to whom he has delegated authority to act;

within their respective areas of responsibility assigned by the Commission.

(j) "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

**§ 4.4 Communications and reports.**

Except where otherwise indicated, all communications and reports relating to this part shall be addressed to the United States Atomic Energy Commission, Washington, D.C., 20545. Communications and reports may be delivered in person to the Commission's offices at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Md.

DISCRIMINATION PROHIBITED

**§ 4.11 General prohibition.**

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

**§ 4.12 Specific discriminatory actions prohibited.**

(a) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(1) Deny an individual any service, financial aid, or other benefit provided under the program;

(2) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(3) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(4) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(5) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(6) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in § 4.13).

(b) A recipient in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(c) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(d) The enumeration of specific forms of prohibited discrimination in this section and § 4.13 does not limit the generality of the prohibition in § 4.11.

**§ 4.13 Employment practices.**

Where a primary objective of the Federal financial assistance to a program to which this part applies is to provide employment, a recipient may not, directly or through contractual or other arrangements, subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, lay-off or termination, up-grading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities), including programs where a primary objective of the Federal financial assistance is (a) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training, or (b) to provide work experience which contributes to the education or training of such individuals. (Examples of such programs are nuclear training equipment grants, grants and loans of materials for training, and fellowship programs.) The requirements applicable to construction employment under any such program shall be those specified in and pursuant to Executive Order 11114.

**§ 4.14 Medical emergencies.**

A recipient shall not be deemed to have failed to comply with § 4.11 if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health, and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with § 4.11.

ASSURANCES REQUIRED

**§ 4.21 General requirements.**

(a) Every grant, loan or contract under a program to which this part applies, except a program to which § 4.22 applies, shall, as a condition to its approval by AEC, or by the appropriate AEC contractor or subcontractor, and the extension of any Federal financial assistance pursuant thereto, contain or be accompanied by an assurance that the program will be conducted in compliance with all requirements imposed by or pursuant to this part. In the case of a grant, loan or contract involving Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the grant, loan or contract. The Commission will specify the form of the foregoing assurances for each program and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) The assurance required in the case of a transfer of real property, except where covered by paragraph (c) of this section, shall be inserted in the instrument effecting the transfer of any such land, together with any improvements located thereon, and shall consist of (1) a condition coupled with a right to be reserved to AEC to revert title to the property in the event of breach of such nondiscrimination condition during the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, and (2) a covenant running with the land for the same period. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Commission may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(c) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101–6.2).



**§ 4.22 Continuing State programs.**

Every grant, loan or contract to or with a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies, shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the grant, loan or contract,

(a) Contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and

(b) Provide or be accompanied by provision for such methods of administration for the program as are found by the responsible AEC official to give reasonable assurance that the recipient and all other recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part, including methods of administration which give reasonable assurance that any noncompliance indicated in the statement provided for in paragraph (a) of this section will be corrected.

**§ 4.23 Elementary and secondary schools.**

The requirements of §§ 4.21 and 4.22 with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system,

(a) Is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or

(b) Submits a plan for the desegregation of such school or school system which the Commissioner of Education determines is adequate to accomplish the purposes of the Act and this part, and provides reasonable assurance that it will carry out such plan. In any case of continuing Federal financial assistance the Commissioner may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purpose of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such plan, such plan shall be revised to conform to such final order, including any future modification of such order.

**§ 4.24 Assurances from institutions.**

(a) In the case of a grant, loan or contract involving Federal financial assistance to an institution of higher education, the assurance required by § 4.21 shall extend to admission practices and to all other practices relating to the treatment of students.

(b) The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the institution establishes, to the satisfaction of the responsible AEC official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

**§ 4.25 Illustrative applications.**

The following examples will illustrate the application of the foregoing provisions to some of the major AEC programs designated in Appendix A. (In all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin prohibited by Title VI of the Act and this part, as a condition of the receipt of Federal financial assistance.)

(a) In a grant, loan or contract for education or training by a university in a graduate school, discrimination in the admission and treatment of students in the graduate school is prohibited, and the prohibition extends to the entire university unless it satisfies the responsible AEC official that practices with respect to other parts or programs of the university will not interfere, directly or indirectly, with fulfillment of the assurance required with respect to the graduate school.

(b) In an education or training grant to a hospital or other nonacademic institution, discrimination is prohibited in the selection of individuals to be educated or trained and in their treatment by the grantee during their education or training. In an equipment grant pertaining to research or demonstration by such an institution, discrimination is prohibited with respect to any educational activity and any provision of medical or other services and any financial aid to individuals incident to the program.

(c) In a program to assist in the construction or equipping of facilities for the performance of research, assurances will be required that the benefits derived and to be derived therefrom will be provided without discrimination, to the same extent that discrimination would be prohibited as a condition of Federal operating grants for the support of such benefits. Thus, as a condition of grants for the construction or equipping of academic, research, or other facilities at institutions of higher education, assurances will be required that there will be no discrimination in the admission or treatment of students. In the case of equipment grants to hospitals, the assurance will apply to patients, to interns, residents, student nurses, and other trainees, and to the privilege of physicians, dentists, and other professionally qualified persons to practice in the hospital, and will apply to the entire facility for which, or for a part of which, the grant is made, and to facilities operated in connection therewith.

COMPLIANCE INFORMATION

**§ 4.31 Cooperation and assistance.**

The responsible AEC official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

**§ 4.32 Compliance reports.**

Each recipient shall keep such records and submit to the responsible AEC official timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible AEC official may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

**§ 4.33 Access to sources of information.**

Each recipient shall permit access by the responsible AEC official during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and that agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

**§ 4.34 Information to beneficiaries and participants.**

Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible AEC official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

CONDUCT OF INVESTIGATIONS

**§ 4.41 Periodic compliance reviews.**

The responsible AEC official shall from time to time review the practices of recipients to determine whether they are complying with this part.

**§ 4.42 Complaints.**

Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a

representative file with the responsible AEC official a written complaint. A complaint must be filed not later than ninety (90) days from the date of the alleged discrimination, unless the time for filing is extended by the responsible AEC official. A complaint shall be signed by the complainant or his representative.

**§ 4.43 Investigations.**

The responsible AEC official will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

**§ 4.44 Resolution of matters.**

(a) If an investigation pursuant to § 4.43 indicates a failure to comply with this part, the responsible AEC official will so inform the recipient and the matter will be resolved by voluntary means whenever possible. If it has been determined that the matter cannot be resolved by voluntary means, action will be taken as provided for in §§ 4.46–4.49.

(b) If an investigation does not warrant action pursuant to paragraph (a) of this section, the responsible AEC official will so inform the recipient and the complainant, if any, in writing.

**§ 4.45 Intimidatory or retaliatory acts prohibited.**

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential, except to the extent necessary to carry out the purposes of this part including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

MEANS OF EFFECTING COMPLIANCE

**§ 4.46 Means available.**

If there appears to be a failure or threatened failure to comply with any of the provisions of this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (a) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (b) any applicable proceeding under State or local law.

**§ 4.47 Noncompliance with § 4.21.**

If an applicant fails or refuses to furnish an assurance required under § 4.21 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of § 4.48. The AEC shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under § 4.48, except that the AEC shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to a grant, loan, or contract therefor approved prior to the effective date of this part.

**§ 4.48 Termination of or refusal to grant or to continue Federal financial assistance.**

No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (a) the responsible AEC official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (b) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with the requirement imposed by or pursuant to this part, (c) the action has been approved by the Commission pursuant to § 4.72, and (d) the expiration of thirty (30) days after the Commission has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

**§ 4.49 Other means authorized by law.**

No action to effect compliance by any other means authorized by law shall be taken until (a) the responsible AEC official has determined that compliance cannot be secured by voluntary means, (b) the action has been approved by the Commission, (c) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (d) the expiration of at least ten (10) days from the mailing of such notice to the recipient or other person. During this period of at least ten (10) days, additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

OPPORTUNITY FOR HEARING

**§ 4.51 Notice of opportunity for hearing.**

(a) Whenever an opportunity for hearing is required by § 4.48, the responsible AEC official shall serve on the applicant or recipient, by registered or certified mail, return receipt requested, a notice of opportunity for hearing which will:

(1) Inform the applicant or recipient of his right within twenty (20) days of the date of the notice of opportunity for hearing, or such other period as may be specified in the notice, to request a hearing;

(2) Set forth the alleged item or items of noncompliance with this part;

(3) Specify the issues;

(4) State that compliance with this part may be effected by an order providing for the termination of or refusal to grant or to continue assistance, as appropriate, under the program involved; and

(5) Provide that the applicant or recipient may file a written answer to the notice of opportunity for hearing under oath or affirmation within twenty (20) days of its date, or such other period as may be specified in the notice.

(b) The applicant or recipient may respond to a notice of opportunity for hearing by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation, or, where the applicant or recipient does not have knowledge or information sufficient to form a belief, the answer may so state and the statements shall have the effect of a denial. Allegations of fact not denied shall be deemed to be admitted. The answer shall separately state and identify matters alleged as affirmative defenses and may also set forth the matters of fact and law on which the applicant or recipient relies. The answer may request a hearing.

(c) If the answer requests a hearing, the Commission will issue a notice of hearing specifying:

(1) The time, place, and nature thereof;

(2) The legal authority and jurisdiction under which the hearing is to be held; and

(3) The matters of fact and law asserted or to be considered. The time and place of hearing will be fixed with due regard for the convenience and necessity of the parties or their representatives and for the public interest. An answer to a notice of hearing is not required.

(d) An applicant or recipient may waive a hearing and submit written information or argument for the record, without waiving the requirement for findings of fact and conclusions of law or the right to seek Commission review in accordance with the provisions of §§ 4.71–4.74.

(e) An answer or stipulation may consent to the entry of an order in substantially the form set forth in the notice of opportunity for hearing; such order may be entered by the responsible Commission official. The consent of the applicant or recipient to the entry of an order shall constitute a waiver by him of a right to (1) a hearing under section 602 of the Act and § 4.48, (2) findings of fact and conclusions of law, and (3) seek Commission review.

(f) The failure of the applicant or recipient to request a hearing and file an answer within the period prescribed, or, having requested a hearing, his failure to appear therefor, shall constitute a waiver by him of a right to (1) a hearing under section 602 of the Act and § 4.48, (2) conclusions of law, and (3) seek Commission review. In the event of such waiver, the responsible Commission official may find the facts on the basis of the record available and enter an order in substantially the form set forth in the notice of opportunity for hearing.

(g) An order entered in accordance with paragraph (e) or (f) of this section shall constitute the final decision of the Commission, unless the Commission, on its own motion, within forty-five (45) days after entry of the order, issues its own decision, which shall then constitute the final decision of the Commission.

(h) A copy of an order entered by the responsible AEC official shall be mailed to the applicant or recipient and to the complainant, if any.

(i) Nothing in this section shall be deemed to place the burden of proof on the applicant or recipient.

HEARINGS AND FINDINGS

**§ 4.61 Presiding officer.**

One or more members of the Commission or one or more hearing examiners appointed pursuant to section 11 of the Administrative Procedure Act shall (a) preside at a hearing, and (b) make findings of fact and conclusions of law if an applicant or recipient waives a hearing and submits written information or argument for the record in accordance with § 4.51(d).

**§ 4.62 Right to counsel.**

In all proceedings under §§ 4.51–4.81, the applicant or recipient and the responsible AEC official shall have the right to be represented by counsel. A notice of appearance shall be filed by counsel prior to participation in any such proceedings.

**§ 4.63 Procedures, evidence, and record.**

(a) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such procedures as are proper (and not inconsistent with §§ 4.61–4.64) relating to the conduct of the hearing, giving of notices subsequent to those provided for in § 4.51, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the responsible AEC official and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice of hearing or as determined by the presiding officer at the outset of or during the hearing.

(b) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the presiding officer. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record.

(c) Each decision made after a hearing has been held shall be based on the hearing record, and written findings of fact and conclusions of law shall be made.

(d) If an applicant or recipient waives a hearing and submits written information or argument for the record in accordance with § 4.51(d), written findings of fact and conclusions of law shall be made.

**§ 4.64 Consolidated or joint hearings.**

In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Commission may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as programs subject to this part are concerned, shall be made in accordance with § 4.72.

DECISIONS AND NOTICES

**§ 4.71 Initial decision or certification.**

The officer designated

(a) To preside at a hearing, or,

(b) To make findings of fact and conclusions of law if an applicant or recipient waives a hearing and submits written information or argument for the record in accordance with § 4.51(d),

shall render an initial decision on the record, or, if the Commission so directs, shall certify the entire record to the Commission for decision, together with a recommended decision on the record. A copy of such initial decision, or of such certification and recommended decision, shall be mailed to the applicant or recipient.

**§ 4.72 Exceptions and final decision.**

(a) The applicant or recipient, within thirty (30) days of the mailing of an initial decision or a recommended decision, may file with the Commission his exceptions to such decision, with his reasons therefor.

(b) In the absence of exceptions to an initial decision, the Commission may, on its own motion within forty-five (45) days after the mailing of such initial decision, serve on the applicant or recipient a notice that the Commission will review the decision.

(c) Upon the filing of exceptions to an initial decision or of a notice of review, the Commission shall review such initial decision and issue its own decision on the record with its reasons therefor.

(d) In the absence of either exceptions to an initial decision or of a notice of review, such initial decision shall constitute the final decision of the Commission.

(e) Upon the filing of exceptions to a recommended decision, the Commission shall review such recommended decision and issue its own decision on the record with its reasons therefor.

(f) In the absence of exceptions to a recommended decision, the Commission shall review such recommended decision and issue its own decision on the record with its reasons therefor.

**§ 4.73 Rules requried.**

Each decision of a presiding officer or the Commission shall set forth the rulings on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

**§ 4.74 Content of orders.**

The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the AEC that it will fully comply with this part. A copy of the final decision shall be mailed to the applicant or recipient and the complainant, if any.

JUDICIAL REVIEW

**§ 4.81 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

EFFECT ON OTHER REGULATIONS; FORMS AND INSTRUCTIONS

**§ 4.91 Effect on other regulations.**

All regulations, orders, or like directions heretofore issued by any officer of the AEC which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (a)

Executive Orders 10925 and 11114 and regulations issued thereunder, or (b) Executive Order 11063 and regulations issued thereunder and any other regulations or instructions insofar as such Order, regulations or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

**§ 4.92 Forms and instructions.**

The responsible AEC official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

**§ 4.93 Supervision and coordination.**

The Commission may from time to time assign to officials of other departments or agencies of the Government, with the consent of the department or agency involved, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part, other than responsibility for final decision as provided in § 4.72, including the achievement of effective coordination and maximum uniformity within the AEC and within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations.

Dated: December 10, 1964.

GLENN T. SEABORG,
*Chairman,*
*Atomic Energy Commission.*

Approved: December 28, 1964.

LYNDON B. JOHNSON.

APPENDIX A—PROGRAMS TO WHICH THIS PART APPLIES [1]

(a) *Equipment grants for basic and applied research.* Equipment grants, relating to basic and applied research in nuclear fields, to nonprofit institutions of higher education and to nonprofit organizations whose primary purpose is the conduct of scientific research.

(b) *Nuclear training equipment grants.* Nuclear training equipment grants to colleges, universities, hospitals and eleemosynary or charitable institutions to help equip and modernize their scientific laboratories with respect to nuclear instrumentation and related equipment, with the objective of improving the conduct of educational and training activities in nuclear fields.

(c) *Grants of materials for training.* Grants of slides, manuals and other materials to educational institutions for training and educational programs in nuclear fields.

(d) *Special fellowships.* Fellowships programs, providing for AEC payment of tuition and fees to educational institutions as well as stipends and dependency allowances to the individual fellows, to encourage highly qualified individuals to prepare for careers in atomic energy and to assist education institutions in developing nuclear science capabilities, as follows:

(1) AEC special fellowships in nuclear science and engineering.

(2) AEC special fellowships in health physics.

(3) AEC special fellowships in advanced health physics.

(4) AEC special fellowships in industrial medicine.

(e) *Graduate fellowships.* AEC laboratory graduate fellowships to provide graduate students the opportunity to conduct their M.S. and Ph. D. thesis research at AEC-owned facilities, and with respect to which AEC pays tuition and fees to the sponsoring institution as well as stipends and dependency allowances to the students.

(f) *Loan of nuclear and other materials for education and training.* Loans of AEC materials, without full-cost recovery, to supplement the grant program of paragraph (b) of this section, providing AEC-owned materials, such as natural and enriched uranium, plutonium and heavy water, to educational institutions, on a loan basis, without charge for use; and loans of films, slides, manuals and other materials to educational institutions, without full-cost recovery.

(g) *Loan of isotopes.* Loans of certain isotopes, without full-cost recovery, to assist institutions conducting research and development in atomic energy fields.

(h) *Other grants, loans or services.* Other grants or loans of AEC materials or of other items of Government property, or provision of Government services or facilities, including security-clearances, without full-cost recovery.

(i) *Acquisition of nuclear reactor for research and training.* Research reactor assistance, without full-cost recovery, designed to aid nonprofit educational institutions having graduate level science and engineering programs to acquire nuclear reactors for research and training purposes, and providing the following principal forms of aid:

(1) Loan of enriched uranium; and

(2) Funds for fuel element fabrication and reprocessing.

(j) *Faculty institute programs.* Faculty institute programs, without full-cost recovery, designed to enable educational institutions, including secondary schools, to prepare faculty for teaching the latest developments in nuclear science and technology.

(k) *Power reactor demonstration.* AEC's power reactor demonstration program to encourage the development and demonstration of power reactors for civilian purposes, providing for waiver of use charges with respect to AEC-owned materials, or research and development, design or other types of assistance, without full-cost recovery.

(l) *Conferences on regulatory programs.* Agreements for financial assistance to State officials, without full-cost recovery, for visits to AEC facilities and offices or to other locations to confer on regulatory programs and related matters.

(m) *Orientation and instruction.* Agreements for assistance to State and local officials, without full-cost recovery, to receive orientation and on-the-job instruction at AEC facilities and offices.

(n) *Courses in fundamentals of radiation.* Agreements for the conduct of courses for State and local employees, without full-cost recovery, in fundamentals of radiation and radiation protection.

(o) *Participation in meetings and conferences.* Agreements for participation, without full-cost recovery, in meetings, conferences, workshops, and symposia to assist scientific, professional or educational institutions or groups.

(p) *Faculty and student use of AEC facilities.* Agreements permitting university faculty and students, without full-cost recovery, to make use of AEC facilities not available on their own campuses.

(q) *AEC assistance provided through AEC cost-type contractors.* Agreements by AEC laboratories or other AEC cost-type contractors to provide assistance, at AEC expense and without full-cost recovery, in connection with AEC programs or activities, of the types designated in this section.

(r) *Payments in lieu of taxes.* Programs for assistance to States and localities in which AEC activities are carried on, and in which AEC has acquired property previously subject to State and local taxation, involving payments to State and local governments in lieu of property taxes.

(s) *Assistance to communities.* Agreements for assistance to States, counties and local entities under the Atomic Energy Community Act of 1955, as amended.

[F.R. Doc. 64-13516; Filed, Dec. 30, 1964; 8:51 a.m.]

[1] Programs may be added to Appendix A from time to time by notice published in the FEDERAL REGISTER. This part shall be deemed to apply to all grants, loans or contracts entered into under any such program on or after the effective date of the inclusion of the program in Appendix A.



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 6388]

## PART 15—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE FEDERAL AVIATION AGENCY—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The purpose of this amendment adding Part 15 to the Federal Aviation Regulations is to implement section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

Section 601 of the Civil Rights Act of 1964 forbids discrimination on the ground of race, color, or national origin under any program or activity that receives Federal financial assistance. Section 602 of the Civil Rights Act of 1964 authorizes and directs each Federal department or agency that is empowered to assist any program or activity to issue regulations implementing section 601. Accordingly, the Federal Aviation Agency is adopting a new Part 15 to accomplish this legislative directive.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended by adding a new Part 15, as hereinafter set forth, effective 30 days after publication in the FEDERAL REGISTER.

Sec.
15.1 Purpose.
15.3 Applicability.
15.5 Discrimination prohibited.
15.7 Assurances required.
15.9 Compliance information.
15.11 Conduct of investigations.
15.13 Procedure for effecting compliance.
15.15 Hearings.
15.17 Decisions and notices.
15.19 Judicial review.
15.21 Effect on other regulations; forms and instructions.
15.23 Definitions.

AUTHORITY: The provisions of this Part 15 issued under sec. 602, Civil Rights Act of 1964 (42 U.S.C. 501), and the laws referred to in Appendix A.

**§ 15.1 Purpose.**

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (in this part referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Federal Aviation Agency.

**§ 15.3 Applicability.**

(a) This part applies to any program for which Federal financial assistance is authorized under a law administered by the FAA including the Federally-assisted programs and activities listed in Appendix A of this part. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this part pursuant to an application approved before that date.

(b) This part does not apply to:

(1) Any Federal financial assistance by way of insurance or guaranty contracts;

(2) Money paid, property transferred, or other assistance extended under any such program before the effective date of this part;

(3) Any assistance to any individual who is the ultimate beneficiary under any such program; or

(4) Any employment practice, under any such program, of any employer, employment agency, or labor organization.

(c) The fact that a program or activity is not listed in Appendix A does not mean, if Title VI of the Act is otherwise applicable, that the program is not covered. Other programs under statutes in force on the effective date of this part or enacted after that date may be added to this list by notice published in the FEDERAL REGISTER.

**§ 15.5 Discrimination prohibited.**

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin—

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual that is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition that individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program; or

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so that is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance are considered to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Examples.* The following examples illustrate the application of the non-discrimination provisions of Title VI of the Civil Rights Act and this part:

(1) The operator of an airport who is the recipient of Federal financial assistance must give assurance that an entrepreneur who rents space at the airport and there operates a restaurant will not in any manner discriminate between patrons for reasons of race, color, or national origin.

(2) The operator of an airport who is the recipient of Federal financial assistance is bound by the conditions and covenants in the conveyance that prohibit, among other things, discrimination for reason of color, race, or national origin in admission of the public to waiting rooms, sightseeing areas, sanitary facilities, and any other facilities under the control of the airport operator himself.

**§ 15.7 Assurances required.**

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility, shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where a facility is comprised of real property for which application is made under a program and, in addition, other real property of the applicant, the assurance applies to the entire facility. In the case of personal property the assurance obligates

the recipient for the period during which he retains ownership or possession of the property. The Administrator specifies the form of the assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101–6.2).

(b) *Pre-existing contracts—funds not disbursed.* In any case where a contract for Federal financial assistance, to carry out a program or activity to which this part applies, has been executed before the effective date of this part, and the funds have not been fully disbursed by the FAA, the Administrator requires an assurance similar to that provided in paragraph (a) of this section as a condition to the disbursement of further funds.

**§ 15.9 Compliance information.**

(a) *Cooperation and assistance.* To the fullest extent practicable the Administrator seeks the cooperation of recipients in obtaining compliance with this part and provides assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Administrator timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Administrator may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Administrator during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person, and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Administrator finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

**§ 15.11 Conduct of investigations.**

(a) *Periodic compliance reviews.* The Administrator shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Administrator a written complaint. A complaint must be filed not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Administrator.

(c) *Investigations.* The Administrator will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Administrator will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 15.13.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the Administrator will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or by this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 15.13 Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include:

(1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking; and

(2) Any applicable proceeding under State or local law.

(b) *Noncompliance with § 15.7.* If an applicant fails or refuses to furnish an assurance required under § 15.7 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The FAA is not required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the FAA shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance may become effective until:

(1) The Administrator has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Administrator pursuant to § 15.17 (e); and

(4) The expiration of 30 days after the Administrator has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved a full written report of the circumstances and the grounds for such action.

Any action to suspend or terminate or to refuse to grant or continue Federal financial assistance is limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and is limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law may be taken until:

(1) The Administrator has determined that compliance cannot be secured by voluntary means;

(2) The action has been approved by the Administrator;

(3) The recipient or other person has been notified of his failure to comply and of the action to be taken to effect compliance; and

(4) The expiration of at least 10 days after the mailing of such notice to the recipient or other person.

During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the part and to take such corrective action as may be appropriate.



**§ 15.15 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 15.13(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either:

(1) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Administrator that the matter be scheduled for hearing; or

(2) Advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time.

The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set is considered to be a waiver of the right to a hearing under section 602 of the Act and § 15.13(c) of this part and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the FAA in Washington, D.C., at a time fixed by the Administrator unless he determines that the convenience of the applicant or recipient or of the FAA requires that another place be selected. Hearings shall be held before the Administrator or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the FAA have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5 through 8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the FAA and the applicant or recipient may introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record are open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or Joint Hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Administrator may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 15.17.

**§ 15.17 Decisions and notices.**

(a) *Decision by person other than the Administrator.* If the hearing is held by a hearing examiner the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Administrator for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days after the mailing of such notice of initial decision file with the Administrator his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Administrator may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Administrator shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision constitutes the final decision of the Administrator.

(b) *Decisions on record or review by the Administrator.* Whenever a record is certified to the Administrator for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the Administrator conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the Administrator shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 15.15(a) a decision shall be made by the Administrator on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or the Administrator shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Administrator.* Any final decision of any official of the FAA (other than the Administrator) that provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Administrator, who may personally approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision, may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Administrator that it will fully comply with this part.

**§ 15.19 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 15.21 Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* All regulations, orders, or like directions issued by any official of the FAA before the effective date of this part and which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction before the effective date of this part. Nothing in this part, however, supersedes any of the following (including future amendments thereof):

(1) Executive Orders 10925 and 11114 and regulations issued thereunder; or

(2) Any other regulations or instructions, insofar as such regulations or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The FAA will issue and promptly make available to interested persons forms and detailed instructions and procedures necessary for effectuating this part as applied to programs to which this part applies.

(c) *Supervision and coordination.* The Administrator may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 15.17), including the achievement of effective coordination and maximum uniformity within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations.

**§ 15.23 Definitions.**

As used in this part—

(a) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(b) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(c) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(d) "Recipient" means any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(e) "Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(f) "Applicant" means a person who submits an application, request, or plan required to be approved by the Administrator, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

Issued in Washington, D.C., on December 14, 1964.

N. E. HALABY,
*Administrator.*

Approved: December 28, 1964.

LYNDON B. JOHNSON.

APPENDIX A

PROGRAMS TO WHICH THIS PART APPLIES

1. Federal-aid Airport Program (Secs. 1–15 and 17–20 of the Federal Airport Act, 49 U.S.C. 1101–1114, 1116–1120).

2. Acquisition of U.S. Land for Public Airports:

a. Section 16 of the Federal Airport Act (49 U.S.C. 1115); and

b. Surplus Property Act (sec. 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(g), and sec. 3 of the Act of October 1, 1949, 50 U.S.C. App. 1622b).

[F.R. Doc. 64–13517; Filed, Dec. 30, 1964; 8:51 a.m.]



## Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

## PART 379—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE BOARD—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Subchapter D, Chapter II, title 14 CFR is hereby amended by adding the following new Part 379:

Sec.
379.1 Purpose.
379.2 Application of this part.
379.3 Discrimination prohibited.
379.4 Assurances required.
379.5 Compliance information.
379.6 Conduct of investigations.
379.7 Procedure for effecting compliance.
379.8 Hearings.
379.9 Decisions and notices.
379.10 Judicial review.
379.11 Effect on other remedies; coordination.
379.12 Definitions.

AUTHORITY: The provisions of this Part 379 are issued under sec. 602, 78 Stat. 252; and sections 102, 204, 404, 406, and 1002 of the Federal Aviation Act of 1958; 72 Stat. 740, 743, 760, 763, and 788; 49 U.S.C. 1302, 1324, 1374, 1376, and 1482.

**§ 379.1 Purpose.**

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Civil Aeronautics Board.

**§ 379.2 Application of this part.**

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Board, including the payment of compensation by the Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376). It applies to money paid or other Federal financial assistance extended under any such program after the effective date of the part pursuant to a Board order, whether issued prior to or subsequent to such effective date, establishing a rate of compensation under section 406, or pursuant to an application for any other such Federal payment or financial assistance, whether approved prior to or subsequent to such effective date. This part does not apply to (a) money paid or other assistance extended under any such program before the effective date of this regulation, or (b) any employment practice, under any such program, of any employer, employment agency, or labor organization.

**§ 379.3 Discrimination prohibited.**

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* No air carrier shall subject any person to discrimination on the ground of race, color, or national origin in connection with any air transportation for which such carrier is receiving or has claimed compensation payable by the Board under section 406 of the Federal Aviation Act of 1958.

**§ 379.4 Assurances required.**

Every applicant for or recipient of Federal financial assistance to which this part applies shall, as a condition to approval of its application and/or the extension of any such Federal financial assistance, furnish with the application, or on request of the Board in the case of compensation received pursuant to an investigation instituted under section 406 of the Federal Aviation Act of 1958 by the Board or a person other than the recipient of such compensation, an assurance that the applicant or recipient will comply with all requirements imposed by or pursuant to this part. The Board's request for such assurance will normally be made at the time of or in any Board order instituting an investigation under section 406.

**§ 379.5 Compliance information.**

(a) *Compliance reports.* Each recipient shall keep such records and submit to the Board timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Board may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with this part.

(b) *Access to sources of information.* Each recipient shall permit access by designated Board personnel during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part.

(c) *Information to passengers and shippers.* Each recipient shall make available to passengers, shippers, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Board finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

**§ 379.6 Conduct of investigations.**

(a) *Periodic compliance reviews.* The Board or its designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Board a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the Board.

(c) *Investigations.* The Board or its designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Board or its designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 379.7.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the Board or its designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 379.7 Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 379.4.* If an applicant, or recipient, or other person who has received a Board request for an assurance required under § 379.4 fails or refuses to furnish such assurance or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Board shall not be required to provide assistance in such a case during the pendency of the administrative

proceedings under such subsection except that the Board shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application or Board order therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the Board has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, and (3) the expiration of 30 days after the Board has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved a full written report of the circumstances and the grounds for such action.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the Board has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

**§ 379.8 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 379.7(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Board that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this subsection or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 379.7(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Board in Washington, D.C., at a time fixed by the Board unless it determines that the convenience of the applicant or recipient or of the Board requires that another place be selected. Hearings shall be held before the Board or, at its discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Board shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Board and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Board may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 379.9.

**§ 379.9 Decisions and notices.**

(a) *Decision by person other than the Board.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Board for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the Board his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Board may on its own motion within 45 days after the initial decision serve on the applicant or recipient a notice that it will review the decision. Upon the filing of such exceptions or of such notice of review the Board shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review, the initial decision shall constitute the final decision of the Board.

(b) *Decisions on record or review by the Board.* Whenever a record is certified to the Board for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) of this section or whenever the Board conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with the Board briefs or other written statements of its contentions, and a copy of the final decision of the Board shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 379.8(a), a decision shall be made by the Board on the record, and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or the Board shall set forth rulings on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Board that it will fully comply with this part.

**§ 379.10 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.



**§ 379.11 Effect on other remedies; coordination.**

(a) *Effect on other statutory remedies.* Notwithstanding the provisions of § 379.7, nothing contained in this part shall in any way abridge or alter other statutory remedies now existing for the elimination of discrimination by air carriers, but the provisions of this part are in addition to such remedies.

(b) *Effect on other regulations.* Nothing in this part shall be deemed to supersede any other regulations or instructions, insofar as such regulations or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(c) *Supervision and coordination.* The Board may from time to time assign to officials of the Board, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 379.9), including the achievement of effective coordination and maximum uniformity within the Board and with other departments and agencies of the Government in the application of title VI and this part to similar programs and in similar situations.

**§ 379.12 Definitions.**

As used in this part—

(a) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States.

(b) The term "Federal financial assistance" includes grants of Federal funds under section 406 of the Federal Aviation Act of 1958.

(c) The term "recipient" means any air carrier to whom Federal financial assistance is extended or whose rate of compensation payable by the Board under section 406 of the Federal Aviation Act of 1958 is the subject of a formal Board investigation.

(d) The term "applicant" means one who submits an application required to be approved by the Board as a condition to eligibility for Federal financial assistance.

*Effective date.* This part shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

Dated: December 18, 1964.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

Approved: December 28, 1964.

LYNDON B. JOHNSON.

[F.R. Doc. 64-13518; Filed, Dec. 30, 1964; 8:51 a.m.]

# Title 32—NATIONAL DEFENSE

SUBTITLE A—DEPARTMENT OF DEFENSE

## Chapter I—Office of the Secretary of Defense

SUBCHAPTER Q—CIVIL RIGHTS

## PART 300—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF DEFENSE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.


300.1 Purpose.
300.2 Definitions.
300.3 Application.
300.4 Policy.
300.5 Responsibilities.
300.6 Assurances required.
300.7 Compliance information.
300.8 Conduct of investigations.
300.9 Procedure for effecting compliance.
300.10 Hearings.
300.11 Decisions and notices.
300.12 Judicial review.
300.13 Effect on other issuances.
300.14 Implementation.
300.15 Effective date.


AUTHORITY: The provisions of this Part 300 issued under Public Law 88–352, the Civil Rights Act of 1964; 78 Stat. 241, July 2, 1964.

### § 300.1 Purpose.

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from any component of the Department of Defense.

### § 300.2 Definitions.

(a) "Component" means the Office of the Secretary of Defense, a military department or a Defense agency.

(b) "Responsible Department official" means the Secretary of Defense or other official of the Department of Defense or component thereof who by law or by delegation has the principal responsibility within the Department or component for the administration of the law extending such assistance.

(c) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(d) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals, or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(g) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(h) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(i) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request or plan.

### § 300.3 Application.

This part applies to any program for which Federal financial assistance is authorized under a law administered by any component of the Department of Defense, including the Federally-assisted programs and activities listed in Appendix A of this part. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this part pursuant to approval prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance, extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization. The fact that a program or activity is not listed in Appendix A shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

### § 300.4 Policy.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this Directive applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration

which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this subparagraph does not limit the generality of the prohibition in paragraph (a) of this section.

**§ 300.5 Responsibilities.**

(a) The Assistant Secretary of Defense (Manpower) shall be responsible for insuring that the policies of this part are effectuated throughout the Department of Defense. He may review from time to time as he deems necessary the implementation of these policies by the components of the Department of Defense.

(b) The Secretary of each Military Department is responsible for implementing this part with respect to programs and activities receiving financial assistance from his Military Department; and the Assistant Secretary of Defense (Manpower) is responsible for similarly implementing this part with respect to all other components of the Department of Defense. Each may designate official(s) to fulfill this responsibility in accordance with § 300.2(b).

(c) The Assistant Secretary of Defense (Manpower) or, after consultation with the Assistant Secretary of Defense (Manpower), the Secretary of each Military Department or other responsible Department official designated by the Assistant Secretary of Defense (Manpower) may assign to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 300.11), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations.

**§ 300.6 Assurances required.**

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. In any case in which Federal financial assistance is extended without an application having been made, such extension shall be subject to the same assurances as if an application had been made. The responsible Department official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subguarantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) The assurance required in the case of a transfer of surplus real property shall be inserted in the instrument effecting the transfer of any such surplus land, together with any improvements located thereon, and shall consist of (i) a condition coupled with a right to be reserved to the component of the Department of Defense concerned to revert title to the property in the event of breach of such nondiscrimination condition during the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, and (ii) a covenant running with the land for the same period. In the event a transferee of surplus real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the responsible Department official may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(3) The assurance required in the case of a transfer of surplus personal property shall be inserted in a written agreement by and between the Department of Defense component concerned and the recipient.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible Department official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this Directive, including methods of administration which give reasonable assurance that any noncompliance indicated in the statement under subparagraph (1) of this paragraph will be corrected. In cases of continuing State programs in which applications are not made, the extension of Federal financial assistance shall be subject to the same conditions under this subsection as if applications had been made.

(c) *Assurances from institutions.* (1) In the case of Federal financial assistance to an institution of higher education, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible Department official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

**§ 300.7 Compliance information.**

(a) *Cooperation and assistance.* Each responsible Department official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations imposed pursuant to this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other institution or person and this institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

**§ 300.8 Conduct of investigations.**

(a) *Periodic compliance reviews.* The responsible Department official or his designee(s) shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Department official a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official.

(c) *Investigations.* The responsible Department official will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination of whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible Department official will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided in § 300.9.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible Department official will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall not be disclosed except when necessary to carry out the purposes of this part including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 300.9 Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law as determined by the responsible Department official. Such other means may include, but are not limited to (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceedings under State or local law.

(b) *Noncompliance with § 300.6.* If an applicant fails or refuses to furnish an assurance required under § 300.6 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The component of the Department of Defense concerned shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the component shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* Except as provided in paragraph (b) of this section no order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding, after opportunity for a hearing (as provided in § 300.10), of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary of Defense pursuant to § 300.11, and (4) the expiration of 30 days after the Secretary of Defense has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to affect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Assistant Secretary of Defense (Manpower), (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

**§ 300.10 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 300.11, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of hearing. An applicant or recipient may waive a hearing and submit written information and argument. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and

§ 300.11(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the responsible component of the Department of Defense in Washington, D.C., at a time fixed by the responsible Department official unless he determines that the convenience of the applicant or recipient or of the component requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated by him.

(c) *Hearing examiner.* The examiner shall be a field grade officer or civilian employee above the grade of GS–12 (or the equivalent) who shall be a person admitted to practice law before a Federal court or the highest court of a State.

(d) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the responsible component of the Department shall have the right to be represented by counsel.

(e) *Procedures.* (1) The recipient shall receive an open hearing at which he or his counsel may examine any witnesses present. Both the responsible Department official and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(f) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Assistant Secretary of Defense (Manpower), the Secretary of a Military Department, or other responsible Department official designated by the Assistant Secretary of Defense (Manpower) after consultation with the Assistant Secretary of Defense (Manpower) may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of appropriate procedures not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 300.11.

### § 300.11 Decisions and notices.

(a) *Decision by person other than the responsible department official.* If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

(b) *Decisions on record or review by the responsible department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 300.10(a), a decision shall be made by the responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible Department official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by the Secretary of Defense.* Any final decision of a responsible Department official which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary of Defense, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Contents of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this part.

### § 300.12 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

### § 300.13 Effect on other issuances.

All issuances heretofore issued by any officer of the Department of Defense or its components which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (a) Executive Orders 10925 and 11114 and issuances thereunder, (b) the "Standards for a Merit System of Personnel Administration," issued jointly by the Secretaries of Defense, of Health, Education, and Welfare, and of Labor, 28 F.R. 734, or (c) Executive Order 11063 and issuances thereunder, or any other issuances, insofar as such Order or issuances prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

### § 300.14 Implementation.

The Secretary of each Military Department shall submit regulations implementing this part to the Assistant Secretary of Defense (Manpower).



### § 300.15 Effective date.

This part shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

ROBERT S. MCNAMARA,
*Secretary of Defense.*

Approved: December 28, 1964.
LYNDON B. JOHNSON.

APPENDIX A

PROGRAMS TO WHICH THIS DIRECTIVE APPLIES

1. The Army and Air National Guard (Title 32, United States Code).
2. Various programs involving loan or other disposition of surplus property (various general and specialized statutory provisions including: 40 United States Code 483, 484, 512; 49 United States Code 1101–1119; 10 United States Code 2541, 2542, 2543, 2572, 2662, 7308, 7541, 7542, 7545, 7546, 7547).
3. National Program for Promotion of Rifle Practice (10 United States Code 4307 and annual Department of Defense Appropriation Act).
4. National Defense Cadet Corps Program (10 United States Code 3540(b), 4651).
5. Office of Civil Defense assistance to programs of adult education in civil defense subjects (50 United States Code App. 2281 (e), (f)).
6. Office of Civil Defense radiological instruments grants (50 United States Code App. 2281(h)).
7. Office of Civil Defense program (with Public Health Service) for development of instructional materials on medical self-help (50 United States Code App. 2281 (e), (f)).
8. Office of Civil Defense university extension programs for civil defense instructor training (50 United States Code App. 2281 (e)).
9. Office of Civil Defense programs for survival supplies and equipment, survival training, emergency operating center construction, and personnel and administrative expenses (50 United States Code App. 2281(i), 2285).
10. Office of Civil Defense Shelter Provisioning Program (50 United States Code App. 2281(h)).
11. Office of Civil Defense assistance to students attending Office of Civil Defense schools (50 United States Code App. 2281(e)).
12. Office of Civil Defense loans of equipment or materials from OCD stockpiles for civil defense, including local disaster purposes (50 United States Code App. 2281).
13. Navy Science Cruiser Program (SecNav Instruction 5720.19A).
14. Civil Air Patrol (10 United States Code 9441).

[F.R. Doc. 64–13519; Filed, Dec. 30, 1964; 8:51 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

### SUBCHAPTER A—GENERAL

[CGFR 64-91]

## PART 24—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE UNITED STATES COAST GUARD—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Chapter I, Subchapter A, 33 CFR is hereby amended by adding the following new Part 24:

Sec.

24.1 Purpose.
24.5 Application of this part.
24.10 Discrimination prohibited.
24.15 Assurances required.
24.20 Compliance information.
24.25 Conduct of investigations.
24.30 Procedure for effecting compliance.
24.35 Hearings.
24.40 Decisions and notices.
24.45 Judicial review.
24.50 Effect on other regulations; forms and instructions.
24.55 Definitions.
24.60 Programs to which this part applies.


### § 24.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Coast Guard.

### § 24.5 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Coast Guard, including the Federally-assisted programs and activities listed in § 24.60. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of the regulation pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization. The fact that a program or activity is not listed in § 24.60 shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this section by notice published in the FEDERAL REGISTER.

### § 24.10 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny any individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) A recipient may not take action that is calculated to bring about indirectly what this part forbids it to accomplish directly.

### § 24.15 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The Commandant shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) The assurance required in the case of a transfer of an interest in real property by way of permit, license, easement, or lease shall be inserted in the instrument effecting the transfer and shall contain a condition coupled with a right reserved to the Coast Guard to revoke and cancel the transfer in the event of breach of such nondiscrimination condition during the period of the transfer.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101–6.2).

(b) *Pre-existing permit, license, easement or lease.* In any case where a permit, license, easement or lease of real property, with or without improvements, or a similar transfer of an interest in real property, representing Federal financial assistance, has been executed by the Coast Guard prior to the effective date of this part, and the instrument effecting the transfer contains a clause making it revocable at will or within a stated period at the option of the Coast Guard, the recipient, after receiving reasonable notice to do so, shall (1) submit a statement that the property is being utilized in compliance with all requirements imposed by or pursuant to this part, or a

statement of the extent to which it is not, at the time the statement is made, so utilized, and (2) provide such methods of administration for the utilization of the property as are found by the Commandant to give reasonable assurance that the recipient will comply with all requirements imposed by or pursuant to this part, or reasonable assurance that any noncompliance indicated in the statement under clause (1) will be corrected.

(c) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education or to a nonprofit organization whose primary purpose is the conduct of scientific research (including assistance for construction, for research, for a special training project, for a student loan program, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education or any other institution or organization, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the Commandant, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility, or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

**§ 24.20 Compliance information.**

(a) *Cooperation and assistance.* The Commandant shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Commandant or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Commandant or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Commandant or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Commandant finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

**§ 24.25 Conduct of investigations.**

(a) *Periodic compliance reviews.* The Commandant or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Commandant or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the Commandant or his designee.

(c) *Investigations.* The Commandant or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Commandant or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 24.30.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the Commandant or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 24.30 Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 24.15.* If an applicant fails or refuses to furnish an assurance required under § 24.15 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Coast Guard shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Coast Guard shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the Commandant has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary pursuant to § 24.40(c), and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the Commandant had determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Secretary, (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

**§ 24.35 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 24.30(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Commandant that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 24.30(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Coast Guard in Washington, D.C., at a time fixed by the Commandant unless he determines that the convenience of the applicant or recipient or of the Coast Guard requires that another place be selected. Hearings shall be held before the Commandant or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Coast Guard shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Coast Guard and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this regulation with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Secretary may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 24.40.

**§ 24.40 Decisions and notices.**

(a) *Decision by person other than the Commandant.* If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Commandant for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the Commandant his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Commandant may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Commandant shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Commandant.

(b) *Decisions on record or review by the Commandant.* Whenever a record is certified to the Commandant for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the Commandant conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the Commandant shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 24.35(a) a decision shall be made by the Commandant on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or the Commandant shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Secretary.* Any final decision of the Commandant which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Commandant that it will fully comply with this part.

**§ 24.45 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 24.50 Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Coast Guard, or by the Secretary, which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color,

or national origin under any program to which this part applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925 and 11114 and regulations issued thereunder, or (2) any other regulations or instructions insofar as such regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Commandant shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 24.40), including the achievement of effective coordination and maximum uniformity within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations.

**§ 24.55 Definitions.**

As used in this part—

(a) The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(b) The term "Commandant" means the Commandant of the Coast Guard.

(c) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(d) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(g) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(h) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(i) The term "applicant" means one who submits an application, request, or plan required to be approved by the Commandant or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

**§ 24.60 Programs to which this part applies.**

(a) Lease of real property and the grant of permits, licenses, easements and rights of way covering real property under control of the Coast Guard, 14 U.S.C. 93 (n) and (o).

(b) Utilization of Coast Guard personnel and facilities to assist any State, Territory, Possession, or political subdivision thereof, 14 U.S.C. 141(a).

(c) Detail of Coast Guard personnel for duty in connection with maritime instruction and training by the States, Territories, and Puerto Rico, 14 U.S.C. 148.

(d) Disposal of obsolete and other Coast Guard material to sea scout service of Boy Scouts of America, any incorporated unit of the Coast Guard Auxiliary, and public body or private organization not organized for profit, 14 U.S.C. 641(a).

(e) Grants for the support of basic scientific research to nonprofit institutions of higher education and nonprofit organizations whose primary purpose is conduct of scientific research, 42 U.S.C. 1891.

*Effective date.* This part shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

Dated: December 15, 1964.

G. D'ANDELOT BELIN,
*Acting Secretary of the Treasury.*

Approved: December 28, 1964.

LYNDON B. JOHNSON.

[F.R. Doc. 64-13520; Filed, Dec. 30, 1964; 8:51 a.m.]



# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 18—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE VETERANS ADMINISTRATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title 38 CFR is hereby amended by adding the following new Part 18:

Sec.
18.1 Purpose.
18.2 Application of this part.
18.3 Discrimination prohibited.
18.4 Assurances required.
18.5 Illustrative applications.
18.6 Compliance information.
18.7 Conduct of investigations.
18.8 Procedure for effecting compliance.
18.9 Hearings.
18.10 Decisions and notices.
18.11 Judicial review.
18.12 Effect on other regulations; forms and instructions.
18.13 Definitions.

AUTHORITY: The provisions of this Part 18 are issued under sec. 602, 78 Stat. 252, and the laws referred to in Appendix A.

**§ 18.1 Purpose.**

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Veterans Administration.

**§ 18.2 Application of this part.**

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Veterans Administration, including the Federally assisted programs and activities listed in Appendix A of this part. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this part pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 18.3. The fact that a program or activity is not listed in Appendix A shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

**§ 18.3 Discrimination prohibited.**

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Medical emergencies.* Notwithstanding the foregoing provisions of this section, a recipient of Federal financial assistance shall not be deemed to have failed to comply with paragraph (a) of this section if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health, and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with paragraph (a) of this section.

**§ 18.4 Assurances required.**

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible agency official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR Subpart 101-6.2).

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies (including the programs listed in Appendix A) shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible agency official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such pro-

gram will comply with all requirements imposed by or pursuant to this part, including methods of administration which give reasonable assurance that any noncompliance indicated in the statement under subparagraph (1) of this paragraph will be corrected. In any case in which the recipient is claiming financial assistance under a continuing program pursuant to arrangements entered into prior to the effective date of this part, the assurances provided by this paragraph shall be included in the first application or claim for assistance on or after the effective date of this part.

**§ 18.5 Illustrative applications.**

The following examples will illustrate the application of the foregoing provisions to certain programs of the Veterans Administration. (In all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin prohibited by title VI of the Act and this part, as a condition of the receipt of Federal financial assistance.)

(a) In grant programs which support the provision of health or welfare services for veterans in State homes, discrimination in the selection or eligibility of individuals to receive the services, and segregation or other discriminatory practices in the manner of providing them, are prohibited. This prohibition extends to all facilities and services provided by the State as grantee under the program or by a political subdivision of the State. It extends also to services purchased or otherwise obtained by the grantee (or political subdivision) from hospitals, nursing homes, schools, and similar institutions for beneficiaries of the program, and to the facilities in which such services are provided, subject, however, to the provisions of § 18.3(c).

(b) In grant programs to assist in the construction of facilities for the provision of health or welfare services assurances will be required that services will be provided without discrimination, to the same extent that discrimination would be prohibited as a condition of Federal operating grants for the support of such services. Thus, as a condition of grants for the construction of a State home for furnishing nursing home care, assurances will be required that there will be no discrimination in the admission or treatment of patients. In the case of such grants the assurance will apply to patients, to interns, residents, student nurses, and other trainees, and to the privilege of physicians, dentists, and other professionally qualified persons to practice in the nursing home, and will apply to the entire facility for which, or for a part of which, the grant is made, and to facilities operated in connection therewith.

(c) Upon transfers of real or personal surplus property for health or educational uses, discrimination is prohibited to the same extent as in the case of grants for the construction of facilities or the provision of equipment for like purposes.

(d) A recipient may not take action that is calculated to bring about indirectly what this part forbids it to accomplish directly. Thus a State, in selecting or approving projects or sites for the construction of a nursing home which will receive Federal financial assistance, may not base its selections or approvals on criteria which have the effect of defeating or of substantially impairing accomplishment of the objectives of the Federal assistance program as respects individuals of a particular race, color, or national origin.

**§ 18.6 Compliance information.**

(a) *Cooperation and assistance.* Each responsible agency official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible agency official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible agency official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible agency official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

**§ 18.7 Conduct of investigations.**

(a) *Periodic compliance reviews.* The responsible agency official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible agency official or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible agency official or his designee.

(c) *Investigations.* The responsible agency official or his designee will initiate a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible agency official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 18.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the responsible agency official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 18.8 Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.



(b) *Noncompliance with § 18.4.* If an applicant fails or refuses to furnish an assurance required under § 18.4 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Veterans Administration shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Veterans Administration shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible agency official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Administrator pursuant to § 18.10(e), and (4) the expiration of 30 days after the Administrator has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible agency official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Administrator, (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

**§ 18.9 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 18.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible agency official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 18.8(c) of this part and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Veterans Administration in Washington, D.C., at a time fixed by the responsible agency official unless he determines that the convenience of the applicant or recipient or of the Veterans Administration requires that another place be selected. Hearings shall be held before the responsible agency official or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Veterans Administration shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Veterans Administration and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Administrator may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 18.10.

**§ 18.10 Decisions and notices.**

(a) *Decision by person other than the responsible agency official.* If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible agency official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible agency official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible agency official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible agency official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible agency official.

(b) *Decisions on record or review by the responsible agency official.* Whenever a record is certified to the responsible agency official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible agency official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible agency official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 18.9(a) a decision shall be made by the responsible agency official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible agency official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Administrator.* Any final decision of a responsible agency official (other than the Administrator) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Administrator, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible agency official that it will fully comply with this part.

**§ 18.11 Judicial review.**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 18.12 Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Veterans Administration which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): Executive Orders 10925 and 11114 and regulations issued thereunder, or (2) Executive Order 11063 and regulations issued thereunder, or any other regulations or instructions, insofar as such Order, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible agency official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Administrator may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 18.10), including the achievement of effective coordination and maximum uniformity within the Veterans Administration and within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations.

**§ 18.13 Definitions.**

As used in this part—

(a) The term "agency" means the Veterans Administration, and includes each of its operating agencies and other organization units.

(b) The term "Administrator" means the Administrator of Veterans Affairs.

(c) The term "responsible agency official" with respect to any program receiving Federal financial assistance means the Administrator or other official of the Veterans Administration who by law or by delegation has the principal responsibility within the Veterans Administration for the administration of the law extending such assistance.

(d) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(e) The term "Federal financial assistance" includes (1) grants of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including health, welfare, medical rehabilitation, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(j) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible agency official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

*Effective date.* This part shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

Dated: December 11, 1964.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

For: J. S. GLEASON, JR.,
*Administrator of Veterans Affairs.*

Approved: December 28, 1964.

LYNDON B. JOHNSON.

APPENDIX A

PROGRAMS TO WHICH THIS PART APPLIES

1. Payments to State Homes (sec. 641, title 38, United States Code).

2. State Home facilities for furnishing nursing home care (secs. 5031–5037, title 38, United States Code).

3. Space and office facilities for representatives of recognized national organizations (sec. 3402(a)(2), title 38, United States Code).

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